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PROCEEDINGS AND DEBATES OF THE *100th* CONGRESS, SECOND SESSION

SENATE—*Monday, August 8, 1988*

(Legislative day of Friday, August 5, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Praise ye the Lord. Praise, O ye servants of the Lord, praise the name of the Lord. Blessed be the name of the Lord from this time forth and for evermore. From the rising of the sun unto the going down of the same the Lord's name is to be praised. The Lord is high above all nations, and his glory above the heavens. Who is like unto the Lord our God, who dwelleth on high, who humbleth himself to behold the things that are in heaven, and in the earth! He raiseth up the poor out of the dust, and lifteth the needy out of the dunghill; that he may set him with princes, even with the princes of his people.—Psalm 113:1-8. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 8, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I praise the Chaplain for his uplifting scriptural readings. I think it is an excellent way to start the week: Beautiful passages of the Scripture, so upbeat, uplifting, turning all eyes of creation toward the Creator of creation.

I thank the Chaplain.

RESERVATION OF TIME OF THE TWO LEADERS

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders may be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

WHY TAKEOVERS REPRESENT A THREAT TO THE AMERICAN ECONOMY

Mr. PROXMIRE. Mr. President, the Harvard Business Review sets forth in its July-August issue a revealing analysis of what lies behind the corporate raider explosion. The revelation comes in an article by Prof. William Fruhan who teaches corporate finance at Harvard's celebrated Graduate School of Business Administration. Here is an eye opener that inadvertently explains why mergers and acquisitions are rapidly moving to sharply increase the vulnerability of the American economy to recession. To tell the story more directly and bluntly than Fruhan tells it, the way to make money and big money in corporate finance is as follows:

Seek out for a takeover raid companies that have the following characteristics:

First, big expenditures for research and development [R&D] Fruhan puts it as opportunities for improved operations. Fruhan identifies this as excessive overhead. Casual readers might envision such excess overhead as a corporation that pampers its executives with limousines, jets, lavish entertainment. Undoubtedly some corporations do too much of this. But such overhead expenditures, in fact, constitute a tiny, if wasteful, proportion of corporate expenditures. They are insignificant compared to the far greater overhead sums spent for research and development. R&D is specially big for many of American businesses, particularly those that are at the cutting edge of international competitiveness. These are expenditures that typically pay off only in the future, commonly in the fairly distant future—like several years. Here are expenditures often big expenditures that can be reduced or eliminated with no effect on the firm's earnings in the coming quarter or even in the coming year or two or more. So a firm that is pouring a significant proportion of its earnings into R&D offers at least one very tempting reason for the merger and acquisition [M&A] crowd that are looking for a target of opportunity. The trick: stop the R&D. Use that money to enhance earnings and raise the value of the target stock.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Second, the second characteristic for the raider to look for is a low debt, high equity posture. As Fruhan puts it "Untapped capacity for high-wire financial acrobatics." A target firm becomes specially attractive if its earnings on its assets substantially exceed the current rate of interest on business loans.

The mathematics here—not contributed by Professor Fruhan but hypothesized by this Senator become especially enticing, in fact, dazzling. If you have a greedy bone in your body—and who doesn't? You're going to love this.

Suppose you are the chief executive officer of a corporation that has $100 million in assets. Your firm earns $15 million. It has 10 million shares outstanding. It has no debt. It earns $1.50 per share. Its stock sells for $12 per share, eight times its earnings. Now assume that you as the CEO want to avoid a takeover. You follow Professor Fruhan's advice. As he puts it: You "manage the firm for the maximum share price possible at this time." How do you do this? Here's how: You completely eliminate your research and development of $5 million per year. That increases your earnings to $20 million from the $15 million your firm had been earning. Your firm is now earning a 20-percent return on your assets. You borrow $90 million at a going rate of interest of 10 percent. You use the $90 million to buy 7½ million shares for your company's treasury at $12 per share. That leaves the stockholders with 2½ million shares. You firm's earnings before paying interest on your $90 million debt is $20 million. Your interest cost at 10 percent of $9 million. So you net $11 million after interest. The earnings per share of your 2½ million shares is $4.40 per share. That's nifty increase of almost threefold in the earnings per share of your stock. If the stock still sells at eight times earnings, its price has risen from $12 per share to $35.20 per share. You're sitting on top of the world. So are your stockholders. So what's wrong?

Mr. President, the little arithmetic joy ride I have just described poses a mammoth threat to our American economy. What is happening today under the lash of corporate raiders but also under the pressure of stockholders is that American corporations are more and more following the takeover strategy I have described. That is, they are managing for the maximum share price possible at this time. I stress at this time. That is right now. Today. That means forget expenditures like research and development, ignore manpower training to upgrade the skill of your employees skills, to improve their efficiency over the years. Forget investing in far more efficient but expensive equipment that will take several years to put into operation even if it will eventually cut costs and increase profits. The stress, as Harvard Professor Fruhan puts it, is "at this time." At this time. Now.

But suppose that the corporation I have described endures the same experience that most corporations do. Nothing as serious as a recession. Just assume that the 15- or 20-percent return on assets falls to a 5-percent return. Again this is not a loss, just a modest diminution in the rate of return. This would mean that before, I stress before, deduction for interest the firm's profit is $5 million. But then there's a $9 million interest payment. The firm has to make a $9 million interest payment on time and in full. That means the firm is making no profit. It is, in fact, losing $4 million. Keep in mind the firm is carrying a $90 million debt. Its asset worth is only $100 million. That leaves a net worth of $10 million. A continuation of that $5 million before interest profit and $4 million after interest loss for a little more than 2 years and the firm is insolvent. All this is with no recession. In a recession the firm could blow away in months. And, of course, in view of the firms big reduction in overhead, that is, research and development, the firm is likely to lose its competitive edge. So it is very likely that even if conditions in the industry remain as favorable as they have been in the past, the corporation's big debt and the $9 million annual interest payment it mandates will push the firm's head under water and keep it there.

Mr. President, the stress on short term gains can obviously be smashingly successful for the short-term stock speculator as the example I have described shows. Certainly we can expect raiders to take advantage of this literally golden opportunity. We can expect stockholders who have the ultimate power, to support those raiders in many cases. After all this is the road to quick, easy and big riches. For many stockholders there isn't any other reason for investing. So how does management defend the long term interests of its corporation? So far, management's surest defense is to perform exactly as the raider would perform. Cut research and development. Plunge the corporation deeply in debt. Leverage it to the hilt. Do this and a management drives up the prices of stock. Sure the corporation will be more vulnerable as time passes. yes, the net recession may very well blow it away. And, of course, the company will lose its competitive edge in the long run as the firm shuns expensive research and development to increase earnings and dividends in order to give the stock price a fast ride.

What can the Congress do about this? Professor Fruhan suggests the Congress can remove the deductability of interest expenses on debt incurred to finance acquisitions. He's right. Fruhan also suggests we can press for more vigorous antitrust enforcement against combinations that enhance product market shares. Again, Fruhan is on target. We can also pass S. 1323 that cleared the Senate Banking Committe by a 14-to-6 vote and provides a much more level playing field between corporate acquirers and management primarily by fuller disclosure to stockholders.

CRITICAL-MINERALS POLICY

Mr. REID. Mr. President, I can remember that in 1974 I came to visit Washington, DC, and I will never forget the long gas lines. It was something I had never seen before. The long gas lines were unique at that time to the eastern part of the United States. The long gas lines, though, eventually reached the whole United States. They were in Los Angeles, Las Vegas, Seattle. Wherever there were automobiles, there were long gas lines.

It is interesting to note that, even though that was the case, this country still does not have a national energy policy. After some 14 years we still do not have a national energy policy. Because of the glut of oil that is being produced around the world today we no longer have in the forefront of our minds the long gas lines. But unless we do something to establish a national energy policy the long gas lines will return. It is only a question of when.

I rise today, Mr. President, though, to speak about another crisis, an issue that receives little public attention, like all issues, until it becomes a crisis, an issue that people have taken for granted until it alters our everyday life.

The issue about which I want to speak today is the Federal Government's lack of a comprehensive strategic and critical minerals policy. What are strategic and critical materials? They are materials not found or produced in sufficient quantities to meet the economic and security needs of the United States. These materials include: metals not found in significant quantities in the United States such as chromium, cobalt, manganese, and platinum group metals; even basic metals like copper and steel; and advanced materials that are only beginning to be used and understood, like advanced ceramics and superconducting materials. Without these materials, cars, film, computers as well as jet fighters and tanks could not be constructed.

Each of these three categories of critical materials presents the Congress and the administration with different problems demanding a coordinated response. Instead, we face a situation in which more than 20 agencies and bureaus administer a myriad of duplicative and contradictory policies. This haphazard approach to critical materials policy hinders this Nation's ability to prepare for a future where critical materials will play an increasingly large and important role in what we do.

Let us talk for just a short time about the critical four: chromium—we import 75 percent of chromium that we use in this country today. We import 25 percent of the cobalt, 100 percent of manganese, 100 percent of platinum group.

Using just one of the three categories of critical materials described above, it is easy to demonstrate the result uncoordinated policies have on the Nation's supply of critical materials. The category of materials that are found primarily overseas and have many currently nonsubstitutable industrial and military applications includes the so-called critical four metals: chromium—75 percent import dependence; cobalt—95 percent import dependence; magnesium—100 percent import dependence; platinum metal group—100 percent import dependence. The vast majority of these imports are from potentially unstable or unfriendly countries such as South Africa, Zambia, the Soviet Union, and other Eastern Bloc nations.

Two years ago, Congress passed the Comprehensive Anti-Apartheid Act of 1986. This act has had a major effect upon the availability of the four critical minerals about which I have spoken. The act originally banned only the importation of articles from firms connected with the South African Government. But the act also contains a provision that could require a complete embargo of strategic materials from South Africa. These provisions have resulted in the reduction of imports of the critical four from South Africa and a corresponding increase in imports from Eastern Bloc nations. So, the Federal Government is faced with a dilemma: either amend the Anti-Apartheid Act, which there is no chance that that will take place, and increase imports from a country that oppresses a majority of its citizens or become dependent upon imports from Eastern Bloc countries with most of the time equally reprehensible regimes which are also our potential military adversaries.

I believe a majority of my colleagues would oppose the weakening of the Anti-Apartheid Act. Availability of critical materials should by no means become the only factor in determining this Nation's foreign policy. But I also believe that a majority of my colleagues feel uneasy about this Nation's increasing mineral dependence upon Eastern bloc nations. Fortunately there are many policy options available to deal with this apparent dilemma.

So, what can we as a nation do to reduce its dependence for strategic materials upon South Africa and Eastern bloc nations? One alternative is to increase our reliance upon other existing suppliers. For instance, several States bordering on South Africa produce the "critical four" materials in large quantities but ship most of them through South Africa to South African ports. However, the Beira Corridor—a railroad and pipeline—from Zimbabwe to Mozambique allows these producers to reduce shipping through South Africa. It is in the interests of the United States, as well as many southern African nations, to keep this corridor open.

Therefore, we should do what we can to make sure that these countries are strong and viable and have an ability to export the big four by not going through South Africa, and we can do this.

An increase in our relatively small level of financial aid to the corridor may result in a large decrease in our dependence upon South Africa and Eastern bloc nations for our supply of the so-called critical four.

Another alternative is to provide greater R&D support for substitute materials. Much research has been done to find substitutes for the critical four, particularly for cobalt which is a key component in jet engines. Substitute materials include new superalloys, ceramics, and the innovative application of standard materials. But these alternatives present a new host of problems, and developing an effective substitute can take up to 10 years. Clearly, materials R&D fur substitutes is an expensive alternative, but a viable alternative to relying upon unfriendly, foreign sources of supply.

We need to spend more money to do this. We are being penny-wise and pound-foolish by not doing something about research and development in these areas, recognizing that experts tell us it will take a minimum of 10 years to develop substitutes if we started a crash program now.

Finally, Mr. President, there is the establishment and maintenance of the national defense stockpile. There are some in the administration who not only suggest that we no longer continue to build up our stocks of these strategic materials but also that we start selling some of those that we have. This simply would be wrong. There is little or no active management of this huge stockpile that we now have. Some estimate the stockpile to be worth as much as $10 billion but you would think an asset worth that much money would require this country to develop an active management program of the stockpile. We have not done that.

This stockpile is to contain an inventory of strategic materials sufficient to meet the military, industrial and essential civilian needs for a 3-year conventional global conflict, a goal the President supports. The value of the items in this stockpile is estimated to be $10 billion, but there is little or no active management of this huge stockpile.

So, these three policy alternatives should by no means be considered the only alternatives. They also should be construed as not being endorsed by any particular group of Senators or this Senator. I simply mean to illustrate the broad range of policies and policy options that can be considered.

Similar policy choices exist in other areas of material policies as well. It is imperative that some order and direction be brought to bear on this problem.

Because of the lack of time, Mr. President, I am not going today to go into another area of vital importance and that is the need to coordinate materials policy. Congress passed the National Critical Materials Act of 1984 and it is a story in and of itself what this administration has not done regarding the National Critical Materials Act. There is much more that needs to be done.

There is something that needs to be done and this administration has turned its head from developing a coordinated materials policy. I will return to this at a subsequent time.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BICENTENNIAL MINUTE

NOVEMBER 3, 1954: SENATOR STROM THURMOND ELECTED AS WRITE-IN CANDIDATE

Mr. DOLE. Mr. President, nearly 34 years ago, on November 3, 1954, our colleague, Senator THURMOND, accomplished a remarkable feat. On that day, he became the first Senator in history to be elected to this body as a write-in candidate. It is an accomplishment that remains unequaled to this day.

Senator THURMOND, who was then a Democrat and who had already been a State senator, a judge, Governor of South Carolina, and States Rights candidate for President of the United States in 1948, won this unusual election in a campaign based on a wave of protest against the methods by which his Democratic opponent had been nominated. In September of that year, South Carolina Senator Burnet Maybank had died 2 days before the deadline for certifying candidates. The State Democratic executive committee decided to bypass a primary and nominated State Senator Edgar Brown for the full term to which Maybank had been renominated that summer. Dismayed at tactics that denied the people a voice in selecting their candidate, STROM THURMOND entered the race as a write-in candidate. Not only did he win, but he was elected by a margin of nearly 2 to 1.

In his victory statement, Senator THURMOND reiterated his promise to resign in 1956 so voters could choose their Senator for the remaining 4 years of the term in the next electoral primary to be held. He resigned in April 1956 and that fall was elected to fill the vacancy his resignation had created. Reelected in every race since then, Senator THURMOND is currently the second longest serving Member among us, having currently served a total of 32 years and 11 months. At the end of his current term in January 1991, Senator THURMOND will have served longer than all but 12 of the 1,782 persons who have been U.S. Senators. Those of us privileged to serve with him expect that he will continue on to exceed even that estimable record.

Mr. President, I reserve the remainder of my time.

HONORARIA

Mr. BREAUX. Mr. President, enough is enough, is enough. It is time for all of us in Congress to get our houses in order and address what I feel we all know is a major problem.

Honoraria from special interest groups, who we affect every day with our legislation, have gotten totally out of hand. Special interest groups paid $9.8 million to Members of Congress last year in speaking fees. Everyone complains about lawyers who get $500 an hour, but what about those of us who get $2,000 an hour speaking to groups that we should have an arm's length relationship with?

We have all read the reports and we have all seen that honoraria are paid by companies to those of us who serve on the very committees that regulate their activities. The amounts are not insignificant. Most Members who accept honoraria reach the maximum within a very few months. The maximum allowed for House Members is 30 percent of their salaries or $25,885. For Senators we can get 40 percent of our salaries or approximately $35,000.

Let me make myself very clear. I have regularly participated in this system with my colleagues, both as a Member of the House of Representatives and as a Member of the U.S. Senate. Last year, because of salary adjustments, taking into account previous House service, I spoke to groups that paid me $38,000 and I gave $503 to charity so as not to go over my limit. Each year that I have been able to do so, I have spoken to groups at breakfasts, lunches, dinners, and after dinner for honoraria. I have spoken in Washington, in Louisiana, in Florida, in California, and in places I was not even very sure of—and all for honoraria.

Every time I started wondering in amazement at my speaking skills being worth $2,000 for a few words after lunch, I was reminded of the lobbyist who commented to a friend while they sat and listened to a Congressman give an especially bad speech: "I can't believe we're all sitting here listening to that terrible speech." The lobbyist friend replied, "Listen, heck, we're paying him $2,000 to give it!"

Let's not kid ourselves any longer. It is proper and right for us to participate in forums and discussion groups with organizations who represent interests that we affect with our legislation. It is proper for them to reimburse our travel in getting there and our expenses in staying there.

But I submit it is too much to have them supplement our salaries. It is not that they pay us to speak so we will offer their amendment, or even vote for their bill. But there is a growing public perception out there, out beyond the beltway, that something is wrong and we had better change it.

It is time to realize that we can tour their plant, listen to their experts, watch them do what they do, and do it all without sticking $2,000 in our pockets. It should be part of our job.

The simple fact is honoraria are here because we have not faced up to the salary issue. We have spent more time trying to avoid up or down votes on our salaries than just about any other issue before the Congress.

This week I will introduce legislation that will prohibit the taking of honoraria. This prohibition against taking honoraria is linked to implementing the recommendations of the President's Commission on Executive, Legislative, and Judicial Salaries. I encourage Members to join with me in cosponsoring this legislation in recognition that reform is essential and the time is right.

Upon enactment of this bill, honoraria would be prohibited and the most recent Presidential Salary Commission's recommendation's would be implemented. This procedure for salaries would take effect at the beginning of the next Congress for all Members elected to serve in the 101st Congress.

I urge my colleagues to join with me in this effort.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the most recent recommendation of the Presidential Commission on Executive, Judicial, and Legislative Salaries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Jan. 1, 1987	Current	Recommended by the 1986 Commission
EXECUTIVE BRANCH			
Vice President	$100,800	$115,000	$175,000
Level I (includes Cabinet Officers)	88,800	99,500	160,000
Level II	77,400	89,500	135,000
Level III	75,800	82,500	130,000
Level IV	74,500	77,500	120,000
Level V	70,800	72,500	110,000
Board of Governors of the U.S. Postal Service	10,000	10,000	10,000
LEGISLATIVE BRANCH			
Speaker of the House	100,800	115,000	175,000
President Pro Tem, Majority and Minority Leaders	87,600	99,500	160,000
Senators, Representatives Delegates and Resident Commissioner of Puerto Rico, Comptroller General	$77,400	$89,500	$135,000
Director of CBO, Deputy Comptroller General, Librarian of Congress, Architect of Capitol	75,800	82,500	130,000
Deputy Director of CBO, General Counsel, Deputy Librarian of Congress, Asst. Architect of Capitol	74,500	77,500	120,000
JUDICIAL BRANCH			
Chief Justice	111,700	115,000	175,000
Retired Chief Justice	111,700	115,000	175,000
Associate Justices	107,200	110,000	165,000
Judges, Circuit Court of Appeals, Court of Military Appeals	85,700	95,000	135,000
Judges, District Courts, Court of Int'l. Trade, Tax Court, Asst. to the Chief Justice, Director Admin. Office—U.S. Courts, Director, Federal Judicial Center	81,100	89,500	130,000
Bankruptcy Judges	70,800	72,500	120,000
U.S. Magistrates, Circuit Executives	70,500	72,500	110,000

Mr. BREAUX. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. FOWLER]. Without objection, it is so ordered.

LASER MEDICAL TECHNOLOGIES

Mr. CRANSTON. Mr. President, I am very pleased to note that $29 million out of the strategic defense initiative [SDI] account is targeted for medical technologies. I strongly believe that it is not only appropriate but worthwhile for the DOD to fund research into alternative utilizations of defense-related technologies. Many new technologies being developed with DOD funding have the potential for numerous other uses, such as medical treatments. Given the enormous investment in these technologies, a small investment in biomedical applications may yield many far-reaching and unexpected results about biological processes and disease control.

Mr. President, I am particularly interested in the use of lasers in medicine. Lasers are unique scientific tools since they have the capacity to specifically and noninvasively destroy or disrupt tissues, cells, and individual cellular functions. They hold great potential for the successful treatment of a wide range of diseases, including cancer and heart disease.

Mr. President, funding of medically oriented laser research will benefit the military as well as medicine. Because medical and military applications have similar reliability and safety requirements, technological advances discovered in the course of biomedical research may be transferable for military uses. For instance, medical applications require lasers to have sophisticated control and feedback systems to ensure safe operation. Such systems, when developed, will be equally valuable to military systems.

Also, both military and medical systems require laser pluses that are long in duration. Much laser-oriented biomedical research aims at developing lasers with long pulse durations in order to pinpoint the laser's energy inside an individual's body. Discoveries in this area will be of great benefit to similar laser research focusing on satellite-submarine communications.

Mr. President, I congratulate the chairman of the Appropriations Committee [Mr. Stennis] for his foresight in including funding for medical technologies under SDI.

TRIBUTE TO DR. FREDRICK CHIEN

Mr. CONRAD. Mr. President, I rise today to join with my colleagues in congratulating Dr. Fredrick Chien on his promotion to Minister of State and Chairman of the Council for Economic Planning and Development.

Dr. Chien's promotion requires his return to Taipei—and I, for one, will miss his presence. Frederick Chien has been a tireless optimist and advocate for his country. He has a reputation as an energetic worker, an eloquent speaker, and a skillful diplomat.

Representative Chien is constantly seeking to improve the relations between the Republic of China and other nations. His commitment to his country comes naturally; his heritage includes a long line of illustrious public servants. His grandfather was a special court judge and his father a former president of the National Taiwan University.

I have had the pleasure of meeting and working with Dr. Chien since my tenure in the Senate. I have found his personal presence matches and exceeds his reputation as a true advocate for his country. During his time in our country he has also been a good neighbor—actively supporting the renovation of one of our Nation's historical residences, "Twin Oaks"; and recently hosting the centennial celebration of the Cleveland Park Historical Society.

I commend President Lee Teng-Hui for his foresight in chosing Fredrick Chien for this new position. I will miss his presence in this country, but take solace in the knowledge that we will have a close friend in Taipei working on economic interests between our two nations.

TRIBUTE TO SENATOR ROBERT C. BYRD, MAJORITY LEADER

Mr. DIXON. Mr. President, this year, 1988, marks the 200th anniversary of the U.S. Senate. The conclusion of the 100th Congress is a notable benchmark in itself. The conclusion of this Congress, however, will also end an exceptional ERA within the U.S. Senate. At the end of this session, our distinguished majority leader, Senator Robert C. Byrd, will relinquish his position and conclude his 12th and final year as this Chamber's leader.

Fortunately, the majority leader's decision not to seek reelection to the highest post in the Senate in no way signals an end to Senator Byrd's remarkable service to this institution or to our country. As the 101st Congress commences, Robert Byrd will assume his new role as chairman of the Appropriations Committee, and President pro tempore of the Senate. The Senate will continue to benefit from the same positive guidance and direction which has characterized Robert Byrd's performance as majority leader.

Senator Byrd's meticulous attention to detail, his unsurpassed knowledge of the rules and traditions of this body, and his commitment to preserve the integrity of the legislative process and the reputation of this institution, is of course legendary.

The U.S. Senate is a unique and special body. This institution has its own rituals and rules. No one understands and respects it more than Senator Robert Byrd.

Indeed, the majority leader has done far more than merely master the rules of the Senate. He has mastered the motives which create the rules and make them meaningful. These rules are designed to protect the rights of each Member and to preserve the rights of the minority. While they may often encumber expeditious action, these rules preserve our rights and protect the interests of our States. In addition, the majority leader knows that our rules are designed to accomplish legislative goals. If these goals are unworthy, the rules are without value.

As we have all heard the majority leader state on numerous occasions, "the Senate is working its will." He has never lost sight of the fact that we are here to legislate, and that the ultimate decision lies with the Senate. The esssence of the legislative art is to find and build on common goals, not to seek confrontations and division.

Robert Byrd has executed his responsibilities in a manner which has been both fair and farsighted. He has demonstrated a profound appreciation for the fact that sound policy can only be accomplished through a deliberative process that assures that all ideas will have a fair chance to be considered. Time and time again, the majority leader has enabled a closely divided Senate not only to act, but to act wisely, to meet the Nation's challenges.

The ultimate test for a government is the good that a nation and her people derive from it. A majority leader's task is to see that the Senate plays a leading role in meeting this test. Senator Byrd should take great pride in the job he has done. Under his skillful leadership, the Senate has met many of the pressing problems confronting our Nation. The passage of the INF Treaty, the catastrophic health bill, and the Civil Rights Restoration Act are among some of the great accomplishments of the 100th Congress. This country has been greatly enriched by Senator Byrd's leadership, dedication, compassion, and unyielding pride in the principles of democracy.

For the past 12 years, the Senate has entrusted its reins of leadership to the sure and able hands of Robert Byrd. His leadership has been distinguished by the highest degree of personal integrity and honesty. Robert Byrd will be sorely missed as majority leader. He leaves the highest of standards and challenges to the leaders who will succeed him.

It is a great tribute to Senator Byrd that, as a man with such a deep respect for the history of the U.S. Senate, he himself will be recognized by posterity as one of the Senate's truly outstanding leaders. Fortunately for us and the American people, Robert Byrd will remain an integral part of the Senate leadership and continue to provide the guidance and compassion that he has contributed throughout his entire career.

Many of us, including this Senator, have benefited greatly by Robert Byrd's presence and legislative wisdom. I have appreciated his friendship and his fairness. I look forward to many more years of continued service together in this Senate.

THE U.N. FUNDING CRISIS

Mr. PELL. Mr. President, the United Nations is currently facing a funding crisis as a result of the U.S. failure to meet its assessed financial obligations to that international organization. In my view, this situation is unconscionable in view of the recent U.N. efforts that have furthered vital U.S. security interests. Not only has the United Nations played a major role in working toward a cease-fire of the Iran-Iraq war, in overseeing the Soviet withdrawal from Afghanistan, and in mediating the conflict in the Western

Sahara between Algeria and Morocco, but it is also involved in resolving the conflicts in Kampuchea, Cyprus, Lebanon, and Southern Africa.

The United States has withheld funds from the United Nations as a means of encouraging internal reform. Most observers now agree that the U.N. has undertaken substantial and significant reform initiatives. The reform drive and the successful peacekeeping efforts combine to make a persuasive argument for full funding of the U.S.-assessed contribution to the United Nations.

Our deadbeat status has attracted editorial comment from America's leading newspapers and magazines. I ask unanimous consent that recent editorials from the New York Times, USA Today, the Washington Post, the Christian Science Monitor, and Forbes magazine and an article by Elliot Richardson from the Christian Science Monitor be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1988]

A REVIVED U.N. NEEDS U.S. CASH

If an end to the Persian Gulf war at last seems possible, that is thanks in part to the United Nations. The U.N. has also helped bring Soviet occupation of Afghanistan to a close, and may soon play peacemaker in Indochina and southern Africa. When the great powers start to see a common interest in resolving conflicts, they find this unwieldy international forum indispensable.

Yet just as the U.N. achieves a new measure of significance, the United States assumes the dishonorable role once played by the Soviet Union: number one U.N. deadbeat. What started as a reasoned policy—withholding dues to spur badly needed reforms—has degenerated into a muddled breach of faith. First Congress and then the White House have been responsible for this degeneration. Now they share a responsibility for restoring American honor. As it happens, the next move is up to the Administration.

When Washington began to withhold a portion of its dues in 1985, the U.N. quickly felt the pinch. A group of international experts recommended reforms in budgeting and staffing, which the U.N. duly adopted in late 1986. The Administration described these steps as sweeping and historic. "If the United States does not deliver its full commitment now," said a senior American diplomat at the time, "we've got big trouble, credibility trouble."

The U.S. didn't deliver. Washington's own budgeting problems had worsened. Congress, taking the years of anti-U.N. rhetoric to heart, had enacted further strictures. Even as the Soviet Union in 1987 began belatedly to honor its past U.N. obligations, unpaid U.S. dues continued to accumulate. Washington now owes $467 million—two-thirds of the total owed to the U.N. by all nations.

The financial squeeze has grown so severe, according to Secretary General Javier Pérez de Cuéllar, that unless U.S. payments resume, the U.N. will run out of money in the fall. Last week Mr. Pérez de Cuéllar took his case directly to Washington. America's allies, muttering that the U.S. now sours the very reform process it intended to advance, publicly urge an end to withholding.

Fair-mined observers call the U.N.'s progress toward reform indisputable. Budgeting has become more consensus-based, staff cuts are proceeding quickly. Yet Washington behaves as if the next step were still up to the U.N., and each end of Pennsylvania Avenue portrays the other as the problem.

Few will be fooled. A once reasonable policy has become nothing more than an evasion of responsibility, endangering the critical U.N. role in a number of peace efforts and diminishing the United States. A determination by the President that progress has been made on the reforms is the first step toward release of partial payment. Like the payments, that step is long overdue.

[From USA Today, July 21, 1988]

U.N. DESERVES CREDIT FOR CEASE-FIRE EFFORT

The Ayatollah Khomeni says it's a cup more bitter than poison—but he will drink from it anyway.

After ignoring it for exactly a year, the Ayatollah has accepted the United Nations call for a cease-fire in Iran's eight-year war with Iraq.

And Wednesday, even though both countries were sending more troops and planes into battle, the U.N. was sending diplomats to the Persian Gulf to negotiate the date and details of a cease-fire.

If they succeed, they will stop one of the bloodiest conflicts of modern times.

This war has taken 1 million Iraqi and Iranian lives, including 12-year-olds thrown into human-wave attacks and women and children killed by poison gas and bombs.

It has taken the lives of 37 U.S. servicemen on the USS Stark, mistakenly attacked by an Iraqi jet.

It has taken the lives of 290 passengers on an Iranian airliner shot down mistakenly by the USS Vincennes.

It has taken the lives of hundreds of sailors on oil tankers.

Ending the war would stop the killing, reduce the threat to the world's oil flow and improve the climate for release of hostages and an end to Iran-sponsored terrorism.

It's too early to celebrate peace in that troubled region. But it's not too early to applaud the international effort for a cease-fire headed by the United Nations.

The Reagan administration has pushed for peace through the U.N. and by protecting shipping in the gulf. Both efforts should continue until this outlaw nation proves it is willing to return to civilized ways.

Some say we should have nothing to do with the United Nations or other international peace efforts. That view, expressed elsewhere on this page, is foolhardy.

It's silly to think the USA should go it alone in pursuing our national interests, but there is still much to do:

We should give full support to the U.N. officials trying to negotiate an end to the fighting.

We should try to get U.N. forces to take over patrolling the gulf so we can begin to bring our boys home.

We should watch for opportunities to improve our relationship with Iran. That could be very important in leading to the eventual release of the nine U.S. hostages in Lebanon held by terrorists who reportedly take orders from Tehran.

At long last, an end to the fighting and the killing and the brutality in the Persian Gulf seems possible. At long last, the U.S. and U.N. effort seems to be bearing fruit.

It's too early to celebrate. But it's not too early to hope.

[From the Washington Post, July 28, 1988]

AMERICA THE DEADBEAT

While the United States is a country with many virtues, the habit of paying its international bills is not one of them. This country belongs to some 50 international organizations, and it is now behind in its dues to nearly all of them. The arrearages are rapidly growing. But when these organizations ask for the money that the United States is pledged to provide, they get nothing but a deadbeat's shrug.

The United States' support of the United Nations has fallen far short of its commitments, as we recently noted here, at a time when the U.N. is proving extremely useful to American policy in, among other places, the Persian Gulf. Here are three more examples:

The International Atomic Energy Agency promotes nuclear safety in a world in which there are now some 600 reactors. One of the most demanding jobs is to monitor and inspect them to prevent the secret diversion of nuclear materials into the manufacture of weapons. The United States is $3 million behind in its contributions. That doesn't count the 1988 assessment of $39 million, which was due last Jaunary but will arrive a year or so late because—well, because that's the way the United States likes to do it. When this year's payment finally arrives, it will be at least $4 billion short as a result of the agreement between President Reagan and Congress to cut the federal budget. To protect spending here, a disproportionate cut is being taken out of this country's commitment to worldwide nuclear safety.

The World Health Organization does an outstanding job of tracking and fighting contagious diseases. The United States, already $17 million behind in its support to the WHO, is committed to contribute $75 million this year. It will come up at least $10 million short, again because of the president's budget agreement with Congress. When the richest country in the world says that it is too poor to pay its share for the inoculation of children in Africa and Asia, that has an effect on the United States' reputation.

The World Bank, to lift growth rates in the Third World, needs urgently to expand it lending power. The governments that run the bank have voted an increase that commits the United States to put up, this year, $71 million. The administration is strongly in favor, but Congress remains endlessly reluctant. The expansion is going ahead, but without the support of the bank's largest member, it's going to be a less forceful escalation of effort than it ought to be.

There's been a lot of hand-wringing among Americans recently about this country's loss of standing and of leadership in the world. The reasons for it are not always impossible to remedy.

USING THE U.N.—AND STARVING IT

A bizarre split-level dialogue is going on between the United States and the United Nations. On one level, everything is fine: the Iran-Iraq war is merely the lastest global conflict—the war in Afghanistan is another—in which the United States is currently finding the world body of concrete srevice to its interest in a more stable world. On another level, however, the dialogue is sour. The United States is hundreds of millions of dollars in arrears on its dues, and its refusal to pay up is bringing the U.N. to a desperate financial pass.

The Reagan administration started out very much down on the U.N., believing it to be politically hostile and bureaucratically corrupt, which to an extent it was. The administration launched a vigorous reform campaign with a strong go-it-alone streak, but then lost control of the campaign to a Congress that was even more knee-jerk hostile to the U.N. and even more determined to wield a budget ax. The result is that when the U.N. started shaping up—voting more responsibly, shrinking its payroll, giving big givers such as the United States a greater handle on the budget process—the administration could not easily turn Congress around. It had helped create something of a monster and was reduced to asking publicly and rather pathetically for a certain sympathy on grounds that it wanted to pay its full share of the U.N. budget but Congress wouldn't allow it to.

The administration ought to stop making weak excuses and address Congress head on. Something important is happening that the United States is only belatedly becoming aware of. The United Nations is moving into a period where its forums, processes, corridors—its offices and its officials—are being put to American use on a scale perhaps never seen before. Major conflicts involving Iran and Iraq, Afghanistan, southern Africa and Indochina are in various stages of seemingly promising treatment with the help of the United Nations. Alert to this development, the new Soviet leadership has abandoned its past recalcitrance and moved to take advantage of the newly seen possibilities. The United States is joining and using the processes of the U.N., but by its budget backwardness is undercutting the very institution it finds of increasing value to its foreign policy. President Reagan and Congress should straighten out this embarrassment as soon as they get back to Washington.

[From the Christian Science Monitor, June 29, 1988]

Pay Up at the U.N.

The United States usually prides itself on paying its debts. But Washington has deliberately incurred a major IOU at the United Nations as a bargaining chip to encourage reforms there; unfortunately, the U.S. is in no hurry to pay its bill.

A major start on the U.N. reforms has been made. It is time for the administration to take the lead in urging Congress to pay up.

The White House insists that its hands are tied by prohibitive laws. Yet the administration encouraged passage of those laws and is now in a key position—by certifications it alone can make—to urge Congress to act within the law and pay the U.S. dues.

Over the last three years the U.S. has held back $467 million of its assessed U.N. obligations; the U.S. share is the major portion of the $691 million now owed the U.N.

The situation threatens not only the continuity of the U.N. body itself—the Secretary General has warned that a shutdown could come by November—but changes already made and the prospect of further reform.

The most recent tweaking on Washington's past-due U.N. bill comes from close allies: Members of the European Community insist that enough U.N. progress has been made for release of at least the $44 million appropriated but still unpaid in 1988 dues.

The Reagan administration now says it is "acutely" concerned about U.N. finances and the possibility that withholding could harm reform efforts; but it says more progress must be made before it can certify the changes in Congress that would trigger release of the funds.

Several factors suggest that this legal stance may be more a retreat of convenience than of necessity. One sign that the administration is not in as tight a legal bind as it suggests is the recent shift of its criticism of U.N. reforms from the area of Soviet staffing to the budget.

In December 1986 U.N. members agreed on broad reorganization goals: a 15 percent cut in staff levels, reduction in the number of Soviet citizens serving in the U.N. on short-term contracts and a hike in the proportion of Soviets who are full-time international civil servants, and introduction of new procedures to insure that future budgets are adopted by consensus so that the U.S. and other major powers in effect have a veto.

The first goal of general staff cuts has been reached. Moscow has recently agreed to many of the suggested Soviet staff changes. The Reagan administration has accordingly shifted the focus of its criticism from Soviet staffing reforms to the budget area.

It is true that the body which draws up the U.N. budget increased its membership last year and set up a special fund for emergency expenses. But the move toward a budget approved by consensus remains on track. Israel was the only nation to vote against the last budget; abstentions, which included the U.S., were far fewer than usual. The budget was lower in real terms than any in the past.

U.S. laws require that the President certify progress on, not completion of, U.N. reforms. The administration could easily make a case if it were willing to do so.

The reluctance suggests that the White House does not want to face expected criticism from a few conservative senators who would as soon take the U.S. out of the U.N. altogether.

Even under the best of circumstances the U.S. would be paying only two-thirds of its dues because of budget constraints. So far the U.S. hasn't even done that. The time for taking stock has come. As U.S. Ambassador to the U.N. Vernon Walters has said, "It is un-American not to pay our debts."

[From Forbes Magazine, July 11, 1988]

We Used to Needle Russia for Not Paying Its U.N. Bills

Remember all those years we used to bawl out loud the U.S.S.R. for not anteing up its share of the United Nations' budget? The Soviets withheld hunks because it didn't want to support U.N. actions with which it disagreed.

Now Russia is currently paid up and has even paid off all its arrears.

But guess who hasn't yet paid up its full share for last year. The United States.

As a result, by the end of 1987 the U.N. was almost busted.

Once again, in 1988, we are behind hundreds of $ millions in back dues to the U.N. Which may please some of its American critics, but such U.S. reneging certainly doesn't represent the wishes of the vast majority of Americans.

It's quite an irony that capitalist U.S. has replaced communist U.S.S.R. as the United Nations' number one budget malingerer.

[From the Christian Science Monitor, Aug. 4, 1988]

[It's Time for the United States to Pay Its Dues at the United Nations

(By Elliot L. Richardson and Edward C. Luck)

It is hardly news that the United States is once again balking at paying its dues to the United Nations. For four years running, the US has reneged on paying its legally assessed dues, accumulating a debt to the UN and its affilated organizations of close to $1 billion and pushing them to the brink of bankruptcy. What is news to most Americans, however, it that it is the Reagan-Bush administration, not Congress, that now bears primary responsibility for this embarrassing fiasco.

For years the administration has proclaimed to the world that congressional penny-pinchers have prevented it from living up to its responsibilities. In reality, a confused and divided administration has found it easier to blame Congress than to exercise leadership on a question of international law and order. Congressional hostility toward the UN has eased substantially in recent years, with a handful of Republicans now providing the chief opposition.

During its first term, the Reagan-Bush administration itself led the chorus of attacks—some well founded but most not—on the world organization. Later, Secretary of State George Shultz and UN Ambassador Vernon Walters discovered the utility, even necessity, of using the UN to resolve the conflicts in Afghanistan, Iran-Iraq, southern Africa, and Cambodia. But by that time, a coalition of administration and congressional critics was far along on a campaign to nit-pick the UN to death, and the administration had lost any vestige of vision or strategy for using the UN constructively.

Not only have the President and vice-president been conspicuously silent about our dues commitments, but they have sought year after year to slash voluntary constribution to UN agencies performing valuable humanitarian work. It has been the supposedly hostile Congress that has again and again had to go beyond the White House funding request to restore traditional levels of American support for these widely praised programs.

Now the ball is clearly in the President's court. New legislation requires the President to determine that the UN is making progress on its administrative and budgetary reforms before $44 million of the funds appropriated by Congress for our 1987 dues can be released. This should be an easy task, since all these conditions have been met. The UN, for the first time, has slashed its budget by 10 percent, put a consensus-based budgeting process in motion, and cut its staff by more than 15 percent.

The toughest condition—progress toward a 50 percent cap on the number of short-term ("seconded") employees on the UN staff—required action by the Soviet Union, not by the UN. Since Stalin's day, the Soviets have been reluctant to allow their nationals to become "internationalized" through extended UN service. But Moscow's recent announcement that many Soviet nationals will be permitted to pursue independent lifetime UN careers has confounded those who pressed the new condition expecting that it could not be met. The Soviets, moreover, are now paying off their arrearages, leaving the US as the chief deadbeat.

On the heels of this historic development, it would seem impossible for the administration not to find progress on all issues in which Congress was interested. yet the President has just told UN Secretary-General Javier Pérez de Cuéllar that the adminsitration is still not satisfied.

Two years ago, the US promised full payment of its dues in return for the UN's adoption of package of reforms. As Secretary Shultz told Congress, "We're on the line at the UN. We said that if they change, we would live up to our obligations." But now the administration is reneging, angering our European allies and undermining the UN's reforms.

Surely the President does not want to leave his successor with a $1 billion debt to the UN and with American credibility on the rocks. Instead, the President can act to restore positive US leadership in the UN. Working through the world organization, the US can lead international efforts to bring wars to an end in Afghanistan and the Gulf, to fight AIDS, starvation, and environmental degradation, and to halt global drug trafficking. This is the kind of forward-looking agenda all americans would respond to.

DROUGHT ASSISTANCE ACT—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 5015 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5015) to provide drought assistance to agricultural producers, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. BYRD. Mr. President, with both leaders and both managers on the floor, it seems to be agreeable that the vote on the adoption of the report occur at 2 p.m. today. I therefore ask unanimous consent that that occur.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will mean that in the event the time is consumed or yielded back prior to 2 o'clock, which it would be, there being a time agreement already on the conference report, the Senate then would return to the consideration of the DOD appropriations bill. The pending question at that time would be on the amendment offered by the majority leader in the first degree.

And there is a Nuclear Regulatory Commission time agreement on which the Senate could proceed in the event that no more time is needed on the DOD appropriations bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, would the Chair state what the parliamentary situation is on the conference report?

The PRESIDING OFFICER. On the conference report, there are 2 hours equally divided between the Senator from Vermont and the Senator from Indiana [Mr. LUGAR], with final passage now ordered for 2 o'clock.

Mr. LEAHY. Mr. President, have the yeas and nays already been ordered on final passage of the conference report?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I understand that would still occur at the time stated by the unanimous consent?

The PRESIDING OFFICER. The final vote will occur at 2 p.m. today, and no sooner.

Mr. LEAHY. Mr. President, this moment is one of my proudest as chairman of the Senate Agriculture Committee. The conference report that is before the Senate today provides hope for the millions of farmers devastated by the worst drought in my lifetime. It is the product of many hours of hard work in a bicameral, bipartisan process that I pledged would produce the legislation we are considering here today.

This bill is a message of hope to the American farmer. Help is on the way; this bill is a compassionate response from the heart of the American people. They have seen enough farm bankruptcies.

This bill is a reaffirmation of our national commitment to a strong American agriculture. As it has been for 200 years, agriculture is the foundation of our Nation's strength.

Members of both parties and both bodies are to be commended for their untiring efforts and cooperative determination to complete this legislation as swifty as possible. From my first Senate meeting where we announced the formation of a bipartisan task force on June 14, we have worked together to produce a comprehensive bill in record time. I can assure you that this bill will meet the challenge posed by the drought of 1988.

I cannot say enough about the good will and assistance of my friend Dick Lugar. His role in this process has, as usual, been indispensable.

Briefly, Mr. President, this legislation is very close to the bills introduced by the leadership of the Senate and House Agriculture Committees last month. It will provide much-needed help to producers of all kinds of crops, livestock, and dairy cattle, as well as assistance to rehabilitate wildlife habitat, grassland and trees.

Producers of agricultural crops will be compensated for losses in excess of 35 percent of normal at a rate of 65 percent of their expected returns. On the initial 35 percent, advance deficiency payments will be forgiven on lost production.

Thanks, in particular, to the unwavering efforts of Senator MELCHER, the hardest hit producers—those with losses in excess of 75 percent—will receive additional support. For losses in excess of 75 percent, farmers will receive 90 percent of their expected predrought returns.

A number of USDA livestock assistance programs will be restructured to include all types of food animals. The 50-cent reduction in the dairy price support, set for January 1, will be rescinded, and a 3-month increase provided for April–June 1989. Emergency aid for migrant farmworkers is also included. Program changes to prevent shortages of oats, soybeans, and sunflowers have been incorporated.

The conferees also adopted a provision to help alleviate the need for disaster relief in the future. Farmers with losses in excess of 65 percent, who take payments this year, will be required to purchase Federal crop insurance for their 1989 crops.

I think it is important for people to understand that this legislation before the Senate is targeted toward those who need it most. It will help family farmers, not giant agribusinesses and the Crown Prince of Liechtenstein. There is a program assistance cap of $100,000 per producer, as well as overall gross income limits for eligibility—$2 million for crop assistance and $2.5 million for livestock assistance.

This package is fair and equitable. It will fulfill the promise I made when this crisis began—that we would pass legislation that will keep our farmers on the land, in business and ready to farm next year.

They will be in business next year. That is the promise of this legislation and it is the promise that we have kept.

Mr. President, this conference report will be the most generous disastrous assistance legislation ever enacted for American agriculture. Our preliminary estimates put the costs at just under $4 billion, but it is also fiscally responsible. This legislation will not trigger a sequester. In fact, we would play a very cruel hoax on America's farmers if we promised disaster relief today and then saw it pared back by a sequester this fall.

This legislation also leaves sufficient room under the spending ceiling for other important priorities in the area of nutrition, drugs, and trade.

I said earlier when the Senate passed the nutrition legislation—major nutrition legislation—just a few weeks ago—that both of these bills are important. They are not going to have to compete with each other. The needs of hungry Americans are not going to fight the needs of those farmers and ranchers facing bankruptcy and disaster. But the converse is also true. This is not a case where we pit one section of our Nation against the other, or one group of people against the other. The hungry in America will find hope in the nutrition legislation we will soon enact. The farmers and ranchers of America will find hope in the drought relief legislation, and neither will compete against the other. Both are within the budget. Both are fiscally sound pieces of legislation.

I pledged, Mr. President, this legislation would reach the President's desk before the August recess, and with the cooperation of the Members of this body, that is going to happen. I am confident that Secetary Lyng, who has also cooperated to the fullest extent in this effort, will press for the President's signature as quickly as possible. I know when I talked to Secretary Lyng on Friday he was in complete concurrence with this understanding.

When Senator Lugar and I met with the President on July 11, he committed to support this legislation. So I urge President Reagan to sign it expeditiously so that the Department of Agriculture can get on with the important mission of helping drought-stricken farmers.

Mr. President, I deeply appreciate the cooperation and assistance of the leadership of both sides of the aisle and, in fact, in the other body, in moving this legislation. The administration has also played a crucial role, and the leadership and members of both Agriculture Committees are also to be commended.

My staff and Senator Lugar's staff have worked day and night to produce this work. I am proud of them and their dedication to this effort. It is the highest standard of excellence we expect from the staffs in the Senate and one of our major committees.

I urge my colleagues to approve this legislation today. I am grateful for the support of every Member of the Senate. We are going to have a vote this afternoon. I think Senators can vote for this knowing that it does the things we promised. It does give hope, it does give relief and it does it on a fiscally sound basis. It is a piece of legislation we can be proud of. The Senate has stood up to the disaster facing this Nation and has responded, and has responded in the best traditions of the Senate.

Mr. President, I ask unanimous consent that document entitled Summary of Senate/House Conference Agreement on Drought Assistance legislation, dated August 5, 1988, be printed at this point in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

SUMMARY OF SENATE/HOUSE CONFERENCE AGREEMENT ON DROUGHT ASSISTANCE LEGISLATION, AUGUST 5, 1988

EXTENT OF DISASTER COVERAGE

Provides disaster benefits for those producers who suffered losses in 1988 due to drought, hail, excessive moisture, or related conditions.

ASSISTANCE TO LIVESTOCK PRODUCERS

Establishes a new program, effective 15 days after enactment, to replace current Emergency Feed Program/Emergency Feed Assistance Program and authorizes other forms of livestock assistance (e.g., feed donations, transportation assistance).

Specifies that eligible livestock include cattle, sheep, goats, swine, poultry (including egg producers), horses and mules (used for food or food production), fish for food, and other animals designated by USDA, that are part of a foundation herd or offspring or are purchased as a part of normal operations.

Directs USDA to implement a limited emergency forage program for established pasture damaged by drought with USDA paying half the cost of seeding and fertilizing of certain forage crops on the land to facilitate late fall 1988 or early spring 1989 grazing and haying. This particular program would be strictly limited to maximum expenditures of no more than $50 million with no individual producer receiving more than $3,500.

ASSISTANCE TO CROP PRODUCERS

Provides disaster payments to producers of annual commercial crops who loses 35 percent of 1988 crop due to the drought.

Provides reduced yield and prevented planting disaster payments provided to wheat, feed grains, cotton, and rice program participants at a rate of 65 percent of the 1988 target price or 65 percent of the county loan rate in the case of non-participants who raise program crops.

Provides payments for peanuts, sugar beets, sugarcane, and tobacco producers, payments at a rate of 65 percent of the 1988 price support level.

Provides payments for soybeans and other nonprogram crops payments at a rate of 65 percent of the average producer market price of the last 5 years.

Limits combined crop insurance benefits and disaster payments up to an amount that does not exceed income that would result from normal crop yields.

Requires those who elect to receive disaster payments under this program and who suffered greater than 65% crop losses to purchase the minimum amount of federal crop insurance, if available in their county, for the 1989 crop year. This requirement does not apply if the premium for federal crop insurance would exceed 25% of the benefits received under the disaster program or if the insurance premium increased more than 25% between 1988 and 1989. Provision was made for farmers to appeal to local ASCS committees to waive this requirement if the farmer can demonstrate that purchase of crop insurance would be an undue hardship.

Provides basic income protection for crop producers with total or near total losses by making additional assistance available to those who suffer losses in excess of 75 percent. This would be provided in the form of an additional direct payment equal to 25% of the applicable target price, price support level, or 5-year average market price.

Permits USDA to establish a de minimis yield for each crop eligible for disaster payments. The de minimis yield is to be set at a level that will minimize any incentive to abandon crops in any attempt to receive a larger disaster payment.

PAYMENT LIMITATIONS

For livestock producers, federal feed assistance could not exceed $50,000 in benefits. Prohibits benefits to those livestock producers with gross revenues of over $2.5 million annually.

Combined benefits to each person (including livestock assistance) could not exceed $100,000.

ADVANCED DEFICIENCY PAYMENTS

Producers will not be required to repay advance deficiency payments on any unit of production that failed or was prevented from planting due to disaster, unless that unit of production received a disaster payment. Producers who would have been required to repay a portion of their advanced deficiency payment will not have to make repayment before July 31, 1989 for that portion of the crop for which they received a disaster payment.

FARMERS HOME ADMINISTRATION LOANS

USDA is directed to take steps to assist businesses affected by the drought by making operating loans available for 1989 operations.

USDA is encouraged to aid producers affected by disaster by exercising forbearance on the collection of loan proceeds, restructuring credit, and encouraging commercial lenders and FmHA to exercise forbearance before declaring loans in default.

USDA is authorized to provide emergency loans for producers whose crops were affected by disaster in 1988 whether or not the producer had previously purchased federal crop insurance.

Extends FmHA loan guarantees to help those producers who have borrowed from the Farm Credit System or other commercial lenders and cannot repay all or part of 1988 operating loans or regularly scheduled 1988 or 1989 installments on farm ownership, farm equipment or farm structures loans.

DAIRY PRICE SUPPORT

Directs USDA to increase the price support for milk 50 cents per hundredweight effective April 1, 1989 through June 30, 1989. Deletes the anticipated January 1, 1989 price support cut.

COMMODITY STOCK ADJUSTMENT

Producers are permitted to plant soybeans and sunflowers on not less than 10 percent nor more than 25 percent (at the discretion of USDA) of their wheat, feed grain, upland cotton, or rice program acreage in 1989 without affecting their bases. USDA was directed to monitor the provisions effect on acreage and prices and may prorate the increase if appropriate. USDA could extend this program through 1990 at its own discretion.

Producers are permitted to plant any portion of their farm acreage base to oats in 1989 and 1990 if the feed grain acreage reduction program requirement is 12.5 percent or less of the crop acreage base and guarantees that additional plantings of oats will not alter any existing crop acreage base.

For the 1988 marketing year only, once the release price for farmer-owned reserve loans is reached, producers may repay loans without penalty even if prices later fall below the release price.

FORESTRY PROVISIONS

Directs USDA to provide assistance in the form of 65% of the costs of replanting (or an equivalent amount of seedlings, at USDA discretion) for losses to tree seedlings that produce an annual crop or are grown for commercial harvest. The benefits are limited to tree farmers and commercial growers who own 1,000 acres or fewer and planted within the last two years. Assistance is capped at $25,000 per person.

CONSERVATION AND WILDLIFE ENHANCEMENT

Encourages conservation and wildlife enhancement practices on CRP lands by refunding the 25 percent of a producer's rental payments withheld on lands hayed if the producer shares (50/50) the cost of carrying out such practices.

ASSISTANCE TO ETHANOL PRODUCERS

Permits USDA to sell corn held by the Commodity Credit Corporation as feedstock for ethanol producers at reduced prices. The maximum amount of corn available for sale for this purpose was limited to 12 million bushels per month and the sale was restricted to ethanol producers who utilize no more than 30 million bushels of corn per year.

DROUGHT ASSISTANCE FOR RECLAMATION STATES

Authorizes the Department of the Interior (Interior) to sell to farmers and other water-users available supplies of water to help alleviate drought damage.

Establishes an emergency loan program in Interior to provide funds for management, conservation, acquisition and transportation of water, and to help pay increased pumping costs resulting from the drought.

Provides authority to Interior to take emergency actions to mitigate drought damage.

Authorizes a maximum of $25 million for both the loan program and emergency actions by Interior.

RURAL BUSINESS

Directs USDA, to the maximum extent possible, to assist businesses adversely affected by drought through the FmHA Business and Industry loan program.

Directs USDA to conduct a survey of agribusinesses affected by the drought.

Directs USDA to establish a new program to guarantee loans to rural businesses and organizations to assist them in dealing with drought-caused losses. Such guarantees could not exceed a total of $200 million with no individual receiving a loan greater than $500,000.

TOBACCO QUOTA

USDA may adjust a burley tobacco producer's marketing quota for 1989 by the amount of the producer's undermarketings due to natural disaster in 1988, except that the adjustment for 1989 may not exceed 125% of the producer's basic quota.

MIGRANT AND SEASONAL FARMWORKERS

Provides that food stamp benefits to migrant/seasonal farmworker families in the job stream will not be reduced because of receipt of emergency assistance.

Allows migrant/seasonal farmworkers a thirty-day grace period to submit documentation for food stamp recertification without loss of benefits.

Transfers $5 million from the disaster relief program of the Federal Emergency Management Agency to fund farmworker programs under the Job Training Partnership Act.

GROSS REVENUE LIMITATION

Prohibits drought benefits to any farmer with more than $2 million in estimated 1988 gross farm revenues.

Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER.** The Senator from Indiana [Mr. LUGAR] is recognized.

Mr. LUGAR. Mr. President, I congratulate the distinguished chairman of our committee, the Agriculture Committee of the Senate, on his leadership in bringing about expedited passage of such important legislation. I share his joy and elation that we have come to this moment. We have come to it with the full support of the President of the United States, as the chairman has pointed out, the Secretary of Agriculture, and certainly those who represent agriculture throughout our country and witnessed in at least 20 States arguably the most severe drought that has been recorded in our country's history.

At this point, Mr. President, we do not know the extent of the drought and the extent of damage. We have tried to act in a responsible way to bring fairness to all of the various crops and producers, to all of the various sections of the country and the different weather conditions as can be found even within counties, within States.

But it is with great pleasure that I commend this legislation which was passed, first of all, on July 14 in the Agriculture Committee of the Senate, and then the same measure passed overwhelmingly on the Senate floor July 28. That same day, legislation passed the House of Representatives and we went into the conference with great hope that we would be able to meld together two core bills and some amendments which had joined them.

Our goals at that point, Mr. President, were to assure consumers of this country a supply of food at reasonable prices. I can state with confidence there will be plentiful supplies of food in this country at reasonable prices this year. We sought to protect farm income in an equitable manner. The level of income protection contained in this bill is greater than that of any other relief package crafted in modern times, and we believe deservedly so. Most farmers with complete crop losses can expect to come out of this disaster with one-half of their expected income had they harvested normal crops. If they have federally subsidized crop insurance, they probably will come out of 75 percent or more of their expected normal income, even with total disaster.

I will point out, Mr. President, the experience of most farmers will be at least some yields, sometimes very small yields. To the extent there are any yields at all, given higher prices for most crops in the country this year, income from those farm families may begin to approach what might have been anticipated prior to the devastation of the drought.

Third, Mr. President, we wanted to send a small signal to the rural communities of our country that they would not be standing alone in trying to overcome the adverse impact of this drought. We provided very generous income relief in order that drought-stricken farmers will have their money to pay their bills at local hardware stores, grocery stores, feed and fertilizer stores. Certainly behind this legislation, Mr. President, is a comprehensive sense of rural America.

I join the chairman in pointing out that this bill is not a unique contribution of our committee this year to that quest for a greater equity and a higher standard of living in rural America. The chairman has led the committee into an exploration of the problems of the rural poor, not confined simply to producers who are essentially assisted today in terms of an income net.

I think it is also important, Mr. President, to commend the conference committee for looking responsibly at the whole gamut of agricultural legislation, as well as other needs of this country. As we commenced that conference, there was an estimate of about $5.7 billion to $5.8 billion additional expenditures in this drought legislation. Even though it is only fair to say, Mr. President, at least that amount, and a good bit more by most of our calculations, would have been paid to farmers in the form of deficiency payments had the drought not occurred.

But whatever the estimated cost of $5.7 billion or above, the new estimate is $3.9 billion, a substantial decrease, Mr. President.

This means that the overall goal of the Congress in trying to move toward deficit reduction this year, without triggering a sequester under the Gramm-Rudman-Hollings Act or without jeopardizing other equally valid programs—the hunger program coming out of the Agriculture Committee being a good example; that goal has been achieved and is a source of great satisfaction I know for the chairman and for myself this morning to report that.

The need for the legislation is obvious. People will argue from time to time that the drought may not be as severe in some places as others and, indeed, there have been rains that give some hope to the soybean crop in particular, a very large part of our consideration. But I think we simply might point out, Mr. President, the bill that has been enacted is a flexible bill which takes into consideration any number of contingencies. For example, if remarkable events weatherwise should occur and, aside from the corn crop in the country which appears to be set for very severe losses, other crops recover, then given the flexible scaling of this bill, large payments will not be made.

As the chairman has pointed out, in order to qualify for disaster payment, there must be a 35-percent loss of a particular crop. That is a very sizable loss that will be incurred by many corn farmers, many spring wheat farmers in our country, perhaps by other groups that have come before us. But in many cases, if there is plentiful rainfall or adequate rainfall, those payments may not be made. The costs will be substantially less than the parameters that have been suggested thus far in this bill.

It was our intention—and this is a unique disaster bill in this respect in agriculture—to cover all crops, both the so-called program crops and the nonprogram crops in a fair and equitable fashion. We tried also to preserve the integrity of the Federal Crop Insurance Program by making disaster payment to those who were insured as well as to those who were not. Under this bill, therefore, many farmers with crop insurance will come out very well, and we believe this is a strong incentive for future crop insurance participation.

The drought has aggravated a severe soybean, sunflower, and oat supply situation in our country. As a result, our legislation recommends two modest steps to free up additional planting decisions with respect to these crops.

We have required the Secretary of Agriculture to allow wheat, feed grain, cotton, and rice farmers to plant 10 to 25 percent of their 20-called permitted acreage to soybeans, sunflowers, and oats next year without loss of their crop base history.

The bill also calls for Federal and commercial credit forbearance so that drought-stricken farmers are not forced from their land due to circumstances beyond their control.

The Secretary of Agriculture will release an important crop report in August, and it is too early to predict the severity of this drought with regard to the bill as I have pointed out. Nevertheless, the payment limits that are involved will limit taxpayer exposure, and I make this point, Mr. President, because sometimes there are allegations that out of disasters windfalls occur. Both committees in the House and Senate have striven to make certain this will not be so.

Caps on payments will remain at the traditional limit of $100,000 for disaster payments and livestock disaster assistance will be limited to $50,000. Producers could not receive a livestock feed subsidy and a crop disaster subsidy on the same production.

Mr. President, we require the Secretary to waive the present crop insurance requirement to producers applying for low-interest Farmers Home Administration emergency loans. This change will be enormously beneficial to farmers in my home State of Indiana since only a very small percentage of farmers carried crop insurance for their corn crop this year.

In conclusion, this conference report has broad-based bipartisan and bicameral support as was evidenced in the quick passage in our two Agriculture Committees on the floor of the House and Senate on the same day and in the coming together in 1 day of both of these committees because by the time we had come together, despite the core bill, many Members in the House and Senate, mindful of very specific needs of their constituents, had created an 85-page statement of differences.

It is of great credit to the staff of the Senate and House committees on both sides of the aisle that upon instructions by Chairman Leahy and Chairman de la Garza, those staffs winnowed through those items that were extraneous and nongermane to the agriculture bill and finally came to a core group of issues.

Mr. President, manifesting the good will in that conference, after conferees had discussed in general some of the major points for a while, the conferees delegated to Chairman de la Garza and the ranking member, Mr. Madigan, of Illinois, on the House side and to Chairman Leahy and myself an opportunity to sit as four persons with appropriate staff and to think through at least how we could effect a compromise, and we did so in about a 2-hour period of time in a way that I believe effected a bill that stayed within budget and that brought at least equity to both Houses.

I suppose the proof of the pudding is, Mr. President, that after this report from the four of us came to the full conference committee, within a very short period of time both House and Senate Members assented to the report and signed it in the hope that we could have this moment today, the staff could work through the weekend, as staff did until 11 o'clock last night I am advised, to put before the body this morning this conference report that we might have final passage this afternoon.

I share the enthusiasm with my chairman that the President of the United States will sign the legislation promptly, this week, while we are still in Washington, which will send the signals out to farmers and farm families in agricultural America that in fact when the chips are down the process works—the Congress of the United States in able committee work, in excellent floor debate, in excellent bicameral, bipartisan conference work came forward with a bill that was within budget, that is equitable, that covers 20 States and a multinumber of crops, has flexibility in case the disaster is not so bad, and has full powers to bring incomes at least to half levels and above for every farmer.

For all these reasons, Mr. President, I commend this conference report and the legislative history which accompanies it. I think it is a magnificant achievement of Congress this year and will bring new life and hope to the farmers of our country.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I wonder if the distinguished manager on our side could yield me 5 minutes?

Mr. LUGAR. I will be very pleased to yield 5 minutes to the distinguished Senator from Mississippi who has contributed throughout deliberations on this bill and, of course, was a distinguished conferee.

The PRESIDING OFFICER. The Senator from Mississippi, Mr. Cochran, is recognized for 5 minutes.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Indiana for his kind remarks. I commend the managers of the bill, the chairman of our Committee on Agriculture, the Senator from Vermont, Pat Leahy, and the Senator from Indiana, Dick Lugar, for the extraordinary degree of skill and patience they both displayed during this process of developing the legislation in the Agriculture Committee, guiding it through the Senate, and then helping to fashion a conference report that could be approved by both the House and the Senate and signed by the President. This took a great amount of patience and skill, and they both displayed those traits in abundance. I commend them for that and congratulate them on the excellent job they have done from the very beginning of this process.

Senators may recall that when it became obvious the drought was as severe and as widespread as it was, we immediately organized a drought task force in the Congress, including Republicans and Democrats in equal number in the Senate and a group of Members from the House of Representatives, and began meeting to review the facts and look at the options for both administrative and legislative action to help deal with this crisis. I think the process that was used to analyze and address the problem was as responsible as any other factor in our being able to achieve success.

Secretary Lyng devoted a tremendous amount of his personal time and effort to dealing with the problem and making sure that the other agencies and departments of the executive branch were involved to make assistance available as quickly as possible to those who were suffering as a result of the drought. The President provided strong leadership. He indicated his support very early for prompt and generous assistance to drought victims.

So taken together, all of these important individuals, those in the Senate I have mentioned and the executive branch officials, specifically including Secretary Lyng, were very helpful in bringing us to the point we are today.

Although this is responsible legislation from a fiscal point of view, it is also very sensitive to the needs of those who have suffered tremendously as a result of the drought. We make available through this legislation assistance, not only for row crop producers and livestock producers, but for dairy producers and rural businesses who have been adversely affected by the drought. Senators should know that there is a new program that the Secretary of Agriculture is directed to implement to provide guaranteed loans to rural businesses where losses have occurred and economic problems have been sustained as a result of the drought.

Let me also say that in the Southeast we are particularly pleased to see that there is a provision providing drought assistance to tree farmers. We have had a lot of emphasis by the Congress and the administration in the last few years on alternative uses of lands that were economically marginal as far as production of some of the traditional row crops were concerned. In our State we provided incentives for farmers to plant marginal acres in trees to try to ensure maximum economic production from our lands.

Those who have planted tree seedlings will be able to obtain a drought assistance benefit of up to $25,000 per person if trees that have been planted for commercial purposes have been destroyed or damaged as a result of the drought. This is an important provision.

As the managers have so correctly and eloquently noted, this is a bill that provides a wide range of benefits which are more sensitive and more generous, in my judgment, than any other drought relief package ever passed by the Congress.

So I congratulate them again, and commend all of those who have worked so hard to fashion this legislation and to bring us to this point today.

Mr. President, I recommend the approval of this conference report by the Senate. I thank the distinguished manager on our side for yielding me time.

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Georgia.

Mr. FOWLER. Mr. President, on behalf of Mr. LEAHY, chairman of the committee, I yield myself such time as I may consume.

I want to take this opportunity especially in following my distinguished friend, Mr. COCHRAN, and the distinguished ranking member, Mr. LUGAR from Indiana, to join with them in just a few words of self-congratulations. I say that because as a new member of the Agriculture Committee I do not join in the long and distinguished history that the Senators from Indiana and Mississippi, both my colleagues on the opposide side of the aisle, have earned in their fine work over the years and their well-acknowledged reputation for expertise in commodity programs on behalf of the farmers of the country.

They have done extremely fine work in difficult times before. And this year because of the nature, the unprecedented nature, of the drought they have again earned the commendation of those of us on the Democratic side of the aisle, and of the chairman of our committee, the distinguished Senator from Vermont, Mr. LEAHY.

I congratulate him on behalf of one of the younger, I guess I should say newer, members of the committee on his work, and this is a rare moment of bipartisan cooperation in terms of dire need for our country. I come from the city. I represent a State though that is predominantly rural. I represent a State that is as diverse as any in the United States. Agriculture is the No. 1 business of Georgia. And on any given day, even in times of desperation, we could also make the case and should make the case that agriculture is the No. 1 business or at least ranks among the No. 1 business of our country.

I say that because it sometimes takes a crisis such as this drought to remind ourselves that when we are talking about the national strength of our country, we are not always automatically talking about the defense of our country and the military programs of our country. As important as the men and women of our armed services are, as important as the complex and sophisticated defense systems and missile systems of our country are, the national strength of our country is not made up of our military might alone. It is made up of the ability of our country to feed itself—our farm programs and our farmers who make up that strength. It is the ability of our country to clothe ourselves—our textiles and apparel industries. And this Congress and this Senate will be dealing with legislation that reinforces that strength in the coming few days.

But all of these components—farming, apparel, energy self-sufficiency—go in, if we are to be strong, to making up the national strength and therefore the national security of the United States of America. We had one portion of that strength severely diminished through an act of God called drought, unanticipated, unforeseen, but that totally demolished certain parts of the agricultural section of our country and demanded an immediate response on behalf of the people's representatives in the U.S. Congress.

Thankfully, we responded, and we responded the way that all Americans, whether or not they farm or whether or not they eat the produce of the farm, could be proud. And that is a cooperative effort on behalf of their representatives, whether they be Democrat or Republican, whether they be in the House or the Senate, to respond to a crisis that threatened the undermining of the national strength of the United States of America.

Prices may go up as a result of this drought. But it is an opportunity to remind people who eat the food of the farmer's labors that the subsidies, the tax subsidies that go to help the farmers of our country, the checks that go to those farmers really returns to the consumers of this country because those tax dollars are spent to assure that consumers wherever they live in our country can buy the food they consume for their families at lower than the price of the cost of production. Many times that word does not go out until we get into this kind of crisis.

This year the State of the distinguished Presiding Officer and a key member of our committee, South Dakota, Mr. DASCHLE, and North Dakota, Mr. CONRAD, and many other States in the Midwest are hit hardest. In my part of the country we have been through almost 7 years of near-drought conditions, over a year short in rain over the last 7 years, almost the Biblical plague of pestilence and drought of 7 years. We know how rough it has been. We also know what it is like to have everybody looking at a certain section of the country and praying for them, working with them, and joining in an American tradition of Americans helping Americans during times of unforeseen need—in this case unforeseen disaster.

I believe that the President of the United States will sign this legislation. I believe that he knows how much work has been put into it by those on the committees responsible in the House and the Senate. And I know that the people who need this aid will not be made whole. This is not an insurance program. At best maybe 30 to 35 percent of the devastating losses will be made up by this emergency drought assistance. But we do believe that it will enable farmers, who serve and continue to perform as part of the framework of the national strength of our country, to continue to do what they do best, and that is to farm for our country, feed our country, and enable America to hold its head high as being self-sufficient not only in foodstuffs for our country but also providing a majority of the food for the rest of the world who suffer in times of devastation, year in and year out.

I again thank my chairman, PAT LEAHY, for his extraordinary leadership in this time of crisis, aided and sustained by one of our true experts not only in the field of domestic policy but also in national and foreign policy, the Senator from Indiana [Mr. LUGAR].

I believe that because of this teamwork, we have produced something that this body can be worthy of and our country can feel is a response in terms of crisis that it would want us to do on behalf of the people of the United States.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Georgia for his very generous remarks and for his remarkable contribution to that deliberation.

It is a privilege to mention that three of us on our side of the aisle served on the task force. Senator COCHRAN has already spoken. I now yield such time as he may require to the Republican leader, another member of our task force.

Mr. DOLE. Mr. President, I thank Senators on both sides of the aisle.

As the Senator from Georgia just said, this has been a bipartisan, nonpartisan effort. Certainly Senator LEAHY and Senator LUGAR deserve the great bulk of the credit because they have been there every day.

There are many others on both sides who had a lot of input, members of the so-called task force and others on the committee, and some who are not on the committee.

I think we have reached the point where the American farmer, regardless of his policies and regardless of our politics, can be sure that we have put together a pretty good package, a package that the President will sign.

In handing out plaudits, I want to commend the Secretary of Agriculture, Mr. Lyng. There is no doubt in my mind that Secretary Lyng, as I think most Members will attest, has the respect of Members on both sides of the aisle. He has handled this matter in a thoroughly professional, nonpartisan way. He has traveled all over this country to get a firsthand look at some of the problems. In fact, just a few days ago, he finished a 10-State tour.

Secretary Lyng and his staff and members of the staff of the chairman and Senator LUGAR, as well as members of my staff and others, deserve a lot of credit. All our staff members have been doing a lot of work.

The bill achieves our general goals of providing assistance to all producers in a fair and equitable manner, it targets actual losses and it is fiscally responsible. The bill is as generous as we could responsibly be, and although we do not know the full extent of the drought yet, we have designed a package that addresses the basic needs of farmers. Some would suggest it does not go far enough in some areas, others would say it goes too far. So perhaps that is a sign we have a good package.

BASIC PROVISIONS

Disaster payments will be made to producers who suffer more than a 35-percent loss. Payments will be based on 65 percent of the producer's expected return, either the target price, the price support level or the 5-year average market price depending on the crop.

The exception is for producers who suffer losses in excess of 75 percent, in which case those producers receive 90 percent of the applicable price. Producers with greater than 65 percent losses will be required to take out Federal crop insurance for 1 year except in cases where the premiums would exceed 25 percent of the disaster benefits received or the insurance premium increases by more than 25 percent.

Producers would not be required to repay advanced deficiency payments on lost production, unless they receive a disaster payment on the loss. In cases where producers would need to repay advance payments because of receiving a disaster payment, the bill allows them until July 31, 1989, to make repayments.

The bill establishes a new program to provide assistance to livestock producers by refining and consolidating existing programs. The bill also waives the potential 50-cent dairy price support cut scheduled for January and increases the price support for milk 50 cents from April 1 through June 30 of next year. In addition, the bill establishes a new $200 million program to provide loan guarantees to rural businesses for drought-related losses. There are several payment caps in the bill and combined benefits for any individual cannot exceed $100,000.

Mr. President, we are demonstrating our commitment to the American farmer, and we are demonstrating our commitment to the American consumer. If there is any silver lining at all—and there is probably not much, as you look at some parts of the country—the American consumer will recognize the importance of the American farmer and the American farm family when they see those prices edging up a bit. They will understand that this legislation is not only necessary but also is in their interests and in the interests of agriculture across the country, because we want to preserve our base.

I must say that without this legislation, I believe there would be a lot of farmers and farm families driven from their land because they could not make it through the year.

So we have to put together a drought bill which does not tamper to any extent with the 1985 farm bill, which, in my view, is good, solid legislation, the kind we can build on when it expires in a year or so. The 1985 farm bill was geared toward surpluses, not scarcities. This drought bill will fill that gap and will have a positive impact on the overall economy.

The increased financial stress of farmers and reduced production in many areas will bring hardship for all of the related industries who depend on agriculture.

We are told that crop losses are likely to reduce overall farm production by $5 to $10 billion in 1988, in real terms.

I was in Michigan a couple of weeks ago, and I was given a good example of how far this may go. I was visiting with a man who was on the board of directors of a cooperative elevator. Over the years, they have had a lot of CCC grain and have been able to hire about 20 people, and it has been a good source of employment. There are not going to be any surpluses, and in a few months those 20 men in this case—and most of them are married—are going to be without work.

So it is not just the farmer. We are not certain what the total extent may be. It is going to affect the elevators. It is going to affect the packing plants. It is going to affect people on down the stream when it comes to agriculture—the producers, the processors, the marketers, the transporters. All those will be impacted.

As I believe Senator COCHRAN pointed out, it affects barge traffic and everyone else up and down stream.

Nearly 20 percent of the total employment in some of our drought counties is related to agriculture. Electric generation costs may be a serious problem in areas such as the Tennessee Valley and the Pacific Northwest. Wildlife in many areas are threatened, tree seedling mortality in many areas is widespread and the quality and quantity of our Nation's surface water resources have been greatly reduced.

It seems to me that this matter has been handled as it should be. I commend the President of the United States, the Vice President, and others who went out to take a look firsthand, members of both parties, for putting aside politics and putting the interests of the American farmer up front where they belong.

Mr. President, we have a good package. It costs about $4 billion. That is a lot of money, but it is no new money.

It is derived from savings that would have been paid in a normal year from deficiency payments. It affects program crops and nonprogram crops.

It seems to me that this bill should have, and probably will have, the unanimous support of all Senators, regardless of party and regardless of geography. I think there is a recognition that the drought this year has been unparalleled in many respects. We may have to revisit this matter. We may find, as we do sometimes in major legislation, that someone drops through the cracks or someone reaps a windfall. This legislation is not designed to provide a windfall for anyone, farmer or nonfarmer. It is designed to provide relief for the farmer and the farm family and the community, and that is precisely the intent of it.

But if we find that something else happens that is unintended, Senator LUGAR and Senator LEAHY, as well as others, will correct it. If we find that someone has been unintentionally shortchanged we will correct that. By and large, it is the handiwork of these two Senators and their counterparts on the House side, Representative DE LA GARZA and Representative MADIGAN, who likewise have done an outstanding job.

These four Members of Congress, Secretary Lyng, the President, the Vice President, and all others who had an input certainly deserve our congratulations.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 40 minutes.

Mr. LEAHY. I yield such time as the Senator from Alabama needs.

Mr. HEFLIN. Mr. President, I appreciate the courtesy extended by the distinguished chairman of the Agriculture Committee.

First, let me congratulate the fine leadership on the part of Senator LEAHY in regard to this bill. He has exhibited superb leadership from the very beginning. It almost appears that he sat down and wrote a scenario of how the two Houses of Congress could move together jointly with substantially the same bill and then come together and produce a product which will be of tremedous advantage and assistance to those who have suffered as a result of this crisis that we are in, and it is a crisis caused by the drought and related matters. I congratulate Senator LUGAR for his work in this regard.

In the House it was a joint effort and an effort in which the administration cooperated. It was a bipartisan, bicameral, and bi-executive and legislative, if there is any such term that could be appropriately applied.

The staffs of both Senator LEAHY and Senator LUGAR have worked exceptionally hard, long hours, all night long. One night they finished the report at about 6:05 a.m. in the morning after working all night long. They have done a great job and I congratulate all of them in that regard.

I think we have an excellent bill. I do not believe that the final verison that came out of conference is as good as the Senate version. But, nevertheless, you have to reach compromises. There are some aspects of the bill that I would have preferred not to have been in the final version but, nevertheless, that is a situation that exists with all legislation and we endeavor to try to reach accommodations with the House and the Department of Agriculture and to move rapidly and it has moved expeditiously. Time has been of the essence. There is more time that is going to be needed for the Department of Agriculture to take this legislation and to implement it.

As has been mentioned, it is not a costly bill because of the fact that it is within the budget and actually there will be money savings in the field of agriculture because there have been savings pertaining to deficiency payments and other subsidies that will be paid by the Government. That takes up some of the slack and provides relief in a very fine manner.

I want to mention two or three things that I was particularly interested in. We worked out a good agreement relative to soybeans, pertaining to permitted plantings and the requirement for explanation on why or why not the Secretary of Agriculture does not implement a marketing loan for soybeans as is presently provided in the 1985 farm bill.

It provides for discretionary marketing loans. But this calls for the secretary to give an explanation. He has not implemented it. In my judgment he should. And I hope that he will give explanations that support the implementation of the discretionary marketing loan.

It also provides for some permitted plantings of soybeans on some program crops by which a farmer, we will say a wheat farmer or a cotton farmer, might take some of his program acreage base and plant soybeans on it instead of planting his wheat or planting his cotton on that permitted acreage.

There is, of course, two goals that we want to obtain under this legislation. One is to provide an adequate supply of soybeans for our domestic use and, second, to provide soybeans for export where our competitors will not take over the foreign market.

The second goal is to see that the price of soybeans does not go down to a point where so much production is made that the price of soybeans reached a bottom where farmers cannot make money in regard to this permitted plantings, and it would be below the cost of production.

There are varying areas of the United States where the cost of production varies largely as a result of the yield. One acre of land that produces 25 bushels of soybeans has a greater cost of production than an acre of land located somewhere else that produces 40 bushels per acre.

So with this in mind, the Secretary will in making its determination evaluate domestic and export soybean needs. He would also undertake to look at future prices during a period of time and endeavor to see that the price of soybeans on the market would not go below 115 percent of the loan level.

I believe with this compromise we worked out we will be able to achieve these two goals that I have mentioned.

Then, I would like to mention a provision pertaining to water management. In my State we are now suffering the fourth year of a drought. There are certain counties that have suffered four straight years. The Southeast, particularly, has been hit by a lack of moisture certainly over the last 3 years. In 1986 there was a terrible drought, and today there is a terrible drought.

Therefore, there is a need for better water management, for better use of the waters that we have and a system by which we can endeavor to make available to the farmers water for many and different purposes, including irrigation.

The language has to be broad, general, and flexible because there are different situations that arise in different counties, in different areas of the States and in the United States in different regions. Therefore, relative to this, it had to be very broad and flexible language.

This phase of the bill was considered in a rural development bill that was being marked up in the Agriculture Committee but has not yet gone to the extent of being completed, and I hope that we can complete that this year and pass a rural development bill.

Nevertheless, this is an opportunity because I think we have to plan for the future in drought assistance to prevent as much as we can the hardships and the hurts that will come about as a result of future droughts.

There is also need for additional waters for drinking water in rural areas. Many of the areas in rural America are served by county water authorities. Some are served by small water authorities within it. There are certain counties in my State where there is as many as eight different water authorities within the boundaries of that county. They are small. If they could come together and come together under some type of confederation they may well be able to build a pipeline in a nearby stream which would service all of those water authorities. On the other hand, they may drill a well or they might have various other ways of acquiring water.

We find also that under this language it allows existing agencies to get involved in water management programs that exist such as rural electrification cooperatives and they in many instances can serve a great number of people in a region. The authority that is given to the Secretary and the fact that REA and other entities can be involved in this gives a great deal of flexibility to try to solve these particular problems.

Under the law, other agencies and departments are authorized to cooperate with the Secretary to carry it out.

It may well be that the States will have to create entities for this program to be carried out in certain localities. For example, if there is a confederation of water authorities, they might have to create some type of cooperative entity or a confederation entity that would be authorized to borrow money, to issue bonds, to pledge certain revenues from their members in order to be able to acquire funds to carry out this particular program.

In regards to this program, in the committee report language that was before the Senate—and I might say that the language of the House bill and the Senate bill was identical with what is adopted. There was no variance. The language that was adopted both in the House and in the Senate were similar language. However, the House did recede to the Senate language.

Now, in the committee report that came to the Senate floor when the Senate was considering this bill, it contained this language:

> The authorization contained in this section is general to include all aspects of water management in rural areas, including the protection of streams and other waters from agricultural and animal waste, because different rural localities have different water management problems.

For example, we have one county where there is a considerable amount of livestock waste and poultry waste, and it could be that this could cause problems dealing with the streams. So what we have in mind here would be that, in the broad aspect of this, they could, in effect, start having some type of collection system of animal waste and it could be then converted into a product which could be sold. I think the language of it is broad enough for the Secretary to encompass such a situation that might exist like that.

The further language of the committee report before the Senate was:

> It is the intent of the committee that entities described in this section cooperate with each other, with local and State governments and agencies, and the Federal Government, including agencies in addition to the Department of Agriculture, to identify water-related problems, develop plans to alleviate such problems, and coordinate the use of assistance provided by the Secretary of Agriculture under this section. The Secretary is encouraged to use loan programs conducted by the Farmers Home Administration and other lending authorities, including the Bank for Cooperatives, as is authorized in existing law, to carry out this provision.

There are business and industrial loans that are allowed under the Farmers Home Administration and this would be available under the intent of this language of the act to be used as well as to the banks for cooperatives that I have mentioned.

Now, reading further in regards to the report:

> The regulations issued by the Secretary under this section would specify the authorities needed by entities applying for the assistance under this section, including whether such entities must be authorized to borrow money, mortgage property, issue bonds, or other instruments of credit and receive grants from other units of government or private sources.

And I think that this is very broad and flexible language designed to meet the individual problems dealing with water management in all parts of the country and they will of course certainly vary. But it is, in my judgment, an approach toward trying to help in regards to alleviating the problems that arise from drought and related matters in the future.

Overall, this is an excellent bill. I commend all the members of the Senate Agriculture Committee for their hard work on this. I think it comes very expeditiously and at a time when the farmers need it.

We feel that the Department of Agriculture will move foward in this in an endeavor to get this relief and assistance out to the farmers in the near future.

I thank the chairman of the Senate Agriculture Committee for yielding me time to make my remarks.

Mr. LEAHY. I appreciate the remarks, Mr. President, of the distinguished Senator from Alabama who was absolutely essential in our discussion of the drought bill. He was a pillar of strength throughout the whole debate both in committee and on the floor in the conference. I wish to acknowledge and thank him for the help he gave to all of us in that regard.

Mr. HEFLIN. I thank the Senator.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I notice the distinguished Senator from North Dakota is seeking recognition. He was another major architect in this legislation and also worked tirelessly with us. He traveled not only to the Midwest but attended all the hearings and all the markups and came by for the conference. I wish to yield to him and I will such time as he may desire.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the chairman.

Mr. President, I rise today to support the drought relief conference package that is before us. It is the most generous drought relief bill in our Nation's history. It gives hard-pressed farmers a fighting chance to survive.

Mr. President, I would be remiss if I did not commend our chairman, Senator LEAHY, for his efforts in producing this bill. He kept his eye on the ball. The only reason we are here today with a great bill that has been passed more rapidly than any drought bill in our history is because of his leadership. All of us who come from States that are drought-affected owe him a debt of thanks.

I also want to thank the ranking member, Senator LUGAR, who has also shown very strong leadership in bringing this package before our colleagues. He was willing repeatedly to move beyond what we have done in the past to break new ground in providing drought relief for those areas so hard hit.

Other members, Mr. President, that I want to single out are certainly Senator MELCHER of Montana, who was a lion in trying to get additional assistance for those most affected by the drought; Senator BOREN; and Senator HEFLIN, who has just spoken; Senator FOWLER, who spoke up repeatedly at critical times; Senator PRYOR; Senator HARKIN; the distinguished occupant of the chair, Senator DASCHLE, of South Dakota; and my own colleague who does not sit on the Agriculture Committee but chairs Agricultural Appropriations, Senator BURDICK, was frequently a moving force in getting additional assistance to those areas hardest hit.

I also want to commend several of my colleagues on the other side of the aisle, in addition to Senator LUGAR, Senator BOSCHWITZ and Senator BOND, who were very active in the development of this legislation.

Mr. President, no one knows better than the occupant of the chair the context within which we got hit with a drought. We have had the lowest farm income since the 1930's in real terms. We have had a collapse of commodity values in our areas. We have had plummeting farmland values. So the drought came at a time when agriculture was already staggering. And when the drought came, it came with a vengeance.

No State, perhaps, has been harder hit than my own. Seventy percent of the wheat crop is destroyed. Sixty-five percent of the corn is lost. Sixty percent of soybeans, 35 percent of the edible beans, 39 percent of sunflowers, 10 percent of the sugar beets, and 45 percent of potatoes are lost. All of that destroyed. It is gone. It does not matter if the skies open up tomorrow, Mr. President. Those are the losses we have suffered in my State, according to the most recent release of the State university.

The most recent reminder of how serious this all is came in a newspaper story that appeared in the Washington Post just days ago from my home State. The headline is "The Only Rain They See Is the Rein of the Adolescent Grasshopper."

Mr. President, let me just read the opening paragraphs of this story. It is from Harvey, ND.

The story starts:

> Making our dusty way up the gravel road to Larry Martin's farm, we drive into what appears to be a moderate storm of dark hailstones. They click loudly against the windshield, float about on the breezes ahead and seem to bounce off the ground, as far as the eye can see. These hailstones turn out to be grasshoppers, a small battalion of the insects that have leveled Martin's fields to dry earth and a few last weeds that they are either consuming now or didn't fancy for lunch.

Mr. President, that is what we face in my home State—first the drought and now the plague of grasshoppers. It was in that context, Mr. President, that we moved to improve the core package that was presented to us and improve it we did, with the amendment sponsored by Senator MELCHER and myself, the amendment that we worked very hard on with the occupant of the chair, Senator DASCHLE, and Senator BURDICK to provide greater relief of those suffering the greatest losses. And indeed the conference amendment contains that amendment, 90 percent coverage for those that lose over 75 percent of their crops.

I also worked with the same set of Senators to urge an amendment to defer the payback of advance deficiency payments for those that suffer losses of greater than 35 percent. I am proud to announce, Mr. President, that that, too, is contained in the final package. That means $1 billion to $1.5 billion, Mr. President, that will be in farmers' pockets instead of the Federal Government's coffers. And that is not unreasonable, Mr. President, given the fact that this bill costs $4 billion—$4 billion. That is a lot of money.

The drought-related savings, according to CBO and the Department of Agriculture, run from $10 billion to $12 billion over 2 years. So, Mr. President, it is not unreasonable, we believe, to look to the future and say perhaps this deferral of $1 billion to $1.5 billion could be clearly forgiven next year if we find that the savings are indeed in the range of $10 billion to $12 billion and the costs of this bill, approximately $4 billion.

Mr. President, I had indicated several days ago the loss to my State is running $3 billion. We now have verification of that from the State university. Their latest figure shows the loss to my State at $3.2 billion, a staggering loss to my State's economy.

Mr. President, we have done computer runs on what this bill produces in terms of income for those who have already suffered major loss. These computer runs, which I would like to have printed in the RECORD, show that for those who have suffered a 100-percent loss, they are going to get before the deferral about 50 percent of their normal income. With the deferral they will get about 60 percent of their normal income.

Mr. President, I think that indicates that this legislation, while important, while providing a critical safety net, is not going to be enough for those States absolutely devastated by the drought.

Mr. President, for that reason I would say to my colleagues that this bill is critically important—absolutely. But we are going to need to do more. We are going to need a redevelopment package for those parts of the country that are hardest hit.

In that context, Mr. President, I want to indicate that Senator LEAHY has a redevelopment package for the Agriculture Committee. It is critical, in my judgment, that that redevelopment program move rapidly through the Congress and I am urging my colleagues today to, No. 1, support this conference report; No. 2, I am asking my colleagues to redouble their efforts to pass the rural development package that is in the Senate Agriculture Committee. That will offer the hope to rural America that will be in a position to rebuild and to come back.

Again, we are in that position because of the exceptional efforts of the chairman, his staff, the ranking member and his staff, and the other members of the Senate Agriculture Committee.

Mr. President, just before I yield the floor I ask unanimous consent to have printed in the RECORD the articles to which I referred, the news articles as well as the computer analysis of the payback to farmers, as well as a review of the participation by States in the Federal Crop Insurance Program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ONLY RAIN THEY SEE IS THE REIGN OF THE ADOLESCENT GRASSHOPPER

(Ed Vulliamy, a British reporter on a fellowship at The Post, and staff photographer Margaret Thomas are driving back roads and talking to people whose lives are affected by the drought.)

(By Ed Vulliamy)

HARVEY, N.D.—Making our dusty way up the gravel road to Larry Martin's farm, we drive into what appears to be a moderate storm of dark hailstones. They click loudly against the windshield, float about on the breezes ahead and seem to bounce off the ground, as far as the eye can see.

These "hailstones" turn out to be grasshoppers—a small battalion of the insects that have leveled Martin's fields to dry earth and a few last weeds that they are either consuming now or didn't fancy for lunch.

At the wheel is Don Alexander—Martin's friend and partner in a farmers' marketing group—who talks about the grasshoppers rather like the captain of an Allied warship in World War II might speak of the German U-boat crews for whom he has the highest professional respect: "They are efficient, quick and cheeky. First, they eat up the barley, then they go back and eat up the pigeon grass, then they go back and eat up the Russian thistles."

In Martin's barley field, the grasshoppers have progressed to the Russian thistles, starting around the edges and moving toward the center. The field is bordered by barren earth; a lifeless, expanding perimeter around an eroding core of thistle and the last few stalks of ravaged barley. Behind them, the grasshoppers had left a few milkweeds. "They don't like milkweeds," Alexander said. "They got a crusty, waxy layer they don't seem to go for."

When you tread across their line of advance and into the weeds, the grasshoppers leap out in all directions, jump up your jeans and hit against your arms. Some get to settle a while on your shirt—they are elegant little creatures: brittle and agile. You can see how the warships' captains became attached to the U-boat crews that stalked them.

Perhaps the difference is that for the captain of this ship, there would be no purpose in dropping depth charges: "Yeah," Alexander said, "there is a spray for 'hoppers. But the cost is prohibitive; and even if you do spray, you only get the 'hoppers in the field. A whole load o' others would come straight in and get eating. And in a drought, there's no point anyway."

These particular 'hoppers are adolescent; when they become adults later in the summer, they will be able to fly as far as 20 miles in search of nourishment.

Grasshoppers are creatures of the drought: Rather like the English, the drier it is, the better they like it. Their eggs hatch most profusely, apparently, when conditions in the grass are right early in the spring—and this year they were perfect. Once hatched in the heat, the copious grasshoppers look forward to a warm fall so that they can begin to lay more eggs—"so if we don't get a turn in this weather this fall to wash 'em out—well, phew!—they're sure going to have a good time next year."

Grasshoppers are no strange invader of North Dakota. In her 1933-34 voyage, government chronicler Lorena Hickock found devastation as the 'hoppers made their way through the arid land, exacerbating the already acute hardship of prolonged drought. "Last year," she wrote in 1933, "the grasshoppers came in clouds and ate up their crops. The farmers now say the soil is full of grasshopper eggs. They feel utterly hopeless."

The remains of Martin's barley field are an astonishing sight, but he is looking at another field where there were no grasshoppers at all—because they had finished with it and left nothing. Martin has a careful and pensive manner, a tight jaw but a slightly boisterous glance. "This was my sunflower field. You got to imagine them, right up head high, big yellow sunflowers, that's what they should be." It felt more like standing on a carpet.

But Martin is an optimist. Typically for this region, he yearns to be independent of the government's farm support and crop programs. He clings to the idea of being on his own, taking high risks for high gains. "I like a risk once in a while, so that the rewards feel better. When things get out of control, then I like a bit of backing, but I still believe in the old American Dream that you can go out and get some rewards for your effort."

It makes for some laudably defiant rhetoric—but that is about all.

This year, Martin conceded, "if we weren't taking the government stuff, we'd be out of business." A couple of weeks ago, a friend of Martin's put a themometer into his ground and registered 140 degrees Fahrenheit, three inches below the top soil.

"Next year, if we don't have a bit of rain and a crop, then I'm not sure how I'm going to assess the whole thing. . . . Maybe increase the garden; get a little irrigation plot and raise some food. . . . Yeah, a bit like the '30's, I suppose, but they didn't have the monthly payments; its $250 a month for Diane's Blue Cross [insurance premium] now . . . . And right now I couldn't irrigate half a acre."

And so back down the track with Alexander, past the barley field and the black hopping hailstones and into the greener plain around Harvey, N.D., and Martin to the south.

"That's one of my sunflower fields," Alexander said, pointing to a spread of stumpy little green things with shriveled yellow heads—but at least they were knee high." . . . That there is a John Deere implement dealer who's thinking of selling up, so the rumor goes. . . . That's another dealer—Blaine Mack—he's sold one used combine this year. . . . That's one of my wheat fields." He pointed to a paltry haycrop, bordered by the legacy of spring: a little dune of dead dust rising up to the road. But at least Alexander has his 80,000 bushels of winter wheat, stashed away in the towering grain elevators.

And so, nutritious and handsome supper at the gracious Alexanders, preceded by grace, for this is a Congressionalist family. And after the day of dry dust and 98 degrees, one could, as they say, have "murdered a beer."

". . . Kool-Aid? Iced tea? Milk? Soda? . . ." One felt a little slovenly, but desperate nevertheless.

ROW CROPS STRESSED BY HOT WEATHER

(By David Maack)

FARGO, N.D.—A news conference at North Dakota State University, Fargo, Wednesday, concerning the effects of the drought on row crops held little encouraging news for North Dakota farmers.

"Last week was the worst," said Dwight Aakre, extension associate, farm management, NDSC, about the effect of the drought and high temperatures on row crops.

"These 100-plus (degree) days are what really killed us," said James Helm, extension agronomist at NDSU.

Aakre said the high temperatures have accentuated the stress caused by the drought and led to higher losses than would have occurred under drought conditions alone.

According to Helm, most of the row crops in North Dakota are grown in the Red River Valley area. Richland and Cass Counties have been impacted most by the drought because of high acreages planted to row crops of beans, corn, and sugarbeets in the two counties. Traill and Grand Forks Counties have the best row crops in the state, but those crops have also been impacted by the drought and high temperatures.

Richland County Agricultural Stabilization and Conservation director Bryan Olschlager provided estimated figures for row crops in Richland County. There were approximately 215,000 acres of soy beans, 141,000 acres of corn, 26,000 acres of sugarbeets, 7,500 acres of sunflowers, and 10,000 acres of corn for silage planted.

According to figures released during the news conference, corn production if off by 65 percent from the five-year average. This is due to firing of the upper leaves by the 100-plus degree temperatures, said Helm. The lack of pollination has caused corn plants to be barren, he added, a result also caused by the high temperatures. Because of stress the corn was subjected to in mid to late June, ear diameter has also been reduced, from 16 kernel rows to 12.

Helm expects much of the corn to be used for silage and warns farmers there is a danger of nitrate concentrations in the silage, concentrations brought on by drought conditions. Nitrates have an adverse effect on cattle. He said there is no rush to convert the corn to silage and farmers should wait to see what the rain and temperatures do over the 30- to 40-day period before making silage. With higher prices for corn, Helm said, it may be worth the wait.

Olschlager said there will probably be more corn turned into silage than originally intended. He also warned of the danger of nitrate poisoning and said samples should be sent to NDSU for testing.

Other row crops have been affected to a lesser extent, although yield reduction in soybeans is estimated to be 60.5 percent. Edible beans are down 35.5 percent but at current prices farmers should come out ahead of last year. Sunflowers are down an estimated 39.3 percent, sugarbeets 10.4 percent and potatoes 45.0 percent.

Aakre said North Dakota farmers are looking at a $1.117 billion loss from grain, row crop and cattle losses. This loss will be offset by whatever disaster money is allocated to North Dakota farmers. The disaster bill is presently in Congress, being worked on by a conference committee of the House and Senate.

Aakre is an economist. He said there is a multiplier of two on money which farmers receive for their crops. This means each dollar a farmer spends generates two dollars in the rest of the economy. Based on present projections, the loss to North Dakota's economy is $3.351 billion. Aakre emphasized that any money which is received by farmers from federal disaster aid will also move through the economy on a multiplier of two, partially negating the effect of the drought.

When questioned about projected losses to the farmers, Aakre, with an understatement, observed, "It has a significant impact."

What is the future of the 1988 row crop season if it rains or doesn't? According to Aakre, there will be very little change either way. The corn is far enough along at the present time that whether there is normal or above normal rainfall, and normal to below normal temperatures, or if conditions continue the way they have this summer, the damage has been done.

Edible beans are still flowering, said Helm, and if the rains continue and the temperatures are moderate there can still be a good crop. However, the frost will have to wait 35-40 days, he said, before the crop will be ready to harvest.

Sugarbeets and sunflowers, two later maturing crops, could deteriorate further in August unless optimum growing conditions develop, Helm said.

In Wilkin County, "it's a mixed bag," according to Richard Hemmingsen, Wilkin County Extension Service director. The small grain harvest is nearly complete, he said, and wheat has run from nothing to 38 bushels per acre.

Corn and soybeans have been damaged in most areas, he said. However, the crops in the Campbell area are better than other areas of the county because of more rainfall received in that locale, said Hemmingsen.

"I don't think we're going to have much of a corn crop," he said. However, with more rain the soybean crop could improve, he added.

EFFECT OF DROUGHT RELIEF LEGISLATION ON FARMER GROWING WHEAT 100 ACRES

[Effect on income]

Percent of program crop	Income without relief legislation	Income after drought relief payment	Percent of pre drought income	Income after deferral of advanced deficiency repayment	Percent of pre drought income	Income after drought relief and crop insurance					
						Low option insurance	Percent of pre drought income	Medium option insurance	Percent of pre drought income	High option insurance	Percent of pre drought income
Base	$11,183	$11,183	100	$11,183	100	$11,183	100	$11,183	100	$11,183	100
100	10,243	10,243	92	10,243	92	10,139	91	10,067	90	9,973	89
90	9,395	9,395	84	9,395	84	9,291	83	9,220	82	9,126	82
80	8,540	8,548	76	8,548	76	8,443	76	8,372	75	8,278	74
70	7,700	7,700	69	7,700	69	7,596	68	7,525	67	7,745	69
60	6,853	7,097	63	7,171	64	7,067	63	7,268	65	7,846	70
50	6,005	6,739	60	6,961	62	6,857	61	7,603	68	8,265	74
40	5,158	6,380	57	6,751	60	7,131	64	7,937	71	8,685	78
30	4,310	6,022	54	6,541	58	7,405	66	8,272	74	9,104	81
20	3,463	5,791	52	6,458	58	7,807	70	8,735	78	9,651	86

EFFECT OF DROUGHT RELIEF LEGISLATION ON FARMER GROWING WHEAT 100 ACRES—Continued

[Effect on income]

Percent of program crop	Income without relief legislation	Income after drought relief payment	Percent of pre drought income	Income after deferral of advanced deficiency repayment	Percent of pre drought income	Income after drought relief and crop insurance					
						Low option insurance	Percent of pre drought income	Medium option insurance	Percent of pre drought income	High option insurance	Percent of pre drought income
10	2,615	5,689	51	6,504	58	8,337	75	9,325	83	10,327	92
0	1,768	5,587	50	6,550	59	8,867	79	9,916	89	11,002	98

EFFECT OF DROUGHT RELIEF LEGISLATION ON FARMER GROWING CORN 100 ACRES

[Effect on income]

Percent of program crop	Income without relief legislation	Income after drought relief payment	Percent of pre drought income	Income after deferral of advanced deficiency repayment	Percent of pre drought income	Income after drought relief and crop insurance					
						Low option insurance	Percent of pre drought income	Medium option insurance	Percent of pre drought income	High option insurance	Percent of pre drought income
Base	$26,808	$26,808	100	$26,808	100	$26,808	100	$26,808	100	$26,808	100
100	24,612	24,612	92	24,612	92	24,435	91	24,230	90	24,005	90
90	22,302	22,520	84	22,520	84	22,344	83	22,138	83	21,913	82
80	19,992	20,429	76	20,429	76	20,252	76	20,046	75	19,822	74
70	17,682	18,337	68	18,337	68	18,160	68	17,955	67	18,570	69
60	15,372	16,861	63	17,045	64	16,869	63	17,293	65	18,958	71
50	13,062	15,999	60	16,554	62	16,377	61	18,061	67	20,146	75
40	10,752	15,138	56	16,062	60	16,935	63	18,829	70	21,335	80
30	8,442	14,276	53	15,570	58	17,493	65	19,598	73	22,523	84
20	6,132	13,723	51	15,386	57	18,359	68	20,673	77	24,019	90
10	3,822	13,477	50	15,509	58	19,533	73	22,057	82	25,822	96
0	1,512	13,230	49	15,633	58	20,706	77	23,440	87	27,626	103

Effect of Drought Relief Legislation On Farmer Growing Corn 100 Acres

[Percent of target paid over 75 percent loss: 90 percent]

Basic price, program and production assumptions used in this example:

Acres before set-aside	100
Set-aside (percent)	20.0
Pre-drought base price	$1.83
Avg. market price—1988	$2.75
Program yield (Bu. per acre)	105
Normal production (bu. per acre)	120
Target price (per bushel)	$2.93
USDA estimated deficiency payment (original)	$1.10
Earned deficiency payment (estimated)	$0.18
Advanced deficiency payment	$0.44
Drought payment on loss of 35 percent to 75 percent	$1.90
Drought payment on loss over 75 percent	$2.64

Effect of Drought Relief Legislation On Farmer Growing Wheat 100 Acres

[Percent of target paid over 75 percent loss: 90 percent]

Basic price, program and production assumptions used in this example:

Acres before set-aside	100
Set-aside (percent)	27.5
Pre-drought base price	$2.70
Avg. market price—1988	$3.50
Program yield (bu. per acre)	33
Normal production (bu. per acre)	38
Target price (per bushel)	$4.23
USDA estimated deficiency payment (original)	$1.53
Earned deficiency payment (estimated)	$0.73
Advanced deficiency payment	$0.61
Drought payment on loss of 35 percent to 75 percent	$2.75
Drought payment on loss over 75 percent	$3.81

Senator Kent Conrad

Federal Crop Insurance Coverage Nationally and Selected States

The following are the percentages of crops insured Nationwide at all levels for 1987:

	Percent
All crops	21.9
Wheat	27.1
Corn	18.2
Soybeans	19.4
Vegetables	27.3
Fruits	23.1

These are total crops insured in some drought States:

Alabama	18.6
Arkansas	14.2
California	2.6
Colorado	18.8
Georgia	18.4
Illinois	10.3
Indiana	9.6
Iowa	25.6
Kansas	16.6
Kentucky	7.6
Louisiana	25.6
Michigan	3.5
Minnesota	26.0
Mississippi	18.9
Missouri	17.1
Montana	63.1
Nebraska	26.1
N. Carolina	10.3
North Dakota	41.4
Ohio	5.9
Oklahoma	10.2
South Dakota	13.5
Wisconsin	3.3

Source: Federal Crop Insurance Corporation. 1988 levels of coverage are expected to be the same or slightly higher.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, earlier this morning I was presiding over the Senate and heard several Senators speak. As often happens when you are presiding you think of so many things you would like to say. Of course, the Presiding Officer cannot speak while he presides.

I want to take this moment to note that the distinguished Presiding Officer has been an integral part of all our discussions of the drought bill. In fact, we went to the upper Midwest, to South Dakota, to attend a meeting put together by Senator DASCHLE, the distinguished Presiding Officer. Much of what we heard there was later incorporated into our discussions of the drought package.

I might also state, just as a personal note, that I also had the opportunity to meet the distinguished Presiding Officer's parents. That was a pleasure that more than made up for the hours of travel.

But I do want to note that the Senator from South Dakota as well as so many who have been mentioned on both sides of the aisle today who has been there, working with the drought task force, working with the committee straight through, the entire process. I appreciate his kind remarks.

Mr. President, I note right at this moment that the Senator from Nebraska is seeking recognition. Normally we would go back and forth but I believe the Senator from Indiana has indicated that no one at the moment is waiting on his side and I would like to yield to the distinguished Senator from Nebraska.

I just ask the Chair how much time is remaining to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont has 12 minutes. The Senator from Indiana has 33 minutes.

Mr. LEAHY. I yield 5 minutes to the Senator from Nebraska. If he wishes more, of course, I will yield more.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair, and I thank my friend and colleague from Vermont, the able chairman of the committee that has brought this bill to the floor. And I salute not only Senator PATRICK LEAHY from Vermont but also my friend and colleague, the ranking member on the Agriculture Committee, Senator LUGAR from Indiana, for their tireless efforts in a bipartisan fashion to bring this bill to the floor of the Senate in an extremely timely fashion. I hope and expect that it will pass with an overwhelming vote sometime today.

Mr. President, I support the drought bill before us today and commend all of my colleagues, in addition to the two that I have mentioned. There have been so many people involved in this that it would take all of my 5 minutes if I started down the list.

Suffice it to say, then, there has been a great deal of understanding, consultation, suggestions back and forth; and all who have their fingerprints on this very important bill, I salute for their tireless activities.

The drought of 1988 has had a devastating impact on many agricultural regions of the country and it is, indeed, reassuring to see the Congress responding in such a timely fasion. As far as my State of Nebraska is concerned, we have a drought. It so happens that we are not as hard hit as many of our sister States, particularly the northern part of South Dakota and North Dakota, neighboring Iowa to the east, on down through Indiana, Illinois, and Ohio, and up north even to Wisconsin and Michigan.

Mr. President, this is a very widespread drought that stretches on east, even to the eastern seaboard States, immediately north and very immediately south of us here in the Nation's Capital.

It is probably the most widespread drought that we have ever seen in the United States. I certainly feel that this drought disaster bill is not only a good one, but Mr. President, it includes several of the provisions that I offered, and I thank those who were an important part of the compromise that was reached with the House of Representatives on this issue.

One of the provisions that I authored was one that requires the Secretary, in consultation with the Commodity Futures Trading Commission to study the effects of forward contracting on farmers and local grain handlers. This drought came on totally unexpectedly. It was not predicted by our long-term weather forecasts, and many of our farmers and farm elevators have been hit very, very hard. Therefore, I hope that the actions that have been taken in this bill do encourage people to get together and to have a study done by the U.S. Department of Agriculture, and, hopefully, can solve some of the problems, or at least have all obtain a better understanding of the difficulties that this is going to provide for many of our farm producers.

It makes a lot of sense to forward contract grain in a normal year. This year, however, I am concerned that some farmers and their small town elevators will not be able to deliver on these contracts. Buying out of them could be painfully expensive. We need to have a good handle on the magnitude of this problem, and this legislation properly directs the Secretary to go forward and take the correct step.

I am also pleased that the drought bill before us gives consideration to farmers hit with hail this year. Several counties in Nebraska have sustained severe hail damage. Their losses could be every bit as bad as those who sustained damage because of this severe drought. It seems only fair that we extend the same kind of consideration to others who are hit by the vagaries of mother nature.

Finally, this bill includes discretionary authority for the Secretary to aid the fuel ethanol industry, if conditions require it. I have long been a supporter of the ethanol industry, and I was very pleased that the ethanol legislation was approved by the Senate.

Although the ethanol language was weakened by the House, it is still worthy of our support. I am hopeful that in the months to come, the Secretary will recognize the necessity of maintaining broad-based ethanol production in the United States and implement this program when and if needed.

The PRESIDING OFFICER. The Chair will inform the Senator from Nebraska his 5 minutes have expired.

Mr. EXON. Mr. President, may I have another 1 minute?

Mr. President, one disappointment I have in the conference which took place was the fact that something else I offered was nixed by the House of Representatives. I think if there is one shortcoming of this whole bill, it is the fact that it is being approached, unfortunately, as if we are facing a 1-year drought situation. I am fearful, Mr. President, that that is not the case.

Unfortunately, we do not learn from history. Unfortunately, the Senate and the House did not listen to some of us who have been through droughts of this magnitude previously. But the younger ones who have not had the experience made a serious mistake, I suggest, by not suggesting that we study what the long-term impact would be from a sustained drought over a number of years that we have had in the past and take appropriate action to that end. I will continue to pursue that because I think it was a worthy suggestion. It has not yet been explained why that was dropped in conference.

Mr. President, let me simply close by again commending the leadership of the Senate and the Agriculture Committee for producing this legislation. It proves that when we set our minds to it and cooperate, we can respond to a national need in a timely manner. I thank the managers of the bill, and I thank the Chair.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Nebraska, and I wish to commend him for the amount of time he spent with us and the help and advice he gave us throughout this drought legislation.

Mr. President, I would like to take the opportunity today to bring to the attention of the Senate the outstanding work of the staff of the Senate Committee on Agriculture, Nutrition, and Forestry during the past few months. The Agriculture Committee has one of the smallest staffs among the major committees in the Senate but its professionalism and dedication rank as high as any that I have been associated with in my 14 years in the Senate.

Today, the Senate will pass the drought assistance conference report—the most generous disaster relief bill for American agriculture in history. Less than 2 weeks ago the Senate passed overwhelmingly the Hunger Prevention Act of 1988, the first major increase in nutrition programs in 8 years. The quick work on both of these pieces of legislation in the Senate would not have been possible without the diligent and professional effort of the Agriculture Committee staff.

I particularly would like to commend senior counsel Bill Gillon and chief economist Bob Young for their superb work on the drought legislation. Their professional competence coupled with many hours of hard work on all of the major aspects of the bill added immeasurably to the final product of the committee. Senior counsel Carolyn Brickey also pitched in on a number of difficult issues in outstanding fashion.

The drought assistance legislation was truly a team effort with virtually all of the staff working on various components of the bill. Janet Breslin, Fran Hunt, Ken Ackerman, Kathleen Merrigan, Mary Dunbar, and David Werner from the majority staff also contributed to the superlative work on the legislation.

I also would like to commend deputy staff director Janet Breslin and deputy chief counsel Ed Barron for their superb effort in spearheading the staff work on the Hunger Prevention Act. They, along with Laura Madden, have spent many long hours since early this year developing this comprehensive and compassionate legislation.

Chief clerk Chris Sarcone, along with Betsy Paul and Cynthia Molina, organized the many hours of committee and subcommittee hearings and markups that have gone smoothly as a result of their outstanding efforts. Administrative clerk Bob Sturm with the help of Patricia Coates, Mary Kinzer, John Phillips, Tracey Roberts, and Shannon Shinn have provided the superlative staff support necessary to complete this legislation within tight deadlines. Patrick Collins performed admirably under the pressure of numerous press and public inquiries at every juncture as this legislation moved through the committee and Congress.

Gary Endicott, of the Senate Office of Legislative Counsel has provided invaluable assistance to the committee.

In the midst of the committee efforts on drought and nurition, the agriculture appropriations bill was also completed. Jim Phippard, Kathleen Merrigan, Ed Barron, and Janet Breslin worked tirelessly in a highly professional manner on amendments to this legislation in the areas of agricultural research and nutrition even though this was legislation that came from the Appropriations Committee.

I would like to commend chief counsel Jim Cubie and staff director Chuck Riemenschneider, who are here on the floor, for their excellent efforts throughout the consideration of this legislation. Jim has handled a variety of difficult issues in a truly professional manner. His legal and procedural expertise drawn from his wide ranging experience including his service on my behalf on the Senate Appropriations Committee, in the Senate have been invaluable to the committee. Chuck has worked with me to put together the outstanding staff of the committee. He has guided the staff during the often trying deliberations necessary to complete the committee's complex legislation. His broad understanding of agricultural issues, drawn from his extensive experience on the Hill and in the private sector, has helped the committee make many tough policy decisions. Jim and Chuck's experience has been so helpful to me.

Of course—and this is really the rock bed foundation of this committee—this is a bipartisan committee with an excellent minority staff. Chuck Connor, and many others whom I am sure the distinguished Senator from Indiana will mention, did an outstanding job on this complex legislation, and one that again, showed expertise that I have not seen in my 14 years here in the Senate.

The distinguished Senator from Alabama spoke of one report coming out at 6:05 in the morning. Just last night Bill Gillin and Bob Young were here until 3:30 a.m. There were many times the staff worked until the middle of the night and through weekends as well. It was almost like cramming for final exams in college. But the life and livelihood of so many Americans were at stake in this legislation, and the staff did their duty.

Since early last year, the Senate Agriculture Committee has been remarkably productive. We have produced two major disaster relief bills, enacted the most sweeping reform of the farm credit system in 30 years, adopted a major budget reconciliation package, reported a sweeping reform of our pesticide laws, developed a major title of the trade bill, and adopted the first major increase in nutrition program in 8 years.

We have proven that the Senate Agriculture Committee is a committee that can address problems, develop consensus, and get good legislation through the Senate and signed by the President.

This is a record of which I am very proud. I am especially proud of the excellent staff which has helped the committee achieve this record of success and without which we never would have had the record.

I yield the floor.

The DEPUTY PRESIDENT pro tempore (Mr. Mitchell). The Senator from Indiana has the remaining time.

Mr. LUGAR. Mr. President, I would like to inquire of the distinguished Senator from South Dakota, does he require time to speak on the bill?

Mr. DASCHLE. Mr. President, I was interested in speaking. I notice that the chairman is out of time.

Mr. LUGAR. How much time does the Senator require?

Mr. DASCHLE. No more than 5 minutes.

Mr. LUGAR. I am happy to yield 5 minutes to the distinguished Senator.

Mr. DASCHLE. I thank the distinguished Senator from Indiana, and I say to the ranking member as well as the chairman that along with so many of my colleagues who have already spoken, true commendation is warranted.

For those who may be casual observers to the process, this may be as much of a celebration as it is a legislative history making session. It is a celebration as it is a legislative history making session. It is a celebration for good reason. I have been around this place for 10 years, and I have to say I can count on one hand the number of occasions which in a substantive and dramatic fashion we have been able to address a national disaster or any kind of complex problem with the degree of proficiency and absolute professionalism that we have witnessed in the making of this bill. The Senator from Vermont, the distinguished chairman of our committee, has cited, with just cause, the staff on both sides for their able and professional work in helping to bring this about, I must say that it is the bipartisan nature of the work in the Senate Agriculture Committee which has allowed us to come to the point we have this morning. It does not just happen. There are many bills that are mired in partisan and parochial fights in just about every committee today. However, because of the fact that we have the kind of leadership we do, the kind of cooperative spirit that we do, not only on the drought bill but on so many other pieces of agriculture legislation, we have come to this point this morning. So, indeed, enthusiasm and an air or celebration is certainly warranted.

If I were to say one thing about this bill that deserves mention again and again, it is that this legislation recognizes history. It recognizes the lessons of history, the fact that in the past on so many occasions, our country has failed to respond adequately to the dire needs of those who have fallen victim to natural disasters and disasters of other causes. This bill, as has been said, represents a full appreciation of the disaster that has been so completely absorbed by so many of our people. Where in the past, as a result of our failure to respond adequately, we have not seen the kind of comprehensive approach that we have seen this time. We have lost thousands, I daresay hundreds of thousands, of farmers. With each loss, we recognize a failure in our productive capacity. With each loss, we recognize an even further breach in the fabric of rural America. With each loss, we lose just a little bit of confidence in our ability to produce the food and fiber necessary to maintain the security of this Nation.

So this bill does recognize the lessons of history. It recognizes our need to respond ably to the problems we have suffered in the last year. And to those who may wonder why drought legislation, the response is very simple. It is not just a farmer relief bill. It is as was so eloquently described earlier this morning by the Senator from Georgia, a national security bill, a bill that deals directly with our national security as so many of our defense bills do—It is a different factor of national security but, nonetheless, a very critical factor in dealing with the production of food and fiber so critical to the long-term viability and future of our Nation.

It is not very easy to bring 535 people, with diverse backgrounds, with diverse philosophies, from different parties, to bear on a bill of this magnitude and of this complexity. But under the leadership of both the distinguished Senator from Indiana and our distinguished chairman from Vermont, those 535 people have presented a package that I think addresses our national security in a constructive and comprehensive manner. We needed to do the things we have done in this bill quickly and we have done them. I think an air of celebration is warranted this morning.

If there is one final concern that I have as we pass this legislation this morning it would simply be whether or not, as we go through the difficult 12 months ahead with the transition that will come about in administrations, regardless of the outcome of the election, with the transition from the 100th Congress to the 101st Congress, everything we put in this bill will be borne out in fact and in law. It is going to require an incredible amount of administration. It is going to require an incredible amount of dedication and perseverance on the part of those who are going to be called on in the ASCS and Farmers Home offices across this land to assure that the commitment we make today is carried out tomorrow and next month and next year. It may require additional oversight on the part of this Congress and the next. It will certainly require the oversight of those involved in the process of making this legislation to see that the challenges put before us, now that we have laid out our goals and the objectives in this legislation, are carried out administratively and within the bureaucracy, as we hope they will.

So, once again, I stand to indicate my strong support for this legislation, my commendation to those who made it possible, and my hope it will be carried out with the same enthusiasm with which it was written. I thank the distinguished Senator from Indiana for his yielding me this time.

Mr. LUGAR. I thank the distinguished Senator from South Dakota.

Mr. President, I commend him especially. At some critical moments during our deliberation, the Senator from South Dakota once again affirmed the bipartisan spirit and the need to get on with it and that made a big difference.

I should like to mention to those on this side of the aisle who may be watching these proceedings, time is running out and they should come to the floor if they anticipate speaking. But in the meanwhile, it is my privilege to yield 4 minutes of time to the distinguished Senator from Arkansas, who as a member of the task force contributed so mightily to the success of this bill.

Mr. PRYOR. Mr. President, I thank my distinguished friend from Indiana for yielding 4 minutes to me. May I inquire of the Chair as to how much time the Senator from Indiana has remaining?

The DEPUTY PRESIDENT pro tempore. The Senator from Indiana has 25 minutes and 20 seconds remaining.

Mr. PRYOR. Mr. President, I thank the Chair for that information.

Today marks the completion, Mr. President, of more than 2 months of bipartisan, nonstop effort on behalf of not only the House and the Senate but also of two political parties working in a bipartisan effort to bring to the farmers of our country this drought relief package. I especially compliment the team that I call the double-L team, the team of Senator LUGAR and Senator LEAHY, the distinguished managers of this bill; also, the respective members of their staffs, who worked literally on many occasions nonstop, around the clock, to make this historic package become a possibility and bring it to the floor after these 60 days of work.

I am proud, Mr. President, to have been a very small part of that effort and also to have been a member of the task force of the House and Senate that met on a regular basis with Secretary Lyng and other members of the administration.

Let me, too, Mr. President, add another caveat, if I might. Not one time during these past 60 days have I heard the name Republican or Democrat associated with this bill or any particular section of this bill.

I think this demonstrates the commitment of both political parties to the best effort of working toward solving this drought as it has visited this country, the worst in our lifetimes.

This package that we pass today is the largest farm disaster aid package ever passed by this body or any Congress of the United States. It does not cover every aspect of the agriculture community, but it does go a very long way in addressing those who have suffered so much as the drought's effect has impacted adversely the agriculture economy of America.

I also believe that this act will provide equitable coverage for a wide sector of our agriculture community and family targets those who have suffered the most from this particular drought of 1988.

In closing, Mr. President, there was another aspect of this legislation that was a preeminent theme throughout all our discussions, and that theme was in fact that we should not have one section of the country doing better than the other section in this legislation.

This is a balanced piece of legislation. It does not favor the Midwest over the South, and it does not favor the Northeast over the Southwest. It favors all farmers equally, Mr. President, and that was the purpose of the bipartisan, bicameral effort which was led very successfully by Senator LEAHY and Senator LUGAR during the entirety of these proceedings.

Mr. President, I am proud to have had the opportunity of working with these two distinguished Senators, with their staffs during this particular time, and all of the staff members of the Senate and House Agriculture Committees who have for the past 60 days had one commitment in mind: to make the farmers whole, as whole as possible after the worst drought in the history of our country which visited our great Nation.

Mr. President, I yield the floor. I once again thank my distinguished friend from Indiana for yielding this time to me.

Mr. LEAHY. Mr. President, will the Senator from Indiana yield 1 minute?

Mr. LUGAR. Yes. I am pleased to.

Mr. LEAHY. I thank the Senator from Indiana.

Mr. President, I might note the Senator from Arkansas has been very generous in his praise of everybody on both sides of the aisle for making the bicameral, bipariitisan drought task force work but he has also been characteristically modest in that.

I want to note that it was the suggestion of the distinguished Senator from Arkansas that we have a bicameral, bipartisan drought task force. When he made the suggestion at a meeting with the Secretary of Agriculture and the rest of us it seemed so eminently sensible, and so eminently bright that we seized upon it. He was a member of that group straight through.

I must say while we are passing out credit of why we are here today that the distinguished Senator from Arkansas deserves an enormous amount of credit for the suggestion that is underway in a bicameral, bipartisan fashion.

Mr. PRYOR. Mr. President, I thank my friend from Vermont for those overly generous remarks. I appreciate them very much.

Mr. LUGAR. Mr. President, I join with the chairman in congratulating the distinguished Senator from Arkansas for his participation in the task force and his original suggestion, and for the distinguished work in the conference committee.

Mr. President, I yield 5 minutes, or as much time as he may require, to the distinguished Senator from Kentucky.

Mr. McCONNELL. I thank my friend from Indiana. I probably will not take 5 minutes.

It seems to me that the provisions of this conference report have been adequately described by the chairman and the ranking member. It seems to me more appropriate to make the point that this is a truly remarkable thing that we have done here. Within 3 months of an election, a year in which the President as well as the Congress will be selected, this body has demonstrated that it can act on a bipartisan basis to come up with a truly dramatic bill to help those farmers who are in distress as a result of this year's drought.

So my interest this morning, Mr. President, is in commending the chairman of the committee, Senator LEAHY, and the ranking Republican, Senator LUGAR, for their outstanding leadership during this most difficult time, and all members of our Senate Agriculture Committee who put aside the partisan moves that could have been made to politicize the drought, and who moved this bill through the Congress in a record period of time presumably to be signed by the President sometime this week.

As I went around Kentucky looking at drought-stricken farms, as a lot of others have done, farmers were not particularly interested in seeing Congress play games with this. They wanted action, they wanted action immediately, and what we did here in the Congress, and particularly in the Senate under the leadership of Chairman LEAHY and Senator LUGAR, is we got the job done in a record period of time.

Mr. President, that is great news for the farmers of my State who are interested in what is going to be done on the part of Congress to do something about this problem, and how soon the action will occur.

So let me just again thank Senator LUGAR and Senator LEAHY for their leadership. The farmers of Kentucky are grateful to them for that. I think this is a happy day for all of us because it showed that this place, this Congress, can once in awhile rise above partisan instincts and work for a common goal.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Kentucky for his work in the committee and for his work on the floor during the passage of this bill. It made a big difference. We are grateful to him.

Mr. President, I yield 1 minute to the distinguished Senator from Michigan.

Mr. RIEGLE. I thank the Senator from Indiana for yielding.

Mr. President, I rise to thank my colleagues who are on the floor for their great leadership in bringing this bill through in record time. We began these meetings, and I served as a member of the ad hoc committee on the drought problem this year. We have moved this bill through in record time. We started in early June to be now at the point of passing the conference committee report. I think it is a tremendous piece of work by the Congress. I salute those who led the effort.

Farmers in my State of Michigan and throughout the country have looked to the Congress for assistance, and we have been able to deliver tangible relief to them. We have been able to work closely with Secretary Lyng and with the President to craft a program that is responsible, targetted directly at those in most dire need of assistance, and which will enable hundreds of thousands of farmers to avoid the heartbreak and distress of bankruptcy.

It appears to me that the State of Michigan will probably receive from this bill something in excess of $200 million. I say that based on estimates that we can make now because we will not know the final extent of the losses until the end of the growing season. But it will help all of our farmers.

All of these crops have been severely affected by the drought—we have a disaster declaration request for the entire State pending with Secretary Lyng right now—and these farmers need the assistance that this program offers.

The help that covers nonprogram corps is tailored after the flood and drought relief bill that we wrote here on the Senate floor 2 years ago, and all of our nonprogram crop farmers are covered as well as the program crop farmers. Anyone who has a loss exceeding 35 percent is eligible for help. Above the 35-percent threshold the help will be at least 65 percent of the loss that is actually incurred. In some cases it may be wise.

The bill is drafted to take advantage of the savings that will be realized in farm programs in 1988 due to higher commodity prices, so the net cost to the Treasury is manageable.

This is going to avoid massive farm foreclosures in Michigan and across the country. It will help hold our rural communities together because it will keep our farms in production. It is the right step to take. It is good economics. It is Americans helping other Americans in trouble.

In the end we are going to come out ahead for having passed this drought emergency bill. I am pleased to have a chance to take part in it.

I commend this bill to my colleagues and hope that we can send it to the President and have it signed into law before the end of this week. We will then look to the Department of Agriculture to implement this program in a timely fashion and urge Secretary Lyng to move quickly to make this program work.

I want to thank again the leaders of the Agriculture Committee for moving with such speed in this case. I thank the Chair.

I yield the floor.

Mr. LUGAR. Mr. President, how much time remains on our side?

The DEPUTY PRESIDENT pro tempore. Fifteen minutes.

Mr. LUGAR. I thank the Chair.

Mr. President, let me take this opportunity while Senators are coming to the floor to follow on where the distinguished chairman of our committee has led in commending the important work of our staffs. I would like to mention specifically on our side of the aisle as the chairman has Chuck Conner, who has been the chief of staff and working on this bill. Likewise, I would like to mention John Campbell, Tom Clark, Jodie Day, Brian Doerr, and Debbie Schwertner who have given exceptional time and talent to this very important legislation in its technical details.

Mr. President, Senator BOND has arrived, and indeed I would like to yield time to him.

How much time would the Senator request?

I yield 3 minutes to the distinguished Senator from Missouri.

The DEPUTY PRESIDENT pro tempore. The Senator from Missouri.

Mr BOND. Thank you, Mr. President.

I thank our ranking member. I appreciate the opportunity to make a few more remarks about the worsening drought and its effect not only on farmers and ranchers, but on rural America. I wish we could say at this point that things have improved, but really they have not. Although the critical period is past for corn, some 67 percent of Missouri's corn crop is rated poor or very poor. Pasture conditions are still rated at 69 percent poor or very poor, and unfortunately continued drought conditions threaten our State's largest cash crop, that of soybeans. While it is still too soon to predict individual losses, USDA has already estimated the 1988 crop will be more than a quarter of a billion bushels less than last year.

In July, it became clear that Federal assistance would be necessary to mitigate the droughts effects. As a result, we have seen Congress move with very gratifying swiftness in a responsible and targeted fashion. I hope we can continue this trend and repeal the tax on diesel fuel, and so-called heifer tax as well.

On July 12, a core drought assistance bill was introduced by the chairman of the Agriculture Committee, Senator LEAHY, and the ranking minority member, Senator LUGAR.

The bill was introduced with 45 original cosponsors and much of the bill remains intact in what we will vote on today. The bill provides some form of assistance to most of those affected by the drought—from dairy farmers to soybean producers, from tree farmers to pea farmers. All in all, Congress has put together a package which should help farmers absorb their losses and farm again next year.

I believe that Senators LEAHY and LUGAR should be commended for their leadership and perseverance in pushing this legislation in a manner which excluded no one yet discouraged wholesale changes in current agricultural programs and policies. Upon deliberation in committee, over 30 amendments were molded into a handful. On the Senate floor, many amendments were considered yet few were adopted. In summary, I believe our process worked well and our conferees had a solid piece of legislation to take to the negotiating table.

However, Mr. President, I must admit that I was somewhat disappointed with the drought conference. Although not named a conferee, I monitored the conference very closely and attended part of Thursday afternoon's session. While our conferees appeared willing to search for compromise, I was very disappointed to learn that may not have been the case for our House colleagues, or for that matter the administration. There is one issue in which this was especially true.

As many of my colleagues know, the original drought bill went beyond current law to include livestock producers who do not grow all of their feed. In the past, USDA's livestock feed assistance programs were targeted solely toward those livestock producers who could show a substantial loss on their crop or pasture. No matter that these producers are guaranteed a target price and deficiency payments on what they actually produce. In fact, when market prices are below the loan rate these producers can simply forfeit their grain under loan to the Government thus being assured of the nonrecourse loan rate. To meet their feed requirements, these producers simply purchase their feed at the lower market prices.

While I understand my colleagues' concern that the Senate version of drought assistance contained livestock feed provisions which were too liberal and thus too costly, I had hoped that a modified approach could be developed in Congress. In fact, I would have supported more stringent payment caps or changes in the payment formula which would have greatly reduced Federal budget outlays. It is my understanding that our conferees attempted to do this many times. In fact, some Members of the House also worked toward a compromise. However, it is hard to negotiate when the majority of the House Members, Secretary Lyng and USDA wage an all out effort to squelch any attempt to expand current law.

Mr. President, I have indicated to this body before how important feed assistance is to Missouri. My State is second in the Nation in the number of hog operations and sixth in the number of hogs and pigs. Missouri is also sixth in the number of dairy cattle operations and 10th in milk production. Of our hog operations, approximately 64 percent raise less than 100 head.

Because I raised these concerns in earlier statements I will not repeat them all again now. I would, however, like to reemphasize a point which I have made repeatedly. Much of our dairy and hog industry is located in areas which are not conducive to growing crops. Given the chance, I would bet that many of them would grow crops instead of producing livestock.

Mr. President, I ask unanimous consent that a letter, signed by the distinguished senior Senator from Missouri, Senator DANFORTH, our distinguished Governor, John Ashcroft, and myself which we sent to the drought conferees be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. Mr. President, while disappointed at the outcome of the conference with regard to livestock feed assistance, I was pleased to learn of a compromise reached on soybeans. The fact that producers will be allowed to plant a level of soybeans on permitted base acres is indeed a very important part of maintaining our presence in the world market.

This legislation is the result of many hours of discussion, debate, and compromise. We have developed a package, that at $3.9 billion is less than the projected savings from the drought-induced higher commodity prices. While not perfect, the legislation will provide much-needed assistance to a large segment of production agriculture. For this we can be proud. I intend to vote for this bill and I urge my colleagues to do the same—our farmers and ranchers are depending on it.

EXHIBIT 1

HON. PATRICK J. LEAHY,
Congressional Drought Relief Task Force, Washington, DC.

DEAR PAT: Prior to the start of the Conference Committee on drought assistance legislation (H.R. 5015 and S. 2631), we would like to express our support for modifications in current feed assistance programs. It is essential that the drought relief package ultimately send to the President include language which gives those producers who purchase all, or a significant portion, of their feed access to the assistance programs similar to those outlined under Sections 605 and 606 of S. 2631.

In Missouri, nowhere is the need for these modifications more apparent than in the hog industry. With feeder pig prices down approximately 40% from a year ago and feed prices continuing to escalate, many farmers will be forced to sustain significant losses or even consider liquidating their herds. Existing feed assistance programs have failed to meet the needs of many hog producers. Many are unable to show a "substantial loss" in feed normally produced on the farm. While some made the decision to invest capital in buildings and facilities rather than land, many are located in areas which are not conducive to the production of feed grains. Furthermore, hog farmers are at somewhat of a disadvantage in that pasture loss cannot be taken into account when determining eligibility for the Emergency Feed Program. In other words, hog farmers must be able to show "substantial losses" in the production of feed grains.

Also, recent actions taken by the Agriculture Stabilization and Conservation Service (ASCS) have eliminated both swine and poultry from the list of livestock eligible for the Emergency Feed Assistance Program (EFAP).

The provisions included in S. 2631 modify the current feed assistance programs to include, under certain circumstances, those livestock producers who purchase all of their feed. However, it should be noted that the language requires the Secretary of Agriculture to provide this assistance only if there is undue financial hardship and only to foundation herds. Assistance beyond foundation herds will be made available only at the discretion of the Secretary.

Ehile the modifications in S. 2631 will provide much needed assistance to many small livestock producers, caps have been included which limit the amount of assistance to $50,000 per producer, per year and only to those with gross revenues of less than $2.5 million. In summary, those who need it the most as well as minimize the risk of providing unnecessary windfalls to large producers.

Throughout the past few months, Missourians have made it clear that feed assistance must be included in any federal disaster relief package. This assistance should be made available in an equitable fashion and not be wrapped up in red tape or unnecessary bureaucratic delays.

As this issue comes up in Conference, we would appreciate it if you would keep these thoughts in mind and work towards developing a feed assistance program we can all live with—the Senate, the House, the Administration, farmers, livestock producers and consumers. If we can be of any assistance in this process please do not hesitate to ask.

Sincerely,

JOHN C. DANFORTH,
U.S. Senate.
CHRISTOPHER S. BOND,
U.S. Senate.
JOHN ASHCROFT,
Governor of Missouri.

Mr. LUGAR. I yield myself such time as I may require.

Mr. President, I thank the distinguished Senator from Missouri for his commendation of the legislation and his specific leadership in the soybean provisions.

The problem of the livestock feed was indeed a crucial point in the conference. In large part, because of the innovation that was involved, as well as the cost or estimated cost of that program, we were not able to arrive at some of the compromises that might have been staged along the way, and provision was left to the House bill, which did not have a provision. I assure the distinguished Senator that this is an area we shall have to watch carefully in terms of administration presently. This Senator intends to do that and to work with the distinguished Senator from Missouri in monitoring the problems of livestock feeders in our States.

Mr. President, in completing the record, let me mention that in addition to the innovation in soybeans, which we believe is important, given the fact that the world supplies are low and supplies in this country will be lower still, we have also made provision in the bill for oats. If the feed grain ARP is less than 12.5 percent in 1988 and 1990, producers may plant any portion of their farm base to oats. Such planting will not result in loss of base history.

I point out, also, that we have taken into consideration important wildlife and conservation aspects. Farmers who forgo 25 percent of next year's CRP rental payments in exchange for the right to harvest hay in 1988 may have part or all of these payments returned if they agree to implement additional conservation measures on a cost-share basis.

As the distinguished Senator from Nebraska pointed out, provision was made for the ethanol industry in a unique way. The conferees said that relief shall be limited to those producers who use less than 30 million bushels a year, and that will pertain only for the coming year, and it is totally at the discretion of the Secretary of Agriculture. He has indicated in the past that he does not plan to use that provision but, nevertheless, would welcome, I would think, the opportunity, in the event that at least small companies in the ethanol industry are stricken in this situation, and because of the need for alternative fuels in this country, that provision may be one that he will want to utilize and keep that portion of the industry alive.

Mr. President, there was considerable discussion about mandatory crop insurance, and the conferees finally came to the conclusion that producers who apply for disaster payments for losses in excess of 65 percent of yields will be required to purchase minimum coverage all-risk Federal crop insurance for the 1989 crop here. Exemptions will be allowed in special hardship circumstances.

The House provision was for a 3-year mandatory purchase of crop insurance. We came to the conclusion that 1 year for those who have a 65-percent loss would be a proper goal in this respect. We do want to strengthen the crop insurance idea. At the same time, the problems involved in administering a 3-year program and estimating the premiums for this, as well as the problems many farmers indicated they would have with this provision, led the conferees to this final conclusion.

Mr. President, as has been pointed out, deficiency payments already received by farmers may be retained on the first 35 percent of loss of crop. But producers who receive disaster payments on losses of 35 to 100 percent of their crop will have to repay the deficiency payments.

Mr. President, provision was made that the advance deficiency payments may have to be repaid in normal fashion but will not be due until July 31, 1989. That provision gives a cash-flow to many farmers who may really need that assistance to tide over during this disaster period.

Mr. President, I know of no other Senators who wish to speak on our side.

Does the distinguished Senator from Illinois require time to speak?

Mr. SIMON. I thank my colleague from Indiana. If I could have 3 minutes, I would appreciate it.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 3 minutes and 29 seconds.

Mr. LUGAR. I will yield 3 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague. Let me commend him and Senator LEAHY both for their efforts in this whole field.

I think what we have come up with is not an ideal bill from the viewpoint of any one person but is a bill that will help farmers. It is not a Christmas tree. It is a little bit like a house burning down. Your fire insurance does not cover everything. But it will help farmers.

And it is grim in some areas of my State and some areas of the Nation.

My colleague, Senator DIXON and I, were pleased to join President Reagan when he came to southern Illinois. He saw corn that was not growing as it would be growing normally. That corn was hurt. But it was at least green. Over the weekend, I saw farm territory near Macomb, IL, where it was just brown. It was grim. It was corn that will not produce one bit of corn.

Two percent of the corn in the State of Illinois is going to be normal growth. Two percent. That is devastating.

So what we have come up with here—I say "we"; I am talking about Congress. But I commend Senator LUGAR and Senator LEAHY here, and their House counterparts. What they have come up with is a bill that will help farmers and will help them soon. It will provide some assistance to tide them over in the near future. But it is fiscally sound. Because of the increase in prices, there will be no increase in the deficit for the country.

I commend them and I applaud what they have done.

Mr. President, I yield back the remainder of my time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I yield to the majority leader.

Mr. BYRD. Mr. President, I am pleased that today the Senate is acting on the conference report to accompany H.R. 5015, the Disaster Assistance Act. This legislation is important to the farmers in my own State of West Virginia and farmers throughout the country.

Farmers and livestock owners of West Virginia have been very badly hit by the current drought conditions. Last Friday, August 5, the Secretary of Agriculture, Mr. Richard Lyng, determined that all 55 counties of West Virginia had sustained sufficient losses to warrant a primary-county secretarial disaster designation. This designation allows eligible farmers throughout the State to apply for Farmers Home Administration loan assistance.

While this natural disaster designation will help West Virginia farmers, the drought assistance legislation will provide additional assistance to farmers not only in West Virginia but farmers across the United States.

The conference report provides that farmers who lose more than 35 percent of a crop would receive payments amounting to 65 percent of their anticipated Federal subsidy or the anticipated market price for their crop. It also provides for the rescission of the $0.50 dairy price support cut that is scheduled to occur on January 1, 1989, and for a $0.50 dairy price support increase for the 3-month period beginning April 1, 1989. The conference report further provides for emergency feed assistance programs for livestock producers who grow their own feed.

I strongly support this legislation, and I am pleased that the conference committee was able to quickly reach agreement on legislation that provides assistance to those farmers who have been adversely impacted by this summer's drought, while not busting the budget. I hope that this legislation will be signed into law this week and that our Nation's farmers will receive the assistance that they need so badly.

I congratulate the managers, Mr. LEAHY and Mr. LUGAR, on the very efficient way in which they have handled this legislation and congratulate them on the splendid work which was done in the committee with respect to hearings and markup, and their leadership on the floor.

I also congratulate and thank all the members of the committee on both sides of the aisle for this much-needed legislation.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

Mr. KASTEN. Mr. President, I rise in strong support of the conference report on H.R. 5015, the Drought Assistance Act.

The drought of 1988 has inflicted what is by any standard a tremendous disaster on America's farmers. Crop yields are down dramatically throughout the country; some crops have been lost entirely. Supplies of forage have been reduced to the point that many livestock producers are forced to consider liquidating their herds.

My own State of Wisconsin has been among those most severely hurt by the drought. Wisconsin's agricultural economy is dominated by the dairy industry. Most Wisconsin dairy farmers grow most of the hay and at least some of the corn their cows need. We also grow a substantial amount of corn for sale, a large amount of potatoes and vegetables for processing, and a variety of other crops as diverse as mint, tobacco and tree fruits.

The first crop of hay in much of Wisconsin was below normal, and the second was almost completely burned off by the drought. Corn that was planted early enough to take advantage of the adequate rainfall we had in April is not doing badly, but corn planted later has been devastated by heat and lack of rainfall. The severe heat has stressed livestock on many farms, reducing milk production and putting an added strain on farmers' incomes. Sales of dairy cows and other livestock are well above normal and are expected to accelerate in the fall as many farmers decide that the drought of 1988 has, for them, been the last straw.

Neither the Drought Assistance Act or any other piece of legislation can turn a disastrous year into a good year. It cannot make every farmer whole; it cannot compensate every farmer—or every consumer—for the higher prices each will have to pay.

What this legislation should do, and what it does do, is keep most drought-stricken farmers in business. Farmers and the rural communities that depend on them must have hope that next year, given normal weather, recovery may be possible.

Mr. President, I believe the Drought Assistance Act is excellent legislation that meets the need of farmers in Wisconsin and around the country without doing favors for a plethora of special-interest groups and busting the budget.

In particular, this legislation provides for disaster payments for farmers who have lost their crops, including nonprogram crops. Farmers who have lost more than 35 percent of their crop will receive disaster payments based on 65 percent of the target price for program participants. Payments for nonparticipants in crop programs and for producers of program crops will receive disaster payments based on 65 percent of the county loan rate and the average market price in 3 out of the last 5 years, respectively.

Farmers who lose over 75 percent of their crop will be eligible to receive payments based on 90 percent of the target price for that part of their loss exceeding 75 percent. While this provision appears to provide encouragement to some farmers not to harvest anything, it nonetheless holds out the prospect of extra help to the farmers who have suffered the worst losses.

The conference report maintains the principal that disaster programs ought to compensate farmers only for lost crops, not higher input costs. The permanent restructuring of USDA's feed assistance programs provided for in this legislation deletes the ill-considered expansion of these programs to all livestock producers that the Senate included in the drought relief legislation this body passed a couple of weeks ago.

Farmers who go through the trouble and expense to purchase and maintain farmland, plant and nurture a crop, and harvest that crop have constant expenses whether they grow that crop to sell on commercial markets or to feed their cows. The dairy farmers of my State were placed at a severe competitive disadvantage by the 1985 farm bill, which provided massive subsidies for price-depressing, fencerow-to-fencerow production. Cheap feed in other parts of the country proved a powerful incentive for increased milk production on the part of dairy farmers who buy all their feed.

This advantage given by Government policy to dairy farmers outside the traditional centers of milk production in the upper Midwest and Northeast has now been removed. By maintaining the traditional focus of livestock assistance programs on farmers who grow their own feed, the Drought Assistance Act serves the interests of those parts of the country that have the most dairy farmers.

This legislation also blocks the Secretary of Agriculture from implementing the 50-cent-per-hundredweight price support cut he could have implemented on January 1, 1988, and grants a temporary 50-cent-per-hundredweight increase in the milk support price for 3 months next year. This is important because of the assurance it gives to dairy farmers in one of the hardest hit areas of the country that they will not face a price cut at a time when their production has been reduced by the drought.

Also, the 50-cent price increase will occur during the spring flush of milk production next year; private economists have estimated that this increase could mean an additional $500 in added income for the typical Wisconsin dairy farm. At the same time, it must be pointed out that much if not most of any additional Government spending caused by this increase will flow to areas of the country where milk production has continued unhindered by the drought. The fact that the structure of the dairy price support program makes it impossible to target the assistance this legislation provides to the family farmers who have been hit hardest by the drought ought to be a source of concern to industry leaders in Wisconsin and elsewhere.

A key provision of the Drought Assistance Act that should help farmers in the dryest States is a 1-year waiver of the requirement that farmers have purchased crop insurance in order to be eligible for Farmers Home Administration 4.5 percent emergency loans. Few farmers in Wisconsin purchase crop insurance, since we don't have many disasters and the crop insurance rates are generally considered exorbitant. The waiver of this requirement will keep many of our farmers in business.

Mr. President, I commend the Senate and House conferees for including in this legislation provisions that, while they will not have the same great effect on our farmers as the provisions I have just discussed, are nonetheless sensible and useful.

In this category I would include the provisions requiring the Secretary to allow farmers to plant up to 25 percent of their permitted acreage to soybeans or sunflowers in the 1989 crop year. The market distortions artifically created by recent farm legislation have resulted in a potentially dangerous decline in soybean plantings in this country, a decline that threatens our hard-won market share in world trade. This provision allows us to take a step toward repairing that situation, and gives some corn farmers in Wisconsin the flexibility to plant something else.

This bill also allows farmers to plant any portion of their feed grain base to oats if the ARP for feed grains is less than 12.5 percent. This provision may prompt greater oat planting at a time when the commercial demand for oats has been growing.

Finally, the Drought Assistance Act provides incentives to farmers to implement soil, water, and wildlife conservation practices on their land. It allows those farmers who agree to erect permanent shelterbelts and windbreaks, restore wetlands, or follow other conservation practices to keep part or all of the 25 percent of CRP rental payments they forfeited in exchange for the right to harvest hay on their CRP acres.

It is painfully clear that the drought of 1988 has been a disaster for the environment as well as for farmers. At a time when waterfowl populations have been declining anyway, waterfowl breeding habitat in the northern Plains has been devastated. The food that upland birds and game require is in short supply because of the drought. And forest fires and heat stress have killed many of the trees that wildlife depends on for its habitat.

The Drought Assistance Act provides much-needed assistance for tree farmers who must replace recently planted seedlings killed by the drought. In addition to aiding commercial tree producers, this provision will eventually help forest wildlife in Wisconsin and elsewhere to recover from this year's disaster. But we must continue to look for ways to do more to repair the damage done to our environment by a drought unprecedented in its scope, duration and intensity.

Mr. President, the managers of this bill, Senators LEAHY and LUGAR, along with other members of the Agriculture Committee, deserve great credit for having produced a piece of legislation that will help farmers a great deal, yet is well within the budget. Estimates of the cost of the original bill passed by this Senate ranged as high as $5.8 billion; the $3.9 billion estimate for this bill was the result of several prudent changes made in conference, especially the restriction in scope of the livestock assistance programs.

All the conferees are to be commended for resisting the call to ladle out assistance to special interests, for producing a bill clearly directed at helping farmers, and for doing so in a timely manner. The drafting and consideration of the Drought Assistance Act has been a masterpiece of efficiency that ought to serve as a model for future farm legislation.

Mr. President, Wisconsin farmers are facing the toughest year in memory. I am delighted that their interests have been remembered and that their needs addressed in this important legislation, which I urge my colleagues to support.

Mr. LEVIN. Mr. President, the conference report on drought assistance is a recordbreaking response to recordsetting natural disaster.

In Michigan, this bill will bring some relief to hard hit farmers who produce program crops, like corn, wheat, and oats, in the form of diasaster payments. Michigan farmers who suffered severe losses in nonprogram crops like sugar beets, potatoes, fruits, and vegetables will also receive disaster payments. The bill also specifies that full disaster payments will be made to farmers, in contrast to the partial payments that were made in response to the natural disasters of 1986.

I want to again thank the chairman, the ranking member, and their staffs for their courtesy and willingness to work with me and my staff on a number of our concerns.

Also, I'm glad that for the first time we have provided assistance for the replacement of tree seedlings that die as a result of the drought, although I'm disappointed that the Senate language covering tree seedlings planted in the last 5 years was reduced to seedlings planted in the last 2 years. This limits the relief to fruit growers who lose trees because of the drought.

This is a well-balanced and appropriate Federal response to the 1988 drought. I congratulate the committee for their bipartisan effort.

Mr. BURDICK. Mr. President, today we are enacting the most comprehensive drought relief legislation in history. I would like to commend my distinguished colleagues, Senators LEAHY and LUGAR, for their efforts in shepherding this bill through the legislative process in record time. I also want to recognize the important contribution of their staff members who put in many long hours working on this legislation.

Mr. President, I have never witnessed such devastation as we now face in North Dakota. Pastures are burnt beyond hope, water holes are dry, and crops have withered with temperatures that often are above 100 degrees. Many other States face this same situation and Congress has acted quickly to alleviate the severe economic effects of this drought.

Of course, this legislation will not mean the end of the drought. It may not be the end of our efforts to provide assistance. It does not cure all the problems caused by this drought; no legislation can achieve that result. What it does provide is much-needed relief to our farmers and ranchers. Our producers needed to know that help is on the way, and they needed to know soon. Congress today provides necessary and timely assistance and sends the message that we intend to keep our farmers and ranchers on the land.

Mr. KARNES. Mr. President, I rise in support of the conference report on the drought bill that is before us today. First of all, I wish to congratulate the chairman of the Agriculture Committee, Senator LEAHY of Vermont, as well as the ranking minority member, Senator LUGAR of Indiana, and their staffs, for all the work that has gone into crafting this difficult piece of legislation.

I also wish to commend Secretary Lyng for being responsive to what has, in many areas of the country, become the worst drought in half a century. The Department of Agriculture has responded in a measured and compassionate way to the thousands of farmers who needed help quickly.

The package that is before us today is commendable. It provides assistance to those farmers that need it the most. Yet, at an estimated $3.9 billion, the bill is not a budget buster. It stays well within the savings that are expected to accrue to the Government because of a lower deficiency payment level.

Mr. President, my own State of Nebraska has been spared the brunt of this drought, but it has not been spared the heat, the hot wind, or devastating hail. We are fortunate in my State to have made the investment in widespread irrigation systems. The affect has been that many Nebraskans will harvest a good crop. There will be a need to provide assistance for the dryland producer who has not had rain at the right time. But, for the most part, Nebraska's farmers have done the work needed to ensure the harvest of a crop.

I am heartened to see that hail has been included in the disaster definition. Those producers in Nebraska who were hailed out recently suffered a disaster comparable to the worst of the drought.

Federal crop insurance will be strengthened in this measure. Producers who receive disaster assistance because of the drought of 1988 will be required to have Federal crop insurance when they sign up for program benefits in 1989.

I am disappointed to see that the ethanol provision has been weakened. I want to encourage the Secretary of Agriculture to approve some assistance to ethanol producers. This industry has been on a roller coaster ride since it began. If we want a viable ethanol industry in this country we should do what we can to help it over temporary setbacks such as the current drought.

The provisions relating to soybeans and oats are heartening and should offer an important signal to our foreign competitors that we will not give up our overseas market because of this drought.

On balance, Mr. President, this is a good bill, that is responsive to farmers, consumers, and taxpayers. I support it and encourage my colleagues to vote in favor of its passage.

Mr. GRASSLEY. Mr. President, I want to thank the congressional and administration representatives who served on the drought assistance task force who worked so hard and expeditiously in crafting this important drought assistance package. I want to again thank Senators LEAHY and LUGAR for welcoming me to some of their meetings and for being open to my concerns and suggestions.

I also want to commend the majority of my colleagues in Washington who have been able to put aside partisan politics and do instead what is right for our suffering farmers. It would be all too easy for Republicans to blame Democrats, since they control both Houses of Congress, for moving too slowly, or for undermining the Federal Crop Insurance Program, or for abandoning the young beginning pork producer, or whatever Republicans might view as wrong with this bill. And certainly, Democrats might find it all too tempting to attack Secretary Lyng for not administering programs as they think they ought to be administered. Taking political pot shots is tempting, but it does little for the farmer and moreover is often only self-serving on the part of the politician. What has been so refreshing with the crafting of this drought package is that most of us recognized that farmers were depending upon us to put our partisan differences aside so that we can move quickly in putting together a workable, reasonable drought package. It will be interesting to watch from here on out, though, because as I said a few days ago, there are likely to be those in Congress who admit today that this is a "not-so-perfect" bill, but once it is in the hands of the Secretary to administer, by magic, it will become "perfect", which allows criticism of the Secretary for every little thing the politician doesn't like. Granted, I have my differences with the administration once in a while. And some differences in the future may be legitimate. But it is absolutely clear that this administration, from the President on down, is very concerned about the plight of our Nation's drought victims and they want to help as much as anyone in Congress.

Mr. President, we are clearly facing one of the worst droughts that has ever hit our country. In my mind, there was no question that the Federal Government needed to step in to help, not only for the sake of our farm families, but for the sake of thousands of rural businesses throughout our farm country who depend upon farmers for their livelihood.

I do want to echo concerns expressed by many of my Iowa farmers during recent weeks. You know, it wasn't long ago, 1983 to be exact, Iowa farmers, and others in surrounding States, were hit with a devastating drought. At the time, however, Washington said there would be no drought disaster payments because farmers could have signed up for crop insurance. Nevertheless, my farmers in Iowa instead of holding a grudge accepted what Congress did in 1986 to help southern farmers. In fact, many Iowa farmers helped send their own hay to southern farmers to help out.

I have been informed by the Regional Director of the Federal Crop Insurance Program that 45-50 percent of Iowa's farm land is covered by Federal crop insurance. And these people are not generally the well-to-do farmers. Lenders, whether they're commercial, FmHA, or Farm Credit System, have required all their shakey borrowers to sign up. Even those who had a difficult time cash-flowing, but with a reasonable debt/asset ratio, were required to take crop insurance.

Now farmers look at this disaster assistance package, and they wonder if they would be better off not signing up for crop insurance.

Mr. President, my only point in sharing this with my colleagues is that I think the 101st Congress is going to have to make one of its top priorities a review and revision of the Federal Crop Insurance Program. If we don't, our action this year to help our Nation's drought victims, no matter how justified and necessary, could very well undermine Federal Crop Insurance in the years ahead.

I also want to express some disappointment that something could not have been done to help the farmer who buys his feed and his feeder stock. I'm not talking about the big feed lot investors. I'm talking about the young beginning farmer who has no money for high-priced land and machinery to raise his own feed. This young guy has to start out small—buy a few feeder pigs, buy what feed he needs—with the hope of someday saving enough to buy a small farm. The Senate version of this drought package would have given the Secretary the necessary flexibility to help this young farmer. The House version did not, and unfortunately conference took it out. I wish we could have found some way of helping.

I also question why dairy farmers in nondrought areas should get the same level of assistance as the dairy farmers in my State who have suffered from the drought. This is one area that is not very well targeted, and frankly in the long run will probably put drought victim dairymen at a further disadvantage in the long run.

Mr. President, I do not want to end on a negative note. This drought assistance package is an excellent piece of work, and each and every person who worked to shape it should be commended. If it is not perfect, it must be realized that the perceived flaws exist because this package represents a major bill that had to be shaped by compromise. A compromise is seldom viewed as perfect.

But what this compromise represents, Mr. President, is hope for rural farmers throughout our drought impacted areas of a chance to survive the devastating drought of 1988.

This is a good bill, and I am proud to be a cosponsor. And I urge my colleagues to support it as well.

[At the request of Mr. DOLE, the following statement was ordered to be printed in the Record:]

POSITION ON VOTE

● Mr. KASTEN. Mr. President, my duties as Cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of the conference report on H.R. 5015, the Drought Assistance Act. I desire the record to show that, were I present, I would vote "aye."●

Mr. WARNER. Mr. President, I rise in support of this conference report to provide relief to farmers throughout the United States hard hit by the worst drought in over 50 years. However, I do so with a proviso.

Before I discuss this serious national situation I wish to compliment the Agriculture Committee for expediting the legislative process on this bill to give the agricultural community a signal that help, tailored to those most hard hit by this unforeseen disaster, is on the way. In particular, I congratulate the conferees for adhering to commitment of budget discipline, avoiding the many pitfalls they faced in drafting this legislation.

The drought that is centered in the Midwest is a concern to all Americans. For while we have all become accustomed to agriculture being equated with surplus and bulging, overloaded storage facilities, we now must turn our attention to managing production shortfalls, commodity price swings and even possible spot food shortages. At the same time we must be cognizant of the effects the drought, and our efforts to alleviate those effects, will have on the long-term productive capacity of the American farmer. In both the long and short term, the effects of this drought on the American and international economy could be devastating.

The Commonwealth of Virginia is no stranger to drought. The last two growing seasons have seen dry conditions throughout the Southeast that have wreaked havoc with crop yields. Since Virginia was one of only a handful of States experiencing difficulties in 1986 and 1987, Federal attention was confined to a few executive actions to alleviate some of the worst effects. Meanwhile, it was left up to the State governments of those several States to pinpoint their needs and allocate the assistance needed to keep farmers on their feet.

This year, ironically, the drought has mostly bypassed Virginia so far, except for the hard-hit southwestern corner. In fact, only last weekend Virginia farmers were continuing to donate hay to parched Ohio farms, repaying a similar gesture made last year from the Midwest when Virginia farms were in trouble.

While Virginia agriculture is much more fortunate this year than other areas of the country, the experience we've had over the last several years has taught us several things.

As we prepare comprehensive drought relief legislation, which is the most sweeping piece of farm legislation since the 1985 farm bill, I am concerned that we not establish a precedent based on the current situation in the Midwest alone. For now, quite rightly, the current focus of the drought legislation lies with the situation in the Midwest.

However, I think it important that we recognize that the agricultural scale and structure of the Midwestern agricultural economy is not typical of the rest of the country. Virginia's smaller scale, more intense agriculture and increasing diversity of crops make the type of drought relief program we are currently considering difficult to formulate and a challenge to implement on a responsive and equitable basis.

Finally, I again compliment by colleagues on the conference on their efforts to keep this drought legislation budget neutral. What we have mostly avoided with this bill is the traditional congressional tendency to load-down an emergency bill with all sorts of expensive goodies for one group or another.

I urge my colleagues to support passage of this legislation, but to remain cognizant of the need for this sort of Federal responsiveness to other types of natural disasters that may affect smaller groups of people in different ways, but no less severely.

Mr. MELCHER. Mr. President, I share the pleasure of so many of my colleagues that Congress had acted quickly to enact drought relief legislation for the hard pressed farmers and ranchers of America.

Just 6 weeks ago I introduced the first comprehensive bill designed to grapple with the many aspects of this devastating drought. Some argued that we should consider amending some piece of legislation that would be before the Congress such as an appropriations bill. I think that it is pretty clear that that would not have been the fastest way to get meaningful assistance to rural America.

Now we have completed action in the Senate and our colleagues in the other body will do so shortly. I am confident that the President will sign this bill as soon as it is before him.

This bill does many things. The heart of it is a three-tiered assistance schedule for those who have lost their crops. On losses up to 35 percent, advanced deficiency payments will be forgiven on lost production. For crop losses between 35 percent and 75 percent, producers would receive a disaster payment based on 65 percent of expected return. On losses over 75 percent disaster payments would go up to 90 percent on that portion of losses greater than 75 percent.

The legislation also streamlines and broadens existing livestock assistance program, provides significant new assistance for rural businesses impacted by drought, improves Farmers Home Administration loan assistance, helps encourage the retention of a viable ethanol industry, and sends a clear message to the food producers of this country that we are not abandoning them.

During the next Congress we will be turning to a comprehensive review and overhaul of our basic farm programs. We resisted the temptation to that here. What this bill represents is a sincere, best effort on the part of both parties, both Houses of Congress, and the executive and legislative branches of government to come up with meaningful help now.

We cannot solve all the problems that have plagued American agriculture during the 1980's. But at least we can offer the sense that as a caring nation we are concerned about the state of health of our food producing economy. This bill sends that message and I am pleased to support it.

Mr. HARKIN. Mr. President, I give my wholehearted support to the conference agreement on the drought bill. I commend Senator LEAHY, Senator LUGAR, and all Senators and staff who were involved in putting this legislation together.

I believe this legislation has involved an outstanding bipartisan and bicameral effort to deal with a natural disaster and economic emergency the likes of which we have not experienced in over half a century or perhaps a century.

This bill will provide a significant help to livestock producers and to producers of most types of crops. The bill will go a long way in alleviating the human and economic devastation that befalls farm families and rural communities when farm incomes fall, whether from natural disaster or other causes. Indeed, maintaining incomes and preserving livestock herds have been the chief goals of this legislation. However, budget constraints have required that this bill be modest in cost. The cost of this bill is within the amount of money that will be saved from reduced spending on commodity deficiency payments.

Because of the speed with which this bill was crafted and because of the continually changing drought situation, we will need to monitor the implementation and effectiveness of this legislation and examine whether additional legislation is needed. We may well find that additional emergency legislation is needed. For example, shortages of water for livestock are now developing in my State with increasing frequency. I believe that USDA has adequate authority to help these livestock producers, but additional help may be needed. This is only one example of the lagtime before the full ramifications of the drought appear. Other such instances are sure to arise.

The ultimate success or failure of this legislation will depend on implementation all the way through to the local ASCS offices. The bill wisely provides for a transfer of funds from CCC if necessary to meet the increased demands on ASCS resulting from the drought. We will need to monitor the situation continuously to make sure that drought relief is distributed fairly and expeditiously.

I also am pleased that the bill contains provisions specifically addressing the hardship to rural businesses caused by the drought. The drought emphasizes the importance of moving ahead with legislation to promote rural economic development and to help rural businesses and industries survive and prosper.

Finally, I believe this drought, and the response to it by Congress and the administration, demonstrate the beneficial and appropriate role of the Federal Government in food and agriculture policy. Farming is like no other business, chiefly because of the vagaries of weather. Government has a proper role to play in mitigating the hard times so that our family farms and rural communities can survive. In addition, government has a proper role in helping to maintain adequate farmer owned reserves of food and feed grains to meet emergencies and lend stability to the markets. I believe this bill is a fine example of the indispensable role of our government in helping farm families and rural communities when natural disaster strikes and thereby assuring our Nation an adequate supply of wholesome food at reasonable prices in the years to come.

Mr. BRADLEY. Mr. President, this conference report contains a separate subtitle providing emergency drought authority to enable the Bureau of Reclamation to address the present drought conditions in the Western States.

As you know, when this drought bill was first considered by the House, a different, and far more sweeping set of reclamation amendments was included. None of those amendments was included in the original Senate version. I stated my concerns about those House amendments during our floor debate on that original Senate bill, and was joined in that effort by the distinguished chairman and ranking minority member of the Senate Agriculture Committee.

I am pleased to report, Mr. President, that the members of the Senate Energy and Natural Resources Committee who were appointed to the conference were able to address these concerns in the recent legislation conference. The revised language in the conference report eliminates the problems in the House language while providing the Bureau the authority that it needs to address the current drought emergency.

Specifically, Mr. President, the revised language in subtitle B of this conference report now makes clear that the authority provided by this act is of a limited duration and is not intended to make permanent amendments to reclamation law. For example, the report allows two districts in the San Joaquin Valley to obtain carryover storage in the coming year and a half, but does not entitle them to long-term participation in the reclamation program. The report also authorizes the Bureau to undertake very limited construction, management and conservation activities, but these must be targeted to providing drought relief and must be completed by December 31, 1989.

The report authorizes the Secretary to make water or canal capacity available on a temporary basis during this drought period, but specifies that this action must be consistent with existing contracts and agreements, as well as State law. This safeguard is essential, Mr. President, to ensure that current agreements, such as arrangements for additional flow releases for fish and wildlife enhancement or mitigation, are not compromised during this critical period. This measure is intended to maximize the Secretary's power to provide water to needy farmers, while recognizing the legitimate needs to protect fish and wildlife, and other environmental needs, which are so vulnerable during this drought period.

We have given particular attention to the payment provisions of these temporary contracts, to insure that the longstanding goals of the reclamation program are protected and that any new water sales are at a fair price. Specifically, it is the intent of the conferees, as the report language indicates, that recipients of these temporary water sales whose total landholdings exceed 960 acres—or 320 acres for a legal entity benefiting more than 25 natural persons—pay the full cost price specified in the Reclamation Reform Act of 1982. Although for simplicity and consistency, the report borrows its language from the 1982 act, these pricing requirements are intended to apply to any and all persons who may benefit from one of these temporary water sales.

The pricing language also makes clear that all temporary contracts under this section must cover capital costs as well as operation and maintenance costs. This is a significant improvement over the House language and helps to reaffirm the longstanding reclamation policy that even where there is an interest subsidy, beneficiaries must at least pay their proportionate share of construction or capital costs. Thus, the language of the act is intended to insure that all recipients below the full-cost threshold pay a cost for service which includes operation and maintenance plus a proportionate share of capital, but without interest.

Finally, Mr. President, the conferees have added a savings clause which ensures, among other things, that all reclamation laws applicable to Bureau activities will remain in full force and effect under this drought authority except as explicity set forth in this act.

I believe these modifications have greatly strengthened this measure and will ensure that this specially targeted drought authority is used to accomplish its specific goals without causing unintended changes in reclamation law or inadvertent impacts on our fish and wildlife resources. I thank the chairman and ranking minority member of the Energy and Natural Resources Committee for their work on this important part of the conference report and I recommend passage of the subtitle as reported.

Mr. DURENBERGER. Mr. President, I rise in support of the conference report on H.R. 5015, the Disaster Relief Act of 1988, and urge all of my colleagues to do likewise. This urgently needed legislation, crafted with remarkable sensitivity and speed, is a fair, targeted and compassionate response to the significant damage arising from this years searing drought. It is, in every respect, a historic reaction to a historic natural disaster.

In reviewing the conference report it is easy to see why this legislation enjoys strong bipartisan support. It is comprehensive, providing assistance to producers of everything from azuki beans to sunflower seeds. It is targeted, with assistance limited to those who are family sized farmers and have suffered documented losses. It is fiscally responsible, with the level of financing very close to the savings the government realized from lower storage and handling costs and sharply reduced deficiency payments.

In my conversations with Minnesota farmers, it is clear that the vast majority of them are quite pleased with this proposal. The reasons for this support are obvious—this is the most generous disaster assistance package in U.S. history. Every producer who has suffered drought-induced production losses will become eligible for significant payments and other benefits from the Federal Government. I ask unanimous consent that a brief summary of the major provisions of the bill be printed at this point.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Drought Relief Disaster Payments

Disaster payments for program crop participants are established on a three-tier basis according to the degree of crop loss.

Bushels lost from:

0-35 percent of the farm program payment yield will receive 44 cents of unearned advance deficiency payments forgiven,

35-75 percent of the farm program payment yield will receive payments equal to 65 percent of the target price (corn—$1.90, wheat—$2.75)

75-100 percent of the farm program payment yield will receive payments equal to 90 percent of the target price (corn—$2.64, wheat—$3.81)

Program crop producers who do not participate in programs will receive payments on a similar formula, except the payment rate will be 65 and 90 percent of the county loan rate.

ADVANCE DEFICIENCY PAYMENTS

Producers receiving disaster payments on losses from 36-100 percent of the program payment yield will be required to repay advance deficiency payments, however, payments will not be due until after July 31, 1989. Depending on market prices, advance deficiency payments may have to be repaid in the normal fashion on actual production.

SOYBEANS AND NONPROGRAM CROPS

Producers of soybeans and other nonprogram crops will receive payments based upon a similar formula except that yields will be on a county average and the payment rate will be 65 and 90 percent of the average market price for 3 of the last 5 years, excluding the high and low years. (Soybeans $3.60 at 65 percent and $4.95 at 90 percent.)

MANDATORY CROP INSURANCE

Producers who apply for disaster payments for losses in excess of 65 percent of yields, will be required to purchase minimum coverage all-risk Federal Crop Insurance for the 1989 crop year. Exemptions will be allowed in special hardship circumstances.

PAYMENT LIMITS

$100,000 per producer including converted advance deficiency payments and disaster payments. Separate $50,000 livestock payment limit included in $100,000 cap. No crop or livestock disaster payments will be made to producers with 1987 gross income of $2.5 million and $2 million respectively.

LIVESTOCK

Permanent restructuring of emergency livestock assistance programs. Current regulation requiring a 40% loss would be kept in place. In the future, producers would receive CCC commodities at not less than 50% of the market price in years after 1988, rather than 75% of the loan rate (current). All livestock qualify, but producers must grow their own feed. Producers may not receive both feed assistance and crop disaster payments for the same lost production.

DAIRY

The mandate to reduce the support price 50 cents in January if CCC purchases are expected to exceed 5 billion pounds in 1989 would be waived. The price support will be raised 50 cents for June, July, and August of 1989.

FARM AND BUSINESS CREDIT

The crop insurance requirement for the 4.5 percent interest FmHA Emergency Loans has been waived. In addition, guaranteed loans will be available under emergency conditions to refinance and remortgage farm debt.

SOYBEANS/SUNFLOWERS

In 1989 the Secretary *must* allow producers of program crops to plant soybeans or sunflowers on their *permitted* acreage within a range of 10-25% for crop year 1989 without loss of program crop base. The program is discretionary in 1990.

OATS

If the feed grain ARP is less than 12.5% in 1989 and 1990, producers may plant any portion of their farm base to oats. Such planting will not result in loss of base history.

WILDLIFE/CONSERVATION

Farmers who forgo 25% of next year's CRP rental payments in exchange for the right to harvest hay in 1988 may have part or all of these payments returned if they agree to implement additional conservation measures on a cost-share basis.

Mr. DURENBERGER. Mr. President, having pointed out the many benefits of this act, I would be remiss if I failed to point out that this bill could have been better. There are thousands of individuals who will fall through the cracks in this package. In particular, I believe that the conferees should have retained the Senate provisions on livestock feed and ethanol. Deleting those two provisions could very well spell the end of the road for Minnesota hog, dairy, cattle and poultry producers the State, and sends a very powerful message to potential and fledgling ethanol producers.

In case my colleagues forgot, Minnesota has been the epicenter of the rural recession which caught the country's attention in 1984, 1985, and 1986. No State experienced a sharper drop in farm asset values than Minnesota's drop of 63 percent. Despite the best efforts of Hollywood's moviestars, that recession wasn't fashionable—it was hard, cold, and very real. No farmer sacrificed more than Minnesota's.

And it is these farmers who are most likely to be left out by this package. In my conversations with livestock producers, many of them have recounted the fears and uncertainty of debt restructuring. Fortunately, they came out of the process financially stronger than they were going in. To a person, they all praised the Congress for the borrower protection provisions contained in the Farm Credit Reform Act of 1987—though many suggested improvements in its implementation.

But they also indicated that the advice they received in the restructuring process has left them ineligible for the bulk of the assistance made available to livestock producers. Specifically, many livestock producers—whether they were hog, dairy, cattle, or poultry—were advised by their lenders and other farm advisers to deed back their property, keep their buildings and purchase their feed.

In any year but the worst drought in history, that advice makes a great deal of sense. Rather than become saddled with expensive land, or dividing your energies between animals and plants, concentrate on your animals. Great advice. Unfortunately, if you followed that advice, odds are that your farm management plan has been shot full of holes. Odds are that you will need additional restructuring. Odds are that advice has cost some of Minnesota's most vulnerable farmers a chance of surviving this drought. And that is a tragedy. It didn't have to happen. If the Senate provision had been retained in conference, it wouldn't have happened. So I hope my colleagues will remember this and work to rectify this injustice.

Mr. President, the final package also changed the ethanol provision in the Senate bill from a mandatory program to a program that would be implemented at the Secretary of Agriculture's discretion. As wonderful as the Secretary's response to the drought has been, I have no illusions about what he will do that discretionary authority—he will sit on it. He has made it quite clear that he does not support the program and has as much as told the Congress that he would not use the authority.

There are numerous small ethanol production facilities in this country which don't have the economic resources and staying power of the major producers—and ADM's and Staley Continentals. Without the opportunity to purchase corn and other feedstocks at below market rates, there is an excellent chance that these facilities will cease production. And it will be the American consumer who will suffer, for it will be the consumer of ethanol who will lose access to a premium, environmentally important, driving fuel.

Finally, Mr. President, I want to spend a moment addressing an issue that many of my colleagues would just as soon forget—rural economic development. It has been almost 2 years since Congress adjourned for the 99th Congress. Two years since a whole new slate of candidates was elected on a rural development platform, the Congress is no closer to adoption of a rural development package. The budget savings from the drought present Congress with a unique opportunity to follow up on the promises of 1986. I urge my colleagues to recognize that and work with me to deliver some urgently needed assistance to rural America. It is not too late.

In conclusion, despite some of this package's shortcomings, it deserves the support of the entire Senate. The leadership of the House and Senate Agriculture Committees are to be commended for an excellent job. I prefer to think that they left some of the issues I raised in this speech out of the package solely because they wanted something to work on in September. But I urge the Senate to approve this package. It is urgently needed and our farmers are waiting. Let us act.

The **PRESIDING OFFICER.** The Senator from Indiana.

Mr. **LUGAR.** Mr. President, I know of no other Senators who wish to speak on the bill.

In view of that I yield back remaining time on our side.

NUCLEAR REGULATION REORGANIZATION AND REFORM ACT

Mr. **BYRD.** Mr. President, I have consulted with the minority leader, and in accordance with the order that was entered earlier I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 697, the Nuclear Regulatory Commission authorization bill.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2443) to reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful purposes.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. **BYRD.** Mr. President, I ask unanimous consent that any rollcall votes which may be ordered in relation to the Nuclear Regulatory Commission authorization bill prior to 2 p.m. today be stacked to follow immediately upon the vote which will occur at 2 p.m. on the adoption of the conference report on the drought legislation.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged against either side.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BREAUX.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BREAUX.** Mr. President, we have before the Senate at this time the bill, S. 2443, the Nuclear Regulation Reorganization and Reform Act, about which I would like to make my comments at this time. I will be joined shortly by the distinguished ranking minority member of our Nuclear Regulation Subcommittee, Senator ALAN SIMPSON, who will join with me presenting this legislation to the Senate.

I sincerely believe, Mr. President, that all of us who are interested in the regulation of nuclear power should share a common goal as we examine this legislation. That goal, simply stated, should be the promotion of institutions that provide more effective and consistent regulation of the peaceful uses of atomic energy; for it is only through such a regulatory program that the confidence of the American people in the benefits of this technology will be restored. We must be successful in this effort if there is any hope that nuclear power will be able to play the crucial role that I believe it must in meeting our future energy needs.

I am well aware that 40 years ago, common wisdom held that the regulation of nuclear materials was best left to a Commission, where diversity of opinion and a collegial decision making process would result in actions that the American public could believe represented the very best judgment of a group of experts.

Of course, in 1946, when the Commission format of regulations was originally devised, the Congress did not want to vest, in an agency headed by one person, the further technological development of the awesome power of nuclear energy that we had unleashed against Japan to end World War II.

Ironically, as the Congress decided over the years to split up the defense and the civilian promotional and regulatory responsibilities of the old Atomic Energy Commission, it chose to rid the defense and promotional side of the equation of the supposed benefits of the Commission decision-making process. And, to be sure, I sincerely believe that the benefits of a Commission process are largely illusory.

Since I became chairman of the Nuclear Regulation Subcommittee last year, and in the years before that when our distinguished ranking member, Senator SIMPSON, was the chairman, the subcommittee has spent a great deal of time investigating the current structure of the NRC. Indeed, with the assistance of two investigators on detail from the General Accounting Office, the subcommittee held a dozen hearings on various activities of the NRC, including 6 hearings where the structure and functions of the Commission, including allegations of regulatory coziness between the Commission and its licensed utilities, were a principal focus. I must confess that I am not terribly pleased by what I have learned.

I think it is fair to say, as we near the conclusion of that investigation, that we have learned that we primarily have both people and organizational problems, not technological problems.

The people problems involve some in both the industry and the regulatory community who have failed to maintain a proper perspective and boundary between the regulated and the regulator.

The organizational problems, moreover, are not new and should be familiar to any student of nuclear regulation. Unfortunately, however, I think the people problems tend to get all the news because they are "sexy" and we wind up not focusing the attention we should on the fundamentals.

It should be recalled that during the administrations of both President Kennedy and President Carter—the latter as an outgrowth of its investigation into the root causes of the accident at Three Mile Island—it was determined that serious problems were presented by the Commission format of regulation. The examination of the regulatory structure undertaken by both administrations led to calls for the creation of an agency headed by a single Administrator.

But, the Kennedy initiatives were obviously left uncompleted and, while the Carter administration's did succeed in promoting enhanced powers for the Commission's Chairman, they did not make the final step that is the focus of legislative initiatives currently before the Congress. Today, a little more than 9 years after the accident at Three Mile Island, and 2 years after the accident at Chernoybl, I hope we can move one step closer to truly modernizing our regulatory structure.

As I have stated previously, I believe the record amply demonstrates that the Nuclear Regulatory Commission is a collegial body that rarely makes its most important decisions collegially.

Where, for example, does the record indicate a public decision on the structure and functions of the Commission's Office of Investigation?

Where can we find a public discussion of the Commisssion's decision regarding the wisdom of surface-based testing at candidate repository sites?

Where is the record regarding final decisions by the Commission on its material false statement rules or its enforcement policy statement?

The answers to these questions are found, among other places, from the transcripts of closed meetings, notation vote sheets, and the notes from meetings between the staff of individual Commissioners.

Mr. President, the Nuclear Regulation Subcommittee has conducted an in-depth analysis of NRC decisionmaking over the past 3 years, and the simple fact is that less than 10 percent of the decisions that have come from the agency during this time frame can be attributed to collegial discussions occurring in an open meeting when a majority of the Commissioners are present. A more cursory examination of the record since 1975 indicates that this pattern is not far from the norm of every Commission during that timeframe.

I do not want these remarks to be taken as overly critical of the decision-making process, but rather to illustrate the fact that the supposed benefits of the Commission format are not in practice what they are in theory. Indeed, I am not sure that any of us fully expect every step in the decision-making process to be made on the public record, although every decision should be based upon the facts contained in the record and in accordance with the law. To expect otherwise would be somewhat hypocritical, given the nature and circumstances surrounding many of our own decisions.

Of course, we here in Congress are accountable to our constituents through the election process, and it is in the area of accountability that I believe the Commission format fails so miserably. Are the Commissioners accountable to the President that appoints them? Generally, unless they are guilty of malfeasance in office, the answer is no, they are not.

Are the Commissioners accountable to an American public that never casts a vote for them? Except in the broadest sense, the answer is again, no.

Are the Commissioners accountable to the Congress, in particular those of us in the Senate who vote on their confirmation? Here, the answer is both yes and no, or, it depends. Absent a broad consensus on a particular legislative or regulatory initiative, it depends, it seems, on how loud we yell at them, and even then, it seems to depend on whether or not we are perceived by them as a threat. This is not the way to promote consistent and effective regulation.

Mr. President, isolated and insulated from both the President and the Congress, and thus from the American people who elect us, the NRC operates almost as if it were in a fourth branch of the government—or a fifth if you count the press, as many people do. Accountability and effective and consistent regulation are big answers to the problems of this industry. And I, for one, do not believe that effective and consistent regulation is possible within the context of the Commission form of government.

The legislation before us, S. 2443, the Nuclear Regulation Reorganization and Reform Act of 1988, was reported by the Committee on Environment and Public Works by a unanimous vote.

Since this bill was reported in May of this year, The committee has been actively engaged in disussion with interested Senators to further fine tune the legislation and clarify provisions of interest. The substitute committee amendment embodies these modifications and clarifications. I would like to take a few minutes to explain for the benefit of the Senate the bill as it would be amended by this substitute provision.

AMENDMENT NO. 2815

Mr. BREAUX. At this time, Mr. President, I send a substitute amendment to the desk, which my remarks will be concerning, and ask it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 2815.

Mr. BREAUX. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is printed later in today's RECORD under Amendments Submitted.)

Mr. BREAUX. Mr. President, the substitute amendment embodies the modifications and the clarifications that I spoke to.

Briefly, the bill is composed of three titles. The first title contains the heart of the reorganization and reform proposals. Subtitle A of title I contains the provisions which establish the new Nuclear Safety Agency as an "independent establishment" within the executive branch, and transfers to this new agency all of the powers, duties, and functions of the existing Nuclear Regulatory Commission [NRC].

This new agency differs from the NRC in that it is headed by a single Administrator, nominated by the President and confirmed by the Senate. The agency will also have a Deputy Administrator, chosen in the same manner. Both the Administrator and the Deputy Administrator will serve at the pleasure of the President.

During the markup process in our committee and during discussions with the leaders of the Committee on Governmental Affairs and other interested Senators, it was recognized that several additional issues needed to be addressed. Specifically, we determined that we needed to give further thought to, and refine, the exact relationship between this new agency and the President's Office of Management and Budget, the manner in which this new agency would review the licensing of the high-level waste repository application of the Secretary of Energy that we presume will be forthcoming pursuant to the Nuclear Waste Policy Act and the means of appointment of members of the Nuclear Safety Board.

Mr. President, the current NRC, as an independent regulatory body, is not generally required to submit any information to the OMB except for its budget request. Thus, its testimony before the Congress, its legislative proposals, and its regulations are not subject to administration review.

The committee substitute establishes explicit procedures for any review of Agency regulations by the Office of Management and Budget. These procedures include disclosure of written information exchanged between persons outside the Federal Government and OMB, and between OMB and the Agency; inclusion in the rulemaking record of all drafts of proposed or final rules submitted to OMB for review, copies of all written materials exchanged between the Agency and OMB, and a written explanation of the reasons for significant changes made by the Agency in the draft of any proposed or final rule as a result of OMB review; limits the time for review by OMB to 60 days, with one 30-day extension; and preserves Agency rulemaking authority and statutory criteria. These procedures are based upon current OMB procedures with respect to OMB review of Environmental Protection Agency regulations and upon provisions approved by the Senate in the Regulatory Reform Act of 1982.

With respect to the second issue, our committee adopted an amendment that addressed the following concern. Under current law, the Congress chose to vest with the NRC the responsibility for licensing the high-level waste repository. And, since the members of the NRC, while appointed by the President, cannot be removed by the President unless they are guilty of malfeasance in office, a certain independent judgment on the merits of what is ultimately the President's construction application is assured.

However, since the administrator of the new NSA serves at the pleasure of the President, the following question was posed. What assurance could we give the U.S. nuclear utilities and their ratepayers, who are paying for the construction of the repository, as well as the citizens of the State that is ultimately determined to be the potential host of the repository, that this new agency would provide a judgment about the candidate site unfettered of the intense political pressures that are surely to be exerted at this later point in time, when billions of dollars have been spent in the evaluation process?

Under the amendment adopted by our committee, the Administrator of the NSA is required to create a special licensing board of three members, once the siting decision is finalized by the President, or the Congress in the event that a State exercises its veto rights under the Nuclear Waste Policy Act.

One member of the panel will be chosen from the existing pool of talent in the Atomic Safety Licensing and Appeals Board to ensure that the board has an individual experienced in administrative law. The remaining two members of this board would be chosen from a candidate pool of six individuals nominated by the members of the Nuclear Waste Technical Review Board, an independent group of individuals created by the latest amendments to the Nuclear Waste Policy Act, and who will be extremely familiar with the key technical issues that are going to be the battleground of the licensing proceeding. All of the members so selected will serve for the duration of the proceeding which, according to the Nuclear Waste Policy Act, is to take no more than 3 years.

Finally, borrowing upon the model that exists within the adjudicatory structure of the Department of Transportation, the amendment provides that the decision of the special licensing board, along with any interlocutory appeals handled by an agency appellate panel that might be utilized by the Administrator, is to be either affirmed by the Administrator or set aside if it is determined not to be based upon substantial evidence on the record.

Mr. President, subtitle B of title I amends the Inspector General Act of 1978 and creates a statutory Office of Inspector General for the new NSA. This office, which will be headed by a Presidentially appointed, Senate confirmed, individual will assume the functions of the existing Commission's Office of Inspector and Auditor. These functions are the normal independent investigation of inhouse waste, fraud, and abuse as more fully set out in the 1978 inspector general law. I would note that these provisions are identical to provisions contained in S. 908 that unanimously passed the Senate earlier this year. Those of you who have read the report of the Williams investigation into the NRC well know the need for this treatment of that function.

Subtitle C of title I creates a new Office of Investigations within the NSA, to be headed by an Assistant Administrator selected by the Administrator. In this respect, the Office will have equal status with other major program offices within the NRC that are also transferred over to the new NSA and headed by Assistant Administrators chosen by the Administrator, Office of Nuclear Reactor Regulation, Office of Research, and Office of Nuclear Materials.

For the benefit of those Members who have not followed the recent controversies surrounding this function closely, the role of independent investigations of NRC licensees for potentially criminal wrongdoing has been hotly debated both within the existing Commission and here on the Hill, almost from the inception of that function in 1982.

Briefly, the Commission determined in 1982 that the then current practice of allowing its inspection and enforcement office to also conduct criminal type investigations was inadequate, largely due to the differences between the two different types of investigations. At that time, the Commission created a separate Office of Investigations, reporting directly to the Commission.

For a variety of reasons, there developed over the ensuing years a strain between the investigative and regulatory staff, principally revolving around two fundamentally different philosophies regarding the role of criminal investigations in the fulfillment of the Commission's health and safety mandate. Put quite simply, one school of thought held that criminal investigations should be vigorously pursued, almost notwithstanding the immediate regulatory considerations confronting the staff. Another school of thought held that criminal investigations were almost secondary to regulatory considerations.

And, while a number of experimental initiatives have sought to exert management controls over the independent investigative function since 1982, in every such instance, until just recently, the Commission, upon reconsideration, has determined that the system established in 1982 was just fine.

However, in the statement of managers accompanying the recently passed continuing resolution for fiscal year 1988, language was included that directed the Commission to put this investigative function under the regulatory staff. Unfortunately, I believe, the Commission decided to follow this nonbinding recommendation, and on February 1 of this year, transferred the Office of Investigations so that it now reports to, and is the responsibility of, the Deputy Executive Director for Operations.

Mr. President, I know that many Senators were upset with this action, and through this section of the bill we propose to reestablish this Office and function to its status quo ante.

Additionally, the committee substitute clarifies the authority of the Office of Investigations to self-initiate investigations. The Administrator would have the authority to prohibit investigative activity only if the Administrator determined with respect to such investigatory activities that such a prohibition is required by public health and safety considerations. In that case, the Administrator must report to Congress the reasons for the exercise of this authority.

Subtitle D of title I establishes an independent Nuclear Reactor Safety Investigations Board within the NSA. This board, which combines the precepts of the National Transportation Safety Board and legislation introduced by Senator BIDEN, would be charged with the responsibility of conducting independent investigations of certain categories of incidents that occur at nuclear plants and making recommendations to the Administrator of the NSA on steps that it believes should be taken to avoid a similar incident in the future.

Briefly, the Board would consist of three individuals appointed by the President with the advice and consent of the Senate. All three Board members would have to meet the qualifications criteria contained in the bill, and once appointed would serve 3-year terms. Members of the Board could only be removed by the President, and only if found to be guilty of inefficiency, neglect of duty, or malfeasance in office. I would like to acknowledge the important contribution of our good friend and colleague, the junior Senator from Delaware, Senator BIDEN, who, while unable to be with us today, has been a forceful and effective proponent of such a safety board and indeed, his ideas and thoughts are incorporated into this legislation.

The PRESIDING OFFICER (Mr. ADAMS). The Senator has consumed the 10 minutes allocated on the substitute by the unanimous-consent order.

Mr. BREAUX. I yield such time as I may consume from the bill itself.

The PRESIDING OFFICER. The Senator has the right. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I would, moreover, like to take a minute or two to address some of the concerns that have been raised about these provisions. First, some have argued that the Administrator of the NSA will, in fact, control the operations of the Safety Board by virtue the fact that the Board is part of the Nuclear Safety Agency. In response, I would note that the set terms and limited removal authority that apply to the Board members are the key to ensuring independence.

Second, I would reiterate what I believe to be the clear language of our bill additionally clarified by the committee substitute. The Safety Board, and not the NSA, is the final authority as to whether an event meets the threshold of the bill in terms of a "significant safety event" that requires independent investigation. Nothing else in these provisions, including the requirement that the Board and the Administrator consult with one another before launching an investigation, should be construed to arrive at a different result. This latter requirement is simply a legislative statement that we want these two entities to talk to one another about what is going on out in the real world. Although one might not normally think that such a legislative direction is necessary, the recent Williams report on the operations of the NRC gives ample justification for this type of requirement.

Third, although the budget for the Safety Board is a part of the NSA budget, any reprogramming of funds by the Administrator of the NSA would be subject to the same rules as apply to any other line item in the agency's budget. Currently, that requires any shifting of funds within budget line items in excess of $500,000 to be submitted to the Congress for 30 session days of review and action. If we disapprove of such reprogramming within that timeframe, obviously no shift could occur.

The committee substitute includes a new subtitle F to title I setting the effective date of the reorganization to on or after January 21, 1989, as the President shall determine, but in no event later than July 21, 1989. Finally, the substitute clarifies provisions regarding the sound storage and disposal of so-called greater than class C low level waste.

Mr. President, this legislation is the product of years of effort. It will bring a new measure of accountability to the regulation of nuclear energy, promote improved public safety, and enhance public confidence in nuclear power and its regulation. Much remains to be done on this bill as we move to conference with the other body, and I encourage my colleagues to send a strong signal of support for this legislation to the American public and to our colleagues on the other side of the Capitol.

Mr. President, I would be very remiss if I did not acknowledge and thank for his outstanding contributions the ranking Republican member, Senator SIMPSON. He brought encouragement and knowledge and expertise to this subcommittee, which was chaired by myself as a new member both of the Senate and certainly of this particular subcommittee. Senator SIMPSON has a history of working toward reforming the NRC and has that type of knowledge and understanding that was invaluable to certainly this Senator as we formulated a correct approach to bringing this legislation before the Senate today. Without his help and assistance, this effort would not have been possible. With his help and assistance, it is much smoother. I thank him for that help and assistance.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves his time.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, the Senator from Louisiana has been very generous and I appreciate that. It has been a great privilege to work with him. I have a very few remarks with regard to the substitute, and then I think the chairman will wish to urge action on the substitute so we can move on to the amendment of the Senator from Idaho, Mr. MCCLURE.

The Senator has covered the particulars of this bill in quite important detail. He has done an excellent job of summarizing the major provisions contained in the legislation. It has been a great privilege to work with him since he first took over as chairman of the Nuclear Regulation Subcommittee at the outset of this Congress. He knows his craft. He is one of the senior legislators in this body. He has been in Congress now nearly 20 years, if I recall, coming directly from the cradle to Congress, much like our friend Senator Pryor. The two of them have a distinguished record of early entry into politics. He knows his craft.

Louisiana politics is very much different than Wyoming politics. I am not able to tell exactly what it all is, but it is dramatic. Dramatic would be the word. He knows how to work those old back bayous in ways that are unknown to us in the high country, land of the high altitude and low multitude. But enough of that.

It is a tough assignment. It is a subcommittee which has issues that are contentious and emotion-laden—radiation and radon and mill tailings and all the stuff that goes with it—highly emotional, and he always comes up with a consensus on things where it is sometimes very difficult to reach consensus.

But this legislation truly reflects the well balanced and very thoughtful perspective that John Breaux has brought to this most contentious issue. It is a tribute to his legislative acumen, and I am very pleased to be with him and to have worked with him. That is a very great delight.

So now we have this bill before us—I have been working for it a long time—a comprehensive reorganization of the Federal regulatory program for civilian nuclear power. It was reported to the full Senate on May 26 of this year following an exhaustive set of hearings by the Nuclear Regulation Subcommittee into the organization and structure of the NRC, the agency currently charged with regulating the commercial nuclear power industry of this country.

As a result of all of those hearings, the committee found that the existing structure of the NRC is simply incapable of providing an effective and credible regulatory program for the civilian nuclear industry. To a limited extent, we found that the controversy over the activities of the NRC is an inherent result of the oftentimes controversial issues with which the agency must deal as well as the extremely polarized views of the public on the issue of nuclear power.

We also found, though, that the problems in this area are in large measure simply attributable to the organization and structure of the NRC. It is a situation that we have known about since shortly after the embarrassment of the Three Mile Island accident and the recommendation of both the Kemeny and Rogovin Commissions.

The commission form of regulation has proven to be absolutely indecisive and inefficient. Any ostensible benefits of collegiality have not come to pass. They cannot even talk with each other. Even if they wanted, the sunshine law would prevent them from talking with each other.

So here we have this image of a collegial body that sits down and informally or formally talks about public health and safety of the United States, and they cannot do any of that unless they wade through about two layers of lawyers in that agency, and so here is a collegial body that does not "college." They do not do it. They cannot do it.

Unfortunately, the regulation of the civilian nuclear power industry has suffered deeply, and indeed the post-TMI Kemeny report put it better than anyone could have. That report said:

> We have found that the Nuclear Regulatory Commission itself is not focused, organized, or managed to meet today's needs. In our opinion, the commission is incapable, in its present configuration, of managing a comprehensive national safety program for existing nuclear power plants and those scheduled to come on line in the next few years adequate to ensure the public health and safety.

That was 8 years ago.

For these and so many other reasons, the committee has concluded that fundamental changes in the organization of the agency are required if we are going to restore confidence in the regulatory program and restore the public confidence in nuclear power itself, and that is where we suffer in this country. You may be assured that when we finish the acid rain debate at some unknown time—it is going to come rather more shortly than certainly later—we will find ourselves going back to the nuclear option—a very unique and interesting exercise. And so this bill will help to restore public confidence in nuclear power itself. Those changes are contained in this legislation. But most importantly and the thing that I have been working on—I am so pleased my friend from Louisiana has been assisting and doing yeomen work—the bill replaces the existing Nuclear Regulatory Commission with an agency headed by a single administrator, a change that, in my judgment, is the single most important change that can be made and should be made to improve the state of nuclear regulation in this country.

The time is long overdue, Mr. President, for this fundamental change in the way we regulate nuclear power. We have had 30 years of experience with the commission-type format with virtually no change during this period in the basic regulatory structure, which is absolutely absurd. And at the same time the commercial nuclear industry that the NRC is charged with regulating has undergone some dramatic and significant changes from the early days when nuclear power was being pioneered. In fact, we were simply then calling it atomic power and taking care of it as a fledgling industry. So the regulatory structure has totally failed to keep pace.

A couple of final points, Mr. President: The Commission itself supports this change. I think that is an amazing statement. The very Commission members who personally have so much to lose with the abolition of the Commission structure are supporting precisely that. Moreover, we in Congress have taken the very same approach of a single administrator who is both accountable and responsible for other agencies responsible for health and safety matters.

We have single administrators for virtually every other agency in this town that has jurisdiction over health and safety matters. That is the curious thing—how this thing has been allowed to remain as a collegial body. And commissions formed when every other agency that has jurisdiction over human health and safety, including the Environmental Protection Agency, the Food and Drug Administration, the Federal Aviation Administration, the Occupational Health and Safety Administration, all have single administrators.

So the time is long overdue to make this very sensible and compelling change for the regulation of nuclear power. I urge my colleagues in the name of responsible and accountable regulation of nuclear power and we must have that to protect the human health and safety—the principal mission of the NRC and no other—to give this legislation their most earnest and vital support.

I yield back the remainder of the time on the substitute. Then I believe Chairman Breaux will urge the adoption of the substitute in order to proceed with the amendment.

Mr. BURDICK. Mr. President, today the Senate will begin consideration of S. 2443, a bill reported by the Committee on Environment and Public Works to reauthorize and reorganize the functions of the Nuclear Regulatory Commission [NRC].

This bill is the product of the hard work of the chairman and ranking minority member of the Subcommittee on Nuclear Regulation, Senator Breaux and Senator Simpson. Additionally, Senators Glenn and Roth of the Committee on Governmental Affairs have worked closely with the members of our committee on this legislation, and their assistance has been most helpful. Senator Biden also has made significant contributions in the development of this legislation, especially in the area of the Nuclear Safety Board. I would like to commend all these Senators for the excellent product of their efforts.

The bill makes several major changes in the structure and operation of the agency. First, the bill replaces the current 5-member Commission with a single Administrator. This new entity, headed by a single Administrator, is to be called the Nuclear Safety Agency. The bill also establishes a Nuclear Safety Board, patterned after the National Transportation Safety

Board, to investigate significant safety events. In addition, it creates a statutory office of investigations for the agency, and an office of inspector general.

In this Congress the Subcommittee on Nuclear Regulation has conducted a number of hearings on the performance of the NRC. The committee also conducted an investigation, with the assistance of the General Accounting Office, in response to questions that were raised concerning the ability of the NRC to independently and objectively regulate the nuclear industry.

As a result of these hearings and the investigation, the committee is recommending a number of changes in the structure of the NRC designed to improve the performance of the agency. The reasons for the particular changes recommended by the committee are explained in detail in the committee's report on this bill, and so I will not go into detail on those here. I would like to highlight, however, some of the changes that have been made since the bill was passed by the committee to satisfy the concerns of others.

The language regarding the procedures for the consideration of an application for a construction authorization for a nuclear waste repository has been modified to provide for the establishment of multiple licensing boards, at the discretion of the Administrator, if he or she determines that more than one board is necessary to complete the licensing proceeding in a timely manner. The modifications also provide a procedure for the filling of vacancies that may occur on a board.

The language regarding the standard of review of an initial decision issued by the licensing board has been modified to make it clear that the standard for the review by the Administrator is to be similar to the standard for the review by the Court of Appeals of agency decisions under section 706 of the Administrative Procedure Act.

The Administrator's discretion to overturn Board decisions has been circumscribed in order to further insulate the Agency's decisionmaking process from executive branch influence. The Administrator will serve at the pleasure of the President, whose administration will be submitting the application for the repository. The Agency's decisionmaking process should therefore be insulated as much as possible from executive branch influence.

The effective date of the reorganization has been changed from 120 days within the date of enactment to on or after January 21, 1989, at such time as determined by the President, but not later than July 21, 1989.

The method of appointment of members of the Nuclear Safety Board has been changed. The members of the Board are to be appointed by the President by and with the advice and consent of the Senate.

We have further clarified the authority of the Nuclear Safety Board to make the determination of which events at nuclear power plants constitute a "significant safety event" that should be investigated by the Board. Although the bill adopts the criteria used by NRC for an abnormal occurrence as the threshhold for the initiation of a board investigation, it is up to the Board to determine whether this threshhold has been met. The Board should consult with the Agency prior to making its determination, but only consultation, not concurrence of the Agency, is required when the Board makes it determination.

We have clarified the Administrator's authority to prohibit investigatory activities if such prohibition is necessary to protect the public health and safety. Such prohibition is to be drawn as narrowly as possible, and the Administrator is required to report the reasons for such prohibition to the Congress.

The committee's provisions regarding the role of the Office of Management and Budget in the nuclear regulatory process have been modified in response to concerns raised by the Committee on Governmental Affairs.

The bill reported by the committee required that the Administrator keep the Congress fully and currently informed of the Agency's activities. It specified that the Agency provide the Congress with copies of budgetary and legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the Office of Management and Budget.

The provision has been modified so as not to specify the activities that the committee considered to be within the scope of the "fully and currently informed" requirement. Nonetheless, the bill retains the requirement that the Agency keep the appropriate committees fully and currently informed of the Agency's activities within the jurisdiction of those committees.

The bill reported by the committee also provided that with respect to the Paperwork Reduction Act and Executive Orders 12498 and 12291 the Agency should be treated in the same manner as an independent regulatory agency.

Although the new Agency would not be an "independent regulatory agency" because it would be headed by a single administrator serving at the pleasure of the President, the committee concluded that that manner in which the head or heads of the Agency could be removed was not particularly relevant to the question of the Agency's relationship with OMB. The committee found persuasive reasons to retain the NRC's independence from OMB regulatory review—this agency alone possesses the technical expertise, responsibility and authority to regulate nuclear materials, this agency already undertakes elaborate cost-benefit analyses except where prohibited by law, and the OMB regulatory review process provides for circumvention of the normal rulemaking and public participation procedures of the Administrative Procedure Act by allowing for undue politicization and behind-the-scenes influence by special interest groups. These reasons for exempting the Agency from OMB regulatory review are not affected by the reorganization.

The Committee on Governmental Affairs objected to the Agency's exemption from the OMB review process. The Committee on Governmental Affairs preferred to treat this new Agency in the same manner, in their view, as the other executive branch agencies that were not independent regulatory agencies.

The provisions in the substitute reflect a compromise between the two committees on this issue. Although the new Agency would not be wholly exempt from OMB regulatory review, specific procedures are required to be observed during any such review in order to address the concerns of the Environment and Public Works Committee with respect to OMB review. Many of these procedures are based upon the current regulatory review procedures for review of regulations of the Environmental Protection Agency, to which OMB already has committed itself informally. The others are based upon the procedures in the regulatory reform bill that the Senate approved in 1982 (S. 1080).

These procedures in the bill address three specific concerns regarding the OMB review process. First, the procedures are designed to ensure that the informal rulemaking requirements of the Administrative Procedure Act are not rendered a charade through undisclosed communications channeled to the Agency through OMB. The bill requires OMB to establish a public docket on each rule or regulation under review, and that all written communications received by OMB from persons outside the Federal Government regarding a rule or regulation under review be placed in the docket. Such communications, as well as all documents that are exchanged between OMB and the Agency, must be made part of the rulemaking record by the Agency.

Additionally, OMB is required to maintain in the public docket a list of all meetings and communications, including oral communications, with persons that are not Federal employees concerning the agency rule or regulation under review. OMB is required to inform the Agency of all scheduled meetings with persons outside the Federal Government and concerning an agency rule under review, and provide the Agency with a reasonable opportunity to attend such meetings.

The Agency's rulemaking record must also include copies of all drafts of any proposed or final rule that are submitted to OMB for review. Additionally, the Agency must provide a written explanation of the specific reasons for any significant changes made by the Agency in the draft of any proposed or final rule submitted to OMB for review as a result of such review.

I would like to make it clear that the public docket that OMB is required to maintain is different from the rulemaking record of the Agency. The OMB public docket is designed to inform the public of OMB's contacts with persons outside the Federal Government. Materials in OMB's public docket, however, are no more judicially reviewable than any other materials not in the rulemaking record.

These procedures for any OMB review should ensure that the public and the reviewing courts will possess sufficient information to ascertain the reasons for Agency rulemaking actions.

The committee's experience with the OMB review process as it has been applied to the Environmental Protection Agency has led the committee to conclude that a time limit on OMB review is necessary to prevent the OMB review process from becoming a black hole for Agency rulemaking actions. Too often, OMB reviews have delayed far too long the issuance of EPA regulations.

Accordingly, the bill imposes a 60-day time limit on OMB review, with a 30-day possible extension period. This provision is based upon section 4(a) of the Regulatory Reform Act (S. 1080), which passed the Senate by a vote of 94 to 0 in March 1982.

Finally, the modified provision addresses our committee's concern that the OMB process not displace the authority and responsibility vested by law in the agency. Section 103(d)(2)(E) makes it explicitly clear that nothing in this act alters in any manner the rulemaking authority vested by law in the Nuclear Safety Agency. By this we mean that the Agency will be required to submit its proposed rules to OMB and await OMB's comments before proceeding further, but that the Agency is not required to wait longer than the time allotted for OMB review, and that the Agency is not required to abide by OMB's recommendations and therefore may act over OMB's objections. While we expect the Agency to consider OMB's views, Congress has vested the Nuclear Safety Agency, not OMB, with the responsibility for making decisions relating to how the public health and safety can best be protected as a result of operation of nuclear facilities and the use of nuclear materials. This approach is fully consistent with pertinent Executive orders and legal opinions relating to the authority of OMB that have been issued by the Department of Justice.

The OMB review provisions are not intended to provide OMB with any additional authority over the Agency's actions. Rather, the provisions are designed to ensure that if the President determines, as in Executive Orders 12291 and 12498, that OMB review should be required, then such review should at least be conducted pursuant to these procedures. The procedures in this bill, however, do not provide an independent source of authority for OMB review. The constitutionality of OMB review is unaffected by this bill.

It should also be made clear that this bill does not require any OMB review. The bill requires the use of these procedures only if the President determines that OMB review is necessary for agency regulations. If, for example, Executive Orders 12291 and 12498 were repealed, then no OMB review would be required and the procedures in the bill would not apply.

Mr. President, the replacement of the Commission with a single administrator should make the Agency more efficient and accountable. In turn, this should lead to increased public confidence in the Agency and in nuclear energy.

It should not be forgotten, however, that the success of any organization in its mission is dependent upon the capabilities of the organization's leadership as well as its structure. Reform of the NRC's structure alone will not solve all of the problems facing the NRC and the nuclear industry today. To be effective, the Agency must be headed by persons with demonstrated leadership qualities, of high integrity, and committed to public service. It will be the obligation of both the President and the Congress to ensure that the person appointed and confirmed to head the Agency possess the necessary qualifications for this challenging and important position.

I urge my colleagues to support this bill. I believe that if enacted into law it will make a positive contribution to the safety of nuclear power, and increase public confidence in the nuclear option.

Mr. President, I ask unanimous consent that a summary of the bill, and various materials and analyses regarding the OMB issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, March 21, 1988.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice has reviewed the marked-up version of the "Nuclear Regulation Reorganization and Reform Act of 1988," dated March of 1988. Title I of the bill abolishes the Nuclear Regulatory Commission, and transfers all of its functions to the newly-created Nuclear Safety Agency (the "Agency"). The primary difference between the new Agency and the old Commission is that the Agency is headed by a single Administrator. In our opinion, Subtitle D of Title I of the bill establishing a "Nuclear Reactor Safety Investigations Board" (the "Board"), raises serious constitutional problems. Accordingly, if the bill were presented to the President with the constitutional problems unaddressed, we would recommend disapproval. There is also a conflict between Subtitles C and D of Title I of the bill and a number of practical inadequacies in these provisions.

A. DESCRIPTION OF THE BILL

Title I of the bill consists of five subtitles. Subtitle A abolishes the Nuclear Regulatory Commission and recreates it as the Nuclear Safety Agency. Section 103(a). All of the Commission's functions are transferred to the Agency, section 103(b), as are the Commission's "personnel employed and the assets, liabilities, contracts, property, records, and other unexpended balances of appropriations," etc. Section 106. The Agency is headed by an Administrator and a Deputy Administrator, both of whom—like the Commissioners on the Nuclear Regulatory Commission—are to be appointed by the President, with the advice and consent of the Senate. Section 104.[1]

Subtitle B amends the Inspector General Act of 1978, 5 U.S.C. App., to create an Inspector General for the new Agency.

Subtitle C amends the Energy Reorganization Act of 1974, 42 U.S.C. 5801 et seq., by adding a new section 205A to establish in the Agency an Office of Investigations, headed by an Assistant Administrator for

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[1] By replacing the Commissioners with a single Administrator without fundamentally changing the functions of the agency, this bill would in effect terminate the tenure of those who occupy such executive offices even though the President might wish to retain them. Under certain circumstances, absent a neutral legislative purpose—the replacement of a commission structure with an agency structure—provisions such as this one could raise constitutional concerns about the usurpation of the President's removal power.

As the Supreme Court held in *Myers* v. *United States*, 272 U.S. 52, 122 (1926), the power to remove an officer of the United States is vested exclusively in the President, subject, of course, to Congress' power to impeach an executive officer or to abolish an office altogether. Thus, just as Congress cannot directly remove an executive officer legislatively, see *Bowsher* v. *Synar*, 106 S. Ct. 3181 (1984), the exclusivity of the President's removal power cannot be circumvented by legislation which purports to abolish an agency and then immediately recreates it. See President Nixon's Veto Message on S. 518, 93d Cong., 1st Sess., 9 Weekly Comp. Pres. Doc. 681 (May 18, 1973). Under this standard, removing the Chairman of the Commission, who has been confirmed by the Senate, when the Office to be occupied by the Administrator has undergone little material alteration might be thought to raise constitutional concerns. Similar constitutional concerns would be raised by eliminating an agency and immediately recreating it, with the sole difference being that the offices of those who the President has appointed to run it are eliminated. As noted above, this is apparently not the case here.

Investigations, which "shall perform such functions as the Administrator shall designate," including investigations of suspected violations of the Atomic Energy Act, the Energy Reorganization Act, or other statutes assigned to the Administrator, or rules, regulations, orders or licensed conditions promulgated thereunder. Section 205A(b). Subsection (c) provides that the Assistant Administrator for Investigations may initiate an investigation at the request of the Administrator, Deputy Administrator or a Regional Administrator. The Assistant Administrator may also initiate an investigation on his own initiative "unless the Administrator determines that the public health and safety requires otherwise." Subsection (d) requires employees of the Agency to provide information concerning possible violations to the Office of Investigations. Subsection (e) provides that whenever the Assistant Administrator for Investigations has "reasonable grounds to believe there has been a violation of Federal criminal law," he shall, after notifying the Administrator, report the violation to the Attorney General and may not be prevented from doing so by either the Administrator or any other employee of the Agency. Subtitle C also requires the Attorney General and the Administrator of the Nuclear Safety Agency to enter into a memorandum of understanding within 90 days to deal with referrals of criminal matters and facilitate an exchange of information between the two agencies.

Subtitle D establishes within the Nuclear Safety Agency a Nuclear Reactor Safety Investigations Board consisting of three members. Section 141 states that such an independent organization is necessary because there is a potential for conflict of interest in the investigation of safety events arising out of activities regulated by the Nuclear Safety Agency "where the Agency's prior action or inaction may have been a partial contributor to the cause of such event" and in order to "inspire greater public confidence" in the investigation of such events. The Board is said to be an "independent board" within the Nuclear Safety Agency, section 142(a), with members removable by the President for "inefficiency, neglect of duty, or malfeasance in office," section 142(c). Section 143 requires the Nuclear Reactor Safety Investigations Board to investigate "significant safety events" arising out of activities at nuclar production or utilization facilities which may involve possible adverse effects on public health or safety. Subsection (a)(1). After completing an investigation, the Board must submit a written report to the Administrator of the Agency to which the Administrator must respond within 120 days; the Board's report and the Administrator's response are then submitted to Congress and made available to the public. Subsection (a)(3) and (a)(4). "Significant safety event" is defined in subsection (a)(5) of section 143. Subsection (a)(6) provides that prior to the initiation of an investigation the Board shall consult with the Administrator and, if an investigation is warranted, the Board shall set forth in writing its basis for concluding that the event constitutes a significant safety event. These written statements shall be submitted to Congres and made available to the public. Subsection (a)(7) provides that no part of the Board's report shall be admitted as evidence or used in any "suit or action for damages" growing out of the matter investigated. Other subsections of section 143 provide for inspection authority for employees of the Board, obtaining of information from other government agencies, holding of hearings and issuance of subpoenas (with a penalty of up to six months imprisonment and/or a $5000 fine for refusal to cooperate with an investigation), pay and staffing, and the filing of an annual report to Congress by the Board. Other sections in Subtitle D provide for transfer of certain functions to the Board from other elements of the Nuclear Safety Agency and authorization of appropriations.

Subtitle E is a separability provision.

B. CONSTITUTIONAL OBJECTIONS

As a preliminary matter, we note that as we read the bill the new Agency, unlike the Commission, will not be an independent agency, given that the Administrator is subject to removal by the President for any reason. Our constitutional analysis is predicated on this reading of the bill. We do not address the current format of the Commission; our remarks should be read as addressing only the present bill establishing the Board as a so-called "independent agency" within the structure of an executive department.

1. The limitation on the President's power to remove the Board members imposed by section 142(c)(2) unconstitutionally infringes upon the President's constitutional responsibility to "take Care that the Laws be faithfully executed." U.S. Const., Art. II, sec. 3.[2] The functions of this Board are purely executive. The Board investigates accidents at Agency-licensed facilities, and its decisions relate to changes in executive agency policy and procedures. Its functions involve "[i]nterpreting a law enacted by Congress to implement the legislative mandate," which "plainly entail[s] execution of the law in constitutional terms." *Bowsher* v. *Synar,* 106 S. Ct. 3181, 3192 (1986). The Board does not adjudicate cases concerning individual rights or grant or deny claims of individuals. Its functions do not "require absolute freedom from Executive interference," *Wiener* v. *United States,* 357 U.S. 349, 353 (1958),[3] nor is the Board a "quasi-legislative or quasi-judicial" agency, such as the one at issue in *Humphrey's Executor,* 295 U.S. 602, 630 (1935). The bill states that the Board is "an independent board." Given that the Board is performing executive functions, however, its director must be subject to removal by the President or one of his subordinates who serve at his pleasure.

2. The Board is to have three members: a chairman appointed by the President and two other members appointed by the Administrator. Section 142(b). As a constitutional matter, if the Board is to be independent of the Administrator and perform executive functions, the members of the Board would constitute "Officer[s] of the United States" within the meaning of the Appointments Clause of the Constitution, U.S. Const., Art. II, sec. 2, cl. 2.[4] Accordingly, the members of the Board are the collective Head of a Department and, thus, are principal officers of the United States who, under the Appointments Clause, must be appointed by the President with the advice and consent of the Senate. See 37 Op A.G. 227, 231 (1933). Because the method of appointment of Board members does not comport with this requirement, this bill violates the Appointments Clause and is, thus, unconstitutional. This problem can be cured in one of two ways: the Board members can all be made responsible to the Administrator and authority invested in him to appoint all of the Board members as inferior officers. Alternatively, all of the Board members can be appointed by the President, with the advice and consent of the Senate. As a policy matter, the Administration favors making all of the Board members responsible to the Administrator by providing that he may appoint and remove them.

3. This bill also impermissibly interferes with the President's control over the deliberative processes of the Executive branch by requiring that recommendations of the Board be sent to Congress before the Administrator and the President make decisions relating to the recommendations. Sections 143(a)(4)(B) and 143(a)(6). Such a requirement of disclosure is designed to reveal opposing views with respect to the decisions at issue. It thus chills the deliberative process and creates public divisions within the executive branch. Accordingly, this requirement offends the President's authority, as head of a unitary executive, to coordinate and supervise the public dissemination of his subordinate's views. See generally *Myers* v. *United States, supra,* at 163-64 (1926); *Congress Construction Corp.* v. *United States,* 314 F.2d 527, 530-32 (Ct. Cl. 1963).

In addition, we are concerned that requiring executive branch officials to report directly to Congress without mention of the President could possibly be construed to require those officials to report to Congress prior to any opportunity for review or analysis within the executive branch. This Department has consistently maintained that such a reporting requirement raises substantial constitutional concerns, because it intrudes into the President's constitutional prerogatives to control the decision-making process within the executive branch and could possibly impair the confidentiality and usefulness of candid, full discussions within the executive branch.

4. Section 143(j) directs the Board to report to Congress on the substance of the recommendations it has made as to how best to reduce the recurrence of safety events. The Constitution states that the President "shall from time to time . . . recommend to [Congress'] Consideration such Measures *as he shall judge necessary and expedient.*" U.S. Const. Art. II, sec. 3 (emphasis added). This provision of the Constitution gives the President discretion to decide whether and when executive branch officials should propose legislation, and this prerogative cannot be controlled by Congress.

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[2] The language of section 142(c)(2) limiting removal of the Director to "inefficiency, neglect of duty, or malfeasance in office" makes the constitutional problem unavoidable, as the phrase is precisely the same formulation as was used in *Humphrey's Executor* v. *United States,* 295 U.S. 602, 619 (1935). It must therefore be assumed that the intent is to make the Office, like the Federal Trade Commission or the Interstate Commerce Commission, a so-called "independent agency."

[3] Unlike the War Claims Commission at issue in *Wiener,* the Board is not "established as an adjudicating body with all the paraphernalia by which legal questions are put to the test of proof." *Id.* at 354.

[4] The Appointments Clause of the Constitution provides in full:

[The President] shall have the Power, by and with the Advice and Consent of the Senate . . . [to] appoint . . . all other Officers of the United States, whose Appointments are not herein otherwise provided for, which shall be established by Law: but the Congress may vest the appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

5. Finally, section 202(c) of Title II prohibits the Administrator from reallocating more than $500,000 previously allocated to a specified program or activity without notifying certain congressional committees and waiting thirty days. Section 202 goes on to provide that each such committee may waive that requirement by submitting to the Agency written notification that it does not object to the reallocation before the expiration of the thirty-day period. We have no constitutional objection to the 30-day report-and-wait requirement for the reprogramming of funds. See *Alaska Airlines, Inc.* v. *Brock*, 107 S. Ct. 1476, 1483 n. 12 (1987); *INS* v. *Chadha*, 462 U.S. 919, 935 n. 9 (1983); *Sibbach* v. *Wilson and Co.*, 312 U.S. 1, 15 (1941). However, we believe the provision allowing the committees to waive all or part of the waiting period by approving the proposed reprogramming device is an unconstitutional legislative veto device, *INS* v. *Chadha*, 462 U.S. at 935 n. 9.

C. POLICY OBJECTIONS

1. The Office of Investigations in the Nuclear Safety Agency is directed to conduct investigations under various statutes and regulations and to report criminal violations to the Attorney General. At the same time, the Nuclear Reactor Safety Investigations Board is authorized to investigate "significant safety events" arising out of activities licensed or regulated by the agency. The relationship between the Office of Investigations and the Nuclear Reactor Safety Investigations Board is unclear. Indeed, the jurisdictional grant to the Board—to investigate all events defined as "significant safety events"—is so broad as apparently to overlap with the jurisdiction of the Office of Investigations to a considerable degree. There is a potential for serious conflict with respect to the investigatory authority of the two offices.

2. Subtitle D requires the Nuclear Reactor Safety Investigations Board to conduct investigations and to file reports thereon, as well as the written statements mandated by subsection (a)(6) of section 143, with the Congress and make them available to the public, and there is no provision for a stay during the pendency of any criminal investigation. Given the breadth of the definition of "significant safety event," which would cover, for instance, the events that occurred at Three Mile Island in Pennsylvania, this reporting requirement has the potential for seriously compromising important criminal investigations being conducted by the Department of Justice with the assistance of the Nuclear Safety Agency's Office of Investigations. The legislation should provide a mechanism for obtaining a stay in appropriate cases, at least where there is no immediate threat to public health or safety.

These two objections would be substantially ameliorated by clarifying that the Board has no authority to conduct criminal investigations and that such authority rests only in the Office.

3. Subsection (a)(7) of section 143 provides that no part of the investigation of a significant safety event by the Nuclear Reactor Safety Investigations Board may be used in any "suit or action for damages" arising out of any matter investigated by the Board. Investigations by the Board may very well uncover criminal violations, and it is not at all clear that the language of subsection (a)(6) limits its application to civil cases. The subsection should clearly state that information uncovered in an investigation may be used in connection with criminal prosecutions.

4. Subsection (d) of section 143 provides for the holding of hearings and issuance of subpoenas by the Nuclear Reactor Safety Investigations Board and provides that any person who refuses to comply with a subpoena shall be fined not more than $5000 nor imprisoned for not more than six months or both. The bill should also contain a provision for civil contempt authorizing the incarceration of a recalcitrant witness until the witness cooperates.

5. While subsection (c) of section 205A appears to give the Office of Investigations created by Subtitle C some independent authority to initiate investigations, subsection (b) states that the Office shall perform such functions "as the Administrator shall designate." Thus the degree of independence possessed by the Office of Investigations is unclear. In our view, the Office of Investigations must have clearly stated and unambiguous independent authority to initiate such civil or criminal investigations as it deems appropriate. This would make more meaningful the authority of the Office of Investigations set forth in proposed section 205A(e) to refer criminal cases to the Attorney General without the concurrence of the Administrator.

6. Finally, the Department objects to subsection (b) of section 131 of Subtitle C, which requires the Attorney General and the Administrator [5] of the Nuclear Safety Agency to enter into a memorandum of understanding with respect to criminal referrals within 90 days from the date of enactment of this legislation. The desirability and feasibility of formal agreements or understandings between agencies should be matters within the discretion of the executive branch and not the subject of legislation of the executive branch and not the subject of legislation. Moreover, the specifics of this provision are troublesome. Ninety days may be an insufficient period of time within which to draw up a memorandum of understanding. For example, the Department is currently negotiating a memorandum of understanding with the Nuclear Regulatory Commission. While agreement has been reached on many issues, there are still some matters to be resolved, and the process has taken considerably longer than 90 days. In addition, subsection (b) provides that such a memorandum of understanding shall provide "decision procedures and schedules" with respect to criminal matters referred to the Attorney General. What is intended by this vague language is certainly unclear. In any event, forcing criminal investigations to adhere to rigid timetables or schedules is inappropriate in many cases. Subsection (b) should be deleted in its entirety.

The Office of Management and Budget has informed us that it has no objection to the submission of this report, and that the proposed legislation would not be in accord with the program of the President. The Department is continuing to study this bill and we may be providing further comments about it in the near future.

Sincerely,

THOMAS M. BOYD,
Acting Assistant Attorney General.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC., July 26, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to your request for comments on sections 103(d)(2) and (3) of S. 2443, a bill "To reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful pruposes," and on a Committee staff draft alternative to those provisions. S. 2443 would abolish the Nuclear Regulatory Commission (NRC) and replace it with a newly created Nuclear Safety Agency (NSA). Sections 103(d)(2) and (3) would provide the new agency with budgetary, legislative, and regulatory bypass authorities. These bypass provisions are highly objectionable, and would undermine the stated purpose of S. 2443—to create an effective and accountable nuclear regulatory body.

For the reasons explained below, I would recommend that the President veto NRC reorganization legislation containing any one of these bypass authorities.

According to the Chairman of the Environment and Public Works Committee, one of the biggest problems facing nuclear regulation is a lack of accountability. The proposed legislation seeks to strengthen accountability by creating an agency whose head would be appointed by and serve at the pleasure of the President. At the same time, however, it would weaken Presidential oversight by defining the NSA as an "independent establishment" and granting the agency independent budgetary, legislative, and regulatory authority. These provisions undermine a number of well-established and accepted mechanisms for carrying out executive oversight. Such an arrangement would not provide for accountability of the new agency to the President. The proposed agency—a hybrid—would be headed by a single Administrator with no clear lines of accountability; not to the President, nor to the collegial structure found in the existing commission.

BUDGETARY BYPASS

Section 103(d)(2) of the bill would provide for simultaneous submission of the NSA's budget to Congress and the President. Under current law, the NRC must submit its budget to the Office of Management and Budget (OMB) for review before it is included in the President's budget submission to Congress. The proposed bill would therefore provide the new agency, headed by an Administrator serving at the pleasure of the President, with budgetary bypass authority that is not now enjoyed by the NRC, whose commissioners do not currently serve at the pleasure of the President. It is difficult to understand how the new agency's Administrator could be held accountable by the President for his agency's budget if that budget is not subject to Presidential oversight and coordination as part of the regular budget development process.

LEGISLATIVE BYPASS

Section 103(d)(2) would also require the NSA to provide copies of all information related to legislation (i.e. testimony, legislative recommendations, comments on legislation, etc.) directly to Congress at the same time that such material is transmitted to OMB or the President. The NRC has never possessed such statutory legislative bypass authority. Such authority would represent an unconstitutional interference with the President's control over the deliberative processes of the Executive branch by preventing the necessary Executive branch coordination in the development of legislative policies.

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[5] The bill refers to "the Commission." We assume this means the Administrator.

Coordination of legislative proposals and positions of various agencies by the Executive Office of the President serves several important purposes for the Administration, individual agencies, and Congress: (a) it provides a mechanism for development of a coherent legislative program for the President; (b) it encourages the various agencies to take the problems and concerns of other agencies into account; (c) it facilitates the development of a consistent Administration position on legislation; and (d) it assures that Congress gets coordinated and informative agency views on legislation under consideration. For all these reasons, I strongly urge the deletion of this section.

REGULATORY BYPASS

Section 103(d)(3) would, in ways inconsistent with the stated goals of increased accountability, require that the NSA be treated in the same manner as other independent regulatory agencies under the Paperwork Reduction Act and Executive Orders 12291 and 12498. This provision would exempt NSA rules from systematic Executive office review and allow the newly created agency to bypass Executive branch efforts to coordinate rulemaking within the Administration. Executive office coordination of the rulemaking process, like Executive office coordination of legislative matters, serves many of the same important purposes. The regulatory bypass would inhibit the forwarding of unified Administration positions and invite premature and unnecessary public airing of routine interagency dispute resolution.

The staff substitute language is also objectionable. The substitute language would require copies of proposed and final rules to be transmitted to Congress concurrently with their submission to OMB—needlessly inhibiting effective Executive office discussion of policy issues and foreclosing the opportnity for other Federal agencies with the requisite expertise from evaluating NSA's regulatory proposals in an open and frank manner. The President and his Executive office currently rely on a number of mechanisms to oversee and coordinate the rulemaking process for other regulatory agencies (e.g., EPA and OSHA). There is no reason to exempt the proposed NSA from these.

The substitute language would limit Executive oversight in other ways as well. It would establish a time limit of 60 (in some cases 90) days for OMB review of proposed and final rules. While OMB review is typically much shorter in duration than the bill allows, sometimes a longer review is warranted to allow a full airing of technical issues and reasoned comment by other agencies or departments. Furthermore, the substitute language would mandate that the NSA provide a written explanation of why it changed a rule, effectively requiring the agency to admit it was mistaken in the first place. The NSA, or any other agency, would be reluctant to make changes, however appropriate, with this requirement in place.

Finally, the substitute language sets out specific disclosure requirements for OMB. These are unnecessary; OMB has already established procedures for consultations and meetings with people outside the Federal Government (see the 1988 Regulatory Program of the United States Government, Appendix III).

In addition to these concerns, I want to reiterate the issues raised by the Justice Department in its letter of June 20, 1988. Justice identified a number of constitutional and policy concerns that would result in that Department recommending a veto of S. 2443. I strongly urge that the issues raised in the Justice report, which I am enclosing, be addressed.

As previously stated, I would recommend that the President veto S. 2443 in its present form. I urge, therefore, that the bill be modified to accommodate the Administration's concerns.

Sincerely yours,

JAMES C. MILLER III,
Director.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, June 20, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Afairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice has reviewed S. 2443, a bill "To reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful purposes," dated May 26, 1988. Title I of the bill abolishes the Nuclear Regulatory Commission, and transfers all of its functions to the newly-created Nuclear Safety Agency (the "Agency"). The primary difference between the new Agency and the old Commission is that the Agency is headed by a single Administrator. In our opinion, Subtitle A establishing requirements concerning the Agency's submission of budget estimates and legislative recommendations to Congress, Subtitle B establishing the Office of Inspector General, Subtitle C establishing the Office of Investigations, and Subtitle D of Title I of the bill establishing a "Nuclear Reactor Safety Investigations Board" (the "Board"), raise serious constitutional difficulties. Accordingly, if the bill were presented to the President without correction of these constitutional problems, we would recommend disapproval. There is also a conflict between Subtitles C and D of Title I of the bill and a number of practical inadequacies in these provisions.

A. DESCRIPTION OF THE BILL

Title I of the bill consists of five subtitles. Subtitle A abolishes the Nuclear Regulatory Commission and recreates it as the Nuclear Safety Agency. Section 103(a). All of the Commission's functions are transferred to the Agency, section 103(b), as are the Commission's "personnel employed and the assets, liabilities, contracts, property, records, and other unexpended balances of appropriations," etc. Section 106. The Agency is headed by an Administrator and a Deputy Administrator, both of whom—like the Commissioners on the Nuclear Regulatory Commission—are to be appointed by the President, with the advice and consent of the Senate. Section 104.[1] Section 103(d)(2) requires "[t]he Administrator to submit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the time they are sent to the President or the Office of Management and Budget." In addition, the section would prohibit an officer of an agency from imposing conditions on, or impairing communications by, the Administrator with Congress about the information submitted.

Subtitle B amends the Inspector General Act of 1978, 5 U.S.C. App., to create an Inspector General for the new Agency.

Subtitle C amends the Energy Reorganization Act of 1974, 42 U.S.C. 5801 et seq., by adding a new section 205A to establish in the Agency an Office of Investigations, headed by an Assistant Administrator for investigations, which "shall perform such functions as the Administrator shall designate," including investigations of suspected violations of the Atomic Energy Act, the Energy Reorganization Act, or other statutes assigned to the Administrator, or rules, regulations, orders or licensed conditions promulgated thereunder. Section 205A(b). Subsection (c) provides that the Assistant Administrator for Investigations may initiate an investigation at the request of the Administrator, Deputy Administrator or a Regional Administrator. The Assistant Administrator may also initiate an investigation on his own initiative "unless the Administrator determines that the public health and safety requires otherwise." Subsection (d) requires employees of the Agency to provide information concerning possible violations to the Office of Investigations. Subsection (e) provides that whenever the Assistant Administrator for Investigations has "reasonable grounds to believe there has been a violation of Federal criminal law," he shall, after notifying the Administrator, report the violation to the Attorney General and may not be prevented from doing so by either the Administrator or any other employee of the Agency. Subtitle C also requires the Attorney General and the Administrator of the Nuclear Safety Agency to enter into a memorandum of understanding within 90 days to deal with referrals of criminal matters and facilitate an exchange of information between the two agencies.

Subtitle D establishes within the Nuclear Safety Agency a Nuclear Reactor Safety Investigations Board consisting of three members. Section 141 states that such an independent organization is necessary because there is a potential for conflict of interest in the investigation of safety events arising out of activities regulated by the Nuclear Safety Agency "where the Agency's prior action or inaction may have been a partial contributor to the cause of such event" and in order to "inspire greater public confidence" in the investigation of such events. The Board is said to be an "independent board" within the Nuclear Safety Agency, section 142(a), with members removable by the President for "inefficiency, neglect of duty, or malfeasance in office," section 142(c). Section 143 requires the Nuclear Reactor Safety Investigations Board to investigate "significant safety events" arising out of activities at nuclear production or utilization facilities which may involve possible adverse effects on public health or safety. Subsection (a)(1). After completing an investigation, the Board must submit a written report to the Administrator of the Agency to which the Administrator must respond within 120 days; the Board's report and the Administrator's response are then submitted to Congress and made available to the public. Subsection (a)(3) and (a)(4). "Significant safety event" is defined in subsection (a)(5) of section 143. Subsection (a)(6) provides that prior to the initiation of an investigation the Board shall consult with the Administrator and, if an investigator is warranted, the Board shall set forth in writing its basis for concluding that the event constitutes a significant safety event. These written statements shall be submitted to Congress and made available to the public. Subsection (a)(7) provides that no part of the Board's report shall be admitted as evidence or used in any "suit or action for damages" growing out of the matter investigated. Other subsections of section 143 provide for inspection authority for employees of the Board, obtaining of information from other government agencies, holding of hearings and issuance of subpoenas (with a penalty of up to six months imprisonment and/or a $5000 fine for refusal to cooperate with an investigation), pay and staffing, and the filing of an annual report to Congress by the Board. Other sections in Subtitle D provide for transfer of certain functions to the Board from other elements of the Nuclear Safety Agency and authorization of appropriations.

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[1] By replacing the Commissioners with a single Administrator without fundamentally changing the functions of the agency, this bill would in effect terminate the tenure of those who occupy such executive offices even though the President might wish to retain them. Under certain circumstances, absent a neutral legislative purpose—the replacement of a commission structure with an agency structure—provisions such as this one could raise constitutional concerns about the usurpation of the President's removal power.

As the Supreme Court held in *Myers* v. *United States*, 272 U.S. 52, 122 (1926), the power to remove an officer of the United States is vested exclusively in the President, subject, of course, to Congress' power to impeach an executive officer or to abolish an office altogether. Thus, just as Congress cannot directly remove an executive officer legislatively, see *Bowsher* v. *Synar*, 106 S. Ct. 3181 (1984), the exclusivity of the President's removal power cannot be circumvented by legislation which purports to abolish an agency and then immediately recreates it. See President Nixon's Veto Message on S. 518, 93d Cong., 1st Sess., 9 Weekly Comp. Pres. Doc. 681 (May 18, 1973). Under this standard, removing the Chairman of the Commission, who has been confirmed by the Senate, when the office to be occupied by the Administrator has undergone little material alteration might be thought to raise constitutional concerns. Similar constitutional concerns would be raised by eliminating an agency and immediately recreating it, with the sole difference being that the offices of those who the President has appointed to run it are eliminated. As noted above, this is apparently not the case here.

Subtitle E is a separability provision.

B. CONSTITUTIONAL OBJECTIONS

As a preliminary matter, we note that as we read the bill the new Agency, unlike the Commission, will not be an independent agency, given that the Administrator is subject to removal by the President for any reason. Our constitutional analysis is predicated on this reading of the bill. We do not address the current format of the Commission; our remarks should be read as addressing only the present bill.

1. Subtitle A's requirement that the Administrator submit budgetary and legislative recommendations to Congress at the same time they are submitted to the President and the Office of Management and Budget unconstitutionally interferes with the President's control over the deliberative processes of the Executive branch by requiring that recommendations of the Agency be sent to Congress before the President makes decisions relating to the recommendations. Such a requirement of disclosure is designed to reveal opposing views with respect to the decisions at issue. It thus chills the deliberative process and creates public divisions within the executive branch. Accordingly, this requirement offends the President's authority, as head of a unitary executive, to coordinate and supervise the public dissemination of his subordinate's views. See generally *Myers* v. *United States, supra,* at 163-64 (1926); *Congress Construction Corp.* v. *United States,* 314 F.2d 527, 530-32 (Ct. Cl. 1963). In so doing, the requirement intrudes into the President's constitutional prerogatives to control the decision-making process within the executive branch and could possible impair the confidentiality and usefulness of candid, full discussions within the executive branch. For these reasons, sections 103(b) (2) and (3) should be deleted.

Moreover, to the extent that section 103(d)(2) directs the Administrator to submit legislative proposals to Congress without prior Presidential approval, it raises additional constitutional difficulties. The Constitution states that the President "shall from time to time . . . recommend to [Congress'] Consideration such Measures *as he shall judge necessary and expedient.*" U.S. Const. Art. II, sec. 3 (emphasis added). This provision of the Constitution gives the President sole discretion to decide whether and when executive branch officials should propose legislation, and this prerogative cannot be countermanded by statute.

The President's authority as head of a unitary executive branch to coordinate and supervise the dissemination of his subordinate's views is also contravened by section 103(d)(2)'s prohibition on the imposition of conditions on, or the impairment of, communication between the Administrator and Congress or its members. The President has the authority to determine when his subordinates will report to Congress, which subordinates will report, and the nature of their report. See generally *Myers* v. *United States, supra,* at 163-64 (1926); *Congress Construction Corp.* v. *United States,* 314 F.2d 527, 530-32 (Ct. Cl. 1963).

2. Subtitle B would amend the Inspector General Act of 1978 to include the Agency among those subject to the Act, thus creating within the Agency an Office of Inspector General. The requirement that the Inspector General provide Congress with a "summary of matters referred to prosecuting authorities and the prosecutions and convictions that have resulted," 5 U.S.C. app. section 5(a)(4), raises substantial constitutional concerns. Those concerns are not allayed by the exception for "ongoing criminal investigation[s] or proceeding[s]."

Our concern is that disclosure of such information could adversely affect prosecutorial decisionmaking and interfere with the Department's ability to investigate and prosecute criminal offenses. The need for confidentiality generally has been considered necessary for the executive branch to perform its functions. In the case of the Inspector General of the Agency, confidentiality is necessary to maintain the integrity of the prosecutorial decisionmaking process. Employees of the Agency obviously would be most reluctant to express candidly their views and recommendations on controversial and sensitive matters if those views might be exposed to public scrutiny by Congress upon request. As the Supreme Court has explained, "[h]uman experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearance and for their own interests to the detriment of the decisionmaking process." *United States* v. *Nixon,* 418 U.S. 686, 705 (1974). It therefore is important to weigh the potential "chilling effect" of a disclosure of details of the deliberative process against the immediate needs of Congress and of the Agency. In matters as sensitive as the decision to prosecute, the executive has an overriding interest in ensuring that the Inspector General will not be deterred from providing full and candid advice to the Attorney General because of a belief, based on past experience, that their advice may be released to Congress or the public.

3. Subtitle C would establish the Office of Investigations. The Office is to be headed by an Assistant Administrator for Investigations, "who shall be appointed by the Administrator, who shall report directly to the Administrator and who shall serve at the pleasure of and be removable by the Administrator." In this way, the bill establishes the Assistant Administrator as an inferior officer within the Agency. The Assistant Administrator's primary function is to investigate possible violations of specified statutes and to determine whether there are "reasonable grounds to believe that there has been a violation of Federal criminal law." Upon determining that there are such grounds, the Assistant Administrator is directed to notify the Administrator and "report such violation to the Attorney General." In performing this function, however, the Assistant Administrator is given the exclusive authority with respect to the "reasonable grounds" determination and hence with respect to the decision whether to report the incident to the Attorney General.

Investigations in aid of law enforcement and the statutory obligation to determine whether there are reasonable grounds to believe that there has been a violation of Federal criminal law certainly constitute the exercise of significant authority pursuant to the laws of the United States, *Buckley* v. *Valeo,* 426 U.S. 1, 126 (1976), and thus must be performed by one properly appointed under the Appointments Clause of the Constitution. *Id.* Although the Appointments Clause permits Congress to vest the appointment of inferior officers in the heads of departments, it requires that principal officers be appointed by the President by and with the advice and consent of the Senate. See U.S. Const. art. II, sec. 2, cl. 2. Because the Assistant Administrator's functions are expressly excepted from the authority and control of the head of the Agency, the Assistant Administrator must be considered to be a principal officer for purposes of the Appointments Clause. Accordingly, to comply with that clause, the bill should be amended either to authorize the Administrator to exercise final authority over the Assistant Administrator's functions or to provide for the appointment of the Assistant Administrator by the President by and with the advice and consent of the Senate.[2]

4. Subtitle D would establish the Nuclear Reactor Safety Investigations Board as a so-called "independent agency" within the structure of an executive agency. This raises a number of constitutional objections, discussed in turn.

a. The limitation on the President's power to remove the Board members imposed by section 142(c) unconstitutionally infringes upon the President's constitutional responsibility to "take Care that the Laws be faithfully executed." U.S. Const., Art. II, sec. 3.[3]

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[2] Of course, the Assistant Administrator's decisions would be subject to the authority and control of the President as the constitutional head of the Executive Branch charged with the obligation to "take Care that the Laws be faithfully executed." U.S. Const. art. II, sec. 3.

[3] The language of section 142(c) limiting removal of the Board members to "inefficiency, neglect of duty, or malfeasance in office" makes the constitutional problem unavoidable, as the phrase is pre-

The functions of this Board are purely executive. The Board investigates accidents at Agency-licensed facilities, and its decisions relate to changes in executive agency policy and procedures. Its functions involve "[i]nterpreting a law enacted by Congress to implement the legislative mandate," which "plainly entail[s] execution of the law in constitutional terms." *Bowsher* v. *Synar,* 106 S. Ct. 3181, 3191 (1986). The Board does not adjudicate cases concerning individual rights or grant or deny claims of individuals. Its functions do not "require absolute freedom from Executive interference," *Wiener* v. *United States,* 357 U.S. 349, 353 (1958),[4] nor is the Board a "quasi-legislative or quasi-judicial" agency, such as the one at issue in *Humphrey's Executor,* 295 U.S. 602, 630 (1935). The bill states that the Board is "an independent board" within the Nuclear Safety Agency. Given that the Board is performing executive functions, however, its members must be subject to removal by the President or one of his subordinates who serve at his pleasure.

b. The Board is to have three members: a chairman appointed by the President, by and with the advice and consent of the Senate, and two other members appointed by the Administrator. Section 142(b). As a constitutional matter, if the Board is to be independent of the Administrator and perform executive functions, the members of the Board would constitute "Officer[s] of the United States" within the meaning of the Appointments Clause of the Constitution, U.S. Const., Art. II, sec. 2, cl. 2.[5] Accordingly, the members of the Board are the collective Head of a Department and, thus, are principal officers of the United States who, under the Appointments Clause, must be appointed by the President with the advice and consent of the Senate. See 37 Op A.G. 227, 231 (1933). Because the method of appointment of Board members does not comport with this requirement, this bill violates the Appointments Clause and is, thus, unconstitutional. This problem can be cured in one of two ways: the Board members can all be made responsible to the Administrator and authority invested in him to appoint all of the Board members as inferior officers. Alternatively, all of the Board members can be appointed by the President, with the advice and consent of the Senate. As a policy matter, the Administration favors making all of the Board members responsible to the Administrator by providing that he may appoint and remove them.

c. The provisions relating to the Board also impermissibly interfere with the President's control over the deliberative processes of the Executive branch by requiring that recommendations of the Board be sent to Congress before the Administrator and the President make decisions relating to the recommendations. Sections 143(a)(4)(B) and 143(a)(6). Such a requirement of disclosure is designed to reveal opposing views with respect to the decisions at issue. It thus chills the deliberative process and creates public divisions within the executive branch. Accordingly, like the similar requirements in Subtitle A concerning the Agency, this requirement offends the President's authority, as head of a unitary executive, to coordinate and supervise the public dissemination of his subordinate's views. See generally *Myers* v. *United States, supra,* at 163-64 (1926); *Congress Construction Corp.* v. *United States,* 314 F 2d 527, 530-32 (Ct. Cl. 1963).

In addition, we are concerned that requiring executive branch officials to report directly to Congress without mention of the President could possibly be construed to require those officials to report to Congress prior to any opportunity for review or analysis within the executive branch. This Department has consistently maintained that such a reporting requirement raises substantial constitutional concerns because it intrudes into the President's constitutional preregatives to control the decision-making process within the executive branch and could possibly impair the confidentiality and usefulness of candid, full discussions within the executive branch.

d. Section 143(j) unconstitutionally directs the Board to report to Congress on the substance of the recommendations it has made as to how best to reduce the recurrence of safety events. The Constitution states that the President "shall from time to time * * * recommend to [Congress'] Consideration such Measures *as he shall judge necessary and expedient."* U.S. Const. Art. II, sec. 3 (emphasis added). This provision of the Constitution gives the President discretion to decide whether and when executive branch officials should propose legislation, and this prerogative cannot be controlled by Congress.

e. Finally, section 202(c) of Title II prohibits the Administrator from reallocating more than $500,000 previously allocated to a specified program or activity without notifying certain congressional committees and waiting thirty days. Section 202 goes on to provide that each such committee may waive that requirement by submitting to the Agency written notification that it does not object to the reallocation before the expiration of the thirty-day period. We have no constitutional objection to the 30-day report-and-wait requirement for the reprogramming of funds. See *Alaska Airlines, Inc.* v. *Brock,* 107 S.Ct. 1476, 1483 n.12 (1987); *INS* v. *Chadha,* 462 U.S. 919, 935 n.9 (1983); *Sibbach* v. *Wilson & Co.,* 312 U.S. 1, 15 (1941). However, we believe the provision allowing the committees to waive all or part of the waiting period by approving the proposed reprogramming device is an unconstitutional legislative veto device, *INS* v. *Chadha,* 462 U.S. at 935 n.9. Accordingly, we recommend deletion of section 202(c)(2).

C. POLICY OBJECTIONS

1. The Office of Investigations in the Nuclear Safety Agency is directed to conduct investigations under various statutes and regulations and to report criminal violations to the Attorney General. At the same time, the Nuclear Reactor Safety Investigations Board is authorized to investigate "significant safety events" arising out of activities licensed or regulated by the agency. The relationship between the Office of Investigations and the Nuclear Reactor Safety Investigations Board is unclear. Indeed, the jurisdictional grant to the Board—to investigate all events defined as "significant safety events"—is so broad as apparently to overlap with the jurisdiction of the Office of Investigations to a considerable degree. There is a potential for serious conflict with respect to the investigatory authority of the two offices.

2. Subtitle D requires the Nuclear Reactor Safety Investigations Board to conduct investigations and to file reports thereon, as well as the written statements mandated by subsection (a)(6) of section 143, with the Congress and make them available to the public, and there is no provision for a stay during the pendency of any criminal investigation. Given the breadth of the definition of "significant safety event," which would cover, for instance, the events that occurred at Three Mile Island in Pennsylvania, this reporting requirement has the potential for seriously compromising important criminal investigations being conducted by the Department of Justice with the assistance of the Nuclear Safety Agency's Office of Investigations. The legislation should provide a mechanism for obtaining a stay in appropriate cases, at least where there is no immediate threat to public health or safety.

2. Subsection (a)(7) of section 143 provides that no part of the investigation of a significant safety event by the Nuclear Reactor Safety Investigations Board may be used in any "suit or action for damages" arising out of any matter investigated by the Board. Investigations by the Board may very well uncover criminal violations, and it is not at all clear that the language of subsection (a)(6) limits its application to civil cases. The subsection should clearly state that information uncovered in an investigation may be used in connection with criminal prosecutions.

4. Subsection (d) of section 143 provides for the holding of hearings and issuance of subpoenas by the Nuclear Reactor Safety Investigations Board and provides that any person who refuses to comply with a subpoena shall be fined not more than $500 nor imprisoned for not more than six months or both. The bill should also contain a provision for civil contempt authorizing the incarceration of a recalcitrant witness until the witness cooperates.

5. While subsection (c) of section 205A appears to give the Office of Investigations created by Subtitle C some independent authority to initiate investigations, subsection (b) states that the Office shall perform such functions "as the Administrator shall designate." Thus, the degree of independence possessed by the Office of Investigations is unclear. In our view, if the bill is amended ot make the Assistant Administrator a principal officer for purposes of the Appointments Clause, then the Office of Investigations should have clearly stated and unambiguous independent authority to initiate such civil or criminal investigations as it deems appropriate. This would make more meaningful the authority of the Office of Investigations set forth in proposed section 205A(e) to refer criminal cases to the Attorney General without the concurrence of the Administrator.

6. A policy objection to the creation of an Inspector General for the Agency is our concern for the potential damage to the reputations of the individuals investigated were an Inspector General to summarize for Con-

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cisely the same formulation as was used in *Humphrey's Executor* v. *United States,* 295 U.S. 602, 619 (1935). It must therefore be assumed that the intent is to make the Board, like the Federal Trade Commission or the Interstate Commerce Commission, a so-called "independent agency."

[4] Unlike the War Claims Commission at issue in *Wiener,* the Board is not "established as an adjudicating body with all the paraphernalia by which legal questions are put to the test of proof." *Id.* at 354.

[5] The Appointments Clause of the Constitution provides in full:

[The President] shall have the Power by and with the Advice and Consent of the Senate * * * [to] appoint * * * all other Officers of the United States, whose Appointments are not herein otherwise provided for, which shall be established by Law: but the Congress may vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

gress those matters referred to the Attorney General for prosecution. This concern has long been considered by the Department of Justice as an independent reason against disclosure of confidential files relating to criminal investigations. See 40 Op. A.G. 45, 46-47 (1941). Disclosing the identity of those individuals referred for prosecution only after the investigations are concluded does little to ameliorate the damage to the reputations of the individuals named.

Other grounds for objecting to the disclosure of such information include the potential damage to proper law enforcement that would be caused by the revelation of sensitive techniques, methods, or strategy; and well founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.

7. Finally, the Department objects to subsection (b) of section 131 of Subtitle C, which requires the Attorney General and the Administrator[6] of the Nuclear Safety Agency to enter into a memorandum of understanding with respect to criminal referrals within 90 days from the date of enactment of this legislation. The desirability and feasibility of formal agreements or understandings between agencies should be matters within the discretion of the executive branch and not the subject of legislation. Moreover, the specifics of this provision are troublesome. Ninety days may be an insufficient period of time within which to draw up a memorandum of understanding. For example, the Department is currently negotiating a memorandum of understanding with the Nuclear Regulatory Commission. While agreement has been reached on may issues, there are still some matters to be resolved, and the process has taken considerably longer than 90 days. In addition, subsection (b) provides that such a memorandum of understanding shall provide "decision procedures and schedules" with respect to criminal matters referred to the Attorney General. What is intended by this vague language is certainly unclear. In any event, forcing criminal investigations to adhere to rigid timetables or schedules is inappropriate in many cases. Subsection (b) should be deleted in its entirety.

The Office of Management and Budget has informed us that it has no objection to the submission of this report, and that the proposed legislation would not be in accord with the program of the President.

Sincerely,

THOMAS M. BOYD,
Acting Assistant Attorney General.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 13, 1986.

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES SUBJECT TO EXECUTIVE ORDER NOS. 12291 AND 12498

From: Wendy L. Gramm, Administrator, OIRA.

Subject: Additional procedures concerning OIRA reviews under Executive Order Nos. 12291 and 12498 [Revised].

From the time the President signed Executive Order No. 12291 on February 17, 1981, OMB has worked with the Departments and Agencies to develop and implement various procedures concerning the review of draft rules by the Office of Information and Regulatory Affairs (OIRA). We have also developed trial procedures and supported legislative proposals concerning our reviews as we have gained experience with these Executive Orders. For example last year, we implemented on a pilot basis with the Environmental Protection Agency additional procedures concerning OIRA's communications with persons outside the Federal Government.

We have also supported an American Bar Association Resolution that endorsed the President's regulatory review efforts and recommended that more information concerning our reviews be made available to Congress and the public.

The purpose of this memorandum is to advise you of additional procedures that we have determined, as a matter of administrative discretion, to implement concerning our review of draft rules under Executive Order No. 12291 and to set forth our policy on disclosure of agency regulatory program drafts under Executive Order No. 12498.

CURRENT PROCEDURES

These new procedures supplement our current procedures. As you are aware, Executive Order No. 12291 establishes certain procedures; the Administrative Procedure Act sets forth procedural and substantive requirements that govern agency action; other statutes establish procedures; and OIRA has adopted its own internal rules concerning its review of draft rules under Executive Order No. 12291. Furthermore, Departments and Agencies usually have established rules or practices to implement their rulemaking activities.

Attached to this memorandum are copies of some of the relevant materials concerning our reviews and procedures. Several of the most important features of these current procedures are:

REVIEWS UNDER EXECUTIVE ORDER NO. 12291

Rules must meet statutory requirements. Executive Order No. 12291 reviews cannot result in rules not authorized by law or rules that do not carry out statutory requirements.

Rulemaking decisions are made by agency heads. Executive Order No. 12291 makes it clear that the rulemaking authority of the agency head is not displaced by the Order.

Rules must be based on the agency record. Executive Order No. 12291 cannot cause rulemaking decisions that are not supported by the agency rulemaking record. The law requires that all agency decisions must be rationally based on information in the agency record.

Requirements of Executive Order No. 12291 apply only to the extent permitted by law. If there is a conflict between the Executive Order or the President's regulatory principles in Executive Order No. 12291 and the law, the law governs.

CURRENT OIRA PROCEDURES

Only the Administrator and Deputy Administrator within OIRA (or someone specifically designated by them) may communicate with someone who is not employed by the Federal Government on regulations submitted to OIRA for review under Executive Order No. 12291.

Written materials received from anyone not employed by the Federal Government are made available in OIRA's public reading room for review by the public.

OMB has advised persons who wish to send us information about regulatory proposals to send information to the rulemaking agency, with a copy to us, so that the material may be made a part of the agency record.

In general, OIRA provides written reasons to the agency whenever OIRA returns a regulation to an agency for further review because it is not consistent with the President's regulatory principles.

OIRA issues full reports annually on the disposition of all rules reviewed under Executive Order No. 12291, including a list of all returned rules.

NEW PROCEDURES

1. OIRA will make available, upon written request made to OIRA after publication of an ANPRM or NPRM in the Federal Register, copies of any draft of the ANPRM or NPRM submitted for OIRA's review under Executive Order No. 12291;

2. Similarly, OIRA will make available, upon written request made to OIRA after publication of the final rule in the Federal Register, copies of any draft of the final rule submitted for OIRA's review under Executive Order No. 12291;

OIRA will make available, upon written request made to OIRA after the ANPRM, NPRM or the final rule is published in the Federal Register, all written correspondence concerning the draft submitted for OIRA's review under Executive Order No. 12291 that is exchanged between OIRA and the agency head. "Correspondence" means any documents exchanged between OIRA and the head of an agency.

These procedures are derived from provisions in S. 2433, as reported from the Senate Governmental Affairs Committee, with Administration support, in 1984. The Report on S. 2433 (No. 98-576, 98th Congress, 2d. Sess.) contains explanatory material as to how these provisions would have been interpreted had S. 2433 been enacted. We will be guided by that material in implementing these first three provisions.

4. OIRA will send EPA copies of all written material concerning EPA rules that OIRA receives from persons who are not employees of the Federal Government;

5. OIRA will advise EPA of all oral communications concerning EPA's rules, e.g., meetings, telephone calls, that OIRA (i.e., the Administrator and Deputy Administrator) has with persons who are not employees of the Federal Government; and

6. OIRA will invite EPA to all scheduled meetings with such persons concerning EPA's rules;

In May 1985, we instituted with EPA on a trial basis other procedures to better conform our Executive Order No. 12291 review procedures to EPA's somewhat unique internal procedures and statutory provisions concerning rulemaking. (See attached letter dated May 30, 1985, Attachment D). These procedures are practical, and EPA believes that they are useful. This Memorandum revises those procedures with EPA and makes them a part of OIRA's current procedures.

(Note: These procedures do not apply to information collection requests under the Paperwork Reduction Act of 1980, even if such requests are a part of a proposed agency rule. Other procedures apply to such matters, see 5 CFR Part 1320.)

7. OIRA will apply these procedures (#4 through #6) to any other Department or Agency that is subject to Executive Order No. 12291 if that agency elects to institute these procedures, or any part of them.

Procedures #4 through #6 presently apply only to EPA. Although patterned upon EPA's statutory and internal procedures nonetheless, OIRA is prepared to extend these procedures to other agencies if the head of the agency so requests. A current list of agencies that have requested coverage will be maintained in the public reading room.

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[6] The bill refers to "the Commission." We assume this means the Administrator.

In addition,

8. OIRA will make available upon written request to OIRA made after the Regulatory Program is published, any agency draft submission sent to OIRA under Executive Order No. 12498. A copy will be available in the public reading room;

9. OIRA will continue to publish a complete annual accounting of Executive Order No. 12291 activities;

10. OIRA will make available upon written request to OIRA made after the end of a calendar month, a list of all draft ANPRMs, NPRMs and draft final rules for which OIRA has completed review under Executive Order No. 12291 during the preceding month (and the length of our review for each); and

11. OIRA will place in its public reading room: all written material received from persons outside the Federal Government concerning agency rules; a list of all meetings with persons outside the Federal Government pertaining to rules of an agency if that agency elects to participate in procedure #6; and a list of all other communications with persons outside the Federal Government pertaining to rules of any agency if that agency elects to participate in procedure #5.

EFFECTIVE DATE OF NEW PROCEDURES

The effective date of these new procedures is June 13, 1986, as explained below.

For purposes of new procedures #1 through #3, OIRA will make available in accordance with the conditions of those procedures, all drafts of the rule (and written correspondence referred to in procedure #3) if the review under Executive Order No. 12291 began on or after June 13, 1986, or was under review on that date. OIRA reviews of draft ANPRMs, NPRMs and final rules will be separate actions for purposes of disclosure. For example, copies of a draft NPRM under procedure #1 will be available in accordance with the conditions of procedure #1 after publication of the NPRM, if it was pending on or submitted after June 13, 1988 for review under Executive Order No. 12291. Disclosure of the draft NPRM would not be delayed until publications of a final rule. The reviews are distinct events for disclosure purposes. Similarly, if a review under Executive Order No. 12291 of a draft NPRM was completed prior to June 13, 1986, it would not be covered by these new procedures. Drafts of the final rule would be subject to procedure #2 if the final rule was pending on or submitted after June 13, 1986.

For purposes of procedures #4 through #6, the effective date will be the date of receipt of the request by the head of an agency to have these procedures apply. They apply as of June 13, 1986, for EPA. (Trial procedures with EPA have been effective since May 30, 1985).

Procedure #8 will apply to drafts of the agency submissions for the 1986 Regulatory Program and thereafter. The annual accounting referenced in procedure #9 is an Appendix to the annual Regulatory Program. The lists referred to in procedures #10 and #11 will be available in OIRA's public reading room and upon written request on the 10th day of the month following the month for which the list is made. The first list will be available August 10, 1986. All written material pertaining to rules subject to Executive Order No. 12291 review received from persons not employed by the Federal Government as described in procedure #11 will be available within 3 to 5 days of receipt by OIRA.

These new procedures and OIRA's existing procedures are intended only to improve the internal management of the Federal Government, and are not intended to create any right or benefit, substantive or procedural, enforceable at low or in equity by a party against the United States, its agencies, its officers or any person.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 29, 1988.

To: Senate Subcommittee on Nuclear Regulation, Committee on Environment and Public Works. Attention: Dan Berkovitz.

From. American Law Division.

Subject: Response to Justice Department Comments On the Proposed Nuclear Regulation Reorganization and Reform Act of 1988.

The proposed Nuclear Regulation Reorganization and Reform Act of 1988 would abolish the five-member Nuclear Regulatory Commission and transfer its functions to the Nuclear Safety Agency which would be headed by a single Administrator who would be appointed by the President with the advice and consent of the Senate and would be removable by him at will. The bill would also create a Nuclear Reactor Safety Investigations Board (Board) consisting of three members. One member is to be appointed by the President, and two by the Administrator. The members are removable by the President only for "inefficiency, neglect of duty, or malfeasance in office." The Board is responsible for investigating "significant nuclear events" and assessing the implications of such events for the public health and safety and reporting its findings and any recommendations for action to the Administrator who must respond in writing to the Congress within 120 days. The response is made public at that time. The Board cannot undertake an investigation on its own without prior consultation with the Administrator and a written determination that the event is significant. Its recommendations are not binding on the Administrator. However, if the Administrator adopts the recommendations, he is obligated to undertake specified actions within certain time periods.

In a letter to the Chaiman dated March 21, 1988, the Department of Justice raised five consitutional objections to the bill. You have asked that we comment critically on these objections in time for a Committee mark up scheduled for 2:00 PM, March 29. In view of the time constraints imposed, the following comments are necessarily brief and summary in nature.

1. RESTRICTIONS ON REMOVABILITY

DOJ objections to the restriction on presidential removability of Board members except for stated cause on the grounds that the Board members are performing "purely executive" functions and the removal limitation improperly interferes with his duty to "take care that the laws are faithfully executed." DOJ particularly relies on *Bowsher* v. *Synar.*, 106 S. Ct. 3181, 3192 (1986) to the effect that the Board's "functions involve '[i]nterpreting a law enacted by Congress to implement the legislative mandate,' which 'plainly entail[s] execution of the law in constitutional terms'." As a consequence, it is urged, Board members must be subject to unfettered removal by the President or one of his subordinates who serve at his pleasure.

The DOJ appears to misapprehend the nature of the Board's functions under the bill and the *Bowsher* Court's delineation of what constitutes "executive action". Simply put, the Board's statutory role would be recommendatory; its suggestions may be accepted or rejected by the Administrator in their entirety. The fact that the Board would have to interpret the law in order to formulate its recommendation does not transform that function into "execution of the law in consitutional terms." A governmental action is "executive" because of the *nature* of its effect, not because it is in obedience to the command of law. This distinction was made clear recently in *Ameron* v. *U.S. Corps of Engineers,* 809 F.2d 979 (3d Cir. 1986), *cert. granted,* 56 U.S.L.W. — (S. Ct. 3/21/88), a case raising *Bowsher* questions with respect to the Comptroller General's authority under the Competition in Contracting Act, 31 U.S.C. 3551-3556 (Suppl. III 1985). Under that Act the Comptroller General is empowered to shorten or lengthen the statutorily prescribed period of stay of a procurement award if he determines that a bid protest is frivolous or that he needs more time to formulate a recommendation on the merits. The Government argued that because in discharging this function the Comptroller General "interprets the provisions of the Act" and "must exercise judgment concerning the facts that affect the application of the Act" he is executing the law within the meaning of *Bowsher.*

The appeals court disagreed, noting that the Government's formulation of the *Bowsher* test was incomplete. It pointed out that while *Bowsher* stated that interpretation of law is an essential part of execution of the law, the Court held that it was only an indicia of such execution. "The mere fact that a nonexecutive official interprets the law, however, does not in and of itself mean that this official infringes on the President's authority to execute the law. *Synar's* discussion of the 'executive nature' of the Comptroller General's authority in that case did not end with the sentences quoted by the Army, but rather focused on the Comptroller's authority under Gramm-Rudman-Hollings *to direct the exercise of Presidential authority:* [quoting section 252(a)(3)]." 809 F.2d at 990 (emphasis supplied).

Since the Board is an advisory body that performs no functions that could not be assigned to a committee of the Congress, see *Buckley* v. *Valeo,* 424 U.S. 1, 137-138 (1926), the members of the Board are not officers of the United States subject to requirements of at will removal prescribed by *Myers* v. *United States,* 272 U.S. 52, 122 (1926).

2. IMPROPER APPOINTMENTS

DOJ similarly argues that the method of appointment of the Board members violates Article II, sec. 2, cl. 2 of the Constitution, the Appointments Clause. Again, however, if the Board is an advisory body, its members are not officers of the United States subject to appointments pursuant to the alternative methods prescribed by the Appointments Clause.

3. IMPERMISSIBLE INTERFERENCES WITH DELIBERATIVE PROCESSES OF EXECUTIVE BRANCH

DOJ contends that the bill's requirement that the Board's recommendations be transmitted to Congress before the Administrator or the President make any decisions with respect to those recommendations impermissibly interferes with the President's control of the deliberative processes of the Executive Branch in that it undermines the President's authority, "as head of a unitary executive, to coordinate and supervise the public dissemination of his subordinates views," citing *Myers* v. *United States, supra.* Executive branch officials, it is argued, cannot be required to report to Congress prior to any opportunity for presidential review or analysis because it would "intrude into the President's constitutional prerogative to control the decisionmaking process within the executive branch." Since the President is in no way restricted by the bill in his ability to communicate with the Administrator with respect to the response to the Board's recommendations and to influence her in the area in which Congress has left her with discretionary leeway, DOJ appears to be taking the position that the President must have control over the discretionary decisionmaking processes of both the Administrator and the Board. Even assuming the Board to be composed of officers of the United States performing substantive functions, the contention appears to lack substantial support in law.

DOJ's assertion rests on a view of the executive branch as a highly centralized bureaucratic structure. This model of governance envisions a unified and hierarchical executive with the President at the apex and all administrative agencies arrayed below him. It views the President, in his role as the only nationally elected official of the federal government, as the possessor of broad supervisory and managerial powers as well as an encompassing political presence in administrative agencies. The Chief Executive's constitutional duty to see that the laws are faithfully executed under article II, section 2 is seen as providing both the responsibility and the authority to intervene in administrative decisions in order to set priorities, allocate limited resources, balance competing policy goals, resolve conflicting jurisdictions and responsibilities of agencies, and assure that programs are effectively and efficiently managed.

On the other hand, Congress bases its ability to direct the President and other subordinate executive branch officials in the manner prescribed in the bill on its view that the executive power is not hierarchical in nature or uniquely vested in the President alone, just as the President's functions are not solely executive (e.g., the veto power). Article II clearly anticipates the creation of an administrative bureaucracy by its mention of "Heads of Departments," and the necessary and proper clause of article I makes it clear that it would be Congress alone that would do the creating. Congress can assign a "Head of Department" any executive power not textually reserved to the President of Article II. Moreover, the "take care" clause has not been read by the courts to vest absolute power in the President over Heads of Departments and other subordinate officials. That clause says only that the President "shall take care that the laws be faithfully executed," regardless of who executes them, a duty quite different from the claim of a single-handed responsibility for executing all laws. A literal reading of the "take care" clause confirms the President's duty to ensure that officials obey Congress' instructions; it does not create a presidential power so great that it can be used to frustrate congressional intention. In the words of the Supreme Court, where a valid duty is imposed upon an executive official by Congress, "the duty and responsibility grow out of and are subject to the control of the law, and not the direction of the President." *Kendall ex rel Stokes* v. *United States,* 37 U.S. (12 Pet.) 524, 610 (1838). In the past, similar claims of broad substantive authority deriving from the "take care" clause have been consistently rejected by the courts. See, *e.g., Youngstown Sheet and Tube Co.* v. *Sawyer,* 343 U.S. 579, 587 (1952); *In re Theodore Olson,* 818 F.2d 34 (D.C. Cir. 1987); *National Treasury Employees Union* v. *Nixon,* 492 F.2d 587, 604 (D.C. Cir. 1974); *Guadamuz* v. *Ash,* 386 F. Supp. 1233, 1247 (D.D.C. 1973).

Moreover, the history of federal administrative practice, and relevant judicial precedent, accord Congress virtually plenary power over the creation of the structure of the administrative bureaucracy and the powers of the offices and officers who are to carry out the legislative will. To summarize the current state of the law, Congress may by statute create so-called independent regulatory commissions headed by officials appointed by the President but not removable by him except for cause, *Humphrey's Executor* v. *FTC,* 295 U.S. 602 (1935); *Weiner* v. *U.S.,* 357 U.S. 349 (1958); it may create offices within executive departments whose incumbents are appointed by the department heads but who are subject to removal only by the appointing official and not the President, *U.S.* v. *Nixon,* 418 U.S. 683 (1974); *U.S.* v. *Perkins,* 116 U.S. 483 (1886); and it may vest in a subordinate official appointed by the President (who is subject to his removal at will) discretionary decisionmaking authority which cannot be interfered with by him, *Marbury* v. *Madison,* 5 U.S. (1 Cranch), 137, 166 (1803); *U.S. ex rel Kendall* v. *Stokes, supra; Public Citizen* v. *Burke,* 655 F. Supp. 318 (D.D.C. 1987); *Gilchrist* v. *Collector of Customs,* 10 F. Cases 355, 356, 363 (C.C.D.S.C. 1808)(No. 5, 420).

Moreover, Congress' power to influence executive and other governmental conduct is not confined to its utilization of its lawmaking authority. The courts have long recognized congressional authority to investigate, and to publish its opinion, in an attempt to influence the manner in which the laws are executed. *McGrain* v. *Daugherty,* 273 U.S. 135 (1927); *Watkins* v. *United States,* 354 U.S. 178 (1957). In upholding the exercises of similar kinds of authority, courts have acknowledged that the issuance of a subpoena to the executive, *United States* v. *Nixon,* 418 U.S. 683 (1974), the mandate of a report and wait provisions, *INS* v. *Chadha,* 462 U.S. 919, 935 n. 9, *citing Sibbach* v. *Wilson & Co.,* 312 U.S. 1 (1941), and the expression of disapprobation or the focusing of public attention on executive action, *Bowsher,* v. *Merck & Co.,* 460 U.S. 824, 833 (1983); *City of Alexandria* v. *United States,* 737 F.2d 1022 (Fed. Cir. 1984), do not themselves constitute control of executive decisionmaking. See also, *Ameron* v. *U.S. Corps of Engineers, supra,* 809 F.2d at 992-993, 995.

The D.C. Circuit's recent decision in *In re Sealed Case,* — F.2d — (D.C. Cir. 1988), *cert. granted sub nom, Morrison* v. *Olson,* could raise some doubts as to these conclusions. The court in that case declared the statute establishing the Independent Counsel unconstitutional. Although the principal ground stated for the decision rested on its interpretation of the Appointments Clause, i.e., criminal prosecutors must be appointed by either the President with the advice and consent of the Senate (because they are "superior" Officers) or by heads of departments but not by the courts, the court also propounded as an alternative ground of decision the notion of a unitary executive essentially as described above. The Supreme Court's ultimate disposition of the case, which will be argued on April 26, 1988, must be watched for its illumination on this issue. It may be said, however, that the appeals court's application of the unitary executive theory is novel.

4. CONSTITUTIONALITY OF BOARD'S REPORTING REQUIREMENT

DOJ contends that the bill's requirement that the Board report directly to Congress on the substances of the recomendations it has made as to how best to reduce the recurrence of nuclear safety events violates Article II, sec. 3 of the Constitution which states that the President, "shall from time to time . . . recommend to [Congress'] consideration such measures as he shall judge necessary and expedient". It is urged that this provision "gives the President discretion to decide whether and when executive branch officials should propose legislation, and this prerogative cannot be controlled by Congress."

It would not appear that the President's recommendatory duty under this constitutional provision is in any way circumscribed by the proposed bill. A presidential alternative to any Board recommendation, including abandonment of the proposed course of action, is not precluded. More importantly, the Article II duty to recommend, as with the duty to take care that the laws be faithfully executed which appears in the same clause, is not a source of substantive presidential power and claims to that effect have been consistently rejected by the courts. See. e.g., *Kendall ex rel Stokes* v. *United States,* 37 U.S. (12 Pet.) 522, 612-13 (1838) ("To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid execution, is a novel construction of the Constitution, and entirely inadmissable."); *Youngstown Sheet and Tube Co.* v. *Sawyer,* 343 U.S. 579, 587 (1952) (". . . [T]he President's power to see that the laws are faithfully executed refutes the idea he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad."); *National Treasury Employees Union* v. *Nixon,* 492 F.2d 587, 604 (D.C. Cir. 1974) ("That constitutional duty does not permit the President to refrain from executing laws duly enacted by the Congress as those laws are construed by the judiciary.").

5. CONSTITUTIONALITY OF COMMITTEE WAIVER OF 30 DAY WAIT PERIOD.

Under section 202 of the bill the Administrator is required to report to certain congressional committees if she wishes to reprogram more than $500,000 specifically allocated to a program or activity and to wait 30 days before taking such action. The committees may reduce the waiting period by notifying the Administrator that they have no objections prior to the expiration of the 30 days. DOJ contends that such a waiver is proscribed by *INS* v. *Chadha,* 462 U.S. 919 (1983).

The *Chadha* opinion did not specifically address this question although it approved the use of report and wait provisions. 462 U.S. at 935 n. 9. The issue was directly confronted and disposed of in light of *Chadha* in *Ameron, Inc.* v. *U.S. Corps of Engineers,* 809 F.2d 979 (3rd Cir. 1986), *cert. granted,* 56 U.SL.W.—(S. Ct. 3/21/88). There the Government challenged the validity of a provision of the Competition in Contracting Act (CICA), 31 U.S.C. 3551-3556 (Suppl. III 1985), which allows the Comptroller General to shorten the automatic 90 day stay period for his consideration of bid protests if the protestor's claim is deemed frivolous or the investigation is complete, and to lengthen the stay period if more time is necessary to complete the investigation. It was argued that such action by a legislative branch official is proscribed by *Chadha* in that the authority of the Comptroller "to extend or shorten the stay usurps executive power per se, on the one hand, and on the other hand that it authorizes the Comptroller General to interfere impermissibily in the executive's performance of its responsibilities." 809 F.2d at 989. Utilizing the standard for testing separation of powers claims propounded in *Nixon* v. *GSA*, 433 U.S. 425 (1977) and *U.S.* v. *Nixon*, 418 U.S. 683 (1974), the appeals court concluded that the Comptroller's authority to lengthen or shorten the stay period neither prevented the Executive Branch from accomplishing its constitutionally assigned function nor presented a potential for disruption that was not justified by an overriding need to promote objectives within the constitutional authority of Congress. The court reasoned as follows:

"Even if we were to consider this impact on executive decision making to be a potential disruption of the "proper balance of power," *Nixon* v. *GSA*, 433 U.S. at 433, 97 S. Ct. at 2790, we believe that a balancing of legislative and executive interests demonstrates that this interference is entirely justified. In *United States* v. *Nixon* the Supeme Court noted that the disclosure of the President's private papers and conversations might indeed interfere with the President's execution of the law. But the Court deemed this interference justified by the need for such documents in a simple criminal trial, the greater political significance of which played no part in the Court's analysis. In constract to the instrusion in that case, the intrusion occasioned here by the Comptroller General's discretion to lengthen or shorten the stay is far more limited, and we are certain that the legislative interests underlying CICA prevail. Indeed, for three reasons, we believe that any potential disruption of the executive function's is minimal:

"1. The initial stay is short. Even if the acquiring agency were to change a procurement decision in order to avoid or to cut short a bid protest, it would not stand to gain so much time that the temptation to do so would have a significant impact on the agency's purchase decision.

"2. CIGA does not authorize the Comptroller General to extend the stay any longer than necessary to decide a bid protest. We cannot envision circumstances, and none have been suggested to us, when this time could be long enough to constitute a significant impediment to the President's execution of the procurement laws.

"3. If the Comptroller General really does require so much time to decide the protest that they stay interferes with important executive interests, CIGA authorizes the executive to override the stay. In light of these factors, we simply do not believe that the executive has shown that CIGA creates any signficant impediment to the President's execution of the law. In fact, we are persuaded that "any intrustion" permitted by CIGA upon the execution branch "can only be termed de minimis." *Commodity Futures Trading Comm'n* v. *Schor*, — U.S. —, 106 S. Ct. 3245, 3260, 92 L. Ed. 2d 675 (1986). 809 F.2d at 997 (footnotes omitted).

Arguably, the disruptive effect of an exercise of the waiver authority accorded committees under the proposed bill pales in comparison to that involved in the *Nixon* cases and *Ameron*. In fact, it may be contended that the wavier facilitates effective and efficient administration of the law that far outweights the minimal intrusion on the executive that may be perceived.

MORTON ROSENBERG,
Specialist in American Public Law,
American Law Division.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, May 19, 1988.

To: Senate Subcommittee on Nuclear Regulation, Committee on Environment and Public Works. Attention: Dan Berkowitz.

From: American Law Division.

Subject: Further Comments on the Proposed Nuclear Reorganization and Reform Act of 1988.

As a follow up to our memorandum of March 29, 1988, you inquire as to the basis of Congress' authority (1) to vest investigatory authority in the proposed Nuclear Reactor Safety Board (Board) and (2) to require the Administrator of the new Nuclear Safety Agency to provide Congress with copies of all "budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the office of Management and Budget."

1. *Investigatory Authority.* As we indicated in our March 29 memo, the Nuclear Reactor Safety Investigation Board would be an advisory body and thus its members need not be appointed in the manner prescribed by Article II, section 2, col. 2 of the Constitution. *Buckley* v. *Valeo*, 424 U.S. 1, 137-138 (1976). However, the *Buckley* Court made it quite clear that while such appointees could not exercise "significant authority pursuant to the laws of the United States" such as conducting civil litigation, promulgating substantive rules or determining eligibility for Federal funds, Congress could lawfully vest them with powers to investigate and to gather and disseminate information, and the ability to enforce such tasks, since they are functions that could be delegated to its own committees as aids in performing its legislative function. The Court stated:

"Insofar as the powers confided in the Commission are essentially of an investigative and informative nature, falling in the same general category as those powers which Congress might delegate to one of its own committees, there can be no question that the Commission as presently constituted may exercise them, *Kilbourn* v. *Thompson*, 103 U.S. 168 (1881); *McGrain* v. *Daugherty*, 273 U.S. 135 (1927); *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491 (1975). As this Court stated in *McGrain*, supra, at 175:

"'A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do posses it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed. All this was true before and when the Constitution was framed and adopted. In that period the power of inquiry—with enforcing process—was regarded and employed as a necessary and appropriate attribute of the power to legislate—indeed, was treated as inhering in it.'" 424 U.S. at 137-138.

2. *Concurrent Submissions.* Statutory requirements that executive branch officials report directly to the Congress trace their roots to the very first Congress. The legislation establishing the Treasury Department required the Secretary to report to Congress "and generally perform all such services relative to the finances, as he shall be directed to perform." Act of September 2, 1789, ch. 12, sec. 2, 1 Stat. 65, 66. Pursuant to this mandate, Alexander Hamilton, the first secretary of the Treasury, submitted seminal reports to the Congress at the direction of the House of Representatives. Each report begins with an acknowledgement of the order of the House which had directed him to report. See, e.g., Report of Public Credit, 2 Annals of Congress 1991 (1790); Report of a National Bank, id., 2031; Report on Manufactures, 3 Annals of Congress 971 (1791) ("The Secretary of the Treasury, in obedience to the order of the House of Representatives . . ."). Prior to the passage of the Budget and Accounting Act of 1921, 42 Stat. 20, which established the President's authority over the agency budget process, each agency had submitted its annual budget request directly to Congress. Finding this process inefficient and unwieldy, Congress created the Bureau of the Budget (now the Office of Management and Budget) to review the morass of agency budgetary information and to approve agency budget requests. See generally, L. Fisher, Presidential Spending Power, ch. 1 (1975). In addition to authority to review and approve agency budget requests, the Bureau was subsequently authorized to clear proposals for legislation of agency comments on proposed legislation, see Reorganization Act of 1939, ch. 36, tit. II, 53 Stat. 265 (codified at 31 U.S.C. 1108 (1982)).

Congress' voluntary relinquishment of this authority has not been unequivocal. Either House may request an agency official to submit directly to it "an appropriation estimate or request, a request for an increase in that estimate or request, or a recommendation on meeting the financial needs of the Government." 31 U.S.C. 1108(g) (1982). Also, Congress has selectively required simultaneous or unaltered submission of budget requests and legislative proposals and comments. Thus, since 1973, Congress has mandated that the budget requests of the U.S. Postal Service, see Act of June 30, 1974, Pub. L. No. 93-328, § 23, 88 Stat. 287 (codified at 38 U.S.C. § 2009 (1982)), and the U.S. International Trade Commission, see Trade Act of 1974, Pub. L. No. 93-618, § 175(a)(1), 88 Stat. 1978 (1975) (codified at 19 U.S.C. § 1976)), be submitted to Congress without revision, and that the budget requests and legislative proposals of other agencies be submitted concurrently to OMB. See, e.g., Privacy Act of 1974, Pub. L. No. 93-579, § 5(a)(5), 88 Stat. 1896 (reprinted in 5 U.S.C. § 522a app., at 318 (1976)) (Privacy Protection Study Commission): Commodity Future Trading Commission Act of 1974, Pub. L. No. 93-463, § 101(a)(3), 88 Stat. 1389 (1974) (codified at 7 U.S.C. § 4a(h)(1)-(2) (1982)) (Commodity Future Trading Commission); Consumer Product Safety Act, Pub. L. No. 92-573, § 27(k), 86 Stat. 1207 (1972) (codified at 15 U.S.C. § 2076(k) (1982) (Consumer Product Safety Commission);

Hazardous Materials Transportation Act, Pub. L. No. 93-633, § 304(b)(7), 88 Stat. 2156 (1975) (codified at 49 U.S.C. § 1903(b)(7) (1982)) (National Transportation Safety Board); Civil Service Reform Act of 1978, Pub. L. No. 95-454, § 202(a), 92 Stat. 1122 (codified at 5 U.S.C. § 1205(j) (1982) (Merit Systems Protections Board); Railroad Revitalization and Regulation Reform Act of 1976, Pub. L. No. 94-210, § 311, 90 Stat. 60 (codified at 31 U.S.C. § 1108(f) (1976)) (Interstate Commerce Commission); Department of Energy Act, Pub. L. No. 95-91, § 401, 91 Stat. 582 (codified at 42 U.S.C. § 717(j) (1982)) (Federal Energy Regulatory Commission); AMTRAK Improvement Act of 1973, Pub. L. No. 93-146, § 12, 87 Stat. 553 (codified at 45 U.S.C. § 601(d) (1976) (National Railroad Passenger Corporation); Regional Rail Reorganization Act of 1973, Pub. L. No. 93-236, § 2021, 87 Stat 990 (codified at 45 U.S.C. § 712(f) (1982)) (U.S. Railway Association). Also, section 111 of the Act of Oct. 28, 1974, exempts the following agencies from clearance of legislative proposals and comments: Securities and Exchange Commission, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and the National Credit Union Administration. Act of Oct. 28, 1974, Pub. L. No. 93-495, § 111, 88 Stat. 1500 (codified at 12 U.S.C. § 250 (1982)).

The Supreme Court has long recognized the validity of direct reporting requirements. See, e.g., *INS* v. *Chadha*, 462 U.S. 919, 935 n. 9 (1987); *Sibbach* v. *Wilson and Co.*, 312 U.S. 1 (1941). At the core of this aspect of congressional authority is the recognition of the legislature's need for reliable information in order to fulfill its constitutionally mandated functions. As a general proposition it may be posited that, in the absence of a countevailing constitutional privilege or a self-imposed statutory restriction upon its authority, the Congress (and its committees) has plenary power to compel information needed to discharge its legislative function from executive agencies, private persons, and organizations, and, within certain constraints, the information so obtained may be made public. The fact that the Executive has determined for its own internal purposes that a particular item should not generally be disclosed does not prevent either House of Congress, or its committees and subcommittees, from obtaining and publishing information that it considers essential for the proper performance of its functions. The case law delineating Congress' expansive oversight authority demonstrates its virtually plenary power in this area.

Thus, although there is no express provision of the Constitution which specifically authorizes the Congress to conduct investigations and take testimony for the purpose of performing its legitimate functions, the practice of the British Parliament and numerous decisions of the Supreme Court of the United States have firmly established that the investigatory power of Congress is so essential to the legislative function as to be implied from the general vesting of legislative power in Congress. *McGrain* v. *Daugherty*, 272 U.S. 135 (1927); *Watkins* v. United States, 354 U.S. 178 (1957); *Barenblatt* v. United States, 360 U.S. (1959); *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491 (1975); *Nixon* v. *Administrator of General Services*, 433 U.S. 425 (1977); see also, *United States* v. *A.T.T.*, 551 F.2d 384 (D.C. Cir. 1976) and 567 F.2d 1212 (D.C. Dir. 1977). Chief Justice Warren speaking for the Court in *Watkins* described the power as follows:

"We start with several basic premises on which there is general agreement. The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possible needed statutes. It includes surveys of defects in our social, economic, or political system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste. But broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress . . . Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial departments of government. No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. 354 U.S. at 187."

Legitimate legislative tasks encompassing the power have been defined as activities that are "an intergral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House." *Gravel* v. *United States*, 408 U.S. 606, 625 (1973).

In the *Eastland* case the Court reiterated its view that the power of effective congressional inquiry is an integral part of the legislative process:

"The power to investigate and to do so through compulsory process plainly falls within . . . [the *Gravel* definition of legitimate legislative tasks]. This Court has often noted that the power to investigate is inherent in the power to make laws because '[a] legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.' *McGrain* v. *Daugherty*, 273 U.S. 125 175 (1927) . . . Issuance of subpoenas such as the one in question here has long been held to be a legitimate use by Congress of its power to investigate . . .

"'[W]here the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete, as some means of compulsion are essential to obtain what is needed.'" *McGrain* v. *Daugherty*.

These broad principles of Congressional investigatory authority apply a fortiori to the exercise of Congress' Article I power to create the agencies and offices necessary to carry out its policy directives. *Buckley* v. *Valeo*, supra, at 138. Anticipation of a legislative need to know accurately what an agency official actually thinks with respect to his agencys budget or about changes in his agency's legislative authority, as reflected in an identifiable document, would appear well within the congressional prerogative. As we indicated in our March 29 memo, pp. 5-6, 8-9, reporting provisions such as the one in question in no way significantly circumscribe the President's duties to "take care" that the laws be faithfully executed or to "recommend to [Congress'] consideration such measures as he shall judge necessary and expedient," under Article II, section 3. As was noted there, these clauses are not a source of substantive presidential power and claims to that effect have been consistently rejected by the courts, most recently by the Court of Appeals for the Ninth Circuit in *Lear Siegler, Inc.* v. *Lehman*, 842 F.2d 1102 (9th Cir. 1988) ("To construe this duty to faithfully execute the laws as implying the power to forbid their execution perverts the clear language of the 'take care' clause."). Nor may such requirements be reasonably seen as aggrandizing congressional power in derogation of presidential power. The Chief Executive maintains his ability to communicate with the Administrator with respect to budget matters and proposed legislation and to influence her ultimate views. Further, she serves at his pleasure. The ability to remove her at will has recently been recognized by the Supreme Court as the ultimate power over an official: "[I]t is only the authority that can remove him, and not the authority that appointed him that he must fear, and, in the performance of his functions, obey." *Bowsher* v. *Synar*, 106 S.Ct. 3181, 3188 (1986) (quoting *Synar* v. *U.S.*, 626 F. Supp. 1374, 1401 (D.D.C. 1986) (3-judge court). Moreover, the President's recommendatory duty under Article III is not circumscribed in any way by such a provision. A presidential alternative, including the abandonment of a proposed course of action, is not precluded. Thus any intrusion on the ability of the President to exercise his core executive functions is likely to be deemed de minimis. *Commodity Futures Trading Commission* v. *Schor*, 106 S.Ct. 3245, 3260 (1986); *Ameron* v. *U.S. Corps of Engineers*, 809 F.2d 979, 997 (3d Cir 1986), cert granted, 56 U.S.L.W. 3638 (S.Ct. 3/21/88). Finally, no case has expanded the concept of executive privilege recognized in *U.S.* v. *Nixon*, 418 U.S. 683 (1974), to cloak the kind of communciations implicated by the type of reporting provisions involved here.

Morton Rosenberg,
Specialist in American Public Law.

Congressional Research Service,
Washington, DC, July 11, 1988.

To: Hon. Don Bonker, Attention: Brian Lindberg.
From: American Law Division.
Subject: Validity of Insulating Census Process From Office of Management and Budget Review.

Section 2 of H.R. 4550 would amend 13 U.S.C. 141 (1982) so as to insulate the census taking process from review by the Office of Management and Budget (OMB) or any other entity outside the Department of Commerce. The provision states that "(n)otwithstanding any other provision of law, no form, questionnaire, methodology, procedure, or other matter relating to a census of population (excluding a request for appropriations or any other matter relating to finding for any such census) shall be subject to the clearance or approval of any individual or agency in the executive branch outside the Department of Commerce."

The Department of Justice (DOJ) has objected to the constitutionality of the proposed amendment, contending that it "prevents the President, either directly or through his subordinates, from supervising a subordinate executive branch official (the Secretary of Commerce) in the conduct of his statutory duties (the development of census-related materials, as provided for in 13 U.S.C. 141), thereby trenching upon the President's exclusive constitutional authority, as head of a unitary executive, to supervise the executive branch." Letter dated June 8, 1988 to Hon. Mervyn M. Dymally, Chairman, Subcommittee on Census and Population, House Committee on Post Office and Civil Service from Acting Assistant Attorney Thomas M. Boyd, Office of Legislative and Intergovernmental Affairs, U.S. Department of Justice (footnotes omitted). Relying on three landmark removal decisions by the Supreme Court—*Myers* v. *United States,* 272 U.S. 52 (1926); *Humphrey's Executor* v. *United States,* 295 U.S. 602 (1935); and *Bowsher* v. *Synar,* 478 U.S. 714 (1986)—DOJ concludes that "(i)n discussing the principles of the unitary executive and the separation of powers, the Supreme Court has recognized the President's right to direct the actions of his subordinates in carrying out executive branch functions, free from interference by another branch of government."

You have asked that we critically examine DOJ's objections. We conclude that the substantiality of DOJ's underlying rationale has been severely eroded by the Supreme Court's recent ruling in *Morrison* v. *Olson,* — U.S. — (U.S. S. Ct., June 29, 1988), upholding the constitutionality of the statute allowing the establishment of independent counsels; and that, in any event, the regulation of OMB's review authority is supportable as a lawful exercise of Congress' legislative power over census matters.

DOJ's assertion rests on a view of the executive branch as a highly centralized bureaucratic structure. This model of governance envisions a unified and hierarchical executive with the President at the apex and all administrative agencies arrayed below him. It views the President, in his role as the only nationally elected official of the Federal Government, as the possessor of broad supervisory and managerial powers as well as an encompassing political presence in administrative agencies. The Chief Executive's constitutional duty to see that the laws are faithfully executed under article II, section 2 is seen as providing both the responsibility and the authority to intervene in administrative decisions in order to set priorities, allocate limited resources, balance competing policy goals, resolve conflicting jurisdictions and responsibilities of agencies, and assure that programs are effectively and efficiently managed. Support for this proposition is founded on language in the Supreme Court's opinion in *Myers* v. *United States, supra* where it stated that "[t]he ordinary duties of officers prescribed by statute come under the general administrative control of the President by virtue of the general grant to him of executive power, and he may properly supervise and guide their construction of the statutes under which they act in order to secure that unitary and uniform execution of the laws which Article II of the Constitution evidently contemplated in vesting general executive power in the President alone." *Myers, supra,* 272 U.S. 135. See also *In re Sealed Case,* 838 F.2d 476 (D.C. Cir. 1988), overruled *sub. nom. Morrison* v. *Olson, supra.*

On the other hand, Congress bases its ability to insulate and direct subordinate executive branch officials in the manner prescribed in the bill on its view that the executive power is not hierarchical in nature or uniquely vested in the President alone, just as the President's functions are not solely executive (*e.g.,* the veto power). Article II is seen as clearly anticipating the creation of an administrative bureaucracy by its mention of "Heads of Departments," and the necessary and proper clause of article I makes it certain that it would be Congress alone that would do the creating. In this scheme, Congress can assign a "Head of Department" any executive power not textually reserved to the President in Article II. Moreover, the "take care" clause, it is contended, has not been read by the courts to vest absolute power in the President over Heads of Departments and other subordinate officials. That clause says only that the President "shall take care that the laws be faithfully executed," regardless of who executes them, a duty quite different from the claim of a single-handed responsibility for executing all laws. A literal reading of the "take care" clause confirms the President's duty to ensure that officials obey Congress' instructions; it does not create a presidential power so great that it can be used to frustrate congressional intention. In the words of the Supreme Court, where a valid duty is imposed upon an executive official by Congress, "the duty and responsibility grow out of and are subject to the control of the law, and not the direction of the president." *Kendall ex rel Stokes* v. *United States,* 37 U.S. (12 Pet.) 524, 610 (1838). In the past, similar claims of broad substantive authority deriving from the "take care" clause have been consistently rejected by the courts. See, *e.g., Youngstown Sheet and Tube Co.* v. *Sawyer,* 343 U.S. 579, 587 (1952); *In re Theodore Olson,* 818 F.2d 34 (D.C. Cir. 1987); *National Treasury Employees Union* v. *Nixon,* 492 F.2d 587, 604 (D.C. Cir. 1974); *Guadamuz* v. *Ash,* 386 F. Supp. 1233, 1247 (D.D.C. 1973). Most recently, the Court of Appeals for the Ninth Circuit, in condemning reliance on the "take care" clause as a justification for ignoring the mandate of an act of Congress, stated: "To construe this duty to faithfully execute the laws as implying the power to forbid their execution perverts the clear language of the 'take care' clause." *Lear Siegler, Inc.* v. *Lehman,* 842 F.2d 1102 (9th Cir. 1988).

DOJs notion of a unitary executive was severely undermined by the Supreme Court's ruling in *Morrison* v. *Olson, supra.* There the Court rejected the Executive's contention that providing for court appointment of independent counsels and limiting the President's ability to remove an independent counsel (through the Attorney General) to "good cause," impermissibly interfered with the exercise of his constitutionally appointed functions. The *Myers* precedent was strictly limited to its factual context, *i.e.,* the President had the power to remove a postmaster without the necessity of seeking the advice and consent of the Senate, and the Court's subsequent removal cases are no longer to be interpreted as turning on whether an official is classified as "purely executive" or not. There are no rigid categories of officials who may or may not be removed at will by the President. Analysis now turns on whether a limitation interferes with the President's ability to perform his constitutional duties. It is in that light that the functions of the official in question must be analyzed. Thus in *Morrison,* while the independent counsel's prosecutorial functions were found to be executive in that they have "typically" been performed by Executive branch officials, they were not deemed to be "central" to the functioning of the Executive branch. Further, the Court held, since the independent counsel can be removed by the Attorney General, *albeit* "for cause," this is sufficient to ensure that she is performing her statutory duties, which is all that is required of the President by the "take care" clause. *Morrison* v. *Olson, supra,* slip opinion pp. 27-34.

In sum, then, the *Independent Counsel* decision appears to vitiate the essential supporting legal rationale of the unitary executive theory, i.e., that "the President must have absolute discretion to discharge 'purely' executive officials at will." *Id.* at 30. This was squarely rejected by the Court. *Id.* at 30 note 26, 31-32. The question that remains, then, is whether a provision such as that in question impermissibly undermines executive powers or would disrupt the proper balance between the coordinate branches by preventing the Executive from performing his assigned functions.

It is well settled that Congress in legislating pursuant to the powers granted it under Article I, section 8 of the Constitution, as well as powers granted in other parts of the Constitution, has the authority, under the Necessary and Proper Clause, Art. I, § 8, cl. 18, to create the bureaucratic infrastructure of the Executive branch and to determine the nature, scope, power and duties of the offices so created. *Buckley* v. *Valeo,* 424 U.S. 1, 138 (1976). The Constitution specifically vests broad authority in the Congress over the census process in Article I, section 2, clause 3: "The actual enumeration shall be made . . . within every subsequent term of an ten years *as Congress shall by law direct.*" (emphasis supplied).

Moreover, as a general matter, the Supreme Court has spoken very broadly of the legislative power over offices. Where Congress deals with the structure of an office—its creation, abolition, powers, duties, tenure, compensation and other such incidents—its power is virtually plenary. See, e.g., *Morrison* v. *Olson, supra.* Only where the object of the exercise of the power is clearly seen in the particular situation as an attempt to effect an unconstitutional purpose, *e.g.,* congressional appointment or removal of an officer, see *Buckley* v. *Valeo,* 424 U.S. 1 (1976); *Bowsher* v. *Synar,* 478 U.S. 714 (1988), have the courts felt constrained to intervene. Most recently the Court reaffirmed Congress' authority to require the submission of reports and other information to it from officials, and the exercise of oversight over agencies, "as functions that we have recognized generally as being incidental to the legislative function of Congress, See *McGrain* v. *Dougherty,* 273 U.S. 135, 174 (1927)." *Morrison* v. *Olson, supra,* at 35-36.

With particular regard to the subject matter in question, the Supreme Court has had occasion to note that "there is abundant statutory precedent for the regulation and mandatory disclosure of documents in the possession of the Executive Branch" and that "[s]uch regulation of material generated in the Executive Branch has never been considered invalid as an invasion of its autonomy." *Nixon* v. *Administrator of General Services,* 433 U.S. 425, 445 (1977). There the Court cited with approval the Freedom of Information Act, 5 U.S.C. 552 (1982); the Privacy Act of 1974, 5 U.S.C. 552a (1982); the Government in the Sunshine Act, 5 U.S.C. 552(b) (1982); the Federal Records Act 44 U.S.C. 2102 *et. seq* (1982); 13 U.S.C. 8-9 (1982) (census data); and 26 U.S.C. 6103 (1982) (tax returns) as appropriate instances of such regulation. In *Nixon* v. *GSA* itself, the Court upheld the Presidential Recordings and Materials Preservation Act, 44 U.S.C. 2201 (1982), which regulates, *inter* *alia*, public access to president Nixon's presidential papers, against claims of violations of the doctrines of separation of power and executive privilege.

Moreover, the statute books are replete with examples of Congress regulating review by OMB of budget requests, legislative proposals and other required reports and documents. Thus, since 1973, Congress has mandated that the budget requests of the U.S. Postal Service, *see* Act of June 30, 1974, Pub. L. No. 93-328, § 23, 88 Stat. 287 (codified at 39 U.S.C. § 2009 (1982)), and the U.S. International Trade Commission, *see* Trade Act of 1974, Pub. L. No. 93-618, § 175(a)(1), 88 Stat. 1978 (1975) (codified at 19 U.S.C. § 2232 (1976)), be submitted to Congress without revision, and that the budget requests and legislative proposals of other agencies be submitted concurrently to OMB and the Congress. *See, e.g.*, Privacy Act of 1974, Pub. L. No. 93-579, § 5(a)(5), 88 Stat. 1896 (reprinted in 5 U.S.C. § 552a app., at 318 (1976) (Privacy Protection Study Commission); Commodity future Trading Commission Act of 1974, Pub. L. No. 93-463, § 101(a)(3), 88 Stat. 1389 (1974) (codified at 7 U.S.C. § 4a(h)(1)-(2) (1983)) (Commodity Future Trading Commission); Consumer Product Safety Act, Pub. L. No. 92-573, § 27(k), 86 Stat. 1207 (1972) (codified at 15 U.S.C. § 207b(k) (1982) (Consumer Product Safety Commission); Hazardous Materials Transportation Act, Pub. L. No. 93-633, § 304(b)(7), 88 Stat. 2156 E.O. 12,291.) (1975) (codified at 49 U.S.C. § 1903(b)(7) (1982)) (National Transportation Safety Board); Civil Service Reform Act of 1978, Pub. L. No. 95-454, § 202(a), 92 Stat. 1122 (codified at 5 U.S.C. § 1205(j) (1982)) (Merit Systems Protections Board); Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94-210, § 311, 90 Stat. 60 (codified at 31 U.S.C. § 1108(f) (1982)) (Interstate Commerce Commission); Department of Energy Act, Pub. L. No. 95-91, § 401, 91 Stat. 582 (codified at 42 U.S.C. § 717(j) (1982)) (Federal Energy Regulatory Commission); AMTRAK Improvement Act of 1973, Pub. L. No. 93-146, § 12, 87 Stat. 553 (codified at 45 U.S.C. § 601(d) (1976)) (National Railroad Passenger Corporation); Regional Rail Reorganization Act of 1973, Pub. L. No. 93-236, § 2021, 87 Stat. 990 (codified at 45 U.S.C. § 712(f) (1982)) (U.S. Railway Association). Also, section 111 of the Act of Oct. 28, 1974, exempts the following agencies from OMB clearance of legislative proposals and comments: Securities and Exchange Commission, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and the National Credit Union Administration. Act of Oct. 28, 1974, Pub. L. No. 93-495, § 111, 88 Stat. 1500 (codified at 12 U.S.C. § 250 (1982)). And *see* 42 U.S.C. 242m(a)(3) (1982) (reports to Congress required of Secretary of HHS may be reviewed by OMB but cannot be revised or delayed); 42 U.S.C. 7318(f) (1982) (no clearance or approval of required reports and documents of the Inspector General of the Department of Energy); 15 U.S.C.A. 634 (1987 Suppl.) (no clearance of reports of Chief Council Office of Advocacy, Small Business Administration); Executive Office Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591, section 101(m) (OMB precluded from reviewing agricultural marketing orders of the Department of Agriculture or regulations of the Bureau of Alcohol, Tobacco & Firearms of the Treasury Department under E.O. 12,291.

In the face of this case law and statutory precedent, the efficacy of a claim of violation of the separation of powers doctrine is problematic. In determining whether a statute disrupts the balance between the coordinate branches the Court first asks whether the action of the challenged branch threatens to prevent another "from accomplishing its constitutionally assigned function," and second, "where there is a potential for disruption," it determines "whether that impact is justified by the overriding need to promote objectives within the constitutional power" of the moving branch. Nixon v. GSA, supra, 422 U.S. at 442-43. See also Morrison v. Olson, supra, at 35-37.

The potential for disruption of the President's ability to perform his constitutional function is not apparent on the face of the instant proposal. It must be argued that the particular type of presidential communication and control argued for here—a veto power over the development of census forms—is so central to the President's ability to "take care" that the laws are being faithfully executed that he must have final say whether they are to be used or not. That argument, however, was severely undercut by the Independent Counsel case. The Court found that the President's duty under the "take care" clause requires no more than that he have "sufficient" control over the functioning of the independent counsel to assure that she is carrying out her statutory duties. In that case, the President's ability, through the Attorney General, to remove an independent counsel "for cause" was deemed "sufficient" to ensure that he could perform his constitutional function. Here, of course, the President has direct removal power over the Secretary of Commerce and the Director of the Census.[1] The *Morrison* decision would therefore seem to lend strong support to those court rulings which have precluded executive interference with the exercise of discretionary duties vested by Congress in subordinate executive branch officials. See, *e.g., Marbury* v. *Madison,* 5 U.S. (1 Cranch) 137, 166 (1803). *U.S. ex rel Kendall v. Stokes,* 37 U.S. (12 Pet.) 524, 610 (1838); *Ameron Inc.* v. *U.S. Corps of Engineers,* 809 F.2d 979 (3d Cir. 1986), *cert. granted* 56 U.S.L.W. 3638 (S. Ct. 3/21/88); *Lear Siegler, Inc.* v. *Lehman,* 842 F.2d 1102 (9th Cir. 1988); *Public Citizen* v. *Burke,* 655 F.Supp. 318 (D.D.C. 1987), aff'd, — F.2d — (D.C. Cir. 1988); *Gilchrist* v. *Collector of Customs,* 10 F. Cases 355, 356, 363 (C.C.D.S.C. 1808) (No. 5,420).

Nor may such requirements be reasonably seen as aggrandizing congressional power in derogation of presidential power. The Chief Executive maintains his ability to communicate with the Secretary and the Director with respect to the census process to influence their ultimate views. Moreover, the president's recommendatory duty under Article II is not circumscribed in any way be such a provision. A presidential alternative, including the abandonment of a proposed course of action with respect to census question is not precluded. The proposed legislation also does not preclude OMB from seeking budget cuts that might vitiate the efficacy of the proposed census questions. Thus any intrusion on the ability of the President to exercise his executive functions is likely to be deemed *de minimis. Commodity Futures Trading Commission* v. *Schor,* 106 S. Ct. 3245, 3260 (1986); *Ameron* v. *U.S. Corps of Engineers,* 809 F.2d 979, 997 (3d Cir. 1986), *cert granted.* 56 U.S.L.W. 3638 (S. Ct. 3/21/88). Finally, no decided case has expanded the concept of executive privilege recognized in *U.S.* v. *Nixon,* 418 U.S. 683 (1974), to cloak the kind of communications implicated by the type of reporting provisions involved here.

In light of the precedents and factors just reviewed, it could seem likely that a court reviewing the question would find that the very limited potential for disruption of executive functioning is justified and necessary and does not create a significant impediment to the President's execution of the law.

MORTON ROSENBERG,
Specialist in American Public Law.

Mr. GLENN. Mr. President, I rise in support of S. 2443, an original bill to abolish the Nuclear Regulatory Commission [NRC] and put an agency run by a single administrator in its place, although I do so with some important reservations which I wish to speak about.

Let me begin by saying that the Governmental Affairs Committee, which I chair, has had a long history of involvement with the NRC. The committee created the NRC in 1974 when it reported, and the Congress subsequently passed, the Energy Reorganization Act.

The committee has had an ongoing interest in the agency ever since. Indeed, since 1975, when I came to the Senate and joined the committee, we have held 27 hearings where NRC officials have testified on a wide variety of subjects related to the agency and its functions, including licensing procedures, radiation protection, the role of the agency in fostering international cooperation on nuclear safety matters, safeguards against terrorism, and Three Mile Island, to name a few.

Mr. President, I ask unanimous consent to place in the RECORD following my remarks a list setting forth the dates and subject matter of those 27 hearings held by the Governmental Affairs Committee since the agency opened its doors in January 1975.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Following the Three Mile Island accident, the Governmental Affairs Committee negotiated with the Carter administration a reorganization plan for the agency following the recommendations of the Kemeny and Rogovin Commissions, which were established by the President and NRC, respectively, to study ways of improving the operation of the agency.

My personal involvement with the NRC includes a legislative record that I am quite proud of, including my role as a co-author of the Nuclear Non-Proliferation Act of 1978, which clarified the role of the NRC in nuclear export licensing, including the relationship between the NRC and the executive branch on a range of nonproliferation matters. These include the review of nuclear agreements for cooperation with other countries, so-called subsequent arrangements, and requirements for reporting to the Congress concerning its activities in these areas.

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[1] Indeed, the Commerce Secretary is not among those who is precluded from reviewing the subject materials.

In 1987, as chairman of the Committee on Governmental Affairs, I initiated a review of the effectiveness of the audit and investigation functions at the NRC. As a result of the committee's review, we incorporated into our bill on the creation of new inspectors general—S. 908—a provision for an inspector general at the NRC. As reported by the Governmental Affairs Committee in June 1987, S. 908 proposed to transfer two existing NRC offices—the Office of Inspector and Auditor, and the Office of Investigations—into the new statutory IG Office at the NRC.

In a hearing held April 9, 1987, the committee revealed serious shortcomings with respect to the Office of Inspector and Auditor [OIA], which performs the typical IG functions of internal audit and investigations and reports directly to the Commissioners. We found that serious deficiencies in OIA's objectivity and investigative practices have compromised the credibility of that Office as an internal watchdog. This situation has existed for years, and it continues as a problem with OIA's current management.

We also found that OIA lacks the permanent status afforded to a statutory office of inspector general. It could be disestablished at the discretion of the Commission, and the office head is appointed by and serves at the pleasure of the Commission.

In contrast, under S. 908, a statutory IG for the NRC would be appointed by the President, with the advice and consent of the Senate, and could be removed only by Presidential action. With these protections, a statutory IG at the NRC would be able to thoroughly investigate allegations of employee misconduct or mismanagement without fear of removal by the Commission.

This is no small matter. The committee's April 1987 hearing demonstrated that OIA has not performed all of the essential functions of a statutory office of inspector general. The committee's hearing showed that evidence of potential wrongdoing by one NRC Commissioner, Thomas Roberts, or employees in his office was intentionally withheld from OIA in 1985. On the basis of this evidence and Commissioner Roberts' testimony at the hearing, I called for the resignation of Commissioner Roberts, the first time I have ever requested such action during my tenure in the Senate. Unfortunately, I do not think I had much choice in this matter, a judgment also reached by Senator Breaux after conducting his own separate investigation into this matter.

The episode involving Commissioner Roberts demonstrates the NRC's need for a truly independent inspector general, with the authority, expertise, and clout to investigate potential wrongdoing wherever it occurs, even if it involves the office of the head of the agency.

At its April 1987 hearing, the Governmental Affairs Committee also heard disturbing testimony concerning proposals and attempts to undermine the ability of the Office of Investigations [OI], created in 1982 to perform investigations of persons in the commercial nuclear industry who intentionally violate Commission regulations and license conditions, falsify records, lie, or otherwise manifest serious deficiencies of character to handle hazardous nuclear materials or to operate nuclear plants.

The committee heard testimony on measures actually adopted by the Commissioners concerning OI's ability to self-initiate investigations and to refer the results of its investigations directly to the Department of Justice. These measures compromised OI's effectiveness and independence.

The committee also heard of repeated proposals to move OI under the supervision of the Executive Director for Operations, thereby jeopardizing its independence from the agency's technical staff and its direct reporting relationship to the Commissioners. These proposals had repeatedly been defeated until recently, when the Commissioners moved OI under the NRC staff. In light of this development, it has become even more important for Congress to move quickly to legislate a statutory underpinning for OI, and thereby move to reestablish its integrity and independence.

Subsequent to the Governmental Affairs Committee's favorably reporting S. 908 to the Senate floor, Senators Breaux and Simpson also held hearings on the Office of Inspector and Auditor and the Office of Investigations. They indicated their willingness to, through legislation, provide OI with a statutory underpinning and direct reporting relationship to the Commissioners. As a result, after considerable debate and discussion, Senator Roth and I agreed to drop the proposal concerning OI from S. 908 in order to allow the Environment and Public Works Committee time to formulate its own proposal concerning OI. S. 908 passed the Senate in February 1988 by a vote of 85 to 0; now a companion bill has emerged from the House which does not contain a proposed inspector general for the NRC, and we have named Senate conferees to resolve the differences between the two bills.

At the same time, because of the Governmental Affairs Committee's long history of involvement with the agency, an agreement was reached with the Committee on Environment and Public Works that the Governmental Affairs Committee would have a sufficient period of time to examine the NRC reauthorization bill, which contained the proposal to restructure the agency, prior to its coming to the Senate floor for consideration and that was done. As reported by the Committee on Environment and Public Works, the bill proposed a single administrator, a statutory IG, a statutory OI, and a nuclear reactor investigations board for the NRC.

To consider this proposal, I chaired two hearings earlier this year. During the committee's hearings, I noted a number of competing public policy concerns which I felt had to be satisfactorily resolved before the Senate could act favorably on this proposal, especially the new agency's relationship to the rest of the executive branch.

Following these hearings, the Governmental Affairs and Environment and Public Works Committees worked together to produce the restructuring proposal which is before us today. In my view, these were important and productive discussions and the accommodations reached are, in the main, satisfactory.

I am sympathetic to the goals of this proposal. The move to a single administrator is intended to increase the efficiency of the agency's decision-making process and provide a better opportunity to seek accountability for the agency's performance. Those are desirable features in every agency in the executive branch, including the regulatory agencies concerned with public health and safety. It is evident that the commission structure at the NRC has not been working well in recent years, and that management of the agency could be significantly improved.

The present proposal to convert the agency to an executive branch agency speaks to this need. In fact, of all the current agencies charged with regulating health and safety, such as the Food and Drug Administration, Federal Aviation Administration, Environmental Protection Agency, the National Highway Traffic Safety Administration, the Occupational Safety and Health Administration and the Mine Safety and Health Administration, only—I stress only—the Consumer Product Safety Commission and the NRC are not headed by a single Administrator.

These agency administrators, who serve at the pleasure of the President, are accountable to the elected President through the OMB clearance process and other Presidential oversight mechanisms. These checks are intended to ensure that a coherent and enforceable regulatory strategy is being followed by the executive branch as a whole and that the President's policies are truly being implemented.

In light of this precedent within the executive branch, the nature and extent of OMB's power to review and coordinate the proposed Nuclear Safety Agency's budget, legislative and regulatory submissions were the focus of intense debate. As introduced, S. 2433 provided the new agency with a bypass from OMB's sole authority over these matters. In my view, that was a fatal flaw in the bill because it would place only one check on the new Administrator's authority to singularly set national policy on the licensing and operation of commercial nuclear reactors and the domestic uses of nuclear materials—the only check to that authority was that he or she could be fired by the President.

That is a pretty good authority, I must admit, but for the other agencies of Government that I mentioned a moment ago that are involved with health and safety regulation, their proposals are run through OMB for review, to make certain that they are, in fact, in harmony and working well with other agencies of Government. I think that should be the case with the new Nuclear Safety Agency's budget, legislative and regulatory proposals as well. It is utterly unrealistic to expect the President to be able to evaluate the Administrator's actions on a day-to-day basis and to be able to examine them in light of the actions and policies of other executive branch agencies.

As a result, there would have been no real check in law on the Administrator's authority, creating the potential for an abuse of power that could have had serious consequences for public health and safety. The effect of these provisions would have been to limit the President's ability, through his Executive Office staff in OMB, to ensure that the agency's budget, legislative and regulatory submissions are coordinated with the policies, programs, and priorities of the President. These provisions would have made the proposed Nuclear Safety Agency substantially different from the other executive branch agencies headed by a single administrator. In effect, this would have created a domestic nuclear czar.

As a result of these concerns, Senator ROTH and I discussed this matter with the managers of the bill and were successful in persuading the managers to remove the OMB bypass provisions from the bill. I wish to thank the managers for responding to our concerns. We appreciate their cooperation. The compromise we reached on this OMB issue, which codifies certain OMB practices relating to the Agency's rulemaking, is reasonable. The intent of the bill on this issue is to ensure timely and professional reviews by OMB, something that I fully anticipate will occur as we start afresh with the next administration.

In addition, the argument we reached on the OI provision in S. 2433 goes a long way toward permanently establishing the OI function in the agency and clarifying its authorities and its reponsibilities. I think this is a very good first step. However, I wish to comment on that portion of the bill that will allow the Administrator to stop an OI investigation if the Administrator determines the public health and safety or common defense and security requires such action. I am pleased that the managers of the bill have agreed to include a requirement that, in the event the Administrator exercises such authority, the Congress will receive notice. Given the history of the OI function since 1982, I expect this authority will be rarely, if ever, exercised. We should be careful that this authority is not abused.

I am also pleased to see that the bill also provides for the creation of a statutory IG office by amending the Inspector General Act of 1978. This will ensure that the IG will report directly to the Administrator as the new head of the agency and should have the qualifications, competence and clout to effectively perform the critical internal watchdog functions.

Notwithstanding these provisions, I would be less than candid if I said that all the problems of the agency will be solved by this restructuring proposal.

I would like to discuss another important aspect of this legislation; namely, the roles of the new Nuclear Safety Agency in assuring that the United States does not, through its nuclear cooperation agreements or nuclear exports, contribute to the international spread of nuclear weapons.

THE REGULATION OF INTERNATIONAL NUCLEAR COMMERCE

We should stop for a moment and reflect on the circumstances that led to the creation of the NRC back in 1975. With regard to the domestic regulation of nuclear energy in the United States, Congress was mainly interested in assuring the separation of the governmental functions of promoting nuclear energy and the function of regulating the development of nuclear energy. Let me assure my colleagues, however, this was not the only nuclear-related issue that was on the congressional agenda at that time.

As a candidate for the U.S. Senate and later as a freshman Senator from Ohio, I saw that the United States was facing a clear and present danger from the spread of nuclear weapons.

I read the accounts of the Indian nuclear test detonation in May of 1974. That was an event that was made possible thanks to heavy water that had been exported from the United States. A month later I saw the Nixon administration trying to export nuclear reactors to Egypt and to Israel.

And I watched France proceeding with its ill-conceived offers to export plutonium-producing nuclear reprocessing plants to South Korea and to Pakistan.

I witnessed West Germany scramble for a "Nuclear Deal of the Century", as it was called, with Brazil under which Brazil would contract for not just a number of reactors, but an entire nuclear fuel cycle.

I, as many of my colleagues, sat in amazement as Senator Ribicoff, a good friend, spoke in this Chamber on July 21, 1975, about how the Bechtel Corp.—apparently with some quiet encouragement from officials in the Nixon administration—carried on discussions with Brazilian officials about the possible construction of a uranium-enrichment plant in Brazil.

I listened to the testimony in January 1976 before my Governmental Operations Subcommittee of David Lilienthal, the first Chairman of the Atomic Energy Commission, who reviewed these disturbing international developments and said: "If a great number of countries come to have an arsenal of nuclear weapons, then I'm glad I'm not a young man and I'm sorry for my grandchildren."

The radical nature of his proposed remedy of nuclear proliferation underscores the importance our Nation attached and must continue to attach to strong nuclear export controls. David Lilienthal further called on the President and the Congress "to order a complete embargo to the export of all nuclear devices and all nuclear material, that it be done now, and done unilaterally."

Instead of pretending that America can stop all nuclear commerce, however, the Congress chose to create an independent commission with the technical, not political, responsibility of assuring that our nuclear exports do not encourage the proliferation of nuclear weapons.

THE NEED FOR AUTONOMY

All of these events I have just discussed fit into a pattern: in the nuclear boom-town environment that immediately followed the 1973-74 oil crisis, fears were growing in Congress that the pressures to export might overcome the fragile system of national and international nuclear controls that existed at the time. To help assure that America's desire to be a "reliable supplier" did not conflict with its moral and legal obligations to be a "responsible supplier" of nuclear commodities and technology, Congress granted to an independent regulatory commission—the NRC—specific responsibilities in the areas of nuclear exports and foreign nuclear cooperation.

Mr. President, I find that most people in the Senate, and many staff people, do not realize that the NRC has this role with regard to nuclear exports, and a very crucial role it is at that, to make certain that as we export nuclear materials and technical know-how and equipment, we do not contribute to the spread of nuclear weapons around this world.

The legislative history of this period is crystal clear here—Congress did not want America's nuclear exports to be used as commercial "sweeteners" to encourage nuclear package deals with other nations, nor did Congress intend for the executive to employ nuclear exports as just another foreign policy asset to be doled out like foreign aid to friendly countries of the day.

Nuclear exports and nuclear cooperation were regarded then—and are certainly regarded now—as special activities, and thus deserved special scrutiny by both the President and Congress. It is just that "special" element that must be retained in any contemplated reorganization or restructuring of the NRC.

SPECIFIC INTERNATIONAL RESPONSIBILITIES

Because the proposed legislation now before us—the Nuclear Regulation Reorganization and Reform Act of 1988—grants the new Nuclear Safety Agency all the functions of the old NRC, without naming them, I think it is important for my colleagues to recall the wide-ranging responsibilities that Congress has given the NRC in regulating America's nuclear-related commerce and cooperation with other nations.

As a result of the Energy Reorganization Act of 1974, the Nuclear Non-Proliferation Act of 1978, which amended the Atomic Energy Act of 1954, and the Antiterrorism Act of 1986, the NRC was granted authority to regulate foreign sales of a number of nuclear commodities. Interagency procedures to implement this legislation have been published in 10 CFR 110.

The Atomic Energy Act gives the NRC export licensing authority for the following nuclear-related commodities:

Commodity	Section of Atomic Energy Act
Civil Nuclear Production and Utilization Facilities.	103, 126
Components of Such Facilities.	109
Medical and Nuclear R&D Facilities.	104
Special Nuclear Material	54, 111, 126
Source Material	61, 62, 64, 111, 126
Byproduct Material	82, 111
Special Nuclear-Related Material.	109

Section 126 of that act grants the NRC the central role in issuing U.S. licenses to export the commodities listed above; in so doing, the NRC assesses whether the assurances and other information available to the Federal Government satisfy statutory requirements for nuclear exports. The NRC must determine whether the proposed export will be inimical to the common defense and security and must assure that the export will not create an unreasonable risk to the public health and safety. It is also the NRC's job to define which specific facilities are especially relevant to the development or manufacture of nuclear weapons, section 109.

The so-called inimicality determination is especially important here in assuring objectivity in the appraisal of specific export cases. Although it has been the practice of the State Department to provide an opinion to the Agency on the question of inimicality, it is the responsibility of the NRC to make its own determination as well.

The question is, can a single administrator of an agency that is in the executive branch make an independent judgment if a decision is desired by the State Department and/or by the President based upon foreign policy grounds alone? It seems to me that this is one question that will certainly require careful reflection and implementation as the NRC is converted from an independent commision to an executive branch agency.

In issuing these various licenses, the NRC must also defend the public's right to know—opportunities are provided for the public to express its views on proposed exports before licenses are issued. The Commission also publishes in the Federal Register notices of license applications with potential significance for nuclear proliferation, such as the pending export of significant quantities of highly enriched uranium.

Section 123 of the Atomic Energy Act provides for an independent consultative role by the NRC in reviewing proposed agreements for nuclear cooperation with other nations, and further provides that the NRC shall promptly furnish their views—and I emphasize, their views, not those that emanate from some coordinated interagency process—to designated congressional committees about whether safeguards are adequate in such agreements, and on whether any contemplated exports can take place without an unreasonable risk to the common defense and security.

Just recently, we had an example where an agreement for cooperation with Japan was challenged by the NRC on the grounds that the agreement would create a situation where Japan would become the recipient of large amounts of plutonium with inadequate means for determining whether diversions of the material had occurred. The President, the State Department and the Department of Energy all wanted this agreement, and indeed it did finally go through. But NRC's views on the numerous problems with the agreement were an important part of the debate that took place concerning the wisdom of that agreement.

I can tell you, Mr. President, I still come down on the side of the NRC with that. I do not think we did right by that agreement with Japan, and by granting Japan a 30-year blanket approval to use United States origin plutonium as we did at that time. What Japan is pushing for is a plutonium-based fuel cycle for the future, which means they will be buying less and less on American market for uranium and enrichment services on down the road. I think this was a very short-sighted move we made, as well as a move in the wrong direction.

By setting a dangerous 30-year precedent for plutonium distribution around the world, starting with Japan, I think was a wrong move. As far as safeguards against nuclear weaponry goes, I think it is also a wrong move. As far as American business goes, I think this deal will only move Japan, if it continues to go to this new plutonium cycle, out of commerce with our country in the buying of enriched uranium from our plants.

This recent legislative history begs the question: Would an executive branch agency, headed by a single administrator who serves at the pleasure of the President, be able to resist what would surely be considerable pressures to go along with the rest of the executive branch and give its approval to an agreement which was seriously flawed? If the answer is no, this would raise serious questions about whether such an institutional arrangement for handling our foreign nuclear cooperation would indeed serve the common defense and security.

The Nuclear Non-Proliferation Act of 1978 also requires that the NRC shall keep designated congressional committees fully and currently informed with respect to activities undertaken pursuant to that act and to activities of foreign nations which raise the risk of nuclear proliferation. The NRC must inform Congress in its annual report of its views and recommendations regarding policies and actions of the United States to prevent nuclear proliferation.

The NRC also has a consultative role in reviewing all so-called subsequent arrangements—procedures for handling U.S. nuclear materials after they are exported. This role will grow in importance in the near future as foreign nations engage in growing international commerce in weapon-usable plutonium derived from United States-origin nuclear fuels just as we approved, not with my vote, the arrangement with Japan.

In addition, it is the NRC's job to assess the adequacy of physical security measures with respect to the export of nuclear materials and facilities. As required by the Antiterrorism Act of 1986, the NRC must consult with the Department of Defense before issuing any export licenses for special nuclear material. This independent consultation is all the more essential in a world where two dangerous trends appear to be converging: The growing lethality and sophistication of international terrorism, and the continuation of ill-advised efforts by some nations to use weapon-usable plutonium as a common fuel for nuclear power plants.

REGISTERING CONGRESSIONAL INTENT

We do not need to look only at the written law to discern a clear congressional intent that the NRC play a special independent role in the nuclear areas I have identified. We should look also at the legislative record from the period.

That record includes a letter to me from then Assistant Secretary of State Douglas Bennett responding, on behalf of the Secretary, to a letter I sent on February 2, 1978 regarding a mutual understanding on several issues relating to S. 897, the Nuclear Non-Proliferation Act. Mr. Bennett wrote on behalf of the Carter administration:

> Finally, we would like to take this opportunity to reiterate the Administration's support for the independent role of the Nuclear Regulatory Commission in the nuclear export licensing process which is embodied in S. 897, as reported.

Congressional concern about the autonomy of the NRC in the areas of nuclear exports and cooperation has also been amply demonstrated throughout the entire Reagan administration.

In his nomination hearings, the State Department's designated Assistant Secretary James L. Malone was questioned on this issue by Senator CRANSTON. In Senator CRANSTON'S words:

> The NRC was given responsibility for certifying the consistency of proposed exports with licensing criteria because Congress feared that the State Department's tendency to use nuclear exports as a carrot to enhance bilateral relationships and to take into account all sorts of matters extraneous to the concerns about nuclear proliferation was a major contributor to nuclear proliferation * * * I think *the strength of congressional sentiment on the role of an independent NRC in export licensing is very considerable.* [emphasis added]

At issue, said Senator CRANSTON, was the basic danger that:

> * * * Factors other than the need to reduce nuclear proliferation will influence our decisions, perhaps overmuch, unless we have an independent body like the NRC reviewing the export safeguards and applying licensing criteria. (Hearings before Foreign Relations Committee, April 2, 1981.)

Later that year, after a memo from Assistant Secretary Malone hit the streets calling for the transfer of the NRC's nuclear export licensing tasks to the State Department, I said in a statement before my Governmental Affairs Subcommittee that such a proposal would "* * * eliminate the truly independent review of executive branch judgments of export decisions, changing the relationship of the Nuclear Regulatory Commission." (Committee print, November 19, 1981; emphasis added.)

As the Washington Post noted in an article about the Malone memorandum, Congress gave the NRC a nuclear export role "* * * as a check on executive decisions in this field." ("Administration Moving to Loosen Laws on Curbs for Nuclear Weapons Abroad," Washington Post, October 11, 1981; emphasis added.)

Again in early 1982, I stated for the record that the NRC was intended by Congress to be "* * * a technically oriented agency that would be insulated from day-to-day political supervision by executive branch officials." (CONGRESSIONAL RECORD, January 28, 1982.)

MAINTAINING AUTONOMY OF THE NEW AGENCY

I am supporting the concept of a Nuclear Safety Agency because I believe it will serve the health and safety interests of the Nation to have such an agency. I am also supporting the proposal because I believe it is possible—but only with great vigilance on the part of Congress and a responsible Presidency—to retain in our Government the means to assure genuinely independent scrutiny of our nuclear export licenses and agreements for nuclear cooperation. Indeed, I would not support this legislation if I thought otherwise.

I do not intend to see the independent NRC export control and consultative functions sacrificed on the altar of administrative efficiency in the area of health and safety.

I do not intend to see the new Nuclear Safety Agency become either a cheerleader for the policies of the administration of the day or a tool of outside industrial or public interest groups.

Instead, I believe Congress must work with the Executive to assure that the unique NRC export control and nuclear cooperation functions are not only preserved, but strengthened.

I note that all of the functions and responsibilities of the NRC that are codified in existing legislation will remain the law of the land.

I want to repeat that sentence. All of the functions and responsibilities of the NRC that are now codified in existing legislation will remain the law of the land.

If the proposed legislation is enacted and a Nuclear Safety Agency is created, Congress will have the responsibility to examine carefully all actions of the executive to assure that these laws are being fully implemented upon the creation of that Agency.

If that Agency is created—I expect it will be, and I certainly support it—I expect to see no watering down of the public's access to, and participation in, nuclear export licensing proceedings. I expect independent agency viewpoints when they are solicited from Congress. I expect the Agency to continue to keep the Congress fully and currently informed about its responsibilities in the areas of nuclear export control and cooperation, and to continue to submit an annual report containing its own views and recommendations with respect to nuclear proliferation issues.

In conclusion, Mr. President, because of these functions of the Agency, I must admit that I have lingering doubts about the wisdom of converting the NRC from an independent agency to an executive branch agency. But I recognize that there are other issues involved which suggest that on balance, the move toward an executive branch agency is the wiser course.

Nonetheless, if this legislation gets enacted this year, I intend to monitor very closely the new Agency to ensure that it is carrying out all of the vitally important responsibilities I have identified above. We will investigate any sign of deviation from the requirements of existing law. We will hold hearings and, if necessary, introduce remedial legislation should there be any doubt about the integrity and autonomy of the new Agency as it performs those functions. It is just too important to do otherwise.

In other words, I do not believe the last word has been said that restructuring will somehow take care of all of our problems. We are going to need to monitor and examine what happens after the reorganization, and whether a full reexamination will be necessary regardless of the disposition of the legislation before us today which I certainly support.

Mr. President, I close with only one further statement. I know some of this sounds like I am a pessimist in this regard. I do not mean to make it sound that way. It is just background that we have had in dealing with the agency and the Government, and remember the relationship between NRC, the State Department and the Congress. I am a realist. As I said earlier in my statement, I have seen attempts to weaken NRC and they did not work. We stopped them right here in the Congress some years ago. It is a most vital area. It is important domestically, which is the area in which we usually think of NRC; but it is also important on an international basis, which I have just outlined here.

One of our biggest difficulties now is that we do not have good control over matters nuclear when it comes to nuclear nonproliferation around the world. We see more and more nations just bordering on the final few steps necessary to have their own nuclear capability. We have tried to prevent that through the years as we tried to get negotiations going with the Soviets, to negotiate downhill the huge supplies we have had. We finally have some of that under way. It is a little step in the direction of the INF Treaty, but at least it has started.

While we are trying to get that started, we have said to other nations: "Please don't go the nuclear route. We will cooperate with you on nuclear matters. But we ask you to sign the nuclear Non-Proliferation Treaty."

NRC has been our principal monitor for the export licenses that would carry out the policy we have fought for ever since I have been in the Senate, 13½ years. We do not want to see those characteristics of the NRC, those responsibilities, which are important to all of us, be degraded in any move to a new agency, much as I support that.

Mr. President, I appreciate the attention of my colleagues and those listening in their offices.

I reserve the remainder of my time.

EXHIBIT 1

NRC HEARINGS BEFORE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

1975-PRESENT

2/5/75—Nuclear Regulatory Commission Action Requiring Safety Inspections Which Resulted in Shutdown of Certain Nuclear Power Plants.
4/24/75—Export Reorganization Act of 1975 (S.1439).
4/30/75—Export Reorganization Act of 1975 (S.1439).
1/29/76-1/30/76—Export Reorganization Act of 1976 (S.1439).
12/13/76—NRC's Safety & Licensing Procedures.
4/8/77—Nuclear Waste Management and Federal Energy Reorganization.
5/6/77—Nuclear Nonproliferation Act of 1977.
1/25/78—An Act to Combat International Terrorism.
3/23/78—Terrorism (S.2236).
7/26/78—Waste Management (S.2189).
8/4/78—Government in Sunshine Act.
3/14/79—Disposal and Storage of Spent Nuclear Fuel and Waste.
5/8/79—Libassi Report, Radiation Protection/Emergency Planning.
5/9/79—Three Mile Island.
5/9/79—Federal and State Radiation Monitoring at TMI and Issues Relating to the Siting of Nuclear Reactors.
2/13/80—Nuclear Waste Management Reorganization Act.
4/18/88—Reorganization Plan No. 1 of 1980.
11/19/81—Nuclear Proliferation Policy and the Implications of New Technology.
4/29/82—The Federal Radiation Protection Management Act of 1982 (S.2284).
5/9/84—Enforcement Policy Relating to Transportation of Radioactive Materials.
5/8/86—GAO Report.
6/30/86—Cuban Nuclear Reactors (Field Hearing).
4/9/87—Inspector General Bill.
11/21/87—Wright-Patterson Air Force Americium-241 Leaks (Field Hearing).
4/27/88—Restructuring the NRC.
5/12/88—Restructuring the NRC.

The **PRESIDING OFFICER.** All time has expired on the substitute. The question occurs on agreeing to the amendment in the nature of a substitute.

The amendment (No. 2815) in the nature of a substitute was agreed to.

Mr. **BREAUX.** I move to reconsider the vote by which the amendment in the nature of a substitute was agreed to.

Mr. **SIMPSON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Idaho.

AMENDMENT NO. 2816

(Purpose: To improve the licensing procedure for standardized plant designs)

Mr. **McCLURE.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 2816.

Mr. **McCLURE.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

"SEC. . Within one year after the date of enactment of this Act, the Administrator shall, pursuant to authority under existing law, issue a proposed rule, consistent with the public health and safety, providing for standardized nuclear power plant designs. Nothing herein is intended to affect any ongoing licensing proceeding regarding the issuance of a license for a commercial nuclear power plant under section 103 of the Atomic Energy Act of 1954, as amended.".

Mr. **McCLURE.** Mr. President, today we are considering legislation to replace the Nuclear Regulatory Commission [NRC] with a new agency, the Nuclear Safety Agency [NSA]. This new agency will be headed by a single administrator instead of the current five-member Commission. I am encouraged by this important legislation, and hope that we will see substantial improvements in nuclear regulation and improved prospects for a revival of the nuclear energy option in the United States.

However, I believe that we have to go beyond agency reorganization. Many of the problems that have inspired NRC reorganization proposals were produced by a licensing and regulatory process that long ago ceased to match our extensive experience, technological capabilities, safety aims, and national needs. That process should be reformed to reflect this experience at the same time the Senate tackles organizational change. The needed reform centers around the need to encourage standardization in the design and construction of nuclear powerplants. My amendment would direct the Nuclear Safety Agency to issue a rulemaking within 1 year, for the timely licensing of standardized designs which reflect current state-of-the-art.

Structural reform of the NRC should not be considered in isolation from the underlying regulatory program. Indeed, the two are closely related. The failings of an outmoded process for licensing "one-of-a-kind" nuclear powerplant designs have, in a real sense, sowed the "dragon's teeth" for many of the problems that confront the NRC and the nuclear industry today.

The present system of separately designing, building, licensing, and operating nuclear plants has consumed enormous resources, largely because of the plethora of individualized custom-made plants that have been built in the country. The relatively low incidence of duplication of designs has meant that experience gained in the construction and operation of one plant has often not been transferable in the construction, licensing, and operation of any other plant, and has made the generic resolution of safety issues much too complicated.

If just a few plants were to use a single certified design, we would realize a great savings of the resources of the industry, the licensing agency, and the public alike. By encouraging the adoption of standardized designs, we can reap many benefits in terms of early resolution of safety issues based on accumulated experience, and in terms of economies of scale, transferable experience and ease of licensing relative to the current situation. I urge my colleagues to support my amendment.

Finally, I wish to speak to a broader issue concerning the licensing of nuclear powerplants. The failings and frustrations of the current licensing process for our present generation of nuclear powerplants have been extensively and painfully documented before the Congress in recent years. In fact, since 1981 there have been 16 hearings on standardization and licensing reform. My amendment addresses the standardization side of the problem.

The Nuclear Regulatory Commission is already moving forward under existing authority—section 161(h) of the Atomic Energy Act of 1954) to provide for a more predictable, consistent approach to licensing—via early site permits, standard design certifications, and combined construction permits and conditional operating licenses. Their efforts deserve our applause and our support.

Mr. President, I ask unanimous consent that an energy policy statement adopted in July by the National Conference of State legislators be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Policy: Nuclear Power Standardization.
Committee: Energy.
Type of Policy: Consent.

A balanced mix of energy sources is essential to the security and the future economic growth of the United States. Nuclear power is an option that can be utilized efficiently and safely and should be a key energy source for the United States.

In part because of licensing procedure problems, no nuclear power plants are being planned in the United States. To revive the nuclear power option, the National Conference of State Legislatures strongly urges Congress to restructure the nuclear power plant licensing process for future plant construction. The regulatory process should sustain and enhance public health and safety; be predictable, timely and efficient; encourage investment in nuclear power by being clearly defined; and benefit electricity consumers reducing construction schedules and costs.

Constructive reform of the nuclear licensing process will benefit everyone. Industry will benefit from the increased certainty and predictability in the licensing process stemming from early site reviews, pre-approved standardized plant designs and the elimination of duplicative reviews and hearings. The public will benefit from the more efficient use of its tax dollars in regulatory reviews and cost savings which flow from the reduced time required to bring plants on line; and the segment of the public participating in the licensing process will benefit from the ability to make its contributions earlier and more effectively.

The National Conference of State Legislatures urges Congress to authorize an early site approval process which would permit "site banking;" encourage the use of pre-approved standardized plant designs; and generally limit proceedings to specific factual issues not previously resolved.

Mr. McCLURE. In closing, I would like to express my appreciation to the managers of this bill for their support for my amendment, and would urge that they close the loop on the remaining issues of licensing reform early in the next Congress.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I rise in strong support of the amendment of the Senator from Idaho, and congratulate him on bringing it to the attention of our committees.

There is no question that as we go into the next generation of the nuclear power industry that there is going to be more and more a need for standardized design on these reactors. The Senator's amendment speaks to this need, and makes a major contribution in that he is urging and requiring the NRC to issue a proposed rule dealing with standardization within 1 year pursuant to their existing legal authority.

As DOE and the industry make great strides in developing new designs for advanced reactor technology, it will be very important for the NRC to anticipate practical problems that they are likely to encounter in the future, and try to facilitate the standardization of these designs of these types of plants.

The proposed rulemaking that is required by the Senator's amendment would ensure that the NRC is moving as quickly as possible, as expeditiously as possible, to facilitate the licensing of standardized advanced reactor designs. I think anyone who has followed this industry on a worldwide basis knows that the reason, at least one of the main reasons for other countries' ability to develop nuclear powerplants that are done so within their cost structures and within their budget requirements, is the fact that they have standardized designs unlike the United States which has a multiple set of different designs for the plants. Other countries have developed a single design, and they have perfected it. They know how to develop it, construct it, and operate it at far lower costs than we have experienced with these gigantic cost overruns here in the United States.

So the amendment of the Senator from Idaho moves you in that direction with the requirement for standardized rulemaking by the NRC.

I support his amendment. I ask for his adoption.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I yield 3 minutes to the distinguished junior Senator from Missouri [Mr. BOND].

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Thank you, Mr. President.

I rise in support of this amendment. The standardized nuclear powerplant design amendment, I think, offers tremendous advantages for our energy future. That is why I am pleased to support my friend from Idaho. I only wish we could make it stronger because the advantages of standardized design are clear.

First and foremost, plants could be operated more safely because there would be a few basic designs with which all operators would have to become familiar. Information on plant operation, training programs, and maintenance operations could be shared among different plants and, for a change, lessons learned at one plant could then be shared with other plants. This contrasts with the current situation where most of our 109 nuclear powerplants share very little information because they are so different in their design and construction.

Second, standardized design will make nuclear power more competitive and economical.

While the operating cost of nuclear plants are lower than gas, oil, or coal, construction costs have been higher because each plant has been custom designed. With standard plants designs, construction costs could perhaps be cut in half.

I also support this amendment because of my concern about our country's ability to meet its future energy needs. The Department of Energy estimates that we will have a massive shortfall of electricty by the year 2000. We cannot afford either a shortage of electricity or the job losses which could result. We need a viable nuclear energy industry to help avert a potential shortfall and making it easier to build plants will help accomplish that goal.

Finally, we need to stop talking and start doing something about the greenhouse effect and global warming. I am from a State where we pride ourselves on good common sense and I see great sense in making it easier and safer for nuclear powerplants to generate electricity. We must reduce our reliance on fossil fuels in order to stabilize our climate. Nuclear power can make a significant contribution to that increasingly important goal. For the foregoing reasons, I urge adoption of the amendment.

Mr. McCLURE. Mr. President, I yield 4 minutes to the distinguished Senator from Wyoming.

Mr. SIMPSON. I thank the Senator from Idaho.

Mr. President, I am pleased to support this amendment.

I commend JIM McCLURE for his true leadership that he always demonstrates in this area. I do not think it is challengeable that he has the finest institutional memory of all things nuclear in this particular arena. He is a leader in every way and assisted me greatly, when I became ranking member and Chairman of the Nuclear Regulation Subcommittee, because of his awesome background, and I commend him.

Mr. President, I ask unanimous consent that I be listed as cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I am pleased that we have been able to reach agreement on the particular language. Our respective staffs have worked very hard to fashion an approach that addresses the various interests that have been expressed with regard to attaching this amendment to this reform legislation. I thank Senator McCLURE and his staff for their assistance in helping us reach an agreement we can all support.

Mr. President, a word about standardization. I do not think there is anyone here who has chaired more hearings than I have on the need to standardize nuclear powerplants. That has been something I have been working on for many years. As chairman of the subcommittee from 1980 through 1986, we held 7 days of extensive hearings on this issue in the 98th and 99th Congresses. I say from experience that the time is long overdue to move forward with this commitment.

What we found in those hearings—and the problem that this amendment would begin to address—is that the licensing process for nuclear powerplants actually discourages the use of standardized plant designs. Under today's process, there is simply no incentive for a utility to submit a complete design at the outset of the licensing process. Instead, what happens is that utilities submit limited design information to the Nuclear Regulatory Commission to support an application for a construction permit, and then they play design as you go. What happens is that it costs $4 billion or $5 billion to play that particular game. Unfortunately, this process has led to more Frank Lloyd Wright awards for unique reactor designs than I can count.

Then, after a plant is complete, and just before it is ready to operate, we litigate all of the design issues prior to granting the utility an operating license, including the issue of emergency planning. That, as we know, is a devastating thing in itself, with the Shoreham and Seabrook facilities.

It is no wonder that utilities submit limited design information at the front end, because the NRC licensing process provides no incentive for submitting an essentially complete design. In fact, the two-stage licensing process actually discourages utilities from submitting a complete design, because they know that these issues will all be raised again at the operating license stage. What better reason for putting the issues off until late in the process?

Common sense tells us that the design issues should be resolved prior to starting construction on a plant. That is the way it is done in France and Japan, and that is the way it should be done in the United States.

I am pleased to see that the NRC now has underway—and will complete shortly—a rulemaking that will in large measure move away from this two-stage licensing process and, at the same time, provide strong encouragement for the use of standardized designs. In my view, the Commission has a strong case to make under section 161(h) of the Atomic Energy Act for going "all the way" in authorizing the approval of combined construction permits and operating licenses. I heartily endorse the Commission's initiative and urge them to move forward promptly with a final rule.

But we, in Congress, have an obligation as well—an obligation to provide the direction and support necessary to guide the actions of the NRC, to provide the policy direction for this Nation's nuclear power program.

We are now just beginning, as Senator BOND has said, to realize the importance of our obligation—as evidence of the greenhouse effect mounts daily and as some areas of the country suffer brownouts because of a shortage of electricity.

Nuclear power will—and indeed must—play a central role in our energy future. As Ann Landers says, it is time for us to "wake up and smell the coffee"—to begin to lay the groundwork for a new generation of standardized nuclear powerplants.

I commend the Senator from Idaho for his initiative, and I urge my colleagues to join us in supporting this amendment.

Mr. BURDICK. I am prepared to support this amendment, but first I would just like to clarify with my fellow members of the Environment and Public Works Committee, for the benefit of our colleagues, what the intentions of the committee leadership are with respect to the issue of standardization.

This Senator certainly supports the concept of standardized designs for nuclear powerplants. Standardization offers the potential to reduce the potential for design, construction, and licensing problems for new nuclear powerplants. It could remove many of the obstacles currently facing the industry.

This amendment will require the Nuclear Regulatory Commission to issue a proposed rule within 1 year, based upon existing legal authority, regarding the issuance of licenses for standardized designs. This will ensure that the NRC is moving as quickly as possible, under its existing authority, and consistent with the public health and safety, to facilitate the development of standardized designs.

It is important to note that this amendment does not provide the NRC with any additional legal authority. The issue of whether the NRC should have any additional statutory authority has not been carefully examined in this Congress. This is not because it is not important, but rather because we have devoted our time to those other nuclear matters which required immediate attention in the 100th Congress, such as the Nuclear Waste Policy Act Amendments, the Price-Anderson Act Amendments, and this bill. Nonetheless, the issue of standardization is a major one, and we should devote the same consideration to this issue as we have to the other issues we addressed in the 100th Congress.

I would hope that the issue of whether and how standardization should be addressed legislatively will be examined by the committee in the next Congress. At that time, we can devote the necessary time and resources to this important and complex issue.

May I ask the chairman of the Nuclear Regulation Subcommittee whether this is consistent with his understandings and intentions?

Mr. BREAUX. I thank the chairman of the committee, who has been most supportive of and has proved invaluable guidance to the subcommittee. I agree with the chairman's statement of intent regarding the reasons for accepting this amendment, and how the committee should address the issue of standardization legislation in the future.

It is my intent in the next Congress to examine the issue of standardization in a careful and detailed manner. At that time we should also examine the other issues surrounding the nuclear industry, such as ways in which to improve the licensing process.

Unfortunately, we simply did not have the time to address these issues this year. This amendment will enable us to do what we can this year, and leave the rest, such as providing additional legislative authorities, for next year.

Mr. SIMPSON. I also would like to thank the chairman for his support for the subcommittee's efforts on this legislation. Further, I agree with his statement regarding what we intend by accepting this amendment. This amendment will encourage the greater use by the NRC of its existing authorities to facilitate the use of standardized designs. I strongly support this. I am also in agreement that we should wait until next year before tackling the issue of whether and how to provide additional statutory authority to the NRC.

Mr. BURDICK. I thank the Senator from Louisiana and the Senator from Wyoming. I look forward to continuing to work closely with you on these issues.

Mr. McCLURE. I yield myself such time as I may consume.

Mr. President, I thank the Senator from Wyoming for his remarks. I also thank the junior Senator from Missouri for his remarks. I also welcome the Senator from Wyoming as a cosponsor of the amendment.

Mr. President, I appreciate very much the difficulty of providing the requisite amount of leadership, and I commend the Senator from Wyoming for the diligent efforts he has made over a long period of time.

This is important legislation. I think the addition of this amendment recognizes that the NRC has the authority to deal in this area but has not exercised it. The authority is undergirded by this amendment, which says: "You have the authority; now use it to issue a rule."

Mr. President, if no others wish to speak on this amendment, I am prepared to yield back the remainder of my time.

Mr. BREAUX. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 2816) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2817

(Purpose: To provide for uranium revitalization, tailings reclamation and enrichment)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is proposed by me, Senator DOMENICI, Senator JOHNSTON, Senator MCCLURE, Senator SIMPSON, and Senator WALLOP.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself Mr. JOHNSTON, Mr. MCCLURE, Mr. DOMENICI, Mr. SIMPSON, and Mr. WALLOP, proposes an amendment numbered 2817.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is printed later in today's RECORD under Amendments Submitted.)

Mr. FORD. Mr. President, what we are doing here is a substitute amendment.

Today, Senator DOMENICI and I rise to propose a comprehensive uranium industry and uranium enrichment industry revitalization amendment to the NRC reauthorization bill. While this is the first time that this particular amendment is being considered on the Senate floor, its contents will not be new to most of us. In fact, the Congress has been looking at these issues of importance to the national security and the energy security of this Nation for many years. The issues that I speak of are the revitalization of the domestic uranium industry and the redirection of our uranium enrichment enterprise.

Section 170B of the Atomic Energy Act of 1954, as amended [AEA], requires the submission to Congress of a comprehensive review by the Secretary of Energy of the U.S. mining and milling industry and a determination of the viability of that industry. The first report indicated that the domestic uranium mining and milling industry was viable for 1983. However, in 1984, 1985, and 1986, the Secretary declared the uranium mining and milling industry to be not viable. The 1984 finding of "nonviability" triggered a number of actions by the Department of Energy but stopped short of any restrictions on the enrichment of foreign uranium for domestic use, as required by section 161(v.) of the Atomic Energy Act.

There are still some questions as to whether or not section 161(v) would achieve its desired objective: to maintain the viability of the domestic mining and milling industry. In fact, it is not at all clear that enrichment restrictions would result in any significant benefits to the uranium mining industry. At the time of enactment of section 161(v), the United States was the sole country providing commercial enrichment services. Thus, a restriction on U.S. enrichment of foreign uranium for domestic use would have increased the demand for domestic uranium. Today, however, a ban on the enrichment of foreign uranium for domestic use may not achieve the result originally intended because utilities can circumvent the AEA restriction by seeking enrichment services for uranium of any origin overseas. Thus, any enrichment restriction pursuant to section 161(v) may not significantly aid the domestic uranium industry if DOE's customers take their enrichment business overseas, and especially if the utilities purchase their natural uranium overseas as well.

The U.S. uranium enrichment enterprise is also in need of attention by the Congress. Once the monopoly in the world market, in 1984, DOE held only approximately 40 percent of the market share. The enrichment enterprise continues to face stiff competition from government-backed, foreign consortia. The enterprise's efforts to meet this competition are hampered by an unwieldy and inflexible agency structure. This structure applies to a world without competition. But there is competition: today's customers have some place else to go.

In fact, on April 1, 1988, the Department of Energy asked its uranium enrichment customers "Will you be joining us in 1996, 1997, and 1998?" Many of the customers said "Yes." But more importantly, some said "No." In fact, DOE will only have approximately 55 percent of the domestic market in that time period. And unless we provide the enrichment enterprise with the tools necessary to compete in the world market, a mission to act like a competitive business, and the structure and flexibility to accomplish this mission, more customers are likely to desert DOE next April 1. We cannot continue to allow this to happen.

Congress has considered a viable domestic uranium industry as vital to the U.S. national defense and security. Dependency on other nations for strategic minerals in general, and for uranium in particular, involves long-term economic and energy security risks to the Nation's common defense and security. This is true since the United States continues to have a substantial reliance upon uranium for its national defense needs and other countries, such as Canada, will not supply uranium to the United States for military purposes.

In order to revitalize the domestic mining and milling industry, the erosion of the domestic uranium market must be reversed. Section 161(v) of the Atomic Energy Act, with its ineffective sanction against the enrichment of foreign uranium, must be replaced by a national policy which will encourage the revitalization of the U.S. mining and milling industry and the domestic uranium enrichment program, without adverse effects on the viability of nuclear electric power.

Recently, the Senate considered such a policy with 2 days of floor debate on S. 2097, the Uranium Revitalization, Tailings Reclamation, and Enrichment Act of 1988. This bill was approved with a vote on final passage of 62 to 28 on March 30, 1988.

The issue of uranium industry viability and the competitiveness of the uranium enrichment industry was raised again recently. This time in the context of the United States-Canada Free Trade Agreement. The free trade agreement [FTA] provides that Canadian uranium be exempt from any restrictions that may be possible under section 161v. of the Atomic Energy Act. Since Canadian uranium represents a large portion of the uranium imported into this country, the FTA virtually guarantees that section 161v. will be ineffective in reaching its objective of maintaining a viable domestic uranium industry.

The administration recognized this problem, and during discussion of the agreement, prior to the introduction of the implementing bill, the administration negotiated compromise legislative language with the uranium producers and the electric utilities. This compromise essentially substitutes a government purchase program for domestic uranium in place of the charges for the use of foreign uranium in domestic reactors of title I of S. 2097, and leaves title II, uranium tailings reclamation, and title III, Government-owned enrichment corporation, largely intact.

Mr. President, I ask unanimous consent to print in the RECORD a summary of the uranium package negotiated for the United States-Canada Free Trade Agreement and a comparison of this compromise to S. 2097.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF URANIUM PACKAGE FOR THE UNITED STATES-CANADA FREE TRADE AGREEMENT AND COMPARISON TO S. 2097

I. IN GENERAL

Substitutes a government purchase program for domestic uranium in place of Title I of S. 2097 (charges for the use of foreign uranium in domestic reactors).

Leaves Title II (uranium tailings reclamation) and Title III (enrichment corporation) largely intact.

II. URANIUM MINING INDUSTRY RELIEF AND TAILINGS RECLAMATION

Establishes a $1.75 billion "Uranium Revitalization Fund" to pay for tailings reclamation and domestic uranium purchases.

$1 billion for tailings clean-up.

$750 million for domestic uranium purchases.

Purchases from eligible domestic producers would be made from the Fund by DOE using competitive bidding.

$80 million in first year for purchases from small domestic uranium producers.

Remaining $670 million spent over five years.

Uranium Revitalization Fund would be financed as follows:

$300 million from the uranium mining industry (same as Title II of S. 2097).

$450 million from the enrichment corporation (but $300 million of that amount credited to $364 million debt owed to the Treasury of the Corporation).

$1 billion from utilities ($72 per kilogram fee on new uranium, foreign or domestic, loaded into reactors).

No appropriations from general revenues.

Corporation would own all $750 million worth of domestic uranium purchased by the Fund, even though it only contributes a net amount of $150 million ($450 million contribution less $300 million credited to Treasury debt). Use by the Corporation of purchased uranium would be restricted to uses (overfeeding and preproduction) that allow the Corporation to realize savings in power costs but not to affect utility demand for uranium.

161 v. and 170B of the Atomic Energy Act would be deleted. Free market conditions in the mining industry at the end of 1994.

III. ENRICHMENT CORPORATION

Same as in S. 2097, with the following exceptions:

Requires feasibility of privatization report by the Corporation after five years (rather than a report between five and ten years under S. 2097).

Requires NRC to promulgate regulations for licensing existing gaseous diffusion plants (GDPs) within four years. Corporation must apply for a license but is exempt from NRC licensing jurisdiction unless and until a license is issued. S. 2097 only provides for the licensing of new enrichment plants.

Makes Corporation subject to environmental (EPA) and occupational safety (OSHA) laws in the manner of a private corporation (i.e., can be sued) after four years, unless the President determines that additional time is necessary in order to achieve the purposes of the Corporation (especially with respect to health and safety). In the interim, the Corporation is subject to these laws the same as DOE as of the date of enactment of this Act.

Secretary no longer has supervisory role over Corporation.

Corporation is given feed materials sufficient for a working inventory. Reserves all existing enrichment tails for DOE.

President, rather than Secretary of Energy, appoints members of Advisory Board.

Corporation indemnifies its contractors under Price-Anderson in the same manner as the Secretary of Energy indemnifies its contractors.

Mr. FORD. Mr. President, although this uranium package meets the policy objectives of both S. 2097 and the United States-Canada Free Trade Agreement, it was not included in the implementing legislation for the FTA submitted to the Congress by the administration last week. However, the Secretary of the Treasury, James Baker, sent a letter to me in which he states that this compromise is consistent with the free trade agreement and pledges administration support for the enactment of this uranium package as legislation.

Mr. President, I ask unanimous consent to print in the RECORD a copy of Secretary Baker's letter to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, DC, July 27, 1988.

Hon. WENDELL H. FORD,
U.S. Senate, Washington, DC.

DEAR WENDELL: This is in response to your letter of July 19 on the uranium industry and the Canada Free Trade Agreement.

As you know, the Administration put forth a major effort to reach a compromise on uranium that would be acceptable to all parties including Congress. We reached an agreement between the uranium industry, the utilities and the Administration. But, in accordance with the FTA consultative process, this compromise had to be submitted to Congress for its approval. As you stated in your letter our agreement with the Congressional leadership provided for the drafting of the implementing legislation to be a cooperative effort between the Administration and the Congress.

Although the compromise is acceptable to you and the Administration, and although we believe it is consistent with the FTA, it has been rejected by the Senate Finance Committee and the House Ways and Means, Energy and Commerce, and Interior Committees. Thus, four of the five Congressional Committees having jurisdiction over this issue rejected the compromise.

Accordingly, we are unable to include the uranium compromise in the implementing legislation which was submitted this week. This is in accord with the process we have followed on every issue within the FTA.

Nevertheless, this year the Administration will support free-standing legislation with the same "uranium package" we agreed to in our FTA negotiations. We do so in the spirit of cooperation we have all demonstrated in this issue and on the FTA. I should advise that the Administration continues to support early steps to privatize certain current government involvement in this area.

Sincerely,

JAMES A. BAKER III.

Mr. FORD. Mr. President, I now ask each of my colleagues for their support as we try to tackle these very important policy questions facing the domestic uranium and uranium enrichment industries and as we consider the uranium package as an amendment to the NRC reauthorization bill, S. 2443.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator yields the floor.

Who yields time?

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I yield to the Senator from New Mexico what time he may desire.

Mr. DOMENICI. I thank my friend.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me thank my friend, Senator FORD, for the marvelous cooperation with reference to this issue. It has been a pleasure to work with him on it.

I heard him announce the cosponsors. I want to be sure I do not leave Senators GARN, HATCH, and BINGAMAN off.

Did he mention them?

Mr. FORD. I did not.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senators GARN and HATCH from Utah, and Senator BINGAMAN from New Mexico, my colleague, be made cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me first say that there is just one part of the speech that my friend, Senator FORD, made here on the floor that I might slightly disagree with for the record, and I want to do it up front and then agree wholeheartedly with this legislative thrust and ask the Senate to pass it today.

Frankly, section 161(v) of the old Atomic Energy Act was discussed briefly here by the Senator and there was some indication that it might not be operative in today's world. I just want to say, frankly, that that issue is in the courts. The Senator from New Mexico is not quite as certain that it will not work. In the event the Canadian free trade agreement were to fall apart and this legislation, or something like it, never passed, I certainly would not want this record to reflect that it is the view of the Senator from New Mexico that the litigation surrounding the implementation of section 161(v) of the Atomic Energy Act, a provision that requires that the United States of America essentially maintain a viable uranium industry, I would not want the record to indicate that this Senator thinks that is totally inoperative. I do not.

Nonetheless, we are proceeding with a Canadian free trade agreement that, in essence, will say we will no longer implement this mechanism in the Atomic Energy Act, this part of that act which says the Government shall see to it that we have a viable uranium industry; therefore, it might very well be moot as to the effectiveness of that section if, indeed, we pass the Canadian free trade agreement and legislation something like that which is before us today becomes law.

Let me first say that it is a pleasure to know that if and when we pass this legislation—and I hope we pass it today and the U.S. House eventually passes something like it—the President of the United States will sign it. Of that, we are certain.

My colleague indicated that Secretary Baker supports this in a letter that he had made a part of the record. I had some specific inquiries of him, and he answered in a letter to the Senator from New Mexico that they were delighted to be supportive of this legislation and to have worked together with us and other people—the industry, utilities, the mining industry, the mining unions—and that they support this legislation.

I ask unanimous consent that that letter from Secretary Baker be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, July 27, 1988.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR PETE: This is in response to your letter of July 19 on the uranium industry and the Canada Free Trade Agreement.

As you know, the Administration put forth a major effort to reach a compromise on uranium that would be acceptable to all parties including Congress. We reached an agreement between the uranium industry, the utilities and the Administration. But, in accordance with the FTA consultative process, this compromise had to be submitted to Congress for its approval. As you stated in your letter our agreement with the Congressional leadership provided for the drafting of the implementing legislation to be a cooperative effort between the Administration and the Congress.

Although the compromise is acceptable to you and the Administration, and although we believe it is consistent with the FTA, it has been rejected by the Senate Finance Committee and the House Ways and Means, Energy and Commerce, and Interior Committees. Thus, four of the five Congressional Committees having jurisdiction over this issue rejected the compromise.

Accordingly, we are unable to include the uranium compromise in the implementing legislation which was submitted this week. This is in accord with the process we have followed on every issue within the FTA.

Nevertheless, this year the Administration will support free-standing legislation with the same "uranium package" we agreed to in our FTA negotiations. We do so in the spirit of cooperation we have all demonstrated in this issue and on the FTA. I should advise that this Administration continues to support early steps to privatize certain current government involvment in this area.

Sincerely,

JAMES A. BAKER, III.

Mr. DOMENICI. Mr. President, let me just briefly for myself explain this legislation. This legislation essentially is about three things.

First, jobs in the uranium mining industry of the United States and a maintenance of a semblance of a uranium mining industry in America. No. 1.

Second, it is about a very important nuclear or atomic function that the United States of America has been a worldwide leader in called uranium enrichment. It should, indeed, if passed, permit us to maintain the world's supremacy in uranium enrichment.

Incidentally, for those who wonder whether that is much of an American enterprise, let me just say that the balance of payments with Japan, for instance, are dramatically affected by the fact that they use our uranium enrichment facilities and pay for them. That is about $250 million a year. If we do not pass some modernization legislation to permit the American nuclear entity that does the enrichment to get a little bit more like an American company, begin to operate more like a business—and we are taking just one step in that direction in this legislation—I am confident we are going to lose the uranium enrichment business, period, not only that which I have described as Japan's portion but the world is looking for this business.

For those wonder whether we ought to get on with it, I will remind them that 3 weeks, in the Energy Daily, there was an interesting statement by the country of Australia. Nobody should be angry at them. Nobody should accuse them of anything. They are just being smart. They have indicated they are going to take over the uranium enrichment business and if we do not get on with it they indicate they are willing to spend up to $2 billion to make Australia the premier enricher. Because, you see, they have a lot of uranium, and why let it go off to some other country to be enriched? Why not do it there?

Second, this legislation causes a new corporation, public in nature, to come into being, to begin to appropriately manage a very mismanaged enrichment business.

Now, I am not accusatory in the word "mismanaged." It is just the Government has a difficult time managing almost anything over a long period of time and doing it well. And such is the case here. It had a lot of Congress involved in this management and we are trying to have them sit on the sideline and have oversight and see if this company will work and can do its job. So we are going to do that.

Third, there is a residual out there in about seven or eight States called the mill tailings residue. It is the result of America's uranium mining industry. Much of its history was regulated and controlled by the old Atomic Energy Commission and much of the prices dictated by the Atomic Energy Commission and then the transition which was not thoroughly understood into the private sector. And what we have is a very large residue of mill tailings which, to some extent, are radioactive and to some extent, more or less depending upon the intensity, somewhat dangerous and they have to be cleaned up.

So, the third part of this bill is a $1 billion cleanup section of the mill tailings out there in the United States, in States like New Mexico, Wyoming, Utah, even a little bit in Illinois, as Texas, and the like. That will be paid for under this bill, one-third by the companies that remain—there are not many, but there are some that remain alive in this industry—a third by the Government and a third by the nuclear utilities of America. That ratio has been checked out and supported, for the most part, as being extremely relevant and something that the country ought to do.

Obviously, the mill tailings provisions is important to my State. We have much of that residue left there. The revitalization of the uranium industry, to some extent, is very vital to my State. At one point in our history, we were 65 percent of the uranium production and we were there for many years. We have a little over 100 miners active in a State that a few years ago had 7,000 in the mining industry. We will not bring that industry back and this bill is not going to try to do that.

The bill that passed the Senate sometime ago with a rather overwhelming margin sought to limit imports for a period of time to let us get our own industry back on its feet. It was that that was objectionable to the administration and it was that that was thought to be objectionable to the Canadian free trade agreement. We have since that time been in negotiations and the industry—that is, the mining industry—the nuclear utility industry and the Federal Government, the Department of Energy and the Department of the Treasury and OMB all got together and decided that it was time we straightened this mess out. And so they supported the mill tailings part. They supported the new corporation to begin to revitalize enrichment and the establishment of the debt that is owed to it at a reasonable level, consistent with objectivity instead of some pipe dream.

Third, they have agreed to try to begin to revitalize the nuclear industry, the uranium industry, with a multiyear, $750 million purchase for a stockpile that will be used in the enrichment business to overload and superload that and save the electric business for enrichment.

When you add it up, it is a very good package for everyone concerned. We are here ready to explain it in detail to anyone that cares to inquire. We think it is a very excellent approach. The stockpile that is created here by purchasing American uranium is a real bona fide effort. It is necessary. It will save money and it will protect the stockpile that we have for defense activities.

So, we found in every respect some way to glue this together. If it were not so, it would not be supported by the administration, the Department of Energy, the nuclear utility industry, the mining industry, and, obviously, those many States which have the residue, the mill tailings residue, there on their lands.

Mr. President, it has been many years for this Senator—maybe 5—that I have been trying to revitalize and get someone's attention on the uranium industry's demise. I am only hopeful that, before this year is over, we will start that process moving in a positive direction.

Mr. President, I ask unanimous consent that a detailed analysis that we have done of this, including the history of how we got to where we are, be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

TITLE I

ANCIENT HISTORY

Up until 1964 the Federal government was the sole customer of the uranium mining and milling industry. In that year the Congress moved to privatize much of the nuclear industry. When they did they gave the Atomic Energy Commission (now the Secretary of Energy) extraordinary powers to see to it that the U.S. maintained a viable domestic uranium mining and milling industry. Why did the Congress do this Mr. President? Because they recognized the importance of uranium as a material critical to the national defense and essential for our national security. It is worth noting that we were not alone in this recognition. When the GATT was created the participants exempted uranium from its provisions.

The AEC responded by putting in place what was in effect a total restriction on the use of imported uranium at domestic power plants. That restriction was in place until it was phased out in the late 1970's. At no time was the restriction challenged under GATT (because it is exempted from GATT as I have mentioned above).

In the early 80's the U.S. industry showed serious signs of decline. Critics of the industry will say this is because there was a glut of urnaium in the world and nuclear reactor orders were declining. This is true, Mr. President. But the real reason for Congressional concern at that time was that there were signs that other countries industries were not doing as poorly. Critics of the U.S. industry say that is because their mines were not as rich. The fact is that while our mines were closing, mines in other countries of the same quality were operating. They enjoyed the encouragement of their governments to produce (more on foreign "encouragements" later Mr. President). Our mines did not. In fact, the DOE refused to review the condition of the industry as it is required to by law. Not only is the Department of Energy required to review the status of the industry but it is required to help keep it viable. The DOE refused to do either.

MODERN HISTORY

In 1982 the Congress passed a provision which required the DOE to review the status of the industry and determine whether it was viable or not. After some stumbling starts the DOE finally turned out a responsible report. It found that the domestic industry was not viable. It has found that to be the case every year since 1984.

Now, Mr. President, under the law the Congress passed the Department was supposed to take corrective actions. They did not. They refused. They were afraid it would hurt their enrichment business. They were afraid it would offend our foreign suppliers. They said it would not help our own industry. They still say those things. They even say that uranium is not a sensitive material any longer.

Mr. President, while the DOE has refused to enforce the law, imports of uranium have grown to 44% of our consumption. They are projected to go higher (possibly 80% within 10 years as estimated by the Energy Information Administration of the DOE).

Now some would say I am being pretty outrageous when I say the DOE has refused to enforce the law. I base that statement on two solid facts. Judge Carrigan of the 10th Federal Circuit has said so. And the 10th Circuit Court of Appeals has said so. Both Courts have told the Administration that the law is very simple. You must take actions to prevent the demise of an entire industry that is vital to our nation. The order given by these Courts was quite strict. It called for a 100% embargo on Enrichment of foreign unranium in this country to be followed by a rulemaking to set a long-term limit.

The Senate passed legislation on March 30 of this year aimed at revitalizing the U.S. Uranium Enrichment enterprise and the U.S. uranium mining industry. That bill did the following:

"IN SUMMARY—the bill would repeal the long-standing protective provisions of law and provide a period of protection for the industry to get back on its feet (this approach was borrowed from the Canadian Free Trade Agreement). The result would be that the U.S. producers would have a chance to hold on to 50% of the market (that leaves room for growth of imports!). Existing foreign contracts would be left in place (unlike the Order of the Courts!)."

From December 31, 1987 until January 1, 2001 a schedule of fees are imposed on the use of foreign uranium. After December 31, 1994 there would be no charge on the use of less than 50% foreign uranium.

The charges go to the general fund of the Treasury.

Section 161 v. of the Atomic Energy Act is repealed. This provision has been the authority under which import restrictions have been carried out in the past. It is now outmoded because the restriction was placed on the enrichment of foreign uranium at the U.S. enrichment plants. Because the U.S. no longer has a monopoly on enrichment the use of this provision would not assure the restriction of imports.

RECENT DEVELOPMENTS

On June 15 the Supreme Court decided the case of the Mining Industry versus the DOE. There has been a great deal of misunderstanding about the decision. Many have said the Miners lost. In fact, both sides did. The Court said the Miners' claim that DOE must take actions to restrict the enrichment of foreign uranium for use by domestic reactors no matter whether the action would help the industry was incorrect. They also said the DOE's claim that they had total discretion to refuse to restrict the enrichment of foreign uranium was incorrect. What they found was that the DOE must restrict the enrichment of foreign uranium if it would in fact, help a nonviable domestic mining industry. The Court then remanded the case to the lower court to make a factual determination as to whether such a restriction will help the domestic uranium mining industry. I believe the lower court will make that finding.

After the passage of S. 2097 in the Senate, the Administration began discussions with the domestic uranium mining industry and the U.S. electric utilities. The goal of those talks was to see if a program could be arrived at which would assist the U.S. mining industry and not violate the spirit of GATT or the letter of the Canadian Free Trade Agreement. Such a program was developed. I will describe it in a moment.

This program was presented to the House and Senate by the Administration. The Administration also told the Committees of jurisdiction for the Free Trade Agreement that they would include this new program on the implementing legislation for the Free Trade Agreement if both Houses of Congress were supportive. Unfortunately, only the Senate supported such a move.

Today, the amendment we are offering to the NRC Authorization is the same as S. 2097 which the Senate has already passed except for the substitution of title I of S. 2097 with the Administration proposal for the revitalization of the domestic mining industry.

SUMMARY OF ADMINISTRATION PROPOSAL

In creating a new Enrichment Corporation the existing Federal stockpile of uranium would be set aside for defense purposes only.

The Enrichment Corporation would then acquire a working inventory for the its enrichment business. The amount of $750 million worth of uranium would be purchased.

The funds for the acquisition of this stockpile would come principally from the beneficiaries of it, the electric utilities. They would be assessed a fee on the loading of new fuel at $72.00 per kilogram of uranium.

This purchase program would go on for five years with a special purchase program in the first year for small producers. The schedule of purchases would be as follows:

	Millions
1989	$80
1989 (4th quarter)	80
1990	150
1991	140
1992	130
1993	120
1994	50

This stockpile procurement is not a frivolous activity. It will be used (as the present stockpile is) in the day-to-day workings of the Enrichment Corporation. The DOE has estimated that the use of this uranium will save the Corporation at least $80 million per year because it will require less electric power for enrichment.

The Administration proposal also includes the Uranium Mill Tailings Reclamation Program of S. 2097 and the Enrichment Corporation of that legislation.

SUMMARY OF MILL TAILINGS CLEANUP

The Uranium Mill Tailings Fund is established to provide for the cleanup of 26 uranium mill tailings sites. These sites would be reclaimed pursuant to existing Federal and state regulations.

Contributions to the Fund—Contributions are roughly 1/3 Federal (one third of the accumulated tailings were derived from Federal purchases), 1/3 electric utilities, and 1/3 uranium mining companies. The total estimated cost is approximately $1 billion. The contribution by the utilities is gotten by assessing a fee of $22 for each kilogram of uranium loaded in reactors over the next years. Any cost overruns will be paid by the mining companies. Tailings generated after the date of enactment of this Act are the sole financial responsibility of the uranium mining companies.

Site locations

[In thousands of estimated tons of tailings]

New Mexico:	
L-Bar Mill	2,100
Churchrock Mill	3,500
Bluewater Mill	23,600
Ambrosia Lake Mill	33,000
Grants Mill	21,800
Texas:	
Conquista project	8,800
Panna Maria Mill	4,600
Three Rivers	400
Utah:	
Lisbon Mill	3,000
Moab Mill	10,500
Whit Mesa Mill	1,900
Colorado:	
Cannon City Mill	2,200
Uravan Mill	10,300
Maybell	2,000
Wyoming:	
Gas Hills Mill	5,900
Lucky Mc Mill	9,500
Split Rock Mill	7,700
East Gas Hills Mill	9,200
Highland Mill	7,200
Bear Creek Mill	5,000
Shirley Basin Mill (Pathfinder)	5,800
Shirley Basin Mill (Petrotomics)	6,300
Red Desert	1,000
Washington:	
Ford Mill	3,000
Sherwood Mill	2,900
South Dakota:	
Edgemont	2,000

WHY SHOULD WE CARE ABOUT URANIUM OR WHERE IT COMES FROM?

We, as a nation, have invested more than $200 billion in nuclear power plants which will soon provide 20% of our nation's power supply. One of the arguments for the use of nuclear power is that it is a "secure" source of energy not subject to embargoes. The Washington Post had an interesting story a while back which had an advertisement making this point for the nuclear power industry listed as one of the most misleading of the year. Why? Because we are so dependent on foreign uranium.

Why should we care when our major suppliers are Australia and Canada? In 1982 I predicted that if the Labor Government came to power in Australia we could see disruptions in their supply. That Party is opposed to the export of uranium. In 1983 they did come to power and they stopped further uranium development. In February of this year Australia announced a freeze on exports to France because France continues its nuclear testing program. Also, last month the Canadian Federal Government and the Saskatchewan Provincial government announced the merger of their two government owned corporations which produce uranium. These two companies account for 50% of the world's free market sales. The competition between these two companies has been a factor in the low spot prices of today's market. To quote a recent marketing newsletter, "The combination of these two large producers does much to decrease competition, especially in the spot market where more and more uranium activity is taking place, and also where prices are determined that affect market priced long term contracts.

Our most important strategic defense system—our submarines—is fueled by uranium. Some will say we have endless stockpiles for defense purposes. That is not correct. We have been told by the DOE that they may have to buy uranium in the early 1990's. Canada will not sell us uranium for defense purposes (under a Treaty with us) nor will Australia.

DROUGHT ASSISTANCE ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the prior order of the Senate, the question now is on agreeing to the conference report on H.R. 5015. The yeas and nays have been ordered. Pursuant to the order, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN] and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN] and the Senator from Connecticut [Mr. WEICKER] would each vote "yea."

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—92

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—0

NOT VOTING—8

Biden
Cohen
Cranston
Gramm
Hatch
Kasten
Nunn
Weicker

So the conference report (H.R. 5015) was agreed to.

Mr. LEAHY. Mr President, I move to reconsider the vote by which the conference report was agreed to.

Mr. FOWLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NUCLEAR REGULATION REORGANIZATION AND REFORM ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question recurs on the amendment by the Senator from Kentucky. Who yields time?

Mr. BREAUX. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BREAUX. Mr. President, the amendment that is currently pending before the Senate that was offered by the distinguished Senator from Kentucky and the distinguished Senator from New Mexico is essentially the same type of amendment that has already passed this body once before dealing with uranium and the essential nature of this product, as far as the United States is concerned.

This amendment addresses it in a different fashion from an amendment that previously passed the House, which was met with some opposition from the administration.

The amendment, which tried to additionally protect the uranium industry, was to place an import tariff or a set of duties on any imported uranium in order to encourage the production of domestic uranium. That amendment, in an effort to be put on the Canadian free trade agreement, was objected to by the administration.

Today's amendment is an effort to redress this particular problem in a way that I think makes a great deal more sense. I support this amendment.

Instead of an import duty, it establishes a purchase program. No one can disagree with the statement that the United States has an interest in having a secure uranium-enrichment program, both from a military perspective, as well as a private utilities' standpoint.

This amendment, which I strongly support, accomplishes that through a method which is acceptable to the administration.

I yield such time as the distinguished ranking Republican, the Senator from Wyoming, may consume.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I do indeed support the amendment offered by my colleagues from New Mexico and Kentucky. I am a cosponsor of the amendment. This is the result of a very long, tortuous haul. I will speak for 3 minutes perhaps.

We finally reached a recognition of reality with regard to what was a thriving industry in America and is no longer thus. I express my deep appreciation of the leaders on both sides of the aisle for permitting us to get to this bill and this particular amendment before the Senate takes up the implementing legislation for the United States-Canada Free Trade Agreement, and that is going to be very helpful. I am most grateful for that accommodation.

I truly think we have reached a point where, after lengthy negotiations, we have an approach that enjoys widespread support among all the various groups that have been working to pull this package together for so long, including the uranium producers, the utilities, and most significant, the Administration, who has refused to this point to indicate what they would do when they found the industry to be not viable.

So this amendment builds on the approach we had in March when we passed the freestanding version of this bill, but this amendment replaces the most troublesome part of that bill, and that is the tariffs on imported uranium, the Uranium Procurement Program, an approach that is consistent with our Free Trade Agreement and which the administration has endorsed.

I will not repeat all the arguments for the legislation that we heard in March. I would give judicial notice that those remarks will be just as appropriate now.

So I thank Senator FORD and Senator DOMENICI. They have fully explained what is in this amendment. Remember the United States used to lead the world in uranium production. Wyoming shared with New Mexico the honor of being top producer in the United States. We used to have 5,000 people employed in this industry and now we are down to less than 1,000. The time has come to get this industry back on its feet and to put this country back in the lead as the world's top uranium producer. Our mines in Wyoming are ready to operate. In fact, they are chomping at the bit to do this, ready to help this country achieve its energy independence. Originally, we thought we would put this on the United States-Canada Free Trade Agreement. That did not prove appropriate from the House and administration standpoint; it was unacceptable, and now we come here with it and that seems to be indicative that then I can support the Canada Free Trade Agreement. I want to. But now we have another problem arising there with regard to natural gas and the Kerr River pipeline. That is another story for another time. This is a very appropriate amendment, and I hope it will be accepted by our colleagues. Before I conclude, Mr. President, I should like to take a few brief moments to explain the relationship of superfund and the mill tailings regulatory program.

In 1978, Congress enacted Public Law 95-604, the Uranium Mill Tailings Radiation Control Act of 1978, also known as the UMTRCA. The purpose of the UMTRCA was quite clear; alarmed by evidence that uranium and thorium mill tailings sites, if not properly managed, had the potential of posing significant radiation health hazards to the public and to the environment, Congress enacted a comprehensive set of statutory requirements to ensure that:

> Every reasonable effort be made to provide for the stabilization, disposal, and control in a safe and environmentally sound manner of such tailings in order to prevent or minimize radon diffusion into the environment and to prevent or minimize other environmental hazards from such tailings.

To that end, Congress established two separate regulatory programs; the first, title I of the UMTRCA, provided for a federally implemented remedial action program to reclaim certain specified inactive mill tailings sites, under the direction of the Department of Energy and in consultation with the Nuclear Regulatory Commission, the Environmental Protection Agency, and affected States. Title II of the UMTRCA, by contrast, established a far-reaching regulatory program to ensure that owners and operators of active mill tailings sites would properly manage and reclaim those sites, under the jurisdiction of the Nuclear Regulatory Commission and, where appropriate, the States in which the sites are located.

In enacting the title II program, the Congress was mindful of the great complexity of the natural environment, and the need to ensure that reclamation activities at active mill tailings sites met strict and comprehensive requirements carefully designed to make sure that all actions necessary to protect human health and environment were carefully performed under the oversight of responsible and experienced authorities. Accordingly, UMTRCA directed the Environmental Protection Agency to promulgate general standards for the protection of the public health, safety and the environment from radiological and nonradiological hazards associated with such mill tailings.

EPA was assigned this task because of its great expertise in managing hazardous materials generally. However, while aware of the EPA's impressive record in protecting the environment, Congress was mindful that managing mill tailings sites required experience and knowledge regarding the peculiar details of such sites. Congress intended that the lead Federal agency have the best expertise, judgment and the discretion necessary to carry out this program in a manner that protects public health and safety and the environment in a prudent and economical manner. Thus, UMTRCA directed the Nuclear Regulatory Commission to promulgate regulations patterned after the standards enacted by EPA for guidance in this regard, and further established that implementation and enforcement of the mill tailings standards was to be solely the responsibility of the Nuclear Regulatory Commission, or, under some circumstances, designated States. In so doing, Congress made it quite clear that the NRC is the principal Federal agency involved in regulatory uranium and thorium mill tailings sites to protect health and the environment. NRC was charged with evaluating the standards promulgated by the EPA as guidance. And NRC was directed to promulgate their own regulations, consistent with the vast knowledge of, and experience with, mill tailings sites, patterned after the EPA regulations, with such modifications as the NRC, in its judgment, deemed necessary and appropriate. This the NRC has done.

In response to this congressional mandate, the NRC has enacted a comprehensive set of regulations that encompasses all health and environmental aspects of uranium and thorium mill tailings site management and reclamation. The NRC's regulations and criteria address all aspects of environmental protection required at mill tailings sites, from windblown dust to ground water contamination, whether on the mill tailings site itself or beyond the site's boundaries. These regulations are designed to ensure protection of health and the environment for at least 1,000 years, to the extent that goal is reasonably achievable.

The NRC has thus carried out its mandate of putting the program into place to be the principal public guardian of the public health and safety and the environment in regard to mill tailings sites. And NRC is carrying out its duty to see that those requirements are obeyed by the uranium and thorium mining and milling industry, at no small cost to the owners and operators of the title II sites.

As I noted, in considering the uranium and thorium mill tailings site problem, Congress decided, after thorough and exhaustive investigation, that the regulation of active mill sites should be the responsibility of the Nuclear Regulatory Commission, under the auspices of their already-established mill licensing program. This decision maximized use of the NRC's considerable experience in these matters. Conversely, Congress intended that the EPA not be responsible for environmental regulation of mill tailings sites, other than under their already-existing Clean Air Act and Federal Water Pollution Control Act authorities, beyond promulgating standards to be used by the NRC as guidance in promulgating their own regulations. This 1978 legislative mandate—that the NRC, rather than the EPA, should be responsible for active mill tailings sites—has been the principal basis for all actions Congress has taken with respect to such sites since UMTRCA was enacted, including both the Comprehensive environmental Response, Compensation, and Liability Act of 1980, known as CERCLA or Superfund, the Superfund Amendments and Reauthorization Act of 1986, and the amendment we are considering today.

Two years after the passage of UMTRCA, Superfund was enacted into law. The statute established broad Federal authority to respond to releases of hazardous substances, and a far-reaching liability regime under which those responsbile for releases that threaten public health or the environment must bear the cost of remediation. At the same time, Congress recognized that under other, pre-existing Federal statutes, such as the UMTRCA, comparable liability and remediation authorities had already been put in place, and were being administered by other Federal agencies or, in some cases, delegated States. Superfund explicitly recognizes and preserves this carefully crafted delineation of Federal responsibilities and jurisdiction.

The statute does this by exempting from its liability provisions any federally permitted release, defined to include "any release of * * * byproduct material, as [that] term [is] defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954." Under section 107(j) of CERCLA, recovery for response costs resulting from a federally permitted release is not available under CERCLA, but rather, must be obtained under other applicable laws.

The legislative intent to exclude from CERCLA liability those circumstances for which authorities establishing comparable liability and remediation requirements are in place is clear on the face of the statute. However, the legislative history of this provision highlights this jurisdictional division in equally clear terms.

During Senate consideration of the substitute bill which was signed into law, Senator Randolph, chairman of the Senate Environment and Public Works Committee, described at length the treatment of "federally permitted releases" under CERCLA as follows:

> In developing the Senate's bill, particular attention has been given to how releases from facilities with existing Federal permits are to be treated. The applicable federally permitted release provisions of S. 1480 [the predecessor bill] have been preserved in the Stafford-Randolph substitute . . .
>
> The Congress has never said or suggested that a Federal permit amounts to a license to create threats to public health or the environment with legal immunity. However, in view of the large sums of money spent to comply with specific regulatory programs, liability for federally permitted releases ought to be determined based on the facts of each individual case. Therefore, the Stafford-Randolph substitute authorizes response to federally permitted releases, but requires costs to be assessed against the permit holder under the liabilty provisions of other laws, not this bill.
>
> Section 107(j) of the substitute bill preserves the enforcement provisions of the regulatory laws . . . The determination of exactly what liability standards, defenses, or other rules apply will be made on a case-by-case basis pursuant to regimes other than that of this bill.
>
> The defined term "federally permitted release" (section 101(10)) is a key element in the treatment of these releases under this bill. For purposes of this bill, it includes action by the appropriate Federal agencies or under federally approved State programs * * * (CONGRESSIONAL RECORD, November 24, 1980, p. S14964.)

The Senate report accompanying S. 1480, to which Senator Randolph referred in his floor statement discussing the final bill, described the elements of the "federally permitted release" definition in even greater detail. With respect to the Atomic Energy Act, the report stated:

> The ninth element of the definition addresses the Atomic Energy Act of 1954 which establishes a comprehensive Federal regulatory program for specified uses and classes of nuclear materials. Unlike the other environmental statutes referred to in this amendment, the Atomic Energy Act limits any delegated regulatory role for States and their political subdivisions. The most notable exception is section 274(b), which authorizes the Nuclear Regulatory Commission to adopt agreements with individual States for transfer of regulatory authority over designated source, byproduct, or special nuclear materials.
>
> Under either Federal or State regulatory regimes, releases of source, special nuclear or byproduct materials that are within the terms of a license or permit issued by the Commission or by an agreement state are covered by this portion of the definition. (Senate Report 96-848 at 49.)

I cite this legislative history at length to illustrate that the structure of the CERCLA liability regime and the exclusion of federally permitted releases from it was a deliberate decision by the Congress. As a member of the Environment Committee, I recall the many hours spent at markup discussing this issue, before arriving at a solution which avoided dual regulatory regimes but at the same time ensured that all releases into the environment were in fact covered by liability and remediation authorities, whether it be under CERCLA or another preexisting Federal statute.

Mr. President, by its explicit terms, the definition of a "federally permitted release" describes the regulatory coverage of releases from uranium and thorium mill tailings sites. As I stated previously, the NRC has in place comprehensive regulations for the management of mill tailings sites, including liability for and remediation of releases which may present a hazard to public health or the environment. This is precisely the situation for which the CERCLA exclusion was fashioned. The exclusion was in fact left untouched in the 1986 Superfund Amendments and Reauthorization Act, despite the comprehensive nature of the congressional review of the 1980 law and the far-reaching scope of other amendments made to the law.

Yet I find myself here once more in an attempt to send a message that indeed the provisions of UMTRCA, CERCLA and the amendment before us, the Uranium Revitalization Act of 1988, really mean what they say. Collectively, they represent a very clear, precise, indisputable and now thrice repeated statement of law that regulatory responsibility for uranium mill tailings sites resides in the NRC. Where that responsibility is being carried out at active sites, the CERCLA liability regime is redundant and inapplicable.

However, despite this body's consistent and unequivocally expressed intent that EPA should not have responsibility for ensuring the cleanup of uranium and thorium mill tailings sites, EPA has on occasion elected to attempt to implement the Superfund process at active mill tailings sites, the NRC's active involvement at the site under its licensing authority notwithstanding. This contrary and unduly expensive reading of its own jurisdiction has resulted in the expenditure by EPA of tremendous sums of money. These wasteful and unnecessary expenditures are a burden that will be borne by the Agency's implementation fund itself, for as I indicated earlier, these are the types of expenditures the recovery of which are barred by the federally permitted release exemption. In addition to representing a waste of scant Federal funds, EPA's actions have on occasion actually frustrated the goal of prompt reclamation, by seriously impeding the NRC and regulated parties in their efforts to accomplish reclamation.

Mr. BREAUX. Mr. President, how much time do I have remaining,

The PRESIDING OFFICER. The proponents have 9 minutes remaining; the opponents have 25 minutes remaining.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Mr. President, I would be happy to yield time to the distinguished Senator from New Hampshire if he has a request for time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. BREAUX. For how much time will the Senator be asking?

Mr. HUMPHREY. I have a number of questions about the amendment, Mr. President.

Mr. BREAUX. My question is how much time does the Senator need?

Mr. HUMPHREY. Let us start with—how much time is there?

Mr. BREAUX. Twenty-five minutes.

Mr. HUMPHREY. Ten minutes.

Mr. BREAUX. I will yield 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is yielded 10 minutes

Mr. HUMPHREY. Mr. President, I have some questions for the managers. It is correct that the bill requires the Federal Government to purchase 750 million dollars' worth of uranium from the domestic industry over the next 5 years? Is that a correct figure? I wonder if the Senator from New Mexico can respond.

Mr. DOMENICI. Mr. President, I think the Senator asked that the managers of the bill respond, and I do not know that that is fair. The managers of the bill are really not the managers of the amendment in question. If it is all right with the Senator, either I or Senator FORD could answer, if that is satisfactory with the managers.

Mr. HUMPHREY. Of course. I will direct the question to the Senator from New Mexico.

Mr. DOMENICI. Yes. The question was, Is it true that the U.S. Government is going to purchase $750 million over the next few years of domestic uranium in the uranium industry of the United States? However, it is also true that the utilities companies are going to pay the bill. They have agreed to that. They will be assessed. And second, that uranium will go into a stockpile that would be used for and by the Uranium Enrichment Corp. that supplies them with uranium in an enriched quality. Third, by so creating a stockpile and superfeeding the enrichment process we will save on electric bills that are charged to the Energy Enrichment Corp. The net effect is all plus in spite of the fact that we are buying $750 million, or putting the uranium people back to work in the United States, giving them a few years to see if they can compete. The other side of the equation is that it works all right for everyone else in the cycle.

Perhaps Senator FORD has something to offer. That is my best explanation.

Mr. HUMPHREY. I would like to direct——

Mr. FORD. Mr. President, may I respond. I would like to place in the RECORD the power savings from overfeeding as a result of this amendment. We save some $400 million which I do not think the distinguished Senator from New Hampshire has taken into account. I submit it for the RECORD, power savings from overfeeding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POWER SAVINGS FROM OVERFEEDING

Uranium Obtained from Purchase Program:

Monies Available for Purchases, $750 million.

Purchase Price, $25 per pounds.

Amount of Uranium Purchased, 30 millions pounds.

Power Savings from Overfeeding of Uranium:

Amount of Uranium Used for Overfeeding, 300 million pounds.

Power Savings Per Lb. Used at $13 per pound, $400 million.

Total Uranium Purchased over 5 years: $750 M ÷ $25 per lb. = 30 million lbs.

Total Power Savings over 5 years: 30 M lbs. × $13 per lb. = $400 million.

Annual Power Savings: $400 M ÷ 5 years = $80 Million.

Mr. HUMPHREY. Mr. President, I would ask further if it is not correct that the Department of Energy already has an excess inventory of uranium of 124 million pounds. Is that correct?

Mr. DOMENICI. The Senator is correct. The Department of Energy as the statutory agent for the Department of Defense has a rather substantial stockpile which it maintains. It is a defense stockpile predominantly and will be retained for that purpose, that is, for the enrichment needed for the nuclear submarine and nuclear armaments of the United States.

Mr. FORD. Mr. President, may I add also that this would not be available to the utilities but would be available for the defense of this country.

Mr. HUMPHREY. Is the Senator saying that 124 million pounds is reserved for the Department of Defense?

Mr. FORD. That is correct.

Mr. HUMPHREY. Does the Senator from New Mexico concur in that point of view, 124 million pounds of this excess uranium is reserved for the Department of Defense?

Mr. DOMENICI. I am really not positive of that. I would have to confirm the exact number before I could answer the question.

Mr. HUMPHREY. I do not think that is correct.

Mr. FORD. Mr. President, may I get into this? This is a fact that is not revealed to the public, and whatever we say here is basically speculation. The Senator's numbers are speculation also because it is privileged information as it relates to the amount the Government has on hand.

Mr. HUMPHREY. The Senator is resting his argument on the statement that this 124 million pounds is not available to the commercial industry, that it is reserved for the Department of Defense. Now the Senator is saying it is a secret and nobody knows.

Mr. FORD. Whatever they have is not available.

Mr. HUMPHREY. Mr. President, this——

Mr. FORD. I cannot say it any plainer than that, and I think the Senator from New Hampshire is very security conscious and we will leave that as it is.

Mr. HUMPHREY. I am also very dollar conscious.

Mr. FORD. I did not understand the Senator.

Mr. HUMPHREY. That is why I am raising this question. It looks to me like this is a bailout for the domestic uranium industry. We have 124 million pounds excess inventory in DOE stocks. We are now obligating the Government to buy $750 million more over the next 5 years, which will purchase, I guess, 25 or 30 million more pounds. Is that correct?

Mr. DOMENICI. The Senator is correct. Frankly, I might say to my friend, knowing of his philosophy, I think he should be extremely supportive of this because, as a matter of fact, we will now for the first time distinguish between taxpayers paying for this stockpile and the utility company users paying for the stockpile. The users of nuclear energy will pay for this $750 million stockpile, not the taxpayers.

Mr. HUMPHREY. Indeed. According to GAO, we are writing off $8.8 billion by the utilities which will help——

Mr. FORD. Mr. President, that is just a figment of their imagination. This program has never taken out a loan. There is not any contract or instrument showing that the program owes any money. The program has always generated revenues from utilities for all their expenses.

And that is just a figment of their imagination. The debt does not exist. The current book value of the productive assets will be carried forward to the Uranium Enrichment Corporation. So we are really not losing. This is an expense. You charge Clinch River breeder reactor to this organization. Is that a debt or is that something that comes from the Department of Energy? You have Secretary Baker who says this bill is fine. You have Secretary Herrington who says this bill is fine. You have Jim Miller, Director of the Office of Management and Budget, who says there is no charge to the taxpayers. In the colloquy that the Senator had with us in March, the Senator agreed to the previous bill, and this one is even better.

Mr. HUMPHREY. I am glad to hear it is better. But it sure looks like a bailout to this Senator, Mr. President, and I think other Senators will want to have a chance to vote on this. Therefore I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, will the Senator let the Senator from New Mexico reply to his last question?

Mr. HUMPHREY. If I have time remaining of course.

The PRESIDING OFFICER. Two minutes remain.

Mr. DOMENICI. Let me just state, and I assume the Senator would give him additional minutes, this is a different issue. The Senator raised an issue that we attempted to answer, and I hope we did in a bona fide and forthright manner, regarding the $750 million purchase in this bill which takes the place of import restrictions in the previous bill. That previous bill passed the Senate overwhelmingly, and we think this is much better. But now he raises the question of the bill itself, not the $750 million purchase. Does it write down some "debt" due to the United States by someone? Let me suggest in that regard we have changed nothing.

The Senate voted last time overwhelmingly, knowing full well we were in this bill once and for all going to establish that alleged debt, and it is at a lesser amount than some carried on the books of the Federal Government in the past. Although there was a dispute even within the Federal Government, one department carried it at a very high level, and one department carried it at a very low level. There are certain people in the country who think if you resolve that dispute which we are doing here, and we think at an appropriate level, there are some who would allege it is a giveaway. I contend you cannot give anything away unless in fact there is something to give away. Here there was really no debt as we understand it, and consequently we are clarifying once and for all the Uranium Enrichment Corporation as a business entity without clarifying that they will ever be able to do business and compete.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired. Who yields time?

Mr. BREAUX. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate recess for 20 minutes.

There being no objection, the Senate, at 2:35 p.m., recessed until 2:54 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WIRTH].

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the time be equally charged against both sides on the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. EVANS. Mr. President, we are under a time agreement, I understand.

The PRESIDING OFFICER. Senator BREAUX has time, and Senator SIMPSON has time.

Mr. EVANS. I ask for 10 minutes on the bill.

Mr. BREAUX. Mr. President, how much time do we have?

The PRESIDING OFFICER. Sixteen minutes.

Mr. BREAUX. I yield 10 minutes to the Senator from Washington.

Mr. EVANS. I thank the Senator.

Mr. President, I have listened with considerable interest to the debate of my colleague from Ohio, who has studied this issue for many, many years and who is recognized in the Senate as one of the real experts on the nuclear field as well as on the very important question of nuclear proliferation. I have a somewhat different view, although I come to the same conclusion as the Senator from Ohio and others.

I, too, support, and support enthusiastically, this particular proposal. But I support it for a somewhat different reason.

I had an opportunity, as Governor, to deal with a good many boards and commissions. In fact, our State government was littered with too many boards and too many commissioners, too many of them involved with policymaking and too many of them subject to staggered gubernatorial appointments, which meant that it took a good deal of time, perhaps the better part of a full gubernatorial term, to finally install people you thought were of your persuasion or people in whom you had confidence to make up the majority of a commission, only to find, as Abraham Lincoln said many years ago in relation to appointments, that for each appointment, you have one ingrate and nine enemies. Of course, that too often is true.

The most important thing is that commissions can frequently be in opposition to the stated policy of an administration. The majority of that commission can well have been appointed by a previous President. We could well find, for example, that at some time between now and November of this year, one or another of the Presidential candidates might zero in on the whole question of nuclear proliferation or nuclear licensing or controls. That could become a very important issue in a political campaign.

A Presidential candidate might well win on the basis of that issue, come into office, and then find that, under current law and a current Nuclear Regulatory Commission, it would take not just a few months but the better part of the President-elect's term in order to achieve a majority on the commission and go in the direction, the policy direction, that that President thought was right, that that President debated during the electoral campaign, and that that President may well have been elected on.

Too often, Mr. President, with our penchant for creating commissions we believe that if you have only three, five, seven, or nine members of a commission, you somehow get better resolution and better solutions. In the first place, I do not think that very often is the case; but, in the second place, it dilutes and takes away from the fundamental responsibility of the President and weakens the executive branch of Government.

Therefore, I commend the Senator from Louisiana and the Senator from Wyoming. They have done a fine job in bringing this bill for a single administrator through the committee process and so quickly to the floor of Congress.

I was an original cosponsor of one of the precursors of this bill as introduced by Senator SIMPSON, and I testified before the Committee on Environment and Public Works, last October, in support of that bill. I am delighted that we now have a revised bill before us.

I examined rather closely the way in which the current Nuclear Regulatory Commission operates. I find that, too often, the members of that Commission are prevented from talking to one another in a collegial and informal way or that if two of them are discussing a subject with one another, they suddenly represent the majority of the Commission and must resolve themselves into a formal public meeting, and we lost the whole nature of collegiality and the interrelationship that is important on an informal basis if good decisions are ultimately to come. Instead, that relationship has turned into a blizzard of paperwork, of opinions and requests and ideas submitted by one Commissioner to the four colleagues.

I hope and believe that with this bill, we will streamline things; put the responsibility, current responsibility, with all of the requirements laid on the Nuclear Regulatory Commission, on a single Administrator who will be appointed by the President, but subject to confirmation by the Senate; a single Administrator who, I am confident, will, in a simpler and more streamlined manner, bring the issues not only to decision but also continuously inform Congress of what is going on in that critical agency.

Mr. President, too often on licensing and rulemaking decisions, Congress and the general public generally hear a cacophony of voices rather than a single voice.

The Commission's crucial role, it seems to me, ought to be to act as a consistent single entity, responsible to the public for the safe operation of commercially licensed reactors. That tends to be lost when we hear such a variety of voices, when we do not understand fully the direction that the Commission is taking, or when we hear of split decisions by the Commission, which leaves us wondering at times what the right policy might be.

Under this bill I think we will have a much clearer and direct voice. We will not lose public accountability. We will not lose the opportunity to hear conflicting voices. But we will much more likely have the kind of direct and clear decision out of the Commission expressed both to Congress and to the public.

I think it is time to face reality. The structure envisioned 13 years ago by the creators of the NRC perhaps worked for the first few years of its operation. But times have changed and have changed radically. Other nations now are far along in the job of presenting their own future programs. We no longer have the sole power to dictate to other countries precisely what they do in nuclear energy. We have a much greater responsibility to cooperate with them.

I think we here in this country are unquestionably facing a different situation than existed 13 years ago. When this Commission was created we were embarked on a massive program of new construction, of bringing before this country a broadly increased use of nuclear energy for electrical power production. In the intervening years, a combination of accidents, of setbacks, of cost overruns, and of general citizen questioning have led to a virtual stop in nuclear power development.

I am not at all sure that this will remain true for very much longer. If we embark on a new proposal for a single administrator and give that single administrator the chance to more clearly set forth the policies and directions of the current Commission, we may straighten out some of the current questions which exist. We may get to a point where we can more actively respond to what at least this Senator believes may well be a renaissance of the nuclear industry in years to come.

And what will cause that renaissance?

First, the greenhouse effect which we have talked about so much in recent months more and more clearly comes from the excessive burning of fossil fuels and the polluting of our atmosphere as a result.

We look to clean coal technology to help us to a certain extent, but that only limits, does not eliminate, the emission of these particles into the atmosphere.

The burning of petroleum, no matter how much we put emission controls on, the end result still just limits the pollution into our atmosphere. Ultimately, we are going to have to look at an opportunity for an alternative which simply does not pollute the atmosphere.

Mr. President, I ask unanimous consent that 5 minutes be taken from the time of the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. EVANS. Mr. President, this will cause us to seek alternatives which will not emit any of these pollutants into the atmosphere.

The new generation of nuclear powerplants and powerplant design, inherently safer than any which have been designed to now, may help in this renaissance. And as a result I suspect that a new single Nuclear Regulatory Administrator will preside over a time of rebirth of a nuclear industry rather than presiding over its demise.

There will be major responsibilities before this new agency, among them to seek out the opportunity for development of a uniform design that has all of the safety features that we believe are necessary for the development of a new nuclear plant, the attempt to try to see if we cannot get some unity among the various utilities of the Nation, to settle on certain designs and certain safety features and make them uniform rather than trying to reinvent something each time we create a new powerplant.

So, Mr. President, I enthusiastically support this legislation. I believe that it is in the best interest of the country. I think Congress, the President, and the people of the Nation will be better informed and more clearly informed about the problems that might affect the future of our civilian nuclear industry.

Let me speak then very briefly on two other elements of this bill. The Senator from Ohio mentioned the United States-Japan nuclear agreement and his concerns over that and over nuclear proliferation.

But let me say that the Nuclear Regulatory Commission—and presumably this new agency—has only certain responsibilities in the international field. Those responsibilities legitimately are in the technical and in the safeguard arenas. That is where the Nuclear Regulatory Agency has its expertise, and that is where it should offer its ideas and its policies to the administration and to the Congress.

It is the Department of State that has the prime responsibility for international nuclear cooperation agreements. Lodged in the Department of State is an Assistant Secretary whose responsibility it is to bring together the views of the various agencies of the U.S. Government as they relate to proliferation and as they relate to any international agreements we seek.

So, while the Nuclear Regulatory Agency is important, it by no means represents solely the views of this Nation on international agreement, nor does it even have the prime coordinating role. That is reserved to the State Department.

In dealing with the question of an agency versus a commission, let us be very blunt. The executive branch is headed by only one person. No matter how many agencies, how many commissions, how many agency directors we have, there is only one with ultimate responsibility, and that is the President of the United States.

I think it is important in terms of the executive branch function that we give the President the maximum opportunity to present his or her ideas to the country as clearly and as directly as possible.

And it certainly will happen much more easily with a single Administrator appointed by the President than a Nuclear Regulatory Commission of five, even though all of them are appointed eventually by a President.

Finally, let me speak only briefly on the amendment now in front of us because I led the opposition, along with Senator BRADLEY, to the proposal of the Senator from New Mexico some months ago. I believed then and still believe that that proposal was in direct opposition to the United States-Canada Free Trade Agreement we were then negotiating. As those negotiations have concluded successfully, and I am pleased that the proposal now in front of us does comport precisely with the United States-Canada Free Trade Agreement as such, I will certainly be able to enthusiastically support the amendment which we will shortly be voting on.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Senator from Washington for his support of this amendment before the Senate.

Mr. BINGAMAN. Mr. President, I rise today in support of Senator FORD and Senator DOMENICI's amendment to S. 2443, the NRC Reauthorization and Reorganization Act. I commend them for their effective leadership on behalf of the Nation's uranium industry.

This amendment represents a hard-fought compromise between the Nation's nuclear utilities and uranium producers that has already received Senate approval once this year. This amendment will revitalize domestic uranium producers who have suffered greatly from detrimental Department of Energy [DOE] policies and subsidized Canadian production, eliminate a potential health hazard in the form of uranium mill tailings produced for Government contracts, and restructure the Nation's enrichment enterprise to hopefully make it operate more efficiently.

Almost 25 years ago, with the passage of 161(v) of the Atomic Energy Act, Congress concluded that a viable domestic uranium industry was important to the security interest of this country. Today, uranium continues to play a critical role in meeting both national defense requirements and the needs of our nuclear power industry. Yet, the industry collapsed in 1980. Domestic uranium producers have worked diligently for many years to have DOE comply with national policy requiring the Department to take effective action to maintain the viability of the industry. DOE has refused to take such action, even in the face of its own declarations of the past 3 years that the industry was not viable.

Foreign governments have long recognized the importance of uranium and are deeply involved in uranium policy. There exists in Canada our largest foreign supplier, a pervasive system of government ownership, financing and subsidization of its uranium industry. Favorable action on this amendment will restore our national policy of maintaining a viable U.S. uranium industry as envisioned by Congress in the passage of the Atomic Energy Act and ignored by the administration.

ECONOMIC IMPORTANCE TO NEW MEXICO

While it is clear that the uranium industry is important to both our energy independence and national security, the industry is more depressed than any other time in its 30-year history. It is probably the most economically depressed of any of our country's extractive industries. The statistics tell the story. The domestic industry is facing approximately 90 percent unemployment and production is down to about one-third of peak levels and U.S. needs. In New Mexico, all licensed uranium mills with the exception of one have been placed on standby status and some will not reopen. Only one mine is currently in operation. The industry in New Mexico is virtually dead. We must find a way to resurrect the industry; this legislation is a step in the right direction.

MILL TAILINGS

There is one particular provision of this amendment which is very important to New Mexico. The provision would establish a system for financing the reclamation of mill tailings at active mill sites. The Uranium Mill Tailings Radiation Control Act of 1978 provided funding and authority to the U.S. Department of Energy (DOE) to dispose of radioactive tailings at inactive uranium mill sites. Remedial action at two inactive sites will be carried out under that 1978 law. However, the responsibility for disposal of tailings at active mill sites remained on the owner or operator of the site. The cleanup would be financed by the Federal Government, utilities, and owners or licensees of the sites. This divides the reclamation costs among those who benefited from uranium produced at the sites.

Currently there are five active or licensed uranium mill sites in New Mexico. The provision in this amendment means these sites will be cleared up properly. This action is long overdue and clearly justified.

CONCLUSION

I urge my colleagues to support their passage of this amendment in order to help preserve and revitalize our domestic uranium industry.

Mr. SASSER. Mr. President, I would like to clarify, if I may, one point concerning the uranium amendment with the Senator from Kentucky. I am concerned about the interpretation of section 1505(a)(1). I want to clarify that merely because the "facilities, real estate, improvements and equipment related to the Oak Ridge K-25 plant in Oak Ridge, TN," are not being transferred to the new enrichment corporation, but are being retained in the ownership of the Department of Energy, that this in no way prejudices Oak Ridge in its competition for the AVLIS (Atomic Vapor Isotope Separation) technology, when and if it becomes available.

Mr. FORD. That is correct. Nothing in this amendment in any way prejudices Oak Ridge in its efforts to secure the AVLIS technology, when and if it is deployed.

Mr. BREAUX. Mr. President, there are three points that I would like to clarify about the role and function of the Office of Nuclear Reactor Safety Investigations established under this bill. First, I want to emphasize that while the bill requires the Board to consult with the Administrator prior to the initiation of an investigation and to set forth in writing the basis for the Board's determination that a particular event constitutes a significant safety event, this consultation process and the requirement to prepare a written statement are not meant to either unduly delay an investigation that is clearly warranted or to otherwise impinge on the freedom of the Board to make its own determination about the safety significance of a particular event. Rather, these requirements are designed to foster a certain level of communication and cooperation between the Board and the Agency in the assessment of the safety significance of operating events at production or utilization facilities and to minimize duplication between the Board and the Agency.

Second, I should emphasize that the standard established in this legislation for what constitutes a significant safety event is drawn directly from the Commission's present criteria for determining whether a given event constitutes an "abnormal occurrence." In this regard, it is the committee's intention that the Board be guided by the manner in which this standard has been applied in the past by the Commission. Moreover, it is the committee's intention that the Board be guided by the list of examples that have been published by the Commission, together with the Commission's "glossary" of terms defining the various key terms that have been used in this area. Accordingly, I ask unanimous consent, Mr. President, to print in the RECORD and incorporate by reference both the list of examples and the glossary of terms that I have just mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOR ALL LICENSEES

A-1—Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual to 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation (10 CFR § 20.403(a)(1)), or equivalent exposures from internal sources.

A-2—An exposure to an individual in an unrestricted area such that the whole-body dose received exceeds 0.5 rem in one calendar year (10 CFR § 20.105(a)).

A-3—The release of radioactive material to an unrestricted area in concentrations which, if averaged over a period of 24 hours, exceed 500 times the regulatory limit of Appendix B, Table II, 10 CFR Part 20 (10 CFR § 20.403(b)(2)).

A-4—Radiation or contamination levels in excess of design values on packages, or loss of confinement of radioactive material such as (a) a radiation dose rate of 1,000 mrem per hour three feet from the surface of a package containing the radioactive material, or (b) release of radioactive material from a package in amounts greater than the regulatory limit.

A-5—Any loss of licensed material in such quantities and under such circumstances that substantial hazard may result to persons in unrestricted areas.

A-6—A substantiated case of actual or attempted theft or diversion of licensed material or sabotage of a facility.

A-7—Any substantiated loss of special nuclear material or any substantiated inventory discrepancy which is judged to be significant relative to normally expected performance and which is judged to be caused by theft or diversion or by substantial breakdown of the accountability system.

A-8—Any substantial breakdown of physical security or material control (i.e., access control, containment, or accountability systems) that significantly weakened the protection against theft, diversion or sabotage.

A-9—An accidental criticality (1) CFR § 70.52(a)).

A-10—A major deficiency in design, construction, or operation having safety implications requiring immediate remedial action.

A-11—Serious deficiency in management or procedural controls in major areas.

A-12—Series of events (where individual events are not a major importance), recurring incidents, and incidents with implications for similar facilities (generic incidents), which create major safety concern.

FOR COMMERCIAL NUCLEAR POWER PLANTS

B-1—Exceeding a safety limit of license Technical Specifications (10 CFR § 50.36(c)).

B-2—Major degradation of fuel integrity, primary coolant pressure boundary, or primary containment boundary.

B-3—Loss of plant capability to perform essential safety functions such that a potential release of radioactivity in excess of 10 CFR Part 100 guidelines could result from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod system).

B-4—Discovery of a major condition not specifically considered in the Safety Analysis Report (SAR) or Technical Specifications that requires immediate remedial action.

B-5—Personnel error or procedural deficiencies which result in loss of plant capability to perform essential safety functions such that a potential release of radioactivity in excess of 10 CFR Part 100 guidelines could result from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod system).

GLOSSARY

Causes of Events.—The general classifications for causes of events, whether or not the event involved component failures, are described below. The descriptions are consistent with those which licensees use when submitting reportable events to the NRC under the Licensee Event Report system (see Appendix B of NUREG-1022). For AO evaluations, effort should be made to determine the root cause of events since the proximate cause may not truly reflect the true seriousness of an event. For example, a proximate cause of a component failure represented as inadequate maintenance, may be due to a possibly serious root cause of personnel error, defective procedures, or management deficiencies.

The general categories of causes of events (proximate or root causes) are:

(1) *Personnel Error.*—These are occurrences attributed to human errors. When errors were made as a result of following incorrect written procedures, the occurrence should be attributed to defective procedures (see paragraph 4 below). When errors were made because written procedures are not followed or because personnel did not perform in accordance with accepted or approved practice, the occurrence should be classified under personnel error.

This classification is used for a licensee's operational staff (operators, maintenance personnel, technicians, quality control personnel, etc.). Errors, inadequacies, deficiencies, etc., on the part of management/supervisory personnel should be attributed to management deficiencies (i.e., paragraph 5).

(2) *Design, Manufacturing, Construction/Installation.*—These are occurrences reasonably attributed to design, manufacture, construction or installation of a system, component or structure. For example, failures that were traced to such things as defective materials, significant breakdown in the quality assurance program or components otherwise unable to meet the specified functional requirements or performance specifications, should be included in this classification.

(3) *External Cause.*—These are occurrences attributed to natural phenomena. Typical examples include failures resulting from a lightning strike, tornado, or flood. This classification is also assigned to man-made external causes that originate off-site (e.g., an industrial accident at a nearby industrial facility).

Such events would not normally be significant for AO purposes unless they were outside of the design bases for the plant. Actual or attempted sabotage, whether done by an outsider or insider, can generally be assigned to this classification. However, if the event could have been reasonably avoided by a more adequate security program, the event may be attributed to management deficiencies (i.e., paragraph 5).

(4) *Defective Procedures.*—These are occurrences caused by missing, inadequate, or incomplete written procedures (see paragraph 1 above).

(5) *Management/Quality Assurancy Deficiency.*—These are occurrences assigned to failures caused by failure of management or management systems (e.g. major breakdowns in the licensee's administrative controls, preventive maintenance programs, surveillance programs, or quality assurance controls).

(6) *Component Failure.*—These are occurrences or events attributed to component malfunctions resulting in failure of the equipment to perform its intended function. The performance of equipment outside limits specified in the technical specifications, the Safety Analysis Report, or other applicable requirements, may be included here unless the cause clearly should be otherwise assigned. This classification should be used when the cause of the equipment failure cannot reasonably be attributed to one of the other classifications (e.g., a component reaching its natural end of life).

Essential.—This term applies to systems and equipment required to operate in order to safely control the nuclear reactor both during normal and adverse conditions, including those components needed for safe shutdown, decay heat removal, control of radioactivity release, and accident mitigation.

Immediate.—This term applies to actions that must be initiated in an expeditious manner so as to reduce or preclude a safety hazard. The actual time frame may vary from seconds to days, or longer, depending on the situation. For example, "immediate" may apply to an operator action to trip the reactor or to the licensee taking remedial actions prior to a reactor restart.

Impact.—This term normally refers to an adverse effect on the margins of safety or on the public health.

Major Deficiencies.—These are significant deficiencies that could negate multiple levels of protection, increase the consequences of postulated transients or accidents, or result in design criteria being exceeded.

Major Degradation.—This refers to a significant degradation to a level such that a system cannot or may not perform its intended safety functions (e.g., redundancy is lost) and as a result a level of protection or barrier to the release of radioactive materials has been lost or severely compromised. In regard to the boundaries designed to contain radioactive material, the following applies:

First, fuel failures exceeding design expectations (1%), deformation of fuel elements, or fuel cladding melting would be examples of major degradation of fuel integrity.

Related examples would be fuel assembly distortions which may seriously impede coolant flow through the assembly, or seriously impede control rod movement.

Second, pipe breaks or equipment failures resulting in loss-of-coolant incidents which exceed the normal makeup capability of the primary coolant system, or loss of structural integrity of pipes, vessels or other primary system components would be major degradation of the primary coolant boundary.

Third, failures of structures, systems, or components such that the allowable containment leak rate could be substantially exceeded would be major degradation of primary containment.

"Major degradation", as it applies to essential safety related equipment, is discussed under general subcriterion G-2 (i.e., Section 4.1.3).

Major Safety Concern.—This means that the NRC has made a statement or initiated significant actions in response to a possible or identified problem area. For example, the statement may be a special press release and the actions might be ordering plant shutdowns, a significant civil penalty or other elevated enforcement action, or initiating prompt generic remedial action.

Moderate Exposure.—This is an external exposure, or an equivalent exposure from an internal source, which exceeds the regulatory limits in 10 CFR Part 20 but is not expected to produce either any major adverse immediate biological effects or longer term effects. For AO purposes, the reporting thresholds for restricted areas are five times the yearly permissible dose defined in 10 CFR 20.101(a); these are also equivalent to the licensee immediate notification requirements defined in 10 CFR 20.403(a)(1). For unrestricted areas, the AO reporting thresholds are equivalent to the limits specified in 10 CFR 20.105(a). The reporting thresholds on radiation from a package are the limits specified in 10 CFR 71.51(a)(2). For medical misadministrations, the reporting thresholds are defined in Part II, Appendix, of NRC Manual Chapter 0212.

Moderate Release.—This is a release which exceeds the regulatory limits in 10 CFR Part 20, Appendix B, but is not expected to produce either any major adverse immediate biological effects or longer term effects to the public in unrestricted areas. Release rates and concentrations which translate into potential exposures exceeding 500 mrems/year to individuals at the site boundary using realistic assumptions would be moderate releases. For AO purposes, the reporting thresholds are the limits specified in 10 CFR 20.403(b). The reporting thresholds on release of radioactive material from a package are the limits specified in 10 CFR 71.51(a)(2).

Potential.—This means that something can happen with sufficient likelihood that protection against its occurrence is necessary.

Sabotage.—"Radiological sabotage," is defined in 10 CFR 73.2(p) as any deliberate act directed against a plant or transport in which an activity licensed pursuant to the regulations in the chapter (i.e., Chapter 1 of Title 10, Code of Federal Regulations) is conducted, or against a component of such a plant or transport which could directly or indirectly endanger the public health and safety by exposure to radiation.

Section 236 of the Atomic Energy Act of 1954, as amended, states that "Any person who intentionally and willfully destroys or causes physical damage to: (1) any production or utilization facility licensed under this Act, (2) any nuclear waste storage facility licensed under this Act, (3) any nuclear fuel for such a utilization facility or any spent nuclear fuel from such a facility, shall be fined not more than $10,000 or imprisoned for not more than ten years, or both."

For AO reporting purposes, the key elements to consider are:

(1) The intent of the perpetrator(s) was, or could reasonably be assumed to be willful and intentional, and

(2) The event did, or could reasonably have led to fuel damage.

Specific guidance for AO reporting of such events is given under example A-6 (i.e., Section 4.2.1.6).

Significant.—This is a relative term and generally is equivalent to the terms "major", "substantial", and "serious", all of which appear in various parts of the AO criteria, the AO examples, and in the discussion in this report. The intent of these terms are generally explained in the guidance for each of the AO criteria and examples in which the terms appear.

However, care must be taken in applying these terms since a general explanation may not reflect the full safety impact for any particular event. For example, one may postulate that a "significant civil penalty" is one $100,000 or more for a power reactor licensee and $2,000 or more for other licensees. However, the size of the penalty may not reflect the total safety impact of the occurrence. For example, a serious breach of the primary system boundary may occur (such as steam generator tube rupture) and no penalty may be assessed if the licensee has performed in a satisfactory manner. On the other hand a very large penalty may be assessed for recurring problems, a series of problems, or a problem left unattended for a lengthy period of time, where none of the events individually have a significant impact on public health or safety. Therefore, a "significant civil penalty" is only one element to consider in the AO evaluation process.

Significant Enforcement Actions.—"Enforcement Actions" are described in 10 CFR Part 2, Appendix C (IV). The basic sanctions are (1) notices of violation, (2) civil penalties, and (3) orders of various types (i.e., to modify, suspend, or revoke a license; to cease and desist from a given practice). In addition to these formal enforcement mechanisms, administrative mechanisms such as (1) enforcement conferences, (2) bulletins, (3) information notices, (4) generic letters, (5) notices of deviation, and (6) confirmatory action letters, are used to supplement the enforcement program.

While any of above actions can be considered important in the context of the NRC enforcement program, they are not necessarily associated with events which meet the AO reporting threshold. From the standpoint of AO reporting, the more significant actions are likely to be, but not necessarily limited to, (1) violations of severity levels I and II, and possibly III, (2) large civil penalties, particularly if they are escalated from the base penalties, and (3) essentially any orders issued. In addition, considering the review/approval process involved, most bulletins can be considered significant actions.

Substantiated.—This means that sufficient evidence exists to make a determination or draw a conclusion. For AO purposes, in regard to actual/attempted theft, diversion, or sabotage, it is not necessary for regulatory or criminal enforcement actions to be completed, or even yet initiated, if either the licensee, NRC, or other agency (e.g., FBI, Justice Department) believes beyond a reasonable doubt that criminal, evil, or malicious intent was involved. For more guidance, see the discussion under example A-6 (i.e., Section 4.2.1.6).

In regard to loss of special nuclear material, the guidance above is also applicable. For inventory discrepancies, additional guidance for AO reporting is given in the discussion under example A-7 (i.e., Section 4.2.1.7).

Mr. BREAUX. Finally, Mr. President, I emphasize that any subsequent change by the Administrator of the newly established Nuclear Safety Agency in either the criteria for declaring an abnormal occurrence, the list of examples, or the glossary of terms cannot alter in any way the authority of the Board. In short, while the threshold in this legislation that will govern investigations by the Board is drawn directly from the Commission's existing criteria for declaring abnormal occurrences, any subsequent change by the Administrator in the criteria, the list of examples, or the glossary of terms cannot either expand or narrow the jurisdiction of the Board over the events that either can or cannot be investigated.

Mr. President, I believe we have a unanimous-consent agreement with the Senator from Ohio, Senator GLENN, to yield 3 minutes of his time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am pleased that the Senate has the opportunity to consider the issue of how best to regulate commercial nuclear power. At the outset, I want to applaud the efforts of Senators SIMPSON, BREAUX, and GLENN, and their staffs which worked over many difficult issues and brought us to the point where we are now.

The structure of an organization can either help or hinder the effective functioning of the organization. A good organization will not make a poor law work, but a poor organization will thwart the purposes of a good law. In developing an organizational approach to policymaking and implementation, whether in government or the private sector, a balance needs to be struck between the need to expedite and implement decisions and the need to consider all relevant factors in reaching those decisions. If the process contains too many steps, neither government nor the private sector will be able to deliver goods or services in a timely manner. If the process contains too few steps, neither government nor the private sector will be able to deliver the goods or services that are truly needed.

I have been an advocate of structural review in government for many years. I believe that we are overdue for another Hoover Commission like that of almost two generations ago which evaluated the functions of government and recommended new organizational structures through which those functions would be better exercised. I am pleased that the proposal for such a commission, the National Commission on Executive Organization and Management, was included in the Senate-passed version of the bill establishing the Veterans' Administration as a cabinet-level agency; I hope that the conferees will see the wisdom behind the proposal and adopt it in the conference committee.

I have also advocated specific restructuring of Government functions particularly in the area of trade policy where I have long believed that we need to establish a Department of Trade.

Thus, I am sympathetic to the concerns raised by Senators SIMPSON and BREAUX and those of numerous experts who, over the past 25 years have recommended that the regulation of commercial nuclear power be conducted by a single-administrator executive branch agency rather than a five-member independent regulatory commission.

Accidents at nuclear power facilities such as Three Mile Island and deficiencies in the operation of such facilities as was found at Peach Bottom remind us of the need for a regulatory body which is organized to act quickly to assure the safety of these facilities. The potential dangers posed by such facilities call for caution in making the decisions to site and equip them and to plan for emergencies.

When Congress first acted to regulate nuclear power in 1946, it focused solely on the production of nuclear materials and nuclear weapons for military purposes. It established a five-member commission to oversee these functions, rather than a single administrator, to assure that diverse viewpoints would be brought to bear upon issues so far reaching as those. In 1954, Congress expanded the functions of the Commission to include the licensing and regulation of civilian nuclear activities, making no change in the organization of the Commission.

During the Kennedy administration, it was proposed to convert the Commission to a single administrator. But, according to the committee's report on this bill, the proposal was not pursued, in part, because the proposal would result in an agency with less accountability to the Congress.

After the accident at Three Mile Island, both the Kemeny and Rogovin Reports urged conversion of the Commission to a single administrator executive branch agency. As the Rogovin Report put it, "* * * reflection of diverse views must be weighed against effective management, which in this case means effective management of a coordinated safety program. * * *"

This relates to my initial comment that the structure of an organization must foster a necessary balance of caution and efficiency in carrying out its functions. Those who advocate replacing the current Commission with a single administrator argue that the Commission is paralyzed when necessary action is needed. This is a powerful argument, but it does not mean that we should replace the Commission with a nuclear "czar," independent of the usual means of accountability.

In this respect, I am pleased to say that through the work of the Environment and Public Works and Governmental Affairs Committees, appropriate accountability mechanisms have been included in the bill. As reported, the bill would have exempted the new agency from oversight by the Office of Management and Budget; as such, we would have eliminated both the diversity of viewpoints brought by the five Commissioners as well as oversight within the executive branch of the actions of the single administrator. The substitute offered by Senators BREAUX and SIMPSON contains provisions which provide for accountability of the Administrator both within the executive branch and to the Congress.

Further assurance of accountability of the new agency would be fostered by two other provisions of the substitute. One is the establishment of a statutory office of inspector general. This provision has already been adopted by the Senate as part of the Inspector General Act Amendments which passed the Senate on February 2 of this year by a vote of 85-0. The inspector general will assure the internal integrity of the agency.

The other provision which will assure accountability is the statutory charter given to the office of investigations. This office investigates allegations of wrongdoing by licensees. Its role has been the subject of some controversy among some Commissioners; thus, it is appropriate that Congress settle its role and provide it with clear authority.

Whether this new agency performs the function of regulating the commerical nuclear power industry better than the existing Commission will depend in large part, as in other agencies, upon the leadership installed in the agency. Nevertheless, the evidence was sizable that the current Commission was "broke" and "needed fixing." This legislation has a ways to go yet through the legislative process; but, I feel that the substitute before the Senate is improved over the version reported by the committee and I again thank Senators BREAUX, SIMPSON, and GLENN for their cooperation in developing the substitute now before the Senate.

Mr. SIMPSON. Mr. President, I yield 4, 5, or how many minutes the senior Senator from Pennsylvania would require, within reason, of course.

Mr. HEINZ. Mr. President, I thank my friend and colleague from Wyoming for his flexibility and generosity and I hope not to take all of his time.

How much time does the Senator have?

The PRESIDING OFFICER. The Senator has 22 minutes remaining.

Mr. HEINZ. Well, Mr. President, I rise in support of the bill that is before us, the Nuclear Regulation Reorganization and Reform Act of 1988, S. 2443. I commend the managers of this legislation, Senator SIMPSON and Senator BREAUX, for bringing it before this body. It contains a number of very worthwhile reforms and improvements which I wholeheartedly support and which I will have more to say about in a minute.

But noteworthy among those reforms and improvements is the fact that it creates an agency instead of a commission, the purpose of which is to hold the management for the safety of the nuclear industry, as performed by the Federal Government, accountable.

No longer will we have a group of people, five Commissioners, who will either have to agree or disagree among themselves, who can point their fingers at somebody or another. We will have one person and that person will be held accountable and answerable for the performance of their duties, the most important of which is to protect the public safety.

Now, I emphasize that because if it had not been for an event in my State some 9 years and 4 months ago, the accident at Three Mile Island, we would not more than likely have this bill before us. It was on March 30, 1979, that the entire country got a wake-up call from the nuclear industry. And that wake-up call was, despite all the protestations by NRC and everybody to the contrary, that everything was not right with the safety of the nuclear industry in this country.

Now, we have learned a lot. We have investigated the accident at Three Mile Island comprehensively and completely. President Carter appointed Mr. John Kemeny to head the so-called Kemeny Commission, and whose recommendations in large measure are contained in this legislation.

Then, shortly thereafter, the Rogovin inquiry group was appointed and Mr. Rogovin made his recommendations with his group also toward the end of 1979, the same year in which the accident took place.

We have had numerous other recommendations, hearings, investigations. The one that is most interesting, of course, is the Nuclear Regulatory Commission's investigation of itself.

Mr. President, do you know when the final report of that investigation was filed? Last year—8 years after the incident at Three Mile Island. As a matter of fact, it was filed on or about the same time that nuclear plant employees were found sleeping on the job at the Peach Bottom nuclear complex, also in my State. Talk about a wake-up call for the nuclear industry. Well, Mr. President, at long last Congress is responding to that wake-up call with some very necessary, important, commonsense legislation.

What our legislation does is to make sure that the regulators do not go to sleep, because we will have one Administrator at the head of the Nuclear Safety Agency, and we will hold him accountable. He will be responsive because he will not have to consult with four other commissioners when we demand answers. And to make sure that he gives us truthful answers, this legislation creates statutorily an office of inspector general in this news agency, replacing the nonstatutory Office of Inspector and Auditor.

Furthermore, we will create statutorily an independent board, the Nuclear Reactor Safety Investigations Board, to oversee nuclear safety at NRC licensees and thereby we may avoid conflicts of interest when the people who give out the licenses have to determine whether they made a good or bad decision after the fact; when they are charged with having to determine whether a given licensee remains in compliance or whether that license was in fact well granted in the first place.

I, in going back over the record, Mr. President, found that there were some fascinating recommendations that had been made. Probably one of the most important of the central findings of the Kemeny Commission back in 1979, late 1979, is worth quoting. Some of my colleagues may have brought it to the attention of the Senate before, but let me quote it one more time:

> After many years of operation of nuclear power plants, with no evidence that any member of the general public has been hurt, the belief that nuclear power plants are sufficiently safe grew into a conviction. One must recognize this to understand why many key steps that could have prevented the accident at Three Mile Island were not taken.The Commission—

That is the Kemeny Commission—

> is convinced that this attitude must be changed to one that says: nuclear power is, by its very nature, potentially dangerous and one must continually question whether the safeguards already in place are sufficient to prevent major accidents.

Mr. President, this legislation will go a long way toward taking that recommendation made 8 years ago and putting it into practice and reality.

The Rogovin inquiry group made its own set of findings and, in response to the findings of the Kemeny Commission, declared that, as presently constituted, the NRC does not possess the organization and management capabilities necessary for the effective pursuit of safety. The Rogovin inquiry group concluded that:

> The central and overwhelming need is for legislative and executive reorganization to establish a single chief executive with clear authority to supervise and direct the entire NRC staff.

Mr. President, that, at long last, is what this legislation does. I suspect that, had the NRC finished its own inquiry in a timely manner, if it had not taken them the better part of 8 years, we might have had this legislation not this year in 1988 but many years before. But out of a sense of fairness, I have no doubt that the Environment and Public Works Committee wanted to give the NRC their turn, their opportunity to express themselves.

Well, they have. Certainly the NRC has done a far better job. But nonetheless, its structural failings remain. Mr. President, we need to have confidence in the nuclear power industry because I suspect that with the concerns that are mounting over the greenhouse effect, with our growing dependence on imported oil, we should take very cold and temporary comfort from the depessed energy prices that we have. Very soon we will be looking back and saying, if we do not have a safe industry and the best in the way of safeguards, what happened to that nuclear option? It is my view that we need as many energy options as we possibly can safely have.

So, what the committee brings to the floor today is important. It is needed. It shows that even though, as recently as this year, some people in the nuclear power industry were still asleep, at last here in the Senate we are awake and we are doing something about the future, and that is to put in the best safety constraints we know how.

I commend my colleagues.

Mr. SIMPSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Eleven minutes and forty seconds.

Mr. SIMPSON. Mr. President, I thank the Senator from Pennsylvania. He has been a true player in this issue, and I appreciate that during the time I have been ranking member and also chairman of the Nuclear Regulation Subcommittee.

Indeed, his State, and he describes it well, is deeply affected and this will be a very important measure to correct those problems.

I believe we are in a position to yield back such time as remains on this side of the aisle.

Mr. FORD. We are ready to yield back our time.

Mr. STAFFORD. Would the Senator yield me 30 seconds?

Mr. DOMENICI. I will be glad to yield.

Mr. STAFFORD. Mr. President, as a former chairman of the Committee on Environment and Public Works and its present ranking member, I would like to offer my gratitude and congratulations to both the chairman, Senator BREAUX, and ranking member, for all the hard work he and Senator SIMPSON have done in bringing this bill in its present form to the floor of the Senate. I think they have done a service to the country and I congratulate them both, and the staff that helped them do it.

Mr. BREAUX. Mr. President, I appreciate the comments of the distinguished Senator and I thank him. It has been a real cooperative effort on behalf of Republican members as well as Democratic members of our committee.

Mr. JOHNSTON. Mr. President, this amendment is about preserving the U.S. uranium mining and milling and about preserving the U.S. uranium enrichment enterprise. What this amendment does is to preserve the over 5,000 jobs in the enrichment business and the 2,000 jobs in the mining industry. This is down from the approximately 11,000 jobs in the enrichment business in 1984, and the over 20,000 jobs in the uranium mining industry at the beginning of this decade.

But this amendment is about more than preserving jobs—it is about preserving the national and energy security of this country. Enactment of this legislation is critical to maintaining an efficient domestic system to supply fuel to the reactors that in 1987 supplied 17 percent of our electricity. In addition, since other nations will not supply uranium to the United States for military purposes, enactment of this legislation is critical to our national defense.

We have debated these uranium issues before, and S. 2097, the Uranium Revitalization, Tailings Reclamation and Enrichment Act, was passed by the Senate on March 30 by an overwhelming majority. Some who objected, including the administration, believed that S. 2097, as it passed the Senate, was not consistent with the United States-Canada Free Trade Agreement. I did not agree with that assessment, but was heartened by the fact that the administration recognized the importance and the urgency of what we were trying to achieve with S. 2097.

In fact, the administration thought that this was so important that it sat down with the uranium producers and the electric utilities to negotiate a compromise. This compromise would accomplish the important goals of S. 2097 and is consistent with the United States-Canada Free Trade Agreement. At this point I would like to enter into the RECORD, a letter from the Secretary of the Treasury, James Baker, in which Secretary Baker pledges the administration's support for this legislation. In this same letter, Secretary Baker also states that this proposal is consistent with the pending free trade agreement with Canada. This last statement should lay to rest any fears that Senators might have had with S. 2097, and its impact on trade with our neighbors to the north.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, July 27, 1988.

Hon. WENDELL H. FORD,
U.S. Senate,
Washington, DC.

DEAR WENDELL: This is in response to your letter of July 19 on the uranium industry and the Canada Free Trade Agreement.

As you know, the Administration put forth a major effort to reach a compromise on uranium that would be acceptable to all parties including Congress. We reached an agreement between the uranium industry, the utilities and the Administration. But, in accordance with the FTA consultative process, this compromise had to be submitted to Congress for its approval. As you stated in your letter our agreement with the Congressional leadership provided for the drafting of the implementing legislation to be a cooperative effort between the Administration and the Congress.

Although the compromise is acceptable to you and the Administration, and although we believe it is consistent with the FTA, it has been rejected by the Senate Finance Committee and the House Ways and Means, Energy and Commerce, and Interior Committees. Thus, four of the five Congressional Committees having jurisdiction over this issue rejected the compromise.

Accordingly, we are unable to include the uranium compromise in the implementing legislation which was submitted this week. This is in accord with the process we have followed on every issue within the FTA.

Nevertheless, this year the Administration will support free-standing legislation with the same "uranium package" we agreed to in our FTA negotiations. We do so in the spirit of cooperation we have all demonstrated in this issue and on the FTA. I should advise that the Administration continues to support early steps to privatize certain current government involvement in this area.

Sincerely,

JAMES A. BAKER III.

Mr. JOHNSTON. This uranium amendment is not significantly different from S. 2097. The amendment substitutes a government purchase program for domestic uranium in place of the charges in S. 2097 for the use of foreign uranium above a certain percentage. The amendment leaves title II, on mill tailings reclamation, and title III, on the government uranium enrichment corporation, largely intact.

A $1.75 billion uranium revitalization fund to pay for tailings reclamation and domestic uranium purchases is established in this amendment. $1 billion will be spent on mill tailings cleanup and $750 million will be spent on the purchase of domestic uranium over a 6-year period. Sections 170B and 161v. of the Atomic Energy Act of 1954, as amended, would be deleted, and there would be free market conditions in the uranium industry at the end of 1994.

No moneys would be appropriated from the Treasury for the financing of this fund. Rather, the money for the fund will come from: the mining industry—$300 million, the same as title II of S. 2097—$450 million from the U.S. Enrichment Corporation—$300 million of which will be credited to the money owed by Corporation to the Treasury—and $1 billion from the utilities from a $72 per kilogram fee on new uranium, foreign or domestic, loaded into reactors. It is important to note again that no money would be appropriated from general revenues for this fund.

A summary of this amendment and other changes from S. 2097, the Senate passed bill, are outlined at the conclusion of this statement. Mr. President, I ask unanimous consent that this summary be included in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OR URANIUM PACKAGE FOR THE UNITED STATES-CANADA FREE TRADE AGREEMENT AND COMPARISON TO S. 2097

I. IN GENERAL

Substitutes a government purchase program for domestic uranium in place of Title I of S. 2097 (charges for the use of foreign uranium in domestic reactors).

Leaves Title II (uranium tailings reclamation) and Title III (enrichment corporation) largely intact.

II. URANIUM MINING INDUSTRY RELIEF AND TAILINGS RECLAMATION

Establishes a $1.75 billion "Uranium Revitalization Fund" to pay for tailings reclamation and domestic uranium purchases.

$1 billion for tailings clean-up.

$750 million for domestic uranium purchases.

Purchases from eligible domestic producers would be made from the Fund by DOE using competitive bidding.

$80 million in first year for purchases from small domestic uranium producers.

Remaining $670 million spent over five years.

Uranium Revitalization Fund would be financed as follows:

$300 million from the uranium mining industry (same as Title II of S. 2097).

$450 million from the enrichment corporation (but $300 million of that amount credited to $364 million debt owed to the Treasury by the Corporation).

$1 billion from utiliteis ($72 per kilogram fee on new uranium, foreign or domestic, loaded into reactors).

No appropriations from general revenues.

Corporation would own all $750 million worth of domestic uranium purchased by the Fund, even though it only contributes a net amount of $150 million ($450 million contribution less $300 million credited to Treasury debt). Use by the Corporation of purchased uranium would be restricted to uses (overfeeding and preproduction) that allow the Corporation to realize savings in power costs but not to affect utility demand for uranium.

161 v. and 170B of the Atomic Energy Act would be deleated. Free market conditions in the mining industry at the end of 1994.

III. ENRICHMENT CORPORATION

Same as in S. 2097, with the following exceptions:

Requires feasibility of privatization report by the Corporation after five years (rather than a report between five and ten years under S. 2097).

Requires NRC to promulgate regulations for licensing existing gaseous diffusion plants (GDPs) within four years. Corporation must apply for a license but is exempt from NRC licensing jurisdiction unless and until a license is issued. S. 2097 only provides for the licensing of new enrichment plants.

Makes Corporation subject to environmental (EPA) and occupational safety (OSHA) laws in the manner of a private corporation (i.e., can be sued) after four years, unless the President determines that additional time is necessary in order to achieve the purposes of the Corporation (especially with respect to health and safety). In the interim, the Corporation is subject to these laws the same as DOE as of the date of enactment of this Act.

Secretary no longer has supervisory role over Corporation.

Corporation is given feed materials sufficient for a working inventory. Reserves all existing enrichment tails for DOE.

President, rather than Secretary of Energy, appoints members of Advisory Board.

Corporation indemnifies its contractors under Price-Anderson in the same manner as the Secretary of Energy indemnifies its contractors.

Mr. JOHNSTON. Mr. President, the uranium industry has been declared not to be viable for the last 3 years by the Secretary of Energy. This industry is vital to our Nation, and it is on its knees. The amendment now before us will bring this vital industry to its feet.

This amendment will also restructure the U.S. uranium enrichment enterprise. Redirection and restructuring are imperative to allow this important enterprise to survive and succeed in today's highly competitive market. At one time, this enterprise held a monopoly in the world market, but this is no longer the case. Our customers now have someplace else to go, and they are going and going fast. We must give the uranium enrichment enterprise the mission to operate like a competitive business, and provide the enterprise with the structure and flexibility necessary to carry out this mission.

As I stated earlier, our energy and our national security, our competitiveness and our jobs are at stake. I strongly support the adoption of this amendment, and I urge my colleagues to do the same.

Mr. WALLOP. Mr. President, several months ago, the Senate passed the Uranium Revitalization Act, a bill to ensure the continued existence of a domestic uranium production industry. Battered by government subsidized foreign uranium ore imports and by the decline in demand for electric power, our uranium mining industry has nearly disappeared. While some may not mourn the loss of this industry, the uranium industry is crucial to both our national security and power needs.

The Revitalization Act includes three titles intended to revive the uranium mining industry, settle the enrichment debt issue, and establish a new uranium enrichment corporation. While the bill received strong support in the Senate, the House of Representatives has proceeded very slowly on this legislation. We also had faced obstacles with the administration. Various officials did not comprehend the vital role of uranium. Fortunately, we had an opportunity to educate the administration during the debate on the United States-Canadian Free Trade Agreement. Since Canada accounts for 60 percent of our uranium imports, the FTA has been the proper forum for discussing this issue.

The amendment under consideration is a revised version of the Revitalization Act. We had undertaken extensive negotiations with the administration on how to properly structure title I of the bill, which deals with the import issue. As my colleagues from New Mexico and Kentucky have already explained this provision, I will not repeat their comments. However, it is important to note that the new version does not in any way violate the principles embodied in the Free Trade Agreement.

In fact, this amendment could lead to increased trade in uranium and related services. We will have an opportunity to modernize our enrichment services. The restoration of ore production will maintain uranium as an energy option. It is a well-kept secret that our electric power generation capacity will fall behind actual demand in the next decade. We will have to build new powerplants. While natural gas will help to meet short-term needs, we will require greater coal and uranium production to satisfy the long-term demand.

I have been working with my colleagues, Senators DOMENICI and SIMPSON, since 1982 in developing this legislation. Six years is a long time for giving birth to any project. And, as time goes by, the necessity for this legislation becomes more and more evident. The administration now supports this legislation. The Senate has approved it once already by a strong bipartisan vote. It is now time to pass this amendment and have the House move expeditiously on the Uranium Revitalization Act.

Mr. McCLURE. Mr. President, the matter covered by this amendment was discussed at length on March 29 and 30 during Senate debate on S. 2097. Rather than repeat that debate, I would direct anyone concerned with the legislative history for this amendment to that earlier debate as well as Senate Report No. 100-124 on S. 1846. Titles II and III of this amendment are essentially identical to S. 2097 and title I is modeled in many ways after Title I of S. 2097.

Mr. BREAUX. I think, with the yielding back of our time, the next step would be the vote on the amendment offered by the Senator from Kentucky and the Senator from New Mexico which this Senator supports. I think it has bipartisan support across the aisle.

Second, we would then proceed to a vote on final passage of the bill with no interrupting business.

Mr. DOMINICI. Mr. President, might I just take a moment and thank the distinguished Senator from Washington, Senator EVANS, who is still on the floor. When we brought this basic concept to the floor previously he opposed it. Today he indicated he can support it. I think that does well for this approach.

At that point we had some limitations on importing uranium in an effort to revitalize our very, very defunct uranium mining industry. He indicated, and I thank him for it, this is a much better bill, in his opinion, and he can support it. It passed overwhelmingly last time and we do think, with the administration saying they will sign this kind of bill, it takes care of all the problems the previous one did have and gives the uranium industry a slight chance of recovery without harming anyone and without unduly burdening any part of our society.

So we think it deserves a broader support than last time and we hope it will get that.

Mr. BREAUX. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 2817 offered by the Senator from Kentucky. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 17, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—78

Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Karnes
Kassebaum
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—17

Adams
Bradley
Chafee
Cohen
Durenberger
Hatfield
Humphrey
Kennedy
Kerry
Lautenberg
Leahy
Mitchell
Pell
Proxmire
Reid
Riegle
Roth

NOT VOTING—5

Biden
Cranston
Gramm
Kasten
Weicker

So the amendment (No. 2817) was agreed to.

Mr. FORD. I move to reconsider the vote by which the amendment was agreed to.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of S. 2443, the Nuclear Regulatory Commission authorization bill. I desire the RECORD to show that, were I present, I would vote "aye" on amendment No. 2817.●

Mr. REID. Mr. President, I rise to state once again my objections to adoption of yet another version of the so-called and badly misnamed uranium revitalization bill. It was a bad idea in March; it is a bad idea today. The latest version has the nuclear utility industry paying $1 billion in new taxes. Strangely, despite the fact that the bill wipes out a $9 billion debt the Federal Government is supposed to recover from these utilities for the costs of providing enrichment services, the bill directs that this tax be paid over to private uranium companies.

In addition, the bill calls for a $750 million uranium buy program. All this is ostensibly to revitalize the domestic uranium industry. Respectfully, Mr. President, this dog won't hunt. Subsidizing uranium tailings cleanup costs does not restore a domestic uranium industry; it instead cheapens exit from the industry. And the Federal uranium buy program is nonsense. The Federal Government is sitting on more than $2 billion in surplus uranium, has been for two decades, and does not need any more uranium for the foreseeable future. The buy program is designed to put money in the pockets of a few individual companies for a few more years, and will not put any significant number of miners back to work. It will not restore the Federal Uranium Enrichment Program either. Instead, it leaves it wallowing in past policy failures.

Mr. President, by repealing the full cost recovery requirement of existing law, this bill leaves the American taxpayer with no protection from continued massive subsidization of the nuclear fuel industry. What little value remains in the Federal Uranium Enrichment Program is transferred to either foreign and domestic nuclear utilities, or to foreign and domestic uranium producers. It is enigmatic that we are now wasting and forgiving all these billions of dollars when only last year the high level nuclear waste dump was crammed down the throats of the citizens of Nevada allegedly to save $3 billion in site characterization costs. Yet here we go marching like lemmings into the sea. There is no public policy explanation for this trance-like divvying up of government assets for corporate coffers at taxpayer expense. This is not a uranium revitalization bill; it is a corporate and Government contractor enrichment bill. I object.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the clerk will now report Calendar Order No. 645, H.R. 1315.

The assistant legislative clerk read as follows:

A bill (H.R. 1315) to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 2443, as amended, is inserted in lieu thereof and agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BREAUX. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, upon the disposition of this bill, the Senate will be back on the DOD appropriations bill. Senators who have amendments should be prepared to call them up.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California [Mr. Cranston], is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. Gramm], the Senator from Wisconsin [Mr. Kasten] and the Senator from Connecticut [Mr. Weicker] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 6, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—89

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—6

Bradley
Hatfield
Humphrey
Lautenberg
Leahy
Proxmire

NOT VOTING—5

Biden
Cranston
Gramm
Kasten
Weicker

So the bill (H.R. 1315), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. Dole, the following statement was ordered to be printed in the Record:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of S. 2443, the Nuclear Regulatory Commission authorization bill. I desire the record to show that, were I present, I would vote "aye" on final passage.●

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd Amendment No. 2813, to extend humanitarian assistance to the Nicaraguan Resistance, to require a report on diplomatic efforts to resolve the Central American armed conflict, and to provide procedures for Congress to consider legislation made necessary by an emergency in Nicaragua occurring before the adjournment of Congress.

Mr. BYRD. Mr. President, I would like to have the Senate proceed with the DOD appropriations bill. For the time being, I would hope that other amendments could be called up.

At the moment, the Byrd amendment in the first degree is the pending question. I do not want to offer the second-degree amendment as yet. The distinguished Republican leader and I are having some conversations.

I ask unanimous consent that the pending Byrd amendment be temporarily laid aside, that no other Contra aid amendments be called up to that amendment or to the bill for the time being. I want that amendment temporarily laid aside for the time being so that other Senators may call up other amendments than Contra aid amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I am pleased that the Senate will today consider the fiscal year 1989 Department of Defense appropriations bill. The total fiscal year 1989 request is for $283 billion for the Department of Defense, including the cost of pay raises. This amount excludes military construction, family housing, military assistance, and various civil functions which are funded in other appropriations bills.

The 1989 budget resolution and last year's budget summit agreement require that we provide $299.5 billion in budget authority and $294 billion in outlays for national defense for 1989. The Defense appropriations bill's 302(b) allocation is $282.6 billion in budget authority and $278.4 billion in outlays.

I am happy to report that the committee's recommendation for fiscal year 1989 Defense appropriations are consistent with the budget resolution and the budget summit agreement and that the budget authority and outlay targets in the committee's 302(b) allocation have been met.

Since the Defense appropriation bill is presently at its 302(b) allocation, any additions to this bill must be offset by corresponding reductions in budget authority and outlays in other programs included within the bill.

There are a few recommendations I would now like to highlight for the Senate:

Fully funds the authorized military end strength and the pay raise.

It restores funds to maintain Guard and Reserve Force structure, and adds $843 million for Guard and Reserve equipment.

It adds $338 million above the budget to fully fund readiness-related activities including flying and steaming hours.

The bill avoids civilian furloughs.

It funds SDI at the authorization conference level of $3.7 billion.

The bill generally funds procurement programs at economic production rates.

And finally, it restricts funding of programs that appear unaffordable in our years or that may be subject to reconsideration by a new adminstration.

The Senate Appropriations Committee has also recommended adding funds for four new initiatives:

First, $868 million for Special Operations Forces.

Second, $199 million for drug interdiction.

Third, $600 million for national security related aspects of the National Space Program.

And finally, $666 million in transfers for a destroyer authorized in 1987.

The committee was also concerned about burden sharing with our allies and has included two initiatives.

First, a requirement that the administration pursue a program to achieve a more equitable sharing of the cost of U.S. overseas defense activities.

And second, a reduction U.S. defense costs of $288 million so as to avoid future costs of $1.2 billion.

As all Senators know, the budget summit agreement provides specific targets for budget authority and outlays for this bill. It is important that we continue to meet these targets as closely as possible to keep faith with that important agreement.

In conclusion, I wish to compliment the highly skilled work of the Defense Appropriations Subcommittee staff: Mr. Frank Sullivan, Ms. Jane McMullian, Mr. Edward Swoboda, Mr. Charles Houy, Mr. Scott Gudes, Mr. Steven Cortess, Mr. Jay Kimmit, Mr. Peter Lennon, Mr. Terry Davis, Ms. Karen Cook, Ms. Mary Marshall, Mr. Sean, O'Keefe and Ms. Penny German.

Mr. President, I firmly support this bill and ask that it be adopted so that we can proceed to conference with our House counterparts in a timely manner. It remains my sincere desire that we complete Senate action on all 13 regular appropriation bills as soon as possible.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. GORE). The Senator from Alaska.

BURDEN SHARING PROVISIONS IN THE DEFENSE APPROPRIATIONS BILL

Mr. STEVENS. Mr. President, the Senator from Louisiana [Mr. JOHNSTON], acting for our distinguished chairman, has explained the committee's recommendations on U.S. allied burden sharing. I should like to take a few minutes now to explain my philosophy behind these recommendations and to add to some of the comments that the Senator from Louisiana has made.

Foremost, Mr. President, the recommended initiatives are comparatively modest proposals relative to several amendments considered in the Senate over the past 20 years. Previous attempts, beginning with the 1971 Mansfield amendment, sought to leverage our allies with the prospect of U.S. military presence withdrawal. Our most recent debate over the use of this leverage occurred on a 1984 proposal offered by Senator NUNN.

Historically, this approach has proven unacceptable to the Senate and, regrettably, unheeded by our allies. In short, the allies do not think we are serious when we consider these proposals. In fact, the allies know that the U.S. military presence overseas has actually increased despite our debates over draw down proposals.

Since the 1973 Nunn-Jackson initiative to contain personnel levels in Europe, permanently assigned U.S. military forces in NATO have increased 50,000 nearly 20 percent—and most of that increase occurred before the deployment of INF forces in the early 1980's. In other words, our military commitment overseas expanded, largely during the Carter years, but has remained relatively the same during the Reagan defense buildup other than personnel commitments associated with INF deployment.

The committee's burden sharing recommendations before the Senate sharply contrast with these previous attempts. The primary intent of the committee's recommendations is to strengthen the hand of the United States when we negotiate with our allies on national security cost-sharing agreements.

Before we can ever hope to achieve this objective, we have to get some handle on what the extent of commitment really is. To that end, maybe the most substantive piece of the recommendations is the requirement that the next administration conduct an extensive review of our long-term strategic interests overseas to be submitted by March 1, 1989.

At countless hearings over the years, I have heard our military commanders testify that U.S. military presence overseas is driven by U.S. foreign policy—and absent a change in our foreign policy, any funding reductions to support our military overseas would be irresponsible.

The mandated review of our long-term strategic intrests should yield a concise definition of our foreign policy objectives. Once defined, we can properly assess the level of personnel and financial resources we're willing to commit.

Concurrent with this statement of policy is the committee's recommendation that the Defense Department explicitly budget for military forces overseas. This need not force a change in the budgeting system. But, it will require the Department to prepare an exhibit which quantifies the budget request dedicated to our military presence overseas.

With these tools, the policy review and budget displays, the Congress will be able to make informed decisions.

Again, these requirements just let us get started on more thoughtful debates in the future. In the interim, the other committee recommendations are modest attempts to help negotiate more equitable cost-sharing arrangements with our allies—and the recommended provisions require the appointment of a special representative to enter into such negotiations.

The distinguished Senator from Mississippi, Senator COCHRAN, expressed his concern to the Senate last week that previous negotiations with our allies have been compartmented and confined to specific issues among the various Federal departments. He correctly points out that a seemingly favorable settlement of a specific concern may be negated by inattention to other, more serious imbalances with the same nation.

A special representative appointed by the President to negotiate all aspects of burden-sharing may go a long way to redress this problem.

The burden-sharing provisions set an agenda for initial negotiations on specific concerns. As Senator JOHNSTON previously described, the issues pertain to foreign currency, labor costs, codevelopment and coproduction cost-sharing, and the assumption of costs for specific items of equipment. Next year, for instance, we will begin negotiations with Japan to offset the cost of repair for the aircraft carrier U.S.S. *Midway*, discuss provision of equipment for West German reservists, and establish a NATO equipment maintenance facility staffed by U.S. National Guard and reserve personnel. Those will be serious negotiations that will commence next year.

Mr. President, the committee initiatives seek to put us back to where the 1973 Nunn-Jackson efforts left off. Namely, we seek commitment that our overseas deployments will not be made permanent until we can more carefully assess our position. To that end, we have recommended military and civilian personnel ceilings—along the lines of our existing ceilings for NATO—for Europe in general and Pacific.

We have also recommended a policy that advocates a position expressed almost a decade ago by our chairman, the distinguished President pro tempore, Senator STENNIS. He recommended that we contain the support for dependents overseas. He raised concerns at a time when there were roughly 300,000 dependents overseas. Today there are more than 400,000.

We are no more capable of protecting military dependents overseas today than we were 10 years ago—but today we have a larger responsibility. Until we can address this problem coherently, we feel we must take steps to assure that the problem is not exacerbated further.

In my estimation we are entering a new era of military funding. It will be a relatively stagnant funding level era and the Defense Department should not expect very large increases in the future.

Regardless of the Presidential election outcome, I doubt that any Senator on either side of the aisle reasonably expects a defense budget next fiscal year much above the current level that is before the Senate now. In comparative terms, our real defense spending level which is about $300 billion annually is taking on to us, I feel, a symbolic meaning similar to that which exists in Japan with their target of 1 percent of gross domestic product.

If I am correct, it will be exceedingly difficult to exceed $300 billion for defense in the coming years.

However, our cost to maintain commitments overseas continues to rise. Our choices are very clear—we can either begin to forge new cost-sharing arrangements with our allies to maintain current free world defense capability or we must prepare to reduce our defense posture here at home.

If we elect the latter course, we will be facing extensive base closures, dramatic reductions in employment levels, and thereby a decline in our national economic power to provide for the common defense.

To me it is a sobering thought, the thought that we would concentrate our economic might to fund our 450,000 troops overseas for the protection of free world interest and let our own position at home decline.

Mr. President, I cannot see that as a policy that I could recommend to the Congress or to the country. It seems to me that we must seek modest proposals that provide options for consideration in the future that are capable of being achieved in the near term and seek limited consessions now from our allies.

I urge the Senate to review our burden-sharing proposals. I expect some dissussion of these proposals here on the floor. To me, they are modest. Rather than refuse to adopt these initiatives this year, those who oppose these initiatives should offer solutions for the problems we have addressed.

I believe that the solutions to those problems in the future will become subject to more and more limited options if we fail to pursue the modest course that has been suggested by our committee this year.

Again, I urge that the Senate as a whole review the committee recommendations on U.S. allied burden sharing. These are bipartisan recommendations made by our committee, to my knowledge without objection in our committee, though they seem to be getting substantial objection in the cloakrooms. I think it would be better to have them reviewed in full rather than have them attacked piecemeal here on the floor.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **STEVENS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 2818

(Purpose: To grant authority to the Department of Defense to offer administrative leave in lieu of cash awards to civilian employees participating in productivity-based incentive award programs)

Mr. **STEVENS.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2818.

On page 73, at the start of line 20, strike "Defense Logistics Agency". and insert "Department of Defense".

Mr. **STEVENS.** Mr. President, this is an amendment to section 8062 of H.R. 4781 which would permit the Department of Defense to offer administrative time off in lieu of cash awards to civilian employees participating in productivity-based incentive award programs.

Under a similar provision last year, the Defense Logistics Agency was granted the authority to conduct this type of program on a test basis. The amendment I offer would extend this policy Defense Department wide.

Under this proposal, productivity award recipients are allowed to select cash awards, incentive time off, or a combination of the two.

The Defense Logistics Agency instituted incentive leave with bonuses earned for the period beginning on April 1, 1987, at the Defense Depot in Tracy, CA. The first opportunity to select leave was in July 1987. At that time slightly over 10 percent of employees eligible selected all or part of their bonuses as leave. During the quarter that ended March 31, 1988, 21 percent of the employees selected all or part of their bonuses as leave. Incentive leave is now being offered to employees at the contract administration regions located in Atlanta and St. Louis.

We have worked with the Office of Productivity and Civilian Requirements within the Department of Defense and the Department has informed us that this program has been of particular value for retention of employees with special needs.

In addition, this proposal reaches all ranks of employment. It is specifically attractive to new employees entering the Government job market for the first time who have not yet had the opportunity to accumulate annual or sick leave.

There is one important fact that I want to be sure is understood. By instituting this program throughout the Department of Defense there will be no increase in the amount of funds expended. Incentive bonus pay, administrative leave or a combination of the two all incur the same cost. We are simply offering employees a choice depending on their personal situation.

Mr. President, I urge the adoption of this amendment. It has been cleared through the Governmental Affairs Subcommittee on Federal Services, Post Office, and Civil Service and is consistent with the committee's approach to increasing productivity in the workplace. The expansion of the productivity gain sharing leave option should be employed throughout DOD because it provides participating employees with an optional award system and an additional incentive for contributing to increased productivity at no increased fiduciary cost to the taxpayer.

I believe the Senator from Louisiana, as manager of the bill on his side, would agree that it is a good proposal.

Mr. **JOHNSTON.** Mr. President, we believe this leave policy has been used successfully in the Defense Logistic Agency and can very well be employed Defense Department-wide. We support the amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment offered by the Senator from Alaska [Mr. STEVENS].

The amendment (No. 2818) was agreed to.

Mr. **STEVENS.** Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **JOHNSTON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2819

(Purpose: To specify that the public announcement of projects, programs, or grants that are in whole or in part funded by the federal government identify the portion of federal funds involved)

Mr. **STEVENS.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2819.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Sec. . When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

Mr. STEVENS. Mr. President, the amendment I have proposed has no budgetary impact, and does not add or detract from a single program contained in this bill. This proposal simply requires the recipient of Federal funds for any project, or program, or grant to identify the portion of Federal support provided for that activity.

The budget constraints that have faced the Congress over the past 2 years have generated a significant change in how many public works and improvement programs are funded. The States, local governments, and the Federal Government have forged a new partnership to share in the costs of many projects previously supported solely by Federal funds. I believe that this has been a positive development, leading to better projects and a genuine shared commitment to the success of these initiatives by all parties involved.

I believe that the Federal Government should remain a significant contributor to such projects. Recognizing the various resources critical to the success of these programs, I simply propose that any announcement or publication of these programs specifically and fully identify the Federal contribution. I believe that this approach respects the roles of all participants in such projects, while insuring that the beneficiaries of these activities can perceive the cooperative role of all levels of government.

Mr. President, this amendment is quite similar to an amendment that has now been added, at my request, to five other appropriations bills this year. I would hope it would become a general provision, but I must add that to a defense authorization bill one of these days. This is, as we all know, an annual bill.

I think it is a matter of taxpayer concern. They ought to be informed how much money comes from Federal sources in any program, project or grant activity. This would accomplish that objective.

Mr. JOHNSTON. Mr. President, the distinguished Senator from Alaska correctly describes the amendment. We support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alaska [Mr. Stevens].

The amendment (No. 2819) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2820

(Purpose: To reduce certain appropriations for consulting services)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. Pryor) proposes an amendment numbered 2820.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

CONSULTING SERVICES

Sec. . (a) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

Mr. PRYOR. Mr. President, this is the ninth of a series of amendments that I have been offering to the appropriations bills coming through the Senate. All of these amendments have dealt with the issue of the shadow government of contracting out of services that have normally been performed by Federal employees that are now performed in the private sector.

We have anticipated, Mr. President, the savings of something in the neighborhood of probably $300 to $400 million thus far saved. In some cases returned to the Treasury directly, in some cases kept by the respective subcommittees that have dealt with these particular matters before the Senate.

Tonight's amendment, Mr. President, will relate to the Department of Defense and if this amendment is agreed to, if this amendment is successful, and if it is passed in the Senate and in the House, we will be saving the American taxpayers expenditures, on dollars now being spent for consultants, somewhere in the neighborhood of $420 million.

Mr. President, we arrive at this figure very simply. The General Accounting Office in recent months has actually listed, now, 11 categories of consulting and outside services that the Federal Government is employing.

For example, we in this particular bill are taking from the top four categories that definitely without question, according to the General Accounting Office, involve consulting services which amounted, in 1987 to $2.8 billion. We are taking 15 percent from that $2.8 billion figure, thus saving $420 million of the taxpayers' money.

Some months ago, Mr. President, we requested the General Accounting Office and the inspectors general throughout the entirety of our federal system of government to make a specific finding as to how many consulting dollars—in this case the Department of Defense—was expending on consulting services. What we received back from the Department of Defense, that they maintained at that time they expended in consulting services, was $155 million.

Of course, that was way below the mark and ultimate studies have proved without question, and now even admitted to by the Department of Defense, that last year, $2.8 billion was expended and I am taking 15 percent of this, thus giving us the savings of $420,649,650. We think that this is a very modest cut in this area. We also know, Mr. President, that over 50 percent of these consulting contracts are done sole-source, without any competition whatsoever. I am attempting to bring not only more competition, but also more disclosure in the way the consultants are doing business with the government, in this case the Department of Defense.

Mr. President, in recent days I have received a letter. I am not at liberty to give the name of this particular consulting firm, nor his title, nor the agencies of Government for which he has had a work experience. But, Mr. President, I would like to read just two or three paragraphs, or maybe a few sentences from this letter. He is a consultant. He has been a consultant for the last several years, and he writes me this particular letter:

> I terminated my company activity in 1984 as I felt that it was not possible to perform ethically within an atmosphere of payoffs, payroll padding, and general permissiveness which existed within the agency for which I had principal consultating contracts.
>
> I was the one who was being paid off by a lead consultant to show more hours worked than actually performed.

In the third paragraph of this letter, Mr. President, I also think he states a very, very interesting observation. He says:

> As I believe you are aware, Senator Pryor, the proliferation of consulting firms in the Washington area and throughout the United States in Government-funded services is actually a collusive development between officers of the Government and those who see the opportunity to fleece various programs. In my view, the 15-percent deduction that you are seeking is only the very top layer of fat and the figure could go as high as 40 percent without any adverse impact on our defense or on our foreign relations.

Mr. President, once again, I am not at liberty to disclose the name of the author of that letter, the sender of that letter, if you please, but I think coming from a consultant in the field for many years, it gives us a new insight into the shadow government that we are attempting to find more disclosure about and also attempting to let the sunshine in.

Mr. President, even this morning in the New York Times we find an article written by David Johnston. The headline of this particular article states: "Internal Pentagon Report Faults Navy on Use of Consultants in Purchasing."

Let me, if I might, Mr. President, read a few sentences from today's New York Times article on the Navy's use of consultants.

> The Navy's purchasing system for ships and the sophisticated equipment they carry has grown so dependent on private consultant that "in some cases it has become difficult to determine where Government workers' functions stop and contractors' begin," according to an internal Pentagon report * * *
>
> The report concluded that the Navy must curtail its dependence on outside contractors by 50 percent over a three-year period and hold "in abeyance" any consulting contracts whose purpose cannot be clearly established.

This report, which was done on the Naval Systems Sea Command also states:

> Private consultants "have been given access to information which should be seen by only Government personnel * * *"
>
> The Naval Sea Systems Command will spend more than $500 million of its $708 million budget for overseeing contracts for the fiscal year ending in September for work "more appropriately and traditionally performed by Government employees."
>
> Contracts for advisory and assistance services were "imprecisely worded" in a way that provided no objective standard for assessing a contractor's performance . . .
>
> As a result, the responsibility "for protecting the public interest has been abdicated to contractors."

Mr. President, I ask unanimous consent that this New York Times article, dated August 7, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERNAL PENTAGON REPORT FAULTS NAVY ON USE OF CONSULTANTS IN PURCHASING

(By David Johnston)

WASHINGTON, August 7.—The Navy's purchasing system for ships and the sophisticated equipment they carry has grown so dependent on private consultants that "in some cases it has become difficult to determine where Government workers' functions stop and contractors' begin," according to an internal Pentagon report.

The previously undisclosed report was completed in April, two months before the military procurement investigation was disclosed in June. It criticized the Navy's reliance on private consultants, whose access to sensitive information is at the heart of the fraud and bribery investigation.

The report concluded that the Navy must curtail its dependency on outside contractors by 50 percent over a three-year period and hold "in abeyance" any consulting contracts whose purpose cannot be clearly established.

The outside contractors whose activities were reviewed in the report are hired to advise the Navy on a wide range of matters, including the kind of ships it should buy, how they should be designed and which competing builder should be picked to build them. Once a supplier is selected, outside consultants also assist in overseeing progress toward completion of the contract.

Representative Les Aspin, the Wisconsin Democrat who is chairman of the House Armed Services Committee, said in a letter last Friday to Lawrence H. Garrett, Under Secretary of the Navy, that he found the report "greatly troubling."

"These problems, with their potential for conflict of interest and misuse of information, suggest the very circumstances involving consultants and support contractors that appear to be at the very center of the current procurement fraud investigation," Mr. Aspin's letter said.

Asked to comment, the Navy issued a statement that said: "The Naval Sea Systems Command is carefully evaluating the recommendations concerning its use of contractor support services contained in the Inspector General's report and will reply to it through the chain of command. It would not be appropriate to comment until that evaluation has been completed."

A Navy official, who spoke on the condition that he not be identified, said the Navy had turned to outside personnel because there were not enough Government employees familiar with the highly technical aspects of modern weapons procurement. In addition, the Navy had been unable to hire personnel to perform these functions because of manpower limits placed on the Pentagon in recent years, the official said.

The Pentagon has taken several steps to modify contracting procedures since the military procurement investigation became known. Defense Secretary Frank C. Carlucci has suspended Pentagon procurement personnel, required some military contractors to conduct internal ethics reviews and tightened bidding rules for military contracts.

The Inspector General's report centered on the use of outside contractors by the Naval Sea Systems Command, the division within the Navy that is responsible for the acquisition of ships and on-board systems. Separate acquisition commands are responsible for the procurement of aircraft, missiles and other equipment.

The report contained a number of findings, including these:

Private consultants "have been given access to information which should be seen by only Government personnel." In one case, a contractor hired to review 4,000 completed contracts was given "a massive amount of Government contract file data containing procurement-sensitive and proprietary information."

The Naval Sea System Command will spend more than $500 million of its $708 million budget for overseeing contracts for the fiscal year ending in September for work "more appropriately and traditionally performed by Government employees."

Contracts for advisory and assistance services were "imprecisely worded" in a way that provided no objective standard for assessing a contractor's performance.

Contracts were awarded to consultants to write specifications, prepare cost estimates and monitor other contractors. As a result, the responsibility "for protecting the public interest has been abdicated to contractors."

The Navy official did not dispute the factual findings in the report. He said the Naval Sea Systems Command would reply, probably to the Under Secretary, later this month.

In recommending that the Naval Sea Systems Command reduce its dependence on outside personnel, the report noted that the Naval Air Systems Command, responsible for procurement of aircraft, had already reduced its reliance on consultants.

Last June, Federal law-enforcement authorities disclosed that they were engaged in a broad investigation of Pentagon procurement practices. Since then the homes and offices of Government employees, private consultants and military contractors have been searched and large quantities of documents have been seized.

In part, the inquiry focuses on the activities of outside consultants who sell their services both to the Government and to military contractors. Search warrants made public in the investigation thus far indicate that the investigators suspect that consultants and military contractors obtained sensitive bidding and technical information about their competitors.

Mr. PRYOR. Mr. President, let me state that I am a proponent of the strongest possible defense capability. I am confident that this amendment will have no adverse impact upon our Nation's defenses. On the contrary, Mr. President, I believe it will strengthen the hand of the Department by requiring the use of more effective procurement practices.

The estimated savings that would accrue from my amendment is $420 million. It is my hope that the savings produced from this amendment will be returned to the General Treasury, though I understand others may wish to reprogram these funds.

As a U.S. Senator, I am ashamed about the scandal taking place at the Pentagon. I am ashamed of the message that it sends to the young sailor in the Persian Gulf on the midnight watch, the private standing guard at the DMZ, and the supply officer in Europe rationing boots and ammunition, while the abuses of U.S. tax dollars continue here at home. And I firmly believe that the loosely monitored consultant contracting system at the Pentagon is conducive to such a scandal. That is why I am standing up now before this body, to force some oversight into this part of the defense procurement system.

Mr. President, my amendment means management control, and management control means we will begin to restore confidence in the Government's use of consultants. It means that maybe our men and women who risk their lives every day for us can believe that something other than the buddy system is at work as decisions are made as to who gets critical consultant business with the Government. This amendment is for them, and for the taxpayer, and finally for me, because I have been in the Senate for 10 years and for 10 years I have seen zero progress in this area.

I should note that today I am offering compromise language which is narrower than the scope of the amendment I originally intended to offer. Consequently, spending reductions would be limited to those types of contracts which are generally recognized as purely consultant in nature. Thus, purchase of hardware, software, and engineering services would not be affected.

Mr. President, at a June 13 hearing before the Federal Services Subcommittee—which I chair—the deputy director of OMB, Mr. Joseph Wright, commented on the deplorable lack of competition in consultant contracts. I quote:

> I do not see much progress. For example, in 1987, 50 percent of consultant contracts were noncompetitive. * * * In addition, over two-thirds of the contract awards in 1987 were for modifications to existing contracts. * * *

Mr. President, I hope what I am about to say will demonstrate the magnitude of the underreporting of consultant contracts within DOD. GAO provided me with a comparison of the figures agencies reported, versus what they actually spend for consultants fiscal year 1987. For DOD, the reported figure: $155,904,000. In contrast, when the GAO used a broader definition of consultants, it came up with $17,532,316,750. Again, $155 million reported; $17 billion spent.

My amendment uses both a Cabinet Council on Management and Administration [CCMA] study and the new OMB Circular A-120 to establish the universe of contracts we are limiting. I ask GAO to use the CCMA study to produce estimated figures for agency expenditures within this appropriation function for these kinds of contracts in fiscal year 1987. This is essentially our baseline. A baseline, I might add, that has never existed in the past, and which is absolutely essential if we are ever going to control this area of ever-increasing Government spending.

GAO, OMB, and I all agree that all of the limitations in my amendment cover pure consultant activity. These contracts involve management and professional services, special studies and analyses, technical assistance and management reviews of program-funded organizations. I am requiring DOD to limit its spending to 85 percent of what it spent in fiscal year 1987, a 15-percent savings. Also, I should note that DOD, with OMB's guidance, will be required under my amendment to calculate its own fiscal year 1987 cost data, to which the cuts will be applied.

I hope my colleagues will join me in supporting this effort. In doing so, I believe we will restore some modest control to an area of procurement that has taken on a life of its own.

Mr. President, in this morning's Washington Post, in a special supplement, the Washington Business Section, there is on page 1 a lead article and it is entitled "Will the Boom Finally Go Bust?" subtitle, Mr. President, "Area Defense Contractors Fear End to the Good Times."

This article, Mr. President, once again is about the shadow government, the unelected government, that government which is almost accountable to no one which has grown up in and as a part of our defense system who actually today are making their living, and I might say very good living indeed, Mr. President, from the Pentagon procurement process and because the Pentagon has been so extremely liberal in handing out consulting contracts to these area contractors.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 8, 1988]

WILL THE BOOM FINALLY GO BUST?—AREA DEFENSE CONTRACTORS FEAR END TO THE GOOD TIMES

(By Malcolm Gladwell)

Growing sentiment in Congress and the Pentagon against the defense procurement policies of the past eight years could mean lean times over the next few years for Washington area defense contractors, according to local industry officials and defense experts.

Because of its heavy orientation toward providing the Defense Department with professional and technical services, the local defense industry has managed to survive and even prosper during a time of cutbacks in the military budget over the past three years.

Most of those cuts have affected defense hardware, while local companies have cashed in on the Reagan administration's policy of helping the Pentagon save money by hiring companies to take over such previous in-house services as managing projects, repairing equipment and handling data processing chores.

But many local companies now are worried that congressional reaction to the current investigation into fraud and bribery in defense procurement, combined with doubts that have grown over the past few years about the effectiveness of the Reagan administration's contracting policies, may slow or reverse the trend toward privatization of Pentagon services, ending a boom period for the local defense industry that dates back 10 years.

Chief among the concerns of the local defense community is the proposal by Sen. David Pryor (D-Ark.) to make across-the-board cuts in the amount of money the Defense Department spends on consultants.

When the Defense appropriations bill comes before the Senate later this month, Pryor has said he will introduce a measure—similar to measures that have been tacked on to eight other federal-agency appropriations bills in the Senate over the past few months—that would cut by 15 percent the amount of money the Pentagon could spend on outside consultants for management and professional services, technical assistance and special studies and analyses, and by 5 percent the amount of money available for outside contracting in research and development, training, quality control and other services.

Pryor estimates that his measure could cut a total of $1.4 billion from the Pentagon budget for outside contractors. That may seem a small figure given the nearly $300 billion Pentagon budget. But some experts expect the cuts to go even deeper if the allegations of fraud and bribery involving consultants to big Pentagon contractors continue to alarm Congress and if a Democratic administration, without the Reagan's administration's ideological commitment to continued privatization, is elected in November.

Even if the Democrats don't win, Pryor's proposed changes, in combination with growing evidence of a general slowdown in the trend toward use of consultants in the Pentagon, add up to a sizable setback to the local defense industry, for which services make up somewhere between 40 percent and 60 percent of revenue.

"I've had a fear of the pendulum swinging back away from contracting out for some time," said Howard Mills, president of Halifax Engineering, Inc., an Alexandria-based computer services, security and management firm. "We're not panicking. But we're concerned."

All this talk of hard times is a new phenomenon for the local defense industry, which for years has considered itself virtually recession-proof. Over the past 10 years, local companies have cashed in on the Defense Department's efforts to turn to outside contractors for all manner of work, from writing training manuals to repairing computers to processing payrolls, that was previously done in house.

Acting on the theory that outsourcing of defense work could bring substantial savings, the Pentagon has increased the value of outside service contracts from $21.4 billion in 1980 to an estimated $78 billion in fiscal 1989. The expectation among local defense firms was that the continued downswing in defense spending would only make privatization more attractive to the government.

Certainly that has been true since 1985, when military spending first began to fall. In California, where many big-ticket defense hardware contractors are located, the amount of military business has fallen to $4.5 billion from well over $30 billion in just the last two years, according to figures compiled by the Pentagon. Nationwide, defense business has shrunk by 4 percent in the same period.

By contrast, the amount of Pentagon spending in the Washington area has risen 16 percent since 1985, to $9.6 billion in fiscal 1987 from $8.3 billion two years before. That money was split up among hundreds of consulting firms and government services contractors, with companies like DynCorp, the McLean-based services firm that last year had revenues of $849 million doing everything from ship repair for the Navy to installing electronic security systems at American embassies, and BDM International, Inc., the McLean professional services firm purchased recently by Ford Aerospace Co., leading the way.

Even before this summer's Pentagon procurement scandal caused Congress to consider changes in the procurement system, however, there were signs that the trend toward privatization was slowing. Much of the Washington's area's steep rise in Pentagon spending was between 1985 and 1986; growth slowed in 1987.

Part of the problem was the fact that contracting of defense work has always been an idea imposed from the top down in the Pentagon and by outside agencies like the Office of Management and Budget.

Increasingly, in the wake of legislation passed last year in Congress, contracting decisions are made at lower levels in the individual services, where contracting out has not had much popularity.

"There are a lot of (military officers) out there who are simply out to protect the jobs of their own employees," said Gary Engebretson, president of the Contract Services Association of America.

In addition, there have been signs of a growing backlash in Congress against the idea of contracting out defense services, as lawmakers have worried that the Defense Department has gone too far and is losing control of its own operations.

The procurement scandal has added impetus to those fears. Pryor, for example, has been proposing his across-the-board consulting cuts for years, but only in the climate surrounding the recent allegations of procurement impropriety has his legislation stood any chance of passing.

Not even Pryor, however, wants to reverse the trend toward privatization entirely. He says the target of his legislation is simply "the incestuous old-boy network," in the DOD consulting business.

Many of the services offered by Washington area firms don't fit that description and, experts say, may continue to prosper.

For example, UNC, the Annapolis-based company that built its reputation as a developer of power plants for the Navy's nuclear submarine fleet, has moved in recent years into aviation engine repair. Earlier this year the firm won a major Army contract to overhaul 120 helicopter engines.

With the pace of Pentagon procurement slowing, UNC reasons, maintenace should be a growth industry: Shrinking budgets will mean more of an emphasis on upgrading existing equipment and a greater inclination on the part of the Pentagon to save money by letting cheaper outside contractors do service work.

The theory has its detractors. "When the crunch comes, it's not clear that useful work like this will have priority," said one local defense industry official, arguing that Pentagon officials may be more inclined to save their pet procurement projects.

But UNC is confident. "This is one place we think there is real potential for UNC," said David Dragics, a spokesman for the company. "This is a significant opportunity."

UNC also has become involved in designing computerized flight simulation programs that allow the Air Force to cut back on the amount of expensive flight time needed to train pilots.

"It only costs us $45,000 to put a pilot through training," Dragics said. "In house, they do it for $120,000."

"My guess is that advanced training methods is likely to be a winner,' said Robert Pirie Jr., president of Essex Corp., an Alexandria-based government services firm that is looking at cheaper alternatives in weapons training. "People are going to be limited in how much they can afford to use actual equipment for training. They're going to have to use simulators."

Another potential growth area is the business of developing and managing the Defense Department's growing data processing and information systems.

Many of the companies around the Beltway are in this business, and even the biggest local defense contractor, Bethesda's Martin Marietta Corp., while best known for its missiles and other weaponry, now has extensive interests in the area.

"As long as there are substantial price performance and technology improvements associated with computers, we believe the government is going to be there," said Dean Crawford, chairman of Vanguard Technologies International Inc., a professional services firm in Fairfax.

"The expertise we offer just doesn't exist in the public sector," said Mark Schultz, president of the Prossional Services Council, a Washington-based industry trade group.

Most executives in the local government services contracting industry remain confident about their future, even as they predict harder times ahead.

"Right now, I would say that we don't expect to grow as fast as we have over the last couple years," said Vincent Salvatori, executive vice president of Questech Inc., a government services contractor in McLean.

But he remains optimistic. "Ever since we started this business in 1968, it's been in a constant state of change," he said.

"Even in the best of times, programs are cut back . . . The underlying fact, however, is that the government is going to continue to contract out more. And as long as they do that, there will be a service business."

LARGEST LOCALLY BASED DEFENSE CONTRACTORS' TOTAL VOLUME OF DEFENSE WORK

[All figures in millions of dollars]

Company	1984	1985	1986	1987
1. Martin Marietta	$2,261	$2,746	$2,934	$3,726
2. DynCorp	135	179	247	309
3. BDM International	115	179	159	184
4. UNC Inc.	n/a	104	115	115
5. Atlantic Research Corp	102	126	95	110
6. Flow General	50	59	73	94
7. VSE Corp	32	47	52	90
8. Planning Research Corp	110	117	112	88
9. CACI International Inc	58	51	49	57
10. ERC International	n/a	32	44	44

Source: CACI Pinpoint Federal Contract Awards Information Service, and company figures.

VOLUME OF DEFENSE AND OTHER FEDERAL CONTRACTS

[All figures in billions of dollars]

	Fiscal year—			
	1984	1985	1986	1987
United States				
Defense	$136.9	$154.1	$150.0	$147.6
Non-defense	39.5	39.8	55.6	48.7
Total	176.4	193.9	205.6	196.3
Washington-Baltimore area:				
Defense	$7.1	$8.3	$8.8	$9.6
Non-defense	3.6	4.0	5.0	5.0
Total	10.7	12.3	13.8	14.6

Source, U.S. Department of Commerce.

Mr. PRYOR. Mr. President, I hope I have made my point. We are trying to save $420 million. We are trying to have more disclosure. We are certainly trying to ultimately have registration of consultants on a subsequent amendment. I will bring this second amendment to the attention of the Senate, probably not today but before the conclusion of our vote and before the vote on final passage on the defense appropriations bill.

I thank the Chair for recognizing me. I yield the floor.

AMENDMENT NO. 2821 TO AMENDMENT NO. 2820

(Purpose: To provide funds made available by this provision to fully support the Congressionally directed four percent civilian pay raise for civilian employees of the Department of Defense)

Mr. STEVENS. Mr. President, I send to the desk an amendment to the amendment of the Senator from Arkansas and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislation clerk read as follows:

The Senator from Alaska (Mr. STEVENS), proposes an amendment numbered 2821 to the Pryor amendment numbered 2820.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

(e) Funds reduced from appropriations contained in this act pursuant to this provision shall be available only for costs associated with the January 1, 1989, civilian pay raise of Department of Defense civilian employees: *Provided*, That such funds shall be allocated on a pro rata basis to the Defense Agencies and the Military Departments and shall be transferred to the appropriate applicable appropriations for such pay raise costs to be available for the same time period as the appropriation to which transferred: *Provided further*, That the authority to transfer funds under this section shall be in addition to any other transfer authority contained in this act.

Mr. STEVENS. Mr. President, I understand and share the concern of the Senator from Arkansas regarding use of consultants by the Department of Defense. I think we should both make clear at the outset that neither the amendment of the Senator from Arkansas nor my amendment has any bearing or relation to the current investigation of consultants in the Department of Defense or the actions that led to the compromise of competitive information in defense procurement.

However, to me, there are essential DOD activities that utilize consultant personnel as the means of supplementing existing workforce and obtaining certain specialized expertise on a short-term basis without hiring permanent employees.

For instance, when we buy new systems for the Department of Defense, particularly for the Navy, at the time of the purchase of the systems, it involves a commitment to hire consultants for a short period of time to make sure these systems are operational once installed on a vessel.

I agree the practice should be closely monitored, and I think the amounts that are spent on consultants by the Department of Defense are excessive.

It is not clear, however, how much money would be affected by the Senator's amendment. I do not have that amendment. I do not oppose the Senator's amendment. Our committee has consistenly worked to sustain defense levels at the bipartisan budget agreement level in this bill. This is a bill that complies with that bipartisan budget agreement. And recognizing that the amendment of the Senator from Arkansas might have a substantial impact on potential funding, my modification proposes that any reserves funds reduced because of this provision would be available only for the payment of the 4-percent civilian pay raise that was passed by the Senate that affects the Department of Defense. It is actually in the Treasury-Postal appropriations bill.

It is somewhat complicated, Mr. President, but this is the way it works: That bill increased the pay for civilian employees of the Department of Defense to a 4-percent level. The budget agreement only contemplated 2 percent. If the amendment of the Senator from Arkansas were to reduce funds, return them to the Treasury and not make them available to the Department of Defense to pay that amount of increase which has to be absorbed under this bill by the Department of Defense, it could be constricting in this 1 year.

I really do not argue with the Senator's proposal concerning reductions in consultants, but since we are unable to identify specifically the additional reductions that take place, since we know we have this 2-percent increase in civilian pay, which is substantial, I believe that we should make available to the Department for funding of the 2-percent pay increase the amounts that are saved by the Senator's amendment. In other words, this would identify the amounts that would be transferred into the civilian pay account.

Reserving the funds generated by the Senator's provision for the civilian pay raise would achieve the dual goal of sustaining the budget level pursuant to the budget agreement and complying with the outlay limitations in the bill.

Another thing that worries me is that a return to the Treasury of the amount saved by the Senator's amendment would be a dollar-for-dollar reduction in outlays for this year, and yet the 2-percent increase in the pay really imposes some severe outlay restrictions on us in the consideration of the budget agreement.

So I hope that the Senator will agree to this amendment. It really comes out to a scorekeeping concept in the budget more than anything else, and it does not reduce the impact of the Senator's amendment which, again, I want to commend him for.

He has offered these amendments, and on two occasions where the impact of the 2 percent has been substantial, I have asked that these funds be earmarked. If my amendment is adopted, I believe the Senate will observe its commitment to the budget agreement and redirect the Pryor amendment savings to another critical defense requirement and that is meeting our commitment to a fair pay raise for civilians in the Department of Defense. This year for the first time in some time the civilians will get the same pay raise as the uniformed members of the Department.

We have been working on this matter of consultant costs for some time. I remember my good friend, the former Senator from Georgia, Senator Mattingly, wanted to have specific amounts reduced. That proved to be fairly difficult, but we did achieve some reductions.

I would say parenthetically, Mr. President, I do believe that we have to get a definition of consultant one of these days. To me, if it is necessary to have equipment monitored for a period of time after it is introduced to the Department of Defense by the people who are technical representatives of a contractor which sells equipment to the Department of Defense, that can be done better by the employees of the contractor becoming in effect consultants. They are contractor employees that are paid by the Department of Defense. Rather than train people to do that for a short period of time, I think it is cost effective to do it the way it is done. Unfortunately, those people come under the category of consultants under the definition some people give to that word.

I am not saying the Senator from Arkansas gives that broad a definition to consultant, but unfortunately in terms of these documents before us the Department's own people list them as consultants when we ask them for the amount of money they have spent on consultants. What I am saying is I hope as a result of what the Senator from Arkansas has brought before us the Senate this year will lead the Office of Management and Budget in the interim now before we come back to enter into the 101st Congress in meeting and getting an agreement with the Congressional Budget people and all the agencies of the executive branch of what is a consultant, so when we ask how much money is spent for consultants in one Department it will be on the same basis as the reply of another Department, which I think would give us a great deal more uniformity in the application of the Pryor amendment.

The Senator from Arkansas through his position as chairman of the Subcommittee of Government Affairs which deals with this subject has pursued the matter in extensive oversight hearings and what he is doing now is in furtherance of the goals he has sought to achieve with those oversight hearings.

Again, I commend him for the amendment. I ask, however, that my amendment be adopted so that the moneys will not be lost in terms of outlays to the Department of Defense in the scorekeeping process.

Mr. JOHNSTON. Mr. President, I congratulate both Senator PRYOR and Senator STEVENS for their first- and second-degree amendments, respectively.

With respect to the problem of consultants, the Senator from Arkansas has made us aware not only in this bill, but in a number of other bills—I think five, if I recall correctly—of the problem of consultants in the Federal Government—the huge costs, the lack of supervision, the lack of at least in some cases getting a dollar's worth for a dollar's pay since they are not in so many cases put out for public bid or perhaps are incapable of being put out for public bid because these consultants are performing duties that are more properly performed directly by Government employees. Indeed, the term "Beltway bandit" probably originated with respect to consultants. Because of the very nature of their work, they are not subject to control, supervision, or analysis in terms of the value which they produce.

Whether this is the precise remedy for what is a multihundred million dollar evil, I am not certain. I would say the presumption is that this is an excellent way to deal with the problem; at least until we find some overwhelming case against the amendment of the Senator from Arkansas, I believe we should take this to conference with a presumption that it is an excellent way to cure the problem, and so I congratulate the Senator from Arkansas for again making us aware of that problem.

Now, with respect to the second-degree amendment, I also join in the comments of the Senator from Alaska. In many respects, Mr. President, civilian DOD employees perform the same jobs or jobs of similar skill or difficulty or merit as those performed by the uniformed services, but in pay raises they have been consistently treated differently. The defense appropriations subcommittee has had testimony from the Department of Defense about failure to keep up with the standard of living and the cost of living for DOD employees, and we have asked the DOD officials on what basis can they justify a different treatment for uniformed services and DOD civilian employees, not just this year but in previous years as well. Frankly, they cannot make the case for a difference in treatment of the civilian employees. So I think this is a very appropriate place to put the savings, which I hope we are going to make from the Pryor amendment, a very appropriate place to spend it. So, Mr. President, we would accept both the first- and second-degree amendment.

Mr. PRYOR. Mr. President, if I might simply respond, I have no objection to my good friend from Alaska offering the second-degree amendment. I can see very well what he is attempting to do. He is attempting to take this $420 million savings that would be going out to this unelected government and keeping the same $420 million in the Defense Department bill to pay for the pay increase that we have already enacted.

I thank my good friend, Senator STEVENS, from Alaska. I guess I would rather see an absolutely true savings, a pure savings, but I understand the difficulties that the subcommittee and the Appropriations Committee had. I would have no objections to the second-degree amendment.

Mr. President, if I might, I ask unanimous consent that Senator CONRAD, of North Dakota, be added as an original cosponsor of this specific amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Finally, Mr. President, I should also like to take a moment to put my colleagues on notice that this is not the only "consulting" amendment that I will have to the DOD appropriations bill. This is a money savings amendment. The second amendment that I will offer at the appropriate time, not this evening, will be an amendment for the first time which will require registration of any consultant who does business with the Government, any consultant who is working not only for the Government but also for a defense contractor. That consultant will have to disclose if he or she is a convicted felon, and that consultant will have to disclose the other contracts that they have at that time as they simultaneously work for the Department of Defense.

We think that this particular amendment, even though simple in language, will be far reaching in impact, for the first time bringing this shadow government out into the open and letting us see not only who they are but how many sides of the street are they working. That amendment will be ready for consideration at the appropriate time.

Mr. President, I thank the distinguished managers, my good friend from Louisiana and my friend from Alaska, for accepting this amendment. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alaska.

The amendment (No. 2821) was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Arkansas, as amended.

The amendment (No. 2820) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, having observed the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I rise today to draw the attention of my colleagues to a small portion of the appropriations bill before us. I will appropriately keep my comments short and to the point.

The Defense appropriations bill as reported by the Senate Appropriations Committee contains funding in the amount of $21.8 million for the line-item entitled "Sealift Support Equipment" under the "Other Procurement, Navy" category. The House bill did not contain an equivalent amount but instead provided $41.8 million for that line item. It also suggested that the additional funding be used for maintenance of the Seashed Program.

I have contacted the Navy about this particular matter and have learned that the funds appropriated in the Senate bill adequately fund the seashed purchase. In fact, the amount as allowed by the Senate bill completes the Navy's intended purchase of that item. The additional $20 million appropriated by the House if used for seasheds would result in the Navy buying more of those items than it can use.

We would be buying an item to outfit a ship when there are no ships to be outfitted. Mr. President, I have received a letter from the Department of the Navy which verifies the above information, and I ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so order.

(See exhibit 1.)

Mr. EXON. The Navy has indicated a need for other items contained in that line item. In particular, they have yet to exercise options for the purchase of modular cargo delivery systems that are needed. The House bill would, in effect, be over purchasing one item while under purchasing another.

The recently vetoed Defense authorization bill took a reasoned approach to this situation.

That bill funded the sealift support equipment category with $29.8 million and included language that supported the Seashed Program but did not mandate that the Navy purchase equipment for which there is no need. That bill completed the purchase of seasheds and allowed the Navy to continue purchasing other needed items within that program.

I ask that our Senate conferee's negotiate the sealift support equipment category with these comments in mind and that every effort be made to follow the authorization level and language as made in the Defense authorization bill.

Mr. JOHNSTON. I agree with the remarks of the senior Senator from Nebraska, and I thank him for bringing this matter to the attention of the Senate.

EXHIBIT 1

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, August 8, 1988.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, DC.

DEAR SENATOR EXON: Thank you for your letter of July 29, 1988, and your interest in the Navy's strategic sealift program. I am responding for Secretary Ball.

The Navy currently has in inventory objective for sufficient seasheds to outfit 25 container ships. We are presently examining all of our mobility requirements, and we believe that our inventory objective for seasheds will be confirmed. The FY 1989 request for $21.8 million would therefore complete the required seashed purchases. Additional funds to that line item with Congressional language stating that they must be used to procure seasheds would indeed result in an over-purchase of our inventory objective.

We have established a balanced sealift support program to meet current and planned requirements for flatracks, modular fuel and cargo delivery systems as set forth in the President's Budget. Without specific Congressional language, the addition in FY 1989 of over $20 million could be used to procure several items of sealift support equipment including Modular Cargo Delivery Systems (MCDSs) that are planned for future year purchase.

Again, I appreciate your interest in our strategic sealift program. If I can be of further assistance, I hope you will not hesitate to contact me.

Sincerely,

T.C. LYNCH,
Rear Admiral,
U.S. Navy Chief, Legislative Affairs.

Mr. JOHNSTON. Mr. President, the committee report which accompanies the defense appropriations bill has a few minor technical and clerical errors which should be corrected for the RECORD.

I ask unanimous consent that the descriptions and clarifications be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TECHNICAL CORRECTIONS TO SENATE REPORT 100-402

On page 10, under the heading "Operation and Maintenance", the dollar figure in the last item should read $137,346,000 instead of $134,346,000.

On page 14, the amount included for Special Operations Forces should read $868,500,000 instead of $869,000,000.

On page 15, in the table, the amount for MH-47E MODS should read $100.00.

On page 18, under the heading "Operation and maintenance", the date on the Inspector General's Report should be December 1, 1988.

On page 164, the headings in the Table at the top of the page are incorrect. The headings should be: Budget request, House allowance, and Committee recommendation.

On page 222, in the table, the amount of the Committee recommendation for Air Force RDT&E should read $14,588,332 instead of $14,558,332.

On page 224, in the paragraph on "Defense Agencies" under (2), the total should read $119,500,000 instead of $134,000,000, and "optoelectronics ($14,500,000)" should be deleted.

On page 242, in the paragraph on "Defense research sciences", the Committee recommendation should be $330,968,000 instead of $330,568,000.

On page 247, in the table for "House actions not agreed to", the amounts are reversed for the House allowance and Committee recommendation in the line, "Education and training".

On page 263, on the top half of the page in the table, the Committee recommendation in the line "Aerospace propulsion" should be $64,056 instead of $63,756.

On page 263, in the table "House actions not agreed to", the Budget estimate for the fourteenth entry, "DOD physical security" should read $936 not $939.

On page 288, in the table in the middle of the page, funds for E-2C operations should be transferred to O&M, Navy and funds for E-3 operations should be transferred to O&M, Air Force.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am still waiting. I am delaying calling up my amendment in the second degree to my first-degree amendment dealing with Contra aid. Good-faith discussions are still going on. I know that there are discussions going on between the White House and the Republican leader's office and other Senators are participating. I do not wish to offer that second-degree amendment for a while. I want those discussions to run their course, because I am still hoping that we can have the cosponsorship of my amendment by Mr. DOLE and others on the Republican side.

I would like very much to have an action by the Senate that is strongly bipartisan. I think that would send the right kind of message to the right people everywhere. It would certainly send the right kind of message, I think, to the Nicaraguan Government, Mr. Ortega, and others.

So in the meantime, I wonder if there are other amendments that could be called up. I will have to proceed with my amendment at some point tomorrow if it is finally determined that it cannot have the cosponsorship of the leadership on the other side.

In the meantime, I hope that we can make the best use of our time. The Senate will be going out, as we all know, at the close of business on Thursday. There is a good bit of work that remains to be done in addition to the DOD appropriations bill. It is hoped that final action can be taken on the DOD appropriations bill before the Senate goes out for the Republican convention and its work. Conferences have to be had. Should the Senate not complete work on that bill before the break, this would mean that work could not go forward by staff and Members during the break leading to the conference and the work of the conference on the bill.

Other appropriations bills may likewise, in their conferences, in the final analysis hinge somewhat on the outcome of this bill and the final disposition of it.

Nobody wants to see another CR. I want to see these separate bills go forward and I believe that conference action on the other appropriations bills will be enhanced if action can be taken at a reasonably early date on the DOD appropriations bill.

So, I thought I should say this so that the press and our colleagues, and others who may be viewing the activities on the floor would know that we have not given up in the hopes of getting bipartisan support.

I feel optimistic. I think it is going to take a little while yet. But as long as those good-faith discussions are going on, I believe there is good reason to believe that in the final analysis, we can have a bipartisan approach here. That will be the best for all concerned and it will help to move this bill forward.

Hopefully we could do some other things this week as well. We still have the dire emergency supplemental appropriations bill, which is being held back at the moment because I do not think it would be wise or excusable to attach a Contra aid amendment to that bill. Also, I hope that we can have at least two or three conference reports on other appropriations bills—the HUD appropriations bill, Interior, and military construction—before we go out. Then there is the ocean-dumping legislation that we hope to dispose of.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Yes, I am happy to yield to my good friend.

Mr. STEVENS. Mr. President, I say to my good friend, the distinguished leader, that we have canvassed this side of the aisle and there are two or three, perhaps, amendments. We are not certain they will be offered yet. But at least two of those Senators are involved in conferences on the other side right now and a third amendment, at my request, is being redrawn after consultation.

So I would just make this comment to my good friend. I do not know of any amendment we could bring up tonight from this side. I hope the leader might consider allowing the negotiations to go on on the Contras and let us wind up the evening tonight.

I am awaiting an amendment, by the way, on the ocean-dumping bill which is of great concern to us. I do hope I will have that for the leader's consideration tomorrow.

But as of now, I know of nothing more that we could bring up tonight on this side. I think the Senator from Louisiana probably has the same conclusion on his side. As far as this bill is concerned, I do not think any of those amendments are ripe for consideration tonight.

Mr. BYRD. Very well. I am sure that is a good suggestion and I think it would give those Members who are involved in discussions on the Contra aid a freer hand to proceed without interruption.

If the distinguished manager is of like view, then I shall proceed to put the Senate into morning business for a brief period and then go out until the morning so that Members can, perhaps, better devote their energies to working our way out of this situation.

Mr. JOHNSTON. Mr. President, if the Senator would yield, that is also the situation on this side of the aisle.

Mr. BYRD. Yes, I yield.

Mr. JOHNSTON. We have about three important amendments which are really awaiting action on the Contras, which, once that is dealt with, I think those will logically fit into place.

Other than that, there is no amendment that I am aware of that would be ready for action on this side.

Mr. BYRD. Very well.

Mr. STEVENS. Mr. President, I see our distinguished leader is here. I wonder if the leader would yield for one further comment from this Senator. I would hope the two leaders would consider setting a time tomorrow for consideration of an agreement that there be no consideration of any amendment other than the Contras—Contra amendment, except for those amendments which have been brought forward and examined by both sides.

I do not think we are there yet because, as I said, I think one is being redrafted now, but I think we could easily finish this bill tomorrow at 6 if we could get to the Contra amendment and get a definition tomorrow morning of how many other amendments we have to consider.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, would it be possible to proceed with ocean dumping today and go as far as we can go and then put that over until a later time, at which time we could take up the amendment by Mr. Stevens?

Mr. STEVENS. I might say, Mr. President, the amendment I am looking for is being drafted now by the National Oceanic and Atmospheric Administration at my request. I am not sure the managers of that bill are going to be willing to proceed until they see that amendment or any agreement which would limit consideration of the bill under those circumstances. I do not have that amendment yet. I have discussed it over the weekend with NOAA, but I have not gotten it yet.

NEW MOLDED CASE CIRCUIT BREAKERS FOR NAVY SHIPS

Mr. HEINZ. Mr. President, my distinguished colleague from Pennsylvania and I would like to discuss with the distinguished majority and minority managers the identification of $4 million in the OMN—Operations and Maintenance, Navy—account to address a severe danger for the Navy's ships and their crews.

In 1983 and 1984, the Navy conducted shock trials of its combatant ships which resulted in the tripping of their electromechanical circuit breakers. Such shutdowns of electrical systems in actual collisions or combat could be catastrophic for Navy ships and their crews.

It is my understanding, Mr. President, that, based on this experience, officials in the Naval Sea Systems Command have recommended the replacement of the existing circuit breakers with new molded case circuit breakers having advanced electronic sensing and tripping mechanisms. However, budgetary constraints have precluded the Navy from requesting funding from Congress for the new circuit breakers. Since funding in the amount of $4 million in the Operations and Maintenance, Navy account of the fiscal year 1989 defense appropriations bill would, I am told, complete development of the new circuit breakers and accomplish an initial procurement for as many as 10 ships, would the distinguished majority and minority managers please comment on the availability of such funding?

Mr. SPECTER. Mr. President, I am pleased to join my distinguished colleague from Pennsylvania to discuss funding for new molded case circuit breakers with advanced electronic sensing and tripping mechanisms.

These new circuit breakers would eliminate the danger which I understand existing circuit breakers were demonstrated to pose to Navy ships and their crews in shock trials conducted by the Navy in 1983 and 1984. Although I have been informed that, in the interim, band-aid improvements have been made in the existing circuit breakers to lessen the danger of electrical systems shutdowns in actual collisions or combat, I also have been told that the Naval Sea Systems Command continues to recognize that these improvments are not the complete solution to the threat which would be achieved by the new circuit breakers.

Mr. President, the Congressional recommendation of funding in the OMN—Operation and Maintenance, Navy—account in the amount of $4 million would complete development of the new circuit breakers and accomplish an initial procurement for as many as 10 ships. Would the distinguished majority and minority managers please comment on the availability of such funding?

Mr. JOHNSTON. Mr. President, I thank the distinguished Senators from Pennsylvania for bringing this important matter to the Senate's attention today. I, too, understand that the Navy has an important need for new circuit breakers with advanced electronic sensing and tripping mechanisms. Unfortunately, although funding in the amount of $4 million would complete development of the new circuit breakers and accomplish an initial procurement for as many as 10 ships, the Senate also faces budgetary constraints in the pending fiscal year 1989 defense appropriations bill. However, let me assure my distinguished colleagues that, as one Senator, I hope that this funding can still be approved.

Mr. STEVENS. Mr. President, I want to commend my distinguished colleagues from Pennsylvania for bringing the Navy's need for new circuit breakers to the Senate's attention today. Since funding in the amount of $4 million for these new circuit breakers would complete their development and accomplish a significant initial procurement, let me assure my distinguished colleagues that I, too, as one Senator, hope that it can still be approved, provided that we can overcome the budgetary constraints we face.

HELICOPTER PILOT TRAINING PROGRAM, UNIVERSITY OF NORTH DAKOTA—CENTER FOR AEROSPACE SCIENCE

Mr. BURDICK. Mr. President, North Dakotans recently welcomed the Democratic candidate for President, Governor Michael Dukakis, to the State Fair in Minot. In his speach, Dukakis recognized the University of North Dakota's Center for Aerospace Science as "one of the finest aeronautics and space programs in the country."

As you may know Mr. President the U.S. Army ROTC has been working with the Center for Aerospace Science since 1983 to train helicopter pilots for the Army. It is a one-of-a-kind experimental program which uses some of today's most modern helicopter equipment and training techniques. Since the program began, 46 helicoper pilots have been trained at the center and a follow-up review indicates that 76 percent of these cadets have gone on to graduate in the top 20 percent of their class at the U.S. Aviation Center at Fort Rucker, AR. In several instances, both the No. 1 and 2 rankings in the Fort Rucker class were held by graduates of the center's program.

Upon completion of their degree and flight training at the University of North Dakota, the cadets are assigned to train at Fort Rucker. An important aspect of the university's program is to determine whether the cadets' university training would allow them to accelerate their placement in the Fort Rucker program, thus making them available sooner to active service. The program needs to be continued through fiscal year 1992 to obtain the date necessary to validate the concept of advanced placement and to compile a safety of flight record on the graduates.

Mr. President, the cadets graduating from this program today are the Army's leaders of tomorrow. They have at least a 4-year college degree and have successfully completed a rigorous state-of-the-art pilot training program. I am told, however, that this program is being threatened by changes in the guidelines for the ROTC scholarship program. I wanted to clarify the support of the Senate for the Center for Aerospace Science helicopter pilot training program at least through fiscal year 1992 which would allow them to complete the validation period.

Mr. STENNIS. I congratulate the Senator from North Dakota on the many achievements of the Center for Aerospace Science at the University of North Dakota, particularly with regard to its helicopter pilot training program. The Senate applauds the superior training that ROTC cadets are receiving at the university and encourages the Army ROTC to continue this program, at least through fiscal year 1992 when an appropriate evaluation can be completed.

Mr. BYRD. Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. I am advised that Senator WEICKER, who is a member of the platform committee and is in New Orleans today, would like to be here for that bill. He has been active in that. He will be here tomorrow. I think it is something we could dispose of rather quickly.

I would also report to the majority leader and my colleagues that it is my view we are making some progress on the Contra amendment. I would not want to be too overly optimistic but I have been on the phone with General Powell, who I think does an outstanding job for the President. He was up here earlier and met with nearly every Republican Senator. They have been at the White House. They spent about 3 hours meeting different agencies. He is going to get back to me, if not tonight, the first thing in the morning. As I understand it—I was listening to the floor at the same time—the leader would be willing to continue to set his amendment aside as long as no other Contra amendments are offered and hopefully maybe get an agreement tomorrow on other amendments. And we are still hoping to get an agreement that we can incorporate by reference to the authorization bill along with the other agreements—try to offer sense-of-the-Senate amendments, and also by agreement to pass separately the defense authorization bill, if that can be done.

Mr. BYRD. Mr. President, I feel in the light of the statements that have been made the Senate should go out for the evening and come back in the morning. Possibly some arrangement could be made overnight whereby we can do the ocean-dumping measure the first thing tomorrow, which would give us a little more time to work on the Contra aid and other amendments to the DOD appropriations bill.

So that we will not be just marking time tomorrow morning.

Just before we go out, I have an important announcement to make.

Mr. President, I take this opportunity to make this announcement to all my colleagues, and I hope that offices that are tuned into what is going on on the floor would be sure to alert our colleagues; and our respective cloakrooms would want to do likewise.

IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

Mr. BYRD. I take the opportunity to announce that the Senate will receive the managers on the part of the House of Representatives tomorrow, Tuesday, August 9, at 2 p.m. to exhibit the Articles of Impeachment adopted by the House of Representatives against Federal District Court Judge Alcee L. Hastings on August 3.

Under rule II of the Senate Rules of Procedure and Practice in the Senate, when sitting on impeachment trials, all Senators should be on the floor to take an oath that would be administered by the Presiding Officer. This will occur tomorrow immediately following the exhibition of the Articles of Impeachment by the House managers at 2 p.m., just following the conclusion of our respective party luncheon conferences.

I urge all Senators to be present on the floor at 2 p.m. tomorrow to hear the House managers, as they exhibit the Articles of Impeachment, immediately following which, the swearing of all Senators will take place.

It is an important occasion. It must precede the commencement of any impeachment trial in the Senate. This would mean that the swearing of Senators would occur at circa 2:30 p.m. tomorrow, around 2:30.

I will announce in my party conference, and Mr. DOLE is here and I am sure will do the same at his, that Senators should come to the floor when the conferences have broken up to be present for the presentation of the Articles of Impeachment by the managers on the part of the other body. It is very important that all Senators be here and be sworn following that.

Mr. President, in connection with the communication from the House of Representatives relative to the impeachment, I send an order to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> Ordered, that the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida, agreeably to the notice communicated to the Senate, and that at the hour of 2:00 o'clock p.m. on Tuesday, August 9, 1988, the Senate will receive the honorable managers on the part of the House of Representatives, in order that they may present and exhibit the said articles of impeachment against the said Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 15 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COST OF YOUR CLOTHING

Mr. SANFORD. Mr. President, I rise today in response to an article that appeared in the Friday edition of the Washington Post. The article, written by U.S. Trade Representative Clayton Yeutter, questions the merits of the proposed Textile and Apparel Trade Act of 1987. Unfortunately for Mr. Yeutter, the majority of his arguments are either flawed or based on enormous assumptions.

Mr. Yeutter completely mischaracterizes the key provisions of the bill. The textile bill would not, as he claims, "dramatically reduce textile and apparel imports." On the contrary, this legislation will not cut textile or apparel imports at all. This bill simply slows the growth rate of imported textiles to 1 percent each year, the historic growth rate of the U.S. market. This is only fair. It gives imports the right to grow only as fast as the domestic market has typically grown. But the bill does not reduce the total amount of textile and apparel imports.

Mr. Yeutter would also have us believe that the domestic textile and apparel industry is fine and healthy. This could not be further from the truth. Over 350,000 textile and apparel jobs have been lost since 1980. And despite Mr. Yeutter's claims to the contrary, this trend is not slowing. In the last 6 months alone, 16,000 jobs were lost. Not surprisingly, then, absolute textile industry profits for the first quarter of 1988 are down 12 percent compared with the first quarter of 1987, a figure especially striking considering that the all-manufacturing profits average soared 49 percent over the same period.

In the article, Mr. Yeutter then proceeds to base all of his arguments on his previously described incorrect characterization of the textile bill's provisions. He goes to great lengths to instill fears of foreign trade retaliation in response to having "their access to the U.S. textile and apparel market cut." Leaving aside the fact that the bill doesn't cut into amounts currently being imported, his reasoning on the issue of retaliation is still flawed. First of all, by limiting the growth rate of textile imports to 1 percent each year, a rate that four out of five biggest suppliers have already agreed to meet, the quotas are no more restrictive than those imposed by the European Economic Community, against which little, or no, retaliation has occurred. Second, the bill's provisions allowing affected nations to receive compensation for any losses they can demonstrate resulting from the bill further reduces the likelihood of retaliation. Finally, the bill's quotas will only even out a historically uneven trade balance of textiles from developing countries. Despite a 30 percent smaller population than the European Economic Community, the United States receives more than two and one-half times the amount of textile and apparel imports accepted by the EEC.

In addition, the results of a recent survey further discredit Mr. Yeutter's claims. The study, which was conducted in eight States, none of which are textile-producing, found that the majority responding in every State surveyed felt that fears of retaliation were unjustified. Furthermore, the study provides a good indication of just how badly the American people want this legislation. Over 67 percent of those surveyed indicated that they support the bill currently before the Senate, while only 25 percent said they were opposed or probably opposed to the bill.

Finally, the study demonstrates that Mr. Yeutter's other main argument—that the bill will result in higher clothing prices—is inconsequential. The survey found that even if the textile bill would cause higher prices, the bill's supporters would outnumber its opponents in seven of the eight States surveyed, none of which are textile-producing. Clearly, the American people are solidly behind the 2.2 million textile and apparel workers of this country. Ignoring their plight on the basis of an article such as Mr. Yeutter's would indeed be an injustice.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 5, 1988]

A BILL TO RAISE THE COST OF YOUR CLOTHING

(By Clayton Yeutter)

With clothing costs soaring and textile industry profits at record levels, this would seem to be a terrible time to take money away from people who buy clothes and give it to the companies that make them. Yet that is precisely what Congress is on the verge of doing in the textile bill.

This legislation, by dramatically reducing textile and apparel imports, would assuredly raise the price of clothes. This burden would fall most heavily on lower- and middle-income families, who spend a greater portion of their incomes on clothing than the wealthy. And the benefits would go to some of the nation's most profitable companies.

The justification usually offered for passing the textile bill is that competition from imports threatens the survival of the domestic industry. In fact, textile stockholders have never seen better days. Textile companies posted record profits of $1.9 billion last year—a 54 percent increase from just two years ago. More impressively, textile stocks rocketed up 838 percent during the 1982–87 bull market. Notwithstanding that, Congress seems determined to ask working families to pay more for winter coats and children's pajamas so that stock portfolios can grow even fatter.

But what about textile workers? What about their jobs? It's true that over the past decade, employment in the textile and apparel industries has declined (although it increased slightly from 1985 to 1987). But nearly all these jobs were eliminated through industry efforts to improve productivity. Consolidating operations and modernizing plants are necessary steps for any industry, but textile companies shouldn't blame imports when their own business decisions result in job losses. We expect these kind of adjustments in a dynamic free enterprise society.

Not everybody realizes it, but the textile industry is already one of the most protected sectors of the U.S. economy. There are import restrictions on well over a thousand textile products from 42 countries, and the average textile and apparel tariff of 18 percent is about three times the average tariff on other manufactured products.

As a result, the average family already pays $238 per year more for clothing than it would if there were no textile protection. U.S. textile makers used to complain about "low-priced, subsidized" imports. No more. Last year the value of textile and apparel import increased 15 percent, and they are rising even more rapidly this year. The high cost of clothing is fueling inflation. In the first half of 1988, apparel prices rose at an annual rate of 8 percent.

Consumers wouldn't be the only losers under the textile bill. Exporters, particularly farmers, would be exposed to retaliation from foreign buyers if the United States illegally cut off textile imports. Over 85 percent of U.S. agricultural export go to the more than 40 countries that would be most affected by this bill. Last year U.S. agricultural exports totaled almost $29 billion, compared with U.S. textile and apparel imports of about $23 billion, U.S. farmers have more to lose than textile makers have to gain from this bill. Anyone who votes for it is no friend of the American farmer.

Textile bill supporters are seeking farm-state votes with a proposal that would give textile quota preferences to countries that increase purchases of U.S. farm products. There is far less to this than meets the eye, because the supposed "benefit" for textile-producing countries is nondexistent. Even with this bonus, countries that increase their purchases of American agricultural products would still have their access to the U.S. textile and apparel market cut. Our trading partners are hardly likely to feel rewarded if we tell them that they will be able to ship us a little less instead of a lot less if they buy American farm products. This meager attempt to bribe them out of retaliating against us is bound to fail. They will almost certainly still retaliate against U.S. exports—if not against our farmers then against our industrial products.

There is little question that the textile bill would raise clothing costs and spark countless trade wars. The only real question is why this is still an active issue. There is no textile "problem," there is only a desire by a politically powerful special interest to increase its profitability at the expense of lower- and middle-income consumers. Not too long ago, taxing the poor to benefit the rich was called "regressive," If that concept is still valid, then this textile bill is a classic regressive solution to a nonexistent problem.

Any by the way, textile and apparel imports are down more than 9 percent so far this year. Why this bill is even under consideration is beyond comprehension.

MESSAGES FROM THE HOUSE

At 5:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4352. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 511. A resolution appointing the managers on the part of the House to conduct the impeachment trial against Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida.

The message further announced that:

Resolved, That—

(1) the House of Representatives has impeached for high crimes and misdemeanors Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida;

(2) the House of Representatives adopted articles of impeachment against Alcee L. Hastings, which the managers on the part of the House of Representatives have been directed to carry to the Senate; and

(3) Peter W. Rodino, Jr., John Conyers, Jr., Don Edwards, John Bryant, Hamilton Fish, Jr., and George W. Gekas, have been appointed such managers.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4352. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1523. A bill to amend chapter 96 of title 18, United States Code (Rept. No. 100-459).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 2283. A bill to require the Secretary of the Treasury to mint and issue five-dollar coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming (Rept. No. 100-460).

S. 2544. A bill to amend the federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement (Rept. No. 100-461).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 2318. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes (Rept. No. 100-462).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 4318. A bill to improve the administration of the personnel systems of the General Accounting Office (Rept. No. 100-463).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. Hollings, Ms. Mikulski, and Mr. Sarbanes):

S. 2697. A bill to amend certain marine fisheries laws to promote effective fishery conservation and management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S.J. Res. 360. A joint resolution to designate February 12, 1989, as "World Marriage Day"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. Chafee, Mr. Hatch, Mr. Moynihan, Mr. Inouye, Mr. Nunn, Mr. Garn, Mr. Lugar, Mr. Cranston, Mr. Daschle, Mr. Johnston, Mr. Stennis, Mr. Wilson, Mr. Heinz, Mr. Burdick, Mr. Bradley, Mr. Warner, Mr. Lautenberg, Mr. Levin, Mr. Dodd, Mr. Riegle, Mr. Reid, Mr. Matsunaga, Mr. Kerry, Mr. Armstrong, Mr. Boschwitz, Mr. D'Amato, Mr. DeConcini, Mr. Cochran, Mr. Karnes, Mr. Conrad, Mr. Heflin and Mr. Bond):

S.J. Res. 361. A joint resolution designating the week of September 25, 1988, as "Religious Freedom Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. Hollings, Ms. Mikulski, and Mr. Sarbanes):

S. 2697. A bill to amend certain marine fisheries laws to promote effective fishery conservation and management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ATLANTIC MARINE FISHERIES ACT

● Mr. KERRY. Mr. President, today I rise for myself and other Senators to introduce legislation reauthorizing the Atlantic Striped Bass Act of 1984, and extending the emergency striped bass study which began in 1980. The striped bass emergency study was authorized in 1979 under section 7 of the Anadromous Fish Conservation Act of 1976 because of the severe decline in striped bass populations and the lack of adequate replacement of young striped bass into the populations along the central and north Atlantic coast. The Atlantic States Marine Fisheries Commission, which consists of representatives from the fisheries agencies of Atlantic coastal States, coordinated the study and in 1981 developed the Interstate Fisheries Management Plan for Striped Bass. The plan called for 12 States from Maine to North Carolina including Pennsylvania and also the District of Columbia to impose uniform regulations requiring a size limit on fish caught as well as a plan to significantly reduce fishing mortality. The Atlantic States Fisheries Commission has no authority however, to ensure that each State individually carries out the requirements of a plan.

Consequently, in 1984, Congress enacted the Atlantic Striped Bass Conservation Act which required States to comply with the restrictions on striped bass fishing that are called for in the interstate fisheries management plan for striped bass. Congress passed this conservation measure because in its view Atlantic striped bass are historically, commercially, and recreationally important. It is clearly in the national interest to provide for effective interjurisdictional conservation and management of this species. Particularly since a number of elements have resulted in the decline of the striped bass populations. For example, increased fishing pressure, environmental pollution, loss of habitat, and poor fishery conservation and management practices in addressing the interjurisdictional nature of these anadromous fish, to name a few.

States have made significant progress both in studying and managing striped bass. However, much remains to be done. Mr. President, I compliment the States on their ability to work together on this issue. Progress is apparent in the reduced mortality on striped bass stocks and the small increase of young striped bass into the population specified as the recruitment index in the interstate fisheries management plan for striped bass. However, conservation and the study must continue until the goals of the plan can be fully met. Striped bass egg production must be increased sixfold to begin rebuilding for full restoration of this valuable stock.

Together the Federal and State governments have succeeded in working toward a specific goal, but the underlying causes which have led to the decline of this important species also impact many other species and have not been adequately addressed. Our coastal environment, not just along the Atlantic seaboard, but nationally is still suffering from pollution, and loss of natural fish habitat. Adequate comprehensive conservation and management plans are necessary. Interjurisdictional fisheries management remains a problem for a number of valuable marine organisms. It is my hope that when the States successfully complete an Atlantic striped bass management plan, we will then have a blueprint which could offer us a better understanding of how to address other marine related environmental problems.

Massachusetts has a keen historic interest in the successful restoration of Atlantic striped bass stocks. Striped bass were an essential element in the survival of the Massachusetts Bay Colony during the 17th century. In fact, colonial writings recall that—

> In the year 1623, the Plymouth colonists had one boat left, and that none the best, which then was the principal support of their lives, for that year it helped them to improve a net wherewith they took a multitude of basse, which was their livelihood all that summer.

The colonists taste for striped bass was also recorded by Capt. John Smith who wrote:

> The basse is an excellent fish both fresh and salte * * * and for daintinesse of diet they excell the Marybones of Beefe.

Today striped bass continues to remain a prized food and game fish to the citizens of Massachusetts. It has been a significant component of the States recreational and commercial fisheries. Furthermore Massachusetts has taken an active lead in management efforts for this valuable resource. The Commonwealth has limited the commercial fishery to hook and line gear since the 1940's and was the first to implement the minimum size limit under the interstate fisheries management plan for striped bass adopted in 1981.

The legislation that we are introducing today will extend the Atlantic Striped Bass Conservation Act and the

Emergency Striped Bass Study through 1991. It will further provide for Federal and State jurisdictions to work in close cooperation to achieve progress toward striped bass conservation and management in the exclusive economic zone of the United States and the coastal waters of the Atlantic States.●

● Mr. HOLLINGS. Mr. President, I rise today in support of legislation to extend the Atlantic Striped Bass Conservation Act and the Emergency Striped Bass Study for an additional 3 years. For over 12 years now, since enactment of the Anadromous Fish Conservation Act, we have worked to protect this unique fishery resource. Like salmon, whose habits are probably more generally known, striped bass spend most of their adult lives in marine waters, but must return to fresh waters to spawn. Migrating along our eastern shores from New England to the South Atlantic, striped bass return each spring to lay their eggs in the rivers and tributaries of the Chesapeake Bay. Their life history has made them vulnerable to two human threats—overfishing and coastal pollution. Each year as the fish move along the coast, they run a gauntlet of eager recreational and commercial fishermen from Maine to North Carolina. And when the stripers return to the Chesapeake, they face continued deterioration in the size and environmental quality of their spawning area. By the mideighties, commercial fishery landings had dropped precipitously and the abundance of young fish was at an all time low. Striped bass seemed well on their way to becoming another case study of man's inability to use and manage marine resources wisely.

Today, I am pleased to report that we may be on the brink of a success story. Through the leadership of the State of Maryland in declaring a fishing moratorium and through Federal action prodding the States to adopt tough conservation measures, the striped bass stock appears to be recovering. The abundance of young fish is on the increase, and cooperative management among the States is improving. We anticipate that the population will continue rebuilding for several years, providing a solid reason for extending the Striped Bass Act until 1991. The legislation that we are introducing today will accomplish that goal and provide for management of striped bass fishing beyond State waters.

Although striped bass are not commonly found off the coast of South Carolina, we are very familiar in my State with its value as a fishery resource. We South Carolinians have our own fresh water version which is nationally famous and grows faster than the coastal species. The Santee-Cooper strain of striped bass draws nearly 3 million people a year to South Carolina to enjoy the thrill of hooking into these excellent fighting fish. Fishermen report catches averaging 8 pounds, and 20 pounders are common. The Santee-Cooper's striped bass fishery has been legendary since the 1950's. One highlight came in 1958 when "Tiny" Lund, a stock car racer from Cross, SC, took a world record 55-pound striper from Lake Moultrie. Word spread quickly, and since then anglers from every corner of the Nation have come to fish the Santee-Cooper.

As a result of our efforts under the Striped Bass Act, I hope that we will again be hearing such fish stories, not just in South Carolina, but all along the Atlantic seaboard. I look forward to the return of striped bass in abundance to our coastal areas, and I urge my colleagues to support this legislation as a means of ensuring that return.●

By Mr. BOND:

S.J. Res. 360. Joint resolution to designate February 12, 1989, as "World Marriage Day"; to the Committee on the Judiciary.

WORLD MARRIAGE DAY

● Mr. BOND. Mr. President, Congress has become increasingly involved in such family-related issues of childcare, child sexual abuse, pornography, wellfare, drug abuse, teenage pregnancy and suicide, parental leave, and family violence. Thus, it seems appropriate to renew our commitment in the sanctity of marriage as the cornerstone to the family and a key to addressing other family-related problems. "As are families, so is society. If well ordered, well instructed, and well governed, they are the springs from which go forth the streams of national greatness and prosperity—of civil order and public happiness." My thoughts turned to that quotation by William Thayer when I decided to introduce this resolution.

"World Marriage Day" is the world's largest promarriage organization. It began in 1981 when several couples in Baton Rouge, LA, held what was formerly known as a, "We Believe in Marriage Day," celebration on the second sunday of February. By 1983, 43 Governors and seven U.S. military bases abroad joined in the idea and held a similar event. This event has now grown into a celebration that will take place in more than 86 countries during 1989. This "World Marriage Day" resolution will say to the world that the United States firmly recognizes the value and benefits that result when men and women are willing to commit their lives to each other through marriage.

Mr. President, I would like to introduce this joint resolution designating February 12, 1989, as "World Marriage Day" in hopes that this will be come an annual reminder of the significance of the institution of marriage, the family cornerstone.

By Mr. PELL (for himself, Mr. Chafee, Mr. Hatch, Mr. Moynihan, Mr. Inouye, Mr. Nunn, Mr. Garn, Mr. Lugar, Mr. Cranston, Mr. Daschle, Mr. Johnston, Mr. Stennis, Mr. Wilson, Mr. Heinz, Mr. Burdick, Mr. Bradley, Mr. Warner, Mr. Lautenberg, Mr. Levin, Mr. Dodd, Mr. Riegle, Mr. Reid, Mr. Matsunaga, Mr. Kerry, Mr. Armstrong, Mr. Boschwitz, Mr. D'Amato, Mr. DeConcini, Mr. Cochran, Mr. Karnes, Mr. Conrad, Mr. Heflin, and Mr. Bond):

S.J. Res. 361. Joint resolution designating the week of September 25, 1988, as "Religious Freedom Week"; to the Committee on the Judiciary.

RELIGIOUS FREEDOM WEEK

● Mr. PELL. Mr. President, I am introducing a joint resolution today to designate the week of September 25, 1988, as "Religious Freedom Week." Joining me in sponsoring this resolution are Senators Chafee, Hatch, Moynihan, Inouye, Nunn, Stennis, Wilson, Heinz, Burdick, Bradley, Warner, Lautenberg, Levin, Dodd, Riegle, Reid, Matsunaga, Kerry, Armstrong, Boschwitz, D'Amato, DeConcini, Garn, Lugar, Cranston, Daschle, Johnston, Cochran, Karnes, Conrad, Heflin, and Bond.

This year, the bicentennial of the ratification of the Constitution, is an appropriate time to celebrate our national commitment to religious freedom, specifically freedom from religious persecution, intolerance and indoctrination. No more clearly is the importance of religious freedom emphasized in our country's history than in a letter presented to the Hebrew Congregation in Newport, RI, by George Washington in 1790. Shortly after the ratification of the Constitution, George Washington issued his important letter at Touro Synagogue in Newport, stating "to bigotry no sanction, to persecution no assistance."

When George Washington wrote these important thoughts, adoption of the Bill of Rights was several years into the future. Although the first amendment under the Bill of Rights would guarantee religious liberty for all, George Washington went one step further, and proposed a doctrine of mutual respect and understanding for individuals of all faiths and religious backgrounds.

I ask unanimous consent that the text of George Washington's letter to the Hebrew Congregation in Newport, RI, be printed in the Record at the end of my remarks.

Mr. President, the letter from George Washington on religious tolerance, and the Touro Synagogue have become national symbols of our country's commitment to religious freedom. Therefore, at a time when we are remembering and honoring our ratification of the Constitution, it seems entirely appropriate and equally important that we should commemorate George Washington's statement on religious tolerance, the symbolic importance of Touro Synagogue, and our country's deep commitment to religious freedom for all.

I urge my colleagues to join us in cosponsoring this important resolution designating the week of September 25, 1988, as "Religious Freedom Week." I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 361

Whereas, the principle of religious liberty was an essential part of the founding of our Nation, and must be safeguarded with eternal vigilance by all men and women of good will;

Whereas, religious liberty has been endangered throughout history by bigotry and indifference;

Whereas, the first amendment to the Constitution of the United States guarantees the inalienable rights of individuals to worship freely or not be religious, as they choose, without interference from governmental or other agencies;

Whereas the Constitution of the United States ensures religious freedom to all of the people of the United States;

Whereas the bicentennial of the ratification of the Constitution occurs in 1988;

Whereas, at Touro Synagogue in 1790, President George Washington issued his famous letter declaring "to bigotry no sanctions, to persecution no assistance";

Whereas, the Touro Synagogue letter advocating the doctrine of mutual respect and understanding was issued more than a year before the adoption of the Bill of Rights;

Whereas the letter of President Washington and the Touro Synagogue have become national symbols of the commitment of the United States to religious freedom;

Whereas, throughout our Nation's history, religion has contributed to the welfare of believers and of society generally, and has been a force for maintaining high standards for morality, ethics and justice;

Whereas, religion is most free when it is observed voluntarily at private initiative, incontaminated by Government interference and unconstrained by majority preference; and

Whereas, religious liberty can be protected only through the efforts of all persons of good will in a united commitment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress asssembled, That the week of September 25, 1988, is hereby declared to be "Religious Freedom Week", wherein members of all faiths or of none, may join together in support of religious tolerance and religious liberty for all.

To the Hebrew Congregation in Newport, RI.

Gentlemen: While I receive, with much satisfaction, your Address replete with expressions of affection and esteem; I rejoice in the opportunity of assuring you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of Citizens.

The reflection on the days of difficulty and danger which are past is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good government, to become a great and a happy people.

The Citizens of the United States of America have a right to applaud themselves for having given mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity. May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safely under his own Vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

G. Washington.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. Heinz, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Mississippi [Mr. Cochran], the Senator from Illinois [Mr. Dixon], and the Senator from Nevada [Mr. Hecht] were added as cosponsors of S. 684, a bill to amend the Internal Revenue Code of 1986 to make permanent the targeted jobs credit.

S. 1673

At the request of Mr. Specter, his name was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 2119

At the request of Mr. Heinz, the name of the Senator from Alaska [Mr. Murkowski] was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from income of amounts received under qualified group legal services plans.

S. 2189

At the request of Mr. Adams, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 2189, a bill to create a Federal facility nuclear cleanup trust fund, to require the Secretary of Energy and the Administrator of the Environmental Protection Agency to enter into compliance agreements for environmental cleanup of Federal nuclear facilities, to create a special environmental counsel, to provide for research and development for Federal nuclear facilities, and for other purposes.

S. 2345

At the request of Mr. Weicker, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 2345, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of handicap.

S. 2381

At the request of Mr. Gore, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 2381, a bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

S. 2469

At the request of Mr. Heinz, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 2469, a bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of retirement applications of Federal employees, and for other purposes.

S. 2501

At the request of Mr. Karnes, his name was added as a cosponsor of S. 2501, a bill to amend the Internal Revenue Code of 1986 to allow periods of out-of-residence care to qualify for the principal residence use requirements of the one-time capital gain exclusion for taxpayers who have attained age 55.

S. 2608

At the request of Mr. Symms, the name of the Senator from Utah [Mr. Garn] was added as a cosponsor of S. 2608, a bill to repeal the requirement that taxpayers include on an income return a tax identification number for claimed dependents who have attained the age of 5 years.

S. 2675

At the request of Mr. Daschle, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 2675, a bill to amend title 38, United States Code, to provide certain service-connected presumptions in the case of veterans who performed active service in Vietnam during Vietnam era; to make improvements in the composition of the Advisory Committee on Special Studies Relating to the Possible Long-term Health effects on Phenoxy Herbicides and Contaminants and the procedures used by such advisory committee, and for other purposes.

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of Senate Joint Resolution 312, a joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 350

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Nebraska [Mr. KARNES] were added as cosponsors of Senate Joint Resolution 350, a joint resolution designating Labor Day Weekend, September 3-5, 1988 as "National Drive for Life Weekend."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

AMENDMENTS SUBMITTED

REGULATION OF ATOMIC ENERGY FOR PEACEFUL PURPOSES

BREAUX AMENDMENT NO. 2815

Mr. BREAUX proposed an amendment to the bill (S. 2443) to reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. This Act may be cited as the "Nuclear Regulation Reorganization and Reform Act of 1988".

TITLE I—REORGANIZATION AND REFORM OF NUCLEAR ENERGY REGULATION

Subtitle A—Nuclear Safety Agency

DECLARATION OF PURPOSES

SEC. 101. The Congress declares that—

(a) a clear and coordinated national policy for the development, use, and regulation of atomic energy for peaceful purposes, in accordance with the objectives of the Atomic Energy Act of 1954, as amended, is in the best interest of the general welfare and the common defense and security of this Nation; and

(b) to best achieve these objectives, improvements in the effectiveness of the current approach to the regulation of atomic energy for peaceful purposes are required.

DEFINITIONS

SEC. 102. For the purpose of this Act—

(a) the term "Agency" means the Nuclear Safety Agency established under section 103; and

(b) the term "Administrator" means the Administrator of the Nuclear Safety Agency appointed under section 104(a).

ESTABLISHMENT OF NUCLEAR SAFETY AGENCY

SEC. 103. (a) There is hereby established the Nuclear Safety Agency (hereinafter in this Act referred to as the "Agency"). The Agency shall succeed the Nuclear Regulatory Commission in existence on the day before the effective date of this Act.

(b) There are transferred to the Agency all of the functions of the Nuclear Regulatory Commission.

(c) For purposes of title 5 of the United States Code, the Agency is an Independent Establishment in the Executive Branch of the government.

(d)(1) The Administrator shall keep the Committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the functions of the Agency, fully and currently informed with respect to the activities of the Agency.

(2) For the purpose of any review by the Office of Management and Budget of any Agency rule or regulation, the following procedures shall apply:

(A) For each Agency rule or regulation reviewed by the Office of Management and Budget, the Office shall establish a public docket and shall include in such docket the following information:

(i) copies of all written material received by the Office concerning the Agency rule or regulation under review that originates from persons who are not employees of the federal government; and

(ii) a list of all meetings and all other communications, including oral communications, with persons who are not employees of the federal government concerning the Agency rule or regulation under review.

(B) The Office of Management and Budget shall inform the Administrator of all scheduled meetings with persons who are not employees of the federal government concerning any Agency rule or regulation under review by the Office and shall provide the Agency with a reasonable opportunity to attend such meetings.

(C) The Administrator shall place in the rulemaking record for any nuclear regulation reviewed by the Office of Management and Budget the following information:

(i) copies of all drafts of any proposed or final rule submitted to the Office for review;

(ii) copies of all written materials pertaining to any proposed or final rule submitted to the Office for review; and

(iii) a written explanation of the specific reasons for any significant changes made by the Agency in the draft of any proposed or final rule submitted to the Office for review as a result of such review.

(D) The time for review of Agency rules or regulations by the Office of Management and Budget shall not exceed sixty days following receipt of such submission by the Office. The time for review may be extended for good cause by the Office for an additional thirty days. Notice of any such extension, together with a succinct statement of the reasons therefore, shall be placed in the rulemaking record.

(E) Nothing in this Act alters in any manner—

(i) rulemaking authority vested by law in the Agency to initiate or complete a rulemaking proceeding or to issue, modify, or rescind a rule or regulation; or

(ii) the criteria for rulemaking applicable under other statutes.

OFFICERS

SEC. 104. (a) The Agency shall be administered under the supervision and direction of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Agency a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall prescribe.

(c)(1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following: "Administrator, Nuclear Safety Agency.";

(2) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following: "Deputy Administrator. Nuclear Safety Agency.";

(3) Section 5313 of title 5, United States Code, is amended by striking "Chairman, NRC";

(4) Section 5314 of title 5, United States Code, is amended by striking "Member, NRC"; and

(5) Section 5315 of title 5, United States Code, is amended by striking "Executive Director for Operations, Nuclear Regulatory Commission".

ABOLITION OF NUCLEAR REGULATORY COMMISSION

SEC. 105. The Nuclear Regulatory Commission is hereby abolished. Sections 201(a)—(g) and 209 of the Energy Reorganization Act of 1974, as amended, are repealed.

TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL

SEC. 106. The personnel employed and the assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available, or to be made available, in connection with the Nuclear Regulatory Commission and the functions transferred under this Act, are, subject to section 1531 of title 31, United States Code, transferred to the Agency for appropriate allocation.

EFFECT ON PERSONNEL

SEC. 107. (a) The transfer of personnel pursuant to this Title shall not cause any employee to be separated or reduced in grade or compensation.

(D) Any person who, on the day before the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Agency to a position having duties comparable to those performed immediately preceding his appointment, shall continue to be compensated in his new position at not less than the rate provided for his previous position for the duration of his service in this new position.

INCIDENTAL TRANSFERS

SEC. 108. The Director of the Office of Management and Budget, at such time or times as the Administrator shall provide, may make such determination as may be necessary with regard to the transfer of the Nuclear Regulatory Commission pursuant to this Title and the transfer of functions under this Title, and to make such additional incidental disposition of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available, or to be made available in connection with the Nuclear Regulatory Commission and the functions transferred under this Title, as may be necessary to carry out the provisions of this Title. The Director of Management and Budget shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this Title.

SAVINGS PROVISIONS

SEC. 109.(a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, the Nuclear Regulatory Commission, or any court of competent jurisdiction, in the performance of functions which are transferred under this Title; and

(2) which are in effect at the time this Title takes effect.

shall continue in effect according to their terms until modified, terminated, superseded, set aside, revoked, or repealed in accordance with law by the President, the Administrator or other duly authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The provisions of this Title shall not affect any proceeding, petition, or application for a license or other form of permission or approval pending at the time this Title takes effect before the Nuclear Regulatory Commission with respect to functions transferred under this Title, but such proceedings, petitions, and applications, to the extent that they relate to functions so transferred, shall be continued before the Agency. Decisions shall be issued with respect to such proceedings, applications, or petitions, appeals shall be taken therefrom, and payments shall be made pursuant to such decisions, as if this Title had not been enacted. Decisions issued with respect to such proceedings, applications, or petitions shall continue in effect until modified, terminated, superseded, revoked, or repealed by the Administrator or other duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding, petition, or application under the same terms and conditions and to the same extent that such proceeding, petition, or application could have been discontinued or modified if this Title had not been enacted.

(2) The Administrator is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) of the Agency.

(c) Except as provided in subsection (e)—

(1) the provisions of this Title shall not affect actions commenced prior to the date this Title takes effect, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered, in the same manner and with the same effect as if this Title had not been enacted.

(d) No action or other proceeding commenced by or against any individual in the official capacity of such individual as an officer of the Nuclear Regulatory Commission shall abate by reason of the enactment of this Title. No cause of action commenced by or against the Nuclear Regulatory Commission or functions transferred under this Title shall abate by reason of the enactment of this Title.

(e) If, before the date on which this Title takes effect, the Nuclear Regulatory Commission, or any officer thereof in the official capacity of such officer, is a party to an action under this Title, such action shall be continued with the Administrator or other appropriate official of the Agency, as the case may be, substituted or added as a party.

(f) Orders and actions of the Administrator in the exercise of the functions transferred under this Title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Nuclear Regulatory Commission in exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, actions upon the record, or administrative review that apply to the exercise of such functions transferred under this Title shall apply to the exercise of such functions by the Administrator.

REFERENCE

SEC. 110. With respect to any function transferred under this Title and exercised after the effective date of this Title, any reference in any other federal law, Executive Order, rule, regulation, certificate, directive, instruction, delegation of authority, or other official document in force on the effective date of this Title of or pertaining to the Nuclear Regulatory Commission shall be deemed to refer and apply to the Agency. After consultation with the appropriate committees of the Congress, the Administrator shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to title 42, United States Code, and to other provisions of law to reflect the changes made by this Title. Such legislation shall be submitted not later than six months after the effective date of this Title.

CONFORMING CHANGES

SEC. 111. Title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.) is amended by—

(a) striking the phrase "a Director" wherever that phrase appears and inserting in lieu thereof "an Assistant Administrator";

(b) striking the phrase "the Director" wherever that phrase appears and inserting in lieu thereof "the Assistant Administrator"; and

(c) striking the phrase ", as provided in section 209," wherever that phrase appears.

CONSTRUCTION AUTHORIZATION FOR NUCLEAR WASTE REPOSITORY

SEC. 112. Section 191 of the Atomic Energy Act of 1954, as amended, is amended by adding a new subsection (c), as follows:

"(c)(1) Upon the receipt of an application for a construction authorization pursuant to 42 U.S.C. 10134(b), the Administrator shall establish one or more licensing boards for the conduct of any formal adjudicatory proceedings that may be requested on such application. Each board shall be comprised of three members, one of whom shall be qualified in the conduct of administrative proceedings and two of whom shall be appointed from among persons nominated by the Nuclear Waste Technical Review Board in accordance with paragraph (2). Members of the Board shall be appointed for such length of time as may be necessary to consider and act upon such application.

"(2) The Nuclear Waste Technical Review Board shall, not later than 60 days after the date on which the recommendation of site designation becomes effective under 42 U.S.C. 10135, nominate not less than 6 persons for appointment to the initial licensing board established pursuant to paragraph (1). Each person nominated for appointment to the Board shall have such technical or other qualifications as the Nuclear Waste Technical Review Board deems appropriate to the issues to be decided in consideration of an application for a construction authorization.

"(3) If a board member becomes unavailable or is recused after appointment, or it the Administrator determines that proceedings before more than one board become necessary to complete the proceedings in a timely manner, additional members or additional boards shall appointed in the same manner provided for the appointment of the initial member of board. For the purpose of appointing members required to be nominated by the Nuclear Waste Technical Review Board, the Administrator may, as appropriate, either appoint from among those initially nominated or shall request the Nuclear Waste Technical Review Board to nominate one or more additional groups of six persons.

"(4) Upon the issuance of an initial decision by the licensing board on an application for a construction authorization, the Administrator may either affirm the decision in whole or in part, or set aside, remand, or reverse any action, findings, or conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law or unsupported by substantial evidence.".

Subtitle B—Office of Inspector General

SEC. 121. (a) The Inspector General Act of 1978 is amended—

(1) by inserting "the Nuclear Safety Agency," before "the Small business Administration" in section 2(1);

(2) by redesignating subparagraphs (M) and (N) of section 9(a)(1) as subparagraphs (N) and (O), respectively;

(3) by inserting after subparagraph (L) of such section the following new subparagraph:

"(M) of the Nuclear Regulatory Commission, the offices of that agency referred to as the 'Office of Inspector and Auditor';";

(4) by striking out "or" after "Transportation" in section 11(1) and section 11(2) and inserting in lieu thereof a comma;

(5) by inserting "or the Administrator of the Nuclear Safety Agency," before "as the case" in such section; and

(6) by inserting "the Nuclear Safety Agency," before "the Small Business Administration" in section 11(2).

(b) Notwithstanding sections 6(a)(6) and 6(a)(7) of the Inspector General Act of 1978, as amended, the Inspector General of the Agency is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Agency.

(c) Section 5315 of title 5, United States Code is amended by adding at the end thereof the following: "Inspector General, Nuclear Safety Agency".

Subtitle C—Office of Investigations

SEC. 131. (a) Title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.) is amended by adding a new section 205A, as follows:

"OFFICE OF INVESTIGATIONS

"SEC. 205A. (a) There is hereby established in the Agency an Office of Investigations under the direction of an Assistant Administrator for Investigations, who shall be appointed by the Administrator, who shall report directly to the Administrator and who shall serve at the pleasure of and be removable by the Administrator.

"(b) Subject to the provisions of this Act, the Assistant Administrator for Investigations shall perform such functions as the Administrator shall designate, including investigations into possible violations of the Atomic Energy Act, the Energy Reorganization Act, or any other statutes that the Administrator is responsible for implementing, and rules, regulations, orders, and license conditions issued by the Agency thereunder, that may involve intent or purpose to commit such violation, or that may have arisen as a result of careless disregard, deception, or other indications of willful intent.

"(c)(1) The Assistant Administrator for Investigations may initiate an investigation at the request of the Administrator, Deputy Administrator, or a Regional Administrator.

"(2)(A) The Assistant Administrator may initiate an investigation on his or her own initiative. The Administrator may prohibit the Assistant Administrator from conducting investigative activities, after the Assistant Administrator has decided to initiate, carry out, or complete an investigation, if the Administrator determines specifically with respect to such investigation that such prohibition is necessary to protect the public health and safety or the common defense and security.

"(B) If the Administrator exercises any power under subparagraph (A), the Assistant Administrator shall submit a statement concerning such exercise within thirty days to the Committee on Environment and Public Works of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives.

"(C) The Administrator shall, within thirty days after submission of a statement under subparagraph (B), transmit a statement of the reasons for the exercise of power under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives."

"(d) Any employee of the Agency obtaining information concerning possible violations falling within the scope of authority of the Office of Investigations shall promptly provide such information to the Office of Investigations.

"(e) Whenever the Assistant Administrator for Investigations has reasonable grounds to believe that there has been a violation of Federal criminal law, the Assistant Administrator, after notifying the Administrator, shall report such violation to the Attorney General. Neither the Administrator nor any other employee of the Agency shall prevent or prohibit the Assistant Administrator from reporting such violations to the Attorney General.".

(b) Within 90 days from the date of enactment of this Act, the Commission and the Attorney General shall enter into a memorandum of understanding to—

(1) provide for the coordination of matters that could lead both to enforcement action by the Commission as well as criminal prosecution by the Attorney General;

(2) provide decision procedures and schedules with respect to action on matters referred to the Attorney General; and

(3) facilitate the exchange of information relating to matters within the respective jurisdiction of the Commission and the Department of Justice.

(c) Section 5315 of title 5, United States Code is amended by adding at the end thereof the following: "Assistant Administrator for Investigations, Nuclear Safety Agency."

Subtitle D—Nuclear Reactor Safety Investigations Board

FINDINGS AND PURPOSE

SEC. 141. (a) The Congress finds that—

(1) there exists a potential for conflict of interest in the investigation of significant safety events arising out of activities licensed or otherwise regulated by the Nuclear Safety Agency, where the Agency's prior action or inaction may have been a partial contributor to the cause of such event;

(2) an independent organization for the investigation of such events will inspire greater public confidence in the investigatory process for such incidents; and

(3) the increased stature and enhanced visibility of the investigations conducted by such an independent organization, and the recommendations made as a result of such investigations, will help to ensure timely consideration and implementation of the recommendations of such an organization.

(b) The purpose of this subtitle is to establish a Nuclear Reactor Safety Investigations Board to—

(1) conduct independent investigations of significant safety events arising out of activities at production or utilization facilities licensed by the Agency under section 103 or 104 of the Atomic Energy Act of 1974 (42 U.S.C. 2133, 2134); and

(2) submit to the Administrator and to the Congress the results of any such investigation, including any recommendations for actions to be taken by the Administrator to prevent the recurrence of such events.

NUCLEAR REACTOR SAFETY INVESTIGATIONS BOARD

SEC. 142. (a) There is hereby established within the Nuclear Safety Agency an independent board to be known as the Nuclear Reactor Safety Investigations Board (hereafter in this section referred to as the "Board").

(b) The Board shall consist of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members shall be appointed on the basis of technical qualification, professional standing, and demonstrated competence and knowledge relevant to the investigative functions of the Board. No more than two members of the Board shall be of the same political party. Not later than 90 days after the effective date of this Title, the President shall submit such nominations for appointment to the Board. The President shall designate one member to serve at the Chairperson of the Board.

(c) The terms of office of members of the Board shall be three years, except as otherwise provided in this subparagraph. Of the three members first appointed to the Board, one shall serve for one year, one for two years, an one for three years. Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term of office for which his or her predecessor was appointed shall be appointed for the remainder of the term. Upon the expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Any member of the Board may be removed by the Residents for inefficiency, neglect of duty, or malfeasance of office.

(d)(1) The Chairperson shall be the chief executive officer of the Board and shall exercise the excutive and administrative functions of the Board with respect to the appointment and supervision of personnel employed by the Board, the distribution of business among such personnel and among administrative units of the Board, and the use and expenditure of funds.

(2) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following: "Chairperson, Nuclear Reactor Safety Investigations Board.".

SEC. 143. The Board shall have the following functions and authorities:

(a)(1) The Board may investigate or cause to be investigated any significant safety event, as defined in paragraph (5) of this subsection, arising out of activites at production or utilization facilities licensed by the Agency under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134). The Board may also investigate or cause to be investigated other safety events upon the request of the Administrator.

(2) The purpose of any investigation initiated pursuant to this subsection shall be to determine the facts, conditions, and circumstances of the significant safety events investigated, including—

(A) an assessment of the implications of such event for public health and safety;

(B) a determination of whether such event is part of a pattern of similar events at production or utilization facilities licensed by the Agency under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) which could adversely affect the public health or safety; and

(C) an assessment of the root causes of such event, including the contribution, if any, of the actions of the Agency to such event.

(3) The Board shall report in writing, and shall submit such report to the Administrator, on the facts, conditions, and circumstances of each event investigated pursuant to this subsection, including—

(A) the date and place of the event;

(B) the nature and probable consequence of the event;

(C) the cause or causes of the event; and

(D) any action recommended to prevent the recurrence of the event, including any recommendations for actions to be taken by the Agency with regard to regulatory requirements or practices.

(4)(A) The Administrator shall respond in writing to any recommendations of the Board within 120 days of receipt of such recommendations. Such written response shall detail specific measures adopted or to be adopted by the Administrator in response to such recommendations, and explanations for the Administrator's inaction on any recommendations not adopted.

(B) The recommendations of the Board made pursuant to paragraph (3) and the response of the Administrator to such recommendations shall be made available to the public and shall be submitted to Congress.

(5) For the purpose of this subtitle, a "significant safety event" shall be defined as an event that involves:

(A) a moderate exposure to, or release of, radioactive material from a production or utilization facility licensed by the Agency under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134);

(B) a major degradation of essential safety-related equipment at a production or utilization facility licensed by the Agency under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134); or

(C) a major deficiency in the design, construction, use of, or management controls for a production or utilization facility licensed by the Agency under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134).

(6) Except for investigations initiated at the request of the Administrator, the Board shall, prior to the initiation of an investigation pursuant to this section, consult with the Administrator and, if the Board determines that an investigation is warranted, the Board shall set forth in writing the basis for the Board's determination that the event constitutes a significant safety event, as defined in paragraph (5). The written statement of the Board's basis for initiating an investigation shall not be subject to judicial review. The written statement shall be made available to the public and shall be submitted to Congress.

(7) No part of the conclusions, findings, or recommendations of any report of the Board relating to any event or the investigation of such event shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report.

(b) Following the issuance of a written determination pursuant to paragraph (a)(6) of this section, or upon the initiation of an investigation requested by the Administrator, any employee of the Board, upon presenting appropriate credentials, including any security clearance required by the Administrator, and a written notice of inspection authority, may enter the facility where the event has occurred and do all things appropriate for a proper investigation. The employee may inspect and copy records, files, and documents, including licensee records, files, and documents at locations other than the facility where the event occurred, and may inspect processes, controls, and facilities relevant to the investigation of such event.

(c) Subject to section 552a of title 5, United States Code, the Board may secure directly from any agency or instrumentality of the United States such information as that agency or instrumentality may already possess as may be necessary to enable the Board to carry out an investigation pursuant to this subtitle. Upon request of the Board, the head of such agency or instrumentality shall furnish such information to the Board. The information which the Board may secure under this subsection may include any material designated as classified material pursuant to the Atomic Energy Act of 1954, or any materials designated as safeguards information and otherwise protected from disclosure under section 147 of the Atomic Energy Act of 1954.

(d)(1) Following the issuance of a written determination pursuant to paragraph (a)(6) of this section, or upon the initiation of an investigation requested by the Administrator, the Board or, upon authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Board, may, for the purpose of carrying out this subtitle, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise attendance and testimony of such witnesses and the production of evidence as the Board or such officer or employee deems advisable. Subpoenas shall be issued only under the signature of a Board member, upon authorization by the Board, and may be served by any person designated by the Board.

(2) Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpoena duly issued under the authority of this paragraph shall be fined not more than $5,000, or imprisoned for not more than 6 months, or both. Upon certification by the Board of the facts concerning any willful disobedience by any person to the United States Attorney for any judicial district in which the person resides or is found, the Attorney may proceed by information for the prosecution of the person for the offense.

(3) Where the Board discovers information during the course of its investigation involving matters within the jurisdiction of the Agency's Inspector General or the Assistant Administrator for Investigations, such information shall be forwarded promptly, as appropriate, directly to the Inspector General or concurrently to the Administrator and the Assistant Administrator for Investigations.

(e)(1) Subject to such rules as may be prescribed by the Board, the Board may appoint and fix the pay of such officers and employees (including investigators and attorneys) as the Board considers necessary to carry out the powers and duties of the Board. Appointments shall be made under this paragraph in such manner that not more than the equivalent of 55 full-time officers and employees are employed by the Board at any time.

(2) Employees of the Board shall be selected, appointed, employed, and compensated pursuant to section 161d. of the Atomic Energy Act of 1954, as amended.

(f) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-18 of the General Schedule. The amount of consultant services which may be obtained by the Board under this subsection shall not exceed, during any fiscal year period, the amount of services which would be obtained if the Board procured on a full-time basis the services of 12 consultants.

(g)(1) Upon request of the Board, the Administrator or the head (or governing authority) of any other Federal agency or instrumentality may—

(A) detail to the Board, on a reimbursable basis, such personnel as may be desirable to assist the Board in carrying out its duties; and

(B) make available to the Board, on a reimbursable basis, such facilities, equipment, or other administrative support services as may be desirable to assist the Board in carrying out its duties.

(2) The Administrator shall provide the Board with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Board and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(h) The Board may confer with employees of State or local government agencies and may use, on a reimbursable basis, such services, records, and facilities as such agencies may make available to the Board.

(i) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Board shall report annually to the Congress on the activities of the Board. Such report shall contain—

(1) a summary of the significant safety events investigated by the Board during the preceding calendar year; and

(2) a summary, in such detail as the Board deems advisable, of the recommendations made by the Board pursuant to subparagraph (a)(3)(D) of this section, together with the observed response of the Administrator to each such recommendation.

Such reports shall be made available to Federal, State, and local government agencies concerned with safety at production or utilization facilities licensed by the Agency under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134). Upon request, such reports shall be made available to other interested persons.

(k) The Board is authorized to establish rules, procedures, or other appropriate guidance governing the operations of the Board and the conduct of Board investigations.

SEC. 144. There shall be transferred to the Board such offices of the Agency, or functions, powers, or duties of such offices, as the Administrator may determine are properly related to the functions of the Board and will further the purposes of this Act, except that there shall not be transferred to the Board any program operating responsibilities.

SEC. 145. (a) There are hereby authorized to be appropriated for each of the fiscal years 1988, 1989, 1990, 1991, 1992, and 1993 the sum of $5,500,000.

(b) The Board shall terminate at the end of fiscal year 1993.

Subtitle E—Separability

SEC. 151. If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Subtitle F—Effective Date

SEC. 161. This Title and the amendments made by this Title shall take effect on such date during the 6-month period beginning on January 21, 1989, as the President may direct in an Executive Order. If the President fails to issue an Executive Order for the purpose of this section, this Title and such amendments shall take effect on July 21, 1989.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1988 AND 1989

SEC. 201. There are hereby authorized to be appropriated to the Nuclear Safety Agency in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, for the fiscal years 1988 and 1989 to remain available until expended, $427,800,000 for fiscal year 1988 and $450,000,000 for fiscal year 1989.

Section 202.(a)(1) The sums authorized to be appropriated in this Title for fiscal year 1988 shall be allocated as follows:

(A) not more than $154,460,000 for fiscal year 1988 may be used for "Nuclear Reactor Regulation";

(B) not more than $46,955,000 for fiscal year 1988 may be used for "Nuclear Material Safety and Safeguards";

(C) not more than $132,396,000 for fiscal year 1988 may be used for "Nuclear Regulatory Research";

(D) not more than $53,084,000 for fiscal year 1988 may be used for "Program Technical Support"; and

(E) not more than $41,905,000 for fiscal year 1988 may be used for "Program Direction and Administration".

(2) The sums authorized to be appropriated in this Title for fiscal year 1989 shall be allocated as follows:

(A) not more than $151,622,000 for fiscal year 1989 may be used for "Reactor Safety and Safeguards Regulation";

(B) not more than $137,117,000 for fiscal year 1989 may be used for "Nuclear Safety Research";

(C) not more than $30,586,000 for fiscal year 1989 may be used for "Nuclear Material Safety and Safeguards Regulation";

(D) not more than $22,394,000 for fiscal year 1989 may be used for "Nuclear Waste Regulation";

(E) not more than $40,965,000 for fiscal year 1989 may be used for "Special and Independent Reviews, Investigations and Enforcement"; and

(F) not more than $67,316,000 for fiscal year 1989 may be used for "Nuclear Safety Management and Support".

(b) The Nuclear Safety Agency may use not more than 1 per centum of the amounts authorized to be appropriated under paragraph 202(a)(1)(C) and 202(a)(2)(B) to exercise its authority under section 31a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such paragraph. Grants made by the Administrator shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 *et seq.*) and other applicable law.

(c) Any amount appropriated for a fiscal year to the Nuclear Safety Agency pursuant to any paragraph of subsection 202(a) or pursuant to section 145(a) of this Act for purposes of the program referred to in such paragraph or section may be reallocated by the Administrator for use in a program referred to in any other paragraph of such subsection, or for use in any other activity within a program, except that the amount available from appropriations for such fiscal year for use in any program or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than $500,000 unless—

(1) a period of thirty calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) passes after the receipt by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Administrator containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such Committee, before the expiration of such period, transmits to the Administrator a written notification that such committee does not object to such proposed reallocation.

SEC. 203. Money received by the Nuclear Safety Agency for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended.

SEC. 204. From amounts appropriated to the Nuclear Safety Agency pursuant to this title, the Administrator may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Agency are made. Any sums so transferred may be merged with the appropriations of the agency to which such sums are transferred.

SEC. 205. Notwithstanding any other provisions of this Title, no authority to make payments under this Title shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE III—MISCELLANEOUS PROVISIONS

NOTIFICATION REQUIREMENTS FOR NONCOMPLIANCE

SEC. 301. Section 206 of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5846), is amended to read as follows:

"NONCOMPLIANCE

"SEC. 206. (a) Any firm constructing, owning, operating, or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended, or pursuant to this Act, and any individual director or responsible officer of such a firm, obtaining information reasonably indicating that such facility or activity or basic components supplied to such facility or activity—

"(1) fails to comply with the Atomic Energy Act of 1954, as amended, or any applicable rule, regulation, order, or license of the Agency relating to substantial safety hazards, or

"(2) contains a defect which could create a substantial safety hazard, as defined by regulations which the Agency shall promulgate,

shall immediately notify the Agency of such failure to comply, or of such defect, unless such firm or individual has actual knowledge that the Agency has been adequately informed of such defect or failure to comply.

"(b) The Administrator is authorized to issue such regulations and orders as may be necessary to ensure compliance with this section, including regulations and orders requiring any firm subject to this section to devise and implement procedures to identify, evaluate, and report defects.

"(c) Any firm or individual who violates any regulation or order issued under subsection (b) of this section shall be subject to a civil penalty in the same manner and amount as for violations subject to a civil penalty under section 234 of the Atomic Energy Act of 1954, as amended.

"(d) The requirements of this section shall be prominently posted on the premises of any firm subject to this section.

"(e) The Agency is authorized to conduct such reasonable inspections, investigations, and other enforcement activities as needed to ensure compliance with the provisions of this section and with any regulations and orders issued thereunder.

"(f) For purposes of this section, the term 'firm' shall have the meaning provided for the term 'person' in subsection 11 s. of the Atomic Energy Act of 1954, as amended, except that it shall include the Department of Energy to the extent that its facilities, materials, or activities are licensed by the Agency and shall not include an 'individual.' ".

DISCLOSURE OF SECURITY-RELATED SAFEGUARDS INFORMATION

SEC. 302. Section 147 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2167), is amended by inserting the following language in subsection a. before the sentence that begins "The Commission shall exercise the authority": "Paragraphs (1), (2), and (3) of this subsection shall include safeguards information contained in generic studies, reports, and analyses that would provide substantial assistance in compromising or negating any of a licensee's specific security measures or procedures to protect nuclear material or facilities, as described in subparagraphs (1), (2), and (3) of this subsection, or in targeting a licensee's vital plant equipment as described in subparagraph (3) of this subsection.".

STORAGE AND DISPOSAL OF GREATER-THAN-CLASS-C LOW-LEVEL WASTE

SEC. 303. (a) Subject to the requirements an limitations of this section, the Secretary is authorized to accept for storage low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Agency for Class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983, that is owned or generated under license or regulation of the Agency (or an Agreement State): *Provided, however,* That no such waste shall be accepted by the Secretary until the Secretary submits to Congress a comprehensive report setting forth—

(1) the options for the permanent disposal of such waste and a discussion of the actions that the Secretary intends to take to implement the preferred disposal option; and

(2) the options for ensuring that the beneficiaries of the activities resulting in the generation of such waste bear all reasonable costs of the storage and disposal of such waste and a discussion of the actions that the Secretary intends to take to implement the preferred cost recovery option.

(b) Low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Agency for Class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983, that is owned or generated under license or regulation of the Agency (or an Agreement State) shall, except as otherwise provided in subsections (c) and (d), be stored or disposed of only in a facility that is licensed by the Agency (or an Agreement State). Any storage or disposal facility for such waste that is operated by the Federal Government shall be licensed only by the Agency.

(c) Prior to the issuance of a license for a storage facility, the Agency may permit the transfer to the Secretary for storage of low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Agency for Class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983, that is owned or generated under license or regulation of the Agency (or an Agreement State), if the Agency determines in writing that such transfer is necessary to eliminate an immediate and serious threat to the public health and safety or the common defense and security.

(d)(1) Nothing in this section shall be deemed to apply to or otherwise affect any contractual obligation of the Secretary entered into on or before June 9, 1988, pursuant to which the Secretary is required to accept low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Agency for Class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983, that is owned or generated under license or regulation of the Agency (or an Agreement State).

(2) Nothing in this section shall be deemed to alter, amend, or otherwise apply to the activities of the Secretary pursuant to the West Valley Demonstration Project Act (42 U.S.C. 2021a *et seq.*).

(3) Nothing in this section shall be deemed to alter, amend, or otherwise apply to the activities of the Secretary specificically authorized pursuant to the Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy Concerning the Removal and Disposition of Solid Nuclear Wastes from Cleanup of the Three Mile Island Unit 2 Nuclear Plant (46 Federal Register 38614, July 28, 1981), as amended by the Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy Concerning the Removal and Disposition of Solid Nuclear Wastes from Cleanup of the Three Mile Island Unit 2 Nuclear Plant (47 Federal Register 16229, April 15, 1982).

(4) Nothing in this section shall be deemed to alter, amend, or otherwise apply to the activities of the Secretary pursuant to the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C 10101 *et seq.*).

(5) Nothing in this section shall be deemed to alter, amend, or otherwise affect the responsibility of States or compacts pursuant to the Low Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b *et seq.*).

(6) Nothing in this section shall be deemed to alter, amend, or otherwise apply to low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Agency for Class C. radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983, that is owned or generated under license or regulation of the Agency (or an Agreement State) and that is classified for national security purposes pursuant to the Atomic Energy Act of 1954, as amended.

QUARTERLY REPORT ON IMPLEMENTATION OF THE NUCLEAR WASTE POLICY ACT

SEC. 304. The Administrator shall submit to the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate each quarter a report on the status of the Agency's implementation of the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C. 10101 *et seq.*). Such report shall include a detailed summary of—

(a) the activities of the Agency during such quarter;

(b) the funds expended during such quarter;

(c) all interactions with the Department of Energy with regard to implementation of the Act, including Agency communications, recommendations, and other activities regarding the development of a repository pursuant to title I of such Act; and

(d) the technical issues that relate to the licensability of any candidate site under consideration for development as a repository and any activities undertaken by the Agency during such quarter with respect to such issues.

REGULATIONS FOR FITNESS FOR DUTY

SEC. 305. (a) The Administrator, within nine months after the date of enactment of this section, shall prescribe regulations which require licensees holding a license for a production or utilization facility under section 103 or 104 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2133, 2134) to establish a program, consistent with the provisions of subsections (b) and (c) of this section, for the testing of those persons employed by such licensee who are responsible for safety-sensitive functions (as determined by the Administrator) for the use, without lawful authorization, of alcohol or controlled substances.

(b) The Administrator shall require that any program established by a licensee pursuant to the provisions of this section include preemployment, periodic recurring, random, and post-incident testing and testing upon a reasonable suspicion that such person has used, without lawful authorization, alcohol or a controlled substance.

(c) In establishing the program required under subsection (a) of this section, the Administrator shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures, incorporate the Department of Health and Human Services scientific and technical guidelines dated February 13, 1987, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory drug testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of drug tests and strict procedures governing the chain of custody of specimens collected for drug testing;

(B) specify the drugs for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform drug testing in carrying out this section;

(3) provide that all tests which indicate the use, without lawful authorization, of alcohol or a controlled substance by an individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(4) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(5) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

(6) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(d) Each licensee required to establish and maintain a program for the testing of employees pursuant to the provisions of this section shall also establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of employees subject to the provisions of this section in need of assistance in resolving problems with the use, without lawful authorization, of alcohol or controlled substances. Each such licensee is encouraged to make such program available to all of its employees other than the employees subject to the provisions of this section. Nothing in this subsection shall preclude any licensee from establishing a program under this subsection in cooperation with any other licensee.

(e) No State or local government shall adopt or put into effect any law, rule, regulation, ordinance, standard or order that is inconsistent with the regulations promulgated under this section, except that the regulations promulgated under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury or damage to property, whether the provisions apply specifically to employees of a licensee or to the general public.

(f) If any provision of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

WEST CHICAGO THORIUM TAILINGS SITE

SEC. 306. The Nuclear Safety Agency may not designate a permanent disposal site for low-level nuclear wastes at Ann and Factory Streets in West Chicago, Illinois, until the Agency has studied alternative sites to determine the safest site available to store such wastes.

McCLURE (AND SIMPSON) AMENDMENT NO. 2816

Mr. MCCLURE (for himself and Mr. SIMPSON) proposed an amendment to the bill S. 2443, supra; as follows:

At the end of the bill, add the following new section:

"SEC. . Within one year after the date of enactment of this Act, the Administrator shall, pursuant to authority under existing law, issue a proposed rule, consistent with the public health and safety, providing for standardized nuclear power plant designs. Nothing herein is intended to affect any ongoing licensing proceeding regarding the issuance of a license for a commercial nuclear power plant under section 103 of the Atomic Energy Act of 1954, as amended.".

FORD (AND OTHERS) AMENDMENT NO. 2817

Mr. FORD (for himself, Mr. JOHNSTON, Mr. MCCLURE, Mr. SIMPSON, Mr. WALLOP, Mr. GARN, Mr. HATCH, and Mr. BINGAMAN).

At the end of the bill add the following:

"TITLE IV—URANIUM

"Subtitle A—Short Title, Definitions, and Savings Provision

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1988.'

"SEC. 402. DEFINITIONS.

"For purposes of subtitles A, B, and C of this title—

"(1) the term 'active site' means—

"(A) any uranium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium derived from ore—

"(i) was in effect on January 1, 1978;

"(ii) was issued or renewed after January 1, 1978; or

"(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

"(B) any other real property or improvement on such real property that is determined by the Commission to be—

"(i) in the vicinity of such site; and

"(ii) contaminated with residual byproduct material;

"(2) the term 'active thorium site' means—

"(A) any thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any thorium derived from ore—

"(i) was in effect on January 1, 1978;

"(ii) was issued or renewed after January 1, 1978; or

"(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

"(B) any other real property or improvement on such real property that is determined by the Secretary to be—

"(i) in the vicinity of such site; and

"(ii) contaminated with residual byproduct material;

"(3) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

"(4) the term 'byproduct material' has the meaning given such term in section 11(e)(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

"(5) the term 'civilian nuclear power reactor' means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 US.C. 2133);

"(6) the term 'Commission' means the Nuclear Regulatory Commission;

"(7) the term 'Corporation' means the United States Enrichment Corporation established in subtitle D of this title;

"(8) the term 'Department' means the Department of Energy;

"(9) the term 'domestic uranium' means any uranium that has been mined in the United States including uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in-situ recovery, leaching and ion recovery, or recovered from phosphoric acid manufactured in the United States;

"(10) the term 'domestic uranium producer' means a person or entity who produces domestic uranium and who has, to the extent required by State and Federal agencies having jurisdiction, licenses and permits for the operation, decontamination, decommissioning, and reclamation of sites, structures and equipment.

"(11) the term 'enrichment tails' means uranium in which the quantity of the U235 isotope has been depleted in the enrichment process.

"(12) the term 'overfeeding' means the use of natural uranium from stockpiles or inventories to produce enriched uranium when—

"(A) an enrichment services customer supplies less natural uranium than the amount actually used to produce its enriched uranium requirements; and

"(B) for purposes of achieving efficient operation of enrichment facilities, natural uranium from stockpiles or inventories is used to satisfy the shortfall in natural uranium supplied by such customer;

"(13) the term 'pre-production of enriched uranium' means the use at a given point in time of natural uranium from stockpiles or inventories to produce enriched uranium in excess of amounts required to satisfy then current obligations to provide enrichment services;

"(14) the term 'reclamation, decommissioning and other remedial action' includes long- and short-term monitoring, except for the purpose of determining the date when reclamation, decommissioning and other remedial action is complete for the purpose of making refunds under section 422. Such term shall include mill decommissioning only if the owner or licensee of an active site elects to make the contributions provided for in section 412(b)(1)(C);

"(15) the term 'Secretary' means the Secretary of Energy;

"(16) the terms 'source material' and 'special nuclear material' have the meanings given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

"(17) the term 'tailings' means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

"Subtitle B—Uranium Revitalization

"SEC. 410. REPEAL OF SECTIONS 161v. AND 170B.

"Sections 161v. and 170B of the Atomic Energy Act of 1954, as amended, are repealed and the remaining sections are relettered accordingly.

"SEC. 411. URANIUM REVITALIZATION FUND.

"(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a separate fund, to be known as the Uranium Revitalization Fund (referred to in subtitles A, B, and C of this title as the 'Fund'). The Fund shall consist of—

"(1) all contributions to the Fund from the States in which active sites are located as provided in section 412(a);

"(2) all contributions to the Fund from owners or licensees of active sites as provided in section 412(b);

"(3) all contributions to the Fund by the Corporation as provided in section 412(c);

"(4) all fees received from owners or operators of civilian nuclear power reactors as provided in section 412(d); and

"(5) all interest earned on sums in the Fund.

"(b) USE OF FUND.—The Secretary shall make expenditures and reimbursements from the Fund only in accordance with subtitles B and C of this title.

"(c) ADMINISTRATION OF THE FUND.—(1) The Secretary of the Treasury, after consultation with the Secretary, shall annually submit to the Congress a report on the financial condition and operation of the Fund during the preceding fiscal year.

"(2) The Secretary shall submit the budget of the Fund to the Office of Management and Budget annually along with the budget of the Department in accordance with chapter 11 of title 31, United States Code. The budget of the Fund shall consist of the estimates made by the Secretary of receipts by expenditures and reimbursements from the Fund and other relevant financial matters for the succeeding three final years, and shall be included in the Budget of the United States Government.

"(3) If the Secretary determines that the Fund contains at any time amounts in excess of current needs, the Secretary shall request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

"(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund; and

"(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

"(4) Receipts, proceeds, and recoveries realized by the Secretary for the Fund under this title, and expenditures and reimbursements of amounts from the Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(5) Receipts, proceeds and recoveries realized by the Secretary under this title shall be deposited in the Fund and shall be available until expended without further appropriations. For fiscal year 1989, total expenditures from the Fund shall not exceed total receipts, proceeds and recoveries.

"SEC. 412. CONTRIBUTIONS TO THE FUND.

"(a) CONTRIBUTIONS BY STATES CONTAINING ACTIVE SITES.—"Each State containing an active site or sites may contribute from non-Federal funds to the Treasury of the United States to be deposited in the Fund the sum of $0.10 for each dry ton of tailings at an active site within such State listed in section 420(d)(1) whose owner or licensee has elected to participate in reclamation, decommissioning and other remedial action through the Fund as determined under section 421.

"(2) Such payment shall be made in five equal annual installments commencing January 1, 1990.

"(3) If any State containing an active site or sites, whose owner or licensee has elected to participate in reclamation, decommissioning and other remedial action through the Fund, fails or refuses to make the contributions, or any portion thereof, such failure or refusal shall not affect the right of the owner or licensee of an active site in such State to participate in reclamation, decommissioning and other remedial action through the Fund.

"(b) CONTRIBUTIONS BY OWNERS OR LICENSEES OF ACTIVE SITES.—

"(1) Each owner or licensee of an active site listed in section 420(d)(1) who elects to participate in reclamation, decommissioning and other remedial action, through the Fund shall contribute to the Treasury of the United States, to be deposited in the Fund, for each such site as to which it is the owner or licensee

"(A) $2,000,000 per site, of which,

"(i) $1,000,000 shall be contributed on or before January 31, 1990; and

"(ii) $1,000,000 shall be contributed on or before January 31, 1991;

"(B) $1 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of the Act, of which—

"(i) $0.50 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of this Act, shall be contributed on or before January 31, 1992; and

"(ii) $0.50 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of this Act, shall be contributed on or before January 31, 1993; and

"(C) an additional $500,000 to be paid on or before January 31, 1994 if the owner or licensee elects to decommission the mill at such site as a part of the reclamation, decommissioning and other remedial action.

"(c) CONTRIBUTIONS BY THE CORPORATION.—The Corporation shall contribute to the Treasury of the United States, to be deposited in the Fund, the total of $450 million. The sum of $90 million shall be deposited in the Fund on December 15, 1989 and the remaining $360 million deposited in the Fund in equal annual installments beginning December 15, 1990 and each December 15 thereafter through December 15, 1993.

"(d) CONTRIBUTIONS BY LICENSEES OF CIVILIAN NUCLEAR POWER REACTORS.—(1) Licensees for civilian nuclear power reactors shall contribute to the Treasury of the United States, to be deposited in the Fund, the sum of $1 billion. The contribution shall be derived from a fee of $72.00 per kilogram of uranium contained in fuel assemblies initially loaded into each civilian nuclear power reactor during each of the calendar years beginning with January 1, 1988 and paid until the $1 billion is contributed to the Fund. In the year that the $72 per kilogram fee would result in the total contribution to the Fund exceeding $1 billion, the fee for that year shall be reduced on a pro-rata basis to each licensee so that the total contribution to the Fund under this section will not exceed $1 billion.

"(2) The $72 per kilogram fee provided under paragraph (1) shall apply to fuel on its initial loading into the reactor and not to previously loaded fuel being loaded again; Provided, That the fee shall only be charged for one-third of the total kilograms of uranium contained in the first core loading of a new reactor. In calculating the total annual obligation by a licensee, fuel loaded in loadings during refueling outages that begin in one calendar year and are completed in the subsequent year may be deemed to have occurred in either year but not both. Fees paid pursuant to paragraph (1) shall be considered as a component of fuel cost for accounting and regulatory purposes.

"(3) The fee from each user so affected will be due on January 31 the following year with the first such payment due on January 31, 1989.

"(4) The contribution of this fee shall constitute the total obligation of licensees of civilian nuclear power reactors for uranium revitalization and mill tailings reclamation, except to the extent that a licensee of a civilian nuclear power reactor may be the owner or licensee of a uranium mill or as provided by contract executed prior to the effective date of this Act.

"(5) Not later than ninety days after the date of enactment of this Act the Secretary shall establish procedures for the collection and payment of the fee established by this subtitle.

"SEC. 413. MAINTENANCE OF FUND BALANCE.

"The Secretary shall manage expenditures and disbursements from the Fund such that it never is in a deficit on a cash basis. Priority of expenditures and disbursements from the Fund shall be given to the purchase of domestic uranium under Sections 414 and 415 of this title. Reimbursements to owners or licensees of active sites for reclamation, decommissioning and other remedial action may be delayed until receipts allow disbursements. In such cases, owners or licensees of active sites will be treated pro-rata where only partial reimbursements can be made.

"SEC. 414. EARLY PURCHASE PROGRAM.

"(a) The Secretary shall obligate from the Fund the sum of $80 million dollars in approximately equal quarterly installments in calendar year 1989 to purchase domestic uranium from small domestic uranium producers.

"(b) The purchase process shall be accomplished using the same competitive bidding system as established in subsections (c) and (d) of section 415.

"(c) For the purpose of this section, a small domestic uranium producer is a domestic uranium producer with net assets of less than $200 million as of the date bids are submitted. The net assets of a domestic producer shall be determined in conformity with generally accepted accounting principles on a consolidated basis and shall include the assets and liabilities of affiliated companies, as determined in the manner the Secretary provides in regulations. The domestic uranium producer shall certify that it is an eligible small domestic uranium producer, as defined in such regulations, as of the date bids are submitted.

"(d) The domestic uranium delivered under this section shall be:

"(1) domestic uranium actually produced by the small domestic uranium producer after the enactment of this Act, or

"(2) domestic uranium actually produced by the small domestic uranium producer before the enactment of this Act and held by it without sale, transfer or redesignation of the national origin of such uranium on a DOE/NRC form 741.

"(e) In the event that the $80 million provided for purchases of domestic uranium under this section is not fully obligated, any amounts remaining shall be used for purchases of domestic uranium under section 415 of this title. Such amounts shall be in addition to the amounts provided in section 415.

"SEC. 415. DEMAND ENHANCEMENT.

"(a) COMMITMENT.—The Secretary shall obligate from the Fund the following amounts per calendar year to purchase domestic uranium:

Calendar year:	*Expenditures*
1989 (fourth quarter)	$80,000,000
1990	150,000,000
1991	140,000,000
1992	130,000,000
1993	120,000,000
1994	50,000,000

"(b) TIMING OF SOLICITATIONS OF BIDS TO SELL.—Solicitations of bids to sell domestic uranium under this section shall begin on October 15, 1989 and shall be made quarterly so as to obligate approximately equal amounts out of each annual amount provided in subsection (a).

"(c) DELIVERIES.—Deliveries of the domestic uranium purchased by the Secretary shall be made in accordance with customary uranium industry practice to locations specified by the Corporation through the Secretary, and payment shall be made within thirty days after delivery.

"(d) COMPETITION.—Purchases of domestic uranium by the Secretary shall be accomplished using a competitive bidding system. The Secretary shall implement a bidding system which the Secretary determines to be appropriate. Purchases of domestic uranium by the Secretary shall be restricted to quantities deliverable within not more than twelve months of the contract award.

"(e) ELIGIBLE BIDS.

"(1) Bidding shall be restricted to domestic uranium meeting one or more of the following criteria:

"(A) domestic uranium actually produced by a domestic uranium producer after the enactment of this Act;

"(B) domestic uranium actually produced by a domestic uranium producer before the enactment of this Act and held by it without sale, transfer or redesignation of the origin of such uranium on a DOE/NRC form 741;

"(C) domestic uranium returned to a domestic uranium producer pursuant to the settlement or final order of a lawsuit initiated prior to May 26, 1988; or

"(D) domestic uranium purchased by a domestic producer prior to January 1, 1988, to the extent that an equal amount of domestic uranium has been produced by such producer after January 1, 1988.

"(2) Contract awards under this section shall be limited to one million pounds of domestic uranium per domestic uranium producer per calendar year, subject to waiver if in the judgment of the Secretary it appears unlikely that the entire amount provided during a calendar year by subsection (a) will be obligated during the calendar year.

"(3) In the event that the entire amount provided during a calendar year by subsection (a) is not obligated during that calendar year, the unobligated balance shall be carried forward and added to subsequent monthly purchase obligations until the total amount of the Fund available for domestic purchases is expended.

"(4) Domestic producers that submit bids under this section or section 414 shall certify that the uranium to be delivered is eligible under paragraph (1) or subsection 414(d) as appropriate. The Secretary may impose penalties up to three times the bid price against any person or entity that knowingly submits a false certification.

"SEC. 416. PROMOTION OF EXPORT OF DOMESTIC ORIGIN URANIUM.

"(a) ENCOURAGE EXPORT.—The Department, with the cooperation of the Department of Commerce, the United States Trade

Representative and other governmental organizations, shall encourage the export of domestic uranium.

"(b) IMPLEMENTATION.—Within one hundred and eighty days of the date of the enactment of this Act, the Secretary shall develop recommendations and implement government programs to promote the export of domestic uranium. The Secretary shall report annually to the Senate Committee on Energy and Natural Resources and the appropriate House Committees on the progress of government programs to promote the export of domestic uranium.

"SEC. 417. CERTIFICATION.

"(a) REACTORS.—The owner or operator of any civilian nuclear power reactor shall certify to the Secretary by January 31 of each year beginning January 31, 1989, and ending when the $1 billion has been contributed to the Fund as specified in section 412(d)(1), the total weight of uranium in new fuel assemblies loaded during such year.

"SEC. 418. OWNERSHIP OF PURCHASED URANIUM AND RESTRICTIONS ON USE OF URANIUM AND ENRICHMENT TAILS.

"(a) GOVERNMENT URANIUM.—The use of natural uranium contained in stockpiles or inventories owned by the Department as of the date of enactment of this title, including its agencies and instrumentalities, shall be restricted to military purposes, Government research, working inventory for purposes of enrichment, overfeeding and preproduction of enriched uranium by the Corporation. In no event shall such use decrease the demand for natural uranium by United States utilities in comparison to the demand that would exist in the absence of such use. The United States, its agencies and instrumentalities shall not sell natural uranium contained in stockpiles or inventories owned by the Department as of the date of enactment of this title.

"(b) URANIUM PURCHASES UNDER THIS SUBTITLE.—All natural uranium purchased under section 414 and 415 of this subtitle shall be the property of the Corporation without need for payment other than the contribution required under section 412(c). The use of such uranium shall be restricted to overfeeding and preproduction of enriched uranium by the Corporation. In no event shall such use decrease the demand for natural uranium by United States utilities in comparison to the demand that would exist in the absence of such use.

"(c) ENRICHEMENT TAILS.—The Corporation may use or recycle available enrichment tails only for military purposes or for purposes of replacing uranium provided by the Corporation's entrichment customers which was previously used in overfeeding. In no event shall the Corporation or the Federal government use or recycle enrichment tails in such a manner as to decrease the demand for natural uranium by States utilities in comparison to the demand that would exist in the absence of such use or recycling.

"SEC. 419. SECRETARY'S AUTHORITY TO MAKE REGULATIONS.

The Secretary shall issue appropriate regulations to accomplish the purposes of this subtitle.

"Subtitle C—Remedial Action Performed by the Owner or Licensee of Active Sites

"SEC. 420. REMEDIAL ACTION.

"(a) IN GENERAL.—The owner or licensee of an active site shall select and perform reclamation, decommissioning, and other remedial actions, at active sites.

"(b) REMEDIAL ACTION TO BE PERFORMED IN ACCORDANCE WITH APPLICABLE STANDARDS.—Any reclamation, decommisioning or other remedial action performed under subsection (a) by an owner or licensee shall comply with all applicable requirements established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021).

"(c) COSTS OF REMEDIAL ACTION TO BE PAID FROM URANIUM REVITALIZATION FUND.—The costs incurred by the owner or licensee who has elected to participate under section 421 for reclamation, decommissioning and other remedial action, performed by the owner or licensee under this subtitle shall be reimbursed under section 422, 423, and 424 from the Fund estblished in section 411.

"(d) LIST OF SITES AND TAILING DETERMINATION—

"(1) The following active sites qualify for reimbursement from the Fund in accordance with the terms of this subtitle:

Estimated tons of mill tailings July 1, 1985

Site:	
Cotter—Cannon City Mill, Cannon City, CO	2,200,000
UMETCO—Uravan Mill, Uravan, CO	10,300,000
Sohio Western—L-Bar Mill, Seboyeta, NM	2,100,000
United Nuclear—Churchrock Mill, Churchrock, NM	3,500,000
Anaconda—Bluewater Mill, Grants, NM	23,600,000
Quivera Mining—Ambrosia Lake Mill, Grants, NM	33,000,000
Homestake—Grants Mill, Grants, NM	21,800,000
Conoco—Pioneer Nuclear, Conquista Project, Falls City, TX	8,800,000
Chevron Resources—Panna Maria Mill, Hobson, TX	4,600,000
Exxon—Felder Facility, Three Rivers, Texas	400,000
Rio Algom—Lisbon Mill, Moab, UT	3,000,000
Atlas—Moab Mill, Moab, UT	10,500,000
Dawn—Ford Mill, Ford, WA	3,000,000
Western Nuclear—Sherwood Mill, Wellpinit, WA	2,900,000
American Nuclear—Gas Hills Mills, Riverton, WY	5,900,000
Pathfinder—Lucky McMill, Riverton, WY	9,500,000
Western Nuclear—Split Rock Mill, Jeffrey City, WY	7,700,000
UMETCO—East Gas Hills Mill, Riverton, WY	9,200,000
Exxon—Highland Mill, Douglas, WY	7,200,000
Rocky Mountain Energy—Bear Creek Mill, Douglas, WY	5,000,000
Pathfinder—Shirley Basin Mill, Shirley Basin, WY	5,800,000
Petrotomics—Shirley Basin Mill, Shirley Basin, WY	6,300,000
Energy Fuels/UMETCO—White Mesa Mill, Blanding, UT	1,900,000
Minerals Exploration—Red Desert, Rawlins, WY	1,000,000
UMETCO—Maybell, Maybell, CO	2,000,000
Tennessee Valley Authority, Edgemont, SD	2,000,000

"(2) Within one hundred and eighty days of the date of enactment of this title the Secretary shall determine the actual amounts of mill tailings at each of the active sites listed in paragraph (1) on the date of enactment of this title.

"(3) No reimbursement under this subtitle shall be made for the reclamation, decommissioning and other remedial action performed for an active site not listed in paragraph (1) or for reclamation, decommissioning and other remedial action of mill tailings at a listed active site in excess of the actual amount of tailings determined by the Secretary under paragraph (2).

"SEC. 421. ELECTION TO PARTICIPATE.

"The owner or licensee of an active site listed in section 420(d)(1) may elect to perform reclamation, decommissioning and other remedial action through the Fund and be entitled to receive reimbursement under this subtitle for the cost incurred by such owner or licensee for reclamation, decommissioning and other remedial action performed in connection with the owner's or licensee's active site by notifying the Secretary of such election on or before January 1, 1990. If an owner or licensee makes an election to participate, the notice shall specify whether the owner or licensee elects to have decommissioning undertaken pursuant to the Fund. Such election to participate or not to participate shall be irrevocable.

"SEC. 422. REIMBURSEMENT OF COSTS INCURRED FOR RECLAMATION, DECOMMISSIONING OR OTHER REMEDIAL ACTION FROM FUND.

"(a) IN GENERAL.—The Secretary shall make reimbursement from the Fund to the owner or licensee of an active site listed in section 420(d)(1) who has elected to participate as provided in section 421, the costs incurred by such owner or licensee for the reclamation, decommissioning and other remedial actions in connection with such site as follows:

"(1) From the contributions made to the Fund by the Corporation as provided in section 412(c), by the States as provided in section 412(a), and by the licensees of civilian nuclear power reactors as provided in section 412(d), plus the interest earned upon such contributions, the owner or licensee of an active site shall be reimbursed an amount equal to two-thirds of the total cost of reclamation, decommissioning, and other remedial action at such site.

"(2)(A) From the contributions made by the owner or licensee of such active site plus the interest earned thereon, such owner or licensee shall be reimbursed one-third of the cost of reclamation, decommissioning and other action at such site.

"(B) Notwithstanding (A), if the contributions made by the owner or licensee of such active site plus interest earned thereon exceed one-third of the cost of reclamation, decommissioning and other remedial action at such site, such excess shall be refunded to such owner or licensee. The payment of such excess shall be considered a refund and not reimbursement. If the contributions made or to be made by the owner or operator of such active site, plus interest earned thereon, is less than one-third of the cost of reclamation, decommissioning and other remedial action at such site, then the amount by which one-third of the cost of reclamation, decommissioning and other remedial action at such site exceeds the amount of contributions made by the owner or licensee of such active site plus interest earned thereon, shall be borne by the owner or licensee thereof.

"(3) Notwithstanding paragraphs (1) and (2), the owner or licensee of an active site shall also bear, and not be reimbursed for, any amount by which the cost of reclamation, decommissioning and other remedial action at such site exceeds a sum equal to $4.50 multiplied by the dry tons of tailings at such site as determined under section 420(d)(2).

"(4) Before an owner or licensee of an active site elects to participate as provided in Section 421, the owner or licensee shall dismiss, with prejudice, any pending action it has against the United States for reclamation, decommissioning and other remedial action at active sites covered by this title, or withdraw with prejudice its participation in such an action.

"(5) The successor to the owner or licensee of an active site (ohter than the United States or agency thereof or a State as provided by law) shall be entitled to credit for contributions made by its predecessor and interest earned thereon and be entitled to receive any reimbursements or refunds.

"(b) Owner's or Licensee's Account.—The Secretary shall maintain accounts for each participating owner or licensee to reflect contributions by such owner or licensee, interest deemed earned on such contributions, reimbursements to such owner or licensee from the Fund, and the cost incurred by the owner or licensee for the reclamation, decommissioning or other remedial action in connection with such active site.

"(c) Accounts for Other Contributors to the Fund.—

"(1)(A) For the purpose of accounting, two-thirds of the costs incurred by participating owners or licensees at active sites, up to the maximum of $4.50 per dry ton of tailings at such sites as of the effective date of this Act (such two-thirds being $3 per dry ton based upon $4.50 per dry ton of tailings), shall be deemed to have been reimbursed from the Fund out of the portion of the Fund contributed:

"(i) by or on behalf of the Corporation as provided in section 412(c);

"(ii) by the States which have contributed as provided in section 412(a);

"'(iii) by the licensees of civilian nuclear power reactors as provided in section 412(d); and from interest deemed earned upon such contributions.

"(B) The Secretary shall maintain accounts for each such person or entity making contributions to the Fund, reflecting the date and amount of such contributions, and the interest deemed earned thereon.

"(2) The Secretary shall determine as of January 31, 1994, whether the amount remaining in the Fund (other than the amounts contributed by participating owners or licensees of active sites and interest deemed earned thereon) when considered with the $4.50 per dry ton limit on reimbursement exceeds the total cost reimbursable to the participating owners or licensees of active sites (other than that deemed reimbursed out of such participating owners' or licensees' contributions and interest deemed earned thereon or to be borne by owners or licensees), where reclamation, decommissioning and other remedial action has not been completed.

"(3) If the Secretary determines there is an excess, then the excess shall be refunded as set forth in subsection (d); Provided, however, that no amounts contributed to the Fund by the participating owners or licensees of active sites and interest deemed earned thereon shall be refunded to any person or entity other than the owner or licensee making such contribution, or their successors or assigns.

"(d) Refunds to Certain Contributors.—The Secretrary shall make a determination annually after January 31, 1994, whether an excess as calculated pursuant to subsection (c) exists in the Fund. If, as of January 31, 1994, and each January 31 thereafter, the Secretary determines that the Fund contains an excess as calculated in subsection (c), then the Secretary shall refund or use the excess in the following order:

"(1) the Secretary shall refund the excess to the States which have made contributions to the Fund as provided in section 412(a), until such States have been refunded the full amount of their contributions;

"(2) up to $100 million shall be used for the purchase of domestic uranium as described in section 415; and

"(3) the remaining excess, if any, shall be refunded to the licensees of civilian power reactors.

"(e) Interest Deemed Earned.—For the purposes of this subtitle, the contributions made by any person or entity shall be deemed to have earned interest annually on the contribution from the date made. The appropriate interest rate for each year shall be determined by the Secretary, taking into consideration the average market yield on outstanding marketable obligations of the United States with one year maturity during the year for which calculation is being made; Provided, however, that contributions made by any participating owners or licensees of active sites shall be deemed to bear interest during any such year only to the extent that the contributions made by such owner or licensee exceed one-third of the costs reimbursed out of the Fund to such owner or licensee up to such time.

"SEC. 423. LIMITATION OF REIMBURSEMENT.

"(a) $4.50 Per Ton Limit.—The total reimbursement from the Fund to the owner or licensee of an active site shall not exceed an amount equal to $4.50 multiplied by the dry tons of tailings located at the site as of the effective date of this subtitle, as determined in accordance with the requirements of section 420(d). Costs in excess of $4.50 per ton shall be borne by the owner or licensee of the active site on its own account outside the Fund.

"(b) Inflation Escalation Index.—The $4.50 per dry ton multiplier provided in subsection (a) shall be increased annually based upon an inflation escalation index. The Secretary shall determine the appropriate index to apply.

"SEC. 424. TAILINGS GENERATED AFTER THE DATE OF THE ENACTMENT OF THE TITLE.

"(a) In General.—An owner or licensee of an active site who has elected to participate pursuant to section 420 shall be entitled to reimbursement from the Fund to the limits provided, for the costs incurred for the reclamation, decommissioning and other remedial action in connection with such active site on the basis of tailings existing at such active site as of the date of enactment of this title. The participating owner or licensee of an active site shall be responsible on its own account outside the Fund for the costs incurred for the reclamation, decommissioning and other remedial action associated with tailings generated at such active site after the date of the enactment of this title.

"(b) Active Sites Containing Tailings Generated Before and After the Date of Enactment of This Title.—If an active site whose owner or licensee has elected to participate contains tailings generated both before and after the date of the enactment of this title, then it shall be assumed that the costs incurred by the owner or licensee for the reclamation, decommissioning and other remedial action in connection with such site were incurred pro-rata based upon the dry tons of tailings generated before and after the date of the enactment as determined on the basis of the Secretary's findings under section 420(d)(2), unless the Secretary determines that the costs incurred in connection with the tailings generated after the date were less than would result from the pro-rata formula, in which event such lower amount shall be used for the purpose hereof.

"SEC. 425. THORIKUM SITES.

"(a) In General.—The cost of reclamation, decommissioning, and other remedial action at active thorium sites shall be borne by the licensee or owner, subject to reimbursement by the United States for a portion of the costs at any such sites if tailings at the site were generated as an incident of sales to the United States or any of its agencies and instrumentalities. The portion of the costs to be allocated to the United States shall be determined by the ratio of the volume of tailings that were generated as an incident of sales to the United States, or any of its agencies and instrumentalities, to the total volume of tailings at the site. Owners or licensees shall decide by January 1, 1989, whether they have tailings subject to Federal reimbursement and so notify the Secretary. Subject to such notification and confirmation of the existence of tailings eligible for reimbursement as described above, the Secretary shall enter into an cooperative agreement with the owner or licensee of the site providing for the payment by the United States of its portion of the cost of reclamation, decommissioning and other remedial action.,

"(b) Authorization of Appropriations.—For the purpose of carrying out the provisions of this section, such funds as necessary are hereby authorized to be appropriated.

"SEC. 426. INTEREST ON COSTS INCURRED.

"Reimbursement from the Fund for costs incurred shall include interest at the rate provided in section 422(e) on costs incurred by the participating owner or licensee of an active site from the date a statement for reimbursement of such cost is submitted by the owner or licensee to the Secretary until reimbursement for such cost is made from the Fund.

"SEC. 427. LIMITATION OF FINANCIAL OBLIGATIONS.

"The contributions made and work performed by the owners or licensees of the active sites shall be the sole liability and obligation imposed under Federal laws in connection with the reclamation, decommissioning and other remedial action at active uranium and thorium sites; Provided, however, that nothing herein contained shall affect the obligation of every owner or licensee to provide for such long-term care or other reclamation requirements (including financial requirements) as are provided in the Uranium Mill Tailings Radiation Control Act of 1978, as amended, the regulations of the Commission thereunder, and the regulations of the Environmental Protection Agency thereunder. The financial requirements provided in the Commission's regulations under the Uranium Mill Tailings Radiation Control Act of 1978, as amended, as of the date of enactment of this Act shall remain in effect until the Commission has promulgated regulations implementing this subtitle.

"SEC. 428. RECLAMATION ALREADY UNDERTAKEN.

"The owner or licensee of a participating active site who has undertaken reclamation, decommissioning or other remedial action at such site prior to the date of the enactment of this title shall be entitled to reimbursement for the cost thereof as if the work was done after such date if such work, including disposal work, was accomplished in order to comply with the standards under section 420(b). The timing of such reimbursement shall be subject to the management of the Fund as specified in section 413. An owner or licensee of an active site which has elected to participate in the Fund and has performed reclamation work prior to the effective date of enactment of this Act may have any sums to which it is entitled to be reimbursed credited against any sums it is required to contribute. The Commission shall determine whether work performed at a site prior to the enactment of this title was accomplished in order to comply with the standards under section 420(b) and advise the Secretary accordingly.

"SEC. 429. SECRETARY'S AUTHORITY TO MAKE REGULATIONS AND REIMBURSEMENTS.

"The Secretary shall adopt and issue appropriate regulations to accomplish the purposes of this title and shall review statements by participating owners or licensees for reimbursement from the Fund of costs incurred for reclamation, decommissioning and other remedial actions. Any such statement for reimbursement found appropriate shall be approved by the Secretary and reimbursement therefore shall be made from the Fund.

"SEC. 429. A. STANDARDS AND INSTRUCTIONS FOR BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS, INCLUDING OR OTHER PERFORMANCE BONDS.

Section 161x. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201x.), is amended by inserting after the word 'ensure' in the matter preceding paragraph (1) a comma and the following: 'for the share of costs for which the licensee is responsible'.

Subtitle D—United States Enrichment Corporation

"SEC. 430. REDIRECTION OF THE URANIUM ENRICHMENT ENTERPRISE OF THE UNITED STATES.

"The Atomic Energy Act of 1954, as amended (42 U.S.C. Sections 2011-2296) is further amended by—

"a. inserting at the commencement thereof after the words 'Atomic Energy Act of 1954':

"'TITLE I—ATOMIC ENERGY'; and

"b. adding at the end thereof the following:

"'TITLE II—UNITED STATES ENRICHMENT CORPORATION.

"'CHAPTER 21. FINDINGS

"'SEC. 1101. FINDINGS.—The Congress of the United States finds that:

"'a. The enrichment of uranium is essential to the national security and energy security of the United States.

"'b. A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"'c. A strong United States enrichment enterprise promotes United States nonproliferation policies by requiring accountability for United States enriched uranium.

"'d. The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"'e. The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of uranium enrichment services.

"'f. The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"'g. Flexibility is essential to adapt business operations to a competitive marketplace.

"'h. The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"'i. The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objective of ensuring the Nation's common defense and security.

"'CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION AND PURPOSES

"'SEC. 1201. DEFINITIONS.—For the purpose of this title:

"'a. The term "Secretary" means the Secretary of Energy.

"'b. The term "Department" means the Department of Energy of the United States.

"'c. The term "Administrator" means the chief executive officer of the United States Enrichment Corporation.

"'d. The term "Corporation" means the United States Enrichment Corporation.

"'e. The term "Advisory Board" means the appointed members of the official advisory panel appointed by the President pursuant to section 1503 of this title.

"'f. The term "Uranium enrichment" means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"'SEC. 1202. ESTABLISHMENT OF THE CORPORATION.—

"'a. There is hereby created a body corporate to be known as the "United States Enrichment Corporation".

"'b. The Corporation shall—

"'(1) be established as a wholly-owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. section 9101-9109), except as otherwise provided herein; and

"'(2) be an agency and instrumentality of the United States.

"'SEC. 1203. PURPOSES.—The Corporation is created for the following purposes:

"'(1) to acquire feed material for uranium enrichment, enriched uranium and the Department's uranium enrichment and related facilities;

"'(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"'(3) to market and sell enriched uranium and uranium enrichment and related services to—

"'(A) the Department for governmental purposes; and

"'(B) qualified domestic and foriegn persons;

"'(4) to conduct research and development for purposes of identifying, evaluating, improving and testing processes for uranium enrichment;

"'(5) to operate, as a continuing, commercial enterprise, on a profitable and efficient basis;

"'(6) to establish a corporate structure that is self-financing and would obviate the need for appropriations or other sources of Government financing after enactment of this title;

"'(7) to maintain a reliable and economical domestic source of enrichment services;

"'(8) to conduct its activities in a manner consistent with the health and safety of the public;

"'(9) to continue to meet the paramount objectives of ensuring the Nation's common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"'(10) to take all other lawful action in furtherance of the foregoing purposes.

"'CHAPTER 23. CORPORATE OFFICES

"'SEC. 1301. CORPORATE OFFICES.—

"'The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"'CHAPTER 24. POWERS AND DUTIES OF THE CORPORATION

"'SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—

"'The Corporation—

"'a. shall perform uranium enrichment or provide for such enrichment to be performed by others at facilities of the Corporation. The Corporation shall continue in effect contracts in existence as of the date of the enactment of this title between the Department and persons currently under contract to perform uranium enrichment at facilities of the Department;

"'b. shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"'c. may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"'(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"'(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"'(3) as otherwise authorized by law;

"'d. may, to the extent consistent with section 418 of the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1988—

"'(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium or uranium enrichment and related services; and

"'(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law; Provided, that comparable services are made available pursuant to paragraph (1);

" 'e. shall sell to the Department as provided in this title, and without regard to the provisions of 31 U.S.C. 1535, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

" 'f. may grant licenses, both exclusive and nonexclusive, for the use of patent and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporation's activities.

" 'SEC. 1402 GENERAL POWERS OF THE CORPORATION—

In order to accomplish the purposes of this title, the Corporation—

" 'a. shall have perpetual succession unless dissolved by Act of Congress;

" 'b. may adopt, alter, and use a corporate seal, which shall be judicially noticed;

" 'c. may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

" 'd. may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

" 'e. may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

" 'f. (1) may acquire, purchase, lease, and hold real and personal property including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

" '(2) purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition; Provided, that advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

" 'g. with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency, or any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

" 'h. may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

" 'i. may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly-owned Government corporations;

" 'j. notwithstanding any other provision of law, and without need for further appropriation, may use monies, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

" 'k. may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

" 'l. may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

" 'm. shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

" 'n. may define appropriate information as "Government Commercial Information" and exempt such information from mandatory release pursuant to 5 U.S.C. 552(b) (3) when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests;

" 'o. may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

" 'p. may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

" 'q. may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

" 'SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS AND REGULATIONS.—

" 'a. Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts and power purchase contracts, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

" 'b. As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title.

" 'c. Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

" 'SEC. 1404. CERTAIN PENDING LITIGATION.—

" 'The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the department in setting the terms of certain enrichment services contracts.

" 'SEC. 1405. LIABILITIES.—

" 'Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States.

" 'CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

" 'SEC. 1501. ADMINISTRATOR.—

" 'a. The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience is specially qualified to manage the Corporation; *Provided, however,* That upon enactment of this title, the President shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

" 'b. The Administrator—

" '(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

" '(2) shall serve a term of six years but may be reappointed;

" '(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

" '(4) shall have compensation determined by the President except that compensation shall not exceed Executive Level I, as prescribed in 5 U.S.C. 5312;

" '(5) shall be a citizen of the United States;

" '(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least 30 days prior to the effective date of such removal.

"c. The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and notwithstanding the provisions of 31 U.S.C. 9104(a)(4), including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"SEC. 1502. DELEGATION.—

"The Administrator may delegate to other officers or employees powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"SEC. 1503. ADVISORY BOARD.—

"There is hereby established an Advisory Board appointed by the President which shall consist of five members, one of whom shall be designated as chairman. Members of the Advisory Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Advisory Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

"a. The specific responsibilities of the Advisory Board shall be to:

"(1) review the Corporation's policies and performance and advise the Administrator on these matters; and

"(2) advise the Administrator on any other such matters concerning the Corporation as may be referred to the Advisory Board.

"b. Except for initial appointments, members of the Advisory Board shall serve five-year terms. Each member of the Advisory Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"c. Upon expiration of the initial term, each Advisory Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"d. The members of the Advisory Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"e. The Advisory Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly.

"f. The Corporation shall compensate members of the Advisory Board at a per diem rate equivalent to Executive Level III, as defined in 5 U.S.C. 5314, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Advisory Board. Any Advisory Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"g. (1) The Advisory Board shall report at least annually to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Administrator. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the President, the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"'(2) Within 90 days after the receipt of any report under this subsection the Administrator shall respond in writing to such report and provide an analysis of such recommendation of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a statement of the reasons why that recommendation will not be implemented.

"'SEC. 1504. EMPLOYEES OF THE CORPORATION.—

"'Officers and employees of the Corporation shall be officers and employees of the United States:

"'a. The Administrator shall appoint all officers, employees and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of 5 U.S.C. 5301, with compensation levels not to exceed Executive Level II, as defined in 5 U.S.C. 5313. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of 5 U.S.C. 2301(b) relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"'b. Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of any system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"'(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under 5 U.S.C. 5551, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"'(2) An employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by the employee for the Department.

"'c. This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"'d. Officers and employees of the Corporation shall be covered by chapter 73 of title 5 United States Code, relating to suitability, security and conduct.

"'e. Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation or Congress in accordance with the provisions of this title.

"'f. The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"'SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—

"'In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"'a. The Secretary, in consultation with the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following:

"'(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment; Provided, that facilities, real estate, improvements and equipment related to the Oak Ridge K-25 plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this subsection.

"'(2) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology.

"'(3) The Department's stocks of preproduced enriched uranium.

"'(4) the portion of the Department's stocks of feed materials needed for a minimum working inventory of 18,000 metric tons of uranium (MTU).

"'(A) The Department's stockpile of enrichment tails, as of the date of enactment, shall remain with the Department.

"'(B) Stocks of feed materials which remain the property of the Department under paragraph (4) shall remain in place at the enrichment plant sites. The Corporation shall have access to and use of these feed materials provided such quantities as are used are replaced, or credit given, if use by the Department is subsequently needed.

"'(5) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporation's functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

"'b. The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the Atomic Vapor Laser Isotope Separation, hereinafter referred to as 'AVLIS', technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"'c. The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented) together with the right to use or have used any processes and technical information owned or controlled by the Department.

"'d. The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which are related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"'e. The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"'Sec. 1506. Capital Structure of the Corporation.—

"'a. Upon commencement of operations of the Corporation, all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation.

"'b. (1) The Corporation shall issue capital stock representing an equity investment equal to the book value of assets transferred to the Corporation, as reported in the Uraniam Enrichment Annual Report for fiscal year 1987, modified to reflect continued depreciation and other usual changes that occur up to the date of transfer. The Secretary of the Treasury shall hold such stock for the United States; *Provided*, that all rights and duties pertaining to management of the Corporation shall remain vested in the Administrator as specified in section 1501.

"'(2) The capital stock of the Corporation shall not be sold, tranferred, or conveyed by the United States unless such disposition is specifically authorized by Federal law enacted after enactment of this title.

"'c. The Corporation shall pay into miscellaneous receipts of the Treasury of the United States or such other fund as provided by law, dividends on the capital stock, out of earnings of the Corporation, as a return on the investment represented by such stock. The Corporation shall pay such dividends out of earnings, unless there is an overriding need to retain these funds in furtherance of other corporate functions including but not limited to research and development, capital investments and establishment of case reserves.

"'d. The Corporation shall repay within a 20 year period the amount of $364,000,000 into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on 20 year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection is hereinafter referred to as the 'Initial Debt'.

"'e. Receipt by the United States of the stock issued by the Corporation (including all rights appurtenant thereto) together with repayment of the Initial Debt shall constitute the sole recovery by the United States of previously unrecovered costs that have been incurred by the United States for uranium enrichment activities prior to enactment of this title.

"'f. The Corporation shall make payments to the Uranium Revitalization Fund consisting of $90 million per year for 5 years as provided in Section 412(c) of Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1988. Of each $90 million payment, $60 million will be credited against payments owed to the Treasury on the Initial Debt.

"'Sec. 1507. Borrowing.—

"'a. (1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as 'bonds') in an amount not exceeding $2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"'(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"'(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"'(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"'b. Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine; Provided, that at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of 15 U.S.C. 78c(c).

"'c. Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section; Provided, that the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"'Sec. 1508. Pricing—

"'a. To the extent permitted by prevailing business conditions, the Corporation shall establish prices and charges for its products, materials and services that in the opinion of the Corporation will over the long term: (1) recover the costs of performing and maintaining corporate functions, including but not limited to research and development, depreciation of assets, decontamination and decommissioning, and repayment of the Initial Debt and other obligations of the Corporation; and (2) generate profits consistent with the maintenance of the Corporation as a continuing, commercial enterprise and other purposes of this title, *Provided*, That the Corporation in setting prices and charges for products, materials and services provided to the Department shall recover on a yearly basis its costs of providing such products, materials or services, without regard to prevailing business conditions and without generation of profit. Prices and other contractual terms for the provision of products, materials, or services by the Corporation shall be established without regard to the provisions of the Administrative Procedure Act, as amended.

"b. (1) In accordance with the cost responsibilities defined in paragraphs (3) and (4), the Corporation shall recover from its current customers in the prices and charges established in accordance with subsection (a), amounts that will be sufficient to pay for the costs of decommissioning and decontamination of the various property of the Corporation, including property transferred under section 1505(a). Such costs shall be based on the point in time that such decommissioning and decontamination is undertaken and accomplished.

"(2) In order to meet the objective defined in paragraph (1), the Corporation shall periodically estimate the anticipated or actual costs of decommissioning and decontamination. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including, but not limited to, any changes in applicable environmental requirements. Such estimates shall be reviewed at least every two years.

"(3) With respect to property that has been used in the production of low-assay separative work,

"(A) The cost of decommissioning and decontamination that shall be recoverable from commercial customers in prices and charges shall be in the same ratio to the total costs of decommissioning and decontaminating the property in question as the production of separative work over the life of such property for commercial customers bears to the total production of separative work over the life of such property.

"(B) All other costs of decommissioning and decontaminating such property shall be recovered in prices and charges to the Department.

"(4) With respect to property that has been used solely in the production of high-assay separative work, all costs of decommissioning and decontaminating of such property shall be recovered in prices and charges to the Department.

"SEC. 1509. AUDITS.—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of 31 U.S.C. 9105, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards appropriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files, papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"SEC. 1510. REPORTS.—

"a. The Corporation shall prepare an annual report of its activities. This report shall contain:

"(1) A general description of the Corporation's operations;

"(2) A summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends; and

"(3) Copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"b. A copy of the annual report shall be provided to the President, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than 90 days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"'SEC. 1511. CONTROL OF INFORMATION.—

"'a. The term "Commission" shall be deemed to include the Corporation wherever such term appears in section 141 and subsections a. and b. of section 142 of title I.

"'b. No contracts or arrangements shall be made, nor any contract continued in effect, under Section 1401, 1402, 1403, or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11 y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"'c. The restrictions detailed in subsections b., c., d., e., f., g., and h., of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"'d. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda, or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"'e. Whenever the Corporation submits to the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"'f. The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"'SEC. 1512. PATENTS AND INVENTIONS.—

"'a. The term "Commission" shall be deemed to include the Corporation wherever such term appears in section 152, 153 b. (1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 152 b. (1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"'b. The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151 c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151 d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress.

"'c. The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153 c. of title I subject, except as specified above, to all the provisions of subsections 153 c., d., e., f., g., and h., of title I.

"'d. With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, "any other licensee" in the first sentence thereof and within the phrase "such licensee" in the second sentence thereof.

"'e. The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under 35 U.S.C. 181 through 187.

"'f. The Corporation shall not be liable or responsible for any payments made or awards under subsection 157 b.(3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"'g. The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION, AND MISCELLANEOUS PROVISIONS

"'SEC. 1601. LICENSING.—

"'a. Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials for activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities. Such exemption shall remain in effect unless and until the Corporation and its contractors receive all necessary licenses for such facilities, equipment and materials as are required under title I.

"'b. Within four years of the enactment of this title, the Commission shall promulgate regulations under title I for the licensing of facilities described in subsection (a) that employ the gaseous diffusion technology. The Commission shall not consider the need for such facilities, alternatives to such facilities, or the costs compared to the benefits of such facilities.

"'c. As soon as practicable after the promulgation of regulations under subsection (b), the Corporation and its contractors shall make necessary applications for and otherwise seek to obtain such licenses as will remove the exemption provided under subsection (a).

"'d. The Corporation shall not transfer or deliver any source, special nuclear or byproduct materials or production or utilization facilities, as defined in Title I, to any person who is not properly qualified or licensed under the provisions of Title I.

"'e. The Corporation shall be subject to the regulatory jurisdiction of the Nuclear Regulatory Commission and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and by-product materials.

"'Sec. 1602. Exemption From Taxation and Payments in Lieu of Taxes.—

"'a. In order to render financial assistance to those states and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to state and local governments as provided in this section. Such payments shall be in lieu of any and all state and local taxes on the real and personal property, activities and income of the Corporation. All property of the Corporation, its activities, and income are expressly exempted from taxation in any manner or form by any state, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts, and such income shall not be exempt from taxation.

"'b. The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the state and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria:

"'(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location; *Provided, however,* That there shall be excluded any amount that would be payable as a tax on net income.

"'(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"'(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"'(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately to the enactment of this title.

"'c. Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable; Provided, that no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"'d. The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"'Sec. 1603. Miscellaneous Applicability of the Atomic Energy Act.—

"'a. Any references to the term "Commission" or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 q., 165 a., 221 a., 229, 230 and 232 of title I shall be deemed to include the Corporation.

"'b. Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation:

"'(1) The term "Commission" shall be deemed to refer to the Secretary;

"'(2) There shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"'(3) The Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"'Sec. 1604. Cooperation With Other Agencies.—

"'The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of state, territorial, municipal or other local agencies.

"'Sec. 1605. Applicability of Antitrust Laws.—

"'a. The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"'b. As used in this subsection, the term "antitrust laws" means:

"'(1) The Act entitled: "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (15 U.S.C. 1-7), as amended;

"'(2) The Act entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (15 U.S.C. 12-27), as amended;

"'(3) Sections 73 and 74 of the Act entitled, "An Act of reduced taxation, to provide revenue for the Government, and for other purposes," approved August 27 1894 (15 U.S.C. 8 and 9), as amended; and

"'(4) The Act of June 19 1936, chapter 592 (15 U.S.C. 13a, 13b, and 21a).

"'Sec. 1606. Nuclear Hazard Indemnification.—

"'The Administrator shall have the same authority to indemnify the contractors of the Corporation as the Secretary has to indemnify contractors under section 170 d. of the Atomic Energy Act of 1954, as amended.

"'Sec. 1607. Intent.—

"'It is hereby declared to be the intent of this title to aid the Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexibility to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"'Sec. 1608. Report.—

"'a. Five years after enactment of this title, the Administrator shall submit to the President and to Congress a report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. If the Administrator recommends such transfers, the report shall include a plan for implementation of the transfers.

"'b. Within 180 days after receipt of the report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the President and any recommendations for legislation necessary to effectuate such transfers.

"'CHAPTER 27. DECONTAMINATION AND DECOMMISSIONING

"'Sec. 1701. Establishment.—

"'a. Establishment of Fund.

"'(1) There is hereby established in the Treasury of the United States an account of the Corporation to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (hereinafter referred to in this chapter as the "Fund"). In accordance with section 1402(j), such account and any funds deposited therein, shall be available to the Corporation for the exclusive purpose of carrying out the purposes of this chapter.

"'(2) The Fund shall consist of:

"'(A) Amounts paid into it by the Corporation in accordance with section 1702; and

"'(B) Any interest earned under subsection (b) (2).

"'b. Administration of Fund

"'(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Corporation, annually report to the Congress on the financial condition and operations of the Funds during the preceding fiscal year.

"'(2) At the direction of the Corporation, the Secretary of the Treasury shall invest amounts contained within such Fund in obligations of the United States:

"'(A) Having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund, as determined by the Corporation; and

"'(B) Bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to such obligations.

"'(3) At the request of the Corporation, the Secretary of the Treasury shall sell such obligations and credit the proceeds to the Fund.

"'Sec. 1702. Deposits.—

"'Within 60 days of the end of each fiscal year, the Corporation shall make a payment into the Fund in an amount equal to the costs of decontamination and decommissioning that have been recovered during such fiscal year by the Corporation in its prices and charges established in accordance with section 1508 for products, materials, and services.

"'SEC. 1703. PERFORMANCE AND DISBURSEMENTS.—

"'a. When the Corporation determines that particular property should be decommissioned or decontaminated, or both, it shall enter into a contract for the performance of such decommissioning and decontamination.

"'b. The Corporation shall pay for the costs of such decommissioning and decontamination out of amounts contained within the Fund.'.

"SEC. 431. TREATMENT OF THE CORPORATION AS BEING PRIVATELY-OWNED FOR PURPOSES OF THE APPLICABILITY OF ENVIRONMENTAL AND OCCUPATIONAL SAFETY LAWS.—The United States Enrichment Corporation shall be subject to Federal environmental laws and the Occupational Safety and Health Act (29 U.S.C. 651-678) to the same extent as is the Department of Energy as of the date of enactment. After four years from the date of enactment of this title, the United States Enrichment Corporation shall become subject to such laws to the same extent as a privately-owned corporation, unless the President determines that additional time is necessary to achieve the purposes of title II of the Atomic Energy Act of 1954, as amended.

"SEC. 432. MISCELLANEOUS PROVISIONS.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of 'wholly-owned Government corporation') is amended by adding at the end of the following: '(N) United States Enrichment Corporation.'.

"(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word 'or' appearing before the numeral '(2)' is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: 'or (3) are owned by the United States Enrichment Corporation.'.

"(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word 'or' is inserted before the word 'grant' and the phrase 'or through the provision of production or enrichment services' is deleted in both places where it appears in such subsection.

"(d) The Atomic Energy Act of 1954, as amended, is further amended:

"(1) By adding before the period at the end of the definition of the term 'production facility' in section 11 v. a colon and the following: 'Provided, however, that as the term is used in Chapters 10 and 16 of this Act, other than with respect to export of a uranium enrichment production facility, it shall not include any equipment or device, or important component part especially designed therefore, capable of separating the isotopes of uranium or enriching uranium in the isotope 235';

"(2) By striking the period at the end of section 161 b. and adding the following: '; in addition, the Commission shall prescribe such regulations or orders as may be necessary or desirable to promote the Nation's common defense and security with regard to control, ownership or possession of any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235;';

"(3) By striking the phrase 'section 103 or 104' in section 41 a. (2) and inserting in lieu thereof 'this title'; and

"(4) In section 236 by striking the word 'or' following paragraph (2) and adding after paragraph (3) 'or (4) any uranium enrichment facility licensed by the Commission;'.

"(e) Subsection 905(g)(1) of Title II, United States Code, is amended to include 'United States Enrichment Corporation' at the end thereof.

"(f) Section 306 of title III of the Energy and Water Development Appropriations Act, 1988, P.L. 100-202, is repealed.

"SEC. 533. LIMITATION ON EXPENDITURES.—For fiscal year 1989, total expenditures of the United States Enrichment Corporation shall not exceed total receipts.

"SEC. 534. SEVERABILITY.—If any provision of this title, or the application of any provision to any entity, person or circumstance, shall for any reason be adjudged by a court of component jurisdiction to be invalid, the reminder of this title, or the application of the same shall not be thereby affected.

"SEC. 535. EFFECTIVE DATE.—Except as otherwise provided, all provisions of this subtitle shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this title; Provided, however, that the Administrator or Acting Administrator of the United States Enrichment Corporation may immediately exercise the management responsibilities and powers of subsection 1501 (a) of the Atomic Energy Act of 1954, as amended by this Act and previous Acts.".

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1989

STEVENS AMENDMENT NOS. 2818 AND 2819

Mr. STEVENS proposed two amendments to the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes; as follows:

AMENDMENT NO. 2818

On page 73, at the start of line 20, strike "Defense Logistics Agency", and insert "Department of Defense".

AMENDMENT NO. 2819

At the appropriate place, insert the following:

SEC. . When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

PRYOR (AND CONRAD) AMENDMENT NO. 2820

Mr. PRYOR (for himself and Mr. CONRAD) proposed an amendment to the bill H.R. 4781, supra; as follows:

At the end of the bill, add the following:

CONSULTING SERVICES

SEC. . (a) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assitance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a).

(d) as used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

STEVENS AMENDMENT NO. 2821

Mr. STEVENS proposed an amendment to amendment No. 2820 proposed by Mr. PRYOR to the bill H.R. 4781, supra; as follows:

At the end of the amendment, insert the following:

(e) Funds reduced from appropriations contained in this act pursuant to this provision shall be available only for costs associated with the January 1, 1989, civilian pay raise of Department of Defense civilian employees: *Provided,* That such funds shall be allocated on a pro rata basis to the Defense Agencies and the Military Departments and shall be transferred to the appropriate applicable appropriations for such pay raise costs to be available for the same time period as the appropriation to which transferred: *Provided further,* That the authority to transfer funds under this section shall be in addition to any other transfer authority contained in this act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, August 8, 1988, to discuss the status and outlook of the Strategic Petroleum Reserve.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, August 8, to hear Lawrence J. Jensen, nominated by the President to be an Assistant Administrator of the Environmental Protection Agency.

ADDITIONAL STATEMENTS

HENRY AND MILDRED BOESSEN

● Mr. BOND. Mr. President, today I rise to honor two outstanding Missourians, Henry and Mildred Boessen. The occasion is a special one—this year, the Boessens will celebrate the 50th anniversary of their marriage.

The history of the Boessens' life together is a rich one. After a year long courtship, Henry, a native of St. Thomas, MO, married Mildred, a Missourian from Mary's Home. Later, while Henry became Missouri Farmer of the Year, Mildred added a special touch to Jefferson City social events, catering for the Governor and many members of the State legislature.

Yet during this, their golden anniversary year, perhaps the Boessens will feel the greatest sense of pride when they gather around their family—5 sons and 5 daughters, with 25 grandchildren, spread across the country from Florida to Minnesota to Utah. And from this thriving group, Mildred and Henry have given a daughter to the Catholic church and a son to the Armed Forces.

For these and for so many other reasons, it is a privilege to honor Henry and Mildred Boessen. We wish them many more years of happiness together, with our congratulations and best wishes.●

THE OCEAN DUMPING REFORM ACT, S. 2030

● Mr. D'AMATO. Mr. President, I rise today to cosponsor the Ocean Dumping Reform Act of 1988, S. 2030.

We Long Islanders have long prided ourselves on the quality of life, second to none, offered by our environment. The island's many beaches are an integral part of our lives and lifestyle, as well as a source of beauty and recreation to our visitors and guests from other regions.

Lately that quality of life has been threatened. Long Island's beaches are being desecrated. Beachgoers are finding that sun, sand, and surf have been replaced by syringes, sewage, and sludge. We can no longer tolerate those who have been defiling our oceans.

Only nine municipalities in the Nation still use the ocean to dispose of their sludge. Six are in New Jersey and three are in New York: New York City, Nassau, and Westchester Counties. Together, these municipalities dump millions of gallons of sewage sludge into the ocean each and every day.

The Ocean Dumping Reform Act bans all ocean dumping of sludge by December 31, 1991. I fully appreciate how difficult, if not impossible, it will be for these municipalities to develop environmentally safe alternatives in just 3 short years. But I do believe that while the cost of these alternatives are much higher, in the long run it is a small price to pay for a cleaner environment.

I do want to emphasize that while the sludge being dumped by these municipalities is not desirable, it does not contain any floatables and cannot be blamed for the other wastes that have been fouling up our beaches.

I have become a cosponsor of this legislation because I believe that it should be a top priority of this Nation to clean our oceans of all the wastes that pollute it * * * be it infectious hospital waste, nondegradable plastics, toxic chemicals or sewage sludge.

The time is now. We must protect our most precious resource—the ocean—so that future generations will be able to enjoy it as much as we have.●

AMENDING THE INTERNAL REVENUE CODE OF 1986

● Mr. DeCONCINI. Mr. President, I ask that the text of S. 2694 be printed in the CONGRESSIONAL RECORD at this point.

The text of S. 2694 follows:

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESIDENTIAL CONSTRUCTION CONTRACTS NOT REQUIRED TO USE PERCENTAGE OF COMPLETION METHOD.

(a) IN GENERAL.—Subsection (e) of section 460 of the Internal Revenue Code of 1986 (relating to special rules for long-term contracts) is amended by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) EXCEPTION FOR RESIDENTIAL REAL PROPERTY CONTRACTS.—Subsections (a), (b), and (c)(1) and (2) shall not apply to any construction contract entered into by a taxpayer if—

"(A) the taxpayer estimates (at the time such contract is entered into) that such contract will be completed within the 1-year period beginning on the contract commencement date of such contract, and

"(B) it is a construction contract for property which is (or is reasonably expected to be) residential real property."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 804 of the Tax Reform Act of 1986.●

ECOM

● Mr. STEVENS. Mr. President, as many Senators will recall, several years ago the U.S. Postal Service developed a system called ECOM, a method of transmitting mail electronically. While the Postal Service embarked on an experimental plan to pursue ECOM mail to the fullest, the program was never allowed to fully develop. This was most unfortunate, for ECOM could have gone a long way in ensuring that all Americans would have equal access to U.S. Postal Service services by utilizing the most modern technology to transmit hard copy messages electronically. ECOM technology would have had special value for my constituents since many citizens in remote areas of Alaska are geographically distant from their nearest post office. I strongly supported the ECOM approach and, with my constituents, was disappointed that it did not come to fruition.

Even though this experimental program was not allowed to continue, all Americans can now benefit from the results of that early ECOM experiment. A new firm headed by former Postmaster General William Bolger, TCOM Systems, Inc., has developed a Mailgram type of electronic, hard copy message that many of our constituents are now using to contact Congress. This new service is called High Priority Mail, or HPM, and we owe Bill Bolger a pat on the back for recognizing the need for electronically transmitted hard copy messages and for developing a prompt method of communication between constituents and Members of Congress.

As we are all aware, every Member of Congress has an essential need to know of the views of his or her constituents. As elected representatives of the people, we must know what our constituents are thinking, so we can fully take their views into account as we develop positions on the issues. This interchange is absolutely essential to the democratic process, and I always take the opportunity to point out to Alaskans the importance we place on hearing from them on issues pending before the Senate.

For this reason, we can only be pleased when a new technology, such as High Priority Mail, is developed that will facilitate and encourage such communication. In bringing this new technology to the attention of my colleagues, I would point out that HPM letters are now beginning to appear on the Hill. Bearing some outward resemblance to a Mailgram, High Priority Mail is electronically transmitted by the sender before being converted into hard copy and sent via the U.S. mail.

Despite its slightly different format, High Priority Mail is a premium service selected by a constituent as a means of getting his or her point of view to a Senator. As such, it is constituent mail that fully merits our attention.●

DR. FREDRICK F. CHIEN

● Mr. McCAIN. Mr. President, it is my honor to salute, along with several of my colleagues, Dr. Fredrick F. Chien, a distinguished diplomat who is returning home to his own country after a successful career in the United States.

Dr. Chien has a long history of friendship with the United States. His family and mine have been friends for many years. Dr. Chien has served as representative of the Coordination Council for North American Affairs, U.S. office, for the past 5½ years. This body functions as the unofficial Embassy of the Republic of China on Taiwan. Due to his recent promotion to a super-cabinet position as Minister of State and chairman for the Council for Economic Planning and Development, Dr. Chien will return to Taipei on August 12.

One of Dr. Chien's new responsibilities as chairman of the council will be to help guide United States-Taiwan trade relations. I wish him well in his efforts to continue the momentum demonstrated in the first half of this year toward better trade between our two countries. I sincerely hope that Dr. Chien will be able to achieve results similar to the months earlier this year where the United States replaced Japan as the largest supplier of goods to the Taiwanese.

More progress is needed, but the trade barometers appear favorable, and I am sure that Dr. Chien will do all he can to promote the best possible trade relations between our two countries.

Dr. Chien is indeed well qualified for his new post. His schooling and work experience in the United States offer him an excellent understanding of our economic and political systems. As an academic candidate for masters and Ph.D. degrees from Yale University, and then as representative of the CCNAA, Dr. Chien has the capacities to offer meaningful insights into the trade process between our two democracies. His record clearly demonstrates that he has the ability to perform this job well.

Mr. President, I would like to close by expressing once again my admiration for Dr. Chien's work here over the past 5½ years, and my sincere best wishes to him and his wife Julie as they embark upon their next exciting challenge.●

A LESSON FROM WEST GERMANY

● Mr. BOSCHWITZ. Mr. President, in past months I have spoken many times concerning the need for capital gains reform. I have been especially concerned about the effect of eliminating the exclusion for capital gains on business startups and capital formation. I rise today to share with my colleagues a similar problem that is developing in West Germany.

A July 18 Business Week article entitled 'A Slap in the Face of German Startups," concludes that elimination of West Germany's 50 percent tax break on capital gains will significantly hurt West Germany's economy by curtailing entrepreneurial activity.

In the past, West Germany's capital gains exclusion provided an incentive for both investors and would-be entrepreneurs. What I find interesting is that even though the capital gains repeal has not yet gone into effect, there has already been a huge outcry by investors and businessmen in West Germany. This dissatisfaction is very similar to what has been occurring in our country for the past 2 years.

Without the capital gains exclusion, many West German businessmen apparently feel that it would now be foolish to start a business. One of West Germany's venture capitalists, Albrect Matuschka, concluded that "if you are stupid enough to invest and grow a company here, you will be punished." Friederich von der Groeben, managing director at the Frankfort office of a London-based venture capital group asks "Why take a risk? Any profits you generate are immediately taxed away." The article suggests that the government is "bent on killing all incentives for startups."

The parallel between West Germany's situation and our own is remarkable. In a May 25, 1988, Wall Street Journal article—which I have already shared with my colleagues—Eric Winkelman, a Michigan business consultant stated that without a capital gains tax break "there's a total disincentive for me to invest." A California sales manager for a fertilizer-importing firm, Phil Sawyer, asked "Why put my money at risk in investing in a stock—when if it's a winner, I have to cough up 34 to 35 cents of every dollar in Federal and State taxes?"

Mr. President, the conclusion that I am forced to draw from these articles is that eliminating the capital gains exclusion creates a pronounced negative effect on risk-taking and capital investment. Further, entrepreneurs are discouraged from starting businesses and investors have little reason to invest. We should learn from the experience of West Germany and face up to the problems with our own tax treatment of capital gains.

I ask that the Business Week article be printed in the RECORD in its entirety.

The article follows:

[From Business Week, July 18, 1988]

A SLAP IN THE FACE FOR GERMAN STARTUPS

(By Gail Schares)

Albercht Matuschka, one of West Germany's few venture capitalists, puts it bluntly: "If you are stupid enough to invest and grow a company here, you will be punished." The Munich Financier's discontent is over the elimination of the 50% tax break on capital gains for individuals. The government is certain to approve the change this month.

What's happening with German taxes is bizarre. After a half-decade of debating ways to encourage new technologies, the government seems bent on killing all incentives for startups. "Why take a risk?" asks Friederich von der Groeben, managing director at the Frankfurt office of 3i group PLC, a London-based venture capital group. "Any profits you generate are immediately taxed away." In the next two years, before the gains tax takes effect, market analysts predict that some 5,000 companies will go on the block as owners seek to cash in their gains (chart).

HUNGRY EYES

At the same time, lots of foreign buyers are likely to bid for smaller German businesses, seeking a foothold in Europe's richest market before internal trade barriers drop in 1992. German owners typically run their companies for life, and until the threat of a soaring capital gains tax arose, demand for businesses far outstripped supply. Now, with passage of the tax a sure thing, an increasing number of the country's *mittelstand*, or midsize family companies, are likely to be sold. "Foreigners will be too late if they come shopping for German companies in 1990," says Hamburg-based consultant Jürgen Wupper. "Nothing will remain."

Investment bankers report a steady stream of acquisition candidates marching through their doors over the past three months as a result of the anticipated tax. "Merger and acquisition activity is up 40% to 50%," says Thomas J.C. Matzen at Hamburg merchant bank J. Henry Schroder. Those who wait to sell, says Constantin von Brandenstein, controller at 3i Group, may not get the price they'd like: "There is an enormous selling pressure on now," he says. Hot takeover industries include high technology, retail, publishing, machine manufacturing, software, and financial services.

Germany's M&A market may need a shot in the arm, but most executives agree with financier Matuschka. They believe the capital gains tax hike will have a negative long-term effect on the economy, hindering much-needed restructuring. "We need more startup companies, and this won't encourage them," says Gerhard Fels, director of the Institute for the German Economy in Cologne.

GLIB RESPONSE

Bonn defends the tax, saying it removes a loophole that allows owners to dodge taxes by stashing profits in hidden reserves—a common accounting practice in Germany. These reserves, valued at the time of sale, are now taxed at only half the normal rate. Says Kurt Bley, a Finance Ministry official: "This change will only limit the number of cases of misuse." As for the impact on startups, an official observes: "Tax reform is always a compromise." Yet the tax is expected to generate only $25 million a year in new revenues. That's hardly enough, critics say, to justify the added burden on German businesses, which already pay the highest taxes among Western nations.

German entrepreneurs didn't lobby hard against the capital gains tax boost, so they wrested only a small concession: The gain on the first $1.1 million in sales will continue to be taxed at half the standard rate, which will drop from 56% to 53% in 1990. Now their only hope is that income taxes will be cut again in the future. At the snail's pace it took Chancellor Helmut Kohl's government to push through the current tax reform, no one is holding his breath.●

ACHIEVEMENT OF DR. AND MRS. FREDRICK CHIEN

● Mr. HEINZ. Mr. President, it gives me great pleasure to recognize the achievements of Dr. and Mrs. Fredrick Chien of the Republic of China. The Chiens will be leaving Washington and returning to Taipei soon. My colleagues and I will miss their charm, their wit, and their hospitality.

In his role as the Representative of the Republic of China in Washington, Dr. Chien has most ably represented his country. Since 1983 my Senate colleagues and I have consulted with Dr. Chien and his staff, on many political and trade issues. During his nearly 6 years of service in Washington, Dr. Chien has done much to promote a deeper and stable relationship between his country and the United States. Dr. Chien deserves credit for encouraging Taipei to relax duties earlier this year on more than 3,500 import items and to allow the New Taiwan dollar to appreciate over 40 percent since mid-1985. This is not to say that all trade issues are resolved, but Dr. Chien's calm and realistic approach has contributed greatly to progress in this area. I have especially appreciated Dr. Chien's cooperation in assisting Pennsylvania firms sell their goods and services in the Republic of China.

Dr. Chien has not only been an able spokesman for his country, but has played an important role in shaping the policies of his own country. He played a major role in urging his government to lift martial law, to loosen foreign exchange controls, and develop a more flexible approach toward the People's Republic of China. In his new cabinet post as Chairman of the Republic of China's Council of Economic Planning and Development, Dr. Chien will have even greater contributions to make to his country.

I wish Dr. Chien and his wife, Julie, continuing success and best wishes.●

AMERICAN POLITICAL SCIENCE ASSOCIATION

● Mr. GRASSLEY. Mr. President, I would like to take this opportunity to congratulate the American Political Science Association on the 35th anniversary of its congressional fellowship program.

From rather modest beginnings with only six fellows in 1953, the program has flourished during the past 35 years, to the point where approximately 50 fellows were placed in congressional offices this year.

The fellows comprise such diverse backgrounds as Federal executives, journalists, political scientists, anthropologists, health professionals, and foreign professionals. All are nominated after a rigorous selection process by their parent organizations.

Fellows selected by the American Political Science Association then spend 9 months in congressional offices as personal or committee staff. The fellowship thus provides the change for these professionals to gain "hands on" experience in the legislative process.

At the end of the program they are then able to go back to their parent organizations with a better understanding of the workings of the legislative branch; the demands, pressures, dynamics, and realities of congressional life.

Yet, the experience is not one sided by any means. We too, in Congress, have benefited from their varied backgrounds, experiences, and expertise. All participating offices have been enriched by the experience.

In my own office I have had the benefit of having the services of several fellows over the years. They all made significant contributions to the office and were considered fully integrated members of the staff.

I would like to commend the American Political Science Association for its efforts in administering this excellent program over the past 35 years and extend my appreciation for a job well done.

I recommend the program to my colleagues and encourage their future participation in this worthwhile activity.●

VINELAND VIETNAM VETERANS MEMORIAL

● Mr. LAUTENBERG. Mr. President, I would like to bring to my colleagues' attention an important event that took place in Vineland, NJ, on Memorial Day.

On May 30, the community in Vineland, NJ, unveiled the Vineland Vietnam Veterans Memorial. The momument is dedicated to the 15 courageous soldiers from Vineland who lost their lives in combat in Vietnam. It was erected in Landis Memorial Park, a memorial park for veterans who fought for our Nation. There, the names of the 15 Vineland veterans have been appropriately remembered along with other brave New Jersey veterans.

I can think of no more appropriate time than Memorial Day to honor these courageous men from Vineland. Serving our Nation, they made the ultimate sacrifice. On Memorial Day and on every day these soldier's commitment and service must be remembered. That they put their lives on the line and fell in combat while serving in Vietnam must never be forgotten.

The names of the Vineland Vietnam veterans who died in combat are Harry J. Sheppard, George W. Gaburo, Joseph F. Hayes, Louis J. Inferrera, James M. Frambes, Lance N. Jenkins, Lt. Charles "Chickie" Asselta, John E. Mount, Bobby Moorer, Richard W. Davis, John A. Kalivas, George C.J. Viehmann Jr., Leo F. Green Jr., Joseph O. Danna, and Garry Hermanson. The Vineland Vietnam Veterans Memorial appropriately honors these men for their service. And it helps to ensure that their dedication to serving America will always be remembered.

Mr. President, the effort to erect this monument was initiated by a group of dedicated citizens from Vineland. With the assistance of my good friend Mayor Joseph R. Romano and Chairman Rick Hebert, these individuals organized the Vineland Vietnam Memorial Committee. The members of this committee are Mike Kuzma, Dottie Cullen, Edwin Gomez, and John E. Valenta. Many of them are Vietnam Veterans, and they have been planning and raising money for 4 months so this memorial could be erected on Memorial Day. Since January, they have raised approximately $25,000 from the community in Vineland to honor these 15 Vineland men.

That their effort was so successful indicates the depth of feeling the community of Vineland has for the 15 soldiers from Vineland who lost their lives in the Vietnam War. It demonstrates the commitment of the Vineland community to honoring these 15 Vineland soldiers for the tremendous sacrifice they made for America.

But the Vineland Vietnam Memorial Committee did much more. In addition to building the memorial, they organized a scholarship fund for deserving students at local high schools. In memory of these men, a student from Sacred Heart High School and another from Vineland High School will each receive a $500 scholarship.

Mr. President, I congratulate the Vineland Vietnam Memorial and the Vineland community for their success with this tremendous initiative. On Memorial Day, I urge my colleagues to remember the 15 Vineland Vietnam Veterans along with all of our Nation's veterans who lost their lives in combat.●

STAN CURTIS

● Mr. McCONNELL. Mr. President, as you know, from time to time I bring to the attention of my colleagues a story that illustrates Kentucky's great philanthropic tradition. Today, I would like to insert into the RECORD an article about a man that embodies that tradition: Stan Curtis.

Stan has initiated several community-oriented projects that have benefited thousands of people in Kentucky and Indiana. On each project, Stan leaves his distinctive mark of excellence, ingenuity, and innovation. For example, when the Louisville Orchestra wanted to expand its audience to include the 40-and-under crowd, it sought Stan's assistance. The result is an annual concert series, known as "NightLights" which draws capacity crowds. His success with the orchestra led the Iroquois Park Players and the Iroquois Amphitheater to tap into his resources to generate additional community enthusiasm and support.

Perhaps his most notable achievement is the creation of Kentucky Harvest. This program gathers surplus food from restaurants, hotels, and hospitals for distribution to feed the area's hungry and homeless. Mr. President, I think you will be impressed to learn that the organization dispersed 755,000 pounds of food in its first year.

The article says that the program's success may lead to the creation of similar programs in cities such as Phoenix and Boston. I have worked with Stan and his wife, Jeanne, on this valuable program and because I have seen the benefits that it generates, I encourage the community leaders of other cities to establish a similar program.

Mr. President, I value my close friendship with Stan Curtis because, having gone from a broken home to a professional athlete and respected community leader, his life story is filled with achievements that are inspirational to all who know him.

The article I am inserting was the cover story in Saturday's Courier-Journal. The subheading under the title stated: "If you haven't heard of Stan Curtis yet, don't worry you will." I agree with the editors of the paper who felt Stan's story should be told. That is why I ask that it be inserted in to the RECORD at this time.

The article follows:

[From the Courier-Journal, Aug. 6, 1988]

STAN THE MAN—THE GUY WHO FEEDS THE POOR HAS A HUNGER TO SERVE

(By Bob Deitel)

With the zeal of an evangelist and the subtlety of a steamroller, Stan Curtis is the kind of guy who could sell you the Second Street bridge in Louisville and still have you begging to bid on that splashy new fountain about to spout just down the Ohio River.

Lucky for us, Curtis would rather let people onto the bridge for free and treat them to a party the night the Louisville Falls Fountain is turned on.

Not everyone would be that generous.

As ideas evolved for the fountain party on the bridge, coming Aug. 19, one suggestion was to charge $1 a head. Curtis, chairman of the planning committee, objected.

"I said, 'Why? This is a citizens' bridge. These people own it already!' "

Instead, he promises a come-one-come-all, never-to-be-repeated night to remember. No charge.

"We're gonna have a party for 18,000 people on that bridge," he says, his round face beaming and his words quickening. "We're gonna decorate it. We're gonna have entertainment.

"I've got four radio stations ready to jump on it and promote the hell out of it.

"I've got a guy who's gonna put a fountain on the bridge. He's gonna landscape a fountain in the middle of the bridge and try to make it like the one in the river. What the hell, why not? This is a one-time shot. We're going all-out. It will blow your mind. I promise you, it will blow your mind."

Perhaps you've never heard of Stan Curtis. More likely you've seen his handiwork but didn't catch the name.

In any case, with the civic-spirited swath that Curtis is cutting across Louisville, familiarity is probably just a matter of time.

Three years ago he was tapped by the Louisville Orchestra to help replenish its aging audience. Curtis became a driving force of Discover Louisville Orchestra, a group set up to encourage the 40-and-under crowd to broaden its musical tastes from Woodstock to woodwinds.

The result was "NightLights," a yearly concert series noted for its light musical fare, humor and near-capacity crowds of 1,400.

"Stan took it as a personal challenge," recalls Judy Lawrence Miller, the orchestra's director of external affairs. "He devoted so many hours and so much energy to getting other people excited as well, I guess you call that sort of thing 'leadership.' And perhaps a touch of charisma."

More recently, Curtis was named president of a group to drum up support for the Iroquois Park Players and Iroquois Amphitheater. Called Music Theater Louisville, the group is now raising money and enthusiasm for big, lavish musicals at the historic South End stage and maybe beyond.

Of all of Curtis' efforts, however, the most dramatic involves no show biz at all. It is Kentucky Harvest, the program Curtis founded to gather surplus food from restaurants, hotels, hospitals and distributors to feed the hungry and homeless.

In its first full year, ended in June, Kentucky Harvest collected and dispersed 755,000 pounds of edibles—soups, breadstuffs, vegetables, eggs, beverages and such, most of which would otherwise have gone to garbage.

Now the food goes straight to mission houses and soup kitchens on both sides of the Ohio River. And its success may inspire spinoffs from Phoenix to Boston to Naples, Fla.

"None of us ever imagined where it would be a year later," Curtis marvels.

"If you've never had a dream come true in your life, you can't understand what it means to me," he said. "You're looking at a guy who's not only had a dream come true but who's living it every day."

You're also looking at a guy who, at only 39, has progressed from a broken family and unbringing in a children's home to 11 years as a prospering tennis pro and then a successful career as a financial consultant. He now is a sales manager at the J.C. Bradford & Co. investment firm in Louisville.

"Stan is establishing himself as quite a young civic leader in town," said Harlowe Dean, an icon of Louisville's cultural set and a Curtis fan and confidante. "He has a great potential."

Friends and acquaintances alike offer many of the same words to describe Curtis: Direct. Energetic. Aggressive. Competitive. Enthusiastic.

He even named his daughter Sunshine.

"There is very little that is subtle about Stan," Dean offered. "He is forthright. He is wise. He has a very quick, grasping mind. And he backs that up with great energy and is fearlessness in terms of acting. He makes a decision and pursues it.

"If he has a weakness," Dean said, "it's that he has to temper his enthusiasm and his aggressively direct approach. But that will only come with experience."

It was Dean who asked Curtis to head Discover Louisville Orchertra. Dean was the orchestra's interim director at the time, brought on to guide the institution through troubled times. He knew Curtis through business and quickly realized he'd found a potentially powerful resource.

Curtis calls the recruitment flattering—and educational.

"I went to the orchestra with all kinds of ideas, and they thought I was nuts. You know, 'Who the hell is this guy? He doesn't know anything.' Well, it's true; I knew nothing. But I saw that as an advantage because I wasn't tied down by the traditions. I also knew other young people who felt the same.

Many of those young people joined Curtis on the orchestra group's board and later on the Kentucky Harvest board.

"He attracts activity, he attracts this positive energy," said Kathy Meade, producing direction of the Iroquois Park Players.

One associate Gretchen Showalter, recalls how Curtis phoned her with news of his inspirations for Kentucky Harvest. "It's Stan's typical way of calling when he gets involved in one of his projects: 'You gotta come for lunch I've gotta talk to you; I've got a great idea.' He won't tell you anything, over the phone; you have to come and see him and he's got this great idea. Always."

Showalter became vice chairwoman of Kentucky Harvest.

When friends analyze Curtis' style; they describe a relentless worker who expects the same from others. He attends auditions and rehearsals at Iroquois Park, and so do other board members.

"When I go ask somebody to give me $20,000 to support music theater and the players at the amphitheater, I better know what I'm talking about," Curtis said. "And the only way to know is to experience; to get the feel, to watch these guys sweat."

After a round of golf and dinner with friends in the East End a few weekends ago, Curtis got in his Cadillac de Ville, drove to Iroquois Park, bought tickets and saw the musical "Grease" for the fourth time.

"Yes, I went four times," he said, "but each time I go to a performance I sit in a different spot and wander around. I want to know what kind of product we're giving."

He's on the phone immediately, if a favor or fact is needed. He can tell you, probably to the pound, how many beans Kentucky Harvest gathered today. He goes to the missions and helps serve the food.

"I mean, he's still helping us get radio interviews because he has some nice contacts," said Miller, of the Louisville Orchestra. "He even volunteered to pick up (Associate Conductor) Bob Bernhardt at 7 a.m. and take him to WQMF."

If Curtis lacks any quality, several acquaintances agreed, it would have to be tact, which is needed in dealing with volunteer helpers.

"Some of his techniques, one might say are viewed as heavy-handed," one admirer said. "I mean, I think he gets so absorbed with that he wants that he has to be reminded at times that people have to be brought along in a gentle fashion.

Throughout it all Curtis heaps praises on others. He calls Kentucky Harvest "an shining example of just how wonderful this community is." He says the Iroquois Amphitheater groups "just needed some support, and this community stood ready and willing." He praises the politicians who have helped, from Mayor Jerry Abramson to members of Congress.

He sometimes sounds like a man who is aiming to join that club.

"As a matter of fact," Curtis said, laughing, "the mayor asks me from time to time, 'Stan, are you after my job?'

"Absolutely not. I have no desire to run for public office because I feel like I can be much, much more effective working outside of that system,"

When he explains his own motivations, Curtis speaks of gratitude for the success he has found. He was only 9 when he and his four brothers and one sister were placed in the Bellewood Presbyterian Home for Children, in eastern Jefferson County. If you had to be in a group home, he said, that was the place to be.

"I think they helped me overlook the fact that I was from a broken home. They gave me opportunity. It was, 'Stan, if you want something, fine, go get it. Earn it.' "

A student leader at Eastern High School, Curtis excelled at tennis and was offered college scholarships. But he turned them down because he was tired of school. He headed West, joined the Air Force, attended the University of New Mexico and Eastern New Mexico University, and, along the way, turned tennis professional.

From 1970 to 1980 he taught tennis in Louisville, Miami and Peoria, Ill. He played such aces as Arthur Ashe, Stan Smith, Roscoe Tanner and Jimmy Connors. And, Curtis said, he made a great living at tennis. At 31 he retired.

"I really wanted to find out who Stan Curtis was without tennis. I didn't want to be a 40-year-old tennis pro.

Curtis rarely plays tennis now. Always stocky he has added 15 or 20 pounds to his nearly 6-foot frame since retiring as a pro. His game now is golf, his handicap is 6, and his dream is to retire again at 50 and join the professional "seniors" golf tour.

He said much of his strength now comes from the love and support of his wife, the former Jeanne Enlow—opera singer, voice teacher, Baptist minister's daughter and 1981 Miss Louisville.

The two met through Harlowe Dean. Enlow was studying voice with Dean; Curtis stopped by on business and later sought Dean's help in arranging an introduction.

It is Curtis' second marriage. His daughter, Sunshine, 12, lives in Nashville with her mother and flies up to visit Dad at least monthly on weekends—and for longer stays through summer.

Since Kentucky Harvest began Curtis said, he's been even more appreciative of the "blessings" life has brought him.

"You know, people in the missions have poverty of material things and poverty of spirit," he said. But the thing that bothers me is they have poverty of opportunity. Opportunity is supposed to be God-given. It's supposed to be something that, as Americans, we all have.

"Maybe by saving the missions some of the money they would have to spend on food, that money will create opportunity—job training, rehabilitation and so forth."

His inspiration for Kentucky Harvest came from a news story on television about a similar program in New York City.

"Two days later I was at a local cafeteria, and just as I got to the green beans a guy comes running out of the back, puts down a heaping pan-full of beans and takes away a pan that's still one-third full. I said, 'Where are you going with those?' He said, 'When we take them off the steam table we can't put them back, so I'm throwing them away.'

"I think at that point it struck me that there's a lot of waste—a lot of edible, nutritious waste."

Kentucky Harvest is run by about 25 board members. Their average age is 32, Curtis said, "and all of them could write a check, and that could be the end of their community involvement. But they decided to give their time."

Time and food are all that Kentucky Harvest wants, he said. Some companies donate equipment or services, including a truck, printing for publicity pamphlets, a phone line and a 24-hour answering service.

Curtis said he also has pumped in about $25,000 of his own money for expenses in the past 18 months. He hired a woman to coordinate the 250 or so pickups each week.

"I'm fortunate to have that money, and that's the way I choose to spend it; but money's not the answer to the problem that I had in mind," said Curtis, who lives in Barbourmeade in eastern Jefferson County and plays golf at the elite Valhalla championship golf course.

How long can he keep up the good works?

"I'm trying to think if I've ever seen him wear down," said Showalter. "He's different with his daughter. When she's around, she becomes his priority. Most other times, he's going a million miles a minute."

"To him, what he does is relaxing, but I don't think most people could understand that," said Katherine Williams, a friend and Kentucky Harvest board member who also plays golf with Curtis and his wife.

Curtis said he rarely takes more than four days of vacation at a time, "because at the end of four days I'm so stir-crazy I need to do something."

Just a few days ago, to help round out his schedule, Curtis joined the board of trustees Humana Hospital Audubon.

"I wouldn't quit work today if I won a $50 million lottery," he said. "I've got too much to give. I want to give to people. I want to share."

Just wait until you see the razzle-dazzle already rekindled at Iroquois Amphitheater, he said. Through two musical productions this summer, attendance has topped 21,000, and the next presentation is the popular "Peter Pan." Last summer's three shows drew 25,000 combined.

And next year?

"Look out," Curtis said. "We're gonna set this town on its ear. I promise you that."●

TRIBUTE TO ALOYSIUS A. MAZEWSKI

● Mr. DURENBERGER. Mr. President, pride in one's heritage is an important quality, but one which few people take the time to demonstrate. Aloysius A. Mazewski devoted much of his life to helping people understand and appreciate the Polish people.

As president of the Polish American Congress since 1968, Aloysius made great strides toward accomplishing this lifetime goal of helping people value their ancestry. We shared that Polish heritage and it was that fellowship which created an unbreakable friendship between us.

The son of a Polish immigrant, Aloysius worked for Polish people on both sides of the Atlantic. His efforts enabled communication with Solidarity leader Lech Walesa to be established and maintained. He also coordinated the delivery of more than $115,000,000 in medical supplies, clothing, and other essentials to Polish people to help relieve their suffering.

Aloysius' creative efforts in this country resulted in the Polish National Alliance radio station, WPNA, the first national network providing 24-hour exposure to Polish and other ethnic programming. His hope was to reach out to as many people as possible to develop appreciation and understanding of Polish and other cultures, the same appreciation which he brought with him throughout his life.

In addition to maintaining a legal practice in Chicago, Aloysius served as a delegate to various assemblies and White House conferences under the appointment of Presidents from Eisenhower to Reagan. He most recently served as a United States Delegate to Cardinal Wyszynski's funeral in Poland.

I want to take this time to pay respect to the life of this man, my friend, who is truly deserving of recognition for his many contributions to both Polish and American people.●

CONGRESSIONAL BUDGET OFFICE ESTIMATE ON S. 2018

● Mr. JOHNSTON. Mr. President, on August 5, 1988, the Committee on Energy and Natural Resources filed the report to accompany S. 2018, the Congaree Swamp National Monument Expansion and Wilderness Act.

At the time the report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask that it be printed in the RECORD in full at this point.

The budget estimate follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 1988.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2018, the Congaree Swamp National Monument Expansion and Wilderness Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

James L. Blum,
Acting Director.

Congressional Budget Office—Cost Estimate

(May 12, 1988)

1. Bill number: S. 2018.

2. Bill title: Congaree Swamp National Monument Expansion and Wilderness Act.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, August 3, 1988.

4. Bill purpose: S. 2018 would add approximately 7,000 acres to the Congaree Swamp National Monument and would designate about 22,000 acres of the monument as wilderness. The bill would authorize the appropriation of the sums necessary for land acquisition. The bill would also increase the authorization for construction and development within the monument from $2 million to $3 million.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Estimated authorization level	13.0				
Estimated outlays	2.7	7.4	2.1	0.4	0.4

The costs of this bill fall within budget function 300.

Basis of estimate: In preparing this estimate, CBO assumed that S. 2018 would be enacted prior to the beginning of fiscal year 1989 and that the full amounts authorized in the bill will be appropriated early in 1989. Based on information from the National Park Service (NPS), we estimate that acquisition of the 7,000 additional acres would cost about $12 million. Outlays were estimated based on information from the NPS on the likely timing of land acquisition from current landowners and subsequent construction and development activities.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On February 1, 1988, CBO prepared a cost estimate for S. 2018 as introduced. The bill as introduced included different language authorizing appropriations for construction and development, and the estimates reflect this difference.

9. Estimate prepared by: Theresa A. Gullo (226-2860).

10. Estimate approved by: C.G. Nuckols, For James L. Blum, Assistant Director for Budget Analysis.●

CONGRESSIONAL BUDGET OFFICE ESTIMATE ON H.R. 3960

● Mr. JOHNSTON. Mr. President, on August 5, 1988, the Committee on Energy and Natural Resources filed the report to accompany H.R. 3960, an act to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina.

At the time the report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask that it be printed in the Record in full at this point.

The budget estimate follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 5, 1988.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3960, an act to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, August 3, 1988. CBO estimates that enactment of H.R. 3960 would cost the federal government about $100,000 in fiscal year 1989, assuming appropriation of the necessary funds.

H.R. 3960 would establish the Charles Pinckney National Historic Site in the State of South Carolina. The act would authorize the Secretary of the Interior to acquire site lands and other property by purchase, donation or exchange. Within three years, the Secretary would be required to submit a management plan for the site identifying appropriate facilities for interpretive purposes. The act would authorize the appropriation of whatever sums are necessary for these purposes. Based on information obtained from the National Park Service, CBO expects that no acquisition costs will be incurred because the Pinckney property is expected to be donated to the agency. We expect the management plan to cost about $100,000. Annual operating and maintenance costs are not expected to be significant.

No costs would be incurred by state or local governments as a result of enactment of this legislation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

James L. Blum,
Acting Director.●

CONGRESSIONAL BUDGET OFFICE ESTIMATE ON H.R. 3880

● Mr. JOHNSTON. Mr. President, on August 5, 1988, the Committee on Energy and Natural Resources filed the report to accompany H.R. 3880, an act to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years.

At the time the report was filed, the Congressional Budget Office had not submitted the budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask that it be printed in the Record in full at this point.

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 5, 1988.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3880, an act to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional ten years, as ordered reported by the Senate Committee on Energy and Natural Resources, August 3, 1988.

H.R. 3880 would delay the termination of the Upper Delaware Citizens Advisory Council until February 1999. Continuation of the Council's activities would cost the federal government approximately $6,000 per year beginning in fiscal year 1990. Enactment of H.R. 3880 is expected to result in no cost to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

James L. Blum,
Acting Director.●

CONGRESSIONAL BUDGET OFFICE ESTIMATE ON H.R. 3431

● Mr. JOHNSTON. Mr. President, on August 5, 1988, the Committee on Energy and Natural Resources filed the report to accompany H.R. 3431, an act to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL.

At the time the report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask that it be printed in the Record in full at this point.

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 5, 1988.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3431, an act to release reversionary interests of the United States in a certain parcel of land located in Bay County, Florida, as ordered reported by the Senate Committee on Energy and Natural Resources, August 3, 1988. Based on information from the National Park Service, we estimate that enactment of H.R. 3431 would result in no cost to the federal government, or to state or local governments.

The act would release 40 acres of land in Bay County from a recreational use restriction if the county documents that it intends to exchange this land for at least 36 acres of private land. The county would have to agree to use the newly acquired land for public open space and recreational purposes only, or title to the land would revert to the United States. The act would also require that the subsurface mineral rights in the original 40-acre parcel be retained by the United States government.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

James L. Blum,
Acting Director.●

ART SHANKS IMMIGRATION AND NATURALIZATION SERVICE

● Mr. HATCH. Mr. President, on July 29, 1988, Art Shanks of the Immigration and Naturalization Service was retired. He left friends he had served with for 38 years, both on U.S. soil and abroad. Art has always demonstrated willingness to extend himself as a true public servant. One individual can make a difference; Art Shanks made a difference. Art exemplified the spirit of dedicated Federal employees nationwide.

In recognizing Art Shanks of INS, we recognize the many public employees who constantly strive to serve day in and day out. We pay tribute to all public employees who make a difference.●

ORDER OF BUSINESS

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAVAJO-HOPI RELOCATION PROGRAM

Mr. BYRD. Mr. President, I inquire of the distinguished Republican leader if Calendar Order No. 797 on the calendar of business has been cleared on his side?

Mr. DOLE. It has been cleared.

Mr. BYRD. I thank my friend.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 797.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1236) to reauthorize housing relocation under the Navajo-Hopi Relocation Program, and for other purposes, reported with an amendment.

The Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Navajo and Hopi Indian Relocation Amendments of 1988".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Subsection (a) of section 25 of Public Law 93-531 (25 U.S.C. 640d-24(a)) is amended—

(1) by striking out "$7,700,000" in paragraph (4) and inserting in lieu thereof "$13,000,000", and

(2) by striking out "$15,000,000 annually for fiscal years 1983 through 1987" in paragraph (8) and inserting in lieu thereof "$30,000,000 for fiscal year 1988, and for each succeeding fiscal year".

USE OF DISCRETIONARY FUNDS

SEC. 3. Subsection (b) of section 27 of Public Law 93-531 (25 U.S.C. 640d-25) is amended to read as follows:

"(b) Funds appropriated under the authority of subsection (a) may be used by the Commissioner for grants, contracts, or expenditures which significantly assist the Commissioner in carrying out the duties of the Commissioner or assist the Navajo Tribe or Hopi Tribe in meeting the burdens imposed by this Act.".

COMMISSIONER ON NAVAJO AND HOPI INDIAN RELOCATION

SEC. 4. (a) Section 12 of Public Law 93-531 (25 U.S.C. 640d-11) is amended—

(1) by striking out subsections (a), (b), (c), (d), (e), and (f) and inserting in lieu thereof the following:

"(a) There is hereby established within the Office of the Secretary of the Interior the Office of Navajo and Hopi Indian Relocation, which shall be under the direction of the Commissioner on Navajo and Hopi Indian Relocation (hereafter in this Act referred to as the 'Commissioner').

"(b)(1) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.

"(2) The term of office of the Commissioner shall be 5 years. An individual may be appointed Commissioner for more than one term.

"(c)(1)(A) Except as otherwise provided by any amendment made by the Navajo and Hopi Indian Relocation Amendments of 1988, the Commissioner shall have all the powers, and be responsible for all the duties, that the Navajo and Hopi Indian Relocation Commission had before the enactment of the Navajo and Hopi Indian Relocation Amendments of 1988.

"(B) Notwithstanding any other provision of law, all funds appropriated to the Navajo and Hopi Indian Relocation Commission before the date on which the first Commissioner on Navajo and Hopi Indian Relocation is appointed that have not been expended on such date shall be transferred to the Office of Navajo and Hopi Indian Relocation on such date and shall remain available without fiscal year limitation.

"(2) There are hereby transferred to the Commissioner, on October 1, 1988—

"(A) all powers and duties the Bureau of Indian Affairs has on September 30, 1988, that relate to the relocation of members of the Navajo Tribe from lands partitioned to the Hopi Tribe, and

"(B) all funds appropriated to the Bureau of Indian Affairs for activities relating to such relocation, which shall be used by the Commissioner for the purpose for which such funds were appropriated to the Bureau of Indian Affairs.",

(2) by striking out "Subject to such rules and regulations as may be adopted by the Commission, the Chairman" in subsection (g) and inserting in lieu thereof "(1) The Commissioner",

(3) by striking out "(1) appoint" in subsection (g) and inserting in lieu thereof "(A) appoint",

(4) by striking out "(2) procure" in subsection (g) and inserting in lieu thereof "(B) procure",

(5) by adding at the end of subsection (g) the following new paragraph:

"(2)(A) The authority of the Commissioner to enter into contracts for the provision of legal services for the Commissioner or for the Office of Navajo and Hopi Indian Relocation shall be subject to the availability of funds provided for such purpose by appropriations Acts.

"(B) There are authorized to be appropriated for each fiscal year $100,000 to fund contracts described in subparagraph (A).",

(6) by striking out "its own" in subsection (h) and inserting in lieu thereof "the",

(7) by inserting "of the Office of Navajo and Hopi Indian Relocation" after "services" in subsection (h),

(8) by striking out "its relocation plan" in subsection (i) and inserting in lieu thereof "the relocation plan",

(9) by striking out "Commission" in subsection (j) and inserting in lieu thereof "Office of Navajo and Hopi Indian Relocation", and

(10) by redesignating subsections (g), (h), (i), and (j) as subsections (d), (e), (f), and (g), respectively.

(b) Public Law 93-531 is amended by striking out "the Commission" each place it appears and inserting in lieu thereof "the Commissioner".

(c)(1) Subsection (a) of section 13 of Public Law 93-531 (25 U.S.C. 640d-12(a)) is amended by striking out "Within the twenty-four month period following the date of issuance of an order of the District Court pursuant to section 3 or 4" and inserting in lieu thereof "By no later than the date that is 6 months after the date on which the first Commissioner is appointed".

(2) Section 13 of Public Law 93-531 (25 U.S.C. 640d-12) is amended—

(A) by striking out "Such report" in subsection (b) and inserting in lieu thereof "The report required under subsection (a)",

(B) by striking out "and" at the end of paragraph (1) of subsection (b),

(C) by striking out the period at the end of paragraph (2) of subsection (b) and inserting in lieu thereof "; and",

(D) by redesignating paragraph (2) of subsection (b) as paragraph (3) of subsection (b),

(E) by inserting after paragraph (1) of subsection (b) the following new paragraph:

"(2) the names of all other members of the Navajo Tribe, and of all other members of the Hopi Tribe, who are eligible for benefits provided under this Act and who have not received all the benefits for which such members are eligible under this Act; and",

(F) by adding at the end of subsection (b) the following new paragraph:

"(4) a report on how funds in the Navajo Rehabilitation Trust Fund will be expended to carry out the purposes described in section 32(d),

(G) by striking out "Such report shall include" in subsection (c) and inserting in lieu thereof "By no later than the date that is 1 year after the date on which the first Commissioner is appointed, the Commissioner shall submit to the Congress", and

(H) by adding at the end thereof the following new subsections:

"(d) The Commissioner shall include with the plan submitted to the Congress under subsection (c)—

"(1) a report on the employment training needs of all Indians that have been relocated under this Act,

"(2) recommendations for the economic development of the lands acquired by, or for the benefit of, the Navajo Tribe under section 11, and

"(3) an official statement of the Navajo Tribe and an official statement of the Hopi Tribe that express the views of each of the Tribes on such plan.

"(e) On the basis of the plan submitted to the Congress under subsection (c), the Commissioner shall identify and coordinate existing Federal programs that—

"(1) provide job training for individuals involved in the relocations carried out under this Act,

"(2) provide for the economic assistance of households relocated under this Act, and

"(3) provide water, roads, sewers, community facilities, and health facilities to serve the needs of such households.

"(f) Before submitting to the Congress the report and plan that are required to be submitted under this section, the Commissioner shall provide a period of 30 days in which persons involved in the relocations made under this Act and appropriate representatives of their tribes are allowed to comment on the report and plan.".

(d)(1) Notwithstanding any amendment made by this Act, the Navajo and Hopi Indian Relocation Commission shall—

(A) continue to exist until the date on which the first Commissioner on Navajo and Hopi Indian Relocation is appointed,

(B) have the same structure, powers, and responsibilities such Commission had before the enactment of this Act, and

(C) assume responsibility for the powers and duties transferred to such Commissioner under section 12(c)(2) of Public Law 93-531, as amended by this section, until the date on which such Commissioner is appointed.

(2) The Navajo and Hopi Indian Relocation Commission shall terminate on the date on which the first Commissioner on Navajo and Hopi Indian Relocation is appointed.

(e) The amendments made by this section, and the provisions of this section, shall take effect on the date of enactment of this Act.

LOBBYING

SEC. 5. Public Law 93-531 is amended by adding at the end thereof the following new section:

"SEC. 31. No person who has entered into a contract with the Commissioner to provide services under this Act may, during any period occurring after the date of enactment of the Navajo and Hopi Indian Relocation Amendments of 1988 in which such contract is in effect, engage in activities designed to influence Federal legislation on any issue relating to the relocations required under this Act.".

NEW DEVELOPMENT ON CERTAIN LANDS

SEC. 6. Subsection (f) of section 10 of Public Law 93-531 (25 U.S.C. 640d-9(f)) is amended—

(1) by striking out "Any development" and inserting in lieu thereof "(1) Any development", and

(2) by adding at the end thereof the following new paragraph:

"(2) Each Indian tribe which receives a written request for the consent of the Indian tribe to a particular improvement, construction, or other development on the lands to which paragraph (1) applies shall respond in writing to such request by no later than the date that is 30 days after the date on which the Indian tribe receives the request. If the Indian tribe refuses to consent to the improvement, construction, or other development, the response shall include the reasons why consent is being refused.

"(3)(A) Paragraph (1) shall not apply to any improvement, construction, or other development if—

"(i) such improvement, construction, or development does not involve new housing construction, and

"(ii) after the Navajo Tribe or Hopi Tribe has refused to consent to such improvement, construction, or development (or after the close of the 30-day period described in paragraph (2), if the Indian tribe does not respond within such period in writing to a written request for such consent), the Commissioner determines that such improvement, construction, or development is necessary for the health or safety of the Navajo Tribe, the Hopi Tribe, or any individual who is a member of either Tribe.

"(B) If a written request for a determination described in subparagraph (A)(ii) is submitted to the Commissioner after the Navajo Tribe or Hopi Tribe has refused to consent to any improvement, construction, or development (or after the close of the 30-day period described in paragraph (2), if the Indian tribe does not respond within such period in writing to a written request for such consent), the Commissioner shall, by no later than the date that is 45 days after the date on which such request is submitted to the Commissioner, determine whether such improvement, construction, or development is necessary for the health or safety of the Navajo Tribe, the Hopi Tribe, or any individual who is a member of either Tribe.".

ATTORNEY FEES

SEC. 7. Section 29 of Public Law 93-531 (25 U.S.C. 640d-27) is amended by adding at the end thereof the following new subsection:

"(e)(1) The total amount of funds that may be provided under this section and section 8(e) for each Indian tribe for attorney services rendered after the date of enactment of the Navajo and Hopi Indian Relocation Amendments of 1988 shall not exceed $150,000 per fiscal year.

"(2) Subject to the availability of appropriated funds, the Secretary shall pay, as soon as possible after the date of enactment of the Navajo and Hopi Indian Relocation Amendments of 1988, all attorney fees that are authorized to be paid under this section or section 8(e) for services rendered prior to such date. The Secretary shall submit to the Congress a written statement explaining why any claims for such attorney fees have been rejected or have not been paid in a timely manner.".

NAVAJO REHABILITATION TRUST FUND

SEC. 8. Public Law 93-531 is amended by adding at the end thereof the following new section:

"SEC. 32. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the 'Navajo Rehabilitation Trust Fund', which shall consist of the funds transferred under subsection (b) and any interest or investment income accrued on such funds.

"(b) All of the income derived by the Navajo Tribe from the surface and mineral estates of lands located in New Mexico that are acquired for the benefit of the Navajo Tribe under section 11 shall be deposited into the Navajo Rehabilitation Trust Fund.

"(c) The Secretary shall be the trustee of the Navajo Rehabilitation Trust Fund and shall be responsible for investment of the funds in such Trust Fund.

"(d) Funds in the Navajo Rehabilitation Trust Fund, including any interest or investment accruing thereon, shall be available to the Navajo Tribe, with the approval of the Secretary, solely for purposes which will contribute to the continuing rehabilitation and improvement of the economic, educational, and social condition of families, and Navajo communities, that have been affected by—

"(1) the decision in the Healing case, or related proceedings,

"(2) the provisions of this Act, or

"(3) the establishment by the Secretary of the Interior of grazing district number 6 as land for the exclusive use of the Hopi Tribe.

"(e) The Navajo Rehabilitation Trust Fund shall terminate on the date that is 30 years after the date of enactment of this Act and all funds in the Trust Fund on such date shall be transferred to the general trust funds of the Navajo Tribe.".

PROVISION OF BENEFITS

SEC. 9. Section 14 of Public Law 93-531 (25 U.S.C. 640d-13) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraph (2), the Commissioner shall provide relocation benefits under this Act to applicants in the chronological order in which the applicants are certified for such benefits, but the Commissioner may grant priority status on a case-by-case basis to applicants based on medical, safety, or humanitarian reasons, including the readiness of the applicant to move.

"(2) The Commissioner shall give first priority in the provision of relocation benefits under this Act to those families who were evicted pursuant to an order issued in the case United States v. Kabinto, 456 F.2d 1087 (1972).".

RENTAL PAYMENTS

SEC. 10. Section 16 of Public Law 93-531 (25 U.S.C. 640d-15) is amended by adding at the end thereof the following new subsection:

"(c)(1) If the Navajo Tribe or the Hopi Tribe has refused to make rental payments required under this section, the Secretary may, subject to the provisions of this subsection, make the payments on behalf of the Tribe out of any funds held in trust by the United States for the benefit of the Tribe if the determination of the Secretary with respect to the delinquent rental payment is final and no longer appealable.

"(2) Funds appropriated by the Congress and provided to the Navajo Tribe or Hopi Tribe under any contract or agreement may not be used to make any payments required under this section.

"(3) The Secretary shall submit to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives written notice of each payment the Secretary intends to make under paragraph (1). The notice shall specify the amount of such payment and the source of the funds from which such payment is proposed to be made.

"(4)(A) No payment may be made by the Secretary under paragraph (1) before the close of the 60-day period beginning on the date on which notice of the payment is provided under paragraph (3) to the committees described in paragraph (3). Any days on which either House of the Congress is not in session because of adjournment of more than 3 calendar days shall be excluded in computing such 60-day period.

"(B) The Secretary may not make a payment under paragraph (1) if a joint resolution disapproving of such payment is enacted into law during the 60-day period described in subparagraph (A).".

LANDS TRANSFERRED OR ACQUIRED FOR THE NAVAJO TRIBE

SEC. 11. Subsection (h) of section 11 of Public Law 93-531 (25 U.S.C. 640d-10(h)) is amended by striking out "the date of this subsection who are awaiting relocation under this Act" and inserting in lieu thereof "the date of enactment of this Act".

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. DECONCINI. Mr. President, the legislation before us is the product of many hours of long work by my distinguished colleague from Arizona, Senator McCAIN, and the Committee on Indian Affairs under the very able leadership of Chairman INOUYE. It deals with what many people around the world view as this country's most serious human rights problem: the continuing, forced relocation of thousands of native Americans from their own land.

S. 1236 would amend Public Law 93-531, the Navajo-Hopi Land Settlement Act. Let me briefly describe its major provisions. They would:

First, eliminate the present Navajo-Hopi Indian Relocation Commission;

Second, eliminate the Bureau of Indian Affairs' role in relocation as of the end of this fiscal year;

Third, establish a new Office of Navajo-Hopi Relocation within the Department of Interior, headed by a single Commissioner appointed for a 5-year term by the President, who reports directly to the Secretary of Interior;

Fourth, allow this new Commissioner to approve case-by-case exceptions to an existing ban on any form of repair, renovation, or development other than new housing construction, in a vast expanse of land known as the Bennett Freeze;

Fifth, require the Commissioner to report to Congress within 6 months of his appointment on a new census of all families affected by relocation, and on an updated evaluation of the property of families on the Hopi partitioned lands;

Sixth, require the Commissioner to submit to Congress, within 12 months of his appointment, a new relocation plan, including plans for economic development;

Seventh, require the Commissioner to allow both the Navajo and Hopi tribes to consult in the drafting of these reports;

Eighth, cap the Federal reimbursement of legal fees to both tribes for Navajo-Hopi related litigation, at $150,000 per year per tribe;

Ninth, establish the Navajo Rehabilitation Fund to draw from revenues from the Paragon Resources Ranch in New Mexico. These revenues would be used to fund programs and projects to benefit families affected by relocation from the HPL as well as those families affected by the repeated expansion of the Hopi Reservation (district 6) in the 1960's and 1970's. These benefits will help those families and the communities directly affected by an influx of relocatee families.

Senator McCAIN and I have also agreed upon several amendments to S. 1236 as reported by the committee. These would instruct the new Commissioner to provide benefits to the relocatee families primarily in the order they were certified to receive benefits, and to provide priority to those families who were evicted from district 6 as a result of the 1972 decision in Kabinto against U.S. And they would allow the Secretary of the Interior to access Navajo trust funds for the purpose of paying rental fees to the Hopi Tribe, but only if the Navajo Nation refuses to pay amounts ordered by a court and then, if Congress does not act to deny the Secretary authority to access the trust funds in that particular instance.

Mr. President, S. 1236 contains important provisions restructuring the Federal agency responsible for relocation, and making that agency more accountable. The bill will provide long-needed relief for thousands of Navajos subject to the so-called Bennett development freeze for over 20 years.

My distinguished colleague from California, Mr. CRANSTON, has proposed a legislated moratorium on further relocation under Public Law 93-531. I am in full sympathy with the aims of that bill and with the concerns of its sponsors. Although I have concluded that the bill before us today is the most beneficial step forward that can be taken at this moment, I must emphasize that it is only a small first step toward what I believe must be a comprehensive and humane settlement of all outstanding issues in this dispute involving the Hopi Tribe, the Navajo Tribe and the United States.

In coming months we must address the needs of those families who cannot, because of their deep religious and economic ties to the land, move from that land. We must address the long term economic, spiritual and social needs of those families who have chosen to move. We must address the expensive and time-consuming litigation that is draining the resources of both tribes and the United States. And we must encourage normal and free economic growth of the reservation areas in which development has been frozen for decades.

Despite repeated efforts to resolve the dispute on a bilateral basis between the two tribes, there is today no evidence that any efforts now or in the immediate future carries even a moderate prospect of success. The truth is, without the direct involvement of the party most responsible for the situation—the Federal Government—this tragedy will continue for years to come. relocation has been—with respect to impact on human lives, on our relations with the Indian nations, on cost to the American taxpayer, and on the international image of the United States—a monumental failure.

I firmly believe that Congress must take action in its next session to achieve a just, humane, and complete settlement of the dispute. I am confident my distinguished colleague, Mr. McCAIN, and our committee chairman, Mr. INOUYE, share my concern, and recognize that the legislation before us today will not rescue these people from this tragic situation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1236), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—S. 2443

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2443, the Senate companion bill to the House bill on the Nuclear Regulatory Commission be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DRIVE FOR LIFE WEEKEND

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 350, designating Labor Day weekend, September 3-5, 1988 as "National Drive for Life Weekend."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent to proceed to the immediate consideration of Senate Joint Resolution 350.

There being no objection, the Senate proceeded to the consideration of Senate Joint Resolution 350.

The joint resolution (S.J. Res. 350) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 350) and its preamble are as follows:

S.J. Res. 350

Whereas drunk-driving is the most frequent committed crime in the United States, with arrests for driving while intoxicated totalling more than three times the number of arrests for all violent crimes combined;

Whereas one individual in the United States was killed every 22 minutes in a drunk-driving related crash in 1987, an average of 65 individuals each day;

Whereas approximately 23,632 individuals were killed in the United States in drunk-driving related crashes in 1987;

Whereas two out of every five individuals in the United States will be involved in a drunk-driving related crash at some point in their lives;

Whereas the estimates of the economic costs of drunk-driving in the United States are as high as $24 billion;

Whereas on October 24, 1987, Mothers Against Drunk Driving and Volkswagen United States, Inc., sponsored the first annual National Drive for Life day;

Whereas Drive for Life is a public awareness campaign which asks all Americans to pledge not to drink and drive on the Drive for Life day and thereby demonstrate a commitment to reduce significantly the tragedies of drunk-driving, and which serves to educate the public about the dangers of drunk-driving.

Whereas on the first annual National Drive for Life day, the toll of individuals killed in drunk-driving related crashes in the United States was 27.5 percent lower than the average number of deaths due to drunk-driving related crashes on an average Autumn Saturday in 1986, reflecting the success of this campaign;

Whereas the first annual National Drive for Life campaign featured endorsements from Nancy Reagan and other prominent public officials; and

Whereas the second annual National Drive for Life day will occur on September 3, 1988, the Saturday of the Labor Day Weekend, when drunk-driving related crashes are traditionally at their peak: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Labor Day Weekend beginning on September 3, 1988, is designated as "National Drive for Life Weekend". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that weekend with a pledge to not drink and drive and other appropriate activities.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SENIOR CITIZENS DAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 138, a joint resolution to authorize and request the President to issue annually a proclamation designating the third Sunday of August of each year as "National Senior Citizens Day."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent to proceed to the immediate consideration of House Joint Resolution 138.

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 138) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until the hour of 10:30 tomorrow morning; that following the two leaders or their designees under the standing order, there be a period for morning business not to extend beyond the hour of 11 a.m.; that Senators may speak during that period for morning business for not to exceed 5 minutes each; that no motions or resolutions over, under the rule, come over; that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate is now in morning business?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, does the distinguished Republican leader have any other business he wishes to transact or any further statement he wishes to make?

Mr. DOLE. No. I would just say very briefly, if the majority leader will yield, that we have had ongoing discussions most of the afternoon on Contra aid. I do believe that the President's National Security Adviser, General Powell, has been working diligently, and objectively trying to determine the best way to go. And there will be a meeting tomorrow morning with the President in which that will be discussed.

So I should be in the position to have a meeting with the majority leader, if it is satisfactory with the majority leader, tomorrow when I return to see if we can devise a strategy that goes in the right direction. Maybe we can devise a strategy so we can complete action on the amendment or amendments, complete action on the DOD appropriations bill, and also work out any final matters in the other agreement concerning the defense authorizations bill.

I understand Senator Warner, the ranking Republican member on the Armed Services Committee, has been visiting with Senator Nunn, the chairman, and they are nearly in agreement. We might be able to accommodate their wishes, too. If that were to happen, maybe it would all fall into place rather than to fall apart tomorrow.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

I know he is working hard and in good faith as is General Powell. And I look foward to tomorrow hoping that things will materialize which will enable us to exercise the actions on the DOD appropriations bill and on the other matters that we have mentioned before the Senate goes into recess.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I move, then, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 10:30 tomorrow morning.

The motion was agreed to; and, at 7:03 p.m., the Senate adjourned until Tuesday, August 9, 1988, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, August 8, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we seek to do right in our responsibilities and we yearn to find the way where we can make our contribution to our neighbors next door and throughout the world. As we contemplate our tasks we look to those who have gone before us, whose words and encouragement and guidance have pointed us in the way of service to others. We also give thanks for the promise of the future and the opportunities for understanding and peace that are always our challenge. We give thanks, O God, for the gift of memory and the gift of promise that brighten each new day. Amen.

THE JOURNAL

The **SPEAKER.** The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4387. An act to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4387), "An act to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOREN, Mr. BENTSEN, Mr. NUNN, Mr. HOLLINGS, Mr. BRADLEY, Mr. CRANSTON, Mr. DECONCINI, Mr. METZENBAUM, Mr. COHEN, Mr. ROTH, Mr. HATCH, Mr. MURKOWSKI, Mr. SPECTER, Mr. HECHT, and Mr. WARNER; and appoints for matters within the jurisdiction of the Committee on Armed Services: Mr. EXON and Mr. THURMOND, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 16, to the bill (H.R. 1414) "An act to amend the Price-Anderson provision of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents."

The message also announced that the Senate recedes from its amendments numbered 1 to 15, to the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 892) entitled "An act to remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake County, UT."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 908) entitled "An act to amend the Inspector General Act of 1978," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLENN, Mr. CHILES, Mr. SASSER, Mr. PRYOR, Mr. ROTH, Mr. STEVENS, and Mr. HEINZ; and appoints for the purposes of the Nuclear Regulatory Provisions only: Mr. BREAUX and Mr. SIMPSON to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1579) entitled "An act to amend the Public Health Service Act to revise and extend the block grant program, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. ADAMS, Mr. HATCH, and Mr. QUAYLE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 508. An act to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes;

S. 2561. An act to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes;

S. 2680. An act to establish a pilot program for the tracking of medical wastes in the States of New York, New Jersey, and Connecticut;

S. Con. Res. 63. Concurrent resolution expressing the sense of the Congress regarding the formulation and implementation of a regional economic development and recovery program for Central America; and

S. Con. Res. 134. Concurrent resolution to urge States and the Federal Election Commission to evaluate the success of the Kids Voting program in Arizona.

CONFERENCE REPORT ON H.R. 5015, DISASTER ASSISTANCE ACT OF 1988

Mr. **DE LA GARZA** submitted the following conference report and statement on the bill (H.R. 5015) to provide drought assistance to agricultural producers, and for other purposes:

CONFERENCE REPORT (REPT. 100-830)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5015) to provide drought assistance to agricultural producers, and for other purposes, having met, after the full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

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TITLE I—EMERGENCY LIVESTOCK ASSISTANCE

Sec. 101. Emergency feed and related assistance.
Sec. 102. Assistance for dairy farmers.
Sec. 103. Emergency forage program.

TITLE II—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Annual Crops

Sec. 201. Payments to program participants for target price commodities.
Sec. 202. Payments to program nonparticipants for target price commodities.
Sec. 203. Peanuts, sugar, and tobacco.
Sec. 204. Soybeans and nonprogram crops.
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Sec. 208. Dry edible beans; communication and education.
Sec. 209. Transfer of funds.
Sec. 210. Crops harvested for forage uses.
Sec. 211. Payment limitations.
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Subtitle B—Forest Crops

Sec. 221. Eligibility.
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Sec. 223. Limitation on assistance.
Sec. 224. Definition.
Sec. 225. Duplicative payments.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Subtitle C—Administrative Provisions
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Sec. 232. Timing and manner of assistance.
Sec. 233. Use of Commodity Credit Corporation.
Sec. 234. Regulations.
Subtitle D—Sense of Congress
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TITLE III—OTHER EMERGENCY PROVISIONS
Subtitle A—Commodity Stock Adjustment
Sec. 301. Soybeans, sunflowers, and cottonseed and sunflower seed oil.
Sec. 302. Oats.
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Sec. 304. Tobacco and peanuts.
Subtitle B—Disaster Credit and Forbearance
Sec. 311. Emergency loans.
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Sec. 313. Forbearance and restructuring for farm loans.
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Sec. 321. New conservation measures.
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Subtitle D—Rural Business
Sec. 331. Disaster assistance for rural business enterprises.
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Sec. 333. Survey of agribusiness.
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Sec. 335. Rural economic development response to the drought.
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Sec. 341. Sense of Congress—agricultural exports.
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Sec. 503. Assistance to low-income agricultural workers.

TITLE I—EMERGENCY LIVESTOCK ASSISTANCE

SEC. 101. EMERGENCY FEED AND RELATED ASSISTANCE

(a) In General.—The Agricultural Act of 1949 is amended by adding at the end thereof the following new title:

"TITLE VI—EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1988 SHORT TITLE

"SEC. 601. This title may be cited as the 'Emergency Livestock Feed Assistance Act of 1988'.

"DEFINITIONS

"SEC. 602. As used in this title:

"(1) The term 'livestock producer' means—

"(A) a person that is actively engaged in farming and that receives a substantial amount of total income from the production of grain or livestock, as determined by the Secretary, that is—

"(i) an established producer or husbander of livestock or a dairy producer who is a citizen of, or legal resident alien in, the United States; or

"(ii) a farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation is engaged in livestock production or husbandry, or dairy production; or

"(B) Any of the following entities that is actively engaged in livestock production or husbandry, or dairy production—

"(i) any Indian tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)));

"(ii) any Indian organization or entity chartered under the Act of June 18, 1934 (48 Stat. 984, chapter 576; 25 U.S.C. 461 et seq.), commonly known as the 'Indian Reorganization Act';

"(iii) any tribal organization (as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(c))); or

"(iv) any economic enterprise (as defined in section 3(e) of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)));

"(2) The term 'livestock' means cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, fish used for food, and other animals designated by the Secretary (at the Secretary's sole discretion) that—

"(A) are part of a foundation herd (including producing dairy cattle) or offspring; or

"(B) are purchased as part of a normal operation and not to obtain additional benefits under this title.

"(3) The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"(4) The term 'feed', for the purposes of emergency feed assistance, means any type of feed (including feed grain, oilseed meal, premix or mixed feed, liquid or dry supplemental feed, roughage, pasture, or forage) that—

"(A) best suits the livestock producer's operation; and

"(B) is consistent with acceptable feed practices.

"(5) The term 'area' includes any Indian reservation (as defined in section 335(e)(1)(D)(ii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(e)(1)(D)(ii))).

"EMERGENCY LIVESTOCK ASSISTANCE

"SEC. 603. (a) The Secretary shall provide emergency feed assistance under this title for the preservation and maintenance of livestock in any State or area of a State where, because of disease, insect infestation, flood, drought, fire, hurricane, earthquake, storm, hot weather, or other natural disaster, the Secretary determines that a livestock emergency exists.

"(b)(1) The Secretary shall provide emergency feed assistance under this title for the preservation and maintenance of livestock, to livestock producers that—

"(A) conduct farming, ranching, or aquaculture operations in any county contiguous to a county where the Secretary has determined, under subsection (a), that a livestock emergency exists, and

"(B) are otherwise eligible for assistance under this title.

"(2) The Secretary shall accept applications for assistance under this subsection from producers that are affected by the livestock emergency at any time during the eight-month period beginning on the date on which the Secretary determines that such emergency exists in the other county.

"DETERMINATION OF NEED FOR ASSISTANCE

"SEC. 604. (a)(1) Whenever the Governor of a State determines that a livestock emergency due to a natural disaster exists in the State, or a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)) determines that such an emergency exists in the county, the Governor or county committee may submit a request for a determination by the Secretary of a livestock emergency in such State or county and for emergency livestock feed assistance under this title.

"(2) The request of a Governor or county committee for a livestock emergency determination and for emergency livestock feed assistance shall include, to the extent feasible, recommendations to the Secretary of those options that will most fully use feed available through local sources.

"(b) The Secretary may consider a State, county, or area in a State for a livestock emergency determination and emergency livestock feed assistance under this title whether or not a request for assistance is submitted, as described in subsection (a).

"(c) The Secretary shall act on requests for determinations under subsection (a) and make final determinations on whether a livestock emergency exists in any State, county, or area, under regulations that ensure thorough and prompt action (not later than 30 days after receipt of any such request) and provide for appropriate notification procedures.

"(d) Notwithstanding the preceding provisions of this section, any State, county, or area determined eligible, due to drought or related conditions in 1988, for the emergency feed program or emergency feed assistance program conducted prior to the effective date of this title shall continue to be eligible for such programs and may be eligible for other programs under this title for such drought or related condition. As soon as practicable after the effective date of this title, the Secretary shall determine whether any of the programs described in section 606, other than the emergency feed program under section 606(a)(4) and the emergency feed assistance program under section 606(a)(2), or in section 607 should be made available in such State, county, or area. If the Secretary makes such determination, the Secretary shall make such programs immediately available to livestock producers in the State, county, or area.

"ELIGIBLE PRODUCERS

"SEC. 605. (a)(1) If the Secretary determines that a livestock emergency exists in a State, county, or area, qualifying livestock producers located in such State, county, or area, or in a contiguous county as provided for in section 603(b), shall be eligible (under application procedures established by the Secretary) for emergency feed assistance under this title in accordance with this subsection.

"(2) For the purposes of this subsection, a 'qualifying livestock producer' is a livestock producer who has suffered a substantial loss in feed normally produced on the farm for such producer's livestock as a result of the livestock emergency and, as a result, does not have sufficient feed that has adequate nutritive value and is suitable for each of such producer's particular types of livestock (as of the date of the request, or initiation of consideration, for a determination of a livestock emergency under section 604) for the estimated duration of the emergency.

"(3) Each qualifying livestock producer shall be eligible for emergency feed assistance under the programs specified in section 606(a) that is made available where the producer is located in quantities sufficient to meet such feed deficiency with respect to the producer's livestock normally fed with feed produced by the producer.

"(b) Each livestock producer in such State, county, or area, or in a contiguous county as provided for in section 603(b), regardless of whether the producer qualifies for assistance under subsection (a), shall be eligible for emergency assistance under the programs specified in section 607 that are made available where the producer is located.

"(c) Any livestock producer, located in a county or area in which benefits under the emergency feed program or the emergency feed assistance program were made available due to the drought or related condition in 1988 prior to the effective date of this title, who qualifies for assistance under such pre-existing programs shall be eligible for assistance for such drought or related conditions as prescribed in subsection (a) or, at the producer's option, for assistance under such pre-existing programs.

"ASSISTANCE PROGRAMS

"SEC. 606. (a) In accordance with section 605(a), the Secretary shall make one or more of the following assistance programs available to qualifying livestock producers in a State, county or area, if the Secretary determines that the livestock emergency in such State, county or area requires the implementation of such program:

"(1) The donation of feed grain owned by the Commodity Credit Corporation to producers who are financially unable to purchase feed under paragraph (2) or to participate in any other program authorized under this subsection.

"(2) The sale of feed grain owned by the Commodity Credit Corporation to producers for livestock feed at a price, established by the Secretary, that does not exceed—

"(A) with respect to such assistance provided for any livestock emergency determined to exist prior to January 1, 1989, 75 percent of the current basic county loan rate for such feed grain in effect under this Act (or at a comparable price if there is no such current basic county loan rate), or

"(B) with respect to such assistance provided for any other livestock emergency, 50 percent of the average market price in the county or area involved, as determined by the Secretary.

"(3) Reimbursement of any transportation and handling expenses incurred, not to exceed 50 percent of such expenses, by a producer in connection with feed grain donations or sales under paragraphs (1) and (2).

"(4) Reimbursement of not to exceed 50 percent of the cost of feed purchased by a producer for the producer's livestock during the duration of the livestock emergency.

"(5) Hay and forage transportation assistance to producers of not to exceed 50 percent of the cost of transporting hay or forage purchased from a point of origin beyond a producer's normal trade area to the livestock, subject to the following limitations:

"(A) The transportation assistance may not exceed $50 per ton of eligible hay or forage ($12.50 for silage).

"(B) The quantity of eligible hay and forage for each producer may not exceed the lesser of—

"(i) 20 pounds per day per eligible animal unit; or

"(ii) the quantity of additional feed needed by the producer for the duration of the livestock emergency.

"(6) Livestock transportation assistance to producers of not to exceed 50 percent of the cost of transporting livestock to and from available grazing locations, except that such assistance may not exceed the lesser of—

"(A) $24 per head of a producer's eligible livestock; or

"(B) the local cost of the quantity of additional feed needed by the producer for the eligible livestock for duration of the livestock emergency.

"(b) If assistance is made available through the furnishing of feed grain under paragraph (1) or (2) of subsection (a), the Secretary may provide for the furnishing of the feed grain through a dealer or manufacturer and the replacing of the feed grain so furnished from feed grain owned by the Commodity Credit Corporation

"(c) In providing assistance under paragraph (2) or (4) of subsection (a), the Secretary may make in-kind payments or reimbursements through the issuance of negotiable certificates that the Commodity Credit Corporation shall exchange for a commodity in accordance with rules prescribed by the Secretary.

"(d) No payment or benefit provided under this section shall be payable or due until such time as a completed application therefor has been approved.

"(e) A person eligible to receive a payment or benefit under this section with respect to a livestock emergency determined to exist prior to January 1, 1989, shall make application for such payment or benefit not later than March 31, 1989, or such later date that the Secretary, by regulation, may prescribe.

"ADDITIONAL ASSISTANCE

"SEC. 607. (a) In addition to the assistance provided under section 606, if the Secretary determines that the livestock emergency also requires the implementation of one or more of the assistance programs described in subsection (b), the Secretary shall implement such programs.

"(b) Special assistance under this section includes—

"(1) the donation of feed owned by the Commodity Credit Corporation for use in feeding livestock stranded and unidentified as to its owner, including the cost of transporting feed to the affected area, during such period as the Secretary, by regulation, may prescribe;

"(2) reimbursement of not to exceed 50 percent of the cost of—

"(A) installing pipelines (if that is the least expensive method) or other facilities, including tanks or troughs, for livestock water;

"(B) construction or deepening of wells for livestock water; or

"(C) developing springs or seeps for livestock water,

as appropriate in drought areas to facilitate more efficient and better-distributed grazing on land normally used for grazing. Such cost-share assistance may not be made available to provide water for wildlife or recreational livestock, dry lot feeding, or barns or corrals, or to acquire pumping equipment;

"(3) reimbursement of not to exceed 50 percent of the cost of burning prickly pear cactus to make it suitable for animal feed; and

"(4) making commodities owned by the Commodity Credit Corporation available to livestock producers through the use of a catalog that specifies lots of a size that are economically feasible for a small producer to obtain by means of certificate exchanges.

"USE OF THE COMMODITY CREDIT CORPORATION

"SEC. 608. The Secretary shall carry out this title through the use of the funds, facilities, and authorities of the Commodity Credit Corporation.

"BENEFITS LIMITATION

"SEC. 609. (a) The total amount of benefits that a person shall be entitled to receive annually under one or more of the programs established under this title may not exceed $50,000.

"(b) The Secretary shall issue regulations—

"(1) defining the term 'person', which shall conform, to the extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985, or successor statute;

"(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section; and

"(3) providing that the term 'person' shall include, in the case of any cooperative association of producers, each member of the association with respect to benefits due to such member of the association.

"(c) No person may receive benefits under this title attributable to lost production of a feed commodity due to a natural disaster in 1988 to the extent that such person receives a disaster payment under the Disaster Assistance Act of 1988 on such lost production.

"(d) Each person otherwise eligible for a livestock emergency benefit under this title in 1988 shall be subject to the combined payment and benefits limitation established under section 211(c) of the Disaster Assistance Act of 1988.

"INELIGIBILITY

"SEC. 610. (a) Any person that has qualifying gross revenues in excess of $2,500,000 annually, as determined by the Secretary, shall not be eligible to receive any livestock emergency benefits under this title.

"(b) For purposes of this section, the term 'qualifying gross revenue' means—

"(1) if a majority of the person's annual income is received from farming and ranching operations, the gross revenue from the person's farming and ranching operations; and

"(2) if less than a majority of the person's annual income is received from farming and ranching operations, the person's gross revenue from all sources.

"ADMINISTRATION

"SEC. 611. (a) The Commodity Credit Corporation shall issue regulations to carry out this title.

"(b) Such regulations shall establish procedures to ensure that the request for assistance by a Governor or county committee under section 604, and individual applications of livestock producers under section 605 for assistance, are processed and decisions thereon are made as quickly as practicable.

"(c) For purposes of this title, indigenous plants available to a livestock producer but not normally consumed by livestock as feed, such as cactus, may not be considered as feed on hand for such producers.

"PENALTIES

"SEC. 612. A person that disposes of any feed made available to a livestock producer under this title other than as authorized by the Secretary shall be (1) subject to a civil penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and (2) guilty of a misdemeanor and, on conviction thereof, subject to a fine of not more than $1,000, or imprisonment for not more than one year, or both.".

(b) CONFORMING CHANGES.—(1) Section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) is repealed.

(2) Section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by striking out "and may make feed owned or controlled by it" in the fifth sentence and all that follows through the end of the sixth sentence and inserting in lieu thereof "and may donate or sell commodities in accordance with title VI".

(3) Section 421 of the Agricultural Act of 1949 (7 U.S.C. 1433) is repealed.

(4) Public Law 86-299 (73 Stat. 574), as amended, is repealed.

(5) Section 303 of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 1427 note) is repealed.

(c) EFFECTIVE PERIOD.—(1) This section and the amendments made by this section shall become effective 15 days after the date of the enactment of this Act.

(2) The provisions of sections 604(d), 605(c), 606(a)(2)(A), 606(e), 609(c), and 609(d) of the Agricultural Act of 1949, as added by subsection (a), shall apply only with respect to any livestock emergency in 1988.

SEC. 102. ASSISTANCE FOR DAIRY FARMERS.

(a) FISCAL YEAR 1989 GENERALLY.—Section 201(d)(1)(D) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(1)(D)) is amended by striking out "if for any of the calendar years 1988, 1989, and 1990" and inserting in lieu thereof "if for each of the calendar years 1988 and 1990".

(b) TEMPORARY INCREASE IN PRICE SUPPORT.—Notwithstanding section 201(d)(1) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(1)), the rate of price support for milk in effect under such section immediately before April 1, 1989, shall be increased by 50 cents throughout the period beginning on April 1, 1989, and ending on June 30, 1989.

SEC. 103. EMERGENCY FORAGE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall implement an emergency forage program for established pasture damaged by the drought or related condition in 1988, under which the Secretary shall enter into cost-share agreements with owners or operators of such damaged land to provide for reseeding of forage crops on such land to facilitate late fall 1988 and early spring 1989 grazing and haying. Assistance may be provided to such owners and operators only when—

(1) the forage crop will not regenerate naturally;

(2) reseeding is the most cost-effective method to reestablish the forage crop; and

(3) reseeding is not undertaken simply to improve the forage crop damaged by the drought.

(b) COST-SHARE.—The Secretary shall share half the costs incurred under each agreement entered into under subsection (a), including the costs of seed, fertilizer, and other inputs on reseeded pasture.

(c) LIMITATIONS.—(1) The total amount of payments an owner or operator of pasture land shall be entitled to receive under this section shall be $3,500.

(2) The Secretary may cost-share for reseeding under this section only if the reseeding is to nonannual crops planted for pasture purposes.

(d) FUNDING.—(1) The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(2) Not more than $50,000,000 of the funds of the Commodity Credit Corporation may be expended under paragraph (1).

(3) To ensure the equitable award of funds under agreements under this section, as limited under paragraph (2), the Secretary may prorate, and adopt procedures to facilitate proration of, funds made available under this section.

TITLE II—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Annual Crops

SEC. 201. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—(1) Effective only for producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as otherwise provided in this subsection, if the Secretary of Agriculture determines that, because of drought, hail, excessive moisture, or related condition in 1988, the total quantity of the 1988 crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 65 percent of the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of drought, hail, excessive moisture, or related condition in 1988, as determined by the Secretary) for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to—

(A) 65 percent of the established price for the crop for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(B) 90 percent of the established price for the crop for any deficiency in production greater than 75 percent for the crop.

(2)(A) Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the permitted acreage for the farm for the commodity.

(B) Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 207.

(3) The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the quantity on which a payment is made to the producers for the crop under paragraph (1).

(4) Effective only for the 1988 crops of wheat and feed grains, in the case of producers on a farm who elected after March 11, 1988, to devote all or a portion of the permitted acreage of the farm for the commodity to conservation or other uses in accordance with section 107D(c)(1)(C) or 105C(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(c)(1)(C) or 1444e(c)(1)(B)), the Secretary shall allow (within 30 days after the date of the enactment of this Act) such producers to elect whether to receive disaster payments in accordance with this subsection in lieu of payments under such section.

(b) ADVANCE DEFICIENCY PAYMENTS.—(1) This subsection shall apply only to producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1988 crop of wheat, feed grains, upland cotton, or rice.

(2)(A) Subject to subparagraph (B), if because of drought, hail, excessive moisture, or related condition in 1988 the total quantity of the 1988 crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of such natural disaster, as determined by the Secretary) for such crop (hereinafter referred to as the "qualifying amount"), the producers shall not be required to refund any advance deficiency payment made to the producers for such crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) with respect to that portion of the deficiency in production that does not exceed 35 percent of the qualifying amount.

(B) Producers on a farm shall not be eligible for the waiver provided for under subparagraph (A), unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 207.

(3) The Secretary shall allow producers on a farm that elected, prior to the date of enactment of this Act, not to receive advance deficiency payments made available for the 1988 crop under section 107C of such Act, to elect (within 30 days after the date of the enactment of this Act) whether to receive such advance deficiency payments.

(4) Effective only for the 1988 crops of wheat, feed grains, upland cotton, and rice, if the Secretary determines that any portion of the advance deficiency payment made to producers for the crop under section 107C of such Act must be refunded, such refund shall not be required prior to July 31, 1989, for that portion of the crop for which a disaster payment is made under subsection (a).

SEC. 202. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—Effective only for producers on a farm who elected not to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, if the Secretary of Agriculture determines that because of drought, hail, excessive moisture, or related condition in 1988, the total quantity of the 1988 crop of the commodity that such producers

are able to harvest on the farm is less than the result of multiplying 65 percent of the county average yield established by the Secretary for such crop by the sum of acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers. The payment shall be made to the producers at a rate equal to—

(1) 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(2) 90 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop.

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1988 crop of the commodity for harvest because of drought, hail, excessive moisture, or related condition in 1988, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted to the commodity for harvest in 1988; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987, minus acreage actually planted to the commodity for harvest in 1988.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers.

(c) LIMITATIONS.—(1) The amount of payments made available to producers on a farm for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for such crop under the Agricultural Act of 1949.

(2) Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 207.

SEC. 203. PEANUTS, SUGAR, AND TOBACCO.

(a) DISASTER PAYMENTS.—(1) Effective only for the 1988 crops of peanuts, sugar beets, sugarcane, and tobacco, if the Secretary of Agriculture determines that, because of drought, hail, excessive moisture, or related condition in 1988, the total quantity of the 1988 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of the county average yield (or program yield, in the case of peanuts) established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers. The payment shall be made to the producers at a rate equal to—

(A) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop (or in the case of a crop of burley tobacco or flue-cured tobacco, for any deficiency in production greater than 35 percent, but not greater than 75 percent, of the farm's effective marketing quota for 1988); and

(B) 90 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop (or, in the case of burley tobacco or flue-cured tobacco, for any deficiency in production greater than 75 percent of the farm's effective marketing quota for 1988).

(2) For purposes of paragraph (1), the payment level for a commodity shall be equal to—

(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as appropriate;

(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 204(a)(2); and

(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for the 1988 crops of sugar beets and sugarcane, and that, insofar as is practicable, shall reflect no less return to the producer than under the 1988 price support levels.

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1988 crop of the commodity for harvest because of drought, hail, excessive moisture, or related condition in 1988, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted for harvest in 1988; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987, minus acreage actually planted to the commodity for harvest in 1988.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers and increased quotas for the 1988 crops of tobacco.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 207.

(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

(2) payments made under this section shall be taken into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

(3) the amount of undermarketings of quota peanuts from a farm for the 1988 crop that may otherwise be claimed under section 358 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

(1) the amount of undermarketings of quota tobacco from a farm for the 1988 crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c or 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which payment has been received under this section; and

(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(d)).

(f) SPECIAL RULE FOR SUGAR.—A producer of the 1988 crop of sugarcane or sugar beets that is unable to process the commodity into sugar due to the inability of local processing plants to process sugar as a result of drought, hail, excessive moisture, or related condition in 1988 shall be eligible for disaster payments in accordance with subsection (a) for any loss in sugar production attributable to such inability. Disaster payments made available under this subsection for such loss of production shall be reduced by an amount equal to any proceeds received by the producer from the disposition of that portion of the crop on which disaster payments are made.

SEC. 204. SOYBEANS AND NONPROGRAM CROPS.

(a) DISASTER PAYMENTS.—(1)(A) Effective only for the 1988 crops of soybeans and nonprogram crops, if the Secretary of Agriculture determines that, because of drought, hail, excessive moisture, or related condition in 1988, the total quantity of the 1988 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of—

(i) with respect to soybeans, the State, area, or county yield, adjusted for adverse weather conditions during the three previous crop years, as determined by the Secretary; or

(ii) with respect to nonprogram crops, the yield established by the Commodity Credit Corporation under subsection (d)(2),

for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

(B) The payment shall be made to such producers at a rate equal to—

(i) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(ii) 90 percent of the applicable payment level under paragraph (2), as determined by

the Secretary, for any deficiency in production greater than 75 percent for the crop.

(2) For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

(3)(A) The Secretary shall make disaster payments under subsection (a) on a crop by crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary.

(B) For the purposes of determining the payment rates on a crop by crop basis, the Secretary shall consider as separate crops, and develop separate payment rates insofar as is practicable for, different varieties of the same commodity for which there is a significant difference in the economic value in the market.

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1988 crop of the commodity for harvest because of drought, hail, excessive moisture, or related condition in 1988, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted for harvest in 1988; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987, minus acreage actually planted to the commodity for harvest in 1988.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 207.

(d) SPECIAL RULES FOR NONPROGRAM CROPS.—(1) As used in this section, the term "nonprogram crop" means all crops (including sweet potatoes) for which crop insurance through the Federal Crop Insurance Corporation was available for crop year 1988, and other commercial crops (including sweet potatoes) for which such insurance was not available for crop year 1988, except that such term shall not include a crop covered under section 201, 202, or 203, or soybeans.

(2) The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops. The yield for a farm shall be based on proven yields, if the producers on the farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding three crop years. If such data do not exist for any of the three preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity.

(3) It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of crop losses resulting from drought, hail, excessive moisture, or related condition in 1988 in order for such producers to obtain disaster payments under this section.

SEC. 205. CROP QUALITY REDUCTION DISASTER PAYMENTS.

(a) IN GENERAL.—To ensure that all producers of 1988 crops covered under the provisions of sections 201 through 203, and producers of soybeans, are treated equitably, the Secretary of Agriculture may make additional disaster payments to producers of such crops that suffer losses resulting from the reduced quality of such crops caused by drought, hail, excessive moisture, or related conditions in 1988, as determined by the Secretary.

(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if such producers incur a deficiency in production of not less than 35 percent and not more than 75 percent for such crop (as determined under section 201, 202, 203, or 204, as appropriate).

(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, but such rate shall not exceed 10 percent, as determined by the Secretary, of—

(1) the established price for the crop, for commodities covered under section 201;

(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 202;

(3) the payment level under section 203(a)(2), for commodities covered by section 203; and

(4) the payment level under section 204(a)(2), for commodities covered under section 204.

(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by such natural disaster in 1988, as determined by the Secretary.

SEC. 206. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

In the case of producers on a farm who obtained crop insurance for the 1988 crop of a commodity under the Federal Crop Insurance Act, the Secretary of Agriculture shall reduce the amount of payments made available under this subtitle for such crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by such producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this subtitle for such crop exceeds the amount determined by multiplying—

(1) 100 percent of the yield used for the calculation of disaster payments made under this subtitle for such crop, by

(2) the sum of the acreage of such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 201, the eligible acreage established under sections 201(a)(1) and 201(a)(2)(A)), by

(3)(A) in the case of producers who participated in a production adjustment program for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the established price for the 1988 crop of the commodity;

(B) in the case of producers who did not participate in a production adjustment program for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for the 1988 crop of the commodity;

(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 203(a)(2); and

(D) in the case of producers of soybeans or a nonprogram crop (as defined in section 204(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

SEC. 207. CROP INSURANCE COVERAGE FOR THE 1989 CROPS.

(a) REQUIREMENT.—Subject to the limitations under subsection (b), producers on a farm, to be eligible to receive a disaster payment under this subtitle, an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) for crop losses due to drought, hail, excessive moisture, or related condition in 1988, or forgiveness of the repayment of advance deficiency payments under section 201(b), must agree to obtain multiperil crop insurance under the Federal Crop Insurance Act for the 1989 crop of the commodity for which such payments, loans, or forgiveness are sought.

(b) LIMITATIONS.—Producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

(1) unless the producers' deficiency in production, with respect to the crop for which a disaster payment under this subtitle otherwise may be made, exceeds 65 percent;

(2) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment, loan, or forgiveness is sought;

(3) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the 1988 crop in the county in which the producers are located;

(4) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment, loan, or forgiveness sought; or

(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or to the county committee established under section 332 of the Consolidated Farm and Rural Development Act (17 U.S.C. 1982), as appropriate, that the purchase of crop insurance would impose an undue financial hardship on such producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

(c) IMPLEMENTATION.—(1) The Secretary of Agriculture shall ensure (acting through the *county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 201 through 205 are implemented and through the county committees established under section 332 of the Consolidated Farm and Rural Development Act in counties in which emergency loans, as described in subsection (a), are made available) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.*

(2) Each producer who is subject to the requirements of this section may comply with such requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

(3) The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into under this section sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

(d) REPAYMENT OF BENEFITS.—Each producer subject to the requirements under this section shall make immediate repayment to the Secretary of any disaster payment or forgiven advance deficiency payment that the producer otherwise is required to repay, and (notwithstanding any other provision of law) shall become immediately liable for full repayment of all principal and interest outstanding on any emergency loan described in subsection (a) made subject to this section, at any time (prior to the end of the 1989 crop year for the commodity involved) that the crop insurance coverage required of the producer under this section is cancelled by the producer.

SEC. 208. DRY EDIBLE BEANS; COMMUNICATION AND EDUCATION.

(a) DRY EDIBLE BEANS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by inserting after subsection (i) the following new subsection:

"(j) To accumulate, prior to the 1989 crop year, sufficient actuarial data to enable the Corporation to provide crop insurance that meets the differentiated needs of producers of different types of dry edible beans. Commencing with the 1989 crop year, the Corporation shall make such crop insurance available to producers.".

(b) COMMUNICATION AND EDUCATION.—The Federal Crop Insurance Corporation, as soon as practicable, shall make improvements in—

(1) the dissemination of information to producers on the availability of Federal crop insurance, using existing Department of Agriculture education facilities and producer financial and crop program support personnel;

(2) the training requirements of crop insurance agents who sell and service Federal crop insurance coverage;

(3) the incentives to increase the sale of Federal crop insurance through the delivery systems provided for under sections 507(c) and 508(e) of the Federal Crop Insurance Act;

(4) the Federal crop insurance agency referral system for producers seeking information or insurance coverage;

(5) the cooperation between Federal and State agencies relating to the Federal crop insurance program; and

(6) the use of financial and educational computer programs available in Federal and State agencies to foster the use of Federal crop insurance as a uniform input of costs of production of agricultural commodities for purposes of disaster risk management.

SEC. 209. TRANSFER OF FUNDS.

The Secretary of Agriculture may transfer funds made available to the Commodity Credit Corporation during fiscal year 1988 to the Agricultural Stabilization and Conservation Service in such amounts as may be necessary for salaries and other expenses incurred in carrying out titles I and II of this Act, except that this authorization shall be available only if funding for this purpose is not provided under an appropriations Act.

SEC. 210. CROPS HARVESTED FOR FORAGE USES.

Not later than 15 days after the date of the enactment of this Act, the Secretary of Agriculture shall announce the terms and conditions by which producers on a farm may establish 1988 yield with respect to crops that will be harvested for silage and other forage uses.

SEC. 211. PAYMENT LIMITATIONS.

(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive under one or more of the programs established under this subtitle may not exceed $100,000.

(b) NO DOUBLE BENEFITS.—No person may receive disaster payments under this subtitle to the extent that such person receives a livestock emergency benefit for lost feed production in 1988 under section 606 of the Agricultural Act of 1949, as added by section 101(a) of this Act.

(c) COMBINED LIMITATION.—No person may receive any payment under this subtitle or benefit under title VI of the Agricultural Act of 1949 for livestock emergency losses suffered in 1988 if such payment or benefit will cause the combined total amount of such payments and benefits received by such person to exceed $100,000. If a producer is subject to the preceding sentence, the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949) whether to receive the $100,000 in such payments, or such livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

(d) REGULATIONS.—The Secretary of Agriculture shall issue regulations—

(1) defining the term "person" for the purposes of this section, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985; and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

SEC. 212. DE MINIMIS YIELDS.

The Secretary of Agriculture may determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subtitle. The de minimis yield shall be set at a level that will minimize any incentive provided by the prospect of disaster payments to abandon crops that have a value that exceeds the cost of harvesting. In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary. Any producer whose actual yield for a crop is equal to or less than the de minimis yield for such crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for such crop under this subtitle.

Subtitle B—Forest Crops

SEC. 221. ELIGIBILITY.

(a) DROUGHT LOSS.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance, as specified in section 222, to eligible tree farmers that planted tree seedlings in 1987 or 1988 for commercial purposes but lost such seedlings as a result of the drought or related condition in 1988, as determined by the Secretary.

(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) if such tree farmer's tree seedling mortality, as a result of the natural disaster, exceeds 35 percent (adjusted for normal mortality).

SEC. 222. ASSISTANCE.

The assistance provided by the Secretary of Agriculture to eligible tree farmers for losses described in section 221 shall consist of either—

(1) reimbursement of 65 percent of the cost of replanting seedlings lost due to drought or related conditions in 1988 in excess of 35 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

SEC. 223. LIMITATION ON ASSISTANCE.

(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed $25,000, or an equivalent value in tree seedlings.

(b) REGULATIONS.—The Secretary of Agriculture shall issue regulations—

(1) defining the term "person" for the purposes of this subtitle, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985; and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

SEC. 224. DEFINITION.

As used in this subtitle, the term "eligible tree farmer" means a person that produces annual crops from trees for commercial purposes or that grows trees for harvest for commercial purposes, and owns 1,000 acres or less of such trees.

SEC. 225. DUPLICATIVE PAYMENTS.

The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subtitle and the forestry incentives program, agricultural conservation program, or other existing Federal program.

Subtitle C—Administrative Provisions

SEC. 231. INELIGIBILITY.

(a) GENERAL RULE.—A person that has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary of Agriculture, shall be not eligible to receive any disaster payment or other benefits under this title.

(b) Qualifying Gross Revenues.—For purposes of this section, the term "qualifying gross revenues" means—

(1) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

(2) if less than a majority of the person's annual income is received from farming,

ranching, and forestry operations, the person's gross revenue from all sources.

SEC. 232. TIMING AND MANNER OF ASSISTANCE.

(a) Timing of Assistance.—(1)(A) Subject to subparagraph (B), the Secretary of Agriculture shall make full disaster assistance available under this title as soon as practicable after the date of the enactment of this Act.

(B) Notwithstanding any other provision of law or of this Act, no payment or benefit provided under this title shall be payable or due until such time as a completed application therefor has been approved.

(2) A person eligible to receive payments under subtitle A shall make application for such payments not later than March 31, 1989, or such later date that the Secretary, by regulation, may prescribe.

(b) Manner.—The Secretary may make payments available under subtitle A in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

SEC. 233. USE OF COMMODITY CREDIT CORPORATION.

The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this title.

SEC. 234. REGULATIONS.

The Secretary of Agriculture or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement the provisions of this title as soon as practicable, without regard to the requirement for notice and public participation in rulemaking prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

Subtitle D—Sense of Congress

SEC. 241. PURPOSES OF DISASTER PAYMENTS.

It is the sense of Congress that disaster payments made to producers under subtitle A are intended to preserve each producer's livelihood and farming operation, to enable the producer to meet preexisting commitments and obligations, to protect the infrastructure of the United States agricultural production input, supply, marketing, and distribution systems, and to preserve the vitality and financial health of rural communities.

TITLE III—OTHER EMERGENCY PROVISIONS

Subtitle A—Commodity Stock Adjustment

SEC. 301. SOYBEANS, SUNFLOWERS, AND COTTONSEED AND SUNFLOWER SEED OIL.

(a) Planting of Soybeans and Sunflowers on Permitted Acres.—(1) Effective for the 1989 and 1990 crops, section 504 of the Agricultural Act of 1949 (7 U.S.C. 1464) is amended by adding at the end thereof the following new subsection:

"(e)(1) Notwithstanding any other provision of this Act—

"(A)(i) Effective for the 1989 crops, the Secretary shall permit, subject to subparagraph (B), producers on a farm to plant soybeans or sunflowers on a portion (not less than 10 percent nor more than 25 percent) of the producers' 1989 wheat, feed grain, upland cotton, extra long staple cotton, and rice permitted acreage, as determined by the Secretary.

"(ii) Effective for the 1990 crops, if the Secretary determines that there will be insufficient supplies of soybeans, the Secretary may permit, subject to subparagraph (B), the producers on a farm to plant soybeans or sunflowers on a portion (not less than 10 percent nor more than 25 percent) of the farm's 1990 wheat, feed grain, upland cotton, extra long staple cotton, and rice permitted acreage, as determined by the Secretary.

"(B)(i) For the 1989 crops and, if necessary, the 1990 crops, the Secretary shall establish a sign-up period during which the producers on a farm, participating in the wheat, feed grain, upland cotton, extra long staple cotton, or rice price support and production adjustment program, must state their intentions regarding use of the increased planting provision under subparagraph (A).

"(ii) After termination of the sign-up period under clause (i), the Secretary shall estimate whether, based on the additional soybean and sunflower plantings for the crop, the average market price for that crop of soybeans will be below 115 percent of the loan rate established for the previous crop of soybeans.

"(iii) If the Secretary estimates that the average market price for the crop of soybeans will be below 115 percent of such loan rate, the Secretary shall reduce the percentage of permitted acreage on the farm that may be planted to soybeans and sunflowers to a level, or prohibit such plantings, as necessary to ensure that the average soybean market price does not fall below 115 percent of such loan rate.

"(iv) For each of the 1989 and 1990 crops, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a statement setting forth the reasons for permitting or not permitting producers to plant soybeans or sunflowers on permitted acreage and any reduction in the permitted planting percentage under this subparagraph.

"(C)(1) For the purposes of determining the farm acreage base or the crop acreage bases for the farm, any acreage on the farm on which soybeans or sunflowers are planted under this paragraph shall be considered to be planted to the program crop for which soybeans or sunflowers are substituted.

"(2) The Secretary may not make program benefits other than soybean or sunflower seed price support loans and purchases available to producers with respect to acreage planted to soybeans or sunflowers under paragraph (1) and shall ensure that the crop acreage bases established for the farm and the farm acreage base are not increased due to such plantings.".

(2) Not earlier than February 1, 1989, and not later than March 1, 1989, with respect to the 1989 crop of soybeans, and not later than September 1, 1989, with respect to the 1990 crop of soybeans, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a statement setting forth the reasons for implementing or not implementing the soybean marketing loan program authorized under section 201(i)(3) of the Agricultural Act of 1949 (7 U.S.C. 1446(i)(3)) for such crop. Such statement shall include—

(A) an economic evaluation of current soybean markets, foreign and domestic;

(B) the current foreign soybean production statistics;

(C) the United States soybean export market situation and outlook;

(D) the computation of the prevailing world market price for soybeans, as described in section 201(i)(3)(B) of such Act;

(E) the fiscal effect of the implementation of the marketing loan for soybeans; and

(F) such other factors as the Secretary considers appropriate.

(b) Cottonseed and Sunflower Seed Oil.—(1) The Secretary of Agriculture shall determine if the price of cottonseed or cottonseed products is adversely affected by the amendment made by subsection (a)(1). If the Secretary determines that any such price has been adversely affected, the Secretary shall support the price of cottonseed and cottonseed products through loans, purchases, export assistance, or any other form of assistance, as necessary to offset such adverse effect.

(2)(A) Effective for the fiscal years ending September 30, 1989, and September 30, 1990, the Secretary of Agriculture shall use funds available under section 32 of Public Law 320, Seventy-fourth Congress (7 U.S.C. 612c), to purchase sunflower seed oil and cottonseed oil to facilitate additional export sales of sunflower seed oil and cottonseed oil at competitive prices, as necessary and appropriate to enable United States producers to compete with producers in other countries in world markets. Funds may be made available under this subparagraph only to the extent authorized in advance in appropriations Acts; and such funds shall be in addition to funds made available for the purchase of sunflower seed oil under section 637 of the rural development, agriculture, and related agencies appropriations in section 101(k) of Public Law 100-202 (101 Stat. 1329-357).

(B) To the extent practicable, facilitation of cottonseed oil exports shall be accomplished through the use of authorities available to the Secretary other than the authority granted in subparagraph (A).

(3) Except as otherwise provided in paragraph (2)(A), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subsection.

SEC. 302. OATS.

(a) Farm Acreage Bases.—Section 503 of the Agricultural Act of 1949 (7 U.S.C. 1463) is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding any other provision of this Act, effective for each of the 1989 and 1990 crops, if the acreage limitation percentage established for a crop of feed grains under section 105C(f) is 12.5 percent or less, the Secretary shall permit producers on a farm to designate any portion of the farm acreage base (excluding any portion designated as soybean acreage base) for the crop year as acreage base established for oats. For the purposes of determining the farm acreage base or the crop acreage bases for the farm, any acreage on the farm that is designated as oats base under this paragraph and planted to oats for harvest in 1989 or 1990 shall be considered to be planted to the program crop for which oats are substituted.

"(2) The Secretary shall not make program benefits other than benefits available under the program established for oats available to producers with respect to acreage planted to oats under paragraph (1), and shall ensure that the crop acreage bases established for the farm and the farm acreage base are not increased due to such plantings.".

(b) Sense of Congress.—It is the sense of Congress that if the acreage limitation requirement established for the 1989 or 1990 crop of feed grains under section 105C(f) of the Agricultural Act of 1949 is more than 12.5 percent, the Secretary of Agriculture should establish the lowest possible acreage limitation requirement for such crop of oats under section 105C(f) if market imbalances for barley and oats exist.

SEC. 303. PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS.

(a) Repayment of Loans.—Effective for the 1988 marketing year for wheat or feed grains, once the market price described in clause (5) of the third sentence of subsection (b) of section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) has been reached at any time during such marketing year with respect to such commodity, producers may repay loans made under section 110 for such commodity during the remainder of such marketing year without the payment of a penalty, regardless of the then current market price.

(b) Redemption of Generic Certificates.—Effective only for the 1988 marketing years for wheat and feed grains, section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other provision of law, if a producer has substituted purchased or other commodities for the commodities originally pledged as collateral for a loan made under this section, the producer may repay the loan using a generic commodity certificate that may be exchanged for commodities owned by the Commodity Credit Corporation, if the substitute commodities have been pledged as loan collateral and redeemed only within the same county.".

SEC. 304. TOBACCO AND PEANUTS

(a) Transfer Authority.—(1) Section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) is amended by adding at the end thereof the following new subsection:

"(k)(1) Notwithstanding any other provision of this section, the Secretary may permit, after July 1 of any crop year, the lease and transfer of burley tobacco quota assigned to a farm if—

"(A) the planted acreage of burley tobacco on the farm to which the quota is assigned is determined by the Secretary to be sufficient to produce the effective farm marketing quota under average conditions; and

"(B) the farm's expected production of burley tobacco is less than 80 percent of the farm's effective marketing quota as a result of a natural disaster condition.

"(2) Any lease and transfer of quota under this subsection may be made to any other farm within the same State in accordance with regulations issued by the Secretary.".

(2) Section 358a(k)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358a(k)(1)), as effective for the 1986 through 1990 crops of peanuts, is amended by adding at the end thereof the following: "In the case of a fall transfer or a transfer after the normal planting season by a cash lessee, the landowner shall not be required to sign the transfer authorization. A fall transfer or transfer after the normal planting season may be made not later than 72 hours after the peanuts that are the subject of the transfer are inspected and graded.".

(b) Quota Adjustment.—Notwithstanding any other provision of law, if a producer has produced burley tobacco in 1988 in an amount less than the producer's farm marketing quota for 1988 due to natural disaster, the Secretary may adjust the producer's burley tobacco farm marketing quota for the 1989 crop, as established under section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314(e), by adding the accumulated undermarketings of the basic quota for the 1988 crop, including undermarketings of leased quota, to the producer's basic quota for the 1989 crop, except that such adjustment may not exceed 125 percent of the producer's basic quota.

Subtitle B—Disaster Credit and Forbearance

SEC. 311. EMERGENCY LOANS.

Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)) shall not apply to a person who otherwise would be eligible for an emergency loan under subtitle C of such Act (subject to the person's compliance with the requirements of section 207 of this Act), if such eligibility is the result of damage to an annual crop planted for harvest in 1988.

SEC. 312. 1989 FARM OPERATING LOANS.

(a) Direct Credit.—To the maximum extent practicable, the Secretary of Agriculture shall ensure that direct operating loans made or insured under subtitle B of the Consolidated Farm and Rural Development Act for 1989 crop production are made available to farmers and ranchers suffering major losses due to drought, hail, excessive moisture, or related condition in 1988, as authorized under existing law and under regulations of the Secretary that implement the objective of enabling farmers and ranchers to stay in business.

(b) Loan Guarantees.—(1) Notwithstanding any other provision of law, the Secretary of Agriculture shall make available in the fiscal year ending September 30, 1989, guarantees to commercial or cooperative lenders for loans under subtitle B of the Consolidated Farm and Rural Development Act, to refinance and reamortize 1988 operating loans, or 1988 or 1989 installments due and payable on real estate debt, farm equipment or building (including storage facilities) debt, livestock loans, or other operating debt, of farmers and ranchers that otherwise cannot be repaid due to major losses incurred by such farmers or ranchers as a result of drought, hail, excessive moisture, or related condition in 1988.

(2) Each fiscal year 1989 guaranteed loan for 1988 natural disaster purposes, as described in paragraph (1), shall contain terms and conditions governing the reamortization of the debt of the farmer or rancher that will provide the farmer or rancher a reasonable opportunity to continue to receive new operating credit while repaying the guaranteed loan, as determined by the Secretary.

(3) Notwithstanding any other provision of law, any person eligible to receive payments under subtitle A of title II of this Act shall be deemed eligible to have guaranteed, in accordance with this subsection, loans made to such person by a commercial or cooperative lender to refinance installment payments that are or become due and payable during 1988 or 1989, as described in paragraph (1), except that, to be deemed eligible to have such loan guaranteed, the person must otherwise be current in the person's obligation to the commercial or cooperative lender that agrees to accept the guarantee in consideration of allowing the person to make the 1988 or 1989 payment or installment over a period of time not to exceed 6 years from the original due date of such payment or installment, and must otherwise meet the criteria for guaranteed loan borrowers under subtitle B of the Consolidated Farm and Rural Development Act established by the Secretary.

(c) Use of ACIF Funds.—For purposes of providing guaranteed loans in accordance with subsection (b) of this section, in addition to funds otherwise available, the Secretary may use any funds available from the Agricultural Credit Insurance Fund during fiscal years 1988 or 1989 for emergency insured and guaranteed loans under subtitle C of the Consolidated Farm and Rural Development Act to meet the needs resulting from natural disasters: Provided, That funds available from such Fund first shall be used to satisfy the level of assistance estimated by the Secretary to meet the needs of persons eligible for emergency disaster loans.

SEC. 313. FORBEARANCE AND RESTRUCTURING FOR FARM LOANS.

(a) Farmers Home Administration.—It is the sense of Congress that the Secretary of Agriculture should, with respect to farmers and ranchers who suffer major losses due to drought, hail, excessive moisture, or related condition in 1988—

(1) exercise forbearance in the collection of interest and principal on direct farmer program loans under the Consolidated Farm and Rural Development Act outstanding for such farmers and ranchers;

(2) expedite the use of credit restructuring and other credit relief mechanisms authorized under the Agricultural Credit Act of 1987 and similar provisions of law for such farmers and ranchers; and

(3) encourage commercial lenders participating in guaranteed farmer lending programs under the Consolidated Farm and Rural Development Act to exercise forbearance before declaring loans to such farmers and ranchers under such programs in default.

(b) Farm Credit Administration.—It further is the sense of Congress that the Farm Credit Administration should in its oversight of Farm Credit System institutions, with respect to farmers and ranchers who suffer major losses due to drought, hail, excessive moisture, or related condition in 1988—

(1) ensure that Farm Credit System institutions exercise forbearance in the collection of principal and interest on loans outstanding to such farmers and ranchers;

(2) expedite the use of credit restructuring and other credit relief mechanisms authorized under the Agricultural Credit Act of 1987 and related provisions of law for such farmers and ranchers; and

(3) encourage other lenders participating with Farm Credit System institutions in mutual loan agreements to exercise forbearance before declaring loans to such farmers and ranchers in default.

Subtitle C—Conservation Assistance

SEC. 321. NEW CONSERVATION MEASURES.

(a) In General.—(1) In the case of an owner or operator of land who has entered into a conservation reserve program contract under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) and harvests hay during the 1988 crop year on acreage subject to such contract as authorized by the Secretary of Agriculture, the Secretary may not reduce the amount of rental payments made to such owner or operator as the result of such harvesting to the extent that the owner or operator—

(A) carries out additional conservation practices, approved by the Soil Conservation Service in consultation with appropriate Federal and State agencies, to enhance soil, water, and wildlife conservation on or in the vicinity of lands subject to such contract; and

(B) pays the costs of carrying out such practices.

(2) The amount of the reduction prohibited under paragraph (1) shall equal one-half of the amount paid by the owner or operator to cover the costs of carrying out the conservation practices.

(b) Conservation Practices.—For purposes of subsection (a), the term "conservation practices" includes—

(1) establishment of permanent shelterbelts and windbreaks;

(2) restoration of wetlands;

(3) establishment of wildlife food plots; or

(4) planting of trees.

SEC. 322. CONSERVATION RESERVE ENHANCEMENT PROGRAMS.

Effective beginning with the 1988 crop year, subsection (f) of section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended by adding at the end thereof the following new paragraph:

"(4) The provisions of this subsection that limit payments to any person, and section 1305(d) of the Agricultural Reconciliation Act of 1987, shall not be applicable to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under a special conservation reserve enhancement program carried out by that entity that has been approved by the Secretary. The Secretary may enter into such agreements for payments to States, political subdivisions, or agencies thereof that the Secretary determines will advance the purposes of this subtitle.".

Subtitle D—Rural Businesses

SEC. 331. DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES.

(a) Loan Guarantees.—The Secretary of Agriculture shall guarantee loans made in rural areas to public, private, or cooperative organizations, to Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, or to any other business entities to assist them in alleviating distress caused to such entities, directly or indirectly, by the drought, hail, excessive moisture, or related condition in 1988, and shall guarantee loans made in rural areas to such entities that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of such natural disasters in 1988.

(b) Eligible Loans.—Loans that may be guaranteed under this section are loans made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, insurance company, or other legally organized lending agency.

(c) Lending Limits.—(1) No guarantee under this section may exceed 90 percent of the principal amount of the loan and guarantees made on loans to any eligible borrower may not exceed $500,000.

(2) The total amount of loan guarantees that may be made under this section shall not exceed $200,000,000.

(d) Use of the Rural Development Insurance Fund.—The Secretary shall use the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act for the purposes of discharging the Secretary's obligations under this section.

SEC. 332. SALE OF CORN TO ETHANOL PRODUCERS.

(a) In General.—Except as otherwise provided in this section and notwithstanding section 110(f) of the Agricultural Act of 1949 (7 U.S.C. 1445e(f)) or any other provision of law, if, during any month commencing after July 31, 1988, the average corn price (as determined under subsection (d)) exceeds the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4005)), the Secretary of Agriculture may make available for sale to domestic producers of ethanol fuel, for the production of ethanol, not more than 12,000,000 bushels per month of corn owned by the Commodity Credit Corporation.

(b) Price.—Corn shall be sold under this section at a price that is not more than such fuel conversion price, except that such price shall not be less than 110 percent of the basic county loan rate for corn, prior to any adjustment made under section 105C(a)(3) of the Agricultural Act of 1949 (7 U.S.C. 1444e(a)(3)).

(c) Maximum Amount.—The total quantity of corn sold to any ethanol producer under this section may not exceed 2,000,000 bushels per month.

(d) Average Corn Price.—The average corn price under this section shall be determined by the Secretary based on the average corn price in markets used for determinations made under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949 (7 U.S.C. 1445e(b)).

(e) Terms.—(1) The Secretary may not make corn or other commodities available under this section to any domestic producer of ethanol that uses in excess of 30,000,000 bushels of corn or comparable commodity annually in producing ethanol.

(2) Domestic producers of ethanol fuel purchasing corn under this section shall agree not to resell such corn and to make available a quantity of feed byproducts equivalent to the quantity processed from such corn for sale to domestic livestock producers and feeders in a manner and subject to such terms and conditions as are approved by the Secretary.

(f) Termination.—The Secretary shall terminate any program established under this section no later than September 1, 1989. The Secretary shall terminate the program on an earlier date if the Secretary determines that—

(1) such program is no longer necessary to maintain the economic viability of the ethanol industry; or

(2) a sufficient supply of corn otherwise would not be available to fulfill estimated obligations of the Commodity Credit Corporation under emergency livestock feeding programs during the subsequent 180-day period.

(g) Other Commodities.—The Secretary may, at the request of a domestic producer of ethanol, substitute other feed grains (such as grain sorghum) for corn on an equitable basis, taking into account variations in the value of such commodities in the production of ethanol.

SEC. 333. SURVEY OF AGRIBUSINESS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) conduct a survey of rural business and enterprises, including grain handling and storage facilities, in the United States whose activities involve or are directly related to the production, processing, or marketing of agricultural commodities or products, or to servicing the business and home needs of United States farmers and ranchers, to determine the extent that such businesses are being adversely affected, directly or indirectly, by drought, hail, excessive moisture, or related condition in 1988; and

(2) submit a report describing the results of such survey to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 334. FORWARD CONTRACTING REPORT.

(a) Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the financial effect that forward contracting, hedging, and associated margin requirements for wheat, feed grains, and soybeans during the recent drought-related period of price volatility have had on producers and on grain marketers, particularly local elevators and intermediaries.

(b) Contents of Report.—In the report, the Secretary shall include a discussion of—

(1) the extent to which currently planted or stored crops are subject to cash forward contracts or otherwise are hedged, and what portion of such forward contracts are in danger of being defaulted on as a result of drought-related crop losses;

(2) the extent to which local grain elevators may experience severe financial stress due to defaults on cash forward contracts or due to margin requirements on futures market positions;

(3) the extent to which producers have been able to renegotiate forward contracts in light of drought-related changes in economic conditions;

(4) the extent to which hedging and forward contracting practices may produce unusual demands for credit among farm producers and marketers in light of drought-related conditions; and

(5) such other areas of related concern as the Secretary may find appropriate.

(c) Immediate Notification.—The Secretary shall immediately notify, in advance of the report, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate if the Secretary finds, in the course of the study required under this section, that serious economic or financial problems related to forward contracting, hedging, and margin requirements for grains are likely to arise.

(d) Consultation.—The Secretary shall consult with the Chairman of the Commodity Futures Trading Commission on issues concerning futures markets that arise in the course of the study required under this section.

SEC. 335. RURAL ECONOMIC DEVELOPMENT RESPONSE TO THE DROUGHT.

(a) Findings.—Congress finds that—

(1) the disastrous drought of 1988 is adversely affecting a large number of States, with serious economic consequences for family farmers;

(2) the harm caused by the drought is not limited to farmers, but extends to each rural community whose economic viability is being devastated;

(3) rural businesses and financial institutions are already experiencing the negative effects of decreased sales, and they anticipate severe problems over the next year, due to crop failures and the unavailability of credit;

(4) local rural governments, whose fiscal bases depend on tax revenues from agriculture and agriculture-related businesses, will experience, as a result of the effects of the drought, difficulties in providing services that are important to the quality of life for rural residents;

(5) as a result of the effects of the drought, significant savings will accrue to the Federal budget due to reduced deficiency payments and storage payments, substantially in excess of the funds allocated by this Act; and

(6) assistance to farmers, while essential, represents only the first stage of a compre-

hensive response to the serious national problems created by the drought.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) budgetary savings that accrue from the effects of the drought and other economic circumstances should, to the maximum extent possible, be dedicated to relief for farmers and agricultural workers and to assist rural businesses and communities in promotion of rural economic development;

(2) action should be taken to establish comprehensive Federal rural economic programs that address the needs of rural businesses and governments; and

(3) rural development programs should stress efforts to cooperate with and support local decisionmaking; promote market-based capital formation; create a more equitable and dependable partnership between the Federal Government and other levels of government; provide Federal initiatives for improving the quality of rural health care, child care, and education; and foster better understanding of the effect of Federal spending, tax, trade, and regulatory decisions on rural communities.

Subtitle E—Agricultural Exports

SEC. 341. SENSE OF CONGRESS—AGRICULTURAL EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) the disastrous drought of 1988 is causing substantial agricultural crop losses and is putting an enormous financial burden on United States farmers and their families;

(2) the Food Security Act of 1985 (A) recognized that agricultural export markets are extremely important in ensuring the economic recovery and future success of United States farmers, their families, and rural communities, and (B) established several programs to develop and expand agricultural export markets and help restore the United States share of international agricultural trade;

(3) the programs under the Food Security Act of 1985, such as the export enhancement program and the targeted export assistance program, have been successful to date and have served to increase agricultural exports;

(4) United States agricultural exports make a substantial contribution to reducing our Nation's international trade deficit;

(5) it is important that the United States be perceived as being a reliable supplier of agricultural commodities and products;

(6) imposing embargoes on, or taking other steps to reduce the levels of, the exports of agricultural commodities or products in wake of the drought will undermine the gains made since 1985 in securing markets for United States agricultural commodities and products abroad, by allowing foreign competitors opportunity to move into our international markets; and

(7) imposing embargoes on, or taking other steps to reduce the levels of, exports of agricultural commodities and products would jeopardize the progress in strengthening our agricultural export markets made by export assistance programs under the Food Security Act of 1985.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should not take any action that (1) will further exacerbate the already disastrous circumstances for United States agriculture resulting from the drought by imposing, or facilitating the imposition of, embargoes or other limitations that reduce exports of agricultural commodities and products, or (2) otherwise jeopardize United States foreign agricultural markets or give our trading partners reason to believe United States farmers have become unreliable suppliers of agricultural commodities and products.

Subtitle F—Food Prices

SEC. 351. SENSE OF CONGRESS—FOOD PRICES.

(a) FINDINGS.—Congress finds that—

(1) the disastrous drought of 1988 is causing substantial agricultural crop losses and is placing enormous financial burdens on livestock, poultry, and dairy producers;

(2) in spite of the effects of the drought, the United States continues to have ample supplies of grain for human and animal consumption through the upcoming crop year;

(3) the Department of Agriculture projects that even if the drought continues, food prices are not expected to increase significantly due to the drought; and

(4) in view of these circumstances, no person in the United States should have to pay unwarranted, unjustified, or excessive food prices and that higher food prices, irrespective of their cause, affect those least able to pay the most.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Agriculture, in cooperation with other Federal agencies and State and local agencies where appropriate, should monitor, study, and report to Congress about food price increases at wholesale and retail levels during the coming months, to ensure that no unwarranted food price increases are implemented and that any necessary increases are commensurate with commodity price increases resulting from the drought.

SEC. 352. STUDY OF EFFECT OF DROUGHT ON FOOD PRICES.

(a) SURVEY.—The Secretary of Agriculture shall conduct a survey of food and commodity prices as of December 31, 1988, to determine the effects of the drought and related conditions in 1988 on recipients of Federal nutrition and hunger benefits.

(b) REPORT.—Not later than March 1, 1988, the Secretary shall submit a report to Congress on the results of the survey required under subsection (a), including—

(1) an analysis of the adequacy of benefits under Federal nutrition and hunger programs with respect to any food price inflation that has occurred because of the drought or related conditions in 1988; and

(2) recommendations for any actions that may be taken by the Secretary or Congress to address problems identified in such survey.

TITLE IV—WATER-RELATED ASSISTANCE

Subtitle A—Water Management for Rural Areas

SEC. 401. WATER MANAGEMENT FOR RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture is authorized, directly or in coordination with any other Federal agency, entity, corporation, department, unit of State or local government, cooperative, confederation, individual, public or private organization, Indian tribe, or university, to—

(1) conduct research and demonstration projects;

(2) provide technical assistance and extension services;

(3) make grants, loans, and loan guarantees; and

(4) provide other forms of assistance,

for the purpose of helping rural areas make better and more efficient use of water resources and to alleviate problems arising in such areas from droughts or lack of water.

(b) ACTIVITIES.—The Secretary is authorized to provide assistance under this section for the promotion or establishment of irrigation, watersheds, and other water management and drought management activities, including water transmission, application, and activation.

(c) COOPERATION.—In implementing this section, the Secretary—

(1) should address the general, special, and unique problems of water management existing in rural areas;

(2) may take action independently or in cooperation with Federal, State, public, or private entities and agencies; and

(3) shall cooperate with—

(A) cooperatives, public or private organizations, confederations, authorities, or other entities (including such entities that may be organized under multiple State agreements or compacts and entities created under State law) to carry out projects authorized under this section; and

(B) water, watershed, and sewer authorities, rural electric cooperatives, Federal agencies, and other State or local governments or agencies.

(d) REGULATIONS.—(1) The Secretary shall issue regulations to carry out this section.

(2) Such regulations shall—

(A) specify the terms and conditions that the entities described in subsections (a) and (c) must meet in order to participate in programs carried out under this section;

(B) establish a procedure under which entities described in subsections (a) and (c) may apply for assistance under this section; and

(C) foster cooperation between such entities and other Federal, State, or local agencies for the purposes of carrying out the provisions of this section.

(e) DEFINITION.—As used in this section, the term "university" means—

(1) a land grant university established under the Act of July 2, 1862 (known as the "First Morrill Act"; 12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

(2) a land grant university established under the Act of August 30, 1890 (known as the "Second Morrill Act"; 26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.);

(3) the Tuskegee Institute; and

(4) any other support research organization.

(f) FUNDING.—(1) There are authorized to be appropriated each fiscal year such sums as are necessary to carry out this section.

(2) The Secretary is authorized to accept funds from non-Federal sources to carry out the activities authorized by this section.

(g) NO WAIVERS.—Nothing in this section shall authorize the waiver of a cost-share requirement under a program established under any other provision of law.

Subtitle B—Emergency Drought Authority

PART I—RECLAMATION STATES DROUGHT ASSISTANCE

SEC. 411. SHORT TITLE.

This part may be cited as the "Reclamation States Drought Assistance Act of 1988".

SEC. 412. ASSISTANCE DURING DROUGHT.

The Secretary of the Interior, acting under the authorities of the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof) and other appropriate authorities of the Secretary shall—

(1)(A) perform studies to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects and Indian water resource developments, which studies shall be completed no later than March 1, 1990; and

(B) consistent with existing contractual arrangements and State law, and without further authorization, undertake construc-

tion, management, and conservation activities that will mitigate or can be expected to have an effect in mitigating losses and damages resulting from drought conditions in 1987, 1988, or 1989, which construction shall be completed by December 31, 1989; and

(2) assist willing buyers in their purchase of available water supplies from willing sellers and redistribute such water based upon priorities to be determined by the Secretary consistent with State law, with the objective of minimizing losses and damages resulting from drought conditions in 1987, 1988, and 1989.

SEC. 413. AVAILABILITY OF WATER ON A TEMPORARY BASIS.

(a) GENERAL AUTHORITY.—The Secretary of the Interior may make available, by contract, consistent with existing contracts or agreements and State law, water or canal capacity at existing Federal reclamation projects to water users and others, on a temporary basis to mitigate losses and damages resulting from drought conditions in 1987, 1988, and 1989.

(b) CONTRACTS.—Any contract signed under this section shall provide that—

(1) the price for the use of such water shall be at least sufficient to recover all Federal operation and maintenance costs, and an appropriate share of capital costs, except that, for water delivered to a landholding in excess of 960 acres of class I lands or the equivalent thereof for a qualified recipient and 320 acres of class I lands or the equivalent thereof for a limited recipient, the cost of such water shall be full cost (as defined in section 202(3)(A) of Public Law 97-293, 43 U.S.C. 390bb) for those acres in excess of 960 acres or 320 acres, as appropriate;

(2) the lands not now subject to Reclamation law that receive temporary irrigation water supplies under this section shall not become subject to the ownership limitations of Federal reclamation law because of the delivery of such temporary water supplies;

(3) the lands that are subject to the ownership limitations of Federal reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies; and

(4) the contract shall terminate no later than December 31, 1989.

(c) FISH AND WILDLIFE.—The Secretary may make available water for the purposes of protecting fish and wildlife resources, including mitigating losses that occur as a result of drought conditions.

SEC. 414. EMERGENCY LOAN PROGRAM.

The Secretary of the Interior may make loans to water users for the purposes of undertaking management, conservation activities, or the acquisition and transportation of water consistent with State law, that can be expected to have an effect in mitigating losses and damages resulting from drought conditions in 1987, 1988, and 1989. Such loans shall be made available under such terms and conditions as the Secretary deems appropriate. Section 203(a) of the Reclamation Reform Act of 1982 (Public Law 97-293; 43 U.S.C. 390cc) shall not apply to any contract to repay such loan.

SEC. 415. INTERAGENCY COORDINATION.

The program established by this part, to the extent practicable, shall be coordinated with emergency and disaster relief operations conducted by other Federal and State agencies under other provisions of law. The Secretary of the Interior shall consult such other Federal and State agencies as he deems necessary. Other Federal agencies performing relief functions under other Federal authorities shall provide the Secretary with information and records that the Secretary deems necessary for the administration of this part.

SEC. 416. REPORT.

Not later than March 1, 1990, the Secretary of the Interior shall submit a report and recommendations to the President and Congress on—

(1) expenditures and accomplishments under this part;

(2) legislative and administrative recommendations for responding to droughts and drought related problems in the Reclamation States; and

(3) structural and non-structural measures to mitigate the effects of droughts.

SEC. 417. CARRYOVER STORAGE AND WATER, NEW MELONES UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA.

The first undesignated paragraph under the heading "San Joaquin River Basin" in section 203 of the Flood Control Act of 1962 (Public Law 87-874, 76 Stat. 1191) is amended by inserting before the last period the following: ": And provided further, That the Secretary of the Interior is authorized to make available to the Oakdale and South San Joaquin irrigation districts, at the current contract rate, unallocated storage of such districts carried over from the previous year".

SEC. 418. INITIATION AND DEADLINE OF EMERGENCY DROUGHT PROGRAM.

(a) LIMITATION.—The programs and authorities established under this part shall become operative in any Reclamation State only after—

(1) the Governor of that State has declared a drought emergency; and

(2) the affected area is declared eligible for Federal disaster relief under applicable rules and regulations.

(b) TERMINATION.—The programs and authorities established under this part shall terminate on December 31, 1989, unless otherwise specifically stated.

PART 2—WATER PROJECT

SEC. 421. CENTRAL VALLEY PROJECT WATER RELEASES.

The Secretary of the Interior is authorized to install a temperature control curtain as a demonstration project at Shasta Dam, Central Valley project, California, at a cost not to exceed $5,500,000. The purpose of the demonstration project is to determine the effectiveness of the temperature control curtain in controlling the temperature of water releases from Shasta Dam, so as to protect and enhance anadromous fisheries in the Sacramento River and San Francisco Bay/Sacramento-San Joaquin Delta and Estuary.

PART 3—AUTHORIZATION AND SAVINGS CLAUSE

SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated a total amount not to exceed $25,000,000 for section 412(1)(B) and section 414 of this subtitle.

(b) Unless otherwise specified, there are authorized to be appropriated such sums as may be necessary to carry out the remaining provisions of this subtitle.

SEC. 432. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed as limiting or restricting the power and authority of the United States or—

(1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on public lands;

(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two States and the Federal government;

(4) as superseding, modifying, or repealing, except as specifically set forth in this subtitle, existing law applicable to the various Federal agencies; or

(5) as modifying the terms of any interstate compact.

TITLE V—MIGRANT OR SEASONAL FARMWORKER ASSISTANCE

SEC. 501. EMERGENCY ASSISTANCE PAYMENTS TO MIGRANT FARMWORKER HOUSEHOLDS.

(a) EXCLUSION OF ASSISTANCE.—Section 5(k)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)) is amended by—

(1) striking out "(E)" and inserting in lieu thereof "(F)";

(2) striking out "(F)" and inserting in lieu thereof "(G)"; and

(3) inserting the following new subparagraph after subparagraph (D):

"(E) emergency assistance for migrant or seasonal farmworker households during the period such households are in the job stream;".

(b) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date of enactment of this Act.

(2) The amendments made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 to any household for any month beginning before the effective period of this section begins.

SEC. 502. PRORATING BENEFITS OF MIGRANT OR SEASONAL FARMWORKER HOUSEHOLDS.

(a) CERTIFICATION.—Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by—

(1) striking out "and (2)" and inserting "(2)"; and

(2) inserting before the period at the end thereof the following: ", and (3) in the case of a migrant or seasonal farmworker household, the first month for which allotment is issued to a household that applies following any period of more than 30 days in which such household was not participating in the food stamp program after previous participation in such program".

(b) EFFECTIVE DATE AND APPLICATION.—(1) The amendments made by this section take effect on the date of enactment of this Act.

(2) The amendments made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 to any household for any month beginning before the effective period of this section begins.

SEC. 503. ASSISTANCE TO LOW-INCOME AGRICULTURAL WORKERS.

Notwithstanding any other provision of law, for necessary services to be provided by agencies that have received funds under the Job Training Partnership Act to low-income agricultural workers who have been adversely affected by the drought of 1988, not to exceed $5,000,000 shall be made available to be derived by transfer from the Disaster Relief Program of the Federal Emergency Management Agency. The funds shall be distributed by the Secretary of Labor within 30 days after the date of the enactment of this Act based on an assessment of the number of low-income agricultural workers in each grantee's service delivery area who have lost income or are unable to work due to the *drought, including those workers who have stayed at home in anticipation of work shortages. Emergency services to be provided under this section may include all types of assistance that the Secretary determines to be necessary. For the purposes of this section, a low-income agricultural worker receiving assistance must meet the income eligibility requirements of the section 402 program under the Job Training Partnership Act. ; and the Senate agree to the same.*

E de la Garza,
Ed Jones,
George E. Brown, Jr.,
Charles Rose,
Leon E. Panetta,
Jerry Huckaby,
Dan Glickman,
Charlie Stenholm,
Harold L. Volkmer,
Edward R. Madigan,
Jim Jeffords,
Tom Coleman,
Ron Marlenee,
Larry J. Hopkins,
Arlan Stangeland,

For consideration of sections 103 and 104 of the House bill and modifications committed to conference, in lieu of Mr. Jones:

Harley O. Staggers, Jr.,

For consideration of section 102 of the House bill and section 102 of the Senate amendment, in lieu of Mr. Brown:

Timothy J. Penny,

For consideration of section 313 of the House bill and section 312 of the Senate amendment, in lieu of Mr. Rose:

Richard H. Stallings,

For consideration of sections 101 and 303 of the House bill and sections 101 and 303 of the Senate amendment, in lieu of Mr. Brown:

Dave Nagle,

For consideration of Title II and section 311 of the House bill and Title II and section 313 of the Senate amendment, in lieu of Mr. Brown:

Jim Jontz,

For consideration of section 323 of the House bill and section 341 of the Senate amendment, in lieu of Mr. Huckaby:

Tim Johnson,

For consideration of Title I of the House bill and Title I of the Senate amendment, in lieu of Mr. Hopkins:

Robert F. Smith,

For consideration of section 102 of the House bill and section 102 of the Senate amendment, in lieu of Mr. Stangeland:

Steve Gunderson,

For consideration of sections 203 through 208 of the House bill and sections 203 through 206 of the Senate amendment, in lieu of Mr. Jeffords:

Bill Schuette,

For consideration of sections 301 and 302 of the House bill and sections 301 and 302 of the Senate amendment, in lieu of Mr. Jeffords:

Fred Grandy,

As additional conferees, from the Committee on Interior and Insular Affairs, for consideration of subtitle B of Title IV of the House bill, and modifications committed to conference:

Mo Udall,
George Miller,
Charles Pashayan, Jr.,

As additional conferees, from the Committee on Education and Labor, for consideration of section 347 of the Senate amendment, and modifications committed to conference:

Augustus F. Hawkins,
Matthew G. Martinez,
Pat Williams,
Jim Jeffords,
Steve Gunderson,

Managers on the Part of the House.

Patrick J. Leahy,
John Melcher,
David Pryor,
David L. Boren,
Howell Heflin
(except to crop insurance, livestock provision, and dairy),
Richard G. Lugar,
Bob Dole,
Thad Cocharn,
Rudy Boschwitz,

From the Committee on Energy and Natural Resources, only for the consideration of the Bureau of Reclamation provisions

J. Bennett Johnston,
Bill Bradley,
Jeff Bingaman,
James A. McClure,
Malcolm Wallop,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The conferees on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 5015, to provide drought assistance to agricultural producers, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

(1) SHORT TITLE

The House bill provides that the bill may be cited as the Disaster Assistance Act of 1988". (Sec. 1.)

The Senate amendment provides that the bill may be cited as the "Drought Assistance Act of 1988". (Sec. 1(a).)

The Conference substitute adopts the House bill. (Sec. 1.)

TITLE I—EMERGENCY LIVESTOCK ASSISTANCE

(2) LIVESTOCK FEED ASSISTANCE—DEFINITIONS

[NOTE.—Both the House bill (in sec. 101(a)) and the Senate amendments (in sec. 101(a)) will add a new title VI (entitled the "Emergency Livestock Feed Assistance Act of 1988") to the Agricultural Act of 1949. Proposed new title VI under the House bill is substantially similar to the title VI proposed to be added by the Senate amendment. This item and items (3) through (10) describe the differences between the House and Senate versions of new title VI.]

(a) Livestock producer

The House bill will define the term "livestock producer" to include (i) established producers or husbanders of livestock or dairy producers who are citizens of, or legal residents in, the United States, and (ii) certain business entities controlled by U.S. citizens or legal residents and engaged in livestock production or husbandry, or dairy production. (Sec. 101(a); sec 602(1)).[1]

The Senate amendment contains the same definitional language. However, it also contains language—

(i) including Indian tribes, organizations, and entities, Indian tribal organizations, and Indian economic enterprises in the definition; and

(ii) limiting the inclusion of each class of person (i.e., producers and husbanders, and business entities) to those persons that are actively engaged in farming and receive a substantial amount of total income from the production of grain or livestock, as determined by the Secretary of Agriculture. (Sec. 101(a), Sec. 602(1).)

The Conference substitute adopts the Senate amendment with an amendment making Indian tribes subject to the requirement that a livestock producer be actively engaged in farming or ranching. (Sec. 101(a), Sec. 602(1).)

(b) Feed

The House bill includes wheat, oilseed meal, and premixes in its definition of the term "feed". (Sec. 101(a), sec. 602(4).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment striking the word "wheat". (Sec. 101(a), sec. 602(4).)

The conferees are concerned that producers who purchase feed from stocks of the Commodity Credit Corporation at reduced prices and also who receive cost-share assistance for oilseed meal, premixes, mixed feed, liquid or dry supplemental feed could thereby be overcompensated for the effects of the emergency. However, the conferees also believe that producers should not be economically forced to forego or abandon their traditional feed practices due to the form of assistance provided by this program.

For this reason, the conferees intend that producers who receive both Commodity Credit Corporation commodities at reduced prices and receive cost-share assistance could have the level of cost-share assistance under the bill adjusted to reflect benefits received through the purchase of low-priced Commodity Credit Corporation stocks.

(c) Area

The Senate amendment will define the term "area" to include an Indian reservation, as defined in section 335(e)(1) of the Consolidated Farm and Rural Development Act. (Sec. 101(a), sec. 602(5).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 101(a), sec. 602(5).)

(3) LIVESTOCK FEED ASSISTANCE—EMERGENCY DETERMINATIONS

The House bill provides that the Secretary of Agriculture must provide emergency livestock feed assistance under new title VI in any locale where, because of a natural disaster, the Secretary determines that a livestock emergency exists. (Sec. 101(a), sec. 603.)

The Senate amendment is the same except that the Secretary must act in a locale where, because of a natural disaster that adversely affects livestock or handling of livestock, the Secretary determines a livestock emergency exists. (Sec. 101(a), sec. 603.) See also item (5)(e) below.

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[1] The second section references in this item and items (3) through (10) are to sections of new title VI of the Agricultural Act of 1949, to be added by the House bill or Senate amendment, as appropriate.

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 603(a).)

(4) LIVESTOCK FEED ASSISTANCE—PROCEDURES

Both the House bill and the Senate amendment will require the Secretary to act on requests for livestock emergency feed assistance, and make livestock emergency determinations, under new title VI under regulations that ensure thorough and prompt action.

The Senate amendment further provides that the regulations must ensure action within 30 days after the receipt of a request for assistance. (Sec. 101(a), sec. 604(c).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 101(a), sec. 604(c).)

(5) LIVESTOCK FEED ASSISTANCE—ELIGIBILITY

(a) Continuation of eligibility

Both the House bill and Senate amendment will provide that any locale determined eligible (because of drought or related condition in 1988) for the emergency feed program (EFP) or emergency feed assistance program (EFAP) prior to the effective date of new title VI will continue to be eligible for such programs and could be eligible for other programs under new title VI. Further, as soon as practicable after the effective date, the Secretary must determine whether any of the programs under new section 606 (other than the EFP and EFAP) should be made available in such locale.

The House bill also will require the Secretary to determine whether any of the programs under new section 607 should be made available in such locale. (Sec. 101(a), sec. 604(d).)

The Senate amendment does not include the reference to section 607.

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 604(d).)

(b) Application procedures

The House bill provides that livestock producers in a livestock emergency area will be eligible for emergency feed assistance under title VI, under application procedures established by the Secretary of Agriculture. (Sec. 101(a), sec. 605(a)(1).)

The Senate amendment does not contain the provisions underlined above. (Sec. 101(a), sec. 605(a)(1).)

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 605(a)(1).)

(c) Feed suitability

Both the House bill and Senate amendment will authorize the provision of emergency feed assistance under new title VI for a livestock producer who suffers a substantial loss of feed normally produced on the farm as a result of a livestock emergency and, who, as a result, does not have sufficient feed that has adequate nutritive value and is suitable for the producer's livestock for the estimated duration of the emergency.

The House bill, in the above-described provision, specifically refers to feed that is suitable for "each of the producer's specific particular types of" livestock. (Sec. 101(a), sec. 605(a)(2).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 605(a)(2).)

(d) Feed purchased in anticipation of short supplies

The Senate amendment provides that, for the purpose of determining (with respect to livestock producers who normally produce their own feed) eligibility for assistance under new title VI, the emergency feed program (EFP), or the emergency feed assistance program (EFAP) because of the drought or related condition in 1988, the Secretary could not consider any feed purchased—in anticipation of short supplies—by the producer within 60 days prior to the Secretary's announcement that the county in which the producer is located is eligible for assistance under new section 604. (Sec. 101(a), sec. 605(c).)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

It is the understanding of the conferees that the Secretary does not currently consider feed purchased in anticipation of a natural disaster as being feed on hand for the purpose of determining eligibility of the producer for the emergency livestock feed assistance programs. It is the intent of the conferees that the Secretary continue this practice.

The conferees note that recently the Commodity Credit Corporation has taken into consideration a multi-peril crop insurance indemnity as an asset on hand when determinations are made with respect to participation in emergency feed programs. According to current Corporation regulations, "feed on hand" takes into account all of a producer's forage, silage, feed grain, and all risk crop insurance indemnity payments. The conferees believe that the Corporation should change the requirement that such an indemnity payment be counted as "feed on hand".

(e) Producers who do not grow their own feed

The Senate amendment provides that, if the Secretary determines that a livestock emergency exists in an area, livestock producers who (i) do not produce feed on the farm or ranch, or (ii) produce feed on the farm, but normally not in quantities sufficient to feed all the producers' livestock, will be eligible (with respect to the portion of his livestock not normally fed with feed produced on the farm) for assistance. The assistance they may receive will include—

(A) assistance under new section 606 for the preservation and maintenance of foundation herds (including producing dairy cattle) if the producer does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for such livestock as a result of the emergency, as determined by the Secretary; and

(B) such other assistance under new section 606 as the Secretary determines necessary to alleviate a crisis caused by the livestock emergency. (Sec. 101(a), sec. 605(a)(2).)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(f) Eligibility for additional assistance

The House bill provides that each livestock producer in a locale, regardless of whether the producer qualifies for assistance as a producer that grows his own feed, will be eligible for emergency assistance under the programs specified in new section 607 (feed for stranded livestock, water assistance, burning prickly pear cactus, and small catalog lots) if the Secretary determines that such additional assistance is required. (Sec. 101(a), sec. 605(b).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 605(b).)

(6) LIVESTOCK FEED ASSISTANCE—PROGRAMS

(a) Hay transportation

Both the House bill and the Senate amendment will authorize a feed transportation assistance program for hay.

Under the House bill, the program will apply to transportation of hay and forage. (Sec. 101(a), sec. 606(a)(5).)

Under the Senate amendment, the program will apply to transportation of hay (or silage). (Sec. 101(a), sec. 606(a)(5).)

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 606(a)(5).)

It is the intent of the conferees that the term "forage" include silage and other forage type feed.

(b) Livestock transportation limits

Both the House bill and the Senate amendment will authorize a livestock transportation assistance program.

Under the House bill, assistance to a livestock producer under such program could not exceed the lesser of $24 per head or the local cost of the quantity of additional feed needed for the duration of the livestock emergency. (Sec. 101(a), sec. 606(a)(6).)

Under the Senate amendment, such assistance could not exceed $24 per head or the lesser of the value of the producers' feed loss or the value of additional feed needed for the duration of the emergency. (Sec. 101(a), sec. 606(a)(6).)

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 606(a)(6).)

(c) Submission of applications

The House bill provides that no payment or benefit provided under the programs specified in new section 606 will be payable or due until a completed application therefor has been approved. Further, a person eligible to receive such a payment or benefit with respect to a livestock emergency caused by the drought or related condition in 1988 must apply for the payment or benefit not later than March 31, 1989, or such later date that the Secretary, by regulation, may prescribe. (Sec. 101(a), secs. 606(d) and 606(e).) See also item (44) below.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 101(a), secs. 606(d) and 606(e).)

The Conference substitute should make clear when benefits under title VI become receivable by a livestock producer for purposes of any doctrine of constructive receipt. Benefits will not become receivable to an individual producer immediately on title VI going into effect. It is not a simple matter of walking into a local Department of Agriculture office and registering for benefits. Benefits will become receivable only when a completed application for assistance is approved by the Department of Agriculture. This is essential to ensure that Government funds are obligated only as authorized under the specific eligibility rules in title VI; and that assurance can only come if the right to benefits does not attach until the completed application is carefully reviewed. Further, an application could and should not be completed until the extent of need is specifically ascertained by the producer. To give producers a sufficient time to ascertain need and complete applications, the final day by which the application must be submitted for the current drought is put off to March 31, 1989 (which date could be pushed back even further by the Secretary, as appropriate).

(7) LIVESTOCK FEED ASSISTANCE—SUPPLEMENTAL PROGRAMS

(a) Emergency water assistance

Both the House bill and the Senate amendment will authorize, as a program supplemental to those provided under new section 606, an emergency water program under terms and conditions comparable to those provided for under the current Department of Agriculture program designated ECP-EC6.

The House bill restates the terms and conditions of the current ECP EC-6 program. (Sec. 101(a), sec. 607(b)(2).)

The Senate amendment provides that the program shall be comparable to the ECP EC-6 program. (Sec. 101(a), sec. 607(b)(2).)

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 607(b)(2).)

(b) Burning of prickly pear cactus

The House bill will authorize a program (supplemental to those provided under new section 606), as follows: Subject to the $50,000 benefits limitation under new section 609, reimbursement of not to exceed 50 percent of the cost of burning prickly pear cactus to make it suitable for animal feed. (Sec. 101(a), sec. 606(b)(3).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 606(b)(3).)

(8) LIVESTOCK FEED ASSISTANCE—BENEFITS LIMITATIONS

(a) $50,000 benefits limit

The House bill will specifically apply the $50,000-per-emergency limitation under new section 609 to the total amount of benefits that a person receives under one or more of the programs established under sections 606, 607(b)(2) (emergency water program), and 607(b)(3) (burning prickly pear cactus). (Sec. 101(a), sec. 609(a).)

The Senate amendment will apply such $50,000 limitation to all programs under new title VI combined, including (in addition to those specified in the House bill) the program under new section 607(b)(1) (transporting feed to unidentified livestock) and section 607(b)(3) (catalog sales). (Sec. 101(a), sec. 609(a).)

The Conference substitute adopts the Senate amendment. (Sec. 101(a), sec. 609(a).)

(b) Gross revenues limitation

The House bill provides that any person with estimated gross revenues from farming operations, as determined by the Secretary of Agriculture, for the 1988 crop year in excess of $2 million will not be eligible to receive any livestock emergency benefits under new section 606. This will not affect any person not entitled to drought relief under the bill. (Sec. 211(e).)

The Senate amendment provides that any person that has gross revenues in excess of $2.5 million annually will not be eligible to receive any livestock emergency benefits under new title VI. (Sec. 101(a), sec. 609(b).)

The Conference substitute adopts the Senate amendment with an amendment. The Conference substitute provides that any person with qualifying gross revenues of over $2.5 million annually, as determined by the Secretary of Agriculture, will not be eligible to receive livestock emergency benefits under new title VI. A person's "qualifying revenue" would be—

(1) if a majority of the person's income comes from farming operations, gross revenue only from the person's farming and ranching operations; and

(2) if less than a majority of the person's income comes from farming operations, gross revenues from all sources. (Sec. 101(a), sec. 610.)

(c) Cooperative associations

The House bill provides that the regulations defining the term "person" for purposes of the $50,000-per-person benefits limitation under new title VI must provide that the term "person" does not include any producer cooperative with respect to benefits due to members of the co-op. (Sec. 101(a), sec. 609(b)(2).)

The Senate amendment states that each person (including, in the case of a cooperative association of producers, each member of the association) otherwise eligible for livestock emergency benefits under new title VI for the drought or related condition in 1988 will be subject to the combined payment and benefits limitation under title II of the bill. (Sec. 101(a), sec. 609(c).)

The Conference substitute adopts the Senate amendment with an amendment making the provision applicable to the $50,000 limitation as well as the combined payment and benefits limitation. (Sec. 101(a), sec. 609(b).)

(9) LIVESTOCK FEED ASSISTANCE—INDIGENOUS PLANTS

The House bill provides that, for purposes of new title VI, indigenous plants available to a livestock producer but not normally consumed by livestock as feed, such as cactus, could not be considered as feed on hand for the producer. (Sec. 101(a), sec. 610(c).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 101(a), sec. 611(c).)

(10) LIVESTOCK FEED ASSISTANCE—CONTIGUOUS COUNTIES

The Senate amendment will require the Secretary of Agriculture to provide assistance under new title VI to eligible livestock producers in a county contiguous to a county where—

(a) the Secretary has found that a livestock emergency under title VI exists, or

(b) the President has determined that a major disaster or emergency exists, in accordance with the Disaster Relief Act of 1974.

The Secretary would be required to accept applications for title VI assistance from producers in a contiguous county at any time during the eight-month period beginning on the date the Secretary or the President makes the emergency or disaster determination with respect to the other county. In issuing regulations under title VI, the Secretary would be required to establish procedures to ensure that applications of producers in contiguous counties for assistance are processed, and decisions thereon are made, as quickly as practicable. (Sec. 101(a), secs. 610 and 612.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment striking the reference to a Presidential determination under the Disaster Relief Act of 1974. (Sec. 101(a), sec. 603(b).)

(11) LIVESTOCK FEED ASSISTANCE—EVALUATION OF CCC STOCKS

The Senate amendment will require the Secretary of Agriculture, not later than 21 days after enactment of the bill, to complete an evaluation of Commodity Credit Corporation (CCC) feed stocks that will be available for emergency livestock feed assistance under new title VI of the Agricultural Act of 1949, to be added by section 101(a) of both the House bill and Senate amendment. The purpose of the evaluation is to determine the quantity of available feed grains on a State-by-State basis. Further, the Secretary would be required, in conjunction with the evaluation of CCC feed stocks, to conduct a needs assessment of livestock producers eligible for title VI assistance. The assessment would be made on a statewide basis, to determine areas where available CCC stocks might be less than the demand for such stocks. On completion of the evaluation and assessment, the Secretary would make the results thereof available to the appropriate committees of Congress and the States.

The Senate amendment also will require the Secretary, based on the evaluation and assessment, to prepare a listing of the States where available CCC-owned feed grain stocks will exceed usage of such stocks under title VI. (Sec. 101(b).)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

It is the intent of the conferees that the Secretary conduct an evaluation of the availability and location of Commodity Credit Corporation stocks similar to that provided for in the Senate amendment. Livestock producers who become eligible for emergency livestock assistance should receive updated information from their county Agricultural Stabilization and Conservation Office with respect to the location of available Commodity Credit Corporation stocks.

(12) LIVESTOCK FEED ASSISTANCE—REPEALER

The Senate amendment, in repealing existing statutes to be replaced by new title VI of the Agriculture Act of 1949 (to be added by section 101(a) of both the House bill and Senate amendment), specifically will repeal section 303 of the Dairy and Tobacco Adjustment Act of 1983. Section 303 authorized an emergency feed program in 1983 and 1984, using Commodity Credit Corporation stocks of damaged corn. (Sec. 101(c)(5).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 101(b)(5).)

(13) DAIRY PRICE SUPPORT

The House bill provides that the rate of price support for milk in effect immediately before April 1, 1989, will be increased by 50 cents for the period beginning on April 1, 1989, and ending on June 30, 1989. (Sec. 102(b).)

[NOTE.—Under another provision contained in both the House bill (sec. 102(a)) and the Senate amendment (sec. 102), the price support level for milk immediately before April 1, 1989, will be $10.60 per hundredweight.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 102(b).)

(14) EMERGENCY FORAGE PROGRAM

The House bill will require the Secretary of Agriculture to implement an emergency forage program for established pasture damaged by the drought or related condition in 1988. Under the program, the Secretary would enter into cost-share agreements with owners or operators of damaged pasture to provide for reseeding of forage crops on the land to facilitate late fall 1988 and early spring 1989 grazing and haying.

Under the House bill, cost-share assistance could be provided to a land owner or operator only when—

(a) the forage crop damaged by the drought will not regenerate naturally;

(b) reseeding is the most cost-effective method to reestablish a forage crop on the land; and

(c) reseeding is not undertaken simply to improve the forage crop damaged by the drought.

The Secretary's cost-share will be one-half of the costs incurred under an agreement with the owner or operator, including the costs of seed, fertilizer, and other inputs on reseeded pasture. The Secretary is to use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the program. (Sec. 103.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The Conference substitute provides that cost-share assistance would be available only to nonannual crops planted for pasture purposes. No person could receive more than $3,500 in cost-share assistance under this provision, and no more than $50 million could be expended under this provision. The Secretary will be given the authority to prorate assistance made available to separate persons if necessary to provide equity in the case that requests for assistance would exceed the $50 million cap. (Sec. 103.)

(15) EMERGENCY NITRATE TESTING OF CORN SILAGE

The House bill will require the Secretary of Agriculture to provide for emergency nitrate testing of corn silage damaged by the drought or related condition in 1988, to provide reliable information on the suitability of such corn silage for livestock feed. The Secretary is to provide for such testing at county offices of the Agricultural Stabilization and Conservation Service, using the funds, facilities, and authorities of the Commodity Credit Corporation. (Sec. 104.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

It is the intent of the conferees that the Secretary, through the county offices of the Agricultural Stabilization and Conservation Service and the Extension Service, should provide livestock producers with reliable information on the dangers of nitrate poisoning of livestock that may result from damage to corn silage due to the drought or related condition and the availability of testing to determine the suitability of corn silage for feed.

TITLE II—DISASTER PAYMENTS

(16) DISASTERS COVERED

The House bill, throughout title II, except for subtitle B (forest crops), provides for disaster payments for losses due to drought or related condition, hail, flood, or other natural disaster in 1988.

The Senate amendment, throughout title II, provides for disaster payments for losses due to drought or related condition in 1988.

The Conference substitute adopts the House bill with an amendment. The Conference substitute will provide for disaster payments for losses due to drought, hail, excessive moisture, or related condition.

It is the intent of the conferees that the phrase "related conditions" should include insect and other damage that is related to the disaster.

(17) PAYMENTS FOR LOW YIELDS

The House bill provides for a supplemental payment to be made with respect to losses in production greater than 75 percent. This supplemental payment is to be made on all crops covered by the House bill in subtitle A of title II (wheat, feed grains, cotton, rice, soybeans, peanuts, sugarcane, sugar beets, tobacco, and nonprogram crops). The supplemental payment rate is 30 percent of the payment rate for each such crop, as applicable. (Sec. 205.)

The Senate amendment provides for a higher disaster payment rate to be made with respect to losses in production greater than 75 percent. The payment rate on losses in excess of 75 percent shall be 85 percent of—

(1) the established price for the 1988 crop of wheat, feed grains, cotton, or rice for participants in the production adjustment programs (sec. 201);

(2) the loan rate for the 1988 crop of wheat, feed grains, cotton, or rice for nonparticipants in the production adjustment programs (sec. 202);

(3) the loan rate for the 1988 crop of peanuts, tobacco, sugarcane, or sugar beets (sec. 203); and

(4) the average market price for soybeans and nonprogram crops (sec. 204).

The Conference substitute adopts the Senate amendment with an amendment increasing the payment rate to 90 percent of the established price, loan rate, or average market price, as applicable. (Secs. 201(a)(1), 202(a), 203(a)(1), and 204(a)(1)(B).)

(18) PAYMENTS FOR 1987 NATURAL DISASTERS

The House bill provides, effective for participants in the 1987 production adjustment programs, for disaster payments to be made on the 1987 crops of wheat, feed grains, upland cotton, or rice, if, because of natural disaster in 1987, the total quantity of the 1987 crop of the commodity that the producers are able to harvest was less than 25 percent of the farm program payment yield multiplied by the acreage planted for harvest (i.e., over a 75 percent loss).

The payment is to be made at a rate equal to 65 percent of the established price for the crop for any deficiency in production below 65 percent for the crop (i.e., over a 35 percent loss).

As a condition to receiving this disaster payment, the producers would have to refund the 1987 deficiency payment made on the units of production on which such disaster payments would be made. Outlays for payments under this provision shall not exceed $40 million. (Sec. 201(a)(1)(B).)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(19) FORGIVENESS OF ADVANCE DEFICIENCY PAYMENTS

The House bill forgives, on production losses up to 35 percent, advance deficiency payments made available with respect to the 1988 crops of wheat, feed grains, upland cotton, and rice. The House bill provides for prevented planting credit. (Sec. 201(b).)

The Senate amendment is similar except that it also includes extra long staple cotton and does not provide for prevented planting credit. (Sec. 201(b).)

The Conference substitute adopts the House bill.(Sec. 201(b).)

(20) REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS

The Senate amendment provides that with respect to the 1988 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, any required refund of advance deficiency payments would not have to be repaid prior to July 31, 1989, for that portion of the crop for which a disaster payment is made under title II. (Sec. 201(b)(3).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 201(b)(4).)

PREVENTED PLANTING CREDIT ON INCREASED PLANTINGS

The House bill, with respect to nonparticipants in production adjustment programs for wheat, feed grains, cotton, and rice (sec. 202); producers of peanuts, sugar, and tobacco (sec. 203); and producers of soybeans and nonprogram crops (sec. 204), would allow such producers to receive prevented planting credit on intended plantings in 1988 in an amount not to exceed 125 percent of their planted and prevented planted acres in 1987 minus acreage actually planted to the commodity for harvest in 1988. Producers would have to produce appropriate documentation (such as seed or fertilizer purchase receipts, or valid real estate, partnership, or other business contracts) of transactions conducted prior to June 30, 1988, in order to prove planting intentions.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The Conference substitute provides that producers would be allowed to receive prevented planting credit on intended plantings in 1988 in an amount not to exceed the higher of—

(a) planted and prevented planted acres in 1987; or

(b) the average of the 3 immediately preceding years' planted and prevented planting acres;

minus acreage actually planted to the commodity for harvest in 1988. (Secs. 202(b), 203(b), and 204(b).)

(22) YIELD FOR PEANUTS AND TOBACCO

The House bill provides for the use of the county average yield in the case of peanuts and tobacco in the calculation of any losses in production caused by the disaster. (Sec. 203(a)(1).)

The Senate amendment provides for the use of the program yield for peanuts and tobacco in the calculation of such losses. (Sec. 203(a).)

The Conference substitute adopts the Senate amendment with an amendment providing for the use of the county average yield in the case of tobacco in the calculation of any losses in production caused by the disaster. (Sec. 203(a)(1).)

(23) QUANTITY OF LOSS IN TOBACCO PRODUCTION ON WHICH A DISASTER PAYMENT IS TO BE MADE

The House bill provides that producers of burley or flue-cured tobacco who have suffered over a 35 percent production loss from their county average yield will be eligible for disaster payments for the deficiency in production below 65 percent of the farm's effective quota for the 1988 crop. (Sec. 203(a)(1).)

The Senate amendment contains no comparable provision. Disaster payments to tobacco producers would be made based upon losses in excess of 35 percent from their program yield. (Sec. 203(a).)

The Conference substitute adopts the House bill. (Sec. 203(a)(1).)

(24) PAYMENT RATE FOR PEANUTS

The House bill provides that the payment rate for peanuts shall be equal to a specified percentage of the price support level for quota peanuts or a specified percentage of the price support level for additional peanuts, as appropriate. (Sec. 203(a)(2)(A).)

The Senate amendment provides that the payment rate for peanuts shall be equal to a specified percentage of the basic county loan rate (or a comparable price if there is no current basic county loan rate). (Sec. 203(b)(1).)

The Conference substitute adopts the House bill. (Sec. 203(a)(2)(A).)

(25) PAYMENT RATE FOR TOBACCO

The House bill provides that the payment rate for tobacco shall be a specified percentage of the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 204(a)(2). (Sec. 203(a)(2)(B).)

The Senate amendment provides that the payment rate for tobacco shall be a specified percentage of the basic county loan rate (or a comparable price if there is no current basic county loan rate). (Sec. 203(b)(1).)

The Conference substitute adopts the House bill. (Sec. 203(a)(2)(B).)

(26) PAYMENT RATE FOR SUGAR BEETS AND SUGARCANE

The House bill provides that the payment rate for sugar beets and sugarcane shall be a specified percentage of a rate determined by the Secretary of Agriculture to be fair and reasonable in relation to the level of price support that is established for the 1988 crops of sugar beets and sugarcane and that, insofar as is practicable, reflects no less return to the producer than under the 1988 price support levels. (Sec. 203(a)(2)(C).)

The Senate amendment contains a similar provision, but does not require that the level on which the payment rate is based reflect no less return to the producer than under the 1988 price support levels. (Sec. 203(b)(2).)

The Conference substitute adopts the House bill. (Sec. 203(a)(2)(C).)

(27) ADJUSTMENTS FOR INCREASED QUOTAS FOR 1988 CROPS OF TOBACCO

The House bill provides that, in applying the limitations on the amount of acreage that may be eligible for a disaster payment, the Secretary of Agriculture shall make appropriate adjustments to take into account increased quotas for the 1988 crops of tobacco. (Sec. 203(b).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 203(b).)

(28) SPECIAL RULES FOR TOBACCO

The House bill provides that—

(1) the amount of undermarketings of quota tobacco from a farm for the 1988 crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which disaster payments have been received under the bill; and

(2) disaster payments made under the bill could not be considered by the Secretary of Agriculture in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (the no net cost provisions). (Sec. 203(e).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 203(e).)

(29) FAILURE OF SUGAR PROCESSING PLANTS

The Senate amendment provides that effective only for the 1988 crop of sugarcane and sugar beets, if the producers of such crop are unable to process the commodity into sugar due to the inability of local processing plants to process sugar as a result of drought or related condition in 1988, such producers shall be eligible for disaster payments under the bill for any loss in sugar production attributable to such inability. (Sec. 203(a).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment that would require that any returns received by a producer upon the disposition of the crop would be deducted from any disaster payments made available to the producer under this provision. (Sec. 203(f).)

(30) YIELDS FOR SOYBEANS

The House bill provides that, for the purpose of calculating losses in the production of soybeans, the Secretary of Agriculture shall use the county average yield. (Sec. 204(a)(1).)

The Senate amendment provides that, for the purpose of calculating losses in the production of soybeans, the Secretary of Agriculture shall use the State, area, or county yield, adjusted for adverse weather conditions during the 3 previous crop years. (Sec. 204(a)(2).)

The Conference substitute adopts the Senate amendment. (Sec. 204(a)(1)(A)(i).)

(31) YIELD FOR NONPROGRAM CROPS

The House bill provides that, for the purpose of calculating losses in the production of nonprogram crops, the Secretary of Agriculture shall use a disaster program farm yield established by the Commodity Credit Corporation. Such yield shall be based on proven yields, if the producers on the farm can provide satisfactory evidence to the CCC of actual crop yields on the farm for at least one of the immediately preceding three crop years. If such data do not exist for any of the 3 preceding crop years, the CCC shall establish a yield for the farm by using a county average yield. (Sec. 204(a)(1) and 204(d)(2).)

The Senate amendment provides that, for the purpose of calculating losses in the production of nonprogram crops, the Secretary of Agriculture shall use the county or area average yield, as determined by the Secretary. In accordance with rules specified by the Secretary, producers of nonprogram crops must provide satisfactory evidence of actual crop yield for at least one of the immediately preceding 3 crop years, except that if such data do not exist for any of the 3 preceding crop years, the Secretary shall use county average crop yield data; and that such producers must provide satisfactory evidence of 1988 crop year losses. (Sec. 204(a) and 204(e)(2).)

The Conference substitute adopts the House bill with an amendment including the requirement that producers of nonprogram crops provide satisfactory evidence of 1988 crop year losses. (Sec. 204(a)(1)(A) and (d)(2).)

(32) CALCULATION OF AVERAGE MARKET PRICE FOR PURPOSES OF DETERMINING DISASTER PAYMENT RATE FOR NONPROGRAM CROPS

The House bill provides that the Secretary of Agriculture shall make disaster payments on nonprogram crops on a crop by crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary. For the purposes of determining the payment rates on a crop by crop basis, the Secretary shall consider as separate crops, and develop separate payment rates insofar as is practicable for, different varieties or end uses of the same commodity for which there is a significant difference in the economic value in the market. (Sec. 204(a)(3).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment deleting the requirement that the Secretary of Agriculture, in determining the payment rates for nonprogram crops, consider the end uses of the commodity. (Sec. 204(a)(3)(B).)

(33) DEFINITION OF NONPROGRAM CROPS

The House bill defines "nonprogram crop" to mean all crops (including sweet potatoes) for which crop insurance through the Federal Crop Insurance Corporation was available for crop year 1988, and other commercial crops (including sweet potatoes) for which such insurance was not available for crop year 1988, except that such term shall not include wheat, feed grains, cotton, rice, peanuts, tobacco, sugar beets, sugarcane, or soybeans. (Sec. 204(d)(1).)

The Senate amendment defines "nonprogram crops" to mean all crops insured directly or indirectly by the Federal Crop Insurance Corporation for crop year 1988 and other commercial crops for which federal crop insurance was not available for purchase or, if available, was not purchased by such producers for crop year 1988, if the producers can establish actual yields for at least one of the immediately 3 preceding crop years (but if actual data is not available the Secretary shall use county average yield data) and can establish actual losses during 1988 resulting from drought or related condition in 1988. Such term shall not include wheat, feed grains, cotton, rice, peanuts, tobacco, sugar beets, sugarcane, or soybeans. (Sec. 204(e).)

The Conference substitute adopts the House bill. (Sec. 204(d)(1).)

(34) CALCULATION OF COMBINED BENEFITS CAP

The House bill provides that the level used in the calculation of the cap on combined disaster payment and crop insurance benefits with respect to sugar beets, sugarcane, peanuts, or tobacco, shall be the national average price support level established for the 1988 crop of the commodity (or in the case of producers of a type of tobacco for which there is no price support level, the simple average price received by producers during the 5 previous marketing years, excluding the high and the low). (Sec. 206(3)(C).)

The Senate amendment provides that the level used in the calculation of the cap on combined disaster payment and crop insurance benefits with respect to sugar beets, sugarcane, peanuts, or tobacco, shall be the loan level established for the 1988 crop of the commodity. (Sec. 205(2)(c)(ii).)

The Conference substitute adopts the House bill. (Sec. 206(3)(C).)

(35) FEDERAL CROP INSURANCE REQUIREMENT

The House bill provides that disaster payments under the bill, 1988 emergency loans under subtitle C of the Consolidated Farm and Rural Development Act, or forgiveness of advance deficiency payments may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance under the Federal Crop Insurance Act for the 1989 and 1990 crops of the commodity for which such payments, loans, or forgiveness are sought.

This requirement will not apply—

(1) if crop insurance coverage is not available to the producers for the commodity for which the payment, loan, or forgiveness is sought;

(2) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the 1988 crop in the county in which the producers are located; or

(3) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment, loan, or forgiveness sought.

The Secretary of Agriculture shall ensure (acting through the ASC or FmHA county committee, as appropriate) that producers who apply for disaster assistance obtain multiperil crop insurance. Producers may provide evidence of crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

The Secretary shall provide for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into under this provision sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

Producers must immediately repay any payments, loans, or advance deficiency payment forgiveness received under the bill if they cancel the crop insurance coverage required by this provision. (Secs. 201(a)(2), 201(b)(2)(B), 202(c)(2), 203(c), 204(c), and 209.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment that—

(a) limits the mandatory purchase to the 1989 crop year;

(b) authorizes local Agricultural Stabilization and Conservation County Committees to waive this requirement for persons who are financially unable to afford the insurance; and

(c) requires the purchase of crop insurance as a condition of receiving disaster payments only for persons whose 1988 loss exceeds 65 percent of normal yield. (Secs. 201(a)(2)(B), 201(b)(2)(B), 202(c)(2), 203(c), 204(c), and 207.)

(36) MODIFICATIONS TO FEDERAL CROP INSURANCE ACT

The House bill requires the provision of crop insurance that meets the differentiating needs of dry edible beans, by type, commencing with the 1989 crop year.

The House bill also directs the Crop Insurance Corporation to improve—

(1) the dissemination of information to producers on the availability of crop insurance, utilizing existing Department of Agriculture education facilities and producer financial and crop program support personnel;

(2) the training requirements of agents who sell and service crop insurance coverage;

(3) the incentives to increase the sales of crop insurance through the delivery systems of private insurance companies and agents;

(4) the agency referral system to producers seeking information or insurance coverage;

(5) the cooperation between Federal and State agencies relating to the crop insurance program; and

(6) the utilization of financial and educational computer programs available in Federal and State agencies to foster the use of crop insurance as a uniform input of costs of production of agricultural commodities for purposes of disaster risk management. (Sec. 207.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 208.)

It is the intent of the conferees that, under section 208 of the conference substitute that amends section 508 of the Federal Crop Insurance Act, the Federal Crop Insurance Corporation (FCIC) will provide insurance to meet the differing needs of producers of generic bean types beginning with the 1989 crop year. Beginning in 1989, the FCIC, under section 208, will offer two sets of price election for dry edible beans: one for colored varieties and one for the so-called white varieties. These two classes of price elections should be sufficient to assure that a producer can protect the value of each type grown.

(37) STUDY OF FEDERAL CROP INSURANCE

The House bill requires the Comptroller General to conduct a study that provides an analysis and recommendations concerning—

(1) the expansion of crop insurance sales by the Federal Crop Insurance Corporation;

(2) the extent to which yield trends and other factors might be used to increase the reliability of existing factors to determine producers' transitional yields and to promote the participation of more efficient producers;

(3) the effects of the sodbuster, swampbuster, and conservation compliance provisions on crop insurance sales in future years;

(4) whether the Federal Crop Insurance Corporation should be allowed to waive the denial of crop insurance to producers who have violated the sodbuster, swampbuster or conservation compliance provisions; and

(5) how best, and at what time intervals, if at all, to shift the risk bearing cost of federal crop insurance programs to the private sector. (Sec. 208.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The conferees share the concern expressed in both section 208 of the House bill and the report of the House Committee on Agriculture regarding the necessity that steps be taken to significantly increase participation levels in the Federal crop insurance program in order to achieve actuarial soundness. The conferees suggest, in addition to the actions in section 208(b) of the Conference substitute, that several elements of the program should be reviewed to address participation concerns and the various factors which affect participation, especially yields which are offered to new and beginning farmers without a history or which are used on occasions when a producer is included in a declared disaster area.

Specifically, the conferees intend that the Manager of the Federal Crop Insurance Corporation, within ninety days, provide the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry with studies that provide an analysis, with accompanying recommendations for implementation, including timetables where appropriate, concerning—

(1) how the Federal Crop Insurance Corporation can effectively expand crop insurance sales to producers, especially family farmers and the more efficient producers of agricultural commodities insured by the Corporation;

(2) the extent to which yield trends from crop reporting districts, counties and the state, regional geographic yields, and other factors might be used to increase the reliability of existing factors to determine producers' transitional yields and to promote the participation of more efficient producers;

(3) what effects the requirements of the provisions governing highly erodible land conservation and wetland conservation as authorized by title XII of the Food Security Act of 1985 may have on the sale of crop insurance in future years;

(4) whether the Federal Crop Insurance Corporation should be given the authority to waive denial of crop insurance availability to producers who have been denied such availability as the result of violations of the terms and conditions of conservation programs that are conducted by the Department of Agriculture under the authority of title XII of the Food Security Act of 1985; and

(5) how best, and at what time intervals, if at all, to shift the risk bearing cost of Federal crop insurance programs to the private sector.

(38) TRANSFER OF FUNDS

The Senate amendment will authorize the Secretary of Agriculture to transfer funds made available to the Commodity Credit Corporation during fiscal year 1988 to the Agricultural Stabilization and Conservation Service in such amounts as may be necessary for salaries and other expenses incurred in carrying out title II. (Sec. 206.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment providing that this authority would be used to provide for expenses incurred in carrying out titles I and II if funding under a fiscal year 1988 supplemental appropriations bill is not available. (Sec. 209.)

(39) LIMITATION ON DISASTER PAYMENTS TO PRODUCERS WITH GROSS REVENUES IN EXCESS OF $2 MILLION

The House bill provides that no person may receive any disaster payments if such person's estimated gross revenues as determined by the Secretary of Agriculture from farming operations for the 1988 calendar year would be in excess of $2,000,000 (does not apply to reforestation benefits as described in item (43)). The House bill also provides that this limitation will not affect any person not entitled to drought relief under the bill. (Sec. 211(e).)

The Senate amendment provides that any person that has gross revenues in excess of $2,000,000 annually shall not be eligible to receive any crop disaster benefit payments (includes payments for tree seedlings). The Senate amendment does not contain the proviso dealing with persons not entitled to drought relief under the bill. (Sec. 210(b).)

The Conference substitute adopts the Senate amendment with an amendment. The Conference substitute provides that any person with qualifying gross revenues of over $2 million annually, as determined by the Secretary, will not be eligible to receive disaster payments provided for by title II.

A person's "qualifying revenue" would be—

(1) if a majority of the person's annual income comes from farming, ranching, and forestry operations, gross revenue only from the person's farming, ranching and forestry operations; and

(2) if less than a majority of the person's income comes from farming, ranching and forestry operations, gross revenues from all sources. (Sec. 231.)

(40) INDIVIDUAL PAYMENT CAP

The Senate amendment provides that the Secretary of Agriculture shall, to the extent practicable, ensure that producers will not receive benefits provided under the bill which, when added to other income from farm program payments, including crop insurance payments, and crop marketings, would result in a net income from farming operations in excess of that required to assure that they will achieve 100 percent of their expected returns for 1988 under normal conditions. (Sec. 348.)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(41) CROP QUALITY REDUCTION PAYMENTS

The Senate amendment authorizes the Secretary of Agriculture to make crop quality reduction disaster payments to producers of wheat, feed grains, cotton, rice, peanuts, sugar beets, sugarcane, tobacco and soybeans who suffer losses resulting from the reduced quality of such crops caused by drought in 1988.

The only producers eligible for this payment are those who incur a loss of not less than 35 percent and not more than 75 percent of the producers' program payment yield for such crop as determined by the Secretary. The payment rate under this provision shall not exceed 10 percent of the established price, as determined by the Secretary, for the 1988 crop for which such payment is being made.

The amount of a payment to a producer under this provision shall be determined by multiplying the payment rate by the actual harvested yield for the crop on the producers' farm that is reduced in quality by drought. (Sec. 211.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment clarifying that this provision is discretionary. (Sec. 205.)

(42) DE MINIMIS YIELDS

The House bill provides that the Secretary of Agriculture shall determine a de minimis yield for each crop that is eligible for disaster payments. This de minimis yield shall be set at a level that will minimize any incentive provided by the prospect of disaster payments to abandon crops that have a value that exceeds the cost of harvesting.

The de minimis yield shall not be less than the quantity of production that, when valued at current market prices, equals the average cost of harvesting the crop. If a producer's actual yield is equal to or less than the de minimis yield, then the producer shall be considered of have an actual yield of zero for the purpose of calculating any disaster payments. (Sec. 212.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment making this provision discretionary. (Sec. 212.)

(43) DISASTER ASSISTANCE ON FOREST CROPS

The House bill will require the Secretary of Agriculture to provide disaster assistance to tree farmers that planted tree seedlings in 1987 or 1988 for commercial purposes but lose the seedlings as a result of the drought or related condition in 1988, as determined by the Secretary. A tree farmer could receive such assistance if his tree seedling mortality, as a result of the disaster, exceeds 35 percent (adjusted for normal mortality). Further, under the House bill, tree farmers that lose 10 percent or more of their timber stand due to wildfire in 1988 also will be eligible for such assistance. The assistance provided to tree farmers for the losses described above would be either—

(a) reimbursement of 65 percent of the cost of reestablishing the stand damaged by the drought or related condition, or wildfire; or

(b) sufficient tree seedlings to reestablish the stand,

as determined by the Secretary.

The House bill provides that the following persons will be eligible for reforestation disaster assistance:

(a) landowners eligible for cost-sharing under the forestry incentives program (FIP) (i.e., owners of 1,000 acres or less of private industrial forest land, except that the Secretary can extend FIP eligibility to owners of up to 5,000 acres of such land if significant public benefits will accrue); and

(b) producers of Christmas trees, as defined by the Secretary, that own 1,000 acres or less of private forest land.

In addition, no person could receive an amount in excess of $25,000 (or an equivalent value in tree seedlings) under the program. (Secs. 215 to 218.)

The Senate amendment will establish a disaster payments program for producers of nonprogram crops that have planted tree seedlings during the five years prior to the date of the enactment of the bill but that have suffered in excess of a 35 percent loss of such seedlings as a result of drought or related condition in 1988. Under the program, the Secretary of Agriculture must make disaster payments to such producers with respect to any lost seedlings in excess of 35 percent of the seedlings planted during the five-year period. Payments would be made at a rate equal to—

(a) 65 percent of the replacement cost of the seedlings lost in excess of 35 percent, as determined by the Secretary, but not greater than 75 percent; and

(b) 85 percent of the replacement cost of such seedlings lost in excess of 75 percent, as determined by the Secretary.

The term "nonprogram crop", as used above, would be defined as any crop insured directly or indirectly by the Federal Crop Insurance Corporation for crop year 1988 or any other commercial crop for which such insurance was not available for purchase or, if available, was not purchased by the producer for crop year 1988.

Persons receiving such payments would be subject to the $100,000 per person payment limitation applicable to all payments under title II of the Senate amendment. (Secs. 204(d), 204(e), and 210.)

The Conference substitute adopts the House bill with an amendment. The provision of the House bill providing coverage of seedlings lost due to wildfires is deleted. The Conference substitute would provide assistance with respect to seedlings lost as a result of the drought or related condition in 1988.

Under the Conference substitute, assistance would be made available to tree farmers only for the replanting or replacement of any lost seedlings in excess of 35 percent of the seedlings planted during the past two years (adjusted for normal mortality). "Eligible tree farmers" are defined as those persons who produce annual crops from trees for commercial purposes or who grow trees for harvest for commercial purposes, and own 1,000 acres or less of such trees. The Secretary of Agriculture shall establish guidelines to assure that no person receives duplicative payments under this subtitle and the Forestry Incentives Program, the Agriculture Conservation Program, or other existing program. (Sec. 221-225.)

The Conference substitute provides that any person with qualifying gross revenues of over $2 million annually, as determined by the Secretary of Agriculture, will not be eligible to receive replacement assistance provided for by this bill.

A person's "qualifying revenue" would be—

(1) if a majority of the person's annual income comes from farming, ranching, and Forestry operations, gross revenue only from the person's farming, ranching and Forestry operations; and

(2) if less than a majority of the person's annual income comes from farming, ranching, and Forestry operations, gross revenues from all sources. (Sec. 231.)

The conferees agree that the term "eligible tree farmers" does not include operators of nurseries or similar operations which produce trees for purchase and planting.

(44) TIMING AND MANNER OF DISASTER PAYMENTS

The House bill provides that the Secretary of Agriculture shall make disaster assistance available under title II of the bill as soon as practicable after the date of its enactment.

The House bill provides that no payment or benefit provided under title II of the bill shall be payable or due until a completed application therefore has been approved.

The House bill also provides that a person eligible to receive disaster payments under subtitle A of title II (covers program and nonprogram crops) of the bill shall make application for such payments not later than March 31, 1989, or such later date that the Secretary, by regulation, may prescribe. (Sec. 221.)

The Senate amendment provides that the Secretary shall make full disaster payments available under title II of the bill as soon as practicable after the date of the enactment of the bill. (Sec. 208.)

The Conference substitute adopts the House bill with an amendment adding the provisions of the Senate amendment. (Sec. 221.)

[NOTE: See above the discussion following the analysis of item (6)(c). Because of the similarity of the two provisions, those comments will apply equally here.]

(45) EFFECTIVE DATE

The House bill provides that the disaster payment provisions (title II) shall not become effective until 15 days after the date of the enactment of the bill. (Sec. 223(a).)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(46) REGULATIONS

The House bill requires the Secretary of Agriculture to issue, or, as appropriate, amend regulations to implement the disaster payment provisions (title II) as soon as practicable. However, under the House bill, the Secretary could issue such regulations without regard to notice and comment procedures established under the Administrative Procedure Act. (Sec. 223(b).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 234.)

(47) PURPOSE OF DISASTER PAYMENTS

The House bill provides that it is the sense of Congress that drought-assistance disaster payments made to producers under subtitle A of title II (covers producers of program and nonprogram crops) are intended—

(1) to preserve each producer's livelihood and farming operation,

(2) to enable the producer to meet preexisting commitments and obligations,

(3) to protect the infrastructure of the United States agricultural production input, supply, marketing, and distribution systems, and

(4) to preserve the vitality and financial health of rural communities. (Sec. 231.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 241.)

TITLE III—GENERAL PROVISIONS

(48) TITLE III—SCOPE

Under the House bill, each provision of title III that contains language relating to 1988 natural disasters specifies that the provision applies to drought or related condition, hail, flood, or other natural disaster in 1988. (Title III.)

The Senate amendment will limit the applicability of such provisions to the drought or related condition in 1988. (Title III.)

The Conference substitute adopts the House bill with an amendment making such provisions applicable to drought, hail, excessive moisture or related condition.

(49) PLANTING OF SOYBEANS AND SUNFLOWERS ON PERMITTED ACREAGE

(a) Permitted plantings

The House bill requires, only for the 1989 crop year, that the Secretary of Agriculture permit producers on a farm to plant soybeans or sunflowers on a portion (no less than 10 percent or more than 25 percent) of the farmer's wheat, feed grains, upland cotton, and rice permitted acreage without affecting the calculation of the producer's historical base. (Sec. 301(a).)

The Senate amendment authorizes, with respect to the 1989 and 1990 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, if an acreage limitation program is in effect for any of such crops, the Secretary to permit producers on a farm to plant soybeans and sunflowers on at least 10 percent but not more than 35 percent of the permitted acreage for the crop, as determined by the Secretary, without affecting the calculation of the producers' historical base. (Sec. 301(a).)

The Conference substitute adopts the House bill with an amendment. The Conference substitute provides as follows:

(a) The Secretary of Agriculture shall for the 1989 crop, and may for the 1990 crop, allow farmers to plant soybeans and sunflowers on at least 10 percent but not more than 25 percent of their permitted program crop acreage.

(b) For the 1989 crops and, if necessary, the 1990 crops, the Secretary shall establish a sign-up period during which the producers on a farm participating in the wheat, feed grain, upland cotton, extra long staple cotton, or rice price support and production adjustment program, must state their intentions regarding the use of the increased planting provisions.

(c) If the Secretary, based on these planting intentions, estimates that market prices for 1989 crop soybeans will be below 115 percent of the loan rate established for the 1988 crop, the Secretary shall prorate, to as low as zero percent, the plantings of soybeans producers shall be allowed on permitted acres under this provision, to ensure, to the extent practicable, that the market price for 1989 crop soybeans will not fall below 115 percent of the loan rate established for the 1988 crop of soybeans.

(d) If the Secretary determines that there will be insufficient supplies of soybeans for the 1990 crop year, the Secretary may allow such plantings and in doing so shall follow the same procedures and guidelines as used for the 1989 crop, except that the Secretary shall use the 1989 loan rate in making the determination.

The conferees intend that the Secretary of Agriculture should implement this provision as follows:

The Secretary should allow producers to report their 1989 and, if necessary, 1990 plantings intentions under this provision in a manner which is consistent with the operation of the 1989 and, if necessary, the 1990 price support and production adjustment programs. The signup period should also be conducted in a manner that will permit the Secretary to make a timely announcement of any reduction which must be made, in order for producers to make prudent preplanting decisions.

Upon the completion of the signup period, the Secretary should estimate the expected average market price for the 1989 crop of soybeans, based on such reports of planting intentions, United States and world supply and demand estimates, and other factors the Secretary determines appropriate. If the Secretary determines, based on such estimate, that the average market price for the 1989 crop of soybeans will be below 115 percent of the loan rate established for the 1988 crop, the Secretary would prorate, to as low as zero percent, the 1989 soybeans plantings any producer will be allowed under this provision, to ensure, to the extent practicable, that the market price for 1989 crop soybeans will not fall below 115 percent of the loan rate established for the 1988 crop of soybeans.

In making the 1989 soybean market price estimate and establishing a proration percentage, if any, the Secretary should consider—

(i) the estimated effect such proration may have on soybeans, sunflowers, corn, wheat, upland cotton, extra long staple cotton, and rice;

(ii) the market effects due to permitting or not permitting the plantings of soybeans, or sunflowers on permitted acreage; and

(iii) the foreign production of oilseeds, and the effect of such plantings on domestic oilseed markets. (Sec. 301(a)(1).)

(b) Limitation on program benefits

The House bill provides that the Secretary may not make program benefits, other than soybean or sunflower seed price support loans and purchases, available to producers with respect to acreage planted to soybeans or sunflowers under this provision and shall ensure that the crop acreage bases established for the farm and the farm acreage base are not increased due to such plantings. (Sec. 301(a).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 301(a)(1).)

(c) Secretary's report on decision

The Senate amendment requires the Secretary to submit to the House and Senate Agriculture Committees a statement setting forth the reasons for permitting or not permitting producers to plant soybeans or sunflowers on permitted acreage under this provision. This statement shall include—(i) the estimated impact such action may have on soybeans, sunflowers, corn, wheat, upland cotton, extra long staple cotton, and rice;

(ii) an economic evaluation of market effects due to permitting or not permitting the plantings of soybeans or sunflowers on permitted acreage;

(iii) an estimate of foreign production of oilseeds, and the impact of such plantings on domestic oilseed markets; and

(iv) such other factors as the Secretary considers appropriate. (Sec. 301(a).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment requiring the Secretary to inform the House and Senate Agriculture Committees with respect to actions taken under section 301(a) of the Conference substitute. (Sec. 301(a)(1).)

(50) SOYBEAN MARKETING LOANS

The Senate amendment provides that not earlier than February 1, 1989, and not later than March 1, 1989, with respect to the 1989 crop of soybeans, and not later than September 1, 1989, with respect to the 1990 crop of soybeans, the Secretary of Agriculture shall submit to the House and Senate Agriculture Committees a statement setting forth the reasons for implementing or not implementing the soybean marketing loan program authorized under section 201(i)(3) of the Agricultural Act of 1949.

This statement shall include—

(1) an economic evaluation of current soybean markets, foreign and domestic;

(2) the current foreign soybean production statistics;

(3) the United States soybean export market situation and outlook;

(4) the computation of the prevailing world market price for soybeans, as described in section 201(i)(3)(B) of the Agricultural Act of 1949;

(5) the fiscal impact of the implementation of the marketing loan for soybeans; and

(6) such other factors as the Secretary considers appropriate. (Sec. 301(b).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 301(a)(2).)

(51) ASSISTANCE FOR COTTONSEED AND SUNFLOWER SEED OIL

(a) Export and other assistance

The House bill provides that the Secretary of Agriculture shall determine if the price of cottonseed or cottonseed products is adversely affected by any increased plantings of soybeans due to the planting described in item (49)(a). If the Secretary determines that the price of cottonseed or cottonseed products has been adversely affected, the Secretary shall support the price of cottonseed and cottonseed products through loans, purchases, export assistance, or any other form of assistance, as necessary to offset such adverse effect. (Sec. 301(b)(1).)

The Senate amendment provides that if the Secretary determines that the price of cottonseed or sunflower seed oil is adversely affected by any increased soybean and sunflower planting on permitted acreage under the bill, the Secretary shall use existing export assistance programs to provide export and other appropriate assistance for cottonseed and sunflower seed, and the products thereof, to help offset such adverse effects. (Sec. 301(c).)

The Conference substitute adopts the House bill. (Sec. 301(b).)

(b) Assistance using Section 32 and other funds

The House bill provides that for the fiscal years ending September 30, 1989, and September 30, 1990, the Secretary of Agriculture shall use available section 32 funds to purchase sunflower seed oil and cottonseed oil to facilitate additional export sales of sunflower seed oil and cottonseed oil at competitive prices, as necessary and appropriate to enable United States producers to compete with other countries in world markets. Funds may be made available under this provision only to the extent provided for in advance in appropriation Acts and such funds shall be in addition to the $10 million made available for the purchase of sunflower seed oil under section 637 of the 1988 Continuing Resolution.

The House bill also provides that to the extent practicable, facilitation of cottonseed oil exports shall be accomplished through the use of authorities available to the Secretary other than through the use of section 32 funds, and that in making the price support, export assistance, and other assistance provided for under this provision available (other than assistance using section 32 funds) the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation. (Sec. 302(b)(2).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 301(b)(2).)

(52) OATS

(a) Switching of bases

The House bill provides that, with respect to the 1989 and 1990 crops, if the feed grain acreage limitation percentage established for feed grains is 12.5 percent or less of the crop acreage base, the Secretary of Agriculture shall permit producers to designate any portion of the farm acreage base (excluding soybeans) for the crop year as oats base.

The House bill also provides that producers who increase their oat plantings under this provision shall not lose their historical crop acreage bases. (Sec. 302(a).)

The Senate amendment is similar except that it provides that the Secretary shall allow producers to designate any portion of the farm acreage base (excluding soybeans) as oats base if the feed grain acreage limitation percentage is less than 12.5 percent of the crop acreage base.

The Senate amendment also provides that such designation must be offset by an equivalent downward adjustment in one or more other crop acreage bases (excluding soybeans) established for the farm for such crop year. (Sec. 302(a).)

The Conference substitute adopts the House bill. (Sec. 302(a)(1).)

(b) Limitation on benefits

The House bill also provides that the Secretary may not make program benefits other than benefits available under the oat program available to producers with respect to acreage planted to oats under this provision and shall ensure that the crop acreage bases established for the farm and the farm acreage base are not increased due to such plantings. (Sec. 302(a).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill.(Sec. 302(a)(2).)

(c) Sense of the Congress

The House bill provides that it is the sense of Congress that, with respect to the 1989 and 1990 crops of feed grains, if the feed grain acreage limitation percentage is established at greater than 12.5 percent of the crop acreage base, the Secretary of Agriculture is encouraged to establish the lowest possible acreage limitation requirement authorized by law for oats if market imbalances for barley and oats exist. (Sec. 302(b).)

The Senate amendment is similar except that it encourages the Secretary to take the action specified, if the feed grain acreage limitation percentage is established at 12.5 percent or more of the crop acreage base. (Sec. 302(b).)

The Conference substitute adopts the House bill. (Sec. 302(b).)

(53) PRODUCER RESERVE PROGRAM

The Senate amendment provides that if, during the 1988 marketing year, the Secretary of Agriculture allows producers to place wheat or feed grains into the farmer owned reserve established under section 110 of the Agricultural Act of 1949, no storage payments shall be made and interest charges shall not be forgiven for the remainder of the 1988 marketing year on quantities of such commodity that the producers place into the reserve during such marketing year. (Sec. 303(b).)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The conferees believe that the Secretary should operate the farmer owned reserve in a way that will remove wheat and feed grains from the market during times of surplus supply and increase market supply during times of short supply.

Current farmer owned reserve quantities of wheat and feed grains exceed statutory minimums. The Secretary has previously determined not to allow entry of 1987 crops of wheat and feed grains into the reserve. In making any subsequent determination as to whether to permit entry of 1988 or other crops of such commodities into the reserve, the Secretary should take into consideration the reduced production of 1988 crops of wheat and feed grains as a result of the drought, the size of the farmer owned reserve, the impact of such entry upon the availability of these commodities in the marketplace, including, but not limited to consideration of the impact on the domestic livestock and poultry industry, the ethanol industry, and export market share.

(54) REDEMPTION OF GENERIC CERTIFICATES

The Senate amendment provides that effective only for the 1988 marketing year, producers who have substituted purchased or other commodities for the commodities originally pledged as collateral for a farmer owned reserve loan may repay the loan using generic commodity certificates if the commodities are placed under loan and redeemed only within the same county or within the normal trading area of the producer. (Sec. 303(c).)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment limiting such repayment to commodities that were placed under loan and redeemed within the same county. (Sec. 303(b).)

(55) TOBACCO QUOTA PROVISIONS

The House bill provides that the Secretary of Agriculture may permit, after July 1 of any crop year, the lease and transfer of burley tobacco quota assigned to a farm to any other farm within the same State if—

(1) the planted acreage of burley tobacco on the farm where the quota is to be transferred is sufficient to produce the effective farm marketing quota under average conditions; and

(2) the farm's expected production of burley tobacco is less than 80 percent of the farm's effective marketing quota as a result of a natural disaster condition. (304(a)(1).)

The House bill also provides that if a producer has produced less than the producer's burley tobacco farm marketing quota for 2 or more consecutive crops due to a natural disaster, the Secretary shall adjust the producer's marketing quota for the next crop by adding the accumulated undermarketings of leased quota, to the producer's basic quota for that crop. (Sec. 304(b).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment limiting the adjustment in a producer's quota. The Conference substitute provides that the Secretary may adjust a burley tobacco producer's marketing quota for 1989 by undermarketings from 1988 caused by a natural disaster in 1988, not to exceed 125 percent of such producer's basic quota. (Sec. 304(a)(1) and 304(b).)

(56) PEANUT QUOTA TRANSFER PROVISIONS

The House bill provides that—

(1) Whenever a fall transfer or a transfer after the normal planting is permitted under section 358a of the Agricultural Adjustment Act of 1938, the transfer may be made to any other farm in the same State as the transferring farm if, as a result of a natural disaster, the expected production of peanuts on the transferring farm is less than 80 percent of the farm's poundage quota for the year.

(2) In the case of a fall transfer or a transfer after the normal planting season by a cash lessee, the landowner shall not be required to sign the transfer authorization.

(3) A fall transfer or transfer after the normal planting season may be made not later than 72 hours after the peanuts that are the subject of the transfer are inspected and graded. (Sec. 304(a)(2).)

The Senate amendment contains no comparable provisions.

The Conference substitute adopts the House bill with an amendment that does not include the peanut quota disaster transfer provisions. Such transfer would continue to be limited to any other farm in the same county, as under current law. (Sec. 304(a)(2).)

(57) FMHA EMERGENCY LOANS

The House bill will prohibit the application of the limitation on FmHA disaster emergency loan eligibility under section 321(b) of the Consolidated Farm and Rural Development Act to a person otherwise eligible for such disaster emergency loan, if his eligibility is the result of damage to an annual crop planted for harvest in 1988. Section 321(b) of the Consolidated Act provides that an applicant will not be eligible for FmHA disaster emergency loans under that Act to cover crop losses if Federal crop insurance was available to the applicant for such losses. (Sec. 311.)

The Senate amendment will authorize the Secretary of Agriculture to waive the limitation under section 321(b) with respect to an applicant for an FmHA disaster emergency loan, if he determines that the applicant's farming, ranching, or aquaculture operations have been substantially affected due to drought or related condition in 1988. (Sec. 313.)

The Conference substitute adopts the House bill. (Sec. 311.)

(58) FMHA OPERATING LOANS

(a) Operating loan guarantees

Both the House bill (in sec. 312(b)) and the Senate amendment (in sec. 311(b)) will require the Secretary of Agriculture to make available, in fiscal year 1989, FmHA operating loan guarantees on commercial or cooperative loans to refinance and reamortize 1988 operating debt of producers that otherwise would not be repaid due to major losses incurred by such producers as a result of 1988 natural disasters. The loan guarantees are to contain terms and conditions governing the reamortization that will provide the producer a reasonable opportunity to continue to receive new operating credit while repaying the guaranteed loan.

The House bill also will require such FmHA operating loan guarantees to be made available in fiscal year 1989 to refinance and reamortize all or a portion of 1988 operating loans, and 1988 or 1989 installments due and payable on real estate debt, farm equipment or building (including storage facilities) debt, livestock loans, or other operating debt. Further, under the House bill, any person eligible to receive disaster payments on crops under title II of the bill will be deemed eligible to have guaranteed loans made to the person by a commercial or cooperative lender to refinance such 1988 or 1989 installment payments. However, to qualify, the person must (i) otherwise be current in his obligations to the lender that agrees to accept the guarantee in consideration of allowing the person to make the 1988 or 1989 installment payments over a period of time not to exceed six years, and (ii) meet other criteria for FmHA guaranteed operating loan borrowers. (Sec. 313(b)(3).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 312(b).)

For the purposes of determining what Farmers Home Administration delinquent borrowers are to be eligible for loan restructuring under section 353(b)(1) of the Consolidated farm and Rural Development Act, it is the intent of the conferees that a natural disaster qualify as a circumstance beyond the control of the borrower. A natural disaster need not be a "declared" natural disaster. If the producer can provide evidence that a natural disaster adversely affected production by such producer, then the conferees believes that the producer should be eligible for restructuring of an FmHA loan.

Title V of the Agricultural Credit Act of 1987 (P.L. 100-233) established a matching grant program for state mediation programs. Although the Act authorized $7,500,000 for each year through 1991, no money has been appropriated for this important program.

The drought will seriously reduce farm income at a time when most farmers were just beginning to recover from the low-income years of the early 1980's. Another year of low income will exacerbate credit problems for farmers throughout the country. State mediation programs can help farm borrowers and their lenders resolve credit difficulties and keep farmers on the land.

The conferees believes that it is essential that adequate funds be appropriated to encourage and assist States with mediation programs.

(b) Use of funds

The House bill will authorize the Secretary to use, for the purposes of providing direct and guaranteed FmHA operating loans in 1989 to producers adversely affected by 1988 natural disasters, as provided under the bill, funds otherwise available (from the Agricultural Credit Insurance Fund) for FmHA disaster emergency loans during fiscal years 1988 and 1989. However, such funds must first be used to satisfy the level of assistance estimated by the Secretary to meet the needs of persons eligible for FmHA emergency disaster loans. (Sec. 312(c).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment to authorize the Secretary to use ACIF funds only for guaranteed loans under the bill. (Sec. 312(c).)

(59) FORBEARANCE AND RESTRUCTURING—SENSE OF CONGRESS

The House bill will express the sense of Congress that the Farm Credit Administration, in its oversight of Farm Credit institutions, should facilitate forbearance and restructuring of Farm Credit System loans (and loans in which System institutions participate with other lenders) to producers who suffer major losses due to drought or related conditions, hail, flood, or other natural disaster in 1988. (Sec. 313(b).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 313(b).)

(60) NEW CONSERVATION AND WILDLIFE ENHANCEMENT MEASURES ON CRP LAND

Both the House bill (in sec. 321(a)) and the Senate amendment (in sec. 321(a)) will prohibit the Secretary of Agriculture from reducing the rental payments under a conservation reserve program (CRP) contract (as an offset for the harvesting, in 1988, of hay on the land subject to the contract), if the CRP land owner or operator incurs costs in carrying out approved conservation practices to enhance soil, water, and wildlife conservation on or in the vicinity of lands subject to the contract.

Under the House bill, the land owner or operator must carry out additional conservation practices and pay the cost of carrying out the practices (with the amount of rental payment reduction that will be prohibited to be equal to one-half the total amount he pays for the practices). (Sec. 321(a).)

The Senate amendment provides that the Secretary is not to reduce the payments to the extent the owner or operator shares the cost of carrying out the conservation practices. (Sec. 321(a).)

The Conference substitute adopts the House bill. (Sec. 321(a).)

(61) VEGETATIVE COVER ON CRP LAND

The House bill will authorize the Secretary of Agriculture to enter into cover reestablishment costsharing agreements with land owners or operators who have entered into conservation reserve program (CRP) contacts. Land owners or operators with CRP contracts who have suffered substantial loss in vegetative cover on the CRP land due to a natural disaster in 1988 would be eligible for such cost-share agreements. The Secretary's share of costs under an agreement could not exceed 50 percent; and activities under an agreement would have to be consistent with the conservation plan prepared for the land owner or operator under the CRP contact. The Secretary would use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out cost-share agreements. (Sec. 322(a).)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The conferees note that current USDA regulations for implementation of the Conservation Reserve Program provide for cost-share assistance in the re-establishment of vegetative cover which is lost on highly erodible lands entered into the program. It is the intent of the conferees that the Secretary should use his existing authority, to the maximum extent practicable, to provide cost-share assistance to landowners for reestablishing vegetative cover on conservation reserve lands that have lost permanent cover due natural disasters or related conditions.

(62) ENTRY OF LAND INTO THE CRP

The House bill provides that, for the purposes of determining eligibility of highly erodible land to be placed in the conservation reserve program (CRP), land is to be considered to have been planted to a agricultural commodity for harvest during a crop year (and thus to have been in cropland use) if an action of the Secretary of Agriculture prevented the land from being so planted to a commodity. (Sec. 322(b).)

(NOTE.—Under current law, the definition of the land that is eligible for entry into the conservation reserve program specifies that it is to be highly erodible land that is in cropland use.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(63) DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES

The House bill will require the Secretary of Agriculture to guarantee loans made in rural areas to business entities—

(a) to assist them in alleviating distress caused to the entities, directly or indirectly, by natural disasters in 1988; and

(b) to refinance or restructure debt as the result of losses incurred, directly or indirectly, because of such disasters in 1988.

Entities eligible for such assistance would include public, private, or cooperative organizations; Indian tribes on reservations and other Indian tribal groups; and any other business entities.

Under the House bill, no loan guarantee could exceed 90 percent of the principal amount of the loan; and guarantees made to any single eligible borrower could not exceed $500,000. The total amount of all loan guarantees made under this provision could not exceed $200 million. The Secretary would use the Rural Development Insurance Fund to discharge his obligations under this provision. (Sec. 331.)

The Senate amendment will require the Secretary, to the maximum extent practicable, to make available FmHA rural industrialization loans or loan guarantees (also referred to as business and industrial (B and I) loans and loan guarantees) in fiscal year 1989, to assist rural businesses and enterprises (including cooperatives) directly and adversely affected by the drought or related condition in 1988. Any such loan could be made only if it otherwise meets the terms and conditions relating to B and I loans and the Secretary determines that making the loan will serve the original purpose of the B and I program to prevent the loss of, or create, rural employment opportunities. (Sec. 331.)

The Conference substitute adopts the House bill. (Sec. 331)

(64) SURVEY OF AGRIBUSINESS

Both the House bill in sec. 332 and the Senate amendment in sec. 332 require the Secretary of Agriculture to conduct a survey of agribusiness enterprises to determine the extent that such businesses are being adversely affected by 1988 disaster conditions.

The House bill specifies that the survey of rural businesses is to include surveys of grain handling and storage facilities. (Sec. 332.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 333.)

(65) SENSE OF CONGRESS—RURAL ECONOMIC DEVELOPMENT

The Senate amendment contains certain findings of the Congress concerning the 1988 drought and its effects on the rural United States. The Senate amendment will express the sense of Congress that—

(a) Federal budgetary savings that accrue from the drought of 1988 and other economic circumstances should, to the maximum extent possible, be dedicated to relief for farmers and agricultural workers and to assist rural businesses and communities in promotion of rural economic development;

(b) Congress should urgently proceed with legislation that addresses the needs of rural business and government; and

(c) rural development programs should stress efforts to cooperate with and support local decision-making, promote market-based capital formation, create a more equitable and dependable partnership between the Federal Government and other levels of government, provide Federal initiatives for rural health care, child care, and education, and increase the sensitivity of the Federal Government to the effects of Federal spending, tax, trade, and regulatory decisions on rural communities. (Sec. 346.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 335.)

(66) PAPERWORK SIMPLIFICATION

The House bill will require the Secretary of Agriculture, in implementing titles I through III of the bill, insofar as is practicable, to streamline and simplify any paperwork necessary for eligible persons to apply for and receive disaster assistance, and provide for expedited procedures to deliver such assistance. Producers applying for assistance under FmHA guaranteed loan programs would be covered by this provision. (Sec. 341.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision. However, the conferees expect the Secretary of Agriculture to carry out the provisions of this bill in as efficient and straightforward manner as possible. Paperwork should be simplified and procedures to receive assistance should be expedited.

(67) SENSE OF CONGRESS—AGRICULTURAL EXPORTS

The House bill contains certain findings of the Congress concerning agricultural exports and will express the sense of Congress that the Federal Government should not take any action that—

(a) will further exacerbate the already disastrous circumstances for U.S. agriculture resulting from the drought by imposing, or facilitating the imposition of, embargoes or other limitations that reduce agricultural exports; or

(b) otherwise jeopardize U.S. foreign agricultural markets or give our trading partners reason to believe U.S. farmers have become unreliable suppliers of agricultural commodities or products. (Sec. 351.)

The Senate amendment contains certain findings of the Congress concerning agricultural exports and will express the sense of Congress that there should be no embargo on exports of agricultural commodities and products. (Sec. 349.)

The Conference substitute adopts the House bill with an amendment including the provisions of the Senate amendment. (Sec. 341.)

(68) FOOD PRICES AND THE DROUGHT

(a) Sense of Congress

The House bill contains certain findings of Congress concerning food prices and will express the sense of Congress that the Department of Agriculture, in cooperation with other Federal agencies and State and local agencies where appropriate, should monitor, study, and report to Congress about food price increases during the coming months, to ensure that no unwarranted food price increases are implemented and that any necessary increases are commensurate with commodity price increases resulting from the drought. (Sec. 361.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill. (Sec. 351.)

(b) Survey

The Senate amendment will require the Secretary of Agriculture to conduct a survey of food and agricultural commodity prices as of December 31, 1988, to determine the effects of the drought in 1988 on recipients of Federal nutrition and hunger benefits. The Secretary also would be required to submit a report to Congress, not later than March 1, 1989, on the results of the survey. The report would include—

(i) an analysis of the adequacy of benefits under Federal nutrition and hunger programs with respect to any food price inflation caused by the drought; and

(ii) recommendations for actions that might be taken by the Secretary or Congress to address problems identified in the survey. (Sec. 344.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 352.)

(69) FORWARD CONTRACTING REPORT

The Senate amendment would require the Secretary of Agriculture, no later than 60 days after the date of enactment of the bill, to prepare and submit to the House and Senate Agriculture Committees a report on the financial impact that forward contracting, hedging, and associated margin requirements for wheat, feed grains, and soybeans during the recent drought-related period of price volatility have had on producers and on grain marketers, particularly local elevators and intermediaries.

In this report, the Secretary shall include a discussion of—

(1) the extent to which planted or stored crops are subject to cash forward contracts or are otherwise hedged, and what portion of such contracts are in danger of being defaulted as a result of drought-related crop losses;

(2) the extent to which local elevators may experience financial stress due to defaults on cash forward contracts or due to margin requirements on futures market positions;

(3) the extent to which producers have been able to renegotiate forward contracts in light of drought-related changes in economic conditions;

(4) the extent to which hedging and forward contracting practices may produce unusual demands for credit among farm producers and marketers in light of the drought-related conditions; and

(5) such other areas of concern as the Secretary may find appropriate.

The Senate amendment provides that the Secretary shall alert the House and Senate Agriculture Committees if serious economic or financial problems are likely to arise in advance of the report's completion. The Secretary shall consult with the Chairman of the Commodity Futures Trading Commission on issues concerning futures markets which arise in the course of this study. (Sec. 333.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 334.)

(70) DROUGHT RELIEF CONTINGENCY PLAN

The Senate amendment would require the Secretary of Agriculture, not later than 30 days after enactment of the bill, to prepare and submit to the House and Senate Agriculture Committees a report describing a Federal drought disaster contingency plan to respond to agricultural disasters caused by drought during each of the 1988 through 1990 crop years. The plan should evaluate alternatives for use of agricultural set-aside, conservation reserve, and conservation use acreage, and other land held in inventory by FmHA. (Sec. 342.)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(71) SALE OF CORN TO ETHANOL PRODUCERS

The Senate amendment would provide for the Secretary of Agriculture to make available to domestic ethanol producers not more than 16 million bushels of CCC owned corn, or at the request of such a producer a comparable dollar amount of another feed grain, if, during any month after July 1988, the average corn price exceeds the fuel conversion price as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980. Corn made available under this provision would be sold at a price not greater than the fuel conversion price, except the price could not be less than 110 percent of the basic county loan rate for corn (or comparable rate for other feed grains) prior to any adjustment under the Findley provision of the Agricultural Act of 1949, if applicable.

The Senate amendment further provides that: no ethanol producer may receive more than 2 million bushels of such CCC corn in any month; producers shall agree not to resell the corn; producers must make available for sale to domestic livestock producers and feeders, under terms specified by the Secretary, a quantity of feed byproducts equivalent to the quantity of such products processed from the CCC corn they receive; and the "average corn price" for purposes of this provision shall be determined by the Secretary based on the average price of corn in markets used in determining whether to release corn under the farmer owned reserve program without regard to the maturity dates of farmer loans.

The Senate amendment would authorize the Secretary to terminate this program if the Secretary determines that it is no longer needed to maintain the viability of the ethanol industry or that CCC corn supplies would not be sufficient to carry out the emergency livestock feed provisions of the bill, and requires the Secretary to terminate the program not later than September 1, 1989. (Sec. 343.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment making the program discretionary, reducing the maximum quantity of grain available per month from 16 to 12 million bushels, excluding ethanol producers that use in excess of 30 million bushels a year, and providing that the grain is to be used only for the production of ethanol. (Sec. 332.)

(72) DROUGHT INFORMATION

The Senate amendment would require the Secretary of Agriculture to direct the Extension Service to use its available resources to provide information on drought conditions and assistance to persons living in counties declared disaster areas by the Secretary or included in a major disaster or emergency designation by the President as a result of drought or related condition in 1988. The information is to be provided through publications or telecommunications on a daily basis when practicable. (Sec. 345.)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(73) SENSE OF THE SENATE REGARDING EXPEDITIOUS ACTION ON TAX LEGISLATION AFFECTING FARMERS

The Senate amendment would express the sense of the Senate that Congress should act on legislation, prior to the end of the 100th Congress, to: (1) provide an exemption from the tax on diesel fuel used by farmers and fishermen in their farming and fishing operations; and (2) repeal the "heifer tax". (Sec. 350.)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

TITLE IV—WATER RELATED ASSISTANCE

(74) WATER MANAGEMENT FOR RURAL AREAS

The House bill provides that the Secretary of Agriculture may provide assistance under this provision for the promotion or establishment of watershed protection. The regulations issued under the provisions of the House bill shall provide for cooperation between various entities. (Sec. 401.)

The Senate amendment is similar with minor differences. The Senate amendment provides that the Secretary is authorized to provide assistance under this provision for the promotion or establishment of watersheds. The regulations issued under the provisions of the Senate amendment shall foster cooperation between various entities. The Senate amendment lists Indian tribes among the entities that the Secretary may coordinate with in carrying out this provision. (Sec. 322.)

The Conference substitute adopts the Senate amendment. (Sec. 401.)

(75) WATER ASSISTANCE UNDER ECP EC-6

The Senate amendment provides that the Secretary of Agriculture shall make emergency water assistance available to eligible farmers for crops under the program designated ECP EC-6 by the Department of Agriculture, including but not limited to extension of wells, drilling temporary irrigation wells, and installation of temporary irrigation water delivery systems in areas where irrigation is a normal practice. (Sec. 322(h).)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(76) RECLAMATION STATES DROUGHT ASSISTANCE

(a) Short title

The House bill provides that these provisions may be cited as the "Reclamation States Drought Assistance Act of 1988" (Sec. 411.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill.

(b) Assistance during drought

The House bill will require the Secretary of the Interior to—

(i) perform studies to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects;

(ii) undertake construction, management, and conservation activities that will mitigate losses and damages from drought conditions in 1987, 1988, or 1989, which construction shall be completed by November 30, 1989;

(iii) assist willing buyers in their purchase of available water supplies from willing sellers and redistribute such water with the objective of minimizing losses and damages resulting from drought conditions in 1987, 1988, and 1989; and

(iv) undertake expedited evaluations and reconnaissance studies of potential facilities to mitigate the effects of a recurrence of the current drought and make recommendations to the President and Congress evaluating potential activities, including water supply facilities and fish and wildlife protection measures. (Sec. 412.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The Conference substitute would authorize the Secretary of the Interior, under the authorities of the Federal reclamation laws and other appropriate authorities to—

(1) perform studies to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects and Indian water resource developments, to be completed no later than March 1, 1990;

(2) consistent with existing contractual arrangements and State law, and without further authorization, undertake construction, management, and conservation activities that will mitigate or can be expected to have an effect in mitigating losses and damages resulting from the drought conditions in 1987-1989, which construction shall be completed by December 31, 1989; and,

(3) assist willing buyers in their purchase of available water supplies from willing sellers and redistribute such water based upon priorities to be determined by the Secretary consistent with State law, with the objective of minimizing losses and damages resulting from drought conditions in 1987-1989.

(c) Purchase of Water

The House bill provides that payments for project water acquired for project purposes from willing sellers is to be at a negotiated price but will not confer any undue benefit or profit to any persons. The Secretary could defer water payments where project water is made available by conversion or other means and the contractor does not take delivery in order to make water available for other projects. (Sec. 413(a).)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(d) Recovery of costs

The House bill provides that purchases of acquired water (as described in paragraph (c) above) are to be made at a price sufficient to recover the costs of the United States in providing such water. (Sec. 413(b).)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(e) Availability of water on a temporary basis

The House bill will authorize the Secretary of the Interior to contract to make available surplus water at existing Federal reclamation projects to water users and others, on a temporary basis, to mitigate drought conditions in 1987, 1988, and 1989.

The House bill defines the term "surplus water" to mean any water made available through a Federal Reclamation project that is not under contract or is under contract but not being used.

The House bill provides that any such contract—

(i) must provide that the price for the use of such water will be at least sufficient to recover all Federal operation and maintenance costs;

(ii) could provide that the ownership limitations of Federal reclamation law will not apply to lands that receive such water; and

(iii) must provide that the contract will terminate no later than December 31, 1989.

The House bill also provides that the Secretary of the Interior could make available surplus water for the purposes of protecting fish and wildlife resources, including mitigating losses that occur as a result of drought conditions. (Sec. 414.)

The Senate amendment contains no comparable provisions.

The Conference substitute adopts the House bill with an amendment. The Conference substitute would authorize the Secretary of the Interior to make available, by contract, consistent with existing contracts or other agreements and State law, water or canal capacity at existing Federal reclamation projects to water users and others, on a temporary basis to mitigate losses and damages resulting from drought conditions in 1987, 1988, and 1989.

Any contract signed pursuant to this section—

(1) shall provide that the price for the use of such water shall be at least sufficient to recover all Federal operation and maintenance costs, and an appropriate share of capital costs, except that, for water delivered to a landholding in excess of 960 acres of class I lands or the equivalent thereof for a qualified recipient and 320 acres of class I lands or the equivalent thereof for a limited recipient, the cost of such water shall be full cost (as defined in section 202(3)(A) of Public Law 97-293, 43 U.S.C. 390bb) for those acres in excess of 960 acres or 320 acres, as appropriate;

(2) shall provide that the lands not now subject to Reclamation law which receive temporary irrigation water supplies pursuant to this section shall not become subject to the ownership limitations of Federal reclamation law because of the delivery of such temporary water supplies;

(3) shall provide that the lands which are subject to the ownership limitations of the Federal reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies; and

(4) shall provide that the contract shall terminate no later than December 31, 1989.

The section also provides the Secretary with authority to make available water for the purposes of protecting fish and wildlife resources, including mitigating losses that occur as a result of drought conditions.

(f) Deferred payments

The House bill will authorize the Secretary of the Interior to defer the 1988 and 1989 payments owed to the United States by irrigators as the Secretary deems necessary due to financial hardship caused by extreme drought conditions. The House bill provides that deferments are to be recovered and that recovery could be accomplished by extending the repayment period under existing contracts. (Sec. 415.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The Department of the Interior notified the conferees that the Secretary already had the authority to defer payments of charges owed to the United States. The conferees expect that the Secretary will use this existing authority to assist irrigators during the current drought emergency.

(g) Reprogramming authority

The House bill will authorize the Secretary of the Interior to request the reprogramming of previously available funds to carry out the emergency drought measures described in this item and items (77) through (80).

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The conferees do not believe it is necessary to provide this authority. However, the conferees expect the Secretary to request the reprogramming of such funds as are necessary.

(h) Emergency loan program

The House bill will authorize the Secretary of the Interior to make loans to water users, under such terms and conditions as the Secretary deems appropriate, for purposes of undertaking construction, management, and conservation activities, or the acquisition and transportation of water, expected to mitigate losses and damages resulting from drought conditions in 1987, 1988, and 1989. Section 203(a) of the Reclamation Reform Act of 1982 (relating to amendments of, and new, reclamation contracts) would not apply to any contract to repay such loan.The House bill will authorize to be appropriated $25 million to carry out the emergency loan program.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The conference substitute will authorize the Secretary of the Interior to make loans to water users for the purposes of undertaking management, conservation activities, or the acquisition and transportation of water consistent with State law, that can be expected to have an effect in mitigating losses and damages resulting from drought conditions in 1987, 1988, and 1989. Such loans shall be made available under such terms and conditions as the Secretary deems appropriate. Section 203(a) of the Reclamation Reform Act of 1982 (Public Law 97-293; 43 U.S.C. 390cc) shall not apply to any contract to repay such loan.

It is the conferees' intent that loans can be made available under this section to assist water users in paying increased pumping costs resulting from drought conditions.

The authorization for appropriations has been removed from this section of the bill, but is provided for under item (80) below (section 431(a) of the Conference substitute).

(i) Interagency coordination

The House bill provides that the drought assistance program described in this item, to the extent practicable, must be coordinated with emergency and disaster relief operations conducted by other Federal and State agencies; that the Secretary of the Interior must consult with the heads of the other Federal agencies performing relief functions; and that such other agency heads must provide the Secretary of the Interior with information that the Secretary deems necessary to administer the program. (Sec. 418.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill, with an amendment. The Conference substitute would provide that the program established by this item, to the extent practicable, shall be coordinated with emergency and disaster relief operations conducted by other Federal and State agencies under other provisions of law. The Secretary of the Interior shall consult such other Federal and State agencies as the Secretary deems necessary. Other Federal agencies performing relief functions under other Federal authorities are authorized and directed to provide the Secretary with information and records that the Secretary deems necessary for the administration of this item.

(j) Report

The House bill will require the Secretary of the Interior to submit a report to the President and Congress no later than March 1, 1990, detailing the expenditures and accomplishments under the emergency drought program described in this item and making legislative recommendations for a national plan for responding to droughts and drought-related problems in Reclamation states. (Sec. 419.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill, with an amendment. The Conference substitute would provide that not later than March 1, 1990, the Secretary of the Interior shall submit a report and recommendations to the President and Congress on—

(1) expenditures and accomplishments under this item;

(2) legislative and administrative recommendations for responding to droughts and drought related problems in the Reclamation States; and

(3) structural and non-structural measures to mitigate the effects of droughts.

The conferees would note that this report and recommendations are to cover all of the Reclamation States, not just those States receiving assistance under items (76) through (80) or where a drought emergency was declared. The conferees expect this report to provide a strategy for addressing future droughts.

(k) State Eligibility

The House bill provides that the programs and authorities described in this item will become operative in any Reclamation State only after the Governor of that State has declared a drought emergency, and the President has declared that State eligible for Federal disaster relief. (Sec. 420(a).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The Conference substitute would provide that the programs and authorities established under this item shall become operative in any Reclamation State only after—

(1) the Governor of that State has declared a drought emergency; and

(2) the affected area is declared eligible for Federal disaster relief pursuant to applicable rules and regulations.

(l) Termination

The House bill provides that the programs and authorities described in this item will terminate on December 31, 1989, unless otherwise specifically stated. (Sec. 420(b).)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill.

Applicability of the National Environmental Policy Act (NEPA)

The conferees would note that the drought assistance legislation enacted in 1977 contained a provision which said: "Actions taken pursuant to this Act are in response to emergency conditions and depend for their effectiveness upon their completion prior to or during the 1977 irrigation season and, therefore, are deemed not to be major Federal actions significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969. . . ."

Neither the House nor Senate versions of this bill contained such a provision. The conferees believe that the actions taken pursuant to this legislation are not expected to be major Federal actions.

The conferees expect that the report and recommendations made pursuant to item 76(j) (section 416 of the Conference substitute) will discuss whether a NEPA waiver should be included in future legislation for such drought-related actions.

(77) WARREN ACT AMENDMENTS

The House bill will amend the Warren Act to authorize the Secretary of the Interior to make available surplus water or capacity in canals for use by municipal, industrial, and domestic customers, and for fish and wildlife protection, and to provide the Secretary with greater flexibility in operating the Bureau of Reclamation's projects and conveyance systems so as to facilitate the movement of water and to make surplus water available for fish and wildlife purposes. (Sec. 421.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(78) CARRYOVER STORAGE AND WATER AT NEW MELONES UNIT

The House bill will amend the Flood Control Act of 1962 to authorize the Secretary of the Interior to make available unallocated carryover storage from the New Melones unit of the Central Valley project in California to the Oakdale and San Joaquin irrigation districts during drought conditions. (Sec. 422.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The Conference substitute provides that in the operation of the New Melones Unit, the Secretary of the Interior is authorized to make available to the Oakdale and South San Joaquin irrigation districts, at the current contract rate, unallocated storage of such districts carried over from the previous year.

The conferees have included this provision to address the immediate water situation in this area. By including this language, it is not the intention of the conferees to take a position on issues involving current negotiations between the Bureau and the districts involved.

The conference substitute makes this item subject to termination pursuant to item 76(l) above.

(79) CENTRAL VALLEY PROJECT WATER RELEASES

The House bill will authorize the Secretary of the Interior to install a temperature control curtain at California's Shasta Dam as a demonstration project to determine the effectiveness of the curtain in controlling the temperature of water releases so as to protect and enhance anadromous fisheries in the Sacramento River and the San Francisco Bay/Sacramento-San Joaquin Delta and Estuary. The cost of the demonstration project would be limited to $5.5 million and nonreimbursable to the Federal Government. Any increase in power costs resulting from bypass releases for temperature control purposes also would be nonreimbursable. (Sec. 423.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The Conference substitute would authorize the Secretary of the Interior to install a temperature control curtain as a demonstration project at Shasta Dam, Central Valley project, California, at a cost not to exceed $5,500,000. The purpose of the demonstration project is to determine the effectiveness of the temperature control curtain in controlling the temperature of water releases from Shasta Dam, so as to protect and enhance anadromous fisheries in the Sacramento River and San Francisco Bay/Sacramento-San Joaquin Delta and Estuary.

(80) AUTHORIZATION OF APPROPRIATIONS AND SAVINGS CLAUSE

The House bill will authorize to be appropriated such sums as are necessary to carry out items (76) through (80). (Sec. 431.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment. The Conference substitute authorizes to be appropriated a total amount not to exceed $25,000,000 for the construction activities authorized in section 412(1)(B) and the loan program authorized by section 414 of the conference substitute (items 76(b) and 76(h) above). Unless otherwise specified, there are authorized to be appropriated such sums as may be necessary to carry out the remaining provisions of this subtitle.

The Conference substitute also provides that nothing in this subtitle shall be construed as limiting or restricting the power and authority of the United States or as—

(1) affecting in any way any law governing appropriation or use of, or Federal right to, water on public lands;

(2) expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two States and the Federal government;

(4) superseding, modifying, or repealing, except as specifically set forth in this Act, existing law applicable to the various Federal agencies; and

(5) modifying the terms of any interstate compact.

TITLE V—WEATHER INFORMATION

(81) NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM

(a) Short title

The House bill provides that this provision may be cited as the "National Agricultural Weather Information System Act of 1988". (Sec. 501.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(b) Purposes

The House bill provides that the purposes of this provision are to—

(i) provide an operational weather forecasting and observation system aimed at meeting the site-specific, short-term, and long-term forecasting needs of agricultural producers;

(ii) bring about the collection, organization, and dissemination of weather and climate information relevant to agricultural producers;

(iii) provide for research and education on agricultural weather and climate, aimed at improving the quality and quantity of weather and climate information available to agricultural producers; and

(iv) facilitate greater private sector participation in providing agricultural weather and climate information. (Sec. 502(b).)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(c) Establishment of Office

The House bill will require the Secretary of Agriculture to establish in the Department of Agriculture an Agricultural Weather and Climatology Office (and appoint a director thereof) to plan and administer a National Agricultural Weather Information System. The System will be comprised of the activities of the Office and the activities of the State agricultural weather information systems that will collect observational weather data throughout the States and provide the data to the Agricultural Weather and Climatology Office and develop methods for packaging information received from the National Agricultural Weather Information System for use by producers.

In addition, the Secretary, acting through the Office, could—

(i) enter into contracts with the National Weather Service for operational weather forecasting and observation;

(ii) obtain standardized weather observation data collected through State weather information systems;

(iii) provide, through the Cooperative State Research Service, competitive grants (as described in item (e)) for research in atmospheric sciences and climatology;

(iv) provide grants to eligible States (as described in item(f)) to plan and administer State agricultural weather information systems;

(v) coordinate the activities of the Office with the weather and climate research activities of the Cooperative State Research Service, the National Sciences Foundation Atmospheric Services Program, and the National Climate Program; and

(vi) encourage private sector participation in the National Agricultural Weather Information System. (Sec. 503.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(d) Advisory board

The House bill will require the Secretary to establish the Agricultural Weather and Climatology Advisory Board to advise the Director of the Agricultural Weather and Climatology Office and provides specific guidelines for the establishment, administration, and operation of the board. (Sec. 504.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(e) Competitive grants

The House bill will authorize the Secretary to make grants, on a competitive basis, to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations and corporations, and individuals to carry out research in all aspects of atmospheric sciences and climatology that can be shown to be important in both a basic and developmental way to understanding and forecasting weather.

In addition, the House bill will require the Secretary, in selecting among applications for grants, to give priority to proposals that emphasize—

(i) techniques and processes that relate to weather-induced agricultural losses, and to improving the forecasting of weather extremes such as drought, floods, freezes, and storms well in advance of their actual occurrence;

(ii) improvement of site-specific weather data collection and forecasting; or

(iii) the effect of weather on economic and environmental costs in agricultural production. (Sec. 505.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(f) State grants

The House bill will—

(i) require the Secretary of Agriculture to make grants to not fewer than ten States to plan and administer State agricultural weather information systems, in cooperation with the Director of the Agricultural Weather and Climatology Office and the Administrator of the Extension Service; and

(ii) require the chief executive officer of a State, in order for a State to be eligible to receive a grant, to submit to the Secretary an application that contains assurances that the State will expend the grant to plan and administer a State agricultural weather information system (as described in item (c) above). (Sec. 506.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(g) Authorization and allocation

The House bill will authorize the appropriation of $5,000,000 in each of fiscal years 1989 and 1990 to carry out these provisions. Twenty percent of the funds appropriated for a fiscal year must be used for contracts with the National Weather Service; twenty percent of such funds must be used by the Cooperative State Research Program for the competitive grants program; thirty percent of the funds must be divided equally among the participating States for State agricultural weather information systems; and the remaining funds are to be allocated for use by the Agricultural Weather and Climatology Office and the Cooperative Extension Service in carrying out these provisions. The funds could not be used for the construction of facilities. Each State or agency receiving funds could not use more than 30 percent of such funds for purchases of equipment. (Sec. 507.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

TITLE VI—MIGRANT WORKERS

(82) FOOD STAMPS—MIGRANT OR SEASONAL FARMWORKER ASSISTANCE

(a) Income exclusions

The House bill provides that emergency housing assistance provided to third parties on behalf of migrant or seasonal farmworker households while they are in the jobstream must be excluded from household income for purposes of the food stamp program. (Sec. 601.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment striking out the word "housing" and making the provision effective only for new allotments. (Sec. 501.)

It is the understanding of the conferees that most emergency assistance which migrant and seasonal farmworker households receive is primarily for housing and transportation (gasoline, automobile repair, etc.). The conferees intend that other temporary emergencies which such households may experience and for which they receive emergency assistance through a vendor payment also be covered through this provision. For example, when a migrant family has applied for food stamps, any emergency assistance granted to provide food until the food stamps are actually received would be excluded from income.

(b) Prorating benefits

The House bill provides that migrant or seasonal farmworker households who apply and are eligible for food stamp benefits will not have their benefits prorated for the month of application, if they have received benefits for a period within 30 days of the date of application. (Sec. 602.)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House bill with an amendment making the provision effective only for new allotments. (Sec. 502.)

(83) ASSISTANCE TO LOW-INCOME AGRICULTURAL WORKERS

The Senate amendment would transfer up to $5 million from the Disaster Relief program administered by Federal Emergency Management Agency to agencies that are authorized to administer migrant and seasonal farmworker programs under section 402 of the Job Training Partnership Act to fund necessary services (including all types of services determined to be necessary by the Secretary of Labor) to assist low-income agricultural workers who have been adversely affected by the drought of 1988. The Secretary of Labor is directed to distribute these funds, not later than 30 days after enactment of the bill, based on an assessment of the number of migrant and seasonal farm workers in each agency's delivery area who have lost income or are unable to work because of the drought.

The Senate amendment would further provide that to be eligible for assistance under this section, a low-income agricultural worker would have to meet the income eligibility requirements of section 402 of the Job Training Partnership Act.[2] (Sec. 347.)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Sec. 503.)

TITLE VII—LIMIT ON OUTLAYS

(84) TOTAL PAYMENT CAPS

The House bill provides that outlays by the Commodity Credit Corporation during the 1989 fiscal year to meet obligations incurred to carry out the purposes of the bill shall not exceed $ 5.8 billion. Any additional funds obligated under this Act, but not disbursed, during such fiscal year, shall be disbursed as soon as practicable after September 30, 1989. (Sec. 701.)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

E de la Garza,
Ed Jones,
George E. Brown, Jr.,
Charles Rose,
Leon E. Panetta,
Jerry Huckaby,
Dan Glickman,
Charlie Stenholm,
Harold L. Volkmer,
Edward R. Madigan,
Jim Jeffords,
Tom Coleman,
Ron Marlenee,
Larry J. Hopkins,
Arlan Stangeland,

For consideration of sections 103 and 104 of the House bill and modifications committed to conference, in lieu of Mr. Jones:

Harley O. Staggers, Jr.,

For consideration of section 102 of the House bill and section 102 of the Senate amendment, in lieu of Mr. Brown:

Timothy J. Penny,

For consideration of section 313 of the House bill and section 312 of the Senate amendment, in lieu of Mr. Rose:

Richard H. Stallings,

For consideration of sections 101 and 303 of the House bill and sections 101 and 303 of the Senate amendment, in lieu of Mr. Brown:

Dave Nagle,

For consideration of Title II and section 311 of the House bill and Title II and section 313 of the Senate amendment, in lieu of Mr. Brown:

Jim Jontz,

For consideration of section 323 of the House bill and section 341 of the Senate amendment, in lieu of Mr. Huckaby:

Tim Johnson,

For consideration of Title I of the House bill and Title I of the Senate amendment, in lieu of Mr. Hopkins:

Robert F. Smith,

For consideration of section 102 of the House bill and section 102 of the Senate amendment, in lieu of Mr. Stangeland:

Steve Gunderson,

For consideration of sections 203 through 208 of the House bill and sections 203 through 206 of the Senate amendment, in lieu of Mr. Jeffords:

Bill Schuette,

For consideration of sections 301 and 302 of the House bill and sections 301 and 302 of the Senate amendment, in lieu of Mr. Jeffords:

Fred Grandy,

As additional conferees, from the Committee on Interior and Insular Affairs, for consideration of subtitle B of Title IV of the House bill, and modifications committed to conference:

Mo Udall,
George Miller,
Charles Pashayan, Jr.,

As additional conferees, from the Committee on Education and Labor, for consideration of section 347 of the Senate amendment, and modifications committed to conference:

Augustus F. Hawkins,
Matthew G. Martinez,
Pat Williams,
Jim Jeffords,
Steve Gunderson,
Managers on the Part of the House.

Patrick J. Leahy,
John Melcher,
David Pryor,
David L. Boren,
Howell Heflin
(except to crop insurance, livestock

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[2] Section 402 of the Job Training Partnership Act directs the Secretary of Labor to set up procedures and machinery to monitor and evaluate migrant and seasonal employment and training programs. This section further directs the Secretary to provide needed services to meet the employment and training needs of such workers through grants and contracts with public and private nonprofit agencies approved by the Secretary with the objective of enabling such workers and their dependents to obtain and retain employment.

provision, and dairy),
RICHARD G. LUGAR,
BOB DOLE,
THAD COCHRAN,
RUDY BOSCHWITZ,

From the Committee on Energy and Natural Resources, only for the consideration of the Bureau of Reclamation provisions:

J. BENNETT JOHNSTON,
BILL BRADLEY,
JEFF BINGAMAN,
JAMES A. MCCLURE,
MALCOLM WALLOP,
Managers on the Part of the Senate.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 5015, DISASTER ASSISTANCE ACT OF 1988, ON TOMORROW OR ANY DAY THEREAFTER

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that it be in order tomorrow or any day thereafter to consider the conference report on the bill (H.R. 5015) to provide drought assistance to agricultural producers, and for other purposes, that all points of order against the conference report and its consideration be waived, and that the conference report be considered as read when brought up for consideration.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I do so only for the purpose of saying that the minority has no objection to the request of the gentleman from Texas.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 5, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 3:10 p.m. on Friday, August 5, 1988 and said to contain a message transmitting the Twenty-third Annual Report of the Department of Housing and Urban Development, which covers calendar year 1987; and

(2) At 5:20 p.m. on Friday, August 5, 1988 and said to contain message wherein the President asks the Congress to enact the FY 89 appropriations for the Human Immunodeficiency Virus (HIV) and the AIDS epidemic, and to adopt the FY 90 budget request regarding HIV activities as soon as possible after the budget is submitted.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

TWENTY-THIRD ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking, Finance and Urban Affairs.

(For message, see proceedings of the Senate of Friday, August 5, 1988, at page S10975.)

PROPOSED PLAN TO RESPOND TO THE THREAT OF AIDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 100-221)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Union Calendar and ordered to be printed.

(For message, see proceedings of the Senate of Friday, August 5, 1988, at page S10975.)

FIRST ANNIVERSARY OF SIGNING OF GUATEMALA PEACE ACCORD

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, if you have looked at your calendar you note that today is that once a decade occurrence, 8/8/88. In fact, I heard on the radio this morning that the people of Eighty-Eight, Kentucky are having a great celebration.

But I am here to underscore another important date and that was yesterday's. Yesterday, Mr. Speaker, was the first anniversary of 8/7/87, August 7, 1987 when we saw the five Central American Presidents sign the Guatemala Peace Accord, also known as Esquipulas II.

Mr. Speaker, we have "given peace a chance." We have seen this accord fall apart and now I believe that it is important for us to put together a bipartisan compromise which includes military assistance to the democratic resistance of Nicaragua so that as we look into the next decade, and 9/9/99, we will have attained peace with liberty and freedom in Central America.

TRIBUTE TO JUDGE JAMES SKELLY WRIGHT

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, lovers of social justice lost one of their greatest champions and heroes with the death August 6 of Skelly Wright. Throughout his long and distinguished career with the Federal judiciary, Judge Wright ardently defended the bill of rights. In the course of doing so, he did more than perhaps any other judge to break the back of legal segregation.

As a Federal trial judge for 13 years in his native New Orleans, Judge Wright was diligent in enforcing the Supreme Court's decision in Brown versus Board of Education. His decisions ending segregation in public transportation, in schools, and in the public and private universities of Louisiana did not win him many friends in the corridors of power. But he endured the ostracizism and hostility to which he was subjected, never shirking his duty to uphold the Constitution. For that courage and sense of judicial responsibility, all Americans owe Skelly Wright a debt of gratitude.

Later, as a member for 25 years of the U.S. Court of Appeals in Washington, he continued his courageous work. In a series of controversial cases, he consistently defended civil rights, civil liberties, and equal justice under the law. Through his rulings, he sought to end de facto segregation in Washington's public schools. He compiled a tremendous body of judicial opinions and law review articles which have served as much of the underpinning of civil rights litigation.

Through his conviction and the power of his intellect, he made America a better, more just Nation. We will miss him greatly.

I'm taking the liberty of inserting in the CONGRESSIONAL RECORD an editorial from the Washington Post and an appreciation by Ronald Goldfarb, also from the Post, which discuss more fully Judge Skelly Wright's many contributions to our continuing fight for social justice.

The article follow:

[From the Washington Post, Aug. 8, 1988]

JAMES SKELLY WRIGHT

Born a southerner, James Skelly Wright was by training and inclination a constitutional lawyer. He was a federal judge in his native New Orleans when the Supreme Court ruled that segregated education violated the 14th Amendment. With that, Judge Wright became one of a generation of federal judges that, step by step, forced the dismantling of state-imposed racial segregation.

Soft-spoken and gracious, Judge Wright was also, as the state of Louisiana rapidly discovered, a man of strong beliefs and courage. His rulings integrated the schools, the public transit systems and the public and private universities of Louisiana. It was in his court that a series of segregation laws passed by the Louisiana legislature was struck down. These decisions subjected Judge Wright to a degree of fury, and perhaps even of personal hazard, that a casual visitor to Louisiana today would have difficulty believing. He never flinched from the duty that, he held, the Constitution placed upon him.

In 1962 President Kennedy appointed him to the appellate bench here in Washington. It is an indication of the hostility his rulings had engendered among established politicians that not a single member of the Louisiana congressional delegation appeared at his confirmation hearings.

Turning his attention to Washington's public schools, he wrote the decree in 1967 that addressed administrative discrimination in favor of schools that happen to be attended largely by white children. Judge Wright was crucial to the long process by which this city worked out an acceptable definition of fair treatment for all of its schoolchildren.

Very few judges serve on the federal bench for 3½ decades, as he did, and hardly any have done so through times of greater social change and challenge to the Constitution. The greatest achievement of American law and government over the past generation has been the ending of the racial segregation that was imposed and enforced by the power of the state. By the strength of his intellect and his conviction, Judge Wright, who died Saturday at the age of 77, was a central figure in civil rights litigation that has changed the country.

[From the Washington Post, Aug. 8, 1988]

WE ARE, ALL OF US, FREE-BORN AMERICANS

(By Ronald Goldfarb)

It is odd that students at places like Harvard Law School wear Skelly Wright T-shirts. A shy and simple man, whose modesty belied his judicial activism and personal toughness, Wright was not a product of the social or legal elite which came to admire him so. He came from a poor Catholic New Orleans family, worked his way through Loyola University Law School at night, taught high school during the Depression, got his first job through a political connection, and was a conventional tough prosecutor until World War II, when he served in the Coast Guard in England. There he met his wife Helen (to the end he called her "Shugah").

After the war he practiced law in Washington alone and briefly with two other lawyers. His most notable case was a famous capital punishment appeal, which he lost in the U.S. Supreme Court. In 1947, he filled an opening in the U.S. attorney's office in New Orleans. Truman's surprise election a year later extended Wright's prosecutor's job. In 1949, at 38, he was appointed a federal trial judge.

There was no reason to suspect from such a background that Skelly Wright would become the extraordinary and controversial champion of the Bill of Rights, and particularly of civil rights, that he did, or to think, judging by his gentle and modest personal life style, that he would become so ardent and courageous an activist on behalf of civil rights and civil liberties. Few judges in American history will leave bigger footprints on this terrain.

The case—or series of cases over several years—that catapulted Skelly Wright into national prominence was *Bush v. Orleans Parish Schools*, involving the desegregation of New Orleans public schools in the aftermath of *Brown v. Board of Education*. It was a time when civil rights were not in fashion and blacks had few allies in government. Wright adamantly enforced *Brown*, and as a result he incurred the wrath of his community. He was ostracized viciously hanged in effigy and made a social pariah. Earlier he had ordered the desegregation of Louisiana State University law school; indeed between 1952 and 1962—early days in the civil rights struggle in America—Wright issued 41 decisions on racial integration. In the words of Jack Bass, a journalist who studied southern judges, Skelly Wright, very much alone, "broke the back of the states' efforts at massive resistance . . . and upheld federal supremacy under the Constitution."

Wright's actions took great courage at that time and in that place. A few years ago, during a television interview, I asked him to explain what had prompted him to act so bravely and nobly. He was embarrassed by that assessment, saw himself as having done the only thing that could have been done, and felt deserving of no special credit for his judicial integrity. But he did recall an incident that moved him and still haunted him decades later as we spoke. When he was U.S. attorney in New Orleans, he told me, his office was across the street from the Home for the Blind. One Christmas Eve he was looking out his window and noticed a bus unloading a group of blind Negroes who were led by a white person to the entrance for blacks at the rear of the building. "They couldn't even see," he remembered, staring into the distant past with eyes that filled as he spoke, "yet they made them walk into separate doors. That sight still affects me."

When President Kennedy took office Wright was promoted from the U.S. District Court in New Orleans, where he had sat for 13 years, to the U.S. Court of Appeals in Washington, where he was to serve for 25 more years, the last of them as chief judge. it was speculated that Wright would replace his friend and fellow southerner on the Supreme Court, but presidential politics precluded such a move. Many of his corps of former law clerks went on to Supreme Court clerkships, and many of them are law professors now. A prolific flow of law review articles and speeches provided Wright with a national stage and made him far more influential than most lower court judges.

In Washington, Wright's involvement with controversial cases, particularly civil rights cases, continued. He was the author of the famous *Hobson* decision seeking to end de facto segregation in the Washington schools. He authored a stream of civil liberties-sided cases in the area of criminal justice, championed the claims of poor people for equal justice, and was a constant and articulate defender of press rights. The body of Wright writings—more than 1,000 judicial opinion and scores of law review articles—is vast and influential. But his personal example—especially in the South when it was hard and risky to act during those early days of the civil rights revolution—was his greatest achievement.

The late law professor Arthur Miller, a Wright biographer, considered Skelly Wright a result-oriented, plain-speaking judge who always viewed the Constitution not as a lawyer's document "but as a charter for the achievement of social justice." No better epitaph could be devised for Wright than his own touching words written three decades ago at the time of the integration of New Orleans' public schools. He wrote the words on the back of a Mardi Gras brochure, but they are etched now on a family heirloom. The words capture the man's elegance and humanity:

"The problem of changing a people's mores, particularly those with an emotional overlay, is not to be taken lightly. It is a problem which will require the utmost patience, understanding, generosity and forbearance from all of us of whatever race. But the magnitude of the problem may not nullify the principle. And that principle is that we are, all of us, free-born Americans with a right to make our way unfettered by sanctions imposed by man because of the work of God."

ENACTMENT OF ACID RAIN CONTROL LEGISLATION DRAWS CLOSER

(Mr. CONTE asked and was given permission to address the House for one minute and to revise and extend his remarks)

Mr. CONTE. Mr. Speaker, last week, the President made an announcement that brought us one step closer to enactment of a comprehensive acid rain control program. On Friday, the White House announced that the United States will commit to freeze nitrogen oxide emissions at 1987 levels.

By agreeing to control NO_x emissions, the President has finally acknowledged that acid rain is a serious national and international environmental problem.

After years of research, delays, and excuses, the President has taken positive action, and I applaud him for that. If the Congress can work with him to enact a comprehensive program, it will mark a lasting legacy to his administration.

Although this announcement does not approach what is needed to address the acid rain crisis, it is an important step. The President has acknowledged the problem and proposed some action. This is much more than the leadership on the Energy and Commerce Committee has done to address the problem.

Now, it's time for the Democratic leadership to take some action, to stop the foot dragging, to report a bill from the full committee, and to schedule a bill for the floor.

The President has acted. The Senate is moving, and now it is time for the House to deal with acid rain. For the Democrats in the House, there is no room to hide. The ball is in your court, Mr. Speaker.

MR. VICE PRESIDENT, GET YOUR OWN HOUSE IN ORDER

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, it is too bad that Jim Baker is not Vice President. As he said yesterday on Meet the Press, he hoped he would have been able to stop the folly of the arms-to-Ayatollah deal. But we all know that we must have a President who upholds the law, not stands above it. A President has to be able to pick folks who will be able to "just say no" when he is urged to break the law. With Jim Baker's disclosure yesterday, we have the very rare circumstance when the campaign manager may be more qualified to be President than the candidate himself.

So, while they are busily trying to bury one scandal, they are out hustling another. CBS correspondent Jacqueline Adams, Los Angeles Times bureau chief Jack Nelson and Wall Street Journal bureau chief Al Hunt, all report Bush aides peddling trash, yes, trash and garbage about Gov. Mike Dukakis' medical records.

Well, Mr. President, if you cannot get your own house in order, how do we expect you to get the White House in order?

The Bush campaign is out of control and out of touch: Bush campaign manager repudiates his candidate's position on arms to Ayatollah and the Bush campaign acts like a bunch of LaRouche radicals persisting in rumor mongering.

And where is George Bush while all this is going on? Just where we would expect him; standing on the sidelines wringing his hands and hoping that the garbage his aides have dumped in the ocean does not wash ashore on his own beach.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bill on Thursday, August 4, 1988:

H.R. 442. A bill to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, August 9, 1988.

AMENDING FOREIGN SOVEREIGN IMMUNITIES ACT WITH RESPECT TO ADMIRALTY JURISDICTION

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1149) to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction.

The Clerk read as follows:

H.R. 1149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMIRALTY SUITS AGAINST FOREIGN STATES.

Section 1605(b) of title 28, United States Code, is amended—

(1) in paragraph (1) by striking all that follows the first semicolon and inserting the following: "and if the vessel or cargo is arrested pursuant to process obtained on behalf of the party bringing the suit, the service of process of arrest shall be deemed to constitute valid delivery of such notice, but the party bringing the suit shall be liable for any damages sustained by the foreign state as a result of the arrest if the party bringing the suit had actual or constructive knowledge that the vessel or cargo of a foreign state was involved; and";

(2) in paragraph (2) by striking "subsection (b)(1) of this section" and inserting "paragraph (1) of this subsection"; and

(3) by striking all that follows paragraph (2) and inserting the following:

"(c) Whenever notice is delivered under subsection (b)(1), the suit to enforce a maritime lien shall thereafter proceed and shall be heard and determined according to the principles of law and rules of practice of suits in rem whenever it appears that, had the vessel been privately owned and possessed, a suit in rem might have been maintained. A decree against the foreign state may include costs of the suit and, if the decree is for a money judgment, interest as ordered by the court, except that the court may not award judgment against the foreign state in an amount greater than the value of the vessel or cargo upon which the maritime lien arose. Such value shall be determined as of the time notice is served under subsection (b)(1). Decrees shall be subject to appeal and revision as provided in other cases of admiralty and maritime jurisdiction. Nothing shall preclude the plaintiff in any proper case from seeking relief in personam in the same action brought to enforce a maritime lien as provided in this section.

"(d) A foreign state shall not be immune from the jurisdiction of the courts of the United States in any action brought to foreclose a preferred mortgage, as defined in the Ship Mortgage Act, 1920 (46 U.S.C. 911 and following). Such action shall be brought, heard, and determined in accordance with the provisions of that Act and in accordance with the principles of law and rules of practice of suits in rem, whenever it appears that had the vessel been privately owned and possessed a suit in rem might have been maintained.".

SEC. 2. ATTACHMENT OR EXECUTION.

Section 1610 of title 28, United States Code, is amended by adding at the end the following:

"(e) The vessels of a foreign State shall not be immune from arrest in rem, interlocutory sale, and execution in actions brought to foreclose a preferred mortgage as provided in section 1605(d).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. Berman] will be recognized for 20 minutes and the gentleman from New York [Mr. Fish] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Berman].

☐ 1215

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to acknowledge that the Committee on Merchant Marine and Fisheries' jurisdiction over the Ship Mortgage Act is not affected by H.R. 1149 which amends the Foreign Sovereign Immunities Act, an act strictly within the jurisdiction of the Committee on the Judiciary, although it will have an effect on the operation of this act and state-controlled carriers.

The FSIA as adopted in 1965 substituted in personam jurisdiction over foreign states in admiralty cases for the historical in rem jurisdiction which had involved arresting a ship to obtain jurisdiction. The right to hold ships to satisfy claims against them, in rem jurisdiction, is the traditional method of procedure in maritime law. H.R. 1149 would correct this problem.

Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to commend the subcommittee chairman, Mr. Frank, for convening hearings on this legislation and for moving this bill through committee and to the House floor. I would also like to commend the author of this legislation, the gentleman from Maryland [Mr. Cardin] for introducing this bill. I am in favor of H.R. 1149, and I believe it addresses an issue which needed to be focused on for some time.

H.R. 1149, as has been stated, would amend title 28 of the United States Code by adding a new procedure to be followed in the event of an erroneous arrest of a vessel owned by a foreign state. It is my understanding that, pursuant to current law, should a party fail to follow the current statutory procedures for the institution of an in personam claim against a foreign state owning a vessel and instead arrest the vessel, that party is barred from proceeding under the Foreign Sovereign Immunities Act. In other words, if a party knew or should have known that a vessel was owned by a foreign state and erroneously proceeded in rem, under the current statute that party will lose any in personam remedy which he may have had under the law against the foreign state which owned the vessel. That does seem to me to be an overly harsh penalty for a person who mistakenly proceeds against property rather than against the person, especially, if it was an honest mistake. It is my understanding that the Maritime Bar supports this legislation, and I support it as well.

Other technical changes provided in this bill have been needed for some time and are supported by the Maritime Bar and had the unanimous support of the Judiciary Committee.

Mr. Speaker, I urge the passage of H.R. 1149.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. FISH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. BERMAN] that the House suspend the rules and pass the bill, H.R. 1149.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FOREIGN SOVEREIGN IMMUNITIES ACT AMENDMENTS

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3763) to amend title 28, United States Code, relating to foreign sovereign immunity, with respect to certain activities of foreign governments and for other purposes, as amended.

The Clerk read as follows:

H.R. 3763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF COMMERCIAL ACTIVITY.

Section 1603(d) of title 28, United States Code, is amended by adding at the end thereof the following: "A determination of whether an activity is commercial in character shall not be affected by the fact that the activity involves acts or undertakings requiring the exercise of governmental authority. Any such acts or undertakings included in a commercial activity shall be considered to be commercial in character.".

SEC. 2. ARBITRATION MATTERS.

(a) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—(1) Chapter 1 of title 9, United States Code, is amended by adding at the end thereof the following new section:

"§ 15. Inapplicability of the act of state doctrine

"Enforcement of arbitral agreements, confirmation of arbitral awards, and execution upon judgments based on orders confirming such awards shall not be refused on the basis of the act state doctrine.".

(2) The table of sections at the beginning of chapter 1 of title 9, United States Code, is amended by adding at the end thereof the following:

"15. Inapplicability of the act of state doctrine.".

(b) EXCEPTIONS TO JURISDICTIONAL IMMUNITY OF A FOREIGN STATE.—Section 1605(a) of title 28, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(6) in which the action is brought either to enforce an agreement made by the foreign state with or for the benefit of a private party to submit to arbitration any differences which have arisen or which may arise between the parties with respect to a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration under the laws of the United States, or to confirm an award made pursuant to such an agreement to arbitrate, if—

"(A) the arbitration takes place or is authorized to take place in the United States,

"(B) the agreement or award is governed by a treaty or other international agreement in force with respect to the United States which provides for the recognition and enforcement of arbitral awards,

"(C) the underlying claim, except for the agreement to arbitrate, could have been brought in a court of the United States under this section or section 1607, or

"(D) paragraph (1) of this subsection applies.".

SEC. 3. EXCEPTIONS TO IMMUNITY FROM ATTACHMENT OR EXECUTION.

Section 1610 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ", used for a commercial activity in the United States,";

(B) by inserting ", or upon an arbitral award," after "State";

(C) by amending paragraph (2) to read as follows:

"(2) the property is used or intended to be used for a commercial activity in the United States, or";

(D) by amending paragraph (3) to read as follows:

"(3) the property belongs to an agency or instrumentality of a foreign state engaged in a commercial activity in the United States and the judgment relates to a claim for which the foreign state is not immune from jurisdiction by virtue of section 1605 or 1607 of this chapter, or";

(E) by amending paragraph (4)(B) to read as follows:

"(B) which is immovable and situated in the United States.";

(F) by striking out paragraph (5); and

(G) by inserting after paragraph (4) the following:

"This subsection shall not apply to property that is used for purposes of maintaining a diplomatic or consular mission or the residence of the chief of such mission, including a bank account unless that bank account is also used for commercial purposes unrelated to diplomatic or consular functions.";

(2) by striking out subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as redesignated by paragraph (3) of this section) by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsection (a)";

(5) in subsection (c) (as redesignated by paragraph (3) of this section) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)";

(6) in subsection (c)(2) (as redesignated by paragraph (3) of this section), by inserting "or an arbitral award" after "judgment"; and

(7) by adding at the end thereof the following:

"(d)(1) In addition to subsection (c), any property in the United States of an agency or instrumentality of a foreign state engaged in a commercial activity in the United States shall not be immune from attachment or injunctive relief before the entry of judgment in any action brought in a court of the United States or of a State, or before the period of time provided in subsection (b) of this section expires, if—

"(A) the property attached or enjoined would be subject to execution under this chapter with respect to that judgment,

"(B) the purpose of the attachment or injunction is to secure satisfaction of a judgment or an arbitral award that has been or may be entered against the agency or instrumentality and not to obtain jurisdiction,

"(C) the property of a private party would be subject to such attachment or injunctive relief in like circumstances,

"(D) the moving party has shown—

"(i) a probability of success on the merits, or has obtained a judgment in favor of such party, and

"(ii) a probability that the assets will be removed from the United States or disposed of by the agency or instrumentality before a judgment is entered or satisfied and that such action would frustrate execution of such judgment, and

"(E) the moving party posts a bond in an amount equal to the greater of 50 percent of the value of the property attached or any higher amount required under applicable law.

"(2) If the agency or instrumentality has not appeared to oppose an attachment or injunctive relief granted under this subsection, or if such agency or instrumentality has appeared but has not had an adequate opportunity to present an opposition, the court shall grant an immediate hearing to seek dissolution of the attachment or order, and the court shall dissolve the attachment or order if the agency or instrumentality—

"(A) demonstrates that one or more of the applicable criteria in this subsection has not been satisfied, or

"(B) posts a bond in the amount of the claim or the affected property, whichever is less.".

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. BERMAN] will be recognized for 20 minutes and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3763, the legislation I introduced to amend the Foreign Sovereign Immunities Act.

The Foreign Sovereign Immunities Act was enacted in 1976 to codify the circumstances under which foreign states are and are not entitled to sovereign immunity for their acts.

In hearings held in both the 99th and 100th Congresses, the Subcommittee on Administrative Law and Intergovernmental Relations of the House Judiciary Committee heard evidence that since its passage in 1976, a small number of significant shortcomings in the Foreign Sovereign Immunities Act have come to light.

American companies engaged in international trade have had difficulty enforcing a range of commercial obligations. Foreign states have made commitments to enhance purely commercial deals, and American companies have from time to time found themselves without recourse to enforce those commitments.

Of even greater concern to me is my discovery that while the act provides that foreign states are not immune from suit for engaging in state-sponsored terrorism, the act as presently interpreted provides no means by which victims can enforce judgments entered by our courts against foreign states who have engaged in such conduct.

A right without a remedy is no more acceptable to me in the context of loss of life and bodily harm than it is in the commercial context.

In a shocking act of terrorism committed in the United States in 1976 by agents of Chile, Orlando Letelier, the former Chilean Foreign Minister to whom the United States had given refuge, and Ronni Karpen Moffitt, an American citizen, were murdered in a car bombing 1 mile from the White House. Ronni Moffitt's husband, Michael, was seriously injured in the attack.

In 1978, Michael Moffitt and the families of Orlando Letelier and Ronni Moffitt filed a civil tort action under the Foreign Sovereign Immunities Act. In 1980, the Federal district court for the District of Columbia found that state-sponsored terrorism had occurred, entered judgment against the Republic of Chile, and awarded damages to the families.

The plaintiffs sought to enforce the judgment through execution upon assets of the Chilean national airline located in the United States. But the Second Circuit Court of Appeals construed the FSIA narrowly, holding that Congress intended a "right without a remedy;" that is, while Chile was not entitled to immunity from suit for its act, plaintiffs could not enforce the judgment secured against Chile. The Second Circuit held such assets were immune because "an act of political terrorism is not the kind of commercial activity that Congress contemplated" under the Foreign Sovereign Immunities Act.

In my view, it is unconscionable and inconsistent with U.S. counterterrorism policy to permit a foreign government to avoid responsibility for acts of terrorism while it benefits from U.S. commerce through its assets in this country. We must insist on redress for the victims of such despicable acts.

H.R. 3763 does so by allowing execution of judgments against any commercial property owned by the foreign state in the United States, regardless of the nexus of the property to the claim.

The execution provisions of section 3 of the legislation are intended to apply to judgments in force as of the date of enactment. In particular, the execution provisions correct the holding of the U.S. Court of Appeals for the Second Circuit in *Letelier* v. *Republic of Chile,* 748 F.2d 790 (1984). The provisions of section 3 will permit satisfaction of judgment in the Letelier and similar cases by execution on the commercial assets of foreign sovereign and its agencies and instrumentalities, such as the Chilean state-owned airline, even if unrelated to the commercial activity upon which the claim is based.

This and the other provisions of H.R. 3763 were developed by the Ad Hoc Committee on Revision of the Foreign Sovereign Immunities Act of the ABA Section on International Law, and approved by the ABA's House of Delegates in 1984.

The legislation also would define "commercial activity" under the Act to include activities of a foreign state such as contracting for the sale of a resource or commodity, borrowing money, issuing debt securities, or guaranteeing repayment of a loan made to another party. Of great importance is the bill's provision clarifying the jurisdiction of the Federal courts to enforce arbitration agreements and arbitral awards against foreign states. The language in H.R. 3763 with regard to this last issue has previously passed the Senate, in the 99th Congress.

This bill has been the subject of subcommittee hearings in both the 99th and 100th Congresses. Approval of H.R. 3763 will be of enormous assistance to U.S. business because it clarifies that suits against foreign states are allowed under the act to enforce commercial obligations.

And despite our best efforts, should any foreign state ever again choose to perpetrate an act of terrorism against Americans, the bill ensures that Americans will have a remedy—inadequate though it may be when measured against injury and loss of life—and foreign governments will know that they will pay a price for such unconscionable acts.

Mr. Speaker, in closing, I want to make specific reference to the cooperation we received and express my own appreciation and the appreciation of those who supported and drafted this legislation to the chairman of the subcommittee, to the ranking minority member of the subcommittee, and to the chairman and ranking minority member of the full committee for allowing this bill to move forward so expeditiously.

Mr. Speaker, I urge support for H.R. 3763, and I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the subcommittee chairman, the gentleman from Massachusetts [Mr. **FRANK**], for convening the hearings on H.R. 3763 last year and for moving this bill through the committee to the House floor for consideration. I would also like to commend the author of this legislation, Mr. **BERMAN**, for his work in crafting this legislation.

I was a member of this committee in 1976 when we drafted and enacted the Foreign Sovereign Immunities Act, which is codified in our law today in title 28. While I believe the law has been successful toward its purpose, I believe some of its provisions leave room for amendment.

I think it is important, however, with regard to these amendments, that we keep in perspective the purpose and history of the Foreign Sovereign Immunities Act. Until Congress enacted the Foreign Sovereign Immunities Act in 1976, questions with regard to whether or not a foreign state should be granted sovereign immunity with regard to its actions were, for the most part, left to the State Department. In making those determinations, the State Department, beginning in the early 1950's, adopted what became known as the restrictive theory of sovereign immunity, which is the prevailing trend in international law today. The restrictive theory of sovereign immunity provides that the immunity of a state is restricted to its public acts and does not extend to its commercial or nongovernmental activities.

Congress' enactment of the Foreign Sovereign Immunities Act was intended to codify the restrictive theory of sovereign immunity and in so doing, provided that our judicial branch and not our executive branch was the proper forum to determine whether immunity should be applied in certain circumstances. The act provides a statutory framework through which litigants may proceed against a foreign government regarding commercial disputes and certain causes of action in tort. Our task back in the 94th Congress, in drafting this law, was one of attempting to balance two sets of interests, that of recognizing U.S. citizens' right to have access to the courts to resolve ordinary legal disputes involving foreign states and that of providing ample respect for the concerns of other governments and the foreign policy implications of making foreign states subject to suit in this country.

During the 99th Congress and again in this Congress, I introduced legislation to amend one aspect of the Foreign Sovereign Immunities Act. H.R. 1689, which I introduced this year, which would amend the Foreign Sovereign Immunities Act to ensure that neither the Federal act of state doctrine nor the doctrine of sovereign immunity would constitute grounds for circumventing the effect of an agreement to arbitrate or an arbitral award entered against a foreign state. That bill was the subject of a hearing by the Administrative Law and Governmental Relations Subcommittee last year.

A case in point which amply illustrates the need for an amendment to clarify when use of the act-of-state doctrine would be inappropriate is the case of Libyan American Oil Company versus Socialist People's Libyan Arab Jamahirya. In that case, a dispute arose between the country of Libya and the Libyan American Oil Co., otherwise known as Liamco, regarding the enforcement of an agreement to arbitrate. The parties had entered into an agreement to arbitrate in the event of a dispute, a dispute arose with regard to Libya's nationalization of certain concessions it had granted to Liamco, and when Liamco sought a resolution to the dispute by enforcing the arbitration agreement, Libya refused to participate in the proceedings. In the end, the United States District Court for the District of Columbia ruled that the act-of-state doctrine precluded enforcement of the agreement to arbitrate because Libya's actions to nationalize the concessions was considered an act of state clothed with immunity.

Decisions like the Liamco decision indicate a need for language clarifying the intent of Congress with regard to arbitration and the act-of-state doctrine. Clearly, the-act-of-state doctrine should not be used to allow a party to a commercial relationship to circumvent an agreement to arbitrate disputes.

Section 2 of H.R. 3763 adopts language similar to the bill which I introduced regarding arbitral awards. Consequently, section 2 of this bill amends title 9 of the United States Code to ensure that the enforcement of arbitral agreements or awards made pursuant to such agreements shall not be avoided because of the application of the act-of-state doctrine. Due to the inclusion of this language in H.R. 3763, I am inclined to support the bill. However, Mr. Speaker, I have some concerns regarding other provisions in H.R. 3763.

H.R. 3763, as currently drafted in section 3 would limit the immunity of execution currently provided to a foreign government by broadening the category of commercial assets available for execution against foreign state property. The language in section 3 of the bill not only broadens the category of commercial property subject to execution but broadens the category of causes of action which may be brought and which may result in execution against commercial property.

I think it is important to keep in mind that prior to the enactment of the Foreign Sovereign Immunities Act, successful plantiffs could not execute against the property of foreign sovereigns in the United States under any circumstances. The section of the act, section 1610(a), which this bill attempt to amend, was intended to partially modify this absolute rule against execution of property of foreign sovereigns by allowing for execution of judgments on foreign state property "used for the commercial activity upon which the claim is based." A reading of the current language of the act in that section, illustrates that there is currently the requirement of a nexus between the property to be executed upon and the legal dispute. The language of H.R. 3763 proposes to extend execution under section 1610 to reach any commercial property, regardless of whether the property was involved in the cause of action. Further, it would make available assets to satisfy a noncommercial tort judgement which is not presently covered in the act.

I have some concerns as to the broad brush with which we are sweeping with the language in this bill, especially in that should a foreign state reciprocate with a similar law, property of the U.S. Government which is present in a foreign country at the time a legal dispute may arise could also be vulnerable to attachment or execution. It is no secret that this country has, on any given day, substantial amounts of property existent in many foreign countries around the world. It is my understanding that the United States is currently a defendant in over 800 cases in about 50 countries throughout the world.

The Department of Defense has expressed concern that if the United States liberalizes its attachment and execution provisions, as this bill contemplates, that we would be in a vulnerable situation should other countries decide to initiate reciprocal treatment; especially those countries where much U.S. property may be located.

In light of these facts, Mr. Speaker, I think we should consider whether expanding this area exposes our assets abroad to a greater risk than under existing law and whether this expansion is worth the risk. I nevertheless support this bill and urge passage.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 3 minues to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I rise in strong support of H.R. 3763. I compliment very much our colleague, Mr. BERMAN of California, for introducing this important legislation. I also commend the Committee on the Judiciary's Subcommittee on Administrative Law, under the able leadership of its distinguished chair, Mr. FRANK of Massachusetts, for its work on the bill.

Mr. Speaker, this bill corrects an egregious situation existing under current law. Today, while an aggrieved person may sue a foreign government for injuries, there is no judicial remedy to collect a monetary judgment. If the foreign government refuses to honor the court decision, the plaintiffs are just out of luck.

The current law sends a message to those governments promoting acts of terrorism in our country—you can do so with no danger or risk to your continued profitable involvement in our businesses and commerce.

When H.R. 3763 becomes law, people—innocent people like members of the Letelier and Moffitt families who were greviously injured by acts of the Chilean Government—will be able to enforce their hard-won court decisions. Foreign governments will know that terrorism committed in the United States has a price that will be paid.

H.R. 3763 provides the necessary means for enforcement of valid court judgments, is consistent with state immunity provisions in many other nations, and sends a strong message to all those abroad who might consider acts of terror in the United States. It is just. It is right. I urge our colleagues to join together in passing this important legislation.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman from New York [Mr. FISH] for yielding this time to me.

Mr. Speaker, I was interested very much in the explanation of the bill, as the gentleman from New York saw it, and was a little puzzled by his hesitancy, as I understand it, on the question of section 3 in this bill which has to do with the execution that has been changed summarily, it seems, by this legislation.

As I understand it, Mr. Speaker, the proposal as is before us removes that nexus that used to be necessary between property attached and the underlying cause of action. And what the gentleman from New York has said in registering his concern about that I hope also acknowledges the Department of State is worried about that and opposes the legislation on that very same basis.

But I would like to ask the gentleman from New York [Mr. Fish] does he foresee that this problem that I see now and to which he has made allusion, does the gentleman from New York see a prospect of having it rectified in the proceedings that follow the passage of this legislation under suspension?

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. Gekas], and the gentleman properly referred to the distinction I made in my comments to this legislation between the arbitral awards in section 3, and I certainly hope that in the process of further consideration of this legislation that we can deal appropriately with that section.

Mr. Speaker, I would hope also at this time that the gentleman would ask permission for the letter from the Department of State dated August 8 addressing this issue be made a part of these proceedings.

Mr. GEKAS. Yes, Mr. Speaker, I include for the Record at this point the letter addressed to the gentleman from New York from the Department of State.

Department of State,
Washington, DC, August 8, 1988.

Hon. Hamilton Fish, Jr.,
Committee on the Judiciary, House of Representatives.

Dear Mr. Fish: The Department of State opposes House passage of H.R. 3763, which would amend the Foreign Sovereign Immunities Act, 28 U.S.C. 1602 et seq., because of provisions that would create serious foreign relations problems. Proper treatment of the United States by foreign courts and of foreign sovereigns by U.S. courts is vital to the conduct of United States foreign relations. U.S. law should continue to provide appropriate safeguards for these needs and interests. The failure to do so would seriously and adversely affect our interest in protecting U.S. activities abroad.

The Department strongly opposes the provision that would remove the prohibition on execution of judgments against property owned by foreign states that is unrelated to the underlying cause of action. The need for such an amendment to existing law has not been demonstrated and it could result in significant problems. By disregarding the legal distinction between a corporate entity and its owner, the provision would subject foreign states to stricter requirements than are imposed on U.S. corporations. This is at odds with the decision of the Supreme Court in *First National City Bank* v. *Banco Para El Comercio Exterior de Cuba*, 462 U.S. 611 (1983). This unprecedented expansion in the authority of U.S. courts to allow seizure of foreign government property could have considerable reciprocal impact by encouraging the seizure of vast amounts of property held by U.S. agencies and the military abroad to satisfy foreign judgments entered against the United States for intentional state actions judged illegal by foreign courts. (Seizure of U.S. property to enforce a foreign judgment awarding damages caused by the bombing of Libya would be only one possible consequence of such an action.) Private American property abroad could also be placed at risk of retaliation. In addition, the provision may exacerbate the already significant problem of securing willing participation by foreign sovereigns in U.S. domestic litigation and may increase the number of default judgments, to the detriment of all concerned, particularly U.S. plaintiffs seeking relief against such sovereigns under the FSIA.

The Department objects as well to the provision that would allow prejudgment attachment of the property of agencies and instrumentalities of foreign states. As the Department has testified in the past, even if prejudgment attachment of exclusively commercial foreign state enterprises could be justified as a means to put such enterprises on equal footing with their private U.S. counterparts, allowing the prejudgment attachment of the property of foreign entities with governmental functions would be vehemently opposed and would create extremely significant difficulties for the United States.

The Department also opposes the definition of "commercial activity" contained in H.R. 3763. The new definition is overly broad because it would inappropriately subject wholly "governmental" actions of one state, such as imposition of taxes, to the jurisdiction of the courts of another state. We believe that the question whether a state's activity is a "commercial activity" (and thus whether the state is immune) should be left to the courts to determine based on all the facts and circumstances of each case.

In light of these concerns, the Department of State urges that the rules not be suspended, and that H.R. 3763 be amended to delete its objectionable provisions.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. Edward Fox,
Assistant Secretary, Legislative Affairs.

Mr. Speaker, I hope that this will be rectified, and on that assertion on the gentleman's part I will support the bill under suspension.

Further, I wanted to simply state that one of the fears that the Department of State enunciates here, with which I agree, is that, if we take that type of action and leave this language unchanged, that there is a possibility that foreign governments themselves to reciprocate will be doing the same in their countries against U.S. interests.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I appreciate the point the gentleman is making, and I have been in constant contact with the Department of State for a number of months on this particular issue.

Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I appreciate the gentleman yielding this additional time.

I simply want to point out, Mr. Speaker, the situation where in the case of state-sponsored terrorism, and a court decision and court judgment confirming that decision by the Federal courts that the defendant, in this case the Republic of Chile, is not immune from liability, that the notion that there has to be commercial nexus between the underlying act and an ability to execute against that particular piece of property owned by the defendant I think is a substantial limitation on our ability to use every possible means to try and deal with state-sponsored terrorism.

Mr. GEKAS. Mr. Speaker, I am not arguing the point. I think I agree with the gentleman. I am saying the reaction of the foreign countries to a similar situation. I am not arguing, and I agree with the gentleman on what we should be able to do.

What I am worried about, Mr. Speaker, is what implications it has across the seas.

The SPEAKER pro tempore (Mr. Montgomery). The time of the gentleman has expired.

Mr. BERMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. Frank], the chairman of the subcommittee.

Mr. FRANK. Mr. Speaker, I want to express my appreciation to the gentleman from California [Mr. Berman] for handling the previous bill and this one.

I also want to express my surprise that my Republican colleagues appear to be marching to the drum of the Department of State on this, at least some of them, not all of them.

We have a situation where we are trying to vindicate the right of American citizens, private citizens, whether they be individuals or corporations, to recover damages after they win in an American court. This is no seizure statute. This is no statute to give freewheeling executive arbitrary power.

What we are saying, Mr. Speaker, is, "If you, as an American, are damaged in America by foreign entities, we will extend to you the fullest degree of American judicial power, and we'll try to collect," and what we have is the Department of State writing to my Republican colleagues and saying, "No, you better not put the American court system fully at the service of people in America who might have been damaged by some foreign government because we are told the foreign governments might then be abusive to us."

Unfortunately the tendency, the willingness of foreign governments to mistreat Americans, does not depend on the way we treat them here. The argument that reciprocity governs is factually wrong. We have been victimized in tyrannical societies like Iran and in the East bloc after World War II. But we have consistently been subjected in those cases to an arbitrariness regardless of what we do. The notion that by preserving the judicial rights of American citizens in America we will somehow put ourselves at risk with arbitrary countries overseas is just wrong because those that are inclined to do that will do it anyway.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to my friend from Pennsylvania.

Mr. GEKAS. Again, the general tenor of what the gentleman has said I feel I have to agree to, however we are talking here about a narrow set of circumstances that have to do with commercial activity. It is a long-arm jurisdiction type of thing of commercial activity. Unfortunately the terroristic kind of things enter into it almost subliminally, but what we want to do here is to——

Mr. FRANK. Let me ask the gentleman from Pennsylvania [Mr. GEKAS] something.

What country is he afraid the State Department is saying? Apparently what we are being told is what we propose to do in this statute is entirely legitimate and valid on its face, but it might be abused in some other country.

Who? What are we afraid of? The English are going to now go nuts if we do this? The French? I mean——

Mr. GEKAS. On commercial activities.

Mr. FRANK. Which country is going to do what bad things to us?

I think that the Department of State has frankly an institutional bias against American citizens meddling with foreign countries, and I am surprised to see my colleagues on the other side of the aisle falling in line with that.

Now they have legitimate objection, I thought, to the question about acts of state, and at the suggestion of the gentleman from New York, who is the ranking member of the Judiciary Committee, the gentleman from California in a very obliging way moved, and we unanimously acted to strike that section.

So, we are now saying, and I think it ought to be clear, Members are saying that there is nothing wrong in American terms with what we are proposing, but other countries might abuse them.

My point is those countries that are inclined to be abusive of Americans' legitimate interests do not look and say, "Oh, America is doing this so we can do that." Unfortunately, they do it anyway, and I would like people to tell me what changes specifically they want, and the State Department wants the whole section stricken. They are not talking about anything narrow.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, it goes even further than that. The Department of State opposes that portion of the bill which expands the definition of commercial activity to include those activities where governments are in effect operating or heavily involved in regulating a particular enterprise so that the tendency toward greater state control that exists in many foreign countries provides a disincentive for U.S. commercial interests to be able to enforce their judgments. We are trying to rectify that.

I think the American business community, as seen by the international law section of the ABA, thinks this is a very high priority, to try and correct this, and I can assure the gentleman from Massachusetts [Mr. FRANK] that the Government of Libya, the Government of Iran is not determining their actions and their conduct vis-a-vis the United States persons and property based on a detailed and sober and reflective analysis of United States law.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, how refreshing it is to hear the gentleman from Massachusetts [Mr. FRANK] be right wing, as it were, on the question.

Mr. FRANK. Oh, I am going to take back my time to object. I instruct the gentleman that I take back my time. I was willing to yield for a sensible and civilized debate.

Mr. GEKAS. I know——

Mr. FRANK. Mr. Speaker, I instruct the gentleman that I am taking back my time.

The point, Mr. Speaker, is that there is nothing remotely right wing about seeking to vindicate the rights of Americans. There is nothing right wing about pointing out that terrorist regimes overseas will be abusive, and arbitrary regimes will be abusive regardless of what Americans do. The point is that the Department of State has sent us a letter. The first argument they give us for not going along with this is it differs with the Supreme Court decision. Yes; it was a statutory interpretation, an interpretation of the law as it is. It was not a constitutional decision. The notion that there is something the matter with us in our statutory rights changing what the Supreme Court declares to be the law in a foreign constitutional way, that is too silly even to worry about. No one thinks that.

Mr. GEKAS. Mr. Speaker, will the gentleman yield for an apology?

Mr. FRANK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, what I want to express is I tried to be as colorful as the gentleman from Massachusetts [Mr. FRANK] usually is on these things and to say, as I understand it, our Nation owns our Government, and there are more American-owned properties in foreign lands than any other single nation has in foreign lands, and, if we stretch that beyond the normal customs and usage in commercial activities, we cannot predict what the foreign countries will do with respect to properties that are owned by us.

Mr. FRANK. Mr. Speaker, let me take back my time to say that I think we have to do better than that when we are talking about short circuiting the rights of Americans. In the first place, as to being the ones that own the most, that was the case before this administration took power. We are rapidly, as the gentleman might——

Mr. GEKAS. Oh, that is not true.

Mr. FRANK. Reflect, no longer going to be the ones that own everything. A lot of other people own us. I mean the Japanese and others are buying up a lot here. We are not solely now the owner overseas. There is a lot of reciprocal ownership.

But the point is, if there are specific issues that people think are a problem, let them bring it forward. We are being told in general other countries might want to be abusive.

Now we want to be clear. We are talking about England, we are talking about Japan, we are talking about Italy, talking about Israel, we are talking about close friends of America, if we are talking about commercial activities, and I reject the State Department's assertion that these countries are prepared to be abusive and arbitrary.

□ 1245

I reject the State Department's assertion that these countries are prepared to be abusive and arbitrary. What we are seeing is—and let me give you another example of what I think is the specious reasoning of the State Department—they simply do not like the idea of Americans being able to vindicate their rights, because it might complicate foreign policy some. With the active State Department doctrine being knocked out, we are not going to get into major foreign policy.

We are saying—and I will say, Members should understand that there is going to be some carryover here, because we are going to be dealing at some point with diplomatic immunity and many of us think that diplomatic immunity needs to be addressed and somehow circumscribed. We are going to be told by the State Department that if we touch a hair of diplomatic immunity's head, the Earth will open up and swallow us all, that we simply will not be able to function if we do anything at all about that.

This is a similar kind of issue. It is easier for the State Department if we do not do anything at all.

I will yield to the gentleman in just 1 second, I just want to read this. On page 1 of the letter in the second long paragraph they state, "Don't do this because you will be treating American and foreign companies unequally."

On the top of page 2 they say, "Don't do this because we will be treating American companies and foreign entities equally."

So it is wrong if it is done equally and it is wrong if it is done unequally. They just do not want to have the work product.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I appreciate the gentleman yielding to me.

The gentleman's point on diplomatic immunity is a very good one. The fact is that the State Department genuflects at the altar of as broad as possible diplomatic immunity, without regard to whether diplomatic immunity becomes a basis for terrorists going into other countries, without respect to the fact that the diplomatic pouches are used to convey weapons or to destroy evidence of terrorist acts. There was just recently an article that talked about the State Department reflexively opposing an effort by the gentleman from New York [Mr. SOLARZ], not a man insensitive to our international relations and responsibilities, and other colleagues, to deal with the excesses in the diplomatic pouch. This is all part and parcel of the same thing.

I have told the gentleman from New York that to the extent we can narrow this in a fashion that would give the State Department more ease, I am happy to consider this as we deal with this on the Senate side or in conference.

Mr. FRANK. Mr. Speaker, I want to reiterate that the gentleman from New York knows, he has been very responsible, the gentleman from New York led us in committee to knock out the active state thing.

I would expect this to be made more specific and narrow if and when we get to a specific showing; but the State Department has not done that. What they have said is, "Let's kick it out altogether. Don't even try."

That I am not prepared to do. We are prepared to work in conference to try to work this out, to try to narrow it. We might get more narrowing amendments than we could have handled, but we agree that we would wait and do it then; but to simply drop this effort to protect Americans who have been wronged, to give them full access to the American judicial system because the State Department finds it inconvenient, I think that would be a great mistake and I would urge Members on the other side not to simply march to the State Department's tune in this regard.

Mr. FISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I urge an aye vote on this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BERMAN] that the House suspend the rules and pass the bill, H.R. 3763, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PARIMUTUEL LICENSING SIMPLIFICATION ACT OF 1988

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4458) to simplify the process of obtaining licensing by States for participation in parimutuel wagering by allowing consolidated requests to be made to the Federal Government for identification and criminal history records relating to the application for such licensing, as amended.

The Clerk read as follows:

H.R. 4458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parimutuel Licensing Simplification Act of 1988".

SEC. 2. SUBMISSION BY ASSOCIATION OF STATE REGULATORY OFFICIALS.

(a) IN GENERAL.—An association of State officials regulating parimutuel wagering, designated for the purpose of this section by the Attorney General, may submit fingerprints to the Attorney General on behalf of any applicant for State license to participate in parimutuel wagering. In response to such a submission, the Attorney General may, to the extent provided by law, exchange, for licensing and employment purposes, identification and criminal history records with the State governmental bodies to which such applicant has applied.

(b) DEFINITION.—As used in this section, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on July 1, 1989.

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. EDWARDS] will be recognized for 20 minutes and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to bring forward H.R. 4458, the Parimutuel Licensing Simplication Act of 1988. This bill will simplify the process of obtaining FBI criminal history record checks for licensing in horse racing and other parimutuel sports.

Currently, an applicant has to submit multiple fingerprint cards to the FBI, one for each state in which he wants to be licensed. H.R. 4458 will allow applicants to submit a single fingerprint card to the FBI through the association of State racing commissioners. The FBI will respond directly to the state regulatory officials in each of the States where the person is seeking a license.

This bill is the result of compromise by all involved, and ensures the integrity of FBI criminal history records. Under H.R. 4458, no entity will receive records that is not already authorized to receive them and no records will be disseminated that are not already disseminated. The bill simply will allow the FBI to do one check on an individual with responses to multiple State agencies; the FBI currently has to do multiple checks, one per State.

The bill's impact on the FBI should be minor. In fact, the bill may save the FBI some work, since it will be doing one check where it now does several.

The bill enjoyed unanimous bipartisan support in subcommittee and before the full Judiciary Committee. I want to congratulate the prime cosponsors for their patience and compromises as we developed this simple approach: the gentleman from Kentucky [Mr. HOPKINS]; the gentleman from Kentucky [Mr. MAZZOLI]; and the gentleman from West Virginia [Mr. STAGGERS].

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my friend, the gentleman from California [Mr. EDWARDS], in support of H.R. 4458, the Parimutuel Licensing Simplification Act, which was introduced by Congressmen HOPKINS, MAZZOLI, and STAGGERS. This bill is merely an amended version of H.R. 2611, which I cosponsored last year. H.R. 4458 is endorsed by the New York State Racing and Wagering Board, as well as many other State racing commissions, the

Association of Racing Commissioners International, and the American Horse Council.

H.R. 4458 is designed to help participants, owners, trainers, jockeys, and track employees seeking State licensing in paramutuel sports. Many States require that these applicants be fingerprinted for a criminal history check. This currently requires submitting fingerprint cards to each State in which they want to be licensed. For applicants wanting to race in several States, meeting these State requirements is a cumersome and costly procedure.

H.R. 4458 can simplify the licensing process by allowing applicants to submit one fingerprint card for several State applications to the FBI through the Association of Racing Commissioners International. The FBI will respond directly to each State's regulatory officials.

Simplified licensing is an efficient and cost-effective concept which strengthens the integrity of parimutuel sports. This bill enjoys a unanimous and bipartisan consensus and I urge the House to adopt it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. Hopkins], the author of the legislation.

Mr. HOPKINS. Mr. Speaker, I rise today in strong support of H.R. 4458, the Parimutuel Licensing Simplifications Act of 1988. This bill is the first step toward a long-overdue modernization of this Nation's parimutuel sports licensing process.

H.R. 4458 is the revised language of another bill, H.R. 2611, which I introduced last year which has 110 cosponsors.

That we are here today is a tribute to the diligent efforts of many persons. My colleagues Ron Mazzoli and Harley Staggers, members of the Judiciary Committee who worked closely with the committee to expedite H.R. 4458.

I would also like to thank the evenhanded leadership of the distinguished chairman of the subcommittee Don Edwards, and his staff for their cooperative efforts in finding a compromise for the original bill, our revised bill, H.R. 2611.

H.R. 4458 is the result of that willingness to help us formulate good public policy.

I would also like to thank Jay Spurrier, past president of the Association of State Racing Commissioners International who traveled throughout the United States to garner support for this legislation, Tom Aronson of the American Horse Council and Nick Nicholson, executive vice president of the Kentucky Thoroughbred Association, who along with their memberships rallied national support for H.R. 4458.

Without the combined energy of all of these individuals, we would not be here today.

Simplification of the licensing process has been a priority for those involved in the parimutuel industry for several years. The idea of uniform licensing is not new, but it has taken over 40 years to get where we are today.

The need for this bill is overwhelming. Those who participate in this country's highly sophisticated parimutuel industry are still regulated like small town, mom and pop operations. Yet this is an industry which generated over $12 billion in revenue during 1986.

H.R. 4458 will provide a more efficient, cost effective way for industry participants to obtain licenses. It will also help ensure the integrity of an industry worth billions of dollars to the U.S. economy. Specifically, expediting and bringing uniformity to the licensing process will provide more effective screening of applicants.

Forty two jurisdictions allow parimutuel wagering involving horse racing, greyhound racing or jai alai. Each of these States has established either a State racing commission or a State gaming authority to regulate the gaming activities within the State.

In order to engage in the parimutuel industry, certain participants must be licensed—including owners, jockeys, and trainers. Currently, this process is handled by each State racing commission. Many States require that an applicant be fingerprinted and his criminal history checked through the FBI.

As one of the agencies involved in the administration of criminal justice, State racing commissions have access to FBI criminal history record under appropriate and stringent regulation. States use these files, among other things, in considering applicants for licenses in the industry.

An applicant who wishes to participate in more than one State has the arduous task of applying and submitting necessary documents for each of those States.

On an average, race horses participate in four States. Owners, trainers, and jockeys and all others involved with that horse will have to fill out four separate applications and be fingerprinted four separate times.

This is a duplicative, time consuming procedure that contradicts common sense and modern technology.

Consider, for example, the situation the trainer of the colt Niatross endured. Niatross competed in eight States and 14 individuals traveled with him. At the end of the season, 12 sets of fingerprints and 16 pages of information had been submitted by each person.

Under H.R. 4458, an applicant would complete a uniform application at a State racing commission or write the Association of State Racing Commissioners International [ARCI] for the form and fingerprint card if necessary.

The applicant would list the States in which he/she were applying for a license, include each State's fee and return it with a fingerprint card to the ARCI, Association of State Racing Commissioners International.

When the Association of State Racing Commissioners receive the application, they will forward the fingerprint card to the FBI for a criminal history records check. The FBI would then share this information with the States designated by the participant.

H.R. 4458 will not affect licensing fees or usurp State authority over who will or will not receive a license. The bill simply expedites the procedure.

Furthermore, a participant is not required to go through the Association of State Racing Commissioners, but retains the right to each State separately.

Participants who only race in one State may prefer to continue to go through the State agency. However, multi-State participants will undoubtedly benefit from this streamlined procedure.

H.R. 4458, would allow the Association of State Racing Commissioners International, an association of the State regulatory agencies, to be included in and facilitate the process of licensing. This system would be voluntary and in no way would diminish existing State authority.

I strongly encourage the House to support H.R. 4458 as a means to enhance the integrity of the licensing system, and reduce a burden on potential and existing licensees in the industry.

Again, my personal thanks and appreciation to Chairman Don Edwards for his assistance, patience and help.

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Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Kentucky [Mr. Hopkins] points out, we just could not have written this excellent bill without the valued assistance of two members of the Committee on the Judiciary who are not members of the subcommittee, but who offered much assistance, invaluable assistance.

Mr. Speaker, I take pleasure now in yielding such time as he may consume to the senior member of the Kentucky delegation on the Committee on the Judiciary, the gentleman from Kentucky [Mr. Mazzoli].

Mr. MAZZOLI. I thank the gentleman for yielding. Let me extend commendation to the gentleman from Kentucky [Mr. Hopkins], the main sponsor of the bill, my friend from West Virginia, Harley Staggers who is a very important element here and also scores of our colleagues who signed onto the bill, but a special thanks to the gentleman from California, our chairman who has shown not only legislative ability, but a lot of very sure-footed instinct moving this bill to this particular point in time.

Mr. Speaker, today I rise in support of H.R. 4458, the Parimutuel Licensing Simplification Act of 1988.

This measure is very important to a vital industry in the Commonwealth of Kentucky; the racing industry.

Currently, owners, jockeys, trainers, and others connected to the racing industry must be investigated, fingerprinted, and licensed in each State in which they compete. For horses with multi-State owners, and for trainers and jockeys who race in more than one State—this means that each must file a separate application in each State where he or she wishes to compete.

Each State must then request a separate criminal records check from the FBI. This procedure is critical to maintaining the high standards of integrity of the sport, but it is a bureaucratic mess for all involved.

The National Association of State Racing Commissioners—now known as the Association of Racing Commissioners International [ARCI] seeks to streamline this process by acting as a clearinghouse in receiving, processing, and forwarding applications to the FBI.

Under the bill, any State racing commission, parimutuel regulatory authority, or licensing applicant could submit fingerprint cards plus any required fees to the ARCI. ARCI would then coordinate the licensing applications and submit one application, plus all necessary fees, to the FBI for identification and a criminal history records check.

The data would not return to ARCI but would be distributed directly by the FBI to the State racing commissions or regulatory authorities before which the application to compete is pending.

I commend Chairman Don Edwards and his subcommittee for their deft and expeditious handling of this measure. I also have enjoyed working on the bill with my colleague from Kentucky, the main sponsor of the bill, Mr. Hopkins, as well as the gentleman from West Virginia, Mr. Staggers.

I urge my colleagues in the House to promptly approve the measure.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Gilman].

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 4458, the Parimutuel Licensing Simplification Act of 1988. I would like to commend the distinguished chairman of the committee, Mr. Rodino, and the ranking minority member, my colleague from New York, Mr. Fish, for presenting this measure to the House in such an expeditious fashion, and also the gentlemen from Kentucky, Mr. Hopkins and Mr. Mazzoli, for their efforts to improve the integrity of licensing procedures in parimutuel sports.

Mr. Speaker, most of our districts house some form of parimutuel sport, such as horseracing, greyhound racing, and jai alai. My own 22d Congressional District in New York is the home of two harness horseracing facilities, the Monticello Raceway and the Goshen Historic Track, which recently celebrated its sesquientennial anniversary. Over the years, I have heard from many horseowners regarding the inconvenience they must endure in order to obtain a racing license in more than one State. Currently, all participants, including owners, officials, jockeys, and so forth, must apply separately to each and every State in which they wish to race. Consequently, each State runs their own FBI background check. This process is not only redundant for the participants, but costly and time consuming for the regulatory bodies and particularly for the FBI.

H.R. 4458 simplifies the process of obtaining State licensing for participation in parimutuel sports by allowing consolidated requests to be made to the Federal Government for identification and criminal history records. This measure provides that the participants must submit only one fingerprint card for several State applicants through the FBI and the Association of Racing Commissioners International [ARCI]. The FBI will then respond directly to the various State regulatory officials.

Mr. Speaker, the Parimutuel Licensing Simplification Act was adopted unanimously by the Judiciary Committee and it has the full support of the National Association of State Racing Commissioners. Accordingly, I urge my colleagues to join in support of H.R. 4458.

Mr. EDWARDS of California. Mr. Speaker, in writing this bill, we were indebted to certain Members of the House who were more expert than members of the subcommittee in this area and amongst the most valuable assistance and advice we received was from the distinguished gentleman from West Virginia [Mr. Staggers].

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. Staggers].

Mr. STAGGERS. I thank the gentleman for yielding time to me. Mr. Speaker, I thank the gentleman for his efforts that he put into this, and also his staff. Without that work, we would not have gotten this bill through. I also thank my colleagues, the gentleman from Kentucky [Mr. Mazzoli] and the gentleman from Kentucky [Mr. Hopkins] for working with me on this bill.

Mr. Speaker, I rise in support of H.R. 4458, the Parimutuel Licensing Simplification Act and ask my colleagues to join me. Currently, 41 States permit parimutuel betting. Each of these States requires the participants of parimutuel sports to be licensed.

The licensing process needs to be simplified. Presently, if one wishes to race in multiple States, he or she must file a separate application and fingerprint card for each State which requires one. Such a system has proven to be too burdensome on the participant, as well as duplicative, time consuming, and inefficient to the FBI because it results in numerous criminal history checks being done on the same individual.

H.R. 4458 would simplify the licensing process by allowing the applicant to apply through the National Association of State Racing Authorities. This organization would then submit the required fingerprint cards for the criminal history records check directly to the FBI. After completing the check, the FBI would then send the results to the States to which the applicant has applied for license. Under such a process, the FBI will be conducting only one check for each individual applicant, rather then several duplicate checks for the same applicant, thereby saving time and money.

This bill is the result of much negotiation among the racing industry, the FBI, the ACLU, and the Subcommittee on Civil and Constitutional Rights. With the input of each group we arrived at the bill we have before us today, a bill which, I am sure, my colleagues can easily support, just as the Judiciary Committee did unanimously.

The steamlined licensing process provided for in this bill would be particularly beneficial to racetracks which are located in close proximity to racetracks in other States. An example of this would be Charlestown Race Track, located just 90 minutes from Washington, DC, in my congressional district. This racetrack is surrounded by the nearby racing States of Maryland, Pennsylvania, and Delaware and provides an ideal location for individuals to run their horses at tracks in all four States. However, to do so, the individual must be licensed in each of these States. The licensing procedure outlined in H.R. 4458 would require that only one criminal history check be completed by the FBI to enable the individual to race in all four States.

Mr. Speaker, the Parimutuel Licensing Simplification Act of 1988 contains all of the ingredients needed for good public policy: efficiency, equity, and a reduction in government bureaucracy. I urge my colleagues to support it.

Mr. FISH. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The **SPEAKER pro tempore** (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. EDWARDS] that the House suspend the rules and pass the bill, H.R. 4458, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4458, the bill just passed.

The **SPEAKER pro tempore.** Is there objection to the request of the gentleman from California?

There was no objection.

FAIR HOUSING AMENDMENTS ACT OF 1988

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1158) to amend title VIII of the act commonly called the Civil Rights Act of 1986, to revise the procedures for the enforcement of fair housing, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Housing Amendments Act of 1988".

SEC. 2. SHORT TITLE FOR 1968 ACT.

The Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968) is amended by inserting after the comma at the end of the enacting clause, the following: "That this Act may be cited as the 'Civil Rights Act of 1968'.".

SEC. 3. REFERENCES TO 1968 ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968).

SEC. 4. SHORT TITLE FOR TITLE VIII.

Title VIII is amended by inserting after the title's heading the following new section:

"SHORT TITLE

"SEC. 800. This title may be cited as the 'Fair Housing Act'.".

SEC. 5. AMENDMENTS TO DEFINITIONS SECTION.

(a) MODIFICATION OF DEFINITION OF DISCRIMINATORY HOUSING PRACTICE.—Section 802(f) is amended by striking out "or 806" and inserting in lieu thereof "806, or 818".

(b) ADDITIONAL DEFINITIONS.—Section 802 is amended by adding at the end the following:

"(h) 'Handicap' means, with respect to a person—

"(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,

"(2) a record of having such an impairment, or

"(3) being regarded as having such an impairment,

but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(i) 'Aggrieved person' includes any person who—

"(1) claims to have been injured by a discriminatory housing practice; or

"(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"(j) 'Complainant' means the person (including the Secretary) who files a complaint under section 810.

"(k) 'Familial status' means one or more individuals' (who have not attained the age of 18 years) being domiciled with—

"(1) a parent or another person having legal custody of such individual or individuals; or

"(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

"(l) 'Conciliation' means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

"(m) 'Conciliation agreement' means a written agreement setting forth the resolution of the issues in conciliation.

"(n) 'Respondent' means—

"(1) the person or other entity accused in a complaint of an unfair housing practice; and

"(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 810(a).

"(o) 'Prevailing party' has the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).".

SEC. 6. DISCRIMINATORY HOUSING PRACTICE AMENDMENTS.

(a) ADDITIONAL DISCRIMINATORY HOUSING PRACTICES.—Section 804 is amended by adding at the end the following:

"(f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of—

"(A) that buyer or renter,

"(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

"(C) any person associated with that buyer or renter.

"(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of—

"(A) that person; or

"(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

"(C) any person associated with that person.

"(3) For purposes of this subsection, discrimination includes—

"(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises;

"(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

"(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that—

"(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

"(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

"(iii) all premises within such dwellings contain the following features of adaptive design:

"(I) an accessible route into and through the dwelling;

"(II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

"(III) reinforcements in bathroom walls to allow later installation of grab bars; and

"(IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

"(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as 'ANSI A117.1') suffices to satisfy the requirements of paragraph (3)(C)(iii).

"(5)(A) If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

"(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

"(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

"(D) Nothing in this title shall be construed to require the Secretary to review or approve the plans, designs or construction

of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

"(6)(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 810(f)(3) of this Act to receive and process complaints or otherwise engage in enforcement activities under this title.

"(B) Determinations by a State or a unit of general local government under paragraphs (5) (A) and (B) shall not be conclusive in enforcement proceedings under this title.

"(7) As used in this subsection, the term 'covered multifamily dwellings' means—

"(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

"(B) ground floor units in other buildings consisting of 4 or more units.

"(8) Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this title shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this title.

"(9) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.".

(b) ADDITIONAL PROTECTED CLASSES.—(1) Section 806 and subsections (c), (d), and (e) of section 804, are each amended by inserting "handicap, familial status," immediately after "sex," each place it appears.

(2) Subsections (a) and (b) of section 804 are each amended by inserting "familial status," after "sex," each place it appears.

(3) For the purposes of this Act as well as Chapter 16 of title 29 of the United States Code, neither the term "individual with handicaps" nor the term "handicap" shall apply to an individual solely because that individual is a transvestite.

(c) DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.—Section 805 is amended to read as follows:

"DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS

"SEC. 805. (a) IN GENERAL.—It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

"(b) DEFINITION.—As used in this section, the term 'residential real estate-related transaction' means any of the following:

"(1) The making or purchasing of loans or providing other financial assistance—

"(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

"(B) secured by residential real estate.

"(2) The selling, brokering, or appraising of residential real property.

"(c) APPRAISAL EXEMPTION.—Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.".

(d) ADDITIONAL EXEMPTION.—Section 807 is amended—

(1) by inserting "(a)" after "SEC. 807."; and

(2) by adding at the end of such section the following:

"(b)(1) Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this title regarding familial status apply with respect to housing for older persons.

"(2) As used in this section, 'housing for older persons' means housing—

"(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

"(B) intended for, and solely occupied by, persons 62 years of age or older; or

"(C) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Secretary shall develop regulations which require at least the following factors:

"(i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

"(ii) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

"(iii) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

"(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

"(A) persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subsections 2 (B) or (C), provided that new occupants of such housing meet the age requirements of subsections (2) (B) or (C); or

"(B) unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subsections (2) (B) or (C).

"(4) Nothing in this title prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

(e) CLERICAL AMENDMENT.—The heading of section 804 is amended by adding at the end the following: "AND OTHER PROHIBITED PRACTICES".

SEC. 7. ADDITIONAL ADMINISTRATIVE AUTHORITY.

(a) COOPERATION WITH SECRETARY.—Section 808(d) is amended by inserting "(including any Federal agency having regulatory or supervisory authority over financial institutions)" after "urban development".

(b) ADDITIONAL FUNCTIONS OF SECRETARY.—(1) Section 808(e) is amended—

(A) in paragraph (2), by inserting before the semicolon at the end, the following: ", including an annual report to the Congress—

"(A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this title, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and

"(B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which—

"(i) investigations are not completed as required by section 810(a)(1)(B);

"(ii) determinations are not made within the time specified in section 810(g); and

"(iii) hearings are not commenced or findings and conclusions are not made as required by section 812(g)";

(B) by striking out "; and" at the end of paragraph (4);

(C) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(D) by adding at the end, the following:

"(6) annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).".

(2) Section 808 is amended by adding at the end the following:

"(f) The provisions of law and Executive orders to which subsection (e)(6) applies are—

"(1) title VI of the Civil Rights Act of 1964;

"(2) title VIII of the Civil Rights Act of 1968;

"(3) section 504 of the Rehabilitation Act of 1973;

"(4) the Age Discrimination Act of 1975;

"(5) the Equal Credit Opportunity Act;

"(6) section 1978 of the Revised Statutes (42 U.S.C. 1982);

"(7) section 8(a) of the Small Business Act;

"(8) section 527 of the National Housing Act;

"(9) section 109 of the Housing and Community Development Act of 1974;

"(10) section 3 of the Housing and Urban Development Act of 1968;

"(11) Executive Orders 11063, 11246, 11625, 12250, 12259, and 12432; and

"(12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection.".

SEC. 8. ENFORCEMENT CHANGES.

Title VIII is amended—

(1) by redesignating sections 815 through 819 as sections 816 through 820, respectively; and

(2) by striking out sections 810 through 813 and inserting in lieu thereof the following:

"ADMINISTRATIVE ENFORCEMENT; PRELIMINARY MATTERS

"SEC. 810. (a) COMPLAINTS AND ANSWERS.—(1)(A)(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

"(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

"(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

"(B) Upon the filing of such a complaint—

"(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this title;

"(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this title, together with a copy of the original complaint;

"(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and

"(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.

"(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

"(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

"(2)(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

"(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

"(b) INVESTIGATIVE REPORT AND CONCILIATION.—(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

"(2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.

"(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

"(4) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this title.

"(5)(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing—

"(i) the names and dates of contacts with witnesses;

"(ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

"(iii) a summary description of other pertinent records;

"(iv) a summary of witness statements; and

"(v) answers to interrogatories.

"(B) A final report under this paragraph may be amended if additional evidence is later discovered.

"(c) FAILURE TO COMPLY WITH CONCILIATION AGREEMENT.—Whenever the Secretary has reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 814 for the enforcement of such agreement.

"(d) PROHIBITIONS AND REQUIREMENTS WITH RESPECT TO DISCLOSURE OF INFORMATION.—(1) Nothing said or done in the course of conciliation under this title may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned.

"(2) Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.

"(e) PROMPT JUDICIAL ACTION.—(1) If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this title, the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization, the Attorney General shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 812 of this title.

"(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under sections 814(a) and 814(c) or for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.

"(f) REFERRAL FOR STATE OR LOCAL PROCEEDINGS.—(1) Whenever a complaint alleges a discriminatory housing practice—

"(A) within the jurisdiction of a State or local public agency; and

"(B) as to which such agency has been certified by the Secretary under this subsection;

the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

"(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless—

"(A) the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

"(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

"(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

"(3)(A) The Secretary may certify an agency under this subsection only if the Secretary determines that—

"(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

"(ii) the procedures followed by such agency;

"(iii) the remedies available to such agency; and

"(iv) the availability of judicial review of such agency's action;

are substantially equivalent to those created by and under this title.

"(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

"(4) During the period which begins on the date of the enactment of the Fair Housing Amendments Act of 1988 and ends 40 months after such date, each agency certified (including an agency certified for interim referrals pursuant to 24 CFR 115.11, unless such agency is subsequently denied recognition under 24 CFR 115.7) for the purposes of this title on the day before such date shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on that date. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.

"(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

"(g) REASONABLE CAUSE DETERMINATION AND EFFECT.—(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

"(2)(A) If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 812.

"(B) Such charge—

"(i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe

that a discriminatory housing practice has occurred or is about to occur;

"(ii) shall be based on the final investigative report; and

"(iii) need not be limited to the facts or grounds alleged in the complaint filed under section 810(a).

"(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 814, instead of issuing such charge.

"(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

"(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

"(h) SERVICE OF COPIES OF CHARGE.—After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 812(a) and the effect of such an election, to be served—

"(1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and

"(2) on each aggrieved person on whose behalf the complaint was filed.

"SUBPOENAS; GIVING OF EVIDENCE

"SEC. 811. (a) IN GENERAL.—The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this title. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

"(b) WITNESS FEES.—Witnesses summoned by a subpoena under this title shall be entitled to the same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

"(c) CRIMINAL PENALTIES.—(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a), shall be fined not more than $100,000 or imprisoned not more than one year, or both.

"(2) Any person who, with intent thereby to mislead another person in any proceeding under this title—

"(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a);

"(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

"(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;

shall be fined not more than $100,000 or imprisoned not more than one year, or both.

"ENFORCEMENT BY SECRETARY

"SEC. 812. (a) ELECTION OF JUDICIAL DETERMINATION.—When a charge is filed under section 810, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under subsection (o) in lieu of a hearing under subsection (b). The election must be made not later than 20 days after the receipt by the electing person of service under section 810(h) or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

"(b) ADMINISTRATIVE LAW JUDGE HEARING IN ABSENCE OF ELECTION.—If an election is not made under subsection (a) with respect to a charge filed under section 810, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 810. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5, United States Code. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur.

"(c) RIGHTS OF PARTIES.—At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 811. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

"(d) EXPEDITED DISCOVERY AND HEARING.—(1) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

"(2) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.

"(3) The Secretary shall, not later than 180 days after the date of enactment of this subsection, issue rules to implement this subsection.

"(e) RESOLUTION OF CHARGE.—Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

"(f) EFFECT OF TRIAL OF CIVIL ACTION ON ADMINISTRATIVE PROCEEDINGS.—An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

"(g) HEARINGS, FINDINGS AND CONCLUSIONS, AND ORDER.—(1) The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

"(2) The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

"(3) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent—

"(A) in an amount not exceeding $10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

"(B) in an amount not exceeding $25,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

"(C) in an amount not exceeding $50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge;

except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

"(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this title.

"(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review)—

"(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

"(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

"(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.

"(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.

"(h) Review by Secretary; Service of Final Order.—(1) The Secretary may review any finding, conclusion, or order issued under subsection (g). Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.

"(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

"(i) Judicial Review.—(1) Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28, United States Code.

"(2) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.

"(j) Court Enforcement of Administrative Order Upon Petition by Secretary.—(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

"(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

"(k) Relief Which May Be Granted.—(1) Upon the filing of a petition under subsection (i) or (j), the court may—

"(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

"(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

"(C) enforce such order to the extent that such order is affirmed or modified.

"(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

"(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

"(l) Enforcement Decree in Absence of Petition for Review.—If no petition for review is filed under subsection (i) before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement—

"(1) which is filed by the Secretary under subsection (j) after the end of such day; or

"(2) under subsection (m).

"(m) Court Enforcement of Administrative Order Upon Petition of Any Person Entitled to Relief.—If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i), and the Secretary has not sought enforcement of the order under subsection (j), any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

"(n) Entry of Decree.—The clerk of the court of appeals in which a petition for enforcement is filed under subsection (l) or (m) shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

"(o) Civil Action for Enforcement When Election Is Made for Such Civil Action.—(1) If an election is made under subsection (a), the Secretary shall authorize, and not later than 30 days after the election is made the Attorney General shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28, United States Code.

"(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

"(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 813. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 813 shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

"(p) Attorney's Fees.—In any administrative proceeding brought under this section, or any court proceeding arising therefrom, or any civil action under section 812, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5, United States Code, or by section 2412 of title 28, United States Code.

"ENFORCEMENT BY PRIVATE PERSONS

"Sec. 813. (a) Civil Action.—(1)(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this title, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

"(B) The computation of such 2-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge under this title based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

"(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 810(a) and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

"(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this title with respect to such charge.

"(b) Appointment of Attorney by Court.—Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may—

"(1) appoint an attorney for such person; or

"(2) authorize the commencement or continuation of a civil action under subsection (a) without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

"(c) Relief Which May Be Granted.—(1) In a civil action under subsection (a), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

"(2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

"(d) Effect on Certain Sales, Encumbrances, and Rentals.—Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

"(e) Intervention by Attorney General.—Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 814(e) in a civil action to which such section applies.

"ENFORCEMENT BY THE ATTORNEY GENERAL

"Sec. 814. (a) Pattern or Practice Cases.—Whenever the Attorney General has reasonable cause to believe that any person *or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.*

"(b) On Referral of Discriminatory Housing Practice or Conciliation Agreement for Enforcement.—(1)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 810(g).

"(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

"(2)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 810(c).

"(B) A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 810(c).

"(c) Enforcement of Subpoenas.—The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this title, may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

"(d) Relief Which May Be Granted in Civil Actions Under Subsections (a) and (b).—(1) In a civil action under subsection (a) or (b), the court—

"(A) may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title;

"(B) may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and

"(C) may, to vindicate the public interest, assess a civil penalty against the respondent—

"(i) in an amount not exceeding $50,000, for a first violation; and

"(ii) in an amount not exceeding $100,000, for any subsequent violation.

"(2) In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28, United States Code.

"(e) Intervention in Civil Actions.—Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813.

"RULES TO IMPLEMENT TITLE

"Sec. 815. The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this title. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.".

SEC. 9. CONFORMING AMENDMENT TO TITLE IX.

Section 901 is amended by inserting ", handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act)," after "sex" each place it appears.

SEC. 10. TECHNICAL AMENDMENT RELATING TO CIVIL ACTION.

Section 818 (as so redesignated by section 8 of this Act) is amended by striking out the last sentence thereof.

SEC. 11. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) Jurisdiction.—Section 2342 of title 28, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (5) but before the matter beginning "Jurisdiction is invoked" the following:

"(6) all final orders under section 812 of the Fair Housing Act.".

(b) Definition.—Section 2341(3) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting "; and" in lieu thereof; and

(3) by adding at the end the following:

"(D) the Secretary, when the order is under section 812 of the Fair Housing Act.".

SEC. 12. DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER ACTS.

Nothing in the Fair Housing Act as amended by this Act limits any right, procedure, or remedy available under the Constitution or any other Act of the Congress not so amended.

SEC. 13. EFFECTIVE DATE AND INITIAL RULEMAKING.

(a) Effective Date.—This Act and the amendments made by this Act shall take effect on the 180th day beginning after the date of the enactment of this Act.

(b) Initial Rulemaking.—In consultation with other appropriate Federal agencies, the Secretary shall, not later than the 180th day after the date of the enactment of this Act, issue rules to implement title VIII as amended by this Act. The Secretary shall give public notice and opportunity for comment with respect to such rules.

SEC. 14. SEPARABILITY OF PROVISIONS.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 15. MODIFICATION OF RENTAL HOUSING BY HANDICAPPED PERSONS.

Section 804 (as amended by section 6 of this Act) is further amended by striking out the period at the end of subsection (f)(3)(A) and inserting in lieu thereof except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. Edwards] will be recognized for 20 minutes and the gentleman from New York [Mr. Fish] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Edwards].

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1158, the Fair Housing Amendments Act of 1988, as passed by the other body on August 2, 1988. This bill is basically a refinement of the bill the House passed on June 29, 1988. It makes minor changes with the bill, most of them technical, and all of the major provisions remain of the bill we passed.

The Fair Housing Act, title VIII of the Civil Rights Act of 1968, was the final chapter in the great series of civil rights laws enacted in the 1960's. The Fair Housing Act states categorically that it is the policy of the United States to provide for fair housing throughout the country. But despite this proclamation, fair housing remained just a dream for too many Americans, because the law lacked an effective enforcement mechanism.

Today, 20 years later, the Fair Housing Amendments Act marks a turning point in our Nation's commitment to eradicating discrimination in housing. It is the most important civil rights advancement since the mid-1960's.

H.R. 1158 marks a historic change in three important areas. It goes beyond the mere statement of principles on fair housing, and creates an effective and meaningful enforcement system. It also extends protections to individuals with handicaps and families with children.

The Senate-passed bill differs only slightly from the House-passed bill. All of the changes are outlined below.

The provision regarding restoring modifications to rental property made by handicapped persons is clarified.

Language is added to the section on adaptability and accessibility requirements for covered new multifamily dwellings to encourage state and local governments to review for compliance with these requirements when they review and approve building plans and construction.

A technical amendment is made to the bill's language providing for a transition period for state and local fair housing agencies to make it clear that agencies given interim certifications of HUD are covered by the provision.

The authority to litigate fair housing cases is consolidated in the Justice Department, while it is made clear that the Department is required to bring cases authorized by the Secretary under the bill's provisions regarding prompt judicial action and regarding Federal court enforcement of cases in which a party to an administrative proceeding elects to have the charge heard in Federal court.

Technical amendments are made to the bill's provisions giving parties to administrative proceedings the right to have charges arising out of those proceedings heard in Federal court.

The exemption for housing for older persons from the bill's provisions banning discrimination on the basis of familial status are modified.

A provision is added to the housing for older persons exemption to make it clear that occupants of housing that currently excludes children will not be taken into account in applying the requirements for the exemptions, so long as future occupants meet the requirements.

The bill's provision regarding familial status is clarified to confirm that pregnant women and persons adopting minor children are covered by the provision.

The provision not prohibiting conduct against a person convicted of the illegal manufacture or distribution of a controlled substance is changed.

The bill clarifies that the handicap provisions shall not apply to an individual solely because that individual is a transvestite.

These changes made by the Senate do not significantly alter the House passed bill. The important improvements to the enforcement system remain—administrative enforcement with a right to a trail by jury. Protections for individuals with handicaps and families with children continue to be included.

I would, however, like to address two of the most notable differences, litigation authority and families with children.

The Senate passed version of H.R. 1158 moves litigation authority from the Department of Housing and Urban Development to the Department of Justice. A similar amendment was offered, but not adopted, during House consideration of the bill by my friend from Pennsylvania, Mr. Gekas.

In the House bill, the amendment offered by Mr. Fish, and adopted 401-0, restructured the enforcement provisions to provide both an administrative process or access to a Federal jury trail for any party to a housing discrimination complaint. In either instance, the case would be brought and maintained by HUD attorneys. The Fish amendment reflected months of negotiation and compromise. The Fish "package" put litigation authority in HUD.

Transferring litigation authority to the Justice Department may create distinctions in Federal agency responsibilities between HUD and the Justice Department in fair housing cases. The Senate bill transfers litigation authority to the Justice Department in cases where an election is made to go to Federal court. This divides the responsibility for handling these often routine cases between the two departments, depending on wich type of formal adjudication the parties elected. The substantive law, discovery and evidentiary standards will be the same in either forum. Transferring the authority to litigate the housing discrimination cases in midstream may defeat consistency and hamper the development of an effective body of expertise within HUD. Instead of having HUD bring the case from start to finish, investigating the complaint, drafting the discrimination "charge" and litigating the case, the Justice Department now picks up the case if an election for judicial enforcement is made.

I trust that the Department of Justice will develop sufficient emphasis in litigation of fair housing cases to be effective in handling individual claims of discrimination. The Civil Rights Division of the Justice Department has a broad mandate to address problems of discrimination in many different contexts. Because fair housing cases will constitute only a fraction of the discrimination cases handled by the Justice Department, the possibility exists that individual cases of housing discrimination may not receive the focus needed to address the national problem of housing discrimination. I expect the Justice Department to vigorously pursue these cases.

The other change made is to the families with children provision and the exemption for housing for older persons. From the time we introduced the bill, we recognized the special needs of senior citizens and exempted certain senior citizen communities from the families with children requirement.

During the life of this bill, this exemption has undergone refinements. We went from exempting "bona fide retirement communities" to creating a detailed exemption of either where all the residents of the community are 62 or older, or where at least 90 percent of the units have at least one person 55 or older and the community provides significant facilities and services to meet their physical or social needs.

The Senate passed bill further refines and clarifies the second part of this standard, by requiring at least one person 55 or older per unit. In determining whether a community qualifies for this exemption, the Secretary of HUD is required to develop regulations including at least the following factors: First, that at least 80 percent of the units are occupied by persons 55 or older; second, the publication of and adherence to policies and procedures which demonstrate an intent to provide housing for persons 55 or older; and third, the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons. If the provision of facilities and services is not practicable, then the community must provide important housing opportunities for older persons.

Development of regulations by the Secretary of HUD will be an important step in implementing this exemption. This section is not intended to provide a broad exemption for the provision of facilities and services. In order to show that the provision of significant facilities and services is not practicable, owners, managers, and developers of housing for older persons have a heavy burden to satisfy.

In order to meet the showing of impracticability, a demonstration must be made that providing significant facilities and services would result in depriving low and moderate income older persons of needed and desired housing. The fact that the facilities and service are expensive to provide is not alone sufficient to meet the standard of impracticability. This standard cannot be satisfied only by estimates of increased costs, business inefficiency or loss of profit. Independent and objective evidence must be provided to establish impracticability. Mere opinion that the provision of such facilities and services is impracticable is not sufficient.

In addition, the housing must be shown to provide "important housing opportunities" for older persons. Affordable housing for older persons of low or moderate incomes must not be otherwise available in the community. HUD should use its expertise in dealing with affordable housing to develop standards to carry out the intent of this section.

The Senate bill also adds a transition provision for existing residents of communities providing housing for older persons. Thus, no person currently living in such a community will be forced to move out of their homes, and the exemption for the community will not be jeopardized.

Mr Speaker, I support both of these additional modifications to the housing for older persons exemption. The Senate bill's refinements of the exemption are constructive additions to the bill. The 80 percent requirement provides flexibility for communities to maintain its exempt status when qualified older residents leave a unit, due to death or disability, for example, and persons living with the older person, such as a spouse or companion, remain. These persons will be able to continue to live in the unit.

I am pleased, Mr Speaker, that following the House passage of this bill, by an overwhelming vote of 376 to 23, the administration finally bowed to the inevitable and decided that it too hard should find a way to support the bill. It's been a long, long trail for them beginning with the opposition of the Justice Department in 1981 and continuing until just after the House vote. All during the Judiciary Committee's consideration of this bill, the Justice Department opposed the bill, offering no positive alternative of its own. During House consideration of the bill, negative signals were sent up to us via messages from the White House and very damaging amendments were given to senior Republicans, placing the bill in peril until the very end. However, in the last few days, compromises were made. The changes that were subsequently negotiated in the Senate do not do substantial harm to the bill, and led to a 94 to 3 victory in the Senate. I am pleased that at the end of this long, 10-year battle, we were able to gain the administration's support.

I want to thank the many players in the long campaign to make the Fair Housing Amendments Act a reality. Not surprisingly, the many civil rights and fair housing organizations have worked diligently and in the trenches for over 10 years to get this bill enacted. But just as notable has been the support of the housing and real estate industry. These organizations realize that fair housing is good for America, and their efforts showed that fair housing is not just rhetoric but good policy. The National Association of Realtors, in 1980 our opponents, in 1988 became our allies. Their leadership, both nationally and in the Washington office, should be saluted for their efforts to work out a fair and just solution to the issue of fair housing enforcement. And the National Association of Home Builders provided unvaluable support and counsel, especially related to the provisions regarding the handicapped.

I want to thank my committee colleagues for their strong and bipartisan support, and want to salute two key members of the committee. The support and vision of key sponsor and coauthor of the bill, my good friend and colleague, Hamilton Fish, Jr., made enactment of H.R. 1158 a reality. And the chairman of committee, Peter W. Rodino, Jr., now in his last term in the Congress, who was here and led us through all the great civil rights struggles in the Congress, always provided us with the support necessary to enact this bill. We will miss his leadership in this body.

I also want to thank my staff, Catherine LeRoy and Stuart Ishimaru, for their hard work and many hours working on this bill. And, as always, I deeply appreciate the cooperation and assistance form the member of my subcommittee, Bob Kastenmeier, John Conyers, Pat Schroeder, Chuck Schumer, Jim Sensenbrenner, Mike DeWine, and Bill Dannemeyer.

Last, Mr. Speaker, let me reemphasize the necessity for this bill.

There are few experiences more humiliating, more cruel, than to be denied housing because of your race, religion, sex, handicap, or because you have children.

Discrimination in houisng, perhaps more so than in any other area, continues to be pervasive in our country. It divides us into hostile camps. It encourages racial tensions, crime, and disillusionment.

The House is now called upon to give final approval to another essential law, a statue that can bring hope and some comfort to men, women, and children who need and deserve our help.

The House has a historic chance to again contribute to decency and fair play in American society. We now have the opportunity to add a bright star to the proud constellation that make up our galaxy of civil rights laws.

No other laws have been so good for American society than the civil rights laws written by this Congress. No other laws make America shine so bright in the eyes of world society. Today we have the rare opportunity, and more importantly, the duty to continue this remarkable progress.

I urge my colleagues to vote for H.R. 1158.

Mr. Speaker, I also want to spend a few minutes discussing a clarifying provision included in the Senate passed bill regarding the definition of familial status.

The Senate passed bill provides that "The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years."

The bill thus confirms that the protections against discrimination on the basis of familial status afforded by the bill apply to pregnant women. In addition, the bill makes clear that these protections also apply to persons who are in the process of adopting a minor child.

Because concerns were raised that the Fair Housing Act, as written, does not explicitly protect pregnant women from discrimination in housing, and does not protect individuals in the process of adopting a child, we have included language to make it perfectly clear that under the act, discrimination against pregnant women and persons in the process of adopting a child is prohibited.

The Fair Housing Act prohibits discrimination on the basis of sex, and Congress has repeatedly made clear that sex discrimination includes discrimination on the basis of pregnancy. For example, both title VII of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972 prohibit discrimination on the basis of pregnancy, as an aspect of prohibited sex discrimination. And, therefore, the Fair Housing Act currently forbids discrimination on the basis of pregnancy.

However, to eliminate any question that the Fair Housing Act contains protections against discrimination on the grounds that familial status will be achieved, through the birth of a child or through adoption, explicit language has been added which provides that the protections against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any child under the age of 18.

□ 1315

Mr. Speaker, I reserve the balance of my time.

Mr. RODINO. Mr. Speaker, 20 years ago the Congress made a promise to every American. We promised that we would ensure their right to housing of their choice, free of discrimination. That promise for the most part has not been kept. It is time to remedy that. We have that opportunity today.

I am privileged and pleased to rise in strong support of H.R. 1158, the Fair Housing Amendments Act of 1988, as passed by the other body last Tuesday, August 2, 94 to 3.

This bill is basically a refinement of legislation we approved last June 29. The major provisions are unchanged.

Adoption of this legislation will prove a milestone in our Nation's commitment to eliminating discrimination in housing. It will breathe new life into the national policy enunciated 20 years ago in the 1968 Fair Housing Act.

H.R. 1158 represents historic changes in three major areas. It goes beyond a mere statement of principles on fair housing, because it creates an effective enforcement system that guarantees access to justice for those who today are too poor to afford it. And it extends the protections of the Fair Housing Act to handicapped persons and families with children.

In 1968, when the Fair Housing Act was adopted, it was hailed as a great civil rights victory. And, indeed, it was. It culminated enactment of a series of momentous civil rights statutes in the 1960's—the 1964 act, the 1965 Voting Rights Act. Like many of you, I was privileged to be a part of that historic time. We can recall the battle was bitter, the path to justice long, hard and uphill. At no time was the struggle more difficult than in securing passage of the Fair Housing Act.

Passage then required compromise, so that we now have a fair housing law that sets forth lofty principles that for too long have lacked effective enforcement. We have established the goal of fair housing. We have promised all Americans the right and the freedom to choose their home. But discrimination persists. Segregated housing patterns endure. Odious practices such as redlining live on. For too many the promise is empty. It is time to redeem that promise of 20 years ago.

This legislation will accomplish that. Private enforcement in the courts, with occasional help from the Department of Justice, has not worked to rectify these injustices. I doubt that it ever would. Such redress is simply beyond the means of most victims. H.R. 1158 will put teeth into existing law. It gives meaning to the law. No longer will a victim of discrimination have to go to Federal court to seek redress. That will now be the job of the Justice Department. All litigating authority will reside in the Department. The victims of bias will have at last an effective, affordable weapon in their battle for equal housing opportunity.

Protection of handicapped persons and families with children is another historic feature of this legislation. This is the first time a major civil rights law has been expanded to secure the rights of these groups.

The bill broadens and strengthens civil rights protections without intruding on the rights of the elderly and without imposing onerous burdens on builders. It has broad support in the private sector.

I wish to commend the ranking minority member of the committee, Mr. FISH of New York, and the chairman of the Subcommittee on Civil and Constitution Rights, Mr. EDWARDS of California, for their hard work on this bipartisan legislation. We have labored long together in the cause of equality and justice.

I have been honored to have served in this chamber for 40 years. In that time, we have pushed through the Congress landmark legislation guaranteeing and extending civil rights, often over the most strident opposition. I am proud to have been able to play a role in these historic events.

But our work is not over. We must strive to perfect our handiwork so that we can meet our constant constitutional obligation "to secure the blessings of liberty" for all the people of these United States.

I am pleased that this bill is assured signing by the President. I urge your support of H.R. 1158.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to expedite House consideration and final approval of certain amendments added by the other body to the Fair Housing Amendments Act of 1988 (H.R. 1158).

My colleagues will recall that the House considered the fair housing legislation on June 22 and June 23, and finally approved the legislation on June 29. Subsequently, when the House-passed bill went to the other body, a series of negotiations ensued to resolve the remaining differences between the civil rights community and the administration.

Our purpose here today is to consider and hopefully accept the changes to H.R. 1158 adopted by the Senate. It should be pointed out that these changes have the support of the U.S. Department of Housing and Urban Development, the Department of Justice, as well as key elements in the business community, principally the National Association of Realtors and the National Association of Home Builders. The amendments adopted in the other body do no harm to the spirit of the balanced compromise, approved by this House just a few weeks ago. In fact, many of these amendments serve to enhance and reinforce some of the provisions contained in that compromise.

For example, many Members of this House were concerned about the potential adverse impact that the coverage of families with children could have on senior citizens' retirement communities. Under the language of one notable Senate amendment, existing senior citizen communities will have increased flexibility and possibility to qualify for the exemption from the familial status requirements. [See: new section 807(b)(2).]

Just as important is the Senate-added language providing a transition period for the current residents of housing that excludes children. They will not be required to leave that housing nor will they be subject to eviction. That is, existing residents whose presence in a community or apartment complex might otherwise cause the community to fall outside the protections in section 807(b)(2), will not be counted in calculating whether the exemption should apply. [See: new section 807(b)(3).]

The bottom line is that senior citizens' retirement communities across the United States will have a greater chance of qualifying for the "housing for older persons" exemption. Furthermore, no one will be evicted, whether in a senior citizens' community or an all-adult community, because of the enactment of this bill.

Litigation authority was also an issue when we considered H.R. 1158 on this floor approximately 6 weeks ago. The language contained in the bill before the House today fully consolidates in the Department of Justice the authority to represent the Federal Government in all of the enforcement actions under the Fair Housing Act. However, while the litigation will be conducted by lawyers from the Department of Justice, the decision as to whether or not prompt judicial action is necessary to obtain injunctive relief or to seek court enforcement of a finding of discrimination will still be lodged with the Secretary of Housing and Urban Development. So, under the latest compromise, the Secretary will decide whether or not litigation should occur. Where the Secretary "authorizes" the litigation, it is transmitted to the Attorney General and he is required to "promptly commence and maintain" such action consistent with the terms of the Senate amendment.

The amended version of H.R. 1158 also contains a technical amendment to the bill's language providing for a transition period for State and local fair housing agencies, making it clear that certain interim certifications by HUD are included in the bill. The language adopted in the other body also makes it clear that this legislation is not requiring the establishment of a "Federal building code" because of the accessibility and adaptability requirement for newly constructed multifamily dwellings. These and the other changes made in H.R. 1158 are improvements and refinements fully consistent with the spirit of the House-passed compromise bill.

Mr. Speaker, we are in the final stretch run of a circuitous race that began nearly 10 years ago. This bipartisan effort—to strengthen the enforcement provisions of the 1968 law and expand the coverage of the fair housing protections under title VIII of the Civil Rights Act—has tested the stamina of many of us in this House. My good friend and distinguished colleague from California, Civil and Constitutional Rights Subcommittee Chairman DON EDWARDS, in particularl, is to be commended for his patience, determination, and effective leadership in this effort.

We are on the threshold of finally passing a Federal fair housing law that is workable and effective. Thirty-six million disabled persons will receive the protections of this fundamental civil rights statute. Families with children will no longer be arbitrarily limited in their choice of decent housing. The Secretary of HUD will have new and significant powers to investigate discrimination complaints and to enforce the rights guaranteed under this statute if discrimination is found and proven. State and local fair housing agencies will continue their vital, integral role in fair housing enforcement all across the United States. The States and localities are given an adequate grace period to bring their statutes and ordinances in line with the new Federal law, so that they can continue to handle a majority of these fair housing complaints.

Complainants and respondents in fair housing discrimination cases are guaranteed due process rights in administrative proceedings and the fundamental right to a trial by jury in a U.S. district court in instances where they so elect. Either the adjudication or the trial that results from the election is intended to be a final decision concerning the claims raised by the aggrieved person or any intervenor. The aggrieved person or any intervenor may not relitigate the same claims raised in the complaint or seek additional or alternative relief through a direct action in Federal court. As was reflected in the colloquy between the gentleman from California [Mr. EDWARDS] and myself during consideration of this legislation in June, res judicata applies and the intent is that claims based upon the same set of facts should be consolidated into one case.

Before concluding, Mr. Speaker, I want to take this one last opportunity to mention some of the individuals who, over the years, have made positive and prominent contributions to this effort. I have already noted and want to reinforce the tremendous contribution made by the gentleman from California [Mr. EDWARDS]. The gentleman from Wisconsin, Mr. SENSENBRENNER, deserves special recognition. Our thanks go to the Secretary of Housing and Urban Development, Sam Pierce, for his pivotal role in this entire effort. Through his 8 years in office as the HUD Secretary, Sam Pierce has consistently and staunchly advocated fair housing reform. Now, on the threshold of a final success, Secretary Pierce deserves acknowledgment and acclaim for his many contributions.

In addition, I also want to give much-deserved credit to our former colleague and friend from the other body, the distinguished Senator from Maryland, Charles McC. Mathias. For many years, Mac was the principal sponsor of this legislation in the Senate and was always ready and willing to lend his time and his advice to this effort. Pivotal players over the years have been Ralph Neas, the executive director of the Leadership Conference on Civil Rights, as well as my good friend Althea Simmons, executive director, Washington Office of the NAACP. Kerry Scanlon of the Washington Lawyers' Committee for Civil Rights Under Law; Wade Henderson of the ACLU, and Penda Hair of the NAACP Legal Defense Fund also brought their usual fairness and balance to this effort. The compromise that brought about prompt approval of this legislation in the House of Representatives just a few weeks ago could never have occurred without the assistance of these and other representatives of the civil rights community. Their willingness to compromise was the key.

This is also an appropriate time to give recognition to many of the "unsung heroes" which you may not read about in the newspapers but nevertheless have made major contributions to the development of this legislation and its prospects for success:

From the staff of the Subcommittee on Civil and Constitutional Rights, Chief Counsel Catherine, LeRoy, Associate Counsel Stuart Ishimaru, and Minority Counsel Alan Slobodin.

I also want to express grateful thanks and appreciation to Marion Morris, who served for 4 years as the legislative assistant to Senator Mathias. During that time, Ms. Morris made numerous and significant contributions in the development of this legislation, particularly in the area of protections for disabled individuals.

From the Office of Legislative Counsel—an outstanding lawyer and legislative draftsman who has been with us throughout this effort over many years, Doug Bellis.

From the Department of Housing and Urban Development, the Executive Assistant to the Secretary, Tom Casey, and General Counsel Michael Dorsey.

From the Department of Justice, Acting Assistant Attorney General Tom Boyd.

Finally, I want to say a special thanks to those individuals who represented the National Association of Realtors through the long and difficult negotiations that led to that successful compromise just a few weeks ago and for their all-out support of this legislation: Bill North, their executive vice president; General Counsel Bob Butters; Steve Dreisler, senior vice president for governmental affairs; and John Blount and Jerry Giovaniello of the National Association of Realtors, governmental affairs department.

Mr. Speaker, I urge my colleagues to favorably consider and adopt this latest version of the Fair Housing Amendments Act of 1988 (H.R. 1158).

Mr. EDWARDS of California. Mr. Speaker, it is my privilege to yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI], who offered valuable assistance on this legislation.

Mr. MAZZOLI. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time.

Mr. Speaker, I rise in support of the bill, H.R. 1158, the Fair Housing Amendments Act, which makes changes for 1988. I urge my colleagues to support the bill and support the Senate amendments to H.R. 1158 so that this long-overdue revision of our fair housing laws can be swiftly enacted.

Mr. Speaker, I wish to extend my congratulations to the subcommittee chairman, the gentleman from California [Mr. EDWARDS], on a job very well done. This bill was very long in coming, and it was very difficult to attain, but the effort that he showed and the coordinated effort that was developed, with his leadership and the leadership of the gentleman from New York [Mr. FISH] has yielded a wonderful product at a very appropriate point in time.

Mr. Speaker, this landmark legislation, overwhelmingly approved by the House on June 29, tightens the 1968 Fair Housing Act, which bars discrimination in the sale or rental of housing based on race, color, religion, sex, or national origin.

H.R. 1158 would, for the first time, give the U.S. Government the authority to bring lawsuits in behalf of individuals who feel they have been illegally discriminated against. It is generally felt that the current process—under which individuals who allege discrimination must file suits on their own—can dissuade people from pursuing remedies because of the time and cost involved.

Under the bill, the Department of Housing and Urban Development [HUD] would seek to mediate the dispute first. If a resolution is not reached, the parties may choose either of these procedures: An administrative proceeding before a HUD administrative law judge; or, a trial in Federal court.

H.R. 1158 would also, for the first time, prohibit housing discrimination against the handicapped and families with young children. Most senior-citizen housing complexes are exempt from this new provision.

Mr. Speaker, these are very important provisions. I have just received letters from my district, the Third District of Kentucky, and the city of Louisville and Jefferson County in behalf of that aspect of these fair housing amendments. So our handicapped and families with young children can no longer be discriminated against under the terms of our bill, and we know from the explanation of my friend, the gentleman from New York [Mr. FISH] that senior citizens and housing complexes are largely protected from the effects of these new provisions.

Mr. Speaker, I urge my colleagues in the House to act affirmatively on this bill today. H.R. 1158, as amended by the Senate, represents a satisfactory conclusion to a long and contentious debate and should be enacted quickly.

Mr. SENSENBRENNER. Mr. Speaker, I urge my colleagues to adopt H.R. 1158, the Fair Housing Amendments Act of 1988, as amended by the Senate. This bill significantly strengthens the ability of both individuals and the Government to enforce the rights guaranteed under the Federal fair housing law—title VIII of the 1968 Civil Rights Act. In addition, handicapped persons and families with children would be added as protected classes.

The Senate further improved this good bill by fortifying the housing for older persons exemption to the familial status provisions through more reasonable standards and commonsense administrative flexibility. In addition, the Senate-amended families with children provisions ensure that the term "children" includes persons before birth and minor children to be adopted. Thus, pregnant women and persons in the process of adopting a child are protected against discrimination on the basis of familial status. Finally, the Senate amendments clarify that Justice Department litigation expertise is preserved.

The Fair Housing Amendments Act has received the enthusiastic endorsement of President Reagan, Vice President BUSH, the Leadership Conference on Civil Rights, and the National Association of Realtors. The bipartisan coalition in Congress supporting this bill reflects the same consensus that brought about the Voting Rights Act extension in 1982. I hope enactment of this bill sparks serious, thoughtful, and bipartisan Federal leadership in civil rights.

□ 1330

Mr. FISH. Mr. Speaker, I yield back the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. EDWARDS] that the House suspend the rules and concur in the Senate amendment to H.R. 1158.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REFUGEE RESETTLEMENT EXTENSION ACT OF 1988

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5037) to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Refugee Resettlement Extension Act of 1988".

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

SEC. 2. TWO-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

(a) TWO-YEAR EXTENSION.—Paragraph (1) of section 414(a) (8 U.S.C. 1524(a)) is amended by striking out "fiscal years 1987 and 1988" and inserting "fiscal years 1989 and 1990".

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Such section is further amended—

(1) in paragraph (2), by striking "for fiscal year 1987" and all that follows through "77,924,000" and inserting "for each of fiscal years 1989 and 1990, $80,000,000";

(2) in paragraph (3), by striking "for fiscal year 1987" and all that follows through "9,125,000" and inserting "for each of fiscal years 1989 and 1990, $10,000,000";

(3) in paragraph (4), by striking "for fiscal year 1987" and all that follows through "5,434,000" and inserting "for each of fiscal years 1989 and 1990, such sums as may be necessary"; and

(4) by adding at the end the following new paragraphs:

"(5) there are hereby authorized to be appropriated, for each of fiscal years 1989 and 1990, such sums as may be necessary for the purpose of carrying out section 412(e)(7)(A).

"(6) There are authorized to be appropriated such sums as may be necessary for the emergency assistance fund established under section 207(f).".

(c) TECHNICAL AMENDMENT.—Paragraph (1) of such section (as amended by subsection (a)) is further amended by striking "(2)" and all that follows up to "of this chapter" and inserting "(2) through (6))".

SEC. 3. ALTERNATIVE PROJECTS FOR CERTAIN DEPENDENT REFUGEES.

(a) ALTERNATIVE PROJECT FOR HMONG AND LOWLAND LAO REFUGEES.—Section 412(e)(7)(A) (8 U.S.C. 1522(e)(7)(A)) is amended—

(1) in the first sentence, by striking "who have been in the United States less than thirty-six months"; and

(2) by amending the second sentence to read as follows: "The Secretary shall develop and implement one or more alternative projects to cover Hmong and Lowland Lao refugees who have been in the United States for a period beyond which funding is provided under paragraph (1). The characteristics of any such project shall be based upon information available from studies conducted concerning the particular circumstances of such refugees.".

(b) COORDINATION OF EFFORTS BY STATES AND AGENCIES.—Section 412(e)(7) (8 U.S.C. 1522(e)(7)) is amended by adding at the end thereof the following new subparagraph:

"(E) Any State or private nonprofit voluntary agency that submits a proposal to administer an alternative project under this paragraph shall include in such proposal a description of its plans for coordinating its refugee assistance with any refugee assistance provided by any other source. To facilitate the submission of viable proposals under this paragraph, the Secretary shall issue and make available to the States and agencies criteria for the evaluation of such proposals.".

SEC. 4. APPROPRIATE CONSULTATION.

(a) TIMING FOR FILING OF ANNUAL PRESIDENTIAL REPORT.—The first sentence of subsection (d)(1) of section 207 (8 U.S.C. 1157(d)(1)) is amended by inserting ", but not later than June 1," after "each fiscal year".

(b) CONGRESSIONAL INITIATION OF APPROPRIATE CONSULTATION.—(1) Subsection (d)(2) of such section (8 U.S.C. 1157(d)(2)) is amended to read as follows:

"(2)(A) Following the submission of the report described in paragraph (1), but before the beginning of the fiscal year, the Committees on the Judiciary of the House of Representatives and of the Senate shall initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) for the fiscal year.

"(B) Such Committees shall, as soon as possible, cause to have printed in the Congressional Record the substance of any such consultation.".

(2) Paragraph (3)(A) of such subsection is amended by striking "After the President initiates appropriate consultation prior to making a determination under subsection (a)," and inserting "After such Committees initiate appropriate consultation and before a Presidential determination under subsection (a),".

(c) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) by striking paragraph (1), and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) in paragraph (1) (as redesignated), by striking "after fiscal year 1982".

SEC. 5. COMPARISONS OF PROJECTIONS RELATING TO REFUGEE ADMISSIONS AND FUNDING ASSISTANCE.

(a) INFORMATION PROVIDED DURING APPROPRIATE CONSULTATION.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) A description of—

"(A)(i) the refugee admission and resettlement funding request contained in the budget of the United States Government submitted by the President,

(ii) how the foreseeable admissions in the report submitted under subsection (d) compare with the foreseeable admissions and the funding requests contained in such budget, and

(iii) how the foreseeable admissions and projected resettlement costs contained in the report submitted under subsection (d) compare with the foreseeable refugee admissions and the resettlement costs projected by the President during the consultation process, as well as specifics concerning the President's plans to provide placement and resettlement funding in connection with any refugee admissions which exceed projections contained in such report, and

"(B) in the case of emergency refugee admissions under subsection (b), how the President proposes to fund such admissions and the resettlement of such refugees.".

(b) EMERGENCY ASSISTANCE FUND FOR DOMESTIC PLACEMENT AND RESETTLEMENT.—Section 207 (8 U.S.C. 1157) is amended by adding after subsection (e) the following new subsection:

"(f) There is established an emergency assistance fund to provide assistance (as described in section 412) for the placement and resettlement of refugees in the United States in connection with an emergency refugee admission (as determined under subsection (b)).".

SEC. 6. CONSULTATIONS BETWEEN THE FEDERAL GOVERNMENT AND STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Section 412(a)(2)(A) (8 U.S.C. 1522(a)(2)(A)) is amended by inserting before the period the following: "and the funding policies and procedures, both current and anticipated. Such regular consultation shall include meetings at which State and local governments and private nonprofit voluntary agencies are represented and at which recommendations for the refugee program are considered".

(b) REPORT ON COORDINATED ACTIVITIES.—Section 301(c) of the Refugee Act of 1980 (8

U.S.C. 1525(c)) is amended by adding after paragraph (2) the following new paragraph:

"(3) The Coordinator shall submit an annual report to the Committee on the Judiciary of the House of Representatives and of the Senate setting forth the coordinator's specific efforts to coordinate the refugee admission and resettlement activities of Federal agencies, States, localities, and private nonprofit voluntary agencies.".

SEC. 7. RESETTLEMENT ASSISTANCE, AUDITS, AND REPORTS.

(a) REPORT ON RESETTLEMENT OF VIETNAMESE AMERASIANS.—Section 413 (8 U.S.C. 1523) is amended by adding at the end of the following new subsection:

"(e) The Secretary of State shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate at the end of each 6-month period concerning progress in the resettlement of Vietnamese Amerasians program for other Vietnamese refugees. Such report shall include particular information concerning—

"(1) the number of such refugees approved for resettlement who have actually been resettled,

"(2) the number of such regugees approved for resettlement who are awaiting resettlement, and

"(3) the number of such refugees awaiting a determination as to their eligibility for resettlement.".

(b) TECHNICAL AMENDMENTS.—(1) The first sentence of paragraph (1)(A) of section 412(b) (8 U.S.C. 1522(b)) is amended to read as follows: "For each fiscal year the Director (except as provided in subparagraph (B)) is authorized to make grants to, and contracts with, public or private nonprofit agencies for initial resettlement (including the initial resettlement and placement with sponsors) of refugees in the United States.".

(2) Such section is further amended by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(3) Subparagraph (F) of paragraph (8) of such section is amended by striking "subsection (b)(7)" and inserting "paragraph (6)".

(c) RESPONSIBILITIES OF VOLAGS.—(1) Paragraph (6) of such section (as redesignated by subsection (b)) is amended—

(A) in subparagraph (A), by striking "and financial status";

(B) by amending clause (i) of subparagraph (E) to read as follows:

"(i) The number of refugees placed (by county of placement).";

(C) in clause (ii) of such subparagraph, by inserting the following before the period: "as determined from information prepared in accordance with subsection (e)(6)"; and

(D) by adding after such subparagraph the following new subparagraph:

"(F) To submit audited annual financial statements to the Secretary of State, including a schedule of revenue and expenditures under reception and placement grants or contracts, attesting—

"(i) that the Federal funds provided under the grant or contract are accounted for,

"(ii) that such funds have been expended in accordance with the terms of the grant or contract,

"(iii) to administrative and service costs incurred by the agency, and

"(iv) to the amount of funds not expended.

Such statements shall be audited in accordance with generally accepted government auditing standards and shall assess compliance with the terms of the grant or contract. Expenses associated with the preparation and submission of such statements may be paid out of funds provided under the grant or contract.".

(2) Section 412(b) is further amended by inserting after paragraph (6) (as redesignated by subsection (a)) the following new paragraph:

"(7) Any subrecipient of at least $100,000 of assistance awarded to an agency described in paragraph (1) shall submit to the Federal agency administering such paragraph the statements described in paragraph (6)(F) through the agency described in paragraph (1).".

SEC. 8. TRANSFER OF RESPONSIBILITY FOR POLICY OF INITIAL PLACEMENT.

Section 412(a)(2) (8 U.S.C. 1522(a)(2)) is amended—

(1) in subparagraph (B), by striking "The Director" and inserting "The Federal agency administering subsection (b)(1)";

(2) in subparagraph (C), by striking "and except" and all that follows through "recognize"; and

(3) in clause (i) of such subparagraph, by striking "by the Director" and inserting "by the Federal agency administering subsection (b)(1)".

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5037, the Refugee Resettlement Extension Act of 1988, is before us today. I urge its adoption, and I will explain very briefly what it does.

The bill reauthorizes for 2 years appropriations for our Nation's refugee resettlement program, and streamlines the operation of those programs, all of which derive from and depend upon authority of the 1980 Refugee Act.

Mr. Speaker, H.R. 5037 is a product of a close evaluation by the subcommittee and by the full Committee on the Judiciary of the operations of the current refugee programs, including the suggestions and in some cases the criticisms of many interested parties: from private groups that are called voluntary agencies, from States and from local governmental units who have the responsibility of resettling refugees who come into the country, and of course from the Federal agencies which provide also support for those programs. H.R. 5037, was adopted unanimously by the Subcommittee on Immigration, Refugees, and International Law, which I am privileged to chair. That occurred on July 12, and the bill was voted out of the full Committee on the Judiciary unanimously earlier this month.

In addition to reauthorizing all refugee programs, the bill would do the following generally: provide a 2-year authorization of appropriations at the following levels: for carrying out most of the provisions of the act such sums as may be necessary; for social service programs, $80 million, up somewhat from the $77.9 million provided in fiscal year 1988; for medical screening and treatment, $10 million, up slightly from the $9.1 million in fiscal year 1988; for incarceration of the Cuban Marielitos such sums as might be necessary, and for the new Office of Refugees Resettlement Projects on Hmong and lowland Lao refugees, such sums as might be necessary. The bill further requires the Office of Refugee Resettlement in the Department of Health and Human Services to develop and implement an alternative project to promote self-sufficiency for, as I mentioned, Hmong and lowland Lao refugees, requires the Office of Refugee Resettlement, again in HHS, to promulgate clarifying regulations regarding special projects under the so-called Fish-Wilson amendment for welfare dependent refugee groups.

The bill adjusts the timing of the refugee consultation process, which will give Congress, we hope, a better opportunity to work with the administration in deciding upon the refugee admissions per fiscal year. It requires that at each stage of the refuge consultation process, the administration will give the Congress information on how it intends to fund the proposed admissions levels. Very often in the past we have had a number given us, but not necessarily the funding, to properly admit those people and to provide the opportunity for them to be mainstreamed.

The bill will create a special new fund for emergency assistance for certain kinds of domestic resettlement programs, will provide for regular consultations between the U.S. Coordinator for Refugee Affairs and State, local and voluntary agencies, and will require an annual report by the refugee Coordinator on these coordinating efforts, to try to make sure the right hand knows what the left hand is doing and that we are doing right by these refugees.

The bill eliminates the voluntary agency quarterly financial status reports, replacing those quarterly financial status reports with a single annual report in order that we might be able to track how that money is spent. The bill requires a biannual report of the Department of State on progress in settling the Amerasian children; those are the ones who live currently in Vietnam and other areas of Southeast Asia who are fathered by American servicemen and are now in the process of being cleared, to come to their homes in the United States.

The bill transfers refugee placement policy from the Office of Refugee Resettlement, which is in HHS, to the agency which administers the reception and placement grants, which is in the Department of State, and it makes technical amendments.

And so finally, Mr. Speaker, I would like to thank the chairman of the full committee, the gentleman from New Jersey [Mr. RODINO] who gave able assistance from start to finish, my colleagues on the subcommittee, the gentleman from Georgia [Mr. SWINDALL] who is the ranking Republican member of our subcommittee, the gentleman from New York [Mr. FISH], the ranking Republican on the full committee who from his days on this subcommittee has maintained a very active interest in refugee matters, and we appreciate all of his support.

H.R. 5037 in sum, Mr. Speaker, is a genuinely bipartisan effort. It is a good bill. It will greatly benefit our Nation by continuing and improving upon the humanitarian programs already established under the Refugee Act of 1980. I urge my colleagues to support the measure wholeheartedly.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5037, the Refugee Resettlement Extension Act of 1988. This legislation authorizes funds for refugee resettlement activities for the next 2 years and makes certain changes to improve assistance programs.

H.R. 5037 provides Federal funds for services including cash and medical assistance, English language and vocational training, as well as health screening. States are subsidized for administering the refugee assistance program and are given Federal subsidies for the normal State share of AFDC and Medicaid costs for newly arrived refugees.

Mr. Speaker, I compliment my colleague, the Immigration Subcommittee Chairman MAZZOLI, for his dedicated efforts and cooperation with his fellow subcommittee members, in drafting this legislation.

Specifically, I appreciate his willingness to include report language raising concerns about the additional auditing requirements imposed by this legislation on voluntary agencies. H.R. 5037 requires that any voluntary agency or a subrecipient receiving grant money of at least $100,000 submit annual financial statements in accordance with "generally accepted Government auditing standards."

In addition, the bill provides that expenses associated with the preparation and submission of such financial statements may be paid out of funds provided under the grant or contract. However, it has been brought to my attention that these auditing requirements place a significant financial burden on the voluntary agencies, since auditing expenses will come out of grant money already authorized to assist refugees' reception and placement.

While I appreciate my colleague, Mr. MAZZOLI's assistance to include report language raising these concerns, I continue to be concerned about the financial impact of this provision on voluntary agencies.

These new auditing requirements are thought of as an offset of existing requirements, specifically the elimination of quarterly financial reports to the Department of State. However, these current financial reports are substantially less costly in time and money to the agencies than the new formal audits called for in the House reauthorization language.

The new auditing requirements were suggested by a recently conducted GAO audit of voluntary agencies. However, voluntary agencies have not been given an opportunity to comment on the GAO study and neither has the Bureau of Refugee Programs which administers the cooperative agreements.

One agency that contacted me from New York City, estimates that this new auditing requirement will impose on them an additional cost of $35,000 to $50,000. Other major agencies also estimate increased audit costs although most have not been able to project the exact magnitude of these costs since separate reception and processing audits have generally not been carried out by the agencies. They believe it would not be too conservative an estimate to project a total cost to the voluntary agencies of $5,000,000 to $1,000,000.

Mr. Speaker, these additional auditing costs are of particular concern to me since sufficient funds for refugee assistance continues to be a growing problem. In fiscal year 1988, Congress authorized 68,000 refugees to be admitted into the United States. In April of this year, the administration sought, and we approved, under the emergency flow provisions of the Refugee Act the admittance of an additional 15,000 refugees in order to accommodate the recent influx of Armenian and Jewish refuseniks from the Soviet Union.

Refugee dependency on public assistance also continues to be a major concern in many States—especially with the administration's reduction of cash and medical assistance for new refugees from 36 to 24 months, last year.

I would like to work with my colleague, Chairman MAZZOLI, to review the effectiveness of these new auditing requirements to determine if they warrant the additional costs in time and money in the next Congress.

I believe, such a review should be done in addition to a comprehensive look at our refugee assistance programs to determine what can be done to make refugee assistance programs more efficient and still meet our international commitment to adequately provide for new refugees.

As the subcommittee chairman knows, it was our intent to limit this authorization to 2 years in order that the refugee assistance programs be reexamined. I look forward to working with him in the next 2 years to make any necessary changes to these programs.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I want to thank the gentleman from New York [Mr. FISH] for yielding and to again, as I said earlier in my remarks, thank him for his help over all the years I have had the pleasure of working with the subcommittee and to assure him that, if we both return to the 101st Congress, among our earlier talks will be to review the effectiveness of these various financial auditing requirements and to review the effectiveness of the programs to take these people from refugee status and to hopefully productive citizen status.

Mr. Speaker, I want to thank the gentleman for his help, and I look forward to working with him.

Mr. FISH. Mr. Speaker, I thank the gentleman from Kentucky [Mr. MAZZOLI] very much for that comment and assurance.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the bill, H.R. 5037, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1345

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5037, the bill just passed.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DECEPTIVE MAILINGS PREVENTION ACT OF 1988

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4478) to amend title 39 of the United States Code to designate as nonmailable matter solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government and solicitations which are offered in terms implying any Federal Government connection or endorsement unless such matter contains conspicuous notice that the products or services offered are provided free of charge by the Federal Government or that the Federal Government does not endorse the products or services offered, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deceptive Mailings Prevention Act of 1988".

SEC. 2. AMENDMENTS TO TITLE 39.

(a) PROHIBITION OF DECEPTIVE MAILINGS.—Section 3001 of title 39, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting "(1)" after "(d)";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by adding at the end the following:

"(2) Matter otherwise legally acceptable in the mails which—

"(A) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(B) constitutes, in fact, a solicitation of donations from the addressee;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its fact, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(i) the following notice: 'This is a solicitation of donations, and not a bill, invoice, or statement of accounts due. You are under no obligation to make any payment in response to this mailing.'; or

"(ii) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe."; and

(2) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively, and by inserting after subsection (e) the following:

"(f) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a non-governmental entity for the purchase of products or services which are in fact provided either free of charge or at a lower price by the Federal Government, or which are substantially the same as products or services provided either free of charge or at a lower price by the Federal Government, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1)(A) such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'The products or services offered in this advertisement are also provided either free of charge or at a lower price by the Federal Government,', or a notice to the same effect in words which the Postal Service may prescribe; and

"(B) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.'; or

"(2) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

"(g) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a non-governmental entity for the purchase of products or services and contain a seal, insignia, trade or brand name, or any other term or symbol which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1)(A) such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'This product or service has not been approved or endorsed by the Federal Government, and this offer is not being made by an agency of the Federal Government.', or a notice to the same effect in words which the Postal Service may prescribe; and

"(B) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.'; or

"(2) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

"(h) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a non-governmental entity for the contribution of funds and contains a seal, insignia, trade or brand name, or any other term or symbol which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1) such matter and the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.'; or

"(2) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.".

(b) DECEPTIVE MAILINGS AS FALSE REPRESENTATIONS.—Section 3005(a) of title 39, United States Code, is amended by striking "section 3001(d)" each place it appears and inserting "section 3001(d), 3001(f), 3001(g), or 3001(h)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to matter deposited for mailing and delivery on or after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MYERS of Indiana. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for too long senior citizens and others have been exploited by deceptive and misleading mailings. H.R. 4478 seeks to eliminate major abuses in this area.

I want to commend Representative BRIAN DONNELLY and Representative OLYMPIA SNOWE for their leadership and assistance in drafting H.R. 4478, the Deceptive Mailings Prevention Act of 1988. Without the hard work of Mr. DONNELLY and Ms. SNOWE, we would not be offering this bill for consideration today.

This bill has been jointly referred to the Post Office and Civil Service Committee and to the Judiciary Committee. My motion to suspend the rules and pass the bill with an amendment deletes the matter in the bill under the jurisdiction of the Judiciary Committee. I am advised that the Judiciary Committee has no objection to the bill.

The vast majority of companies and organizations which use direct mail to reach potential customers and their members are responsible organizations which provide legitimate products and services. Organizations across the country, including both political parties and nonprofit groups such as the Sierra Club and the American Civil Liberties Union, use direct mail as a means of communicating with their members and also as a means of raising funds. In reporting H.R. 4478, the committee does not impugn the direct mail industry.

However, some organizations, businesses, and individuals, use solicitations and promotional practices that are extremely misleading and deceptive. These entities, through the use of direct mail, give the false impression that they represent the Federal Government or that they offer services endorsed by the Government.

This has resulted in consumers paying for products and services which are not needed or which the Government can provide free.

It is apparent to me and many of my colleagues, including Mr. DONNELLY and Ms. SNOWE, that existing statutes are inadequate to protect the public from deceptive mailing practices which have proliferated over the past few years.

There have been some concerns raised by businesses which market ZIP Code directories, tax forms, and other Government forms for professionals through direct mail. We certainly do not mean to penalize legitimate businesses which do provide an enhanced product to a knowledgeable consumer. These consumers are generally law firms, accounting firms, and the medical professionals and would not be groups susceptible to fraudulent misrepresentation. We would hope that as this bill proceeds we can find a solution to these concerns without opening the door to abuse.

The majority of these mailings target our Nation's elderly, focusing on Medicare or Social Security benefits, the most important issues to senior citizens. The issues of health care and economic security for senior citizens are among the most complex aspects of the Federal Government's social programs. These solicitations are particularly disturbing because, unlike other forms of solicitations, they instill fear by falsely implying that important and vital Federal programs are in danger.

Not all deceptive mailings are targeted toward senior citizens. During congressional hearings it became evident that organizations also offered assistance-for-a-fee schemes targeted at other groups. Companies have offered to obtain a Social Security number for a person's newborn child for a fee of $10. Of course, any individual can obtain a Social Security number for his or her child at no cost.

H.R. 4478 requires that a disclaimer be put on the face of the envelope containing certain solicitations. This provision will make it perfectly clear to an individual receiving and reading a solicitation that it is not an official mailing. This disclaimer requirement will also assist the Postal Service in its enforcement of this law. Currently it is difficult for the Postal Service to make a judgment on the content of a mailing based solely on a suspicion that it may be fraudulent or deceptive. The U.S. Postal Service cannot open mail based on a suspicion that it may be fraudulent or deceptive.

This bill also requires that a disclaimer be put on the face of the mailing which simply states that "this is a solicitation of donations, and not a bill, invoice, or statement of accounts due. You are under no obligations to make any payment in response to this mailing."

This legislation is necessary. I believe that it will provide an important safeguard to the general public and will dissuade companies from deceptive mailing practices.

I urge all Members to support this legislation and I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Indiana [Mr. MCCLOSKEY] for bringing this bill, H.R. 4478, the Deceptive Mailings Prevention Act, to the floor today.

I also extend my appreciation to the gentlewoman from Maine [Ms. SNOWE], and to the gentleman from Massachusetts [Mr. DONNELLY] who originally introduced this deceptive mailings legislation.

Mr. Speaker, this legislation is urgently needed. Current Federal law does not adequately protect the public from deceptive mailing practices which have proliferated over the past several years.

Dozens of groups and organizations have been formed with the sole intent of deceiving American citizens into making monetary contributions. Most of these groups have official-sounding names such as the "Social Security Protection Bureau," the "National Committee to Preserve Social Security and Medicare," and the "Federal Social Security Center." These type of groups unduly alarm people with misleading and false statements.

The other day my wife received a very large envelope. On the outside it said, "This envelope contains official documents pertaining to your Social Security." Well, first, she was insulted to receive that, not being on Social Security or even close to the age of receiving Social Security, and second, to receive this deceptive mail, so all America is under a flood right now of this type of mailing and something needs to be done.

Under the Deceptive Mailings Prevention Act, organizations using these tactics would be required to place a disclaimer on the envelope which alerts the reader that the mail is not from the U.S. Government. The disclaimer also must advise that the services offered by the group are available for free or at a reduced fee from the Government.

Legislation that I authored regarding fraudulent mailings was included in the catastrophic health care law. Yet, H.R. 4478 is needed to address those concerns not spelled out in the new law.

For my colleagues who have heard from their constituents regarding these unscrupulous groups, this legislation coupled with the catastrophic health care law provisions will help put these shady groups out of business. I urge my colleagues to support the Deceptive Mailings Prevention Act.

Mr. McCLOSKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AuCOIN. Mr. Speaker, I rise in strong support of H.R. 4478 and wish to commend my friends FRANK MCCLOSKEY and BILL FORD for their hard work in reporting this bill to the House floor.

This is sound legislation. I have heard all too often from people in my district about how they have been bamboozeled by letters and mailings that deceive the addressee and prey on the hearts and wallets of millions of Americans.

Passage of H.R. 4478 will help prevent deceptive use of the mails by organizations who imply an association with the Federal Government. It is through the use of disclaimers that this misrepresentation, mostly aimed at senior citizens, can and will be prevented.

It should be pointed out, that while this legislation is primarily the result of abuses by so-called senior services groups, some organizations have taken the lead in the use of detailed disclaimers, prior to introduction of this legislation.

In fact, last fall the executive director of the National Committee to Preserve Social Security and Medicare, Landis Neal, testified in strong support of this legislation on behalf of the organization's current 5.5 million members and supporters. Other groups would be well served to take the lead of the national committee to clean up their act.

I urge my colleagues to join me in support of H.R. 4478 that will provide these necessary protections and strong guidelines for the prevention of deceptive mailings.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maine [Ms. SNOWE], the original author of this legislation.

Ms. SNOWE. Mr. Speaker, I rise in support of H.R. 4478, the Deceptive Mailings Prevention Act of 1988. I want to commend my colleagues in the Committee on Post Office and Civil Service for the timely fashion in which they have addressed the important issue of deceptive and misleading mailings. I particularly want to thank Mr. MCCLOSKEY of the Subcommittee on Postal Personnel and Modernization for his leadership on this issue, as well as the ranking Republican, the gentleman from Alaska [Mr. Young], and the gentleman from Indiana [Mr. Myers] for guiding this legislation through the subcommittee.

As you know, H.R. 4478 is based on two bills that I introduced, H.R. 939 and H.R. 3382. The problem that we are addressing today first came to my attention in May 1986 when a constituent called my office wanting information about the Federal Record Service. The "Birth Records Division" of that organization had offered to obtain his small daughter's Social Security card for a $10 fee. The Federal Record Service indicated in offical sounding language that "your newborn child has not been registered with the Social Security Administration. It is important that your child be issued a Social Security card immediately." Both the company's name and the tone of the document not only implied that this came from an offical Government office, but also imparted a note of urgency in complying.

In the process of investigating this case, I became aware of how common it is to receive mailings from organizations that either provide a service which is already available free of charge from a Government office, or which use seals, symbols, trade or brand names or other terms which imply a Federal Government connection. Many of these solicitations and offers come in envelopes which could reasonably be construed to be an official mailing and most use titles which imply association with the Federal Government.

Unfortunately we are not dealing with an isolated incident. Indeed, the variation and creativity of these mailings is surprising. From April to July 1987 over 200 complaints of deceptive mailings were filed with the Post Office, but that understates the enormity of problem. We do not know how many sent money because they were deceived into thinking they had received an offical communication from the Federal Government.

The success of these deceptive mailings practices is attested to by the proliferation of similar organizations. Using deceptive logos and offical looking brown envelopes, all imply urgency in providing Social Security cards. Fees for this service for children range in cost from $12 to $20 for the first child, with supplemental charges for each child thereafter. In actuality, Social Security cards are available free of charge from the Social Security Administration and are only necessary for children 5 years of age and older.

If you have any questions as to the impression these mailings give, a few of the comments that were attached to the complaints received by the Post Office are illiminating:

> One of my husband's coworkers recently responded to such an advertisement to obtain a Social Security number for a newborn son. When he received his "Federal Legislation Compliance Kit," it was a standard application form from the Social Security Administration with the child's name and date of birth typed in, and instructions to take it to Social Security.

The charge for the service is $17 plus $3 postage and handling.

> You really have to read the letter carefully to not be taken in. This is probably legal, but seems horrible, as it aims at people with children who might not read every word and send in $20 for something that is free when supplied by the government.
>
> The mailing clearly appears to be an official government document. * * * There is no record of the company in the Atlanta telephone book and the only way to communicate with the company is through their post office box.
>
> The impression my wife and I got was that if we didn't order these kits we would be breaking the law.

There are interesting variations on this theme. One organzation informed newly married women that if they wish to retain their last names, "the proper procedure is to use your last name followed by a hyphen and his last name." There is no Federal law requiring such a change and, as far as I know, no preferred method other than personal preference, yet a woman could be persuaded to buy a service she doesn't need. The fee for these services range from $10 to $12.50.

One organization encloses sweepstake tickets designed to look like a Social Security card. Still another takes quotations out of context, seeming to imply the endorsement of the service by well known figures. Others offer guaranteed mystery gifts. One person was so confused by this tactic that she thought tax money was going to a Social Security lottery.

There are also numerous mailings targeting Medicare recipients. On the outside, envelopes, indicate they pertain to supplemental 1987 Medicare benefits. When it is opened, according to one complainant, "The first paragraph of the advertisement uses scare tactics, such as 50 percent loss of Medicare benefits, which causes some people to submit their name." These names are then sold to Medigap insurance companies for a substantial fee.

Social Security and Medicare are not the only targets for misleading mailings. For example, there is one company which provides charcoal cannisters for radon testing for the sum of $25. An eagle logo makes the recipient think this is a branch of the Federal Government and the name mimics the Environmental Protection Agency. Others organizations send look-alike Government envelopes which appear to contain Government checks. The "checks" are really promotions for rebates on automobiles. Still others warn of important IRS information inside.

H.R. 4478 takes an important step toward addressing deceptive and misleading mailings by requiring bold disclosures both on the envelope and on the face of mailed materials in order that individuals receiving and reading them understand fully that they are not official documents. This concept has been extended in H.R. 4478 to include solicitations that masquerade as bills.

It is really a very simple concept. H.R. 4478 does not interfere with free trade, but neither does it permit consumers to be misled or misinformed. Indeed, H.R. 4478 is a consumer's bill in which disclosures assure that individuals are warned about the nature of the mailing and can make informed judgments.

In the examples that I have presented here today, companies deceive by nuance and innuendo. The mailings are deliberately confusing and deal in half truths. They employ great creativity in appealing to a broad range of persons, but perhaps the most vulnerable are the elderly. Many times, letters to the post office from adult children tell of how a vulnerable or ill older persons who was taken in by these scams, sometimes for substantial sums of money. In fact, names are sold to other such organizations for similar purposes. Thus, while one scheme may only cost an individual a small sum of money, this may be multiplied time and again. For an individual on a fixed income, the expense can be considerable. Indeed, I have often thought that the Postmaster General should require the following label—Warning: This Mailing May Be Hazardous to Your Wealth!

Individuals who have been fooled by deceptive schemes are less likely to believe honest advertisements. Thus, to the extent that we expose disreputable organizations, we can be assured that those that provide a real service are protected from being "tarred with the same brush."

Again, I want to thank the committee for their far sightedness in bringing this bill to the floor.

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time, I would like to clarify two more points regarding H.R. 4478, which have been raised by a member of the Subcommittee on Postal Personnel and Modernization, Mr. Dymally. Mr. Dymally unexpectedly is unable to be on the floor this afternoon.

First, Mr. Dymally asked me to clarify the scope of H.R. 4478, as it relates to organizations which already use disclaimers on their mailings in compliance with current Postal Service regulations.

It is the intent of H.R. 4478 that all mailers which distribute literature having some connection with a Federal benefit or service, such as Social Security benefits, conform to the disclaimers required by the legislation. This way the sue of disclaimers will be standardized, so that the public clearly understands the origin of any materials they receive through the mail.

Of course, we commend those organizations which already have made successful efforts to use disclaimers in order not to mislead the public about a connection with a Federal agency.

Finally, Mr. DYMALLY also raised a concern about certain organizations which allegedly engaged in deceptive mailing practices, but in fact are now in conformance with Postal Service standards on fraudulent mailings.

I would agree with the gentleman from California that at least one organization named at our October subcommittee hearing had made a successful effort to put disclaimers on their literature so that senior citizens would not be misled about a connection with the Social Security Administration.

I hope that organizations which do make an effort not to deceive the public will serve as an example to other mailers which purposely and fraudulently deceive senior citizens, in particular, through the mail.

Mr. DONNELLY. Mr. Speaker, I rise in strong support of H.R. 4478, the Deceptive Mailings Prevention Act of 1988. Mr. Speaker, this legislation is modeled after legislation I introduced last year, H.R. 1550, which I offered to end the outrageous, unscrupulous, and deceptive practices which many vulnerable people—especially senior citizens—are victims of.

I first became interested in this issue after receiving letters from constituents of mine who had received solicitations from these unethical organizations. One constituent received an offer from the Federal Information Registry and Assistance Service, offering to provide a "Social Security Compliance Kit" for $15. The kit contains an application to apply for a Social Security number—an application which is available for free from any Social Security office.

Another constituent received a solicitation from National Network, Inc. For $9.50, they offered to provide a "complete copy of your Social Security deposit record"—again, something available for free from the Social Security Administration. For $200, one organization will make available Small Business Administration loan application forms which are also widely available for free.

Mr. Speaker, this is an outrage. Many unsuspecting people, often senior citizens, are unaware of the wide array of services which the Federal Government will provide for free. These fly-by-night organizations prey on vulnerable individuals who will part with their hard-earned dollars to get information which they could have received at no or little cost. H.R. 4478 will, once and for all, put an end to these practices.

The legislation designates as nonmailable material any solicitation for the purchase of products or services which are provided either free of charge or at a lower cost by the Federal Government. In addition, the bill designates as nonmailable any solicitation which is offered in terms implying any Federal Government connection or endorsement unless the material contains conspicuous notice that the products or services offered are provided free of charge by the Federal Government or that the Federal Government does not endorse the products or services offered. Appropriate sanctions are provided for those who violate the provisions.

Last year, I offered an amendment to the Omnibus Budget Reconciliation Act in the Ways and Means Committee which is similar to this legislation. Under last year's bill—now the law—any tax exempt organization which makes solicitations for materials provided for free or low cost from the Federal Government is subject to tax sanctions. This legislation today is an expansion of my amendment last year.

Mr. Speaker, this legislation is necessary and long overdue. I commend the Post Office Committee, and the subcommittee chairman, Mr. McCLOSKEY, for acting on this legislation which will provide a concrete measure of protection for senior citizens and unsuspecting Americans.

Mr. KOSTMAYER. Mr. Speaker, I rise today in support of H.R. 4478, the Deceptive Mailings Prevention Act of 1988. This legislation would make illegal direct mail solicitations by nongovernmental groups that purport to have some Federal Government connection, approval or endorsement unless such mailings contain certain designated disclaimers. This legislation is necessary to ensure that the American public, and particularly our senior citizens, are not purposely misled by such deceptive mailings.

I have received many types of complaints fromy my constituents in Bucks and Montgomery countries concerning deceptive mailings.

For example, I have received complaints about a mailing that looked like it was from the Internal Revenue Service and had the words "Audit" and "Statement of Account Due" on the envelope. In fact, it was a certain nongovernmental group's solicitation of donations.

Other complaints involved solicitations by nongovernmental groups for money contributions or for the purchase of some goods or service that contained seals and insignias that reasonably could be interpreted as implying official Federal Government connection or endorsement.

H.R. 4478 would make these various type of direct mailings solicitations illegal unless they also conspicuously bear one of the following expicit disclaimers:

(1) "The products or services offered in this advertisement are also provided either free of charge or at a lower price by the Federal Government."

(2) "This is a solicitation of donations, and not a bill, invoice, or statement of accounts due. You are under no obligation to make any payment in response to this mailing."

(3) "This product or service has not been approved or endorsed by the Federal Government, and this offer is not being made by an agency of the Federal Government."

(4) "THIS IS NOT A GOVERNMENT DOCUMENT."

Mr. Speaker, I thought it would interest my colleagues to know that the National Committee to Preserve Social Security and Medicare, an organization that uses direct mail extensively to communicate with its 4.5 million members, strongly supports H.R. 4478. For years, the National Committe has voluntarily included on its mailings conspicuous disclaimers to disassociate it from any connection with the Federal Government. The initial disclaimers used on its mailings read:

Prepared and mailed by the National Committee to Preserve Social Security, a nonprofit, tax-exempt organization, 2000 K Street, N.W., Washington, D.C. 20006.

The National Committee is totally independent of Congress, every government agency, and all political parties.

Several months ago, the National Committee strengthened its desclaimers to include other information valuable to their members regarding both contributions and expenditures. The additional disclaimers go far beyond the disclaimers that would be required by H.R. 4478. The additional disclaimers read:

Contributions to the National Committee are not tax deductible, and you need make no special contributions other than annual dues.

The National Committee spends its budget in approximately the following way: legislative advocacy 38%, educational activities 25%, funds raising 15%, administration 20%, other 2%. Detailed financial reports are available form the National Committee and the chairitable solicitations department of most states.

While H.R. 4478 does not require such expenditure and contributions information, it does provide the legal armament to protect the American public from direct mailings that purport to have official Federal Government connection or endorsement. I strongly urge my colleagues on both sides of the aisle to support this worthy piece of legislation.

Mr. LOWERY of California. Mr. Speaker, I want to express my strong support for H.R. 4478, the Deceptive Mailings Act of 1988. This legislation is needed to prevent unscrupulous businesses from preying on senior citizens and other consumers through the use of mailings that imply that their product or service is required or endorsed by the Federal Government.

This bill requires that disclaimers be placed on mailings, including envelopes, stating that it is not a Government document or endorsed or approved by the Federal Government. In addition, H.R. 4478 will prevent groups from soliciting donations through mailings that appear to be bills or statements of accounts due.

I was a cosponsor of H.R. 939 and H.R. 3382, the previous versions of this legislation introduced by my colleague from Maine, and I strongly support the expanded version of this legislation currently before the House. During hearings on this issue, I submitted an example of these deceptive mailings to the Subcommittee on Postal Personnel and Modernization. A mailing from a private company presenting itself as the Home Owner Services Administration and utilizing a facsimile of the Department of Defense logo, was sent to thousands of residents of San Diego in 1987. This mailing attempted to solicit $25 for a "Homestead

Declaration," which was not required by the Government and did not provide any protection that is not already available to the homeowners.

A number of my constituents in San Diego have expressed their concern over deceptive mailings and I am happy to support the House's action to combat this problem.

Mr. FEIGHAN. Mr. Speaker, I am pleased to see this bill before us today. Over the years, I have received many letters from angry constituents who received unsolicited mail designed to rope them into making contributions or buying some product. With this legislation, we take a small step against those who use deceptive practices to market their goods or services.

I want to commend the members of the committee and the U.S. Postal Service in developing this legislation. I was especially glad to see the inclusion as an amendment of a bill I introduced to take care of one such practice. Many constituents are hoodwinked into responding when a solicitation comes in the form of a bill with their name on it.

This bill will declare as "nonmailable," material that is designed to resemble a bill, invoice or statement of account due, but which in fact constitutes a solicitation of donations. This legislation will help reduce the flow of funds that are syphoned off by fly-by-night operations and make sure funds go to legitmate organizations that do not use these unscrupulous tactics.

All this legislations says is that if you're going to use the mail to solicit donations, then you're going to have to play fair. Americans are a generous and compassionate people. But that generosity should be allowed to flow from those who choose to give freely—not because they are tricked by deceptive mail practices.

Ms. KAPTUR. Mr. Speaker, I was so pleased to see the House take action this week on H.R. 4478, the Deceptive Mailings Prevention Act.

As our Nation's older population has grown, organizations promoting services for the elderly have proliferated. The primary aim of some groups, however, is to frighten the elderly into contributing their precious retirement dollars or to get their names on a mailing list to inundate them with further fundraising appeals.

Many people in my district have contributed to the National Committee to Preserve Social Security and Medicare, the Social Security Benefit Protection Service, and the Federal Record Service because their mailings looked like official Government documents, or because they were led to believe such contributions were necessary in order to keep receiving their Social Security and Medicare benefits.

For example, one constituent sent me a mailing he had received from the Social Security Benefit Protection Service. On the envelope the return address read Social Security, Benefit Protection Service, Capitol Hill Office Building. On the back was stamped Buy and Hold U.S. Savings Bonds. This mailing offered recipients, for $10, a copy of their Social Security earnings record. We all know this can be obtained for free from the Social Security Administration.

Upon receiving a mailing from the National Committee to Preserve Social Security and Medicare, one gentleman wrote to me "The letter (implies) that we may lose Social Security and Medicare if we are not represented by such a committee."

Such abuses of senior citizens' trust must stop. H.R. 4478 is a step in the right direction.

Mr. MYERS of Indiana. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill, H.R. 4478, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government, and solicitations which are offered in terms implying any Federal Government connection or endorsement, unless such matter contains an appropriate, conspicuous disclaimer, and for other purposes.

A motion to reconsider was laid on the table.

□ 1400

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4478, the bill just passed.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Indiana?

There was no objection.

NATIONAL HISPANIC HERITAGE MONTH

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2200) to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month.

The Clerk read as follows:

S. 2200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZE THE DESIGNATION OF THE NATIONAL HISPANIC HERITAGE MONTH.

The joint resolution entitled "Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as 'National Hispanic Heritage Week'", approved September 17, 1968 (36 U.S.C. 169f), is amended—

(1) by striking "week including September 15 and 16" and inserting "31-day period beginning September 15 and ending on October 15";

(2) by striking "Week" and inserting "Month"; and

(3) by striking "week" and inserting "month".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on January 1 of the first year beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before my colleagues S. 2200, a bill to establish "National Hispanic Heritage Month" from September 15 to October 15.

Unfortunately, the chairman of the Subcommittee on Census and Population, the gentleman from California [Mr. DYMALLY], which has jurisdiction over this legislation, as noted previously, is unable to be here this afternoon.

The companion bill to S. 2200, H.R. 3182, is sponsored by the gentleman from California [Mr. TORRES].

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I thank the gentleman from Indiana for yielding.

Mr. Speaker, I am pleased and honored today to talk on a bill which will designate September 15 through October 15 as "National Hispanic Heritage Month."

As we have read of late in our national media, Hispanics number over 18 million people in the United States. We are the largest-growing minority group in the United States today. Our median age is 23 years, as compared to 31 years of age for non-Hispanics. We are a growing market. As you can see by the media, as I expressed, the tremendous attention that is being placed on the recent Hispanic breakthroughs in music and in the arts. We are all familiar with, of course, Hispanic architecture and much of our literature. Our traditions are varied as is our ancestry.

Our great-grandparents, many of our great-great-grandparents were native Americans; in other words, they were here long before this land was discovered. We later came as missionaries and as conquistadores. We were immigrants also coming from across the sea from our own southern borders seeking a better way of life.

Hispanics are a cosmic people really. Our bloodlines can be traced to the Aztecs, to Indians, to Mayans, to Yaqui rulers, European royalty and Moorish sheiks, Sephardic Jews, but as proud Americans, we are teachers, police officers, diplomats, actors, veterans, entrepreneurs, athletes, engineers, and yes, we have a Hispanic astronaut, which has made history, and of course we have our public servants.

Yet our presence in the history books is sparse, but our contributions to America are many. Today's youngsters, especially our young Hispanic children, should read about famous Hispanic leaders and role models. We want the American people to learn and to appreciate our heritage. The Americans of all should know that Hispanics comprise the largest number of Congressional Medal of Honor winners of any ethnic group in this country. Americans should know the Hispanics have fought with pride in the Revolutionary War and in every subsequent armed conflict that our Nation has found itself in.

For all of these reasons, I strongly urge my colleagues to join me in voting to extend Hispanic Heritage Week to a month. This additional time will allow for our Nation to properly observe and coordinate events and activities to commemorate Hispanic culture and achievements. A month will allow our schools, our universities, our corporations, our organizations, cities and States to plan and coordinate a meaningful tribute to Hispanic Americans.

Mr. Speaker, I ask that my colleagues join with me in approving H.R. 3182 and S. 2200.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 2200, to establish the period of September 15, 1988 to October 15, 1988, as "Hispanic Heritage Month."

This legislation encompasses many of the occasions commemorated by the Hispanic-American community as well as the period of Columbus Day which is commemorated by all Americans and has become a truly international celebration.

As the immigrants to America demonstrated determination and courage in their voyages to a new land, this provided an everlasting monument to the daring and boldness of Columbus nearly 500 years ago.

As we prepare for 1992 and the quincentenary, we also commemorate the ethenic diversity which has created the strength and foundation of our Nation.

Mr. Speaker, I urge all of our colleagues to support this commemorative week and month.

Mr. Speaker, I reserve the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman from Indiana [Mr. MCCLOSKEY] for yielding time to me.

Mr. Speaker, I especially want to thank the gentleman from California [Mr. TORRES] for his statement. I believe that there is no better role model for Hispanics and for all Americans than the gentleman from California [Mr. TORRES], the original author of this legislation. He is a former union member, labor leader, then rose to be Ambassador to Unesco representing the United States during the Carter administration in Paris, then was Special Assistant to the President in the White House for Hispanic Affairs, the first such position in history, and is now a Member of Congress, a distinguished Member of Congress, and former chairman of the Congressional Hispanic Caucus.

Mr. Speaker, I rise in strong support of this important act. I especially want to commend the minority and majority and the gentleman from California [Mr. DYMALLY] for their sensitivity to the many Hispanic issues. I especially want to commend Col. Gil Coronado, who apparently is the original inciter of this outstanding idea and passing it on to the gentleman from California [Mr. TORRES].

Mr. Speaker, our Nation has a long history of racial and ethnic diversity. Today, within our communities, peoples of all backgrounds live their lives in an atmosphere of ever increasing racial and cultural tolerance. Across America, our citizens pursue their unique vision of the American dream with greater freedom than ever before.

It is important to remember, however, that tolerance of diversity is a dynamic and evolving goal. A goal whose achievement requires vigilance, determination, and, most importantly, awareness. These are the very goals for "National Hispanic Heritage Month."

During this 1 month period, our entire Nation will join the nearly 20 million Hispanic-Americans to recognize the many contributions this community has made and continues to make to our Nation's advancement. Hispanic influence in our land dates back to the 16th century. The oldest city in the continental United States, Santa Fe or St. Augustine, FL, was founded by Spanish colonists. The entire Southwest, including my home State of New Mexico, was settled by Spanish colonists in the 1500's, long before the Europeans began to seriously settle on the east coast.

Hispanic contributions continued through the founding of our Nation, its growth, expansion, and maturity, and are more evident today than ever before. One only needs to visit the Vietnam Veterans Memorial for evidence of the Hispanic community's contribution to our Nation.

Hispanic culture is evident in the media, the arts, in our politics, in the food we eat, and in the music we listen to. Part of this influence is derived from the $130 billion in the buying power of Hispanic families, something which is increasingly noted in our Nation's mass merchandisers. Recently, Time magazine dedicated a special issue to this very topic, the increasing influence of Hispanic America. I am proud to say that the Democratic Party's nominees for the Presidency and Vice Presidency are both fluent speakers of Spanish.

This attention recognizes the growing political, cultural, and economic influence of the Hispanic community. It celebrates this communities numerous contributions to our society. I join in this celebration and commend the supporters of this legislation because it will further our Nation's understanding and awareness of its own Hispanic heritage.

But if our goal is awareness let us not, in our celebration of our Hispanic culture and heritage, forget that today this community is encumbered with many problems which we as a nation must address and help resolve. While Hispanic family income has grown 10 percent annually, to an average of $22,900, it is still about a third lower than the general population. The Hispanic community suffers from high illiteracy and the highest high school drop-out rate of any group. Health and services in the community are often over burdened, under funded, and do not meet the unique needs of the Hispanic community.

Mr. Speaker, many people ask what is a Hispanic, what is the difference between a Chicano, a Hispanic. a Mexican American, the many derivatives that Hispanics are called. I think the reason the word Hispanic is used is because under this umbrella of the mother country of Spain, Puerto

Ricans, Central Americans, Cuban American, Mexican Americans, the entire descent of the Hispanic community comes under this important umbrella.

Mr. Speaker, I am proud to say that today the Congressional Hispanic Caucus is 13 members, having expanded our numbers twofold in the last decade. It includes a Portuguese American Representative, the gentleman from California [Mr. COELHO], because of our definition of Iberian in the context of what is a Hispanic.

Mr. Speaker, in the days ahead and in the months and years ahead, we will echo what the gentleman from California [Mr. TORRES] said, that the Hispanic community will be the largest minority in the country by the year 2000. With that responsibility, with those numbers, an awareness that there are many needs which need to be met. Therefore, I think it is only appropriate that we celebrate in a month the contributions of the Hispanic community, a nation emerging, the third largest nation in the Western Hemisphere, emerging with tremendous potential, with the ability to change the power of this country, of Presidential elections, but also with the view that we are Americans, part of the American mainstream, that we want the same goals and equality of all Americans.

As a famous political person in the world today says, "I will close with my statement urging support, but also with the word, 'Mano a mano, paso a paos, juntos, ganaremos.'"

Mr. DYMALLY. Mr. Speaker, I rise in strong support of S. 2200, a bill to amend Public Law 90-498, to provide for the designation of "National Hispanic Heritage Month," which was passed unanimously by the Post Office and Civil Service Committee. This bill would establish the month beginning September 15 through October 15 as "National Hispanic Heritage Month."

As chairman of the Subcommittee on Census and Population, which has jurisdiction over public observances, it is with honor that I lend my support to this most important piece of legislation.

The historic achievements of my colleagues in the Congressional Hispanic Caucus serve as vivid testimony to the fact that Hispanic Americans have made outstanding contributions to the cultural and ethnic fabric which makes America what it is today.

According to 1986 current population survey statistics, Hispanics account for 7.48 percent of the 241 million Americans making up our melting pot.

Last week, Washington, DC, witnessed a fitting tribute to this vast array of Hispanic cultures during the Hispanic Cultural Festival. This affair served as a suitable reminder of how this vivacious culture has had a permanent impact on our society.

The month beginning September 15 through October 15 is an extension of the previously legislated observance of "National Hispanic Heritage Week" which was designated for the week including September 15 and 16.

The month long celebration will be a prime opportunity to extend the observance to various sectors of the society and insure that the Nation focuses on the enhancement of intercultural relations. More and more, we realize that we live in a global village and the United States is a mocrocosm of the village.

To further demonstrate our cultural relatedness, the observance of "National Hispanic Heritage Month" coincides with the observance of Christopher Columbus' historic voyage to the New World. The entire world acknowledges this singularly phenomenal venture and jointly observes the commemoration of Columbus' monumental feat.

The timing of the observance of "National Hispanic Heritage Month" is not meant to detract from the international celebration of "Christopher Columbus Day." Columbus Day remains a holiday which unites all nations of the Americas. This is a further attempt to highlight the closeness of our cultures. After all, it was Ferdinand and Isabella of Spain who funded the historic voyage by the brave and adventurous Italian, and Columbus landed in the West Indies, opening the door to European exploration of the "New World" in which a multitude of ethnic groups now reside.

We salute our common bonds.

Mr. Speaker, I take pride in asking my colleagues to support this legislation. It is important that we as a nation galvanize the elements in our society to support one another and applaud our ethnic mixture and rich cultural heritages.

We, as a nation, are truly blessed. At a time when gangs, drugs and various social nemeses plague racial and community harmony, we must seize the opportunity to jointly commemorate the observance of the heritage of the fastest growing ethnic community in the Nation.

Mr. Speaker, I invite you to join me in supporting this bill to extend the "National Hispanic Heritage" observance.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the Senate bill, S. 2200.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2200 the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

TRANSFER OF OBSOLETE SUBMARINE "GROWLER" TO THE INTREPID SEA-AIR SPACE MUSEUM IN NEW YORK

Mr. SISISKY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4665) to allow the obsolete submarine ex-*Growler* (ex-SSG-577) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period.

The Clerk read as follows:

H.R. 4665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete submarine ex-*Growler* (ex-SSG-577) to the Intrepid Sea-Air-Space Museum, a nonprofit corporation organized under the laws of the State of New York.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Virginia [Mr. SISISKY] will be recognized for 20 minutes and the gentleman from California [Mr. HUNTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Armed Services Committee favorably recommends the bill H.R. 4665 for passage by the House.

The bill would waive the normal 60-day congressional review period for the transfer of the obsolete submarine, ex-*Growler* (ex-SSG-577), to the Intrepid Sea-Air-Space Museum, a nonprofit corporation in New York City.

According to Navy sources the *Growler,* commissioned in 1958, was the second diesel-electric submarine to be equipped with the Regulus II surface-to-surface guided missile. During her naval service *Growler* made nine deterrent patrols in the Pacific carrying the nuclear-armed Regulus missile in what was to be the precursor to today's Trident program. *Growler* was decommissioned in 1964 and has been held in reserve at the inactive ships facility at Bremerton, WA ever since.

The Intrepid Sea-Air-Space Museum has requested donation of *Growler* for display to the public as a naval museum and memorial. The Navy is agreeable to the transfer under the ususal conditions that the Intrepid Foundation pay all associated costs and assume liability for the transfer. The Secretary of the Navy notified Congress on May 6, 1988, of his proposal to transfer the submarine, thus beginning the 60-day review period specified in section 7308 of title 10, United States Code.

Given that the number of legislative days in this Congress is growing short and that the Navy has requested this transfer, the committee recommends passage of this bill.

Mr. Speaker, it is entirely fitting that ships of this type be displayed as memorials to the brave men and women of our Armed Forces. This bill would help to move this process along in the case of the decommissioned submarine, *Growler*.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from Virginia and fellow member of the Seapower Subcommittee.

Current law provides that the Secretary of the Navy may transfer by gift or otherwise, on terms prescribed by him, any obsolete or condemned vessel of the Navy to any corporation or association whose charter or articles of agreement denies it the right to operate for profit. Each agreement for the transfer of a vessel under this law shall include a stipulation that the transferee will maintain the vessel in a condition satisfactory to the Navy and that no expense to the United States will result from the transfer. Current law also provides that no transfer be made until the Congress is notified of the proposal, and a period of 60 days of continuous session of Congress passes.

In this instance, Mr. Speaker, the Intrepid Sea-Air-Space Museum, a nonprofit organization in New York City, has agreed to take delivery of the obsolete submarine, *Growler*, "as is, where is" and to pay all charges incident to the transfer. They have further agreed not to use the submarine for anything other than for a naval museum and memorial, and to accept all liabilities associated with the transfer.

Waiver of the required 60-day notification-and-wait period is entirely justified in this case. The Secretary of the Navy has notified the Congress of his intent to transfer the submarine. The Armed Services Committee has satisfied itself that the submarine in question has no remaining useful military value. Hence, waiver of the waiting period is fully in keeping with the spirit and intent of current law.

Mr. Speaker, I urge the adoption of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SISISKY. Mr Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Virginia [Mr. SISISKY] that the House suspend the rules and pass the bill, H.R. 4665.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SISISKY. Mr Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4665, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4904) to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of most residents of the United States.

(2) For all individuals, technology can provide important tools for making the performance of tasks quicker and easier.

(3) For some individuals with disabilities, assistive technology is a necessity that enables them to engage in or perform many tasks. The provision of assistive technology devices and assistive technology services enables some individuals with disabilities to—

(A) have greater control over their own lives;

(B) participate in and contribute more fully to activities in their home, school, and work environments, and in their communities;

(C) interact to a greater extent with nondisabled individuals; and

(D) otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

(4) Although the development of assistive technology devices designed to assist individuals with disabilities is still in its early stages, there already exist a substantial number of assistive technology devices, including simple adaptations to existing equipment, that could significantly benefit, in all major life activities, individuals of all ages with disabilities. Such devices, including adaptations, could be used in programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

(5) The use of assistive technology devices and services by individuals with disabilities can reduce the costs of the disabilities to society, individuals with disabilities, and families of individuals with disabilities by reducing expenditures associated with early intervention, education, rehabilitation, health care, transportation, telecommunication services, and other services required by individuals with disabilities.

(6) Many individuals with disabilities do not have access to the assistive technology devices and assistive technology services that such individuals need to allow such individuals to function in society commensurate with their abilities. States do not have comprehensive programs for making available technology-related assistance to individuals with disabilities. There is a lack of—

(A) resources to pay for such devices and services;

(B) trained personnel to provide such devices and services and to assist individuals with disabilities to use such devices and services;

(C) information about the potential of technology available to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

(D) coordination among existing State human services programs, and among such programs and private agencies, particularly with respect to transitions between such programs and agencies; and

(E) capacity of such programs to provide the necessary technology-related assistance.

(7) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of limited markets.

(8) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology serv-

ices. Also, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(b) Purposes.—The purposes of this Act are as follows:

(1) To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals of all ages with disabilities that is designed to—

(A) increase awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services;

(B) increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and assistive technology services;

(C) increase the availability of and funding for the provision of assistive technology devices and assistive technology services for individuals with disabilities;

(D) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

(E) increase the capacity of public and private entities to provide technology-related assistance, particularly assistive technology devices and assistive technology services, and to pay for the provision of assistive technology devices and assistive technology services;

(F) increase coordination among State agencies and public and private entities that provide technology-related assistance, particularly assistive technology devices and assistive technology services; and

(G) increase the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living.

(2) To facilitate—

(A) the identification of Federal policies that facilitate payment for assistive technology devices and assistive technology services for individuals with disabilities;

(B) the identification of Federal policies that impede such payment; and

(C) the elimination of inappropriate barriers to such payment.

(3) To enhance the ability of the Federal Government to provide the States with—

(A) technical assistance, information, and training and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

(B) funding for model demonstration and innovation projects.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) Assistive technology device.—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(2) Assistive technology service.—The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(3) Individual with disabilities.—The term "individual with disabilities" means any individual—

(A) who is considered to have a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides; and

(B) who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.

(4) Institution of higher education.—The term "institution of higher education" has the meaning given such term in section 435(b) of the Higher Education Act of 1965, and includes community colleges receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(5) Secretary.—The term "Secretary" means the Secretary of Education.

(6) State.—Except as otherwise provided, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(7) Technology-related assistance.—The term "technology-related assistance" means functions performed and activities carried out under section 101 that accomplish the purposes described in section 2(b)(1).

(8) Underserved group.—The term "underserved group" means any group of individuals with disabilities who, because of disability, place of residence, geographic location, age, race, sex, or socioeconomic status, have not historically sought, been eligible for, or received technology-related assistance.

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) Grants to States.—The Secretary of Education shall make grants to States in accordance with the provisions of this title to assist States to develop and implement consumer-responsive comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(b) Functions of Programs.—Any State that receives a grant under this title may accomplish the purposes described in section 2(b)(1) by carrying out any of the following functions:

(1) Identification and needs assessment.—Identification of individuals with disabilities (including individuals from underserved groups) who reside in the State and the conduct of an ongoing evaluation of the needs of such individuals for technology-related assistance, which may be based on existing data.

(2) Identification and coordination of resources.—Identification and coordination of Federal and State policies, resources, and services relating to the provision of assistive technology devices and assistive technology services to individuals with disabilities, including entering into interagency agreements.

(3) Provision of assistive technology devices and assistive technology services.—Provision of assistive technology devices and assistive technology services to individuals with disabilities and payment for the provision of assistive technology devices and assistive technology services.

(4) Dissemination of information.—Dissemination of information relating to technology-related assistance and sources of funding for assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(5) Training and technical assistance.—Provision of training and technical assistance relating to assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) Public awareness program.—Conduct of a public awareness program focusing on the efficacy and availability of assistive technology devices and assistive technology services for individuals with disabilities.

(7) Assistance to statewide and community-based organizations.—Provision of assistance to statewide and community-based organizations or systems that provide assistive technology services to individuals with disabilities.

(8) Partnerships and cooperative initiatives.—Support of the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to facilitate the development and implementation of a statewide program of technology-related assistance for individuals with disabilities.

(9) Qualifications of staff.—Taking actions to develop standards, or where appro-

priate, apply existing standards to ensure the availability of qualified personnel.

(10) PROGRAM DATA.—Compilation and evaluation of appropriate data relating to the program.

(11) PROCEDURES FOR INVOLVEMENT OF CONCERNED INDIVIDUALS.—The establishment of procedures providing for the active involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals in the development and implementation of the program, and for the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices and assistive technology services in decisions relating to such assistive technology devices and assistive technology services.

(12) OTHER FUNCTIONS.—Any other functions the Secretary considers appropriate.

(c) AUTHORIZED ACTIVITIES.—In carrying out the functions described in subsection (b), any State may use amounts made available to the State under a grant under this title for activities including the following:

(1) MODEL DELIVERY SYSTEMS.—The State may support model systems for the delivery of assistive technology devices and assistive technology services to individuals with disabilities that if successful could be replicated or made generally applicable. Any such system may include—

(A) the purchase, lease, or other acquisition of assistive technology devices and assistive technology services or payment for the provision of assistive technology devices and assistive technology services;

(B) the use of counselors, including peer counselors, to assist individuals with disabilities and the families of individuals with disabilities to obtain assistive technology devices and assistive technology services;

(C) the involvement of individuals with disabilities or, if appropriate, families or representatives of individuals with disabilities in decisions related to the provision of assistive technology devices and assistive technology services to individuals with disabilities; and

(D) the evaluation of the efficacy of the particular model delivery system involved.

(2) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment, which may be based on existing data and may include—

(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

(B) a description of efforts during the fiscal year ending before the date of the enactment of this Act to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

(ii) a description of the devices and services provided;

(C) the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

(D) the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

(E) a description of State and local public resources and private resources (including insurance) that are available to establish a statewide program of technology-related assistance for individuals with disabilities;

(F) the identification of State and Federal policies that facilitate or interfere with the operation of a statewide program of technology-related assistance;

(G) a description of—

(i) alternative State-financed systems of subsidies for the provision of assistive technology devices and assistive technology services, including—

(I) a loan system for assistive technology devices;

(II) a low-interest loan fund;

(III) a revolving fund;

(IV) a loan insurance program; and

(V) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

(ii) a description of the eligibility criteria for such a system;

(H) a description of the State's procurement policies and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance under a grant under this title are compatible with other technology devices, including technology devices designed primarily for use by individuals without disabilities, elderly individuals, or individuals with particular disabilities; and

(I) an inquiry into whether it is advantageous for either a State agency or a task force (composed of individuals representing the State and individuals representing the private sector) to study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

(i) the purchase, lease, or other acquisition of assistive technology devices; or

(ii) the use of assistive technology services.

(3) SUPPORT GROUPS.—The State may encourage the creation or maintenance of statewide or community-based organizations or systems that assist individuals with disabilities to use assistive technology devices or assistive technology services, or support any existing organization or system that provides such assistance.

(4) PUBLIC AWARENESS PROGRAM.—The State may support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals, or may establish and support such a program if no such program exists. Such a program may include—

(A) the development and dissemination of information relating to—

(i) the nature of assistive technology devices and assistive technology services;

(ii) the appropriateness, cost, and availability of, and access to assistive technology devices and assistive technology services; and

(iii) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

(B) procedures for providing direct communication between public providers of assistive technology devices and assistive technology services and private providers of such devices and services (including employers); and

(C) the development and dissemination of information relating to—

(i) use of the program by individuals with disabilities, families or representatives of individuals with disabilities, and professionals who work in the field of technology-related assistance, and other appropriate individuals; and

(ii) the nature of the inquiries made by the individuals described in clause (i).

(5) TRAINING AND TECHNICAL ASSISTANCE.—The State may provide directly or support public or private training and technical assistance activities relating to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—The State may develop, operate, or expand a system for public access to information concerning technology-related assistance, including information about assistive technology devices and assistive technology services, funding sources, costs, and individuals, organizations, and agencies capable of providing technology-related assistance to individuals with disabilities. In developing, operating, or expanding a system described in the preceding sentence, the State may—

(A) develop, compile, and categorize print, braille, audio, and video materials containing the information described in such sentence;

(B) identify and classify existing funding sources, conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(C) identify existing support groups and systems designed to help individuals with disabilities make effective use of technology-related assistance; and

(D) maintain a record of the extent to which citizens of the State use or make inquiries of the system established under this paragraph, and of the nature of such inquiries.

(7) INTERSTATE AGREEMENTS.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals of all ages with disabilities to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, school, work, or in other environments that are part of daily living.

(8) OTHER ACTIVITIES.—The State may utilize amounts made available under grants made under this title for any other activities necessary for developing, implementing, or evaluating the statewide program of technology-related assistance.

SEC. 102. DEVELOPMENT GRANTS.

(a) GENERAL AUTHORITY.—The Secretary shall award to States 3-year grants to assist States to develop and implement statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of section 101.

(b) NUMBER OF GRANTS TO BE AWARDED.—From amounts appropriated under section 106, the Secretary shall award under this

section, to the extent appropriate applications are submitted—

(1) in the first fiscal year for which amounts are appropriated, not more than 10 grants on a competitive basis;

(2) in the second fiscal year for which amounts are appropriated, not more than 20 grants on a competitive basis; and

(3) in the third fiscal year for which amounts are appropriated, any number of grants on a competitive basis.

(c) Amounts of Grants.—

(1) Grants to States.—From amounts appropriated under section 106, the Secretary shall pay to each State that receives a grant under this section—

(A) for each of the first 2 years of the grant period, an amount that is not less than $500,000 and not more than $1,000,000; and

(B) for the third year of the grant period, an amount that is not less than $500,000 and not more than $1,500,000.

(2) Grants to territories.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than $150,000.

(3) Calculation of amounts.—The Secretary shall calculate the amounts described in paragraphs (1) and (2) on the basis of—

(A) amounts available for making grants under this section;

(B) the population of the State or territory concerned; and

(C) the types of activities proposed by the State relating to the development of a statewide program of technology-related assistance.

(4) Priority for previously participating States.—Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(5) Definitions.—For purposes of this subsection:

(A) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(B) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) Priorities for Distribution.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) is geographically equitable; and

(2) distributes the grants among States that have differing levels of development of statewide programs of technology-related assistance.

(e) Applications.—Any State that desires to receive a grant under this section shall submit an application that contains the following information and assurances:

(1) Designation of responsible entity.—The designation by the Governor of the office, agency, entity, or individual responsible for—

(A) preparing the application;

(B) administering and supervising the use of amounts made available under the grant;

(C) planning and developing the statewide program of technology-related assistance;

(D) coordination between public and private agencies, including the entering into of interagency agreements;

(E) ensuring active, timely, and meaningful participation by individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals with respect to performing functions and carrying out activities under the grant; and

(F) the delegation of any responsibilities described above, in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

(2) Agency involvement.—A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of such agencies in the development of the statewide program of technology-related assistance.

(3) Public involvement.—A description of the nature and extent of involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals who are not employed by a State agency in the development of the application and the continuing role of such individuals in the development of the statewide program of technology-related assistance.

(4) Preliminary needs assessment.—A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from underserved groups, for a statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a statewide program of technology-related assistance.

(5) State resources.—A description of State resources and other resources (to the extent such information is available) that are available to commit to the development of a statewide program of technology-related assistance.

(6) Goals, objectives, functions, activities, and outcomes.—The State's goals, objectives, functions, and activities planned under the grant, and the expected outcomes at the end of the grant period with respect to a consumer-responsive statewide program of technology-related assistance, consistent with the purposes described in section 2(b)(1).

(7) Information and Evaluations.—A description of—

(A) procedures used for compiling information; and

(B) procedures that will be used to conduct evaluations.

(8) State policies with respect to contracts and agreements.—A description of the policies governing contracts, grants, and other arrangements with public agencies, private nonprofit organizations, and other entities or individuals for the purpose of providing assistive technology devices and assistive technology services consistent with the provisions of this title.

(9) Distribution procedure.—An assurance that, to the extent practicable, technology-related assistance made available with amounts received under the grant will be equitably distributed among all geographical areas of the State.

(10) Compliance with act.—An assurance that amounts received under the grant will be expended in accordance with the provisions of this title.

(11) Supplement other funds.—An assurance that amounts received under the grant—

(A) will be used to supplement amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and

(B) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available, unless—

(i) such payment is made only to prevent a delay in the receipt of appropriate technology-related assistance (including the provision of assistive technology devices or assistive technology services) by an individual with disabilities; and

(ii) the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of the payment.

(12) Control of funds and property.—An assurance that—

(A) a public agency shall control and administer amounts received under the grant; and

(B) a public agency or an individual with disabilities shall—

(i) hold title to property purchased with such amounts; and

(ii) administer such property.

(13) Reports.—An assurance that the State will—

(A) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this title; and

(B) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

(14) Commingling of funds.—An assurance that amounts received under the grant will not be commingled with State or other funds.

(15) Fiscal control and accounting procedures.—An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

(16) Availability of information.—An assurance that the State will—

(A) make available to individuals with disabilities and the families or representatives of individuals with disabilities information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; and

(B) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials.

(17) Other information.—Such other information and assurances as the Secretary may reasonably require.

SEC. 103. EXTENSION GRANTS.

(a) General Authority.—The Secretary may award a 2-year extension grant to any State that demonstrates to the Secretary that the State made significant progress in developing and implementing a statewide program of technology-related assistance under a grant provided under section 102, consistent with the requirements of such section and the purposes described in section 2(b)(1).

(b) Amounts of Grants.—

(1) In general.—(A) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each State that receives a grant under this section an amount that is not less than $500,000 and not more than $1,500,000.

(B) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than $150,000.

(C) For purposes of this paragraph:

(i) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(ii) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Calculation of amount.—The Secretary shall calculate the amount described in paragraph (1) on the basis of—

(A) amounts available for making grants pursuant to this section,

(B) the population of the State;

(C) the types of assistance to be provided; and

(D) the amount of resources committed and available from other sources.

(3) Priority for previously participating States.—Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(c) Application.—A State that desires to receive an extension grant under this section shall submit an application that contains the following:

(1) Needs.—A description of needs relating to technology-related assistance of individuals with disabilities, including individuals from underserved groups, families or representatives of individuals with disabilities, and other appropriate individuals within the State.

(2) Activities under development grant.—A description of the specific activities carried out under the development grant received under section 102 and the relationship of such activities to the development of a statewide program of technology-related assistance.

(3) Progress.—Documentation of the progress made under the development grant toward development of a statewide program of technology-related assistance.

(4) Public involvement.—A description of State actions designed to determine the degree of satisfaction of individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals with—

(A) the degree of their ongoing involvement in the development and implementation of the statewide program of technology-related assistance;

(B) the specific activities carried out by the State under the development grant; and

(C) progress made toward development and implementation of a consumer-responsive statewide program of technology-related assistance under the development grant.

(5) Comments.—A summary of any comments received concerning the issues described in paragraph (4) and the State's response to such comments, solicited from individuals affected by the statewide program of technology-related assistance, including individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals.

(6) Other information and assurances.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

(7) Compatibility and accessibility of electronic equipment.—An assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973.

SEC. 104. PROGRESS REPORTS.

(a) In General.—Each State that receives a grant under this title shall submit to the Secretary annually a report that describes—

(1) completed activities carried out under the grant, especially with regard to section 102(e)(6), including, to the extent appropriate, a description of the impact of such activities on individuals with disabilities, public agencies, financial resources committed to technology-related assistance for individuals with disabilities, community-based organizations, and employers;

(2) unanticipated problems encountered in carrying out such activities;

(3) activities planned to rectify such problems in the following year.

(b) Specific Requirements for Reports With Respect to Extension Grants.—Each State that receives a development grant under section 102 may include, and each State that receives an extension grant under section 103 shall include in the report required by subsection (a) a description of—

(1) the types of assistance provided under the grant and the effects of such assistance, especially with respect to individuals with disabilities;

(2) the types of environments in which assistance was provided under the grant; and

(3) how the information required by this subsection was derived.

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) Review of Participating States.—

(1) In general.—The Secretary shall establish a system to assess the extent to which States that receive grants pursuant to this title are making significant progress in achieving the purposes of this title.

(2) Onsite visits.—(A) The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program. Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers from other participating States.

(B)(i) Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

(ii) Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the pay rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

(3) Minimum requirements.—At a minimum the visits shall allow the Secretary to determine the extent to which the State is making significant progress in developing a statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(4) Provision of information.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) Corrective Action Plan.—

(1) In general.—Any State that fails to comply with the requirements of this title shall be subject to a corrective action plan.

(2) Penalties.—A State that fails to comply with the requirements of this title may be subject to penalties such as—

(A) partial or complete fund termination;

(B) ineligibility to participate in the grant program in the following year; or

(C) reduction in funding for the following year.

(3) Appeals procedures.—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this title as the result of an onsite visit or failure to supply information required under subsection (a)(4).

(c) Effect on Other Assistance.—Nothing in this title shall be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under—

(1) title II, V, XVI, XVIII, XIX, or XX of the Social Security Act;

(2) the Education of the Handicapped Act;

(3) the Rehabilitation Act of 1973; or

(4) laws relating to veterans' benefits.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this title $9,000,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993.

(b) Reservation.—

(1) Provision of information.—The Secretary shall reserve 1 percent of funds appropriated in any fiscal year under subsection (a), or $500,000, whichever is greater, for the purpose of providing States with information and technical assistance with respect to the development and implementation of consumer-responsive statewide programs of technology-related assistance.

(2) Onsite visits.—The Secretary may reserve from amounts appropriated in any fiscal year under subsection (a) such sums as the Secretary considers necessary for the purposes of conducting onsite visits as required by section 105(a)(2).

SEC. 107. EVALUATION.

(a) Evaluation.—

(1) In general.—The Secretary, directly or by contract, shall conduct a national evaluation of the program of grants to States authorized by this title.

(2) Report to Congress.—The Secretary shall report to the Congress on the results of the evaluation conducted as required by paragraph (1) not later than October 1, 1992.

(b) Purpose.—The purpose of the evaluation required by subsection (a) shall be—

(1) to assess, through representative samples, the status and effects of State efforts to develop statewide programs of technology-

related assistance for individuals with disabilities in a manner consistent with the provisions of this title, particularly in terms of the impact of such efforts on individuals with disabilities; and

(2) to recommend amendments to this title that the Secretary considers necessary to assist States to fully accomplish the purposes of this title.

(c) Information System.—The Secretary shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, a qualitative and quantitative description of the impact of the program of grants to States authorized by this title on—

(1) the lives of individuals with disabilities, particularly with regard to the purposes described in section 2(a)(3);

(2) public agencies;

(3) fiscal resources committed to technology-related assistance for individuals with disabilities;

(4) community-based organizations; and

(5) employers.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—STUDY ON FINANCING OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 201. STUDY BY NATIONAL COUNCIL ON THE HANDICAPPED.

(a) Study and Recommendations.—The National Council on the Handicapped (hereafter in this part referred to as the "Council"), in addition to the duties of the Council described in section 401 of the Rehabilitation Act of 1973, shall conduct a study and make recommendations to the Congress and the President concerning—

(1) Federal laws, regulations, procedures, and practices that facilitate or impede the ability of the States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities;

(2) Federal and State laws, regulations, procedures, and practices that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities;

(3) policies, practices, and procedures of private entities (including insurers) that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities; and

(4) alternative strategies for acquiring or paying for assistive technology devices and assistive technology services.

(b) Advisory Committee.—The Council shall appoint an advisory committee in accordance with section 404(c) of the Rehabilitation Act of 1973 to assist the Council in carrying out the duties of the Council under this part. Such advisory committee shall be appointed from individuals from both the public and private sectors who have broad experience and expertise directly relevant to the issues to be studied by the Council under this part, and shall also include individuals with disabilities, families of individuals with disabilities, and representatives of organizations representing individuals with disabilities.

(c) Cooperation of Other Agencies.—

(1) Federal agencies.—The heads of all Federal agencies shall, to the extent not prohibited by law, cooperate with the Council in carrying out the duties of the Council under this part.

(2) Use of resources of federal, state, and local agencies.—The Council may use in carrying out its duties under this part, with the consent of the agency involved, services, personnel, information, and facilities of other Federal, State, local, and private agencies, with or without reimbursement.

(d) Reports.—The Council shall submit to the President and to the appropriate committees of the Congress—

(1) such interim reports as the Council considers advisable; and

(2) not later than 18 months after the date of the enactment of an Act providing appropriations to carry out this part, a final report of its study and investigation together with such recommendations, including specific proposals for legislation, as the Council considers advisable.

PART B—NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK

SEC. 211. ESTABLISHMENT OF NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK.

Before the end of the 30-month period beginning on the date of the enactment of an Act providing appropriations to carry out this part, the Secretary shall—

(1) determine whether it is appropriate, based on the findings and recommendations of the study conducted under section 212, to establish and operate a national information and program referral network to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance; and

(2) if the Secretary determines that establishment and operation of such a network is appropriate, enter into any contract or cooperative agreement necessary to establish and operate such a network, which may consist of information and program referral networks in existence or under development at the time of the study conducted under section 212.

SEC. 212. FEASIBILITY STUDY REQUIRED.

(a) In General.—The Secretary shall conduct a study—

(1) to determine the feasibility and desirability of creating the network described in section 211; and

(2) to determine the appropriate structure for the organization and operation of such a network, if it is determined to be feasible and desirable.

(b) Contract Authority.—In carrying out the study required by subsection (a), the Secretary may enter into a contract or cooperative agreement necessary to conduct the study.

SEC. 213. CONTENTS OF STUDY.

The study conducted under section 212 shall—

(1) analyze the needs of States that are interested in developing and implementing consumer-responsive statewide programs of technology-related assistance;

(2) describe the types of information and program referral networks (including electronic networks) in existence or under development at the time of the study, including—

(A) the types of information and program referral incorporated into or provided by such networks;

(B) the cost of maintaining such networks;

(C) the types of services provided by such networks;

(D) the types and numbers of individuals served by such networks;

(E) the location of such networks and accessibility to other networks; and

(F) the feasibility and desirability of linking such networks, including proposed plans and an estimate of the cost of such a linkage;

(3) analyze the impediments to the exchange of information and the development and operation of such networks;

(4) describe the information that should be incorporated into a national information and program referral network to ensure that the network serves the entire United States, in particular addressing the gaps in existing networks and methods of filling such gaps using networks in existence or under development at the time of the study;

(5) describe the information systems from other fields of technology development that may be incorporated into a national information and program referral network on technology-related assistance;

(6) analyze the issues involved in operating a national information and program referral network;

(7) analyze and describe management and cost projections for a national information and program referral network;

(8) evaluate operational alternatives including at least the advantages and disadvantages of—

(A) grant arrangements, contracting arrangements, or other funding mechanisms or arrangements, and the lengths of any such arrangements;

(B) various network configurations, including—

(i) regionally distributed;

(ii) focused on functional limitations;

(iii) age-focused;

(iv) expertise-centered; and

(v) other network configurations;

(C) costs associated with funding arrangements described in subparagraph (A) and network configurations described in subparagraph (B), and options for paying such costs, including the possible use of Federal funds, State funds, and other alternatives;

(D) mechanisms of payment for information and program referral services;

(E) mechanisms for ensuring that information systems remain current, have relevant and useful information, and provide information in a form that allows individuals with disabilities to make effective use of the information;

(F) forms of Federal oversight and independent evaluations that could be applied to a national information and program referral network;

(G) types of staffing expertise required for different options; and

(H) types of institutional oversight, such as governing boards and advisory panels; and

(9) a timetable for implementation of various network options.

SEC. 214. TIMETABLE FOR STUDY.

(a) Award of Contract.—The Secretary shall, before the end of the six-month period beginning on the date of the enactment of an Act providing appropriations to carry out the study required by this part, enter into any contract or cooperative agreement necessary for conducting such study.

(b) Completion of Study.—Any contract or agreement entered into under subsection (a) shall require the study to be completed and a report concerning such study to be submitted to the Secretary and to the appropriate committees of the Congress before the end of the 18-month period beginning on the date of the contract or agreement.

(c) Implementation of Recommendations.—The Secretary, after allowing for public comment on the report submitted under subsection (b), shall take appropriate

action based on the report before the end of the 6-month period following the date on which the Secretary receives the report.

PART C—TRAINING AND PUBLIC AWARENESS PROJECTS

SEC. 221. TRAINING.

(a) Technology Training.—

(1) General authority.—The Secretary shall enter into contracts or cooperative agreements with appropriate nonprofit or for-profit entities for the purposes of—

(A) conducting training sessions; and

(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance.

(2) Eligible activities.—Activities conducted under contracts or cooperative agreements entered into under paragraph (1) may address the training needs of individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(b) Technology Careers.—

(1) General authority.—The Secretary shall make grants to assist institutions of higher education to prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities.

(2) Priority.—In awarding grants under paragraph (1), the Secretary shall give priority to the preparation of personnel who will provide technical assistance, administer programs, or prepare personnel necessary to support the development and implementation of consumer-responsive statewide programs of technology-related assistance to individuals with disabilities.

(3) Uses of funds.—Amounts made available for grants under paragraph (1) may be used by institutions of higher education to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary.

SEC. 222. PUBLIC AWARENESS PROJECTS.

(a) Program Authorized.—The Secretary shall make grants to, or enter into contracts with, nonprofit and for-profit entities to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings of daily life.

(b) Uses of Funds.—Amounts made available for grants and contracts under subsection (a) may be used to—

(1) develop a national media campaign (including public service time slots on radio and television);

(2) convene national or regional conferences;

(3) prepare and disseminate information (including summaries, comparisons, analyses, and cost-benefit projections) concerning the efficacy of technology-related assistance;

(4) encourage others to hold national or regional conferences;

(5) develop and maintain recognition programs that are designed to promote public credit to entities that demonstrate an aggressive effort for a sustained time to provide or promote the use of technology-related assistance or the development of assistive technology devices; and

(6) other activities considered appropriate by the Secretary.

SEC. 223. PRIORITIES.

(a) In General.—Beginning in fiscal year 1991, the Secretary shall—

(1) establish priorities for activities carried out with assistance under this part;

(2) publish such priorities in the Federal Register for the purpose of receiving public comment; and

(3) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes grant announcements for grants made under this part.

(b) Explanation of Determination of Priorities.—Concurrent with the publication required by subsection (a), the Secretary shall publish in the Federal Register an explanation of how the priorities were determined.

PART D—DEMONSTRATION AND INNOVATION PROJECTS

SEC. 231. PROGRAM AUTHORIZED.

(a) Demonstration and Innovation Projects.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, nonprofit and for-profit entities to pay all or part of the cost of establishing or operating demonstration and innovation projects relating to technology-related assistance for individuals with disabilities.

(b) Eligible Activities.—Amounts made available for purposes of carrying out this part may be used for the following activities:

(1) Model projects for delivering assistive technology devices and services.—The establishment or operation of model projects for delivering assistive technology devices and assistive technology services to individuals of all ages with disabilities functioning in various environments and carrying out various life activities (including model systems described in section 101(c)(1) of title I).

(2) Model research and development projects.—The conduct of applied research and development projects, including projects designed to—

(A) increase the availability of reliable and durable assistive technology devices that address unique, low-market demand, or complex technology-related needs for individuals with disabilities;

(B) develop strategies and techniques that involve individuals with disabilities in assessing the performance characteristics of technology that is not designed specifically for individuals with disabilities and developing adaptations of such technology for individuals with disabilities;

(C) assist in the transfer of technology that is not specifically designed for individuals with disabilities to uses appropriate for such individuals; and

(D) facilitate effective and efficient technology transfer.

(3) Income-contingent direct loan demonstration project.—Demonstration projects in accordance with regulations issued by the Secretary (which may include a requirement that the Secretary shall provide an amount equal to not more than 90 percent of the amount required for any such project) to examine the feasibility of a direct loan program that would provide loans—

(A) to individuals with disabilities who require technology-related assistance in order to maintain a level of functioning or to achieve a greater level of functioning in any major life activity; or

(B) to the families or employers of individuals with disabilities, on behalf of such individuals, for the purposes described in subparagraph (A).

(c) Report to Congress on Extension of Direct Loan Program.—The Secretary shall, based on the projects assisted under subsection (b)(3), report to Congress concerning the feasibility of operating a direct loan program of general applicability beginning after September 30, 1993.

PART E—AUTHORIZATION OF APPROPRIATIONS

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) General Authority.—There are authorized to be appropriated for purposes of carrying out this title (other than section 231(b)(1)) $5,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(b) Model Delivery Projects.—There are authorized to be appropriated for purposes of carrying out section 231(b)(1) $1,500,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(c) Priorities.—

(1) Model delivery projects.—Notwithstanding any other provision of this Act, if amounts appropriated for purposes of carrying out this Act for the fiscal year 1989 equal or exceed $6,000,000, the Secretary shall first make available, from such amounts, not less than $500,000 for demonstration projects under section 231(b)(1).

(2) Other title II activities.—(A) Of amounts appropriated under subsection (a) for the fiscal year 1989, the Secretary shall first make available not more than $250,000 for purposes of carrying out part A.

(B) Subject to subparagraph (A), of amounts appropriated under subsection (a) for any fiscal year, the Secretary shall first make available, in order of priority—

(i) not more than $750,000 for purposes of carrying out section 212; and

(ii) such sums as may be necessary for purposes of carrying out section 211.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **JEFFORDS**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from California [Mr. Hawkins] will be recognized for 20 minutes and the gentleman from Vermont [Mr. Jeffords] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Hawkins].

Mr. **HAWKINS**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering on the floor a vital link in our system of developing and making needed technological devices available to individuals with handicaps. H.R. 4904, of which I am an original cosponsor, sets up a program of competitive State grants to allow States to establish systems for identifying needs and resources, to provide training for professionals, individuals with handicaps, parents and others and to create systems for sharing information on the availability and suitability of technological devices. This bill also authorizes a range of supportive activities, including national networking and information sharing, research, and training activities to encourage better awareness of, and use of, technological devices for individuals with handicaps. The authorization for the first year is only $15.5 million.

This is a small program, but it has great potential. If we pass H.R. 4904 today, we will send to the President a measure which can have the effect of doubling, maybe tripling, any Federal investment through encouragement of the private sector. It is a very important step in augmenting our current system of assistance to individuals with handicapping conditions because it fills the gap in information vital to informed choice.

I am very proud to say that this has been a truly bipartisan, joint effort, and I am proud to be in full support of it. I congratulate Mr. OWENS, Mr. JEFFORDS, Mr. BARTLETT, and all who have worked to make it a reality, and I ask the support of all of my colleagues in the House in securing its passage.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California for his very fine remarks which I deeply appreciate.

Mr. Speaker, I also rise, obviously, in favor of the bill.

Mr. Speaker, I uge my colleagues to support the passage of H.R. 4904, the Technology-Related Assistance for Individuals With Disabilities Act of 1988. When I introduced this legislation along with my colleagues, Messrs. BARTLETT, OWENS, FORD, HAWKINS, PERKINS, LUJAN, and GUNDERSON, on June 23, 1988, we were committed to its passage this year. I am pleased to report that if we act favorably today, the legislation will soon become law. The administration supports H.R. 4904.

H.R. 4904 is significant legislation for several reasons. First, it would establish opportunities for individuals with disabilities, regardless of age or severity of disabilty, to participate more fully in all aspects of daily living.

Second, it would offer a basis for public and private agencies and organizations at all levels, that provide services to individuals with disabilities, to work together to increase the availability of technology-related assistance to such persons.

Third, it would provide incentives to the private sector to invest directly and more substantially in technology for individuals with disabilities.

Fourth, it would serve as a catalyst for directing dollars to technology-related assistance that results in increased independence, productivity, and integration of individuals with disabilities.

Fifth, it would give—the family, the teacher, the employer, and the friends of an individual with disabilities—a family member, a student, a worker, and friend who would be able to do more for herself or himself and more for others.

In the process of developing this legislation, many people, and of these, many with disabilities, described for us the impact of technology on their lives. Let me share with you examples that illustrate the power and meaning of technology in the lives of the individuals with disabilities by repeating some of their testimony given before the Subcomittee on Select Education.

In the first example this impact was presented in terms of its benefits.

Mr. Batavia said:

> I am a C-2-3 quadriplegic because approximately 15 years ago * * * during a collision * * * [I] broke my neck between the second and third vertebrae. As a result, I am paralyzed from the shoulders, having no use of my arms, hands, and legs.
>
> Since the time of my accident, I have received a bachelor's degree from the University of California, a master's degree in health services research from Stanford Medical School, and a juris doctorate degree from Harvard Law School. I have worked two years as an attorney for the Health Care Financing Administration. I have received an honorary research fellowship from the Department of Education to study rehabilitation finance policy. I am in charge of health services research at the National Rehabilitation Hospital in Washington, D.C., * * * I (have just) received an adjunct assistant professorship from Georgetown Medical School.
>
> The reason I relate these accomplishments to you is that I could not have accomplished what I have without the use of technologies. * * *
>
> I use [a] chin-controlled wheelchair which has a recliner mechanism and I use [a] mouth-stick to type on a computer. I have an environmental control system at home which helps me work the lights and appliances. * * * My work site * * * is equipped the same way.

Technology has definitely made a difference in Mr. Batavia's life.

The second example is from the testimony of Janice Adams, who is deaf and visually impaired. She illustrated the essential role of technology in her life. She described a machine attached to the telephone which allows her to use it.

She said:

> There's one problem. This machine is very, very expensive. It costs $5,500, and only one company in this country makes * * * (the device). * * * There isn't enough competition. Most deaf people can't afford it. It provides contact with the outside world and enables us to do business on the phone. * * *
>
> How many of you never use the phone? No one. We want to use the phone, too.

Unfortunately, the technology that is available to Mr. Batavia and Ms. Adams represents the exception rather than the rule. Many, many individuals with disabilities, who could be more independent, who want to be more independent, who could go to work, and who could participate more fully at home, at school, and in community activities cannot, because they do not have access to the technology-related assistance they need.

There are several reasons for this. First, there is a lack of information and training about technology—what is available, what it can do, and how to use it. This information and training is not only needed by individuals with disabilities, but also by their families, their teachers, rehabilitation counselors, and employers, as well as others associated with such individuals.

Second, currently, there is no simple way to get financial assistance to pay for assistive technology devices or services. Right now, access to such assistance is often a matter of luck, perserverence, and cooperation from specific individuals within public and private agencies. We need statewide programs of technology-related assistance in which access to resources are ensured; funding policies, procedures, and practices are coordinated and complementary; and where individuals are not dependent on their own determination to make things happen.

Third, there is no comprehensive program, in any State, which provides both assistive technology devices and services, as a matter of practice, to all individuals with disabilities who need them. Giving an individual a device is not enough. Giving an individual training is not enough. That individual must have access to services that can adapt the device, repair it, and when appropriate upgrade or replace it. A device without information or training may limit or prevent its use. A device without on going services may cause it to be discarded.

The fourth reason that technology-related assistance is not readily available to individuals who need it, is that the private sector, particularly the commercial sector, is not substantially invested in responding to such needs. The private sector needs to know the size of potential markets. It needs to know what devices are needed. It needs encouragement and guidance in ways to involve individuals with disabilities in the design, testing, and modification of both unique devices and common, everyday products, before mass production.

H.R. 4904 addresses all four of these issues. Now I would like to outline how the bill addresses them.

The bill has two titles. The purpose of title I is to assist States develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities so that such individuals may acquire information about and obtain assistive technology devices and services.

The State grant program is a competitive grant program, in which up to 10 States may enter the first year, 20 additional States the second year, and the remaining States that compete successfully the third year.

A State that competes successfully receives a 3-year grant, and then must submit another application for an extension grant for 2 more years of funding, for a total of 5 years. Funding for a State in years 1 and 2 of participation ranges from $500,000 to $1,000,000 in each year, and in years 3, 4, and 5, $500,000 to $1,500,000 per year.

It is anticipated that this grant program will function as a catalyst for increasing the availability of and funding, both public and private, for assistive technology devices and services. The purpose of grants are:

To increase awareness of the needs of individuals with disabilities for assistive technology devices and services;

To increase awareness of policies, procedures, and practices that facilitate or impede availability and provision of such devices and services;

To increase the availability of and funding for such devices and services;

To increase awareness and knowledge of the efficacy of such devices and services by such individuals, their families, and other individuals including service providers, employees, and insurers;

To increase the capacity of public and private entities to provide and to pay for such devices and services; and

To increase the likelihood that individuals with disabilities will be able to retain possession of devices as they transition from one environment or services system to another.

In developing and implementing a statewide program a State may elect to accomplish such a program through—identification of needs, provision of assistive technology devices and services, dissemination of information, training and technical assistance, a public awareness program, assistance to statewide and community-based organizations, creation of partnerships and cooperative initiatives, collection of program data, and procedures for involvement of appropriate individuals.

For fiscal year 1989 $9 million is authorized to be appropriated for title I. Such sums as may be necessary is authorized for title I for the subsequent 4 years.

The purposes of title II, called programs for national significance, are:

To direct the National Council on the Handicapped to study the financing of assistive technology devices and services and make recommendations for administrative and legislative actions;

To authorize the Secretary of Education to study the feasibility and desirability of and if warranted establish, a national information and program referral network in technology-related assistance for individuals with disabilities;

To support training and public awareness grants to increase the knowledge and effectiveness of assistive technology devices and services; and

To fund demonstration and innovation projects related to—model projects for delivery or technology-related assistance, applied research and development in assistive technology devices and a loan program for assistive technology devices.

In title II, the key task of the finance study will be to identify Federal laws and practices that facilitate or impede financing of assistive technology devices and services for individuals with disabilities. A report to Congress is required within 18 months of enactment of this legislation.

Also in title II, the Secretary of Education, is authorized, if warranted by a feasibility study, to create a national information and program referral network to respond to information needs related to technology.

The purposes of the training and public awareness grants funded under title II, will be to develop leaders and trainers in technology-related assistance, to educate the general public on the benefits of technology for individuals with disabilities, and to recognize contributions made by the private sector to meeting the technology-related needs of such individuals.

Under the innovation and demonstration projects authority under title II, three types of activities will be funded:

Model projects for delivering assistive devices and services;

Applied research and development initiatives related to identifying and testing durable and reliable devices, designing and customizing devices and combinations of devices, and providing incentives for producing limited market devices; and

A loan program for purchasing assistive technology devices for individuals with disabilities.

Funding for title II for fiscal year 1989 is authorized at $5 million for all activities except for the model service delivery projects. Such projects will be authorized at a level of $1.5 million for fiscal year 1989. In fiscal years 1990 through 1993, model service delivery projects and the remainder of title II will continue to have separate appropriations levels, each set at such sums as may be necessary. In addition, in fiscal year 1989 if funding for the entire act reaches or exceeds $6 million, the first $500,000 shall be allocated to model service delivery projects.

This legislation is very important to me. It reflects the power of what can be accomplished when concerned and dedicated individuals place a common goal above singular interests. This legislation will have a significant impact on the lives of individuals with disabilities because members of both parties in both bodies, their staff, consumers with disabilities and their families, representatives of organizations for individuals with disabilities, officials and staff in the Department of Education, and representatives of business, recognized the value and potential of technology in the lives of individuals with disabilities, and worked together to make it more readily available—starting now.

I would like to especially thank my colleagues, Mr. HAWKINS, Mr. BARTLETT, Mr. OWENS, and Mr. FORD, for the substantial support they gave during the development of this legislation. I would also like to thank their staff—Ms. Lovejoy, Mr. Lovesee, Ms. Caprill, and Ms. Gilbert.

I would like to recognize the leadership and untiring efforts of my colleague in the other body, Senator TOM HARKIN and the staff of the Senate Subcommittee on the Handicapped, specifically Bob Silverstein. Without their cooperation and substantial contribution, we would not be at this point today.

I would like to thank the coalition on technology and disability. The membership of this coalition, representing major organizations concerned about the needs of and services for persons with disabilities, offered many hours of advice, and guidance in and during the development of the legislation.

I think it is important to also acknowledge the efforts of the Department of Education. Staff of the Department offered technical and programmatic suggestions which clarified many administrative provisions in the legislation. I wish to reiterate that the administration supports this legislation.

H.R. 4904, as my comments reflect, has been accomplished in such a short time, because of the substantial involvement of a broad range of people. The same legislation was introduced in both bodies on June 23, 1988. This body completed committee action on July 12, 1988. The other body completed committee action on July 14, 1988. The legislation adopted in committee in both bodies was identical. The other body passed its legislation, S. 2561, on August 2, 1988.

This record of legislative activity, more than anything else, demonstrates commitment, a commitment to offer a future to individuals with disabilities in which technology allows them to decide what to do with their time, how to do something, and when to do something. Without technology, often these decisions and choices are under the control of others.

This legislation offers everyone a future where the 35 million Americans with disabilities have increased opportunities to be educated, to work, and to share leisure activities with others.

These are the reasons why we should act today and pass this legislation. We make our own choices. We select our own opportunities. Individuals with disabilities deserve no less.

Mr. Speaker, I also want to thank the gentleman from California and the gentleman from New York [Mr. OWENS] for allowing this bill to come forward today, at some inconvenience to himself.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4904, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Vermont for yielding time to me and for his efforts on this legislation.

Mr. Speaker, I rise in strong support of H.R. 4904, the Technology-Related Assistance for Individuals With Disabilities Act. I commend the chairman and Congressman JEFFORDS for their efforts and work on this legislation. It is through such cooperation that H.R. 4904 has received support from the administration, all major disability groups, and both Democrats and Republicans in the Congress.

We began this session with the understanding that we will have only one opportunity to pass a bill that will provide technology-related assistance to individuals with disabilities. H.R. 4904 is the result of long hours of negotiation between the Subcommittee on Select Education, our Senate subcommittee counterpart, disability groups, professional providers, and the administration. It is a bill that all parties can support and it will provide assistive technology devices and services to individuals with disabilities that need such services and will benefit from them.

For most of us, technology makes things easier, but for disabled persons, technology makes things possible. Such technology exists but it is neither widely accessible nor widely known.

Information and access to technology can have a dramatic impact on a disabled person's life. Technology can theoretically provide eyes for the blind, ears for the deaf, and hands for the paralyzed. Assistive technology devices and services can provide individuals with disabilities the necessary tools to function more independently at school, work, and home, and to have more direct control over their own environment. The problem is getting this technology to every disabled person that wants it and can benefit from it.

On May 10, 1988, the Subcommittee on Select Education held hearings on the impact technology can have on a disabled person's life. One witness, in particular, demonstrated the good news and the bad. Tommy Dormer, a nonverbal, 9-year-old with cerebral palsy demonstrated how his personal computer with a voice synthesizer allows him to communicate. Before obtaining this device, Tommy could not verbally express his thoughts and feelings to anyone. That is the good news.

I asked Tommy's mother if she reviewed a catalog or had the opportunity to see several different pieces of technology before choosing this particular device. Mrs. Dormer responded that this was the only device recommended by the school counselor. She did not look through a catalog or test alternative devices to determine whether there were other devices better suited for Tommy's needs. Mrs. Dormer was only given one choice. And that is the bad news.

The good news is that Tommy has a piece of technology that allows him to communicate. The bad news is that Mrs. Dormer did not have an opportunity to consider several different devices that may have better met Tommy's needs. H.R. 4904 will give individuals with disabilities, parents, service providers and professionals access to information about all available assistive technology devices and services. In short, H.R. 4904 will provide choices.

H.R. 4904, through the State grant program, will be a catalyst for increasing the availability of and funding, both public and private, for assistive technology devices and services. The purpose of the State grant program is to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities. The State grant program will promote coordination and cooperation among existing Federal and State programs and provide access to technology-related assistance to individuals with disabilities. H.R. 4904 is not intended to duplicate any existing programs that are currently providing technology-related assistance. Rather, it will enhance existing programs and enable such programs to link up to a nationwide system.

The State grant program is competitive, with 10 States entering the program in the first year, 20 additional States entering the second year, and the remaining States entering the third year. A State that competes successfully receives a 3-year grant, and after completion of that competitive 3-year grant, must submit an application to continue its participation for another 2 years. In order to continue, a State must demonstrate what it has done to establish a statewide program to provide technology-related assistance to individuals with disabilities.

During consideration of this bill, I offered two amendments which strengthen the annual progress reports made by the States and the national evaluation made by the Secretary of Education on the State grant program. These amendments require the States and the Secretary to show how technology devices and/or services have had an impact on the lives of individuals with disabilities. The Congress wants to know more than what aggregate numbers will tell us. We want to know how technology-related assistance provided through the State grant program affects the daily lives of individuals with disabilities that receive such assistance. These amendments will give us result-oriented data rather than activity-oriented data.

It is important that the Congress knows what impact this legislation has on individuals with disabilities. H.R. 4904 is designed to make the lives of individuals with disabilities more independent. These amendments will ensure that the data we receive reflects how technology accomplishes that goal.

Title II of the bill authorizes a series of discretionary activities aimed at providing information and direct services regarding technology assistance to individuals with disabilities, parents, service providers, and professionals. One activity under title II would establish a national information and referral network which will ensure that individuals in all States have access to assistive technology devices and services. The information network will maintain information relevant to all disabilities, ages and environments and will assist States in implementing statewide information systems.

Title II also authorizes training grants to eligible personnel such as teachers, employers, and service providers so that they have a complete knowledge in the techniques and procedures in using and maintaining assistive technology devices. Technology is useless to people with disabilities if no one can teach them how to use, maintain or upgrade their equipment.

Finally, title II will provide demonstration projects in three areas: establishing model service delivery systems, funding research and development projects, and establishing a direct loan program for individuals with disabilities who need technology-related assistance and can find no other funding sources to obtain such assistance.

Rarely do we find in the Congress an issue that has such a broad consensus of support. H.R. 4904 will provide individuals with disabilities increased employment and educational opportunities allowing them to be more independent. H.R. 4904 will help State and Federal Governments develop more coherent policies so that eventually any individual with a disability who needs assistive technology devices and services can get them.

The Senate passed identical legislation, S. 2561, on August 2, 1988, so I urge my colleagues to pass this bill so that it can become law this year.

Mr. OWENS of New York. Mr. Speaker, modern technology has leaped ahead of national policy and legislation for people with disabilities. There is an urgent need for the Congress and the Federal Government to run fast to catch up with the new wave of technological advances. H.R. 4904, the Technology Assistance for Individuals with Disabilities Act of 1988, is vital to the process of delivering people with disabilities in this Nation from the stone age neglect of the benefits of technology. The Nation that placed a man on the Moon has an obligation to put the state of the art in assistive technology within the reach of every citizen with a disability who needs and can benefit from it.

We have the opportunity to redirect the backward thinking of many policymakers and employers who still treat people with disabilities as being incapable of taking care of themselves, or of governing their own lives, by passing H.R. 4904. This act represents a much needed step forward. It begins to address longstanding inequities for the 35 million disabled Americans, who are unable to perform many ordinary tasks that those of us who are not disabled take for granted. Technological products such as electronic communications devices which aid those unable to speak to express themselves, environmental control devices which permit mobility impaired persons to operate telephones, kitchen and other household appliances, and specially adapted writing aids allowing those with limited hand function to control the use of pencils, paint brushes, or crayons, could help disabled people participate more fully and independently in education, employment, and community activities. Very practical and profitable dividends will result from this long overdue effort to maximize the utilization of technology by Americans. In addition to creating a better life for millions of individuals, the national economy will benefit from the participation of a new cadre of highly motivated and talented workers. The National Treasury will benefit by the taxes paid by this new work force. And, the Nation's taxpayers will benefit from the millions of dollars of Social Security payments that will be saved.

This innovative legislation will allow the States to apply for grants which will be used to develop and implement a consumer-responsive statewide program of technology-related assistance. A State may decide to accomplish such a program by: providing assistive technology devices and services; developing an information dissemination system; establishing or enhancing training and technical assistance; and designing public awareness projects.

The strength of this program is in its flexibility to provide assistance through any or all of the suggested above activities or any others that may serve the identified technology needs of disabled citizens of their State. The private/public sector has played a critical role in the development and expansion of assistive technology devices. Their part in creating and designing new devices and products has not been overlooked in this legislation. A State may use its grant to support the establishment of or continuation of partnerships and cooperative initiatives already in place between the public and private sector.

I would like, at this time, to acknowledge the contribution of Mr. JEFFORDS who was the initial author of H.R. 4904, and to thank Mr. BARTLETT for his cooperation and support. I extend a special thanks to Pat Morrissey for her efforts in developing this legislation. I would also like to acknowledge the efforts of Senator HARKIN and his staff for developing the companion bill on the Senate side. This legislation is a major vehicle for broadening the Americans with disabilities' empowerment movement. We hope that it will be the first step toward a world in which disabled Americans take control of their lives and work toward full democratic participation in society as demonstrated by the deaf community at Gallaudet.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 4904, the Technology-Related Assistance for Individuals With Disabilities Act. I am proud to be an original cosponsor of this legislation and am very pleased to observe its rapid pace toward enactment.

This bill marks one more commitment by the Federal Government to help individuals of all ages with disabilities achieve the fullest possible participation in our society. For the more than 35 million individuals with disabilities, assistive technology is a necessity that enables them to engage in and perform many tasks. Technology can offer disabled individuals the single bridge that may be needed to participate fully in activities in their homes, in their schools, in their work environments, and in their communities. This legislation helps forge that path between the disabled community and the scientific community to assure the most up-to-date equipment and research is applied to the needs of the disabled.

H.R. 4904 authorizes a $9 million competitive States grant program beginning this year. States are given wide latitude in designing programs suitable to their particular needs. State grants would help to achieve the following:

Increase the awareness of the needs of individuals with disabilities for assistive technology services.

Increase the availability of funding for these devices and services.

Encourage private and State entities to fund assistive technology devices and services.

Increase coordination among State agencies and public and private entities that provide assistive technology devices and services.

In addition, H.R. 4904 authorizes $6.5 million in the first year for the following activities:

Study the establishment of a national information and program referral network.

Provide grants for training and public awareness projects.

Provide grants or contracts for demonstration and innovation projects.

Mr. Speaker, the State of Michigan has already made a substantial commitment to serve the disabled. H.R. 4904 would complement efforts such as theirs by bridging some of the remaining gaps and offer the disabled the promise of fully realized lives.

Mr. WALGREN. Mr. Speaker, I am in strong support of H.R. 4904, the Technology-Related Assistance for Individuals Act of 1988. This bill authorizes the funding for States to develop statewide programs of technology-related assistance for disabled children and adults.

The most important use of technology is to further human potential. We hope that technology-related assistance that this bill provides for our 36 million disabled citizens will be a step toward a productive, meaningful life and a leap toward the American dream of equal opportunity for everyone.

The difference that technology can make in the quality of life of a disabled individual is the difference between dependence and independence, between isolation and inclusion, between employment and unemployment. This technology can take the form of a touch-talker, an electronic communication device which synthesizes a human voice, or a specially adapted toy for children with disabilities. Other assistive technology devices range from power wheelchairs that increase mobility to computers that allow disabled children to do schoolwork. In many cases, the technology exists, but the lack of a statewide structure precludes a disabled individual from receiving its benefits. The creation of model programs or the utilization of existing ones provided for in title II of the act can help to create the necessary system, including a comprehensive delivery system that provides devices and services.

It is my hope that the legislation will make assistive technology more accessible to people with disabilities and catalyze the growth of assistive technology in the public and private sections. With model programs operating, we will make the benefits of the technological revolution available to everyone, and in so doing we will expand the potential of all disabled individuals.

Mr. COELHO. Mr. Speaker, many of the daily activities that the nondisabled take for granted—activities at home, at work, at schools—are difficult to impossible for many disabled individuals to perform without some form of technology-related assistance. In fact, assistive technology devices and services are what allow many disabled Americans to function independently, as opposed to depending upon others to aid them in the performance of daily tasks.

Today, 36 million Americans are disabled, and the vast majority of those individuals are in need of some form of technology-related assistance. Unfortunately, such assistance is often not available or accessible, or there is not sufficient education or outreach to let these individuals know what this technology can do for them, and how they can use it.

H.R. 4904, the Technology-Related Assistance for Individuals With Disabilities Act of 1988, addresses these issues through both a State grant program and a national program. This legislation seeks to bring the public and private sector together not only in the provision of assistant technology devices and services to the disabled persons who need them, but also in exploring the possibilities of the future use of technology by the disabled through research. This legislation also seeks to provide greater public awareness of the uses of technology-related assistance by the disabled through education and training programs.

As a person with epilepsy, I have a personal interest in seeing that every effort is made to increase the independence of disabled individuals. I am proud to be a cosponsor of H.R. 4904, which is an important part of this effort. I ask my colleagues to join me in support of this legislation, which will benefit us all as it helps provide assistance that will allow many more of our disabled citizens to reach their full potentials.

□ 1430

Mr. HAWKINS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JEFFORDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from California [Mr. HAWKINS], that the House suspend the rules and pass the bill, H.R. 4904, as amended.

The question was taken and (two-thirds having voted in favor thereof) the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2561) to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, I do so only for the purpose of inquiring as to what we are actually doing here.

It is my understanding that what happened is the House passed out of committee a bill, and that the language of that was then put over in the Senate bill, then the Senate bill was passed in the Senate, it was brought over here, and now what we are doing is passing the Senate bill, which is identical to the language that came out of the House? Am I correct in my understanding?

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, it is my understanding that there is no objection to the passage of the Senate bill. It is identical to the House-passed bill. In this way we will expedite the passage of the bill, and it will go directly to the President. Otherwise we would be delaying the time on a bill against which no objection has been raised.

Mr. JEFFORDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of most residents of the United States.

(2) For all individuals, technology can provide important tools for making the performance of tasks quicker and easier.

(3) For some individuals with disabilities, assistive technology is a necessity that enables them to engage in or perform many tasks. The provision of assistive technology devices and assistive technology services enables some individuals with disabilities to—

(A) have greater control over their own lives;

(B) participate in and contribute more fully to activities in their home, school, and work environments, and in their communities;

(C) interact to a greater extent with nondisabled individuals; and

(D) otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

(4) Although the development of assistive technology devices designed to assist individuals with disabilities is still in its early stages, there already exist a substantial number of assistive technology devices, including simple adaptations to existing equipment, that could significantly benefit, in all major life activities, individuals of all ages with disabilities. Such devices, including adaptations, could be used in programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

(5) The use of assistive technology devices and services by individuals with disabilities can reduce the costs of the disabilities to society, individuals with disabilities, and families of individuals with disabilities by reducing expenditures associated with early intervention, education, rehabilitation, health care, transportation, telecommunication services, and other services required by individuals with disabilities.

(6) Many individuals with disabilities do not have access to the assistive technology devices and assistive technology services that such individuals need to allow such individuals to function in society commensurate with their abilities. States do not have comprehensive programs for making available technology-related assistance to individuals with disabilities. There is a lack of—

(A) resources to pay for such devices and services;

(B) trained personnel to provide such devices and services and to assist individuals with disabilities to use such devices and services;

(C) information about the potential of technology available to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

(D) coordination among existing State human services programs, and among such programs and private agencies, particularly with respect to transitions between such programs and agencies; and

(E) capacity of such programs to provide the necessary technology-related assistance.

(7) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of limited markets.

(8) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology serv-

ices. Also, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(b) Purposes.—The purposes of this Act are as follows:

(1) To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals of all ages with disabilities that is designed to—

(A) increase awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services;

(B) increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and assistive technology services;

(C) increase the availability of and funding for the provision of assistive technology devices and assistive technology services for individuals with disabilities;

(D) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

(E) increase the capacity of public and private entities to provide technology-related assistance, particularly assistive technology devices and assistive technology services, and to pay for the provision of assistive technology devices and assistive technology services;

(F) increase coordination among State agencies and public and private entities that provide technology-related assistance, particularly assistive technology devices and assistive technology services; and

(G) increase the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living.

(2) To facilitate—

(A) the identification of Federal policies that facilitate payment for assistive technology devices and assistive technology services for individuals with disabilities;

(B) the identification of Federal policies that impede such payment; and

(C) the elimination of inappropriate barriers to such payment.

(3) To enhance the ability of the Federal Government to provide the States with—

(A) technical assistance, information, and training and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

(B) funding for model demonstration and innovation projects.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) Assistive technology device.—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(2) Assistive technology service.—The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(3) Individual with disabilities.—The term "individual with disabilities" means any individual—

(A) who is considered to have a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides; and

(B) who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.

(4) Institution of higher education.—The term "institution of higher education" has the meaning given such term in section 435(b) of the Higher Education Act of 1965, and includes community colleges receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(5) Secretary.—The term "Secretary" means the Secretary of Education.

(6) State.—Except as otherwise provided, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(7) Technology-related assistance.—The term "technology-related assistance" means functions performed and activities carried out under section 101 that accomplish the purposes described in section 2(b)(1).

(8) Underserved group.—The term "underserved group" means any group of individuals with disabilities who, because of disability, place of residence, geographic location, age, race, sex, or socioeconomic status, have not historically sought, been eligible for, or received technology-related assistance.

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) Grants to States.—The Secretary of Education shall make grants to States in accordance with the provisions of this title to assist States to develop and implement consumer-responsive comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(b) Functions of Programs.—Any State that receives a grant under this title may accomplish the purposes described in section 2(b)(1) by carrying out any of the following functions:

(1) Identification and needs assessment.—Identification of individuals with disabilities (including individuals from underserved groups) who reside in the State and the conduct of an ongoing evaluation of the needs of such individuals for technology-related assistance, which may be based on existing data.

(2) Identification and coordination of resources.—Identification and coordination of Federal and State policies, resources, and services relating to the provision of assistive technology devices and assistive technology services to individuals with disabilities, including entering into interagency agreements.

(3) Provision of assistive technology devices and assistive technology services.—Provision of assistive technology devices and assistive technology services to individuals with disabilities and payment for the provision of assistive technology devices and assistive technology services.

(4) Dissemination of information.—Dissemination of information relating to technology-related assistance and sources of funding for assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(5) Training and technical assistance.—Provision of training and technical assistance relating to assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) Public awareness program.—Conduct of a public awareness program focusing on the efficacy and availability of assistive technology devices and assistive technology services for individuals with disabilities.

(7) Assistance to statewide and community-based organizations.—Provision of assistance to statewide and community-based organizations or systems that provide assistive technology services to individuals with disabilities.

(8) Partnerships and cooperative initiatives.—Support of the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to facilitate the development and implementation of a statewide program of technology-related assistance for individuals with disabilities.

(9) Qualifications of staff.—Taking actions to develop standards, or where appro-

priate, apply existing standards to ensure the availability of qualified personnel.

(10) PROGRAM DATA.—Compilation and evaluation of appropriate data relating to the program.

(11) PROCEDURES FOR INVOLVEMENT OF CONCERNED INDIVIDUALS.—The establishment of procedures providing for the active involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals in the development and implementation of the program, and for the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices and assistive technology services in decisions relating to such assistive technology devices and assistive technology services.

(12) OTHER FUNCTIONS.—Any other functions the Secretary considers appropriate.

(c) AUTHORIZED ACTIVITIES.—In carrying out the functions described in subsection (b), any State may use amounts made available to the State under a grant under this title for activities including the following:

(1) MODEL DELIVERY SYSTEMS.—The State may support model systems for the delivery of assistive technology devices and assistive technology services to individuals with disabilities that if successful could be replicated or made generally applicable. Any such system may include—

(A) the purchase, lease, or other acquisition of assistive technology devices and assistive technology services or payment for the provision of assistive technology devices and assistive technology services;

(B) the use of counselors, including peer counselors, to assist individuals with disabilities and the families of individuals with disabilities to obtain assistive technology devices and assistive technology services;

(C) the involvement of individuals with disabilities or, if appropriate, families or representatives of individuals with disabilities in decisions related to the provision of assistive technology devices and assistive technology services to individuals with disabilities; and

(D) the evaluation of the efficacy of the particular model delivery system involved.

(2) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment, which may be based on existing data and may include—

(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

(B) a description of efforts during the fiscal year ending before the date of the enactment of this Act to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

(ii) a description of the devices and services provided;

(C) the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

(D) the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

(E) a description of State and local public resources and private resources (including insurance) that are available to establish a statewide program of technology-related assistance for individuals with disabilities;

(F) the identification of State and Federal policies that facilitate or interfere with the operation of a statewide program of technology-related assistance;

(G) a description of—

(i) alternative State-financed systems of subsidies for the provision of assistive technology devices and assistive technology services, including—

(I) a loan system for assistive technology devices;

(II) a low-interest loan fund;

(III) a revolving fund;

(IV) a loan insurance program; and

(V) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

(ii) a description of the eligibility criteria for such a system;

(H) a description of the State's procurement policies and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance under a grant under this title are compatible with other technology devices, including technology devices designed primarily for use by individuals without disabilities, elderly individuals, or individuals with particular disabilities; and

(I) an inquiry into whether it is advantageous for either a State agency or a task force (composed of individuals representing the State and individuals representing the private sector) to study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

(i) the purchase, lease, or other acquisition of assistive technology devices; or

(ii) the use of assistive technology services.

(3) SUPPORT GROUPS.—The State may encourage the creation or maintenance of statewide or community-based organizations or systems that assist individuals with disabilities to use assistive technology devices or assistive technology services, or support any existing organization or system that provides such assistance.

(4) PUBLIC AWARENESS PROGRAM.—The State may support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals, or may establish and support such a program if no such program exists. Such a program may include—

(A) the development and dissemination of information relating to—

(i) the nature of assistive technology devices and assistive technology services;

(ii) the appropriateness, cost, and availability of, and access to assistive technology devices and assistive technology services; and

(iii) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

(B) procedures for providing direct communication between public providers of assistive technology devices and assistive technology services and private providers of such devices and services (including employers); and

(C) the development and dissemination of information relating to—

(i) use of the program by individuals with disabilities, families or representatives of individuals with disabilities, and professionals who work in the field of technology-related assistance, and other appropriate individuals; and

(ii) the nature of the inquiries made by the individuals described in clause (i).

(5) TRAINING AND TECHNICAL ASSISTANCE.—The State may provide directly or support public or private training and technical assistance activities relating to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—The State may develop, operate, or expand a system for public access to information concerning technology-related assistance, including information about assistive technology devices and assistive technology services, funding sources, costs, and individuals, organizations, and agencies capable of providing technology-related assistance to individuals with disabilities. In developing, operating, or expanding a system described in the preceding sentence, the State may—

(A) develop, compile, and categorize print, braille, audio, and video materials containing the information described in such sentence;

(B) identify and classify existing funding sources, conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(C) identify existing support groups and systems designed to help individuals with disabilities make effective use of technology-related assistance; and

(D) maintain a record of the extent to which citizens of the State use or make inquiries of the system established under this paragraph, and of the nature of such inquiries.

(7) INTERSTATE AGREEMENTS.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals of all ages with disabilities to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, school, work, or in other environments that are part of daily living.

(8) OTHER ACTIVITIES.—The State may utilize amounts made available under grants made under this title for any other activities necessary for developing, implementing, or evaluating the statewide program of technology-related assistance.

SEC. 102. DEVELOPMENT GRANTS.

(a) GENERAL AUTHORITY.—The Secretary shall award to States 3-year grants to assist States to develop and implement statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of section 101.

(b) NUMBER OF GRANTS TO BE AWARDED.—From amounts appropriated under section 106, the Secretary shall award under this section, to the extent appropriate applications are submitted—

(1) in the first fiscal year for which amounts are appropriated, not more than 10 grants on a competitive basis;

(2) in the second fiscal year for which amounts are appropriated, not more than 20 grants on a competitive basis; and

(3) in the third fiscal year for which amounts are appropriated, any number of grants on a competitive basis.

(c) Amounts of Grants.—

(1) Grants to states.—From amounts appropriated under section 106, the Secretary shall pay to each State that receives a grant under this section—

(A) for each of the first 2 years of the grant period, an amount that is not less than $500,000 and not more than $1,000,000; and

(B) for the third year of the grant period, an amount that is not less than $500,000 and not more than $1,500,000.

(2) Grants to territories.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than $150,000.

(3) Calculation of amounts.—The Secretary shall calculate the amounts described in paragraphs (1) and (2) on the basis of—

(A) amounts available for making grants under this section;

(B) the population of the State or territory concerned; and

(C) the types of activities proposed by the State relating to the development of a statewide program of technology-related assistance.

(4) Priority for previously participating states.—Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(5) Definitions.—For purposes of this subsection:

(A) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(B) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) Priorities for Distribution.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) is geographically equitable; and

(2) distributes the grants among States that have differing levels of development of statewide programs of technology-related assistance.

(e) Applications.—Any State that desires to receive a grant under this section shall submit an application that contains the following information and assurances:

(1) Designation of responsible entity.—The designation by the Governor of the office, agency, entity, or individual responsible for—

(A) preparing the application;

(B) administering and supervising the use of amounts made available under the grant;

(C) planning and developing the statewide program of technology-related assistance;

(D) coordination between public and private agencies, including the entering into of interagency agreements;

(E) ensuring active, timely, and meaningful participation by individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals with respect to performing functions and carrying out activities under the grant; and

(F) the delegation of any responsibilities described above, in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

(2) Agency involvement.—A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of such agencies in the development of the statewide program of technology-related assistance.

(3) Public involvement.—A description of the nature and extent of involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals who are not employed by a State agency in the development of the application and the continuing role of such individuals in the development of the statewide program of technology-related assistance.

(4) Preliminary needs assessment.—A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from underserved groups, for a statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a statewide program of technology-related assistance.

(5) State resources.—A description of State resources and other resources (to the extent such information is available) that are available to commit to the development of a statewide program of technology-related assistance.

(6) Goals, objectives, functions, activities, and outcomes.—The State's goals, objectives, functions, and activities planned under the grant, and the expected outcomes at the end of the grant period with respect to a consumer-responsive statewide program of technology-related assistance, consistent with the purposes described in section 2(b)(1).

(7) Information and evaluations.—A description of—

(A) procedures used for compiling information; and

(B) procedures that will be used to conduct evaluations.

(8) State policies with respect to contracts and agreements.—A description of the policies governing contracts, grants, and other arrangements with public agencies, private nonprofit organizations, and other entities or individuals for the purpose of providing assistive technology devices and assistive technology services consistent with the provisions of this title.

(9) Distribution procedure.—An assurance that, to the extent practicable, technology-related assistance made available with amounts received under the grant will be equitably distributed among all geographical areas of the State.

(10) Compliance with act.—An assurance that amounts received under the grant will be expended in accordance with the provisions of this title.

(11) Supplement other funds.—An assurance that amounts received under the grant—

(A) will be used to supplement amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and

(B) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available, unless—

(i) such payment is made only to prevent a delay in the receipt of appropriate technology-related assistance (including the provision of assistive technology devices or assistive technology services) by an individual with disabilities; and

(ii) the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of the payment.

(12) Control of funds and property.—An assurance that—

(A) a public agency shall control and administer amounts received under the grant; and

(B) a public agency or an individual with disabilities shall—

(i) hold title to property purchased with such amounts; and

(ii) administer such property.

(13) Reports.—An assurance that the State will—

(A) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this title; and

(B) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

(14) Commingling of funds.—An assurance that amounts received under the grant will not be commingled with State or other funds.

(15) Fiscal control and accounting procedures.—An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

(16) Availability of information.—An assurance that the State will—

(A) make available to individuals with disabilities and the families or representatives of individuals with disabilities information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; and

(B) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials.

(17) Other information.—Such other information and assurances as the Secretary may reasonably require.

SEC. 103. EXTENSION GRANTS.

(a) General Authority.—The Secretary may award a 2-year extension grant to any State that demonstrates to the Secretary that the State made significant progress in developing and implementing a statewide program of technology-related assistance under a grant provided under section 102, consistent with the requirements of such section and the purposes described in section 2(b)(1).

(b) AMOUNTS OF GRANTS.—

(1) IN GENERAL.—(A) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each State that receives a grant under this section an amount that is not less than $500,000 and not more than $1,500,000.

(B) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than $150,000.

(C) For purposes of this paragraph:

(i) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(ii) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in paragraph (1) on the basis of—

(A) amounts available for making grants pursuant to this section,

(B) the population of the State;

(C) the types of assistance to be provided; and

(D) the amount of resources committed and available from other sources.

(3) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(c) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application that contains the following:

(1) NEEDS.—A description of needs relating to technology-related assistance of individuals with disabilities, including individuals from underserved groups, families or representatives of individuals with disabilities, and other appropriate individuals within the State.

(2) ACTIVITIES UNDER DEVELOPMENT GRANT.—A description of the specific activities carried out under the development grant received under section 102 and the relationship of such activities to the development of a statewide program of technology-related assistance.

(3) PROGRESS.—Documentation of the progress made under the development grant toward development of a statewide program of technology-related assistance.

(4) PUBLIC INVOLVEMENT.—A description of State actions designed to determine the degree of satisfaction of individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals with—

(A) the degree of their ongoing involvement in the development and implementation of the statewide program of technology-related assistance;

(B) the specific activities carried out by the State under the development grant; and

(C) progress made toward development and implementation of a consumer-responsive statewide program of technology-related assistance under the development grant.

(5) COMMENTS.—A summary of any comments received concerning the issues described in paragraph (4) and the State's response to such comments, solicited from individuals affected by the statewide program of technology-related assistance, including individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals.

(6) OTHER INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

(7) COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.—An assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973.

SEC. 104. PROGRESS REPORTS.

(a) IN GENERAL.—Each State that receives a grant under this title shall submit to the Secretary annually a report that describes—

(1) completed activities carried out under the grant, especially with regard to section 102(e)(6), including, to the extent appropriate, a description of the impact of such activities on individuals with disabilities, public agencies, financial resources committed to technology-related assistance for individuals with disabilities, community-based organizations, and employers;

(2) unanticipated problems encountered in carrying out such activities;

(3) activities planned to rectify such problems in the following year.

(b) SPECIFIC REQUIREMENTS FOR REPORTS WITH RESPECT TO EXTENSION GRANTS.—Each State that receives a development grant under section 102 may include, and each State that receives an extension grant under section 103 shall include in the report required by subsection (a) a description of—

(1) the types of assistance provided under the grant and the effects of such assistance, especially with respect to individuals with disabilities;

(2) the types of environments in which assistance was provided under the grant; and

(3) how the information required by this subsection was derived.

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING STATES.—

(1) IN GENERAL.—The Secretary shall establish a system to assess the extent to which States that receive grants pursuant to this title are making significant progress in achieving the purposes of this title.

(2) ONSITE VISITS.—(A) The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program. Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers from other participating States.

(B)(i) Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

(ii) Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the pay rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

(3) MINIMUM REQUIREMENTS.—At a minimum the visits shall allow the Secretary to determine the extent to which the State is making significant progress in developing a statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(4) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Any State that fails to comply with the requirements of this title shall be subject to a corrective action plan.

(2) PENALTIES.—A State that fails to comply with the requirements of this title may be subject to penalties such as—

(A) partial or complete fund termination;

(B) ineligibility to participate in the grant program in the following year; or

(C) reduction in funding for the following year.

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this title as the result of an onsite visit or failure to supply information required under subsection (a)(4).

(c) EFFECT ON OTHER ASSISTANCE.—Nothing in this title shall be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under—

(1) title II, V, XVI, XVIII, XIX, or XX of the Social Security Act;

(2) the Education of the Handicapped Act;

(3) the Rehabilitation Act of 1973; or

(4) laws relating to veterans' benefits.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $9,000,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993.

(b) RESERVATION.—

(1) PROVISION OF INFORMATION.—The Secretary shall reserve 1 percent of funds appropriated in any fiscal year under subsection (a), or $500,000, whichever is greater, for the purpose of providing States with information and technical assistance with respect to the development and implementation of consumer-responsive statewide programs of technology-related assistance.

(2) ONSITE VISITS.—The Secretary may reserve from amounts appropriated in any fiscal year under subsection (a) such sums as the Secretary considers necessary for the purposes of conducting onsite visits as required by section 105(a)(2).

SEC. 107. EVALUATION.

(a) EVALUATION.—

(1) IN GENERAL.—The Secretary, directly or by contract, shall conduct a national evaluation of the program of grants to States authorized by this title.

(2) REPORT TO CONGRESS.—The Secretary shall report to the Congress on the results of the evaluation conducted as required by paragraph (1) not later than October 1, 1992.

(b) Purpose.—The purpose of the evaluation required by subsection (a) shall be—

(1) to assess, through representative samples, the status and effects of State efforts to develop statewide programs of technology-related assistance for individuals with disabilities in a manner consistent with the provisions of this title, particularly in terms of the impact of such efforts on individuals with disabilities; and

(2) to recommend amendments to this title that the Secretary considers necessary to assist States to fully accomplish the purposes of this title.

(c) Information System.—The Secretary shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, a qualitative and quantitative description of the impact of the program of grants to States authorized by this title on—

(1) the lives of individuals with disabilities, particularly with regard to the purposes described in section 2(a)(3);

(2) public agencies;

(3) fiscal resources committed to technology-related assistance for individuals with disabilities;

(4) community-based organizations; and

(5) employers.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—STUDY ON FINANCING OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 201. STUDY BY NATIONAL COUNCIL ON THE HANDICAPPED.

(a) Study and Recommendations.—The National Council on the Handicapped (hereafter in this part referred to as the "Council"), in addition to the duties of the Council described in section 401 of the Rehabilitation Act of 1973, shall conduct a study and make recommendations to the Congress and the President concerning—

(1) Federal laws, regulations, procedures, and practices that facilitate or impede the ability of the States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities;

(2) Federal and State laws, regulations, procedures, and practices that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities;

(3) policies, practices, and procedures of private entities (including insurers) that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities; and

(4) alternative strategies for acquiring or paying for assistive technology devices and assistive technology services.

(b) Advisory Committee.—The Council shall appoint an advisory committee in accordance with section 404(c) of the Rehabilitation Act of 1973 to assist the Council in carrying out the duties of the Council under this part. Such advisory committee shall be appointed from individuals from both the public and private sectors who have broad experience and expertise directly relevant to the issues to be studied by the Council under this part, and shall also include individuals with disabilities, families of individuals with disabilities, and representatives of organizations representing individuals with disabilities.

(c) Cooperation of Other Agencies.—

(1) Federal agencies.—The heads of all Federal agencies shall, to the extent not prohibited by law, cooperate with the Council in carrying out the duties of the Council under this part.

(2) Use of resources of federal, state, and local agencies.—The Council may use in carrying out its duties under this part, with the consent of the agency involved, services, personnel, information, and facilities of other Federal, State, local, and private agencies, with or without reimbursement.

(d) Reports.—The Council shall submit to the President and to the appropriate committees of the Congress—

(1) such interim reports as the Council considers advisable; and

(2) not later than 18 months after the date of the enactment of an Act providing appropriations to carry out this part, a final report of its study and investigation together with such recommendations, including specific proposals for legislation, as the Council considers advisable.

PART B—NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK

SEC. 211. ESTABLISHMENT OF NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK.

Before the end of the 30-month period beginning on the date of the enactment of an Act providing appropriations to carry out this part, the Secretary shall—

(1) determine whether it is appropriate, based on the findings and recommendations of the study conducted under section 212, to establish and operate a national information and program referral network to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance; and

(2) if the Secretary determines that establishment and operation of such a network is appropriate, enter into any contract or cooperative agreement necessary to establish and operate such a network, which may consist of information and program referral networks in existence or under development at the time of the study conducted under section 212.

SEC. 212. FEASIBILITY STUDY REQUIRED.

(a) In General.—The Secretary shall conduct a study—

(1) to determine the feasibility and desirability of creating the network described in section 211; and

(2) to determine the appropriate structure for the organization and operation of such a network, if it is determined to be feasible and desirable.

(b) Contract Authority.—In carrying out the study required by subsection (a), the Secretary may enter into a contract or cooperative agreement necessary to conduct the study.

SEC. 213. CONTENTS OF STUDY.

The study conducted under section 212 shall—

(1) analyze the needs of States that are interested in developing and implementing consumer-responsive statewide programs of technology-related assistance;

(2) describe the types of information and program referral networks (including electronic networks) in existence or under development at the time of the study, including—

(A) the types of information and program referral incorporated into or provided by such networks;

(B) the cost of maintaining such networks;

(C) the types of services provided by such networks;

(D) the types and numbers of individuals served by such networks;

(E) the location of such networks and accessibility to other networks; and

(F) the feasibility and desirability of linking such networks, including proposed plans and an estimate of the cost of such a linkage;

(3) analyze the impediments to the exchange of information and the development and operation of such networks;

(4) describe the information that should be incorporated into a national information and program referral network to ensure that the network serves the entire United States, in particular addressing the gaps in existing networks and methods of filling such gaps using networks in existence or under development at the time of the study;

(5) describe the information systems from other fields of technology development that may be incorporated into a national information and program referral network on technology-related assistance;

(6) analyze the issues involved in operating a national information and program referral network;

(7) analyze and describe management and cost projections for a national information and program referral network;

(8) evaluate operational alternatives including at least the advantages and disadvantages of—

(A) grant arrangements, contracting arrangements, or other funding mechanisms or arrangements, and the lengths of any such arrangements;

(B) various network configurations, including—

(i) regionally distributed;

(ii) focused on functional limitations;

(iii) age-focused;

(iv) expertise-centered; and

(v) other network configurations;

(C) costs associated with funding arrangements described in subparagraph (A) and network configurations described in subparagraph (B), and options for paying such costs, including the possible use of Federal funds, State funds, and other alternatives;

(D) mechanisms of payment for information and program referral services;

(E) mechanisms for ensuring that information systems remain current, have relevant and useful information, and provide information in a form that allows individuals with disabilities to make effective use of the information;

(F) forms of Federal oversight and independent evaluations that could be applied to a national information and program referral network;

(G) types of staffing expertise required for different options; and

(H) types of institutional oversight, such as governing boards and advisory panels; and

(9) a timetable for implementation of various network options.

SEC. 214. TIMETABLE FOR STUDY.

(a) Award of Contract.—The Secretary shall, before the end of the six-month period beginning on the date of the enactment of an Act providing appropriations to carry out the study required by this part, enter into any contract or cooperative agreement necessary for conducting such study.

(b) Completion of Study.—Any contract or agreement entered into under subsection (a) shall require the study to be completed and a report concerning such study to be submitted to the Secretary and to the appropriate committees of the Congress before the end of the 18-month period beginning on the date of the contract or agreement.

(c) Implementation of Recommendations.—The Secretary, after allowing for public comment on the report submitted under subsection (b), shall take appropriate action based on the report before the end of the 6-month period following the date on which the Secretary receives the report.

PART C—TRAINING AND PUBLIC AWARENESS PROJECTS

SEC. 221. TRAINING.

(a) Technology Training.—

(1) General authority.—The Secretary shall enter into contracts or cooperative agreements with appropriate nonprofit or for-profit entities for the purposes of—

(A) conducting training sessions; and

(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance.

(2) Eligible activities.—Activities conducted under contracts or cooperative agreements entered into under paragraph (1) may address the training needs of individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(b) Technology Careers.—

(1) General authority.—The Secretary shall make grants to assist institutions of higher education to prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities.

(2) Priority.—In awarding grants under paragraph (1), the Secretary shall give priority to the preparation of personnel who will provide technical assistance, administer programs, or prepare personnel necessary to support the development and implementation of consumer-responsive statewide programs of technology-related assistance to individuals with disabilities.

(3) Uses of funds.—Amounts made available for grants under paragraph (1) may be used by institutions of higher education to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary.

SEC. 222. PUBLIC AWARENESS PROJECTS.

(a) Program Authorized.—The Secretary shall make grants to, or enter into contracts with, nonprofit and for-profit entities to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings of daily life.

(b) Uses of Funds.—Amounts made available for grants and contracts under subsection (a) may be used to—

(1) develop a national media campaign (including public service time slots on radio and television);

(2) convene national or regional conferences;

(3) prepare and disseminate information (including summaries, comparisons, analyses, and cost-benefit projections) concerning the efficacy of technology-related assistance;

(4) encourage others to hold national or regional conferences;

(5) develop and maintain recognition programs that are designed to promote public credit to entities that demonstrate an aggressive effort for a sustained time to provide or promote the use of technology-related assistance or the development of assistive technology devices; and

(6) other activities considered appropriate by the Secretary.

SEC. 223. PRIORITIES.

(a) In General.—Beginning in fiscal year 1991, the Secretary shall—

(1) establish priorities for activities carried out with assistance under this part;

(2) publish such priorities in the Federal Register for the purpose of receiving public comment; and

(3) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes grant announcements for grants made under this part.

(b) Explanation of Determination of Priorities.—Concurrent with the publication required by subsection (a), the Secretary shall publish in the Federal Register an explanation of how the priorities were determined.

PART D—DEMONSTRATION AND INNOVATION PROJECTS

SEC. 231. PROGRAM AUTHORIZED.

(a) Demonstration and Innovation Projects.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, nonprofit and for-profit entities to pay all or part of the cost of establishing or operating demonstration and innovation projects relating to technology-related assistance for individuals with disabilities.

(b) Eligible Activities.—Amounts made available for purposes of carrying out this part may be used for the following activities:

(1) Model projects for delivering assistive technology devices and services.—The establishment or operation of model projects for delivering assistive technology devices and assistive technology services to individuals of all ages with disabilities functioning in various environments and carrying out various life activities (including model systems described in section 101(c)(1) of title I).

(2) Model research and development projects.—The conduct of applied research and development projects, including projects designed to—

(A) increase the availability of reliable and durable assistive technology devices that address unique, low-market demand, or complex technology-related needs for individuals with disabilities;

(B) develop strategies and techniques that involve individuals with disabilities in assessing the performance characteristics of technology that is not designed specifically for individuals with disabilities and developing adaptations of such technology for individuals with disabilities;

(C) assist in the transfer of technology that is not specifically designed for individuals with disabilities to uses appropriate for such individuals; and

(D) facilitate effective and efficient technology transfer.

(3) Income-contingent direct loan demonstration project.—Demonstration projects in accordance with regulations issued by the Secretary (which may include a requirement that the Secretary shall provide an amount equal to not more than 90 percent of the amount required for any such project) to examine the feasibility of a direct loan program that would provide loans—

(A) to individuals with disabilities who require technology-related assistance in order to maintain a level of functioning or to achieve a greater level of functioning in any major life activity; or

(B) to the families or employers of individuals with disabilities, on behalf of such individuals, for the purposes described in subparagraph (A).

(c) Report to Congress on Extension of Direct Loan Program.—The Secretary shall, based on the projects assisted under subsection (b)(3), report to Congress concerning the feasibility of operating a direct loan program of general applicability beginning after September 30, 1993.

PART E—AUTHORIZATION OF APPROPRIATIONS

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) General Authority.—There are authorized to be appropriated for purposes of carrying out this title (other than section 231(b)(1)) $5,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(b) Model Delivery Projects.—There are authorized to be appropriated for purposes of carrying out section 231(b)(1) $1,500,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(c) Priorities.—

(1) Model delivery projects.—Notwithstanding any other provision of this Act, if amounts appropriated for purposes of carrying out this Act for the fiscal year 1989 equal or exceed $6,000,000, the Secretary shall first make available, from such amounts, not less than $500,000 for demonstration projects under section 231(b)(1).

(2) Other title II activities.—(A) Of amounts appropriated under subsection (a) for the fiscal year 1989, the Secretary shall first make available not more than $250,000 for purposes of carrying out part A.

(B) Subject to subparagraph (A), of amounts appropriated under subsection (a) for any fiscal year, the Secretary shall first make available, in order of priority—

(i) not more than $750,000 for purposes of carrying out section 212; and

(ii) such sums as may be necessary for purposes of carrying out section 211.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4904) was laid on the table.

VOLUNTEERS AND THE IMPORTANCE OF VOLUNTEERISM

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 61) entitled: "Volunteers and the Importance of Volunteerism."

The Clerk read as follows:

H. Con. Res. 61

Whereas individuals engaged in volunteer work are estimated to provide more than $65,000,000,000 in services to the people and communities of the United States each year, in addition to services provided in foreign countries through the activities of the Peace Corps and similar efforts;

Whereas volunteer work provides opportunities to every citizen for personal growth, career exploration, and civic contribution;

Whereas the Federal Government, State, and local governments, and charitable and service organizations increasingly recognize the value of individuals engaged in volunteer work in connection with the development and operation of programs to meet the needs of American citizens;

Whereas the number of individuals engaging in volunteer work and the variety of services provided through work increase each year; and

Whereas the United States Office of Personnel Management, together with a limited number of State and local government, charitable and service organizations, and private employers, has provided for a listing and description of relevant volunteer work on employment application forms: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that experience in volunteer work should be taken into account by the Federal Government, State, and local governments, charitable and service organizations and private employers in the consideration of applicants for employment, and that provisions should be made for a listing and description of volunteer work on employment application forms.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. HAWKINS] will be recognized for 20 minutes and the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1976 I introduced a resolution which was adopted by the Congress and incorporated into the Federal Government's SF171 application for employment, providing space for a listing and description of volunteer work experience. I would now like to extend this concept to the public and private sectors through adoption of the provisions contained in House Concurrent Resolution 61. This resolution encourages, but does not mandate, all public and private employers to create a similar space on their employment application forms, as well as take into account volunteer experience in their hiring decisions. Senators GRASSLEY and DECONCINI have introduced an identical resolution in the Senate, Senate Concurrent Resolution 32.

The positive impact of the services rendered by volunteers in America is extensive. About 90 million men and women devote at least 3½ hours each week in volunteer efforts to better the lives of those in need both at home and abroad. Individuals engaged in volunteer work provide an estimated 75 to 100 billion dollars' worth of services each year.

Interest in volunteerism has been increasing over the past decade, both at the individual and corporate levels. Forty-two percent of all adults are now engaged in volunteer services 5 hours per week. Fifty-two percent of American teenagers volunteered in 1985. Corporations are increasingly encouraging employees to extend their volunteer activities to their working hours. Over 600 private companies have organized programs encouraging this involvement, as compared to only 300 in 1979.

Congress can strengthen this national trend toward public service, as well as recognize the invaluable contribution of volunteers in our country by encouraging public and private sector employers to adopt the provisions outlined in House Concurrent Resolution 61. Currently, the resolution has the support of 138 bipartisan cosponsors.

The concept outlined in the resolution is also supported by more than 35 States and scores of local governments. About 100 major companies also consider volunteer experience in their hiring practices, including Levi Strauss, Sears & Roebuck, Rockwell International, Pacific Bell, Marriott, Coca-Cola, Atlantic Richfield, Wells Fargo Bank, Xerox, TRW, AT&T, and many others. Organizations endorsing the resolution include the American Red Cross, the Chamber of Commerce, and the National Association of Manufacturers.

Consideration of the skills gained through volunteer work will not cost employers any money or require businesses to hire anyone. However, for those individuals who have served their community, this resolution will assist them in attaining employment. House Concurrent Resolution 61 enhances the state of volunteers in America, provides employers with a fuller perspective of applicant qualifications, and promotes the growing national interest in volunteerism. I urge my colleagues to support House Concurrent Resolution 61.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to commend the chairman of the committee for bring this bill up and for sponsoring it. It is fitting to recognize the positive and invaluable work of the thousands of volunteers in this Nation.

Volunteers, as we know, are not compensated monetarily; yet their unpaid contributions would amount to billions of dollars each year. This work should be recognized as part of their work experience. Such consideration acknowledges the value of the contribution volunteers make to their communities and to the National as a whole, and it should count as a life's work experience.

Mr. Speaker, I want to commend all who have participated in this effort, and I hope what we do today will enhance the role of volunteers and also enhance their lives by making their volunteers experiences an important factor on their applications for employment.

Mr. Speaker, I rise in support on House Concurrent Resolution 61, volunteers and the importance of volunteerism. It is fitting to recognize the positive and invaluable work of the thousands of volunteers throughout this Nation.

Volunteers are not compensated monetarily, yet their unpaid contribution would amount to billions of dollars each year. This work should be recognized as part of their work experience. Such consideration acknowledges the value of the contribution volunteers make to their communities and this Nation as a whole.

I commend the chairman of the Education and Labor Committee, Mr. HAWKINS, for sponsoring this resolution. I am hopeful that with this action we will be enhancing the rule of volunteers and encouraging employers to take a broader more comprehensive look at the potential of prospective employees. I urge my colleagues to support this resolution.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 61).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 61, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THOMAS P. O'NEILL, JR., LIBRARY

Mr. ATKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3661) to recognize the service of the former Speaker of the House by means of the Thomas P. O'Neill, Jr., Library.

The Clerk read as follows:

H.R. 3661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the service the former Speaker of the House of Representatives to the Congress and the people of the United States, and in lieu of a grant for the preservation of his papers and records, the Secretary of Education shall forgive the remaining debt obligation of the receiving institution with respect to the August 5, 1981, loan used to establish the Thomas P. O'Neill, Jr., Library (Education Project Loan #5-1-00665-0).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. ATKINS] will be recognized for 20 minutes and the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I rise in support of H.R. 3661, which has been introduced to recognize the service of the former Speaker of the House by means of the Thomas P. O'Neill, Jr., Library.

This bill forgives the remaining debt obligation of the receiving institution with respect to the August 5, 1981, loan used to establish the library that bears his name. The preservation of "Tip" O'Neill's papers and distinguished career records will not only benefit his great home State but will serve as a resource of the Nation as well. It is my hope that in having these resources available for scholars and others contemplating public service, these individuals may decide to dedicate their lives to America and follow in the footsteps of our former Speaker, our colleague and a personal friend to all of us.

May I also indicate, because of some discussion in the Committee on Education and Labor, that I can see no particular reason why there should be any opposition to this proposal to establish this library and to forgive this debt. It is obviously an easier way of doing it.

As one who was the author of the establishment of a library for the late Speaker of the House, Joe Martin, a Republican in that instance, I hope that the same courtesy will be extended both by Republicans and Democrats in this session of Congress to the memory and recognition of the work of Speaker O'Neill for his accomplishments in this House. So it would seem to me that this would be a common and ordinary thing that we would do for every succeeding Speaker of the House.

Mr. Speaker, I urge approval of this resolution by both sides of the aisle in this instance.

Mr. ATKINS. Mr. Speaker, I reserve the balance of my time.

Mr. JEFFORDS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, this bill forgives the remaining balance, some $12.2 million on a $15 million loan made to Boston College back in 1981 for the construction of a college library. In the ordinary course of events, a title VII loan such as this would never be forgiven, even if the school were in financial difficulty, which Boston College is not. In fact, I believe there have been no other such loans forgiven. Meanwhile there are about 1,100 of these loans outstanding, totaling about $827 million. Why should Boston College be singled out for special treatment apart from all these other schools?

We are being asked to provide this special benefit to BC for one simple reason: because it happens to have renamed its library recently after a retired Speaker of the House, our former colleague Thomas P. O'Neill. Lo and behold. The college library has been transformed into a memorial. And the message is, if you pick the right politician to memorialize, you can net your college a nifty $12 million gift from our Nation's taxpayers.

Now I have nothing against memorials for politicians. But it is not right for other politicians to extract money from the taxpayers to pay for them, even if they are real memorials, designed as such from the start, rather than simply renamed buildings that happen to have debts lying against them. If a grateful public decides it has been well served by a politician and wishes to contribute private donations toward a memorial, that's just fine. But I do not think it is up to other politicians like us to decide on the public's behalf for whose service it ought to be grateful enough to fork over money for a memorial, and then to take the money by force and spend it. It is just not the way memorials ought to be financed.

I know we have spent tax money on some memorials in the recent past, but it is time to get back to the right way of doing it. The Washington Monument, for example, was built with private contributions, stone by stone, and what was good enough for George Washington ought to be good enough for Tip O'Neill and for any of the rest of us who might follow.

I deeply regret having to oppose the distinguished ranking minority member of the Appropriations Committee on this bill. I have stood with him against wasteful Government spending many times in the past, and I hope and expect to do so many times in the future. But I must ask all my colleagues to oppose this bill, as I understand, the administration does. It's pure pork, and it's the wrong way to establish a memorial.

□ 1445

Mr. ATKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there seems to be some confusion about this legislation. This legislation is not a memorial or a monument to former Speaker Thomas P. O'Neill, Jr. This legislation is a working center, a working center for scholars, for students and for average American citizens from all parts of this country who wish to understand the congressional process and wish to understand the role of this Congress in shaping public policy and in shaping our American history.

Indeed, Mr. Speaker, it follows a precedent which we have followed for every Speaker since Speaker Joe Martin. There has been a center for each Speaker since Speaker Joe Martin in a university or in a college setting where that Speaker's papers could be preserved, other important records of this Congress could be preserved and where scholars could come and work and study.

And indeed instead of appropriating directly, as we did for Speaker Martin, for Speaker McCormack, for Speaker Albert, and for Speaker Rayburn, in appropriating directly moneys for this, what we have done in Boston College is simply to agree on what we suggest to do in this legislation is to agree to forgive a loan, the outstanding balance of a loan of some $13,965,000 that was made to the college some years ago. In return Boston College has a total climate control system, has substantial congressional records and archives, not just Speaker O'Neill's, but other ones of that contemporary period.

Mr. Speaker, this will be the preeminent center for understanding the modern Congress, for understanding the enormous changes that took place in this Congress over the last several decades and particularly for understanding the great role that former Speaker O'Neill played in those changes in adapting this institution to the 20th century and to the demands of current government. Indeed to say what was good enough for George Washington should be good enough for any other subsequent stateman is indeed foolish because the responsibilities, the requirements, the complexities of Government have changed so much.

This is a center for all Americans, a center where American tourists can come and visit, where scholars can come and study, will be the preeminent center in this country to understand the modern Congress and how it works.

Mr. Speaker, it is an important investment in our future for scholars, for students and for all those Americans who wish to understand how our Government has evolved to meet the great challenges of the day.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill which has been introduced by the gentleman from Massachusetts [Mr. CONTE]. I believe it is a very fitting tribute to Tip O'Neill.

Now I am somewhat provincial in my own outlook on this bill, also having come from New England, having worked with Tip over the years, and seeing the tremendous work he did for this Nation adding just a little bit more extra work for New England. I certainly think what we are doing here today is proper and appropriate.

Of course the gentleman from Massachusetts [Mr. ATKINS] pointed out that this is not just a monument. This is an ongoing entity which will allow people to come and to learn. It is an educational institution that we are creating here today, much more than what one might think of only in terms of a monument. So I would say also that it was in education that Speaker O'Neill placed his faith in the future, that the Thomas P. O'Neill, Jr., Library at Boston College is an appropriate recognition of the service of this great American and congressional leader. This library for years will not only honor our former Speaker, but most importantly it will be a place of education and learning about America and about its democratic form of government.

Thus, Mr. Speaker, I rise in support of this bill.

Mr. Speaker, I rise in support of H.R. 3661, a bill to recognize the service of former Speaker Tip O'Neill by means of the Thomas P. O'Neill, Jr., Library.

It is fitting that we honor our former Speaker with a library at his alma mater, Boston College. While I disagreed with the former Speaker on many issues, Tip was a dear friend of mine and was a friend of New England. He was a man who cared deeply about his House and its Members.

Beyond his concern for this institution Speaker O'Neill looked to the future of this Nation. He wanted a strong America, not only in matters of defense, but, also, he wanted a strong American economy and a Federal Government that responded to the least of our society—the handicapped and the homeless, the forgotten and our young.

It was in education that Speaker O'Neill placed his faith for the future. The Thomas P. O'Neill, Jr., Library at Boston College is an appropriate recognition of the service of this great American and congressional leader. This library for years will not only honor our former Speaker but, more importantly will be a place of education and learning about America and its democratic form of government.

I rise in support of H.R. 3661 and urge my colleagues to vote for this bill which will honor not only Tip O'Neill, but also will honor this House and our Nation.

Mr. ATKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Vermont for his words, and let me particularly thank the author of this legislation, the gentleman from Massachusetts [Mr. CONTE], who, while he was on the other side of the aisle from Speaker O'Neill, was always a close personal friend and somebody who understood, as well as anybody, the changes that have occurred in this institution over the last several decades.

It is very clear that what we are financing here is a major contribution to public understanding of the Government process. We are not financing some monument to a former Speaker, but rather an educational institution that bears his name because it bears the very significant papers and archives from his three decades in this Congress and his decades as Speaker of the Massachusetts House and before that in the Massachusetts Legislature.

Mr. Speaker, I reserve the balance of my time.

Mr. JEFFORDS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I rise with some trepidation to oppose this legislation. Not that I do not have a great deal of respect for former Speaker O'Neill; I do, and not that I have any disrespect whatsoever for the gentleman from Massachusetts [Mr. CONTE]; he is an outstanding Congressman, and my own ranking member, the gentleman from Vermont [Mr. JEFFORDS]. I do so because I honestly believe that what we have here is not so much a memorial as primarily, and I would say probably 99 percent, a general library for Boston College, and it started out that way back in 1981. It really is the same.

There has been just a little bit of added new flavor here in terms of having this as a memorial to a very fine former Speaker, but what we are doing, of course, is we are forgiving a debt, and the original loan, I understand, was $15 million. We have already previously forgiven, I believe, about $2.6 million, if I am not mistaken. At least that is what I recall in committee. That forgiveness certainly was not on the basis of anything other than a straight grant to a particular private college. And at that time I gather nobody was thinking of naming it on behalf of the former Speaker.

I question whether any portion of the library will house the records and archives pertaining to the former Speaker. What we have here is an open grant to a private college, Boston College, a very fine church-related college. There are thousands of fine private and public colleges throughout the land, but I would not think of saying that we should utilize taxpayers' money to build general-purpose libraries for them.

In addition, of course, when we have a straight grant for a church related college, we have the added problems of the separation of church and state being involved. Here we have the taxpayers' money going to build a general library for a church related college. I simply cannot believe that this is the right thing for us to do.

We have all been reminded of the fact that we have got about a $2.7 trillion national debt. We have in the first 4 years that I have been here, added about $1 trillion to that debt. I hope there is no connection with the fact that we are adding about a quarter of a trillion dollars in brandnew debt just because I am here, but I have voted quite consistently to try to hold down spending by what really is a spendthrift Congress. We just keep on going and believe that every good cause that may come along, as we see it, ought to be financed by we the people. I do not believe that is so. By adding the borrowing we are doing from trust funds, Mr. Speaker, which this year will be something like $100 billion added on to the deficit, we get about $250 billion, a quarter of a trillion every year, of brandnew debt. Somewhere along the line, Mr. Speaker, we have to call a halt.

I do not know all the history of this bill. We did not have a subcommittee hearing, as I understand it, on this bill. We had very few facts presented to us in the Committee on Education when this was brought up, and nobody has had the opportunity to look at it very deeply.

Certainly this does deserve a full hearing on the floor where a number of Members can debate it. I have tried to call the Secretary of Education today to get more background on this matter, but certainly I feel that in representing my constituents in the 13th Congressional District of Illinois I do have to oppose this legislation, and thus I do.

Mr. ATKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am somewhat concerned about the line of arguments that are being raised against this legislation. We first started out with the question that this was a monument or a memorial with the first line of argument, and then all of a sudden it shifted, said no, indeed this is not a memorial or a monument. What this is, in fact, is it is a library, and it is just a Boston College library that has Tip O'Neill's name on it, and it is an open grant. The fact of the matter is that just simply is not so. Granted, it is very specific. It is for $13,965,000, and it is all the money that Boston College will seek for the preservation and the housing of the Tip O'Neill archives. This is a part, a not insignificant part, but indeed just one part of a much larger new library complex that Boston College has built, and indeed it makes sense to have the Tip O'Neill archives housed in a library which has a very excellent and a very strong collection in American history and in American government, a library that is open to scholars from around this country and to citizens from anyplace, and to have instead of housing a separate archives in a separate building, to use the economies of scale with climate control and with other kinds of things that must be put into a modern archives library.

One looks at the fact that just in the last session of Congress we appropriated some $6 million for housing of the Joe Martin archives, the gentleman who only served as Speaker for some 2 years, and one has a sense and a question of why. Why when we have a history and a tradition of providing libraries and archives for former Presidents and for former Speakers, that we do that as part of our ongoing operations? We do it as part of our commitment to preserve the history of this country and of this institution. And it is something that has been widely accepted by people on both sides of the aisle in this House, generally it is done and it makes sense, and the record and the work of these libraries has been excellent, and the cost has really been quite minimal, and all of a sudden now for the first time there are objections raised. There were not objections raised to the Rayburn, or the Albert, or the McCormack Libraries. There are not objections raised to the Hoover Library or the Coolidge Library. Conservative Republicans did not come in and say, "George Washington didn't have any public funds in his library; there shouldn't be any in any of the other Presidential libraries."

□ 1500

It just makes no sense, and one has to suspect that somehow people are turning that which has been a regular and a routine part of our efforts to preserve the archives and the history of our Government, turning it into a partisan thing and saying, "Well, if you were of the party of the President or the party of the Speaker, then OK, you can have a library, and if not, we are going to fight against it."

I think that is indeed regrettable. I think it is indeed regrettable that the precedent that is being set here is that we will argue and debate this based not on the concept of the merits of these libraries, but on the concept of whether the person happened to be of your political party.

Mr. JEFFORDS. Mr. Speaker, I yield the remaining time to the gentleman from Massachusetts [Mr. Conte] with the understanding that he will yield to the gentleman from Illinois [Mr. Fawell].

Mr. CONTE. Mr. Speaker, I yield to my friend, the gentleman from Illinois [Mr. Fawell].

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding to me.

I just briefly wanted to point out, I think there is a big difference between Presidential libraries, for instance and the all-purpose library involved here. I am not that familiar with the former Speaker libraries, but the Presidential libraries are devoted 100 percent, of course, to just that. Presidential library facilities. They are constructed with private funds, I do not know what portion might be public funds, but the citing of Presidential museums or libraries is an analogy that I think is completely inaccurate relative to funding an all-purpose library for a private college where most, if not all, of the library facilities will not be used to house and preserve papers, documents, or properties of the former Speaker. I wanted to bring that point out.

Mr. CONTE. Mr. Speaker, I rise in strong support of this bill to recognize the service of the former Speaker of the House, Tip O'Neill, my dear and beloved friend.

I want to thank the chairman, the gentleman from California [Mr. Hawkins] not only for this, but for many things that he and I have worked on in the years that we have been in the Congress. He has not only been a dear friend, but he is one of the finest gentlemen in the House of Representatives.

I also want to thank my friend, the gentleman from Montana, Mr. Pat Williams, and also the ranking minority member, my good friend, the gentleman from Vermont Mr. Jim Jeffords, and the gentleman from Missouri, Mr. Tom Coleman, who not only tried to help me with this bill, but tried to get it in on a conference bill eariler this year; and I want to thank my dear friend, the gentleman from Massachusetts, Mr. Chet Atkins, for all of his fine efforts here today and in committee.

I introduced this bill last year. I introduced it after a great deal of long and thorough consideration of how the U.S. Congress could best honor Tip O'Neill, our honored former Speaker. As I looked at it, as other Speakers were honored, Sam Rayburn, Carl Albert, John McCormack, I was involved in every one of those, being on the Appropriations Committee. We set up a Library for Sam Rayburn. We set up in Institute of Public Affairs for John McCormack. We set up a Research and Studies Centers for Carl Albert, I think it was at Oklahoma University, and we set up an Institute for Law and Society for Joe Martin, which I was the sponsor.

I was involved in all of these efforts to honor these outstanding leaders of the House of Representatives. In fact, as I said, it was my bill in the 99th Congress, with the help—we never could have got it out of the committee or on the floor without the help of the gentleman from California, Mr. Gus Hawkins, that authorized $6 million for the Joe Martin Institute to preserve his papers and set up a very top facility for domestic and foreign policy research in Massachusetts.

I have become something of an unofficial master of ceremonies for honoring former Speakers, and today I am proud to stand in this well, and believe me, this is not pork to honor one of the greatest Speakers of all time, Tip O'Neill.

Unlike the bills Congress has passed to honor the other Speakers, H.R. 3661 will not require any appropriation of funds. In lieu of a grant, which we did for the other Speakers for the preservation of their records, H.R. 3661 defrays part, and only part, of the cost of constructing the Tip O'Neill Library, which is over $34 million. This is a one-time deal. Boston College covers all the costs of all the maintenance and operations.

I think that this innovative approach would be to Tip's liking, and it does not require scrounging around for funds in the already overextended Labor-Health and Human Services-Education appropriations bill.

Now, I am saddened by my colleagues who oppose this bill, because I have a great deal of respect for both of them, especially the gentleman from Wisconsin, Mr. Tom Petri, whom I have known for a long period of time; but the gentleman from Wisconsin [Mr. Petri] makes the argument that this is the only college where there are all these college library loans that we are asking for forgiveness, and he is right; but with the other Speakers, we appropriated the money. In this way here, we thought it would be a lot easier, a lot cleaner, just to forgive the loan and you would not have to come up here with new money to appropriate.

My good friend, the gentleman from Illinois, does not mention anything about the Dirksen Library, in which I helped, and it was for a noble man and for a good cause that we did that and appropriated money in the appropriation bill for the Dirksen Library. We did it for all these Speakers and all these leaders, including my good friend Ev Dirksen, the beloved Senator from Illinois.

I ask my two colleagues to please reconsider this. It is very appropriate that we recognize Tip's remarkable public service by means of the Thomas P. O'Neill Library at Boston College, his alma mater. The Tip O'Neill Library is one of the most outstanding libraries in the country. It is used by scholars for research up to and beyond the doctorate level, and it is also fully used by the public as part of a consortium that Boston University, the Northeast, and all the colleges in the Boston area who have access and use of that library, all except Harvard across the river.

Scholars and the public will also have full access to Tip's records, which are now being processed and are being cataloged.

What we do today for Tip O'Neill is going to benefit the public for a long time to come. I have known Tip for over 40 years, and I know of no man with a greater commitment to the advancement of knowledge for the benefit of his fellow man. He has given his gift of service to the people of Massachusetts and the Nation. He has worked tirelessly for education, for housing, and for justice. He has not stopped now that he has retired from public service. You can bet that Tip will always be there to lend a helping hand or to give someone a boost.

Tip was a "Man of the House," but at his core he was a man of the people, and this bill for his library, I think, is a most fitting tribute.

Last Thursday I spoke with my good friend, the gentleman from Illinois [Mr. Michel], the minority leader before I agreed to take this bill out on suspension. I told Bob what we were doing, what we had done for the others, and Bob said, "Syl, I'm going to vote with you," and I hope my Republican colleagues will vote with me. This is a worthy bill. It is not pork.

Mr. ATKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts [Mr. Conte] for his very eloquent explanation of not only what is in this library, but also the importance of the library.

I think he put it perfectly when he described the distinguished career of Speaker O'Neill, a person who certainly will go down in history as one of the great, if not the greatest Speaker of this House, a person who changed and was responsible for changing this House in so many ways, for asserting the rights and the importance of congressional participation in so much Federal policy, who worked so well with so many Presidents of both parties.

Tip O'Neill, if there was an underlying theme to his public service, it was a concern for the future. It was a concern for people's capacity to improve themselves through education particularly.

I think this while it is not a monument or a memorial, it is a way to preserve important documents.

I might point out that the gentleman from Massachusetts [Mr. Conte] talked about the important work of cataloging the documents. It is very time consuming to do that right. That is all being borne by Boston College with private funds.

This is a one-time grant for something which will be a treasure and truly a national treasure for generations to come, and in the process I think a very small but a very fitting tribute to one of the greatest Speakers that this House has ever known and a person who more than any other defined and created the modern House of Representatives.

Mr. JEFFORDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ATKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. Atkins] that the House suspend the rules and pass the bill, H.R. 3661.

The question was taken.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALIFORNIA INDIAN LAND TRANSFERS

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3621) to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and to declare such lands to be part of the reservation with which they are contiguous as amended.

The Clerk read as follows:

H.R. 3621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern California Indian Land Transfer Act".

SEC. 2. LANDS HELD IN TRUST FOR VARIOUS GROUPS AND BANDS OF MISSION INDIANS.

(a) In General.—Subject to section 3, all right, title, and interest of the United States in and to the lands described in subsection (b) in connection with each band or group of Mission Indians listed in the table contained in such subsection (including all improvements on such land and appurtenances to such land) are hereby declared—

(1) to be held in trust by the United States for the benefit of such band or group listed in such table, and

(2) to be part of the reservation listed in connection with each such band or group in such table.

(b) Land Described.—

(1) The lands referred to in subsection (a) are the lands which are described in paragraph (2) and are adjacent to the reservation of a band or group of Mission Indians, as listed in the following table and generally described as "Land Identified in the Proposed So. California Indian Land Transfer Act" and depicted on the map entitled "Southern California Indian Land Transfer Map," May 1988:

Band or group of Mission Indians	Approximate Acreage	Reservation
Barona Group of Capitan Grande Band	722.86	Barona Ranch
Cahuilla Band	611.88	Cahuilla
Campo Band	470.28	Campo
La Jolla Band	355.51	La Jolla
La Posta	84.20	La Posta
Mesa Grande Band	800.00	Mesa Grande
Morongo Band	107.00	Morongo
Pala Band	415.00	Pala
Pechanga Band	302.64	Pechanga
Rincon Band	320.00	Rincon
Soboba	880.00	Soboba

(2) The lands described in this paragraph are as follows:

(A) Lands with respect to the Barona Group of Capitan Grande Band:

T. 14S., R. 1E., SBM

Section 13, NE¼, N½SE¼;

T. 14S., R. 2E., SBM

Section 7, Lots 5, 6, 10, 11, 12, 21 and 22, E½NE¼, NE¼SW¼, SE¼;

Section 18, Lot 1, W½NE¼, NE¼NW¼;

(B) Lands with respect to the Cahuilla Band:

T. 8S., R. 2E., SBM

Section 11, Lots 5 thru 8, 11, and 12;

Section 12, Lots 17 thru 19;

T. 8S., R. 3E., SBM

Section 7, Lots 8 thru 15;

Section 8, Lots 7, 8, and 12;

(C) Lands with respect to the Campo Band:

T. 17S., R. 6E., SBM

Section 17, S½NE¼, SE¼;

Section 35, Lots 3, 5, and 7, N½S½;

Section 36, Lots 6 and 9;

(D) Lands with respect to the La Jolla Band:

T. 11S., R. 1E., SBM

Section 2, Lots 1 thru 4, S½NW¼;

Section 3, Lots 1 thru 3;

(E) Lands with respect to the La Posta Band:

T. 17S., R. 6E., SBM

Section 6, Lots 6 thru 8, SW¼NW¼;

(F) Lands with respect to the Mesa Grande Band:

T. 12S., R. 2E., SBM

Section 23, NE¼, N½SE¼, E½NW¼;

Section 24, NW¼NW¼, S½NW¼, NW¼SW¼, S½SW¼;

Section 25, E½NW¼, W½NE¼, W½SE¼;

(G) Lands with respect to the Morongo Band:

T. 3S., R. 1E., SBM

Section 34, S½NW¼NW¼;

T. 3S., R. 2E., SBM

Section 20, Lot 10;

Section 32, W½NW¼NE¼, N½SE¼NW¼, SW¼SE¼NW¼;

(H) Lands with respect to the Pala Band:

T. 9S., R. 2W., SBM

Section 13, SW¼SW¼ (excepting the patented portions of MS 6452 and MS 6848 and excepting those portions of public land not contiguous to the Indian Reservation);

Section 14, W½W½ (excepting the patented portion of MS 6458), SE¼SE¼ (excepting the patented portion of MS 6452 and excepting those portions of public land not contiguous to the Indian Reservation);

Section 15, NE¼NE¼, S½NE¼, E½W½, SE¼ (excepting the patented portions of MS 4886, MS 4926, and MS 6458);

(I) Lands with respect to the Pechanga Band:

T. 8S., R. 2W., SBM

Section 23, Lots 4 and 5, S½SW¼, SE¼;

(J) Lands with respect to the Rincon Band:

T. 10S., R. 1W., SBM

Section 28, SE¼, E½SW¼;

Section 33, N½NE¼;

(K) Lands with respect to the Soboba Band:

T. 4S., R. 1E., SBM

Section 20, SE¼SW¼;

Section 33, S½;

Section 34, W½NE¼, W½, W½SE¼, SE¼SE¼.

SEC. 3. EXISTING RIGHTS PRESERVED; RIGHT OF CERTAIN CURRENT LESSEES TO PURCHASE; MISCELLANEOUS PROVISIONS.

(a) EXISTING RIGHTS PRESERVED.—The declarations contained in section 2 shall not affect—

(1) any right or interest of any person in any land described in such section under any legal right-of-way, mining claim, or grazing permit in effect on the day before the date of the enactment of this Act, or

(2) any other right, title, or interest which such person may have in such land on such day.

(b) RIGHT OF HOLDER OF GRAZING PERMIT TO PURCHASE LANDS.—

(1) IN GENERAL.—Any person who holds a valid grazing permit and lease (as such term is defined in section 103(p) of the Federal Land Policy and Management Act of 1976) with respect to any land described in section 2 shall have the right to purchase such land before the end of the 1-year period beginning on the date of the enactment of this Act for the fair market value of such land (determined as of the date of purchase) on such terms and conditions as the Secretary of the Interior may prescribe. The declarations in section 2 relating to the trust and reservation status of such land shall take effect subject to the right of purchase established under this paragraph.

(2) NOTICE BY SECRETARY REQUIRED.—Before the end of the 30-day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall notify each person referred to in paragraph (1) of the right of purchase established under such paragraph.

(3) PROCEEDS OF SALE TO BE HELD IN TRUST FOR INDIANS.—In the case of any sale of land under paragraph (1), the proceeds of such sale shall be held in trust by the Secretary of the Interior for the benefit of the band or group of Mission Indians for whose benefit such land is held after the date of the enactment of this Act and before such sale. The net income on the amount held in trust by such Secretary shall be available for use or obligation by such band or group in such manner and for such purposes as the Secretary may approve.

(c) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 2 shall be available for use or obligation, in such manner and for such purposes as the Secretary may approve, by the band or group of Mission Indians for whose benefit such land is held after the date of the enactment of this Act.

(d) ADDITIONS TO RESERVATIONS SUBJECT TO LAWS GOVERNING EXISTING RESERVATIONS.—Any lands which are held in trust for the benefit of any band or group of Indians pursuant to this Act shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as the lands comprising the reservation of such group or band on the day before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3621, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3621 provides for the transfer of approximately 5,000 acres of land to 11 Indian tribes located in southern California. The land is currently owned by the United States and administered by the Bureau of Land Management.

These 5,000 acres consist of isolated tracts of land which have become cumbersome to administer due to their geographical location and distance from large blocks of BLM lands. Because of the known proximity of these lands to the various reservations, the BLM contacted the tribes with an offer to sell the tracts to them. Unfortunately, the tribes were unable to secure the required funds necessary for such purchase.

These tracts however are adjacent or contiguous with the existing reservations of these 11 Indian tribes. These tribes need additional lands for economic development and housing. Development of these lands will generate much needed jobs on each of the reservations, and therefore I urge passage of this bill.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I rise in support of H.R. 3621, the Southern California Indian Land Transfer Act would transfer some 5,070 acres of surplus lands managed by the BLM to various bands of mission Indians. The bill was introduced by our colleague from California, Mr. DUNCAN HUNTER, and he has worked many months negotiating with the bands, the BLM, and the neighboring non-Indian communities.

The BLM has offered to sell these tracts to the Indian bands, but, with over 40 percent unemployment the bands do not have the ability to purchase the lands. The bands intend to use the lands for economic development and for homesites.

Mr. Speaker, the local BLM officials support the transfer because the parcels are cumbersome to manage due to their small size and distance from large BLM blocks. Therefore, I urge my colleagues to support H.R. 3621.

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Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I appreciate this opportunity to bring to the House floor H.R. 3621, the Southern California Indian Land Transfer Act. I appreciate all of the committee's hard work on bringing this bill to the floor.

H.R. 3621 will transfer the title of approximately 5,070 acres of U.S. Government-owned land, currently managed by the Bureau of Land Management, to the Secretary of the Interior to be held in trust for 11 bands of mission Indians in San Diego and Riverside Counties.

The parcels of land to be transferred are relatively small, isolated tracts and have been difficult and costly for the Bureau of Land Management to oversee. All of the land transferred in this bill is contiguous with the Indian reservation to which the title of the land will be transferred.

The 11 bands of Indians who will benefit from H.R. 3621, are relatively impoverished. They suffer from high unemployment and in many cases, substandard housing. The Indian bands do not have the money to buy the land from the U.S. Government. The land that will be transferred in this bill will supply the much needed space to build more housing and to provide for economic development.

This bill will not affect the right or title of anyone who may hold a lease or right-of-way on the day prior to enactment of H.R. 3621. In addition, report language states that the land will not be used for Indian gaming. The Indian bands have agreed to this directive and such language was included in the committee report.

I would like to take this opportunity to further thank Mr. UDALL, the chairman of the Interior and Insular Affairs Committee, for considering and favorably reporting this bill, and Mr. GALLEGLY who carried H.R. 3621 through the committees, and to my colleagues, Mr. MCCANDLESS and Mr. PACKARD, who did much to assure passage of this legislation.

Both San Diego and Riverside Counties support H.R. 3621, as do all of the Indian bands involved. I urge the House to favorably consider H.R. 3621.

Mr. RHODES. Mr. Speaker, I simply would like to echo the sentiments contained in the closing remarks of the gentleman from California [Mr. Hunter].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I thank the gentleman from California very much for those kind words.

I have no further requests for time, and I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. Udall] that the House suspend the rules and pass the bill, H.R. 3621, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to econsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3621, the bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

INDIAN FINANCING ACT AMENDMENTS

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1360) to amend the Indian Financing Act of 1974, and for other purposes, as amended.

The Clerk read as follows:

S. 1360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

LIMITATIONS ON AMOUNT OF LOANS TO INDIVIDUAL INDIANS OR ECONOMIC ENTERPRISES

Section 1. Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended by striking out "$350,000" and inserting in lieu thereof "$500,000".

ASSIGNMENT OF LOANS

Sec. 2. Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended to read as follows:

"Sec. 205. Any loan guaranteed under this title, including the security given for such loan, may be sold or assigned by the lender to any person.".

AGGREGATE LOANS LIMITATION

Sec. 3. Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by striking out "$200,000,000" in subsection (b) and inserting in lieu thereof "$500,000,000".

AUTHORIZATION OF APPROPRIATIONS

Sec. 4. (a) The last sentence of subsection (e) of section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497(e)) is amended to read as follows: "All collections and all moneys appropriated pursuant to the authority of this subsection shall remain available until expended.

(b) Section 217 of the Indian Financing Act of 1974 is amended by adding at the end thereof the following new subsection:

"(f) If the Secretary determines that the amount in the fund is not sufficient to maintain an adequate level of reserves necessary to meet the responsibilities of the fund in connection with losses on loans or surety bonds guaranteed or insured under this title, the Secretary shall promptly submit a report notifying Congress of the deficiencies in the fund.".

(c) Any new credit authority (as defined in section 3 of the Congressional Budget and Impoundment Control Act of 1974) which is provided by amendments made by this Act shall be effective only to such extent and in such amount as may be approved in advance in appropriation Acts.

SUPPLEMENTAL SURETY BOND GUARANTEE

Sec. 5. (a) The Indian Financing Act of 1974 is amended by designating section 218 as section 219 and inserting the the following new section 218:

"Sec. 218. (a) The Secretary is authorized to provide a supplemental surety bond guarantee, not to exceed 20 per cent of any loss, for any Indian individual or economic enterprise eligible for a surety guarantee under section 411 of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, 694b), so that the aggregate of the two guarantees is 100 percent.

"(b) The Secretary may provide a supplemental guarantee under this section only if the Secretary determines that—

"(1) the Indian individual or economic enterprise has secured or will likely secure a surety bond guarantee under section 411 of the Small Business Investment Act of 1958, as amended;

"(2) the Supplemental guarantee is necessary for the Indian individual or economic enterprise to secure a surety bond;

"(3) no more than 25 percent of the surety's business is comprised of bonds guaranteed pursuant to this section; and

"(4) the surety will provide appropriate technical assistance and advice to, and monitor the performance of, the Indian individual or economic enterprise for the prevention or mitigation of a loss.

"(c) The rules and regulations promulgated by the Secretary to carry out this section shall include the setting of reasonable fees to be paid by the Indian individual or economic enterprise and reasonable premium charges to be paid by sureties. In setting fees and charges, the Secretary may take into consideration the cost to the surety of providing the services required by paragraph (4) of subsection (b). The receipts from the fees and charges shall be deposited in the Fund established by section 217(a) of this Act.".

(b) Section 3 of the Indian Financing Act of 1974 is amended by adding the following new paragraphs (h) and (i) at the end thereof:

"(h) 'Surety' has the same meaning as in section 410 of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, 694a).

"(i) 'Surety Bond' means a bid bond, payment bond, or performance bond as those terms are defined in section 410 of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, 694a).".

(c) Section 216 of the Indian Financing Act of 1974 is amended by:

(1) striking the phrase "of loans" in the first sentence and inserting, in lieu thereof, the phrase "of loans and surety bonds";

(2) striking the phrase "a loan" in paragraph (b) and inserting, in lieu thereof, the phrase "a loan or surety bond"; and

(3) striking the phrase "any loan" in paragraph (c) and inserting, in lieu thereof, the phrase "any loan or surety bond".

(d) Section 217 of the Indian Financing Act of 1974 is amended by striking the word "loans" each time it appears and inserting, in lieu thereof, the phrase "loans or surety bonds".

Sec. 6. The Indian Financing Act of 1974 is amended by adding the following new section at the end of Title II:

"Sec. 220. (a) The Secretary may guarantee not to exceed 90 percent of the unpaid principal and interest due on an issue of bonds, debentures, or similar obligations issued by an organization satisfactory to the Secretary. Such an issue shall be deemed a loan for purposes of sections 202, 203, 204, 205, 206, 209, 210, 211, 213, 214, 215, 216, and 217 of this Act.

"(b) The method by which an issue of bonds guaranteed under this section may be sold shall be subject to approval by the Secretary.".

Sec. 7. The Indian Financing Act of 1974 is amended by adding a new section 504 as follows:

"Sec. 504. Notwithstanding any other provision of law, a contractor of a Federal agency under any Act of Congress may be allowed an additional amount of compensation equal to 5 percent of the amount paid, or to be paid, to a subcontractor or supplier, in carrying out the contract if such subcontractor or supplier is an Indian organization or Indian-owned economic enterprise as defined in this Act.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Arizona [Mr. Udall] will be recognized for 20 minutes and the gentleman from Arizona [Mr. Rhodes] will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Arizona [Mr. Udall].

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 1360 is to amend the Indian Financing Act of 1974. This act was passed in order to promote economic development within Indian reservations by creating programs which would make it possible for Indians to obtain the necessary finances and create businesses within Indian reservations.

S. 1360 passed the Senate in 1987 and was referred to the Interior Committee on November 19 of last year. The committee held hearings on this bill and reported it out with some amendments.

Among the more important amendments made by this bill to the original act are the following: the bill raises the amount that can be loaned to any qualified applicant from $350,000 to $500,000 and also raises the loan guaranty authority. The bill also authorizes the Secretary of the Interior to provide supplemental surety bond guarantees and authorizes the Secretary to guarantee taxable bonds issued by Indian tribes.

Mr. Speaker, although the original act has had a positive effect, economic conditions on Indian reservations are still deplorable and I hope that these amendments will be used to improve the economic outlook on such reservations. I urge my colleagues to approve the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1360, the Indian Financing Act amendments. Economic conditions of many Indian reservations rival third world nations. Unemployment continues to exceed 47 percent in remote areas and the Indian people have per capita incomes less than one-half the national average.

While there are many causes to these conditions, one prominent cause is the lack of developmental capital. Much of Indian country is held in trust by the United States for tribes or individual Indians, meaning that investors are reluctant to loan or invest where collateral is not available. Additionally, some conditions in Indian country, such as the lack of infrastructure and the remote nature of many reservations, discourage venture capitalists from investing.

The purpose of 1974 Indian Financing Act was to provide a Federal alternative to private capital through loans, loan subsidies, and loan guarantees. The act has been successful to a limited degree in stimulating economic activity. S. 1360 would amend the act to raise the amount which would be available to Indian businesses under the direct revolving loan program and would provide a mechanism for maintaining proper reserves in the Loan Guarantee Program.

The administration objected to a provision of the Senate passed bill which duplicated the SBA's Surety Bond Program. The committee has amended the bill to delete that provision and instead provide a supplemental program. Mr. Speaker, this legislation will do much to stimulate economic activity in Indian country, and I urge my colleagues to support S. 1360.

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RHODES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Arizona [Mr. UDALL] that the House suspend the rules and pass the Senate bill, S. 1360, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1360, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION AUTHORIZATION

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4754) to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, as amended, 40 U.S.C. 871), is amended as follows:

"At the end of section 17(a), insert the following: 'There are further authorized to be appropriated for operating and administrative expenses of the Corporation $2,353,000 for the fiscal year 1989; $2,650,000 for the fiscal year 1990; $2,400,000 for the fiscal year 1991; and $2,200,000 for the fiscal year 1992.' "

The SPEAKER pro tempore. Is a second demanded?

Mr. EMERSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4754, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since its creation in 1972, the Pennsylvania Avenue Development Corporation has worked to revitalize this historic avenue in our Nation's Capital to its proper measure of stateliness. Designed as the connection between the executive branch and the legislative branch, Pennsylvania Avenue has served as the route for many inaugurations, parades, and demonstrations. It is the main street of the Nation's Capital. The Pennsylvania Avenue Development Corporation, or PADC as it's commonly known, has worked to establish a public and private partnership to restore this avenue, and we have all experienced the results of its efforts.

Mr. Speaker, H.R. 4754 is a very simple but necessary bill. It extends the authority of the PADC to pay salaries and to spend money on expenses until 1992 when the PADC's authorization expires. Without this bill, the employees and the expenses would not be paid and the Pennsylvania Avenue plan would not be implemented.

The Committee on Interior and Insular Affairs adopted an amendment to H.R. 4754, which provides specific authorizations for appropriations. Mr. Speaker, I endorse this bill and request its passage so that the work of the Pennsylvania Avenue Development Corporation continues without interruption.

Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this bill which authorizes the expenses and salaries for staff of the Pennsylvania Avenue Development Corporation through fiscal year 1992 when the Corporation expires.

Mr. Speaker, of all the legislation which passes through this committee, the PADC has been one of the most successful. One only need recall America's avenue 16 years ago and the urban blight which was rampant along the avenue. Sixteen years later, the avenue which connects the White House with the Nation's Capitol is something of which we can be proud.

The administration supports this reauthorization.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4754, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MODIFYING BOUNDARY OF GUADALUPE MOUNTAINS NATIONAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4777) to modify the boundary of the Guadalupe Mountains National Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY MODIFICATION.

The first section of the Act entitled "An Act to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes" (16 U.S.C. 283) is amended—

(1) by changing "in" after "That" to "(a) In"; and

(2) by adding at the end thereof the following:

"(b) The boundary of Guadalupe Mountains National Park is hereby modified to include the area which comprises approximately 10,123 acres as generally depicted on the map entitled 'Boundary Proposal' and dated August 1986, which shall be on file and available for public inspection in the office of the Director of the National Park Service and in the office of the Superintendent of the Guadalupe Mountains National Park."

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) PROTECTION OF AREA.—Section 6 of the Act entitled "An Act to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes" (16 U.S.C. 283) is amended—

(1) by inserting "(a)" after "SEC. 6"; and

(2) by inserting at the end thereof the following:

"(b) In addition to amounts authorized to be appropriated under subsection (a), there is authorized to be appropriated such sums as may be necessary for the construction of a fence to protect the natural and cultural resources of the area added to Guadalupe Mountains National Park by section 2(b).".

(b) LAND ACQUISITION.—Subsection (a) of section 6 of such Act (as redesignated by subsection (a) of this section) is amended by striking out "sums," and all that follows through "all," and inserting in lieu thereof "sums".

The SPEAKER pro tempore. Is a second demanded?

Mr. EMERSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Missouri [Mr. EMERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4777, a bill introduced by our colleague RON COLEMAN modifies the boundary of the Guadalupe Mountains National Park by authorizing the addition of some 10,000 acres to the park. The bill also provides for the construction of a fence around the addition. Without being protected as part of the park, archeological and natural resources are threatened.

The National Park Service has long been interested in this addition to the park, because of the scenery and resources the area contains, especially the white gypsum dune field and the red quartzose dunes which are geologically significant and contain unusual biological associations. In addition to various plants, some of which are quite rare, there are significant cultural resources, both prehistoric and historic in the proposed addition.

The Committee on Interior and Insular Affairs made two minor technical amendments to H.R. 4777. The first removes the land exchange authority between States. The second adds the words "and cultural" after "natural" in referring to the resources that will be protected by the construction of a fence around the addition to ensure that the cultural resources there are also protected by the construction of a fence.

Mr. Speaker, I strongly endorse H.R. 4777. There is strong consensus that this area should be added to the Guadalupe Mountains National Park, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the amended version of H.R. 4777 before us today. This amendment to the 1966 act establishing Guadalupe Mountains National Park will provide protection for important resources now outside the park boundary.

This amendment is consistent with the purpose of Public Law 89-667, which created the park in order to "preserve in public ownership an area in the State of Texas possessing outstanding geological values." Mr. Speaker, the lands proposed for addition under this bill contain a 2,000-acre white gypsum dune field and a 2,500-acre red quartzose dune field. These spectacular dune fields also contain important biological resources which are worthy of preservation.

Mr. Speaker, there is broad support for this proposal: from the local community as expressed in a public meeting, from the landowners—five out of six of whom have indicated their support for this proposal to the National Park Service, from the county—which has already initiated development of a right of way eastward from Dell City to provide access, and from the State which has already designated this area as a Texas natural landmark.

The administration does not object to this addition to the park and provided a cost estimate of $1.9 million.

I urge my colleagues to join me in support of H.R. 4777.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4777, the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN], who initiated this legislation and has been a good supporter of the park.

□ 1530

Mr. COLEMAN of Texas. Mr. Speaker, I want to take this time to express my appreciation to the gentleman from Minnesota [Mr. VENTO] and the gentleman from Missouri [Mr. EMERSON] for their words and their knowledge of this national park and its resources, as well as to the committee staff in this instance, for their skill and effort and leadership in bringing this legislation to the floor so expeditiously.

Mr. Speaker, Guadalupe Mountains National Park was established in 1966, and it has had the same configuration for the first 22 years of its existence. H.R. 4777, when enacted, will bring within the park a unique area just outside the present boundary. A modification which neighboring land owners, conservationists, public officials, and visitors have long felt should naturally be preserved and appended. The large part of the roughly 10,000 acres to be added to the park through this bill consists of a series of white gypsum and red quartzose sand dunes. Also encompassed in the new park dimensions will be archeological sites from the prehistory of the Pueblo Indian Tribe, remnants of the Butterfield Stage Route, and plants and wildlife on the endangered species list. These resources, natural and cultural, have been subject to occasional mistreatment over the past 20 years.

This bill will address that neglect and will at the same time make public a spectacular and beautiful space to accommodate the increasing number of visitors to the park of which all of us in west Texas are so justifiably proud.

Again, Mr. Speaker, I wish to commend my friends from the Interior Committee for their adept handling of this bill.

Mr. VENTO. Mr. Speaker, I again commend the gentleman from Texas and the Texas delegation who have sponsored this legislation.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois) The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4777, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WINDING STAIR MOUNTAIN NATIONAL RECREATION AND WILDERNESS AREA ACT

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 4354) to designate certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, create the Winding Stair Mountain National Recreation and Wilderness Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Winding Stair Mountain National Recreation and Wilderness Area Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) select areas of undeveloped National Forest System lands in the State of Oklahoma possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) and other studies of National Forest system lands in the State of Oklahoma and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System;

(3) the Department of Agriculture's second roadless area review and evaluation, of National Forest System lands in the State of Oklahoma and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values, and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws;

(4) many areas of the Ouachita National Forest possess qualities that can only be expressed and utilized in such a manner that designation of such areas as a national recreation area is appropriate for the maximum potential and enjoyment of the area by the American people;

(5) select areas possess unique plant and tree species and plant communities that are significant in their occurrence, variety and location and warrant designation as botanical areas; and

(6) select areas possess unique scenic and wildlife qualities that designation of such areas as a national scenic area and a national scenic and wildlife area is appropriate for the preservation of the natural beauty and wildlife habitat for the enjoyment of the American people.

(b) Purposes.—The purposes of this Act are to—

(1) designate certain National Forest System lands in the State of Oklahoma as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and to ensure that certain other National Forest System lands in the State of Oklahoma be available for nonwilderness multiple uses; and

(2) designate certain National Forest System lands in the State of Oklahoma as a national recreation area, 2 botanical areas, a national scenic area, and a national scenic and wildlife area in order to enhance and further certain natural resources characteristics.

SEC. 3. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) the following lands in the State of Oklahoma are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately 4,583 acres, as generally depicted on a map entitled "Black Fork Mountain Wilderness—Proposed", dated March 1988, and which shall be known as the Black Fork Mountain Wilderness.

(2) Certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately 9,371 acres, as generally depicted on a map entitled "Upper Kiamichi River Wilderness—Proposed", dated March 1988, and which shall be known as the Upper Kiamichi River Wilderness.

SEC. 4. MAPS AND DESCRIPTIONS.

As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in section 3 of this Act and legal descriptions of each wilderness area designated by section 3 of this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and legal description shall have the same force and effect as if included in this Act; except that correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 5. ADMINISTRATION.

Subject to valid existing rights, each wilderness area designated by section 3 of this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that with respect to any area designated in section 3 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 6. WILDERNESS REVIEW.

(a) Findings.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in Oklahoma and of the environmental impacts associated with alternative allocations of such areas.

(b) Congressional Determination and Direction.—On the basis of such review, the Congress hereby determines and directs that—

(1) Without passing on the questions of the legal and factual sufficiency of the RARE II Final Environmental Impact Statement (dated January 1979) with respect to National Forest System lands in States other than Oklahoma, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Oklahoma;

(2) with respect to the National Forest System lands in the State of Oklahoma which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Oklahoma reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, except that such areas need not be managed for the

purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Oklahoma are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Oklahoma for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) Use of Term.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) Application of Provisions.—The provisions of this section shall also apply to:

(1) those National Forest System roadless lands in the State of Oklahoma in the Ouachita National Forest which were evaluated in the Rich Mountain and Beech Creek unit plans; and

(2) National Forest System roadless lands in the State of Oklahoma which are less than five thousand acres in size.

SEC. 7. ADJACENT MANAGEMENT.

Congress does not intend that designation of wilderness areas in the State of Oklahoma lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 8. WINDING STAIR MOUNTAIN NATIONAL RECREATION AREA.

(a) Establishment.—In order to ensure the conservation and protection of certain natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, there is hereby established the Winding Stair Mountain National Recreation Area located in the Ouachita National Forest, Oklahoma.

(b) Area Included.—The Winding Stair Mountain National Recreation Area (hereafter in this Act referred to as the "recreation area") shall comprise approximately 26,445 acres as generally depicted on the map entitled "Winding Stair Mountain National Recreation Area—Proposed", dated March 1988, which shall be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture.

(c) Maps and Description.—The Secretary of Agriculture (hereinafter in this section referred to as the 'Secretary') shall, as soon as practicable after the date of enactment of this Act, file a map and a legal description of the recreation area with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate and each such map and legal description shall have the same force and effect as if included in this Act; except that correction of clerical and typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) Administration.—The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best further the purposes of this section, as set forth in subsection (a). Management and utilization of natural resources within the recreation area shall be permitted to the extent such management and utilization is compatible with and does not impart the purposes for which the recreation area is established.

(e) Timber Management.—Any sales of timber from within the recreation area shall be designed so as to not detract from the scenic values of the recreation area. Management practices that would detract from the scenic quality and natural beauty within view from the Talimena Drive or the Holson Valley Road shall not be conducted in the recreation area. Unevenaged timber management shall be the timber management practice in the recreation area, except that the Secretary may use evenaged management practices in order to promote public safety, mitigate the effects of fire, insects, and disease, or allow scenic vistas and recreational development or if such practices result in irregular cuts behind geographic barriers blocking the view from the Talimena Drive and the Holson Valley Road.

SEC. 9. BOTANICAL AREAS.

(a) Designation.—In order to protect and interpret to the public areas within the Ouachita National Forest which contain unique plant species and unique plant communities that are significant in their occurrence, variety and location, the following lands are hereby designated as botanical areas:

(1) Certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately eight thousand and twenty-six acres as generally depicted on a map entitled "Robert S. Kerr Memorial Arboretum, Nature Center and Botanical Area—Proposed", dated March 1988, which shall be known as the "Robert S. Kerr Memorial Arboretum, Nature Center and Botanical Area".

(2) Certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately four hundred acres as generally depicted on a map entitled "Beech Creek Botanical Area—Proposed", dated March 1988, which shall be known as the "Beech Creek Botanical Area".

(b) Map and Description.—The Secretary of Agriculture shall, as soon as practicable after the date of enactment of this Act, file a map and a legal description of the botanical areas with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and legal description shall have the same force and effect as if included in this Act; except that correction of clerical and typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(c) Administration.—The Secretary shall administer the botanical areas in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best further the purposes of this section, as set forth in subsection (a). Vegetative manipulation, including the cutting of trees, shall be permitted in such areas only when necessary for the protection and interpretation of the unique plant species and unique plant communities within the area. The Secretary may permit expansion of roads, improvements, and other facilities in the vicinity of the Robert S. Kerr Nature Center.

SEC. 10. INDIAN NATIONS NATIONAL SCENIC AND WILDLIFE AREA.

(a) Designation.—In order to protect and enhance certain scenery and wildlife within the Ouachita National Forest, Oklahoma, certain lands within such national forest, as generally depicted on a map entitled "Indian Nations National Scenic and Wildlife Area—Proposed", dated March 1988, are hereby designated as the 'Indian Nations National Scenic and Wildlife Area' (hereinafter in this Act referred to as the 'national scenic and wildlife area').

(b) Map and Description.—The Secretary of Agriculture (hereinafter in this section referred to as the 'Secretary') shall, as soon as practicable after the enactment of this Act, file a map and a legal description of the national scenic and wildlife area with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and legal description shall have the same force and effect as if included in this Act; except that correction of clerical and typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(c) Administration.—The Secretary shall administer the national scenic and wildlife area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best further the purposes of this section, as set forth in subsection (a). Management practices within the national scenic and wildlife area that would detract from the scenic quality and natural beauty of the Talimena Drive and Holson Valley Road viewsheds shall be prohibited. Timber management practices within the national scenic and wildlife area shall promote a mixed hardwood and conifer forest with species and age class diversity approximating natural succession and with significant mast production and den trees for wildlife. Unevenaged timber management shall be the timber management practice in the national scenic and wildlife area, except that the Secretary may use evenaged management practices in order to promote public safety, mitigate the effects of fire, insects, and disease, or if such practices result in irregular cuts behind geographic barriers blocking the view from the Talimena Drive and the Holson Valley Road.

SEC. 11. BEECH CREEK NATIONAL SCENIC AREA.

(a) Designation.—In order to protect and enhance certain scenery and wildlife within the Ouachita National Forest, Oklahoma, certain lands within such national forest, as generally depicted on a map entitled "Beech Creek National Scenic Area—Proposed", dated March 1988, are hereby designated as the "Beech Creek National Scenic Area" (hereinafter in this Act referred to as the "national scenic area").

(b) Map and Description.—The Secretary of Agriculture (hereinafter in this section referred to as the "Secretary") shall, as soon as practicable after the enactment of this Act, file a map and a legal description of the national scenic area with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and legal description shall have the same force and effect as if included in this Act; except that correction of clerical and typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(c) Administration.—The Secretary shall administer the national scenic area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best further the purposes of this section, as set forth in subsection (a). Timber Management practices within the area shall promote a mixed hardwood and conifer forest with species and age class diversity approximating natural succession and with significant mast production and den trees for wildlife. Unevenaged timber management shall be the timber management practice in the area, except that the Secretary is authorized to use evenaged management practices in order to promote public safety or to mitigate the effects of fire, insects, and disease.

SEC. 12. NOMENCLATURE.

The wilderness areas, the national recreation area, the national scenic and wildlife area, the national scenic area, and the botanical areas designated in this Act shall be referred to as the "Winding Stair Mountain National Recreation and Wilderness Area".

SEC. 13. TIMBER MANAGEMENT REPORT.

The Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on the timber management program on those lands of the Ouachita National Forest located in LeFlore County, Oklahoma, each year after the enactment of this Act for a period of 20 years. Each such report shall include information on timber management practices, sale preparation, harvest levels, reforestation, forest pest and damage problems, multiple use mitigation practices, including wildlife enhancement, recreation, protection of scenery, vegetation conversion, roads, and vegetative cover along streams, roads and trails.

SEC. 14. PLANNING.

(a) Forest Management Plan.—The Secretary shall amend the Ouachita National Forest land and resource management plan to include provisions regarding the wilderness areas, the botanical areas, the national recreation area, the national scenic and wildlife area, and the national scenic area designated by this Act. The amendment shall further the purposes for these areas as specified in this Act and shall be developed in accordance with the provisions of the National Forest Management Act, including provisions for public involvement.

(b) Tourism and Recreation.—The plan shall include a section with provisions to promote tourism and recreation in ways consistent with the purposes for which the wilderness areas, the botanical areas, the national recreation area, the national scenic and wildlife area and the national scenic area are designated.

(c) Local Advisory Group.—No later than 90 days after the date of enactment of this Act the Secretary shall designate a special advisory group from the local area in which the Ouachita National Forest is located to assist in the preparation of the tourism and recreation section of the amendment as required under subsection (b). The Secretary shall request the group to submit to the Secretary, within 12 months after its designation as an advisory group, a draft for such section. No later than ninety days after receiving such draft, the Secretary shall make any revisions and provide them to the group for review. The Secretary shall allow at least 60 days for the group to submit to the Secretary its comments on the revisions. The Secretary shall attempt to resolve any differences prior to his approval or disapproval of the amendment to the forest plan.

(d) Authorization.—There are hereby authorized to be appropriated not to exceed $15,000,000 for the development and implementation of the amendment required under this section.

(e) Implementation.—The Secretary is authorized and encouraged to seek local nonprofit entities for the purpose of helping to implement the amendment required under this section.

SEC. 15. FIRE, INSECT, AND DISEASE.

Nothing in this Act shall preclude the Secretary of Agriculture from carrying out such measures in the recreation area, the national scenic and wildlife area, the national scenic area, or in the botanical areas established by this Act as the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease or for public health and safety.

SEC. 16. GRAZING.

Subject to such limitations, conditions, or regulations as he may prescribe, the Secretary of Agriculture shall permit grazing on lands within the Ouachita National Forest, LeFlore County, Oklahoma.

SEC. 17. FISHING AND WILDLIFE.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State with respect to wildlife and fish in the areas designated by this Act.

SEC. 18. PERMITS.

The Secretary shall cooperate with other Federal agencies, with State and local public agencies and bodies, and with private individuals and organizations in the issuance of permits for facilities, services, and recreational facilities in the Winding Stair Mountain National Recreation and Wilderness Area. In issuing such permits, the Secretary is authorized and encouraged to consider local nonprofit entities.

SEC. 19. LAND ACQUISITION.

(a) Authority.—The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, any lands or interests therein which the Secretary determines are needed to establish and manage the Winding Stair Mountain National Recreation and Wilderness Area.

(b) Offers.—In exercising the authority conferred by this section to acquire lands, the Secretary of Agriculture shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in land, within the Winding Stair Mountain National Recreation and Wilderness Area. In considering any such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property.

(c) Additional Facilities.—The Secretary of Agriculture may acquire sites at locations outside such boundaries of the Winding Stair Mountain National Recreation and Wilderness Area, as he determines necessary, for visitor orientation and the establishment of a lodge and additional facilities to enhance the quality of the area.

(d) Additional Lands.—Notwithstanding the limitations contained in section 7(a)(1) of the Land and Water Conservation Fund Act of 1965, the Secretary of Agriculture may acquire by purchase, exchange, donation or otherwise any right, title, and interest in lands in Le Flore County, Oklahoma, which are outside the boundaries of the Ouachita National Forest. No such right, title or interest may be acquired without the consent of the owner thereof. All lands and interests therein acquired under this subsection shall be administered by the Secretary of Agriculture in accordance with the Act of March 1, 1911, commonly referred to as the Weeks Act (36 Stat. 961) and in accordance with the laws, rules and regulations generally applicable to units of the national forest system. The Secretary of Agriculture shall extend the boundaries of the Ouachita National Forest to include such lands.

SEC. 20. ACREAGES.

The acreage specified in this Act is approximate and in the event of discrepancies between cited acreage and the lands depicted on reference maps, the maps shall control.

The SPEAKER pro tempore. Is a second demanded?

Mr. EMERSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes and the gentleman from Missouri [Mr. Emerson] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4354, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure, H.R. 4354 was introduced by our friend and colleague from Oklahoma [Mr. WATKINS]. It would enhance and protect the Ouachita National Forest in his State. The bill would accomplish this in a number of different ways. It would establish several special designations which give the designated lands more protection than if they would remain as general national forest lands. These designations provide for the wilderness designation of the Black Fork Mountain and the Kiamichi Wilderness Areas. It provides for a Winding Stair Mountain National Recreation Area which, of course, is the title of the bill. Third, the Beech Creek and Robert S. Kerr Botanical Areas are provided in this measure. Fourth, the Indian Nations National Scienic and Wildlife Area are provided and finally the Beech Creek National Scenic Area is provided.

The bill would require the Forest Service to establish a local advisory group to assist with planning for these new areas. It would require uneven timber management inside the national scenic areas and the national recreation area. This would result in a mixed-conifer hardwood forest that would provide wildlife and scenic benefits as well as economic benefits. This legislation would authorize the Forest Service to acquire some lands outside the existing national forestry boundary on a willing-seller basis.

The land will allow some of the multiple use activities curtailed by the wilderness designations, therefore, to continue.

Finally, this amendment would require the Forest Service to submit an annual report to Congress summarizing the timber program for this portion of the Quachita National Forest. This should help prevent some of the insensitive timber management practices that have occurred in the area, in this area in the past, from happening again in the future.

Mr. Speaker, this bill as amended has been perfected through the committee process and has gained bipartisan consensus. Working closely as a team with Mr. VOLKMER, the chairman of the Subcommittee on Forest and Family Farms of the Committee on Agriculture, as well as our ranking member Mr. MARLENEE representing the minority and of course Mr. WATKINS, the major sponsor, as well as myself and our staffs. Together we have developed a bill that has the support of these diverse individuals and interest.

Mr. Speaker, I want to thank them for their help and I urge my colleagues to join in supporting this bill.

I want to, of course, strongly congratulate the gentleman from Oklahoma [Mr. WATKINS] for his outstanding work. This has been a long-time project of the gentleman from Oklahoma [Mr. WATKINS]. He has been masterful in putting together support at home and I might say in the U.S. Congress for the policy initiatives represented by the bill he has introduced and followed through to this House floor.

Mr. Speaker, I reserve the balance of my time.

Mr. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4354.

Although there were several objections to the bill as introduced, those problems have been worked out to the satisfaction of the Interior Committee members on this side of the aisle.

I should point out Mr. Speaker, that the gentleman from Oklahoma [Mr. WATKINS] is largely responsible for moving this legislation. Because of his leadership and his willingness to sit down and work out the problems with this bill, the committee was able to come to an agreement on how to best protect these lands in Oklahoma. I would also like to commend Mr. WATKINS' staff, Paul Jackson, as well as Jim Bradley, on the Interior Committee staff, for helping to bring this legislation to the floor in a cooperative and timely fashion.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, again I want to note the gentleman from Oklahoma, [Mr. WATKINS'] contribution in this matter. It has been a long-term effort and struggle on his part to craft a public policy dealing with these national forest lands in his beloved State of Oklahoma. I commend him for following it through and for the work he has done. He has done a good job at home and in the committee to obtain the policy represented in this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma.

Mr. WATKINS. I appreciate the gentleman from Minnesota [Mr. VENTO] yielding and allowing me to express first and foremost my sincere appreciation to the chairman, the gentleman from Minnesota, my classmate, BRUCE VENTO for his cooperation and willingness and help and also my good friend from Missouri [Mr. EMERSON], for his very kind remarks. I appreciate that very much.

I am touched by it because this legislation today comes about after 3 years of very delicate negotiations with all various groups, individuals in this region of the State of Oklahoma; one of the most difficult things I have ever done legislativewise. I truly have said to people I think it will be one of the most gratifying, especially if it comes through in the unanimous way.

Mr. Speaker, I would like to give special thanks to the chairman of the Subcommittee on Forests, Family Farms and Energy of the Committee on Agriculture, the gentleman from Missouri [Mr. VOLKMER] and the bipartisan unanimous support of the subcommittee and also the Agriculture Committee, and also the leadership of the gentleman from Minnesota [Mr. VENTO], the gentleman from Montana [Mr. MARLENEE], and the gentleman from Missouri [Mr. EMERSON]. I thank them for their unanimous support and for that of the Subcommittee on National Parks of the Committee on Interior and Insular Affairs.

Mr. Speaker, this is a great day as far as our region of the country is concerned because of generations to come and also for the present generation we will be able to see some growth in the economic future of that area of the state from this God-given beauty that has been given to us. Now maybe we can make it work in our behalf in helping the economically depressed area grow, have economic growth, job growth, something that is so rightly deserved.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. WATKINS. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I want to point out that the gentleman not only hosted a number of informal visits which I was privileged to attend, but he took me to the areas and showed me the types of problems encountered. We had the Tallemina scenic drive, and there the fact was there were cuts in that viewshed which were really scars, as the gentleman explained, in this open area.

Obviously the hope is that with these land management plans, unusual but very important to this sensitive area, that this really is one of the only national forest areas in Oklahoma that he is trying to preserve and these are so important to the area.

Mr. WATKINS. The chairman is certainly correct. This came about because of a tremendous scarring of the area that was ruining the beauty of the entire region.

Mr. Speaker, I was very pleased the gentleman from Minnesota would honor me by coming along with Mr. VOLKMER.

I mentioned, Mr. Speaker, the full Committee on Agriculture a while ago and I just noticed the distinguished chairman walked into the Chamber, the gentleman from Texas, KIKA DE LA GARZA.

Mr. Speaker, I want to express my very deep and personal appreciation to the gentleman from Texas for allowing the full Committee on Agriculture to move on this last week so that we could pass it today and move on it and get it to the Senate. The gentleman from Texas has been a great help.

Mr. Speaker, the bill before us today is a true example of democracy in action. H.R. 4354, the Winding Stair Mountain National Recreation and Wilderness Area Act, was forged as a result of listening to many constituents from a wide range of perspectives—many from opposite ends of the spectrum. After almost 3 years, the bill before the Congress is one of very delicate balance and was crafted after local hearings, formal and informal meetings, field visits to the forest and one-on-one conversations. I have strived to allow the same openess and latitude to each constitutency.

No doubt, had I alone drafted this legislation it would have taken a different look. Had one of my constituents, representing an interest group user of this forest drafted the bill, without question it would have taken a new look dependent upon that group's viewpoint.

This bill is one that each can be proud because it guarantees a continued economic return from future timber harvests, while providing for increased tourism and recreational opportunities and the continued preservation of the area's natural beauty for this and future generations.

The enactment into law of this bill is the key to unlocking a new area for economic growth and job creation in deep southeastern Oklahoma—tourism and recreation development.

This legislation boasts several firsts—the first national botanical areas, and national scenic and wildlife area in the Nation, the first unevenaged management statutory requirement within a designated area and the first required report to the Congress on a 20-year basis on future activities on a select area of a forest.

This legislation should not result in reduced revenues from Federal receipt sharing because the area actually taken out of production is such a small part (wilderness and botanical areas) of the total 1,591,849 acres in the Ouachita National Forest in Arkansas and Oklahoma. Changes in management should have no impact as long as reductions in timber receipts do not occur in other parts of the Ouachita. In McCurtain and Le Flore Counties alone, there are a total of only 249,205 acres of Federal forest land and this bill only deals with a small portion of that total.

Moreover, tourism and recreation enhancement will bring revenue to the local area to boost earnings.

Inholdings are held to a minimum in all designated areas.

Unevenaged management as directed in this legislation for several designated areas is demanded by the local people and is necessary to preserve a multimillion dollar tourism industry that should bring new and needed tourism revenue to Le Flore County and the region.

Prior management of the U.S. Forest Service had used practices that were not sensitive to the visual impact of the area. A blanket of block clearcuts carpet the valley lying between the Talimena scenic drive and the north edge of the valley ending at Blue Mountain. This legislation will continue timber harvesting in this area but through unevenaged management.

During the hearing process, it became quite evident that a degree of protection was needed for the Beech Creek area. Since management provisions (from the original introduced bill) on areas outside of the boundaries are to be implemented by the U.S. Forest Service, then stronger management provisions were maintained within designated areas. The Beech Creek basin with the exception of 400 acres designated as botanical area is designated as Beech Creek National Scenic Area. While a degree of protection is supported by a majority of the local people, that by in large does not include support for the elimination of logging of the area. This question must be addressed during the regular planning process.

Specific provisions of the bill include:

Some 48,000 acres are designated as national wilderness, botanical, and recreation areas, including Black Fork Mountain Wilderness [4,583 acres], Upper Kiamichi River Wilderness [9,371 acres], Robert S. Kerr Memorial Arboretum, Nature Center and Botanical Area [8,026 acres], Beech Creek Botanical Area [400 acres], and Winding Stair Mountain National Recreation Area [26,445 acres].

Some 48,000 additional acres are designated as national scenic and wildlife areas; the Indian Nations National Scenic and Wildlife Area [41,051 acres] and Beech Creek Scenic Area [7,500]. Unevenaged management will be used in these areas as well as the Winding Stair Mountain National Recreation Area. Exceptions for evenaged management are permitted in all three areas to promote public safety, mitigate the effects of fire, insects, and disease. Evenaged managed irregular cuts are allowed in the scenic and wildlife area and in recreation areas that are hidden from view from Talimena Drive and Holson Valley Road by geographical barriers. Evenaged cuts are also allowed for scenic vistas and recreational development within the national recreation area.

Timber management practices in these areas will promote mixed hardwood and conifer forests with species and age class diversity approximately natural succession and with significant mast production and den trees for wildlife.

Accompanying report language, expressing the intent of Congress, defines unevenaged management and directs that management provisions contained in the original bill affecting areas outside of designated boundaries are to be considered in the revised plan. The first draft of the plan is to be released this fall.

The Secretary of Agriculture will name a special advisory group of local area residents to assist in drafting an "action" plan amendment to the tourism and recreation section of the forest plan.

Prior hunting, fishing and trapping agreements are left intact.

The sum of $15 million is authorized for the future tourism and recreational development of the area.

I want to thank my colleagues in both the House Interior and Insular Affairs Committee and the Committee on Agriculture for their assistance in expediting the consideration of this legislation that was introduced on March 31, 1988.

Chairman KIKA DE LA GARZA and the former Forests, Family Farms, and Energy Subcommittee Chairman Charles Whitley took a leadership role in this issue when they held a hearing on January 7, 1986, in Poteau, OK. The product before us closely mirrors the testimony received from that original official hearing.

Current Forests, Family Farms, and Energy Subcommittee Chairman HAROLD VOLKMER visited the area and various constituencies regarding the legislation and then returned to Washington to hold hearings. The Agriculture Committee should indeed be commended for their excellent work on this legislation.

Interior and Insular Affairs Committee Chairman MORRIS UDALL has likewise sheparded this legislation with a great deal of skill. National Parks and Public Lands Subcommittee Chairman BRUCE VENTO visited the area and later returned to Washington to hold hearings. Chairman VENTO is to be commended in making this legislation possible.

I also want to thank the ranking minority members of both respective subcommittees. Mr. MARLENEE and Mr. MORRISON have been very helpful in seeing that this legislation cleared both committees.

Finally, I want to thank staff members from both committees for their untiring work on this legislation.

And I want to thank all of those constituents who have personally spent time and finances in testifying and working on this legislation.

In conclusion, Mr. Speaker, with the passage of this legislation the future of the Ouachita National Forest, Le Flore County, OK, is set for this and many Oklahoma generations to come. As I stated upon introducing this bill, without question, this legislation has been probably the most difficult piece of legislation on which I have worked during the 12 years I have been in the Congress. However with the passage of this bill it will be one of the most personally satisfying things that I will have accomplished in the Congress.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 4354, as amended, the Winding Stair Mountain National Recreation and Wilderness Area Act and urge my colleagues to support its passage.

H.R. 4354, as amended, will protect various resource values on the Ouachita National Forest in the State of Oklahoma. Through the designation of several wilderness and special management areas, the bill would protect wildlife and its habitat, scenic and aesthetic values, recreation opportunities, and natural diversity of animal and plant species.

The Ouachita National Forest encompasses lands in both Arkansas and Oklahoma. H.R. 4354 affects only those lands in the Ouachita National Forest within Le Flore County, OK, which accounts for approximately 200,000 acres of the Forest. This area contains resources that are particularly significant and unique, including impressive mountain scenery, two popular scenic roadways, and an abundance of wildlife.

The Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture has considered the matters addressed in H.R. 4354 on two separate occasions. In January 1986 the subcommittee held a field hearing in Poteau, OK, to receive testimony from local residents on wilderness issues and the management of the Ouachita National Forest. Then, in June 1988, the subcommittee convened a hearing to consider the provisions of H.R. 4354, as introduced by our distinguished colleage from Oklahoma, Mr. Watkins.

The bill, as reported by the Committee on Agriculture, was amended to address several concerns. H.R. 4354, as introduced, provided specific guidelines for the management of Ouachita National Forest lands in LeFlore County, OK, not given special designation by this bill, through the use of detailed timber management prescriptions. The bill proposed to set in statute the maximum size of clearcuts, their distribution and frequency, and other specific management requirements.

The committee recognizes the concerns of local residents regarding management practices on the Ouachita National Forest—in particular, the use of clearcutting and the practice of converting forest stands from hardwood species to pine. However, the committee was concerned that the enactment into law of management prescriptions for large areas of National Forest System lands, other than those designated as wilderness, sets a dangerous precedent. The existing land and resource planning process properly allows the opportunity for periodic review of forest management directions.

The amendment adopted by the committee deletes the management directives for the nondesignated areas contained in H.R. 4354, as introduced. It does, however, retain specific management direction for certain designated areas of the forest, where unevenaged management to provide for mixed hardwood and conifer forests is prescribed.

The committee believes that it is important that the Forest Service maintain the flexibility it requires to be able to make local forest management decision based upon local resource conditions, public concerns, and management needs. Unfortunately, past management practices on the Ouachita National Forest have led local residents to seek to limit future management options on the Ouachita National Forest, preferring to see management direction for certain areas set by statute rather than prescribed by Forest Service personnel. The committee expects that, in the future, the Forest Service will be cognizant of citizen concerns in administering the Ouachita National Forest and will manage the forest in accordance with all applicable laws, sound scientific judgment, and full public participation.

Mr. Speaker, I commend my colleague, Mr. WATKINS, for his determined and diligent efforts to craft a compromise bill that addresses the concerns of all those who have an interest in the future of the Ouachita National Forest. H.R. 4354, as amended, is an acceptable compromise for protecting important areas of the Forest while providing for its future management in accordance with an approved forest plan.

I urge my colleagues to support passage of H.R. 4354, as amended.

Mr. Speaker, we are very happy that we were able to work with our distinguished colleague from Minnesota and our distinguished colleague from Oklahoma on this endeavor.

Besides our desire to assist the gentleman from Oklahoma, I had neglected to mention that I had a very personal interest in this matter. Some years ago when I was a young Second Lieutenant at Fort Sill, OK, I roamed the wilderness areas of the Ouachita National Forest and the Winding Stair Trail. Young officers or enlisted men in the military availed themselves of this beautiful area. We had much time and little money.

I am glad that the distinguished gentleman from Oklahoma has seen fit to introduce this legislation and that our colleague from Minnesota has seen the value in preserving these evirons for the future benefit of anyone who might serve in the military at Fort Sill, OK, or any other military base in Oklahoma.

I thank the gentleman for what it did for me in the past and hope that now and in the future it may help other young military personnel in that area.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman for yielding.

Mr. Speaker, if the chairman had told me that a little earlier I would have rested a lot easier.

Mr. DE LA GARZA. I assure the gentleman I did not want to complicate the issue. I wanted to leave the personal reference for the end. From here we go forward.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MARLENEE. Mr. Speaker, on behalf of the minority side of the House Agriculture Committee, Subcommittee on Forests, Family Farms and Energy, I rise in support of H.R. 4354, a bill designating certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System and creating the Winding Stair Mountain National Recreation and Wilderness Area.

This legislation represents long and hard fought battles in the State of Oklahoma with respect to appropriate management of these areas. I applaud the gentleman from Oklahoma [Mr. WATKINS] for his perseverance and diligence regarding this issue. I know in my own home State of Montana, wilderness designation discussions are often emotional and end up with differing factions at odds with one another for years. It is not an easy task to shepard wilderness bills through the legislative process and, once again, our colleague from Oklahoma has done an admirable job.

In the Agriculture Committee, a substitute was adopted that attempted to address some of the concerns raised by the administration with respect to this legislation. First of all, members of the Subcommittee on Forests, Family Farms and Energy, which has jurisdiction over the management of the national forests, eliminated provisions which, in essence, mandated specific timber harvesting methods. The subcommittee believed, and I agree, that such decisions are best left to professional foresters familiar with the area.

Second, the bill as passed by the Interior Committee designated a certain local entity as a special advisory group to help in the preparation of the management plan, and provided for compensation to the group for their efforts. The substitute eliminated the specific designation of this particular group; but it does direct the Secretary to seek input in the preparation of the plan from a local interest group but does not provide for compensation for the group's assistance.

Third, the Agriculture Committee passed bill included the designation of the Beech Creek National Scenic Area in order to protect and enhance scenery and wildlife in the area. There were several other minor changes made to the bill that passed the Interior Committee.

Mr. Speaker, we thought the substitute to be a better piece of legislation than that passed by the Interior Committee; however, the bill before us is the Interior Committee version. In the interest of swift consideration, we will not object. We do plan to continue to assert the Committee on Agriculture's jurisdiction over issues pertaining to national forest managment and wilderness designations.

I understand there are active timber contracts ongoing on some of the wilderness designation areas in this bill. This always concerns me: Companies in good faith make contracts with the U.S. Government for their timber supplies only to have those commitments disrupted by wilderness designations. I further understand that the administration will be seeking amendments in the other body to allow for the completion of these contracts, and hopefully avoid potential breach of contract litigation against the people of the United States.

Mr. Speaker, on behalf of the minority members of the Committee on Agriculture, I support enactment of H.R. 4354, commend the chairmen of the subcommittee and full committee for the manner in which this legislation was considered, and yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Texas, the distinguished chairman of the Committee on Agriculture, for his remarks.

Mr. Speaker, with that we will rest our case, and I yield back the balance of our time.

Mr. EMERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4354, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4354 the bill just passed.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 316

Mr. STANGELAND. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 316.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ESTABLISHING A MINING EXPERIMENTAL PROGRAM ON CRITICAL MINERALS

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4180) to establish a mining experimental program on critical minerals, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRITICAL MINERALS MINING EXPERIMENTAL PROGRAM.

(a) The Secretary of the Interior shall establish a mining experimental program on critical minerals as provided in this section. The program shall be administered by the Director of the Bureau of Mines.

(b) The purpose of the program established by this section shall be, within a three-year period, to develop mining, mineral processing, and such other technologies as will be capable of substantially reducing the dependency of the United States on critical minerals produced in the Republic of South Africa and the Soviet Union. Such a program shall include, but not be limited to, the development of each of the following—

(1) Improved extractive and processing technologies of domestic onshore and offshore deposits of those critical minerals listed in subsection (c), including recovering such minerals as a byproduct through processing other minerals.

(2) Substitute materials, including metals and nonmetals, to those critical minerals listed in subsection (c).

(3) Techniques for recovering those critical minerals listed in subsection (c) through recycling domestically available waste and scrap metals and other materials, products, and commodities bearing such minerals.

(c) The program established by this section shall place priority on, but shall not necessarily be limited to, each of the following critical minerals–

(1) Chromite ore including chromium and ferrochromium.

(2) Manganese ore including ferromanganese.

(3) Platinum group metals including platinum, palladium, iridium, osmium, rhodium and ruthenium.

(4) Vanadium ore including ferrovanadium and vanadium pentoxide.

(5) Cobalt metal and oxide.

(d) The program authorized by this section shall be established as a separate program within the Bureau of Mines, except that it may draw upon existing research, personnel, and other assistance available within the Bureau of Mines.

(e) The Director of the Bureau of Mines shall take such actions as necessary to facilitate the transfer of technologies developed under this section to the private sector for commercial application.

(f) The Secretary of the Interior shall submit to the President and the Congress an annual report detailing the progress made in the program established by this section. Such report shall include information on the—

(1) Status of technology development pursuant to the categories listed in subsection (b) for each critical mineral.

(2) Extent of critical mineral dependency reduction that may be made through the implementation of technologies developed under the program.

(3) Application, utilization, and commercialization of technologies developed under the program.

(4) Restraints, if any, to the widespread adoption of such technologies.

(g) As used in this section—

(1) The term "critical minerals" means those minerals, including materials and metals, not presently found or produced domestically in sufficient quantities to satisfy the major portion of current and projected demand upon which the United States, due to lack of availability of supplies from other sources, is dependent on supplying its essential defense and commercial requirements from minerals produced in the Republic of South Africa and the Soviet Union.

(2) The term "produced in the Republic of South Africa" means those critical minerals produced in the territorial boundaries of the Republic of South Africa and exported to the United States, and those critical minerals produced in sovereign nations adjacent to the Republic of South Africa but which can only be exported to the United States through the Republic of South Africa.

(h) There are authorized to be appropriated to carry out the purposes of this section $5,000,000 for the fiscal year ending September 30, 1990; $10,000,000 for the fiscal year ending September 30, 1991; and, $15,000,000 for the fiscal year ending September 30, 1992.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes and the gentleman from Missouri [Mr. EMERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4180, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4180, as reported by the Committee on Interior and Insular Affairs, would authorize the establishment of an intensive 3-year research program aimed at reducing the dependency of the United States on imports of critical minerals from South Africa and the Soviet Union through improvements in domestic mineral extractive technologies, the development of substitute materials, and advances in recycling techniques.

In carrying out the program, H.R. 4180 directs the Bureau of Mines to place a research priority on such critical minerals as chromium, cobalt, manganese, platinum group metals, and vanadium.

The bill would also require the Secretary of the Interior to submit an annual progress report to Congress detailing results of the program. Budget authority in the amounts of $5 million for fiscal year 1990, $10 million for fiscal year 1991, and $15 million for fiscal year 1992 would be provided for the program.

The importance of some of these critical minerals to the U.S. economy and our defensive posture should not be underestimated. Chromium is essential for making stainless steel "stainless" or resistant to corrosion and oxidation. There are currently no satisfactory substitutes for chromium in this capacity and this serious situation is further compounded by the fact that South Africa provides 73 percent of U.S. imports of chromium.

Likewise, platinum group metals or PGM's are another good example of this situation. The main use of PGM's is for automotive catalytic converters, which control toxic emissions, so that we as a nation may meet the standards set under the Clean Air Act. The United States is dependent on imports for 90 percent of its PGM consumption and over half of this amount was supplied by South Africa. It should be noted that in 1986, the Soviet Union and South Africa together provided 95 percent of the total world production of PGM.

This legislation transcends the debate over whether the United States should impose additional sanctions on South Africa. I think we all can agree that there are national security implications associated with the reliance on any essential commodity from any politically volatile country, be it critical minerals from South Africa or crude oil flowing through the Persian Gulf.

I urge My colleagues to support this important legislation to reduce the dangerous mineral import dependency of this Nation and to increase our competitiveness in this crucial sector.

□ 1545

Mr. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4180, a bill to establish a mining experimental program on critical minerals.

Our country depends almost exclusively on foreign sources for critical minerals. For instance, 95 percent of world production of the platinum group metals comes from the Soviet Union and South Africa, 59 percent of the United States vanadium needs come from South Africa.

These minerals and the other critical minerals addressed in this bill are crucial for the economic and defensive viability of our country. These minerals are essential in the production of high temperature tolerant metals for jet and rocket engines and turbines. Without the platinum group metals there would be no catalytic converters in our automobiles and our Nation's air quality would deteriorate.

As we all know, the future availability of these critical minerals from countries such as South Africa and the Soviet Union depends on our relationships with these countries. It would be unwise not to have alternative sources of these minerals in the event our relationships with these countries deteriorated.

For this reason, it is important that we pass H.R. 4180 into law. This legislation would direct the Bureau of Mines, within the Department of the Interior, to undertake a 3-year program to reduce our critical mineral dependency on South Africa and the Soviet Union by conducting and emphasizing research to improve extractive and processing technologies; developing substitute materials; and improving scrap recycling.

My support of this bill in no way indicates support for a South African sanctions bill. With or without sanctions imposed on the Government of South Africa it is important that this legislation be passed. Having said that, however, let me make it clear that for this Congress to pass a South African sanctions bill would be foolhardy. It would hold this country's economic viability hostage while giving no assurances that apartheid in South Africa would be affected.

The research and products that could be expected in the short run from the direction given in this legislation would produce only a marginal amount of critical minerals and would not correct problems brought on by a wide sweeping South African sanctions bill.

Mr. Speaker, the country needs this bill so we can begin to address our excessive dependence of these critical minerals on foreign sources. The passage of this bill makes a sanctions bill no more palatable and indeed is little related to sanctions.

Mr. Speaker, I urge speedy passage of H.R. 4180.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. EMERSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from West Virginia [Mr. RAHALL] that the House suspend the rules and pass the bill, H.R. 4180, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WATER RESOURCES RESEARCH ACT EXTENSION

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5010) to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993, as amended.

The Clerk read as follows:

H.R. 5010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO PURPOSES.

Section 103(5) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10302) is amended by deleting "coordinate more effectively" and inserting in lieu thereof: "to promote more effective coordination of".

SEC. 2. AMENDMENTS TO THE INSTITUTE PROGRAM.

(a) Section 104(b) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10303(b)) is amended by inserting in the last sentence after the phrase "for the purpose of", the following: "promoting".

(b) Section 104(c) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10303(c)) is amended by deleting everything after the phrase "no less than" and inserting in lieu thereof: "one non-Federal dollar for every Federal dollar during the fiscal years ending September 30, 1989, through September 30, 1993, such sums to be used only for the reimbursement of direct cost expenditures incurred for the conduct of the water resources research program".

(c) Section 104(e)(1) and section 104(e)(2) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(e)(1)-(2)) is redesignated as subsection "(e)" and amended to read as follows:

"(e) The Secretary shall conduct a careful and detailed evaluation of each institute at least once every five years to determine that the quality and relevance of its water resources research and its effectiveness as an institution for planning, conducting and arranging for research warrants its continued support under this section in the national interest. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualifications are reestablished to the satisfaction of the Secretary.".

(d) Section 104(f)(1) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(f)(1)) is amended by deleting "September 30, 1985, through September 30, 1989" and inserting in lieu thereof: "September 30, 1989, through September 30, 1993".

(e) Section 104(f)(2) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(f)(2)) is amended by deleting the phrase "section 106 of this Act" and inserting in lieu thereof: "section 104(g) of this Act".

(f) Section 104 of Public Law 98-242 (98 Stat. 99) is amended by inserting the following new subsection:

"(g)(1) There is further authorized to be appropriated to the Secretary of the Interior the sum of $5,000,000 for each of the fiscal years ending September 30, 1989, through September 30, 1993, only for reimbursement of the direct cost expenses of additional research or synthesis of the results of research by institutes which focuses on water problems and issues of a regional or interstate nature beyond those of concern only to a single state and which related to specific program priorities identified jointly by the Secretary and the institutes. Such funds when appropriated shall be matched on a not less than dollar-for-dollar basis by funds made available to institutes or groups of institutes, by States or other non-Federal sources. Funds made available under this subsection shall remain available until expended.

"(2) Research funds made available under this subsection shall be made on a competitive basis subject to the merit of the proposal, the need for the information to be produced, and the opportunity such funds will provide for training of water resources scientists or professionals.".

SEC. 3. AMENDMENT TO THE MATCHING GRANT PROGRAM.

Section 105(c) of Public Law 98-242 (98 Stat. 100, 42 U.S.C. 10304) is amended by deleting "September 30, 1986, through September 30, 1989" and inserting in lieu thereof: "September 30, 1989, through September 30, 1993".

SEC. 4. REVISION IN TECHNOLOGY GRANT PROGRAM.

Section 106 of Public Law 98-242 (98 Stat. 100, 42 U.S.C. 10304) is amended to read as follows:

"Sec. 106. (a)(1) The Secretary shall make grants in addition to those authorized under sections 104 and 105 for technology development concerning any aspect of water resources including water-related technology which the Secretary may deem to be of State, regional or national importance. Activities funded under this section may be carried out by educational institutions, private firms, foundations, individuals, agencies of state or local government. Care shall be taken to protect proprietary information of private individuals or firms associated with the technology.

"(2) The Secretary may establish any condition for the matching of funds by the recipient of any grant or contract under this section which the Secretary considers to be in the best interest of the Nation considering the information transfer and technology needs of the Nation. However, in the case of institutes established by section 104 of this Act no match greater than that required under section 104 may be required.

"(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the qualifications of the personnel who will direct and conduct it, facilities of the organization performing any technology development, the importance of the project to the Nation, region and State concerned, and the potential benefit to be accrued.

"(c) There is authorized to be appropriated to the Secretary the sum of $6,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1989, through September 30, 1993, such sums to remain available until expended.".

SEC. 5. REGULATIONS TO REMAIN IN EFFECT.

Section 110(b) to Public Law 98-242 (98 Stat. 101) if amended by deleting "Public Law 95-467" and inserting in lieu thereof: "Public Law 98-242, as amended,".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **EMERSON**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes and the gentleman from Missouri [Mr. EMERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

GENERAL LEAVE

Mr. **RAHALL**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5010, the bill now under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. **RAHALL**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5010 as reported by the Committee on Interior and Insular Affairs seeks to reauthorize the Water Resources Research Act for the fiscal year 1990 through 1993 period.

The research programs authorized by this legislation seek to address a wide array of water-related problems through the establishment of water research institutes, the training of scientists and engineers in the water resources areas, and by an active research effort to identify and mitigate water resource problems.

Under the legislation, the two basic components of the Water Resources Research Act would be reauthorized at their current levels of budget authority.

Through the State Water Resources Research Institute Program, a water resource institute has been established at a college or university in each State and U.S. territory. These institutes largely focus on water-quality deterioration and related matters and engage in the transfer of this research to both public and private sector audiences.

It should be noted that the efficiency of these institutes are not taken for granted. Under the previous reauthorization they were all subjected to an intensive evaluation and H.R. 5010 provides that these periodic reviews continue in the future.

H.R. 5010 would reauthorize this program at its current $10 million per year level of budget authority. The bill also would provide for a dollar-for-dollar match between Federal and non-Federal funds.

Also reauthorized by this legislation is the National Water Resources Research Grants Program under which the U.S. Geological Survey provides support to universities, State and local governments and other entities to conduct research into major water resource problem areas. These topical areas are broad and cover many disciplines.

H.R. 5010 would reauthorize this program at its current $20 million per year level of budget authority.

One additional, and smaller aspect of current law would also be reauthorized by H.R. 5010. The bill would extend the existing authorization of $6 million annually for grants for the development of water resources related technology of State, regional or national significance.

Finally, the bill authorizes a $5-million grant program to encourage research into interstate or regional water related problems using a dollar-for-dollar matching fund requirement.

Mr. Speaker, this legislation deals with a program that has always enjoyed a very broad level of support within the House. I think that as the events of this summer suggest, the essential role water plays in our environment and in our economy should never be underestimated.

Mr. **EMERSON**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support to H.R. 5010, a bill "To extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993."

The Water Resources Institute Program has proved to be a highly successful nationwide program serving all 50 States. It accounts for one-third of the published literature on water resources. The program has been funded annually at $10 million. H.R. 5010 extends the authorized levels through the end of 1993 and authorizes a new multistate research grant program.

Knowledge of water resources is becoming more important as we approach the next century. H.R. 5010 will assist States, private entities and the Federal Government in important water related decisions. Therefore, I urge my colleagues to support H.R. 5010.

Mr. CONTE. Mr. Speaker, I rise in strong support of H.R. 5010, to extend the authorization of the Water Resources Research Act of 1984 for fiscal years 1989 to 1993. This important act, first authorized by Congress in 1964, provides matching grants to land grant universities to develop new technologies for water resource problems, train scientists and engineers in water-related fields, and to coordinate water resource research and education efforts.

One such land grant institution, the University of Massachusetts, located in my district, provides valuable research and information on such wide ranging water resource problems as acid rain and ground water contamination.

Mr. Speaker, as we all know, there are few environmental problems as serious as acid rain and ground water contamination. The Water Resource Center at the University of Massachusetts, under the guidance of Paul Godfrey, has been instrumental in conducting research on acid rain and its effects on the environment throughout the State of Massachusetts. Paul has dedicated his life to the pursuit of researching and tracking rain precipitation in our lakes and streams. He was instrumental in bringing to my attention the terrible consequences that acid rain wreaks on our environment.

This legislation deserves the support of my colleagues. For it can only be through the resources of the Federal Government in a partnership with research institutions located across this Nation that we can adequately address the environmental needs of our most precious commodity, fresh potable water.

Mr. MILLER of California. Mr. Speaker, I strongly support passage of H.R. 5010, which reauthorizes the Water Resources Research Act of 1984.

I introduced this bill because I think it is important that this valuable program continue uninterrupted. I hope the Senate will join the House in expeditiously approving H.R. 5010, or similar legislation.

Over the years, this program has made significant contributions to our knowledge of water resources issues. Under the auspices of this program, water resources research institutes have been established in every State and territory. Thousands of scientists and engineers have been trained in water resource fields. Considerable research has been undertaken or sponsored by this program. This research has enhanced our ability to understand and respond to water resources problems and issues.

Given the continuing problems we have in managing water resources—problems which have only been exacerbated by the present drought—it is vitally important that the water resources researkh program be stongly supported by the Congress.

I understand the administration has expressed reservations about this bill. I'm not surprised. In 1984, the President vetoed an extension similar to H.R. 5010. However, Congress wisely overrode the President's veto. I hope we don't have to go through that exercise again, but if need be, we will.

I am pleased that H.R. 5010 has strong bipartisan support. This support is based on the belief that basic research and related educational activities in the field of water resources should be continued without interruption.

Mr. Speaker, I urge all my colleagues to join in support of H.R. 5010.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. EMERSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia [Mr. RAHALL] that the House suspend the rules and pass the bill, H.R. 5010, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EMERGENCY HUNGER RELIEF ACT OF 1988

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4060) to provide hunger relief, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Hunger Relief Act of 1988".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY HUNGER PREVENTION

Subtitle A—Temporary Emergency Food Assistance Program

Sec. 101. Supplementation of commodities.
Sec. 102. Extension of TEFAP.
Sec. 103. Additional commodities program.

Subtitle B—Soup Kitchens

Sec. 111. Soup kitchens and food banks.
Sec. 112. Increased commodity levels and maintenance of effort.
Sec. 113. National gleaning clearinghouse.

Subtitle C—Food Processing and Distribution

Sec. 121. Encouragement of food processing and distribution by eligible recipient agencies.

Subtitle D—Commodity Supplemental Food Program

Sec. 131. Continuation of provision of cheese.

TITLE II—NUTRITION IMPROVEMENTS

Sec. 201. Basic food stamp benefit levels.
Sec. 202. Categorical eligibility.
Sec. 203. Reporting requirements and calculation of household income.
Sec. 204. Optional food stamp information activities.
Sec. 205. Extension of homeless amendments.

TITLE III—ADMINISTRATIVE IMPROVEMENTS AND SIMPLIFICATION

Sec. 301. References to the Food Stamp Act of 1977.

Subtitle A—Reducing Unnecessary Paperwork

Sec. 311. Simplified application forms.
Sec. 312. Statement of required verification.

Subtitle B—Ensuring Accurate Issuances of Benefits

Sec. 321. Correcting improper denials and underissuances.
Sec. 322. Special training of State personnel involved in certifying farm households.
Sec. 323. Training of certification workers and community resources.
Sec. 324. Preventing incorrect issuances.

Subtitle C—Reducing Barriers in Rural America

Sec. 331. Migrant or seasonal farmworker households.
Sec. 332. Transportation difficulties in rural areas.

Subtitle D—Eliminating Inequities for Farmers and Others

Sec. 341. Continuation of food stamps to participants in cash-outs of other benefit programs.
Sec. 342. Annualizing self-employment income and expenses from farming.
Sec. 343. Households in transition.
Sec. 344. Civil money penalties and disqualification of retail food stores and wholesale food concerns.

Subtitle E—Reducing Barriers for the Elderly and Disabled

Sec. 351. Disabled persons receiving benefits under standards at least as stringent as those in the Social Security Act.
Sec. 352. Simplified procedure for claiming excess medical deduction.
Sec. 353. Coordinated application.

TITLE IV—FAMILY SELF-SUFFICIENCY

Sec. 401. Exclusion for advance payment of earned income credit.

TITLE V—IMPROVING PAYMENT ACCURACY

Sec. 501. Review of State program investment when settling claims.
Sec. 502. Interest on claims against State agencies.
Sec. 503. Administrative and judicial review.
Sec. 504. Payment accuracy improvement system.

TITLE VI—IMPLEMENTATION

Sec. 601. Severability.
Sec. 602. Issuance of rules.
Sec. 603. Effective dates.

TITLE I—EMERGENCY HUNGER PREVENTION

Subtitle A—Temporary Emergency Food Assistance Program

SEC. 101. SUPPLEMENTATION OF COMMODITIES.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding, after section 203C, the following new section:

"STATE AND LOCAL SUPPLEMENTATION OF COMMODITIES

"SEC. 203D. (a) AUTHORIZATION.—The Secretary shall establish procedures under which State and local agencies, charitable institutions, or any other persons may supplement the commodities distributed under the program authorized by this Act with nutritious and wholesome commodities that such entities or persons donate for use by emergency feeding organizations, in all or any portion of the State, in addition to the commodities otherwise made available under this Act.

"(b) The State or emergency feeding organizations may use the funds appropriated under this Act, equipment, structures, storage space, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this Act, and the personnel, both paid or volunteer, used for such storage, handling, or distribution, to distribute commodities donated for use by emergency feeding organizations by such State and local agencies, charitable institutions, or other persons under this section.

"(c) State and emergency feeding organizations shall continue, to the maximum extent practicable, to use volunteer workers and commodities and other food stuffs donated by charitable and other organizations in the operation of the program authorized by this Act.".

SEC. 102. EXTENSION OF TEFAP.

(a) AUTHORIZATION.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "through

September 30, 1988" and inserting in lieu thereof "through September 30, 1989".

(b) Notice of Availability of Commodities.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "the fiscal year ending September 30, 1988" and inserting "fiscal year 1989".

(c) Program Dates.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1988" and inserting "1989".

(d) Distribution Costs.—(1) Section 204(c)(1) of the Temporary Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sentence: "States shall use funds provided under this paragraph to pay for the costs associated with the distribution of commodities to emergency feeding organizations within a given State pursuant to the programs authorized by section 202 of this Act, and section 103 and section 111 of the Emergency Hunger Relief Act of 1988.".

(2) The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "20" and inserting in lieu thereof "40".

SEC. 103. ADDITIONAL COMMODITIES PROGRAM.

(a) In General.—The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sections:

"INCORPORATION OF ADDITIONAL COMMODITIES

"Sec. 213. The Secretary shall administer the program authorized under this Act in a manner that incorporates into that program the distribution of the additional commodities purchased by the Secretary under section 214 for distribution to the States for redistribution to emergency feeding organizations to relieve situations of emergency and distress through the provision of food to needy individuals, including low-income and unemployed individuals.

"REQUIRED PURCHASES OF COMMODITIES

"Sec. 214. (a) Subject to the limitations specified in subsection (b), the Secretary shall purchase, process, and deliver to each State for distribution to emergency feeding organizations, not later than September 30, 1989, a variety of nutritious and useful commodities to supplement the commodities otherwise provided by this Act.

"(b)(1) Subsection (a) shall apply only with respect to agricultural commodities of the types that are acquired by the Secretary in fiscal year 1989 through the Commodity Credit Corporation or under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c note).

"(2) Subsection (a) shall cease to apply with respect to a State whenever the aggregate costs incurred by the Secretary to carry out such subsection with respect to the State equals the allotment determined under subsection (c) for the State.

"(c) It is the purpose of this subsection to establish a procedure so that the amount of additional commodities that are to be delivered to each State, measured by their monetary value including the cost and any processing and packaging, can be precisely calculated for fiscal year 1989. The share of commodities, as measured by their monetary value, to be delivered to each State shall be based on the formula defined in section 251.3 of title 7 of the Code of Federal Regulations (January 1, 1988).

"(d)(1) The Secretary shall offer States options on the types and forms of commodities made available under this section in accordance with procedures established by the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note).

"(2) To the extent practicable, the Secretary shall acquire commodities that—

"(A) are desired by recipient agencies;

"(B) have high nutrient density per calorie;

"(C) are easily and safely stored;

"(D) are easy to use and consume; and

"(E) meet the requirements imposed by section 203C(a).

"(3) The Secretary shall allocate commodities to States under the procedure established in subsection (c). The Secretary shall reoffer commodities not accepted during the initial allocation to States accepting less than the allotment value established by subsection (c). Commodities reoffered, but not accepted, shall be reallocated to States which have accepted their full State allotment, in a fair and equitable manner.

"(4) The Secretary shall provide Congress with a State-by-State summary of initial allocations, acceptances, and reallocations for all commodities provided under this section no later than September 30, 1989.

"(e) During fiscal year 1989, the Secretary shall spend $70,000,000 to purchase, process, and deliver commodities under this section.

"(f) There are authorized to be appropriated such sums as may be necessary to carry out this section.

"TERMINATION DATE

"Sec. 215. The requirements of sections 213 and 214 shall terminate on September 30, 1989.".

(b) Priority for Ongoing Food Distribution Activities.—Section 203B(a) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sentence: "The Secretary shall ensure that State agencies give priority to existing food bank networks and other organizations whose ongoing, primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department of Agriculture.".

(c) Regulations.—Section 210 of the Temporary Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary may issue final regulations without first issuing proposed regulations for public comment to carry out the provisions of sections 213 and 214. If final regulations are issued without such prior public comment, the Secretary shall permit public comment on such regulations, consider pertinent comments, and make such modifications of such regulations as appropriate not later than 6 months after the date of enactment of this subsection. Such final and modified regulations shall be accompanied by a statement of the basis and purpose for such regulations.".

Subtitle B—Soup Kitchens and Food Banks

SEC. 111. SOUP KITCHENS AND FOOD BANKS.

(a) Purpose.—It is the purpose of this section to establish a procedure so that the amount, measured by their monetary value, of additional commodities that are to be provided to each State for redistribution to soup kitchens and food banks can be precisely calculated for fiscal year 1989. The share of commodities, as measured by their monetary value, to be provided to each State shall be based on the formula defined in section 251.3 of title 7 of the Code of Federal Regulations (January 1, 1988).

(b) Definitions.—As used in this section—

(1) Additional commodities.—The term "additional commodities" means commodities purchased under this section in addition to the commodities otherwise made available to soup kitchens and food banks, providing nutrition assistance to relieve situations of emergency and distress.

(2) Food banks.—The term "food bank" refers to public and charitable institutions that maintain an established operation involving the provision of food or edible commodities, or the products thereof, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that provide meals or food to needy persons on a regular basis as an integral part of their normal activities.

(3) Soup kitchens.—The term "soup kitchens" refers to public and charitable institutions that maintain an established feeding operation to provide food primarily to needy homeless persons on a regular basis as an integral part of their normal activities.

(4) Total value of additional commodities.—The term "total value of additional commodities" means the actual cost, as paid by the Secretary, for all additional commodities purchased under subsection (c).

(5) Value of additional commodities received by a state.—The term "value of additional commodities received by a State" means the actual cost for additional commodities, as paid by the Secretary, for commodities purchased under this section and provided to such State.

(c) Amounts.—During fiscal year 1989, the Secretary of Agriculture shall spend $40,000,000 to purchase, process, and distribute additional commodities to States for distribution to soup kitchens and food banks within a given State that provide nutrition assistance to relieve situations of emergency and distress through the provision of food and meals to needy persons.

(d) Allocation and Reallocation.—(1) The Secretary shall notify each State of the amount of the allocation that the State is entitled to receive under subsection (a).

(2) A State shall promptly notify the Secretary of the amount of commodities that will be accepted by soup kitchens or food banks. In determining such amount, the State shall give priority to institutions that provide meals to homeless individuals.

(3) A State shall promptly notify the Secretary if the State determines that it will not accept the full amount of such allocation (or a portion thereof).

(4) Whenever the Secretary receives a notice under paragraph (3), the Secretary shall reallocate and distribute such allocation (or any portion thereof) in a fair and equitable manner among the States that accept the full amount of their respective allocations and that have requested receipt of additional allocations.

(e) Administration.—Subject to subsection (c), purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines to be appropriate within fiscal year 1989. All commodities purchased under subsection (c) in fiscal year 1989 shall be provided to States before the end of such fiscal year.

(f) Levels Maintained.—The commodities made available under this section shall be made available under the same terms and conditions as provided in section 214 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note), as added by this Act.

(g) Maintenance of Effort.—If a State uses its own funds to provide commodities

or services under this section, such State funds shall not be obtained from existing Federal or State programs.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 112. INCREASED COMMODITY LEVELS AND MAINTENANCE OF EFFORT.

(a) INCREASED COMMODITY LEVELS.—Commodities provided under the amendments made by sections 103 and 111 shall be in addition to the commodities otherwise provided (through commodity donations traditionally provided by the Secretary or the Commodity Credit Corporation) to emergency feeding organizations. The value of the commodity donations traditionally provided to such organizations may not be diminished as a result of the purchases required by the amendments made by sections 103 and 111.

(b) MAINTENANCE OF EFFORT.—The purchase of commodities required by the amendments made by sections 103 and 111 shall be made in such a manner as to not cause any reduction in the value of the bonus commodities that would otherwise be distributed, in the absence of such amendments, through the Temporary Emergency Food Assistance Program, to charitable institutions, or to any other domestic food assistance program, such as the programs authorized under the National School Lunch Act, the Child Nutrition Act of 1966, the Food Stamp Act of 1977, or sections 4 and 5 of the Agriculture and Consumer Protection Act of 1973.

SEC. 113. NATIONAL GLEANING CLEARINGHOUSE.

(a) GLEANING DEFINED.—As used in this section, the term "glean" means to obtain harvested or unharvested agricultural products from farmers, processors, or retailers, or food or meals donated by public or private entities (where State and local health and food safety regulations permit such donations), in order to distribute such products or such food or meals to needy individuals (including unemployed and low-income individuals), but only where such products or such food or meals, and access thereto, are obtained with the permission of the owner and without charge therefor.

(b) ESTABLISHMENT.—There is hereby established in the Extension Service of the Department of Agriculture a National Gleaning Clearinghouse (hereafter in this section referred to as the "Clearinghouse").

(c) DUTIES.—The Secretary of Agriculture shall, through the Clearinghouse—

(1) encourage public and private nonprofit organizations to initiate and carry out gleaning activities, and to assist other organizations and individuals to do so, through lectures, correspondence, consultations, or other measures as the Secretary may require;

(2) collect from individuals and public and private organizations (including, but not limited to, farmers, processors, and retailers) information relating to the kinds, amounts, and geographical locations of agricultural products available for gleaning;

(3) at reasonable intervals, as determined by the Secretary, gather, compile, and make available to public and nonprofit private organizations and to the public the statistics and other information collected under paragraph (2);

(4) establish and operate a toll-free telephone line to be used to enable—

(A) farmers, processors, and retailers to report to the Clearinghouse, for dissemination—

(i) information regarding agricultural products available for gleaning; and

(ii) how such farmers, processors, and retailers may be contacted;

(B) public or private entities to report to the Clearinghouse for dissemination—

(i) information regarding food or meals available for gleaning; and

(ii) how such public or private entities may be contacted;

(C) public and private nonprofit organizations desiring to glean or assist others to glean to report to the Clearinghouse—

(i) the kinds and amounts of agricultural products that are needed by needy individuals (including unemployed and low-income individuals); and

(ii) how such organizations may be contacted;

(D) persons to report the availability of free transportation for gleaned agricultural products; and

(E) the Clearinghouse to provide, without charge, information about gleaning to the persons and organizations described in subparagraphs (A), (B), (C), and (D);

(5) prepare, publish, and make available to the public, at cost and on a continuing basis, a handbook on gleaning that includes such information and advice as may be useful in operating efficient gleaning activities and projects, including information on how to—

(A) organize groups to engage in gleaning; and

(B) distribute to needy individuals (including unemployed and low-income individuals) gleaned agricultural products; and

(6) advertise in print, or on radio or television, as the Secretary deems appropriate, the services provided by the Clearinghouse.

(d) ADMINISTRATION.—The Secretary shall appoint staff and may use State and county volunteers in the Extension Service of the Department of Agriculture, as may be necessary to carry out the functions of the Clearinghouse.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

(1) $900,000 for fiscal year 1989; and

(2) $1,000,000 for fiscal year 1990.

Subtitle C—Food Processing and Distribution

SEC. 121. ENCOURAGEMENT OF FOOD PROCESSING AND DISTRIBUTION BY ELIGIBLE RECIPIENT AGENCIES.

(a) SOLICITATION OF APPLICATIONS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall, to the extent that the Commodity Credit Corporation's inventory levels permit, solicit applications, in accordance with paragraph (2), for surplus commodities available for distribution under section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note).

(2) The solicitation shall request any eligible recipient agency (as defined in section 201A of such Act) to submit an application to the Secretary and to include in the application an assurance that the eligible recipient agency will—

(A) process any agricultural commodity received in response to such application into end-use products suitable for distribution through the Temporary Emergency Food Assistance Program;

(B) package such products for use by individual households; and

(C) distribute such products to State agencies responsible for the administration of the Temporary Emergency Food Assistance Program at no cost to the State agency for distribution through the Temporary Emergency Food Assistance Program.

(3) Funds made available under section 204 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612 note) or funds of the Commodity Credit Corporation may not be used to pay any costs incurred for the processing, storage, transportation, or distribution of the commodities or end-use products prior to their delivery to the State agency.

(b) REVIEW OF APPLICATIONS.—(1) Not later than 60 days after the Secretary receives an application solicited under subsection (a), the Secretary shall approve or disapprove the application.

(2) If the Secretary disapproves the application, the Secretary shall inform the applicant of the reasons for disapproving the application.

Subtitle D—Commodity Supplemental Food Program

SEC. 131. CONTINUATION OF PROVISION OF CHEESE.

Notwithstanding any other provision of law, the Secretary of Agriculture shall, to the extent that the Commodity Credit Corporation's inventory levels permit, make available annually 7,000,000 pounds of cheese acquired through price support programs of the Department of Agriculture in each of the fiscal years 1989 and 1990 for use in the Commodity Supplemental Food Program authorized under sections 3 through 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

TITLE II—NUTRITION IMPROVEMENTS

SEC. 201. BASIC FOOD STAMP BENEFIT LEVELS.

The last sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) in clause (7) by striking "and" at the end;

(2) in clause (8) by striking "and each October 1 thereafter,"; and

(3) by inserting before the colon the following: ", (9) on October 1, 1988, adjust the cost of such diet to reflect 101 percent of the cost of the thrifty food plan in the preceding June, and round the result to the nearest lower dollar increment for each household size, and (10) on October 1, 1989, and each October 1 thereafter, adjust the cost of such diet to reflect 103 percent of the cost, in the preceding June, of the then most recent thrifty food plan determined by the Secretary or the cost of the thrifty food plan in effect on the date of enactment of the Hunger Relief Act of 1988, whichever is greater, and round the result to the nearest lower dollar increment for each household size".

SEC. 202. CATEGORICAL ELIGIBILITY.

The second sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended—

(1) by striking out "during the period"; and

(2) by striking out "and ending on September 30, 1989".

SEC. 203. REPORTING REQUIREMENTS AND CALCULATION OF HOUSEHOLD INCOME.

(a) CALCULATION OF HOUSEHOLD INCOME.—Section 5(f) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)) is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Households not required to submit monthly reports of their income and household circumstances under section 6(c)(1) shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

"(B) Households required to submit monthly reports of their income and household circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph

(3)(B), except that in the case of the first month, or at the option of the State the first and second months, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month.".

(b) Optional Monthly Reporting.—Section 6(c) of such Act (7 U.S.C. 2015(c)) is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1)(A) A State agency may require certain categories of households to file periodic reports of income and household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting of—

"(i) migrant or seasonal farm worker households;

"(ii) households in which all members are homeless individuals; or

"(iii) households that have no earned income and in which all adult members are elderly or disabled members.

"(B) Each household that is not required to file such periodic reports on a monthly basis shall report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to ensure accurate eligibility and benefit determinations.".

(c) Monthly Notice.—Section 6(c)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting "(D)"; and

(2) by inserting before the period the following: ", and (E) be provided each month (or other applicable period) with an appropriate, simple form for making the required reports together with clear instructions explaining how to complete the form and the rights and responsibilities under any periodic reporting system".

SEC. 204. OPTIONAL FOOD STAMP INFORMATION ACTIVITIES.

(a) Authority.—Subparagraph (A) of section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended to read as follows: "(A) at the option of the State agency inform low-income households about the availability, eligibility requirements, application procedures, and benefits of the food stamp program, and".

(b) Administrative Costs.—Section 16(a)(4) of such Act (7 U.S.C. 2025(a)(4)) is amended by striking out "permitted" and inserting in lieu thereof ", including those undertaken".

SEC. 205. EXTENSION OF HOMELESS AMENDMENTS.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (7 U.S.C. 2012 note) is amended by inserting ", except those amendments made by subsection (b)," after "this section".

TITLE III—ADMINISTRATIVE IMPROVEMENTS AND SIMPLIFICATION

SEC. 301. REFERENCES TO THE FOOD STAMP ACT OF 1977.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

Subtitle A—Reducing Unnecessary Paperwork

SEC. 311. SIMPLIFIED APPLICATION FORMS.

Section 11(e)(2) (7 U.S.C. 2020(e)(2)), is amended by inserting after "exigencies as determined by the Secretary" the following: ", and in approving such deviation the Secretary shall take into account whether such State forms are easy to use, brief, and easily readable. In consultation with the Secretary of Health and Human Services, the Secretary shall develop a program to provide assistance to States that request assistance in the development of brief, simply-written and easily readable application forms including application forms that cover the food stamp program authorized under this Act, the aid to families with dependent children program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and medical assistance programs administered by the Secretary of Health and Human Services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). Each food stamp program application form shall contain, in plain and prominent language on its front cover, a place where applicants can write their names, addresses, and signatures, and instructions in easily understandable terms informing households of their right to file the application without immediately completing additional sections, describing the expedited processing requirements of paragraph (9) and informing households that benefits are provided only from the date of application".

SEC. 312. STATEMENT OF REQUIRED VERIFICATION.

Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended by inserting before the semicolon at the end thereof the following: ", and that the State agency shall—

"(A) provide each applicant household, at the time of interview, a clear written statement explaining what acts the household must perform to cooperate in obtaining verification and otherwise completing the application process;

"(B) assist each applicant household in obtaining appropriate verification and completing the application process; and

"(C) not require any household to submit additional proof of a matter on which the State agency already has current verification, as determined under regulations issued by the Secretary, unless the State agency has reason to believe that the information possessed by the agency is inaccurate, incomplete, or inconsistent".

Subtitle B—Ensuring Accurate Issuance of Benefits

SEC. 321. CORRECTING IMPROPER DENIALS AND UNDERISSUANCES.

Section 11 (7 U.S.C. 2020) is amended by adding at the end thereof the following new subsection:

"(p) When a State agency learns, through its own reviews under section 16 or through other reviews, through reviews conducted by the Secretary, or through other sources, that it has improperly denied, terminated, or underissued benefits to an eligible household, the State agency shall promptly restore any improperly denied benefits to the extent required by subsection (e)(11) and section 14(b), and shall take other steps to prevent a recurrence of such errors where such error was caused by the application of State agency practices, rules, or procedures that are inconsistent with the requirements of this Act.".

SEC. 322. SPECIAL TRAINING OF STATE PERSONNEL INVOLVED IN CERTIFYING FARM HOUSEHOLDS.

(a) Training.—Section 11(e)(6) (7 U.S.C. 2020(e)(6)) is amended—

(1) by striking out "and (C)" at the end of subparagraph (B) and inserting in lieu thereof "(C)"; and

(2) by inserting at the end thereof the following: "(D) the State agency, at its option, may undertake intensive training to ensure that State agency personnel who undertake the certification of households that include a member who engages in farming are qualified to perform such certification;".

(b) Training Materials.—Section 16 (7 U.S.C. 2025) is amended by adding at the end thereof the following new subsection:

"(k) Not later than 180 days after the date of the enactment of the Emergency Hunger Relief Act of 1988, and annually thereafter, the Secretary shall publish instructional materials specifically designed to be used by the State agency to provide intensive training to State agency personnel who undertake the certification of households that include a member who engages in farming.".

(c) Technical Corrections.—Section 16 (7 U.S.C. 2025) is amended by redesignating subsection (h), as added by section 121(b)(5) of the Immigration Reform and Control Act of 1986, as subsection (j).

SEC. 323. TRAINING OF CERTIFICATION WORKERS AND COMMUNITY RESOURCES.

(a) Training Certification Workers.—Section 11(e)(6)(C) (7 U.S.C. 2020(e)(6)(C)) is amended—

(1) by striking out "undertake to"; and

(2) by inserting "so that eligible households are promptly and accurately certified to receive the allotments for which they are eligible under this Act" after "such certification".

(b) Community Resources.—Section 11(e)(6) (7 U.S.C. 2020(e)(6)) (as amended by sections 322 and 323(a) of this Act) is further amended by adding at the end thereof the following new subparagraph: " and (E) at its option, the State agency may provide, or contract for the provision of, training and assistance to persons working with volunteer or nonprofit organizations that provide program information activities and eligibility screening to persons potentially eligible for food stamps;".

SEC. 324. PREVENTING INCORRECT ISSUANCES.

Section 11(e) (7 U.S.C. 2020(e)) is amended by inserting after the material added by section 312, the following: "and that the State agency shall provide the household, at the time of each certification and recertification, with a statement describing the reporting responsibilities of the household under this Act, and provide a toll-free or local telephone number, or a telephone number at which collect calls will be accepted by the State agency, with which the household may reach an appropriate representative of the State agency".

Subtitle C—Reducing Barriers in Rural America

SEC. 331. MIGRANT OR SEASONAL FARMWORKER HOUSEHOLDS.

Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by—

(1) striking out "and (2)" and inserting "(2)"; and

(2) inserting before the period at the end thereof the following: ", and (3) in the case of a migrant or seasonal farmworker household, the first month for which an allotment is issued to a household that applies following any period of more than 30 days in which such household was not participating in the food stamp program after previous participation in such program".

SEC. 332. TRANSPORTATION DIFFICULTIES IN RURAL AREAS.

Section 11(e)(2) (7 U.S.C. 2020(e)(2)) is amended by striking out "The State Agency shall comply" and all that follows through "certified properly;" and inserting in lieu thereof the following:

"The State agency shall waive in-office interviews, on a household's request, if a household is unable to appoint an authorized representative pursuant to paragraph (7) and has no adult household members able to come to the appropriate State agency office because such members are elderly, are mentally or physically handicapped, live in a location not served by a certification office, or have transportation difficulties or similar hardships as determined by the State agency (including hardships due to residence in a rural area, illness, care of a household member, prolonged severe weather, or work or training hours). If an in-office interview is waived, the State agency may conduct a telephone interview or a home visit. The State agency shall provide for telephone contact by, mail delivery of forms to, and mail return of forms by, households that have transportation difficulties or similar hardships.".

Subtitle D—Eliminating Inequities for Farmers and Others

SEC. 341. CONTINUATION OF FOOD STAMPS TO PARTICIPANTS IN CASH-OUTS OF OTHER BENEFIT PROGRAMS.

Section 5(d)(1) (7 U.S.C. 2014(d)(1)) is amended by—

(1) striking out "and except as provided in subsection (k),"; and

(2) inserting after "to a household" the following: "(Notwithstanding its conversion in whole or in part to direct payments to households pursuant to any demonstration project carried out or authorized under Federal law including demonstration projects created by the waiver of provisions of Federal law)".

SEC. 342. ANNUALIZING SELF-EMPLOYMENT INCOME AND EXPENSES FROM FARMING.

Section 5(f)(1)(A) (7 U.S.C. 2014(f)(1)(A)) is amended—

(1) in the second sentence by striking out "preceding" and inserting in lieu thereof "first"; and

(2) by inserting after the first sentence the following new sentence: "Notwithstanding the preceding sentence, household income resulting from the self-employment of a member in a farming operation who derives income from such farming operation and who has irregular expenses to produce such income may, at the option of the household, be calculated by averaging such income and expenses over a 12-month period.".

SEC. 343. HOUSEHOLDS IN TRANSITION.

Section 5(g) (7 U.S.C. 2014(g)) is amended by adding at the end thereof the following new sentence: "In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the Secretary shall exclude from financial resources the value of such property until the expiration of the 1-year period beginning on the date such member ceases to be self-employed in farming.".

SEC. 344. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12(b)(3) (7 U.S.C. 2021(b)(3)) is amended to read as follows:

"(3) permanent upon—

"(A) the third occasion of disqualification; or

"(B) the first occasion or any subsequent occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern, except that the Secretary shall have the discretion to impose a civil money penalty of up to $20,000 in lieu of disqualification under this subparagraph, for such purchase of coupons or trafficking in coupons or cards that constitutes a violation of the provisions of this Act or the regulations issued pursuant to this Act, if the Secretary determines that there is substantial evidence that such store or food concern had an effective policy and program in effect to prevent violations of the Act and the regulations.".

Subtitle E—Reducing Barriers for the Elderly and Disabled

SEC. 351. DISABLED PERSONS RECEIVING BENEFITS UNDER STANDARDS AT LEAST AS STRINGENT AS THOSE IN THE SOCIAL SECURITY ACT.

Paragraph (2) of section 3(r) (7 U.S.C. 2012(r)) is amended to read as follows:

"(2)(A) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note), or

"(B) receives federally or State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act (42 U.S.C. 1382e(a)), interim assistance benefits pending receipt of supplemental security income, disability-related medical assistance benefits under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or disability-based State general assistance benefits, if the Secretary determines that such benefits are conditioned on meeting disability or blindness criteria at least as stringent as those used under title XVI of the Social Security Act,".

SEC. 352. SIMPLIFIED PROCEDURE FOR CLAIMING EXCESS MEDICAL DEDUCTION.

Section 5(e) (7 U.S.C. 2014(e)) is amended by adding at the end thereof the following new sentences: "State agencies shall offer eligible households a method of claiming a deduction for recurring medical expenses that are initially verified under the excess medical expense deduction provided for in subparagraph (A), in lieu of submitting information or verification on actual expenses on a monthly basis. The method described in the preceding sentence shall be designed to minimize the administrative burden for eligible elderly and disabled household members choosing to deduct their recurrent medical expenses pursuant to such method.".

SEC. 353. COORDINATED APPLICATION.

The second sentence of section 11(i) (7 U.S.C. 2020(i)) is amended to read as follows: "In addition to implementing paragraphs (1) through (4), the State shall inform applicants for benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that such applicants may file, along with their application for such benefits, an application for benefits under this Act, and may have a single interview for food stamps and for benefits under part A of title IV of the Social Security Act.".

TITLE IV—FAMILY SELF-SUFFICIENCY

SEC. 401. EXCLUSION FOR ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking out "and (13)" and inserting in lieu thereof "(13)"; and

(2) by inserting before the period at the end thereof the following: ", and (14) any payment made to the household under section 3507 of the Internal Revenue Code of 1986 (relating to advance payment of earned income credit)".

TITLE V—IMPROVING PAYMENT ACCURACY

SEC. 501. REVIEW OF STATE PROGRAM INVESTMENT WHEN SETTLING CLAIMS.

Section 13(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2022(a)(1)) is amended by inserting at the end thereof the following new sentence: "In determining whether to settle, adjust, compromise, or waive a claim arising against a State agency pursuant to section 16(c) of this Act, the Secretary shall review a State agency's plans for new dollar investment in activities to improve program administration in order to reduce payment error and shall take the State agency's plans for new dollar investment in such activities into consideration as the Secretary deems appropriate.".

SEC. 502. INTEREST ON CLAIMS AGAINST STATE AGENCIES.

Section 13(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2022(a)(1)), as amended by section 501 of this Act, is amended by adding at the end thereof the following new sentence: "To the extent that a State agency does not pay a claim established under section 16(c)(1)(C), including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding, within 30 days from the date on which the bill for collection (after a determination on any request for a waiver for good cause related to the claim has been made by the Secretary) is received by the State agency, the State agency shall be liable for interest on any unpaid portion of such claim accruing from the date on which the bill for collection was received by the State agency, unless the State agency appeals the claim under section 16(c)(7). If the State agency appeals such claim (in whole or in part), the interest on any unpaid portion of the claim shall accrue from the date of the decision on the administrative appeal, or from a date 2 years after the date the bill is received, whichever is earlier, until the date the unpaid portion of the payment is received. If the State agency pays such claim (in whole or in part, including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding) and the claim is subsequently overturned through administrative or judicial appeal, any amounts paid by the State agency shall be promptly returned with interest, accruing from the date the payment is received until the date the payment is returned. Any interest assessed under this paragraph shall be computed at a rate determined by the Secretary based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during the period such interest accrues.".

SEC. 503. ADMINISTRATIVE AND JUDICIAL REVIEW.

Section 14(a) of the Food Stamp Act of 1977 (7 U.S.C. 2023(a)) is amended—

(1) by adding at the end thereof the following new sentence: "Notwithstanding the administrative or judicial review procedures set forth in this subsection, determinations by the Secretary concerning whether a State agency had good cause for its failure to meet error rate tolerance levels established under section 16(c) are final.";

(2) by inserting immediately after the fifth sentence the following: "Determinations regarding claims made pursuant to section 16(c) shall be made on the record after opportunity for an agency hearing in accordance with sections 556 and 557 of title 5, United States Code, in which one or more administrative law judges appointed pursuant to section 3105 of such title shall preside over the taking of evidence. Such judges

shall have authority to issue and enforce subpoenas in the manner prescribed in sections 13 (c) and (d) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499m (c) and (d)) and to appoint expert witnesses under the provisions of Rule 706 of the Federal Rules of Evidence. The Secretary may not limit the authority of such judges presiding over determinations regarding claims made pursuant to section 16(c). The Secretary shall provide a summary procedure for determinations regarding claims made pursuant to section 16(c) in amounts less than $50,000; this summary procedure need not include an oral hearing. Upon a petition by the State agency or sua sponte, the Secretary may permit the full administrative review procedure to be used in lieu of such summary review procedure for a claim of less than $50,000. Subject to the right of judicial review hereinafter provided, a determination made by an administrative law judge regarding a claim made pursuant to section 16(c) shall be final and shall take effect thirty days after the date of the delivery or service of final notice of such determination."; and

(3) by inserting before the period at the end of the eighth sentence (as it existed before the amendment made by paragraph (2)) ", except that judicial review of determinations regarding claims made pursuant to section 16(c) shall be a review on the administrative record".

SEC. 504. PAYMENT ACCURACY IMPROVEMENT SYSTEM.

Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) by amending subsection (c) thereof to read as follows:

"(c)(1) The food stamp program shall include a system that enhances payment accuracy by establishing fiscal incentives that require State agencies with high error rates to share in the cost of payment error and provide enhanced administrative funding to States with the lowest error rates. Under such system—

"(A) the Secretary shall adjust a State agency's federally funded share of administrative costs pursuant to subsection (a), other than the costs already shared in excess of 50 per centum under the proviso in the first sentence of subsection (a) or under subsection (g), by increasing such share of all such administrative costs by one percentage point to a maximum of 60 per centum of all such administrative costs for each full one-tenth of a percentage point by which the payment error rate is less than 6 per centum, except that only States whose rate of invalid decisions in denying eligibility is less than a nationwide percentage that the Secretary determines to be reasonable shall be entitled to the adjustment prescribed in this subsection;

"(B) the Secretary shall foster management improvements by the States pursuant to subsection (b) by requiring State agencies other than those receiving adjustments under subparagraph (A) to develop and implement corrective action plans to reduce payment errors; and

"(C) for any fiscal year in which a State agency's payment error rate exceeds the payment error tolerance level for payment error rates announced under paragraph (6) of this subsection, other than for good cause shown, the State agency shall pay to the Secretary an amount equal to its payment error rate less such tolerance level times the total value of allotments issued in such a fiscal year by such State agency. The amount of liability shall not be affected by corrective action under paragraph (1)(B) of this subsection.

"(2) As used in this section—

"(A) the term 'payment error rate' means the sum of the point estimates of an overpayment error rate and an underpayment error rate determined by the Secretary from data collected in a probability sample of participating households;

"(B) the term 'overpayment error rate' means the percentage of the value of all allotments issued in a fiscal year by a State agency which are either—

"(i) issued to households which fail to meet basic program eligibility requirements; or

"(ii) overissued to eligible households; and

"(C) the term 'underpayment error rate' means the ratio of the value of allotments underissued to recipient households to the total value of allotments issued in a fiscal year by a State agency.

"(3) The following errors may be measured for management purposes but shall not be included in the payment error rate:

"(A) Any errors resulting in the application of new food stamp program regulations during the first 60 days (or 90 days at the discretion of the Secretary) from the required implementation date for such regulations.

"(B) Errors resulting from the use by a State agency of correctly processed information about households or individuals received from Federal agencies or from actions based on policy information approved or disseminated, in writing, by the Secretary or his designee.

"(4) The Secretary may require a State agency to report any factors which the Secretary considers necessary to determine a State agency's payment error rate, enhanced administrative funding, or claim for payment error, under this subsection. If a State agency fails to meet the reporting requirements established by the Secretary, the Secretary shall base the determination on all pertinent information available to the Secretary.

"(5) To facilitate the implementation of this subsection each State agency shall submit to the Secretary expeditiously data regarding its operations in each fiscal year sufficient for the Secretary to establish the payment error rate for the State agency for such fiscal year and determine the amount of either incentive payments under paragraph (1)(A) of this subsection or claims under paragraph (1)(C) of this subsection. The Secretary shall make a determination for a fiscal year, and notify the State agency of such determination, within nine months following the end of each fiscal year. The Secretary shall initiate efforts to collect the amount owed by the State agency as a claim established under paragraphs (1)(C) for a fiscal year, subject to the conclusion of any formal or informal appeal procedure and administrative or judicial review under section 14 (as provided for in paragraph (7)), before the end of the fiscal year following such fiscal year.

"(6) At the time the Secretary makes the notification to State agencies of their error rates and incentive payments or claims pursuant to paragraphs (1)(A) and (1)(C) of this subsection, the Secretary shall also announce a national performance measure which shall be the sum of the products of each State agency's error rate as developed for the notifications in paragraph (5) of this subsection times that State agency's proportion of the total value of national allotments issued for the fiscal year using the most recent issuance data available at the time of the notifications issued pursuant to paragraph (5) of this subsection. Where a State fails to meet reporting requirements pursuant to paragraph (4) of this subsection, the Secretary may use another measure of a State's error developed pursuant to paragraph (5) of this subsection, to develop the national performance measure. The announced national performance measure shall be used to establish a payment-error tolerance level. Such tolerance level for any fiscal year will be one per centum added to the lowest national performance measure ever announced up to and including such fiscal year under this section. The payment-error tolerance level shall be used in determining the State share of the cost of payment error under paragraph (1)(C) of this subsection for the fiscal year whose error rates are being announced under paragraph (5) of this subsection.

"(7) If the Secretary asserts a financial claim against a State Agency under paragraph (1)(C) of this subsection, the State may seek administrative and judicial review of the action pursuant to section 14."; and

(2) by amending subsection (d) to read as follows:

"(d) The Secretary shall undertake the following studies of the payment error improvement system established under subsection (c):

"(1) An assessment of the feasibility of measuring payment errors due to improper denials and terminations of benefits or otherwise developing performance standards with financial consequences for improper denials and terminations, including incorporation in subsection (c). The Secretary shall report study results and Department recommendations to the Congress by July 1, 1990.

"(2) An evaluation of the effectiveness of the system of program improvement initiated under this section which shall be reported to the Congress along with the Secretary's recommendations no later than three years from the date of enactment of this section.".

TITLE VI—IMPLEMENTATION AND EFFECTIVE DATES

SEC. 601. SEVERABILITY.

If any provision of this Act or of an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act and of the amendments made by this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 602. ISSUANCE OF RULES.

(a) In General.—Except as provided in subsection (b), not later than January 1, 1989, the Secretary of Agriculture shall issue and implement rules to carry out this Act and the amendments made by this Act.

(b) Special Requirements.—Not later than July 1, 1989, the Secretary of Agriculture shall issue and implement rules in accordance with section 4(c) of the Food Stamp Act of 1977 (7 U.S.C. 2013(c)) to carry out sections 203 and 204 and title III.

SEC. 603. EFFECTIVE DATES.

(a) General Effective Date.—Except as provided in subsection (b), the preceding titles of this Act and the amendments made by the preceding titles of this Act shall take effect on October 1, 1988.

(b) Special Effective Dates.—

(1) EFFECTIVE DATES ABSENT SEQUESTRATION AND CERTAIN REDUCTIONS IN OUTLAYS.—If the order issued under section 252(b) of the Deficit Control Act of 1985 for fiscal year 1989

states that no deficit reduction is necessary to fully satisfy the requirements of section 251(a)(3)(A) of such Act, then—

(A) sections 103, 111, 112, 113, 201, 202, and 205, and title IV, shall take effect on October 16, 1988, and shall apply retroactively to October 1, 1988; and

(B) sections 203 and 204 and title III shall take effect on July 1, 1989, or on the effective date of the rules issued by the Secretary to carry out the amendments made by such section and such title, whichever occurs earlier.

(2) IMPROVING PAYMENT ACCURACY.—The amendments made by title V shall be effective as follows:

(A) Except as provided in subparagraph (D), the provisions of section 16(c) of the Food Stamp Act of 1977, as amended by section 504, shall take effect on October 1, 1985, except that—

(i) the provisions of section 16(c)(1)(A), as so amended, shall take effect on October 1, 1988; and

(ii) the provisions of section 16(c)(3), as amended, shall take effect on October 1, 1988.

(B) The amendments made by sections 501 and 502 shall take effect on October 1, 1985.

(C) Except as provided in subparagraph (D), the amendments made by section 503 to section 14 of the Food Stamp Act of 1977 shall take effect on October 1, 1985, with respect to claims under section 16(c) arising on or after such date.

(D)(i) The provisions of sections 14 and 16 of the Food Stamp Act of 1977 that relate to claims against State agencies and that were in effect for any quality control review period or periods through fiscal year 1985 shall remain in effect for claims arising with respect to such period or periods.

(ii) The provisions of sections 14 and 16(c) of the Food Stamp Act of 1977 that relate to enhanced administrative funding for State agencies and that were in effect for any quality control review period or periods through fiscal year 1988 shall remain in effect for such funding with respect to such period or periods.

(3) LIMITATION.—If such order makes any reduction or sequestration to satisfy the requirements of section 251(a)(3)(A) of such Act and such order is not subsequently abrogated, then—

(A) sections 103, 111, 112, and 113;

(B) sections 201, 202, and 204;

(C) sections 311, 312, 322, 323, 324, 331, 342, 343, 351, 352, and 353; and

(D) title IV;

shall not take effect.

The SPEAKER pro tempore. Is a second demanded?

Mr. EMERSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Missouri [Mr. EMERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

The Speaker, I am pleased to rise in strong support of H.R. 4060, the Emergency Hunger Relief Act of 1988. At the outset, I wish to thank the subcommittee chairman, LEON PANETTA, and Congressman BILL EMERSON, ranking minority member of the Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, for their hard work and strong determination in achieving a compromise bill that hopefully can be enacted into law before the end of the summer. They and their staffs deserve our most sincere thanks.

Hunger in this Nation is not caused by our inability to produce enough food. Indeed, even in a year when we are faced with a terrible drought that has reduced agricultural production, we are still able to assure consumers an adequate supply of food at affordable prices.

Thus, the very idea of families—not all that different from yours or mine—going to bed hungry in this great country of ours is one that should be inconceivable to all of us. We must provide them as much compassion as possible, and we must incorporate this compassion in direct actions. This we have done in the bill before the House today.

While this legislation will not ensure an end to hunger in America, it is a step in that direction. It will serve as a beacon of hope to the poor and needy of this great country that the Congress is responding to the greatest extent possible, given the current budget problems we are facing, to the plight of hungry Americans.

In this regard, I am most proud of the change in our primary national nutrition program—the Food Stamp Program—that provides an increase in basic monthly benefits. This change affects every participant in the program, and increases the average benefit approximately 70 cents in next fiscal year raising to $2.25 in fiscal year 1990. This is the largest increase in benefits for food stamp recipients in over a decade.

The Temporary Emergency Food Assistance Program [TEFAP] will continue for another year, and the Committee has authorized the U.S. Department of Agriculture to purchase $110 million worth of commodities to supplement surplus commodities for participants in this program. The legislation also authorizes the Secretary of Agriculture to set aside $40 million for the purchase and distribution of commodities to soup kitchens and food banks.

Mr. Speaker, a very important part of this legislation is directed at improving the efficiency of Food Stamp Program operations through the establishment of a 6-percent error rate objective. Those States with the highest error rates will be sanctioned while those whose performance is better than average will not, and enhanced funding will be available to those states with error rates below 6 percent.

Other provisions of the bill affecting the disabled, the elderly, farmers, migrants and others should ease the application for and benefits provided under the Food Stamp Program.

Outlined below is a section-by-section analysis of the provisions of this legislation. Funding for the cost provisions is provided under the concurrent resolution on the budget for fiscal year 1989 (H. Con. Res. 268). However, should budget sequestration take place in fiscal year 1989, then those cost provisions above the CBO baseline for fiscal years 1989-91 will not be implemented.

Mr. Speaker, this is a balanced bill that received full support of the Committee on Agriculture. I also urge my colleagues to give it their full support.

SECTION-BY-SECTION ANALYSIS OF H.R. 4060

TITLE I—EMERGENCY HUNGER PREVENTION

Subtitle A—Temporary Emergency Food Assistance Program

Section 101—Supplementation of Commodities

Section 101 will amend the Temporary Emergency Food Assistance Act of 1983 by adding a new section 203D.

Subsection (a) of new section 203D will require the Secretary to establish procedures under which State and local agencies, charitable institutions, or any other persons may supplement the commodities distributed under the Temporary Emergency Good Assistance program (TEFAP) with nutritious and wholesome commodities that these entities or persons donate for use by emergency feeding organizations, in all or any portion of the State, in addition to the commodities otherwise made available under the Temporary Emergency Food Assistance Act of 1983. (Note: Emergency feeding organizations are defined in the Temporary Emergency Food Assistance Act of 1983 to mean public or nonprofit organizations that administer activities and projects providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons (including the activities and projects of charitable institutions, food banks, hunger centers, soup kitchens, and similar public or private nonprofit eligible recipient agencies).)

Subsection (b) of new section 203D will authorize the State or emergency feeding organizations to use (to distribute commodities donated for use by emergency feeding organizations by the State and local agencies, charitable institutions, or other persons under section 203D—

(1) the funds appropriated under the Temporary Emergency Food Assistance Act of 1983;

(2) equipment, structures, storage space, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under the Temporary Eemrgency Food Assistance Act of 1983; and

(3) the personnel, both paid or volunteer, used for the storage, handling, or distribution, of commodities made available under the Temporary Emergency Food Assistance Act of 1983.

Subsection (c) of new section 203D will direct the State and emergency feeding organizations to continue, to the maximum extent practicable, to use volunteer workers and commodities and other food stuffs donated by charitable and other organizations in the operation of TEFAP.

Section 102—Extension of TEFAP

Subsection (a) of section 102 will amend section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 to extend, through September 30, 1989, the authorization of appropriations of $50,000,000 for the Secretary to make available to the States for State and local payments for costs associated with the distribution of commodities by emergency feeding organizations. Under current law, the authorization is for a period through September 30, 1988.

Subsection (b) of section 102 will amend section 210(c) of the Temporary Emergency Food Assistance Act of 1983 to require the Secretary, as early as feasible but not later than the beginning of fiscal year 1989, to publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during fiscal year 1989 for TEFAP. Under current law, the Secretary must publish the estimates, as early as feasible but not later than the beginning of fiscal year 1988.

Subsection (c) of section 102 will amend section 212 of the Temporary Emergency Food Assistance Act of 1983 to provide that the Temporary Emergency Food Assistance Act will terminate on September 30, 1989. Under current law, the Act terminates on September 30, 1988.

Subsection (d) of section 102 will amend section 204(c) of the Temporary Food Assistance Act of 1983 by adding a provision that will require States to use funds provided under section 204(c)(1) to pay for the costs associated with the distribution of commodities to emergency feeding organization within a given State pursuant to the programs authorized by section 202 of the Temporary Emergency Food Assistance Act of 1983, and section 103 and section 111 of the Emergency Hunger Relief Act of 1988. (Note: Section 202 of the Temporary Emergency Food Assistance Act of 1983, among the other things, directs the Secretary to make available excess commodities for use by eligible recipient agencies for food assistance (TEFAP). Section 103 of the Emergency Hunger Relief Act of 1988, among other things, directs the Secretary to purchase, process, and deliver to States for distribution to emergency feeding organizations a variety of nutritious and useful commodities to supplement commodities currently provided (Additional Commodities Program). Section 111 of the Emergency Hunger Relief Act of 1988, among other things, directs the Secretary to spend $40,000,000 to purchase, process, and distribute additional commodities to States for distribution to soup kitchens and food banks that provide nutrition assistance to relieve situations of emergency and distress.)

In addition, each State must make available to emergency feeding organizations in the State not less than 40 percent of the funds provided pursuant to section 204(c)(1) that it has been allocated, as necessary to pay for the direct expenses of the emergency feeding organizations for distributing commodities to needy persons. Under current law, the State must make available to emergency feeding organizations not less than 20 per cent of the funds provided pursuant to section 204(c)(1).

Section 103—Additional Commodities Program

Subsection (a) of section 103 will amend the Temporary Emergency Food Assistance Act of 1983 by adding new sections 213, 214, and 215.

New section 213 will require the Secretary to administer TEFAP in a manner that incorporates into TEFAP the distribution of the additional commodities purchased by the Secretary under new section 214 for distribution to the States for redistribution to emergency feeding organizations to relieve situations of emergency and distress through the provision of food to needy individuals, including low-income and unemployed individuals.

Subsection (a) of new section 214 will require the Secretary, subject to the limitations specified in section 214(b), to purchase, process, and deliver to each State for distribution to emergency feeding organizations, not later than September 30, 1989, a variety of nutritious and useful commodities to supplement the commodities otherwise provided by the Temporary Emergency Food Assistance Act of 1983.

Subsection (b) of new section 214 will provide that section 214(a) will—

(1) apply only with respect to agricultural commodities of the types that are acquired by the Secretary in fiscal year 1989 through the Commodity Credit Corporation or under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935.

(2) cease to apply to a State whenever the aggregate costs incurred by the Secretary to carry out section 214(a) equals the allotment determined under section 214(c) for the State.

Subsection (c) of new section 214 will provide that the purpose of section 214(c) is to establish a procedure so that the amount, of additional commodities that are to be delivered to each State, measured by their monetary value including the cost and any processing and packaging, can be precisely calculated for fiscal year 1989. The share of commodities, as measured by their monetary value, to be delivered to each State will be based on the formula defined in Title 7, Part 251, section 3 of the Code of Federal Regulations (January 1, 1988). (Note: 7 CFR 251.3 defines "formula" to mean the formula on the basis of which commodities and funding available under part 251 will be allocated among States. The amount of the commodities or funds to be provided to each State will be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State.)

Paragraph (1) of new section 214(d) will direct the Secretary to offer States options on the types and forms of commodities made available under this section in accordance with procedures established by the Commodity Distribution Reform Act and WIC Amendments of 1987.

Paragraph (2) of new section 214(d) will direct the Secretary, to the extent practicable, to acquire commodities that—

(1) are desired by recipient agencies;

(2) have high nutrient density per calorie;

(3) are easily and safely stored;

(4) are easy to use and consume; and

(5) meet the requirements imposed by section 203C(a).

(Note: Section 203C(a) of the Temporary Emergency Food Assistance Act of 1983 requires the Secretary to (1) take precautions to assure that any eligible recipient agency receiving commodities will provide the commodities to persons served by the eligible recipient agency and will not diminish its normal expenditures for food by reason of the receipt of the commodities; (2) take precautions to assure that commodities made available will not displace commercial sales of such commodities; (3) not make commodities available for donation in any quantity or manner that the Secretary determines may substitute for the same or any other agricultural produce that would otherwise be purchased in the market; and (4) submit to Congress each year a report as to whether and to what extent displacements or substitutions are occurring.)

Paragraph (3) of new section 214(d) will require the Secretary to allocate commodities to States under the procedures estalished in section 214(c). States may accept commodities up to their commodity-specific allocated levels. The Secretary will reoffer commodities not accepted during the initial allocation to States accepting less than the allotment value established by section 214(c). Commodities reoffered, but not accepted, will be reallocated to States that have accepted their full State allotment, in a fair and equitable manner.

Paragraph (4) of new section 214(d) will direct the Secretary to provide Congress with a State-by-State summary of initial allocations, acceptances, and reallocations for all commodities provided under section 214 no later than September 30, 1989.

Subsection (e) of new section 214(d) will direct the Secretary, during fiscal year 1989, to spend $70,000,000 to purchase, process, and deliver commodities under section 214.

Subsection (f) of new section 214(d) will provide that there are authorized to be appropriated such sums as may be necessary to carry out section 214.

New Section 215 will provide that the requirements of sections 213 and 214 will terminate on September 30, 1989.

Subsection (b) of section 103 will amend section 203B(a) of the Temporary Emergency Food Assistance Act of 1983 to add a provision that will require the Secretary to ensure that state agencies give priority to existing food bank networks and other organizations whose ongoing, primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department of Agriculture.

Subsection (c) of section 103 will amend section 210 of the Temporary Food Assistance Act of 1983 to add a new subsection 210(e) that will authorize the Secretary to issue final regulations without first issuing proposed regulations for public comment to carry out the provisions of sections 213 and 214. If the final regulations are issued without prior public comment, the Secretary is directed to—

(1) permit public comment on the regulations,

(2) consider pertinent comments, and

(3) make the modifications of the regulations as appropriate not later than 6 months after the date of enactment of section 310(e).

In addition, the final and modified regulations must be accompanied by a statement of the basis and purpose for the regulations.

Subtitle B—Soup Kitchens

Section 111—Soup Kitchens and Food Banks

Subsection (a) of section 111 will provide that the purpose of section 111 is to establish a procedure so that the amount, measured by their monetary value, of additional commodities that are to be provided to each State for redistribution to soup kitchens and food banks can be precisely calculated for fiscal year 1989. The share of commodities, as measured by their monetary value, to be provided to each State will be based on the formula defined in Title 7, Part 251, section 3 of the Code of Federal Regulations (January 1, 1988). (Note: 7 CFR 251.3 defines "formula" to mean the formula on the basis of which commodities and funding available under part 251 will be allocated among States. The amount of the commodities or funds to be provided to each State will be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State.)

Subsection (b) of section 111 will define, for section 111, the following terms:

(1) "Additional commodities" means commodities purchased under section 111 in addition to the commodities otherwise made available to soup kitchens and food banks, providing nutrition assistance to relieve situations of emergency and distress.

(2) "Food banks" refers to public and charitable institutions that maintain an established operation involving the provision of food or edible commodities, or the products thereof, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that provide meals or food to needy persons on a regular basis as an integral part of their normal activities.

(3) "Soup kitchens" refers to public and charitable institutions that maintain an established feeding operation to provide food primarily to needy homeless persons on a regular basis as an integral part of their normal activities.

(4) "Total value of additional commodities" means the actual cost, as paid by the Secretary, for all additional commodities purchased under section 111(c).

(5) "Value of additional commodities received by a state" means the actual cost for additional commodities, as paid by the Secretary, for commodities purchased under section 111 and provided to the State.

Subsection (c) of section 111 will direct the Secretary of Agriculture, during fiscal year 1989, to spend $40,000,000 to purchase, process, and distribute additional commodities to States for distribution to soup kitchens and food banks within a given State that provide nutrition assistance to relieve situations of emergency and distress through the provision of food and meals to needy persons.

Paragraph (1) of section 111(d) will direct the Secretary to notify each State of the amount of the allocation that the State is entitled to receive under section 111(a).

Paragraph (2) of section 111(d) will require the State to promptly notify the Secretary of the amount of commodities that will be accepted by soup kitchens or food banks. In determining this amount, the State must give priority to institutions that provide meals to homeless individuals.

Paragraph (3) of section 111(d) will require the State to promptly notify the Secretary if the State determines that it will not accept the full amount of the allocation (or a portion thereof).

Paragraph (4) of section 111(d) will direct the Secretary, whenever the Secretary receives notice that a State will not accept the full amount of the allocation (or portion thereof), to reallocate and distribute the allocation (or any portion thereof) in a fair and equitable manner among the States that accept the full amount of their respective allocations and that have requested receipt of additional allocations.

Subsection (e) of section 111 will require that, subject to section 111(c), purchases under section 111 must be made by the Secretary at times and under conditions that the Secretary determines to be appropriate within fiscal year 1989. In addition, all commodities purchased under section 111(c) in fiscal year 1989 will be provided to States before the end of fiscal year 1989.

Subsection (f) of section 111 will require that the commodities made available under section 111 will be made available under the same terms and conditions as provided in section 214 of the Emergency Food Assistance Act of 1983, as added by the bill.

Subsection (g) of section 111 will prohibit, if a State uses its own funds to provide commodities or services under section 111, State funds from being obtained from existing Federal or State programs.

Subsection (h) of section 111 will provide an authorization for appropriations of such sums as may be necesssary to carry out section 111.

Section 112—Increased Commodity Levels and Maintenance of Effort.

Subsection (a) of section 112 will require that the commodities provided under the amendments made by sections 103 and 111 of the bill must be in addition to the commodities otherwise provided (through commodity donations traditionally provided by the Secretary or the Commodity Credit Corporation) to emergency feeding organizations. In addition, the value of the commodity donations traditionally provided to these organizations may not be diminished as a result of the purchases required by the amendments made by section 103 and 111 of the bill.

Subsection (b) of section 112 will provide that the purchase of commodities required by the amendments made by sections 103 and 111 of the bill must be made in such a manner as to not cause any reduction in the value of the bonus commodities that would otherwise be distributed to TEFAP, to charitable institutions, or to any other domestic food assistance program (such as the programs authorized under the National School Lunch Act, the Child Nutrition Act of 1966, the Food Stamp Act of 1977, or sections 4 and 5 of the Agriculture and Consumer Protection Act of 1973) in the absence of these amendments.

Section 113—National Gleaning Clearinghouse

Subsection (a) of section 113 will define, for section 113, the term "glean" to mean to obtain harvested or unharvested agricultural products from farmers, processors, or retailers, or food or meals donated by public or private entities (where State and local health and food safety regulations permit donations of food or meals), in order to distribute these products or this food or meals to needy individuals (including unemployed and low-income individuals), but only where these products or this food or meals, and access thereto, are obtained with the permission of the owner and without charge for them.

Subsection (b) of section 113 will establish in the Extension Service of the Department of Agriculture a National Gleaning Clearinghouse (referred to in section 113 as the "Clearinghouse").

Paragraph (1) of section 113(c) will require the Secretary of Agriculture, through the Clearinghouse, to encourage public and private nonprofit organizations to initiate and carry out gleaning activities, and to assist other organizations and individuals to do so, through lectures, correspondence, consultations, or other measures as the Secretary may require.

Paragraph (2) of section 113(c) will require the Secretary, through the Clearinghouse, to collect from individuals and public and private organizations (including, but not limited to, farmers, processors, and retailers) information relating to the kinds, amounts, and geographical locations of agricultural products available for gleaning.

Paragraph (3) of section 113(c) will require the Secretary, through the Clearinghouse, to gather, compile, and make available to public and nonprofit private organizations and to the public, at reasonable intervals, as determined by the Secretary, the statistics and other information collected from individuals and public and private organizations relating to the kinds, amounts, and geographical lcoations of agricultural products available for gleaning.

Paragraph (4) of section 113(c) will require the Secretary, through the Clearinghouse, to establish and operate a toll-free telephone line to be used to enable—

(1) farmers, processors, and retailers to report to the Clearinghouse, for dissemination information regarding agricultural products available for gleaning, and how these farmers, processors, and retailers may be contacted;

(2) public or private entities to report to the Clearinghouse for dissemination information regarding food or meals available for gleaning, and how these public or private entities may be contacted;

(3) public and private nonprofit organizations desiring to glean or assist others to glean to report to the Clearinghouse the kinds and amounts of agricultural products that are needed by needy individuals (including unemployed and low-income individuals), and how these organizations may be contacted;

(4) persons to report the availability of free transportation for gleaned agricultural products; and

(5) the Clearinghouse to provide, without charge, information about gleaning to the persons and organizations described in sections 113(c)(4)(A), (B), (C), and (D).

Paragraph (5) of section 113(c) will require the Secretary, through the Clearinghouse, to prepare, publish, and make available to the public, at cost and on a continuing basis, a handbook on gleaning that includes information and advice that may be useful in operating efficient gleaning activities and projects, including information on how to—

(1) organize groups to engage in gleaning; and

(2) distribute to needy individuals (including unemployed and low-income individuals) gleaned agricultural products.

Paragraph (6) of section 113(c) will require the Secretary, through the Clearinghouse, to advertise in print, or on radio or television, as the Secretary deems appropriate, the services provided by the Clearinghouse under section 113(c).

Subsection (d) of section 113 will require the Secretary to appoint staff and authorize the Secretary to use State and county volunteers in the Extension Service of the Department of Agriculture, as may be necessary to carry out the functions of the Clearinghouse.

Subsection (e) of section 113 will provide an authorization for appropriations, to carry out section 113, of $900,000 for fiscal year 1989, and $1,000,000 for fiscal year 1990.

Subtitle C—Food Processing and Distribution

Section 121—Encouragement of Food Processing and Distribution by Eligible Recipient Agencies

Paragraph (1) of section 121(a) will require the Secretary of Agriculture to solicit applications, in accordance with section 121(a)(2), for surplus commodities available for distribution under section 202 of the Temporary Emergency Food Assistance Act of 1983, to the extent that the Commodity Credit Corporation's inventory levels permit, not later than 60 days after the date of the enactment of the bill.

Paragraph (2) of section 121(a) will provide that the solicitation must request any eligible recipient agency to submit an application to the Secretary and to include in the application an assurance that the eligible recipient agency will—

(1) process any agricultural commodity received in response to the application into end-use products suitable for distribution through TEFAP;

(2) package the products for use by individual households; and

(3) distribute the products to State agencies responsible for the administration of the Temporary Emergency Food Assistance Program at no cost to the State agency for distribution through TEFAP.

(Note: Section 201A of the Temporary Emergency Food Assistance Act of 1983 defines eligible recipient agencies to include emergency feeding organizations, and public or non-profit organizations that administer school lunch programs, summer camps, other child nutrition programs providing food service, nutrition projects operating under the Older Americans Act of 1965, activities and projects that are supported under section 4 of the Agriculture and Consumer Protection Act of 1973, activities of charitable institutions, and disaster relief programs.)

Paragraph (3) of section 121(a) will prohibit funds made available under section 204 of the Temporary Emergency Food Assistance Act of 1983 or funds of the Commodity Credit Corporation from being used to pay any costs incurred for the processing, storage, transportation, or distribution of the commodities or end-use products prior to their delivery to the State agency.

Subsection (b) of section 121 will require the Secretary, not later than 60 days after the Secretary receives an application solicited under section 121(a), to approve or disapprove the application. If the Secretary disapproves the application, the Secretary must inform the applicant of the reasons for disapproving the application.

Section 131—Continuation of Provision of Cheese

Section 131 will require the Secretary of Agriculture, notwithstanding any other provision of law and to the extent that the Commodity Credit Corporation's inventory levels permit, to make available annually 7,000,000 pounds of cheese acquired through price support programs of the Department of Agriculture in each of the fiscal years 1989 and 1990 for use in the Commodity Supplemental Food Program authorized under sections 3 through 5 of the Agriculture and Consumer Protection Act of 1973.

TITLE II—NUTRITION IMPROVEMENTS

Section 201—Basic Food Stamp Benefit Levels

Section 201 will amend section 3(o) of the Food Stamp Act of 1977 to delete the requirement that the Secretary, on each October 1, after October 1, 1985, adjust the cost of the diet to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30 and round the result to the nearest lower dollar increment for each household size.

In addition, section 201 will add two provisions that will require the Secretary—

(1) on October 1, 1988, to adjust the cost of the diet to reflect 101 percent of the cost of the thrifty food plan in the preceding June, and round the result to the nearest lower dollar increment for each household size, and

(2) on October 1, 1989, and each October 1 thereafter, to adjust the cost of the diet to reflect 103 percent of the cost, in the preceding June, of the then most recent thrifty food plan determined by the Secretary or the cost of the thrifty food plan in effect on the date of enactment of the Hunger Relief Act of 1988, whichever is greater, and round the result to the nearest lower dollar increment for each household size.

(Note: The diet, as defined in the thrifty food plan, is that required to feed a family of four persons consisting of a man and a woman twenty through fifty, a child six through eight, and a child nine through eleven years of age, as determined by the Secretary's calculations. The cost of the diet is the basis for uniform allotments for households as adjusted specifically by the Secretary.)

Section 202—Categorical Eligibility

Section 202 will amend section 5(a) of the Food Stamp Act of 1977 to delete the termination date of September 30, 1989 and make permanent the provision that requires that households are eligible to participate in the food stamp program in which each member receives—

(1) benefits under a State plan approved under part A of title IV of the Social Security Act,

(2) supplemental security income benefits under title XVI of the Social Security Act, or

(3) aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social Security Act.

Section 203—Reporting Requirements and Calculation of Household Income

Subsection (a) of section 203 will amend section 5(f) of the Food Stamp Act of 1977 to provide that—

(1) households that are not required to submit monthly reports of their income and household circumstances under section 6(c)(1) (see below) will have their income calculated on a prospective basis, as provided in section 5(f)(3)(A), and

(2) households that are required to submit monthly reports of their income and household circumstances under section 6(c)(1) will have their income calculated on a retrospective basis, as provided in section 5(f)(3)(B), except that, in the case of the first month, or at the option of the State the first and second months, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in the first or second month.

(Note: Section 5(f)(3)(A) of the Food Stamp Act of 1977 provides that calculation of household income on a prospective basis is the calculation of income on the basis of the income reasonably anticipated to be received by the household during the period for which eligibility or benefits are being determined. The calculations take into account both the income reasonably anticipated to be received by the household during the period for which eligibility or benefits are being determined and the income received by the household during the preceding thirty days. Section 5(f)(3)(B) of the Food Stamp Act of 1977 provides that calculation of household income on a retrospective basis is the calculation of income for the perod for which eligibility or benefits are being determined on the basis of income received in a previous period.)

Under current law, household income for migrant farmworker households, and households that have no earned income, and in which all adult members are elderly or disabled are calculated on a prospective basis. Household income for households that are permitted to report household circumstances at specified intervals less frequent than monthly, may with the approval of the Secretary, be calculated by a State agency on a prospective basis.

Subsection (b) of section 203 will amend section 6(c) of the Food Stamp Act of 1977 to allow a State agency to require certain categories of households to file periodic reports of income and household circumstances in accordance with standards prescribed by the Secretary. However, a State agency may not require periodic reporting of—

(1) migrant or seasonal farm worker households;

(2) households in which all members are homeless individuals; or

(3) households that have no earned income and in which all adult members are elderly or disabled members.

In addition, each household that is not required to file the periodic reports on a monthly basis must report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to ensure accurate eligibility and benefit determinations.

Under current law, State agencies require households whose income is determined on a retrospective basis to file periodic reports of household circumstances. However, a State agency may with prior approval of the Secretary, select categories of households that may report at specified less frequent intervals on a showing by the State agency, that is satisfactory to the Secretary, that to require these households to report monthly would result in unwarranted expenditures for administration. The Secretary may permit State agencies to accept, as satisfying the requirement that households report at specified less frequent intervals, recertifications conducted in accordance with section 11(e) (4), in-person interviews conducted during a certification period, written reports filed by households, or other documentation or actions the Secretary prescribes. State agencies may require households, other than households whose income is calculated on a prospective basis, to file periodic reports of household circumstances in accordance with the standards prescribed by the Secretary. Each household that is not required to file periodic reports on a monthly basis is required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary requires in order to assure accurate eligibility and benefit determinations.

Subsection (c) of section 203 will amend section 6(c)(2) of the Food Stamp Act of 1977 to add a provision that will provide that any household required to file a periodic report under section 6(c)(1) will be provided each month (or other applicable period) with an appropriate, simple form for making the required reports together with clear instructions explaining how to complete the form and the rights and responsibilities under any periodic reporting system.

Section 204—Optional Food Stamp Information Activities

Subsection (a) of section 204 will amend section 11(e)(1)(A) of the Food Stamp Act of 1977 to provide that the State plan of operation required under section 11(d) must provide that the State agency may inform low-income households about the availability, eligibility requirements, application procedures, and benefits of the food stamp program.

Under current law, the State plan of operation must provide that the State agency will not conduct food stamp outreach activities with funds provided under the Food Stamp Act of 1977. However, the State agency may direct food stamp informational activities at homeless individuals.

Subsection (b) of section 204 will amend section 16(a)(4) of the Food Stamp Act of 1977 to authorize the Secretary to pay to each State agency an amount equal to 50 percent of all administrative costs involved in each State agency's operation of food stamp information activities including those undertaken to inform low-income households about the availability, eligibility requirements, application procedures, and benefits of the food stamp program.

Under current law, the Secretary is authorized to pay to each State agency an amount equal to 50 percent of all administrative costs involved in each State agency's operation of food stamp informational activities directed at homeless individuals.

Section 205—Extension of Homeless Amendments

Section 205 will amend section 11002(f)(3) of the Homeless Eligibility Clarification Act to make permanent the amendments made by section 11002(b) of the Homeless Eligibility Clarification Act. (Note: Section 11002(b) of the Homeless Eligibility Clarification Act provides, in defining the term household, that residents of public or private nonprofit shelters for individuals who do not reside in permanent dwellings or have no fixed mailing addresses, who are otherwise eligible for coupons will not be considered residents of institutions and will be considered individual households.)

Under current law, section 11002(b) of the Homeless Eligibility Clarification Act ceases to be effective after September 30, 1990.

TITLE III—ADMINISTRATIVE IMPROVEMENTS AND SIMPLIFICATION

Section 301—References to the Food Stamp Act of 1977

Section 301 will require that except as otherwise specifically provided, whenever in title III an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference will be considered to be made to a section or other provision of the Food Stamp Act of 1977.

Subtitle A—Reducing Unnecessary Paperwork

Section 311—Simplified Application Forms

Section 311 will amend section 11(e)(2) of the Food Stamp Act of 1977 to add a provision that will require the Secretary, in approving a deviation by a State agency from the simplified, uniform national application form for participation in the food stamp program, to take into account whether the State forms are easy to use, brief, and easily readable. Each application form must contain, in plain and prominent language on its front cover, a place where applicants can write their names, addresses, and signatures, and instructions in easily understandable terms that—

(1) inform households of their right to file the application without immediately completing additional sections,

(2) describe the expedited processing requirements of section 11(e)(9), and

(3) inform households that benefits are provided only from the date of application.

In addition, the Secretary, in consultation with the Secretary of Health and Human Services, will develop a program to provide assistance to States that request assistance in the development of brief, simply-written and easily readable application forms including application forms that cover the food stamp program, the aid to families with dependent children program under part A of title IV of the Social Security Act, and medical assistance programs administered by the Secretary of Health and Human Services under title XIX of the Social Security Act.

Section 312—Statement of Required Verification

Section 312 will amend section 11(e)(3) of the Food Stamp Act of 1977 to add a provision that will require the State plan of operation required under section 11(d) to provide that the State agency will—

(1) provide each applicant household, at the time of interview, a clear written statement explaining what acts the household must perform to cooperate in obtaining verification and otherwise completing the application process;

(2) assist each applicant household in obtaining appropriate verification and completing the application process; and

(3) not require any household to submit additional proof of a matter on which the State agency already has current verification, as determined under regulations issued by the Secretary, unless the State agency has reason to believe that the information possessed by the agency is inaccurate, incomplete, or inconsistent.

Subtitle B—Ensuring Accurate Issuance of Benefits

Section 321—Correcting Improper Denials and Underissuances

Section 321 will amend section 11 of the Food Stamp Act of 1977 to add a new section 11(p) that will require the State agency to promptly restore any improperly denied benefits to the extent required by section 11(e)(11) and section 14(b), when a State agency learns, through its own reviews under section 16 or through other reviews, through reviews conducted by the Secretary, or through other sources, that it has improperly denied, terminated, or underissued benefits to an eligible household.

In addition the State agency must take other steps to prevent a recurrence of the errors where the error was caused by the application of State agency practices, rules, or procedures that are inconsistent with the requirements of the Food Stamp Act of 1977.

Section 322—Special Training of State Personnel Involved in Certifying Farm Households

Subsection (a) of section 322 will amend section 11(e)(6) of the Food Stamp Act of 1977 to add a provision that will require the State plan of operation required under section 11(d) to provide that the State agency, at its option, may undertake intensive training to ensure that State agency personnel who undertake the certification of households that include a member who engages in farming are qualified to perform the certification.

Subsection (b) of section 322 will amend section 16 of the Food Stamp Act of 1977 to add a new section 16(k) that will require the Secretary to publish instructional materials specifically designed to be used by the State agency to provide intensive training to State agency personnel who undertake the certification of households that include a member who engages in farming, not later than 180 days after the date of the enactment of the bill, and annually thereafter.

Subsection (c) of section 322 will make a technical correction to section 16 of the Food Stamp Act of 1977 to redesignate subsection (h), as added by section 121(b)(5) of the Immigration Reform and Control Act of 1986, as subsection (j).

Section 323—Training of Certification Workers and Community Resources

Subsection (a) of section 323 will amend section 11(e)(6)(C) of the Food Stamp Act of 1977 to require the State plan of operation required under section 11(d) to provide that the State agency will provide a continuing, comprehensive program of training for all personnel undertaking the certification of applicant households so that eligible households are promptly and accurately certified to receive the allotments for which they are eligible under the Food Stamp Act of 1977.

Under current law, the State plan of operation is required to provide that the State agency will undertake to provide a continuing, comprehensive program of training for all personnel undertaking the certification of applicant households.

Subsection (b) of section 323 will amend section 11(e)(6) of the Food Stamp Act of 1977 to add a new section 11(e)(6)(E) that will require the State plan of operation required under section 11(d) to provide that the State agency, at its option, may provide, or contract for the provision of, training and assistance to persons working with volunteer or nonprofit organizations that provide program information activities and eligibility screening to persons potentially eligible for food stamps.

Section 324—Preventing Incorrect Issuances

Section 324 will amend section 11(e)(3) of the Food Stamp Act of 1977 to add a provision that will require the State plan of operation required under section 11(d) to provide that the State agency will provide the household, at the time of each certification and recertification, with a statement describing the reporting responsibilities of the household under the Food Stamp Act of 1977 and provide a toll-free or local telephone number, or a telephone number at which collect calls will be accepted by the State agency, with which the household may reach an appropriate representative of the State agency.

Subtitle C—Reducing Barriers in Rural America

Section 331—Prorating Benefits of Migrant or Seasonal Farmworker Households

Section 331 will amend section 8(c) of the Food Stamp Act of 1977 to add a provision that will define "initial month" to include, in the case of a migrant or seasonal farmworker household, the first month for which an allotment is issued to a household that applies following any period of more than 30 days in which such household was not participating in the food stamp program after previous participation in the program. (Note: This definition of initial month will require that migrant and seasonal farmworker households who apply for benefits and are found eligible will not have their benefits pro-rated (reduced) for the month of application if they have received benefits for a period within 30 days of the date of application. This will allow those migrant and seasonal farmworker households who reapply in a new project area within 30 days of the end of a certification period to receive full benefits. It will also allow migrant and seasonal farmworker households who do not complete recertification requirements until after the end of their previous certification period to receive full benefits as long as they complete the requirements with 30 days of the end of the certification period. The Committee does not intend for States to establish and elaborate tracking system to implement this amendment nor to require States to change their recertification procedures.)

Section 332—Transportation Difficulties in Rural Areas

Section 332 will amend section 11(e)(2) of the Food Stamp Act of 1977 to require the State agency to waive in-office interviews, on a household's request, if a household is unable to appoint an authorized representative pursuant to section 11(e)(7) and has no adult household members able to come to the appropriate State agency office because the members—

(1) are elderly,

(2) are mentally or physically handicapped,

(3) live in a location not served by a certification office, or have transportation difficulties, or

(4) similar hardships as determined by the State agency (including hardships due to residence in a rural area, illness, care of a household member, prolonged severe weather, or work or training hours). (Note: Section 11(e)(7) requires a State plan of operation to provide that an applicant household may be represented in the certification process by a person other than a member of the household so long as that person has been clearly designated as the representative of that household by the head of the household or the spouse of the head, and the representative is an adult who is sufficiently aware of relevant household circumstances.)

The State agency may conduct a telephone interview or a home visit, if an in-office interview is waived. In addition, the State agency must provide for telephone contact by, mail delivery of forms to, and mail return of forms by, households that have transportation difficulties or similar hardships.

Under current law, the State must comply with the standards established by the Secretary for telephone contact by, mail delivery of forms to and mail return of forms by, and subsequent home or telephone interview, with, the elderly, physically or mentally handicapped, and persons otherwise unable, solely because of transportation difficulties and similar hardships, to appear in person at a certification office or through a representative pursuant to section 11(e)(7), so that the persons may have an adequate opportunity to be certified properly.

Subtitle D—Eliminating Inequities for Farmers and Others

Section 341—Continuation of Food Stamps to Participants in Cash-Outs of Other Benefit Programs

Section 341 will amend section 5(d)(1) of the Food Stamp Act of 1977 to add a provision that will require household income for purposes of the food stamp program to exclude, among other things, any gain or benefit which is not in the form of money payable directly to a household, regardless of its conversion in whole or in part to direct payments to households pursuant to any demonstration project carried out or authorized under Federal law including demonstration projects created by the waiver of provisions of Federal law.

Section 342—Annualizing Self-Employment Income and Expenses from Farming

Section 342 will amend section 5(f)(1)(A) of the Food Stamp Act of 1977 to add a provision that will allow, at the option of the household, household income resulting from the self-employment of a member in a farming operation who derives income from the farming operation and who has irregular expenses to produce the income, to be calculated by averaging the income and expenses over a 12-month period. This provision subordinates the provision that requires household income for households that, buy contract for other than an hourly or piecework basis or by self-employment, derive their annual income in a period of time shorter than one year, to be calculated by averaging the income over a twelve-month period.

Section 343—Households in Transition

Section 343 will amend section 5(g) of the Food Stamp Act of 1977 to add a provision that will require the Secretary, in the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, to exclude from financial resources the value of the property until the expiration of the 1-year period beginning on the date the member ceases to be self-employed in farming.

Section 344—Civil Money Penalties and Disqualification of Retail Food Stores and Wholesale Food Concerns

Section 344 will amend section 12(b)(3) of the Food Stamp Act of 1977 to require disqualification under section 12(a) to be permanent upon—

(1) the third occasion of disqualification, or

(2) the first occasion or any subsequent occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern. However, the Secretary will have the discretion to impose a civil money penalty of up to $20,000 in lieu of disqualification, for the purchase of coupons or trafficking in coupons or cards that constitutes a violation of the provisions of the Food Stamp Act of 1977 or the regulations, if the Secretary determines that there is substantial evidence that the store or food concern had an effective policy and program in effect to prevent violations.

(Note: Section 12(a) allows the Secretary, on a finding that any approved retail food store or concern has violated any of the provisions of the Food Stamp Act of 1977 or the regulations issued pursuant to the Act, to—

(1) disqualify the retail food store or wholesale food concern for a specified period of time from further participation in the food stamp program, or

(2) subject the retail food store or wholesale food concern to a civil money penalty of up to $10,000 for each violation, if the Secretary determines that its disqualification would cause hardship to food stamp households.)

Under current law, disqualification will be permanent upon the third occasion of disqualification or the first occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern.

Subtitle E—Reducing Barriers for the Elderly and Disabled

Section 351—Disabled Persons Receiving Benefits Under Standards at Least as Stringent as Those in the Social Security Act

Section 351 will amend section 3(r)(2) of the Food Stamp Act of 1977 to define the term "elderly or disabled member" to include a member of a household who—

(1) receives supplemental security income benefits under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66, or

(2) receives federally or State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act, interim assistance benefits pending receipt of supplemental security income, disability-related medical assistance benefits under title XIX of the Social Security Act, or disability-based State general assistance benefits, if the Secretary determines that the benefits are conditioned on meeting disability or blindness criteria at least as stringent as those used under title XVI of the Social Security Act.

Under current law, an elderly or disabled member includes a member of a household who receives supplemental security income benefits under title XVI of the Social Security Act, federally of State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act, if the Secretary determines that the benefits are conditioned on meeting the disability or blindness criteria used under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66.

Section 352—Simplified Procedure for Claiming Excess Medical Deduction

Section 352 will amend section 5(e) of the Food Stamp Act of 1977 to add a provision that will require State agencies to offer eligible households a method of claiming a deduction for recurring medical expenses that are initially verified under the excess medical expense deduction, in lieu of submitting information or verification on actual expenses on a monthly basis. The method of claiming a deduction for recurring medical expenses will be designed to minimize the administrative burden for eligible elderly and disabled household members choosing to deduct their recurrent medical expenses. (Note: Households containing an elderly or disabled member are entitled, with respect to expenses other than expenses paid on behalf of the household by a third party, to an excess medical expense deduction for that portion of the actual cost of allowable medical expenses, incurred by elderly or disabled members, exclusive of special diets, that exceeds $35 a month.)

Section 353—Coordinated Application

Section 353 will amend section 11(i) of the Food Stamp Act of 1977 to require the State, in addition to implementing paragraphs (1) through (4), to inform applicants for benefits under part A of title IV of the Social Security Act—

(1) that the applicants may file, along with their application for benefits under part A of title IV of the Social Security Act, an application for benefits under the Food Stamp Act of 1977, and

(2) that the applicants may have a single interview for benefits under the food stamp program and for benefits under part A of title IV of the Social Security Act.

(NOTE: Section 11(i) in paragraphs (1), (2), (3), and (4), respectively), requires the Secretary and the Secretary of Health and Human Services to develop a system by which—

(1) a single interview will be conducted to determine eligibility for the food stamp program and the aid to families with dependent children program,

(2) households in which all members are applicants for or recipients of supplemental security income will be informed of the availability of benefits under the food stamp program and be assisted in making a simple application to participate in the program at the social security office and be certified for eligibility utilizing information contained in files of the Social Security Administration,

(3) households in which all members are included in a federally aided public assistance or State or local general assistance grant shall have their application for participation in the food stamp program contained in the public assistance or general assistance application form, and

(4) new applicants, as well as households which have recently lost or been denied eligibility for public assistance or general assistance, will be certified for participation in the food stamp program based on information in the public assistance or general assistance case file to the extent that reasonably verified information is avilable in the case file.)

Under current law, each State agency must implement clauses (1) and (2), and may implement clause (3) or (4), or both clauses (3) and (4).

TITLE IV—FAMILY SELF-SUFFICIENCY

Section 401—Exclusion for Advance Payment of Earned Income Credit

Section 401 will amend section 5(d) of the Food Stamp Act of 1977 to add a provision that will require household income for purposes of the food stamp program to exclude any payment made to the household under section 3507 of the Internal Revenue Code of 1986 (relating to advance payment of earned income credit).

TITLE V—IMPROVING PAYMENT ACCURACY

Section 501—Review of State Program Investment When Settling Claims.

Section 501 will amend 13(a)(1) of the Food Stamp Act of 1977 to add a provision that will require the Secretary, in determining whether to settle, adjust, compromise, or waive a claim arising against a State agency pursuant to section 16(c) of the Food Stamp Act of 1977, to—

(1) review a State agency's plans for new dollar investment in activities to improve program administration in order to reduce payment error, and

(2) take the State agency's plans for new dollar investment in activities to improve program administration into consideration as the Secretary deems appropriate.

Section 502—Interest on Claims Against State Agencies

Section 502 will amend section 13(a)(1) of the Food Stamp Act of 1977, to provide the following:

To the extent that a State agency does not pay a claim established under section 16(c)(1)(C), including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding, within 30 days from the date on which the bill for collection (after a determination on any request for a waiver for good cause related to the claim has been made by the Secretary) is received by the State agency, the State agency will be liable for interest on any unpaid portion of the claim accruing from the date on which the bill for collection was received by the State agency, unless the State agency appeals the claim under section 16(c)(7).

If the State agency appeals the claim (in whole or in part), the interest on any unpaid portion of the claim will accrue from the date of the decision on the administrative appeal, or from a date 2 years after the date the bill is received, whichever is earlier, until the date the unpaid portion of the payment is received.

If the State agency pays the claim (in whole or in part, including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding) and the claim is subsequently overturned through administrative or judicial appeal, any amounts paid by the State agency will be promptly returned with interest, accruing from the date the payment is received until the date the payment is returned.

Any interest assessed under section 13(a)(1) will be computed at the rate determined by the Secretary based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during the period the interest accrues.

Section 503—Administrative and Judicial Review

Section 503 will amend section 14(a) of the Food Stamp Act of 1977 to add the following provisions:

Determinations by the Secretary concerning whether a State agency had good cause for its failure to meet error rate tolerance levels established under seciton 16(c) are final, regardless of the administrative or judicial review procedures set forth in section 14(a).

In addition, determinations regarding claims made pursuant to section 16(c) will be made on the record after opportunity for an agency hearing in accordance with sections 556 and 557 of title 5, United States Code, in which one or more administrative law judges appointed pursuant to section 3105 of title 5 will preside over the taking of evidence.

The judges will have authority to issue and enforce subpoenas in the manner prescribed in sections 13(c) and (d) of the Perishable Agricultural Commodities Act of 1930 and to appoint expert witnesses under the proivsions of Rule 706 of the Federal Rules of Evidence. The Secretary is prohibited from limiting the authority of the judges presiding over determinations regarding claims made pursuant to section 16(c).

The Secretary will provide a summary procedure for determinations regarding claims made pursuant to section 16(c) in amounts less than $50,000. This summary procedure need not include an oral hearing. Upon a petition by the State agency or sua sponte, the Secretary may permit the full administrative review procedure to be used in lieu of the summary review procedure for a claim of less than $50,000.

Subject to the right of judicial review provided, a determination made by an administrative law judge regarding a claim made pursuant to section 16(c) will be final and will take effect thirty days after the date of the delivery or service of final notice of such determination.

In addition, the suit in the U.S. district court or State court will be a trial de novo by the court in which the court will determine the validity of the questioned administrative action in issue. However, judicial review of determinations regarding claims made pursuant to section 16(c) will be a review on the administrative record.

Section 504—Payment Accuracy Improvement System

Section 504 will amend section 16(c) of the Food Stamp Act of 1977 to provide a new section 16(c).

Paragraph (1) of section 16(c) will require the food stamp program to include a system that enhances payment accuracy by establishing fiscal incentives that require State agencies with high error rates to share in the cost of payment error and provide enhanced administrative funding to States with the lowest error rates. Under this sytem—

(1) the Secretary will adjust a State agency's federally funded share of administrative costs pursuant to section 16(a), other than the costs already shared in excess of 50 percent under the proviso in the first sentence of section 16(a) or under section 16(g), by increasing the share of all the administrative costs by one percentage point to a maximum of 60 per centum of all the administrative costs for each full one tenth of a percentage point by which the payment error rate is less than 6 percent, except that only States whose rate of invalid decisions in denying eligibility is less than a nationwide percentage that the Secretary determines to be reasonable will be entitled to the adjustment prescribed in section 16(c);

(2) the Secretary will foster management improvements by the States pursuant to section 16(b) by requiring State agencies other than those receiving adjustments under section 16(c)(1)(A) to develop and implement corrective action plans to reduce payment errors; and

(3) for any fiscal year in which a State agency's payment error rate exceeds the payment error tolerance level for payment error rates announced under Section 16(c)(6), other than for good cause shown, the State agency will pay to the Secretary an amount equal to its payment error rate less the tolerance level times the total value of allotments issued in the fiscal year by the State agency. The amount of liability will not be affected by corrective action under section 16(c)(1)(B).

Paragraph (2) of section 16(c) will define the following terms to mean:

(1) "payment error rate" means the sum of the point estimates of an overpayment error rate and an underpayment error rate determined by the Secretary from data collected in a probability sample of participating households;

(2) "overpayment error rate" means the percentage of the value of all allotments issued in a fiscal year by a State agency which are either issued to households which fail to meet basic program eligibility requirements, or overissued to eligible households; and

(3) "underpayment error rate" means the ratio of the value of allotments underissued to recipient households to the total value of allotments issued in a fiscal year by a State agency.

Paragraph (3) of section 16(c) will provide that the following errors may be measured for managment purposes but will not be included in the payment error rate:

(1) Any errors resulting in the application of new food stamp program regulations during the first 60 days (or 90 days at the discretion of the Secretary) from the required implementation date for the regulations.

(2) Errors resulting from the use by a State agency of correctly processed information about households or individuals received from Federal agencies or from actions based on policy information approved or disseminated, in writing, by the Secretary or his designee.

Paragraph (4) of section 16(c) will authorize the Secretary to require a State agency to report any factors which the Secretary considers necessary to determine a State agency's payment error rate, enhanced administrative funding, or claim for payment error, under section 16(c). If a State agency fails to meet the reporting requirements established by the Secretary, the Secretary will base the determination on all pertinent information available to the Secretary.

Paragraph (5) of section 16(c) will require each State agency, to facilitate the implementation of section 16(c), to submit to the Secretary expeditiously, data regarding its operations in each fiscal year sufficient for the Secretary to establish the payment error rate for the State agency for the fiscal year and determine the amount of either incentive payments under section 16(c)(1)(A) or claims under section 16(c)(1)(C). In addition, the Secretary is required to—

(1) make a determination for the fiscal year, and notify the State agency of the determination, within nine months following the end of each fiscal year; and

(2) initiate efforts to collect the amount owed by the State agency as a claim established under section 16(c)(1)(C) for a fiscal year, subject to the conclusion of any formal or informal appeal procedure and administrative or judicial review under section 14 (as provided for in section 16(c)(7)), before the end of the fiscal year following such fiscal year.

Paragraph (6) of section 16(c) will require the Secretary, at the time the Secretary makes the notification to State agencies of their error rates and incentive payments or claims pursuant to sections 16(c)(1)(A) and 16(c)(1)(C), to also announce a national performance measure which will be the sum of the products of each State agency's error rate as developed for the notifications in section 16(c)(5) times that State agency's proportion of the total value of national allotments issued for the fiscal year using the most recent issuance data available at the time of the notifications issued pursuant to section 16(c)(5). Where a State fails to meet reporting requirements pursuant to section 16(c)(4), the Secretary may use another measure of a State's error developed pursuant to section 16(c)(5), to develop the national performance measure. The announced national performance measure will be used to establish a payment-error tolerance level. The tolerance level for any fiscal year will be one per centum added to the lowest national performance measure ever announced up to and including the fiscal year under section 16(c). The payment-error tolerance level will be used in determining the State share of the cost of payment error under section 16(c)(1)(C) for the fiscal year whose error rates are being announced under section 16(c)(5).

Paragraph (7) of section 16(c) will allow a State to seek administrative and judicial review of the action pursuant to section, if the Secretary asserts a financial claim against a State Agency under section 16(c)(1)(C).

In addition, section 504 will amend section 16(d) to require the Secretary to undertake the following studies of the payment error improvement system established under section 16(c):

(1) An assessment of the feasibility of measuring payment errors due to improper denials and terminations of benefits or otherwise developing performance standards with financial consequences for improper denials and terminations, including incorporation in section 16(c). The Secretary must report study results and Department recommendations to Congress by July 1, 1990.

(2) An evaluation of the effectiveness of the system of program improvement initiated under section 16(c) that will be reported to Congress along with the Secretary's recommendations no later than three years from the date of enactment of section 16(c).

TITLE VI—IMPLEMENTATION AND EFFECTIVE DATES

Section 601—Severability

Section 601 will provide that, if any provision of the bill or of an amendment made by the bill, or the application of a provision to any person or circumstance, is held to be invalid, the remainder of the bill and of the amendments made by the bill, and the application of the provision to other persons or circumstances, will not be affected.

Section 602—Issuance of Rules

Subsection (a) of section 602 will require the Secretary of Agriculture, not later than January 1, 1989, to issue and implement rules to carry out the bill and the amendments made by the bill, except as provided in section 602(b).

Subsection (b) of section 602 will require the Secretary of Agriculture to issue and implement rules in accordance with section 4(c) of the Food Stamp Act of 1977 to carry out sections 203 and 204 and title III of the bill, not later than July 1, 1989.

Section 603—Effective Dates

Subsection (a) of section 603 will provide that, except as provided in section 603(b), the preceeding titles of the bill and the amendments made by the preceeding titles of the bill will take effect on October 1, 1988.

Paragraph (1) of section 603(b) will provide that, if the order issued under section 252(b) of the Deficit Control Act of 1985 for fiscal year 1989 states that no deficit reduction is necessary to fully satisfy the requirements of section 251(a)(3)(A) of the Deficit Control Act of 1985, then—

(1) sections 103, 111, 112, 113, 201, 202, 205, and title IV will take effect on October 16, 1988, and will apply retroactively to October 1, 1988; and

(2) sections 203 and 204 and title III will take effect on July 1, 1989, or on the effective date of the rules issued by the Secretary to carry out the amendments made by these sections and this title, whichever occurs earlier.

Paragraph (2) of section 603(b) will provide that the amendments made by title V will be effective as follows:

(1) Except as provided in section 603(b)(2)(D) of the bill, the provisions of section 16(c) of the Food Stamp Act of 1977, as amended by section 504 of the bill, will take effect on October 1, 1985. However, the provisions of section 16(c)(1)(A), as amended by section 504 of the bill, will take effect on October 1, 1988, and the provisions of section 16(c)(3), as amended by section 504 of the bill, will take effect on October 1, 1988.

(2) The amendments made by title V to section 13 of the Food Stamp Act of 1977 will take effect on October 1, 1985.

(3) Except as provided in section 603(b)(2)(D) of the bill, the amendments made by section 503 of the bill to section 14 of the Food Stamp Act of 1977 will take effect on October 1, 1985, with respect to claims under section 16(c) of the Food Stamp Act of 1977 arising on or after October 1, 1985.

(4) The provisions of sections 14 and 16 of the Food Stamp Act of 1977 that relate to claims against State agencies and that were in effect for any quality control review period or periods through fiscal year 1985 will remain in effect for claims arising with respect to any quality control review period or periods through fiscal year 1985. In addition, the provisions of sections 14 and 16(c) of the Food Stamp Act of 1977 that relate to enhanced administrative funding for State agencies and that were in effect for any quality control review period or periods through fiscal year 1988 will remain in effect for enhanced administrative funding with respect to any quality control review period or periods through fiscal year 1988.

Paragraph (3) of section 603(b) will provide that if the order issued under section 252(b) of the Deficit Control Act of 1985 for fiscal year 1989 makes any reduction or sequestration to satisfy the requirements of section 251(a)(3)(A) of the Deficit Control Act of 1985 and the order is not subsequently abrogated, then sections 103, 111, 112, 113, 201, 202, 204, 311, 312, 322, 323, 324, 331, 342, 343, 351, 352, and 353, and title IV will not take effect.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I want to express my particular thanks to the chairman of the full committee, the gentleman from Texas [Mr. DE LA GARZA], and also to the ranking member of the full committee, the gentleman from Illinois [Mr. MADIGAN]. I want to give particular thanks to my ranking member of the subcommittee, the gentleman from Missouri [Mr. EMERSON], without whose cooperation we simply would not have been able to put together an Emergency Hunger Relief Act as we have.

Mr. Speaker, I rise to urge your support of the Emergency Hunger Relief Act of 1988 (H.R. 4060). This bipartisan legislation is designed to get nutrition assistance to low-income Americans who depend on the Food Stamp and Temporary Emergency Food Assistance [TEFAP] programs as quickly as possible without increasing the administrative complexity of the programs. The bill was reported unanimously from the House Agriculture Committee. Recently, the Senate approved a nutrition initiative (S. 2560) by a vote of 90 to 7. The major provisions of the H.R. 4060 as approved by the Commitee on Agriculture will—

First, extend for 1 year the temporary emergency food assistance program [TEFAP];

Second, require the U.S. Department of Agriculture to purchase 110 million dollars' worth of commodities to distribute to the needy to compensate for the reduced availability of cheese and other commodities in recent months;

Third, increase monthly basic food stamp benefits for each recipient above the normal inflation adjustment by an average of one cent a meal in fiscal year 1989 and 2.5 cents a meal in fiscal year 1990;

Fourth, provide additional information to the needy about food stamps and reduce unnecessary paperwork for applicants;

Fifth, reduce barriers to participation in the Food Stamp Program for farmers, migrant and seasonal farmworkers, the elderly, and the disabled;

Sixth, improve the efficiency of the Food Stamp Program by establishing an error rate of 6 percent as an objective for administrative improvement and targeting sanctions for errors on States with the highest rates of incorrect payments, expanding the definition of error to include underpayments as well as overpayments, eliminating sanctions for States whose performance is better than average, rewarding States which reduce erroneous payments below 6 percent, and ensuring that State sanctions are enforced; and

Seventh, provide a contingency clause so that if budget sequestration takes place, the provisions of this bill having a cost impact above the CBO baseline for the fiscal years (1989-91) covered by the concurrent resolution on the budget for fiscal year 1989 (H. Con. Res. 268) will not be implemented.

This legislation is consistent with the allocation for a nutrition initiative in the budget resolution for fiscal year 1989. We are seeking your approval of H.R. 4060 under suspension of the rules because it is crucial to move into legislation quickly so that low-income Americans who depend on TEFAP can receive assistance.

I want to pay a personal tribute to my good friend and colleague, BILL EMERSON from Missouri, my ranking minority member of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. We were able to develop a bipartisan package to present to you today because of his patience and fairness during the long negotiations which resulted in this package.

I would like to describe some of the major provisions of the Emergency Hunger Relief Act.

TEFAP.—In the fall of 1987 the Committee on Agriculture was notified by the USDA that the supply of CCC surplus commodities had diminished and that donations would be substantially reduced. The shortage of commodities for TEFAP was the result of changes in the Dairy Price Support Program and accelerated donations and sales. The USDA estimated that for 1988 the amount of surplus cheese, nonfat dry milk, honey, and rice available to TEFAP would be reduced.

We are deeply concerned about the reduction in supplies of surplus commodities for distribution through TEFAP. These commodities have provided assistance to 15 million people. TEFAP is an effective means to get food to needy people because it depends, for the most part, upon a State and local food distribution network that is both reliable and efficient. TEFAP has been the means by which Government agencies, the private sector, and charitable institutions have joined together to help feed the needy families. Such a partnership is essential if we are to end hunger in America.

Although specific surplus commodities may continue to be distributed through TEFAP—flour, cornmeal, and butter—these commodities must be supplemented. Therefore, H.R. 4060 reauthorizes TEFAP for 1989; continues the current authorization level of $50 million to cover distribution, handling, and storage costs; and, authorizes $110 million for the purchase of additional commodities. H.R. 4060 directs the Secretary to make 70 million dollars' worth of commodity purchases for TEFAP and an additional $40 million in purchases for soup kitchens and food banks, with priority given to congregate meal sites that serve the homeless.

To supplement the USDA commodity purchases for TEFAP, H.R. 4060 supports food donations from other sources by requiring procedures for such donations to emergency feeding organizations and permitting Federal funds to be used for the storage, handling, or distribution of such donated foods. States and emergency feeding organizations would have to continue to use volunteers and private donations of commodities as they operate TEFAP.

Commodities purchased under the committee substitute would be made available in addition to those normally provided by the CCC from available stocks to emergency feeding organizations. The value of such traditional TEFAP donations would not be diminished by the new allocation of commodities. This new allocation of commodities also would have to be made in a manner that would not cause reduction in the value of bonus commodities donated to other nutrition assistance programs, including programs authorized under the National School Lunch Act, the Child Nutrition Act, the Commodity Supplemental Food Program, or the Food Stamp Program.

Food Stamp Benefits.—The Committee on Agriculture has received extensive evidence from hearings and reports, including our own study of the adequacy of the thrifty food plan, that if the current food stamp benefits were increased, this would facilitate achieving the program's goal of providing adequate nutrition to low-income Americans.

Accordingly, in order to provide the maximum nutrition assistance, section 201 of the H.R. 4060 would increase the benefit level on October 1, 1988, to 101 percent of the thrifty food plan. On October 1, 1989, benefits would be further increased to 103 percent of the thrifty food plan. The thrifty food plan is the current statutory basis for food stamp benefits and is the lowest cost plan developed by the Department of Agriculture.

The adequacy of food stamp benefits is likely to be further eroded as a result of the current drought. Current estimates are that food prices will increase this year, including a 1-percent increase attributable to the drought, by 3 to 5 percent. The automatic benefit adjustment of 2.7 percent expected this October in the Food Stamp Program will be based on food prices as of June 1988—before the impact of the drought on retail food prices began to be felt. The October 1988 increase in basic benefits called for by section 201 will be 1 percent above the inflation increase mandated under current law, which is the estimated impact of the drought on food prices.

An important part of the bipartisan compromise on H.R. 4060 was to allocate as much of the budget resolution allocation for a nutrition initiative as possible to an across-the-board increase in food stamp benefits. We deliberately chose not to include a number of specific benefit changes because of a concern that the program would become more difficult to administer. As a result the other food stamp provisions in H.R. 4060 are designed to reduce barriers to receipt of food stamps and to simplify the administration of the program. Some of the major changes to the Food Stamp Program include:

MONTHLY REPORTING—RETROSPECTIVE BUDGETING

Section 203 of H.R. 4060 makes the use of the monthly reporting system a State option. Current law requires this for households with earnings or recent work history, unless a State receives a waiver from the Secretary. The current monthly reporting retrospective budgeting system requires that households with earnings or recent work history mail in a form monthly, sent to them by the State, regardless of whether their circumstances have changed.

OPTIONAL INFORMATION ACTIVITIES

Presently, States may provide information about the Food Stamp Program to homeless individuals and receive the normal 50 percent Federal match to cover their administrative expenses for that information service. Section 204 of H.R. 4060 substitute allows States, at their option, to provide program information to any low-income households and receive the 50-percent match.

SIMPLIFIED APPLICATION FORMS

Section 311 of H.R. 4060 requires that, in approving State variations from the uniform national food stamp application form, the U.S. Department of Agriculture take into account their ease of use, brevity, and readability. It also requires the U.S. Department of Agriculture in consultation with the Department of Health and Human Services, to assist States, if they request, with the development of brief, simply written, and readable "common" application forms for use by households applying jointly for Food Stamp, and AFDC, or Medical Assistance Programs.

Section 311 also provides that food stamp applications would be required to have prominent notices of the current regulatory requirement that allow households to file applications immediately.

STATEMENT OF REQUIRED VERIFICATION

Section 312 of H.R. 4060 requires that food stamp offices give all applicants, including those reapplying, a clear written statement, at their interview of what they must do, and what items of verification they must bring in, or supply, to have their applications processed. Providing recipients with better information on what to verify should result in reduced error rates.

Section 312 also will prevent food stamp offices from requiring households to "reverify" current information unless the existing verification is questionable and require them to assist applicants in obtaining appropriate verification and completing the application process.

CORRECTING IMPROPER DENIALS AND UNDERISSUANCES

Under section 321 of H.R. 4060, State will be required to take appropriate corrective action—issue "lost benefits"—when their reviews disclose underissuances and the Food Stamp Act requires the payment of those benefits.

SPECIAL TRAINING OF CASEWORKERS

Section 322 of H.R. 4060 permits a State to conduct more intensive training for caseworkers who serve farm households, and requires USDA to annually publish instructional materials designed for use by States in such training. These materials should make existing State training programs more effective. States would still be able to design their own instructional materials for use by their caseworkers.

PREVENTING INCORRECT ISSUANCES

Section 324 of H.R. 4060 requires that States must provide the household with a statement that describes household reporting requirements, and provides a toll-free or local telephone number where the household can get program information and can report changes during regular business hours. A telephone number where collect calls will be accepted by the State will also suffice.

TRANSPORTATION DIFFICULTIES IN RURAL AREAS

Section 332 H.R. 4060 amends section 11(e)(2) of the Food Stamp Act of 1977 to make clear the requirements that States waive in-person interviews applies if the State agency has determined that residents of rural areas may have difficulties getting to a food stamp office because of transportation problems or similar hardships.

ANNUALIZING SELF-EMPLOYMENT INCOME AND EXPENSES FOR FARMING

Section 342 of H.R. 4060 allows self-employed farmers with regular income but irregular expenses to annualize their income and expenses. Currently, only irregular income can be annualized.

In some States, farmers who only have income from farming operations are excluded from the Food Stamp Program. Although their expenses, and hence their net income fluctuate greatly, these farmers may be eligible for food stamps if permitted to annualize their income and expenses.

For example, dairy farmers' income—milk payments from private dairies—often come on a regular monthly basis while the farmers' expenses are irregular. The policy of the U.S. Department of Agriculture, however, permits self-employed people to annualize their income only when the income is received less often than monthly. Because dairy farmers have regular monthly income, their income and expenses cannot be annualized in States which stringently enforce this USDA policy. Dairy farmers who have other forms of income which are irregular, such as occasional sales of crops, are allowed to annualize in these States.

As a result, a dairy farm household can alternate from eligibility to noneligibility from month to month as their seasonal expenses rise and fall. Because of the difficulty in applying for food stamps and delays in processing, few dairy farmers in these States are willing to go through the application process for each month in which they become eligible for food stamps.

Section 342 applies to all farmers, making clear that the right to annualize income and expenses is not being taken away from any other self-employed farmer.

HOUSEHOLDS IN TRANSITION

Currently, farm land or work-related equipment, such as farm machinery, is not counted as a resource for food stamp purposes if the property is "essential to the employment or self-employment of a household member" (7 CFR 273.8(e)(5)). This definition has caused problems for farmers whose farms are failing—or for farmers who are retiring. They may need some time to sell this equipment to obtain a reasonable price.

Section 343 of H.R. 4060 creates a 1-year grace period for the exemption of assets on farms in transition. Land and machinery used in farming would remain exempt resources for 1 year after a farm household has stopped farming before being counted against the Food Stamp Program's asset limits—$3,000 for a household with an elderly person—$2,000 for all other households.

DISABLED PERSONS RECEIVING BENEFITS UNDER STANDARDS AT LEAST AS STRIGENT AS THOSE IN THE SOCIAL SECURITY ACT

Section 351 of H.R. 4060 includes in the definition of "disabled" for food stamp purposes, persons who receive State or local benefits for the disabled if those eligible for such assistance must meet requirements at least as stringent as for supplemental security income [SSI] benefits.

This provision also includes in the definition of "disabled" for food stamp purposes, persons receiving disability related Medicaid—eligibility for which is determined under the SSI disability test—and persons found eligible for "interim assistance" pending a final determination of their eligibility for the SSI program as long as the requirements are at least as stringent as those in the Social Security Act.

SIMPLIFIED PROCEDURE FOR CLAIMING THE EXCESS MEDICAL DEDUCTION

Current law provides that households containing an elderly or disabled member can obtain a monthly deduction to the extent that medical expenses of the elderly or disabled members exceed $35/month.

Many elderly or disabled persons have recurrent and predictable medical costs. Section 352 of H.R. 4060 requires State food stamp agencies to offer these households a method of claiming a deduction for recurring medical expenses without submitting information or verification each month, as long as they are initially verified. For example, State agencies could allow an elderly person with a recurring monthly prescription expense to claim an excess medical expense deduction based on the initially verified monthly amount and review the expense for any changes every 6 months, or at recertification. This provision would reduce reporting and verification burdens on the elderly and disabled and lower State administrative costs. It would not affect verification of nonrecurring expenses or the recipient's right to claim a deduction for unforeseen medical expenses when reported.

COORDINATED APPLICATION

Section 353 of H.R. 4060 requires States to inform applicants for AFDC that they may apply for food stamps along with their application for AFDC and without a separate interview.

To encourage "one-stop shopping" and reduce administrative burdens for State agencies and applicants alike, current law allows eligible people to apply and be interviewed for AFDC and food stamps at the same time. This section provides for notice to applicants of this opportunity.

Section 353 also would require State agencies to include food stamp applications with applications for federally aided public assistance and State or local general assistance and to certify eligibility for food stamps using information in public assistance or general assistance case files where appropriate.

VALUE OF ALLOTMENT

Food stamp households sometimes experience a temporary interruption in benefits due to a variety of reasons related to the termination of their certification period or when they move from one food stamp project area to another and must reapply in the new project area. Under current law, unless the interruption in benefits is caused by the food stamp certifying agency, the household's benefits are prorated from the date of reapplication. This provision has particularly disadvantaged migrant farmworkers who experience a gap in benefits when they leave their home State to travel to their job site in another State. Because of the current drought situation, both farmworkers and migrants are experiencing severe hardship since earnings which they had anticipated are not available due to the decline in demand for farm labor.

Section 331 of the H.R. 4060 will allow migrant and farmworker households who participated in the Food Stamp Program in the previous 30 days, to receive a full month's benefits for the month they reapply. The committee is currently considering legislation to provide assistance to farmers hurt by the drought. This provision, along with the increase in food stamp benefits in the committee substitute, should provide some assistance to migrant and farmworker families who are so indispensable to the agricultural sector.

DISQUALIFICATION OF RETAIL FOOD STORES

The Food Stamp Act of 1977, as amended, provides that retail food stores will be permanently disqualified from participation in the Food Stamp Program upon the first occasion of disqualification based on the purchase of food stamps or trafficking in food stamps by a grocery store.

The permanent disqualification of retail food stores upon the first trafficking offense—without any evaluation of preventive measures taken or complicity in the trafficking—seems excessively harsh. H.R. 4060 gives the Secretary of Agriculture the discretion to impose a fine of up to $20,000 on a retail or wholesale food store instead of disqualification. The Secretary may exercise that discretion—if it is determined that there is substantial evidence that the store had an effective policy and program to prevent these violations of the Food Stamp Act.

We expect the Department of Agriculture to continue to vigorously pursue and punish those perpetrators involved in food stamp fraud, including store personnel and owners that are culpable or negligent with respect to trafficking offenses. Accordingly, H.R. 4060 authorizes the imposition of civil monetary penalties of up to $20,000 for trafficking violations by a retail food store or wholesale food concern.

IMPROVING PAYMENT ACCURACY

Title V of H.R. 4060 redesigns the quality control procedures in the Food Stamp Program for quality control review periods beginning in fiscal year 1986. There are three major features of the changes.

First, the new system will provide a more appropriate balance between rewards and penalties for State performance. In each year since the error rate target became 5 percent in 1985 more than 40 States have been subject to claims because of excessive error rates—48 in 1985, 44 in 1986, and 42 in 1987. The Committee on Agriculture's review indicates that the error rate tolerance—the level at which fiscal sanctions against States are imposed—has been set too low, and H.R. 4060 accordingly redesigns the system to levy reduced fiscal claims against a much smaller number of States. Under the revised system, the number of States subject to claims in fiscal year 1986, the first year the system would be effective, would be reduced from 44 to 13. Each of the States that would still face claims would owe a smaller amount than if the law were not changed.

The second major change in the system is an increased emphasis on overall payment accuracy. Both overpayments and underpayments are important in the current system, but the new system provides a more balanced emphasis by combining both into one overall measure of payment accuracy for which the States are held accountable. In addition, H.R. 4060 continues the current practice of granting enhanced funding to States that achieve very low rates of error in order to encourage payment accuracy.

A third set of changes aims to speed the resolution of financial claims against State agencies for excessive error by streamlining the appeals process and providing for the payment of interest.

There are quality control systems in the other means-tested assistance programs administered by the States, particularly AFDC and Medicaid. I want to emphasize that title V of H.R. 4060, the committee substitute, is not intended to serve as a model for changes to the quality control system in other programs. Interprogram comparisons are inappropriate because all benefits in the Food Stamp Program, unlike AFDC or Medicaid, are established under Federal law and are 100 percent federally funded and most rules are federally prescribed.

I also want to emphasize that title V of H.R. 4060 does not affect quality control claims which the Secretary of Agriculture has asserted against States for years prior to fiscal year 1986. No position is taken on these claims so as not to interfere with ongoing adminstrative proceedings and litigation between the States and the U.S. Department of Agriculture regarding the Secretary's sanction assessments and waiver denials for prior years. Nothing in the report on this bill or the bill language is intended to have any effect on the merits of these cases, or on the procedures to be followed in resolving claims for periods prior to fiscal year 1986.

Title V of H.R. 4060 is the result of lengthy negotiations between the House and Senate Agriculture Committee's majority and minority staff, the U.S. Department of Agriculture, and representatives of the National Governors Association, American Public Welfare Association, several State officials, and advocacy groups. Title V is a compromise. BILL EMERSON and I think it is fair compromise. We recognize that both the States and the Department of Agriculture had to make difficult concessions to reach an agreement. We appreciate the patience and perseverance of all who participated in the negotiations.

Both sides in these negotiations agreed to compromises which were difficult for them to accept. The new error rate tolerance of the national average plus 1 percent is higher than the Department of Agriculture wanted, but lower than the States wanted. The Department of Agriculture was concerned about the reduction in liability for claims, while the States would have preferred a greater reduction than was agreed to, particularly in regards to claims for the years prior to the effective date of the new system. The payment of interest was another difficult compromise. Under current law, States are not required to pay interest on outstanding claims. The compromise reached was that interest will accrue from the date of the final administrative appeal decision, or two years after the bill for collection was received, whichever is earlier. The Department of Agriculture would have preferred that interest begin to accrue immediately—not 2 years after a billing.

I want to address one concern in particular of the States. Title V of H.R. 4060 retains the Secretary's authority to waive some or all of a State's share of the cost of error where the Secretary determines the State had good cause for failure to meet its error rate goal, in addition to his broader authority to waive claims under section 11(g) of the Food Stamp Act. The compromise reached was that the Secretary's review of these matters is final and shall not be subject to review during the administrative or judicial appeals process. In other words, State agencies are precluded from seeking relief from Federal claims under the appeals procedures for denial by the Secretary of a good cause waiver request.

This was a difficult concession for the States to make. I want to emphasize the language which we have included in the committee report on H.R. 4060 on this issue.

> Furthermore, the Committee intends that in reviewing waiver requests, the Secretary of Agriculture shall be fair and reasonable and shall not arbitrarily or in an across-the-board manner reject requests for waivers. The Committee intends to exercise its oversight functions on this issue and will review the Department of Agriculture's actions in this area when the food stamp program comes up for reauthorization in 1990.

My objective in the reform of the food stamp quality control claims system was to ensure that the attention of both Federal and State officials with responsibility for administering the Food Stamp Program is focused on their primary responsibility—to get nutrition benefits to low-income Americans. In our Federal system of Government, some creative tension between Federal and State officials is inevitable and healthy. But among the Federal and State officials responsible for administering the Food Stamp Program, the growing burden of claims, lengthy appeals, and litigation in the quality control claims system threatens to divert attention from their common responsibility to assist the poor. It is my hope that this reform in title V will enable the U.S. Department of Agriculture officials and the State officials responsible for administering the Food Stamp Program to inaugurate an era of cooperative efforts in getting nutrition assistance to the poor.

I urge your support of the Emergency Hunger Relief Act of 1988 (H.R. 4060). It is a fair and balanced package of nutrition assistance to the poor and administrative simplification of the Food Stamp Program.

□ 1600

Mr. EMERSON. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I rise in support of H.R. 4060, the Hunger Relief Act of 1988. Of the many issues before the 100th Congress, the issue of how to provide assistance to low-income individuals and families is of great importance. Over the past 6 years that I have served as the ranking Republican in the Nutrition Subcommittee, I have accompanied the chairman on field hearings across the United States. He and I have been indeed many times to food banks, to soup kitchens and to welfare offices and a number of other entities having to do with the administration of benefits. I have personally spoken to both families in need of assistance and to those providing the assistance. I firmly believe that in our Nation of abundance it is a tragedy for one child, for one elderly person or for anyone to go hungry. We are a generous country—both through Government programs and through the private sector.

I might say at the outset here, Mr. Speaker, it has been a continuing pleasure in working on this legislation to work within the very cooperative manner that he always extends with the gentleman from California [Mr. PANETTA], the chairman of the subcommittee. This has been a difficult piece of legislation because of its complexity, limited resources and the many competing interests, but certainly Chairman PANETTA has done his very level best to provide the framework within which all of these competing interests could be heard, and in my view I think our work product here is a result of his sensitivity and leadership, and I wish particularly to commend him at this time for that leadership.

This year, USDA nutrition assistance programs alone provide over $20 billion in food aid. Private sector contributions to various nonprofit organizations regularly increase from year to year and are several times the amount of Government assistance. And yet, there is no dispute that need exists—both in urban and rural areas of the United States. It is my hope this bill will supplement programs now in place.

During the 1989 budget resolution negotiations, the chairman of the Nutrition Subcommittee, Mr. PANETTA, and I spoke about the provision for additional spending for nutrition programs that was included in that resolution. I agreed that once that resolution was adopted we would sit down to discuss how to allocate the funding among various nutrition programs. In addition, we agreed that it was time to finalize our discussions on the matter of food stamp quality control and fiscal sanctions.

The overriding principle we both adopted was that a substitute bill should provide additional benefits to needy people without further complicating the Food Stamp Program. This principle is reinforced by the addition of a section on the reform of the food stamp quality control/fiscal sanction system—a process we have been working on since May of 1986. It makes little sense to reform the tool used to assess the management and accountability of the States' administration of the Food Stamp Program and then further complicate an already too complicated program.

In addition, in H.R. 4060 we provide a contingency clause that states that if sequestration occurs, the provisions of this bill, having a cost above the budget baseline, will not be implemented. It is important that we keep in mind the importance of deficit reduction and the impact deficit spending has on all people.

We have been informed by OMB that, as of July 8, a sequester will not take place because of the $146 billion trigger level has not been exceeded. OMB estimates that the deficit will exceed the Gramm-Rudman-Hollings $136 billion target by over $4 billion—leaving nearly a $6 billion cushion. Several bills are pending, including welfare reform, drought relief, an anti-drug bill and a technical corrections bill for the tax bill. We must take care that we meet the budget targets set by the Congress and the administration and avoid sequestration. We must set priorities and stick by them.

This is an important bill. I want to see it passed and implemented. Nevertheless, we cannot conduct business as usual in times of deficits. Programs exempt from sequestration under Gramm-Rudman-Hollings—such as the Food Stamp Program—remain exempt. Expansion of programs while others are being reduced by across-the-board cuts is an entirely different matter.

This substitute abides by the principle agreed to by the subcommittee chairman and me by providing food assistance to needy families without further complicating already complicated programs. In our substitute:

TEFAP is reauthorized for 1989 and $110 million is allocated to the Secretary for the purchase of commodities. Of that amount, $40 million is specifically allocated to the Secretary for the purchase of commodities for soup kitchens and food banks. Food banks are given a high priority in determining the allocation of commodities provided through TEFAP.

Basic food stamp benefits are increased. The bulk of the additional funding in 1990 is for this benefit increase.

States may institute an outreach program in which individuals are advised about the benefits of the Food Stamp Program.

There are several changes aimed at simplification and coordination of the Food Stamp Program with other programs.

States are authorized to provide additional training for employees involved in determining eligibility for farmers applying for food stamps.

The food stamp quality control/fiscal sanction system is reformed. We are proposing a system that is impartial, efficient, and one, I hope, that will have the confidence of all involved that a fair decision can be reached.

The bill before the House today reauthorizes the Temporary Emergency Food Assistance Program [TEFAP] for 1989 and allocates $110 million for the purchase of additional commodities. Just last year, the Congress passed and the President signed the Commodity Distribution Act of 1987. The purpose of that act was to improve the Commodity Distribution Program by making it more efficient for those organizations receiving commodities as well as ensuring the utilization of USDA surplus commodities. The act addressed the areas of the quality of commodities, the distribution of the commodities, and the overall administration of the programs.

The Commodity Distribution Act included an amendment I offered that required the Secretary of Agriculture to initiate demonstration projects, testing the concept of using food banks to distribute section 32 commodities, thereby improving and enhancing the distribution of surplus commodities to feed needy people.

In May 1987, the subcommittee held a hearing in Sikeston, MO, concerning food banks. The Bootheel Food Bank in Sikeston is an excellent example of a project that helps needy people in an effective and efficient manner. This food bank began operation in December 1985. By December 1986, they were providing food to over 100 charitable organizations—well over 500,000 pounds of food. Food banks in general are an excellent vehicle to distribute surplus food.

Food banks provide a vital resource to the communities they serve. Their service is not only in distribution of surplus commodities made available by the U.S. Department of Agriculture. In addition, they provide food products donated by food stores and other private organizations. The food banks, which provide food to charities that serve the needy, are an integral part of the overall network of public and private organizations providing food assistance to needy individuals and families.

The bill before the House today continues the emphasis begun in the 1987 Commodity Distribution Act by ensuring that the surplus commodities will be distributed in an efficient and effective manner. We recognize that commodities distributed under TEFAP in 1989 will not replicate the level of commodities distributed in the past. Therefore it is especially important that the distribution systems used are reliable and have a history of efficient service. To meet this goal, H.R. 4060 requires that States give priority to existing food bank networks and other organizations whose ongoing function is to distribute food from several different sources to needy families.

All of you familiar with the Food Stamp Program know that the quality control/fiscal sanction system has been the subject of a lot of controversy and debate.

In May 1986, the nutrition subcommittee held a hearing on the proposed regulations of the USDA concerning the quality control administrative appeal and arbitration process. It was following that hearing that the subcommittee chairman, Mr. PANETTA and I met with Mr. John Bode, Assistant Secretary of Agriculture, to take a look at the entire quality control/fiscal sanction process for the Food Stamp Program. I believe that there was total agreement by all parties—USDA, States, and by us—that the current system was not working properly. Management improvement was suffering and too much time was spent on arguing about the system. It was then that we decided to work to attempt a reform of the quality control/fiscal sanction system so that it could become an effective, efficient, and fair system.

We have come a long way in developing the effective, efficient, and fair system we all hoped for. I congratulate all parties involved—I know that this was a difficult process, with long and arduous discussions. I believe that we have an opportunity before us to accomplish our goal of reform of the quality control/fiscal sanction system.

This compromise was crafted very carefully, with negotiations and concessions made by all parties. It must be viewed as a balance between reform of the system so that only those States not operating efficient food stamp programs are required to repay Federal funds to the Federal Government and those operating especially efficient programs are rewarded reform of the appeal procedure to streamline that process so that a fair decision can be reached on the amount to be repaid.

There are three major features of the redesign of the food stamp quality control system. The first major change is that the new system will provide a balance between rewards and penalties for State performance. In each year since the error rate target became 5 percent in 1985, more than 40 States have been subject to claims because of excessive errors. It is our view that the error rate tolerance level has been set too low and therefore the committee redesigned the system to levy reduced fiscal claims against a much smaller number of States. Preliminary estimates indicate that the number of States subject to quality control claims are reduced from 44 to 13 and the amount of the liabilities is reduced from $201 million to $44 million.

The second change is an increased emphasis on overall payment accuracy. Both overpayments and underpayments are important in the Food Stamp Program; however, the system contained in the bill before us today provides a more balanced emphasis by combining both into one overall measure of payment accuracy for which States are held accountable. Underpayments to food stamp paticipants are included in the payment error rate. In addition, the committee continued the current practice of granting enhanced funding to those States achieving very low rates of error in order to encourage payment accuracy.

The third major change speeds up the resolution of financial claims against States for excessive error by streamlining the administrative appeal process and providing for payment of interest.

The new tolerance level beyond which States will face claims for excessive errors is the equivalent of the lowest national average error rate ever attained plus 1 percentage point. Changing the tolerance level from errors is the way we recognize the differences among and within States as to the administration of the Food Stamp Program and the different situations in which the food stamp participates with the States.

Our goal throughout the process of redesigning the food stamp payment accuracy system was to focus on the definition of food stamp error, the tolerance level against which claims will be levied, and the adjustments that are available to the claims that are levied. The new food stamp payment accuracy system redefines error as the total of underpayments and overpayments; certain errors are removed from the error rate; tolerance levels for enhanced funding are adjusted and the tolerance level has been substantially increased; claims and related to the value of the excessive errors; the Secretary is given the discretionary authority to waive claims for good cause and may take into account the dollar value of additional financial investments made by States in achieving error reduction.

Our goal is continued management improvement in the Food Stamp Program so that the program is administered well and in compliance with national standards in which both the measures of performance and the consequency of performance are simple and clearly undertstood.

The quality control system is but one part of the overall management and accountability system within the Food Stamp Program. Others include management evaluation reviews, which monitor compliance of State and local offices with a wide array of Food Stamp Program requirements—timeliness of certification and issuance, availability of materials and accessibility of food stamp offices. In addition, audits by both the Office of the Inspector General and the GAO are periodically conducted.

The purpose of quality control is to the measure the accuracy of States' determination of eligibility and level of benefits for food stamp participants. It provides a basis for a system of accountability of financial liability and incentives.

We in Congress have a responsibility to ensure that tax revenue collected is not waste—in the Food Stamp Program or any other program authorized by the Congress. A cooperative arrangement must exist between the Federal Government and the States to ensure that these programs operate in an efficient and effective manner keeping in mind Government's responsibility to the taxpayers who provide the revenue for these programs. This cooperative arrangement is a two-way street.

The Federal Government must ensure that the process used to calculate error rate sanctions is based on the act and that any action to reduce that sanction is based on a procedure that ensures fairness and equity. This process to review the claims charged against States must be impartial and have the confidence of State administrators. On the other hand, States must discharge their responsibilities to operate an effective Food Stamp Program and cooperate in the review process once claims against them are established.

The Federal Government provides 100 percent of the food stamp benefit—States do not contribute any funds for this type of assistance. States do pay one half of the administrative cost of running the Food Stamp Program.

Nevertheless, we know the present system has its problems. the chairman and I recognized this and have identified quality control as an area to be reformed. I believe we have accomplished this goal.

I believe that any system established to review the performance of States should meet four tests: It must be impartial; it must be efficient; decisions must reflect applicable law and regulations; and it must have the confidence of all participants that a fair decision can be reached. I am confident that we have met those tests and congratulate all parties that worked on this issue on a fine job.

FOOD STAMP QUALITY CONTROL/FISCAL SANCTIONS REFORM

The statutory objective would be to achieve national error rate of no more than 6 percent.

The quality control system would include overpayments, as under current law, as well as underpayments.

States with an error rate below 6 percent would be eligible for higher Federal matching rate of their administrative funds.

The Department of Agriculture would be directed to report to the Congress by July 1, 1990, on how to incorporate improper denials of benefits and terminations into the quality control system.

The threshold at which sanctions would be levied for overpayments and underpayments would be error rates in excess of the national average. Because individual State error rates are subject to variation because of the statistical uncertainties associated with the sampling techniques and for other reasons, the effective threshold against which sanctions would be measured would be 1 percent above the national average.

To prevent error rates from rising over time, the threshold would be the lowest national error rate achieved in any year.

The fiscal sanctions would be based on benefit dollars issued in error, rather than a percentage of administrative costs as under current law.

States would not be liable for fiscal sanctions due to erroneous payments made within 2 months after a Federal policy change was implemented in final regulations which was not correctly followed in calculating benefits for a household. The Secretary of Agriculture would have the authority to extend this grace period for an additional 30 days. This grace period would not apply for mass benefit changes, such as annual adjustments in deductions and benefit levels.

The appeals process would be streamlined to substitute procedures under the Administrative Procedures Act for the current informal arbitration procedures. In addition, States would no longer have the right to a trial de novo in Federal courts.

To encourage prompt resolution of disputes, States would be liable for interest on outstanding sanctions if the administrative appeals process takes more than 2 years. If the State pays a disputed sanction to avoid an interest charge and its position is subsequently upheld either in part or completely, the State would be repaid the fiscal sanction with interest.

I urge Members to support H.R. 4060, as amended.

□ 1615

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 4060, the Emergency Hunger Relief Act and commend the attention that is being focused on the plight of hunger in this Nation. It is a sad irony that hunger is such a serious problem in America, a land of such abundance. This legislation will increase the basic food stamp benefit, which is badly needed, help to continue the TEFAP [Temporary Emergency Food Assistance Program], and repeal the limit on the shelter deduction in the Food Stamp Program, which often forces poor families to choose between food and shelter, and contributes to homelessness in this country.

In particular, I call my colleagues' attention to a provision in the bill which makes a major effort to reduce the amount of wasted food in this Nation. We could feed millions of additional Americans every day with the prepared food that is thrown away by hospitals, hotels, institutional cafeterias, and fast food restaurants. Think about it—think about how much fried chicken, hamburgers, roast beef sandwiches, hot and cold vegetables, bread, and other good, wholesome food is thrown away every day that could be fed to hungry people in our society. In my hometown in Wichita, KS, the Boeing Co. has helped to feed hundreds of Kansans every day by donating leftover prepared foods from its cafeterias to those feeding the hungry. This company was able, along with local government and private organization cooperation, to work the logistic problems associated with donating hundreds of uneaten meals a day to the poor and needy. This could be replicated all over the country to feed the poor. By recycling prepared foods which now go wasted, we could feed millions of people a day and help to eliminate hunger in America.

This can also be done on a national level with equal success. The provision in H.R. 4060 establishing a National Gleaning Clearinghouse, where hunger organizations can find out both where leftover prepared food is available as well as where there are harvested farm fields available for gleaning, will help make this national effort possible. And so I commend my colleagues on the Agriculture Committee, particularly the gentleman from California [Mr. PANETTA] and the gentleman from Missouri [Mr. EMERSON] for their work on this bill, and share my support for its passage.

Mr. EMERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, I want to commend the author and those who participated in this bill. I think they have made some outstanding improvements and certainly there is help long overdue in the Food Stamp Program.

Mr. Sepaker, I rise in strong support of H.R. 4060, the Emergency Hunger Relief Act. This bill will bolster our core antihunger activities by increasing benefits and relieving administrative burdens in the Food Stamp Program.

These improvements are necessary to offset the declining availability of commodities for the Temporary Emergency Food Assistance Program [TEFAP], the National School Lunch Program, the Child Nutrition Program, and the Nutrition Program for the Elderly. All of these programs have relied heavily on the availability of surplus cheese, dry milk, and other commodities acquired by the U.S. Department of Agriculture.

This summer's drought and the policies implemented in the 1985 farm bill have combined to drastically curtail surplus agricultural production, particularly of dairy products. Due to cutbacks in the Food Stamp Program in the early 1980's, the distribution of surplus agricultural commodities had become a major part of our country's antihunger policy.

H.R. 4060 is simply a reordering of our policy to reflect the changes that have taken place in the last few years. Until we have a clearer picture of the direction of agricultural production in the next few years, we must maintain an operational network for the distribution of surplus products that do become available. It is also important to avoid an abrupt cutoff of the TEFAP Program, which has helped feed millions of Americans each month. H.R. 4060 would maintain maintenance levels of distribution for the TEFAP and Homeless Feeding Programs for next year.

In expectation of growing dependence on our core feeding programs, this bill would provide modest increases in the basic monthly food stamp benefit. In addition, the bill would loosen eligibility standards for some people, especially the elderly and disabled. H.R. 4060 would also reshape the Food Stamp Program's quality control provisions. These changes are necessary to clear up the ongoing muddle created by the current quality control system.

Again, as an original cosponsor of H.R. 4060, I rise in steadfast support of the bill and urge its adoption by the House.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong support of the Emergency Hunger Relief Act. I must take this opportunity to thank the Chairman of the Nutrition Subcommittee, Mr. PANETTA, for his tireless work in providing assistance to the hungry of our Nation and to the full committee chairman, Mr. DE LA GARZA, for his support of these programs. I've been pleased earlier during the Agriculture Committee deliberations to advocate the reauthorization and liberalization of TEFAP [Temporary Emergency Food Assistance Program].

During these past 8 years, while a select group was riding a wave of prosperity, thousands upon thousands were being sucked under by the whirlpool of hunger and homelessness. Last week, the House of Representatives overwhelmingly approved the McKinney Homeless Assistance Act to assist those struck by the tragedy of homelessness. Today, we must act to assure that those who are hungry in this, the most affluent Nation in the world, do not continue to go to bed with an empty stomach.

Importantly, this legislation will reauthorize and continue the $50 million necessary to store, transport, and distribute the commodities of the Temporary Emergency Food Assistance Program. It also authorizes $110 million for the purchase of additional commodities for distribution to the needy. A fully funded TEFAP is especially important as the rising consumer costs resulting from the drought will place an additional hardship on those who must work hard just to get by every month. These programs are especially useful in my home State of Minnesota where 680 food distribution sites exist.

Mr. Speaker, I support the funding of additional CCC commodity purchases and am pleased by the $40 million authorization set-aside for food banks and soup kitchens. I support the increases for the Food Stamp Assistance Program that will mean more families may make it through an entire month without their children going hungry. I am concerned, however, by the provisions relating to sequestration. Rather than eliminating the food assistance outlays if across-the-board cuts were ordered, we should, at the minimum, continue the flow of funding through the pipeline. If we end up in a House/Senate conference on this measure, I would hope that a more practical and generous position would prevail regarding sequestration policy.

I urge my colleagues to vote in favor of this bill.

Mr. EMERSON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4060, the Emergency Hunger Relief Act, introduced by the gentleman from California, the distinguished chairman of the Agriculture Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, Mr. PANETTA, and supported by the distinguished chairman of the Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA] the ranking minority member of the Select Committee on Hunger, the gentleman from Missouri [Mr. EMERSON].

As the primary sponsor of legislation which established the House Select Committee on Hunger, I would like to commend the gentlemen, as well as all the Hunger Select Committee members, who through their diligent efforts have attempted to provide for the nutritional requirements of needy citizens.

As an original cosponsor of H.R. 4060, legislation aimed to provide small but significant improvements in Federal food programs, I am pleased that the Congress is finally acknowledging the vital role played by domestic nutritional assistance. Mr. Speaker, it is long past time for Congress to recognize that programs such as TEFAP, school lunch, WIC, and food stamps are not mere discretionary expenditures, but rather represent the legitimate entitlement of starving people to the right to be fed. Facing the blight of hunger and malnutrition at home, it is nearly impossible for us to focus on our broader goal of ending hunger throughout the world.

My support for H.R. 4060 is a testament to the fundamental need to raise the problem of worldwide and domestic starvation on the national conscience. Critics have attempted to paint the era of fiscal restraint as an argument against the continuance of worthy programs such as TEFAP. Mr. Speaker, while we all recognize the need to restore fiscal sanity to the Federal budget, the problem of hunger is a moral imperative of the utmost urgency which has too long gone ignored. While I am pleased that the House stands upon the verge of enacting H.R. 4060, I was disappointed that committee negotiations resulted in scaling down the original intent of the bill which I cosponsored.

In its current form, H.R. 4060 attempts to accomplish two of our most basic original objectives. First, it will reauthorize and continue the badly needed Temporary Emergency Food Assistance Program [TEFAP] by providing a 1 year reauthorization of $50 million for fiscal year 1989. Second, it will increase food stamp benefit levels to 103 percent of the value of USDA's model thrifty food plan. This will result in an increase of approximately $3 per month for the average recipients. Fortunately, I understand that some of the many beneficial child nutrition provisions may be restored during conference consideration.

This agreement testifies to the willingness of Congress to ensure adequate Federal funding for continued hunger relief. The quesiton of what qualifies as adequate may separate me from some of my colleagues on this issue, but I am pleased that Congress has proven willing to take some form of limited assistance. I feel confident that we will revisit this topic in the future. In the interim, I urge my colleagues to vote for H.R. 4060 and take the first positive step of enacting this important legislation.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to conclude, I take the balance of my time to commend again everyone who has worked on this endeavor and to say that in the drought legislation which we will finalize hopefully tomorrow or the next day we have provisions to assist migrant and/or seasonal agricultural workers who are out in the job stream and are having a very difficult time because of the drought. We have in that legislation two changes in the food stamp system that will provide some degree of assistance to them.

Also we have a section that was incorporated in the Senate providing some funding for section 402 for assistance to the migrants.

In this legislation, the temporary food assistance program can also complement the plight of the migrants by providing some food assistance to them either at their home base or if they are out away from their home base and are suffering on account of the drought; so not only in this bill do we try to assist the migrant and/or seasonal farmworkers, but in this legislation also, and hopefully we might be able to conclude it as promptly as possible between the House and the Senate and send a bill to the President.

With that, Mr. Speaker, I urge all my colleagues to support this piece of legislation.

Mr. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to convey my special thanks to Chairman DE LA GARZA for the wonderful cooperation that he has extended to the subcommittee and to me personally with respect to this bill.

Mr. MAZZOLI. Mr. Speaker, I rise in support of H.R. 4060, the Emergency Hunger Relief Act, of which I am a proud sponsor, and to express my sincere thanks to the gentleman from California [Mr. PANETTA] for his extraordinary leadership on the issue of hunger in America.

I often join Paul Willenbrink and his dedicated workers at the St. Vincent de Paul Society in Louisville to serve hot meals to the needy. Through Paul's devoted work and that of his coworkers at St. Vincent de Paul, augmented by the good services of the Salvation Army, Mission House, the Franciscans, the Wayside Mission, Dare to Care, and the Schumann Social Service Center, we manage in Louisville and Jefferson County to hold our own. But, many more need help and H.R. 4060 is what we need to do a better job of reaching the hungry and serving them.

Recent developments, including the depletion of inventories of surplus commodities available under the Temporary Emergency Food Assistance Program [TEFAP]—which feeds nearly 15 million people per year—and the growing evidence of the inadequacy of food stamp benefits, underscore the need for quick action on H.R. 4060.

H.R. 4060, which will make sweeping changes in Federal food aid policy affecting commodity distributions and food stamps, is the result of diligent efforts by the gentleman from California, Mr. PANETTA, and the ranking member of the subcommittee, Mr. EMERSON of Missiouri, as well as the distinguished chairman of the full committee Mr. DE LA GARZA of Texas, and the ranking member, Mr. MADIGAN of Illinois. Mr. LELAND of Texas, chairman of the House Select Committee on Hunger and his colleagues are also to be commended—this committee has proven its worth over the years in focusing attention to hunger-related issues and pointing toward solutions.

H.R. 4060 would extend TEFAP for 1 year and require the purchase of 110 million dollars' worth of additional commodities for distribution to the needy.

It would also increase the monthly basic food stamp benefits by $0.70 in October 1988 and by $2.25 in October 1989 and facilitate participation by needy individuals.

The bill also revises certain quality control requirements which seek to encourage more efficient administration of the program by the States.

I urge my House colleagues to approve this measure today so that we can help those in need just as soon as possible.

Mr. STOKES. Mr. Speaker, today we are considering H.R. 4060, the Emergency Hunger Relief Act of 1988. This bill will provide vital assistance in solving the problems associated with hunger. Providing food for the hungry is one of the most pressing issues of our time. And, for this reason, I rise today in support of the passage of this bill.

As an original cosponsor of H.R. 4060, I would like to say that this bill will enhance our Nation's Food Stamp Program by reducing unnecessary paperwork, ensuring accurate issuances of benefits, and reducing barriers for the elderly and disabled. This bill also will play a crucial role in providing comprehensive emergency hunger relief. In particular, it provides for the continuation of the Temporary Emergency Food Assistance Program, expands the role of soup kitchens and provides for a national gleaning clearinghouse.

In a report titled: "The Continuing Growth of Hunger, Homelessness and Poverty in America's Cities," the U.S. Conference of Mayors estimates that 20 million Americans—including 12 million children—are hungry. In related surveys of 26 of our Nation's cities, the Conference of Mayors found that the demand for emergency food assistance increased by an average of 18 percent during 1987. Oftentimes, persons in need of food use food banks and emergency food assistance facilities as the steady source of their food supply.

Despite the quality services many of these facilities provide, the sad fact of the matter is that many U.S. cities do not have the resources to meet this demand. In fact, an average of 18 percent of the demand for emergency food assistance went unmet in our cities last year. In two out of three of them, emergency food assistance facilities had to turn away people in need because of a lack of resources.

Even though the need to provide additional food to our Nation's hungry is clear and well-documented, actions taken by the administration within the last few years are totally unresponsive to the plight of the hungry. Consider, for example, that there were 3 million more persons in poverty in 1986 than in 1980; despite this increase, 400,000 fewer persons received food stamps in an average month.

This year, the President's budget proposes no change in current law for low-income nutrition programs. In addition to its refusal to enhance funding for desperately needed nutrition programs, the administration also failed to request that the TEFAP Program be extended when it expires on September 30 of this year. The administration's failure to seek the continuation of this program has stirred an outcry across the Nation.

In Cuyahoga County OH, there are 361,350 people who qualify for TEFAP assistance. When planned cuts for the TEFAP Program were announced last winter many persons and organizations from the city of Cleveland and throughout Cuyahoga County expressed deep concern to me about the continuation of the TEFAP Program. The Cleveland Foodbank, the Interchurch Council and the Garden Valley Neighborhood House, and many others have contacted my office regarding this very important issue.

I would like to share with you part of a letter I received from one of these groups:

> We recognize that TEFAP was initiated as "temporary." Unfortunately, the hunger that it was intended to appease in an energency has increased for many citizens, chiefly among children and women. They have become dependent upon the surplus cheese, powered milk, rice and etc. to provide adequate diets for the family.
>
> We would be so happy if there was no need for TEFAP, if adults could be adequately employed to provide for their families or adequate welfare payments were made to mothers with dependent children who need to remain at home to care for them. However, until people have adequate funds to provide nutritious foods for themselves, programs such as WIC and TEFAP are necessary.

Mr. Speaker, I think the thoughts conveyed within this letter succinctly reflect what H.R. 4060 is all about. We must help take care of our Nation's hungry until they are able to take care of themselves. Afterall, we are the greatest nation in the world. Surely, if we can put men on the moon, we can help to ensure that every American has food on the table.

Mr. EMERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no futher requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 4060, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4060, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TECHNICAL CORRECTIONS TO FAMILY INDEPENDENCE DEMONSTRATION PROJECT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4998) to amend the Food Stamp Act of 1977 to make technical corrections in the Family Independence Demonstration Project.

The Clerk read as follows:

H.R. 4998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT TO FAMILY INDEPENDENCE DEMONSTRATION PROJECT.—Section 21(D)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2030(d)(3)) is amended to read as follows:

"(3) For households eligible to participate in the food stamp program that contain some members who participate in the Project and other members who do not participate in the Project, those members who do not participate in the Project shall receive a separate benefit in food coupons under the food stamp program that is not less than the amount of food stamp benefits that such members would have received were the Project not implemented.".

SEC. 2. EFFECTIVE DATE.—The amendment made by this Act shall become effective on July 1, 1988.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Missouri [Mr. EMERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a technical corrections bill relating to the family independence project in the State of Washington. In short, this legislation ensures that the State of Washington can operate its Family Independence Project without incurring additional costs while at the time protecting food stamp benefit levels.

Because the original legislation—Omnibus Budget Reconciliation Act of 1987, Public Law 100-203—establishing the Family Independence Project prohibited any Federal outlays for any increased costs of the demonstration project, any increase would have been required to be funded by the State of Washington.

In the absence of this legislation, the State of Washington estimates that approximately 25,000 AFDC cases or 30 percent of the average monthly caseload would possibly receive increased food stamp benefits for which they are not eligible. The State estimates the cost would be $6.5 million initially and up to $28 million annually when the project is fully implemented.

This legislation was passed by the Committee on Agriculture unanimously, and I urge my colleagues to give it their support.

Mr. Speaker, I yield as much time as he may consume to the distinguished chairman of the subcommittee, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, H.R. 4990 will make a technical correction to the provisions of the Food Stamp Act that relate to family independence demonstration project in the State of Washington. This project was authorized by the Congress in the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-204). The project includes a combined cash grant to replace benefits under both the food stamp and aid to families with dependent children [AFDC] programs together with an innovative employment and training program which is designed to reduce welfare dependency. The project is expected to last for 5 years and be budget neutral to the Federal Government. The technical correction made by H.R. 4998 will ensure that the nutrition component of the project remains budget neutral to the State of Washington over its 5-year duration, while ensuring that the nutrition benefits of food stamp households which include some members who participate in the family independence project and others who do not because they are not eligible for AFDC benefits are no less than food stamp benefits would have been in the absence of the project.

In order to protect the food stamp benefits of individuals eligible for food stamps but not eligible for AFDC who live with AFDC recipients eligible to participate in the Family Independence Program, the Omnibus Reconciliation Act of 1987 (Public Law 100-203) and H.R. 1720 amended the Food Stamp Act to provide "that for purposes of the Food Stamp Program individuals who participate in the project shall not be considered to be members of a household during the period of such participation." (Section 21(d)(3) of the Food Stamp Act of 1977 (U.S.C. 2030).)

If not corrected, section 21(d)(3) will result in higher costs to Washington State because the presence of the members of households who receive food stamps but do not participate in FIP as designed by Washington State would not be considered in determining FIP benefits. The State of Washington estimates that some 25,000 AFDC cases, or 30 percent of the average monthly caseload, would likely receive food stamp benefits for which they are currently ineligible or in larger amounts than at present, if FIP treated them as family units not part of the larger households in which they live. If uncorrected, the State of Washington estimates that the fiscal effect of such FIP benefit increases on FIP would be $6.5 million during the first year of operation, growing to an annual cost of $28 million when the project is fully implemented.

The Department of Agriculture was able to approve the project only by requiring that Washington State pay the added costs because of higher benefits for these "mixed households." Section 21(b)(4) of the Food Stamp Act requires reimbursement to the state of Washington by the Department of Agriculture for this project to be no greater than the cost would be to continue the food stamp program without FIP.

H.R. 4998 will maintain the project's budget neutrality, while ensuring the combined nutrition benefits of households in which there are FIP and non-FIP participants are no lower than would otherwise be the case.

Pending congressional action on this technical correction, the State of Washington started FIP on Jly 1, 1988. The State of Washington will abosrb the costs resulting from section 21(d)(3) of the Food Stamp Act of 1977 until the Congress completes action on the Technical correction. If Congress does not approve the technical correction, the project would be terminated by the State of Washington.

H.R. 4998 is effective on July 1, 1988, but the Stae of Washington does not intend to establish overpayments of food stamp benefits on those mixed FIP/food stamp households who are approved for benefits.

The Congressional Budget Office advises that H.R. 4998 will have no impact on the Fedeal budget.

I urge your support of H.R. 4998.

Mr. EMERSON. Mr. Speaker, I yield myself such time as I may consumer.

Mr. Speaker, as many Members as will recall, last year the Agriculture Committee reported H.R. 3337, the Food Stamp Family Welfare Reform Act of 1987. This bill later became a part of H.R. 1720, the Welfare Reform Act, and was passed by the House last year. While I did not support that bill, I do support one of the provisions.

That provision allowed Washington State and 10 other States to operate a 5-year demonstration program to replace the AFDC and food stamp programs with a family independence program. Eventually the Washington State demonstration program was separated out and became a part of the reconciliation bill and is law.

In the process of implementing the demonstration project, it was discovered that one section could have resulted in additional costs to Washington State in excess of $28 million over the course of the demonstration project. The understanding of this committee and the conferees on last year's reconciliation bill was that the demonstration project—over the 5-year period—be budget neutral to the Federal Government.

The bill before us corrects the problem and will enable Washington State to go forth with their demonstration project. It provides that for those households eligible to receive food stamps—some of whom will participate in the demonstration project—the amount of food stamps for those who do not participate in the demonstration project will not be less than they would receive if the demonstration project was not implemented.

I urge Members to support this bill.

The Washington State demonstration project incorporates a single application and eligibility standard for certain AFDC and food stamp participants involved in this project. In addition, an education, training, and work component with requirements and an incentive system for seeking employment are included. Job development, subsidized employment, when necessary, and funds for employment in public and nonprofit agencies are also included. Support services, such as child care and medical care subsidies, for those participating are also a part of the demonstration project. This project offers families specific levels of income based on individual efforts and a basic level of income that is similar to the present AFDC and food stamp payments. Different levels are based on family size and the degree to which participation in the employment and training program is made.

This is a worthwhile demonstration project and I am anxious to see it go forth. It is concept that should be available to States other than Washington State. This is a matter that I hope will be favorably considered during the conference on H.R. 1720, the welfare reform bill.

Mr. Speaker, I urge support of H.R. 4998.

Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 4998.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4998, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPRESSING SUPPORT FOR RESTORATION OF FULL AND GENUINE DEMOCRACY IN CHILE

Mr. YATRON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 620) expressing the support of the United States for the restoration of full and genuine democracy in Chile and calling upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite as amended.

The Clerk read as follows:

H.J. RES. 620

Whereas Chile has the longest democratic tradition in Latin America;

Whereas Chile has been ruled by a military government for nearly 15 years;

Whereas sometime in the coming months, the Chilean people will be called on to vote in a plebiscite to approve or reject a candidate, nominated by Chile's military commanders, for an 8-year term as president;

Whereas Chile's major democratic parties are participating in the plebiscite in the hopes that the plebiscite will initiate a return to Chile's century-and-a-half tradition of democratic government;

Whereas that process will be initiated only if the results of the plebiscite are judged legitimate by the Chilean people;

Whereas commendable efforts are being made to register eligible voters;

Whereas a fair electoral exercise requires that the rights of freedom of expression, association, and assembly be respected to allow political organizing and campaigning and to inform citizens about the issues; and

Whereas the Chilean Government provides the democratic opposition limited access to television, continues to arbitrarily arrest and detain journalists, and limits freedom of expression, association, and assembly: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States—

(1) expresses its support for the restoration of full and genuine democracy in Chile at the earliest possible moment.

(2) condemns acts of violence from any source as contrary to the democratic aspirations of the Chilean people; and

(3) urges the Government of Chile to create a climate of freedom and fair competition months before the upcoming plebiscite in order to assure that the will of the Chilean people is freely, fully, and accurately expressed by guaranteeing—

(A) the immediate termination of states of exception;

(B) that every effort is made to register the remaining eligible voters;

(C) easy and equitable access to the mass media, especially television;

(D) broad freedom of assembly and association for Chilean citizens and political groups to campaign peacefully in favor of their ideas;

(E) access, according to established procedures, by international visitors to Chile to the polling places and vote count centers on the day of the plebiscite; and

(F) the public tabulation of ballots in the presence of representatives of both sides in the plebiscite.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution expresses the support of the United States for the restoration of full and genuine democracy in Chile and calls upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite.

The resolution has strong bipartisan support and is endorsed by the Reagan administration. This initiative comes after the subcommittee conducted a thorough series of hearings jointly with the Western Hemisphere Subcommittee regarding human rights and the prospects for democracy in Chile.

Under an authoritarian constitution crafted by the Chilean junta, the Pinochet regime plans to hold a single-candidate plebiscite tentatively scheduled to take place in October. Under this system, the Chilean people will have the limited choice of voting for or against the Government's candidate. If a "no" vote prevails, open elections with the participation of opposition candidates is to take place within a year of the plebiscite.

Based on testimony provided by administration and nongovernmental witnesses, there is a clear consensus that the plebiscite and the climate for campaigning leading up to the actual vote is far from democratic and heavily slanted in the junta's favor. However, the plebiscite represents the only possibility, at this time, for the Chilean people to restore their 150 year tradition of democracy.

Over the last couple of years, the administration and many Members of Congress have worked in a bipartisan spirit to send a unified message to Santiago in support of the democratic aspirations of the Chilean people. The resolution before us reflects congressional and administration concerns about the fairness of the process and procedures leading up to the vote.

The resolution urges the Chilean Government to guarantee a democratic climate by terminating the states of exception, making every effort to register the remaining unregistered voters, providing equitable access to mass media, and allowing international visitors access to polling places and vote count centers.

At markup, the Foreign Affairs Committee and the Subcommittees on Human Rights and the Subcommittee on Western Hemisphere Affairs adopted an en bloc amendment. The amendment is essentially technical in nature. Since the resolution's introduction, events in Chile have required that we make some modifications in some of the wording. The language has been worked out by both sides of the aisle and is supported by the administration.

The resolution is completely compatible with administration statements and positions and, in fact, enhances the administration's policy of support for democracy in Chile.

To Pinochet's advantage, there have been sharp differences between the administration and the Congress with respect to United States policy toward Chile in the past. The recent consensus regarding United States policy toward this southern cone nation is a testament to the genuine commitment of the Reagan administration and Members on both sides of the aisle to speak with one voice in support of civilian democracy in Chile.

In particular, I would like to commend Ambassador Barnes, Chairman FASCELL, Congressmen BROOMFIELD, CROCKETT, SOLOMON, WEISS, LAGOMARSINO, HYDE, BEREUTER, SOLARZ as well as all our colleagues who contributed to this resolution.

Mr. Speaker, I urge the adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chile has had a long tradition of democratic governments, and elections generally free from corruption and fraud. The upcoming plebiscite provides a unique opportunity for Chile to return to that democratic tradition.

As Chile prepares for the plebiscite, progress is being made in giving the opposition access to the media. However, more has to be done if the election is to be free and fair, and to be judged as legitimate by the Chilean people.

The resolution before this body today, House Joint Resolution 620, supports the restoration of a full and genuine democracy in Chile, and calls upon the Government to make sure that the coming plebiscite will provide the Chilean people with a genuine opportunity to express their will.

It condemns acts of violence and urges the Government to create a climate of freedom and fair competition months before the upcoming plebiscite. Encouraging such a climate, the resolution calls on the Government of Chile to guarantee easy and equitable access to mass media—especially television, to guarantee freedom of assembly and association for Chilean citizens, and that every effort be made to register unregistered adults.

Mr. Speaker, this resolution was developed in a bipartisan spirit with the administration, and is supported by the Department of State. It would add the voice of the Congress, to that of the administration, in expressing this country's support for Chile's democratic future. I urge my colleagues to approve House Joint Resolution 620.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], a member of the Committee on Foreign Affairs.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this resolution, and I commend Chairman YATRON, of the Subcommittee on Human Rights, for his leadership in offering it. This is a balanced resolution that gets right to the heart of what is at issue in Chile today: The Presidential plebiscite that will be conducted in October.

This resolution makes clear America's concern that the plebiscite in Chile be a free and fair process that will be an accurate reflection of popular will and public opinion in that country. The Chilean people desire democracy, and it is my hope that the plebiscite in October will be the first significant step toward the restoration of the democratic tradition in Chile.

I might add, Mr. Speaker, that this resolution enjoys the strong support of the administration. Sometimes, I and other Members are critical of resolutions that serve to confuse or contradict the administration's policies. I am happy to say that this resolution reinforces what the administration has been saying to the Chilean Government, and it means that America will be speaking with one voice on this important issue. America is always most effective when it speaks with one voice.

It should when foreign policies are debated.

I do support this legislation. I commend the chairman, the gentleman from Pennsylvania [Mr. YATRON], for bringing this to the floor.

Mr. YATRON. Mr. Speaker, I yield 2 minutes to the gentleman form California [Mr. EDWARDS], who is a member of the Ad Hoc Committee in Support of Democracy in Chile and a leader in congressional human rights.

Mr. EDWARDS of California. Mr. Speaker, I rise today to express my strong support for this resolution calling for the restoration of democracy in Chile. The plebiscite to be held this coming fall represents a unique opportunity for what we all hope will be an important first step toward the establishment of a government which truly refects the will of the Chilean people.

The international community must express its firm support for a fair and open election process, and I am pleased that Congress is taking this opportunity today to let the Chilean Government know that the leaders of the United States are closely watching this election process.

At this time I would like to insert in the RECORD a copy of a letter over 100 Members of this House recently sent to President Gen. Augusto Pinochet. Much like the resolution we are considering today, the letter urges General Pinochet to take certain steps to assure a free and fair plebiscite this coming fall.

I commend my colleagues for taking action on this crucial issue, and I urge them to continue in their efforts to keep world attention focused on the struggle for democracy in Chile.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 22, 1988.

His Excellency Gen. AUGUSTO PINOCHET,
President of the Republic of Chile, Palacio de la Moneda, Santiago, Chile.

DEAR MR. PRESIDENT: As the time set by your 1980 Constitution for a plebiscite approaches, we write to you with a sense of deep respect for Chile's century-and-a-half tradition of democratic government.

We fear that a plebiscite whose fairness can be called into question may delay a return to that tradition, and exacerbate political tensions within Chile, rather than help resolve them. Whether or not the plebiscite is conducted in a fair and open manner will be critical to a future reassessment of relations between our two countries. The following factors will be important to the international community in determining whether the plebiscite is conducted freely and honestly.

First, we are concerned that the Chilean people must be free to hear all competing views. The democratic opposition should be provided full access to State-controlled or regulated television and radio, and all restrictions on freedom of speech, assembly and press should be lifted. All individuals should be allowed to peacefully engage in registration efforts and campaigning without fear of intimidation or government intervention.

Second, we hope your government will welcome and cooperate with international obervers, including non-partisan experts on elections and Members of Congress, who will observe the process leading up to and during the actual balloting. In this regard, we are encouraged by the assurances which have been made by your foreign ministry that foreign citizens will be freely admitted to Chile under usual visa procedures and allowed to observe both voting in the plebiscite and the counting of votes, from a distance of twenty meters.

Third, ballot counting at the regional and national levels should be conducted in public, with observers from non-partisan and opposition groups present. We note that this accords with already existing provisions in Chilean law.

Last, we are concerned and disappointed by the recent decision to extend the state of emergency in Chile for another three months. We feel it is imperative that the state of emergency be lifted immediately in order to create an environment conducive to an unfettered discussion of divergent viewpoints and an electoral procedure which is honest and open.

As we look ahead to a reevaluation of U.S. policy towards Chile in the aftermath of the plebiscite, we thank you for your attention to these suggestions. We look forward to hearing from you at your earliest possible convenience.

Sincerely,

Don Edwards, Ted Weiss, Bruce Morrison, Tom Lantos, George E. Brown, Jr., Mervyn M. Dymally, Matthew G. Martinez, Howard l. Berman, Doug Bereuter, John Miller, John Porter, Henry A. Waxman, Barbara Boxer, Augustus F. Hawkins, Glenn M. Anderson, Nancy Pelosi.

Mel Levine, Robert Garcia, William Lehman, Peter W. Rodino, Jr., Matthew J. Rinaldo, George Miller, Ronald V. Dellums, Jack Buechner, Don Bonker, Byron L. Dorgan, Leon E. Panetta, Robert T. Matsui, Mike Lowry, James H. Scheuer, Donald J. Pease, Walter E. Fauntroy, Les AuCoin, Chester G. Atkins, Robert J. Mrazek, Joe Moakley.

Thomas J. Bliley, Jr., Major R. Owens, Frank McCloskey, Jim Moody, Gary L. Ackerman, Howard Wolpe, Curt Weldon, Edward F. Feighan, William O. Lipinski, Barney Frank, Lawrence J. Smith, James A. Traficant, Jr., Jaime B. Fuster, Edolphus Towns, Peter A. DeFazio, Herbert H. Bateman, Sam Gejdenson, Bill Green, Kweisi Mfume, Anthony C. Beilenson.

Constance A. Morella, Fofo I.F. Sunia, Martin Frost, Marcy Kaptur, Thomas M. Foglietta, Mike Espy, Gerry Sikorski, Lee H. Hamilton, Stephen L. Neal, James M. Jeffords, Thomas S. Foley, Wayne Owens, Esteban Edward Torres, Dan Glickman, Gerry E. Studds, William H. Gray III, Gerald D. Kleczka, Julian C. Dixon, Mike Synar, Matthew F. McHugh.

Harley O. Staggers, Jr., John Conyers, Jr., Patricia Schroeder, Banjamin L. Cardin, Vic Fazio, Louis Stokes, Albert G. Bustamante, Richard J. Durbin, Carl C. Perkins, Steny H. Hoyer, Dennis M. Hertel, Ron Wyden, Jim Bates, Edward R. Roybal, Kenneth J. Gray, James H. Scheuer, James L. Oberstar, Henry B. Gonzalez, Neal Smith, Lane Evans.

George W. Crockett, Jr., Joseph P. Kennedy II, David E. Bonior, Charles B. Rangel, Dante B. Fascell, Nicholas Mavroules, Robert G. Torricelli, Tom Lewis, Douglas H. Bosco, Sander M. Levin, Norman D. Dicks, Norman Y. Mineta, Jim Leach, Paul B. Henry,

Members of Congress.

Mr. WEISS. Mr. Speaker, I am pleased to express my strong support of the resolution being considered today. It is a moderate measure, supported by a bipartisan group in Congress and endorsed by the State Department. The resolution clearly states the conditions under which the plebiscite in Chile must be held in order for the results to be considered to be an accurate reflection of the will of the Chilean people. The passage of House Joint Resolution 620 will send a strong signal to the Pinochet government that the Congress and the administration are united in support of the restoration of full and genuine democracy in Chile.

I would like to note for the record that although I wholeheartedly support this resolution and the efforts of the united opposition in Chile in seeking a large "no" vote on the continuation in office of General Pinochet, a plebiscite—however fairly conducted—is hardly the most effective exercise in a democratic choice of leadership. General Pinochet continues to govern under a state of siege under which he wields dictatorial powers, the government controls virtually all television, press freedom continues to be limited, and human rights violations continue to occur.

Despite such major obstacles, Chile's major democratic parties have taken the challenge and decided to participate in the upcoming plebiscite. The least that can be demanded of General Pinochet's government is that he allow the opposition to have a fair chance at an honest plebiscite, with full access to the media, so that the voice of the opposition can be heard throughout Chile. If that is done, then whatever the outcome of the plebiscite, at least there is a reason to believe that there has been some respect paid, not only to the people of Chile, but to the decent opinion of democratic governments around the world.

I would also like to add a historical note. The Chilean people have not routinely lived under military rule. Indeed, before the 1973 coup, Chile enjoyed a century and a half of democratic government. Yet, at the moment, Chile represents one of the most glaring exceptions to the recent trend of democratization in Latin America. For the last 15 years, the people of Chile have suffered under the brutal dictatorship of Gen. Augusto Pinochet. During his reign, tens of thousands of Chileans have been killed by government forces, and many thousands more have been detained, tortured, or exiled. Until recently, political parties and political activity have been outlawed.

Despite this, the Chilean people have not remained silent. They have not lost the hope of a return to democracy in Chile. The upcoming plebiscite may be the first step in that direction, if it is conducted freely and fairly. The international community has an important role to play in exerting pressure on the Pinochet government. Indeed, the United States has a particular responsibility to support a Chilean alternative to militarized politics. As active participants in the democratic process, we know that only in a democratic society is the government's respect for individuals' rights reciprocated by the citizenry's respect for the government of law.

Last, I would like to take this opportunity to invite my colleagues to join the Ad Hoc Group in Support of Democracy in Chile, a bipartisan group which is dedicated to the support of a peaceful return to democracy and a respect for civil liberties in Chile. The group, which is headed by my distinguished colleagues, Mr. BEREUTER, Mr. MILLER, Mr. MORRISON, and myself, currently has over 40 Members of Congress, including Chairmen FASCELL, CROCKETT, and YATRON.

Of course, it is the people of Chile who will play the most important role in this momentous struggle to regain democracy. The democratic opposition faces a great challenge and a great opportunity. All parties stand to gain a peaceful, legally guided transition. Through such a process, the Chilean people may once again control their political future, and the military may return to its role as guardian, rather than enemy, of Chilean democracy. At that point, the many may take up the task of shaping a system of justice and order out of the chaos still wrought by the few.

Mr. Speaker, I urge my colleagues to vote for the resolution.

Mr. ROTH. Mr. Speaker, in less than 2 months, the Government of Chile will hold national elections for the office of the Presidency. The redemocratization process, now well underway, is even ahead of the original schedule provided for in Chile's Constitution.

Preparations for these elections were in full swing 2½ years ago when I visited Chile. Since that time, the Pinochet government has enacted a broad range of election laws, including those which established accountable voter registration and independent courts to resolve any disputes relating to the elections.

So far, 6.9 million people have been registered to vote out of a total of 8 million possible eligible voters. That's quite an impressive record—one that we should envy here in the United States. The fact that both the Government and opposition parties have all actively participated in this national voter registration drive underscores the commitment to a return to democracy in Chile by all people.

It was this commitment to a return to democracy on all fronts—political and economic—that I found to be prevalent among those not only within the Pinochet Cabinet, but also among the military leadership, the Electoral Commission, and the private sector. I was convinced then, as I am now, that the Government of Chile is acting in good faith to bring democratic rule to its people.

And that is why, frankly, I'm not sure what we are hoping to accomplish by passing this resolution.

U.S. Ambassador to Chile, Harry Barnes, told us himself last week that no one is expecting fraud in the upcoming elections. Many opposition leaders in Chile have said so publically. Representatives of the political parties will be present and will actively participate in both the balloting and counting process. All ballot boxes will be opened and counted in public. Outside observers will be allowed to watch both the balloting and vote-counting process.

By law, all television networks, including those owned by the States, are now required to provide at least one-half hour of free daily broadcasting for both the Government and the opposition. Time is split equally for those advocating the "yes" vote and those soliciting the "no" vote. Television programming specializing in politics has been regularly covering debates since February featuring discussions on national issues by opposition leaders at least three times a week.

Everyone concedes that this is going to be a very close election. There is no sure outcome. Obtaining 51 percent of the vote, which is required of the candidate, is not going to be easy. That alone indicates that a healthy dose of political activity is going on in Chile.

I ask my colleagues why we are focusing today on a government that is holding an election, rather than on governments like Hungary, or Cuba, or Nicaragua that aren't any where near holding an election, much less scheduling one.

The resolution before us notes that Chile has been under military rule for 15 years. Eight years ago, Chile's Government set forth a timetable and a myriad of democratization steps that would be undertaken to assure a peaceful and lasting transition to democracy.

In Cuba, Fidel Castro has ruled that country with an iron fist for 30 years and certainly we see no sign of elections.

Under the Castro regime in Cuba, there is no freedom of speech. There is in Chile.

In Cuba, there is no freedom of assembly. There is in Chile.

In Cuba, there is no free press. In Chile, newspapers and magazines cover the full range of political views.

In Cuba, no political opposition is permitted. In Chile, there are 11 political parties registered and more in the formation process.

In Cuba, labor does not have the right to organize. But in Chile, there are over 3,000 labor unions.

In Cuba, human rights groups are not allowed into the country and all requested visits have been refused. But in Chile, delegations from Amnesty International, Americas Watch, the International Human Rights Law Group were not only granted visits, but were given access to prisons.

In Cuba, most basic necessities are still rationed. That is certainly not the case in Chile. In Chile, increased individual freedom in the economic sphere has been the government's hallmark. It has privatized, deregulated, cut spending and taxes, and instituted laws to protect private property.

In Cuba, citizens are not free to change their government. In just 2 months, that right will be exercised in Chile.

Yet, when is the last time that Congress acted on a resolution concerning political rights and freedoms in Cuba? Three years ago—in 1985.

Instead, we see Members itching to embrace the Castro regime and to lift our trade embargo. Over the past few months, scores of delegations of politicians, business leaders, academics, church leaders, and journalists have traveled to Cuba to discuss normalizing relations. We even see Hollywood actors like Robert Redford meeting with Fidel Castro.

These are indeed curious priorities for the leadership of the House. Are we again witnessing the odious double standard? As has been so evident in the past, the majority party in the House is blind in the left eye.

Mr. LAGOMARSINO. Mr. Speaker, as an original cosponsor of House Joint Resolution 620, expressing the support of the United States for the restoration of full and genuine democracy in Chile, I am pleased to speak in favor of this resolution.

I wish to compliment my colleagues from the Subcommittee on Western Hemisphere Affairs and on the Foreign Affairs Committee who have worked so diligently to craft a resolution that will carry overwhelming bipartisan support.

I believe this resolution is a balanced statement, accurately reflecting the situation as it currently stands in Chile—the resolution contains a number of changes which bring it up-to-date from when is was first introduced. It also reflects the guidance of our able Ambassador in Chile, Harry Barnes, who has represented well the interests of the United States in Chile and the desire we all feel in wanting to see a prompt, orderly transition to democracy in Chile, with the Chilean people having the opportunity to express freely their will on the future of their country.

This resolution conveys the strong feelings of the Members of this House on the importance of having an open and fair vote in Chile. For any result to be judged legitimate in Chile and the international community, it must be perceived to be free, fair, and open.

The Congress and the administration have worked closely together to fashion a resolution that has broad bipartisan support. The following letter from the Department of State expresses the strong support of the administration for this resolution:

U.S. Department of State,
Washington, DC, July 29, 1988.

Hon. Robert J. Lagomarsino,
Subcommittee on Western Hemisphere Affairs, Committee on Foreign Affairs, House of Representatives.

Dear Mr. Lagomarsino: I am writing to express the support of the Department of State for the efforts of your Subcommittee in the matter of Chile's transition to full and effective democracy. We were pleased to have participated in the hearings on Chile held jointly by your Subcommittee and the Subcommittee on Human Rights and International Organizations on May 17 and have followed with great interest the progress of House Joint Resolution 620.

This resolution is fully consistent with the statement in support of democracy in Chile approved by President Reagan and Secretary Shultz last December and closely mirrors Administration concerns that the plebiscite process be fair and equitable in order that it produce a result judged legitimate by the Chilean people. We therefore hope that it will obtain wide support within the House of Representatives as an expression of Congressional interest in Chile's democratic future.

As the date for the Chilean plebiscite approaches, the Department of State looks forward to coordinating with Congress efforts in support of Chile's return to her democratic traditions.

Sincerely,

J. Edward Fox,
Assistant Secretary,
Legislative Affairs.

The National Republican Institute for International Affairs, on which I serve as chairman of the board of directors, gave its support to a private, respected, independent organization in Chile to carry out a survey of public opinion. The survey was conducted by the "Center of Public Studies" in cooperation with Brockbank & Associates. A summary of the findings of the public opinion survey, conducted in June of this year, follows:

Defining the Chilean Voters

This study focuses on the upcoming Plebiscite in Chile with the purpose of profiling the electorate both demographically and attitudinally to determine:

What factors are influencing their vote,

How they're planning to vote in the Plebiscite,

How solid or soft their vote is,

Who the swing voters are and why,

How likely or unlikely is it that they will vote, and

Whether they prefer Augusto Pinochet or a civilian.

The results of the ballot questions ("Yes"/"No" Pinochet and "Yes"/"No" Civilian) show that—the Chilean electorate breaks down into five clearly identifiable voter groups—

11 percent answered: "Yes Pinochet" Voters (older, female, less educated, live in small cities and towns);

17 percent anwered: "Yes Civilian" Voters (youngest group, 54 percent female, 46 percent male, higher than average education, more likely to live in central, large urban areas;

22 percent answered: "Yes Pinochet/Yes Civilian" Voters (oldest group, 54 percent female, 46 percent male, live in small cities and towns);

21 percent answered: "No Pinochet/No Civilian" Voters (younger, male, highly educated, live in central large urban areas); and

29 percent answered: "Undecided" Voters (25-54 years of age, female, represent almost half of the low income group, from small to average size urban areas).

THE SWING VOTER GROUPS

This election will be determined by the "Swing Voter" whose sentiment at the time of this survey appears to be more anti-military regime (or anti-Pinochet) than specifically pro-Opposition. The Swing Voter is looking for a change and an alternative who could satisfy all of their concerns.

The swing voters indicate a preference for "a civilian" over someone from the military (or Pinochet) but this is not an indicator that the majority would vote for a Junta appointed civilian or that in fact on the day of the Plebiscite that they would not vote "Yes" for Pinochet. At present, the outcome of this Plebiscite has not been decided.

THE ISSUES DRIVING THE NATION

Nationwide, the majority of the people in Chile, except the "No Pinochet/No Civilian" Voters, give Augusto Pinochet high marks on all issues dealing with peace and tranquility (74 percent). In addition, more than half the people believe that the government of Augusto Pinochet would do a better job than an Opposition Government in dealing with the problems of law and order and terrorism (60 percent). Yet, at the same time, over one-half the people:

57 percent agree that there have been human rights violations;

58 percent believe many people live in fear due to military repression;

55 percent disagree that repression by the military is necessary in order to maintain peace and tranquillity; and

58 percent believe that it is more important to have an established democratic form of government than being well off

Thus, the very issues that the majority of the Chilean electorate are most concerned with and give the Government of Pinochet the most credit for handling well—peace and tranquillity—have created the issues for which they are most critical—violations of human rights and military represssion.

SHARED ATTITUDES AND OPINION

The attitudes of the five electorate groups pivot around three major issues and their related components: Peace and tranquillity; Freedom and individual rights; and the economy.

These three issues form the main criteria upon which the electorate is basing its voting decision, but they also create a conflict among the voter groups because the current situation does not provide an alternative or anyone who can satisfy all three issue categories. And, while all of the five voter groups place a significant emphasis on each issue, each group places its emphasis in a different manner and to a different degree.

More Chileans credit the Government of Pinochet as having done a good job in:

	Percent
Maintaining law and order	47
Improving education	44
Providing housing	60
Assistance to the poor	38
Promoting economic growth	37

More Chileans rate the Government's job poor to very poor on:

	Percent
Respecting human rights	36
Reducing inflation	40
Reducing unemployment	39

Majority (70 percent) feel their personal economic situation today is fair to good compared to one year ago (75 percent).

Majority (70 percent) are satisfied or positive about the present economy of the nation (but more feel optimistic about a stronger economic future under an Opposition Government than under an Augusto Pinochet Government (31 to 21 percent respectively).

Substantial opposition exists to a Marxist Government in Chile. A sound 64 percent majority say they would oppose it if the Marxist Parties were to govern the country, while just 15 percent would be in favor of such government. This question elicited one of the strongest emotions the electorate of Chile responded to: 43 percent say they would strongly oppose such a government.

	Percent
Believe the Plebiscite will be conducted fairly	43
Believe it will not	34
Don't know	24

Chileans who believe the Plebiscite will be conducted fairly are more likely to vote than those who do not think it will be fair (52 versus 32 percent). The "No" voter and the "Undecided" Voter have least confidence in a fair Plebiscite.

At the present time, 51 percent of the entire Chilean population are likely to vote and conversely 49 percent are unlikely. More specifically, 71 percent of those who are presently registered to vote are likely voters.

A vast majority of the Chilean people (60 percent) say they prefer a civilian president for Chile, while 24 percent prefer a military man.

THE VOTE

Overall, 33 percent of the Chilean electorate say they will vote "Yes" if the Junta names Augusto Pinochet as the candidate for the Plebiscite, while 37 percent will vote "No". The remaining 30 percent are "Undecided". Further definition of how the undecided segment of the electorate leans in their voting adds only marginally to the "Yes" or "No" vote, and does it equally (4 percent to each).

Considering the margin of error for the study and the unpredictable nature of the "Undecided" and "Yes/Civilian" voter, the election at this time appears to be very close to call, but gives the civilian candidate or the "No Pinochet" vote a leading edge.

When asking how they would vote if the Junta named a civilian candidate for the Plebescite, the "No" Vote dropped, the "Yes" Vote went up six percentage points, and the "Don't Knows" went up three percentage points.

WHAT IF THE JUNTA NAMES A CIVILIAN CANDIDATE

[In percent]

	Pinochet	Civilian	Difference
Yes	33	39	(+6)
No	37	27	(−10)
Don't know	30	33	(+3)

It is important to remember two key factors when considering the response of the electorate to questions concerning their vote. First, at the time of this survey, sentiment against Pinochet is stronger than sentiment against an undefined civilian candidate. Civilian supporters are less likely to support Pinochet than Pinochet supporters are to support a civilian. This is true across the entire Chilean electorate.

Second, the support for Pinochet can be accurately measured because he is known among voters. Since the civilian candidate is unknown at this time, it is much more difficult to rely on figures for the support of such a candidate. The "Yes/Civilian" vote is based on a desire to move away from military control more than on any support for a "civilian candidate".

Mr. FASCELL. Mr. Speaker, I rise in strong support of House Joint Resolution 620. This measure, of which I am pleased to be a cosponsor, was considered favorably by the Committee on Foreign Affairs last week and has broad, bipartisan support, including the unequivocal endorsement of the administration. I commend the authors of the resolution, Chairman YATRON of the Human Rights Subcommittee and Chairman CROCKETT of the Western Hemisphere Subcommittee and their minority counterparts, Representatives SOLOMON and LAGOMARSINO, and their staffs for their diligent work in crafting a measure that could garner such widespread support. In addition, the leaders of the bipartisan and ad hoc group in support of democracy in Chile, Representatives WEISS, JOHN MILLER, BEREUTER, and MORRISON, are to be commended for their efforts on this important issue.

Mr. Speaker, it is likely that a plebiscite in which the Chilean people will have the choice of voting for or against the government of Gen. Augusto Pinochet will be held on October 5, 1988. While a plebiscite is a flawed electoral mechanism in that it does not allow the people to freely vote for whomever they like, it does enable the Chilean people to take the first step toward the restoration of Chile's 150-year-old tradition of democratic rule and the end of 15 years of military dictatorship. The conditions under which the campaign and the actual voting will occur, however, are critical to the outcome of the plebiscite and it is chiefly this issue that House Joint Resolution 620 addresses.

House Joint Resolution 620 expresses the strong support of the United States for the restoration of full and genuine democracy in Chile. It further calls upon the Chilean Government to ensure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite by taking specific steps to create a climate of freedom and fair competition before and during the plebiscite. Among those steps are the immediate termination of states of exception, the provision of equitable access to the mass media for the Chilean Democratic Exposition, respect for freedom of assembly and association to enable Chileans to campaign peacefully and freely, and efforts to register all eligible voters. The resolution urges the Chilean Government, on the day of the plebiscite, to guarantee access to the polling places and vote count centers by international visitors and to publicly tabulate ballots in the presence of representatives of both sides in the plebiscite.

This resolution reiterates the points the administration and its very able representative in Chile, Ambassador Harry Barnes, have been making to the Chilean Government. It puts the Congress on record in strong support of the democratic process and a transition to full and genuine democracy in Chile that is long overdue. I urge its unanimous adoption.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and pass the joint resolution (H.J. Res. 620), as amended.

The question was taken; and (two-thirds having voted in the favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1645

SUPPORTING PEACEFUL NEGOTIATED SETTLEMENT TO CYPRUS DISPUTE

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 514) in support of a peaceful, negotiated settlement to the Cyprus dispute.

The Clerk read the resolution, as follows:

H. Res. 514

Whereas the Cypriot nation has been tragically divided since the military conflict of 1974;

Whereas the division of Cyprus has persisted despite numerous international mediation efforts, particularly those of the Secretary General of the United Nations;

Whereas the newly elected president of Cyprus, George Vassilious, has indicated that he is committed to a peaceful, negotiated settlement of the 14-year dispute over the division of the island;

Whereas President Vassiliou's visit to the United States is aimed at stimulating United States support for further international efforts to resolve the Cyprus issue;

Whereas Prime Minister Andreas Papandreou of Greece and Prime Minister Turgut Ozal of Turkey have initiated a series of meetings aimed at reducing bilateral tensions; and

Whereas President Vassiliou and Turkish Cypriot leader Rauf Denktash are scheduled to meet in the near future in New York under the auspices of the United Nations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends President Vassiliou of Cyrpus and Turkish Cypriot leader Denktash for agreeing to meet in the near future on steps to resolve the Cyprus issue;

(2) congratulates President Vassiliou, Mr. Denktash, and United Nations Secretary General Javier Perez de Cuellar for arranging this meeting in order to further the internationally mediated process of resolving the division of Cyprus; and

(3) expresses its strong support for the United Nations mediation effort and continuation of negotiations between all parties to the dispute.

The SPEAKER pro tempore (Mr. Gray of Illinois). Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. Yatron] will be recognized for 20 minutes and the gentleman from Michigan [Mr. Broomfield] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. Yatron].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 514. For years, both the Congress and the executive branch have been at odds as to how best to achieve a peaceful settlement to the Cyprus dispute. Since 1974, various legislative initiatives designed to promote a settlement have simply failed to do so.

While it is ultimately up to the Greek and Turkish Cypriots to resolve their differences, a unified message from the United States would certainly enhance the prospects for a productive negotiation. This resolution sends a clear bipartisan signal to Greece, Turkey, and Cyprus that the United States strongly supports the renewed efforts of U.N. Secretary General Perez de Cuellar to resolve the conflict on this island nation.

Mr. Speaker, last week we had the privilege of welcoming the new President of the Republic of Cyprus, George Vassiliou. President Vassiliou impressed all of us with his positive and innovative proposal to achieve peace on Cyprus. He is a pragmatic and realistic leader who would like to move his country forward instead of dwelling on the past.

In late August, under the auspices of the U.N. Secretary General, President Vassiliou will meet with Turkish Cypriot leader Rauf Denktash in the hope of establishing a frame work to negotiate a peaceful settlement. This resolution rightly commends both President Vassiliou and Mr. Denktash for their leadership in accepting the Secretary General's mediation efforts.

Mr. Speaker, we should be under no illusion that this upcoming meeting will be a success. The issues involved are complex and progress toward a resolution will entail the cooperation of both Greece and, more importantly, Turkey. But dialog under U.N. auspices, instead of confrontation and condemnation, remains the best course of action for all parties to the dispute to pursue.

House Resolution 514 sends a positive message in support of multilateral diplomacy. It is the first resolution directly dealing with Cyprus in many years that has the support of the administration and members of the House on both sides of the aisle. I would like to commend Chairman Fascell, Mr. Broomfield, Mr. Hamilton, Mr. Gilman, and Mr. Solarz for their leadership on this resolution and for their ongoing efforts to achieve peace on Cyprus. It has been my experience that when we speak with one voice, the United States is a more effective advocate of peace and democracy in the international community.

I urge all of our colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an original cosponsor of this resolution, I want to thank Chairman Fascell and Gus Yatron for their cooperation in considering this initiative on an expedited basis.

Last week, our committee had the opportunity to meet with the newly elected President of Cyprus, Mr. George Vassiliou. All of us were impressed by his energetic commitment to the search for peace on that divided island. He indicated his willingness to take a balanced approach in future peace talks. Those of us who realize that time is of the essence, if this problem is to be resolved, appreciate the sense of urgency which the President conveyed.

This resolution commends President Vassiliou and the Turkish Cypriot leader for agreeing to meet to resolve the Cyprus issue. It also supports the peace initiatives of the Secretary General of the United Nations concerning Cyprus.

We all know the tragic history of that island. After all these years, there are still 30,000 Turkish troops in Cyprus. Since the 1974 invasion, Cyprus has been divided. Over 200,000 refugees have fled to the south, and families have been separated.

Over 1,600 Greek Cypriots are still missing, to include a number of United States citizens. Today 2,500 U.N. troops man the green line. The presence of armed forces always creates tensions. Just last week, a young Greek Cypriot National Guardsman was killed along that line. The Cyprus dispute is a major cause of much of the friction between Greece and Turkey. The protection of the Turkish minority in Cyprus is another factor in this complex dilemma.

I believe that President Vassiliou's demilitarization plan clearly provides for the protection of minority rights on that island. Under the plan, Turkey would be required to remove both its 30,000 troops and its 60,000 settlers. The republic of Cyprus would dismantle its own defenses and call for the removal of all Greek and Turkish troops in Cyprus. When this goal is attained, the only forces remaining in the Republic of Cyprus will be an international peacekeeping force and a small joint Greek-Turkish Cypriot police force under U.N. control. Of course, the British military personnel serving at the two bases in Cyprus would remain there under the terms of the 1960 Treaty of Agreement.

While other demilitarization plans have been considered in the past, I believe that President Vassiliou's approach can work. He is committed to making progress and will soon discuss his views with Mr. Denktash. I am also encouraged by the "spirit of Davos" in the ongoing meetings between the Prime Ministers of Greece and Turkey. The overall climate of relations between those two countries is improving. Let us hope that this will bode well for a negotiated solution to the Cyprus dispute.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Resolution 514 in support of a peaceful negotiated settlement of the Cyprus dispute.

Mr. Speaker, I commend the distinguished chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON] for bringing the measure to the floor at this time and also the full committee's ranking member, the gentleman from Michigan [Mr. BROOMFIELD] and the subcommittee's ranking minority member, the gentleman from New York [Mr. SOLOMON]

Mr. Speaker, recently we were fortunate to receive a vist from the newly elected President of Cyprus, Mr. George Vassiliou, in Washington.

Mr. Vassiliou is, to put it bluntly, a breath of fresh air in the region. He impressed me and, I believe, other members of the Committee on Foreign Affairs as well as others he met as open, pragmatic, and nondoctrinaire.

It is just these kinds of new ideas that Mr. Vassiliou brings with him to the tale that is needed by the ongoing problems of Cyprus.

In the very near future, Mr. Vassiliou and the leader of the Turkish-Cypriot community, Mr. Rauf Denktash, will meet at the United Nations for the first face-to-face talks in many years between the leaders of the two communities that live on Cyprus. For too long these communities have been separated by barbed wire; it is time that they found their way to share their island in peace.

The American administration should, in its policies, reflect the sentiment of the American people, who want to do all they can to help the two sides reach an accommodation that will lead to the end of the forced division of Cyprus. We salute all those whose new ideas are helping—or will help—to make this possible.

Mr. YATRON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ] who has been at the forefront in seeking a settlement on Cyprus.

Mr. SOLARZ. Mr. Speaker, I want to pay tribute to the gentlemen who were responsible for crafting this commendable resolution, Mr. BROOMFIELD, Mr. GILMAN, and others, and particularly the chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON] who has been a great champion of the cause of human rights on Cyprus and who has worked diligently for the day when Cyprus can be reunified as a totally free and independent country. It is my very devout hope that that day will come sooner rather than later.

I think this is a most welcome resolution. It is based on the premise that one catches more flies with honey than with vinegar. At a time when peace seems to be breaking out all over the world, when longstanding disputes are in the process of being resolved between Iraq and Iran in the Persian Gulf, when the Soviets seem to be pulling out of Afghanistan in South Asia, when the Angolans and Cubans and South Africans are talking in southern Africa, when there are prospects for progress for resolving other regional disputes, why should not peace come to the Mediterranean as well? Why should not the problem of Cyprus be resolved also?

This resolution is our way of saying we do not want Cyprus to be forgotten. We want it to be at the top of the international agenda. We want it to be high up on the American agenda.

Some of us on the floor at the moment have differed in the past over how best to resolve the problems of Cyprus. But I think we all agree in the desire to see a reunified Cyprus established in which the rights of the minority would be protected but in which democracy would exist, where foreign forces can be withdrawn, where the Cypriot people can determine their own future. That would be good for Cyprus, it would be good for Greece, it would be good for Turkey, it would be good for NATO and it would certainly be good for the United States.

So I am very pleased that President Vassiliou and Mr. Denktash will be meeting.

I had the privilege of seeing President Vassiliou last week when he was here. I have to say he was a breath of fresh air. I think he has some very creative ideas for resolving this dispute. Hopefully, the forthcoming meeting will make as great progress as possible and I hope that the adoption of this resolution will contribute to the kind of atmosphere which will, at long last, make it possible to achieve a peaceful resolution of the conflict on Cyprus.

Mr. PORTER. Mr. Speaker, we are now at a crucial juncture in the solution of the Cyprus problem.

Fourteen long years ago the island was divided by the Turkish Army which created a barrier more impenetrable than the Berlin wall. Over the years, both sides have slowly come around to the view that the lasting antagonism and hatred between the two communities should not continue.

Now, with the election of President Vassiliou, we have real hope again. In my meetings with him last week, President Vassiliou asked for this resolution of support that we are now passing. It is a balanced resolution that calls attention to the historic meetings scheduled in New York this month that could lead to a lasting solution.

President Vassiliou convinced me that now is the time for action on solving the Cyprus problem. His bold demilitarization plan will go a long way towards relieving the security concerns of Turkish Cypriots. Moving to a bizonal, federated state, as evisioned under the auspices of the U.N. Secretary General, I believe we can see the outlines of a future Cyprus.

I want to thank Mr. BROOMFIELD and FASCELL for bringing this resolution to the floor so quickly. Their quick action shows that all of our prayers go out to President Vassiliou and Mr. Denktash for their upcoming historic meeting in New York.

Mr. FLORIO. Mr. Speaker, I rise in support of House Resolution 514, to express the support of the United States Congress for a peaceful negotiated settlement to the Cyprus conflict. I commend my colleague, Foreign Affairs Committee Chairman DANTE FASCELL for his efforts in bringing this important resolution to the floor today.

Mr. Speaker, it is with a sense of sadness that I note that the people of Cyprus commemorated yet another anniversary several weeks ago—the 14th anniversary of the illegal invasion of Cyprus by Turkish troops. The people of Cyprus have not forgotten in those 14 long years the division and strife that were produced and continue to be propounded through the presence of Turkish troops on Cyprus.

One of the more moving aspects of a visit I made to Cyprus was the meeting I had with the Greek Cypriot Mayor of Nicosia who brought me to the wall that has divided the island into two separate entities barring passage to the north. The devastation of the 1974 invasion still exists around this area, despite the efforts of the Greek Cypriot Government to build up their economy in the south.

In my meetings with Greek Cypriot officials and people, great courage and perseverance was tempered with a bitter acceptance of the status quo and a pessimism about hopes for change in the situation. Although I have always held that Turkish troops should be removed from Cyprus as a part of any settlement, the importance of this development was brought home to me on my visit to Cyprus as I witnessed the tangible fear of invasion and further encroachment that exists.

Just last week, we welcomed to Washington the new President of the Republic of Cyprus, George Vassiliou. President Vassiliou will soon be meeting with the Turkish Cypriot leadership through the auspices of the United Nations to try, yet again, to bring a resolution to this festering conflict.

It is very important that we join President Vassiliou in underscoring to the Turkish Cypriots the importance of removing Turkish occupying troops from Cyprus before any settlement can be effected. The continued presence of foreign troops and colonists denies the Cypriot people their fundamental right to self-determination. Cyprus will never again enjoy peace and stability as long as foreign troops continue to form an unwanted presence on Cyprus.

The situation that currently exists on Cyprus is simply not acceptable. We have the ultimate responsibility for sending a clear signal to the Turkish authorities that we are convinced that the illegal partition of Cyprus is not only contrary to the interests of the Cypriot people but also to those of the United States. Our country's reputation has been built on our traditional support for justice and political and religious freedoms throughout the world. In keeping with this traditional support for liberty and freedom, it is our responsibility to actively speak out against this continued injustice and facilitate a solution to this conflict. I join today with my colleagues in calling for a peaceful negotiated end to the Cyprus conflict and in hoping that the 15th anniversary will find Cyprus free and whole again.●

Mr. FASCELL. Mr. Speaker, I rise in strong support of House Resolution 514, expressing the support of the Congress for a peaceful, negotiated settlement to the Cyprus dispute.

House Resolution 514 is an important statement of a longstanding U.S. foreign policy objective in the eastern Mediterranean. While the objective of a lasting settlement to the Cyprus conflict has to date eluded us, recent developments indicate a possible change for the better. In the past several months, high-level summitry has taken place between Greece's Prime Minister Andreas Papandreou and Turkey's Prime Minister Turgut Ozal to discuss various bilateral issues including the Cyprus dispute. In addition, the newly elected President of Cyprus, George Vassiliou has recently agreed to meet with the leader of the Turkish Cypriot Community Rauf Denktash under the auspices of the United Nations.

These hopeful signs could provide needed momentum to the critical efforts of U.N. Secretary General Javier Perez de Cuellar to establish a framework for reaching a comprehensive peace settlement. All of us who had the opportunity to meet with President Vassiliou last week were impressed by his vision for Cyprus and his flexibility in finding common ground with the Turkish Cypriot community. If this flexibility is reciprocated by Mr. Denktash and the Governments of Greece and Turkey, we may well see the first signs of real progress in resolving the protracted dispute on Cyprus.

House Resolution 514 expresses these desirable policy objectives. The resolution congratulates President Vassiliou, Turkish leader Denktash, and Secretary General Perez de Cuellar for their efforts to advance an internationally mediated resolution to the current division of Cyprus. The resolution also reiterates strong congressional support for the U.N. mediation effort and the continuation of negotiations between all parties to the dispute. At this time of increased diplomatic activity, House Resolution 514 is an important statement of Congress' deep and abiding interest in finally resolving what has been one of the most nettlesome problems confronting U.S. foreign policy in Europe and the NATO alliance.

Accordingly, I urge overwhelming support for House Resolution 514.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution (H. Res. 514).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 514, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

URGING IRAN TO RESPECT HUMAN RIGHTS OF MEMBERS OF THE BAHA'I FAITH

Mr. YATRON. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 120) urging the Government of Iran to respect the human rights of members of the Baha'i faith, and for other purposes.

The Clerk read as follows:

S. CON. RES. 120

Whereas the Congress has, by concurrent resolution adopted in 1982 and 1984, and in numerous other appeals, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i faith, Iran's largest religious minority;

Whereas the Congress has condemned the Government of Iran's actions against Baha'is on account of their religious beliefs, and has urged the President to work with appropriate foreign governments and with the United Nations in efforts to appeal to the Government of Iran concerning the Baha'is;

Whereas nearly 200 Iranian Baha'is, including many elected leaders of the religious community, have been executed since 1979, on account of their religious beliefs, thousands more have been imprisoned, and many subjected to torture and demands for recantation of their religious faith; and

Whereas the Government of Iran has not only undertaken to deprive Baha'is of civil, economic, and social rights, but also has in many cases confiscated Baha'i community and personal property and denied access for Baha'is to education, employment, pensions, insurance, and other benefits available to other Iranians: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including Baha'is, in a manner consistent with that Government's obligations under international agreements guaranteeing the civil and political rights of its citizens;

(2) welcomes reports of the recent release of Baha'is from prisons in Iran and takes note of the decline in the numbers of Baha'is and others executed in that country;

(3) expresses the hope that these developments may indicate a greater willingness on the part of the Government of Iran to act in a manner consistent with its obligations under the various international agreements to which it is a party;

(4) urges the Government of Iran to restore fully the rights guaranteed by the Universal Declaration of Human Rights, including freedom of thought, conscience and religion, education, and equal protection of the law; and

(5) calls upon the President—

(A) to continue to observe and report on developments affecting the Baha'i minority in Iran, and to monitor developments affecting Baha'is in countries in which their rights might be abridged on account of their religious beliefs;

(B) to cooperate with other governments in continuing to make appeals to the Government of Iran concerning the situation of the Baha'is;

(C) to initiate and support efforts in the United Nations and its agencies on behalf of measures to promote the protection of the religious rights of Baha'is; and

(D) to provide, and to urge others to provide, for refugee and humanitarian assistance for those Baha'is who flee their homelands for reasons of religious repression.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support Senate Concurrent Resolution 120, legislation urging the Government of Iran to respect the human rights of members of the Baha'i faith. The Congress has adopted two other resolutions, in 1982 and 1984, on the plight of this persecuted religious minority. The situation for these brave individuals warrants our speaking out again on their behalf.

Our subcommittee recently held hearings on the human rights situation in Iran, focusing primarily on the treatment of the Baha'i community. The administration and private witnesses agreed that the actions taken by Congress, together with international efforts, have resulted in a decline in the number of Baha'is killed in Iran. Even though the numbers of deaths have decreased, the nightmare the Ayatollah has created for these people continues.

This resolution calls upon the President to continue to observe, report on, and monitor developments affecting this religious community, and to cooperate with other governments in making appeals to the Government of Iran. It also asks the President to initiate and support efforts in the United Nations on behalf of Baha'is, and to provide for refugee and humanitarian assistance for those Baha'is fleeing from religious repression.

Senate Congressional Resolution 120 is a noncontroversial, bipartisan initiative which has the support of the administration. It passed in the other body on June 23. The companion bill in the House, House Congressional Resolution 310, was introduced by Congressmen PORTER, LANTOS, and a score of other Members. I commend Chairman FASCELL, Congressmen BROOMFIELD, HAMILTON, PORTER, LANTOS, and GILMAN. I also commend Mr. SOLOMON, the ranking minority member of the Subcommittee on Human Rights and International Organizations, for his valuable contribution to the hearings we have held on human rights in Iran.

I urge adoption of the resolution.

□ 1700

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say at the outset that I just heard something on the other side of the aisle which was very pleasing to the ear. I think it was a statement by the gentleman from New York [Mr. SOLARZ]. He said, "Peace is breaking out all over the world," and I might just add to that, "Thanks to Ronald Reagan."

I guess I could also go a little further and say, "except in Nicaragua, thanks to the United States Congress," but let us get on another subject here.

Mr. Speaker, I rise in strong support of this resolution, which calls upon the Government of Iran to cease its persecution of the Baha'i faith. The resolution further calls for that government to restore in Iran the freedoms of thought, conscience, and religion that are set forth in the Universal Declaration of Human Rights.

Mr. Speaker, the continuing persecution of members of the Bahai faith is one of the great tragedies of our time. The Bahai's faith is the largest religious minority in Iran. Its teachings emphasize peace, equality, and the brotherhood of all people. The Baha'is are a nonviolent people who believe in submitting to civil authority.

Under the Shah's government, many Bahais reached positions of great responsibility in Iranian society. However, the ayatollah's regime has, from the very outset, undertaken a campaign of active persecution against this religion. Hundreds of Baha'is have been summarily executed. Thousands have been imprisoned, and still thousands more have been deprived of their jobs and livelihood. Baha'is services have been prohibited, and many shrines and meeting houses have been desecrated.

In 1984, we passed a resolution very similar to the one we are considering today. We have some reason to believe that this earlier resolution did not go unnoticed in Tehran, and that some measure of relief from this torment of persecution was granted.

Now that the Government of Iran appears to be giving up on trying to fight an unwinnable war—and also finds itself isolated and condemned in the court of world opinion—the time is right to pressure them again to end this brutal and inhumane persecution.

Mr. Speaker, the unanimous vote of the House of Representatives behind this resolution today will send a powerful signal to Iran that the American people—and free people everywhere—demand a stop to the persecution of the Bahai faith.

Mr. YATRON. Mr. Speaker, I have no further requests for time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], a distinguished member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 120 and I commend the distinguished human rights subcommittee chairman, the gentleman from Pennsylvania [Mr. YATRON] and the subcommittee ranking minority member the gentleman from New York [Mr. SOLOMON], for their leadership in this issue.

No one disputes the right of the Iranian people to organize their affairs as they see fit; but that right, like every other right, has its natural limits. In the aftermath of the Islamic revolution, Iran began two policies which set it outside the limits of respect by all civilized countries.

First, Iran began a campaign to spread its revolution abroad, through subversion and armed force. There have been tragic repercussions of that policy throughout the Middle East, particularly in Lebanon.

Second, Iran began a cruel campaign of religious intolerance. The first aim has been to supress a peace loving, objectively inoffensive group, the Baha'is of Iran. The Bahai religion grew out of Islam and adherence to it is therefore viewed as apostacy by Iran's clerics. The Iranian regime seems willing to overlook the many contributions to Iran's development attributable to the Baha'is; indeed one may wonder whether the regime's attitude toward Baha'is is attributable more to its attitude toward modernism than the religious differences they have with the Baha'is.

Whatever the reason, the Iranian treatment of Baha'is has been abysmal. There have been many deaths, many instances of confiscation of property and of the desecration of religious sites. While some recent improvements have been observed, this is no time to let down our guard about the very dangerous phenomenon of state-sponsored religious intolerance.

I am proud to be a cosponsor of an identical resolution, House Concurrent Resolution 310, which was introduced by the gentleman from Illinois [Mr. PORTER] earlier this year. I also salute the efforts exerted by the American Baha'i community on behalf of their fellow believers in Iran, efforts in which they have been joined by people of good will from every walk of life.

I hope that this resolution is adopted unanimously.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], a member of the Committee on Foreign Affairs.

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for yielding this time to me, and I also rise in support of this Senate concurrent resolution.

I would like to thank the distinguished chairman and ranking member for their leadership in this instance, and I would only make the single point that by this resolution we are speaking not only to the plight of the Baha'is but the peoples of all faiths in all countries who may be persecuted by majorities against minorities.

Mr. Speaker, I rise in strong support of this resolution which puts Congress firmly on record in support of the plight of the Baha'i and, by implication, in support of all peoples of all faiths persecuted solely on the grounds of convictions held.

This House and all similarly constituted parliamentary bodies have a responsibility to make clear that the Iranian regime is accountable for its persecution of these courageous people.

While there have been recent reports of the release of a number of Baha'is from prisons in Iran and while executions appear to have declined, the international community dares not be silent until all such grievous human rights abuses have ended.

Far too fresh in our memories are the executions of over 200 Baha'is in Iran since 1979, the pattern of brutal torture and imprisonment, the desecration of property sacred to members of the faith, and the economic hardships visited upon the Baha'is. The terror which has befallen this vulnerable religious community is unconscionable.

It is important to point out that in its persecution of the Baha'is the Government of Iran carries a legal as well as moral and humanitarian burden of accountability. As a party to the International Covenant on Civil and Political Rights, Iran is bound by its provisions to protect religious freedom within its borders, including the right of minorities, in community with like believers, to profess and practice their faith. In addition to breaching international norms of decency and civility, Iran's failure to adhere to international human rights standards constitutes outlaw conduct.

Until the campaign of religious persecution and genocide against the Baha'is comes to an end, this body and the executive branch have an obligation to monitor events in Iran, to work with other governments to bring pressure on Iranian authorities to cease their human rights violations, to press the case of the Baha'i in international forums, and to provide appropriate assistance to those fleeing persecution. It is the least we can do for this suffering people who desire nothing more than to worship freely according to their conscience.

Mr. PORTER. Mr. Speaker, I urge my colleagues to vote in favor of Senate Concurrent Resolution 120 regarding the plight of the Iranian Baha'is.

Senate Concurrent Resolution 120 is identical to House Concurrent Resolution 310 which was introduced on June 2 by myself and TOM LANTOS, my cochair of the Congressional Human Rights Caucus. House Concurrent Resolution 310 has 117 bipartisan cosponsors, including leaders of the full House, the Foreign Affairs Committee, the Subcommittee on Human Rights and International Organizations, and the Subcommittee on Europe and the Middle East. I want to thank Chairmen FASCELL, YATRON, and HAMILTON for acting so quickly upon this resolution in their respective committees, and Representatives FOLEY and MICHEL for scheduling this resolution in such a rapid manner.

The purpose of this resolution is twofold:

First. It holds the Government of Iran responsible for upholding the rights of all its nationals, including the Baha'is, in a manner consistent with that government's obligations under international agreements guaranteeing the civil and political rights of its citizens; and

Second. It calls upon the President of the United States to cooperate with other governments and with the United Nations to promote the protection of the religious rights of the Baha'is.

On June 29, the Subcommittee on Human Rights and International Organizations held hearings on the plight of the Iranian Baha'is. Drs. Firuz Kazemzadeh and Robert Henderson, two distinguished representatives of the Baha'is in the United States, testified before the subcommittee and expressed their gratitude for the support given to the Baha'i community by the committee and the Congress over the last several years. They described recent improvements in the status of the Iranian Baha'is, and stated that previous congressional resolutions and statements by Representatives, Senators, President Reagan, and State Department officials have all played an important part in the Baha'is improved situation.

Drs. Kazemzadeh and Henderson reminded us that the situation in Iran, although somewhat better, remains grave. Over 300,000 Baha'is continue to be denied employment in such sectors as the railways, airlines, schools, universities, and most health institutions. Baha'i children are not admitted to schools and universities. Baha'i properties remain expropriated. Fundamental community activities, such as marriage, spiritual education of children, and possession of religious books, continue to be regarded as illegal acts for Baha'i followers.

Mr. Speaker, although the number of Baha'is executed and imprisoned during the past few years has decreased, the less graphic annihilation of the Baha'i culture is an extremely serious matter. We must not be silent while Baha'is and other Iranian citizens are forbidden to worship, work, study, or travel as they choose. I urge my colleagues to vote in favor of Senate Concurrent Resolution 120.

Mr. FASCELL. Mr. Speaker, I rise in support of Senate Concurrent Resolution 120, expressing the Congress' countinuing support for the Baha'is in Iran.

This measure is identical to House Concurrent Resolution 310, which has 110 cosponsors and was introduced by our colleagues, Representatives LANTOS and PORTER, cochairs of the Congressional Human Rights Caucus. That legislation was referred to the Subcommittees on Europe and the Middle East and Human Rights and International Organizations whose chairmen, Mr. HAMILTON and Mr. YATRON and ranking minority members, Mr. GILMAN and Mr. SOLOMON, have been in the forefront of the efforts to bring international attention to the plight of the Iranian Baha'is. I commend our colleagues for their diligence and their commitment to human rights.

Mr. Speaker, after public hearings on the House version of this measure by Mr. YATRON's subcommittee, the Committee on Foreign Affairs last week considered favorably Senate Concurrent Resolution 120, which passed the other body on June 23, 1988. It expresses the Congress' continuing concern about the denial of the internationally recognized human rights of the members of this peaceful community. The measure recognizes the positive developments affecting Baha'is in Iran in the last year—no executions since September 1987 and no arrests since February 1988—and expresses the hope that these developments may indicate a willingness on the part of the Iranian Government to abide by its international commitments regarding human rights.

Senate Concurrent Resolution 120 calls upon the President to work with other governments, bilaterally and at the United Nations, to pressure the Iranian Government to respect the rights of the Baha'i community in Iran and to alleviate the plight of those who, fleeing persecution, have been forced into exile. I urge its unanimous adoption.

Mr. SOLOMON. Mr Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 120).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 120, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IN SUPPORT OF RESTORATION OF A FREE AND INDEPENDENT CAMBODIA

Mr. SOLARZ. Mr Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 602) in support of the restoration of a free and independent Cambodia and the protection of the Cambodian people from a return to power by the genocidal Khmer Rouge, as amended.

The Clerk read as follows:

H.J. RES. 602

Whereas the people of Cambodia suffered terribly under the despotic regime of the Khmer Rouge and subsequently during the occupation by the Socialist Republic of Vietnam;

Whereas the people of Cambodia have been victims of genocide, enslavement, starvation, and other deliberate acts of cruelty perpetrated by the Khmer Rouge, resulting in the deaths of over one million Cambodian people;

Whereas the Socialist Republic of Vietnam has maintained armed forces within Cambodia, thereby perpetuating their domination and forestalling the realization of self-determination by the Cambodian people;

Whereas the Vietnamese-installed Government of the People's Republic of Kampuchea has seriously abused the human and civil rights of the Cambodian people;

Whereas due to fears of persecution in their homeland, hundreds of thousands of Cambodians have become refugees or displaced persons, seeking first asylum in other Southeast Asian nations and subsequent resettlement in third countries;

Whereas the United Staes has supported the non-Communist resistance led by Prince Norodom Sihanouk and Son Sann in order to end the Vietnamese occupation of Cambodia and recover for the Cambodian people their sovereign rights;

Whereas Prince Norodom Sihanouk has with courage and conviction devoted his energies to restoring his homeland to independence, neutrality, peace, and harmony;

Whereas the Socialist Republic of Vietnam had declared its intention to withdraw forces from Cambodia by the end of 1990 and has pledged to join negotiations for a resolution of the Cambodian question;

Whereas dialogue and diplomatic discussions have increased on a regional and inter-tional basis concerning the future of Cambodia;

Whereas the stability of Southeast Asia can only be assured once peace is restored to Cambodia and the rights of the Cambodian people are universally respected; and

Whereas it is a moral imperative of all nations that the people of Cambodia no longer be made to suffer at the hands of the Khmer Rouge or any other force that would do further harm to the Khmer people or further endanger their cultural and religious heritage: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States—

(1) declares that all parties seeking a settlement of the conflict in Cambodia, including the United States, should have among their highest priorities the restoration of a free and independent Cambodia and the protection of the Cambodian people from a return to power by the genocidal Khmer Rouge;

(2) calls on the Socialist Republic of Vietnam in the context of a negotiated settlement to fully withdraw its armed forces from Cambodia, and further calls on all parties to respect the territorial integrity of Cambodia and, in the context of a negotiated settlement, to deny safe haven to Khmer Rouge forces seeking the overthrow of a newly formed sovereign Cambodian government;

(3) should seek a Cambodian settlement which contains workable measures to prevent a Khmer Rouge return to power, including a cessation of the flow of war materiel and the accumulation of caches of arms that might ultimately be used to terrorize the Cambodian people and to threaten a legitimate government of Cambodia;

(4) declares that the United States must remain vigilant to ensure that genocide is never tolerated or forgotten anywhere in the world and that those responsible for such heinous crimes should be held accountable under international law, as prescribed by the Convention on the Prevention and Punishment of the Crime of Genocide;

(5) declares that the United States in cooperation with the international community should use all appropriate means available to prevent a return to power of Pol Pot, the top echelon of the Khmer Rouge, and their armed forces, so that the Cambodian people might genuinely be free to pursue self-determination without the spectre of the coercion, intimidation, and torture that are known elements of the Khmer Rouge ideology;

(6) should seek the support of the member nations of the Association of Southeast Asian Nations (ASEAN) and other nations for the inclusion, in declarations and resolutions promulgated by the United Nations pertaining to the Cambodian conflict, of the principle that those responsible for acts of genocide and massive violations of internationally recognized human rights shall not return to positions of political power in Cambodia upon withdrawal of the foreign occupation forces;

(7) declares that the United States, in conjunction with the member nations of the Association of Southeast Asia Nations (ASEAN), should continue to provide assistance, support, and encouragement to the non-Communist Cambodian forces, particularly their efforts to achieve a negotiated settlement that would permit self-determination for the Cambodian people and the return of refugees in safety and dignity to their homeland;

(8) declares that the United States, in consultation with the member nations of the Association of Southeast Asia Nations, should consider whether such a settlement could be facilitated by the convening of an international conference on Cambodia and the provision of an international peacekeeping force that, in addition to performing other appropriate peacekeeping duties, could also supervise the withdrawal of Vietnamese forces and the holding of free and fair elections in Cambodia;

(9) should seek to ensure—

(A) that the refugee camps controlled by the Khmer Rouge are opened to inspection by international organizations, and

(B) that those within those camps have the freedom to move to non-Khmer Rouge controlled camps if they desire to do so; and

(10) should attempt to halt immediately the flow of arms and military equipment to the Khmer Rouge by urging those nations providing support and sanctuary to the Khmer Rouge to cease doing so.

The SPEAKER pro tempore. Is a second demanded?

Mr. LEACH of Iowa. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, first it is my intent to yield time to the distinguished gentleman from Massachusetts [Mr. ATKINS] who, by virtue of drafting this proclamation, has performed in my judgment a great service not just to the Congress but to the country by putting this institution and our Nation squarely on record in favor not just of withdrawal of Vietnam from Cambodia but of concrete arrangements designed to prevent the return of the Khmer Rouge in power in Phnom Penh in the event Vietnam should actually withdraw.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. ATKINS], and after he has spoken, perhaps I will add a few thoughts of my own.

Mr. ATKINS. Mr. Speaker, I rise in support of the resolution, and I would like to particularly thank the chairman of the subcommittee and the ranking minority member. The subcommittee chairman, the gentleman from New York [Mr. SOLARZ], while he has been known as the Lafayette of the Philippines, has also had a very significant and distinguished role in Cambodia. Of everybody in this country, he was the first American elected official to understand the horrors of the Pol Pot regime and to work to assure that this country did everything we could, whether it was in accommodating the refugees by assuring their safety at the borders or whether it was assuring that the United States stood firmly against Pol Pot and the genocidal regime in Cambodia.

I think all of us owe him a great debt of gratitude for his work and his leadership from the very beginning on the Cambodian issue.

I also would like to thank the ranking minority member of the committee, who has served so ably and provided so much assistance on this issue and on so many others.

Mr. Speaker, for almost a decade, the people of Cambodia have lived as citizens of an occupied nation, with over 100,000 foreign troops living within their borders. The Vietnamese have announced their intention to leave Cambodia, and so far appear to be fulfilling this pledge. For the first time in recent memory, the Cambodian people will have a chance for legitimate democratic self-rule.

While we should welcome the withdrawal of the Vietnamese, we must not forget who ruled Cambodia for 4 years prior to the Vietnamese invasion, and who remain poised to retake control: Pol Pot and his genocidal Khmer Rouge cadre.

The world community has condemned Pol Pot for his crimes against his own people. It has condemned the Khmer Rouge for the horrors they visited upon the nation of Cambodia. Yet recently, it appears that Pol Pot's military power, which in the past has been used to harass the Vietnamese, coupled with Chinese support for the Khmer Rouge, have spoken louder than our strongest moral principles.

Mr. Speaker, the time has come to end the ambiguity which has existed in U.S. policy. American rhetoric has condemned the Khmer Rouge in the strongest terms. We have excoriated Pol Pot for his crimes against humanity. Yet we have not taken all possible steps available to us to prevent his return to power in Cambodia.

The time has come for this nation to prove that we are committed to the positions which our rhetoric has staked out. The United States must press China to cease supplying arms to the Khmer Rouge. These arms are ostensibly being provided in order to enable the Khmer Rouge to continue to harass the Vietnamese troops occupying Cambodia. Yet the Khmer Rouge are no longer putting pressure on the Vietnamese. They are stockpiling weapons and organizing support in the Cambodia countryside. They have weapons caches that will last them through 2 years of fighting. These caches are an insurance policy for the Khmer Rouge. Ultimately what they will ensure is a future of terror for the people of Cambodia.

With every bullet supplied by the Chinese through Thailand to the

Khmer Rouge, another ounce of hope for peace and democracy in Cambodia is lost. These arms supplies must stop. The United States position must be clear. We cannot afford any ambiguity whatsoever. In 1975, the citizens of Cambodia were abandoned to the horrors of the Khmer Rouge. With the possibility of Vietnamese withdrawal, the future of Cambodia is unclear. There must be no question, either in the world community or in the minds of the Cambodian people, where the United States stands. In the villages of Cambodia, the people are asking whether they will again be abandoned. It is imperative that the United States reassure the Cambodian people, and send them a clear message: We will not remain silent while the Khmer Rouge regain their iron grip on Cambodia.

Mr. Speaker, 40 years ago, the world reeled from the unimaginable revelations of the holocaust. Hitler's program of extermination so horrified mankind that we cried out "never again." Pol Pot represents just such an evil. I urge my colleagues to support this resolution and show that the United States will not stand idly by and wordlessly permit the Khmer Rouge to once again reap the macabre harvest of the killing fields.

☐ 1715

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in strong support of this resolution. There are very few measures which have come before this body which carry the moral imperative that this subject does. The bone-chilling documentation of genocide in Cambodia and of the Khmer Rouge gives us no choice but to take the strongest position we can, in principle and in action, to prevent a return to power of Pol Pot. This resolution makes clear that the United States should seek a Cambodian settlement which contains workable measures which will prevent a Khmer Rouge return to power.

It also, Mr. Speaker, states that the United States shall continue to support the non-Communist Cambodian resistance and that the United States should urge those supporting the Khmer Rouge to cease that support.

During a hearing held recently by the Subcommittee on Asian and Pacific Affairs, we were told by an administration witness that the Department of State has stressed in its discussions with interested parties "the absolute necessity of controlling the Khmer Rouge, and the need to move now to address the specific ways by which this could be done." The Department of Defense has told us the Khmer Rouge strength is now 30,000 to 40,000. The Department of Defense has suggested that it is so adequately armed that it could continue low-level military operations for 1 to 2 years.

Unlike other resolutions which come before this body on issues of foreign policy, this one will require Presidential signature. In that regard I would like to note that the administration has indicated that it, and I quote, wholeheartedly agrees" with the objectives of this legislation although it may seek in the Senate context to delete one of the resolved clauses.

Finally, let me just conclude by stressing the leadership of the gentleman from New York [Mr. SOLARZ], of course the chairman of the subcommittee, the gentleman from Massachusetts [Mr. ATKINS]. Through his subcommittee Congress has heard from the spouse of one of the Presidential candidates in very moving testimony on this subject, and for that we are very grateful.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Iowa [Mr. LEACH] not only for his kind comments, but also for his help in enabling us to fashion broad, bipartisan support for this resolution.

Between 1975 and 1979 the Khmer Rouge under Pol Pot transformed Cambodia into an Asian Auschwitz. Up to 3 million Cambodians lost their lives as a result of the policy of autogenocide embarked upon by the Khmer Rouge, who systematically slaughtered everyone associated with the previous regime, anyone with more than a third-grade education, anyone who wore eyeglasses because that suggested that they were educated, anyone who in any way expressed their dissent from or displeausre with the Khmer Rouge regime. They depopulated all of the cities, they eliminated money as the medium of exchange in their economy, and they launched upon the most xenophobic policies known throughout the history of our troubled and terrible country. It would be both morally unacceptable and politically unthinkable if our country or the rest of the world were to stand idly by while the Khmer Rouge returned to power.

Mr. Speaker, this resolution makes it very clear that we want not only the Vietnamese to withdraw from Cambodia, but we also want arrangements designed to prevent the Khmer Rouge from returning to power in Cambodia, if, and when, the Vietnamese actually leave. The resolution very specifically calls for a negotiated settlement of the Cambodian conflict in the context of which those who are currently providing support for the Khmer Rouge and sanctuary to the Khmer Rouge would cease doing so.

But, Mr. Speaker, the resolution also calls upon those who now providing sanctuary to the Khmer Rouge to terminate that support and deny them that sanctuary now.

As it more and more looks like the Vietnamese may actually be planning to leave from Cambodia, it is clear that the Khmer Rouge are storing up arms against the day when, after Vietnam actually withdraws its forces, they will be in a position to battle their way back to power in Phnom Penh once again.

Mr. Speaker, we cannot permit that to happen, and this resolution calls upon us to take all appropriate steps in consultation with our friends in the region and throughout the world to make sure that it does not happen again. A restoration of Pol Pot to power in Phnom Penh, a return of the Khmer Rouge to control of Cambodia would be the functional equivalent of the return of Hitler in power in Berlin and a restoration of Nazi rule in a reunified Germany. I say the world would not stand by and permit that to happen, and we, therefore, cannot stand by and permit the Khmer Rouge and Pol Pot to return to power either.

I am pleased that the administration has made it clear that they join with us in opposing such a development. All Americans, Democrats, Republicans, liberals, and conservatives, are united in that firm determination. It would be a terribly sad and tragic commentary on how little the world has learned from the holocaust which afflicted the Jews at the hands of Hitler, at the autogenocide which afflicted the Cambodians at the hand of Pol Pot, if we were now to sit by and permit the Khmer Rouge to return to power.

We cannot permit it to happen, Mr. Speaker, and I hope that the adoption of this resolution drafted by the gentleman from Massachusetts [Mr. ATKINS], my very good friend who deserves great credit for it, will constitute a small but significant step forward in the mobilization of the United States and other countries around the world to make sure it does not happen.

The resolution before us today also speaks to the plight of some 70,000 Cambodian civilians now trapped under the control of the Khmer Rouge in refugee encampments in Thailand. The Congress strongly supports the efforts of the U.N. Border Relief Organization, the International Committee of the Red Cross, and the World Food Program to gain access to these camps to monitor the distribution of food supplies and to provide medical and educational services to these civilians. The Khmer Rouge administrators of most of these camps have agreed only reluctantly to permit such monitoring visits and to allow the civilians under their control to receive adequate medical services.

In a new campaign of terror, the Khmer Rouge are now seeking to forcibly remove civilians from these camps and to force them to move to more inaccessible locations nearer the Thai-Cambodian border or back inside Cambodia. These new locations are in malaria-ridden areas, where an absence of medical care and adequate water will take the lives of many refugees; 15,000 refugees have already been moved from Natrao and Huay Chan, another 7,000 have been moved from Ta Luan. Only the handicapped and their families have been permitted to stay behind, presumably because they are of no further use to the Khmer Rouge organization.

From these new camps, far from international observers, the Khmer Rouge are free to forcibly conscript civilians for their forces, or to press women and children into serving as porters who will carry heavy loads across the heavily mined border into Cambodia.

Today we call on the international organizations responsible for the Cambodian refugees, UNBRO and ICRC, and on the Royal Thai Government to take immediate steps to prevent further forced removals of refugees from these internationally assisted camps and to make it possible for those Cambodian civilians now unwillingly under Khmer Rouge control to move to other refugee camps comtrolled by the non-Communist resistance.

Such actions may literally save the lives of these civilians and deprive the Khmer Rouge of the slave labor they need to continue their campaign to return to power in Cambodia.

Adoption of House Joint Resolution 602 demonstrates that the United States is committed to the restoration of a free and independent Cambodia, the withdrawal of all Vietnamese forces from Cambodia, the holding of free and fair elections in Cambodia, and to ensuring that those responsible for crimes of genocide not be permitted to return to power in Phnom Penh.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my colleagues, let me just say that I support the basic main thrust of this resolution. However, I think it ought to be made perfectly clear that we in no way are siding with the Vietnamese Government over the Khmer Rouge because we agree that the Khmer Rouge is one of the most deadly forces that ever existed in the world, but so is the deadly Communist Government of Vietnam. Just last Thursday, when this resolution was being reported from our Committee on Foreign Affairs, the Vietnamese Government once again, playing politics with the feelings of American families, knocked off negotiations to return POW-MIA's, the remains and perhaps even living soldiers, to this country. What other philosophy in the entire world has ever withheld the remains, the bodies, of fallen soldiers? Not even the Nazis did that. No one has ever done that, Mr. Speaker.

We should make it perfectly clear that in no way do we support any effort that the Vietnamese are doing right now as far as stabilizing that Government in Vietnam. I personally do not believe that they will ever pull out of Cambodia, and I think that this resolution is lacking in criticism of the Vietnamese Government for what they have done to the POW-MIA issue once again.

I hope that the chairman of the subcommittee, for whom I have deep admiration and respect, will continue his strong efforts along with the ranking Republican to see to it that criticism is heaped upon them and that they do reopen these important negotiations to bring satisfaction to the families of the soldiers who never once came home.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, may I simply say to my friend from New York that he can rest assured that Vietnam will not escape from our critical and even scathing scrutiny as time goes by. I share his concerns over the absolutely unacceptable decision on the part of Vietnam to suspend cooperation with us on humanitarian matters. I think that was a most unfortunate development. As the gentleman knows, we have sent a letter to the Vietnamese calling upon them to reconsider that decision. Surely the Vietnamese bear a large measure of responsibility for the fate which has befallen Cambodia. They supported Pol Pot and the Khmer Rouge before they got into power. They supported them after they got into power. It was only at the very end that they broke with them. Then they continued to occupy Cambodia.

Mr. Speaker, the Vietnamese belong in Vietnam, not in Cambodia. We want them to get out, but this resolution, as my good friend knows, is also designed to say while we want Vietnam out, we do not want the Khmer Rouge back in.

Mr. LEACH of Iowa. Mr. Speaker, I would just like to echo the views of the distinguished chairman. I think the gentleman from New York has raised a very valid series of thoughts on this subject, and, as we look at the issue of the Khmer Rouge, we should not forget that the Vietnamese are occupying Cambodia illegally, unconscionably, and that it is the policy of the United States to do everything we can to get them out of Cambodia.

It also should be understood, Mr. Speaker, as the policy of the United States of America to ensure that those who perpetrated the crimes that have been indicated earlier do not return to power.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding, and I, too, would like to congratulate the gentleman from New York for having brought up the issue of POW's and MIA's.

I would like to say that as we look at the debate which continues about resolutions I think that while the gentleman from New York [Mr. SOLARZ] has just sent a letter which was sent to the Vietnamese in an attempt to reopen those negotiations so we can resolve the POW-MIA issue, I would hope that a further step could be taken and that while I am not a member of the Committee on Foreign Affairs, I would hope that the committee might consider a resolution stating the same kind of thing to be brought here to the House floor.

Mr. Speaker, I thank the gentleman for his vigilance on this issue. I congratulate, of course, the gentleman from New York [Mr. SOLARZ] who led a delegation of which I was a member about 2 years ago in trying to deal with this issue, and we all know that it is still a very trying one for those families with whom many of us deal with on a regular basis, and I thank the gentleman from Iowa [Mr. LEACH] for yielding.

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for his constructive suggestion.

Mr. BROOMFIELD. Mr. Speaker, as the Vietnamese have started their promised withdrawal of troops from Cambodia, a new threat to the achievement of peace in that war-torn country seems to be rearing its head—the possible return to power by the genocidal Khmer Rouge.

The world has already witnessed the brutality of a Khmer Rouge government in the late 1970's. Under the leadership of Pol Pot and his henchmen, some 2 million Cambodians were killed by Government-sponsored mass murders.

There is little evidence that the Khmer Rouge have changed. One of the main objectives for many participating in the recent talks in Jakarta, that sought a political settlement for Cambodia, was to keep the Khmer Rouge from regaining political power.

House Joint Resolution 602, before this body today, is particularly timely. It expresses the position of the United States that this Nation supports a free and independent Cambodia; that we urge the continued withdrawal from Cambodia of the Vietnamese troops; and that for the protection of the Cambodian people, the United States opposes the return to power of the genocidal Khmer Rouge who were responsible for the "Killing Fields."

While there may be elements of this resolution that I may disagree with, House Joint Resolution 602 sends an important message that the United States is concerned about the future of Cambodia and the Cambodian people.

Mr. Speaker, I urge my colleagues to approve House Joint Resolution 602. As we have joined many others who were victims of genocidal policies in saying "not again," let us stand with the Cambodian people against a return to power of Pol Pot and his Khmer Rouge clique.

Mr. LEACH of Iowa. Mr. Speaker, I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and pass the joint resolution H.J. Res. 602, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 602, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ENCOURAGING ESTABLISHMENT OF GENUINE DEMOCRACY IN PAKISTAN

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 484) to encourage the establishment of genuine democracy in Pakistan, as amended.

The Clerk read as follows:

H. RES. 484

Whereas Pakistan and the United States have a long-term relationship extending back to the 1950s;

Whereas it is in the best interests of both Pakistan and the United States to maintain and solidify that relationship;

Whereas the United States Government has given concrete recognition to those interests by providing Pakistan with substantial amounts of foreign assistance;

Whereas the Soviet Union's invasion of Afghanistan in 1979 constituted a significant new threat to Pakistan's security and well-being;

Whereas the accords signed in Geneva on April 14, 1988, provide for the withdrawal of Soviet troops from Afghanistan and the voluntary return of the Afghan refugees;

Whereas Pakistan has rightly won international acclaim for its stalwart refusal to bow before Soviet threats and intimidation and for its generous treatment of more than 3 million Afghan refugees;

Whereas the lifting of martial law and the state of emergency in Pakistan in 1985, as well as subsequent actions, have represented positive steps in the direction of political democracy;

Whereas the establishment of a genuine democracy in Pakistan would greatly facilitate the further improvement of relations between Pakistan and the United States;

Whereas on May 29, 1988, the prime minister of Pakistan was dismissed and the National Assembly dissolved;

Whereas the Pakistani Constitution stipulates that in such an eventuality new elections are to be held;

Whereas all the established political parties in Pakistan have called for free and fair party-based elections;

Whereas President Zia in his statement of May 29, 1988, declared his intention to hold elections within the time frame envisioned by the Pakistani Constitution; and

Whereas nonparty elections have been scheduled for November 16, 1988: Now, therefore, be it

Resolved, That the House of Representatives—

(1) believes that stable and enduring relations between Pakistan and the United States can best be promoted through the establishment of genuine democracy in Pakistan;

(2) calls upon President Zia, consistent with his pledge of May 29, 1988, and with the Pakistani Constitution, to hold free and fair party-based elections not later than November 16, 1988;

(3) urges the full utilization, after close consultation with all major political parties and groups in Pakistan, of an independent electoral commission to supervise such elections, in order to create a climate of confidence in the integrity of the electoral process; and

(4) believes that in determining future levels of United States assistance for Pakistan, the United States should take into account, among other strategic considerations, whether Pakistan has held free and fair elections and continues its progress toward a full-fledged democracy.

The SPEAKER pro tempore. Is a second demanded?

Mr. LEACH of Iowa. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be relatively brief. This resolution takes note of the enormously courageous and constructive role which Pakistan has played in resisting the Soviet invasion and occupation of Afghanistan and in absorbing up to 3 million Afghan refugees who have been forced by some of the most brutal methods ever employed in the history of warfare to flee their own homeland.

The resolution also takes note of the decision on the part of President Zia of Pakistan some months ago to dissolve his government and to call for new elections in Pakistan, and most importantly it expresses the sense of Congress that the holding of free and fair elections in Pakistan would not only create the basis for an enduring democracy in that country, but would also go a long way toward creating an even firmer foundation for Pakistani-American relations in the future.

It is very clear, Mr. Speaker, that the people of Pakistan want democracy. It is equally clear that the establishment of a genuine democracy in Pakistan would be very helpful in solidifying the relationship between our two countries, and I might add that the establishment of genuine democracy in Pakistan is probably a necessary, if not a sufficient, condition for the establishment of real political stability in that country.

□ 1730

Over the course of the last several years some progress has been made toward the establishment of genuine democracy in Pakistan. Now Pakistan stands at the Rubicon and can cross over it and establish a genuine democracy through the holding of free and fair elections a little bit later this year. So this resolution puts the Congress of the United States and the House of Representatives on record in favor of that development.

I very much hope that Pakistan does hold the kind of elections which will facilitate the emergence in Islamabad of a government that reflects the will and wishes of the Pakistani people, and if it does the stage will have been set for a continuation of what has been a very constructive relationship between our two countries over the course of the last several years.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in strong support of this resolution and would indicate that the administration has no objection to its passage.

First in terms of context, though, I think we ought to make it very clear, as we imply some criticism of the Government of Pakistan, that the United States-Pakistan relationship is very important. Our Pakistani friends have played a crucial role in standing up to the Soviet occupation of Afghanistan. They have provided sanctuary to Afghan refugees and, in this regard, one of the most extraordinary sanctuaries ever granted in the sense that when 3 million Afghans entered Pakistan that represented about 3 percent of the population of all of Pakistan.

Pakistan has also played a crucial role in the negotiation of the Geneva accords, which we all hope will at long last provide the basis for withdrawal of Soviet troops from Afghanistan,.

I also think it is important and fair to note that there has been some progress toward democracy in Pakistan. Martial law was lifted in 1985. There has been a subsequent holding of national assembly and local elections. As we look at the elections that are now slated for the national assembly in November of this year, we all hope that they will be an important milestone.

On the other hand, it should be clear to the people of Pakistan and to the Government of Pakistan, as this resolution implies, that democratic values are important to everybody in this country, philosophically from the left to the right, from the administration to the legislative branch.

The Deputy Assistant Secretary of State testified 2 weeks ago before the Subcommittee on Asian and Pacific Affairs:

> President Zia has been made fully aware that a return to martial law or a failure to hold free and fair elections in accordance with the Constitution of Pakistan would have a severely determine effect on U.S.-Pakistan relations.

So what this resolution does is simply underscore the bipartisan and bicameral and biinstitutional ties we have to a philosophical premise, which is that of democracy, and it indicates our strong hope that this election that is coming up will be an important ingredient in returning Pakistan to the democratic fold in a fuller and fairer way.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I support this resolution, although I do so reluctantly. I will get to my reason for this reluctance in just a moment.

Let me say first of all, however, that I do appreciate the willingness of the chairman, the gentleman from New York [Mr. SOLARZ], who is always very reasonable, and the ranking Republican member, the gentleman from Iowa [Mr. LEACH] who is also very reasonable, to accommodate my concern in the committee markup. Specifically, I was concerned about language in the fourth "resolved" clause, which seemingly would have established domestic political criteria in Pakistan as the sole basis for United States aid to that country.

Mr. Speaker, given the important geopolitical implications of events that take place in that rough neighborhood of the world that Pakistan lives in, I am pleased that the committee saw fit to add language to the effect that strategic considerations should also be a factor in determining the levels of United States aid to Pakistan; in other words, our national interests are also taken into consideration.

Now, Mr. Speaker, I will turn to something that troubles me about the language that was inserted into this resolution, which is the reason for my reluctance to support this resolution. The new language in the second "resolved" clause suggests that Congress is setting the deadline of November 16, 1988, for elections in Pakistan. Mr. Speaker, the record should show that November 16 is the date that the Government of Pakistan itself has set for that election, and not the United States Congress and not the United States Government.

I am quite confident that President Zia and his government do not mind meeting deadlines, but they would like to set their own, rather than having some other government do it for them.

I think that we have to be very careful in how we word resolutions that might infer criticism from this country, especially as my good friend, the gentleman from Iowa [Mr. LEACH] has brought out, with a front line country that fights for democracy, that has helped to free the people of Afghanistan and stop communism dead in its tracks. I think we have to be very appreciative that those are not American soldiers on the front line over there, but they are Pakistanis and Afghans fighting for American freedom.

So I support the resolution, Mr. Speaker. I know the intention is well-meant and I would urge unanimous agreement on the resolution.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Let me just comment briefly on what the gentleman from New York stated. I fully concur with the gentleman's comments, particularly the importance of the strategic perspective, and second, the way the resolution was worded, and I think the gentleman makes an excellent point in making clear that the date that was selected was designated by the Pakistani Government and not by the United States.

Part of the problem, in looking at the resolution in its original drafting form, is the nuance in the Pakistani constitution that elections were to be held, according to one interpretation of the Constitution, within 90 days of the dissolution of the assembly; according to another interpretation, a date had to be set within 90 days; so the drafters of this resolution chose the specific date designated by the Government of Pakistan, but I think as we look at this resolution in retrospect, and particularly as it serves as a model for other resolutions, the gentleman from New York is entirely right in making the record clear on that point.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Iowa, for yielding me this time.

Mr. Speaker, I, too, rise in support of this resolution and compliment my colleagues again on the Foreign Affairs Committee for their fine work.

Basically the thrust of the series of resolutions that we have been discussing here today have been calling for the support of democracies throughout the world. There is no doubt about the fact that Pakistan is one of the top spots on our list as far as our support for democracy.

We know full well that the democracy that Pakistan is going to see on November 16 is not identical to the democracy which we have in this country. There has been some criticism which has been leveled toward President Zia for not calling what are considered party elections. I believe that is something that will come over time.

We know that democracies throughout the world do not always look identical to ours. It is important that we realize that especially fledgling democracies, while moving in the direction of the United States, are not always at their beginning point exactly where we are.

The point has been made very clear by my two friends and the gentleman from Iowa of the sacrifice that has been made by the people of Pakistan in shouldering the refugees from Pakistan. That is an important thing that needs to be underscored.

I would like to echo the concern that was voiced by my friend, the gentleman from New York [Mr. SOLOMON] and reiterated by the ranking member of the subcommittee, the gentleman from Iowa [Mr. LEACH].

I would like to ask the chairman of the subcommittee if in fact it is true that the wording should in the resolution indicate that November 16 is a date which has been selected by President Zia and the people of Pakistan, or if it is a date which is being demanded by this resolution.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, under the rules by which this resolution is being considered, it is not as I understand it open to amendment. Nevertheless, I think it is fairly clear both from the text of the resolution and the legislative history that the date that was picked for the election was picked by President Zia and not submitted for his approval by the United States Congress.

Mr. Speaker, if the gentleman will yield further, we are saying here that we are calling upon President Zia consistent with his pledge of May 29, 1988, and with the Pakistani Constitution to hold free and fair elections not later than November 16, 1988. That is the date that he himself has picked for the election. There is every reason to believe it will be held on that date.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DREIER] has expired.

Mr. LEACH of Iowa. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I am just concerned, I say to the chairman of the subcommittee, that there may in some way be a misinterpretation because of the wording here.

Mr. SOLARZ. I do not think my friend, the gentleman from California, need lose any sleep tonight. I do not think there will be any misinterpretations. I do not think this will be seen in Pakistan as a mandate from the United States to hold elections on that particular date. It will be seen as an expression of opinion by the Congress that it would serve the best interests of both countries for free and fair and if possible party based elections to be held by that date, which is the date on which President Zia announced he plans to hold the elections.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for his reassurance, and I will sleep very well tonight with that reassurance.

I thank my friend, the gentleman from Iowa, for yielding me the time, and I do support the resolution.

Mr. SOLARZ. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of House Resolution 484. I want to commend Congressman SOLARZ for his initiative and for his continuing efforts to promote democracy in Pakistan.

Mr. Speaker, Pakistan remains an important United States ally in a critically strategic region of the world, and a major recipient of American foreign assistance. Pakistan's stability is a vital foreign policy concern. Only through the establishment of a genuinely democratic government with respect for internationally recognized human rights will such stability be assured.

When President Zia dismissed the Prime Minister and dissolved the National Assembly and State Legislatures, suspicions were created as to his commitment to continue Pakistan's democratic progress. Zia has subsequently announced a date for new elections and pledged that they would be free and fair.

House Resolution 484 is most timely. It affirms Zia's promise for free and fair elections, calls for the establishment of an Independent Electoral Commission to ensure the integrity of these elections, and expresses the importance of continued progress toward democracy in the consideration of U.S. aid.

I believe that House Resolution 484 is a legitimate expression of congressional interest and will encourage democracy and respect for human rights in Pakistan in a constructive manner. It merits our support.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume for the purpose of concluding our comments on this resolution here on the majority side of the aisle.

I simply want to take note of the fact that the resolution does express the hope that elections in Pakistan will be held on a party basis. They may not be. All the political parties in Pakistan have publicly expressed the hope that the elections will be on a party basis. President Zia says that he does not want them held on that basis. The matter is now before the Pakistani courts and presumably they will make the determination.

Whether or not the elections are held, however, on a party basis or a nonparty basis, we do hope that they will be free and fair.

My understanding is that even if the court should uphold President Zia's decision to have the elections on a nonparty basis, the political parties are nevertheless prepared to participate in those elections, and how those elections are conducted will have important implications for the future stability of Pakistan.

□ 1745

The United States, which has a very real interest in good relations with Pakistan, clearly has a significant stake in the preservation of political stability in that country. At this stage in the historic development of Pakistan, it is very clear that the Pakistani people deeply desire a democratic government which is brought to power through free and fair elections. I think that is what we were calling for in this resolution.

In the Committee on Foreign Affairs, some questions were raised about the propriety about a resolution calling for free and fair elections in Pakistan alone. Questions were asked about other countries around the world which need free and fair elections.

Mr. Speaker, I can say it is by no means unusual or unprecedented for the Congress through such resolutions to call for elections as we did in the case of the Philippines, as we did in the case of South Korea. We have done it in the case of Nicaragua, we have done it in the case of many other countries around the world. We need not be ashamed of our commitment to the cause of democracy and free and fair elections.

Virtually all of us, I believe, consider that to be a formula for political stability. We consider it to be the embodiment of man's aspiration to play a role in the determination of his own destiny.

I think this resolution is a small but significant expression of American support for the cause of democracy in Pakistan. Pakistanis have made considerable progress so far, and now they need to go just a little bit further to fully join the ranks of full-fledged democracies around the world. I very much hope they take that step.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH of Iowa. Mr. Speaker, I would just echo one aspect of the gentleman's comments, and that is the people of Pakistan have a historical tradition that recognizes democratic values. There are few countries in the world with a greater basis for advancing those democratic values, and what the people of the United States through congressional resolutions of this nature are saying is that we identify with that cause.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the resolution (H. Res. 484) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 484, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AWARDING A GOLD MEDAL TO ANDREW WYETH

Mr. ANNUNZIO. Mr Speaker, I move to suspend the rules and pass the bill (H.R. 593) to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicates of such medal for sale to the public.

The Clerk read as follows:

H.R. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Andrew Wyeth has created artwork which is undeniably American and internationally admired;

(2) Andrew Wyeth has received world-wide acclaim for his works including "Christina's World", "The Trodden Weed", and "Wind from the Sea";

(3) Andrew Wyeth has distinguished himself through his preeminence in the egg tempera technique;

(4) Andrew Wyeth was chosen by President Kennedy in 1963 as the first artist to receive the Presidental Freedom Award, the country's highest civilian award;

(5) Andrew Wyeth has received numerous international awards for his works; and

(6) Andrew Wyeth has made outstanding and invaluable contributions to American art and culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Andrew Wyeth a gold medal of appropriate design, in recognition of his outstanding and invaluable contributions to American art and culture.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—Effective October 1, 1987, there are authorized to be appropriated not to exceed $20,000 to carry out this section.

SEC. 3. DUPLICATE MEDALS.

(a) STRIKING AND SALE—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATIONS.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois [Mr ANNUNZIO] will be recognized for 20 minutes and the gentleman from New York [Mr. WORTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 593 would authorize the President to present, on behalf of Congress, a gold medal to Andrew Wyeth, in recognition of his outstanding and invaluable contributions to American art and culture.

I want to commend the sponsor of the legislation, our colleague, the gentleman from Pennsylvania [Mr. SCHULZE], for introducing this bill and gathering 223 cosponsors. The gentleman is to be commended for his willingness to strictly comply with the rules of the Banking Committee regarding gold medal legislation. He recognized the importance of the rules in assuring that only persons most deserving of the highest honor that Congress can bestow receive this award. Andrew Wyeth clearly fulfills these criteria.

Andrew Wyeth's works are uniquely American. He has received countless awards and acclaim for them. He was the first artist to receive the Presidential Medal of Freedom and the first artist to have a private exhibition of paintings at the White House.

His achievements have earned him the highest honors, both nationally and internationally. He has won scores of prizes and honorary degrees. He is only the second American artist to be inducted into the French Academy of Fine Arts. He has also been honored by the Soviet Academy of the Arts.

Andrew Wyeth has been acclaimed as being a dazzling master of a variety of techniques. The contents of his works are very moving. Like all great painters he creates haunting images that viewers cannot get out of their minds.

Mr. Speaker, Andrew Wyeth is truly one of America's greatest artists and it is entirely appropriate that he be awarded a congressional gold medal. I urge the passage of H.R. 593.

Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Rhode Island [Mr. ST GERMAIN].

Mr. ST GERMAIN. Mr. Speaker, I thank the very able chairman of the subcommittee, my colleague for many years, the gentleman from Illinois [Mr. ANNUNZIO], for yielding this time to me.

Mr. Speaker, I want to commend the gentleman for his timely, timely recognition of this request, and I would like to say it was a pleasure to cooperate with him in bringing this matter to the floor in an expeditious manner.

Mr. Speaker, I rise in support of this legislation honoring one of America's truly great artists. Many of Andrew Wyeth's paintings, such as "Christina's World" and "The Trodden Weed," are well known and instantly recognizable. Equally impressive is the scope of his work. Well known for his landscapes, he surprised the art world with his recent portraits, most notably the Helga paintings.

Currently his works are on exhibition in London following a successful tour of the Soviet Union. The worldwide acclaim for his lifetime of artistic achievements makes him truly worthy of becoming the first American artist to receive a congressional gold medal.

Mr. ANNUNZIO. Mr. Speaker, I reserve the balance of my time.

Mr. WORTLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, being one of the 223 cosponsors of H.R. 593, I am pleased that we are taking up H.R. 593 today, a bill to award a congressional gold medal to Andrew Wyeth.

Congressman SCHULZE should be commended for introducing this piece of legislation. The district of the gentleman from Pennsylvania [Mr. SCHULZE] is the current home of this outstanding American artist and also of the Brandywine River Museum, which houses one of the largest collections of Andrew Wyeth's work. I also would like to commend Chairman ANNUNZIO and his staff for holding hearings on this bill and quickly bringing it to the House floor.

This legislation would be the first congressional gold medal ever awarded to an American artist. Andrew Wyeth is a great artist who has created magnificent works of art that are world renowned. Although he never attended school, being tutored by his father and outside instructors, Mr. Wyeth has been awarded doctorates in fine arts from several universities and one doctor of humane letters. In 1970, President Nixon honored Andrew Wyeth with a dinner and a private exhibition of his paintings at the White House. His achievements have earned him the highest honors in the art world. H.R. 593 was reported out of committee unanimously and I believe the time has come for us to honor this great American artist.

I encourage my colleagues to support H.R. 593 and urge the prompt adoption of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I rise in support of H.R. 593, legislation requesting the President to award a gold medal on behalf of Congress to artist Andrew Wyeth. I would like to thank the distinguised chairman of the Coinage Subcommittee, Mr. ANNUNZIO, for his remarks and for his early and continued support for this measure. I would also like to thank the ranking Republican member of the subcommittee, Mr. HILER, for his support of my legislation.

Finally, I wish to thank the entire Pennsylvania delegation for their early and enthusiastic support for this legislation.

Passed unanimously by the Banking Subcommittee on Coinage on July 12, H.R. 593 enjoys the support of over half the Members of this body and has fulfilled every criteria set forth by the committee for awarding gold medals. I support the efforts of the committee and Chairman ANNUNZIO to ensure that recipients of such accolades are worthy of the distinction. I am convinced that Andrew Wyeth, famed artist, and native Pennsylvanian, is worthy of this high honor.

Mr. Speaker, passage of H.R. 593 will ensure a greater appreciation for the enormous contribution this fine American has brought to our art and culture. Additionally, passage of H.R. 593 will put Congress on record supporting the arts in America and fostering and encouraging an artistic tradition which is truly and uniquely our heritage.

Few artists have captured the American spirit as simply and as beautifully as Andrew Wyeth. This great painter has produced hundreds of works which not only capture the essence of the American view but also vividly portray the scope of human emotion.

Andrew Wyeth has received worldwide acclaim for his watercolor paintings and his mastery of the egg-tempura technique. This special process mixes egg yolk and watercolor paint. The result is a special consistency in the paint and the combination helps preserve the colors from fading over time.

Wyeth's works include the famous "Christina's World," "The Trodden Weed," and "Wind From the Sea." "Christina's World," His most famous and recognized work, is a hallmark piece of Wyeth's. Virtually every American has seen it at least once, and millions appreciate it for the painting's simplistic beauty, subtle message, and masterful brushwork.

The subject, Christina Olson, was a long-time friend of Wyeth's whom he met while at his family's summer home in Maine. Christina was crippled at an early age, but from all accounts, led a full and happy life. "Christina's World" shows the model in a field of tall summer grass, her home several hundred yards away in the distance. When viewing this work, one is immediately struck by the use of perspective and content to convey the artist's message. Here we see an immobile person, confronted by a huge physical obstacle. The expanse of the field highlights the difficulties Christina faced in her daily life. It is, indeed, a painting with a deep and moving message of hope, touched with despair.

Many of Andrew Wyeth's works are beautiful visions of the rolling countryside around Chadds Ford, in Chester County, PA. This is the artist's birthplace and lifetime home. His images of the countryside and the farmers are simple and direct, appealing to everyone's love of our picturesque America.

The Brandywine Valley, painted by Wyeth, is rich and beautiful farmland, with stone houses and barns dotting the area. Wyeth paints these landscapes with great care, bringing out every detail. Again, this deliberative style is what sets Andrew Wyeth apart from other artists. Where many artists turn inward and express personal turmoil and the strain of life in their work, Wyeth is a master at painting the world around him, projecting onto the canvas, his feelings and reactions to his environment. Often, it is not the subject which Andrew Wyeth paints, but rather, his attempt to capture a particular moment in time. Wyeth is expert at crafting into his works the time of day, the particular lighting in a room, or the way in which a model poses. You can see from "Christina's World," the very essence of Christina, infirmity and all is captured not only in the model, but also in the surroundings in which Wyeth places her.

Andrew Wyeth also has developed into one of the premier portrait artists, capturing the essence of his subjects. Most recently, Wyeth has received critical praise for his Helga paintings, which were made public in 1986. This collection, over 240 works in all, are the compilation of over 15 years of work with just one subject, a neighbor named Helga Testorf. The notoriety and publicity surrounding these works is understandable; the works were done in complete secrecy, and many of them are nudes or half nudes. But more importantly, the Helga series has brought out a deeper dimension to Andrew Wyeth's works. The Helga series has captured the whole spectrum of human emotion from just one model. In repose or sleep, Wyeth has captured the beauty of pure stillness. Whatever movement comes not from the subject: Only the breeze from an open window, gently pushing the curtains, reinforces the quiet. This is another talent of the great artist, the ability to include many elements into his work without sacrificing the basic message. Action and inaction, unlimited vistas and physical confines are trademarks of this outstanding artist.

Andrew Wyeth never attended school. He was tutored by his father, famed illustrator N.C. Wyeth, and by outside instructors. His keen eye and natural painting technique was carefully developed under the guidance of his father. Andrew Wyeth spent his youth exploring and studying the family farm and the local environs. His intimate knowledge of every detail of this small world would later become an integral part of his artwork. Given these conditions, it is not surprising that America has in Andrew Wyeth a home-grown artistic genius.

However, the absence of a strictly formal education has not prevented Colby College, Harvard University, Dickinson, Swarthmore, Temple, and the Universities of Maryland and Delaware from awarding Wyeth doctorates in fine arts. Additionally, the famed painter has also received a doctor of humane letters degree from Tufts University.

The international community has recognized Andrew Wyeth's artistic contribution. Wyeth received a gold medal from the prestigious national institutes of arts and letters. In 1977, he made his first trip to Europe, to be inducted into the French Academy of Fine Arts, becoming the only American artist since John Singer Sargent to be admitted to the academy. The Soviet Academy of the Arts elected him an honorary member in 1978, the only such American to receive such a distinction. Two weeks ago, an exhibition of the art of Andrew Wyeth, his father, and his son, Jamie, opened in London after a successful tour of the Soviet Union. The Helga exhibition, currently on tour in this country will be on world tour shortly. Andrew Wyeth has earned worldwide respect and appeal, and global honors for his artistic endeavors.

Domestically, President Nixon honored Andrew Wyeth with a dinner and a private exhibition of his paintings at the White House in 1970. On that occasion, Nixon toasted him as the painter who had "caught the heart of America." Wyeth has set exhibition records at the Pennsylvania Academy of Fine Arts in Philadelphia, the Baltimore Museum of Art, the Whitney Museum in Chicago, and the Art Institute of Chicago. It is clear that America loves Andrew Wyeth and the beautiful works he has created.

I urge my colleagues to vote for H.R. 593, which will appropriately honor this great American artist. His achievements have earned him the highest honors in the art world, both internationally and in this country. His works represent a lifetime of continuous achievement. Andrew Wyeth's impact on the shape and direction of American art has been profound and will last long into the future, inspiring many young artists to pursue their own uniquely American vision in their art.

Mr. Speaker, I believe the time has come for the U.S. Congress, the President and the American people to honor this great American artist for his contribution to our art and culture. I urge all Members to support H.R. 593, to award a gold medal to Andrew Wyeth.

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Mr. WORTLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and pass the bill, H.R. 593.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 593, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AWARDING A GOLD MEDAL TO MRS. JESSE OWENS

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1270) to award a Congressional Gold Medal to Mrs. Jesse Owens, as amended.

The Clerk read as follows:

H.R. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congrss assembled,

SECTION 1. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Mrs. Jesse Owens a gold medal of appropriate design, in recognition of the late Jesse Owens' athletic achievements and humanitarian contributions to public service, civil rights, and international goodwill.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

SEC. 2. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 1 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 1 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 3. NATIONAL MEDALS.

The medals stuck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 4. YOUNG ASTRONAUT PROGRAM MEDAL ACT AMENDMENTS.

Section 2 of the Young Astronaut Program Medal Act (31 U.S.C. 5111 note) is amended—

(1) in subsection (a), by inserting ", including medals in uncirculated or proof condition," after "750,000 medals"; and

(2) in subsection (b), by striking out "December 31, 1988" and inserting in lieu thereof "December 31, 1989".

The SPEAKER pro tempore. Is there a second demanded?

Mr. WORTLEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from New York [Mr. WORTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1270, authorizes the presentation of a gold medal to Mrs. Jesse Owens in recognition of the late Jesse Owens' athletic achievements and humanitarian contributions to public service, civil rights, and international goodwill.

I want to congratulate our distinguished colleague from Ohio [Mr. STOKES] for introducing this legislation and obtaining 228 cosponsors, I am proud to be one of those cosponsors. I especially want to congratulate the gentleman in complying with the rules of the Banking Committee regarding gold medal legislation. These criteria are designed to assure that only those persons most deserving of this highest honor receive this award. Jesse Owens clearly falls in this category.

Jesse Owens is best known for his performance at the 1936 Olympics, at which he became the first athlete ever to win four gold medals in a single Olympics. Not only did he win the gold medals, but he did it in front of Adolf Hitler, making a mockery of his demented "master race" philosophy.

Jesse Owens was a great athlete, perhaps the greatest track and field athlete. His Olympic broad jump performance in 1936 would have won an Olympic medal 32 years later. In 1935, in what may have been the greatest single performance in the history of track and field, he broke three world records and tied a fourth. He did this in a mere 45-minute span.

It is not just for his athletic achievements that we honor Jesse Owens. He was a man about whom President Carter said, "Perhaps no athlete better symbolized the human struggle against tyranny, poverty, and racial bigotry."

The grandson of slaves, he worked as a night elevator operator to pay his way through Ohio State University. Scorned by the Nazis as a member of America's "black auxiliaries" at the Olympics, he lifted American spirits through his achievements, but was forced to ride in the back of the bus upon his return to his native land.

Jesse Owens never lost his dignity. Throughout his life he never gave in to setbacks. He became an inspiration both through the speeches he gave and the example he set. His speeches reflected his creed. "We all have dreams," he said, "but in order to make dreams into reality it takes an awful lot of determination, dedication, self-discipline and effort. These things apply to everyday life."

Jesse Owens lived by what he said. We honor him today with Congress' highest honor. Jesse Ownes died in 1980, but his example and his triumph are timeless. The Congressional Gold Medal is a belated recognition of his great contributions to the world of sports and the American spirit.

The bill also contains a provision that amends the Young Astronaut Program Medal Act for 1 additional year. This extension is needed to give the U.S. Mint sufficient time to strike the medals in proof condition, as requested by the Young Astronaut Council. This program will entail no cost to the United States, as the council is required to pay for the medals in advance.

Mr. Speaker, I urge the passage of H.R. 1270.

Mr. ST GERMAIN. Mr. Speaker, I rise in support of H.R. 1270, authorizing the award of a special Congressional Gold Medal to Mrs. Jesse Owens in recognition of the late Jesse Owens' athletic achievements and humanitarian contributions to public service, civil rights, and international goodwill.

Jesse Owens was truly a champion, both on and off the athletic field. His winning four gold medals in the 1936 Olympics in Berlin was both an athletic and a political achievement, mocking Hitler's claims of Aryan supremacy.

Despite his remarkable achievement, there were no lucrative endorsement contracts awaiting a black man in America in 1936. Nevertheless, his essential dignity remained intact. He had grown up shy and a stutterer, but became renowned as an inspirational public speaker. Jesse Owens was a truly remarkable American and truly deserving of this medal, the highest honor Congress can bestow.

Mr. ANNUNZIO. Mr. Speaker, I reserve the balance of my time.

Mr. WORTLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we are taking up H.R. 1270 today, a bill to award a gold medal to Mrs. Jesse Owens. This bill was introduced by Congressman STOKES and currently has 228 cosponsors. I would like to commend Mr. STOKES on introducing this legislation and working to get the requisite number of cosponsors for subcommittee consideration. I would also like to commend Chairman Annunzio of the Consumers Affairs and Coinage Subcommittee for bringing this legislation to the floor in a prompt and expeditious manner.

During the 1936 Berlin Olympics, Jesse Owens captured four gold medals. It was his performance during the regime of Adolf Hitler, that helped dispel the myth of Aryan supremacy. After the Olympics and for the remainder of his life, Mr. Owens worked tirelessly as a goodwill ambassador to advance his philosophy that competitive sports helps bridge the gap between races throughout the world. Jesse Owens was the type of individual who should be given special recognition by the Congress for his achievements. He contributed his talent, his patriotism and his legend to this Nation. Mrs. Jesse Owens has followed in her husband's footsteps and is now chairwoman of the Jesse Owens Foundation. In this role, she is preserving Jesse Owens' unique legacy of service by awarding scholarships to college-bound youths. Jesse Owens should be a role model to all American youth and the gold medal we seek to award his wife today is but a small token for the contributions that both she and her husband have made to our Nation.

Mr. Speaker, I support H.R. 1270 and urge that we act immediately to pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I yield such time as he may consume, to the sponsor of the legislation, my distinguished colleague, the gentleman from Ohio [Mr. Stokes] who has worked long and hard on this matter.

Mr. Speaker, again I want to publicly state I appreciate all of his cooperation in meeting the criteria of the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban Affairs.

Mr. STOKES. I thank the distinguished chairman of the House Administration Committee for yielding this time to me. I want to also thank the distinguished chairman, Mr. Annunzio, for his leadership, interest, and support of this important measure. He and his subcommittee staff have been very helpful during subcommittee consideration and hearings on H.R. 1270.

I am proud to serve as the author of this important legislation to recognize the achievements of a great American and the greatest olympic hero in our history, Jesse Owens. I am also proud that 230 Members of this House have cosponsored this legislation with me.

Mr. Speaker, on September 17, 1988, the summer games of the 24th Olympiad will begin in Seoul, Korea. As we send our current athletes to Seoul, it is only fitting that we remember the athletes who brought the gold home to America in past Olympiads. Jesse Owens was one of those athletes. The son of a sharecropper and the grandson of slaves, Jesse Owens traveled in 1936 to a Germany overwhelmed by Hitler's theories of Aryan supremacy. He not only became the first athlete in history to capture four gold medals—but he captured the hearts of the German crowds, who rose to their feet chanting his name. It was a triumph of humanity and of the Olympic spirit over evil.

I was 11 years old when Jesse Owens returned to the United States from the Olympics. I recall that during those days, black ghetto youth like myself had few heroes to look up to or aspire to be like. Almost every black family had three photographs of their heroes on the walls of their homes—Franklin Delano Roosevelt, Joe Louis, and Jesse Owens. Often, my friends and I would race with one another in the streets in an attempt to emulate Jesse Owens, hoping to one day become, like him, an Olympic star. Jesse set very high standards for us as we attempted to journey down the road of life. He was at all times a gentleman and carried himself with dignity. Throughout his life, he traveled widely, speaking on the virtues of fair play and advocating the power of sports to bridge differences between races, classes, and cultures.

Mr. Speaker, Jesse Owens died in 1980, but his spirit lives on. He was more than a sports legend, more than a national figure, greater than a hero. He was an individual who is more than deserving of our highest honor—the Congressional Gold Medal. I am proud to be a part of making this special recognition a reality.

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Mr. WORTLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Agriculture Committee, the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Speaker, I thank my distinguished colleague for yielding this time to me, and I rise in support of this legislation. I commend all the Members who have worked on this.

I sat here thinking, not detracting at all from the great Jesse Owens but as an addition, that a former Member of this House, Ralph Metcalfe served here and sat by me in the Merchant Marine Committee not too many years ago, and he was always one fraction of a second behind Jesse Owens. That was true everywhere they went, and he may be part of the reason that Jesse Owens won all those gold medals.

So I could not sit here and forget that Ralph Metcalfe goes hand-in-hand with this honor, and as we honor Jesse Owens, we honor all who have been one fraction of a second behind the winner. Our good departed friend, Ralph Metcalfe, was one of those. He pushed and he worked in the relays. They worked together, and they won together.

So as we honor Jesse Owens, let us in addition to that honor all those who helped the winners strive and achieve.

Ralph Metcalfe was the same type of individual as Jesse Owens. They were two of a kind. I think as we commend one today, we should not forget the other one, because he would have liked that, and if he had been here today, he would say that the honor we give Jesse Owens belongs to Jesse Owens, as he many times told me, but we know that many people helped Jesse Owens and one of those was Ralph Metcalfe.

Mr ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I thank the distinguished gentleman from Texas for his contribution.

As we all know, Ralph Metcalfe came from Chicago, and he sat in the Congress for many years. But I want to add that Jesse Owens and Ralph Metcalfe teamed up together in the same Olympics. They raced together, they were in the relays, and they were one-two in that. So I want to say that my good friend, Ralph Metcalfe, was running with Jesse Owens, and this time Jesse Owens followed Ralph Metcalfe.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. Annunzio] that the House suspends the rules and pass the bill, H.R. 1270, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to award a congressional medal to Mrs. Jesse Owens, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1270, the bill just passed.

The SPEAKER pro tempore (Mr. Gray of Illinois). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AFRICAN ELEPHANT CONSERVATION ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R 2999) to prohibit the importation or exportation and certain other transactions involving elephant products, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Elephant Conservation Act".

SEC. 2. STATEMENT OF PURPOSE.

The purpose of this Act is to perpetuate healthy populations of African elephants.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Elephant populations in Africa have declined at an alarming rate since the mid-1970's.

(2) The large illegal trade in African elephant ivory is the major cause of this decline and threatens the continued existence of the African elephant.

(3) The African elephant is listed as threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and its continued existence will be further jeopardized if this decline is not reversed.

(4) Because African elephant ivory is indistinguishable from Asian elephant ivory, there is a need to ensure that the trade in African elephant ivory does not further endanger the Asian elephant, which is listed as endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of CITES.

(5) In response to the significant illegal trade in African elephant ivory, the parties to CITES established the CITES Ivory Control System to curtail the illegal trade and to encourage African countries to manage, conserve, and protect their African elephant populations.

(6) The CITES Ivory Control System entered into force recently and should be allowed to continue in force for a reasonable period of time to assess its effectiveness in curtailing the illegal trade in African elephant ivory.

(7) Although some African countries have effective African elephant conservation programs, many do not have sufficient resources to properly manage, conserve, and protect their elephant populations.

(8) The United States, as a party to CITES and a large market for worked ivory, shares responsibility for supporting and implementing measures to stop the illegal trade in African elephant ivory and to provide for the conservation of the African elephant.

(9) There is no evidence that sport hunting is part of the poaching that contributes to the illegal trade in African elephant ivory, and there is evidence that the proper utilization of well-managed elephant populations provides an important source of funding for African elephant conservation programs.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to assist in the conservation and protection of the African elephant by supporting the conservation programs of African countries and the CITES Secretariat; and

(2) to provide financial resources for those programs.

TITLE I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

SEC. 101. PROVISION OF ASSISTANCE.

(a) IN GENERAL.—The Secretary may provide financial assistance under this title from the African Elephant Conservation Fund for approved projects for research, conservation, management, or protection of African elephants.

(b) PROJECT PROPOSAL.—Any African government agency responsible for African elephant conservation and protection, the CITES Secretariat, and any organization or individual with experience in African elephant conservation may submit to the Secretary a project proposal under this section. Each such proposal shall contain—

(1) the name of the person responsible for conducting the project;

(2) a succinct statement of the need for and purposes of the project;

(3) a description of the qualifications of the individuals who will be conducting the project;

(4) an estimate of the funds and time required to complete the project;

(5) evidence of support of the project by governmental entities of countries within which the project will be conducted, if such support may be important for the success of the project; and

(6) any other information the Secretary considers to be necessary or appropriate for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—The Secretary shall review each project proposal to determine if it meets the criteria set forth in subsection (d) and otherwise merits assistance under this Act. Not later than 6 months after receiving a project proposal, and subject to the availability of funds, the Secretary shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal and to each country within which the project is proposed to be conducted.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project under this section if the project will enhance programs for African elephant research, conservation, management, or protection by—

(1) developing in a usable form sound scientific information on African elephant habitat condition and carrying capacity, total elephant numbers and population trends, or annual reproduction and mortality; or

(2) assisting efforts—

(A) to ensure that any taking of African elephants in the country is effectively controlled and monitored;

(B) to implement conservation programs to provide for healthy, sustainable African elephant populations; or

(C) to enhance compliance with the CITES Ivory Control System.

(e) PROJECT REPORTING.—Each entity that receives assistance under this section shall provide such periodic reports to the Director of the United States Fish and Wildlife Service as the Director considers relevant and appropriate. Each report shall include all information requested by the Director for evaluating the progress and success of the project.

SEC. 102. AFRICAN ELEPHANT CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the "African Elephant Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO FUND.—The Secretary of the Treasury shall deposit into the Fund—

(1) subject to appropriations, all amounts received by the United States in the form of penalties under section 204 which are not used to pay rewards under section 205;

(2) amounts received by the Secretary of the Interior in the form of donations under subsection (d); and

(3) other amounts appropriated to the Fund to carry out this title.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), amounts in the Fund may be used by the Secretary, without further appropriation, to provide assistance under this title.

(2) ADMINISTRATION.—Not more than 3 percent of amounts appropriated to the Fund for a fiscal year may be used by the Secretary to administer the Fund for that fiscal year.

(d) ACCEPTANCE AND USE OF DONATIONS.—Notwithstanding any other law, the Secretary may accept and use donations of funds to provide assistance under this title. Amounts received by the Secretary in the form of such donations shall be transferred by the Secretary to the Secretary of the Treasury for deposit into the Fund.

SEC. 103. ANNUAL REPORTS.

The Secretary shall submit an annual report to the Congress not later than January 31 of each year regarding the Fund and the status of the African elephant. Each such report shall include with respect to the year for which the report is submitted a description of—

(1) the total amounts deposited into and expended from the Fund;

(2) the costs associated with the administration of the Fund;

(3) a summary of the projects for which the Secretary has provided assistance under this title and an evaluation of those projects; and

(4) an evaluation of African elephant populations and whether the CITES Ivory Control System is functioning effectively to control the illegal trade in African elephant ivory.

TITLE II—MORATORIA AND PROHIBITED ACTS

SEC. 201. REVIEW OF AFRICAN ELEPHANT CONSERVATION PROGRAMS.

(a) IN GENERAL.—Within one month after the date of enactment of this Act, the Secretary shall issue a call for information on the African elephant conservation program of each ivory producing country by—

(1) publishing a notice in the Federal Register requesting submission of such information to the Secretary by all interested parties; and

(2) submitting a written request for such information through the Secretary of State to each ivory producing country.

(b) REVIEW AND DETERMINATION.—

(1) IN GENERAL.—The Secretary shall review the African elephant conservation program of each ivory producing country and, not later than 1 year after the date of the enactment of this Act, shall issue and publish in the Federal Register a determina-

tion of whether or not the country meets the following criteria:

(A) The country is a party to CITES and adheres to the CITES Ivory Control System.

(B) The country's elephant conservation program is based on the best available information, and the country is making expeditious progress in compiling information on the elephant habitat condition and carrying capacity, total population and population trends, and the annual reproduction and mortality of the elephant populations within the country.

(C) The taking of elephants in the country is effectively controlled and monitored.

(D) The country's ivory quota is determined on the basis of information referred to in subparagraph (B) and reflects the amount of ivory which is confiscated or consumed domestically by the country.

(E) The country has not authorized or allowed the exort of amounts of raw ivory which exceed its ivory quota under the CITES Ivory Control System.

(2) DELAY IN ISSUING DETERMINATION.—If the Secretary finds within one year after the date of the enactment of this Act that there is insufficient information upon which to make the determination under paragraph (1), the Secretary may delay issuing the determination until no later than December 31, 1989. The Secretary shall issue and publish in the Federal Register at the time of the finding a statement explaining the reasons for any such delay.

SEC. 202. MORATORIA.

(a) IVORY PRODUCING COUNTRIES.—

(1) IN GENERAL.—The Secretary shall establish a moratorium on the importation of raw and worked ivory from an ivory producing country immediately upon making a determination that the country does not meet all the criteria set forth in section 201(b)(1).

(2) LATER ESTABLISHMENT.—With regard to any ivory producing country for which the Secretary has insufficient information to make a determination pursuant to section 201(b), the Secretary shall establish a moratorium on the importation of raw and worked ivory from such country not later than January 1, 1990, unless, based on new information, the Secretary concludes before that date that the country meets all of the criteria set forth in section 201(b)(1).

(b) INTERMEDIARY COUNTRIES.—The Secretary shall establish a moratorium on the importation of raw and worked ivory from an intermediary country immediately upon making a determination that the country—

(1) is not a party to CITES;

(2) does not adhere to the CITES Ivory Control System;

(3) imports raw ivory from a country that is not an ivory producing country;

(4) imports raw or worked ivory from a country that is not a party to CITES;

(5) imports raw or worked ivory that originates from an ivory producing country in violation of the laws of that ivory producing country;

(6) substantially increases its imports of raw or worked ivory from a country that is subject to a moratorium under this Act during the first 3 months of that moratorium; or

(7) imports raw or worked ivory from a country that is subject to a moratorium under this Act after the first 3 months of that moratorium, unless the ivory is imported by vessel during the first 6 months of that moratorium and is accompanied by shipping documents which show that it was exported before the establishment of the moratorium.

(c) SUSPENSION OF MORATORIUM.—The Secretary shall suspend a moratorium established under this section if, after notice and public comment, the Secretary determines that the reasons for establishing the moratorium no longer exist.

(d) PETITION.—

(1) IN GENERAL.—Any person may at any time submit a petition in writing requesting that the Secretary establish or suspend a moratorium under this section. Such a petition shall include such substantial information as may be necessary to demonstrate the need for the action requested by the petition.

(2) CONSIDERATION AND RULING.—The Secretary shall publish a notice of receipt of a petition under this subsection in the Federal Register and shall provide an opportunity for the public to comment on the petition. The Secretary shall rule on such petition not later than 90 days after the close of the public comment period.

(e) SPORT HUNTED TROPHIES.—Individuals may import sport-hunted elephant trophies that they have legally taken in an ivory producing country that has submitted an ivory quota. The Secretary shall not establish any moratorium under this section, pursuant to a petition or otherwise, which prohibits the importation into the United States of sport-hunted trophies from elephants that are legally taken by the importer or the importer's principal in an ivory producing country that has submitted an ivory quota.

SEC. 203. PROHIBITED ACTS.

Except as provided in section 202(e), it is unlawful for any person—

(1) to import raw ivory from any country other than an ivory producing country;

(2) to export raw ivory from the United States;

(3) to import raw or worked ivory that was exported from an ivory producing country in violation of that country's laws or of the CITES Ivory Control System;

(4) to import worked ivory, other than personal effects, from any country unless that country has certified that such ivory was derived from legal sources; or

(5) to import raw or worked ivory from a country for which a moratorium is in effect under section 202.

SEC. 204. PENALTIES AND ENFORCEMENT.

(a) CRIMINAL VIOLATIONS.—Whoever knowingly violates section 203 shall, upon conviction, be fined under title 18, United States Code, or imprisoned for not more than one year, or both.

(b) CIVIL VIOLATIONS.—Whoever violates section 203 may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation.

(c) PROCEDURES FOR ASSESSMENT OF CIVIL PENALTY.—Proceedings for the assessment of a civil penalty under this section shall be conducted in accordance with the procedures provided for in section 11(a) of the Endangered Species Act of 1973 (16 U.S.C. 1540(a)).

(d) USE OF PENALTIES.—Subject to appropriations, penalities collected under this section may be used by the Secretary of the Treasury to pay rewards under section 205 and, to the extent not used to pay such rewards, shall be deposited by the Secretary of the Treasury into the Fund.

(e) ENFORCEMENT.—The Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this title in the same manner such Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)). Section 11(c) of the Endangered Species Act of 1973 (16 U.S.C. 1540(c)) shall apply to actions arising under this title.

SEC. 205. REWARDS.

(a) IN GENERAL.—Upon the recommendation of the Secretary, the Secretary of the Treasury may pay a reward to any person who furnishes information which leads to a civil penalty or a criminal conviction under this Act.

(b) AMOUNT.—The amount of a reward under this section shall be equal to not more than one-half of any criminal or civil penalty or fine with respect to which the reward is paid, or $25,000, whichever is less.

(c) LIMITATION ON ELIGIBILITY.—An officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his or her official duties shall not be eligible for a reward under this section.

TITLE III—MISCELLANEOUS

SEC. 301. PERMISSION TO IMPORT OR EXPORT AFRICAN ELEPHANT IVORY.

Section 9(d) of the Endangered Species Act of 1973 (16 U.S.C. 1538(d)) is amended to read as follows:

"(d) IMPORTS AND EXPORTS.—

"(1) IN GENERAL.—It is unlawful for any person, without first having obtained permission from the Secretary, to engage in business—

"(A) as an importer or exporter of fish or wildlife (other than shellfish and fishery products which (i) are not listed pursuant to section 4 of this Act as endangered species or threatened species, and (ii) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes); or

"(B) as an importer or exporter of any amount of raw or worked African elephant ivory.

"(2) REQUIREMENTS.—Any person required to obtain permission under paragraph (1) of this subsection shall—

"(A) keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, plants, or African elephant ivory made by him and the subsequent disposition made by him with respect to such fish, wildlife, plants, or ivory;

"(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representatives access to his place of business, an opportunity to examine his inventory of imported fish, wildlife, plant, or African elephant ivory and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records; and

"(C) file such reports as the Secretary may require.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

"(4) RESTRICTION ON CONSIDERATION OF VALUE OR AMOUNT OF AFRICAN ELEPHANT IVORY IMPORTED OR EXPORTED.—In granting permission under this subsection for importation or exportation of African elephant ivory, the Secretary shall not vary the requirements for obtaining such permission on the basis of the value or amount of ivory imported or exported under such permission.".

SEC. 302. RELATIONSHIP TO ENDANGERED SPECIES ACT OF 1973.

The authority of the Secretary under this Act is in addition to and shall not affect the authority of the Secretary under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

SEC. 303. CERTIFICATION UNDER PELLY AMENDMENT.

If the Secretary finds in administering this Act that a country does not adhere to the CITES Ivory Control System, that country is deemed, for purposes of section 8(a)(2) of the Act of August 27, 1954 (22 U.S.C. 1978), to be diminishing the effectiveness of an international program for endangered or threatened species.

SEC. 304. EFFECTIVENESS OF CITES.

Within 3 months after the completion of the 8th Conference of the Parties to CITES, the Secretary shall determine whether this Act, together with the CITES Ivory Control System, has substantially stopped the importation of illegally harvested ivory into the United States. If the Secretary determines that the importation of illegally harvested ivory has not been substantially stopped, the Secretary shall recommend to the Congress amendments to this Act or other actions that may be necessary to achieve the purposes of this Act, including the establishment of a complete moratorium on the importation of elephant ivory into the United States.

SEC. 305. DEFINITIONS.

In this Act—

(1) the term "African elephant" means any animal of the species Loxodonta africana;

(2) the term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(3) the term "CITES Ivory Control System" means the ivory quota and marking system established by CITES to curtail illegal trade in African elephant ivory;

(4) the term "Fund" means the African Elephant Conservation Fund established by section 102;

(5) the term "import" and "importation" have the meanings such terms have in the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(6) the term "intermediary country" means a country that exports raw or worked ivory that does not originate in that country;

(7) the term "ivory producing country" means any African country within which is located any part of the range of a population of African elephants;

(8) the term "ivory quota" means a quota submitted by an ivory producing country to the CITES Secretariat in accordance with the CITES Ivory Control System;

(9) the term "personal effects" means articles which are not intended for sale and are part of a shipment of the household effects of a person who is moving their residence to or from the United States, or are included in personal accompanying baggage;

(10) the term "raw ivory" means any African elephant ivory to which no process other than polishing has been applied;

(11) the term "Secretary" means the Secretary of the Interior;

(12) the term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(13) the term "worked ivory" means any African elephant ivory other than raw ivory.

SEC. 306. ISSUANCE OF REGULATIONS.

The Secretary may issue appropriate regulations to carry out this Act.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund or to the Secretary a total of not to exceed $5,000,000 for each of fiscal years 1989, 1990, 1991, 1992, and 1993 to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. FIELDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2999, as amended, is a bill to enhance the conservation of African elephants. Last year, Mr. BEILENSON introduced H.R. 2999 in response to increasing concern over the role of the illegal ivory trade in causing the serious decline of the African elephant. Congressman FIELDS expressed similar concern when he introduced another bill to conserve the African elephant, H.R. 4849.

Most experts agree that African elephant populations have declined at an alarming rate since the mid-1970's, and that the enormous illegal ivory trade is the major cause of this decline. Because of poaching for ivory, the elephant has been listed as a threatened species under the Endangered Species Act. The African elephant has also been placed on appendix 2 of the Endangered Species Convention. Recognizing the need to do more to protect the elephant, member nations to the Endangered Species Convention have adopted a system to monitor and control trade in unworked ivory from Africa, called the ivory expert control system.

The bill before you would supplement current measures to conserve and protect African elephants under the Endangered Species Convention and the Endangered Species Act. It would encourage and assist African ivory producing nations to comply with the international ivory control sysem and to develop better elephant conservation programs. It also would ensure that the United States stop trading with nations which do not have effective elephant conservation plans or are not in compliance with the ivory control system. It would not, however, penalize those African nations which are making good faith progress in developing comprehensive elephant management programs—programs which often depend on ivory trade dollars to fund additional elephant conservation efforts.

The Ways and Means Committee has cooperated in bringing this bill to the House floor quickly by waiving its right to a sequential referral. I ask that correspondence between Chairman ROSTENKOWSKI and me be printed in the CONGRESSIONAL RECORD.

I would like to take this opportunity to commend all who contributed to this bill, especially Mr. BEILENSON and Mr. FIELDS for all their hard work to conserve the world's largest land mammal. I fully support this excellent effort and urge my colleagues to support H.R. 2999, as amended.

Mr. Speaker, I include the correspondence above referred to, as follows:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, August 8, 1988.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of August 8 regarding H.R. 2999, the African Elephant Conservation Act, as amended. The Committee and Merchant Marine and Fisheries wishes to have the House consider the bill today on the suspension calendar.

I appreciate your Committee's interest in the legislation because of its various import restrictions. You pointed out that in the 96th Congress, a similar bill, H.R. 4685, was sequentially referred to the Ways and Means Committee.

I appreciate your offer to waive your Committee's right for sequential referral on H.R. 2999. This will enable the House to consider the legislation expeditiously. This course of action should in no way be interpreted as creating a precedent with regard to jurisdiction and referral to your Committee of future legislation containing similar provisions. I will place our letters in the CONGRESSIONAL RECORD during today's House debate on H.R. 2999.

With kind regards, I am,

Sincerely,

WALTER B. JONES,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, August 8, 1988.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the scheduling on the suspension calendar for House consideration today of H.R. 2999, the African Elephant Conservation Act, as amended and reported by the Committee on Merchant Marine and Fisheries on August 5. Section 202 of the bill as reported requires the Secretary of the Interior to establish a moratorium on the importation of ivory from countries that meet certain specified criteria, and section 203 makes it unlawful for any person to import ivory from these and certain other countries.

A similar bill, H.R. 4685, introduced in the 96th Congress to control the importation and exportation of elephants and elephant products, was sequentially referred to the Committee on Ways and Means after it was reported on initial referral by the Committee on Merchant Marine and fisheries. The Office of Parliamentarian has indicated that the Committee on Ways and Means could obtain sequential referral of H.R. 2999 based on the Committee's jurisdiction over import restrictions generally and the 1979 precedent.

I understand that there is considerable interest in passing H.R. 2999 and, given the scheduling pressures late in the session, I do not wish to delay consideration of the legislation. Under these circumstances, I would be willing to waive Committee jurisdiction if you, as Chairman of the Committee on Merchant Marine and Fisheries, will acknowledge in a letter to me that the provisions in H.R. 2999 imposing import restrictions are within the jurisdiction of the Committee on Ways and Means and that waiving jurisdiction in this instance does not in any way create a precedent with respect to jurisdiction and referral to this Committee of legislation containing any similar type provisions in the future. I also request that you enter this exchange of letters in the Record during the House debate on H.R. 2999. On this basis, the Committee on Ways and Means would not seek sequential referral of this bill.

I appreciate your consideration of this matter.

Sincerely yours,
DAN ROSTENKOWSKI,
Chairman.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I rise in strong support of H.R. 2999, the Elephant Conservation Act, which I introduced a year ago, and which now has 118 cosponsors. This legislation will be an important step toward reversing the decline of the world's largest—and perhaps most magnificent—land animal, the African elephant.

Mr. Speaker, in 1979 we passed a bill I introduced here in the House of Representatives which would have severely restricted ivory imports into the United States. Unfortunately, the Senate did not act on the bill, and although similar bills have been introduced in almost every Congress since then, we have been unsuccessful, until now, in getting the issue moving again.

The reasons for acting on this issue now are more compelling then ever: Unless we sharply reduce the demand for ivory, and halt trade in illegally poached ivory, the African elephant, which has already disappeared completely from many parts of Africa, will become extinct.

In 1979, the last time Congress considered elephant protection legislation, experts were telling us that unless we took steps then to restrict the ivory trade, the elephant population, which numbered about 1.5 million, would soon face a drastic and irreversible decline. Tragically, the experts were right: African elephants now number under 700,000, less than one-half as many as 10 years ago—and are declining by 10 percent every year. Approximately 100,000 were killed in 1986 to satisfy worldwide ivory demand, and at least 10,000 of those elephants were used to supply the ivory for jewelry and other trinkets purchased by American consumers.

In June of this year we held a hearing on this issue during which we heard some devastating testimony. Dr. Iain Douglas-Hamilton, perhaps the world's most renowned African elephant biologist and conservationist, reported that elephants have virtually disappeared from certain areas of Sudan, Chad, the Central African Republic, and Zaire. Elephants, he says, are not even safe in so-called protected areas. In the Selous Game Reserve in Tanzania, elephants declined by 50 percent between 1977 and 1986; in Tsavo National Park in Kenya there has been a 75-percent decline since 1972. Indeed, according to a recent census, the number of elephants in all of East Africa has been reduced by 87 percent in the last 15 years; they will become extinct within 10 years if the poaching persists.

The situation has gotten so bad in some countries that we are now seeing a sharp decline in the average weight of tusks being traded on the international market. An elephant's tusks grow continuously as it ages, and in fact, the amount of ivory produced each year by an elephant increases with age. Logically, then, if elephants were permitted to die naturally, profits from the ivory trade would be maximized. But the weight of elephant tusks being traded on the international market, which averaged 35 pounds in 1979, now average only 13 pounds. In fact, 10 to 15 percent of tusks now being exported from Africa weigh less than 1 pound—the tusk of an infant elephant—evidence that in many populations entire generations of older elephants have already been completely wiped out.

This trend is especially disturbing because, like humans, elephants do not reach sexual maturity until their early teens, and as adults they reproduce at a very slow rate. The gestation period for an elephant is 22 months; female elephants normally give birth to only one calf at a time, and births are spaced about 4 years apart. Elephants are born with only a third of their adult brain weight, and spend their first 10 to 14 years learning how to survive from their mothers. Therefore, killing older elephants before their young ones are old enough to take care of themselves and reproduce is a very dangerous trend which, unless reversed, will speed the animal's fall into extinction.

Some people argue that the elephants belong to Africa, and that, ultimately, it will be up to the countries there to determine whether or not the elephant will survive. However, it has become apparent that even the best-intentioned and uncorrupted African governments are limited in their ability to control poachers because, like the drug trade, there is enormous profit to be made from ivory. For that reason, I believe very strongly that the United States, and other ivory consuming nations, can and must play a bigger role in restricting the ivory trade.

In 1985, the parties to the Convention on International Trade in Endangered Species [CITES], which is the international governmental organization charged with regulating wildlife trade, took a first step toward addressing the plight of the African elephant. Together, the ivory-producing nations and the ivory-consuming nations—including the United States—agreed to a system which would limit the taking of elephants, and track individual tusks, in an effort to ensure that illegally poached ivory could not be sold on the world market.

Unfortunately, this system, while well-intentioned, has been unsuccessful so far in eliminating the illegal trade because it has not been aggressively enforced by those countries, such as the United States, which import ivory. Our legislation will provide the mechanisms necessary to enforce that system at our borders, and it will encourage other ivory-consuming nations to do the same.

Like gold and silver, ivory is a commodity used to hedge against inflation. As the price of ivory rises, more elephants are slaughtered. As more elephants are killed, the increased fear that the supply will run out drives the price of ivory up even more. The elephant has thus become a most unfortunate victim of a vicious upward spiral of supply and demand. In 1960, ivory sold for $2.25 per pound; the going rate is now about $68 per pound. With a single large tusk worth more than $5,000 retail on the world market, and the average per capita income at $300, an African poacher can earn much more for himself and his family by killing one elephant than by farming for 1 year, an enormously powerful incentive to kill elephants that will not disappear until we can reduce the value of ivory by cutting demand.

Mr. Speaker, I wish to convey to you and to my colleagues the urgency of this situation. It is of utmost importance that we act now, so that we can begin now to control the ivory trade and protect the African elephant. We will also send a strong message to ivory-producing countries, as well as to the consuming countries in Asia and Western Europe, that we are serious about this issue and will do whatever is necessary to ensure that poached ivory is not accepted here. We were encouraged to learn last week that in anticipation of new stricter sanctions against ivory imports here, the Hong Kong Government, which exports 30 percent of its carved ivory to the

United States, has already announced new legislation designed to exert greater control over ivory entering the country.

The elephant simply will not survive another decade if the current rate of killing continues. As a major importer of carved ivory, we in the United States can—and indeed must—play a role in seeing that the demand for expensive ivory carvings, trinkets, and jewelry is not pemitted to continue at such an uncontrolled rate, and at the expense of a truly unique and beautiful species.

Our legislation will do the following:

First, place a selective moratorium on imports from ivory-producing countries that cannot, or will not, provide sufficient protection for their elephants against illegal poachers and smugglers, but continues to allow imports from those countries that are able to show that their elephant populations are healthy and growing, and that they are, in fact, effectively preventing poaching.

Second, because of the enormous difficulty of identifying the origin of ivory once it has entered the world market and has been carved, our legislation requires that any intermediary country—those countries, primarily Hong Kong, which import raw ivory from Africa and export it in carved form to the United States—wishing to continue to export ivory to the United States must agree to conform to our moratorium—and thus refuse to import any ivory from any ivory-producing country subject to our moratorium—and must be in compliance with the CITES Ivory Quota Control System.

Third, our legislation authorizes the Secretary of the Interior to award grants to African governments and nongovernmental wildlife organizations for the purpose of assisting elephant conservation projects. The bill authorizes $5 million annually in fiscal years 1989 through 1991 for this purpose. Wildlife is one of the few valuable resources Africa has, and protection of elephants—valuable for both the tourism industry and the carving industry—should be part of the United States overall effort to aid developing countries. Funding of elephant and other wildlife protection projects would in the short run provide relief to threatened species, and in the long run maximize the profitability of Africa's resources.

Finally, our legislation requires the Secretary to examine, in 3 years' time, the effectiveness of this bill in halting the importation of illegal ivory into the United States. If the situation has not drastically improved, the Secretary will consider and recommend to Congress other actions, including a total ban on ivory imports, which may be necessary to achieve that purpose.

Mr. Speaker, let me say again that there is a great urgency about this business, for whatever action we in Congress take to try to save the elephant will not be the end of the effort—it will only be the first step.

We then have to persuade, with our example, other ivory-consuming nations—especially Japan—to follow suit as quickly as possible. But there is very little time, the elephant has very few years left.

I strongly urge my colleagues to join me in getting this process begun this year by supporting, today, this urgent legislation.

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first of all like to acknowledge the tireless efforts and perseverance of our distinguished colleague from California, Congressman TONY BEILENSON. TONY has spent many years working to protect African elephants and it is a tribute to his dedication that we are considering this bill today.

Mr. Speaker, during the past 10 years, the population of African elephants has declined by nearly 50 percent. Today, fewer than 750,000 African elephants are alive.

And the destruction of this magnificent animal has not been confined to just a few countries but it is widespread throughout the African Continent. In fact, there are really only three African nations—Botswana, Zimbabwe, and South Africa—which have effective elephant conservation programs. The rest are fighting and losing the battle against poachers who are now selling illegally obtained ivory at prices which have increased by more than sevenfold during the past decade.

Since 1980, the annual volume of world ivory has been about 800 tons. To meet this demand, some 70,000 elephants must die each year.

Yet, only 3 percent of the ivory imported into the United States comes directly from Africa. The bulk of it arrives from such intermediary places as Hong Kong, China, and Japan. Traders in these countries make millions by carving poached ivory and, frankly, I cannot understand why we just don't tell people they can no longer sell their illegally obtained ivory here in the United States.

As a nation, we consume about 30 percent of the world ivory production each year. Since most experts believe that nearly 80 percent of all ivory is poached, purchases in the United States account for the death of some 27,000 African elephants every year.

With the population of African elephants declining by nearly 9 percent a year, unless this slaughter is stopped, the African elephant will be annihilated within the next decade.

As someone who has been a sportsman all of his life, I learned early on to have a great appreciation and love for all of God's creatures. I want to see all species preserved, not because I want to hunt a certain animal, but because I want others to be able to experience, as I have, the joy of seeing these animals in their natural habitat.

Like TONY BEILENSON, I have a particular fondness for elephants and strongly believe the United States should take a leadership role in trying to protect this magnificent species. In fact, I have been led to believe that if the United States were to take meaningful action, much of Europe would follow our lead.

Having said that, let me briefly share with you my thoughts on H.R. 2999, as amended by the Merchant Marine and Fisheries Committee.

In a positive sense, I am pleased that this legislation contains language exempting legitimate sport trophies from any moratorium the Secretary may place on a particular country. This language is critically important because without the vital infusion of capital that sport hunters provide, there would be no incentive to protect these elephants. Based on my experience, there is no question that if the African elephant, which is now a valuable commodity, no longer has any financial value, then African governments will simply stop spending their meager resources to protect them. As a result, these elephants will be slaughtered—even in places like Botswana and Zimbabwe—for meat and for the illegal ivory trade. Sport hunted ivory, which is a minuscule percentage of ivory exports, is biologically sound and it produces by far the greatest economic return for the producing nation.

Mr. Speaker, it is also appropriate that this legislation contains a provision which allows the Secretary of the Interior to accept and use any money donated by individuals for African elephant conservation programs. I am confident that the hunting and conservation community, which has spent millions of dollars to help protect the black rhino, jaguar, and many other species, will do whatever it can to help save the African elephant.

In addition, I am pleased that this bill does not create a new excise tax on elephant ivory or hides and that it does not allow individuals to file endless litigation against the Department of the Interior in the form of citizen suits.

While these are all positive improvements from the so-called staff draft, which was the subject of a hearing on Wednesday, June 22, unfortunately this bill is not without its flaws.

Let me just highlight a few of my concerns. First, this bill and the moratorium section, in particular, grants far too much discretion to the Department of the Interior.

The authors of this bill obviously have a lot more confidence in the Fish and Wildlife Service than I do. To be candid, they have done an abysmal job enforcing many of our wildlife protection laws including the Lacey Act which requires the country of origin to be listed for all wildlife imports. In just one month, April of this year, 335,901 grams of ivory jewelry and carvings, and 60,278 separate elephant items were imported into the United States. The overwhelming majority of these 124 shipments originated from Hong Kong. Ten of the shipments were admitted with the country of origin listed as "unknown" which is patently illegal, and several shipments of elephant shoes listed Mexico as the country of origin.

Mr. Speaker, if we accomplish nothing else in this process, I would hope that the Fish and Wildlife Service would begin to refuse to accept any imports without proper country-of-origin documentation and that they will utilize the full range of our wildlife laws to help save the African elephant.

It is interesting to note that during our June 22 hearing I asked the Fish and Wildlife Service whether they now have the power to establish a selected ban on intermediary and elephant producing nations. They responded that they did have such authority but that the added emphasis of national legislation would be most helpful.

Mr. Speaker, here is that national legislation. Let us hope the Fish and Wildlife Service will now issue effective and meaningful elephant protection regulations.

Second, I am disappointed that this entire bill is based on the premise that we should wait and see what comes out of the CITES conference next year. While I am a strong supporter of CITES, the Secretary of the Interior should decide, prior to the conference, which producing and intermediary countries will be allowed to continue importing ivory into the United States. There is nothing unique about the type of information CITES collects and, in fact, it is readily available.

More importantly, we have a unique opportunity to influence the CITES conference by taking positive steps to help protect African elephants. As the first nation to ratify CITES, and as the chairman of the standing committee, we have the responsibility of providing effective leadership in this matter.

Postponing decisions until after CITES is a mistake and a missed opportunity. If we wait for CITES and its ivory control system, which monitors only 22 percent of the international ivory trade, to become effective, then the African elephant will cease to exist in a viable sense in most nations throughout Africa.

Mr. Speaker, I intend to vote in favor of H.R. 2999. While this bill doesn't go far enough to stop the destruction of the African elephant, it is a step in the right direction. I would hope that after the CITES conference next year the House Merchant Marine and Fisheries Committee will revisit this issue and will enact much tougher measures against those countries which sanction and benefit from the poaching of elephants. It is time we went after intermediaries, like Hong Kong, whose ivory dealers are making a fortune from the illegal ivory trade. We must eliminate the financial incentive that poachers now have to kill an elephant, if we are ever going to have any hope of saving this species.

If we want to be successful, we should start caring a little more about the elephant and a lot less about ivory merchants in Hong Kong, Tokyo, and Dubai.

□ 1830

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished chairman for yielding, and I join with my colleagues in support of this legislation.

Conservationists throughout the world are concerned that we may be seeing the last of the African elephant, and it is regretful, but there is so little that we can do in as much of effective law. But I think this is a sensible approach, and I hope that it will work because all of us that have seen the elephants, to the delight of children and grownups everywhere, we are concerned, and it is through conservationists that we must make every effort to the see that we preserve them.

I am reminded of something I read someplace; I do not know by whom, Mr. Speaker, that went somewhat like this: And when the last of a species dies, this world must stand and another one begin before we see such creature once again upon our land.

Mr. Speaker, we cannot let this happen to the magnificent animal we call the elephant.

Mr. FIELDS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2999, the Elephant Protection Act. I would like to commend the distinguished chairman, the gentleman from North Carolina [Mr. JONES], and the sponsor of this bill, the gentleman from Texas [Mr. FIELDS] and the gentleman from California [Mr. BEILENSON] for bringing this important issue to the attention of the House.

Mr. Speaker, the African elephant population has declined from 1.2 million to 760,000 over the last 6 years. This drastic reduction is primarily the result from trade in ivory from their tusks. Although the trade in elephant ivory is controlled by the Convention on the International Trade in Endangered Species of Wild Fauna and Flora [CITIES] ivory-controlled system, many nations do not comply with the system while others face problems from poaching.

The Elephant Protection Act attempts to protect these magnificent and majestic African elephants by prohibiting the importation of ivory from countries without elephant conservation programs. In addition, H.R. 2999 authorizes $5 million in each of the next 5 fiscal years to establish an African elephant conservation fund to finance approved conservation projects.

Mr. Speaker, the United States must be in the forefront of the conservation of not only our Nation's but the world's endangered species. Accordingly, I ask my colleagues to join me today in support of H.R. 2999, the Elephant Protection Act.

Mr. FIELDS. Mr. Speaker, I will yield back the balance of my time after saying that again special recognition needs to be given to the gentleman from California [Mr. BEILENSON] for laboring in the vineyards on this issue for many, many years, and also recognition to the gentleman from North Carolina [Mr. JONES], the chairman, for moving this legislation forward because the legislation is needed.

Mr. JONES of North Carolina. Mr. Speaker, it is no coincidence that we are bringing up the Elephant Protection Act just a few days before the Republican Convention. It's just another example of our bipartisan spirit around here. But before anyone gets the wrong idea, this is the American Elephant Protection Act. The law provides absolutely no guarantee that certain species of elephants found in America will escape from the endangered species list.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 2999, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended as to read: "A bill to conserve the African elephant."

A motion to reconsider was laid on the table.

SEA TURTLE CONSERVATION REGULATIONS

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5141) to delay temporarily certain regulations relating to sea turtle conservation.

The Clerk read a follows:

H.R. 5141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EFFECTIVE DATE OF SEA TURTLE CONSERVATION REGULATIONS.

Notwithstanding any other law and except as provided in section 2, the regulations promulgated by the Secretary of Commerce on June 29, 1987, relating to sea turtle conservation, shall not be effective before September 30, 1988.

SEC. 2. REGULATIONS FOR THE CANAVERAL AREAS OF FLORIDA REMAIN IN EFFECT.

The regulations referred to in section 1 shall continue in effect for the Canaveral area of Florida.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. Jones] will be recognized for 20 minutes and the gentleman from Texas [Mr. Fields] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. Jones].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 5141, a bill introduced by my good friend Congressman Ortiz. The bill proposes to delay for 1 month the effective date of certain regulations relating to sea turtle conservation.

The sea turtle conservation regulations require shrimpers to use turtle excluder devices known as TED's and have been the subject of much controversy and debate.

On December 17 of last year, the House passed H.R. 1467, the Endangered Species Act Reauthorization, by a vote of 399 to 16. H.R. 1467 provides for a delay of the TED's regulations for inshore areas until May of 1990.

On July 28 of this year, the Senate passed S. 675, the Endangered Species Act Reauthorization, by a vote of 93 to 2. S. 675 includes a similar delay for inshore waters and delays until May 1, 1989, the effective date for TED's regulations for offshore waters.

As a result of several recent court actions, the TED's regulations were put on hold in April of this year. In July, however, a Federal Court of Appeals decision upheld the regulations, and established September 1, 1988, as the date on which they will go into effect.

The ongoing conference between the House and the Senate on the Endangered Species Act Reauthorization bills will soon resolve the question of the effective date for TED's regulations for offshore waters. At this point, however, it cannot be guaranteed that a conference report on the Endangered Species Act Reauthorization can be agreed to and passed by both Houses prior to the August recess. If the conference report has not been sent to the President prior to next Friday, the offshore regulations will go into effect on September 1 as scheduled. This would result in an inefficient interim enforcement effort in the Gulf of Mexico that would last only several weeks pending passage of the conference report in September.

H.R. 5141 will provide a modest and necessary 1 month delay in the effective date of the offshore TED's regulations in order to provide more time for the conferees to resolve this issue.

I urge my colleagues to join me in supporting H.R. 5141.

□ 1845

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of H.R. 5141, I rise in strong support of this legislation which temporarily delays implementation of Federal regulations requiring offshore shrimpers to use certain turtle excluder devices [TED's].

While I would have preferred a much longer delay, these 30 days should allow the Congress sufficient time to resolve the differences between our version and that of the Senate regarding amendments to the Endangered Species Act.

As my colleagues may know, during their consideration of the Endangered Species Act, the Senate adopted an amendment sponsored by Senator Howell Heflin of Alabama which delayed until May 1, 1989, the effective date for mandatory use of TED's in offshore waters. The purpose of this delay was to allow the National Marine Fisheries Service to conduct additional tests under real-life shrimping conditions.

While no one has suggested that TED's should never be used, the Heflin amendment directs the Secretary of Commerce to conduct a comprehensive investigation of sea turtle biology and the need for appropriate conservation measures, including TED's, before and not after their mandated use.

Mr. Speaker, regrettably, it appears that the House and Senate conferees may be unable to completes their work prior to our adjournment this week. Therefore, it is necessary that we pass this important legislation in order to ensure that the National Marine Fisheries Service does not harass or prosecute offshore shrimpers during this interim period of time when the Congress will debate and, in all likelihood, adopt the Heflin amendment.

Mr. Speaker, I would like to compliment my distinguished colleague from Texas, Mr. Ortiz, for his ongoing and effective leadership in this matter. I would also like to compliment our colleague, Bob Livingston of Louisiana, who has been a consistent and tireless advocate for our Nation's offshore shrimpers.

Mr. JONES of North Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. Ortiz].

Mr. ORTIZ. Mr. Speaker, I would like to thank the committee chairman, the gentleman from North Carolina [Mr. Jones] for helping us move out this legislation.

Mr. Speaker, my bill is really quite simple and straightforward.

It provides for a temporary, very short term delay in the implementation of turtle excluder device regulations issued by the Department of Commerce.

Under my bill, enforcement of regulations requiring the use of turtle excluder devices, commonly called TED's, by the Gulf of Mexico and South Atlantic shrimp industries would be temporarily delayed until the end of September of this year.

This 1-month delay would apply to both the inshore and offshore shrimp industries in the South Atlantic and the Gulf of Mexico, excluding the Cape Canaveral, FL, area where the regulations are already being enforced.

I introduced this bill to avoid a confusing and potentially devastating situation for our Nation's shrimping industry. As you know, a court ruling earlier this year stopped the enforcement of TED regulations pending the outcome of court challenges to the regulations.

The Senate has passed the Endangered Species Act with language providing for a delay in the implementation of the TED's regulations until 1989 for the offshore shrimping industry and 1990 for the inshore shrimping industry, as well as a study of the sea turtle populations and the effect of the shrimping industry on these endangered species.

The House language includes a delay and study for the inshore shrimping industry. A compromise on the delay is expected to be approved in Conference.

Here lies the reason for my bill. Although I hope that the House and Senate can come to a final agreement on the Endangered Species Act by the end of this week, there is always the possibility that this issue would not be settled prior to Congress' adjournment on the 11th.

If an agreement is not reached prior to our recess, under the current situation the entire shrimping industry would be required to outfit their boats with TED's beginning September 1.

This is a totally impractical expectation. The shrimping industry in south Texas and other areas will be in full swing September 1.

The shrimpers are not prepared to outfit their boats with TED's and there are certainly not enough TED's available to outfit the entire Gulf and South Atlantic fleets.

Therefore the Department of Commerce would have the authority to enforce a regulation on which Congress has not had its final say and where compliance is virtually impossible.

You can imagine the devastating impact this could have on an already struggling U.S. industry.

Again, I would like to reiterate this is only a 30-day extension.

I urge you to support my bill to prevent premature enforcement of a regulation, as well as mass confusion for our Nation's shrimpers.

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman from North Carolina, the chairman of the Committee on Merchant Marine and Fisheries, for yielding me this time, and I associate myself with the remarks of my colleague, the gentleman from south Texas [Mr. ORTIZ] and the remarks of the distingushed chairman of the full committee.

Mr. Speaker, I would like to state that my interest, of course, is to see what we can do to facilitate and assist the shrimping industry which is under very difficult circumstances economically and in the extension or the shortening of the areas where they can shrimp; but also I am and have been a supporter of the program to propagate and to bring and to save the ridley turtles in the gulf coast of Texas. I have worked with the conservationists, being one myself, I will take pride in saying, and have worked with the Government of Mexico. We have done everyting to see that we save the ridley turtle and that we provide a healthful climate for them in the coast of Texas; so Members know from where I am coming.

My concern is that the regulations yet need more study. Even the TED's need more study. I think that both sides can live together and we can work together. Certainly at this point in time I think that a delay would merit our support inasmuch as those of us who have been working from the beginning to assist the turtle population and those of us who look at the turtle population and those of us who look at the shrimping industry as a viable economic factor for hundreds and thousands of people in the gulf, and specifically in our area of south Texas, we think that it is compatible and in good order that we can work together and to do so you need the necessary time and this is what this bill does and that is why I support it.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank my friend, the chairman, for yielding this time to me.

Mr. Speaker, as a cosponsor of H.R. 5141, I rise in support of the legislation and commend my colleague, the gentleman from Texas, for offering it to this body.

The bill, as you know, Mr. Speaker, delays the requirements of the so-called TED regulations. As a member of the conference committee presently considering the reauthorization of the Endangered Species Act, I am quite sure that the conference report will indeed contain some sort of delay in those regulations.

The problem, however, is that the present regulations are scheduled to go into force and effect on September 1, 1988. While I am certain that some delay will come from the work of the conferees, I am of course not sure it will come before that date.

The delay provided in the reauthorization is necessary to secure more reliable information. For example, the National Marine and Fisheries Service in March began conducting a TED evaluation program. They reported in the Newsbreaker on August 2, 1988, that preliminary results indicate a wide range of variability, from 43-percent shrimp loss in the Gulf of Mexico to 8-percent gains in TED equipped nets in other parts of the ocean. If this information is correct, you can see that this wide range, 43-percent loss of shrimp to an 8-percent gain, indicates that we do not nearly have enough information to make a judgment on the TED regulations.

In addition, recent articles in the Palm Beach Post indicate that several people were arrested in the month of July for digging up sea turtle eggs. One group arrested had destroyed over 1,000 eggs in a Florida State Park in just one night of digging. A park ranger advised us that there have been about two digs a week since early June. Obviously, we need much more information on the various threats that this independent study called for, and the reauthorization bill passed by the other body would provide that kind of information to us and give us better direction on how we should proceed in this matter.

Mr. Speaker, if H.R. 5141 is not adopted, we would be putting an unnecessary burden on thousands of fishermen, especially in Louisiana and Texas, where the August shrimp season is scheduled to get underway shortly. In effect, Louisiana fishermen would be required to go through the expense and inconvenience of purchasing and installing TED's for a few days between the time the regulations are scheduled to go into effect and between the time the conference committee completed its work.

Mr. Speaker, this short delay gives the conferees time to adequately consider all aspects of this independent reauthorization of the Endangered Species Act and relieves us of the September 1 deadline.

Mr. Speaker, I would like to commend my good friend, the gentleman from Texas [Mr. ORTIZ] and my good friend, the gentleman from Texas [Mr. FIELDS] and the chairman of our committee for expeditiously bringing this matter before us and urge my colleagues to speedily adopt it.

Mr. SWEENEY. Mr. Speaker, I rise today in strong support of H.R. 5141, a bill to push back the requirement date for mandatory use of turtle excluder devices from September 1 to September 30, 1988. This piece of legislation is necessary to protect south Texas shrimpers while the House and Senate complete work on a final TED's resolution.

Two weeks ago, the Senate completed work on reauthorization of the Endangered Species Act, which included a 1-year delay on offshore requirements of TED's, and a 2-year delay on inshore requirements. The House completed similar legislation last December, but minor differences remain which must be resolved in conference.

In all likelihood, however, final passage will not occur before the current September 1 deadline for TED's use. If this does happen, shrimpers all along the gulf and Atlantic coasts will have to spend thousands of dollars to fully equip their boats with these devices, even though the intent of the Congress is that they not be forced to do this for at least a year. Moreover, a study mandated by the authorization bill could determine that no link exists between turtle deaths and shrimp trawling, and shrimpers would thus find themselves saddled with unnecessary equipment and substantial financial hardship.

South Texas shrimpers would be hit particularly hard if the House fails to pass this 30-day delay. These hard-working businessmen usually carry more nets than their Atlantic counterparts, so their necessary investment would be considerably larger than those for many other shrimpers. Moreover, the first months of TED's use are often the most costly for shrimpers; Texas shrimpers who have tested the devices have reported losses in catch of more than 50 percent in the first months of use.

Most of the shrimpers in my district are not part of some large fishing syndicate, but rather are independent operators, and they do not have large amounts of money lying around to buy equipment of questionable value for 30 days of use.

Fortunately, H.R. 5141 offers a simple, straightforward solution. By pushing back the requirement date a mere 30 days, Congress could save south Texas shrimpers thousands of dollars in equipment and lost catch that inevitably go along with TED's implementation. This legislation would be good for the Nation's shrimping industry, and for individual shrimpers as well.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina

[Mr. JONES] that the House suspend the rules and pass the bill, H.R. 5141.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING GRAYS HARBOR NATIONAL WILDLIFE REFUGE

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1979) to establish the Grays Harbor National Wildlife Refuge.

The Clerk read as follows:

S. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Grays Harbor, a ninety-four-square-mile estuary on the coast of the State of Washington, is of critical importance to certain migratory shorebirds and waterfowl and provides important habitat for many types of fish and wildlife, including threatened and endangered species;

(2) the area known as Bowerman Basin is a tidal mudflat within the Grays Harbor estuary which attracts hundreds of thousands of migratory shorebirds during spring and fall migrations as well as peregrine falcons and other raptors;

(3) the Bowerman Basin provides extraordinary recreational, research, and educational opportunities for students, scientists, birdwatchers, nature photographers, the physically handicapped, and others;

(4) the Bowerman Basin is an internationally significant environmental resource that is unprotected and may require active management to prevent vegetative encroachment and to otherwise protect and enhance its habitat values; and

(5) the Bowerman Basin has been identified in the Grays Harbor Estuary Management Plan, prepared by Grays Harbor Regional Planning Commission, as an area deserving permanent protection.

SEC. 2. PURPOSES.

The purposes for which the Grays Harbor National Wildlife Refuge is established and shall be managed for include—

(1) to conserve fish and wildlife populations and their habitats, including but not limited to those of western sandpiper, dunlin, red knot, long-billed dowitcher, short-billed dowitcher, other shorebirds, and other migratory birds, including birds of prey;

(2) to fulfill international treaty obligations of the United States with regard to fish and wildlife and their habitats;

(3) to conserve those species known to be threatened with extinction; and

(4) to provide an opportunity, consistent with the purposes set forth in paragraphs (1), (2), and (3), for wildlife-oriented recreation, education, and research.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "refuge" means the Grays Harbor National Wildlife Refuge.

(2) The term "lands and waters" includes interests in lands and waters.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 4. ESTABLISHMENT OF REFUGE.

(a)(1) The Secretary is authorized and directed to establish, as herein provided, a national wildlife refuge to be known as the Grays Harbor National Wildlife Refuge.

(2) There shall be included within the boundaries of the refuge those lands, marshes, tidal flats, submerged lands, and open waters in the State of Washington generally depicted on a map entitled "Grays Harbor National Wildlife Refuge", dated December, 1987, which comprise approximately one thousand eight hundred acres.

(3) Said boundary map shall be on file and available for public inspection in the office of the Director of the Fish and Wildlife Service, Department of the Interior, and in appropriate offices of the Fish and Wildlife Service in the State of Washington.

(b) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries designated under subsection (a) as may be necessary to carry out the purposes of the refuge and to facilitate the acquisition of property within the refuge.

(c) ACQUISITION.—(1) The Secretary shall, not later than the 3rd anniversary of the effective date of this Act, acquire by transfer or purchase, or both, the approximately one thousand seven hundred eleven acres of lands and waters owned by the Port of Grays Harbor within the refuge and identified as Management Unit 12, Area 1, in the Grays Harbor Estuary Management Plan.

(2) The appropriate Federal agencies may consider the transfer of any lands and waters to the Secretary under paragraph (c)(1) as compensation to satisfy, in whole or in part, obligations resulting from water-dependent activities by the Port of Grays Harbor under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344): *Provided,* That there are no practicable alternatives to such water-dependent activities which would have less adverse impact on the aquatic ecosystem: *Provided further,* That appropriate and practicable steps have been taken which will minimize, rectify, and reduce adverse impacts to the aquatic escosystem from those water-dependent activities which can not be avoided.

(3) The Secretary is authorized to acquire up to sixty-eight acres of lands and waters owned by the city of Hoquiam within the boundaries of the Refuge, and to compensate the lessees on such lands and waters for improvements and relocation costs.

SEC. 5. ADMINISTRATION.

(a) GENERAL ADMINISTRATIVE AUTHORITY.—The Secretary shall administer all lands, waters, and interests therein, acquired under section 4 in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee).

(b) OTHER AUTHORITY.—Consistent with the provisions of section 5(a) of this Act, the Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of fish, wildlife, and natural resources, the development of outdoor recreation opportunities, and interpretative education as he considers appropriate to carry out the purposes of the refuge.

(c) MANAGEMENT PLAN.—Within eighteen months after the effective date of this Act, the Secretary shall prepare a management plan for the development and operation of the refuge which shall include—

(1) the construction of a visitor center suitable for year-round use with special emphasis in interpretative education and research;

(2) viewpoints, boardwalks, and access;

(3) parking and other necessary facilities; and

(4) a comprehensive plan setting forth refuge management priorities and strategies.

The Secretary shall provide opportunity for public participation in developing the management plan.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Department of the Interior—

(1) such sums as may be necessary for the acquisition of the lands and waters referred to in section 4(c)(1).

(2) not to exceed $2,500,000 to carry out other provisions of this Act.

SEC. 7. REFUGE DEVELOPMENT FUND.

The Director of the United States Fish and Wildlife Service shall, upon enactment of this Act, promptly request that the National Fish and Wildlife Foundation created by Public Law 98-244 take those measures that the Foundation deems appropriate to encourage, accept, and administer private gifts of property to further the purposes of this Act. The Secretary shall, in preparing the management plan required by section 5(c), give special consideration to means by which the participation and contributions of local public and private entities in developing and implementing such plan can be encouraged.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, or January 1, 1988, whichever date occurs later.

The SPEAKER pro tempore. (Mr. MONTGOMERY). Is a second demanded?

Mr. FIELDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge in the State of Washington. This proposal was the subject of comprehensive hearings in both the House and the other body and has the support of the entire Washington State delegation. The House passed virtually the same measure by unanimous consent last December as title II of H.R. 2210. The other body has made some minor technical changes, which I believe improve the bill.

Creation of this refuge would protect the hundreds of thousands of shorebirds that use this area each year during migration. The Bowerman Basin area in Grays Harbor is known around the world as a major feeding and staging area for migratory shorebirds. Some of these birds travel as far as 15,000 miles between South America and Alaska. Bowerman Basin is one of only four such staging areas in North America. If we lose Bowerman Basin to pollution or development, the existence of some species of birds could be threatened.

This bill allows the Federal Government to acquire the main parcel of land by transfer or purchase from the port authority for Grays Harbor. It would allow the Fish and Wildlife Service to acquire the privately owned basin as mitigation for Grays Harbor port development activities if the relevant Federal agencies deem it appropriate. The bill also encourages private contributions to help with running and developing the refuge.

This is a very worthwhile refuge acquisition proposal which contains creative funding and land acquisition provisions. It represents the result of much hard work and negotiation on the part of the Washington delegation—in particular, Congressmen DON BONKER, MIKE LOWRY, and JOHN MILLER from the Committee on Merchant Marine and Fisheries.

I urge my colleagues to vote in favor of S. 1979.

□ 1900

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume, which I promise will be short.

Mr. Speaker, I rise in support of S. 1979, which designates Grays Harbor as a national wildlife refuge.

The Grays Harbor estuary located along the coast of Washington State provides excellent habitat for a number of species of shorebirds during their annual migrations from the arctic to wintering areas in South and Central America.

Earlier this year, the House of Representatives adopted similar legislation which was supported by the entire delegation from the State of Washington.

Mr. Speaker, I congratulate the authors of this legislation and support the adoption of S. 1979.

Mr. BONKER. Mr. Speaker, after more than a decade of battling, we are on the verge of giving approval to legislation that will preserve some of the most important wildlife habitat anywhere in the State of Washington—the wetlands of Bowerman Basin in the Grays Harbor estuary. Bowerman and the wetlands of Grays Harbor are a vital staging area for over a million migratory shorebirds and provides key habitat for other types of fish and wildlife.

I originally introduced this legislation as H.R. 3423 on October 7, 1987, after more than a year of discussions with the affected parties. It is a consenus bill and is cosponsored by the entire Washington State congressional delegation. A companion bill (S. 1979) was introduced in the other body by Senator BROCK ADAMS.

The House first passed the bill as an amendment to H.R. 2210 on December 18; the Senate bill was approved July 7. Today, we take up S. 1979, which is virtually the same as the bill already passed by the House, to give it final congressional approval.

This legislation authorizes the establishment of an 1,800-acre Grays Harbor National Wildlife Refuge, including the area known as Bowerman Basin. The Fish and Wildlife Service is authorized to acquire 68 acres by purchase from the city of Hoquiam, and 1,711 acres by purchase or transfer—to mitigate for development activities—or both, from the Port of Grays Harbor. Any transfer for mitigation arranged under this bill must be consistent with section 404(b)(1) guidelines of the Clean Water Act which protect wetland habitat values.

Bowerman Basin is part of the 94-square-mile Grays Harbor estuary, much of which is tidal wetland of great importance to fish and wildlife. Bowerman Basin, located just west of the city of Hoquiam, was created in the 1940's by a series of fills to build an airport, Bowerman Field.

Bowerman's nutrient-rich sediments produce an abundance of small, shrimp-like amphipods, which provide food for migrating shorebirds. The basin is also the highest mudflat in the estuary. The combination of abundant food and high-tide habitat results in remarkable concentrations of shorebirds during the spring migration, when more than a million shorebirds stop on their marathon migrations to refuel in Grays Harbor.

Bowerman provides habitat for waterfowl and more than 20 species of shorebirds during spring and fall migrations and over the winter. Many other types of fish and wildlife depend on the area, including the endangered peregrine falcon and bald eagle.

The estuary is of particular importance to shorebirds because of their dependence on certain wetlands during their annual migrations from the Arctic to wintering areas in South and Central America. Every spring and fall, millions of these shorebirds—sandpipers, plovers, turnstones, sanderlings, and red knot—stop for a few days on their journey at a handful of refueling stations or staging areas, including Grays Arctic Harbor.

Because of their dependence on a few staging areas, these migratory shorebirds are more vulnerable than their great numbers might suggest. At one time, there may be more than four-fifths of the entire breeding population of some species in one of these sites. If one of these staging areas is lost to pollution or development, then entire species of shorebirds could be threatened with extinction.

Grays Harbor is the last major estuary many of the shorebirds will use before embarking on the final 1,500-mile leg of their migration to arctic and subarctic breeding grounds. Bowerman, with its plentiful food and high-tide habitat, plays host to over half of the birds, which arrive thin and exhausted from nonstop flights that often exceed 1,000 miles. After a few days of rest and feasting in the estuary, the birds have regained their weight and are ready to continue their marathon migrations.

Preservation of Bowerman Basin and other key wetlands in the estuary are critical to the survival of these shorebirds. As a national wildlife refuge under the stewardship of the U.S. FWS, Bowerman will receive the strongest protection available.

I urge all of my colleagues to support this important legislation and clear it for signature by the President.

Mr. LOWRY of Washington. Mr. Speaker, I rise today in strong support of S. 1979, legislation to establish a national wildlife refuge at Bowerman Basin in Grays Harbor, WA. I feel that this is a most important bill as the Bowerman Basin plays a critical role in the biannual migration of various shorebirds and waterfowl.

Mr. Speaker, at this time I would like to thank my colleagues on the Merchant Marine and Fisheries Committee, particularly Mr. JONES, Mr. STUDDS, Mr. YOUNG of Alaska, and Mr. DAVIS of Michigan. I would also like to congratulate my colleagues from the State of Washington, Mr. BONKER and Mr. MILLER, for their efforts in moving similar legislation. I would especially like to thank Mr. David Ortman, from Friends of the Earth in Seattle, not only for the time and effort he has spent on this issue, but also for his perseverance over the many years that he has been involved in efforts to protect this valuable area.

Mr. Speaker, every year, twice a year, hundreds of thousands of various shorebirds and waterfowl migrate between points as far apart as South America and Alaska. In this migration, the birds must make stops to rest and refuel at various staging areas along the way. The mudflats of Bowerman Basin provide the last staging area of the northward migration. Each year, masses of shorebirds and waterfowl arrive at this location worn and hungry. After a few days of rest and feeding, they are ready to make the last 1,500-mile leg of their journey to arctic breeding grounds. It is of critical importance that food supplies remain healthy and abundant to ensure that the birds have enough energy to travel safely. With the overhanging threats of pollution, development, and overfishing, the area must be provided with protection soon.

This legislation also calls for the establishment of a visitor center, viewpoints, and boardwalks to encourage public participation. I have had the chance to witness the spectacular scene that these migratory species bring in the springtime to the mudflats, and know that the public would greatly benefit from the opportunity and encouragement to see and learn more about the importance of this biannual process of migration.

Mr. Speaker, this legislation has had the support of the entire Washington delegation in both Houses. I feel that it carries a most beneficial purpose and would strongly urge its passage.

Mr. MILLER of Washington. Mr. Speaker, I rise in support of S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge. I joined all my colleagues from Washington State in introducing this bill last October. With the help of the leadership of the Merchant Marine and Fisheries Committee, we managed to get this bill passed last December. The Senate, unfortunately, did not take up this bill until last month.

Mr. Speaker, S. 1979 bill will provide for an 1,800-acre refuge consisting of coastal wetlands in Bowerman Basin, located inside of Grays Harbor. These lands are a major staging area for millions of shorebirds which come to the basin each spring on their way to the Arctic. At this refuge, one can see western sandpipers, dunlin, short and long billed dowitcher, and red knot. There is no place in the Pacific Northwest where so many birds congregate.

I have seen video tapes of the birds swarming and it is truly amazing to watch them take off and land. Bowerman Basin is, Mr. Speaker, a precious and irreplaceable area. My colleagues, DON BONKER and MIKE LOWRY, visited the area last spring after most of the birds had flown north. We met with local officials to discuss the area and the plans for legislation. I have also met with many conservationists who want to see this area saved.

Mr. Speaker, this bill is more than another park for Washington State. Looking at a map of where shorebirds fly, one can see that this bill is crucial to saving key habitat. S. 1979 will help these birds continue to follow their migratory paths around North America. Bowerman Basin is a key staging area which should be preserved. This bill, S. 1979, helps do that. It is not as thorough as H.R. 3423 was, but, Mr. Speaker, it is a substantial step in the right direction. Moreover, Mr. Speaker, I want to thank my colleague, NORM DICKS, for securing funds in the House appropriations bill to acquire the land. I must note that these funds are not in the Senate appropriations bill. I hope that the Senate will agree to our provisions and provide the money needed.

I urge my colleagues to vote in favor of S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge.

Mr. FIELDS. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the Senate bill, S. 1979.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 1979, H.R. 5141 and H.R. 2999, the three bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REQUIRING ALL CONTRIBUTIONS IN ELECTIONS FOR FEDERAL OFFICE BE SUBJECT TO FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4952) to amend the Federal Election Campaign Act of 1971 to require that all contributions in elections for Federal office be subject to that act, as amended.

The Clerk read as follows:

H.R. 4952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALL CONTRIBUTIONS IN ELECTIONS FOR FEDERAL OFFICE TO BE SUBJECT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) No candidate or authorized political committee of a candidate may accept any contribution with respect to an election for Federal office if the gift, subscription, loan, deposit, thing of value, or payment constituting the contribution is given or made with respect to an election for State office or otherwise is not subject to this Act.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to contributions with respect to elections for Federal office taking place after November 8, 1988.

The SPEAKER pro tempore. Is a second demanded?

Mr. THOMAS of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

The gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill states that only those funds raised specifically for a Federal election may be spent on that election. There is an infrequent but slowly expanding practice in some States of State and local officeholders and candidates to raise vast amounts fo campaign funds under State law and regulation, and then to announce for Federal office, hoping to transfer funds from one account into the other.

The problem with this practice is that the funds being transferred have not been raised in compliance with Federal law. More often than not, corporate or union treasury funds have been employed to raise the moneys being transferred. Consequently, funds that are specifically barred by statute from Federal elections find their way in through a back door. This bill closes that door and requires all funds used by a candidate to influence a Federal election to be raised in compliance with Federal law.

Our campaign laws need substantial revision. Over time candidates have developed techniques to circumvent some of the laws restrictions. The skyrocketing cost of running for office presents new problems that cry out to be addressed. Comprehensive reform is necessary and I remain dedicated to that end. But the fact is, that as the other body has demonstrated this year, agreement on how to do it is difficult to achieve. This is one matter on which there is bipartisan agreement. By plugging this one leak I hope we are setting the stage to dam the flood of money that threatens to engulf us. The bipartisan cooperation demonstrated here today gives hope that such an undertaking will prove successful.

Mr. Speaker, this is an important measure and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 4952, has gotten, I believe, far more attention than it deserves. I say that even as the sponsor of the bill.

The bill does, as the chairman of the subcommittee indicated, prohibit a candidate from accepting a contribution for election to Federal office unless the contribution originally was made and remained subject to the Federal Campaign Act. That may surprise some people to stand here and say that currently money that is not eligible to be used in a Federal race can actually be spent to raise money that can be used in a Federal race, but that is, in fact, the current state of the law, and the intention of H.R. 4952 is to change that.

Mr. Speaker, there has been an awful lot of confusion about just exactly what was the rationale behind H.R. 4952.

Our colleagues have received a letter from Common Cause indicating a multitude of sins involved in H.R. 4952 and, as a matter of fact, this morning in the Washington Post, this small, modest bill generated an editorial with the heading "Political Shelter."

I would like to spend just a couple of minutes examining the editorial in terms of its content. It is not often that I find an editorial that is simply, absolutely void of any factual material. Oftentimes in grasping to make points people will run amuck a point or two, but this particular editorial never gets out of the muck.

For example, it starts out, "On Capitol Hill now, California politicians"—the Washington Post is wrong. The conspiracy is far broader than just California. The chairman of the Elections Subcommittee of the House of Representatives, the gentleman from Washington [Mr. SWIFT] is obviously in on the conspiracy; the gentleman from Minnesota [Mr. FRENZEL], whom all of us know is an individual who is more than willing to go along to get along on any point that we bring up in this body; in fact, the entire Committee on House Administration is in on this conspiracy. It is not just the California politicians.

What are we trying to do? It is in that very first sentence in the editorial. We are trying to shelter ourselves from competition at the polls. Let us take a look at some of those people whom I mentioned who are in the forefront of sheltering incumbents from competition at the polls. The gentleman from Washington [Mr. SWIFT] has introduced H.R. 2464, and if Members will take a look at that measure, section after section is headed by a phrase "limiting," "restricting"; in fact, it contains a provision having to do with Members' personal campaign funds that could in no way be interpreted as proincumbent. The gentleman from Minnesota [Mr. FRENZEL] currently has H.R. 1440, which flatly prohibits the use of campaign funds for personal use, and he has been the author over the years of a number of bills that would expand competition against incumbents, not restrict them.

This gentleman from California currently has H.R. 2580 that he would love to have pass the House of Representatives, which says that a Member would be required to raise a majority of their money from individuals in the district and includes a prohibition from transferring moneys from one candidate's fund to another. I do not think that could be described as incumbent protection.

In addition to that, Mr. Speaker, I would ask to place in the RECORD a colloquy between myself and the gentleman from Massachusetts [Mr. FRANK] that took place May 21, 1987. It was in a hearing discussing a number of major campaign finance bills. The theme of the day was public financing, and the gist of this that will be placed in the RECORD was the idea that in a discussion of inherent advantages to incumbents, the experience of office is something that one cannot take away, but my argument was that I thought it a bit hypocritical for people to advocate limits on finances, and the figure in the bill at the time was $200,000, and not take into consideration the advantages the incumbent had of noninherent origination such as newsletters, nonsolicited frank mail, the staff that they have, and that I suggested to the gentleman from Massachusetts [Mr. FRANK] that what we ought to do if people seriously believe we should have limits on the amount of money that should be spent in a campaign to allow the challenger to either add to his account or to subtract from the incumbent's the amount that these advantages could be determined in terms of a dollar amount. The gentleman from Massachusetts [Mr. FRANK] in the colloquy, as Members will see in the CONGRESSIONAL RECORD, said that that would end up in terms of a minus amount for the incumbent, that is, the incumbent advantages would be far greater than the $200,000 which was going to be provided for them to campaign on. The answer, of course, was that this kind of an incumbent advantage is unacceptable, and I would argue, Mr. Speaker, that H.R. 4952, in fact, is not proincumbent.

Mr. Speaker, as we know, better than 98 percent of the Members are nonelected. There is virtually no race in all general elections. The only real contests would tend to be in the primaries.

What this does is require a far more level playing field for people not now in office to attempt to gain a primary to run against an incumbent. It means greater competition. If one has greater competition in the primary, they have a better chance for a competent primary opponent. If they have greater chance for a competent primary opponent, they have a better chance to defeat the primary incumbent. Slim? Yes. H.R. 4952 would provide increased competition in primaries which would mean getting better challengers in the general.

The editorial goes on to say that it all started in June. Mr. Speaker, this bill is not a reaction to the June primary in California, and I would ask again to place into the RECORD a colloquy between myself and the Federal Elections Commission Chairman, Mr. Tom Josefiak, which occurred March 8, 1988, in which the very question which this bill embodies was asked of the Chairman as to whether or not this was appropriate and how we might resolve the problem. The Chairman said, "I think it will take legislation." H.R. 4952 is that legislation.

The editorial goes on to talk about "Enter the State's 45-Member congressional delegation already much insulated from competition by favorable redistricting." Mr. Speaker, I do not understand where the Washington Post has been for the last 6 years. The Republicans in California did not believe it was favorable redistricting that determined the 45-Member makeup of the California delegation. We did not believe it was favorable to the point that we went to a referendum in the State and defeated the lines that had been drawn by the Democrats. They redrew the lines with a Democrat Governor and passed a new set of lines. This new set of lines is now before the U.S. Supreme Court in the case of Badham versus Hugh. We do not believe those lines are fair, honest, or favorable. Yet, the Washington Post editorial argues that we are insulated from competition by favorable redistricting, and we want to keep it that way.

The Post then goes on to say that it is already the law that one cannot use money raised contrary to Federal limits to run in Federal elections. Mr. Spreaker, the purpose of H.R. 4952 is to bring that statement into reality.

Today, given advisory opinion after advisory opinion of the FEC, it is in fact possible to spend non-Federal money to raise Federal money and spend it in a Federal campaign. Why is the Washington Post so far off the mark? They often miss, but not with every single bullet in the revolver.

The reason the Post is off the mark is that I believe they relied on the Common Cause letter, because it contains the same errors and misconceptions as the Post almost word for word, and apparently to some people it is simply too hard to believe that H.R. 4952 is in fact a modest loophole-closer, and that it has bipartisan support.

Mr. Speaker, is it possible that Common Cause is so blinded by its advocacy of certain changes that it opposes all changes? Of course, it is not fundamental campaign reform. We could not pass fundamental campaign reform. Frankly, there is a majority of the House at the present time that is probably going to be opposed to some of the fundamental campaign reforms that people have been talking about, whether or not the red herring of incumbent protection is used.

Read what the legislation does: "If H.R. 4952 fails to pass, we will in fact be condoning the use of corporate dollars to raise 'Federal dollars' to be spent in a Federal campaign."

Please, examine the arguments. I understand H.R. 4952 is modest, but I believe it is necessary legislation, and I urge its passage.

The editorial referred to follows:

POLITICAL SHELTER

On Capitol Hill now, Calfiornia politicians are trying to tuck into law an innocent-looking provision framed to shelter themselves from competition at the polls. It all started in June, when California voters approved two good-government ballot propositions revising state campaign finance laws. Among other things, they prohibited state legislators from carrying over into the next election cycle money raised for this year's election. The sums are substantial here: in legislative elections in California, candidates spend as much as $2 million, most of it raised in Sacramento from lobbists, PACs, corporations and unions. Now, all of a sudden, they can use this leftover money only on something other than state elections—such as maybe in a race for Congress.

Enter the state's 45-member congressional delegation, already much insulated from competition by favorable redistricing and by a renowned capacity to raise funds. All of a sudden they see the possiblity of opposition from politically adept state legislators with nothing better to do with their leftover campaign funds than spend them on running for Congress. It's already the law (though there's room for argument about the specific formula) that you can't use money raised contrary to federal limits—in individuals contributions over $1,000, for example, or in direct contributions from corporations or unions—to turn in federal elections. But there is enough in federal-sized contributions in many state legislator's treasuries to make them a potential threat to some congressmen in 1990.

This is how Rep. Bill Thomas (R-Calif.) came to introduce a bill which, with the quiet support of House Majority Whip Tony Coelho (D-Calif.), raced through the House Administration Committee last Wednesday. It's been put on suspension calendar, which means it's not subject to the usual rules and can scoot through fast on Tuesday if no one objects today.

Somebody should object. The same committee has been unable to put together bills to provide for public financing of congressional elections or to deal with soft money or to repair other rents in the fabric of campaign finance law. If the Californians want insulation from competition beyond what they already get under current law, they should expose their proposal to full debate and not try to rush it through by short-circuiting the legislative process. Their proposal should not be thrust ahead of other long-delayed campaign finance reforms.

The colloquy referred to follows:

Mr. THOMAS. I thank the chairman.

I guess we could argue forever about incumbent advantage under expenditure limits, but at some point I would really love to see a system that was put up or shut up, and it would be this. We would make an honest effort to determine the value of incumbency. There is no way you can place a dollar value on it.

All of us talk about weighing choices. I don't think anyone here would rather be a challenger than an incumbent—there are advantages. But there are some clear dollar factors that can be screened out. For example, unsolicited frank, your newsletters, costs that can be associated and broken down.

If we would put a dollar value on that and then put an expenditure limit on the campaign, and then give the option to the challenger, not the incumbent, to either add that dollar limit to their amount—the challenger—or substract from the incumbent's, then you could really have honesty in campaigning in terms of whether or not there is an incumbent in the——

Mr. FRANK. We would be in the hole, though, we would have a negative if you subtracted it.

The colloquy referred to follows:

Mr. THOMAS. The final question: It is happening in California and it may not be true in a number of other states, but there is an area in which you folks are going to have to begin to focus your activities. Currently in California your average state legislative seat probably costs more than your average Congressional seat. Monies are raised in California without regard to limits, and in large part without regard to source, since your corporate funds are available as well as individual. It is also true that in many counties candidates holding county or even city positions are viable candidates for Federal election as well, and they have very large campaign economies.

Again, usually no limits although locals have limits either personal or corporate. When these people decide to involve themselves in Federal races, they go through a procedure of sifting out Federally allocable dollars and holding back the others. It was done modestly at one time years ago. It is now done rather boldly, to the point that it is becoming a campaign concern allocation—allegations fly about whether it has been done properly.

You folks will be involved in that relatively soon. The other concern is that there are elected officials who have campaign funds under the state law which have been making contributions to candidates running for the Federal law and living up to the limit amount and, perhaps, justifying in some way by transfers of monies that it is really Federal dollars that are contributed.

I don't know if it is occurring in other states, but you folks need to be sensitive to this. It may be an area that we have to deal with in legislation. I personally think there are two separate systems and they ought not to be able to commingle and the dollars ought to start at the beginning of the process in each of the systems and there ought not to be any transfer of those dollars because that only complicates your job, and it creates those sophisticated campaigning decisions that breed other more sophisticated campaign decisions which breed even more, et cetera.

The way to stop most of those that you have complained about is to simply not allow them to occur at the front end. Any comment on that?

Mr. JOSEFIAK. Yes; I think it will take legislation. Quite frankly, when it comes to the non-Federal office holder running for Federal office, the Commission does, in fact, sanction those kinds of transfers, and we go in with a theory of the way we would treat an incumbent Member of Congress, taking past campaign funds and putting them into a current campaign.

We do require, however, that they are clean funds so we go in with the last monies coming in are spent first, and we make them go down the process. So, for example, if the last contribution you received was $1,000 from Josefiak, we allow you to transfer that money over. If it were a contribution from a corporation, second one was a contribution from a corporation, you couldn't transfer that contribution, then you would have to go to the third. So we have that system.

Mr. LEACH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Mr. Speaker, I am happy to yield to the gentleman.

Mr. LEACH of Iowa. Mr. Speaker, let me just preface my remarks that I think the gentleman from Washington and the gentleman from California are two of the most eloquent, able, and certainly men of this House of unquestioned integrity.

The bill before us is one that I have some doubts about, but by the same token, I think the arguments they make are not meritless.

Having said that, I think the frustration that exists in this body on the campaign reform issue is one not so much about what this legislation contains but what it does not.

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And for instance, it appears that one bill of modest proportions has come before this body under the Consent Calendar, which means that it cannot be amended in a way that implies that there will not be in this session of Congress a more substantial campaign reform bill, whether it be on the subject of bundling, on the subject of limiting PAC contributions, on the subject of Members PAC's, on the subject of conversion of PAC money for personal use. So I would ask the gentleman from Washington if he can indicate whether there is going to be a commitment, if not in this Congress, early in the next Congress for consideration of these issues? Or does the gentleman think that these are unlikely to be considered by any Congress at all?

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Speaker, this gentleman from Washington has a very elaborate bill which was introduced early in this session which deals with all of the issues which the gentleman raised.

As chairman of the subcommittee, I indicated early on publicly that as the House has passed campaign finance reform legislation in the past, only to have it die in the Senate and because the other body in this Congress was vigorously pursuing the passage of campaign reform legislation with no less than the majority leader as the driving force, that it seemed wise and appropriate for us to see if the other body could pass the legislation.

We held hearings so that we would be ready to move as soon as that bill came over and as the gentleman knows, the bill unfortunately died in the Senate.

This legislation, unfortunately, is one that is very controversial within each party and between the two parties.

Legislation that will do a good job will be very difficult to pass and I am perfectly willing to bring that kind of legislation, to work as best I can with my minority on the subcommittee who have been very cooperative but on this issue have some substantial disagreements on what the policy should be, but I will work with them, I will work with others and I will try to bring a bill to the floor when there is sufficient indication that we are going to get somewhere as clearly there was not this year.

Next year is going to be a new administration, new players in a number of places, a new atmosphere I think in both Houses of the Congress. I am pledged again, as I have been all along, to pursue effective, sensible and workable campaign reform legislation, hopefully, in my view, that will reduce the amounts of money we have to raise and by reducing the amounts we can spend. That is a pledge.

This bill, however, is one in which we had bipartisan support. It is essentially a technical amendment. It is an amendment that makes the law say what we all thought it said anyway.

It seemed to me that if we had that kind of agreement, why not get this piece of it now? That is the reason for the timing of this bill. It has nothing to do with suggesting that we do not have a great deal more work to do in this whole field of campaign finance reform. And we will address that in a timely fashion.

Mr. LEACH of Iowa. I appreciate the gentleman's commitment. I know as well as any Member of this body that the gentleman from Washington [Mr. SWIFT] has led this cause as much as anyone in this Congress ever has.

There is some frustration, though, that we are in a catch-22; that if we cannot act until the Senate acts, that means we may never act. And as a historial reference I think there is always a place for Congress to act on this side of the dome if the reason is there.

I might also say that this might have been a nice piece that would have given some Members some incentive to bite more from the apple. That might have been reason to delay as well.

Let me just make one final comment. I know the gentleman from California stated very carefully about this issue of use of money raised in a State context being used for Federal, but I think it it clear that Federal law now precludes certain types of corporate money and other types of private money that might be legal in a California context, or another State context, being used in a Federal election. But I think the point the gentleman made was that that money might be used to raise or leverage other money that might be more legally used. Is that not correct?

Mr. THOMAS of California. Reclaiming my time, that is exactly the problem. And what it does it produces far more money than would otherwise be the case had that money been raised under Federal auspices. All we are saying is if you are going to raise money to be used in a Federal race, you raise it under federal jurisdiction.

Mr. LEACH of Iowa. Let me just if I could make one further comment on the gentleman's time. That is, based upon the representations that were given me earlier by the gentleman from Washington [Mr. SWIFT] I do think maybe I will withhold any prior thought of pushing this to a vote. I think pushing to vote probably would not serve anybody's purposes in terms of achieving the kind of comity that may be needed on campaign reform legislation. Let me just say I am somewhat skeptical of this approach but I think, given the enormous support that has been given, the thoughtfulness that has been presented, and that I honor the wishes of the two distinguished people on this floor on this issue.

Mr. THOMAS of California. I thank my colleague.

Mr. Speaker, reclaiming my time, the point needs to be made if it has been conveniently forgotten by others, that this in no way prohibits a State candidate from creating a Federal committee under whose auspices they can raise Federal money to run for Federal office while they are still in that State office.

So it does not prohibit all of the money, if a person is thinking about running for Federal office.

I also want to react to the statement that this might have been, as it were, a sweetener for a broad-based bill, We have been waiting 8 years. When you see a clear misinterpretation or violation of the act, I think it is almost incumbent upon us to move to clear up those areas that we can clear up rather than to consciously hold back and attempt to pass a broad-based bill because, as the gentleman full well understands, there is fundamental disagreement about what a broad-based bill ought to look like in terms of campaign reform.

Some people want to utilize the U.S. Treasury as the primary financing source. This gentleman, in his H.R. 2580, thinks that individuals who reside in the District ought to be the primary funding source of the campaign. If you would, local control of finance ought to be the way to go. And when you have fundamental differences to the point that one House cannot pass a piece of legislation to bring it to the other for reaction, to do absolutely nothing or to urge our colleagues not to support this kind of needed, modest but needed legislation, is I think exactly the wrong signal to send to the key players who have to sit down and work out a very difficult compromise when that time comes.

Mr. LEACH of Iowa, I think the gentleman, I would only say I think his modest bill make sense. I would hope, at a minimum, it would be added to the approach of the gentleman from Washington. But perhaps it is the type of legislation that Congress can consider discretely.

I think is represents forthrightness and sincerity and I appreciate the gentleman's efforts.

Mr. THOMAS of California. I thank the gentleman.

Mr. Speaker, politics is the art of the possible. What we have before us is the possible, in H.R. 4952. I would urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by way of summing up I would add to my remarks to the gentleman from Iowa [Mr. LEACH] who I think raised legitimate issues that I would not want to leave the impression that it is and will forever be my position or the House's position that the Senate must go first. That is clearly not the case.

I think that was a logical position to hold in this session, given the high profile effort by the leadership in the Senate to deal with the legislation.

As I indicated, next year will be a whole new ball game in so many ways that we are all going to have to sit down and see what makes sense in that context. And it may well fall to the House to provide the leadership role there.

The other thing I would just like to point out is that I really do not believe this is a serious threat to the passage of broader legislation, neither in the sense that I think there is enough strength there to leverage passage nor do I think its being passed will drain the bill because the gentleman listed the whole bunch of things that I think are really the driving forces behind that. And I really, as a person concerned with reform, I would have more concern if we were beginning to say just deal with bundling, which is a very important thing, just dealing with something else, perhaps people can see that as an effort to drain force from behind the bill. That is not what we are doing here. I think it is patently on its face not what we are doing here. And I think the gentleman's concern in that regard is legitimate, but I think this bill does not really raise that concern.

Finally, I would simply say that to reverse this issue, one has to ask themselves the question, "Would you support a policy that says that candidates may use corporate contributions and direct union money to finance their fundraising efforts for Federal office?" And I do not know of anybody who would argue that that would be good Federal finance law.

This bill simply says you cannot do that anymore and I would urge its passage.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KANJORSKI). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 4952, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4952, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMERICA LOVES ITS KIDS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, I rise today to urge my colleagues to unanimously support the passage of House Joint Resolution 579 which proclaims February 1989 "America Loves Its Kids Month".

My good friend and colleague on the Senate side, the Honorable DAVE DURENBERGER, led an identical version of this bill through that body where it received unanimous support on July 26.

"America Loves Its Kids Month" is a bill with which no one can argue. In these times of change when, all too frequently, children are placed in adult situations, it is important that we take time out to recognize the hurts and struggles of growing up.

Simply put, "America Loves Its Kids Month" is meant to remind all of us that childhood is a special time that is not without difficulties, however big or small. In our busy, adult lives we sometimes forget that a child needs affection, whether that be hugs and kisses, a pat on the back, or simply a warm smile.

Enemies of our children lurk around every corner, enemies like drugs, gangs, and child abuse. If the tomorrow of our Nation is to be bright, the today of our children must be nurtured and encouraged. I think the obvious merit of this idea, the love and affection we all feel for children, speaks loud and clear for itself.

Childhood is a fragile thing. Kids need encouragement to excel, and those who are excelling need recognition to continue. During "America Loves Its Kids Month" events and activities will recognize children just for being children. Adults will reflect back and remember that, while childhood was an exciting and special time, it wasn't always easy. Then they'll give away a hug and make a kid's day.

In my home State this idea has already enjoyed success, first as "Eden Prairie Loves Its Kids Month" and then as "Minnesota Loves Its Kids Month." I would like to reiterate the sentiments of Senator DURENBERGER in thanking those people who were instrumental in its success. They include Eden Prairie native, Dottie Ewart, who can claim credit for the original idea, and her good friend, Doris Gillespie, who worked very hard to make it a reality in Minnesota. Both have been tireless and are to be highly commended. Groups like Toughlove and the National Perinatal Association deserve our thanks as do our friends in the Senate for their speedy and unanimous approval.

I would also thank those of my colleagues in this House who have joined me in sponsoring this bill. Special appreciation goes to my friend the gentleman from Illinois, [CHARLES HAYES] for his original interest, enthusiasm and sponsorship of this important effort.

In closing, Mr. Speaker, at a time when this body is being called on more and more to debate tough issues like 'lethal aid' and military appropriations, it should be especially easy for us to take time out to hand deliver a message to our children that it is not only their tomorrow which concerns us but their today as well.

THERE OUGHT TO BE A LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, last fall I issued a challenge to my constituents in the 11th District of Ohio. Noting that the best government is government "by the people" I asked my constituents to send in their ideas for Federal legislation. The contest attracted national attention and quickly became known as, "There Ought To Be a Law."

Through winter and early spring hundreds of letters poured into my office with suggestions for legislation that could improve the quality of our lives. After a lengthy screening process and consultation with CRS we had our winners: In the senior division Mr. Charles D. McCreary of Eastlake, OH, and in the junior division Miss Chandra Rohe of Mantua, OH.

Today, I am introducing two bills which grew out of Mr. McCreary's and Miss Rohe's suggestions.

First, acting on Mr. McCreary's suggestion that "there ought to be a law requiring any company producing toxic materials to first develop a means to neutralize the materials"—I am introducing a bill that would amend the Toxic Substances Control Act to require persons proposing to manufacture or process certain chemical substances to also develop methods for neutralizing such substances.

We all remember the incidents in the early 1970's that raised our consciousness to the threats of serious environmental contamination from toxic substances. Those horror stories led to the 1976 enactment of the Toxic Substances Control Act, which provided EPA with broad authority to control the risks presented by toxic substances before they have a chance to pollute our environment and endanger our health. By amending TSCA, my bill would be an important step toward ensuring even better long term protection from these risks.

Second, I am introducing legislation today directing the Secretary of Transportation to promulgate new construction standards for schoolbuses. Chandra Rohe's contest-winning idea was for better padded schoolbus seats to reduce the risk of injuries to students. While padding on schoolbus seats was required by the 1977 Federal Motor Vehicle Safety Standards, Chandra's idea provided the impetus for further research into schoolbus safety, and I learned that young children are at great risk while boarding and exiting the schoolbus. Current construction standards do not provide adequate visibility standards for the area immediately in front of the front bumper or along the front wheels of the bus. This area has come to be known as the "danger zone" where children, generally kidnergarten to third grade, are at greatest risk.

My bill would amend the National Traffic and Motor Vehicle Safety Act of 1966 to require that each schoolbus be equipped so as to provide the driver with an unobstructed view of the area directly in front of the schoolbus. In addition, my bill calls for a study and report on the number of schoolbuses constructed before 1977 that are still in operation. This information is important because these buses do not conform to basic safety standards issued on April 1, 1977 including: Flammability standards, crash standards, and fuel system standards. The schoolbus involved in the fatal crash in Kentucky earlier this year was a pre-1977 bus.

There is no more satisfying feeling for a legislator than to see his constituents directly involved in the processes of government. Mr. McCreary and Miss Rohe are examples of how we can all benefit from the tremendous wellspring of ideas in each of our districts. I challenge my colleagues from both sides of the aisle to open the channels of government—take a moment to listen to your constituents—you may be surprised by what you hear.

LOCKWOOD CELEBRATES CENTENNIAL OF ITS POST OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on July 23, 1988, I had the honor of attending the centennial celebration of the U.S. Post Office in Lockwood, CA, a small town in Monterey County that is located in the 16th Congressional District, which I represent.

The people of Lockwood held a pancake breakfast on that day, which was followed by a parade, speeches by several public officials, and games, contests, and historical displays. The all-day event concluded that evening with a western style barbecue and dancing. A great time was had by all, myself included.

Lockwood is a small rural community that was named after Belva Ann Lockwood, a Presidential candidate, attorney, and advocate of women's rights, who is commemorated today on a 17-cent stamp. As in 1888, the town economy relies largely on farming and cattle ranching. Lockwood is the home of the 211-year-old Mission San Antonio de Padua, one of the original missions founded by Father Junipero Serra.

Lockwood has had only 10 postmasters since the post office was established there a century ago. I would like to take this opportunity to mention their names: Lair Patterson—1888-89; Herman Loeber—1889-1907; Knudt C. Johannsen—1907-09; Ingwer H. Frudden—

1909-12; Albert S. Longmire—1912-35; Frank E. Gillett—1935-40; Lucile C. Getzelman—1940-70; Gladys L. Roth—1970-86; and Richard L. Plambeck—1986 to present.

The current postmaster, Richard Plambeck, is doing an outstanding job, and he and the other members of the centennial committee are to be commended for their work in organizing this centennial celebration.

Mr. Speaker, the U.S. Postal Service is an indispensable element of the life and economy of this Nation. But nowhere is it more important than in a rural community like Lockwood. While there may not be many people in that town, the Postal Service has, for the past 100 years, represented a vital link between them and the rest of California and the Nation, just as it has for countless other rural communities.

Of course, as the decades have gone by, communications in this country have advanced in many ways. But the fact that the people of Lockwood took a day out of their lives to celebrate their post office should serve as a reminder of how important this institution is to them. I was proud to be part of this event, and I am proud to be able to bring it to the attention of my colleagues.

GAUGING THE DEPTH OF PERESTROIKA AND GLASNOST IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, I recently returned from a trip to the Soviet Union where I visited Moscow with a delegation from Christian Solidarity International [CSI]. Our purpose was to make contact with religious dissidents and meet with Soviet officials to gauge the depth and commitment of General Secretary Gorbachev's policy of "perestroika" and "glasnost" especially as it applies to religious liberty.

The delegation included my wife Carolyn, David Amess, a Conservative Member of Parliament in Britain, Steve Snyder, United States director, CSI; Michael Farris, United States chairman, CSI; Robert Pittenger, United States board member, CSI; Mervyn Thomas, U.K. chairman, CSI, and Scott Flipse, a member of my staff.

My impressions of Moscow are different now that I have spent a portion of time in that city. Moscow is characterized by wide avenues, large squares, and post-WWII architecture sprouting a jumbled maze of apartment buildings of all shapes and sizes.

Moscow also symbolizes the center of the debate on how best to proceed with communism. The watchwords of "perestroika" and "glasnost" are taking root, but as we learned from the many dissidents with whom we talked, Moscow and Leningrad remain "show cities" of change. The "new thinking" characterized by Gorbachev and his followers have not taken hold in the provinces such as Armenia, the Ukraine, Siberia, Lithuania, Estonia, and Latvia. "Old thinking" prevades these areas and human and religious rights abuses continue to be prevalent.

I met with many religious dissidents and I also had a meeting with Jewish refuseniks. I was impressed with the courage and resolve of these people who day after day are left outside the privileged structure of the Soviet nomenclature. Most have spent time in prison camps and psychiatric hospitals for earlier stands and "crimes against the Soviet State."

During my stay in Moscow I met with Father Gleb Yakunin, Alexsander Ogirodnikov, Valery Senderov, Larissa Bogaroz from Press Club Glasnost, Janas Vanags, a Lutheran pastor from Latvia, a group of Pentecostals from Estonia and the Ukraine and Jewish refusniks.

In our meetings a trend developed. When we inquired about glasnost and perestroika the response was that something was definitely happening in the Soviet Union. Five years ago they may have been thrown in jail for meeting with us. Even though they knew our conversations were monitored they spoke freely without fear of quick retaliation.

While retribution would not necessarily entail incarceration in a Perm camp or pyschiatric hospital, subtler forms of repression are still taking place, especially outside of Moscow and Leningrad. Heavy fines are extracted from priests and active layman, beatings take place to discourage religious promotion, priests are attacked by name in the press as drunkards and liars to undermine their authority, and refuseniks are denied exit visas without the financial authorization of all relatives and because they allegedly possess "state security secrets."

There was a general feeling from those we talked to that changes occurring in the Soviet system were temporary. There remains cynicism toward the promises of greater liberalization.

In spite of this fact, we found an enthusiasm to press the promises of perestroika and glasnost. Some of the dissidents who had spent time in prison were beginning religious and political journals and magazines. There was a hunger for bibles, religious literature, computers and video material. They wanted us to send bibles through the mail to ask Soviet officials to allow printing of bibles and make legal the printing of opposition journals and magazines.

We could feel a spiritual hunger in the Soviet Union, a void that no ideology or substitute could fill. The millenium celebration of the baptism of Prince Vladimir in Russia had brought about much discussion of the role of religion in Soviet life. For the first time Soviet state TV broadcast a religious ceremony of the Russian Orthodox Church.

This euphoric self-examination, however, did not last very long. Promises made at the height of the millenium celebration have yet to be implemented and the tolerance exhibited during the celebration is beginning to wear off as many, many groups that have been historically persecuted want to leave the Soviet Union. Baptists, Pentecostals, Jews, Catholics, and Lutherans in the Baltic states and the Ukraine are applying to leave the Soviet Union in unprecedented numbers. The bright future projected by General Secretary Gorbachev holds no promise for these people who do not have the same interpretation of "perestroika" as the Soviet Government.

We also met with several Soviet officials including Mr. Fyodor Burlatskij, chairman of the Public Commission on Human Rights; Mr. Yuri Rechestov, deputy head of the humanitarian and cultural affairs section of the foreign ministry; Konstantin Kharchev, chairman of the Council on Religious Affairs and representatives of the Russian Orthodox Church. Our goal was to bring up specific desires for change in the Soviet Union. We asked for the repeal of the 1929 laws concerning religion, especially articles 190-1, 227, 142, and 170 of the criminal code which have been used to imprison and harass religious believers in the past.

We also asked when a general amnesty would take place allowing religious and political prisoners of conscience to go free. Mr. Burlatskij, and Mr. Kharchev, had promised publicly in the West that such an amnesty would take place.

Our meeting centered on several cases and issues of concern including the religious education of minors, the importation of bibles, our desire to visit Perm Camp 35, and the stories of Mrs. Galinia Barats and Deacon Vladimir Rusak.

The significance of our talks with Soviet officials centers on the promises we received. Our goal was to find out the timetable and proposed changes in the Soviet legal code concerning religion, emigration, and freedom of conscience.

Mr. Burlatskij and Mr. Rechastov promised the repeal of article 227, or the infringement of person and rights of citizens under appearance of performing religious ceremonies; article 142, which subscribes penalties of internment and fines for those violating the strict separation of church from state and schools, and article 190-1, which was used to imprison those who banded together to protest and critically speak about the Soviet Union. We also received a promise for the reediting of article 70, which is a law against "anti-Soviet agitation and propaganda" so that Christians will no longer be convicted. Only those who advocate violence to overthrow the State will be punished.

There were also promises that revisions would take place assuring some sort of protection for the religious education for minors. Previously this had been illegal and continues to remain illegal until the child is 18 years old. Similarly, Mr. Kharchev promised that Bibles could be imported in large numbers. This promise has been recently borne out as religious organizations in the United States were given the go ahead to import up to a million Bibles into the Soviet Union.

Concerning an amnesty for political and religious prisoners of conscience, Mr. Burlatskij promised that an amnesty would be granted in September. There is disagreement on the number of these prisoners; however, we submitted a partial list of known prisoners and made reference to a list compiled by Keston College which is the foremost authority on this subject.

It is well to keep in mind, however that the promises voiced were also accompanied by statements that there are still those in government opposed to changes. A substantial revision of the legal code would generally contribute to the appearance of compliance with the 1975 Helsinki accords. Of course, the importance does not lie in the promises but in the actual implementation. Words do not hold weight when promises are constantly broken and agreements bent. Only by the actions of the Soviet Government will we be able to judge the depth of commitment they have toward human and religious rights.

One test of this commitment would be resolving the cases of Deacon Vladimir Rusak, Vladimir Kislik and Galiana Barats.

Deacon Rusak is intened in Perm Camp 35 and is in poor health. Our delegation asked to see him, but perestroika would not allow us to visit his gulag. Deacon Rusak is a Russian Orthodox layman who was arrested and sentenced for his religious activity. His health has been deteriorating and any inquiries have come on his behalf from the West. He remains in prison. We hope, however, that with Western urging he will be released.

Vladimir Kislik is a long-term Jewish refusenik. He has applied and been denied exit permits for 15 years. I met with 8 long-term Jewish refuseniks and their families in the apartment of Mr. Kislik. We sat around the kitchen table and discussed the present situation faced by those who want to emigrate from the Soviet Union.

Each person told me the circumstances surrounding his or her denial by Soviet authorities. The most striking feature of their stories was the arbitrary nature of refusals and acceptances of exit permit applications. Most Jewish refuseniks are denied exit visas under two devices, "state security secrets," and "poor relatives."

State security secrets is used against those who worked in sensitive or relatively sensitive positions for the Soviet Government. On the surface sensitive information could be construed as legitimate grounds for denial of exit permits, however, OVIR, the Soviet emigration office, is using state security grounds to deny those who worked in positions 10, 15, and even 20 years ago. Exit permits are also denied to those whose positions did not or could not come close to possessing secret information.

The poor relatives device has also been constructed to slow down the processing and emigration from the Soviet Union. "Poor relatives" prevents emigration until the refusnik can bring a statement absolving financial commitment from any family member remaining in the U.S.S.R. Family members, even cursory members, are often reluctant or pressured not to sign the statement. The Union Council on Soviet Jewry estimates that this is the fastest growing barrier to emigration, one that could affect tens of thousands of Soviet Jews, all of whom may have a family member reluctant to sign the necessary release.

For example Vladimir Kislik first applied for an exit permit in 1973. At that time he lost his job as an engineer and had to take menial jobs in order to support himself. His emigration requests were constantly denied on the grounds of state security and the KGB continued to harass him for his cultural and human rights activities.

In 1981, Kislik was falsely arrested and sentenced to three years in prison camp for "malicious hooliganism." He served most of his sentence and tried again in 1984 to emigrate but was refused.

Mr. Kislik has been living in Moscow since that time and has recently been told that his latest refusal is current until 1992. His health has been deteriorating because of the two heart attacks he suffered, but he continues to advocate the emigration of Jews and has not backed down from his stance no matter what the Soviet Government says or does.

Vladimir Kislik's case is an example of what Jewish refusniks face in the Soviet Union. While emigration numbers have risen in the last few months many people like Vladimir and those I met continue to be denied the right of emigration.

While we were in Moscow we also had the opportunity to visit Mrs. Galiana Barats. Her story is a vivid example of political and religious persecution. Mr. and Mrs. Barats were part of the elite of Soviet society. She was a professor and he was a military officer on the general staff. They converted to Christianity and actively took up the cause of Pentecostals.

For their activities both were put into prison camp. Mrs. Barats was forced to sew felt mittens. She cried as she told us of the quotas she had to maintain and the poor light she was forced to work in. Because of the light and the volume of her work her eyesight was ruined.

She and her husband were released in December 1987. They were told to go to Moscow but were not given permission to register in that city. Without registration their presence in Moscow was illegal. The KGB used their illegal status to beat them, force them to move from apartment to apartment and issued deliberate and arbitrary fines.

After a few months they were forced to move to the Ukraine. Again they were harassed for their inability to register and the KGB moved them back to Moscow.

On May 7, 1988, the KGB broke down the door of the apartment where they were staying and dragged Mr. Barats away (photo shot). He is being kept in defacto exile in Transcarpathia in the West Ukraine, where he is living as a homeless person.

From May 7 to May 27 the KGB waited outside the door of the apartment effectively blockading Mrs. Barats and the family she was staying with from the outside world. Each day the KGB pounded on the door saying that they were going to arrest her but she threatened to jump from the 21st floor if they set foot in the apartment. During their virtual imprisonment the family was supported by friends raising food by rope (photo shot).

A 6-year-old girl was trapped with Mrs. Barat in the apartment. Her name is Elizabeth and she suffers from a condition that will be fatal in a few years. She has a hole in her heart and is in need of surgery in the West. (Photo shot.)

The family originally took in the Barats because they hoped Western attention would allow their daughter to come to the United States for the needed surgery. A doctor in Washington State has sent invitations and has offered to pay for the surgery, however, the Soviet emigration office has refused permission. It is terrible that a sick little girl should have to witness the brutality of persecution, but to punish her and her family by refusing adequate medical care is reprehensible.

During President Reagan's summit meeting in Moscow, Ambassador Schifter paid Mrs. Barats a visit. Since that time the family has been allowed to leave the apartment; however, Mrs. Barats has been told that if she leaves she is in danger of arrest and exile. Three months have gone by and she has not stepped outside her door in fear and Elizabeth is still refused access to life-saving medical assistance in the West.

If human rights are to be a litmus test of the depth of change in the Soviet Union, then our delegation noticed a sliver of light in an otherwise dark tunnel. It became abundantly clear, in conversations with dissidents and in relating the stories of Vladimir Rusak, Vladimir Kislik and Galiana Barats, that fundamental changes in the Soviet attitude toward basic human rights have yet to occur. We see a striving on behalf of General Secretary Gorbachev to come to grips with the economic stagnation within his country and applaud the openness that has come as a result of the relaxation of strict controls.

The Helsinki accords, however, and the precedent in international law that they represent has yet to be fully implemented and protected, especially Basket III. Religious groups whose leadership is outside the Soviet Union such as the Lithuanian Catholic and illegal Uniate Catholic Church in the Ukraine will continue to be persecuted. Organization and religious denominations that are tied to a sense of nationalism as in Armenia, the Baltic States, and the Muslim areas of Central Asia will continue to be harassed and the right of emigration for Jewish refuseniks will probably continue to be arbitrarily accepted and denied as the specter of increased emigration fits into the best interest of the Soviet Union. It would be nice to be wrong.

United States-Soviet dialog will always be marked by a need for guaranteed individual rights. We will continue to stress the importance of religious freedom and human rights because our tradition of freedom recognizes individual rights as from God and above the power of the state to limit or arbitrarily censure. The question of freedom of conscience and its concomitants—faith, speech, and emigration—are central in our human rights dialog. Thus if Secretary Gorbachev is serious about revitalizing his country's economy with Western credit, loans, and joint business ventures then he will have to take seriously the United States' commitment to human rights. Only when substantial and fundamental changes take place in Soviet society whereby freedoms of conscience are guaranteed and protected should the Congress or the administration support economic assistance for the Soviet Union.

The changes that are occurring in United States-Soviet relations require continued diligence to maintain the viability of human rights for future generations. Promises of relaxation of persecution against the church, talk about freer emigration for Jews and other ethnic groups and attempts to reform the legal code of the Soviet Union, however, have to be held up against the treatment of Galiana Barats, Valdimir Rusak, Jewish refuseniks like Valdimir Kislik, and the many others who face similar circumstances. Our message to Soviet officials, now and in the future, should parallel the old saying which says, "actions speak much louder than words."

□ 1830

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. Kanjorski) laid before the House the following resignation from the House of Representatives:

House of Representatives,
Washington, DC, August 5, 1988.

Hon. Jim Wright,
Speaker of the House of Representatives, H204, The Capitol, Washington, DC.

Dear Mr. Speaker: I hereby resign as the Representative from the 19th Congressional District, effective immediately.

Sincerely,

Mario Biaggi,
Member of Congress.

House of Representatives,
Washington, DC, August 5, 1988.

Hon. Mario Cuomo,
Governor of the State of New York, Executive Chambers, Albany, NY.

Dear Governor Cuomo: I hereby resign as the Representative from the 19th Congressional District, effective immediately.

Sincerely,

Mario Biaggi,
Member of Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Wolf) to revise and extend their remarks and include extraneous material:)

Mr. Wolf, for 60 minutes, on August 10.

Mr. Frenzel, for 5 minutes, today.

(The following Members (at the request of Mr. Swift) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Eckart, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Coyne, for 5 minutes, today.

Mr. Gaydos, for 60 minutes, on August 9.

Mr. Owens, of New York, for 5 minutes, on August 9, 10, and 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Wolf) and to include extraneous matter:)

Mr. Cheney.

Mr. Clinger in two instances.

Mr. Moorhead.

Mr. Shumway.

Mr. Rinaldo.

Mr. Kemp in two instances.

(The following Members (at the request of Mr. Swift) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Florio.

Mr. Frank.

Mr. Smith of Florida in two instances.

Mr. Cardin.

Mr. Levin of Michigan.

Mr. Markey.

Mr. Lipinski.

Mr. Dellums.

Mr. Murtha.

Mr. Schumer.

Mr. Hawkins.

Mr. Edwards of California.

Mr. Yatron.

Mr. Fascell.

Mr. Kostmayer.

Mr. Clay.

Mr. Bryant.

Mr. Coelho.

Mr. Lantos.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 508. An act to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes; to the Committee on Post Office and Civil Survice.

S. 2680. An act to establish a pilot program for the tracking of medical wastes in the States of New York, New Jersey, and Connecticut; to the Committee on Energy and Commerce.

S. Con. Res. 63. Concurrent resolution expressing the sense of the Congress regarding the formulation and implementation of a regional economic development and recovery program for Central America; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 442. An act to implement recommendations of the Commission on Wartime Relocation and Interment of Civilians.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 442. An act to implement recommendations of the Commission on Wartime Relocation and Interment of Civilians;

H.R. 2213. An act to require certain telephones to be hearing aid compatible;

H.R. 2629. An act to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the conveyance and ownership of submerged lands by Alaska Natives, Native Corporation and the State of Alaska; and

H.R. 4726. An act to disignate the U.S. Post Office Building located at 700 Main Street in Danville, VA, as the "Dan Daniel Post Office Building."

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 9, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4126. A letter from the Administrator, Agency for International Development, transmitting reports of a violation of the Anti-Deficiency Act at the agency's Mission to Indonesia and the Mission to Ecuador, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4127. A letter from the Director of Management and Budget, transmitting a draft of proposed legislation to revise the statutes controlling the U.S. Soldiers' and Airmen's Home to reflect Air Force participation and for other purposes; to the Committee on Armed Services.

4128. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-236, "Victims Rights Amendments Act of 1988" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

4129. A letter from the Director, Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the annual report of the Commission's Office of Program Operations for fiscal year 1987, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Education and Labor.

4130. A letter from the Secretary of Energy, transmitting the annual report on the State Energy Conservation Program for calendar year 1987, pursuant to 42 U.S.C. 6325; to the Committee on Energy and Commerce.

4131. A letter from the Secretary of Energy, transmitting the annual report for fiscal year 1987 on Federal Government energy management, pursuant to 42 U.S.C. 8260; to the Committee on Energy and Commerce.

4132. A letter from the Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Department of Health and Human Services, transmitting a report of the activities of the Lupus Erythematosus Coordinating Committee, pursuant to 42 U.S.C. 281 nt.; to the Committee on Energy and Commerce.

4133. A letter from the Chairman, National Commission to Prevent Infant Mortality, transmitting the Commission's final report, "Death Before Life: The Tragedy of Infant Mortality," pursuant to Public Law 99-660, section 204(4); to the Committee on Energy and Commerce.

4134. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance to Pakistan for defense articles and services (Transmittal No. 88-49), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4135. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4136. A letter from the Plan Administrator, Federal Intermediate Credit Bank of Jackson, transmitting the annual pension plan reports for the plan year ending December 31, 1987, for the farm credit retirement plan and the Production Credit Associations' retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4137. A letter from the Vice-Chairman, National Capital Planning Commission, transmitting the annual report of activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

4138. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4139. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4140. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4141. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4142. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4143. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the decision ordering a grant of defector status in the case of a certain alien, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

4144. A letter from the Assistant Secretary of the Army (Civil Works), transmitting review and comment on one third of the projects authorized under the Water Resources Development Act, 1986, pursuant to Public Law 99-662, section 903(a); to the Committee on Public Works and Transportation.

4145. A letter from the Assistant Secretary of the Army (Civil Works) transmitting a report from the Chief of Engineers, Department of the Army, on Port Sutton Channel, Florida, together with other pertinent reports and comments; to the Committee on Public Works and Transportation.

4146. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, a draft of proposed legislation to amend the Water Resources Development Act of 1986 to facilitate cost-shared, collaborative research and development between the Secretary of the Army and non-Federal entities; to the Committee on Public Works and Transportation.

4147. A letter from the Administrator, Small Business Administration, transmitting the fiscal year 1987 annual report on the state of small business in the Nation, pursuant to 15 U.S.C. 639(a); to the Committee on Small Business.

4148. A letter from the Secretary of Agriculture, transmitting the fourth quarterly commodity and country allocation table showing current programing plans for food assistance for fiscal year 1988, pursuant to 7 U.S.C. 1736(a); jointly, to the Committee on Agriculture and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Aug. 4, 1988, the following reports were filed on Aug. 5, 1988]

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 4338. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to impose special fees on the ocean disposal of sewage sludge, and for other purposes; with an amendment (Rept. 100-747, Pt 3). Referring to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 4526. A bill to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park (Rept. 100-809, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 5090. A bill to implement the United States-Canada Free-Trade Agreement (Rept. 100-816, Pt. 5). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. H.R. 5090. A bill to implement the United States-Canada Free-Trade Agreement (Rept. 100-816, Pt. 6). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5090. A bill to implement the United States-Canada Free-Trade

Agreement (Rept. 100-816, Pt. 7). Ordered to be printed.

Mr. FRANK: Committee on the Judiciary. H.R. 1149. A bill to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction (Rept. 100-823). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on the Judiciary. H.R. 3763. A bill to amend title 28, United States Code, relating to foreign sovereign immunity, with respect to certain activities of foreign governments, and for other purposes; with an amendment (Rept. 100-824). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4118. A bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes; with an amendment (Rept. 100-825). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5141. A bill to delay temporarily certain regulations relating to sea turtle conservation (Rept. 100-826). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2999. A bill to prohibit the important or exportation and certain other transactions involving elephant products, and for other purposes; with amendments (Rept. 100-827). Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA: Committee on Agriculture. H.R. 4060. A bill to provide hunger relief, and for other purposes; with an amendment (Rept. 100-828, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. H.R. 4719. A bill to require the recipients of Federal grants and contracts to maintain drug-free workplaces, and for other purposes; with an amendment (Rept. 100-829). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Aug. 8, 1988]

Mr. DINGELL. Committee on Energy and Commerce. H.R. 1580. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes (Rept. No. 100-642, Pt. 6), ordered to be printed.

Mr. de la GARZA. Committee on Agriculture. H.R. 4354. A bill to designated certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, create the Winding Stair Mountain National Recreation and Wilderness Area, and for other purposes; with an amendment (Rept. No. 100-792, Pt. 2), Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA. Committee on Agriculture. H.R. 5090. A bill to implement the United States-Canada Free-Trade Agreement (Rept. No. 100-816, Pt. 8). Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA. Committee of conference. Conference report on H.R. 5015 (Rept. No. 100-830). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4449. A bill to authorize expenditures for fiscal year 1989 for the Panama Canal Commission to operate and maintain the Panama canal, and for other purposes (Rept. No. 100-831). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 4458. A bill to simplify the process of obtaining licensing by States for participation in parimutuel wagering by allowing consolidated requests to be made to the Federal Government for identification and criminal history records relating to the applicant for such licensing; with an amendment (Rept. 100-832). Referred to the Committee of the Whole House of the State of Union.

Mr. RODINO: Committee on the Judiciary. H.R. 5037. A bill to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes (Rept. 100-833). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs H.R. 5010. A bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993; with an amendment (Rept. 100-834). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1531. A bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal over public lands, and for other purposes; with an amendment (Rept. 100-835 Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4754. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; with an amendment (Rept. 100-836). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4777. A bill to modify the boundary of the Guadalupe Mountains National Park, and for other purposes; with amendments (Rept. 100-837). Referred to the Committee of the Whole House in the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1360. An act to amend the Indian Financing Act of 1974, and for other purposes; with amendments (Rept. 100-838). Referred to the Committee of the Whole House in the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1945. An act to amend the Second Supplemental Appropriation Act, 1961, relating to the lease of certain lands from the Isleta Indian Tribe for a seismological laboratory (Rept. 100-839). Referred to the Committee of the Whole House in the State of the Union.

Mr. de la GARZA: Committee on Agriculture. H.R. 4998. A bill to amend the Food Stamp Act of 1977 to make technical corrections in the Family Independence Demonstration Project (Rept. 100-840). Referred to the Committee of the Whole House in the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAZZOLI: Committee on the Judiciary. H.R. 2109. A bill for the relief of Rosa Pratts; with an amendment (Rept. 100-841). Referred to the Committee of the Whole House in the State of the Union.

Mr. BRYANT: Committee on the Judiciary. H.R. 2461. A bill for the relief of Milena Mesin and Bozena Mesin (Rept. 100-842). Referred to the Committee of the Whole House.

Mr. SCHUMER: Committee on the Judiciary. H.R. 2511. A bill for the relief of Tarek Mohamad Mahmoud (Rept. 100-843). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3238. A bill for the relief of Maria Linda Sy Gonzalez (Rept. 100-844). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 3247. A bill for the relief of Lynette J. Parker (Rept. 100-845). Referred to the Committee of the Whole House.

Mr. SLAUGHTER of Virginia: Committee on the Judiciary. H.R. 3414. A bill for the relief of Meenakshiben P. Patel; with an amendment (Rept. 100-846). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3917. A bill for the relief of Rajani Lal; with an amendment (Rept. 100-847). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. S. 391. An act for the relief of Hyong Cha Kim Kay; with an amendment (Rept. 100-848). Referred to the Committee of the Whole House.

Mr. BERMAN: Committee on the Judiciary. S. 425. An act for the relief of Sukhjit Kuldip Singh Saund (Rept. 100-849). Referred to the Committee of the Whole House.

Mr. SCHUMER: Committee on the Judiciary. S. 1583. An act for the relief of Maria Antonieta Heird (Rept. 100-850). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. S. 1329. An act for the relief of Roswitha Starins (Rept. 100-851). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. S. 1972. An act for the relief of Irma Purisch and Daniel Purisch, (Rept. 100-852). Referred to the Committee of the Whole House.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[In lieu of the referral endorsement appearing in the Record of August 4, 1988]

H.R. 5094. Referred to the Committee on Energy and Commerce, for a period ending not later than September 22, 1988, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X, and to the Committee on the Judiciary, for a period ending not later than September 22, 1988, for consideration of such provisions of section 102(c) of the amendment recommended by the Committee on Banking, Finance and Urban Affairs as propose the addition of a new section 5(e) to the Bank Holding Company Act of 1956 and fall within the jurisdiction of the Committee on the Judiciary pursuant to clause 1(m)(16), rule X, and for consideration of such provisions of sections 203(a) and 608 of the amendment recommended by the Committee on Banking, Finance and Urban Affairs as propose criminal penalties and fall within the jurisdiction of the Committee on the Judiciary pursuant to clause 1(m)(1), rule X.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on August 5, 1988]

H.R. 3392. Referrals to the Committee on Banking, Finance and Urban Affairs and the Committee on Ways and Means extended for a period ending not later than October 7, 1988.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDEE (for himself and Mr. Goodling):

H.R. 5174. A bill to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other pruposes; to the Committee on Education and Labor.

By Mr. DELLUMS:

H.R. 5175. A bill to prohibit investments in, and certain other activities with respect to. South Africa, and for other purposes; jointly, to the Committees on Foreign Affairs, Ways and Means, Armed Services, Banking, Finance and Urban Affairs, and the Permanent Select Committee on Intelligence.

By Mr. BATES:

H.R. 5176. A bill to provide for renegotiation of problem natural gas sales contracts so as to secure market responsive gas costs for consumers of natural gas; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself and Mr. DeWine):

H.R. 5177. A bill to amend title 17, United States Code, relating to remedies in copyright infringement actions; to the Committee on the Judiciary.

By Mr. BONKER (for himself, Mr. Pepper, and Mr. Bonior of Michigan):

H.R. 5178. A bill to require that certain Federal entities and certain non-Federal entities receiving Federal financial assistance provide television sets capable of displaying close-captioning, to prohibit Federal funding of conferences held at certain places of public accommodation which do not provide guests with guest rooms furnished with televisions capable of displaying closed-captioning, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Veterans' Affairs, Education and Labor, and Government Operations.

By Mr. ECKART:

H.R. 5179. A bill to amend the Toxic Substances Control Act to require persons proposing to manufacture or process certain chemical substances to develop methods for neutralizing or destroying such substances before manufacturing or processing them; to the Committee on Energy and Commerce.

H.R. 5180. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to direct the Secretary of Transportation to establish Federal motor vehicle safety standards to require that each schoolbus be equipped so as to provide the driver with an unobstructed view of the area under the front of the schoolbus, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ECKART (for himself and Mr. Miller of California):

H.R. 5181. A bill to provide for the establishment of a uranium enrichment corporation, and for other purposes; jointly, to the Committee on Energy and Commerce and Interior and Insular Affairs.

By Mr. SCHUMER (for himself and Mr. Sharp):

H.R. 5182. A bill to amend the Petroleum Marketing Practices Act strengthen the enforcement of requirements regarding the labeling of the octane rating of gasoline; to the Committee on Energy and Commerce.

By Mr. WHITTEN:

H.J. Res. 634. Joint resolution making continuing appropriations for selected programs facing dire emergencies for the fiscal year 1988, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2148: Mr. Atkins.

H.R. 2238: Mr. Hefley, Mr. Brown of California, Mr. McCandless, Mr. McCrery, and Mr. Dorgan of North Dakota.

H.R. 2489: Mr. Waxman.

H.R. 2690: Mr. Chandler.

H.R. 3314: Mr. Sawyer.

H.R. 3355: Mr. Sikorski, Mr. Ford of Tennessee, Mr. Mrazek, Mr. Solarz, Mr. Yatron, Mr. Oberstar, Mr. Moakley, Mr. Brown of California, Mr. Foglietta, Mr. Garcia, Mr. Kildee, and Mr. Mavroules.

H.R. 3454: Mr. Fauntroy and Mr. Gregg.

H.R. 3726: Mr. Harris and Mr. Hawkins.

H.R. 4048: Mr. McCrery.

H.R. 4060: Mr. Mrazek and Mr. Schuette.

H.R. 4134: Mr. Denny Smith.

H.R. 4156: Mr. Neal.

H.R. 4226: Mr. Feighan, Ms. Pelosi, Mr. Atkins, Mr. Markey, Mr. Dwyer of New Jersey, Mr. Durbin, Mr. Bruce, Mr. Bates, Mr. Wise, Mr. Shays, Mr. Weiss, and Mr. Wyden.

H.R. 4277: Mr. Thomas of California, Mr. MacKay, Mr. Brennan, and Mr. Dwyer of New Jersey.

H.R. 4362: Mr. Nielson of Utah.

H.R. 4454: Mr. Clement.

H.R. 4479: Mr. Davis of Illinois, Mr. Saxton, Mr. Bates, Mr. de la Garza, Mr. Studds, and Mr. Vento.

H.R. 4502: Mr. Hochbrueckner and Mr. MacKay.

H.R. 4529: Mr. Garcia.

H.R. 4543: Mr. de Lugo.

H.R. 4720: Mr. Lancaster, Mr. Horton, Mr. Atkins, Mr. Boucher, Mrs. Saiki, Mr. Rangel, Mr. Dannemeyer, Mr. Emerson, and Mr. Morrison of Connecticut.

H.R. 4760: Mr. Martinez.

H.R. 4842: Mr. Barton of Texas.

H.R. 4846: Mr. Atkins, Mr. Dellums, Mr. Roe, Mr. Gordon, Mr. Owens of New York, Mr. Rahall, Mr. Coleman of Texas, Mr. Bates, Mr. Fazio, Mr. Jontz, Mr. Towns, Mr. Horton, Mr. Ackerman, and Mr. Fauntroy.

H.R. 4924: Mr. DeFazio and Mr. Hastert.

H.R. 4927: Ms. Pelosi, Mr. Matsui, Mr. Rodino, Mr. Richardson, Mr. Traxler, Mr. Hayes of Illinois, Mr. Wise, Mr. Vento, Mr. Grant, Mr. Fazio, Mr. Brown of California, Mr. Akaka, Mr. Atkins, and Mr. Kennedy.

H.R. 4928: Ms. Pelosi, Mr. Matsui, Mr. Rodino, Mr. Richardson, Mr. Traxler, Mr. Hayes of Illinois, Mr. Wise, Mr. Vento, Mr. Grant, Mr. Fazio, Mr. Brown of California, Mr. Akaka, Mr. Atkins, and Mr. Kennedy.

H.R. 4932: Mr. Rangel and Mr. Blaz.

H.R. 4943: Mr. Mavroules, Mr. Morrison of Connecticut, and Mr. Owens of New York.

H.R. 4969: Mr. Bates, Mr. Neal, Mr. Atkins, Mr. Boehlert, Mr. Yatron, Mr. Mrazek, Mr. DioGuardi, Mr. Roe, Mr. Frank, Mr. Conte, Mr. Carper, and Mr. LaFalce.

H.R. 4983: Mr. Wolpe.

H.R. 5001: Mr. Saxton.

H.R. 5010: Mr. Jontz, Mr. Pashayan, Mr. Spratt, and Mr. Wolf.

H.R. 5041: Mr. Perkins, Mr. Ackerman, Mr. Hochbrueckner, Mr. Clement, Mr. Owens of New York, Mr. Pickett, Mrs. Boggs, Mr. Wise, Mr. Dymally, and Mr. AuCoin.

H.R. 5050: Mr. Berman, Mr. Frank, Mr. Guarini, Mr. Pickett, Mr. de la Garza, Mr. Ford of Tennessee, Mr. Upton, Mr. Nowak, and Mr. Blaz.

H.R. 5119: Mr. Gilman, Mr. Horton, and Mr. Stratton.

H.R. 5150: Ms. Pelosi, Mr. Rodino, Mr. Traxler, Mr. Hayes of Illinois, Mr. Fazio, Mr. Brown of California, Mr. Akaka, and Mr. Richardson.

H.R. 5164: Mr. Edwards of California.

H.J. Res. 330: Mr. Hawkins, Mr. Traxler, Mr. Yates, Mr. Bates, Mr. Frenzel, and Mr. Annunzio.

H.J. Res. 441: Mr. Andrews, Mr. Annunzio, Mr. Gray of Pennsylvania, Mr. Boucher, Mrs. Saiki, Mr. Anthony, Mr. Bilbray, Mr. Bonior of Michigan, Mr. Mack, Mr. Pickett, Mr. Kanjorski, Mr. Brennan, Mr. Clement, Mr. Coyne, Mr. Dellums, Mr. Edwards of California, Mr. Frank, Mr. Gibbons, Mr. Gordon, Mr. Hayes of Illinois, Mr. Hubbard, Mr. Kastenmeier, Mr. Lehman of Florida, Mr. Leland, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Lewis of Florida, Mr. Lowry of Washington, Mr. Thomas A. Luken, Mr. McCloskey, Mr. McHugh, Mr. McMillen of Maryland, Mr. Moakley, Mr. Ortiz, Mr. Perkins, Mr. Richardson, Mr. Russo, Mr. Sharp, Mr. Solarz, Mr. Torricelli, Mr. Waxman, Mr. Weiss, Mrs. Patterson, Mr. Jones of North Carolina, and Mr. Flippo.

H.J. Res. 467: Mr. Jones of North Carolina, Mr. Atkins, Mr. de Lugo, Mr. Lungren, Mr. Campbell, Mr. Hyde, Mr. McDade, Mr. Frank, Mr. Garcia, Mr. Murphy, Mr. Valentine, Mr. Dowdy of Mississippi, Mr. Boland, Mr. Borski, Mr. Bruce, Mr. Wyden, and Mr. Chappell.

H.J. Res. 509: Mr. Bilirakis.

H.J. Res. 540: Mr. Lowry of Washington, Mr. Owens of New York, Mr. Archer, Mr. DioGuardi, Mr. Natcher, Mr. Feighan, Mr. Inhofe, Mr. Miller of Washington, Mr. Baker, Mr. Ireland, Mr. Hastert, Mr. Rowland of Connecticut, Mr. Schaefer, Mr. Wolpe, Mr. Gray of Pennsylvania, Mr. Akaka, Mr. Bosco, Mr. Courter, Mr. Guarini, Mr. Hefner, Mr. Hyde, Mr. Lewis of Georgia, Mr. Lungren, Mr. Martin of New York, Mr. Murphy, Mr. Ortiz, Mr. Ravenel, Mr. Ritter, Mr. Tallon, Mr. Lent, Mr. Donnelly, Mr. Fish, Mr. Nielson of Utah, Mr. Sawyer, Mr. Anderson, Mr. Sweeney, Mr.

Campbell, Mr. Bryant, Mr. Florio, Mr. Coble, and Mrs. Martin of Illinois.

H.J. Res. 565: Mr. Hughes, Mr. Wolpe, and Mr. Gordon.

H.J. Res. 570: Mr. Jacobs, Mr. Mavroules, Mr. Bennett, Mr. Flippo, Mr. Horton, Mr. Buechner, Mr. Hyde, Mr. Jones of North Carolina, Mr. Kolter, Mr. Michel, Mrs. Kennelly, Ms. Oakar, Mr. Ortiz, Mr. Pashayan, Mr. Owens of Utah, Mr. Huckaby, and Mr. Conte.

H.J. Res. 574: Mr. Roe, Mr. Waxman, Mr. Shays, and Mr. Martinez.

H.J. Res. 579: Mr. Evans, Mr. Skelton, Mr. Levin of Michigan, Mr. Hochbrueckner, Mr. Mack, Mr. Matsui, Mr. Emerson, Mr. Gray of Illinois, Mr. Rowland of Georgia, Mr. Solomon, Mr. Owens of Utah, Mr. Hughes, Mr. Fauntroy, Mr. LaFalce, Mr. Lancaster, Mr. Foglietta, Mr. Inhofe, Mr. de Lugo, Mrs. Bentley, Mr. Bryant, Mr. Weber, Mr. McGrath, Mr. Schaefer, Mr. Fawell, Mr. Wortley, Mr. Young of Florida, Ms. Oakar, Mr. Ackerman, Mr. Akaka, Mr. Atkins, and Mr. Holloway.

H.J. Res. 582: Mr. Fawell, Mr. Thomas of Georgia, Mr. Ackerman, Mr. Roe, Mr. Blaz, Mr. Yatron, Mr. Quillen, Mr. Buechner, Mr. Carper, Mr. Hatcher, Mr. Stark, Mr. Darden, Mr. Daub, Mr. Rinaldo, Mr. Davis of Illinois, Mr. de Lugo, Mr. Coble, Mr. Solarz, Mr. Saxton, Mr. Borski, Mr. Dymally, Mr. Mica, Mr. Fuster, Mr. Towns, Mr. Fields, Mr. Garcia, Mr. Gilman, Mr. Gray of Illinois, Mr. Horton, Mr. Hunter, Mr. Ireland, Mr. Gallo, Mr. Jones of North Carolina, Mr. Coyne, Mr. Kasich, Mr. Kemp, Mr. Foglietta, Mr. Fauntroy, Mr. Levin of Michigan, Mr. Lewis of Florida, Mr. Lowery of California, Mr. Martin of New York, Mr. Hutto, Mrs. Lloyd, Mr. Kastenmeier, Mr. Evans, Mr. Murphy, Mr. Bonior of Michigan, Mr. Nielson of Utah, Mr. Ortiz, Mr. Owens of Utah, Mr. Hyde, Mr. Boulter, Mr. Ravenel, Mr. Rahall, Mr. Robinson, Mr. Rodino, Mr. Frenzel, Mr. Shaw, Mr. Sharp, Mr. Owens of New York, Mr. Rhodes, Mr. Dwyer of New Jersey, Mr. Spence, Mr. Spratt, Mr. Mack, Mr. Sunia, Mr. Tallon, Mr. Inhofe, Mr. MacKay, Mr. Traficant, Mr. Lagomarsino, Mr. Weldon, Mr. Stangeland, Mr. Traxler, Mr. Kolter, Mr. Hefley, Mr. Atkins, Mr. Denny Smith, Mr. Hefner, Mrs. Bentley, Mr. Miller of California, Mr. Solomon, Mr. Hoyer, Mr. DeFazio Ms. Kaptur, Mr. Kleczka, Mr. Fazio, Mrs. Collins, Mr. Flippo, Mr. Hughes, Mr. Wilson, Mr. Clay, Mr. McCloskey, Mr. Gray of Pennsylvania, Mr. Marlenee, Mr. Bliley, Mr. Mazzoli, Mr. Dellums, Mr. Derrick, Mr. de la Garza, Mr. Stallings, Mr. Miller of Washington, Mr. Wolf, and Mr. Wyden.

H.J. Res. 583: Mr. Barnard, Mr. Solomon, Mr. DeWine, Mr. Smith of New Jersey, Mr. Holloway, Mr. Broomfield, Mr. Oberstar, Mr. Skeen, Mr. Dreier of California, Mr. Hawkins, Mr. Mollohan, Mr. Lipinski, Mr. Annunzio, Mr. Blaz, and Mr. Hamilton.

H.J. Res. 592: Mr. Brown of Colorado, Mr. Coyne, Mr. Neal, Mr. Carr, Mr. Gekas, Mr. Gilman, Mr. Guarini, Mr. Kolter, Mr. Gray of Illinois, Mr. Boland, Mr. Harris, Mr. Skeen, Mr. Badham, Mr. Byrant, Mr. Fields, Mr. Fish, Mr. Thomas of Georgia, Mr. Solarz, and Mr. Mica.

H.J. Res. 598: Mr. Wyden, Mr. Conyers, Mr. Chandler, Mr. Panetta, and Mr. Ford of Tennessee.

H.J. Res. 599: Mr. Dornan of California, Mr. Martinez, Mr. Matsui, Mr. Garcia, Mr. Akaka, Mr. Holloway, and Mr. Young of Alaska.

H.J. Res. 602: Mr. Matsui, Mr. Levin of Michigan, Mr. Lantos, Mr. Lungren, Mr. Kennedy, Mr. Smith of Florida, Mr. Neal, Mr. Garcia, Mr. Edwards of California, Mr. St Germain, Ms. Kaptur, and Mrs. Kennelly.

H.J. Res. 609: Mr. Jacobs and Mr. Young of Alaska.

H.J. Res. 620: Mr. Chandler.

H. Con. Res. 61: Mr. Olin, Mr. Goodling, Mr. Kasich, Mr. Jeffords, Mr. Visclosky, Mr. Weber, Mr. Frenzel, Mr. Hayes of Illinois, Mr. Penny, Mr. Perkins, Mr. Gunderson, Mrs. Boggs, Mr. Young of Alaska, Mr. Williams, Mr. Frank, Mr. de la Garza, Mr. DeFazio, Mr. Fish, Mrs. Lloyd, Mr. Hughes, Mr. Clay, and Mr. Stratton.

H. Con. Res. 339: Mr. Barnard, Mr. Spence, Mr. Ravenel, Mr. Martinez, Mr. Robinson, Mr. Jacobs, Mr. Tauzin, Mr. Holloway, Mr. Packard, Mr. Boulter, Mr. Lujan, Mr. Valentine, Mr. Frost, Mr. Rahall, Mr. Miller of Washington, Mr. Towns, and Mr. Bonker.

H. Res. 483: Mr. Lancaster, Mr. Miller of California, Ms. Pelosi, Mr. Wilson, Mr. Morrison of Connecticut, Mr. Mazzoli, Mr. Hammerschmidt, Mr. Martinez, Mrs. Johnson of Connecticut, Mr. Atkins, Mr. Visclosky, Mr. Richardson, Mr. Savage, Mr. Boucher, Mr. Mavroules, Mr. Thomas A. Luken, Ms. Kaptur, and Mr. DeFazio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 316: Mr. Stangeland.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1988:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19..... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

Organization or Individual Filing	Employer/Client
Charles A. Acquard, 1400 K Street, NW, #500 Washington, DC 20005	American Public Power Assn
John M. Adams, 225 N. Washington St. Alexandria, VA 22314	Retired Enlistes Assn
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Henley Group
Do	John Zink Company
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:United Brands Co)
David Allen, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Damon Corp)
Do	Hill & Knowlton, Inc (For:Medvision, Inc)
Donald R. Allen, Duncan Allen & Mitchell 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn
Loren J. Alter, 231 Martingale Road Schaumburg, IL 60196	Zurich-American Insurance Companies
Richard H. Altman, 11308 Full Cry Ct. Oakton, VA 22124	Medco, Inc
American Assn of Airport Executives, 4224 King Street Alexandria, VA 22302	
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	American International Group, Inc
Do	Electronic Industry Assn of Japan
Andrews & Kurth, 4200 Texas Commerce Tower Houston, TX 77002	William M. Keck II
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	SO-PAK-CO, Inc
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Bank of Montreal
Do	Hopi Indian Tribe
Do	Republic of Panama
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Companies
Robb Austin, 2500 Virginia Avenue, NW, #1150-S Washington, DC 20037	Robb Austin & Associates (For:Philip Morris, Inc)
Robb Austin & Associates, 2500 Virginia Avenue, NW, #1105-S Washington, DC 20037	Philip Morris, Inc
Merribel Symington Ayres, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20006	National Independent Energy Producers
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	Virginia Institute of Marine Science
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	National Restaurant Assn
Ball Janik & Novack, 601 Pennsylvania Ave., NW, 9th Floor Washington, DC 20004	AeroLift, Inc
Do	Greenbrier Leasing, Inc
Do	Northwest Industrial Gas Users
Do	Northwest Marine Iron Works
M. Graeme Bannerman, 888 Sixteenth St., NW Washington, DC 20006	Government of Tunisia
Barnett & Alagia, 888 17th Street, NW, #900 Washington, DC 20006	Amstar Corp
Doyle C. Bartlett, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Bell Atlantic Corp
Do	Dead Pigeon River council
Do	Freedom in Friendship Assn
Do	Garden Way, Inc
Do	Investors for US Tax Equity
Do	McDonnell Douglas Corp
Do	Murry's, Inc
Do	National Assn of Business & Educational Radio
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	American Assn of Eye & Ear Hospitals
Leon G. Billings, Inc, 1660 L St., NW, #809 Washington, DC 20036	Oxford Energy
Birch Horton Bittner Pestinger & Anderson, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Gerry Cooney Enterprises
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	American Honey Producers Assn
Do	Compaq Computer Corp
Do	Computer & Business Equipment Manufacturers Assn
Wayne V. Black, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Philip Morris Companies Inc
Mary M. Boehm, 1319 F Street, NW Washington, DC 20004	Catholic Charities USA
Bdth A. Boeke, 206 G Street, NE Washington, DC 20002	Evergreen Associates, LTD (For:Suffolk Co. NY)
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Coalition to Cease Ocean Dumping
Do	United Sport Fishermen
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Babcock & Wilcox
Do	City of Klamath Falls
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Arnall Golden... (for Amer Colleges for the Applied Arts)
Do	West Group
Bruce Briggs, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc
Nancy B. Broff, 639 E Street, SE Washington, DC 20003	National Abortion Rights Action League
Michael J. Brokovich, 1725 Jefferson Davis Hwy., #401 Arlington, VA 22202	Unisys Defense Systems
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Suffolk County, NY)
Dale E. Brown, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp
David B. Brown, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Carriers Conference
Diane R. Brown, 2001 L Street, NW, #506 Washington, DC 20036	Chlorine Institute, Inc
Ronald H. Brown, 2550 M Street, NW Washington, DC 20037	Wayne County Michigan
Brown Coates & McCarthy Inc, 900 17th St N.W. Washington, DC 20006	Royal Teton Ranch
Kenley W. Brunsdale, 215 S. State, #1200 Salt Lake City, UT 84111	Fabian & Clendenin (For:Hoyt/Easton U S A)
Do	Fabian & Clendenin (For:Rocky Mt States Partnership for Educational Telecomm...)
Do	Fabian S. Clendenin (For:Utah Power & Light Co)
John Buchanan, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund
David S. Bunton, 801 17th Street, NW, #200 Washington, DC 20006	Federal Asset Disposition Assn
Clair W. Burgener, P.O. Box 8186 Rancho Santa Fe, CA 92067	Stonecrest/The Hooberman Group
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Specialty Vehicle Institute of America (SVIA)
Mary Jane Butterfield, 1200 19th St., NW, #550 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)
BZS Capitol Strategies, LP, 1401 New York Ave., NW, #900 Washington, DC 20005	National Multi Housing Council
Do	NY City Housing Development Corp
Do	NY State Mortgage Loan Enforcement and Admin. Corp
Do	Related Companies
Do	Sentinel Holdings Inc
Patrick J. Cacchione, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers
James P. Cain, Petree Stockton & Robinson 2626 Glenwood Ave., #450 Raleigh, NC 27622	Elevation Produce Company
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Eastern Technologies, Inc
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Association of Independent Organ Procurement Agencies
Do	Citgo Petroleum Crop
Do	Goldbelt, Inc
Do	PGA Tour
John G. Campbell, 1111 Jefferson Davis Highway, # 508 Arlington, VA 22202	Republic of Panama
Kevin B. Campbell, 1014 East Capitol St., NE, #2 Washington, DC 20006	Bally Kevin John, Inc (for) United Bro of Carpenters
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Association for Cancer Research
Do	American Foundation for Aids Research
Do	Arthritis Foundation
Do	Cambridge BioScience
Do	Cedars-Sina Medical Center
Do	National Crime Protection Council
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Childrens Television Workshop
Do	National Wildlife Federation
Joseph R. Carlisle, 11710 Ayershire Road Oakton, VA 22124	
Catherine A. Carlson, 1412 16th Street, NW Washington, DC 20036	National Wildlife Federation
Eileen Shannon Carlson, Graham & James 2000 M St., NW Washington, DC 20036	American Insurance Association
Do	Attorneys' Title Guaranty Fund, Inc
Do	Federal Administrative Law Judges Conference
Do	Federal Judges Association
Do	Finishing Enterprises, Inc
Do	London Harness Co
Do	Walt Disney Co
Gerald P. Carmen, 1667 K St., NW, #700 Washington, DC 20006	Federal Asset Disposition Assn
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	First Defence Int'l Security Co
William Carney, 217 3rd St., SE Washington, DC 20003	Clare Rose, Inc
Do	Dare County, North Carolina
Do	Edison Electric Institute
Do	Lipsen Hamberger & Whitten
Do	Lipsen Hamberger & Whitten (for Vickers Ship Building Ltd)
Do	United Illuminating Co
Wilfred R. Caron, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Council of the City of New York

Organization or Individual Filing	Employer/Client
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Bowdoin College
Do	Cardinal Hill Hospital
Do	Duke University
Do	Lehigh University
Do	Monterey Institute of International Studies
Do	Morgan State University
Do	St. Norberts College
Do	Tread Corporation
Do	Valley Children's Hospital
Do	World Trade Center Boston
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Chicago Board Options Exchange
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	Anderson Hibey Nauheim & Blair
Do	Salomon Brothers
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Textile Museum
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Chamber of Mines of South Africa
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	Texas Truck Safety Alliance (TTSA)
Denise Clarke, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Indonesia (NDIO))
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589	
Clohan Adams & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Student Loan Funding Corp of Ohio
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #306 Washington, DC 20007	Zurich-American Insurance Companies
Comiskey & Hunt, 4023 Chain Bridge Road Fairfax, VA 22030	Gold Fields Operating Co-Mesquite
Brian L. Connor, 1420 King Street Alexandria, VA 22314	National Utility Contractors Assn
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036	
Cherry E. Cooper, 2301 Market Street, S13-1 Philadelphia, PA 19101	Philadelphia Electric Co
Frank W. Corley, 8430 Blakiston Lane Alexandria, VA 22308	Spectran
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Cook Inlet Region, Inc
Daniel T. Coughlin, 235 W. Galena St. Milwaukee, WI 53212	Bristol Myers Co
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Amoco Corporation
Do	First Federal Savings Bank of Western Maryland
Tamara Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Indonesia, (NDIO))
Willard F. Cox, 2021 Sandcastle Dr Tallahassee, FL 32308	Florida Institute of Technology
Cheryl Crispen, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Indonesia)
Mark E Crosby, 1700 North Moore St., #910 Rosslyn, VA 22209	Special Industrial Radio Service Assn, Inc
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)
Do	McCutchen Doyle Brown & Enersen (For:Carlsmith Wichman Case... (for Hilo Coast Proscessing), et a)
Do	McCutchen Doyle Brown & Enersen (For:New York Dept of Environmental Conservation)
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)
Michael G. Cummins, 1104 Belle View Blvd., #A-1 Alexandria, VA 22307	C & J Industries
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	University of Colorado
John L. Dalton, 603 2nd St., NE Washington, DC 20002	Bally Kevin John, Inc (for Int'l Bro of Carpenters)
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates, Inc (For:Magazine Publishers Assn, Inc)
Do	James H. Davidson & Associates, Inc (For:National Assn of Industrial & Office Parks)
Do	James H. Davidson & Associates, Inc (For:Rouse Co)
Maryann M. Dean, l875 Eye Street, NW, #400 Washington, DC 20006	Georgia-Pacific Corp
Dechert Price & Rhoads, 1500 K Street, NW, #500 Washington, DC 20005	Constitutional Rights Foundation
Do	National Institute for Citizen Education in the Law
Paul W. Dennett, 655 15th St., NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn
Audrey J. Denson, 1722 19th Street, NW, #308 Washington, DC 20009	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	U.S. Telephone Assn
Do	Walt Disney Co
Do	Waverley Associates
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Industrial & Office Parks
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League
Michael B. Dorsey, 1245 1/2 Duncan Place, NE Washington, DC 20002	Dorsey & Associates, Inc
Dorsey & Whitney, 2200 First Bank Place East Minneapolis, MN 55402	FilmTec Corporation
Do	Guam Commission of Self Determination
W. Carter Doswell, 1825 Eye Stree, NW, #450 Washington, DC 20006	Goldman Sachs & Co
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational & Co-Operative Union of America
Walter T. Eccard, One Farragut Square South Washington, DC 20006	Brown & Wood (For:Citicorp Investment Bank, et al.)
Phyllis Eisen, 1346 Connecticut Ave., NW Washington, DC 20036	National Assn of Manufacturers
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation
Elliott Zweben & Steelman, 1140 19th St., NW, #600 Washington, DC 20036	Argus Health Systems, Inc
Do	Indiana Medical Review Organization
Eric J. Ellman, 100 Maryland Ave, NE Washington, DC 20002	National Coalition to Ban Handguns
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
Epstein Becker & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	American Medical Care & Review Assn
James L. Ervin, 499 South Capitol Street, SW, #520 Washington, DC 20003	Baldt, Inc
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby (For:Bixby Ranch Co)
David C. Evans, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Building Owners & Managers Assn Int'l
Walter H. Evans III, Ragen Tremaine Krieger Schmeer & Neill 2300 M Street, NW, #800 Washington, DC 20037	Nike, Inc
Do	Oregon Economic Development Dept, Ports Div
Tami L. Ezell, P.O. Box 21 Montgomery, AL 36101	Burlington Northern Railroad
F/P Research Associates, 1700 K St., NW, #504 Washington, DC 20006	Caribbean Marine, Inc
Richard T. Farrell, 1133 15th St., NW, #210 Washington, DC 20005	Syntex (USA) Inc
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Echo Bay Mining Co
Do	University of Nevada School of Medicine
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co., Inc
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	National Hemophilia Foundation
Do	Samaritan Health Services
Marshall S. Filler, 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Continental Airlines, Inc, et al.
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	National Spiritual Assembly of the Baha'is of the U.S.
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	Falcon Systems, Inc
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	United Food & Commercial Workers Int'l Union
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	AGM Television Research
Jacob Fraire, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank of Horton
Do	Fame
Do	Union Bank
Do	United Concerned Cosmetology School Owners
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education
Francis & Mcginnis & Rees, Inc, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn
Gordon H. Fry, 1111 19th Street, NW, #900 Washington, DC 20036	Edison Electric Institute
William C. Gager, 6849 Old Dominion Dr McLean, VA 22101	Automotive Parts Rebuilders Assn
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Washington, DC 20007	South African Sugar Association
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20007	City of Aberdeen
Diane J. Generous, 606 North Washington St. Alexandria, VA 22314	National Assn of Manufacturers
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America
Clair Ghylin, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc
Brad Gilman, Robertson Monagle & Eastaugh 1050 Thomas Jefferson Street, NW Washington, DC 20007	Alaska Loggers Assn
Do	Anchorage School District
Do	Bristol Bay Native Corp
Do	Fierce & Associates
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Agusta Aviation Corp
Do	Chrysler Corporation
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Korea Foreign Trade Assn
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Arizona Legislative Council
Do	Hopi Tribe
Do	Pacific Enterprises

Organization or Individual Filing	Employer/Client
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Strategic Resources Corp (For:Listeff Fashions)
Alan Goldstein, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
John Gordley, 201 Massachusetts Avenue, NE, #C-5 Washington, DC 20002	Iowa Pork Producers Assn
Do	Nebraska Wheat Board
Government Research Corporation, 1250 Connecticut Ave., NW, #600 Washington, DC 20036	SNA Canada, Inc
Tyrone Grandberry, P.O. Box 88 Research Park Princeton, NJ 08540	Edward Blankstein, Inc
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton Inc (For:Hoopa Valley Business Council)
Douglas Greenaway, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Blue Cross & Blue Shield Association
Do	Gulf Oil
Group 1587, Western Forest Industries Assn 1500 SW Taylor Portland, OR 97205	
Nancy A. Hailpern, 224 East Capitol st. Washington, DC 20003	American Cancer Society
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads
James W. Harff, 1200 19th St., NW, #550 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)
Andrew C. Harper, 2902 Prince George Road Hattiesburg, MS 39401	Alliance for Alternative Medicine
W. Brendan Harrington, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc
Jenifer Hartog, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education
Richard Gordon Hatcher, 2210 Hayes Street Gary, IN 46404	R. Gordon Hatcher & Associates, Inc (For:National Assn of Realtors)
R. Gordon Hatcher & Associates, Inc, 2210 Hayes Street Gary, IN 46404	National Assn of Realtors
Janis D. Hazel, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l
Bill Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby (For:Bixby Ranch Co)
Hecht Spencer & Oglesby, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co
Do	Texas Clinical Laboratories, Inc
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Chicago Board Options Exchange
Nancy Ginn Helme, Box 723 Washington Grove, MD 20880	Weil & Firth, Inc (for Champlain Pipeline Co)
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Hecht Spencer & Oglesby (For:Texas Clinical Laboratories, Inc)
John Hugh Henry, 1735 Eye St., NW, #814 Washington, DC 20006	McDermott, Inc
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Badger Pipeline
Do	City of Sacramento
Do	Friant Water Users
Do	Elizabeth (Becky) Johnson
Do	Orion Air
Do	South Dade Land Corp
Do	W.E.S.T.
Marsha Herzstein, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
Janet E. Hieber, 1436 U Street, NW Washington, DC 20009	Greenpeace USA
Hill & Barlow, One International Place 100 Oliver St. Boston, MA 02110	United Asset Management Corporation
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Aroostook Band of Micmacs
Do	Association of Navajo Community Controlled School Boards
Do	Maniilaq Assn
Do	National Indian Education Assn
Do	Norton Sound Health Corp
Do	Oglala Sioux Tribe Public Safety Commission
Do	Quinault Indian Tribe/Quinault Allottees Assn
Do	Seminole Tribe of Florida
J. Morgan Hodges, 1204 Half St., SW Washington, DC 20024	Chris/Mor Productions
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Marion Laboratories, Inc
Do	Payload Systems, Inc
Do	Tandem Computers, Inc
Susan Z. Holik, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201	Contra Costa Water District
Do	Irish Immigration Reform Movement
Do	Jackson County Fruit Growers League
Do	Mountain Plains Agricultural Service
Do	Snake River Farmers Assn
Do	Texas Ranchers Labor Assn
Do	TF Energy Corp
Do	Western Agricultural Coalition
Hopkins Sutter Hamel & Park, 888 16th Street, NW Washington, DC 20006	Gundle Lining Systems, Inc
Do	Zambelli Internationale
Brett Hulsey, Utica Center Building 1574 E. 21st Street Tulsa, OK 74114	Sierra Club
R. Theodore Hume, Beveridge & Diamone, PC 1333 New Hampshire Ave., NW Washington, DC 20036	Philippine Food Processors and Exporters Organization
W. N. Hunter & Associates, 1305 Vincent Place, #200 McLean, VA 22101	
Hurff Butterfield, 1200 19th Street, NW, #550 Washington, DC 20036	Turkish Republic of Northern Cyprus
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Cellmark Diagnostics, Inc)
Do	Hill & Knowlton, Inc (For:Hoopa Valley Business Council)
Do	Hill & Knowlton Inc (For:Ryder Systems Inc)
Industrial Truck Association, 1750 K Street, NW, #210 Washington, DC 20006	
International Computaprint Corp, 475 Virginia Drive Ft. Washington, PA 19034	
Vincent J. Iori, 6621 Wainwright Dr Woodridge, IL 60517	
ICI Americas, Inc, 1600 M Street, NW, #702 Washington, DC 20036	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	National Cooperative Bank
Anthony Janetti, Inc, N. Woodbury Road, Box 56 Pitman, NJ 08071	American Academy of Nurse Practitioners
Do	American Assn of Occupational Health Nurses
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp
Do	Hazeltine Corp
Do	Litton Data Systems
Do	McDonnell Douglas Corp
Do	Piasecki Aircraft Corp
Do	Spartan Electronics Corp
Charles B. Jiggetts, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Health Policy Coalition
Jeffrey Judah, 602 E St., SE Washington, DC 20003	H E R O Project
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Cambridge Redevelopment Authority
Do	Themedics, Inc
Susan D. Karp, Keller and Heckman 1150 17th Street, NW, 1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Londontown Corporation
Do	Michigan Consolidated Gas Co
Do	UTV of San Francisco, Inc
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	Polar Marine Partners
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	American Truck Dealers
Do	ESOP Assn
Do	National Assn of Exposition Managers, Inc
Do	National Assn of Royalty Owners, Inc
Do	Small Business Council of America
Kelley Drye & Warren, 1330 Connecticut Ave., NW, #600 Washington, DC 20036	Greyhound Corp
Erica g. Kenney, 499 South Capitol St., SW, #520 Washington, DC 20003	Petroleum Marketers Assn of America
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Greenpeace USA
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	American Electronics Assn
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Charter Medical Corp
Do	Martin-Marietta
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Electronic data Systems Corp
Do	JMB Realty Corporation
Do	Medford Corp
Do	Professional Services Council
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	First Boston Corp
Gene A. Knorr, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris Companies, Inc
Kogovsek & Associates, Inc, 3600 S. Yosemite, #830 Denver, CO 80237	Stealey & Associates, Inc
James M. Kulikowski, 418 Western Ave. Brighton, MA 02135	Emmanuel College
Gerard F. Lamb, 2341 Jefferson Davis Hwy, 10th Floor Arlington, VA 22202	Bath Iron Works Corp
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	Coalition to Preserve Low Income Housing Tax Credit
Jason Caesar Larkin, 11230 Cherry Hill Rd., #302 Beltsville, MD 20705	

Organization or Individual Filing	Employer/Client
Daniel Lauwers, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	Mechanical Technology Incorporated
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	Stephen E. O'Neil
Noel R. Leary, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc
Linda S. Lee, 4 Monroe Street, #301 Rockville, MD 20850	Ataji L. Balos, et al.
Meric L. Legnini, 10807 Gainsborough Rd Potomac, MD 20854	Scheduled Airlines Traffic Offices, Inc
Jerris Leonard, Law Offices of Jerris Leonard 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Krueger, Inc
Lepon McCarthy & Jutkowitz, 2011 Eye St., NW, #401 Washington, DC 20006	Manhattan Apartments, LP
Robert John Levering, 1101 17th St., NW, #900 Washington, DC 20036	Direct Marketing Association
David J. Lewis, 2321 N. Columbus Street Arlington, VA 22207	International Trade & Development Agency, Inc
Howard Lewis, National Association of Manufacturers 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004	National Association of Manufacturers
Janet Lieberman, 1012 14th St., NW, #207 Washington, DC 20005	U.S. Student Association
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Cellmark Diagnostics, Inc)
Do	Hill & Knowlton, Inc (For:Hoopa Valley Business Council)
Do	Hill & Knowlton, Inc (For:Shaklee Crop)
Lipsen Hamberger Whitten & Hamberger, 1725 DeSales St., NW, #800 Washington, DC 20036	Dallas County Utility & Reclamation District
Do	Perot Group
Do	Sun Transport, Inc
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Maverick Tube Co, et al.
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	National Restaurant Assn
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	Howard Needles Tammen for Miami Int'l Airport
Mackin Sorensen Peizer Richards & Edwards, PS, 2201 Sixth Avenue, #1301 Seattle, WA 98121	Shee Atika Inc
Martha Madden, P.O. Box 473 Baton Rouge, LA 70821	Edward Blankstein, Inc
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney & Associates (For:American Soc of Anaesthesiologists)
Do	Mahoney & Associates (For:Connecticut Med Ins Co)
Do	Mahoney & Associates (For:Crouse Irving Memorial Hospital)
Do	Mahoney & Associates (For:Physicians Ins Co of Indiana)
Do	Mahoney & Associates (For:Physicians Ins Co of Wisconsin)
Do	Mahoney & Associates (For:Physicians Mutual Ins Trust)
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	Specialty Vehicle Institute of America
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Home Group, Inc
Do	Manufacturers Hanover
Do	Matlack, Inc
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Brother Industries, Inc)
Michael Marchese Jr., 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Marlowe & Co (For:Commercial Metals Co)
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Commercial Metals Co
William G. Margaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc
Robert F. Martin, 1275 Pennsylvania Ave, NW, 4th Floor Washington, DC 20004	Pacific Telesis Group
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Leva Hawes Mason Martin & Bebchick (For:Association of the U.S. Army)
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Cabot Cabot & Gorbes Realty Advisors, Inc
Do	Quaker Oats Company
Loomis Mayfield, 815 15th Street, NW, #711 Washington, DC 20005	Americans for Democratic Action, Inc
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217	
Mays & Valentine, 2300 South 9th Street Arlington, VA 22204	Baxter Healthcare Corp
Do	Tobacco Institute
Maryln Lee McAdam, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank of Horton
Do	Fame
Do	Union Bank
Do	United Concerned Cosmetology School Owners
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	National Medical Care
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	Will & Muys
McCamish Martin Brown & Loeffler, P.C., 1200 First Republic Bank Tower 175 East Houston San Antonio, TX 78205	Salomon Brothers, Inc
Patrick H. McCarthy, 2700 Fidelity Building 123 S. Broad St Philadelphia, PA 19109	Dilworth Paxson Kalish & Kauffman (For:Automatic Data Processing, Inc)
Francis O. McDermott, Hopkins & Sutter 1050 Connecticut Avenue, NW, #1250 Washington, DC 20036	Association Management Corp
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	International Minerals & Chemical Corp
Do	Peterson & Sullivan
Do	Solar Turbines, Inc
Roger D. McDonough, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Dravo Corp
Do	Hughes Aircraft
Patricia G. McGinnis, Francis Mcginnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education
Joseph E. McMahon, 1331 Pennsylvania Avenue, NW, #909 Washington, DC 20004	Rodale Press
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Correctional Concepts, Inc
Do	McNair Law Firm, PA (for GTE)
Do	Pennsylvania Shipbuilding
Do	Superior Machine Shop, Inc
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Americans for Fair Treatment of Alcoholic Veterans
Do	GTE Government Systems Corporation
Do	Insurance / Financial Affiliates of America
Do	International Assn for Financial Planning
Do	Nuclear Fuel Services, Inc
Do	P.U.S.H., Inc
George G. Mead, 1500 K St., NW, #375 Washington, DC 20005	Norfolk Souther Corp
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)
Meyers & Associates, 412 First St., SE, #40 Washington, DC 20003	Golf Course Superintendents Assn of America
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems
Mid-West Electric Consumers Assn, 1441 York Street, #305 Denver, CO 80206	
Evan M. Migdail, 888 17th Street, NW Washington, DC 20006	CITGO Petroleum Corp
Milgrim Thomajan & Lee, 1025 Connecticut Ave, NW Washington, DC 20036	AGS Management Systems, et al.
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Martin Marietta Corp
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	
Do	Makah Tribal Council
Do	Momentum 88
Do	Pacific Nuclear Systems, Inc
Do	Tri-City Industrial Development Council (TRIDEC)
Bennett L. Minton, 900 19th Street, NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Coalition for High Definition TV
Mobile Majority, P.O. Box 3329 Visalia, CA 93278	
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Crop
W.W. Collin Moller, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corp
Patricia L Molloy, 1220 19th Street, NW, #700 Washington, DC 20036	Leva Haws Mason & Bebchick (For:Association of the U.S. Army)
William J. Montwieler, 1750 K Street, NW, #210 Washington, DC 20006	Industrial Truck Assn
Timothy X. Moore, Timothy Moore & Co 2900 M Street, NW, #300 Washington, DC 20007	BF Goodrich Co
Do	Occidental Chemical Corp
Do	Swidler & Berlin, Chtd
Do	Whitman & Ransom (for Seiko-Epson, Japan)
Ann Moorhead, 2571 Vernon Drive, NE Palm Bay, FL 32905	Press Television
James W. Morrison Jr., 655 15th St., NW, #300 Washington, DC 20005	ARA Services, Inc
George R. Moses, 2001 Eye St., NW Washington, DC 20006	National Association of Arab Americans
James E. Murray, One Farragut Square South Washington, DC 20006	Brown & Wood (For:Citicorp Investment Bank, et al.)
MPC & Associates, 3 Lafayette Centre 1155 21st St, NW, #1000 Washington, DC 20036	Virginia Institute of Marine Science
National Independent Energy Producers, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005	
Paul Gunnar Nelson, Hamilton & Hamilton 734 15th St., NW, 11th Floor Washington, DC 20005	GNA
Christina M. Nichols, 3351 18th Street, NW Washington, DC 20010	Environmental Action
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC
North West Timber Association, PO Box 5554 Eugene, OR 97405	
Graham T. Northup, 2333 Highland Avenue Falls Church, VA 22046	Golembe Associates
Do	Sanwa Bank Ltd

Organization or Individual Filing	Employer/Client
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Health Care Assn
Do	Consumer Credit Insurance Assn
James G. O'Hara, Patton, Boggs & Blow 2550 M St., NW, #800 Washington, DC 20037	Wayne County Michigan
Jerry O'Keefe Jr., 8225 Florida Blvd., 3rd Floor Baton Rouge, LA 70806	Physicians Reliance Assn
Philip M. Ola, 1919 Pennsylvania Avenue, NW, #400 Washington, DC 20006	RJO Enterprises, Inc
Olwine Connelly Chase O'Donnell & Weyher, 299 Park Ave. New York, NY 10017	Ad Hoc Comm for Small Hydro Power
Do	Alexander & Alexander Services, Inc
Do	Energy Factors, Inc
Do	Family Service America
Do	Grants & Contracts Projects
Do	Intercontinental Energy Corp
Do	J & B Management Co
Do	Long Lake Energy Corp
Do	manville Corp
Do	National Corp for Housing Partnerships
Do	National Independent Energy Producers
Do	Sithe Energies USA, Inc
Do	YMCA of the USA
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	PSFS Meritor Financial Group
Pagonis & Donnelly Group, 1620 Eye St., NW, #202 Washington, DC 20006	Air Products & Chemicals Inc
Do	Americans for National Dividend Act, Inc
Bonnie S. Parker, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute
Richard M. Parsons, 1652 Wainwright Dr. Reston, VA 22090	Safari Club International
M. Stephanie Patrick, 1101 15th Street, NW, #205 Washington, DC 20005	Cargill, Inc
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Advanced Technology, Inc.
Do	American Stock Exchange
Do	Center for Molecular Medicine & Immunology
Do	CIGNA Corporation
Do	International Thomson, Inc
Do	Charles E. Smith Companies
Do	WWL-TV
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	U S Committee for Energy Consumers
Tommy J. Payne, 1875 Eye St., NW, #800 Washington, DC 20006	RJR Nabisco, Inc
Shelley Peck, 122 C St., NW Washington, DC 20001	Children's Defense Fund
Abigail Perlman, 801 17th Street, NW., #200 Washington, DC 20006	Federal Asset Disposition Assn
Petrillo & Hordell, 2000 L Street, NW, #504 Washington, DC 20036	International Computaprint Corp
Janice Pieper, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers Int'l Union
Piper & Marbury, 1200 19th Street, NW Washington, DC 20036	Edison Electric Institute
Podesta Associates, Inc, 426 C Street, NE, Lowerlevel Washington, DC 20002	American Newspaper Publishers Assn
Do	Chemical Producers & Distributors Assn
Do	Digital Equipment Corp
Do	Merck & Company
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Philip D. Winn
Powers Harsch & Kinder, 1722 Eye Street, NW Washington, DC 20006	Aspen Technology, Inc
Do	City of Cranston (RI)
Do	Pyropower Corp
Do	SOLV-EX Corp
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Burlington Northern Railroad
William Prindle, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy
Leslie Proll, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice
Thomas F. Railsback, Graham & James 2000 M St., NW Washington, DC 20036	American Insurance Association
Do	Attorneys' Title Guaranty Fund, Inc
Do	Federal Administrative Law Judges Conference
Do	Finishing Enterprises, Inc
Do	Walt Disney Company
Tim Ransdell, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education
Robert A. Rapoza Associates, Inc, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20009	Local Initiatives Support Corp
Do	National Trust for Historic Preservation
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	Anti Friction Bearing Manufacturers Assn
Do	Regional Transit Authority (New Orleans)
Reed Smith Shaw & McClay, 1150 Connecticut Ave., NW Washington, DC 20036	Alliance for 8(a) Reform
Do	Phoenix Group
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	Anheuser-Busch Companies, Inc
Do	National Spa & Pool Institute
Do	Philadelphia Industrial Development Corp
Do	Phillip Morris
Joseph J. Reilly, Jr, 2419 Leighton Street Fort Lee, NJ 07024	Morality in Media, Inc
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company (For:Government of Aruba)
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	Government of Aruba
Maryellen C. Reninger, 419 7th St., NW, #500 Washington, DC 20004	National Right to Life Committee, Inc
Steve Ricchetti, 655 15th Street NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	Mutual of Omaha Insurance Co
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Crop
Liz Robbins Associates, 420 7th St., SE, Washington, DC 20003	City of Berkeley (Calif)
Do	City of Denver (Colorado)
Do	City of Oakland (California)
Do	City of San Francisco
Do	New York City
Do	Public Utilities Commission (Calif)
Do	San Francisco Dept of Social Services
Do	San Francisco Port Authority
Do	Senate Financial Office (Michigan)
Do	Town of Vail (Colorado)
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Co (For:City of Tampa)
Do	Keefe Co (For:Sanders Associates, Inc)
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	City of St. Paul
Do	
Michelle Robinson, 20 Park Plaza, Suite 603 Boston, MA 02116	Peace Political Action Committee
Lori S. Rogovin, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp
Fred B. Rooney, 1050 Connecticut Ave., NW, #1200 Washington, DC 20036	Specialty Vehicle Institute of America
Clifton Peter Rose, 1825 Eye Street, NW, #450 Washington, DC 20006	Goldman Sachs & Co
George R. Rowan, 1750 New York Ave., NW, #340 Washington, DC 20006	Armed Forces Marketing Council
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Research Corp Technologies
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	Association of Federal Investigators
Catherine Sadell, 7214 Blair Road, NW Washington, DC 20012	Rainbow Lobby, Inc
Gene A. Sale, 9621 Locust Hill Dr. Great Falls, VA 22066	
James Scaminaci III, 501 Capitol Court, #100 Washington, DC 20002	Twenty-First Century Group
Vicki Schafer, 701 W. Packard Avenue Fort Wayne, IN 46808	Telos Corp
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1800 Washington, DC 20006	Kansas City Power & Light, et al.
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Sprinkler Pipe Producers Group
Thomas A. Schatz, 1511 K Street, NW, #643 Washington, DC 20002	Council for Citizens Against Government Waste
Sandra A. Schlicker, McMahon and Associates 1331 Pennsylvania Avenue, NW Washington, DC 20004	Rodale Press
Schnitzer Steel Products Co, 3200 NW Yeon Ave Portland, OR 97210	
Mark Schultz, 1615 H St., NW Washington, DC 20062	Professional Services Council
Richard P. Schweitzer, 2022 P Street, NW Washington, DC 20036	National Welding Supply Assn
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Association of Realtors
Walter J. Sczudlo, 1129 20th Street, NW, #300 Washington, DC 20036	Shell Oil Company
Keeva Segal, 1790 Coral Way, #100 Miami, FL 33145	Alberto Cardenas

Organization or Individual Filing	Employer/Client
Do	
J. Barton Seitz, Duncan Allen & Mitchell 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006	Merrill Lynch & Co, Inc
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Aronov Realty
Do	Auburn University
Do	Minimum Wage Coalition to Save Jobs
Do	Private Child Care Providers
Do	Rust Engineering
George A. Sherman, 6511 Gateway Blvd. District Heights, MD 20747	AMEX Life Assurance Co
Richard D. Siegel, 1029 Vermont Avenue, NW, #400 Washington, DC 20005-3589	North West Timber Assn
William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Co (For:Food Services & Lodging Institute)
Do	Keefe Co (For:MARC Associates (for American Soc of Anesthesiologists))
Do	Keefe Co (For:National Restaurant Assn)
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	M. Graeme Bannerman (for Government of Tunisia)
Simon & Company, Inc, 815 15th St., NW, #709 Washington, DC 20005	Tacoma, WA
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Banner Industries, inc
Do	Dun & Bradstreet
Do	Levitz Furniture Corp
Geoffrey R.W. Smith, 1455 Pennsylvania Ave, NW, #650 Washington, DC 20004	McCutchen Doyle Brown... (for Animal Health Institute)
Susan A. Smith, 419 7th Street, NW, #500 Washington, DC 20004	National Right to Life Committee, Inc
Judah C. Sommer, 1825 Eye Street, NW, #450 Washington, DC 20006	Goldman Sachs & Co
Robert G. Sommer, MWW/Strategic Communications, Inc 70 Grand Avenue River Edge, NJ 07661	Fidelity Environmental Insurance Co
Do	W. R. Grace & Co
Do	Kaselaan & D'Angelo Assoicates, Inc
Do	Winter's Original Liquor Filled Bottles, Inc
Susan E. Spangler, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	City of Palo Alto
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Empire Resources, Inc)
Steier & Kreikemeier PC, 1065 North 115 St., #100 Omaha, NB 68154	Omaha Tribe of Nebraska
Steven F. Stockmeyer, 1317 F. St., NW, #600 Washington, DC 20004	National Assn of Business Political Action Committees
Do	Springs Industries
William M. Stroud, 231 Martingale Road Schaumburg, IL 60196	Zurich-American Insurance Company
David A. Super, 1319 F Street, NW, #500 Washington, DC 20004	Food Research & Action Center
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Business Software Assn
Do	Design Protection Coalition
Do	Intercontinental Energy Corporation
Do	National Assn of Public Television Stations
Do	New England Power
SKC & Associates, 900 17th St., NW, #1100 Washington, DC 20006	Seldovia Native Assn
Do	Southern Company Services
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Empire Resources, Inc)
Dennis J. Taylor, 36 Grove Street New Canaan, CT 06840	International Typographers Assn
Telos Corp, 3420 Ocean Park Blvd. Santa Monica, CA 90405	
James M. Temenak, 1420 Springhill Road, #500 McLean, VA 22102	National Steel & Shipbuilding Company
Templeton & Company, 1000 Potomac St., NW Washington, DC 20007	William M. Keck II
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Ranieri-Wilson
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Bristol-Myers Co
Do	Reed International
Rebecca E. Tillet, 1275 K St., NW, #750 Washington, DC 20005	National Women's Political Caucus
Jear R. Toohey, 1575 I Steet, NW., #200 Washington, DC 20005	American Cyanamid Co
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)
Do	Hill & Knowlton Inc (For:Ryder Systems Inc)
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)
Steven A. Trevino, 501 Capitol Court, #100 Washington, DC 20002	Twenty-First Century Group
Trumble & Associates, P.O.Box 87 Chaska, MN 55318	Coalition to Stop the Raid on America
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Cambridge Redevelopment Authority
Do	Thermedics, Inc
Harry J. Tucci, Jr, R.D.1, Box 414 Spring City, PA 19475	Harry J. Tucci, Jr.
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Security Life Insurance Co of Denver
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cincinnati Electronics
Do	Harsco Corp
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Coal Waste to Energy Coalition
Do	Coalition for Electric Vehicle Development
Do	Committee of Hydroelectric Dam Owners
Do	Edison Electric Institute
Do	National Hydropower Assn
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Continental Airlines
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Gold & Liebengood
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Warner-Lambert Co
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Petroleum Instittute
Do	University of Alabama System
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Sullivan & Cromwell
Anne Marie Walsh, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc
John C. Walton, 2300 N St., NW, #600 Washington, DC 20037	Emhart Corp
Jenifer Warkenthien, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc
Bill Wasserman, 215 Pennsylvania Ave., SE Washington, DC 20036	Public Citizen Inc
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Legal Services Corp
Weil & Firth, Inc, Two Central Plaza Augusta, ME 04330	Champlain Pipeline Co
Suzanne E. Weiland, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
John T. Weller, 1776 Eye St., NE, #1000 Washington, DC 20006	BP America, Inc
Wendorf & Associates, Inc, 53 D Street, SE Washington, DC 20003	Central & South West Services, Inc
Judith Wessler, 105 East 22nd St. New York, NY 10010	Community Service Society
White & Associates, 412 First St., SE, #40 Washington, DC 20003	Golf Course Superintendents Assn of America
Wickham & Associates, 2300 N St., NW, #600 Washington, DC 20037	Reliance Group Holdings, Inc & Affiliates, et al.
Wickwire Gavin & Gibbs PC, 1133 21st St., NW, #500 Washington, DC 20036	ANR Venture Management Co
Do	Cogeneration & Independent Power Coalition of America
Do	Consolidated Natural Gas Service Co
Do	Energy Factors
Do	Environmental Power Corp
Do	Great River Gas Co
Do	HYDRO-CO Enterprises, Inc
Do	Indeck Energy Services, Inc
Do	Mercer Companies, Inc
Do	National Hydropower Assn
Do	Natural Gas Vehicle Coalition
Do	Racquette Hydro, Ltd
Do	Solar Turbines, Inc
Do	Thermo-Electron Crop
Do	Tri-Energy Pipeline Co
Do	TBG Cogen Partners
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	Bonneville Pacific Corp
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Fleet/Norstar Financial Group
Marcia E. Williams, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	College Construction Loan Insurance Assn
Do	GAMMA Corp
Do	Hazel/Peterson Cos, Inc
Do	National Board for Professional Teaching Standards
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st ST., NW Washington, DC 20036	Shearson Lehman Hutton
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Educational Testing Service
Denise Wilson, 1250 Eye Street, NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l
Raymond S. Wittig, 2111 Wilson Blvd, #323 Arlington, VA 22201	American Coastal Industries, Inc
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company (For:Government of Aruba)

Organization or Individual Filing	Employer/Client
Jerry Woodruff, 4627 S. 36th, B-1 Arlington, VA 22206	Americans for Immigration Control, Inc
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Anderson Hibey Nauheim & Blair
Do	HDTV 1125/60 Group
Do	Koniag
Do	Squibb Corp
Jill Yacone, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co
Elizabeth Ysla, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn
Jerry W. Zillion, 3811 Calvert St., NW Washington, DC 20007	
Ziontz Chestnut Varnell Berley & Slonim, 2121 Fourth Avenue, #1230 Seattle, WA 98121	Makah Indian Tribe
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Association
Zuckert Scoutt Rasenberger & Johnson, 888 17th St., NW, #600 Washington, DC 20006-3959	CITGO Petroleum Corp
Zurich-American Insurance Co, 231 Martingale Road Schaumburg, IL 60196	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1988:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) description, (b) quantity distributed, (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	12,499.98	7,597.36
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	3,668.88
Do	Tobacco Institute	18,675.00	4,033.64
Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211	U.S. Cane Sugar Refiners' Assn		
Jean R. AbiNader, 1625 Eye Street, NW, #902 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Albert E. Abrahams, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	140.00
Matthew J. Abrams, 1828 L St., NW, #660 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	5,000.00	
Do	Dominion Marine Assn		
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	4,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		2,995.00	1,673.73
Action, Inc, 460 Spring Parks Place, #1000 Herndon, VA 22070	American Indian Higher Education Consortium		
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Vepco		
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc		
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America	162.50	6.50
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,700.00	543.00
Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	4,500.00	1,500.00
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		29,027.94	29,027.94
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons	7,320.00	
Do	Association for Gerontology in Higher Education	750.00	
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	2,000.00	1,245.10
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		64.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			2,389.50
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		3,180.27	3,180.27
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		4,415,772.00	158,856.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	3,450.00	9.50
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	18,000.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Aldrich Eastman Waltch, Inc	1,350.00	19.00
Do	Amerada Hess Corp	350.00	
Do	American Nuclear Energy Council		
Do	American Stores Co	200.00	
Do	American Telephone & Telegraph Co	450.00	
Do	Archer Daniels Midland Company		
Do	Asamera Minerals (U.S.), Inc		
Do	Baltimore District Farm Credit Council		
Do	Bank of New York	2,680.00	38.00
Do	Boston Company	1,350.00	19.00
Do	Buckeye Pipeline Co, L.P.	1,170.00	19.00
Do	BNS, Inc	23,500.00	437.00
Do	Charles Jacquin et Cie, Inc	1,000.00	19.00
Do	City of Philadelphia	1,260.00	19.00
Do	Clark Enterprises, Inc		
Do	Clarke/Bardes Organization, Inc	2,000.00	38.00
Do	Coalition for Fair Capital Reimbursement		
Do	Commercial Metals Co	29,450.00	551.00
Do	Copley Real Estate Advisors, Inc	1,350.00	19.00
Do	Creditors in case of Grant Broadcasting System, Inc		
Do	COMSAT Corp	700.00	11.00
Do	Drexel Burnham Lambert, Inc	39,000.00	741.00
Do	Embassy of the People's Republic of China		
Do	First City BanCorporation of Texas, Inc		
Do	First Texas Savings & Loan		
Do	Fujitsu America, Inc	650.00	19.00
Do	W. R. Grace & Co	6,730.00	133.00
Do	Guardian Industries		
Do	Gulf & Western Industries, Inc		
Do	Hasbro Industries, Inc	250.00	
Do	Henley Group		
Do	Houston Oilers		
Do	Interim Systems Corp		
Do	Jacquin's	1,000.00	19.00
Do	Peter Kiewit Sons', Inc	1,260.00	19.00
Do	Levi Strauss & Co	250.00	
Do	Lone Star Steel Co		
Do	Long Island Lighting Co	2,246.00	38.00
Do	McDonnell Douglas Corp	6,890.00	114.00
Do	Merrill Lynch Capital Partners		
Do	Mesa Petroleum Co	15,500.00	285.00
Do	Metropolitan Transit Authority of Harris County	14,730.00	266.00
Do	Morgan Stanley & Co, Inc	250.00	
Do	Motion Picture Assn of America, Inc	17,700.00	350.00
Do	Mutual Fairness Taxation Assn		
Do	MEDCO Containment Services, Inc		
Do	National Football League		
Do	National Health Laboratories	350.00	
Do	Nevada Resorts Assn	15,900.00	304.00
Do	News America		
Do	Pepsico, Inc	1,260.00	19.00
Do	Pharmaceutical Manufacturers Assn	277.00	
Do	Population Services International	700.00	19.00
Do	Property Capital Advisors, Inc	1,350.00	19.00
Do	Reebok International Ltd		
Do	Research Corporation		
Do	RJR Nabisco, Inc	2,175.00	38.00
Do	Scotfoam Corp		
Do	Shell Oil Co	2,400.00	38.00
Do	Sheller-Globe		
Do	Southern California Edison Co	2,200.00	38.00
Do	Texas Air Corp		
Do	Tinicum, Inc		
Do	Todhunter International, Inc	1,000.00	19.00
Do	United Illuminating Co	2,246.00	38.00
Do	W. B. Voss		
Do	Warner-Lambert Co	7,350.00	133.00
Do	Wertheim & Co		
William E. Albers, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)	1,000.00	
David Alberswerth, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,814.20	
Alcalde O'Bannon Rousselot & Wahlquist, 1901 N. Fort Myer Drive, #1204 Rosslyn, VA 22209	Alliance for Clean Energy	12,000.00	
Do	Alliance for Responsible CFC Policy	6,000.00	
Do	Americans for the National Dividend Act, Inc		
Do	Brown Boveri Corp		
Do	Carnival Cruise Lines	3,000.00	
Do	City of Las Vegas	6,000.00	
Do	Computer Sciences Corp	1,500.00	
Do	Consolidated Freightways	9,000.00	
Do	Dade County Aviation Department	1,500.00	
Do	Dade County Seaport Authority	3,000.00	
Do	Jack Eckerd Corp	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Home Shopping Network	3,000.00	
Do	Jim Walter Corp	15,000.00	
Do	McDonnell Douglas Corp	3,000.00	
Do	Norwegian Caribbean Lines	3,000.00	
Do	Playtex, Inc	3,000.00	
Do	Port of Jacksonville	3,000.00	
Do	PIMA	3,000.00	
Do	Regular Common Carrier Conference	6,000.00	
Do	Royal Caribbean Cruise Line	3,000.00	
Do	Tampa Electric Co	1,500.00	
Do	Tampa Port Authority	3,000.00	
Do	Texas Air Corp	6,000.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)	27.50	
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	13.75	
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)	27.50	
Do	Cadwalader Wickersham & Taft (For:Charter National Life Insurance Co)	123.75	
Do	Cadwalader Wickersham & Taft (For:Clark/Bardes Organization, Inc)		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Eastern Air Lines, Inc)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)	137.50	
Do	Cadwalader Wickersham & Taft (For:Henley & Co, Inc)		
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)		
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	68.75	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	68.75	
Do	Cadwalader Wickersham & Taft (For:PepsiCo, Inc)	41.25	
Do	Cadwalader Wickersham & Taft (For:Raychem Corp)		
Do	Cadwalader Wickersham & Taft (For:Scott Paper Co)		
Do	Cadwalader Wickersham & Taft (For:United Brands Co)		
Richard F. Ali, Suite 808 1901 North Moore Street Arlington, VA 22209	National Assn of the Remodeling Industry		
Alexandra Allen, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	4,576.95	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,347.00	452.04
David Allen, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Damon Corp)		
Do	Hill & Knowlton, Inc (For:Medvision, Inc)		
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Assn	7,500.00	
William E. Allen, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		15,000.00	2,805.48
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		367,500.00	81,721.38
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195			55,438.89
Alliance of Nonprofit Mailers, 2001 S Street, NW, #540 Washington, DC 20009		4,040.65	2,601.78
Alliance to Save Energy, 1925 K Street, NW, #206 Washington, DC 20006			3,549.73
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Allied Acid Rain Prohibition, 11573 Embers Court Reston, VA 22091			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
James E. Allred, 400 First St., NW, #804 Washington, DC 20001	Transportation Communications Union		
Alltel Corporation, 100 Executive Parkway Hudson, OH 44236			210.00
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			3,515.00
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,200.00	
Loren J. Alter, 231 Martingale Road Schaumburg, IL 60196	Zurich-American Insurance Companies	1,200.00	1,200.00
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	4,375.00	157.65
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,800.00	299.15
Ricardo R. Alvarado, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Inc	882.00	
Susan E. Alvarado, 1440 New York Ave., NW, #300 Washington, DC 20005	E. Bruce Harrison Company (For:National Assn of Broadcasters)	1,884.00	156.55
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	1,029.04	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	4,000.00	801.44
American Academy of Family Physicians, 1740 West 92nd St. Kansas City, MO 64114		18,187.68	18,187.68
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			5,843.74
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		22,866.00	133,218.00
American Assn for Marriage & Family Therapy, 1717 K Street, NW, #407 Washington, DC 20006			17,162.16
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		1,250.00	1,250.00
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		116.09	50.00
American Assn of Presidents of Independent Colleges & Univs, C-366 ASB Provo, UT 84602		21,658.00	
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			331.79
American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		97,836.46	97,836.46
American Business Conference, Inc, 1730 K Street, NW, #703 Washington, DC 20006		4,730.00	2,069.84
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004		39,382.44	48,593.41
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		2,855.00	11,931.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		294,252.22	294,252.22
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			7,132.72
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		152,270.00	152,270.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			142,238.92
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		6,000.00	6,000.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		76,822.00	76,822.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		22,882.00	10,660.87
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,671.40
American Insurance Assn, 1130 Connecticut Avenue, NW, #l000 Washington, DC 20036		6,708.00	6,708.00
American International Group, Inc, 70 Pine Street New York, NY 10270			51,357.56
American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001		162,432.00	154,037.23
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,560.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		37,500.00	11,659.19
American Logistics Association, 1133 15th Street, NW, #640 Washington, DC 20005			
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		12,659.58	2,936.78
American Meat Institute, P.O. Box 3556 Washington, DC 20007			6,500.00
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			103,571.06
American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814			
American Medical Peer Review Assn, 440 First Street, NW, #510 Washington, DC 20001			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			1,800.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		14,565.97	14,565.97
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		35,284.85	35,284.85
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			5,875.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		250,666.10	301,013.79
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		5,206.70	5,206.70
American Podiatric Medical Assn, 9312 Old Georgetown Road Behesda, MD 20814-1621			29,267.56
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		98,657.88	92,073.16
American Public Transit Assn, 1225 Connecticut Ave., NW Washington, DC 20036		82,145.00	82,145.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		200.00	200.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,585.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			31,460.59
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			1,800.00
American Soybean Association, l300 L Street, NW, Suite 950 Washington, DC 20005-4107		9,900.00	4,959.93
American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042		540.00	540.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		35,281.62	45,174.44

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1522 K Street, NW, #828 Washington, DC 20005			745.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		354,761.13	146.56
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		8,121.78	8,121.78
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704			
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Coalition for American Energy Security	6,000.00	
Do	Nathan Lewin (for 47th Street Photo)	7,500.00	
Do	Northrop Corp	3,000.00	
Do	Thompson Medical Co	4,000.00	
Jan S. Amundson, 1331 Pennsylvania Ave., #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	1,000.00	
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Company (For:Graphic Communications International Union)	800.00	25.00
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Burlington Northern, Inc)	5,827.50	15.50
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)		
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)	6,098.75	15.40
Arne Anderson, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	7,902.05	
Bette B. Anderson, 1020 19th St., NW, #520 Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Byron Anderson, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,945.98
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute	750.00	1,097.23
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland	100.00	
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Steven C. Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	5,000.00	
William C. Anderson, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		95.00
Anderson Benjamin Read & Haney, Inc, 1020 19th St., NW, #520 Washington, DC 20036	Coalition to Stop the Raid on America	2,200.00	250.00
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	875.00	179.22
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	2,495.54
Andrews & Kurth, 4200 Texas Commerce Tower Houston, TX 77002	William M. Keck II	7,509.76	
Andrews' Associates, Inc, 2550 M St., NW, #695 Washington, DC 20037	American Maritime Officers Service		
Do	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		390.60
Do	Martin Marietta Corp		
Do	Transportation Institute		
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	1,900.00	466.96
J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	500.00	
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	4,342.00	
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	2,713.00	
John Archer, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Ameritech		
Do	Aris Anagnos Properties	12,609.86	231.88
Do	Artery Corp		
Do	Central States SE & SW Areas Health Welfare & Pension Funds	18,074.50	101.80
Do	Coalition for Auto Repair Choice	8,893.34	289.59
Do	Diagnostic Health Services, Inc		
Do	Guardian Life Insurance Co of America	29,545.61	354.60
Do	Independent Federation of Flight Attendants	4,000.00	361.80
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores	14,940.00	3,462.33
Do	National Parking Association	1,000.00	367.88
Do	Schoenke & Koenig	4,067.35	
Do	SO-PAK-CO, Inc		
Do	Toshiba America, Inc	206,142.25	9,452.70
Do	Toshiba International Corp		
Do	Toyota Motor Corporation	140.00	
Do	Washington Gas Light Co		
Fred Armstrong Jr, 1100 15th Street, NW, #730 Washington, DC 20005	Portland Cement Assn		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	1,000.00	
Do	Ashland Oil Co	375.00	
Do	Corporate Property Investors	667.00	
Do	Quintana Petroleum Corp	937.00	
John E. Arnold, 1725 Jefferson Davis Highway, #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	979.21
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Assn of Exporters & Importers	225.00	
Do	Asea AB		
Do	Bank of Montreal		
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Business Roundtable		
Do	Canadian Meat Council	1,861.25	
Do	Caudine Investments, N.V.	67.50	2.44
Do	Cemai	15.00	
Do	Chubb Corporation		
Do	Continental Corporation	1,248.75	
Do	Donohue & Associates, Inc	1,260.00	14.15
Do	Federated Department Stores, Inc		
Do	Fluor Corporation		
Do	Grain & Feed Trade Assn		
Do	Hopi Indian Tribe		32.90
Do	International Commodities Clearing House		
Do	London Commodity Exchange (1986) Limited		
Do	London International Financial Futures Exchange, Ltd		
Do	LyphoMed, Inc		2.40
Do	Metal Market & Exchange Co, Ltd		
Do	Mutual of America		
Do	Republic of Panama	80.00	3.00
Do	State Farm Mutual Automobile Insurance Co	14,004.00	1,229.63
Do	Survival Technology, Inc	2,892.50	3.17
Do	Venezolana de Cementos Ca	8,825.00	471.66
Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice		
Thomas M. Arrasmith, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	546.00	170.12
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	18,650.00	15,352.05
Michael Ashford, 2030 M Street, NW Washington, DC 20036	Common Cause	4,121.25	
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Thom*** BAD MAG TAPE ***as Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Companies	2,875.00	
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	American International Group, Inc		
Do	Wells Fargo Bank, N.A.	1,500.00	
Joseph Ashooh, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	800.00	700.53
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Associated Credit Bureaus, Inc, 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			14,500.00
Association for the Improvement of the Mississippi River, 100 S. 4th Street, #500 St. Louis, MO 63102			
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051		2,819.15	
Association of American Law Schools, One Dupont Circle, NW, #370 Washington, DC 20036			
Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036		8,147.46	8,147.46
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		120,775.47	120,775.47
Association of American Veterinary Medical Colleges, 1023 15th Street, NW 3rd Floor Washington, DC 20005			2,366.08
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005	Association of Biotechnology Cos	13,464.00	13,464.00
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016			12,000.00
Association of Maximum Service Telecasters, Inc, 1730 M St., NW, #713 Washington, DC 20036			540.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		14,197.80	14,197.80
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Arthur Andersen & Co		
Do	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,280.04
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024'DNational Fed of Independent Business	3,189.00	200.00	
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Robb Austin, 2500 Virginia Avenue, NW, #1150-S Washington, DC 20037	Robb Austin & Associates (For:Philip Morris, Inc)		
Ronald R. Austin, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc	634.31	250.00
Robb Austin & Associates, 2500 Virginia Avenue, NW, #1105-S Washington, DC 20037	Philip Morris, Inc	1,000.00	200.00
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101		902.00	901.69
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	4,000.00	3,000.00
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	7,056.24	348.50
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		2,105.00
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Larry Ayres, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc		
Merribel Symington Ayres, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20006	National Independent Energy Producers	460.00	4,716.25
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company	1,352.00	14.80
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	2,552.08	40.00
Robert Baechtold, 277 Park Avenue New York, NY 10172	Fitzpatrick Cella Harper & Scinto (For:Pharmaceutical Manufacturers Assn)		
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	2,000.00	20.00
Brent A. Baglien, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Franklin Eugene Bailey, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	4,812.75	901.06
George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101	CSX Transportation		
Paul C. Bailey Jr., 108 South Columbus Street Arlington, VA 22204	Southern Company Services, Inc	2,471.05	3,083.38
William W. Bailey, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	1,443.43
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	400.00	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	688.06
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,370.70	143.70
Monica S. Baker, 206 G St., NE, #201 Washington, DC 20002	Foley & Company (For:Curval Products, Inc)		
Do	Foley & Company		
Do	Gray's Family Department Stores		
Do	PolyPhaser Corp		
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	225.00	7.00
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Protestant Health Assn	38,000.00	590.53
Do	Association of Independent Organ Procurement Agencies		
Do	Committee for a Just Animal Drug Law	1,250.00	53.54
Do	Hospital Insurance Forum	52,500.00	81.58
Do	Loyola University		
Do	Missouri Baptist Hospital	9,727.50	
Do	National Assn of Nuclear Pharmacies	20,212.50	392.00
Do	National Restaurant Assn	17,500.00	74.66
Do	Organ Recovery Systems	8,905.00	78.86
Peter Gordon Bakos, P.O. Box 45192 Sarasota, FL 34277-4192	Alpine Group, Inc		
S. Eason Balch, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	450.00	3,000.00
Donald Baldwin, 1140 Connecticut Ave., NW, #804 Washington, DC 20036	Association of Federal Investigators		
Do	Diagnostic/Retrieval Systems, Inc		
Do	Federal Criminal Investigations Assn		
Do	Mack Trucks, Inc		
Do	National Law Enforcement Council		
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	6,250.00	8.34
Ball Janik & Novack, 601 Pennsylvania Ave., NW, 9th Floor Washington, DC 20004	AeroLift, Inc	1,199.57	
Do	Greenbrier Leasing, Inc	23,384.43	
Do	Northwest Industrial Gas Users	5,890.85	
Do	Northwest Marine Iron Works		
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Arthur Andersen & Co		
Do	U.S. Committee for UNICEF		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	7,400.00	617.17
Charles E. Bangert, P.C., 1450 G Street, NW,#1200 Washington, DC 20005	Business Roundtable	2,600.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	3,750.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	2,479.50	385.18
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	Joint Maritime Congress	9,000.00	171.65
Do	A. L. Williams & Company	12,000.00	436.79
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Jim Barnes, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	54.08	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Commonwealth Garment Manufacturing Co		
Do	Dow Chemical Co		
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual		12.00
Do	Heidelberg Eastern, Inc		27.75
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co		
Do	Rukert Marine Corp	337.50	2.20
Do	Stratton Hats, Inc		
Do	Tartaric Chemical Corp		14.50
Do	Texas Citrus and Vegetable Import Association	1,050.00	23.47
Do	Uniroyal Chemical Co, Inc		38.13
Barnett & Alagia, 888 17th Street, NW, #900 Washington, DC 20006	Amstar Corp		418.65
Do	Dairymen, Inc	10,780.00	1,358.40
Do	Florida Fruit & Vegetable Assn	3,000.00	
Barnett D'Amours Sivon & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	American Council for State Savings Supervisors		
Do	Citibank, N.A	4,507.50	121.00
Do	Credit Union National Assn, Inc		
Do	Investors in Industry		
Neil D. Baron, Booth & Baron 122 East 42nd Street, #1507 New York, NY 10168	Standard & Poor's Corporation		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David M. Barrett, Barrett Hanna Daily & Gaspar 1055 Thomas Jefferson St., NW, #501 Washington, DC 20007	Allied Tube & Conduit Corp		
Do	Energy Consumers & Producers Assn		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	2,500.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006	American Assn for Clinical Chemistry Inc		
Doyle C. Bartlett, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	2,500.00	556.12
Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036	Kraft, Inc	750.00	
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	7,500.00	62.75
Mark A. Bartner, 100 Maryland Avenue, NE Washington, DC 20002	Religious Coalition for Abortion Rights, Inc	6,124.98	154.51
Richard A. Barton, 1101 17th St., NW, #900 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Diane Bateman, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	9,000.00	2,082.23
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor & Equipment Manufacturers Assn	1,500.00	46.47
Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036	Mobil Corp	1,125.00	
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	BN Services Inc	1,750.00	179.79
Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	600.00	
Robin Battaglini, 1600 M Street, NW Washington, DC 20036	ITT Corporation	2,000.00	50.00
Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,500.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	2,400.00	842.51
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	450.00	35.00
Baumbach & Fisher Assoc., Inc, 1900 S. Harbor City Blvd. Melbourne, FL 32901	Extradition Corp of America	489.00	
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		10.53
James R. Baxter, 1101 15th St., NW, #1040 Washington, DC 20005	National Construction Employers Council		
Margaret E. Bayers, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	665.72	436.77
Donald S. Beattie, P.O. Box 6474 Alexandria, VA 22306	B T Enterprises	11,100.00	9,755.00
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Orren Beaty Jr., Magruder Building 1625 M St., NW Washington, DC 20036	Western Fuels Association, Inc	1,683.50	475.00
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	4,504.50	131.50
Daniel F. Becker, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	2,565.60	
Merritt Becker, 1844 Kalorama Rd. NW Washington, DC 20009	Bruce P. Cameron		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	6,591.20	20.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	2,500.00	17.48
Jon Charles Bednerik, 11 Embarcadero West, #202 Oakland, CA 94607	Western Independent Bankers	500.00	
Josiah Beeman, 15 Second St., NE Washington, DC 20002	Magne-Tek ALS Corp	20,000.00	6,873.74
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	5,490.00	45.00
William A. Behan, 1700 N. Moore St., #820 Rosslyn, VA 22209	Magnavox Government & Industrial Electronics Co	9,837.00	5,645.14
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	165.00	
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Peter M. Belanger, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	381.49
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Matt Langley Bell III, P.O. Box 1312 Pensacola, FL 32596	Escambai County, Florida		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	1,000.00	12.00
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Mary K. Bellamy, 1600 M St., NW Washington, DC 20036	Investment Company Institute	19.53	
Bruce Benefield, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	1,296.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union	2,796.10	703.75
Benner Burnett & Coleman, 1401 New York Avenue, NW, #740 Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al.	750.00	
Beverly L. Bennett, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,500.00	210.00
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
Douglas P. Bennett, 9020 Saunders Lane Bethesda, MD 20817	Corning Associates	1,000.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company	200.00	200.00
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	325.00	463.61
Diana Berardocco, 555 13th St., NW, #1050 East Washington, DC 20004	Avon Products, Inc		
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,125.01	144.10
Karen A. Berg, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,350.00	186.10
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	17.00
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Martha Bergmark, 7316 Piney Branch Road Takoma Park, MD 20912	Project Advisory Group	458.33	9.60
Edwin M. Bergsmark, Three SeaGate Toledo, OH 43603	Trustcorp, Inc		
Paul C. Bergson, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	300.00	
Pamela M. Berkwitz, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	12,000.00	2,693.00
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	669.00
Debra Berlyn, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	4,846.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America	250.00	
Jay Harris Berman, 621A 7th Street, NE Washington, DC 20002	National Assn of Professional Insurance Agents		
Richard B. Berman, 1015 15th St., NW, #1200 Washington, DC 20005	Burger King Corp		
Do	Godfather's Pizza, Inc		
Do	Pillsbury Company		
Do	Quik Wok, Inc		
Do	S&A Restaurants Corp		
William R. Berman, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Avianca, Inc		927.81
Do	China External Trade Development Council	2,000.00	1,316.00
Do	Electronic Industries Assn	3,000.00	2,192.59
Do	Eli Lilly & Company	800.00	905.79
Do	First Atlantic Investment Corp	2,000.00	1,901.21
Do	First Boston Corp	3,000.00	5,601.66
Do	Flo-Sun Land Corp	2,000.00	1,901.21
Do	Forum Group, Inc	2,000.00	620.00
Do	Galesi Group	2,000.00	1,069.29
Do	Natural Gas Supply Assn	3,000.00	2,382.68
Do	NESCO, Inc	200.00	315.00
Do	Okeelanta Corp	1,700.00	2,337.86
Do	Republic of Korea	2,000.00	1,205.00
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	405.00	
Delanne Bernier, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	475.00	199.00
Donald C. Berno, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
Bernstein & Lipsettin, 1920 L Street, NW, #501 Washington, DC 20036	National Assn of Police Organizations	17,286.00	2,150.07
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	525.00	32.50
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	7,450.00	477.48
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,187.50	110.00
Bethea Jordan & Griffin, P.A., P.O. Box 1454 Columbia, SC 29202	Commercial Metals Co	5,555.75	1,000.00
Better Working Environments, Inc, P. O. Box 1765 Carson City, NV 89702			
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	15,000.00	388.85
Beveridge & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	Town of Oyster Bay Industrial Development Agency		
Cheryl Beversdorf, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20036	American College of Surgeons		
Sheldon D. Beychok, P.O. Box 2924 Baton Rouge, LA 70821	American Waste & Pollution Control Co		
Do	Camp Dresser & McKee, Inc		
Do	First Boston Corp		
Do	Lamar Corporation		
Do	Southeast Health Plan of Louisiana, Inc		
L. Christina Beydoun, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
John C. Biechman, 655 15th St., NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp		
Richard Bilek, 7721 S. Narragansett St. Burbank, IL 60459	N.R.B. & Associates Ltd		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	12,416.72	
Kevin W. Billings, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	3,141.49	1,347.70
Patricia H. Billings, 1129 20th St, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,707.68	
Leon G. Billings, Inc, 1660 L St., NW, #809 Washington, DC 20036	Oxford Energy	5,750.00	
Do	South Coast Air Quality Management District	17,844.46	
Hugh L. Binford, 514-D Parkview Road Ft. Walton Beach, FL 32548			
Bingham Dana & Gould, 1724 Massachusetts Avenue, NW Washington, DC 20036	Disabled American Veterans	1,200.00	40.00
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004			
Birch Horton Bittner Pestinger & Anderson, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Pacific Refining, Inc	2,000.00	4,147.11

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Alaska Teamsters-Employer Pension Trust		
Do	Amerada Hess Corp		
Do	City of St. George		
Do	Ellers Oakley Chester & Rike		
Do	McCaw Communications Cos		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Westinghouse Electric Corp		
Do	Yukon Pacific Corp		
Charles O. Bishop Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	6,920.00	145.00
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Akhiok-Kaguyak, Inc	3,900.00	
Do	Aleut Corporation	500.00	
Do	Aleutian/Pribilof Islands Assn, Inc	500.00	
Do	City of St. Paul	1,500.00	
Do	Consolidated Natural Gas Co		
Do	Electronic Industries Assn		
Do	Roadway Services, Inc		
Do	Tobacco Institute		207.65
Do	Washington Public Power Supply System	9,000.00	
J. Barry Bitzer, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Wayne V. Black, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company	45,000.00	
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	17.28
Do	Allentown Cement Co, Inc	15,000.00	26.79
Do	Allied-Signal, Inc	22,500.00	1,494.23
Do	Bethlehem Steel Corp	22,500.00	
Do	Chicago RTA	9,000.00	364.96
Do	Clark Construction Group	9,000.00	
Do	Cooper's Ferry Development Assn, Inc	9,000.00	216.70
Do	Diamond Star Corp	30,000.00	233.05
Do	Financial Security	22,500.00	91.60
Do	GTech Corp	9,000.00	2,454.44
Do	Johnson & Johnson, Inc	30,000.00	1,920.38
Do	Kaman Aerospace Corp	45,000.00	57.84
Do	Massa Products Corp	15,000.00	75.18
Do	NOVA University	30,000.00	6,024.47
Do	OCG Technology, Inc		
Do	Puerto Rico Federal Affairs Administration	9,000.00	2,359.18
Do	Revlon Group, Inc	6,000.00	1,863.36
Do	Tobacco Institute	22,500.00	20.55
Do	Trans World Airlines, Inc	18,000.00	57.60
Do	U.S. Sprint	12,000.00	233.55
Do	Union Pacific Corp	22,500.00	183.00
Do	UNITA	75,000.00	1,099.43
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	241.18	
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Enserch Corporation	3,038.00	1,041.71
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
David A. Blair, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,050.00	106.55
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	7,867.05	
Kenneth T. Blaylock, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	15,898.71	11,721.10
Beatrice K. Bleicher, 1700 K Street, NW, #1100 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	100.00
Christopher M. Blessington, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc		
Do	Brother International Corp	7,500.00	132.23
Do	Environmental Science & Engineering		
Do	Fluor Corporation		38.82
Do	National Paint & Coatings Assn, Inc		
Do	Philip Morris Companies Inc		
Do	PB-KBB, Inc		
Do	St. Joe Minerals Corp		
Do	Varian EIMAC	4,660.00	496.85
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	21,499.98	1,092.12
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,050.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	997.23
Vera Steiner Blore, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	300.00	5.00
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	751.13
Jared O. Blum, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)	10,125.00	145.61
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	2,976.21	153.50
Robert A. Blum, 600 Montgomery Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)		625.00
Charles R. Blumenfeld, Bogle & Gates 2100 Bank of California Center Seattle, WA 98164	Pacific Seafood Processors Assn		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007	American Dietetic Assn	1,000.00	841.96
Wayne F. Boan, 927 15th St., #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		75,000.00	75,000.00
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Mary M. Boehm, 1319 F Street, NW Washington, DC 20004	Catholic Charities USA		
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Northwest Apparel & Textile Assn	5,000.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	18.00	
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Association		
Harold W. Bolinger, 517 Maryland Ave. Cumberland, MD 21502	Liberty Lobby, Inc	550.00	
Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
A. Dewey Bond, P.O. Box 3556 Washington, DC 20007	American Meat Institute	500.00	
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,175.00	30.50
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	475.00	125.00
Bonneville Associates, 257 E. 200 SO.-#825 Salt Lake City, UT 84111	Western Regional Council	360.00	146.65
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	3,525.00	74.62
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007	DB, Ltd		
Richard H. Bornemann, 10 Fourth Street, SE Washington, DC 20003	United Illuminating Co	3,500.00	876.08
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc		
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Textile Manufacturers Institute, Inc	4,462.00	37.50
Charles G. Botsford, 1730 M St., NW, #515 Washington, DC 20036	McDonnell Douglas Helicopters, et al.	1,500.00	125.00
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036	Maersk Inc.		
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	4,119.28	137.75
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,400.00	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	5,982.79	2,312.12
Michael Bowers, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	250.00	
Bowery Savings Bank, 110 East 42nd Street New York, NY 10017			
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		78.90
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	580.00	86.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard A. Boyd, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc.	6,000.00	
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	6,500.00	1,254.11
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Austin Capital Metropolitan Authority		
Do	Chemical Manufacturers Assn, Inc	1,200.00	478.80
Do	Coalition of Funeral Directors	370.00	147.63
Do	Computer Dealers & Lessors Assn, Inc.		
Do	COMDISCO, Inc		
Do	Enron Corp		
Do	Graham Resources, Inc		
Do	Liberty Bank & Trust of New Jersey		
Do	Louisiana Land & Exploration Co.	800.00	319.20
Do	Massachusetts Mutual Life Insurance	555.00	221.44
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Assn.		
Do	Southdown/Pelto Oil Company		
Do	Star-Kist Foods, Inc.		
Do	Valero Energy Corporation	3,000.00	1,197.00
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Southwest Financial Corp	7,000.00	375.00
Do	Arkla, Inc.	4,000.00	195.00
Do	City of Klamath Falls	8,000.00	105.00
Do	City of Tucson	7,000.00	80.00
Do	Coin Coalition	5,000.00	340.00
Do	CSX Corporation	8,000.00	260.00
Do	Energy Absorption Systems, Inc.	8,000.00	225.00
Do	Energy Contractors Price-Anderson Group	4,000.00	145.00
Do	Estes Company	3,000.00	125.00
Do	LaserVideo, Inc.	1,000.00	57.00
Do	Pratt & Whitney Aircraft Group	4,000.00	120.00
Do	Satellite Broadcast Network	2,000.00	75.00
Do	Satellite Broadcasting & Communications Assn		
Do	Southern Arizona Water Resources Association	2,000.00	85.00
Frank W. Bradley, 1700 K St., NW, # 1200 Washington, DC 20006	Chevron USA, Inc	6,600.00	
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	1,000.00	
Dennis M. Bradshaw, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Lawrence J. Brady, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	American Independent Refiners Assn	200.00	
Do	Consolidated Natural Gas Co	100.00	
Do	Environmental Power Corp	100.00	
Do	Tosco Corporation	100.00	
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	841.40	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Barbara Bramble, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,043.81	
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	225.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,525.34	
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.		
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co.	103.24	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn.		
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn.	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America	1,200.00	
Do	American Car Rental Assn	5,000.00	
Do	American Fed of Labor & Congress of Industrial Organizations		
Do	Committee to Eliminate Equipment Giveaways	5,000.00	
Do	Murry's, Inc.		
Do	Temistocles Ramirez	2,500.00	
Do	Ryder Systems, Inc		
Do	Trans World Airlines, Inc.	5,000.00	
Do	Truck Renting & Leasing Assn	2,000.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp.		
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	441.77
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn.		
Richard Brescia, N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	842.92	1,267.99
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	
Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		41.35
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc.	3,550.00	2,224.00
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	71.23
Elizabeth Y. Britton, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	374.54	249.90
Stephen W. Broadie, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,500.00	51.01
Bradly A. Broadwell, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn.	2,000.00	7,137.79
David M. Brockman, 725 15th St., NW, #500 Washington, DC 20005	National Grain & Feed Assn.		
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn.	1,500.00	
William M. Brodhead, 2715 M St., NW, #300 Washington, DC 20007	Plunkett & Cooney (For:American Soc for the Prevention of Cruelty to Animals)	1,500.00	14.00
Do	Murray & Scheer (For:Lightning Location & Protections, Inc)		
Do	Plunkett & Cooney (For:Massachusetts Soc for the Prevention of Cruelty to Animals)		
Do	Plunkett & Cooney (for Blue Cross & Blue Shield of Michigan)	6,000.00	90.71
Do	Plunkett & Cooney (for City of Detroit, Michigan)	7,500.00	86.80
Do	Plunkett & Cooney (for Detroit Educational TV Foundation)	988.75	29.25
Do	Plunkett & Cooney (for Humane Soc of the U.S.)	2,059.00	50.93
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	10,500.00	369.69
Do	Plunkett & Cooney (for Michigan Humane Society)	2,059.00	50.92
Do	Plunkett & Cooney (Humane Soc of the U.S.)		
Do	Murray & Scheer (For:PHP Healthcare Corp)		
David A. Brody, 1640 Rhode Island Ave., NW Washington, DC 20036	Anti-Defamation League of B'nai B'rith	4,200.00	
Marcia D. Brody, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn.		
Michael J. Brokovich, 1725 Jefferson Davis Hwy., #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brook Associates, Inc, 1620 Eye Street, NW, #706 Washington, DC 20006	Northern Textile Assn	8,268.00	8,268.00
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	5,500.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central Power & Light Co		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,344.20	212.00
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	938.00	
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Clover Park School District)	7,387.50	
Do	Evergreen Associates, Ltd (For:Computer Dynamics & Aeronautics Corp)		
Do	Evergreen Associates, Ltd (For:DCL Industries)		
Do	Evergreen Associates, Ltd (For:Military Impacted Schools Assn)		
Do	Evergreen Associates, Ltd (For:Suffolk County, NY)		50.00
Donald G. Brotzman, 1400 K St., NW Washington, DC 20005	Rubber Manufacturers Assn	10,000.00	
Cynthia A. Brown, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	American College of Surgeons		22.80
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	5,000.00	
Dale E. Brown, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	6,000.00	1,050.27
David B. Brown, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Carriers Conference		
David C. Brown, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	687.50	1,917.08
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co.	700.00	351.54
Diane R. Brown, 2001 L Street, NW, #506 Washington, DC 20036	Chlorine Institute, Inc	70.00	92.12
Doreen L. Brown, 1001 Connecticut Ave., NW, #800 Washington, DC 20036	Consumers for World Trade		
George L. Brown, 1000 Wilson Boulevard Arlington, VA 22209	Grumman Corporation	1,250.00	389.38
Jesse P. Brown Jr., 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	2,432.08	
Ronald H. Brown, 2550 M Street, NW Washington, DC 20037	Wayne County Michigan		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	7,500.00	5,522.10
William E. Brown, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	332.21	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
Brown Coates & McCarthy Inc, 900 17th St N.W. Washington, DC 20006	Royal Teton Ranch		
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp	27,000.00	177.00
Do	Cellular Corp		
Do	Home Satellite Television Association, Inc	66.00	
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	20,000.00	902.55
Brownstein Hyatt Farber & Madden, 410 17 St., 22nd Floor Denver, CO 80202	Alliance for Capital Access	500.00	
Do	Columbia Savings & Loan Assn		
Do	MDC Asset Investors, Inc		
Do	Republic Health Corp	15,000.00	
Do	Smith Barney Harris Upham & Co, Inc		
Do	Western Union Corp		
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Canadian Financial Corporation		
Do	Schochet Associates		
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	250.00	35.00
Kathryne M. Bruner, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,312.50	336.52
J. M. Brunkenhoefer, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union	6,250.00	1,994.70
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	20.75
Kenley W. Brunsdale, 215 S. State, #1200 Salt Lake City, UT 84111	Fabian & Clendenin (For:Hoyt/Easton U S A)	7,500.00	3,476.29
Do	Fabian S. Clendenin (For:Utah Power & Light Co)	25,990.50	10,458.48
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	1,375.00	572.03
Bryan Cave McPheeters & McRoberts, 1015 15th Street, NW, #1000 Washington, DC 20005	Navistar International Corp		
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	16,715.00	
Lana Buck, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	47.72
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	3,522.33
Thomas L. Buckmaster, 1301 Connecticut Avenue, NW, #700 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	900.00	55.00
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
G. N. Buffington, 2230 California Street, NW Washington, DC 20008	National Assn of Real Estate Investment Trusts, Inc	2,617.50	696.78
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	5,000.00	43.00
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,223.00	295.00
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	1,709.61	1,359.75
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Magazine Publishers Assn, Inc	3,000.00	
Do	Parcel Shippers Assn	2,000.00	
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	140.10
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. Burdett, 1776 Eye Street, NW, #575 Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		69.50
Robert J. Burdick, 1126 16th Street, NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	3,057.90	
Clair W. Burgener, P.O. Box 8186 Rancho Santa Fe, CA 92067	Bixby Ranch Co	6,000.00	581.86
Harriet Hunt Burgesss, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands	8,162.40	3,544.67
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		38,966.00	1,000.00
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	6,000.00	3,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	319.20
Burr & Forman, 3000 Southtrust Tower Birmingham, AL 35203	Investment Company Institute	816.99	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Assn of Dental Schools	1,110.00	21.00
Do	American Dental Assn		
Do	Arthur Andersen & Co	1,000.00	
Do	City of Philadelphia	330.00	7.00
Do	Clark Equipment Co		
Do	Federation of Special Care Organizations in Dentistry		
Do	Hankin Management-Arsenal Business Center Associates	1,405.00	31.00
Do	Partnership for Improved Air Travel	4,286.25	92.00
Do	Pennwalt Corp	825.00	17.50
Do	Philadelphia Industrial Development Corp	330.00	7.00
Do	Philadelphia Port Corp	495.00	10.50
Do	Philip Morris, Inc	1,450.00	32.00
Do	Softgel Assn		
Do	Specialty Vehicle Institute of America (SVIA)	4,300.00	90.50
Do	Temple University	495.00	10.50
Do	Thomson-CSF, Inc	1,000.00	
Do	U.S.-Taiwan, Republic of China Fair Trade Council		
Larry D. Burton, 1001 22nd Street, NW, #600 Washington, DC 20037	BP America, Inc	2,500.00	
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau		
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	National Conference of Bankruptcy Judges	25,641.00	
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation		
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
Do	Official Committee of Dalkon Shield Claimants	9,525.82	90.97
Elizabeth B. Cady, 1919 Pennsylvania Ave., NW Washington, DC 20006	Steel Service Center Institute		
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	5,000.00	369.80
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	8,200.00	1,325.00
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 2011 Crystal Drive, #903 Arlington, VA 22202	Space Industries, Inc	7,552.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,200.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc		
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Eastern Technologies, Inc	250.00	
Do	Ford Aerospace & Communications Corp	175.00	
Do	FMC Corporation	175.00	
Do	General Dynamics Land Systems	400.00	
Do	General Dynamics Valley Systems Division	200.00	
Do	Lockheed Aeronautical Systems Co	325.00	
Do	Norden Systems, Inc	180.00	
Do	Textron Lycoming	200.00	
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation	2,250.00	
Do	Lukens General Industries, Inc	2,899.00	
Do	Safetran Systems Corporation	2,813.00	
Do	Syro Steel Co, et al.	2,100.00	
Do	3M Company	6,452.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	10,000.00	1,097.16
Do	Republic of Guatemala (Presidency of the)		22.15
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	699.11	223.44
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Associated Financial Corp	125.00	
Do	Blue Cross & Blue Shield Assn		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	3,000.00	
Do	Committee for Equitable Compensation	2,225.00	
Do	EG&G, Inc		
Do	FASA (Fashion Accessories Shippers Assn)		
Do	Goldbelt, Inc	200.00	
Do	Government Program Services		
Do	Greater Boston Community Development, Inc		
Do	Hospital Insurance Forum		
Do	Missouri Baptist Hospital of Sullivan	83.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mobil Oil Corp		
Do	Stephen Moses Interests		
Do	National Assn of Nuclear Pharmacies	625.00	
Do	Natural Gas Supply Assn	200.00	
Do	NATCO (National Assn of Tax Credit Coalition)		83.50
Do	Occidental Petroleum Corp		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	Presidential Airways, Inc	42.00	
Do	PGA Tour	300.00	
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	8,397.50	
Do	South Central Bell		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	World Airways	437.50	
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		30,659.57	16,377.50
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,500.00	
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	400.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	757.63	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Airlines, Inc		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	Union Pacific Corp		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 1111 Jefferson Davis Highway, # 508 Arlington, VA 22202	General Electric Co	3,600.00	
Do	General Motors Corp	30,000.00	
Do	National Civic Crusade for Panama		
Do	Republic of Panama	30,000.00	
Do	West Virginia University	8,400.00	
Thomas D. Campbell & Associates, Inc, 517 Queen Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	386.94
Charles J. Campisi, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	13,750.00	362.91
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		12,517.00	5,505.12
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	9,874.00	653.00
Candlelighters, 123 C St., SE Washington, DC 20003		125.00	
Anne C. Canfield, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	450.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	276.52
Howard W. Cannon & Associates, 499 South Capitol St., SW, #400 Washington, DC 20003	Rockwell International Corp		
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)	125.00	
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	450.00	
Do	Emory University Medical School	861.25	
Do	Endocrine Society	400.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	412.50	
Do	Merck & Co, Inc	1,000.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	375.00	
Do	National Coalition for Volunteer Protection	150.00	
Do	National Multiple Sclerosis Society	572.50	
Do	Polymer Technology Corp	500.00	
Do	Rehabilitation Institute of Chicago	812.50	
Do	Saatchi & Saatchi Compton Worldwide	1,050.00	
Do	Technicon Data Systems Corp	1,200.00	
Do	University of California (San Diego)		
Do	Westmore, Ltd	750.00	
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Association of American Publishers		
Do	Childrens Television Workshop		
Do	National Council of YMCA of the USA		26.24
Do	National Wildlife Federation		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics, Inc	23,681.00	2,150.31
Maurice E. Carino Jr., 1000 16th St., NW, #800 Washington, DC 20036	Bethleham Steel Corp	70.00	
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:GAF Corporation)		
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,000.00	
Catherine A. Carlson, 1412 16th Street, NW Washington, DC 20036	National Wildlife Federation	282.69	
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Cab-Tek, Inc		
Do	Carmen Carmen & Hugel (for CareerCom)		210.00
Carmen Carmen & Hugel, Inc, 1667 K Street, NW, #950 Washington, DC 20006	CareerCom	1,125.00	
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	5,625.00	
Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers Assn, Inc	4,000.00	
Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,200.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		86.34
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	738.51	192.39
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,160.00	1,160.50
George L. Cary, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	378.23
Martin Casey, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	1,500.00	39.87
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	13,231.47	300.00
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,437.50	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf	750.00	125.16
Do	Alloy Technology		
Do	American Hospital in Shanghai Foundation	325.00	
Do	Anatolia College Board of Trustees		
Do	Arizona State University	150.00	
Do	Atlanta University	600.00	6.50
Do	Atlantic Financial		6.50
Do	Barry University		
Do	Bolt Beranek & Newman, Inc	445.00	
Do	Boston College	150.00	
Do	Boston University	75.00	6.00
Do	Bowdoin College	350.00	
Do	Cardinal Hill Hospital		
Do	Catholic University of America	825.00	
Do	Centex Communications, Inc		
Do	Challenger Center	1,725.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Children's Hospital		
Do	Children's Hospital in Michigan	1,350.00	3.50
Do	Columbia University		
Do	Crane Co Resistoflex		
Do	Crane Company		
Do	Crane Hydroaire		
Do	Crane National Vendors		
Do	Critical Languages & Area Studies Consortium, Inc	1,050.00	103.84
Do	Drexel University	100.00	6.50
Do	Duke University		
Do	Emerson College	300.00	42.00
Do	Experiment in International Living	1,075.00	68.17
Do	Friends of the American Tel Aviv Museum of Art	200.00	2.16
Do	Fudan Foundation	275.00	15.16
Do	Global Broadcasting Group, Inc	300.00	
Do	Gonzaga University	295.00	
Do	Hygienetics, Inc		
Do	Indiana University		
Do	Institute for Circadian Physiology	1,350.00	
Do	J & B Management Co		
Do	Lehigh University	75.00	179.00
Do	Loma Linda University Medical Center, Inc	1,050.00	
Do	Louisiana Public Facilities Authority	600.00	
Do	Loyola College (Baltimore)	1,050.00	52.00
Do	Loyola Marymount University	450.00	13.00
Do	Loyola University of Chicago		
Do	Martha Graham Center of Contemporary Dance, Inc		
Do	Massachusetts Corp for Education Telecommunication	100.00	38.00
Do	Massachusetts League of Banks		
Do	Medical College of Ohio, Toledo	150.00	
Do	Medical College of Pennsylvania	300.00	6.50
Do	Medical University of South Carolina	75.00	
Do	Medusa Cement Co		
Do	Monterey Institute of International Studies		
Do	Morgan State University		
Do	Mount Sinai Medical Center	100.00	
Do	National Jewish Center for Immunology & Respiratory Medicine	600.00	12.00
Do	NeoRx	150.00	
Do	Northwestern University		
Do	O'Connell Management Co, Inc		
Do	Ocean Spray Cranberries, Inc	325.00	80.00
Do	Oceanic Institute	325.00	75.50
Do	Pan Metal Corp		
Do	Pioneer Financial	150.00	
Do	Pirelli Cable Co	225.00	21.00
Do	Polytechnic University	975.00	6.50
Do	Renewable Fuels Assn		
Do	Rochester Institute of Technology	600.00	22.00
Do	Rocky Mountain Energy Co		
Do	Saint Joseph's University		6.00
Do	Schutz American School	425.00	8.68
Do	St. Norberts College		
Do	Thomas Jefferson University	575.00	
Do	Tougaloo College	300.00	
Do	Tread Corporation		
Do	Tufts University	275.00	18.50
Do	United Hospitals, Inc		
Do	Universal Med Center/U of TX Health Science Center at Dallas	75.00	26.50
Do	University of Alabama in Huntsville	275.00	
Do	University of Bridgeport	150.00	
Do	University of Hawaii	150.00	74.50
Do	University of Kentucky Research Foundation	300.00	
Do	University of Nebraska	1,950.00	29.16
Do	University of Scranton	450.00	
Do	University of Southern Mississippi	150.00	
Do	University of Utah		
Do	University of Vermont	375.00	67.17
Do	Valley Children's Hospital		
Do	West Virginia University	900.00	
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh		
Do	World Trade Center Boston		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	2,800.00	
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	National Assn of Development Companies	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Small Business United)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)		
Gordon Cavanaugh, 509 C Street, NE Washington, DC 20002	Roisman Reno & Cavanaugh (For:Council of Large Public Housing Authorities)	13,125.00	354.45
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	600.00	
Nicholas G. Cavarocchi, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002			
Mitchell Ceasar, 8181 W. Broward Boulevard, #300 Plantation, FL 33324	Port Ever Glades Authority		
Rosario Ceballo, 2030 M St., NW Washington, DC 20036	Common Cause	4,725.00	
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	200.00	
Do	Martin Marietta Corp	200.00	
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	21,608.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			1,472.95
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	American Paper Institute, Inc		
Do	Applied Energy Services, Inc	638.00	
Do	Burnett & Hallamshire Holdings Plc		
Do	Catalyst Energy Corp		
Do	Manufacturer's Life Insurance Co		
Do	Napp Chemicals, Inc	72.00	
Do	Oxbow Geothermal Corp		
Do	Peat Products of America, Inc		
Do	Ruan Transportation Management Systems	14,123.00	94.00
Do	Ultrapower, Inc		
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Chicago Board Options Exchange		
Do	Harza Engineering Co		
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc		
Dean S. Chalios, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Durwood Chalker, P.O. Box 660164 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assn of Retired Persons		
Do	American Express Co	1,125.00	
Do	American Postal Workers Union, AFL-CIO	13,775.00	
Do	Anderson Hibey Nauheim & Blair	2,144.00	
Do	Apache Corporation	4,600.00	
Do	Coalition of Publicly Traded Limited Partnerships	825.00	
Do	Coalition of State Employment Security Agencies		
Do	Manville Corporation		
Do	Metcalf & Eddy/KVB Group		
Do	National Assn of Retired Federal Employees		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Salomon Brothers	175.00	
Do	University Patents, Inc.		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	3,000.00	975.00
Ed Chandler, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	11,385.00	500.00
Nedra Chandler, 2030 M Street, NW Washington, DC 20036	Common Cause	4,125.00	56.30
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, et al.	16,275.00	655.00
Richard M. Charlton, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	32.00	34.90
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	300.00	
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	27,750.00	143.50
Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036			2,764.48
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Arena Stage	1,145.50	1,252.25
Do	Capital Childrens Museum	1,145.50	1,252.25
Do	Corcoran Gallery	1,145.50	1,252.25
Do	Fords Theater	1,145.50	1,252.25
Do	National Building Museum		
Do	National Symphony	1,145.50	1,252.25
Do	Phillips Collection	1,145.50	1,252.25
Do	Shakespeare Theater at the Folger	1,145.50	1,252.25
Do	Textile Museum	1,145.50	1,252.25
Do	Washington Ballet	1,145.50	1,252.25
Do	Washington Opera	1,145.50	1,252.25
Do	Washington Performing Arts Society	1,145.50	1,252.25
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Universal Frutrade Co-operative, Ltd	15,233.76	
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,400.00	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 4500 Lincoln Plaza Dallas, TX 75201-3318	National Gypsum Co		
William W. Chip, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Raychem Corp)		
J. Samuel Choate Jr., 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	3,900.00	1,590.74
Hal M. Christensen, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Delta Dental Plans Assn	1,500.00	
William Christensen, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS		
Samuel W. Christine III, 1129 20th St., NW, #200 Washington, DC 20036	Greater Washington Board of Trade		
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	89.50
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			2,835.12
Donald T. Chunn, Route 2, Box 89 Columbia, TN 38401	Title Associates, Inc		
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Radio Relay League, Inc	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Do	Texas Truck Safety Alliance (TTSA)	1,750.00	1,750.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Citizens for Sensible Control of Acid Rain (CSCAR), c/o 1301 Connecticut Avenue, NW Washington, DC 20036		423,809.53	503,195.20
Citizens for Stabilizing Corporate Taxes & Foreign Policy, P.O. Box 1036 Guthrie, OK 73044-1036			
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		384,325.99	196,002.25
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	500.00	
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James F. Clark, P.O. Box 2l2ll Juneau, AK 99802-1211	Alaska Loggers Assn		
James W. Clark Jr., 1505 Prince Street, # 300 Alexandria, VA 22314	American Optometric Assn		
Jordan Clark, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Robert Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Place Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon A. Clark, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Outdoor Advertising Assn of America, Inc	5,625.00	1,860.48
Denise Clarke, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Indonesia (NDIO))	1,050.00	
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	350.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	BNS, Inc		
Do	Day-Glo Color Corp		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	North Wind Undersea Institute		145.07
Do	Security Pacific National Bank	10,840.00	
Do	Synthetic Organic Chemical Manufacturers Assn, Inc		
Do	U.S. Bancorp		20.00
Do	Union Oil Co of California, et al.		
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	3,999.56	1,010.40
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
W. M. Click, 2828 N. Haskell Dallas, TX 75204	Southland Corporation		
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	7,500.00	2,500.00
Do	J. C. Maxtone-Mailer	600.00	207.20
Do	Proprietary Association		
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Stanley A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Putman Properties, Inc		
Do	Roetzel & Andress		
Do	Stark County Commissioners		
Coal & Slurry Technology Assn, 1156 15th Street, NW, #505 Washington, DC 20005		16,500.00	
Coalition for Reliable Energy, 18 Muzzey Street Lexington, MA 02173		5,994.67	5,994.67
Coalition for Uniform Product Liability Law, 1330 Connecticut Avenue, NW, #336 Washington, DC 20036			
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		3,312.50	3,356.90
Coalition to Oppose Energy Taxes, 1100 15th St., NW, #1200 Washington, DC 20005		35,000.00	
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America		288.05
Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303	American Petroleum Institute	1,300.00	2,251.14
Coffee Sugar & Cocoa Exchange, Inc, 4 World Trade Center, 8th Fl. New York, NY 10048			1,700.00
Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	4,750.00	1,668.50
Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,841.00	1,121.81
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	10,374.99	
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		395.07
George T. Coldeway, 8245 NW 53rd St., #200 Miami, FL 33166-4609	South Florida Hospital Assn		
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	700.00	75.00
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BN Services, Inc -	1,000.00	699.55
Cole Corette & Arbutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Mohawk Data Sciences Corp		
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #306 Washington, DC 20007	Alliance for Capital Access	30,000.00	30,000.00
Do	American Couplings Coalition		
Do	American Frozen Food Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	240.00	240.00
Do	Bicycle Mfgrs Assn of Amer, Inc		
Do	Citizens for U.S. - Canada Free Trade Pact	2,660.00	2,660.00
Do	Committee of American Ammunition Manufacturers	2,865.00	2,865.00
Do	Crop Insurance Research Bureau	320.00	320.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	1,600.00	1,600.00
Do	Independent Lubricant Manufacturers Assn	280.00	280.00
Do	Inland Steel Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	6,440.00	6,440.00
Do	National Assn of Mutual Insurance Cos	2,865.00	2,865.00
Do	National Broiler Council		
Do	National Coalition of Fresh Potato Processors		
Do	National Cosmetology Assn, Inc	300.00	300.00
Do	National Juice Products Assn	175.00	175.00
Do	National Pasta Assn		
Do	Norris Industries	440.00	440.00
Do	Outdoor Power Equipment Institute	320.00	320.00
Do	Petroleos de Venezuela, S.A.	3,620.00	3,620.00
Do	PetroJam, Ltd	10,000.00	10,000.00
Do	Pittsburgh Corning Corporation		
Do	Secondary Lead Smelters Assn, Inc	160.00	160.00
Do	Society of Independent Gasoline Marketers of America	9,990.00	9,990.00
Do	Specialty Steel Industry of the United States	4,570.00	4,570.00
Do	Zurich-American Insurance Companies	6,740.00	6,740.00
Paul Edward Michael Collin, (Fed. Reg. No. #77634-012) Rural Route #2 P.O. Box 9000 Safford, AZ 85546-9736			
Terese Colling, 1818 N Street, NW, 7th Floor Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	5,220.00	244.18
Do	Eckert Seamans Cherin & Mellott (For:York Wallcoverings, Inc)	253.75	3.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	830.65
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Dominique Colon, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Tim Colton, P.O. Box 498 Chester, PA 19016	Pennsylvania Shipbuilding Co	450.00	40.00
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Lori A. Comeau, 2550 M Street, NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	30.01
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	1,282.50	236.67
Comiskey & Hunt, 4023 Chain Bridge Road Fairfax, VA 22030	Gold Fields Operating Co-Mesquite		
Committee for Effective Capital Recovery, 1330 Connecticut Avenue, NW, #336 Washington, DC 20036			
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			18,403.29
Committee for Humane Legislation, Inc, 1 Pine Street Neptune, NJ 07753		34,918.47	13,230.86
Committee for Stable Deterrence, 2460 Westlake N., #E Seattle, WA 98109		3,588.99	3,588.99
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007		36,750.00	
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		261,042.39	231,264.39
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		11,500.00	11,575.00
Common Cause, 2030 M St., NW Washington, DC 20036		2,566,051.00	614,289.00
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Community Service Society, 105 East 22nd Street New York, NY 10010			3,641.61
Lance A. Compa, 1411 K St., NW, #1005 Washington, DC 20005	United Electrical Workers (UE)	6,303.18	
Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003		77,250.00	
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		1,666.52
Edward C. Cone Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			8,662.93
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	9,500.00	4,952.76
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	750.00	10.00
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
John J. Connolly, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Crowley Maritime Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	562.50	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,125.00	282.98
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	853.50	63.41
Kathryn Conroy, 105 East 22nd Street New York, NY 10010	Community Service Society	42.41	
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			14,273.83
Consortium of Social Science Assns, 1625 I Street, NW, #911 Washington, DC 20006		86,550.00	3,609.95
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			140.16
Consumers for World Trade, 1001 Connecticut Ave., NW Washington, DC 20036		18,350.00	30,505.43
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			11,990.00
John J. Contney, ll30 E. Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1819 L St., 7th Floor Washington, DC 20036	Reinsurance Assn of America		
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John J. Coogan, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Kodak Co	173.00	239.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	192.00	111.00
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	4,737.11	44.96
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	300.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	1,875.00	
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	8,164.00	171.00
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	10,000.00	
C. William Cooper, 603 Broad St. Sewickley, PA 15143	United Distribution Companies		
Cherry E. Cooper, 2301 Market Street, S13-1 Philadelphia, PA 19101	Philadelphia Electric Co		
Jesse D. Cooper, 1860 Lincoln Street, #404 Denver, CO 80295	Rocky Mountain Oil & Gas Assn	3,000.00	
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	19,500.00	42.77
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	724.75
Jim Copeland & Associates, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Pacific Mutual Life Insurance Co	1,200.00	
Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036	Collins and Aikman Corp	8,799.99	5,409.54
John F. Corcoran, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Tom Corcoran, 305 Third Street, SE Washington, DC 20003	BHC Wallace Services		
William M. Corcoran, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Alfred C. Cordon, 1920 N St., NW Washington, DC 20036	Buffalo Broadcasting Co, Inc		
Frank W. Corley, 8430 Blakiston Lane Alexandria, VA 22308	ITT Electro-Optical Products Div	7,500.00	1,112.45
Do	Pilkington Electro-Optics, Inc	10,500.00	422.75
Do	Spectran	5,000.00	643.51
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Alcalde Henderson O'Bannon & Rousselot		
Do	Institute of Electrical & Electronics Engineers		
Do	Investment Partnership Assn		
Do	Kelso & Company		
Do	MCA, Inc	10,200.00	
Do	National Structured Settlements Trade Assn	3,700.00	
Do	Republic National Bank of New York		
Do	State of Washington		
Do	Texas Air Corp		
Do	Tropicana International, Inc	12,200.00	
Do	U.S. League of Savings Institutions		
George F. Cormeny Jr., P.O. Box 1596 Baltimore, MD 21203	First National Bank of Maryland		1,176.31
Bennett J. Corn, Four World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036		5,543.00	2,697.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,548.00	123.40
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 1201 Pennsylvania Avenue, NW, #250 Washington, DC 20004	CH2M Hill	2,000.00	
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	3,300.00	
Anthony R. Corso, 150 East 42nd Street New York, NY 10017	Mobil Corp	900.00	
William R. Corson, 1707 H St., NW Washington, DC 20006	Penthouse International, Ltd		
Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp		
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
R. H. Cory, 1005 Congress Avenue, #520 Austin, TX 78701	Central & South West Services, Inc	150.00	588.60
J. Daniel Costello, 1615 H St., NW Washington, DC 20006	U.S. Chamber of Commerce	3,300.00	360.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		730.95
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			22,483.66
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		4,000.00	4,000.00
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		8,021.98	752.78
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
William R. Courtney, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		1,237.10
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	6,250.00	45.00
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn	400.00	
Do	Archer Daniels Midland Company	6,300.00	27.00
Do	Association of Maximum Service Telecasters, Inc		
Do	Champion International Corp		
Do	Charles Steiner Medical Corp		
Do	Coalition for Effective Tax Reform		
Do	Coalition to Preserve the Integrity of American Trademarks	14,000.00	180.00
Do	Coalition to Stop the Raid on America		9,861.17
Do	Commonwealth of Puerto Rico		
Do	ERISA Industry Committee		8.00
Do	General Mills, Inc		
Do	Georgia-Pacific Corp		
Do	Hallmark Cards, Inc		6.00
Do	International Business Machines Corp		8.00
Do	International Paper Co		
Do	Interstate General Company L.P.		15.50
Do	Investment Company Institute	6,018.75	13.25
Do	National Football League		
Do	Non-Ferrous Metals Producers Committee		35.00
Do	O-W Fund, Inc		57.10
Do	Post-Newsweek Stations, Inc		
Do	Scott Paper Co	360.00	
Do	Sun Life Assurance Co of Canada (U.S.)	4,396.25	130.90
Do	United Technologies Corporation		
Do	Uranium Producers of America	6,468.75	26.00
Do	Wesleyan University, et al.		3.00
Do	Westvaco Corporation		
Mark D. Cowan, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)		
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capitol Cities/ABC, Inc		
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	2,500.00	545.25
Do	Municipality of Anchorage	5,540.00	910.26
Do	United Fishermen of Alaska		88.55
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	6,037.50	345.89
C. Bryan Cox, P.O. Box 419139 Kansas City, MO 64141-6139	Kansas City Life Insurance Co		
C. Richard Cox, 800 Briar Creek Road Charlotte, NC 28232	Belk Stores Services, Inc		
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,375.00	41.65
Jeffrey T. Cox, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	925.00	
Tamara Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Nebraska Wheat Board)		
Do	Hill & Knowlton, Inc (For:Republic of Indonesia, (NDIO))		
Donald Forsyth Craib III, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	75.00	
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	770.00	56.00
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co	10,375.00	1,824.05
William H. Creamer III, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	400.00	111.79
Patricia Cregan, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	2,100.00	360.00
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	10,096.17	28.06
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	3,000.00	2,880.14
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629	Caterpillar Tractor Co		
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
Cheryl Crispen, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Indonesia)	85.00	
P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Robert W. Crolius, 1100 15th Street, NW, #730 Washington, DC 20005	Portland Cement Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	Northrop Corp		
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		320.00	320.00
Mark E Crosby, 1700 North Moore St., #910 Rosslyn, VA 22209	Special Industrial Radio Service Assn, Inc		57.48
David T. Crow, 1015 18th St., NW Washington, DC 20036	Fertilizer Institute	10,000.00	1,660.08
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Asarco Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		10.00
Do	Central Nebraska Public Power & Irrigation District	2,674.37	
Do	City of North Miami	800.00	15.00
Do	Communications Satellite Corp		
Do	Contractor Liability & Indemnification Alliance	180.00	5.00
Do	Cook Inlet Region, Inc		
Do	Eli Lilly & Company	2,120.00	10.00
Do	Emery Worldwide		
Do	Meridian Minerals Co	650.00	15.00
Do	National Assn of Wholesaler-Distributors	8,082.50	10.00
Do	Nebraska Public Power District	2,674.38	
Do	Pan American World Airways, Inc, et al.		
Do	Regional Airline Association	850.00	4.85
Do	Sterling Drug, Inc		
Do	Tiffany & Co		
Do	Trust for Public Lands	3,862.50	45.00
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Board of Foreign Trade, Gov't of the Republic of China		
Do	Lukens Steel Co		
Do	Nashua Corporation		
Crown Communications Consulting Co, 1025 Connecticut Avenue, NW, #405 Washington, DC 20006	National Strategies & Marketing Group	5,160.00	
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			
Cuban American Foundation Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		27,115.95	29,161.32
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
David M. Culp, 653 E. Capitol Street, SE, #304 Washington, DC 20003	Environmental Action, Inc	1,200.00	10.50
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)		9,513.62
Do	McCutchen Doyle Brown & Enersen (For:Carlsmith Wichman Case... (for Hilo Coast Proscessing), et a).		7,381.66
Do	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		3,188.66
Do	McCutchen Doyle Brown & Enersen (For:New York Dept of Environmental Conservation).		
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)		13,317.86
Michael G. Cummins, 1104 Belle View Blvd., #A-1 Alexandria, VA 22307	C & J Industries		3,600.00
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	10,325.00	1,839.80
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,388.71	1,203.19
John T. Curran, 815 16th St., NW, #603 Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	16,536.75	676.90
Do	National Coordinating Comm for Multiemployer Plans		
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	Colorado SSC Project	6,800.00	42.00
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CPT Corporation, 8100 Mitchell Road P.O. Box 295 Minneapolis, MN 55440			
CR Associates, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002	Alzheimer's Disease & Related Disorders Assn	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Assn for Dental Research	958.50	
Do	Association for Health Services Research	742.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
D'Amore & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	Gafney Bennett & Associates, Inc	18,000.00	3,711.16
Do	New England Assn of Business Industry & Rehabilitation, Inc	4,000.00	4,206.16
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	665.00	2,788.15
Do	Coalition for Regional Banks		35.00
Do	Houston Clearing House Assn		35.00
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Committee to Preserve Social Security	10,000.00	1,739.97
William Kay Daines, 1616 H St., NW Washington, DC 20006	American Retail Federation	550.00	160.50
Dairy Farmers for Responsible Dairy Policy, 517 C Street, NE Washington, DC 20002		1,000.00	646.00
Lewis I. Dale, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,247.93
Donna M. Daley, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	2,412.67	45.00
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	2,090.00	707.31
James G. Dalton, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	2,500.00	
Brian Daly, 1625 I Street, NW, #911 Washington, DC 20006	Consortium of Social Science Associations	563.00	
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		8,697.39
John E. Daniel, 1233 20th St., NW, #400 Washington, DC 20036	Ohio Edison Co		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Charles Franklin Daoust, P.O. Box 12910 Charleston, SC 29412-0910	Kiawah Island Co, Ltd		
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc		
Diane Davenny Darneille, 1726 M St., NW, #300 Washington, DC 20036	Schering-Plough Corp	1,125.00	1,100.92
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	11,712.51	
Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates Inc (For:American Assn of Advertising Agencies)	2,226.70	
Do	James H. Davidson & Associates, Inc (For:American Newspaper Publishers Assn)	8,820.10	
Do	James H. Davidson & Associates Inc (For:Association of National Advertisers)	2,226.70	
Do	James H. Davidson & Associates, Inc (For:Direct Marketing Assn)	3,761.09	
Do	James H. Davidson & Associates, Inc (For:Magazine Publishers Assn, Inc)	11,349.32	
Do	James H. Davidson & Associates, Inc (For:Miller & Chevalier)	16,732.63	
Do	National Assn of Broadcasters	18,399.27	
Do	James H. Davidson & Associates, Inc (For:National Assn of Industrial & Office Parks).	22,737.78	
Do	James H. Davidson & Associates, Inc (For:Rouse Co)	1,111.98	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	1,000.00	
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	198.30	
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	9,000.00	907.22
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	9,450.00	10.00
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	5,108.08	914.89
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	500.00	80.60
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,200.00	600.71
Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,775.00	585.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	American General Life Insurance Co	1,403.47	10.10
Do	American Horse Council	2,000.00	8.00
Do	Armco Steel Co	1,560.00	
Do	Bethlehem Steel Corp	1,560.00	
Do	Chandis Securities Co		
Do	Chicago Board of Trade	3,200.00	7.00
Do	Committee of Annuity Insurers	212.20	
Do	Committee of Life Insurers	3,596.30	125.00
Do	Consumer Credit Insurance Assn	157.00	3.00
Do	Dresser Industries	103.10	6.00
Do	Florida Power & Light	453.65	
Do	Florida Sugar Cane League, Inc	200.00	
Do	James Graham Brown Foundation		
Do	LeBoeuf Lamb Leiby & MacRae (Underwriters of Lloyd's London)	1,587.35	9.50
Do	Lincoln Life Improved Housing, Inc		
Do	Lincoln National Life Insurance Co	740.35	26.00
Do	Monumental Corp		
Do	National Assn of Life Companies	500.00	
Do	National Cattlemen's Assn	725.00	7.00
Do	NEOAX, Inc	192.60	
Do	Stock Information Group	9,280.57	5,594.72
Do	Travelers Companies		
Do	U.S. Sugar Corp	450.00	6.00
Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309	E&J Gallo Winery		
Do	Northwestern Bell (Iowa Div)		
Davis Polk & Wardwell, 1575 Eye St., NW, #400 Washington, DC 20005	American Inst of Certified Public Accountants	1,402.50	48.25
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp	483.00	
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co	1,250.00	22.00
Do	New York Clearing House	690.00	
Do	Norwest Corporation	275.00	8.00
Do	Occidental International Corp	797.50	29.00
Do	Otto Bremer Foundation		
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Energy Contractors Price-Anderson Group	18,375.50	389.13
Do	First Interstate Bank of Washington	10,000.00	10.80
Do	McCaw Communications Cos		
Do	Non-Indian Negotiating Group		
Do	Pacific Northwest Coalition for Maritime Law Reform		
Do	Star-Kist Foods, Inc		
Do	Tri-City Nuclear Industrial Council, Inc		
Donald S. Dawson, 1155 Connecticut Ave., NW, #500 Washington, DC 20036	Barbary Coast Hotel		
Do	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Robert G. Dawson, 1130 Connecticut Ave, #830 Washington, DC 20036	Southern Company Services, Inc		
Brenda T. Day, 655 15th St., NW, #300 Washington, DC 20005	Armtek Corp	6,330.00	
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Ralph De La Cruz, 1225 Connecticut Avenue, NW Washington, DC 20036	American Public Transit Assn	3,080.00	
De La Salle Institute, P.O. Box A-D St. Mary's College Moraga, CA 94575-1154			85,500.38
O. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014	Arizona Public Service Company		
John Dean E., 1101 Vermont Avenue, NW, #400 Washington, DC 20005	Advanced Technology, Inc	157.50	
Trevia A. Dean, Dean & Company 1250 24th St., NW, #600 Washington, DC 20037	American Insurance Assn		
Do	National Rifle Assn of America		
John Russell Deane III, 1607 New Hampshire Ave., NW Washington, DC 20009	Auto Internacional Assn	1,050.00	622.77
Do	Coalition of Automotive Assns	601.88	280.93
Do	Specialty Equipment Market Assn	1,805.63	842.74
Debevoise & Plimpton, 555 13th Street, NW Washington, DC 20004	Sony Corp of America		720.00
Do	Westpac Banking Corp	132.00	
Dechert Price & Rhoads, 1500 K Street, NW, #500 Washington, DC 20005	A.I.A. & Associates		
Do	Center for Civic Education	450.00	122.00
Do	Constitutional Rights Foundation, et al.		1,212.49
Do	Constitutional Rights Foundation		118.60
Do	National Institute for Citizen Education in the Law		1,329.28
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	600.00	
Do	Pension Real Estate Assn		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William R. Deere, 500 E Street, SW, #920 Washington, DC 20014	Aircraft Owners & Pilots Assn	7,164.42	415.48
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Do	Nurses Organization of the Veterans Administration		1,000.00
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	600.00	
Delaney & Young, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Harcourt Brace Jovanovich, Inc	8,861.25	128.77
Do	National Assn of Independent Insurers	15,000.00	409.34
Do	Transamerica Insurance Services	15,075.00	116.86
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	100.00	
Willard L. Demory, 2300 M St., NW, #800 Washington, DC 20037	Hill & Knowlton, Inc (for Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (for United Airlines)		
George G. Demougeot, 1825 Eye Street, NW, #400 Washington, DC 20006	Haggar Women's Wear	3,155.60	155.60
Do	Kellwood Company	3,094.00	94.00
Do	United Gamefowl Breeders Assn, Inc	3,761.83	17.83
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Nuclear Energy Council	900.00	
Do	N U S Corporation		
Do	National Office Products Assn	600.00	
Do	Primark Corporation	450.00	
Do	Westinghouse Electric Corp	300.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute	1,000.00	2,089.39
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,401.84	175.64
Thomas J. Dennis Sr., 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	6,375.00	1,500.00
Wells Denyes, 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	1,120.00	107.61
Janice Deputy, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	600.00	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	400.00	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Aerospace Industries Assn	3,240.00	25.00
Do	Air Products & Chemicals, Inc		
Do	Amax, Inc		
Do	American Ref-Fuel Company		
Do	American Stock Exchange, Inc		
Do	Arctic Alaska Seafoods, Inc		
Do	Bankers Trust Co		
Do	Baptist Foundation of Texas		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Browning-Ferris Industries, Inc		
Do	Catholic Health Assn of the U.S.		
Do	Chase Manhattan Corp		
Do	Chrysler Corporation		
Do	Committee for Future Investment in America's Past	6,000.00	
Do	CIC Enterprises, Inc	6,000.00	
Do	Digital Equipment Corp		
Do	Disk Drive Consortium		
Do	Dolco Packaging Corp		
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	3,000.00	
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America	810.00	15.00
Do	Hershey Foods Corp	157.50	
Do	Hospital Coalition		
Do	Household International	6,000.00	
Do	Integrated Resources, Inc	7,500.00	
Do	Intel Corporation		
Do	IBM Corp		
Do	Labor-Industry Coalition for International Trade		
Do	Man-Made Fiber Producers Assn, Inc		
Do	Morgan Stanley Group, Inc		
Do	Mutual Life Insurance Co of New York		
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Pfizer, Inc		
Do	Premark International	150.00	
Do	Primerica, Inc		
Do	Prudential Insurance Co of America		
Do	Salomon Inc		
Do	Joseph E. Seagram & Sons, Inc	7,500.00	
Do	Semiconductor Industry Association	1,036.00	
Do	Squibb Corporation	105.00	
Do	SEMATECH	1,210.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports		
Do	Union Pacific Corp		
Do	Waverley Associates	3,000.00	
Do	West Indies Rum & Spirits Producers Assn		
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc	1,200.00	1,168.00
George T. DeBakey, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		
Nicholas DeBenedictis, 1346 Chestnut St., #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce	300.00	216.50
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	691.02
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	10,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,187.00	823.00
Beth DeGrasse, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World	1,350.60	
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Groth Air Services, Inc		
Do	Universal Frutrading Co-operative, Ltd	14,236.26	
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	717.89	
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,714.23
Gregory L. DePriest, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Chester T. Dickerson Jr., c/o Bernadette Hammond 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		1,540.82
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	Allied Signal, Inc	9,600.00	
Do	Chicago & Western Transportation	8,600.00	
Do	United Technologies Corporation	10,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications	2,926.00	
Do	American Greyhound Track Operators Assn	16,724.00	
Do	Avondale Industries, Inc	9,946.00	
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Boundary Gas, Inc		
Do	California Assn of Thrift & Loan Companies	1,678.00	
Do	Car Audio Specialists Assn (CASA)	500.00	
Do	Children's Hospital		
Do	DOT Partnership	5,188.00	
Do	Federal National Mortgage Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Federated Cash Management Systems	5,500.00	
Do	Fiat USA		
Do	Flare, Inc/Seismic Reflections		
Do	International Medical News Service	6,888.00	
Do	Iroquois Gas, Inc	24,138.00	
Do	IPP Working Group	1,591.00	
Do	Marine Engineers' Beneficial Assn		
Do	Medtronic, Inc	3,150.00	
Do	Morgan Guaranty Trust Co	3,125.00	
Do	J. P. Morgan Securities, Inc	4,930.00	
Do	Mudge Rose Guthrie Alexander & Ferndon (for Toshiba Corp)	6,488.00	
Do	National Fed of Societies for Clinical Social Work	4,000.00	
Do	Occidental Petroleum Corp	7,506.00	
Do	Ocean State Power	2,786.00	
Do	Paulucci Enterprises	22,331.00	
Do	Security Life Insurance Co	3,344.00	
Do	States of Arkansas, et al.		
Do	Technomed		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Diepenbrock Wulff Plant & Hannegan, P.O. Box 3034 Sacramento, CA 95812-3034	St. Elizabeth Community Hospital	2,695.50	2,695.50
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
George Dillard, 5128 Sauer, Suite A Houston, TX 77004	Kaleidoscope Research & Marketing Group		
Thomas A. Dine, 500 North Capitol St, NW, #300 Washington, DC 20001-1510	American Israel Public Affairs Comm	20,778.00	1,224.86
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	36.90	293.62
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	147.62	295.74
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	22.14	17.12
Do	Lumbermens Mutual Casualty Company	2,100.00	636.74
James C. Dinegar, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 511 Capitol Court, NE, Suite 300 Washington, DC 20002	Health & Medicine Counsel of Washington		
Do	Professional Services Counsel		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		237,030.36	237,030.36
Gloria Dittus, 18 Muzzey Street Lexington, MA 02173	BMc Strategies, Inc (For:New Hampshire Yankee)	2,400.00	522.84
Diversified Energies, Inc, C/O Mr. Carl W. Cummins 201 South 7th Street Minneapolis, MN 55402			
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	48.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,900.00	
Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	2,500.00	
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	105.00	
Margaret R. DiPaula, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	185.00	
Norman L. Dobyns, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	212.00	10.00
Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	6,000.00	58.75
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	47.38	10.00
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers	1,250.00	43.35
Eileen Marie Doherty, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	2,607.68	
Brian J. Donadio, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	3,503.00	
Nancy A. Donaldson, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al.	1,875.00	
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Sally S. Donner, 1710 Rhode Island Avenue, NW, #400 Washington, DC 20036	General Foods Corporation	1,343.75	15.05
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	78.06
Brad L. Doores, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	200.00	571.18
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001		46,633.00	46,633.00
Kevin L. Dorn, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	7,269.00	
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dorsey & Whitney, 2200 First Bank Place East Minneapolis, MN 55402	FilmTec Corporation	5,090.70	333.00
Do	Guam Commission of Self Determination		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	1,072.50	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	62.50
Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402	Pillsbury Company	1,000.00	
Russell E. Dougherty, 8280 Greensboro Drive, #900 McLean, VA 22102	Military Impacted School Districts Assn	1,639.00	
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	200.00
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Do	Ameritech		
Do	Beeman and Associates		77.69
Do	California Wine Commission	885.00	
Do	Canadian Institute of Steel Construction		
Do	Chicago City Colleges		
Do	Cox Enterprises, Inc, et al.		
Do	Directors Guild of America		
Do	Dofasco, Inc, et al.	13,813.28	526.56
Do	Harris Steel Group, Inc		
Do	Hercules, Inc	2,585.00	39.17
Do	Home Shopping Network, Inc		
Do	Johnson-Simmons Co		
Do	Lake Ontario Cement, Ltd	617.00	
Do	Laurel Steel Products, Ltd		
Do	Life Care Services Corp		
Do	Marriott Corp	266.00	
Do	Masstock (International) Ltd		
Do	Monarch Wine Co of Georgia, et al.		
Do	Profit Sharing Council of America	260.00	
Do	Smit-Lloyd BV		
Do	Sporicidin Company	3,507.58	84.85
Do	State Higher Education Executive Officers Assn		
Do	ZIM Israel Navigation Co, Ltd		
Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	1,300.00	250.00
Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
John C. Doyle Jr., 218 D St., SE Washington, DC 20003	Environmental Policy Institute	1,112.68	
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202	Harris Corporation	3,050.00	1,211.40
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,340.40	135.00
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	81.61
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	6,075.00	1,015.19
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,375.01	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	Briggs & Stratton		
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
Joan Albert Dreux, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	4,000.00	745.12
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	450.00	
John P. Dring, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp		
Alvin Drischler, 1667 K St., NW, #700 Washington, DC 20006	Intelsat		
Do	PHLCORP	15,000.00	155.14
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	2,890.00	2,831.00
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise Marianas America, Inc.	13,462.35	7,926.93
Dana D. Duden, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	AMSPEC	3,000.00	720.00
Do	Harris Government Systems	2,000.00	250.00
Do	Harris/3-M Document Products, Inc	11,250.00	704.25
Ann Anderson Duff, 1331 Pennsylvania AVenue, NW Washington, DC 20004	National Assn of Manufacturers	1,200.00	
Michael J. Duff, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,400.00	23.00
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	341.44
C. Ray Duggan, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	4,375.00	4,375.00
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Deborah A. Dull, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	500.00	
Dulles Access Rapid Transit Corp, 8000 Towers Crescent Dr., #801 Vienna, VA 22180			
Mervin E. Dullum, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	200.00	49.52
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	Palmer & Dodge (For:National Assn of Bond Lawyers)	13,750.02	53.00
Don R. Duncan, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	5,000.00	
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	Western Fuels Association, Inc		
Do	WEB Water Development Assn		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	4,725.00	1,779.00
Joseph L. Duran, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Margaret A. Durbin, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,200.00	
B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co		
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Duryea Murphy Davenport & Van Winkle, 711 Capitol Way Olympia, WA 98501	State of Nevada, Nuclear Waste Project Office	4,370.00	1,371.94
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Miguel H. Agosto	3,200.00	
Do	American Free Trade Assn	3,424.70	
Do	Anchor Industries, Inc	842.50	
Do	Anesthesia Care Team Society	12,000.00	
Do	Associates of North America		
Do	Association of Telemessaging Services Int'l, Inc	3,200.00	
Do	Colorado River Municipal Water District (CRMWD)		
Do	Communications Satellite Corp	6,000.00	
Do	D & B Wholesale Cosmetics, Inc		
Do	DSC Communications	8,257.75	
Do	William Gold		
Do	Jaime Goldenberg	50.00	
Do	Granger Associates		
Do	Gulf & Western Industries, Inc	9,000.00	
Do	Hart-Culp International		
Do	International Telecharge, Inc	18,000.00	
Do	Lightnet	9,996.50	
Do	MedMax		
Do	Midlands Consortium	11,200.00	
Do	Model Imperial Supply Co, Inc		
Do	Oklahoma State University	2,400.00	
Do	PacifiCare Health Systems	2,840.00	
Do	Pitts Energy Group		
Do	Psychemedics Corp	300.50	
Do	R-Max	6,444.00	
Do	Southland Corporation		
Do	St. Thomas Paving		
Do	Stedman Foundation, Inc		
Do	M. Stevens Cosmetics Co		
Do	Superconducting Super Collider		
Do	U.S. Sprint	3,992.50	
Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004	National Assn of Manufacturers	300.00	
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,388.71	793.96
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,500.00	
Dykema Gossett, 1752 N St., NW, 6th Fl. Washington, DC 20036	Military Boot Manufacturing Assn		
Do	Total Petroleum, Inc		
DynCorp, 1313 Dolley Madison Blvd. Mclean, VA 22101			6,739.00
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	161.01
DGA International, Inc, 1818 N Street, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation		
Do	Sofreavia	1,170.00	394.15
E.D.E.A., Inc, 1151 Acquidneck Avenue Middletown, RI 02840	American Ship Building Co	21,750.00	1,356.00
Jack D. Early, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	300.00	43.00
George H. Eatman, 1800 Connecticut Ave., NW, #300 Washington, DC 20009	Coal & Slurry Technology Assn	4,200.00	
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	524.00
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Gover Stetson Williams & Eberhard (For:Campo Band of Mission Indians)		
Do	Gover Stetson Williams & Eberhard, P.C. (For:Confederated Tribes of the Colville)	1,530.00	13.25
Do	Gover Stetson Williams & Eberhard, P.C. (For:Gaming Pueblos of New Mexico)	760.00	4.00
Do	Gover Stetson Williams & Eberhard, P.C. (For:Pueblo of Sandia)	280.00	3.00
Do	Gover Stetson Williams & Eberhard, P.C. (For:Sault Ste. Marie Tribe of Chippewa Indians).	1,130.00	
Do	Gover Stetson Williams & Eberhard, P.C. (For:Shoshone Business Council)	170.00	
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto)		
Walter T. Eccard, One Farragut Square South Washington, DC 20006	Brown & Wood (For:Citicorp Investment Bank, et al.)		
N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,500.00	75.90
Robert C. Eckhardt, 120 5th Street, NE Washington, DC 20002	Certain Claimants Lawyers		
Do	Investment Company Institute	10,000.00	
Patricia K. Economos, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William R. Edgar, 3116 N. Nottingham Street Arlington, VA 22207	Gates Learjet Corporation		
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	537.50	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		59,338.71	262,797.39
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	19,321.20	364.42
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	404.13	32.00
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA	371.00	
Do	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	398.20	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,422.95	102.00
William A. Edwards, 201 Massachusetts Ave., NE Washington, DC 20002	New Hampshire Yankee	5,500.00	652.83
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	10,500.00	3,021.00
Phyllis Eisen, 1346 Connecticut Ave., NW Washington, DC 20036	National Assn of Manufacturers	500.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	11,000.00	58.00
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10001	National Commercial Finance Assn	12,250.00	1,275.00
H. J. Elam III, 1201 Maple St. Greensboro, NC 27405	Cone Mills Corp	13,650.00	9,799.32
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,333.34	1,598.71
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc	625.00	850.06
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc	4,000.00	1,240.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	762.00	1,222.01
Elliott Zweben & Steelman, 1140 19th St., NW, #600 Washington, DC 20036	Argus Health Systems, Inc		800.00
Do	Indiana Medical Review Organization		
Do	Pharmaceutical Manufacturers Assn		840.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Nor-Cal Federal Coalition		
Keith H. Ellis, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	4,229.40	342.02
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		68,688.06	64,942.40
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			2,123.59
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	6,300.00	356.00
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,253.12	313.57
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference	112.50	25.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		8,523.25	
Energy Fuels Nuclear, Inc, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202			93,770.84
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		305.00
Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	144.00	25.25
Joseph J. English, 1610 Tanyard Hill Rd. Gaithersburg, MD 20879	Stewart-Warner Corp		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Environmental Action, 1525 New Hampshire Ave., NW Washington, DC 20036			
J. Barry Epperson, P.O. Box 42464 Houston, TX 77242	Associated Wire Rope Fabricators		5,757.81
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	29,077.00	
John Ernst, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	617.98	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	10,102.45	670.68
Stephen E. Eure, 1711 King Street Alexandria, VA 22314	Snack Food Assn	4,100.00	324.05
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby (For:Bixby Ranch Co)		
Do	Hecht Spencer & Oglesby, Inc. (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Crowley Maritime Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Group		
Dewitt Howard Evans, 1320 G Street, SE Washington, DC 20003	Institute for Preservation of African American Literature	470.00	2,395.00
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Hoechst Celanese Corporation		
Do	Stepan Corporation		
Dwight H. Evans, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc	1,656.25	4,646.44
Joseph O. Evans, 4401 Lee Highway, #21 Arlington, VA 22207			
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc	725.00	213.28
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	Association for Regulatory Reform		
Do	ACA	2,500.00	
Do	SIA	2,500.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	2,000.00	192.75
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	1,500.00	
Tami L. Ezell, P.O. Box 21 Montgomery, AL 36101	Burlington Northern Railroad		
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			1,402.07
F/P Research Associates, 1700 K St., NW, #504 Washington, DC 20006	Caribbean Marine, Inc		
Do	National Cable Television Assn, Inc	500.00	
Do	Shell Oil Co		
Michael W. Faber, Reid & Priest 1111 19th Street, NW, #1100 Washington, DC 20036	Committee of Corporate Telecommunications Users		
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Leslie Fain, 400 First St., NW, #800 Washington, DC 20001	Committee for Humane Legislation	6,250.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH*** BAD MAG TAPE *** 43537	Andersons		
Frank J. Farfone, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,875.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	6,100.00	116.00
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	181.27
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		207,132.00	76,767.95
John W. Farquhar, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	100.00	
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
J. Dent Farr, 2000 M St., NW, #550 Washington, DC 20036	North American Telecommunications Assn	13,413.82	
Christopher G. Farrand, 1120 20th Street, NW, #720 Washington, DC 20036	Peabody Holding Co, Inc		309.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	39,522.40	4,585.21
Do	Desert Research Institute	5,961.75	149.25
Do	Echo Bay Mining Co	1,709.97	209.97
Do	Kirton McConkie & Bushnell	4,718.83	368.83
Do	Public Service Co of New Mexico	18,777.07	3,177.07
Do	Sierra Pacific Power Co	18,590.05	1,005.55
Do	Standard Oil Co (Ohio)	11,250.00	
Do	University of Nevada School of Medicine	3,165.19	90.19
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	106.26	
William D. Fay, 1130 17th Street, NW Washington, DC 20036	Clean Air Working Group	5,250.00	3,527.28
Do	National Coal Assn	3,500.00	3,361.33
Federal Judges Association, 2188 U.S. Courthouse 75 Spring Street Atlanta, GA 30303		25,050.00	10,927.11
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		531.54	531.54
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		12,000.00	12,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			3,966.37
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036		220.00	
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		293.50
Scott Feierabend, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,138.64	
Eli M. Feinberg, 9100 S. Dadeland Blvd., #1109 Miami, FL 33156	EMF & Associates (For:Aviation Collection)	3,000.00	20.50
Joel F. Feldman, 1752 N St., NW, #800 Washington, DC 20036	National Welding Supply Assn		
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences	20.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	American Assn of Colleges of Osteopathic Medicine	3,000.00	
Do	American Gastroenterological Assn		
Do	American Soc for Gastrointestinal Endoscopy	1,000.00	
Do	American Soc of Anesthesiologists	6,900.00	
Do	American Soc of Clinical Pathologists	6,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	1,000.00	
Do	National Hemophilia Foundation	1,800.00	
Do	Samaritan Health Services	1,750.00	
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	204.00	
Fensterwald & Alcorn, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees		
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006	Times Mirror Co		
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Christie's International	1,250.00	232.34
Ferguson Township Open Democratic Club, 457 N. Elizabeth Ave. Ferguson, MO 63135		121.00	1,452.00
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1101 Connecticut Ave., NW, #300 Washington, DC 20036		314,023.00	518,403.00
Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202	AM General Corporation		
C. H. Fields, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	149.81
Marshall S. Filler, 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Continental Airlines, Inc, et al.	1,242.50	41.95
Do	Eastern Air Lines, Inc	1,575.00	177.45
Do	Texas Air Corp		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		16,625.00	5,703.00
Fine Geddie & Associates, 418 Scott Street, #2 Montgomery, AL 36104	Douglas Oil Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	125.00	
William A. Finerfrock, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants	10,500.00	44.00
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	5,500.00	71.50
First National Bank of Boston, 100 Federal St. Boston, MA 02110			22,645.93
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	1,603.09
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc		
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
David H. Fiske, Goodwin & Soble 1300 19th Street, NW, #350 Washington, DC 20036	Software Publishers Assn	1,332.00	59.55
Linda G. Fitcheard, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 410 Asylum Street Hartford, CT 06103	American Petroleum Institute	900.00	
Richard S. Fitzsimmons, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	255.00	18.00
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad		2,326.11
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	1,726.11
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	300.00	30.00
Do	Flack, Inc (For:Spiegel, Inc)	300.00	16.00
Robert B. Flagg, 1130 17th St., NW Washington, DC 20036-4677	National Coal Assn	4,250.00	758.30
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Virginia Power		
James J. Flanagan, 25 Research Dr. Westborough, MA 01581	New England Power Service Co	1,725.00	240.70
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Home Satellite Services		
Do	Murdock International	10,624.00	31.78
Do	National Spiritual Assembly of the Baha'is of the U.S.	22,100.00	465.00
Do	Pathology Practice Assn	30,000.00	2,653.80
Do	Syva Company	36,000.00	841.36
Michael Fleming, 1300 17th St., #1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	2,000.00	733.68
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	CSX Transportation Systems		
Do	ETA Systems, Inc		
Do	MEDCO Containment		
Do	Westinghouse Electric Corp		
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	5,250.00	1,117.55
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp		
Do	Coalition Against Noneffective Technologies		
Do	Gray's Family Department Stores		
Do	PolyPhaser Corp		
Do	Sedima International, Inc		
Do	Shelson International		
Do	Brough E. Treffer & Associates		
Foley & Lardner, 1775 Pennsylvania Avenue, NW Washington, DC 20006-4680	City of Kenosha, Wisconsin		
Do	Dimensions, Inc	250.00	43.96
Do	Kohlberg Kravis Roberts & Co		7.50
Do	Paper Machine Cloth Group	500.00	192.33
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		14,391.00	14,391.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			4,850.00
Foodservice & Lodging Institute, 1919 Pennsylvania Ave, NW, #504 Washington, DC 20006			
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	800.00	
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Camp Barsh Bates & Tate		
Do	Coalition to Protect the Integrity of American Trademarks	1,000.00	
Do	Olsson Frank & Weeda, P.C.		
Do	United Food & Commercial Workers Int'l Union		
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			3,000.00
Mark A. Forman, 345 Park Ave., 31st Fl New York, NY 10154	Union Pacific Corp	625.00	
Sallie H. Forman, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	600.00	54.09
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	1,817.50	
Maria Foscarinis, 1439 Rhode Island Avenue, NW Washington, DC 20005	National Coalition for the Homeless	625.00	
Bruce Foster, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	4,437.00	1,500.00
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Association	3,780.00	230.63
Stacie Foster, 1100 15th St., NW, #700 Washington, DC 20005	Sonat, Inc		
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	9,348.00	7,125.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Providence Hospital		1,120.21
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Carmouche Barsh... (for Sears Roebuck & Co), et al.	3,000.00	
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Jacob Fraire, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One	625.00	
Do	California Student Aid Commission	2,250.00	
Do	Colorado Student Loan Program	4,500.00	412.81
Do	GEM Corp	750.00	
Do	Illinois State Scholarship Commission	1,237.00	
Do	Just Kids	2,250.00	136.40
Do	Nebraska Higher Education Loan Program, Inc	1,125.00	
Do	Nebraska Student Loan Program	250.00	176.00
Do	Texas Guaranteed Student Loan Corp	1,125.00	943.85
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	1,000.00	
Francis & Mcginnis & Rees, Inc, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	30,000.00	29,000.00
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		85.00
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	1,437.79
Richard L. Frank, 1029 Vermont Ave., NW, #400 Washington, DC 20005	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	1,224.00	
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Eagle Group (For:Design Systems, Inc)	1,500.00	19.50
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	3,750.00	
David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	482.20
Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006	Silver Users Assn, Inc	1,682.00	331.79
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, 1185 Avenue of the Americas New York, NY 10036	J. P. Stevens & Co, Inc		2,397.00
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		21.30
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	241.07
Sally Narey Frans, 385 Washington Street St. Paul, MN 55102	St. Paul Fire & Marine Insurance Co	17,750.00	
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	825.00	150.00
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	5,413.00	3,690.00
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference	112.50	108.35
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	International Energy Brokers, Inc		
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
Free the Eagle, 11244 Waples Mill Rd., Suite J Fairfax, VA 22030		39,447.22	239,992.34
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	5,000.00	
James O. Freeman, 50 E Street, SE Washington, DC 20003	U.S. League of Savings Institutions	5,000.00	
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	1,513.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		264.31
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Asarco Inc)		
Do	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	400.00	
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		
Do	Hill & Knowlton, Inc (For:Irving Bank Corp)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	1,200.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	General Atomics	2,150.00	238.41
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	800.00	
Do	Montgomery Ward & Co, Inc	2,300.00	
Do	Wheels, Inc	575.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	23,625.00	787.65
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Bristol Bay Native Corp		
Do	Doyon, Limited		
Do	General Electric Co.	2,425.00	0.45
Do	Lonza, Inc	390.50	49.60
Do	Pueblo of Laguna		
Do	Shoshone Tribe of the Wind River Reservation		
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Cleveland Electric Illuminating Co.	35,508.00	1,345.07
Do	Coalition for Environmental-Energy Balance	13,193.00	
Gay H. Friedmann, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	10,500.00	257.65
Friends of the Rural Development Loan Fund, 2025 I Street, NW, #901 Washington, DC 20006			
Owen V. Frisby, 499 South Capitol Street, #500 Washington, DC 20003	American Security Council		
Susan T. Fritschler, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,528.74	463.50
Charles H. Fritts, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn	11,062.00	206.59
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	100.00	25.00
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	380.00
Jeffrey Fritzlen, 1120 20th Street, NW, #600-S Washington, DC 20036	Union Pacific Corp	12,500.00	667.18
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	5,127.94	
Gordon H. Fry, 1111 19th Street, NW, #900 Washington, DC 20036	Edison Electric Institute		
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	8,223.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	2,750.00	
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	3,240.00	552.28
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	2,307.69	
William C. Gager, 6849 Old Dominion Dr McLean, VA 22101	Automotive Parts Rebuilders Assn	125.00	16.69
Leslie Gainer, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,307.66	
Norman S. Gaines, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc		
Joe H. Galis, D.C. 1, 19000 SW 377 St. Florida City, FL 33034			
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,600.00	261.93
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	4,500.00	
Galvin Haroian & Mlawski, 777 Third Ave., 24th Floor New York, NY 10017	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		
Cheryl Gannon, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	7,431.07	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	40,158.50	73.00
John B. Gantt, 2000 Pennsylvania Ave., NW Washington, DC 20006	Associated Aviation Underwriters		82.90
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Cos	600.00	10.00
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,095.25	70.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	155.20
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Alamo Rent-A-Car, Inc	1,200.00	17.50
Do	Ansell, Inc	4,400.00	265.08
Do	Midcon Corp		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Mary Leslie Garmon, 1010 Massachusetts Avenue, NW Washington, DC 20001	National Food Brokers Assn		
Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company		
John C. Gartland, Amway Corporation 7575 East Fulton Road Ada, MI 49355	Amway Corp	8,250.00	
Ann Lakin Garver, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	125.00	32.00
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20007	City of Aberdeen	17,525.00	
Do	Port of Bellingham	300.00	
Do	Space Industries, Inc	25,170.00	
Do	Totem Ocean Trailer Express, Inc	7,020.00	
Do	Washington Citizens for World Trade	36,696.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	4,000.00	28.70
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Karl Gawell, 1400 16th St., NW, #320 Washington, DC 20036	National Wildlife Federation	636.13	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Electronic Data Systems Corp	128.00	33.17
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Robert H. Kellen Co (For:Infant Formula Council)		
Morton A. Geller, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			10,825.00
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		9,387.64	9,387.64
Diane J. Generous, 606 North Washington St. Alexandria, VA 22314	National Assn of Manufacturers		
Cheryl K. Genevie, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	9,000.00	9,000.00
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy Whorton George, 499 South Capitol Street, SW, #407 Washington, DC 20003	Enron Corp		
Do	Transco, Inc		
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,009.33
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,927.09	131.25
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Gerst Heffner Foldes & Podgorsky, 1700 K Street, NW, #1107 Washington, DC 20006	Local Railroad Coalition	800.00	25.00
Phyllis H. Gerstell, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Kenneth Gersten, P.O. Box 667 Annapolis, MD 21404	Sierra Club	1,300.00	43.61
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn	1,317.50	
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	10.00	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	4,950.00	83.00
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Committee for the Protection of Shippers Shortlines & Equip		
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	17,000.00	303.00
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Kelso & Co		
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corporation		
Dawn Gifford-Martinez, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	5,653.83	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Michael Gildea, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,632.07	
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,000.00	640.77
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Allied Defense Industries		
Do	Astra Holdings Corp	200.00	
Do	IPAC, Inc	200.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	31,250.00	1,092.33
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Daniel F. Gilligan, 1701 K Street, NW, #400 Washington, DC 20006	National Manufactured Housing Federation	1,000.00	
Brad Gilman, Robertson Monagle & Eastaugh 1050 Thomas Jefferson Street, NW Washington, DC 20007	Alaska Loggers Assn	1,849.50	
Do	Anchorage School District	3,187.50	
Do	BP America, Inc		
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	12,000.00	138.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jim Gilmore, 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	11,250.00	78.48
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Agusta Aviation Corp		
Do	Allied Signal Aerospace Co	4,000.00	37.66
Do	American Polygraph Assn	15,000.00	134.50
Do	Lockheed Aeronautical Systems Company	8,000.00	69.94
Do	Lockheed Corporation	2,000.00	17.86
Do	Mechanical Technology, Inc	7,500.00	67.25
Do	National Assn of Chain Drug Stores	1,500.00	13.45
Do	Oglethorpe Power Corp	4,000.00	37.66
Do	Rockwell International Corp	12,000.00	107.60
Do	Turner Broadcasting System, Inc	4,000.00	37.66
Do	U.S. Cane Sugar Refiners' Assn	2,000.00	16.41
Do	Watkins Associated Industries, Inc		
Mark R. Ginsberg, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	5,000.00	
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co		
Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005			
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	2,000.00	
George E. Glasier, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,907.83	57.60
Donald R. Glenn, 1627 K Street, NW, #403 Washington, DC 20006	Energy Research Corp		
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Fanuc Ltd		
Do	Hitachi Ltd	72.00	
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Korea Foreign Trade Assn		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Sisters of Charity of the Incarnate Word	24.00	
Do	Teco Transport & Trade Corp	15.00	
God Family & Country, P.O. Box 777 Harrison, TN 37341			
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,050.00	19.85
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	600.00	591.45
A. James Golato, 2300 M St., NW, #800 Washington, DC 20037	H&R Block, Inc	300.00	158.25
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Aerojet Ordnance Co		1,458.00
Do	American Academy of Ophthalmology	3,368.00	1,690.00
Do	American Assn of Airport Executives	7,200.00	1,858.00
Do	American Medical Assn	19,500.00	1,858.00
Do	Arizona Legislative Council	14,000.00	1,458.00
Do	Beretta Corp	9,600.00	1,858.00
Do	Camp Barsh Bates & Tate	1,260.00	1,588.00
Do	Chemical Manufacturers Assn, Inc	2,170.00	1,547.00
Do	College of American Pathologists	3,333.00	1,858.00
Do	Dana Corp		1,858.00
Do	Electronic Data Systems Corp	8,750.00	1,638.00
Do	Energy Research Corp	12,600.00	1,858.00
Do	Equitable Life Assurance Society of the U.S	25,000.00	1,858.00
Do	Eye Bank Assn of America	3,125.00	1,823.00
Do	Federal Express Corp	4,893.00	1,858.00
Do	Federated Investors, Inc	6,250.00	1,858.00
Do	Fiat, USA, Inc	36,390.00	1,858.00
Do	Ford Motor Co		1,458.00
Do	Hopi Tribe		1,458.00
Do	Investment Company Institute	4,081.00	1,740.00
Do	Martin Marietta Corp	3,000.00	1,580.00
Do	MCI Communications Corp	11,700.00	1,858.00
Do	National Assn of Homes for Children	3,000.00	1,858.00
Do	National Cattlemen's Assn	1,578.00	1,129.00
Do	National Football League	2,860.00	1,843.00
Do	National Restaurant Assn	13,500.00	1,858.00
Do	National School Transportation Assn	6,200.00	1,858.00
Do	Pacific Enterprises	10,000.00	1,858.00
Do	Phillips Petroleum Co	7,500.00	1,858.00
Do	Public Securities Assn	2,737.00	1,640.00
Do	Ricoh Corp		1,858.00
Do	Texas Cattle Feeders Assm	1,578.00	1,129.00
Do	Thomson-CSF, Inc	8,000.00	1,858.00
Do	Ticor Title Insurance Co	9,887.00	1,858.00
Do	Times Mirror Co	5,366.00	1,858.00
Do	Tobacco Institute	40,000.00	1,858.00
Do	Washington Metropolitan Area Transit Authority	27,000.00	1,458.00
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Goldman Sachs & Co, 1825 Eye St., NW, #450 Washington, DC 20006			4,950.00
Janice Goldman-Carter, 1412 16th Street, NW Washington, DC 20036	National Wildlife Federation	416.36	
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,300.00	
Alan Goldstein, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Soc of Public Accountants		
John Gonella, 50 F Street, NW, Washington, DC 20001-1564	Association of American Railroads		
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	920.25
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp	720.00	283.75
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	1,050.00	281.00
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	40.00	17.00
Linda Goold, 1600 M Street, NW Washington, DC 20036	Investment Co Institute		
John Gordley, 201 Massachusetts Avenue, NE, #5C Washington, DC 20002	Evans Grain Co	4,500.00	1,535.15
Do	Hill & Knowlton, Inc (for Iowa Port Producers Assn)		
Do	Hill & Knowlton, Inc (for Monsanto)		
Do	Hill & Knowlton, Inc (for Nebraska Wheat Board)		
Do	Iowa Pork Producers Assn	4,500.00	1,411.32
Do	National Sunflower Assn	16,500.00	2,932.79
Do	Nebraska Wheat Board	9,000.00	2,196.32
Do	Renewable Fuels Assn	10,500.00	1,200.00
Randall C. Gordon, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
William Gordon, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	3,000.00	397.86
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	360.00	
John C. Gore, 1776 Eye Street NW Suite 1000 Washington, DC 20006	BP America, Inc		
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,547.60	271.36
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	1,881.00	
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	Burger King Corp		
Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202			2,190.77
Nancy G. Gourley, 2100 Mid-Continent Tower 401 S. Boston Ave. Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	7,110.00	
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817		191.78	
Government Research Corporation, 1250 Connecticut Ave., NW, #600 Washington, DC 20036	SNA Canada, Inc	5,834.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Government Strategies, Inc, 1712 Walnut Street,#300 Philadelphia, PA 19103	Lukens, Inc	11,635.00	6,370.00
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	626.00	985.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
James E. Graf II, 1800 K Street, NW Washington, DC 20006	Contel Corp	9,000.00	74.12
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions		
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
David F. Graham, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS		
Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Frances Turk Granahan, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		24.10
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	18,000.00	6,681.84
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)		
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	1,875.00	
Karla L. Graue, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	920.00	
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association		
Do	Portsmouth-Kittery Armed Services Committee, Inc		
James A. Gray, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	1,028.00	25.00
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:First American Bank, N.A.)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton Inc (For:Hoopa Valley Business Council)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Board of Trade, c/o Ellie Weilenmann 1129 20th Street, NW, #200 Washington, DC 20036			
James R. Greco, P.O. Box 3151 Houston, TX 77001	Browning-Ferris Industries, Inc		
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,500.00	603.65
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102-2130	Papillion-Lavista School District	7,188.00	819.97
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	546.09
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	9,000.00	
Lynn Greenwalt, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	334.68	
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John D. Gregory, P.O. Box 12458 Columbia, SC 29211	Norfolk Southern Corp		
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	25,000.00	
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	8,491.00	212.67
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America		
Do	American Assn of Airport Executives	200.00	6.00
Do	American Insurance Assn	200.00	6.00
Do	American Psychological Assn	800.00	24.00
Do	Arthur Andersen & Co	200.00	6.00
Do	Camp Barsh Bates & Tate		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	CBS, Inc	600.00	18.00
Do	COMSAT Corp		
Do	Gulf Oil		
Do	McCaw Communications Cos		
Do	Merck & Co, Inc		
Do	Pharmaceutical Manufacturers Assn		
Do	Philip Morris, Inc		
Do	Puyallup Tribe of Indians	600.00	18.00
Do	United Cable Television Corp	200.00	6.00
Mark N. Griffiths, Smith Bucklin & Associates 1101 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Metal Finishers	750.00	
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			135.52
James N. Groninger, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		115.00
Groom & Nordberg, Chtd, 1701 Pennsylvania Ave, NW, #1200 Washington, DC 20006	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Chevron Corp	200.00	20.00
Do	Colorado-Ute Electric Assn, Inc		
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	200.00	20.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	1,000.00	100.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation	500.00	2,108.00
Do	Reading & Bates Corporation		
Do	Southern California Edison Co		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	6,025.00	
Group 1587, Western Forest Industries Assn 1500 SW Taylor Portland, OR 97205		40,150.00	29,934.59
Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John T. Grupenhoff, 10000 Falls Rd., #300 Potomac, MD 20854	American Academy of Dermatology	3,150.00	182.30
Do	American Academy of Otolaryngology-Head & Neck Surgery	1,020.00	131.80
Do	American Gastroenterological Assn	1,200.00	146.30
Do	American Soc for Gastrointestinal Endoscopy	1,200.00	131.20
Do	American Soc of Clinical Oncology	810.00	152.40
Do	American Urological Assn	670.00	159.90
Do	Association of American Cancer Institutes	1,870.00	176.80
Do	Cooley's Anemia Foundation	290.00	151.30
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Dillon Read & Co, Inc	4,900.00	
Do	LF Rothschild Unterberg Towbin, Inc		
Do	Michigan State Housing Development Authority	6,162.50	
Do	Morris Communications	7,400.00	
Do	O'Connor & Hannan	30,875.00	
Do	Paine Webber Group, Inc		
Do	Riverton Investment Corp	1,975.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 102 Roff Way Reno, NV 89501	Motion Picture Assn of America, Inc		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	BASF Chemicals Corp	6,000.00	100.00
Do	KMS Fusion, Inc	850.00	30.00
Do	Marine Shale Processors, Inc	3,000.00	175.00
Do	Walk-Haydel & Associates, Inc	1,500.00	110.00
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		114,634.21	141,147.87
Dan A. Gunderson, Minnesota Petroleum Council 350 St. Peter St., #1025 St. Paul, MN 55102	American Petroleum Institute	955.00	1,489.28
Paul D. Guth, 226 W. Rittenhouse Square, #3200 Philadelphia, PA 19103	Philadelphia Stock Exchange		
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Van Dyke Associates, Inc (For:Boston Company)	1,100.00	48.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lazare Kaplan International, Inc	1,000.00	25.00
Dallas E. Gwynn, Balcor Plaza 4849 Golf Road Skokie, IL 60077	Balcor Co	22,130.00	4,687.25
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	215.00	
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	13,425.00	7,909.91
Jon Haber, 1424 16th St., NW, #601 Washington, DC 20036	People for the American Way		
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	1,165.38	1,374.82
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	3,300.00	14,203.04
Bruce N. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744	National Tooling & Machining Assn	16,355.50	1,800.34
Peter H. Hahn, 10409 La Costa Dr. Austin, TX 78747	Chromalloy American Corp		
John F. Haifley, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jay D. Hair, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,785.63	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	15,000.00	637.30
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Avondale Industries, Inc		
Do	Boston Redevelopment Authority		
Do	Gay Head Taxpayers Assn	52.50	
Do	Leach & Garner Refining Corp		
Do	Northeastern University	2,677.50	184.45
Do	State Street Development Corp		
Do	Town of Mashpee		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
George W. Haley, 733 15th Street, NW, #700 Washington, DC 20005	Grocery Manufacturers of America, Inc		
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	312.47
Elliott S. Hall, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Company	1,440.00	989.44
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887	Midwest Public Affairs-Management Consulting Group		
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,385.00	2,785.77
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	602.66
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	313.55
Rhonda Lee Halverson, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	152.50	25.00
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	3,092.50	
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	35.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,788.49	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	228.96	
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	560.00	3,355.00
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1825 K St., NW Washington, DC 20006	American Soc of Mechanical Engineers		
Stanley Hamilton, 2200 Mill Rd. Alexandria, VA 22314	Interstate Carriers Conference		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	233.20	
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	1,700.00	17.53
Thomas A. Hammer, 1000 Potomac St., NW, #106A Washington, DC 20007	Sweetener Users Assn	12,800.00	2,200.00
Steven A. Hammond, Hughes Hubbard & Reed One Wall Street New York, NY 10005	Bureau Veritas	857.50	
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	1,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	5,926.37	
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads	3,015.66	323.57
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	673.98	
Elisabeth Hanlin, 2000 L St., NW, #1000 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	875.00	464.45
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	China External Trade Development Council		
Do	Royal Embassy of Saudi Arabia	3,000.00	14,414.08
Do	Trans World Airlines, Inc		
Do	3M Corporation		
Frederick J. Hannett, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)	8,000.00	5,200.00
M. Arnita Hannon, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	1,826.40	1,406.94
Hansell & Post, 3300 First Atlanta Tower Atlanta, GA 30383-3101	Insurance/Financial Affiliates of America	370.00	
Do	Northeast Georgia Medical Center	3,055.00	
Do	Nuclear Fuel Service, Inc	3,045.00	167.80
J. E. Hansen, 400 First St., NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Daniel J. Hanson Sr., 5600 Utah Avenue, NW Washington, DC 20015	American Road & Transportation Builders Assn	12,000.00	480.00
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Eric Hard, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037	Sugar Regulatory Administration	45,000.00	37,846.47
Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036	Gerber Products Co	250.00	16.50
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
James W. Harff, 1200 19th St., NW, #550 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)		
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	793.00	2,593.46
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	171.28
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	130.00	
Richard M. Harris, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	12,000.00	294.92
Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Adidas, USA		9.00
Do	American Railway Car Institute		
Do	Association of Food Industries, Inc	1,500.00	
Do	Cheese Importers Assn of America, Inc		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Harris Orr & Kinzer, First Interstate Center, #3210 999 Third Avenue Seattle, WA 98104	Netlink USA		
Do	SP Energy Development Co		
Jack E. Harrison, c/o West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute	282.00	896.31
Mark Harrison, 711 G Street, SE Washington, DC 20003	SANE/FREEZE, Inc	6,479.15	
Paul M. Harrison, P.O. Box 4079 Gulfport, MS 39502	Mississippi Power Co	4,685.45	466.16
Anne Harrison-Clark, 1725 K Street, NW, #814 Wsahington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	
J. William W. Harsch, 1722 Eye St., NW, 6th Floor Washington, DC 20006	City of Cranston	1,014.40	209.48
Do	Solv-Ex Corporation	1,240.83	554.95
Do	Wormser Engineering, Inc		
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			35,800.00
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	30.00	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	9,156.00	294.85
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn	975.24	975.24
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	5,000.00	967.00
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	250.00	
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		633.09
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Ann Marie Havrilko, 1776 Eye Street, NW Suite 1000 Washington, DC 20006	BP America, Inc		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,295.00	45.00
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce	6,346.00	1,038.73
Paul M. Hawkins, 26 Ridgeview Drive Asheville, NC 28804	Colonial Life & Accident Insurance Co		
Edmund S. Hawley, 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp	12,500.00	159.19

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert T. Hayden, 1120 Connecticut Avenue, NW, #469 Washington, DC 20036	Maurer Anderson Conway Communications (For:Coalition for Safe & Responsible Railroads).	7,500.00	7,949.56
David J. Hayes, c/o Hogan & Hartson 555 13th Street, NW Washington, DC 20004	American Electronics Assn		20.81
Do	Hogan & Hartson (For:Semiconductor Industry Association)		19.05
Do	Hogan & Hartson (For:Tektronix, Inc)		3.14
R. Michael Haynes, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	18,375.00	1,807.81
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Animal Legal Defense Fund	1,968.75	
Do	Doris Day Animal League	9,000.00	11,130.00
Do	New England Anti-Vivisection Society	974.23	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	84.88
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		1,176.63	1,176.63
HealthCare COMPARE, Corp, 1133 21st St., NW, #450 Washington, DC 20036			
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Lynn C. Hearnes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,200.00	
Bill Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby (For:Bixby Ranch Co)		
Do	Hecht Spencer & Oglesby, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:CSX Corporation)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Oglesby, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Hecht Spencer & Oglesby, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,500.00	
Do	Brown & Williamson Tobacco Corp	3,000.00	
Do	BATUS, Inc	1,500.00	
Do	Crowley Maritime Corp	500.00	
Do	CSX Corporation	1,000.00	
Do	Great Western Financial Corp	1,500.00	
Do	Hong Kong Trade Development Council	2,000.00	
Do	Illinois Dept of Energy & Natural Resources	1,000.00	
Do	Kansas City Southern Industries, Inc	1,500.00	
Do	Multinational Business Services	100.00	
Do	Mutual Fairness Taxation Assn	1,000.00	
Do	Southern California Rapid Transit District	2,000.00	
Do	Western Growers Association	1,000.00	
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	12,068.76	827.66
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Chicago Board Options Exchange	1,000.00	
Do	CSX Corporation	5,000.00	533.55
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Sealaska Corp	3,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	20,259.20	523.61
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	194.63	
Dan C. Heinemeier, 1722 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	625.00	
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	600.00	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			16,538.00
Richard L. Hellwege, 1225 Jefferson Davis Highway, #402 Arlington, VA 22202	Smiths Industries		
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Association of National Advertisers, Inc		
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	1,450.44	47.65
Suzanne C. Helmick, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
Thomas M. Helscher, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		34.78
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Illinois Department of Energy & Natural Resources).		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Multinational Business Services)		
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute	750.00	891.75
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Diane Hendricks, 1225 Jefferson Davis Highway, #600 Arlington, VA 22202	Westermann & Hendricks		
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues, Inc	4,250.00	609.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314	Retired Officers Assn		
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	205.00	61.50
Charlotte W. Herbert, 444 New Jersey Avenue, NW, #255 Washington, DC 20001	Vern Clark & Associates, Inc	150.00	5.06
Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	1,200.00	
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	68.68	10.00
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Aerojet-General Corp	3,426.06	85.19
Do	American Medical Technologists	972.50	61.63
Do	Claudia Ashton		3.52
Do	Asocoflores		1.41
Do	Association of Floral Importers of Florida		
Do	Association of Human Resource Consultants		759.74
Do	ARCO	1,000.00	8.78
Do	Badger Pipeline		1.41
Do	Balanced Trade Group		178.87
Do	Bay Area Rapid Transit District		10.69
Do	Bechtel	2,720.94	9.84
Do	Bramelea Pacific	732.88	223.06
Do	C.B.I. Sugar Group, Inc	18,012.20	3,787.61
Do	California Almond Growers Exchange	27,368.44	2,361.54
Do	California Energy Commission	3,615.00	736.66
Do	California Kiwi Commission	6,656.56	1,536.19
Do	California State Teachers' Retirement System		894.11
Do	Canada Cement LaFarge, Ltd		
Do	Central Utah Water Conservancy District	6,465.17	245.74
Do	City of Sacramento	647.19	56.25
Do	Council of American Overseas Research Centers		230.38
Do	CH2M Hill	1,786.19	446.41
Do	Dalton Construction Co		156.68
Do	Desert Research Institute	1,698.13	108.52
Do	East Kentucky Power Cooperative	51.88	32.66
Do	Electronic Data Systems Corp	191.25	5.80
Do	Farm Labor Alliance	10,000.00	2,707.76
Do	Friant Water Users	2,208.90	330.71
Do	General Atomics	2,855.88	490.17
Do	Genstar Cement, Ltd		
Do	Girling Health Care, Inc	3,462.19	2,089.48
Do	Globos International, Inc	1,147.29	1.41
Do	Good Sam Club	1.75	1,099.26
Do	Granite Rock Co	1,781.72	402.79
Do	Greenbrier Intermodal		3,546.95
Do	Halogenated Solvents Industry Alliance		
Do	Independent Cement Corp	1,781.56	1.41
Do	International Apple Institute	1,280.31	50.69
Do	John Hancock Mutual	2,848.21	1.41
Do	Elizabeth (Becky) Johnson	266.25	
Do	Lake Ontario Cement, Ltd		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Las Vegas YMCA		286.27
Do	Legal Services Corp		
Do	Massport/Commonwealth of Massachusetts	2,500.00	1,819.44
Do	Mid-Valley Water Authority	1,155.62	12.47
Do	National Council on Teacher Retirement	2,995.25	1,490.93
Do	National Medical Care	4,822.97	2,917.26
Do	National Potato Council	3,500.00	1,233.75
Do	Northern California Power Agency	766.25	47.81
Do	NTEC - Northeast Texas Electric Cooperative, Inc	24,288.02	432.96
Do	Orion Air	19,374.88	51.55
Do	Prudential Insurance Co of America	3,381.56	1.41
Do	Riverside Resorts	13,035.00	674.42
Do	Ryder Systems, Inc	4,593.75	689.51
Do	Sabine River Authority	6,492.19	1,061.91
Do	San Gabriel Valley Boys Club of America		
Do	Sioux Honey Assn	2,097.00	9.59
Do	Solano Water Authority	4,869.47	608.91
Do	South Dade Land Corp		
Do	St. Lawrence Cement	20,844.88	6,237.20
Do	St. Mary's Cement		
Do	Sunkist Growers, Inc	50,865.62	4,938.97
Do	Tex-La	166,671.56	268.65
Do	Thai Steel Pipe Industry Assn		293.99
Do	University of California		1.41
Do	University of Nevada/Las Vegas	1,875.00	786.27
Do	University of Nevada/Reno		1,679.82
Do	Vermont Electric Cooperative	87.81	18.44
Do	W.E.S.T.		1.69
Do	Walnut Street Bridge Commission	6,048.44	264.68
Do	Westlands Water District	878.13	42.85
Do	Yamaichi International (America), Inc	3,870.77	458.12
William G. Herrold, 1111 19th St., NW, #608 Washington, DC 20036	Institute of Electrical & Electronics Engineers		
Marsha Herzstein, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	2,150.00	487.31
G. Brockwel Heylin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert G. Hibbert, P.O. Box 3556 Washington, DC 20007	American Meat Institute	1,000.00	
Donita Hicks, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action		
Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903	American Petroleum Institute	1,100.00	235.00
Hal D. Hiemstra, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	687.30	20.00
J. Thomas Higginbotham, One Mellon Bank Center, #3003 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	
John S. Hightower, 1344 Kenilworth Parkway Baton Rouge, LA 70808	Louisiana-Pacific Corp	7,125.00	1,250.00
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anne R. Hill, 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Kids Project	13,749.99	16,031.00
Cynthia A. Hill, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Gerald 'Jerry' Hill, 6 Executive Park Drive Atlanta, GA 30329	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Pamela Hill, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	7,500.00	1,237.55
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	88.00
Shepard William Hill, 11003 Burywood Lane Reston, VA 22094	Rockwell International Corp	15,625.00	4,096.91
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	3,015.00	
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	3,700.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	17,500.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,461.56	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc	1,500.00	
Do	LTV Aerospace & Defense, Inc	2,500.00	126.85
Kenneth Hoagland, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,875.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Oglala Sioux Tribe Public Safety Commission	40.00	
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	16,000.00	
J. Morgan Hodges, 1204 Half St., SW Washington, DC 20024	Chris/Mor Productions	9,500.00	9,500.00
Glen D. Hofer, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Gail Hoffman, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	10,231.00	
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	1,510.63
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-PEC	1,250.01	79.00
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	5,000.00	259.86
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Physical Therapy Assn		
Do	Amgen, Inc	165.00	
Do	Baptist Medical Center	150.00	
Do	Caremark, Inc		13.20
Do	Citizens Energy Corp		
Do	CH2M Hill	1,698.75	11.00
Do	Freightliner Corp		
Do	Glasrock Home Health Care, Inc		
Do	Jewish Institute for Geriatric Care	75.00	
Do	Lehndorff Management (USA) Limited, Inc	4,847.50	
Do	Manufacturers Hanover Trust Co		
Do	Marion Laboratories, Inc		
Do	May Department Stores Co	3,185.00	
Do	Mel Fisher Maritime Heritage Soc/Mel Fisher Enterprises, Inc		
Do	Mercedes-Benz of North America, Inc	2,186.50	
Do	Mutual Life Insurance Co of New York	2,700.00	
Do	National Hospice Organization	536.25	
Do	National Telecommunications Network		2.00
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Schering-Plough Corp	1,237.50	74.71
Do	Simplex Wire & Cable Co		
Do	Software Co Task Force on Foreign Market Penetration	7,735.00	79.29
Do	SouthernNet, Inc		
Do	Tandem Computers, Inc	6,395.00	6.00
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	17,605.00	29.00
Do	Underwriters at Lloyd's London	200.00	
Do	University of Pennsylvania		
Philip A. Hogue, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,313.00	43.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	17,500.00	
Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064			
Philip C. Holladay Jr., 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Indian River Citrus League	500.00	
Do	Pan American Satellite Corp	3,325.00	
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	2,490.00	2,689.96
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201			
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,387.50	1,009.50
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	144.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
E. Y. Holt Jr., 3138 North 10th St., Arlington, VA 22201	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	80.00	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		82,000.00	31,322.33
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	Asarco Inc	500.00	500.00
Do	Colorado State University	7,500.00	7,500.00
Do	ECAD, Inc	4,500.00	4,500.00
Do	International Brotherhood of Teamsters	500.00	500.00
Do	MediVision, Inc	2,000.00	2,000.00
Do	Strohs Brewery Co	500.00	500.00
Do	United Technologies Corporation	4,500.00	4,500.00
Do	Warner-Lambert Co	3,625.00	3,625.00
Billy E. Hooper, 1023 15th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,570.00	1,690.07
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	1,957.73	
Karen A. Hoover, 560 M St., SW, Apt. N-409 Washington, DC 20024	American Maritime Officers Service		
Mark Hopkins, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)	150.00	
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	127.00	
Hopkins Sutter Hamel & Park, 888 16th Street, NW Washington, DC 20006	Graeper-Van Noy-Wagner, Inc		
Do	Grand Trunk Corp	9,000.00	51.00
Do	Tandy Corporation		
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	91.21
Toni A. Horst, 206 G Street, NW, #201 Washington, DC 20002	Foley & Co		
Do	Shelson International		
Robert Horvitz, 1006 Poplar Drive Falls Church, VA 22046	Association of North American Radio Clubs		
Sanford D. Horwitt, 5935 N. 5th Road Arlington, VA 22203	Committee for Humane Legislation, Inc		
Do	Friends of Animals, Inc		
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	98.50
Margaret A. Houlihan, 1620 Eye St., NW, #703 Washington, DC 20006	Bechtel Group, Inc		
Thomas B. House, 1764 Old Meadow Lane #350 Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc		
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Eagle-Picher Industries, Inc	35,100.00	6,287.16
Do	Western-Southern Life Insurance	25,500.00	315.43
John Howard, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	300.00	5.00
Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006	Ford Motor Co	1,770.00	1,488.06
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad		
Allynn Howe, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	6,645.30	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	700.00	
J. William Howell, 1801 K St., NW, #1200 Washington, DC 20006	International Business Machines Corp	73.20	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,205.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
John A. Howes, 1050 17th St., NW, #490 Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	8,000.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Henry W. Hubbard, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Vietnam Veterans of America, Inc)		
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Stewart Hudson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,147.49	
Dana Hughes, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund	675.00	
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James R. Hughes, 1020 19th St., NW Washington, DC 20036	U S West, Inc	1,250.00	
Peter W. Hughes, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	21,750.00	
Richard H. Hughes, P.O. Box 880 Valley Forge, PA 19482	Avtex Fibers, Inc		
Richard T. Hughes, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	934.47	
Royston C. Hughes, 1020 16th St., NW Washington, DC 20036-5754	Enron Corp		
Sharon M. Hughes, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	200.00	18.10
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corporation		
Do	Sammons Enterprises, Inc		
William Hughes, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	23.97	
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	American Institute of Certified Public Accountants	5,248.75	5.00
Do	Anglo American Auto Auctions, Inc		
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc	650.00	
Do	47th Street Photo		
Edward L. Huie, 4780 Corridor Place, #B Beltsville, MD 20705	National Assn of Air Traffic Specialists	6,597.24	341.75
Cordell W. Hull, 50 Beale St., 23rd Fl. San Francisco, CA 94119	Bechtel Group, Inc		
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Jean E. Hungiville, 1111 14th St., NW Washington, DC 20005	American Dental Assn	1,000.00	63.99
Francis M. Hunt, 1800 M Street, NW, #700s Washington, DC 20036	Dow Chemical Co	500.00	5,555.00
Richard M. Hunt, 550 N St., SW, #S-201 P.O. Box 70192 Washington, DC 20024	NL Industries, Inc	2,700.00	
James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA Inc	252.00	335.44
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,900.00	68.00
William N. Hunter, 1305 Vincent Place, #200 McLean, VA 22101	W N Hunter & Associates	2,000.00	
W. N. Hunter & Associates, 1305 Vincent Place, #200 McLean, VA 22101			2,000.00
Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330	American Petroleum Institute	252.00	52.50
Hunton & Williams, 2000 Pennsylvania Ave., NW P.O. Box 19230 Washington, DC 20036	Edison Electric Institute	33,669.00	507.19
Do	Historic Ricefields Assn		
Do	Long Island Lighting Co	1,000.00	
Adele M. Hurley, 112 St. Clair Ave., West, #504 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain	400.00	940.13
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	709.65
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	200.00	25.00
Suzanne C. Hutchinson, 1615 L St., NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	3,400.00	200.85
James L. Hutchison, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	10,828.13	
B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219	American Petroleum Institute	850.00	940.90
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Richard L. Sinnott & Co (For:Dallas/Ft. Worth International Airport)		
Do	Richard L. Sinnott & Co (For:Galena Resort Co)		
Do	Richard L. Sinnott & Co (For:Intermec Corp)		
Do	Richard L. Sinnott & Co (For:Oakland Colliseum)		
Do	Richard L. Sinnott & Co (For:Port of Oakland)		
Lester S. Hyman, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	150.00	
Do	Hill & Knowlton, Inc (For:Asarco Inc)		
Do	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	300.00	
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Cellmark Diagnostics, Inc)	100.00	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:Hoopa Valley Business Council)	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Newmont Mining Corp)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Authority)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Korea)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	4,900.00	
Do	Hill & Knowlton Inc (For:Ryder Systems Inc)	1,350.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	1,175.00	
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:U.S. Banknote Corp)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Richard H. Ichord, 499 S. Capitol St., SW, #520 Washington, DC 20003	AAI Corporation	798.75	
Do	Emerson Electric Co		
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc.	812.00	438.00
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		2,822.49	2,822.49
Independent Insurance Agents of America, Inc, 100 Church St., 19th Fl. New York, NY 10007		42,673.00	42,673.00
Independent JOA Publishers Assn, 1050 17th St., NW, #590 Washington, DC 20036		5,000.00	5,000.00
Independent Lubricant Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007		280.00	280.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		1,166.33	1,166.33
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Industrial Truck Association, 1750 K Street, NW, #210 Washington, DC 20006			
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		23,773.62	23,773.62
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	2,750.00	351.08
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Hawaiian Electric Industries, Inc	8,648.73	8,953.30
Do	Kamehameha Schools/Estate of Bernice P. Bishop	17,030.00	17,175.95
Do	Kauai Electric Co	2,401.25	2,494.95
Do	U.S. Windpower, Inc	3,910.00	4,110.84
Charles W. Ingram, 208 E Street, NE Washington, DC 20002	S.K.C. & Associates		
Robert A. Ingram, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	168.07
Doug Inkley, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	349.24	
Institute of International Bankers, East Building, 4th Floor 280 Park Ave. New York, NY 10017			
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214.		132,703.52	132,703.52
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		9,205.76	431.99
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			86,747.97
International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031		19,446.00	4,546.74
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			65,581.34
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			8,020.00
Investment Company Institute, 1600 M St., NW Washington, DC 20036			45,371.43
Peter A. Iovino, 1235 Jefferson Davis Highway, #1300 Arlington, VA 22202	Ford Motor Co	2,124.00	1,168.70
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute		
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	600.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		2,797.93	12,792.60
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	5,925.80	
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice	12,900.00	
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,900.00	18,276.81
David L. Jackson, 1591 Fishinger Rd. Upper Arlington, OH 43221	Jackson & Associates		
Glenn Jackson, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	1,000.00	
Jerry Jackson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Julia Jackson, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	152.09
William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	Osborne Truck Line, Inc, et al.	1,680.12	1,697.50
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,700.00	338.29
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc		
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	1,500.00	58.50
Jamin Ebell Bolger & Gentry, P.O. Box 4269 Kodiak, AK 99615	Old Harbor Native Corp	4,682.00	3,536.04
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,434.43	1,434.43
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94118			
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Jarratt & Associates, Inc, 2000 L Street, NW, #200 Washington, DC 20036	Bristol-Myers Co		
Evelyn Jarvis-Ferris, 444 Market Street San Francisco, CA 94111	Shaklee Corporation		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Julie A. Javernick, 413 North Lee St. P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Garber International Associates, Inc	105.00	
Do	ISC Defense & Space Group	200.00	
Do	John Deere Technologies International, Inc	200.00	
Do	LTV Defense & Space Co	100.00	
Do	Newport News Shipbuilding & Drydock Co		
Do	Pratt & Whitney Group	150.00	
Do	Raytheon Corp	225.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Adolph Coors Co	24,220.00	1,330.00
Do	ASARCO, Inc	63,722.00	2,228.00
Do	Colorado School of Mines Foundation	8,817.00	100.00
Do	East Bay Municipal Utility District	9,608.00	292.00
Do	Los Angeles County Sanitation District	18,898.00	1,450.00
Do	New York Power Authority	3,794.00	250.00
Do	Rhone-Poulenc, Inc	8,622.00	487.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	100.00	45.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	Metropolitan Transit Authority	4,500.00	213.35
Do	National Glass Association		
Do	San Francisco Public Utilities Commission	16,462.88	636.59
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Equitable Financial Companies	1,200.00	5.00
Jersey Arms Works, Inc, 13 Circle Lane Cherry Hill, NJ 08003			
Rusty L. Jesser, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,000.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Guy E. Jester, 2150 Kienlen Ave. St. Louis, MO 63121	Association for the Improvement of the Mississippi River		
Kataejar U. Jibas, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Allen Fredrick Johnson, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates, Inc (For:National Soybean Processors Assn)	975.24	
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,388.71	
Clifford T. Johnson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Military Airplane Company		
Jess Johnson Jr., GPO 7 Harbor Towers 5855 Midnight Pass Rd Sarasota, FL 34242	Shell Oil Co	12,500.00	1,547.00
Joel L. Johnson, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	6,600.00	118.11
John B. Johnson, Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	502.50	
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Johnny Johnson, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Kenneth A. Johnson, 4524 Hillsboro Ave. North New Hope, MN 55428	Pillsbury Company		
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036	Maersk, Inc		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	420.00	
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	90.00
Thomas G. Johnson, One Shell Plaza P.O. Box 2463 Houston, TX 77252-2463	Shell Oil Co		
Barbara W. Johnston, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	BHP-UTAH International, Inc		215.28
David A. Johnston, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Geo. Allen Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,152.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	4,968.91
Rod Johnston, 1250 24th Street, NW, #600 Washington, DC 20037	Prisco E. Entines	1,625.00	
Johnston Barton Proctor Swedlaw & Naff, 1100 Park Place Tower Birmingham, AL 35203	John W. Jamison III	5,780.00	
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,020.65	299.24
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas	1,235.00	
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald R. Jones, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
James E. Jones Jr., 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,005.00	55.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,562.50	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Wiley N. Jones, 1825 I St., NW, #400 Washington, DC 20006	Southern Pacific Transportation Co	1,000.00	500.00
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	9,400.00	2,000.00
David H. Jonson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences	200.00	
Harris Jordan, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
David C. Jory, 1275 Pennsylvania Ave., NW, #503 Washington, DC 20004	Citibank, N.A.	500.00	
Diana Jost, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Tomaki Juda, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause		
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Aetna Life & Casualty	12,000.00	
Do	American Express Co	10,000.00	
Do	ADAPSO	5,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	27,625.02	967.18
Do	International Speedway Corp	7,500.00	
Do	Monarch Capital Corp	5,000.00	
Do	National Academies of Practice	2,500.00	
Do	Rentar Industries, Inc	4,000.00	
Do	Stock Information Group	10,000.00	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			
JK Research Associates, Inc, 3408 Bonnie Road Austin, TX 78703	Seabed Association	3,840.00	2,240.00
Geza Kadar Jr., 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	100.00	15.00
Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	11,749.98	261.00
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Society of the U.S., et al.	5,921.00	352.07
Do	Iriquois Gas Transmission Systems	21,903.50	1,453.66
Do	Themedics, Inc	8,142.50	749.50
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	11,200.00	2,274.29
Nancy E. Kantola, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	256.00
Kevin Kaplan, 8100 Mountain Road, NE Albuquerque, NM 87110	Beer Drinkers of New Mexico	69.28	48.12
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		
Susan D. Karp, Keller and Heckman 1150 17th Street, NW, 1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	7,000.00	
Peter J. Kassander, 412 Fifth Street, SE, #1 Washington, DC 20003	Seattle Organizing Committee, 1990 Goodwill Games	5,789.65	
Enid Kassner, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	7,600.00	70.00
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	528.88	31.25
Lisa E. Kazel, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	575.00	
Kevin B. Kearney, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	300.00	148.00
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	American Assn for Marriage & Family Therapy	7,795.76	
Do	National Assn of Social Workers		
Do	Polar Marine Partners	4,033.00	
Do	Schwinn Bicycle Co	414.00	
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)		
Do	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)		
Do	Keefe Company (For:Westinghouse Electric Corp)		
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	8,992.00	
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Robin E. Keeney, 1828 L Street, NW Washington, DC 20036	American Land Title Assn	2,160.00	
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Kendell W. Keith, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn	150.00	
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l	1,664.00	100.00
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Kelley Drye & Warren, 1330 Connecticut Ave., NW, #600 Washington, DC 20036	Business Roundtable		
Do	Cushman & Wakefield	562.50	4.25
Do	Greyhound Corp	82,816.00	1,000.04
Do	ITT Consumer Financial Corp		
Do	Marconi Underwater Systems Ltd		
Do	J.P. Morgan & Co, Inc	382.50	21.00
Do	Society of the New York Hospital		
Do	Tokyo Electric Co., Ltd		
Do	U.S. League of Savings Assns		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	2,587.50	1,397.02
Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1700 Pennsylvania Ave, #525 Washington, DC 20006	Equitable Financial Companies	337.50	15.00
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	211.09
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John E. Kelly, 3408 Bonnie Road Austin, TX 78703	JK Research Associates, Inc (For:Seabed Assn)	2,240.00	
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Richard B. Kelly, Kelly Eckhaus & Mohen 40 Birch Hill Road Locust Valley, NY 11560	Resource Technical Consultant (USA), Inc		
Mark L. Kemmer, 1660 L Street, N.w. Washington, DC 20036	General Motors Corp	2,500.00	1,435.89
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,680.00	2,680.00
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hogan & Hartson (for Timex Group, Ltd)		
Do	Hogan & Hartson (for Volume Shoe Corp)		
Do	Manville Corporation	500.00	
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	1,500.00	
Do	Worldwide Information Resources, Inc		
Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024	Volkswagen of America, Inc	250.00	30.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Alaska Resource Analysts, Inc		
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,250.00	
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	National Wood Energy Assn, Inc		
Do	Ultrasystems, Inc		
Erica g. Kenney, 499 South Capitol St., SW, #520 Washington, DC 20003	Petroleum Marketers Assn of America	1,666.66	69.72
Jeremiah J. Kenney Jr., 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	688.06
J. H. Kent, Kent & O'Connor, Inc 1825 K Street, NW, #305 Washington, DC 20006	American Soc of Plastic & Reconstructive Surgery		
Do	American Supply Association	6,500.00	2,433.39
Do	International Assn of Airport Duty Free Stores	2,868.75	943.92
Do	National Customs Brokers & Forwarders Assn of America	4,937.50	1,840.38
Elizabeth Kepley, 370 L'Enfant Promenade, SW, Suite 800 Washington, DC 20024	Concerned Women for America	7,902.00	
Vytautas Kerbelis, P.O. Box 44 Sea Harbor, ME 04675	ARAS		
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	7,100.00	250.00
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	220.93
Suzanne S. Kerr, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al	1,384.62	
Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006	Smokeless Tobacco Council, Inc	420.00	207.62
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	665.49	220.50
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #980 Cocoa Beach, FL 32931			
Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004	General Electric Co		
Dorothy A. Keville, 422 11th Street, SE Washington, DC	Mothers Without Custody, Inc		
Gilbert W. Keyes, P.O. Box 3999 (Mail Stop 8c-68) Seattle, WA 98124	Boeing Aerospace Co	50.25	55.34
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Earline A. Keyser, 3022 Cedar Hill Road Falls Church, VA 22042	Bechtel Group, Inc		
Kiawah Island Co, Ltd, P.O. Box 12910 Charleston, SC 29412-0910			
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,792.83
Brian M. Kilbury, 815 16th St., NW, #511 Washington, DC 20006	Transportation - Communications Union	3,750.00	3,750.00
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	943.00	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	5,660.00	137.86
Gregory Kilgore, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,100.00	210.03
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	4,375.02	110.90
Mary K. Killorin, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp		16.00
Do	Furniture Rental Assn of America	6,402.00	106.75
Do	Greenpeace USA	500.00	
Do	Kootznoowoo, Inc	300.00	
Do	Midway Airlines		
Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korean Foreign Trade Assn	750.00	585.00
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	American Electronics Assn	6,425.00	
Do	Contractor Liability & Indemnification Alliance	975.00	
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,000.00	
Charles L. King, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	330.93
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	109.97
Lonnie J. King, 1522 K St., NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	500.00	130.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Aetna Realty Investors, Inc		
Do	Capital Holding Corp		
Do	Charter Medical Corp		38.40
Do	Emory University		
Do	George W. Felker III, et al		
Do	Generic Pharmaceutical Industry Assn	1,650.00	55.65
Do	Georgia Stadium Corp		
Do	Intelligent Systems	50,000.00	
Do	Lincoln Property Co, et al	6,520.50	25.09
Do	Martin-Marietta		942.60
Do	Mercer University		508.16
Do	National Assn of Bond Lawyers		399.29
Do	Trammell Crow Co	4,024.50	10.18
King Shapiro Cohen Boyd & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp		
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	8,760.00	252.50
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	22,800.00	5,257.01
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Marcia Y. Kinter, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Cecilia Anne Kirby, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	1,437.07	
Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	8.11	
John R. Kirk, Bingham, Dana & Gould 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Electronic data Systems Corp		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Color Systems Technology, Inc		
Do	Columbia Pictures Industries, Inc	1,075.00	
Do	County of Suffolk, New York		
Do	First Boston Corp	2,857.50	
Do	Grocery Manufacturers of America, Inc		
Do	Midlantic Corp	9,045.00	
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	8,400.00	629.05
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Mary Brice Kirtley, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	800.00	
Lisa K. Kjaer, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	1,050.00	130.62
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,375.00	
Andrew M. Klein, 1101 Connecticut Ave., NW, #600 Washington, DC 20036	Schiff Hardin & Waite (For:Chicago Board Options Exhange)		
James A. Klein, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	1,750.00	226.18
Kline & Knopf, Inc, 355 N. 21st Street, #303 Camp Hill, PA 17011	General Public Utilities Corp		
William Klinefelter, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,384.66	
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	849.90	35.00
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Gary D. Knight, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
Knights of Columbus, Columbus Plaza New Haven, CT 06507			1,025.00
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	480.23
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	127.00	
Patrick C. Koch, 900 19th St., NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn	5,000.00	
William E. Koch Jr., 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719	NorLight		
Kogovsek & Associates, Inc, 3600 S. Yosemite, #830 Denver, CO 80237	Stealey & Associates, Inc	11,750.00	962.30
Gary J. Kohn, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	247.23	314.57
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	581.96
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Bollinger Machine Shop & Shipyard, Inc		
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn	843.75	96.76
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,600.00	
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc	13,384.56	
Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	2,093.00	1,577.83
Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	440.00	328.60
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	33,883.48
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	11,466.39	
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	3,938.00	436.95
Joseph H. Kramer III, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 3771 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company	1,500.00	616.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	350.00	
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Krivit & Krivit, P.C., 50 E Street, SE Washington, DC 20003	City of St. Petersburg, Florida	1,200.00	100.00
Kroger Company, 1014 Vine St. Cincinnati, OH 45201			4,857.48
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group		
Keith R. Krueger, 1708 19th Street, NW Washington, DC 20009	Tele-Systems Assn, Inc	105.00	
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	6,000.00	1,575.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	5,013.74	294.64
James M. Kulikowski, 418 Western Ave. Brighton, MA 02135	Emmanuel College		
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153			
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Transport Lines, Inc		
Do	Seafarers International Union		
Valerie W. Kurylo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	16,903.50	244.90
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	Citicorp Investment Bank	5,099.98	161.83
Do	Financial Security Assurance, Inc	21,670.90	859.89
Do	Municipal Bond Insurance Assn	2,857.50	550.91
Do	State of New York Mortgage Agency	16,619.23	817.09
Kuykendall Company, 517 3rd Street, SE Washington, DC 20003	Alpha Environmental, Inc		
Do	Alpha 21 Corporation		
Do	Federal Land Bank Stockholders Defense Fund		
Peter Kyros, Kurrus & Kirchnerway 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Mutual Protection Trust Cooperative of American Physicians		
Do	Uniformed Services Disabled Retirees		
John R. Kyte, 201 Massachusetts Avenue, NE, #5 Washington, DC 20002	BMc Strategies, Inc	2,080.00	893.85
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005			
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			29,224.63
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
Lachelli Waller & Associates, 600 Maryland Ave., SW, West Wing #302 Washington, DC 20024		13,500.00	5,400.00
Mary Lou Lackey, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	1,000.00	
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	871.64
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	200.00	46.00
Christine Ladd, 2030 M St., NW Washington, DC 20036	Common Cause	6,300.00	30.60
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,100.00	1,256.85
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	261.50	55.00
David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
James E. Lamble, 4000 Tunlaw Road, NW, #324 Washington, DC 20006	Bechtel Group, Inc		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	654.00	63.98
Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	228.32
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae	200.00	
Thomas M. Landin, P.O.Box 7929 One Franklin Plaza Philadelphia, PA 19101	SmithKline Beckman Corp		
Landis Cohen Rauh & Zelenko, 1019 19th St., NW, #500 Washington, DC 20036	American Soc of Composers Authors & Publishers	3,500.00	
Do	National Council for Japanese American Redress	1,500.00	
Do	NFL Players Association	4,500.00	
Moon Landrieu, P.O. Box 18198 Washington, DC 20036	Coalition to Stop the Raid on America	3,000.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	625.00	1,125.46
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	City of Baltimore	7,800.00	
Do	Council for Housing & Rural Development	4,000.00	
Do	GA Technologies, Inc	7,862.10	
Do	National Glass Association		
Do	National Independent Automobile Dealers Assn	11,740.60	
Do	National Leased Housing Assn	900.00	
Do	Pyropower Corp		
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	5,000.00	
Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	96.94
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	1,430.00	374.50
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Lash Group, 555 13th St., NW Washington, DC 20004	American Physical Therapy Assn		
Do	Caremark/Home Health Care of America		
Do	University of Pennsylvania		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	188.64
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,500.00	141.60
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	4,100.00	
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	11,000.00	1,650.00
Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	2,565.00	
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20002	Mesa Limited	1,800.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	R. T. Vanderbilt Co, Inc		
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	American College of Neuropsychopharmacology	54.25	
Do	AVW Electronic Systems, Inc		
Do	City of Inglewood		
Do	City of Oakland		
Do	Committee on Problems of Drug Dependents, Inc	296.50	
Do	Government of Antigua	450.00	
Do	Greenebaum & Rose	1,368.00	
Do	Nordisk-USA	2,322.00	
Do	Southwest Gas Corp	6,992.45	
Do	State of Arizona	600.00	
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Edward J. LaFleur, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	2,000.00	1,048.08
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,062.50	2,000.00
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,700.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph A. LaSala Jr., 555 l3th Street, Suite 450 West Washington, DC 20004	Union Pacific Corp	12,500.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		48,183.79	44,183.79
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			78.80
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	21,892.46	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Linda S. Lee, 4 Monroe Street, #301 Rockville, MD 20850	Ataji L. Balos, et al.		12,040.58
Peter A. Lefkin, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	450.00	300.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	990.00	530.50
C. Hoke Leggett, 1875 I St., NW, #800 Washington, DC 20006	Tobacco Institute		
C. Richard Lehmann, 15327 NW 60th Ave., #240 Miami Lakes, FL 33014	Richard Lehmann & Associates, Inc (For:Bond Investors Assn)		
Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	6,765.00	
G. Timothy Leighton, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn	250.00	
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute	1,500.00	
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		
Do	Johnson & Johnson		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	1,800.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:American Shrimpboat Association)	1,000.00	
Do	Bogle & Gates (For:Crystal Globe, Ltd)	1,750.00	
Do	Bogle & Gates (For:Marine Construction & Design Co)		
Do	Bogle & Gates (For:Northern Eagle Partners, L. P.)		
Do	Bogle & Gates (For:Northern Falcon, Inc)	2,500.00	
Do	Bogle & Gates (For:Port of Seattle)		
Do	Bogle & Gates (For:Sahlman Seafoods, Inc)	500.00	
Joseph L. Leitzinger, Bank of California Building 900 4th Ave. Seattle, WA 98164	Simpson Investment Co		
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Betty Jane Leonard, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	600.00	747.53
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,716.00	2,258.66
Jerris Leonard, Law Offices of Jerris Leonard 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Krueger, Inc		
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	6,853.77	
Rodney E. Leonard, 2001 S Street, NW, #530 Washington, DC 20009	Community Nutrition Institute		
Lepon McCarthy & Jutkowitz, 2011 Eye St., NW, #401 Washington, DC 20006	Helmsley-Spear, Inc		
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	96.72	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher and Associates, Inc	42,500.00	
Lesher and Associates, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group	35,000.00	14,686.97
Do		85,000.00	
Daniel Lesmez, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,666.00	34.25
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,422.95	143.50
Leva Hawes Mason Martin & Bebchick, 1220 19th St., NW, #700 Washington, DC 20036	Finnigan Corporation		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc		
S. R. Levering, Route 2 Ararat, VA 24053	U.S. Committee for the Oceans		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Do	Independent JOA Publishers Assn	5,000.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Bertram J. Levine, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Harry Levine Jr., 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	General Electric Co		
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Gulf & Western, Inc	2,750.00	320.00
Roger N. Levy, 1660 L St., NW, #804 Washington, DC 20036	Travelers Companies	2,500.00	
Howard Lewis, National Association of Manufacturers 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004	National Association of Manufacturers	1,000.00	15.00
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	3,100.00	
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	10,600.00	1,386.88
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	750.00	
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,100.00	10.30
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	750.00	
Do	Manufacturers Hanover Corp	850.00	
Do	National Bank of Detroit	700.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
Lewis & Roca, 100 West Washington Street Phoenix, AZ 85003-1899	Syncor International Corp	20,445.50	1,983.49
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,754.56	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	General Conf of the 7th Day Adventists Church Risk Mgt Svcs		473.00
Do	Maritrans Operating Partners, L.P.		
Do	Physicians Insurers Assn of America		393.25
Do	Underwriters at Lloyd's London		
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,472.53	440.45
James M. LeMunyon, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	36.60
William J. Lhota, 215 N. Front Street Columbus, OH 43215	Columbus and Southern Ohio Electric Co	527.00	1,069.23
Richard A. Lidinsky Jr., 1440 New York Ave., NW, #430 Washington, DC 20005	Sea Containers America, Inc		
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	1,250.00	64.00
Howard C. Liggett, P.O. Box 1312 Pensacola, FL 32596	Escambia County Tax Collector		
Ross W. Lillard, 920 Main Street Kansas City, MO 64105	Stinson Mag & Fizzell (For:Farmland Industries, Inc)		
Leanne Klyza Linck, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,213.34	
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,178.48
Stephen R. Lindauer, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70152	Southern Forest Products Assn	1,925.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Cellmark Diagnostics, Inc)	341.67	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Damon Corp)	358.75	
Do	Hill & Knowlton, Inc (For:Hoopa Valley Business Council)	102.50	
Do	Hill & Knowlton, Inc (For:MediVision, Inc)	68.33	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Crop)	34.17	
Do	Hill & Knowlton, Inc (For:United Network for Organ Sharing)		
George E. Lindow, 625 Liberty Avenue Pittsburgh, PA 15222-3197	Peoples Natural Gas Co	517.00	2,097.32
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	2,160.00	310.00
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lisboa Associates, Inc, 1317 F St., NW, #400 Washington, DC 20004	University of the Virgin Islands	2,062.50	
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Maverick Tube Co, et al.		
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,800.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
William F. Little, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	487.00	584.35
Roy Littlefield, 15900 Pinecroft Lane Bowie, MD 20716	American Retreaders' Assn	200.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey Littlehale, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	182.00
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Livestock Marketing Association, P.O. Box 901402 Kansas City, MO 64190-1402			
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	3,133.42	171.03
Do	Phone Medium	2,652.00	719.00
Paul Locigno, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	22,395.11	
Robert F. Lockhart Jr., 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Carribean Tubular Co, Inc	100.00	156.99
Do	Committee for Just Animal Drug Law		
Do	Commonwealth Mortgage Corp of America		
Do	CIGNA Corp		
Do	First United Bank		
Do	Loyola University		
Do	National Assn of Nuclear Pharmacies	400.00	198.04
Do	National Restaurant Assn	3,500.00	
Do	New Orleans Cold Storage & Warehouse Co., Ltd		
Do	Non-Profit Hospital Insurance Forum	2,200.00	121.63
Do	Pennington Biomedical Complex Foundation		
Do	Toyota Motor Manufacturing, USA	4,025.00	
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Lord Day & Lord, Barrett Smith, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Irving Trust Co		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	23,877.00	4,829.40
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephanie P. Loving, 1101 Vermont Ave., NW, #405 Washington, DC 20005	A. H. Robins Co	5,004.00	698.24
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO)	4,000.00	50.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	10,500.10	57.00
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	699.33
William L. Lucas, 2021 K Street, NW, #300 Washington, DC 20006	Michigan Consolidated Gas Co	500.00	
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Kathy K. Luhn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,646.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	City of Miami	3,750.00	
Do	City of Miami Beach	10,500.00	
Do	Cybernectics & Systems, Inc	6,000.00	
Do	Dade County, Florida	21,000.00	
Do	Howard Needles Tammen for Miami Int'l Airport	4,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:National Medical Enterprises, Inc)		
Do	Fowler White Gillen Boggs Villareal & Banker (For:University of Tampa)		
J.C. Luman & Associates, 1030 15th Street, NW, #720 Washington, DC 20005	National Assn of Personnel Consultants	8,000.00	2,098.75
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,702.99
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Lund & O'Brien, 1625 Eye St., NW Washington, DC 20006	Pennsylvania Power & Light Co	1,620.00	151.82
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20005	National Assn of Manufacturers		
Ann P. Lunson, Eastman Kodak Company 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	71.19	7.80
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,232.96	293.23
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
James Lyon, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	26.58	
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	2,875.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	6,250.00	5,363.00
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	20,955.00	500.00
Thomas L. Mack, 13529 Haddonfield Lane Darnestown, MD 20878	Bechtel Group, Inc		
Olivia C. Mackin, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Mackin Sorensen Peizer Richards & Edwards, PS, 2201 Sixth Avenue, #1301 Seattle, WA 98121	Shee Atika Inc		50.00
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	9,375.00	
Malcolm MacKay, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Paul MacMurdy, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,883.75	229.36
John H. Madigan Jr., 224 East Capitol Street Washington, DC 20003	American Cancer Society	5,000.00	275.00
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	American Assn of Airport Executives	3,000.00	
Do	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Citation Homes	15,000.00	
Do	City of Avalon		
Do	Federal Express Corp	10,500.00	
Do	Mark Air, Inc	15,000.00	
Do	Quantas Airways, Ltd	15,000.00	
Do	Regency Outdoor Advertising	5,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Do	Ventura Port District	9,000.00	
Susan Magaw, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S	4,500.00	641.40
James J. Magner, 600 Maryland Ave., SW, #302 West Wing Washington, DC 20024	Lachelli Waller & Associates	57,558.85	17,668.10
A. John Maguire, 1110 Vermont Ave. NW Suite 430 Washington, DC 20005	National Cotton Council of America	23,000.00	1,905.14
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn		
David L. Mahan, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)	540.00	249.40
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd	3,250.00	258.00
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	American Medical Assn	8,000.00	
Do	Mahoney & Associates (For:American Soc of Anaesthesiologists)	3,300.00	
Do	Mahoney & Associates (For:Connecticut Med Ins Co)	225.00	
Do	Mahoney & Associates (For:Crouse Irving Memorial Hospital)	3,607.50	
Do	Marc Associates (for American Soc of Anaesthesiologists)	3,300.00	
Do	Mahoney & Associates (For:Physicians Ins Co of Indiana)	225.00	
Do	Mahoney & Associates (For:Physicians Ins Co of Wisconsin)	225.00	
Do	Mahoney & Associates (For:Physicians Mutual Ins Trust)	225.00	
Terence P. Mahony, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	80.49
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			524.50
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	422.00	30.00
Daniel C. Maldonado, 10000 Falls Rd., #300 Potomac, MD 20854	National Hemophilia Foundation	1,700.00	
Do	Research Society on Alcoholism	1,880.00	
Do	Samaritan Health Services	1,800.00	
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
David Mallino, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	7,596.00	731.92
J. Wilson Malloy Jr., 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division		
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
William R. Maloni, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn	30,000.00	300.34
Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		68,555.00	139,708.00
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Institute of Real Estate Appraisers	2,152.50	
Do	Bowling Proprietors Assn of America	225.00	
Do	California Bankers Assn	7,142.50	
Do	Centre Pointe Associates		
Do	Chronar Corporation		
Do	Connecticut National Bank		
Do	Fairfield Communities, Inc		
Do	First Bank System, Inc		
Do	Flying Tiger Line, Inc	1,260.00	
Do	Government of Cyprus	3,025.00	
Do	Home Group, Inc	280.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Krueger, Inc		
Do	Manufacturers Hanover	11,275.00	
Do	Melrose Company	150.00	
Do	Money Store		
Do	National Cable Television Assn, Inc	7,412.75	
Do	North Beach Property Owners' Assn	825.00	
Do	Northrop Corp		
Do	NEC Corporation	1,650.00	
Do	Philip Morris, Inc	5,232.50	
Do	Rollins Environmental Services		
Do	RLC Corporation	2,625.00	
Do	Security First Group, Inc	33.75	
Do	Donald T. Sterling & Associates		
Do	Superior Training Services	3,387.50	
Do	Texas International Co		
Do	U.S. Telephone Assn	3,629.00	
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	American Retail Federation	200.00	127.00
Manchester Associates, Ltd, 1707 L Street, NW, #725 Washington, DC 20036	Corporacion Del Cobre (USA), Inc		
Do	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA		
Susan Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	13,650.00	79.90
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Systems)		
Do	Hill & Knowlton, Inc (For:Brother Industries, Inc)	450.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:United Air Lines)		
Donald W. Mann, 210 The Plaza Teaneck, NJ 07666	Negative Population Growth, Inc	500.00	
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,063.46	352.77
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			28,958.05
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
R. A. Marble, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,978.02	55.50
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		7,308.42	12,658.87
Bristow Marchant, P.O. Box 394 Columbia, SC 29202	Frank J. Merrill		455.42
Michael Marchese Jr., 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	4,125.00	4,125.00
Kaiya Marie, P.O. Box 1338 Chicago Heights, IL 60411			315.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			21,797.00
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	1,544.48	1,290.64
Marc L. Marks, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp		
Matthew J. Marks, Marks Murase & White 2001 L Street, NW, #750 Washington, DC 20036	UETA, Inc	2,759.00	111.51
Ronald Anthony Marks, 7640 Tremayne Place, #208 McLean, VA 22102			
Luther A. Markwart, 1156 15th St., NW, #1019 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #410 Washington, DC 20036-1081	International Chemical Workers Union	2,000.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Marlowe & Co (For:Commercial Metals Co)	1,200.00	
Do	Marlowe & Company (For:Graphic Communications International Union, AFL-CIO, CLC).	400.00	92.00
Do	Marlowe & Company (For:Lazare Kaplan International, Inc)	9,450.00	137.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Coalition to Keep Alaska Oil	3,312.50	44.40
Do	Commercial Metals Co	1,200.00	1,200.00
Do	Graphic Communications International Union	1,200.00	1,317.00
Do	Lazare Kaplan International, Inc	9,450.00	9,587.00
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
Do	National Assn of Public Television Stations	600.00	150.00
Lori A. Marsden, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	26.00
Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	955.77	
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe	76.00	
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	3,000.00	
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	320.00
David F. Martin, 2020 14th Street, North Arlington, VA 22201	American Standard Inc	2,000.00	
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. #565 New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	624.78	233.43
J. Ross Martin, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute	1,785.00	2,141.74
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	551.88	387.17
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	160.00	241.00
Robert F. Martin, 1275 Pennsylvania Ave, NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,300.00	
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	262.00
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 85 Ridge St. North Sydney, NSW 2060 Australia			
Merrill D. Marxman, 7708 Fullerton Road Springfield, VA 22153	Marxman & Associates, Inc		
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Japan Telescope Manufacturers Assn	200.00	
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,249.99	110.30
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Leva Hawes Mason Martin & Bebchick (For:Association of the U.S. Army)		15.00
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	10,750.00	181.66
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		1,227.73
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Asarco Corporation)		
Do	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College Foundation)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:Hoopa Valley Business Council)	750.00	
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)	450.00	
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	4,800.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	3,000.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Do	Hill & Knowlton, Inc (For:United Network for Organ Sharing)		
James D. Massie, 50 F Street, NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	300.00	114.25
Richard D. Mathias, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 919 18th Street, NW, #800 Washington, DC 20006	Dawson Mathis & Associates (For:American Electronic Laboratories, Inc)		
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)	3,000.00	
Do	Long Lake Energy Corp		
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 919 18th Street, NW Suite 800 Washington, DC 20006	American Electronic Laboratories, Inc		
Do	Crowley Maritime Corp	3,000.00	
Do	Massachusetts Mutual Life Insurance Co	3,000.00	
Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,250.00	
Herbert S. Matthews, Route 6, Box 83 Mechanicsville, MD 20659	Martin Marietta Aerospace	7,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,181.25	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	3,171.17	9.10
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc.		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		2,182.07
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies	750.00	15.00
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	American School Food Service Assn	9,000.00	192.35
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	450.00	36.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	11,826.30	707.50
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	14,000.00	
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	5,250.00	
James C. May, 700 Anderson Road Purchase, NY 10577	National Assn of Broadcasters	12,500.00	25.00
Jerry C. May, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307	Yellow Freight System, Inc	13,500.00	2,554.00
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	22,884.61	278.03
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	16,200.00	1,257.11
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Attorneys' Liability Assurance Society Ltd	137.50	
Do	Business Roundtable	205.00	
Do	Cabot Cabot & Gorbes Realty Advisors, Inc		
Do	Comdisco, Inc		
Do	Continental Illinois Nat'l Bank & Trust Co		
Do	FMC Corporation		
Do	Goldman Sachs & Co		
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp	550.00	
Do	Lasalle Partners, Inc		
Do	Lebenthal & Co, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Philip Morris USA		
Do	Quaker Oats Company	68.75	
Do	RJR Nabisco, Inc		
Do	Sara Lee Corp	68.75	
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Smith Barney Harris Upham & Co, Inc		
Do	Tele-Communications, Inc		
Do	Voluntary Hospital Assn		
Marc Steven Mayerson, 1201 Pennsylvania Ave., P.O. Box 7566 Washington, DC 20044	Covington & Burling (For:Coalition to Preserve the Integrity of American Trademarks).		
Loomis Mayfield, 815 15th Street, NW, #711 Washington, DC 20005	Americans for Democratic Action, Inc	2,433.69	
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	750.00	216.47
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Mays & Valentine, 2300 South 9th Street Arlington, VA 22204	Tobacco Institute	3,850.00	
Rosemary A. Mazon, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Donald S. Mazzullo, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Maryln Lee McAdam, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One	625.00	
Do	California Student Aid Commission	2,250.00	39.44
Do	Colorado Student Loan Program	4,500.00	858.98
Do	GEM Corp	750.00	
Do	Illinois State Scholarship Commission	1,237.00	44.69
Do	Just Kids	2,250.00	431.36
Do	Nebraska Higher Education Loan Program, Inc	1,125.00	
Do	Nebraska Student Loan Program	250.00	178.67
Do	Texas Guaranteed Student Loan Corp	1,125.00	1,014.80
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn		
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Alcohol Beverage Legislative Council	2,000.00	
Do	Association of Human Resource Consultants	200.00	
Do	ADAPSO	2,000.00	
Do	Bay Area Rapid Transit District	1,500.00	
Do	Cellular Telecommunications Industry Assn	100.00	
Do	Chicago Mercantile Exchange	550.00	
Do	Human Rights Campaign Fund	2,000.00	
Do	International Franchise Assn	300.00	
Do	Lawyers' Mutual Insurance Co	2,000.00	
Do	National Medical Care		
Do	Joseph E. Seagram & Sons, Inc	3,000.00	
Do	Southern California Rapid Transit District	3,600.00	
Do	State Street Development Co of Boston	1,000.00	
Do	Stock Information Group	2,000.00	
Do	Transamarica Corporation		
Do	U.S. Telephone Assn		
Do	VIAG Fuels, Inc	400.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	16,040.04	
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc	4,500.00	
Do	American Nuclear Energy Council	6,000.00	438.20
Do	Carolina Power & Light Co	4,500.00	
Do	Commonwealth Edison Co	4,500.00	
Do	Consolidated Edison Co of New York, Inc	3,000.00	
Do	ETA Systems, Inc	12,500.00	1,609.26
Do	General Atomics	13,000.00	872.45
Do	Oxford Energy Co	12,000.00	1,556.16
Do	Sealaska Corp	9,000.00	193.02
Do	Southern California Edison Co	4,500.00	
Do	Stone & Webster Engineering Co	6,000.00	
Do	Tri-City Industrial Development Council	6,000.00	477.71
Do	United Illuminating Co	17,500.00	555.00
Do	Urenco, Inc	9,000.00	17,393.00
Do	Westinghouse Electric Corp	8,100.00	3,690.68
Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202	Community Service Council of Central IN, Inc		
Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	30.23	
McCamish Martin Brown & Loeffler, P.C., 1200 First Republic Bank Tower 175 East Houston San Antonio, TX 78205	Central & South West Corp		
Do	Salomon Brothers, Inc	607.50	309.27
Do	United Services Automobile Assn	7,500.00	1,782.06
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
David J. McCarthy, Baker & Daniels 1920 N Street, NW, #600 Washington, DC 20036	Indiana Electric Assn	2,500.00	1,374.71
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Sun Co, Inc	250.00	6.00
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	5,250.00	395.48
Robin W. McClung, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	98.00
Frederick D. McClure, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp	10,800.00	14,234.00
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Allied Capital Corp		6.79
Do	Avanta Corp		
Do	Bell & Howell/Columbia Pictures Video Services		37.51
Do	Coca-Cola Company	309.94	147.15
Do	Geneve Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Gulf & Western, Inc	317.06	100.04
Do	Henley Group, Inc		
Do	Mobil Oil Corp	377.19	102.72
Do	Ross Capital Corp		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Hugh T. McCormick, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:General Conf of the 7th Day Adventists Church Risk Mgt Svcs).		
Margaret M. McCormick, 236 Hamburg Hall 5000 Forbes Ave. Pittsburgh, PA 15213	Carnegie-Mellon University	10,000.00	1,697.70
Molly McCormick, 2301 Market Street, S 13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Meredith McCoy, Arnold Groburger & Haley 1629 K St., NW, #400 Washington, DC 20006	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
Steven A. McCoy, 1030 15th Street, NW #1020 Washington, DC 20005	North American Export Grain Assn, Inc		
James K. McCracken, 9211 Holly Oak Drive Bethesda, MD 20817			
Cliff G. McCreedy, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Aubrey McCutcheon III, 711 G Street, SE Washington, DC 20003	SANE/FREEZE, Inc	7,708.34	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,808.00	
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	1,000.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
Mark T. McDermott, Joseph Powell McDermott & Reiner, P.C. 1300 19th Street, NW, #400 Washington, DC 20036	Civil Pilots for Regulatory Reform		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists Assn	11,600.00	
Do	American Soc of Outpatient Surgeons	2,600.00	
Do	Banks of Iowa	470.00	15.00
Do	California Assn of Children's Hospitals	6,000.00	
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co		
Do	Hitachi America, Ltd		
Do	International Minerals & Chemical Corp	1,057.50	16.25
Do	Juvenile Diabetes Foundation, International	7,000.00	
Do	Kemper Investors Life Insurance Co.		
Do	Lumberman Mutual Co.		
Do	Outpatient Opthalmic Surgery Society	10,800.00	
Do	Peterson & Sullivan	6,732.50	71.30
Do	Public Employees Retirement Assn of Colorado	1,762.50	14.50
Do	Solar Turbines, Inc	470.00	10.50
Do	Technicon Instruments Corp	3,175.00	19.00
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	4,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	4,250.00	4,250.00
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDonald Co (For:Association of Bank Holding Cos)		
Do	Jack McDoanld Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	General Cinema Corp		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	190.00	
Patricia McDonald, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	American Express Corp		93.00
Do	Association of Bank Holding Cos		
Do	Belz Enterprises		
Do	Dow Corning Corp		
Do	Hitachi America, Ltd	2,717.00	12.00
Do	Hitachi Sales Corp of America		
Do	Jacques Borel Enterprises, Inc		
Do	Royal Zenith Corp		
Do	Societe Generale de Surveillance, S.A.		
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co	491.60	747.81
Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,866.48	599.94
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Rick McElheny, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	280.00	
Terry M. McGann, 1900 Placer Gold Court Gold River, CA 95670	Maxicare	3,000.00	2,853.92
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	600.00	411.00
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	9,712.50	165.41
P. Anne McGhee, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Patricia G. McGinnis, Francis Mcginnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	12,500.00	100.00
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,530.95	2,278.89
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Jeanne H. McGowan, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	220.00	25.50
Christopher C. McGrath, New York State Petroleum Council 150 State St. Albany, NY 12207	American Petroleum Institute		
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,500.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	International Theatrical Agencies Assn		
Do	National Assn of Orchestra Leaders		
Do	National Manufactured Housing Assn		
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Monica M. McGuire, 1331 Pennsylvania AVe., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA 22313	RF&P Railroad		
Do	Savage/Fogarty Companies, Inc		
Do	Vulcan Materials Co		
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Indiana Bell Telephone Co	1,000.00	600.00
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	3,500.00	32.23
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	6,635.79	
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	3,960.00	493.32
Larry McKenzie, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,375.01	295.17
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,000.00	785.62
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Thomas I. McKnew Jr., 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,500.00	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	650.00	
Ursula H. McManus, 1707 H St., NW, #602 Washington, DC 20006	G. Heileman Brewing Co, Inc	502.50	132.80
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	460.00	
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling		
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	700.00	204.10
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Akin Gump Strauss Hauer & Feld	1,760.00	
Do	Blue Cross & Blue Shield of South Carolina	5,656.25	165.70
Do	Clemson University	12,000.00	623.93
Do	CSX Corporation	18,228.87	466.48
Do	Illinois Central Gulf Railroad	30,499.00	474.15
Do		31,099.45	
Do	McNair Law Firm, P.A.		
Do	Norfolk Southern Corp	5,186.25	92.20
Do	Pennsylvania Shipbuilding		
Do	Railstar Control Technology, Inc	2,000.00	354.21
Do	Railway Progress Institute		
Do	Riedel Omni Products, Inc		
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Alabama Construction Contractors, et al.	720.89	
Do	Alabama Power Co	1,984.44	
Do	Allied-Signal, Inc	1,848.44	2.19

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Insurance Assn	4,792.06	
Do	Americans for Fair Treatment of Alcoholic Veterans		9.90
Do	Association of Independent Television Stations, Inc	150.00	
Do	Auburn University	2,699.25	116.00
Do	ADDSCO Industries, Inc	2,564.61	
Do	Blue Cross & Blue Shield of South Carolina		
Do	Bristol-Myers Co		
Do	Carolina Urocorp	211.10	10.25
Do	Citmoco Services, Inc	864.22	
Do	Gasoline Alliance to Preserve Competition	8,400.00	346.13
Do	Georgia-Pacific Corp		8.41
Do	GSX Corporation	7,451.74	988.17
Do	GTE Government Systems Corporation		0.20
Do	Insurance / Financial Affiliates of America	160.00	
Do	Intergraph Corporation	493.35	
Do	International Assn for Financial Planning	555.00	26.18
Do	International Paper Co		
Do	Marriott Corp		
Do	Michelin Tire Company	5,331.48	0.17
Do	Milliken Mills		20.56
Do	Munitions Carrier Conference		
Do	National Council on Alcoholism, Inc	1,999.99	14.24
Do	National Industries	269.16	
Do	New York State Bankers Assn	8,603.71	2,381.76
Do	Norfolk Southern Corp		38.41
Do	Nuclear Fuel Services, Inc	758.50	
Do	P.U.S.H., Inc		83.57
Do	Pacific Theatres	1,520.75	
Do	Pfizer, Inc	1,801.41	
Do	R.J. Reynolds Tobacco Co	3,197.50	258.97
Do	Times Mirror Co	424.11	28.42
Do	Union Pacific Corp		
Do	Vulcan Materials Co		
Do	Waste Management, Inc		
Do	Westinghouse Electric Corp	370.79	63.34
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	225.00	215.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition	7,582.50	297.10
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Martha McSteen, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	1,712.00
George G. Mead, 1500 K St., NW, #375 Washington, DC 20005	North American Van Lines, Inc	1,650.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	66.00	
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc	1,500.00	
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Acme Steel Company	1,500.00	
Do	Interlake, Inc	3,000.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Colise G. Medved, 1800 Diagonal Rd., #500 Alexandria, VA 22314	Penn Central Corporation		
William H. Megonnell, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	1,350.72	30.40
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	6,500.00	2,259.26
Katherine Meier, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn	1,552.00	
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,000.00	
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,819.30	33.00
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
Edward L. Menning, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	65.55	
Donald H. Mensch, 2200 Mill Road Alexandria, VA 22314	American Movers Conference		
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Barron Collier Co)		
Do	Cadwalader Wickersham & Taft (For:Coalition for Capital Import Neutrality)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)	115.00	
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)	145.00	
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)		
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)	189.00	
Do	Cadwalader Wickersham & Taft (For:Pepsico, Inc)		
Do	Cadwalader Wickersham & Taft (For:PFIC Group)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	3,937.50	
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			13,000.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	457.56
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,200.00	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	858.99	184.84
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	6.00
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	American Beekeeping Federation	1,500.00	
Do	Concerned Shrimpers of America	4,500.00	
Do	CEPEX Pacific, Inc	1,800.00	
Do	Friends of the Show Horse	6,000.00	
Do	Granada Crop		
Do	International Assn of Refrigerated Warehouses	1,000.00	
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Coalition to Defeat H.R. 28l/S. 492		
Do	National Peanut Growers Group	1,000.00	
Do	Nuclear Waste Task Force		
Do	Rice Belt Warehouse, Inc	4,500.00	
Do	Sam Kane Packing		
Do	Superconducting Super Collider		
Do	Texas A&M Research Foundation	7,500.00	
Do	Texas Cotton Marketing		
David R. Mica, Florida Petroleum Institute 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute	895.00	1,344.48
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems	2,000.00	490.00
Do	Harris-RF Communications	12,000.00	840.00
Do	Harris/3-M Document Products, Inc	11,250.00	1,151.00
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)	525.00	
Michael G. Michaels, P.O. Box 150160 Lakewood Station Altlanta, GA 30315			
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	National Assn for Ambulatory Care		
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc	500.00	
Laurie L. Michel, 555 13th St., NW, #900 East Washington, DC 20004	Ballard Spahr Andrews & Ingersoll (For:Arthur Andersen & Co)		
Frank G. Michelena, 17925 Sky Park Cir. Irvine, CA 92714	Landsdell Co		4,104.08
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	5,144.00	349.80
Michigan Council of Self-Insured Group Administrators, 3670 Golfside Rd. Ypsilanti, MI 48197			
Mid-Continent Oil & Gas Assn, 1919 Pennsylvania Ave., NW #503 Washington, DC 20006		6,428.14	30,248.60
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	308.00
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	802.00	135.25
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	500.00	73.90
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Miles & Stockbridge, 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006	Black and Decker Corp		210.00
Do	PepsiCo, Inc		
Do	Pizza Hut, Inc		280.00
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	39.76	
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Charles R. Miller, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc.	812.00	438.00
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co.	2,500.00	125.00
Harris C. Miller, 322 Westview Court Vienna, VA 22180	Occidental Chemical Corp		
Lawrence E. Miller, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn.		
Marye T. Miller, 637 Third Street, NE Washington, DC 20002	Mobil Oil Corp	6,500.00	200.00
Michael J. Miller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,900.00	773.38
Robert H. Miller, 490 L'Enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco, Inc		35.00
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Gold Fields Operating Co - Mesquite	1,372.20	30.00
Do	Ideal Basic Industries, Inc		
Do	National Assn of Temporary Services, Inc		
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	12,500.00	747.00
Do	Marine Engineers' Beneficial Assn	7,500.00	450.00
Do	Olin Corporation	12,500.00	747.00
Do	Pacific Nuclear Systems, Inc	5,000.00	300.00
Do	Port of Tacoma	6,250.00	373.00
Do	State of Washington, Dept of Transportation	1,500.00	90.00
Do	Tri-City Industrial Development Council (TRIDEC)	8,500.00	523.00
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	National Assn of Life Underwriters, et al	24,587.00	
Do	47th Street Photo	1,000.00	
Miller Young & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Sacramento, et al.	1,650.00	70.60
Do	Sugar Land Telephone Co	1,888.50	105.80
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		977.94
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	2,800.00	426.46
Amy J. Millman, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	625.00	235.00
Robert G. Mills, 450 Maple Ave., East, #204 Vienna, VA 22180	U.S. Defense Committee	2,400.00	
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Minimum Wage Coalition to Save Jobs, P.O. Box 28261 Washington, DC 20038		29,845.00	34,974.98
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Bayamon Federal Savings	6,000.00	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Cablevision Systems Development Co		
Do	Communications Industry Assn of Japan	24,000.00	
Do	Home Recording Rights Coalition		
Do	Houghton Mifflin Company	3,744.20	
Do	Siemens Capital Corp	14,824.00	
Do	Smith Barney Harris Upham & Co, Inc		
Do	Turner Broadcasting System, Inc	900.00	
Miro Miro & Weiner, P.C., 500 N. Woodward Ave., #200 P.O. Box 908 Bloomfield Hills, MI 48303-0908	Detroit Tooling Assn		
Do	Michigan Council of Self-Insured Group Administrators		
Charles P. Mitchell, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	500.00	20.00
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	47.01	
Jo Anne Mitchell, 1331 Pennsylvania Ave., NW, #550 Washington, DC 20004	Commodity Exchange, Inc		
Lisa Mitnick, 3000 K St., NW, $300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Mobile Majority, P.O. Box 3329 Visalia, CA 93278		2,581.45	2,087.00
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	400.00	
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co	500.00	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Manchester Associates, Ltd (For:Corporacion Nacional del Cobre (USA))		
Do	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)		
Robert H. Mollohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	500.00	
Do	Lynch Associates	500.00	
Patricia L Molloy, 1220 19th Street, NW, #700 Washington, DC 20036	Leva Haws Mason & Bebchick (For:Association of the U.S. Army)		15.00
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	140.00
C. Manly Molpus, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	1,000.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Charles A. Monfort, 1616 P Street , NW, #310 Washington, DC 20036	Union of Concerned Scientists	5,375.00	
Michael Monroney, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	13,920.00	7,677.00
Alfredo C. Montoya, 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
David H. Montplaisir, 2550 M Street, NW, #695 Washington, DC 20037	American Maritime Officers Service		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,750.00	
Alan J. Moore, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		31.00
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	1,081.50
Richard L. Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund	4,212.10	1.25
Thomas L. Moore, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
William D. Moore, Commerce Center 30 Exchange Terrace Providence, RI 02903	Greater Providence Chamber of Commerce	337.50	1,889.79
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Mark E. Moran, 1850 M Street, NW, #280 Washington, DC 20036	Shawn Berger Mann & Moran (For:Republic of Mexico)		2,660.95
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	448.00	120.00
Sue Markland Moreland, 918 North Carolina Avenue, SE Washington, DC 20003	Association of Biotechnology Cos	9,600.00	320.78
Dudley Digges Morgan III, 4900 Baronne New Orleans, LA 70115	Southern Forest Products Assn	12,875.04	
J. Railton Morgan, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Business Roundtable		
Do	Coalition to Stop the Raid on America	225.00	
Do	Consolidated Natural Gas Co		
Do	Scotch Whisky Assn		
Robert E. Morin, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	185.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	282.84
Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	7.00
Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp		
Tom C. Morris, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,800.00	249.38
W. Patrick Morris, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	1,500.00	
James W. Morrison Jr., 655 15th St., NW, #300 Washington, DC 20005	ARA Services, Inc		
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	28,588.00	2,150.23
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn	1,925.00	30.00
Do	City and County of San Francisco		19.40
Do	Consolidated Freightways		
Do	National Electrical Manufacturers Assn	675.00	6.00
Do	Rosenberg Real Estate Equity Fund, Inc	2,535.00	64.10
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
George R. Moses, 2001 Eye St., NW Washington, DC 20006	National Association of Arab Americans	5,000.01	354.15
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		1,817.00
Laurie A. Moshier, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	300.00	320.43
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		41,158.37	41,158.37
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	200.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical	75,000.00	285.43
Do	ABRASSUCOS - Brazilian Juice Assn	17,995.00	209.55
Do	ANIC - National Assn of Citric Industries	17,970.00	263.94
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004		4,500.00	596.87

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Motor Vehicle Manufacturers Assn of the U.S., Inc, 300 New Center Bldg. Detroit, MI 48202		34,028.43	34,028.43
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,000.00	
Susan Connolly Moya, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Steve Moyer, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	151.29	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Anchor Savings Bank, FSB		
Do	Carteret Savings Bank, F.A.		
Do	Empire of America, FSB		
Do	First Nationwide Bank		
Do	Meritor Savings Bank		
Do	Northeast Savings, F.A.		
Do	Washington Mutual Savings Bank		
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,300.00	
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,200.00	445.62
Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	15,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	4,000.00	85.50
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
H. Edward Munnerlyn, P.O. Box 1017 Greenwood, SC 29648	Greenwood Mills, Inc	2,500.00	551.43
Daniel R. Murphy, 14 Third Street Newport, RI 02840	American Express Co		
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al		
James P. Murphy, 485 Lexington Ave., 25th Floor New York, NY 10017	New York State Bankers Assn	3,775.00	1,059.76
John P. Murphy, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	2,050.00	365.78
Lester L. Murphy Jr., 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	490.08	588.74
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al	8,600.00	
Richard E. Murphy, 414 West Braddock Rd. Alexandria, VA 22302	Generic Pharmaceutical Industry Assn		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,226.97
James E. Murray, One Farragut Square South Washington, DC 20006	Brown & Wood (For:American Bankers Assn)		
Do	Brown & Wood (For:National Assn of Small Business Investment Cos, et al.)		
Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Cyanamid Co		
Do	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	Lightning Location & Protection, Inc	625.00	
Do	LTV Corporation	450.00	
Do	National Business Aircraft Assn	500.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	PHP Healthcare Corp	600.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Do	Wisconsin Central Railroad		
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc	400.00	
Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102	Automotive Parts Rebuilders Assn		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202			1,525.00
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,100.00	
Gary D. Myers, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	4,500.00	424.47
Diane M. Nash, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	9,988.00	
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	2,900.00
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Frances E. Nathan, 455 Fifth Avenue New York, NY 10016	New York Public Library	6,205.72	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Abortion Rights Action League, 1101 14th Street, NW 15th Floor Washington, DC 20005			6,627.18
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		7,401.00	7,401.00
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		123,000.00	13,895.23
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,295.94	1,142.76
National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015			
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,651.53	3,905.98
National Assn of Air Traffic Specialists, 4780 Corridor Pl., Suite B Beltsville, MD 20705			7,880.83
National Assn of Auto Fleet Buyers, Inc, 66 Bay 19th Street Brooklyn, NY 11214			
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		54,086.57	54,086.57
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-049 Alexandria, VA 22313			
National Assn of Energy Service Companies, 2300 M St., NW Washington, DC 20037			
National Assn of Federal Employees, 4101 NW 122nd Street, Suite D OKlahoma City, OK 73120			
National Assn of Federal Veterinarians, 1522 K St., NW, #836 Washington, DC 20005			89.52
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703		117,400.36	117,400.36
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268			2,990.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036		5,000.00	10,213.97
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	2,600.00
National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314			
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		7,500.00	7,500.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #505 Falls Church, VA 22041		138,852.00	39,210.00
National Bicycle Dealers Assn, Inc, 129 Cabrillo Street, #201 Costa Mesa, CA 92627-3006			
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,170.00	3,170.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		35,286.75	35,286.75
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			5,000.00
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coalition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009			
National Coalition of Fresh Potato Processors, c/o Collier Shannon Rill & Scott 1055 Thomas Jefferson St., NW Washington, DC 20007.			
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		12,344.55	19,784.40
National Comm to Preserve Social Security, 2000 K Street, NW, 7th Floor Washington, DC 20006		884,167.00	884,167.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		1,661.76	8,973.23
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001		12,250.00	1,275.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		157,777.78	41,669.00
National Consumer Assn, P.O. Box 65733 Washington, DC 20035			
National Cooperative Business Assn, 1401 New York Ave., NW, #100 Washington, DC 20005		27,500.00	11,041.88
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		51,558.13	51,558.13
National Council for Languages & Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001		17,562.50	18,692.05
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		19,351.00	11,332.53
National Education Assn, 1201 16th St., NW Washington, DC 20036		72,903.36	72,903.36
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		1,446.43	1,446.43
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		51,131.75	51,131.75
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		4,450.00	4,450.00
National Grain & Feed Assn, 725 15th St., NW, #500 Washington, DC 20005			150.00
National Grange, 1616 H St., NW Washington, DC 20006		20,857.00	20,875.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		3,835.20	181.35
National Independent Energy Producers, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005			
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		15,000.00	14,349.25
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			7,278.88
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		900.00	900.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201			
National Motorsports Comm of Accus, 1500 Skokie Boulevard, #101 Northbrook, IL 60062			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036		6,223.46	6,223.46
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		240,902.00	7,800.00
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Public Affairs Corp, 1050 Thomas Jefferson Street, NW, #600 Washington, DC 20007	Westinghouse Electric Corp	300.00	
National Realty Committee, 1250 Connecticut Ave., NW, #303 Washington, DC 20036		3,102.50	3,102.50
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036			20,250.12
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		7,842.15	7,842.15
National Rural Housing Coalition, 201 Massachusetts Ave., NE, C-8 Washington, DC 20002		2,500.00	19,222.69
National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			7,250.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		12,500.00	10,350.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			247.30
National Strategies Inc., 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Alliance for Capital Access	28,750.00	
Do	Joy Technologies	43,312.50	2.84
Do	Manor Care	20,000.00	5,161.67
Do	PGA Tour, Inc	1,612.50	11.10
Do	Triangle Industries	23,843.43	812.72
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		29,000.00	2,854.52
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,243.00	6,243.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			37,048.20
National Wildlife Federation, 1412 16th Street, NW Washington, DC 20036-0001			4,720.25
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		12,000.00	12,000.00
Landis M. Neal, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	9,000.00	20.00
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	465.00	87.90
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)		
Neece Cator & Associates, Inc, 1050 17th Street, NW Washington, DC 20036	Association of Small Business Development Centers	1,350.00	1,350.00
Do	Colson Investments	1,350.00	1,350.00
Do	National Small Business United	1,350.00	1,350.00
Do	National Venture Capital Association		
Do	Southeastern Lumber Manufacturers Assn		
Jorge A. Negron, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	U.S. Hispanic Chamber of Commerce	10,250.00	397.58
Laura C. Nehf, 1101 Connecticut Avenue, NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Stanley Nehmer, 1225 19th Street, NW, #210 Washington, DC 20036	Non-Ferrous Metals Producers Committee	500.00	
Frederick W. Neill, 600 5th Street Aurora, IL 60505			4,200.00
Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006	Arab Republic of Egypt		24,725.18
Do	Hashemite Kingdom of Jordan	55,000.00	8,101.51
Do	Islamic Republic of Pakistan		1,698.06
Do	Kingdom of Morocco		2,264.64
Do	Republic of Kenya	172,542.00	10,424.03
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	Florida East Coast Railway Co	1,000.00	
Do	National Council Social Security Management Assns, Inc	4,000.00	210.00
Do	National Farm & Power Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc		
Do	Senior Executives Assn	5,000.00	330.00
Do	Soo Line Corporation	2,500.00	
Do	TACA International Airlines		
Joshua E. Neiman, 815 16th St., NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept., AFL-CIO	498.00	
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	71.02	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Paul Gunnar Nelson, Hamilton & Hamilton 734 15th St., NW, 11th Floor Washington, DC 20005	GNA	3,637.50	10.36
Do	Weyerhaeuser Company	10,012.50	281.78
Michael A. Nemeroff, 1722 Eye Street, NW 7th Floor Washington, DC 20006	Sidley & Austin (For:Borden, Inc)	5,050.00	
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	157.00
Mark Nestlen, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		42,581.93	36,697.32
E. John Neumann, Il30 Connecticut Ave., NW Ste. 830 Washington, DC 20036	Southern Company Services, Inc	4,124.02	5,131.23
New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006			
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		60,000.00	33,539.00
Cynthia E. Newman, 400 North Washington Street Alexandria, VA 22314	Professional Insurance Agents	500.00	200.00
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		127.25
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,000.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Sharon Newsome, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	8,367.02	
Christina M. Nichols, 3351 18th Street, NW Washington, DC 20010	Environmental Action	686.70	
Todd C. Nichols, 1600 Seattle Tower Seattle, WA 98101	Francis & Nichols (For:Ueki America Corp)	30.00	5.00
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	667.67	209.12
Thomas Nickels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	5,144.00	349.80
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,548.99	2,755.64
Nissan Motor Corporation, U.S.A., 1919 Pennsylvania Avenue, NW, #707 Washington, DC 20006			
Ellen Nissenbaum, 236 Massachusetts Avenue, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	2,561.97	45.00
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	3,993.75	123.35
Do	Bausch & Lomb		
Do	Thompson Medical Co		
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	
A. Allan Noe, 655 - 15th St. NW, #975 Washington, DC 20005	Unilever United States, Inc	1,500.00	389.49
Robert W. Nolan, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036	Edison Electric Institute	7,903.85	429.33
Robert I. Nooter, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,312.51	37.40
David F. Norcross, 1010 Kings Highway So., #2-C Cherry Hill, NJ 08034	National Check Cashers Coalition	38,210.32	10,580.00
Julia J. Norrell, 1001 Pennsylvania Avenue, NW Washington,*DC 20004	American Council of Life Insurance, Inc	5,325.00	112.77
North American Export Grain Assn, Inc, 1030 15th Street, NW, #1020 Washington, DC 20005			
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		13,413.82	13,413.82
North West Timber Association, PO Box 5554 Eugene, OR 97405			
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,280.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			3,469.46
Mary Jane Norville, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	200.00
NorLight, 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719			
Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036	Aetna Life & Casualty	3,000.00	2,475.00
Do	Northwestern National Life Insurance Co	1,000.00	575.00
Do	Southern California Edison Co	250.00	375.00
Nathan Note, Box 373 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
P. Michael Nugent, Suite 1300, North Tower 1331 Pennsylvania Ave., NW Washington, DC 20004	EDS Corporation		
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	10,436.21
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	12,966.00	919.83
C. D. Nyberg, P.O. Box 800 Austin, MN 55912	Geo. A. Hormel & Co		
NL Industries, Inc, 3000 North Belt East P.O.Box 60087 Houston, TX 77205			2,700.00
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	466.63	401.55
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,585.00	238.70
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	10,688.00	24.00
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW Washington, DC 20037	Harley-Davidson, Inc	6,000.00	426.76
Mary Eileen O'Brien, 1800 M St., NW, Suite 710 South Washington, DC 20036	Dow Corning Corp		
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	900.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	1,500.00	75.00
Rosemary L. O'Brien, 2550 M St., NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	
Thomas H. O'Brien, P.O. Box 69, The Cay Key Colony Beach, FL 33051	Harris Corporation	2,500.00	1,046.45
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	12,000.00	1,229.97

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042	American Textile Machinery Assn	300.00	
Shannon O'Chester, 122 C Street, NW, #800 Washington, DC 20001	Concerned Women for America	6,744.24	
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co		12.60
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation		
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)	1,500.00	
Do	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)	1,250.00	
Do	Keefe Company (For:Westinghouse Electric Corp)		
William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601	U.S. League of Savings Institutions	25,375.00	2,091.28
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	13.25
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	American Supply Association	6,500.00	2,367.28
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators	3,800.00	1,392.53
Do	Steel Tank Institute		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Bus Assn	13,687.40	
Do	American Businesses for Int'l Trade		
Do	American Clinical Laboratory Assn	1,250.00	
Do	American Family Life Assurance Co		
Do	American Insurance Assn		
Do	American Maritime Transport, Inc		
Do	American Soc of Assn Executives	2,842.74	
Do	American Trucking Assns, Inc		
Do	Arthur Andersen & Co	1,000.00	
Do	California Student Loan Finance Corp	2,436.29	
Do	Center for Environmental Education, Inc		
Do	ChemWaste Management, Inc		
Do	China External Trade Development Council	3,600.00	
Do	City of Minneapolis	500.00	
Do	Coca-Cola Company	13,100.00	
Do	Connaught Laboratories, Inc	6,885.37	
Do	Consumer Credit Insurance Assn	1,000.00	
Do	CNA Insurance Co	1,669.02	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Eastern Michigan University	402.11	
Do	Electronic Data Systems Corp	1,000.00	
Do	Embassy of Bolivia		
Do	Government of Netherlands Antilles	49,500.00	
Do	Hennepin County	500.00	
Do	Independent Advertising Council	2,000.00	
Do	Independent Computer Consultants Assn	4,298.49	
Do	Investment Company Institute	1,500.00	
Do	Journal Newspapers		
Do	Kawasaki Kisen Kaisha, Ltd	3,761.33	
Do	Martin Marietta Corp	4,800.00	
Do	Mercedes-Benz of North America, Inc		
Do	Mexican Cement Chamber	12,000.00	
Do	Miller & Schroeder Financial, Inc		
Do	Minnesota Mutual Life Insurance Co	6,000.00	
Do	Mitchell Sweet & Associates	2,443.02	
Do	National Assn of Portable X-Ray Providers		
Do	National Assn of Private Enterprise of El Salvador	3,600.00	
Do	National Club Association		
Do	National Funeral Directors Assn	9,721.00	
Do	Primark Corporation	2,376.63	
Do	Roberts & Shefelman		
Do	Joseph E. Seagram & Sons, Inc	516.52	
Do	SmithKline Beckman Corp	4,835.81	
Do	State of Alaska	6,637.85	
Do	State of West Virginia		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp	2,000.00	
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	2,500.00	
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	450.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
Daniel J. O'Grady, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union		
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,552.07	391.19
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,052.70	266.90
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	125.00	
James G. O'Hara, Patton, Boggs & Blow 2550 M St., NW, #800 Washington, DC 20037	Wayne County Michigan	842.50	9.50
Jerry O'Keefe Jr., 8225 Florida Blvd., 3rd Floor Baton Rouge, LA 70806	Physicians Reliance Assn		22,000.00
O'Keefe Ashenden Lyons & Ward, One First National Plaza - Suite 5100 Chicago, IL 60603	American Invsco Corporation		
Charles B. O'Keeffe Jr., 1615 L St., NW, #920 Washington, DC 20036	Sterling Drug, Inc		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	City of Atlantic City		
Do	CIGNA Corp		8,964.57
Do	Dulles Access Rapid Transit Corp		
Do	Holden Group, Inc (Public Employer Benefits Council)		
Do	Mobil Oil Corp		33,060.66
Joseph O'Neil, 1000 Wilson Blvd., 31st Floor Arlington, VA 22209	ITT Corporation	2,000.00	45.00
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,344.00	5,327.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	American Retail Federation	2,400.00	124.50
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	Bank of New England		
Do	Business Roundtable	1,100.00	
Do	BHC, Inc		
Do	Chris-Craft Industries, Inc		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	Glass Packing Institute		
Do	Massachusetts General Hospital		
Do	Massachusetts Hospital Assn		
Do	Milk Industry Foundation		
Do	National Assn of Jai-Alai Frontons, Inc		
Do	National Football League		
Do	National Gas Pipeline Coalition		
Do	New England Deaconess Hospital	500.00	
Do	Northwestern Mutual Life		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Sears Roebuck & Co	900.00	
Do	Source Data Network		
Do	Texas Utilities Co		
Do	USTA		
Do	USX Corporation		
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Tobacco Institute	600.00	
J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,500.00	
John E. O'Toole, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	750.00
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,464.75
Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	700.00	
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Harry R. Obley, One Mellon Bank Center, #3003 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al	2,000.00	1,452.46

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc.	550.00	1,905.04
Thomas P. Ochsenschlager, 1850 M Street, NW, #300 Washington, DC 20036	Grant Thornton		
Thomas J. Oden, 1503 N. Filmore St. Arlington, VA 22201	National Milk Producers Federation	5,500.00	
Neil H. Offen, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Marion Browne Oglesby Jr., 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Boys Scouts of America)		
Do	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:CSX Corporation)		
Do	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby, Inc.		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Illinois Department of Energy & Natural Resources).		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Multinational Business Services)		
Do	Hecht Spencer & Oglesby, Inc (For:Mutual Fairness Taxation Assn)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc.	687.50	500.00
Eric Olson, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,677.94	
Gerald L. Olson, Pillsbury Center, MS 3771 Minneapolis, MN 55402	Pillsbury Company		
Richard C. Olson, 2000 Edmund Valley Drive, #400 Reston, VA 22091	Citibank, N.A.	3,400.00	
Do	DynCorp	6,739.00	153.00
Roy E. Olson, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc.		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Los Angeles-Long Beach Harbor Repair Council	200.00	
Do	Signal Landmark	500.00	
Do	United Engineers & Constructors	300.00	
Clark Onstad, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp, et al.	9,000.00	7,118.00
Charles J. Orasin, 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc.	10,365.00	
Michel Orban, American Express Company American Express Tower World Financial Center New York, NY 10285-4890	American Express Co.		
Elvira J. Orly, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc.		
Edward R. Osann, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	222.21	
Charles D. Osborn, Gwinn Area Community Schools, M-35 Gwinn, MI 49841	Gwinn Area Community Schools.		
James L. Osborne, 4th & Davis Streets P.O. Box 808 McMinnville, OR 97128	National Assn of Mutual Insurance Cos		
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Tranpsortation Communications Union	1,000.00	
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries, Inc	7,500.00	
Do	U.S. Federation of Small Businesses, Inc.	1,500.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corp	2,667.00	
Gene E. Overbeck, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc.	2,125.00	65.05
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,375.00	834.44
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	American Savings Financial Corp		
Do	Dollar Savings Bank, et al.	32,929.75	5,815.09
Do	Washington Physicians Service		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	1,320.00	
P/M Consulting, Inc, l2ll Connecticut Avenue, N.W. Suite 506 Washington, DC 20036	Syscon Corporation	9,000.00	9,000.00
Do	Talley Corporation	9,000.00	9,000.00
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn.	2,722.70	58.80
Preston R. Padden, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc.	3,000.00	
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Pagonis & Donnelly Group, 1620 Eye St., NW, #202 Washington, DC 20006	Air Products & Chemicals Inc	1,250.00	
Do	Americans for National Dividend Act, Inc	5,000.00	
Do	ABB, Inc.	4,087.50	18.95
Do	Burroughs Wellcome Co	13,293.75	295.76
Do	City of Pompano Beach		
Do	Dow Chemical USA	11,437.50	15.35
Do	Harrah's, Inc.		
Do	Holiday Corp	12,900.00	745.48
Do	Management Compensation Group	2,010.00	
Do	National Wool Growers Assn		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Atlantic Richfield Co.	10,312.50	
Do	European Community	13,200.00	
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	American Soc of Composers Authors & Publishers	40,500.00	
Do	Artists for Tax Equity	12,499.98	
Do	RJR Nabisco, Inc	12,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Marcia M. Pape-Daniels, 1201 Pennsylvania Ave., NW, #250 Washington, DC 20004	CH2M Hill	750.00	
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
David N. Parker, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	9,836.81	368.66
Tom V. Parker, Arkansas Petroleum Council 460 Twin City Bank Bldg. North Little Rock, AR 72114	American Petroleum Institute	1,707.00	2,586.50
Benjamin G. Parks III, 1919 Pennsylvania Avenue, #300 Washington, DC 20006	National Forest Recreation Assn	750.00	
Do	National Inholders Assn.	7,920.00	439.89
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	5,000.00	195.00
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	1,828.13	
Ann M. Parman, l701 K Street NW, Suite 400 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Tom E. Paro, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	365.00	
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,000.00	500.00
Richard M. Parsons, 1652 Wainwright Dr. Reston, VA 22090	Safari Club International	10,950.00	553.60
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,500.00	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	1,229.48
Richard E. Pasco, 1015 15th St., NW, #402 Washington, DC 20005	National Pork Producers Council		
M. Stephanie Patrick, 1101 15th Street, NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	111.54	633.61
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency	3,052.50	
Do	Burke Williams & Sorensen (For:City of Huntington Beach)		
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Richard M. Patterson, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical Co	500.00	5,025.00
Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn	4,268.74	
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	150.00	3.50
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Group for 8(a) Reform	480.00	
Do	Advanced Technology, Inc.	3,000.00	
Do	Aiwa America, Inc	1.04	0.01
Do	Akai America, Ltd	2.07	0.03
Do	Alexander & Baldwin, Inc.		
Do	American Congress on Surveying & Mapping	2,640.00	
Do	American Express Co.		
Do	American International Automobile Dealers Assn		
Do	American Logistics Assn.		
Do	American Maritime Assn	97.50	
Do	American Stock Exchange	87.50	5.00
Do	Association of Professional Flight Attendants.		
Do	Association of Trial Lawyers of America	4,077.50	170.30
Do	Atacra Trustees	540.00	26.00
Do	ALTA Technology		
Do	Biogen		
Do	BATUS, Inc.	4,850.00	12.50
Do	Cadawalader Wickersham & Taft		
Do	Center for Molecular Medicine & Immunology	87.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chelsea Property Owners		
Do	Chemfix Technologies, Inc		
Do	Chicago Board Options Exchange	225.00	40.00
Do	Chrysler Corporation		
Do	City & County of Denver	385.00	3.95
Do	Coalition on State Use Taxes	6,000.00	86.06
Do	College Savings Bank	360.00	24.00
Do	Columbia Farm Credit District		
Do	Columbia, Inc	1.40	0.02
Do	Computerland Corporation		
Do	Costa Rican Foreign Trade Committee		
Do	Council of Graduate Schools	525.00	150.00
Do	Crowley Maritime Corp		
Do	Cryolife, Inc		
Do	CIGNA Corporation		
Do	Dealer Action Association	87.50	
Do	Dole Fresh Fruit Co		
Do	Dredging Industry Size Standards Committee (DISSC)	8,357.00	11.95
Do	Duty Free Shoppers Group, Ltd		
Do	DOYON, Ltd	1,685.00	86.50
Do	Fiart Cantieri Italiani, S.P.A.	3,920.00	
Do	Fidelity Investors		
Do	Fishing Vessel Owners' Assn	550.00	48.00
Do	Flint Industries		
Do	Freedom to Advertise Coalition	640.00	8.00
Do	Fuji Photo Film USA, Inc	8.05	0.12
Do	Fundacion de Defensa del Comerio Exterior		
Do	Government of the Republic of the Marshall Islands		
Do	Great Western Financial Corp	87.50	
Do	G. Heilman Brewing Co, Inc	225.00	20.00
Do	Hitachi Sales Corp of America	66.31	0.98
Do	Hobby Industries Assn		
Do	Hotel Dieu Hospital		
Do	Immune Response Corp		
Do	Incorporated Research Institutions for Seismology		
Do	Institute of Scrap Iron & Steel, Inc	900.00	78.00
Do	International Thomson, Inc	305.00	10.00
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation	4.57	0.07
Do	Litton Industries, Inc		
Do	Loan America Financial Corp		
Do	Loop, Inc		
Do	Marathon Oil Co	4,887.50	10.00
Do	Mars, Inc	1,755.00	20.00
Do	Mass Mutual	1,412.50	385.00
Do	Matson Navigation Co	175.00	15.00
Do	Matsushita Electric Corp of America	158.90	2.34
Do	Maxell Corp of America	18.36	0.27
Do	May Department Stores Co	900.00	24.00
Do	Metropolitan Life	400.00	300.00
Do	Minerals Marketing Corp of Zimbabwe		
Do	Mitsubishi Electric Sales of America, Inc	41.72	0.62
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	200.00	325.00
Do	MCI Telecommunications, Inc	720.00	16.80
Do	Nakajima All Co, Ltd		
Do	Nakamichi USA	2.68	0.04
Do	National Assn for Foreign Student Affairs		
Do	National Assn of Life Underwriters	1,200.00	275.00
Do	National Assn of Retail Druggists		
Do	National Cable Television Assn, Inc	1,035.00	26.00
Do	National Intergroup, Inc	3,750.00	
Do	National Marine Manufacturers Assn	1,887.50	84.00
Do	National Soft Drink Assn		
Do	Navajo Nation	710.00	80.00
Do	New Process Co		
Do	New York Life Insurance Co	400.00	375.00
Do	Newmont Mining Corp		
Do	Northwestern Mutual Life	1,500.00	401.00
Do	NEC Electronics (USA) Inc	34.53	0.51
Do	Onkyo USA Corp	2.99	0.04
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc		
Do	OTASCO, Inc		
Do	Paine Webber, Inc		
Do	Pioneer Electronics (USA), Inc	5.43	0.08
Do	Reader's Digest Assn, Inc		
Do	William G. Reed		
Do	Retail Industry Trade Action Coalition		
Do	Retail Tax Committee		
Do	Rice Millers' Assn		
Do	Sansui Electronics Corp	0.79	0.01
Do	Sanyo Electronics, Inc	45.32	0.67
Do	Sharp Electronics Corp	55.94	0.82
Do	Shell Oil Co		
Do	Charles E. Smith Companies	180.00	
Do	Smokeless Tobacco Council, Inc	860.00	48.00
Do	Sony Corp of America	40.20	0.59
Do	Squibb Corporation	87.50	
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman	400.00	
Do	Teac Corp of America	3.29	0.05
Do	Teknika Electronics Corp	0.49	0.01
Do	Toshiba America, Inc	37.03	0.55
Do	TDK USA Corp	21.41	0.32
Do	U.S. Air, Inc		
Do	U.S.A. Coalition/Fishing Vessel Reflagging		
Do	Union Pacific Corp	175.00	10.00
Do	Unitary Tax Campaign		
Do	Universal Lottery Co		
Do	US JVC Corporation	54.29	0.80
Do	WWL-TV	1,725.00	35.00
Do	Yamaha Electronics Corp, USA	3.17	0.05
Andrew R. Paul, 1875 Eye Street, NW, #1225 Washington, DC 20006	Gulf & Western, Inc	5,500.00	216.15
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Amdahl Corporation		
Do	CalMat Company		
Do	GAF Corporation		
Do	Kawasaki Motors Corp, USA	22,196.25	
Do	Oglethorpe Power Corp		
Do	Security Life of Denver	6,825.00	
Do	Tobacco Institute		
Do	U S Committee for Energy Consumers	115.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc	1,625.00	
Tommy J. Payne, 1875 Eye St., NW, #800 Washington, DC 20006	Tobacco Institute		
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			7,480.12
Marc A. Pearl, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action	15,000.00	
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	15,000.00	2,220.67
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	315.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,250.00	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,771.82
Pennwalt Corporation, Three Parkway Philadelphia, PA 19102			4,240.67
Pension Real Estate Assn, 1129 20th Street, NW, #705 Washington, DC 20036			
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc	1,290.60	
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20910	American Soc for the Prevention of Cruelty to Animals	1,500.00	1,500.00
Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		
James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108	Palmer & Dodge (For:National Assn of Bond Lawyers)		688.88
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Boeing Company		
Do	Burlington Northern, Inc		
Do	Cook Inlet Region, Inc		
Do	Kootznoowoo, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Beneficial Management Corp of America)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Perkinson & Associates, Inc, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Do	Save Home Equity Deductions (SHED)		
Ernest Michael Perley, 112 St. Clair Avenue, West, #401 Toronto, Ontario M4V 2Y3	Canadian Coalition on Acid Rain	1,600.00	2,191.31
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,250.00	531.69
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	American Assn for Counseling & Development		
Franklyn G. Perry, #22870-048 P.O. Box 1000 Leavenworth, KS 66048-1000			
Kate M. Perry, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	307.35	
Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights		
Phillips S. Peter, 1331 Pennsylvania Avenue, NW—Suite 800-s Washington, DC 20004	General Electric Co	100.00	
Michael W. Peters, 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	1,650.00	503.00
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20004	Distilled Spirits Council of the U.S., Inc	2,000.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute	556.00	731.25
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Mary B. Peterson, 700 New Hampshire Ave., NW Washington, DC 20037	General Motors Corp	5,000.00	102.00
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036	Federated Research Corp	26,400.00	1,040.52
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		205,525.00	20,570.07
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Cultural Institutions Retirement Systems)		
Do	Patterson Belknap Webb & Tyler (For:Financial Institutions Retirement Fund)	5,547.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Annabelle Petys, 1500 10th Avenue, North, Apt. 3 St. Petersburg, FL 33705			62.24
Paul Joseph Pew, 345 West 200 South Provo, UT 84601			
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia	34,500.00	
Do	Juvenile Products Manufacturers Assn	7,500.00	
Do	Metro	9,200.00	
Do	Metropolitan Toledo Consortium	13,875.00	
Do	National School Health Education Coalition	5,100.00	
Do	New York State Bridge Authority	3,000.00	
Do	Regional Transit Authority	13,500.00	
Do	Southeastern Pennsylvania Transit Authority	9,000.00	
Robert X. Peyton, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	2,000.00	135.03
Kurt Pfotenhauer, 555 13th Street, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	5,000.00	38.58
James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	3,570.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		28,136.10	28,136.10
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,577.25	528.18
Dennis J. Phelan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	3,750.00	100.00
Do	Pacific Seafood Processors Assn	7,500.00	255.34
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	6,800.00	6,759.36
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	22,775.52	4,257.52
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	230.00	354.15
Janet K. Phillips, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	795.00	
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	6,600.00	
William G. Phillips, 417 Sixth Street, SE Washington, DC 20003	Association of Univ Environmental Health Science Centers	6,000.00	714.64
Do	Association of Univ Programs in Occupational Health & Safety	11,050.00	2,082.72
Do	Metal Trades Department, AFL-CIO	5,325.00	300.01
Phillips Nizer Benjamin Krim & Ballon, c/o Tibero Schwartz 40 West 57th Street, 32nd floor New York, NY 10019	Riverbay Corp	1,416.53	266.93
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	2,000.00	1,161.54
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	4,000.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	435.30	320.11
Janice Pieper, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers Int'l Union	9,423.05	1,343.92
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	29,575.00	103.00
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	American Academy of Pediatrics	20,000.00	
Do	Contel ASC	3,750.00	
Do	Dun & Bradstreet Corp		
Do	El Pomar		
Do	Genentech	17,188.50	
Do	Infectious Diseases Society of America	12,000.00	
Do	Securities Industry Assn	2,750.00	
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		222.76
Do	Six Flags Corporation		
Susan G. Pikrallidas, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
John H. Pilcher, 1331 Pennsylvania Ave.,NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc		42.00
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc		
Do	Temis Ramires de Arellano		
Jane Pinsky, 1101 14th St., NW, #200 Washington, DC 20005	American Nurses' Assn	4,625.00	417.50
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,121.00	
Piper & Marbury, 1200 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,521.25	
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036	American College of Emergency Physicians	3,742.05	271.96
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		6,081.20	6,081.20
Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	5,250.00	520.89
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	1,383.84	33.00
Podesta Associates, Inc, 426 C Street, NE, Lowerlevel Washington, DC 20002	American Newspaper Publishers Assn		
Do	Chemical Producers & Distributors Assn		93.54
Do	Merck & Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co	15,000.00	
Gerald Poje, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	309.27	
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		
Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp	2,785.00	780.00
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Richard Popkin, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Portable Power Equipment Manufacturers Assn, 4720 Montgomery Lane, #514 Bethesda, MD 20814		375.00	375.00
Porte Stafford & Associates, 1050 17th Street, NW, #840 Washington, DC 20036	American Medical Records Assn	3,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	9,000.00	
Carol Alice Porter, 1000 Connecticut Ave., NW, #1002 Washington, DC 20006	Wildlife Legislative Fund of America	6,369.90	
Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215	Coalition for Environmental Energy Balance	97,581.25	2,680.83
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Robert D. Powell, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Council on Education	2,940.00	
Do	Bayley Seton Hospital		
Do	Belz Investment Co	1,230.00	
Do	Chase Manhattan Bank, N.A.		
Do	Committee for Competitive Marketing	2,092.00	
Do	Council of State Housing Agencies	532.00	
Do	Federal National Mortgage Assn		
Do	General Cinema Corp		
Do	Hitachi Sales Corp of America		
Do	International Telecommunications Satellite Organization	3,500.96	
Do	Jacques Borel Enterprises, Inc	1,680.00	
Do	Massachusetts Housing Finance Agency		
Do	National Development Service Corp		
Do	National Investment Development Corp		
Do	National Multi Housing Council		
Do	Starrett Housing Corp	684.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,552.07	1,274.72
Frederick W. Powers III, 223 Perimeter Center Parkway P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Energy & Automation, Inc		
Graydon R. Powers Jr., 1101 16th St., NW Washington, DC 20036	Scientific Apparatus Makers Assn		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	7,150.00	64.07
David J. Pratt, 1130 Connecticut Ave., NW, #100 Washington, DC 20036	American Insurance Assn	630.00	80.00
Robert L. Pratt, 125 Second Avenue Waltham, MA 02254	Thermo Electron Corporation	5,200.00	2,103.00
Richard H. Prendergast, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Nuclear Insurers	125.00	
Do	American President Lines	2,962.50	
Do	Bay Tankers Inc		
Do	Bellingham Cold Storage		
Do	Burlington Northern Railroad		
Do	Calista Corp		
Do	Council on Research & Technology	6,210.00	
Do	COMPACT		
Do	Data General Corp	2,392.00	
Do	Design Professionals Coalition		
Do	Dragnet Fisheries, Inc		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Kellogg Company		
Do	Lutheran Medical Center		
Do	Marine Management, Inc		
Do	Martin's Point Health Care Center		
Do	Moore McCormack Resources, Inc		
Do	Mutual Atomic Energy Liability Underwriters		
Do	National Council on Compensation Insurance	165.00	
Do	Pacific Medical Center		
Do	Port of Seattle		
Do	Seaboard Pacific Co		
Do	Seattle Organizing Comm		
Do	South Dakota Dept of Transportation		
Do	Sunmar Shipping, Inc	2,061.00	
Do	Transportation Institute		
Do	Tri-City Industrial Development Council	200.00	
Do	University of Michigan Hospitals		
Do	University of Washington		
Do	Waste Management, Inc		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute	1,500.00	
Do	Toyota Motor Manufacturing, USA	210.00	8.00
Do	Wolverine Exploration	278.00	6.00
Patricia Pride, 1129 20th St., NW Washington, DC 20036	Financial Accounting Foundation	300.00	209.19
Lesley Primmer, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036	Planned Parenthood Fed of America, Inc	1,201.10	51.00
William Prindle, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy	284.99	
Joel Pritchard, Bogle & Gates One Thomas Circle, NW, #900 Washington, DC 20005	International Telecommunications Satellite Organization		
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	583.09
Pro-Life CDAC 12, P.O. Box 7145 Menlo Park, CA 94025			
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	855.66
Product Liability - Sports, 200 Castlewood Drive North Palm Beach, FL 33408		1,625.00	
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Project Advisory Group, 1029 Vermont Ave., NW, #860 Washington, DC 20005			937.81
Project Cure, Inc, 2020 K St., NW, #350 Washington, DC 20006			
Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			4,000.00
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	3,200.00	
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	194.00	
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		21,050.00	21,050.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		57,275.26	23,128.37
Public Employer Benefits Council, 555 13th Street, NW #500-W Washington, DC 20004			
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	462.50	
Philip N. Pulizzi Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	110.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,475.00	102.76
Do	Florida Progress Corp	625.00	12.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	5,100.00	
Robert N. Pyle & Associates, 3222 N Street, NW, #32 Washington, DC 20007	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	150.00
Do	Stratcor	6,000.00	110.00
Do	Welch Foods, Inc	3,750.00	65.00
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc		
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,470.00	279.27
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
George Gregory Raab, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		53.15
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	5,000.00	736.55
Clifford Raber, One McDonald's Plaza Oak Brook, IL 60521	McDonald's Corp		
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Peri Jude Radecic, 1517 U Street, NW Washington, DC 20009	National Gay & Lesbian Task Force (NGLTF)	6,000.00	
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Washington Public Utility Districts Assn	4,200.00	
Radin & Associates, Inc, 1200 New Hampshire Ave., NW Washington, DC 20036	Arnold & Porter		
W. A. Radziewicz, 400 First Street, NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Michael Rae, 2030 M St., NW Washington, DC 20036	Common Cause	5,897.52	32.00
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Tanya A. Rahall, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	7,750.02	82.75
Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	225.00	45.00
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		137,450.00	266,562.77
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	13,500.00	9,093.55
Donald A. Randall, P.C., 321 D Street, NE Washington, DC 20002	Automotive Service Assn	21,893.68	
Do	National Independent Dairy-Foods Assn	2,100.00	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
Tim Ransdell, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	7,500.00	50.00
Robert A. Rapoza Associates, Inc, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20009	National Rural Housing Coalition	11,633.60	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	5,766.79
Brian Rasmussen, 655 Fifteenth Street, NW, Suite 350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Billye Lynn Ratliff, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
Robert Ratliffe, 5808 Lake Washington Blvd., 3rd Fl. Kirkland, WA 98033-7397	McCaw Communications Cos		
John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	350.00	234.06
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,075.00	
Craig Raupe, Campbell-Raupe, Inc 1010 Pennsylvania Ave., SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Airlines, Inc		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Pitney Bowes		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Union Pacific Corp		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	Anti Friction Bearing Manufacturers Assn	1,200.00	
Do	Bayley Seton Hospital	2,000.00	80.18
Do	Gift of Life Organ Procurement Organization, Inc	2,000.00	225.67
Do	Maimonides Hospital, et al.	2,000.00	
Do	Pines Steel Supply Corp	1,000.00	158.99
Do	Regional Transit Authority (New Orleans)	1,000.00	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Ralph Rayburn, 403 Vaughn Bldg. 807 Brazos Austin, TX 78701	Texas Shrimp Assn	937.50	270.00
Floyd C. Raynard, 3169 Holcomb Bridge Rd., #505 Norcross, GA 30071	Stellar Technology Enterprises, Inc		
Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131-2363	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)	698.68	
Julian O. Read, 1005 Congress Avenue, #500 Austin, TX 78701	Central & South West Corp		
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Robert E Redding, 7315 Wisconsin Ave., #325 E Bethesda, MD 20814	Shippers National Freight Claim Council, Inc		
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	20.50
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	25.00
Robert S. Reese Jr., 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	209,129.33	153,065.91
Do	Philip Morris USA	13,145.41	8,735.23
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,000.00	
J. Ronald Reeves, Washington National Airport Washington, DC 20001	U.S. Air, Inc	2,000.00	175.00
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	8,000.00	906.08
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036		2,000.00	2,000.00
John Regnier, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Kenneth A. Reich, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Reclamation Corp	324.00	59.00
Reichler, Appelbaum & Wippman, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	64,299.00	974.62
Do	Republic of Nicaragua	4,000.00	116.00
Do	United Coconut Assn of the Philippines	24,000.00	1,909.28
Michael Reid, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy		
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	2,706.29	172.13
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	City of Philadelphia	43,905.50	2,804.55
Do	Committee of Corporate Telecommunications Users		
Do	CIAC Group	1,364.00	78.00
Do	Edison Electric Institute	2,078.75	7.00
Do	Pennsylvania Shipbuilding Co		
Do	Philadelphia Industrial Development Corp		
Do	Rhode Island, Inc		
Do	SPD Technologies		
Do	Transol USA, Inc	2,280.00	
Do	Utility Decommissioning Group		57.00
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Diane Reis, 1275 K Street, NW, #750 Washington, DC 20005	National Women's Political Caucus	4,000.00	
Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002		106,632.66	13,445.07
Zev M. Remba, 1111 14th Street, NW Washington, DC 20005	Academy of General Dentistry		
Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers	4,300.00	723.22
Resource Technical Consultants (USA), Inc, d/b/a TECNA 330 Seventh Avenue, #1902 New York, NY 10001			
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		71,880.02	35,694.08
John H. Reurs, 74 Trinity Place New York, NY 10006	New York Comm of Intl Comm of Passenger Lines		
Vincent P. Reusing, 1615 L Street, MW, #1210 Washington, DC 20036	Metropolitan Life Insurance Companies	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	16,791.86	122.15
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	3,850.00	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Frederick W. Rhodes, 1828 L Street, NW #801 Washington, DC 20036	Loral Systems Group	4,250.00	
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,562.49	164.99
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation		
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			308.47
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	241.38
John C. Richardson, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:Underwriters at Lloyd's London)		
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	36.75
Kevin C. Richardson, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	3,000.00	386.37
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,092.00	
Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015	National Assn for Stock Car Auto Racing, Inc (NASCAR)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Motorsports Comm of ACCUS, FIA, Inc		
Larry D. Rickards, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,500.00	212.60
Riddell Holroyd & Butler, P.O. Box 65097 Washington, DC 20035	Associates Corp of North America		
Do	W. K. Kellogg Foundation		
Judy Noel Riddle, 6630 West Broad Street Richmond, VA 23230	Lawyers Title Insurance Co		
Mary Catherine Riddle, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	75.00	30.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	693.00	646.51
E. George Riedel, 1000 Wilson Blvd., 31st Floor Arlington, VA 22209	International Telephone & Telegraph Corporation	2,500.00	70.00
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	13,674.00	245.30
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	National Assn of Casualty & Surety Agents	1,000.00	113.43
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Kevin J. Riordan, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	125.00	100.00
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,562.50	30.00
Riselli & Pressler, P.C., 2033 M Street, NW, #504 Washington, DC 20036	Professional Managers' Assn		
Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036	Association of American Publishers	2,000.00	
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James E. Ritchie & Associates, 499 S. Capitol St., SW, #400 Washington, DC 20003	Gaming Industry Assn of Nevada, Inc	3,200.00	4,072.75
Do	Golden Nugget, Inc		
Do	National Assn of Off-Track Betting	1,900.00	4,989.19
Do	National Assn of Optometrists & Opticians, Inc	21,936.70	5,420.71
Do	Nevada Resort Assn	4,800.00	6,109.13
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	2,700.00	
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc	240.00	
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	National Basketball Assn		
Do	National Foreign Trade Council	7,250.00	2,290.00
Do	Primerica		
Carole T. Roberts, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	1,825.00	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		572.00
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Co (For:Sanders Associates, Inc)	1,500.00	
Do	Keefe Company (For:Tres Grande Vitesse (TGV-USA, Inc))	2,000.00	
Do	Keefe Company (For:University of Miami)	600.00	
Do	TKC International, Inc (For:UNIAO Nacional Para Independencia Total DeAngola)	12,500.00	
Gordon C. Robertson, 444 North Capitol St., NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	9,312.54	190.94
Nathan Robfogel, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Dominium Group, Inc		
Do	Polaris Industries	560.00	24.00
Do			250.00
Betty S. Robinson, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	13,333.92	124.10
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Michelle Robinson, 20 Park Plaza, Suite 603 Boston, MA 02116	Council for a Livable World	2,775.20	
Do	Peace Political Action Committee	1,575.10	
Thomas E. Robinson, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	750.00	
Do	Pension Real Estate Assn		
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	Euromissile		
Do	FMC Corporation	4,500.00	5,078.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	1,750.00	688.78
Patrick C. Rock, 1120 Connecticut Avenue, NW Washington, DC 20036	United Gas Pipe Line Co		
Quincy Rodgers, 1155 21st Street, NW, #400 Washington, DC 20036	General Instrument Corporation	3,000.00	52.02
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co	9,698.00	
Bruce N. Rogers, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,002.93
Terrence L. Rogers, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	9,337.75	29,891.89
Rogers & Wells, 200 Park Avenue New York, NY 10166	Adamar of New Jersey, Inc, et al.		
Do	American Express Co		128.51
Do	Liz Claiborne, Inc	2,000.00	348.50
Do	Compagnie Financiere de Paribas	4,000.00	
Do	Desert Palace, Inc		
Do	Dreyfus Corporation	7,500.00	351.75
Do	Grocery Manufacturers of America, Inc		
Do	Indal, Ltd		
Do	Internor Trade, Inc		
Do	Investment Partnership Assn		65.00
Do	Jockey Club		
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar	2,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers	3,062.84	
Do	Pan American World Airways, Inc		
Do	Pan American World Services, Inc		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Walker Telecommunications Corp	3,500.00	100.00
Do	Wine & Spirits Wholesalers of America, Inc		
Do	Wordperfect Corp	17,500.00	
Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	228.68
Stephen F. Rohrkemper, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
John F. Rolph III, 1275 Pennsylvania Ave, NW, #503 Washington, DC 20004	Citibank, N.A.	1,000.00	
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco Inc	600.00	
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Company		
Michael J. Romig, 1001 Pennsylvania Avenue Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 1050 Connecticut Ave., NW, #1200 Washington, DC 20036	American Iron & Steel Institute	2,650.00	
Do	Association of American Railroads	2,750.00	
Do	CalMat Company	2,550.00	
Do	Crawford Fitting Co	2,550.00	
Do	Lone Star Industries, Inc	2,550.00	
James Roosevelt, 567 San Nicolas Dr, # 106 Newport Beach, CA 92660	National Committee to Preserve Social Security	22,500.00	
John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Atlantic Richfield Co		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Amherst College, et al.		
Do	Digital Equipment Corp		
Do	Eastern Gas & Fuel Associates	87.50	
Do	Reebok International Ltd		
Rose Communications, Inc, 1660 L St., NW, #809 Washington, DC 20036	Johnson Matthey, Inc	6,750.00	7,886.93
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Cigar Assn of America, Inc		
Do	Equimark Corporation		
Do	Joy Technologies		
Do	Social Security Protection Bureau	1,200.00	
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	1,904.00	
Ernest S. Rosenberg, 1440 New York Ave., NW, #300 Washington, DC 20005	E. Bruce Harrison Company (For:Alternative Materials Institute)		
Do	E. Bruce Harrison Company (For:NEDA/Clean Air Act Project)		
Do	E. Bruce Harrison Company (For:NEDA/Ground Water Project)		
Gregory M. Rosenberg, 5410 Grosvenor Lane, #120 Bethesda, MD 20814	Mechanical Contractors Assn of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	10,000.00	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Progran, Inc		
Gail E. Ross, 918 16th St., NW, #503 Washington, DC 20006	Washington Independent Writers, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582			
Lawrence J. Ross, Ross & Duerk, P.C. 1700 K Street, NW, #1100 Washington, DC 20006			
William F. Ross, South Carolina Petroleum Council 1310 Lady Street, #716 Columbia, SC 29201	American Petroleum Institute	1,095.00	2,585.71
Ross Marsh Foster Myers and Quiggle, 888 16th St., NW Washington, DC 20006	Church Alliance	16,925.00	1,153.87
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Rhond Rudolph Roth, 813 Maryland Avenue, NE Washington, DC 20002			
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,165.39	306.78
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	9,500.00	1,792.58
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,000.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute	1,100.00	1,371.02
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	200.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	800.00	29.10
J. Patrick Rowland, 918 16th St., NW, #601 Washington, DC 20006	Rowland Government Relations Associates (For:Baker Industries)	1,500.00	
Do	Rowland Government Relations Associates (For:Borg-Warner Automotive, Inc)	1,000.00	
Do	Rowland Government Relations Associates (For:Borg-Warner Chemicals, Inc)	2,000.00	
Do	Rowland Government Relations (For:Committee of National Security Cos)		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		43.23
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202	Medical Identification Card		
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	American Military Sales		
Do	Chrysler Military Sales Corp		
Do	City of Akron, Ohio		
Do	Drexel Burnham Lambert, Inc		
Do	Ford Riff & Burgess		
Do	Harley-Davidson Military Sales		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum Co		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Eric M. Rubin, Rubin Winston & Diercks 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Ganes Chemicals	3,000.00	
Do	Great Lakes Products, Inc	2,310.00	
Do	Research Corp Technologies	660.00	
Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		69.67
Henry C. Ruempler, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	American Bankers Assn	2,000.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers of America	488.00	
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
Morgan S. Ruph, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	21,538.00	
Domenic R. Ruscio, 317 Massachusetts Ave., NW, 1st Floor Washington, DC 20002			
Tonda F. Rush, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc		
James A. Russell, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	475.00	28.85
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher and Associates, Inc	42,500.00	
William Russell & Associates, Inc, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Columbia Communications Corp		
Do	Pacific Telecom, Inc		
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American Assn of Bioanalysts/Intl Soc of Clinical Lab Techs		890.50
Do	American College of Radiology		680.30
Do	American Optometric Assn		750.10
Frank T. Ryan, 1400 K Street, NW Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113	Lake Carriers' Assn		
Joseph Ryan, 1155 21st., NW, 4th Fl Washington, DC 20036	General Instrument Corporation		
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
John Ryan Associates, 8447 Portland Place McLean, VA 22102	MPB Corp	820.00	80.60
Charles Ryan Associates, Inc, 1110 Vermont Avenue, NW, #820 Washington, DC 20005	West Virginia Bankers Assn	2,250.00	518.18
Do	West Virginia Hospital Assn	8,250.00	232.98
Do	West Virginia Independent Oil & Gas Assn	7,500.00	257.62
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	35.00	6.00
RADAR, 4949 S 25A Tipp City, OH 45371		100,833.32	597.40
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad	7,500.00	4,759.61
Do	Bangor & Aroostook Railroad	6,750.00	5,306.39
Do	Chicago & North Western Transportation Corp	36,000.00	6,987.89
Do	Delaware Otsego System	12,000.00	4,759.62
Do	Genesee & Wyoming Corp	750.00	4,759.62
Do	Regional Railroads of America	20,000.00	4,759.63
RJR Nabisco, Inc, 401 N. Main Street Winston-Salem, NC 27102			21,083.88
G. J. Thomas Sadler Jr., 3521 Valley Drive Alexandria, VA 22302	Communications Satellite Corp	1,500.00	311.44
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	828.79
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	250.00	
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	500.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	1,200.00	1,523.03
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute	220.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	200.00	65.30
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives	3,440.20	28.25
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Myron G. Sandifer III, 1001 Pennsylvania Ave., NW, #625-South Washington, DC 20004	Jack McDonald Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	1,500.00	1,035.27
Do	GM Energy Company, Inc		60.32
Do	National Tour Assn, Inc	23,913.00	5,107.05
Do	Truckee-Carson Irrigation District	5,000.00	651.22
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20007	California Assn of Sanitation Agencies	1,500.00	1,134.88
Do	Cure Corp		
Do	Las Virgenes Municipal Water District		
Do	Victor Valley Wastewater Reclamation Authority		
Do	Western Research Institute	1,286.25	945.27
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		732.53
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	22.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		21,887.00	21,764.00
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Thomas C. Sawyer, 1825 K Street, NW Washington, DC 20006	National Broadcasting Co, Inc	5,000.00	353.77
Vicki Schafer, 701 W. Packard Avenue Fort Wayne, IN 46808	Telos Corp		
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1800 Washington, DC 20006	Kansas City Power & Light, et al.	3,000.00	2,795.09
Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	125.00	
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Committee on Pipe & Tube Imports	10,364.16	382.96
Do	Sprinkler Pipe Producers Group	5,977.88	160.27
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	15,007.85	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
Mary L. Schapiro, 1825 Eye St., NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Thomas A. Schatz, 1511 K Street, NW, #643 Washington, DC 20002	Council for Citizens Against Government Waste	1,350.00	97.46
C. M. Schauerte, P.O. Box 3247 Houston, TX 77253	American General Corporation		
Ronald A. Schechter, Goldfarb, Singer & Austern 918 16th Street, NW, #503 Washington, DC 20006	Washington Independent Writers, Inc		
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corporation		
Robert H. Scheerschmidt, 490 L'Enfant Plaza, #4200 Washington, DC 20024	Xerox Corp	500.00	
Robert J. Schenk, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Michael T. Schilling, 1000 Wilson Blvd. Arlington, VA 22209	TRW, Inc	540.00	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	371.46
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041	Oxford Group, Limited		
Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036	Savin Corporation		
Do	Toyota Motor Corporation	1,312.50	126.25
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,000.00	100.00
Elizabeth J. Schram, 555 Thriteenth Street, Suite 450 West Washington, DC 20004	Union Pacific Corp	5,000.00	103.69
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	225.00	5.00
Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
A. Kolbet Schrichte, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Association		100.00
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005	Health Industry Manufacturers Assn		
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	160.00	
Amy J. Schultz, 317 Third St., SE, #22 Washington, DC 20003	Robert A. Rapoza Associates (For:National Rural Health Assn)	9,624.99	
Mark Schultz, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,000.00	
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,629.20	265.77
Robert L. Schulz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309	American Petroleum Institute	1,516.00	2,360.39
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		75.22
Walter A. Schumann III, 16219 San Dominique San Antonio, TX 78232	Potomac Overlook Associates		
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	13,950.00	563.50
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,901.00	3,042.91
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	4,650.00	
Scientific Apparatus Makers Assn, 1101 16th St., NW Washington, DC 20036		6,989.57	7,162.49
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Harold B. Scoggins Jr., 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		6.50
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,423.00	
Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	1,217.31	356.88
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	181.56
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,633.73	
Seabed Association, 3408 Bonnie Road Austin, TX 78703		6,000.00	3,840.00
Earl W. Sears, P.O. Box 12285 Memphis, TN 38112	National Cotton Council of America	380.00	8.89
James E. Secrist, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	2,000.00	755.70
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	2,650.00	
Keeva Segal, 1790 Coral Way, #100 Miami, FL 33145	Alberto Cardenas	2,000.00	405.87
Ruth L. Segal, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates	926.49	1,507.89
Merrill K. Seggerman, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	2,850.00	
George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	1,829.25	1,237.41
Seidman & Associates, P.C., Federal Bar Building, #1001 1815 H Street, NW Washington, DC 20006	National Tooling & Machining Assn	713.93	546.14
Stanton P. Sender, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	4,625.00	65.80
John J. Serfustini, 1407 West North Temple Salt Lake City, UT 84140	Utah Power & Light Co	6,500.00	1,776.96
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	2,000.00	
Stuart D. Serkin, 1156 15th Street, NW, #505 Washington, DC 20009	Coal & Slurry Technology Assn	1,000.00	
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			189.00
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006	Daily Dollar Reserves, Inc		
Do	Merrill Lynch & Co, Inc	307.50	
Do			
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	970.64
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW, #500 Washington, DC 20036	Agricultural Producers		
Do	American Soc of Pension Actuaries	13,800.00	
Do	Flxible Corp		
Do	Technology for Communications International	6,000.00	
Jonah Shacknai, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Merrell Dow Pharmaceuticals, Inc		
Do	Pharmaceutical Manufacturers Assn		
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Ali A. Shami, 6863 Calhoun Dearborn, MI 48126	United Lebanese Lobby of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,350.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	2,000.00	
Luther W. Shaw, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	5,625.00	13.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Contruction Contractors	2,724.69	62.52
Do	American Insurance Assn	5,617.19	110.80
Do	Aronov Realty	546.88	
Do	Association for the Improvement of the Mississippi River		
Do	Atlas Minerals Division		
Do	Auburn University	2,000.00	58.72
Do	ADDSCO Industries, Inc		
Do	Bristol-Myers Co	500.00	
Do	Citmoco Services, Inc	1,975.00	128.02
Do	Drummond Company, Inc	625.00	
Do	Emerson Electric Co		
Do	Federation of Bankers Assn of Japan		
Do	Holly Farms Corp		
Do	Institute of International Bankers		
Do	Intergraph Corporation	1,828.44	11.36
Do	Investment Company Institute		
Do	Investment Counsel Assn of America, Inc		
Do	Michelin Tire Company		
Do	Munitions Carrier Conference	1,250.00	
Do	National Automobile Dealers Assn	10,543.75	84.10
Do	National Industries	1,705.94	67.38
Do	Pfizer, Inc	4,500.00	20.11
Do	Rust Engineering	1,063.13	10.76

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Southern Company Services, Inc	3,750.00	260.97
Do	Taiwan Power Company		
Do	Utility Nuclear Waste Management Group	420.00	1,000.00
Do	Vulcan Materials Co		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Marshall & Stevens, Inc	232.75	
Do	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 223 Perimeter Ctr. Pkwy. P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Energy & Automation, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,088.25	
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,700.00	165.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	1,919.44
Michael W. Sheehy, 1800 K Street, NW Washington, DC 20006	Contel Corp	10,500.00	112.09
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	13,650.00	225.11
Deborah A. Sheiman, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc		
C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute	1,060.00	1,327.13
Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005	Man-Made Fiber Producers Assn, Inc		
George A. Sherman, 6511 Gateway Blvd. District Heights, MD 20747	AMEX Life Assurance Co	12,000.00	1,086.53
Judith C. Sherman, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	21.01
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		
Nelson T. Shields, 1400 K St., NW Washington, DC 20015	Handgun Control, Inc	8,292.00	
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		
Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743			
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	General Atomics	3,490.00	2,368.63
John B. Shlaes, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
T. V. Shockley III, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co		
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	200.00	
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens		1,500.00
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	4,366.87	
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc	39,140.02	
Do	Peoria Journal Star, Inc	6,640.07	
Richard D. Siegel, 1029 Vermont Avenue, NW, #400 Washington, DC 20005-3589	North West Timber Assn	37.50	3.15
Siegel Mandell & Davidson, P.C., One Whitehall Street New York, NY 10004	Sigallo, Ltd		
Susan Siemietkowski, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	8,946.00	1,273.34
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Howard J. Silver, 1625 Eye St., NW, #911 Washington, DC 20006	Consortium of Social Science Assns	1,175.00	58.70
Steve Silver, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Alaska Loggers Assn	4,806.00	
Do	Alaska Pulp Corp		
Do	Amselco Minerals, Inc		
Do	ARCO Marine Co, Inc		
Do	Bristol Bay Native Corp	6,262.50	
Do	General Communications, Inc	560.00	
Do	Standard Oil Co	2,500.00	
Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006		1,372.30	4,881.17
Bruce A. Silverglade, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	75.00	15.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Cushman & Wakefield		
Do	GATX Corporation		
Do	Music Corp of America, Inc		
Do	National Assn of Home Builders of the U.S.		
Do	Rolls-Royce Motor Cars, Inc		
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	7,000.00	69.65
M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482	CertainTeed Corp		
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201	Southland Corporation		
Simon & Company, Inc, 815 15th St., NW, #709 Washington, DC 20005	City of Erie, PA	11,499.96	5,093.12
Do	City of Fresno, CA	11,034.15	7,953.98
Do	City of Portland, OR	9,324.70	5,179.34
Do	Fresno County, CA	7,500.00	5,036.96
Do	Gary, Indiana	8,753.07	5,958.21
Do	San Leandro, CA	4,894.99	5,700.13
Do	Tacoma, WA	659.79	1,552.37
Do	Water Department in San Bernadino, CA	2,570.86	4,776.01
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046	Coastal Corporation		
Patricia Simpson, 105 East 22nd Street New York, NY 10010	Community Service Society	40.64	
Thomas D. Simpson, 700 N. Fairfax Street Alexandria, VA 22314	Railway Progress Institute	525.00	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corporation	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	12.00
Donna L. Singletary, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America, Inc	500.00	
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Dallas/Ft. Worth International Airport	9,000.00	
Do	Galena Resort Co	1,912.50	
Do	National Paint Co, Inc		
Do	New United Motor Manufacturing, Inc		
Richard L. Sinnott & Co, One Thomas Circle, NW, #900 Washington, DC 20005	Oakland Coliseum		
Do	Port of Oakland	18,750.00	
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Telephone & Telegraph Co		
Do	Anheuser-Busch Companies, Inc	2,000.00	
Do	Baker-Hughes, Inc		
Do	Banner Industries, inc	4,000.00	
Do	CSX Corporation		
Do	Drexel Burnham Lambert, Inc	15,000.00	
Do	Dun & Bradstreet	1,500.00	
Do	Foster Wheeler Corp	2,000.00	
Do	Genentech		
Do	General Development Corp	4,000.00	
Do	Government of Jamaica	8,000.00	
Do	Levitz Furniture Corp	5,000.00	
Do	Long Island Power Authority		
Do	Mesa Petroleum Co	100.00	
Do	MCI Communications Corp		
Do	Reynolds Metals Co		
Do	Westinghouse Electric Corp		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	438.00
James H. Skidmore, 1156 15th St., NW, #1201 Washington, DC 20005	NCR Corporation		
William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005	U.S. Pharmacopeial Convention, Inc	1,753.50	71.04
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	6,483.00	8,229.37
Steven A. Skonberg, 3138 North 10th Street, Arlington, VA 22209	National Assn of Federal Credit Unions	1,250.00	17.64
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	7,373.91	
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	325.00	
Jonathan Slade, 444 North Capitol St., #711 Washington, DC 20001	Cuban-American Freedom Coalition, Inc	6,000.00	353.00
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 20007	Grumman Aero Corp, et al	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Joshua J. Slavitt, 450 Maple Ave., E., #204 Vienna, VA 22180	U.S. Defense Committee	1,500.00	
Barry S. Slevin, 1000 Potomac Street, NW, #204 Washington, DC 20007	Seifman Semo & Slevin, P.C. (For:United Food & Commercial Workers International Union).		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Deborah Sliz, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,500.00	
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	3,500.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		11,840.31	40,603.38
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	American Horse Council	3,666.00	
Do	Florida East Coast Railway Co	750.00	
Do	National Hockey League	500.00	
Do	Pennzoil Co	6,000.00	
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James R. Smircina, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al	1,525.00	1,472.95
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266	International Airline Passengers Assn, Inc		
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Center for Electrical Systems & Hydrogen Research	6,562.50	1,179.88
Elizabeth M. Smith, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,500.00	367.31
Gordon L. Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn)	2,500.00	
Herbert Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Angus Defense Systems, Inc)		
Do	Hill & Knowlton, Inc (For:Euromissile)		
Jeffrey A. Smith, 19001 S.Western Avenue Torrance, CA 90509	Toyota Motor Sales, USA, Inc	734.00	1,642.61
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Jerry N. Smith, P.O. Box 9158 Amarillo, TX 79105-9158	Texas Federation of Production Credit Assn		22,973.66
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	20,727.00	5,740.83
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	176.00	158.45
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	3,920.00	1,053.00
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Ronald E. Smith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	3,392.78
Susan Snyder Smith, 7900 Westpark Drive, #514 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	209.81
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	816.66	
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Beneficial Management Corp)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Smith Anderson Blount Dorsett Mitchell & Jernigan, P.O. Box 12807 1300 St. Mary's Street Raleigh, NC 27605	Investment Company Institute	606.29	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	City of Eugene, Oregon	6,000.00	
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	5,000.00	225.00
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc	5,920.56	300.00
Do	San Francisco P.U.C.	5,500.00	
John W. Smith T, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	1,031.25	449.39
Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006		1,535.62	1,535.62
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	GSX Corporation		
Do	Massachusetts Education Loan Authority	701.23	
Do	New England Education Loan Authority	701.23	
Clair A. Snyder, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		5.92
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	300.00	28.25
Gene Snyder, 140 Chenoweth Lane Louisville, KY 40207	Cincinnati Microwave, Inc	15,000.00	3,094.15
Do	Norfolk Southern Corp	15,000.00	3,151.59
Do	U.S. Air Group	15,000.00	3,130.48
Do	United Parcel Service	15,000.00	3,299.74
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	5,843.74	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp		129.10
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		23,925.72	50,633.05
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co	2,252.00	39.46
Sonosky Chambers and Sachse, 1250 Eye Street, NW Washington, DC 20005	Assiniboine and Sioux Tribes		
Do	Mackenzie Turnipseed		
Do	Multi-Housing Laundry Assn, Inc		
Do	Shakopee Mdewakanton Sioux Community of Minnesota		
Do	Standing Rock Sioux Tribe		
Do	Yukon-Kuskokwim Health Corp		
Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000	College of American Pathologists	7,000.00	95.25
Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006	American Assn of Small Dredging & Marine Construction Cos	13,600.00	2,536.02
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		19,179.08	19,179.08
Space Industries, Inc, 2011 Crystal Drive, #903 Arlington, VA 22202			55,170.00
Susan E. Spangler, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	500.00	
D. Dean Sparkman, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	300.00	
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	4,811.29	
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
William C. Spence, 3805 W. Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Alan P. Spielman, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Peter A. Spina, 150 East 42nd Street New York, NY 10017	Mobil Oil Corp		
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	200.00	20.00
Earl C. Spurrier, The Madison Building, #900 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn	420.00	
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alaska Air Group, Inc		
Do	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Chemstar, Inc	9,770.00	
Do	Cincinnati Gas & Electric Co, et al		107.39
Do	Independent Data Communications Manufacturers Assn	2,758.75	63.74
Do	Microband Companies, Inc	562.50	
Do	National Collegiate Athletic Assn	2,907.50	94.20
Do	Public Securities Assn		
Do	Samaritan Health Services	3,971.00	
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	2,250.00	
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	649.78	84.64
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	451.34
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	McDermott, Inc	5,149.20	
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jane Sutter Starke, 1818 N St., NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	3,588.00	80.10
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)		
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)	1,248.90	
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	138.86
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Strategic Resources Corp (For:Listeff Fashions, Inc)	100.00	108.50
Frank M. Staszesky Jr., 10025 Scenic View Terrace Vienna, VA 22180	Bechtel Group, Inc		
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,900.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Mick Staton Associates, Inc, 8712 Gateshead Road Alexandria, VA 22309	Delchamps, Inc		
Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	150.00	35.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	200.00	40.00
Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036	Broadcast Music, Inc	200.00	70.00
Do	Federacion Nacional de Cafeteros de Colombia	200.00	40.00
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Empire Resources, Inc)		
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:National Candle Assn)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Do	Taft Stettinius & Hollister (For:Westland Oil Development Corp)		
Dean E. Steel, 1655 N. Ft. Myer Drive, #1120 Arlington, VA 22209	Varian Associates, Inc		
Steele & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp		753.38
J. C. Steen, 412 First Street, SE, #301 Washington, DC 20003	McDonnell Douglas Corp	600.00	222.42
Do	Snyder Ball Kriser & Assocs (for Allison Gas Turbine Div)	600.00	218.29
Carol Higgins Steenland, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	240.45	214.06
Steier & Kreikemeier PC, 1065 North 115 St., #100 Omaha, NB 68154	Omaha Tribe of Nebraska		
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Long Island University	18,000.00	1,203.87
Do	Nassau-Suffolk Hospital Council, Inc	15,000.00	122.72
Do	National Passenger Traffic Assn	437.20	
Do	SPC Securities Services Corp	22,500.00	789.98
Kristin Steick, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women		427.11
Ramona C. Stelford, 1818 N Street, NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	3,264.25	295.32
Do	Bear Stearns & Co	6,761.94	
Do	Citizens Savings Financial Corp		
Do	Co-Operative Central Bank		
Do	CSO Company	2,313.93	
Do	Harley-Davidson Motor Co, Inc		
Do	Pioneer Financial		
Michael E. Steward, I730 M Street NW Suite 607 Washington,, DC 20036	Puget Sound Power & Light Co	4,300.00	213.60
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Floral Trade Council		
Do	Monsanto Co		
Do	Roses, Inc		
Do	Timken Co		
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,999.00	
Terence P. Stewart, Stewart and Stewart 1001 Connecticut Avenue, NW, #910 Washington, DC 20036	Cabot Corporation		
Do	Floral Trade Council		
Do	Monsanto Co		
Do	PPG Industries, Inc		
Do	Roses, Inc		104.28
Do	Smith Corona Corp	29.25	70.51
Do	Timken Co	29.25	154.37
Do	Torrington Company		
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Chemical Producers & Distributors Assn	2,170.00	656.98
Do	Cheminova		
Do	International Sanitary Supply Assn	937.50	96.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,539.51	17.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	1,675.00	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
David J. Stirpe, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		6,995.00	681.23
Stoel Rives Boley Jones & Grey, 1730 M Street, NW, #900 Washington, DC 20036	A-dec, Inc	1,634.00	1,028.74
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,249.99	126.93
Robin E. Stombler, 1919 Pennsylvania Avenue, NW, #300 Washington, DC 20006	American College of Surgeons		260.32
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,800.00	
Stephen E. Storch, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harry L. Storey, 8400 E Prentice Ave. I5th Floor Englewood, CO 80111	Alliance for Clean Energy	15,000.00	4,565.18
Richard B. Storey, 304 East Brunswick Street Sterling Park, VA 22170	Multi Management Assn, Inc (For:American Assn of Fast Food Soft Serve & Pizza Operators).		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Indiana	5,125.00	18,517.49
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Marcy B. Stras, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:National Candle Assn)		
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America		
Do	National Machine Tool Builders' Assn	2,000.00	2,000.00
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	134.03
Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Dreyfus Corporation	1,280.00	
William M. Stroud, 231 Martingale Road Schaumburg, IL 60196	Zurich-American Insurance Company	5,100.00	5,100.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	11,900.00	2,610.00
Cory N. Strupp, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	3,087.00	358.00
Susan Stuebing, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	300.00	
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	2,584.66	884.80
Lawrence J. Suffredin Jr., 69 W. Washington, #1250 Chicago, IL 60602	Harza Engineering Co		961.35
Glenn Sugameli, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	597.52	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	3,757.48	2,213.55
Edward L. Sullivan, 1120 20th St., NW, Suite S-720 Washington, DC 20036	Peabody Holding Co, Inc		
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc		
Patrick J. Sullivan, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,382.59	2,981.32
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Sullivan & Cromwell, 1775 Pennsylvania Ave., NW Washington, DC 20006	American International Group, Inc		
Do	BP North America, Inc		
Do	Esselte Business Systems, Inc		
Do	Goldman Sachs & Co		
Do	Grand Met USA, Inc		
Do	Kidder Peabody & Co, Inc		
Do	Securities Industry Assn		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Ad Hoc Comm for a Competitive Electric Supply System		
Do	American Industrial Clay & Georgia Kaolin	7,983.75	1,429.86
Do	Anglo-American Clays Corp	7,983.75	1,428.84
Do	Baker Hughes Production Tools		
Do	City of Baton Rouge	3,000.00	26.30
Do	City of New Orleans	3,750.00	14.75
Do	Committee Against Revising Staggers	11,350.00	
Do	Council of Industrial Boiler Owners	3,600.00	
Do	Duke University	795.00	
Do	Engelhard Minerals & Chemicals Corp	7,983.75	1,429.83
Do	Forethought Life Insurance Co	1,300.00	9.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hand Arendall Bedsole Greaves & Johnston		
Do	J. M. Huber Corp	7,983.75	1,429.84
Do	Industrial Oil Consumers Group		
Do	Mutual of Omaha Insurance Co	990.00	
Do	Nord Resources Corp	7,983.75	1,429.84
Do	North American Co for Life & Health Insurance	3,716.00	7.00
Do	Philip Morris, Inc		
Do	Process Gas Consumers Group	25,000.00	
Do	Thiele Kaolin Co	7,983.75	1,429.84
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers	3,081.00	639.00
William W. Suttle, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	580.00	28.00
Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc	2,250.00	
Do	Shell Oil Co	450.00	
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Do	Outboard Marine Corp		
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	20,405.65	
William R. Sweeney Jr., 536 Seventh Street, SE Washington, DC 20003	American Nuclear Energy Council		
Do	China External Trade Development Council		
Do	Embassy of Japan		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	400.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	9,375.00	400.50
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	All-Industry Television Station Music Licensing Committee	4,160.00	
Do	Business Software Assn	6,460.00	
Do	Design Protection Coalition	3,800.00	
Do	Hyundai Motor Company		
Do	National Assn of Public Television Stations		
Do	National Assn of Wholesaler-Distributors		
Do	National Council of Community Hospitals	3,948.75	
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,300.00	25.00
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society	16,000.00	1,325.00
Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Randall Swisher, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	3,000.00	
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	5,001.95
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	560.00	1,614.87
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,000.00	278.14
Anthony Syrett, Crystal Gateway 3, #900 1215 Jefferson Davis Highway Arlington, VA 22202	Marconi Electronics, Inc, et al		
Systematics, Inc, 4001 Rodney Parham Road Little Rock, AR 72212			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
SKC & Associates, 900 17th St., NW, #1100 Washington, DC 20006	Southern Company Services		
Martha Tableman, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	739.24	
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	M&M/Mars		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Do	Uniroyal Chemical, Inc		
Kirk Talbott, Weisgall Law Office 1300 19th St., NW, #407 Washington, DC 20009	Bikini/Kili/Ejit Council		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,386.28	137.00
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	7,200.00	1,364.34
M. Louise Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	900.00	
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	19,044.00	311.02
Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
Taubman Company, Inc, P.O. Box 200 Bloomfield Hills, MI 48303-0200			25,688.00
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Dennis J. Taylor, 36 Grove Street New Canaan, CT 06840	Central States Health & Life Co of Omaha	1,500.00	19,220.23
Do	International Typographers Assn		10,604.67
Do	U.S. Surgical Corporation	72,850.00	16,414.29
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	683.69
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest	899.00	45.00
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,700.17	998.98
R. William Taylor, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
William S. Taylor, 239 W. New York Avenue Las Vegas, NV 89107			
Telos Corp, 3420 Ocean Park Blvd. Santa Monica, CA 90405			
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.		
Templeton & Company, 1000 Potomac St., NW Washington, DC 20007	William M. Keck II	5,000.00	
Do	Space Industries, Inc		
Barbara Cheryl Terio, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,368.00	34.00
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	4,000.00	260.91
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	2,485.00	617.25
Michelle C. Tessier, 1350 Connecticut Ave., NW, # 200 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electrical Co	1,856.80	180.15
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Citicorp Mortgage Finance, Inc	1,245.51	244.42
Do	Massachusetts Bankers Assn		244.42
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,874.99	417.90
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		600.00	600.00
Diane Kay Thomas, 2327 Nebraska Ave., NW Washington, DC 20016	National Assn of Investment Companies	10,766.00	
Doris I. Thomas, 15th & M St, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Henry A. Thomas, 5902 Lamont Drive New Carrolton, MD 20784			
J. David Thomas, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Chemical Division	400.00	140.37
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	60.00	
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Virginia Lamp Thomas, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,400.00	374.58
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	12,000.00	405.00
Barbara Thompson, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	36.00
Bruce E. Thompson Jr., 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314	Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers	5,000.00	225.68
Do	Metal Trades Department, AFL-CIO		
Do	Sheet Metal Workers International Assn	3,000.00	161.68
Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006	Michigan Consolidated Gas Company	2,200.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		519.90
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	56.66	
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	ALTEC International	2,036.25	75.57
Do	Bear Stearns & Co	282.40	
Do	Bristol-Myers Co		
Do	Chicago Research & Trading Group, Ltd	32,380.00	2,743.95
Do	Hinderliter Industries, Inc	1,800.00	150.10
Do	Mitsubishi Electronics America, Inc	12,000.00	1,187.72
Do	Morse/Diesel	1,300.00	403.70
Do	Peterson Group	13,240.62	601.21
Do	Reed International	4,785.94	44.35

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Suzuki of America Automotive Corp	30,000.00	597.29
Thompson & Mitchell, One Mercantile Center, Suite 3400 St. Louis, MO 63101	American Inland Waterways Committee		
Do	Cold Finished Steel Bar Institute	4,524.00	
Do	Crown Life Insurance Co	15,000.00	1,641.23
Do	Mutual Fairness Taxation Assn	31,250.00	10,698.70
Do	Wheat Gluten Industry Council	330.00	
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	Alltel Corporation		
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Bechtel Group, Inc	792.83	96.88
Do	Combustion Engineering, Inc		
Do	Fluor-Daniel, Inc	792.83	96.88
Do	M.W. Kellogg Company		
Do	Morrison-Knudsen Co, Inc	792.83	96.88
Do	National Coalition to Defeat H.R. 281/S. 492		5,673.23
Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131-2363	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)		
Thomson Zeder Bohrer Werth & Razook, 200 South Biscayne Blvd., #4900 Miami, FL 33131	Burger King Corp	16,015.40	11,390.11
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	128.00	
Tiber-Potomac, Inc, 1199 North Fairfax St., #601 Alexandria, VA 22314	International Council of Shopping Centers	27,498.00	19,892.98
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Ad Hoc Comm of Mutual Fund Managers	1,942.78	
Do	Integrated Resources, Inc	450.00	
Do	Sharp Manufacturing Co of America		
Do	Town of Andover, Massachusetts	200.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	499.00	
Do	American Trucking Assns, Inc	937.50	
Do	Amoco Corporation	500.00	
Do	Anheuser-Busch Companies, Inc	1,687.50	
Do	Association of Trial Lawyers of America	450.00	
Do	Boeing Company	1,062.50	
Do	Brown Group, Inc	125.00	
Do	Capital Cities/ABC, Inc	937.50	
Do	Chrysler Corporation	812.50	
Do	H. J. Heinz Co		
Do	Major League Baseball	1,687.50	
Do	Morgan Stanley & Co, Inc	1,812.50	
Do	MSU System Services, Inc	624.99	
Do	National Rifle Assn of America	1,125.00	
Do	Northern Telecom, Inc	125.00	
Do	Northrop Corp	812.53	
Do	NutraSweet Co	687.50	
Do	G. D. Searle & Co	625.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,424.50	19,301.04
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	14,753.83	534.75
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		
Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209	Hewlett-Packard Co	4,000.00	334.30
Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401			
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute		
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	500.00	
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		4.25
Webster B. Todd Jr., 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
Edward Tonat, 6723 Brigadoon Drive Bethesda, MD 20817	Robert Goff & Associates, Inc		
Billy W. Tongate, 4842 Randolph Drive Annandale, VA 22003	Circus Circus Enterprises, Inc	25,500.00	115.10
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			
Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Touche Ross & Co, 1900 M Street, NW Washington, DC 20036-3564	Money Store Investment Co	7,849.00	
Do	Restaurant Associates		
Do	Schnuck Markets, Inc	40,000.00	
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Tower & Associates, 2101 L St., NW, 9th Floor Washington, DC 20037	British Aerospace, Inc		
Do	Hicks & Associates		
Do	Jeford-McManus Int'l, Inc		
Do	LTV Defense & Space Co		
Do	Martin Marietta Corp		
Do	Rockwell International Corp		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,220.00	
Burke A. Tracey, 2111 Jefferson Davis Highway, #1009-S Arlington, VA 22202	Coalition of Higher Education Assistance Organizations		
Joseph P. Trainor, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	584.82
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	615.00	
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)		
Do	Hill & Knowlton Inc (For:Ryder Systems Inc)	102.50	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Transportation - Communications Union, 815 16th St., NW Washington, DC 20006		225,000.00	40,621.47
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		4,280.00	4,300.00
Travis & Gooch, 1100 15th St., NW, #1200 Washington, DC 20005	Coalition to Oppose Energy Taxes		
Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	50.00	25.00
Tripp Scott Conklin & Smith, 2000 E. Oakland Park Blvd. Fort Lauderdale, FL 33306	Alamo Rent-A-Car, Inc		2,000.00
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	12,500.00	
Robert C. Troup, Box 893 New Canaan, CT 06840			
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Alexander B. Trowbridge, 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	1,625.00	
Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	340.98
Trumble & Associates, P.O.Box 87 Chaska, MN 55318	Coalition to Stop the Raid on America	15,000.00	649.50
Do	Stakeholders in America	4,686.70	1,500.00
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Soc of the U.S. and M.S.P.C.A.	2,170.00	172.72
Do	Iriquois Gas Transmission Systems	25,699.00	3,096.00
Motoyuki Tsutsui, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Genevieve W. Tuchow, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies	4,000.00	
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Manville Corporation		
Do	Regional Transportation District	1,000.00	
Do	Security Life Insurance Co of Denver	500.00	
Stanley F. Turesky, 1250 24th Street, NW Suite 600 Washington, DC 20037	Van Dyke Associates, Inc (For:American Gas Assn)		
Do	Van Dyke Associates, Inc (For:Boston Company)	2,500.00	95.00
Do	Van Dyke Associates, Inc (For:USF&G Corp)	2,500.00	95.00
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:New Tech Snacks, Inc)		
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference	500.00	150.00
John M. Turner, 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	3,100.00	
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,050.00	
Turner Broadcasting System, Inc, 111 Massachusetts Ave., N.W. Third Floor Washington, DC 20001		15,700.00	15,700.00
Richard F. Turney, 1725 K St., NW Washington, DC 20006	Courtney McCamant & Turney	300.00	
S. Diane Turpin, 1100 17th St., NW, #1203 Washington, DC 20036	Financial Executives Institute		
St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	12,500.00	
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036		4,635.50	2,940.51
U.S. Committee for the Oceans, Route 2, Box 91 Ararat, VA 24053			
U.S. Defense Committee, 450 Maple Avenue, E., #204 Vienna, VA 22180		8,173.38	8,173.38
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			212,866.65
U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003		65,494.38	82,036.72

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	6,000.00	
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	American Retail Federation	250.00	90.50
Kenji Ueno, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	3,000.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Unilever United States, Inc, 390 Park Ave. New York, NY 10022			3,959.15
Union Mutual Life Insurance Co, 2211 Congress St. Portland, ME 04122			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			29,678.00
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		66,441.45	66,441.45
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		10,927.50	1,325.66
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	24,999.00
Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Grayce K. Uyehara, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	2,058.00	61.00
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	6,000.00	131.45
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,980.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	920.00	
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	American Gas Assn		
Do	Boston Company	11,000.00	2,595.00
Do	USF&G Corp	2,000.00	525.00
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Financial Companies	337.50	5.00
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage	12,939.00	
Do	Cincinnati Electronics		
Do	Ford Aerospace	3,300.00	
Do	Harsco Corp	30,249.00	9,964.70
Do	Marconi Electronics		
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	1,215.00	318.34
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	INTERARMS		
Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Ad Hoc Coalition for Health Security	165.00	
Do	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants		
Do	American President Lines	380.00	
Do	Arctic Slope Regional Corp	4,999.00	
Do	Bumble Bee Seafoods, Inc	50.00	
Do	BRAE Corporation		
Do	Clean Coal Technology Coalition		
Do	Coal Waste to Energy Coalition	1,820.00	
Do	Coalition for Electric Vehicle Development		
Do	Collier Company	5,840.00	
Do	Consumers United for Rail Equity (C.U.R.E.)	13,195.00	37.81
Do	Fidelity Management & Research Co	1,470.00	
Do	Geothermal Resources Assn	4,357.00	
Do	Hawaiian Electric Company, Inc		
Do	LUZ International Ltd	1,398.50	
Do	Postal Square Associates	513.00	
Do	Uranium Producers of America	3,420.00	
Do	Wagner & Brown	1,184.00	
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	5,113.50	71.80
Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301	American Petroleum Institute	270.00	
Kathleen M. Vanston, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019			20,623.00
George F. Vary, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,600.00	347.50
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers		
Carol Verby, 1390 Piccard Drive Rockville, MD 20850	CNA Insurance Co		
William P. Verdon, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America	12,500.00	2.10
Jerry T. Verkler, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	306.36
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Gold & Liebengood		13.40
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents		
David Vienna & Associates, 410 Wythe Street ,#2A Alexandria, VA 22314	National Assn of Credit Management		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	99.75
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank Tax Group		
Do	Bear Stearns & Co		
Do	Dunigan Enterprises		
Do	Enserch Corporation		
Do	Federal Express Corp	1,545.00	36.24
Do	Federal Land Bank Assns of Texas Stockholders' Defense Fund		
Do	Fidelity Management & Research Co		
Do	Goldman Sachs & Co		
Do	John Hancock Mutual Life Insurance Co		
Do	Merrill Lynch & Co, Inc		
Do	Pennzoil Co		
Do	Provident Life & Accident Insurance Co		
Do	Public Service Co of New Mexico	1,537.50	6.00
Do	Salomon Brothers, Inc	1,080.00	174.60
Do	Southern California Edison Co	717.50	31.00
Do	Southern Star Shipping Co, Inc		
Do	Travelers Insurance Co		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	95.00	
Do	National Fraternal Congress of America	42.00	
Virginia Association of Railway Patrons, P.O. box 867 Richmond, VA 23207		845.00	1.60
George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	49,000.00	853.93
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			450.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	14,020.74	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Assn of Trade & Technical Schools	1,250.00	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	98.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Cardinal Industries, Inc		
Do	Grocery Manufacturers of America, Inc		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	9,205.76	20,005.76
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		44.71
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Wagner Hines & Avary, Inc, 1615 L Street, NW Washington, DC 20036	Association of Business Publishers	1,687.50	349.75
Do	Canadian General Electric		
Do	National Beer Wholesalers of America	20,795.00	5,136.49
Do	National Debt Repayment Foundation		
Do	New MediCo Associates, Inc		
Do	Rainbow Navigation, Inc	15,193.75	3,278.04
Frederick P. Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	American Wire Producers Assn		
Do	Loyens & Volkmaars		
Herbert R. Waite, 100 Federal St. Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	10,800.00	10,881.65
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	920.00	1,913.75
Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Agrico Chemical Company, et al.	4,800.00	
Do	Aluminum Company of America	750.00	
Do	American Telephone & Telegraph Co.	750.00	
Do	Anheuser-Busch Companies, Inc.	4,500.00	
Do	Bank Capital Markets Assn.	4,166.67	
Do	Broadcast Music, Inc.	3,750.00	
Do	Burlington Northern, Inc	2,750.00	
Do	Champion International Corp	750.00	
Do	Coalition to Preserve Group Workers' Compensation Funds	1,250.00	
Do	CBS Records Group	2,500.00	
Do	CBS, Inc	7,000.00	
Do	CSX Corporation	750.00	
Do	Dresser Industries, Inc	750.00	
Do	Enron Corp	750.00	
Do	First Texas Savings & Loan		
Do	Ford Motor Co	750.00	
Do	Goodyear Tire & Rubber Co	750.00	
Do	Lone Star Technologies, Inc	24,063.00	
Do	National Assn of Small Business Investment Cos	6,000.00	
Do	Northville Industries Corp	3,000.00	
Do	Northwestern Mutual Life Insurance Co.	7,500.00	
Do	Oppenheimer & Co, Inc		
Do	Owens-Illinois		
Do	Phlcorp, Inc	1,875.00	
Do	Quanex Corp	2,500.00	
Do	Resorts International, Inc	600.00	
Do	Sea-Land Corporation	3,750.00	
Do	Shearson Lehman Hutton, Inc	7,500.00	
Do	Southern Company Services, Inc	5,625.00	
Do	Texas Ozone Task Force	1,125.00	
Do	U.S. Fidelity & Guaranty Co.	6,000.00	
Do	Union Carbide Corp	750.00	
Do	Vulcan Materials Co	2,000.00	
Do	Weil Gotshal & Manges		
Do	Weyerhaeuser Company	2,000.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	Brinks, Inc	1,000.00	
Do	California Federal Savings & Loan Assn	1,000.00	
Do	Cantor Fitzgerald & Co, Inc	600.00	
Do	Footwear Retailers of America	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	Life of Virginia	1,000.00	
Do	National Assn of Temporary Services, Inc	1,000.00	
Do	New York State Bankers Assn	1,500.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Securities Industry Assn	500.00	
Do	Torchmark Corporation	1,000.00	
Raymond C. Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	1,500.00	
Do	American Sugar Cane League	4,375.00	
Do	Amstar Corp	3,750.00	
Do	Cotton Warehouse Assn of America	4,550.00	
Do	Federal Compress & Warehouse Co	2,500.00	
Do	Fiber Fabric & Apparel Coalition for Trade	6,250.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	2,500.00	
Do	Merchants Grain & Transportation, Inc		
Do	Service Corporation International	1,875.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
R. Douglas Wallin Jr., 1235 Jefferson Davis Hwy. Arlington, VA 22202	Emerson Electric Co		551.59
Charles S. Walsh, Fleischmen & Walsh 1725 N St., NW Washington, DC 20036	National Cable Television Assn, Inc		
James P. Walsh, Davis Wright & Jones 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	5,800.00	
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	725.00	468.64
Samuel J. Walsh, 1608 K Street, NW Washington, DC 20006	American Legion	9,564.00	68.20
William C. Walsh, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,715.44	
Henry L. Walther, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	3,000.00	
John C. Walton, 2300 N St., NW, #600 Washington, DC 20037	Emhart Corp	16,666.66	
Do	General Dynamics Corp	12,499.98	438.03
Do	General Electric Co	12,000.00	345.85
Do	Martin Marietta Corp	8,100.00	405.08
Do	Morton Thiokol, Inc	6,300.00	534.06
Do	Stone & Webster Engineering Corp	9,900.00	
Do	Texton, Inc	11,833.32	425.97
Bonnie B. Wan, 1201 Pennsylvania Avenue, #730 Washington, DC 20004	Kimberly-Clark Corp		
John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314	Retired Officers Assn	2,720.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Justin R. Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	7,799.27	213.50
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	18,648.54	402.00
Jack Ware, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	8,360.00	116.35
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	1,250.00	
Ann D. Warner, 1513 16th St., NW Washington, DC 20036	Air Conditioning Contractors of America	1,250.00	
Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)	630.00	144.75
Do	DGA International, Inc (For:SNECMA)		
William H. Warner, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	91.00	155.62
Christine M. Warnke, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	400.00	146.00
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			2,433.13
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Koichi Watanabe, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Waterbed Manufacturers Assn, 2500 Wilshire Boulevard, #603 Los Angeles, CA 90057			
Millie Waterman, 5256 Corduroy Road Mentor, OH 44060	National Congress of Parents & Teachers		1,554.10
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries	2,400.00	
Clarke R. Watson, 375 Detroit Street Denver, CO 80206	Westland Companies, Inc		
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	5,375.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carl E. Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	298.47
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,521.00	
George B. Watts, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,500.00	
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc	1,035.00	108.92
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	66,600.00	135.96
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	1,500.00	1,863.95
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Inc		
James M. Webb, 801 North 11th Street St., Louis, MO 63101	Svendrup Corp (For:Jacksonville Transportation Authority)		
Andrew H. Webber, 440 First Street, NW, #510 Washington, DC 20001	American Medical Peer Review Assn		
Frederick L. Webber, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
Webster & Sheffield, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Asarco Corporation		
Do	Interstate Natural Gas Assn of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mazda Motor Manufacturing (USA) Corp		
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Beer Industry Alliance		
Do	Better Working Environments, Inc		
Do	Diagnostic Retrieval Systems, Inc		
Do	International Taxicab Assn		
Do	Legal Services Corp		
Do	Miller Brewing Co	1,100.00	160.00
Do	Waterbed Manufacturers Assn		
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	50.00
Wegman & Hoff, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	American Business Conference		
Do	Canadian Embassy	3,000.00	
Do	Catalyst Energy Corp		
Do	City of Kenosha, Wisconsin	9,000.00	
Do	Department of Natural Resources, Province of Manitoba		
Do	Energy Factors, Inc		
Do	Grants & Contracts Projects, United Way of America		
Do	J&B Management Company	3,750.00	
Do	Long Lake Energy Corp		
Do	Manville Corporation		
Do	Ministry of the Environment	7,500.00	
Do	National Corp for Housing Partnerships		
Do	National Independent Energy Producer's Hydro Tax Reform Comm	500.00	
Do	National Independent Energy Producers	1,200.00	
Do	Sithe-Energies USA, Inc		
Do	Taurus International Manufacturing, Inc		
Do	VMS Realty		
Do	YMCA of the USA	500.00	
Charles W. Wegner Jr., 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents	1,100.00	3,543.00
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,812.00	
Fred B. Weil, One California Street San Fransisco, CA 94111-5482	Broad Schulz Larson & Wineberg (For:De La Salle Institute)		117.12
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Chevron Corp	1,500.00	16.00
Do	TIME, Inc		
Suzanne E. Weiland, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		77.20
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)		
Weinberg & Jacobs, 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas		
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn		
Donald G. Weinert, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,500.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
David Weiss, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	227.46
Bryant L. Welch, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	20.00
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Kathleen Welch, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,923.05	
Jerry Welcome, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,000.00	
John T. Weller, 1776 Eye St., NE, #1000 Washington, DC 20006	BP America, Inc		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	3,000.00	26.80
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,136.26	1,146.06
Roland Wesley, 1159 Quail Run Bolingbrook, IL 60439	Committee for Minor. Access to Post Second. School Ownership		
Judith Wessler, 105 East 22nd St. New York, NY 10010	Community Service Society	80.49	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	25,000.00	982.55
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	4,000.00	
J. C. West, P.C., 1511 K Street, NW, #1100 Washington, DC 20005	City of Detroit	91,027.00	15,124.00
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		3,500.00	3,500.00
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	331.50	211.16
William Wewer, 7201 Wisconsin Ave., Suite 705 Bethesda, MD 20814	National Comm to Preserve Social Security	21,200.00	
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Aetna Life & Casualty		
Do	Allied-Signal, Inc		
Do	American Airlines, Inc	2,008.92	9.90
Do	American Institute for Foreign Study Scholarship Foundation	5,296.07	189.05
Do	American International Manufacturing Corp		9.90
Do	Americans For Safe & Competitive Trucking	148.51	40.65
Do	ARCO		192.84
Do	Bank Capital Markets Assn		
Do	Blue Cross & Blue Shield Assn		
Do	Communications Satellite Corp	12,129.06	24.95
Do	Consortium of State Maritime Schools		197.76
Do	Coopers & Lybrand	2,200.00	13.02
Do	Ethigen Corp		
Do	Foothills Pipe Lines (Yukon) Ltd	787.50	40.40
Do	General Motors Corp		
Do	Gulf South Engineers, Inc		
Do	Health Policy Agenda for the American People		
Do	Hughes Aircraft Company	450.00	435.52
Do	Manhattan Building Companies, Inc		
Do	Manville Corporation		
Do	Massachusetts Maritime Academy		75.00
Do	Monarch Capitol Corp	2,225.00	37.30
Do	Motion Picture Assn of America, Inc	9,621.45	330.77
Do	Mullen Advertising	1,000.00	24.00
Do	MCI Communications Corp	4,444.65	61.85
Do	Natioanl Assn of Social Workers		
Do	National Assn of Business Political Action Committees	755.39	
Do	National Gypsum Co	1,101.89	163.94
Do	New England Electric System		1.50
Do	New England Fisheries Development Foundation, Inc		10.95
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd		
Do	Oceanic Institute		35.70
Do	Paul Weiss Rifkind Wharton & Garrison	1,670.10	766.35
Do	Radio Assn Defending Airwave Rights, Inc	597.40	
Do	Regional Planning Commission		17.85
Do	Schaefer & Associates		
Do	Spanish International Communications Corp		
Do	Springs Industries, Inc		4.95
Do	Training Media Distributors Assn	262.50	
Do	Viacom International, Inc		
Do	Woods Hold Oceanographic Institution		13.40
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	433.65
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Clyde A. Wheeler Jr., Bishop Cook Purcell & Reynolds 1400 L Street, NW Washington, DC 20005	American Petroleum Institute	10,000.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	6,930.00	44.30
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	62.04	
George E. White Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	1,267.24	167.36
John C. White, 1899 L Street, NW, #500 Washington, DC 20036	Camp Barsh Bates & Tate	6,500.00	
Do	Chicago Mercantile Exchange	4,166.00	
Do	Coastal Corp	12,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Comtran, Ltd		
Do	Louis Dreyfus Corp		
Do	Tobacco Institute	5,700.00	
John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Leland J. White, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Margita E. White, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	486.00	
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	9,594.58
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	
Sam White, 412 First St., SE, #40 Washington, DC 20003	American Beekeeping Federation	1,500.00	
Do	Concerned Shrimpers of America	4,500.00	
Do	Friends of the Show Horse	6,000.00	
Do	Independent Cattlemen's Assn		
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Peanut Growers Group	6,000.00	
Do	Nuclear Waste Task Force		
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,350.00	
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
William F. Whitsitt, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,800.00	240.60
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William E. Wickert Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	150.00	
Mary Frances Widner, 1455 Pennsylvania Ave, NW Washington, DC 20004	American Inst of Certified Public Accountants	500.00	12,141.72
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	15,465.24	15,419.59
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	American Public Land Exchange Co	300.00	
Do	Bonneville Pacific Corp	1,461.73	1,461.73
Do	CSX Corporation		
Do	Flex, Inc		
Do	Glacier Park Co		
Do	(For:Robert D. Lindner)		
Do	Mt. Baldy Homeowners		
Do	Murray Pacific Corp		
Do	Nature Conservancy		
Do	Trust for Public Lands		
Do	Union Pacific Resources	1,000.00	
Do	Western Land Exchange Co		647.50
Do	Weyerhauser Company		
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	116.47
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	197.50
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	1,850.00	280.00
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Dean M. Wilkinson, 1436 U Street, NW Washington, DC 20009	Greenpeace, USA	1,136.69	114.41
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co		
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	American Assn of Presidents of Independent Colleges & Univs	14,862.00	583.14
Do	Bonneville International Corp	1,304.00	
Do	Central States Health & Life Co of Omaha		
Do	Empire Blue Cross & Blue Shield	30,000.00	
Do	Fleet/Norstar Financial Group	12,500.00	
Do	Greenwich Capital Markets	10,000.00	286.08
Do	Manville Corporation	3,360.00	279.81
Do	J. C. Penney Co, Inc		
Do	Security Pacific National Bank	36,000.00	4,951.92
Do	SPC Securities Services Corp	50,000.00	1,412.11
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	14,220.00	
Charles C. Williams, P.O. Box 3500 M/S 630 Vancouver, WA 98668	Tektronix, Inc	1,240.00	2,668.00
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	300.00	200.96
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Lee Williams, 1616 H St., NW Washington, DC 20006	American Retail Federation	900.00	
Leonard B. Williams, 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	145.00	
Lucinda L. Williams, 1155 15th Street, NW, #510 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Marcia E. Williams, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc	688.00	25.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	400.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20035-4202	United Airlines, Inc	1,500.00	
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Institute for Clinical Research, Inc	5,000.00	
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Recording Industry Assn of America, Inc	378.00	
David K. Willis, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	863.47	50.59
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st ST., NW Washington, DC 20036	AOC International, Inc		
Do	ASEAN Federation of Textile Industries (AFTEX)		
Do	Companhia Siderurgica Paulista (COSIPA)		
Do	Comptroller of the State of New York		
Do	Council of Institutional Investors		
Do	Ferro Union		
Do	Japan Iron & Steel Exporters' Assn		
Do	LEGI-SLATE	756.25	
Do	National Assn of Independent Fee Appraisers	4,675.00	48.62
Do	Shearson Lehman Hutton	4,236.25	
Do	Tatung Corp		
Do	Washington Public Power Supply System	14,505.00	3,214.10
Do	Westinghouse Electric Corp	1,021.25	
Do	Yamaha Motor Co, Ltd, et al.	20,660.00	80.00
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Broadcasting Co, Inc, et al		
Do	American Honda Motor Co, Inc	8,030.00	56.10
Do	American Soc of Composers, Authors & Publishers		
Do	American Textile Manufacturers Industries, Inc		8.00
Do	Apache Corporation		
Do	Capital Cities/ABC, Inc		
Do	Citicorp		
Do	G-4 Children's Coalition	255.00	
Do	Government of Tibet in Exile		350.00
Do	International Swap Dealers Assn	2,860.00	362.73
Do	National Assn of Broadcasters		
Do	People of Enewetak	480.00	1,644.00
Do	World Wildlife Fund		
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	923.04	1,075.53
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	6,000.00	146.56
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	773.00	18.00
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
Michael J. Wilson, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	1,846.14	52.25
Patrick Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn		
Robert Gary Wilson, 1730 Rhode Island Avenue, NW Washington, DC 20036	PPG Industries, Inc	22.50	6.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co	56.00	28.85
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	American Assn of Equipment Lessors	15,000.00	
Do	American Automotive Leasing Assn	6,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Burlington Northern, Inc	15,000.00	
Do	Coalition to Preserve Group Worker's Compensation Funds	12,500.00	
Do	FAG Bearings Corporation	15,000.00	
Do	Gray Communications Systems, Inc	4,000.00	
Do	Green Bay Packaging Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	The Hartford	15,000.00	
Do	Leggett & Platt	12,000.00	
Do	National Assn of ASCS County Office Employees	3,000.00	
Do	Pennzoil Co	10,000.00	
Do	Quanex Corp	7,500.00	
Do	Rosenberg Real Estate Equity Fund, Inc		
Do	Ruan Transport Corp	27,000.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	500.00	84.00
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn		
Kathleen J. Winn, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	690.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	656.25	60.00
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Appraisal Associates, Inc	540.00	
Do	American Assn of Museums		
Do	Beatrice Companies, Inc		
Do	City of Tucson		
Do	Council of Forest Industries of British Columbia	1,305.00	8.50
Do	CNA Financial Corp		
Do	Emerson Radio Corp		
Do	International Council of Shopping Centers	150.00	14.00
Do	Lease Management Corp		
Do	National Council of Health Facilities Finance Authorities		16.00
Do	Staley Continental, Inc	450.00	
Do	Syntex Laboratories, Inc		
Winthrop Stimson Putnam & Roberts, Il55 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition		
Do	America West Airlines, Inc	4,181.00	50.00
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc	350.00	
Do	Brown & Bain		
Do	BASF Structural Materials, Inc		
Do	BASF, Corp	555.00	
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Defense Products Division of Kongsberg Vapenfabrikk A/A Mfg		
Do	Fiberite Corp		
Do	Fusion Systems Corp		
Do	Hercules Aerospace Co		
Do	Irving Bank Corp	4,395.00	148.78
Do	IBJ Schroder Bank & Trust Co	1,312.50	
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	Norsk Forsvarsteknologi A/S	500.00	
Do	Patrolmen's Benevolent Assn		
Do	QO Chemicals, Inc	6,898.23	
Do	Singer Co		
Do	Wilbert A. Tatum		
Do	Thrifty Rent-A-Car System, Inc	28,871.25	90.71
Glenn P. Witte, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Sandra W. Wobbe, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	6,840.00	82.92
S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102	Children's Hospital of Pittsburgh	54,000.00	400.82
Do	Medical College of Pennsylvania	15,000.00	360.03
Do	Mercy Catholic Medical Center	28,500.00	483.15
Do	National Assn of Children's Hospitals & Related Institutions	10,000.00	161.22
Do	National League of Nursing	9,000.00	139.43
Do	St. Christopher's Hospital for Children	67,500.00	559.04
Do	St. Francis Medical Center	3,000.00	110.71
James Wolf, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard Inc	500.00	
Wolf Block Schorr & Solis-Cohen, 12th Floor Packard Building 15th & Chestnut Streets Philadelphia, PA 19102	CIGNA Corporation	3,000.00	1,913.18
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp	101.25	215.67
Ronald Wolsey, One North Charles St., #1520 Baltimore, MD 21201	Amoco Corporation	1,200.00	120.90
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,175.00	83.16
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	1,477.37	500.00
G. Kent Woodman, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)		
Irvin M. Woods, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	12,380.05	1,872.12
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae	174.25	
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	5,000.00	798.92
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,400.00	84.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	600.00	83.50
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Avon Products, Inc		
Do	Bombardier Corp		
Do	Equitable Life Assurance Society of the U.S		
Do	Toshiba America, Inc		
Do	Toyota Motor Sales, USA, Inc		
Do	Transportation Group, Inc		
W. Robert Worley, 190 St.Clair Street Drive St.Simmons Island, GA 31522	Southern Company Services, Inc	1,875.00	590.00
Owen Wormser, 12942 Oak Lawn Place Herndon, VA 22071	Command & Control Consulting, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Joseph T. Wrabek, Box 70 Cascade Locks, OR 97014	Columbia Gorge United	1,029.68	2,491.09
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	1,500.00	690.77
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd	12,625.00	968.55
Do	Alaska Airlines, Inc	41.25	
Do	Alliance of American Insurers	3,606.75	96.82
Do	Association of American Railroads	1,249.95	17.82
Do	BellSouth Corp		
Do	Bohemia Lumber Co		
Do	Dominion Resources		
Do	Duke Power Co		
Do	Enserch Corporation		
Do	Federation of Postal Police Officials	993.70	7.23
Do	Food Marketing Institute		
Do	Ford Motor Co	2,195.00	35.99
Do	Genentech	1,800.00	13.35
Do	General Aviation Manufacturers Association	1,138.50	6.30
Do	Georgia-Pacific Corp	2,138.80	44.63
Do	GTE Corporation		
Do	Hook-SupeRx, Inc	250.00	10.81
Do	HDTV 1125/60 Group		
Do	Interlocking Directorate Reform Coalition	1,103.55	42.71
Do	LTV Corporation	2,400.00	
Do	Metropolitan Insurance Co	10,500.00	381.52
Do	Michigan Consolidated Gas Company	2,612.00	23.24
Do	Mortgage Guarantee Insurance Corp		
Do	Mutual Life Insurance Co Tax Committee		
Do	National Assn of Temporary Services	3,052.50	129.07
Do	National Cable Television Assn, Inc	12,499.80	392.22
Do	North American Phillips Corp	18,026.50	383.95
Do	Northwestern Mutual Life Insurance Co		
Do	Pennsylvania Higher Education Assistance Agency		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Polaris Industries		
Do	Product Liability Coordinating Committee	13,800.00	125.15
Do	Joseph E. Seagram & Sons, Inc.		
Do	Shared Medical Systems (SMS)	1,200.00	84.03
Do	Sony Corp of America	4,537.50	134.95
Do	Squibb Corp	2,208.00	7.66
Do	State of North Carolina		
Do	Texas Oil & Gas Corp		
Do	Tobacco Industry Labor Management Committee	17,711.54	371.10
Do	U.S. Telephone Assn	2,444.45	22.09
Do	1587 Group		65.92
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	1.60
Wyman Bautzer Christensen Ruchel & Silbert, 2300 N Street, NW, #600 Washington, DC 20037	American Boiler Manufacturers Assn, Inc		
Do	Eklutna, Inc		
Do	Louis R. Miller		
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
Jill Yacone, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		245.00
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036	Edison Electric Institute	2,526.92	501.25
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	10,195.83	90.38
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Paul Yestrumskas, Gate Post Lane Southbury, CT 06488	Timex Group Ltd	120.00	879.17
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	390.00	184.50
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	2,500.00	259.00
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	4,500.00	945.62
Thomas F. Youngblood, 1201 New York Ave, NW, #600 Washington, DC 20005	American Hotel & Motel Assn	1,700.03	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	6,000.00	130.40
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Elizabeth Ysla, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	30.00	
David E. Yudin, 1707 H Street, NW, #500 Washington, DC 20006	Bus Transit Caucus	637.50	
Do	Regional Transportation District	1,750.00	
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Lynn Zakupowsky, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co		
Barnaby W. Zall, 1156 15th St., NW, #525 Washington, DC 20005-1704	Federation for American Immigration Reform		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Janice Zarro, 555 13th Street, NW, #1050 Washington, DC 20004	Avon Products, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	870.00	730.48
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	466.35
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,004.17	719.58
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,125.00	855.94
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	2,816.00	
Jerry W. Zillion, 3811 Calvert St., NW Washington, DC 20007			
Kathleen Zimmerman, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	86.10	
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Association	937.00	59.00
Zurich-American Insurance Co, 231 Martingale Road Schaumburg, IL 60196		13,040.00	13,040.00
Kurt D. Zwikl, 2024 Lehigh Street Allentown, PA 18103	Merchants Bank		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1988:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $...............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $...............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $...............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*____________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	120.00	15.00
Leanne J. Abdnor, 2000 Pennsylvania Avenue, NW, #3580 Washington, DC 20006	Venners & Co, Ltd (For:Koch Industries)	8,000.01	4,067.32
Samuel F. Abernethy, Four World Trade Center, 8th Fl. New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Jean R. AbiNader, 1625 Eye Street, NW, #902 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Ablondi & Foster, P.C., 1776 K Street, NW, #606 Washington, DC 20006	Rhone-Poulenc, Inc	14,177.50	1,146.66
Do	Taiwan Textile Federation		
Albert E. Abrahams, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	100.12
Action, Inc, 460 Spring Parks Place, #1000 Herndon, VA 22070	American Indian Higher Education Consortium		
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America	1,681.25	
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons	6,780.00	
Do	Association for Gerontology in Higher Education	750.00	
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	2,000.00	3,806.60
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		2,019.15	2,019.15
Alliance for Rail Competition, 1120 G St., NW, #800 Washington, DC 20005		1,500.00	27.50
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Susan E. Alvarado, 1440 New York Ave., NW, #300 Washington, DC 20005	E. Bruce Harrison Company (For:National Assn of Broadcasters)	1,652.00	
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	792.64	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	8,250.00	8,370.75
Do	County of Suffolk, New York	2,600.00	2,643.40
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			5,594.63
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		64,116.91	64,116.91
American Assn for Counseling & Development, 5999 Stevenson Avenue Alexandria, VA 22304		70,504.00	26,298.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		2,346.08	13,107.04
American Assn of Airport Executives, 4224 King Street Alexandria, VA 22302		183,305.00	21,845.00
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		1,250.00	1,250.00
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			2,049.10
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		26,525.00	31,387.02
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			458.09
American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004		40,126.26	43,693.60
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			7,482.63
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			92,506.41
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		62,829.00	62,829.00
American Hospital Assn, 840 N. Lake Shore Dr. Chicago, IL 60611		82,404.21	82,404.21
American Library Assn, 50 E. Huron St. Chicago, IL 60611		1,020.00	10,201.72
American Logistics Association, 1133 15th Street, NW, #640 Washington, DC 20005			
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		584,600.88	131,749.96
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			9,007.00
American Rivers Conservation Council, 801 Pennsylvania Avenue, SE, #303 Washington, DC 20003-2155		3,556.00	3,445.00
American Soc for Personnel Administration, 606 North Washington Street Alexandria, VA 22314		5,000.00	
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			1,275.00
American Wood Preservers Institute, 1945 Gallows Road, #405 Vienna, VA 22180		26,250.00	46,526.72
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	BN Services Inc	1,900.00	610.99
Anderson & Pendleton, 1000 Connecticut Avenue, NW, S.1200 Washington, DC 20036	Corporacion Nacional del Cobre de Chile		
Do	Military Mission of Chile		
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	15,838.00	2,228.99
Do	Amerop Sugar Corporation		
Do	Bay Area Rapid Transit District		
Do	Communication Industries Assn of Japan	7,535.10	314.54
Do	Eco Corporation	748.15	80.71
Do	Steven Eggers		
Do	Enterprise Leasing Co	2,000.00	
Do	Institute for Financial & Fiscal Studies		
Do	Japan Machine Tool Builders Assn	924.80	23.32
Do	Park 'N Fly, Inc	2,000.00	
Do	Project Orbis, Inc	233.60	
Do	Riviana Foods, Inc		
Do	Seidman & Seidman/BDO		
Do	Toshiba Corp	17,038.80	367.45
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	2,100.00	383.00
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Amok, Ltd, et al		
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Business Roundtable		
Do	Caudine Investments, N.V.	6,415.25	1.80
Do	Harris Bank Corp, Inc		
Do	National Coordinating Comm for Multiemployer Plans	15,312.00	685.02
Do	Resorts International, Inc	3,193.75	
Do	State Farm Mutual Automobile Insurance Co	7,535.50	292.26
Do	Survival Technology, Inc	17,334.75	76.17
Do	Unilever United States, Inc	322.50	
Do	Venezolana de Cementos Ca	665.00	386.21
Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice	50.00	
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	Secondary Mortgage Market Support Group		
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		17,500.00	
Association for the Improvement of the Mississippi River, 100 S. 4th Street, #500 St. Louis, MO 63102			2,413.10
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051		2,880.10	
Association of American Law Schools, One Dupont Circle, NW, #370 Washington, DC 20036			
Association of Maximum Service Telecasters, Inc, 1730 M St., NW, #713 Washington, DC 20036			554.50
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Larry Ayres, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	1,500.00	967.04
AFL-CIO Maritime Committee, 100 Indiana Ave., NW Washington, DC 20001		4,020.00	4,346.08
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	Advanced Center for Technology Training		3.90
Do	American Foreign Service Assn		
Do	Amok, Ltd, et al	287.50	
Do	Asocolflores	86.25	
Do	ASEA AB	28.75	
Do	Bank of Montreal		
Do	Canadian Meat Council		
Do	Cemai	460.00	8.75
Do	CEL Educational Resources		3.90
Do	Earthquake Project	90.00	
Do	Embassy of Australia	6,033.75	18.37
Do	Ferroalloys Association	70.00	
Do	Japan Fair Trade Center	230.00	
Do	Manitoba Energy Authority		
Do	New Hampshire Yankee	287.50	
Do	Northern California Power Agency	1,380.00	
Do	Profilo Holding A.S.	657.50	25.00
Do	Recording Industry Assn of America	590.00	
Do	Sacramento Municipal Utility District	4,095.00	66.45
Do	Tulane University		
Do	University of California	747.50	
Craig H. Baab, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	69.05
Geoffrey Bacino, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	429.30
John Francis Bader, 2600 Virginia Ave., NW, #610 Washington, DC 20037	Urenco, Inc	3,900.00	
George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101	CSX Transportation		
James Michael Bailey, 910 17th St., NW, #210 Washington, DC 20006	Association of U.S. Night Vision Manufacturers		
John P. Bailey, 501 Slaters Lane, #221 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort & Residential Development Assn	2,000.00	150.00
Do	Banc One, Cleveland, NA	1,500.00	500.00
Do	Beverly Investment Properties, Inc	1,000.00	150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Blue Cross & Blue Shield of Northern Ohio	2,000.00	250.00
Do	Cleveland Clinic Foundation	1,000.00	100.00
Do	Federal Deposit Insurance Corp	5,000.00	500.00
Do	Rouse Company	1,000.00	100.00
Do	Travelers Insurance Co	5,000.00	500.00
Do	U.S. League of Savings Institutions	1,000.00	100.00
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition to Exclude Operationg Income from PFIC Provisions	5,000.00	2,763.56
Do	Nuclear Electric Insurance Co, et al.	6,101.00	214.14
Charles E. Ball Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	7,300.00	446.69
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	20,451.53	47.70
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics	1,025.00	
Do	National Basketball Assn	55.00	
Jim Barnes, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	38.78	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Commonwealth Garment Manufacturing Co		
Do	Dow Chemical Co		
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual	4,000.00	137.40
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co	365.00	37.50
Do	Tartaric Chemical Corp		
Do	Uniroyal Chemical Co, Inc	664.50	141.03
James E. Barrett, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hastings College)		
Richard A. Barton, 1101 17th St., NW, #900 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	BN Services Inc	1,750.00	454.40
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	2,300.00	1,170.11
Robert J. Baughman, 717 Pendleton St. Alexandria, VA 22314-1885	American Orthotic and Prosthetic Assn		
Richard 'Sandy' Beach, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036	Credit Union National Assn, Inc		
Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111	Union Pacific Resources		
Barbara F. Beatty, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Orren Beaty Jr., Magruder Building 1625 M St., NW Washington, DC 20036	Western Fuels Association, Inc	4,818.63	902.63
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	172.50	
Joe Belew, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	8,377.48	451.51
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
James P. Bellis, 1629 K St., NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:European Community)		
Benner Burnett & Coleman, 1401 New York Avenue, NW, #740 Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al.		
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)	16.25	
Do	Fox Weinberg & Bennett (For:Hoffman-La Roche, Inc)		
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		
Tom Benson, 501 Union Street, #506 Nashville, TN 37219	CSX Transportation		
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	24.84
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	105.00	257.40
Martha Bergmark, 7316 Piney Branch Road Takoma Park, MD 20912	Project Advisory Group	541.67	19.85
Pamela M. Berkwitz, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	12,000.00	4,325.94
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153			
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	7,150.00	557.55
Eve Berton, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Margot Bester, 2300 M Street, NW, #800 Washington, DC 20037	Murphy & Demory, Ltd (For:Committee for the Advancement of Cellular Telephone Service).	200.00	11.00
Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209			25,109.75
Patricia H. Billings, 1129 20th St, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,703.68	
Robert Bingaman Jr., 1817 Bay Street, SE Washington, DC 20005	National Abortion Rights Action League	4,619.71	
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Aleut Corporation	1,500.00	
Do	Aleutian/Pribilof Islands Assn, Inc	1,500.00	
Do	American Honey Producers Assn	23,040.00	414.73
Do	American Rice, Inc	560.00	32.62
Do	Board of Trade of Kansas City, MO, Inc		
Do	BATUS, Inc		
Do	City of St. Paul	1,000.00	
Do	Compaq Computer Corp	4,344.00	
Do	Computer & Business Equipment Manufacturers Assn	675.00	
Do	Consolidated Natural Gas Co		
Do	ConAgra, Inc	1,715.90	92.22
Do	CSR, Ltd	7,390.00	472.12
Do	International Mass Retail Assn	1,500.00	
Do	IBP, Inc	797.60	47.29
Do	Master Marketers Assn of America		
Do	Mobil Oil Corp, et al.	10,000.00	
Do	Pyramid Energy, Inc	590.63	138.80
Do	Roadway Services, Inc		
Do	U.S. Agricultural Export Development Council		
Do	U.S. Rice Producers' Legislative Group	26,925.00	2,634.67
Do	Wal-Mart		
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,635.03	85.50
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	64.59	
Bowen Blair Jr., 519 S.W. Third Ave., #810 Portland, OR 97204	Friends of the Columbia Gorge		
Neal B. Blair, 501 Capitol Court, NE, #100 Washington, DC 20002	Free the Eagle, et al.	3,052.04	
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	3,332.33	226.00
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees		
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Alaskan Factory Trawlers Assn	2,000.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,375.00	
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	950.00	165.00
Bonneville Associates, 257 E. 200 SO.-#825 Salt Lake City, UT 84111	Western Regional Council		
Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007	DB, Ltd		
Richard H. Bornemann, 10 Fourth Street, SE Washington, DC 20003	United Illuminating Co	3,500.00	614.40
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	3,655.52	1,667.95
James J. Bowe, 4 World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Carren Bragg, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	500.00	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	General Dynamics Corp		
Richard D. Brannick, P.O. Box 550 Dexter, NY 13634	National Border Patrol Council		
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	
Nancy B. Broff, 639 E Street, SE Washington, DC 20003	National Abortion Rights Action League	4,619.71	
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	938.00	29.00
David B. Brown, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Carriers Conference	50.00	
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	18,000.00	556.23
Building Owners & Managers Assn International, 1250 Eye St., NW, #200 Washington, DC 20005	Building Owners & Managers Assn Int'l		2,212.50
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,223.00	327.00
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,251.42	291.00
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		133.03
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Lon Burnam, 6220 Gaston Ave., #609 Dallas, TX 75214	Sierra Club	3,000.00	1,662.00
Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066	National Broiler Council	420.00	
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	6,000.00	3,000.00
Burnham Connolly Oesterle & Henry, 3050 K St., NW, #450 Washington, DC 20007	Sparber Shevin Shapo & Heilbronner (for Emma L. Bixby Hosp.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael Burns, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security		
BP America Inc, 1776 Eye Street, NW Suite I000 Washington, DC 20006	Standard Oil Co (Ohio)		35,210.59
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
James P. Cain, Petree Stockton & Robinson 2626 Glenwood Ave., #450 Raleigh, NC 27622	Elevation Produce Company	750.00	1,150.00
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	National Mass Retailing Institute	6,250.00	
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		21,976.98	16,728.78
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Pitney Bowes		
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	9,874.00	500.00
Bruce J. Carlton, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress	1,412.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,160.00	1,239.89
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Brown University		
Do	Medical College of Ohio, Toledo	12.00	
Do	National Jewish Center for Immunology & Respiratory Medicine		
Do	New England College of Optometry		
Do	Polytechnic University	150.00	
Do	Wertheim Schroder & Co, Inc		
Gordon Cavanaugh, 509 C Street, NE Washington, DC 20002	Roisman Reno & Cavanaugh (For:Council of Large Public Housing Authorities)	13,125.00	205.57
Center for Law and Education, Inc, Larsen Hall, 6th Floor 14 Appian Way Cambridge, MA 02138		5,387.50	7,822.13
Henry Chajet, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	273.85
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Directors Guild of America	11,687.50	12,764.09
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Universal Frutrade Co-operative, Ltd		
Citizens for Stabilizing Corporate Taxes & Foreign Policy, P.O. Box 1036 Guthrie, OK 73044-1036			
David A. Clanton, Baker & McKenzie 815 Connecticut Ave, NW, #1100 Washington, DC 20006	Buchanan Ingersoll, P.C. (For:Federation of Apparel Manufacturers)		
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James F. Clark, P.O. Box 2l2ll Juneau, AK 99802-1211	Alaska Loggers Assn	11,556.24	
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	13,288.76	165.38
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc.	350.00	
Clean Water Action Project, 317 Pennsylvania Ave., SE Washington, DC 20003		2,559.96	2,187.11
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			1,885.00
Coal & Slurry Technology Assn, 1156 15th Street, NW, #505 Washington, DC 20005		51,500.00	
Coalition to Promote America's Trade, 1101 15th St., NW, #205 Washington, DC 20005		91,631.00	12,005.57
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Providence Hospital		
Coffee Sugar & Cocoa Exchange, Inc, 4 World Trade Center, 8th Fl. New York, NY 10048			6,399.95
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc.		
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	3,051.78	221.22
Dominique Colon, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc.		
Colorado Ski Country USA, Inc, One Civic Center Plaza 1560 Broadway, #1440 Denver, CO 80202			
Douglas B. Comer, 1333 New Hampshire Ave., NW Washington, DC 20036	Electronic Processing, Inc.		
Comiskey & Hunt, 4023 Chain Bridge Road Fairfax, VA 22030	Gold Fields Operating Co-Mesquite		
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			
Concerned Women for America, c/o Carol Poulos 122 C Street, NW, #800 Washington, DC 20001		17,948.79	17,948.79
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			5,607.61
Robert J. Conlan, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	109.90	
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	1,023.05
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	4,288.75	
John J. Connolly, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		92,063.00	73,773.00
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,556.00	500.00
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	974.82	
C. William Cooper, 603 Broad St. Sewickley, PA 15143	United Distribution Companies		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	336.50	2,158.74
Jim Copeland & Associates, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Pacific Mutual Life Insurance Co	1,200.00	
Tom Corcoran, 305 Third Street, SE Washington, DC 20003	BHC Wallace Services		
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Investment Partnership Assn		
Do	Republic National Bank of New York		
Do	State of Washington		
Bennett J. Corn, Four World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
J. Daniel Costello, 1615 H St., NW Washington, DC 20006	U.S. Chamber of Commerce	2,400.00	250.00
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,572.83	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			24,053.10
Council of Industrial Boiler Owners, 5817 Burke Centre Parkway Burke, VA 22015			
Christopher D. Coursen, 1627 Eye Street, NW, #525 Washington, DC 20006	O'Connor & Hannan (for Pacific Telesis Group)	30,000.00	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Brown Brothers Harriman & Co		
Do	Marathon U.S. Realties, Inc		
Mark D. Cowan, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)		
Do	Jefferson Group, Inc (For:Kelly Services, Inc)		
C. Bryan Cox, P.O. Box 419139 Kansas City, MO 64141-6139	Kansas City Life Insurance Co		
Kevin J. Coyle, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	633.33	
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:Dade County)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority	4,500.00	
Do	Dade County		
Do	Dade County International Airport		
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	8,653.86	65.19
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		44.96
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	10.00	
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	85.00	
Cuban American Foundation Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		11,736.89	21,812.88
Herminia L. Cubillos, 20 F Street, NW, 2nd Floor Washington, DC 20001	National Council of La Raza	6,364.00	2,084.00
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	7,250.00	610.11
CPT Corporation, 8100 Mitchell Road P.O. Box 295 Minneapolis, MN 55440			
Ron D'Aloisio, 2001 S St., NW, #210 Washington, DC 20009	Farmworker Justice Fund, Inc		1,005.33
Lewis I. Dale, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,930.20
Donna M. Daley, 1200 I7th St., NW Washington, DC 20036	American Psychological Assn	2,412.67	45.00
Linda Daschle, 4224 King Street Alexandria, VA 22302	American Assn of Airport Executives		5,894.00
John B. Davenport Jr., 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Theodore S. J. Davi, 624 South Quincy Street Green Bay, WI 54301			
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates, Inc (For:American Advertising Federation)		
James H. Davidson & Associates, Inc, 1211 Connecticut Ave, NW, #610 Washington, DC 20036	Magazine Publishers Assn, Inc		
Do	Miller & Chevalier, Chtd		
Do	National Assn of Industrial & Office Parks		
Do	Rouse Company		
Susan A. Davis, 1146 19th Street, NW, #700 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)		
Susan Davis International, 1146 19th Street N.W.,#700 Washington, DC 20036	Turkish Republic of Northern Cyprus		
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	First Interstate Bank of Washington		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
De La Salle Institute, P.O. Box A-D St. Mary's College Moraga, CA 94575-1154			200.00
Gail De Loach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
John Dean E., 1101 Vermont Avenue, NW, #400 Washington, DC 20005	Advanced Technology, Inc		
Trevia A. Dean, Dean & Company 1250 24th St., NW, #600 Washington, DC 20037	American Insurance Assn		
Do	National Rifle Assn of America		
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	600.00	
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	100.00	
Willard L. Demory, 2300 M St., NW, #800 Washington, DC 20037	Murphy & Demory, Ltd (For:Committee for the Advancement of Cellular Telephone Service).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112			
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Semiconductor Industry Association	3,000.00	
Do	SEMATECH	2,452.50	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Beth DeGrasse, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World	1,350.60	
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	973.20
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	98.43	32.88
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	157.47	71.11
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	98.40	32.86
Do	Lumbermens Mutual Casualty Company	2,100.00	283.95
John M. DiJoseph, 2050 Clarendon Blvd., #300 Arlington, VA 22201	American Soc of Magazine Photographers		
G. Diane Dodson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	44.27	13.10
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Brian J. Donadio, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	3,503.00	
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090			
Paul M. Donovan, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	1,500.00	27.50
May Del Rio Dorfman, 380 Second Avenue New York, NY 10010	Planned Parenthood of New York City, Inc	26.95	25.17
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	3,100.00	70.00
Do	European Confederation of the Footwear Industry		
Do	International Electronics Mfgrs & Consumers of America, Inc		
Do	MacMillan Bloedel, Inc		
Do	Texas Assn of Steel Importers		
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Mergentime Corp	4,897.50	18.50
Do	Smit-Lloyd BV		
Do	ZIM Israel Navigation Co, Ltd		
John C. Doyle Jr., 218 D St., SE Washington, DC 20003	Environmental Policy Institute	100.64	
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	13,280.80	121.25
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	95.00	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	592.89
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Corp/California Energy Commission)	4,500.00	
Do	Dunlap & Browder, Inc (For:Unelco)		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Allscrips, et al	16,000.00	24,000.00
Do	Apex Marine Corp	14,435.00	372.56
Do	ARCO Marine Co, Inc	880.00	46.35
Do	Bender Shipbuilding & Repair Co, Inc	52,875.00	728.98
Do	Crowley Maritime Corp	1,010.00	61.01
DGA International, Inc, 1818 N Street, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	995.00	240.68
Do	Sofreavia	900.00	129.35
Dennis J. Earhart, 9 Exchange Place, #1000 Salt Lake City, UT 84111	Bear West Co, Inc (for Union Pacific Resources)		
George H. Eatman, 1800 Connecticut Ave., NW, #300 Washington, DC 20009	Coal & Slurry Technology Assn	4,200.00	
John D. Echeverria, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	313.00	
Marsha A. Echols, Law Offices of Max N. Berry 3213 O Street, NW Washington, DC 20007	Gilway Company, Ltd		
Do	National Assn for the Specialty Food Trade, Inc		
William R. Edgar, 3116 N. Nottingham Street Arlington, VA 22207	Gates Learjet Corporation		
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Charles E. Ehrhart, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Electronic Industries Assn, 2001 Eye St., NW Washington, DC 20006		3,925.00	22,607.50
Elliott Zweben & Steelman, 1140 19th St., NW, #600 Washington, DC 20036	Pharmaceutical Manufacturers Assn		
Keith H. Ellis, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	4,229.40	311.88
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,880.94	348.50
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Lowell J. Endahl, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
John T. Engelen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Cheryl Anthony Epps, 13 Firstfield Road Gaithersburg, MD 20878	International Assn of Chiefs of Police	9,075.00	338.60
Epstein Becker & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	Voluntary Hospitals of America, Inc	10,540.15	
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	24,923.00	
Erisa Industry Committee, 1726 M Street, NW, #1101 Washington, DC 20036		71,400.00	14,050.00
Mark Esherick, 1400 16th St, NW, #320 Washington, DC 20036	Zero Population Growth, Inc		
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Ogelsby, Inc (For:Freedom & Justice for Cyprus Trust)		
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert J. Evans, 2013 Canterbury Road Kinesport, TN 37660			
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	2,000.00	124.90
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Tami L. Ezell, P.O. Box 21 Montgomery, AL 36101	Burlington Northern Railroad		
F. S. Fallon Jr., 3322 West Knights Avenue Tampa, FL 33611			
Sarah Farrell, 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	9,875.25	366.44
William D. Fay, ll30 l7th Street, NW Washington, DC 20036	National Coal Assn	3,500.00	4,262.08
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,296.00	863.00
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			244.58
Feingerts & Kelly, PLC, Poydras Center, #2750 650 Poydras Street New Orleans, LA 70130-6161	New Orleans Public Service, Inc		
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	American Soc of Anesthesiologists	3,000.00	
Fensterwald & Alcorn, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees		
Robert J. Fersh, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	132.48	
Dallas N. Fields, 1448 Duke St., #1000 Alexandria, VA 22314	National Rural Letter Carriers Assn	16,696.00	
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Apex Marine Corp	8,450.00	164.22
Do	AB Hagglund & Sonar	12,900.00	574.33
Do	Bollinger Machine Shop & Shipyard, Inc	11,640.00	203.54
Do	Spar Aerospace, Ltd	16,500.00	480.32
Do	A. L. Williams & Company	7,000.00	125.50
Manuel D. Fierro, 1901 N. Fort Myer Dr., #202 Rosslyn, VA 22209	National Indian Gaming Assn	4,000.00	1,500.00
Fine & Ambrogne, Exchange Place Boston, MA 02109	Smith College		
Fine Geddie & Associates, 418 Scott Street, #2 Montgomery, AL 36104	Douglas Oil Co		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
David H. Fiske, Goodwin & Soble 1300 19th Street, NW, #350 Washington, DC 20036	Software Publishers Assn	1,332.00	41.00
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group (For:Chase Manhattan Bank, N.A.)	20,000.00	1,950.00
Do	Secura Group (For:Northeast Bancorp)		610.00
Do	Secura Group (For:Yankee Bank)		
Robert B. Flagg, 1130 17th St., NW Washington, DC 20036-4677	National Coal Assn	4,250.00	414.86
Jonathan W. Fleming, 1225 I St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
Felipe M. Floresca, 67 Wall Street, #2509 New York, NY 10005			
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	CSX Transportation Systems		
Do	ETA Systems, Inc		
Do	MEDCO Containment		
Do	Westinghouse Electric Corp		
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	United Food & Commercial Workers Int'l Union	150.00	
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	10,332.00	6,344.00
Alan Fox, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	4,703.00	
Alissa T. Fox, 655 Fifteenth Street, N.W., Suite 350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Allan M. Fox, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)	81.25	
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	238.17	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Bristol-Myers Co	5,373.75	97.50
Do	Courtaulds North America, Inc		124.25
Do	Hoffmann-La Roche, Inc	3,707.50	
Do	Johnson & Johnson	2,807.50	76.25
Do	Lederle Laboratories	5,923.75	10.31
Do	Memorial Sloan-Kettering Cancer Center		
Do	New Medico Associates, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Serono Laboratories, Inc		108.75
Do	Wireless Cable Assn, Inc	4,417.50	151.16
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Jacob Fraire, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One	625.00	
Do	California Student Aid Commission	2,250.00	
Do	Colorado Student Loan Program	4,500.00	422.69
Do	GEM Corp	2,250.00	
Do	Illinois State Scholarship Commission	1,237.00	
Do	Just Kids	2,250.00	
Do	Nebraska Higher Education Loan Program, Inc	1,125.00	
Do	Nebraska Student Loan Program	250.00	444.33
Do	Texas Guaranteed Student Loan Corp	1,125.00	222.16
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	1,000.00	
Francis & Mcginnis & Rees, Inc, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	30,000.00	27,000.00
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	1,109.46
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	344.36
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	4,667.00	3,867.00
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	468.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		264.31
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Friends of the Columbia Gorge, 519 SW Third Ave., #810 Portland, OR 97204			
Charles H. Fritts, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn	11,062.00	147.21
David H. Fyock, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,510.00	276.47
Galvin Haroian & Mlawski, 777 Third Ave., 24th Floor New York, NY 10017	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Cos	2,000.00	15.00
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Andrew Corp	12,000.00	1,149.18
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20007	Aerolift, Inc	750.00	
Do	Greenbriar Leasing	20,365.90	
Do	Northwest Industrial Gas Users		
Do	Northwest Marine Iron Works	2,550.00	
Do	Riedel International		
Pamela J. Garvie, 1050 Connecticut Avenue, NW Washington, DC 20036	Burlington Northern Railroad	24,035.00	78.30
Frank T. Gasper, 4903 Cloister Drive Rockville, MD 20852	Moog, Inc		
Garry Geffert, 2001 S Street, NW, #312 Washington, DC 20009	Farmworker Justice Fund, Inc		
Fred Gehringer, P.O. Box 1002 Chino, CA 91710			
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		10,516.50	912.24
Diane J. Generous, 606 North Washington St. Alexandria, VA 22314	American Soc for Personnel Administration		
Cheryl K. Genevie, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	1,500.00	27.50
David Troy Saxton Getty, 4888 West Cherry Lane Meridian, ID 83642			
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	
Lucie Kristie Gikovich, 1275 Pennsylvania Ave., NW, 4th Fl. Washington, DC 20004	Pacific Telesis Group	15,450.00	
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	12,000.00	217.00
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	707.18
Elmer G. Gleske, 655 15th St., NW, #300 Washington, DC 20005	Flight Safety Intl inc		
Joseph Goffman, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	9,500.00	
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	6,211.65	856.60
Helen C. Gonzales, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	National Consumer Law Center	661.92	
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036	National Hydropower Assn		
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	40.00	22.00
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
William Gordon, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	3,200.00	544.28
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	520.00	
John C. Gore, 1776 Eye Street NW Suite 1000 Washington, DC 20006	BP America, Inc		
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	Burger King Corp		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,509.99	6,111.65
Government Strategies, Inc, 1712 Walnut Street,#300 Philadelphia, PA 19103	Lukens, Inc	10,117.00	6,667.00
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	1,145.00	1,065.00
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,592.00	2,292.14
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	Erisa Industry Council	3,488.00	8.50
Randall V. Griffin, 1111 19th St., NW Washington, DC 20036	Reid & Priest (For:Halecrest Company)	100.00	
Hurdis M. Griffith, 2261 Kings Garden Way Falls Church, VA 22043	Anthony Janetti (for Amer Assn Occupational Health Nurses)	3,125.00	
Do	Anthony Janetti (for American Academy of NPs)	3,125.00	268.26
McGee Grigsby, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Latham & Watkins (For:Farmers & Merchants Bank of Long Beach)		
Richard A. Gross, Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036	Stadium Authority of the City of Pittsburgh		
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	5,925.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	Marine Shale Processors, Inc	3,000.00	125.00
David Gusky, 1016 16th Streeet, NW Washington, DC 20036	National Fed of Federal Employees	1,104.72	
Paul D. Guth, 226 W. Rittenhouse Square, #3200 Philadelphia, PA 19103	Philadelphia Stock Exchange		
Do	Wire Pro, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	4,147.50	3,540.85
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	
Loyd Hackler, 1616 H St., NW Washington, DC 20006	American Retail Federation		
Tom Hagedorn Associates, 1704 23rd St., So. Arlington, VA 22202	Yankee Energy Co		
Peter H. Hahn, 10409 La Costa Dr. Austin, TX 78747	Chromalloy American Corp		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
Martin Haley Companies, Inc, 1015 15th St., NW Washington, DC 20005	M&M/Mars		
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	4,725.30	
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	480.00	56.28
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	637.41	86.85
Karen Hammond, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	1,899.00	1,166.78
Handgun Control, Inc, 1400 K Street, NW, #500 Washington, DC 20005		1,323,540.00	516,944.00
Mary Hanlon, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	104.00	28.00
Frederick J. Hannett, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Foundation Health Corp)	8,000.00	5,200.00
Do	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Eric Hard, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Dan R. Harlow, 717 N. Harwood Street Dallas, TX 75201	Maxus Energy Corp	1,000.00	
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
Paul M. Harrison, P.O. Box 4079 Gulfport, MS 39502	Mississippi Power Co	3,738.49	3,782.29
J. William W. Harsch, 1722 Eye St., NW, 6th Floor Washington, DC 20006	City of Cranston	976.00	245.01
Do	Solv-Ex Corporation	4,046.92	2,121.94
Do	Wormser Engineering, Inc		
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Ann Marie Havrilko, 1776 Eye Street, NW Suite 1000 Washington, DC 20006	BP America, Inc		
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce	6,346.00	586.60
Peter M. Hayes, 214 Massachusetts Ave., NE Washington, DC 20002	Salt River Project	3,521.00	1,358.94
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Bill Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	5,000.00	
Dan C. Heinemeier, 1722 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	625.00	
Richard L. Hellwege, 1225 Jefferson Davis Highway, #402 Arlington, VA 22202	Smiths Industries		
Nancy Ginn Helme, Box 723 Washington Grove, MD 20880	Weil & Firth, Inc (for Champlain Pipeline Co)	5,220.00	
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	1,941.91
Diane Hendricks, 1225 Jefferson Davis Highway, #600 Arlington, VA 22202	Westermann & Hendricks		
Bruce Heppen, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard A. Herrett, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc		
William G. Herrold, 1111 19th St., NW, #608 Washington, DC 20036	Institute of Electrical & Electronics Engineers		
Anne R. Hill, 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Kids Project	13,749.99	19,142.38
Hill & Barlow, One International Place 100 Oliver St. Boston, MA 02110	United Asset Management Corporation		159.59
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Aroostook Band of Micmacs	375.00	
Do	Association of Navajo Community Controlled School Boards	40.00	7.50
Do	Bristol Bay Area Health Corp		
Do	Maniilaq Assn		
Do	Menominee Indian Tribe	1,303.00	7.50
Do	Metlakatla Indian Community	370.00	3.00
Do	Miccosukee Tribe of Indians of Florida	80.00	10.50
Do	Norton Sound Health Corp	10.00	
Do	Oglala Sioux Tribe	1,070.00	25.50
Do	Oglala Sioux Tribe Public Safety Commission		
Do	Pueblo de Cochiti	3,828.00	32.80
Do	Seminole Tribe of Florida	4,000.00	32.50
Do	Tanana Chiefs Conference, Inc		
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-PEC	2,499.99	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	SouthernNet, Inc		
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,184.48	
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,562.00	195.00
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	Asarco Inc	500.00	500.00
Do	Colorado State University	7,500.00	7,500.00
Do	ECAD, Inc	4,500.00	4,500.00
Do	International Brotherhood of Teamsters	500.00	500.00
Do	MediVision, Inc	2,000.00	2,000.00
Do	Strohs Brewery Co	500.00	500.00
Do	United Technologies Corporation	4,500.00	4,500.00
Do	Warner-Lambert Co	3,625.00	3,625.00
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	3,900.00	419.12
Robert Horvitz, 1006 Poplar Drive Falls Church, VA 22046	Association of North American Radio Clubs		
Sanford D. Horwitt, 5935 N. 5th Road Arlington, VA 22203	Committee for Humane Legislation, Inc		
Do	Friends of Animals, Inc		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		2,646.00	2,646.00
Edward F. Howard, 1334 G Street, 3rd Fl. Washington, DC 20005	Villers Advocacy Associates	2,760.00	178.67
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
John B. Howerton, 3727 North Edison St. Arlington, VA 22207-1831			
Terry D. Hudgins, P.O. Box 53999 Station 1715 Phoenix, AZ 85072-3999	Arizona Public Service Company	2,286.00	57.19
Dana Hughes, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund		
Ken Hughes, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club		
Brett Hulsey, Utica Center Building 1574 E. 21st Street Tulsa, OK 74114	Sierra Club	2,255.00	1,531.00
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,750.02	120.00
Richard M. Hunt, 550 N St., SW, #S-201 P.O. Box 70192 Washington, DC 20024	NL Industries, Inc	8,100.00	
Hunton & Williams, 2000 Pennsylvania Ave., NW P.O. Box 19230 Washington, DC 20036	Edison Electric Institute	28,475.00	620.70
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Richard L. Sinnott & Co (For:Dallas/Ft. Worth International Airport)		6.00
Do	Richard L. Sinnott & Co (For:Galena Resort Co)		20.00
Do	Richard L. Sinnott & Co (For:Intermec Corp)		60.00
Do	Richard L. Sinnott & Co (For:Oakland Colliseum)		20.00
Do	Richard L. Sinnott & Co (For:Port of Oakland)		425.19
HCA The Healthcare Co, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550			
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		2,436.22	2,436.22
Independent Insurance Agents of America, Inc, 100 Church St., 19th Fl. New York, NY 10007		37,568.00	37,568.00
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		24,543.19	24,543.19
Charles W. Ingram, 208 E Street, NE Washington, DC 20002	S.K.C. & Associates		
Integrated Resources, Inc, 666 Third Avenue, 4th Fl. New York, NY 10017			600.00
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			30,331.77
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006			
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Do	Borg-Warner Corp	2,875.00	
Do	Employee Relocation Council		
Do	Limited, Inc		
Do	Oberlin College		
Do	Rochester Tax Council		
ICI Americas, Inc, 1600 M Street, NW, #702 Washington, DC 20036			1,799.44
David L. Jackson, 1591 Fishinger Rd. Upper Arlington, OH 43221	Jackson & Associates		
John W. Jamison III, P.O. Box 36338 Birmingham, AL 35236			6,030.73
Anthony Janetti, Inc, N. Woodbury Road, Box 56 Pitman, NJ 08071	American Academy of Nurse Practitioners	2,857.50	268.26
Do	American Assn of Occupational Health Nurses	3,525.00	3,125.00
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94118			
Julie A. Javernick, 413 North Lee St. P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	500.00	282.00
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Equitable Financial Companies		
Jersey Arms Works, Inc, 13 Circle Lane Cherry Hill, NJ 08003			
Guy E. Jester, 2150 Kienlen Ave. St. Louis, MO 63121	Association for the Improvement of the Mississippi River		
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	345.10
Beth Johnson, 6220 Gaston Avenue, #609 Dallas, TX 75214	Sierra Club	4,345.00	3,474.00
Kay Johnson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	882.00	
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	3,750.00	344.34
Johnston Barton Proctor Swedlaw & Naff, 1100 Park Place Tower Birmingham, AL 35203	John W. Jamison III	5,981.25	
Joint Maritime Congress, 444 N. Capitol St., #801 Washington, DC 20001		27,984.00	27,984.00
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Beverly E. Jones, 1101 16th Street, NW Washington, DC 20036	Consolidated Natural Gas Co	1,000.00	
Theodore L. Jones, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006-4706	Hartford Group		
Do	Mall Properties, Inc		
Do	Maxicare Health Plans, Inc		
Do	Primark Corporation		
Do	U.S. Cane Refiners' Assn	2,000.00	
Do	United Companies Life Insurance Companies		
Do	Zapata Corporation		
Do	Zapata Gulf Marine Corp		
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities		11,400.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Embassy of the People's Republic of China	9,687.13	5.50
Do	Laurel Industries, Inc		35.80
Do	Mississippi Chemical Corp		
Do	Morgan Grenfell & Co, Ltd	4,267.50	1,316.52
Do	Stakeholders in America	8,555.00	1,765.41
Do	SCM Corp		
Nancy Jumper, 1150 17th Street, NW Washington, DC 20036	Health Insurance Plan of Greater New York	252.00	1,615.00
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			
Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Society of the U.S., et al.	10,748.00	704.11
Do	Iriquois Gas Transmission Systems	26,732.50	1,092.17
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	14,000.00	1,638.55
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		4,500.00
Anthony K. Karwoski, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute		
Patricia L. Katson, 11215 Oak Leaf Drive Silver Spring, MD 20901	Liberty Lobby, Inc	8,250.00	
Anthony P. Kavanagh, 410 First Street, SE Washington, DC 20003	Consolidated Edison Co of New York, Inc	1,930.00	397.18
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	American Nuclear Energy Council		2,537.38
Do	Robert Bosch Corp	622.73	622.73
Do	Brown Brothers Harriman & Co	4,954.18	1,945.27

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Carlon Company	233.75	
Do	Eastern Airlines, Inc		345.00
Do	Alfredo J. Estrada		
Do	Goldman Sachs & Co	4,060.40	1,813.91
Do	GAF Corporation		
Do	Kraft, Inc	3,265.60	1,250.63
Do	KWG Properties	124.69	
Do	Morgan Guaranty Trust Co of New York	13,948.00	11,822.46
Do	Siemens Medical Systems, Inc	827.08	404.88
Do	U.S. Industrial Fabric Institute	1,155.63	690.00
Do	Westwood One, Inc		
Do	Winfield Manufacturing Co	10,789.02	1,792.28
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	American Assn for Marriage & Family Therapy	6,365.00	
Do	General Instrument Corporation	9,516.50	796.39
Do	National Assn of Social Workers	525.00	
Do	Polar Marine Partners		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)	1,500.00	
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	7,708.00	
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	American Truck Dealers		
Do	ESOP Assn		
Do	National Assn of Royalty Owners, Inc		
Do	Small Business Council of America		
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	1,006.73	
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	2,000.00	
Ty Kelley, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc		
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	179.45	
Richard B. Kelly, Kelly Eckhaus & Mohen 40 Birch Hill Road Locust Valley, NY 11560	National Assn of Catalog Showroom Merchandisers	3,000.00	
William N. Kelly, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	1,500.00	1,385.00
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates, Inc (For:City of Alameda, CA)		
Do	Floyd H. Hyde Associates, Inc (For:City of Fresno, CA)		
Do	Floyd H. Hyde Associates, Inc (For:City of Gary, IN)		
Do	Floyd H. Hyde Associates, Inc (For:Fresno County, CA)		
Do	Floyd H. Hyde Associates, Inc (For:Water Department in San Bernadino, CA)		
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			228.58
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			312.82
Frances H. Kennedy, 208 N. Quaker Lane Alexandria, VA 22304	National Parks & Conservation Assn	100.00	
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	National Wood Energy Assn, Inc		
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,390.50	99.10
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	4,471.16	216.93
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	PepsiCo, Inc	1,855.00	22.50
Roberta D. Kimball, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	4,140.00	394.95
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			5,304.95
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	9,609.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	American Council of Life Insurance, Inc		
Do	Color Systems Technology, Inc		
Do	Columbia Pictures Industries, Inc	1,451.25	
Do	Grocery Manufacturers of America, Inc		
Do	Investors Fiduciary Trust Co		
Do	H. K. Porter Company, Inc		
Do	Search Group, Inc	7,900.00	941.66
Lisa K. Kjaer, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	475.00	59.70
Andrew M. Klein, 1101 Connecticut Ave., NW, #600 Washington, DC 20036	Schiff Hardin & Waite (For:Chicago Board Options Exhange)		
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	22,500.00	265.40
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		5,000.00	650.00
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	137.70	
Patrick C. Koch, 900 19th St., NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn	5,000.00	
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Bollinger Machine Shop & Shipyard, Inc	1,075.50	89.26
Krivit & Krivit, P.C., 50 E Street, SE Washington, DC 20003	City of St. Petersburg, Florida	1,200.00	100.00
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	3,171.60	50.85
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005			
Lachelli Waller & Associates, 600 Maryland Ave., SW, West Wing #302 Washington, DC 20024		13,500.00	5,400.00
Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006	Motorola, Inc	16,500.00	98.00
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	262.50	
Gerard F. Lamb, 2341 Jefferson Davis Hwy, 10th Floor Arlington, VA 22202	Todd Shipyards Corp	1,500.00	
Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	City of Baltimore	9,375.55	
Do	Coalition for Consumer Justice	3,518.99	
Do	GA Technologies, Inc	1,996.20	
Do	National Glass Association	3,710.53	
Do	National Independent Automobile Dealers Assn	3,869.51	
Do	Pyropower Corp		
Lane Powell Moss & Miller, 3800 Ranier Bank Tower Seattle, WA 98101-2647	Afognak Joint Venture	56,906.00	24,844.84
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	75.00	
Debra L. Larson, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Richard A. Lauderbaugh, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	290.71
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,500.00	46.25
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	4,000.00	
Joseph A. LaSala Jr., 555 13th Street, Suite 450 West Washington, DC 20004	Union Pacific Corp	12,500.00	44.96
Leach Biesty & McGreevy, 1619 New Hampshire Ave., NW Washington, DC 20009	Washington Psychiatric Society	5,250.00	132.36
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		61,939.81	54,775.44
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
League of Rural Voters Education Project, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408		107,577.50	3,600.00
League of Rural Voters, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408			
Julie S. Lee, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress		
C. Richard Lehmann, 15327 NW 60th Ave., #240 Miami Lakes, FL 33014	Richard Lehmann & Associates, Inc (For:Bond Investors Assn)		
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	293.90	
Arnold H. Leibowitz, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Republic of Palau		
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	7,250.00	3,813.21
Rodney E. Leonard, 2001 S Street, NW, #530 Washington, DC 20009	Community Nutrition Institute		
David A. Lewis, 1601 Connecticut Ave., NW, #800 Washington, DC 20009	Physicians for Social Responsibility	3,883.00	87.62
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	750.00	
Do	Manufacturers Hanover Corp	850.00	
Do	National Bank of Detroit	700.00	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Physicians Insurers Assn of America		755.95
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	7,637.98	541.49
James M. LeMunyon, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
Kathleen M. Linehan, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	1,425.00	250.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW Washington, DC 20005	Iowa Department of Transportation	5,599.00	
Do	Madison Gas & Electric Co	1,064.00	
Do	Metropolitan Sanitary District of Greater Chicago	8,576.00	213.00
Do	Michigan Dept of Transportation	4,846.00	
Do	Northern States Power Co	1,918.00	
Do	Oregon Department of Transportation	3,750.00	
Do	State of Colorado, Dept of Highways	4,500.00	60.00
Do	State of IL, Dept of Transportation	4,833.00	195.00
Do	State of IL, Dept of Transportation, Div of Water Resources	2,043.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Superior Water Light & Power Co		
Do	Wisconsin Electric Power Co	17,485.00	261.00
Do	Wisconsin Fuel and Light Co		
Do	Wisconsin Natural Gas Co		
Do	Wisconsin Power & Light Co	4,113.00	
Do	Wisconsin Public Service Corp	1,930.00	
Lisboa Associates, Inc, 1317 F St., NW, #400 Washington, DC 20004	University of the Virgin Islands	2,062.50	
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Atcor, Inc		
David A. Litvin, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Lord Day & Lord, Barrett Smith, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Coffee Sugar & Cocoa Exchange, Inc		
Do	Irving Trust Co		
Do	Metropolitan Transportation Authority		
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,478.02	458.79
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	795.42
William L. Lucas, 2021 K Street, NW, #300 Washington, DC 20006	Michigan Consolidated Gas Co	500.00	
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	Cassidy & Associates, Inc		
Do	Washington Consulting Group	6,000.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,378.33
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
James Lyon, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	7,500.00	9,069.15
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	6,250.00	75.00
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	12,115.39	449.35
James J. Magner, 600 Maryland Ave., SW, #302 West Wing Washington, DC 20024	Lachelli Waller & Associates	46,284.54	16,368.10
David L. Mahan, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)	540.00	129.35
Steven R. Maimon, P.O. Box 7579 Washington, DC 20044	Ibus Group, Ltd		
R. Roger Majak, 1700 N. Moore Street, #1620 Arlington, VA 22209	Tektronix, Inc	10,317.50	410.30
Daniel C. Maldonado, 10000 Falls Rd., #300 Potomac, MD 20854	American Soc of Anesthesiologists	6,950.00	2,485.43
Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		184,040.00	134,631.00
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	Audiovox Corp	2,000.00	2,230.00
Do	R.S. Landauer, Jr. & Co	500.00	880.00
Do	United Hellenic Amer Congress & Amer Hellenic Alliance, Inc	5,250.00	3,465.86
Donald W. Mann, 210 The Plaza Teaneck, NJ 07666	Negative Population Growth, Inc	500.00	
Bristow Marchant, P.O. Box 394 Columbia, SC 29202	Frank J. Merrill	1,418.14	
Kaiya Marie, P.O. Box 1338 Chicago Heights, IL 60411			310.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Coalition to Keep Alaska Oil	1,662.50	78.00
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
Sandra Marqunadt, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	97.75
Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	887.50	3.35
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		542.09
Herbert S. Matthews, Route 6, Box 83 Mechanicsville, MD 20659	Martin Marietta Aerospace	6,000.00	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	2,011.65	7.50
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies	1,000.00	252.85
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,366.62
Maryln Lee McAdam, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One	625.00	5.20
Do	California Student Aid Commission	2,250.00	552.48
Do	Colorado Student Loan Program	4,500.00	506.30
Do	GEM Corp	2,250.00	80.34
Do	Illinois State Scholarship Commission	1,237.00	50.93
Do	Just Kids	2,250.00	294.89
Do	Nebraska Higher Education Loan Program, Inc	1,125.00	
Do	Nebraska Student Loan Program	250.00	9.60
Do	Texas Guaranteed Student Loan Corp	1,125.00	283.32
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,000.00	264.82
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	American Health Care Assn		
Molly McCormick, 2301 Market Street, S 13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
David F. McDermitt, 2238 Highland Avenue Falls Church, VA 22046	National Utility Contractors Assn	14,500.00	
Albert L. McDermott, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	Banks of Iowa	2,205.00	37.25
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co		
Do	Hitachi America, Ltd		
Do	Home Intensive Care, Inc	3,367.85	65.60
Do	Kemper Investors Life Insurance Co	105.00	
Do	Lumberman Mutual Co		
Do	Public Employees Retirement Assn of Colorado	525.00	10.00
Do	Technicon Instruments Corp	4,210.00	
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	4,000.00	
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	6,000.00	203.70
Christine W. McEntee, 50 F Street, NW, #I100 Washington, DC 20001	American Hospital Assn	545.62	32.00
Terry M. McGann, 1900 Placer Gold Court Gold River, CA 95670	California Assn for Health Services at Home (CAHSAH)		
Patricia G. McGinnis, Francis Mcginnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	12,500.00	50.00
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Polygraph Assn		
Do	Borg-Warner Corp		
Do	City of West Lafayette		
Do	International Theatrical Agencies Assn		
Do	National Assn of Orchestra Leaders		
Do	National Manufactured Housing Assn		
Do	Pony Express Courier Corp		
Do	Wells Fargo Armored Service Corp		
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA 22313	RF&P Railroad		
Do	Savage/Fogarty Companies, Inc		
Do	Vulcan Materials Co		
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc		
James D. McKevitt, 1101 16th Street, NW, #500 Washington, DC 20036	National Fed of Independent Business	1,000.00	25.00
Law Offs of James D. McKevitt, 1101 16th Street, NW, 500 Washington, DC 20036	Kelly Assisted Living	250.00	10.00
Do	Kelly Services, Inc		
Do	National Assn of Wholesaler-Distributers		
Francis X. McLaughlin Jr., 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	8,413.25	560.84
Edward T. McMahon, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	230.00	
Joseph E. McMahon, 1331 Pennsylvania Avenue, NW, #909 Washington, DC 20004	Rodale Press	5,640.00	550.68
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling		
Do	Farm Credit System Capital Corp		
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	968.00	60.00
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc		
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Interlake, Inc	3,000.00	
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			
Michael Meehan, 1439 Rhode Island Ave., NW Washington, DC 20005	Capital Services of Washington, Inc (For:Massachusetts Biotechnology, Inc)		
Katherine Meier, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn	1,552.00	
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,325.60	61.00
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration	5,000.00	
Howard A. Menell, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Charles Mergentime, P.O. Box 662 Flemington, NJ 08822	Mergentime Corp	150.00	
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	National Agricultural Chemicals Assn	15,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)	525.00	
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	National Assn for Ambulatory Care		
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	906.26	228.62
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Milbank Tweed Hadley & McCloy, 1825 Eye St., NW Washinton, DC 20006	Committee for Fair Trade with China		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			623.44
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	8.81	
Linda B. Miller, 1625 Eye St., NW, #810 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	3,000.00	
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Electronics Assn		
Do	Computer & Business Equipment Manufacturers Assn		
Do	Council on Research & Technology	2,235.25	72.00
Do	Electronic Industries Assn		
Do	Hercules, Inc	1,270.00	
Do	Runaway Plant Coalition	2,428.75	39.30
Do	Tandem Computers, Inc	2,346.50	20.00
Do	UDC-Universal Development L.P.		
John H. Miner, Room 1414-South Building, USDA Washington, DC 20250	Organization of Professional Employees of USDA	652.20	
Miner Fraser & Gabriel, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	Government of Haiti		1,112.50
Do	Navajo Nation	11,515.00	3,838.00
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Houghton Mifflin Company	6,595.38	
Charles A. Monfort, 1616 P Street , NW, #310 Washington, DC 20036	Union of Concerned Scientists	5,375.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	10,650.00	5,909.00
Timothy X. Moore, Timothy Moore & Co 2900 M Street, NW, #300 Washington, DC 20007	All-Industry TV Music License Committee	15,000.00	1,700.00
Walter K. Moore, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		1,304.00
Anne L. Morgan, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers, AFL-CIO	15,333.34	80.00
James Morrison, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
James W. Morrison Jr., 655 15th St., NW, #300 Washington, DC 20005	Morrison Associates (For:Blue Cross & Blue Shield Assn)		
Beth Moten, 1016 16th St., NW, Washington, DC 20036	National Fed of Federal Employees	8,721.60	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	Toshiba Corp	3,109.00	99.99
Richard J. Muller, 1100 Connecticut Ave., NW, #930 Washington, DC 20036	Chrysler Corporation	2,000.00	105.00
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Barbara Munson, 1300 North 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	5,087.48	316.78
Patricia Collins Murdock, 1313 L St., NW Washington, DC 20005	Service Employees International Union	7,253.00	41.75
George F. Murphy Jr., 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	498.75	116.67
Richard E. Murphy, 414 West Braddock Rd. Alexandria, VA 22302	Generic Pharmaceutical Industry Assn	500.00	
Timothy D. Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006	Baybanks, Inc		
Diane M. Nash, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	8,562.00	
Nash Railsback & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Direct Marketing Assn	2,405.00	16.00
Do	Disclosure Information Group	925.00	
Do	Information Industry Assn	1,500.00	
Do	Journal of Commerce, Inc	7,400.00	6.00
National Abortion Rights Action League, 1101 14th Street, NW 15th Floor Washington, DC 20005			19,460.59
National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015			
National Assn of Catalog Showroom Merchandisers, C/O Kelly, Eckhaus, Mohen 40 Birch Hill Road Locust Valley, NY 11560			5,997.79
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-049 Alexandria, VA 22313			
National Assn of Energy Service Companies, 2300 M St., NW Washington, DC 20037			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		70,947.57	107,519.03
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,175,468.26	484,831.95
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			56,565.22
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			21,065.00
National Bicycle Dealers Assn, Inc, 129 Cabrillo Street, #201 Costa Mesa, CA 92627-3006			
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,416,290.19	14,739.82
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		12,009.33	15,752.50
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		19,720.48	19,720.48
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			37,248.00
National Motorsports Comm of Accus, 1500 Skokie Boulevard, #101 Northbrook, IL 60062			
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		207,790.05	7,800.00
National Organization for Women, 1401 New York Ave., NW, #800 Washington, DC 20005			
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		207,665.58	200,915.86
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,886.10
National Rural Housing Coalition, 201 Massachusetts Ave., NE, C-8 Washington, DC 20002		5,100.00	16,691.39
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		17,647.00	27,667.00
National Save the Family Farm Coalition, 80 F St., NW, #714 Washington, DC 20001			
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		58,892.00	58,892.00
Natural Gas Supply Assn, 1129 20th St. nw #300 Washington, DC 20036		2,502,300.00	25,386.99
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	16,173.99	562.85
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	189.83	
Frederick H. Nesbitt, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	10,238.48	366.37
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	3,043.22	1,283.67
David B. Neumeyer, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Ellen Nissenbaum, 236 Massachusetts Avenue, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	1,043.46	35.00
Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036	Aetna Life & Casualty	505.00	3,000.00
Do	California Co-Compost Systems		
Do	California Student Loan Finance Corp		1,125.00
Do	Milton Gordon, First Financial Group		
Do	MEBA District II, et al		375.00
Do	Northwestern National Life Insurance Co		1,000.00
Do	Southern California Edison Co	232.50	250.00
NL Industries, Inc, 3000 North Belt East P.O.Box 60087 Houston, TX 77205			8,100.00
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)	1,500.00	
Emily O'Connor-Karolyi, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	2,500.00	468.00
Kathleen O'Leary, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Transmission Corp	4,000.00	127.37
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Santa Fe International Corp		
Thomas P. Ochsenschlager, 1850 M Street, NW, #300 Washington, DC 20036	Grant Thornton		
Philip M. Ola, 1919 Pennsylvania Avenue, NW, #400 Washington, DC 20006	Steel Service Center Institute		
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	149.00	
Oppenheimer Wolff & Donnelly, 1020 19th Street, NW, #400 Washington, DC 20035	Nissei Corp	1,760.43	1,760.43
Michel Orban, American Express Company American Express Tower World Financial Center New York, NY 10285-4890	American Express Co		
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		2,584.36	1,348.80
Abraham Orlofsky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,130.48	
Orrick Herrington & Sutcliffe, 555 Capitol Mall, #1200 Sacramento, CA 95814	Cone Mills Corp		
Charles D. Osborn, Gwinn Area Community Schools, M-35 Gwinn, MI 49841	Gwinn Area Community Schools		
James L. Osborne, 4th & Davis Streets P.O. Box 808 McMinnville, OR 97128	National Assn of Mutual Insurance Cos		
David S. Osterhout, 1825 Eye Street, NW, #1000 Washington, DC 20006	Lockheed Corporation	7,200.00	3,221.84
Kevin D. Ott, 1937 Calvert Street, NW #B Washington, DC 20009	National Assn of Manufacturers		
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Jack W. Owen, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		
Preston R. Padden, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	3,000.00	
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	981.24	
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	13,144.00	2,080.00
Tom E. Paro, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	497.00	
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Family Life Assurance Co	1,500.00	
Do	Association for the Advancement of Human Rights in Japan	2,100.00	
Do	Bell Helicopter Textron, Inc	3,750.00	
Do	Bristol-Myers Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Care Enterprises	2,250.00	
Do	Commonwealth of Puerto Rico		
Do	Eaton Corp	1,500.00	
Do	Generic Pharmaceutical Industry Assn	2,000.00	192.24
Do	Herbalife International	3,750.00	
Do	Hotel Employees & Restaurant Employees Int'l Union		
Do	International Brotherhood of Teamsters	2,250.00	
Do	Lockheed Aeronautical Systems Co	2,000.00	
Do	Manville Corporation	500.00	
Do	Motion Picture Assn of America, Inc	3,600.00	280.41
Do	National Assn of Independent Insurers	1,500.00	
Do	National Beer Wholesalers of America	1,000.00	77.55
Do	Pilatus Britten-Norman, Ltd	1,000.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Schering Corp	3,600.00	
Do	T.I.M.E.-DC, Inc	1,200.00	
Do	Texas Research & Technology Foundation	3,750.00	
Do	United Food & Commercial Workers International Union	2,000.00	
Do	Warner-Lambert Co	3,600.00	
Do	Westinghouse Defense & Electronics Systems Co		
Do	Won Door Corporation	750.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Cook Inlet Region, Inc		
Do	McDonnell Douglas Corp		
Do	National Music Publisher's Assn, Inc	540.00	89.50
Do	NEC Corp and NEC America, Inc	1,794.00	10.00
F. Colin Pease, Iron Horse Park North Billerica, MA 01862	Boston and Maine Corp, et al.		
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,653.68	
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,000.00	245.00
Gregory M. Pensabene, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	2,700.00	
People for the American Way Action Fund, 1424 16th Street, NW, #601 Washington, DC 20036		926,886.00	174,498.00
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc	2,245.25	300.00
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20910	American Soc for the Prevention of Cruelty to Animals	1,500.00	1,500.00
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	American Assn for Counseling & Development		
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	426.00	
Pettit & Martin, 1800 Massachusetts Avenue, NW, #600 Washington, DC 20036	Nippon Yusen Kaisha (NYK) Line	42,453.75	1,169.13
Do	U.S. Suzuki Motor Corp	41,374.00	1,598.87
Physicians for Social Responsibility, 1601 Connecticut Avenue, NW, #800 Washington, DC 20009		14,080.56	16,139.99
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	29,575.00	425.00
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	American Academy of Pediatrics	15,000.00	
Do	Community Psychiatric Centers	1,374.06	
Do	Contel ASC		
Do	Dun & Bradstreet Corp		
Do	El Pomar		
Do	Genentech	11,959.49	
Do	Infectious Diseases Society of America	2,000.00	
Do	Securities Industry Assn	2,750.00	
Nancy Pinson-Millburn, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Piper & Marbury, 1200 19th Street, NW Washington, DC 20036	Edison Electric Institute	5,561.25	333.78
James H. Pissot, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	4,833.00	3,813.21
Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036	American College of Emergency Physicians	3,409.00	286.30
Plaintiff Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		10,653.43	10,653.43
Ronald L. Plesser, 1133 15th St., NW, #1100 Washington, DC 20005	Direct Marketing Assn	2,405.00	16.00
Do	Disclosure Information Group	925.00	
Do	Information Industry Assn	1,500.00	
Do	Journal of Commerce, Inc	7,400.00	6.00
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	172.85	443.10
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	10,811.94	884.95
Donna Potemken, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,042.74	167.14
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Council on Education	495.00	
Do	Belz Investment Co	840.00	
Do	General Cinema Corp	4,940.00	
Do	Hayes Microcomputer Product, Inc		
Do	Jacques Borel Enterprises, Inc	2,760.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	11,500.00	38.51
Do	John Hancock Mutual Life Insurance Co	21,520.00	3,070.50
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Boeing Company		
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Professional Services Council		
Do	Xerox Corp		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	6,000.00	430.29
Lesley Primmer, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036	Planned Parenthood Fed of America, Inc	1,302.31	65.80
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		186.80	431.27
Project Advisory Group, 1029 Vermont Ave., NW, #860 Washington, DC 20005			810.50
Leslie Proll, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice	133.33	
Protect the Innocent, Inc, 451 South Indiana Street Mooresville, IN 46158			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,100.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036			
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		20,995.00	20,995.00
George Gregory Raab, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		
Donald A. Randall, P.C., 321 D Street, NE Washington, DC 20002	Automotive Service Assn	3,554.08	
Do	National Independent Dairy-Foods Assn	1,050.00	
Randolph & Truitt, 1777 F Street, NW Washington, DC 20036-5203	Tanadgusix Corporation		
Tim Ransdell, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	7,500.00	50.00
Robert A. Rapoza Associates, Inc, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20009	National Rural Housing Coalition	9,518.40	
Do	Policy & Management Associates	25,000.00	11,379.98
Brian Rasmussen, 655 Fifteenth Street, NW, Suite 350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Reed Smith Shaw & McClay, 1150 Connecticut Ave., NW Washington, DC 20036	Alliance for 8(a) Reform	9,500.00	14,266.15
Do	Phoenix Group	5,000.00	6,849.50
Robert S. Reese Jr., 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Captial Services of Washington, Inc (For:Massachusetts Biotechnology Council, Inc)		
Richard Rendon, 1439 Rhode Island Ave., NW Washington, DC 20005	Capital Services of Washington, Inc (For:Massachusetts Biotechnology, Inc)		
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Timothy M. Reynolds, 1776 Eye Street, NW Suite 1000 Washington, DC 20006	Standard Oil Co (Ohio)		
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation		
Kevin C. Richardson, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	825.00	574.08
Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015	National Assn for Stock Car Auto Racing, Inc (NASCAR)		
Do	National Motorsports Comm of ACCUS, FIA, Inc		
Riddell Holroyd & Butler, P.O. Box 65097 Washington, DC 20035	Associates Corp of North America	1,000.00	
Do	First Chicago Corp		
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Susan Riley, 1401 New York Ave., NW, #900 Washington, DC 20005-2102	Capital Strategies, Inc (For:Camera de la Industria de Transformacion de Nueve Leon).		
Do	Capital Strategies, Inc (For:Export Packers Co, Ltd)	2,000.00	
Do	Capital Strategies, Inc (For:Kidder Peabody & Co, Inc)		
Do	Capital Strategies, Inc (For:National Multi Housing Council)	18,000.00	
Do	Capital Strategies, Inc (For:New York City Housing Development Council)	15,245.55	
Do	Capital Strategies, Inc (For:New York State Mortgage Loan Enforcement & Admin Corp).	38,225.00	
Do	Capital Strategies, Inc (For:Olympus Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Capital Strategies, Inc (For:South Bay Foundry)		
Do	Capital Strategies, Inc (For:Tri-Star Electronics)		
Do	Capital Strategies, Inc (For:Universal Furniture Industries, Inc)		
Do	Capital Strategies, Inc (For:Vitrocrisa Cristaleria, S.A.)		
Riselli & Pressler, P.C., 2033 M Street, NW, #504 Washington, DC 20036	Professional Managers' Assn		
Richard R. Roberts, 304 Pennsylvania Ave., SE, #300 Washington, DC 20003	American Council of Highway Advertisers	1,500.00	1,929.00
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)	1,500.00	
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Cabot Corporation	2,088.75	
Michelle Robinson, 20 Park Plaza, Suite 603 Boston, MA 02116	Council for a Livable World	4,100.28	
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Nevada Resort Assn	10,000.00	
Do	Sun-Diamond Growers of California	5,000.00	
Do	Suzuki Motors of America, Inc	7,500.00	
Do	Vietnam Women's Memorial Project, Inc	5,000.00	
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,508.96	243.63
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	216.00	25.70
Donald L. Rogers, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos		
Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072	Liberty Lobby, Inc	1,440.00	240.98
Keith Rogers, 47 Lafayette Place, Apt. 6d Greenwich, CT 06830	U.S. Tobacco Company		
Lori S. Rogovin, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	5,979.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,101.54	
Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582			
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	750.00	25.00
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		335.30
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BN Services Inc	500.00	187.07
Gloria Cataneo Rudman, Suite 801 444 N. Capitol St., NW Washington, DC 20001	Joint Maritime Congress	9,582.00	
Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	3,375.00	75.00
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	18,092.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
S.A.F.E.S.T., 1120 G St., NW, #800 Washington, DC 20005			2,000.00
David J. Sadd, 2033 M Street, NW, #900 Washington, DC 20036	National Assn of Arab Americans	4,536.80	
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	500.00	1,224.46
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	6,000.00	2,025.60
Do	GM Energy Company, Inc	13,000.00	568.12
Do	National Tour Assn, Inc	24,163.00	4,620.33
Do	Truckee-Carson Irrigation District	3,900.00	996.85
Save Our Schools, 7777 Leesburg Pike c/o TVC 5th Floor Falls Church, VA 22043		1,310.00	27,856.27
Donna Scampoli, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Schiff Hardin & Waite, 1101 Connecticut Avenue, NW Washington, DC 20036	Chicago Board Options Exchange		
Sandra A. Schlicker, McMahon and Associates 1331 Pennsylvania Avenue, NW Washington, DC 20004	Rodale Press	8,460.00	519.64
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc		1,799.44
A. Kolbet Schrichte, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Association		100.00
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Investment Co Institute	453.51	719.67
Do	State of Oregon, City of Portland, Oregon Metro		12,970.76
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,060.00	1,601.64
Schwinn Bicycle Co, 217 North Jefferson St. Chicago, IL 60606			180.00
Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	791.25	110.00
Thomas W. Scoville, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress	1,934.00	
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	431.05	62.64
Stuart D. Serkin, 1156 15th Street, NW, #505 Washington, DC 20009	Coal & Slurry Technology Assn	1,000.00	
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Association for the Improvement of the Mississippi River		
Deborah A. Sheiman, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc		
Judith C. Sherman, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	231.50
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	8,812.50	60.00
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	48,000.00	3,200.78
Sierra Club, 730 Polk Street San Francisco, CA 94109		394,222.85	394,222.85
William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Company (For:A.P.G. Corp)		
Do	Keefe Company (For:Coalition to Extend Safe Harbor Leasing for Mass Transit)	2,000.00	
Do	Keefe Company (For:Corporate Growth Concepts)		
Do	Keefe Company (For:CIC Enterprises)		
Do	Keefe Company (For:Greater New York Hospital Assn)	1,500.00	
Do	Keefe Company (For:Linnabary & Associates)		
Do	Keefe Company (For:Management Insights, Inc)		
Do	Keefe Company (For:National 4&5 Bondholders)	2,000.00	
Do	Keefe Company (For:New York Hospital)	1,300.00	
Do	Keefe Company (For:Pierce Kennedy & Hearth)		
Do	Keefe Company (For:RJR Nabisco, Inc)	3,000.00	
Do	Keefe Company (For:Securities Industry Assn of Puerto Rico)		
Do	Keefe Company (For:Targeted Management Consultants)	5,000.00	
Do	Keefe Company (For:U.C. Consultants)		
Do	Keefe Company (For:Vrain)		
Stephen Silbiger, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,037.76	353.86
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	M. Graeme Bannerman (for Philippine Coconut Authority)	490.00	
Leonard S. Simon, 815 15th St., NW, #709 Washington, DC 20005	Simon & Company (For:City of Erie, PA)		
Do	Simon & Company (For:City of Fresno, CA)		
Do	Simon & Company (For:City of Portland, OR)		
Do	Simon & Company (For:Fresno County, CA)		
Do	Simon & Company (For:Gary, Indiana)		
Do	Simon & Company (For:San Leandro, CA)		
Do	Simon & Company (For:Water Department in San Bernadino, CA)		
Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201	Southland Corporation		
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	AFL-CIO Maritime Committee	400.00	552.08
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Dallas/Ft. Worth International Airport	9,000.00	
Do	Galena Resort Co	4,125.00	
Do	National Paint Co, Inc		
Do	New United Motor Manufacturing, Inc	9,537.00	
Richard L. Sinnott & Co, One Thomas Circle, NW, #900 Washington, DC 20005	Oakland Coliseum	875.00	
Do	Port of Oakland	18,750.00	
Marcus W. Sisk Jr., 2828 Pennsylvania Ave., NW, #203 Washington, DC 20037	Tosco Corporation		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Baker-Hughes, Inc		
Do	CSX Corporation		
Do	Genentech		
Do	MCI Communications Corp		
Do	Reynolds Metals Co		
Do	Westinghouse Electric Corp		
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	6,483.00	5,744.68
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	7,373.91	80.30
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc	900.00	25.00
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,929.00	1,154.28
Kathryn Smith, 1454 Duke Street Alexandria, VA 22314	American Osteopathic Hospital Assn		
Patrick F. Smith Jr., Suite 1101 1730 K Street, NW Washington, DC 20006	National Treasury Employees Union	16,620.00	
Sara Hope Smith, 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	1,277.95	
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	New England Education Loan Authority	608.15	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	5,578.13	
Laurie J. Snyder-Cavell, 1001 22nd Street, NW, #600 Washington, DC 20037	BP America, Inc		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,104.29	
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,800.00	243.55

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Connecticut Municipal Electric Energy Cooperative		
Do	Manassas Hydro	60.00	
Do	Northern California Power Agency		
Do	Service Employees International Union, AFL-CIO	3,330.00	
Alan P. Spielman, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn		
Frances Spivy-Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	500.00	100.00
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	965.83	107.70
Stakeholders in America, Trumble & Associates P.O. Box 87 Chaska, MN 55318		10,000.00	38,480.50
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Strategic Resources Corp (For:Listeff Fashions, Inc)		
H. Gerald Staub, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	141.80
William N. Steele, 1700 North Moore St., Fl. 21 Rosslyn, VA 22209	Boeing Company	3,192.98	2,793.27
Steele & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp		
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,154.00	
Kristin Steick, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women		341.91
Ramona C. Stelford, 1818 N Street, NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Boeing Company		
Do	Canadian Sugar Institute		
Do	Cement Importers Assn	5,180.00	545.00
Do	Coalition to Promote America's Trade	4,431.00	2,666.18
Do	Outboard Marine Corp		
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	75.00	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	258.22
Dena G. Stoner, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	90.00	
Richard B. Storey, 304 East Brunswick Street Sterling Park, VA 22170	Multi Management Assn, Inc (For:American Assn of Fast Food Soft Serve & Pizza Operators).		
Raymond L. Strassburger, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc		
Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
R. Keith Stroup, Suite 500A, Box 69 100 Maryland Ave., NE Washington, DC 20002	League of Rural Voters Education Project, Inc	3,000.00	
Do	League of Rural Voters, Inc		
Marcia Z. Sullivan, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	4,579.20	170.73
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Acacia Group		879.26
Do	American Industrial Clay & Georgia Kaolin		
Do	Anglo-American Clays Corp		
Do	Capital Holding Corp		28.00
Do	Engelhard Minerals & Chemicals Corp		
Do	Equifax, Inc	1,765.75	138.81
Do	J. M. Huber Corp		
Do	Minnesota Mutual Life Insurance Co	2,902.50	
Do	Mutual of Omaha Insurance Co		
Do	National Liberty Corp		41.50
Do	Nord Resources Corp		
Do	State of Nevada		287.87
Do	Thiele Kaolin Co		
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians	3,750.00	1,949.01
William R. Sweeney Jr., 536 Seventh Street, SE Washington, DC 20003	American Nuclear Energy Council		
Do	China External Trade Development Council		
Do	Embassy of Japan		
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Hoechst Corporation		
Anthony Syrett, Crystal Gateway 3, #900 1215 Jefferson Davis Highway Arlington, VA 22202	Marconi Electronics, Inc, et al.		
Systematics, Inc, 4001 Rodney Parham Road Little Rock, AR 72212			
Edith Szabo, 42 West Union Turnpike Wharton, NJ 07885	American Hungarian Federation	300.00	
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	Transylvanian World Federation		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Marion Laboratories, Inc		
Elayne L. Tempel, 1016 16th St., NW, Washington, DC 20006	National Fed of Federal Employees		
Templeton & Company, 1000 Potomac St., NW Washington, DC 20007	Space Industries, Inc		
Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170			6,279.75
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,020.00
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		600.00	600.00
Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006	Michigan Consolidated Gas Company	2,200.00	
Law Offices of Fred Thompson, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds	1,100.00	
Do	Westinghouse Electric Corp		
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co		
Samuel C. Thompson Jr., Schiff Hardin & Waite 1101 Connecticut Avenue, NW, #600 Washington, DC 20036	Chicago Board Options Exchange		
Thompson & Bussart, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds	1,770.00	
Do	Westinghouse Electric Corp		
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn	812.47	605.17
Do	National Pork Producers Council	965.38	965.38
Do	Orkin Pest Control	953.55	
Douglas Clare Thorson, 2059 Whisperwood Glen Lane Reston, VA 22091	Save Our Schools	5,250.00	98.84
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209	Hewlett-Packard Co	4,000.00	75.50
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Burke A. Tracey, 2111 Jefferson Davis Highway, #1009-S Arlington, VA 22202	Coalition of Higher Education Assistance Organizations		
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Soc of the U.S. and M.S.P.C.A.	10,696.00	161.25
Do	Iriquois Gas Transmission Systems	31,644.00	66.11
Do	Northeast Solvents Recovery	1,148.00	1.82
Do	Sierra Club of America		
Genevieve W. Tuchow, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies	4,000.00	
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:New Tech Snacks, Inc)		225.00
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,680.00	48.00
U.S. Committee for the Oceans, Route 2, Box 91 Ararat, VA 24053			
U.S. Recreational Ski Association, P.O. Box 15486 Santa Ana, CA 92705-0486			
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee	4,238.00	
Craig Ulrich, 1300 N. 17th Street, #1200 Arlington, VA 22209	Consumer Bankers Assn		
Marvin C. Umholtz, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	94.99
Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	5,000.00	613.00
Steven W. Unglesbee, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Financial Companies		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage	12,939.00	
Do	Cincinnati Electronics	3,300.00	
Do	Ford Aerospace	3,300.00	
Do	Harsco Corp	26,084.00	2,852.91
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	1,410.00	210.50
George F. Vary, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc		453.44
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #200 Washington, DC 20006	National Mass Retailing Institute	5,000.00	100.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Atlantic Richfield Co	5,128.00	
Do	Bell Atlantic Corp		
Do	Brown & Root, Inc	767.50	
Do	Central Gulf		
Do	Continental Airlines	14,264.00	
Do	Federated Dept Stores, Inc	1,325.00	
Do	General Aviation Manufacturers Association	2,975.00	
Do	GenCorp	951.00	
Do	Investment Company Institute	14,938.00	
Do	John F. Kennedy Center for the Performing Arts		
Do	Mars, Inc	5,539.00	
Do	NYNEX Corp	8,515.00	
Do	Rayburn Country Electric Cooperative, Inc		
Do	STV Engineers	90.00	
Do	Travelers Corporation	5,141.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TRW, Inc	712.00	
Do	UNC, Inc	4,555.00	
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			10,540.15
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		147,000.00	12,025.00
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	411.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Cardinal Industries, Inc		
Do	Committee of Publicly Owned Companies	1,516.70	152.57
Do	Dale Michael A/K/A Riviera Bowling Lanes		347.66
Do	Distrigas Corp	6,575.60	490.35
Do	Fraternal Order of Police - National Headquarters	1,667.12	
Do	Ohio Manufacturers Assn	870.84	502.75
Do	Trustcorp/Toledo Trust Co	21,000.00	3,942.73
Frederick P. Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	American Wire Producers Assn		
Do	Loyens & Volkmaars		250.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Barbara F. Warden, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	8,522.54	28.00
Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)	360.00	
Do	DGA International, Inc (For:SNECMA)	995.50	240.68
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	4,953.86	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc	705.00	84.39
Susan Weber, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036	Zero Population Growth, Inc	16.00	
Webster & Sheffield, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Colorado SSC Project		
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	479.31	
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,812.00	
Weil & Firth, Inc, Two Central Plaza Augusta, ME 04330	Champlain Pipeline Co		5,712.88
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Chevron Corp		
Do	Marine Shale Processors, Inc	1,500.00	
Do	TIME, Inc		
Weinberg & Jacobs, 1815 H Street, NW, #600 Washington, DC 20006	Federal Indian Tribes of Michigan	5,423.75	
Stanley A. Weiss, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
Susan Weiss, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	7,000.00	
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	75.00	8.80
Bryant L. Welch, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	20.00
Edith E. Westermann, 1225 Jefferson Davis Highway, #600 Arlington, VA 22202	Westermann & Hendricks, Inc		
Western Fuels Association, Inc, 1625 M St., NW Washington, DC 20036		12,500.00	12,706.48
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Aetna Life & Casualty		
Do	Allied-Signal, Inc		
Do	American Airlines, Inc	641.02	31.00
Do	American Institute for Foreign Study Scholarship Foundation	3,411.03	103.95
Do	American International Manufacturing Corp		7.00
Do	Americans For Safe & Competitive Trucking	1,041.97	28.25
Do	ARCO		151.18
Do	Bank Capital Markets Assn		
Do	Blue Cross & Blue Shield Assn		
Do	Communications Satellite Corp		60.25
Do	Consortium of State Maritime Schools	250.00	25.62
Do	Coopers & Lybrand	2,000.00	11.00
Do	Ethigen Corp		
Do	Foothills Pipe Lines (Yukon) Ltd	1,212.50	111.89
Do	General Motors Corp		
Do	Gulf South Engineers, Inc		
Do	Health Policy Agenda for the American People		
Do	Hughes Aircraft Company	2,370.00	499.02
Do	Manhattan Building Companies, Inc	1,000.00	126.88
Do	Manville Corporation		
Do	Massachusetts Maritime Academy	666.66	
Do	Monarch Capitol Corp	850.00	73.50
Do	Motion Picture Assn of America, Inc	10,131.07	406.75
Do	Mullen Advertising		
Do	MCI Communications Corp	4,783.25	64.25
Do	Natioanl Assn of Social Workers		6.00
Do	National Assn of Business Political Action Committees	897.99	45.25
Do	National Gypsum Co	7,090.33	146.97
Do	New England Electric System		
Do	New England Fisheries Development Foundation, Inc	522.22	
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd	150.00	
Do	Oceanic Institute	582.09	4.95
Do	Paul Weiss Rifkind Wharton & Garrison	3,813.65	327.56
Do	Radio Assn Defending Airwave Rights, Inc	206.89	37.63
Do	Regional Planning Commission		
Do	Schaefer & Associates		
Do	Spanish International Communications Corp		
Do	Springs Industries, Inc		
Do	Training Media Distributors Assn	425.00	19.50
Do	Viacom International, Inc		53.98
Do	Woods Hold Oceanographic Institution	1,445.51	266.15
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company	5,000.00	3,806.82
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute	7,351.41	
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	161.10
Wickham & Associates, 2300 N St., NW, #600 Washington, DC 20037	Reliance Group Holdings, Inc & Affiliates, et al.	38,942.78	22,808.55
Wickwire Gavin & Gibbs PC, 1133 21st St., NW, #500 Washington, DC 20036	Consolidated Natural Gas Service Co		
Wickwire Lewis Goldmark & Schoor, 500 Maynard Bldg. Seattle, WA 98104	Arctic Slope Regional Corp	759.50	1,415.26
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		
Suzanne C. Wilkins, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	183.75	
Dean M. Wilkinson, 1436 U Street, NW Washington, DC 20009	Greenpeace, USA	253.88	29.54
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	840.00	667.00
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	450.00	81.00
Do	American Real Estate Committee	80.00	
Do	Association of Family Farmers		
Do	Association of Progressive Rental Organizations		119.36
Do	Century 21 Real Estate Corp		
Do	Colgate-Palmolive Co		
Do	Committee for Employment Opportunities		
Do	CIGNA Corporation		
Do	Danaher Corp	225.00	
Do	Environmental Processing, Inc		
Do	Estee Lauder, Inc		
Do	Federation for American Immigration Reform	300.00	59.68
Do	Financial Security Assurance Co		
Do	First Boston Corp	3,470.00	596.77
Do	First Data		
Do	Goldome FSB		
Do	Higher Education Assistance Foundation	400.00	81.00
Do	IU International Management Corp		
Do	Kellogg Company		
Do	Kelly Appleman Hart & Hallman	850.00	119.36
Do	Mustang Fuel Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Rehabilitation Agencies		
Do	National Cable Television Assn, Inc		
Do	Nationwide Insurance Co		
Do	Norfolk Southern Corp	2,275.00	362.32
Do	Paralyzed Veterans of America		
Do	Pharmaceutical Manufacturers Assn	2,050.00	362.32
Do	Recording Industry Assn of America, Inc	2,400.00	362.32
Do	Southwestern Bell Corp		21.32
Do	Student Loan Marketing Assn	400.00	81.00
Do	Texaco, Inc	950.00	119.36
Do	Texas Air Corp	7,650.00	835.47
Do	Trailer Train Co	1,325.00	242.97
Do	Turner Broadcasting System, Inc	1,675.00	200.34
Do	U.S. Telephone Assn	225.00	38.37
Do	United Bankers, Inc		242.97
Do	Universal Foods, Inc	320.00	81.00
Do	USAA Financial Service Co		
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st ST., NW Washington, DC 20036	AOC International, Inc	768.75	
Do	ASEAN Federation of Textile Industries (AFTEX)		
Do	Companhia Siderurgica Paulista (COSIPA)		
Do	Comptroller of the State of New York	87.50	
Do	Council of Institutional Investors		
Do	Ferro Union		
Do	Japan Iron & Steel Exporters' Assn		
Do	LEGI-SLATE		
Do	National Assn of Independent Fee Appraisers	6,055.00	
Do	Tatung Corp		
Do	Washington Public Power Supply System	8,853.75	
Do	Westinghouse Electric Corp	2,593.75	
Do	Yamaha Motor Co, Ltd, et al.	7,891.25	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Deutsche Lufthansa AG		
Do	Handgun Control, Inc		24.99
Do	International Swap Dealers Assn	2,860.00	362.73
David W. Wilmot, 2303 36th Street, SE Washington, DC 20020	Anheuser-Busch Companies, Inc		
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Marie Winslow, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	7,110.00	
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Appraisal Associates, Inc		0.50
Do	International Council of Shopping Centers	845.00	23.50
Do	National Council of Health Facilities Finance Authorities		
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors		68.50
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	2,100.00	200.00
Christopher J. Witkowski, 2000 P St., NW, #700 Washington, DC 20036	Aviation Consumer Action Project		
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group		
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,175.00	161.87
Joseph T. Wrabek, Box 70 Cascade Locks, OR 97014	Columbia Gorge United	1,255.64	1,564.42
Jill Yacone, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		340.00
Richard K. Yep, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	7,593.00	
Roberta Lynn Youmans, 509 C Street, NE Washington, DC 20002	National Housing Law Project	2,312.50	
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Janice Zarro, 555 13th Street, NW, #1050 Washington, DC 20004	Avon Products, Inc		
Sharon G. Zedd, 1945 Old Gallows Road, #405 Vienna, VA 22180	American Wood Preservers Institute	10,303.11	1,553.11
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036		5,136.00	4,684.00
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,321.88	2,373.35
Michael J. Zimmer, Wickwire Gavin & Gilbs, P.C. 1133 21st Street, NW, #500 Washington, DC 20036	Cogeneration & Independent Power Coalition of America, Inc		
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	Manchester Group, Ltd		
Do	New Hampshire Yankee		
Do	Romulus Engineering		500.00
Kurt D. Zwikl, 2024 Lehigh Street Allentown, PA 18103	Merchants Bank		160.34

EXTENSIONS OF REMARKS

ST GERMAIN MOVES BANKING BILL ARTFULLY THROUGH COMMITTEE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. FRANK. Mr. Speaker, the Committee on Banking, Finance and Urban Affairs recently completed an extremely productive and stimulating marathon markup on legislation to change the way in which we regulate banks. Various members obviously have their own opinions of the final work product. I voted for it, and while I think some changes are required in the bill that we adopted, I think we significantly advanced the process of writing banking legislation which is both pro-competitive, by eliminating artificial barriers to competition, as well as protective of the legitimate interests of lower income bank consumers.

But no matter what one's opinion of the final product, I think everyone who watched the process agrees that our chairman, the gentleman from Rhode Island [Mr. ST GERMAIN] demonstrated how parliamentary skills can be put to use in an extremely constructive way to help a large number of independent-minded individuals come to decisions on complex issues.

The spirit of the committee session was very well captured by Barbara Rehm, writing in the August 1 issue of the American Banker. Just as not everyone agrees with everything that was in the bill, many of us who participated in that session will disagree with some of Ms. Rehm's characterizations. I should note that, specifically, she was in error in characterizing me as a nonsupporter of the bill's consumer protections, for which I voted and which I helped to defend. But overall, her assessment so successfully gives people the sense of what happened, that it is one of the best descriptions of Congress at work that I have seen in a long time and I insert the article here:

GRUELING 17 HOURS BRING BANK BILL TO LIFE

(By Barbara A. Rehm)

The hallway outside of the House Banking Committee's hearing room resembled the inside of a school bus after a sixth grade field trip to someplace sticky. Empty cans, wads of paper, and fast food remains lined the halls, spilled off of tables, and overflowed from ashcans.

Inside the Rayburn House Office Building's cavernous hearing room, banking, securities, insurance, consumer, and thrift lobbyists battled reporters, regulatory officials, and congressional aides for a seat and a good view of the action.

The Treasury Department sent so many onlookers, including senior officials George D. Gould and Charles O. Sethness, that they had to double up on chairs. Other than those seats reserved for regulatory officials, members' personal staff, and the media, it's first come, first served. By the time the hearing began, the queue of people waiting—and hoping—to get in stretched for several city blocks.

What could draw such attention? Debate and a vote on Committee Chairman Fernand J. St Germain's legislation to allow banking companies meeting community reinvestment standards to underwrite a variety of securities.

It began at 10 a.m. on Wednesday in Room 2128, Rayburn. After months of promising fellow committee member that they wouldn't be left in the wake of the Senate's passage of banking legislation, Mr. St Germain gaveled an historic hearing to order.

He told the committee's 50 members that they would stay until their task was completed. "We're going to finish this bill today whether it's today, tonight, or this morning," he admonished early in what was to be a marathon proceeding.

And stay they did. When the final vote was taken, more than 16 hours later at 2:30 a.m. on Thursday, 47 of Mr. St Germain's peers remained in person. Most of the lobbyists, reporters, and regulars had stuck it out as well. The room's aisles never emptied.

During one after-hours break in the debate, American Bankers Association President Charles Pistor explained why he was still standing in the littered Rayburn hallway: "Once you come this far, you hate to walk away from it." That sentiment might carry the bill, because a lot of people have put a lot of time into the legislation.

As the recess dragged on, a reporter asked Frank Maguire, chief lobbyist for Office of the Comptroller of the Currency, if Mr. Maguire thought Mr. St Germain would finish the markup or wrap it up at a later date.

"He'd send out word if they were going to finish tomorrow," Mr. Maguire said. "It is tomorrow," Mr. Pistor reminded him.

Hours earlier, in his opening statement, Mr. St Germain informed everyone that his bill—the proposal the committee would be working from—was "truly a consensus document." That consensus underwent more than 50 amendments, more than half of which passed.

While some people love to fish and others are happiest on a golf course or at the beach, Mr. St Germain was born to be a committee chairman. During the markup, he dominated center stage before the audience and behind the scenes. He conducted the controversial hearing in person and handled back-room negotiations on the bill's consumer provisions through his staff director, over the phone, and through the set of aides that seemed forever to be at his shoulder.

At 11:30, 13 and one-half hours from the start, work on the bulk of the bill was finished. Seven titles—covering everything from a two-year ban on real estate investment for banks to a two-year postponement of the asset-growth cap for nonbank banks—had been amended and approved.

All that remained was Mr. St Germain's consumer title, the part of his bill that would require banks to cash government checks, offer lifeline accounts to the needy, and give notice of branch closings to communities. This section of the bill became the battleground for two groups of congressmen.

Members wanting tough consumer provisions and few new securities powers were led by Charles Schumer and Robert Garcia, both New York Democrats, in addition to Bruce Morrison, D-Conn.; Bruce Vento, D-Minn., and Richard Lehman, D-Calif. Members favoring securities powers more and consumer requirements less were captained by Steve Neal, D-N.C.; John LaFalce, D-N.Y.; Doug Barnard, D-Ga.; Barney Frank, D-Mass.; Thomas Carper, D-Del., and three Republicans: Steve Bartlett, Texas; Thomas Ridge, N.J., and John Hiler, Ind.

Mr. St Germain called a five minute recess to personally take charge of the warring between these factions.

The audience spilled out into the hall, hungry and haggard. The last cafeteria in the Rayburn building had shut down six hours ago, so the crowd of more than 100 bill-watchers were left to feed from vending machines. Committee staff members, however, ate pizza supplied by the watchful lobbying groups, and later, roast beef sandwiches from the Hawke and Dove restaurant, supplied by Indiana National Bank.

Exactly 84 minutes ticked off during that 5 minute recess, but finally Mr. St Germain brought the meeting back to order. "That 5-minute recess saved 11 years of work," he announced.

Mr. St Germain rattled off the details of the latest deal. So fast was his delivery that people whispered to each other: "Is he auditioning for a Federal Express commercial?

Probably not, but the chairman didn't seem to mind that no one knew what he was saying. He knew he had enough votes for passage.

No one, in fact, challenged Mr. St Germain except veteran member Rep. Henry G. Gonzalez, D-Tex. "I don't have any copy of any amendment," he said, and he reminded Mr. St Germain that the committee has a long-standing rule that members won't vote on amendments without written copies. "I thought we had a hard and fast rule."

"This is known as the aftermidnight rule," Mr. St Germain replied, exercising his influence as chairman.

The consumer provisions were passed 36 to 15. A vote on the entire package remained, but before that could occur, members offered an assorted list of special interest amendments. The audience's collective chest would sag each time a member would shout "Mr. Chairman," because that meant another amendment was on its way.

At 2:15 a.m. on Thursday morning, it fell to Rep. Marcy Kaptur, D-Ohio, to test the committee's patience. She proposed requiring banks to offer special interest-bearing accounts for children 13 years old and younger. She said banks should teach kids the value of saving.

Mr. Bartlett of Texas had had enough. "This bill is already loaded to the gills with social engineering amendments," he urged. "It's in a tenuous position." Mr. Frank added some levity but put an end to the dis-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cussion by informing Ms. Kaptur that "banks ain't schools." The amendment was defeated 34 to 16.

The stage was set for the final vote. Had Mr. St Germain softened the consumer provisions enough to bring the pro-powers faction on board? Had he softened the consumer requirements so much that the anti-powers group would defect?

The roll was called. Ten Democrats chose to "pass" when their names were called, but eventually Mr. St Germain won 8 of the 10 members' votes. Mr. Schumer, who thinks banks ought not to underwrite securities, was one member who passed and then voted for the bill "reluctantly, in respect to the chairman."

Kissing sounds filed the room as onlookers expressed their views of such deference.

The final vote: 31 for, 20 against. The bill had passed.

Observers agreed that the 11-vote margin Mr. St Germain was able to garner is deceptive. The bill has a long way to go before enactment—the Energy and Commerce Committee, the House floor, a Senate conference committee—and there's not much time left in the session.

Mr. St Germain had some priceless moments during the 17-hour mark-up. During a voice vote on a Hiler insurance amendment, the "ayes" obviously drowned the "nays," but the chairman announced that the amendment had failed. The audience laughed. Mr. St Germain said, "You people who are laughing don't hear the proxies." The committee clerk called the roll. The amendment had failed.

Prodding members to keep their remarks short, Mr. St Germain recognized Mr. Frank by saying: "Mr. Frank has a brief statement." Mr. Frank replied: "I do, Mr. Chairman, it just may take me a while to deliver it."

One time, Mr. St. Germain's wit backfired. He asked Rep. Norman Shumway, R-Calif., to "use your extensive knowledge" to explain how financial guarantee insurance works. As Mr. Shumway stumbled through half an answer, it looked as though Mr. St Germain had turned the tide. But Mr. Shumway was saved by Reps. Thomas Manton, D-N.Y., and Joseph DioGuardi, R-N.Y., who explained that the guarantees operate like letters of credit. "Banks aren't stupid," Mr. DioGuardi said. "They're not going to guarantee junk bonds." Much to Mr. St Germain's chagrin, the amendment passed.

An amendment also was introduced without success to exempt minority-owned banks from having to cash government checks or provide lifeline checking accounts to the poor. The provision was put forward at 1 a.m. by Rep. Kweisi Mfume, D-Md., who argued that such institutions do not need additional burdens at this time, nor should they charge mandated fees for such services. But other panel members, including Rep. Gerald Kleczka, D-Wis., wondered if the measure would merely shift a crime element to other neighborhoods. Mr. Mfume chose to withdraw the amendment.

A surprise to many lobbyists were the votes on amendments by ranking committee Republican Rep. Chalmers Wylie. The Ohio representative, expected to uphold the Administration's push for financial deregulation, instead voted consistently to halt banks from advancing into securities, insurance, and real estate.

NATIONAL SENIOR CITIZENS DAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. SMITH of Florida. Mr. Speaker, I am pleased to announce that House Joint Resolution 138, National Senior Citizens Day, passed the House on August 2, 1988. This resolution, which I sponsored, designates the third Sunday in August 1988 as National Senior Citizens Day.

Senior citizens are the backbone of American society. In 1986, one in five Americans was at least 55 years old. In addition, the senior population grew more than twice as fast as the rest of the population during the last decade. The United States has the third highest 65 and older population in the world and the 55 and over population is expected to more than double by the year 2050.

People often overlook the contributions that senior citizens have made to this Nation. If not for their valiant struggle during the times of the Depression and their patriotic contributions during the First and Second World Wars, America would not be the nation that it is today. It has been their unselfish endeavors that have been the cornerstone of modern America, and their timeless efforts should not go unnoticed.

On August 21, 1988, this country will have the opportunity to honor the contributions senior citizens have made to our society. Last year, the Miramar Moose Lodge and the city of Miramar, FL, sponsored the first annual National Senior Citizens Day. This year the city of Miramar will celebrate National Senior Citizens Day with a picnic at Perry Park. These events remind us that the quality of our lives is significantly improved as a result of the contributions made by senior citizens. South Florida is a fitting place to have senior citizens celebrations. Florida and South Florida in particular have the highest percentage of seniors of any other State in the Nation.

I would like to commend South Floridian, Patricia Pernell, for fostering the idea of a National Senior Citizens Day. She has been instrumental in garnering local and Federal support for this initiative. Frankie Avalon, the national spokesperson for this resolution, has also played a leading role in the establishment of a National Senior Citizens Day. To help launch this legislation, Frankie Avalon appeared at the Miramar Senior Center where Mayor Frank Branca dedicated the "Frankie Avalon Senior Park." Without the support and encouragment from Patricia Pernell and Frankie Avalon, this resolution would not be possible.

I wish to thank my colleagues for their cosponsorship and support in the passage of National Senior Citizens Day.

A TRIBUTE TO THE CITIZENS OF KNOX, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the citizens of Knox, PA, for their pursuit of what they call an American legend. Knox, located in Clarion County in the southeast section of my congressional district, has for 25 years held its horsethief days parade.

As is suggested by the title, this event has a story behind it that is interesting and unique. Although celebration of the town's lore began only 25 years ago, its beginnings are firmly entrenched in the late 19th century. Commencing in a time when law enforcement was not as sophisticated as it is now, a time before the threats of worldwide depression, hunger, and war, this tale takes us back to a simpler age where horsethieves ran free and loose in the wilds of Pennsylvania.

In this age there lived a man, Sebastion "Boss" Buck. Boss was a trader and sold horses legitimately and illegitimately. He was renowned by all for his skill at horsestealing, but he was never caught. Boss would usually steal horses at night and in order to simulate worn bridle and bit marks on the horses, he ingeniously used paint and sandpaper. Though all knew of his practices, no law enforcement officers or detectives could catch him at his dastardly deeds.

Seeing that the law was unable to protect them, the law-abiding citizens of Knox created the Anti-Horsethief Association in an effort to control Boss. This association would hold anti-horsethief celebrations. After gaining control of the situation with Boss, the townspeople quit the celebrations and the association.

This, however, was not to be the end of the horsethief days of Knox, PA. In 1963, the Knox Merchants Association, remembering the traditon of old and recalling the anti-horsethief celebrations, held a sidewalk sale for 2 days. This they called the horsethief days and the 25-year-old tradition of the annual horsethief days commenced anew. It has since grown and developed as have the wilds of Pennsylvania, far away now from the time when horsethieves ran loose in the wilderness.

Congratulations, Knox, on 25 years of tradition and 100 years of history.

HONORING JUDGE MORRIS TURK

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. CARDIN. Mr. Speaker, I rise today to honor an exemplary citizen of Maryland. Judge Morris Turk is retiring from the Fifth Judicial Circuit Court of Maryland at the end of this week.

Judge Turk has been a public servant for nearly 30 years. He was appointed chief judge of the fifth circuit in 1975. Prior to that Judge Turk served his State and country in many capacities including as a member of the U.S. Armed Forces.

As a past director and vice president of the Annapolis Symphony Orchestra and as a member of the advisory board of the Annapolis Fine Arts Foundation, Judge Turk has made important contributions to the cultural community as well.

Judge Turk's involvement in our community has been recognized by many. Among his honors are the Governor's Citation for Outstanding Service, Frontiers International Human Relations Award, and the Ambassador for Peace Award from the Jewish National Foundation.

With his wife Irene at his side, Judge Turk has made important contributions to the lives of many Marylanders. I urge my colleagues to join me in saluting an honored member of the Maryland Circuit Court and an outstanding citizen, Judge Morris Turk. We all wish him the best for the future.

MR. ALOYSIUS MAZEWSKI: A REMARKABLE LEADER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. KEMP. Mr. Speaker, I was deeply saddened to hear of the passing last Wednesday of Mr. Aloysius Mazewski, a personal friend as well as a truly remarkable leader in the Polish-American community. Al combined a deep love and patriotism for this country with a strong sense of appreciation for his ethnic heritage—an appreciation that he helped instill in the millions of Americans who are of Polish descent.

Born in North Chicago, IL, Al's commitment to his Polish heritage was exhibited at an early age. In high school, he edited a Polish student newspaper and was instrumental in convincing his school to teach the Polish language and culture. He also served as president of the Polish National Alliance Junior League.

After receiving a degree from DePaul University College of Law, Al practiced law in Illinois until 1967, with one interruption when he served in the U.S. Army during World War II.

In 1967, Al was elected national president of the Polish National Alliance. One year later, he also became president of the Polish American Congress. Under his leadership for more than 20 years, these organizations have worked to improve the quality of life for Polish-Americans as well as keep the flame of freedom alive for the people of Poland.

Because of his untiring efforts, Al was showered with honors as well as important missions on behalf of the U.S. Government. He was the first Polish-American to serve as an alternate U.S. delegate to the United Nations. He also served as U.S. delegate to the International Human Rights Conference in 1980 and for the Investiture of Pope John Paul II in Rome. President Reagan appointed him delegate to the 1986 Vienna Conference on Security and Cooperation.

I was honored to work with Al to help the men and women of the Polish Solidarity Union who are struggling for liberty, human dignity, and economic opportunity in that oppressed country. Under Al's leadership, more than 115 million dollars' worth of medical supplies, clothing, and other necessities have been sent to relieve the suffering in Poland.

I want to extend my heartfelt sympathies to Al's family, especially his wife, Florence, and his two children, Marilyn and Aloysius, Jr. Al was a patriot who loved this country for its ideals and its potential. He also never forgot his family's heritage, those roots from which all Americans draw strength and a sense of identity. We will all miss him, but his example of love of God, love of family, and love of freedom for all will live on.

A TRIBUTE TO DR. JOHN H. SATTERWHITE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. FAUNTROY. Mr. Speaker, I rise in honor and tribute to a valuable member of the religious community of Washington, DC. Dr. John H. Satterwhite has served the A.M.E. Zion Church for more than 30 years and is the editor of the A.M.E. Zion Quarterly Review and secretary of the historical society. He is a preacher, teacher, minister, writer, civic leader, husband, and father, who has demonstrated the capacity to master many things well.

Educated at Benedict College, Oberlin Graduate School of Theology, Boston University School of Theology and Johnson C. Smith University, Dr. John Satterwhite's educational achievements coupled with his faith in God have served him and those he has touched through his life's work.

A native of Newberry, S.C., Dr. Satterwhite came to Washington, DC in the 1950's to become the minister of the Trinity A.M.E. Zion Church and later a professor of ecumenics at the Wesley Theological Seminary, and guest lecturer, Hood Theological Seminary. From 1974 through 1977, his visionary leadership led him to the position of associate general secretary, the consultation on church union in Princeton, N.J. In 1977, he became the executive secretary of the Center for Black Church Union.

Dr. Satterwhite has written numerous books and articles over the course of his theological career. His works include: "Ecumenical Witness," "Common Ground," "Essay in Honor of Howard Thurman;" "The Nature of Religion: A Theological Interpretation," "Methodism: Confessional Guide for Doctrine and Life," and "The Crisis in Human Relations."

His management of time, skills, energy and resources has enabled him to contribute his expertise to numerous organizations and activities. He is an executive committee member of the Howard University Institute of Religion, Council of Churches of Greater Washington, NAACP, OIC, National Conference of Black Christians and the North Portal Civic Association.

He holds membership in the Fellowship of Professors of Missions and Ecumenics, North American Academy of Ecumenists, Inter-Church Club, Inter-Religious Committee on Race Relations, Oxford Theological Seminar-World Methodist Council, Commission on Faith and Order, and of National Council of Churches, among others.

Respected for his intellect, admired for his generosity, and loved for his genuine compassion and charity for others, Dr. Satterwhite is one of the most inspiring men of our time.

On the evening of Thursday, August 11, 1988, Dr. John H. Satterwhite will be honored by his friends and colleagues at the Blackburn Center on the campus of Howard University. Rarely in one's lifetime is it possible to attain the high standards of commitment and charity that Dr. Satterwhite has been able to achieve and exhibit in every aspect of his life. It is only fitting that this special recognition program be held for a man whose quiet strength and compassion has touched the lives of friends and strangers alike.

Mr. Speaker, I am honored to have the opportunity to extend my personal best wishes to Dr. John H. Satterwhite for the distinguished service he has rendered to his church, this local community and our country. I invite my colleagues to join me in saluting this selfless humanitarian.

LETTER TO GENERAL SECRETARY GORBACHEV

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. SMITH of Florida. Mr. Speaker, I would like to express my concern about a Russian nationalist organization called Pamyat, meaning "memory," whose ideologies have strong anti-Semitic overtones. It is the major force in the alarming escalation of anti-Semitism in the Soviet Union today. The fact that Soviet authorities have allowed such a group to operate without governmental protest illustrates another troubling trend—the failure of new reforms to extend basic human rights to Jewish nationals.

The daily Soviet paper Izvestia has called Pamyat "too dangerous to tolerate," recognizing the perilous threat it presents to both Jews and new progressive policies. Pamyat has used the new tolerance afforded by glasnost and perestroika to become more vocal in its attacks on Jews.

Pamyat has tens of thousands of adherents making it the fastest growing nonofficial group in the nation. Its leader, Dmitri Vasilyev, has been called anti-Semitic by Pravda. He cites from the long-discredited "The Protocols of the Elders of Zion" to support his claims of Zionist plots and domination and accuses international Zionism of undermining Russian culture.

Most alarming among Pamyat inspired incidents was the threat of a pogrom to the small town of Malakhovka. This pogrom was to be carried out during the celebration of the millenium of Christendom in June. Though the pogrom was never realized, the threat of such a heinous act must be unacceptable. Pamyat has also inspired threatening phone calls, physical threats, vandalism, and slanderous propaganda against Jewish nationals.

On August—1988, my colleagues and I sent the following letter to General Secretary Gorbachev urging him to take immediate action in dealing with the plight of Jewish nationals and the perilous threat of Pamyat. For the benefit of my colleagues, I request that the letter be printed for the RECORD.

DEAR GENERAL SECRETARY GORBACHEV: We are pleased to see that progressive ideas such as Glasnost are presently playing an important role in the Soviet Union. Our hopes are high that these enlightened concepts will be fully realized.

It has come to our attention, however, that anti-Semitism is festering beneath the surface of progress. We are especially concerned about an organization called Pamyat. This organization is the fastest growing non-official group in the Soviet Union, and is a major force in the recent escalation of anti-Semitism in your country. It accuses international Zionism of undermining Russian culture and its leader cites from the long-discredited "The Protocols of the Elders of Zion" to support his claims of Zionist plots and domination.

Rumors of pogroms have circulated due to existence of this anti-Semitic group. We are alarmed that Jews are still the target of these threats as well as the victims of threatening phone calls, physical threats, slanderous posters and press, and the desecration of their cemeteries. It is the extremist Pamyat that is propagating this rise in anti-Semitism.

To quote Izvestia, "Lies cannot be considered a point of view and slander cannot be considered an opinion." We enthusiastically encourage complete freedom of expression, but it is the obligation of responsible leaders to condemn immoral points of view.

In addition, we have received continued reports that Jewish citizens are still denied a place to meet or protest, Kol Yisrael is constantly jammed, harassment during religious rights continues, and anti-Semitism still pervades the ranks of the Soviet government. In short, your reforms appear to have brought no change in Jewish life.

We urge you to act to protect Jewish nationals by dealing decisively with the perilous threat of Pamyat and extending the full benefits of your reforms to this minority group. We thank you for your attention to this matter and look forward to receiving your reply.

Very truly yours,

LAWRENCE J. SMITH,
Member of Congress.

A TRIBUTE TO THE TOWNSPEOPLE OF VALIER

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. CLINGER. Mr. Speaker, I rise before you today to personally applaud the efforts of the townspeople of Valier, a community located in Jefferson County in the central part of my congressional district.

Each year for 13 years, Valier has held its homecoming. This is a large undertaking for a small community with limited resources. Valier has met the costs by obtaining donations for some of its activities from both national and local sponsors.

For 13 years Valier has succeeded in holding an event which makes a lot of people smile. In order to hold this event the citizens of Valier must pull together and put forth a great deal of effort. Their expression of community strength and unity must be applauded. I send the highest praise to all the citizens of Valier for their continued spirit and dedication.

THE MILLENNIUM OF THIS BAPTISM AT KIEVAN-RUS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. CARDIN. Mr. Speaker, I am honored to join my friends of the Slavic Communities in the State of Maryland and around the world in their celebration of the Millennium of the Baptism of Kievan-Rus.

It was 1,000 years ago in the Russian Republic of the Ukraine that Prince Vladimir of Kiev decided upon Christianity as the national religion, baptizing hundreds of his pagan subjects in the Dnieper River. For hundreds of years, the Russian Orthodox Church shared a position of prestige and power with the Russian Tsars.

Since 1917 and the Bolshevik Revolution, the Orthodox Church has suffered from the atheist policies of a Communist State, losing not only its power but thousands of churches, monasteries, and clergymen. Throughout the 1940's and 1950's, the church was beholden to arbitrary political decisions of the heads of state. After World War II, the church experienced a short period of greater freedom, followed by severe state intolerance under Khrushchev.

Today, there is new hope and optimism spurred on by the expansive reforms and policies of glasnost. Under the Soviet Union's most progressive leader, the Russian Orthodox Church has been granted a new dispensation. Many churches and monasteries have been reopened, their religious leaders given promises for freedom to preach, educate, and perform charitable activities.

The most recent events held in Moscow and Kiev celebrating the 1,000th anniversary of Christianity in Kievan-Rus have been well attended, attracting more than 1,000 believers and several hundred religious dignitaries from other nations. But the celebration spreads far beyond the U.S.S.R. and other Eastern European countries. Throughout Europe, South America, the Middle East, and today in the United States, people are joining together to observe the importance of this occasion.

It is a privilege for me to represent the Slavic Americans of the Third Congressional District of Maryland. Today they will also be celebrating the Christian millennium as a part of their annual Slavic festival in Baltimore. I commemorate the event with pride, expressing my enthusiastic support for the commitment to religious freedom and their dignity and integrity as a people.

REASONS FOR WESTERN CHEER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. KEMP. Mr. Speaker, I want to call my colleagues' attention to a very incisive, thought-provoking article written by Karen Elliott House, the foreign editor for the Wall Street Journal. In the article, which appeared July 1, Ms. House takes the Western professional international community to task for its gloom and doom mentality toward the West's strengths versus the Soviets' weaknesses.

As Ms. House points out, there is a fundamental moral and political difference between the West and the Soviet Union. We believe in political freedom, human dignity, and economic opportunity; the Soviet Union refuses to recognize any of these principles.

I believe Ms. House makes two excellent points that we would do well to remember. First, the Soviet acknowledgement that their system is failing is in reaction to the successes of free-market economies around the world. Second, instead of constantly trying to respond to the Soviet Union, the Western alliance must continue to pursue its principles and goals throughout the world, confident in the fact that the Soviets will be preoccupied with their own domestic problems for some time.

I commend the following article to all my colleagues:

REASONS FOR WESTERN CHEER

(By Karen Elliott House)

VENICE.—It's summertime and the several hundred international experts who constitute the core of the global conference industry are hopping from one well-appointed oasis to the next—from Innsbruck to Maui to Potsdam to Venice to Aspen to Capri—busily packing and unpacking their cares and woes.

The product of this industry is pessimism. And, remarkably, in a year of continuing global economic expansion, Western political stability and Soviet setbacks from Afghanistan to Eastern Europe, the industry's pessimism production is up.

Admittedly, I've packed and unpacked my bags at a few of these same oases, and my own profession, journalism, thrives on peddling pessimism too. Yet even a journalist, for whom problems make better copy than progress, is struck by the contrast between the pessimism prevailing inside the conference cocoons and the more sunlit realities of the world outside.

For instance, several dozen American and European international political and arms-control experts gathered here last week for three days of hand-wringing over how to "respond" to the political wisdom and wizardry of Mikhail Gorbachev. For three days the experts from a half-dozen Western countries depressed each other with talk of the frayed fragility of the Western alliance and marveled among themselves at the awesome abilities of Mr. Gorbachev.

THE MISSING INGREDIENT

A few dissidents interrupted the harmony to suggest plaintively that the Soviets have some problems and the West some opportunities. But this conference like so many others, ended with a call for caution and a consensus that there is a pressing need for a multinational committee of even wiser men to recommend a Western response to Soviet initiatives.

All of this could simply be dismissed as midsummer night dreaming but for the fact that the world of foreign-policy conferences is largely reflective of the foreign policies of the Western world. The missing ingredient is confidence.

The summer of 1988 finds the U.S. economy growing at a greater-than-predicted rate, Western Europe integrating economically at a surprisingly rapid pace, and East Asia still basically booming. The major countries of Western Europe for the first time in decades are re-electing strong leaders to second and third terms. America's eight-year arms buildup, whether fully adequate or not, certainly has left the West stronger vis-a-vis the Soviets than a decade ago.

Meanwhile, the headlines from the Communist Bloc are dominated by discord and defeats. The Soviets are retreating from Afghanistan in humiliation, as America did from Vietnam, and Soviet-backed Vietnam is now under pressure to retreat from Cambodia.

At home, the major distinction so far between Mr. Gorbachev and his predecessors is that he finally has been forced to acknowledge that the Soviet economic system simply doesn't work. There's still absolutely no sign that he can even begin to solve this problem. To make matters worse, from Soviet Central Asia to the Baltic states, minority populations are openly chafing at Russian rule, at least threatening Moscow with a crisis of empire.

Beyond Soviet borders lie the even more restive nations of Eastern Europe where the promise of reform raises the specter of resistance. And, to the east, sits China, modernizing much more effectively than the Soviets, and still hostile to its historic Russian enemy.

All this hardly adds up to a country with what George Bush might call the "Big Mo." You don't have to be a Pollyanna about America's own problems to accept the clear reality that Mr. Gorbachev has inherited a massively greater mess than will either George Bush or Michael Dukakis. There is no need for America to "respond" to Mr. Gorbachev; there is rather the opportunity for the West to better define and pursue its global interests in confidence that the Soviets are going to be mired in their own mess for some years to come.

At some common-sense level, this is easily understood by Western businessmen, some of whom do business with the Eastern Bloc. They tend to represent institutions that do work in dealings with bureaucracies that don't, a fact well understood by the East Bloc bureaucrats themselves. Thus, one recent conference witnessed the spectacle of Western businessmen sternly lecturing attentive and approving East Bloc officials on what they "must" do to save their economies. When the discussion turned to politics, it was the East Bloc officials who sternly lectured insecure Western policy makers. Confidence, as always, is the key. The businessmen tend to have it and the policy makers don't.

The more you think about it, the more bizarre it is to hear foreign-policy experts devoting whole conferences to how the U.S. should be reacting to Mr. Gorbachev. It's amusing when you think about it to hear one of Europe's leading security experts portentiously pronounce, "I wish we had a Gorbachev." Or, to hear one of Governor Dukakis's leading foreign-policy advisers advocating that the West take the initiative to convene yet another European-American commission to study how the West can best respond to Soviets. Or, for that matter to pick up last Sunday's New York Times Magazine and find the prototypical foreign policy article: "Americans Must Choose a Leader Who Measures Up to Gorbachev, One Strong Enough to Test the Sincerity and 'New Thinking' of the Soviet Chief."

It's all upside down.

To the extent that the Soviets are at least acknowledging the failure of their economic system, it's a reaction to the simple fact that Western-style free-market economies work. It's a fact that was accepted some time ago from the poorest Third World capitals to the communist capital of Bejing. Moscow was simply the last to recognize reality.

It's important to remember that this Kremlin acknowledgement results entirely from Western example, not Western exhortation. And about the only way for the West to reinforce the trend toward change in the Soviet Union is to continue to pursue its principles and goals, thus relegating the Soviets to permanent inferiority—or change. All the outside advice, incentives and even assistance in the world won't reform the Soviet system; only the Soviets can change it. This is as true for those who would like to help change the Soviet system as it is for those who are pleased to see it limp along.

To the extent that the Soviets are interested in sweeping arms-control deals, it is because they realize their economic system doesn't allow them to compete long-term in the world of high-tech modern weapons. Despite all the talk about the U.S. budget deficit and the need for more equitable European burden-sharing, the fact is that the Western alliance is far more capable of carrying the financial burdens of current, or even increased, defense expenditures than is the crippled Soviet economy. The question is only whether the West has political leaders willing to explain the financial capability and the military necessity of doing so.

THE FUNDAMENTAL DIFFERENCE

So, there really is no need for the West to be "reacting" to a hailstorm of propagandistic Soviet arms proposals. Rather, the West need only decide what level of men and materiel it needs to continue defending its security interests and what type of arms-control offers, if any, are compatible with these interests. There's no reason to believe the threat has lessened at all. While Soviet rhetoric has changed substantially in the past several years, especially toward Western Europe, there's no sign that Soviet behavior has changed—except in Afghanistan where retreat was forced by defeat. So, once again, the real initiative is with the West.

Above all, what the West needs to keep in mind, and what experts in their conference cocoons so often seem to forget, is that there is a fundamental moral and political difference between East and West. The word isn't composed of two morally equivalent superpowers or superblocs competing with each other for tactical advantages. One believes in the primacy of the individual, and thus in human dignity and political freedom, and the other does not.

This fundamental difference, almost too obvious to mention, gets lost when experts start examining the Soviet Union with a microscope to study perceived changes and prescribe Western reponses. It's not through a microscope, but rather through a wide-angle lens, that the truth becomes visible.

A SALUTE TO THE COMMISSIONED OFFICERS IN THE D.C. ARMY GUARD

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. FAUNTROY. Mr. Speaker, I rise to honor and salute the following newly commissioned officers in the D.C. Army National Guard.

The D.C. Army National Guard has served the District of Columbia and this Nation well with its outstanding commitment to excellence and service to the community. These fine young officers have successfully completed 16 months of intense physical, technical and tactical training at the D.C. Military Academy to prepare them for their commissions. The D.C. Military Academy has continued, in its 31-year tradition, in producing high quality young officers that we can all be very proud of.

I know you will join me in wishing them well in the service to the District of Columbia and to the Nation. Listed below are the names and addresses of the officers who, on July 10, 1988, were graduated and commissioned as second lieutenants through the D.C. National Guard Officer Candidate School:

Anthony Atkinson, 1206 Eaton Road SE, Washington, DC 20020.

Wally Barrett, 4001 Hampden Street, Kensington, MD 20895.

Jonathan W. Breuninger, 709 Chapelgate Drive, Odenton, MD 21113.

Kenneth J. Brewer, 207 M Street, NW, Washington, DC 20024.

Stephanie J. Burch, 205 West Street NW, Vienna, VA 22180.

Jaceuqline, L. Cooper, 133 Colfax Drive, Manassas Park, VA 22111.

Louis E. Dorfman, III, 8547 Richmond Hgwy., Alexandria, VA 22309.

Michael K. Goffney, 3103 Good Hope Avenue, Temple Hills, MD 20748.

Mary Lowe Mayhugh, 4628 48th Street NW, Washington, DC 20016.

Stanford J. McKay, 2313 Oak Glen Way, Forestville, MD 20747

Christopher P. Mott, 505 Seneca Road, Great Falls, MD 20904.

Bernard D. Napier 401 McCabe Avenue, Wilmington, DE 19802.

Robert Scott, 3200 Curtis Drive, Temple Hills, MD 20748

Timothy L. Stanfield, 3007 Brikley Road, Temple Hills, MD 20748.

Jeffrey K. Uncapher, 3705 S. Geo. Mason Dr., Falls Church, VA 22041.

PRESIDENTIAL CANDIDATES OUTLINE NUCLEAR TESTING POLICIES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. MARKEY. Mr. Speaker, last Friday was the 25th anniversary of the signing of the Limited Test Ban Treaty, which banned the testing of nuclear weapons in the atmosphere.

At a press conference held last Friday to commemorate this historic event, the International Physicians for the Prevention of Nuclear War released statements from Gov. Michael Dukakis and Vice President GEORGE BUSH outlining their views on a comprehensive test ban. I urge my colleagues to review these statements closely.

STATEMENT OF GOV. MICHAEL S. DUKAKIS

Today marks the twenty-fifth anniversary of the signing of the Limited Test Ban Treaty. On August 5, 1963, President John F. Kennedy and Soviet Premier Nikita Khrushchev agreed to test nuclear weapons only underground. Since that time, over one hundred countries have signed the agreement.

Since the invention of nuclear weapons, at least 1,772 nuclear tests have been conducted. The Soviet Union has conducted 625 nuclear weapons tests.

The United States has conducted 927 tests, including one just over a week ago—on the 27th of July. Great Britain, France, China, and India have also exploded nuclear devices.

My friends, it's time we brought nuclear weapons testing to a halt.

President Kennedy committed himself to negotiations for the Limited Test Ban Treaty in a speech at American University on June 10, 1963. In that speech, he said:

"Both the United States and its allies, and the Soviet Union and its allies, have a mutually deep interest in a just and genuine peace and in halting the arms race. Agreements to this end are in the interest of the Soviet Union as well as ours—and even the most hostile nation can be relied upon to accept and keep those treaty obligations, and only those treaty obligations, which are in their own interest.

"So let us not be blind to our differences—but let us also devote attention to our common interests and to the means by which those differences can be resolved. . . . For, in the final analysis, our most basic common link is that we all inhabit this small planet. . . ."

We must follow John Kennedy's example and challenge the Soviets to a mutual moratorium on nuclear testing. A moratorium would lead the way to negotiations for a mutual and verifiable ban on nuclear testing.

A Comprehensive Test Ban is essential if we are to end the nuclear arms race, and concentrate instead on ways of reducing the risk of nuclear war. A test ban would put a halt to third generation nuclear weapons, including the nuclear x-ray laser, and new battlefield systems, such as the neutron bomb. A CTB would end the illusion that nuclear security can be achieved through the technological fix of new nuclear weapons.

A CTB would also help halt the proliferation of nuclear weapons to non-nuclear countries. When we signed the Nuclear Non-Proliferation Treaty (NPT) in 1968, we and the other nuclear superpowers committed ourselves to negotiate and achieve an end to nuclear tests for all time, and to work towards an end to the arms race. There can be no better demonstration of our commitment to the NPT, and no better incentive to countries to adhere to the NPT, than achieving a Comprehensive Test Ban.

Every President—Republican and Democrat—since President Dwight D. Eisehower has worked for a ban on nuclear testing—except this Administration. It is time, here, today, to pledge ourselves to work towards a Comprehensive Test Ban.

Mr. WILLIAM W. MONNING,
Executive Director, International Physicians for the Prevention of Nuclear War, Inc., Cambridge, MA.

DEAR MR. MONNING: Thank you for providing me this opportunity to express my views on nuclear testing.

I do not believe a Comprehensive Test Ban (CTB) would, in itself, help to reduce the number of nuclear weapons. In fact, it is possible to argue that a CTB could make reductions in nuclear weapons even more difficult. Without testing there could be a growing loss of confidence in the reliability of existing nuclear weapons, leading to pressure to add additional weapons to the stockpiles.

I believe we must continue to give careful consideration to all areas of arms control, including nuclear testing. A CTB can only be achieved in the context of a very significantly reduced U.S. dependence on nuclear deterrence to ensure western security and international stability. As a first step, we must continue to give high priority to improved verification procedures for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. This should lead to an agreement on adequate verification methods and put us in a better position to address further test limitations.

In closing, I believe the long-term risk associated with reaching a CTB now, rather than at a time when all of the necessary groundwork for its success and the protection of our security has been laid, would more than offset any near-term gain. Nuclear war has been avoided for over forty years with a strong nuclear deterrent backing up our conventional capability and without a CTB. I am yet to be convinced that free world security and international stability would be enhanced by such a measure at this time.

Sincerely,

GEORGE BUSH.

LONG-TERM CARE INSURANCE FOR FEDERAL WORKERS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. RINALDO. Mr. Speaker, I am pleased to join with Representative FRENCH SLAUGHTER and Representative DAN BURTON in introducing Long-term Care Insurance for Federal Workers Act. The need for long-term care will reach crisis proportions soon, yet most Americans are largely unaware of the impending threat to their financial security. We have promised to address this issue, and this bill is a first step.

Federal workers are generally well insured under the array of Government-sponsored group life and health insurance policies. However, like most other Americans, Federal employees have no protection against the catastrophic costs associated with long-term care for chronic and debilitating illness. This bill would allow the Office of Personnel Management [OPM] to negotiate optional long-term care protection for Federal workers using the Federal group life insurance [FEGLI] plan as a vehicle. It grants OPM authority to contract through a competitive selection process for group life insurance products which can, at the employee's option, be "rolled over" to long-term care insurance while still preserving a minimum death benefit. There is no cost to the Federal Government. Under this proposal, all long-term care insurance plans offered to Federal workers must meet or exceed the standards established for such products by the National Association of Insurance Commissioners.

By offering long-term care insurance benefits, in addition to protecting Federal workers, the Federal Government will help spur the development of the long-term care insurance market and encourage other employers to follow suit. While a handful of employers offer long-term care insurance coverage to their workers, these are almost exclusively large companies with benefit plans that can accommodate market uncertainty. Smaller employers have been unwilling to offer a benefit with so little actuarial data and claims experience, and insurers have not aggressively targeted such firms with their products. As a result, the long-term care insurance market is evolving toward individual policies which are too expensive for most people to afford.

Under this proposal OPM would negotiate with a variety of insurance companies to secure the optimum mix of long-term care benefit and premium options for this group. By taking the lead in providing these benefits, the Federal Government could serve as a model for other employers. At the same time, it would vastly expand the existing data base on pricing and utilization patterns for long-term care insurance. Finally, it would encourage development and competition among insurance carriers serving group business.

Mr. Speaker, this proposal serves the dual purposes of protecting our own workers against long-term care expenses and helping to nudge the long-term care insurance industry to full throttle. What's more, it won't cost the Treasury a dime. I have attached a summary of the bill's provisions, which I would like to have included in the RECORD. I urge my colleagues to support this legislation.

LONG-TERM CARE INSURANCE FOR FEDERAL WORKERS ACT

SUMMARY

This legislation, proposed by the Office of Personnel Management (OPM), provides a basic authority for OPM to enter into contracts with insurers for long-term care coverage for Federal Employees. It expands OPM's existing authority to contract for group life insurance and authorizes a conversion of life insurance benefits to long-term care coverage at the employee's option. The proposed legislation sets forth criteria for participation in the LTC program, categories of coverage, and the method of financing. In addition, it requries that all long-term care plans offered to federal workers meet or exceed the standards set by the National Association of Insurance Commissioners for such products. OPM will have broad discretion to determine the details of the program and its operation through regulation and negotiation with participating insurers.

The program would operate as follows:

Selecting benefit plans and insurers

OPM would issue an RFP setting forth minimum standards for level and duration of LTC coverage (specifically, nursing home and home health coverage). Carriers would be asked to price the stipulated coverages in terms of level lifetime premiums based on age at entry and to suggest and price enhancements. Enhancements could include such features as favorable conversion privileges, indexation of benefits, variable waiting periods, trade-up opportunities for increased coverage, etc.

Based on the competitive bidding, OPM would select several different benefit plans to be offered to Federal employees. The insurers would offer these plans to eligible employees for a period mutually agreed upon (probably 3 to 5 years) at which time the contract could be reviewed and the rate redetermined for new enrollees.

Employees who enrolled with a given insurer under a given plan would remain the responsibility of that insurer regardless of whether the insurer's contract with OPM was renewed. The insurer would be at risk for the benefits due those individuals and could not terminate their coverage except for non-payment of premiums. Similarly, employees could not exchange coverage with one insurer for coverage with another. Rates and benefits could be modified only to the extent and manner contemplated in the initial offering.

Additional benefit plans could be offered on a competitive basis after the initial contracting cycle, depending on experience and demand.

Individual enrollment

Federal employees who attain a minimum of age 50 would be eligible to enroll in a long-term care plan.

They could choose to enroll with or without a simultaneous conversion of a portion of the face value of their group life insurance to long-term care coverage. The life insurance conversion would result in a lower premium to the employee. A 10-year participation in the life insurance program would be required for conversion.

Employees choosing to enroll in a long-term care plan could simultaneously enroll their spouses in the same plan without evidence of insurability and at group rates.

Employees exercising the conversion option would retain a minimum of $2,000 life insurance coverage and would be allowed to purchase additional life insurance coverage if they desired.

Financing

Employees not selecting the life insurance conversion would be liable for the entire premium amount.

Employees coverting life insurance to long-term care insurance would pay premiums equal to the actuarial value of the benefits, minus accumulated life insurance reserves and continued Government contributions.

Rates (and benefits) would rise automatically with increases in the General Schedule pay scale. Additional inflation protection might be available is some plans.

Premiums would be collected through payroll or annuity deduction and forwarded by the agencies of OPM where accounts for different insurers would be maintained and funds transmitted at agreed upon intervals.

Carriers must reinsure their long-term care benefit obligations.

General administration

OPM would issue regulations governing miscellaneous terms and conditions of the long-term care program that would be common across all plans and carriers.

BILL TO PUT AN END TO OCTANE CHEATING

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. SCHUMER. Mr. Speaker, we have all seen the commercials advertising high octane gas to reduce the effects of engine knock in our automobiles. But what we don't realize is that when we go into a gas station to buy premium gasoline we may not be getting what we pay for.

A recent GAO report confirms a huge ripoff of consumers in New York City by stations selling regular gas at their premium pumps. In 1986, 135 stations were cited for illegally mislabeling their gasoline; for selling gasoline with a lower octane rating than posted at the pump. That is almost 8 percent of the city's gasoline stations, and those are only the ones that were caught.

Station owners are getting rich by ripping off New York consumers and there is plenty of motive for gas stations all around the country to cheat customers. GAO estimates that for each tank of regular gas sold as premium the station makes $2 in extra profits. Many stations make well over $100,000 in ripoff profits. This, however, is not just a problem for New York City. We all drive automobiles and widespread octane mislabeling has been reported across the country.

To deal with the problem of octane cheating I have joined with Mr. SHARP in introducing H.R. 5182, a bill to amend the Petroleum Marketing Practices Act to strengthen the enforcement of requirements regarding the labeling of the octane rating of gasoline. The current law requires the EPA to investigate gas stations and notify the FTC for an investigation and possibly subsequent fines of between $5,000 and $10,000. The problem is the EPA cannot enforce this law with the resources at its disposal. My bill allows State and local enforcement agencies to exchange their information with the EPA and transmit a copy of violations to the FTC for investigative actions. A text of the bill is printed below.

The maximum local fine for fraudulently posting octane ratings is usually quite low. In New York City the fine is $500. Stations now look at the fines as a business cost. Ideally, repeat offenders should know that getting caught would cost them their business. for this reason the bill would also mandate a minimum fine of $5,000 for offenders.

Hopefully these tougher enforcement provisions and stiffer penalties will put an end to consumers getting taken for a ride when they fill up their tanks.

H.R. 5182

Be it enacted by the Senate and House of Representatives of the Untied States of America in Congress assembled,

SECTION 1. ENFORCEMENT PROVISIONS.

(a) COOPERATIVE AGREEMENTS.—Section 203(b) of the Petroleum Marketing Practices Act (15 U.S.C. 2823(b)) is amended by adding at the end the following:

"(3)(A) For the purpose of providing for an exchange of information which will strengthen the enforcement of subsections (a), (b), and (c) of section 202, the Environmental Protection Agency shall enter into cooperative agreements with State and local government agencies responsible for the enforcement of laws or regulations which have any of the same requirements as such subsections. The agreements shall provide, as part of such exchange of information, a reporting to the Agency by the State and local government agencies of violations of such State and local laws or regulations.

"(B) The Agency shall transmit a copy of such violations to the Federal Trade Commission which shall carry out investigative actions with respect to each violation reported by State and local government agencies for the purpose of determining whether the circumstances of each such violation warrant the commencement of a civil action to recover a civil penalty under section 5(m)(1)(A) of the Federal Trade Commission Act.".

(b) MINIMUM PENALTY—Section 203(e) of such Act (15 U.S.C. 282(e)) is amended by striking out "except that" in the second sentence and all that follows through the period and inserting in lieu thereof "except that for purposes of the second sentence of section 5(m)(1)(A) of such Act, the civil penalty for such a violation shall be not less than $5,000 and not more than $10,000."

ALASKA SUBMERGED LANDS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 2629, a bill which settles the question of submerged lands ownership in the State of Alaska. The Merchant Marine and Fisheries Committee received a short sequential referral of H.R. 2629 because of matters in it affecting our jurisdiction. H.R. 2629, as passed by the House, included the text of H.R. 2991 which was jointly referred to the Committee on Merchant Marine and Fisheries. This latter provision would bar the transfer of any property interests out of the arctic National Wildlife Refuge, whether by land exchange or secretarial withdrawal, without an act of Congress. I strongly support this limitation and believe that it ensures that Congress will have the last word on the land ownership patterns within the arctic refuge.

With regard to the question of submerged lands in Alaska, I strongly support the addition of the amendment offered by Senator METZENBAUM in the other body which will require a study of the impact of H.R. 2629 on national wildlife refuges, national parks and other conservation system units. National wildlife refuges in Alaska will be harder hit by this bill than any other type of conservation area. This study will continue to focus attention on the effect on inholdings within national wildlife refuges in Alaska, a problem which will continue to grow in intensity. This is an issue that I intend to monitor closely. If the study shows that additional legislation is necessary to protect wildlife refuges in Alaska, I will give very serious consideration to taking further action.

HELEN FARABEE, THE VOICE OF PEOPLE WHO NEED AN ADVOCATE

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. BRYANT. Mr. Speaker, in the days since Helen Farabee died of respiratory failure July 28, I have contemplated the words that would describe the richness of her contributions to mental health reforms and services to the needy and sick.

Helen Farabee's 53 years were well spent. She was a well educated articulate woman. She was a dedicated wife and mother. She was a political spouse who shared her husband's work. She was director of public policy for the Benedictine Health Resource Center in Austin, TX, when she succombed to an ailment related to lung cancer.

But Helen Farabee was much, much more. She has been properly credited with helping found the Texas Department of Mental Health and Mental Retardation and being one of the most tireless advocates of the poor, the mentally disabled, the unfortunate that Texas has seen.

As Texas State Treasurer Ann Richards said of Helen Farabee: "She counseled the powerful about the needs of the powerless, and because she always spoke with reason and decency, she was heard."

Texas and all those citizens who found a strong and influential voice in Helen Farabee will miss her, just as will her husband, former Texas State Senator Ray Farabee, her sons, Steve Ross and David Lee Farabee, her parents and all those who loved her and what she so graciously gave to her society.

But, I believe Dallas Morning News columnist Sam Kinch probably described this selfless woman best in a recent column:

[From the Dallas Morning News, Aug. 5, 1988]

HELEN FARABEE: A DO-GOODER WHO KNEW BACKSTAGE POLITICS

(By Sam Kinch)

Too often in life, we don't recognize—seriously—what others have done before their deaths.

That's part of the story of Helen Farabee, who died last week. She was truly one of God's chosen people.

But there's an untold public story about Helen Farabee: She was, in addition to being a good-doer, a hell of a character.

Here was a tall, somewhat gangly, gregarious Yankee who came to Texas because she fell in love with a guy who happens to be, also, a sterling person. And while after nearly 30 years here she still talked a little bit funny for native Texan ears, Helen Farabee got to be one of the better backstage Texas political operators.

The reason: Perhaps as well as anyone did in the last three decades, Helen Farabee learned how to "work" the good-ole-boy system of Texas politics.

She did it, in part, because of her husband's career in public life. Ray Farabee, one of the most decent folks to serve in public office in the last half of this century, was a State senator for 14 years until he resigned this winter to become a vice chancellor and general counsel for the University of Texas system.

During his Texas Senate tenure, he was, if it's not an oxymoron, a businessman's liberal. He fought the business fights for reform of the civil judicial system, for example. But he also fought for the rights of criminal defendants and prison inmates. He was on the side of business in head-on tax battles, but he also wanted a reasonable share of taxes devoted to human services.

And it's in that area, basically, where Helen Farabee the senator's wife became a public person herself.

Perhaps as much as anybody in the 1970s and 1980s, she was, as a 1950s college graduate, an activist of the 1960s model. That is to say, she believed in direct confrontation of problems and, when necessary, direct action against the established, comfortable forces of inaction or reaction.

Helen Farabee served on a series of task forces that studied problems of service delivery in Texas government. But while keeping her eye on the prize, she never lost sight of those who were part of the system by which the problem would be solved.

She did not pander. That wasn't her style. She would "present" information or an agenda. And if that wasn't persuasive, she would cajole like a county commissioner from late 19th-century rural Texas.

Helen Farabee worked a task force like a cotton gin does its raw material: You break it down into components, move what's useful or practical to one side, spend time dealing with that fruitful portion and toss out the rest—with the hope that all or part of it still might be used later.

Helen Farabee could work the system both ways. She could be a mechanic, dealing in policy and program and personnel details, but she also was a big-picture person who never forgot why the study was underway in the first place.

From a place of relative privilege and affluence, she was an advocate for those who have neither status nor money—the poor, the sick, the socially afflicted, and mentally ill.

Indeed, one of the funnier stories following her Austin memorial service has to do with a not untypical Farabee exercise.

Five or six years ago, Helen Farabee began a series of fund-raisers for the Texas Mental Health Association. Her husband was not only a senator, but one of the senators most closely tied to the Senate leadership.

He didn't need campaign money for himself (they were relatively rich, remember, and he had no opposition of consequence). So he proceeded to use his name and hers to raise money for mental health, spending supplements for the state-financed department.

The affairs began modestly, at about $1,000 per table. But when Helen Farabee learned that the business lobby was sensitive to Sen. Ray Farabee's fund-raising activities for whatever cause, the cost quickly escalated to as much as $10,000 per table for corporate sponsors.

It would have been illegal, of course, for corporations to give to a political campaign. But it was legal to use a prominent person's name to raise money for a public charitable cause like mental health.

But in order to avoid an embarrassment of corporate riches, the business lobby cosponsors of the annual affair would be kept separate from the rest of the crowd as guests—honored various fund-raising figures—including political heavyweight Jess Hay and his wife, Betty Jo, and Lt. Gov. Bill Hobby and his wife, Diana.

That's why Helen Farabee was so good. She learned the political system, took control of it in the public interest and helped make it work. She made us all better for it. And, in the process, she established a paradigm for everybody—not as political wives with do-gooder instincts.

BERKS COUNTY VIETNAM VETERANS MEMORIAL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. YATRON. Mr. Speaker, since it was first dedicated in 1982, the Vietnam Veterans Memorial in Washington has served as a powerful symbol of healing for our Nation and as a monument to those brave Americans who served and gave their lives for this country in Vietnam. Anyone who has visited the Wall can attest to the fact that it is a truly moving experience.

In my home area of Berks County, PA, we have been working for some time to honor the brave servicemen and women who courageously defended our Nation in Vietnam. We are especially proud of those Berks Countians who gave their lives in the line of duty and those who remain missing in action. Over 4,500 countians served in Vietnam; 62 were killed and 3 are still missing.

In 1985, the Berks County Vietnam Memorial Commission was established with the task of constructing a memorial to these courageous individuals. The commission's motto, "Their duty done, ours just begun," nicely sums up their strong commitment to this endeavor. After several years of hard work and concerted effort, the memorial will be dedicated on September 24, 1988. Through this memorial, we will be reminded of those 65 Berks Countians who died for us or are still missing. It will also serve as a symbol of our commitment to remembering and honoring the sacrifices of these outstanding Americans.

Mr. Speaker, it is my great honor and privilege to place in the CONGRESSIONAL RECORD the names, ages, and hometowns of the 65 Vietnam veterans who will be honored at the Berks County Vietnam Memorial:

Barry L. Adam, 21, Reading.
Ralph H. Anstadt,[1] 34, Oley.
Glenn C. Baer, 18, Reading.
Tom Jay Bagenstose, 20, Reading.
John D. Barnett, Jr., 19, Reading.
C. Gary Beck, 20, Mt. Penn.
Gerald L. Berg, 20, Reading.
Clifford G. Borell, 20, Reading.
Terry L. Clark, 21, Earlville.
Joseph C. Correll, 33, Hamburg, R.D. 2.
Phillip F. DeFazio, 18, Reading.

Lawrence J. Deisher, 18, Hyde Park.
Charles E. Doerrman, 43, Reading.
Thomas W. Dugan,[1] 35, Reading.
Vernon W. East, 20, Reading.
Ronald L. Eckert, 20, Manatawny.
Richard L. Etchberger, 35, Hamburg.
Joel E. Faller, 20, Pennside.
Terry G. Fegely, 20, Birdsboro, R.D. 1.
Chester L. Gable, 43, Boyertown.
William R. Gendebien, 24, Barto, R.D. 1.
George A. Gray, 21, Wyomisssing Hills.
Robert E. Greth, 21, Reading.
Leroy C. Haller, 22, Birdsboro, R.D. 1.
William C. Hartgen, 24, Robesonia, R.D. 1.
Richard B. Heydt, 32, Kenhorst.
Ronald L. Hill, 20, Mohrsville, R.D. 1.
Larry D. Hoch, 21, Topton.
Allen P. Houck, 20, Wernersville.
Michael G. Hoyer, 18, Reading.
Randy S. Huber, 19, Bethel, R.D. 1.
Larry L. Keener, 23, Fritztown.
Arlan J. Kennedy, Jr., 21, Birdsboro, R.D. 1.
James W. Kiehne, 22, Wyomissing Hills.
Daniel K. Lessig, 26, Pennside.
Michael A. Mangiolardo, 21, Reiffton.
Rodney W. Melton, 21, Wyomissing Hills.
Ted R. Miller, 20, Boyertown.
Richard A. Mohr, 20, Barto.
Harry J. Moser IV, 18, Birdsboro.
Terry L. Moser, 21, Barto, R.D. 1.
Barry L. Moyer, 19, Reinholds, R.D. 1.
Warren Moyer, Jr., 20, Birdsboro, R.D. 2.
George Mulrooney, 43, Wyomissing Hills.
Alvin G. Mutter, 39, Bechtelsville.
Timothy M. Nafe, 22, Strausstown.
David E. Pannabecker,[1] 33, Womelsdorf.
Lewis H. Proudfoot III, 18, Elverson, R.D. 2.
Scott D. Reed, 21, Stony Creek Mills.
Wayne C. Rochowicz, 22, Riverview Park.
Richard H. Royer, 25, Wyomissing.
Kenneth E. Sands, 21, West Wyomissing.
Jackie R. Seltzer, 21, Hamburg.
Ronald D. Sheffey, 19, Reading, R.D. 2.
Leon C. Stein, 38, Reading.
Ronald S. Stepsie, 21, Boyertown, R.D. 3.
Joseph G. Stoudt, 20, Douglassville.
Gerald A. Szyszputowski, 21, Reading.
Clyde E. Trievel, Jr., 19, Boyertown.
David A. Wenger, 20, Wyomissing Hills.
Ralph M. Wentzel, 19, Temple, R.D. 1.
Kenneth W. Wickel, 21, West Wyomissing.
Glen R. Witycyak, 22, Reading, R.D. 1.
George A. Young, Sr., 22, Robesonia.
Kent M. Zerr, 25, Sinking Spring.

[1] Denotes missing-in-action.

PAUL M. COOK, RAYCHEM CHAIRMAN, HONORED AS RECIPIENT OF NATIONAL MEDAL OF TECHNOLOGY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to my friend and constituent, Paul M. Cook.

On July 15, in a ceremony at the White House, Paul Cook, chairman and chief executive officer of Raychem Corp. of Menlo Park, CA, received the National Medal of Technology for 1988. This award was established by Congress under the Stevenson-Wydler Technology Innovation Act of 1980 to "recognize those who advanced American technology and improved the American economy, environment and social well-being." Those who have been honored are indeed individuals whose contribution to our Nation has been of the highest caliber. In presenting these awards, President Reagan rightly said that America's greatest resource "is the genius of our people."

Mr. Speaker, Paul Cook is both a genius and great asset of our Nation. He was chosen for "his vision and entrepreneurial efforts, his technical accomplishments, and his business and technical leadership as the key contributor in creating a worldwide chemically based industry." As 1 of 10 recipients, he is an outstanding individual who has contributed to the betterment—not only of his company—but of his community and of this great Nation.

Paul Cook was born in Ridgewood, NJ. He interrupted his college education to serve in the U.S. Army during World War II and later received his B.S. degree in chemical engineering from the Massachusetts Institute of Technology. He worked for the Stanford Research Institute in Palo Alto, and started the Sequoia Process Corp.—a wire and cable manufacturing company in Redwood City. In 1957 he founded Raychem Corp.

Under Mr. Cooks technical and business leadership, Raychem has emerged as the world's leading manufacturer of products based on radiation chemistry. The firm develops and markets in more than 100 countries a broad range of high-performance products used in the aerospace, construction, automotive, electronics, electrical power, process, and telecommunications industries. Raychem employs over 10,000 people in 50 countries. Nearly half of these are based in the United States primarily in the San Francisco Bay area. Under Paul's direction the firm has expanded into new research and development ventures involving new scientific disciplines, created new relationships with universities and consultants and encouraged creativity through the establishment of a fund for startup companies.

In addition to his business and technical leadership, Paul has been an important community leader as well. He serves on the board of directors of several other companies, is a member of the Bay Area Council in San Francisco, a life member of the MIT Corp., chairman of MIT's Chemistry Visiting Committee and has been a Mason lecturer at Stanford University. He was elected to the National Academy of Engineering and received the Winthrop-Sears Medal from the Chemical Industry Association.

Mr. Speaker, I invite my colleagues in the Congress to join me in commending Paul Cook for his accomplishments and congratulating him on his receipt of the National Medal of Technology for 1988.

THE 75TH ANNIVERSARY OF SACRED HEART HIGH SCHOOL

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. COYNE. Mr. Speaker, it was 75 years ago that 59 teenagers in Pittsburgh filed into classrooms on Center Avenue in Pittsburgh, eager to begin a new school year. Other students in Pittsburgh and around the country were also starting school, but there was something special here: these youngsters were the first students in a new school, the Sacred Heart School.

Its beginnings were modest. During the first few years, classes were held on the second and third floors of Sacred Heart Elementary School. But the school grew. In 1913, construction was authorized for a prefabricated wooden high school building on Sheridan Avenue, which was moved to a site across from Hunt Armory 13 years later. More important, Sacred Heart High School's student body grew—and when Central Catholic High School for boys was constructed in 1927, Sacred Heart was designated as an all girls' school.

The 59 original students at Sacred Heart—and Msgr. Francis Keane, the pastor of Sacred Heart Church at the time—would be proud of what their school has become after 75 years. Today, it has 500 students who hail from around Pittsburgh and over 50 parishes. It has educated more than 7,000 young women and—from the early co-ed days—280 men in Catholic philosophy, Christan values, and academic excellence. It has grown from the top floor of the elementary school to a campus with three buildings that is now the largest high school for girls in the diocese city of Pittsburgh.

Times change. The world that Sacred Heart graduates now enter is very different from the world that the very first students knew. The education Sacred Heart offers reflects those changes. At the same time, though, it retains the same core values—the same commitment to a quality education—that has been the hallmark of Sacred Heart since it began operation in 1913. That is the reason for its success.

I congratulate Sacred Heart High School on its 75th anniversary, and I wish it the same success in its future as it has enjoyed in its past.

DRUGS—ANSWERS FROM JUVENILE AND FAMILY JUDGES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. EDWARDS of California. Mr. Speaker, at the National Press Club on August 4, 1988, juvenile and family court judges from some of the Nation's largest jurisdictions urged Congress to enact new comprehensive antidrug legislation in which they said that they could play a key role.

The announcement was made by judges from the National Council of Juvenile and Family Court Judges during a news conference at the National Press Club in Washington, DC, after releasing their new report, "Drugs—The American Family in Crisis: A Judicial Response 39 Recommendations."

We are disclosing this report in Washington today because, as judges of juvenile and family courts, we play a key role in the prevention, control, assessment, and treatment of substance abuse in the children and their families before us.

Said National Council President Judge Romae T. Powell of Atlanta, GA.

In the report, the judges detail steps courts, communities, parents, and legislators must take to counter the substance abuse problem and what they termed "the substance abuse crisis in America."

National Council President-Elect W. Donald Reader, Canton, OH, said, "Our courts need adequate funding to assure prevention, intervention, education, and tratement programs are available for court-referred juvenile substance abusers. Normally State court judges do not vocally support enactment of Federal legislation; however, we strongly feel this situation demands this type of response."

Specifically, Reader said the legislation should include provision for:

Required juvenile justice system components in comprehensive community and state plans to deal with juveniles and their family members identified as substance abusers or at high risk for drug dependency.

Reauthorization of the existing Juvenile Justice and Delinquency Prevention Act with addition of new antidrug and youth gang prevention programs.

In 1986 the National Council surveyed its members and found that judges across the Nation estimated that substance abuse was a significant factor in some 60 to 90 percent of all cases referred to them. That includes cases of domestic violence, delinquency, nonsupport, child abuse and neglect, and others.

In response to this survey, the National Council's Metropolitan Court Judges Committee, made up of 40 presiding judges from the Nation's largest urban jurisdictions, compiled the report. Among the 39 recommendations presented by Committee Chairman Judge Stephen B. Herrell, Portland, OR, were the following:

There must be no further legalization of substances now controlled by Federal and State law.

Reduction of the demand for drugs must be a primary focus of Federal, State, and local efforts in the Nation's "war on drugs."

Children and their families must be held accountable for use of substances.

Federal, State, and local support must be increased and allocated to juvenile and family courts for effective screening, assessment, treatment, and rehabilitation of problem children and families as a major part of antidrug abuse efforts.

Courts must screen and assess all who are referred to them and identify for mandated treatment those children and family members who are threatened by harm to themselves or others from their abuse of drugs.

Judges and court staff must be trained adequately to confront substance abuse problems among court referred youth and families.

Serious youth gang drug trafficking must be recognized to be organized crime and combatted accordingly. New Federal and State legislation is needed.

"As judges we and our courts alone cannot solve the substance abuse problems found among court referred youth and families. To that end, Federal, State, and local resources have to be committed for the courts and other community systems to be successful. The significant initiatives being considered by Congress and the administration for 1989 and succeeding years are vital to assure there is a national commitment to reduce demand for, and interdict the supply of drugs," said Reader.

The National Council of Juvenile and Family Court Judges is a national membership organization for judges with juvenile and family court jurisdiction. Located in Reno on the University of Nevada campus, the organization is dedicated to improving the erffectiveness of the Nation's juvenile and family courts through its continuing judicial education, research, technical assistance, and publications.

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. DELLUMS. Mr. Speaker, I rise today to join the congressional call to conscience vigil for Soviet Jews. I do so, not to hurl cold war rhetoric, but to urge the Soviet leadership to extend glasnost further still to all their people, and especially to the Jews, who have seen few of its benefits as yet.

Glasnost raises our hopes for a more open society within the Soviet Union, and for an increased openness between our two countries. By such openness, by the free exchange of information and ideas, we may hope to move beyond the cold war, which robs both our countries of so many of their resources. But the Soviet bureaucracy continues to refuse to be accountable to its citizens, refuses to deal with them impartially and fairly according to a rule of law. This is what we should like to see change as a result of glasnost and perestroika.

We must appreciate the positive developments in Soviet Jewish emigration. The number of Soviet Jews allowed to emigrate in April, May, and June of this month represents a high point for the decade; we hope the numbers will continue to climb.

But our optimism is cautious, because 1,088 is a small number compared to the estimated 400,000 who would consider emigrating if the doors were opened. As yet, there are no guarantees, such as would inhere in an explicit policy statement from the Supreme Soviet, that such emigration levels will be allowed to continue. Without law, policy is as changeable as the whim of those who administer it.

An example of the arbitrariness of Soviet emigration decisions is the use of the state secret justification for refusal. Since 1987, 60 percent of all refusals have been linked to state security; many of these cases involve individuals who left their jobs more than 15 years ago, making it virtually impossible that their information is still sensitive. In other cases, those who never had access to alleged secrets are refused because they are related to someone who did. In most cases, the secrecy label is nothing but pretext.

How can the promise of glasnost be fully realized? We know, from mistakes we have made in this country, that citizens become alienated when they sense that the government does not deal with them according to consistent and impartial rules. Nothing is more fundamentally the responsibility of government than to treat its citizens with justice and impartiality. The rule of law is, as it has always been, the best indicator of a progressive and civilized nation.

The Soviet leadership has taken a new direction, and we are encouraged. But just as we press our leaders to make real, for all our citizens, the American promise of liberty and equality, we must continue to press the Soviet leadership to make the promise of glasnost and perestroika real, and to expand it throughout every level in their society. For a start, we would like to see the Soviets establish standard, internationally credible criteria for emigration, regardless of race, religion or ethnicity, and to process all applications for emigration in a consistent and lawful manner.

We in Congress must continue to speak about the plight of the Soviet refuseniks, and especially the Jews, who face increasing oppression at home from anti-Semitic and neofascist groups, and restrictions on the practice of their faith, and yet are denied permission to leave. We must name them, because we have seen that this works; our persistence has succeeded in helping people such as Tatyana and Benjamin Bogomolny, and Judith Ratner-Bialy to emigrate, after many years of waiting. I invite all of my colleagues to join the congressional call to conscience, and to keep hope alive for the Soviet Jews.

STANFORD A. WALLACE TO RETIRE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. LEVIN of Michigan. Mr. Speaker, Stanford A. Wallace of Houston, TX, is retiring August 12 as vice president of corporate communications of Panhandle Eastern Corp. after a 32-year career with that company.

Mr. Wallace served here in our Nation's Capital from 1952 until 1956 as administrative assistant to Congresswoman Martha Griffiths of the great State of Michigan. Prior to joining Congresswoman Griffiths' staff, Mr. Wallace had been assistant city editor and editorial writer for the Detroit Times. He was a graduate of the University of Michigan and a native of Detroit. He also studied law at the Detroit College of Law.

During his career in the natural gas pipeline industry, Mr. Wallace has been recognized as one of the industry's leaders in the field of public relations.

The American Gas Association honored Mr. Wallace earlier this year with a "Lifetime Achievement" award and he has served the Public Relations Society of America in many capacities, including recently chairman of that group's national utilities section. He is also a member of Sigma Delta Chi, the prestigious honorary society of academic and professional journalists.

Mr. Wallace and his wife Renee—the former Renee' Gaines, of Cleveland, OH—founded and operate the highly regarded Vita-Living Co. in Houston which provides caring home facilities for the mentally retarded. The personal lives of many handicapped citizens have been touched and enhanced by the commitment and endeavors of Stan and Renee' Wallace. They also have been the source of insight and inspiration for many public officials who have become involved in activities related to the mentally handicapped because of the Wallaces.

During my years in the public arena, I have known no one with a deeper commitment to careful analysis of critical issues combined with the ability to articulate his thoughts on such issues.

Mr. Wallace will continue to make his perceptive, extension knowledge of the energy industry, especially as it relates to natural gas operations in the marketplace, the regulatory arena, the Congress and the courts, available to us through the pages of the Nation's media.

I know my colleagues here, and throughout the Nation, join me in wishing Stan Wallace every success in his new career as well as congratulations for a lifetime of contributions in the career he has just concluded.

SENATE MOVES TO CORRECT PCB FIASCO CREATED BY HOUSE BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. FLORIO. Mr. Speaker, today the chairman of the Senate Subcommittee on Hazardous Wastes and Toxic Substances, Senator MAX BAUCUS, will introduce legislation to put PCB's where they belong.

Senator BAUCUS' legislation will designate PCB's a "hazardous waste," finally subjecting them to the strict Resource Conservation and Recovery Act [RCRA] standards rather than the weak Toxic Substances Control Act [TSCA] rules which now control PCB's.

Senator BAUCUS' bill is a much needed improvement that will protect people's health and our environment. A House bill, H.R. 3070, the PCB Regulatory Improvements Act, is a weak and inadequate attempt to deal with the problem of PCB disposal.

Unfortunately, the House did not give fair consideration to this legislation when it was passed on June 14, and the result is a bill that is bad for the environment.

I commend Senator BAUCUS and his colleagues supporting this legislation. I fully support his efforts and encourage all of my colleagues to review carefully the approach taken by Senator BAUCUS on PCB's, the needed protection provided by this approach.

CLOSED-CAPTIONED TELEVISION SERVICES FOR THE HEARING-IMPAIRED ACT OF 1988

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. BONKER. Mr. Speaker, it is with great pleasure that I have introduced legislation to help ensure that our Nation's more than 24 million deaf and hearing-impaired citizens have access to information provided through television—a critical form of communication that many of us without impaired hearing take for granted.

Before I discuss the key points of my legislation, Closed-Captioned Television Service for the Hearing-Impaired Act of 1988, I would like to thank my distinguished colleagues Senator PEPPER and Congressman DAVID BONIOR for joining me as original cosponsors. Senator PEPPER's record in serving the disabled is extraordinary. His most recent accomplishment is the creation of the National Institute for Deafness and Communicative Disorders at the National Institutes of Health. My esteemed colleague, Mr. BONIOR, in addition to his fine work in Congress, has the distinction of serving on the board of directors for Gallaudet University, the Nation's only university for the deaf.

Mr. Speaker, I am also delighted to announce that my good friend and colleague, Senator TOM HARKIN, chairman of the Labor and Human Resources Committee's Subcommittee on the Handicapped, will introduce the companion measure to my bill in the Senate. Senator HARKIN's commitment to the disabled is well established and I am honored to have him introduce this bill in the Senate.

Closed-captioning is, in essence, a form of subtitling that enables those who cannot hear television programming to "see" the dialog at the bottom of the TV screen. How is this accomplished? Actually, it's quite simple. It's done primarily through the use of a "decoder," a 4-pound electronic device that is smaller than a cable TV box, and is easily attached to an individual television set. A decoder now costs less than $200. Besides purchasing the individual decoder which works for one TV set, another option to acquiring captioning is a centralized "head/end" system which can tap into as many as 1,000 sets through a main antenna. Institutions, such as hospitals and hotels, can acquire these systems for $1,800.

This technology has been available since 1980, but its benefits are just now beginning to be recognized. The benefits of captioned television and its impact on the elderly were studied by researchers at Western Oregon State College [WOSC] between 1985–87. They distributed 200 decoders in congregate living facilities and nursing homes in the Pacific Northwest, 38 of which were in my home State of Washington. The goals of this study were to educate the hearing-impaired elderly, their families, and professionals working with the hearing-impaired, and to determine the effect of decoders on the residents of congregate living facilities. Not surprisingly, the researchers found that not only did the residents' quality of life improve by being able to "view" television, but interaction between residents also improved.

Over 24 million Americans are deaf or hearing-impaired. In my State alone there are approximately 400,000 deaf or hearing-impaired individuals. Some 38 percent of older Americans are either deaf or have a serious hearing loss. My bill will be an immense benefit to these populations.

By requiring that captioning be available in a variety of settings, the lifestyles of not only the hearing-impaired would be greatly improved, but also several other segments of the population would benefit. Captioned television helps children with learning disabilities and those who are having difficulty mastering basic reading skills. Captioned viewing can help with the serious illiteracy problem we face in the United States. Also, this technology helps those who are learning English as a second language.

Mr. Speaker, television serves society as an invaluable source of information. It is much more than a form of entertainment. It keeps us informed of world news, political events, emergency broadcasts and it acts as an important educational medium. To persons with hearing-impairments, television can be all this and more. To a nursing home resident, television often acts as the center of social activity. To a deaf person, it is a means of learning new words such as "AIDS" and "ballistic missile" to incorporate into sign language. However, hearing-impaired Americans generally have access to the benefits of television only when they are at home using an electronic decoder they have purchased for their personal set.

With this in mind, there are three major provisions in the Closed-Captioned Television Services for the Hearing-Impaired Act of 1988 that I would like to briefly discuss. First, my bill requires that captioning services be available for federally funded nursing homes and hospitals as well as in federally funded programs that use video programming for instructional purposes. All residents and patients would be notified upon their entrance to the facility that captioning is available. In addition, captioning would also be made available at universities, and secondary and elementary schools that receive Federal financial assistance.

The second provision addresses the accessibility of captioned television in places of public accommodation. Under this bill, the Federal Government will not finance any conferences that are held in a facility that does not make captioning services available to their guests upon request. It is my hope that this measure will encourage hotels to make this a standard service to their guests. The Hyatt Corp., to their credit, makes closed-captioning services available in a number of their hotels.

Third, my bill also requires that federally funded or produced public service announcements be captioned. For example, a message from the IRS or the Department of Agriculture should be captioned. The Federal Government has invested in the National Captioning Institute in order to promote greater availability of captioned programming. It would seem to be quite inconsistent for our Federal Government to not caption its own public service announcements and thereby deny millions of hearing-impaired individuals the opportunity to obtain often crucial information from these announcements.

As we continue to learn more about the value of captioning the technology and interest in it continues to develop. Several TV manufacturers have indicated their interest in installing "decoder modules" into newly manufactured TV's. This would add no more than $10 to the cost of the television. In addition, the amount of television programming that is captioned has grown considerably in the past few years. In particular, the American Broadcasting Corp. [ABC] now captions 100 percent of their prime time schedule.

Yet, Mr. Speaker, regardless of the amount of captioned programming available, if viewers do not have access to the decoder technology, they are denied this fundamental source of information and can easily become isolated from the events taking place around them. My legislation increases opportunities for access to crucial information for a very large segment of our population. As I mentioned before, the technology has by far superseded public awareness, but enactment of this bill will open the eyes of both hearing and nonhearing people to the value of captioning. Increased knowledge coupled with the increased demand for the decoders that enactment of this bill would create, would likely bring down the cost of decoders. I believe that the cost of decoders will actually decrease when this legislation is enacted and more Americans learn of the many benefits which they provide.

This legislation is endorsed by 19 key organizations representing the deaf and the hearing-impaired, and the disabled, including the National Association for the Deaf, Self-Help for the Hard of Hearing, the National Captioning Institute, and the National Head Injury Association. Among those supporting my legislation are the 10 organizations that comprise the Council of Organized Representatives [COR] who include: the Alexander Graham Bell Association for the Deaf, the American Association for the Deaf-Blind, American Deafness and Rehabilitation Association, the American Society for Deaf Children, the American Speech-Language-Hearing Association, the Convention of American Instructors of the Deaf, the Conference of Educational Administrators Serving the Deaf, Gallaudet University Alumni Association, National Fraternal Society for the Deaf, and Telecommunications for the Deaf, Inc.

Mr. Speaker, I urge my colleagues to join Mr. PEPPER, Mr. Bonior, and me in supporting this legislation which will help to bring the hearing-impaired more completely into the mainstream of American life.

TRIBUTE TO JACK HAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. MURTHA. Mr. Speaker, on Sunday July 31, Jack Ham, a native of Johnstown, PA, was inducted into the Pro Football Hall of Fame. Jack became one of the select group of 144 athletes who have been enshrined for their outstanding achievements on the football field. But even more impressive than Jack's All-American selections while at Penn State or his all-pro selections while playing with the Pittsburgh Steelers is the tremendous amount of dedication and perseverance he displayed while making himself into one of the greatest linebackers ever to play the game.

As a sophomore at Bishop McCort High School in Johnstown, Jack was cut from the football team. But instead of turning away from football, Jack worked to improve to the point that he earned a football scholarship to Penn State. He was not heavily recruited—in fact, a high school teammate had to talk the Penn State coaches into awarding him scholarship—but his work habits and dedication made him an All-American by the time he graduated. He was chosen in the second round of the pro football draft by the Steelers, but even then critics claimed he was too slow or too small to make it in pro football. Jack Ham proved them wrong, as he anchored Pittsburgh's defense during all four of the Steeler's Super Bowl victories.

Jack Ham has been modest about his success, crediting his teammates and coaches for making his job easy. But his college coach at Penn State, Joe Paterno, said of Jack

> (His) teams were not only great because of Jack, because there were a lot of great players on all those teams he played on. But they would not have been great without Jack Ham. Not just because of his athletic ability, but because of the tone he set. His strong, poised character. His commitment, professionalism. He really was a leader in his own, quiet way.

In my acquaintance with Jack, I have seen those characteristics. They have made him not only a great football player, but also a great person, who can serve as an example to our youth of where hard work and big dream can take you. On behalf of all the citizens of Johnstown and the people of western Pennsylvania, who have followed his career since he was making tackles and intercepting passes at Bishop McCort High School, I would like to congratulate Jack Ham on this crowning achievement to his football career. He has made us all very proud.

TOWARD A NEGOTIATED SETTLEMENT OF THE CYPRUS PROBLEM

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. SHUMWAY. Mr. Speaker, a peaceful, negotiated settlement of the Cyprus dispute as envisaged in House Resolution 514 deserves our unanimous support. It is my sincere hope that the imminent discussions between the Greek Cypriots and the Turkish Cypriots at the United Nations later this month will lead to a just and lasting solution for both peoples of Cyprus—Greek and Turkish.

Cyprus, a Mediterranean island of geopolitical significance to the United States, has been a point of contention in our relations with Greece and Turkey. This conflict has weakened NATO's southern flank and threatens other U.S. interests in the region.

Efforts to bring both peoples of Cyprus into constructive discussions on reunification of the island have focused on the United Nations. I would like to take this opportunity to commend the leaders of the Turkish and Greek Cypriot communities and the Secretary General of the United Nations for their willingness to renew discussions on this important issue.

Rauf Denktas, the leader of the Turkish Cypriot community, has demonstrated his willingness to work toward a negotiated settlement by his acceptance of U.N. peace plans on two previous occasions, most recently in 1986.

George Vassiliou, the newly elected President of the Republic of Cyprus, has expressed a strong interest in a negotiated resolution of the Cyprus situation.

Javier Perez de Cuellar, the Secretary General of the United Nations, has demonstrated his strong leadership and mediation skills in addressing some of the most difficult situations around the globe, including the Soviet occupation of Afghanistan and the Iran-Iraq war.

When Rauf Denktash and George Vassiliou meet with the Secretary General later this month, it is my sincere hope that they will seize this historic opportunity to move toward a negotiated settlement that protects the rights of Greek and Turkish Cypriots alike, while offering the possibility of peace and prosperity for all Cyprus.

NARCOTICS, HANDGUNS AND DEATH PENALTY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. CLAY. Mr. Speaker, once again Members of Congress are engaging in a charade. This time it involves a purported concern about the growing menace of illegal narcotics and a real determination to curb its pervasiveness. Many of us claim to be genuinely sincere about ridding society of this danger. If so, why are we equivocating and procastinating on the single, most critical issue making drug trafficking possible—the absolute availability of guns.

Mr. Speaker, those of us interested in eradicating drug-related crime should be talking about making the manufacture, sale, and possession of guns illegal. Advocating a 7-day waiting period is only a cosmetic approach to this desperate problem.

With each act of killing, each act of mayhem, each act of violence—official and unofficial—our society becomes a little less civilized. The masses refuse to take issue with policy that is psychologically in synch with their own distorted opinions about capital punishment. Elected officials conversely find moral strength in popular opinion. So the cycle is completed and continues in self-propelled motion. Rather than deterrence we have an escalation of violence.

In the year 1980, only 77 people were killed in Japan by handguns; 18 in Sweden; 8 in Great Britain; 23 in Israel; 24 in Switzerland; 4 in Australia, and 8 in Canada. Those murdered by handguns in seven industrial countries comprising a population of over 250 million people totaled 278. During the same year in the United States, a nation of 232 million or 10 million fewer people, there were 11,522 persons killed by handguns. This exhorbitant number does not indicate that citizens of other countries are more civilized than us. It simply means that other nations more scrupulously control the weapons of violence frequently used for slaughtering people.

Other advanced societies consider it a serious offense to possess handguns. In our culture it is considered a badge of honor. No patriotic, red-blooded American would be caught without a magnum 45 or a 38 special on his premises. The question is not so much the "right to bear arms," it's one of an imagined need to do so. The availability of millions of handguns and easy accessibility to them reduces the United States to an armed camp of citizen combatants where the murder rate is uncontrollable. Arguments by those who oppose handgun control are naive at best, catastrophic at worst. "Guns don't kill people—People kill people" is a trite euphemism. It does not begin to answer the basic question of why less than 300 people killed 300 other people in seven other civilized nations approximating the population of the United States while over 11,000 people were killed with handguns in the United states. The "right to bear arms" is the most slanderously misinterpreted section of the Constitution. That guarantee was ratified when a citizen army was the only viable protection for this country and a gun was the only means of repelling wild animals. Our national militia now has the responsibility of protecting this Nation and its freedoms. The U.S. Government and its 50 States spend billions of dollars a year to perform this task.

The "right to bear arms" is vague and misleading. If the Government can enact laws which make it illegal to possess machine guns, bazookas, and howitzers without infringing on the constitutional right of citizens, why can't it impose the same conditions on handguns? The right to bear arms in the Constitution does not specify handguns. It could very well mean bows and arrows, poisoned darts, M1 tank, and atomic bombs. In a recent speech before the American Bar Association, retired Supreme Court Justice Lewis F. Powell, Jr., said "With respect to handguns * * * it is not easy to understand why the second amendment, or the notion of liberty, should be viewed as creating a right to own and carry a weapon that contributes so directly to the shocking number of murders in the United States."

If murder, while engaged in narcotics trafficking, is the reason for supporting the death penalty in our drug-abuse legislation, and handguns are usually used in those murders, logic dictates that the question of handguns be addressed.

Organizations such as the National Rifle Association raise millions of dollars annually by propagandizing the public into believing that the foundation of our democracy rests on the inalienable right of citizens to own pistols. Meaningless slogans employed to panic the population into lobbying their elected officials and donating millions of dollars to the coffers of the NRA are logical extensions of the progun committee.

Legitimate arguments and real issues are brushed aside in a storm of emotional protest which precludes any real discussion about the control of handguns. Despite the fact that public opinion surveys show overwhelming support among the voters for control of handguns, this Congress refuses to enact legislation to achieve that end. A 1981 national survey conducted by Peter Hart indicates 76 percent of American voters support handgun registration; 89 percent favor a waiting period between purchase and pickup of a handgun in order to permit a police background check; 77 percent favor banning small, cheap, low-quality handguns; 93 percent support a mandatory sentence for using a handgun in a crime; and 95 percent of voters surveyed support requirements for the prompt reporting of the theft or loss of a handgun.

All national polls consistently reveal similar results as those reported by Peter Hart. Yet legislators at the State and national levels refuse to legislate in this area. Those opposed to handgun control look only at one aspect of the surveys dealing with mandatory sentencing and advocate that this feature alone become law. But until we eliminate or at least sharply reduce, the ready availability of handguns in our communities, law enforcement officials are ill equipped to fight the drug trade menace.

Pistols and revolvers, more than any other weapon, were used to commit violent, drug-related crimes in the year 1982. In our Nation we experienced 9,055 handgun murders while handguns were used in 145,610 aggravated assaults and 214,755 robberies, many of which involved illegal narcotics trafficking. Mr. Speaker, if the millions of handguns now available for drug-related criminal enterprises were unavailable, no other weapon capable of causing such misery and suffering would be available as a replacement. Banning the manufacture, sale, and transfer of handguns is critical to any effort to reduce drug crime in this country. Handgun control is the first step toward eradicating the illegal drug market.

ST. STEPHEN'S DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the patron saint of Hungary, and to inform my fellow Members that the official feast day in commemoration of Saint Stephen, the first King of Hungary, will be celebrated next Tuesday, August 16.

Stephen lived a consequential and memorable 63 years. Although born a pagan, St. Stephen was baptized and reared as a Christian. On Christmas Day, A.D. 1000, he was crowned King of Hungary with the consent of Pope Sylvester II. The coronation of St. Stephen signified Hungary's entry into the family of European Christian nations. Stephen regarded the church as the principal pillar of his authority, dispatching missionaries throughout his realm. In 998 Stephen combatted a pagan insurrection. This and other endeavors of his to preserve Christianity in Hungary allows Hungarians, and Christians of any nationality, to venerate Stephen as a fighter for their right to prayer.

Today, Hungary is one of many nations oppressed by Communist influences. Following World War II, Soviet occupation authorities seized power and established a Communist dictatorship. The people of Hungary are no longer able to enjoy the freedoms, whether religious, political, or personal, that people during the time of St. Stephen were privileged to enjoy.

Mr. Speaker, to remember St. Stephen is to remember man's struggle for human rights of religious freedom and individual libertry so basic in our Nation's system of democracy.

APSA CONGRESSIONAL FELLOWSHIP PROGRAM OBSERVES 35TH ANNIVERSARY

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. CHENEY. Mr. Speaker, I would like to take this opportunity to recognize the 35th Annversary of the American Political Science Association's (APSA) Congressional Fellowship Program.

The APSA Congressional Fellowship Program makes a significant contribution to Congress each year, by bringing energetic, bright and motivated professional people into our ranks. This group of professionals serve as staff assistants for Members of Congress in a variety of capacities.

This year's class of APSA fellows includes 48 individuals from virtually all over the globe, and from all walks of life. The group of 1988 foreign fellows involves individuals from the Philippines, South Korea, Indonesia, Thailand, Pakistan, West Gemany, and France. The list of American fellows includes Federal employees, health professionals, print and broadcast journalists and political science professors.

The fellowship experience provides an inside look at the American political system, a unique "birds eye view" of democracy at work. At the same time that the APSA fellows are gaining from their experience on the Hill, Members of Congress are also benefiting from the program by being able to enrich their office staff with such highly qualified individuals. In essence this program is a learning experience for both parties, or more aptly put in Congressional lingo—a true win/win situation.

Perhaps most important, once this 10-month fellowship is completed many fellows return to their chosen profession with a much better knowledge and understanding of the U.S. Congress. Their experience here in Washington helps to broaden public understanding and "tolerance" of our complex political and public policy process.

Mr. Speaker I make these comments from a personal perspective. My association with the

APSA Congressional Fellowship Program dates back some 20 years ago when I first came to Washington as a participant in this program. As an APSA fellow, it was my great privilege to serve for the late Congressman William A. Steiger. That experience gave me the opportunity to meet and work for a truly great Congressman. It was an experience I will never forget, and one which continues to influence my career to this very day.

In this 35th year of the APSA Congressional Fellowship program I want to take this time to recognize the American Political Science Association for its excellent work in conducting this program. I hope my colleagues will continue to support the APSA fellows, and participate in the program. My congratulations on the program's 35th anniversary. I trust there will be many more years to come.

TRIBUTE TO GOLD MEDALIST MAL WHITFIELD

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. HAWKINS. Mr. Speaker, much of the Nation is watching super athletes from the United States break world records in every sport imaginable. As the athletes prepare to invade the Games of the XXIVth Olympiad in Seoul, Korea, in September, I think it would be entirely appropriate for us to reach back into time to recall the feats of one of our stellar athletes from Watts who has gone on to become one of the most important figures in the annals of sports history.

Not only has this man risen from the environs of Watts to make an illustrious career for himself in athletics, but he has become one of the most spectacular sports ambassadors this Nation has ever sent to the Third World.

Mal Whitfield, currently serving the U.S. Information Agency as a sports affairs officer, is a product of my district whose athletic achievements and humanitarian contributions to public service and goodwill on an international level have been unprecedented.

Mr. Whitfield graduated from Jefferson High School and Ohio State University, where he was influenced and tutored by the late great Jesse Owens, and he captured gold medals in the 800 meters in the 1948 and the 1952 Olympic Games. He has spent the last three decades working extensively in Africa.

Mr. Whitfield's gold medals in the Olympics and his subsequent work with athletes on the African Continent influenced his induction into the U.S. Olympic Hall of Fame in New York City.

At a recent hearing of the House Banking Subcommittee on Consumer Affairs and Coinage to support legislation authorizing a gold medal in honor of Jesse Owens for his athletic achievements, Whitfield said:

"I was a young boy of 12 in Watts, CA, when Jesse Owens won four gold medals at the 1936 Olympics in Berlin. His achievements inspired me to compete to seek similar Olympic honors. When you begin a journey, you must be willing to make sacrifices and must have a strong desire to excel and to achieve your goals no matter what the social, religious, political or economical circumstances might be.

"Jesse Owens was more than just an inspiration to me. By sponsoring me at Ohio State University, he had a personal and participating role in shaping my journey to Olympic success and in my career after I retired from athletic competition. I was far from alone in being touched by Jesse Owens. He was devoted to humanity. By example, word and action he encouraged many youths around the world to try, to make sacrifices and to do their best to achieve their goals honestly, fairly and with dignity. He was a pillar of strength and a guiding beacon."

Those same words can be applied to the career and life of Mal Whitfield who has become a positive role model for youngsters in a community wrought with violence, crime, and gangs. He is, indeed, a model for all of us.

INDUCTION OF DOUG McCLURE, DALE ROBERTSON, AND "HOOT" GIBSON INTO THE WESTERN WALK OF FAME

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. MOORHEAD. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues in the House of Representatives an event that will pay tribute to some of our Nation's greatest film heroes, the American cowboy.

These western heroes, especially those remembered in the Western Walk of Fame, are an important part of our past and remain a source of pride for the entire Santa Clarita Valley. The cowboy, with his leathered and gritty, yet upright and loyal image, represents many of the values that our country holds sacred—honor, virtue, strength. The Newhall Merchants Association certainly is playing an important role in keeping this proud heritage alive.

Since its beginnings in 1980, the Western Walk of Fame has recognized 20 of the West's most famous screen stars in the Walk of Fame. Past honoraries include such great names as William S. Hart, Tom Mix, and Gene Autry. This month the Walk of Fame will enjoy membership of three additional cowboy greats of the silver screen. They are Doug McClure, Dale Robertson, and "Hoot" Gibson.

Doug McClure is best known for his role as "Trampas," the cowhand, in "The Virginian" and in his early years he was a success on Broadway. His later movie appearance include "The Men From Shiloh" and "Barbary Coast." In many respects Doug has lived the life of a cowboy that he portrayed on the silver screen. Through his impeccable rodeo skills and his talents in western art, Doug has helped to sustain many of the cowboy traditions.

Dale Robertson with his many TV and movie successes, has exemplified in his appearances in true character of the cowboy. After serving in World War II, Dale made his film debut in 1946 with "Fighting Man of the Plains." This led to other successes, such as his long running "Wells Fargo" series. In 1983 he was inducted into the National Cowboy Hall of Fame. Undoubtedly, Dale will be a welcome member to the Newhall Walk of Fame.

Our final inductee is "Hoot" Gibson, who received his name because of his penchant for owls. "Hoot's" geat sense of showmanship combined with a bantering style helped earn him the title of "All-American hero of the silent movie." A longtime resident of Saugus, he was one of the few actors who actually lived the life he portrayed. His appearances in such movies as "The Phantom Bullet" and "King of the Rodeos" helped to establish Hoot's place in western film history.

Mr. Speaker, I am delighted to play a small role in the enshrinement of "Hoot," Dale, and Doug and I commend the Merchants Association for creating the Western Walk of Fame, an endeavor in remembrance and deserved recognition.

DISTRICT OF COLUMBIA REVENUE BOND ACT OF 1988

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. FAUNTROY. Mr. Speaker, the following is a facsimile of a report which the Committee on the District of Columbia would submit in the ordinary course of business. The committee, however, will make a unanimous consent request to bring the substance of this report directly to the floor on Wednesday, August 10, 1988, and here provides it so that members will be aware of the background and need for this legislation.

DISTRICT OF COLUMBIA REVENUE BOND ACT OF 1988

The Committee on the District of Columbia, to whom was referred the bill, H.R. 5143, to waive the period of Congressional review for certain District of Columbia acts and bills authorizing the issuance of revenue bonds, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill, H.R. 5143, is to waive the 30-day Congressional review period required by Section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (The Home Rule Act) for certain acts passed by the D.C. Council which authorize the issuance of revenue bonds and bills.

BACKGROUND AND NEED FOR THE LEGISLATION

This bill is necessary because the United States Internal Revenue Code affecting the issuance of municipal bonds requires the approval of the appropriate state or local authority for issuance of revenue bonds.

The District of Columbia is impacted in a special and unique way by these requirements. Under Section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198 (The "Home Rule Act"), after the D.C. Government has done all it can and must do to pass a bond act, that act must then be transmitted to the Congress for a review period of 30 legislative days. Because Congress will adjourn some time in October, several D.C. Government bond acts now pending will not clear the 30-day review period prior to the scheduled adjournment of Congress. Passage of H.R. 5143 will insure that Congress does not create an undo impediment to the issuance of certain bonds by the District of Columbia Government and will place the District on equal footing with all other municipal bond issuers from state and local governments.

The bill, H.R. 5143, is directed at six proposed bond issues. Three of the proposed issues have been passed by the D.C. Council and must clear the review period. Each of the issues is for non-profit organizations. The three issues are as follows:

1. Columbia Hospital of Women Revenue Bond Act of 1988—D.C. Act 7-208.
2. Providence Hospital Revenue Bond Act of 1988—D.C. Act 7-206.
3. St. John's Child Development Center Revenue Bond Act of 1988—D.C. Act 7-205.

Three other institutions have bond issues filed in the District of Columbia:

1. Children's Hospital Medical Center Bond Act of 1988—Bill 7-552 (will be changed in Committee to: Children's Hospital National Medical Center Revenue Bond Act of 1988).
2. District of Columbia Hospital Association Revenue Bond Act of 1988—Bill 7-553.
3. Georgetown University Revenue Bond Act of 1988—Bill 7-551.

The District of Columbia Government is expected to assist these institutions in the issuance of these bonds, consistent with the provisions governing the issuance of non-profit tax exempt bonds as embodied in the Home Rule Act, so that the bonds may be issued at the earliest possible date.

The goal of the Committee in passing H.R. 5143 is to remove special Congressional hurdles from the District's bond enactment path. The legislation is for a limited purpose and is aimed at insuring that the October adjournment of the Congress does not place undo burdens and impediments on certain District of Columbia acts due to the 30-day review period (The 30-day period counts legislative days in which at least one House of Congress is in session. Typically, the count converts to approximately 90 calendar days. However, in past Presidential election years, the count has gone as high as 220 calendar days). The Committee recognizes that the solution offered by H.R. 5143 is a limited one. The ideal solution would be to eliminate the review period altogether. Bond issues, in particular, are delicate and sensitive and should not be exposed to the inherent delays of the review period. The urgency of the current situation however forces this interim solution.

This legislation has been requested by the Mayor of the District of Columbia, and the need for this legislation has been emphasized through letters from the Mayor, the Chairman of the D.C. Council, and Bond Counsel (the full text of their letters appear later in this report).

SECTION-BY-SECTION OUTLINE—H.R. 5143

H.R. 5143 waives the period of Congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds.

Section 1—The short title of the bill is the "District of Columbia Revenue Bond Act of 1988".

Section 2—Provides for waiver of Section 602(c)(1) of the Home Rule Act for certain District of Columbia bond acts and lists those bond acts and bills involved.

MARK UP

Legislation with similar intent to H.R. 5143 has passed previous Congresses. Because of the nature of the bill, the letters received in support of it, the near unanimous sponsorship of all Committee Members, and the clear precedents for its enactment, the Committee will seek unanimous consent for immediate consideration for H.R. 5143. No Member of the Committee disagrees.

H.R. 5143

A BILL To waive the period of congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Revenue Bond Act of 1988".

SEC. 2. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS AUTHORIZING THE ISSUANCE OF REVENUE BONDS.

(a) Waiver.—Section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act shall not apply to certain acts of the District of Columbia described in subsection (c) authorizing the issuance, sale, and delivery of revenue bonds.

(b) Effective Date of Acts.—Notwithstanding section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act and any provision in any District of Columbia act described in subsection (c), the District of Columbia acts described in paragraphs (1), (2), and (3) of subsection (c) shall take effect on the date of the enactment of this Act.

(c) Certain Acts of the District of Columbia Authorizing the Issuance of Revenue Bonds.—The District of Columbia acts authorizing the issuance, sale, and delivery of revenue bonds referred to in subsections (a) and (b) are as follows:

(1) The St. Johns Child Development Center Revenue Bond Act of 1988, District of Columbia act 7-205, transmitted to the Speaker of the House and the President of the Senate July 25, 1988.

(2) The Columbia Hospital for Women Revenue Bond Act of 1988, District of Columbia act 7-208, transmitted to the Speaker of the House and the President of the Senate July 25, 1988.

(3) The Providence Hospital Revenue Bond Act of 1988, District of Columbia act 7-206, transmitted to the House and the President of the Senate July 25, 1988.

(4) The District of Columbia Hospital Association Revenue Bond Act of 1988 (District of Columbia bill 7-553, introduced in the Council of the District of Columbia July 14, 1988) in such form as such act may be enacted by the Council of the District of Columbia, except that the authorization for issuance of bonds under such act may not exceed $200,000,000.

(5) The Georgetown University Revenue Bond Act of 1988, (District of Columbia bill 7-551, introduced in the Council of the District of Columbia July 14, 1988) in such form as such act may be enacted by the Council of the District of Columbia, except that the authorization for issuance of bonds under such act may not exceed $237,000,000.

(6) The Children's Hospital National Medical Center Bond Act of 1988 (District of Columbia bill 7-552, introduced in the Council of the District of Columbia July 14, 1988) in such form as such act may be enacted by the Council of the District of Columbia, except that the authorization for issuance of bonds under such act may not exceed $55,000,000.

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 8, 1988.

Hon. Ronald V. Dellums,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, DC.

Dear Mr. Chairman: As your staff requested, the Congressional Budget Office has reviewed H.R. 5143, the District of Columbia Revenue Act of 1988, as introduced and referred to the House Committee on the District of Columbia, August 3, 1988.

H.R. 5143 would waive the statutory 30-day Congressional review period for six proposed District of Columbia revenue bond issues. Based on our review and on information from the District of Columbia, CBO estimates that enactment of this bill would result in no cost to the Federal government, or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

James L. Blum,
Acting Director.

The District of Columbia,
Washington, DC, July 28, 1988.

Hon. Walter E. Fauntroy,
Chairman, Subcommittee on Fiscal Affairs and Health, Committee on the District of Columbia, House of Representatives, Washington, DC.

Dear Congressman Fauntroy: The purpose of this letter is to request your sponsorship of a bill to waive the 30-day period of Congressional review required of all District of Columbia acts pursuant to section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, as amended, for certain bond acts.

I have submitted the six bills to the City Council. Three of the projects have already been approved by the Council. The institutions are as follows:

[Dollar amounts in millions]

Institution	Amount	Legislation
Children's Hospital National Medical Center	$55	Bill 7-552.
D.C. Hospital Association	200	Bill 7-553.
Georgetown University	237	Bill 7-551.
Columbia Hospital for Women	25	Act 7-208.
Providence Hospital	50	Act 7-206.
St. John Child Development Center	2	Act 7-205.

As you know, there is ample precedent for such Congressional action. You will recall that the Congress approved similar legislation providing for a waiver of the Congressional review period in 1985.

All of the institutions listed above have been told by their financial advisors to issue bonds as soon as possible.

I strongly urge action on a waiver bill as soon as possible. If you need additional information, please contact me at 727-6263, or Mr. Julius W. Hobson, Jr., of my staff at 727-5829.

Sincerely,

Marion Barry, Jr.,
Mayor.

Council of the District of Columbia,
Washington, DC. August 2, 1988.
Hon. Thomas J. Bliley, Jr.,
Rayburn House Office Building, House of Representatives, Washington, DC.

Dear Congressman Bliley: It has come to my attention that you are considering the sponsorship of legislation to waive the 30 legislative day period of Congressional review, as provided in Section 602 (c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, for certain tax-exempt industrial revenue bonds. It is my understanding that the proposed legislation is intended to enable the applicants to close their issuances and to go to the market under the most favorable conditions. As you are aware, legislation with similar intent, H.R. 3718 and a companion bill, HR. 4027, was passed during the 99th Congress.

The precarious situation in which the issuance of bonds is placed by the fluctuating review period is an example of the difficulties presented by the requirement for Congressional review.

While ultimately desiring the elimination of the Congressional review period altogether, I would support legislation to waive Congressional review for any bond legislation which has passed the Council and is currently awaiting Congressional review or which may pass the Council in the near future.

Sincerely,
David A. Clarke,
Chairman.

Alex. Brown & Sons, Inc.,
Baltimore, MD, August 2, 1988.
Congressman Walter E. Fauntroy,
Congressman Thomas J. Bliley, Jr.,
House of Representatives,
Washington, DC.

Dear Congressmen Fauntroy and Bliley: Columbia Hospital for Women Medical Center is a participant in a request to Congress that the Congressional 30-day review period be waived for several individual Bond Acts once they are passed by the District of Columbia Council.

We have reviewed the projects that Columbia Hospital for Women Medical Center will finance with tax-exempt bonds. Bonds issued pursuant to the Columbia Hospital for Women Revenue Bond Act of 1988 will comply in all respects with applicable Federal Tax Law.

It is important for Columbia Hospital for Women Medical Center to issue bonds as soon as possible in order to take advantage of lower interest rates and to get projects underway.

Thank you for your assistance in this matter.

Sincerely,
John E. Cheney,
Vice President.

O'Keefe Ashenden Lyons & Ward,
Chicago, IL, July 29, 1988.
Hon. Thomas Bliley, Jr.,
House of Representatives,
Washington, DC.

Dear Congressman Bliley: This letter is in support of Providence Hospital's request for your sponsorship of the bill to waive for its Bond Acts the 30 day period of Congressional review required of all acts passed by the District of Columbia.

We have reviewed the projects that Providence Hospital will finance with these tax exempt bonds and it is our current opinion that said projects meet requirements for financing with tax exempt funds.

In addition, it is critical for Providence Hospital to be able to go to the financial markets as soon as possible given the current economic forecasts which reflect increasing interest rates. Providence Hospital's ability to obtain low costs funds is central to the accomplishment of its mission of providing care to the sick and poor.

On behalf of Providence Hospital thank you for your support.

Sincerely,
Daniel W. Coyne.

St. John's Child
Development Center,
Washington, DC, August 1, 1988.
Hon. Walter E. Fauntroy,
Rayburn House Office Building,
Washington, DC.

Dear Mr. Fauntroy: St. John's Child Development Center is part of a group of nonprofit organizations in the District of Columbia seeking a waiver of the 30-day layover requirement for an IRB issuance. We need this waiver in order to get into the market place as soon as possible due to current market conditions. The bond issuance complies with all applicable tax exempt provisions of the tax code.

We would appreciate your assistance in getting this waiver.

Sincerely,
T. Ames Wheeler,
Treasurer.

Cain Brothers, Shattuck & Co.,
New York, NY, July 29, 1988.
Hon. Walter E. Fauntroy,
House of Representatives,
Washington, DC.

Dear Congressman Fauntroy: As financial advisor to Children's Hospital National Medical Center ("CHNMC") for its proposed financing through the District of Columbia, Cain Brothers, Shattuck & Company respectfully submits this letter on CHNMC's behalf.

The expedited approval process that CHNMC is requesting will allow CHNMC to access the capital markets sooner than would otherwise be possible. Improved market access should enable CHNMC to take advantage of the favorable conditions currently available in the municipal market; to proceed with the expansion project on a more timely basis, thus benefiting the patients CHNMC serves; and to help assure the use of tax-exempt funds before potential legislative action further restricts their use.

We appreciate your assistance in this matter and would gladly answer any questions you may have.

Respectfully,
Barbara Z. Shattuck.

The First Boston Corp.,
New York, NY, July 28, 1988.
Hon. Thomas Bliley, Jr.,
House of Representatives,
Washington, DC.

Dear Congressman Bliley: It has come to my attention that you are considering sponsoring legislation that would waive the 30 legislative day period of Congressional review for District of Columbia legislation relating to the issuance of industrial revenue bonds.

The Mayor's Office has submitted legislation to the Council of the District of Columbia which would allow Children's Hospital National Medical Center, Georgetown University, the District of Columbia Hospital Association, Columbia Hospital for Women, Providence Hospital, and St. John's Child Development Center to benefit from the issuance of industrial revenue bonds. All of these institutions are non-profit organizations located in the District. The requests for Columbia, Providence and St. John's have been approved by the Council and the others will be considered when the Council returns from recess in September.

The First Boston Corporation is currently serving as underwriter for both the District of Columbia Hospital Association and Georgetown University. In our expert judgment, based on current market conditions, which are unpredictable, it would be wise and prudent for the above-named applicants to be in a position to complete their financings by the end of the year so that they can take advantage of favorable market conditions. To meet this goal, it would be necessary for Congress to waive the layover period. These conditions may not be available if the applicants must await running of the 30 legislative day period. The opportunity to capture savings is especially attractive to non-profit organizations who seek to achieve public purposes but must do so on less than adequate financial resources. For example, seventeen of the eighteen members of the District of Columbia Hospital Association are 501(c)(3) organizations who deliver approximately $150 million in free care on an annual basis. The Association has sponsored an Indigent Care Force to study and develop proposals for the delivery of adequate medical care to the poor. It also sponsored an AIDS Task Force that established guidelines for treatment and interaction with AIDS patients.

All financing transactions of the applications will comply with the provisions of the Internal Revenue Code of 1986, as amended.

I strongly support Congressional action to accomplish the waiver of the layover period and hope that you will work to achieve successful enactment of such legislation.

Sincerely,
Ronald T. Gault,
Vice President.

Drinker, Biddle & Reath,
Philadelphia, PA, July 27, 1988.
Re Georgetown University Revenue Bond Act of 1988.
Congressman Walter E. Fauntroy
Congressman Thomas J. Bliley, Jr.,
House of Representatives
Washington, DC

Dear Congressmen Fauntroy and Bliley: We are informed that a request to Congress has been made on behalf of several District of Columbia eleemosynary institutions, including Georgetown University, for a waiver of the Congressional 30 day review period of the individual bond acts passed by the District of Columbia Government for these institutions.

It is critically important for Georgetown University to have the District of Columbia issue tax-exempt bonds on its behalf at the earliest possible time, in order to take advantage of current low tax-exempt interest rates, to retire burdensome taxable short-term debt and to get on with and complete projects that have been in the works for approximately five years. For your information, the bonds issued pursuant to the District's Georgetown University Revenue Bond Act will comply in all respects with applicable Federal Tax Law. Moreover, the Georgetown University Revenue Bond Act, for which the waiver is sought, is in effect a re-enactment of the District of Columbia Bond Acts passed in 1985 and approved by the 99th Congress First Session in HR 3718. Tax-exempt bonds were never issued by the District under the 1985 Acts and the legislation expired in accordance with its terms in 1987.

Your cooperation and help is welcomed.

Very truly yours,

Barry S. Wildetein.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, August 9, 1988, may be found in the Daily Digest of today's Record.

Meetings Scheduled

AUGUST 10

9:00 a.m.

Office of Technology Assessment

The Board, to meet on pending business matters.

EF-100, Capitol

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 2047, to require health warning labels on containers of alcoholic beverages.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Judiciary

Patents, Copyrights and Trademarks Subcommittee

Business meeting, to mark up S. 1619, to give the author of certain works of art the right to claim authorship of such work when publicly displayed, independent of his or her own copyright, and to disclaim authorship of such works because of any distortions.

SD-234

10:00 a.m.

Armed Services

Manpower and Personnel Subcommittee

To hold hearings on the General and Flag Officer requirements.

SR-232A

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

Oversight of Government Management Subcommittee

To hold joint hearings on the U.S. Postal Service contract with Perot Systems.

SD-342

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 2161, to exclude property interests in, or contract rights to, hydrocarbons and other minerals produced with hydrocarbons from a debtor's estate to the extent that such debtor has contractually transferred such interests or rights.

SD-226

Labor and Human Resources

Business meeting, to consider S. 2647, to reduce the default rate on student loans, S. 2477, to modify the authority for the regulation of clinical laboratories to require licensed laboratories to qualify under proficiency testing programs, S. 1950, to revise requirements and priorities concerning grants for adolescent family life demonstration projects, and pending nominations.

SD-430

11:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

2:00 p.m.

Select on Intelligence

Closed briefing on intelligence matters.

SH-219

Conferees

On H.R. 1807, to amend the Small Business Act, to reform the Capital Ownership Development Program.

EF-100, Capitol

2:15 p.m.

Judiciary

Technology and the Law Subcommittee

Business meeting, to mark up S. 2361, Video and Library Privacy Protection Act of 1988.

SD-234

2:30 p.m.

Judiciary

Business meeting, to consider pending calendar business.

SD-226

AUGUST 11

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine new developments in computing and computer networking.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Hazardous Wastes and Toxic Substances Subcommittee

To hold hearings on the regulation of PCB toxic wastes.

SD-406

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the North Carolina National Bank's assumption of control of the First Republic Bank of Texas.

SD-538

Foreign Relations

Business meeting, to consider pending calendar business.

SD-419

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 2667, to establish a national energy policy to reduce global warming.

SD-366

Foreign Relations

To hold hearings on the nomination of Carol C. Adelman, of Virginia, to be an Assistant Administrator of the Agency for International Development.

SD-419

AUGUST 12

9:30 a.m.

Select on Indian Affairs

To hold hearings on S. 2672, to provide Federal recognition for the Lumbee Tribe of North Carolina.

SR-485

SEPTEMBER 9

8:00 a.m.

Veterans' Affairs

To hold oversight hearings to review the adequacy of available funds and personnel for the VA health-care system.

SH-216

SEPTEMBER 15

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2657, Campaign Cost Reduction Act.

SD-562

SEPTEMBER 20

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings to review the U.S. and foreign commercial service.

SR-253

SENATE—*Tuesday, August 9, 1988*

The Senate met at 10:30 a.m., and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*So God created man in his own image * * * male and female created he them. And God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth, and subdue it: and have dominion * * *.*—Genesis 1:27, 28.

Almighty God, Lord of history and ruler of the nations, as politics more and more preoccupy America in anticipation of the national election, help the people to be faithful to their mandate. Help us to think. We have become an unthinking people responding to clever slogans rather than truth—images rather than substance—manipulated by rhetoric rather than reason. We have "pigeon-holed" everyone—politicians, press, corporate leaders, doctors, lawyers, educators, preachers, races, and religions. Everyone fits a category, the image of which is a caricature. And the result is cynicism, unproductive and debilitating. Deliver us, wise God, from destructive nonthinking. Awaken the people to their responsibilities as citizens. Help them see that our political system breaks down if the people abdicate their sovereignty. Arouse us, oh Lord, to the critical need for a thoughtful, responsible citizenry, knowledgeable about candidates and issues, who take seriously their franchise and exercise it.

In the name of Him who is truth, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 9, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF TIME OF THE TWO LEADERS

Mr. BYRD. Mr. President, I ask unanimous consent that the time of both leaders be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

PROS AND CONS OF LIVING BEYOND OUR MEANS FOREVER

Mr. PROXMIRE. Mr. President, what is wrong with living beyond our means? For the past 6 years, we have been doing exactly this. What price have we paid? Absolutely none. We have enjoyed the most prosperous period in many a decade. Think of it. For 6 years the United States has run one mammoth mega-deficit after another. Every single year since 1982, the deficit has exceeded any deficit in American history prior to 1981 by more than 100 percent. Our national debt careened from less than $1 trillion at the beginning of fiscal 1982 to a monstrous $2½ trillion today. It continues to roar on. Soon it will be $3 trillion of Federal Government debt. So what? The "spoil-sports" tell us this is awful. They say taxpayers must provide more than $150 billion every year just for interest on that debt. Interest is the most rapidly rising cost of the Federal Government. What does it give us? Nothing. It does not educate a child. It does not recruit or train or equip a single soldier, sailor, or marine to defend our country. It provides no environmental protection. It does not build 1 foot of highway. It is totally useless. It is also a payment we must make, on time, in full.

But so what? Here we have enjoyed more than 6 snazzy years of steady economic growth. Inflation continues low. Best of all, jobs are increasing as never before. By the millions. In fact, we have a higher proportion of the American adult population at work than ever before in our history. More Americans are working in relation to the population and in productive jobs than at the height of World War II. Yes, indeed, the interest burden is increasing. So what? Can't we always borrow the money to pay interest—whether the cost is $150 billion per year or a trillion or 10 trillion?

The moan and groan prophets of gloom and doom, including this Senator, say this party has to end. We say that, like all wild and wonderful parties, it will leave a bill and a massive one. We compare our great Nation with a family or a business that has borrowed far beyond its ability to repay or has fallen head over heels in debt and is rushing on to bankruptcy. But how about that? Our Nation is not a family. It is not a business. It is a sovereign country. It is a country with the biggest, strongest economy the world has ever seen. Like that old love song, "Why can't this night go on forever and not just 'til dawn?" Why can't this economic recovery go on not for just 6 years or a year or two more but for 10 or 20 or 30 years, or possibly longer? Is the answer that no country has ever before been able to do this? Well, has there ever been another nation as big and dominant, or as self-sufficient, as the United States? No, indeed.

The so-called supply-siders who have defended our economic policies as the deficits roll on year after year have argued that if we just give the economy a little more time and a lot more credit, it will somehow grow its way out of debt. After all, since fiscal 1986, the deficit has declined from $221 billion to about $150 billion last year. Maybe it will go up to $160 or $170 billion this fiscal year, but what do you expect in an election year? Next year, the new President and the new Congress will have the leeway, with the election out of the way, to freeze spending. So with continuing economic growth, maybe the revenues will continue to increase and the deficit decline as "living beyond our means"

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

continues to stimulate the economy. Why not?

What is wrong with that scenario? What is wrong is that, sure the economic growth has been caused precisely by the Federal Government, the American households and the American business community all living beyond their means. Once the Congress brings the Federal deficit down under $100 billion per year, the stimulus to the economy will begin to diminish.

Ah, but then can't the monetary authorities prod households and businesses to borrow and spend even more and make up for the fall-off in Federal Government stimulus? Can't the Federal Reserve Board bring interest rates down by supplying whatever easy credit American households and businesses need to keep the good times rolling by building more new homes and buying more autos and living high off credit cards? Sure, the Fed can. And, yes, the Federal Government's debt may grow far more slowly. Do not hold your breath until it happens, but we might even balance a budget or two. Isn't that exactly what we have been striving for? No, it is not. Why not? Because the economy would continue its headlong rush to a crash and depression. As noted earlier, the Federal Government is, indeed, sovereign. It can borrow endlessly because it can create money and credit without end. This is why we have had 20 continuous years of deficits. The Federal Government and only the Federal Government can do this. But a household cannot. A business cannot. As the American household and business interest burden soars, it soon surpasses household and business income. Unlike the Federal Government, neither a household nor a business can create an endless supply of credit. So soaring debt service for households and business means insolvencies, widespread and catastrophic.

Good times may roll on for years to come. Perhaps, though it would be a very long shot, good times could roll on right through a new President's administration. Four years. Meanwhile our country, through Federal Government borrowing or private sector borrowing, or both, will accrue a debt several times bigger than the current $10 trillion total Federal, household and business debt. That debt may help create an enormously productive economic base—in facilities and equipment, in trained, skilled managers and labor, in a healthier work force, in a vastly improved standard of living. But no matter what blessings this economic growth brings, there is no escaping that colossal, overhanging debt and the steady, irresistible growth of the interest burden that threatens to swallow every gain the country has achieved.

MR. YEUTTER'S ATTACK ON U.S. TEXTILES AND APPAREL: MANUFACTURED FROM WHOLE CLOTH

Mr. HOLLINGS. Mr. President, I rise this morning to attempt to clean up the wreckage in the wake of Clayton Yeutter's op-ed piece on the U.S. textile industry in last Friday's Washington Post. I can only describe his column as a one-man demolition derby through the facts.

In my past dealings with Mr. Yeutter, I have learned the necessity of a degree of tolerance for his misstatements and ignorance of the textile industry. We all have a right to occasional error. But this time Mr. Yeutter has abused the privilege. He has gone beyond the bounds of fair play.

Mr. President, for the record, I ask unanimous consent that the Post column by the USTR be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 5, 1988]

A BILL TO RAISE THE COST OF YOUR CLOTHING

(By Clayton Yeutter)

With clothing costs soaring and textile industry profits at record levels, this would seem to be a terrible time to take money away from people who buy clothes and give it to the companies that make them. Yet that is precisely what Congress is on the verge of doing in the textile bill.

This legislation, by dramatically reducing textile and apparel imports, would assuredly raise the price of clothes. This burden would fall most heavily on lower- and middle-income families, who spend a greater portion of their incomes on clothing than the wealthy. And the benefits would go to some of the nation's most profitable companies.

The justification usually offered for passing the textile bill is that competition from imports threatens the survival of the domestic industry. In fact, textile stockholders have never seen better days. Textile companies posted record profits of $1.9 billion last year—a 54 percent increase from just two years ago. More impressively, textile stocks rocketed up 838 percent during the 1982–87 bull market. Notwithstanding that, Congress seems determined to ask working families to pay more for winter coats and children's pajamas so that stock portfolios can grow even fatter.

But what about textile workers? What about their jobs? It's true that over the past decade, employment in the textile and apparel industries has declined (although it increased slightly from 1985 to 1987). But nearly all these jobs were eliminated through industry efforts to improve productivity. Consolidating operations and modernizing plants are necessary steps for any industry, but textile companies shouldn't blame imports when their own business decisions result in job losses. We expect these kinds of adjustments in a dynamic free enterprise society.

Not everybody realizes it, but the textile industry is already one of the most protected sectors of the U.S. economy. There are import restrictions on well over a thousand textile products from 42 countries, and the average textile and apparel tariff of 18 percent is about three times the average tariff on other manufactured products.

As a result, the average family already pays $238 per year more for clothing than it would if there were no textile protection. U.S. textile makers used to complain about "low-priced, subsidized" imports. No more. Last year the value of textile and apparel imports increased 15 percent, and they are rising even more rapidly this year. The high cost of clothing is fueling inflation. In the first half of 1988, apparel prices rose at an annual rate of 8 percent.

Consumers wouldn't be the only losers under the textile bill. Exporters, particularly farmers, would be exposed to retaliation from foreign buyers if the United States illegally cut off textile imports. Over 85 percent of U.S. agricultural exports go to the more than 40 countries that would be most affected by this bill. Last year U.S. agricultural exports totaled almost $29 billion, compared with U.S. textile and apparel imports of about $23 billion. U.S. farmers have more to lose than textile makers have to gain from this bill. Anyone who votes for it is no friend of the American farmer.

Textile bill supporters are seeking farm-state votes with a proposal that would give textile quota preferences to countries that increase purchases of U.S. farm products. There is far less to this than meets the eye, because the supposed "benefit" for textile-producing countries is nonexistent. Even with this bonus, countries that increase their purchases of American agricultural products would still have their access to the U.S. textile and apparel market cut. Our trading partners are hardly likely to feel rewarded if we tell them that they will be able to ship us a little less instead of a lot less if they buy American farm products. This meager attempt to bribe them out of retaliating against us is bound to fail. They will almost certainly still retaliate against U.S. exports—if not against our farmers then against our industrial products.

There is little question that the textile bill would raise clothing costs and spark countless trade wars. The only real question is why this is still an active issue. There is no textile "problem," there is only a desire by a politically powerful special interest to increase its profitability at the expense of lower- and middle-income consumers. Not too long ago, taxing the power to benefit the rich was called "regressive." If that concept is still valid, then this textile bill is a classic regressive solution to a nonexistent problem.

And by the way, textile and apparel imports are down more than 9 percent so far this year. Why this bill is even under consideration is beyond comprehension.

Mr. HOLLINGS. For starters, Mr. President, the Trade Representative claims that our domestic textile industry is going great guns. Apparently, Mr. Yeutter has been talking too much with his friends in Taiwan, Hong Kong, and Korea. If he had checked with our own U.S. Department of Commerce, he would have learned that, contrary to his morning-in-American pep talk, domestic textile profits dropped 12 percent in the first quarter of 1988.

I am appalled at the cavalier indifference of Mr. Yeutter—indeed, of this entire administration—to the plight of some 14,000 small-scale apparel manufacturers, most of which are privately held and do not publish earnings figures. He ignores the brutal reality that some 1,000 U.S. textile and apparel plants have been shut down since 1980.

The USTR asks, "What about the textile workers? What about their jobs?" Well, Mr. Yeutter can ask the right questions, but his answers need some work. Those workers are at the forefront of my concern; at the forefront of the concern of more than 50 Senators who are cosponsoring textile legislation. The textile industry currently employs almost 2 million American workers—good jobs at decent, livable wages. This industry is America's largest single employer of women and minorities. So it hurts, and hurts badly, that more than 350,000 good U.S. textile jobs have been wiped out since 1980—swept away by the surging tide of foreign imports.

Mr. Yeutter, no doubt alluding to the virtual slave wages paid by many foreign textile and apparel producers, touts the fact that imports are less expensive and keep down costs to U.S. consumers. The facts in the real world are far different. The truth is that little if any of the price benefits of cheap imports are passed on to the American consumer. Instead, middlemen gobble up the cost differential in profits. An authoritative study by Market Research Corporation determined that there is only a fractional difference in the retail prices of comparable domestic and imported apparel. Certainly, the National Consumers League—the oldest consumer advocacy organization in the United States—is not fooled by cheap-imports-hold-down-prices claim. The NCL strongly supports our textile legislation.

Mr. Yeutter asserts that the U.S. textile industry is already protected. Tell that to 350,000 Americans who have lost their textile and apparel jobs. I will, however, agree on one point: There are some very fine trade laws on the books. The trouble is that this administration refuses to enforce them. The consequence is a pattern of run amok imports that is systematically liquidating our domestic textile-manufacturing capacity.

Imports have skyrocketed from 4.9 billion square yards in 1980 to 13.1 billion square yards in 1987, and the increases continue apace. The textile trade deficit has taken off from $4.7 billion in 1980 to $24.8 billion in 1987. If that's what Mr. Yeutter calls "protection," I'd hate to see his idea of "free trade."

Mr. Yeutter claims that farmers would be hurt by the Senate textile bill. Nonsense. The reality is that we have included a provision that gives foreign textile exporters a heavy incentive to purchase U.S. agricultural products.

Mr. Yeutter's ultimate insult is his see-no-evil-speak-no-evil assertion that there is "no textile problem." I say to Mr. Yeutter that there is indeed a problem, and his happy-talk cannot wish it away. The situation is bad now, and will soon turn critical. The Economist magazine predicts that, under current trends, foreign sources by 1990 will supply 80 percent of U.S. textile and apparel needs.

Mr. President, I suggest that Mr. Yeutter needs to remember whose side he is on. It is fine to encourage economic expansion in the emerging nations of the Pacific Rim. It is fine to cite the uplifting theories of Adam Smith and the virtues of open borders. But it would be refreshing if, just once, Mr. Yeutter would give some small sign that he considers it the job of the USTR to stand up for American workers and American industry and the American national interest. It would be refreshing. But don't hold you breath.

Mr. President, I find myself in the uncomfortable position right now of waiting my turn for the calling up of the textile bill in due order and, at the same time, watching the savaging of that textile bill by this administration—specifically, the U.S. Trade Representative, Mr. Yeutter. As I said, Mr. Yeutter's brief is contained in his August 5 Post op-ed. And virtually the same arguments are set forth in a letter addressed to each Senator and signed by various Cabinet members.

Mr. President, I ask unanimous consent to have this letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The U.S. Trade Representative,
Executive Office of the President,
Washington, DC., August 5, 1988.

Dear Senator: We understand that the Senate may soon consider the Textile and Apparel Trade Act (S. 2662). We are writing to urge that you oppose this legislation.

Passage of S. 2262 would be extremely harmful to our country. It would hurt U.S. consumers, provoke retaliation against U.S. exports, violate our international obligations, and undermine our efforts to obtain a more open trading system for U.S. exports.

Moreover, there is absolutely no economic justification for the bill. Fibers consumed by U.S. mills were at record levels in 1987. Domestic textile and apparel production, employment, profits and exports all posted sharp gains in 1986 and 1987, and this trend is continuing into 1988. The bill would increase consumer apparel prices, which have risen sharply in the past six months, even faster.

The U.S. textile and apparel industries already benefit from tariffs averaging nearly 18 percent and from more than 1,500 quotas which raise the wall of protection even higher. This makes them the most protected industries in the United States. Textile and apparel imports increased only 2 percent in 1987 and have decreased more than 9 percent during the first five months of 1988. There is simply no need for further protection from imports.

Does it really make sense to provide further protection—at a time when imports are declining—to an industry that is prospering and already highly protected? The textile and apparel industry probably has the least persuasive case for further import protection of any major industry in this country.

If this bill is passed, we and the President's other senior advisors will recommend that he veto it.

Sincerely,
George P. Shultz, James A. Baker III, Richard E. Lyng, C. William Verity, Clayton Yeutter, Ann McLaughlin, James C. Miller III.

Mr. HOLLINGS. The Yeutter article starts off with the assertion that "clothing costs are soaring and textile industry profits are at record levels."

I characterize Mr. Yeutter's attack as "savage," advisedly. He is joined by responsible Cabinet officers, and they should know better; because while 1987 profits per dollar of sale for all manufacturers went up 4.9 percent, for textiles they were up only 3.9 percent.

Yet, that is what they call "soaring." And, as I said, profits are down 12 percent in the first quarter of 1988.

Likewise, at the moment, the unemployment rate in this land is 5.4 percent; yet for textiles alone it is 6.7 percent, and for the apparel, the garment workers, it is 9.6 percent.

"Soaring" they call that. They dare to claim there is no textile problem.

Specifically, textile inventories in 1988 are up 6 percent, while new orders are down 8 percent and profits are down 12 percent for the first quarter. That is the actual figure from the Department of Commerce.

If only we could get the Secretary of Commerce and his gang down there to read their own publications and their own statistics.

Soaring they say; no textile problem, wonderful. Why even bring up a bill at this time? Yet the facts are that we have lost 350,000 textile and apparel jobs since 1980, and we have lost some 21,000 jobs so far in 1988.

The textile mills are closing in my State, your State, and all the other States. The tragedy is nationwide in its impact. Yet this administration dares to inflict on us the distortion that imports are down 9 percent. This is completely misleading.

The truth is that China, the biggest shipper of textiles into the United States, overshipped quotas last year, so they are paying back this year. The European Community exports to the United States are off 10 percent due to the devaluation of the dollar. And due to appreciation of the yen, Japanese exports are off 25 percent.

Subtract those three understandable, one-time-only factors, and imports are actually up by 380 million square yards. It is business as usual. Jamaica, India, Pakistan, Philippines, Brazil—go up the list—they are all growing like Topsy.

Mr. President, I ask unanimous consent to have printed in the Record a letter to former Congressman and now South Carolina Governor Carroll Campbell and two letters to my distinguished senior colleague, Senator Strom Thurmond from President Reagan.

There being no objection, the letters were ordered to be printed in the Record, as follows:

January 18, 1980.

Congressman Carroll A. Campbell, Jr.,
Longworth House Office Building,
Washington, DC.

Dear Carroll: I share your concern for the well-being and continued viability of the American textile-apparel-fiber industry, and its more than two million workers. I want to pledge my strong support for renewal of the Multifiber Arrangement, and for such other actions which will enhance the international competitive position of the industry.

The MFA has brought a vital measure of order to textile trade by setting a framework for bilateral agreements establishing quotas for imports from developing, low-wage nations. The instrument is not perfect, but its renewal is imperative. My administration would seek MPA renewal, hopefully in a strengthened form. We would consider, for instance, keying import growth to the growth of the American market. We should explore the possibility of setting global quotas or guidelines. We would bargain for the tightest possible bilateral agreements, particularly with the People's Republic of China. With developing countries relying on textile exports to help them cover rising oil costs, this MFA renegotiation will be even more difficult than it was in 1977. We need a strong President, who looks to the needs of this country, to handle negotiations.

The textile industry, of course, would also benefit from incentive-oriented business initiatives which I support, such as accelerated depreciation and new tax deductions designed to encourage job-creating capital formation. Business productivity and modernization must be stimulated, and we should look to our tax laws to provide incentives for growth.

The textile industry is an integral part of South Carolina's and the nation's economy. I look forward to working with you to keep the industry sound.

Sincerely,

Ronald Reagan.

September 3, 1980.

Hon. Strom Thurmond,
Russell Senate Office Building,
Washington, DC.

Dear Strom: The fiber/textile/apparel manufacturing complex provides 2.3 million vitally needed American jobs, including a high percentage of female and minority employees. As President, I shall make sure that these jobs remain in this country.

The Multifiber Arrangement (MFA), which is supposed to provide orderly international trade in fibers, textiles, and apparels, was first negotiated under a Republican Administration. The MFA expires at the end of 1981 and needs to be strengthened by relating import growth from all sources to domestic market growth. I shall work to achieve that goal.

Sincerely,

Ronald Reagan.

October 4, 1982.

Hon. Strom Thurmond,
U.S. Senate,
Washington, DC.

Dear Strom: You know that I share your concern about the unemployment and the decrease in production in the textile/apparel industry caused by imports and further exacerbated by the recession. As I mentioned during our recent discussion concerning textile industry problems, I have made a commitment that was reaffirmed last December by Jim Baker, to seek to relate total import growth to the rate of growth in the domestic market.

This year this Administration has concluded negotiations with our three largest suppliers that limit the growth in quota levels to well below the rate of growth in the domestic market for six years. These agreements compare favorably with any previous negotiated agreements.

Although significant progress has been made this year, I have instructed all agencies and departments which have responsibilities related to the textile program to continue their efforts to work vigorously towards that goal. This applies not only for the important ongoing negotiations with the People's Republic of China, but also in future negotiations and implementation decisions as well.

To that end I want to assure you that the United States will continue efforts to negotiate a new bilateral agreement with the People's Republic of China independent from other considerations.

Sincerely,

Ronald Reagan.

Mr. HOLLINGS. Mr. President, I am obliged to include the letter to Governor Campbell, because he has been appointed a chief bloodhound leading the truth squad in this year's campaign, and I wanted to put him hot on the trail of the Reagan-Bush administration.

The letter to Governor Campbell states, "We should consider, for instance, keying import growth to the growth of the American market."

That is exactly what the bill does.

"We should explore the possibility of setting global quotas."

That is exactly what the bill does.

We are doing what President Reagan asked to be done. Yet his Cabinet crowd comes out and says, "Whoopee, everything is fine."

Mr. President, if everything is so fine, I wonder why the London Economist comes to the opposite position. I ask unanimous consent that this article of May 1988 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WORLD TEXTILE TRADE AND CONSUMPTION: FORECASTS TO 1995

(By John Coker)

SUMMARY

This report analyses global trends in mill consumption, textile and clothing manufacturing and final demand for finished textile products. It updates a report, based on similar analysis, featured in the March 1987 edition of Textile Outlook International. The basis for the analysis is the comprehensive statistical data contained in the "World Apparel Fibre Consumption Survey" produced by the FAO (Food and Agriculture Organisation of the United Nations, Rome).

Despite some recent improvement, the long term trend in world fibre demand is one of slower growth. In developed countries as a whole the annual growth rate during the last ten years has been less than 1 percent; in developing countries it has barely kept pace with population growth and in the last few years has fallen below it. But if total demand has changed little there has been a dramatic switch in textile processing activity, most conspicuously at the expense of the US textile industry.

The future outlook is not encouraging. World demand is forecast to grow by 2.3 percent per annum to 1995 with consumption per head virtually static. It is expected that a combination of government action and economic forces will reduce the rate of decline in the US textile and clothing industry but not halt the fall. All of the extra demand in the Western industrialised countries is expected to be met from textile and clothing products made in developing countries, essentially in China and in East and South East Asia.

INTRODUCTION

The comprehensive coverage of the data in the FAO's "World Apparel Fibre Consumption Survey", and their availability over more than 25 years, make them especially valuable for medium term forecasts of future trends in consumption and production by region and by country. In this analysis a selection has been made of 11 major regions and countries considered to be of the greatest general interest. In fact the FAO gives data for every individual country (apart from Taiwan for which data are included with that for China). The same technique can therefore equally be used for any individual country or for other regional groupings.

Three year averages—The latest edition, published in late 1987, provides annual data up to 1985 for developed countries and up to 1984 for developing countries, thus going two years beyond those analysed in the March 1987 issue of Textile Outlook International. As before, most of the data in this analysis are converted to three year averages in order to smooth out the cyclical fluctuations characteristic of the textile industry.

The sharp decline in Zone A countries is clear from their indices, as is the dramatic increase in Zone C countries. Elsewhere there is little change, although Japan has lost some ground. Because the most significant changes are limited to Zones A and C and because Tables 6 and 7 only show snapshot pictures for two specific time periods, plots have been drawn of the year by year changes for the four countries/regions in these zones. Figures 2-5 show indices of self-sufficiency (mill consumption as a percentage of final consumption) and consumption per head for the USA, EC(12), China, and East and South East Asia. The rapidity and steepness of the changes in the indices for the USA and for China are very obvious.

[Tables and Figures not Reproducible for the Record.]

By country—Table 8 gives the sale-sufficiency indices and the volume of net textile and clothing trade for the main textile producing and trading countries. (The countries selected account jointly for 92 percent of world mill consumption and 90 percent of world final consumption). The regional grouping used for most of the tables can mask wide variations between individual countries within the regions, notably within the EC(12) but also in Asia.

Note that net importers and net exporters do not necessarily fit neatly into the categories, developed and developing countries, respectively. Portugal, Spain, Belgium and Italy for example are among the main net exporters, while Malaysia, Singapore, Nigeria and the Maghreb figure among the net importers.

The figures for net imports and exports cover all the main stages, from yarn (including tops) to clothing and other finished articles. Countries where most of the exports are in finished form will obviously earn far more than those whose exports are mostly in the form of yarn or fabrics. Nevertheless the tonnage figures help to put the indices into perspective. For example, despite an index of 213, Indonesia's net exports are less than a tenth of those of South Korea whose index is 167, and barely a quarter of those of India whose index is 115.

Three countries stand out: China alone accounts for no less than 35 percent of all net exports of the countries listed, the USA's net imports account for over 36 percent of all imports of the countries listed; South Korea's net exports, in tonnage terms, are five times those of Hong Kong.

YARN AVAILABLE

"Yarn available" is calculated by adding net imports to, and subtracting net exports from, the figures for mill consumption. It indicates the amount of yarn available for weaving and knitting and as such reflects activity in the heart of the textile industry.

The figures for yarn available are set out in Table 9. Little comment is necessary since the figures closely follow those for mill consumption in Table 5, reflecting the fact that international trade in yarn is relatively small.

Comparison with mill consumption—Comparisons with Table 5 (mill consumption) are interesting. For example in the USA, and more especially in the EC(12), yarn available has fallen less markedly than mill consumption, showing that net imports of yarn have increased. Similar increases in yarn imports in Japan have meant that yarn available has risen more than mill consumption. The table does not show that in the USA and the EC(12) and other Western Europe the 1983-85 figures are higher than those of 1982-84 which were heavily influenced by the depressed year of 1982.

YARN TRADE

Table 10 gives yarn imports, the net trade balance in yarn and the importance of this balance in relation to the input of yarn available—in other words the extent to which there is a dependence on imports of yarn or, for exporters, the importance of export markets.

The volume of trade in yarn remains modest even though it has grown by 58 percent during the period. At world level 5.8 percent of yarn used has crossed a national frontier. At regional level this can be much higher—in the EC(12), for example, it is as high as 21 percent. But dependence on external sources is not high—even in the EC(12) net imports are still only 3.7 percent and in the USA only 0.5 percent of yarn available, despite substantial growth since 1973-75. Japan has seen the biggest turnround: from being a net exporter Japan's net imports now account for 4.0 percent of yarn available. Among exporting areas Latin America has the highest proportion of yarn exported. About a quarter of this is in the form of wool tops.

Exceptions to the stability pattern—There are only three real exceptions to this general stability: the first is the now familiar worsening of the US trade deficit; the second is the by now equally familiar jump in the export surplus of China (it has more than doubled in the two time periods in Table 12); and the third is the emergence of East and South East Asia as a major net exporter from an earlier position as a net importer.

US exports fall too—The cause of the US deficit is not simply rising imports. US imports have indeed doubled from around 160,000 tons in 1979 to 325,000 tons in 1985. But the fall in exports have been equally steep, from nearly 200,000 tons in 1979 to a current (1983-85) level of about 55,000 tons. Since there has been no reduction in market access, the implication is that there has been a considerable loss of competitiveness. This would help also to explain the equally dramatic rise in imports despite comprehensive restraints on exports to the USA from many of the developing countries. (This could be verified by a detailed examination of US trade data; such an analysis is outside the scope of this report, however.)

Chinese growth—Chinese exports now account for 22 percent of world fabric trade. Japan retains its position as a major fabric exporter, second only to China.

Imbalance in fabric trade—Most of the overall imbalance in the FAO import and export data occurs at the fabric stage. In 1982, 1983 and 1984 the figures for total fabric exports exceed those for fabric imports by 327,000 tons, 465,000 tons and 449,000 tons respectively. These figures represent between 13 percent and 18 percent of total recorded imports. If trade were rising rapidly some imbalance could be expected, but hardly of this order. In any case world fabric trade has not risen much since 1979. It may be that where imports are recorded by surface area, notably in the USA, the conversion coefficients used to translate into tons are too light. If this is the case then the import data given in the tables in this report may be too low.

Dependence on imports—What is clear, however, is that dependence on imports is greater at the fabric stage than at the yarn stage. Of the total fabric available in the world, 8.6 percent, possibly more, has crossed a frontier, compared with 5.8 percent for yarn. Similarly, export markets for fabric are more important for China and Japan than export markets for yarn.

TRADE IN CLOTHING AND OTHER MANUFACTURED TEXTILE PRODUCTS

Clothing: further sharp rise—World trade in clothing has shown a further sharp increase and shows no sign of slackening. Over the period under review the average annual growth is 9 percent and this has been maintained over the last five years. Later indications from other sources (notably articles in the January 1988 issue of *Textile Outlook International*) suggest that 1986 and 1987 may show even greater increases.

US deficit jump—The most striking single feature is the huge jump in the net trading deficit of the USA. This has almost certainly deteriorated still further since 1985 when it amounted to 684,000 tons, equivalent to 12.4 percent of final consumption. Considering that clothing represents no more than about 40 percent of total final consumption this suggests that net import penetration of the US clothing market in 1985 reached some 31 percent and will certainly have increased since then. The situation in the EC(12) was relatively stable between 1979 and 1985, with net clothing imports accounting for about 18 percent of the clothing market (on the same premise that clothing represents about 40 percent of total final consumption).

The correlation between income per head and fibre consumption holds out little prospect of any improvement. Only a significant improvement in income levels among the poorer countries is likely to trigger a major increase in demand; there are no indications that this is happening or is likely to happen in the near future.

The gap between richer and poorer countries in consumption per head is not diminishing and may even be increasing.

The shift in primary textile processing toward developing countries continues. The key changes are between the USA and Western Europe on the one hand, and China and the countries of East and South East Asia on the other. In 1973-75 the USA and Western Europe carried out 36 percent of world primary textile processing; by 1982-84 this had fallen to 28 percent.

A particularly dramatic decline has taken place in the USA. Its index of textile self-sufficiency has fallen from 96 percent in 1973-75 to 83 percent in 1982-84 (and to 77 percent in 1985). This is not all the result of higher imports. US textile exports fell by some 45 percent between 1980 and 1985, suggesting a substantial decline in US textile competitiveness.

Most world trade in tonnage terms still takes place in the form of fabric but the relative importance of clothing continues to grow. Between 1973-73 and 1982-84 trade in all textile and clothing products grew by 49 percent in volume; in clothing the increase was 118 percent.

FORECASTS

The basic assumption made in the forecasts is that the long term trends will persist in the absence of any indication of a major change. This is assumed to be the case for consumption per head and also for population. A simple multiplication of these two inputs gives the forecast to 1995 in final consumption. Note that trade flows are affected not only by fluctuations in demand but also by rates of quota utilization. These tend to rise and fall in a cyclical trend. Account has been taken in the forecasts of the likely changes in quota utilization rates although their absolute levels are not widely known.

Mill consumption forecasts—Mill consumption forecasts are much more a matter of judgment as to how far trade flows will change. Based on the evidence contained in tables in this report (especially Tables 6 and 7), it is forecast that major changes will be confined essentially to the four areas in Zones A and C, with perhaps some minor adjustments in South Asia. Changes may well take place in other areas. But there is no indication that they will occur or, if they do, which direction they will take. It seems unlikely, for example, that Latin America or the USSR and Eastern Europe will become major importers or exporters. In the absence of any indications to the contrary it can only be assumed that the present pattern will persist.

How far can US imports grow?—In the USA the key question is how far imports can continue (or be allowed to continue) to grow at the current rate. In the previous analysis it was assumed that more restrictive management of the various textile agreements would begin to limit the rate of import growth. This did not happen. Instead of the forecast trade deficit of 895,000 tons in 1985, the deficit was 1,500,000. Once again the question is how far the USA is able, or wishes, to slow down the flood. The economic issue is simple, if stark. If imports continue to grow at 15 percent per annum, which they have done since 1979, then by 1990 they would account for 45 percent of total final consumption and, by 1995, 83 percent. US mill consumption would supply only 57 percent of final consumption by 1990 and 20 percent by 1995. This does not seem to be an acceptable scenario. The extension of the MFA in July 1986 and the accompanying bilateral US agreements with major suppliers ought to have provided the USA with the necessary framework to begin to limit the damage.

But while it may limit the damage it can hardly stop the decline altogether. It will be a major achievement if the growth rate of US imports could be reduced to the MFA nominal minimum of 6 percent, a level set during the 1970s at a time when consumption was growing by 3-4 percent. It is assumed that some means of achieving this will be worked out between the USA and its major low wage cost suppliers. Further falls in the value of the dollar should halt the decline is US textile trade with other developed countries.

Other elements neutral—Other elements in the US situation are likely to be broadly neutral in their effect:

Market resistance might begin to slow down imports but there must be many satisfied customers/retailers in the USA;

Lower US exchange rates are of limited benefit in textiles and clothing as long as many leading Asian suppliers tie their prices to the US dollar;

Technological changes, especially in clothing manufacture, may reduce the disadvantages of US labour costs but others also have access to improved technology.

Even assuming that the USA can successfully negotiate lower import growth rates the prospects for the US textile and clothing industries are sobering. Assuming a 6 percent per annum increase in imports from 1987 onward and stabilised US exports, then by 1990 US mill consumption will fall to 3.9 mn tons and by 1995 to 3.7 mn tons. These represent 66 percent and 58 percent respectively of final consumption and on the basis of these figures import penetration of the clothing market will reach 54 percent in 1990 and 66 percent by 1995. Serious though this may appear, it nevertheless represents a big improvement on present trends.

EC-further deterioration expected—In the EC(12) on the other hand some deterioration of present trends is to be expected. The stability between 1979 and 1984 could hardly be expected to persist indefinitely; indeed 1986 and 1987 witnessed a sharp deterioration. Taking this into account the deficit still grew by only 2.5 percent per annum from the 1979-81 average to the 1985-87 average. The main influences to 1990 and 1995 are as follows:

Increasing pressure on the EC market if the USA is able to protect its own market more effectively.

Lower dollar value; many Asian producer prices are tied to the US dollar. A recent analysis by Comitextil (see *Textile Outlook International*, January 1988) shows that many Asian products have fallen in Ecu (European Currency Unit) terms from an index of 100 in March 1985 to 60 in March 1987, an effective devaluation of 40 percent.

Increasing market resistance; the EC(12) market is more fragmented than that of the USA and, other things being equal, this should give the local producer an advantage. In practice the big retail organizations have offset some of this advantage by virtue of their scale of operations and their worldwide buying effectiveness. Even the leading fashion houses now have a proportion of their output produced in the Far East. The creation in the EC of the genuine common market by 1992 may be exploited more effectively by the retailers than by local manufacturers.

Technological developments are unlikely to be restricted to the EC(12). If expenditure is any guarantee of success the Japanese are the most likely to be successful in the clothing research field.

None of these influences seems likely to work heavily in favour of local EC(12) producers. Unlike the USA, however, the Community has, on its Mediterranean flank, four very competitive textile and clothing producers—Italy, Greece, Spain and Portugal.

On balance the EC(12) import deficit seems likely to grow by about 4 percent per annum during the period to 1995.

East will gain from the West's losses—What is lost in the West will continue to be gained in the East. To their own consumption in China and East and South East Asia can be added the extra markets expected to arise in the USA and in Western Europe. South Asia should also derive some benefit.

The key findings—These are the basis for calculations leading to the data given in Table 18 while the principal elements are illustrated graphically in Figures 6 to 9. The key points which emerge are as follows:

Total world demand is forecast to rise by over 2 percent per annum to 1990 and by 2.3 percent per annum to 1995, both higher than the present rate. However this mostly reflects higher population growth; consumption per head shows very little growth.

Mill consumption in the USA is expected to fall in absolute as well as in relative terms. In the EC(12), mill consumption is forecast to stabilise at its present level.

Mill consumption in China is forecast to grow by over 60 percent by 1995. This is where the new machinery will be installed. China's self-sufficiency index is also forecast to grow. In East and South East Asia on the other hand, although mill consumption is forecast to increase by 50 percent, its self-sufficiency is not expected to change from the current level.

Mr. HOLLINGS. Mr. President, the article now in the RECORD is entitled "Textile Outlook International," and it is dated May of this year.

Here is an objective, highly professional group, the Economist intelligence unit, and it concludes that total demand has changed little. However, there has been a dramatic shift in textile processing activity, most conspicuously at the expense of the U.S. textile industry.

I quote the Economist, "The future outlook [for U.S. textiles] is not encouraging."

Yet Mr. Yeutter has the gall to claim that everything is jake with the U.S. textile industry, actually misquoting the figures. He says that agricultural exports are almost $29 billion compared with U.S. textile and apparel imports of almost $23 billion. He is absolutely wrong. He knows that the textile and apparel imports were $28.9 billion. That is the exact figure. And we exported some $4.1 billion for a net textile and apparel deficit of $24.8 billion.

When Ronald Reagan wrote his letter back 8 years ago, he pledged to tie the growth of textile and apparel imports to the growth of consumption in the domestic market. Under that plan, the textile trade deficit should have grown from the $4.7 billion deficit that we had at that time, it was $4.7 billion in 1980, to $5 billion or $5.1 billion last year. Instead, the textile trade deficit has skyrocketed to $25 billion, up, up, up and away.

Yet Mr. Yeutter has the audacity to come forth with these spitball articles, manufactured totally out of whole cloth. He circulates misleading letters to Senators. He is wrong right down the line. He says that the agricultural amendment to the textile bill will do absolutely nothing. All he's got to do is read it. It will have a major impact for the good. It says those countries who favor us in the purchase of agricultural products from the United States shall be favored in their textile exports to the U.S.; in other words, there shall be no retaliation. That is intentionally put in there by our distinguished colleague, Senator DASCHLE, from South Dakota, and has broad support.

So we have given the President what he has asked for, a global textile and apparel bill, linking import growth to growth in domestic U.S. consumption, and we have included safeguards against any retaliation against agricultural products.

In his letter, Mr. Reagan said he was going to control imports from China. Yet I now read in the Economist:

> The rapidity and steepness of changes in the indices from the U.S.A. and for China are very obvious.

Likewise, the overall assessment by the Economist is especially bleak for the United States. I quote:

> The most striking single feature is the huge jump in the net trading deficit of the USA. this has almost certainly deteriorated still further since 1985 when it amounted to 684,000 tons, equivalent to 12.4 percent of final consumption. considering that clothing represents no more than about 40 percent of total final consumption this suggests that net import penetration of the US clothing market in 1985 reached some 31 percent and will certainly have increased since then. The situation in the EC(12) was relatively stable between 1979 and 1985, with net clothing imports accounting for about 18 percent of the clothing market (on the same premise that clothing represents about 40 percent of total final consumption).
>
> In the USA the key question is how far imports can continue (or be allowed to continue) to grow at the current rate. In the previous analysis it was assumed that more restrictive management of the various textile agreements would begin to limit the rate of import growth. This did not happen. Instead of the forecast trade deficit of

> 895,000 tons in 1986, the deficit was 1,500,000. Once again the question is how far the USA is able, or wishes, to slow down the flood. The economic issue is simple, if stark.

The Economist uses the word "stark." Quite a contrast to the rosey picture put forth by this administration.

I again quote the Economist:

> If imports continue to grow at 15 percent per annum, which they have done since 1979, then by 1990 they would account for 45 percent of total final consumption and, by 1995, 83 percent. US mill consumption would supply only 57 percent of final consumption by 1990 and 20 percent by 1995. This does not seem to be an acceptable scenario. The extension of the MFA in July 1986 and the accompanying bilateral US agreements with major suppliers ought to have provided the USA with the necessary framework to begin to limit the damage.

Mr. President, I agree with the Economist, and I appreciate this opportunity to correct the Yeutter record.

I thank my distinguished majority leader.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HECHT. Mr. President, this morning the George Washington University started a symposium, the International Conference on Safety of Nuclear Reactors.

Scientists from all around the world have come to Washington, DC, and are now attending this conference.

Several teams, in the United States and abroad, are developing new reactor concepts with enhanced safety features. Some of these reactors would, in principle, protect the public without relying on operator response or the operation of engineered safety equipment. The benefits and costs of improving the light water reactor designs and of developing new types of reactors will be discussed at the conference.

Insofar as the new reactor concepts merit further development, plans for possible implementation of appropriate programs on a national or international basis will be considered. Dr. Edward Teller will be honorary chairman of the conference, and a group of outstanding national and international experts is expected to attend.

Mr. President, they have attended. But there is one country that is conspicuous by their absence. That country is the Soviet Union.

In April of this year, when I joined with 11 other U.S. Senators and went to Moscow, I took a personal letter from Dr. Teller to Dr. Sakharov, the father of the Russian H-bomb and acclaimed top nuclear physicist inside of Russia. He and his wife, Yelena Bonner, expressed to me that they wanted to come to this conference. Since that time, I have written to the Soviet Union, I have been talking to the Soviet Ambassador, and yet they have not allowed Dr. Sakharov to come.

Just think: A country that is going forward with more nuclear powerplants probably than any other nation and yet they refuse to come to a conference on enhanced safety of nuclear reactors. Do they not want to learn safety from the other scientists of the world? They are the only country that has had tragic accidents where people have been killed.

Mr. President, a few days ago I spoke to this Senate and I said this, which I want to repeat again today:

> Mr. President, the conference in question will address the critical issue of improved safety for nuclear reactors. What better topic—safe nuclear power for the future—for two of the greatest scientific minds to sit down and discuss than this. The subject has major ramifications for mankind.

And not just two great scientific minds, but several hundred.

> Mr. President, I have provided Dr. Teller's letters to Dr. Sakharov—in person—to General Secretary Gorbachev—via our ambassador. I have spoken in person and by telephone with embassy officials. I have made a personal appeal. Unfortunately this has all been to no avail.
>
> I am saddened that Mikhail Gorbachev is so terrified of allowing Dr. Sakharov time off, even for a few days, that he refuses this simple request. Actions speak louder than words, Mr. President, and this denial by the Soviets speaks volumes about Russia under Mr. Gorbachev. Glasnost does not seem to be real.
>
> What a momentous occasion it would be—one truly in the spirit of Glasnost—to allow the father of America's hydrogen bomb and the father of the Soviet hydrogen bomb to come together, in peace, and work together to benefit mankind. It is indeed unfortunate and I thought my colleagues would like to know.

Mr. President, I ask unanimous consent that an introductory statement on the International Conference on Enhanced Safety of Nuclear Reactors; along with a program schedule; along with the conferees, to point out that top scientists from all over the world thought it necessary to come to Washington and the background of these scientists; also my letter to the Soviet Ambassador; Dr. Teller's letter to Mikhail Gorbachev; Dr. Teller's letter to Dr. Sakharov; and the full text of my previous remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL CONFERENCE ON ENHANCED SAFETY OF NUCLEAR REACTORS

The Institute for Technology and Strategic Research of The George Washington University, the U.S. Department of Energy, and the Electric Power Research Institute are sponsoring an International Conference on Enhanced Safety of Nuclear Reactors on August 9 and 10, 1988 Washington, D.C.

The growth of nuclear power in the United States is at a standstill, partly due to the widespread public perception that nuclear power plants are unacceptably hazardous. Yet, if the nation is to have an assured supply of economical electric power, and lessen the environmental problems of burning fossil fuels, including the greenhouse effect and acid rain, increased production of nuclear power is essential.

A reexamination of the need for nuclear power in the U.S. and of ways to restore public confidence in nuclear safety is timely. The continuing quest for improvements to the safety and reliability of nuclear reactors appears warranted. The manufacturers of light water reactors (the prevailing type of system worldwide, with three decades of operating experience) are developing improved designs with increased safety margins, passive safety features, and fewer mechanical components.

Several teams, in the U.S. and abroad, are developing new reactor concepts with enhanced safety features. Some of these reactors would, in principle, protect the public without relying on operator response or the operation of engineered safety equipment. The benefits and costs of improving the light water reactor designs and of devleoping new types of reactors will be discussed at the conference.

Insofar as the new reactor concepts merit further development, plans for possible implementation of appropriate programs on a national or international basis will be considered. Dr. Edward Teller will be Honorary Chairman of the Conference, and a group of outstanding national and international experts is expected to attend.

PROGRAM SCHEDULE

Tuesday, August 9

8:00 a.m.

Coffee and Pastries

8:35—Welcome and Introductions—Dean Harold Liebowitz, School of Engineering and Applied Science/GWU.

8:40—President Stephen Joel Trachtenberg, GWU.

8:45—Opening Remarks—Dr. Edward Teller, Honorary Chairman.

8:55—Administrative Comments—Mr. William O. Allen, Program Chairman.

Session I—Nuclear Power Today and Future Requirements

9:00

Moderator: Dr. Chauncey Starr.

9:15—Keynote Speaker: Dr. Bertram Wolfe

Panelists: Dr. John Ahearne, Mr. Harold A. Finger, Mr. Angelo Gadola, Mr. John E. Gray, Professor Harold Lewis.

10:10—Break.

10:30—Resume Panel Discussion.

11:20—Written Questions Directed to Panelists.

12:00—Open Discussion.

12:30—Lunch (the George Washington University Club).

Speaker: Dr. Edward Teller.

Session II—Nuclear Reactors with Enhanced Safety Features

2:00

Moderator: Dr. Herbert Kouts.

2:10—Advanced LWR: Mr. Jack DeVine. Intergral Fast Reactor: Dr. Charles E. Till.

3:20—Break.

3:40—Modular HTGR: Mr. Linden S. Blue. PLUS Reactor: Dr. Kare Hannerz. Geyser Reactor: Dr. Zsolt Revesz.

5:30—Adjournment.

6:00—Cocktails/Reception.

6:30—Banquet Dinner at The George Washington University Club.

Speaker: Dr. Dixy Lee Ray "Why Doesn't the Public See it the Way We Do?"

Wednesday, August 10

8:20 a.m.

Coffee and Pastries.

8:50—Administrative Comments—Mr. William O. Allen

Session III—Should New Reactor Types be Developed?

9:00

Moderator: Dr. Dixy Lee Ray.

Panelists: Dr. Edward Teller, Professor Norman C. Rasmussen, Dr. A. David Rossin, Dr. Frederick Seitz, Professor Miro M. Todorovich, Professor Richard Wilson.

10:40—Break.

11:00—Written Questions Directed to Panelists.

11:45—Open Discussion.

12:30—Lunch (the George Washington University Club).

Speaker: Dr. Alvin M. Weinberg.

Session IV—How Can New Reactor Types be Implemented?

2:00

Moderator: Dr. Sol Burstein

Panelists: Profesor Manson Benedict, Dr. Jay Boudreau, Mr. J. Steven Herod, Mr. John W. Landis, Mr. Yoshiaki Matsuno, Dr. Richard J. Slember.

3:40—Break.

4:00—Writen Questions Directed to Panelists.

4:30—Open Discussion.

5:00—Adjournment.

CONFIRMED ATTENDEES: AUGUST 8, 1988

David C. Acheson, Esq., Center for Strategic and International Studies.

Dr. Harold Agnew, President (Retired), GA Technologies.

Dr. John F. Ahearne, Vice President, Resources for the Future, Inc.

Dr. David Aldrich, SAIC.

Mr. Adhemar Altieri, WRCB-TV.

Mr. Jack Bagley, Battelle Memorial Institute.

Dr. C. Neil Beer, President, Thermo Electron Technologies.

Professor Manson Benedict, Massachusetts Institute of Technology.

Mr. Harold Bengelsdorf, Vice President, ERC International.

Mr. Jack Berga, Electric Power Research Institute.

Dr. Ted G. Berlincourt, U.S. Department of Defense.

Ms. Ann Bisconti, U.S. Council on Energy Awareness.

Mr. Linden S. Blue, Vice Chairman, General Atomics.

Mr. William Booth, Federal Energy Regulatory Commission.

Dr. Jay E. Boudreau, Los Alamos National Laboratory.

Mr. Carl Bretscher, Office of Representative Harris W. Fawell.

Professor Gil Brown, the University of Lowell.

Mr. Robert Bruce, Westinghouse Electric Corporation.

Dr. Sol Burstein, Vice Chairman (Retired), Wisconsin Electric Power Co.

Mr. Anthony V. Campise, Rockwell International Corporation.

Dr. Ray S. Cline, Chairman, U.S. Global Strategy Council.

Mrs. Alice Colston, Office of Management and Budget.

Mr. Don Constable, Idaho National Engineering Lab.

Ms. Mimi Conway, Writer.

Dr. Allan Crane, Office of Technology Assessment.

Dr. Garth E. Cummings, Lawrence Livermore National Laboratory.

Mr. Joseph Dahlheimer, Westinghouse Electric Corporation.

Colonel Joseph de Sutter, Office of Science Advisor to the President.

Dr. Richard A. Dean, Senior Vice President, General Atomics.

Mr. Jack DeVine, Electric Power Research Institute.

Mr. Thomas Di Fransico, Burns & Roe.

Mr. Paul R. Dickinson, Lawrence Livermore National Laboratory.

Mr. Octave J. DuTemple, Executive Director, American Nuclear Society.

Dr. Maurice A. East, Dean, School of International Affairs, the George Washington University.

Mr. Edgar Edelsack, Consultant.

Dr. Chester Ehrman, Burns & Roe.

Dr. Donald Erb, U.S. Department of Energy.

Mr. Harold Finger, President, U.S. Council on Energy Awareness.

Mr. Edward Flynn, Combustion Engineering.

Mr. Wayne Fowler, President, Concord Nuexco International Trade Company.

Mr. William A. Frederick, Pennsylvania Power and Light.

Dr. Roderick S. French, Vice President for Academic Affairs, the George Washington University.

Ms. Aviva Freudmann, Energy Daily.

Mr. Angelo Gadola, ENEL (Italy).

Mr. David Gagner, S&W Associates.

Mr. Wayne Gagner, S&W Associates.

Dr. D. Clark Gibbs, Rockwell International Corporation.

Mr. Dan Diessing, U.S. Department of Energy.

Mr. Joseph Giglio, Westinghouse Electric Corporation.

Mr. Simcha Golan, Bechtel National, Inc.

Mr. Carl Goldstein, Vice President, U.S. Council on Energy Awareness.

Mr. John Graham, Washington Correspondent, Nuclear News.

Mr. John E. Gray, President, ERC International.

Dr. Kare Hannerz, ABB-ATOM.

Mrs. Margaret Hansen, The George Washington University.

Mr. Wayne Hardie, Los Alamos National Laboratory.

Mr. Gary E. Hedrick, Duke Power Company.

Mr. J. Steven Herod, Director, Office of Electric Power Regulation, Federal Energy Regulatory Commission.

Mr. Lawrence Hoffman, SAIC.

Dr. Harold Jaffe, Director, Office of International Research and Development Policy, U.S. Department of Energy.

Mr. William D. Johnson, Provost, the George Washington University.

Mr. John E. Jones, Jr., Oak Ridge National Laboratory.

Dr. O'Dean P. Judd, Chief Scientist, SDIO/Pentagon.

Mr. Richard E. Kahler, Texas Utilities Generating Co.

Professor William Kastenberg, University of California at Los Angeles.

Dr. Hugh Kendrick, SAIC.

Ms. Stacy Kluckman, the George Washington University.

Dr. Herbert Kouts, Brookhaven National Laboratory.

Mr. George E. Kulynych, Babcock & Wilcox.

Mr. John Landis, Senior Vice President, Stone and Webster Engineering Corporation.

Mr. Ralph Landry, U.S. Nuclear Regulatory Commission.

Dr. Carl J. Lange, Vice President for Administration and Research, the George Washington University.

Dr. Peter M. Lang, U.S. Department of Energy.

Mr. William Lanouette, Harvard University.

Mr. Milton Levenson, Bechtel Power Corporation.

Professor Harold Lewis, University of California.

Mr. Robert Livingston, U.S. Council on Energy Awareness.

Dr. Harold Liebowitz, Dean, School of Eng. and Applied Science, the George Washington University.

Professor John M. Logsdon, the George Washington University.

Ms. Suzanne Maia, Tokyo Electric Power Company.

Mr. Yoshiaki Matsuno, Power Reactor and Nuclear Fuel Development Corporation.

Mr. David J. McGoff, Associate Deputy Assistant Secretary for Reactor Deployment, U.S. Department of Energy.

Mr. James P. McGranery, Jr., Scientists and Engineers for Secure Energy.

Dr. Peter E. McGrath, Vice President, SAIC.

Mr. Nelson Milder, Technical Consultant, House Committee on Science and Technology.

Mr. Hugh H. Miller, Consultant.

Mr. Loring Mills, Vice President, Edison Electric Institute.

Dr. Alan A. Moghissi, President, Institute for Regulatory Science.

Dr. Dominic Monetta, U.S. Department of the Navy.

Dr. Peter Murray, Westinghouse Electric Corporation.

Dr. Charles Newstead, U.S. Department of State.

Mr. A.J. Neylan, General Atomics.

Dr. Richard Oldenkamp, Rockwell International Corporation.

Mr. Akiar Omoto, Tokyo Electric Power Company.

Ms. Janice Owens, ERC International.

Dr. Joseph Penland, SAIC.

Mr. Bill Perkins, Potomac Communications Group.

General Bryce Poe, II (USAF ret.).

Dr. Leslie Ramsey, Science Concepts, Inc.

Professor Norman C. Rasmussen, Massachusetts Institute of Technology.

The Honorable Dixy Lee Ray.

Mr. Dan Reicher, Natural Resources Defense Council.

Dr. Zsolt Revesz, Associated Consulting Engineers.

Dr. Hiroshi Rindo, Power Reactor and Nuclear Fuel Development Corporation.

Ms. Kitty Rising, Technical Consultant, House Committee on Science and Technology.

Mr. Louis H. Roddis, Consultant.

Dr. Thomas P. Rona, Deputy Director, Office of Science and Technology Policy.

Dr. A. David Rossin, Consultant.

Professor Sam Rothman, the George Washington University.

Mr. Toichi Sakata, First Secretary, Embassy of Japan.

Dr. Robert Schleicher. General Atomics.

Mr. Jim Scott, Los Alamos National Laboratory.

Professor Robert Seale, University of Arizona.

Mr. Heinz Seipel, Science Counselor, Embassy of the Federal Republic of Germany.

Dr. Frederick Seitz, President Emeritus. Rockfeller University.

Dr. Igal Shidlovsky, Siemens Corporate Research and Support, Inc.

Dr. Richard J. Slember, Vice President, Westinghouse Electric Corporation.

Mr. Bruce Slifer, Yankee Atomic Electric Power.

Dr. Richard R. Smith, Argonne National Laboratory.

Dr. Henry Solomon, Dean, Graduate School of Arts and Sciences, the George Washington University.

Mr. Herschel Specter, New York Power Authority.

Dr. Chauncey Starr, President Emeritus, Electric Power Research Institute.

Mr. James F. Strother, the Institute of Electrical and Electronics Engineers.

Dr. Edward Teller, University of California.

Mr. Hiromi Terada, Japan Atomic Energy Research Institute.

Dr. Robert Thorn, Los Alamos National Laboratory.

Dr. Charles E. Till, Associate Laboratory Director, Argonne National Laboratory.

Professor Miro Todorovich, Scientists and Engineers for Secure Energy.

Dr. Donald B. Trauger, Oak Ridge National Laboratory.

Mr. Louis Ventre, Jr., Counsel, House Committee on Science and Technology.

Mr. Gary Vine, Electric Power Research Institute.

Mr. Vincent A. Walker, EBASCO Services, Inc.

Dr. Alan E. Waltar, Westinghouse Hanford Company.

Dr. David Ward, Savannah River Laboratory.

Ms. Anita Webb, Philadelphia Electric Corp.

Dr. Alvin M. Weinberg, Institute for Energy Analysis.

Mr. Carl J. Weinberg, Pacific Gas & Electric.

Ms. Danialle Weaver, Nucleonics Week.

Mr. Scott Wiley, President, Copeland, Wickersham, Wiley & Co.

Mr. Theodore Wilkinson, III, United States Department of State.

Mr. Jerry N. Wilson, U.S. Nuclear Regulatory Commission.

Professor Richard Wilson, Harvard University.

Dr. Bertram Wolfe, Vice President, General Electric Company.

Mr. Takao Yagi, Power Reactor and Nuclear Fuel Development Corporation.

Dr. Rosalyn S. Yallow, Bronx V.A. Medical Center.

Dr. John Ahearne: Dr. Ahearne is vice president and senior fellow of Resources for the Future, an independent nonprofit organization specializing in natural resources, energy, and the environment. He received his Ph.D. in physics from Princeton University. Dr. Ahearne was a commissioner of the U.S. Nuclear Regulatory Commission, 1978–83, and was chairman, 1979–81. He has also served as deputy assistant secretary at DOD and deputy assistant secretary at DOE. Dr. Ahearne is chairman of the DOE Advisory Committee on Nuclear Facility Safety and chairman of the National Research Council Committee on Risk Perception and Communication.

Professor Manson Benedict: Dr. Benedict is Institute Professor Emeritus at Massachusetts Institute of Technology, where he served as first head of the Nuclear Engineering Department. He received a Ph.D. in chemistry from MIT and was in charge of the process design of the gaseous diffusion uranium enrichment plant at Oak Ridge during World War II. Dr. Benedict was a member and chairman of the General Advisory Committee of the Atomic Energy Commission and was a member of the Advisory Committee on Reactor Safeguards. He was president of the American Nuclear Society 1962–63. Dr. Benedict is a member of the National Academy of Sciences and the National Academy of Engineering.

Mr. Linden S. Blue: Mr. Blue is vice chairman of General Atomics. Prior to his present position, he was president and chief executive officer of Beech Aircraft Corporation, managing director of Lear Fan Limited, executive vice president of Gates Learjet Corporation, and councilman-at-large for the City of Denver. Mr. Blue received a B.A. from Yale and attended the Advanced Management Program of Harvard Business School. He is a trustee of the Hudson Instiute.

Dr. Jay E. Boudreau: Dr. Boudreau is a staff member in the Space Systems Office at the Los Alamos National Laboratory. Over the past 16 years he has held the positions of alternate group leader, group leader, program manager, and deputy associate director for nuclear programs. Dr. Boudreau worked on the U.S. Senate Three Mile Island Investigation and with the U.S. Office of Management and Budget. He received a B.S., M.S., and Ph.D. in engineering from the University of California at Los Angeles.

Dr. Sol Burstein: Dr. Burstein retired in January 1988 as vice chairman of Wisconsin Electric Power Co. and vice president and director of Wisconsin Energy Corporation. He had served as an officer since 1966. Prior to joining Wisconsin Electric, Dr. Burstein spent 18 years with Stone & Webster Engineering Corporation. He has been chairman of the Environment Committee of the association of Edison Illuminating Companies and member or chairman of the EPRI Nuclear Division Committee. Dr. Burstein is a member of the National Academy of Engineering. He is a mechanical engineering graduate of Northeastern University and was awarded the honorary Doctor of Science degree by the University of Wisconsin in 1987.

Mr. Jack DeVine: Mr. DeVine is senior program manager for the Advanced Light Water Reactor Program at the Electric Power Research Institute (EPRI). He graduated from the U.S. Naval Academy in 1965 and was assigned to nuclear submarines. Mr. DeVine joined General Public Utilities in 1970 and was assigned to the Three Mile Island recovery work following the accident in 1979. He later served as recovery engineering director and as technical planning director. Mr. DeVine was assigned to EPRI in 1986.

Mr. Harold B. Finger: Mr. Finger is president and chief executive officer of the U.S. Council for Energy Awareness. He received a B.S. in mechanical engineering from City College of New York and a M.S. in aeronautical engineering from Case Institute of Technology. Mr. Finger was with NASA and its predecessor until 1969, where he directed space nuclear systems for NASA and the AEC, and later was associate administrator for Organization and Management. He was assistant secretary of the U.S. Department of Housing and Urban Development for three years. Mr. Finger was an executive in energy systems and strategic planning for General Electric from 1972 to 1983, when he assumed his present position.

Mr. Angelo Gadola: Mr. Gadola received a degree in electrical engineering from the Politecnico di Milano (Italy) in 1955. He has 31 years of experience in nuclear power and has been involved in the design and licensing of the Latina, Garigliano, Trino Vercellese, Caorso and Creys Malville Nuclear Power Plants. Mr. Gadola, with ENEL, was responsible for safety and licensing of the PUN project.

Mr. John E. Gray: Mr. Gray is president and chief operating officer of ERC International, a NYSE firm providing technical services to the defense, space, energy, environmental, biomedical, and information systems markets. He was a member of the DOE ERAB New Production Reactor Technology Assessment Panel and is a member of the U.S. Committee of the World Energy Conference. Mr. Gray was chief executive officer of NUS Corporation from 1960 to 1972. He earned a B.S. degree in chemical engineering from the University of Rhode Island.

Dr. Kare Hannerz: Dr. Hannerz received a M.S. in chemical engineering and a Ph.D. in physical chemistry from the Royal Institute of Technology in Sweden. He joined AB Atomenergi (later ASEA-ATOM, now ABB ATOM AB after recent merger with Brown Boveri) in 1952. After work on isotope separation, gamma ray dosimetry, fuel engineering and advanced LWR design, Dr. Hannerz developed the proposed concept for the final disposal of unreprocessed spent fuel officially adopted by Sweden. He then developed the SECURE and PIUS reactor concepts.

Mr. J. Steven Herod: Mr. Herod is director of the Office of Electric Power Regulation at the Federal Energy Regulatory Commission. He received a B.S. in electrical engineering from Vanderbilt University and an M.B.A. from Harvard University. From 1969 to 1974, he was with the Power Systems Marketing Division of General Electric, and from 1976 to 1978, he was director of financial analysis with Energy and Environmental Analysis, Inc. Mr. Herod held economic policy-making decisions with the Department of Energy during 1978 to 1987.

Dr. Herbert Kouts: Dr. Kouts recently retired as chairman of the Department of Nuclear Energy at Brookhaven National Laboratory, where he continues as a senior physicist. He received a B.S. in mathematics and a M.S. in physics from Louisiana State University, and a Ph.D. in physics from Princeton University. Dr. Kouts was with Brookhaven from 1950 to 1973 where he headed reactor shielding, experimental reactor physics, and nuclear materials safeguards groups. He was director of reactor safety research and regulatory research for the AEC and NRC from 1973 to 1976. Dr. Kouts returned to Brookhaven in 1976. He is a member of the National Academy of Engineering.

Mr. John W. Landis: Mr. Landis is senior vice president and director of Stone and Webster Engineering Corporation. Prior to his current position, he was president of Gulf General Atomic and manager of the Atomic Energy Division of Babcock & Wilcox. He has been president of the American National Standard Institute (ANSI) and the American Nuclear Society. Mr. Landis is chairman of the Board of Trustees of Randolph-Macon Women's College, chairman of the U.S. Environmental Protection Committee of the World Energy Conference, president of the American Society for Macro-Engineering, and vice chairman of the DOE Energy Research Advisory Board.

Dean Harold Liebowitz: Dr. Liebowitz is professor of engineering and applied science, dean of the School of Engineering and Applied Science, and cofounder (with Edward Teller) and director of the Institute for Technology and Strategic Research, The George Washington University. He also founded and directs three additional research institutes at GWU. Dr. Liebowitz earned his doctoral degree in aeronautical engineering from the Polytechnic Institute of Brooklyn. Prior to joining GWU in 1968, he served as head of the Structural Mechanics Branch of the Office of Naval Research. Dr. Liebowitz is a member of the National Academy of Engineering.

Professor Harold Lewis: Dr. Lewis, a professor of physics at the University of California at Santa Barbara, is a member of the NRC Advisory Committee on Reactor Safeguards and the DOE Advisory Committee on Nuclear Facility Safety. He was a member of President Carter's Nuclear Safety Oversight Committee and was chairman of the Risk Assessment Review Committee for the NRC. Professor Lewis achieved national fame as chairman of the American Physical Society Study of Light Water Reactor Safety.

Mr. Yoshiaki Matsuno: Mr. Matsuno has been director of the Reactor Development Coordination Division of Power Reactor and Nuclear Fuel Development Corporation (PNC) since 1985. He received degrees in applied mathematics and physics from Tokyo University and the Technical University of Vienna. After 13 years of research in reactor physics, Mr. Matsuno joined PNC in 1973 to work on the JOYO experimental fast reactor. Prior to his present position he was director of the Experimental Fast Reactor Division. Mr. Matsuno has represented Japan on the IAEA International Working Group on Fast Reactors since 1979.

Professor Norman C. Rasmussen: Dr. Rasmussen is professor of nuclear engineering at the Massachusetts Institute of Technology. He received a Ph.D. in physics from MIT in 1956 and then joined the Physics Department there. In the mid-1960's he began work in nuclear power reactor safety, and from 1972 to 1975 he directed the first detailed probabilistic risk analysis of nuclear power plants (WASH-1400). He continues to work on risk analysis and is a consultant to government and industry. In 1982 Professor Rasmussen was appointed by President Reagan to the National Science Board. He is a member of the National Academy of Sciences and the National Academy of Engineering.

Dr. Dixy Lee Ray: Dr. Ray was Governor of the State of Washington, 1977-81; chairman of the U.S. Atomic Energy Commission, 1972-75; assistant secretary at the U.S. Department of State in 1975; and associate professor of zoology at the University of Washington. She earned a Ph.D. at Stanford University and has been awarded honorary doctoral degrees by 21 universities and colleges.

Dr. Zsolt Revesz: Dr. Revesz received his education in mechanical engineering and systems engineering at the Technical University of Budapest, Hungary. He moved to Switzerland in 1975 and earned a doctorate in 1980 with a dissertation on computational flow modeling in a heat exchanger. Dr. Revesz founded the Swiss Section of the American Nuclear Society in 1985 and has been acting as its secretary since then.

Dr. A. David Rossin: Dr. Rossin formed A.D. Rossin and Associates in 1987 to consult for management. He served as DOE Assistant Secretary for Nuclear Energy during 1986-87. Dr. Rossin directed the Nuclear Safety Analysis Center at EPRI from 1981 to 1986. Prior to 1981, he was with Commonwealth Edison Co. in Chicago for ten years, finally as director of research. At Argonne National Laboratory, 1955-72, he served on and chaired the laboratory's Reactor Safety Review Committee. Dr. Rossin received a B.S. in engineering physics from Cornell, M.S. in nuclear engineering from MIT, and Ph.D. in metallurgy from Case-Western Reserve.

Dr. Frederick Seitz: Dr. Seitz is president emeritus of the Rockefeller University and a former president of the National Academy of Sciences. He has held key government posts over three decades. From 1978 to 1983 he was vice chairman of the board of trustees of the Memorial Sloan-Kettering Cancer Center. Dr. Seitz received a Ph.D. degree in physics from Princeton University and served on the faculties of the University of Pennsylvania, the Carnegie Institute of Technology, and the University of Illinois. His textbooks on solid state physics are classics.

Dr. Richard J. Slember: Dr. Slember is vice president and general manager of the Energy Systems Business Unit at Westinghouse Electric Corporation, which includes six divisions and more than 7,000 employees. He received a B.S. in mechanical engineering from Cooper Union and an M.S. and Ph.D. in mechanical engineering from the University of Pittsburgh. Dr. Slember began his career at the Bettis Atomic Power Laboratory and progressed through management at other Westinghouse sites at Waltz Mill, Oak Ridge and Hanford. Prior to his current position, he headed the Westinghouse Nuclear Fuel Business Unit.

Dr. Chauncey Starr: Dr. Starr was founding president and vice chairman of the Electric Power Research Institute. He is now president emeritus. From 1967 to 1973, he was dean of the UCLA School of Engineering and Applied Science, following a 20-year industrial career, during which he was vice president of Rockwell International and president of its Atomics International Division. Dr. Starr received a B.S. in electrical engineering and Ph.D. in physics from Rensselaer Polytechnic Institute. He is a member and past vice president of the National Academy of Engineering, and a founder and past president of the American Nuclear Society.

Dr. Edward Teller: Dr. Teller, associate director emeritus at Lawrence Livermore National Laboratory and senior research fellow at the Hoover Institution, cofounded the Institute for Technology and Strategic Research at The George Washington University in 1987 and is its honorary director. He received his Ph.D. degree in physics from the University of Leipzig in 1930 and was appointed professor of physics at The George Washington University in 1935. Dr. Teller was at Los Alamos during and after World War II where he advocated research on the thermonuclear weapons. He helped establish Lawrence Livermore National Laboratory in 1952 and continued there in an active role until he retired in 1975. Dr. Teller was chairman of the first Advisory Committee on Reactor Safeguards and later served on many advisory committees. In 1982 he was appointed to the White House Science Council.

Dr. Charles E. Till: Dr. Till, associate laboratory director of Argonne National Laboratory, directs all Engineering Research Divisions, which total over half of Argonne's research effort. He received a Ph.D in nuclear engineering from the Imperial College, University of London. Dr. Till has worked on a variety of nuclear reactor concepts, and since coming to Argonne in 1963, has been deeply involved in development of the fast breeder reactor. He has led the development of the Integral Fast Reactor (IFR) from its conception.

Professor Miro M. Todorovich: Professor Todorovich, past chairman of the Department of Physics at the Bronx Community College of the City University of New York, began his career as a philosopher. In 1969 he cofounded, with philosopher Sidney Hook, the University Centers for Rational Alternatives. In 1976 Professor Todorovich cofounded Scientists and Engineers for Secure Energy and serves as its Executive Director.

President Stephen Joel Trachtenberg: Mr. Trachtenberg is president of The George Washington University. Prior to joining GWU on August 1, he served as president and professor of law and public administration at the University of Hartford. President Trachtenberg received a J.D. from Yale University and a Master of Public Administration from Harvard University. Prior to joining academe, President Trachtenberg served in various government posts, including the Department of Health, Education and Welfare and the Atomic Energy Commission.

Dr. Alvin M. Weinberg: Dr. Weinberg received B.S., M.S. and Ph.D. degrees in physics at the University of Chicago and joined the original group that developed the first nuclear reactor at Stagg Field. He was research director and then director of Oak Ridge National Laboratory from 1948 to 1973. From 1975 to 1985 he was director of the Institute for Energy Analysis of the Oak Ridge Associated Universities, where he played a major role in alerting the nation to the greenhouse effect and the need to develop nuclear reactors with passive safety features. Dr. Weinberg is a member of both the Naitonal Academy of Sciences and the National Academy of Engineering.

Professor Richard Wilson: Dr. Wilson, Mallinckrodt Professor of Physics at Harvard University, received his B.A., M.A., and D. Phil. in physics from Christ Church, Oxford University. Professor Wilson has been teaching at Harvard since 1955, and has held summer or visiting positions in teaching or research at many universities worldwide. He was assistant editor of Annals of Physics 1956-84, and has been a consultant to the NRC, EPRI, Oak Ridge, Los Alamos and Livermore. Professor Wilson was chairman of the American Physical Society Study Group on Radiological Consequences of Nuclear Power Plants.

Dr. Bertram Wolfe: Dr. Wolfe is vice president and general manager of GE Nuclear Energy, responsible for all GE activities in the nuclear power industry. He received a B.A. in physics from Princeton University and Ph.D. in physics from Cornell University. Essentially all of his professional career has been at GE in nuclear power, from reactor design to fuel to waste management. Dr. Wolfe is a member of the National Academy of Engineering, a former president of the American Nuclear Society, and member of the board of several nuclear industry groups.

U.S. SENATE,
Washington, DC, July 12, 1988.
His Excellency YURIY DUBININ,
Union of Soviet Socialist Republics, Office of the Embassy, Washington, DC.

DEAR YURI: Recently, while attending a reception at the Russian Embassy, I delivered an informal packet to your chief aide with respect to an upcoming international conference on nuclear reactor safety. The purpose of providing you with this information is to seek the Russian Government's permission for Dr. Andrei Sakharov to travel to the United States for this event.

During my visit to the Soviet Union this past April, I visited with Dr. Sakharov and his wife, Ylena Bonner. On that occasion, I delivered a letter from Dr. Edward Teller, the noted American physicist, in which he invited Dr. Sakharov to travel to the United States for this conference, being conducted by the Institute for Technology and Strategic Research. Dr. Teller sincerely believes that the presence of such a noted, distinguished academician as Dr. Sakharov would be an important contribution not only to this event, but to the overall nuclear debate.

The improvement in relations between the United States and the Soviet Union are the highlight of domestic and international discussions. Permitting Dr. Sakharov to attend this conference, bringing together two of the world's most distinguished scientists, would show the world that our two countries are serious about peaceful coexistence and finding answers to the nuclear question.

Since presenting this information to your aide, I hope you have had the opportunity to convey my request to the Soviet leadership and that a positive decision will be forthcoming. I will be calling you within the next few days to further discuss this issue. I am sincerely hopeful that we can bring these two great minds together for the benefit of all mankind, and thank you for your attention to this very important request.

Sincerely,

CHIC HECHT.

GEORGE WASHINGTON UNIVERSITY,
Washington, DC, March 23, 1988.
Mr. MIKHAIL GORBACHEV,
General Secretary of the Central Committee, Communist Party of the Soviet Union, Kremlin, Moscow, U.S.S.R.

DEAR MR. CHAIRMAN: Of the many changes you introduced, one was of particular importance. It was to make it possible for Andrei Sakharov to return to Moscow and resume his work. I am sure that the whole of the American scientific community has been deeply impressed by this decision.

If Academician Sakharov were allowed to travel and visit with his many admirers in the scientific community, of which I am one, a further important step would have been taken in the process of openness. In this regard, I am sending Academician Sakharov the attached letter inviting him to attend a meeting in the United States on safe nuclear reactors.

I believe that openness is of particularly great help in an approach to mutual confidence, stability, and peace. It is for this reason that I have asked Senator Hecht to carry this letter to Moscow.

Sincerely,

EDWARD TELLER.

GEORGE WASHINGTON UNIVERSITY,
Washington, DC, March 23, 1988.
Dr. ANDREI SAKHAROV,
The U.S.S.R. Academy of Sciences, Leninskiy Prospekt 14, Moscow.

DEAR ACADEMICIAN SAKHAROV: A letter from the President of The George Washington University was sent to you a few weeks ago inviting you to a conference on reactor safety. Indeed, the Institute for Technology and Strategic Research will organize such a conference and your presence would be of the greatest possible value. The immediate interest is connected with your suggestion about locating nuclear reactors underground. I believe in this proposal and believe it is of great importance to the U.S.S.R., to the U.S., and to the whole world. In a more general way, I also believe that discussing specific technical problems can bring scientists more closely together and will serve as a good introduction to approaching more difficult general questions connected with war and peace.

I have a great personal interest in meeting you. Several reasons (particularly including my age and my health) make it practically impossible for me to visit you, but I still can travel in the United States.

I should be most happy with an understanding that all of our conversations should be completely open, that is, that they should be accessible in all details to everybody. A clear understanding of this circumstance may make it particularly easy for us to talk on a common basis—first on some special technical problems and later, if you wish, some more general problems. I could be available to you for a few days on the East Coast of the United States and, in addition, for almost any length of time on the West Coast.

If you are able to visit the United States, I am sure that there will be literally thousands of scientists and other eminent people who would be eager to see you. I am merely one of them.

It would be a particularly great pleasure if your wife could join you and we could continue our conversation.

Sincerely,

EDWARD TELLER.

STATEMENT OF SENATOR HECHT

Mr. President, I feel I must rise today to express my frustration and, quite honestly, my dismay at the recent actions of the Soviet Union which run contrary to their avowed policy of Glasnost. Mr. President, earlier this year, I met with Dr. Andrei Sakharov in Moscow. During that very moving occasion, I delivered a letter to him from Dr. Edward Teller, America's noted physicist. The letter I carried extended an invitation to Dr. Sakharov to visit the United States this August and attend an upcoming international conference on nuclear reactor safety, which will be conducted by the George Washington University's Institute for Technology and Strategic Research here in Washington.

I am happy to report to the Senate that Dr. Sakharov graciously accepted this invitation and expressed his sincere desire to attend. Upon my return to Washington, and over the past few months, I have acted as an intermediary with the Soviet embassy to work out an arrangement whereby Dr. Sakharov would be allowed to come to America, for a few days in August, participate in this international event, and return to Moscow.

As this body and America knows, Mr. President, the Soviet government has in the past refused to allow Dr. Sakharov to travel outside of Russia. Unfortunately, it appears they have not changed their mind. Not withstanding all my efforts—which have been fully in keeping with Glasnost—as of yesterday, the Soviet Union will not allow Dr. Sakharov to accept the invitation of Dr. Teller.

Mr. President, I am perplexed by Soviet behavior. Over the past year, we have heard nothing but the coming of a new age with the advent of Glasnost and Perestroika. I can report to the Senate that even I, who have watched the Soviet Union with a very suspicious eye, was optimistic that an arrangement could be worked out. Indeed, the Soviets gave me every reason to be optimistic.

In the end, it appears the Soviets are better at keeping false hopes alive than desiring to change rigid policies. Glasnost is really just for show, without much credibility. If the Soviet Union were truly interested in demonstrating in good faith to the world, that it wishes to be an international partner, why is it afraid to allow Dr. Sakharov to leave even for just a few days? It's hard to figure out.

Mr. President, the conference in question will address the critical issue of improved safety for nuclear reactors. What better topic—safe nuclear power for the future—for two of the greatest scientific minds to sit down and discuss than this. The subject has major ramifications for mankind.

Mr. President, I have provided Dr. Teller's letters to Dr. Sakharov—in person—to General Secretary Gorbachev—via our ambassador. I have spoken in person and by telephone with embassy officials. I have made a personal appeal. Unfortunately this has all been to no avail.

I am saddened that Mikhail Gorbachev is so terrified of allowing Dr. Sakharov time off, even for a few days, that he refuses this simple request. Actions speak louder than words, Mr. President, and this denial by the Soviets speaks volumes about Russia under Mr. Gorbachev. Glasnost does not seem to be real.

What a momentous occasion it would be—one truly in the spirit of Glasnost—to allow the father of America's hydrogen bomb and the father of the Soviet hydrogen bomb to come together, in peace, and work together to benefit mankind. It is indeed unfortunate and I thought my colleagues would like to know.

NATIONAL CRITICAL MATERIALS POLICY

Mr. REID. Mr. President, yesterday I rose to address this body about the need to develop a national critical materials policy. I described how this Nation is dependent on several unstable, foreign sources of supply for four critical metals; chromium, cobalt, magnesium and the platinum group. Without these metals, this Nation's economic and military machinery literally cannot survive.

There are many ways to ensure an adequate supply of these materials and yesterday I outlined three; namely, research and development, stockpiling, and increasing the supply of the countries around South Africa.

But I, frankly, do not feel comfortable developing these kinds of policy options without more input. As a Senator, I can see that without clear policy alternatives and executive branch leadership in the area of critical materials, our Nation will suffer. However, my expertise is in the legislative process, not metals and materials. What I need, and what this Congress needs, is to be presented with policy options developed by experts that we can debate and support. Such a policymaking body currently exists within the White House, although my colleagues would never know it.

Recognizing the need to coordinate materials policy, Congress passed the National Critical Materials Act of 1984. This act established the National Critical Materials Council within the Executive Office of the President. Among other duties, this council is charged with the "Coordination of critical materials policies, including all facets of research and technology, among the various agencies and departments of the Federal Government and then to make recommendations for the implementation of such policies."

Over 4 years ago, the National Critical Materials Council was given a mandate to direct the Federal Government's critical materials' policy. But during this 4 years this Council has been inactive, to say the least. Not until 16 months after the President signed the National Critical Materials Act into law did he appoint the Council's first three members. But within 2 months of their appointment, two of the members, including the Chairman, resigned. It was not until 9 months after this time—over 2 years after the establishment of the Council—that Secretary of the Interior Hodel was assigned to chair the Council.

The National Critical Materials Council is also authorized to hire 12 staff—it has only 3. The National Critical Materials Council is required to produce reports. To date, none of these reports, not a single one, has been produced. And only last month, Chairman Hodel, of the National Critical Materials Council, asked Congress not to reauthorize it beyond 1990. This recommendation ranks with Secretary Hodel's ray ban plan. I am sure we all remember this plan. It was his suggestion for countering ozone depletion. He suggested people protect themselves from increased ultraviolet radiation by making wider use of hats, sunglasses and sunscreening lotions.

As with environmental policy, he does not seem to realize just how serious materials policy is to this Nation. He believes his Council of three can somehow be the equivalent of an industrial policy. This notion is ridiculous on its face and ignores the real issue. Critical materials—steel, cobalt, advanced ceramics and superconductors—are the materials that will be key to the economic success of this Nation in the next century. This Nation must be the leader in these areas or sacrifice its position as the world's leading economic power. The United States needs the National Critical Material Council to coordinate Government policy; act as a liaison between Government, industry and academia; and collect and distribute information.

I have long recognized that the administration does not take the existence or the role of the Council seriously. This is so despite strong congressional and private sector support. Last year, during debate on the omnibus trade bill, I offered an amendment intended to strengthen the Council and force it to carry out its mandate. This amendment passed without a single dissenting vote and was retained in the new trade bill approved by the Senate last week.

I had hoped this congressional action would have persuaded the Council to actively strive to obey its enabling legislation. This Senator welcomes such activism. Strategic and critical materials policy is badly in need of coordination and White House support. This Nation's security and industrial future relies upon the supply and application of strategic and critical materials. Continuing to allow strategic and critical materials policy to drift aimlessly in a sea of ideology is irresponsible. This appears to be the option favored in the waning days of the current administration. But the issue will not go away. It cannot. This country's future literally depends on a national policy relating to critical materials. So I intend to ensure that that National Critical Materials Council plays a vital, policymaking role during the next administration.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, morning business is about to expire, I believe.

I ask unanimous consent the period for morning business be extended, 5 minutes for Mr. Chafee; 5 minutes for Mr. Exon.

Mr. EXON. May I have 7 minutes?

Mr. BYRD. We are limiting it to 5 minutes. I will yield the Senator 2 minutes out of my time.

So, if we extend morning business for 10 minutes and the Republican leader has his time reserved——

Mr. DOLE. Mr. President, I yield 5 minutes of my time to the Senator from Rhode Island.

Mr. BYRD. Very well. And then 5 minutes to Mr. Exon and 2 minutes of my time and then I ask that morning business be closed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nebraska.

(The remarks of Mr. Exon pertaining to the introduction of legislation are printed later in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. Shelby). The Senator from Rhode Island.

SEEKING MENTAL HEALTH ASSISTANCE

Mr. CHAFEE. Mr. President, the outcry for Governor Dukakis to reveal his medical records has an ominous overtone.

One cannot argue with the propriety of the public's right to know the physical and mental history, and the general health of our Presidential candidates. That is right. That ought to be done. But to suggest that there is something shameful, even bordering on the sinister, for a candidate to have had "counseling" is totally unfair to countless Americans who have sought help, or who ought to seek help, in overcoming difficult personal problems.

We are not in the dark ages! We are in contemporary America where millions of our young people are battling with low self-esteem, are struggling for guidance in households with only one parent, usually weary and exhausted. These young people are beset by peer pressures beyond those most adults ever knew. Ours is a country where teen suicides are close to epidemic proportions. This is the very time we ought to be doing all we can to encourage counseling—not disparage it.

It is no stigma for any adolescent, or any adult, to have used the help of a psychiatrist, a psychologist or any other counselor.

Anyone, who has ever had to deal with a loss or setback, knows the importance of having support from wherever it is available. Sometimes the support of family and friends is what is needed; at other times that is not enough. In the course of a lifetime, one faces many difficult, sometimes devastating, situations. The loss of a job, a major financial setback, a broken relationship, a family member involved in substance abuse, the death of a child, or being the victim of a crime—these are all situations that can cause a person extreme inner pain and anxiety. To suggest that someone needing help, in attempting to cope with a significant problem, would decide not to seek such help because of a fear of how it would be perceived, is dismaying.

A healthy body is not enough. To be successful, a healthy mind and positive attitude are also critical. If a person has a broken leg, it is not a sign of weakness to go to a doctor, have it set and put in a cast, let it heal and then build up its strength through exercise and rehabilitation. The same is true for a person facing a crisis in his or her life. It is not a sign of weakness to seek help in identifying and dealing with the problem, working it through and then building up the strength to solve or accept it.

There is no sign of weakness in either case—just a commonsense recognition that in order to carry on, a healing process must take place.

Attaching a negative connotation to seeking mental health assistance has a chilling effect on any individual. Imagine a young person, in the midst of a crisis in his or her life, afraid to seek help because it may be perceived by a future employer as a sign of weakness. Imagine potential future leaders in this country deciding not to run for public office because they have sought help in the past and are afraid it will be exposed. The irony is that these young people may be better adjusted, have a healthier outlook on life, and be in a better position to make intelligent and good decisions precisely because they sought help in the past.

Mr. President, the approved search for help should not be restricted to those who write to "Dear Abby."

As a nation it is right that we spend millions of Federal dollars on assisting mental health services. Medicaid pays for such help, and just this year, we increased the allowance for those services under Medicare. How self-defeating it would be to say that those who avail themselves of such assistance must thereafter be considered under a dark cloud.

We recognize there are certain restrictions on attaining the Presidency—one must be over 35 years of age and be a U.S. citizen. Let us not add to these the sworn pledge that the candidate has never have had counseling. That is not good for our Nation. I want to thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 7 minutes and Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

PLENTY OF EXCUSES, BUT NO SOLUTIONS

Mr. GRASSLEY. Mr. President, over this past weekend, I was interested to read about a tour of the District of Columbia correctional facility located in Lorton, VA.

The tour of the facility was made by the Mayor of the District of Columbia, Marion Barry.

The inspection of the facility was apparently, at least in part, in response to an order by Federal District Judge June L. Green to have the District's Government reduce the number of inmates at Lorton due to overcrowding in the facility's central prison.

This court order is another in a series—that is about a decade-long—regarding the allowable prison population cap at Lorton.

The Saturday editions of the Washington Post carried a headline for this story that read "Barry Blames Reagan for Prison Crisis."

During his tour of the Lorton facility, Mr. Barry is reported to have stated that Lorton's overcrowding and the District's drug problem are due to the Reagan administration's inability to stop the flow of drugs into the country.

Mr. President, I suggest that the Mayor of the District of Columbia should put his own house in order, before he looks to blame others for conditions his administration has failed to control.

I give this admonition because the same Saturday editions of the Washington Post reported that a district prison guard—recently recommended for a raise and a promotion by the Barry administration—has been arrested and charged with possession of cocaine, with the intent to distribute it in the Lorton correctional facility.

This incident parallels others in which the District has hired individuals with criminal records to be police officers. In addition, the District's early release program has allowed about 2,900 criminals—many convicted of drug offenses—back onto the District's streets.

If the District is going to allow people with criminal records to be police officers, and if it is going to allow those convicted of drug offenses out on its streets, then it is going to have a crime problem it cannot blame on anyone—least of all the President.

Mr. Barry is also a bit disingenuous when he blames the Federal Government for the overcrowding at the Lorton facility.

The facts are that the Congress appropriated $30 million in fiscal year 1987 for the development and construction of a new 800-bed prison facility. The Congress gave the District government the option of several sites. All of which are on Federal land in the District. However, no choice of a site has been made by the District Council; and only they know the real reason for their delay.

Therefore, the funds—already appropriated by the Congress and approved by the President—remain in the Treasury and a new prison remains on the drawing board. I hardly think that the Federal Government or the President can be saddled with this monkey.

Mr. President, politicians who give excuses without providing solutions diminish their credibility.

Now, I will admit that the drug prevention policies of the Federal Government are not perfect. Drugs are still readily available in America and drug abuse is still a major problem despite the best efforts of law enforcement personnel at every level of government. In fact, while statistics indicate that overall drug use trends are down for the public as a whole, drug use has stabilized at extremely high levels.

However, I would like to point out the successes that the Federal authorities have had in their effort to curb the flow of drugs into the United States.

Federal spending on drug interdiction efforts has increased from $372 million in fiscal year 1981 to $777 million in fiscal year 1987.

Seizures of cocaine have grown from 1.7 tons in 1981 to 27.2 tons in 1986.

The number of drug enforcement administration convictions has doubled, from about 6,000 to about 12,000; the number of FBI drug convictions has gone from 43 in fiscal 1982 to 2,791 in fiscal 1986.

Laboratory seizures, marijuana eradication, and other drug enforcement successes are also up dramatically.

Penalties have also increased substantially. The average sentence served for a DEA conviction rose from 51 months to 61 months between 1982 and 1986; the average penalty for cocaine offenses rose by 35 percent, from 48 months to 65 months.

Mr. President, the drug problem would be worse today in the absence of these efforts.

I understand why the District Government is trying to deflect criticism of its lack of control of its correctional system. But it is not going to work.

As the folks who run the District Government should know, "Home Rule" is not a "sometime responsibility" that it exercises when it "feels" like.

The District cannot "pick-and-choose" when it exercises "Home Rule"; and it cannot decide that in some instances it finds it "inconvenient" to exercise the duties that come with the responsibility.

Among other things, of course, the Federal Government has the responsibility to interdict drugs at the borders of the United States. Its efforts have succeeded in reducing the amount of available illegal substances that come into this country.

The Federal Government also has the responsibility to appropriate moneys to the District Government for certain of the services that it provides to its citizens—such as correctional facilities and operations.

The District of Columbia Government has the responsibility, among other things, to administer the correctional facility located in Lorton, VA.

If the folks who are supposed to guard the inmates at Lorton are caught smuggling drugs into the facility; of if law enforcement personnel are hired despite having criminal records; or if the District Government refuses to make a decision to build a new prison facility with already appropriated Federal funds, then Mr. Barry should hold up a big mirror and take a good look the next time he looks for a scapegoat on the local drug problem.

THE STATE DEPARTMENT PHONE BOOK'S TREATMENT OF OUR CONSULATE IN JERUSALEM

Mr. MOYNIHAN. Mr. President, I rise today to note a significant event, albeit a small one. The new State Department Telephone Directory, received just this week, reflects the fact that Jerusalem is in Israel. While this fact might seem obvious to anyone with a map, State Department publications over the years have always listed Jerusalem as a separate entity, a post without a country.

For example, on page 167 of the January 1984 Department of State Telephone Director, Tel Aviv is listed as the only post in Israel. Down the page, without a country, appears the entry "Jerusalem."

Mr. President, I ask unanimous consent that the page be printed at this point in the Record.

There being no objection, the directory page was ordered to be printed in the Record, as follows:

POST DIRECTORY

Country	Post	Country code	City code	Local Telephone Number
Guatemala	Guatemala	502	2	31–15–41
Guinea	Conakry	*	*	44–15–20 thru 24
Guinea-Bissau.	Bissau	*	*	212816/7
Guyana	Georgetown	592	02	02–54900
Haiti	Port-au-Prince	509	1	20200
Honduras	Tegucigalpa	504	N.R.	32–3120 thru 29
	Hong Kong	852	5	239011
Hungary	Budapest	*	*	329–275
Iceland	Reykjavik	*	*	29100
India	New Delhi	*	*	690351
	Bombay	*	*	823611/8
	Calcutta	*	*	44–3611/6
	Madras	*	*	83041
Indonesia	Jakarta	62	21	340001–9
	Medan	62	61	322200
	Surabaya	62	31	69287/8
Iraq	Baghdad	964	1	96138/9
Ireland	Dublin	353	1	688777
Israel	Tel Aviv	972	3	03–654338
Italy	Rome	39	6	(06) 4674
	Genoa	39	10	(010) 282–741
	Milan	39	2	(02) 652–841
	Naples	39	81	(081) 660966
	Palermo	39	91	(091) 291532–35
	Florence	39	55	(055) 298–276
	Trieste	39	40	(040) 68728/29
	Turin	39	?	?
	U.S. Export Development Office (Milan).	39	6	469–6451
Ivory Coast	Abidjan	225	N.R.	32–09–79
Jamaica	Kingston	809+	N.R.	92–94850
Japan	Tokyo	81	3	583–7141
	Naha, Okinawa	81	989	(0988) 77–8142
	Osaka-Kobe	81	6	(06) 341–2754/7
	Fukuoka	81	92	(092) 751–9331/4
	Sapporo	81	11	(011) 641–1115/7
	U.S. Export Development Office (Tokyo).	81	3	987–2441
	Jerusalem	972	2	(02) 234271
Jordan	Amman	*	*	44371–6
Kenya	Nairobi	254	2	334141
	Mombasa	254	?	315101

Mr. MOYNIHAN. The practice of listing Jerusalem as a post without a country had been going on for years. In a hearing on the Senate Committee on Foreign Relations on February 23, 1984, I asked why this was so, and then-Under Secretary of State Lawrence Eagleburger said it would be changed.

It was not changed in the January 1985 or the October 1985 phone directories; the March 1987 phone directory did not list Americans posts abroad. Since the 1984 hearing, 13 editions of "Key Officers of Foreign Service Posts" have been published, and all listed Jerusalem as a post without a country.

Finally, 4½ years later, the promised change has been made. The May 1988 State Department Telephone Directory lists two diplomatic posts in Israel, one in Tel Aviv and the other in Jerusalem.

Mr. President, I ask unanimous consent that page be printed in the Record at this point.

There being no objecion, the directory page was ordered to be printed in the Record, as follows:

Country, and Post	Country code	City code	Telephone Number
Guinea: Conakry	*	*	441–520
Guinea-Bissau: Bissau	245	N.R.	212–816
Guyana: Georgetown	592	02	549–9800–9
Haiti: Port-au-Prince	509	1	20–354
Honduras: Tegucigalpa	504	N.R.	323–120
Hong Kong	852	5	239–011
Hungary: Budapest	36	1	126–450
Iceland: Reykjavik	354	1	29100
India:			
Bombay	22	91	822–3611
Calcutta	91	33	441–611
Madras	91	44	473–040
Indonesia			
Jakarta	62	21	360–360
Medan	62	61	322–200
Surabaya	62	31	692–89
Iraq: Baghdad	*	*	719–6138
Ireland: Dublin	353	1	688–777
Israel:			
Tel Aviv	972	3	654–347
Jerusalem	972	2	234–271
Italy:			
Rome	39	6	46741
Genoa	39	010	282–741
Milan	39	2	652–841
Naples	39	81	660–996
Palermo	39	91	343–532
Florence	39	55	298–276
Turin	39	11	517–437
U.S. Mission to the UN Agencies for Food and Agriculture (Rome).	39	6	46741
Vatican City	39	6	639–0558
Jamaica: Kingston	809	N.R.	929–4850
Japan:			
Tokyo	81	3	224–5000
Naha, Okinawa	81	988	764–211
Osaka-Kobe	81	6	315–5900/33549
Fukuoka	81	92	751–9331
Sapporo	81	11	641–1115
Jordan: Amman	962	6	644371
Kenya: Nairobi	254	2	334–141

Mr. MOYNIHAN. It has taken a long time, but I am glad to have the change. The symbolism of this act is important, Mr. President. We have not only denied our great good friends the Israelis recognition of their capital city, Jerusalem; we have denied it is their city at all. This is a good change, it is a needed change, and it is long overdue.

COMMENDING THE SERVICE OF DR. FREDRICK F. CHIEN

Mr. HEFLIN. Mr. President, I rise today to commend Dr. Fredrick F. Chien for 5½ years of outstanding service as Representative of the Coordination Council for North American Affairs [CCNAA]. Fred has recently been appointed as the Minister of State and Chairman of the Council for Economic Planning and Development of the Republic of China on Taiwan. During his tenure at CCNAA, Fred has distinguished himself as an honorable diplomat and as a good friend. He will be greatly missed by his many friends in Washington and throughout our Nation.

Ever since 1979, when diplomatic relations between our two countries were broken and when the Taiwan Relations Act, a statute which created the American Institute in Taiwan [AIT] and the Coordination Council for North American Affairs [CCNAA], was passed, the relations between our two countries have been unique and special.

Fred Chien has been intimately involved in preserving and strengthening the strong relationship our countries enjoy. His own diplomacy has enabled us to resolve some very sensitive situations ranging from military sales to trade disputes to human rights issues.

In the area of trade, perhaps the most important issue between our two countries at this time, we have been pleased to see recent improvements. To improve the trade imbalance, the government in Taiwan has gradually lifted some foreign exchange and import controls, has lowered customs tariffs and has allowed the New Taiwan dollar to appreciate. Although we have some trade issues which still need to be resolved, we have been pleased with the progress which has been made in this area and we have been grateful for Fred's hard work to resolve our trade disputes.

We in the United States have also watched with excitement the many democratic reforms which have taken place in Taiwan during Fred's tenure at CCNAA. Martial law imposed under the Emergency Decree of 1948, has been lifted. Newspaper restrictions have been relaxed. Opposition political parties have been allowed to form and to become actively involved in the political process. We welcome and applaud these actions which can only bring our two countries closer together.

Dr. Fredrick Chien is a credit to his country and a good friend to ours. I hope that his leadership in Taipei will help the relationship between our two countries grow deeper and stronger in the future.

TRIBUTE TO DR. RALPH W. ADAMS

Mr. HEFLIN. Mr. President, I am filled with honor as I rise today in tribute to my friend, Dr. Ralph W. Adams, who recently announced that he will step down as chancellor of Troy State University on August 31, 1989.

Dr. Adams has done a remarkable job as chancellor of the Troy State University system since his appointment to that post in 1984, and before that as president of the university since 1964. During the last 25 years, Troy State has emerged as a cornerstone of educational progress and activity in Alabama primarily because of the leadership and guidance that Dr. Adams has provided.

Dr. Adams has worked throughout his tenure at Troy State University with the goal of promoting excellence in education, providing an environment conducive to this quest for excellence, and encouraging students to learn by their own initiative in addition to learning under the tutelage of instructors. As a result of his work, Troy State is developing not only college graduates, but responsible citizens and leaders who will usher Alabama into the future. Education is the key to prosperity, both economic and spiritual. And Dr. Adams' guidance has resulted in a great wealth among young men and women today. This wealth will provide Alabama with the means to meet the future.

Dr. Adams has led Troy State University with a steady hand through a period of unprecedented expansion and improvement. He has worked to broaden the focus of the school, and has been instrumental in instituting a wide variety of programs that help students in their quest for knowledge and improvement.

Under Dr. Adams' guidance the university was completely reorganized in 1971, and now consists of several distinct divisions each administered by a dean. It offers specialization under the Sorrell College of Business and Commerce, the college of arts and sciences, the school of education, the school of nursing, the Hall School of Journalism, and the college of fine arts. Troy State University has dedicated itself to the improvement of education, knowledge, and the appreciation of life among all people. This education is largely due to the extended leadership of Dr. Ralph Adams.

The expertise with which Dr. Adams has guided Troy State has not gone unnoticed, but extends to all circles of education. In 1986, he was selected as 1 of the 100 most effective college presidents in our Nation. Alabama has been fortunate to have had such a dedicated leader to serve at the helm of one of our State's universities, for his dedication and expertise has had a great influence on the entire State.

Mr. President, one of the few constants in our ever changing society is the value of an education. Education is the key to employment, and to economic progress. It is the key to the preservation of individual liberties. It is the key to understanding the vast world around us, and to the appreciation of all which is encompassed by that world.

I am, indeed, proud to congratulate Ralph Adams for all that he has done, and to thank him for his efforts. I ask unanimous consent that the attached article which describes Dr. Adams' announcement of his resignation be printed in the Congressional Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Alabama Journal, June 8, 1988]

TROY STATE PRESIDENT TO RETIRE

TROY.—Ralph Adams, who spent 24 years building Troy State University from a small teachers' college to a worldwide institution, will retire next year.

Adams told TSU trustees Tuesday that he will step down Aug. 31, 1989, as president of Troy State and chancellor of the Troy State University System.

"There comes a time when the banner of leadership in any organization must pass to a new leader, and I believe we must recognize that the time for such change at TSU is at hand," Adams said.

Adams, 73, was named president in 1964 and became the TSU System's first chancellor in 1984.

After Adams announced his retirement, the chairman of trustees, Birmingham banker Wallace Malone, appointed two search committees—one to look for a president of the main campus and another for a chancellor.

During Adams' tenure, Troy State has grown from a teachers' college with 2,000 students to a full university with 13,000 students scattered on three campuses in Alabama.

Besides the Troy, Montgomery and Dothan-Fort Rucker campuses, TSU has campuses on 41 military bases around the globe.

"We can all be truly proud of the growth Troy State has experienced over the years, and the future of this great institution is extremely bright as we continue to serve students in Alabama and the military personnel and their dependents who are stationed in Georgia, Florida, Cuba, Europe and the Pacific.

"In fact, the sun never sets on TSU," Adams said in a letter to the trustees.

Adams did not tell the trustees what plans he has for retirement. However, after the meeting, he told school spokesman Bill Buchanan that he might like to play golf and fish.

TRIBUTE TO TOM YORK

Mr. HEFLIN. Mr. President, I am delighted to rise, today, to congratulate my friend, Tom York, who, for 30 years now, has hosted Birmingham, AL's longest running live talk show, "The Tom York Morning Show." I am a personal fan of Tom York and have watched "The Morning Show" for many years. As is evident from the show's longevity and continued success, I am not Tom York's only fan.

Since the pioneer days of television, Tom York has appeared over the airways of my State to bid the citizens of Alabama a "good morning," to keep them apprised of the issues in the news which are vital to their well-being, and to bring them interviews of interest and entertainment. Because of his good natured demeanor and personality Tom has become more than just a television anchor—he is considered as a friend to thousands of Alabamians who start their days by tuning in to his show. During his 30-year tenure as host of "The Morning Show," Tom has interviewed over 45,000 guests. One can only imagine the personalities he has interviewed through the years, but I personally hope that someday Tom writes his memoirs so that we can learn of the most eventful moments of the show which has in many ways been a chronicle of our State's recent history.

Mr. President, I ask that an article from the Birmingham News which describes the history of "The Tom York Morning Show" be printed in the Congressional Record for my colleagues to see. In the article, Tom York has indicated that he has been "toying" with the idea of retirement. I must say, perhaps selfishly, that I hope he does not retire any time soon, for we will miss him greatly if he does.

There being no objection, the article was ordered to be printed in the Record, as follows:

YORK'S "MORNING SHOW" WEATHERS 30 YEARS AND 45,000 INTERVIEWS

(By Alec Harvey)

It's 8:30 a.m. and the lawn of the president's mansion at the University of Alabama is bustling.

Since 5 a.m., crews have been running cables from trucks to cameras, securing time on a satellite 22,000 miles straight up, and making sure everything will go smoothly when all begins at 9 a.m.

Tom York introduces himself to his guests and begins studying who they are and what they do, "trying to absorb some of the information."

With two minutes until airtime, the sound man tries to get microphones working on guests seated 100 feet away from his sound truck.

"I think that's her," he says of one woman testing her mike. "Hell, I don't know."

Next, it's a man's turn to test his voice level.

"I feel sure that's not the level he's going to talk at, but I can live with it," the sound man says, as the final seconds count down to the live broadcast "3, 2, 1 . . ."

Welcome to The Tom York Morning Show.

For 30 years, York has hosted Birmingham's longest-running live talk show, interviewing more than 45,000 guests in the process.

"That's a lot of guests," York says with surprise after figuring out the number. "Who were all of these people?"

The people were authors, actresses, actors, musicians, politicians, fashion experts . . . you name'em, York's probably interviewed them, and he can't remember many of them.

"I'll always regret not having kept a journal of the 30 years I've hosted the show," York said. "There are so many highlights, so many funny and semi-tragic things that have happened, that have gone completely into oblivion."

Back in 1957, York never would have guessed he would still be on the air in 1988 with a show that was developed just to fill an hour.

"We (WBRC) were affiliated with CBS at the time, and they were fighting The Today Show (with host Dave Garroway) with their own show," York recalled. "They tried Jack Paar and Jimmy Dean, and neither worked, so they told the affiliates they were going to stop feeding any network programming from 7-8 a.m.

"The boss called me in and said 'OK, we've got an hour to fill, what can you do?'," York said. "That's the way it was born."

Was it York's interviewing abilities or outstanding television presence that got him a shot at hosting The Morning Show? Not a chance.

"It was only because I was the last announcer hired, and the last announcer got the early, early morning shift," he said.

WBRC hit the jackpot with The Morning Show, beginning to beat Garroway after about four ratings periods, York said.

"There were times in the 1960s that we beat The Today Show more than 2-to-1," he said.

The key to the show's success was, and always has been, its local flavor, York said.

"I said from the beginning that we can talk about world affairs and Dave Garroway can talk about world affairs," he said. "But I can talk about Jasper and Cullman, and he can't."

For 23 years, The Morning Show aired from 7-8 a.m., airing from 8-9 a.m. in 1981 and switching to 9-10 a.m. since.

"At one time, it was 90 minutes," York said of the show that began to bear his name in 1984. "For about six months, it was two hours of just me and this co-hostess."

Ah, the co-hostess. Gone but not forgotten. Well, almost not forgotten.

"God, I can't remember her name," he said of his first co-hostess. "But Pat Gray was the second."

There were several others, including Fannie Flagg and Sharon Brown, a former Miss Louisiana USA.

"I've been doing the show by myself now since 1985, and I like it that way, but I wasn't sure at first," York said. "I had always had somebody to talk to, and I thought I was just going to be sitting there lecturing, but we decided to go with it, and I like it a lot better now."

Although York calls his 30 years as host of the show "uneventful," he does have some memories, fond and not so fond.

The first guest was Country Boy Eddie, who went on to host his own live show on Channel 6.

The best interviews he's done were with Robert Wagner and Roots author Alex Haley in Hollywood.

York's most beautiful interviewee was Jaclyn Smith. "The woman is so startlingly beautiful it's incredible," he said. "The television screen does not do her justice."

The most uncontrollable interview was Robin Williams, who was starring in Mork and Mindy at the time. "Pam Dawber (Williams' co-star) didn't say a word and just giggled," York recalled. "Robin went off the wall for about five minutes."

The funniest interview was with Hee-Haw star Junior Samples, who, when asked how a country boy got into show business, rambled on with a 40-minute answer. "At the end of it, he said . . . I was the only (host) who had ever let him finish that answer," York said.

The worst guest was Quinn Cummings, the 10-year-old co-star of the television series Family. "I asked her the standard questions about her and her show, and she gave me smart (aleck) answers every time," York said. "I got so mad that I just turned around and said, "Thank you, that concludes this interview."

Much of York's interviews are informative pieces, including an award-winning series on facelifts.

"We also had a one-hour program on human sexuality where we were talking about every kind of bizarre thing you could think about," York said. "Just like Donahue."

Television has changed a lot in 30 years and not always for the better, the 63-year-old York said.

"It's not as much fun these days," he said. "It's the difference between wildcatting for oil in Texas and going in with a full armada from Texaco. It has become, like many other professions, so specialized."

More technology and specialization has brought more pressure.

"It's endemic to the situation that there's more pressure, when you've got so many people either overseeing or doing the same thing," York said. "Back then, we were the alpha and the omega, the beginning and the end, just turn the cameras on and we did something."

Retirement is definitely in the future for York.

"I've been toying with that idea for a long time," he said. "I like the show most of the time, but I want more time off to do what I want to do. I'm going week-to-week, month-to-month on a decision to retire."

But York feels sure The Morning Show will go on.

"It's not going to die because of dead ratings," he said. "I'm sure they'd continue with another host."

TRIBUTE TO JAMES EARL JOHNSON

Mr. HEFLIN. Mr. President, through the years I have observed many times that, in a particular county there is often one individual who stands out because of his individual efforts on behalf of others or because of his outstanding and extended public service. I am delighted to rise, today, to pay tribute to such a man—my friend, James Earl Johnson of Clanton, AL. James Earl Johnson has spent his entire life in devoted service to the people of Chilton County. He has distinguished himself through his efforts, and has contributed immensely to his community, our State, and our Nation.

James Earl Johnson was born and raised in Chilton County, AL, and graduated from Chilton County High School. Thus, it is understandable why he has worked so hard for so many years to make it a better place to live. He seems to be drawn toward the service of others like a horseshoe to a magnet.

James Earle's career in public service began in 1960 when he began to ride with the Chilton County Sheriff on weekends at the age of 21. He has said that he always wanted to be a law enforcement officer, and so pursued that goal. In 1962, he became a full-time jailer with the department. After only 2 years, he became the State's youngest deputy sheriff. Then, 2 years after that he was appointed as the State's youngest chief deputy sheriff. Finally, after leaving the sheriff's department for 2 years when he served from 1976 to 1978 as police chief of the city of Clanton, Johnson was elected as sheriff of Chilton County. Sheriff Johnson was one of the best sheriffs in the history of Chilton County, as is evidenced by the overwhelming support with which he was reelected in 1982. His constituents recognized what a valued public servant they had, and rallied behind him with 88 percent of the vote—the highest number of votes anyone ever received in the county.

Throughout this career in law enforcement, Sheriff Johnson worked to defend the citizens of Chilton County, and to ensure their happiness and well-being. He seems to thrive on doing things to make life better for other people. His helpful attitude and gracious service have gained him the respect of the citizens of his community. More importantly, he is their friend.

In 1985, Sheriff Johnson decided to shift his attention to another realm of government service when he began in his present position as the Chilton County tax assessor. While the job as tax assessor is vastly different from his work as sheriff, the sheriff's good nature and unique talents have enabled him to succeed in service just as he has in numerous positions before.

I commend Sheriff Johnson for his many triumphs and successes. The people of Chilton County are fortunate to have someone his caliber to serve their county. I look forward to seeing the other wonderful accomplishments and service he will provide to his community, our State and Nation. It is efforts such as those he has made that make our world a better place, and that distinguish America from the other countries of the world. I look forward to working with him in the future toward greater goals for Chilton County, AL, and America.

Mr. President, I ask unanimous consent that the attached newspaper article which describes James Earl Johnson's outstanding service to Chilton County and to Alabama be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, June 7, 1988]

EX-CHILTON SHERIFF RECALLS THE HAZARDS, REWARDS OF ENFORCING LAW

(By Dwight Sumners)

CLANTON.—James Earl Johnson has spent more than half his life as a public servant to the people of Chilton County.

There's not many people around he's not acquainted with.

And for the past 28 years, the peach capital of the South's tax assessor and former sheriff has subscribed to the basic philosophy of "know your people, know how to talk to them, get along with them and treat them like you would want to be treated yourself."

In many cases that philosophy is easier said than done.

But in a natural, free-flowing way, it's easier for Johnson to do something for somebody than to just say it.

"I enjoy working for the public. That's been one of the biggest things in my life," the 49-year-old soft-spoken man said as he leaned back in a swivel chair, hands propped behind his head.

"I'm the kind of person that likes to do favors for other people and help them when I can. And the people have been so good to me. I couldn't ask for more."

Johnson, who celebrates his 28th wedding anniversary this month, was born and raised in Chilton County.

He attended Chilton County High School and later graduated from Troy State University in 1978.

He has a son, 21, and a daughter, 24 both of whom work for the county sheriff's office.

As tax assessor for the past three years, Johnson has now settled into an 8-to-5 bookkeeping job that he says he really enjoys.

But he said his true labor of love has always been law enforcement.

Just bring up the subject and he'll tell you.

"I always wanted to be in law enforcement, ever since I was 6 years old. I just always kind of looked up to law enforcement folks," he said.

Johnson's career began in 1960, riding part-time with the Chilton County sheriff's office on weekends.

And from that point until 1982, when he left as sheriff to become tax assessor, Johnson has seen, and knows, just how the county ticks.

Johnson went full-time with the department in 1962 as a jailer.

Two years later, he moved into a deputy sheriff's job, becoming the state's youngest deputy.

"All we did was work whiskey day and night," he said, recalling some of his fondest memories.

"At that point, whiskey bootleggers and stills were the biggest problems in the county. The former sheriff was even sent up for two years for dealing in moonshine," Johnson said.

"A lot of times we'd find a still, carry our sleeping bags in and stay for three or four days and nights, watching and waiting. We blew up several of them and made a lot of arrests.

"But to get out in the woods back then, early in the morning at daybreak when the foxes were running through the woods and all the sounds and everything, was kind of like being in heaven. I really enjoyed it," Johnson said.

In 1966, Johnson was appointed as chief deputy sheriff again becoming the state's youngest.

"I'll never forget that week," he recalled. "We had two murders back-to-back. I was kind of nervous because I'd never done any investigating before. I just had to do it and had no one to fall back on because I was the only investigator at that time. But we got convictions."

Five years later, Johnson was again thrown into another unknown area—drugs.

"We'd never heard of marijuana then. One day we ran up on some boys down at the shopping center smoking something that smelled like a rope burning and decided we'd better investigate," he recalled.

"Then we found out later that they were growing it here, found some plants and made a case.

"From then on, drugs started getting bigger and bigger because sugar prices went up so high that they couldn't afford to make whiskey anymore," Johnson said.

It was also around that time that Johnson was shot in the side and hand, and experienced an era of "sure enough" criminals.

"We ran into several that were on the FBI's top 10 list.

"One fellow we caught up with in the southern part of the county had tried to rob a bank in Georgia. He had taken a half case of dynamite and tried to blow the safe open, but ended up blowing the . . . bank to pieces," Johnson recalled.

In 1976, Johnson left the sheriff's office to fill the job of police chief for the City of Clanton.

"I'll never forget one night we were working the fair and somebody shouted that there was a fight down in the parking lot. One of the officers took off, and then we heard a gunshot. He started shouting that somebody was shooting at him," Johnson said.

"It turned out the officer's gun went off while he was running and shot a hole through the bottom of his holster. We got his holster and nailed it on the bulletin board in city hall. It was a real Barney Fife move," he said with a laugh.

As chief, Johnson decided to run for sheriff in 1978 and was elected over seven opponents with a majority of the votes. It was a first, he said, for that position.

In 1982, he was re-elected with 88 percent of the votes—the highest number of votes anyone ever received in the county, Johnson said.

During his career, Johnson spent about 1,200 hours attending a dozen police schools.

He's been presented with about 50 awards, plaques and certificates.

But the dearest of all, Johnson said, was an outstanding officer award he received from the Stanton Annex Jaycees at Draper Prison in Elmore County.

"It's pretty good to get an award from a bunch of folks you sent to the penitentiary," he said.

Johnson's career with the sheriff's office ended in 1985 when he sought the office of tax assessor because of personal reasons.

"It's not as exciting as the sheriff's office, but I like it," he said.

TRIBUTE TO ROBERTA GAMBLE

Mr. HEFLIN. Mr. President, my home State of Alabama is experiencing a renaissance, of sorts, in the arts, thanks largely to the efforts of individuals like my friend Roberta "Bobbie" Gamble, of Greenville, AL. She has been instrumental to the success of the performing arts in this Alabama city and has spent almost 40 years making her hometown a better place to live for all its citizens. She should be praised for her constant commitment to the community. Her many contributions have helped bring to this town of about 8,000 people affinities normally afforded only to citizens of much larger towns.

In the past 6 years, much of Mrs. Gamble's time has been spent obtaining and refurbishing the vintage 1935 Ritz Theater for Greenville's use as a venue for the dramatic arts. Led by Mrs. Gamble and others, the community convinced the city to purchase the old movie house in order to provide a location for a local community theater. While this theater is still being repaired, it has hosted both local and regional productions since its opening in 1982.

The theater has already exposed citizens to at least four productions by the Alabama Shakespeare Festival in addition to countless other local plays. Through the efforts of Roberta Gamble and others like her, tens of thousands of dollars have been raised through grants, city funds, and individual contributions to complete the repairs. Many of the needed repairs, such as new dressing rooms and an extended stage, have already been made, but others remain. The efforts of people like Mrs. Gamble ensure that the improvements will continue to happen and that the Ritz Theater will flourish as a monument to community pride.

Roberta Gamble has nurtured a lifelong love for the theater. She left her hometown of Jacksonville, FL, to earn an undergraduate degree in drama from the University of Alabama. She began graduate studies in theater and dreamed of moving to New York to work on Broadway. Someone with a lesser devotion to drama might have let her plans for the theater die after marrying Arther Gamble and settling in Greenville, AL, but not Bobbie. She kept sight of her dream throughout the 10 years she spent as a social worker helping make life more bearable for those less fortunate than herself. Mrs. Gamble maintained contact with the theater by reading the theater section from her Sunday subscription to the New York Times. In that time, she managed to balance her work with her family, giving birth to her daughter Genie.

Mr. President, Roberta Gamble began to realize her dream of being involved in theater when she started working as a history teacher at Greenville High School. She successfully combined her teaching duties with the staging of school plays. The school was very fortunate to have someone of her ability and talents to lead and instruct the aspiring actors and actresses. She touched and influenced the lives of many students during her 27 years of service at Greenville High School before retiring in 1986. Mrs. Gamble was often ahead of her time in both her productions and in her enlightened attitude which brought the first integrated performance to Greenville. In the spring of 1971, she selected an integrated cast for "Hello, Dolly," and thus ensured that the audience would also be integrated.

Mrs. Gamble humbly denies the impact which she has had on the performing arts in Greenville, but in my judgment she has been the driving force behind the efforts to obtain both local and regional productions for this town. It is my sincere hope that many others will follow Roberta Gamble's example by devoting themselves to the advancement of their own communities.

Mr. President, I ask unanimous consent that this newspaper article describing Roberta "Bobbie" Gamble's accomplishments be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Montgomery Advertiser and Alabama Journal, June 19, 1988]

GREENVILLE 'MIRACLE' THEATER BORN OF BENEVOLENCE, SWEAT, CITY PRIDE

(By Mike Land)

GREENVILLE.—When Greenville High School history teacher Roberta "Bobbie" Gamble and student Randy Foster co-founded the "Old Gym Players" in 1970, they went out of their way to make their first project a challenge.

They decided to do a racially intergrated "Hello Dolly"—integrated in the same year the Greenville school system became fully integrated.

"Randy and I and some other students decided there were so many opportunities to do things," said Gamble. "But doors were always closed because of someone telling us we couldn't get along.

"So we decided to do it in the arts. Those of us in the arts believe it is the bridge. It gets people together who don't get along in other situations.

"Art is the great bridge," she said. "At least, it is in my life."

And if art has served as a bridge in Greenville, Gamble and others are slaving away now on its central pillar. They call it the Ritz Theatre. Built in 1935, the old movie house sat unused for almost a decade before the city bought it in 1982—bought it with the understanding that the brand new Greenville Area Arts Council would restore it for use as the community theater.

"We formed on a promise," said Gamble, head of the city's Ritz Advisory Board since 1982. "We didn't have anything to draw people into unless we had the auditorium."

And now Greenville does. The arts council and advisory board—"we're the same people; it confuses the dickens out of folks," says Gamble—have led a renovation of the 500-seat house that includes extension of the stage, the addition of dressing rooms for cast members and—the newest triumph—a $34,000 heating and cooling system.

To understand the significance of the achievement, Gamble says, one need only visit other towns with a population of about 8,000.

"What's so unusual about this theater is that its in a town this size with a group this small," she said.

"In a lot of towns like this, the old theaters are just dead. They're just sitting there."

But perhaps the best way to understand the significance of the Ritz is to make a journey not of miles but years.

Years, that is, of Gamble's life in Greenville—40 years, to be exact.

A native of Jacksonville, Fla., Gamble attended the University of Alabama in the 1940s and earned an undergraduate degree in drama. She then began graduate work in theater.

What were her plans?

"Well, they weren't to fall in love with a small-town boy," she said, laughing. "I guess I was like anyone else—I would have gone to New York and tried to make it."

But Gamble did fall in love with the small-town boy—marrying Arthur Gamble—and settled down not in the shadow of Broadway but in rather undramatic Greenville.

"The women are all from somewhere else," Gamble joked. "The men are stronger than us and they drag us here."

For 10 years, Gamble's life contained only real-life dramas. Birth of a child, daughter Genie. Planting of roots. Serving the poor. Gamble spent 10 years as a social worker.

But her dramatic interest was keen.

"I always took the Sunday New York Times for the theater section," she said "Ultimately, I knew I would be back in the theater, even in a small town."

In 1959, Gamble made her comeback. She took a job as a history teacher at Greenville High School and began staging school plays. But Gamble's "15 good years" of public and private school drama didn't really take off until the fall of 1970. That was when she hooked up with Foster—a 17-year-old so talented he "transposed the score of 'Hello Dolly,' so high school students could play it."

But the audience was a bigger concern than the scoring. Gamble chose to integrate the cast of the spring 1971 "Dolly"; the audience became the first at which blacks and whites sat side by side in a Greenville production.

"We didn't know if anybody would come," she said. "We expected 100. But we filled the place up."

As the '70s progressed, such success became more expected. "In 'Annie, Get Your Gun,' we had a black Annie," Gamble said.

"A girl who was a student of mine, Ingrid Palmer, called me the other day to tell me she was getting married. She is black. She told me how good those times were, and I said those were terrible times. She said, 'But even the bad times were good times.'"

During the '70s, a fledgling arts council was formed but later died. One problem was staging: The town had several gymnasiums, said Gamble, but nothing suitable for putting on shows in style.

Enter the Ritz. In 1981, owner Calvin Poole announced he wanted to sell the property. Greenville Mayor Pro Tempore Charles Kennedy, Carol McArthur, Pat Jenkins and Magoo Hamilton were among those who fought to have the city buy the property, Gamble said.

Even that year, with neither a theater or a functioning arts council, the future founders of GAAC gathered at the old building and began to work on the painting.

"It was just like an old Judy Garland-Mickey Rooney film," Gamble said, laughing. "A whole bunch of folks just banded together and decided they were going to turn this old movie house into a theater."

In 1982, the city purchased the Ritz for $75,000, trusting that the new GAAC would make sure it was used. Well, by the time the city officially approved the sale, local officials knew it would be used: At the time of the purchase, the season-opener—the Alabama Shakespeare Festival tour of "Romeo and Juliet"—had been booked and was only about three months away.

"It was a race against time," said McArthur, GAAC chairman since that first year.

"The theater," said Gamble, "was uninhabitable. It was the remaking of something almost gone."

Since one selling point was restoration, the council went with the '30s noveau art look in the theater. This resulted in such combinations as, in Gamble's words, the "garish" yellow, red and turquoise on the marquis.

Jenkins and Sandra Wise searched books on the period to select the appropriate colors. During the hurried repainting, the two received an unexpected vindication. "We scraped through the layers of paint that had been put on and we found that the original paint matched our color scheme," said McArthur.

Other changes were made, too. The city pitched in $63,000 worth of work before the first show, carrying out new dressing rooms under the stage, where previously there were only two rooms: one for the boiler, another with vines pushing onto the floor from outside.

The city also extended the stage forward "about nine feet," Gamble estimated.

"These are good hardwood floors," she said. "You can dance right up to the edge of the stage and not fall in."

All in all, the volunteers accomplished enough in six weeks to see ASF perform "Romeo and Juliet." It was the first of many out-of-town acts Greenville has attracted with the new theater. Since the '82 opener, ASF touring companies alone have surprise Greenville. * * *

Meanwhile, the council kept striving for more. According to Gamble, the 1940s gas heater sounded "like a locomotive" and could not be run during performances. There was no cooling system. So the council set out to raise an estimated $40,000.

Among fund-raising tools was a grant—Gamble wrote the proposal—that earned the effort an early $15,000. That gave momentum to a variety of fund-raising events, not to mention begging. Eventually, the council made $33,000 and asked the city to come up with the other $7,000. The city agreed.

"We told them, 'Look, no one ever comes to you with cash in hand, and we've raised $33,000,' " said Gamble.

"Then, when bids came in, we got one for $34,000."

Since installation, the theater has seen two GAAC productions. "We have had one heating performance and one cooling performance," joked GAAC worker Mary Ann Hamilton.

The low bid, however, didn't let the city off the hook. They city has agreed to replace the ceiling of the theater, probably this summer, well before the next season's opener: the ASF touring production of "Hamlet."

Other projects loom as well. The next major objective is new seats." The original 1935 seats remain; more than 50 years old, about half feature duck tape that holds in obstrusive springs."Before every show," says Gamble, "we put more tape on the killer seats."

But council members are already proud. They believe it says something for community pride in their city.

"It was the clincher in getting me involved in the community," said McArthur, who had moved here with her own husband in 1980 and has since directed such productions as a highly popular Eastern passion play.

"Everyone was painting, working. It was fun to work on something like that together."

Today, that nucleus remains. Steadham McGown, for instance, helps pull together fund-raising social events. Tom Payne has become the group's lighting expert.

Yet, as with most small towns, some supporters have moved on. Jenkins lives in Montgomery. So does Foster, now music director at ASF. But they are remembered.

"Two people have donated a Baldwin baby grand to us and we are going to invite native son Randy Foster to be the first person to play it next season," Gamble said.

But Gamble remains, taking advantage of her retirement in 1986 to help keep things moving. She works, she meets, she advises her often-younger colleagues on such matters as the importance of letting the city know the town's voters care.

"She's our guiding light," said Tom Braxton, who heads the theater's promotion-oriented Patron's Guild.

Braxton laughed.

"She's our godmother," he said.

Gamble defers credit.

"My role in it was that I had been working at it so long, one way or another," she said. "We had come close before. One time we thought we would get a civic auditorium, and it was killed.

"I think this is kind of a miracle."

She laughed.

"Regardless of its condition."

TRIBUTE TO DR. JOAB L. THOMAS

Mr. HEFLIN. Mr. President, I am honored to rise, today, in tribute to Dr. Joab L. Thomas who recently announced that he will step down as the president of the University of Alabama on September 1, 1988. Dr. Thomas has done a remarkable job as president of the university since his appointment 7 years ago on July 1, 1981. In my judgment, he has been one of the greatest presidents the university has ever had. During his tenure, he has provided the university administration, the faculty, the student body, and the alumni—the entire university community—with a new vision and with new dreams for what our university can be. His tenure has been one of renewal—renewed energy, renewed cooperation, and renewed spirit. His work has resulted in a promise of tremendous potential for the students of the University of Alabama and for the citizens of our State and our Nation. Each Alabamian owes Dr. Thomas a great debt for his efforts on our behalf, for he outlined the path we must follow and the goals we must accomplish in the future.

One of Dr. Thomas' primary legacies has been to encourage in an unprecedented capacity the quest for academic excellence among the faculty and by all students. Although he became president at a time when enrollment was declining, one of his first acts was to raise academic standards for incoming students. Thus, he took an important step in rebuilding the school's academic reputation. He also instituted a greater number of standard course requirements to ensure that students receive a complete education. Knowing that any school must actively seek the most qualified students, Dr. Thomas started a presidential scholars program that now provides a full academic scholarship to 150 entering freshmen. And because he knew that top students are attracted only by top professors, he established 11 endowed chairs in subjects ranging from music and creative writing to computer engineering and magnetic information technology.

The result of Dr. Thomas' efforts have been tremendous. The university has attracted more national merit and achievement scholars than ever before—63 last year alone—ranking 25th nationally among all institutions and 11th among all public institutions. Even more encouraging have been enrollment statistics. Although Dr. Thomas has actually raised the admissions standards, enrollment has steadily increased and is a record 17,000 this year.

A second goal that Dr. Thomas has fostered over the last 7 years has been to encourage a research program at the university. In this effort he has tripled external support for faculty research since 1981, and has replaced and improved the computer systems on the campus by implementing a $20 million campus modernization plan. Dr. Thomas' philosophy toward research among the faculty is that only through efforts of this type will the school attract the brightest students, enhance its reputation, and attract even more money for research.

Finally, Dr. Thomas has promoted cooperation between the university and the State's business community. He has fostered the belief that the knowledge, the expertise, and the facilities of the University of Alabama should play a role in assisting economic development in the region and State. I cannot imagine a better approach in working to help our State. In this effort he has achieved tremendous success. In 1983, Dr. Thomas took a tremendous risk by gambling $400,000 in a plan to save the General Motors Rochester parts plant in Tuscaloosa. He used this money to show how research by faculty and students could demonstrate to plant officials ways in which they could save that amount or more. After the study was completed, the company ended up saving $700,000 and the project was a success. The plant was saved, the university was repaid, and the faculty and students enjoyed the benefits of a live laboratory in production and business administration. Even more recently, in 1986, the university aided the city of Tuscaloosa in recruiting JVC America to base its headquarters in the community. Therefore, appropriately, under Dr. Thomas' guidance the university has taken an innovative role in the affairs of the community. It not only provides for educational opportunities but enhances all opportunities.

Mr. President, in many ways I cannot help regretting that Dr. Thomas will be stepping down as president of the University of Alabama to return as a professor in botany, his chosen field. Dr. Thomas has made our university a great institution of higher education. He is leaving it with a strong reputation, as a sound, balanced, and innovative school. More than anything else, Dr. Thomas has brought a new sense of hope and optimism to everyone at the university for what we can accomplish. His guidance has enabled us to look to the future with confidence that we can achieve our goals. And this hope, optimism, and confidence cannot help but spread to every area of my State.

By strengthening the university, helping to expand what if offers, and encouraging its excellence, Dr. Thomas has strengthened our communities, or State, and our Nation. Through his efforts, he has helped to insure that our tradition of democracy and individual freedom will continue. Thomas Jefferson, himself, recognized a vital link between education and democracy when he said that education "enable(s) every man to judge for himself what will secure or endanger his freedom. Without it, no republic can maintain itself in strength."

Dr. Thomas has played an instrumental role in education, and, thus, in preparing people of all ages for an enhanced role in their communities. Through his contributions, he has greatly advanced both the well-being of our State and Nation, and the hope for the future of all Americans. His career has been outstanding, and I am certain that his future achievements will continue to help countless people. I commend Dr. Thomas for his brilliant, tireless work. I feel that his life is an example of selfless service that all should follow. There is no way in which the citizens of Alabama can adequately repay him for his work—except perhaps to follow in the direction to which he has pointed and to pursue the goals he has identified.

I ask unanimous consent that the attached newspaper articles which describe the achievements and successes Dr. Joab Thomas brought to the University of Alabama and to my State be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, June 29, 1988]

THOMAS LED ACADEMIC RENAISSANCE—OBSERVERS SAY PRESIDENT'S IMPACT FELT THROUGHOUT STATE

(By Patrick Rupinski)

Joab Thomas' presidency of the University of Alabama will be remembered as a time of innovation and academic rebirth.

Thomas, who resigned yesterday after heading the university for seven years, not only improved the university but enhanced the city of Tuscaloosa and Alabama, according to those who closely followed his tenure.

"He is leaving the university in much better condition than it was when he came," said Frank Nix, a past president of the UA National Alumni Assoication.

"He improved the academic climate tremendously. But I am most impressed with the way he rallied alumni and supporters around the state. He got people working who never did much before. He got people to contribute money and time. He got people doing things that were not only good for the University of Alabama but good for the state."

In doing that, Thomas always seemed to channel his efforts toward higher academic standards.

"He had an absolute, unswerving emphasis on academic improvement," university trustee Frank Bromberg said. "He made entrance requirements tougher and he instituted a core curriculum for students that went back to the basics.

"The tougher requirements made it tougher to get in and tougher to graduate. Yet, the freshmen classes got bigger. People decided to go to Alabana because they perceive it means more to get an education there."

This fall, the university's enrollment will reach a record high of 17,000.

But Thomas also tied academics to the community. When General Motors decided to close its Rochester Product Plant in Tuscaloosa in 1983, he got the university to work to save the plant and its jobs.

"He took a high risk position by putting up $400,000 or more," said UA Faculty Senate President Don Phillips.

"He put up the money on the assumption that the university could show how the plant could save that much money."

The money financed an analysis of the plant's operation by business school faculty and graduate students.

It was agreed that if the recommendations saved money, the plant would repay the university. If the recommendations were worthless, the university would lose its investment.

"Our fall-back position was the university was buying a live laboratory in which its students could apply what they learned. If it failed, he could say the students received a valuable learning opportunity," Phillips said.

"Some of us went out there. We made a number of recommendations."

The plant achieved $700,000 in savings, the university recovered its investment, and Tuscaloosa and Alabama retained an industry.

"Thomas was very venturesome and futuristic in his approach." Phillips said.

Since then, similar arrangements have helped other state businesses, including Stockham Valve Co. in Birmingham.

The university also aided Tuscaloosa in recruiting JVC America, which located its headquarters in the university town in 1986. The firm's two manufacturing divisions now employ 350 workers.

"I think Joab Thomas has been very good for the city," said Tuscaloosa Mayor Al DuPont. "He has been invaluable in seeking new industry. He understood the needs of the city and came in here willing to help us.

"He was instrumental in leading the university and making it a total university that uses its resources to help the community and the state in innovative ways."

Bromberg recalled that Thomas once described himself as more of an innovator than an administrator.

He accomplished his goals by hiring good people, Bromberg said. "He has a knack for picking good people and retaining good people."

One of Thomas' first moves as president was restructuring the university's leadership. Most of the school's deanships were open when he came and he filled the slots quickly, setting his mark on the campus.

During his tenure, the university:

Tripled external support for faculty research, including receipt of its largest single research grant in history—a $2 million flight simulation project being conducted in the College of Engineering.

Established 11 endowed chairs in music, creative writing, broadcasting, mining engineering, computer engineering, Judaic studies, library service, law (2), geology and magnetic information technology. The chairs resulted in internationally known artists and scholars coming to the campus.

Started a Presidential Scholars program to recruit top high school students. About 150 entering freshmen receive the full scholarships each year under this program.

Increased the number of National Merit and Achievement Scholars, enrolling 63 new scholars last year.

Started a new universitywide Honors Program, which enrolled its first students in January.

Oversaw a $95 million building program, the largest in the university's history, which includes the Moody Music Building, the Paul W. Bryant Alumni/Continuing Studies Complex and the under-construction Bryant Museum, a research facility for the energy, mineral and material sciences and other renovation projects.

Implemented a $20 million campus computerization plan that includes purchase of two $5 million IBM computers that have increased 20-fold the campus' computer capability.

Initiated a successful capital campaign that netted $62 million, almost double its goal.

"He brought the school to new heights. He put it on the threshold of a new era," Bromberg said. "In finding his replacement, I think they will need to find someone who will keep that momentum going.

[From the Decatur Daily, June 28, 1988]

UA's PRESIDENT THOMAS TO RESIGN

TUSCALOOSA.—The time is right to move on to something else, said University of Alabama President Joab Thomas today as he announced his plans to resign and return to teaching.

"I have had a wonderful and exciting stay here," Thomas told the Daily.

Thomas, 55, said he is resigning to return to the classroom as a botany professor after a one-year sabbatical at North Carolina State University at Raleigh.

"I am looking forward to becoming reacquainted with the field of botany by immersing myself in research and study for a year before returning to the classroom," Thomas said.

"Botany is my chosen field and I've simply been away from it too long. The time is right, now, for me to change that."

Thomas has been president of the university for seven years. A native of Holt, near Tuscaloosa, Thomas was chancellor of North Carolina State from 1976–81 before returning to Tuscaloosa.

Thomas A. Bartlett, chancellor of the university system, said that he will recommend by the end of July an acting president for the coming year, with the recommendation to be acted upon by the system's board of trustees.

He said a search for a successor to Thomas will start in September.

Thomas called a news conference to announce his career change.

Prior to the announcement, there was little advance notice that Thomas was contemplating quitting. But some disgruntled alumni at the university, which is prominent for its football teams and athletic program, had been openly unhappy with the way Thomas picked Bill Curry to be the football coach and Steve Sloan as athletic director.

Thomas' critics complained that he went outside the late Paul "Bear" Bryant's football family to pick Curry, who played for Georgia Tech, and did not adequately consult with key Bryant associates in making the change in late 1986. Thomas said he received some death threats from people angry with his action.

But there was no mention of the football coach selection episode in his prepared statement today.

Decatur Attorney John A. Caddell, a trustee emeritus for the university, said he was contacted by the chancellor's office Monday with the news.

"I think he has done a really outstanding service to the university in the programs he's initiated and the progress he's made toward improving the position of the university to a prestigious academic institution," Caddell said.

"I believe the things that make a university great are the quality of faculty and the quality of students," he said. "The programs he has instituted have improved both areas of the university.

"I hate for him to leave because he's been a really great leader for the university. I think he's accomplished a great deal in his term and that he's entitled to a sabbatical," Caddell said.

"I heard he was thinking about going on sabbatical and then resigning," said state Sen. Ryan deGraffenried, D-Tuscaloosa. "This is not the first I've heard of it. I heard about it several months ago and I'm not surprised. I am shocked."

DeGraffenried said, as far as he knew, Thomas was under no pressure from the board to resign.

Thomas, who held faculty and administrative positions at the university from 1961 to 1975, became the school's 26th president in July 1981 after a six-year absence during which he served as chancellor of North Carolina State University.

Thomas replaced Dr. David Mathews who resigned under faculty pressure after holding the job for 10 years.

A Harvard University graduate, Thomas joined the University of Alabama faculty in 1961 to teach biology.

He stayed at the university until 1975, working in a variety of positions, including assistant dean of the College of Arts and Sciences, dean for Student Development, dean for Student Affairs and vice president for Student Affairs.

[From the Birmingham Post-Herald, June 30, 1988]

TOUGH ACT TO FOLLOW

It would be easy to read too much into the surprise decision of Joab Thomas to step down from the presidency of the University of Alabama after seven years. He is not very popular with that segment of university supporters who think the institution's mission begins and ends on the football field.

But the possibility that Dr. Thomas was forced out because he dared to ignore the conventional wisdom of some of the more vocal supporters of Crimson Tide football doesn't hold up under closer scrutiny. It doesn't fit either his character or his future plans.

Thomas is a man of conviction, willing to take calculated risks in pursuit of his goals. He doesn't back down from controversy when it comes his way and he is convinced he is right.

In the case of the university, his goals were to rebuild the school's academic reputation and to make it a major player in the economic development of Tuscaloosa and Alabama. He has succeeded on both counts.

Under Thomas, the university has toughened its academic requirements for admission and graduation—and increased enrollment at the same time. The university's financial base has been improved.

With the university playing the lead role. Tuscaloosa has saved a General Motors plant that the automaker had planned to close. Other companies in the state have turned to the university for similar help in achieving savings in their operations. A Japanese firm, JVC America, located in Tuscaloosa because of university support.

With his record at Alabama, Thomas could almost name his price to move into an administrative position elsewhere. If he truly felt that he were under undue pressure from football interests, that would be a logical path to follow. But that is not what he intends to do.

Instead, following the pattern of two other recent presidents in the University of Alabma System, he plans to return to teaching at the school he now presides over. This desire to return to the classroom may even help explain why he has been such an effective university president. He never forgot that an administrator's role is one of support. Administrators can and should create the proper conditions but teachers do the actual work of education.

Joab Thomas will be a tough man to replace. Few individual are capable of doing all that he has done for the University of Alabama. But the next president will have the advantage of building on the strong foundation that he has created in the past seven years.

[From the Birmingham News, June 28, 1988]

JOAB THOMAS BOWING OUT AS UA PRESIDENT

(By Steve Visser)

TUSCALOOSA.—Joab Thomas—who many say rejuvenated the University of Alabama—was to announce today that he will step down as president Sept. 1.

"President Thomas' seven years will go down as a decisive era in the history of the University," said Thamos Bartlett, chancellor of the University of Alabama System.

Thomas, 55, plans to re-establish his roots in his field of botany during a year sabbatical at North Carolina State University where he was chancellor from 1976-81 before becoming the 26th president of UA.

The native of Holt said he plans to return to UA to teach biology in 1989. Thomas first taught at the University in 1961 before climbing the administrative ladder.

"I am very proud of what the University has accomplished in the past seven years," said the Harvard alumnus in a prepared statement. "Botany is my chosen field, and I have simply been away from it too long."

Bartlett, said he will recommend an acting president to be board of trustees by July 31. A national search for a successor will begin in September, he said.

Thomas set three main goals when he returned to Tuscaloosa in 1981: make UA a major research school, upgrade academic standards, and use University experts and research to boost Alabama's economy.

Thomas guided the University out of some turbulent years, Bartlett said.

"Under President Thomas' leadership, the University of Alabama first stabilized itself, then began an era of unparalleled change and growth in quality and facilities," Barlett said.

Faculty and staff morale was entering the 1980s at a new low after five presidents in 10 years, according to news reports. Particularly sour relations erupted between the faculty and Thomas' predecessor, David Mathews.

Indeed, some faculty protested that Thomas was chosen by the board of trustees without good-faith consultations with them concerning the choice for president.

But Thomas' performance soon soothed any bitterness.

Lane Rawlins, vice chancellor for academic affairs of the university system, credits Thomas with bolstering the University's academic reputation and putting it on the path to becoming a strong research institution.

"Before we had a reputation for a good football team," Rawlins said after the June trustees meeting. "We were seen as kind of a playpen university."

Thomas, however, has groused in the past that he wasn't getting the freedom and support necessary to build a first-rate institution—and once considered taking a job as chancellor of the University of Georgia in 1984.

At the time, he accused the Legislature of penny-pinching when it came to education. He has constantly preached that the University needs more money if it is to grow academically.

Accomplishments during Thomas' tenure include:

Money for faculty research. It has tripled since 1981.

Eleven endowed chairs. They were established to bring exceptional professors to campus.

A Presidential Scholars program. Begun by Thomas in 1981, it recruits about 150 top students to UA each year.

National Merit and Achievement Scholars. Last year, UA enrolled 63 such scholars, more than ever before. The University ranked 25th nationally among all institutions and 11th among all public institutions.

Raised admission standards. Standards were raised for admission, and enrollement has increased to a record 17,000 this coming fall.

Required courses. More required courses were mandated in 1983 to ensure students got a well-rounded education and the University started an Honors Program last January for the academically talented.

A $95-million building program. The largest in UA's history, it is nearing completion. A successful capital campaign netted almost double its goals with a $63 million total.

Rochester Products Plant. International publicity followed UA's help in saving the local General Motors automotive parts plant from closing in 1983 through applied research.

JVC America. UA helped bring the Japanese electronics manufacturer to Tuscaloosa in 1986. The two plants employ 350 Alabamians.

TRIBUTE TO BYRON CAUSEY

Mr. HEFLIN. Mr. President, it is my honor to rise today, in tribute to my friend, Byron Causey, of Fleahop, AL, who recently stepped down as the president of Alexander City State Junior College after serving in that position since the school was founded in 1965. More so than anyone else, Byron Causey has made the Alexander City Junior College what it is today. Without his efforts, I very seriously doubt if the college would have reached the point where it stands today or helped as many students earn an education and improve themselves, and their position in life. For all of his efforts, I know that Byron is admired and respected by so many whose lives he has touched. I wish to take this opportunity to commend Byron Causey for his efforts on behalf of the citizens of Alabama and for his service in the field of education in our State.

Byron Causey has always distinguished himself in the field of education. Before he was appointed by Gov. George Wallace as president of Alexander City Junior College he served as principal of Benjamin Russell High School in Alexander City. After Wallace was elected as Governor in 1962, he had a plan to improve the educational opportunities available to people in rural areas of our State by instituting a system of junior colleges that would supplement the existing system of higher education and enable those who wanted to learn, but could not afford the expense or did not have the opportunity to enroll in a full time 4-year college the opportunity to take classes and enrich their minds.

Byron Causey recognized the merits of such a dream, and worked with the Governor to make that dream a reality. He was instrumental in convincing the State legislature to accept Governor Wallace's plan. For his efforts, Wallace chose Byron to head Alexander City Junior College.

Although college appointments are no longer made in exchange for political activities, I can think of no better choice that Governor Wallace could have made to head the college than Byron Causey—as the President has amply demonstrated in the 23 years since his appointment. Throughout his tenure, Byron Causey has worked to improve the college and to make it more responsive to the needs of the students, the community, and the State. He has been a real innovator and his accomplishments stand as an example to college administrators throughout the country.

In addition to the excellent classes and educational opportunities the college offers in the basic subjects, Byron Causey has instituted various other programs. Among these are a prison education program that offers classes to male and female inmates so that these individuals can improve themselves while paying for their mistakes. Instead of merely biding the time until their release, these inmates have the opportunity to become better educated and will, therefore, be more productive when they are accepted back into society.

Byron also began and has fostered a successful relationship with the local business community. This productive exchange is well represented by the cooperation between the college and the Russell Corp. The Russell Corp., provided land for the school and in turn the college offers Russell employees courses in a management program. In this way, the college works together with business to make the community and the State stronger economically and more prosperous for all our citizens.

Finally, Byron has worked to promote student activities at the college that enhance the educations the students receive and bring distinction to the college, as well. One of the activities I am sure he must be most proud of is the golf team that he started, which has never finished lower than 12th in the Nation in intercollegiate competition.

In spite of all of these accomplishments, I feel certain that Byron Causey will be best remembered by the students and faculty of the college for his caring, friendly nature and his hands-on approach to college administration. He is one of a rare breed of college administrators who shows a genuine concern for the advancement, success, and happiness of each of his students. Through his concern and his care, Byron Causey has determined to a great extent the unique atmosphere that Alexander City State Junior College enjoys and the future promise it holds as an excellent learning institution.

Byron Causey should be proud of his outstanding record of achievement and of the many outstanding programs he has instigated at the college. People of his caliber and ability are often far too rare in education, and I hope that his superior record of service inspires many to follow his example by devoting their energies as he did to the building of minds through public education. Byron Causey's retirement signals the end of an era in Alabama education. He is the last of the Wallace appointees to retire. Yet future presidents have a tremendous foundation of accomplishments upon which to build for the betterment of the citizens of Alabama.

Mr. President, I ask unanimous consent that the enclosed newspaper article which describes Byron Causey's outstanding achievements be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, July 6, 1988]

LAST WALLACE APPOINTEE QUITS COLLEGE POST

ALEXANDER CITY.—Byron Causey, the last of George Wallace's hand-picked junior college presidents to retire, said he was surprised that 93 people applied for his job at Alexander City State Junior College.

"I knew it was a good job, but I didn't know it was quite that good," said the 60-year-old Causey, who stepped down June 30.

Causey became president of the two-year school when it opened in 1965 as part of a burgeoning junior college and technical school system fostered by then-Gov. Wallace.

State Junior College Chancellor Fred Gainous has chosen James Cornell, the president of Nunnelley State Technical College to replace Causey.

Causey, a native of Fleahop, was principal of Benjamin Russell High School in Alexander City in 1963 when he helped Wallace sell the Legislature on the idea of a network of two-year colleges. In return, Wallace promised to name him president of the college.

Presidential selection based on political payoffs is no longer tolerated. Applicants now are screened by a committee, with the chancellor making the final selection.

Alexander City employees and students say they will miss the school's first president.

"We always feel that he cares about you personally," said Anne Barkley, who works for student services at the college.

Causey says he maintained a simple philosophy about staying in contact with his students.

"If a president is too busy to talk with students, he's too busy to be president," said Causey.

Part-time student David McDaniel describes Causey as "just an all around good guy."

Looking back on his career, Causey said his proudest accomplishments are:

Starting a prison education program that offers courses to male and female inmates and helps them become productive citizens.

Beginning a golf team that has never finished lower than 12th in the nation.

Building a relationship with the Russell Corp. In Alexander City that began with the company giving land for the school and continues today with the junior college offering a management program for Russell employees.

Causey said the low point in his career came in 1983, when the school's enrollment dropped from 1,400 to 1,200 and he had to eliminate 19 faculty and staff positions.

"That was the hardest thing," he said. "I get to love all these people. It just tears me up."

Causey's decision to retire came after his 35-year-old son, William Davis Causey, died of a heart attack last year. Causey and his wife, Peggy Ann, decided they wanted to spend more time with their three grandchildren and each other.

TRIBUTE TO JUDGE STEPHEN B. COLEMAN

Mr. HEFLIN. Mr. President, it is with tremendous honor that I rise today in tribute to Judge Stephen B. Coleman, of Birmingham, AL, who has served as a bankruptcy judge for the northern district of Alabama for over 50 years. I can think of no one who has done more to influence and shape this important area of the law. The example he has set through his expertise, his professionalism, his work ethic, and his demeanor has set the standard in my region of the country, if not throughout the United States. He is known, admired, respected, and loved by friends and acquaintances throughout the Nation in all circles. The people of Alabama and America should be truly thankful for his efforts. This field would certainly not be what it is today were it not for his work.

After such extended service, during which he has administered over 75,000 cases, Judge Coleman has recently announced his intention of stepping down from the Federal bankruptcy bench at the age of 85. In a letter to me he described his thoughts at the twilight of his career, stating that he felt "like an old warrior who has witnessed many battles." However, he is not so battle weary as to stop contributing his observations of problems which exist and adding suggestions of how the system can be improved.

It is rare, Mr. President, that the citizens of our country are blessed with the care and efforts of such a dedicated public servant. Yet, were it not for such efforts, our freedoms and liberties would not exist. I commend Judge Coleman for his efforts, and I hold him up as a standard to which all Americans should aspire. In closing, I challenge the young people of today to follow the path which Judge Coleman has blazed. It may seem rough, and untraveled, but it will have reward beyond imagination.

DR. YVONNE KENNEDY ELECTED AS 19TH NATIONAL PRESIDENT OF DELTA SIGMA THETA SORORITY, INC.

Mr. HEFLIN. Mr. President, on July 13, 1988, Dr. Yvonne Kennedy, an Alabama State representative of Mobile, AL, was elected as the 19th national president of Delta Sigma Theta Sorority, Inc. The election was held at the sorority's 75th Diamond Jubilee Convention in San Francisco, CA. It is my understanding that more than 10,000 members of the sorority, along with their families and friends, participated in this event.

Mr. President, Dr. Kennedy was elected to lead America's largest black female professional organization. According to the latest figures released at the convention, this public service sorority now boasts a membership of 175,000 college-educated women. It is a public service sorority, which seeks to encourage achievement in cultural, educational, and public service activities through five program focus areas:

First. Educational development—creating meaningful educational programs for children.

Second. Economic development—building power for urban change by mobilizing the community.

Third. Community and international involvement—joining hands with local, national, and international organizations for the improvement of human life.

Fourth. Housing and urban development—continuing interest in low-income housing.

Fifth. Mental health—developing programs and projects to better the mental health of an individual and a Nation.

As Delta's immediate past national first vice president, Dr. Kennedy has an impressive track record of outstanding accomplishments and professional service in her sorority. She has served as chairperson of its National Scholarship and Standards Committee, director of its southern region, and local president of the Mobile, AL Alumnae Chapter.

Dr. Kennedy is currently serving her third term in the Alabama House of Representatives. She represents the State's 103d District (Mobile). She is also the immediate past chair of the Alabama Black Legislative Caucus.

Dr. Kennedy wears still a third hat. She is president of Sanford D. Bishop State Junior College in Mobile, AL, and has served in that capacity since September 1981. Among her many accomplishments as chief executive officer there, she spearheaded the college's first-ever capital campaign, (also the first for any Alabama public junior college) exceeding the goal of $1 million, and led the college in the establishment of an endowment and foundation. From April 1976, to September 1981, she served as the title III coordinator at the same institution.

Mr. President, Dr. Kennedy holds a Ph.D. degree in administration and higher education from the University of Alabama and an honorary doctorate degree from Lane College (Jackson, TN). She holds a master of arts degree from Morgan State University (Baltimore, MD) and a bachelor of science degree from Alabama State University. She has also done advanced study at Columbia University (New York).

Her professional, civic, educational, and religious affiliations are too numerous to list at this time. However, I wish to note that she sits on the board of the Mobile Area Chamber of Commerce, Mobile chapter of the American Red Cross and the First Southern Federal Savings and Loan Association. She is also a member of the advisory board of the Salvation Army, of the board of the Mobile Opera Guild and a trustee of Miles College in Birmingham.

In Mobile, she has been a lifelong, active member of the Steward Memorial C.M.E. Church. She serves in many capacities there, including church school teacher and director, the Board of Christian Education.

Mr. President, this 43-year-old national leader has many tremendous challenges ahead of her. Among them is the awesome responsibility of polishing and grooming some of American's brightest and distinguished leaders on college campuses. As she continues to chart a course for this outstanding public service sorority, I pledge to her my public support.

Mr. President, I congratulate Dr. Kennedy on her most recent prestigious election. The State of Alabama is extremely proud of her. So, too, are her family, friends, and all who know her well.

IN HONOR OF ROBERT C. BYRD

Mr. BAUCUS. Mr. President, I wish to take this time to express my deep admiration and thanks to our distinguished majority leader for his years of service to this body and for his leadership of our Nation. Although he's stepping down as majority leader, I am pleased that he plans to remain in the Senate and contribute to its work.

The U.S. Senate is one of the most important institutions in our country. It is unique among the institutions of the world. Here the will of a great Nation is expressed—in war, in peace, in good times, and in bad. Leading this institution is not an easy task, for the Senate is as complex and diverse a body as are the people and Nation it serves.

It is the task of the majority leader to carry out the creed of our Founding Fathers etched into the walls of this historic chamber: "E Pluribus Unun"—from many, one. Forging consensus out of controversy and achievement out of acrimony requires extraordinary skill. It is a role I do not envy, for few could fill it with the distinction and aplomb of ROBERT BYRD.

His work has truly been a labor of love—he loves this body, its traditions, its rules, its capacity to serve the people. And he has worked to preserve the essence of the Senate in the face of modern pressures. We live in a complex world hungry for simple solutions. Senator BYRD understands this, but he has maintained the Senate's tradition of placing deliberation above dogma.

This is not to say the majority leader is buried in the dust of history. He correctly read the contemporary political landscape and answered the call of the people for more open government. He presided over the introduction of television cameras to the Senate, the primary communications medium of our day. He did this not to further his own political agenda, but to bring the Senate closer to the people.

Senator BYRD brought the convenience of television to the Senate but has refused to mold the Senate for the convenience of television. He has maintained a perspective of what this institution is and defended the basic principles upon which the Senate was founded.

We are fortunate that the distinguished gentleman plans to continue to serve in the Senate. The Senate is not losing a majority leader. It is gaining a sage schooled by experience, to whom a new generation of leaders can turn. He will be a valuable resource to this body and the country in the years ahead.

Fourteen years ago Senator BYRD described Montana's most famous son and former leader of the Senate, Mike Mansfield, as "an American gentleman." I believe ROBERT BYRD is "an American gentleman" in every sense of the title. He has served this Nation with distinction and the Senate with profound dedication. Because of his good work, America moved one step closer toward "a more perfect Union."

I look forward to working beside Senator Byrd as we help the next majority leader prepare the Senate for the challenges of the next century.

TRIBUTE TO ROBERT BYRD

Mr. SASSER. Mr. President, I rise today to join my colleagues—on both sides of the aisle—in paying tribute to a man who has become a symbol of this great institution.

Mr. President, at the end of this Congress, Robert C. Byrd will retire from the majority leadership. That retirement will mark the end of an era for this body, an era marked by the unique character of this man who rose from humble beginnings in West Virginia to walk on an equal footing with heads of state from all over the world.

I do not believe it is too much to say that Robert Byrd has lived the American dream, and has made that dream a reality through diligence, an attention to detail and a commitment to honesty that are unstinting and unwavering.

Raised by his aunt and uncle in West Virginia, Robert Byrd graduated first in his high school class. In the depths of the depression, college was out of reach for many young people. And Bob Byrd took the only road available to him—hard work.

As a gas station attendant, a grocery store clerk, a ship welder, and a butcher, he earned his wages and learned his many trades. While saving for college, he developed that lasting identification with the working men and women of this country that has guided his career ever since.

Through college, through night law school, through his early career in the West Virginia State Legislature, he relied on the same qualities—perseverance, diligence, an uncompromising attention to detail.

Mr. President, I only recite those various stages of Robert Byrd's young life because they explain so much about his achievement.

It may be a cliche to talk about someone who's pulled himself up by his bootstraps, but in Robert Byrd's case the old Horatio Alger story is a myth come to life. And the result of all that persistence, all that labor, all that commitment, has been a career in public service that has left a clear and permanent stamp on the U.S. Senate.

Mr. President, the Senate, under Robert Byrd's leadership, is an institution that has concentrated single mindedly on the business of the American people. It is an institution that reflects Robert Byrd's commitment to honesty, decency, and the rule of law.

I think all of my colleagues will agree with that. And I think history will confirm that there has never been a majority leader of this body whose knowledge of the rules is so thorough, whose grasp of parliamentary procedure is so sure, and whose understanding of the nuances and protocol of this institution is so complete.

Through years of intense study Robert Byrd has made himself an authority on the history of the legislative process and an authority on the history of the Congress as an institution. That expertise, refined through decades of practice, has made him a true master of the legislative art.

Now skill in the esoteric art of legislative procedure isn't exactly the stuff headlines are made of. It isn't the kind of thing that's first in the minds of Robert Byrd's constituents back in West Virginia.

It is, however, a skill that has helped keep this body functioning during difficult and contentious times.

Robert Byrd is truly a man of the Senate.

But no matter how much energy and how much effort he has had to expend in keeping this institution moving, he has never forgotten where he comes from. He has never forgotten the people of West Virginia—who have returned him to his seat in the Senate with overwhelming margins in all of his campaigns since 1956.

Mr. President, I think every one of my colleagues knows that in serving in the U.S. Senate with Robert Byrd, we have had the privilege of serving with a truly remarkable individual.

The leader is fond, I know, of quoting poetry, and I can think of one particular set of lines that is especially apt. Rudyard Kipling once defined a "man" as one who "can walk with crowds and keep his virtue and talk with kings nor lose the common touch."

Robert Byrd is truly that kind of man. And the U.S. Senate will deeply miss his leadership.

Thank you.

SENATOR ROBERT C. BYRD

Mr. GLENN. Mr. President, I rise today to thank the Honorable Robert C. Byrd of West Virginia for his dedicated service to the Nation as he relinquishes his position as majority leader of the U.S. Senate.

Senator Byrd and I grew up about 160 miles across the Ohio River from each other and though we have taken different paths, we have served together for 14 years in the Senate. For the past 12 years he has been my leader and the leader of my party. For 6 of those years he has served as the majority leader.

I look back and recall the many battles, triumphs, and failures that we have shared over the course of three administrations: arms control, Watergate reforms, Central America, the energy crisis, terrorism and hostages, economics, trade, armed intervention in Lebanon, Grenada, and the Persian Gulf. Senator Byrd's legislative experiences and memories, of course, go far beyond my own, but clearly in terms of national policy Senator Byrd's leadership and influence have been felt for more than a generation.

Others have recalled his many accomplishments and the list is indeed long, but beyond the accomplishments I remember the leadership, the constant attention to detail, and the consistent commitment to the U.S. Senate. The Senator from West Virginia maintains a perspective above the contentious issues of the day and reminds us of the unique role that the Senate must play in our representative system of Government. At times that perspective has been delivered through his lessons on Senate history and at other times it comes at critical points in debate. In all cases, he has reminded us of the responsibilities we have been chosen to discharge.

Mr. President, the 100th Congress will truly be an end of an era. Robert C. Byrd of West Virginia will no longer begin and end the day's work as majority leader. We are, however, fortunate that he will still serve in the Senate and will attend to new duties. West Virginia and the Nation will continue to benefit from his service.

Annie and I extend to Erma and Robert C. Byrd our best wishes as a new chapter in their lives begins.

FOOD STAMP CORRUPTION IS NOT "PURPORTED"—IT'S REAL AND IT'S ENORMOUS

Mr. HELMS. Mr. President, law enforcement officers in North Carolina last week arrested 51 people on felony food stamp fraud charges. These arrests were the result of a 15-month undercover operation by the Inspector General of the U.S. Department of Agriculture. This probe uncovered rampant fraud in the Food Stamp Program, nearly $127,000 in the Charlotte area alone.

For many years, I have strongly supported efforts to streamline and cleanup our Federal welfare programs. If conducted nationwide, such efforts would result in savings of hundreds of millions of dollars—and in the process would help get this assistance to the truly needy.

But instead of admitting that fraud and abuse of these programs exist, Congress has simply thrown more money at the problem in the hope that the problem would go away—which it never will unless and until the corruption is exposed.

Recently the Washington Post referred to me as "a longtime critic of purported food stamp abuses." There is nothing "purported" about the abuses, and the Washington Post knows it.

As a matter of fact, not long before this item appeared in the Washington Post, that same newspaper had reported on the fraud in the Food Stamp Program.

Let me cite a few examples of the fraud that has taken place; then Senators can decide for themselves whether or not these are "purported" abuses.

In North Carolina, undercover agents purchased drugs—including approximately 1 kilo of cocaine for $50,000—using food stamps. The agents used food stamps to obtain stolen property, television sets, clothing, an automobile, firearms, and cash. In addition, agents used food stamps to rent hotel rooms and place bets in illegal lottery games. In April in Missouri, a similar operation netted almost identical results: food stamps exchanged for weapons, cash, sawed-off shotguns, narcotics, liquor, and prescription for drugs. In New York, more than $500,000 worth of food stamps were purchased at 60 cents for each dollar of food stamp face-value.

So, Mr. President, food stamp corruption is not just purported—it is real and it is enormous. And these are only a few of the examples of documented abuse within the Food Stamp Program. Similar activities have been uncovered in the WIC Program, the Temporary Emergency Food Assistance Program, and virtually every other Federal welfare program.

In the days ahead, I hope my colleagues will be cautious when they are told that the needy are suffering "because not enough money is being spent on Federal welfare programs." The problem with Federal welfare programs is that Congress is reluctant to go in and fix them. By eliminating waste and fraud in these programs, the taxpayers would not only be saved billions of dollars. We would be taking a giant step toward getting our precious tax dollars to the truly needy of this Nation.

Mr. President, I ask unanimous consent that a news release from the USDA and a news article from the Greensboro Daily News of August 5 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Fifty-Five Arrested for Food Stamp Fraud in North Carolina

Charlotte, N.C., Aug. 4—Fifty-one North Carolina residents were arrested today on felony food stamp trafficking charges, according to U.S. Department of Agriculture Inspector General Robert W. Beuley. Beuley said four other residents were arrested Tuesday, Aug. 2, after allegedly selling undercover agents approximately one kilo of cocaine for $50,000 in food stamps.

The arrests were part of Operation STIC (Stop food stamp Trafficking In Charlotte), a 15-month food stamp trafficking investigation. During this investigation, undercover agents exchanged $126,945 in food stamps for drugs, stolen property, television sets, VCR's, firearms, clothing, and automobile and $22,945 in cash. The agents also used food stamps to rent rooms at two motels and to place bets in illegal lottery games.

Today's arrests were based on sealed indictments returned on July 25 and Aug. 2 by federal grant juries in Charlotte and Greensboro. Those indicted include the owners of employees of sixteen retail grocery stores authorized by USDA to participate in the food stamp program, owners and employees of bars, a used car lot, a motel, a beauty shop, a South Carolina base textile company, and individuals dealing in illegal drugs.

The maximum sentence for illegally acquiring $100 or more in food stamps is five years in jail and a $250,000 fine. Some of those arrested were also charged with possession of a controlled substance, which carries a maximum jail penalty of 15 years and a $250,000 fine.

Beuley stated that Operation STIC was a joint investigation by the Charlotte Police Department, the Mecklenburg County Police Department, and his office. The U.S. Attorney's offices in Charlotte and Greensboro are prosecuting.

Agents Begin Rounding up 65 Suspected in Food-Stamp Fraud

Charlotte (AP).—Law enforcement officers Thursday began arresting 65 people as a result of a 14-month undercover operation into the illegal trafficking of nearly $127,000 worth of food stamps at 10 Charlotte-area grocery stores.

Most of the suspects were in custody by early Thursday afternoon.

Some were charged in federal indictments with exchanging drugs and guns for food stamps, U.S. Attorney Thomas Ashcraft said. Thirteen were charged with drug crimes.

"The investigation revealed that food stamps have become virtual second currency in Charlotte," Ashcraft said. "They are used to purchase cash, cocaine, marijuana, cars, televisions, VCRs, telephones, guns, clothing and other items.

"Food stamps have also been used for illegal gambling and to pay for hotel rooms."

The arrests were announced at a news conference attended by local state and federal officials, including Robert W. Beuley, inspector general of the U.S. Department of Agriculture, which runs the federal food stamp program.

"This is the kind of abuse that undermines the goal of the food stamp program, which is to provide nutritious food to the needy," Beuley said.

Beuley described the investigation as one of the largest his agency had ever been involved in.

While most of the 65 suspects live in the Charlotte area, some were from Gastonia, Huntersville and Shelby.

In addition to those 65, two Salisbury men—Cherokee Stegall Miller and Billy Finscher McSwaim Jr.—were indicted by a federal grand jury in Winston-Salem.

McSwaim was charged with buying food stamps worth $675 for $335.50 cash. Miller was charged with buying $350 in food stamps for $175 cash.

Both men worked at the Paper Poke food store in Salisbury, said Bob Edmunds, U.S. Attorney for the Middle District in Greensboro.

The investigation was dubbed Operation STIC for Stop Trafficking in Charlotte. It was launched in May 1987 after Beuley's office received a number of citizen complaints about illegal food stamp trafficking in Charlotte.

BICENTENNIAL MINUTE

August 6, 1861: Legalizing Wartime Acts of the President

Mr. DOLE. Mr. President, 127 years ago this week, on August 6, 1861, the Senate and House completed action to legalize the acts President Abraham Lincoln had undertaken during the early months of the Civil War.

Why, we might ask, did Congress have to act retroactively to endorse and make legal the President's actions? The answer is that during the 19th century, Congress generally only met for a few months each year. As was the general practice, the old Congress had ended on March 4, 1861, and the new Congress was not due to meet until the first Monday in December.

As the North and South moved inexorably toward civil war during the spring of 1861, President Lincoln might have called the Congress into session at any time, but he preferred the freedom of action that the congressional adjournment provided.

Even after the bombardment of Fort Sumter, when President Jefferson Davis called the Confederate Congress into session, Lincoln relied upon his authority as Commander in Chief to issue Executive orders that expanded the Army and Navy beyond the numbers authorized by law.

He suspended habeas corpus in border States—especially in nearby Maryland—where Confederate sympathies ran high. He blockaded Southern ports, issued a call for 3-year volunteers, and spent Federal money for military supplies without congressional approval or appropriation.

Lincoln called Congress back into special session on July 4, 1861, by which time his initial wartime actions were already accomplished facts. Since the Republican Party had won majorities in both Houses, he was confident that they would support his bold moves. And although two-thirds of the Democrats and border State Union Party members abstained from voting, the Congress approved his executive actions "as if they had been done under the previous express authority" of Congress.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, the Senate, at 11:20 a.m., recessed until 11:40 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Shelby].

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAGAN POLICY PAYS OFF—AGAIN AND AGAIN

Mr. DOLE. Mr. President, within the past 24 hours, we have had more evidence that the Reagan-Bush foreign policy pays off—for America, and for peace.

All Americans will welcome the announcement that Iran and Iraq have accepted the U.N.-sponsored cease-fire; and that another step forward has been taken to achieve a negotiated settlement in Angola. Both these vicious wars have gone on far too long, at far too great a cost in human life.

Though these new breakthroughs involve wars thousands of miles apart, they demonstrate this common lesson: That the Reagan-Bush foreign policy has been right all along.

When we stand up to our adversaries; when we stand firm at the bargaining table; when we stand on the side of freedom—it pays off, for America, and for peace.

It happened in Geneva and Moscow; and the result was the INF Treaty—the first real nuclear arms reduction agreement in history.

It happened in Grenada; and the result was the rescue of that small nation from the clutches of Castro's imperialism.

It happened in Afghanistan; and the result is the withdrawal of Soviet forces, and at least some hope that independence and freedom can be restored to that troubled land.

And now it is happening again. It is happening in the Persian Gulf, because we stood firm in the face of Iran attacks and bluffs; because we stood firm on the side of our allies and friends; because we rejected the efforts of some here at home, to pull the plug on our commitment through politically inspired applications of the War Powers Resolution.

It is happening in Angola because we have insisted that any settlement must be real, not cosmetic; that it must involve the total withdrawal of all Cuban troops. And because we have stood side-by-side with the UNITA freedom fighters.

It seems to me the lesson is clear: The Reagan-Bush policy works; all we have to do is let it work.

It seems to me, as well, that the lesson has great relevance for the other major issue we are grappling with now, here in the Senate.

Today we will make one last effort to forge a bipartisan consensus on our policy in Nicaragua. I know the majority leader is sincere about his desire to do that; I am equally determined to give it our best shot. It is the way we ought to go, if we can.

But I hope that all of us involved in the discussions over this issue will think again about the events of the past 24 hours, and the past 12 months—the events of Geneva and Moscow; of Afghanistan and Angola; of Grenada and the gulf.

There is a lesson there for our discussions in the Senate, and for our policy in Nicaragua.

It is a lesson that we must heed.

If anyone needs proof of the lesson, it is right there. In one day, two cease-fires announced, thousands of miles apart. But partly they were announced because of President Reagan's foreign policy: his policy in the Persian Gulf, his calling on Iran and Iraq to join in the cease-fire; and the same can be said in Angola, Namibia, and South Africa.

Again, it is foreign policy at work. It is working in Afghanistan. It can work in Nicaragua.

Right now, Ortega is consorting somewhere with Noriega. Three weeks ago, Ortega locked up all the political prisoners, shut down the newspaper and the radio.

It seems to me that the lesson should be clear. We should support those who are fighting for freedom in that country.

As I have said, we have had demonstrations all over the globe of what happens when you stand up for freedom, when you do not duck and run.

I hope we can continue the efforts of President Reagan as we pursue some agreement on Nicaragua, some agreement on Contra aid, some agreement that will have Mr. Ortega understand that Republicans and Democrats alike are fed up with his antics and with his actions in that country, where he has impoverished the people, taken away their liberty, taken away their freedom, taken away their radio, taken away their newspaper, locked up anyone who was in opposition.

It seems to me that the time has come for us to send a strong, strong, bipartisan message.

I hope that, working with the majority leader, sometime today we can make an agreement. If we cannot make an agreement, he will offer his amendment and, hopefully, I will get to offer mine, and we will see what happens.

RECESS

Mr. DOLE. Mr. President, at the request of the majority leader, I ask unanimous consent that the Senate stand in recess until 12:30 p.m.

There being no objection, at 11:51 a.m., the Senate recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERRY].

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be continued for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

ROBERT C. BYRD, MAJORITY LEADER, U.S. SENATE

Mr. REID. Mr. President, as a young law student in the early 1960's, I worked in the Capitol as a Capitol policeman.

In those days, many things were different from the way they are today. For one thing, there was not as much office space on Capitol Hill as there is today. And for another, Congressmen did not need the technology and sophisticated systems needed to meet their constituents' needs that we have today.

We were a youthful country, having yet to experience the pain of assassinations of our leaders, a drawn-out, unwinnable war, and the deterioration of our environment.

Yet, with all those changes, we still see the consistency of life in many things that surround us. This beautiful building in which we meet, this Capitol Building, is as beautiful today as it was in the early 1960's when I went to school. We see our Constitution remaining strong. And we see Senator ROBERT BYRD, of West Virginia, a Senator's Senator. An admirer of the institution of the Senate, who as majority leader has actually personified the U.S. Senate.

Nearly 3 years ago, on the day of my first visit with him as a potential candidate for the U.S. Senate from Nevada, Senator BYRD did not say anything for a period of time. He looked at me. I guess he was sizing me up, appraising me, checking in his own mind my fitness for the institution that he cares so much about.

During the long campaign when I was running for the U.S. Senate, Senator BYRD kept in close touch with me. I can remember once when I was touring a plastic manufacturing plant, in a place called Yerington, NV, one of the secretaries came to me, excited, saying, "Senator BYRD from West Virginia wants to speak to you." I went and spoke to him. He asked me if I needed some help. I said I did. He provided that help.

These past approximately 2 years that I have served in the U.S. Senate as a member of the Appropriations Committee, Senator BYRD has given me a chance on the Interior Subcommittee to do things that a freshman member ordinarily would not have the opportunity to do.

I have chaired numerous hearings for him when his leadership duties kept him from the committee. This gave me a unique view of Government agencies for which I will always be appreciative.

I look forward to working closely with Senator BYRD next year when he assumes chairmanship of the full committee.

Mr. President, history buffs like me appreciate the insight and reflection of history books on the great leaders of our time. History books reflect well on such great Senate leaders as Daniel Webster, John Quincy Adams, Henry Cabot Lodge, Lyndon B. Johnson, and many others. In the future, we will so remember ROBERT BYRD, of West Virginia.

Mr. BYRD. Mr. President, I thank my friend, Senator REID, for his overly generous and kind remarks concerning me. I hope that I may so serve as to justify his continued faith and confidence in me.

He is a Senator for whom I have the highest personal esteem. I have watched him as he has worked in the Senate since he came here, and he has not disappointed me in any respect.

I have admired him. He works hard. He is diligent. He is always there when he is needed, and he is always here representing his constituents. He is an independent thinker, but he understands the institution, and I look forward to my continuing service with HARRY REID.

OCEAN DUMPING REFORM ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2030, the Ocean Dumping Reform Act.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2030) to amend the Marine Protection, Research, and Sanctuaries Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Ocean Dumping Reform Act of 1988".

SEC. 2. FINDINGS.—The Congress finds that—

(A) ocean dumping of sewage sludge contributed to the severe environmental degradation in the New York Bight Apex;

(B) sewage sludge dumped at the 106 mile dumpsite contains pollutants similar to those which adversely affected the New York Bight Apex;

(C) ocean dumping of sewage sludge poses real but undetermined risks to the marine environment;

(D) the 106 mile dump site is the only area in the United States where ocean dumping of sewage sludge occurs;

(E) over 100 municipalities which had ocean dumped their sewage sludge have developed and implemented alternatives to ocean dumping of sewage sludge; and

(F) practical alternatives exist to ocean dumping of sewage sludge.

SEC. 3. POLICY.—It is the policy of the United States to end the ocean dumping of sewage sludge as soon as possible but not later than December 31, 1991.

SEC. 4. (a) DEFINITIONS.—Section 3 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402) is amended by inserting at the end the following:

"(m) 'Sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant.

"(n) 'Interim dump site' means the site known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 18005)."

(b) Paragraph (1) of section 4(d) of Public Law 95-153 (33 U.S.C. 1412a(d)) is amended to read as follows:

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant; and".

SEC. 5. PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended by inserting after section 104A the following:

"§ 104B. Prohibition on ocean dumping of sewage sludge

"(a) PROHIBITION ON NEW ENTRANTS.—The Administrator may not issue any permit under this subchapter which authorizes any person other than an eligible authority as defined in section 104A of this Act (hereinafter referred to as eligible authority), to dump, or to transport for the purposes of dumping, sewage sludge into ocean waters.

"(b) PROHIBITION.—Except as provided in subsection (c), the dumping, or the transportation for the purpose of dumping, into ocean waters of sewage sludge is prohibited six months after the date of the enactment of this Act.

"(c) COMPLIANCE AGREEMENT.—The Administrator may issue permits which authorize eligible authorities to dump, or to transport for the purposes of dumping, sewage sludge at the interim site, provided that the eligible authority has entered into a compliance agreement with the Administrator and the State in which the eligible authority is located within six months of the enactment of this Act that includes the following:

"(1) A plan that the Administrator finds, if adhered to by the eligible authority in good faith, will result in the cessation of the ocean dumping of sewage sludge by such eligible authority, through the design, construction, and placing into full operation of a system (hereinafter in this section referred to as the 'alternative system') for the management of sewage sludge of the eligible authority other than by dumping into ocean waters. The plan shall provide for the phasing out of ocean dumping if the Administrator determines such phasing out is feasible, and may include adoption of an interim system for the management of sewage sludge other than by dumping into ocean waters until an alternative system is placed into full operation.

"(2) A schedule that contains reasonable dates, as determined by the Administrator, by which the eligible authority shall complete the various activities that are necessary for the timely implementation of the alternative system under the plan. Such plan shall include, in addition to such other activities that the Administrator considers necessary or appropriate—

"(A) the determination of the kind of alternative system that will be implemented;

"(B) the preparation of engineering designs and related specifications;

"(C) compliance with appropriate Federal, State, and local regulatory requirements;

"(D) site and equipment acquisitions;

"(E) construction and testing; and

"(F) complete operation of the alternative system.

"(d) SCHEDULE IMPLEMENTATION EVALUATION.—(1) The Administrator and the Governor of the State in which the eligible authority is located shall have a continuing responsibility to evaluate the compliance of the eligible authorities with the schedule included in the compliance agreement under subsection (c).

"(2) Each eligible authority shall have a continuing responsibility to advise the Administrator and the Governor of the State in which the eligible authority is located of any problems the eligible authority has with achieving the schedule included in the compliance agreement under subsection (c).

"(e) PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—(1) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, sewage sludge from the United States into ocean waters after December 31, 1991.

"(2) It shall be unlawful for any eligible authority to dump, or to transport for the purposes of dumping, sewage sludge at the interim site if the Administrator determines that the eligible authority is not fully in compliance with the schedule included in the compliance agreement under subsection (c).

"(f) STATE REPORTS.—(1) The Governor of each State in which an eligible authority is located shall submit to the Administrator on June 30, 1989, and every year thereafter until the cessation of all ocean dumping of sewage sludge a report which describes—

"(A) the efforts of the eligible authority to comply with the schedule included under the compliance agreement under subsection (c), and

"(B) the State's activity regarding any permit for the construction and operation of the eligible authority's alternative system.

"(2) In the event that any State required to submit a report under this section fails to submit a report which the Administrator determines to be consistent with the requirements of this section, the Administrator shall withhold funds reserved for such State under section 205(g) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1285(g)). Funds withheld pursuant to this section may, at the discretion of the

Administrator, be restored to a State upon compliance with this section.

"(g) Reports to Congress.—The Administrator shall, within three months of receipt of the reports submitted pursuant to subsection (f), submit to the Congress a report reviewing progress made toward implementing alternatives to dumping of sewage sludge, and potential obstacles to meeting the deadline established in this section.

"(h) Technical Assistance.—Not later than three months after the date of the enactment of this Act, the Administrator shall advise the eligible authorities on available alternative sludge management technologies to the ocean dumping of sewage sludge.

"(i) Civil Penalties.—

"(1) In lieu of the maximum $50,000 civil penalty provided for under section 105(a), any person who dumps sewage sludge, or transports sewage sludge for the purpose of dumping, in violation of this section (including the schedule in the compliance agreement as required by subsection (c)) shall be liable for a civil penalty, to be assessed by the Administrator in accordance with section 105, of not less than $20, and not more than $40, for each wet ton of sewage sludge that is dumped, or transported for purposes of being dumped, into ocean waters.

"(2) The Administrator may treat the substantial compliance of an eligible authority with the requirements of this section (including the schedule in the compliance agreement as required by subsection (c)) as full compliance, if the eligible authority can show that circumstances beyond its control resulted in it achieving less than full compliance. This paragraph shall not apply to violations of subsection (e)(1).

"(j) Permit Fees.—

"(1) The Administrator shall prescribe by regulation and collect a fee for ocean dumping of sewage sludge authorized under this section to recover—

"(A) the costs incurred or expected to be incurred in the undertaking of measures by Federal agencies to determine compliance with the agreement entered into pursuant to subsection (c) and any other terms under which the dumping is authorized; and

"(B) the undertaking of monitoring and any associated research necessary to make a reasonable assessment of the effects on the marine environment caused by ocean dumping of sewage sludge.

"(2) Fees recovered under this subsection shall be deposited in the Clean Oceans Fund established pursuant to subsection (k).

"(k) Clean Oceans Fund.—

"(1) There is established in the Treasury of the United States the Clean Oceans Fund.

"(2) The civil penalties collected by the Administrator for violations of this section and permit fees shall be deposited in the Clean Oceans Fund.

"(3) The moneys in the Fund shall be available, to the extent provided for in advance in appropriation Acts, for expenditure by—

"(A) the Administrator for carrying out monitoring and enforcement functions under this title;

"(B) the Secretary of the Department in which the Coast Guard is operating for carrying out surveillance and enforcement activities using state-of-the-art technology under this title; and

(c) the Administrator to issue grants to implement technologies and management practices necessary for controlling pollutant inputs adversely affecting the New York Bight as identified in the New York Bight Restoration plan required to be prepared pursuant to Public Law 100-220.

The moneys received under this subsection shall be treated as being supplemental to, and not in lieu of, any other funding that is authorized or appropriated for the purposes referred to in subparagraphs (A), (B) and (C).

"(l) Environmental Monitoring.—(1) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall design and conduct a program of monitoring environmental conditions at the Apex site, as defined in section 104(a) of this Act, and the interim site and within the potential area of influence of the sewage sludge dumped at these sites. This program shall include sampling of an appropriate number of fish and shellfish species and other benthic organisms to assess the effects of environmental conditions on living marine organisms in these areas. The Administrator shall make use of the satellite and other advanced technologies in conducting this program.

"(2) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress within one year of the enactment of this Act a report describing its plan for conducting the monitoring program and the results of the program.

"(m) Enforcement Monitoring.—The Administrator, in consultation with the Secretary of Transportation, shall submit a report to Congress within six months after the date of enactment of this Act, outlining progress in using electronic monitoring equipment, and/or other means, to monitor and prevent the dumping of sewage sludge by vessels in transit to the interim site in areas outside the interim site.

"(n) Public Participation.—The Administrator shall provide reasonable opportunity for public participation in the review of the establishment and implementation of compliance agreements established under this section.".

Sec. 6. Conforming Amendments.—(a) Issuance of Permits for Ocean Dumping of Sewage Sludge.—Subsection (a) of section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended by inserting "dumping of sewage sludge after December 31, 1991 or other" after the words "authorizes any".

(b) Alternatives Assessment.—Section 2303 of Public Law 100-220 is amended by striking in paragraph (b)(8) the words "dumping of municipal sludge and".

(c) Preliminary Report on Alternatives.—Section 2303 of Public Law 100-220 is amended by—

(1) striking subsection (b), and

(2) relettering subsections (c), (d), and (e) as (b), (c), and (d), respectively.

Sec. 7. Section 320(a)(2)(B) of the Water Quality Act of 1987 (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Barataria-Terrebonne Bay estuary complex, Louisiana;" after "Albemarle Sound, North Carolina;".

Mr. BYRD. Mr. President, I thank the distinguished Republican leader, and I thank Senator Stevens and other Senators.

Mr. President, I ask unanimous consent that at 1 o'clock p.m. today the Senate stand in recess until the hour of 2 o'clock p.m. today, to accommodate the two party conferences; that until that time, Senators who are interested in the ocean dumping bill may make opening remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 2030, the Ocean Dumping Reform Act of 1988. This bill will once and for all put an end to the ocean dumping of sewage sludge.

I thank the majority leader and the Republican leader for moving this important legislation.

Mr. President, I want to thank a number of Senators for their work on behalf of this legislation: The chairman of the Committee on Environment and Public Works, Senator Burdick, and the ranking member of the committee, Senator Stafford, who supported this bill in committee. I particularly want to thank the chairman of the Environmental Protection Subcommittee, George Mitchell, for his efforts in moving this legislation. No one in the Senate has demonstrated a stronger concern for protecting the marine environment than Senator Mitchell.

I am pleased that the ranking member of the Environmental Protection Subcommittee, Senator Chafee, joined me in bringing this bill before the Environmental Protection Subcommittee. He and I have worked together on numerous efforts to protect the marine environment. I also want to express my thanks to my colleague from New Jersey, Senator Bradley, for his strong support in our efforts to protect the oceans. I also thank Senator Roth, who is responsible for a number of the provisions which are in S. 2030, and the other cosponsors of this bill. Finally, I thank Senator Moynihan and Senator D'Amato for their support for ending the ocean dumping of sewage sludge. We have worked together on a number of initiatives to protect the oceans including full funding for sewage treatment facilities and tracking of medical wastes.

Mr. President, the events of the past few years have made clear that oceans are overburdened and fatigued. We see it in hundreds of dolphins dying mysteriously and harbor seals in the Gulf of Maine with the highest pesticide levels of any U.S. mammal on land or in water. We see it in sea turtles and seabirds who have died from entanglement with or eating plastic debris in the ocean. We see it in diseased fish, fish which are too toxic to eat, massive fish kills and closed shellfish beds. And we see it in garbage and medical waste invading our shores, closing our beaches, ruining vacations, injuring our tourist economy and threatening our health. It should be clear to everyone that we simply cannot continue to use our oceans as a garbage can.

That is why the Ocean Dumping Reform Act is so important. Ocean dumping of sewage sludge represents a throw-away approach to waste disposal which we rejected a long time ago.

Ocean dumping of sewage sludge is the least appropriate form of waste management. We will not know all the harm done by ocean dumping sewage sludge until it is too late. And there is no way to clean it up.

At Senate hearings which I chaired earlier this year, we heard clear and uncontroverted evidence that land-based alternatives for sludge dumping exist. In fact, according to EPA, 94 percent of all sewage sludge generated in the United States is disposed of on land. And just a few weeks ago, Governor Kean signed into law a bill requiring that New Jersey sludge dumpers stop ocean dumping by March 1991.

Sludge dumping at the 106 mile site involves significant risk. Sludge dumping contributed to the environmental degradation in the New York Bight apex. Sludge dumped at the 106 mile site contains the same microorganisms, metals, and organic chemicals which degraded the area around the old dump site. Since dumping at the 106 site began in full force late last year, fishermen have complained of lower catches and increases in diseased fish.

And the resources we are talking about are significant. According to the National Marine Fisheries Service, the dumped wastes could effect an area 116,000 square kilometers, from New Jersey to North Carolina. The fish and shellfish that inhabit this area make up a large portion of the commercial and recreational fisheries which contribute $1 billion a year to coastal Atlantic States.

A few weeks ago, Vice President BUSH came to the New Jersey shore and said that EPA was working hard to end ocean dumping of sewage sludge. And this past Sunday on Face the Nation, EPA Administrator Lee Thomas said that EPA was putting all the heat the Agency could muster on New York City and the other dumpers to end the dumping. But EPA just announced a proposal to allow New York City to continue dumping for another decade, 17 years after the 1981 deadline. Mr. President, you could not fry an egg with the heat EPA is putting on the dumpers to end the dumping.

In 1977, Congress adopted Congressman HUGHES' amendment to establish a 1981 deadline for ending the ocean dumping of sewage sludge. And, in 1979, at a hearing held by the Merchant Marine and Fisheries Committee, New York City Mayor Ed Koch said that the city could meet the 1981 deadline with interim measures and would have a long-term, land-based alternative to ocean dumping by the end of 1987.

Yet today, we have no deadline, no interim or long-term land-based alternatives, and no acceptable plan to end ocean dumping. Since 1981, all EPA has to show for itself is moving the dumpsite. This year, roughly 60 percent more sewage sludge will be dumped in the ocean than in 1973, the first full year the Ocean Dumping Act was in effect. And since the 1981 deadline, dumpers have dumped enough sewage sludge to fill over 50 towers the size of a World Trade Center tower.

It is clear that we cannot count on the EPA. We need a firm deadline, in the law, to end the ocean dumping of sewage sludge. Only then, will alternatives be put in place. Only then, will the dumping stop.

That is why I introduced the Ocean Dumping Reform Act of 1988. It sets December 31, 1991, as the deadline to end ocean dumping of sewage sludge once and for all. I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, the ocean is a resource that belongs to all of us—residents, tourists, businessmen whose livelihoods depend upon a clean ocean, commercial and recreational fishermen up and down the east coast who depend on the ocean's productive fishery resources, and most importantly, to future generations, who will inherit the environment we leave them. Ending the dumping of sewage sludge in the waters off of New Jersey's shore is essential. We must preserve the ocean and its resources—both for those who now use the ocean, and for those who will use it in the future.

I urge my colleagues to act favorably on S. 2030 to end the ocean dumping of sewage sludge once and for all.

EXHIBIT 1

S. 2030—SECTION-BY-SECTION ANALYSIS

SECTION 1 TITLE.—The Ocean Dumping Reform Act.

SEC. 2 FINDINGS.—Sludge dumping contributed to Bight Apex degradation. Sludge dumped at 106 site contains same pollutants dumped 12 mile site. Sludge dumping poses risks to oceans. Sludge dumping only occurs at 106 site. Over 100 former sludge dumpers have implemented land-based alternatives. Practical alternatives to sludge dumping exist.

SEC. 3 POLICY.—It is the policy of the United States to end sludge dumping as soon as possible but no later than December 31, 1991.

SEC. 4 DEFINITIONS.—"Sewage sludge" is redefined to exclude the "unreasonable degradation" language from the existing definition which the judge used in 1991 to allow New York City to continue dumping.

SEC. 5 PROHIBITION ON OCEAN DUMPING SEWAGE SLUDGE.—

(a) Bans any new entrants from ocean dumping sewage sludge in the United States.

(b) Prohibits ocean dumping of sewage sludge within six months unless dumpers enter into a compliance agreement.

(c) Allows dumping to continue if dumpers, state and EPA enter into compliance agreement and schedule to end sludge dumping.

(d) Requires EPA and states to monitor compliance with the schedule and requires dumpers to advise EPA and the states of any problems they have in implementing the schedule.

(e) Makes it unlawful to sludge dump after December 31, 1991 and to be out of compliance with the schedule to end sludge dumping.

(f) Requires the states to submit annual reports to EPA on efforts to end sludge dumping. Requires the Administrator to withhold Clean Water Act state management grants if the state fails to submit report.

(g) Requires EPA to report to Congress within three months of receiving state reports on progress to end ocean dumping.

(h) Requires EPA to provide technical assistance to dumpers on available sludge management alternatives.

(i) Establishes civil penalties for violations which are designed to exceed the cost to dumpers of implementing land-based alternatives. Allows EPA to treat substantial compliance by dumpers as full compliance where circumstances beyond control of dumpers led to less than full compliance with the compliance agreement. This provision only applies prior to 1991.

(j) Requires EPA to establish and recover fees from dumpers to cover the cost of compliance and monitoring and associated research.

(k) Establishes in the Treasury a Clean Oceans Fund made up of penalties which are available to be appropriated to EPA and the Coast Guard to carry out the Ocean Dumping Act and to implement actions recommended in the New York Bight Restoration Plan.

(l) Requires EPA and NOAA to carry out a monitoring program in areas affected by sludge dumping at the 12 and 106 mile sites.

(m) Requires EPA to report to Congress within six months on the use of electronic surveillance equipment for sludge dumping vessels.

(n) Requires EPA to provide a reasonable opportunity for public participation in review of the establishment and implementation of compliance agreements.

SEC. 6 CONFORMING AMENDMENTS.—Eliminates requirement in the New York Bight Restoration Act that EPA do analysis of land-based alternatives by 1991 and makes technical changes.

SEC. 7 Adds Barataria-Terrebonne Bay estuary complex in Louisiana to the list of estuaries which should receive priority consideration for designation under the National Estuary Program.

Mr. MITCHELL. Mr. President, I rise in strong support of the Ocean Dumping Reform Act, S. 2030.

Reports of environmental problems in marine waters have become increasingly frequent over the past several years. We have heard about beach closings in New Jersey, pollution of Boston Harbor, a large dead zone in the Gulf of Mexico, closing of shellfish areas, high levels of toxics in Puget Sound, and the death of dolphins in the mid-Atlantic. And, just recently, we learned of a new threat to the environmental quality of coastal waters—acid rain.

Over the past several months, the Subcommittee on Environmental Protection, which I chair, held a series of hearings to review environmental trends and conditions in marine and coastal waters around the Nation.

Witnesses at the hearings agreed that coastal waters face significant environmental problems. The Congressional Office of Technology Assessment offered the stark conclusion that,

> In the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many * * * coastal waters around the country.

The scope and seriousness of the threats to the marine environment were recently described in cover stories in both Time and Newsweek. I ask unanimous consent that copies of these articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit D.)

Mr. MITCHELL. As part of this hearing process, my subcommittee held a joint hearing with Senator LAUTENBERG's Subcommittee on Superfund and Environmental Oversight in February of this year to review the problem of ocean dumping of sewage sludge.

At this hearing, we heard testimony from Mayor Koch of New York City, Governor Kean of New Jersey, the Environmental Protection Agency, environmental organizations, the fishing industry, and other interested parties.

The testimony at this hearing provides strong evidence that ocean dumping of sewage sludge is among the most significant of the threats to the marine environment. Since that hearing, there have been numerous reports of damage to the environment and aquatic life, including burn holes in lobster and diseased fish.

In addition, we know that ocean dumping of sewage sludge can be corrected through application of land disposal alternatives which are both proven and available. Over 100 communities, including large commmunities such as Philadelphia, which used to dispose of sewage sludge at sea, have developed land-based disposal systems.

The bill we are considering today reflects the testimony provided at our hearing and the suggestions of a wide range of other interested parties. This legislation is a vital first step toward the comprehensive protection of our marine and coastal waters.

Before discussing the legislation, I want to extend my congratulations to Senators LAUTENBERG, CHAFEE, and other Members who worked to develop this legislation.

I especially want to congratulate my colleague from New Jersey, Senator LAUTENBERG. Without his leadership on this important problem, we would not be considering this legislation today. Senator LAUTENBERG focused the attention of the Congress on the environmental threats posed by ocean dumping and worked to design the best possible legislation to bring a prompt end to this disposal practice.

In future years, I believe we will look back on the passage of this legislation as a critical turning point in our understanding of the need to protect the marine environment. I hope we will remember that we owe a great debt to Senator LAUTENBERG for bringing us to this point.

The Ocean Dumping Reform Act provides a framework for ending ocean dumping of sewage sludge by December 1991.

Existing dumpers will need to enter into compliance agreements with the Environmental Protection Agency setting out plans for development of land disposal alternatives within 6 months of the date of enactment of the act. These agreements are to include a schedule of key dates for deciding on an alternative disposal method, preparing engineering plans, aquistion of sites and equipment, and complete operation of the alternative system.

The bill establishes civil penalties for violations of the act, including failure to develop a consent agreement. These penalties are designed to exceed the cost of land-based alternatives to assure that it will not be cheaper to continue ocean dumping, than to comply with the law. Permit fees area also to be established at a level to be determined by the EPA.

Penalties and permit fees are to be collected in a new clean oceans fund. This fund is to be used for monitoring ocean dump sites, enforcement activities, and for controlling other pollution to the New York Bight.

Other important provisions of the bill would provide for the active participation of State agencies and the full involvement of the public. It also calls for reports to Congress on compliance with the requirements of the act.

In closing, let me say that I recognize that the development of land based disposal methods for sewage sludge from New York City and other communities poses a formidable challenge. However, the risks to the marine environment from continued ocean dumping demand that we work together to meet this challenge.

I hope my colleagues will join me in supporting this important legislation.

EXHIBIT 1

[From Time magazine, August 1, 1988]

THE DIRTY SEAS—THREATENED BY RISING POLLUTION, THE OCEANS ARE SENDING OUT AN SOS

The very survival of the human species depends upon the maintenance of an ocean clean and alive, spreading all around the world. The ocean is our planet's life belt.—Marine Explorer Jacques-Yves Cousteau (1980)

After sweltering through a succession of torrid, hazy and human days, thousands of New Yorkers sought relief early last month by heading for the area's public beaches. What many found, to their horror and dismay, was an assault on the eyes, the nose and the stomach. From northern New Jersey to Long Island, incoming tides washed up a nauseating array of waste, including plastic tampon applicators and balls of sewage 2 in. thick. Even more alarming was the drug paraphernalia and medical debris that began to litter the beaches: crack vials, needles and syringes, prescription bottles, stained bandages and containers of surgical sutures. There were also dozens of vials of blood, three of which tested positive for hepatisis-B virus and at least six positive for antibodies to the AIDS virus.

To bathers driven from the surf by the floating filth, it was as if something precious—their beach, their ocean—had been wantonly destroyed, like a mindless graffito defacing a Da Vinci painting. Susan Guglielmo, a New York City housewife who had taken her two toddlers to Robert Moses State Park, was practically in shock: "I was in the water when this stuff was floating around. I'm worried for my children. It's really a disgrace." Said Gabriel Liegey, a veteran lifeguard at the park: "It was scary. In the 19 years I've been a lifeguard, I've never seen stuff like this."

Since the crisis began, more than 50 miles of New York City and Long Island beaches have been declared temporarily off limits to the swimming public because of tidal pollution. Some of the beaches were reopened, but had to be closed again as more sickening debris washed in. And the threat is far from over: last week medical waste was washing up on the beaches of Rhode Island and Massachusetts. "The planet is sending us a message," says Dr. Stephen Joseph, New York City's health commissioner. "We cannot continue to pollute the oceans with impunity."

As federal and state officials tried to locate the source of the beach-defiling materials, an even more mysterious—and perhaps more insidious—process was under way miles off the Northeast coast. Since March 1986, about 10 million tons of wet sludge processed by New York and New Jersey municipal sewage-treatment plants has been moved in huge barges out beyond the continental shelf. There, in an area 106 nautical miles from the entrance to New York harbor, the sewage has been released underwater in great, dark clouds.

The dumping, approved by the Environmental Protection Agency, has stirred noisy protests from commercial and sport fishermen from South Carolina to Maine. Dave Krusa, a Montauk, N.Y., fisherman, regularly hauls up hake and tilefish with ugly red lesions on their bellies and fins that are rotting away. Krusa is among those who believe that contaminants from Dump Site 106 may be borne back toward shore by unpredictable ocean currents. "In the past year, we've seen a big increase of fish in this kind of shape," he says. Who will eat them? New Yorkers, says a Montauk dockmaster. "They're going to get their garbage right back in the fish they're eating."

This summer's pollution of Northeastern beaches and coastal waters is only the latest signal that the planet's life belt, as Cousteau calls the ocean, is rapidly unbuckling. True, there are some farsighted projects here and there to repair the damage, and there was ample evidence in Atlanta last week that the Democrats hope to raise the nation's consciousness about environmental problems. The heightened interest comes not a moment too soon, since marine biologists and environmentalists are convinced that oceanic pollution is reaching epidemic proportions.

The blight is global, from the murky red tides that periodically afflict Japan's Inland Sea to the untreated sewage that befouls the fabled Mediterranean. Pollution threatens the rich, teeming life of the ocean and renders the waters off once famed beaches about as safe to bathe in as an unflushed toilet. By far the greatest, or at least the most visible, damage has been done near land, which means that the savaging of the seas vitally affects human and marine life. Polluted waters and littered beaches can take jobs from fisherfolk as well as food from consumers, recreation from vacationers and business from resorts. In dollars, pollution costs billions; the cost in the quality of life is incalculable.

In broadcast terms, the problem for the U.S. stems from rampant development along the Atlantic and Pacific coasts and the Gulf of Mexico. Between 1940 and 1980, the number of Americans who live within 50 miles of a seashore increased from 42 million to 89 million—and the total is still mounting. Coastal waters are getting perilously close to reaching their capacity to absorb civilizations' wastes.

Today scientists have begun to shift the focus of research away from localized sources of pollution, like oil spills, which they now believe are manageable, short-term problems. Instead, they are concentrating on the less understood dynamics of chronic land-based pollution; the discharge of sewage and industrial waste and—possibly an even greater menace—the runoff from agricultural and urban areas.

Conveyed to the oceans through rivers, drainage ditches and the water table, such pollutants include fertilizers and herbicides washed from farms and lawns, motor oil from highways and parking lots, animal droppings from city streets and other untreated garbage that backs up in sewer systems and spills into the seas. Says Biologist Albert Manville of Defenders of Wildlife, a Washington-based environmental group: "We're running out of time. We cannot continue to use the oceans as a giant garbage dump."

The oceans are broadcasting an increasingly urgent SOS. Since June 1987 at least 750 dolphins have died mysteriously along the Atlantic Coast. In many that washed ashore, the snouts, flippers and tails were pocked with blisters and craters; in others, huge patches of skin had sloughed off. In the Gulf of Maine, harbor seals currently have the highest pesticide level of any U.S. mammals, on land or in water. From Portland to Morehead City, N.C., fishermen have been hauling up lobsters and crabs with gaping holes in their shells and fish with rotted fins and ulcerous lesions. Last year's oyster haul in Chesapeake Bay was the worst ever; the crop was decimated by dermo, a fungal disease, and the baffling syndrome MSX (multinucleate sphere X).

Suffocating and sometimes poisonous blooms of algae—the so-called red and brown tides—regularly blot the nation's coastal bays and gulfs, leaving behind a trail of dying fish and contaminated mollusks and crustaceans. Patches of water that have been almost totally depleted of oxygen, known as dead zones, are proliferating. As many as 1 million fluke and flounder were killed earlier this summer when they became trapped in anoxic water in New Jersey's Raritan Bay. Another huge dead zone, 300 miles long and ten miles wide, is adrift in the Gulf of Mexico.

Shellfish beds in Texas have been closed eleven times in the past 18 months because of pollution. Crab fisheries in Lavaca Bay, south of Galveston, were forced to shut down when dredging work stirred up mercury that had settled in the sediment. In neighboring Louisiana 35% of the state's oyster beds are closed because of sewage contamination. Says Oliver Houck, a professor of environmental law at Tulane: "These waters are nothing more than cocktails of highly toxic substances."

The Pacific coastal waters are generally cleaner than most, but they also contain pockets of dead—and deadly—water. Seattle's Elliott Bay is contaminated with a mix of copper, lead, arsenic, zinc, cadmium and polychlorinated biphenyls (PCBs), chemicals once widely used by the electrical-equipment industry. "The bottom of this bay is a chart of industrial history," says Thomas Hubbard, a water-quality planner for Seattle. "If you took a core sample, you could date the Depression, World War II. You could see when PCBs were first used and when they were banned and when lead was eliminated from gasoline." Commencement Bay, Tacoma's main harbor, is the nation's largest underwater area designated by the Environmental Protection Agency as a Superfund site, meaning that pollution in the bay is so hazardous that the Federal Government will supervise its cleanup.

Washington State fisheries report finding tumors in the livers of English sole, which dwell on sediment. Posted signs warn, BOTTOMFISH, CRAB AND SHELLFISH MAY BE UNSAFE TO EAT DUE TO POLLUTION. Lest anyone fail to get the message, the caution is printed in seven languages: English, Spanish, Vietnamese, Cambodian, Laotian, Chinese and Korean.

San Francisco Bay is also contaminated with copper, nickel, cadmium, mercury and other heavy metals from industrial discharges. Last year toxic discharges increased 23%. In Los Angeles urban runoff and sewage deposits have had a devastating impact on coastal ecosystems, notably in Santa Monica Bay, which get occasional floods of partly processed wastes from a nearby sewage-treatment plant during heavy rainstorms. Off San Diego's Point Loma, a popular haunt of skin divers, the waters are so contaminated with sewage that undersea explorers run the risk of bacterial infection.

U.S. shores are also being inundated by waves of plastic debris. On the sands of the Texas Gulf Coast one day last September, volunteers collected 307 tons of litter, two-thirds of which was plastic, including 31,733 bags, 30,295 bottles and 15,631 six-pack yokes. Plastic trash is being found far out to sea. On a four-day trip from Maryland to Florida that ranged 100 miles offshore, John Hardy, an Oregon State University marine biologist, spotted "Styrofoam and other plastic on the surface, most of the whole cruise."

Nonbiodegradable plastic, merely a nuisance to sailors, can kill or maim marine life. As many as 2 million seabirds and 100,000 marine mammals die every year after eating or becoming entangled in the debris. Sea turtles choke on plastic bags they mistake for jelly fish, and sea lions are ensnared when they playfully poke their noses into plastic nets and rings. Unable to open their jaws, some sea lions simply starve to death. Brown pelicans become so enmeshed in fishing line that they can hang themselves. Says Kathy O'Hara of the Center for Environmental Education in Washington: "We have seen them dangling from tree branches in Florida."

Some foreign shores are no better off. Remote beaches on Mexico's Yucatán Peninsula are littered with plastics and tires. Fish and birds are being choked out of Guanabara Bay, the entryway to Rio de Janeiro, by sewage and industrial fallout. Japan's Inland Sea is plagued by 200 red tides annually; one last year killed more than 1 million yellowtail with a potential market value of $15 million. In the North Sea chemical pollutants are believed to have been a factor in the deaths of 1,500 harbor seals this year. Last spring the Scandinavian fish industry was hard hit when millions of salmon and sea trout were suffocated by an algae bloom that clung to their gills and formed a slimy film. Farmers towed their floating fishponds from fjord to fjord in a desperate effort to evade the deadly tide.

For five years, at 200 locations around the U.S., the National Oceanic and Atmospheric Administration has been studying mussels, oysters and bottom-dwelling fish, like flounder, that feed on the pollutant-rich sediment. These creatures, like canaries placed in a coal mine to detect toxic gases, serve as reliable indicators of the presence of some 50 contaminants. The news is not good. Coastal areas with dense populations and a long history of industrial discharge show the highest levels of pollution. Among the worst, according to Charles Ehler of NOAA: Boston Harbor, the Hudson River-Raritan estuary on the New Jersey coast, San Diego harbor and Washington's Puget Sound.

Last week the EPA added six major estuaries to the half a dozen already on the list of ecologically sensitive coastal areas, targeted for long-term study. Estuaries, where rivers meet the sea, are the spawning grounds and nursaries for at least two-thirds of the nation's commercial fisheries, as well as what the EPA calls sources of "irreplaceble recreation and aesthetic enjoyment."

Although the poisoning of coastal waters strongly affects vacationers, homeowners and resort operators, its first (and often most vocal) victims are fishermen. Commercial fishing in the U.S. is a $3.1 billion industry, and it is increasingly threatened. Fisherman Richard Hambley of Swansboro, N.C., recalls that only a few years ago, tons of sturgeon and mullet were pulled out of the White Oak River. "Now that is nonexistent," he says. "There are no trout schools anymore. Crabs used to be like fleas. I'm lucky to get a few bushels." Ken Seigler, who works Swansboro's Queens Creek, has seen his income from clams and oysters drop 50% in seven years: this year he was forced to apply for food stamps. New Jersey fisherman Ed Maliszewski has used his small boat for only two weeks this year. He is trying to bail out, and so are others.

In the diet-and-wellness '80s, fish has been widely touted as a healthful food. Not only do smaller catches mean ever higher prices, but also the incidence of illnesses from eating contaminated fish—including gastroenteritis, hepatitis A and cholera—is rising around the U.S. Pesticide residues and other chemicals so taint New York marine waters that state officials have warned women of childbearing age and children under 15 against consuming more than half a pound of bluefish a week; they should never eat striped bass caught off Long Island. Says Mike Deland, New England regional administrator for the EPA: "Anyone who eats the liver from a lobster taken from an urban area is living dangerously."

Fish and shellfish that have absorbed toxins can indirectly pass contaminants to humans. Birds migrating between Central America and the Arctic Circle, for example, make a stopover in San Francisco's wetlands, where they feast on clams and mussels that contain high concentrations of cadmium, mercury and lead. Says Biologist Gregory Karras of Citizens for a Better Environment: "The birds become so pulluted, there is a risk from eating ducks shot in the South Bay."

Despite the overwhelming evidence of coastal pollution, cleaning up the damage, except in a few scattered communities, has a fairly low political priority. One reason: most people assume that the vast oceans, which cover more than 70 percent of the world's surface have an inexhaustible capacity to neutralize contaminants by either absorbing them or letting them settle harmlessly to the sediment miles below the surface. "People think 'Out of sight, out of mind,'" says Richard Curry, an oceanographer at Florida's Biscayne National Park. The popular assumption that oceans will in effect heal themselves may carry some truth, but scientists warn that this is simply not known. Says Marine Scientist Herbert Windom of Georgia's Skidaway Institute of Oceanography: "We see things that we don't really understand. And we don't really have the ability yet to identify natural and unnatural phenomena." Notes Sharron Stewart of the Texas Environment Coalition: "We know more about space than the deep ocean."

Marine scientists are only now beginning to understand the process by which coastal waters are affected by pollution. The problem, they say, may begin hundreds of miles from the ocean, where nutrients, such as nitrogen and phosphorus, as well as contaminants, enter rivers from a variety of sources. Eventually, these pollutants find their way into tidal waters. For the oceans, the first critical line of defense is that point in estuaries, wetlands and marshes where freshwater meets salt water. Marine biologists call this the zone of maximum turbidity—literally, where the water becomes cloudy from mixing.

There, nutrients and contaminants that have dissolved in freshwater encounter the ionized salts of seawater. The resulting chemical reactions create particles that incorporate the pollutants, which then settle to the bottom. As natural sinks for contaminants, these turbidity zones protect the heart of the estuary and the ocean waters beyond.

But the fragile estuarine systems can be overtaxed in any number of ways. Dredging can stir up the bottom throwing pollutants back into circulation. The U.S. Navy plans to build a port in Puget Sound for the aircraft carrier U.S.S. *Nimitz* and twelve other ships: the project will require displacement of more than 1 million cu. yds. of sediment, with unknown ecological consequences. Similarly, natural events such as hurricanes can bestir pollutants from the sediment. The estuarine environment also changes when the balance of freshwater and salt water is disturbed. Upstream dams, for example, diminish the flow of freshwater into estuaries: so do droughts. On the other hand, rainstorms can cause an excess of freshwater runoff from the land.

Whatever the precise cause, trouble begins when the level of pollutants in the water overwhelms the capacity of estuaries to assimilate them. The overtaxed system, unable to absorb any more nutrients or contaminants, simply passes them along toward bays and open coastal areas. "When the system is working," says Maurice Lynch, a biological oceanographer at the Virginia Institute of Marine Science, "it can take a lot of assault. But when it gets out of whack, it declines rapidly."

It is then that the natural growth of sea grass may be ended, as has happened in Chesapeake Bay, or sudden blooms of algae can occur, particularly in stagnant waters. The exact reasons for these spurts of algal growth are unknown. They can be triggered, for example, by extended periods of sunny weather following heavy rains. Scientists believe algal growth is speeded up by the runoff of agricultural fertilizers. The burgeoning algae form a dense layer of vegetation that displaces other plants. As the algae die and decay, they sap enormous amounts of oxygen from the water, asphyxiating fish and other organisms.

Some kinds of algae contain toxic chemicals that are deadly to marine life. When carcasses of more than a dozen whales washed up on Cape Cod last fall, their deaths were attributed to paralytic shellfish poisoning that probably passed up the food chain through tainted mackerel consumed by the whales. Carpets of algae can turn square miles of water red, brown or yellow. Some scientists speculate that the account in *Exodus 7:20* of the Nile's indefinitely turning red may refer to a red tide.

When such blights occur in coastal areas, the result can be devastating. Last November a red tide off the coast of the Carolinas killed several thousand mullet and all but wiped out the scallop population. Reason: the responsible species, *Ptychodiscus brevis*, contains a poison that causes fish to bleed to death. Brown tides, unknown to Long Island waters before 1985, have occurred every summer since: they pose a constant threat to valuable shellfish beds.

A study of satellite photographs has led scientists to believe that algae can be conveyed around the world on ocean currents. The Carolinas algae, which had previously been confined to the Gulf of Mexico, apparently drifted to Atlantic shores by way of the Gulf Stream. One species that is native to Southern California is thought to have been carried to Spain in the ballast water of freighters.

The effects of man-made pollution on coastal zones can often be easily seen; far less clear is the ultimate impact on open seas. The ocean has essentially two ways of coping with pollutants: it can dilute them or metabolize them. Pollutants can be dispersed over hundreds of square miles of ocean by tides, currents, wave action, huge underwater columns of swirling water called rings, or deep ocean storms caused by earthquakes and volcanoes.

Buried toxins can also be moved around by shrimp and other creatures that dig into the bottom and spread the substances through digestion and excretion. Though ocean sediment generally accumulates at a rate of about one-half inch per thousand years, Biogeochemist John Farrington of the University of Massachusetts at Boston cites discoveries of plutonium from thermonuclear test blasts in the 1950s and 1960s located 12 in. to 20 in. deep in ocean sediment. Thus contaminants can conceivably lie undisturbed in the oceans indefinitely—or resurface at any time.

There is little question that the oceans have an enormous ability to absorb pollutants and even regenerate once damaged waters. For example some experts feared that the vast 1979 oil spill in the Gulf of Mexico would wipe out the area's shrimp industry. That disaster did not occur, apparently because the ocean has a greater capacity to break down hydrocarbons than scientists thought. But there may be a limit to how much damage a sector of ocean can take. Under assault by heavy concentrations of sludge, for example, the self-cleansing system can be overwhelmed. Just like decaying algae, decomposing sludge robs the water of oxygen, suffocating many forms of marine life. What effect chronic contamination from sludge and other wastes will have on the oceans' restorative powers is still unknown.

Rebuckling the planet's life belt may prove formidable. The Federal Clean Water Act of 1972 overlooked runoff pollution in setting standards for water quality. Meanwhile, the nation's coasts are subject to the jurisdiction of a bewildering (and often conflicting) array of governmental bodies. One prime example of this confusion, reports Time Houston Bureau Chief Richard Woodbury, is found in North Carolina's Albemarle-Pamlico region. There both the federal Food and Drug Administration and a state agency regulate the harvesting of shellfish. A third agency, the state health department, surveys and samples the water and shellfish. And another state body sets the guidelines for opening or closing shellfish beds. Complains Douglas Rader of the Environmental Defense Fund: "The crazy mix of agencies hurts the prospects for good management."

Lax enforcement of existing cleanwater policies is another obstacle. According to Clean Ocean Action, a New Jersey-based watchdog group, 90% of the 1,500 pipelines in the state that are allowed to discharge effluent into the sea do so in violation of regulatory codes. Municipalities flout the rules as well. Even if Massachusetts keeps to a very tight schedule on its plans to upgrade sewage treatment, Boston wil not be brought into compliance with the Clean Water Act until 1999—22 years after the law's deadline. Meanwhile, the half a billion gallons of sewage that pour into Boston Harbor every day receive treatment that is rudimentary at best.

Some communities are leading the way in trying to preserve their shores and coastal waters. In March the legislature of Suffolk County on Long Island passed a law forbidding retail food establishments to use plastic grocery bags, food containers and wrappers beginning next year. Sixteen states have laws requiring that the plastic yokes used to hold six-packs of soda or beer together be photo- or biodegradable. Last December the U.S. became the 29th nation to ratify an amendment to the Marpol (for marine pollution) treaty, which prohibits ships and boats from disposing of plastics—from fishing nets to garbage bags—anywhere in the oceans. The pact goes into effect at the end of this year.

Compliance will not be easy. Merchant fleets dump at least 450,000 plastic containers overboard every day. The U.S. Navy, which accounts for four tons of plastic daily, has canceled a contract for 11 million plastic shopping bags, and is testing a shipboard trash compactor. It is also developing a waste processor that can melt plastics and turn them into bricks. The Navy's projected cost of meeting the treaty provision: at least $1 million a ship. Supporters of the Marpol treaty readily acknowledge that it will not totally eliminate plastic pollution. "If a guy goes out on deck late at night and throws a bag of trash overboard," says James Coe of NOAA's National Marine Fisheries Service in Seattle, "there's no way that anyone will catch him."

Stiff fines and even prison sentences may get the attention of landbound polluters. Under Administrator Mike Deland, the EPA's New England office has acquired a reputation for tough pursuit of violators. In November 1986 the agency filed criminal charges against a Providence boatbuilder for dumping PCBs into Narragansett Bay. The company was fined $600,000 and its owner $75,000; he was put on probation for five years.

Washington is one of the few states with a comprehensive cleanup program. Three years ago, the Puget Sound water-quality authority developed a master plan for cleaning up the heavily polluted 3,200-sq.-mi. body of water. The state legislature has levied an 8¢-a-pack surtax on cigarettes to help pay the bill; this year the tax will contribute an estimated $25 million to the cleanup. The Puget Sound authority and other state agencies closely monitor discharge of industrial waste and are working with companies on ways to reduce effluent.

An aggressive effort is being made to limit runoff as well. Two counties have passed ordinances that regulate the clearing of land and the installation and inspection of septic tanks. Farmers are now required to fence cattle away from streams. Zoning has become more stringent for construction in a critical watershed area: a single-family house requires at least two acres of land. The number of livestock and poultry per acre is also controlled.

The Puget Sound group has an educational program that teaches area residents everything from the history of the sound to what not to put down the kitchen sink. Controlling pollution is promoted as everyone's task. High school students take water samples, and island dwellers have been trained in what to do if they spot an oil spill. Says Seattle Water-Quality Planner Hubbard: "Bridgetenders are great at calling in with violations. They are up high, and when they see a black scum or a little slick, they let us know about it."

Officials hope the cleanup program will have the same result as a decades-long effort mounted by the Federal Government and four states in the Delaware River estuary, an area ringed by heavy industry and home to almost 6 million people. The Delaware's pollution problems began in Benjamin Franklin's day. By World War II, the river had become so foul that airplane pilots could smell it at 5,000 ft. President Franklin Roosevelt even considered it a threat to national security. In 1941 he ordered an investigation to determine whether gases from the water were causing corrosion at a secret radar installation on the estuary.

Although the Delaware will never regain its precolonial purity, the estuary has been vastly improved. Shad, which disappeared 60 years ago, are back, along with 33 other species of fish that had virtually vanished. Estuary Expert Richard Albert calls the Delaware "one of the premier pollution-control success stories in the U.S."

Such triumphs are still rare, and there is all too little in the way of concerted multinational activity to heal the oceans. That means pollution is bound to get worse, warns Clifton Curtis, president of the Oceanic Society, a Washington-based environmental organization: "We can expect to see an increase in the chronic contamination of coastal waters, an increase in health advisories and an increase in the closing of shellfish beds and fisheries." Those are grim tidings indeed, for both the world's oceans and the people who live by them.—by Anastasia Toufexis.

[From Newsweek, Aug. 1, 1988]

DON'T GO NEAR THE WATER—AFTER DECADES OF ABUSE, OUR WATERS ARE DYING. IS IT TOO LATE TO SAVE THEM?

With 9 million people competing for a place in the sun, New Yorkers are used to a little hassle—and a little mess—with their summertime fun at the beach. But this year is different: for the past several weeks, beaches from Staten Island to the eastern Long Island resort towns have been intermittently shut down by a trickle of potentially hazardous medical waste—sutures, hypodermic needles, catheter bags and vials of blood. Where the debris came from is anybody's guess, and frustrated state and city officials have been quarreling about the likely source. But the beachgoing public, fearful of the fact that several of the mysterious blood samples have tested positive for AIDS, is observing New York's latest garbage crisis by staying home in droves.

New York's problem is by no means unique: along with a gruesome array of other garbage, hospital waste has floated ashore on beaches from Maine to Texas in the past year. Beach closings because of bacterial contamination are even more commonplace. This summer public-health authorities in locations from the New Jersey shore to San Francisco have been forced to suspend bathing because of sewage-plant breakdowns. Nearly a third of Louisiana's oyster beds are routinely closed because of pollution and half the shellfish beds in Galveston Bay, Texas, are off limits to fishermen. Temporary or not, all these local pollution alerts underscore what responsible environmentalists say is now a full-blown national crisis: the wholesale contamination of U.S. coastal waters by millions of tons of sewage, garbage, toxic chemicals and other contaminants. Although the United States is now disposing of its human and industrial waste more carefully than ever before, there is mounting evidence that the ocean, like the land, is faring badly under the ecological stress imposed by man. It may well be, as New York City Health Commissioner Dr. Stephen Joseph suggested, that "the planet is sending us the message that there is a line beyond which we cannot go."

Drawing that line—establishing a tolerable balance between the needs of industrial society and the health of the biosphere—is what environmental regulation is all about. While the nation has made real progress in protecting its land, air and drinking water, most Americans are still largely ignorant of pollution's impact on the oceans and coastal waters they depend upon so heavily. That impact cannot be calculated with precision. But signs of progressive deterioration are sadly abundant along many of the nation's most beautiful bays, estuaries and seashores. Ocean pollution is not only apparent when bathing beaches are closed because of waterborne contamination. It is evident every time a shellfish bed is put off limits to clamming or oyster harvesting, and it is implicated when whole species of fish—the striped bass in the Hudson River, for example—are declared unfit for human consumption. Many environmentalists blame pollution for the rising number of fish kills, whale kills and red tides that are becoming familiar events in coastal communities from Maine to California.

BLACK MAYONNAISE

The problem for most landlubbers, of course, is that most of the effects of coastal pollution are hard to see. Bays and estuaries that are now in jeopardy—Boston Harbor, for example, or even San Francisco Bay—are still delightful to look at from shore. What is happening underwater is quite another matter, and it is not for the squeamish. Scuba divers talk of swimming through clouds of tiolet paper and half-dissolved feces, of bay bottoms covered by a foul and toxic combination of sediment, sewage and petrochemical waste appropriately known as "black mayonnaise." Fishermen haul in lobsters and crab covered with mysterious "burn holes" and fish whose fins are rotting off. Offshore, marine biologists track massive tides of algae blooms fed by nitrate and phosphate pollution—colonies of floating microorganisms that, once dead, strangle fish by stripping the water of its life-giving oxygen.

Pollution problems of one degree or another can be detected virtually anywhere along the coastline of the continental United States. This is due partly to advances in the measuring methods used by modern science: trace elements of DDT, for example, are now identifiable in the sediments of many bays and estuaries, although DDT has been banned for nearly 20 years. But technology is only confirming what ecologists have been saying all along—that the slow buildup of chemical contaminants in coastal waters must have consequences, and that it is at best shortsighted to regard the ocean, as many shore dwellers do, as a place where pollution can be dumped out of sight and out of mind. "The environmental prophecies of the late '60s and early '70s are unfortunately coming to pass," says Les Kaufman, a research scientist at the New England Aquarium in Boston. "People have to look at [the environment] as an organism. That's not hippie talk. It's reality."

GROWING COSTS

A primary cause of coastal pollution is human sewage, which continues to foul bays and beaches despite federal efforts to ban offshore disposal. Since Congress passed the Clean Water Act of 1977, federal, state and local agencies have spent more than $100 billion improving the nation's sewage systems to what EPA calls the "secondary treatment" level. (Secondary treatment means that 90 percent of all solid waste is removed from sewage effluent.) It can be argued that the money was well spent: more than half the nation's population now disposes of its sewage in ways the EPA deems safe, and the quality of many coastal and inland waterways—notably the Great Lakes—has improved substantially as a result (page 48). But maintaining current EPA standards is likely to cost as much as $400 billion more by the year 2000—and this time, unless Congress changes its mind, state and local governments will have to foot most of the bill.

There are gaping flaws in the facade of septic progress, however. One of them is the fact that the Clean Water Act did not require pollution controls on storm sewers. Storm sewers connect the numberless grates and drains on the streets of almost every city and town in America; they dispose of rainwater. It is a fact of urban life that storm sewers also collect large amounts of pollutants—gas, oil, antifreeze, fertilizer and pesticides—then deposit the resulting mess in the nearest waterway. Christine Reid, a Santa Monica, Calif., city councilwoman, blames Los Angeles-area storm sewers for much of the pollution that befouls Santa Monica Bay. "Many of us just aren't attentive to the things we don't see," Reid sighs. "The people sweeping dog doo in the gutter don't realize that their kids will be surfing in it."

GREASE BALLS ON THE BEACH

By far the worst problem with offshore sewage pollution is the fact that some of the nation's biggest metropolitan areas have never quite complied with the Clean Water Act. New York (page 46) is a prime example; so is Boston. Despite the sparkling redevelopment of the Boston waterfront, Boston Harbor is one of the worst coastal cesspools in the nation. Three million people live within a 25-mile radius of the harbor, and nearly all the human and industrial waste of the metropolitan area winds up in its waters. The harbor bottom contains high concentrations of DDT and PCB's, a chemical compound that is widely used in electrical equipment and suspected of being a carcinogen. Local beaches are littered with grease balls, tampon applicators and the occasional condom—all of which are apparently released by the antiquated and overloaded sewage system.

At best, the Boston system offers what is politely known as "primary" treatment—which means that sewer sludge is separated from waste water, and then both are dumped into the harbor. "If that sounds unbelievable," says Paul Hauge of the Conservation Law Foundation of New England, "it's because it is." At worst—after a heavy rainstorm, for example—the whole system breaks down and raw sewage, plus whatever is flushed off local streets, is channeled into the harbor through "combined sewer overflows." Boston is belatedly beginning to clean up its act—but only after local environmental groups took the local sewer authority to court. The authority must stop dumping sewage sludge into Boston Harbor by 1991, and the beaches should be free of garbage by 1995. Secondary treatment should begin by 1999, 11 years after the Clean Water Act deadline. Environmentalists think Boston Harbor will begin to recover sometime in the next century.

THE SEALS OF EAGLE HARBOR

No one is betting that industrial pollutants like PCB's will disappear. Boston Harbor is only one of many coastal waterways whose bottoms may have been permanently contaminated with chemical waste and toxic metals. Other areas with especially difficult toxic-waste problems include New York Harbor, parts of the Mississippi River estuary in southern Louisiana and parts of Galveston Bay. Three areas of Puget Sound, the vast inland sea that is the pride of the Pacific Northwest are so heavily polluted they have been designated toxic-hazard sites on the EPA's Superfund cleanup list. The bottom sediments and tidal flats of Commencement Bay—an inlet bordered by oil refineries, chemical plants, pulp mills and a defunct copper smelter—are loaded with pretrochemicals, copper, lead, zinc and arsenic. Nearby Eagle Harbor is so polluted that much of its rapidly diminishing population of English sole can no longer reproduce, and the area's harbor seals once registered one of the highest levels of PCB contamination ever recorded.

Bay-bottom contamination by heavy metals and organic chemicals poses an environmental double whammy. Many such pollutants become more concentrated as they travel up the food chain. The obvious conclusion is that fish from polluted waters should not be eaten. New York state officials, to cite just one example, warn consumers not to eat more than one serving per week of any fish taken in coastal waters, the Hudson River or Lake Erie; women of child-bearing age and children under 15 are advised not to eat many New York State fish at all.

The other problem with contaminated bottom sediment is that there is no good way to get it out. Some pollutants, such as DDT and PCB's, are extremely long-lasting chemical compounds that have spread very widely in rivers, bays and tidal muck. Dredging the bottom only spreads them further, which is why environmentalists often oppose dredging projects for navigation or development. And though some officials now say polluted sediment can be "capped" with a layer of clean fill, that remedy is probably useful in only a few, relatively small problem areas.

DEAD ZONE

Marine ecologists are equally concerned by what is known as "nonpoint" pollution of coastal waters. Nonpoint pollution is a grab-bag term that refers to all forms of unregulated runoff from the land. Its environmental threat comes chiefly (though not exclusively) from silt and from nitrogen and phosphorous compounds used as fertilizers. These nutrients, which are not in themselves toxic, feed algae blooms which can gradually suck the dissolved-oxygen content from bays and inlets, choking off both plant and animal life. American farmers use enormous amounts of fertilizer on their crops, much of which is lost in runoff to the sea. Nutrient runoff may be contributing to the growth of a 3,000-square-mile "dead zone" near the mouth of the Mississippi River in the Gulf of Mexico. But farmers aren't the only culprits: in the metropolitan Northeast, says Dan Dudek of the environmental Defense Fund, much of the fertilizer runoff can be attributed to millions of zealous suburbanites feeding their lawns.

Nonpoint pollution is now a problem in virtually every bay and estuary in the United States, and it is certain to get worse. It is made more acute by coastal development—the process of ditching, draining and filling wetlands that previously served both as breeding grounds for marine life and as filters for pollution from the land. At least half the nation's coastal wetlands have now been lost to "helter-skelter" development, the EPA's Rebecca Hamner says. The long-term impact on fish, shrimp, crabs and other food sources can only be guessed at, but pollution from nitrogen and phosphorous compounds is already altering the balance of nature in some of the nation's most productive fishing grounds. Albemarle and Pamlico Sounds, in North Carolina, are a case in point. Veteran crabbers like Gray Paul of Core Point, N.C., who has been fishing the Pamlico River for 20 years, say their catches have dropped by half in the past two years because the river's oxygen content has been depleted. More and more, Paul says, Pamlico Sound's blue crabs are coming ashore in a desperate search for oxygen. "Last night they were even climbing on top of the pier because of the dead water," he says.

The burden of nonpoint pollution is demonstrated all too well in Chesapeake Bay, one of the the mid-Atlantic region's busiest waterways. Like other endangered estuaries, the Chesapeake has clearly benefited from federal and state controls on point-source pollution from sewage and industrial plants. But fertilizer and pesticide runoff from upstream farms is still a major problem. In addition, according to a recent study by the Environmental Defense Fund, approximately 25 percent of the nitrogen pollution in the bay probably comes from acid rain—a finding that may have enormous implications for other coastal waters and for the continuing campaign to pass acid-rain legislation.

Curbing nutrient pollution is now a primary focus of government and private efforts to save the Chesapeake. Maryland, Virginia, Pennsylvania and the District of Columbia have agreed to an ambitious campaign to reduce the bay's nutrient levels by 40 percent by the year 2000. That will require billions of dollars in government funding and a small revolution in current soil-management techniques, such as creating buffer zones to control fertilizer erosion. Environmentalists like Ann Powers, vice president of the Chesapeake Bay Foundation, are "guardedly optimistic" about the future although development pressures around the bay are still increasing. "The real question," Powers says, "Is whether a fragile resource like the Chesapeake can exist in the middle of a megalopolis."

CITIES BY THE SEA

The question is not less relevant to the nation as a whole. Fully 70 percent of the U.S. population is already clustered within 50 miles of one coastline or another, and that concentration is increasing: America is gradually becoming Megalopolis-by-the-Sea. The consequences for coastal waters are obvious, and the federal government is stepping up its efforts to protect marine life and marine habitats. Under the Water Quality Act of 1987, EPA now has the authority to address nonpoint pollution. The same law established a national estuaries program to involve the federal government in state and local efforts to clean up the Chesapeake, the Great Lakes, Long Island Sound, Puget Sound, San Francisco Bay, Albemarle and Pamlico Sounds, Narragansett Bay, R.I., and Buzzards Bay, Mass. Last week EPA expanded that list to include Santa Monica Bay, Galveston Bay, Sarasota Bay, Delaware Bay and New York harbor as well.

The overriding point to shore-dwelling Americans is that marine pollution can no longer be dismissed as the special concern of scientists or environmental extremists. The costs of coastal contamination are large and very direct, as a recent study of New Bedford Harbor, Mass, by the National Oceanic and Atomospheric Administration suggests. Like the waters around Boston and New York, New Bedford Harbor is dying from a massive dose of toxic and nutrient pollutants. By NOAA's estimate, that pollution has already cost the town nearly $50 million—$2.1 million in lost revenues to local lobstermen, $1.9 million lost to the recreational fishing industry, $14.7 million in lost tourism and $30 million in reduced property values. The cost of averting further damage, in New Bedford and nationwide, is likely to be very high—but Americans on balance, have little choice but to do what still needs to be done.

[From Newsweek, Aug. 1, 1988]

NEW YORK'S KING-SIZE SEWAGE PROBLEM

Churning up the algae-stained waters around New York City's 26th Ward sewage-treatment plant, a 325-foot sludge boat toots its horn and heads out to sea, brimming with 710,000 gallons of treated human-waste. The tanker is part of a small fleet that plies the ocean 24 hours a day, annually releasing 8 million tons of sludge from New York City and eight neighboring sewer authorities into the Atlantic. Bobbing in gentle ocean swells, the boats slowly zigzag across a patch of ocean 106 miles off-shore, releasing their cargo in jet-black plumes.

The boats haven't always traveled so far. For most of the past century, sludge barges and other haulers have made the waters off New Jersey and New York one of the world's most odious garbage dumps. Just 12 miles offshore, the ocean floor is littered with everything from rusting drums of low-level radioactive waste to turn-of-the-century rubble from subway tunnels and cholera-infested tenements. Shortsighted dumping of sewage, harbor dredgings and caustic industrial acids has fouled the beaches, killed millions of fish and laced once rich clam and oyster beds with deadly PCB's.

The federal Environmental Protection Agency officially banned sludge dumping as of 1981, but the New York-area sewage commissions successfully challenged the rule in court. Though they won the right to keep dumping, they eventually agreed to ferry the waste farther offshore and release it slowly to prevent high concentrations. Local officials, including New York Mayor Ed Koch, maintain that the current system poses no danger to aquatic life, but fishermen and environmentalists disagree. They say the old dump site is a virtual "dead sea" and they fear that dumping at the new site-located just off the continental shelf and in the heart of some of the nation's richest fishing grounds—will shatter a fragile marine ecosystem.

LITTLE CHOICE

Right or wrong, the sludge dumpers may be living on borrowed time. Congress, responding to pressure from fishermen and disgusted beach bathers, is poised to pass legislation in August banning all ocean sludge dumping by 1992. New York City officials are scrambling for ways to comply with the imminent ban, but none of the alternatives look promising. Burning the waste in incinerators would add new pollutants to the region's already dirty air. And composting it on open land would require open space that the crowded area lacks. Either alternative would inspire bitter political protest and would be a huge financial burden. Given the volume of sewage involved—New York City produces 1.7 billion gallons every day—officials say they have little choice but to continue dumping some of the sludge at sea.

The problem isn't likely to be resolved before the turn of the century. But even if New York manages to stop dumping sludge into the ocean (as 200 other coastal communities already have), that alone won't save the nearby waters. The city's sewage system is so rickety that it shuts down during heavy rains—unloading raw sewage, 1.7 billion gallons at a time, directly into the harbor.

[From Newsweek, Aug. 1, 1988]

IN HEALTH THERE ARE NO BORDERS

The New River stretches only about 80 miles, from the Mexican border into California's lush Imperial Valley, yet it holds the distinction of being the most polluted waterway on the continent. Great clumps of foam gush into the river from a large drain near its source in Mexicali and cascade across the U.S. border like tiny icebergs. Human feces float along, dumped directly from the city's antiquated sewer system. Bottles, bags and an occasional dead cat bob past, probably from Mexicali's municipal dump site, located on a tributary. Health experts have found 28 viruses—including typhoid, salmonella and polio—in the fetid waters, along with carcinogenic chemicals like chloroform and benzene. In some spots levels of fecal coliform bacteria have been measured at 5,000 times the U.S. standards for safe human contact.

There are similar horror stories all across the southern U.S. border: booming Mexican cities, unable to accommodate their growth, are spewing human and industrial wastes virtually unchecked into shared waterways. Every day, 8 million gallons of Tijuana's excess sewage inundate the Tijuana River, upsetting the ecological balance of California wetlands and forcing officials to keep two miles of beach near San Diego permanently closed. There are no sewage-treatment plants at all in Nuevo Laredo and Juarez, across the border from El Paso, Texas; human waste flows untreated into the Rio Grande. The rivers also contain hazardous chemicals, dumped by industrial facilities along the border. Environmentalists charge that at least some of the offenders are U.S.-owned maquiladora plants, taking advantage of Mexico's cheap labor and lax enforcement of environmental laws.

Dozens of commissions have convened since the 1940s to discuss the border pollution problems. But cleanup efforts remain pitifully scant. Under a recent $1.2 million pact, U.S. funds are now helping to restore Mexicali's sewage-treatment system. Still, the New River remains as contaminated as ever. California officials, meanwhile, are pressing Congress to help fund a $40 million "defensive pipeline" that would channel Tijuana's sewage back into Mexico before it threatens San Diego Bay. In the end, solving the problems will require much greater international cooperation—and a greater commitment of funds. "In health, there are no borders," sighs Jose L. Gonzalez, director of the health department in Laredo, Texas, where officials fear an outbreak of typhoid tracked in from the Rio Grande. "We're beginning to be scared about the powerlessness on our side."

[From Newsweek, Aug. 1, 1988]

TOXINS, TOXINS EVERYWHERE—THE GREAT LAKES REEL UNDER AN INVISIBLE ASSAULT

As marine scientists puzzle over the fate of the oceans, other researchers think they have seen the future—in the Great Lakes. Thirty years ago it seemed that the vast waters of the world's largest inland reservoirs could absorb anything and everything man dumped into them. But by the late 1960s Lake Erie was dying, and parts of the other four seemed poised to follow. A deluge of industrial effluents was poisoning the waves. Fish were dying in awesome numbers as the remains of algae that thrived on sewage and farm runoff depleted the water's oxygen supply. The mighty lakes, it turned out, were not infinitely resilient—and that points to a larger lesson. "I think the oceans will experience the same thing," warned Lyman Wible of the Wisconsin state division of environmental standards.

If the Great Lakes offer a cautionary tale, they also illustrate what money, technology and political will can accomplish. Since 1972 the United States and Canada have spent $9 billion to clean the lakes, primarily by building or improving sewage-treatment plants. On Lake Michigan's Green Bay, for instance, the 25 paper mills and municipal sewage systems that together disgorged some 400,000 pounds of organic waste a day 20 years ago now spew out just one-eighth that amount. And tougher federal laws have curtailed other "point sources" of pollution, such as factories and mines.

While the Great Lakes may look and smell better, they remain deeply troubled waters. "We are now dealing with the next generation of diffused, widespread and insidious toxic substances," says William Brah of the Center for the Great Lakes, a Chicago-based policy group. At least 400 hazardous chemicals—including PCBs's, pesticides, cadmium and lead—are found in the lakes. Some have been there for decades, demonstrating that, contrary to the beliefs of a more innocent age, the lakes do not cleanse themselves, at least not quickly. (PCB's, from electronics manufacturing, will remain in sediments for centuries.) And the lakes continue to absorb a variety of "nonpoint" pollutants, such as pesticides and fertilizers from distant farms, lead from gasoline and petroleum products carried in runoff from cities.

Many insidious pollutants seem to ride the winds, something environmental scientists recognized only recently. PCB's, for example, have been detected in the air above Lake Superior near Duluth, even though they haven't been produced in the region in years. The fact that they're turning up in the lake water, not just on the muddy bottom, is further evidence that the winds are continually depositing the contaminants. Other pollutants in Lake Superior include toxaphene, an insecticide used mainly in the southern United States, and DDT, banned in the United States in 1972 but still used in Latin America. The bottom line, says Steven Eisenreich, a professor of environmental engineering at the University of Minnesota, is that "any chemical discharge in the Northern Hemisphere can find its way into the Great Lakes."

FISHY TUMORS

Typically, the chemicals are present in minute concentration—they are often measured in parts per trillion in the water. But that is no reason for complacency. Plants and animals "bioaccumulate" the substances, increasing their concentration with every step up the aquatic food chain. Since people eating lake fish would accumulate even higher concentrations of the chemicals, health authorities have banned carp fishing in Green Bay since 1984 and advise people not to eat large chinook salmon or rainbow trout. Although the health effects of the chemicals aren't clear, the lakes' denizens are hardly thriving on them. Tumors and other pollution-related deformities are widespread in the fish, for instance. And in the St. Lawrence River, which drains the lakes, bodies of beluga whales keep washing ashore. Riddled with PCB's, mercury, DDT and the carcinogen benzo-a-pyrene, "the whales should have signs on them saying 'toxic-waste container'," says geneticist Joseph Cummins of the University of Western Ontario.

The Great Lakes have shown that better sewage treatment and controls on factory effluents can clean up the most obvious trash and stench. Checking toxic chemicals, especially those borne by the wind, will be much harder—but every bit as important. As the lakes' history makes clear, even waters that stretch to the horizon will not absorb man's garbage without suffering, perhaps irreversibly.

Mr. WEICKER. Mr. President, I first commend Senator LAUTENBERG for his interest in these matters. It is an interest, I might add, that existed long before refuse showed up on the surface of the waters. Clearly these matters have been of particular concern to him, and I think he should be complimented in the way he pursued them.

I also noticed my good friend, the Senator from Rhode Island, JOHN CHAFEE, here. In my party I do not think there is anyone so given to the cause of conservation and the environment as JOHN CHAFEE, here. I think he has done an outstanding job in pursuing this and many other matters as they affect our air, land, and water.

Mr. President, we have a visible problem which seems to be upsetting to residents along the Atlantic seashore, and it should be upsetting, but not only because it is visible. Furthermore, the upset should last longer than just the 3-month swimming season. The fact is, if what you see looks bad what you do not see is worse.

If any one of you shared with me experiences of going to the ocean floor or the floor of any body of water, then you can appreciate what it is that man is doing to the water environment. To us it is nauseating to see needles, garbage, and sewage on our beaches. On the other hand, under the surface where there used to exist abundant plant life—it is dying.

The Atlantic Ocean, Long Island Sound, you name whatever body of water you care to, the fact is they are not toilet bowls for man. They look expansive, look massive, look like you can do anything you want to. Well, we have been doing anything we want to for decades. The time has come to cease and desist. The oceans cannot take any more.

The stress on the marine environment has come to the point where our greatest natural resources will be denied to us within our generation—never mind our children and our grandchildren—within our time.

About 4 years ago the entire diadema population, those are the spiny sea urchins that nobody likes to see or step on, was wiped out—in South America, throughout the whole Gulf of Mexico, and the Caribbean—wiped out. What used to exist in the millions indeed if not billions, was wiped out, totally wiped out. Within the last several months they are making a comeback, but nobody knows what occurred.

Within the last 2 years, the coral population has been bleached. The coral reefs, which in effect are the forests of the sea, bleached again from South America right through the entire Caribbean. Nobody has the answer as to why.

In both instances, some have guessed changes in the temperature of the water, some have guessed a bacteria might be involved, but nobody knows. Such is the state of our knowledge—or the lack thereof.

Within the past several years we have also seen the kill of both porpoise and whales off our Atlantic beaches. Now nature is telling us something. Unfortunately we do not have the knowledge to precisely pinpoint the cause, and that is part of the problem, but nature is telling us something—as life in all of its form, plant and animal—is being destroyed.

Most recently, we have the disease that seems to be attacking both the lobsters and the crabs far out to sea off the Continental Shelf. They are getting burn holes in their shells and they are dying. Again, we do not have the answer. Some evidence indicates it might not be sewage sludge; but, on the other hand, there are those who still hold the sludge suspect.

Today's legislation stops ocean dumping; ocean dumping, I might add, both by New York and New Jersey. New Jersey is to be commended because they have agreed to stop dumping on their own.

The PRESIDING OFFICER. The Senator will suspend for one moment.

The hour of 1 o'clock has arrived. Under the previous order, we are to recess the Senate.

Mr. WEICKER. Mr. President, I ask for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. WEICKER. New York is to be commended for the fact that its Senators, both of them, are supporting this legislation. In the Northeast we do not have mountains and all the rest of the natural wonders that are associated with many of the other States of the Union. Our greatest natural resource is our waters—New Jersey, New York, Connecticut, Rhode Island, Massachusetts—that is it. And the time has come to give our ocean protection, not to use it as the Nation's toilet bowl.

The time has come to go ahead and put money into research. The time has come to give NOAA the same appropriations that you give to NASA. Nobody supports the space program more than I do. On the other hand, one has to get on his knees to beg for a few hundred thousand dollars in research, while billions go on to space. And yet this water that we deal with so carelessly covers 75 percent of the Earth's surface.

Money for research—indeed, when the lobster and crab problem arose the other day, it took everything I could do and every chip that I could expend to get $500,000 for a study to find out what is going on. Do people feel the fish population, lobsters, crabs, are worth $500,000 for this great metropolitan area of the Nation? Apparently not too many people felt it was a priority as, indeed, they feel there is no rush; there will be plenty of time to clean up the water at some later date. But we are past the point of no return. It is over. The waters are spitting right back at us. So I urge my colleagues to pass this legislation, and I commend my colleagues from the affected States.

I might add, it is nothing to say that Connecticut is exempt, because every time one of our secondary sewage treatment facilities has a glitch—and, like anything mechanical, they get glitches—what do you think happens? The bypass valve is turned on and we bypass it, as do the communities in New Jersey and New York and everywhere else.

That is understandable as a matter of emergency. But, in a preplanned way to throw it into the ocean and to throw it into the sound, no; no more. And that is what this legislation says. It ought to be passed.

Again, my thanks to my good friend from New Jersey, FRANK LAUTENBERG, for bringing this to the floor of the Senate. I hope it will be on its way before the afternoon's end.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I ask for order in the Senate.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered. The Senate will come to order.

IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

The PRESIDING OFFICER. The Secretary of the majority.

The Secretary to the majority, C. Abbott Saffold, announced their presence as follows:

I have the honor to announce the managers on the part of the House of Representatives to conduct proceedings on behalf of the House concerning the impeachment of Alcee L. Hastings, judge of the U.S. District Court of the Southern District of Florida.

The PRESIDING OFFICER. The managers on the part of the House will be received and assigned their seats.

(The Sergeant at Arms escorted the managers to the seats assigned to them in the area in front of the Chair.)

The PRESIDING OFFICER. The Sergeant at Arms will make a proclamation.

The Sergeant at Arms, Henry K. Giugni, made proclamation, as follows:

Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Alcee L. Hastings, judge of the U.S. District for the Southern District of Florida.

The PRESIDING OFFICER. The managers on the part of the House will proceed.

Mr. Manager RODINO. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the articles of impeachment which have been preferred by the House of Representatives against Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida. The House adopted the following resolution which, with the permission of the Senate, I will read.

House Resolution 511 in the House of Representatives, August 3, 1988:

Resolved, That PETER W. RODINO, Jr., JOHN CONYERS, Jr., DON EDWARDS, JOHN BRYANT, HAMILTON FISH, Jr., and GEORGE W. GEKAS, Members of the House of Representatives, are appointed managers to conduct the impeachment trial against Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida.

These managers are instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to try the impeachment of Alcee L. Hastings of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against that judge which have been agreed upon by the House of Representatives.

These managers shall demand that the Senate take order for the appearance of Alcee L. Hastings to answer such impeachment and demand his conviction and appropriate judgment thereon.

With the permission of the President and the Senate, I will now read the articles of impeachment.

House Resolution 499 in the House of Representatives, August 3, 1988:

Resolved, That Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, be impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

From some time in the first half of 1981 and continuing through October 9, 1981, Judge Hastings and William Borders, then a Washington, D.C. attorney, engaged in a corrupt conspiracy to obtain $150,000 from defendants in United States v. Romano, a case tried before Judge Hastings, in return for the imposition of sentences which would not require incarceration of the defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE II

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings and William Borders, of Washington, D.C., never made any agreement to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE III

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., to modify the sentences of defendants in United States v. Romano, a case tried before Judge Hastings, from a term in the Federal penitentiary to probation in return for a bribe from those defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE IV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., in connection with a payment on a bribe, to enter an order returning a substantial amount of property to the defendants in United States v. Romano, a case tried before Judge Hastings. Judge Hastings had previously ordered that property forfeited.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE V

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' appearance at the Fountainebleau Hotel in Miami Beach, Florida, on September 16, 1981, was not part of a plan to demonstrate his participation in a bribery scheme with William Borders of Washington, D.C., concerning United States v. Romano, a case tried before Judge Hastings, and that Judge Hastings expected to meet Mr. Borders at that place and on that occasion.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings did not expect William Borders, of Washington, D.C., to appear at Judge Hastings' room in the Sheraton Hotel in Washington, D.C., on September 12, 1981.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath, make a false statement which was intended to mislead the trier of fact.

The false statement concerned Judge Hastings' motive for instructing a law clerk, Jeffrey Miller, to prepare an order on October 5, 1981, in United States v. Romano, a case tried before Judge Hastings, returning a substantial portion of property previously ordered forfeited by Judge Hastings. Judge Hastings stated in substance that he so instructed Mr. Miller primarily because Judge Hastings was concerned that the order would not be completed before Mr. Miller's scheduled departure, when in fact the instruction on October 5, 1981, to prepare such order was in furtherance of a bribery scheme concerning that case.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District

Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' October 5, 1981, telephone conversation with William Borders, of Washington, D.C., was in fact about writing letters to solicit assistance for Hemphill Pride of Columbia, South Carolina, when in fact it was a coded conversation in furtherance of a conspiracy with Mr. Borders to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings, is guilty of an impeachable offense warranting removal from office.

ARTICLE IX

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that three documents that purported to be drafts of letters to assist Hemphill Pride, of Columbia, South Carolina, had been written by Judge Hastings on October 5, 1981, and were the letters referred to by Judge Hastings in his October 5, 1981, telephone conversation with William Borders, of Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE X

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath, make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on May 5, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-758-8825 in Columbia, South Carolina.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on August 2, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-782-9387 in Columbia, South Carolina.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on September 2, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-758-8825 in Columbia, South Carolina.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XIII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that 803-777-7716 was a telephone number at a place where Hemphill Pride could be contacted in July 1981.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on the afternoon of October 9, 1981, Judge Hastings called his mother and Patricia Williams from his hotel room at the L'Enfant Plaza Hotel in Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact concerning his motives for taking a plane on October 9, 1981, from Baltimore-Washington International Airport rather than from Washington National Airport.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XVI

From July 15, 1985, to September 15, 1985, Judge Hastings was the supervising judge of a wiretap instituted under chapter 119 of title 18, United States Code (added by title III of the Omnibus Crime Control and Safe Streets Act of 1968). The wiretap was part of certain investigations then being conducted by law enforcement agents of the United States.

As supervising judge, Judge Hastings learned highly confidential information obtained through the wiretap. The documents disclosing this information, presented to Judge Hastings as the supervising judge, were Judge Hastings' sole source of the highly confidential information.

On September 6, 1985, Judge Hastings revealed highly confidential information that he learned as the supervising judge of the wiretap, as follows: On the morning of September 6, 1985, Judge Hastings told Stephen Clark, the Mayor of Dade County, Florida, to stay away from Kevin "Waxy" Gordon, who was "hot" and was using the Mayor's name in Hialeah, Florida.

As a result of this improper disclosure, certain investigations then being conducted by law enforcement agents of the United States were thwarted and ultimately terminated.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII

Judge Hastings, who as a Federal judge is required to enforce and obey the Constitution and laws of the United States, to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to perform the duties of his office impartially, did, through—

(1) a corrupt relationship with William Borders of Washington, D.C.;

(2) repeated false testimony under oath at Judge Hastings' criminal trial;

(3) fabrication of false documents which were submitted as evidence at his criminal trial; and

(4) improper disclosure of confidential information acquired by him as supervisory judge of a wiretap;

undermine confidence in the integrity and impartiality of the judiciary and betray the trust of the people of the United States, thereby bringing disrepute on the Federal courts and the administration of justice by the Federal courts.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

Mr. President, the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, and also of replying to his answers which he shall make unto the articles preferred against him, and of offering proof to the same and every part thereof, and to all and every other article of accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said Alcee L. Hastings may be put to answer the misdemeanors in office which have been charged against him in the articles which have been exhibited to the Senate, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice. Mr. President, the managers on the part of the House of Representatives, by the adoption of the articles of impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of the said Alcee L. Hastings to answer said impeachment and do now demand his conviction, and appropriate judgment thereon.

Mr. BYRD. Mr. President, at this time the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution, which provides in part: "The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation." Therefore, I move that Mr. THURMOND, the senior Senator from South Carolina, be designated to administer the oath to the President pro tempore, the distinguished Senator from Mississippi, Mr. STENNIS, who in turn should administer the oath to the next Senator in point of seniority, Mr. PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I will now administer the oath to the President pro tempore of the Senate, Senator JOHN C. STENNIS.

Senator STENNIS, if you will raise your right hand: You do solemnly swear that in all things appertaining to the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, now pending, you will do impartial justice according to the Constitution and laws. So help you God?

Mr. STENNIS. I do.

(Mr. SANFORD assumed the Chair.)

Mr. STENNIS. Senator PROXMIRE, you do solemnly swear that in all things appertaining to the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

Mr. PROXMIRE. I do.

(Mr. PROXMIRE assumed the Chair.)

Mr. BYRD. Mr. President, the oath shall now be administered by the Presiding Officer to all Senators. If any Senator has cause to be excused from this service, now is the appropriate time to make that known. If there is no Senator who desires to be excused, I move that the Presiding Officer administer the oath to the Senators.

The PRESIDING OFFICER (Mr. PROXMIRE). Is there objection? The Chair hears none. It is so ordered.

Senators shall now be sworn: You do solemnly swear that in all things appertaining to the trial of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

SENATORS. I do.

The PRESIDING OFFICER. Any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make the fact known to the Chair so that the oath may be administered as soon as possible to the Senator.

Mr. BYRD. The Secretary will note the names of the Senators who have been sworn, and will present to them for signing a book which will be the Senate's permanent record of the administration of the oath.

Mr. President, the next step is to issue a summons to Judge Hastings which directs him to answer the articles of impeachment and to abide by and obey the further orders, directions, and judgments of the Senate. The Sergeant at Arms will serve the summons on Judge Hastings. In accordance with prior practice, the managers on the part of the House will have the opportunity to file a replication to the answer. Accordingly, on behalf of myself and the distinguished minority leader, Mr. DOLE, I send to the desk a resolution for the issuance of a summons with respect to the articles of impeachment against Alcee L. Hastings, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

S. RES. 456

A resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Alcee L. Hastings

Resolved, A summons shall be issued which commands Alcee L. Hastings to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1988, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The managers on the part of the House may file with the Secretary of the Senate a replication no later than September 23, 1988.

SEC. 5. The Secretary shall notify counsel for Alcee L. Hastings of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 456) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

Mr. BYRD. Mr. President, the question whether Judge Alcee L. Hastings engaged in impeachable conduct was the subject of consideration in the judicial branch for 4 years from the time that complaints were filed by several of Judge Hastings' fellow judges on March 1983. The judicial branch concluded its proceedings in March 1987, when Chief Justice William Rehnquist transmitted to the Speaker of the House of Representatives a certification that Judge Hastings had "engaged in conduct which might constitute one or more grounds for impeachment." Following the Chief Justice's certification to the House in March 1987, the House of Representatives studied this matter in subcommittee and full committee, and then voted on the articles of impeachment last week.

It is now the Senate's responsibility to render a verdict on the 17 articles of impeachment that are now before us. In fairness to both the House of Representatives and Judge Hastings, we should not attempt to complete the trial of this impeachment in the few weeks that remain before the adjournment sine die of this Congress.

There is historical precedent for the Senate's carrying an impeachment over from one Congress to the next. This was done in 1933 in the impeachment of Judge Louderback. The question of doing so, however, has never been the subject of a report by a committee to the Senate. In addition to advice on that subject, the Senate would benefit from a recommendation on the appropriate use in this impeachment of an evidentiary committee under Senate Impeachment Rule XI to help prepare for the Senate's taking up of the articles early in the next Congress.

Accordingly, on behalf of myself and the distinguished minority leader, Mr. DOLE, I ask unanimous consent that the Committee on Rules and Administration shall report to the Senate by September 23, 1988, on (a) the authority of the Senate to continue in the next Congress proceedings on the impeachment of Judge Alcee L. Hastings; (b) the appropriate use, in the pending impeachment, of Senate Impeachment Rule XI; and (c) any other matter which may assist the Senate in a fair trial of the pending impeachment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The Senate will take further appropriate order and notify the House of Representatives and counsel for Judge Hastings.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Sanford). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, Senator Dole and I have been talking and he is waiting further word in relation to the Contra aid amendment. I believe it would be a good use of the time for the moment to proceed with the ocean dumping bill and maybe that within a few minutes we could have an understanding as to where we go on the Contra aid amendment.

For the time being, therefore, Mr. President, I suggest the managers of the ocean dumping bill proceed and those Senators who have amendments may call them up, and I will be prepared to announce a little later this afternoon as to where we go on the DOD appropriation bill and with the Contra aid amendment.

But there is no point in our putting in a quorum call awaiting final decision on that and no point in having a recess when we have business we can be doing. So we will proceed accordingly.

OCEAN DUMPING REFORM ACT

The Senate continued with the consideration of S. 2030.

Mr. CHAFEE. Mr. President, we are now continuing the consideration of the Ocean Dumping Reform Act of 1988.

Mr. President, I strongly support the passage of this legislation, the Ocean Dumping Reform Act of 1988. In particular I welcome with open arms the support of our two Senators from New York, Senators D'Amato and Moynihan, in approving this bill.

I must confess to a certain sense of Deja Vu. It is my recollection that Congress and EPA, a decade ago, required New York to end the ocean disposal of sludge by 1981. Now here we are in 1988, mandating an end to ocean dumping by the end of 1991.

In fact, Congress made its intent regarding ocean dumping very clear when, in 1972, it passed the Ocean Dumping Act, which stated:

> The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare or amenities, or the marine environment, ecological systems, or economic potentialities.

Despite this declaration, here we are 16 years later still permitting the dumping of sewage sludge, which contains high levels of heavy metals and is known to be toxic, in our coastal waters. I am concerned, and the fishermen of my State and of New England are concerned, that this sludge is already having an adverse effect on the fisheries. One lobsterman in my State has organized a committee, the committee for the cessation of ocean dumping, or COD, to try and put a halt to this dumping. This fisherman maintains that his take of lobster from an area affected by this sludge is down 80 percent. No research has been done to determine whether the decline in lobsters is due to dumping at the 106 mile site, but one thing is clear: pollutants in the ocean are already threatening the $6 billion U.S. commercial and recreational fishing industry.

A startling 33 percent of U.S. shellfish beds are closed due to health-threatening levels of pollution.

The bill we are now considering will establish once and for all that ocean dumping is not an acceptable alternative for the disposal of sludge.

First of all, Mr. President, we are going to be using the word "sludge" here a lot today. What sludge is is the remnants when the liquids are drained out of the sewage disposals. That constitutes sludge, and that is what is currently being dumped by the city of New York and some municipalities in New Jersey at the site roughly east of New York at 106 miles off the coast.

What we are saying in this legislation is that this ocean dumping at the 106-mile site, which is the site that EPA has determined is where this ocean sludge from the municipalities in New Jersey and the city of New York is currently being dumped, we are saying in this legislation that that is no longer acceptable; there must be an alternative found.

This legislation is long overdue, but we must begin to take this first major step in restoring the oceans to a healthy state.

This legislation, introduced by Senators Lautenberg, Roth, myself and others, will prohibit dumping at the 106 mile disposal site after 1991, and will require those municipalities utilizing the site to develop environmentally sound alternatives to ocean disposal.

What we are doing is we are giving them 3½ years—the balance of 1988, all of 1989, all of 1990, and all of 1991.

If dumping municipal sludge in the ocean were the only or the best alternative, then we could accept that, reluctantly. But EPA has said unequivocally that the States utilizing the 106-mile dump site have not fuly explored other options. This legislation will require them to explore those options and to use them. In other words, we end it. We end the ocean dumping.

Now, is this an onerous burden to place on these municipalities? What about all the other municipalities which are located inland, whether they be Kansas City or St. Louis or Detroit, or wherever they might be? They have found methods of disposing of their sewage sludge, and so have the other cities along our coastal waters.

Philadelphia has found innovative methods for dealing with its sludge, and through pretreatment is able to utilize sludge products for land reclamation. Cities in the Midwest do not have ocean dumping of sludge as an option, and have found other, more environmentally sound methods for dealing with sludge.

Yet for Coastal States, the temptation to use the ocean as a dumping site is hard to resist. In the case of municipal sludge, this temptation must be resisted. We cannot continue to jeopardize the well-being of our fisheries and the health of our ocean.

It is unfortunate that it takes a situation like we have today, with medical waste washing up on our beaches, to capture the attention of the American public and of Congress. But perhaps this recent plethora of medical waste washing up on our beaches in New York, New Jersey, and the New England States, including mine, perhaps this is in a way a blessing in disguise, because it is spurring us to recognize that there must be a halt not only to the dumping of sewage sludge but all dumping into our oceans.

Last week, in the Senate we dealt with the medical waste disposal through the Medical Waste Tracking Act of 1988, which my colleague from New Jersey was active in. Last week, the Senate passed, as I mentioned, that legislation. Finally, we have received a message that we must make the tough decisions necessary to protect our marine environment.

Mr. President, I urge my colleagues to join with me in support of this much-needed legislation.

In conclusion, I would like to say that finally we are recognizing that there is a limitation to what the oceans can absorb. They cannot continue to take the beating that we, a civilized nation, have inflicted upon the oceans. And it is not only us. There was an article in our local newspaper at home the day before yesterday indicating what is happening in Europe. The Baltic, the North Sea, the Atlantic Ocean bordering France, Portugal, Spain, across the Mediterranean are becoming increasingly polluted due to the discharges that mankind makes in those bodies of water.

So let us in America set an example and show that we can end this ocean dumping and preserve our oceans for the future generations to enjoy.

I thank the Chair.

AMENDMENT NO. 2822

(Purpose: to ban the dumping of medical waste in oceans and navigable waters)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 2822.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendement is as follows:

On page 6, line 1, insert "and medical waste" immediately after "sludge".

On page 10, following line 5, insert the following new subsection and redesignate subsequent subsections accordingly:

"(i) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, medical waste from the United States into ocean waters."

At the end of the bill add the following new sections:

"SEC. . Section 3 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1402) is amended by adding at the end thereof the following:

'(m) The term "medical waste" shall include syringes, hypodermic needles, vials or babs containing blood specimens, surgical gloves, and such additional items as the Administrator shall prescribe by regulation.'.

"SEC. . Section 301(f) of the Federal Water Pollution Control Act (33 U.S.C. 1311(f)) is amended by inserting 'or medical waste' immediately after 'radioactive waste'.

"SEC. . Section 502 of the Federal Water Pollution Control Act is amended by inserting the following at the end thereof:

'(20) The term "medical waste" shall include syringes, hydodermic needles, vials or bags contraining blood specimens, surgical gloves and such additional items as the Administrator shall prescribe by regulation.'.".

Mr. DODD. Mr. President, I ask unanimous consent that Senators LAUTENBERG, CHAFEE, BRADLEY, and WEICKER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, first of all, let me commend my distinguished colleague from New Jersey, Senator LAUTENBERG, and my distinguished colleague from Rhode Island, Senator CHAFEE, for the fine work they have done on this particular legislation and for bringing this matter to the floor as expeditiously and as thoughtfully as they have. It obviously has been done in a timely fashion.

I could not agree more with my colleague from Rhode Island when he speaks of what has happened to our shorelines in the Northeast, particularly New Jersey, New York, and Connecticut. Last weekend, Mr. President, virtually all of the beaches in Connecticut were shut down. On one of the hottest weekends in the history of our State, we saw our constituents precluded from enjoying the wonderful beaches and waters of Long Island Sound. As we have heard, the problem now extends to Rhode Island and beyond.

I spoke with the Governor of Massachusetts, Governor Dukakis, just yesterday. He told me the medical waste problem is becoming a serious one in that State, in the Cape Code area, and the nearby islands, where this product is moving with the constant tides in that direction.

As Governor Dukakis told me yesterday, when his father was practicing medicine more than a generation ago, there was no such thing as a lot of medical wastes. They reused hypodermic needles and related products, rather than making everything disposable. With the increase of disposability of medical equipment, of course, how one handles it and disposes of it has become a serious problem.

This amendment, Mr. President, is very simple. It would amend the Marine Protection, Research, and Sanctuaries Act and the Federal Water Pollution Control Act to ban the dumping of all medical waste in our oceans and navigable waters. We would get tough on those who dump these wastes in our oceans and rivers and streams by imposing stiff penalties on those who would violate this act.

Our oceans, rivers, and streams are among our Nation's most precious resources, as this overall legislation reflects. The problem of coastal water pollution seems to be growing to crisis proportions. The unfortunate occurrences of medical wastes washing ashore certainly have made that point as clear as can be.

This amendment, and the bill that we are considering today, is a step toward dealing with the enormous burden we are placing on our Nation's waters. Again, I want to commend my colleagues for bringing up this act. I am grateful to them, as well, for the cosponsorship of this amendment.

As I look to my distinguished colleague now serving in the Chair, he is one who is one of the great sailors of the Senate on the high seas. My colleague from New Jersey also is someone who enjoys the waters of New England.

Just last weekend I sailed across Long Island Sound into Gardiners Bay. Having grown up on Long Island Sound, I must tell you the condition of that body of water is appalling even beyond the question of medical waste. The trash and the plastics that are floating along as part of the flotsam in that wonderful body of water are a sad sight to see. It is not just medical waste. The tides of medical waste washing ashore have heightened the issue of water pollution in general. It is tragic to see these wonderful bodies of water being destroyed, and we are destroying them. There is no question about it. So this is a timely piece of legislation and I hope this amendment will make it even a better one.

I thank the Chair and yield the floor.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Connecticut. He and I, like our distinguished colleague from Rhode Island, know the price of having the purity of water, the accessibility for recreation, the value to our way of life in having those oceans clean and not under assault.

I would commend the Senator from Connecticut for this amendment and tell you that I support it and recommended its adoption.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to congratulate our distinguished colleague from Connecticut on this amendment. What he has done is to add medical waste as one of these wastes which are prohibited under the Ocean Dumping Act with the penalties that go thereto.

For instance, we already have under the Clean Water Act, and likewise he is amending that, we already recognize, for instance, radioactive waste as a specific waste that is prohibited. Or chemical warfare waste.

What the distinguished Senator from Connecticut has done is to add to this medical wastes. That is a good approach. Because thus we pick up the existing penalties and he has strengthened those that exist under the two acts that I mentioned, the Ocean Dumping and the Clean Water Acts.

So, along with my distinguished colleague from New Jersey, I want to congratulate him and say this is a good amendment and on this side we accept it.

Mr. KERRY. Mr. President, I rise in support of the pending legislation. Our oceans are literally being swamped by garbage, fouled by sewage sludge, choked by nutrients from acid rain, littered with plastic debris, and contaminated by medical waste. The bill before us today addresses this alarming situation as it relates to waste. It prohibits the dumping of sewage sludge into the ocean and addresses the devastating issue of hospital waste washing up on our coastal shores. As a Senator from a State that boasts a billion dollar fishing and tourism industry, I am keenly sensitive to anything which could jeopardize our historic livelihood, as well as our environment.

Last year, we passed plastic pollution legislation in an attempt to deal with offshore ship dumping both nationally and internationally. Recently, in the Subcommittee on the National Ocean Policy Studies in the Commerce Committee, I chaired a hearing on the damaging effects of acid rain on our marine environment, and studies in this area are imminent. The legislation before us today addresses another tragic issue, the dumping of sewage sludge and hospital waste in our marine environment.

This bill establishes an impressive framework to put an end to the thoughtless, careless most importantly dangerous dumping of sewage sludge. It will require that States no longer dump sewage sludge into the ocean within 6 months after the date of enactment, and prohibits States like Massachusetts who are currently in an agreement with the Environmental Protection Agency to stop dumping by 1991. The bill also imposes essential costly penalties on those who violate the law, penalties that are higher than the cost of implementing land based alternatives.

The need for this legislation came to a head last year when a 50-mile garbage slick originating from a New York landfill closed beaches throughout the New Jersey shore, inciting a feud between the two neighboring States. And, of course, more recently the issue has been highlighted by cover stories in Newsweek and Time Magazine displaying pictures of drug addicts' needles, crack bottles, and AIDS infested vials littering the New York beaches, not to mention the New York medical waste which has eventually found its way to the New England coast. Such incidents have created an emergency health situation which has spurred public concern about this issue.

Mr. President, the issue before us is not a particularly new one in Massachusetts. It is not a secret that Boston Harbor is one of the most polluted harbors in the country. Early last month nine Boston-area beaches were forced to close when over 400 million gallons of waste water poured into Boston Harbor. It is not a secret that the majority of shellfish beds are closed around the Boston area, and that thousands of acres of shellfish beds have been closed on Cape Cod, a ten-fold increase during the past decade. It is also no secret that in the Boston Bay area fishermen are seeing an overwhelming increase of fish with lesions and lobsters and crabs exhibiting symptoms of chitinoclasia, commonly referred to as shell disease in which the shell shows erosion, blistering, and strange burns not to mention the mutation of claws. And it is not a secret that last year an estimated 170 pounds of trash per mile, most of it plastic, were picked up on State beaches during our annual beach clean up week. It is also a fact that 83 percent of the flounder in Quincy Bay have evidence of liver disease. These facts are deeply disturbing to the people of Massachusetts.

But Mr. President, although I am not proud of these facts, I am happy to say that we are currently undertaking a rigorous effort to cleanup the Boston Harbor. By the year 1991, sewage sludge will no longer be dumped in the ocean. Last week, Congress appropriated $25 million to be added to the harbor fund. In fact, tomorrow, ground breaking ceremonies will occur at Deer Island where the new waste water treatment facilities will be built.

Unfortunately, history has shown that mankind often refuses to act on a situation until it becomes a dire emergency: Acid rain, global warming, toxic waste dumps, and now polluted coastal waters. I am glad that today we are moving on the latter problem and it is my fervent hope that we will have the foresight to move on such other critical issues before they, too, start to exhibit health effects that could develop into emergencies, if they have not already.

Mr. President the summer season is almost over. I am pleased that America's great love for recreational beach activities have now brought ocean polution to a new level of consciousness. It is my hope that we do not have to wait for the beginning of another summer to address many of the other ocean damaging issues that still persist. Time is running out. I urge my colleagues to pass this critical legislation today and I hope that my good colleagues will remain vigilant on cleaning up the Nation's marine environments. I want to commend my colleague from New Jersey, Senator LAUTENBERG, for his strong support.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2822) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2823

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. LAUTENBERG. This amendment is on behalf of myself, Senator BRADLEY, Senator CHAFEE, and Senator DODD.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. BRADLEY, Mr. CHAFEE, and Mr. DODD, proposes an amendment numbered 2823.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

"SEC. . Section 105(b) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1415(b)) is amended by inserting '(1)' immediately before 'In addition' and, at the end thereof, adding the following new paragraph:

"(2) Any person who knowingly violates section 104(B)(i) of this Act shall upon conviction be fined not more than $250,000, or imprisoned for not more than five years, or both.'.".

Mr. LAUTENBERG. Mr. President, the shores from New Jersey to Massachusetts have been invaded by waves of garbage including medical waste. The medical waste appears to be the work of illegal dumpers. These dumpers threaten the well-being of their fellow citizens to save a few dollars in disposal costs. When medical wastes are disposed improperly, beaches are closed, vacations are ruined, our tourist economy is injured and our health is threatened.

Last week, the Senate passed S. 2680, the New Jersey-New York-Connecticut Medical Tracking Act of 1988. This bill requires EPA to set up a demonstration program for the tracking of medical waste generated in New Jersey, New York, and Connecticut. The regional tracking system will improve our ability to enforce existing disposal laws and deter those who contemplate illegally disposing of medical waste.

Mr. President, this amendment is consistent with the Dodd amendment on medical waste we just adopted. My amendment would establish a criminal penalty of $250,000 and 5 years in jail for the dumping of medical waste in U.S. waters or the ocean. The amendment is based on S. 2685, the Health Waste Anti-Dumping Act that Senators BRADLEY, MOYNIHAN, D'AMATO, DODD, WEICKER, and GRAHAM joined me in introducing last week. This amendment will serve as a further deterrent to the illegal disposal of medical waste.

I urge my colleagues to support the amendment.

The **PRESIDING OFFICER.** The Senator from Rhode Island.

Mr. **CHAFEE.** Mr. President, this is a good amendment which the distinguished Senator from New Jersey has. On this side, we not only accept it but applaud it.

Mr. **LAUTENBERG.** Mr. President, I urge the adoption of the amendment.

The **PRESIDING OFFICER.** Is there further debate on the amendment? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2823) was agreed to.

Mr. **LAUTENBERG.** Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **CHAFEE.** Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER** (Ms. MIKULSKI). The Senator from New Jersey.

Mr. **BRADLEY.** Madam President, first let me congratulate the distinguished Senator from New Jersey, Senator LAUTENBERG, for the last amendment. It is about time that we put some teeth into this kind of prohibition. I salute him for his action on this amendment as I do for innumerable other points in the environmental area, certainly relating to our oceans.

Madam President, I am pleased that today we will take a major step toward stopping a practice that should have ended a long time ago: The dumping of sewage sludge into the ocean. New Jersey and New York are the only States which still dispose of their sludge in the ocean. Senator LAUTENBERG and I introduced legislation last February to stop this sorry practice. I am sad to say that our bill has gained a new relevance this summer as we have witnessed the ocean's reaction to man's relentless assault on it.

Most of my colleagues and I thought that Congress had ended sewage sludge dumping in the ocean through legislation enacted in 1976. The Marine Protection, Research, and Sanctuaries Act we passed that year ordered all States and communities to stop dumping sewage waste in the ocean by 1981. Subsequent court battles and bureaucratic wrangling pushed that date back to 1991. We expected that States and local sewage authorities would develop and employ alternate means of disposing of their sludge within that deadline.

It appears, however, that the 1976 mandate was not explicit enough. The proponents of sludge dumping have found loopholes in that law which have made it possible to get variances and waivers to continue sewage sludge dumping in the ocean. Today we plug all the loopholes. We make clear that all ocean dumping must end. Finding alternatives will not be easy or cheap. But they can and must be found. Every other State in the Nation has found them. We treat our ocean as the world's largest cesspool. I am chagrined that New Jersey—all of whose residents have a special attachment to the ocean and our shore—is one of the two remaining jurisdictions which needs special legislation to outlaw this practice. This legislation gives local sewage authorities the clear message that they must find alternatives to ocean dumping—not sometime in the distant future, but right now.

How did we get to this place? We have long viewed the ocean as huge and vast with tremendous assimilative capacity. But we are finding that it is not as robust as we had thought. We have been short-sighted about using the ocean as a dumping ground. It has been hard to see and measure the damage we have been doing; most of that damage has been occurring out of sight and out of mind. However, signs of progressive deterioration are becoming apparent—marine life destroyed by algae blooms and lack of oxygen, smothered shellfish beds and "dead zones," diseased and contaminated fish and shellfish, reductions in fish catches, dead dolphins washing up on our beaches by the dozens, and of course the disgusting medical waste incidents this summer and last. Some scientists think that the rate of the ocean's decline may be high.

We have made a concentrated national effort to protect the air, the land, our drinking water, and even our inland waters and streams. But we have had no concerted ocean policy; again, we have viewed the ocean as a great sink which could absorb almost anything we threw into it. We simply cannot continue to do that any longer.

I want to take a moment to acknowledge the leadership of my colleague from New Jersey, Senator LAUTENBERG, in the effort to clear up our ocean. He has been tenacious in his effort to get the Senate to address this need.

Today is a day of real accomplishment.

Madam President, I also want to thank my colleagues from New York, Senator MOYNIHAN and Senator D'AMATO, for their support of the measure. I know theirs was a difficult decision, but I believe we will move more quickly toward reaching our goal of a cleaner ocean and restoration of our beautiful shores if the delegations of New York and New Jersey act as a team, as we are doing today.

So I greatly appreciate their support. All of us have been alarmed by what we have witnessed this summer. I hope and believe that the damage we have caused is both temporary and reversible, but restoring our oceans and our beaches will require a substantial commitment from all levels of government—Federal, State, and local. Much remains to be done, but there is no better time to begin than right now, and this bill is an enormous step forward. I strongly support it.

Mr. **LAUTENBERG.** Madam President, I want to thank my distinguished senior colleague. He and I have worked closely together on matters affecting the environment. Both of us have a deep sense of commitment to the environment which has developed in New Jersey over the past few years. We are particularly concerned about protection of our seashores and our ocean.

I have looked to Senator BRADLEY for support and guidance on issues, but in particular, we have worked very close to provide a better environment for the residents of our State and the country as a whole. I thank him for his support.

Mr. **D'AMATO** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from New York.

Mr. **D'AMATO.** Madam President, let me commend my colleagues for having brought this legislation to the point where it is today; for having worked tirelessly to be sensitive to all of the problems, and I am not talking, Madam President, just about the visible problems. I said on the floor of the Senate last week that maybe it took something like the syringes, medical waste, and sewage that has regularly bombarded our shores to bring us to a point where we must say with one voice that we can no longer put off indefinitely the work of finding alternatives for the disposal of our waste, be it sludge or any other matter.

We have no idea the extent of the deterioration that is taking place below the surface of the ocean.

Let me say as someone who has lived in a small community Island Park since 1945, I was as a youngster, overwhelmed by the opportunities provided. My family had moved from a city environment, to this small seashore community, where on a daily basis not only could we fish and swim, but we could literally go out and harvest the clams and the mussels that abounded in our bays.

Madam President, that no longer is the case because the fishing for clams and mussels is prohibited because of the water quality, There is a degradation of the bays where I live today and where more than 1 million Long Islanders at one time had the opportunity to fish and to clam; now all that is precluded to their children.

What is taking place in our oceans? I have to suggest to my colleagues, having been a local administrator of a town of over 800,000 people, understanding the responsibilities that the county executive of Nassau has, that the county executive of Westchester has, that the mayor of our city of New York has and the communities of New

Jersey, it is not an easy position that they have as relates to the disposal of whether it is their garbage or whether it is their sewage or that which is leftover, after treatment, the sludge. The fact of the matter is that the costs to these communities will increase substantially. But I happen to believe that the citizens of these communities will be willing to pay for those increased costs to see to it that we do not continue to bring this untold damage to our ocean, to our environment.

My family moved out on Long Island in 1945 to provide a quality of life for their children and future generations, which no longer exists. I do not believe that we sit by and allow that quality to continue to deteriorate.

While I have sympathy with the administrators of the municipalities that will be affected, and while I believe that we in the Congress will have to work with them—and that may even be, Madam President, to provide funds—it is not so easy. We get up here and we may make light of the fact of the alternatives, what do you do with the sludge, which in some cases is highly toxic, in some cases absolutely impossible to bury without contaminating or creating other problems?

It may call for high-temperature incineration; it may call for, and undoubtedly will, the expenditure of hundreds of millions of dollars.

So while I support this action today, I also think that we are going to have to be mindful of working with these communities, and particularly the city of New York, because, as I have been told by the city fathers and the mayor it relates to incineration it is something in the area of $477 million to construct a plant to undertake that kind of alternative. In addition, the operating costs will increase tremendously.

Having said that, I do not believe that we have an alternative. But I do believe that we cannot continue to dump in our oceans. I believe we have to begin now to do that which we should have done many years ago. So while I support this legislation, I hope that we will go one step further and that we will continue to work, as we have today in bringing this legislation to the floor, to see to it that we work with local governments in finding the kind of constructive alternatives that will see to it that we truly meet the need of our constituents.

I am happy to support this bill. I believe that by doing so we do the business of the people.

Mr. LAUTENBERG. Madam President, I want to thank my colleague from New York. I know that it poses some unique problems for the city and his State that is one of the generators of sludge that gets dumped there, as are communities in New Jersey and Westchester. Therefore, it is not easy to just stand up and salute the environmental side of things. So I deeply appreciate it.

I know that the Senator has a concern about the environment. We heard about the community in which he lived. There are few places in the world that have finer beaches than Long Island or Fire Island or so much of that area of New York. His help and support is essential, and we are grateful to have it.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I likewise want to salute the distinguished junior Senator from New York. We had the mayor of New York come down and testify before the Environment and Public Works Committee. His thesis was that this is ridiculous. What do you expect us to do with this? You can pass all the laws you want, but there is no way in the world we can stop ocean dumping because we have no place else to put it. So it placed the distinguished Senator from New York and his colleagues in a very difficult dilemma.

I personally am convinced that New York—I am talking New York City—can do something constructive within the 3½ years that we are giving them under this legislation.

It is going to be expensive. I think they have to receive every bit of attention and assistance that we are able to give them. The trouble with this business is you go up one alley, you choose one solution, and frequently that solution is detrimental to another. For example, the suggestion is the city of New York, all right, they will try to meet the requirements that we have levied on them—that by January 1, 1992, there will no longer be ocean dumping, and therefore they will not do anything about what we call the combined sewer overflow problem; that is, their big sewers that currently take the runoffs from the streets and shoot it into the river.

If we absorb their money in order to meet the handling of this sludge, then they will have no money for the other problems, which in itself is a pollutant problem, or if indeed they go to the incineration of the sludge, then they create an air problem, and indeed contribute to the greenhouse effect which we are so worried about.

But nonetheless, I think if all of us are mindful of the admonition that the Senator from New York gave us, that New York has a problem, we have to recognize it, and we have to be prepared to do anything we can to insist. And in some instances that will involve money. They do not want goodwill. They do not want suggestions. They want money. We have to be cognizant of their problems in order that we just do not create one more great environmental problem as we try to solve the ending of the dumping at the 106-mile site.

So I want to thank very much the Senator from New York for coming aboard on this. It is a difficult problem for him and for his senior colleague. But both of them announced they are for this, and that gives us a great big plus. I might say, if they were not for it, life might be difficult on this floor for the rest of us interested in ending this dumping.

So I want to salute the Senator from New York, Senator D'AMATO.

Mr. MOYNIHAN. Madam President, I think the first thing I should say is that I know of no one who is in favor of ocean dumping, and that support for this bill will be close to unanimous. I know of no Senator who opposes it. Mayor Koch has come out opposed to the practice; he has recently announced plans to stop the city's ocean dumping by 1998. I should also announce right off that I will vote to pass this bill—indeed, I am a cosponsor. It addresses a fairly simple proposition, and that is that the ocean dumping of sewage sludge must stop. This bill will bring us to that necessary end. And before I go further I must commend Senator LAUTENBERG for his untiring efforts in this regard. The progress of this bill is due to his conviction on this matter, his energy, and his unwillingness to be discouraged.

This practice has been going on for quite some time—since the 1920's, and it has taken quite a great while to get any real evidence about what this might be doing to the ocean. We have been a long time at this, but one can only wait so long for evidence to accrue. In our case, this practice will continue without interruption until we act, and the potential for damage is just too great. We are dealing with the state of this world's oceans, the base of our food chain, and there is little excuse for inaction where the stakes are so high.

If at some future time there is undeniable evidence that ocean dumping does not threaten the health of our seas, then we have been fortunate indeed. We will have erred on the side of caution. But if we continue to dump, and then find it proven that sludge does in actual fact cause significant and irreversable degradation of the ocean environment, there will be no way to clean up what has already been dumped. Once done, it might never be undone.

The bill now before the Senate would ban all ocean dumping of sewage sludge after December 31, 1991, and would impose large financial penalties on anyone violating this prohibition. The proposed penalties, $20 to $40 per wet ton of sludge dumped, would supplant the currently applicable penalties of a maximum of $50,000 per violation.

The rationale behind these fines, which have been deliberately set at a level significantly higher than the cost of implementing alternative sludge disposal methods, is to encourage dumpers to adopt these alternative methods as quickly as possible by making this the financially preferable option. Although this may not be the most subtle form of persuasion, it will serve as a very real incentive to make all possible efforts to comply with the December 31, 1991, ban. Given the unavoidable time constraints that exist on placing alternative sludge disposal systems into operation, it is very possible, indeed, quite probable, that the nine New York and New Jersey municipalities currently dumping at the 106-mile site may not meet this deadline, regardless of the mandates of any Federal or State law. Mayor Koch of the city of New York has said that the city would agree to end ocean dumping by the year 1998.

We must freely admit that many of the factors contributing to the likelihood that our 1991 deadline will not be met are not in the control of the municipalities doing the dumping. New York State has what is called a fully adversarial siting process for environmental facilities such as landfills and incinerators, the very things that will be needed to dispose of this sludge on land. This means that the siting and construction of alternative disposal facilities will take a good deal of time, much of which cannot be avoided. In addition, these facilities pose their own environmental problems; incinerators emit into the air, and landfills can threaten ground water if improperly built or maintained. These are facts, and cannot be ignored. But this should not dictate our choice on the fundamentally separate question of whether it should be the policy of this Nation to safeguard our oceans and end ocean dumping. All Senators will have to choose today whether or not we should stop ocean dumping once and for all. I believe that we should, and I will vote to pass the bill.

Over 100 municipalities that at one time disposed of sludge in the ocean have adopted land-based alternatives. It should be noted that none of these municipalities produce anywhere near the quantity of sludge as do those currently using the 106-mile site. The quantity of sludge produced by the 100 municipalities that have adopted alternatives represents only 5 percent of the sludge now being dumped at the 106-mile site. The amount now going to the 106-mile site is very large—approximately 7.7 million wet tons per year—and consideration must be given to the practical limitations on how long it will take to implement alternatives, even if every effort is made to expedite the process.

What we are trying to do today is end ocean dumping, and thereby safeguard our oceans from a practice of uncertain hazard, but all the same, of greatly detrimental consequence if today's suspicions do become tomorrow's accepted truths.

I would like to reiterate that I favor the cessation of ocean dumping as soon possible, and I commend the members of the Environment and Public Works Committee and Senator LAUTENBERG in particular for their work to bring this issue to the attention of the Congress and the Nation.

Mr. LAUTENBERG. Madam President, our distinguished colleague, Senator MOYNIHAN, with whom I have worked closely on numerous environmental problems, is one of the most senior members on the Environment Committee. I have looked to him for guidance on environmental matters. This has been for him a difficult decision because no one representing New York can ignore the fact that New York City will have to work hard to meet the deadline. However, we believe with the creativity and genius that exists in New York City that the city will be able to find a way to stop ocean dumping by the 1991 deadline established in the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware

Mr. ROTH. Madam President, I rise today in support of the legislation before us, S. 2030 the Ocean Dumping Reform Act of 1988. I would like to commend the managers of the bill Senators LAUTENBERG and CHAFEE for their diligence on this issue during the past year. There is no question but we would not have made the progress that has been made possible if it had not been for their leadership. I also would like to commend the two committee chairmen, Senators BURDICK and STAFFORD, as well as Senator MITCHELL, whose efforts are responsible for the favorable reporting of the legislation by the environment committee. S. 2030 in its current form is an amended version of legislation introduced by Senator LAUTENBERG, which I had cosponsored when it was introduced. I am especially pleased because the amended version before us today incorporates many of the basic provisions of legislation S. 2066 that I had introduced this past February.

Madam President, the Ocean Dumping Reform Act of 1988 is timely and necessary legislation. Last week the cover of Time magazine read: "Our Filthy Seas." The magazine article stated that polluted waters and littered beaches can take jobs away from fisherfolk as well as food from consumers, recreation from vacationers, and business from resorts. In dollars, pollution costs billions; the cost in the quality of life is incalculable.

David Urian, from Georgetown, DE, mailed me an article from the Salt Water Sportsman, with the headline: "Out of Sight, Out of Control". In his letter he said,

> It goes without saying that the Delaware coastal area is an extremely valuable asset to the State, and that one of the reasons people are drawn to this area is the recreational fishing industry. Therefore, it behooves all of us to be extremely concerned over anything that will have an adverse effect on this industry and, therefore, the State of Delaware.

David and the articles ask that we do something about the unacceptable adverse effects on human health and the damage to our resources in the marine environment as soon as possible.

Well, David, here is your answer. I have long supported your cause and the cause of all my constituents, to stop ocean dumping. The legislation we are addressing today will go a long way to raising our environmental consiousness and morality—something I believe in, and something I have often stated we need more of. I believe we have a responsibility to protect and preserve. I believe we must realize that our resources are finite. Without the wise use and protection of these resources even civilization will be challenged.

Madam President, at this time I ask unanimous consent that David Uriam's letter and enclosure, and a letter from the Oceanic Society, written on behalf of a variety of organizations concerned with ocean pollution and S. 2030 be printed in the RECORD.

I also want to have printed in the RECORD at this time today's August 9, 1988, Washington Post column "Pollution and the Jaws of Defeat" by Art Buchwald. The column is a conversation between sharks about 200 miles off Cape Cod. The following are some of the excerpts of this conversation.

Shark 1 says: "Don't go near Long Island. All the beaches have been turned into cesspools."

Shark 2 says: "Ditto for New Jersey. Every bit of medical garbage known to man has been dumped into the water there, including blood contaminated with AIDS."

Shark 3 says: "It's not just Long Island. The whole ocean tastes funny. I say that all sea creatures pronounce the east coast off limits until people can get their antipollution act together."

Shark 4 says: "I don't mind eating garbage, but I am not going to swim through the other stuff they are pumping into the sea."

There are several of such quotes Madam President, but one of the best quotes is as follows:

"But what are we going to do about food? All the marine life in the area is now contaminated. Even the people on the beach are unsafe to eat."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALLARD, JEFFERSON,
MOFFITT & URIAN, P.A.,
Georgetown, DE, July 28, 1988.

Senator ROTH,
Federal Building,
Dover, DE.

DEAR SENATOR ROTH: I am enclosing a copy of an article out of the July 1988 issue of Saltwater Sportsmen magazine in connection with the continued ocean dumping of sludge off the coast of Delaware.

I thought this article is of such importance that it should be brought to your attention and added to the undoubtedly voluminous information you already have on this subject. It goes without saying that the Delaware Coastal area is an extremely valuable asset to the State, and that one of the reasons persons are drawn to this area is the recreational fishing industry. Therefore, it behooves all of us to be extremely concerned over anything that will have an adverse effect on this industry and therefore the State of Delaware.

I trust that your concern in this matter is the same as mine and many other Delawarean's and that in your position you will do everything within your power to see that this off shore dumping is stopped as soon as possible in the foreseeable future.

Very truly yours,
DAVID R. URIAN, CPA.

OUT OF SIGHT, OUT OF CONTROL—THE CONTINUED DUMPING OF CONTAMINATED SEWAGE SLUDGE OFF THE NORTHEAST U.S. COAST IS POISONING THE WATER AND KILLING SEA LIFE, IT'S GOT TO STOP.

(By Whit Griswold)

Last summer, hundreds of dolphins died off the Northeast coast. A rash of whale deaths this past winter still has marine biologists scratching their heads. And now, offshore lobstermen are bringing in diseased lobsters and telling of drastically reduced catches between Block and Hudson Canyons. There have been reports of fin rot in botton-dwelling tilefish in the same area and rumors that yellowfin and bigeye tuna taken off Virginia this spring also showed signs of fin rot.

Pretty scary stuff. When a ranking fisheries management official in Massachusetts was shown some of the diseased lobsters, he said he hoped the information wouldn't be made public for fear of what it would do to the seafood market in the region. But what about the effect on the recreational fishing industry? What about the effect on tourism in coastal communities where beaches are shut down because of too much "waste" washing ashore from mysterious places?

The dumping of sewage sludge in the waters off New York City was first permitted in 1924, and it's still going on today. Up until last spring the sludge was dumped at the 12-mile dump site, so named because it lies just 12 miles off the coast. Over the years, untold millions of tons of sludge have been dumped there. Most fish left the area long ago. In those that remain there is evidence of fin rot and black gill, and there has been mutation of fish larvae. Bottom sediments are loaded with heavy metals (cadmium, mercury, lead, copper, chronium) and toxic organic compounds (PCBs). Shellfish beds have been closed in a surrounding area that covers 150 square miles. The site is a virtual biological desert.

In response to a 1970 Council of Environmental Quality report that recommended that dumping of sludge in the ocean be discontinued, the Marine Protection, Research and Sanctuaries Act was enacted in 1972. Known as the Ocean Dumping Act, it required the Environmental Protection Agency (EPA) to make sure that ocean dumping would have, "No unacceptable adverse effects on human health and no significant damage to the resources of the marine environment; No unacceptable adverse effect on the marine ecosystem; No unacceptable adverse effect on the ocean for other uses as a result of direct economic impact." Some might argue that any adverse effect is unacceptable, but the intent of the act is clear. In spite of all this, the dumping continued.

In 1977, an amendment to the Ocean Dumping Act prohibited the EPA from granting any more permits for sludge dumping in the ocean after December 31, 1981. Most municipalities turned to other methods of disposal, but nine (New York City, Westchester and Nassau Counties in New York and six municipalities in northern New Jersey) did not. When the EPA refused to renew dumping permits for these nine municipalities in 1981, the refusal was challenged in court. The judge ruled that EPA could not stop the municipalities from dumping in the ocean and dumping was allowed to continue at the 12-mile site. In 1985, the EPA denied petitions to continue dumping at the 12-mile site. The nine municipalities were required by court order to stop dumping at the 12-mile site by December 31, 1987 and instead start dumping at the 106-mile site, which EPA had designated as a dump site back in 1984.

The site lies between 38 degrees, 40′ N and 39 degrees 00′ N and 72 degrees 00′ W and 72 degrees 05′ W. That puts it about 135 nautical miles east of Cape May, New Jersey; 125 nautical miles south of Montauk Point; 180 nautical miles southwest of George's Bank. The northern edge of the site is only five miles from the 1,000-fathom line, 12 nautical miles from the 500-fathom line and 22 nautical miles from the 100-fathom line.

At present, eight million tons of sludge can be dumped at the 106-mile site each year. That's something over 40 percent of all the sludge generated by New York State annually, combined with about 60 percent of the gross natural product of the state of New Jersey each year.

According to testimony before the House Merchant Marine and Fisheries Committee by Sally Ann Lentz of the Oceanic Society, the sewage sludge currently ocean dumped by New York City and other New York and New Jersey Sewage Authorities is contaminated with low, but environmentally significant levels of persistent toxic pollutants including PCBs, carcinogenic petroleum fractions and toxic heavy metals including cadmium, mercury and lead.

If all the sludge settled directly to the bottom, eight million tons would cover about 107 square miles of bottom an inch deep in toxic goop. And if this sludge made a wasteland of the 12-mile site, won't it do the same farther offshore? Has it done so already? Who knows?

Captain Eric Winn, owner/operator of the offshore lobster boat *Debbie Ann*, has been fishing the area between Block and Hudson canyons for the last ten years. His traps are positioned on the slope of the continental shelf, between 60 and 260 fathoms down. Last fall he and other lobstermen noticed an abundance of undersized or "short" lobsters, usually a sign of good fishing for the following spring. But the lobsters haven't materialized. They haven't moved back up on the slope as they usually do in the spring and catches have fallen off drastically.

On a typical three-day offshore trip, Winn hauls about 2,500 traps which produce between 5,000 and 10,000 pounds of lobster. On trips late this winter and early spring—normally peak fishing time—he averaged about 1,500 pounds. His catch is off over 70 percent over the last six months, by far the worst six-month period he's ever experienced.

Winn hasn't noticed any unusual weather conditions which might explain the drought. And he's not alone. "It used to be it might be off in one spot, but a fisherman 20 miles east would be catching well," he said. "Now nobody's catching." At least they aren't catching what they used to be catching.

And lobsters and crabs that they are bringing up are showing disturbing signs of disease. On March 29, 1988, Bruce Estrella, Senior Marine Fisheries Biologist with the Massachusetts Division of Marine Fisheries, examined 14 lobsters, two red crabs and five Jonah crabs that had been brought to him by Capt. George Whidden, another offshore lobsterman. The shellfish were taken in traps about 80 miles north/northeast of the 106-mile dump site.

"All of these samples exhibited symptoms of chitinoclasia, commonly referred to as shell disease," Estrella reported. "The severest symptoms of shell erosion, ulceration, blistering and also gill tissue necrosis were observed. . ." This same shell disease is common in lobsters taken around sewage outfalls and dredge spoils, It's the same disease that was found in lobsters taken from Boston Harbor, one of the most polluted bodies of water in the country. And it's the same disease that affected lobsters taken in the vicinity of the 12-mile site.

As bad as the prospect for mature lobsters is, it's worse for future generations. Lobster eggs are released on the bottom by the females. They float to the surface, hatch and the lobster larvae then sink back to the ocean floor. Even in ideal conditions, mortality is high. When they are being poisoned by toxic waste suspended throughout the water column, their round trip would seem particularly perilous.

While lobsters are one of the mainstays of the commercial fishing industry in the northeast, the effects of the dumping on finfish should interest recreational anglers even more. If the sludge that's dumped over the 106-mile site were contained within that site, it might be easy enough to avoid fishing that area. One might even hope that pelagic fish are smart enough to avoid the area. Unfortunately, it's not that simple.

To begin with, commercial fishermen have reported seeing barges "dumping short"—that is, not even making it as far offshore as the 106-mile site before they discharge. The haulers are in fact permitted to dump short if they feel weather threatens their safety, but some observers believe they dump short in any weather to save time and money.

Even if all the sludge was dumped in precisely the right spot, very little of it would reach the bottom at that spot. Strong currents run roughly northeast and southwest along the slope of the continental shelf, and in the spring there is heavy movement of water off the shelf caused by fresh water runoff. Warm water cores—eddies—spin off from the Gulf Stream farther offshore and migrate through the dump site area and then back down the coast until they merge once again with the Gulf Stream off the

Virginia Capes. And because of temperature and density gradients in the water, particularly during the summer, much of the waste that is dumped over the 106 never makes its to the bottom, but is suspended in the water column to be dispersed over an area of undetermined dimensions.

We do know, however, that several species of game fish and baitfish—including cod, haddock, menhaden. Bluefish, mackerel, silver hake, achovy and sand lance—spend a significant amount of time annually in the affected waters. Bluefish especially spend much of the early part of their life cycle when they are most vulnerable, in the area. And every offshore fisherman these days knows that tuna and billfish inhabit canyon waters and also that they often follow and feed along the edges of the warm core eddies. It's safe to say that pelagics swimming along the edge of the continental shelf, as most of them do sometime during the year, are going to be exposed to these poisons. How they react to the toxins is arguable, but the fact that they will indeed be exposed is not.

So how many years of "healthy" fishing do we have left? One? Three? None? One thing is for certain; the longer the delay before action is taken, the worse the problem will become. Responding to an alarm first sounded by Capt. George Whidden, a group of commercial fishermen, anglers, conservationists and others recently formed a coalition for the sole and express purpose of stopping ocean dumping *now.* The group is called the Coalition to Cease Ocean Dumping (CCOD).

They're sick of being told that ocean dumping is not having any effect on the lobsters they fish for. They're sick of being told that more studies are needed to assess the impact of the dumping. They've seen the evidence firsthand and they've also seen reports prepared by federal agencies such as NOAA and NMFS that oppose ocean dumping. They don't think that we can afford to wait for Congress to study, debate and possibly enact a bill introduced by Representative Claudine Schneider of Rhode Island that would end all dumping by 1993.

Schneider's bill is designed to ensure a "national, realistic termination" of sludge dumping in the ocean. Most people concerned about the problem would agree that the aim of the legislation is on the money, but members of CCOD feel strongly that the timetable is much too lax. They see a real emergency out there and a need to address it immediately. They worry that if New York and New Jersey were able to circumvent provisions of the Ocean Dumping Act with such apparent ease, why couldn't they get around another law passed 20 years later?

Recognizing the potential economic impact of shutting down offshore fisheries for finfish and shellfish, leaders of CCOD quickly enlisted the suport of several Rhode Island banks, banks that had money tied up in the fishing industry. These bankers realized the economic importance of the fishing and tourism industries to Rhode Island's economy.

CCOD soon got support from other quarters as well. At an early organizational meeting, Dr. Richard I. Cooper put the facilities of the National Undersea Research Program based at the University of Connecticut at the Coalition's disposal.

If Congress can't or won't act fast enough, maybe the courts can. Perhaps there's a way to force a halt in the dumping because laws are being broken. Under the Endangered Species Act, for example, federal agencies must not permit action which would ". . . jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species."

So far, it's been impossible to quantify the threat to species in the dump site area, but, as Ms. Lentz of the Oceanic Society wrote: "Current knowledge suggests, however, that many species of marine mammals, turtles and birds, including endangered and threatened species, spend significant parts of their lives in the potential area of impact."

There are also laws on the books which say that alternative locations and methods of disposal should be pursued, that if sludge must be dumped, it should be treated to reduce its impact on the environment.

"This points to the real problem at the heart of the current dilemma," the Oceanic Society points out. "The failure of the subject municipalities to institute effective pretreatment and industrial waste reduction programs. Neither ocean dumping, nor any of the land-based alternatives are environmentally acceptable options for managing highly-contaminated sewage sludge. Effective pre-treatment improves the quality of the sludge and must go hand in hand with any chosen management option, including ocean dumping."

There's no denying that the sludge has to go somewhere. But wherever it goes, we should first try to "defuse" it, then contain it. It may be out of sight out in the ocean, but it's not out of some people's minds. The ocean is very powerful and bountiful, but now it and many of the species it incubates and nurtures are at our mercy.

We have no right to take this life away, no matter what the circumstances.

THE OCEANIC SOCIETY,
Washington, DC, July 26, 1988.

Hon. WILLIAM V. ROTH,
U.S. Senate,
Washington, DC.

Re Ocean Dumping of Sewage Sludge.

DEAR SENATOR: The Senate is likely to act soon on S. 2030, the Ocean Dumping Reform Act of 1988. This bill, which would amend Title I of the Marine Protection, Research and Sanctuaries Act ("Ocean Dumping Act"), prohibits the ocean dumping of sewage sludge after December 31, 1991. The bill was favorably approved by the Environment and Public Works Committee on June 23, 1988. Enactment of S. 2030 would represent a very positive step in national efforts to develop environmentally responsible waste management practices. The undersigned organizations wish to express our support for S. 2030. We would appreciate your personal support and sponsorship of that bill.

As discussed in testimony the Oceanic Society presented before the Subcommittee on Environmental Protection of the Committee on Environment and Public Works on February 18, 1988 on behalf of a diverse coalition of 24 organizations it has been that ocean dumping of sewage sludge has caused considerable damage to the coastal waters of the New York Bight. As a result of such damage, EPA decided in 1984 to close down the coastal sludge dumpsite ("12-mile site") and move the dumping operations to a deepwater site ("106-mile site") beginning in 1986. However, by moving the dumping activities from the 12-Mile Site to the 106-Mile Site the threat of still further damage to the marine environment has now been shifted to deeper waters of the Atlantic Ocean. There are already strong signs of damage from dumping of industrial waste at the 106-Mile Site. We can ill-afford to risk further damage from sewage sludge dumping when the long-term consequences of such activity are largely unknown.

Sewage sludge dumping has virtually destroyed the 12-Mile Site in the New York Bight, resulting in the closing of shellfish beds, reduced catches of fish, increased incidence of fish disease, and mutation of fish larvae. Moving the sludge dumping to the 106-Mile Site offers little comfort. The National Marine Fisheries Service has estimated that an area of 45,000 square miles running the length of the biologically productive continental shelf from New York to North Carolina is at risk from dumping at the 106-Mile Site. This area supports important commercial and recreational fisheries such as lobster, tuna, and tilefish which are vital to the east coast and national economies.

Alternatives for the management of sewage sludge do exist. In fact, only four to seven percent of the total sludge generated in the U.S. is ocean dumped. New York City, two Long Island communities and six New Jersey municipalities are the only remaining ocean dumpers. Our organizations subscribe to a hierarchy of waste management that places source reduction and beneficial uses of waste (in the form of recycling and recovery) at the top of the hierarchy as preferred options. For pretreated sewage sludge, such alternatives include its use as compost. Large municipalities, such as Milwaukee, Chicago and Seattle are already utilizing these beneficial sludge management methods.

It has been argued that the implementation of alternative technologies will be of considerable expense and place an undue economic burden on the New York and New Jersey municipalities who continue to ocean dump. While the costs of instituting alternatives may be significant in the short-term, the long-term costs of continued dumping to the multi-billion dollar fishing and tourism industries of the east coast, let alone other costs, will be substantially higher. To their credit, New Jersey officials recognize the real costs of ocean dumping, and they support Congress' efforts to end this practice.

Although environmental concerns arising from these activities warrant, in our view, an immediate phase out, we recognize the need to allow a reasonable time frame for the implementation of alternatives. The 1991 phase out deadline as proposed in S. 2030 serves that purpose.

The ocean holds invaluable national resources which are being seriously threatened by increasing pressure to use the ocean as the nation's waste bin. S. 2030 recognizes the irreversible adverse consequences caused by ocean dumping of sewage sludge and reflects the spirit of the Ocean Dumping Act to move our nation toward environmentally sound waste management. It is time that New York and New Jersey join the other 48 states in complying with the Ocean Dumping Act mandate.

Thank you for the consideration of our views.

Sincerely,

CLIFTON E. CURTIS,
President.
JOHN G. CATENA,
Science/Policy Analyst.

On behalf of: Cape May City Environmental Commission, Cape May County Chamber of Commerce Environmental Committee, Center for Environmental Education, Clean Ocean Action, Conservation Law Foundation of New England, Inc., Environmental Policy Institute, Greenpeace U.S.A., National Audubon Socity, National Fish Meal and Oil Association, National Fisheries Institute, Natural Resources Defense Council, New York Sportfishing Federation, The Oceanic Society, Point Judith Fisherman's Cooperative, Shellfish Institute of North America, Sierra Club.

[From the Washington Post, Aug. 9, 1988]

POLLUTION AND THE JAWS OF DEFEAT

(By Art Buchwald)

CAPE COD.—How bad was the ocean pollution along the East Coast recently? I'll tell you how bad it was. The sharks no longer consider it safe to go into the water.

Perhaps that's an exaggeration. The truth is that the sharks were swimming around, but nowhere near the shore. A submarine picked up on sonar the conversation of a school of sharks about 200 miles off Cape Cod the other day. The sonar operator identified the sharks as Jaws I, Jaws II, Jaws III and Jaws IV.

The transcript that follows has only just been released:

Jaws I: Don't go near Long Island. All the beaches have been turned into cesspools.

Jaws II: Ditto for New Jersey. Every bit of medical garbage known to man has been dumped into the water there, including blood contaminated with AIDS.

Jaws III: How can anyone live like that? Even squid don't poison their own water.

Jaws IV: I don't mind eating garbage but I'm not going to swim through the other stuff they'r pumping into the sea.

Jaws I: I hear it is so bad off Far Rockaway that you can get violently sick just by nuzzling your head against a swimmer's leg.

Jaws II: The people are not only releasing raw sewage from the land, but they are pumping it from their boats as well. There is no way we can go near the beach without getting herpes.

Jaws IV: Maybe we shouldn't stay here. The ocean currents could bring the stuff out to where we are now.

Jaws I: I would like to bite the arm off the person responsible for dumping all the medical swill into the sea.

Jaws II: I would, too, but only if I could hear him scream a lot.

Jaws III: And thrash around in helpless agony . . .

Jaws IV: That's all well and good, but what do we do about food? All the marine life in the area is now contaminated. Even the people on the beach are unsafe to eat.

Jaws I: That's outrageous. No one should be permitted to contaminate human beings. They're our meal ticket.

Jaws II: I can't believe that people who would dump all their waste into the sea would make sharks the heavies in the movies. For old times' sake, why don't we take one fast swim into shore and scare them to death?

Jaws III: We can't scare them if they are not allowed to go into the water.

Jaws IV: I hate to swim in red algae.

Jaws I: Just when we thought it was safe to go into the water we got sucked in by chemical waste. I guess we have to scratch Long Island as a good place for lunch.

Jaws II: It's not just Long Island. The whole ocean tastes funny. I say that all sea creatures pronounce the entire East Coast off limits until people can get their antipollution act together.

Jaws III: I hear it's not even safe around Martha's Vineyard or Nantucket either.

Jaws IV: Could we be declared an endangered species?

Jaws I: But we are not an endangered species, and these people are throwing all their bilge into the sea just to save money.

Jaws II: And to think people call us sharks.

Mr. ROTH. Madam President, concerning the legislation that we are considering, it takes a reasonable approach to the termination of ocean dumping. I am pleased that the Congress is putting its foot down to this dangerous practice in a reasonable but strict manner. This bill tells those communities that the ocean is not a bottomless cesspool. There has been dumping of sewage sludge in the ocean since 1924, with the hope that it will go away and will take care of itself. The opposite has been found instead, the problem will not take care of itself, and man as responsible stewards of the environment will have to do something about it. Unfortunately, some men left on their own are either unwilling or unmindful to perform their duty. Since those communities currently dumping have not assumed their appropriate responsibility, the Congress is helping them with this legislation. As I said before, it is reasonable, and firm.

It is firm because it calls for a complete ban on dumping to be imposed within 6 months of enactment. I believe it is reasonable because it allows for the dumper, known as an "eligible authority", to enter into a compliance agreement with the Administrator of the EPA and the State in which the dumper is located. The compliance agreement must provide for the phasing out of ocean dumping prior to December 31, 1991. Because this proposal guarantees the implementation of an ocean dumping alternative, within preestablished guidelines, we can be confident that this practice will be terminated.

To encourage compliance with the law, the bill threatens to fine towns that do not work with the EPA to come up with alternative plans. It also provides fines for towns that do not meet the compliance dates in such plans. We also propose to collect fees to recover Federal Government costs incurred in determining compliance, and any other appropriate terms under which dumping is allowed. In addition, the fees will cover Government costs to monitor and undertake research necessary to determine the effects of dumping. All fees and fines will be placed into a newly created "clean oceans funds", which will be available to the EPA and NOAA for related enforcement, monitoring, and research activities.

Madam President, I found it necessary to launch a new initiative on ocean dumping because certain localities were short on results and long on excuses—"We do not have enough money", or "We don't have enough time". In response to this I say Hogwash. Some of these cities have been dumping since 1924, that is 64 years. And that is 64 years of damage to our environment, and our ocean.

There are many other techniques and options that cities are using to manage sewage sludge from their wastewater treatment plants. Many cities are seeking multiple use alternatives for management of their sludge, such as land application or distribution and marketing, to take advantage of the beneficial nutrients and materials of sludge waste. I have asked the CRS to provide me with a compendium of what other communities are doing with their sludge, and I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, May 18, 1988.

To: Hon. WILLIAM V. ROTH
(Attention: Paul Kerkhoven.)
From: Claudia Copeland C.C., Specialist in Environmental Policy, Environment and Natural Resources Policy Division.
Subject: Sewage sludge management options.

This memorandum responds to your inquiry concerning techniques and options that cities are using to manage sewage sludge from their wastewater treatment plants. It is not intended to reflect a comprehensive survey, which does not exist. Rather, it presents examples of the four major sludge management options currently used in the United States: land application, compositing (for distribution and marketing), landfilling, and incineration. The discussion is derived from several sources, including material and information from the Environmental Protection Agency's Office of Municipal Pollution Control, as well as current literature.

EPA officials point out that the majority of cities are seeking multiple-use alternatives for managing their sewage sludge, such as land application or distribution and marketing, to take advantage of the beneficial nutrients and materials in the sludge waste. Thus, single-use or non-beneficial uses, such as landfilling, are less favored today than in the recent past.

EPA estimates that 30 percent of sludge currently is land applied or distributed and marketed; 40 to 45 percent is disposed in landfills (the majority is mixed with municipal solid waste, while a small amount is disposed in sludge-only landfills); 20 percent is incinerated; and 6 percent is ocean disposed. The latter option is used only by a small number of New York-New Jersey communities still utilizing the 106-mile site in the New York Bight.

LAND APPLICATION

According to a 1986 survey, every State except two (Hawaii and Rhode Island) has some communities with land application projects. Washington, Idaho, Ohio, and Vermont say that over half of the sludge production in their States is land applied while in Maryland, over 90 percent is land applied or composted. In Kansas, 70 percent of municipalities apply liquid sludge to nearby farmland. Costs for this option are generally low, but can vary based on the need to buy land or to pay the private landowner for use of his property (in some cases, the farmer or property owner may pay the city).

Sludge can be a valuable resource as a soil conditioner and a partial fertilizer or replacement for commercial fertilizer. EPA estimates that about 25 percent of the Nation's sludge is land applied in one of four settings: on agricultural lands, forest lands, disturbed lands (for reclamation), or land dedicated to sludge disposal. Both liquid and dewatered sludge can be applied beneficially to land.

With land reclamation, the objective is to provide nutrients for establishing vegetation on land that has been disturbed by mining or mineral processing operations or on marginal lands, such as very sandy areas which sustain little vegetation. Sludge-based land reclamation has succeeded in a number of areas, including strip-mined areas of Pennsylvania. That State now requires application of wastewater sludge to be considered as one alternative in any disturbed land reclamation plan.

Seattle, Washington applies most its sludge to forest land that is either privately-owned or is owned by the city. Trees are said to grow twice as fast with this type of fertilization. Thus, Seattle is moving away from previous management approaches, which were a combination of landfilling, composting, and applying some sludge to mined areas.

Application to forest lands is common in the Pacific Northwest. A bit further east, as in eastern Washington State, more is applied to agricultural lands than to forests. Portland and Salem, Oregon also apply sludge to agricultural lands. The Salem program, begun in 1976 and known as BIOGRO, now recycles more than 90 percent of the city's sludge to local farmland. It is applied primarily to fields used to produce grains, grasses, pasture, and silage corn, plus seed crops, Christmas tree farms, commercial nurseries, and filbert orchards. Annual costs are approximately $100 per dry ton.

San Diego, California has been building an island in the middle of San Diego Bay and applying its sludge there. Now, developers would like to use this island for development purposes, which the city would like to support, so the city is investigating the possibility of land application inland.

Denver, Colorado uses land application on cropland and forage land. (Denver, which comprises one-half of the State's population, also operates a composting facility to manage a portion of its sludge.)

Albuquerque, Las Cruces, Santa Fe, and Taos, New Mexico operate city-owned land application sites on desert soils.

Houston, Texas. Forty-four percent of its sludge is land applied to pastureland in nearby counties. (Houston composts most of the rest of its sludge, yielding a product that is sold to citrus producers in the Rio Grande Valley and Florida, and to Houston area farmers) Throughout the State, 63,000 acres are registered with the Texas Department of Health as application sites.

Washington, DC (Blue Plains) generates 1800 tons per day of sludge and uses both composting (40 dry tons per day) and land application for sludge management. Composting is done at two locations (one in Montgomery County, Maryland), while land application is done on private lands in Virginia and Maryland. Washington would like to incinerate, but can't overcome local public opposition.

Miami, Florida As part of its wastewater treatment plant, Miami has an electron accelerator to irradiate and disinfect sewage sludge, which is then land applied. Dade County, Florida sells a dried sludge product called Daorganite to farmers.

Tallahassee, Florida recently upgraded its main wastewater treatment plant and converted to land application. The project cost $29 million, and State officials report that it has resulted in significant improvement of two waterways, which previously had received treated sewage effluent.

Chicago, Illinois uses various types of land application. Since 1971, the city has been involved in a large-scale land reclamation project of land that was previously strip mined in Fulton County, Illinois, some 200 miles south of the city. The city now owns about 15,000 acres in the county that it uses for this purpose. This project has overcome considerable local public opposition since it began and has now been embraced by the Fulton County population—to the point that the site operator (who is employed by the City of Chicago) was recently elected to the local school board. The project provides tax income and jobs for the county.

As a backup, the city also is applying dewatered sludge as cover for a landfill which is adjacent to the City's treatment plant. They believe that they have enough capacity at this site for 10 years' time, but they will continue to use a combination of these management approaches.

Sioux City, Iowa uses land application of liquid sludge through subsurface injection, which provides nutrients to farm lands, but results in less odor, minimum runoff and less nitrogen volatilization than other sludge application methods.

These cities and areas also use land application for sludge management: Richmond, Virginia; Wayne County, Michigan, Indianapolis, Indiana, and Madison, Wisconsin.

COMPOSTING

Composting is one technique for distributing and marketing sludge products. Like land application, it employs the soil conditioning and fertilizer value of sludge beneficially. (Two other processes used to produce a product for marketing are heat drying and air drying.) Sludge products are sold or distributed free to commercial growers and nurseries, landscaping firms, parks and recreation departments, highway departments, and the public. The marketing of composted sludge is not viewed as a profit-making activity, but rather as a means of reducing total costs of sludge management.

Composting involves biological decomposition of organic matter in sludge to yield a relatively stable humus-like material. Typically, dewatered sludges are mixed with a bulking agent such as sawdust, wood chips, rice hulls, or straw and are allowed to decompose aerobically for a period of time (typically 21 to 30 days). The bulking agent usually helps remove moisture and makes the mixture more manageable. Because of odor problems, so-called in-vessel facilities (composting takes place in completely enclosed containers) are an increasingly popular option.

According to a recent survey by BioCycle magazine, in 1987 more than 200 facilities were considering, proceeding with, or operating a sludge composting plant, compared with 90 in 1983. The survey noted that sludge composting is gaining attention—and public support—where land application is not feasible and/or siting of incineration facilities is increasingly difficult. The following are among the cities and areas that currently use composting:

The County of Los Angeles composts most of its sludge today, through a privatization arrangement with a company called Kellogg's Supply Co., which markets the composted material. The product is called Amend. The County also is building a Carver-Greenfield multi-stage incineration project similar to the City of Los Angeles (see Incineration, below).

In addition, the County is building a secondary treatment plant and plans to set up a sludge composting facility in conjunction with Kellogg's Supply Company. Kellogg's will compost the County's waste, along with waste from local dairy operations, and continue to market the product.

Austin, Texas mixes thickened sludge with dried water hyacinths (used in its wastewater treatment process) to produce a compost which is made available to city departments and the general public.

Philadelphia, Pennsylvania's facility processes 300 dry tons per day; the product is called Philorganic.

Toledo, Ohio has recently initiated a venture to convert sewage into fertilizer, for marketing to farmers and in land reclamation, using a sludge-to-fertilizer product called N-Viro Soil. The product is made by mixing kiln dust (a byproduct of the cement industry) with dewatered sludge, then aerating the mixture. Capital costs will be less than $1 million; operating costs, including capitalization, will be $90 per dry ton. Other cities that process sludge through composting with kiln dust include Fort Smith, Arkansas, Wilmington, Delaware, Jupiter, Florida, and Oak Ridge, Tennessee.

Boston, Massachusetts. In the long term, the city will either compost or incinerate its sludge. In the interim, they are considering contracts for two management alternatives: (1) a composting and drying process, that would produce a pelletized material that can be marketed (using a patented process called ESP Drying/Pelletization; the contract is a joint venture between the Massachusetts Water Authority and four firms); or (2) trucking the material to a site in eastern Ohio, to reclaim land that was formerly a soda ash disposal site. (This particular site is already being used by some other cities, as well.) Either alternative will cost over $800 per dry ton.

Akron, Ohio composts approximately 80 percent of its sludge; the remainder is incinerated. The city recently received the first permit in the State of Ohio to market compost and is now investigating commercial possibilities. Potential uses include strip mine reclamation and sale to horticultural outlets. Current operation and maintenance costs are $137 per dry ton.

Milwaukee, Wisconsin composts and heat dries its sludge and markets it as Milorganite. This has been going on for a number of years, and the city has been getting some money back from the operation, although they don't make a profit from it (operation of the dryers is expensive). In addition, because they don't have enough capacity to use this process with all of their sludge, some of it is being land applied in areas outside the Milwaukee metropolitan area.

Other cities and areas using composting include Phoenix, Arizona, Wilmington, Delaware, Fort Lauderdale, Florida, Columbus, Ohio, and Clinton County, New York.

LANDFILLING

Landfilling is a method in which sludge is deposited in a dedicated area, alone or with solid waste, and buried beneath a soil cover. It is primarily a disposal method, with no attempt to recover nutrients and only occasional attempts to recover energy from the sludge. (In the latter case, the decomposition of organic matter produces methane and other gases, which can be recovered and used as an energy source. However, gas recovery currently is not practiced at sludge-only landfills, which normally are smaller than the large landfill size needed for economical gas recovery.)

EPA and others report that the trend is moving away from this option, as landfill space becomes less available, disposal costs increase, and public policies favor beneficial use. Many municipalities that previously were able to landfill have recently turned to other options, such as land application.

Orange County, California. Most is being landfilled now, but officials eventually would like to reclaim/recycle their wastewater. The county has congressional authorization for a deep ocean outfall research project (section 509 of Public Law 100-4), but has not done anything to proceed with it, according to EPA.

San Francisco, California. Most of its sludge is landfilled, through private contracts.

Niagara Falls, New York primarily uses sludge-only landfill.

INCINERATION

Incineration is a two-step process consisting of sludge drying and combustion. Strictly speaking, it is a treatment method, not a sludge disposal or use method. Yet, it has traditionally been considered a disposal method, because the volume of solid materials is reduced greatly—to 25 percent of its original mass. Incineration is particularly advantageous at locations where land disposal of sludges is limited or prohibited. Its disadvantages include relatively high capital and operation and maintenance costs, plus the likelihood that pollution control devices will be needed to control emissions to the atmosphere.

Approximately 180 cities have operational incinerators for sludge disposal, including the following:

City of Los Angeles. For 30 years the city discharged a portion of its sludge (4 million gallons per day) through an ocean outfall into Santa Monica Bay; this ceased as of the end of 1987. Now, despite some current technological problems (because of the size of the project, 420 million gallons per day), the City is converting to a resource recovery project, using the Carver-Greenfield process. Carver-Greenfield is a multi-stage sludge incineration process that is environmentally sound: it reduces air pollution, requires no discharge to water, and also produces energy. Part of the resulting energy will be used to operate the facility, the remainder will be sold to local power utilities. Capital costs of the project are now estimated to be $400 million, more than double the cost estimated when the project began in 1979.

While the technological problems are being worked out, temporarily the City is bypassing most of its sludge to landfills. A portion of the city's sludge has been, and also will continue to be, managed through land application, but available land is in short supply.

Detroit, Michigan evaluated land application, but decided it was not feasible (this is the opposite of Washington, D.C., which evaluated and would prefer incineration, for which there is considerable local opposition.)

Key West, Florida has awarded a $2.25 million contract to build a sludge incineration system. It is one of the few remaining cities of its size (population 20,000) that lacks a wastewater treatment plant. Currently, the city discharges an estimated 3 to 9 million gallons per day of raw sewage, rainwater, and saltwater into the Atlantic Ocean.

These cities also use incineration: Buffalo, New York, Rochester, New York, Hartford, Connecticut, Atlanta, Georgia, and St. Louis, Missouri.

Mr. ROTH. But, Madam President and colleagues, I am seriously concerned that the continuation of ocean dumping may create ecological imbalances with undesired consequences. It is for that reason that I have come to the conclusion that it is in the best interest of the Congress of the United States to tell these communities to get out of this bad habit. As duly elected Senators representing this beautiful Nation of almost a quarter of a billion people, we must tell the eligible authorities in New York City, two Long Island communities and the New Jersey municipalities, that enough is enough. The longer dumping is allowed to continue, the more we hurt ourselves and our future. Now is the time to end ocean dumping once and for all. The U.S. Senate has a responsibility to make sure it is done properly and that it is done fast. This legislation will accomplish this goal. I urge my colleagues to lend us their support.

Madam President, if appropriate I would like to call up an amendment at this time.

AMENDMENT NO. 2824

(Purpose: To make certain technical changes)

Mr. ROTH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 2824.

Mr. ROTH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 7, line 8, immediately after the period, insert "Nothing in this paragraph shall affect the prohibition contained in subsection (e)(1).". On page 10, line 24, before the period insert ", and the eligible authority acted in good faith".

Mr. ROTH. Madam President, in the interest of time, and because I believe the amendment will be acceptable to both sides, I have decided to offer one amendment which incorporates the changes I wanted to make. I wish to note that the Oceanic Society and Mr. John Bryson, director of the Mid-Atlantic Fisheries Management Council, both strong supporters of legislation to stop ocean dumping, support my changes.

First, I want to make slight changes in the wording of the compliance agreement provisions of the bill. It currently reads, on page 7, lines 2 through 4 as follows:

> The plan shall provide for the phasing out of ocean dumping if the Administrator determines such phasing out is feasible.

Unfortunately, this language could be construed as undercutting the timetable imposed by the pending legislation. The paramount purpose of the pending legislation is to terminate ocean dumping on or before December 31, 1991, and to authorize the Administrator to enter into compliance agreements which reduce the present level of ocean dumping to zero by such date. Lest anyone construe the quoted language as inconsistent with the bill's paramount purpose, my amendment clarifies the fact that phasing out of ocean dumping must be completed, as the bill otherwise states, by December 31, 1991.

In this respect, it adds at the end of subsection (C)(1):

> Nothing in this paragraph shall affect the prohibition contained in subsection (E)(1).

Madam President, my second change addresses a question raised on page 10 of the bill which states that the Administrator has the ability to forgive an eligible authority, which while doing everything it can to comply with its compliance agreement encounters circumstances beyond its control, and is unable to meet the dates prescribed by the compliance agreement. If this happens the Administrator may use his or her discretion and determine, for purposes of fines, that the authority was in compliance. This provision in the pending legislation is similar to a provision in the bill I introduced, S. 2066.

The question this provision deals with is what are the consequences of an eligible authority responding: "We cannot comply." Since the provision deals with noncompliance only before the absolute termination date specified in subsection (E)(1), it was intended to tolerate noncompliance only to the extent that full-compliance is technologically impossible or infeasible. This, to me, is what is meant by "circumstances beyond its control," in the present text.

However, further study of the language has led to the conclusion that this language could become a pretext for ignoring the goals of the legislation. It seems to me quite possible that an eligible authority could arrange for circumstances that frustrate compliance. It was never my intention to create that kind of loophole. Therefore, my amendment makes clear that the eligible authority must act in good faith.

It is important to make our intentions on this point absolutely clear. If experience is a realiable guide, eligible authorities will do whatever possible to wiggle out of the grasp of this environmental mandate. My involvement in efforts to induce Philadelphia and Camden to stop ocean dumping reinforce my intention.

Therefore, my amendment makes clear that the wiggle room is limited. This amendment only clarifies what our intention is. But it is necessary to do so. This matter may well be litigated. What seems so clear to us as we act today may not appear so clear to a judge who must decide in a different time and a different place.

I urge the adoption of my amendment.

Mr. LAUTENBERG. Madam President, I thank the Senator from Delaware for his diligence in reviewing this legislation to make sure that our intent is clear.

The technical amendments he has proposed help to ensure that there are not going to be any loopholes in the bill, that we are closing the door once and for all, and we are saying, "Ocean, we are here to help you, instead of abuse you."

I urge the adoption of the Senator's amendment.

Mr. CHAFEE. Madam President, I commend Senator Roth for his amendment, which includes two parts. They are both excellent.

As he said, he is looking at the situation as a judge might look at it who is not aware of the atmosphere here today on the floor, may not be aware of the purposes we have, can only look at the cold language of the legislation. He has taken care of that.

I believe that as a result of his amendment, we have forestalled any escape hatches from this legislation. I think it is an excellent provision he has suggested, and I certainly hope we will adopt it. On this side, we are in favor of his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2824) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Madam President, I thank the distinguished chairman and my distinguished colleague from Rhode Island for their cooperation in this matter.

I should like to ask the chairman, Senator Lautenberg, if I may propound some questions at this stage.

Mr. LAUTENBERG. Certainly.

Mr. ROTH. Madam President, I ask the chairman a question regarding subsection (e)1, a principal provision in the bill, to which some refer as the drop-dead date when ocean dumping must stop.

The question is this: When December 31, 1991, has come and gone, is there any conceivable way that an eligible authority may legally continue to dump sludge in the ocean?

Mr. LAUTENBERG. In response to the concern of the Senator from Delaware, I say that there was no intention on our part, as I wrote this legislation, to permit any extensions or exceptions of the 1991 deadline. It was my intention to make it illegal to ocean dump sewage sludge after 1991 illegal.

Mr. ROTH. My reason for propounding these questions is this: As the Senator well knows, a number of us once thought, many years ago, that we had taken the kind of action that was going to stop, once and for all, this practice of ocean dumping. Unfortunately, one court saw otherwise and reopened the whole problem.

So let me ask this: Does this mean that the courts may not permit dumping beyond that date, under any powers they may have?

Mr. LAUTENBERG. That is my intention. The court may not make it legal to dump sewage sludge after 1991. That is why the bill was drawn as precisely as it was. The bill is very specific. There are no conditions. We do not have to prove damage to the ocean. What we are saying is that once the legislation is signed into law, there will be a clear deadline to end sludge deadline. We do not specify the land-based alternatives that the dumpers should use, but we know that alternatives exist, as was clearly stated by the Senator from Rhode Island in his comments.

Mr. ROTH. Would the provision also terminate any authority the administration might have to allow dumping beyond such date?

Mr. LAUTENBERG. The legislation also terminates any such authority.

Mr. ROTH. Then it is clear that an eligible authority that continues to dump beyond December 31, 1991 is subject to fines as provided in this bill without possible escape?

Mr. LAUTENBERG. That is correct. The bill is designed to close the door or, as the Senator so clearly said, close the escape hatch. That is what we intend to do and that is what we have done and the Senator's amendments have been very helpful in that regard and we thank him for that.

Mr. ROTH. I thank the distinguished chairman for his very precise answers and again I congratulate him as well as his distinguished colleague, Senator Chafee, for the outstanding leadership they displayed in this matter.

AMENDMENT NO. 2825

(Purpose: To enact the Shore Protection Act of 1988)

Mr. LAUTENBERG. Madam President, I send an amendment to the desk on behalf of myself and Senator Bradley and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from New Jersey.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. Lautenberg] for himself and Mr. Bradley proposes an amendment numbered 2825.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE I—SHORE PROTECTION ACT OF 1988

SHORT TITLE

Sec. 101. This title may be cited as the "Shore Protection Act of 1988".

DEFINITIONS

Sec. 102. As used in this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "municipal or commercial waste" includes all solid waste, as defined in section 1004(27) of the Solid Waste Disposal Act, subject to the requirements of section 4003(a)(2) and other provisions of subtitle D of such Act. Such term shall include municipal garbage and refuse, commercial refuse, medical wastes, wood debris, and other solid waste. Such term shall exclude debris solely from construction activities, sewage sludge as regulated under the Ocean Dumping Act, and dredged or fill material as regulated under the Ocean Dumping Act, the Clean Water Act, and the Rivers and Harbors Act of 1899;

(3) "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(4) "receiving facility" means the facility or operation where the waste material is unloaded from a vessel;

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(6) "type of waste" means a characterization of the waste as municipal waste, commercial waste, medical waste, or waste of another character;

(7) "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands;

(8) "vessel" means any watercraft (other than a federally owned or private recreational watercraft) used for the purpose of transporting municipal or commercial waste;

(9) "vessel operator" means the person primarily responsible for the operation of the vessel;

(10) "vessel owner" means any person owning such vessel;

(11) "waste source" means the facility or vessel from which the municipal or commercial waste is loaded onto a vessel, including any rolling stock or motor vehicles from which such waste material is directly loaded; and

(12) "coastal waters under the jurisdiction of the United States" means—

(A) the territorial sea, and the marine and estuarine waters of the United States up to the head of tidal influence, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

VESSEL IDENTIFICATION NUMBERS

SEC. 103. (a) No vessel may be used by any person to carry any municipal or commercial waste for any purpose within the coastal waters under the jurisdiction of the United States without first obtaining a vessel identification number for that vessel from the Secretary and displaying such number on the vessel in a clearly visible manner and location.

(b) Application for the vessel identification number required by subsection (a) shall be made by the vessel owner and shall contain the following information—

(1) the name, address, and phone number of the vessel owner or owners;

(2) the vessel's name and registration number;

(3) the vessel's home port;

(4) the vessel's transport capacity;

(5) a history of the types of cargo carried by that vessel during the previous year, including the type of waste carried; and

(6) signed certification by the vessel owner that all of the provided information is accurate.

(c) The Secretary shall make the vessel number application forms publicly available within 60 days after enactment of this Act.

(d) The vessel identification number must be renewed at least every 5 years and at any time that the vessel changes ownership. No new owner may operate the vessel or may allow the vessel to be operated using the vessel identification number obtained by the previous owner.

(e) The Secretary is authorized to collect up to $1,000 from the vessel owner to compensate for the cost of the issuance and maintenance of vessel identification numbers and maintaining records.

(f) Beginning 240 days after enactment of this Act, no vessel may carry municipal or commercial wastes unless a vessel identification number has been obtained for that vessel at least 30 days before the transport of such wastes takes place.

(g) The Secretary is authorized to, or at the request of the Administrator, shall deny a vessel identification number to any vessel for which the owner or operator has a record of a pattern of serious violations of this title, the Solid Waste Disposal Act, the Marine Protection, Research, and Sanctuaries Act, the Rivers and Harbors Act of 1899, or the Clean Water Act.

(h) The Secretary, after consultation with the Administrator shall issue or deny a vessel identification number in accordance with this section within 30 days after receiving a complete application.

(i) If the Secretary, after consultation with the Administrator, proposes to revoke or deny the vessel identification number, there shall be a public hearing on such proposed revocation or denial if the vessel owner requests such a hearing.

(j) The Secretary is authorized to combine applications for vessel identification numbers required under this title with applications for any other required registration number provided—

(1) the Coast Guard maintains a separate list of vessels subject to the requirements of this title; and

(2) the information requirements are consistent with those required under this title.

WASTE HANDLING PRACTICES

SEC. 104. (a) Beginning 60 days after the enactment of this Act—

(1) The owner or operator of the waste source shall take all reasonable precautions to assure that all municipal and commercial waste is loaded onto the vessel and that such waste deposited in the water is minimized.

(2) The vessel owner or operator shall assure that all municipal and commercial waste loaded onto the vessel is properly secured by netting or other means which will assure that the waste will not be deposited into the water during transport.

(3) The disposal facility owner or operator shall assure that all municipal and commercial waste is offloaded in a manner which assures that such waste deposited into the water is minimized during the unloading operations or during interment into the landfill.

(4) The owner or operator of any waste source or receiving facilities shall provide adequate control measures to collect any municipal or commercial waste that is accidentally deposited into the water.

(b) The Administrator shall promulgate regulations further defining and implementing the requirements of subsection (a). Such regulation shall require that waste sources and receiving facilities provide the means and facilities to assure that the waste will not be deposited into the water. Such regulations may require the submission and adoption by each affected party of an Operation and Maintenance Manual identifying procedures to be used to prevent, report, contain, and clean up any spill of municipal or commercial waste including recordkeeping and reporting requirements. Nothing in this section shall be construed to affect or supersede the Marine Protection Research, and Sanctuaries Act or the Solid Waste Disposal Act.

ENFORCEMENT

SEC. 105. (a)(1) Whenever on the basis of any information the Secretary (in the case of a violation under section 103) or the Administrator determines that any person has violated or is in violation of any requirement of this title the Secretary or the Administrator, as the case may be, may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Secretary or the Administrator, as the case may be, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) The Secretary may, and at the request of the Administrator, shall include a suspension or revocation of any vessel identification number issued by the Secretary under this title in any order issued pursuant to this section. Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of section 103 or $25,000 per day of noncompliance for each violation of section 104. In assessing such a penalty, the Secretary or the Administrator, as the case may be shall take into account the seriousness of the violation, past violations, and any good faith efforts to comply with applicable requirements.

(3) Any order issued under this subsection shall become final unless, no later than 30 days after the order the person or persons named therein request a public hearing. Upon such request the Secretary or the Administrator, as the case may be, shall promptly conduct a public hearing. In connection with any proceeding under this section the Secretary or the Administrator, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(4) If a violator fails to take corrective action within the time specified in a compliance order, the Secretary or the Administrator, as the case may be, may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Secretary may, or at the request of the Administrator shall, suspend or revoke any vessel identification number issued to the violator.

(5) In the discretion of the Secretary or the Administrator, as the case may be, up to one-half of such penalties may be paid to the person or persons giving information leading to the assessment of the penalty.

(b) Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day of such violation shall, for the purposes of this subsection, constitute a separate violation.

(c) Any person who shall knowingly violate, or that shall knowingly aid, abet, authorize, or instigate a violation of this Act, shall be fined not more than $50,000 or imprisoned for not more than 3 years, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(d)(1) Anyone authorized by the Secretary to enforce the provisions of this title may, (A) board and inspect any vessel on the coastal waters under the jurisdiction of the United States, (B) with or without a warrant arrest any person who violates the provisions of this title or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(2) The Secretary of the Treasury may refuse the clearance required by section 4197 of the revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this title which does not have a vessel identification number in compliance with section 103.

(3) The Secretary may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this title which upon request, does not produce evidence that the provisions of this title have been complied with.

(e) The Secretary may, or at the request of the Administrator shall revoke the vessel identification number in any instance where egregious or multiple violations have taken place. Before such action becomes final, the vessel owner must be given 30 days notice and opportunity for a hearing in accordance with subsection (a)(3). In the case of persistent violators with five or more separate violations within a 6-month period, the Administrator is directed to conduct an investigation of the vessels facility or operator. This shall not be construed to limit the Administrator's authority to investigate or the Secretary's authority to revoke vessel identification numbers in instances where egregious violations have taken place.

(f) This section shall be carried out with respect to foreign vessels consistent with the obligations of the United States under international law.

TRACKING STUDY

Sec. 106. (a) The Administrator, in consultation with the Secretary, shall undertake a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal and commercial waste is not disposed in coastal waters under the jurisdiction of the United States. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities and from the data compiled under section 103. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b). The report shall include a recommendation on whether additional tracking mechanisms are needed. This study shall be submitted to the Congress within 24 months after enactment.

(b) The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels carrying municipal or commercial waste which he currently is studying. The Secretary shall consider the relative effectiveness of various systems and the relative costs of the systems both to the Federal Government and to the vessel owner.

COAST GUARD RESPONSIBILITIES

Sec. 107. (a) The Secretary shall assure that periodic checks are made of vessels operating under this title transporting municipal or commercial waste to determine that each of these vessels carries the appropriate vessel identification number required by section 103.

(b) If the Administrator determines under section 7(a) that tracking devices are required to assure adequate enforcement of laws preventing coastal or ocean dumping, the Secretary shall issue regulations to require installation of the appropriate devices within 18 months after the Administrator completes the report the Administrator required under section 7.

RELATION TO OTHER LAWS

Sec. 108. (a) Nothing contained in this Act shall be construed, interpreted or applied to diminish obligations under any other Federal or State law, whether statutory or common.

AUTHORIZATION

Sec. 109. There are authorized to be appropriated $1,500,000 for each of the fiscal years 1989 and 1990, to support the provisions of this title.

Mr. LAUTENBERG. Madam President, I offer an amendment on behalf of myself and Senator Bradley to control the transport of garbage so that these wastes are not disposed of at sea. The amendment is based on S. 1751, the Shore Protection Act, which Senator Bradley and I introduced last year and which was approved unanimously by the Senate Environment Committee on July 14 and includes useful technical changes recommended by the Commerce Committee.

Waterborne waste materials and debris adversely affect coastal and ocean waters and shorelines. Beaches with washed-up garbage and medical waste are unsightly and potentially unsafe, and can result in beach closings adversely affecting the tourist economy. The Centers for Disease Control have determined that medical waste such as contaminated needles, human blood and blood products, pathological parts and laboratory wastes possess the potential to transmit disease. In addition, debris in the marine environment can adversely affect marine mammals, waterfowl or fish causing death or injury when these resources become entangled with or injest debris.

According to the Center for Environmental Education, a beach cleanup effort in 19 coastal States last fall collected more than 700 tons of debris. This waste is generated by a number of different land- and ship-based sources. In 1987, the Congress passed the Marine Plastic Pollution Research and Control Act of 1987—Public Law 100-220—to regulate the discharge of plastics and other garbage at sea. Other laws, including the Clean Water Act, the Ocean Dumping Act, and the Rivers and Harbors Act of 1899, regulate the discharge or dumping of material into rivers and ocean and coastal waters.

Last summer, garbage washed up on New Jersey beaches causing beach closings in a 25-mile area between May 27 through May 29 and in a 50-mile area from August 13 through 16. Already in 1988, New York beaches on Long Island and Staten Island have been closed because of garbage washups. Some of the garbage washups have contained medical waste including hypodermic needles, syringes, blood bags, gauze dressings, and vials of blood. Medical wastes also have washed up on a few New Jersey beaches although none have been closed. Medical waste also has been washing up on New England beaches causing heightened concern over the dangers of accidental contamination.

In a March 1988 EPA report, Floatables Investigation, EPA concluded that the landfill and barging operations at Fresh Kills landfill are a major source of floatables in the New York Harbor complex. Other sources include storm sewers, land runoff, litter, and decaying piers. Under certain meteorological and oceanographic conditions, floatables can be deposited on beaches in New York and New Jersey. EPA and State officials believe that the medical wastes which have washed up on beaches may be the work of illegal dumpers.

Improper disposal of municipal waste resulting in increased waterborne waste may increase as options for municipal solid waste decrease. According to EPA, although 80 percent of all municipal solid waste is disposed of in landfills, one-third of all existing municipal landfills will be full by 1994. Many States are running out of landfill capacity and are transporting their wastes greater distances for disposal. As a result, prices to dispose of garbage are rising. These increasing costs increase the possibility of illegal disposal.

The transportation of municipal waste is likely to increase as landfill capacity decreases. A survey conducted by the Coastal States Organization [CSO], which represents Governors of 35 coastal States, Commonwealths, and territories, found that many of the surveyed States have experienced interstate municipal waste traffic in their waters and nearly all of the States believe that transportation of garbage through their coastal waters is a problem they will soon have to address.

This problem was highlighted by the 6,000 mile, 6 month journey of the *Mobro 4000*, a barge loaded with 3,100 tons of garbage which was unable to find a disposal location. Another barge, the *Khian Sea*, has been trying to unload its 15,000-ton cargo of ash from Philadelphia without success since September 1986 in ports as far away as the Caribbean and West Africa. Barges aimlessly carrying municipal waste pose the potential of illegal ocean disposal.

One existing marine garbage operation occurs with the unloading of New York City garbage at the 3,000-acre Fresh Kills landfill in Staten Island. Garbage is loaded at marine transfer stations around the city and shipped by barge to the landfill. EPA says that the landfill and barging operations at the Fresh Kills landfill appears to be a significant source of dispersed floatables. As a result of a lawsuit initiated by the township of Woodbridge, NJ—*Township of Woodbridge* v. *City of New York*, Civil Action No. 79-1060 (D.C.N.J.)—a consent order was entered which requires New York City to take a series of measures to clean up its marine transfer stations, garbage barges, and the Fresh Kills landfill to reduce the amount of floatable garbage polluting the waters. EPA has not to date taken enforcement actions to stop the discharge of garbage from these operations under its existing authority and has not established any operating procedures to regulate garbage barge operations.

My amendment addresses this problem by establishing a number of requirements to address the problem of garbage in the ocean and coastal waters and on the beaches. Vessels carrying any garbage, defined in the bill as municipal or commercial waste, are required to obtain identification numbers from the Coast Gaurd.

The purpose of this requirement is to aid the Coast Guard in its enforcement of the Ocean Dumping Act, the Marine Plastic Pollution Research and Control Act of 1987, and other applicable Federal laws to prevent the illegal disposal of waste in coastal and ocean waters. First, this requirement establishes a means to identify the universe of vessels which are transporting these wastes, allowing the Coast Guard to focus its enforcement efforts. Any vessel which does not have an identification number is in violation of the Shore Protection Act. Second, the provision serves as a deterrent to vessel operators who might consider illegally dumping their municipal or commercial waste knowing that the Coast Guard's capacity to track such vessels has been enhanced.

The amendment also requires that facilities loading and unloading garbage and vessels carrying garbage are required to take measures to prevent garbage from being deposited into the water. The Environmental Protection Agency is required to establish specific waste handling measures by regulation.

The purpose of this section is to assure that municipal or commercial waste is not deposited in the water. The bill requires vessels to use nets or other means to prevent the spilling of municipal or commercial waste into the water. A single or combination of methods may be used, including the use of vessels specifically designed for the purpose of transporting waste. EPA will be responsible for specifying measures that are necessary to prevent municpal or commercial waste spillage. The bill also provides that in the event waste is deposited in the water that it be contained and promptly cleaned up.

Finally, the amendment provides penalties for violations of any of the bill's provisions. EPA and the Coast Guard would be required to undertake a study to determine if additional tracking systems for garbage barges are necessary; $1,500,000 is authorized for fiscal years 1989 and 1990 to carry out this amendment.

Madam President, I urge adoption of the amendment.

The **PRESIDING OFFICER.** Is there further debate on the amendment?

Mr. **CHAFEE.** Madam President, it is an excellent amendment. What it does is tighten up on the transportation of garbage and refuse along our shores. It provides for the clear labeling of the barges. It provides for the proper netting and covering over such loads. I think it is an excellent amendment and commend the Senator from New Jersey for his careful attention to this matter.

The **PRESIDING OFFICER.** Is there further debate on this amendment?

Is there objection to this amendment?

The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 2825) was agreed to.

Mr. **LAUTENBERG.** Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **CHAFEE.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2826

(Purpose: To amend the Federal Water Pollution Control Act)

Mr. **DURENBERGER.** Madam President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report the amendment of the Senator from Minnesota.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 2826.

Add at the end thereof the following new section:

SEC. . Section 118 of the Federal Water Pollution Control Act is amended by adding "as amended in 1987" after "the Great Lakes Water Quality Agreement of 1978" wherever it occurs.

Mr. **DURENBERGER.** Madam President, this is a technical amendment, as the reading indicates, to section 118 of the Clean Water Act. That section authorizes a research and demonstration program for the Great Lakes.

The Congress adopted section 118 as part of the Water Quality Act of 1987. So it is a recent addition to the law. It is being implemented by the Environmental Protection Agency.

Section 118 makes reference to the water quality agreements that have been entered into by the United States and Canada.

These agreements are intended to protect and improve the quality of waters in the Great Lakes and in other boundary waters.

The first agreement on this subject was signed in 1978 and is referred to as the Great Lakes Water Quality Agreement of 1978. That is the reference in the Clean Water Act.

In 1987, after we enacted section 118, Canada and the United States entered into a second agreement, essentially amending the earlier accord. That second agreement is called the Water Quality Agreement of 1987.

Even though it is an amendment to the 1978 agreement, EPA has taken the position in implementing the Clean Water Act that the 1987 agreement is a separate matter and not the subject of section 118.

Although we believe that is not a proper reading of the law and the relationship between the two agreements, nevertheless, that is EPA's position. We can fix that error with this technical amendment. This amendment would correct the problem by incorporating the 1987 agreement in the section 118 reference.

The Clean Water Act would then say, the "Great Lakes Water Quality Agreement of 1978, as amended in 1987."

This is a technical amendment, but not without consequence.

The 1987 water quality agreement includes some important new steps in the management and protection of the Great Lakes.

Clearly, we want that agreement implemented because it reflects our promise to Canada with respect to the protection of these vast and shared resources.

And clearly we intended in the Water Quality Act of 1987 to coordinate the provisions of the Federal Clean Water Act with the international agreements on the Great Lakes.

So, we can complete that connection and incorporate the substance of the 1987 agreement under the provisions of the Clean Water Act by adopting this amendment here today.

Mr. **LAUTENBERG.** Madam President, the amendment is acceptable on this side. We thank the Senator for his contribution.

Mr. **CHAFEE.** Madam President, the amendment is an excellent one. I commend the distinguished Senator from Minnesota for this amemdment and it is acceptable here.

The **PRESIDING OFFICER.** is there further debate on the amendment? Is there objection to the amendment?

The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 2826) was agreed to.

Mr. **LAUTENBERG.** Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **DURENBERGER.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **DURENBERGER.** Madam President, while I am on my feet I thank the managers of the bill. More than that, as a member of the Environment and Public Works Committee, may I say to my colleagues what a debt of gratitude we owe to the distinguished Senator from New Jersey for his leadership as chairman of the subcommittee and our colleague from Rhode Island.

Even though it is sort of coming on the floor here in the midst of what are supposedly more pretentious, if you will, legislative issues, this is a very significant accomplishment on behalf of our two colleagues who have worked very, very hard on this issue and as one of their colleagues on the Environment and Public Works Committee who has admired the work that both Senators LAUTENBERG and CHAFEE have done in this area, I rise to compliment them and congratulate them on the bill they have before us today.

Mr. LAUTENBERG. Madam President, I thank the distinguished Senator from Minnesota.

It is interesting to note that on the Senate Environment Committee on which all of us presently work we work closely together on a bipartisan basis in the interest of a better environment for all States, be they coastal or inland. The fact is that our quality of life in this country is greatly affected by the quality of our environment.

Madam President, this is an exciting moment for all of us who live in coastal States, whether Rhode Island or Maryland or New Jersey or Delaware or New York, or inland States like Minnesota.

We are focusing this moment on our ocean. The ocean is groaning under assault. She is screaming for help, asking for relief, virtually throwing up on our beaches that which we casually discard upon her body.

The oceans and the coastlines are a precious part of the resources that not only belong to this country but to the entire Earth. And it is time to stop the assault and come to her rescue.

Nature fights back when given half a chance. It is interesting to see rivers, once so polluted that they appeared walkable on instead of swimmable in, now welcoming back salmon. The Hudson River is seeing the return of fish. Yes, they are contaminated with chemicals and pollutants, and we hope the day will soon come when they do not, but they are fighting back. Nature is a wonderful thing and she has enormous strength. But she cannot fight the battle with her hands tied behind her back.

So now is the time that we all declare an end to that assault, to the abuse of our oceans.

There is no time for postponing the action we are taking today.

New exploration, whether in space, on land, or in the sea is important. But if in any way it is at the cost of protecting these precious resources, we best take a second look. Some of the funds that we have committed to more exotic, albeit necessary programs ought to be viewed in the context of what we do if we short-change the protection of our natural resources that are so essential.

I think my colleagues for their support and their help.

Madam President, I believe that is the end of the amendments. We are ready to adopt the committee amendment, as amended, and go to third reading.

Mr. CHAFEE. If I might, Madam President, I just want to do two things. First, to thank and congratulate our colleague from Minnesota for the wonderful assistance he has given us, not only in connection with this matter but on other matters as well. He is the premier leader in our Environment Committee on ground water and inland water problems and has been such a tremendous help.

I also want to pay tribute to the leader of the subcommittee, Senator LAUTENBERG, who has done such an excellent job in connection with this and who has eloquently spoken about what our oceans mean to us, the limit of the abuse the oceans can absorb, and how this is a major step forward in trying to clean up our oceans and particularly the Atlantic Ocean.

All of us across the world have a duty to do what we can to keep these oceans clean and to end the abuse. So this is perhaps more than a small step. I hope it is a major step forward in keeping our oceans at least cleaner than they are now.

I thank my colleague who has done such a fine job. We are ready to go to final passage.

The PRESIDING OFFICER. Are there any other amendments to the bill? If not, the question is on agreeing to the committee substitute, as amended.

The committee substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LAUTENBERG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Madam President, I suggest our respective cloakrooms put out the word that a rollcall vote is imminent and Senators should start pointing their compass this way.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to establish the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, in view of the imminence of the vote we are about to have, I want to just take a moment to say thank you for the help and assistance given me and given my distinguished colleague from Rhode Island by the other 10 sponsors of this legislation. It comes at a particularly difficult time as we prepare for our recess. There is a lot to be done on very important legislation.

But I think it is significant that this body, the U.S. Senate, sees this legislation as important enough to take up.

I wish to thank all those who played a role on the professional staff and who worked very hard to get this done: Jeff Peterson, Roy Kienitz, and Brenda Bohlke of the majority staff; Rich Innes of Senator CHAFEE's office; Paul Kerkhoven of Senator ROTH's office; Barbara Bankoff of Senator BRADLEY's office; and my staff assistant, Ric Erdheim, and Mitchell Ostrer, both of whom have been of enormous help. I wanted to make sure that the record reflected the fact that this took a lot of effort, a lot of work, and that we have come up with what I think is an excellent piece of legislation as I hope you will see by the volume of support for this bill.

Mr. CHAFEE. Madam President, I would like to join in the thanks of the staff, as Senator LAUTENBERG mentioned, to Rich Innes, Ric Erdheim, Jeff Peterson, and Paul Kerkhoven and others who have been so helpful in doing the tough work. It is very, very technical and complicated. They have done an excellent job.

OCEAN DUMPERS MUST PAY THE FULL COSTS

Mr. PELL. Madam President, I strongly support S. 2030, the Ocean Dumping Reform Act. I am a cosponsor of this measure, which would phase out the ocean dumping of sewage sludge by the end of 1991.

I want to express my appreciation to both the junior Senator from New Jersey [Mr. LAUTENBERG] and my colleague from Rhode Island [Mr. CHAFEE] for their tireless work on this vital measure.

The Ocean Dumping Reform Act is designed to close the loopholes in existing law by making it unlawful to dump sewage sludge in the ocean after 1991 without any exceptions. It also provides tough penalties for exceeding that deadline—penalties that show we mean business.

Rhode Island Lt. Gov. Richard A. Licht recently shared with me some excellent and constructive suggestions about how the revenues from those penalties might be used. I will go into detail about those suggestions in a moment.

Frankly, I have been somewhat reluctant to join as a cosponsor of the Ocean Dumping Reform Act because I would far prefer an immediate moratorium on ocean dumping of sewage sludge under existing law.

As I have advised Administrator Lee Thomas of the Environmental Protection Agency:

> We should not accept the unproven premise that dumping about 8 million wet tons of concentrated municipal waste—including heavy metals and hazardous pollutants—into the dynamic currents off the East Coast each year will not hurt neighboring fisheries.
>
> Scientists are unsure of many important facts, including the exact dispersal and impact of dumped pollutants—even if the sludge is dumped precisely at the designated site. According to witnesses, however, this precision is not always practiced.
>
> The burden of proof, clearly, is upon those who are seeking to use our common resources as a sewer. The challenge to find other sludge disposal methods is one that every other community in the United States has managed to meet.

In a recent meeting with Mr. Thomas, I also advised him that, in my opinion, "EPA has the regulatory power, but thus far has lacked the will to force New York and New Jersey to seek alternate sludge disposal methods."

The Administrator has given me a written statement of EPA policy's that "ocean dumping of waste materials is bad policy, and we should do all we can to discourage it."

In addition, however, he noted that—

> Ocean dumping of waste materials may be technically allowable under limited circumstances, such as when no other environmentally sound, economically achievable alternatives are available, or the waste is clearly harmless.

Although New York and New Jersey communities are taking advantage of technicalities to continue ocean dumping, we now have EPA's firm policy statement that the agency is committed to doing all that it can to discourage the practice.

The Clean Water Act required EPA to put forward sludge disposal regulations last year and set a 2-year grace period for communities to comply with the regulations. The lack of those regulations helped provide legal grounds for New York to continue ocean dumping.

I have pressed EPA's Administrator to issue those long-overdue regulations and, I am happy to report, he recently advised me that the agency will issue proposed regulations covering the disposal of sewage sludge in municipal landfills within a few weeks.

These regulations will be offered under subtitle D of the Resource Conservation and Recovery Act. He also advised me that EPA plans to issue proposed regulations in the spring of 1989 for a number of final use and disposal practices for sewage sludge.

I want to emphasize that these regulations are particularly important in view of our deliberations today. Regardless of the deadlines that we set in this legislation, the existence of formal regulations will reduce grounds for potential legal challenges.

It has become clear that New York and EPA's region 2 staff have long surrendered any intention of trying to end sludge dumping quickly. The New York Times cited a tentative "realistic" deadline of ending ocean dumping by 1998. We must make it clear that we cannot wait and that it will cost everyone dearly if we do not move much faster.

The outrageous proposal to delay a complete solution until at least 1998, a deadline that might well slip into the next century, convinced me that we must approve the Ocean Dumping Reform Act. We must also make sure that any firms and communities that violate our 1991 deadline will pay—and pay heavily for their failures.

That brings me to the excellent and constructive suggestions of Rhode Island Lt. Gov. Richard A. Licht. His suggestions, in my view, add an element of justice and a sense of balance to what otherwise might be merely punitive fines.

In brief, he suggested that fines for ocean dumping should be used to create a fund which might be used to pay for antipollution enforcement activities and to support marine pollution and fisheries research programs.

The money from such a dedicated fund might, for example, be used to increase support for the Sea Grant College Program's marine pollution and fisheries research and to boost Coast Guard antipollution enforcement programs.

The Lieutenant Governor's approach on this matter was established 4 years ago when his first-in-the-Nation temik relief fund was established to help Rhode Islanders who were victimized by temik pollution in their wells.

The concept that polluters should be directly responsible to those they hurt is a good one and, in my opinion, clearly should be applied to ocean dumpers.

Lieutenant Governor Licht and I share the belief that if New York and other dumpers are required to pay fines to help those they are hurting, there will be more incentive to stop dumping quickly and seek alternatives.

We all must do whatever we can to speed the end of both legal and illegal ocean dumping. Lieutenant Governor Licht recently eloquently expressed the need when he warned:

> Simply hiding toxic waste does not make it disappear and we must all learn that toxics placed into the environment will come back to haunt us whether through the food we eat or the air we breathe. It is time for our environmental policies to be proactive, not reactive * * * protecting our future, not our past.

It is clear that we must set a firm deadline to ending ocean dumping by the end of 1991 at the latest, and we must make the penalties for exceeding that deadline stiffer than the cost of compliance.

The Ocean Dumping Reform Act represents a serious effort to achieve that end. As the 1991 deadline approaches, we should review the excellent suggestions of Lieutenant Governor Licht to dedicate any fines for dumping to help the victims of the dumping.

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I want to thank the distinguished Senator from New Jersey, Senator LAUTENBERG, and our distinguished friend from Rhode Island, Senator CHAFEE, for this ocean dumping bill. As has already been noted, we passed an ocean dumping bill back in 1970. It was pursuant to hearings that we had extensively with the likes of Dr. Heyerdahl and many others who came to the Congress talking about the oceans being polluted.

On the first trip of Dr. Heyerdahl, on the Kon Tiki, he could dip his toothbrush, he said, into the ocean and brush each day. But on the second trip of Ra II, he could not dip at any time without picking up an oil slick.

So we put in that ocean dumping bill. We organized the ocean policy study and we made certain exceptions around Boston Harbor and New York that were necessary at the time for enactment of the legislation.

This legislation reflects some of the frustration we have experienced in our effort to protect the oceans from the dumping of sewage sludge. Back in 1972, the Congress realized that, "What goes around comes around," and that you cannot conveniently use our oceans as a communal sewer. We knew this practice was causing serious long-term damage to the environment. So we passed the Ocean Dumping Act, which was our attempt to phase out the ocean dumping of sewage sludge in order to protect our coastal waters.

Today, we find that the ocean dumping has not stopped.

Following passage of the 1972 law, many cities stubbornly refused to voluntarily cease dumping. As a result, in 1977 we amended the Ocean Dumping Act and provided a statutory deadline to end all dumping as of December 31, 1981. This action caused most cities that had previously dumped sewage to switch to land disposal of sludge. However, a few cities and municipalities in the New York City area continued to dump sludge into the ocean. Finally, in 1981, when EPA attempted to force New York City to stop dumping its sludge into the ocean, the city sued, arguing that its sludge did not "unreasonably" degrade the marine ecosystem and that ocean dumping was environmentally more sound than the land-based alternatives. A Federal district court then ruled in favor of the city and ordered EPA to revise its regulations to conform with the decision. As a result of the court's decision, New York City and eight other municipalities in that area continue to dump sewage into the ocean today.

Sixteen years ago, when Congress first got the ball rolling on its effort to stop ocean dumping, many of us evoked horrific images of fouled beaches, contaminated waters, and diminished wildlife if the dumping were allowed to continue. In recent months, our earlier prophecies regarding ocean dumping have come to a tragic and unfortunate fruition. And I fear that what we have seen in recent months—the closing of beaches on the east coast and the decline of fish and wildlife populations in our coastal areas—is only a small sampling of what is in store for us if ocean dumping continues.

The legislation which we are considering amends title I of the Marine Protection, Research, and Sanctuaries Act, which regulates the dumping of material into the ocean. It provides a framework for ending the dumping of sewage sludge and will require that by 1992 all dumping be stopped.

That is what our intention was in 1972, to stop all ocean dumping. And that is what we continue to favor. No more court challenges. No more injunctions. No more exceptions. Just stop the dumping, before the damage becomes irreversible.

Mr. President, I strongly support this legislation and urge its passage.

Mr. SARBANES. Mr. President, I rise in strong support and as a cosponsor of S. 2030, the Ocean Dumping Reform Act, which would terminate the dumping of all sewage sludge after 1991. This is an issue that is critical in general to our Nation's environment and in particular to my own State of Maryland with its many miles of coastline, beaches and waterways. The commercial and sports fishing industry and the recreational industry, major parts of our State's economy depend on the health of our oceans.

Through the years I have repeatedly and vigorously urged that all ocean dumping of sludge be stopped. Over 13 years ago the Maryland coastline was threatened when the Environmental Protection Agency decided to permit Camden, NJ, to dump 15 million gallons of sludge just 35 miles off the coast of Ocean City, MD. At that time I sharply attacked the decision and stated to the EPA Director that the cumulative effect of such a volume of disposed material posed a distinct threat to the fishery resources in the coastal waters which would decimate Maryland's important commercial and sports fishing industry and increase the possibility of the waste washing up on the Maryland shore with disastrous impact on Maryland's vitally important recreation industry.

In 1977, when Congress amended the Marine Protection, Research, and Sanctuaries Act to prohibit, after December 31, 1981, the ocean dumping of sewage sludge, it meant just that—to end the dumping. I strongly supported that amendment and worked for its passage into law. Unfortunately, the jurisdictions which were disposing of their sludge in this manner found a loophole in the law and New York City brought a successful lawsuit enjoining EPA from enforcing the 1981 prohibition. Since then, the volume of sewage sludge disposed in the ocean site has increased greatly, despite the fact that the number of municipalities involved in this practice has decreased. Today, nine jurisdictions, including New York City and some northern New Jersey communities continue the offshore disposal of their sludge at the so-called 106-mile site.

In testimony before an EPA hearing in May 1983, regarding the proposed designation of the 106-mile site, I stated that it was my strongly held belief that the designation should not be made and that the EPA should take the firm position that the New York and New Jersey communities should end, altogether, the dumping of sewage sludge in the Atlantic Ocean. Maryland and Ocean City citizens and officials fought long and hard to end the ocean dumping of sewage sludge by Camden and Philadelphia at the previous 12-mile coastal site, which is now closed. These two jurisdictions ceased dumping in the ocean and have established alternative disposal methods. Surely, it is not too much to demand the same of the New York and New Jersey jurisdictions. The bill before us today will move us toward that goal.

Mr. President, dumping of municipal sewage sludge in the Atlantic Ocean poses a continuing threat to the marine environment and the important commercial and recreation fisheries which are vital to the region's and Nation's economy. Additionally, the medical wastes which have washed up on and closed many of our beaches this summer, the closure of shellfish beds, and the incidents of diseases affecting the finfish populations, vividly underscore the adverse consequences of continuing to use our oceans as a dumping ground for all sorts of waste. This bill is an important step forward in restoring the health of this vital resource. I urge my colleagues to pass the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate, the question is on the passage of S. 2030, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. KASTEN] and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. KASTEN] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—3

Biden
Kasten
Specter

So the bill (S. 2030), as amended, was passed as follows:

S. 2030

That this Act may be cited as the "Ocean Dumping Reform Act of 1988".

SEC. 2. FINDINGS.—The Congress finds that—

(A) ocean dumping of sewage sludge contributed to the severe environmental degradation in the New York Bight Apex;

(B) sewage sludge dumped at the 106 mile dumpsite contains pollutants similar to those which adversely affected the New York Bight Apex;

(C) ocean dumping of sewage sludge poses real but undetermined risks to the marine environment;

(D) the 106 mile dump site is the only area in the United States where ocean dumping of sewage sludge occurs;

(E) over 100 municipalities which had ocean dumped their sewage sludge have developed and implemented alternatives to ocean dumping of sewage sludge; and

(F) practical alternatives exist to ocean dumping of sewage sludge.

SEC. 3. POLICY.—It is the policy of the United States to end the ocean dumping of sewage sludge as soon as possible but not later than December 31, 1991.

SEC. 4. (a) DEFINITIONS.—Section 3 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402) is amended by inserting at the end the following:

"(m) 'Sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant.

"(n) 'Interim dump site' means the site known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 18005)."

(b) Paragraph (1) of section 4(d) of Public Law 95-153 (33 U.S.C. 1412a(d)) is amended to read as follows:

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a wastewater treatment plant; and".

SEC. 5. PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended by inserting after section 104A the following:

"§ 104B. Prohibition on ocean dumping of sewage sludge and medical waste

"(a) PROHIBITION ON NEW ENTRANTS.—The Administrator may not issue any permit under this subchapter which authorizes any person other than an eligible authority as defined in section 104A of this Act (hereinafter referred to as eligible authority), to dump, or to transport for the purposes of dumping, sewage sludge into ocean waters.

"(b) PROHIBITION.—Except as provided in subsection (c), the dumping, or the transportation for the purpose of dumping, into ocean waters of sewage sludge is prohibited six months after the date of the enactment of this Act.

"(c) COMPLIANCE AGREEMENT.—The Administrator may issue permits which authorize eligible authorities to dump, or to transport for the purposes of dumping, sewage sludge at the interim site, provided that the eligible authority has entered into a compliance agreement with the Administrator and the State in which the eligible authority is located within six months of the enactment of this Act that includes the following:

"(1) A plan that the Administrator finds, if adhered to by the eligible authority in good faith, will result in the cessation of the ocean dumping of sewage sludge by such eligible authority, through the design, construction, and placing into full operation of a system (hereinafter in this section referred to as the 'alternative system') for the management of sewage sludge of the eligible authority other than by dumping into ocean waters. The plan shall provide for the phasing out of ocean dumping if the Administrator determines such phasing out is feasible, and may include adoption of an interim system for the management of sewage sludge other than by dumping into ocean waters until an alternative system is placed into full operation. Nothing in this paragraph shall affect the prohibition contained in subsection (e)(1).

"(2) A schedule that contains reasonable dates, as determined by the Administrator, by which the eligible authority shall complete the various activities that are necessary for the timely implementation of the alternative system under the plan. Such plan shall include, in addition to such other activities that the Administrator considers necessary or appropriate—

"(A) the determination of the kind of alternative system that will be implemented;

"(B) the preparation of engineering designs and related specifications;

"(C) compliance with appropriate Federal, State, and local regulatory requirements;

"(D) site and equipment acquisitions;

"(E) construction and testing; and

"(F) complete operation of the alternative system;

"(d) SCHEDULE IMPLEMENTATION EVALUATION.—(1) The Administrator and the Governor of the State in which the eligible authority is located shall have a continuing responsibility to evaluate the compliance of the eligible authorities with the schedule included in the compliance agreement under subsection (c).

"(2) Each eligible authority shall have a continuing responsibility to advise the Administrator and the Governor of the State in which the eligible authority is located of any problems the eligible authority has with achieving the schedule included in the compliance agreement under subsection (c).

"(e) PROHIBITION ON OCEAN DUMPING OF SEWAGE SLUDGE.—(1) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, sewage sludge from the United States into ocean waters after December 31, 1991.

"(2) It shall be unlawful for any eligible authority to dump, or to transport for the purposes of dumping, sewage sludge at the interim site if the Administrator determines that the eligible authority is not fully in compliance with the schedule included in the compliance agreement under subsection (c).

"(f) STATE REPORTS.—(1) The Governor of each State in which an eligible authority is located shall submit to the Administrator on June 30, 1989, and every year thereafter until the cessation of all ocean dumping of sewage sludge a report which describes—

"(A) the efforts of the eligible authority to comply with the schedule included under the compliance agreement under subsection (c), and

"(B) the State's activity regarding any permit for the construction and operation of the eligible authority's alternative system.

"(2) In the event that any State required to submit a report under this section fails to submit a report which the Administrator determines to be consistent with the requirements of this section, the Administrator shall withhold funds reserved for such State under section 205(g) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1285(g)). Funds withheld pursuant to this section may, at the discretion of the Administrator, be restored to a State upon compliance with this section.

"(g) REPORTS TO CONGRESS.—The Administrator shall, within three months of receipt of the reports submitted pursuant to subsection (f), submit to the Congress a report reviewing progress made toward implementing alternatives to dumping of sewage sludge, and potential obstacles to meeting the deadline established in this section.

"(h) TECHNICAL ASSISTANCE.—Not later than three months after the date of the enactment of this Act, the Administrator shall advise the eligible authorities on available alternative sludge management technologies to the ocean dumping of sewage sludge.

"(i) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, medical waste from the United States into ocean waters.

"(j) CIVIL PENALTIES.—

"(1) In lieu of the maximum $50,000 civil penalty provided for under section 105(a), any person who dumps sewage sludge, or transports sewage sludge for the purpose of dumping, in violation of this section (including the schedule in the compliance agreement as required by subsection (c)) shall be liable for a civil penalty, to be assessed by the Administrator in accordance with section 105, of not less than $20, and not more than $40, for each wet ton of sewage sludge that is dumped, or transported for purposes of being dumped, into ocean waters.

"(2) The Administrator may treat the substantial compliance of an eligible authority with the requirements of this section (including the schedule in the compliance agreement as required by subsection (c)) as full compliance, if the eligible authority can show that circumstances beyond its control resulted in it achieving less than full compliance, and the eligible authority acted in good faith. This paragraph shall not apply to violations of subsection (e)(1).

"(k) PERMIT FEES.—

"(1) The Administrator shall prescribe by regulation and collect a fee for ocean dumping of sewage sludge authorized under this section to recover—

"(A) the costs incurred or expected to be incurred in the undertaking of measures by Federal agencies to determine compliance with the agreement entered into pursuant to subsection (c) and any other terms under which the dumping is authorized; and

"(B) the undertaking of monitoring and any associated research necessary to make a reasonable assessment of the effects on the marine environment caused by ocean dumping of sewage sludge.

"(2) Fees recovered under this subsection shall be deposited in the Clean Oceans Fund established pursuant to subsection (k).

"(l) CLEAN OCEANS FUND.—

"(1) There is established in the Treasury of the United States the Clean Oceans Fund.

"(2) The civil penalties collected by the Administrator for violations of this section and permit fees shall be deposited in the Clean Oceans Fund.

"(3) The moneys in the Fund shall be available, to the extent provided for in advance in appropriation Acts, for expenditure by—

"(A) the Administrator for carrying out monitoring and enforcement functions under this title;

"(B) the Secretary of the Department in which the Coast Guard is operating for carrying out surveillance and enforcement activities using state-of-the-art technology under this title; and

(c) the Administrator to issue grants to implement technologies and management practices necessary for controlling pollutant inputs adversely affecting the New York Bight as identified in the New York Bight Restoration plan required to be prepared pursuant to Public Law 100-220.

The moneys received under this subsection shall be treated as being supplemental to, and not in lieu of, any other funding that is authorized or appropriated for the purposes referred to in subparagraphs (A), (B) and (C).

"(m) ENVIRONMENTAL MONITORING.—(1) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall design and conduct a program of monitoring environmental conditions at the Apex site, as defined in section 104(a) of this Act, and the interim site and within the potential area of influence of the sewage sludge dumped at these sites. This program shall include sampling of an appropriate number of fish and shellfish species and other benthic organisms to assess the effects of environmental conditions on living marine organisms in these areas. The Administrator shall make use of the satellite and other advanced technologies in conducting this program.

"(2) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress within one year of the enactment of this Act a report describing its plan for conducting the monitoring program and the results of the program.

"(n) ENFORCEMENT MONITORING.—The Administrator, in consultation with the Secretary of Transportation, shall submit a report to Congress within six months after the date of enactment of this Act, outlining progress in using electronic monitoring equipment, and/or other means, to monitor and prevent the dumping of sewage sludge by vessels in transit to the interim site in areas outside the interim site.

"(o) PUBLIC PARTICIPATION.—The Administrator shall provide reasonable opportunity for public participation in the review of the establishment and implementation of compliance agreements established under this section.".

SEC. 6. CONFORMING AMENDMENTS.—(a) ISSUANCE OF PERMITS FOR OCEAN DUMPING OF SEWAGE SLUDGE.—Subsection (a) of section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended by inserting "dumping of sewage sludge after December 31, 1991 or other" after the words "authorizes any".

(b) ALTERNATIVES ASSESSMENT.—Section 2303 of Public Law 100-220 is amended by striking in paragraph (b)(8) the words "dumping of municipal sludge and".

(c) PRELIMINARY REPORT ON ALTERNATIVES.—Section 2303 of Public Law 100-220 is amended by—

(1) striking subsection (b), and

(2) relettering subsections (c), (d), and (e) as (b), (c), and (d), respectively.

SEC. 7. Section 320(a)(2)(B) of the Water Quality Act of 1987 (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Barataria-Terrebonne Bay estuary complex, Louisiana;" after "Albemarle Sound, North Carolina;".

SEC. 8. Section 3 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1402) is amended by adding at the end thereof the following:

"(m) The term 'medical waste' shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves, and such additional items as the Administrator shall prescribe by regulation.".

SEC. 9. Section 301(f) of the Federal Water Pollution Control Act (33 U.S.C. 1311(f)) is amended by inserting "or medical waste" immediately after "radioactive waste".

SEC. 10. Section 502 of the Federal Water Pollution Control Act is amended by inserting the following at the end thereof:

"(20) The term 'medical waste' shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves and such additional items as the Administrator shall prescribe by regulation.".

SEC. 11. Section 105(b) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1415(b)) is amended by inserting "(1)" immediately before "In addition" and, at the end thereof, adding the following new paragraph:

"(2) Any person who knowingly violates section 104(B)(i) of this Act shall upon conviction be fined not more than $250,000, or imprisoned for not more than five years, or both.".

SEC. 12. Section 188 of the Federal Water Pollution Control Act is amended by adding "as amended in 1987" after "the Great Lakes Water Quality Agreement of 1978" wherever it occurs.

At the end of the bill, add the following:

TITLE I—SHORE PROTECTION ACT OF 1988

SHORT TITLE

SEC. 101. This title may be cited as the "Shore Protection Act of 1988".

DEFINITIONS

SEC. 102. As used in this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "municipal or commercial waste" includes all solid waste, as defined in section 1004(27) of the Solid Waste Disposal Act, subject to the requirements of section 4003(a)(2) and other provisions of subtitle D of such Act. Such term shall include municipal garbage and refuse, commercial refuse, medical wastes, wood debris, and other solid waste. Such term shall exclude debris solely from construction activities, sewage sludge as regulated under the Ocean Dumping Act, and dredged or fill material as regulated under the Ocean Dumping Act, the Clean Water Act, and the Rivers and Harbors Act of 1899;

(3) "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(4) "receiving facility" means the facility or operation where the waste material is unloaded from a vessel;

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(6) "type of waste" means a characterization of the waste as municipal waste, commercial waste, medical waste, or waste of another character;

(7) "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands;

(8) "vessel" means any watercraft (other than a federally owned or private recreational watercraft) used for the purpose of transporting municipal or commercial waste;

(9) "vessel operator" means the person primarily responsible for the operation of the vessel;

(10) "vessel owner" means any person owning such vessel;

(11) "waste source" means the facility or vessel from which the municipal or commercial waste is loaded onto a vessel, including any rolling stock or motor vehicles from which such waste material is directly loaded; and

(12) "coastal waters under the jurisdiction of the United States" means—

(A) the territorial sea, and the marine and estuarine waters of the United States up to the head of tidal influence, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

VESSEL IDENTIFICATION NUMBERS

SEC. 103. (a) No vessel may be used by any person to carry any municipal or commercial waste for any purpose within the coastal waters under the jurisdiction of the United States without first obtaining a vessel identification number for that vessel from the Secretary and displaying such number on the vessel in a clearly visible manner and location.

(b) Application for the vessel identification number required by subsection (a) shall be made by the vessel owner and shall contain the following information—

(1) the name, address, and phone number of the vessel owner or owners;

(2) the vessel's name and registration number;

(3) the vessel's home port;

(4) the vessel's transport capacity;

(5) a history of the types of cargo carried by that vessel during the previous year, including the type of waste carried; and

(6) signed certification by the vessel owner that all of the provided information is accurate.

(c) The Secretary shall make the vessel number application forms publicly available within 60 days after enactment of this Act.

(d) The vessel identification number must be renewed at least every 5 years and at any time that the vessel changes ownership. No new owner may operate the vessel or may allow the vessel to be operated using the vessel identification number obtained by the previous owner.

(e) The Secretary is authorized to collect up to $1,000 from the vessel owner to compensate for the cost of the issuance and maintenance of vessel identification numbers and maintaining records.

(f) Beginning 240 days after enactment of this Act, no vessel may carry municipal or commercial wastes unless a vessel identification number has been obtained for that vessel at least 30 days before the transport of such wastes takes place.

(g) The Secretary is authorized to, or at the request of the Administrator, shall deny a vessel identification number to any vessel for which the owner or operator has a record of a pattern of serious violations of this title, the Solid Waste Disposal Act, the Marine Protection, Research, and Sanctuaries Act, the Rivers and Harbors Act of 1899, or the Clean Water Act.

(h) The Secretary, after consultation with the Administrator shall issue or deny a vessel identification number in accordance with this section within 30 days after receiving a complete application.

(i) If the Secretary, after consultation with the Administrator, proposes to revoke or deny the vessel identification number, there shall be a public hearing on such proposed revocation or denial if the vessel owner requests such a hearing.

(j) The Secretary is authorized to combine applications for vessel identification numbers required under this title with applications for any other required registration number provided—

(1) the Coast Guard maintains a separate list of vessels subject to the requirements of this title; and

(2) the information requirements are consistent with those required under this title.

WASTE HANDLING PRACTICES

SEC. 104. (a) Beginning 60 days after the enactment of this Act—

(1) The owner or operator of the waste source shall take all reasonable precautions to assure that all municipal and commercial waste is loaded onto the vessel and that such waste deposited in the water is minimized.

(2) The vessel owner or operator shall assure that all municipal and commercial waste loaded onto the vessel is properly secured by netting or other means which will assure that the waste will not be deposited into the water during transport.

(3) The disposal facility owner or operator shall assure that all municipal and commercial waste is offloaded in a manner which assures that such waste deposited into the water is minimized during the unloading operations or during interment into the landfill.

(4) The owner or operator of any waste source or receiving facilities shall provide adequate control measures to collect any municipal or commercial waste that is accidentally deposited into the water.

(b) The Administrator shall promulgate regulations further defining and implementing the requirements of subsection (a). Such regulation shall require that waste sources and receiving facilities provide the means and facilities to assure that the waste will not be deposited into the water. Such regulations may require the submission and adoption by each affected party of an Operation and Maintenance Manual identifying procedures to be used to prevent, report, contain, and clean up any spill of municipal or commercial waste including recordkeeping and reporting requirements. Nothing in this section shall be construed to affect or supersede the Marine Protection Research, and Sanctuaries Act or the Solid Waste Disposal Act.

ENFORCEMENT

SEC. 105. (a)(1) Whenever on the basis of any information the Secretary (in the case of a violation under section 103) or the Administrator determines that any person has violated or is in violation of any requirement of this title the Secretary or the Administrator, as the case may be, may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Secretary or the Administrator, as the case may be, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) The Secretary may, and at the request of the Administrator, shall include a suspension or revocation of any vessel identification number issued by the Secretary under this title in any order issued pursuant to this section. Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of section 103 or $25,000 per day of noncompliance for each violation of section 104. In assessing such a penalty, the Secretary or the Administrator, as the case may be shall take into account the seriousness of the violation, past violations, and any good faith efforts to comply with applicable requirements.

(3) Any order issued under this subsection shall become final unless, no later than 30 days after the order the person or persons named therein request a public hearing. Upon such request the Secretary or the Administrator, as the case may be, shall promptly conduct a public hearing. In connection with any proceeding under this section the Secretary or the Administrator, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(4) If a violator fails to take corrective action within the time specified in a compliance order, the Secretary or the Administrator, as the case may be, may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Secretary may, or at the request of the Administrator shall, suspend or revoke any vessel identification number issued to the violator.

(5) In the discretion of the Secretary or the Administrator, as the case may be, up to one-half of such penalties may be paid to the person or persons giving information leading to the assessment of the penalty.

(b) Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day of such violation shall, for the purposes of this subsection, constitute a separate violation.

(c) Any person who shall knowingly violate, or that shall knowingly aid, abet, authorize, or instigate a violation of this Act, shall be fined not more than $50,000 or imprisoned for not more than 3 years, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(d)(1) Anyone authorized by the Secretary to enforce the provisions of this title may, (A) board and inspect any vessel on the coastal waters under the jurisdiction of the United States, (B) with or without a warrant arrest any person who violates the provisions of this title or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(2) The Secretary of the Treasury may refuse the clearance required by section 4197 of the revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this title which does not have a vessel identification number in compliance with section 103.

(3) The Secretary may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this title which upon request, does not produce evidence that the provisions of this title have been complied with.

(e) The Secretary may, or at the request of the Administrator shall revoke the vessel identification number in any instance where egregious or multiple violations have taken place. Before such action becomes final, the vessel owner must be given 30 days notice and opportunity for a hearing in accordance with subsection (a)(3). In the case of persistent violators with five or more separate violations within a 6-month period, the Administrator is directed to conduct an investigation of the vessels facility or operator. This shall not be construed to limit the Administrator's authority to investigate or the Secretary's authority to revoke vessel identification numbers in instances where egregious violations have taken place.

(f) This section shall be carried out with respect to foreign vessels consistent with the obligations of the United States under international law.

TRACKING STUDY

SEC. 106. (a) The Administrator, in consultation with the Secretary, shall undertake a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal and commercial waste is not disposed in coastal waters under the jurisdiction of the United States. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities and from the data compiled under section 103. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b). The report shall include a recommendation on whether additional tracking mechanisms are needed. This study shall be submitted to the Congress within 24 months after enactment.

(b) The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels carrying municipal or commercial waste which he currently is studying. The Secretary shall consider the relative effectiveness of various systems and the relative costs of the systems both to the Federal Government and to the vessel owner.

COAST GUARD RESPONSIBILITIES

SEC. 107. (a) The Secretary shall assure that periodic checks are made of vessels operating under this title transporting municipal or commercial waste to determine that each of these vessels carries the appropriate vessel identification number required by section 103.

(b) If the Administrator determines under section 7(a) that tracking devices are required to assure adequate enforcement of laws preventing coastal or ocean dumping, the Secretary shall issue regulations to require installation of the appropriate devices within 18 months after the Administrator completes the report the Administrator required under section 7.

RELATION TO OTHER LAWS

SEC. 108. (a) Nothing contained in this Act shall be construed, interpreted or applied to diminish obligations under any other Federal or State law, whether statutory or common.

AUTHORIZATION

SEC. 109. There are authorized to be appropriated $1,500,000 for each of the fiscal years 1989 and 1990, to support the provisions of this title.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of S. 2030, the Ocean Dumping Reform Act of 1988. I desire the RECORD to show that, were I present, I would vote "aye" on final passage of S. 2030.●

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The clerk will report the unfinished business of the Senate.

The bill clerk read as follows:

A bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd Amendment No. 2813, to extend humanitarian assistance for the Nicaraguan Resistance, to require a report on diplomatic efforts to resolve the Central American armed conflict, and to provide procedures for Congress to consider legislation made necessary by an emergency in Nicaragua occurring before the adjournment of Congress.

Mr. BYRD. Mr. President, will the Chair indulge me for a moment?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might proceed as if in morning business for 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PLEBISCITE IN CHILE

Mr. SYMMS. Mr. President, I rise today to commend the Government of Chile for continuing to meet the requirements set in their constitution. The plebiscite will probably take place sometime in October.

Due to the high number of registered voters, now 6.4 million, 80 percent of the qualified voters, fear of an electoral fraud has disappeared in Chile. This is the number required, according to the opponents of the plebiscite, for it to be legitimate, as far as the number of voters are concerned. In addition, the legal recognition of political parties by the Government, and their wide participation will help to ensure a credible election and legitimate outcome.

The Chilean economy is an outstanding case of development. The recent boom has also affected the middle class, not just the rich. There can be no doubt that a political transition and the strengthening of the democratic government that follows are made easier by faster economic development. This has been a positive factor for Chile, as compared to their Latin American neighbors. A substantial change has taken place in the economic and social environment.

Many Chileans view this plebiscite as a major first step in restoring democracy to their country. To vote yes or no may well become a choice that a Chilean will make by determining what is the best path between economic development and democracy.

I ask unanimous consent that two articles by Mr. Ralph Luders, who is Chile's finance minister, and who was the minister of economics from 1982 to 1983, and Steve Hanke, professor of applied economics at Johns Hopkins University, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 15, 1988]

HOW THE MEDIA SLIGHT PINOCHET

(By Rolf J. Luders and Steve H. Hanke)

BALTIMORE.—The journalistic drumbeat from Chile has, for some time, signaled that freedom and democracy are on the rocks and that prospects for change are slim. It is alleged that the responsibility for this sad state of affairs lies with that country's ever-present pariah, Gen. Augusto Pinochet.

In fact—hard though this may be for liberal critics to accept—General Pinochet and the military regime have moved dramatically to expand economic liberty and are moving Chile on schedule, under the Constitution, toward a full democracy.

The Chilean Constitution requires that a plebiscite be called before Jan. 11, 1989. Voters will be called upon to ratify or reject a candidate nominated by the commanders in chief of the armed forces and the police: the junta. The candidate, if ratified, will become President and serve from March 1990 until 1997. If the candidate is rejected, General Pinochet will continue as President until March 1990. At that time, a new president, chosen in a general election, will assume the reins.

The important points are: first, the Chilean military regime is constitutionally required to end, at the latest, in March 1990; second, a Congress with two chambers will be elected; third, all individual rights and guarantees, currently restricted, will become fully applicable.

The constitutional process is designed to guarantee an orderly transition to democracy. But this is lost on most liberal commentators. Rather, they hammer away on two themes: that the rules of the game are rigged to favor the present Government and that the process will be accompanied by widespread electoral fraud.

For example, many analysts assert that the military regime—in an attempt to hold down voter registration and restrict it mostly to those who favor its candidate—has limited the number of registration offices and the hours they are open and harassed potential registrants. These assertions are baseless.

Of Chile's approximately eight million potential voters, six million have already registered. If the current registration rates of about 500,000 a month continues for only one more month, the percentage of potential voters who have registered will exceed that of the 1973 election. Even Chilean opponents of the plebiscite admit that, based on the registration criterion, legitimate elections can be held.

Nevertheless, the claim is still heard that the system is rigged because of provisions in the Political Parties Act that make it extremely difficult to organize political parties. This claim has also proved to be unfounded. To date, eight parties have been legally recognized. Four of them are openly in the opposition. The other four are either independent or support the Government. In addition, four more opposition parties are currently registering members in anticipation of official recognition.

Moreover, a new voting procedures law was enacted recently. It has not been contested by the opposition. On the contrary, important opposition leaders—such as the President of the Committee for Free Elections—confirm that the "legislation provides guarantees for a secret vote and protects individuals against pressures."

Some analysts further argue that the junta's control of the media makes a legitimate election impossible. This argument is highly questionable. For example, newspapers and magazines cover the full range of political views. There is also a wide range of radio programming, with the opposition represented by some of the country's most important radio stations. Even though all television channels are probably sympathetic to the Government, they are open to opposition leaders, who appear regularly.

If all this weren't enough, liberal pundits slant opinion poll data to give the impression that General Pinochet is highly unpopular. For example, they continue to report that only about 20 percent of the voters favor the General, implying that 80 percent oppose him. These numbers merit two comments.

First, the data are outdated. All recent polls show that more than 20 percent favor General Pinochet. For example, a recent poll by the Chilean State University found that almost 38 percent of the voters would favor any candidate presented by the junta. The poll also found that 29 percent would vote against the junta's candidate and that 27 percent are undecided.

This brings us to our second comment: Most informed observers believe that General Pinochet, if he were the candidate, would probably pick up something in excess of one-half of the undecided votes. If this occurs, and if General Pinochet is the candidate, he would legitimately win the plebiscite.

But why the insistence on presenting polling data in a biased manner? Because it will allow the press to validate its allegations. If President Pinochet is the junta's candidate, and he wins the plebiscite, then the press can claim that there was vote fraud, confirming its previous assertions.

The evidence clearly demonstrated that the junta has followed the 1980 Constitution, that it intends to continue to do so and that it will relinquish power. This shouldn't be too surprising. After all, the military regime has, with its radical free-market reforms, dramatically reduced the scope and power of the state—hence, its own power—and increased individual freedom in the economic sphere.

For example, it has privatized state-owned enterprises and social security, deregulated financial markets, instituted laws that protect the rights of foreign investors, reduced tariffs, abolished most business regulations, cut Government spending and taxes and reformed labor laws so that the government cannot intervene in collective bargaining.

In consequence, Chile has the freest economy in Latin America. By March 1990, it will also have a duly elected civilian government.

BRINGING CHILE'S ECONOMY BACK

(By Rolf Luders and Steve Hanke)

In the 1970s, President Augusto Pinochet became intrigued with the counsel received from his University of Chicago-trained economists. As a result, Chile began an experiment with free-market economics. Although related to 19th century, laissez-faire capitalism, the Chilean experiment was more akin to West Germany's postwar, social market economy.

All seemed to be going well for the Chicago Boys until 1982–1983, when Chile plunged into a deep recession. During the crisis, which began when the flow of petrodollars that had flooded Latin America came to an abrupt halt and Chile's terms of trade took a sharp turn for the worse, Chile's GNP fell 15 percent and unemployment soared to more than 20 percent. Many laid the blame for the severity of Chile's economic problems at the feet of the Chicago Boys. Consequently, most pundits thought that the crisis would deliver a death blow to Chile's social market economy.

In addition to the predictable drumbeat of criticism from the left, the Chicago Boys have received a good bit of flak from conservatives, particularly those in the United States. Specifically, the conservatives point to the fact that Chile was unable to adjust to the shocks that hit its economy because, during 1978–1982, that country fixed its exchange rate to the U.S. dollar and indexed its wages to the consumer price index. The conservative critique correctly notes that such an arrangement is inconsistent with free-market principles, and that it made the necessary wage-price adjustments almost impossible, thus aggravating the crisis.

However, in pointing their fingers at the Chicago Boys, outside observers fail to realize that the policy of simultaneously fixing the exchange rate and indexing wages was the product of a pragmatic compromise, which was made by non-economists at the highest levels of government. Since confusion about this matter still reigns, the topic merits further comment.

There are alternative policies that would have allowed for a smoother economic adjustment to the lower income levels and the reduced availability of foreign exchange that accompanied the crisis. The key to understanding the logic of each policy alternative is relative prices. After all, it is changes in relative prices that allow for economic adjustments.

To promote "adjustment" in a "stable" economic environment, it is usually advisable to fix one price in absolute terms, and to allow all other prices to move freely in relation to it. One such policy calls for the "price of money to be fixed, and for all other prices (the exchange rate, wages, etc.) to be allowed to fluctuate freely in relation to it. Since the price of money is nothing more than the purchasing power of money in terms of all goods and services, those who advocate this alternative favor a stable price level, and argue that this can best be approached through the application of an appropriate monetary policy. An example of such a policy is a "quantity rule" that requires the monetary authorities to increase the supply of money at a low, fixed rate, independent of the state of the economy.

Others question the willingness and/or ability of the monetary authorities to control appropriately the supply of money. Consequently, they prefer to have the exchange rate fixed in relation to a relatively stable foreign currency (or commodity), and to allow all other prices to fluctuate freely in relation to it. Currency boards which were created by the British in most of their colonies, and the Gold Standard are representative of this fixed exchange-rate alternative.

Historical evidence shows that the application of either of these alternatives has proven to be quite successful. However, each can, of course, result in lower real wages. Since even the expectation of this eventuality can pose serious political problems, some Chilean economists recommended that wages be indexed on a semi-annual or yearly basis, and that all other prices be allowed to fluctuate freely. Although this policy alternative allows for adjustment, it does have important drawback: significant currency devaluations and very high inflation rates can accompany it.

In setting a pre-crisis course for economic policy, two groups of technocrats presented the Chilean authorities with the following, mutually exclusive alternative: (1) a fixed exchange rate with all other prices flexible and (2) indexed wages, with all other prices flexible. The military regime was attracted to the first because it promised a mechanism to control inflation, and to the second because it promised to lock in real wages and appease labor. Instead of choosing one of these alternatives, the military authorities adopted elements from each. By simultaneously fixing two important prices, rather than only one, adjustment to economic change was bound to be impeded, as it was during the crisis.

Not even the crisis moved, the Pinochet regime to reject the basic principles of Chile's social market economy, however. Even though several tactical concessions were made to those who preferred a more protectionist and interventionist economy, the thrust of most reforms were corrective and designed to reinforce the social market economy. One of the most important changes was the adoption of a set of macroeconomic policies that is internally consistent: the supply of money was controlled and all other prices (wages, the exchange rate, etc.) were allowed to fluctuate in relation to it.

The results have been impressive. Chile has recovered from the crisis faster, and on a sounder basis, than other Latin American countries. Since 1983, Chile's gross domestic product has grown at a 5 percent annual real rate. This year's rate of growth will be of the same order of magnitude or higher, barring any unexpected external shock. It appears this solid growth can be sustained because, among other reasons, the real investment rate has been growing at a 15 percent annual rate since 1985 and gross savings levels have increased dramatically, with the gross savings to GDP ratio reaching an all-time high of 24 percent in 1987.

The recovery has been export-led. Exports, supported by a gradual improvement in the real exchange rate, grew from $3.7 billion in 1982 to an estimated $6.2 billion this year (or significantly more, if present copper prices persist). As a result, the trade balance reversed: It swung from a negative balance of $2.6 billion in 1981 to an estimated positive balance of well over $1.6 billion this year.

Another facet of the external sector that merits attention is the external debt. In additon to paying interest, Chile is the only Latin American country that has reduced the nominal value of its eternal debt and reversed capital flight. These accomplishments have been realized, in part, through Chile's market-based debt conversion mechanism.

Excellent results on the external front have been, in large part, made possible because of the unusual fiscal discipline imposed by the Pinochet regime. Central government expenditures, as percentage of GDP, only increased by 1.5 percent during the recession, to about 32 percent of GDP. Even during the crisis, the fiscal deficit never exceeded 3 percent of GDP. In 1987, it was less than 1 percent of GDP, and this year the public sector accounts are likely to show a surplus, in spite of a recently announced 20 percent reduction in the valued tax (VAT) rate. For those who have doubts about the military authorities' commitment to control public sector largess, the most recent tax cut merits special attention. When it became clear that the government accounts would generate a significant surplus, the Pinochet regime chose to cut the tax rate for Chile's most important source of public revenue (the VAT), rather than spend the projected surplus. This is unprecedented in the Latin American experience.

Fiscal discipline has also assisted in controlling inflation. The rate of inflation, as measured by the consumer price index, has been fluctuating around 20 percent per year. In other Latin American countries, like Argentina and Brazil, 20 percent represents a monthly inflation rate! This year Chile's inflation rate should be about 10 percent.

The new flexible wage policy has allowed for economic adjustment: Although real wages have fallen, 1 million new jobs have been created since 1982. This increment amounts to about 20 percent of the total labor force. With increasing employment, unemployment, which reached well over 20 percent during the crisis, is estimated to fall below 8 percent this year.

Chile, unlike other Latin American nations, has made an extraordinary recovery from the crisis. Contrary to popular opinion, the recovery was the result of Gen. Pinochet's reaffirmation of his commitment to the social market economy and his adoption of a new, internally consistent set of macroeconomic policies, which was advocated by the Chicago Boys. Far from being dead, the social market economy and the Chicago Boys are alive and well.

COLOMBIA'S EXPROPRIATION OF THE "CAPITANA SAN JOSE"

Mr. SYMMS. Mr. President, on a matter that is something that should be of great interest to all Senators is the question of the Sea-Search Armada Co., which is based in Sun Valley, ID, and is engaged in seeking the treasure from the San Jose, which was one of the largest and richest treasure-bearing ships ever to sail for Spain from the Americas during the Spanish colonial era.

Between the early 1500's and the early 1800's, a continuous harvest of precious metals, jewels, and trade goods flowed to Spain from colonies that Spain established in Central and South America and throughout the Caribbean. The Spanish fleet consisting of two armadas, often returned to Spain carrying registered cargoes with values up to 35 million pesos. During the 300-year Spanish Colonial Era, it is estimated Spain collected in excess of 5 billion pesos in jewels, metals, and trade goods from the Americas.

Among the ships in the two treasure armadas was the *Capitana San Jose*. The *San Jose* was one of the largest and richest treasure-bearing ships ever to sail for Spain from the Americas during the Spanish Colonial Era. However, its enormous treasure never reached Spain.

The *San Jose* was the *Royal Capitana*, the commanding ship of a guard fleet which, in 1708, escorted 17 merchant ships bearing the riches of the Viceroyalty of Peru. After leaving Portobello, Panama, the fleet of 17 ships had almost reached the safety of the ports of Cartagena, Colombia, when it was intercepted by an English squadron. The two fleets sighted each other on the morning of June 8, 1708, but due to light winds and currents prolonging the closure of the fleets, the actual battle did not begin until 5 p.m. About 2 hours after the beginning of the engagement, the *San Jose* was seen to explode and disappear.

The sinking of the *San Jose* represented a crisis for Spain in the War of Spanish Succession. It not only disrupted Spanish Crown finances at that vital time, but also wrought great damage to the merchants of Peru and Seville. Moreover, with the sinking of the *San Jose*, both England, which desperately needed to capture the valuables aboard, and Spain were denied their primary objectives. The gold of the *San Jose* went not to their treasuries, but to the bottom of the Caribbean Sea, together with 600 passengers and crew. The ship was estimated to have carried 7 million pesos in gold or much more.

Two hundred eighty years later, the *San Jose* is thought to be in one piece, with its treasure intact, resting about 12 miles off the Colombian coast in water 750 feet deep. The *San Jose* is regarded as the No. 1 sunken treasure in the world valued at between $2 billion and $9 billion.

Though no one was quite sure where the *San Jose* went down, several U.S. investors began studying the original battle in an effort to locate the galleon. The partnership, known as Sea-Search Armada, has expended about $10 million researching, exploring for and discovering sunken ships off the coast of Colombia. All their activities have been duly licensed and supervised by the Government of Colombia.

In 1981, Sea-Search Armada, after spending a considerable amount of time and money, reported to the Government of Colombia that they believed they found the *San Jose*. However, since making the official report, the U.S. investors have been systematically excluded from exercising their rights to their find.

Mr. President, the Civil Code of Colombia vests 50 percent ownership in a finder of such property. Colombia issued a certificate naming Sea-Search Armada the finder. And, legal experts affirm that such a finder owns 50 percent. In fact, two of the experts were lawyers of the Colombia Government and all experts agreed that a finder has a prior right of salvage.

However, now the Government of Colombia "decrees" that the U.S. investors get only a 5 percent finders fee and no ownership. Quoting one Colombian official, the reason for the new decree is "because 5 percent is enough for Americans."

Mr. President, it seems the Colombian Government is dealing with this very valuable wreck as if it owns 100 percent. In fact, the Colombian's propose to award the salvage contract to a Swedish bank for a fee of about 24 percent less the 5 percent finder fee to to Sea-Search Armada.

This expropriation of Americans' property is simply an outrage. And, the next time Colombia proposes that the United States grant it economic development funds, foreign aid, military assistance or other subsidies, I certainly intend to remind my colleagues of Colombia's treatment of the U.S. investors of Sea-Search Armada, who rightfully own one-half of the *San Jose*.

Mr. President, with regard to this matter, I ask unanimous consent that an article from the Huntsville Times and a recent letter from Jack Harbeston, the managing director of Sea-Search Armada be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEA SEARCH-ARMADA, SUN VALLEY, ID,
AUGUST 4, 1988.

Hon. STEVEN D. SYMMS,
505 Hart Senate Office Building, Washington, DC.
Attention: Andrew Jazwick.
Re: Sea Search Armada and Colombia.

DEAR SENATOR SYMMS: History: Spaniards collected gold, emeralds, church artifacts, etc. from all over the South/Central American region, and loaded the treasure aboard the galleon *San Jose*. (The archive at Sevelle contains a partial manifest.) U.S. experts say the cargo's value will be $1 billion to $10 billion, depending on what contraband is aboard and how and where it is marketed. It sank during a battle in 1708 near Colombia.

In 1981, over 100 Americans formed a company to locate and recover the San Jose. Historians were sent to Spain and England to search the archives. They reconstructed the San Jose's last voyage and probable resting place.

Because the target area lay part within Colombia's territory the Americans obtained an exploration license from the Government of Colombia. When they located a target believed to be the San Jose the Colombian Maritime Authority (DIMAR) issued a decree designating the Americans to be "finders" of the wreck. During the exploration and at the time of finding Colombian officials were aboard the submarine and surface ships, logging the location of the target.

As required, the Americans (Sea Search-Armada) filed the coordinates of the target with DIMAR. The target is beyond the Continental Shelf in over 700′ depth.

Seven different Colombian legal experts (two of them lawyers for the Government of Colombia) rendered written legal opinions that the Civil Code of Colombia vests a 50% share of the find in the finder, Sea Search-Armada.

Colombia drafted a contract to govern recovery of the target and its cargo as between the two half-owners, Sea Search-Armada and the Republic of Colombia. The American group agreed to the terms, but Colombia changed Presidents. The new President submitted the question to the Colombian Congress. Instead of ratifying the contract, President Barco signed a "decree" reducing the Americans' share from 50% to 5%, ex post facto, changing their ownership share to a finder's fee. Moreover, Colombia proposes to levy a 45% tax on whatever the Americans get, reducing their net to 2.25%. Thus, 47.7% of the total, or 95.5% of their share under the Colombian Civil Code, has been expropriated with the explanation that "that is plenty for Americans."

Since 1984, Colombia has been vacillating. Finally, President Barco decided that he would contract only with a sovereign nation for salvage of the San Jose. International and Colombian legal experts advise SSA that it has a vested right in the treasure as is, where is. Colombia has no right to contract with anyone as to SSA's half.

Barco's people (Ambassador to the UN Penalosa for one) say bidding laws require competitive bids if a contract is made with other than a sovereign.

We believe that the "sovereign contract" is a sham device to freeze out the U.S. and SSA. Colombia has made naval, petroleum and coal contracts without competitive bids or sovereign nations. (Also, a contract with a private British firm to salvage galleons which they have discovered—contradictory to their treatment of SSA.) Sweden, via an investment bank, has agreed to do the job for 24.5%. They agree to pay SSA its 5% from their share. Colombia has announced that it intends to contract with Sweden.

Sea Search-Armada has repeatedly sought a meeting with Barco or his delegates to attempt to settle this matter and assert its 50% ownership.

Colombia has denied every request for a negotiating meeting.

Alternatively, SSA will pursue its remedies in court, in the fora of U.S. public opinion and in the Congress. Colombian courts are a shambles. There is no hope of impartial justice there.

SSA much prefers to settle its claim. Americans have invested over $10 million in the project, much of it spent in Colombia. They do not intend to fold their tent now and creep away. If treasure is recovered, SSA will claim it wherever Colombia and the Swedes try to sell it. There is a vast difference between numismatic value and meltdown value. With SSA's cloud on its title, the gold will only bring the lower price.

The Americans would like some help from their government. Colombia is dependent upon U.S. business investment, trade and good will.

This is a case in which Colombia has materially, egregiously mistreated 100 American business people for no reason except pure greed.

It is to Colombia's interest to avoid this fight, but apparently that is not believed by the Colombians.

Sincerely,

JACK HARBESTON,
Managing Director,
Sea Search-Armada.

[From The Huntsville Times, June 26, 1988]

TREASURE OF CAPITANA SAN JOSE AGAIN SPARKS INTERNATIONAL BATTLE

(By Robert Gettlin)

Loaded with gold, silver and emeralds, the Spanish galleon Capitana San Jose sailed from Cartagena, Colombia, on June 8, 1708, hoping to bring vast riches home to King Philip V, then at war with England.

The proud vessel, thought to be the largest ship then afloat in the Caribbean, barely made it out of Cartagena's harbor. It sank in a battle with British warships seeking to capture Spain's vast booty. The riches and all but a handful of the crew of 600 were lost in a fiery explosion.

Today, 280 years later, it is believed that the wreck of the San Jose remains undisturbed 750 feet below the surface, containing what is regarded as the No. 1 sunken treasure in the world.

First wrested from South American Indians by the Spanish, then pursued by the English and now boldly claimed by Colombia itself, the fabulous wealth beckons. It once again is a source of international intrigue and hostility.

And no wonder. The treasure of the San Jose is valued at between $2 million and $9 billion.

The international battle to recover the riches is as fierce as the fighting that sent the ship to its watery grave. An American company believes it has located the wreck, but Colombia is claiming nearly everything that might be brought up. Other governments, too, are trying to get a share of the treasure.

"There's no doubt that they (the Colombians) are trying to steal the treasure," says Jack Harbeston, managing director of Sea Search-Armada, the U.S. partnership of 200 investors which located the site and has invested $10 million since 1981 in the effort. "The value of what's down there could double (Colombia's) foreign reserves."

For nearly three centuries, no one was quite sure where the San Jose went down. But Sea Search went to Spain and England and studied the records of the original naval engagement. In 1980, Colombia awarded Sea Search a license to search for the wreck. By late 1981, the Americans had found a likely target.

Sea Search, as required by its license, reported the astonishing findings, providing the Colombians with maps of the principal and some secondary sites identified through sonar, magnetometer and visual analysis by submarine.

Colombia's civil code, reflecting widely recognized maritime law, split the value of recovered underwater treasures 50-50 between the finder, in this case Sea Search, and Colombia.

But the treasure sat unrecovered. After the creation of a presidential commission and much legal wrangling, the Colombian government decided in late 1986 that a new law would be enacted to deal especially with the San Jose.

The result: Sea Search would get just 5 percent of any recovered treasure, not the 50 percent outlined in the civil code.

"They don't march in with soldiers and take over," Harbeston says. "They pass a law after you've done the work. This is a warning to anyone who is thinking of doing business or investing in Colombia. You have to beware that the rules could change right in the middle."

The Colombians argue that they never had a 50-50 deal. "The Colombian law is quite clear. The finder has a right to 5 percent, and the remainder is disposed of by the government of Colombia as it sees fit," says Mauricio Obregon, a member of the Colombian government commission on the San Jose, in a telephone interview from Bogota.

Obregon acknowledges that the decree setting forth the new 95 percent arrangement was passed by the Colombian Congress to deal specifically with the San Jose treasure and after Sea Search reported its discovery.

"Sea Search has one interpretation of what the Colombian civil code said before we passed the decree," says Obregon, noting that he speaks not on behalf of the Colombian government but only as an expert on the matter.

"Sea Search is certainly entitled to that, but others interpret it differently. The point is that Colombian law now gives the finder, which would be Sea Search, 5 percent. That's still pretty nice."

Sea Search says that depending on how Colombia assess taxes on its portion, the return to the U.S. investors could be 3 percent or less.

The fight for the San Jose is complicated by Colombia's rampant and widely publicized troubles with cocaine and terrorism and the country's effort to bolster its image in the United States.

The Colombians are anxious to lure U.S. investment to their country, and the dispute with Sea Search could cause setbacks. But Colombian President Virgilio Barco says he cannot afford to be tagged with domestic criticism for allowing foreigners to take what Colombians say is their national treasure.

"It could become a big domestic issue in Colombia," says Bud Jacobs, spokesman for Assistant Secretary of State for Inter-American Affairs Elliott Abrams.

"The Colombians have to be very careful about the way they handle this, because they can't afford for leftists to say that Barco gave away a national treasure to the gringos," says Jacobs, who lived in Colombia for four years. "It's a public relations problem, but a very sensitive issue."

Meanwhile, U.S. officials privately have told Sea Search they are sympathetic. But the United States also wants Colombia's cooperation in anti-drug and -terrorism efforts. And the State Department has determined that the U.S. government can't get involved in a commercial enterprise to recover the treasure, as Colombia has suggested.

Harbeston recently met with Abrams, Sen. Daniel P. Moynihan, D-N.Y., Rep. Guy Vander Jagt, R-Mich., and other members of Congress in a bid for support.

Vander Jagt has said: "The experience of a group of American investors must shake the confidence of anyone thinking of doing business with Colombia. . . . Their rights were taken away by a stroke of President Barco's pen."

One State Department official, speaking on condition he not be named, says: "We'll lend our moral support to Sea Search. We don't like seeing American businessmen get screwed. But there isn't a lot we can do."

Recovering the San Jose treasure also presents daunting technical challenges, experts say. The target is in deep waters, resting on a ledge on the sea floor, and is covered by coral.

Mendel Peterson, a naval historian and former director of undersea exploration at the Smithsonian Institution, notes: "The San Jose blew up when its magazine exploded during the battle. We don't know if the treasure is in one place or scattered all over the bottom."

Peterson, who has been an adviser to Sea Search, says: "The technology exists to retrieve it, although the Colombians don't have it. The question is how much is down there to make it worthwhile?"

Colombian officials contend they aren't interested in the wealth aboard the San Jose, but merely in the archeological value of the wreck.

"This is not a treasure hunt for us," Obregon says. "This is a matter of our national patrimony."

Obregon also disputes Sea Search's estimate of the value of the sunken treasure as being in billions of dollars. "It's way out of line," he says. Asked what value the Colombians put on the wreck, he replies, "We aren't saying."

Harbeston and another member of the Sea Search board of directors say that from the very beginning they proposed a partnership with Colombia that would give the country all the historical material recovered.

"They've been stalling for years," says the board member, asking not to be identified. "We want to work out a contract, but they won't deal with us."

Harbeston says Sea Search, working through the U.S. Embassy in Colombia, has attempted to meet with President Barco. "Meanwhile, they are negotiating with other countries on a contract to bring up the treasure, using our research and legal work as the basis for the recovery effort."

Sweden is considered to be the most likely winner of a contract for the salvage operation. The king of Sweden made a special trip to Colombia a few years ago as part of the lobbying effort.

But Obregon says other nations also are in the running. One source says France also is seeking the contract.

"Colombia will only deal with another government on this, not with a private company," Obregon says. "We are reviewing the proposals and will soon make a decision."

Meanwhile, Sea Search has retained the Washington, D.C., law firm of Baker and McKenzie for the suits that are certain to be filed once Colombia awards the salvage contract.

"We'll file in U.S. courts and in international courts," Harbeston says. "They can't feast upon the fruits of our work."

Mr. SYMMS. Mr. President, I ask my Senate colleagues' staffs, who might be watching, to read this article because it is very important to what has happened. We have an American company who works under the laws of Colombia, and has sought out, spent $10 million, and discovered this massive treasure that may have anywhere from 2 to 10 billion dollars' worth of treasure in the ship. The Government of Colombia, their civil code, vests 50 percent ownership in a finder of such property. Let us say on the conservative side that this treasure happens to be worth $2 billion. That means half of it would go to this American company, and half of that would then go to the U.S. Government in taxes. The Government of Colombia has required them to file where the treasure is, and now they have taken it away from them. They act as though the entire effort is theirs.

It is an absolute outrage, and it is an expropriation of America's property. The next time Colombia proposes that the United States grant economic development funds, foreign aid, military assistance, or other subsidies, I intend to remind my colleagues of Colombia's treatment of the United States investors' Sea Search Armada who rightfully own one-half of the treasury in the *San Jose.*

Mr. President, this story is an outrage, and should be an affront to every Member of the United States Senate about what has happened to this group of American investors by Colombia.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the discussions concerning the Contra aid amendment are continuing. I should alert Senators that there will be at least one more rollcall vote today. There may be additional ones. But the important thing that we can hope for is the movement continue in the effort to reach some agreement concerning the Contra aid amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 5:32 p.m. recessed until 5:47 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SIMON).

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1989—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on H.R. 4800 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their reprective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 3, 1988.)

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) entitled "An Act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 13, 23, 73, 76, and 81 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(Including Rescission)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $7,538,765,000, to remain available until expended: Provided, That of the new budget authority provided herein, $89,350,788 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program (section 202 of the Act, as amended by section 2 of Public Law 100-358, approved June 29, 1988); $343,347,300 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; $1,646,948,200 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 14371); $969,570,000 shall be for assistance under section 8 of the Act for projects developed for the elderly under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1,701q); $572,059,890 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f); $368,473,610 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f), of which $45,000,000 is to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77); up to $307,430,000 shall be for section 8 assistance for property disposition; and $1,354,937,780 shall be availabe for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): Provided further, That of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaced in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development): Provided further, That up to $145,462,500 shall be for loan management under section 8 and that any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall not be obligated for a con-

tract term that exceeds five years, notwithstanding the specification in section 8(v) of the Act that such term shall be 180 months: Provided further, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and in accordance with the authorization for such fees in section 8(q) of the Act: Provided further, That of the $7,538,765,000 provided herein, $355,509,000 shall be used to assist handicapped families in accordance with section 202(h) (2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q), and $20,000,000 shall be for assistance under the Nehemiah housing opportunity program pursuant to section 612 of the Housing and Community Development Act of 1987 (Public Law 100-242) and the immediately aforementioned $20,000,000 shall not become available for obligation until July 1, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That amounts equal to all amounts of budget authority (and contact authority) reserved or obligated for the development or acquisition cost of public housing (excluding public housing for Indian families), for modernization of existing public housing projects (excluding such projects of Indian families), and for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1989, shall be rescinded: Provided further, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: Provided further, That amounts equal to recaptured amounts for housing development grants shall be made available during 1989 on the terms specified in the sixth proviso under this head in the Department of Housing and Urban Development appropriation for 1987 (section 101(g) of Public Laws 99-500 and 99-591, 100 Stat. 1783, 1783-242, and 3341, 3341-242).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$17,200,000, of which not less than $1,200,000 shall be available for lead-based paint studies, with all funds*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Fair Housing Activities

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, $10,000,000 to remain available until September 30, 1990: Provided, That not less than $5,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

None of the funds provided in this Act or heretofore provided may be used to supplement or enforce the regulations promulgated by the Department of Housing and Urban Development on June 6, 1988, with respect to the testing and abatement of lead-based paint in public housing until the Secretary develops comprehensive technical guidelines or reliable testing protocols, safe and effective abatement techniques, cleanup methods, and acceptable post-abatement lead dust levels.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$202,500,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$100,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

, of which $900,000,000 is for the space station program only: Provided, That $515,000,000 of the $900,000,000 for the space station program shall not become available for obligation until May 15, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That the aforementioned $515,000,000 shall become available unless the President submits a special message after February 1, 1989, notifying the Congress that such funds will not be made available for the space station program

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert:

$,364,200,000: Provided, That, notwithstanding any provision of this or any other Act, not to exceed $100,000,000 may be transferred to the National Aeronautics and Space Administration in fiscal year 1989 from any funds appropriated to the Department of Defense and such funds may only be transferred to the "Space flight, control and data communications" appropriation for space shuttle operations: Provided further, That the transfer limitation in the immediately preceding proviso shall not apply to funds transferred for advanced launch systems or under existing reimbursement arrangements: Provided further, That the funds appropriated under this heading are, together with funds permitted to be transferred hereunder

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That in addition to sums otherwise provided by this paragraph, an additional $20,000,000, to remain available until expended: Provided further, That up to $30,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Research and development" and/or "Research and program management".

SCIENCE, SPACE, AND TECHNOLOGY EDUCATION TRUST FUND

There is appropriated, by transfer from funds appropriated in this Act for "Construction of facilities", the sum of $15,000,000 to the "Science, Space, and Technology Education Trust Fund" which is hereby established in the Treasury of the United States: Provided, That the Secretary shall invest such funds in the United States Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quartered basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States: Provided further, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: Provided further, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: Provided further, That of the funds made available by this Trust Fund. $250,000 shall be disbursed each calendar quarter for a ten-year period to the Challenger Center for Space Science Education: Provided further, That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That notwithstanding the preceding proviso, none of the funds appropriated in this Act may be used to pay the salary of any individual functioning as a federal employee, or any other individual, through a grant or grants at a rate in excess of $95,000 per year

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

: Provided further, That no funds in this Act shall be used to acquire or lease a research vessel with ice-breaking capability built by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 percentum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That a new competitive solicitation for such vessel shall be conducted: Provided further, That if the vessel contract-

ed for pursuant to the foregoing is not available for the 1989-1990 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel: Provided further, That the preceding four provisos shall not apply to appropriated funds used for the lease of the vessel Polar Duke

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

: Provided further, That, during fiscal year 1989, jurisdictional average employment shall not exceed 38,000 for administrative support: Provided further, That, notwithstanding any other provision in this Act, a supplemental budget request may be transmitted to maintain the personnel level mandated by this Act

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That the Veterans Administration shall, from funds previously appropriated for the replacement and modernization of the hospital at Allen Park, Michigan, immediately proceed with the planning, site acquisition, site preparation, and design of a new hospital in downtown Detroit, Michigan, which contains not less than 503 hospital beds

Mr. BYRD. Mr. President, I ask unanimous consent that there be a 20-minute overall time limitation on the conference report, 10 minutes under the control of Mr. PROXMIRE and 10 minutes under the control of Mr. GARN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield myself as much time as I may require.

The report we have before us sets forth the decisions of House and Senate conferees on fiscal year 1989 funding for the Department of Housing and Urban Development [HUD], the National Aeronautics and Space Administration, the Veterans Administration, the Environmental Protection Agency, the National Science Foundation, the Federal Emergency Management Agency, and a number of smaller entities.

The pending conference report recommends that the Congress provide a total of $59,386,045,000 in new budget authority in fiscal 1989 for HUD and various independent agencies. This is $2 billion more than the Congress provided in fiscal 1988 and $719 million more than the administration's request. The conference report would add $309 million to the funding contained in the bill as it passed the Senate, an increase reflected in a reallocation recently approved by the Senate Appropriations Committee under section 302(b) of the Budget Act.

Although the bill is above the administration's request in budget authority, I am happy to say that we have pared $466 million in outlays from the administration's fiscal 1989 request by making substantial reductions in high-outlay programs.

Mr. President, I warmly commend the chairman of the House subcommittee, Congressman EDDIE BOLAND. He is a remarkable man. I do not think there is a more popular Member of the House of Representatives or the Congress for that matter. And I commend him for his fine stewardship of this bill. Congressman BOLAND and I have chaired this subcommittee together for 10 years. I can say with all sincerety that it has been a great pleasure to work with him since the early 1970's. We will both be leaving Congress this year and I wish him well in his retirement from the House.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill provides $7.539 billion in new budget authority for assisted housing, including $1.647 billion for modernization and $343 million for the new construction or major reconstruction of public housing; $89 million for 1,243 units of Indian housing; $1.47 billion for section 202 elderly and handicapped housing allowing for the construction of 9,500 units; $1.14 billion for 47,000 incremental voucher units; $542 million for 18,000 existing section 8 certificate units; $368 million for moderate rehabilitation including $45 million for homeless single room occupancy units; and $20 million for the Nehemiah Grant Program.

The conference agreement requires that $1.2 million be spent on lead-based paint studies and stipulates that no funds may be used to implement or enforce HUD's lead-based paint regulations until the Secretary develops comprehensive technical guidelines on reliable testing methods, safe and effective abatement techniques, cleanup methods, and acceptable post-abatement lead dust levels.

ENVIRONMENTAL PROTECTION AGENCY

The conferees agreed to a budget of $5.155 billion for the Environmental Protection Agency. Although a decrease of $235 million below the Senate-passed bill, it is an increase of $376 million above the budget request. The conference agreement includes the lower House figures of $1.425 billion for Superfund—$100 million less than the Senate mark—and $1.95 billion for the wastewater treatment construction grant program—a cut of $150 million from the Senate allowance.

Among other budget add-ons, the report provides $47.5 million for asbestos in schools; $5 million for global climate studies; $6 million for stratospheric ozone studies; an increase of $6.5 million for air grants resulting in a total appropriation of $101.5 million; $7.5 million for the Clean Lakes Program; and an increase of $3.6 million in the Great Lakes Program providing a total of $13 million. The conferees recommended a cut of $13.65 million below the budget request for pesticide storage and disposal, leaving a budget of $46.35 million.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The conferees recommend $634 million for the Federal Emergency Management Agency. The conferees agreed to a total of $100 million for the Disaster Relief Program, a decrease of $100 million below the budget request. This reduction assumes a lower-than-average level of disasters in fiscal year 1989.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference report provides $10.7 billion for the National Aeronautics and Space Administration [NASA] including $900 million—$700 million more than the Senate-passed version of the bill provided—for NASA's space station with $515 million to become available after May 15. Frankly I am concerned about the wisdom of this decision because the station will be funded at the expense of a balanced space program. The conference report includes the lower House amounts for planetary exploration, the Hubble space telescope, life sciences, and other research and development programs, although it would allow NASA the discretion to transfer $30 million into these programs. I hope we aren't making the same mistake we made with the shuttle by putting all our eggs in the space station basket.

The bill would provide $4.364 billion for NASA's space flight, control and data communications program with language allowing up to $100 million to be provided by transfer from the Department of Defense for space shuttle operations.

Finally, the conference committee agreed to provide $15 million for a new trust fund for the Challenger Center for Space Science Education. Senator GARN's efforts in this area are to be commended.

NATIONAL SCIENCE FOUNDATION

The conferees agreed to a total budget of $1.885 billion for the National Science Foundation including $1.583 billion for research and $156 million for science education. The budget recommended for NSF is close to 10 percent more than the fiscal 1988 level.

VETERANS' ADMINISTRATION

Finally, the conference committee agreed to a total of $28.15 billion for the Veterans' Administration including $10.54 billion for veterans medical care. Funds are provided to increase the current staffing level by 580 positions, 300 of which are designated for the treatment of patients with AIDS. the conference agreement provides $45 million for special pay rates for nurses and other scarce medical specialties and an additional $42 million above the budget request to fully fund the anticipated 2-percent pay increase in 1989.

The conferees recommended $363 million for major construction, a decrease of $5 million below the budget request. The conference agreement provides additional funds for nursing home care units at Saginaw, MI; Wilkes-Barre, PA; Mountain Home, TN; and New Orleans; a clinical addition in Dallas; and an air-conditioning project at Madison, WI.

The conferees agreed to provide $26 million for the parking garage revolving fund, an increase of $17 million above the budget request, to construct a parking garage at the New Orleans VA medical center.

Finally, Mr. President, I would like to mention a number of printing errors in the Joint Explanatory Statement of the Committee of Conference on the bill. Under FEMA's planning and assistance appropriation, the conference agreement includes a reduction of $300,000 from the budget requested for the civil defense research program. The agreement for NASA's research and development appropriation is $4,191,700,000 and $1,855,000,000 for the research and program management appropriation. Finally, under VA's major construction, the conference agreement includes an additional $5 million for an air conditioning project at Madision.

Mr. President, I am awaiting the presence of the distinguished Senator from Utah, who is the ranking member of the committee. I suggest the absence of a quorum and ask unanimous consent that it not be taken out of either side.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I rise in support of the HUD and independent agencies appropriations conference report.

I would say that under the circumstances this is an extremely good bill. We have had a very difficult time this year under unusual budget constraints and particularly on the Senate side where the Senate Appropriations Committee chose to give this particular subcommittee the lowest 302(b) allocation—so low, in fact, it was over $600 million below the House allocation. We were able to resolve that with the House, under those circumstances, I think, in a very, very good fashion.

Obviously there are some areas that both Senator PROXMIRE and I wish could be different, but under the circumstances this is a good result and just over an hour ago was passed overwhelmingly in the House of Representatives.

I commend both Chairman BOLAND and Chairman PROXMIRE on this bill, working under these very difficult circumstances. Unfortunately, both of them are retiring and this is their last bill.

I happened to hear Chairman BOLAND on the House side during passage of that bill where he mentioned that he had served as chairman on the Subcommittee on HUD and Independent Agencies in the House for some 18 years, and 10 of those years he and Senator PROXMIRE were chairmen; 9 out of those 10 years that they served as chairmen together this bill was signed into law by the President separately without being in a continuing resolution.

I mention that the 6 years that he and I were chairmen of the respective committees, that 4 of those 6 years, we had a separate bill signed. In fact, the fifth year we had a separate bill and they chose by reference to put that into the continuing resolution.

This would make another year where this bill is kept out of the continuing resolution, showing that it can be done. The Senate and the House can do their work and not play the silly games of getting into continuing resolutions.

So I wish to commend Chairman PROXMIRE and Chairman BOLAND for the great work they have done over a long number of years and the very distinct pleasure I have had of working with both of them over the last 14 years. They are to be commended for their work.

I also thank Tom van der Voort, Carrie Simmons, Diana Kim, Democratic staff, and Stephen Kohashi, Penny German, and we also have some Presidential management interns on temporary assignment, Diane Hill, Marge Frome, and Mike Marlaire. They have all done very good work.

When we started this year in January I frankly would not have been optimistic at all. As a matter of fact, as late as a month ago I would not have been optimistic that a bill this good under the circumstances could have been produced.

So, once again, I am very pleased and hope all of my colleagues will support the bill and once again commend Chairman PROXMIRE and thank him for all of the good work that I have been able to share with him for the last 14 years.

Mr. PROXMIRE. Mr. President, I appreciate very much the kind remarks of Senator GARN. Senator GARN is unique. He is the only Senator who is a genuine astronaut. He knows the space program inside and out. He has been a tremendous asset to this particular subcommittee because we are responsible for the NASA budget, of course, as well as for others; but Chairman GARN is certainly not a Johnny-one-note. He is very expert in all the areas. He has been on the subcommittee, I think, during practically all the time he has been in the Senate and, indeed, he has been chairman of this subcommittee for 6 years, and he is a man that it is a delight to work with. He is persistent and very strong in his feelings. We have disagreed on a number of issues but there has never been one bit of disagreeability between us.

I am delighted to know that Senator GARN is going to carry on in the Senate. I am sure he will do that with great continued distinction and fairness.

Mr. President, I do want to say one more thing, and that is I did not say anything about the staff. It was something I neglected. As usual, the staff does the work and they did excellent work in this respect.

An appropriations bill is a very complex animal, as we all know. It is the most important function that Congress performs. We have the power of the purse and how we use that and how accurately and how responsibly we do this depends very heavily on highly competent, very hardworking staffers.

Stephen Kohashi has done a superb job on the minority side and in the majority, for that matter, until last year. And Tom van der Voort and his able people have done very well on our side. So I certainly wanted to pay tribute to them. Senator GARN has already mentioned by name all of the staffers and I certainly want to second what he said.

Mr. GARN. Mr. President, I appreciate the very kind remarks by the distinguished Senator from Wisconsin, but I have to make one correction. It is a very important correction. He referred to me as the only genuine astronaut in the Senate and, boy, have I got to correct that and talk about JOHN GLENN. I will take credit for being the second astronaut. But, considering the fact that our colleague from Ohio was the first American to orbit the Earth, I had to hurry and correct that before he heard the comment.

Mr. PROXMIRE. Mr. President, if the distinguished Senator from Utah will yield, what I did not say and meant to say was that Senator GARN was the only Senator who, as a Senator, went out into space. He came back, too. But he went out into space. Of course, JOHN GLENN was a great American hero and astronaut before he was a Senator. I guess, once an astronaut, always an astronaut.

But I will still say the only U.S. Senator who, as a Senator, went into space and safely returned was Senator GARN.

Mr. GARN. I appreciate that correction, althought I am sure that a lot of people would think a lot of Senators have been spaced-out for many years.

Mr. PROXMIRE. Mr. President, I yield such time as the distinguished Senator from Alabama may require.

Mr. SHELBY. Mr. President, I appreciate the chairman yielding to me.

Mr. President, if I may inquire of the Senator from Wisconsin, I have a few questions that I would like clarified regarding the NASA appropriation for construction of an advanced solid rocket motor facility contained within this legislation.

It is my understanding that $83 million has been included in this bill for the construction of an advanced solid rocket motor facility. The bill which passed the Senate contained a provision which stated that should a contract be awarded for the development and production of the ASRM which provides for "non-Federal ownership" of a production facility, up to $27 million of the funds provided may be transferred and merged with sums appropriated for "Space flight, control and data communications." Is this correct?

Mr. PROXMIRE. The answer is that the Senator from Alabama is correct.

Mr. SHELBY. Will the Senator yield?

Mr. PROXMIRE. I am happy to yield further.

Mr. SHELBY. I also note that this language allowing the transfer of $27 million from construction of facilities to space flight was deleted without prejudice from the conference report.

Mr. PROXMIRE. The Senator is correct.

Mr. SHELBY. I believe that the full amount appropriated in the bill for ASRM, $83 million, is still available for construction of facilities.

Am I correct in stating that the measure before this body today, the conference report, does not prejudice either a contractor-owned or contractor-operated or a Government-owned/contractor—excuse me, let me do that again.

Am I correct in stating that the measure before this body, the conference report, does not prejudice either a contractor-owned/contractor-operated or a Government-owned/contractor-operated facility?

Mr. PROXMIRE. The Senator is correct. And the way the Senator phrased that question makes it correct. For a while I was not sure, but the way the Senator phrased it, that is correct.

Mr. SHELBY. After I corrected myself.

Mr. PROXMIRE. That is correct.

Mr. SHELBY. I wonder if my distinguished colleague would respond that in this conference report you are trying to create a level-playing field; if NASA goes with a Government-owned facility or a privately owned facility, that you are looking basically for what is best in the long run for the taxpayer?

Mr. PROXMIRE. What is best for the taxpayer and what is best in terms of quality and safety.

Mr. SHELBY. That is right.

I am concerned that all parties have an opportunity to compete on an equal playing field. It is imperative that NASA have the flexibility to choose the best proposal put forth in order to assure that the taxpayers' dollars are spent most efficiently. The ASRM facility will be a vital component in securing our Nation's preeminence in the area of space exploration. Therefore, it is my hope that this decision by NASA transcend politics and be awarded to whoever can present the best proposal.

I appreciate the distinguished Senator from Wisconsin, the chairman of the subcommittee, yielding.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it not be taken from either side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for not to exceed 5 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SOVIETS PENETRATE WESTERN BOND MARKETS

Mr. HELMS. Mr. President, I am deeply concerned about the Soviet Union's penetration of western securities markets. For the second time this year, the Soviet Union has floated a bond issue in the West, aided and abetted by Western banking institutions—including United States institutions.

This Soviet penetration of international securities markets allows the Kremlin to recruit Western banks, securities firms, pension funds, insurance companies, corporations and even individuals as lenders of hard currency not tied to specific projects to finance the Soviet empire.

Western financing of the Soviet Union is dangerous to free world security because it strengthens the Kremlin's military-industrial complex. For more than seven decades, German, British, French, American and other Western banking institutions have been building communism in Russia. German banking and industrial interests have played a particularly significant role.

On June 15 of this year, the Senate passed, 96 to 0, a resolution introduced by the distinguished Senator from Tennessee [Mr. SASSER] which called on the administration to place on the agenda of the Toronto Summit the issue of the impact on Western security of such credit flows to the Soviet bloc. The Treasury Department and the State Department rejected the Senate's concerns.

SOVIET-WESTERN BOND DEAL

This latest bond deal between the Kremlin and Western financiers involves 500 million deutsche marks or about $271.1 million. The 7-year term carries a 6⅜ percent coupon rate. The first deal, concluded this past January, was for 100 million Swiss francs, or about $65.4 million, for 10 years.

Mr. President, where, anywhere in the world, can anyone borrow money at 6⅜ percent? Where can the American taxpayer or the U.S. Government find such a low rate? Nowhere.

In the United States, the average consumer interest rate is between 18 and 19 percent. The average mortgage loan rate is about 10 to 12 percent. The prime rate is between 9½ and 10 percent. Treasury bills are at about 10¼ percent. No American taxpayer, and not even the U.S. Government, can get funds at the rock bottom rate the Soviets have just obtained in the West.

Mr. President, four American firms participated in this most recent Soviet bond offering. They are: Citibank, Shearson Lehman Hutton Inc., Salomon Brothers, and Morgan Stanley.

It is not surprising that the deal was led by West Germany's Dresdner Bank. The West German Deutsche Bank, Commerzbank, and Westdeutsche Landesbanke were colead managers. The earlier Swiss franc deal was led by the Westdeutsche Landesbanke.

PREVIOUS SOVIET-WESTERN DEALS

The penetration of East Europe and the Soviet Union by West German banks and industrial corporations is not new. The present Soviet-Western bond issue is paralleled by Western financing of the so-called Russian Revolution, that is, the Bolshevik coup d'etat of 1917.

It is a historical fact that the Russian Revolution was financed in large measure by German banks acting in concert with the German General Staff. I spoke in some detail on this subject in the Senate on February 29, 1984, noting, among other authorities, Prof. Z.A.B. Zeman's book "Germany and the Revolution in Russia 1915-18" published by the Oxford University Press in 1958.

The destruction of the Tsarist monarchy and the seizure of Russia by German-led financial and industrial syndicates was part of the overall Pan-German geopolitical strategy for world domination which led to the outbreak of World War I and contributed to the rise of Hitler and to the outbreak of World War II.

The Pan-German strategy called for German domination of East Europe and Russia through a combination of political, military, psychological, and economic means. The strategy was presented to the German public in a number of propagandistic books and maps published in Germany during the 1880's and 1890's. It is interesting that certain British, French, and American interests were allowed to participate on a selected basis in implementing this design.

At the turn of the century, this strategy included the so-called Hamburg to Baghdad scheme for rail transportation linking the German Empire to the Ottomon Turkish Empire. In addition, the concept of a German dominated "MittelEuropa" emerged as a method of denying France influence in Eastern Europe and Soviet Russia.

Behind this entire strategy to dominate Europe and Russia were the major German banks such as the Deutsche Bank, Dresdner Bank, and Commerzbank and Rhineland industrialists such as Hugo Stinnes. This plan for German domination resulted in two major World Wars this century—a history lesson we seem to forget in today's television-dominated world. Hollywood has displaced reality.

The structure of the current economic détente with the Soviet Empire has a strange resemblance to these past intrigues. In 1922, the Genoa Economic Conference brought the Communist rulers of Russia to the negotiating table with Western diplomats for the first time. The Rapallo Treaty of 1922—an outgrowth of the Genoa Conference—between Germany and Soviet Russia formally established commercial relations between these two pariah states.

These commercial relations provided cover for secret military relations including research, coproduction, and training in weaponry for Germany forbidden by the Treaty of Versailles.

By the late 1950's, West Germany regained its economic strength and became a main trading partner of the Soviet bloc.

In the 1960's, Willi Brandt's political and economic opening to East Europe and the Soviet Union—the so-called "Ost-Politik"—was driven by West German financial and industrial combines seeking an expansion of trade and economic space to the east.

Today, powerful West German interests dominate the Soviet and East European trade.

CRISIS IN FREE WORLD POLICY

This Senator is not arguing that the United States, the United Kingdom, France, and other industrial powers should compete with the Germans to get the Soviet bloc trade. Just the opposite: the free world should unite to deny the Soviet Empire the goods and services that it needs to achieve its global imperial objectives.

The purpose of North Atlantic Treaty Organization [NATO] and the Organization for Economic Cooperation and Development [OECD] is to provide for the defense and economic cooperation of the West. If these organizations cannot fulfill this purpose through real and effective cooperation in denying the Soviet Empire the ability to wage war against the free world, the United States would do well to rethink its commitments to these organizations. We spend over $150 billion a year on NATO.

Mr. President, it may well be the hour for formulating a new national security strategy for America owing to rapidly changing international conditions and alignments of power.

We have before us the rising economic power of Western Europe and the new constellation envisaged through European economic integration by 1992. By that date, the European Economic Community [EEC] expects to have achieved economic unification with goods and services moving freely in one giant internal market of over 300 million people.

Already we see negotiations and agreements between the EEC and the Soviet controlled Comecon, the economic organization of the Soviet bloc. The model for this larger coordination is the multiplying web of economic relations between West Germany and East Germany.

RISE OF THE ECU

Even the almighty dollar may lose its dominance. The disintegration of the dollar as an international currency engineered by the U.S. Treasury may well result in the dollar's potential displacement by the European monetary unit, the Ecu, as the primary international reserve currency particularly if, as some observers think, OPEC moves to price oil in Ecu's rather than in dollars. Such an action may not be as farfetched in 1992 as it seems today.

Mr. President, the American taxpayer has every right to know why he or she is being asked for ever greater sacrifices to pay for our defense budget while the Wall Street financiers and their cosmopolitan friends abroad are financing the Soviet Union and its Warsaw Pact allies.

There is indeed a crisis in free world policy toward the Soviet bloc and international communism. On the one hand, citizens of Western nations are asked to make sacrifices for their defense against the Warsaw Pact. On the other hand, Western financiers and industrialists are selling the Warsaw Pact the rope to hang the West. We cannot have it both ways and preserve our freedom for long.

Mr. President, in order than Senators might gain a better understanding of this situation, I ask unanimous consent that a Wall Street Journal editorial of July 29, entitled "John Reed Minds the Store", a Financial Times of London article of July 27, entitled "Soviet Union in DM500m bond issue," a Washington Times article of August 3, entitled "American financiers lend hand to Soviets," a Washington Times article of July 27, entitled "Soviets to obtain more cash in West," a Wall Street Journal article of May 16, entitled "German Banks Increase Loans to Soviets and Introduce Moscow to Bond Markets," a Wall Street Journal article of January 8, entitled "Major Soviet Bond Issues are Expected Despite Requirements to Disclose Secrets," and a Journal of Commerce article of January 8, entitled "Soviet Policy Shift Seen" be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 29, 1988]

JOHN REED MINDS THE STORE

"Who knows which political system works," says Thomas Theobald, senior executive vice president in charge of Citibank's international division. "The only test we care about is: Can they pay their bills?"—From a Dec. 21, 1981, Wall Street Journal article by Julie Salamon, dealing with Polish debt.

". . . if the adjustment policies show no foreseeable long-term solution, financing will not be forthcoming, but the country does not go bankrupt."—Walter B. Wriston, chairman of Citicorp., the New York Times, Sept. 14, 1982.

Since these words were uttered, Mr. Wriston has retired and Mr. Theobald has moved on to run Continental Illinois. John Reed, the current Citicorp chairman, is rather busy trying to get sovereign-risk loans of somewhat diminished value off his books. But even with Mr. Reed minding the store, Citicorp's German unit, Citibank AG, the German unit of Citicorp, turns up this week as a senior co-manager of the Soviet Union's first really serious dip into the Western bond markets, a 500 million deutsche mark ($270 million) offering of seven-year notes, bearing a princely interest rate of 6⅜%.

In one sense this is safer than some of Citibank's earlier East-bloc ventures, since instead of keeping its depositors' money at risk it will peddle the notes to individual and institutional investors. And of course, Citicorp and the other participating U.S. firms—Shearson, Salomon and Morgan Stanley—aren't going to be very big players in this deal relative to the underwritings they customarily handle. The German banks, which along with the German government want to demonstrate their good will toward the Soviets, are leading the way on this issue and probably will be on issues to come once the Soviets develop a taste for easy access to the savings of Western businesses and wage earners.

Still, there are a few little problems. Disclosure, for example. The ostensible borrower is something called the Bank for Foreign Economic Affairs of the U.S.S.R. (BFEA). In West Germany, a sovereign borrower is supposed to publish relevant economic data when it issues bonds. After all, they are going to be publicly traded. An application will be made to list these on the Frankfurt exchange. But this data isn't going to be demanded because—wait for it—the bankers involved claim the BFEA isn't a sovereign entity and the loan isn't being guaranteed by the Soviet government.

BFEA was also the borrower in the Soviet's maiden 100 million Swiss francs ($65 million) last January. The information memorandum issued on behalf of that issue listed the bank's "shareholders," for example, the All-Union Agency of Authors' Right Reservation and the Central Union of Consumers' Societies. But the main holders are the State Bank of the U.S.S.R., and the ministries of finance and trade. So the BFEA is a government enterprise, as are all enterprises in the U.S.S.R.

Now, we can understand why the Soviets and the West Germans who are trying to woo them would prefer not to disclose the real Soviet balance sheet, or, more to the point, the Soviet-bloc balance sheet. By current estimate, outstanding debt of the Soviet bloc is about $130 billion, which is a lot of money for a group of countries with very limited capacity to earn hard currency.

Indeed, some Western banks told the BFEA no thanks. The Dow Jones Capital Markets Report quoted sources as saying that a unit of that most aggressive of deal makers, Credit Suisse First Boston, declined in advance to join the credit, for political reasons. The French Treasury, with socialists now at the helm, reportedly let it be known French banks should stay out.

A former senior staffer on President Reagan's National Security Council, Roger W. Robinson, warns that "the Soviet entry into the international securities markets allows Moscow to recruit, for the first time, Western securities firms, pension funds, insurance companies, corporations and even individuals as lenders of untied money to the U.S.S.R."

President Reagan has twice—prior to both the Venice and Toronto summits—been urged by bipartisan groups of Congressmen and Senators to raise with the allies the national-security dimensions of Moscow's entry into the securities markets. On June 15, the Senate passed by a vote of 96 to 0 a resolution—sponsored by two Democrats, Sasser of Tennessee and Bradley of New Jersey—urging the President to place the issue of the impact on Western security of credit flows to Warsaw-pact countries on the formal agenda at Toronto.

So far, the administration has ignored these appeals, and so have Mr. Reed and other bankers. It seems that the principles enunciated at the beginning of this decade by Messrs. Wriston and Theobald still prevail—if not in lending the bank's money, at least in suggesting that other investors put up the cash.

[From the Financial Times, July 27, 1988]

Soviet Union in DM500M Bond Issue

(By Haig Simonian)

The Soviet Union yesterday made its long-awaited major return to the international public capital markets with a DM500m ($271.1m) bond led by West Germany's Dresdner Bank at an interest rate cheaper than equivalent domestic borrowings by the West German federal Government.

The deal follows a SFr100m ($65.4m) Soviet bond issue in January which ended a 70-year absence from international public bond markets and was widely seen as a first attempt by the Soviet Union to test the capitalist waters.

The borrower is again the Bank for Foreign Economic Affairs of the USSR, which is responsible for the country's foreign financing needs.

The Soviet Union has in the past been active in the international syndicated loan market, but its two bond issues this year, which are listed on stock exchanges and can be bought by the general public, shows a new willingness to disclose previously secret economic information as well as a greater readiness among investors to buy Soviet paper following the Gorbachev reforms.

The latest deal—for seven years, with a 6⅔ percent coupon and par pricing—was described by bankers in Frankfurt as "in line with market conditions". It had been expected for weeks, and, at a time of rising German interest rates, the borrower was clearly keen to go ahead promptly.

However, the Soviet Union will be paying almost 20 basis points less than the German government for its funds because of plans for a German withholding tax from next year, which has split the domestic and offshore-D-Mark markets and forced up the cost of domestic borrowing. Equivalent maturity German Government paper was quoted at some 6.56 percent on the secondary market yesterday.

Deutsche Bank, Commerzbank and Westdeutsche Landesbank are included as colead managers.

The latest issue is only the start of what may be a large-scale Eurobond borrowing programme by the Soviet Union. Earlier this year, Mr. Victor Geraschenko, vice-president of the Bank for Foreign Economic Affairs, suggested the Soviet Union would borrow much more actively in the future. However, there are still no details of the currencies it plans to tap, nor the size of sums likely to be raised.

The obstacle of differences over investor claims on pre-Revolutionary Russia, which has hampered previous transactions, is gradually being overcome. The most important dispute, between the UK and the Soviet Union, was settled in 1986, while the Soviet authorities agreed to set up joint committees to look into Swiss claims prior to the Swiss franc issue.

[From the Washington Times, Aug. 3, 1988]

American Financiers Lend Hand to Soviets

(By Rita McWilliams)

Four of the United States' largest investment houses are underwriting Soviet bonds that went on sale last week in West Germany.

Citicorp, Shearson Lehman Hutton Inc., Salomon Brothers and Morgan Stanley Co. Inc. are part of the banking consortium led by West German banks that have bought some $270 million in bonds from the Soviet Bank for Foreign Economic Affairs.

Moscow's first entry into the West's capital markets since the revolution of 1917 occurred in January, when a Soviet-owned bank in Switzerland sold about $64 million in bonds. The sale in West Germany last week was the Soviets' second sale of bonds, a further testing of Western capital market waters.

The bonds that went on sale in West Germany last week were sold at 6⅝ percent interest. The seven-year bonds are part of an escalating borrowing campaign to help fund Soviet leader Mikhail Gorbachev's economic restructuring.

Another Soviet bond sale is being negotiated in West Germany and what one analyst called "a mega-deal worth a billion" dollars in Soviet bonds is being negotiated in London.

The investment companies in the U.S. were not anxious to discuss the underwriting of the bonds.

Salomon Brothers, for instance, preferred not to comment publicly. "We're going to skip on this one," said Adrienne Simmons, a spokeswoman for the New York office.

A spokesman for Shearson Lehman Hutton Inc. in New York went a bit further. But not much.

"As with any other decision to underwrite, we saw an attractive opportunity after weighing both the risks and benefits," said the spokesman, who requested anonymity.

Citicorp's German unit, Citibank AG, has underwritten about $6,000 of the bonds. Citibank spokesmen in New York apologized that they couldn't comment on the issue because their East European specialist was on a fishing vacation and couldn't be reached by telephone.

Jan Vanous, research director for PlanEcon, a Washington-based economic consulting firm, sums up the attitude of the American firms this way: "Why not get a piece of the action if [selling Soviet bonds] is already being done? . . . Why should they turn over the business to Japanese or German banks?"

The bond selling does not increase U.S. exposure to the Soviet Union, he noted. The companies simply gain fees for handling the sales.

Mr. Vanous pointed out that U.S. banks in general have been cautious in holding Soviet debt in their own portfolios. Of the $35 billion lent by Western banks to the Soviet Union, U.S. banks account for only about 0.05 percent.

But others, including Roger W. Robinson Jr., former director of international economic affairs at the National Security Council, say investments in the Soviet economy could pose grave dangers for the security of the West.

"These U.S. institutions may not be providing untied funds to the Soviets themselves, but they are actively encouraging other organizations and investors to do so," Mr. Robinson said.

"Such investors will have a vested financial interest in supporting continued economic and even political concessions to the Soviet Union," Mr. Robinson said.

The Soviets' new borrowing policies have sparked bipartisan concern on Capitol Hill. The House Banking Committee's international finance, trade and monetary affairs subcommittee will hold hearings on Western loans to the Soviet bloc in mid-September.

[From the Washington Times, July 27, 1988]

SOVIETS TO OBTAIN MORE CASH IN WEST

(By Rita McWilliams)

The Soviet Union plans to sell $270 million in bonds this week through West German banks.

The sale is part of an escalating borrowing campaign through which the Soviets hope to finance economic reforms while continuing to provide aid to their Third World allies.

It is the second bond sale by the Soviets this year after a 70-year absence in the West's capital markets.

The bond sales, coupled with a series of conventional hard currency loans Moscow has obtained primarily from Western European and Japanese banks, add up to nearly $35 billion in loans from the West.

"Today the West just gave the Soviets another $270 million with absolutely no oversight, and with no ties to human rights improvements or any reductions in their military adventures around the globe," said Rep. Charles Schumer, New York Democrat.

"It's just incomprehensible to me that the administration has been unwilling to work with our allies to develop a thoughtful policy toward lending to the Soviets."

The Soviet Union has been expanding its debt to the West, nearly doubling it since 1984, according to the Bank for International Settlements. In addition, most of the increased lending to Eastern Europe since the end of 1984 has gone to the Soviet Union, the bank said. For all of Eastern Europe, loans outstanding totaled $77 billion in September, up from $28 billion at the end of 1984.

A Tass news service report quoted Eduard Gostev, deputy chairman of the Soviet bank's board, as saying the bond issue "testifies to the Soviet Union's increasing participation in the international crediting system and to its broadening banking ties".

"The money obtained through the scheme will go to fund the U.S.S.R.'s foreign trade with Western countries and to develop new forms of its foreign economic activities," he was quoted by Tass.

The Soviet Union needs hard currency to buy Western machinery and technology to help it build its industrial machine and to aid its allies when they are in financial straights. For instance, the Soviet Union promised Cuba a $450 million hard-currency loan last year, according to Gustavo Perez Cott, former vice president of Cuba's state agency for technology and supply.

The recent surge in Soviet borrowing has sparked bipartisan concern on Capitol Hill, especially since the Reagan administration has opposed any multilateral initiative to end untied Western lending to Warsaw Pact nations.

The House Banking Committee's international finance, trade and monetary affairs subcommittee will hold hearings on Western untied loans to the Soviet bloc in mid-September. The Senate voted 96-0 last month on a resolution sponsored by Sen. Jim Sasser, Tennessee Democrat, urging President Reagan to discuss the matter with allied nations.

The bond sale in West Germany follows a $2.1 billion line of credit by German banks to the Soviet Union.

Analysts say the Soviets are working on another bond sale in West Germany and are reportedly negotiating still another in London. The Soviets paved the way for entrance into Western bond markets by providing compensation to holders of czarist bonds in 1986, something they had refused to do in the past.

Jan Vanous, research director of PlanEcon, a Washington-based economic consulting firm, said the Soviets refused to divulge economic data, such as balance of payments or gold holdings, usually required before bond offerings are approved in West Germany. They got around the requirement by invoking a clause in the rules of the Frankfurt Exchange that disclosing such financial information would damage the Soviet Union's security interests.

Mr. Vanous said some economists were disappointed that West German authorities "did not press the Soviets for better economic information" before agreeing to sell the bonds.

"This is setting an unwelcome precedent," Mr. Vanous said. "It indicates the Soviets will continue to seek exceptions" before borrowing funds.

Yesterday's bond sale enables the Soviet Union to borrow roughly 500 million Deutsche marks, or about $270 million.

The sale by the Soviet Union's Bank for Foreign Economic Affairs was offered by a West German banking syndicate led by Dresdner Bank and including Deutsche Bank, West Deutsche Landesbank Girozentrale and Commerzbank.

The seven-year bonds will be sold at 6⅜ interest. In contrast, the U.S. government's 10-year bonds, issued in dollars, pay more than 9 percent.

In January, a Soviet bank in Zurich borrowed the equivalent of $75 million by selling bonds to international investors in what was believed to be the first Soviet entry into the West's capital markets since the revolution of 1917.

"Soviet entry into the international securities markets allows the Soviets to recruit, for the first time, Western securities firms, pension funds, insurance companies, corporations and even individuals as lenders of untied money to the U.S.S.R.," said Roger W. Robinson, former director of international economic affairs at the National Security Council.

'They are obviously seeking capital from the rest of the world," said Herbert Stein, a senior fellow at the American Enterprise Institute and a former chairman of the president's Council of Economic Advisers.

"We ought to take a very political view of this," Mr. Stein said. "We ought to say, 'You want capital from us and we'd like to get something back beside 6 percent interest. What we want from you is better behavior.' "

[From the Wall Street Journal, May 16, 1988]

GERMAN BANKS INCREASE LOANS TO SOVIETS AND INTRODUCE MOSCOW TO BOND MARKETS

(By Peter Gumbel)

Moscow—West German banks are rushing to provide money and financing knowhow for Soviet leader Mikhail Gorbachev's economic reforms.

After several lean years of business with Moscow, German banks have embarked on a new round of lending. And, as Mr. Gorbachev's overhaul of the Soviet foreign-trade system takes effect, the bankers expect to help their industrial clients in Germany pick up a large chunk of new business, too.

The most significant development was the recent announcement by Deutsche Bank AG, Germany's biggest bank, that it is establishing a consortium to provide credits of as much as 3.5 billion marks ($1.7 billion) to modernize the Soviet consumer-goods industry. Details aren't clear, but German and Soviet officials say the credits are expected to flow back to German industry as orders for capital equipment.

BOND MARKETS ARE TAPPED

German bankers are also playing a more discreet, albeit just as important role in the Soviet Union's financial affairs. They are actively helping Moscow become more flexible in its foreign borrowing by introducing Soviet financial authorities to international bond makets.

Moscow's first foreign bond issue since the 1917 revolution, for 100 million Swiss francs ($71.5 million), was brought to market earlier this year by a Swiss subsidiary of Duesseldorf-based Westdeutsche Landesbank. Sources say German banks are bidding furiously to manage a second bond issue, this time in marks, from the Soviet foreign economic bank. The issue could raise as much as 500 million marks.

Timing and conditions of the bonds are still uncertain and many hinge on the resolutions of a few technical problems, bankers say in Moscow. The bonds can be registered on Frankfurt's stock exchange only if the Soviet Union reveals financial data, such as gold and foreign-exchange reserves that it has traditionally kept secret. Moscow must also settle its debts with German holders of czarist bonds, which the Bolshevik government refused to honor after the revolution.

But "these aren't big problems," says a Moscow-based German banker. "They were overcome in Switzerland. The main thing is that the Soviet Union realizes it needs to tap new possibilities for credit."

TOKEN PAYMENT

Moscow settled with holders of czarist bonds in the United Kingdom and Switzerland by making a token payment, and presumably would do the same in Germany. The disclosure issue is trickier bankers say. The Russians satisfied the Swiss authorities by supplying some previously secret data, such as gold production. They would probably have to disclose more tidbits to satisfy the Frankfurt stock exchange's to satisfy the Frankfurt stock's exchange's stricter rules. But the banks are likely to use their considerable influence on the exchange to smoothe over any potential difficulties.

In many ways, the Germans are simply reaping the harvest of many years of hard work. German banks and corporations have business ties with Russia that date back decades; some even financed and built the czar's railways more than a century ago, it is natural for Soviet officials to turn for assistance to their biggest Western trading partner.

But the German involvement in Mr. Gorbachev's economic restructuring, known collectively as *perestroika,* also has political overtones. Chancellor Helmut Kohl, scheduled to visit Moscow in the fall, is pushing hard to mend fences with the Soviet leadership. Both sides say economic ties are a means toward that end.

Senior officials from the two governments discussed those ties at a two-day meeting in Moscow last week. On the agenda were several major cooperative projects, including jointly exploiting natural resources on the Kola Peninsula and in western Siberia. German craftsmen may be enlisted to help train Soviet factory workers. German companies already have more joint ventures with Soviet enterprises than concerns from any other country.

DEEP TIES

"Our economic ties go much deeper than is generally realized." says Martin Bangemann, the West German economics minister, who attended the talks, "I'm confident that we will work well together [in economic areas] and this will have a political impact."

With this strong backing from Bonn. German banks don't face the political constraints on lending to the Soviet Union that some of their competitors do. Moscow sources say that major Swiss banks, possibly concerned about adverse publicity, turned down the chance to manage the Swiss-franc bond issue. And while French and Japanese banks are increasingly competitive on Soviet business, the strong American banks all shy away from a pioneer role. Only Bank of America and Chase Manhattan have offices in Moscow, and their representatives are often away.

Perhaps the biggest constraint the German bankers face will be the Soviets themselves. Western estimates put Soviet gross debt at around $38 billion, relatively small for such a huge country. But despite maintaining an excellent credit rating. Soviet officials seem wary about overextending the country's borrowing.

In a recent magazine article, influential economist Nikolai Shmelyov argued that the Soviet Union urgently needs fresh capital to finance the economic reforms. He suggested measures including higher gold sales and taking on "several tens of billions of dollars in debt."

But Mr. Shmelyov apparently is in the minority. "Borrowing money is a very dangerous thing," says Boris Milner, a senior Soviet economist at the U.S.S.R. Academy of Science's Institute of Economics. The Soviet Union's foreign borrowing "depends on our potential to export."

MAJOR SOVIET BOND ISSUES ARE EXPECTED DESPITE REQUIREMENTS TO DISCLOSE SECRETS

(By Stephen D. Moore)

LONDON—Western bankers expect the Soviet Union to become a major issuer of international bonds in coming years. But this will require a lot more *glasnost,* or openness, about the Soviet economy.

Earlier this week, the Soviets' Bank for Foreign Economic Affairs launched the first Soviet foreign bonds in decades—100 million Swiss francs ($74.8 million) of 10-year debt—in a move that had been widely expected since a 1986 accord ended the Soviet Union's protracted feud with Britain over repayment of Czarist bonds issued before the 1917 Russian Revolution.

The Soviets probably won't wait long before returning to the foreign bond markets, even though their increased involvement will put them under greater pressure to disclose rudimentary economic information. The expected emergence of the Soviet Union as a big player already has touched off a competitive scramble among banks to lead-manage its issues.

EUROMARK BONDS

The Russians will issue their first Euromark bonds within four weeks and their first Eurodollar offering before the year ends, predicts Larry Anderson, a London-based economist for Deutsche Bank AG. Soviet authorities have indicated these initial Eurobond issues will be modest in size, according to Mr. Anderson, who visited Moscow with a Deutsche Bank team late last year.

"We're just at the beginning of a long series where Soviets tap all the Euromarkets," the economist says. "But there will be a trial period of small issues while the Soviets gain familiarity with documentation and guarantees and sort out which entities will borrow in Western markets."

The Soviets previously preferred to raise Western funds through syndicated bank loans. They balked at disclosure demands and free trading associated with public markets, Western bankers say. The Russian aversion to bond markets is fading amid talk of overhauling the rigid Soviet banking system, says Jan Vanous, an economist at Planecon, a Washington-based research institute.

In addition, the Soviets have a growing appetite for funds. The recent decline in oil prices and the dollar have hammered energy exports, which account for about 80% of Russian foreign-trade revenue, according to Planecon. Western economists say Moscow has tried to offset the export decline by restraining imports.

But borrowing also is rising. Mr. Vanous estimates the Soviets will need net foreign credits of at least $5 billion annually until the mid-1990s. Starting in 1989, about $1 billion to $1.5 billion of that yearly amount likely will be raised in Eurobond markets, he predicts.

Offerings of this magnitude would put the Soviets in the same class as big sovereign debtors such as Sweden and Italy.

As the Soviets increase their public borrowings, the U.S. economist believes they eventually will be subject to rating by Western rating agencies and forced to issue detailed prospectuses to court Western investors. The Soviet Union's disclosure could include the size of debt outstanding, currency reserves and the balance of payments—all closely guarded state secrets today.

It isn't clear how enthusiastically Eurobond markets and investors will react to the Soviets, however. Some European bankers believe this week's Swiss bond offering raised more questions than it answered.

A SURPRISE CHOICE

International bankers who had wooed the Russians were surprised they chose the Swiss market—and a little-known Swiss unit of a state-owned West German bank as lead manager. Naming West Germany's Westdeutsche Landesbank instead of approaching one of the so-called Big Three Swiss banks is unheard of for a first-time borrower in Swiss markets, bankers say. Alienating the big banks can make future offerings in Switzerland difficult to complete.

Also, Zurich bankers fault the offering's relatively low interest rate and say the bonds aren't being widely placed.

Citing the cool reception of Swiss investors, other bankers doubt whether demand for Soviet paper will be strong, "It's still early days," says Asher Fogel, a Citicorp vice president for new-issue syndication in London.

One bond specialist at a big Swiss bank says his superiors recently warned him "not even to consider underwriting, or recommending purchase of Soviet securities" to clients. "It's not deemed appropriate," the specialist explains. "Buying Soviet securities isn't why people put money in Switzerland."

Big British, Japanese, West German and U.S. banks nevertheless are battling to lead anticipated Soviet Eurobond issues in London. The rivalry has been intensified by speculation that unlike most sovereign borrowers, the Soviets may choose and then stick with a small group of banks for future borrowing.

VIETNAM CAN'T BE TRUSTED

Mr. HELMS. Mr. President, Vietnam showed its true—that is, totalitarian—colors once again last week. Without any shame or hesitation, it announced its decision to halt all cooperation with the United States on the purely humanitarian issues of the MIA's release and emigration of detainees held in reeducation camps, and the emigration of Amerasians.

Today, Mr. President, it remains painfully clear that Vietnam has not changed its conscious national policy of deceit and manipulation that its leaders have used to wreak havoc on Southeast Asia since the 1950's. Vietnam professes to look toward the United States for increased contracts and more normal relations. But a review of recent history clearly shows that the Vietnamese Government is absolutely unworthy of our trust.

In 1972 Le Duc Tho declared that:

> For the fifth time we have declared clearly that the Democratic Republic of Vietnam (North Vietnam) Government and the Provisional Revolutionary Government (Viet Cong) have never wished to force a communist government on South Vietnam.

Of course North Vietnam soon demonstrated the falsity of this declaration.

We all know the terror and disorder North Vietnam brought into the lives of millions of Southeast Asians when the tanks of its regular army overran South Vietnam, finally crashing through the gates of the Presidential Palace in Saigon on April 30, 1975. This contradiction between rhetoric and reality is only one example of a foreign policy built on deception and illusion.

In light of Vietnam's previous misdeeds, today's promises of a withdrawal of Vietnamese forces from Cambodia must be treated with a healthy skepticism on our part, Mr. President. Many times in the 1980's alleged troop withdrawals turned into mere troop rotations. Why should Americans believe today's Vietnamese promises of a pullout when the same group of Marxists that manipulated America before, and indeed manipulated this Congress before, is still waging a war of aggression in Cambodia with the world's fourth largest army?

Even former antiwar activist Joan Baez acknowledged that she had been betrayed by the lies of the Vietnamese Marxists. Miss Baez was shocked to realize that:

> People are used as human mine detectors, clearing live mine fields with their hands and feet . . . Torture is rampant, life in general is hell, and death is prayed for.

Hardly a pretty picture, painted by someone who previously had placed her trust in the words and promises of the Vietnamese Communists.

When the Vietnamese Government agreed last summer to cooperate with

Special Presidential Envory, Gen. John Vessey, on the issue of accounting for American servicemen missing in action in Vietnam, thousands of families across our Nation were hopeful that they would receive information on their lost heroes. Their sense of hope was crushed last week when the Vietnamese Foreign Minister announced that his country's cooperation would be severed. Once again America has been manipulated by the Communist regime of Vietnam. This cynical policy of bullying cannot be tolerated by the free world, Mr. President.

How many commitments must the Vietnamese abandon, Mr. President, before we realize that the Socialist Republic of Vietnam is simply not worthy of our trust? If Vietnam truly wants to bring peace to Southeast Asisa, there are many unilateral actions it can take, such as total withdrawal from Cambodia, to prove its intentions are genuine. Until it does, Mr. President, the entire free world will and must view Vietnam as an untrustworthy nation that has brought death, disorder and insecurity into the lives of millions of freedom-loving Southeast Asians.

THE CALENDAR

Mr. BYRD. Mr. President, I address an inquiry to the distinguished acting leader on the other side, Mr. GARN. Are the following Calendar Orders Nos. 852, 859, 865, 866, 867, 868, 870, 873, and 874 cleared on his side?

Mr. GARN. Those calendar items have been cleared.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the forgoing House bills, Senate bills, en bloc; that amendments where shown be agreed to; that the bills be considered en bloc, agreed to en bloc, motions to reconsider en bloc laid on the table and that amendments to the titles where shown be agreed to and that where Senators have statements, such statements appear appropriately in the RECORD as though read.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TEMPORARY CHILD CARE FOR HANDICAPPED CHILDREN AND CRISIS NURSERIES ACT AUTHORIZATION

The bill (H.R. 4676) to amend the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 to extend through the fiscal year 1989 the authorities contained in such act, was considered, ordered to a third reading, read the third time, and passed.

STEEL TECHNOLOGY COMPETITIVENESS AND ENERGY CONSERVATION ACT

The Senate proceeded to consider the bill (S. 2470) to promote technology competitiveness and energy conservation in the American Steel Industry, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) maintaining viable domestic steel and aluminum industries is vital to the national security and economic well being of the United States; and

(2) the promotion of technology competitiveness and energy conservation in the American steel and aluminum industries by the Federal Government is necessary to maintain viable domestic steel and aluminum industries.

(b) PURPOSES.—The purposes of this Act are to increase the energy efficiency and enhance the competitiveness of American steel, aluminum and other metals industries by providing Federal incentives for the establishment of public-private sector partnerships to undertake scientific research and development to develop advanced technologies utilizing the expertise of the steel and aluminum industries, Government-owned laboratories of the Department of Energy and the National Bureau of Standards, universities, State development agencies, and others.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of Energy.

(2) "domestic company" means a company which is substantially involved in the United States' domestic production or processing of steel, aluminum, or other metals and has a substantial percentage of their operations located within the United States.

(3) "management plan" and "plan" means the management plan provided for in section 4(a)(2).

SEC. 4. ESTABLISHMENT OF SCIENTIFIC RESEARCH AND DEVELOPMENT PROGRAM TO DEVELOP COMPETITIVE MANUFACTURING TECHNOLOGIES AND INCREASE ENERGY EFFICIENCY IN THE STEEL, ALUMINUM AND OTHER METALS INDUSTRIES.

(a) GENERAL AUTHORITY.—(1) The Secretary of Energy, pursuant to the authority provided under provisions of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901, et sec), shall establish an industrial energy conservation and competitive technology program to conduct scientific research and development up to proof-of-concept testing of technologies to carry out the purposes of this Act. Such program shall provide the financial and technical assistance and other incentives which, in the judgment of the Secretary, are necessary to carry out the purposes of this Act.

(2) MANAGEMENT PLAN.—Within 90 days after the date of enactment of this Act, the Secretary shall publish a management plan to be administered and carried out as a part of the Department of Energy's energy conservation programs, for the conduct of scientific research and development necessary to carry out the purpose of this Act. The management plan shall be subject to the following conditions:

(A) the Federal financial obligation shall not exceed 70 percent of the total cost of projects in which there is industry participation;

(B) the Federal contribution may be up to 100 percent of the cost of projects undertaken without industry participation but with the participation of independent laboratories, universities, or non-profit organizations.

(C) in selecting projects, the Secretary shall give priority to projects which include cost-sharing or matching grants from State industrial development sources, industrial and other non-Federal sources.

(D) the knowledge resulting from the research and development activities conducted under the plan shall be used exclusively for the benefit of the domestic steel and aluminum industries.

(E) all proprietary rights of the American steel and aluminum companies shall be protected as provided in section 4.

(3) The Secretary shall consult with representatives of the affected industries and labor in evaluating the progress of research and development activities conducted under the plan.

(4) The Secretary, from time to time, may update the management plan.

(b) PRIORITIES.—In the conduct of research and development activities under the plan, priority shall be given to projects involving—

(1) STEEL PROJECTS.—

(A) the direct production of liquid steel from domestic materials;

(B) the production of near-net shape forms from liquid, powder, or solid steel;

(C) the development of universal grades of steel;

(D) the application of automatic processing technology;

(E) the removal of residual elements from steel scrap;

(F) the treatment and storage of waste materials and other by products from steel production and processing;

(G) the development of super-plastic steel processing;

(H) the development of advanced coatings for sheet steels; and

(I) the development of technologies and equipment related to the production of steel for the protection of the environment and the safety and health of workers; and

(2) ALUMINUM AND OTHER METALS PROJECTS.—

(A) the production of aluminum;

(B) the application of automatic processing technology;

(C) the treatment and storage of waste materials and other by-products from aluminum production and processing;

(D) the manufacture of aluminum mill products;

(E) aluminum recycling technologies;

(F) the development of technologies and equipment related to the production of aluminum for the protection of the environment and the safety and health of workers; and

(G) other metals technologies which, in the judgment of the Secretary, further the purposes of this Act.

SEC. 5. PROTECTION OF PROPRIETARY RIGHTS.

(a) PROPRIETARY RIGHTS.—Notwithstanding any provisions to the contrary in subchapter II of chapter 5 of title 5, United

States Code, except as provided in subsection (d), no trade secrets of the American steel and aluminum companies or commercial or financial information furnished by representatives of such industries on a privileged or confidential basis shall be disclosed in the conduct of the plan or a result of activities under the plan.

(b) Patent Rights Vested in the United States.—All patent rights from inventions developed under the plan implement pursuant to this Act shall be vested in accordance with section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901).

(c) Patent Licensing.—(a) Domestic companies which are not research participants under this Act may receive licenses from the Department of Energy to the information and patents generated under the plan. Licensees under this section shall not have the right to sublicense except as necessary for the sale of products or equipment. The Department of Energy shall charge a reasonable fee for such licenses. Royalty fees paid under this section shall be equitably distributed among the direct cost-sharing participants and the United States.

(2) Patents developed under the plan shall be licensed to participants at a discount in accordance with the percent contribution of the participant to the activity generating the patent.

(d) Exception.—The Secretary may exempt for five years any information which he determines would be harmful to American steel, aluminum and other metals companies if made public, generated as part of steel, aluminum, or other metals initiative at Government laboratories or with Federal funding, from subchapter II of chapter 5 of title 5, United States Code.

SEC. 6. COORDINATION WITHIN DEPARTMENT OF ENERGY.

The Secretary shall coordinate the research and development conducted under the plan with other research and development being conducted by the Department of Energy, in order to increase efficiency and avoid duplication of effort.

SEC. 7. EXPANDED STEEL AND ALUMINUM RESEARCH PROGRAM IN NATIONAL BUREAU OF STANDARDS.

The National Bureau of Standards, through its Institute for Materials Science and Engineering and in coordination with the Department of Energy, shall conduct an expanded program of steel and aluminum research to provide necessary measurement, sensor, and other research in support of activities conducted under the plan.

SEC. 8. REPORTS.

The Secretary, in consultation with the Director of the National Bureau of Standards, shall prepare and submit annually to the President and the Congress at the close of each fiscal year a complete report of the research and development activities carried out under the plan during the fiscal year involved, including the actual and anticipated obligation of funds, for such activities, together with such recommendations as the Secretary may consider appropriate for further legislative, administrative, and other actions, including actions by the American steel and aluminum industries, which should be taken in order to achieve the purpose of this section. The report submitted at the close of the fiscal year 1993 shall also contain a complete summary of activities under the plan from the first year of its operation, along with an analysis of the extent to which it has succeeded in accomplishing the purpose of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) To the Secretary.—There are authorized to be appropriated to the Secretary, to carry out the functions of the Department of Energy under this Act, the sum of $15,000,000, for the fiscal year 1989, $20,000,000, for the fiscal year 1990, and $25,000,000, for each of the fiscal years 1991, 1992, 1993. Not less than two-thirds of the amounts appropriated in any fiscal year shall be for steel projects.

(b) To the Bureau.—There are authorized to be appropriated to the Director of the National Bureau of Standards, to carry out the functions of the Bureau under this Act, the sum of $3,000,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993.

SEC. 10. EFFECTIVE DATE.

(a) In General.—Subject to subsection (b), this Act shall take effect at the start of the fiscal year 1989.

(b) Termination.—This Act and all authority under this Act shall cease to be effective at the close of the fiscal year 1993.

Mr. METZENBAUM. Mr. President, I rise to support S. 2470. This measure will create a research and development program for the American steel industry. I introduced this bill to help put the American steel industry back on its feet. I am pleased that Senator **Heinz** has joined me in this effort.

Testimony before the Subcommittee on Energy Regulation and Conservation revealed that foreign governments funnel millions of dollars into steel R&D efforts overseas. Those efforts have paid off. Today, more often than not, we turn to foreign companies to acquire the latest in steelmaking technology and hardware. When it comes to developing state-of-the-art steelmaking technologies, we are clearly playing catch up to the Germans and Japanese.

Mr. President, it is time for the Federal Government to demonstrate its commitment to a strong American steel industry. We must encourage and facilitate efforts by the American steel industry to take the lead in steelmaking technology development. Increased R&D is necessary to overcome our foreign competitors' advantages.

This bill will do just that. S. 2470 will authorize a 5 year, $125 million research and development program. It is intended to lead to radically new, energy efficient steelmaking technologies by pooling the resources of the Department of Energy's national labs with the talents of researchers from industry and universities. It requires cost-sharing by industry, but allows full Federal financing for nonprofit groups. It is a modest but vital step towards preserving a strong domestic steel industry.

Mr. President, I urge my colleagues to support this measure.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to promote energy conservation and technology competitiveness in the American steel and aluminum industries."

EXPANSION OF CONGAREE SWAMP NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 2018) to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congaree Swamp National Monument Expansion and Wilderness Act".

SEC. 2. NATIONAL MONUMENT WILDERNESS.

(a) Designation of Wilderness.—Certain lands comprising approximately 15,010 acres as generally depicted on a map entitled "Congaree Swamp National Monument Wilderness—Proposed", and dated July 1988, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Congaree Swamp National Monument Wilderness.

(b) Potential Wilderness Additions.—Certain lands comprising approximately 6,840 acres as depicted on the map referenced in subsection (a) are hereby designated as potential wilderness additions. Such lands shall be managed by the Secretary of the Interior (hereinafter referred to as the "Secretary") insofar as practicable as wilderness until such time as said lands are designated as wilderness. Any lands designated as potential wilderness additions shall, upon acquisition of any non-Federal interests in land and publication in the Federal Register of a notice by the Secretary that all uses thereon prohibited by the Wilderness Act have ceased, thereby be designated wilderness, shall be part of the Congaree Swamp National Monument Wilderness, and shall be managed in accordance with the Wilderness Act.

SEC. 3. MAP AND LEGAL DESCRIPTION.

As soon as practicable after the date of enactment of this Act, the map referenced in section 2 and a legal description of the boundaries of the wilderness and potential wilderness addition designated by this Act shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, in the Office of the Superintendent of the Congaree Swamp National Monument and with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Each such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and legal description may be made.

SEC. 4. ADMINISTRATION.

Subject to valid existing rights, the lands designated as wilderness pursuant to this Act shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effec-

tive date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

SEC. 5. ADDITION TO CONGAREE NATIONAL MONUMENT.

The first section of the Act approved October 18, 1976 (90 Stat. 2517), is amended by—

(1) inserting "(a)" after "That";

(2) striking all after "Federal Register" and inserting in lieu thereof a period; and

(3) adding at the end thereof the following:

"(b)(1) In addition to the lands described in subsection (a), the monument shall consist of the additional lands within the boundary as generally depicted on the map entitled 'Citizens Boundary Proposal for Congaree Swamp National Monument', numbered 178-80-0009, dated July 1988, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The map may be revised as provided in subsection (a). The total acreage of the monument including lands described in subsection (a) and this subsection shall not exceed 22,200 acres.

"(2) In determining the market value of properties acquired pursuant to this subsection, any depreciating effect or loss in value of such properties resulting from establishment of the Monument, which depreciating effect or loss occurred after Federal acquisition of the Beidler tract and prior to enactment of this subsection, shall not be taken into account.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) LAND ACQUISITION FUNDS.—Section 5(a) of the Act approved October 18, 1976 (90 Stat. 2518), is amended by adding at the end thereof the following: "The Secretary may expend such additional sums as are necessary from the Land and Water Conservation Fund for acquisition of lands described in subsection (b) of the first section.".

(b) DEVELOPMENT FUNDS.—Section 5 of the Act approved October 18, 1976 (90 Stat. 2518), is amended by adding at the end thereof the following:

"(c) Notwithstanding subsection (a), there are hereby authorized to be appropriated $3,000,000 for construction and development within the monument.".

Mr. HOLLINGS. Mr. President, I appreciate this opportunity to speak in strong support of S. 2018, the bipartisan bill which would expand the Congaree Swamp National Monument. This bill would expand the boundary of the monument from 15,138 acres to 22,200 acres, with the existing lands being designated as wilderness. It would also authorize the development of facilities within the monument to accommodate the steady increase in tourists to this popular area.

The Congaree Swamp is the largest of the old-growth southern bottomland hardwood forests remaining in the United States. It has been designated a National Natural Landmark and an international biosphere reserve. Remarkably, this unique sanctuary remained virtually undisturbed until as recently as 1969. In subsequent years, however, destruction of the forest by timber harvesters began at a rate of some 500 acres annually. Urgent measures were required to prevent the complete loss of this priceless treasure.

Accordingly, in 1976, Senator THURMOND and I sponsored, and Congress passed Public Law 94-545 to protect the existing forest. That law authorized establishment of the "Congaree Swamp National Monument" within the boundaries of the 15,135-acre "Beidler tract." Trees ranging in age from 200 to 400 years, many of them among the largest known examples of their species, were finally protected from timber harvesting. For example, there are 5 national record specimens of trees and 17 South Carolina record specimens in this area. Also preserved as a result of Public Law 94-545 was the nationally endangered red-cockaded woodpecker, which has active colonies within the pine uplands of the monument.

Public Law 94-545 also mandated that a general management plan for the monument be submitted by the Department of Interior. Realizing the complexities involved in managing and protecting a preserve with the irregular boundaries of the original Congaree Swamp National Monument, Interior was instructed to make recommendations for adding additional acreage to the monument.

The management plan and boundary recommendation were finally submitted in September 1987—8 years late. The report determined that the monument was "operationally submarginal" because of the boundary configuration and the lack of tourist facilities. It is the express purpose of S. 2018 to implement the Interior Department's recommendations. However, this bill goes beyond the Interior's report in one important respect: the National Park Service recommended expanding the monument by only 2,464 acres; S. 2018 expands the monument to its natural boundaries by acquiring 7,000 acres.

Mr. President, I cannot overemphasize the importance and urgency of this bill. As a result of Interior's 8-year delay in submitting its management plan, many acres have been cut that might have been saved. Fortunately, however, many timber owners have cooperated with the National Park Service's request that they not harvest trees pending expansion of the monument. These public-spirited owners deserve resolution of their land's status.

The expansion proposed by S. 2018 will be a major step toward protecting the Congaree Swamp ecosystem including the Congaree River, the floodplain north of the river, and the northern bluffs. This is a good bill that has the unanimous support of the South Carolina delegation. This Congress has a profound responsibility to preserve the Congaree Swamp unspoiled for future generations.

Mr. THURMOND. Mr. President, as author of S. 2018, the "Congaree Swamp National Monument Expansion and Wilderness Act", it gives me great pleasure to rise today in support of final passage of this important legislation. This bill would expand the boundaries of the Congaree Swamp National Monument by 7,000 acres, and designate portions of the monument as wilderness.

I would like to take this opportunity to express my strong appreciation to Senator BUMPERS, the Chairman of the Energy and Natural Resources' Subcommittee on Public Lands, National Parks and Forests, for his strong support and the expeditious manner in which he scheduled hearings and reported this bill. I would also like to thank the ranking minority member, Senator WALLOP, and the other members of the subcommittee for their fine support and cooperation on this measure. It was my distinct pleasure to testify before the subcommittee on June 23 of this year, and I am pleased that this legislation is now before this body.

Mr. President, I want to spend just a few minutes discussing the history of the Congaree Swamp National Monument. In May 1976, it was my privilege to introduce legislation authorizing the initial establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth, southern bottomland forest. The Congaree Swamp lies primarily along the north bank of the Congaree River, approximately 20 miles southeast of Columbia, SC. It is a uniquely forested lowland area, with several giant national and State record trees.

In October of 1976, former President Ford signed into law the legislation which preserved and protected these lands for future generations. That legislation also directed the Secretary of the Interior to develop and transmit to Congress a general management plan for this monument.

A draft version of the general management plan was submitted to Congress in 1987. A modified version of that plan formed the substance of S. 2018, the legislation I introduced in February of this year, and which is before us today. The Energy and Natural Resources Subcommittee on Public Lands held hearings in June and promptly reported a bill just a few days ago.

Mr. President, I would now like to explain the provisions of this bill.

Section one of the bill provides for a short title—the Congaree Swamp National Monument Expansion and Wilderness Act.

Sections two, three, and four designate substantially all of the 15,000 acres within the existing Congaree Swamp Monument as wilderness area.

Wilderness designation means just what it says—this area is wilderness. It will be preserved in its natural condition. As a general rule, hiking, camping, canoeing and fishing are permissible in wilderness areas. However, pursuant to statute, there is a prohibition on commercial enterprises, structures and installations, permanent and temporary roads, motor vehicles, motorized equipment, motorboats and other forms of mechanical transportation in such areas, all in keeping with the purpose of the National Wilderness Preservation System.

Section five of the bill would increase the size of the monument by 7,000 acres; the new size of the monument will be 22,000 acres—a level many familiar with the land believe is necessary to fully protect the monument. The acreage to be added represents what is known as the "citizens boundary proposal", which was developed by a group of concerned citizens who have a keen interest in protecting the environment. With the additional acreage, the Congaree River will form the southern boundary. Having the river as the boundary will provide a smoother, more uniform border, and will permit easier management by the National Park Service. In addition, the northern boundary will follow the more natural contours of the bluff lines running east to west.

Finally, section six authorizes $3 million for land acquisition, the construction of park visitor facilities, and the improvement of certain roads, parking areas, and boating ramps.

Mr. President, the forest which covers most of the monument represents the last major virgin growth of its type in the Southeast. Almost all other substantial virgin hardwood forests have been subjected to logging. Within the monument is found a southern river-bottom hardwood forest, consisting of sweetgum, blackgum, swamp white oak, southern red oak, willow oak, black oak, nutmeg hickory, water tupelo, bald cypress, and loblolly pine. Included among these are some 200- to 400-year-old giants consisting of 5 national and 12 South Carolina record trees. Previous studies of the National Park Service have found no other area in the Southeast of comparable geological and biological significance.

Furthermore, over 100 bird species are known to exist in the monument, including the Swainson's warbler, red-cockaded woodpecker, Louisiana heron, swallow-tailed kite, and the Mississippi kite. Other wildlife include the white-tailed deer, bobwhite quail, turkeys, raccoons, largemouth bass, bluegill, black crappie, yellow perch, and many others.

Mr. President, this enduring component of Creation has provided hours of enjoyable outdoor recreational opportunities for residents of South Carolina and the Nation at-large. Hiking, canoeing, camping, and fishing represent just a few of the available activities. Attendance has risen from 190 visitors in 1978 to 20,312 in 1987. Accordingly, upgrading the Congaree Swamp and including additional acreage represents sound stewardship of this national resource and will help ensure its preservation for future generations of Americans.

This bill enjoys widespread support in South Carolina. I have received and previously submitted for the CONGRESSIONAL RECORD, on February 1, 1988, at page S376, letters of support from South Carolinians, national associations, and State agencies in South Carolina. Mr. President, this unique natural resource must be protected. Accordingly, I urge my colleagues to support this measure.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTITUTION HERITAGE ACT

The Senate proceeded to consider the bill (H.R. 1939) to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Constitution Heritage Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) 1987 was the bicentennial of the signing of the United States Constitution;

(2) commemoration of the Constitution's bicentennial included various events conducted by the Federal Commission on the Bicentennial of the United States Constitution, and State and local bicentennial commissions;

(3) bicentennial activities included important educational and instructional programs to heighten public awareness of the Constitution and the democratic process;

(4) educational programs for the Constitution should continue after the bicentennial to document its profound impact on the political, economic and social development of this Nation, and in order to recognize those Americans instrumental in the history of the Constitution; and

(5) units of the National Park System preserve and interpret key historic sites that document the history of the origins, subsequent development, and effects of the United States Constitution on this Nation.

(b) PURPOSES.—It is therefore the policy of the Congress to provide each of the following:

(1) the necessary resources to develop a national resource center to undertake, on an ongoing basis, educational programs on the Constitution;

(2) exhibits of, and an archives for, programs on or related to the recent bicentennial of the United States Constitution; and

(3) interpretation of the United States Constitution at those units of the National Park System particularly relevant to its history.

SEC. 3. ESTABLISHMENT OF THE CENTER.

(a) ESTABLISHMENT BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish The National Constitution Center (hereafter in this act referred to as the "Center") within or in close proximity to the Independence National Historical Park. The Center shall disseminate information about the United States Constitution on a nonpartisan basis in order to increase the awareness and understanding of the Constitution among the American people.

(b) FUNCTIONS OF THE CENTER.—The functions of the Center shall include—

(1) serving as a center of exhibits and related materials on the history and contemporary significance of the Constitution;

(2) directing a national program of public education on the Constitution; issuing traveling exhibits, commissioning radio and television programs, furnishing materials for the schools, and providing other education services;

(3) functioning as an intellectual center, drawing both academics and practitioners to debate and refine constitutional issues and, at the same time, providing intellectual support for the Center's exhibits and public education program; and

(4) creating archives for programs on the bicentennial of the United States Constitution.

SEC. 4. ACQUISITION OF SITE FOR AND OPERATION OF THE CENTER.

(a) PROVIDING A SITE.—The Secretary through the General Services Administration, is authorized to provide, upon adequate reimbursement, a site, including necessary structures, for the Center by—

(1) using an existing structure or modifying an existing structure for use; or

(2) constructing a new structure to house the Center. The Secretary may acquire such land as is necessary to provide a site for the Center.

(b) PROVISION OF FUNDS TO THE CENTER.—The Secretary is authorized to make grants to, and enter into cooperative agreements, contracts or leases with The National Constitution Center, Philadelphia, Pennsylvania which shall operate the Center as provided in this Act in order to carry out the purposes of this Act. Funds authorized to be appropriated under this Act may be made available to the National Constitution Center only to the extent that they are matched by such entity with funds from nonfederal sources.

SEC. 5. DIRECTIVES TO SECRETARY.

(a) INDEPENDENCE NATIONAL HISTORICAL PARK AND OTHER UNITS.—The Secretary shall interpret the origins, subsequent development, and effects of the United States Constitution on this country at Independence National Historical Park and at such other units of the National Park System as are closely associated with the Constitution. The Secretary shall select not less than 12 units of the National Park System for such interpretation, including Independence National Historic Park.

(b) MEMORIAL.—The Secretary is authorized to establish and maintain at Independence National Historical Park an appropriate memorial to the United States Constitution as a key document in our Nation's history.

(c) PUBLIC MATERIALS.—In coordination with the National Constitution Center, the Secretary shall develop and make available

to the public interpretive and educational materials related to sites within the National Park System as referred to in subsection (a).

(d) Cooperative Agreements.—The Secretary may enter into cooperative agreements with the owners or administrators of historic sites closely associated with the Constitution, pursuant to which the Secretary may provide technical assistance in the preservation and interpretation of such sites.

(e) Research and Education.—The Secretary shall contract with the National Constitution Center and other qualified institutions of higher learning for research and other activities including the distribution of interpretive and educational materials as appropriate in order to carry out the provisions of this Act.

(f) Nothing in this section may be construed to alter or waive the requirement that the Secretary maintain the historic integrity of units of the National Park System, including compliance with section 106 of the Historic Preservation Act (90 Stat. 1320) as amended.

SEC. 6. FUNDING.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendment was agreed to

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

The title was amended so as to read: "An Act to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and to establish a National center for the United States Constitution within the Independence National Historical Park in Philadelphia, Pennsylvania.".

RELEASE OF REVERSIONARY INTEREST IN CERTAIN LAND

The bill (H.R. 3431) to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF AUTHORIZATION OF UPPER DELAWARE CITIZENS ADVISORY COUNCIL

The bill (H.R. 3880) to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years, was considered, ordered to a third reading, read the third time, and passed.

PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS AMENDMENTS ACT

The Senate proceeded to consider the bill (S. 2393 to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize such Act, and for other purposes, which had been reported from the Committee on Labor and Human Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

SEC. 3. SCOPE OF COVERAGE.

Section 102 (42 U.S.C. 10802) is amended—

(1) in paragraph (1), by inserting "or death" after "caused, injury";

(2) in paragraph (3)—

(A) by inserting "(i)" after the subparagraph designation in subparagraph (B);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof the following: ", even if the whereabouts of such inpatient or resident are unknown; or"; and

(C) by adding at the end thereof the following new clause:

"(ii) who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility."; and

[(3) in paragraph (4), by inserting "or death" after "injury" each place such word occurs.**]**

(3) in paragraph (4)—

(A) by inserting "or death" after "injury" each place such word occurs; and

(B) by inserting before the period at the end thereof the following: ", including the failure to maintain adequate numbers of appropriately trained staff".

SEC. 4. ESTABLISHMENT OF A GOVERNING BOARD.

Section 105 (42 U.S.C. 10805) is amended—

(1) in subsection (a)(6), by striking out "*a* board" and inserting in lieu thereof "*an* advisory council"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) In States in which a system established in a State under section 103 to protect and advocate the rights of mentally ill individuals is organized as a private nonprofit entity with a multi-member governing board, or a public system with a multi-member governing board, such governing board shall be selected according to the policies and procedures of the system. The governing board shall be composed of—

"(A) members (to be selected no later than October 1, 1990) who broadly represent the clients served by the system; and

"(B) in the case of a system organized as a private non-profit entity, members who broadly represent the clients served by the system including the chairperson of the advisory council of such system.

"(2) The governing board established under paragraph (1), and the person acting in the same capacity as such in States that do not have a multi-member governing board, shall—

"(A) be responsible for the planning, design, implementation, and functioning of the system; and

"(B) consistent with subparagraph (A), jointly develop the annual priorities of the system with the advisory council.".

SEC. 5. ADVISORY COUNCIL REPORT.

Section 105(a)(7) (42 U.S.C. 10805(a)(7)) is amended by striking out the period and inserting in lieu thereof the following: ", including a section prepared by the advisory council that describes the activities of the council and its assessment of the operations of the system;".

SEC. 6. ACCESS TO RECORDS.

Section 106(b) (42 U.S.C. 10806(b)) is amended by adding at the end thereof the following new paragraph:

"(3) As used in this section the term 'records' includes reports of incidents of abuse and neglect prepared by the facility staff, and discharge papers under circumstances consistent with other provisions of this Act.".

SEC. 7. GENERAL ACCOUNTING REPORT.

Section 114 (42 U.S.C. 10824) is amended—

(1) in the section heading, by striking out "BY THE SECRETARY"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not later than 18 months after the date of enactment of this subsection, the Comptroller General of the General Accounting Office shall prepare and submit, to the appropriate Committees of Congress, a report that—

"(1) identifies whether mentally ill individuals, as defined in section 102(3)(A), held in Federal, State, and local jails and prisons are subjected to abuse and neglect;

"(2) describes the extent to which mentally ill individuals, as defined in section 102(3)(A), are being inappropriately confined in prisons or jails instead of being served by appropriate mental health programs, and the factors contributing to such inappropriate placements;

"(3) describes model State and local programs designed to divert mentally ill individuals, as defined in section 102(3)(A), from prisons and jails, and place such individuals into appropriate mental health programs;

"(4) describes the extent to which public defenders have knowledge of or have received specific training regarding the special needs of mentally ill individuals, as defined in section 102(3)(A), who are confined in prisons or jails, and the extent to which such public defenders represent such mentally ill individuals when incidents of abuse or neglect are alleged; and

"(5) identifies and analyzes any other issues considered appropriate by the Comptroller General.".

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) Subcontracting.—Section 104(a)(2) (42 U.S.C. 10804(a)(2)) is amended by striking out "which, on the date of enactment of this Act" and inserting in lieu thereof **[**", including**]** *including,* in particular, groups run by individuals who have received or are receiving mental health services, or the family members of such individuals, which".

(b) Technical Assistance Limitations.—

(1) State assistance.—Section 104(b)(2) (42 U.S.C. 10804(b)(2)) is amended by striking out "5 percent" and inserting in lieu thereof "15 percent".

(2) Assistance by the secretary.—Section 115 (42 U.S.C. 18025) is amended to read as follows:

"TECHNICAL ASSISTANCE

"Sec. 115. The Secretary shall use not more than 2 percent of the amounts appropriated under section 117 to provide technical assistance to eligible systems with respect to activities carried out under this title, consistent with requests by such systems for such assistance.".

(c) ADDITIONAL SYSTEM REQUIREMENTS.—Section 105(a) (42 U.S.C. 10805(a)) (as amended by section 5), is further amended by adding at the end thereof the following new paragraphs:

"(8) on an annual basis, provide the public with an opportunity to comment on the priorities established by, and the activities of, the system; and

"(9) establish a grievance procedure for clients or prospective clients of the system to assure that mentally ill individuals have full access to the services of the system.".

[(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended by adding at the end thereof the following new sentence: "Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".]

(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".

(e) ALLOTMENT FORMULA.—Section 112(a) (42 U.S.C. 18022(a)) is amended—

(1) in paragraph (2) to read as follows:

"(2) Notwithstanding paragraph (1) and subject to the availability of appropriations under section 117—

"(A) if the total amount appropriated in a fiscal year is at least $13,000,000—

"(i) the amount of the allotment of the eligible system of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall be the greater of—

"(I) $140,000; or

"(II) $125,000 in addition to the amount determined under paragraph (3); and

"(ii) the amount of the allotment of the eligible system of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall be the greater of—

"(I) $75,000; or

"(II) $67,000 in addition to the amount determined under paragraph (3); and

"(B) if the total amount appropriated in a fiscal year is less than $13,000,000, the amount of the allotment of the eligible system—

"(i) of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall not be less than $125,000 in addition to the amount determined under paragraph (3); and

"(ii) of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall not be less than $67,000 in addition to the amount determined under paragraph (3)."; and

(2) by adding at the end thereof the following new paragraph:

"(3) In any case in which the total amount appropriated under section 117 for a fiscal year exceeds the total amount appropriated under such section, as in effect on the day before the date of enactment of this paragraph, for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary shall increase each of the allotments under clauses (i)(II) and (ii)(II) of subparagraph (A) and clauses (i) and (ii) of subparagraph (B) of paragraph (2) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

[(1)] *"(A)* the total amount appropriated under section 117 for the fiscal year for which the increase in minimum allotment is made, minus;

[(2)] *"(B)* the total amount appropriated under section 117 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 117 for such preceding fiscal year.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 117 (42 U.S.C. 10827) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 117. For allotments under this title, there are authorized to be appropriated $14,300,000 for fiscal year 1989, $18,500,000 for fiscal year 1990, and $23,500,000 for fiscal year 1991.".

Mr. HARKIN. Mr. President, I rise today to urge the passage of S. 2393, the Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988. This is bipartisan, consensus legislation that reauthorizes and extends for 3 years the Protection and Advocacy for Mentally Ill Individuals Act of 1986. The bill was unanimously reported out of the Committee on Labor and Human Resources. Cosponsors of the bill include: Mr. WEICKER, Mr. KENNEDY, Mr. HATCH, Mr. SIMON, Mr. STAFFORD, Mr. ADAMS, Mr. COCHRAN, Mr. METZENBAUM, Mr. DOLE, and Mr. DURENBERGER.

While the funding authorized under this act is small compared to other legislation concerning persons with disabilities, the assistance made available is of critical importance in assisting States establish and operate protection and advocacy systems for mentally ill individuals.

Under the act, the systems' mission includes protecting and advocating for the rights of mentally ill individuals and investigating incidents of abuse and neglect of mentally ill individuals who are residents or inpatients in facilities rendering care or treatment.

In addition, the act authorizes the system to pursue matters which occur within 90 days after the client's discharge from a residential facility. The system is required to maintain the confidentiality of patient records to which it gains access.

The entity operating the system is the same entity that operates the protection and advocacy system for persons with developmental disabilities under the Developmental Disabilities Bill of Rights and Assistance Act. However, the system is encouraged to cooperate and subcontract with mental health advocacy organizations in the State.

Each system is required to establish an advisory board including attorneys, mental health professionals, and providers; and at least half of the members must be consumers—individuals who have received or are receiving mental health services or who are family members of such individuals.

Although the act was authorized for 3 fiscal years—1986 through 1988, the first fiscal year saw no activity. The act was passed in May and grant awards were issued in September. As of August 1, 1988, the program has only been operational for 22 months.

The bill includes several amendments designed to clarify current law. First, "death" is specifically listed as a form of abuse and neglect. Second, the bill makes it clear that systems may investigate situations where a mentally ill person's whereabouts are unknown—the person may have disappeared because of the neglect of an employee at an institution. Third, the bill makes it clear that the system may investigate abuse and neglect of a person who is in the process of being admitted into a facility rendering care or treatment, including persons being transported to such a facility.

Fourth, the definition of "neglect" contained in the act is amended to clarify that the failure to provide a safe environment may include the failure to maintain adequate numbers of appropriately trained staff. Finally, the bill clarifies that reports of abuse and neglect prepared by a facility and discharge reports are considered "records" for purposes of the act and thus may be accessed under the applicable circumstances currently in effect.

The bill also makes several changes related to the governance of the protection and advocacy systems. First, the bill requires that in States which have multimember governing boards, such boards be broadly representative of the clients it serves. Second, in the case of a system organized as a private nonprofit entity, the chairperson of the advisory council must be included on the governing board. Third, the system's priorities must be jointly developed by the governing board and the advisory council; however, final approval of the priorities remains with the governing board. Finally, the annual report prepared by the system must include a section by the advisory council describing the activities of the council and its assessment of the operations of the system.

In addition, the bill directs the Comptroller General of the General Accounting Office to prepare and submit a study of, among other things, whether individuals with mental illness held in Federal, State, and local jails and prisons are being subjected to abuse and neglect or inappropriately confined to jails rather than being served by appropriate mental health programs.

Further, the bill includes several miscellaneous provisions. First, the bill provides that a system should consider entering into contracts with groups run by individuals who have received or are receiving mental health services, or the family members of such individuals. Second, the bill increases the percentage of funds that may be used by systems for training and technical assistance from 5 to 15 percent. Third, the bill places a 2-percent cap on the amount of the appropriation the Secretary may use for technical assistance. Fourth, the bill establishes a grievance procedure for clients of the systems. Finally, the bill provides for a 3-year application period.

The bill increases the minimum allotment for States from $125,000 to $140,000 if Congress appropriates at least $13 million. The authorization level is $14.3 million for fiscal year 1989; $18.5 million for fiscal year 1990; and $23.5 million for fiscal year 1991.

I would like to thank Senator WEICKER, the original sponsor of the act, for all his guidance and support. I would also like to thank Senators KENNEDY, HATCH, SIMON, STAFFORD, METZENBAUM, COCHRAN, and ADAMS for their input and support.

Special thanks goes to Bobby Silverstein, Katy Beh, and Patty Gaul of my staff. Thanks also to Terry Muilenburg and Chris Button of Senator WEICKER's staff; Robin Buckley of Senator KENNEDY's staff; Chris Iverson, Chris Lord, and Nancy Taylor of Senator HATCH's staff; Judy Wagner of Senator SIMON's staff; Sue Ellen Walbridge of Senator STAFFORD's staff; Evelyn Bonder of Senator METZENBAUM's staff; Lisa Pittman of Senator COCHRAN's staff; and John Tayer of Senator ADAM's staff.

I urge my colleagues to support this important legislation.

Mr. WEICKER. Mr. President, I rise today to support S. 2393, the Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988. This important legislation was unanimously reported from the Committee on Labor and Human Resources, and represents a bipartisan effort to both improve and clarify several provisions in the original 1986 law.

Three years ago the Protection and Advocacy for Mentally Ill Individuals Act was developed following a 9-month Senate investigation into the frequently abusive and neglectful conditions existing in many residential facilities for the mentally ill. We learned during that investigation, and in the 3 days of hearings which followed, that there are many mentally ill people in our country without adequate help to ensure that their basic civil rights are protected. Some of the horror stories we heard during that time were indeed shameful. While I see no reason to reiterate them now, I do want to say that it was abundantly clear that an independent advocacy system was needed in order to protect mentally ill individuals in residential facilities from the abuse and neglect to which they were often subjected.

Such a system was made possible through enactment of Public Law 99-319, the Protection and Advocacy for Mentally Ill Individuals Act of 1986. This act established in each State a protection and advocacy system, similar to the system already in existence for developmentally disabled individuals, which would assist mentally ill individuals in residential facilities when conditions of abuse or neglect violated their basic civil rights as citizens of our great Nation. I was proud to be the sponsor of that legislation, and am equally proud to be a cosponsor, with Senator HARKIN and other members of the Subcommittee on the Handicapped, of the reauthorization bill we have before us today.

The bill before us today includes amendments to clarify the scope of coverage, as well as clarifications of the roles of the governing boards and advisory councils. In addition, the bill directs the General Accounting Office to study the status of mentally ill individuals within the criminal justice system. Finally, S. 2393 increases the authorization levels for this program. The inadequacy of current funding levels makes it impossible for existing systems to adquately meet the demand for their services. Indeed, systems in some States have found it necessary to limit activities to one geographic area, or to one facility.

Today I want to focus my remarks on the provision in the bill which amends the definition of neglect to clarify that the failure to provide a safe environment includes the failure to maintain adequate numbers of appropriately trained staff. Indeed, this Senator has long recognized that direct care staff in residential facilities are often faced with the difficult task of providing quality treatment under conditions which are far from optimal. Problems faced by direct care staff were made abundantly clear during the 1985 hearings.

One witness at that time eloquently described the effect of these problems on staff when he stated that direct care staff are expected to "have the wisdom of Solomon, the patience of Job, the caring of Florence Nightingale—all for the wages of a janitor." This witness went on to describe the effect of understaffing and inadequate training and supervision on the overall working environment, conditions which foster the likelihood that abusive and neglectful situations will occur. The efforts of even the most dedicated direct care staff to provide quality treatment continue to be frustrated by such conditions as inadequate staffing levels and inadequate staff training, which increase the likelihood that not only clients, but the direct care staff themselves, will suffer physical injury.

Information recently provided from a survey of seven protection and advocacy systems for the mentally ill indicates that in every State surveyed, the system was already looking at staffing and training issues. In some instances, such issues are routinely considered whenever the system investigates an allegation of abuse or neglect. The protection and advocacy activities authorized through this legislation, by considering such issues, will ultimately have a positive impact on the overall institutional environment.

Finally, I want to extend my thanks to the other members of the subcommittee for their work on this legislation. In particular, I wish to express my deep appreciation to Senators HARKIN and HATCH for their assistance on the clarifying amendment to the definition of neglect, and I urge the passage of this legislation.

Mr. DURENBERGER. Mr. President, I rise today in support of S. 2393, authored by Senator HARKIN, the distinguished chairman of the Subcommittee on the Handicapped, to reauthorize and extend for 3 years the Protection and Advocacy for Mentally Ill Individuals Act of 1986.

Like my colleagues, I am committeed to seeing that every American receives quality care. The reauthorization of this legislation confirms our commitment of ensuring that mentally ill individuals have full protection of their rights including issues specific to Alzheimer's disease patients. In the past I have authored legislation to ensure that the elderly have access to new treatment modalities in mental health care. They, too, deserve access to the great strides made in mental illness advocacy.

Mentally ill elderly people deserve access to services and especially community-based services, avoidance of inappropriate institutionalization, and restoration of individuals to more normal lives.

CBO estimates do not permit us to allow for the fact that many visits to physicians now are really the result of mental illness and must be disguised by patient and/or physician as physical. And, indeed, mental illness can, if untreated, manifest itself in physical ways. Studies show a decrease in the use of medical services of between five and 80 percent, following treatment for mental health problems.

We know that miraculous changes can occur with proper physical, pharmaceutical and personal care. This legislation would help to ensure the adequacy of care received by these individuals and would monitor the appropriateness of placement of mentally ill individuals. It will monitor the extent to which these individuals are at risk of abuse and neglect, and provide information on model programs which are designed to divert mentally handicapped individuals into appropriate mental health programs. In order to implement such systems, substantial increases in funding levels must also be reauthorized.

The proposed amendments are designed to strengthen the existing legislation. In particular, funding from the Federal appropriation supports part of the activities of my own State's designated agency, the Minnesota Law project. I am pleased to cosponsor this legislation and look forward to working with my colleagues to expedite its passage.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

SEC. 3. SCOPE OF COVERAGE.

Section 102 (42 U.S.C. 10802) is amended—

(1) in paragraph (1), by inserting "or death" after "caused, injury";

(2) in paragraph (3)—

(A) by inserting "(i)" after the subparagraph designation in subparagraph (B);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof the following: ", even if the whereabouts of such inpatient or resident are unknown; or"; and

(C) by adding at the end thereof the following new clause:

"(ii) who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility."; and

(3) in paragraph (4), by inserting "or death" after "injury" each place such word occurs.

(3) in paragraph (4)—

(A) by inserting "or death" after "injury" each place such word occurs; and

(B) by inserting before the period at the end thereof the following: ", including the failure to maintain adequate numbers of appropriately trained staff".

SEC. 4. ESTABLISHMENT OF A GOVERNING BOARD.

Section 105 (42 U.S.C. 10805) is amended—

(1) in subsection (a)(6), by striking out "*a* board" and inserting in lieu thereof "*an* advisory council"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) In States in which a system established in a State under section 103 to protect and advocate the rights of mentally ill individuals is organized as a private nonprofit entity with a multi-member governing board, or a public system with a multi-member governing board, such governing board shall be selected according to the policies and procedures of the system. The governing board shall be composed of—

"(A) members (to be selected no later than October 1, 1990) who broadly represent the clients served by the system; and

"(B) in the case of a system organized as a private non-profit entity, members who broadly represent the clients served by the system including the chairperson of the advisory council of such system.

"(2) The governing board established under paragraph (1), and the person acting in the same capacity as such in States that do not have a multi-member governing board, shall—

"(A) be responsible for the planning, design, implementation, and functioning of the system; and

"(B) consistent with subparagraph (A), jointly develop the annual priorities of the system with the advisory council.".

SEC. 5. ADVISORY COUNCIL REPORT.

Section 105(a)(7) (42 U.S.C. 10805(a)(7)) is amended by striking out the period and inserting in lieu thereof the following: ", including a section prepared by the advisory council that describes the activities of the council and its assessment of the operations of the system;".

SEC. 6. ACCESS TO RECORDS.

Section 106(b) (42 U.S.C. 10806(b)) is amended by adding at the end thereof the following new paragraph:

"(3) As used in this section the term 'records' includes reports of incidents of abuse and neglect prepared by the facility staff, and discharge papers under circumstances consistent with other provisions of this Act.".

SEC. 7. GENERAL ACCOUNTING REPORT.

Section 114 (42 U.S.C. 10824) is amended—

(1) in the section heading, by striking out "BY THE SECRETARY"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not later than 18 months after the date of enactment of this subsection, the Comptroller General of the General Accounting Office shall prepare and submit, to the appropriate Committees of Congress, a report that—

"(1) identifies whether mentally ill individuals, as defined in section 102(3)(A), held in Federal, State, and local jails and prisons are subjected to abuse and neglect;

"(2) describes the extent to which mentally ill individuals, as defined in section 102(3)(A), are being inappropriately confined in prisons or jails instead of being served by appropriate mental health programs, and the factors contributing to such inappropriate placements;

"(3) describes model State and local programs designed to divert mentally ill individuals, as defined in section 102(3)(A), from prisons and jails, and place such individuals into appropriate mental health programs;

"(4) describes the extent to which public defenders have knowledge of or have received specific training regarding the special needs of mentally ill individuals, as defined in section 102(3)(A), who are confined in prisons or jails, and the extent to which such public defenders represent such mentally ill individuals when incidents of abuse or neglect are alleged; and

"(5) identifies and analyzes any other issues considered appropriate by the Comptroller General.".

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) SUBCONTRACTING.—Section 104(a)(2) (42 U.S.C. 10804(a)(2)) is amended by striking out "which, on the date of enactment of this Act" and inserting in lieu thereof "including, in particular, groups run by individuals who have received or are receiving mental health services, or the family members of such individuals, which".

(b) TECHNICAL ASSISTANCE LIMITATIONS.—

(1) STATE ASSISTANCE.—Section 104(b)(2) (42 U.S.C. 10804(b)(2)) is amended by striking out "5 percent" and inserting in lieu thereof "15 percent".

(2) ASSISTANCE BY THE SECRETARY.—Section 115 (42 U.S.C. 18025) is amended to read as follows:

"TECHNICAL ASSISTANCE

"SEC. 115. The Secretary shall use not more than 2 percent of the amounts appropriated under section 117 to provide technical assistance to eligible systems with respect to activities carried out under this title, consistent with requests by such systems for such assistance.".

(c) ADDITIONAL SYSTEM REQUIREMENTS.—Section 105(a) (42 U.S.C. 10805(a)) (as amended by section 5), is further amended by adding at the end thereof the following new paragraphs:

"(8) on an annual basis, provide the public with an opportunity to comment on the priorities established by, and the activities of, the system; and

"(9) establish a grievance procedure for clients or prospective clients of the system to assure that mentally ill individuals have full access to the services of the system.".

(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended by adding at the end thereof the following new sentence: "Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".

(d) APPLICATIONS.—Section 111 (42 U.S.C. 10821) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Applications submitted under this section shall remain in effect for a 3-year period, and the assurances required under this section shall be for the same 3-year period.".

(e) ALLOTMENT FORMULA.—Section 112(a) (42 U.S.C. 18022(a)) is amended—

(1) in paragraph (2) to read as follows:

"(2) Notwithstanding paragraph (1) and subject to the availability of appropriations under section 117—

"(A) if the total amount appropriated in a fiscal year is at least $13,000,000—

"(i) the amount of the allotment of the eligible system of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall be the greater of—

"(I) $140,000; or

"(II) $125,000 in addition to the amount determined under paragraph (3); and

"(ii) the amount of the allotment of the eligible system of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall be the greater of—

"(I) $75,000; or

"(II) $67,000 in addition to the amount determined under paragraph (3); and

"(B) if the total amount appropriated in a fiscal year is less than $13,000,000, the amount of the allotment of the eligible system—

"(i) of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall not be less than $125,000 in addition to the amount determined under paragraph (3); and

"(ii) of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall not be less than $67,000 in addition to the amount determined under paragraph (3)."; and

(2) by adding at the end thereof the following new paragraph:

"(3) In any case in which the total amount appropriated under section 117 for a fiscal year exceeds the total amount appropriated under such section, as in effect on the day before the date of enactment of this paragraph, for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary shall increase each of the allotments under clauses (i)(II) and (ii)(II) of subparagraph (A) and clauses (i) and (ii) of subparagraph (B) of paragraph (2) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

(A) the total amount appropriated under section 117 for the fiscal year for which the increase in minimum allotment is made, minus;

"(B) the total amount appropriated under section 117 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 117 for such preceding fiscal year.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 117 (42 U.S.C. 10827) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 117. For allotments under this title, there are authorized to be appropriated $14,300,000 for fiscal year 1989, $18,500,000 for fiscal year 1990, and $23,500,000 for fiscal year 1991.".

RENEWABLE ENERGY/FUEL CELL SYSTEMS INTEGRATION ACT

The Senate proceeded to consider the bill (S. 1294) to promote the development of technologies which will enable fuel cells to use alternative fuel sources, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy/Fuel Cell Systems Integration Act of **[**1987**]** *1988*".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS—The Congress finds that while the Federal Government has invested heavily in fuel cell technology over the past 10 years ($334,700,000 in research and development on fuel cells for electric power production), research on technologies that enable fuel cells to use alternative fuel sources needs to be undertaken in order to fulfill the conservation promise of fuel cells as an energy source.

(b) PURPOSE.—The purpose of this Act is to **[**provide**]** *authorize* funds for research on technologies that will enable fuel cells to use alternative fuel sources.

SEC. 3. RESEARCH PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary of Energy shall implement and carry out a research **[**program**]** *program, pursuant to the Federal Non-Nuclear Energy Research and Development Act of 1974,* for the purpose of—

(1) exploring the operation of fuel cells employing methane gas generated from various forms of biomass;

(2) developing technologies to use renewable energy sources, including wind and solar energy, to produce hydrogen for use in fuel cells; and

(3) determining the technical requirements for employing fuel cells for electric power production as backup spinning reserve components to renewable power systems in rural and isolated areas.

(b) GRANTS.—In carrying out the research program authorized in subsection (a), the Secretary of Energy **[**may**]** *may, subject to appropriations,* make grants to, or enter into contracts with, private research laboratories.

SEC. 4. REPORT TO CONGRESS.

The Secretary of Energy shall tramsmit to the Congress on or before September 30, **[**1989,**]** *1991,* a comprehensive report on research carried out pursuant to this Act.

SEC. 5. AUTHORIZATION.

There are hereby authorized to be appropriated $5,000,000 for fiscal year **[**1988**]** *1990* to the Secretary of Energy to be used to conduct research as provided in this Act.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the Renewable Energy/Fuel Cell Systems Integration Act of 1988 (S. 1294).

Mr. President, as the author of S. 1294 I am pleased that the Senate is considering legislation to promote the development of fuel cell technologies that use alternative fuel sources such as methane from biomass, wind energy, and solar energy.

Mr. President, fuel cells operate by combining hydrogen rich gas with air and converting the chemical energy directly into electricity without any intermediate combustion step. The fuel cell had its initial practical application in Gemini V flight in August 1965 where it proved to be an efficient and reliable power generator with very high energy density.

S. 1294 as reported by the Senate Energy and Natural Resources Committee directs the Secretary of Energy to implement and carry out a research program to develop fuel cell technologies that use alternative fuel sources. The program would also explore possibilities for using fuel cells in conjunctions with renewable power systems in rural and isolated areas. The bill authorizes the Secretary of Energy to make grants to private research laboratories for that purpose. By September 30, 1991, the Secretary is directed to transmit to Congress a comprehensive report on the research carried out under this legislation. Finally, the bill authorizes $5 million for conducting this research for fiscal year 1990.

Mr. President, I urge my colleagues to support this important effort.

Mr. JOHNSTON. Mr. President, this statement is in support of S. 1294, the Renewable Energy/Fuel Cell Systems Integration Act of 1988. The purpose of the bill, as reported by the committee on August 5, 1988, is to promote the development of technologies which will enable fuel cells to use alternative fuel sources.

Fuel cells are devices which convert chemical energy into electricity. Hydrogen-rich gas reacts with oxygen in the air and is converted immediately into direct electrical current. Fuel cells possess characteristics that are desirable for power generation including: high efficiency, low environmental impact, noiselessness, modularity and relatively little lead time for construction. Types of fuel cells currently under development include the phosphoric acid, molten carbonate and solid oxide fuels cells for stationary applications, and the proton exchange membrane [PEM] for transportation applications.

Testimony before the Subcommittee on Research and Development on September 23, 1987, indicated that high capital costs for fuel cells are the primary reason that there has not been a great deal of utility interest in these technologies in the United States. The Department of Energy believes that fuel cells must be in the $1,500 to $2,000 per kW range in order to be considered a viable technology for commercial use. Current costs, however, are in the neighborhood of $2,200 to $2,500 per kW. Researchers at that same hearing in September testified that they believe that capital costs can be lowered to $800 to $1,200 per kW by the end of the century, but only with additional funding for research.

S. 1294 is intended to encourage research on technologies that will enable fuel cells to use alternative fuel sources such as methane from biomass, wind energy, and solar energy. The bill directs the Secretary of Energy to implement and carry out a research program. It also authorizes the Secretary of Energy to make grants to, or contract with private research laboratories, subject to appropriations, for that purpose. The Secretary is directed to transmit to Congress by September 30, 1991, a comprehensive report on the research carried out under this legislation. The bill also authorizes $5 million in fiscal year 1990 for conducting this research.

The goal of Federal research in fuel cells since the mid-1970's has been to develop a highly energy efficient technology with especially desirable characteristics for electric power production. Federal investment in fuel cell technology research and development over the prior 10-year period was $260 million. This research and development program has been built largely upon congressional initiatives. The point of commercial payoff for this large investment appears to be fast approaching, but a strategy and policy for acting upon the research findings has not yet been implemented. This bill is aimed at achieving such a policy change by encouraging the development of fuel cells integrated with renewable energy resources.

The primary national gains expected from this research are increased fuel use efficiency, substitution of alternate fuels for conventional fuels, possible reduction in the so-called "greenhouse gases," and the potential for improving our national balance of trade through the export of fuel cell technology.

I wholeheartedly support the passage of S. 1294.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FUEL CELLS ENERGY UTILIZATION ACT

The Senate proceeded to consider the bill (S. 1295) to develop a national policy for the utilization of fuel cell technology, which had been reported from the Committee on Energy and Natural Resources, with an amendment:

On page 1, line 5, strike "1987", and insert "1988"

So as to make the bill read:

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Cells Energy Utilization Act of "1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) while the Federal Government has invested substantially in fuel cell technology through research and development during the past 10 years, there is no national policy for acting upon the findings of this research and development; and

(2) if such a national policy were developed, the public investment in fuel cell technology would be realized through reduced dependency on imported oil for energy and the consequent improvement in the internationl trade accounts of the United States.

SEC. 3. INCLUSION OF FUEL CELLS AS A FUEL CONSERVATION TECHNOLOGY UNDER REIDA.

Section 256 of the Energy Policy and Conservation Act is amended by inserting at the end thereof the following:

"(e) For purposes of this section, the term 'domestic renewable energy industry' shall include industries using fuel cell technology.".

SEC. 4. ENVIRONMENTAL PROTECTION AGENCY GUIDELINES FOR USE OF FUEL CELL TECHNOLOGIES.

Within 180 days of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall prepare Federal guidelines for cities and municipalities specifying environmental and safety standards for the use of fuel cell technology. In the preparation of the guideliens, the Administrator shall utilize the successful experience of the New York City Fire Department in the use of fuel cell technologies.

SEC. 5. DEPARTMENT OF COMMERCE INVESTIGATION OF EXPORT MARKET POTENTIAL FOR INTEGRATED FUEL CELL SYSTEMS.

Within 180 days of the date of enactment of this Act, the Secretary of Commerce shall assess and report to Congress concerning the export market potential for integrated systems of fuel cells with renewable power technologies.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the Fuel Cell Energy Utilization Act of 1988 (S. 1295).

The purpose of S. 1295, the Fuel Cell Energy Utilization Act of 1988, is to develop a national policy for the use of fuel cell technology. The goal of Federal research in fuel cells since the mid-1970's has been to develop an energy efficient technology with desirable characteristics for electric power production. Fuel cell research can be expected to increase fuel use efficiency, substitute alternate fuels for conventional fuels, and improve our national balance of trade through the export of fuel cell technology.

This legislation would expedite the acceptance of fuel cells into the commercial market worldwide by requiring Federal agencies specifically to recognie this technology through existing information channels. S. 1295 as reported by the Senate Energy and Natural Resources Committee would amend the Energy Policy and Conservation Act to include fuel cells as a domestic renewable energy industry for purposes of that act. The bill directs the Secretary of Commerce to assess and report to the Congress on the export market potential for integrated systems of fuel cells with renewable power technologies. Finally, the Director of the Environmental Protection Agency is directed to prepared environmental and safety guidelines for the use of fuel cells.

As the author of S. 1295 and a strong proponent of the development of fuel cell technology, I urge my colleagues to support this much needed legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. BYRD. Mr. President, I ask unanimous consent to proceed to the immediate consideration of Calendar Order No. 837.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2209) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities and research and program management, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the bill.

The Senate proceeded to consider the bill (S. 2209) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1989".

SEC. 2. There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1988:

(a) For "Research and development," for the following programs:

(1) Space station, $867,400,000;

(2) Space transportation capability development, $606,600,000;

(3) Physics and astronomy, $761,600,000;

(4) Life sciences, $91,700,000;

(5) Planetary exploration, $399,000,000;

(6) Space applications, $628,300,000;

(7) Technology utilization, $19,100,000;

(8) Commercial use of space, $38,800,000;

(9) Aeronautical research and technology, $404,200,000;

(10) Transatmospheric research and technology, $69,400,000;

(11) Space research and technology, $350,900,000, of which $8,000,000 is provided for implementation of the national space grant college and fellowship program established under Public Law 100-147 (101 Stat. 860);

(12) Safety, reliability and quality assurance, $22,400,000;

(13) Tracking and data advanced systems, $18,800,000;

(b) For "Space flight, control and data communications," for the following programs:

(1) Space shuttle production and operational capability, $1,335,500,000, of which $88,000,000 is provided for the advanced solid rocket motor program;

(2) Space transportation operations, $2,365,400,000, including such funds as may be necessary to ensure the availability of ammonium perchlorate for the production of solid rocket motors;

(3) Space and ground network, communications and data systems, $985,300,000.

(c) For "Construction of facilities," including land acquisition, as follows:

(1) Modifications to Processing Technology Facility for Space Station, Marshall Space Flight Center, $3,700,000;

(2) Construction of Addition for Space Systems Automated Integration and Assembly Facility, Johnson Space Center, $9,200,000;

(3) Replacement of High Pressure Gas Storage Vessels, National Space Technology Laboratory, $3,500,000;

(4) Increase Chiller Capacity, LC–39 Utility Annex, Kennedy Space Center, $2,300,000;

(5) Rehabilitation of PAD A, L–C 39, Kennedy Space Center, $4,600,000;

(6) Refurbish Atmospheric Reentry Materials and Structures Evaluation Facility, Johnson Space Center, $4,900,000;

(7) Modification for Advanced Engine Development, Test Stand 116, Marshall Space Flight Center, $13,500,000;

(8) Modifications to Orbiter Modification and Refurbishment Facility (OMRF) for Safing and Deservicing, Kennedy Space Center, $2,800,000;

(9) Modification to the X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, $11,400,000;

(10) Construction of Auxiliary Chiller Facility, Johnson Space Center, $7,800,000;

(11) Modernization of Space Environment Simulator, Goddard Space Flight Center, $2,800,000;

(12) Modifications for Utility Reliability, Goddard Space Flight Center, $3,100,000;

(13) Refurbishment of 25-Foot Space Simulator, Jet Propulsion Laboratory, $12,000,000;

(14) Repair and Modifications of 12-Foot Pressure Wind Tunnel, Ames Research Center, $36,500,000;

(15) Rehabilitation and Modifications to 10×10 Supersonic Wind Tunnel, Lewis Research Center, $14,500,000;

(16) Refurbishment to Hypersonic Facilities Complex, Langley Research Center, $12,800,000;

(17) Refurbishment of Electric Power Laboratory, Lewis Research Center, $6,100,000;

(18) Construction of National Resource Protection at various locations, $2,600,000;

(19) Repair of facilities at various locations, not in excess of $750,000 per project, $27,000,000;

(20) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $34,000,000;

(21) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $9,000,000;

(22) Environmental compliance and restoration, $26,000,000; and

(23) Facility planning and design not otherwise provided for, $20,000,000.

Notwithstanding paragraphs (1) through (23), the total amount authorized by this subsection shall not exceed $260,100,000.

(d) For "Research and program management," $1,880,000,000;

(e) Notwithstanding the provisions of subsection (h), appropriations authorized in this Act for "Research and development" and "Space flight, control and data communications" may be used for (1) any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the President of the Senate and the Speaker of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultation or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: Provided, That of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 3. Authorization is granted whereby any of the amounts prescribed in paragraphs (1) through (23), of section 2(c) of this Act—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed $260,100,000.

SEC. 4. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 2 (a) or (b) of this Act may be transferred to and merged with the "Construction of facilities" appropriation, and when so transferred, together with $10,000,000 of funds appropriated pursuant to section 2(c) of this Act (other than funds appropriated pursuant to paragraph (23) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installations at any location (including locations specified in section 2(c)), if (1) the Administrator determines that such action is necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of thirty days has passed after the Administrator or the Administrator's designee has transmitted to the President of the Senate and the Speaker of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

SEC. 5. Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program—

(1) deleted by the Congress from requests as originally made either to the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by sections 2 (a), (b), and (d); and

(3) which has not been presented to either such Committee,

unless a period of thirty days has passed after the receipt by the President of the Senate and the Speaker of the House of Representatives and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 6. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 7. If, after evaluation of proposals received in response to the request for proposals for an advanced solid rocket motor required by section 121(b) of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100-147; 101 Stat. 868), the Administrator determines that it is in the best interests of the United States to select a proposal offering a privately financed and non-Government-owned production facility to be constructed on a Government or non-Government site, funds otherwise authorized in section 2(b) of this Act for the construction of a Government-owned production facility on a Government-owned site shall be available, without fiscal year limitation, for that purpose. In such event, the Administrator is authorized, notwithstanding any provision of law to the contrary, to provide for the payment for contingent liability in excess of available appropriations in the event the Government for its convenience terminates such contract, if any such contract limits the amount of the payments that the Federal Government is allowed to make under such contract to amounts to be provided in advance in appropriation Acts.

SEC. 8. Section 304 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following new subsection:

"(f) Under regulations to be prescribed by the Administrator and approved by the Attorney General of the United States, those officers and employees of the Administration and of its contractors and subcontractors authorized pursuant to subsection (e) to carry firearms may arrest a person without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that such person has committed or is committing such felony. Individuals granted authority to arrests by this subsection may exercise that authority only while guarding and protecting property of the United States under the administration and control of the Administration or one of its contractors or subcontractors.".

SEC. 9. The National Space Technology Laboratories of the National Aeronautics and Space Administration located in Bay St. Louis, Mississippi, is named and designated as the "John C. Stennis Space Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such center shall be held to be a reference to the "John C. Stennis Space Center".

SEC. 10. No civil space station authorized under section 2(a)(1) of this Act may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

SEC. 11. The Administrator, in coordination with the Secretary of Energy, for the purpose of outer solar system exploration, may request and receive such quantities of nuclear fuel as are necessary only for the specific mission, on terms and at costs as may be agreed upon. Nothing in this section authorizes the providing of such nuclear fuel on those terms for any other purpose or its diversion for any other use.

SEC. 12. It is the sense of the Senate that—

(1) the April 1987 Agreement between the United States of America and the Union of Soviet Socialist Republics concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes represents a meaningful approach to cooperative space activities between the United States and the Soviet Union;

(2) the Agreement presents a unique opportunity to establish a multilateral working group of space-faring nations, including the Union of Soviet Socialist Republics, to explore the technological and procedural principles necessary to effect a regime providing for assistance and rescue of personnel in space, and to ensure the effectiveness of such a regime, space-faring nations should consider compatible docking, communications, and life support systems;

(3) such an international regime, modeled after the successful Search and Rescue Satellite Program (SARSAT), would permit all space-faring nations to reiterate their commitments to the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space and would extend to incidents of distress in space the principles of rescue universally accepted with respect to incidents of distress at sea and in the air; and

(4) the President should promptly seek the establishment of a multilateral Space Rescue and Space Assistance Working Group to explore the creation of such an international regime and the development of compatible docking, communications, and life support systems to ensure the effectiveness of the regime.

SEC. 13. Section 24 of the Commercial Space Launch Act (49 App. U.S.C. 2623) is amended by adding at the end thereof the following: "There is authorized to be appropriated to the Secretary to carry out this Act $3,827,000 for fiscal year 1989.".

Mr. RIEGLE. Mr. President, today the Senate is considering the fiscal year 1989 NASA authorization bill, S. 2209. The measure provides our best estimate of the critical needs within the agency and of the Civilian Space Program, while recognizing the severe budgetary constraints that confront all programs of the Government.

Formulating this year's NASA authorization bill was not an easy task, and some very difficult decisions had to be made with respect to vital activities in the Space Program. No area of NASA was spared scrutiny, examination, debate, and discussion. The package that is before the committee represents a balance between ongoing NASA programs, such as the shuttle recovery effort, and new initiatives that will provide drive and impetus to the program in the future.

The President's request for fiscal year 1989 was $11.48 billion, 27 percent above the fiscal year 1988 NASA operating plan. I welcomed this request as an indication that the administration had finally realized that NASA as an agency, and the Space Program in general, have been suffering from terribly inadequate funding over the last 7 years. Clearly, a contributing factor in the *Challenger* tragedy, and in the subsequent difficulties at NASA, is the lack of consistent funding support from the Congress and from the administration.

But this increase was not the dramatic step forward proclaimed by the President and by the Administrator of NASA on the day of submission. Rather, it was a budget that would put NASA on the road to recovery—to begin to make them whole following years of neglect, with very little left for visionary programs. For example, approximately 77 percent of the President's proposed increase was devoted to ongoing programs, with the remainder to new starts. Analyses that we have had performed by the Congressional Budget Office and others show clearly that NASA will require upwards of $15 billion within 5 years simply to maintain the program that it has going today—that is almost a 50-percent increase, and I am frank to say that it will be virtually impossible to obtain that in the current budget climate.

The bill that is before us today authorizes $11.1 billion, a $400 million reduction from the President's request but still a 23-percent increase over the fiscal year 1988 operating plan. We made these reductions in light of a number of inescapable factors: First it was apparent that the Senate Appropriations Committee could not come near to the President's request due to the budget summit constraints and a constrained allocation. The fiscal year 1989 Senate-passed appropriation for NASA was $10.1 billion plus another $600 million was assumed to be transferred to NASA from available DOD funds. Second, the House-passed HUD-independent agencies appropriations bill funded NASA at $10.7 billion. Third, and, if the authorization committee were to retain a role in establishing funding priorities within NASA, we, as the Commerce Committee, should determine where reductions are made and how they are distributed. Those decisions cannot and should not be left solely to the Appropriations Committees.

I might note that since our committee's markup, the HUD-independent agencies appropriation's bills conferees provided $10.676 billion for NASA in fiscal year 1989 with $900 million earmarked for the Space Station Program. Senate action on this conference report is imminent.

Our bill provides all of the funding required in the Space Shuttle Program for the activities leading to a return to safe and reliable flight. This is, in my view, NASA's highest priority. Without the shuttle in flight status, we really don't have a Space Program; and without the means to get to space and return, most future programs will never be implemented. Thus, we give Admiral Truly and his people the resources necessary to finish the tests and prepare *Discovery* for flight.

The proposed legislation also authorizes the development of an advanced solid rocket motor and includes a provision that will permit NASA to pursue the option of building the advanced solid rocket motor in a Government-owned, company-operated facility or a company-owned, company-operated facility, depending on which option is selected in a competitive process. We need the advanced solid motor to enhance the safety, reliability, and performance of the space shuttle, and we fully support the effort that is now in progress to select a contractor to begin the development of this motor.

The Members of the Senate also should be aware that the rocket fuel plant in Henderson, NV, which was completely destroyed, has put the entire Space Program in a very serious position. There is only one plant remaining in the entire United States that produces this fuel for the Nation's military and civil space launch needs, for the commercial launch programs, and for the Ariane rocket. This one plant cannot produce near enough fuel for all of these needs. Thus, we have included general language in the bill which gives NASA the flexibility to address this problem in the fashion they deem appropriate.

The proposed legislation also provides continued support for the Expendable Launch Vehicle Acquisition Program at NASA. One of the lessons that emerged from the *Challenger* investigations was the tremendous need for a mixed fleet of space vehicles. We cannot allow ourselves to become dependent solely upon the shuttle, and our authorization will keep NASA moving in the right direction in this area.

The bill provides funds for the Advanced Communications Technology Satellite Program, which has been eliminated from the administration's request for at least 4 years running and funded by the Congress each year. This program has suffered some problems, and the launch has now been delayed until 1992, but it remains a priority to us in the subcommittee and a potential benefit of great magnitude to the Nation.

We fund two new starts, the Pathfinder Program and the advanced x-ray astrophysics facility [AXAF]—the third of the great observatories. While we would like to have avoided reductions in the Pathfinder Program, we still feel that sufficient resources are remaining to initiate this program and the development of future space technologies that will permit missions to the outer planets or establishment of a lunar base.

Senator BENTSEN and other Senators who have supported the Space Grant College and Fellowship Program will be pleased to know that the bill includes $8 million for this program, which will begin to restore our space engineering and science base.

The bill also continues full funding for the Wind Tunnel Revitalization and Repair Program that was begun last year. Our aeronautical research and development infrastructure is in a state of disrepair and is far too important to neglect any longer. So, we are underway in addressing and correcting this problem so that the United States can maintain its leadership position and continue to benefit from a favorable balance of trade in aerospace.

Mr. President, I have deliberately waited to mention this last item since it is something that we should all take a moment to discuss and to consider—the space station. This program is by all accounts in very serious difficulty. We provide $867 million in this bill to begin the construction of the space station hardware, but it is still questionable whether we can obtain the future levels of funding required to implement the program.

This is the simple fact. In order to maintain the current schedule which would deploy the space station in 1996, we need close to $900 million in fiscal year 1989 and almost $2 billion in 1990. We cannot fudge anymore; the time for real money and real decisions is here. I might add at this point that the Senate Appropriations Committee efforts in attempting to address this problem have been inspiring. I acknowledge their efforts and will continue to work with them to implement this program. But we must all be on notice that the most recent fix is a 1-year solution. The Space Station Program, if it is to survive and succeed, will require our attention each year of its life.

I know many of you have heard this before, about this and other programs throughout the Government. But, several factors must be weighed in our calculations here: First, the Soviet Union does have and will continue to have a permanently manned facility in orbit. Competition with the Soviets is not the entire rationale for going forward with the Space Station Program, but if we don't, there will be absolutely no free world space station for many years to come. Second, our allies and partners in the Space Station Program, all of whom are now onboard, have concurred in the terms of the intergovernmental agreement and have made tremendous financial commitments to the space station. Japan and Europe are both constructing modules for the station; Europe is building a man-tended platform in conjunction with the space station; and Canada is developing the mechanical arm. All have made investments based upon the assurances of our Government and the actions of the Congress, and yet we stand a real possibility of killing the program. Clearly, the implications of a decision of this nature would be severe. Finally, if we are to exploit space commercially in the future or wish to continue exploration to the planets, return to the moon, aggressively study the Earth, whatever, all these efforts depend in some way or form on the space station.

So, while we do authorize sufficient funds to continue the Space Station Program, the final decision won't be made for some time. But, we must all be aware of the consequences of our acts and make these decisions in full knowledge of the consequences.

I urge all my colleagues to join in supporting S. 2209, the fiscal year 1989 NASA authorization bill.

Mr. President, let me say that I am most pleased with the support and cooperation given the bill by the ranking member of the full committee, Senator DANFORTH; the ranking member of the Science, Technology, and Space Subcommittee, Senator PRESSLER; and the chairman of the full committee, Senator HOLLINGS. The Nation's Space Program has a broad base of bipartisan support, and it is a pleasure for me to have the opportunity to work with these Senators and the members of the subcommittee in formulating the NASA authorization bill.

Mr. President, at this time, I would ask unanimous consent that a table outlining the committee's actions, a summary of the bill's major provisions, and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—NASA BUDGET SPREAD SHEET FOR FISCAL YEAR 1989

[In millions of dollars]

	Fiscal 1989 request	Proposed fiscal year 1989 Senate authorization	Comments
I. Research and Development	4,446.7	4,278.2	
1. Space station	967.4	867.4	−100 general reduction.
2. Space transportation capability development	631.1	606.6	−25 general reduction.
Spacelab	80.4		

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—NASA BUDGET SPREAD SHEET FOR FISCAL YEAR 1989—Continued

[In millions of dollars]

	Fiscal 1989 request	Proposed fiscal year 1989 Senate authorization	Comments
Upper stages	146.2	153.2	+7.0 ACTS upper stages.
Engineering and technology base	158.9		
Payload ops and support equipment	67.3		
Advanced programs	45.0		
Advanced launch systems	13.0	6.5	−6.5 general reduction.
Tethered satellite system	23.8		
Orbital maneuvering vehicle	96.5		
3. Space science	1,297.3	1,252.3	
A. Physics and astronomy	791.6	761.6	− general reduction.
Hubble space telescope dev	102.2		
Gamma ray observatory dev	41.9		
Global geospace science	101.4	76.4	−25 rephase start of prgm.
Advanced x-ray astrophysics fac	27.0		
Payload and instrument dev	77.01		
Shuttle spacelab payload mgt	61.5		
Sp. station integrated planning and attached payloads	8.0		
Explorer development	82.1		
Mission operation and data analysis	156.2		
Research and analysis	89.1		
Suborbital program	45.1		
B. Life sciences	101.7	91.7	−4.4 SETI/microwave 5.6 general reduction.
C. Planetary exploration	404.0	399.0	−5.0 general reduction.
Galileo development	61.3		
Magellan	33.9		
Ulysses	10.3		
Mars observer	102.2		
Mission Ops and data analysis	112.7		
Research and analysis	83.6		
4. Space applications	562.3	628.3	−10 general reduction.
A. Solid Earth observations	82.1		
Shuttle/spacelab payloads	25.3		
Geodynamics	33.9		
Research and analysis	22.9		
B. Environmental observations	368.3		
Applied research, data analysis and related activities	108.1		
Payload and instrument dev	19.7		
Scatterometer	15.8		
Upper Atmos. Res. Satellite [UARS]	103.9		
Ocean Topography Experiment [TOPEX]	97.8		
Airborne science and applications	23.0		
C. Materials processing in space	73.4		
D. Communications	16.2	92.2	+76 for ACTS.
E. Information systems	22.3		
5. Commercial programs	57.9	57.9	
Technology utilization	19.1		
Commercial use of space	38.8		
6. Aeronautical research and technology	414.2	404.2	−10 general reduction.
Research and technology base	314.2		
Systems technology programs	100.0		
7. Transatmospheric research and technology	84.4	69.4	− general reduction.
8. Space research and technology	390.9	350.9	−40 reduction to Pathfinder—assumes $20m for SP-100. +Space Grant College. −8 Equipment augmentation.
9. Safety reliability and quality assurance	22.4	22.4	
10. Tracking and data advanced systems	18.8	18.8	
II. Space Flight Control and Data Communications	4,841.2	4,686.2	
1. Space shuttle productions/operations capability	1,400.5	1,335.5	
Orbiter operational capability	320.0	280.0	−40 structural spares.
Launch and mission support	343.7		
Propulsion systems	711.8		
Changes and systems upgrading	25.0	0	−25 discretionary funds.
2. Space transportation operations	2,405.4	2,365.4	
Flight operations	660.1		
Flight hardware	1,035.2		
Launch and landing operations	514.6		
Expendable launch vehicles	195.5	155.5	−25 general reduction. −15 reduction to second Titan III.
3. Space tracking and data acquisition	1,035.3	985.3	−general reduction.
Space network	538.9		
Ground network	248.1		
Communications and data systems	248.3		
III. Construction of Facilities	285.1	260.1	−15 for KSC Space Station Processing Fac.
IV. Research and Program Management	1,915.0	1,880.0	−35 general reduction.
Total NASA	11,488.0	11,104.5	

SUMMARY OF MAJOR PROVISIONS

For FY 1989, the Committee would authorize $11,104,500,000 for NASA and $3,827,000 for the Office of Commercial Space Transportation. Of the amount authorized for NASA, $4,278,200,000 is authorized for research and development, including $8,000,000 to implement the National Space Grant College and Fellowship Program, and $4,686,200,000 for Space Flight Control and Data Communications. In addition, $260,100,000 is authorized for Construction of Facilities, and $1,880,000,000 for Research and Program Management.

The Committee provides $867,400,000 for the space station program. This is $100,000,000 below the President's FY 1989 budget request, but will be sufficient to begin actual construction of the hardware elements of the space station in earnest. The Committee continues to support strongly the space station program and reduced the FY 1989 request as a means to distribute necessary budget reductions in an equitable fashion.

The Space Transportation Capability Development budget of $606,000,000 is $24,500,000 below the President's FY 1989 budget request. Nevertheless, this level of funding will fully support the Orbiting Maneuvering Vehicle, preliminary activities for the Extended Duration Orbiter (EDO), definition activities for the Crew Emergency Escape Vehicle (CERV), and Spacelab activities. The proposed $7 million augmentation for upper stages will permit NASA to continue procurement of an upper stage for the Advanced Communications Technology Satellite (ACTS) which is scheduled for launch in 1992.

The Committee authorizes $1,252,300,000 for Space Science activities—Physics and Astronomy, Life Sciences and Planetary Exploration—which is a $242,800,000 increase over the FY 1988 NASA operating plan. The $761,600,000 provided by the Committee for Physics and Astronomy will allow continued development of the Hubble Space Telephone, scheduled for deployment in November 1989, as well as continued funding for the Gamma Ray Observatory, scheduled for launch in March 1990. Although the Committee continues to support the Global Geospace Science effort, it recommends a rephasing of the program to obtain $25,000,000 savings in FY 1989.

Of major interest to the Committee in the Physics and Astronomy account are the initiation of a new start for the development of the next great observatory, the Advanced X-Ray Astrophysics Facility (AXAF), the continued expansion of the Explorer Development program, and a continuing emphasis on the Suborbital flight program, all of which are provided for in this authorization.

The Committee has provided $399,000,000 for the Planetary Exploration program. This level of funding will support the launch of the Magellan satellite to Venus in April 1989, the launch of the Galileo mission to Jupiter in November 1989, and activities leading to the launch of the Ulysses mission in October 1990. It will also support the continued development of the Mars Observer, which is scheduled for launch in 1992.

The Committee authorizes $91,700,000 for the Life Sciences programs, which is $10,000,000 below the President's FY 1989 budget request, but a significant increase over the FY 1988 operating plan.

The Committee authorizes $628,300,000 for Space Applications programs, which is $66,000,000 above the President's request. This increase consists of a general reduction in programs of $10,000,000, and a $76,000,000 increase for the Advanced Communications Technology Satellite (ACTS) which is scheduled for launch in 1992. The Committee authorizes $73,400,000 in FY 1989 for Materials Processing in Space activities including the continued development of flight hardware. Other programs and activities, such as Solid Earth Observations, the Upper Atmosphere Research Satellite (UARS), Scatterometer, and the Ocean Topography Experiment (TOPEX) satellite are supported strongly by the Committee.

The Committee authorizes $57,900,000 for NASA commercial programs, which is consistent with the President's request.

In Aeronautical Research and Technology, the Committee has authorized $404,200,000, which is $10,000,000 below the Administration's FY 1989 request. This is, however, $69,400,000 above the FY 1988 operating plan, and reflects the Committee's view of the importance of these activities to the nation's economic health. Transatmospheric Research and Technology is authorized at $69,400,000, which is $15,000,000 below the President's FY 1989 budget request. Despite this reduction, the Committee continues to support this focused technology development program with NASA participation.

The Committee has made a $40,000,000 reduction in the proposed Pathfinder program, which is a new start candidate within the Space Research and Technology programs. Thus the Committee provides $350,900,000 for these activities, as opposed to the request of $390,900,000. This will, however, provide full funding for the Civilian Space Technology Initiative (CSTI), and $8,000,000 for implementation of the Space Grant Colleges and Fellowship program pursuant to an agreement with Dr. Fletcher. Another program of importance in this area, strongly endorsed by the Committee, is the Engineering Research Center program. This program is fully funded at $16,300,000, and will continue support to the nine universities selected in FY 1988, as well as establishing additional centers in FY 1989. The aim of this program is to expand the nation's space technology base by using the vast resource base of the Nation's universities.

In recognition of the importance of safety and reliability to the entire civil space program, the Committee authorizes $22,400,000 for the Safety, Reliability and Quality Assurance program. This level of funding is the same as the administration's FY 1989 budget request and is $6,300,000 higher than the FY 1988 operating plan. The Committee also authorizes $18,800,000 for Tracking and Data Advanced Systems programs, which is identical to the President's request.

The total Research and Development budget for FY 1988 is $4,278,200,000, compared with a budget request of $4,446,700,000 and a FY operating plan of $3,294,500,000.

For Space Flight, Control and Data Communications for FY 1989, the Committee authorizes $4,686,200,000, compared to the President's budget request of $4,841,200,000 and a FY 1988 operating plan of $3,810,700,000. Of this amount, $1,335,500,000 is for Space Shuttle Productions and Operations Capability, $2,365,400,000 is for Space Transportation Operations, and $985,300,000 is for Space Tracking and Data Acquisition.

In formulating the Space Flight budget, the Committee felt strongly that no reductions could be made in any accounts which would affect the operations of the space shuttle, the proposed test program, or any anomaly resolution activities. Return of a safe, reliable space shuttle to flight status continues to be one of the highest priorities within the space program.

The President requested $1,400,500,000 for Space Shuttle Productions and Operations Capability in FY 1989. The Committee has reduced this request by $65,000,000—$40,000,000 in the structural spares program, and $25,000,000 in systems changes and upgrading—for a total authorization of $1,335,500,000. Despite these reductions, this account is still $247,200,000 above the FY 1988 operating plan.

The Committee authorizes $2,365,400,000 for Space Transportation Operations, which is $40,000,000 below the President's FY 1989 budget request. The entire $40,000,000 reduction will be applied to the expendable launch vehicle account. It represents a reduction of $15,000,000 for purchase of a second Titan III vehicle and a general reduction of $25,000,000. Despite these actions, the Committee continues to hold the position that it is essential for NASA to maintain a mixed fleet of launch vehicles. The Committee, therefore, provides $155,500,000 for the acquisition of expendable launch vehicles, an increase of $130,000,000 over the current operating plan, despite the severe budgetary constraints.

The Committee authorizes $985,300,000 for Space Tracking and Data Acquisition, which is $50,000,000 below the President's request. The Committee directs NASA to apply these general reductions in the most efficient manner without jeopardizing the integrity of the overall program. NASA must determine the relative costs and benefits of programs such as the Second Tracing Data Relay Satellite (TDRS) ground station and a replacement TDRS satellite.

In FY 1989, the Committee authorizes $260,100,000 for the Construction of Facilities programs. This is a $25,000,000 reduction from the FY 1989 budget request of the President. These reductions would occur at the Kennedy Space Center Space Station Processing Facility and in other general areas. The Committee continues to follow closely the wind tunnel modernization and rehabilitation program that was begun last year, and fully authorizes the requested amounts in FY 1989.

Funding in the Research and Program Management account is authorized at $1,880,000,000 in FY 1989, which is a general reduction of $35,000,000 from the budget request. The Committee expects, however, that NASA will still increase its civil service employee base by 525 positions in FY 1989.

The total authorization for NASA in FY 1989 is $11,104,500,000, compared with $11,488,000,000 requested by the President, and $9,026,500,000 in the FY 1988 operating plan.

The Committee has also included $3,870,000 in the reported bill for the operations of DOT's Office of Commercial Space Transportation.

SECTION-BY-SECTION ANALYSIS

SECTION 1

The short title of this bill is the "National Aeronautics and Space Administration Authorization Act, 1989".

SECTION 2

This section authorizes $11,104,500,000 for NASA in FY 1989.

These monies are distributed to four appropriations accounts:

1. *Research and Development.*—$4,278,000,000 for space station, space science and applications, space transportation capability development, commercial programs, aeronautical research and technology, transatmospheric research and technology, and space research and technology.

The major assumptions in this area are funding of $867,400,000 and a strong endorsement for the space station in FY 1988, restoration of funding for the Advanced Communications Technology Satellite program, initiation of a new space technology initiative—Pathfinder—but at a reduced level of funding, approval of a "new start" for the Advanced X-Ray Astrophysics Facility, and funding of the Space Grant College and Fellowship Program.

2. *Space Flight, Control and Data Communications.*—$4,686,200,000 for space shuttle production and operations capability, space transportation operations, space tracking and data acquisition, and expendable launch vehicle (ELV) operations.

The major assumptions in this account are deferral of funding for the structural spares program for a fifth orbiter, endorsement of a new start for the advanced solid rocket motor program, augmentation of the current ELV procurement program at NASA, and full support of the space shuttle operations budget request and anomaly resolution activities to facilitate the return of a safe, reliable shuttle to flight status.

3. *Construction of Facilities.*—$260,100,000 for a variety of repair, rehabilitation, and new construction activities required for a robust civilian space program.

The major assumptions in this account are that some space station facilities can be delayed because of program delays and that the repair of certain wind tunnel facilities at the NASA Ames, Lewis, and Langley Research Centers is of the highest priority. These tunnels are critical to both civil and military aircraft development.

4. *Research and Program Management.*—$1,880,000,000 for all civil service staff, maintenance of facilities and support of research and development programs and contract activities, and technical and administrative support of research and development programs.

The major assumption in this account is that NASA will increase the civil service employee base by 525 new slots, primarily for space transportation activities.

SECTIONS 3, 4, AND 5

These sections establish strict parameters for the Administrator of NASA concerning the amount of flexibility he or she has with construction of facilities activities, the transfer of funds from one account to another, and the use of funds for activities not approved by the Committee. These provisions are included in the NASA Authorization bill each and every year.

SECTION 6

This section instructs NASA to distribute its research and development funds on a geographical basis where possible. The Committee annually legislates this requirement and believes it is in the national interest.

SECTION 7

This section gives NASA the authority to permit the funds provided in section 2(b)(1) of this bill for the construction of a Government-owned, company-operated advanced solid rocket motor facility to be used for a company-owned, company-operated facility if NASA determines that the latter is in the national interest and is in the best interest of a safe, reliable space shuttle program. At present, the proposed request for proposal for the advanced solid rocket motor program requires all contractors to bid for (1) a Government-owned, company-operated facility and (2) a privately financed facility, both of which would be on a tentative Government site. Bidders also would have a third option of proposing a privately financed facility at the site of the offerer's choice.

NASA lacks the legal authority to enter into a contractual agreement for option 2 (privately-financed facility at Government site) or option 3 (privately-financed facility at site chosen by offerer). This section gives NASA that authority.

SECTION 8

Presently, subsection 304(e) of the National Aeronautics and Space Act of 1958 provides the authority for certain NASA personnel, as well as certain employees of contractors and subcontractors, to carry firearms in the fulfillment of their official duties.

This amendment to section 304 of the NASA Space Act, specifically a new subsection (f), would provide the authority to arrest without warrant to NASA employees designated by the Administrator as well as those contractor and subcontractor personnel carrying out their official duties while guarding and protecting property of the United States under the administration and control of NASA or its contractors or subcontractors.

Subsection (e) and new subsection (f) when read together would allow certain NASA personnel as well as certain subcontractor and contractor personnel to make an arrest for the violation of Federal and, in some instances, State laws occurring on NASA property or involving property owned by or in the custody of NASA if the person has reason to believe that the person to be arrested has committed or is committing a felony. Security personnel shall use the minimum degree of force, including firearms, necessary to effectuate the arrest.

NASA shall develop regulations to be approved by the Administrator and the Attorney General before this authority is exercised.

The authority is consistent with that granted to DOE pursuant to 42 U.S.C. 2201(k).

SECTION 9

This section requires that the National Space Technology Laboratories of NASA, located in Bay St. Louis, MS, is named and designated "John C. Stennis Space Center."

This is a just and fitting tribute to the retiring Senate Pro Tempore and the distinguished Chairman of the Senate Appropriations Committee. This tribute is strongly endorsed by NASA and the White House.

SECTION 10

This section reiterates the Committee position that the space station may be used only for peaceful purposes. This language is consistent with existing U.S. treaty obligations (the Outer Space Treaty) and current law—P.L. 99-170. This language permits DOD research and development activities on the space station.

SECTION 11

This section gives the Administrator of NASA the authority to obtain nuclear fuel from DOE for outer solar system exploration on terms and at costs that may be agreed upon.

SECTION 12

This section expresses the Sense of the Senate that the President should establish a multilateral Space Rescue and Space Assistance Working Group to explore the creation of an international space rescue regime and the development of compatible docking, communications, and life support systems to support the effectiveness of this regime.

Such a regime would permit all spacefaring nations to reiterate their commitments to the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space and would extend to incidents of distress in space the principles of rescue universally accepted with respect to incidents of distress at sea and in the air.

SECTION 13

This section authorizes $3,827,000 for FY 1989 for the OCSP in DOT. This Office oversees the regulation and licensing of commercial ELV activities and was established by this Committee pursuant to P.L. 98-575—the Commercial Space Launch Act. The level authorized is the Administration's request.

Mr. HOLLINGS. Mr. President, I join Senator RIEGLE in his remarks concerning the fiscal year 1989 NASA authorization bill, S. 2209. He has summarized the major provisions of this legislation and is to be complimented for the diligence with which he pursued the development of this bill under very difficult budgetary circumstances.

There are several areas that I would like to mention to my colleagues here concerning NASA and the general shape of the civil space program.

First, there is simply no understatement of the difficult condition that the civil space program is in today. The $11.1 billion provided in the fiscal year 1989 NASA authorization bill simply permits NASA to recover from the declines that it has suffered over the last 7 years. It leaves very little room for new initiatives or bold steps forward. To better understand the current budget situation as regards the civil space program, I recommend that everyone read the recent CBO report, "The NASA Program in the 1990's and Beyond."

Mr. President, the reason we find ourselves with an authorization bill that is far less than the President's request is because the Members on the Commerce Committee realized that there was little sense writing a bill that contained authorizations for which no appropriations would ever be obtained. The committee realized that congressional budget priorities did not mirror the White House priorities and that the proposed 29 percent budget increase for NASA was highly unlikely. When the committee marked up the NASA bill on May 24, it was clear from the allocations granted to the Senate Appropriations Subcommittee, the results of the budget resolution deliberation, as well as the constraints of the 1987 budget summit agreement and the impending House Appropriations Committee actions, that we had to tailor our bill to expectations below those of the President, which we have. If reductions were required, the Authorization Committee was willing to identify areas where these reductions could be made and to help prioritize spending for the civil space program.

In the weeks following our committee action, the appropriation's picture has been clarified in the Senate, and our initial concerns have been justified. While some very fancy maneuvers have been taken to fund the space station sufficiently in the Senate, the fight has not concluded, and NASA's budget and the space station program still face serious difficulty.

Second, we are facing a number of very serious and fundamental decisions with regard to the Civil Space Program. If we want to pursue goals such as the space station, as well as think in realistic terms about future initiatives, we must provide the sustained funding now and in the future to achieve those goals. We have basic needs within NASA simply to rebuild the space transportation infrastructure and get the orbiter flying again, to build advanced solid rocket motors and purchase expendable launch vehicles, to rebuild and expand our aeronautics and space technology base and restore our Space Science and Applications Program, and to rebuild the NASA infrastructure and adequately compensate our talented civil servants. All of us must realize that these basic needs plus the cost of the many awe-inspiring initiatives being proposed will require additional resources. Some people argue we can't afford these increases for our Civil Space Program. I would argue that we can't afford not to provide these increases unless we want to lose the Nation's share of an emerging world space market of incredible value. The Nation's economic and national security are directly tied to the Space Program, and we must establish and recognize the Space Program as a budget priority. We must also realize that policies require implementation plans and that the latter requires more pragmatism than the former. There is a need for all of us to decide what the goals of the Civil Space Program are and what policies and implementation plans are required to implement these goals. For the past few years, there has been too much confusion over what we've been trying to do and the best way to do it. This is especially true with space commercialization initiatives. We must all work to resolve this issue and the confusion and to get on with implementing a well-defined program with broadly supported goals.

Third, I have been in a continuing discussion on behalf of the Senate Commerce Committee with several administration officials about the commercially developed space facility [CDSF], which is the centerpiece of the President's new commercial space policy. I have repeatedly expressed grave reservations, in private, about this project and the proposed release of a request for proposal to obtain financial data from proposed bidders, despite the lack of any authorization for this project. Given the severe budgetary constraints that exist and the need for an independent assessment of the requirements for this, or any other facility to implement the materials processing program, I see no reason to begin this program now. Once the studies have been conducted and the fate of the space station decided, the committee will reassess this proposal.

I realize how difficult it is for people to accept the current fiscal realities, but we simply can't have everything that we want in the space program or anywhere else in Government. Tough choices have to be made and priorities set. In light of this fact, I cannot understand how this administration can focus the time, effort and attention of its top officials to try and preserve the CDSF Program, while the space station, the ultimate cornerstone of our Space Program for the next three decades, is allowed to linger close to death and the NASA budget is pared down because of very real budget constraints. Therefore, I would like to reiterate that the committee will oppose any effort to release the RFP for the CDSF prior to the issuance of the National Academy of Sciences report requested by the Senate Commerce Committee on April 28, 1988, and the authorization of this program. That is the committee's position, and the position we will support in conference with the House.

Fourth, the NASA authorization bill does address in a direct fashion some of NASA's most pressing needs. It provides funding for an Advanced Solid Rocket Motor Program—clearly one of the basic requirements for the space shuttle system and for construction of the space station. It provides the funds necessary for the return of the space shuttle to flight status—NASA's highest priority—as well as provides a level of funding necessary to continue the procurement of expendable launch vehicles or services by NASA. That moves us closer toward the goal of a mixed fleet and away from dependence on the shuttle for all space transportation.

The bill also makes allowance for new starts, such as the Advanced X-Ray Astrophysics Program [AXAF] and the Pathfinder Program. AXAF is the third great observatory to be approved by the committee, and Pathfinder represents another effort in restoring NASA's technology base.

Despite the pleas, we currently don't have the ability to make "pie in the sky" commitments to a manned Mars mission or a lunar base. We have yet to orbit the shuttle again, and we aren't out of the woods on the space station funding. Right now we need to concentrate on rebuilding a strong base within NASA, a base that will carry the space program into the next century.

Finally, I would like all of my colleagues to take notice of the fact that we are not alone in the space race. The Russians have a permanently manned space station orbiting the planet Earth every 90 minutes. The Europeans, Canadians, and Japanese are joining us in the space station program, but Europe and Japan are also proceeding with vigorous space programs of their own. The competition for launching of satellites is from the West—the European Space Agency with its Ariane launch vehicle—and the East—China with its Long March vehicle and Japan who is developing a new and powerful commercial booster.

Just as we did in 1958, we once again face the question whether we should be in space and spend the funds necessary to make our presence a permanent reality. Hopefully, in 1988 we will all come to the same conclusion as we did then, the conclusion that we cannot afford not to be there, not to take advantage of the investment that we as a nation have made in the last thirty years, and not to maintain U.S. technological leadership in space.

Mr. President, I urge all of my colleagues to support this measure, to support the civil space program, and to support the development of a permanently manned space station in cooperation with our allies.

AMENDMENT NO. 2827

(Purpose: To provide authority for the lease of certain property and the making of certain agreements related to the construction and operation of an aerospace institute in Ohio)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senators GLENN and METZENBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for Mr. GLENN (for himself and Mr. METZENBAUM) proposes an amendment numbered 2827.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following new section:

SEC. 14. (a) The Administrator may, without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), and on such terms as the Administrator may deem to be appropriate, lease, for a term not to exceed 99 years, real property located at the Lewis Research Center in Cuyahoga County, to the State of Ohio, or a subdivision or agent thereof, or to a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, for the purpose of the construction and operation thereon of an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors. This lease shall be renewable for additional periods in the discretion of the Administrator.

(b) Subject to the availability of appropriations therefor, the Administrator may enter into agreements, on such terms as the Administrator may deem to be appropriate, with the State of Ohio, or a subdivision or agent thereof, or with a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, pursuant to which the Administration may provide administrative, maintenance, instructional, and other appropriate support, with or without reimbursement, to an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors.

(c) The Administrator may redelegate the authority conferred in subsections (a) and (b), to such subordinate officers and employees as the Administrator may designate.

Mr. GLENN. Mr. President, the amendment that I am proposing to the fiscal year 1989 NASA authorization bill would permit the Administrator of NASA to lease property at the Lewis Research Center to the Ohio Aerospace Institute and to provide such administrative, instructional, and maintenance support to the institute as he sees appropriate.

Mr. President, the Ohio Aerospace Institute is currently being formed in Ohio for the continued enhancement and visibility of the regional scientific and engineering capabilities in support of the Nation's aerospace program. This institute, which has received letters of support from six universities in Ohio, will be located at the NASA Lewis facility and will provide, in concert with Ohio universities, the research and graduate-level education necessary to assure a highly trained work force. It will also provide an enhanced opportunity for regional industry to take part in research and development and to apply the resulting high level of technology to their own work.

We all know that a very critical element in the Nation's future success in technology depends on education. The institute will provide the opportunity, facilities, and an environment to retain and attract highly talented researchers, professors, and students to the institute, Ohio universities, and the associated industrial infrastructure.

The institute has already been appropriated $500,000 from the Ohio State capital budget, and the Board of Regents is forming the Institute Policy and Planning Committee with the presidents and provosts of the universities, the NASA Lewis Director, Ohio State political officials, and others. I am asking that you help the institute off the ground by including language in S. 2209, the NASA authorization bill, that would allow the Administrator of NASA to lease property to the Ohio Aerospace Institute and to provide such administrative, instructional and maintenance support to the institute as he sees appropriate.

Mr. RIEGLE. The Subcommittee has reviewed the amendment being proposed by the distinguished Senators from Ohio and is pleased to accept this amendment. I also would like to note that NASA and the House Science, Space, and Technology Committee both strongly endorse this proposal.

Mr. President, the Senator from Ohio has worked long and hard promoting science and engineering education in the United States in order to make the United States more competitive in world markets. I applaud the Senator for his efforts and for those of his State and look forward to working with the Senator from Ohio in the future on similar issues.

Mr. PRESSLER. I join the distinguished member of the Subcommittee in his remarks and am pleased to accept this amendment on behalf of the minority.

Mr. GLENN. I would like to thank the distinguished chairman and ranking member of the subcommittee on behalf of myself and Senator METZENBAUM, and I would like to compliment them for the fine work they have done in support of our Nation's space program.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of Senator GLENN and Senator METZENBAUM.

The amendment (No. 2827) was agreed to.

Mr. FOWLER. Mr. President, I would like to address a question to the distinguished chairman of the Subcommittee on Science, Technology, and Space, the gentleman from Michigan. I notice in the committee report that "the committee is hopeful that the fiscal year 1990 NASA budget request will contain a new start request for the Comet Rendezvous Asteroid Flyby/Cassini mission and that the final approved budget will be able to accommodate these two missions critical to the leadership position of the U.S. planetary science program." Would the gentleman elaborate on this point?

Mr. RIEGLE. Yes. The Senator from Georgia has correctly stated the committee position. The CRAF/Cassini mission is NASA's highest priority space science initiative which has not yet received a new start, and the committee believes such a request should be included in the fiscal year 1990 NASA budget request.

Mr. FOWLER. I thank the Senator and would like to make one additional inquiry. The House of Representatives included in its fiscal year 1989 NASA authorization bill a mandate for NASA to proceed with a new start for CRAF/Cassini as the next major mission start after the Advanced X-Ray Astrophysics Facility [AXAF]. Does the gentleman anticipate that the conference agreement will affirm the Commerce, Science, and Transportation Committee's support for a fiscal year 1990 new start for CRAF/Cassini?

Mr. RIEGLE. Yes, that would be my expectation.

Mr. FOWLER. I thank the gentleman, and I commend him and the committee for their leadership role in promoting a strong and balanced American space science program. At this point, I would like to insert in the RECORD a statement in support of prompt initiation of the CRAF/Cassini mission.

The U.S. space science program has produced great benefits to American taxpayers and to the people of the world at little cost, at least as related to other Federal expenditures. However, declining space science budgets in the seventies and early eighties, the increasing costs of cutting edge missons, and the *Challenger* disaster have combined to impede American progress in space science. Congressional support for such missons as the Hubble Space Telescope, the Magellan mission to Venus, and the Ulysses mission to study the Sun has revitalized the American program, and when they and other projects are launched, we will have reasserted our international leadership in the field. To keep up that momentum will require a continuing commitment to a balanced NASA program in which space science receives an equitable share.

To further the goal of insuring both a balanced American space program and a leadership role for American space science, I strongly support the prompt initiation of the combined Comet Rendezvous Asteroid Flyby [CRAF] and Cassini mission to the Saturn system. My reasons for advocating this course are as follows:

First, the CRAF/Cassini missions are the next priority space science projects in NASA plans and offer substantial and unique scientific benefits in understanding the origin and evolution of the solar system by initiating intensive American study of the primitive, volatile-rich bodies in the outer solar system.

Second, CRAF/Cassini will be the initial projects in the new Mariner Mark II series of spacecraft recommended by NASA's Solar System Exploration Committee to be the next generation of focused, cost-effective missions to the outer solar system. Furthermore, by combining CRAF and Cassini into a joint development program, significant economies are possible. I am told that each mission, if pursued separately, would have a total cost of approximately $1 billion, while the joint program would have a total cost of $1.5 billion, thus representing a 25-percent savings.

Third, the CRAF/Cassini program is ready to proceed. The announcement of opportunity for participation in CRAF was issued in July 1985, proposals were submitted in November 1985, and the scientific investigations were selected in October 1986. Advanced development of most of CRAF's scientific instruments and of the Mariner Mark II spacecraft has been under way for a number of years; and as you will remember, CRAF has been a serious candidate for a new start for at least the last 3 years.

Fourth, some kind of affirmative action this year on the Cassini mission is especially important. Cassini is proposed as a joint mission between NASA and the European Space Agency [ESA] and represents a further step in the direction of effective international cooperation. This November, ESA will be selecting one new space science project for its next 3-

year cycle, and from the reports I have received, Cassini is currently the leading candidate from among five proposals. A strong American commitment to Cassini by this Congress would certainly be useful to NASA in its negotiations with ESA.

Mr. CHILES. Would the distinguished chairman of the subcommittee yield for a question concerning the intent of section 7 of the NASA authorization bill?

Mr. RIEGLE. I would be glad to yield to the distinguished chairman of the Senate Budget Committee for a question.

Mr. CHILES. Am I correct to assume that section 7 is included in S. 2209 in case the Administrator of NASA decides to permit private sector financing of the advanced solid rocket motor program?

Mr. RIEGLE. The Senator is correct. Currently NASA is preparing a request for proposal [RFP] for an advanced solid rocket motor program. This RFP will include the option of private sector financing. If this option is selected, the Administrator of NASA will require the authority to provide for the payment for contingent liability in excess of available appropriations in the event the Government terminates such contract for its convenience. This authority is similar to the authority granted NASA in last year's NASA authorization bill, Public Law 100-146, for the purchase of commercial launch services.

Mr. CHILES. Does this mean that the Administrator of NASA can use the funds provided in advance in other NASA appropriations accounts to pay for this contingent liability if there is not enough money in the advanced solid rocket motor program account?

Mr. RIEGLE. Yes. However, in no case, may the Administrator of NASA provide funds in excess of the total amount of funding provided to NASA in its appropriations bill. If a situation were to occur where the payment of the contingent liability would exceed NASA's total appropriations, the Administrator of NASA would be required to obtain supplemental funding before he could pay the contingent liability. This provision, therefore, does not constitute back door spending.

I realize this language is unique; and, as a member of the Senate Budget Committee, I understand the Senator's concern. The Senator can rest assured that I will continue to work with him on this matter.

Mr. CHILES. I thank the Senator for that clarification. Based on the clarification that the contingent liability will in no event exceed NASA's total appropriations level and the Senator's commitment to continue to work with the Senate Budget Committee as this bill progresses during the conference with the House bill, I have no objection with this provision.

Mr. RIEGLE. I thank the chairman of the Budget Committee for his cooperation on this matter.

AMENDMENT NO. 2828

(Purpose: To authorize certain atmospheric and satellite programs and functions, and for other purposes)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Mr. HOLLINGS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for Mr. HOLLINGS, proposes an amendment numbered 2828.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate sections 2 through 14 as sections 101 through 113, respectively.

Insert immediately before section 101, as so redesignated, the following centered heading:

"TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION".

In sections 101 through 111, as so redesignated, strike "this Act" each place it appears and insert in lieu thereof "this title".

In section 101, as so redesignated, insert "of the National Aeronautics and Space Administration (hereafter in this title referred to as the 'Administrator') immediately after "Administrator" the first place it appears.

In sections 102 and 103, as so redesignated, strike "section 2(c)" each place it appears and insert in lieu thereof "section 101(c)".

In sections 103 and 104, as so redesignated, strike "section 2(a)" and insert in lieu thereof "section 101(a)".

In section 106, as so redesignated, strike "section 2(b)" and insert in lieu thereof "section 101(b)".

In section 109, as so redesignated, strike "section 2(a)(1)" and insert in lieu thereof "section 101(a)(1)".

At the end, add the following new title:

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service under law, $279,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to National Weather Service operations and research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

SEC. 202. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast systems duties under law, $98,500,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast systems specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the development, acquisition, and implementation of major public warning and forecast systems.

(b) In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce (hereafter in this title referred to as the "Secretary") may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the multiyear contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties under law, $51,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to climate and air quality research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the interannual and seasonal climate research, long-term climate and air quality research, and the National Climate Program.

(b) Of the sums authorized under subsection (a) of this section, $3,238,000 for fiscal year 1989 are authorized to be appropriated for the activities under the National Climate Program Act (15 U.S.C. 2901 et seq.).

(c) Of the sums authorized under subsection (a) of this section, $12,000,000 for fiscal year 1989 are authorized to be appropriated to establish a program for the purposes of studying climate and global change. Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, fundamental research on critical oceanic and atmospheric processes, and climate prediction and diagnostics.

SEC. 204. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties under law, $44,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric research specified by the Act of 1890 and by any other law involving such duties. Such duties include research for developing improved production capabilities for atmospheric processes, as well as solar-terrestrial services and research.

SEC. 205. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties under law, $383,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary environmental satellites and land remote-sensing satellites, as well as the operation of such satellites.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) for the purpose of carrying out such duties relating to satellite observing systems.

SEC. 206. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $25,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include climate data services, ocean data services, geophysical data services, and environmental assessment and information services.

SEC. 207. (a) The Secretary shall prepare and submit to the Congress, not later than 90 days after the date of enactment of this Act, a 10-year strategic plan for the comprehensive modernization of the National Weather Service. The strategic plan shall set forth basic service improvement objectives of the modernization as well as the critical new technological components and the associated operational changes necessary to fulfill the objectives of weather and flood warning service improvements.

(b) The Secretary shall prepare and submit to the Congress, by the beginning of the fiscal year immediately following the fiscal year in which the strategic plan required by subsection (a) of this section is submitted, a National Implementation Plan for modernization of the National Weather Service. The National Implementation Plan shall set forth the schedules for necessary actions to accomplish the objectives described in the strategic plan, and the National Implementation Plan shall include—

(1) detailed requirements for new technologies, facilities, staffing levels, and funding, for each of the two fiscal years immediately following the fiscal year in which such National Implementation Plan is submitted, in accordance with the overall schedule for modernization;

(2) special measures to test, evaluate, and demonstrate key elements of the modernized National Weather Service operations prior to national implementation, including a multistation operational demonstration which tests the performance of all components of the modernization in an integrated manner for a sustained period; and

(3) detailed plans and funding for meteorological research to be accomplished under this title to assure that new techniques in forecasting will be developed to utilize the new technologies being implemented in the modernization.

(c) The Secretary shall submit a revised National Implementation Plan to the Congress at the beginning of each successive fiscal year after the fiscal year in which the initial National Implementation Plan is submitted.

(d) In reviewing and revising the National Implementation Plan, the Secretary shall consult, as appropriate, with other Federal and public agencies responsible for providing or utilizing weather services.

SEC. 208. (a) The Secretary shall not close, consolidate, automate, or relocate any Weather Service Office or Weather Service Forecast Office except in accordance with this section.

(b) The Secretary may not close, consolidate, automate, or relocate any such office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that such action will not result in any degradation of weather services provided to the affected area. Such certification shall include—

(1) a detailed comparison of the services provided to the affected area and the services to be provided after such action;

(2) any recent or expected modernization of National Weather Service operations which will enhance services in the affected area; and

(3) evidence, based upon operational demonstration of modernized National Weather Service operations, which supports the conclusion that no degradation in services will result from such action.

SEC. 209. (a) Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data archived by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration.

(b)(1) The Secretary shall provide data described in subsection (a) to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data is to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) as necessary to continue to provide data to foreign governments and international organizations on a data exchange basis or as otherwise provided by international agreement.

(c) The initial schedule of any fees assessed under this section, and any subsequent amendment to such schedule, shall be published by the Secretary in the Federal Register at least 30 days before such fees will take effect. The initial schedule shall remain in effect without amendment for the three-year period beginning on the date that fees under the schedule take effect.

(d) Any assessment of fees under this section shall meet the following requirements:

(1) No fees shall be assessed under this section until after September 30, 1989.

(2) With respect to the first one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than one-third of the fair market value specified in subsection (a).

(3) With respect to the second one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than two-thirds of such fair market value.

(4) With respect to the third one-year period during which the initial fee schedule is in effect, and with respect to any period thereafter, fees shall be assessed at no more than the full amount of such fair market value.

(e) Fees collected under this section shall be available to the National Environmental Satellite, Data, and Information Service for expenses incurred in the operation of its data archive centers.

(f) The Secretary shall, not later than 90 days after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report which sets forth—

(1) any plan of the Secretary for assessing fees under this section, including the methodology and bases by which the amount of such fees shall be determined, and the estimated revenues therefrom; and

(2) any plan of the Secretary for using revenues generated from such fees, as well as other resources, to improve the capability of the National Environmental Satellite, Data, and Information Service to collect, manage, process, archive, and disseminate the increasing amounts of data generated from satellites, radars, and other technologies.

(g) The authority of the Secretary to assess fees under this section shall be in addition to, and shall not be construed to limit, the authority under any other law to assess fees relating to the environment data activities of the National Oceanic and Atmospheric Administration.

SEC. 210. The Secretary, in consultation with the Secretary of State, the Administrator of the National Aeronautics and Space Administration, and appropriate non-Federal organizations, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a plan to construct and operate a worldwide system of ground-based remote sensors to monitor the stratospheric levels of chemicals which can affect the level of ozone in the stratosphere and to use these results to improve our understanding of the possible changes in stratospheric ozone that are the consequence of human activities. The plan shall include time lines for construction and operation of the system, a description of the roles of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, non-Federal organizations, other nations, and international organizations in constructing and operating the system, and estimates of the costs to construct and operate the system. The plan shall be submitted not later than July 1, 1989.

SEC. 211. It is the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data sharing with foreign participants in the global change program.

SEC. 212. None of the funds authorized under this title shall be used to move from Kansas City, Missouri, the National Weather Service Training Center currently located at Kansas City, nor to close such Center.

SEC. 213. For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653); and

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

Mr. HOLLINGS. Mr. President, the amendment that I am proposing is cosponsored by the ranking member of the Senate Commerce Committee. It would incorporate authorization of fiscal year 1989 appropriations for the atmospheric and satellite activities of the National Oceanic and Atmospheric Administration into the pending NASA authorization bill. I have checked this amendment with our House counterparts, and they agree to this approach.

Mr. President, last year, the House and Senate committees were unable to resolve their differences regarding a 2-year NOAA authorization bill, primarily due to disagreements over the fiscal year 1989 authorization of appropriations. Consequently, there was no fiscal year 1988 authorization bill for the NOAA atmospheric and satellite program. I believe that the amendment before us today represents a prudent solution to those past differences and lays out a reasonable blueprint for NOAA in fiscal year 1989.

The proposed amendment authorizes establishment of an NOAA program in climate and global change. This initiative has been supported by the administration and builds upon ongoing NOAA responsibilities to monitor the oceans and atmosphere, manage environmental information, and improve climate prediction. Elements of the program will include: First, global observations, monitoring, and data management; second, fundamental research on critical oceanic and atmospheric processes; and third, climate prediction and diagnostics. Understanding the effect of human activities on the global habitat has become an issue of increasing public concern in recent months. I am confident that the proposed NOAA program can make an important contribution to addressing that concern.

On a related matter, the amendment expresses the sense of the Congress that the study of global change provides a significant opportunity for international cooperation, and that our national interest lies in maintaining civilian meteorological satellite programs to facilitate data-sharing among researchers worldwide.

In addition, the amendment contains provisions from the House-passed bill which are acceptable to the Committee. These provisions would require development of a modernization plan for the National Weather Service and ensure that closure, automation or relocation of NWS field offices would not diminish the services provided to an area. The amendment also calls for a plan to construct and operate a ground-based stratospheric monitoring system. Finally, it would provide authority to assess fees for commercial users of environmental data.

In summary, I feel that this language defines a comprehensive and reasonable NOAA program for the upcoming fiscal year, and I urge the adoption of the amendment.

Mr. DANFORTH. I would like to reiterate the remarks of the distinguished chairman of the Commerce Committee and to indicate my support of the proposed amendment.

Mr. RIEGLE. Mr. President, the distinguished chairman of the Senate Commerce Committee's amendment has been cleared on both sides of the aisle, and I am pleased to accept this amendment.

Mr. HOLLINGS. I thank the distinguished chairman of the Science, Technology, and Space Subcommittee.

Mr. President, at this point, I would ask that a chart outlining the breakdown of the NOAA authorization amendment be included in the RECORD, as well as a section-by-section analysis of the amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

(See Exhibit 1.)

Mr. PRESSLER. I would like to indicate that the distinguished Senator's amendment is acceptable and that I am personally supportive of many of the programs included in the fiscal year 1989 NOAA authorization bill. In particular, I would like to point out that the EROS Data Center in South Dakota is the data archive for the Nation's land remote sensing program and a critical link in a comprehensive global change program. This committee has long recognized the important role of the EROS Data Center through the authorization process, as it does again this year. The data processing and archiving work done at the Center will assume even greater importance in the future as the global change research programs of NOAA, NASA, and other agencies expand in scope. I also expect the Center to assume a primary role in the facilitation of international data-sharing referred to by the distinguished chairman of the Commerce Committee.

Mr. HOLLINGS. I thank the distinguished ranking member of the Science, Technology, and Space Subcommittee.

EXHIBIT 1

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION-BY-SECTION ANALYSIS

Section 201—National Weather Service Operations and Research.—This section authorizes $279,000,000 for FY 1989 for the operations and research duties of the National Weather Service (NWS). The funds authorized support public warnings and forecast activities of a meteorological, hydrological, and oceanographic character, as well as the applied research underlying these activities. The FY 1989 sum includes funding for activities requested by the Administration, and for restorations of proposed reductions for the following: NWS management, agricultural and fruit frost warnings, fire weather services, flood warning and data buoy systems, and employee training for new NWS technology.

Section 202—NWS Systems Acquisition.—This section authorizes $98,500,000 for FY 1989 for the development, acquisition, and implementation of major NWS public warning and forecast systems. The FY 1989 authorization applies to three new technology systems: the next generation doppler radar (NEXRAD) program, which is a joint program with the Federal Aviation Administration (FAA) and U.S. Air Force; the Automated Surface Observing System (ASOS), sponsored jointly with FAA; and the Advanced Weather Interactive Processing System (AWIPS), an information management and display system which will integrate satellite and radar data for the first time.

The support levels provided for NEXRAD and ASOS are consistent with the requirements set forth in the administration's budget submission for NOAA. By contrast, the administration has proposed to terminate funding for AWIPS, and to extend NWS's current data processing system, Automation of Field Operations and Services (AFOS), until a less expensive replacement is developed. This proposal has raised concerns, however, because the AFOS system is based on obsolete technologies, and maintenance components are no longer commercially available. In addition, the AFOS system lacks the capacity to handle the increased flow of information from new radars, satellites, and ground observation systems. Recognizing that replacement of AFOS is essential to the success of the modernization effort, funds for AWIPS are authorized at the FY 1988 level. Finally, this section authorizes the multiyear procurement of information processing and telecommunications services in connection with the AWIPS program.

Section 203—Climate and Air Quality Research.—This section authorizes $51,000,000 for FY 1989 for NOAA's climate and air quality research activities. These activities are carried out by the Office of Oceanic and Atmospheric Research (OAR) and include studies of tropical ocean and global atmosphere interactions, trace gases which contribute to greenhouse warming, and global climate change. The authorization covers the administration request for the subactivity, restoration and enhancement of funding for the regional climate centers, and support for U.S. participation in an international assessment of climate change. This section also reauthorizes the National Climate Program Act, providing $3,238,000 for FY 1989 from within the overall authorizations for the climate and air quality research subactivity. Finally, this section earmarks $12,000,000 of the FY 1989 authorization for establishment of a NOAA climate and global change program.

Section 204—Atmospheric Programs.—This section authorizes $44,000,000 for FY 1989 for NOAA's atmospheric research activities carried out by OAR. These activities include research to develop improved predictive capabilities for atmospheric processes, as well as solar terrestrial services and research. The FY 1989 authorization includes the funding requested by the Administration, restoration of reductions from the FY 1988 funding levels, and modest enhancements in severe storm research programs.

Section 205—Satellite Observing Systems.—This section authorizes $408,000,000 for FY 1989 to the National Environmental Satellite Data and Information Service

(NESDIS) for activities related to NOAA satellite observing systems. These activities include spacecraft procurement, launch, and associated ground station system changes involving polar-orbiting and geostationary weather satellites and land remote-sensing satellites. The operation of these satellite systems is also included within this subactivity.

The FY 1989 authorization covers the administration request for launch and spacecraft procurement and satellite operations. In addition, the authorization includes funds to continue operating Landsats 4 and 5 (which have lasted beyond their anticipated lifetimes), and to continue development and procurement of NOAA-PORT, the NESDIS counterpart of AWIPS. Funding is also authorized to initiate the Earth Resources Observation Systems (EROS) data archive contemplated in section 602(b) of the Land Remote-Sensing Satellite Act of 1984. Landsat commercialization is not included in this amendment, since it has already been authorized under the 1984 Act.

Section 206—Environmental Data Management System.—This section authorizes $25,000,000 for FY 1989 for the environmental data and information services of NESDIS. The main areas of activity are climatic data services, ocean data services, geophysical data services, and environmental assessment and information services. The FY 1989 authorization includes the Administration's request for this subactivity. It also contains funding to upgrade the current data management system for storage and retrieval of the data produced by the next generation of NOAA radars and satellites that will be coming on line in the next few years.

Section 207—NWS Modernization Plan.—Over the next five years, the NWS will spend millions of dollars to replace outdated and obsolete weather equipment and technologies. This section requires that the Secretary of Commerce develop a comprehensive ten-year plan which establishes modernization objectives, including necessary operational changes and technological components, to improve our national weather forecast and warning system. In addition, this section requires submission to Congress of an annual implementation plan to ensure that timely information is available regarding any changes in the funding, staff levels, facilities, and technologies needed to carry out modernization. The plan would identify research needs and provide for testing and evaluation of any new components before they are incorporated into NWS operations.

Section 208—Closure, Automation or Relocation of Field Offices.—This section requires a certification from the Secretary of Commerce prior to closing, consolidating, automating, or relocating any weather service field office. The purpose of the certification is to ensure that NWS modernization will not diminish the services provided to an area by existing weather service offices. The Secretary will report to Congress regarding anticipated changes in field office operations, compare services provided before and after such changes, and certify that no degradation of services will result.

Section 209—Data Center User Fees.—This section provides the Secretary of Commerce with authority to assess fees for commercial users of environmental data. Such fees would be phased in over a three-year period and would be used to support and upgrade environmental data management programs. The section requires submission of a plan to Congress which describes (1) methods for assessing fees based on a fair market value, and (2) how revenues generated could be used to improve data management capabilities.

Section 210—Ground-based Stratospheric Monitoring.—The Montreal Protocol on Substances which Deplete the Ozone Layer is an international agreement which was ratified by the United States last winter. Among its provisions, the Protocol calls for atmospheric monitoring to determine appropriate reductions in production of ozone-destroying chemicals. This section would require the Secretary of Commerce, in consultation with the Secretary of State and the NASA Administrator, to develop a plan to carry out this mandate. The plan would provide for constructing and operating a worldwide system of ground-based remote sensors to monitor the chemicals which are important for understanding changes in stratospheric ozone.

Section 211—Sense of Congress Resolution.—This section expresses the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data-sharing with foreign participants in this program.

Section 212—National Weather Service Training Center.—This section prohibits the use of any of the funds authorized to be appropriated under this title to move or close the National Weather Service Training Facility in Kansas City, Missouri.

Section 213—Definitions.—This sections defines short titles for two Acts referred to in the amendment.

NOAA SATELLITE AND ATMOSPHERIC PROGRAM BUDGET SPREAD SHEET FOR FISCAL YEAR 1989

[In millions of dollars]

	Fiscal year 1989 request	Proposed fiscal year 1989 Senate authorization
National Weather Service	333.4	377.5
Operations and research	268.2	279.0
Systems Aquisition	65.2	98.5
Next Generation Weather Radar	53.9	69.0
Advanced Weather Interactive Processing System	0	20.6
Automated Field Operations and Services	5.0	0
Automated Surface Observing Systems	6.3	8.9
Office of Oceanic and Atmospheric Research	[1]87.0	95.0
Climate and Air Quality Research	48.4	[1]51.0
Interannual and Seasonal Climate Research	7.4	10.4
Long-term Climate and Air Quality Research	24.9	24.9
Climate and Global Change	15.0	12.0
National Climate Program	1.1	3.2
Atmospheric Programs	38.5	[1]44.0
Weather Research	33.9	38.9
Solar-Terrestial Services and Research	4.6	4.6
National Environmental Satellite Data and Information Service	374.7	408.0
Satellite Observing Systems	352.1	[1]383.0
Polar Orbiting System	130.4	130.4
Geostationary System	172.1	172.1
Landsat Operations	0	20.0
Environmental Observing Services	49.6	49.6
NOAA-PORT	0	4.0
EROS Data Center	0	6.0
Environmental Data Management System	22.5	25.0

[1] Due to rounding the numbers do not add.

Mr. PRESSLER. Mr. President, the Senate Committee on Commerce, Science, and Transportation has worked diligently to develop this legislation to reauthorize NASA for fiscal year 1989. As the ranking Republican member of the Subcommittee on Science, Technology, and Space, I am pleased to support this bill as it establishes the framework for future exploration of space and provides for an effective investment in aerospace technology. I believe that such an investment is a wise expenditure, since this country remains a world leader in this field. It is important to maintain this position of leadership in the world as the aerospace industry contributes favorably to this Nation's balance of trade.

Mr. President, I believe that this country must commit itself and the necessary resources to an energetic and active space program. We must avoid the trap of second-guessing the value of this investment. The space program produces new technologies that improve the quality of life for all. The handicapped are now able to drive cars with controls developed for use in the space program. Computers have developed rapidly and now are an indispensable part of our lives. These and thousands of other technologies are spinoff benefits from the space program.

The Soviet Union continues to make great progress in the area of space exploration. The Mir, the Soviet version of the space station, is fully operational. And, while it does not possess the same capabilities of our proposed space station, the Soviets are now utilizing the Mir. This bill authorizes $867 million for the space station. This funding is essential to the continued vitality of our space program as the station is the key to a return mission to the Moon or any effort to travel to Mars. We must resolve not to allow any nation to surpass us in our efforts to explore space. Moreover, this country has entered into agreements with the Governments of Japan, Canada, and a group of Western European nations concerning the deployment and use of the space station. I look forward to reviewing these agreements and working with our international partners.

Mr. President, this legislation authorizes the appropriation of $11.1 billion, which is approximately 1 percent of the Federal budget. In the 1960's, this Nation committed itself to preeminence in space. At that time, NASA's share of the budget far exceeded what is proposed today. This bill reflects the best efforts of the Commerce to provide the necessary resources for a vital space program. At the same time, however, this bill acknowledges the very real fiscal constraints within which the Congress must exist. I urge my colleagues to support this legislation today.

Mr. DANFORTH. Mr. President, I am pleased to support S. 2209, legislation to reauthorize NASA for fiscal year 1989. This bill reflects the Commerce Committe's position that we must continue to explore space and develop new technologies in aeronautics, a field in which the United States is an international leader. Mr. President, this legislation authorizes the expenditure necessary to maintain our leadership in both the exploration of space and development of aeronautics technology.

This legislation authorizes the appropriation of $11.1 billion for fiscal year 1989. This amount, which is less than the President's request, is approximately 1 percent of the overall budget. By contrast, the Space Program accounted for nearly 4 percent of the overall budget during the 1960's. The program authorized in this bill strikes a balance between the budget constraints facing the Congress and the need to maintain a strong space program.

The centerpiece of NASA's work is the space station. This facility, which the Soviets possess currently on a much smaller scale, will provide this country with a permanent manned presence in space. The possibilities of this program appear limitless.

The scientific community is most enthusiastic about the potential technologies for the life sciences in a microgravity environment. Permanent access to such an environment is the key to further scientific breakthroughs. We are still experiencing the spinoff benefits from the Space Program activities in the 1960's, such as implantable heart assist devices or drive controls for handicapped drivers. We will continue to enjoy the benefits of similar innovations well into the next century provided we maintain a strong space program.

Many now discuss the possibility of a return trip to the Moon or a mission to Mars. The space station will provide the base from which to operate any mission to Mars. This station is also essential as we learn about man's ability to stay in space for the extended time period necessary to reach Mars.

I would like to commend the Department of State and NASA for their efforts in negotiating memoranda of understanding, MOU's and intergovernmental agreements, IGA, on the space station with the Governments of Europe, Canada, and Japan. The IGA and the MOU's reflect an international consensus on the value of this program. This working relationship with our foreign partners is very important both to the development and deployment of the station and to our relationship with these allies. This legislation establishes a framework for proceeding with this important initiative.

The United States remains the world leader in aeronautical technology. Although the aerospace industry has the largest trade surplus of any domestic industry, the aeronautics component is losing ground to foreign competition. This legislation provides increased funding for aeronautics research, which will enable the domestic industry to meet the foreign competitive challenge.

This bill authorizes three important new starts. First of these is the Advanced Solid Rocket Motor [ASRM] Program. The ASRM will enable the space shuttle to carry heavier payloads than is currently possible. This is important for the deployment of the space station.

Second, the Advanced X-ray Astrophysics Facility [AXAF], a shuttle-deployed facility for x-ray astronomy, holds great promise for the scientific community. Finally, the Pathfinder Program, which develops new technologies for satellite-based studies of the Earth, a return to the Moon or a piloted mission to Mars, is an important new initiative. These latter two projects will help develop the technologies necessary to expand human presence beyond Earth orbit, a goal of the President's national space policy.

Mr. President, I am confident that we can have a strong space program. And, I believe that we must have one. This country must look to the possibilities that space exploration gives us. It will be costly, but I believe that the framework estabished by this legislation provides a sound basis for pursuing future space policy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2828) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1989".

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 101. There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1988:

(a) For "Research and development," for the following programs:

(1) Space station, $867,400,000;

(2) Space transportation capability development, $606,600,000;

(3) Physics and astronomy, $761,600,000;

(4) Life sciences, $91,700,000;

(5) Planetary exploration, $399,000,000;

(6) Space applications, $628,300,000;

(7) Technology utilization, $19,100,000;

(8) Commercial use of space, $38,800,000;

(9) Aeronautical research and technology, $404,200,000;

(10) Transatmospheric research and technology, $69,400,000;

(11) Space research and technology, $350,900,000, of which $8,000,000 is provided for implementation of the national space grant college and fellowship program established under Public Law 100-147 (101 Stat. 860);

(12) Safety, reliability and quality assurance, $22,400,000;

(13) Tracking and data advanced systems, $18,800,000;

(b) For "Space flight, control and data communications," for the following programs:

(1) Space shuttle production and operational capability, $1,335,500,000, of which $88,000,000 is provided for the advanced solid rocket motor program;

(2) Space transportation operations, $2,365,400,000, including such funds as may be necessary to ensure the availability of ammonium perchlorate for the production of solid rocket motors;

(3) Space and ground network, communications and data systems, $985,300,000.

(c) For "Construction of facilities," including land acquisition, as follows:

(1) Modifications to Processing Technology Facility for Space Station, Marshall Space Flight Center, $3,700,000;

(2) Construction of Addition for Space Systems Automated Integration and Assembly Facility, Johnson Space Center, $9,200,000;

(3) Replacement of High Pressure Gas Storage Vessels, National Space Technology Laboratory, $3,500,000;

(4) Increase Chiller Capacity, LC-39 Utility Annex, Kennedy Space Center, $2,300,000;

(5) Rehabilitation of PAD A, L-C 39, Kennedy Space Center, $4,600,000;

(6) Refurbish Atmospheric Reentry Materials and Structures Evaluation Facility, Johnson Space Center, $4,900,000;

(7) Modification for Advanced Engine Development, Test Stand 116, Marshall Space Flight Center, $13,500,000;

(8) Modifications to Orbiter Modification and Refurbishment Facility (OMRF) for Safing and Deservicing, Kennedy Space Center $2,800,000;

(9) Modification to the X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, $11,400,000;

(10) Construction of Auxiliary Chiller Facility, Johnson Space Center, $7,800,000;

(11) Modernization of Space Environment Simulator, Goddard Space Flight Center, $2,800,000;

(12) Modifications for Utility Reliability, Goddard Space Flight Center, $3,100,000;

(13) Refurbishment of 25-Foot Space Simulator, Jet Propulsion Laboratory, $12,000,000;

(14) Repair and Modifications of 12-Foot Pressure Wind Tunnel, Ames Research Center, $36,500,000;

(15) Rehabilitation and Modifications to 10×10 Supersonic Wind Tunnel, Lewis Research Center, $14,500,000;

(16) Refurbishment to Hypersonic Facilities Complex, Langley Research Center, $12,800,000;

(17) Refurbishment of Electric Power Laboratory, Lewis Research Center, $6,100,000;

(18) Construction of National Resource Protection at various locations, $2,600,000;

(19) Repair of facilities at various locations, not in excess of $750,000 per project, $27,000,000;

(20) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $34,000,000;

(21) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $9,000,000;

(22) Environmental compliance and restoration, $26,000,000; and

(23) Facility planning and design not otherwise provided for, $20,000,000.

Notwithstanding paragraphs (1) through (23), the total amount authorized by this subsection shall not exceed $260,100,000.

(d) For "Research and program management," $1,880,000,000;

(e) Notwithstanding the provisions of subsection (h), appropriations authorized in this title for "Research and development" and "Space flight, control and data communications" may be used for (1) any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator of the National Aeronautics and Space Administration (hereafter in this title referred to as the "Administrator") determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this title may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the President of the Senate and the Speaker of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultation or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is granted whereby any of the amounts prescribed in paragraphs (1) through (23), of section 101(c) of this title—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed $260,100,000.

SEC. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101 (a) or (b) of this title may be transferred to and merged with the "Construction of facilities" appropriation, and when so transferred, together with $10,000,000 of funds appropriated pursuant to section 101(c) of this title (other than funds appropriated pursuant to paragraph (23) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installations at any location (including locations specified in section 101(c)), if (1) the Administrator determines that such action is necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of thirty days has passed after the Administrator or the Administrator's designee has transmitted to the President of the Senate and the Speaker of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

SEC. 104. Notwithstanding any other provision of this title, no amount appropriated pursuant to this title may be used for any program—

(1) deleted by the Congress from requests as originally made either to the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by sections 101 (a), (b), and (d); and

(3) which has not been presented to either such Committee,

unless a period of thirty days has passed after the receipt by the President of the Senate and the Speaker of the House of Representatives and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 106. If, after evaluation of proposals received in response to the request for proposals for an advanced solid rocket motor required by section 121(b) of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100-147; 101 Stat. 868), the Administrator determines that it is in the best interests of the United States to select a proposal offering a privately financed and non-Government-owned production facility to be constructed on a Government or non-Government site, funds otherwise authorized in section 101(b) of this title for the construction of a Government-owned production facility on a Government-owned site shall be available, without fiscal year limitation, for that purpose. In such event, the Administrator is authorized, notwithstanding any provision of law to the contrary, to provide for the payment for contingent liability in excess of available appropriations in the event the Government for its convenience terminates such contract, if any such contract limits the amount of the payments that the Federal Government is allowed to make under such contract to amounts to be provided in advance in appropriation Acts.

SEC. 107. Section 304 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following new subsection:

"(f) Under regulations to be prescribed by the Administrator and approved by the Attorney General of the United States, those officers and employees of the Administration and of its contractors and subcontractors authorized pursuant to subsection (e) to carry firearms may arrest a person without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that such person has committed or is committing such felony. Individuals granted authority to arrests by this subsection may exercise that authority only while guarding and protecting property of the United States under the administration and control of the Administration or one of its contractors or subcontractors.".

SEC. 108. The National Space Technology Laboratories of the National Aeronautics and Space Administration located in Bay St. Louis, Mississippi, is named and designated as the "John C. Stennis Space Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such center shall be held to be a reference to the "John C. Stennis Space Center".

SEC. 109. No civil space station authorized under section 101(a)(1) of this title may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

SEC. 110. The Administrator, in coordination with the Secretary of Energy, for the purpose of outer solar system exploration, may request and receive such quantities of nuclear fuel as are necessary only for the specific mission, on terms and at costs as may be agreed upon. Nothing in this section authorizes the providing of such nuclear fuel on those terms for any other purpose or its diversion for any other use.

SEC. 111. It is the sense of the Senate that—

(1) the April 1987 Agreement between the United States of America and the Union of Soviet Socialist Republics concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes represents a meaningful approach to cooperative space activities between the United States and the Soviet Union;

(2) the Agreement presents a unique opportunity to establish a multilateral working group of space-faring nations, including the Union of Soviet Socialist Republics, to explore the technological and procedural principles necessary to effect a regime providing for assistance and rescue of personnel in space, and to ensure the effectiveness of such a regime, space-faring nations should consider compatible docking, communications, and life support systems;

(3) such an international regime, modeled after the successful Search and Rescue Satellite Program (SARSAT), would permit all space-faring nations to reiterate their commitments to the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space and would extend to incidents of distress in space the principles of rescue universally accepted with respect to incidents of distress at sea and in the air; and

(4) the President should promptly seek the establishment of a multilateral Space Rescue and Space Assistance Working Group to explore the creation of such an international regime and the development of compatible docking, communications, and life support systems to ensure the effectiveness of the regime.

SEC. 112. Section 24 of the Commercial Space Launch Act (49 App. U.S.C. 2623) is amended by adding at the end thereof the following: "There is authorized to be appropriated to the Secretary to carry out this Act $3,827,000 for fiscal year 1989.".

SEC. 113. (a) The Administrator may, without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), and on such terms as the Administrator may deem to be appropriate, lease, for a term not to exceed 99 years, real property located at the Lewis Research Center in Cuyahoga County, to the State of Ohio, or a subdivision or agent thereof, or to a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, for the purpose of the construction and operation thereon of an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors. This lease shall be renewable for additional periods in the discretion of the Administrator.

(b) Subject to the availability of appropriations therefor, the Administrator may enter into agreements, on such terms as the Administrator may deem to be appropriate, with the State of Ohio, or a subdivision or agent thereof, or with a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, pursuant to which the Administration may provide administrative, maintenance, instructional, and other appropriate support, with or without reimbursement, to an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors.

(c) The Administrator may redelegate the authority conferred in subsections (a) and (b), to such subordinate officers and employees as the Administrator may designate.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service under law, $279,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to National Weather Service operations and research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

SEC. 202. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast systems duties under law, $98,500,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to pubic warning and forecast systems specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the development, acquisition, and implementation of major public warning and forecast systems.

(b) In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce (hereafter in this title referred to as the "Secretary") may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the multiyear contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties under law, $51,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to climate and air quality research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the interannual and seasonal climate research, long-term climate and air quality research, and the National Climate Program.

(b) Of the sums authorized under subsection (a) of this section, $3,238,000 for fiscal year 1989 are authorized to be appropriated for the activities under the National Climate Program Act (15 U.S.C. 2901 et seq.).

(c) Of the sums authorized under subsection (a) of this section, $12,000,000 for fiscal year 1989 are authorized to be appropriated to establish a program for the purposes of studying climate and global change. Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, fundamental research on critical oceanic and atmospheric processes, and climate prediction and diagnostics.

SEC. 204. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties under law, $44,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric research specified by the Act of 1890 and by any other law involving such duties. Such duties include research for developing improved production capabilities for atmospheric processes, as well as solar-terrestrial services and research.

SEC. 205. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties under law, $383,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary environmental satellites and land remote-sensing satellites, as well as the operation of such satellites.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) for the purpose of carrying out such duties relating to satellite observing systems.

SEC. 206. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $25,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include climate data services, ocean data services, geophysical data services, and environmental assessment and information services.

SEC. 207. (a) The Secretary shall prepare and submit to the Congress, not later than 90 days after the date of enactment of this Act, a 10-year strategic plan for the comprehensive modernization of the National Weather Service. The strategic plan shall set forth basic service improvement objectives of the modernization as well as the critical new technological components and the associated operational changes necessary to fulfill the objectives of weather and flood warning service improvements.

(b) The Secretary shall prepare and submit to the Congress, by the beginning of the fiscal year immediately following the fiscal year in which the strategic plan required by subsection (a) of this section is submitted, a National Implementation Plan for modernization of the National Weather Service. The National Implementation Plan shall set forth the schedules for necessary actions to accomplish the objectives described in the strategic plan, and the National Implementation Plan shall include—

(1) detailed requirements for new technologies, facilities, staffing levels, and funding, for each of the two fiscal years immediately following the fiscal year in which such National Implementation Plan is submitted, in accordance with the overall schedule for modernization;

(2) special measures to test, evaluate, and demonstrate key elements of the modernized National Weather Service operations prior to national implementation, including a multistation operational demonstration which tests the performance of all components of the modernization in an integrated manner for a sustained period; and

(3) detailed plans and funding for meteorological research to be accomplished under this title to assure that new techniques in forecasting will be developed to utilize the new technologies being implemented in the modernization.

(c) The Secretary shall submit a revised National Implementation Plan to the Congress at the beginning of each successive fiscal year after the fiscal year in which the initial National Implementation Plan is submitted.

(d) In reviewing and revising the National Implementation Plan, the Secretary shall consult, as appropriate, with other Federal and public agencies responsible for providing or utilizing weather services.

Sec. 208. (a) The Secretary shall not close, consolidate, automate, or relocate any Weather Service Office or Weather Service Forecast Office except in accordance with this section.

(b) The Secretary may not close, consolidate, automate, or relocate any such office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that such action will not result in any degradation of weather services provided to the affected area. Such certification shall include—

(1) a detailed comparison of the services provided to the affected area and the services to be provided after such action;

(2) any recent or expected modernization of National Weather Service operations which will enhance services in the affected area; and

(3) evidence, based upon operational demonstration of modernized National Weather Service operations, which supports the conclusion that no degradation in services will result from such action.

SEC. 209. (a) Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data archived by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration.

(b)(1) The Secretary shall provide data described in subsection (a) to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data is to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) as necessary to continue to provide data to foreign governments and international organizations on a data exchange basis or as otherwise provided by international agreement.

(c) The initial schedule of any fees assessed under this section, and any subsequent amendment to such schedule, shall be published by the Secretary in the Federal Register at least 30 days before such fees will take effect. The initial schedule shall remain in effect without amendment for the three-year period beginning on the date that fees under the schedule take effect.

(d) Any assessment of fees under this section shall meet the following requirements:

(1) No fees shall be assessed under this section until after September 30, 1989.

(2) With respect to the first one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than one-third of the fair market value specified in subsection (a).

(3) With respect to the second one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than two-thirds of such fair market value.

(4) With respect to the third one-year period during which the initial fee schedule is in effect, and with respect to any period thereafter, fees shall be assessed at no more than the full amount of such fair market value.

(e) Fees collected under this section shall be available to the National Environmental Satellite, Data, and Information Service for expenses incurred in the operation of its data archive centers.

(f) The Secretary shall, not later than 90 days after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report which sets forth—

(1) any plan of the Secretary for assessing fees under this section, including the methodology and bases by which the amount of such fees shall be determined, and the estimated revenues therefrom; and

(2) any plan of the Secretary for using revenues generated from such fees, as well as other resources, to improve the capability of the National Environmental Satellite, Data, and Information Service to collect, manage, process, archive, and disseminate the increasing amounts of data generated from satellites, radars, and other technologies.

(g) The authority of the Secretary to assess fees under this section shall be in addition to, and shall not be construed to limit, the authority under any other law to assess fees relating to the environmental data activities of the National Oceanic and Atmospheric Administration.

SEC. 210. The Secretary, in consultation with the Secretary of State, the Administrator of the National Aeronautics and Space Administration, and appropriate non-Federal organizations, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a plan to construct and operate a worldwide system of ground-based remote sensors to monitor the stratospheric levels of chemicals which can affect the level of ozone in the stratosphere and to use these results to improve our understanding of the possible changes in stratospheric ozone that are the consequence of human activities. The plan shall include time lines for construction and operation of the system, a description of the roles of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, non-Federal organizations, other nations, and international organizations in constructing and operating the system, and estimates of the costs to construct and operate the system. The plan shall be submitted not later than July 1, 1989.

SEC. 211. It is the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data sharing with foreign participants in the global change program.

SEC. 212. None of the funds authorized under this title shall be used to move from Kansas City, Missouri, the National Weather Service Training Center currently located at Kansas City, nor to close such Center.

SEC. 213. For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653); and

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLARIFYING, CORRECTIVE, AND CONFORMING AMENDMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5174, just received from the House.

The **PRESIDING OFFICER.** The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 5174) to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

The **PRESIDING OFFICER.** The bill will be considered as having been read the second time and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

The **PRESIDING OFFICER.** The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 5174) was ordered to a third reading, was read the third time, and passed.

Mr. **BYRD.** Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **PROXMIRE.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HOSPICE MONTH

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 525.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 525) to designate the month of November 1988 as National Hospice Month.

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 525.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

The Senate proceeded to consider the joint resolution.

The **PRESIDING OFFICER.** The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 525) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. **BYRD.** Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. **GARN.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEUROFIBROMATOSIS AWARENESS MONTH

Mr. **BYRD.** Mr. President, I ask unanimous consent the Committee on Judiciary be discharged from further consideration of H.J. Res. 417 and that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 417) designating May 1989 as "Neurofibromatosis Awareness Month."

The **PRESIDING OFFICER.** Without objection, the Senate will proceed to consider the joint resolution.

The Senate proceeded to consider the joint resolution.

Mr. **DOLE.** I am pleased that the Senate is about to pass House Joint Resolution 417, which would designate May 1989 as "Neurofibromatosis Awareness Month." This measure is identical to a joint resolution I sponsored which passed the Senate earlier this year, except that it changes the time "Neurofibromatosis Awareness Month" is observed from May 1988 to May 1989.

Neurofibromatosis, NF, is a neurological genetic disorder that affects roughly 100,000 Americans. The tumors caused by this condition can form anywhere on the body at any time. These tumors can result in deformity, epilepsy, deafness, blindness, retardation, and cancer.

The disorder usually appears in childhood, although it can manifest itself later in life. It affects people of both sexes and all races. There is, as yet, no cure for NF, and the only available treatment is to surgically remove the tumors, which may still grow back.

I hope that by observing "Neurofibromatosis Awareness Month" we can make the general public more aware of this condition and increase support for research into its causes and cure. I know the many individuals who have to bear the heavy physical and psychological burden imposed by this disfiguring disorder will welcome the Senate's support of this joint resolution, and I urge its passage.

Mr. **GARN.** Mr. President, as we go through these unanimous-consent agreements, I obviously do not know what most of them are. However, this measure is to designate May 1989 as "Neurofibromatosis Awareness Month." We do a lot of these things in this body and they are not given much attention. The reason I would like to a single this one out is that I have a son with neurofibromatosis. He is 9 years old. This is a disease of which most people are not aware. It is commonly known as Elephant Man Disease, and it can be extremely serious and devastating and disfiguring. Fortunately, my son has not reached that stage and may not. But it occurs much more often than people recognize. It causes blindness, a loss of hearing, and disfigurement in some of the more extreme cases.

So I just wanted to add that to the RECORD, that this is something that we are building up to, a national association next year, to make people more aware that this a very serious disease; it affects a lot of people in this country. It is not well known at all and, as I say, fortunately we have had no functional problems with our son yet, but it is untreatable. They have found the gene markers but they do not have a cure and are not quite sure how to handle it, so you just watch it. There needs to be a great deal more research.

I thank the majority leader for allowing me that personal privilege.

The **PRESIDING OFFICER.** The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 417) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

BILLS PLACED ON CALENDAR—H.R. 593 AND H.R. 1270

Mr. **BYRD.** Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 593 and H.R. 1270, that the bills be placed on the calendar.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

INVESTIGATION POWERS OF THE U.S. SENATE

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 783.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2350) to clarify the investigatory powers of the United States Senate.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2829

(Purpose: To clarify the provisions relating to the assertion of executive privilege)

(Purpose: To make certain technical modifications)

Mr. **BYRD.** Mr. President, I send to the desk amendments on behalf of Senator GLENN, and I ask unanimous consent that they be considered en bloc.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Byrd), for Mr. Glenn, proposes an amendment numbered 2829.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 6, strike "if the President" through "Constitution" on line 8 and insert the following: "if the head of the department or agency employing the officer or employee, with the approval of the Attorney General, has directed the officer or employee not to comply with the subpoena or order and has provided the issuer of the subpoena or order with a written statement setting forth the reasons for the refusal to comply".

On page 1, line 3, strike "1364" and insert "1365".

On page 1, line 4, strike "under the heading 'Senate actions',".

On page 1, line 10, strike "my" and insert "any".

Amend the title so as to read: "To clarify the investigatory powers of the United States Congress.".

Mr. GLENN. Mr. President, the Committee on Governmental Affairs recommends Senate passage of S. 2350, a bill introduced by Senators Rudman and Inouye, the Vice Chair and Chair, respectively, of the Senate Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, popularly known as the Iran-Contra Committee. The bill would attempt to fix two problems faced by the Iran-Contra Committee during its investigation. The purpose of the bill is to ensure that standing committees of the Senate and their subcommittees, as well as any special or select committees, do not encounter the same problems. Senator Rudman's statement on introducing S. 2350 on April 29 of this year, which appears at 134 Congressional Record S5243, and material which he placed in the Record at that time, describe the genesis of the bill.

First, the bill addresses the Senate's use of its existing statutory authority under title 28, United States Code, section 1365, to seek expeditious civil enforcement of its subpoenas. That mechanism is not available when it involves any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity. The purpose of that exception is to encourage the Congress and the President to resolve disputes about executive privilege through political discourse rather than through litigation. The first section of S. 2350 does not attempt to limit the intended reach of that provision, but, it is intended, by resolving a potential ambiguity in it, to assure that an effective civil remedy is available in accord with the statute's purpose.

During last year's hearings, the Iran-Contra Committee was presented with objections to a subpoena by a witness who was an employee of the United States but who had not been authorized to assert objections on behalf of the executive branch. To enable Senate committees to utilize the civil enforcement remedy when Federal officials or employees assert personal constitutional or other objections or privileges to Senate subpoenas, rather than constitutional objections on behalf of the executive branch, S. 2350, as introduced and reported, would limit the exception in section 1365 to circumstances when "the President, in writing, has directed the officer or employee to assert a privilege of the President under the Constitution."

The Department of Justice objects to this language of the bill and has offered alternative language to which it would have no objection. The alternative language would add to the last sentence in section 1365(a) a phrase which would have that sentence provide in full as follows:

This section shall not apply to an action to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal to comply with, any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity if the head of the department or agency employing the officer or employee has directed the officer or employee not to comply with the subpoena or order and has provided the issuer of the subpoena or order with a written statement setting forth the reasons for the refusal to comply.

We are willing to accept the Department's alternative language, with one modification, because it will assure that the limitation on the civil enforcement remedy is applicable only when a Federal official or employee acts pursuant to the directions of the head of his or her department or agency. The one modification we would make is to provide that before any department or agency head directs noncompliance with a Senate subpoena, the Attorney General must approve such a direction. In this regard, it is important to note that longstanding executive branch procedures for the assertion of executive privilege guarantee that, while the heads of executive branch departments or agencies may act to protect executive branch interests pending a determination by the President, only the President may finally invoke a claim of executive privilege.

By requiring approval of the Attorney General, we seek to ensure adherence to these longstanding procedures. I ask unanimous consent that a copy of a memorandum from President Reagan for the heads of executive departments and agencies, dated November 4, 1982, which sets forth executive branch procedures for responding to congressional requests for information, be placed in the Record. This memorandum makes clear that the President alone may decide to invoke executive privilege.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1)

Mr. GLENN. I should also note that just as the executive branch requires that the final decision to assert privilege must be made by the President and not by lesser officials, the Senate requires that the final decision to enforce subpoenas must be made by the full Senate and not by individual committees.

Second, section 2 of the bill addresses the applicability of congressional immunity orders to depositions taken by Senate and House staff. Whereas section 1 of the bill is applicable only to the Senate, section 2 is applicable to both Houses. Several Iran-Contra witnesses argued that the current law does not apply to testimony during, or production of documents at, depositions conducted by Committee counsel; rather, they argued, it applies only to testimony and production of documents before the members of congressional committees. This argument was based on the fact that the congressional immunity statute, in contrast to the judicial immunity statute, does not include the phrase "or ancillary to" in describing the proceedings to which it is applicable. The bill would insert that phrase into the statute so that investigators in judicial and legislative branch proceedings will stand on an equal footing for this purpose. The Department of Justice has informed the committee that it has no objection to sectoin 2 as reported.

The first set of amendments are technical in nature. They clarify the purpose of the bill, correct a statutory citation, and fix a typographical error in the bill. The second amendment incorporates the change in section 1 of the bill recommended by the Department of Justice, as we have modified it.

Mr. President, I urge my colleagues to give this bill their full support.

MEMORANDUM FROM PRESIDENT RONALD REAGAN FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, ON PROCEDURES GOVERNING RESPONSES TO CONGRESSIONAL REQUESTS FOR INFORMATION, NOVEMBER 4, 1982

THE WHITE HOUSE,
WASHINGTON,
November 4, 1982.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Procedures Governing Responses to Congressional Requests for Information

The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch. While this Administration, like its predecessors, has an obligation to protect the confidentiality of some communications, executive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary. Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches. To ensure that every reasonable accommodation is made to the needs of Congress, executive privilege shall not be invoked without specific Presidential authorization.

The Supreme Court has held that the Executive Branch may occasionally find it necessary and proper to preserve the confidentiality of national security secrets, deliberative communications that form a part of the decision-making process, or other information important to the discharge of the Executive Branch's consititutional responsibilities. Legitimate and appropriate claims of privilege should not thoughtlessly be waived. However, to ensure that this Administration acts responsibly and consistently in the exercise of its duties, with due regard for the responsibilities and prerogatives of Congress, the following procedures shall be followed whenever Congressional requests for information raise concerns regarding the confidentiality of the information sought:

1. Congressional requests for information shall be complied with as promptly and as fully as possible, unless it is determined that compliance raises a substantial question of executive privilege. A "substantial question of executive privilege" exists if disclosure of the information requested might significantly impair the national security (including the conduct of foreign relations), the deliberative processes of the Executive Branch or other aspects of the performance of the Executive Branch's constitutional duties.

2. If the head of an executive department or agency ("Department Head") believes, after consultation with department counsel, that compliance with a Congressional request for information raises a substantial question of executive privilege, he shall promptly notify and consult with the Attorney General through the Assistant Attorney General for the Office of Legal Counsel, and shall also promptly notify and consult with the Counsel to the President. If the information requested of a department or agency derives in whole or in part from information received from another department or agency, the latter entity shall also be consulted as to whether disclosure of the information raises a substantial question of executive privilege.

3. Every effort shall be made to comply with the Congressional request in a manner consistent with the legitimate needs of the Executive Branch. The Department Head, the Attorney General and the Counsel to the President may, in the exercise of their discretion in the circumstances, determine that executive privilege shall not be invoked and release the requested information.

4. If the Department Head, the Attorney General or the Counsel to the president believes, after consultation, the circumstances justify invocation of executive privilege, the issue shall be presented to the President by the Counsel to the President, who will advise the Department Head and the Attorney General of the President's decision.

5. Pending a final Presidential decision on the matter, the Department Head shall request the Congressional body to hold its request for the information in abeyance. The Department Head shall expressly indicate that the purpose of this request is to protect the privilege pending a Presidential decision, and that the request itself does not constitute a claim of privilege.

6. If the President decides to invoke executive privilege, the Department Head shall advise the requesting Congressional body that the claim of executive privilege is being made with the specific approval of the President.

Any questions concerning these procedures or related matters should be addressed to the Attorney General, through the Assistant Attorney General for the Office of Legal Counsel, and to the Counsel to the President.

RONALD REAGAN

Mr. RUDMAN. Mr. President, I rise in support of S. 2350, a bill to clarify the subpoena power of the U.S. Senate and the applicability of congressional grants of immunity. This measure was introduced on April 29, 1988 by Senator INOUYE and I and reported without any objection by the Senate Committee on Governmental Affairs on July 6. It addresses two problems faced by the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, one of which also affected our House counterpart, during the course of our investigation. Although the Iran-Contra investigation is finished, enactment of S. 2350 will ensure that future congressional investigations do not encounter the same difficulties.

The first problem relates to the use of the Senate's existing statutory authority to seek expeditious civil enforcement of subpoenas. This authority, codified in 28 U.S.C. 1365, permits the Senate to seek a Federal court order incarcerating an individual for civil contempt of the Senate for failure to comply with a subpoena. However, it does not apply to "any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity." The legislative history clearly indicates that the purpose of this exception was to ensure that the courts would not become the forum for adjudicating disputes between the Congress and the President over assertions of executive privilege by virtue of this civil contempt process. This exception to the Senate's civil contempt authority is proper, and I support it.

Unfortunately, the language is ambiguous. The exception clause can be read to permit a Federal employee, acting on his own, to challenge the civil contempt process on the grounds that he was acting within his official capacity, even when the President asserted no such claim or had no objection to him testifying. This ambiguity in the statute was one of the factors which went into the decision, last June, to work out an arrangement with Colonel North over his testimony before Congress rather than attempting to secure judicial enforcement of the subpoena.

As introduced, S. 2350 would have required that an official, to invoke the exception, be required to have written authority from the President to invoke a claim on behalf of the President. The Department of Justice expressed the view that this would force the President to become personally involved in disputes between the executive and legislative branches on a premature basis. In addition, some concern was voiced that the original language only covered constitutional claims by the President, and not statutory claims.

To accommodate the concerns of the Executive, we are today modifying this provision of S. 2350 in two ways. First, rather than requiring written authorization from the President to invoke a privilege, we are permitting the head of the agency employing the official to provide the authorization, subject to the approval of the Attorney General. The reason we are requiring the Attorney General's involvement is that the Justice Department is the Federal agency responsible for addressing constitutional issues and, moreover, it is Justice which would have to handle any litigation revolving around this subject.

Second, we are dropping the proposed requirement that a privilege of the President must be invoked to forestall the expedited civil contempt process. We are doing this based on an understanding with the executive branch that agency heads would not raise an objection based on an official's claim of a personal privilege. As under current law, we continue to agree that it is appropriate to raise an objection based on a presidential privilege. What remains unresolved is what to do about statutory claims. However, inasmuch as neither the Executive nor the Governmental Affairs Committee has come up with a statutory privilege case which ever reached this level of dispute, there is little reason to address this matter at this time.

It is my understanding that this compromise is acceptable to both the Department of Justice and the White House. I appreciate the Willingness of the Justice Department to work with the Senate to produce a reasonable resolution of this question.

The second provision of the bill relates to the applicability of immunity orders to congressional depositions. Counsel for several witnesses in the Iran-Contra investigation argued that the immunity orders applied only to appearances before congressional committees. This argument was based on the fact that the congressional immunity statute applies only to proceedings "before" committees, while the comparable statute for judicial immunity applies to proceedings "before or ancillary to" court or grand jury appearances. Counsel for the immunized witnesses were concerned that prosecutors would challenge the applicability of the immunity order to information provided by immunized witnesses during a deposition. Although this problem was not insurmountable for the Iran-Contra Committees, it was a nuisance we could have done without.

Ironically, the phrase "ancillary to" in the current judicial immunity statute, which was enacted as part of the Omnibus Crime Control Act of 1970, was included at the insistence of the Department of Justice. Although Senator McClellan expressed the view that the phrase was unnecessary, he agreed to add it for clarity's sake. S. 2350 would simply add the phrase "or ancillary to" to the congressional immunity statute.

Mr. President, this is a noncontroversial measure which I urge all my colleagues to support. In closing, I would like to express my appreciation to the chairman of the Governmental Affairs Committee, the Senator from Ohio, and the ranking member, the Senator from Delaware, for their help in reaching a reasonable compromise with the administration and moving this bill through the Senate in an expeditious manner.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2829) was agreed to.

The PRESIDING OFFICER. Are there further amendments?

If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as amended as follows:

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (a) of section 1365 of title 28, United States Code, is amended by inserting after "his official capacity" the following: "if the head of the department or agency employing the officer or employee, with the approval of the Attorney General, has directed the officer or employee not to comply with the subpoena or order and has provided the issuer of the subpoena or order with a written statement setting forth the reasons for the refusal to comply".

SEC. 2. (a) Subsection (a) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to".

(b)(1) Paragraph (1) of subsection (b) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to."

(2) Paragraph (2) of subsection (b) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. BYRD. Mr. President, on behalf of myself and Mr. DOLE, I send to the desk a Senate resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 457) to direct the Senate Legal Counsel to represent Senator Kerry in the case of *Beauchamp* v. *Kerry* (Massachusetts Supreme Court).

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, a plaintiff in a civil lawsuit in a State court in Massachusetts has named Senator KERRY as a defendant. Earlier in the year, the plaintiff, a prisoner in a State correctional institution who has been defending against a new criminal indictment charging him with escape, sought Senator KERRY's testimony at a hearing on a motion to dismiss the indictment. In support of a motion on Senator KERRY's behalf to quash the subpoena, the Senate Legal Counsel explained to the court that Senator KERRY lacked knowledge of facts pertaining to the alleged escape. The court granted the motion to quash the subpoena.

Now, disputing statements in the motion to quash, the plaintiff has brought a civil action against Senator KERRY. This resolution will authorize Senate Legal Counsel to represent Senator KERRY in order to move to dismiss the complaint.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 457

Whereas, in the case of *Beauchamp* v. *Kerry*, Civil Action No. 88-1932, pending in the Superior Court of the Commonwealth of Massachusetts, the plaintiff has named Senator John F. Kerry as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Kerry in the case of *Beauchamp* v. *Kerry*.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1989—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The conference report on H.R. 4800 is the pending matter.

Mr. LAUTENBERG. Mr. President, although I will vote for the conference report I do so with serious reservations about the funding levels for Superfund and construction grants.

As the distinguished chairman and ranking minority member know, I attempted during subcommittee consideration to increase funding for both Superfund and construction grants. In addition, in the conference committee I made proposals to reject attempts to cut Superfund and construction grants below the levels of the Senate bill.

Despite some very tough constraints, we managed to produce a conference report that increased the Superfund appropriations by almost $300 million over last year. We also appropriated about $450 million more for construction grants than was requested in the President's budget.

Although we made some progress on Superfund and construction grants, I would have liked to see higher funding levels.

Mr. President, I would make one final observation about funding for the Emergency Planning and Community Right to Know Act of 1986 (title III). We provided $2 million in EPA's salary and expenses account for the program. In the conference committee, it was agreed that these funds were to be equally divided between emergency planning and emissions inventory activities. The conference report gives some examples of what some emissions inventory activities might be, but should not be viewed as an exclusive list. For a fuller description of the responsibilities the committee contemplates being executed with title III funding, I would direct EPA to consider the Senate report accompanying H.R. 4800, which lays out the key functions the Agency must perform to achieve a successful program.

Mr. President, although I have these reservations about the conference report, it does improve upon last year's Superfund appropriation and the President's proposed construction grants funding level. I will therefore not oppose the conference report.

Mr. McCLURE. Mr. President, I would like to take a few moments to discuss report language to the HUD appropriations bill that causes me some concern. My preference would be that it was not there at all.

Nevertheless, the language to which I refer is found on page 59 of the Senate report numbered 100-401, and relates to the role of the Federal Emergency Agency with respect to emergency evacuation plans at the Shoreham nuclear power plant. As I understand the language, it would merely recommend that FEMA not spend any money during fiscal year 1989 on activities related to the licensing of Shoreham, until such time as the proposed Settlement Agreement between Long Island Lighting Company [LILCO] and the State of New York is dissolved.

Concerning this proposed settlement agreement, it is my understanding that the parties to that agreement have conditioned its effectiveness upon approvals by the New York Public Service Commission, the LILCO shareholders, and the New York State legislature, within a 90-day period following submission of the agreement to the New York Public Service Commission. The agreement was filed on June 23, and therefore the 90-day period expires on September 21.

All parties to the agreement are fully aware of LILCO's intention to proceed with its license application of Shoreham during the 90-day period within which the agreement is maturing, but, if LILCO should be granted an operating license during this time period, it would not allow the plant to operate above its current level of 5 percent power. Quoting from the text of the settlement agreement, dated June 16, 1988:

> LILCO agrees that it will not operate Shoreham pursuant to any authorization to operate Shoreham that may be or has been granted by the Nuclear Regulatory Commission, provided that the settlement becomes effective without modification within 90 days of its filing with the PSC. * * *

Further, quoting from a letter from Bill Catacosinos, CEO of LILCO, to Vic Stello, executive director of the NRC, dated June 1, 1988:

> This letter will confirm our oral advice to you last week that LILCO has reached an agreement in principle concerning a settlement of issues between it and various government agencies in New York State relating to the Shoreham Nuclear Power Station. We are in the process of drafting documents to reflect these agreements. Even after they have been completed and signed, the agreement will not become effective until a number of contingencies have occurred, a process that will take approximately three months. LILCO will continue the licensing of the plant until such time as all contingencies have been satisfied, at which time Commission approval of the transfer of control of the plant and its relevant licenses will be sought. During the three-month period contemplated for satisfaction of the contingencies, the company has agreed not to operate the plant at greater than 5 percent of full power should the Commission remove its present restriction on the license to low power and testing operations.
>
> As soon as documents reflecting the agreement to enter into a settlement have been completed we will provide them to you and your staff. In the meantime, it is the intention and desire of the company to continue the Shoreham licensing process, including the full participation exercise scheduled for next week of the utility emergency plan for the Shoreham EPZ.

The only remaining issue of any significance for licensing of the Shoreham plant is a determination by the NRC concerning the adequacy of the utility's emergency plan for the facility's emergency evacuation zone, and an exercise to demonstrate that plan was conducted on June 7, 8, and 9. I wish to point out to my colleagues that nothing in the report language would preclude FEMA from proceeding with its evaluation of that Shoreham emergency exercise during this fiscal year, and FEMA participation is, in fact, consistent with LILCO's intent and the State's understanding under the proposed Settlement Agreement.

The important point for FEMA to remember is that the language in the report would not disrupt present activities, and would not take effect in any event until October 1, 1988, if at all, depending on the outcome of the proposed Settlement Agreement.

I thank my colleagues for allowing me the opportunity to discuss this matter.

Mr. PROXMIRE. Mr. President, I urge adoption of the conference report on H.R. 4800. The yeas and nays have been ordered as I understand it. Is that correct?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Do Senators yield back the time?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. GARN. Mr. President, I yield to the Senator from New Mexico for a brief comment before we vote.

Mr. DOMENICI. I thank the distinguished Senator from Utah.

Mr. President, so that I will not take a lot of time of the Senate, I yield myself 2 minutes.

Mr. President, there are so many people to congratulate on this bill. Obviously, the distinguished chairman is leaving the Senate, and this is the last bill of this type that he will be handling. I have had the privilege of serving with him on this subcommittee, and I compliment him for his priorities and for what he has been able to accomplish in this bill.

Obviously, the Senator from Utah has been a strong proponent of science and the application of science in the American marketplace as part of our future. We were able in this bill, as I view it—and I do not have all of the specific numbers in front of me—to move ahead dramatically in a number of areas that are good for America's future.

For the last 3 or 4 years, the National Science Foundation has engaged in some really exciting activities that America desperately needed, such as university centers in areas of science and engineering. This bill provides sufficient new funding for them to continue down that path—not as much as the President asked for but a substantial increase.

With reference to the space program, obviously this is a very expensive program but most people in our country believe it is worthwhile. We have been able to find the funding to keep it on track and to move ahead with the space station. I am hopeful in the future we are able to pay for it. It will be very difficult. Nonetheless, we moved ahead.

Housing is taken care of better than we expected, and transitional housing for the homeless is provided for better than we expected.

In conclusion, I am hopeful that when we add up all the appropriations bills and the new money that we need for drought relief, we will not break the Gramm-Rudman-Hollings targets and have to have a sequester.

Everyone should know that if you break the target, you get a sequester equal to the amount of the average, including a $10 billion cushion. If the deficit exceeds $146 billion, which includes the $10 billion cushion, the penalty is a sequester down to deficit target of $136 billion. So it is going to be important that we watch all these appropriations bills and keep tabs on them so we do not breach the $146 billion number as we enter the wrap-up days of this session. This bill is within our new 302(b) allocation. We have new money because of the agreement, and I think it is an excellent bill. I hope the Senate will support it. I hope the President will sign it. I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not know what the situation will be following the vote. We have made good progress on various measures today. We passed the ocean dumping bill and we are about to adopt the conference report on the HUD appropriations bill.

Several discussions have gone forth with respect to the Contra aid amendment. That seems to be the amendment that is holding up progress on the DOD appropriations bill.

During the vote, I hope to be able to confer with the distinguished Republican leader who has acted in good faith in an effort to reach some agreement whereby we could move forward on the Contra aid amendment.

I hope to confer, as I said, with him during the vote and perhaps right after the vote we will have something to announce. I suggest that Senators not leave because it could be that the Senate would need to go forward with debate on the Contra aid amendment yet this evening.

I thank all Senators.

The PRESIDING OFFICER (Mr. ADAMS). Who yields time?

Mr. GARN. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. I yielded back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Montana [Mr. MELCHER] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—88

Adams
Baucus
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Quayle
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—8

Armstrong
Conrad
Helms
Humphrey
Proxmire
Pryor
Roth
Symms

NOT VOTING—4

Bentsen
Biden
Melcher
Specter

So the conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I ask that the amendments in disagreement be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 1, 17, 18, 24, 30, 51, 56, 57, 58, 62, 64, 70, and 75.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate concur en bloc in the amendments of the House to the amendments of the Senate as previously reported by the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GARN. Mr. President, I move to reconsider the vote by which the Senate concurred en bloc in the amendments in disagreement.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The Senate continued with the consideration of H.R. 4781.

Mr. BYRD. Mr. President, the distinguished Republican leader has been in discussions all day long. He has been working with the White House and with Senators. He has made a good-faith effort to reach an agreement whereby the Senate may work its will on the subject of Contra aid and on the DOD appropriations bill. He has just wound up the most recent of his multifarious meetings during the day, and I sought recognition at this time to inquire of the distinguished Republican leader as to whether or not we can hope for an agreement this evening.

Mr. DOLE. I thank the majority leader.

Mr. President, I announced at noon, at the policy luncheon, that I did not want any more meetings; I had all the meetings I wanted. But I changed my mind. We had another meeting and may even have another meeting. I do not know.

We have had a good discussion with General Powell, representing the President, the White House, and the administration. A number of my colleagues have raised questions, very honestly, about the fact that if we cannot deliver the aid, what is in it?

So we have been discussing the transportation and waiting for the final draft, which I understand is just about to be made available, so that some of our colleagues may take a look at it.

In the meantime, we have been trying to get two time agreements—one on an amendment I could offer, the proposal of Senator DOLE and others. If that failed on the supplemental, I assume we would dispose of the supplemental appropriations, and we would be back on the DOD appropriations bill. At that time, the distinguished majority leader may be joined by the minority leader, depending on what transpires. There would be a second amendment, and, hopefully, we would get a time agreement on that.

Right now, I am not in a position to say I have that agreement. I think we are fairly close to getting a time agreement on the Dole proposal—maybe 4 hours, equally divided.

I think they are still checking on the Byrd agreement. But until three or four of my colleagues can see the transportation language, I am not in a position to say whether there will be any agreement. I think it is a reasonable request. It is a reasonable provision. It is the key to the entire package. It may be ready momentarily.

That is about where we are. The Senator from Oregon is here, and I think he had some question on a time agreement on the first proposal. Whether he would be willing to give any time agreement——

Mr. PACKWOOD. I am not sure.

Mr. DOLE. So, with reference to the Dole amendment, I do not have 100 percent agreement on our side.

Mr. BOREN. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. BOREN. I say to the two distinguished leaders that I was just finishing another one of the meetings with those working on the final, unresolved questions on the delivery system. It is my understanding, and this was with General Powell's assistant——

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend.

The Senate is not in order. The point of order is well taken. The Senate will be in order so that everyone may hear the Senator from Oklahoma.

Mr. BOREN. I thank the Chair.

We have now concluded that meeting and have concluded on a very agreeable basis. I understand that now, really, the only thing left is that they are actually putting the handwritten words in typewritten form so that everyone can read it and have it available. I am hopeful that the copy will be in the hands of both sides right away.

As I say, we have concluded totally our negotiations on this matter and have finalized the agreement in terms of the delivery system and the language, both humanitarian and the military aid, if it were released by a vote of Congress.

So I would express the optimism of the leaders that it should be in the hands of both sides of the aisle very shortly, in a matter of minutes. I am sure that General Powell's representative is now reporting to him on the substance of those final agreements.

So I hope it can be concluded rather quickly. There are no surprises in terms of what is being put down on paper and faithfully rendering what those agreements will be.

I say to the two leaders that that should be available very shortly, and perhaps we will be in a position to make a final decision on the recommendation of the administration as to the delivery system language.

Mr. DOLE. In the event we had the agreement and were able to start in the morning, or maybe even this evening, do I correctly understand that if we were able to dispose of the Contra question, then we could agree on the Defense authorization bill by agreement? If we could dispose of the Contra questions and then, through unanimous consent or somehow, dispose of the Defense authorization bill, (a) by referral in the appropriations bill or (b) separately, would that pretty much dispose of both packages, both Defense authorization and the DOD appropriations?

Mr. NUNN. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. NUNN. From the perspective of the authorizing committee—and I am sure the appropriating committee would have a broad perspective on this bill—I would say that that would be the ideal way to proceed, so far as we are concerned.

I have talked to Senator WARNER at length about this, and we visited with several Republican members and visited with the two leaders, and we have gotten together a tentative leadership agreement that would be along the line the minority leader just described, which would mean that we would put the authorizing bill, as passed by the Senate, as an amendment to the appropriations bill. Hopefully, we would also pass that as a separate piece of legislation by unanimous consent, without much debate.

Then we would avoid those amendments that were simply duplicative of what we had already done in the authorization with particular amendments that had been turned down by the Senate when we were debating the authorization bill, and then we would proceed to amendments relating to the appropriations bill. I do not know how many there are. We have several in our committee that we have been working with the appropriating committee on.

I do not think we will have a lot of time to spend on those, perhaps an hour or so. I do not know what other amendments there are, but I am sure the Senator from Louisisana would have a good view of those. I do not know why we could not finish that bill in a reasonable period of time, with the disposition of Contra, and if we proceed along this line.

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. JOHNSTON. Mr. President, the Senator from Georgia has correctly stated it. We have worked with the authorizing committee. We have come up with a formula for dealing with the authorization bill, which is to put it on the Senate-passed authorization bill and thereafter to resist any amendments to the authorization bill, including all the arms control amendments, including sense of the Senate, that refight the battles of the authorization bill.

In other words, we take the Senate authorization bill, let the authorization committees meet informally, and then be prepared we think, to adopt the fruits of their labor in the appropriations bill.

That would leave open to amendment the appropriations bill, but we would expect that we could work that out. We have been working with the Senator from Alaska on a resolution of the number at which we go to conference on SDI and we hope we could have that worked out.

There are a number of other items, not very many in number, but if we really put our heads to it we might even finish up tomorrow if we got started early.

So we are prepared to move with great dispatch tomorrow if the agreement is put together.

Mr. STEVENS. Mr. President, will my friend yield at that point?

Mr. BYRD. I am glad to yield.

Mr. STEVENS. Mr. President, it is my understanding, I say to the Sentor from Louisiana, that the Senators from Mississippi and Oregon objected to incorporating the defense bill into the appropriations bill as an amendment. They had no objection to incorporating it by reference or to passing the other bill separately.

But I hate to speak for the Senator from Oregon. My understanding is both of them are going to object to combining the conferences as would happen if it were an amendment to the bill. I would like to check that before we agree to that.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. NUNN. It is my understanding in the sheet of paper we handed out, and I thought the Senator from Alaska was there, we had that explicitly in there. We passed it both ways, as an amendment to the appropriations bill and as a separate bill. That is what we have been talking about all along with the Republican colleagues. I thought I talked about that with the Senator from Alaska.

Mr. STEVENS. The Senator is correct. I was involved in that.

I am reporting that it is my understanding the Senator from Oregon reflected both he and Senator STENNIS objected to merging the two bills by putting the authorization bill on to the appropriations bill as an amendment.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. NUNN. If the Senator will yield, it is not the amendment of the appropriations bill with the authorizing bill that was objected to, but rather the blending of the two conferences and the way that was going to be handled was to pass a separate authorization bill. So we really need be normally in conference with the House on the authorization bill at the same time the appropriations were in conference on the appropriations bill, and then the appropriators would have the benefit of our authorizing bill conference deliberations as we went along.

So it was not to keep those two separate on the appropriations bill, but rather to keep the two conferences separate we were talking about.

Mr. STEVENS. If the Senator will yield again, there is no objection to that except it is going to end up if one bill is vetoed they are both vetoed, as it may be.

If we had the procedure we suggested, if one bill were vetoed the other would survive. I am not predicting a veto. Do not misunderstand me. But I do think the Senator from Oregon, as our ranking member, the former chairman, should be heard on that question.

Mr. NUNN. Mr. President, I say to my friend from Alaska the problem with that is he may be right with the final outcome. I could not argue with him about the possible result of that. I say the only way we are going to avoid amendment after amendment after amendment on this appropriations bill is to put the authorization bill on; otherwise, everybody who had an amendment to the authorization bill, including everybody on the committee on both sides of the aisle, is going to want to make sure that the provision is on the appropriations bill.

We will either do them one at a time, which we are trying to avoid, or we will put that on the appropriations bill because everybody realizes since he vetoed the authorization bill one time he may very well veto it again.

But I am hoping we can get in conference and the administration will come back after the Republican Convention and be willing to work with us in September to try to get differences ironed out where there is a less political atmosphere and we would make some progress on both bills.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. STEVENS. Does the Senator suspect we are going to have a less political atmosphere in September than we have now?

Mr. JOHNSTON. Will the Senator yield?

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from West Virginia has the floor and has yielded to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I think the problem on the conference was making the Armed Services members formal members of the appropriations conference which was in fact objected to but which is a problem I think we have worked out by agreeing either to have the authorization bill passed separately with a formal conference or have the authorization bill passed by reference and the appropriations bill with the conference on the authorization informal where we would have a gentleman's agreement that we would respect at least insofar as possible the agreements as reached by the authorization conference.

So we do not think we would have any problem on that, and I hope that would make it work.

Mr. DOLE. Mr. President, will the majority leader yield further?

Mr. BYRD. I yield.

Mr. DOLE. If I am correct in this assumption, if we finished the DOD appropriations bill, did the authorization agreement, worked out the Contras, and did some nominations that are pending, when all that work is completed, would that be about what the majority leader intends to do between now and the time we recess?

Mr. BYRD. Yes, DOD appropriations bill, the DOD authorization bill, the emergency supplemental, and I understand there may be a Labor-HHS appropriations bill conference report tomorrow, possibly, and perhaps an Interior appropriations bill conference report.

Mr. JOHNSTON. I do not think we would do that.

Mr. BYRD. The Senator from Louisiana indicates he does not think we would do that but possibly Labor-HHS, I understand. That is it.

Mr. DOLE. If we get an agreement, I say to my colleagues on both sides, that we could start fairly early in the morning, it seems to me we could dispose of all these things tomorrow and maybe have 1 extra day for us on this side to get ready for the big event, whatever it is.

Mr. BYRD. I think that would be admirable and it would be very much desired.

Mr. DOLE. I would hope with that in mind some Senators who asked for all the time would talk less. We are up to 3 hours and 20 minutes on my side alone on my amendment. I do not know that that is good or not but it is 3 hours and 20 minutes. Maybe with the thought of being released a bit early some maybe would talk less.

Mr. BYRD. Yes, if we could reach an agreement. Perhaps we could utilize some of that time for debate yet this evening with the understanding that the votes would occur tomorrow, and I would think we ought to stay in and try to get that agreement yet today, because it only leaves us 2 days at the most, and hopefully we could finish tomorrow.

Mr. COHEN. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. COHEN. I think we could perhaps shorten the length of the debate tonight, whether we are going to get agreement or not, by resolving the issue of transportation.

It is my understanding that in the package prepared by the majority leader, with regard to the transportation of the humanitarian assistance, there would be no agency participation permitted, no DOD participation, and no State Department transportation, other than AID. Am I correct in that?

Mr. BYRD. Yes, I think the Senator is correct.

But let me have Senator BOREN who I believe is in the cloakroom come to the floor because he has been in conference.

Mr. COHEN. Federal Express is precluded.

In other words, Members on this side should be under no illusion that there would be any source of transportation other than the current methods allowed through AID?

Mr. BYRD. I would like to have Senator BOREN respond to that or Senator DODD.

Mr. DODD. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, I yield for that purpose.

Mr. DODD. Mr. President, the Senator from Maine has characterized it I think accurately. I think there is a provision with regard to if we reach the threshold on the lethal assistance, at that particular juncture the question of whether or not humanitarian assistance could be delivered at that point, if in fact the Congress voted for that and then there is the issue that it is agreed to allow humanitarian assistance could be delivered in that but only to the extent that the lethal assistance is delivered. Once that delivery is completed, then the earlier provisions that would apply to humanitarian aid would be reinvoked.

Mr. COHEN. Then prior to passage of lethal aid there is no other way of transporting humanitarian assistance other than through AID?

Mr. DODD. It says through AID and then through whatever other vehicles may be available but not from the intelligence community.

Mr. COHEN. Intelligence or defense?

Mr. DODD. I am sorry.

Mr. COHEN. Intelligence or defense, or just intelligence?

Mr. DODD. I think it speaks to intelligence specifically, but I think that would include DIA, for instance, that would fall under that general heading.

Mr. COHEN. I thank the Senator for yielding.

Mr. BYRD. Senator BOREN will be here shortly and he will respond.

Well, as I understand the distinguished Republican leader, he would like to have an opportunity to call up his amendment to the dire emergency supplemental and have a certain amount of time for debate on that amendment. And then we would get also a time agreement on my amendment and hopefully the distinguished Republican leader would be in a position to join in sponsoring that amendment so that it would be a bipartisan amendment.

In the event the minority leader's amendment were to be disposed of, then we would go to the Byrd-et al amendment with an agreed-upon time limit. Then, after we dispose of that, that would be the Contra aid issue, with the understanding that no other Contra amendments would be in order. Then we could go to the other matter that Senators have been discussing in relation to the appropriations bill and we may be able to finish the bill tomorrow.

May I say to the Republican leader that we would need to do the conference report on the urgent supplemental before we leave if we could possibly do that. It would be desirable to do the conference report on the urgent supplemental, also, before we go out, if at all possible.

Mr. DOLE. Right. The House is in session, as I understand it, through Thursday, so we could still do that.

I believe, if I understand it correctly, the majority leader would not want to start on my amendment to the supplemental unless there is a time agreement on his amendment to the DOD appropriations, is that correct?

Mr. BYRD. Yes, I would like to have an agreed time limit on both before we begin.

Mr. DOLE. It just occurs to me that, with all the requests on my side, we might be better off to start off without an agreement. Sometimes everybody signs up for 5 or 10 minutes. We are up to, as I said, 3 hours and 20 minutes and still growing.

But, as I understand the majority leader, he would not want to move on either amendment unless there was an agreement on both.

Mr. BYRD. Yes; have a time agreement on both so that we would be assured that action would be taken on both tomorrow.

Mr. DOLE. Or Thursday?

Mr. BYRD. Well, I would like for action on both amendments tomorrow. I think that would be necessary in order to complete the action on the DOD appropriations bill by no later than Thursday at the close of business.

Mr. President, I will suggest the absence of a quorum. I would suggest that Senators stay around because, as I understood it earlier, Senators were merely waiting to see the handwritten language in typed form. It seems to me that ought to have been done by now.

Mr. President, I understand that the typed language is ready now, so I will put in a quorum call to give Senators a little time to review it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the Senator from New Hampshire and I were just reminiscing concerning the time we spent in the leader's office, talking about the majority leader's office, last December talking about the issue of the Contras for three nights in a row, I think it was. The distinguished Senator from West Virginia was there as our leader and as a participant.

We are of the opinion—and I speak for my friend from New Hampshire, too—that we are very close to suggesting to our leader that we try to merge these two efforts now and try to get a Byrd-Dole amendment that we could all support. It is my understanding from the conversation I had with General Powell earlier today that that is very close and it would take a very small, small concession on the part of our majority leader to achieve that.

Now, that is just from my point of view. I am not speaking for our leader. But I think we are so close that we would like to have a chance to convince some of our people of the problems we went through for so many hours and why this proposal is almost at the point where we ought to join together.

I will yield to my friend from New Hampshire, but my plea to the majority leader and to the Republican leader is to not press this to a time agreement tonight and see if we cannot take that one last effort to get together. The message that we would send, united, to the Sandinistas and the Contras is much more important than the record that will be made of each of us backing our respective leaders.

Mr. RUDMAN. If the Senator will yield for one moment without giving up his right to the floor.

Mr. STEVENS. Yes.

Mr. RUDMAN. Mr. President, I would just address this to both leaders. The Senator from Alaska and I, as both of the leaders know, have been involved in these negotiations pretty heavily for the past 3 years; not as much this year. But, from our vantage point on the Defense Appropriations Committee, it seems to fall our lot each year to get involved in this.

I want to just make an observation. The Senator from Georgia talked about the political atmosphere. And I guess that is an accurate comment. I read what is coming out of Central America, and it just occurs to me—particularly with respect to recent references by the President of Nicaragua, that, "If the Congress does this or the Congress does that, you better look out because I will do such and so," and I do not have to quote it at length; we have all read it—that far more important than any political statement that might inure to the benefit of any political party—and I am not sure anything does—if we could make a final accommodation and speak with a united voice on a program that we can all vote for, or at least the majority vote for, without having first a Dole amendment, which will probably be defeated, and then another amendment, which probably then will pass, it will be far more important to what is going on in Central America if, even in this election year, we could speak with one voice.

Now, let me just add this. I think the majority leader, who has dealt in the most complete good faith in this—and we all know that—carries an additional burden here because of some history from last year in the House of Representatives concerning whether or not another vote would take place.

I do not think there is anyone here that doubts in any way on this side the word of the majority leader of this Senate. His word is his bond and we all know that.

The problem we have had is that in the past there has been some problems on the other side, in the other House.

But it seems to this Senator, at least, with the assurances from the Speaker of the House given to our majority leader and our Republican leader, with that many parties to it, there certainly is a strong assurance that this will get a vote even on the vehicle on which it is going to be offered.

So I would just wind up, Mr. President, by saying that I sincerely hope that, in the time that remains this evening for negotiations, we could forge whatever remains to be done on this one piece of legislation and have it as a Byrd-Dole amendment with overwhelming support. If you want to send a message that is important to Central America, let us send a united message instead of having a mixed message which, if anybody thinks the American people watch this place microscopically, they have not been home lately. And to get a message out of this Senate that one vote fails by 50-something to 40-something, and the next one passes by 82 to 18, I wonder if the American people know what we are saying here. I think we ought to speak with one voice.

I thank the Chair and I apologize to the majority leader for taking this much time.

Mr. STEVENS. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, while the discussions are still going on offstage, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1158) to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1979. An act to establish the Grays Harbor National Wildlife Refuge;

S. 2200. An act to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month; and

S. 2561. An act to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 120. A concurrent resolution urging the Government of Iran to respect the human rights of members of the Baha'i faith, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5174. An act to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 593. An act to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicated of such medals for sale to the public;

H.R. 1491 An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction;

H.R. 4180 An act to establish a mining experimental program on critical minerals, and for other purposes;

H.R. 4665 An act to allow the obsolete submarine ex-*Growler* (ex-SSG-577) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period;

H.R. 4754 An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes;

H.R. 5141 An act to delay temporarily certain regulations relating to sea turtle conservation; and

H.R. 5090 An act to implement the United States-Canada Free Trade Agreement.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 61. A concurrent resolution entitled: "Volunteers and the Importance of Volunteerism."

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 892. An act to remove the right of reversion to the United States in lands owned by the Shriner's Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake City, UT.

H.R. 1860. An act entitled the "Federal Land Exchange Facilitation Act of 1988";

H.R. 3932. An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; and

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STENNIS).

At 5:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 3, 6, 13, 23, 73, 76, and 81 to the bill, and agrees thereto, and it recedes from its disagreement to the amendments of the Senate numbered 1, 17, 18, 24, 30, 51, 56, 57, 58, 62, 64, 70, and 75 to the bill, and agrees thereto, each with an amendment in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1149. An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction; to the Committee on the Judiciary.

H.R. 4180. An act to establish a mining experimental program on critical minerals, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4665. An act to allow the obsolete submarine ex-*Growler* (ex-SSG577) to be transferred to the Intrepid Sea Air Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

Pursuant to the provisions of 19 U.S.C. 2191(c), the following bill was read the first and second times by unanimous consent, and referred jointly, as indicated:

H.R. 5090. An act to implement the United States-Canada Free Trade Agreement; referred jointly to the Committee on Finance, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, and the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 593. An act to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicates of such medals for sale to the public.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5141. An act to delay temporarily certain regulations relating to sea turtle conservation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3722. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the fourth quarterly commodity and country allocation table for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3723. A communication from the Administrator, U.S. International Development Cooperation Agency, Agency for International Development, transmitting, pursuant to law, a report on two violations of the Anti-Deficiency Act; to the Committee on Appropriations.

EC-3724. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3725. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the State Energy Conservation Program for calendar year 1987; to the Committee on Energy and Natural Resources.

EC-3726. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3727. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3728. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the project entitled "The Nucla CFB Demonstration Project"; to the Committee on Energy and Natural Resources.

EC-3729. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management

Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3730. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3731. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for the fiscal year 1987 on the Federal Government Energy Management; to the Committee on Energy and Natural Resources.

EC-3732. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's biennial report on the state of the knowledge of the Earth's upper atmosphere; to the Committee on Environment and Public Works.

EC-3733. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on authorized and projected projects; to the Committee on Environment and Public Works.

EC-3734. A communication from the Chairman, Cultural Property Advisory Committee, U.S. Information Agency, transmitting, pursuant to law, a report on the Committee's findings and recommendations as to how the U.S. Government should respond to the May 1988 request of the Government of Bolivia for emergency U.S. import restrictions; to the Committee on Finance.

EC-3735. A communication from the Commissioner of Social Security transmitting, pursuant to law, a report on a new initiative to improve the earnings statements which are issued to workers upon request; to the Committee on Finance.

EC-3736. A communication from the Assistant Secretary, Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report on Application of Travel Restrictions to Personnel of Certain Countries and Organizations; to the Committee on Foreign Relations.

EC-3737. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 4, 1988; to the Committee on Foreign Relations.

EC-3738. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report of the Administration of the Government in the Sunshine Act for the Calendar Year 1987; to the Committee on Governmental Affairs.

EC-3739. A communication from the Manager of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the 1987 Federal Home Loan Mortgage Corporation Employees' Pension Plan Annual Report; to the Committee on Governmental Affairs.

EC-3740. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-234 adopted by the Council on July 12, 1988; to the Committee on Governmental Affairs.

EC-3741. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-235 adopted by the Council on July 12, 1988; to the Committee on Governmental Affairs.

EC-3742. A communication from the Plan Administrator, Farm Credit Retirement Plan, the Production Credit Associations' Retirement Plan, transmitting, pursuant to law, the audited financial statement for the plan year ending December 31, 1987; to the Committee on Governmental Affairs.

EC-3743. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-236 adopted by the Council on July 12, 1988; to the Committee on Governmental Affairs.

EC-3744. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a quarterly report on the number of waivers for refugees granted under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationalization Act and a summary of the reasons; to the Committee on the Judiciary.

EC-3745. A communication from the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, transmitting, pursuant to law, a report of the Lupus Erythematosus Coordinating Committee; to the Committee on Labor and Human Resources.

EC-3746. A communication from the Chairman, National Commission to Prevent Infant Mortality, transmitting, pursuant to law, a report entitled "Death Before Life: The Tragedy of Infant Mortality"; to the Committee on Labor and Human Resources.

EC-3747. A communication from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a copy of the 1987 fiscal year annual report of the Commission; to the Committee on Labor and Human Resources.

EC-3748. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, a copy of the Administration's Annual Report for the Fiscal Year 1987; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2221. A bill to expand our national telecommunications system for the benefit of the hearing-impaired, and for other purposes (Rept. No. 100-464).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2570. A bill to authorize appropriations for the local rail service assistance program (Rept. No. 100-465).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2701. An original bill to authorize appropriations for the National Bureau of Standards for fiscal year 1989, and for other purposes (Rept. No. 100-466).

By Mr. BURDICK, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 1751. A bill to require vessels to manifest the transport of municipal or other vessels nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea (Rept. No. 100-467).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2102. A bill to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes (Rept. No. 100-468).

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with an amendment:

S. 2605. A bill to amend the Immigration and Nationality Act to extend for 3 years the authorization of appropriations for refugee assistance, and for other purposes (Rept. No. 100-469).

By Mr. PROXMIRE, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 1989" (Rept. No. 100-470).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Ronald A. Cass, of Massachusetts, to be a member of the U.S. International Trade Commission for the term expiring June 16, 1996;

Salvatore R. Martoche, of New York, to be an Assistant Secretary of the Treasury; and

Don E. Newquist, of Texas, to be a member of the U.S. International Trade Commission for the term expiring December 16, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. Pell, Mr. Stafford, Mr. Hatch, Mr. Kennedy, and Mr. Harkin):

S. 2698. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

By Mr. HECHT:

S. 2699. A bill entitled The Nevada Land Sales and Lease Facilitation Act of 1988; to the Committee on Energy and Natural Resources.

By Mr. QUAYLE:

S. 2700. To amend the Employee Retirement Income Security Act of 1974 to modify the requirement that the Pension Benefit Guaranty Corporation institute proceedings to terminate certain pension plans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS from the Committee on Commerce, Science, and Transportation:

S. 2701. An original bill to authorize appropriations for the National Bureau of Standards for fiscal year 1989, and for other purposes; placed on the calendar.

By Mr. LEVIN (for himself, Mr. DIXON, Ms. MIKULSKI, Mr. MURKOWSKI, and Mr. SIMON):

S. 2702. A bill to provide OPIC insurance, reinsurance, and financing to eligible projects in Poland; to the Committee on Foreign Relations.

By Mr. FORD (for himself, Mr. LEAHY, Mr. DOLE, and Mr. CONRAD):

S. 2703. A bill to amend the Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. SIMON):

S. 2704. A bill to require that certain Federal entities and certain non-Federal entities receiving Federal financial assistance provide television sets that display closed-captioning, to eliminate the payment to federal employees traveling on official business of lodging expenses incurred at a place of public accomodation that does not, on request, provide guests with guest rooms furnished with televisions that display closed-captioning, and for other purposes; to the Committee on Finance.

By Mr. EXON:

S.J. Res. 362. Joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SARBANES:

S.J. Res. 363. Joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 456. Resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Alcee Hastings; considered and agreed to.

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 457. Resolution to direct the Senate Legal Counsel to represent Senator Kerry in the case of Beauxhamp vs. Kerry (Mass. Sup. Ct.); considered and agreed to.

By Mr. DODD:

S. Con. Res. 137. Concurrent resolution to provide the use of the Rotunda of the Capitol in honor of John F. Kennedy; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. PELL, Mr. STAFFORD, Mr. HATCH, Mr. KENNEDY, and Mr. HARKIN):

S. 2698. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ACT

● Mr. DODD. Mr. President, today I am introducing a bill for myself and my colleagues, Senators PELL, STAFFORD, HATCH, and KENNEDY, S. 2698, to provide Federal Assistance to the newly created National Board for Professional Teaching Standards. Funds provided under this legislation would be used, over 3 years, for preliminary research and development of comprehensive and fair methods of assessment for the certification process established by the Board.

The creation of the National Board for Professional Teaching Standards was one of the key recommendations made by the Carnegie Forum of Education and the Economy report entitled, "A Nation Prepared: Teachers for the 21th Century." The Board was established by the Carnegie Forum in May 1987 as an independent and voluntary national teacher assessment and certification board.

Today, more than ever before, a knowledgable and skilled work force is essential to the economic strength and security of our Nation. Many more jobs demand a grasp of technological skills. More businesses are competing in the international marketplace. The dynamics of the marketplace make it inevitable that our competitiveness will diminish if our schools do not adequately educate and motivate our youth. We are heading in that direction if we do not make a concerted effort to bolster the foundations of our educational system.

Unfortunately, our educational system is falling short. We do not have enough qualified math, science, and foreign language teachers. In many communities, teacher morale is low, test scores are falling and student dropout rates are rising. The challenges facing schools and teachers are ever increasing. In this environment, the task of educating students is one of vast proportion and one that must be dealt with in a timely fashion.

Efforts on behalf of the Federal, State, and local governments to improve the educational system, and there have been many, are insufficient without a strong and dynamic teaching force. The success of any educational program depends on the enthusiasm, commitment, and knowledge of its teachers. And, the nature of the marketplace and the condition of our educational system make the need for qualified and committed teachers greater today than ever before. It is essential that we support efforts to expand the force of qualified teachers and, in turn, reinforce the foundation of the educational system.

That is why the establishment of a voluntary, national certification board is revolutionary and timely. I am confident that a national, voluntary certification process would only help to improve the education of our youth and the treatment of teachers. The Board, chaired by James B. Hunt, Jr., former Governor of North Carolina, has designed the voluntary certification process to parallel, and not conflict with or replace, State licensing. Of the 64 members that make up the Board, two-thirds are from the teaching profession, one-third from State and local government and school administration. Clearly, the Board's design is in the best interest of teachers. Its voluntary nature gives each teacher the option of, but does not require participation. But, the certification will give teachers a set of national standards they can use to gain well-deserved recognition and respect for their abilities.

I believe a voluntary teacher certification process would help raise teacher standards, performance, and pay, and thus improve the effectiveness and quality of the teaching profession. It would provide more uniform national criteria for States to use in the upgrading licensing standards and teacher education programs. It would also provide uniform measurement techniques for school districts to use in developing new hiring and promotion standards. Taken together these reforms would help schools to attract the best and the brightest applicants to teaching by raising the visibility and rewards of the profession.

To ensure that the assessment methods used to qualify teachers for certification are thorough and fair, S. 2698 would make up to $25,000,000 available to the Board for comprehensive research and development. The bill does not provide assistance for administrative costs. The legislation also requires that the Federal funds be matched dollar for dollar by the funds raised privately by the Board. Priority for use of the Federal funds would be given to research and development activities in the subject areas: mathematics, the sciences, foreign language, and literacy. And, the Board would be asked to give priority to projects which will improve the knowledge and ability of teachers that work with students of limited English proficiency, the talented and gifted, the handicapped, and those that are economically and educationally disadvantaged.●

● Mr. PELL. Mr. President, I am very pleased to join my colleagues Senators DODD, STAFFORD, HATCH, and KENNEDY, in introducing The National Board for Professional Teaching Standards Act of 1988. The legislation we are introducing today represents a landmark in our journey toward educational excellence.

In 1983 former Secretary Bell published "A Nation At Risk", the first such publication to sound the alarm that education in this Nation needed massive reform. Since that time we have embarked on a mission to save our schools from mediocrity. State and local governments have been the chief architects of a massive nationwide effort for school improvement. And at the Federal level, we have sought to provide incentives and assistance to State and local edutional agencies for innovative programs, improvements in curriculum, and upgrading of instruction in areas of national priority like math and science.

Reforms have focused primarily on increasing course requirements, tightening standards, and redesigning curriculum. But while many of these reforms have enjoyed a considerable degree of success, there is much work that remains to be done.

There is no question that the most critical part of the educational equation is the teacher. The quality of education in each school, in each school district, in each State, and in this country will reach only as far as the quality of our teachers.

I am deeply troubled by the fact that the teaching profession is itself at great peril. It is perhaps the most undervalued profession in America today. This, in turn, has had a direct effect on the number and quality of people who are attracted to the teaching profession. It is estimated, for example, that we will need 200,000 new teachers annually over the next 7 years. Colleges of education, however, graduate only 100,000 a year. In addition, low pay, long hours, and little recognition has often meant that the most talented of our college graduates seek careers other than teaching. This is a troubling situation, indeed, and one that is the very core of the crisis we face in educational quality.

I have said many, many times that the real strength of this Nation is measured not by our weapons of destruction, nor by our machinery of construction, nor even by the amount of gold in Fort Knox. It is measured instead by the sum total of the education and character of our people. In that regard, we need to encourage our best and our brightest to become teachers

We entrust the intellectual, social, and psychological development of our children, and consequently the future of this Nation, to our teaching force. Truly, this solemn responsibility provides strong argument that teaching should be the noblest profession in our society. In the words of Martin Luther,

> "Count it one of the highest virtues upon earth to educate faithfully the children of others.

The legislation we are introducing today seeks to attract the best and brightest candidates to teaching by revitalizing this occupation with a strong dose of professionalism. Our bill would provide $25 million over 3 years for research and development carried out by the National Board for Professional Teaching Standards to develop a voluntary national certification program for teachers.

The research and development required for such an undertaking will be considerable. The project will take 3 to 5 years to complete and the total cost will be $50 million. In that regard, it is very significant that the Board has agreed to match, dollar for dollar, the Federal contribution of $25 million.

Board certification will require the development of assessments in basic academic areas such as English, mathematics, science, and social studies. In addition, it will require assessments in biology, chemistry, and physics. It will require separate tests for elementary school teachers and for secondary school teachers. And it will require measurement of the ability to teach as well as measurement of subject mastery. For, in the words of Cardinal Newman,

> To discover and to teach are distinct functions, they are also distinct gifts, and are not commonly found united in the same person.

Once the tests are developed, teachers will be able to sit voluntarily for national certification. Obtaining board certification will make these teachers more attractive to State and local educational agencies. This, in turn, will encourage States and localities to provide greater rewards to attract certified teachers.

But the most fundamental contribution of national certification is that it will establish a standard of professionalism in an occupation that has heretofore been largely taken for granted. It will enable teachers, much like physicans or lawyers, to prove that they have met the rigorous standards of their occupation. In short, national certification offers teachers indisputable and independent confirmation of their ability.

While we are all mindful of the need to be fiscally responsible, $25 million is a modest but powerful investment in a national certification procedure which will return that investment many times over. For by attracting excellent teachers to our schools we make our schools excellent. In that regard, it is my strongly held belief that in the words of President Franklin D. Roosevelt,

> The school is the last expenditure upon which America should be willing to economize.

Our legislation provides assurances that the research and development of teaching assessments will be of the highest quality. It ensures that a wide range of teaching and research institutions will participate in the development of these assessments. It requires that the Board publish plans for specific research projects to be conducted with Federal funds, and that the Board provides ample opportunity for the educational community to comment on these plans before they are finalized. In addition, our legislation stipulates that the Board provide an open competition of the federally funded research grants so that the highest quality research may be brought to bear on the development of teacher assessments.

The most critical aspect of this legislation is that teachers are integrally involved in the development of teacher certification tests. One-half of the Board, in fact, must be comprised of teachers. The remainder of the Board members are public officials including Governors, private sector leaders, and prominent educators throughout the country, including school administrators. This composition guarantees that teachers have the plurality vote in designing research projects and awarding research grants.

The Subcommittee on Education, Arts, and Humanities held a hearing in February to examine the idea of establishing voluntary standards of competence for public schoolteachers. At that hearing, both the National Education Association and the American Federation of Teachers supported this idea.

In addition, we were very fortunate to have Susan Kaplan testify at that hearing. Ms. Kaplan is an English teacher at Classical High School, a trustee of Brown University, and a member of the National Board for Professional Teaching Standards. She is uniquely suited to discuss the concept of voluntary certification, for she is an outstanding teacher with 27 years of teaching experience. At the hearing, Ms. Kaplan indicated that—

> No proposal has generated as much lively debate or offered such cogent arguments for strengthening teaching as a profession and improving the quality of education in our schools as has the National Board.

As Ms. Kaplan so aptly indicated at our hearing, board certification offers teachers a level of professionalism that is currently available only in other occupations. It establishes a rigorous standard of performance. It lets parents, school administrators, and students know that their board-certified teachers are the best and brightest this country has to offer. Most significantly, it enables a certified teacher to point with pride to being nationally recognized for meeting a high standard of professionalism.

It is also important to note that this legislation is voluntary. It by no means seeks to impose these standards on State or local educational agencies. Teachers may voluntarily sit for certification—they will not be required to do so. In addition, State boards of education will not be required to adopt these certification procedures, but rather may elect to use them.

Mr. President, the legislation we offer today begins our long journey toward making teaching an honored and valued profession. Such recognition is long overdue. In Japan teaching is a highly valued profession and a very competitive occupation. Consequently, Japanese teachers have strong academic backgrounds and are well-respected. A staggering 30 percent of college graduates in Japan earn teaching certificates. That compares with a low 8.5 percent in this country.

Our productivity in the future will be determined by the quality of our teaching force today. Christa McAuliffe perhaps summed it up best when she said, "I touch the future, I teach". It is the future that is at stake in the National Board for Professional Teaching Standards Act. In that regard, we have a choice—we have the choice to attract the best candidates to our schools by making teaching more attractive, or we can continue with the present status quo—to demand much from our teachers, but offer little in return.

It is with this in mind that I commend this legislation to my colleagues and hope that they will join us in its active support.●

Mr. HATCH. Mr. President, I am pleased to join as an original cosponsor of S. 2698, which authorizes up to $25 million to support research by the National Professional Teacher Standards Board during its first 3 years. With this one-time-only Federal assistance, the NPTSB will begin to develop a new, voluntary, and rigorous Supplementary Teacher Certification Program.

I have thought long and hard about whether to cosponsor this bill because of the possibility that the Board could be used as a mechanism for imposing Federal teacher standards on local and State schools. I believe that, however, if American education is to be significantly improved, we must be willing to take bold new steps to enhance the caliber and professional status of teachers. My colleagues Senators DODD and PELL have alleviated my concerns and those of other Republicans and have formulated a bill which will fund development of a new certification program without intruding into States' and localities' traditional, primary responsibility for education.

Over the last several years, we have all become aware that, good as it is, American education must become even better. Only a good education ensures that each student will have the opportunity to take advantage of all that our society has to offer. Providing a good education is also necessary to our own national security, to our ability to compete on the international scene with other nations in an increasingly interdependent world economy. Initially, we need to do a better job of teaching the basic skills and of keeping our students in school. Across the country, the dropout rate is far too high, and those students who do graduate often lack skills necessary for the workplace. But American students must do more than learn the basics; they must move beyond elementary literacy to attain higher order analytic skills. American students must once again attain advanced competency in mathematics, sciences, and foreign languages. It would be short sighted not to recognize that these common problems and national needs are reflected in the education offered in communities across this country.

I also believe that teachers, cooperating with concerned parents, are central to educational reform. The teacher's preparation, teaching skills, and professional status must be upgraded. A rigorous new supplementary and voluntary national teaching certification process, to be implemented by the National Professional Teacher Standards Board, is one means to enhance all three—the preparation, skills, and professional stature of teachers. Most teachers do an outstanding job. In my own home State of Utah, for example, teachers have done an excellent job despite large classes and less per-pupil expenditures than in many other States. I have also been impressed by the recent innovative steps implemented by both the American Federation of Teachers and the National Education Association—steps to involve parents and local communities more fully in schools, to try new methods of teaching and pay, and to inject principles of accountability into education.

Let me note a few of several provisions of this bill which, I believe, make it compatible with the traditional allocation of responsibility for education in our Federal system. Of primary importance is the stipulation in the bill that possession of the new teacher certificate granted by the NPTSB, to any teacher who has successfully submitted to this additional procedure, grants no new Federal right to be hired, promoted, or retained by a local school district. Such decisions remain the right of the local education agency. Also, any Federal moneys for this project will be used only for research into teacher training and performance standards and not for administrative expenses of the Board. Furthermore, they must be matched up front, in cash, from non-Federal sources. Additionally, the taxpayer funded research done by the NPTSB will be available, for only printing reproduction costs, to any State or local education authority. That way, States like Utah, which are seeking through career-ladder or other professional enhancement programs to upgrade the caliber of teaching, may benefit directly from this new Federal program. I am also pleased that the Board's attention has been directed to the academic subjects—literacy, mathematics, science, and foreign languages—and the student groups—the handicapped, gifted and talented, and the educationally and economically disadvantaged—traditionally recognized as worthy of national attention. The math-science bill and the chapter 1 program, to mention only two important Federal education programs, are well-known examples of congressional interest in these key areas.

Mr. President, I hope this program, when funded, "works." I hope we will learn more about a variety of good preparations for and enhanced teaching skills in areas of critical national need. I hope States and school districts across this country will utilize research done by the NPTSB and tailor it to their own needs and programs for teacher development. I hope many educators will be sufficiently motivated to submit themselves to this new and rigorous standard of evaluation. Most of all, I hope that the children of this country will benefit because the education they are offered will be enhanced as a result of this new project. It is for this reason most of all that I have decided to cosponsor S. 2698.

By Mr. HECHT:

S. 2699. A bill entitled the "Nevada Land Sales and Lease Facilitation Act of 1988"; to the Committee on Energy and Natural Resources.

NEVADA LAND SALES AND LEASE FACILITATION ACT

● Mr. HECHT. Mr. President, today I am introducing legislation that is of the utmost importance to the State of Nevada and its people. A situation has arisen which has created serious problems for thousands of Nevadans who have been victimized by current interpretations of a preliminary injunction in the case of National Wildlife Federation versus Burford et al. The normal flow of land sales and leases otherwise authorized by various laws, and which are essential for the continued development, progress, and well being of the people of Nevada, has come to a virtual standstill.

Mr. President, a difference of interpretation between the parties to the lawsuit regarding the application of the preliminary injunction is costing Nevada's local governments and people lots of time, opportunities for development, and millions of dollars. The bill I am introducing today would allow certain public land sales and leases to proceed in Nevada. The bill offers hope of relief to all individuals and local governments whose transactions have been mired by the injunction.

To more graphically illustrate just some of the costs, consider the financial dilemma which Nevada's Clark County may face if it is force to purchase 620 acres of private land, in lieu of public land, for which the county has already made 37 lease/patent applications. Thirteen of the applications are known to be affected by the preliminary injunction. If this land cannot be obtained from the Bureau of Land Management, the Clark County School District will be forced to acquire privately owned land at fair market value—currently around $20,000 to $40,000 per acre in the greater Las Vegas area. Using an average of $30,000 per acre, the school district would be forced to spend as much as $18.6 million. If the land could be transferred by the Federal Government to the school district under the Recreation and Public Purposes Act, it would only cost Clark County's citizens a total of approximately $1,600.

There is no guarantee that this lawsuit, which was filed more than 2 years ago, will be settled anytime soon. Meanwhile, as I have explained here, many hardships are being suffered by Nevadans. I, therefore, urge my colleagues to support passage of this legislation which will provide the vehicle whereby land sales and leases currently stalled by varying interpretations of this injunction may be expedited, citizens of Nevada can get on with their lives, and Nevada communities can get on with the business of building schools so our children can be provided with the necessary resources to take their place in our society in the next century.●

By Mr. QUAYLE:

S. 2700. A bill to amend the Employee Retirement Income Security Act of 1974 to modify the requirement that the Pension Benefit Guaranty Corporation institute proceedings to terminate certain pension plans, and for other purposes; to the Committee on Labor and Human Resources.

PENSION BENEFIT PROTECTION ACT

● Mr. QUAYLE. Mr. President, in 1986, in the Single-Employer Pension Plan Amendments Act of 1986, and again in 1987, in the Pension Protection Act—part of the Omnibus Budget Reconciliation Act of 1987, the Congress made very clear its desire that pension plans covered by the plan termination insurance provisions embodied in title IV of the Employee Retirement Income Security Act of 1974, as amended [ERISA], should be allowed to terminate only if fully funded or if the company sponsoring an underfunded plan and its affiliates were in severe financial distress. Nonetheless, by systematically ignoring or avoiding the ERISA funding requirements, frequently after filing a petition in bankruptcy reorganization, a company that itself or through its affiliates could afford to fund a plan can permit a plan to run out of funds through the normal payment of plan benefits.

When a plan no longer has sufficient funds on hand to make a monthly benefit payment to its participants and beneficiaries, ERISA requires that the Pension Benefit Guaranty Corporation [PBGC] terminate the plan and make those payments at the benefit levels it guarantees. While the agency may be able to recover some or all of the guaranty funds it is called upon to expend, participants and beneficiaries lose not only some or all of the amounts that PBGC does not guarantee, but active workers also lose the ability to accrue further benefits, to vest if not yet vested or to have their retirement age salary level used to determine their entitlement at retirement. In addition, the plan may have required union bargaining and agreement prior to termination by the employer; the ERISA mandatory termination requirement relieves the employer of this responsibility as well.

A case that clearly exemplifies this pattern of abuse arose in the context of the LTV bankruptcy reorganization. LTV Energy Products Co., LTVEP, is one of more than 60 LTV affiliates of LTV Corp. that is presently a debtor under chapter 11 of the Bankruptcy Code. LTVEP sponsored a small pension plan, the Continental Emsco Evansville pension plan, that covered former employees of a closed facility. LTVEP provided no funding to the plan from 1985 onward. As a result, normal benefit payments depleted the plan's assets, leaving the plan with insufficient cash to make the August 1, 1988, payment to pensioners. LTV and LTVEP advised PBGC that the agency would be required by ERISA to terminate and take over the plan lest pensioners not be paid.

Though LTVEP had unpaid contributions outstanding and has another contribution payment required before September 16, 1988, the company told the PBGC that, because of the bankruptcy, it could not and would not pay the amount needed to keep the plan going. The plan needed about $100,000 per month to meet all of its obligations, and less than $14 million to fund fully all promised benefits. At this point in time, LTV and its affiliates had cash on hand amounting to more than $700 million, and had expended, in 1987 alone, more than $500,000 to pay bonuses for their four top executives. Executive benefit plans for LTV's top executives, purchased pre- or post-petition have an aggregate cost of in the millions of dollars.

The attached bill amends title IV of ERISA to preclude termination of a pension plan for insufficient assets where the plan sponsor and its affiliates can afford to fund it. It requires the pension plan administrator to collect unpaid contributions or the amount needed to continue full benefit payments from the employer and its affiliates, and requires those firms to continue to pay those amounts, unless and until the plan is terminated under the procedures set out in SEPPAA and PPA.

Mr. President, this is a very simple and clean bill. I am including a thorough section-by-section analysis of the bill and I ask unanimous consent that it be included in the RECORD along with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Benefit Protection Act".

SEC. 2. INSTITUTION OF TERMINATION PROCEEDINGS BY THE CORPORATION

The second sentence of section 4042(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(a)) is amended by inserting before the period at the end thereof the following: "and that the application of subsection (d)(4) would not provide such assets".

SEC. 3. PAYMENTS BY CONTRIBUTION SPONSORS AND CONTROLLED CORPORATIONS.

Section 4042(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(d)) is amended by adding at the end thereof the following new subsection:

"(4)(A) Whenever the corporation makes a determination under subsection (a) that a plan will not have assets available to pay benefits that are currently due, the contributing sponsor and the controlled group of the contributing sponsor shall pay into the plan an amount equal to the greater of—

"(i) the liability described in section 4062(c), determined as though plan termination had occurred on the benefit due date for which plan assets will be insufficient; or

"(ii) the amount necessary to provide plan assets needed to pay benefits when due and plan administrative expenses, in that month and future months, as long as plan assets are not sufficient to pay benefits when due plus plan expenses.

"(B) Each contributing sponsor and all members of the controlled group of the contributing sponosr shall be jointly and severally liable for payments required by this subsection. Payments required by this subsection shall not continue beyond the earlier of the date that all benefit liabilities under the plan have been paid or the plan is terminated under section 4041.

"(C) Subparagraphs (A) and (B) shall be enforced by the plan administrator and may also be enforced by any trustee appointed under this section or by the corporation.

"(D) The requirements of this subsection shall be in addition to, and shall not abrogate, any other requirement of applicable law. Nothing in this subsection shall be construed as limiting the authority of the corporation to act under any other provision of law.".

SEC. 4. JURISDICTION OVER TERMINATION PROCEEDINGS.

Section 4042(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(g)) is amended—

(1) in the first sentence, by striking out "subsection" and inserting in lieu thereof "section"; and

(2) by adding at the end thereof the following new sentence: "The district courts of the United States shall have jurisdiction of

all actions brought under this section without regard to the amount in controversy.".

SECTION-BY-SECTION ANALYSIS

Section 2 of the bill amends the mandatory termination provision in Section 4042(a) of ERISA to require PBGC to terminate a plan where it determines that funds are unavailable to make current benefit payments and that necessary funds are not available from the plan's sponsor and members of its controlled group.

Section 3 adds a new provision to Section 4042(d) requiring immediate payment of contributions, contributions not paid due to funding waivers or amortization period extensions, and contributions accrued through the date the benefit payment is due. It spells out the joint and several liability of the plan's contributing sponsors and members of their controlled groups, and that the necessary payments must continue to be made until a valid plan termination is obtained in accordance with the rules set out in Section 4041.

It also requires the plan administrator to pursue collection of the amounts required by the provision where the liable firms do not voluntarily make the payments, and permits the PBGC or the trustee appointed under Section 4042 to pursue collection as well. Additionally, the amendment makes clear that this new provision is not to be viewed as removing or in any way limiting any other liability or responsibility of any party under any other provision of law regarding a plan subject to this provision, and that the provision in no way limits the PBGC's authority to act under any other provision of applicable law.

Section 4 clarifies that Section 4042(g) provides U.S. District Court jurisdiction over actions to enforce this and other Section 4042 provisions, without regard to amounts in controversy.●

By Mr. LEVIN (for himself, Mr. DIXON, Ms. MIKULSKI, Mr. MURKOWSKI, and Mr. SIMON):

S. 2702. A bill to provide OPIC insurance, reinsurance, and financing to eligible projects in Poland; referred to the Committee on Foreign Relations.

INVESTING ON POLAND'S PRIVATE SECTOR

● Mr. LEVIN. Mr. President, today I am introducing, together with Senators DIXON, MIKULSKI, MURKOWSKI, and SIMON, legislation that would allow the Overseas Private Investment Corporation [OPIC] to assist U.S. businesses wishing to invest in the Polish private sector. I am offering this bill because I believe that Poland presents us with a genuine opportunity to foster positive democratic change in a Communist country. I base this contention on observations I made during a visit to Poland earlier this year and on research done by my staff. But above all, I base it on my faith in the courage and resourcefulness of the Polish people.

Americans are justifiably wary of dealing with the Polish Government, a government which appears to have practically no support among the Polish people, and which represses workers' rights.

But Americans are generally not as familiar with the degree to which the Polish people have succeeded in carving out "zones of freedom" within their society. The Polish people have bravely insisted on at a least a minimal level of freedom in certain important areas. In the area of religion for example, the Catholic Church is a very strong and vibrant independent institution which commands far greater loyalty and commitment from the Polish people than any government-supported institution.

In terms of free expression, Poland has a flourishing network of underground publications, and even a thriving underground video market, and material highly critical of government policies is circulated widely. The government does make some attempts to disrupt the underground network but, for the most part, it is able to operate with official acquiescence. In the economic sphere, Poland has a relatively large private sector, especially in agriculture, but also in small-scale manufacturing, transport, and service industries.

This independent activity is tolerated by the Polish Government not because they like it, but because the Polish people insist upon it. As long as the people continue to insist upon at least these limited "zones of freedom," I am confident that the government will have no choice but to accept their existence.

The question is: Can the Polish people expand their "zones of freedom?" And can we find constructive ways to help from expand the "zones"?

The legislation I am introducing today is a modest attempt to help expand the economic zone of freedom in Poland, by encouraging the growth of small-scale private enterprises in that country.

It was a visit I took to Poland earlier this year that inspired me to look for a mechanism for getting assistance to this part of the Polish economy. During my visit, I had extensive discussions with Lech Walesa and other Solidarity officials, with representatives of the Catholic Church, and with government officials. I received the strong impression that if the Polish people wait for reform to come from the top—from the government or the Communist Party—it will likely never come. As one of the Solidarity activists in Warsaw put it, referring to the government: "They must reform—and they can't reform."

The impetus for fundamental reform of the economic and political system in Poland is going to have to come from the bottom. Lech Walesa in particular is convinced that the best hope for Poland's future is reform "from the bottom up," by which he means encouraging the growth of low-level, nongovernmental activity. Economic, social, and political activity taking place outside officially sponsored and controlled channels will lead to a healthier Poland—economically, spiritually, and in every other way imaginable. Mr. Walesa's vigorous emphasis on this "from the bottom up" approach to reform is very persuasive. I am satisfied that this is the only appropriate and effective way for the United States to participate in Poland's reform effort.

In the economic sphere, reform "from the bottom up" means fostering small-scale private enterprise. It may surprise some of my colleagues, Mr. President, to know the extent of Poland's private sector. Private employment in Poland accounts for 5 million out of a working population of 17 million, or roughly 30 percent. Private enterprise is especially dominant in the agricultural sector: Three-fourths of agricultural land is in private hands and 80 percent of agricultural workers are in the private sector. Outside of agriculture, private enterprises have traditionally been concentrated in handicrafts, trade services, and catering. In the past decade, however, there has been rapid growth in the number of private businesses in small-scale manufacturing, transport, and new service—computer software, consultancies, and so forth. The nonagricultural private sector employs over 1 million Polish workers.

Not surprisingly, the private sector is also the most prosperous sector of Poland's economy. While the state-controlled sector in Poland had a negative growth rate of −1.7 percent in the years 1980-85, the private sector grew at a positive rate of 3.9 percent. Expanding the Polish private sector would not only bring greater economic freedom, it would also provide a way out of the severe economic crisis that has afflicted Poland for years and drastically lowered the standard of living there.

If we decide, as I am proposing, that we should direct United States assistance to low-level private enterprise in Poland, then OPIC is uniquely suited for the task. OPIC deals almost exclusively with the private sector in every country where it operates and has considerable experience in working with small businesses. The political risk insurance and project financing OPIC provides would make it possible for United States businesses to invest in the Polish private sector. My expectation is that this investment would bolster private enterprise in Poland, and perhaps even convince the Polish Government to loosen further some of the existing fetters on the private sector.

Because OPIC is prevented under current U.S. law from operating in Poland, it is necessary to grant it specific authorization to assist potential U.S. investors in the Polish private sector. But a simple waiver does not provide sufficient guarantees that

OPIC would not become involved with enterprises fully or partially owned by the state. Such a waiver would also ignore the expressed intention of Congress when, in 1985, it conditioned OPIC involvement with a particular country on that country's respect for internationally recognized workers' rights.

Therefore, instead of allowing a blanket waiver, this bill would establish four conditions for OPIC involvement in Poland. The first condition ensures that OPIC would only be involved in projects affecting the Polish private sector, or projects sponsored by the church or other independent social organizations. The second condition ensures that workers' rights are respected at least in the enterprises involved in OPIC-sponsored projects, even though government policies in Poland clearly do not now meet an acceptable standard with regard to workers' rights. The third condition would reinforce existing statutory language requiring that OPIC projects not adversely affect U.S. employment or import sensitive U.S. industries. And the fourth condition would make OPIC involvement in Poland contingent on the Polish Government taking further steps to liberalize the Polish economy and, in particular, enacting certain promised reforms that would improve the climate for private businesses in Poland.

This legislation was drafted in consultation with a number of interested groups and institutions. It has been endorsed by the Polish-American Congress, who state that it "would significantly promote the development of private, market-oriented enterprises, which are of critical importance to Poland's economic recovery."

Mr. President, I ask unanimous consent that an item concerning my bill in the most recent Washington newsletter of the Polish-American Congress be printed in the RECORD following my remarks.

The Polish-American Congress' support is especially meaningful to me, Mr. President, because it resulted from the leadership of the late Aloysius Mazewski, president of the Congress. I was terribly saddened to learn of Al Mazewski's passing last week. Just a few weeks ago he was in my office to discuss this bill, and as always, he was helpful, understanding, and easygoing. All of us who have worked with Al personally, or with the Polish-American Congress that he led so effectively, will miss him greatly.

This proposal is far from a panacea for Poland's many problems. But it represents a limited effort to foster a viable private sector in Poland. To the extent that it achieves this goal, it will further U.S. interests and the interests of the Polish people.

If it is successful, however, its effects will not be limited to just the economic sphere. Historical experience teaches us that economic and political liberalization usually go hand-in-hand. When you give people more choices, more freedom to do as they please in their economic lives, they will naturally begin to insist on the same choices and freedom in their political lives. And a liberalized economy simply doesn't work very well when it is burdened by a highly centralized, tightly controlled political apparatus.

Economic liberalization in Poland will contribute to and, in turn, be fed by political democratization in Poland. While this bill's impact would be modest, and while a great deal more has to happen before significant change occurs in Poland, this proposal is a step in the right direction. It would contribute to "bottom-up" reform in Poland, which appears to be the best hope for achieving long-term freedom and prosperity in that troubled country.

Mr. President, I ask that the text of the bill, a summary of the bill's provisions, and statements by Senators MURKOWSKI and SIMON be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) notwithstanding any other provision of law, the Overseas Private Investment Corporation (hereafter in this Act referred to as "OPIC") may issue insurance or reinsurance, guarantee loans, or extend financing for eligible investors, in accordance with section 234 of the Foreign Assistance Act of 1961, with respect to projects in Poland only if such projects are undertaken in conjunction with the nongovernmental sector in Poland.

(2) For purposes of this Act, the term "nongovernmental sector" includes private enterprises, cooperatives (insofar as they are not administered by the Government of Poland), joint ventures (insofar as none of the partners is the Government of Poland or an instrumentality thereof), "Polonia" firms (businesses in Poland wholly or partly owned by United States citizens of Polish descent), the Catholic Church, and other independent social organizations.

(b) Each fiscal year, OPIC shall certify to the Congress that businesses in Poland with respect to which OPIC has undertaken any of the activities described in subsection (a) do not violate any of the internationally recognized workers rights defined in section 502(a)(4) of the Trade Act of 1974, including the right of workers to be represented by the union of their own choice, including the independent trade union "Solidarity".

(c) OPIC shall not issue any insurance or reinsurance, guarantee loans, or extend financing to an eligible investor with respect to any project in Poland which fosters unfair competition with import-sensitive United States industries or leads to significantly adverse impacts on United States employment.

(d) OPIC shall not undertake any of the activities described in subsection (a) with respect to projects in Poland until the Secretary of State has certified that the Government of Poland has enacted laws which significantly improve the operating conditions for private enterprises (domestic and foreign) in Poland. Such improvements shall include reform of the present laws governing joint ventures and the licensing of new businesses.

SUMMARY OF LEVIN BILL ON OPIC AND POLAND

This proposal would allow the Overseas Private Investment Corporation (OPIC) to provide assistance to U.S. businesses wishing to invest in the Polish private sector.

OPIC provides political risk insurance and project financing to U.S. businesses investing in less developed countries. It is a self-financing U.S. government agency under the policy guidance of the State Department. Provisions of current law prevent OPIC from financing projects in Poland.

This proposal would grant specific authorization to permit OPIC to insure and finance projects in Poland under certain limited conditions.

First, OPIC could only insure or finance a U.S. business investment in Poland if the investment is in the non-governmental sector. Non-government sector would be defined as private enterprises, joint ventures and cooperatives with no state involvement, and projects supported by the Catholic Church and other independent social organizations.

Second, OPIC would be required to certify that each Polish enterprise involved in its projects respects internationally recognized workers' rights, as defined under U.S. trade law (includes the right of association; the right to organize and bargain collectively; acceptable work conditions with respect to wages, hours of work, and occupational safety and health; no forced labor; and no child labor. In addition, OPIC would have to certify that each of these Polish enterprises respects the right of its workers to be represented by the union of their own choice, including Solidarity. Under current law, OPIC is required to certify that any country it operates in is "taking steps to adopt and implement" internationally recognized workers' rights. Under this proposal, OPIC would make a workers' rights certification on the level of the individual private enterprise.

Third, OPIC would have to ensure that the projects it insures or finances in Poland do not lead to unfair competition against import sensitive U.S. industries or to a loss of employment in the U.S. OPIC already conducts economic impact studies of each of its projects around the world; this provision would ensure that the U.S. economic impact of any OPIC projects in Poland would be carefully considered before undertaking these projects.

Fourth, OPIC is prohibited from undertaking projects in Poland until the Secretary of State makes a certification relative to economic reform measures in Poland. The Polish government has promised to implement specific reforms concerning, among other things, joint ventures and the licensing of new businesses. The Secretary of State would have to certify that reforms have been enacted that significantly improve the conditions for private enterprises to operate in Poland.

OPIC TO ASSIST U.S. BUSINESS INVESTMENTS IN POLAND'S PRIVATE SECTOR ECONOMY

Senator Carl Levin (D-MI) is proposing introduction of legislation which would allow the Overseas Private Investment Corporation (OPIC)—a government agency—to assist U.S. businesses interested in investing in the Polish private sector. Based on the proposed language, which would limit such assistance to the strictly "non-governmental sector," the Polish American Congress supports Sen. Levin's initiative. When enacted, the legislation would significantly promote the development of private, market-oriented enterprises, which are of critical importance to Poland's economic recovery.

The proposed legislation clearly defines the "non-governmental sector" as including "private enterprises, cooperatives (insofar as they are not run by the state bureaucracy), joint ventures (insofar as neither of the partners is owned by the state), 'Polonia' firms (businesses in Poland wholly or partly owned by U.S. citizens of Poland descent)," etc.

It further stipulates that "OPIC shall certify that the businesses in Poland who receive its assistance do not violate any of the internationally recognized workers' rights defined in Section 502(a)(4) of the Trade Act of 1974, as amended, . . . that businesses involved with OPIC-sponsored projects respect the right of workers to be represented by the union of their own choice, including the independent trade union 'Solidarity'," and that "OPIC shall not undertake any projects in Poland until such time as the Polish government has enacted into law certain changes designed to liberalize economic activity. These changes must include amendment of the joint venture law of 1986, and enactment of a new law on licensing new businesses."

The Polish American Congress urges support of Senator Levin's proposal by Members of the Congress and the Administration.●

● Mr. MURKOWSKI. Mr. President, I rise in support of this bill as an original cosponsor.

This bill, which will allow the Overseas Private Development Corporation to operate in Poland, addresses the desperate economic situation in Poland from the perspective of the working men and women of Poland.

The approach contained in this bill—the approach endorsed by the Polish American Congress and the independent trade union Solidarity—is to employ United States investment in an attempt to reform the Polish system from the bottom up.

Clearly, Mr. President, the Polish Government has demonstrated its inability to bring about real reform in the Polish economy. The referendum put before the Polish people in November of last year on proposed government economic reforms failed to win the required mandate.

This referendum failed, not because there is not universal recognition of the desperate need for reform of the Polish economy—there is; not because the Poles themselves do not recognize the need for reform—I believe they do.

This referendum failed because the people of Poland dislike and distrust the Polish regime. They have no wish to support the reform program of a government in which they have no confidence.

Mr. President, if reform cannot be achieved in Poland from the top down, we must commit ourselves to assisting the process from the bottom up.

This bill will direct United States investment toward the small-scale private enterprise in Poland—the farmer who works his own small piece of land, or the entrepreneur struggling in the service sector of Warsaw or Krakow.

It is important to reemphasis, Mr. President, that this bill will exclude projects that have any involvement with the Polish Government.

It is also important to reemphasize that OPIC is a self-financing organization. Its revenues are generated by the premiums paid by U.S. businesses who buy OPIC insurance. Congress does not appropriate money for OPIC.

Mr. President, one of the unfortunate and unintended effects of the United States sanctions against Poland in the aftermath of martial law was the burden that those sanctions placed on the backs of the Polish workers. Today, the United States has lifted these sanctions but the Polish economy remains in shambles, and the standard of living for the average Pole is now one of the lowest in Eastern Europe.

I recognize that this bill is not the solution to the economic problems faced by Poland. United States investment in small-scale Polish private enterprise cannot reverse over 40 years of economic mismanagement in Poland. This bill will not dig Poland out from under a $36 billion foreign debt.

But what this bill will do is strengthen the portion of Polish society in which I am convinced the answer to their problems does lie—with the working men and women of Poland.●

● Mr. SIMON. Mr. President, I am pleased to cosponsor Senator LEVIN's bill. This modest step would help to foster a viable private sector within Poland. Simply put, that development is in the benefit of both American and Polish citizens.

The benefits for U.S. business investment in a developing market seem evident. Just as importantly, though, is the opportunity this bill presents to effect bottom-up reform within Poland. Such reform provides a sound basis for United States policy and helps the Polish people. During Senator LEVIN's trip to Poland, Lech Walesa and his fellow Solidarity leaders indicated that the best hope for economic improvement was through low-level private enterprise. By freeing OPIC and providing the appropriate safeguards, that is what this bill provides for.

The ability of Lech Walesa and his followers to meet with the Senator from Michigan and express their views is indicative of what makes this initiative worthwhile. Unlike other Eastern bloc nations, Poland possesses strong opposition movements and institutions—namely, Solidarity and the Catholic Church. In addition, by Communist standards, Poland's private sector is unusually large. Private employment accounts for 30 percent of the working population. Within the agricultural sector, three-fourths of the land is in private hands and 80 percent of agricultural workers are in the private sector. There has been growth in private small-scale manufacturing and high-technology industries, as well.

In short, Poland presents a unique opportunity for limited and effective proposal such as this one. The country possesses unique institutional and economic openings. Senator LEVIN's bill carefully builds upon these to further American interests and encourage the increased private economic activity of the Polish people. I am pleased to cosponsor this legislation.●

By Mr. FORD (for himself, Mr. LEAHY, Mr. DOLE, and Mr. CONRAD):

S. 2703. A bill to amend the Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PET THEFT ACT

● Mr. FORD. Mr. President, today, along with my colleagues Senators LEAHY, DOLE, and CONRAD, I am introducing a modified version of S. 2353, the Pet Theft Act, which I introduced on April 29. The thrust of this new legislation is exactly the same as that of the first—to protect against pet theft by abolishing the phenomenon known as auction sales.

The bill before us is a product of extensive deliberation within the Senate Agriculture Committee and of consultation with the Department of Agriculture. It has the personal endorsement of Dr. Michael DeBakey, as well as many others within the biomedical research community.

Time left in the 100th Congress grows short. Because the theft problem is so pervasive, occurring in every jurisdiction—the most recent example being this very week right here in Georgetown, and because no responsible researcher wants anything to do with stolen animals, I hope action can be taken on this legislation in the very near future.●

● Mr. LEAHY. Mr. President, I am pleased to join my colleague from Kentucky in sponsoring the Pet Theft Act of 1988. This legislation will provide needed safeguards against the theft of cats and dogs for sale for research. It will also require a 7-day holding period at pounds so that sufficient time is allowed for the recovery and adoption of pets before releasing them for research.

Mr. President, 2 months ago the chairman of the Senate Rules Committee brought to my attention legislation he had introduced to reduce the theft of pets for research purposes. I made a commitment to him that I would make every effort to move this legislation forward. I directed the professional staff of the Senate Agriculture Committee to meet with all affected organizations and interested Senators to develop legislation that would address this issue. Many people have worked long hours on this legislation and it represents a rare and thoughtful compromise on behalf of the animal welfare organizations and the scientific research community.

A similar bill, S. 2353, also introduced by Senator FORD, was referred to the Senate Committee on Agriculture this spring. Under Senator FORD's leadership, we worked with concerned parties and altered the bill so that it is acceptable to everyone. Because of the shortness of this legislative year, Senator FORD, along with Senators DOLE, CONRAD, and myself, are reintroducing this improved legislation for immediate consideration by the Senate.

The Pet Theft Act amends the Animal Welfare Act administered by the Animal Plant Health Inspection Service of the U.S. Department of Agriculture. In the spring of 1987, the USDA proposed rules in the Federal Register to eliminate current regulations which encourage animal theft for profit. The USDA is continuing to consider comments on the proposed regulations: this legislation will eliminate many of the known problems and aid the Department in its efforts to improve the use of animals in research.

Mr. President, I accept that prudent use of animals for research is necessary to advance medical science and save human lives. But we must prevent against the misuse of animals and explore alternatives to their use in research, testing, and education. This bill will not hinder medical research in this country. Rather, this bill will ensure that only those animals intended for research are used.

Pets are part of our families. They are the only family for many of our older citizens. This bill represents a thoughtful reasonable compromise which protects pets from theft, provides an opportunity for pet adoption, and does not hinder useful medical research.

I am glad to have been a part of this compromise legislation.●

By Mr. HARKIN (for himself and Mr. SIMON):

S. 2704. A bill to require that certain Federal entities and certain non-Federal entities receiving Federal financial assistance provide television sets that display closed-captioning, to eliminate the payment to Federal employees traveling on official business of lodging expenses incurred at a place of public accommodation that does not, on request, provide guests with guest rooms furnished with televisions that display closed-captioning, and for other purposes; to the Committee on Finance.

CLOSED-CAPTIONED TELEVISION SERVICES FOR THE HEARING-IMPAIRED ACT

● Mr. HARKIN. Mr. President, I am pleased to introduce today along with my colleague, Senator SIMON, legislation to increase access to closed-captioned television for individuals with hearing impairments. The Closed Captioned Television Services for the Hearing Impaired Act of 1988 will require that certain Federal entities, and certain non-Federal entities receiving Federal financial assistance, provide television sets that display closed-captioning.

This legislation takes a small step in addressing some of the concerns raised by the Commission on the Education of the Deaf. With the enactment of Public Law 99-371, the Education of the Deaf Act, Congress created this Commission, whose mission was to examine the status of deaf education in this country and make recommendations on possible improvements within the system. After 18 months of study, the Commission issued its final report in March 1988. At that time, members of the Commission and other individuals interested in issues concerning deaf and hearing impaired persons testified before the Subcommittee on the Handicapped, which I chair, on the findings of the Commission's report.

In this report, the Commission examined prevention and early identification of deafness, elementary and secondary education, Federal postsecondary education systems, research, evaluation and outreach, professional standards and training, and technology. The Commission found that the status of deaf education in this country is unsatisfactory and that—

> Maintenance of the status quo represents an unwarranted extravagance—especially when we consider that a clearer understanding of the needs of persons who are deaf, coupled with the redirection of some existing funding and priorities, and a modest amount of new funding could result in impressive long-term savings. (p. ix)

In this comprehensive study, the Commission identifies captioning of television as one of the most important technologies for the deaf and hearing impaired. The report states:

> The deficiencies, referred to earlier, in the successful implementation of publicly stated and legislated policy, lie largely in the failure to [among other things] use, and encourage the use of, the diverse tools being provided by advancing technology, including computers, and electronic equipment and support for TV closed captioning. (p. x)

The Commission also finds that closed captioning is the most effective technology for speeding the attainment of literacy, and more importantly, in helping the deaf person participate in the wider world that is routinely accessible to those who hear. I subscribe to this view.

> TV is the most pervasive and influential means of sharing information in America. Until the 1970's, deaf persons had no access to TV, and were isolated from the major pipeline feeding information to America. The development of captioning made it possible for deaf persons to see what others heard on TV. (p. 112)

It is also important to note that closed captioned television can benefit more than just the deaf and hearing impaired population. It can help hearing children and illiterate adults learn to read. Captioning can also facilitate the acquisition of the English language by those whose first language is not English.

Mr. President, one of the most disturbing findings of the Commission was that some 70 percent of all deaf high school graduates read at the third grade level. This is partially due to the difficulty in recognizing and accommodating the special language needs of deaf children. These children have an invisible language disability and oftentimes cannot understand what is being taught. Closed captioning provides visible access to the English language, and facilitates language acquisition which in turn facilitates learning.

I believe the legislation I am introducing today takes a first step in attaining the goals set out in the Commission on the Education of the Deaf's report.

The Closed Captioned Television Services for the Hearing Impaired Act of 1988 would require entities which deliver Medicare and Medicaid services to provide access to captioned television in those facilities in which televisions are provided. In addition, Public Health Service Hospitals and facilities under the jurisdiction of the Veterans' Administration would also be required to furnish captioned television in those situations where television viewing is present. Finally, elementary, secondary, and postsecondary schools would also be covered under this legislation. The Closed Captioned Television Services for the Hearing Impaired Act also contains a provision which would allow the Secretary of Commerce to waive this requirement if he or she determines that such action is appropriate.

Congress, with the enactment of section 504 of the Rehabilitation Act of 1973, has made it clear that reasonable accommodations must be made for persons with disabilities participating in federally assisted programs. Closed captioned television is an example of providing reasonable accommodation. Thus, there is an obligation under current law to provide closed captioning for deaf and hearing impaired persons.

Unfortunately, in practice, close captioned television is not always made available. This legislation seeks to reemphasize this obligation.

The Commission also recommended increasing the amount of captioned programming on the three major networks. This bill addresses this issue in a very limited way. In the next Congress, I will be developing a comprehensive strategy to further promote captioning of TV and video programs. It is my goal to make all programs accessible to individuals with hearing impairments.

Mr. President, this legislation has been endorsed by over 15 organizations which advocate for the needs of deaf and hearing impaired individuals including the National Association for the Deaf, the Self-Help for Hard of Hearing Persons [SHHH], the National Captioning Institute and the Alexander Graham Bell Association for the Deaf.

In closing, I want to thank Representative BONKER for introducing this legislation in the House of Representatives, along with Representative BONIOR and Senator PEPPER. With the appointment of the first deaf president at Gallaudet University and the release of the Commission on the Education of the Deaf's report, the world's attention has been focussed on the rights of deaf and hearing impaired persons. This legislation advances these rights and I hope it will be looked upon favorably by this body.●

● Mr. SIMON. Mr. President, I am happy to join my friend and colleague Senator HARKIN, as an original cosponsor of the Closed Captioned Television Services for the Hearing Impaired Act of 1988.

This bill would require that a variety of educational and federally funded institutions—including hospitals, nursing homes, and institutions for the mentally retarded—provide their clients with access to closed captioned television sets. In addition, the bill would require all public service announcements funded or written by the Federal Government to be captioned for the hearing impaired.

I firmly believe that we should make every effort to increase the ability of deaf and hearing impaired individuals to share in the communication the hearing world takes for granted. This legislation is a long step in the direction of inclusion of millions of Americans in the cultural and social life of our Nation.

Television can play an important role in education and communication. Currently, we cut off this source of information to millions of hearing impaired Americans and others who could be using closed captioned televisions. The networks have been making a strong effort to provide closed captions for much of their programming. If a hearing impaired individual does not have access to a decoder, however, these efforts are meaningless.

It is a simple matter to adapt television sets for closed captions. A small box that attaches to a television set, a decoder, is used. The cost is less than $200 per box, and hospitals and other institutions would be able to buy systems that accommodate up to 1,000 television sets for just $1,800. Closed captioned television benefits deaf and hearing impaired individuals, but can also be used to teach children and adults with learning disabilities, illiterate individuals, and those who are learning English as a second language.

This bill will ensure the rights of over 24 million Americans who are deaf or hearing impaired, and has endless possibilities in the field of education.

I am proud to join Senator HARKIN, the television industry, the National Association of the Deaf, and many other agencies and advocacy groups in supporting this important legislation.●

By Mr. EXON:

S.J. Res. 362. Joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. EXON. Mr. President, the Presidential elections and the 200th anniversary celebration of the adoption and ratification of our Constitution provides an excellent opportunity to review our Constitution as it relates to the election of the President and Vice President.

Today, I hope to ignite a national debate about our Presidential election process. I rise to offer an amendment to the Constitution to eliminate the electoral college and permit the direct election of the Presidential ticket.

I have long felt that the electoral college is a relic which has outlived its usefulness. It is time to do away with the electoral college and make every vote across the Nation count. Certainly, the United States is now mature enough as a nation to elect its own President.

The American people also agree. A spring 1987 CBS/New York Times poll indicated that 61 percent of those polled favored a constitutional amendment to allow the direct election of the President. Over the years, public opinion has consistently favored the direct election of the President.

As the 1988 general election approaches, the political pollsters and pundits predict that the Presidential election will be a very close one indeed. One cannot read a campaign trail news article without noting the electoral college strategies of the Presidential candidates. While I personally expect the 1988 election to be a decisive one, it is entirely within the realm of possibility that the 1988 election could bring an electoral victory without a popular victory. One can only imagine what nation-splitting trauma would occur if an individual were to assume the Nation's highest office contrary to the popular will of the Nation.

The electoral college is an antidemocratic institution. With its "winner take all tradition," votes for opposing candidates in each State are essentially eliminated from consideration. A Presidential ticket in theory only needs to win the 11 largest States, even by the very narrowest margins and lose all other States even by significant margins to be elected; regardless of the total popular vote.

Mr. President, I say "winner take all tradition" because, there is nothing to legally bind electors to vote any particular way. The electoral college could, in theory, disregard the popular vote of the electorate and vote as the electoral college pleases.

Several times in American history, one or two so-called "faithless" electors voted for candidates of their own choosing.

While an occasional "faithless" elector will not threaten the outcome of an election, three times in our Nation's history, Presidents were elected without a popular mandate.

In 1824, Andrew Jackson received 43.1 percent of the popular vote and 37.9 percent of the electoral vote while his opponent, John Quincy Adams received 30.5 percent of the popular vote and 32.1 percent of the electoral vote.

Since no candidate received a majority of the electoral vote, the election was thrown to the House of Representatives as directed by the Constitution, where John Quincy Adams secured the support of 13 State delegations winning over Andrew Jackson who had won the support of only 7 State delegations.

In a case closer to a potential result of the 1988 election, in 1876, Samuel Tilden received 50.1 percent of the popular vote and lost to Rutherford B. Hayes who won a one vote majority in the electoral college.

The third case occurred 100 years ago in 1888. Grover Cleveland won 48.7 percent of the popular vote and 42 percent of the electoral vote, while his opponent, Benjamin Harrison, became President with only 47.9 percent of the popular vote and 58 percent of the electoral vote.

If the electoral college system is not changed, I suspect that within my lifetime, history will repeat itself. Indeed, in 20 Presidential elections, a 1-percent shift in the national vote could have changed the outcome of the election.

In an era where the majority of Americans are lax in exercising their right to vote, the potential for a minority group, like the electoral college, electing the leader of our great Nation is cause for serious concern.

In most elections, there is a significant disparity between popular votes and electoral college votes. In 1912, President Wilson won 42 percent of the popular vote and 82 percent of the electoral vote. Most recently, in 1984, President Reagan won 59 percent of the popular vote and 98 percent of the electoral vote. It is clear that in winning elections, the electoral college does not reflect the will of the people.

There are several other more subtle ways that the electoral college short circuits democracy. Electoral politics necessarily dictates Presidential campaign tactics and opinions at three critical stages.

Early in Presidential election cycles, candidates from smaller States are often not given the consideration they deserve.

In 1988, the candidates from Arizona, Delaware and Kansas brought a richness to the Presidential debate; yet, I suspect, that the fact that they were from smaller States had a negative influence on their ability to attract support. In the future, America may wish to turn to leaders from these States or from Nebraska, Montana, Utah, or New Mexico. Our Constitution should not stack the electoral deck against leaders from smaller States.

At another critical point, midway through the Presidential campaign, attention focuses to the so-called Veepstakes. Vice President BUSH has promised to hide his Vice Presidential choice even from his wife to build suspense for television audiences viewing the Republican Convention. On occasion, electoral vote strategies have dictated who should be chosen for the second place on the national ticket. Vice Presidential candidates are, at times, selected because of the number of electoral votes they can deliver rather than their qualifications to become President.

In this regard, I am delighted to acknowledge that the current known candidate for the Vice President is not only exceptionally well qualified to become President, but is from a State rich in electoral votes. Future circumstances may not be so kind. A Vice President should be selected based on his or her ability to assume the office of the President.

In the final phases of a campaign, Presidential tickets devote a great amount of their time and attention to States with many electoral votes such as California, New York, Florida, and Texas. I submit that this situation lends itself to special interest campaign promises.

Presidential candidates should seek votes in all corners of our great Nation. As a matter of fundamental principle, I believe that the vote of a Nebraskan for a Presidential ticket should count just as much as a vote of a Californian.

The proposed constitutional amendment I introduce today eliminates the electoral college and allows the people to choose their President. Under this proposal, if no Presidential ticket should receive at least 50 percent of the popular vote and the majority of the vote in at least one-third of the States, a runoff election between the two highest vote getters would be held.

This system will guarantee that the will of the people will prevail but at the same time will not expose the Nation to the factionalism feared by our Founding Fathers.

The Senate last considered the electoral college in 1979. The proposed constitutional amendment I offer today is based in part on the 1979 proposal of Senator Birch Bayh of Indiana. At that time the proposal received the support of a majority of the Senate. I hope to build on that success. I welcome any comments and suggestions to change and improve this legislation.

I look forward to the national discussion and debate that the introduction of this proposed constitutional amendment will spark.

I ask unanimous consent that the text of this proposed constitutional amendment be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 362

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislature of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article

"Section 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President.

"Sec. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for the electors of President and Vice President, any State may prescribe by law less restrictive residence qualifications and for electors of President and Vice President the Congress may by law establish uniform residence qualification.

"Sec. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 50 per centum of the whole number of votes cast and such number be derived from a majority of the number of votes cast in each State comprising at least one-third of the several states.

"If, after any such election, none of the persons joined as candidate for President and Vice President is elected pursuant to the preceding paragraph, a runoff election shall be held within sixty days in which the choice of President and Vice President shall be made from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes in such runoff election shall be elected President and Vice President.

"Sec. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by law in each State; but the Congress may by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election, other than a runoff election, shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than thirty days after the date on which the election occurs.

"Sec. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of either the President-elect or the Vice President-elect.

"Sec. 6. Sections 1 through 4 of this article shall take effect two years after the ratification of this article."

"Sec. 7. The Congress shall have power to enforce this article by appropriate legislation."

By Mr. SARBANES:

S.J. Res. 363. Joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week"; to the Committee on the Judiciary.

VOCATIONAL-TECHNICAL EDUCATION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution to designate November 28 through December 2, 1988, as "Vocational-Technical Education Week."

I am pleased to introduce this joint resolution which provides overdue recognition to an integral part of our Nation's education system. The increasingly complex and technological nature of our society requires a skilled work force, and it is clear that vocational education and job training programs increase the development of human resources and the possibility that all of our country's citizens will lead useful and productive lives.

Enrollment in vocational-technical education is growing at a rapid rate. There are currently over 15.5 million students enrolled nationwide in secondary and postsecondary public vocational education programs. In addition, the first interim report from the National Assessment of Vocational Education states that 97 percent of secondary students enroll in at least one course classified as a vocational education course during their high school years. The importance of vocational education in our education system is further illustrated by the fact that graduates of vocational programs spend more time in the labor market and often earn a higher salary than nonvocational graduates of similar background.

My own State of Maryland is fortunate to have a very fine State council on vocational-technical education. I was pleased to have the opportunity to address the council's statewide conference on private sector-education cooperation held recently in Baltimore. This conference provided a forum for the exchange of ideas and information on all aspects of private sector education cooperation, and is a good illustration of the excellent efforts underway in Maryland to serve the approximately 300,000 individuals currently enrolled in public vocational-technical education programs in the State.

Mr. President, it is particularly important to note that at a time of increasing demand by students, the community and the private sector for vocational-technical education, the Federal support in this area has not kept pace with the demand. It is my hope that the designation of a "Vocational-Technical Education Week" will serve to reemphasize the need for strong Federal support for vocational education programs, and will draw attention to the importance of vocational education to the future economic development of our Nation and the well-being of our citizens.

Mr. President, I urge swift consideration and passage of this important joint resolution.●

ADDITIONAL COSPONSORS

S. 612

At the request of Mr. Simon, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 612, a bill to repeal a provision of Federal tort liability law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

S. 1081

At the request of Mr. Bingaman, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 1081, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan.

S. 1554

At the request of Mr. Fowler, the names of the Senator from Pennsylvania [Mr. Heinz] and the Senator from New York [Mr. Moynihan] were added as cosponsors of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1851

At the request of Mr. Metzenbaum, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 2030

At the request of Mr. Lautenberg, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 2030, a bill to amend the Marine Protection, Research, and Sanctuaries Act.

S. 2061

At the request of Mr. Burdick, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 2061, a bill to establish national standards for voter registration for elections for Federal office, and for other purposes.

S. 2199

At the request of Mr. Chafee, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2221

At the request of Mr. McCain, the name of the Senator from New York [Mr. Moynihan] was added as a cosponsor of S. 2221, a bill to expand our national telecommunications system for the benefit of the hearing-impaired, and for other purposes.

S. 2367

At the request of Mr. Lautenberg, the name of the Senator from Alaska [Mr. Murkowski] was added as a cosponsor of S. 2367, a bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes.

S. 2470

At the request of Mr. Metzenbaum, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 2470, a bill to promote technology competitiveness and energy conservation in the American steel industry.

S. 2477

At the request of Ms. Mikulski, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 2477, a bill to amend the Public Health Service Act to modify the authority for the regulation of clinical laboratories to require laboratories to qualify under proficiency testing programs, and for other purposes.

S. 2480

At the request of Mr. Moynihan, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 2480, a bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits.

S. 2501

At the request of Mr. Wilson, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Mississippi [Mr. Cochran], and the Senator from New York [Mr. D'Amato] were added as cosponsors of S. 2501, a bill to amend the Internal Revenue Code of 1986 to allow periods of out-of-residence care to qualify for the principal residence use requirements of the one-time capital gain exclusion for taxpayers who have attained age 55.

S. 2626

At the request of Mr. Moynihan, the names of the Senator from Virginia [Mr. Trible] and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of S. 2626, a bill to amend section 530 of the Revenue Act of 1978 to clarify the Federal income and employment tax treatment of providers of technical services through third party arrangements, and for other purposes.

S. 2641

At the request of Mr. Melcher, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of S. 2641, a bill to authorize the Secretary of Agriculture and other agency heads to enter into agreements with foreign fire organizations for assistance in wildfire protection.

S. 2664

At the request of Mr. Moynihan, the names of the Senator from Mississippi [Mr. Cochran] and the Senator from Maine [Mr. Mitchell] were added as cosponsors of S. 2664, a bill to amend the Internal Revenue Code of 1986 to exempt from the capitalization rules certain expenses of producers of creative property.

S. 2669

At the request of Mr. Boren, the names of the Senator from North Dakota [Mr. Burdick] and the Senator from Iowa [Mr. Harkin] were added as cosponsors of S. 2669, a bill to amend section 1388 of the Internal Revenue Code of 1986.

S. 2685

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2685, a bill to establish criminal penalties for the dumping of health care facility waste.

SENATE JOINT RESOLUTION 113

At the request of Mr. HEFLIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution proposing an amendment to the Constitution of the United States with respect to the impeachment of article III judges.

SENATE JOINT RESOLUTION 280

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 280, a joint resolution to designate the week of November 27, 1988, through December 3, 1988, as "National Home Care Week."

SENATE JOINT RESOLUTION 350

At the request of Mr. SIMON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 350, a joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 355

At the request of Mr. HEFLIN, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 355, a joint resolution designating October 7, 1988, as "National Teacher Appreciation Day."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. GRASSLEY, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 137—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. DODD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 137

Resolved by the Senate (the House of Representatives concurring), That permission is conferred on the National Council of Returned Peace Corps Volunteers to use the Rotunda of the Capitol, from 12:00 noon, November 21, 1988, until 12:00 noon, November 22, 1988, for a vigil of readings from personal Peace Corps journals by Returned Peace Corps Volunteers in honor of John F. Kennedy, the founder of the Peace Corps, on the 25th anniversary of his death.

SENATE RESOLUTION 456—PROVIDING FOR THE ISSUANCE OF A SUMMONS AND FOR RELATED PROCEEDINGS CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST ALCEE L. HASTINGS

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 456

Resolved, A summons shall be issued which commands Alcee L. Hastings to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1988, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 23, 1988.

SEC. 5. The Secretary shall notify counsel for Alcee L. Hastings of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

SENATE RESOLUTION 457—TO DIRECT LEGAL COUNSEL TO REPRESENT SENATOR KERRY IN THE CASE OF BEAUCHAMP AGAINST KERRY

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas, in the case of *Beauchamp* v. *Kerry,* Civil Action No. 88-1932, pending in the Superior Court of the Commonwealth of Massachusetts, the plaintiff has named Senator John F. Kerry as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Kerry in the case of *Beauchamp* v. *Kerry.*

AMENDMENTS SUBMITTED

OCEAN DUMPING LEGISLATION

DODD (AND OTHERS) AMENDMENT NO. 2822

Mr. DODD (for himself, Mr. LAUTENBERG, Mr. CHAFEE, Mr. BRADLEY, and Mr. WEICKER) proposed an amendment to the bill (S. 2030) to amend the Marine Protection, Research, and Sanctuaries Act; as follows:

On page 6, line 1, insert "and medical waste" immediately after "sludge".

On page 10, following line 5, insert the following new subsection and redesignate subsequent subsections accordingly:

"(i) Notwithstanding any other provision of law, it shall be unlawful for any person to dump, or transport for the purpose of dumping, medical waste from the United States into ocean waters.

At the end of the bill add the following new sections:

"SEC.   . Section 3 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1402) is amended by adding at the end thereof the following:

'(m) The term "medical waste" shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves, and such additional items as the Administrator shall prescribe by regulation.'.

"SEC.   . Section 301(f) of the Federal Water Pollution Control Act (33 U.S.C. 1311(f)) is amended by inserting 'or medical waste' immediately after 'radioactive waste'.

"SEC.   . Section 502 of the Federal Water Pollution Control Act is amended by inserting the following at the end thereof:

'(20) The term "medical waste" shall include syringes, hypodermic needles, vials or bags containing blood specimens, surgical gloves and such additional items as the Administrator shall prescribe by regulation.'.".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2823

Mr. LAUTENBERG (for himself, Mr. BRADLEY, Mr. CHAFEE, and Mr. DODD) proposed an amendment to the bill S. 2030, supra; as follows:

At the end of the bill add the following new section:

"SEC. . Section 105(b) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1415(b)) is amended by inserting '(1)' immediately before 'In addition' and, at the end thereof, adding the following new paragraph:

'(2) Any person who knowingly violates section 104(B)(i) of this Act shall upon conviction be fined not more than $250,000, or imprisoned for not more than five years, or both.'.".

ROTH AMENDMENT NO. 2824

Mr. ROTH proposed an amendment to the bill S. 2030, supra; as follows:

On page 7, line 8, immediately after the period, insert "Nothing in this paragraph shall affect the prohibition contained in subsection (e)(1).".

On page 10, line 24, before the period insert", and the eligible authority acted in good faith".

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 2825

Mr. LAUTENBERG (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 2030, supra; as follows:

At the end of the bill, add the following:

TITLE I—SHORE PROTECTION ACT OF 1988

SHORT TITLE

SEC. 101. This title may be cited as the "Shore Protection Act of 1988".

DEFINITIONS

SEC. 102. As used in this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "municipal or commercial waste" includes all solid waste, as defined in section 1004(27) of the Solid Waste Disposal Act, subject to the requirements of section 4003(a)(2) and other provisions of subtitle D of such Act. Such term shall include municipal garbage and refuse, commercial refuse, medical wastes, wood debris, and other solid waste. Such term shall exclude debris solely from construction activities, sewage sludge as regulated under the Ocean Dumping Act, and dredged or fill material as regulated under the Ocean Dumping Act, the Clean Water Act, and the Rivers and Harbors Act of 1899;

(3) "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(4) "receiving facility" means the facility or operation where the waste material is unloaded from a vessel;

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(6) "type of waste" means a characterization of the waste as municipal waste, commercial waste, medical waste, or waste of another character;

(7) "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands;

(8) "vessel" means any watercraft (other than a federally owned or private recreational watercraft) used for the purpose of transporting municipal or commercial waste;

(9) "vessel operator" means the person primarily responsible for the operation of the vessel;

(10) "vessel owner" means any person owning such vessel;

(11) "waste source" means the facility or vessel from which the municipal or commercial waste is loaded onto a vessel, including any rolling stock or motor vehicles from which such waste material is directly loaded; and

(12) "coastal waters under the jurisdiction of the United States" means—

(A) the territorial sea, and the marine and estuarine waters of the United States up to the head of tidal influence, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

VESSEL IDENTIFICATION NUMBERS

SEC. 103. (a) No vessel may be used by any person to carry any municipal or commercial waste for any purpose within the coastal waters under the jurisdiction of the United States without first obtaining a vessel identification number for that vessel from the Secretary and displaying such number on the vessel in a clearly visible manner and location.

(b) Application for the vessel identification number required by subsection (a) shall be made by the vessel owner and shall contain the following information—

(1) the name, address, and phone number of the vessel owner or owners;

(2) the vessel's name and registration number;

(3) the vessel's home port;

(4) the vessel's transport capacity;

(5) a history of the types of cargo carried by that vessel during the previous year, including the type of waste carried; and

(6) signed certification by the vessel owner that all of the provided information is accurate.

(c) The Secretary shall make the vessel number application forms publicly available within 60 days after enactment of this Act.

(d) The vessel identification number must be renewed at least every 5 years and at any time that the vessel changes ownership. No new owner may operate the vessel or may allow the vessel to be operated using the vessel identification number obtained by the previous owner.

(e) The Secretary is authorized to collect up to $1,000 from the vessel owner to compensate for the cost of the issuance and maintenance of vessel identification numbers and maintaining records.

(f) Beginning 240 days after enactment of this Act, no vessel may carry municipal or commercial wastes unless a vessel identification number has been obtained for that vessel at least 30 days before the transport of such wastes takes place.

(g) The Secretary is authorized to, or at the request of the Administrator, shall deny a vessel identification number to any vessel for which the owner or operator has a record of a pattern of serious violations of this title, the Solid Waste Disposal Act, the Marine Protection, Research, and Sanctuaries Act, the Rivers and Harbors Act of 1899, or the Clean Water Act.

(h) The Secretary, after consultation with the Administrator shall issue or deny a vessel identification number in accordance with this section within 30 days after receiving a complete application.

(i) If the Secretary, after consultation with the Administrator, proposes to revoke or deny the vessel identification number, there shall be a public hearing on such proposed revocation or denial if the vessel owner requests such a hearing.

(j) The Secretary is authorized to combine applications for vessel identification numbers required under this title with applications for any other required registration number provided—

(1) the Coast Guard maintains a separate list of vessels subject to the requirements of this title; and

(2) the information requirements are consistent with those required under this title.

WASTE HANDLING PRACTICES

SEC. 104. (a) Beginning 60 days after the enactment of this Act—

(1) The owner or operator of the waste source shall take all reasonable precautions to assure that all municipal and commercial waste is loaded onto the vessel and that such waste deposited in the water is minimized.

(2) The vessel owner or operator shall assure that all municipal and commercial waste loaded onto the vessel is properly secured by netting or other means which will assure that the waste will not be deposited into the water during transport.

(3) The disposal facility owner or operator shall assure that all municipal and commercial waste is offloaded in a manner which assures that such waste deposited into the water is minimized during the unloading operations or during interment into the landfill.

(4) The owner or operator of any waste source or receiving facilities shall provide adequate control measures to collect any municipal or commercial waste that is accidentally deposited into the water.

(b) The Administrator shall promulgate regulations further defining and implementing the requirements of subsection (a). Such regulation shall require that waste sources and receiving facilities provide the means and facilities to assure that the waste will not be deposited into the water. Such regulations may require the submission and adoption by each affected party of an Operation and Maintenance Manual identifying procedures to be used to prevent, report, contain, and clean up any spill of municipal or commercial waste including recordkeeping and reporting requirements. Nothing in this section shall be construed to affect or supersede the Marine Protection Research, and Sanctuaries Act or the Solid Waste Disposal Act.

ENFORCEMENT

SEC. 105. (a)(1) Whenever on the basis of any information the Secretary (in the case of a violation under section 103) or the Administrator determines that any person has violated or is in violation of any requirement of this title the Secretary or the Administrator, as the case may be, may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Secretary or the Administrator, as the case may be, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) The Secretary may, and at the request of the Administrator, shall include a suspension or revocation of any vessel identification number issued by the Secretary under this title in any order issued pursuant to this section. Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of section 103 or $25,000 per day of noncompliance for each violation of section 104. In assessing such a penalty, the Secretary or the Administrator, as the case may be shall take into account the seriousness of the violation, past violations, and any good faith efforts to comply with applicable requirements.

(3) Any order issued under this subsection shall become final unless, no later than 30 days after the order the person or persons named therein request a public hearing. Upon such request the Secretary or the Administrator, as the case may be, shall promptly conduct a public hearing. In connection with any proceeding under this section the Secretary or the Administrator, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(4) If a violator fails to take corrective action within the time specified in a compliance order, the Secretary or the Administrator, as the case may be, may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Secretary may, or at the request of the Administrator shall, suspend or revoke any vessel identification number issued to the violator.

(5) In the discretion of the Secretary or the Administrator, as the case may be, up to one-half of such penalties may be paid to the person or persons giving information leading to the assessment of the penalty.

(b) Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day of such violation shall, for the purposes of this subsection, constitute a separate violation.

(c) Any person who shall knowingly violate, or that shall knowingly aid, abet, authorize, or instigate a violation of this Act, shall be fined not more than $50,000 or imprisoned for not more than 3 years, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(d)(1) Anyone authorized by the Secretary to enforce the provisions of this title may, (A) board and inspect any vessel on the coastal waters under the jurisdiction of the United States, (B) with or without a warrant arrest any person who violates the provisions of this title or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(2) The Secretary of the Treasury may refuse the clearance required by section 4197 of the revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this title which does not have a vessel identification number in compliance with section 103.

(3) The Secretary may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this title which upon request, does not produce evidence that the provisions of this title have been complied with.

(e) The Secretary may, or at the request of the Administrator shall revoke the vessel identification number in any instance where egregious or multiple violations have taken place. Before such action becomes final, the vessel owner must be given 30 days notice and opportunity for a hearing in accordance with subsection (a)(3). In the case of persistent violators with five or more separate violations within a 6-month period, the Administrator is directed to conduct an investigation of the vessels facility or operator. This shall not be construed to limit the Administrator's authority to investigate or the Secretary's authority to revoke vessel identification numbers in instances where egregious violations have taken place.

(f) This section shall be carried out with respect to foreign vessels consistent with the obligations of the United States under international law.

TRACKING STUDY

Sec. 106. (a) The Administrator, in consultation with the Secretary, shall undertake a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal and commercial waste is not disposed in coastal waters under the jurisdiction of the United States. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities and from the data compiled under section 103. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b). The report shall include a recommendation on whether additional tracking mechanisms are needed. This study shall be submitted to the Congress within 24 months after enactment.

(b) The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels carrying municipal or commercial waste which he currently is studying. The Secretary shall consider the relative effectiveness of various systems and the relative costs of the systems both to the Federal Government and to the vessel owner.

COAST GUARD RESPONSIBILITIES

Sec. 107. (a) The Secretary shall assure that periodic checks are made of vessels operating under this title transporting municipal or commercial waste to determine that each of these vessels carries the appropriate vessel identification number required by section 103.

(b) If the Administrator determines under section 7(a) that tracking devices are required to assure adequate enforcement of laws preventing coastal or ocean dumping, the Secretary shall issue regulations to require installation of the appropriate devices within 18 months after the Administrator completes the report the Administrator required under section 7.

RELATION TO OTHER LAWS

Sec. 108. (a) Nothing contained in this Act shall be construed, interpreted or applied to diminish obligations under any other Federal or State law, whether statutory or common.

AUTHORIZATION

Sec. 109. There are authorized to be appropriated $1,500,000 for each of the fiscal years 1989 and 1990, to support the provisions of this title.

DURENBERGER AMENDMENT NO. 2826

Mr. DURENBERGER proposed an amendment to the bill S. 2030, supra; as follows:

Add at the end thereof the following new section:

Sec. . Section 118 of the Federal Water Pollution Control Act is amended by adding "as amended in 1987" after "the Great Lakes Water Quality Agreement of 1978" wherever it occurs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT

GLENN (AND METZENBAUM) AMENDMENT NO. 2827

Mr. BYRD (for Mr. Glenn, for himself, and Mr. Metzenbaum) proposed an amendment to the bill (S. 2209) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, and research and program management, and for other purposes; as follows:

At the end, add the following new section:

Sec. 14.(a) The Administrator may, without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), and on such terms as the Administrator may deem to be appropriate, lease, for a term not to exceed 99 years, real property located at the Lewis Research Center in Cuyahoga County, to the State of Ohio, or a subdivision or agent thereof, or to a corporation or foundation organized exclusively for education or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, for the purpose of the construction and operation thereon of an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors. This lease shall be renewable for additional periods in the discretion of the Administrator.

(b) Subject to the availability of appropriations therefor, the Administrator may enter into agreements, on such terms as the Administrator may deem to be appropriate, with the State of Ohio, or a subdivision or agent thereof, or with a corporation or foundation organized exclusively for educational or scientific purposes which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), or to any other not-for-profit entity, pursuant to which the Administration may provide administrative, maintenance, instructional, and other appropriate support, with or without reimbursement, to an Institute whose purpose is the conduct of aeronautical and space research, the education and training of aeronautical and space engineers, and the transfer of aeronautical and space technology between the United States public and private sectors.

(c) The Administrator may redelegate the authority conferred in subsections (a) and (b), to such subordinate officers and employees as the Administrator may designate.

HOLLINGS AMENDMENT NO. 2828

Mr. BYRD (for Mr. HOLLINGS) proposed an amendment to the bill S. 2209, supra; as follows:

Redesignate sections 2 through 14 as sections 101 through 113, respectively.

Insert immediately before section 101, as so redesignated, the following centered heading:

"TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION".

In sections 101 through 111, as so redesignated, strike "this Act" each place it appears and insert in lieu thereof "this title".

In section 101, as so redesignated, insert "of the National Aeronautics and Space Administration (hereafter in this title referred to as the 'Administrator') immediately after "Administrator" the first place it appears.

In sections 102 and 103, as so redesignated, strike "section 2(c)" each place it appears and insert in lieu thereof "section 101(c)".

In sections 103 and 104, as so redesignated, strike "section 2(a)" and insert in lieu thereof "section 101(a)".

In section 106, as so redesignated, strike "section 2(b)" and insert in lieu thereof "section 101(b)".

In section 109, as so redesignated, strike "section 2(a)(1)" and insert in lieu thereof "section 101(a)(1)".

At the end, add the following new title:

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ATMOSPHERIC PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service under law, $279,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to National Weather Service operations and research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

SEC. 202. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast systems duties under law, $98,500,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast systems specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the development, acquisition, and implementation of major public warning and forecast systems.

(b) In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce (hereafter in this title referred to as the "Secretary") may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the multiyear contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties under law, $51,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to climate and air quality research specified by the Act of 1890, the Act of 1947, and any other law involving such duties. Such duties include the interannual and seasonal climate research, long-term climate and air quality research, and the National Climate Program.

(b) Of the sums authorized under subsection (a) of this section, $3,238,000 for fiscal year 1989 are authorized to be appropriated for the activities under the National Climate Program Act (15 U.S.C. 2901 et seq.).

(c) Of the sums authorized under subsection (a) of this section, $12,000,000 for fiscal year 1989 are authorized to be appropriated to establish a program for the purposes of studying climate and global change. Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, fundamental research on critical oceanic and atmospheric processes, and climate prediction and diagnostics.

SEC. 204. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties under law, $44,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric research specified by the Act of 1890 and by any other law involving such duties. Such duties include research for developing improved production capabilities for atmospheric processes, as well as solar-terrestrial services and research.

SEC. 205. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties under law, $383,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary environmental satellites and land remote-sensing satellites, as well as the operation of such satellites.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) for the purpose of carrying out such duties relating to satellite observing systems.

SEC. 206. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $25,000,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act of 1890 and by any other law involving such duties. Such duties include climate data services, ocean data services, geophysical data services, and environmental assessment and information services.

SEC. 207. (a) The Secretary shall prepare and submit to the Congress, not later than 90 days after the date of enactment of this Act, a 10-year strategic plan for the comprehensive modernization of the National Weather Service. The strategic plan shall set forth basic service improvement objectives of the modernization as well as the critical new technological components and the associated operational changes necessary to fulfill the objectives of weather and flood warning service improvements.

(b) The Secretary shall prepare and submit to the Congress, by the beginning of the fiscal year immediately following the fiscal year in which the strategic plan required by subsection (a) of this section is submitted, a National Implementation Plan for modernization of the National Weather Service. The National Implementation Plan shall set forth the schedules for necessary actions to accomplish the objectives described in the strategic plan, and the National Implementation Plan shall include—

(1) detailed requirements for new technologies, facilities, staffing levels, and funding, for each of the two fiscal years immediately following the fiscal year in which such National Implementation Plan is submitted, in accordance with the overall schedule for modernization;

(2) special measures to test, evaluate, and demonstrate key elements of the modernized National Weather Service operations prior to national implementation, including a multistation operational demonstration which tests the performance of all components of the modernization in an integrated manner for a sustained period; and

(2) detailed plans and funding for meteorological research to be accomplished under this title to assure that new techniques in forecasting will be developed to utilize the new technologies being implemented in the modernization.

(c) The Secretary shall submit a revised National Implementation Plan to the Congress at the beginning of each successive fiscal year after the fiscal year in which the initial National Implementation Plan is submitted.

(d) In reviewing and revising the National Implementation Plan, the Secretary shall consult, as appropriate, with other Federal and public agencies responsible for providing or utilizing weather services.

SEC. 208. (a) The Secretary shall not close, consolidate, automate, or relocate any Weather Service Office or Weather Service Forecast Office except in accordance with this section.

(b) The Secretary may not close, consolidate, automate, or relocate any such office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that such action will not result in any degradation of weather services provided to the affected area. Such certification shall include—

(1) a detailed comparison of the services provided to the affected area and the services to be provided after such action;

(2) any recent or expected modernization of National Weather Service operations which will enhance services in the affected area; and

(3) evidence, based upon operational demonstration of modernized National Weather Service operations, which supports the conclusion that no degradation in services will result from such action.

SEC. 209. (a) Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data archived by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration.

(b)(1) The Secretary shall provide data described in subsection (a) to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data is to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) as necessary to continue to provide data to foreign governments and international organizations on a data exchange basis or as otherwise provided by international agreement.

(c) The initial schedule of any fees assessed under this section, and any subsequent amendment to such schedule, shall be published by the Secretary in the Federal Register at least 30 days before such fees will take effect. The initial schedule shall remain in effect without amendment for the three-year period beginning on the date that fees under the schedule take effect.

(d) Any assessment of fees under this section shall meet the following requirements:

(1) No fees shall be assessed under this section until after September 30, 1989.

(2) With respect to the first one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than one-third of the fair market value specified in subsection (a).

(3) With respect to the second one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than two-thirds of such fair market value.

(4) With respect to the third one-year period during which the initial fee schedule is in effect, and with respect to any period thereafter, fees shall be assessed at no more than the full amount of such fair market value.

(e) Fees collected under this section shall be available to the National Environmental Satellite, Data, and Information Service for expenses incurred in the operation of its data archive centers.

(f) The Secretary shall, not later than 90 days after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report which sets forth—

(1) any plan of the Secretary for assessing fees under this section, including the methodology and bases by which the amount of such fees shall be determined, and the estimated revenues therefrom; and

(2) any plan of the Secretary for using revenues generated from such fees, as well as other resources, to improve the capability of the National Environmental Satellite, Data, and Information Service to collect, manage, process, archive, and disseminate the increasing amounts of data generated from satellites, radars, and other technologies.

(g) The authority of the Secretary to assess fees under this section shall be in addition to, and shall not be construed to limit, the authority under any other law to assess fees relating to the environmental data activities of the National Oceanic and Atmospheric Administration.

SEC. 210. The Secretary, in consultation with the Secretary of State, the Administrator of the National Aeronautics and Space Administration, and appropriate non-Federal organizations, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a plan to construct and operate a worldwide system of ground-based remote sensors to monitor the stratospheric levels of chemicals which can affect the level of ozone in the stratosphere and to use these results to improve our understanding of the possible changes in stratospheric ozone that are the consequence of human activities. The plan shall include time lines for construction and operation of the system, a description of the roles of the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, non-Federal organizations, other nations, and international organizations in constructing and operating the system, and estimates of the costs to construct and operate the system. The plan shall be submitted not later than July 1, 1989.

SEC. 211. It is the sense of the Congress that the global change program represents a significant opportunity for international cooperation and that it is in the best interest of the United States to maintain a separate civilian polar meteorological satellite program to facilitate data sharing with foreign participants in the global change program.

SEC. 212. None of the funds authorized under this title shall be used to move from Kansas City, Missouri, the National Weather Service Training Center currently located at Kansas City, nor to close such Center.

SEC. 213. For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653); and

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

INVESTIGATORY POWERS OF THE U.S. SENATE

GLENN AMENDMENT NO. 2829

Mr. BYRD (for Mr. GLENN) proposed an amendment to the bill (S. 2350) to clarify the investigatory powers of the U.S. Senate; as follows:

On page 1, line 6, strike "if the President" through "Constitution" on line 8 and insert the following: "If the head of the department or agency employing the officer or employee, with the approval of the Attorney General, has directed the officer or employee not to comply with the subpena or order and has provided the issuer of the subpena or order with a written statement setting forth the reasons for the refusal to comply".

On page 1, line 3, strike "1364" and insert "1365".

On page 1, line 4, strike "under the heading 'Senate actions',".

On page 1, line 10, strike "my" and insert "any".

Amend the title so as to read: "To clarify the investigatory powers of the United States Congress.".

GEOTHERMAL STEAM ACT AMENDMENTS

JOHNSTON AMENDMENT NO. 2830

Mr. BYRD (for Mr. JOHNSTON) proposes an amendment to the amendment of the House to the bill (S. 1889) to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes; as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITIONS.

(a) Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended by adding the following at the end of the section:

"(f) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following:

"(1) Thermal features within units of the National Park System listed in Section 28(a)(1) and designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

"(2) Crater Lake National Park.

"(3) Thermal features within Big Bend National Park and Lake Mead National Recreation Area proposed as significant in the Federal Register notice of February 13, 1987 (Vol. 52, No. 30 Fed. Reg. 4700).

"(4) Thermal features within units of the National Park System added to the significant thermal features list pursuant to Section 28(a)(2) of this Act.

(b) Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) Except as otherwise provided for in this section, for purposes of this section the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam."

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land on which, or for which under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized on commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 100 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

"(A) The payment in lieu of commercial quantities production requirement of subsection (i).

"(B) The significant expenditure requirement of subsection (j).

"(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years, for a total of 50 years, if such lease was also the subject of an extension under subsection (c) or an additional 30 years, for a total of 50 years, if such lease is only extended pursuant to paragraph (1).

"(3) If, at the end of either 50-year term referred to in paragraph 2, geothermal steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate. For purposes of this paragraph only, the term 'produced or utilized in commercial quantities' means a bona fide sale or the use of geothermal steam by the lessee to generate electricity in marketable quantities.

"(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities for such lease, given the then current economic conditions.

"(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

"(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

"(A) In each of the first through the fifth payment years, at least $3.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth payment years, at least $6.00 per acre or fraction thereof, of lands under lease.

"(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

"(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

"(A) The date of termination of the lease.

"(B) The date of relinquishment of the lease.

"(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

"(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

"(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis during an extension that a significant expenditure of funds is being made on the lease.

"(2) The following expenditures made by the lessee shall qualify as meeting the requirement of this subsection:

"(A) Expenditures to conduct actual drilling operations on the lease, such as for exploratory or development wells, or geochemical or geophysical surveys for exploratory or development wells.

"(B) Expenditures for road or generating facilities construction on the lease.

"(C) Architectural or engineering services procured for the design of generating facilities to be located on the lease.

"(D) Environmental studies required by State or Federal law.

"(3) Expenditures shall be equal to the following:

"(A) In each of the first through the fifth years, at least $15.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth years, at least $18.00 per acre or fraction thereof, of lands under lease.

"(4) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

"(5) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

"(6) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.".

SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence, and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated shall be eligible for an extension under subsection (c) or (g) of section 6 if it separately meets the requirements for such an extension."

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. All moneys received from the sales, bonuses, royalities and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be."

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking "notwithstanding the provisions of section 20 thereof,".

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out "oil and gas", and after "this Act" insert "or under the Geothermal Steam Act of 1970".

(2) In subsection (b) after "oil and gas" insert ", coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources".

(d) The Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) is amended by adding the following new section:

"SEC. 29. The Secretary shall not issue any lease under this Act on those lands subject to the prohibition provided under section 43 of the Mineral Leasing Act."

SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

"SEC. 28. (a)(1) The Secretary shall maintain a list of significant thermal features, as defined in section 2(f), within units of the National Park System, including but not limited to the following units:

"(A) Mount Rainier National Park.

"(B) Crater Lake National Park.

"(C) Yellowstone National Park.

"(D) John D. Rockefeller, Jr. Memorial Parkway.

"(E) Bering Land Bridge National Preserve.

"(F) Gates of the Arctic National Park and Preserve.

"(G) Katmai National Park.

"(H) Aniakchak National Monument and Preserve.

"(I) Wrangell-St. Elias National Park and Preserve.

"(J) Lake Clark National Park and Preserve.

"(K) Hot Springs National Park.

"(L) Big Bend National Park (including that portion of the Rio Grande National Wild Scenic River within the boundaries of Big Bend National Park).

"(M) Lassen Volcanic National Park.

"(N) Hawaii Volcanoes National Park.

"(O) Haleakala National Park.

"(P) Lake Mead National Recreation Area.

"(2) The Secretary may, after notice and public comment, add significant thermal features within units of the National Park System to the significant thermal features list.

"(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

"(A) Size, extent and uniqueness.

"(B) Scientific and geologic significance.

"(C) The extent to which such features remain in a natural, undisturbed condition.

"(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

"(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within the units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

"(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the lands subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System. Such determination shall be subject to notice and public comment.

"(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System, the Secretary shall not issue such lease.

"(3) The Secretary shall not issue any lease under this Act for those lands, or portions thereof, which are the subject of a determination made pursuant to subparagraph (2).

"(d) With respect to all leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System where the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to:

"(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

"(2) requiring the lessee to report annually to the Secretary on activities taken on the lease;

"(3) requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells; and

"(4) requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on a significant thermal feature within a unit of the National Park System until such time as the significant adverse effect is eliminated. The stipulation shall provide for the termination of the lease by the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.

"(f) Nothing in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI), and provided for in Public Law 98-473.".

SEC. 7. CRATER LAKE NATIONAL PARK REPORT.

On March 1, 1989, or 6 months after the date of enactment of this section (whichever is later), the Secretary shall submit to Congress a report on the presence or absence of significant thermal features within Crater Lake National Park.

SEC. 8. CORWIN SPRINGS KGRA STUDY.

(a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study on the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands with the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. Vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Springs Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring such leasing activities subsequent to the 180 days after study submittal.

(d) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsection (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

SEC. 9. CONSISTENCY PROVISION.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of Title I of Section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

BINGAMAN AMENDMENT NO. 2831

Mr. BYRD (for Mr. BINGAMAN) proposed an amendment to the bill (S. 1081) to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; as follows:

On page 32, line 2, strike "biannual" and insert in lieu thereof "biennial".

On page 47, insert between lines 21 and 22 the following new paragraph:

"(4) For purposes of this subsection, the term 'identified population subgroups' shall include, but not be limited to, groups based on factors such as age, sex, or race.".

HATCH AMENDMENT NO. 2832

Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill S. 1081, supra; as follows:

On page 47, line 24, strike out "or".

On page 48, line 3, strike out the period and insert in lieu thereof a semicolon and "or".

On page 48, add after line 3 the following new paragraph:

"(3) the authority of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).".

On page 45, line 22, beginning with "consistency" strike out all through the period on line 23, and insert in lieu thereof "that the guidance either is consistent with the 'Dietary Guidelines for Americans' or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretaries. If after such sixty-day period neither Secretary notifies the proposing agency that such guidance has been disapproved, then such guidance may be issued by the agency.".

NOTICE OF HEARING

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 2571, the Winding Stair Mountain, OK, wilderness bill, on September 7, 1988, at 2 p.m. in room 332, Russell Senate Office Building.

Senator WYCHE FOWLER will preside. For further information please contact Bob Redding of Senator FOWLER's office at 224-3643.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on August 9, 1988, at 2 p.m., to hold a markup on S. 1961, the Federal Debt Collection Act of 1987; S. 1863, a bill to amend the bankruptcy law to provide for special revenue bonds, and for other purposes; S. 1626, a bill to keep secure the rights of intellectual property licensors and licensees which come under the protection of title 11 of the United States Code, the Bankruptcy Code; S. 1867, a bill to amend title 28, United States Code, to make certain improvements with respect to the Federal Court Interpreter Program, and for other purposes; S. 1456, a bill for the relief of Paulette Mendes-Silva; S. 1878, a bill for the relief of Thomas Nelson Flanagan; S. Res. 73, to refer S. 329, entitled "A bill for the relief of Dynamic Technology International, Inc., Riverside Precision Machines, and certain other individuals" to the Chief Judge of the U.S. Claims Court for a report thereon; H.R. 439, a bill for the relief of Thomas Wilson; H.R. 1490, a bill for the relief of Jean Young; S. 1878, a bill for the relief of Thomas Nelson Flanagan; S. 1754, a bill for the relief of Fleurette Seidman; and H.R. 1385, a bill for the relief of Travis D. Jackson.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study be authorized to meet during the session of the Senate on August 9, 1988, at 9:30 a.m. to hold a hearing on S. 2408, legislation to transfer the Coast Guard cutter *Ingham* to the Naval and Maritime Museum at Patriots Point, SC.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on August 9, 1988, at 10 a.m. to mark up legislation to implement the United States-Canada Free-Trade Agreement and to consider final approval of the nominations of Salvatore R. Martoche to be Assistant Secretary of the Treasury, Enforcement, and Don E. Newquist and Ronald A. Cass to be Commissioners of the U.S. International Trade Commission.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for John Dowd, a member of the staff of Senator LEAHY, to participate in a program in Turkey sponsored by the Turkish Foreign Policy Institute, from August 20–28, 1988.

The committee has determined that participation by Mr. Dowd in the program in Turkey, at the expense of the Turkish Foreign Policy Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Warren W. Kane, a member of the staff of the Appropriations Committee, to participate in a program in Italy, sponsored by the Center for Civic Education at the University of Urbino, Italy, from October 8–15, 1988.

The committee has determined that participation by Mr. Kane in the program in Italy is in the interest of the Senate and the United States. Mr. Kane's expenses while in Italy will be paid by the Italian Government.●

LAST MINORITY

● Mr. SIMON. Mr. President, a recent issue of Business Week discussed the "last minority," the 36 million Americans with disabilities who are still fighting for their rights as citizens of this Nation. As the story illustrates, today people with disabilities are leading their own efforts to end the discrimination that prevents their achieving their full potential and leading lives of quality.

As people with disabilities become more active on their own behalf in changing public policy, those of us in policy setting roles have a responsibility to listen and respond. We did that recently in the enactment of the Fair Housing Act Amendments. I hope we will soon respond further, by barring discrimination in hiring and public accommodations through passage of the Americans With Disabilities Act.

The disability community itself is well aware that discrimination will not end overnight with the passage of legislation. But it is also clear that we need the law to bring people with all types of disabilities into our workplace, our community, and our lives. With all of the progress we have made in this area in the past decade, still far too many people with disabilities remain hidden from us in our daily lives.

One of the most important things we do through the enactment of these laws is to bring people with disabilities into places where all of us can see and recognize the irrationality of our fears and the invalidity of our prejudice.

People with disabilities are their own best advocates, and I welcome the new activism. Recognizing myself as just a "temporarily able bodied" individual—in fact, that is always a relative term, and I do use a hearing aid—I applaud the renewed efforts. I sense we are ready to take the final steps to bring about full equality for this last minority in America.

I am inserting the article, "The 'Last Minority' Fights for Its Rights," and urge my colleagues to take note of the article and the momentum that is moving us forward again. I ask that the article be printed in full in the RECORD.

The article follows:

[From Business Week, June 6, 1988]

THE "LAST MINORITY" FIGHTS FOR ITS RIGHTS

(By Joseph Weber)

Armed with a master's degree from Cornell University, Kenneth Silberman set out 18 months ago to find work in aerospace engineering. The 27-year-old Baltimore resident is still pounding the pavement with his white cane. "People just don't want to deal with blindness," he says. "They see it, and it scares them off."

For America's 36 million disabled people, life is more difficult that it need be. Social acceptance remains in the dark ages. Even skilled individuals often can't work—despite technologies that let paralyzed people run computers and that help the blind and deaf do just about anything. Only a third of the 15 million working-age disabled are employed, many of them below their capabilities. About 6 million subsist largely on Social Security and disability insurance.

Over the past 20 years, laws requiring better schooling and more accessible public sites have brought more disabled Americans into public life. Now the "last minority" is demanding equality—in a confrontational style reminiscent of 1960s street politics.

HOT TEMPERS

For five days in March, deaf students shut down Gallaudet University in Washington, D.C., until a hearing-impaired president was appointed. The National Federation of the Blind has publicly castigated a Philadelphia restaurateur who refused to serve blind diners. In April, a blind airline passenger refused to leave the smoking section for a seat near an emergency door, as the pilot required; police carried her off the plane.

The battle over public transit is a major one. Disabled groups agitate for lift-equipped buses, which they say provide parity for disabled workers. The American Public Transit Assn. (APTA) say such buses, now in service in about a third of U.S. transit systems, are expensive and underused. In San Francisco, fewer than 800 ride 1,600 lift-equipped busess daily. A lift adds about $14,000 to the price of a $200,000 bus. So, says APTA, local systems should consider jitneys or other solutions. That's anathema to the wheelchair-bound demonstrators (wheelchair-mobile is their preferred phase) dogging APTA officials across the U.S. Last month, 41 members of the radical American Disabled for Accessible Public Transportation were jailed overnight for blocking entrances to an APTA convention in St. Louis.

Activism has brought some victories. Chicago is under court order to begin buying lift buses. In February, the Eastern Paralyzed Veterans Assn. won a court order requiring Philadelphia to make some subway stations accessible. In 1985, after a six-year fight, that group wrested a pledge from New York City to spend an unprecedented $40 million on elevators at key subway stops.

Federal legislation now pending would phase in such transit changes over 10 years. Fashioned by Presidential appointees to the National Council on the Handicapped, the Americans With Disabilities Act is sponsored by Senator Lowell Weicker (R-Conn.), who has a child with Down's syndrome, Senator Bob Dole (R-Kan.), whose right arm is paralyzed; and Representative Tony Coelho (D-Calif.), an epilepic. The bill bars discrimination in hiring, housing, or public facilities by applying stiff federal standards to the private sector.

Randolph Hale, vice-president of the National Association of Manufacturers, agrees that employers can do better but says costly accommodations may daunt smaller companies, But these days technology can open the workplace. For example, laser-equipped eyeglasses developed for fighter pilots will let quadriplegics work computers. The President's Committee on Employment of People with Disabilities advises employers on innovations.

REPUGNANT

Activists, however, recognize that their fight ultimately will be won by changing social attitudes. Weicker told the Senate of cerebral palsy victims barred from restaurants. A New Jersey zookeeper refused to admit Down's syndrome kids for fear of upsetting the chimpanzees. In Virginia, Lisa Thies, who moves her small body about in a wheelchair because of a brittle-bone ailment—but has full use of her hands—found an interviewer "just stammering and totally confused" at her clerical-job application. "We are talking about discrimination that starts in kindergarten and goes all the way through promotions and benefits on the job," says Peg Nosek, a rehabilitation specialist at Houston's Baylor College of Medicine who has spinal muscular atrophy.

The blend of discriminated and pity is particularly repugnant to activists. Echoing early feminism, some disabled people won't let the able-bodies open doors for them. The word "handicapped" is shunned, since it evokes limitations. A few years ago, Equal Employment Opportunity Commissioner Evan Kemp Jr., who has a neuromuscular disease, lambasted Jerry Lewis for using pity as a fund-raising device.

The National Multiple Sclerosis Society has taken note. Its new campaign extrols doers with MS, including a paralyzed marine biologist and a blind equestrienne. But the achievements of what Kemp calls "supercrips" are beside the point for disabled activists. They are fighting for the right to a regular life.●

JAPANESE-AMERICANS

● **Mr. PRESSLER.** Mr. President, the Senate recently voted on a very important issue—redress for citizens and resident aliens of Japanese ancestry who were relocated and interned in the United States during World War II. I did not enjoy voting against this bill, and for the record, I would like to state the reasons why.

During World War II, a grave injustice was committed against Americans of Japanese ancestry. Families were removed from their homes and jobs and were placed in internment camps. This was a clear violation of their civil liberties.

The United States lost many young soldiers who fought for our country and never returned. It was a time of hysteria. Pearl Harbor was bombed and our Navy fleet was crippled severely. Suspicion and racism ran rampant. At the time, most Americans thought the internment was the right thing to do.

As a nation, and as individuals, we long since have come to realize that the internment program was an enormous mistake and a tragic injustice. Thus, I wholeheartedly agree that a formal apology is in order.

What disturbed me about the redress bill was its provision for monetary reparations in addition to the apology. I was deeply concerned about the overall cost of the proposed compensation. At a time when the United States is more than $2.5 trillion in debt, can we afford to spend $1.2 billion for this purpose? At the present rate, the public debt will grow to $3 trillion by the year 1990. That would be a debt of approximately $12,000 for each man, woman, and child in the United States. It is unfair to future generations of taxpayers to add to this enormous debt. As lawmakers struggle to reduce Federal spending, difficult choices must be made on where to cut Federal funds. In that context, I find it difficult to explain this bill to my constituents and other American taxpayers.

Senator S.I. "Sam" Hayakawa is one of the most respected individuals ever to serve in this body. His eloquent speeches and mastery of the English language still are remembered. Senator Hayakawa is known around the world as a linguistic scholar. He wrote the highly regarded Language in Thought and Action. He is a man who never has shied away from controversy—including the issue of reparations for Japanese-Americans who were relocated during World War II.

Mr. President, I would like to share with our colleagues Senator Hayakawa's letter to me on this subject. The Senator has made many fine speeches on the internment of his fellow Japanese-American citizens. I also ask that Senator Hayakawa's December 7, 1982 Senate floor statement relating to the World War II internment of Japanese-Americans be printed in the Record at the close of my remarks.

It truly was an honor for me to serve in the Senate with my distinguished friend from California. Although the Senate and House have passed the redress bill, I hope all members of Congress will take the time to read Senator Hayakawa's remarks on this important subject before appropriating funds for this purpose. He certainly adds a thought-provoking perspective on this issue.

Mr. President, I ask that the aforementioned letter and statement be printed at this point in the Record.

The material follows:

S.I. Hayakawa,
Mill Valley, CA, May 17, 1988.

Hon. Larry Pressler,
U.S. Senate, Washington, DC

Dear Larry: Bless your heart. Had I been still in the Senate, I would have voted with you.

I don't think the relocation program was cruel or unjust. After the destruction of the U.S. fleet at Pearl Harbor, there was nothing to stop the Japanese military from landing on the U.S. mainland. Certainly the U.S. defense forces feared a Japanese attack sufficiently to place nets across the entrance to San Francisco Bay. Some of the remains of those huge nets can still be seen on the shores of the Bay north of Tiburon, California.

The relocation of the Japanese to inland camps was, in my view, neither a mistake nor an injustice. The immigrant Japanese were not permitted to become naturalized by the laws then prevailing. In the event of an actual Japanese landing on American shores, the Japanese in the U.S. would have been in an ambiguous situation indeed. The immigrant generation would all have been "enemy aliens." Most of them spoke poor English or none at all. About half the American-born Japanese were still minors, since their parents were relatively recent immigrants.

The relocation of the Japanese and Japanese-Americans from the West Coast was necessary not only for military reasons, but also for the protection of the Japanese people themselves from the hostility of their American neighbors.

One can always look back on history and find better ways of handling difficult situations. But we must not forget that while we can study data concerning that unfortunate time, we cannot reproduce the wartime climate that then prevailed. Perhaps only those who lost loved ones or those men who were prisoners of war of the Japanese can still experience the anguish of that time.

Sincerely,

S.I. Hayakawa.

JAPANESE-AMERICANS

Mr. Hayakawa. Mr. President, I should like to remind my friends and colleagues that today is December 7, the 41st anniversary of the Japanese attack on Pearl Harbor.

Forty-one years ago today forces of the Empire of Japan attacked the United States at Pearl Harbor. Less than 3 months later President Franklin D. Roosevelt signed the Executive order that led to the relocation and detention of some 120,000 Japanese-American citizens and noncitizens in relocation centers.

In the four decades since that "day of infamy" we have destroyed our powerful adversary and built her up to be a powerful friend—so powerful that we now plead with her to restrict the export of her products.

In the four decades since the mutual hatreds of war, we have so healed ourselves that we now have a prosperous, thriving Japanese-American community which, despite its small population of about 600,000, includes not one, not two, but three U.S. Senators. The ancestors of these three men worshiped the Emperor. But these men stand in this Chamber, the heart of our democracy, and when the spirit moves them, freely criticize the President.

But one controversy has not subsided during the 41 years since Pearl Harbor. If anything, it has grown. That is the controversy over the relocation of Japanese-Americans.

In an effort to understand the issue, the Congress created a commission to investigate the events surrounding the relocation and to make any recommendations for redress. By law the commission must release its findings in a report by December 30, 1982. According to several newspaper reports, it will recommend compensation to those who were interned of up to $25,000 per person.

Whether or how we shall compensate those interned is a matter for future Congresses, of which I shall not be a Member. But as a U.S. Senator, a Japanese-American, and especially as an American, I must share my views on this most sensitive issue.

The wartime relocation of Japanese-Americans in 1942 can only be understood in the context of California history. As is well known, California has been the principal source of anti-Oriental propaganda in the United States for more than 100 years. During the Gold Rush days, by 1851, there were 25,000 Chinese in the State. It was a regular practice of miners, on a big Saturday night drunk, to raid the Chinese sections of mining towns to beat up or lynch a few Chinese just for the hell of it. Chinese were often the victims of mob violence. A mob of whites shot and hanged 20 Chinese one night in Los Angeles in 1871.

When the first transcontinental railroad, the Central Pacific, was completed, great ceremonies were held in connection with the hammering in of the Golden Spike to celebrate the occasion. Eloquent speeches were given praising the magnificent contributions of Englishmen, Irishmen, Germans, Frenchmen, and others who had contributed to the completion of the railroad. But no Chinese were invited to this event, although they above all—10,000 of them—had done the most dangerous and demanding labor to make the completion possible. The Chinese were dismissed when their work was done and set adrift without severance pay.

Anti-Chinese legislation and agitation were common throughout the latter half of the 19th century and well into the 20th. The workers discharged from the railroads drifted from town to town looking for work. In San Francisco they entered some of the skilled trades like hatmaking, cigarmaking, tailoring, and so on. It is an interesting fact that the first union label was one placed on cigars to tell the customer that this cigar was made by white men and not by Chinese. That is what the union label means. That is the proud origin of the union label. In 1882 the Chinese Exclusion Act was passed after much agitation on the part of Californians, including the very influential and then-powerful Sons and Daughters of the Golden West.

The persecution of the Chinese continued into the 20th century. Chinese-American friends of mine who are now older professional men in San Francisco remember the days when, if they left the Chinese area, they were beaten up by Irish and other toughs, so they had to stay within the limits of Chinatown. Throughout this period, pamphlets and books were published attacking Orientals as a menace to white society.

The Hearst newspapers continued to lead a crusade against the "Yellow Peril." The Sacramento Bee, Fresno Bee, Modesto Bee—all of the McClatchy chain—were notorious for their anti-Oriental propaganda. I remember as a high school student in Winnipeg in the early 1920's writing a term paper on anti-Oriental agitation in California, and it was then that I learned of the McClatchy newspapers, long before I knew where Sacramento, Modesto, and Fresno were. The Hearst newspapers were no better.

The attacks upon Orientals were not limited to the popular press or to labor unions and "patriotic" societies. It was highly endorsed by many of the leading intellectuals of the time. There were such books as Lothrop Stoddard's "The Rising Tide of Color, Against White World Supremacy" (1920). Other distinguished intellectuals who wrote warning books against the Orientals were people like Madison Grant, who wrote "Passing of the Great Race, or Racial Basis of European History" (1916). There was also the distinguished labor economist of the University of Wisconsin in the 1930's, Prof. E. A. Ross. When I was a graduate student at the University of Wisconsin in the 1930's, I used to see Professor Ross at the University Club. He never spoke to me nor did I ever speak to him. I did not know then what I learned much later, namely, that he was one of the leading intellectual advocates of exclusion of Orientals from the American labor force. He was regarded as a great liberal at the time.

There was also the widely accepted doctrine of what was later to be known as "Social Darwinism," to the effect that the white race was the highest point of human evolution, and that yellow, brown, and black people represented lower stages. Indeed, white people themselves were divided into the "higher" North European—"Nordic," "Aryan"—and the "lower" South Europeans—Slavs, Greeks, and Italians. The fact that these ideas were widely believed to be scientific is all too evident in the U.S. Immigration Act of 1924, which codified these ideas into law, and which gave high immigration quotas to British, Germans, and Scandinavians, lower quotas to Middle and South Europeans, and total exclusion to the Japanese. The Chinese had already been excluded in 1882.

Against this background of almost 100 years of successful anti-Oriental agitation throughout California, it is easy to understand that the attack on Pearl Harbor aroused in the people of California, as well as elsewhere, all the superstitious, racist fears that had been generated over the years, as well as the normal insanities of wartime. The surprise attack on Pearl Harbor was called "a stab in the back"—a typical Oriental form of behavior.

It is difficult for people who did not live through that dreadful time to reconstruct the terror and the anxiety felt by people along the entire west coast. Disaster followed upon disaster after the attack on Pearl Harbor. On that same day, December 7, 1941, Japanese forces landed on the Malay Peninsula and began their drive toward Singapore. Guam fell on December 10, Wake on December 23. On December 8 Japanese planes destroyed half the aircraft on the airfields near Manila. As enemy troops closed in, General MacArthur withdrew his forces from the Philippines and retired to Australia. On Christmas Day the British surrendered Hong Kong.

The Western World was scared stiff. The west coast of the United States, rich with naval bases, shipyards, oil fields, and aircraft factories, seemed especially vulnerable to attack.

There was talk of evacuating not just the Japanese from the west coast but everybody. Who knew what was going to happen next?

How frightening were the nightly blackouts during that bleak winter of defeat. Would Japanese carriers come to bomb the cities—San Diego, San Francisco, Los Angeles? Would submarines sneak through the Golden Gate to shell San Francisco? Would they actually mount an invasion? Who could tell?

I moved to San Francisco in 1955. You could still see along the shores of Marin County the great big remains of submarine nets that went across the Golden Gate to catch Japanese submarines in case they started sneaking through the Golden Gate. That is how serious the fear was.

War, of course, breeds fear of enemies within—spies, saboteurs. There were rumors that Japanese farmers in Hawaii had cut arrows in their fields to direct Japanese fighter pilots to targets at Pearl Harbor, and that west coast Japanese were equally organized to help the enemy. Such rumors were later found to be totally without foundation, but in the anxieties of the moment they were believed.

It was a field day for inflammatory journalists and newscasters: Westbrook Pegler, John B. Hughes—even Damon Runyon—on the radio every night, screaming, these alarmist broadcasts about the dangers of Japanese attack.

The columnist Henry McLemore wrote:

> Herd 'em up, pack 'em off and give 'em the inside room in the badlands . . . Let us have no patience with the enemy or with any whose veins carry his blood . . . Personally I hate the Japanese. That goes for all of them.

So both at the level of sensational journalism and at the level of the social sciences into the 1930's, the idea of white supremacy was challenged by remarkably few. In California, white supremacy took the form of anti-Orientalism. The notion that the Oriental was shifty, mysterious, and untrustworthy was built into the culture in such books as the Sax Rohmer "Dr. Fu Manchu" novels.

Most Americans have always had difficulty distinguishing between Chinese and Japanese—I must say the Chinese and Japanese have the same difficulty—although the latter were treated far more leniently than the former. The Chinese, except for diplomats and merchants, were forbidden to bring women or wives to America, so that they were essentially a society of bachelors. You can still see many of these lonely old bachelors sunning themselves in Portsmouth Square in San Francisco.

If you want to see the evidence of history still alive, and that evidence in front of your eyes, you can see these old, elderly Chinese gentlemen in old, old clothes and old hats playing chess in Portsmouth Square, all of them 75, 80, and 90 years old. They are the old bachelors who came at a time when they did not let Chinese women into the country at all. But the Japanese could bring their wives or send for picture brides, that is, brides selected from photographs, so that they developed strong family ties and a place for themselves in American society, especially through their children who learned English in the public schools and helped to Americanize their parents.

Again the popular hue and cry was backed up by reputable intellectuals. Walter Lippmann, the dean of American social commentators then and for decades thereafter, joined in the demand for mass evacuation. The idea was also supported at the time by such liberal intellectual journals as the Nation, the New Republic, and the extra-liberal but short-lived New York newspaper, PM.

On February 19, 1942, President Roosevelt signed Executive Order 9066, which set in motion the evacuation program. It applied to all Japanese, citizens and noncitizens alike, in the three Western States and a portion of Arizona. Altogether some 110,000 were relocated, of whom more than 70,000 were American citizens by birth; the remainder were not able to become citizens under the laws then prevailing.

Of course the relocation was unjust. But under the stress of wartime anxieties and hysteria and in the light of the long history of anti-Oriental agitation in California and the West, I find it difficult to imagine what else could have occurred that would not have been many times worse. If things had continued to go badly for American forces in the Pacific—and they did—what would Americans on the west coast have done to their Japanese and Japanese American neighbors as they learned of more American ships sunk, more American planes shot down, more American servicemen killed, including your husband, your boyfriend, your brothers? What would they have done? Would they have beaten their Japanese neighbors in the streets? Would they have ostracized and persecuted Japanese American children? Would mobs have descended on Little Tokyo in Los Angeles and Japan town in San Francisco to burn down shops and homes?

There was precedent for such behavior in California, especially directed against the Chinese. The Chinese started wearing lapel pins saying, "I am Chinese."

I recall a friend of mine, a Japanese American now living in Marin County, who was 11 years old when the war broke out. She and her parents were vastly relieved when they learned of their evacuation from the west coast. Most of her generation and her parents generation welcomed the evacuation as a guarantee of their personal safety.

The question is often asked why Germans and Italians were not interned and why the Japanese in Hawaii were left alone. The answer is simple. Germans and Italians were persecuted during World War I, when they were fairly recent immigrants, but there were too many of them to intern. However, "patriots" dumped garbage on the lawns of German homes, and in some east coast cities, all the German books in the public libraries were burned and courses in the German language offered in colleges and high school stopped. By the time of World War II, both Germans and Italians were a well-established and familiar part of American life. The same was true of the Japanese in Hawaii, who were more than 20 percent of the population there and well known and trusted. Besides there were not enough ships to transport the huge Japanese populations out of the major islands.

On the west coast of the American mainland, the situation was different. The Japanese were a small fraction of the population of California, Washington, and Oregon. The immigration of Japanese was principally between the years 1900 to 1924; then it was stopped by law. Japanese males, who constituted the first immigrants, married late in life because they felt that they had to have a steady job before they could send for a bride from Japan. Hence the typical Japanese American family consisted of a father 20 years older than the mother, and the average age of the Nisei, as the American-born Japanese were called, at the time of Pearl Harbor was 16.

This last statistic is of great importance in accounting for the evacuation and internment.

If the average age of the American-born Japanese is 16, it means that the average white adult official in California knew little or nothing about the Japanese. He had not gone to school with Japanese children nor visited their homes. He had not had Japanese friends on baseball or debate teams. Furthermore, the Japanese parent generation spoke little English or none at all. So the ruling classes, the people in the city councils, the State assemblies, and so on, did not know who the Japanese were. They did not know anything about them. So whatever Westbrook Pegler said about them was likely to be true.

For most white Americans, especially those old enough to sit in positions of authority, the Japanese were a strange and foreign element, so almost anything could be believed about them.

For example, it was widely believed—Japanese used to send their children, after public school, to Japanese language schools. It was widely believed that the Japanese children going to Japanese language school were being taught reverence for the Emperor of Japan, that they were being indoctrinated with Japanese patriotism.

This happened to be true. That is, many of the teachers who came over in the 1930's were products of the superheated patriotism in Japan that made it possible for Pearl Harbor to happen. However, it was not possible at that time to predict that this indoctrination in emperor worship would prove to be totally ineffective.

Incidentally, our distinguished colleague DANIEL INOUYE, as a pupil in a Japanese language school in Hawaii before World War II, kicked up a strenuous protest against the use of these schools to preach Japanese nationalism—and look what happened to him. He got elected to the U.S. Senate.

The relocation centers in desert areas to which the Japanese were assigned were, indeed, dreary places. However, the governing body of the centers, the War Relocation Authority, was headed by the wise and humane Dillon Myer, a midwesterner who, before his appointment, had known almost nothing about the Japanese.

Dillon Myer, by the way, died just about a month ago at quite an advanced age. I believe he was in his nineties.

Being a firm believer in democracy and justice and knowing the people in the camps had done nothing to deserve their internment, Mr. Myer did everything possible to make life tolerable for the internees. He encouraged camp self-government, hired teachers from outside to continue the education of the children, sent WRA staff around the East and Middle West to seek college admittance for Nisei who had graduated from the camp high schools. One result was that many Nisei students who, without enforced evacuation from the west coast, might have stopped with a high school education to work in their father's shops or farms, instead went on to college, including prestigious and private institutions such as Antioch, Oberlin, and Mount Holyoke, as well as to such great public institutions as Minnesota, Michigan, Wisconsin, and Purdue.

A large number of young people—middle-aged people by this time—from very modest families got a college education which they otherwise would never have if they had not been sent to relocation camp.

The officials of the staff of the WRA with a few exceptions were deeply concerned about the injustice of the relocation program, eager to restore the Japanese Americans, especially Nisei, to normal American lives. They fanned out over the United States east of the Rockies to seek employment for them. You must understand that the Japanese Americans that were put into camps were only those who lived west of the Rockies. If you lived east of the Rockies—Salt Lake City, Denver, Chicago—they left you alone, because you were not considered to be a military danger. I was living in Chicago, thank goodness.

They fanned out over the United States east of the Rockies to seek employment for the internees. Everywhere the Japanese Americans went, they impressed their employers by their industry and loyalty, so that more were summoned from the camps—scientists, teachers, mechanics, food processors, agricultural workers. By the time the order excluding Japanese from the west coast was rescinded on January 2, 1945, half the internees had found new jobs and homes in mid-America and the East.

I emphasize this last point because the relocation centers were not "concentration camps." The younger generation of Japanese Americans love to call them concentration camps. Unlike the Nazis, who made the term "concentration camp" a symbol of the ultimate in man's inhumanity to man, the WRA officials worked hard to release their internees not to be sent to gas chambers but to freedom, to useful jobs on the outside world and to get their B.A. at Oberlin College.

By 1945, there were almost 25,000 Nisei and Issei in Chicago, a city that was most hospitable to Japanese, and I myself found relatives I did not know existed. Other Midwest and Eastern cities acquired Japanese populations they did not know before the war: Minneapolis, Cleveland, Cincinnati, New York, Madison, Wis., Des Moines, St. Louis, and so on. And those who remained in camp in most cases did so voluntarily. These were the older people, afraid of the outside world, with the Nation still at war with Japan.

I point out these facts to emphasize the point that to call relocation centers concentration camps, as is all too commonly done, is semantic inflation of the most dishonest kind, an attempt to equate the actions of the U.S. Government with the genocidal actions of the Nazis against the Jews during the Hitler regime. As an American I protest this calumny against the Nation I am proud to have served as an educator and even prouder to serve as a legislator.

Now, the relocation center at Tule Lake, Calif., was different from the others. It was there that those who resisted the evacuation and internment, including a Japanese veteran of the U.S. Army in World War I, a Nisei who renounced American citizenship in protest against the relocation, and other angry people were sent to isolate them from those who patiently accepted their internment. There were frequent distrubances at Tule Lake.

The trouble-free lives at all the relocation centers other than Tule Lake can be contributed to a cultural trait of the Japanese, clearly seen in the Issei, that is, the older generation of immigrants, but almost unheard of in their American-born grandchildren, and that is the concept of gaman, which means endurance. Gaman is to endure with patience and dignity, especially dignity, hardships, misfortunes or injustices, especially those about which nothing can be done.

I am sure there are some Americans who will be enraged at the suggestion that anyone was happy in a relocation camp. But with the concept of gaman, you learn to make the best of a tough situation, endure with patience and dignity the situation you are in and make the best of it.

The people in the relocation camps were shopkeepers, market gardeners, farmers, laborers, all in relatively humble occupations, finding themselves with 3 years of leisure on their hands.

As one elderly gentleman said recently, "That was the first time in my life that I didn't have to get up at 4 o'clock in the morning to milk the cows."

Finding themselves with some leisure in their lives, they went in for art. There was a tremendous artistic output. They turned out little masterpieces of sculpture, flower arrangements, and ceramics and painting, later memorialized in a scholarly volume entitled "Beauty Behind Barbed Wire" by Allen Hendershott Eaton, 1952.

How else can one account for the elderly Japanese farmers and grocers who gathered around a bridge table to go over the nagauta, a traditional, long narrative song, and the music from the kabuki, which is the Japanese equivalent of opera?

For many older Japanese, the relocation turned out to be a 3-year release from unremitting work on farms and vegetable markets and fishing boats, and they used this leisure to recover and relive the glories of their traditional culture.

Now I come to the most important part of the story. It is the story of the Nisei, the children of the older generation I have just been talking about.

It was a great humiliation for the Nisei of the 100th battalion of the Hawaii National Guard to be sent to Camp McCoy, Wis., where they were trained with wooden guns. SPARK MATSUNAGA, now a U.S. Senator from Hawaii, was in that unit. He writes:

We wrote home of our great desire for combat duty to prove our loyalty to the United States. It was not known to us then that our letters were being censored by higher authority. We learned subsequently that because of the tenor of our letters, the War Department decided to give us our chance. Our guns were returned to us, and we were told that we were going to be prepared for combat duty * * *. Grown men leaped with joy.

On January 28, 1943, the War Department announced that Nisei would be accepted as a special combat unit. They volunteered in the thousands both from Hawaii and from the relocation camps. They were united with the 100th Battalion as the 442d Regimental Combat Team at Camp Shelby, Miss.

The 100th Battalion first saw action at Salerno, Italy, in September 1943, and took heavy casualties. The 442d landed in Italy in June 1944, at once gained a reputation as an assault force, and accomplished the famous rescue of the "lost battalion" of the 36th (Texas) Division at an enormous cost in blood. Fighting in seven major campaigns, the men of the 442d suffered 9,486 casualties and won more than 18,000 individual decorations for valor.

Another 3,700 Nisei served in combat areas in the Pacific as translators and interpreters. The Japanese military, believing their language to be too difficult for foreigners to master, were careless about security. They did not count on Nisei on every battlefront reading captured documents and passing information on to Allied commanders. Kibei, Nisei born in America but educated in Japan and originally the object of special distrust, turned out to be especially helpful in this respect.

They were born in America. They were American citizens, but they were educated in Japan. They could read Japanese very well, so they were very, very good for intelligence work.

In short, the Nisei covered themselves with honor and made life in America better for themselves, their parents, who a few years after the war won the right to be naturalized, and their children. I remember vividly the returning Nisei veterans I saw in Chicago soon after V-E Day. Short of stature as they were, they walked proudly, infantry combat citations on their chests, conscious that they were home—in their own country. Chicago, known throughout the war for its hospitality to servicemen, outdid itself when the Nisei returned. They had earned that welcome.

The relocation was a heart-breaking experience for Japanese Americans as well as a serious economic loss for those who had spent decades of labor on their farms and businesses. But most seriously it was an affront. America was saying to them, "You are not to be trusted. You are Japs. We doubt your loyalty."

The Nisei, although very much Americanized, are in some respects profoundly Japanese. An imputation of disloyalty, being an affront, was also a challenge. A powerful Japanese motivation is "giri to one's name"—the duty to keep one's reputation—and one's family's—unblemished. Giri is also duty to one's community, one's employers, to one's nation. The Nisei's nation was the United States. One accused of disloyalty is dutybound to remove that disgrace by demonstrating himself to be loyal beyond all expectation.

This is a basic reason the Nisei volunteered in such numbers and fought so well. More than 33,000 Nisei served in the war—a remarkable number out of a total Japanese American population—Hawaii and mainland combined—of little more than 200,000. They had a fierce pride in their reputation as a group.

The Nisei were also motivated by "giri to one's name." Those who found jobs outside the camps were exemplary workers, as if to prove something not only about themselves but about their entire group. Japanese Americans, young and old alike, accepted the mass relocation with dignity and maturity, making the best of a humiliating situation. In so doing, they exhibited the finest resources of their ancient background culture.

The prewar theory of white supremacy was completely discredited by the crushing defeat of Hitler and Hitlerism. The prejudice against Japanese in America was all but wiped out by the courage and the sacrifice of Nisei service men in Italy and the Pacific. Then in the 1960's came the civil rights movement, which further discredited doctrines of racial superiority and inferiority. We live today in a totally different era, in which the prevailing racialist theories of the 1930's and earlier are seen as historical curiosities.

The Nisei, with their courage, and their parents, by their industry, have won for Japanese Americans the admiration and respect of all Americans. Japanese Americans have an average level of education higher than any other ethnic group, including whites. They have a higher representation in the learned professions—medicine, law, engineering, computer science—than other ethnic groups—and in this respect they are doing as well as another group famous for their respect for learning—namely, the Jews. The per capita income of Japanese-Americans is $500 a year above the national average. And they have, with a population of less than half a million, three representatives in the U.S. Senate, while the blacks, with a population approaching 23 million, have none. What more can Japanese-Americans want? We are living today at a time when Japanese-Americans are almost a privileged class, with their notorious scholastic aptitude, their industriousness, and their team spirit in whatever occupation they find themselves.

Mr. President, I am proud to be a Japanese-American. But when a small but vocal group of Japanese-Americans calling themselves a redress committee demand a cash indemnity of $25,000 for all those who went to relocation camps during World War II, including those who were infants at the time and those who are now dead, a total of some two and three-quarters of a billion dollars—we have been seeing this in a series of articles being published in the Washington Post—my flesh crawls with shame and embarrassment.

Let me remind the Japanese American Redress Committee that we also live in a time when American industry is seriously threatened by Japanese competition—in automobiles, steel, cameras, television, and radio sets, tape recorders, and watches. I warn the Japanese Americans who demand about $3 billion of financial redress for events of 41 years ago from which nobody is suffering today, that their efforts can only result in a backlash against both Japanese Americans and Japan. And to make such a demand at a time of the budget stringencies of the Reagan administration is unwise enough, but to make this demand against the background of their own record as America's most successful minority is simply to invite ridicule.

Let me remind the Japanese Americans that we are, as we say repeatedly in our Pledge of Allegiance, "one nation," striving to achieve "liberty and justice for all."

This means—and I say this to black Americans and Mexican Americans and all other ethnic political groups—let us stop playing ethnic politics to gain something for our own group at the expense of all others. Let us continue to think of America as "one nation, under God, indivisible" and let us act accordingly.●

● Mr. GLENN. Mr. President, I rise today to pay tribute to three distinguished citizens of Cleveland, OH, Jack, Joseph, and Morton Mandel. These brothers, with their families, have a long record of support for education and concern for social problems and social services in our communities.

On September 6, 1988, Case Western Reserve University in Cleveland will honor the Mandel family in a convocation celebrating the naming of the Mandel School of Applied Social Sciences.

Morton, Jack, and Joseph Mandel and their families have most recently made a major gift of $3 million for the unrestricted support of Case Western Reserve University's School of Applied Social Sciences. The SASS, one of our Nation's leading schools of social work, has already benefited from the generosity of the Mandel family in continuing support over many years. Previous contributions include the establishment of the innovative Mandel Center for Non-profit Organization and the Henry L. Zucker Professor of Social Work Practice.

In a community with a long tradition of academic excellence and caring about the quality of social services, Jack, Joseph, and Morton Mandel are shining examples of leadership and commitment. It is with great pride that I ask my colleagues to join me in saluting these distinguished Ohioans for whom the Mandel School of Applied Social Sciences at Case Western Reserve University is named.

I ask that the Cleveland Plain Dealer editorial of March 26, 1988, "The Mandel School" be printed in the RECORD.

The editorial follows:

THE MANDEL SCHOOL

Bestowing benefactors' names on university buildings or programs is a time-honored way of raising funds and public awareness for an institution. But there was an unusual aspect to the renaming of the School of Applied Social Sciences at Case Wastern Reserve University in honor of Cleveland's Mandel family. Of nearly 100 social services schools in the country, only six are named for families or philanthropies. That individuals would support programs committed to the quality of social service education and community life—instead of the more commonly endowed schools of business or finance—speaks volumes about their sense of priorities.

The Mandel brothers—Jack, Joseph and Morton—founded Premier Industrial Corp. They have given generously of their time and funds to the community and university for many years. In 1984, they endowed a center and a professor's chair to educate leaders of non-profit organizations. The Mandel's recent gift will enable construction of a new building for MSASS and increase the school's permanent endowment.

More than most segments of higher education in Greater Cleveland, MSASS has a direct involvement with the community. Fortunately, that's truer now than in the not-so-distant past, when the school's key people preferred to make their mark on national or international issues. Cleveland, with its myriad social problems, provides a rich laboratory for study and an opportunity for the Mandel School to help improve the community. MSASS is expanding that effort. It's planning an institute for research into the causes of poverty, and a northern Ohio consortium on social work education. As one of the nation's top graduate programs in social services, the school is in a strong position to use the Mandel's generosity to strengthen its educational quality, research and public service.●

RECOGNIZING THE NATIONAL MEDAL OF ARTS RECIPIENTS

● Mr. D'AMATO. Mr. President, each year since 1985 President Reagan has honored outstanding artists—and patrons of the arts—for their contributions to artistic excellence in America, by awarding the National Medal of Arts. For 1988, the President has selected 12 recipients of the medal. I rise today to honor all of the 1988 recipients, and I would like to pay a special tribute to the three New Yorkers so honored: Mrs. Vincent Astor, Francis Goelet, and Jerome Robbins.

Mrs. Vincent Astor—Brooke Russell Astor, as president of the Vincent Astor Foundation, has been a leading patron of a variety of projects in the New York metropolitan area. The Foundation is credited during her tenure with providing over $64 million to the arts. Among those receiving Astor Foundation funds were the Metropolitan Museum of Art, the New York Public Library, the Pierpont Morgan Library, the Lincoln Center for the Performing Arts, Carnegie Hall, the Metropolitan Opera, and the Brooklyn Museum—Mrs. Astor also serves as a trustee of the Metropolitan Museum of Art, the New York Public Library, and the New York Zoological Society.

Mr. Francis Goelet has been a leading patron of the New York Philharmonic since 1959. In that time, it is fair to say that, Mr. Goelet has been a major influence in development of American music. He has commissioned for the New York Philharmonic numerous works by American composers including Copland, Piston, Thomson, Sessions, Schuman, Walton, and Schuller. Some of the efforts funded by Goelet include Crumb's "A Haunted Landscape"; Schuman's "Three Colloquies for the French Horn"; Rochberg's "Oboe Concerto"; Druckman's "Prism"; and Corigliano's "Concerto for Clarinet."

Jerome Robbins, the third recipient of the medal, is a legend. As a dancer he has achieved enormous success onstage; he has multiplied that achievement out of the spotlight as a choreographer and director. A lifelong resident of New York, Robbins made his debut at the age of 19 as a modern dancer with the Gluck Sandor-Felicia Sorel Dance Center. His success as choreographer began with the American Ballet Theatre for which he choreographed "Fancy Free," "Interplay," "Facsimile," "Summer Day," and "Les Noces." His numerous Broadway shows include "Call Me Madam" and "The King and I." Perhaps most enduringly, he both directed and choreographed "West Side Story" and "Fiddler on the Roof." Mr. Robbins' influence has also extended to many motion picture and television productions.

Mr. President, one could recite at length the achievements of all three of these remarkable individuals. In their own unique way, each has made an immeasurable contribution to American culture and each deserves our highest praise and admiration. It is a personal pleasure to extend my appreciation and congratulations to Mrs. Vincent Astor, Mr. Francis Goelet, and Mr. Jerome Robbins, 1988 awardees of the National Medal of Arts.

CATHEDRAL HIGH SCHOOL, BOSTON, MA

● Mr. KERRY. Mr. President, I want to take this opportunity to recognize the achievements of some outstanding young people in Boston, MA. The students of Cathedral High School who have taken part in the Thomas Jefferson Forum Program at their school are true American heroes and examples for all of us to follow.

The Jefferson Forum Program creates an avenue for students to participate in community service projects through their high schools. At Cathedral High School, under the guidance of coordinator Ray Dewar, the students undertook the goal of renovating and expanding a park and garden area for elderly residents of the neighboring St. Helena's House. For the past year students of diverse racial and ethnic backgrounds used their free time after school and on weekends to create this park and in doing so learned to work with government to help people. They came to realize that individuals can make a positive difference in other peoples' lives.

The students were involved in all aspects of creating the park, from writing a grant proposal, to budgeting available funds and resources, to cutting wood and designing a garden area. They took on responsibility and handled it well. They became full participants in society and as a result of their efforts, elderly residents of St. Helena's House now have an outdoor place to go to where they can garden or just sit and enjoy nature.

I commend the efforts of Ray Dewar and the students who took a leadership role in this project, Terence Stanton, Regine Ostine, Paul Francisco, Terri Fulcher, James Hendricks, David Niles, and Ken Pires. By bringing together teachers, administrators, classmates and government officials they have made their community a better place to live and have enhanced the lives of countless people. Recognition should also go to Sister Pat and Sister Agnes of Cathedral High School for their support.

The students who participate in Cathedral High School's Jefferson Forum Program are proof that there are alternatives to drugs and the streets. Their commitment and dedication to their community and fellow citizens are outstanding and set a high standard for classmates and students across the country. At Cathedral High School the dream truly is still alive and because of the efforts of these young people, it is thriving.●

"DO THE HOMELESS HAVE SOULS?"

● Mr. MOYNIHAN. Mr. President, I rise today to enter into the Record an article that appeared in the Newsday magazine of Sunday last entitled "Do the Homeless Have Souls?", written by the Pulitzer Prize winning author William Kennedy.

The debate surrounding our most intractable of problems, the homeless, has become one almost exclusively of facts and figures, dollars and cents. The figures are indeed staggering. Whether you agree with the current administration that there are 500,000 homeless or with the National Coalition for the Homeless that there are over 3 million, either figure represents a national disgrace.

In 1988 when fiscal responsibility is the leading ideology of the day, we tend to define our problems and our solutions in wholly fiscal terms. Those most likely to receive aid are those we can afford to help, not necessarily those most in need. This is a tendency devoutly to be avoided. We do need to ensure that we spend no more than we take in, no doubt; yet what we must not do is forget that the homeless are not a figure—"3 million"—or an abstract issue—"the homeless." They are rather a group of families and individuals who, for some reason or other, have nowhere to go. They do not choose to be homeless. Some are mentally ill. Some simply cannot pay the rent. And none are well-served by relegation to a figure in an accountant's table. It is of this that Mr. Kennedy reminds us.

Mr. President, I ask that this article be included in the Record at the conclusion of my remarks, and I urge my colleagues to read it thoroughly.

The article follows:

[From Newsday, Aug. 7, 1988]

Do the Homeless Have Souls?

(By William Kennedy)

Lead up to the topic question gradually. First ask do people who own their own homes have souls? Yes. How about people who pay rent? Not too many of these have souls. What about people who live in cars? Very few of them have one. And those who live in cardboard boxes? Only if they live entirely inside the box do they stand a chance of having a soul. People who live with their legs outside the box are lost, for the soul dissolves when it rains. One man who slept in his box for two years woke in a torrential storm to find himself floating and his soul gliding into the sewer at flood level.

What do you remember about being homeless? Nothing; I have always had a home; I have always had a suit and a proper necktie. What of your father? He always owned a suit. Your grandfather? He had a home but lived in a room with ashes. Your great grandfather? He lived in a ditch. Your great great, etc., grandfathers? They lived in the muck: "fingers sink the toes sink in the slime these are my holds . . . the tongue gets clogged with mud that can happen too only one remedy then pull it in and suck it swallow the mud or spit it out its one or the other and question is it nourishing," said Beckett.

How many kinds of homeless are there? Twelve. Name them. Men, women, children, animals and eight others. Do burglars get Christmas presents? Yes. How about prostitutes? Yes, if they are good. Do you remember Hell's Kitchen? Like it was yesterday. Nothing was more wicked, with its three-cent whiskey. They arrested 82,000 in New York in 1889 and 10,000 were under 20. Well yes, but it's not that bad today. Maybe not, but over in Hell's Kitchen Park right now you could pick up maybe 75 people smoking crack, or dealing it, or selling their bodies to buy it. Nowhere to go, said the Park's 21-year-old crack whore who needs $300 a day to stay tuned; and the same theme pervades Joyce Kilmer Park over in the Bronx: Crack was made for fools like me, but only God can smoke a tree.

Now that you've gotten around to God, let me ask another question: Is Ronald Reagan homeless? Yes. Does he have a soul? No. Will he be remembered for the war on drugs, or the budget deficit, or fraternizing with Gorbachev? No, he will be remembered for his remark that people who sleep on heating grates in the street are there by choice. Why do people hate the homeless? People hate the homeless because they are there; if they were elsewhere people would love them. Are you your brother's keeper? I would like to be, but the last time I saw him I didn't get to see him, because he was wrapped in plastic. Why didn't you unwrap him? Because the plastic was keeping him. Warm.

Would you lend your grocery cart to a homeless woman? Certainly not; she would fill it with cans and bottles. But that's how the homeless make their living, by turning in empty cans and bottles to redemption centers. There is no redemption. Why is that? Because God is on vacation. If they do not get caught in the rain, at what point do homeless people lose their souls? "Deterioration of the sense of humour fewer tears too that too they are failing too and there another image yet another a boy sitting on a bed in the dark or a small old man I can't see with his head be it young or be it old his head in his hands I appropriate that heart," said Beckett.

In what way may someone cease to be homeless? Sleep under snow. Stay away from heating grates. Eat garbage and die. Step to one side when you see a body falling out the window and check immediately with the landlord for vacancies. Is there any way to make the homeless into human beings? No. This is terrible; isn't there anything we can do to change this situation? Not unless you want to deteriorate into a leper licker. However, prosperity is just around the corner, and job applications are being taken by all Pentagon contractors.

Will we ever stamp out crack? No. Will there always be homeless people on the street? Yes, thank God, as long as there are heating grates. Have you ever met a homeless person with a soul? Once. A woman with two grocery carts and two dogs. She was weak and could not push and pull all her belongings at the same time. She pushed a little, stopped, came back and pulled the second cart to which the dogs were attached. How can you be sure she had a soul? She was taking care of the dogs, which were not herself. What did you do for that woman? I gave her twenty dollars, all I had in my pocket. What did she say? Nothing. She tried to smile. Did the gift assuage your guilt over the homeless? Yes. I felt like a saint. Was this a lesson to you? Indeed, for if we all give money to the homeless we will cease to feel guilty and the homeless will then disappear from the corner of our eye.

Are there any images you would like to leave with us? Yes, I recall two alcoholics with only three legs between them, and a very drunken Romanian going blotto under a piece of carpet next to a steam pipe, and a homeless couple smiling and sharing a cigarette, or maybe it was a joint, and a homeless man celebrating his condition with wine, beer and coffee, and a homeless woman wearing three coats, at least, and a homeless man with a white Jesus beard eating a crust of bread, and in these faces there is desolation, anticipation of the void, and sometimes a grimace of defiance, or to conclude from that as Beckett did, "to conclude from that that no one will ever come again and shine his light on me and nothing ever again of other days other nights no . . ." Amen.●

VETO MERELY A POLITICAL PLOY

● Mr. NUNN. Mr. President, a recent editorial in the publication Defense News dated August 8, 1988 included an editorial entitled "Veto Merely a Political Ploy."

Mr. President, Defense News is a weekly publication which specializes in coverage of national security matters. This newspaper has a reputation for thorough and accurate coverage of defense-related matters. I think it is particularly significant that Defense News would conclude in their editorial that: "President Reagan's veto last week of the defense authorization bill was not the work of one truly concerned about the defense program. It was an unabashed political ploy designed to garner votes at the polls in November. Those knowledgeable about defense understand that this does not strengthen national security; it weakens it."

Mr. President, I ask that the editorial "Veto Merely a Political Ploy" be printed in the Record in its entirety.

The editorial follows:

[From the Defense News, Aug. 8, 1988]

Veto Merely a Political Ploy

President Reagan's veto last week of the defense appropriations bill was not the work of one truly concerned about the defense program. It was an unabashed political ploy designed to garner votes at the polls in November. Those knowledgeable about defense understand that this does not strengthen national security; it weakens it.

The President's ostensible reason for vetoing the measure was that it contained insufficient funds for the Strategic Defense initiative (SDI). That is drivel. The president was lucky to get $4.1 billion for SDI in 1989, and everyone in the White House knows it.

It is slightly more than adequate given the administration's agreement last November to hold down defense spending. It is the conventional element of the nation's defenses that need attention. At the direction of the administration, air wings and Army divisions are being decommissioned at the very moment that the president vetos the defense bill for want of an additional $800 million for SDI.

A tangential issue is that $4.1 billion—the amount the president has in hand—is more than sufficient for SDI. This is not a crash program to place weapons in space. It is, in large part, an experimental research and development program that deserves support. Annual stable funding of $3 billion is sufficient and would be indicative of strong political leadership.

What the president will get for his efforts is not a better defense, however, that is measured. The result will be a continuing resolution, a confusing budgetary situation and, eventually, a defense bill aglow with enticements to the electorate.

The White House would not have dreamed of such a step had anyone bothered to read the report of the president's own commission on defense management. Repeated throughout its hundreds of pages is a plea for stability in defense budgeting and management. Only two weeks ago, Commission Chairman David Packard accused Congress of the "criminalization" of the defense budget for petty political purposes. It is clear that Mr. Packard should point his finger at the White House, as well."

By his veto, President Reagan demonstrates a low regard for the electorate. He believes voters are ignorant of the legislative process and therefore are easy to manipulate.

The defense bill was a reasonable and adequate measure that had bipartisan support. It is unfortunate that the president chose it as the centerpiece for his crude political act.●

NATO'S BURDEN: THE EUROPEAN MILITARY IMBALANCE

● Mr. QUAYLE. Mr. President, we hear a good deal about the need for greater burden sharing with our NATO allies. What we don't hear much about, though, is what the burden is that we need to share. In fact, we've spent so much time trying to prove how balanced military forces are in Europe, we seem to have forgotten that NATO's defenses are fundamentally imbalanced and that NATO's burden is to cope with an offensive alliance that outguns and outnumbers it several fold.

This adversary, Mr. President, is the Warsaw Pact and the military threat it poses is serious. As our Supreme Allied Commander in Europe, Gen. John Galvin, makes clear in his most recent assessment, "Comparing Forces—NATO and the Warsaw Pact", NATO is not ahead.

"While various analyses may differ concerning particular aspects of the so-called 'conventional balance'," Galvin notes "it is clear to me as a commander that the current military situation is unfavorable to the West."

"My principal concern is that Soviet conventional military advantages may lead the Kremlin to be more aggressive in its relations with the West and more willing to take risks."

Mr. President, General Galvin's analysis of the military imbalance is quite clear. It details not only the quality and superior number of specific Warsaw Pact forces and military production capabilities, but the advantages the pact enjoys as an offensively oriented land-power poised against a defensive, maritime alliance such as NATO.

These imbalances, Galvin notes, can be addressed. But this, he emphasizes, will require both the U.S. and NATO's European members to move more weapons from its laboratories to the field more rapidly.

Mr. President, to my knowledge, General Galvin's analysis is the only one of its kind. It suggests that we and our allies will have to do more than just share more in the costs of our existing defense efforts. We will have to sustain real growth in our defense investments and field more—not less—new weapons and do so more quickly.

In the hope that wider distribution of this analysis will aid the Senate in its deliberations on these matters, I ask that the full text of General Galvin's article be entered in the Record at the conclusion of my remarks.

The article follows:

Comparing Forces-NATO and the Warsaw Pact

(By Gen. John Galvin, Supreme Allied Commander in Europe)

The number of "peace initiatives" from the Warsaw Pact continues to increase as well as the complaints that NATO is failing to respond. But these initiatives are, so far, merely words. What counts are hard facts such as numbers of tanks, guns, attack helicopters and other offensive equipment, and where and how these are deployed. The difference between the force structures on the two sides is at the root of the resulting imbalance which is the cause of NATO's immediate concerns. As long as the Warsaw Pact remains capable of rapid offensive action NATO must continue to improve its defences while being ready to negotiate fair reductions.

In the wake of the INF Treaty, there has been renewed concern about the conventional military balance in Europe. In order to understand the importance of the balance it is necessary to appreciate the link between military forces and strategy. Since its adoption in 1967, NATO's strategy of flexible response has withstood the test of significant changes in our strategic environment. Changes that have caused us—and our adversaries—to modify our equipment and force structure, while our strategic objectives have remained constant.

FLEXIBLE RESPONSE

For flexible response to remain viable, it must continue to be supported by a balanced triad of strategic nuclear, theater-based nuclear, and conventional forces. In order words, to deter—and deterrence is my overriding objective—NATO must possess a credible capability for effective military response across th entire spectrum of conflict.

NUCLEAR FORCES

Strategic nuclear forces are the ultimate guarantor of our deterrent posture. Over the past decade we have made considerable improvement in these forces, and the ongoing modernization of US and UK strategic nuclear systems is designed to maintain the strength of this leg of the NATO triad.

We must also maintain theater-based nuclear forces sufficient to convince our allies and adversaries alike of our steadfast commitment to oppose aggression. These forces, if deterrence fails, must contribute to a credible direct defense capability if we are to avoid being confronted with a stark choice between conventional defeat and general, all-out nuclear war. For theater-based nuclear forces to be credible, they must present a wide range of options and be broadly based throughout Allied Command Europe in order to make the Soviets uncertain as to the precise nature of NATO's response to aggression and to complicate preemptive strike calculations by our adversary.

The INF Treaty will eliminate the Pershing 2 and Ground Launched Cruise Missiles (GLCMs), but a substantial number of nuclear weapons will remain in the Allied Command Europe area. NATO will still have hundreds of nuclear-capable aircraft based in Europe, as well as approximately 90 Lance short-range ballistic missile launchers, and more than two thousand artillery pieces that can deliver nuclear weapons. Sub-marine launched ballistic missiles of the United States and the United Kingdom will remain available to the Alliance, and we should not fail to consider the contribution to deterrence of the independent nuclear forces of France which, although not part of NATO's integrated military structure, nevertheless complicate Soviet planning considerably. Continuation of the Alliance's nuclear modernization program initiated at Montebello will ensure that these theater-based nuclear systems will continue to make an effective contribution to our flexible response strategy.

CONVENTIONAL FORCES

The INF Treaty raises awareness of the importance of the third leg of the NATO Triad—conventional forces. We must maintain a conventional defense which is strong enough to hold off any aggressive thrust into NATO territory long enough to reinforce our standing forces and take whatever other actions we deem necessary to successfully terminate the conflict. A deficiency in this component of NATO's forces could force NATO to revert to its strategy of an earlier era—using conventional forces as a "tripwire" to initiate immediate and massive use of nuclear weapons. We moved away from this kind of strategy many years ago, and for good reasons.

A serious deficiency in NATO's conventional defense capability also could provide the Soviets with increased incentive to use the threat posed by its military power to intimidate and coerce members of the Alliance. If this were to happen, the Kremlin could achieve its objective of dominating the European members of NATO and severing their relationship to North America without having to risk the destruction of the Soviet homeland in a war.

NATO has never had superiority in conventional forces; instead we have tended to rely heavily on nuclear weapons to offset the Warsaw Pact's conventional advantages. Now that the Soviets have erased the nuclear superiority held by the United States in the 1950s and 1960s—and currently lead in some dimensions of the strategic balance—it is even more important that NATO maintains a conventional defense capability in order to preserve an overall force posture that will continue to deter aggression.

MEASURING THE CONVENTIONAL BALANCE

In order to know what action needs to be taken to maintain adequate conventional forces, we must have a clear understanding of the relative strengths and weaknesses of the two alliances and a quantitative comparison of military forces is an important part of such a calculation. Nonetheless, a military commander cannot limit his assessment of the balance to such a comparison. An analysis of the NATO-Warsaw Pact military balance must be a measure of the relative capability of military forces resulting from a complex combination of factors that together form military power.

QUANTITATIVE COMPARISONS

Even a quantitative comparison is not simple. One source of complexity is our difficulty in determining exactly what the Warsaw Pact has. While NATO nations are open societies, not so the members of the Warsaw Pact. Thus, it is difficult to calculate with certainty the number of different units the Pact has, the number and type of weapons systems those units have, and the number of personnel assigned to those units.

Other counting problems also contribute to difficulties in making quantitative comparisons. For example, the quantity and quality of equipment among nations on both sides varies—even among different units of the same country. Large amounts of equipment and personnel are not organized into units at all, but contribute to overall combat power as war reserve stocks and mobilizable reserve. Furthermore, there are forces that are organized along military lines and could augment the war effort, yet their mission is not strictly military (such as the more than 200,000 Soviet KGB border troops). Experienced military judgment is needed to sort out what the numbers mean and how they contribute to what matters—combat power.

A few simple comparisons illustrate how even a basic quantitative comparison can vary. For example, if we compare the total number of military personnel on active duty available to each side, we see that the West is outnumbered by more than three million, for an overall ratio of about 2 to 1. This is not a meaningful ratio however. Not only is it extremely difficult to determine personnel strengths with much accuracy, a global total includes U.S. and Soviet troops stationed outside Europe and committed to other theaters. Furthermore, such figures tell us very little about actual military capabilities.

If we consider some of the key weapons that contribute to military power in Europe, we see that in the region from the Atlantic to the Urals, the Warsaw Pact outnumbers NATO approximately 3 to 1 in tanks and artillary, and 2 to 1 in combat aircraft. While these ratios reflect the fact that Warsaw Pact forces clearly outnumber those of NATO and demonstrate that the Soviets have much larger forces than would be needed to defend their homeland, additional elements must be considered when comparing military forces in Europe.

A force comparison, including an examination of how the two sides will employ their forces, is essential to an understanding of the threat posed by the Warsaw Pact. For example, since an attacker has the advantage of choosing the time, the place, and the means of attack, NATO, as a defensive alliance, must be able to respond to a variety of possible scenarios ranging from a surprise attack to a reinforced assault. Therefore we need to look at what forces are available to each side in each of these cases. Table 2 reflects the Warsaw Pact's clear superiority in both in-place and reinforced force levels.

The size of Pact in-place forces is particularly noteworthy since the emphasis of Soviet doctrine is on rapid offensive operations designed to win a conventional war before NATO can take advantage of reinforcements from outside the theater. In such an attack, the Soviets would try to improve their chances for success through deception and surprise in order to reduce NATO's ability to mobilize and prepare its defenses.

The current quantitative comparison is the result of long-term trends that favor the Warsaw Pact. For example, in 1973 the Soviets had an overall advantage of more than 2 to 1 in tanks. Although since that time NATO has increased its tank force by almost 3,000 tanks, the Warsaw Pact tank totals have grown by almost 10,000. Similar increases have occurred in other major weapons systems, such as artillery. In short, although the Soviets have eliminated the nuclear superiority of the West, we have seen no indication that the Soviets are willing to reduce their conventional advantages.

BEYOND THE NUMBERS: COMPARING QUALITY

A reliance solely on quantitative comparisons obviously could be misleading. NATO traditionally has sought to make up for its numerical disadvantages by maintaining an edge in the quality of its forces. Deployment over the last decade of new tanks such as the Leopard 2, M1, and Challenger, aircraft such as the F-15 and Tornado; and other weapons systems such as the Bradley fighting vehicle, Apache attack helicopter, and the multiple launch rocket system have greatly increased the military capability of Allied Command Europe.

Modernization of weapons and equipment is a continuing challenge for NATO, especially in the face of ongoing Soviet improvements. In spite of all the rhetoric we have heard coming from Moscow, Soviet military developments under General Secretary Gorbachev represent a continuation of trends begun in the late 1970s and early 1980s. Perestroika has not resulted in any major changes or redirections in Soviet military force structure. The Soviets have continued to modernize and expand all components of their forces.

They have deployed a number of improved ground force weapons systems in recent years. For example, the latest Soviet tanks rival the best we have: the T-80 has a laser rangefinder, NBC protection, a bigger gun (125mm) than its NATO counterparts, and special armor that seriously degrades the effectiveness of NATO antitank missiles and tank rounds. Although, as Table 3 shows, a large number of Pact tanks are older models, they have produced large numbers of very capable modern tanks as well. Soviet deployment of almost 2,000 T-80s into Eastern Europe, combined with the fielding of reactive armor on several older varieties of Soviet armored fighting vehicles has provided our adversaries a distinct advantage in the critical armor/anti-armor match-up.

The Soviets also have improved the capability of their artillery in the last decade. They have increased the number of self-propelled artillery pieces and multiple rocket launchers in their forces, and latest models of Soviet artillery both outrange equivalent caliber NATO weapons and have a higher rate of fire. The West still retains an advantage in fire control, but the Soviets have made great strides in integrating artillery with maneuver forces to improve the support of rapid, deep offensive operations. The Soviets now have a much more effective potential to combine fires from artillery, attack helicopters, and close air support aircraft in support of a breakthrough attack, allowing them to concentrate combat power while reducing the necessity of crowding maneuver elements in restricted terrain.

While the West still retains some qualitative advantages in the air balance, the Soviets are rapidly catching up. They have fielded MIG-29 and SU-27 fighters with look-down/shoot-down radar and have developed sophisticated missiles for use against low flying aircraft and cruise missiles. In addition, they have improved air command and control by deploying a new airborne early warning aircraft similar to our AWACS and have increased their air-to-ground capability with the deployment of the SU-24 Fencer, an all-weather fighter bomber. NATO's air advantage is further reduced by the fact that the Soviets have built one of the most extensive and integrated air defense systems in the world to protect their ground forces from air attack. Recent improvements include the fielding of the self-propelled anti-aircraft gun M1986, the SS-23/Spider surface-to-surface missile, the SA-12A/Gladiator surface-to-air missile, and the SA-16/Igla shoulder fired surface-to-air missile.

Naval force developments also represent a continuation of modernization efforts under General Secretary Gorbachev. For example, a fourth unit of the *Kiev* class VSTOL carrier commenced sea trials in December 1986, and the lead unit of the *Brezhnev* class aircraft carrier is expected to start sea trials in late 1988. The Soviets are also making new major strides in improving the quietness of their new classes of submarines, eroding a major Western advantage under the sea.

Although the Soviets are closing the quality gap much faster than we would like, I believe that the West still retains an edge in basic technology. Unfortunately that superiority does not contribute directly to a military advantage. Even our leads in military technology often are not translated quickly into fielded capabilities due to long development and acquisition processes and budgetary constraints. In contrast, the Soviets, because their military requirements have priority over commercial interests, are able to move weapons from the laboratory to the field more rapidly. As a result, although NATO has the potential to achieve revolutionary advances in the effectiveness of conventional weapons by pursuing research and development of emerging technologies, in order to benefit, we must make a concerted effort to develop these promising technologies and to field them more expeditiously.

READINESS

Readiness has many dimensions and NATO leads the Pact in a number of them. For example, the training and maintenance of some NATO forces is higher than that of Warsaw Pact units, and we continue to improve. In many cases, NATO pilots fly more and NATO gunners shoot more than their Pact counterparts, making them, in my opinion, better prepared for combat. There is considerable variance in training and overall readiness among elements within the Alliance, however, creating weaknesses that an attacker could exploit.

Mobilization and reinforcement are important elements of readiness in which NATO is at a disadvantage. Successful NATO defense depends on timely mobilization and rapid deployment in order to gain the advantages that can accrue to the defender. For example, in Northern Norway the terrain is very favorable to the defense, yet NATO has few active forces forward deployed. The bulk of the forces must be mobilized and moved forward—some more than 1,000 kilometers—in order to occupy their assigned defensive positions.

In the Central Region, NATO battalions also must move a considerable distance to occupy forward defense positions. For example, in the critical Northern Army Group sector, the bulk of the Dutch and Belgian corps are not located in Germany and must be deployed from their home territories. Even the units already deployed in the FRG would need time to move to and prepare their general defense positions once a decision was made to mobilize. In contrast, the Warsaw Pact could mobilize relatively quickly. To facilitate their efforts, the Soviets have imposed rigorous mobilization statutes on their allies, even permitting the call-up of Eastern European forces without prior consultation with their governments.

NATO's reliance on mobilization puts a premium on receiving adequate warning—and on responding decisively. While we can expect to have some indications of Soviet mobilization activities prior to any major attack, it is less clear that such warning will be translated into effective response. We had plenty of warning of Soviet mobilization prior to the invasion of Czechoslovakia in 1968, but the West was still caught by surprise when the attack occurred. Even with timely Western mobilization, the Warsaw Pact has important geographic advantages. As shown on the map, the United States must reinforce 6,000 km across the Atlantic and must protect the limited number of sea ports and air bases available in Europe for debarkation of reinforcements. The loss of a relatively small number of ports and air fields would seriously restrict our ability to reinforce in a timely manner. In contrast, Soviet lines of communication are much shorter and run overland, making it easier to organize the defense of forces moving forward. In addition, while shortages of appropriate shipping and aircraft limit NATO reinforcement capability, the capacity of the transportation system through Eastern Europe is considerably more than needed for Soviet reinforcement.

In order to reduce their vulnerability at chokepoints—such as those caused by the difference in rail gauges between the USSR and Eastern Europe—the Soviets have stockpiled ammunition and fuel at forward depots, developed new rail lines, and established a rail ferry in the Baltic. Even the withdrawal of Soviet forces to locations east of the Urals does not eliminate this inherent Soviet advantage. Their forces would still be almost 3,000 km closer to the Central Front than forces withdrawn to the U.S.—and even closer to NATO's northern and southern flanks.

LOGISTICS AND SUSTAINABILITY

Logistics and sustainability are important factors in determining the success of NATO defensive efforts. Here too, there is cause for concern. NATO supply lines often run parallel to the front line, in some cases making them more vulnerable to interdiction. In addition, while the Soviets have improved their stockpiles of ammunition and fuel, NATO has enough of these critical supplies to last only a relatively few days. Although some nations have made considerable strides in improving its stockpiles, not all Alliance members have kept pace. As a result, logistics shortfalls limit to a far shorter time than desirable the length of time that NATO could conduct an effective defense.

The effectiveness of NATO defenses is also degraded by the lack of interoperability of equipment from its various nations. While the Warsaw Pact equipment has a great deal of commonality, NATO has, for example, eight different main battle tanks firing four different kinds of ammunition. Although national desires to maintain independence in the area of weapons development and production are understandable, in an era of increasingly scarce resources we can no longer afford such inefficiencies.

Although NATO's economic power exceeds that of the Warsaw Pact by a considerable margin, the military-industrial capacity of the entire North Atlantic Alliance is smaller than that of the Soviet Union alone. A comparison of arms production capabilities in Table 4 demonstrates that the USSR has outproduced the West in most major categories of military equipment over the last decade. Thus, even though Warsaw Pact economies cannot match NATO in GNP, they could surpass NATO's ability to support a military conflict unless the West has considerable time to mobilize its superior economic base for war production.

MILITARY DOCTRINE

Any force comparison is incomplete without considering what the forces are trying to accomplish. The strategic doctrine of the two alliances are in sharp contrast. NATO's strategy is entirely and exclusively defensive, rejecting the advantages of initiative that benefit the attacker. NATO military forces do not contemplate attacking the Warsaw Pact, and there are no NATO doctrines or plans or exercises that prepare for such operation.

I believe the same cannot be said of the Warsaw Pact. Every aspect of Soviet military posture is designed to maximize the potential for rapid offensive operations over long distances. We must assess Warsaw Pact capabilities in terms of this offensive orientation.

ASSESSING THE CONVENTIONAL BALANCE

Over the past eight months, SHAPE has reviewed over 150 studies and other documents concerning the comparison of conventional forces in Europe, and at my headquarters we are engaged in a thorough examination of many aspects of the forces that face each other on the Continent.

While various analyses may differ concerning particular aspects of the so-called "conventional balance", it is clear to me as a commander that the current military situation in Europe is unfavorable to the West. While the imbalance of forces does not mean that deterrence is in imminent danger of collapse, should the situation further deteriorate, our ability to carry out the strategy of flexible response will be seriously degraded.

My principal concern is that Soviet conventional military advantages may lead the Kermlin to be more aggressive in its relations with the West and more willing to take risks. Beyond that, should the military balance erode further, NATO's members might become susceptible to coercion or intimidation. If this were to happen, Moscow would be able to circumscribe the freedoms Western Europe has spent centuries developing, without having to fire a shot.

REDRESSING THE IMBALANCE

We do not need to match the Warsaw Pact man for man, tank for tank, or aircraft for aircraft. What we do need is a conventional capability strong enough to frustrate aggression and increase the time before nuclear escalation would have to occur. Such a capability would preclude hasty decisions to use nuclear weapons and enhance NATO's strategy of flexible response. Deterrence would be more credible because Soviet planners could not be sure of gaining their objectives so swiftly that they could reduce the risk of nuclear destruction. Robust conventional capabilities would also demonstrate the collective will of Alliance members to make the sacrifices necessary to ensure Western security, thereby adding to the credibility of NATO's overall deterrent posture. Finally, strong conventional forces would bolster the self-confidence of NATO nations and ensure that the Soviet Union would remain unable to intimidate or coerce Western Europe in order to obtain political, economic, or military concessions.

If we are to improve our conventional posture in an era of increasingly tight resources we must use those resources wisely. We have made important strides in doing so by rationalizing defense requirements. Our Conceptual Military Framework provides an integrated set of long term requirements and priorities to assist national research and development efforts. The Secretary General's Conventional Defense Improvements Initiative identifies key conventional force improvements that provide a high return on investment. NATO Force Goals specify specific near term Alliance security needs based on a military assessment of key requirements. What remains is for nations to face up to the tough resource decisions needed to implement these programs, and to maintain a strong commitment to Alliance security.

By combining a clear demonstration of will to provide for our security with a willingness to seek negotiated solutions to security problems, I am convinced we can induce the Soviets to agree to arms reductions that enhance the security of both sides. It was NATO's determination to deploy Pershing II and GCLM in the face of intense Soviet pressure that caused the Soviets to reopen arms reduction negotiations and to agree to the elimination of SS-20s. Conventional arms control holds promise if General Secretary Gorbachev means what he has said about Soviet willingness to accept deep asymmetrical cuts in conventional forces in order to reach equal levels of NATO and Warsaw Pact forces. But we should never forget that security is our goal. We may be able to obtain that security through a concept that takes into account the asymmetries of the two alliances. We should be wary of proposals that do not achieve that objective. Small reductions, for example, would be largely symbolic and would have little effect on the military imbalance in Europe. Their pursuit would merely divert our attention from what we should seek: equal ceilings in the weapon systems that cause us the most concern. Even with large reductions we must take into account the differences between NATO and Warsaw Pact military doctrines, and capabilities such as weapons quality, readiness, and reinforcement, or we would have little effect in terms of achieving improved stability in Europe.

I recognize that conventional arms control will entail a long and difficult effort. But our success in the past decade in INF shows that a combination of determination and negotiation can pay off. An agreement that achieves conventional stability between NATO and the Warsaw Pact would be a major step forward in achieving greater security for the West.

NATO nations have made great strides in improving conventional defense capabilities over the past several years. While we have not accomplished all we seek to do, we have come a long way in modernizing this vital leg of the NATO Triad. Unfortunately, defense is a dynamic equation that includes our adversaries, and they have been working hard to undermine our efforts. By staying the course on conventional defense improvements, by improving arms cooperation so that we get the most for our money, and by pursuing effective arms control agreements, we shall continue to preserve NATO's integrity and security—and will thus preserve peace with freedom in the West.●

CONCEPT PAPER UNIVERSITY OF ILLINOIS

● Mr. SIMON. Mr. President, I rise today to congratulate the University of Illinois on its successful bid to develop the Concept Paper for the 1991 White House Conference on Aging. Recognizing the importance of this conference, the staff of the Gerontology Center, with the support of University President Stanley Ikenberry, submitted the low bid of $1.

In 1986, the number of individuals over the age of 55 was approximately 55 million. By the year 2040, this number is estimated to be over 100 million. In order to serve the needs of this growing sector of our population, it is vital that we begin to plan now. The White House Conference on Aging will bring together Government officials from Federal, State, and local levels as well as private organizations and foundations which work to promote the needs of the elderly. This conference will make recommendations for changes in existing policy and will lay the ground work for the development of a comprehensive plan to address the needs of older Americans.

A great deal of planning and organization is required to assure that this conference can achieve its important goals. With its extraordinary bid of $1, the University of Illinois has enthusiastically demonstrated its desire to play a vital role in the organization of this conference. The university has committed $25,000 of its own funds to the conference planning and is presently working with various foundations and private organizations to raise an additional $350,000. Once these funds have been raised, the university, in the spirit of the conference, will begin working with officials from both the public and private sector to develop a theme to serve as the focus for the conference.

I commend President Ikenberry and the staff of the Gerontology Center of the University of Illinois for taking the initiative on this important issue and am prepared to support their efforts in any way that I can. The University of Illinois has long been recognized as one of the finest universities in our Nation. I am confident that their work will produce a successful conference and ultimately serve to enhance our Nation's programs for older Americans.

TITLE AMENDMENT—S. 2350

Mr. BYRD. Mr. President, I ask unanimous consent that the title of S. 2350, a bill to clarify the investigatory powers of the Senate, be amended with the text of the amendment already at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend the title so as to read: "To clarify the investigatory powers of the United States Congress.".

ACTION ON ARTICLES OF IMPEACHMENT

Mr. BYRD. I ask unanimous consent, notwithstanding provisions of rule III of the Rules of Procedures and Practices of the Senate when sitting on an impeachment trial, that the Senate not proceed to consideration of the articles of impeachment presented on Tuesday, August 9, 1988, until a time to be fixed by the Senate.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENNSYLVANIA AVENUE DEVELOPMENT PLAN

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4754, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4754) to amend the Pennsylvania Avenue Development Corporation Act of 1972, to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there is no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4754) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—S. 2318

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 878, S. 2318, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

GEOTHERMAL STEAM ACT AMENDMENTS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1889.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITION.

Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) For purposes of this section, the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam.".

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land from which, or under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized in commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 10 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

"(A) The payment in lieu of commercial quantities production requirement of subsection (i).

"(B) The significant expenditure requirement of subsection (j).

"(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years if such lease was also the subject of an extension under subsection (c) or an addi-

tional 30 years if such lease is only extended pursuant to paragraph (1).

"(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities from such lease, given the then current economic conditions.

"(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

"(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

"(A) In each of the first through the fifth payment years, at least $3.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth payment years, at least $6.00 per acre or fraction thereof, of lands under lease.

"(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

"(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

"(A) The date of termination of the lease.

"(B) The date of relinquishment of the lease.

"(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

"(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

"(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis that a significant expenditure of funds is being made on the lease. Only expenditures made to conduct actual drilling operations on the lease, such as for exploratory and development wells, shall qualify as meeting the requirement of this subsection. Expenditures made relating to any types of surveys, studies and the procurement or interpretation of data shall not qualify as significant expenditures under this subsection. Expenditures shall be equal to the following:

"(A) In each of the first through the fifth years, at least $15.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth years, at least $18.00 per acre or fraction thereof, of lands under lease.

"(2) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

"(3) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

"(4) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.".

SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"Five years after the approval of any cooperative or unit plan of development or operation, and every 5 years thereafter, the Secretary shall review each such plan and may, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated may be eligible for an extension under subsections (c) or (g) of section 6, as the case may be, if it separately meets the requirements for such an extension.".

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. All moneys received from the sales, bonuses, royalties and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be.".

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking "notwithstanding the provisions of section 20 thereof,".

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out "oil and gas", and after "this Act" insert "or under the Geothermal Steam Act of 1970".

(2) In subsection (b) after "oil and gas" insert ", coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources".

SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following) is amended by adding the following new section:

"SEC. 28. (a)(1) The Secretary shall maintain a list of units of the National Park System with significant thermal features. Such list shall include the following units:

"(A) Mount Rainier National Park.

"(B) Crater Lake National Park.

"(C) Yellowstone National Park.

"(D) John D. Rockefeller, Jr. Memorial Parkway.

"(E) Bering Land Bridge National Preserve.

"(F) Gates of the Arctic National Park and Preserve.

"(G) Katmai National Park.

"(H) Aniakchak National Monument and Preserve.

"(I) Wrangell-St. Elias National Park and Preserve.

"(J) Lake Clark National Park and Preserve.

"(K) Hot Springs National Park.

"(L) Big Bend National Park (including the Rio Grande National Wild and Scenic River).

"(M) Lassen Volcanic National Park.

"(N) Hawaii Volcanoes National Park.

"(O) Haleakala National Park.

"(P) Lake Mean National Recreation Area.

"(2) The Secretary may add other significant thermal features list, after notice and public comment, significant thermal features within units of the National Park System not specified in paragraph (1).

"(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

"(A) Size, extent and uniqueness.

"(B) Scientific and geologic significance.

"(C) The extent to which such features remain in a natural, undisturbed condition.

"(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

"(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

"(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on significant thermal features within units of the National Park System. Such determination shall be subject to notice and public comment.

"(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on significant thermal features within units of the National Park System, the Secretary shall not issue the lease.

"(3) The Secretary shall withdraw from leasing under this Act those lands, or portions thereof, which are the subject of a determination made pursuant to paragraph (2).

"(d) With respect to leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System when the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to:

"(1) Requiring the lessee to reinject geothermal fluids into the rock formations from which they originate.

"(2) Requiring the lessee to report annually to the Secretary on activities taken on the lease.

"(3) Requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells.

"(4) Requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on significant thermal features within units of the National Park System until such time as the significant ad-

verse effect is eliminated. The stipulation shall provide for the relinquishment of the lease to the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by such Secretary that are available for leasing under this Act.

"(f) For purposes of this section, the term 'significant thermal features within units of the National Park System' means any such thermal feature within any unit of the National Park System listed in subsection (a)(1) or added to the significant thermal features list pursuant to subsection (a)(2).

"(g) The Secretary shall not issue a lease under this Act for land within the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI).

"(h) On March 1, 1989, or 6 months after the date of enactment of this section (whichever is later), the Secretary shall submit to Congress a report on the presence or absence of significant thermal features within Crater Lake National Park together with a recommendation as to whether Crater Lake National Park should be retained on the list of National Park System units in subsection (a)(1). The Secretary's report shall include an analysis by the United States Geological Survey of available information regarding the presence or absence of significant thermal features within Crater Lake National Park.".

SEC. 7. RELATIONSHIP WITH PRIOR LAW.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

SEC. 8. CORWIN SPRINGS.

(a) The United States Geological Survey, in cooperation with the National Park Service, shall conduct a study on the impact of present and potential geothermal and associated geothermal resources development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands within the Corwin Springs Known Geothermal Resources Area as designated in the July 22, 1975, Federal Register (Fed. Reg. vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or other facilities related to geothermal and associated geothermal resources production shall be prohibited in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a).

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following) in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a). Nothing in this section shall be construed to require leasing activities subsequent to the 180 day period after study submittal.

(d) If the Secretary determines that geothermal and associated geothermal resources exploration, development or utilization within the area studied pursuant to subsection (a) may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study recommendations regarding the acquisition of lands and geothermal rights necessary to protect such thermal features.

Amend the title so as to read: "An Act to amend the Geothermal Steam Act of 1970 with respect to requirements relating to leases, and for other purposes.".

AMENDMENT NO. 2830

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments by the House with the following substitute amendment, which I send to the desk on behalf of Mr. JOHNSTON.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. JOHNSTON, proposes an amendment numbered 2830.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITIONS.

(a) Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended by adding the following at the end of the section:

"(f) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following:

"(1) Thermal features within units of the National Park System listed in Section 28(a)(1) and designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

"(2) Crater Lake National Park.

"(3) Thermal features within Big Bend National Park and Lake Mead National Recreation Area proposed as significant in the Federal Register Notice of February 13, 1987 (Vol. 52, No. 30 Fed. Reg. 4700).

"(4) Thermal features within units of the National Park System added to the significant thermal features list pursuant to Section 28(a)(2) of this Act.

(b) Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) Except as otherwise provided for in this section, for purposes of this section the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam.".

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land on which, or for which under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized in commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 10 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

"(A) The payment in lieu of commercial quantities production requirement of subsection (i).

"(B) The significant expenditure requirement of subsection (j).

"(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years, for a total of 50 years, if such lease was also the subject of an extension under subsection (c) or an additional 30 years, for a total of 50 years, if such lease is only extended pursuant to paragraph (1).

"(3) If, at the end of either 50-year term referred to in paragraph 2, geothermal steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate. For purposes of this paragraph only, the term 'produced or utilized in commercial quantities' means a bona fide sale or the use of geothermal steam by the lessee to generate electricity in marketable quantities.

"(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities for such lease, given the then current economic conditions.

"(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

"(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

"(A) In each of the first through the fifth payment years, at least $3.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth payment years, at least $6.00 per acre or fraction thereof, of lands under lease.

"(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

"(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

"(A) The date of termination of the lease.

"(B) The date of relinquishment of the lease.

"(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

"(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

"(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis during an extension that a significant expenditures of funds is being made on the lease.

"(2) The following expenditures made by the lessee shall qualify as meeting the requirement of this subsection:

"(A) Expenditures to conduct actual drilling operations on the lease, such as for exploratory or development wells, or geochemical or geophysical surveys for exploratory or development wells.

"(B) Expenditures for road or generating facilities construction on the lease.

"(C) Architectural or engineering services procured for the design of generating facilities to be located on the lease.

"(D) Environmental studies required by State or Federal law.

"(3) Expenditures shall be equal to the following:

"(A) In each of the first through the fifth years, at least $15.00 per acre or fraction thereof, of lands under lease.

"(B) In each of the sixth through the tenth years, at least $18.00 per acre or fraction thereof, of lands under lease.

"(4) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

"(5) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

"(6) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.".

SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence, and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated shall be eligible for an extension under subsection (c) or (g) of section 6 if it separately meets the requirements for such an extension.".

SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. All moneys received from the sales, bonuses, royalties and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be.".

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking "notwithstanding the provisions of section 20 thereof,".

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out "oil and gas", and after "this Act" insert "or under the Geothermal Steam Act of 1970".

(2) In subsection (b) after "oil and gas" insert ", coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources".

(d) The Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) is amended by adding the following new section:

"SEC. 29. The Secretary shall not issue any lease under this Act on those lands subject to the prohibition provided under section 43 of the Mineral Leasing Act.".

SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

"SEC. 28. (a)(1) The Secretary shall maintain a list of significant thermal features, as defined in section 2(f), within units of the National Park System, including but not limited to the following units:

"(A) Mount Rainier National Park.

"(B) Crater Lake National Park.

"(C) Yellowstone National Park.

"(D) John D. Rockefeller, Jr. Memorial Parkway.

"(E) Bering Land Bridge National Preserve.

"(F) Gates of the Arctic National Park and Preserve.

"(G) Katmai National Park.

"(H) Aniakchak National Monument and Preserve.

"(I) Wrangell-St. Elias National Park and Preserve.

"(J) Lake Clark National Park and Preserve.

"(K) Hot Springs National Park.

"(L) Big Bend National Park (including that portion of the Rio Grande National Wild Scenic River within the boundaries of Big Bend National Park).

"(M) Lassen Volcanic National Park.

"(N) Hawaii Volcanoes National Park.

"(O) Haleakala National Park.

"(P) Lake Mead National Recreation Area.

"(2) The Secretary may, after notice and public comment, add significant thermal features within units of the National Park System to the significant thermal features list.

"(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

"(A) Size, extent and uniqueness.

"(B) Scientific and geologic significance.

"(C) The extent to which such features remain in a natural, undisturbed condition.

"(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

"(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

"(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the lands subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System. Such determination shall be subject to notice and public comment.

"(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System, the Secretary shall not issue such lease.

"(3) The Secretary shall not issue any lease under this Act for those lands, or portions thereof, which are the subject of a determination made pursuant to subparagraph (2).

"(d) With respect to all leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System where the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to:

"(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

"(2) requiring the lessee to report annually to the Secretary on activities taken on the lease;

"(3) requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells; and

"(4) requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on a significant thermal feature within a unit of the National Park System until such time as the significant adverse effect is eliminated. The stipulation shall provide for the termination of the lease by the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.

"(f) Nothing in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980, p. XI), and provided for in Public Law 98-473.

SEC. 7. CRATER LAKE NATIONAL PARK REPORT.

On March 1, 1989, or 6 months after the date of enactment of this section (whichever is later), the Secretary shall submit to Congress a report on the presence or absence of significant thermal features within Crater Lake National Park.

SEC. 8. CORWIN SPRINGS KGRA STUDY.

(a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study on the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands within the Corwin Spring Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. Vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resources Area until 180 days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Spring Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring such leasing activities subsequent to the 180 days after study submittal.

(d) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsection (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

SEC. 9. CONSISTENCY PROVISION.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of Title I of Section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

Mr. JOHNSTON. Mr. President, I am pleased to offer an amendment in the nature of a substitute to S. 1889, the Geothermal Steam Act Amendments of 1988, as passed by the House of Representatives. I believe the amendment resolves all the remaining issues of this bill, and I urge its adoption.

The amendment to S. 1889 provides for two 5-year extensions of the primary term of a geothermal lease if geothermal steam has not been produced or utilized in commercial quantities by the end of the primary term, provided that the lessee meets certain conditions. The lease can be extended for 5 years if the lessee submits a report to the Secretary of the Interior demonstrating a bona fide effort to produce in commercial quantities, and either: First, makes payments in lieu of commercial quantities production at an amount per acre for the lease to be extended; second, or has made significant expenditures of an amount per acre on the lease to be extended.

The amendment also provides protection for significant thermal features within units of the National Park System from the effects of geothermal development. Incorporated in the language is a list of significant thermal features within the Park System, including Yellowstone National Park and Crater Lake National Park. Under the legislation, for each of these two parks, the entire park is the listed significant feature.

Due to concern regarding existing geothermal development outside of Yellowstone National Park. S. 1889, as amended, provides for a study of the impact of present and potential geothermal development within the Corwin Springs known geothermal resource area on the thermal features within the park. Any production from existing geothermal wells, or any development of new geothermal wells within this area is prohibited until 180 days after the study is received in Congress. The legislation prohibits production from any existing wells, and the drilling of any new wells. This language is not intended to prohibit the use of the water as it flows naturally from the ground from any springs within the study area.

Section 7 of the amendment provides for a report on the presence or absence of significant thermal features within Crater Lake National Park. The purpose of the report is to assist the National Park Service in the further protection of Crater Lake National Park.

Mr. MELCHER. Mr. President, I introduced S. 1889, the Geothermal Steam Act Amendments of 1988, and I fully support the amendment in the nature of a substitute to S. 1889, as amended by the House.

S. 1889 provides for the extension of Federal geothermal leases if the lessee meets certain criteria. The legislation also contains park protection provisions, including language to ensure that the world-renowned thermal features of Yellowstone National Park are protected from any adverse impact from geothermal development.

The legislation requires a study by the U.S. Geological Survey and the National Park Service on the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within the park. During the study, which is limited to the Corwin Springs known geothermal resource area, any production from existing geothermal wells, or any development of new geothermal wells, is prohibited in the study area, and no drilling is to be conducted in conjunction with the study. The prohibition does not extend to the use of the natural flow of water from any springs. The study is to include recommendations by the Secretary of the Interior regarding the acquisition of geothermal rights necessary to protect the park thermal resources if geothermal development with the study area may adversely affect these resources and features.

I am anxious to begin this important study, and to determine if there is any impact on Yellowstone National Park.

Mr. HECHT. Mr. President, I have been working on legislation to reform geothermal leasing on public lands for four years. Now, finally, we are about to pass a bill on this subject which will shortly be on its way to the President for signature.

I am very pleased to have been a primary proponent of geothermal energy here in the Senate. Geothermal energy is clean, it is renewable, it can be added to the rate base in fairly small increments so as to avoid major boosts in electric rates for consumers, and it may be one of the long-term solutions to all of our concerns about the Greenhouse Effect.

The legislation before the Senate also takes some significant and entirely appropriate steps to protect significant thermal features inside the National Park System. No one wants to see commercial development threaten Old Faithful, and, with a few simple protections in public law, we need never worry about Old Faithful, or similar park features, ever being damaged by geothermal leasing. This bill provides those protections.

Mr. President, I want to thank Senator MELCHER, the chairman of my Mineral Resources Development and Production Subcommittee, for his cooperation and leadership on this legislation. I also want to thank Senator MATSUNAGA, who was instrumental in generating bipartisan support for geothermal leasing reform legislation.

On the House side, I would like to thank Congressman MATSUI for his efforts on behalf of geothermal leasing reform. His introduction of H.R. 2794, the companion measure to my bill, S. 1006, was instrumental in securing House cooperation with this legislation.

I would also like to thank the staff of the Senate Energy Committee, for their good work and assistance, including Mike Harvey, Patty Beneke, Patty Kennedy, Gary Ellsworth, and most especially, Lisa Vehmas, whose negotiations with the House would provide any diplomat with an excellent case study in shuttle diplomacy.

Mr. President, I am very pleased that the Congress is about to pass this worthwhile and necessary legislation. The consumers of America will be the beneficiaries of the strong geothermal industry that follows from this legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur.

The motion was agreed to.

Mr. **BYRD.** Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. **STEVENS.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 775.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1081) to establish a coordinated National Nutrition Monitoring and Related Research Program, and so forth, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Govermental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Nutrition Monitoring and Related Research Act of 1988".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) make more effective use of Federal and State expenditures for nutrition monitoring, and enhance the performance and benefits of current Federal nutrition monitoring and related research activities;

(2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program, and thereby provide a scientific basis for the maintenance and improvement of the nutritional status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the United States food supply;

(3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutritional status of the people of the United States and the trends with respect to such status, the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and the relevant policy implications;

(4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring;

(5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities;

(6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and

(7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "nutrition monitoring and related research" means the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States, including—

(A) dietary, nutritional, and health status measurements;

(B) food consumption measurements;

(C) food composition measurements and nutrient data banks;

(D) dietary knowledge and attitude measurements; and

(E) food supply and demand determinations;

(2) the term "coordinated program" means the National Nutrition Monitoring and Related Research Program established by section 101(a);

(3) the terms "Interagency Board for Nutrition Monitoring and Related Research" and "Board" mean the Federal coordinating body established by section 101(c);

(4) the term "comprehensive plan" means the comprehensive plan prepared under section 103;

(5) the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" means the plan of that title submitted to Congress in September 1981 by the Department of Agriculture and the Department of Health and Human Services, under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178);

(6) the terms "National Nutrition Monitoring Advisory Council" and "Council" mean the advisory body established under section 201;

(7) the term "Secretaries" means the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly;

(8) the term "local government" means a local general unit of government or local educational unit; and

(9) the term "nutritional quality" means—

(A) the appropriate levels of individual nutrients in the diet;

(B) the appropriate levels between nutrients in the diet;

(C) the bio-availability of nutrients such as absorption, digestion, and utilization; and

(D) the nutritional importance of non-nutrient substances such as fiber, phytate, and such substances that are naturally found in the food supply.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

ESTABLISHMENT OF THE COORDINATED PROGRAM

SEC. 101. (a) There is established a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of this Act.

(b) The Secretaries shall be responsible for the implementation of the coordinated program.

(c) To assist in implementing the coordinated program, there is established an Interagency Board for Nutrition Monitoring and Related Research, of which an Assistant Secretary in the Department of Agriculture (designated by the Secretary of Agriculture) and an Assistant Secretary in the Department of Health and Human Services (designated by the Secretary of Health and Human Services) shall be joint chairpersons. The remaining membership of the Board shall consist of additional representatives of Federal agencies, as determined appropriate by the joint chairpersons of the Board. The Board shall meet no less often than once every three months for the two-year period following the date of the enactment of this Act, and when appropriate thereafter.

(d) To establish a central focus and coordinator for the coordinated program, the Secretaries may appoint an Administrator of Nutrition Monitoring and Related Research. The Administrator shall—

(1) be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of the established record of expertise and distinguished service of such individual; and

(2) administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

FUNCTIONS OF THE SECRETARIES

SEC. 102. (a) The Secretaries, with the advice of the Board, shall—

(1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program;

(2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program;

(3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 103;

(4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research (including research described in section 103(a)(3)) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status;

(5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services (including activities described in sections 103(a)(5) and 103(b)(9));

(6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program;

(7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public;

(8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years, or

more frequently if appropriate, a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the national food supply; and

(9)(A) foster cost recovery management techniques in the coordinated program; and

(B) impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no such charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

(b) The Secretaries shall submit to the President for transmittal to Congress by January 15 of each alternate year, beginning with January 15 following the date of the enactment of this Act, a biannual report that shall—

(1) evaluate the progress of the coordinated program;

(2) summarize the results of such coordinated program components as are developed under section 103;

(3) evaluate the relevant policy implications of the analytical findings in the scientific report required under section 102(a)(8), and future nutrition monitoring and related research priorities;

(4) include in full the annual reports of the Council provided for in section 202; and

(5) include an executive summary of the report most recently published by the scientific body, as provided for in subsection (a)(8).

DEVELOPMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

SEC. 103. (a) The Secretaries, with the advice of the Board, shall prepare and implement a comprehensive plan for the coordinated program which shall be designed to—

(1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low income populations, blacks, Hispanics, and other groups, at the discretion of the Secretaries), the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and relevant policy implications of findings with respect to such status, trends, and research;

(2) sample representative subsets of identifiable low income populations, and assess, analyze, and report, on a continuous basis, food and household expenditures, participation in food assistance programs, kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet;

(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required;

(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

(6) focus the activities of the Federal agencies.

(b) The comprehensive plan, at a minimum, shall include components to—

(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);

(2) provide, by 1990, for the continuous collection, processing, and analysis of nutritional and dietary status data through stratified probability samples of the people of the United States designed to permit statistically reliable estimates of high-risk groups and geopolitical or geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

(3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study, and, to the extent possible, coordinate such efforts with the surveys described in paragraphs (1) and (2);

(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

(5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (1) collected prior to 1984 within the first year of the comprehensive plan;

(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

(8) establish national baseline data and procedures for nutrition monitoring;

(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of—

(A) obtaining dietary and nutrition status data;

(B) developing related data bases; and

(C) promoting the development of regional, State, and local data collection services to become an integral component of a national nutritional status network;

(10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan and contribute relevant data from non-Federal sources to promote the development of a national nutritional status network;

(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board;

(13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, and resources, and define the organization and management of the Board and the Council; and

(14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals, and that facilitates coordination with non-Federal activities.

(c) The comprehensive plan shall allocate all of the projected functions and activities under the coordinated program among the various Federal agencies and offices that will be involved, and shall contain an affirmative statement and description of the functions to be performed and activities to be undertaken by each of such agencies and offices in carrying out the coordinated program.

(d) The comprehensive plan shall—

(1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of this Act;

(2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register;

(3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

(4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

(e) Nothing in this section may be construed as modifying, or as authorizing the Secretaries or the comprehensive plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies—

(1) the department or agency to which funds are appropriated; or

(2) the obligations of such department or agency with respect to the use of such funds.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

SEC. 104. (a) The comprehensive plan shall be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3), and shall be—

(1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b);

(2) managed in accord with paragraphs (12) through (14) of section 103(b);

(3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c); and

(4) funded by appropriations made to such agencies as described in section 106, for each fiscal year of the program.

(b) Nothing in this title may be construed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF THE COORDINATED PROGRAM AND COMPREHENSIVE PLAN

SEC. 105. The Secretaries shall coordinate the conduct of, and may contract with the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Admin-

istration, the National Bureau of Standards, and other suitable Federal agencies, for such scientific research and development as may be necessary or appropriate in support of the coordinated program and the comprehensive plan and in furtherance of the purposes and objectives of this Act.

AUTHORIZATIONS AND APPROPRIATIONS

SEC. 106. (a) Authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c), in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program.

(b) Nothing in this title is intended to either—

(1) authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program; or

(2) limit the authority of any of the participating agencies to request and receive funds for such purposes (for use in the coordinated program) under other laws.

TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

ESTABLISHMENT OF THE COUNCIL

SEC. 201. (a)(1) The President shall establish, within ninety days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries.

(2) The Council shall consist of nine voting members, of whom—

(A) four members shall be appointed by the President; and

(B) five members shall be appointed by Congress of whom—

(i) one shall be appointed by the Speaker of the House of Representatives;

(ii) one shall be appointed by the minority leader of the House of Representatives;

(iii) one shall be appointed by the President pro tempore of the Senate;

(iv) one shall be appointed by the majority leader of the Senate; and

(v) one shall be appointed by the minority leader of the Senate.

(3) The Council also shall include the joint chairpersons of the Board as ex officio nonvoting members.

(b) Each person appointed to the Council shall be—

(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

(2) selected solely on the basis of an established record of distinguished service.

(c) The persons appointed to the Council by the President shall include—

(1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

(d) The Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest organizations.

(e) The Chairperson of the Council shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. If a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

(f) The term of office of each of the voting members of the Council shall be five years, except that of the four members first appointed by the President, one shall be appointed for a term of two years, two for terms of three years, and one for a term of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

(g) The initial members of the Council shall be appointed or designated not later than ninety days after the date of the enactment of this Act.

(h) The Council shall meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

(i) Appointed members of the Council may not be employed by either the Department of Agriculture or the Department of Health and Human Services and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(j) The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101(d)) shall serve as the Executive Secretary of the Council.

(k) The Council shall terminate on October 1, 2000.

FUNCTIONS OF THE COUNCIL

SEC. 202. The Council shall—

(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

(4) submit to the Secretaries annual reports that—

(A) shall contain the components specified in paragraphs (2) and (3); and

(B) shall be included in full in the annual reports of the Secretaries to the President for transmittal to Congress under section 102(b).

TITLE III—DIETARY GUIDANCE

ESTABLISHMENT OF DIETARY GUIDELINES

SEC. 301. (a)(1) By January 1, 1990, and at least every five years thereafter, the Secretaries shall publish a report entitled "Dietary Guidelines For Americans". Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.

(2) The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.

(b)(1) Any Federal agency which proposes to issue any dietary guidance for the general population or identified population subgroups, shall submit the text of such guidance to the Secretaries sixty days before the publication of the notice of availability for comment required to be published in the Federal Register under this section.

(2)(A) During the sixty-day review period established in paragraph (1), the Secretaries shall review and approve or disapprove such guidance to assure consistency with the "Dietary Guidelines for Americans". If both Secretaries disapprove of such guidance, it shall be returned to the agency. If either Secretary finds that such guidance is inconsistent with the "Dietary Guidelines for Americans" and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such sixty-day period, either Secretary disapproves such guidance as inconsistent with the "Dietary Guidelines for Americans" the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed dietary guidance;

(ii) provide in such notice for a public comment period of thirty days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

(B) After review of comments received during the comment period either Secretary may approve for dissemination by the proposing agency a final version of such dietary guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

(C) Any such final dietary guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

(D) If after the thirty-day period for comment as provided under subparagraph (A)(ii), both Secretaries disapprove a proposed dietary guidance, the Secretaries shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

(E) If a proposed dietary guidance is disapproved by both Secretaries under subparagraph (D), the Federal agency proposing such guidance may, within fifteen days after receiving notification of such disapproval under subparagraph (D), request the Secretaries to review such disapproval. Within fifteen days after receiving a request for such a review, the Secretaries shall conduct such review. If, pursuant to such review, either Secretary approves such proposed die-

tary guidance, such guidance may be issued by the Federal agency.

(3) For purposes of this subsection, the term "dietary guidance for the general population" does not include any rule or regulation issued by a Federal agency.

(c) This section does not place any limitations on—

(1) the conduct or support of any scientific or medical research by any Federal agency; or

(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency.

Mr. BINGAMAN. Mr. President, I am pleased to present to the Senate the National Nutrition Monitoring and Related Research Act of 1988. This bill will greatly enhance the Federal Government's ability to collect and disseminate information concerning the nutritional quality of our food supply. I believe it is legislation crucial to the health and well-being of all Americans.

A. THE NEED FOR LEGISLATION

This legislation is vitally necessary because current nutrition research efforts are inadequate and disjointed. Despite considerable nutrition-related information from both the Federal Government and the private sector, the fact remains that we do not have a comprehensive nutrition monitoring program.

The embarrassing result simply is that we do not know the current nutritional status of our citizens. And without knowledge of this fundamental component, how can we develop programs to encourage safer, more nutritious food consumption nationwide or deal with diseases associated with dietary habits?

I believe we can lay the groundwork for a truly coordinated national data-gathering program only through a congressional mandate, such as S. 1081.

1. FEDERAL DEPARTMENTS INVOLVED

Currently, at least three Federal departments—the Department of Agriculture, the Department of Health and Human Services, and the Department of Commerce—collect data and conduct nutrition research and training. This is accomplished through more than 9 Federal agencies and 19 different surveys. Some estimates put the cost of this activity at more than $200 million.

Given such disparate data collection, analysis, and reporting it is no wonder that we need an integrated approach. Indeed, in a 1985 report to the President and Congress, the National Agricultural Research and Extension Users Advisory Board stated that because of poor coordination among the appropriate Federal agencies, each agency ignored opportunities "to economize and perhaps make the results more conclusive." More recently, the Hunger Task Force, appointed by President Reagan, recommended that the USDA and the DHHS coordinate their surveys on a continuous and timely basis.

2. DATA TIMELINESS

A second deficiency of recent nutrition monitoring efforts has been the lack of timely data. This issue becomes more critical when one considers that we in the Congress often rely upon this data when deciding whether to vote for or against health care, food assistance, food and environmental safety, agriculture production, and biomedical research.

Can we make informed decisions without current baseline data on the nutritional and health status of the U.S. population? Can we possibly know whether our current policies are having the intended effect, or whether we should be making crucial changes that would be evident if we had better information?

Throughout this Congress, the decisions we have been making have been based largely on data collected in the 1970s. Clearly, a more complete understanding of the relationship between diet, nutrition, and health would pay off in increased knowledge and fiscal savings.

B. CURRENT LEGISLATION

Despite the great need to address this issue, full Senate consideration of nutrition monitoring legislation has not come quickly or easily. This is the third Congress in which I have sponsored such legislation. It is the tenth year during which nutrition monitoring has been the subject of hearings and debate in the House. That body has passed legislation in three previous Congresses.

Earlier this year, the Governmental Affairs Committee held the Senate's first hearing on nutrition monitoring legislation. In May, the committee accepted two packages of amendments offered by me and the distinguished committee chairman, Senator Glenn, and unanimously reported S. 1081 to the full Senate. These amendments were the culmination of extensive efforts to consider the concerns of the administration, the Senate Agriculture Committee, and various health and agriculture organizations. I am pleased we were able to report a bill that is now supported by a broad, bipartisan coalition.

The bill before us today is the result of long and intensive negotiations spanning a number of years, and in recent months and weeks, a great number of hours. It is the strong, comprehensive result of compromise, and I am pleased to note that S. 1081 now enjoys the support not only of a bipartisan coalition in the Senate, but at least 45 organizations representing health, diet, agriculture, and commodity interests. These organizations include the American Heart Association, the American Dietetic Association, the National Grange, the National Cattlemen's Association, and the United Egg Producers. I ask unanimous consent that a more complete list of organizations supporting S. 1081 be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

C. S. 1081 PROVISIONS

Mr. BINGAMAN. Mr. President, the legislation before us today recognizes that we must streamline the administrative functions of Federal nutrition monitoring programs if we are to better understand the relationship between diet, nutrition, and health. Briefly, I would like to describe the provisions of S. 1081, as it was reported by the Governmental Affairs Committee.

Title I establishes a 10-year coordinated nutrition monitoring and research program that is to be the joint responsibility of the Secretaries of the Departments of Agriculture and Health and Human Services. An interagency board will help the Secretaries to develop a comprehensive plan for nutrition monitoring and to implement the program. The bill also stipulates that an administrator may be appointed to serve as a coordinator for the plan and program activities.

The 10-year comprehensive plan will serve both as a focal point for nutrition monitoring activities and as a means to identify national nutrition monitoring priorities. The coordinated program will build upon the 1981 joint implementation plan for a comprehensive national nutrition monitoring system, and will include, among other components: a grants program to encourage and assist State and local monitoring initiatives; an annual interagency budget for each fiscal year of the program; a means to stimulate academic-industry-government partnerships to accomplish national nutrition monitoring needs and foster productive interaction; and a biennial report, through contract with a nationally known scientific body, on the dietary, nutritional, and health related status of the American people and the nutritional quality of our food supply.

Title II of the act establishes a nine-member Advisory Council, to be appointed by the President and the Congress, that will provide scientific and technical advice on the development and implementation of the national nutrition monitoring program established under title I. The Council will also evaluate the effectiveness of the program.

Members of the Council will represent various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest groups.

Title III stipulates that by January 1, 1990, the Secretaries are to publish a report, based on current scientific and medical knowledge, containing nutritional and dietary information and guidelines for the general public. Entitled "Dietary Guidelines for Americans," the report is to be updated at least every 5 years.

Title III also requires a public comment period before a Federal agency may issue certain dietary guidance if either Secretary finds the guidance inconsistent with the "Dietary Guidelines for Americans." Briefly, after a 60-day period during which the Secretaries are to review internally the proposed regulations, if either Secretary—or both Secretaries—objects to the proposal, the proposing agency must publish a "notice of comment" in the Federal Register. After the expiration of a 30-day comment period, either Secretary may approve the guidance for dissemination to the public. The guidance must be accompanied by an explanation of its basis and purpose which addresses any substantive comments received.

D. MISCELLANEOUS PROVISIONS

I would briefly like to comment on two provisions of S. 1081, as reported by the Governmental Affairs Committee. First, before reporting the bill to the full Senate, the committee accepted an amendment to clarify that "nutritional quality of the national food supply" includes: First, the appropriate levels of individual nutrients in the diet; second, the appropriate levels between nutrients in the diet; third, the bio-availability of nutrients such as absorption, digestion, and utilization; and fourth, the nutritional importance of nonnutrient substances such as fiber, phytate, and those that naturally are found in our food supply.

The committee also accepted an amendment aimed at addressing the problem of hunger. Recent studies on the nutritional status of persons in the United States have established that low-income populations, Hispanics, and native Americans are often nutritionally vulnerable. A real and pressing need exists to include in any nutrition surveillance a component specifically targeted to these groups. I am pleased that S. 1081 recognizes this need.

The legislation requires the Secretaries to assess, analyze, and report the dietary and nutritional status of the people of the United States and the trends with respect to such status. It specifically requires the Secretaries to deal separately with groups based on age, income, and race. Thus, we will have access to valuable data on the nutritional status of Hispanics, native Americans, low-income populations, and other groups of our society often overlooked in national nutrition surveys. In addition, as reported by the committee, S. 1081 specifically requires the Secretaries to include, as part of the comprehensive plan, a method for sampling subsets of identifiable low-income populations to assess, analyze, and report food and household expenditures, participation in food assistance programs, kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet.

Such requirements should help the Congress and the administration better understand the full extent of the problem of hunger in America. With the data collected by the Secretaries, both the Federal and State Governments will be better equipped to provide critical assistance and guidance to all the people of this country.

E. COST ESTIMATE

Finally, in our current fiscal climate, I am compelled to state that this all may be accomplished in a manner that undoubtedly will save money. This is because, through administrative inhouse restructuring, greater efficiency is possible. The Governmental Affairs Committee has received a Congressional Budget Office cost estimate on various elements of the bill. I ask unanimous consent to have that cost estimate printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 10, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared a cost estimate for S. 1081, the National Nutrition Monitoring and Related Research Act of 1988, as ordered reported by the Senate Committee on Governmental Affairs on April 14, 1988. The CBO estimates the cost to the federal government of this bill could be about $500,000 in fiscal year 1989, possibly increasing to about $600,000 in fiscal year 1991. The budgets of state and local governments would not be affected by the enactment of this legislation.

S. 1081 would establish a ten-year National Nutrition Monitoring and Related Research Program. The bill also establishes guidelines for a comprehensive plan that would coordinate nutrition monitoring activities and research and help set nutrition priorities in the United States.

The government currently funds nutrition monitoring and related research activities within the Departments of Agriculture and Health and Human Services. Section 106 of this bill states that Title I is not intended to authorize any funds above the current level of expenditures on nutrition monitoring and related research programs. This bill, however, would provide coordination of the current federal effort.

The CBO has estimated cost for coordinating the program in fiscal years 1989 through 1993. Under the bill, the Secretaries of Agriculture and Health and Human Services could appoint a full-time Administrator of Nutrition Monitoring and Related Research within four months of enactment. Funds for salary and overhead for the administrator and additional staff would be needed. We estimate the costs for the administrator and two additional staff to be about $250,000. This could increase to about $300,000 in fiscal year 1993 due to increases in federal pay levels.

Title III of the bill relates to the publication of dietary guidelines in 1990 and continuing every five years. The federal government currently publishes dietary guidelines. The coordination of the guidelines publication could require funds for salary and overhead for an administrator and additional staff. Administrative costs relating to the publication of these guidelines would be about $250,000 in fiscal year 1989 and could increase to about $300,000 in fiscal year 1993, due to federal pay level increases.

Please call me or have your staff contact Lori Housman if you have further questions.

Sincerely,

JAMES BLUM,
Acting Director.

F. CONCLUSION

Mr. BINGAMAN. Mr. President, the restructuring mandated in S. 1081 will ensure the effective use of Federal and State funds. It will help develop State and local initiatives to improve monitoring methods and standards. It will stimulate academic, industrial, and governmental partnerships.

And, most importantly, it will help ensure that the American public receives the most up-to-date and comprehensive dietary guidance possible so that healthful dietary decisions may be made.

Mr. President, I would like to conclude by thanking my colleagues on the Governmental Affairs and Agriculture Committees for their assistance in the development and evolution of this legislation. Senator GLENN has provided tremendous leadership as the Governmental Affairs Committee has sought ways in which the Congress can help improve our health care costs, and generally promote good health. His enthusiastic support for health promotion and disease prevention is a testimony to his concern for the well-being of all Americans.

I would like to thank the distinguished chairman of the Agriculture Committee, Senator LEAHY, for his role in this legislation. We are indebted to him, the committee members, and the committee staff for their efforts to ensure the critical support of the agriculture commodity organizations. It was indeed a pleasure to work with the chairman, Senator BOSCHWITZ, and other members of the Agriculture Committee. I salute the Senator from Vermont for his longstanding dedication to combating the rising problem of hunger in America. His efforts on behalf of the poor and impoverished in our country are admirable and must be commended.

Mr. President, before we move to final passage, I would also like to acknowledge the tremendous staff contributions to this bill. I am indebted to Dr. Eileen Choffness, John Parisi, and Andrea Fastenberg of the Governmental Affairs Committee; Ed Barron, David Johnson, and Laura Madden of the Agriculture Committee; Miriam Nelson of Senator Leahy's personal staff; Diana Lifsey of Senator Glenn's personal staff; and Donna Porter of the Congressional Research Service. I would also like to thank and acknowledge the tremendous contribution of the American Heart Association, and in particular, Mary Crane. Her tireless work and concern for the health and well-being of all Americans is truly admirable.

Without the diligence and hard work of these people, and many others who I have not listed, we would not be in a position to take this important step toward implementing a comprehensive national nutrition monitoring system. Many long hours of effort over the past 10 years have gone into developing a plan for such a system that all of the concerned parties can support.

The entire nutrition monitoring coalition, both within and without the Senate, has come together in the spirit of cooperation to support this legislation. I hope we will be joined by the rest of our colleagues today in passing this bill and sending it to the House.

The American Academy of Pediatrics.
The American Association of Retired Persons.
The American Baptist Churches USA.
The American College of Preventive Medicine.
The American Dietetic Association.
The American Farm Bureau Federation.
The American Heart Association.
The American Home Economics Association.
The American Institute of Nutrition.
The American Meat Institute.
The American Medical Students Association.
The American Nurses Association.
The American Public Health Association.
The American School Food Service Association.
The American Society for Clinical Nutrition.
The Association of State and Territorial Health Officers.
The Association of Schools of Public Health.
The Association of Teachers of Preventive Medicine.
Bread for the World.
Center on Budget and Policy Priorities.
Coalition on Block Grants and Human Needs.
Food Research and Action Center.
Lutheran Office for Government Affairs.
Mennonite Central Committee.
National Association for WIC Directors.
National Broiler Council.
National Cattlemen's Association.
National Consumer League.
National Council of La Raza.
National Farmer's Union.
National Grange.
National Milk Producers Federation.
National Osteoporosis Foundation.
National PTA.
National Perinatal Association.
National Pork Producers Council.
National Student Campaign Against Hunger.
Public Voice for Food and Health Policy.
Service Employees International Union.
Society for Nutrition Education.
United Egg Producers.
United Fresh Fruit and Vegetable Association.
United States Conference of Local Health Officers.
World Hunger Education Service.
World Hunger Year.

AMENDMENT NO. 2831

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. Bingaman.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia, [Mr. Byrd], for Mr. Bingaman, proposes an amendment numbered 2831.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 32, line 2, strike "biannual" and insert in lieu thereof "biennial".

On page 47, insert between lines 21 and 22 the following new paragraph:

"(4) For purposes of this subsection, the term 'identified population subgroups' shall include, but not be limited to, groups based on factors such as age, sex, or race.".

Mr. BINGAMAN. Mr. President, this amendment is technical in nature. It does two things.

BIENNIAL REPORT

First, the amendment corrects a typographical error concerning the coordinated program status report required of the Secretaries under the act.

It was our intent that the report be submitted biennially, or every 2 years. However, the bill currently requires a biannual report. This amendment simply corrects the misspelling.

POPULATION SUBGROUPS

The amendment also clarifies the meaning of the term "identified population subgroups" as that term is used in title III of the act.

Under title III, Federal agencies are required to submit certain proposed dietary guidance to the Secretaries of USDA and DHHS for approval if that guidance is directed toward the general public or "identified population subgroups."

Upon Senator Hatch's request, I and Senator Glenn, on behalf of the Governmental Affairs Committee, have agreed to clarify that "identified population subgroups" shall include, but not be limited to, groups based on factors such as age, sex, or race.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2831) was agreed to.

Mr. HATCH. It is my understanding that the legislation as currently drafted only allows for the release of dietary guidance after a determination by the Secretaries that the information is consistent with existing "Dietary Guidelines for Americans." Would the Senator be willing to accept an amendment which would clarify that dietary guidance may be released under the provisions of the bill if the guidance is either consistent with the "Dietary Guidelines for Americans" or the guidance is based on medical or new scientific knowledge? Of course, that determination would still be made by the Secretaries. My amendment would also clarify that if a Secretary fails to notify the proposing Federal agency by the end of 60 day review period, that agency may consider that failure to act as an approval by that Secretary.

Mr. BINGAMAN. Yes, I would be willing to accept that amendment from the Senator from Utah.

Mr. HATCH. I wonder if the Senator from New Mexico would be willing to clarify an additional point. Is it his understanding that this bill will require the Federal Government to speak with one voice, assuring that all dietary guidance released is consistent and based on sound scientific information?

Mr. BINGAMAN. Yes, the Senator from Utah is correct. Title III of this legislation requires that all dietary guidance issued by all Federal agencies will go through the process developed in this bill, assuring that the Federal Government speaks with one voice when issuing dietary guidance.

Mr. HATCH. Would the Senator be willing to accept an amendment which would allow the Food and Drug Administration to exercise its existing authority under the Food, Drug, and Cosmetic Act without falling under the provisions of title III?

Mr. BINGAMAN. I will be willing to accept the Senator from Utah's amendment if it is clear that the Food and Drug Administration's authority is not expanded under the amendment.

Mr. HATCH. It is not my intent in offering the amendment to expand the Food and Drug Administration's authority; and, if the Food and Drug Administration were to issue dietary guidance not related to its authority under the Food, Drug, and Cosmetic Act, such guidance would fall under the provisions of this legislation.

Mr. BINGAMAN. With that understanding I will accept the Senator from Utah's amendment.

AMENDMENT NO. 2832

(Purpose: To provide that certain provisions are not limitations on the authority of the Food and Drug Administration; to modify the review and approval procedures for dietary guidelines for Americans and agency dietary guidance)

Mr. STEVENS. Mr. President, I send to the desk two amendments and ask unanimous consent they be considered en bloc. They are amendments submitted en bloc on behalf of Senator HATCH.

The PRESIDING OFFICER. The clerk will report the amendments en bloc from the Senator from Alaska.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes amendments numbered 2832.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment not be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, line 24, strike out "or".

On page 48, line 3, strike out the period and insert in lieu thereof a semicolon and "or".

On page 48, add after line 3 the following new paragraph:

"(3) the authority of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).".

On page 45, line 22, beginning with "consistency" strike out all through the period on line 23, and insert in lieu thereof "that the guidance either is consistent with the 'Dietary Guidelines for Americans' or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretaries. If after such sixty-day period neither Secretary notifies the proposing agency that such guidance has been disapproved, and then such guidance may be issued by the agency.".

Mr. STEVENS. I ask for adoption of the Hatch amendment.

The PRESIDING OFFICER. The question is on agreeing to the Hatch amendment.

The amendment (No. 2832) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I take great pleasure in supporting enactment of the Nutrition Monitoring and Related Research Act of 1988—S. 1081—introduced last year by Senator BINGAMAN, and referred to the Governmental Affairs Committee.

Since 1977, the Federal Government has been moving in the direction of creating a national nutrition monitoring system. In a series of congressional hearings that have spanned the decade, Congress has examined the need for a coordinated system to analyze the nutritional status of the American people and the nutritional quality of the food supply we eat. With the enactment of this legislation, we will take the legislative steps needed to ensure the creation of such a system.

The lack of a comprehensive national nutrition monitoring system has hindered the ability of policymakers and the American public to fully consider and direct the quality and safety of the food supply, ensure that the nutritional needs of the American public are met, and acquire a database that will allow the planning and guidance of agriculture, nutrition, and health research.

The National Nutrition Monitoring and Related Research Act of 1988—S. 1081—will address the deficiencies in the current system by establishing a coordinated and comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply.

Various Federal agencies and congressional committees have made numerous recommendations, submitted proposals, and written reports on the need for a coordinated and integrated nutrition monitoring system. The legislation being considered today would create a legislative mandate to establish and implement such a system by:

Improving coordination of nutrition monitoring activities among Federal agencies;

Providing for scientific and technical assistance to State and local governments and providing for research to develop cost-effective research methodologies;

Providing data—on a continuous basis—on high-risk groups and geographic areas; and

Making nutrition monitoring activities a line item of the budgets of each agency accepting responsibility for the 10-year plan for nutrition monitoring activities and allowing Congress and the public oversight over expenditures of funds.

On April 14, 1988, the Committee on Governmental Affairs marked up S. 1081 and voted unanimously to favorably report the bill.

I would like to compliment the junior Senator from New Mexico for his persistence and dedication to the creation of a national nutrition monitoring system. Senator BINGAMAN deserves the credit and respect of his colleagues on both sides of the aisle for his leadership in establishing such a system.

The legislation before us today is supported by the leadership and members of various committees in the Senate and has been endorsed by many organizations representing health and nutrition professionals, scientists, consumers, food producers, and health advocacy organizations. The enactment of this legislation is long overdue and I recommend that S. 1081 be passed favorably by the Senate and be signed into law this congressional session.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1081), as amended, was passed, as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Nutrition Monitoring and Related Research Act of 1988".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) make more effective use of Federal and State expenditures for nutrition monitoring, and enhance the performance and benefits of current Federal nutrition monitoring and related research activities;

(2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program, and thereby provide a scientific basis for the maintenance and improvement of the nutritional status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutritive content) of the United States food supply;

(3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess, on a continuing basis, the dietary and nutritional status of the people of the United States and the trends with respect to such status, the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and the relevant policy implications;

(4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring;

(5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities;

(6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and

(7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "nutrition monitoring and related research" means the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States, including—

(A) dietary, nutritional, and health status measurements;

(B) food consumption measurements;

(C) food composition measurements and nutrient data banks;

(D) dietary knowledge and attitude measurements; and

(E) food supply and demand determinations;

(2) the term "coordinated program" means the National Nutrition Monitoring and Related Research Program established by section 101(a);

(3) the terms "Interagency Board for Nutrition Monitoring and Related Research" and "Board" mean the Federal coordinating body established by section 101(c);

(4) the term "comprehensive plan" means the comprehensive plan prepared under section 103;

(5) the term "Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System" means the plan of that title submitted to Congress in September 1981 by the Department of Agriculture and the Department of Health and Human Services, under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178);

(6) the terms "National Nutrition Monitoring Advisory Council" and "Council" mean the advisory body established under section 201;

(7) the term "Secretaries" means the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly;

(8) the term "local government" means a local general unit of government or local educational unit; and

(9) the term "nutritional quality" means—

(A) the appropriate levels of individual nutrients in the diet;

(B) the appropriate levels between nutrients in the diet;

(C) the bio-availability of nutrients such as absorption, digestion, and utilization; and

(D) the nutritional importance of non-nutrient substances such as fiber, phytate, and such substances that are naturally found in the food supply.

TITLE I—NUTRITION MONITORING AND RELATED RESEARCH

ESTABLISHMENT OF THE COORDINATED PROGRAM

SEC. 101. (a) There is established a ten-year coordinated program, to be known as the National Nutrition Monitoring and Related Research Program, to carry out the purposes of this Act.

(b) The Secretaries shall be responsible for the implementation of the coordinated program.

(c) To assist in implementing the coordinated program, there is established an Interagency Board for Nutrition Monitoring and Related Research, of which an Assistant Secretary in the Department of Agriculture (designated by the Secretary of Agriculture) and an Assistant Secretary in the Department of Health and Human Services (designated by the Secretary of Health and Human Services) shall be joint chairpersons. The remaining membership of the Board shall consist of additional representatives of Federal agencies, as determined appropriate by the joint chairpersons of the Board. The Board shall meet no less often than once every three months for the two-year period following the date of the enactment of this Act, and when appropriate thereafter.

(d) To establish a central focus and coordinator for the coordinated program, the Secretaries may appoint an Administrator of Nutrition Monitoring and Related Research. The Administrator shall—

(1) be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of the established record of expertise and distinguished service of such individual; and

(2) administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

FUNCTIONS OF THE SECRETARIES

SEC. 102. (a) The Secretaries, with the advice of the Board, shall—

(1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program;

(2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program;

(3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under section 103;

(4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research (including research described in section 103(a)(3)) that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status;

(5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services (including activities described in sections 103(a)(5) and 103(b)(9));

(6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program;

(7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts, State and local governments, the private sector, scientific communities, health professionals, and the public;

(8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish every two years, or more frequently if appropriate, a report, on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality (including, but not limited to, nutrient and non-nutrititve content) of the national food supply; and

(9)(A) foster cost recovery management techniques in the coordinated program; and

(B) impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no such charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

(b) The Secretaries shall submit to the President for transmittal to Congress by January 15 of each alternate year, beginning with January 15 following the date of the enactment of this Act, a biennial report that shall—

(1) evaluate the progress of the coordinated program;

(2) summarize the results of such coordinated program components as are developed under section 103;

(3) evaluate the relevant policy implications of the analytical findings in the scientific report required under section 102(a)(8), and future nutrition monitoring and related research priorities;

(4) include in full the annual reports of the Council provided for in section 202; and

(5) include an executive summary of the report most recently published by the scientific body, as provided for in subsection (a)(8).

DEVELOPMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

SEC. 103. (a) The Secretaries, with the advice of the Board, shall prepare and implement a comprehensive plan for the coordinated program which shall be designed to—

(1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States, and the trends with respect to such status (dealing with such status and trends separately in the case of preschool and school-age children, pregnant and lactating women, elderly individuals, low income populations, blacks, Hispanics, and other groups, at the discretion of the Secretaries), the state of the art with respect to nutrition monitoring and related research, future monitoring and related research priorities, and relevant policy implications of findings with respect to such status, trends, and research;

(2) sample representative subsets of identifiable low income populations, and assess, analyze, and report, on a continuous basis, food and household expenditures, participation in food assistance programs, kinds of foods obtained through such programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet;

(3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance;

(4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required;

(5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and

(6) focus the activities of the Federal agencies.

(b) The comprehensive plan, at a minimum, shall include components to—

(1) maintain and coordinate the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);

(2) provide, by 1990, for the continuous collection, processing, and analysis of nutritional and dietary status data through stratified probability samples of the people of the United States designed to permit statistically reliable estimates of high-risk groups and geopolitical or geographic areas, and to permit accelerated data analysis (including annual analysis, as appropriate);

(3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study, and, to the extent possible, coordinate such efforts with the surveys described in paragraphs (1) and (2);

(4) incorporate, in survey design, military and (where appropriate) institutionalized populations;

(5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (1) collected prior to 1984 within the first year of the comprehensive plan;

(6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends;

(7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status, for relating food consumption patterns to nutritional and health status, and for use in the evaluation of Federal food and nutrition intervention programs;

(8) establish national baseline data and procedures for nutrition monitoring;

(9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of—

(A) obtaining dietary and nutrition status data;

(B) developing related data bases; and

(C) promoting the development of regional, State, and local data collection services to become an integral component of a national nutritional status network;

(10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan and contribute relevant data from non-Federal sources to promote the development of a national nutritional status network;

(11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research;

(12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board;

(13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, and resources, and define the organization and management of the Board and the Council; and

(14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals, and that facilitates coordination with non-Federal activities.

(c) The comprehensive plan shall allocate all of the projected functions and activities under the coordinated program among the various Federal agencies and offices that will be involved, and shall contain an affirmative statement and description of the functions to be performed and activities to be undertaken by each of such agencies and offices in carrying out the coordinated program.

(d) The comprehensive plan shall—

(1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of this Act;

(2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register;

(3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

(4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program.

(e) Nothing in this section may be construed as modifying, or as authorizing the Secretaries or the comprehensive plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) that specifies—

(1) the department or agency to which funds are appropriated; or

(2) the obligations of such department or agency with respect to the use of such funds.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

SEC. 104. (a) The comprehensive plan shall be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3), and shall be—

(1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b);

(2) managed in accord with paragraphs (12) through (14) of section 103(b);

(3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c); and

(4) funded by appropriations made to such agencies as described in section 106, for each fiscal year of the program.

(b) Nothing in this title may be construed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

SCIENTIFIC RESEARCH AND DEVELOPMENT IN SUPPORT OF THE COORDINATED PROGRAM AND COMPREHENSIVE PLAN

SEC. 105. The Secretaries shall coordinate the conduct of, and may contract with the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, and other suitable Federal agencies, for such scientific research and development as may be necessary or appropriate in support of the coordinated program and the comprehensive plan and in furtherance of the purposes and objectives of this Act.

AUTHORIZATIONS AND APPROPRIATIONS

SEC. 106. (a) Authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under section 103(d)(3) and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c), in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program.

(b) Nothing in this title is intended to either—

(1) authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program; or

(2) limit the authority of any of the participating agencies to request and receive funds for such purposes (for use in the coordinated program) under other laws.

TITLE II—NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

ESTABLISHMENT OF THE COUNCIL

SEC. 201. (a)(1) The President shall establish, within ninety days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries.

(2) The Council shall consist of nine voting members, of whom—

(A) four members shall be appointed by the President; and

(B) five members shall be appointed by Congress of whom—

(i) one shall be appointed by the Speaker of the House of Representatives;

(ii) one shall be appointed by the minority leader of the House of Representatives;

(iii) one shall be appointed by the President pro tempore of the Senate;

(iv) one shall be appointed by the majority leader of the Senate; and

(v) one shall be appointed by the minority leader of the Senate.

(3) The Council also shall include the joint chairpersons of the Board as ex officio nonvoting members.

(b) Each person appointed to the Council shall be—

(1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and

(2) selected solely on the basis of an established record of distinguished service.

(c) The persons appointed to the Council by the President shall include—

(1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring;

(2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring;

(3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and

(4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences.

(d) The Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, agriculture, minority organizations, and public interest organizations.

(e) The Chairperson of the Council shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. If a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy.

(f) The term of office of each of the voting members of the Council shall be five years, except that of the four members first appointed by the President, one shall be appointed for a term of two years, two for terms of three years, and one for a term of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

(g) The initial members of the Council shall be appointed or designated not later than ninety days after the date of the enactment of this Act.

(h) The Council shall meet on a regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum.

(i) Appointed members of the Council may not be employed by either the Department of Agriculture or the Department of Health and Human Services and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(j) The Administrator of Nutrition Monitoring and Related Research (if appointed under section 101(d)) shall serve as the Executive Secretary of the Council.

(k) The Council shall terminate on October 1, 2000.

FUNCTIONS OF THE COUNCIL

SEC. 202. The Council shall—

(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

(4) submit to the Secretaries annual reports that—

(A) shall contain the components specified in paragraphs (2) and (3); and

(B) shall be included in full in the annual reports of the Secretaries to the President for transmittal to Congress under section 102(b).

TITLE III—DIETARY GUIDANCE

ESTABLISHMENT OF DIETARY GUIDELINES

SEC. 301. (a)(1) By January 1, 1990, and at least every five years thereafter, the Secretaries shall publish a report entitled "Dietary Guidelines For Americans". Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.

(2) The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.

(b)(1) Any Federal agency which proposes to issue any dietary guidance for the general population or identified population subgroups, shall submit the text of such guidance to the Secretaries sixty days before the publication of the notice of availability for comment required to be published in the Federal Register under this section.

(2)(A) During the sixty-day review period established in paragraph (1), the Secretaries shall review and approve or disapprove such guidance to assure that the guidance either is consistent with the "Dietary Guidelines for Americans" or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretaries. If after such sixty-day period neither Secretary notifies the proposing agency that such guidance has been disapproved, then such guidance may be issued by the agency. If both Secretaries disapprove of such guidance, it shall be returned to the agency. If either Secretary finds that such guidance is inconsistent with the "Dietary Guidelines for Americans" and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such sixty-day period, either Secretary disapproves such guidance as inconsistent with the "Dietary Guidelines for Americans" the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed dietary guidance;

(ii) provide in such notice for a public comment period of thirty days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

(B) After review of comments received during the comment period either Secretary may approve for dissemination by the proposing agency a final version of such dietary guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

(C) Any such final dietary guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

(D) If after the thirty-day period for comment as provided under subparagraph (A)(ii), both Secretaries disapprove a proposed dietary guidance, the Secretaries shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

(E) If a proposed dietary guidance is disapproved by both Secretaries under subparagraph (D), the Federal agency proposing such guidance may, within fifteen days after receiving notification of such disapproval under subparagraph (D), request the Secretaries to review such disapproval. Within fifteen days after receiving a request for such a review, the Secretaries shall conduct such review. If, pursuant to such review, either Secretary approves such proposed dietary guidance, such guidance may be issued by the Federal agency.

(3) For purposes of this subsection, the term "dietary guidance for the general population" does not include any rule or regulation issued by a Federal agency.

(4) For purposes of this subsection, the term "identified population subgroups" shall include, but not be limited to, groups based on factors such as age, sex, or race.

(c) This section does not place any limitations on—

(1) the conduct or support of any scientific or medical research by any Federal agency;

(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency; or

(3) the authority of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

Mr. BYRD. I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank my good friend, the Senator from Alaska, the acting Republican leader, for his cooperation in transacting this morning business.

Mr. STEVENS. I thank the Senator, Mr. President.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM CREDIT LOAN RESTRUCTURING WORKS

Mrs. KASSEBAUM. Mr. President, I have long been an advocate of the Farm Credit System working with troubled borrowers to reduce foreclosure rates and keep farmers on the land. I have been encouraged by recent progress made under the Agricultural Credit Act of 1987.

In 1986, when the farm economy was perhaps at its weakest point, I spoke to the annual meeting of Farm Credit Services in the Wichita District. I pointed out that farm foreclosure rates were alarmingly high and that their policies must change to find better ways to work with distressed borrowers.

I am proud of the progress being made in the Wichita district. During the first half of 1988, 70 percent of the submitted restructuring plans have been accepted. Farm foreclosures in Kansas are down by more than a third. More progress is needed, but the direction is positive.

The Great Bend Tribune, of Great Bend, KS, recently chronicled this progress in a news article titled "Critics Now Sing Praise to Federal Land Bank." It describes in personal terms the turnaround which has occurred.

My friend and neighbor, Sam Eberly of Wichita, is the national chairman of the board of the Farm Credit Council this year. I congratulate Sam and all those in the Wichita district who have helped make loan restructuring work.

Mr. President, I ask unanimous consent that the article from the Great Bend Tribune be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Great Bend (IN) Tribune, July 17, 1988]

Critics Now Sing Praise to Federal Land Bank

Wichita (AP)—Ruth Hirsh once was among the chorus of farm activist voices criticizing the Federal Land Bank for being too tough on financially strapped agricultural borrowers and too quick to foreclose.

Today she's singing a different song, as are others who once were critics of the borrower-owned farm and ranch lender that holds more than half of the agricultural loans in Kansas and the nation.

"It's been a complete turnaround," Mrs. Hirsh said. "They greet you at the door and they're happy to see you. They're just willing to do anything they can to help."

Mrs. Hirsh and her husband, Don, have a diversified grain, beef and dairy cattle farm operation of slightly less than 1,000 acres near Kinsley. She is the Kansas Farmers Union in-house expert on the Farm Credit System, which has Federal Land Bank as one of its components.

In the four-state Wichita district that includes Kansas, Colorado, New Mexico and Oklahoma, the land banks and Wichita Intermediate Credit Bank, which lends to Production Credit Associations, recently were merged to form the Wichita Farm Credit Bank.

The more than 35-year-old Hirsh operation recently restructured its land bank loan. Negotiations still are under way with the Farmers Home Administration, Mrs. Hirsh said.

Districtwide figures for the first five months of 1988 show 568, or slightly more than two-thirds, of the loan restructuring plans submitted by distressed borrowers and analyzed have been accepted. Another 274 were rejected and 510 still were being evaluated. In Kansas, 254, or 73 percent, of the plans evaluated were accepted.

Of the 1,298 cases resolved by the Special Credit Department of the Farm Credit Bank districtwide through May 31, 916 borrowers, or about 71 percent, have an ongoing relationship with the lender after either bringing their loans current or working out some sort of restructuring.

For around 29 percent of the cases, or 382 borrowers, the loans were either paid off as part of arrangements with other creditors, canceled when property pledged as collateral was deeded over in a compromise arrangement, or resolved in court.

"We still have those we can't save," said Terry Gutschenritter, head of the special credit staff. "They know they can't be saved. The law requires us to work with these in an effort to return them to viability. If they can't come up with a plan or together we can't come up with a plan that's going to return them to viability, there's no use restructuring a loan just for the sake of going back two years from now and being in the same boat again."

The image the Federal Land Bank got as the farm crisis deepened was the result of being unprepared for the unexpected onslaught of borrowers who couldn't pay, Gutschenritter said. Bank staffers didn't have the training, skills or procedures to deal with distressed loans, he said. Many times they did all they knew to do: send letters demanding payment and then, if neither payments nor a response came in, turn the file over to the legal staff.

"We weren't in a rush to foreclose," he said. "But on the land bank side we were inundated with people who couldn't pay. It happened to us in a hurry."

In the fall of 1986, the Wichita district set up a Special Assets Group to do nothing but deal with problem loans. Consistent with their fear and distrust, farm activists who thought they would be facing a new collection agency called it the "Darth Vader Unit" after the villain in the "Star Wars" movies.

A corps of 100 handpicked loan officers with experience and skills suited for the task were trained and assigned to work on the loans. The Agricultural Credit Act of 1987 formalized many of the procedures already being used and set up a uniform national system for dealing with distressed borrowers in a manner similar to that being used in the Wichita district.

Distressed borrowers are sent notices inviting them to propose a restructuring plan. Or they are invited to submit one when they report to a loan officer they are having financial difficulty.

In order to evaluate the plan, the bank asks for balance sheets, operating statements, tax returns and a release allowing contact with other creditors.

Often, a part of the loan balance is set aside for three to five years, the note is reamortized or the lender agrees to delay the next payment until crops or cattle are sold, Gutschenritter said.

If the borrower and Special Credit loan officer can't agree, the borrower has a right to appeal the rejection of his plan to an independent credit review committee.

"We find far and away most of our borrowers are people who want to pay their debts if there's any way they can do it," he said.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Burdick). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the Senate, at 9:30, go into executive session to consider the nomination of Calendar Order No. 770, Message No. 880, Karen Borlaug Phillips, to be a member of the Interstate Commerce Commission, that there be 10 minutes of debate thereon to be equally divided between Mr. Packwood and Mr. Hollings, and that upon the expiration of the time the vote occur on the nomination without further intervening action and that upon the disposition of the vote the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I also ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning, that following the two leaders under the standing order there be a period for morning business for not to extend beyond the hour of 9:20 a.m., that Senators may speak during that period for morning business for not to exceed 5 minutes each, and that no motions or resolutions over, under the rule, come over, and that the call of the calendar be waived under rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent, as in executive session, that it be in order to order the yeas and nays at this time on the nomination of Ms. Phillips.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays, as in executive session.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I go home still with high hopes, and I will talk with the good Lord tonight a little bit, too, which always helps.

There will be no more rollcall votes today.

Mr. DOLE. Will the majority leader yield just briefly?

Mr. BYRD. Yes.

Mr. DOLE. I know we are about to reach a decision one way or the other. Either we are going to have something or not have anything. I am not certain at this point where it will come out. It seems one minute we are fairly close and 5 minutes later we are in another meeting. So I am not certain.

I have indicated to some Members on this side, if it is any incentive, that, if we do complete action tomorrow on all the things we mentioned earlier, there would not be much need for a session on Thursday. A number of our Members are on platform committees at our convention in New Orleans. We have had them running back and forth. The Senator from Wisconsin, Senator Kasten, came all the way back today to vote on Contra aid. We did not have a vote. He got back on an airplane at 7:50 and headed back to New Orleans.

So I hope that if we could reach an agreement we could do it early in the morning and not wait around until noon to reach some agreement. Hopefully, all these requests for time could be cut in half or less. This issue has been around for 7 or 8 years. I really believe that most Members in the Senate understand what the issue is. I would hope that we would not have interminable debate. I know many of my colleagues certainly want to cooperate if they can.

I will make an effort in the morning, A, to get an agreement; B, to cut the time; and C, to get on with it, if we can do it.

Mr. BYRD. Mr. President, the Republican leader has certainly done everything he can do. I am confident of that. He has been very painstaking and patient, and I compliment him.

I hope that all of our colleagues will consider the fact that many scores of man-hours have been put into the effort already trying to reach an agreement on how we approach the Contra aid situation. I am perfectly willing to call up the urgent supplemental bill and Mr. Dole can offer his amendment to it. I would be very much opposed to the amendment, because I do not want to see any amendment on Contra aid attached to that urgent supplemental appropriation bill. Nevertheless, the Senate will work its will.

Then, the Senate could go on the DOD appropriations bill and vote on the amendment which I would offer in the second degree, which I would hope, by that time, to be joined in by Mr. Dole and other Senators on his side.

Once this matter is disposed of, if it can be disposed of, then the rest of the bill, I do not think, would take a great deal of time. Possibly it could be completed on tomorrow.

I think all Senators should understand that none of us can have it exactly his own way. This is a thorny, complicated, complex matter and the package that I have worked out on my side of the aisle has been worked out after laborious, painstaking efforts and it is a fragile coalition and I am not going to tamper with it.

The Senate can simply reach its will one way or the other at some point. It ought to be done before the Republican Convention. I hope it will be done. It is important that the urgent supplemental appropriations bill be disposed of and that the conference report thereon be disposed of before the convention.

I think we all ought to understand, too, that whether or not separate appropriation bills will be sent to the President on various other Department funding programs may hinge on this DOD appropriation bill.

If this bill hangs around, if it is left, if we come back after the convention, if we have not resolved the matter, it is going to hold up, I am afraid, action in conference on some of the other appropriations bills. And it is the desire of both leaders in this body, and I am confident that it is the desire of the leadership on both sides of the aisle in the other body, that the appropriation bills go to the President separately and individually and not be all wrapped up in one continuing resolution.

We will be a long way down that road if we can complete the action on the DOD appropriations bill before we go to the convention. So there is a lot hinging on this bill that is separate and aside, as far as subject matter is concerned.

DELAY SEA TURTLE CONSERVATION REGULATIONS

Mr. BYRD. Mr. President, I understand that the Senate has received from the House H.R. 5141, a bill to delay certain regulations relating to sea turtles. On behalf of Mr. Heflin and at his request I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

An act, H.R. 5141, to delay temporarily certain regulations relating to sea turtle conservation.

Mr. BYRD. Mr. President, I notice that all of the audience we had in the fourth estate of the gallery suddenly left Oh, no; there is somebody up there.

Mr. President, I ask for the second reading.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

The bill was held at the desk.

Mr. BYRD. All right. I again thank the distinguished Republican leader. He is my friend and we are going to continue to work together patiently to try to resolve this.

But I would say if we are going to reach an agreement, we ought to do so early tomorrow so that the Senate can proceed to work its will and not waste many, many hours on tomorrow and end up having to work far into the evening and perhaps on Thursday the same. I think we are as close as we are going to get and the sooner we understand that, the better, because we have reached the point where there just is not, as far as I am concerned, there is just no more give on this side that we can do. Our coalition would fall apart and I do not want that to happen.

PROGRAM

Mr. BYRD. Mr. President, tomorrow the Senate will come in at 9 o'clock. There will be a period for morning business, following the two leaders under the standing order, not to extend beyond 9:20 a.m. Senators will be permitted to speak during that period for morning business for not to exceed 5 minutes each.

At 9:20, by unanimous consent, the Senate will go into executive session to consider the nomination of Karen Phillips of Virginia, to be a member of the Interstate Commerce Commission. There will be 10 minutes of debate, to be equally divided and controlled between Mr. Packwood and Mr. Hollings.

At 9:30 a.m., the vote will occur, and it will be a rollcall vote, on the nomination. It will be a 15-minute rollcall vote. The call for regular order will be automatic at the conclusion of the 15 minutes.

Upon the disposition of the nomination, the Senate will return to legislative session and the Senate will then be back on the DOD appropriations bill, presumably, at that time. The question will be on the amendment in the first degree offered by Mr. Byrd.

It is hoped that further progress can be made overnight. Time is running out. The sands in the hourglass are slowly dropping one by one.

Mr. President, I ask unanimous consent that the leader time on tomorrow be reduced to 5 minutes each for the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, I ask unanimous consent that the Senate go into executive session tomorrow at 9:20 a.m., and that the time, the 10 minutes begin running at that time, which would allow the vote, then, to occur on the nomination at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators, and I thank the staff.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 8:39 p.m. the Senate adjourned until Wednesday, August 10, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 9, 1988:

INTERNATIONAL ATOMIC ENERGY AGENCY

LANDO W. ZECH, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 33D SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

INTER-AMERICAN FOUNDATION

VICTOR BLANCO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERI-

CAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1994 (REAPPOINTMENT).

SECURITIES INVESTOR PROTECTION CORPORATION

FREDERICK N. KHEDOURI, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1990, VICE DAVID F. GOLDBERG, TERM EXPIRED.

STATE JUSTICE INSTITUTE

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR TERMS EXPIRING SEPTEMBER 17, 1991:

DANIEL JOHN MEADOR, OF VIRGINIA (REAPPOINTMENT).

CLEMENT CLAY TORBERT, JR., OF ALABAMA (REAPPOINTMENT).

U.S. INSTITUTE OF PEACE

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR TERMS EXPIRING JANUARY 19, 1993:

JOHN NORTON MOORE, OF VIRGINIA (REAPPOINTMENT).

DENNIS L. BARK, OF CALIFORNIA (REAPPOINTMENT).

EVRON M. KIRKPATRICK, OF MARYLAND (REAPPOINTMENT).

ALLEN WEINSTEIN, OF THE DISTRICT OF COLUMBIA (REAPPOINTMENT).

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. BRUCE DEMARS, [redacted]/1120, U.S. NAVY.

HOUSE OF REPRESENTATIVES—*Tuesday, August 9, 1988*

The House met at 12 noon.

Dr. Reed M. Stewart, president, Wesley College, offered the following prayer:

Father God, we thank You for this moment of contemplation and renewal before turning to the momentous deliberations of our Congress. We thank You for leading us in the creation of the fundamental precepts of our American way of life. Through them we are joint heirs of all traditions of the past and joint partakers in the influences, resources, and powers of our present. May we continue to reappraise the individual worth of people—reconsidering their brotherhood and sisterhood, reevaluating their fundamental freedoms in acknowledgment that the great struggles of the world are not political conflicts alone, but struggles for the very souls of humankind.

And so guide these men and women that they may impart our magnificent inheritance to the generations that will follow. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 138. Joint resolution to authorize and request the President to issue a proclamation designating the third Sunday of August 1988 as "National Senior Citizens Day."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2472. An act to provide authorization of appropriations for activities of the National Telecommunications and Information Administration; and

H.R. 3361. An act to amend the Public Health Service Act to establish within the National Institutes of Health a National Institute on Deafness and Other Communication Disorders.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3361) "An act to amend the Public Health Service Act to establish within the National Institutes of Health a National Institute on Deafness and Other Communication Disorders," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mr. WEICKER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5015) "An act to provide drought assistance to agricultural producers, and for other purposes."

The message also announced that the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, agreeably to the notice communicated to the Senate, and that at the hour of 2 p.m. on Tuesday, August 9, 1988, the Senate will receive the honorable managers on the part of the House of Representatives, in order that they may present and exhibit the said articles of impeachment against the said Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida.

The message also announced that the Senate had passed a joint resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 350. Joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it is the Chair's intention to have only one 1-minute speech today, that by the gentleman from Delaware [Mr. CARPER].

DR. REED MARTIN STEWART

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, the offerer of our prayer today is Dr. Reed Martin Stewart. Dr. Stewart serves as president of Wesley College, founded in 1873, and located in Dover, the capital city of Delaware. Delawareans refer to their State as a small wonder. I regard Wesley, a 4-year liberal arts college in affiliation with the United Methodist Church, to be a treasure within our small wonder.

In addition to being the 14th and the youngest president of Wesley College, Dr. Stewart, has served as the minister of several churches and as a former campus minister. He has also worked at the executive level in six colleges during the past two decades.

In his youth, Dr. Stewart was elected governor of the American Legion's Hoosier Boys' State in Indiana. The next year, 1958, he received national recognition when he became the American Legion national champion orator on the Constitution of the United States. During the 30 years that followed, he has continued to distinguish himself as a scholar, minister, educator, and popular public speaker.

This son of an Indiana judge is married to the former Beverly Holt of Missouri, and they have two children, Reed, Jr., a Wesley College senior, and Elaine Tyler Stewart, a junior at Dover High School.

We Delawareans are grateful for the many contributions the Stewart family has made in our State. It has been an honor for me to welcome my friend Reed Stewart today to offer the prayer as the House of Representatives begins its deliberations.

TECHNICAL AMENDMENTS TO LAWS RELATING TO INDIAN EDUCATION

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the bill (H.R. 5174) to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, I do so only for the purpose of allowing the gentleman from Michigan [Mr. KILDEE] to explain the contents of the bill for which he makes this unanimous-consent request.

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Michigan.

☐ **This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.**

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I ask the House to expedite consideration of H.R. 5174, a bill making technical amendments to certain of the provisions in the recent passed Indian Education Amendments of 1988, (Public Law 100-297), only insofar as they relate to American Indians and Alaskan Natives. Originally, the plan was to consider these needed technical corrections as part of a larger package next spring. Unfortunately, since the Bureau of Indian Affairs schools and education programs are not forward funded, a need for quick action has arisen. The Bureau came to us to say that there were a number of areas that needed correction, clarification, or cleaning up or the Bureau would have a hard time running their program this fall.

The resulting package is technical, and is a consensus package. The Bureau did most of the drafting, with the Senate and outside groups keeping an eye on the process and agreeing with the results. It has no budget effects and does not cost any extra money.

Most of it is simply changing commas, changing terms to achieve consistency throughout the statute, substituting a date certain for the term "date of enactment" and making similar technical clarifications. In school board training, it recognizes the fact that the period for conducting this activity is almost over for this year and delays implementation for a year and reduces the maximum set-aside. The amendments clarify which employees must elect under the recent pay provisions and to whom the furlough provisions apply. We also clarify what programs are to have the new administrative cost formula apply to them and that tribal options under the new grant system would not preclude rights under other Federal programs. Finally, the rules governing dispute resolution in the Public Law 93-638 contracting system are made applicable to the new grant process, to keep the Bureau from having to reinvent the wheel and confusing everyone in the field.

In addition, in response to a request from the Department of Education, we included some of their suggested revisions, all of which were of a purely technical nature.

I am submitting, along with my statement, a section-by-section analysis, which goes into detail on each little change.

This has been a joint effort, involving the administration, the outside groups and the schools themselves. This has been a textbook case in how Indian legislation should be written, with cooperation all around. I hope it will signal a new wave for the future.

I have been privileged to work with the gentleman from Vermont. This has been a bipartisan effort and the product reflects it. I am assured that if we can expedite its consideration today, it can be passed and signed before the Bureau starts its school programs in the third week in August.

SECTION-BY-SECTION ANALYSIS OF H.R. 5174—TECHNICAL AMENDMENTS TO THE INDIAN EDUCATION PROVISIONS OF PUBLIC LAW 100-297

(1) Sec. 1—Bureau funded schools—Technical corrections to assure consistent use of terms, proper citations, and the use of a date certain for describing the effective dates. An amendment clarifies that a school board of any Bureau-funded school may request expansion. The amendment also adds a definition of the term "Office" and deletes the provision in current law which would no longer be necessary.

(2) Sec. 2—Allotment formula—Clarifies that the minimum for the smallest schools under the formula refers to enrollment of students, thus making the provision consistent with the rest of the formula provisions (which deal with enrollments) and clarifies the provision relating to Maine. Also makes a technical correction to a term and citations.

(3) Sec. 3—Emergencies and Unforeseen Contingencies—Clarifies the provision in law dealing with the fund for emergencies or unforeseen contingencies, by putting a limit on the amount, clarifying that the money is to be available until expended, and stipulating that it must be used at a school site (a defined term).

(4) Sec. 4—Administrative Cost Grants—Clarifies the programs to which the new administrative cost formula factor is to apply. The intent was that the administrative cost formula only apply to education activities. Other tribal activities were to retain their current or negotiated rates or lump sums.

However, this intent was manifested by implication. The original House and Senate versions specifically made this new rate applicable to all programs sharing an administrative cost base, either by statute or by tribal election. Both of these provisions were deleted, with language in the Conference Report stipulating that this administrative cost formula was not to apply to other tribal programs (H. Report 100-567, page 400, note 16 & 17 & 19).

The amendment makes this intent clear and includes a statement to that effect. Also, it makes a technical correction to a term for consistency.

An amendment is also added to clarify that the administrative cost provisions of this section will apply to all schools operated under the Tribally Controlled Schools Act of 1988 (the "grant schools").

The amendment also addresses the issue of the need to begin to coordinate the operation of this formula and the indirect cost rates/amounts set by the Inspector General for other B.I.A. programs. This is done by making the Inspector General a participant in the studies required by the statute.

(5) Sec. 5—School board training—Relates to the amount of funds for school board training and expenses. Due to problems in the lateness in the year and the need to coordinate with the Appropriations cycle, this would delay implementation of this provision for one fiscal year.

Also, based upon the latest projections of the funds which would be generated and the needs, the amount of the setaside for school board expenses has been cut from 2% to 1%.

(6) Sec. 6—Coordinated programs—Technical changes to the provision dealing with cooperative schools, to clarify that these provisions are to apply to Bureau-operated schools, and that the minimum program level to be maintained is accreditation.

(7) Sec. 7—Consultation—A problem has arisen over the meaning of the phrase ". . . unless the Secretary determines, from information educed or presented during the discussions, that there is . . .". Does this mean that the information must have been presented at all meetings in a similar or even substantive fashion? For instance, on a national issue, a series of regional meetings could be held (may be preferable). What if an argument or information is brought forward by a participant at the 3rd of such regional meetings which could trigger this phrase. Must the Secretary then reconvene meetings #1 and #2 to share the argument/information, and if so, when would such a cycle stop?

The amendment makes clear that with respect to information or options raised by a non-B.I.A. participant, such a never-ending cycle is not contemplated. Note that for B.I.A. personnel, it is contemplated that they will have "done their homework" and will make the same presentation of facts at all meetings.

(8) Sec. 8—Personnel Studies—Clarifies the schools to be included in the Bureau study and makes a technical correction in a citation.

(9) Sec. 9—Compensation and Furloughs—The first subsection substitutes a date certain for descriptions (done throughout) for the convenience of those who will use the law.

(10) Sec. 9—Compensation and Furloughs—The rest of the section contains provisions dealing with the applicability of the new pay system and the furlough provisions.

With respect to the pay system, this clarifies that the need to make an election to have the new pay system apply pertains only to status quo employees and would mean that they would become contract employees. Contract educators are covered automatically. Also, allowing a status quo employee to bring over their current leave system entails some administrative problems. A clarification which both B.I.A. and Union agreed was needed was to make clear that leave will have to be used during the academic year or contract period.

With respect to furloughs, the amendment clarifies that the furlough provisions only apply to status quo employees (certainly the original intent). The amendment also clarifies that in making furlough determinations, funds set out for salaries (as opposed to supplies, etc.) are the funds to be considered. At the same time, to give the employees some notice on what this amount will be, Section 1129 is amended by adding the requirement of notice to the Union. The amendment also includes language to give some flexibility to the system, but still protects against favoritism or simply retaining all supervisory staff. The amendment also allows a limited exception to the furlough rule in certain situations where necessary for the school program, with school board approval.

PART B NEW TRIBAL GRANT AUTHORITY

(11) Sec. 10(a)—Grants—Some have interpreted Section 5204(a)(1)(B) as overriding the election provision with respect to currently contracted programs and have said that this means they must submit a sepa-

rate application for separate review. This is incorrect, but the alleged ambiguity could cause a delay. The amendment makes clear that this is not the intent and makes other technical changes which clarify the intent.

(12) Sec. 10(b)—Grants—Clarifies that retrocession by a tribe can either be to a contract under P.L. 93-638 (reimposing the additional oversight and monitoring) or to BIA operation (at tribal option), pursuant to P.L. 93-638 requirements on capability and/or agreed-upon remedial steps being undertaken. Also, the amendment clarifies that upon retrocession, materials purchased with these grants go to the new contractor or BIA.

The amendment also clarifies that the tribal governing body makes this decision (for consistency) and makes a correction in citation.

(13) Sec. 11—Eligibility for Grants—Technical amendments for sake of consistency and to clarify and replace "the Department of Education" with the "Department of the Interior" as the decision maker. Simply a mistake.

Also stipulates that hearings on actions under this section shall be on the record.

(14) Sec. 12—Duration of Eligibility—The amendment corrects four problems: clarifies that the Secretary of Education is to publish a list of acceptable accrediting agencies, but does not have to decide if there has been compliance; clarifies the choice of evaluator where the Tribe (not a tribal organization) is the direct contractor; the amendment would allow the Secretary and the grantee to mutually agree to amend the standards negotiated under the pre-existing contract and to have those standards apply during the grant; and finally, makes clear that the need to comply with P.L. 100-297 standards and reporting requirements applies to current contract schools which elect to have this Act apply, by adding a new subsection to this effect.

(15) Sec. 13—Payments of Grants—First, the amendment clarifies that the provision for making a payment where there is a total lack of data applies to previously non-Federally-funded schools. The amendment also addresses the concern of how the dual payments under the grants would be made if the fiscal year starts under a Continuing Resolution. There is no intent to authorize the Bureau to pay a percentage (statutory) of a percentage (Continuing Resolution). For instance, if the terms of the Continuing Resolution are that the Bureau is to make disbursements for a two-month period at a rate equal to, or not to exceed, 17% of the preceding year's expenditures, it would be inequitable to make the Bureau pay to grant schools 50% of the preceding year's amount (and would probably violate the terms of the Continuing Resolution). However, it would be just as inequitable (and in violation of the intent of this section) for the Bureau to interpret this provision to pay 50% of 17% to the grant schools, or only 8% for the same period. This would "hamstring" the schools to such an extent that some would not survive. If the Bureau is placed under a Continuing Resolution authority (an action over which it has little control), this provision allows it to supercede the normal rule, providing that as soon as final appropriations for the year are passed, payments are brought into line with the statutory requirements.

(16) Sec. 14—Application of Public Law 93-638—Relating to current contractors taking grants. The amendment clarifies the timeline for giving notice to the Secretary of an election to go from a current contract to a grant. The amendment adds a new subsection needed to clarify that when a current contractor goes grant, it may retain equipment, supplies, materials, leases of land or buildings, etc. [presumed in P.L. 100-297]. Furthermore, it allows current contractors to carry-over FY-1988, P.L. 93-638 funds into the grant [we took care of carryover between grant years, but not during the transition.] Also, it allows grantees to continue to contract with G.S.A. (e.g., for school buses). Finally, the amendment states that any disputes involving the audits which a school must submit under Section 5207 or any other issue involving the amount of the grant or payments (or the components of such computations) shall be handled and resolved under the rules of the Indian Self-Determination and Education Assistance Act of 1975, as amended.

AMENDMENTS TO THE INDIAN EDUCATION ACT OF 1988

(17) Sec. 15—Grants to Local Educational Agencies—Deletes a repetitive provision regarding the definition of eligible Indian child and makes conforming changes. It also clarifies that none of the maintenance-of-effort provisions apply to B.I.A.-run schools and that non-local educational agencies may still compete for the setaside.

(18) Sec. 16—Applications and Approval—Makes technical and grammatical changes, and clarifies that eligibility forms are to be maintained at the local level, deletes two unnecessary terms (included within definitions), and adds that the eligibility form must at least identify the child, a tribe through which affiliation is claimed, and the signature of a parent.

(19) Sec. 17—Payments—Corrects the language of the maintenance-of-effort language.

(20) Sec. 18—Improvement of Educational Opportunities—This was a provision in the House-passed (H.R. 5) version of the reauthorization of the Title IV, Indian Education Act program dealing with postsecondary programs to educate Indian education administrators and teachers. When the side-by-side of the Conference was done, this difference was not noted or made a point of difference, and since we ended up working from the Senate version of the Title IV part of the bill, we automatically dropped it. Also makes corrections to punctuation and a citation.

(21) Sec. 19—Fellowships—Corrects English and the Table of Contents.

(22) Sec. 20—Gifted and Talented—Corrects a citation and clarifies the meaning of the term "evaluator".

(23) Sec. 21—Office of Indian Education—Changes "Alaskan" to "Alaska".

(24) Sec. 22—N.A.C.I.E.—Deletes a comma.

(25) Sec. 23—Definitions—Clarifies that the tribe is to define membership. Also makes changes to the definition of local educational agency to correct citations and clarify the eligibility of B.I.A.-funded programs for the formula grant program under the Act.

OTHER PROGRAMS

(26) Sec. 24—Tribally Controlled Community Colleges—This amendment makes clear that the P.L. 100-297 directive to distribute funds in the same method as in FY-1987 (by electronic transfer) does not suspend the Bureau's responsibility to implement the 1983 amendments to the Tribally Controlled Community Colleges Act.

(27) Sec. 25—Use of Bureau Facilities—This amendment clarifes those groups to whom the Secretary may extend assistance and that the activities benefitted must benefit Indians or Federal programs. It also clarifies that such assistance does not waive Federal laws relating to liability.

(28) Sec. 26—White House Conference—This amendment clarifies that school board members shall be specifically included with those considered for participation in the White House Conference and makes several grammatical corrections.

(29) Sec. 27—Repeals an unnecessary study.

Mr. JEFFORDS. Mr. Speaker, further reserving the right to object, the amendments have been drafted with the help of the Bureau of Indian Affairs and the Department of Education. They are purely technical in nature, but are very necessary. All interested parties including the administration support these changes. They have no budgetary effects.

The technical amendments amend both the Bureau programs and the Department of Education programs. The Department of Education suggested all the amendments included in the bill pertaining to those programs.

I wish to thank the gentleman from Michigan [Mr. KILDEE] for working with me to draft this bipartisan bill and I withdraw my reservation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUREAU FUNDED SCHOOLS.

(a) FACTORS.—Section 1121(k)(1) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(1)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "has not previously received funds from the Bureau" and inserting in lieu thereof "is not a Bureau funded school";

(B) by striking out "Bureau school board" and inserting in lieu thereof "school board of any Bureau funded school";

(C) by striking out "has not previously been operated or funded by the Bureau" in subclause (I) and inserting in lieu thereof "is not a Bureau funded school"; and

(D) by striking out "any program currently funded by the Bureau" in subclause (II) and inserting in lieu thereof "a Bureau funded school"; and

(2) in subparagraph (B)(iii), by striking out "a Bureau operated program" and inserting in lieu thereof "a Bureau funded school".

(b) APPLICATION.—Section 1121(k)(6)(A) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(6)(A)) is amended—

(1) by striking out "tribally controlled school" and inserting in lieu thereof "contract school"; and

(2) by striking out "the date of enactment of this Act" and inserting in lieu thereof "April 28, 1988,".

(c) Definitions.—(1) Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) the term 'Office' means the Office of Indian Education Programs within the Bureau;".

(2) Section 1139(5) of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by striking out "1041(1)" and inserting in lieu thereof "104(a)"; and

(B) by striking out "450h(1)" and inserting in lieu thereof "450h(a)".

(3) Section 1126(a) of the Education Amendments of 1978 (25 U.S.C. 2006(a)) is amended by striking out "(hereinafter referred to as the 'Office')".

SEC. 2. ALLOTMENT FORMULA.

(a) Fiscal Year 1990.—Section 1128(c)(1)(B) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(1)(B)) is amended by striking out "an average daily attendance of" and inserting in lieu thereof "an enrollment of".

(b) Technical Amendments.—(1) Clause (i) of section 1128(c)(4)(A) of the Education Amendments of 1978 (25 U.S.C. 2008(C)(4)(A)) is amended by striking out "Amendments" and inserting in lieu thereof "Act".

(2) Clause (iii) of section 5107(b)(1)(A) of the Indian Education Amendments of 1988 (20 U.S.C. 1411 note) is amended—

(A) by striking out "602(1)" and inserting in lieu thereof "602(a)(1)"; and

(B) by striking out 401(l) and inserting in lieu thereof "1401(a)(1)".

(c) Contract Schools Treated as Political Subdivisions.—Section 1128(c)(5) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(5)) is amended by striking out "schools oeprated by Indian tribes" and inserting in lieu thereof "contract schools".

SEC. 3. EMERGENCIES AND UNFORESEEN CONTINGENCIES.

Section 1128(D) of the Education Amendments of 1978 (25 U.S.C. 2008(d)) is amended to read as follows:

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.".

SEC. 4. ADMINISTRATIVE COST GRANTS.

(a) Amount of Grant; Rate Applicable Only to Educational Activities.—Section 1128A(b)(1) of the Education Amendments of 1978 (25 U.S.C. 2008a(b)(1)) is amended—

(1) by striking out "to each of the direct cost education programs" and inserting in lieu thereof "to the aggregate of the Bureau elementary and secondary functions"; and

(2) by adding at the end thereof the following new sentence: "The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.".

(b) Single Administrative Cost Account.—Subsection (d)(1)(A) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by inserting "tribe or" before "contract school" each place it appears.

(c) Studies.—Subsection (f) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraph (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.".

(d) Grant Schools.—Section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by adding at the end thereof the following new subsection;

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.".

SEC. 5. SCHOOL BOARD TRAINING.

(a) Effective Date.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended by adding at the end thereof the following new subparagraph:

"(D) This paragraph shall take effect on October 1, 1989.".

(b) Set-Aside Amount.—Clause (ii) of section 1128(c)(3)(C) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)(C)) is amended by striking out "2 percent" and inserting in lieu thereof "1 percent".

SEC. 6. COORDINATED PROGRAMS.

Section 1129(f)(1) of the Education Amendments of 1978 (25 U.S.C. 2009(f)(1)) is amended—

(1) by striking out "a school" and inserting in lieu thereof "a Bureau school";

(2) by striking out "whose children are served by a program operated by the Bureau";

(3) by striking out "education programs operated by the Bureau" and inserting in lieu thereof "the school"; and

(4) in subparagraph (A), by striking out "if a facility operated by the bureau which is currently accredited by a State or regional accrediting entity would continue to be accredited" and inserting in lieu thereof "unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited".

SEC. 7. CONSULTATION.

Section 1130(b)(2) of the Education Amendments of 1978 (25 U.S.C. 2010(b)(2)) is amended by striking out "from information educed or presented during the discussions" and substituting in lieu thereof "from information educed or presented by the interested parties during one or more of the discussions and deliberations.".

SEC. 8. PERSONNEL STUDIES.

Section 5113 of the Indian Education Amendments of 1988 (25 U.S.C. 2011 note) is amended—

(1) in subsection (a)(2), by striking out "schools operated within the United States" and inserting in lieu thereof "elementary and secondary schools operated"; and

(2) in subsection (e), by striking out "11" and inserting in lieu thereof "XI".

SEC. 9. REGULAR COMPENSATION OF BUREAU EDUCATORS: NONVOLUNTARY FURLOUGHS.

(a) "Compensation.—Section 1131(h)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(1)) is amended—

(1) in subparagraph (B), by striking out "the close of the 6-month period beginning on the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "October 28, 1988";

(2) in subparagraph (c), by striking out "the close of the 6-month period described in subparagraph (B)" and inserting in lieu thereof "October 28, 1988";

(3) in subparagraph (C)(i), by striking out "the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "April 28, 1988,";

(4) in subparagraph (E)(i), by striking out "any individual employed in an education position on the day before the date of enactment of the Indian Education Amendments of 1988 if this paragraph did not apply to such individual on such day" and inserting in lieu thereof "an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o)"; and

(5) in subparagraph (E)(iii), by inserting before the period ", except that the individual must use leave accrued during a contract period by the end of that contract period".

(b) Application.—Section 1131(o) of the Education Amendments of 1978 (25 U.S.C. 2011(o)) is amended—

(1) in paragraph (1)—

(A) by striking out "This section shall apply with respect to any individual hired after the effective date of subsection (a)(2) for employment in an education position" and inserting in lieu thereof "Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2))"; and

(B) by striking out "any individual employed immediately before the effective date of subsection (a)(2)" and inserting in lieu thereof "an individual employed on October 31, 1979"; and

(2) in paragraph (2)—

(A) by striking out "position immediately before the effective date of subsection (a)(2) may, within five years of the date of enactment of this Act" and inserting in lieu thereof "position on October 31, 1979, may, not later than November 1, 1983"; and

(B) by inserting "of subsections (a) through (n)" after "provisions".

(c) Furloughs.—Section 1131(p)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(p)(1)) is amended—

(1) by striking out "No educator whose basic compensation is paid from funds allocated under section 1128 may be" and inserting in lieu thereof "An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be";

(2) in subparagraph (A), by striking out "a shortage of funds" and inserting in lieu thereof "an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b) of this Act"; and

(3) by inserting before the period at the end of subparagraph (B) ", except that the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), may continue one or more educators in pay status if (i) they are needed to operate summer programs, attend summer training sessions, or participate in special activities including (but not limited to) curriculum development committees, and (ii) they are selected based upon their qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply".

(d) Financial Plans.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding after the first sentence of subsection (b) the following new sentence: "The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time they are submitted to the local school board.".

SEC. 10. GRANTS.

(a) In General.—Section 5204(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(1)) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract schools;

"(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

"(C) elect to assume operation of Bureau schools with assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.".

(b) Retrocession.—Section 5204(f) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(f)) is amended—

(1) by adding the following at the end thereof: "The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau school or as a contract school under title XI of the Education Amendments of 1978. Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

"(1) with assistance under this part, or

"(2) upon assumption of operation of the program under this part if it was a Bureau funded school under title XI of the Education Amendments of 1978 before receiving assistance under this part.";

(2) by striking out "tribe" each place it appears in the first sentence and inserting in lieu thereof "tribal governing body"; and

(3) by striking out "Indian" in the first sentence.

(c) Composition.—Section 5205(b)(3)(A)(i) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(3)(A)(i)) is amended by inserting "chapter 1 of" before "title I".

SEC. 11. ELIGIBILITY FOR GRANTS.

(a) In General.—Subparagraphs (A) (B) of section 5206(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(a)(1)) are amended to read as follows:

"(A) was, on April 28, 1988, a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part,

"(B) was a Bureau school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b),".

(b) Additional Requirements for Bureau-Funded School.—Section 5206(b)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(b)(1)) is amended by striking out "Any school that was operated as a Bureau school on the date of enactment of this Act" and inserting in lieu thereof "A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on April 28, 1988.".

(c) Schools Which Are Not Bureau Funded.—Section 5206(c) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(c)) is amended—

(1) by amending the subsection heading to read "Additional Requirements for a School Which Is Not a Bureau Funded School.—"; and

(2) in paragraph (1), by striking out "A school for which the Bureau has not provided funds" and inserting in lieu thereof "A school which is not a Bureau funded school under title XI of the Education Amendments of 1978".

(d) Applications and Reports.—Section 5206(d)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(d)(1)) is amended by striking out "the Department of Education" and inserting in lieu thereof "the Bureau of Indian Affairs".

(e) Record of Hearings.—Section 5206(f)(1)(C) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(f)(1)(C)) is amended by inserting "on the record" after "hearing".

SEC. 12. DURATION OF ELIGIBILITY DETERMINATION.

(a) Role of Secretary of Education.—Subclause (I) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended by striking out "as determined by" and inserting in lieu thereof "as recognized by".

(b) Revocation.—Subclause (V) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended—

(1) by striking out the last sentence and inserting in lieu thereof the following: "If the Secretary and a grantee other than the tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply."; and

(2) by inserting "(or revisions of such standards agreed to by the Secretary and the grantee)" after "Education Assistance Act".

(c) Application.—Section 5207 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) is amended by adding at the end thereof the following new subsection:

"(d) Applicability of Section Pursuant to Election Under Section 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—

"(1) subsection (b) of this section shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.".

SEC. 13. PAYMENTS OF GRANTS.

(a) Payment.—Paragraph (2) of section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by striking out "under this part" and inserting in lieu thereof "from Bureau funds".

(b) Restrictions.—Section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by adding the following new paragraph at the end thereof:

"(3) Paragraphs (1) and (2) of this subsection shall be subject to any restriction on amounts of payments under this part that may be imposed by a continuing resolution or other Act appropriating the funds involved.".

SEC. 14. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended—

(1) in subsection (b) by adding at the end thereof the following:

"(3) In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election. For fiscal year 1989, the Secretary may waive this paragraph for elections received prior to September 30, 1988."; and

(2) by adding the following new subsections at the end thereof:

"(d) Transfers and Carryovers.—

"(1) A tribe or tribal organization assuming the operation of a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(2) A tribe or tribal organization assuming the operation of a contract school with assistance under this part shall be entitled to the transfer or use of the buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(3) Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather than to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

"(e) Exceptions, Problems, and Disputes.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2) of this Act, any dispute regarding the amount of a grant under section 5205 (and the amount of any funds referred to in that section), any payments to be made under section 5208 of this Act, and any dispute involving the amount of, or payment of, the administrative grant under section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) shall be handled under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93-658; 25 U.S.C. 450 et seq.).".

SEC. 15. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 5312 of the Indian Education Act of 1988 (25 U.S.C. 2602) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(1) For any fiscal year for which appropriations are authorized under section 5316 of this Act, the Secretary shall determine the number of Indian children who were enrolled in the schools of each local educational agency that applies for a grant, and for whom such agency provided free public education, during such fiscal year.";

(2) in subsection (b)(2)(A), by striking all after "the product of—" and inserting in lieu thereof the following:

"(i) the number of Indian children determined under paragraph (1), multiplied by

"(ii) the average per pupil expenditure per local educational agency, as determined under subparagraph (C),

bears to the sum of such products for all such local educational agencies.";

(3) in the first sentence of subsection (b)(2)(B)—

(A) by striking out "eligible"; and

(B) by inserting "determined under paragraph (1)" after "children";

(4) in subsection (b)(3), by striking out "5315(c)(2)" and inserting in lieu thereof "5315(c)"; and

(5) in subsection (c)(1), by striking out "in accordance with the provisions of this subpart" and inserting in lieu thereof ", on a competitive basis,".

SEC. 16. APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL.

Section 5314 of the Indian Education Act of 1988 (25 U.S.C. 3604) is amended—

(1) in subsection (a)—

(A) by striking out "provided"; and

(B) by striking out "5312(b)" and inserting in lieu thereof "5312(c)";

(2) in subsection (b)(3), by inserting "," after "procedures" the first place it appears;

(3) in subsection (d)(1), by striking out "include a form" and inseting in lieu thereof "be supported by a form, maintained in the files of the applicant,";

(4) in subsection (d)(2)(A)(ii), by striking out "grandparents," and inserting in lieu thereof "grandparents";

(5) in subsection (d)(2)(B), by striking out "applicant" and inserting in lieu thereof "child";

(6) in subparagraphs (C) and (D) of subsection (d)(2), by striking out "or legal guardian" each place it appears;

(7) in subsection (d)(3)—

(A) by inserting "other" before "information"; and

(B) by inserting after the first sentence the following:

"In order for a child to be counted in computing the local educational agency's grant award, the eligibility form for the child must contain at least—

"(A) the child's name;

"(B) the name of the tribe, band, or other organized group of Indians; and

"(C) the parent's dated signature."; and

(8) in subsection (e)(1)—

(A) by striking out "education" in subparagraph (A) and inserting in lieu thereof "educational";

(B) by striking out "provide" in subparagraph (B) and inserting in lieu thereof "provided"; and

(C) by striking out "education" in subparagraph (C) and inserting in lieu thereof "educational".

SEC. 17. PAYMENTS.

Section 5315(c) of the Indian Education Act of 1988 (25 U.S.C. (2605(c)) is amended to read as follows:

"(c) Reduction for Failure to Maintain Fiscal Effort.—

"(1) The Secretary shall not pay to any local educational agency its full allotment under section 5312 for any fiscal year unless the State educational agency determines that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per student or aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its expenditures at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the allocation of funds to that agency in the exact proportion of that agency's failure to maintain its expenditures at that level, and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) The Secretary may waive the requirements of this subsection for one fiscal year only if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources. The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of a waiver.".

SEC. 18. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

(a) Training for Those Serving Indian Students.—Section 5321(d) of the Indian Education Act of 1988 (25 U.S.C. 2621(d)) is amended by adding at the end thereof the following:

"(4) In making grants under this subsection, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.".

(b) Technical Amendments.—Subparagraphs (B) and (C) of section 5321(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(e)(1)) are each amended by striking out "upon request" and inserting in lieu thereof ", upon request,".

(c) Authorization of Appropriations.—Section 5321(g)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(g)(1)) is amended by inserting ", other than subsection (e)(1)" after "this section".

SEC. 19. FELLOWSHIPS FOR INDIAN STUDENTS.

(a) Technical Correction.—Section 5323(a) of the Indian Education Act of 1988 (25 U.S.C. 2623(a)) is amended by striking out "post baccalaureate" and inserting in lieu thereof "postbaccalaureate".

(b) Table of Contents.—The item relating to section 5323 in the table of contents contained in section 1(b) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 139) is amended to read as follows:

"Sec. 5323. Fellowships for Indian Students.".

SEC. 20. GIFTED AND TALENTED.

(a) Demonstration Projects.—Section 5324(b)(3)(C) of the Indian Education Act of 1988 (25 U.S.C. 2624(b)(3)(C)) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(b) Additional Grants.—Section 5324(c) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)) is amended—

(1) in paragraph (4)(B), by striking out "1128(c)(1)(A)(ii)" and inserting in lieu thereof "1128(c)(4)(A)(i)"; and

(2) in paragraph (7)(A), by striking out "evaluator" and inserting in lieu thereof "demonstration project recipients under subsection (b)".

SEC. 21. OFFICE OF INDIAN EDUCATION.

Section 5341(b)(2)(D) of the Indian Education Act of 1988 (25 U.S.C. 2641(b)(2)(D)) is amended by striking out "Alaskan" and inserting in lieu thereof "Alaska".

SEC. 22. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

Section 5342(a)(1)(A) of the Indian Education Act of 1988 (25 U.S.C 2642(a)(1)(A)) is amended by striking out "Indians" and inserting in lieu thereof "Indians,".

SEC. 23. DEFINITIONS.

Section 5351 of the Indian Education Act of 1988 (25 U.S.C 2651) is amended—

(1) by amending paragraph (4)(A) to read as follows:

"(A) a member (as defined by an Indian tribe, band, or other organized group) of such Indian tribe, band, or other organized group of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,";

(2) in paragraph (5)(A)—

(A) by striking out "The" and inserting in lieu thereof "Except as provided in subparagraph (B), the";

(B) by striking out "section 198(a)(10)" and inserting in lieu thereof "section 1471(12)"; and

(C) by striking out "(20 U.S.C. 2854(a)(10))" and inserting in lieu thereof "(20 U.S.C. 2891(12)"; and

(3) in paragraph 5(B)—

(A) by striking out "The term" and all that follows through "includes—" and inserting in lieu thereof the following: "For purposes of the formula grant of subpart 1 (except for sections 5314(b)(2)(B)(ii) and 5315(c)), the term 'local educational agency' includes—"; and

(B) by striking out "education" in clause (ii) and inserting in lieu thereof "educational".

SEC. 24. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

Section 108 of the tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808) is amended by adding at the end thereof the following:

"(c) Nothing in this section shall be construed as interfering with, or suspending the obligation of the Bureau for, the implementation of all legislative provisions enacted prior to April 28, 1988, specifically including those of Public Law 98-192.".

SEC. 25. USE OF BUREAU FACILITIES.

(a) In General.—Section 5405(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 17(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary of the Interior may permit tribal governments and organizations and student organizations to use Bureau of Indian Affairs equipment, land, buildings, and other structures if such use does not interfere with the purpose for which they are administered by the Bureau and when such use benefits Indians or Federal or federally funded programs. The Secretary may charge the user for the cost of the utilities and other expenses incurred for the use. The amounts collected shall be credited to the appropriation or fund from which the expenses are paid and shall be available until the end of the fiscal year following the fiscal year in which collected. The Secretary's decision to not permit a use under this section is final and shall not be subject to judicial review.".

(b) Section 5405 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 17) is further amended by adding at the end thereof the following new subsection:

"(c) The payment of any fee, or agreement to pay costs, to the Secretary shall not in any way or to any extent limit the right of the United States to rely upon sovereign immunity or any State or Federal statute limiting liability or damages from injuries sustained in connection with use under this section.".

SEC. 26. WHITE HOUSE CONFERENCE ON INDIAN EDUCATION.

(a) COMPOSITION.—Section 5503(a)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by inserting "(including members of local school boards of schools funded by the Bureau of Indian Affairs)" after "Indian educational institutions".

(b) ADVISORY COMMITTEE.—Section 5506(d) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "traveltime" and inserting in lieu thereof "travel time".

(c) GIFTS.—Section 5507(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "Force," and inserting in lieu thereof "Force".

SEC. 27. REPEAL OF ANNUAL REPORT ON EDUCATION OF INDIAN CHILDREN.

Section 6210 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2016a) is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to section 501(f) of Public Law 93-168, I move that the House resolve itself into the Committee of the Whole House of the State of the Union for the consideration of the bill (H.R. 5090) to implement the United States-Canada Free-Trade Agreement; and pending that motion, Mr. Speaker, I ask unanimous consent that the general debate be equally divided and controlled by the gentleman from Illinois [Mr. CRANE] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The motion was agreed to.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5090, with Mr. TRAXLER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The text of the bill, H.R. 5090, is as follows:

H.R. 5090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Canada Free-Trade Agreement Implementation Act of 1988".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Purposes.

TITLE I—APPROVAL OF UNITED STATES-CANADA FREE-TRADE AGREEMENT AND RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW

Sec. 101. Approval of United States-Canada Free-Trade Agreement.
Sec. 102. Relationship of the agreement to United States law.
Sec. 103. Consultation and lay-over requirements for, and effective date of, proclaimed actions.
Sec. 104. Harmonized System.
Sec. 105. Implementing actions in anticipation of entry into force.

TITLE II—TARIFF MODIFICATIONS, RULES OF ORIGIN, USER FEES, DRAWBACK, ENFORCEMENT, AND OTHER CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Drawback.
Sec. 205. Enforcement.
Sec. 206. Exemption from lottery ticket embargo.
Sec. 207. Production-based duty remission programs with respect to automotive products.

TITLE III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

Sec. 301. Agriculture.
Sec. 302. Relief from imports.
Sec. 303. Acts identified in national trade estimates.
Sec. 304. Negotiations regarding certain sectors; biennial reports.
Sec. 305. Energy.
Sec. 306. Lowered threshold for government procurement under Trade Agreements Act of 1979 in the case of certain Canadian products.
Sec. 307. Temporary entry for business persons.
Sec. 308. Amendment to section 5136 of the Revised Statutes.
Sec. 309. Steel products.

TITLE IV—BINATIONAL PANEL DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES

Sec. 401. Amendments to section 516A of the Tariff Act of 1930.
Sec. 402. Amendments to title 28, United States Code.
Sec. 403. Conforming amendments to the Tariff Act of 1930.
Sec. 404. Amendments to antidumping and countervailing duty law.
Sec. 405. Organizational and administrative provisions regarding the implementation of chapters 18 and 19 of the Agreement.
Sec. 406. Authorization of appropriations for the Secretariat, the panels, and the committees.
Sec. 407. Testimony and production of papers in extraordinary challenges.
Sec. 408. Requests for review of Canadian antidumping and countervailing duty determinations.
Sec. 409. Subsidies.
Sec. 410. Termination of agreement.

TITLE V—EFFECTIVE DATES AND SEVERABILITY

Sec. 501. Effective dates.
Sec. 502. Severability.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free-Trade Agreement between the United States and Canada negotiated under the authority of section 102 of the Trade Act of 1974;

(2) to strengthen and develop economic relations between the United States and Canada for their mutual benefit;

(3) to establish a free-trade area between the two nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

TITLE I—APPROVAL OF UNITED STATES-CANADA FREE-TRADE AGREEMENT AND RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW

SEC. 101. APPROVAL OF UNITED STATES-CANADA FREE-TRADE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112 and 2191), the Congress approves—

(1) the United States-Canada Free-Trade Agreement (hereinafter in this Act referred to as the "Agreement") entered into on January 2, 1988, and submitted to the Congress on July 25, 1988;

(2) the letters exchanged between the Governments of the United States and Canada—

(A) dated January 2, 1988, relating to negotiations regarding articles 301 (Rules of Origin) and 401 (Tariff Elimination) of the Agreement, and

(B) dated January 2, 1988, relating to negotiations regarding article 2008 (Plywood Standards) of the Agreement; and

(3) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on July 25, 1988.

(b) Conditions for Entry Into Force of the Agreement.—At such time as the President determines that Canada has taken measures necessary to comply with the obligations of the Agreement, the President is authorized to exchange notes with the Government of Canada providing for the entry into force, on or after January 1, 1989, of the Agreement with respect to the United States.

(c) Report on Canadian Practices.—Within 60 days after the date of the enactment of this Act (but not later than December 15, 1988), the United States Trade Representative shall submit to the Congress a report identifying, to the maximum extent practicable, major current Canadian practices (and the legal authority for such practices) that, in the opinion of the United States Trade Representative—

(1) are not in conformity with the Agreement; and

(2) require a change of Canadian law, regulation, policy, or practice to enable Canada to conform with its international obligations under the Agreement.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES LAW.

(a) United States Laws To Prevail in Conflict.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is in conflict with any law of the United States shall have effect.

(b) Relationship of Agreement to State and Local Law.—

(1) The provisions of the Agreement prevail over—

(A) any conflicting State law; and

(B) any conflicting application of any State law to any person or circumstance;

to the extent of the conflict.

(2) Upon the enactment of this Act, the President shall, in accordance with section 306(c)(2)(A) of the Trade and Tariff Act of 1984 (19 U.S.C. 2114c), initiate consultations with the State governments on the implementation of the obligations of the United States under the Agreement. Such consultations shall be held—

(A) through the intergovernmental policy advisory committees on trade established under such section for the purpose of achieving conformity of State laws and practices with the Agreement; and

(B) with the individual States as necessary to deal with particular questions that may arise.

(3) The United States may bring an action challenging any provision of State law, or the application thereof to any person or circumstance, on the ground that the provision or application is inconsistent with the Agreement.

(4) For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) Effect of Agreement With Respect to Private Remedies.—No person other than the United States shall—

(1) have any cause of action or defense under the Agreement or by virtue of congressional approval thereof, or

(2) challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

(d) Initial Implementing Regulations.—Initial regulations necessary or appropriate to carry out the actions proposed in the statement of administrative action submitted under section 101(a)(3) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement. In the case of any implementing action that takes effect after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

(e) Changes in Statutes To Implement a Requirement, Amendment, or Recommendation.—The provisions of section 3(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2504(c)) shall apply as if the Agreement were an agreement approved under section 2(a) of that Act whenever the President determines that it is necessary or appropriate to amend, repeal, or enact a statute of the United States in order to implement any requirement of, amendment to, or recommendation, finding or opinion under, the Agreement; but such provisions shall not apply to any bill to implement any such requirement, amendment, recommendation, finding, or opinion that is submitted to the Congress after the close of the 30th month after the month in which the Agreement enters into force.

SEC. 103. CONSULTATION AND LAY-OVER REQUIREMENTS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

(a) Consultation and Lay-Over Requirements.—If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and lay-over requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974, and

(B) the United States International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor, and

(B) the advice obtained under paragraph (1);

(3) a period of at least 60 calendar days that begins on the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

(b) Effective Date of Certain Proclaimed Actions.—No action proclaimed by the President under the authority of this Act, if such action is not subject to the consultation and lay-over requirements under subsection (a), may take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

SEC. 104. HARMONIZED SYSTEM.

(a) Definition.—As used in this Act, the term "Harmonized System" means the nomenclature system established under the International Convention on the Harmonized Commodity Description and Coding System (done at Brussels on June 14, 1983, and the protocol thereto, done at Brussels on June 24, 1986) as implemented under United States law.

(b) Interim Application of TSUS.—The following apply if the International Convention, and the protocol thereto, referred to in subsection (a) are not implemented under United States law before the Agreement enters into force:

(1) The President, subject to subsection (c), shall proclaim such modifications to the Tariff Schedules of the United States (19 U.S.C. 1202) as may be necessary to give effect, until such time as such Convention and protocol are so implemented, to the rules of origin, schedule of rate reductions, and other provisions that would, but for the absence of such implementation, be proclaimed under the authority of this Act to, or in terms of, the Harmonized System to implement the obligations of the United States under the Agreement.

(2) Until such time as such Convention and protocol are so implemented, any reference in this Act to the nomenclature of such Convention and protocol shall be treated as a reference to the corresponding nomenclature of the Tariff Schedules of the United States as modified under paragraph (1).

(c) Restrictions.—

(1) No modification described in subsection (b)(1) that is to take effect concurrently with the entry into force of the Agreement may be proclaimed unless the text of the modification is published in the Federal Register at least 30 days before the date of entry into force.

(2) All modifications proclaimed under the authority of subsection (b)(1) after the Agreement enters into force with respect to the United States are subject to the consultation and lay-over requirements of section 103(a).

SEC. 105. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE.

Subject to section 103 or 104(c), as appropriate, and any other applicable restriction or limitation in this Act on the proclaiming of actions or the issuing of regulations to carry out this Act or any amendment made by this Act, after the date of the enactment of this Act—

(1) the President may proclaim such actions; and

(2) other appropriate officers of the United States Government may issue such regulations;

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date of entry into force.

TITLE II—TARIFF MODIFICATIONS, RULES OF ORIGIN, USER FEES, DRAWBACK, ENFORCEMENT, AND OTHER CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS SPECIFIED IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuance of any existing duty;

(2) such continuance of existing duty-free or excise treatment; or

(3) such additional duties;

as the President determines to be necessary or appropriate to carry out article 401 of the Agreement and the schedule of duty reductions with respect to Canada set forth in Annexes 401.2 and 401.7 to the Agreement, as approved under section 101(a)(1). For purposes of proclaiming necessary modifications under such Annex 401.2, any article covered under subheading 9813.00.05 (contained in the United States Schedule in such Annex) shall, unless such article is a drawback eligible good under section 204(a), be treated as being subject to any otherwise applicable customs duty if the article, or merchandise incorporating such article, is exported to Canada.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and lay-over requirements of section 103(a), the President may proclaim—

(1) such modifications as the United States and Canada may agree to regarding the staging of any duty treatment set forth in Annexes 401.2 and 401.7 of the Agreement;

(2) such modifications or continuance of any existing duty;

(3) such continuance of existing duty-free or excise treatment; or

(4) such additional duties;

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada provided for by the Agreement.

(c) MODIFICATIONS AFFECTING PLYWOOD.—

(1) The Congress encourages the President to facilitate the preparation, and the implementation with Canada, of common performance standards for the use of softwood plywood and other structural panels in construction applications in the United States and Canada.

(2) The President shall report to the Congress on the incorporation of common plywood performance standards into building codes in the United States and Canada and may implement the provisions of article 2008 of the Agreement when he determines that the necessary conditions have been met.

(3) Any tariff reduction undertaken pursuant to paragraph (2) shall be in equal annual increments ending January 1, 1998, unless those reductions commence after January 1, 1991.

SEC. 202. RULES OF ORIGIN.

(a) IN GENERAL.—

(1) For purposes of implementing the tariff treatment contemplated under the Agreement, goods originate in the territory of a Party if—

(A) they are wholly obtained or produced in the territory of either Party or both Parties; or

(B) they—

(i) have been transformed in the territory of either Party or both Parties so as to be subject to a change in tariff classification as described in the Annex rules or to such other requirements as the Annex rules may provide when no change in tariff classifications occurs, and

(ii) meet the other conditions set out in the Annex.

(2) A good shall not be considered to originate in the territory of a party under paragraph (1)(B) merely by virtue of having undergone—

(A) simple packaging or, except as expressly provided by the Annex rules, combining operations;

(B) mere dilution with water or another substance that does not materially alter the characteristics of the good; or

(C) any process or work in respect of which it is established, or in respect of which the facts as ascertained clearly justify the presumption, that the sole object was to circumvent the provisions of chapter 3 of the Agreement.

(3) Accessories, spare parts, or tools delivered with any piece of equipment, machinery, apparatus, or vehicle that form part of its standard equipment shall be treated as having the same origin as that equipment, machinery, apparatus, or vehicle if the quantities and values of such accessories, spare parts, or tools are customary for the equipment, machinery, apparatus, or vehicle.

(b) TRANSSHIPMENT.—Goods exported from the territory of one Party originate in the territory of that Party only if—

(1) the goods meet the applicable requirements of subsection (a) and are shipped to the territory of the other Party without having entered the commerce of any third country;

(2) the goods, if shipped through the territory of a third country, do not undergo any operation other than unloading, reloading, or any operation necessary to transport them to the territory of the other Party or to preserve them in good condition; and

(3) the documents related to the exportation and shipment of the goods from the territory of a Party show the territory of the other Party as their final destination.

(c) INTERPRETATION.—In interpreting this section, the following apply:

(1) Whenever the processing or assembly of goods in the territory of either Party or both Parties results in one of the changes in tariff classification described in the Annex rules, such goods shall be considered to have been transformed in the territory of that Party and shall be treated as goods originating in the territory of that Party if—

(A) such processing or assembly occurs entirely within the territory of either Party or both Parties; and

(B) such goods have not subsequently undergone any processing or assembly outside the territories of the Parties that improves the goods in condition or advances them in value.

(2) Whenever the assembly of goods in the territory of a Party fails to result in a change of tariff classification because either—

(A) the goods were imported into the territory of the Party in an unassembled or a disassembled form and were classified as unassembled or disassembled goods pursuant to General Rule of Interpretation 2(a) of the Harmonized System; or

(B) the tariff subheading for the goods provides for both the goods themselves and their parts;

such goods shall not be treated as goods originating in the territory of a Party.

(3) Notwithstanding paragraph (2), goods described in that paragraph shall be considered to have been transformed in the territory of a Party and be treated as goods originating in the territory of the Party if—

(A) the value of materials originating in the territory of either Party or both Parties used or consumed in the production of the goods plus the direct cost of assembling the goods in the territory of either Party or both Parties constitute not less than 50 percent of the value of the goods when exported to the territory of the other Party; and

(B) the goods have not subsequent to assembly undergone processing or further assembly in a third country and they meet the requirements of subsection (b).

(4) The provisions of paragraph (3) shall not apply to goods of chapters 61-63 of the Harmonized System.

(5) In making the determination required by paragraph (3)(A) and in making the same or a similar determination when required by the Annex rules, where materials originating in the territory of either Party or both Parties and materials obtained or produced in a third country are used or consumed together in the production of goods in the territory of a Party, the value of materials originating in the territory of either Party or both Parties may be treated as such only to the extent that it is directly attributable to the goods under consideration.

(6) In applying the Annex rules, a specific rule shall take precedence over a more general rule.

(d) ANNEX RULES.—

(1) The President is authorized to proclaim, as a part of the Harmonized System, the rules set forth under the heading "Rules" in Annex 301.2 of the Agreement. For purposes of carrying out this paragraph—

(A) the phrase "headings 2207-2209" in paragraph 7 of section IV of such Annex 301.2 shall be treated as a reference to headings 2203-2209; and

(B) the phrase "any other heading" in paragraph 11 of section XV in such Annex 301.2 shall be treated as a reference to any other heading of chapter 74 of the Harmonized System.

(2) Subject to the consultation and layover requirements of section 103, the President is authorized to proclaim such modifications to the rules as may from time-to-time be agreed to by the United States and Canada.

(e) AUTOMOTIVE PRODUCTS.—

(1) The President is authorized to proclaim such modifications to the definition of Canadian articles (relating to the administration of the Automotive Products Trade Act of 1965) in the general notes of the Harmonized System as may be necessary to conform that definition with chapter 3 of the Agreement.

(2) For purposes of administering the value requirement (as defined in section 304(c)(3)) with respect to vehicles, the Secretary of the Treasury shall prescribe regulations governing the averaging of the value content of vehicles of the same class, or of sister vehicles, assembled in the same plant as an alternative to the calculation of the value content of each vehicle.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "Annex" means—

(A) the interpretative guidelines set forth in subsection (c); and

(B) the Annex rules.

(2) The term "Annex rules" means the rules proclaimed under subsection (d).

(3) The term "direct cost of processing or direct cost of assembling" means the costs

directly incurred in, or that can reasonably be allocated to, the production of goods, including—

(A) the cost of all labor, including benefits and on-the-job training, labor provided in connection with supervision, quality control, shipping, receiving, storage, packaging, management at the location of the process or assembly, and other like labor, whether provided by employees or independent contractors;

(B) the cost of inspecting and testing the goods;

(C) the cost of energy, fuel, dies, molds, tooling, and the depreciation and maintenance of machinery and equipment, without regard to whether they originate within the territory of a Party;

(D) development, design, and engineering costs;

(E) rent, mortgage interest, depreciation on buildings, property insurance premiums, maintenance, taxes and the cost of utilities for real property used in the production of goods; and

(F) royalty, licensing, or other like payments for the right to the goods;

but not including—

(i) costs relating to the general expense of doing business, such as the cost of providing executive, financial, sales, advertising, marketing, accounting and legal services, and insurance;

(ii) brokerage charges relating to the importation and exportation of goods;

(iii) the costs for telephone, mail, and other means of communication;

(iv) packing costs for exporting the goods;

(v) royalty payments related to a licensing agreement to distribute or sell the goods;

(vi) rent, mortgage interest, depreciation on buildings, property insurance premiums, maintenance, taxes, and the cost of utilities for real property used by personnel charged with administrative functions; or

(vii) profit on the goods.

(4) The term "goods wholly obtained or produced in the territory of either Party or both Parties" means—

(A) mineral goods extracted in the territory of either Party or both Parties;

(B) goods harvested in the territory of either Party or both Parties;

(C) live animals born and raised in the territory of either Party or both Parties;

(D) goods (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with a Party and flying its flag;

(E) goods produced on board factory ships from the goods referred to in subparagraph (D) provided such factory ships are registered or recorded with that Party and fly its flag;

(F) goods taken by a Party or a person of a Party from the seabed or beneath the seabed outside territorial waters, provided that Party has rights to exploit such seabed;

(G) goods taken from space, provided they are obtained by a Party or a person of a Party and not processed in a third country;

(H) waste and scrap derived from manufacturing operations and used goods, provided they were collected in the territory of either Party or both Parties and are fit only for the recovery of raw materials; and

(I) goods produced in the territory of either Party or both Parties exclusively from goods referred to in subparagraphs (A) to (H) inclusive or from their derivatives, at any stage of production.

(5) The term "materials" means goods, other than those included as part of the direct cost of processing or assembling, used or consumed in the production of other goods.

(6) The term "Party" means Canada or the United States.

(7) The term "territory" means—

(A) with respect to Canada, the territory to which its customs laws apply, including any areas beyond the territorial seas of Canada within which, in accordance with international law and its domestic laws, Canada may exercise rights with respect to the seabed and subsoil and their natural resources; and

(B) with respect to the United States—

(i) the customs territory of the United States, which includes the fifty states, the District of Columbia and the Commonwealth of Puerto Rico,

(ii) the foreign trade zones located in the United States, and the Commonwealth of Puerto Rico, and

(iii) any area beyond the territorial seas of the United States within which, in accordance with international law and its domestic laws, the United States may exercise rights with respect to the seabed and subsoil and their natural resources.

(8) The term "third country" means any country other than Canada or the United States or any territory not a part of the territory of either.

(9) The term "value of materials originating in the territory of either Party or both Parties" means the aggregate of—

(A) the price paid by the producer of an exported good for materials originating in the territory of either Party or both Parties or for materials imported from a third country used or consumed in the production of such originating materials; and

(B) when not included in that price, the following costs related thereto—

(i) freight, insurance, packing, and all other costs incurred in transporting any of the materials referred to in subparagraph (A) to the location of the producer;

(ii) duties, taxes, and brokerage fees on such materials paid in the territory of either Party or both Parties;

(iii) the cost of waste or spoilage resulting from the use or consumption of such materials, less the value of renewable scrap or byproduct; and

(iv) the value of goods and services relating to such materials determined in accordance with subparagraph 1(b) of article 8 of the Agreement on Implementation of article VII of the General Agreement on Tariffs and Trade.

(10) The term "value of the goods when exported to the territory of the other Party" means the aggregate of—

(A) the price paid by the producer for all materials, whether or not the materials originate in either Party or both Parties, and, when not included in the price paid for the materials, the costs related to—

(i) freight, insurance, packing, and all other costs incurred in transporting all materials to the location of the producer;

(ii) duties, taxes, and brokerage fees on all materials paid in the territory of either Party or both Parties;

(iii) the cost of waste or spoilage resulting from the use or consumption of such materials, less the value of renewable scrap or byproduct; and

(iv) the value of goods and services relating to all materials determined in accordance with subparagraph 1(b) of article 8 of the Agreement on Implementation of article VII of the General Agreement on Tariffs and Trade; and

(B) the direct cost of processing or the direct cost of assembling the goods.

(g) SPECIAL PROVISION REGARDING APPLICATION OF RULES OF ORIGIN TO CERTAIN APPAREL.—The Secretary of Commerce is authorized to issue regulations governing the exportation to Canada of apparel products that are cut, or knit to shape, and sewn, or otherwise assembled, in either Party from fabric produced or obtained in a third country for the purpose of establishing which exports of such products shall be permitted to claim preferential tariff treatment under the rules of origin of the Agreement, to the extent that the Agreement provides for quantitative limits on the availability of preferential tariff treatment for such products.

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding at the end thereof the following new paragraph:

"(10) The fee charged under subsection (a)(10) of this section with respect to goods of Canadian origin (as determined under section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988) shall be in accordance with article 403 of the United States-Canada Free-Trade Agreement. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 204. DRAWBACK.

(a) DEFINITION.—For purposes of this section, the term "drawback eligible goods" means—

(1) goods provided for under paragraph 8 of article 404 of the Agreement;

(2) goods provided for under paragraphs 4 and 5 of such article; and

(3) goods other than those referred to in paragraphs (1) and (2) that the United States and Canada agree are not subject to paragraphs 1, 2, and 3 of such article.

No drawback may be paid with respect to countervailing duties or antidumping duties imposed on drawback eligible goods.

(b) IMPLEMENTATION OF ARTICLE 404.—The President is authorized—

(1) to proclaim the identity, in accordance with the nomenclature of the Harmonized System, of goods referred to in subsection (a)(1); and

(2) subject to the consultation and layover requirements of section 103(a), to proclaim—

(A) the identity, in accordance with the nomenclature of the Harmonized System, of goods referred to in subsection (a)(3); and

(B) a delay in the taking effect of article 404 of the Agreement to a date later than January 1, 1994, with respect to any merchandise if the United States and Canada agree to the delay under paragraph 7 of such article.

(c) CONSEQUENTIAL AMENDMENTS.—

(1) BONDED MANUFACTURING WAREHOUSES.—Section 311 of the Tariff Act of 1930 (19 U.S.C. 1311) is amended by adding at the end thereof the following new paragraph:

"No article manufactured in a bonded warehouse, except to the extent that such article is made from an article that is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, may be withdrawn from such warehouse for exportation to Canada on or after January 1, 1994, or such later date as may be proclaimed by the President under section 204(b)(2)(B) of such Act of 1988, without payment of a duty on such imported merchandise in its condition, and at the rate of duty in effect, at the time of importation.".

(2) BONDED SMELTING AND REFINING WAREHOUSES.—Section 312 of the Tariff Act of 1930 (19 U.S.C. 1312) is further amended—

(A) by inserting after "exportation" in each of paragraphs (1) and (4) of subsection (b) the following: "(other than exportation to Canada on or after January 1, 1994, or such later date as may be proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, except to the extent that the metal-bearing materials were of Canadian origin as determined in accordance with section 202 of such Act of 1988)"; and

(B) by inserting after "exportation" in subsection (d) the following: "(other than exportation to Canada on or after January 1, 1994, or such later date as may be proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, except to the extent that the product is a drawback eligible good under section 204(a) of such Act of 1988)".

(3) DRAWBACK.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end thereof the following new subsections:

"(n) For purposes of subsections (a), (b), (f), (h), and (j)(2), the shipment on or after January 1, 1994, or such later date as may be proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, to Canada of an article made from or substituted for, as appropriate, a drawback eligible good under section 204(a) of such Act of 1988 does not constitute an exportation.

"(o) For purposes of subsection (g), vessels built for Canadian account and ownership, or for the Government of Canada, may not be considered to be built for any foreign account and ownership, or for the government of any foreign country, except to the extent that the materials in such vessels are drawback eligible goods under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988.".

(4) MANIPULATION IN WAREHOUSE.—The second sentence of section 562 of the Tariff Act of 1930 (19 U.S.C. 1562) is amended by striking out the proviso thereto and the colon preceding such proviso and inserting the following: "; except that upon permission therefor being granted by the Secretary of the Treasury, and under customs supervision, at the expense of the proprietor, merchandise may be cleaned, sorted, repacked, or otherwise changed in condition, but not manufactured, in bonded warehouses established for that purpose and be withdrawn therefrom without payment of duties—

"(1) for exportation to Canada, but on or after January 1, 1994, or such later date as may be proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, such exemption from the payment of duties applies only in the case of the exportation to Canada of merchandise that—

"(A) is only cleaned, sorted, or repacked in a bonded warehouse, or

"(B) is a drawback eligible good under section 204(a) of such Act of 1988;

"(2) for exportation to any foreign country except Canada; and

"(3) for shipment to the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, Johnston Island or the island of Guam.

Merchandise may be withdrawn from bonded warehouse for consumption, or for exportation to Canada if the duty exemption under paragraph (1) of the preceding sentence does not apply, upon the payment of duties accruing thereon, in its condition and quantity, and at its weight, at the time of withdrawal from warehouse, with such additions to or deductions from the final appraised value as may be necessary by reason of change in condition.".

(5) FOREIGN TRADE ZONES.—Section 3(a) of the Act of June 18, 1934 (commonly known as the "Foreign Trade Zones Act"; 19 U.S.C. 81c) is further amended by adding before the period at the end thereof the following: "*Provided, further,* That with the exception of drawback eligible goods under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, no article manufactured or otherwise changed in condition (except a change by cleaning, testing or repacking) shall be exported to Canada on or after January 1, 1994, or such later date as may be proclaimed by the President under section 204(b)(2)(B) of such Act of 1988, without the payment of a duty that shall be payable on the article in its condition and quantity, and at its weight, at the time of its exportation to Canada unless the privilege in the first proviso to this subsection was requested.".

SEC. 205. ENFORCEMENT.

(a) CERTIFICATIONS OF ORIGIN.—

(1) Any person that certifies in writing that goods exported to Canada meet the rules of origin under section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988 shall provide, upon request by any customs official, a copy of that certification.

(2) Any person that fails to provide a copy of a certification requested under paragraph (1) shall be liable to the United States for a civil penalty not to exceed $10,000.

(3) Any person that certifies falsely that goods exported to Canada meet the rules of origin under such section 202 shall be liable to the United States for the same civil penalties provided under section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) for a violation of section 592(a) of such Act by fraud, gross negligence, or negligence, as the case may be. The procedures and provisions of section 592 of such Act that are applicable to a violation under section 592(a) of such Act shall apply with respect to such false certification.

(b) RECORDKEEPING REQUIREMENTS.—Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting "and (b)" after "(a)" in subsection (c), as so redesignated;

(3) by adding after subsection (a) the following new subsection:

"(b) Any person who exports, or who knowingly causes to be exported, any merchandise to Canada shall make, keep, and render for examination and inspection such records (including certifications of origin or copies thereof) which pertain to such exportations."; and

(4) by adding at the end thereof the following new subsection:

"(e) Any person who fails to retain records required by subsection (b) or the regulations issued to implement that subsection shall be liable to a civil penalty not to exceed $10,000.".

SEC. 206. EXEMPTION FROM LOTTERY TICKET EMBARGO.

Section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305(a)) is amended by striking out the period at the end of the first paragraph and inserting the following: ": *Provided further,* That effective January 1, 1993, this section shall not apply to any lottery ticket, printed paper that may be used as a lottery ticket, or advertisement of any lottery, that is printed in Canada for use in connection with a lottery conducted in the United States.".

SEC. 207. PRODUCTION-BASED DUTY REMISSION PROGRAMS WITH RESPECT TO AUTOMOTIVE PRODUCTS.

(a) USTR STUDY.—The United States Trade Representative shall—

(1) undertake a study to determine whether any of the production-based duty remission programs of Canada with respect to automotive products is either—

(A) inconsistent with the provisions of, or otherwise denies the benefits to the United States under, the General Agreement on Tariffs and Trade, or

(B) being implemented inconsistently with the obligations under article 1002 of the Agreement not—

(i) to expand the extent or the application, or

(ii) to extend the duration,

of such programs; and

(2) determine whether to initiate an investigation under section 302 of the Trade Act of 1974 with respect to any of such production-based duty remission programs.

(b) REPORT AND MONITORING.—

(1) The United States Trade Representative shall submit a report to Congress no later than June 30, 1989 (or no later than September 30, 1989, if the Trade Representative considers an extension to be necessary) containing—

(A) the results of the study under subsection (a)(1), as well as a description of the basis used for measuring and verifying compliance with the obligations referred to in subsection (a)(1)(B); and

(B) any determination made under subsection (a)(2) and the reasons therefor.

(2) Notwithstanding the submission of the report under paragraph (1), the Trade Representative shall continue to monitor the degree of compliance with the obligations referred to in subsection (a)(1)(B).

TITLE III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

SEC. 301. AGRICULTURE.

(a) SPECIAL TARIFF PROVISIONS FOR FRESH FRUITS AND VEGETABLES.—

(1) The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") may recommend to the President the imposition of a temporary duty on any Canadian fresh fruit or vegetable entered into the United States if the Secretary determines that both of the following conditions exist at the time that imposition of the duty is recommended:

(A) For each of 5 consecutive working days the import price of the Canadian fresh fruit or vegetable is below 90 percent of the corresponding 5-year average monthly import price for such fruit or vegetable.

(B) The planted acreage in the United States for the like fresh fruit or vegetable is no higher than the average planted acreage over the preceding 5 years, excluding the years with the highest and lowest acreage. For the purposes of applying this subparagraph, any acreage increase attributed directly to a reduction in the acreage that was planted to wine grapes as of October 4, 1987, shall be excluded.

Whenever the Secretary makes a determination that the conditions referred to in subparagraphs (A) and (B) regarding any Canadian fresh fruit or vegetable exist, the Secretary shall promptly submit for publication in the Federal Register notice of the determination.

(2) In determining whether to recommend the imposition of a temporary duty to the President under paragraph (1), the Secretary shall consider whether the conditions in subparagraphs (A) and (B) of such paragraph have led to a distortion in trade between the United States and Canada of the fresh fruit or vegetable and, if so, whether the imposition of the duty is appropriate, including consideration of whether it would significantly correct this distortion.

(3) Not later than 7 days after receipt of a recommendation of the Secretary under paragraph (1), the President, after taking into account the national economic interests of the United States, shall determine whether to impose a temporary duty on the Canadian fresh fruit or vegetable concerned. If the determination is affirmative, the President shall proclaim the imposition and the rate of the temporary duty, but such duty shall not apply to the entry of articles that were in transit to the United States on the first day on which the temporary duty is in effect.

(4) A temporary duty imposed under paragraph (3) shall cease to apply with respect to articles that are entered on or after the earlier of—

(A) the day following the last of 5 consecutive working days with respect to which the Secretary determines that the point of shipment price in Canada for the Canadian fruit or vegetable concerned exceeds 90 percent of the corresponding 5-year average monthly import price; or

(B) the 180th day after the date on which the temporary duty first took effect.

(5) No temporary duty may be imposed under this subsection on a Canadian fresh fruit or vegetable during such time as import relief is provided with respect to such fresh fruit or vegetable under chapter 1 of title II of the Trade Act of 1974.

(6) For purposes of this subsection:

(A) The term "Canadian fresh fruit or vegetable" means any article originating in Canada (as determined in accordance with section 202) and classified within any of the following headings of the Harmonized System:

(i) 07.01 (relating to potatoes, fresh or chilled);

(ii) 07.02 (relating to tomatoes, fresh or chilled);

(iii) 07.03 (relating to onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled);

(iv) 07.04 (relating to cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled);

(v) 07.05 (relating to lettuce (lactuca sativa) and chicory (cichorium spp.), fresh or chilled);

(vi) 07.06 (relating to carrots, salad beets or beetroot, salsify, celeriac, radishes and similar edible roots (excluding turnips), fresh or chilled);

(vii) 07.07 (relating to cucumbers and gherkins, fresh or chilled);

(viii) 07.08 (relating to leguminous vegetables, shelled or unshelled, fresh or chilled);

(ix) 07.09 (relating to other vegetables (excluding truffles), fresh or chilled);

(x) 08.06.10 (relating to grapes, fresh);

(xi) 08.08.20 (relating to pears and quinces, fresh);

(xii) 08.09 (relating to apricots, cherries, peaches (including nectarines), plums and sloes, fresh); and

(xiii) 08.10 (relating to other fruit (excluding cranberries and blueberries), fresh).

(B) The term "corresponding 5-year average monthly import price" for a particular day means the average import price of a Canadian fresh fruit or vegetable, for the calendar month in which that day occurs, for that month in each of the preceding 5 years, excluding the years with the highest and lowest monthly averages.

(C) The term "import price" has the meaning given such term in article 711 of the Agreement.

(D) The rate of a temporary duty imposed under this subsection with respect to a Canadian fresh fruit or vegetable means a rate that, including the rate of any other duty in effect for such fruit or vegetable, does not exceed the lesser of—

(i) the duty that was in effect for the fresh fruit or vegetable before January 1, 1989, under column one of the Tariff Schedules of the United States for the applicable season in which the temporary duty is applied; or

(ii) the duty in effect for the fresh fruit or vegetable under column one of such Schedules, or column 1 (General) of the Harmonized System, at the time the temporary duty is applied.

(7)(A) The Secretary shall, to the extent practicable, administer the provisions of this subsection to the 8-digit level of classification under the Harmonized System.

(B) The Secretary may issue such regulations as may be necessary to implement the provisions of this subsection.

(8) For purposes of assisting the Secretary in carrying out this subsection, the Commissioner of Customs and the Director of the Bureau of Census shall cooperate in providing the Secretary with timely information and data relating to the importation of Canadian fresh fruits and vegetables.

(9) The authority to impose temporary duties under this subsection expires on the 20th anniversary of the date on which the Agreement enters into force.

(b) MEAT IMPORT ACT OF 1979.—The Meat Import Act of 1979 (19 U.S.C. 2253 note) is amended—

(1) by inserting at the end of subsection (b)(2) the following flush sentence:

"Such term does not include any article described in subparagraph (A), (B), or (C) originating in Canada (as determined in accordance with section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988).";

(2) by striking out "1,204,600,000" in subsection (c) and inserting "1,147,600,000";

(3) by striking out "1,250,000,000 pounds" in subsection (f)(1) and inserting "(A) 1,193,000,000 pounds if no import limitation on Canadian products is in effect under subsection (l), or (B) 1,250,000,000 pounds if an import limitation on Canadian products is in effect under subsection (l)";

(4) by inserting "other than Canada" after "countries" each place it appears in subsection (i); and

(5) by amending subsection (l) to read as follows:

"(l) If the President—

"(1) has—

"(A) proclaimed limitations on meat articles under the preceding provisions of this section, or

"(B) entered into one or more agreements other than with Canada regarding meat articles pursuant to section 204 of the Agricultural Act of 1956; and

"(2) determines that the Government of Canada has not taken equivalent action;

the President may by proclamation limit the total quantities of articles described in subsection (b)(2) (A), (B), and (C) and originating in Canada (as determined in accordance with section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988) that may enter the United States. A limitation imposed under the preceding sentence shall be only to the extent that, and only for such period of time as, the President determines sufficient to prevent frustration of the limitations placed on meat articles imported from other countries under this section or actions taken with respect to meat articles under agreements negotiated pursuant to section 204 of the Agricultural Act of 1956.".

(c) AGRICULTURAL ADJUSTMENT ACT.—Section 22(f) of the Agricultural Adjustment Act, as reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 624(f)), is amended by inserting immediately after "section" the following: "; except that the President may, pursuant to articles 705.5 and 707 of the United States-Canada Free-Trade Agreement, exempt products of Canada from any import restriction imposed under this section".

(d) IMPORTATION OF ANIMAL VACCINES.—The second sentence of the eighth paragraph of the matter under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of March 4, 1913 (37 Stat. 832, chapter 145; 21 U.S.C. 152) is amended to read as follows: "The importation into the United States of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, is prohibited without (1) a permit from the Secretary of Agriculture, or (2) in the case of an article originating in Canada, such permit or, in lieu of such permit, such certification by Canada as may be prescribed by the Secretary of Agriculture.".

(e) IMPORTATION OF SEEDS.—Subsection (e) of section 302 of the Federal Seed Act (7 U.S.C. 1582(e)) is amended to read as follows:

"(e) The provisions of this title requiring certain seeds to be stained shall not apply—

"(1) to alfalfa or clover seed originating in Canada, or

"(2) when seeds otherwise required to be stained will not be sold within the United States and will be used for seed production only by or for the importer or consignee and the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 certifying that such seeds will be used only for seed production by or for the importer or consignee.".

(f) PLANT AND ANIMAL HEALTH REGULATIONS.—

(1) Section 103 of the Federal Plant Pest Act (7 U.S.C. 150bb) is amended—

(A) in subsection (a), by striking out "No" and inserting in lieu thereof "Except as provided in subsection (c), no"; and

(B) by adding at the end thereof the following new subsection:

"(c) No person shall move any plant pest from Canada into or through the United States or accept delivery of any plant pest moving from Canada into or through the United States, unless such movement is made in accordance with such regulations as the Secretary may promulgate under this section to prevent the dissemination into the United States of plant pests.".

(2) Section 104 of the Federal Plant Pest Act (7 U.S.C. 150cc) is amended—

(A) in subsection (a), by striking out "Any letter" and inserting in lieu thereof "Except as provided in subsection (b), any letter";

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following new subsection:

"(b) Any letter, parcel, box, or other package from Canada containing any plant pest, whether sealed as letter-rate postal matter or not, is declared to be nonmailable, and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except in accordance with such regulations as the Secretary may promulgate under this section to prevent the dissemination into the United States of plant pests.".

(3) The Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 154 et seq.) is amended—

(A) in the first section (7 U.S.C. 154), by striking out "*Provided*" the first place it appears and inserting in lieu thereof "*Provided*, That the Secretary of Agriculture may waive the permit requirement for nursery stock imported or offered for entry from Canada: *Provided further*"; and

(B) by adding at the end of section 2 (7 U.S.C. 156) the following new sentence: "This section shall not apply to nursery stock that arrives from, or is imported from, Canada.".

(4) Subsection (a) of section 4 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2803(a)) is amended to read as follows:

"(a) No person shall knowingly move any noxious weed identified in a regulation promulgated by the Secretary into or through the United States or interstate, unless such movement is—

"(1) from Canada, or authorized under general or specific permit from the Secretary; and

"(2) made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as the Secretary may prescribe under this Act to prevent the dissemination into the United States, or interstate, of such noxious weeds.".

(5) Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306) is amended by inserting after subsection (a) the following new subsection:

"(b) Notwithstanding subsection (a), the Secretary of Agriculture may permit, subject to such terms and conditions as the Secretary of Agriculture determines appropriate, the importation of cattle, sheep, or other ruminants, or swine (including embryos of such animals) or the fresh, chilled, or frozen meat of such animals from a region of Canada notwithstanding the existence of rinderpest or foot-and-mouth disease in Canada, if—

"(1) the United States and Canada have entered into an agreement delineating the criteria for recognizing that a geographical region of either country is free from rinderpest or foot-and-mouth disease; and

"(2) the appropriate official of the government of Canada certifies that the region of Canada from which the animal or meat originated is free from rinderpest and foot-and-mouth disease.".

SEC. 302. RELIEF FROM IMPORTS.

(a) Relief From Imports of Canadian Articles.—

(1) A petition requesting action under this section for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the United States International Trade Commission (hereafter in this section referred to as the "Commission") by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry. The Commission shall transmit a copy of any petition filed under this paragraph to the United States Trade Representative.

(2)(A) Upon the filing of a petition under paragraph (1), the Commission shall promptly initiate an investigation to determine whether, as a result of a reduction or elimination of a duty provided for under the United States-Canada Free-Trade Agreement, an article originating in Canada is being imported into the United States in such increased quantities, in absolute terms, and under such conditions, so that imports of such Canadian article, alone, constitute a substantial cause of serious injury to the domestic industry producing an article like, or directly competitive with, the imported article.

(B) The provisions of—

(i) paragraphs (2), (3), (4), (6), and (7) of subsection (b), other than paragraph (2)(B), and

(ii) subsection (c),

of section 201 of the Trade Act of 1974 (19 U.S.C. 2251), as in effect on June 1, 1988, shall apply with respect to any investigation initiated under subparagraph (A).

(C) By no later than the date that is 120 days after the date on which an investigation is initiated under subparagraph (A), the Commission shall make a determination under subparagraph (A) with respect to such investigation.

(D) If the determination made by the Commission under subparagraph (A) with respect to imports of an article is affirmative, the Commission shall find and recommend to the President the amount of import relief that is necessary to remedy the injury found by the Commission in such affirmative determination, which shall be limited to that set forth in paragraph (3)(C).

(E)(i) By no later than the date that is 30 days after the date on which a determination is made under subparagraph (A) with respect to an investigation, the Commission shall submit to the President a report on the determination and the basis for the determination. The report shall include any dissenting or separate views and a transcript of the hearings and any briefs which were submitted to the Commission in the course of the investigation initiated under subparagraph (A).

(ii) Any finding made under subparagraph (D) shall be included in the report submitted to the President under clause (i).

(F) Upon submitting a report to the President under subparagraph (E), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(G) For purposes of this subsection—

(i) The provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) shall be applied with respect to determinations and findings made under this paragraph as if such determinations and findings were made under section 201 of the Trade Act of 1974 (19 U.S.C. 2251).

(ii) The determination of whether an article originates in Canada shall be made in accordance with section 202 (including any proclamations issued under section 202).

(3)(A) By no later than the date that is 30 days after the date on which the President receives the report of the Commission containing an affirmative determination made by the Commission under paragraph (2)(A), the President shall provide relief from imports of the article originating in Canada that is the subject of such determination to the extent that, and for such time (not to exceed 3 years) as the President determines to be necessary to remedy the injury found by the Commission.

(B) The President is not required to provide import relief by reason of this paragraph if the President determines that the provision of such import relief is not in the national economic interest.

(C) The import relief that the President is authorized to provide by reason of this paragraph with respect to an article originating in Canada is limited to—

(i) the suspension of any further reductions provided for under the Agreement in the duty imposed on such article originating in Canada,

(ii) an increase in the rate of duty imposed on such article originating in Canada to a level that does not exceed the lesser of—

(I) the most-favored-nation rate of duty that is imposed by the United States on such article from any other foreign country at the time such import relief is provided, or

(II) the most-favored-nation rate of duty that is imposed by the United States on such article from any other foreign country on the day before the date on which the Agreement enters into force, or

(iii) in the case of a duty applied on a seasonal basis to such article originating in Canada, an increase in the rate of duty imposed on such article originating in Canada to a level that does not exceed the most-favored-nation rate of duty imposed by the United States on such article originating in Canada for the corresponding season immediately prior to the date on which the Agreement enters into force.

(4)(A) No investigation may be initiated under paragraph (2)(A) with respect to any article for which import relief has been provided under this subsection.

(B) No import relief may be provided under this subsection after the date that is 10 years after the date on which the Agreement enters into force.

(5) For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under paragraph (3) shall be treated as action taken under chapter I of title II of such Act.

(b) Relief From Imports From All Countries.—

(1)(A) If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which is treated as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930) that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry, the

Commission shall also find (and report to the President at the time such injury determination is submitted to the President), whether imports from Canada of the article that is the subject of such investigation are substantial and are contributing importantly to such injury or threat thereof.

(B)(i) In determining under subparagraph (A) whether imports of an article from Canada are substantial, the Commission shall not normally consider imports from Canada in the range of 5 to 10 percent or less of total imports of such article to be substantial.

(ii) For purposes of this paragraph, the term "contributing importantly" means an important cause, but not necessarily the most important cause, of the serious injury or threat thereof caused by imports.

(2)(A) In determining whether to take action under chapter 1 of title II of the Trade Act of 1974 with respect to imports from Canada, the President shall determine whether imports from Canada of such article are substantial and contributing importantly to the serious injury or threat of serious injury found by the Commission.

(B) In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall exclude from such action imports from Canada if the President has made a negative determination under subparagraph (A) regarding imports from Canada.

(3)(A) If, under paragraph (2)(B), the President excludes imports from Canada from action taken under chapter 1 of title II of the Trade Act of 1974, the President may, if the President thereafter determines that a surge in imports from Canada of the article that is the subject of the action is undermining the effectiveness of the action, take appropriate action under such chapter with respect to such imports from Canada to include such imports in such action.

(B)(i) If, under paragraph (2)(B), the President excludes imports from Canada from action taken under chapter 1 of title II of the Trade Act of 1974, any entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry for which such action is being taken under such chapter may request the Commission to conduct an investigation of imports from Canada of the article that is the subject of such action.

(ii) Upon receiving a request under clause (i), the Commission shall conduct an investigation to determine whether a surge in imports from Canada of the article that is the subject of action being taken under chapter 1 of title II of the Trade Act of 1974 undermines the effectiveness of such action. The Commission shall submit the findings of such investigation to the President by no later than the date that is 30 days after the date on which such request is received by the Commission.

(C) For purposes of this paragraph, the term "surge" means a significant increase in imports over the trend for a reasonable, recent base period for which data are available.

(c) Any entity that is representative of an industry may submit a petition for relief under subsection (a), under chapter 1 of title II of the Trade Act of 1974, or under both subsection (a) and such chapter at the same time. If petitions are submitted by such an entity under subsection (a) and such chapter at the same time, the Commission shall consider such petitions jointly.

SEC. 303. ACTS IDENTIFIED IN NATIONAL TRADE ESTIMATES.

With respect to any act, policy, or practice of Canada that is identified in the annual report submitted under section 181 of the Trade Act of 1974 (19 U.S.C. 2241), the United States Trade Representative shall include—

(1) information with respect to the action taken regarding such act, policy, or practice, including but not limited to—

(A) any action under section 301 of the Trade Act of 1974 (including resolution through appropriate dispute settlement procedures),

(B) any action under section 307 of the Trade and Tariff Act of 1984, and

(C) negotiations or consultations, whether on a bilateral or multilateral basis; or

(2) the reasons that no action was taken regarding such act, policy, or practice.

SEC. 304. NEGOTIATIONS REGARDING CERTAIN SECTORS; BIENNIAL REPORTS.

(a) IN GENERAL.—

(1) The President is authorized to enter into negotiations with the Government of Canada for the purpose of concluding an agreement (including an agreement amending the Agreement) or agreements to—

(A) liberalize trade in services in accordance with article 1405 of the Agreement;

(B) liberalize investment rules;

(C) improve the protection of intellectual property rights;

(D) increase the value requirement applied for purposes of determining whether an automotive product is treated as originating in Canada or the United States; and

(E) liberalize government procurement practices, particularly with regard to telecommunications.

(2) As an exercise of the foreign relations powers of the President under the Constitution, the President will enter into immediate consultations with the Government of Canada to obtain the exclusion from the transport rates established under Canada's Western Grain Transportation Act of agricultural goods that originate in Canada and are shipped via east coast ports for consumption in the United States.

(b) NEGOTIATING OBJECTIVES REGARDING SERVICES, INVESTMENT, AND INTELLECTUAL PROPERTY RIGHTS.—

(1) The objectives of the United States in negotiations conducted under subsection (a)(1)(A) to liberalize trade in services include—

(A) with respect to developing services sectors not covered in the Agreement, the elimination of those tariff, nontariff, and subsidy trade distortions that have potential to affect significant bilateral trade;

(B) the elimination or reduction of measures grandfathered by the Agreement that deny or restrict national treatment in the provision of services;

(C) the elimination of local presence requirements; and

(D) the liberalization of government procurement of services.

In conducting such negotiations, the President shall consult with the services advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155).

(2) The objectives of the United States in any negotiations conducted under subsection (a)(1)(B) to liberalize investment rules include—

(A) the elimination of direct investment screening;

(B) the extension of the principles of the Agreement to energy and cultural industries, to the extent such industries are not currently covered by the Agreement;

(C) the elimination of technology transfer requirements and other performance requirements not currently barred by the Agreement; and

(D) the subjection of all investment disputes to dispute resolution under chapter 18 of the Agreement.

In conducting such negotiations, the President shall consult with persons representing diverse interests in the United States in investment.

(3) The objectives of the United States in any negotiations conducted under subsection (a)(1)(C) to improve the protection of intellectual property rights include—

(A) the recognition and adequate protection of intellectual property, including copyrights, patents, process patents, trademarks, mask works, and trade secrets; and

(B) the establishment of dispute resolution procedures and binational enforcement of intellectual property standards.

In conducting such negotiations, the President shall consult with persons representing diverse interests in the United States in intellectual property.

(c) NEGOTIATING OBJECTIVES REGARDING AUTOMOTIVE PRODUCTS.—

(1) In conducting negotiations under subsection (a)(1)(D) regarding the value requirement for automotive products, the President shall seek to conclude an agreement by no later than January 1, 1990, to increase the value requirement from 50 percent to at least 60 percent.

(2) The President is authorized, through January 1, 1999, to proclaim any agreed increase in the value requirement.

(3) As used in this section, the term "value requirement" means the minimum percentage of the value of an automotive product that must be accounted for by the value of the materials in the product that originated in the United States or Canada, or both, plus the direct cost of processing or assembly performed in the United States or Canada, or both, with respect to the product.

(d) NEGOTIATION OF LIMITATION ON POTATO TRADE.—

(1) During the 5-year period beginning on the date of enactment of this Act, the President is authorized to enter into negotiations with Canada for the purpose of obtaining an agreement to limit the exportation and importation of all potatoes between the United States and Canada, including seed potatoes, fresh, chilled or frozen potatoes, dried, desiccated or dehydrated potatoes, and potatoes otherwise prepared or preserved. Any agreement negotiated under this subsection shall provide for an annual limitation divided equally into each half of the year.

(2) For the purpose of conducting negotiations under paragraph (1), the Secretary of Agriculture and the United States Trade Representative shall consult with representatives of the potato producing industry, including the Ad Hoc Potato Advisory Group and the United States/Canada Horticultural Industry Advisory Committee, to solicit their views on negotiations with Canada for reciprocal quantitative limits on the potato trade.

(3) The President is authorized to direct the Secretary of the Treasury to—

(A) carry out such actions as may be necessary or appropriate to ensure the attainment of the objectives of any agreement that is entered into under this section; and

(B) enforce any quantitative limitation, restriction, and other terms contained in the agreement.

Such actions may include, but are not limited to, requirements that valid export licenses or other documentation issued by a foreign government be presented as a condition for the entry into the United States of any article that is subject to the agreement.

(4) The provisions of section 1204 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736j) and the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3) shall not apply in the case of actions taken pursuant to this subsection.

(e) Canadian Controls on Fish.—

(1) Within 30 days of the application by Canada of export controls on unprocessed fish under statutes exempted from the Agreement under article 1203, or the application of landing requirements for fish caught in Canadian waters, the President shall take appropriate action to enforce United States rights under the General Agreement on Tariffs and Trade that are retained in article 1205 of the Agreement.

(2) In enforcing the United States rights referred to in paragraph (1), the President has discretion to—

(A) bring a challenge to the offending Canadian practices before the GATT;

(B) retaliate against such offending practices;

(C) seek resolution directly with Canada;

(D) refer the matter for dispute resolution to the Canada-United States Trade Commission; or

(E) take other action that the President considers appropriate to enforce such United States rights.

(f) Biennial Report.—The President shall submit to the Congress, at the close of each biennial period occurring after the date on which the Agreement enters into force, a report regarding—

(1) the status of the negotiations regarding agreements that the President is authorized to enter into with Canada under this section;

(2) the effectiveness and operation of any agreement entered into under section 304 that is in force with respect to the United States;

(3) the effectiveness of operation of the Agreement generally; and

(4) the actions taken by the United States and Canada to implement further the objectives of the Agreement.

SEC. 305. ENERGY.

(a) Alaskan Oil.—Section 7(d)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)(1)) is amended—

(1) by striking "or" before "(B)"; and

(2) by inserting after "reenters the United States" the following: ", or (C) is transported to Canada, to be consumed therein, in amounts not to exceed an annual average of 50,000 barrels per day, in addition to exports under subparagraphs (A) and (B), except that any ocean transportation of such oil shall be by vessels documented under section 12106 of title 46, United States Code".

(b) Uranium.—Section 161(v) of the Atomic Energy Act of 1954 (42 U.S.C. 2201(v)) is amended by inserting "For purposes of this subsection and of section 305 of Public Law 99-591 (100 Stat. 3341-209, 210), 'foreign origin' excludes source of special nuclear material originating in Canada." before "The Commission shall establish".

SEC. 306. LOWERED THRESHOLD FOR GOVERNMENT PROCUREMENT UNDER TRADE AGREEMENTS ACT OF 1979 IN THE CASE OF CERTAIN CANADIAN PRODUCTS.

Section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) Lowered threshold for certain products as a consequence of United States-Canada free-trade agreement.—Except as otherwise agreed by the United States and Canada under paragraph 3 of article 1304 of the United States-Canada Free-Trade Agreement, the term 'eligible product' includes a product or service of Canada having a contract value of $25,000 or more that would be covered for procurement by the United States under the GATT Agreement on Government Procurement, but for the SDR threshold provided for in article I(1)(b) of the GATT Agreement on Government Procurement."

SEC. 307. TEMPORARY ENTRY FOR BUSINESS PERSONS.

(a) Nonimmigrant Traders and Investors.—Upon a basis of reciprocity secured by the United States-Canada Free-Trade Agreement, a citizen of Canada, and the spouse and children of any such citizen if accompanying or following to join such citizen, may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a nonimmigrant under section 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in Annex 1502.1 (United States of America), Part B—Traders and Investors, of such Agreement, but only if any such purpose shall have been specified in such Annex as of the date of entry into force of such Agreement.

(b) Nonimmigrant Professionals.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this Act, an alien who is a citizen of Canada and seeks to enter the United States under and pursuant to the provisions of Annex 1502.1 (United States of America), Part C—Professionals, of the United States-Canada Free-Trade Agreement to engage in business activities at a professional level as provided for therein may be admitted for such purpose under regulations of the Attorney General promulgated after consultation with the Secretaries of State and Labor.".

SEC. 308. AMENDMENT TO SECTION 5136 OF THE REVISED STATUTES.

Paragraph "Seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24 (Seventh)) is amended by adding at the end thereof the following:

"A national banking association may deal in, underwrite, and purchase for such association's own account qualified Canadian government obligations to the same extent that such association may deal in, underwrite, and purchase for such association's own account obligations of the United States or general obligations of any State or of any political subdivision thereof. For purposes of this paragraph—

"(1) the term 'qualified Canadian government obligations' means any debt obligation which is backed by Canada, any Province of Canada, or any political subdivision of any such Province to a degree which is comparable to the liability of the United States, any State, or any political subdivision thereof for any obligation which is backed by the full faith and credit of the United States, such State, or such political subdivision, and such term includes any debt obligation of any agent of Canada or any such Province or any political subdivision of such Province if—

"(A) the obligation of the agent is assumed in such agent's capacity as agent for Canada or such Province or such political subdivision; and

"(B) Canada, such Province, or such political subdivision on whose behalf such agent is acting with respect to such obligation is ultimately and unconditionally liable for such obligation; and

"(2) the term 'Province of Canada' means a Province of Canada and includes the Yukon Territory and the Northwest Territories and their successors.".

SEC. 309. STEEL PRODUCTS.

Nothing in this Act shall preclude any discussion or negotiation between the United States and Canada in order to conclude voluntary restraint agreements or mutually agreed quantitative restrictions on the volume of steel products entering the United States from Canada.

TITLE IV—BINATIONAL PANEL DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES.

SEC. 401. AMENDMENTS TO SECTION 516A OF THE TARIFF ACT OF 1930.

(a) Time Limits.—Section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)) is amended by adding at the end thereof the following new paragraph:

"(5) Time limits in cases involving Canadian merchandise.—Notwithstanding any other provision of this subsection, in the case of a determination to which the provisions of subsection (g) apply, an action under this subsection may not be commenced, and the time limits for commencing an action under this subsection shall not begin to run, until the 31st day after—

"(A) the date of publication in the Federal Register of—

"(i) notice of any determination described in paragraph (1)(B) or a determination described in clause (ii) or (iii) of paragraph (2)(B), or

"(ii) an antidumping or countervailing duty order based upon any determination described in clause (i) of paragraph (2)(B), or

"(B) the date on which the Government of Canada receives notice of a determination described in clause (vi) of paragraph (2)(B).".

(b) Definitions.—Section 516A(f) of the Tariff Act of 1930 (19 U.S.C. 1516a(f)) is amended by adding at the end thereof the following new paragraphs:

"(5) Agreement.—The term 'Agreement' means the United States-Canada Free-Trade Agreement.

"(6) United States secretary.—The term 'United States Secretary' means the secretary provided for in paragraph 4 of Article 1909 of the Agreement.

"(7) Canadian secretary.—The term 'Canadian Secretary' means the secretary provided for in paragraph 5 of Article 1909 of the Agreement.".

(c) Review Regarding Canadian Merchandise.—Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended by adding at the end thereof the following new subsection:

"(g) Review of Countervailing Duty and Antidumping Duty Determinations Involving Canadian Merchandise.—

"(1) Definition of determination.—For purposes of this subsection, the term 'determination' means a determination described in—

"(A) paragraph (1)(B) of subsection (a), or

"(B) clause (i), (ii), (iii), or (vi) of paragraph (2)(B) of subsection (a),

if made in connection with a proceeding regarding a class or kind of Canadian merchandise, as determined by the administering authority.

"(2) Exclusive review of determination by binational panels.—If binational panel review of a determination is requested pursuant to Article 1904 of the Agreement, then, except as provided in paragraphs (3) and (4)—

"(A) the determination is not reviewable under subsection (a), and

"(B) no court of the United States has power or jurisdiction to review the determination on any question of law or fact by an action in the nature of mandamus or otherwise.

"(3) Exception to exclusive binational panel review.—

"(A) In general.—A determination is reviewable under subsection (a) if the determination sought to be reviewed is—

"(i) a determination as to which neither the United States nor Canada requested review by a binational panel pursuant to Article 1904 of the Agreement,

"(ii) a revised determination issued as a direct result of judicial review, commenced pursuant to subsection (a), if neither the United States nor Canada requested review of the original determination, or

"(iii) a determination issued as a direct result of judicial review that was commenced pursuant to subsection (a) prior to the entry into force of the Agreement.

"(B) Special rule.—A determination described in subparagraph (A)(i) is reviewable under subsection (a) only if the party seeking to commence review has provided timely notice of its intent to commence such review to the United States Secretary, the Canadian Secretary, all interested parties who were parties to the proceeding in connection with which the matter arises, and the administering authority or the Commission, as appropriate. Such notice is provided timely if the notice is delivered by no later than the date that is 20 days after the date described in subparagraph (A) or (B) of subsection (a)(5) that is applicable to such determination. Such notice shall contain such information, and be in such form, manner, and style, as the administering authority, in consultation with the Commission, shall prescribe by regulations.

"(4) Exception to exclusive binational panel review for constitutional issues.—

"(A) Constitutionality of binational panel review system.—An action for declaratory judgment or injunctive relief, or both, regarding a determination on the grounds that any provision of, or amendment made by, the United States-Canada Free-Trade Implementation Agreement Act of 1988 implementing the binational panel dispute settlement system under Chapter 19 of the Agreement violates the Constitution may be brought in the United States Court of Appeals for the District of Columbia Circuit. Any action brought under this subparagraph shall be heard and determined by a 3-judge court in accordance with section 2284 of title 28, United States Code.

"(B) Other constitutional review.—Review is available under subsection (a) with respect to a determination solely concerning a constitutional issue (other than an issue to which subparagraph (A) applies) arising under any law of the United States as enacted or applied. An action for review under this subparagraph shall be assigned to a 3-judge panel of the United States Court of International Trade.

"(C) Commencement of review.—Notwithstanding the time limits in subsection (a), within 30 days after the date of publication in the Federal Register of notice that binational panel review has been completed, an interested party who is a party to the proceeding in connection with which the matter arises may commence an action under subparagraph (A) or (B) by filing an action in accordance with the rules of the court.

"(D) Transfer of actions to appropriate court.—Whenever an action is filed in a court under subparagraph (A) or (B) and that court finds that the action should have been filed in the other court, the court in which the action was filed shall transfer the action to the other court and the action shall proceed as if it had been filed in the court to which it is transferred on the date upon which it was actually filed in the court from which it is transferred.

"(E) Frivolous claims.—Frivolous claims brought under subparagraph (A) or (B) are subject to dismissal and sanctions as provided under section 1927 of title 28, United States Code, and the Federal Rules of Civil Procedure.

"(F) Security.—

"(i) Subparagraph (A) actions.—The security requirements of Rule 65(c) of the Federal Rules of Civil Procedure apply with respect to actions commenced under subparagraph (A).

"(ii) Subparagraph (B) actions.—No claim shall be heard, and no temporary restraining order or temporary or permanent injunction shall be issued, under an action commenced under subparagraph (B), unless the party seeking review first files an undertaking with adequate security in an amount to be fixed by the court sufficient to recompense parties affected for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction. If a court upholds the constitutionality of the determination in question in such action, the court shall award to a prevailing party fees and expenses, in addition to any costs incurred by that party, unless the court finds that the position of the other party was substantially justified or that special circumstances make an award unjust.

"(G) Panel record.—The record of proceedings before the binational panel shall not be considered part of the record for review pursuant to subparagraph (A) or (B).

"(H) Appeal to supreme court of court orders issued in subparagraph (A) actions.—Notwithstanding any other provision of law, any final judgment of the United States Court of Appeals for the District of Columbia Circuit which is issued pursuant to an action brought under subparagraph (A) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under subparagraph (A) may be issued by a single Justice of the Supreme Court.

"(5) Liquidation of entries.—

"(A) Application.—In the case of a determination for which binational panel review is requested pursuant to article 1904 of the Agreement, the rules provided in this paragraph shall apply, notwithstanding the provisions of subsection (c).

"(B) General rule.—In the case of a determination for which binational panel review is requested pursuant to article 1904 of the Agreement, entries of merchandise covered by such determination shall be liquidated in accordance with the determination of the administering authority or the Commission, if they are entered, or withdrawn from warehouse, for consumption on or before the date of publication in the Federal Register by the administering authority of notice of a final decision of a binational panel, or of an extraordinary challenge committee, not in harmony with that determination. Such notice of a decision shall be published within 10 days of the date of the issuance of the panel or committee decision.

"(C) Suspension of liquidation.—

"(i) In general.—Notwithstanding the provisions of subparagraph (B), in the case of a determination described in clause (iii) or (vi) of subsection (a)(2)(B) for which binational panel review is requested pursuant to article 1904 of the Agreement, the administering authority, upon request of an interested party who was a party to the proceeding in connection with which the matter arises and who is a participant in the binational panel review, shall order the continued suspension of liquidation of those entries of merchandise covered by the determination that are involved in the review pending the final disposition of the review.

"(ii) Notice.—At the same time as the interested party makes its request to the administering authority under clause (i), that party shall serve a copy of its request on the United States Secretary, the Canadian Secretary, and all interested parties who were parties to the proceeding in connection with which the matter arises.

"(iii) Application of suspension.—If the interested party requesting continued suspension of liquidation under clause (i) is a foreign manufacturer, producer, or exporter, or a United States importer, the continued suspension of liquidation shall apply only to entries of merchandise manufactured, produced, exported, or imported by that particular manufacturer, producer, exporter, or importer. If the interested party requesting the continued suspension of liquidation under clause (i) is an interested party described in subparagraph (C), (D), (E), or (F) of section 771(9), the continued suspension of liquidation shall apply only to entries which could be affected by a decision of the binational panel convened under chapter 19 of the Agreement.

"(iv) Judicial review.—Any action taken by the administering authority or the United States Customs Service under this subparagraph shall not be subject to judicial review, and no court of the United States shall have power or jurisdiction to review such action on any question of law or fact by an action in the nature of mandamus or otherwise.

"(6) Injunctive relief.—Except for cases under paragraph (4)(B), in the case of a determination for which binational panel review is requested pursuant to article 1904 of the Agreement, the provisions of subsection (c)(2) shall not apply.

"(7) Implementation of international obligations under article 1904.—

"(A) In general.—If a determination is referred to a binational panel or extraordinary challenge committee under the Agreement and the panel or committee makes a decision remanding the determination to the administering authority or the Commission, the administering authority or the Commission shall, within the period specified by the panel or committee, take action not inconsistent with the decision of the panel or committee. Any action taken by the administering authority or the Commission under this paragraph shall not be subject to judicial review, and no court of the United States shall have power or jurisdiction to review such action on any question of law or fact by an action in the nature of mandamus or otherwise.

"(B) Application if subparagraph (A) held unconstitutional.—In the event that the provisions of subparagraph (A) are held unconstitutional under the provisions of subparagraphs (A) and (H) of paragraph (4), the provisions of this subparagraph shall take effect. In such event, the President is authorized on behalf of the United States to accept, as a whole, the decision of a binational panel or extraordinary challenge committee remanding the determination to the administering authority or the Commission within the period specified by the panel or committee. Upon acceptance by the President of such a decision, the administering authority or the Commission shall, within the period specified by the panel or committee, take action not inconsistent with such decision. Any action taken by the President, the administering authority, or the Commission under this subparagraph shall not be subject to judicial review, and no court of the United States shall have power or jurisdiction to review such action on any question of law or fact by an action in the nature of mandamus or otherwise.

"(8) Requests for binational panel review.—

"(A) Interested party requests for binational panel review.—An interested party who was a party to the proceeding in which a determination is made may request binational panel review of such determination by filing a request with the United States Secretary by no later than the date that is 30 days after the date described in subparagraph (A) or (B) of subsection (a)(5) that is applicable to such determination. Receipt of such request by the United States Secretary shall be deemed to be a request for binational panel review within the meaning of article 1904(4) of the Agreement. Such request shall contain such information and be in such form, manner, and style as the administering authority, in consultation with the Commission, shall prescribe by regulations.

"(B) Service of request for binational panel review.—

"(i) Service by interested party.—If a request for binational panel review of a determination is filed under subparagraph (A), the party making the request shall serve a copy, by mail or personal service, on any other interested party who was a party to the proceeding in connection with which the matter arises, and on the administering authority or the Commission, as appropriate.

"(ii) Service by United States Secretary.—If an interested party to the proceeding requests binational panel review of a determination by filing a request with the Canadian Secretary, the United States Secretary shall serve a copy of the request by mail on any other interested party who was a party to the proceeding in connection with which the matter arises, and on the administering authority or the Commission, as appropriate.

"(C) Limitation on request for binational panel review.—Absent a request by an interested party under subparagraph (A), the United States may not request binational panel review under article 1904 of the Agreement of a determination.

"(9) Representation in panel proceedings.—In the case of binational panel proceedings convened under chapter 19 of the Agreement, the administering authority and the Commission shall be represented by attorneys who are employees of the administering authority or the Commission, respectively. Interested parties who were parties to the proceeding in connection with which the matter arises shall have the right to appear and be represented by counsel before the binational panel.

"(10) Notification of class or kind rulings.—In the case of a determination which is described in paragraph (2)(B)(vi) of subsection (a) and which is subject to the provisions of paragraph (2), the administering authority, upon request, shall inform any interested person of the date on which the Government of Canada received notice of the determination under article 1904(4) of the Agreement.".

(d) Standards of Review.—Section 516A(b) of the Tariff Act of 1930 (19 U.S.C. 1516a(b)) is amended by adding a new paragraph (3) as follows:

"(3) Effect of decisions by United States-Canada binational panels.—In making a decision in any action brought under subsection (a), a court of the United States is not bound by, but may take into consideration, a final decision of a binational panel or extraordinary challenge committee convened pursuant to article 1904 of the Agreement.".

SEC. 402. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) Jurisdiction of Court of International Trade.—Section 1581(i) of title 28, United States Code, is amended by adding at the end thereof the following flush sentence: "This subsection shall not confer jurisdiction over an antidumping or countervailing duty determination which is reviewable either by the Court of International Trade under section 516A(a) of the Tariff Act of 1930 or by a binational panel under article 1904 of the United States-Canada Free-Trade Agreement and section 516A(g) of the Tariff Act of 1930.".

(b) Relief in Court of International Trade.—Section 2643(c) of title 28, United States Code, is amended—

(1) by striking out "and (4)" in paragraph (1) and inserting in lieu thereof "(4), and (5)"; and

(2) by adding at the end thereof the following new paragraph:

"(5) In any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of Canadian merchandise, as determined by the administering authority, the Court of International Trade may not order declaratory relief.".

(c) Declaratory Judgments.—Subsection (a) of section 2201 of title 28, United States Code, is amended—

(1) by striking out "1954 or" and inserting in lieu thereof "1986,"; and

(2) by inserting "or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of Canadian merchandise, as determined by the administering authority," after "of title 11,".

(d) Actions Under the Agreement.—

(1) Chapter 95 of title 28, United States Code, is amended by inserting after section 1583 the following new section:

"§ 1584. Civil actions under the United States-Canada Free-Trade Agreement

"The United States Court of International Trade shall have exclusive jurisdiction of any civil action which arises under section 777(d) of the Tariff Act of 1930 and is commenced by the United States to enforce administrative sanctions levied for violation of a protective order or an undertaking.".

(2) The table of contents for chapter 95 of title 28, United States Code, is amended by inserting after the item relating to section 1583 the following new item:

"1584. Civil actions under the United States-Canada Free-Trade Agreement.".

SEC. 403. CONFORMING AMENDMENTS TO THE TARIFF ACT OF 1930.

(a) Section 502(b) of the Tariff Act of 1930 (19 U.S.C. 1502(b)) is amended by striking out all after "recommending the same," and inserting in lieu thereof "a final decision of the United States Court of International Trade, or a final decision of a binational panel pursuant to article 1904 of the United States-Canada Free-Trade Agreement.".

(b) Section 514(b) of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended by inserting ", or review by a binational panel of a determination to which section 516A(g)(2) applies is commenced pursuant to section 516A(g) and article 1904 of the United States-Canada Free-Trade Agreement" after "International Trade".

(c) Section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) is amended by adding at the end thereof the following new subsection:

"(d) Disclosure of Proprietary Information Under Protective Orders Issued Pursuant to the United States-Canada Agreement.—

"(1) Issuance of protective orders.—

"(A) In general.—If binational panel review of a determination under this title is requested pursuant to article 1904 of the United States-Canada Agreement, or an extraordinary challenge committee is convened under Annex 1904.13 of the United States-Canada Agreement, the administering authority or the Commission, as appropriate, may make available to authorized persons, under a protective order described in paragraph (2), a copy of all proprietary material (but not privileged material as defined by the rules of procedure referred to in article 1904(14) of the United States-Canada Agreement) in the administrative record made during the proceeding in question.

"(B) Authorized persons.—For purposes of this subsection, the term "authorized persons" means—

"(i) the members of, and the appropriate staff of, the binational panel or the extraordinary challenge committee, as the case may be, and the Secretariat,

"(ii) counsel for parties to such panel or committee proceeding, and employees of such counsel, and

"(iii) any officer or employee of the United States Government designated by the administering authority or the Commission, as appropriate, to whom disclosure is necessary in order to implement the United States-Canada Agreement with respect to such proceeding.

"(C) REVIEW.—A decision concerning the disclosure or nondisclosure of material under protective order by the administering authority or the Commission shall not be subject to judicial review, and no court of the United States shall have power or jurisdiction to review such decision on any question of law or fact by an action in the nature of mandamus or otherwise.

"(2) CONTENTS OF PROTECTIVE ORDER.—Each protective order issued under this subsection shall be in such form and contain such requirements as the administering authority or the Commission may determine by regulation to be appropriate. The administering authority and the Commission shall ensure that regulations issued pursuant to this paragraph shall be designed to provide an opportunity for participation in the binational panel proceeding equivalent to that available for judicial review of determinations by the administering authority or the Commission that are not subject to review by a binational panel.

"(3) PROHIBITED ACTS.—It is unlawful for any person to violate, or to induce the violation of, any provision of a protective order issued under this subsection or to violate, or to induce the violation of, any provision of an undertaking entered into with an authorized agency of Canada to protect proprietary material during binational panel review pursuant to article 1904 of the United States-Canada Agreement.

"(4) SANCTIONS FOR VIOLATION OF PROTECTIVE ORDERS.—Any person who is found by the administering authority or the Commission, as appropriate, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by paragraph (3) shall be liable to the United States for a civil penalty and shall be subject to such other administrative sanctions, including, but not limited to, debarment from practice before the administering authority or the Commission, as the administering authority or the Commission determines to be appropriate. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty and other sanctions shall be assessed by the administering authority or the Commission by written notice, except that assessment shall be made by the administering authority for violation, or inducement of a violation, of an undertaking entered into by any person with an authorized agency of Canada.

"(5) REVIEW OF SANCTIONS.—Any person against whom sanctions are imposed under paragraph (4) may obtain review of such sanctions by filing a notice of appeal in the United States Court of International Trade within 30 days from the date of the order imposing the sanction and by simultaneously sending a copy of such notice by certified mail to the administering authority or the Commission, as appropriate. The administering authority or the Commission shall promptly file in such court a certified copy of the record upon which such violation was found or such sanction imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the administering authority or the Commission shall be set aside by the court only if the court finds that such findings and order are not supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

"(6) ENFORCEMENT OF SANCTIONS.—If any person fails to pay an assessment of a civil penalty or to comply with other administrative sanctions after the order imposing such sanctions becomes a final and unappealable order, or after the United States Court of International Trade has entered final judgment in favor of the administering authority or the Commission, an action may be filed in such court to enforce the sanctions. In such action, the validity and appropriateness of the final order imposing the sanctions shall not be subject to review.

"(7) TESTIMONY AND PRODUCTION OF PAPERS.—

"(A) AUTHORITY TO OBTAIN INFORMATION.—For the purpose of conducting any hearing and carrying out other functions and duties under this subsection, the administering authority and the Commission, or their duly authorized agents—

"(i) shall have access to and the right to copy any pertinent document, paper, or record in the possession of any individual, partnership, corporation, association, organization, or other entity,

"(ii) may summon witnesses, take testimony, and administer oaths,

"(iii) and may require any individual or entity to produce pertinent documents, books, or records.

Any member of the Commission, and any person so designated by the administering authority, may sign subpoenas, and members and agents of the administering authority and the Commission, when authorized by the administering authority or the Commission, as appropriate, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

"(B) WITNESSES AND EVIDENCE.—The attendance of witnesses who are authorized to be summoned, and the production of documentary evidence authorized to be ordered, under subparagraph (A) may be required from any place in the United States at any designated place of hearing. In the case of disobedience to a subpoena issued under subparagraph (A), an action may be filed in any district or territorial court of the United States to require the attendance and testimony of witnesses and the production of documentary evidence. Such court, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any individual, partnership, corporation, association, organization or other entity, issue any order requiring such individual or entity to appear before the administering authority or the Commission, or to produce documentary evidence if so ordered or to give evidence concerning the matter in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

"(C) MANDAMUS.—Any court referred to in subparagraph (B) shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of this subsection or any order of the administering authority or the Commission made in pursuance thereof.

"(D) DEPOSITIONS.—For purposes of carrying out any functions or duties under this subsection, the administering authority or the Commission may order testimony to be taken by deposition. Such deposition may be taken before any person designated by the administering authority or Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under the direction of such person, and shall then be subscribed by the deponent. Any individual, partnership, corporation, association, organization or other entity may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the administering authority or Commission, as provided in this paragraph.

"(E) FEES AND MILEAGE OF WITNESSES.—Witnesses summoned before the administering authority or the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.".

(d) Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraph (18):

"(18) UNITED STATES-CANADA AGREEMENT.—The term 'United States-Canada Agreement' means the United States-Canada Free-Trade Agreement.".

SEC. 404. AMENDMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAW.

Any amendment enacted after the Agreement enters into force with respect to the United States that is made to—

(1) section 303 or title VII of the Tariff Act of 1930, or any successor statute, or

(2) any other statute which—

(A) provides for judicial review of final determinations under such section, title, or statute, or

(B) indicates the standard of review to be applied,

shall apply to Canada only to the extent specified in such amendment.

SEC. 405. ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS REGARDING THE IMPLEMENTATION OF CHAPTERS 18 AND 19 OF THE AGREEMENT.

(a) APPOINTMENT OF INDIVIDUALS TO PANELS AND COMMITTEES.—

(1)(A) There is established within the interagency organization established under section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872) an interagency group which shall—

(i) be chaired by the United States Trade Representative (hereafter in this section referred to as the "Trade Representative"), and

(ii) consist of such officers (or the designees thereof) of the Government of the United States as the Trade Representative considers appropriate.

(B) The interagency group established under subparagraph (A) shall, in a manner consistent with Chapter 19 of the Agreement—

(i) prepare by January 3 of each calendar year—

(I) a list of individuals who are qualified to serve as members of binational panels convened under chapter 19 of the Agreement, and

(II) a list of individuals who are qualified to serve on extraordinary challenge committees convened under such chapter,

(ii) if the Trade Representative makes a request under paragraph (5)(A)(i) with respect to a final candidate list during any calendar year, prepare by July 1 of such calendar year a list of those individuals who are qualified to be added to that final candidate list,

(iii) exercise oversight of the administration of the United States Secretariat that is authorized to be established under subsection (e), and

(iv) make recommendations to the Trade Representative regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement.

(2)(A) The Trade Representative shall select individuals from the respective lists prepared by the interagency group under paragraph (1)(B)(i) for placement on a preliminary candidate list of individuals eligible to serve as members of binational panels under Annex 1901.2 of the Agreement and a preliminary candidate list of individuals eligible for selection as members of extraordinary challenge committees under Annex 1904.13 of the Agreement.

(B) The selection of individuals for—

(i) placement on lists prepared by the interagency group under clause (i) or (ii) of paragraph (1)(B),

(ii) placement on preliminary candidate lists under subparagraph (A),

(iii) placement on final candidate lists under paragraph (3),

(iv) placement by the Trade Representative on the rosters described in Annex 1901.2(1) and Annex 1904.13(1) of the Agreement, and

(v) appointment by the Trade Representative for service on binational panels and extraordinary challenge committees convened under chapter 19 of the Agreement,

shall be made on the basis of the criteria provided in Annex 1901.2(1) and Annex 1904.13(1) of the Agreement and shall be made without regard to political affiliation.

(C) For purposes of applying section 1001 of title 18, United States Code, the written or oral responses of individuals to inquiries of the interagency group established under paragraph (1) or the Trade Representative regarding their personal and professional qualifications, and financial and other relevant interests, that bear on their suitability for the placements and appointments described in subparagraph (B), shall be treated as matters within the jurisdiction of an agency of the United States.

(3)(A) By no later than January 3 of each calendar year, the Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (hereafter in this section referred to as the "appropriate Congressional Committees") the preliminary candidate lists of those individuals selected by the Trade Representative under paragraph (2)(A) to be candidates eligible to serve on binational panels or extraordinary challenge committees convened pursuant to chapter 19 of the Agreement during the 1-year period beginning on April 1 of such calendar year.

(B) Upon submission of the preliminary candidate lists under subparagraph (A) to the appropriate Congressional Committees, the Trade Representative shall consult with the appropriate Congressional Committees with regard to the individuals listed on the preliminary candidate lists.

(C) The Trade Representative may add or delete individuals from the preliminary candidate lists submitted under subparagraph (A) after consulting the appropriate Congressional Committees with regard to such addition or deletion. The Trade Representative shall provide to the appropriate Congressional Committees written notice of any addition or deletion of an individual from the preliminary candidate lists.

(4)(A) By no later than March 31 of each calendar year, the Trade Representative shall submit to the appropriate Congressional Committees the final candidate lists of those individuals selected by the Trade Representative to be candidates eligible to serve on binational panels and extraordinary challenge committees convened pursuant to chapter 19 of the Agreement during the 1-year period beginning on April 1 of such calendar year. An individual may be included on a final candidate list only if written notice of the addition of such individual to the preliminary candidate list was submitted to the appropriate Congressional Committees at least 15 days before the date on which that final candidate list is submitted to the appropriate Congressional Committees under this subparagraph.

(B) Except as provided in paragraph (5), no additions may be made to the final candidate lists after the final candidate lists are submitted to the appropriate Congressional Committees under subparagraph (A).

(5)(A) If, after the Trade Representative has submitted the final candidate lists to the appropriate Congressional Committees under paragraph (4)(A) for a calendar year and before July 1 of such calendar year, the Trade Representative determines that additional individuals need to be added to a final candidate list, the Trade Representative shall—

(i) request the interagency group established under paragraph (1)(A) to prepare a list of individuals who are qualified to be added to such candidate list,

(ii) select individuals from the list prepared by the interagency group under paragraph (1)(B)(ii) to be included in a proposed amendment to such final candidate list, and

(iii) by no later than July 1 of such calendar year, submit to the appropriate Congressional Committees the proposed amendments to such final candidate list developed by the Trade Representative under clause (ii).

(B) Upon submission of a proposed amendment under subparagraph (A)(iii) to the appropriate Congressional Committees, the Trade Representative shall consult with the appropriate Congressional Committees with regard to the individuals included in the proposed amendment.

(C) The Trade Representative may add or delete individuals from any proposed amendment submitted under subparagraph (A)(iii) after consulting the appropriate Congressional Committees with regard to such addition or deletion. The Trade Representative shall provide to the appropriate Congressional Committees written notice of any addition or deletion of an individual from the proposed amendment.

(D)(i) If the Trade Representative submits under subparagraph (A)(iii) in any calendar year a proposed amendment to a final candidate list, the Trade Representative shall, by no later than September 30 of such calendar year, submit to the appropriate Congressional Committees the final form of such amendment. On October 1 of such calendar year, such amendment shall take effect and the individuals included in the final form of such amendment shall be added to the final candidate list.

(ii) An individual may be included in the final form of an amendment submitted under clause (i) only if written notice of the addition of such individual to the proposed form of such amendment was submitted to the appropriate Congressional Committees at least 15 days before the date on which the final form of such amendment is submitted under clause (i).

(iii) Individuals added to a final candidate list under clause (i) shall be eligible to serve on binational panels or extraordinary challenge committees convened pursuant to chapter 19 of the Agreement, as the case may be, during the 6-month period beginning on October 1 of the calendar year in which such addition occurs.

(iv) No additions may be made to the final form of an amendment described in clause (i) after the final form of such amendment is submitted to the appropriate Congressional Committees under clause (i).

(6)(A) The Trade Representative is the only officer of the Government of the United States authorized to act on behalf of the Government of the United States in making any selection or appointment of an individual to—

(i) the rosters described in Annex 1901.2(1) and Annex 1904.13(1) of the Agreement, or

(ii) the binational panels or extraordinary challenge committees convened pursuant to chapter 19 of the Agreement,

that is to be made solely or jointly by the Government of the United States under the terms of the Agreement.

(B) Except as otherwise provided in paragraph (7)(B), the Trade Representative may—

(i) select an individual for placement on the rosters described in Annex 1901.2(1) and Annex 1904.13(1) of the Agreement during the 1-year period beginning on April 1 of any calendar year,

(ii) appoint an individual to serve as one of those members of any binational panel or extraordinary challenge committee convened pursuant to chapter 19 of the Agreement during such 1-year period who, under the terms of the Agreement, are to be appointed solely by the Government of the United States, or

(iii) act to make a joint appointment with the Government of Canada, under the terms of the Agreement, of any individual who is a citizen or national of the United States to serve as any other member of such a panel or committee,

only if such individual is on the appropriate final candidate list that was submitted to the appropriate Congressional Committees under paragraph (4)(A) during such calendar year or on such list as it may be amended under paragraph (5)(D)(i).

(7)(A) Except as otherwise provided in this paragraph, no individual may—

(i) be selected by the Government of the United States for placement on the rosters described in Annex 1901.2(1) and Annex 1904.13(1) of the Agreement, or

(ii) be appointed solely or jointly by the Government of the United States to serve as a member of a binational panel or extraordinary challenge committee convened pursuant to chapter 19 of the Agreement,

during the 1-year period beginning on April 1 of any calendar year for which the Trade Representative has not met the requirements of this subsection.

(B)(i) Notwithstanding paragraphs (3), (4), or (6)(B) (other than paragraph (3)(A)), individuals listed on the preliminary candidate lists submitted to the appropriate Congressional Committees under paragraph (3)(A) may—

(I) be selected by the Trade Representative for placement on the rosters described in Annex 1901.2(1) and Annex 1904.13(1) of the Agreement during the 3-month period beginning on the date on which the Agreement enters into force, and

(II) be appointed solely or jointly by the Trade Representative under the terms of the Agreement to serve as members of binational panels or extraordinary challenge committees that are convened pursuant to chapter 19 of the Agreement during such 3-month period.

(ii) If the Agreement enters into force after January 3, 1989, the provisions of this subsection shall be applied with respect to the calendar year in which the Agreement enters into force—

(I) by substituting "the date that is 30 days after the date on which the Agreement enters into force" for "January 3 of each calendar year" in paragraphs (1)(B)(i) and (3)(A), and

(II) by substituting "the date that is 3 months after the date on which the Agreement enters into force" for "March 31 of each calendar year" in paragraph (4)(A).

(b) STATUS OF PANELISTS.—Notwithstanding any other provision of law, individuals appointed by the United States to serve on panels or committees convened pursuant to chapter 19 of the Agreement, and individuals designated to assist such appointed individuals, shall not be considered to be employees or special employees of, or to be otherwise affiliated with, the Government of the United States.

(c) IMMUNITY OF PANELISTS.—With the exception of acts described in section 777f(d)(3) of the Tariff Act of 1930, as added by this Act, individuals serving on panels or committees convened pursuant to chapter 19 of the Agreement, and individuals designated to assist the individuals serving on such panels or committees, shall be immune from suit and legal process relating to acts performed by such individuals in their official capacity and within the scope of their functions as such panelists or committee members or assistants to such panelists or committee members.

(d) REGULATIONS.—The administering authority under title VII of the Tariff Act of 1930, the United States International Trade Commission, and the United States Trade Representative may promulgate such regulations as are necessary or appropriate to carry out actions in order to implement their respective responsibilities under chapters 18 and 19 of the Agreement. Initial regulations to carry out such functions shall be issued prior to the date of entry into force of the Agreement.

(e) ESTABLISHMENT OF UNITED STATES SECRETARIAT.—

(1) The President is authorized to establish within any department or agency of the Federal Government a United States Secretariat which, subject to the oversight of the interagency group established under subsection (a)(1)(A), shall facilitate—

(A) the operation of chapters 18 and 19 of the Agreement, and

(B) the work of the binational panels and extraordinary challenge committees convened under chapters 18 and 19 of the Agreement.

(2) The United States Secretariat established by the President under paragraph (1) shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS FOR THE SECRETARIAT, THE PANELS, AND THE COMMITTEES.

(a) THE SECRETARIAT.—There are authorized to be appropriated to the department or agency within which the United States Secretariat described in chapter 19 of the Agreement is established the lesser of—

(1) such sums as may be necessary, or

(2) $5,000,000,

for each fiscal year succeeding fiscal year 1988 for the establishment and operations of such United States Secretariat and for the payment of the United States share of the expenses of the dispute settlement proceedings under chapter 18 of the Agreement.

(b) PANELS AND COMMITTEES.—

(1) There are authorized to be appropriated to the Office of the United States Trade Representative for fiscal year 1989 such sums as may be necessary to pay during such fiscal year the United States share of the expenses of binational panels and extraordinary challenge committees convened pursuant to chapter 19 of the Agreement.

(2) The United States Trade Representative is authorized to transfer funds appropriated pursuant to the authorization provided under paragraph (1) to any department or agency of the United States in order to facilitate payment of the expenses described in paragraph (1).

(3) Funds appropriated for the payment of expenses described in paragraph (1) during any fiscal year may be expended only to the extent such funds do not exceed the amount authorized to be appropriated under paragraph (1) for such fiscal year. This paragraph shall apply, notwithstanding any law enacted after the date of enactment of this Act, unless such subsequent law specifically provides that this paragraph shall not apply and specifically cites this paragraph.

SEC. 407. TESTIMONY AND PRODUCTION OF PAPERS IN EXTRAORDINARY CHALLENGES.

(a) AUTHORITY OF EXTRAORDINARY CHALLENGE COMMITTEE TO OBTAIN INFORMATION.—If an extraordinary challenge committee (hereinafter referred to in this section as the "committee") is convened pursuant to article 1904(13) of the Agreement, and the allegations before the committee include a matter referred to in article 1904(13)(a)(i) of the Agreement, for the purposes of carrying out its functions and duties under Annex 1904.13 of the Agreement, the committee—

(1) shall have access to, and the right to copy, any document, paper, or record pertinent to the subject matter under consideration, in the possession of any individual, partnership, corporation, association, organization, or other entity,

(2) may summon witnesses, take testimony, and administer oaths,

(3) may require any individual, partnership, corporation, association, organization, or other entity to produce documents, books, or records relating to the matter in question, and

(4) may require any individual, partnership, corporation, association, organization, or other entity to furnish in writing, in such detail and in such form as the committee may prescribe, information in its possession pertaining to the matter.

Any member of the committee may sign subpoenas, and members of the committee, when authorized by the committee, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

(b) WITNESSES AND EVIDENCE.—The attendance of witnesses who are authorized to be summoned, and the production of documentary evidence authorized to be ordered, under subsection (a) may be required from any place in the United States at any designated place of hearing. In the case of disobedience to a subpoena authorized under subsection (a), the committee may request the Attorney General of the United States to invoke the aid of any district or territorial court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Such court, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any individual, partnership, corporation, association, organization, or other entity, issue an order requiring such individual or entity to appear before the committee, or to produce documentary evidence if so ordered or to give evidence concerning the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) MANDAMUS.—Any court referred to in subsection (b) shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of this section or any order of the committee made in pursuance thereof.

(d) DEPOSITIONS.—The committee may order testimony to be taken by deposition at any stage of the committee review. Such deposition may be taken before any person designated by the committee and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under the direction of such person, and shall then be subscribed by the deponent. Any individual, partnership, corporation, association, organization or other entity may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the committee, as provided in this section.

SEC. 408. REQUESTS FOR REVIEW OF CANADIAN ANTIDUMPING AND COUNTERVAILING DUTY DETERMINATIONS.

(a) REQUESTS FOR REVIEW BY THE UNITED STATES.—In the case of a final antidumping or countervailing duty determination of a competent investigating authority of Canada, as defined in article 1911 of the Agreement, requests by the United States for binational panel review under article 1904 of the Agreement shall be made by the United States Secretary, described in article 1909(4) of the Agreement.

(b) REQUESTS FOR REVIEW BY A PERSON.—In the case of a final antidumping or countervailing duty determination of a competent investigating authority of Canada, as defined in article 1911 of the Agreement, a person, within the meaning of article 1904(5) of the Agreement, may request a binational panel review of such determination by filing with the United States Secretary, described in article 1909(4) of the Agreement, such a request within the time limit provided for in article 1904(4) of the Agreement. The receipt of such request by the United States Secretary shall be deemed to be a request for binational panel review within the meaning of article 1904(4) of the Agreement. Such request shall contain such information and be in such form, manner, and style as the administering authority shall prescribe by regulations. The request for such panel review shall not preclude the United States, Canada, or any other person from challenging before a binational panel the basis for a particular request for review.

(c) SERVICE OF REQUEST FOR REVIEW.—Whenever binational panel review is requested under this section, the United States Secretary shall serve a copy of the request on all persons who would be regarded as interested parties to the proceeding if the determination in question had been made under title VII of the Tariff Act of 1930.

SEC. 409. SUBSIDIES.

(a) NEGOTIATING AUTHORITY.—

(1) The President is authorized to enter into an agreement with Canada, including an agreement to amend the Agreement, on rules applicable to trade between the United States and Canada that—

(A) deal with unfair pricing and government subsidization, and

(B) provide for increased discipline on subsidies.

(2)(A) The objectives of the United States in negotiating an agreement under paragraph (1) include (but are not limited to)—

(i) achievement, on an expedited basis, of increased discipline on government production and export subsidies that have a significant impact, directly or indirectly, on bilateral trade between the United States and Canada; and

(ii) attainment of increased and more effective discipline on those Canadian Government (including provincial) subsidies having the most significant adverse impact on United States producers that compete with subsidized products of Canada in the markets of the United States and Canada.

(B) Special emphasis should be given in negotiating an agreement under paragraph (1) to obtain discipline on Canadian subsidy programs that adversely affect United States industries which directly compete with subsidized imports.

(3) The United States members of the working group established under article 1907 of the Agreement shall—

(A) consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) regarding—

(i) the issues being considered by the working group, and

(ii) as appropriate, the objectives and strategy of the United States in the negotiations, and

(B) beginning in January 1990, submit an annual report to such Congressional Committees on the progress being made in the negotiations to obtain an agreement that meets the objectives described in paragraph (2).

(4) Notwithstanding any other provision of this Act or of any other law, the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall not apply to any bill or joint resolution that implements an agreement entered into under paragraph (1), unless the President determines and notifies the Congress that such agreement—

(A) will provide greater discipline over government subsidies and no less discipline over unfair pricing practices by producers than that provided by the agreements described in paragraphs (5) and (6) of section 2 of the Trade Agreements Act of 1979 (the Subsidies Code and Antidumping Code), respectively, taking into account the effects of the Agreement, and

(B) will neither undermine such multilateral discipline nor detract from United States efforts to increase such discipline on a multilateral basis in, or subsequent to, the Uruguay Round of multilateral trade negotiations.

(b) IDENTIFICATION OF INDUSTRIES FACING SUBSIDIZED IMPORTS.—

(1) Any entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of a United States industry and has reason to believe that—

(A)(i) as a result of implementation of provisions of the Agreement, the industry is likely to face increased competition from subsidized Canadian imports with which it directly competes; or

(ii) the industry is likely to face increased competition from subsidized imports with which it directly competes from any other country designated by the President, following consultations with the Congress, as benefitting from a reduction of tariffs or other trade barriers under a trade agreement that enters into force after January 1, 1989; and

(B) the industry is likely to experience a deterioration of its competitive position before rules and disciplines relating to the use of government subsidies have been developed with respect to such country;

may file a petition with the United States Trade Representative (hereafter referred to in this section as the "Trade Representative") to be identified under this section.

(2) Within 90 days of receipt of a petition under paragraph (1), the Trade Representative, in consultation with the Secretary of Commerce, shall decide whether to identify the industry on the basis that there is a reasonable likelihood that the industry may face both the subsidization described in paragraph (1)(A) and the deterioration described in paragraph (1)(B).

(3) At the request of an entity that is representative of an industry identified under paragraph (2), the Trade Representative shall—

(A) compile and make available to the industry information under section 305 of the Trade Act of 1974,

(B) recommend to the President that an investigation by the United States International Trade Commission be requested under section 332 of the Tariff Act of 1930, or

(C) take actions described in both subparagraphs (A) and (B).

The industry may request the Trade Representative to take appropriate action to update (as often as annually) any information obtained under subparagraph (A) or (B), or both, as the case may be, until an agreement on adequate rules and disciplines relating to government subsidies is reached.

(4)(A) The Trade Representative and the Secretary of Commerce shall review information obtained under paragraph (3) and consult with the industry identified under paragraph (2) with a view to deciding whether any action is appropriate under section 301 of the Trade Act of 1974, including the initiation of an investigation under section 302(c) of that Act (in the case of the Trade Representative), or under subtitle A of title VII of the Tariff Act of 1930, including the initiation of an investigation under section 702(a) of that Act (in the case of the Secretary of Commerce).

(B) In determining whether to initiate any investigation under section 301 of the Trade Act of 1974 or any other trade law, other than title VII of the Tariff Act of 1930, the Trade Representative, after consultation with the Secretary of Commerce—

(i) shall seek the advice of the advisory committees established under section 135 of the Trade Act of 1974;

(ii) shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives;

(iii) shall coordinate with the interagency committee established under section 242 of the Trade Expansion Act of 1962; and

(iv) may ask the President to request advice from the United States International Trade Commission.

(C) In the event an investigation is initiated under section 302(c) of the Trade Act of 1974 as a result of a review under this paragraph and the President, following such investigation (including any applicable dispute settlement proceedings under the Agreement or any other trade agreement), determines to take action under section 301(a) of such Act, the President shall give preference to actions that most directly affect the products that benefit from governmental subsidies and were the subject of the investigation, unless there are no significant imports of such products or the President otherwise determines that application of the action to other products would be more effective.

(5) Any decision, whether positive or negative, or any action by the Trade Representative or the Secretary of Commerce under this section shall not in any way—

(A) prejudice the right of any industry to file a petition under any trade law,

(B) prejudice, affect, or substitute for, any proceeding, investigation, determination, or action by the Secretary of Commerce, the United States International Trade Commission, or the Trade Representative pursuant to such a petition,

(C) prejudice, affect, substitute for, or obviate any proceeding, investigation, or determination under section 301 of the Trade Act of 1974, title VII of the Tariff Act of 1930, or any other trade law.

(6) Nothing in this subsection may be construed to alter in any manner the requirements in effect before the enactment of this Act for standing under any law of the United States or to add any additional requirements for standing under any law of the United States.

SEC. 410. TERMINATION OF AGREEMENT.

(a) IN GENERAL.—If—

(1) no agreement is entered into between the United States and Canada on a substitute system of rules for antidumping and countervailing duties before the date that is 7 years after the date on which the Agreement enters into force, and

(2) the President decides not to exercise the rights of the United States under article 1906 of the Agreement to terminate the Agreement,

the President shall submit to the Congress a report on such decision which explains why continued adherence to the Agreement is in the national economic interest of the United States.

(b) TRANSITION PROVISIONS.—

(1) If on the date on which the Agreement should cease to be in force an investigation or enforcement proceeding concerning the violation of a protective order issued under section 777(d) of the Tariff Act of 1930 (as amended by this Act) or a Canadian undertaking is pending, such investigation or proceeding shall continue and sanctions may continue to be imposed in accordance with the provisions of such section.

(2) If on the date on which the Agreement should cease to be in force a binational panel review under Article 1904 of the Agreement is pending, or has been requested, with respect to a determination to which section 516A(g)(2) of the Tariff Act of 1930 (as added by this Act) applies, such determination shall be reviewable under section 516A(a) of the Tariff Act of 1930. In the case of a determination to which the provisions of this paragraph apply, the time limits for commencing an action under section 516A(a)(2)(A) of the Tariff Act of 1930 shall not begin to run until the date on which the Agreement ceases to be in force.

TITLE V—EFFECTIVE DATES AND SEVERABILITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act, and the amendments made by this Act, shall take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 and 2, title I, section 304 (except subsection (f)), section 309, this section and section 502 shall take effect on the date of enactment of this Act.

(c) TERMINATION OF PROVISIONS AND AMENDMENTS IF AGREEMENT TERMINATES.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection and section 410(b)), and the amendments made by this Act, shall cease to have effect.

SEC. 502. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such a provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, August 3, 1988, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 1½ hours and the gentleman from Illinois [Mr. CRANE] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5090 approves and makes changes in United States laws necessary or appropriate to implement the United States-Canada Free Trade Agreement. This agreement, signed by President Reagan and Prime Minister Mulroney on January 2 of this year, after 3 years of negotiations, represents an historic achievement in international trade relations. It is one of the most comprehensive trade agreements ever negotiated and creates one of the world's largest internal markets between the two nations that exchange more goods and services annually than any other two nations in the world.

This implementing legislation also represents the culmination of an extensive process involving eight committees in the House and five committees in the Senate, working with the administration to review the agreement and to develop the amendments needed in U.S. laws for implementation. As in the past, the bipartisan cooperative effort between the Congress and the executive branch prior to introduction of H.R. 5090 on July 26 demonstrates the success of the so-called fast track procedure under House and Senate rules for consideration and approval of international trade agreements. I want to congratulate Secretary Baker and U.S. Trade Representative Clayton Yeutter, as well as the staffs of the USTR and other agencies involved, for their success in negotiating this agreement and developing this bill in partnership with the Congress.

The major features of this bill are the phased elimination of all tariffs by both countries on bilateral trade within 10 years and the progressive elimination of many other customs barriers. Canadian duties are currently triple the average level of United States tariffs on dutiable imports from Canada.

At the same time, in order to permit adjustment of United States industries to any increased competition, H.R. 5090 authorizes the imposition of safeguard measures if imports from Canada are injurious to United States producers. The United States also preserves its right under existing laws to impose antidumping and countervailing duties on imports from Canada that are dumped or subsidized and injurious to United States industry, as well as to use other trade remedy laws against unfair trade practices. The enactment of rules of origin and provisions for their enforcement by the United States Customs Service in H.R. 5090 ensure that the benefits of preferential tariff and other treatment provided by the United States under the agreement will accrue only to Canada, not to third countries through transshipments or other circumvention.

Another major feature of H.R. 5909 is the implementation in U.S. law of the provisions that substitute binational panel review from judicial review by either country's courts in cases involving final antidumping or countervailing duty determinations. This unique new system, plus the provisions in the agreement for dispute settlement, are designed to minimize and resolve bilateral controversies before they escalate to political conflicts. The bill establishes a procedure for the Committee on Ways and Means and the Senate Committee on Finance to review and consult with the U.S. Trade Representative on potential candidates for binational panels, in order to ensure selection of the most highly qualified individuals for this important function.

H.R. 5090 also implements various provisions in the agreement to liberalize bilateral trade barriers affecting particular economic sectors. The bill exempts some agricultural products from import restrictions under certain conditions; permits exports to Canada of Alaskan oil; exempts Canadian uranium from United States enrichment restrictions; waives Buy American restrictions on certain Government procurement from Canada; provides for temporary entry of business persons; and extends financial services.

I recognize that some Members are disappointed that the agreement did not go far enough in dismantling Canadian barriers to United States exports. I, too, would like to see the dismantling of all trade barriers. However, I believe that this agreement represents a substantial advance toward the establishment of conditions of free trade between the United States and Canada. This implementing legislation, therefore, looks forward as well to further progress in dismantling bilateral trade barriers by providing a strong mandate for the President to negotiate in areas not sufficiently covered or addressed in the present agreement. The objectives include more effective disciplines on Government subsidy practices, a higher North American content rule of origin requirement for automotive products, further reductions in barriers to investment, services, and procurement, and greater protection of intellectual property rights. Any such future trade agreements involving changes in U.S. domestic laws would be subject to consultations with Congress and approval of implementing legislation.

Finally, while Congress approves the agreement and accompanying statement of administrative action in this implementing legislation, the bill makes certain that the United States will not implement the benefits for Canada until Canada has completed the necessary parliamentary procedures to reciprocate benefits for the United States, on or after January 1, 1989.

The agreement and implementing legislation have received thorough and careful consideration by eight committees of the House. The bill addresses most of the concerns raised by Members of Congress or the private sector that the agreement either did not go far enough toward creating bilateral free trade or might create increased competition for certain domestic industries. H.R. 5090 is a balanced bill that fully implements and is consistent with the agreement, at the same time it safeguards and furthers U.S. domestic interests. It deserves the strong support of this House and the Senate.

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Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us today the most important trade bill of this Congress, if not the past several Congresses. It is proof that despite the difficult economic challenges we have faced in international trade over the past few years, the underlying basis of a dynamic economy is free trade. Two of the largest, most diverse and economically progressive countries in the world have taken another step forward by opening their borders to each other and by achieving disciplines in a wide range of new trade-related arenas.

The U.S. Trade Representative has provided us an impressive array of statistics that demonstrate why this agreement is so important.

In 1987, for example, total bilateral trade in goods and services between the United States and Canada exceeded $166 billion, making these two countries the largest trading partners in the world.

The United States exports over twice as much in merchandise to Canada, a land of 26 million people, than it does to Japan, with its population of 120 million.

The United States sells 24 percent of its total merchandise exports to Canada. Canada supplies 17 percent of goods imported by the United States.

The United States purchases 76 percent of Canada's exported goods, and the United States supplies 68 percent of Canadian imports.

United States-Canada trade in energy was $9 billion in 1987 including crude oil, petroleum products, natural gas, electricity, coal, and uranium.

Total bilateral foreign direct investment exceeds $68 billion.

Over 1,400 United States business affiliates of Canadian companies employ over 527,000 workers in the United States.

These statistics demonstrate the vast potential for economic expansion and growth under this historic agreement. In addition to the expected gains from the elimination of all tariffs over a 10-year period, provisions of the agreement in nontariff areas such as energy, Government procurement, services, investments, and intellectual property rights will provide the bedrock for long-term mutual benefits. Expanded two-way trade and investment can create millions of new jobs, increase opportunities for both Canadians and Americans and greatly enhance the prosperity of both nations.

We can look at the example of other existing free trade areas to get an indication of the potential benefits of this agreement covering much larger economies. The creation of the European Economic Community affords the most appropriate example. From 1959 to 1969, the period when all EC tariffs were eliminated, trade within the EC rose 347 percent, about three times higher than outside the EC. After Great Britain entered the EC in 1973, its exports to other member states grew by 28 percent per year for a 10-year period; imports from EC partners rose by 24 percent. Both Spain and Portugal have shown even greater trade expansion since their recent entry into the EC. Also, two-way trade between Australia and New Zealand has nearly doubled since 1983 when they reached an accord liberalizing trade between them.

Former Secretary of the Treasury James Baker, who was instrumental in finalizing the negotiations between our two countries, has called the agreement "truly a win-win enterprise * * * by opening markets and establishing rules of fair play across a wide range of economic activity, we can achieve better prices for consumers and businesses and create major commercial and investment opportunities." He went on to say that the agreement reaffirms "that the United States and Canada are not only geographic neighbors, but most special economic neighbors as well." The successful conclusion of this agreement, with its wide-ranging provisions, supports his words.

In addition to the reduction of tariffs already mentioned, the United States-Canada agreement provides numerous improvements in the nontariff area. For example, the agreement establishes detailed rules of origin designed to properly identify those products of Canadian and United States manufacture. Although necessary to ensure that the benefits of the pact are not extended to noncontributing countries, the new definitions of origin signal a more effective method of determining such rules among all trading partners.

Similarly, the new dispute-settlement procedures worked out between Canada and the United States hopefully will result in more effective and more timely resolutions to trade disputes that can be translated to the multilateral process. It remains for the Uruguay round of multilateral trade negotiations now underway in Geneva to take full advantage of the example the United States and Canada have set in this and many other areas.

Although the GATT is still arguing over what can be properly addressed by that international body, this bilateral agreement has boldly addressed sectors of growing trade importance such as services, trade-related investment and intellectual property rights. Furthermore, the agreement provides secure, fair access to Canadian energy supplies, even in times of shortage; removes virtually all existing discrimination by Canada against United States financial institutions as well as significantly liberalizing Canada's foreign investment regime; improves the rules under which bilateral auto trade is conducted; limits agriculture and other subsidies; removes meat import quotas; improves mutual procedures for setting technical standards; and enhances the applications.

When speaking before the Canadian Parliament last year, President Reagan referred to the open border between our two countries as a border that stands as a demonstration of more than a century and a half of friendship, a border that has been called a lesson of peace to all nations. President Reagan celebrated the border as a concrete, living lesson that the path to peace is freedom, that the relations of free peoples—no matter how different, no matter how distinct their national characters—those relations will be marked by admiration, not hostility.

This agreement has proved the President right. It is the crowning achievement of this President and his administration who provided the leadership and of the Congress that provided guidance, advice, and support. We can all take pride in this agreement. We must oversee it with care in the years to come and work hard to ensure for all our citizens its full potential.

I urge my colleagues to wholeheartedly support H.R. 5090, implementing the United States-Canada Free-Trade Agreement.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Illinois [Mr. CRANE] has consumed 7 minutes.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. RODINO], the chairman of the Committee on the Judiciary.

Mr. RODINO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the committee for having done such an excellent job on the free trade agreement between the United States and Canada. It is important legislation. There were some questions as to the constitutionality and the committee reviewed them, went over them with the members of the executive branch and appropriate Members of the Congress and appropriate committees of the Congress and I believe that everything is in order insofar as we can determine.

Mr. Chairman, I rise in support of H.R. 5090, legislation to implement the United States-Canada Free-Trade Agreement. The Committee on the Judiciary favorably reported H.R. 5090, by voice vote, on August 2, 1988.

One of the primary issues of Judiciary Committee jurisdiction in the free trade agreement and the implementing legislation is the creation of a binational panel review mechanism. Under current law, all initial review of agency determinations involving antidumping and countervailing duty matters is conducted by the Court of International Trade. The free trade agreement eliminates this jurisdiction, and any subsequent appellate court jurisdiction for reviewing antidumping and countervailing duty determinations involving Canadian goods.

Similarly, under the free trade agreement, Canadian judicial review of antidumping and countervailing duty determinations involving United States goods is eliminated. Instead, the free trade agreement creates a panel, composed of United States and Canadian citizens, which will review agency determinations involving United States or Canadian goods. A panel reviewing a U.S. agency determination must apply U.S. law.

The Committee on the Judiciary believes it is constitutional for judicial review of antidumping and countervailing duty determinations involving Canadian goods to be eliminated and replaced by this binational panel system. Substantial oral and written testimony supporting this conclusion was received by the Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice as part of its hearing on April 28, 1988. Prof. Andreas F. Lowenfeld of the New York University School of Law advised the subcommittee that:

> Decisions of the Department of Commerce of the U.S. International Trade Commission in antidumping and countervailing duty cases need not be subject to judicial review by a United States court established under article III of the Constitution.

Similarly, Prof. Louis Henkin of the Columbia University School of Law wrote the subcommittee that:

> The Constitution does not require any review of duty determinations; if review is provided, the Constitution does not require that it be by an article III court or by any court. Congress can provide for review by a nonofficial body, so long as the review is in accord with standards set by Congress and the means for selecting the body and its procedures are reasonable and fair.[1]

Once the free trade agreement and accompanying implementing legislation are approved by Congress and signed by the President, the decisions of the binational panels are binding on the United States as a matter of both domestic and international law. The panels will be applying international law.

Some have raised a question as to whether the binational panels and extraordinary challenge committees create a problem under the appointments clause of the Constitution on the grounds that panelists who were not officers of the United States would be exercising significant authority pursuant to the laws of the United States. The Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice received substantial expert testimony that no appointments clause problem is raised. Professor Lowenfeld of the NYU School of Law stated that:

> Though the binational panels to be created pursuant to the free trade agreement have adjudicatory functions, I do not believe they would be exercising the judicial power of the United States, and I do not believe that it is consistent with the concept of international dispute settlement to regard either the panels themselves or their U.S. citizen members as Officers of the United States.

Similar testimony was received from Prof. Harold Bruff of the University of Texas Law School, Joseph P. Griffin on behalf of the section of international law and practice of the American Bar Association, Professor Henkin of Columbia Law School, and the Committee on International Trade of the Association of the Bar of the city of New York.

The committee agreed that no appointments clause problem is raised. The binational panels are established to implement the FTA, an international law agreement. The panelists will apply international law under the FTA. As testimony indicated at the subcommittee hearing, the authority that will be exercised by panelists will be authority pursuant to international law, not pursuant to the laws of the United States.

Ever since the 1795 Jay Treaty[2] between the United States and Great Britain created an international arbitral panel to resolve boundary claims between the United States and Canada in binding fashion, the United States has frequently participated in the creation of international bodies—whose members are not executive officers—to resolve disputes on a binding basis. The Iran-United States Claims Tribunal formed in 1981[3] to resolve claims of United States nationals against Iran, and claims of Iranian nationals against the United States, was such a binational tribunal. Other examples of United States participation in international arbitral bodies that rendered binding decisions, whose members were not executive officers—and whose members were not all U.S. citizens—include: First, the Binational Tribunal established between the United States and Spain by treaty in 1819 to resolve boundary disputes concerning cessation of Florida to the United States;[4] second, Boundary Commission set up by the United States and Great Britain in 1903 to resolve boundary disputes involving Alaska;[5] and third, Binational Tribunal between the United States and Mexico established by the Claims Agreement of July 4, 1868 to resolve certain disputes.[6]

As stated by Prof. Harold H. Bruff at the subcommittee hearing, the case of Buckley versus Valedo:

> Should not be read to condemn this history, or to require formal appointment of the arbitrators to Federal office. Since a central function of the appointments clause is to allow executive supervision of officers, such appointments would either be inconsistent with the arbitral role, or would needlessly trivialize the appointments clause.

As Prof. Lois Henkin testified to the Subcommittee on Courts, Civil Liberties and the Administration of Justice, once the FTA is approved by Congress and signed by the President, it will be the "law of the land, equal in authority to any act of Congress or treaty of the United States". No further statutory direction is necessary in legislation for the President to implement the "law of the land." Article II, section 3 of the Constitution already requires the President to "take care that the laws be faithfully executed."

The FTA will be adopted by Congress through implementing legislation and signed into law by the President. As acknowledged in a letter I received dated May 24, 1988, from the Department of Justice, the President will be found to implement binational panel decisions as a matter of international law. It is well established that international law is a part of the law of the United States.[7]

Accordingly, the committee is convinced that there is no appointments clause problem with the binational panels and the extraordinary challenge committees, or with the implementation of their decisions without Presidential involvement, as provided for in new section 516A(g)(7)(A) of the Tariff Act of 1930 added by H.R. 5090. Direction need merely be given, as it is in the new section, to the appropriate administering authority or the International Trade Commission, as appropriate, to implement a panel or committee decision remanding a determination.

Additionally, new subsection (g)(7)(A) provides certainty that panel and committee decisions will in fact be implemented. This is a point that is very important not only to Canada in the context of this FTA, but also to countries that may wish to enter into free trade negotiations with the United States in the future. If a precondition of implementing a panel or committee decision was the President's acceptance of the decision, there would be no assurance to Canada that panel or committee decisions would in fact be carried out by the United States. Such a requirement would not bode well for prospects of future trade agreements.

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[1] See also *Cary* v. *Curtis*, 44 U.S. 236 (1846); *Murray's Lessee* v. *Hoboken Land & Development Co.*, 59 U.S. 272 (1855); and Ex Parte Bakelite, 279 U.S. 438 (1929), which support the contention that Congress can authorize nonarticle III tribunals to hear matters involving "public rights," and that antidumping and countervailing duty matters are such public rights.

[2] Treaty of Amity, Commerce and Navigation, Between His. Britannick Majesty, United States-United Kingdom, 8 Stat. 116, Treaty Series 105. The Treaty was implemented by a statute that appointed commissioners to a binational panel, 1 Stat. 523.

[3] Settlement of Claims Agreement, January 19, 1981.

[4] Treaty of Amity, Settlement and Limits Between the United States and his Catholic Majesty, United States-Spain, 8 Stat. 252, Treaty Series 327.

[5] United States-United Kingdom, 32 Stat. 1961, Treaty Series 419.

[6] The Supreme Court in *Frelinghuysen* v. *Key*, 110 U.S. 63 (1884) recognized that a decision by this tribunal was binding upon the U.S. Government.

[7] See, e.g. "The Paquete Habana," 175 U.S. 677, 700 (1900); *Perry* v. *U.S.*, 294 U.S. 330 (1935).

The provisions set forth in new section 516A(g)(7)(A) of the Tariff Act of 1930, as added by the implementing legislation, are constitutionally sufficient to implement the decisions of binational panels and extraordinary challenge committees. However, the committee acknowledged the concerns of the administration about the impact on the FTA in the unlikely event that this new implementing subsection is held to be unconstitutional. While the committee and the many experts consulted believe that new subsection (g)(7)(A) of section 516A of the Tariff Act of 1930 is constitutional, the committee did not want the success of the FTA to be endangered in the unlikely event subsection (g)(7)(A) is held unconstitutional by the Supreme Court. Accordingly, a fallback provision has been included in the implementing legislation mandating Presidential acceptance, in whole, of a binational panel or extraordinary challenge committee decision as a prerequisite for administering authority or International Trade Commission implementation.

The administration has stated its intent to accept every panel or committee decision. Should this fallback position, included in the legislation as new subsection (g)(7)(B) of 516A of the Tariff Act of 1930, become operable, the administration has represented in its statement of administrative action that "an Executive order will provide for the President's acceptance, on behalf of the United States, in whole, of any decision of a panel or committee under the agreement." Therefore, even in the unlikely event that this fallback provision becomes operable, all binational panel or extraordinary challenge committee decisions will be implemented, providing certainty to our Canadian partner.

The inclusion of a fallback provision in a statute is extremely unusual. It has been included because of the uniqueness and importance of the FTA and the importance of implementation of panel and committee decisions to the FTA. The committee agreed with the administration's point in the statement of administrative action that "uncertainty—no matter how brief in time—about whether or how such decisions are carried out by the agencies to which they are remanded could jeopardize the success of the agreement."

Another provision in H.R. 5090 reviewed by the Judiciary Committee is section 307, which impacts upon the immigration laws. I believe that this provision is fairly modest when you consider that the FTA directs the United States to provide for the temporary entry of Canadian business persons and at the same time mandates that the United States not impose a labor certification requirement or otherwise make the admission of a Canadian dependent on the lack of availability of a United States employee. Now this is not the type of road I think we should be traveling down, and I have always been of the view that labor market tests are vitally important. But the issue here is not whether we agree or disagree with all the provisions of the FTA, but whether H.R. 5090 is a reasonable way to implement the FTA, and I think it is.

Essentially, the only significant change to the immigration laws made by H.R. 5090 is that Canadian professionals will be allowed to enter under a new and separate category of law. And though this may give some of us pause for concern, I think the reporting requirements contained in the statement of administrative action will give the Congress sufficient information and opportunity to monitor and, if necessary, change the program.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman from New Jersey.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the distinguished chairman of the Committee on the Judiciary on this, his final year as a Member of Congress and for his distinguished service over so many years. This is a fitting cap to his service. One of the most important pieces of this trade legislation is the dispute settlement mechanism that was handled by his committee.

Mr. Chairman, this is an historic piece of legislation and will go a long distance in helping us solve our international disputes.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. PEASE]. The gentleman from Ohio is a distinguished member of our Committee on Ways and Means and of our Trade Subcommittee, and he has contributed greatly to this legislation.

Mr. PEASE. Mr. Chairman, I rise in support of the United States-Canada Free-Trade Agreement implementing bill. While my support is not unqualified, I believe that on balance the agreement is in the interest of the Nation and my congressional district.

Lower Canadian tariffs and enhanced United States Energy security are the major advantages of the agreement. In the long run, the United States and Canadian economies should become more efficient and productive as a result of the agreement.

Nevertheless, our negotiators left some important business unfinished. automobile trade accounts for the lion's share of our economic relations with Canada. While I recognize that the agreement's auto provisions represent an improvement over the status quo, I strongly believe that they fall far short of remedying the Government-engineered advantages enjoyed by the Canadian auto industry.

The 1980's have seen virtually every major foreign competitor establish assembly operations on this continent. Most of these operations import most of their components. As a result of the growing capacity in the industry, North American producers face a tremendous shakeout in the next several years. The free trade agreement can either mitigate or aggravate this shakeout depending on the incentives it provides for transplant assemblers to buy major components in North America.

As it now stands, the agreement does not provide adequate incentives for auto assemblers to source production locally. Indeed, cars assembled in Canada with foreign engines and transmissions may be able to be imported into the United States duty free under the current terms of the agreement.

The benefits of free trade should be conferred upon products that are essentially North American, not foreign. For this reason, I authored a package of provisions in this bill that are designed to continue and leverage United States efforts to increase the agreement's incentives for auto assemblers to source supplies of components in North America. My provisions seek a better deal for American autoworkers and companies. I am supporting the free trade agreement in part because I have been assured by the administration that it will diligently pursue the negotiations, and exercise the leverage created by these provisions, to increase the percentage of North American content that would be required for duty-free entry of cars assembled in Canada and brought into the United States. Because of those assurances by the administration, because I think that this agreement in the long-run will benefit both the United States and Canada, I stand and urge its support.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding to me, particularly in view of the number of members from the Committee on Ways and Means waiting to speak who have primary responsibility in this area, and I appreciate the time that he has allotted.

Mr. Chairman, this bill implements what is truly an historic agreement. It is my privilege to have joined the majority leader, TOM FOLEY, in initially introducing this measure here in the House.

The United States and Canada represent the world's largest trading partnership, as the gentleman from Illinois made so clear in his remarks. This free trade agreement will ultimately establish the largest free trade zone in the world. Estimates are that the agreement will eventually add 1 percent to our Nation's gross national product which will lead to the creation of substantial numbers of new jobs.

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The reduction of tariffs will result in increased sales of United States products in Canada and lower prices to consumers in this country.

It is, therefore, an agreement that is good for the United States, it is good for Canada, and it is good for my home State of Illinois. It has been endorsed by our Governor and by our Illinois State senate, and little wonder, because my home State of Illinois does over 6 billion dollars' worth of business with Canada every year.

Our State's auto and heavy manufacturing industries will benefit from the lower tariffs and other reduced restrictions. Caterpillar, for instance, if I might use the parochial point of reference again, tells us that motor graders entering Canada are subject to a 10-percent tariff currently while motor graders entering this country from Canada are subject to only a 2-percent tariff. The elimination of the 10-percent tariff will reduce the price of the motor graders by $15,000, taking the standard model out there today, thus improving Cat's competitive position in Canada vis-a-vis other nations.

That is just one example. Obviously, increased sales in Canada mean more manufacturing jobs for my workers in the Peoria area.

This agreement also paves the way for reduced trade obstacles in the field of agriculture. In this year, an abnormal year, with heavy drought and crop losses of phenomenal volumes, there may be a tendency not to think about new markets. Nevertheless, we must look to the future, and when we are out there growing everything we are capable of growing, this is certainly going to lead to improved Canadian markets for our farmers.

True free trade works to the benefit of all countries, and I believe this agreement moves a long way in this direction.

Mr. Chairman, I want to commend both our administration and the Congress for the cooperative attitude they have displayed in working out the implementing language. That attitude has enabled us to come to the floor today in a bipartisan spirit, thus moving the legislation along in a very expeditious manner. This is a good agreement, and I strongly urge its adoption.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take the floor at this time to talk about this agreement. This agreement is not a free trade agreement; it is a freer trade agreement.

This agreement between these two sovereign states is not perfect, but nothing is perfect when we have to deal with two sovereign states and their wishes. This agreement will make the North American market work much better than it would work without this agreement. This is a beginning, not an interim measure nor an end. This is the beginning of a better relationship, a better economic political, and social relationship with the people on the North American Continent. This agreement is perhaps a precursor of other bilateral agreements that the United States may wish to work out. Some have suggested that we work them out with Mexico, others with Japan, and others with certain nations and with other peoples on the European Continent. All these things are worthwhile, and all of these things we can do, but no one should suggest that it would be as easy to deal with the rest of the world as it is to deal with our friends and neighbors in North America, the Canadians.

The Canadians are wonderful people. They have a great heritage. They are proud of their heritage and of their culture. They have been good friends of ours because of our background, and we have been good friends of theirs because of the same mutual reasons.

So it is appropriate that good neighbors who live next to one another, friends of long standing, work out such an agreement as the one we have here. It is not the end; it is only the beginning of a better relationship.

One of the most historic features of this agreement is the dispute settlement mechanism contained in it. For years we have looked across the border at each other and have had concerns about how disputes were being settled. I had the privilege of meeting for many, many years with our Canadian friends, and I know there have been many disputes that have been on the burner for a long time that have never gotten settled. Where we have had trade disputes such as countervailing duty suits and antidumping suits, there has been suspicion about whether or not the law was fairly applied, whether the facts were all looked at with objectivity. This agreement for the first time—and this alone would make this an historic agreement—provides a splendid mechanism on which we can on a bilateral basis decide these dispute settlements. The gentleman from New Jersey in his address outlined the details of how the mechanism would work. If for no other reason than that, this agreement is worth the approval of the House of Representatives.

But there is much in here besides that. There is over a 10-year period a vast reduction in the tariff and nontariff barriers that exist between these two trading partners. Some of it is phased in, some of it is immediate. But it will mean that our economics will mesh together and work together to produce economic growth and economic prosperity for both of us.

This agreement must still be ratified by the Government of Canada. It has been approved, because when the Canadian Prime Minister agreed to it, he approved it for his government, but the implementing legislation is still pending in the Canadian Parliament. We in the United States are going ahead to ratify and approve this prior to the Canadian's action to show them our good will and to say that while we know that it is a big step for them, we are willing to meet them more than halfway by preceding them in the ratification of this agreement.

So we look forward with a great deal of positive thought to the approval of this agreement. Of all the things of an historic nature that have happened in this Hall within the last few years, certainly the ratification of this agreement would rank near the top of those historic steps. Nothing could mean more to the future of the North American Continent than this Agreement and the continuation of the good will that brought it about.

Mr. CRANE. Mr. Chairman, I yield 5 minutes to the distinguished ranking minority member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, this legislation, H.R. 5090, must be passed in order to implement the United States-Canada Free-Trade Agreement. The agreement is of great importance to the United States and Canadian economies, and will benefit consumers and businesses in both of our countries.

Over the last 8 years the United States has been forced to reevaluate many aspects of its trade policy, from competitiveness to protectionism. Under the burden of huge deficits, uncompetitive prices and unfair practices abroad, the administration has achieved encouraging results. The U.S. monthly trade deficit, though still substantial, is decreasing.

The United States economy has continued to grow at a healthy rate over the past few years and now, just as economists are saying that maintaining this growth will require an export oriented United States economy, the United States and Canada have concluded an agreement that will offer ample opportunity for both to expand their export markets.

The part of H.R. 5090 under the jurisdiction of the Foreign Affairs Committee changes United States law to allow the export of 50,000 barrels per day of Alaskan North Slope oil to Canada. In return, the United States will receive "national treatment" toward Canadian oil supplies. This will provide United States consumers with equal access to Canadian oil in time of a worldwide shortage. The Foreign Affairs Committee, in reporting out this provision with unanimous support recognizes the advantages of a free and unrestricted policy on the trade of U.S. petroleum supplies.

Although not a remedy for all trade problems between the United States and Canada, the free trade agreement does go a long way in reducing unfair practices. It will lead to the elimination of all tariffs on bilateral trade between the United States and Canada over a 10-year period, significantly liberalize opportunities for investment and for service industries in the two countries, assure the United States continued access to Canadian energy supplies, and establish a binational panel to resolve future trade disputes.

I feel that the benefits of the agreement in its totality outweigh any shortcomings. Fair competition for U.S. industry will help move this Nation forward into the 21st century as an efficient and prosperous economic power.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in opposition to the United States-Canada Free Trade Agreement [FTA].

I believe that many regions of the Nation and segments of the economy will benefit from the FTA. Moreover, I know that the chairman of the Subcommittee on Trade and the chairman of Ways and Means have worked long and hard to see this agreement become reality, and I commend their efforts. I am very grateful for their cooperation in my efforts to address several concerns in the agricultural area. As a result of my negotiations with the administration and the support of the Ways and Means Committee certain elements of the FTA dealing with wheat have been improved.

Nevertheless, I still see basic problems with the FTA and must share my deep concerns about issues that are important to North Dakota. I realize that agriculture makes up just 2 percent of the total trade between the United States and Canada, but, in North Dakota agricultural trade is the foundation of the economy. I should also note that my State shares a 300-mile border with Canada. The Subcommittee on Trade of Ways and Means held a hearing in Fargo, ND, earlier this year at which representatives of wheat, sugar beets, corn, and barley came forward to express their views on the FTA. They and I both believe that there is a lack of balance in certain provisions. In some instances, the FTA will place American producers at a substantial disadvantage in competing with their Canadian counterparts.

I'd like to highlight for my colleagues the special concerns of North Dakota wheat producers. As background, the United States does not import a lot of wheat in relation to the amount it produces. But, virtually all of the wheat we do import comes from Canada. Moreover, imports of Canadian wheat have increased in recent years. In 1983-84 imports of Canadian wheat were 9,000 metric tons and for the 1987-88 year were about 400,000 metric tons. The varieties of wheat most affected by the FTA are high-protein Hard Red Spring and pasta-making Durum wheat which are the backbone of the North Dakota economy.

What are the current policies regarding the wheat trade between the United States and Canada? First, the Canadian marketing system differs considerably from that in the United States. The most obvious difference is the monopoly export powers enjoyed by the Canadian Wheat Board [CWB], in contrast to the market competition among private and cooperative exporting firms in the United States. Second, the Canadians have a longstanding subsidy of rail rates for certain grain shipments, and the average benefit of these subsidies, called Crow's Nest rail subsidies, is about 50 cents per bushel. Third, the United States border is generally open to Canadian wheat. However, the Canadian border is largely closed to American wheat. Canada restricts the importation of wheat through an import licensing system that currently bans imports of wheat.

Why are North Dakota wheat farmers concerned about the free trade agreement? First, while the FTA did away with Canadian transportation subsidies for grain shipments to be exported out of western ports, it retained the subsidies for grain positioned at Thunder Bay on Lake Superior. Thus, Canadian wheat will continue to have this 50-cent-per-bushel subsidy advantage as it moves into American markets.

Second, the Canadian Wheat Board will continue to have monopoly control over the volumes of wheat shipped to the United States and under the FTA Canada will be able to continue its import licensing system until "support levels" in both countries become equal. The result is that the Canadians will continue to use their import licensing system against American wheat until some uncertain date in the future.

Third, significant flows of Canadian spring wheats could disrupt the premiums for high-protein wheat that exist in the United States. Canadian wheat could be drawn into this country because our markets provide greater rewards for high-protein wheat than exist under the governmentally administered Canadian market system.

How have additional problems with the FTA been addressed? There were a number of ambiguities in the FTA, particularly with regard to section 22, that worried many producers. I am pleased that the administration agreed to some clarifications that favorably resolve many of the ambiguities surrounding section 22 and some other issues. These assurances do not guarantee that the FTA won't hurt North Dakota farmers, but they do mean that our producers will have access to many of the same trade remedies, such as section 22, that are available now.

While the Crow's Nest rail subsidy issue has not been resolved, I am pleased that the implementing legislation before us today includes my provision that the administration enter into immediate negotiations with the Canadians to bring about an end to this subsidy for eastern bound shipments positioned at Thunder Bay and subsequent export to the United States. This offers some hope that the subsidy problem will be given attention.

Let me conclude by saying that there are a number of other concerns I have with the FTA. There are other commodities that will be put in a more precarious position, and unfair Canadian competition in the energy area will continue under the FTA. As many of my constituents look at it, the free trade agreement will mean that America's market will be more open to certain Canadian commodities, and the Canadian border will remain closed for the foreseeable future to certain American commodities. There's a basic imbalance in certain provisions of the FTA that I cannot ignore. For these reasons, I must cast a vote against the United States-Canada Free-Trade Agreement.

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Mr. CRANE. Mr. Chairman, I yield as much time as he may consume to the gentleman from Nebraska, [Mr. BEREUTER] our distinguished colleague on the Committee on Ways and Means.

Mr. DAUB. Mr. Chairman, I thank the gentleman from Illinois [Mr. CRANE], my good friend and colleague, member of the Subcommittee on Trade and Committee on Ways and Means, for yielding me this time. I certainly want to doff my hat to the chairman of the committee, to our ranking member, particularly to the gentleman from Florida [Mr. GIBBONS] and the gentleman from Illinois [Mr. CRANE] for the shepherding of this very important and, I think, historic agreement to this point for our consideration here today. I think as well we should remember the very important work done by Secretary of the Treasury Baker and especially, and I am particulary pleased to give this accolade, to the trade ambassador, Clayton Yeutter, who is a Nebraskan and someone who has worked very hard and helped to bring together the diverse interests and to organize the thoughts that were necessary to bring these negotiations to a conclusion between these two countries.

Mr. Chairman, remember that this is not a treaty. It is often referred to as a treaty; it is not. It is an agreement, and the reason it has to go to both the United States and Canadian legislative bodies for approval is because the agreement changes the statutes of each country, and the tariff rules and regulations and customs duties that are collected, and so for that reason we must approve this United States-Canadian Free Trade Agreement which H.R. 5090 implements.

Mr. Chairman, I think it is the most important bilateral trade agreement that the United States has ever undertaken. This agreement is a critical span on the bridge Ronald Reagan has wanted to build since the 1970's when he called for a united North American economy. It may well prove to be one of his most enduring legacies.

Mr. Chairman, the agreement is a vital step in advancing North America's competitive abilities particularly as we face an economically united Europe or the prospects of it in 1992.

It is also vital for the success of the new general agreement trade and tariff round, the GATT round.

The importance of the agreement to these negotiations is obvious. If two major trading nations with close cultural and economic links like the United States and Canada cannot agree to reduce trade barriers, what chance will most of the rest of the world have engaged in such an endeavor?

Most agricultural interests agree that the direction the agreement sets for trade expansion is correct and that the agricultural concessions made by both sides, although limited, are balanced.

Even though many farm problems remain, the administration's clarifications of many of these issues have gone a long way to ensure that producers of wheat, eggs, pork, cattle, corn, sugar beets, and dry edible beans are not drenched in a sea of underpriced Canadian commodities, that forgoing of the Canadians by the crow's nest rail subsidies to the west, although they still exist for commodities moving eastward, is a concession, I think, that together with the 5-year agreements and other things will give us a chance to monitor the impact on bilateral agricultural impact in the future.

Although the direct impact on agriculture is limited, the long-range importance of the accord to the industry is not. If the new GATT round is endangered by a failure of this free trade agreement, so too then would be the fundamental trade objectives of American agriculture. Those critical objectives are a reduction of worldwide barriers to farm exports and an end to the subsidy shoot out in which the only winners are giddy, greedy buyers happily snatching up commodities below the cost of production.

Mr. Chairman, if we are to achieve these objectives in the world trade talks, we have to get this agreement in place. I urge the adoption of this agreement and the implementing legislation by my colleagues today.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Chairman, I rise in support of H.R. 5090, the bill to implement the United States-Canada Free-Trade Agreement. Not only does this agreement represent a historic turn in our relations with Canada, but it also gives United States service and manufacturing industries new market opportunities that should boost American competitiveness worldwide.

Although the United States and Canada share the longest nonmilitarized border in the world and are each the other's most important trading partner, past attempts to open up trade between the two countries have most often failed. Canada, fearful that its economy and culture would become dominated by large American companies and institutions, has established high tariff, as well as nontariff, barriers to limit the market penetration of United States firms.

Yet, the United States and Canada remain very much dependent on each other for trade. In 1986, the United States accounted for almost 70 percent of all Canadian imports and 80 percent of all Canadian exports. Between 1980 and 1986, United States exports to Canada grew by almost 30 percent, and Canadian exports to the United States actually doubled.

My State of New Jersey is even more dependent on Canada's export market than the United States as a whole. In 1984, almost 30 percent of all New Jersey's manufactured exports went to Canada. An estimated 22,000 residents of New Jersey had jobs producing goods for export to Canada.

Under the agreement, key New Jersey industries—such as chemicals, computers, plastics and telecommunications—should soon have greater access to the Canadian market. High Canadian duties on computers will be eliminated immediately by the agreement. Duties on large telephone switching equipment will be phased out over a 3-year period. Duties on chemicals, telecommunications equipment, furniture and aftermarket automotive parts will be eliminated over a 5-year period. And, duties on plastics, one of New Jersey's two most important export products, are scheduled to be terminated over a 10-year period.

Although this agreement does not go as far as we would like in some areas, the legislation commits our Government to continue negotiations to get more favorable agreements in the future covering auto trade, investment and intellectual property. Furthermore, the administration has commited itself to increase enforcement efforts at the border to ensure that Canada fully complies with concessions won in the area of auto trade, which accounts for one third of all our trade with Canada. In addition, the administration will review Canada's duty remission programs for autos to determine whether they constitute an unfair trade practice under United States trade law.

But, New Jersey's service firms, as well as manufacturing firms, stand to gain from the agreement. United States service firms will have far greater access to Canada's deregulated financial services market under the agreement than is true now. Business travel to the United States should also increase as a result of provisions of the agreement. New Jersey's insurance, bank and securities firms will now be able to engage in a broad range of financial services that Canada has prevented these firms from entering previously.

New opportunities for New Jersey's manufactured goods should bring about a narrowing of the State's $2.6 billion trade deficit with Canada last year. And, expanded access to Canada's insurance and other financial services market should increase our country's $11.3 billion surplus in trade in services with Canada still further.

But, I believe the agreement will prove to have more than marginal significance for the trade accounts of Canada and the United States. Instead, I believe the agreement will be a major boost to United States competitiveness. With foreign goods and services claiming more and more of the U.S. market, U.S. firms must find new markets for goods and services that have been displaced by these imports.

The free trade agreement gives United States firms an advantage in the Canadian market over firms from any other country. This advantage will give United States firms market strength in Canada that should lead to increased competitiveness in other world markets as well.

Mr. Chairman, I urge my colleagues to vote for H.R. 5090.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL], our colleague on the Subcommittee on Trade and the Committee on Ways and Means.

Mr. FRENZEL. Mr. Chairman, I would like to begin my presentation by congratulating all of the people who have been involved on both sides of the border in negotiating this agreement and in working toward congressional and parliamentary ratification.

I think that many of us often overlook the troops in the trenches. I particularly would like to call attention to Ambassador Peter Murphy, whose lonely job it was to engage in most of the negotiations right up the very end of the process with his Canadian counterpart. Peter did, I think, an extraordinary job of trying to defend U.S. interests while at the same time promoting economic activity on both sides of the border.

I would like to congratulate Ambassador Holmer and Counsel Bello of the USTR's office, Ambassador Yeutter and, of course, the others who came into the negotiations later, like Secretary Baker.

On the congressional side, particularly in this House, I do not see how this House could handle trade affairs without the steady hand of the gentleman from Florida [Mr. GIBBONS]. I think Members do not understand the burden under which he has labored handling a number of major bills including the omnibus trade bill and this bill, at the same time trying to keep an eye on the Uruguayan round negotiations.

To understand how much work and ability that takes requires more time than we have available today. Nevertheless, I do want to congratulate the gentleman from Florida and his excellent staff who have had more work than ordinary mortals should have to handle, and have handled it extraordinarily well.

Next I would like to move to the scope of the job. We have had some comment about this agreement, some critical comment, which says, "Well, it isn't really a free trade agreement. Why didn't you do it all?" I suppose that many people do not realize that the two-way trade between the United States and Canada is the greatest between any two countries ever in the world. We are the two largest trading countries with each other in the world, and, when one thinks of all of the difficulties that are involved in that trade, running from agriculture to sophisticated manufactures, to services, to investment, that is an awful lot of trade to liberate.

Mr. Chairman, what the negotiators did, of course, was to start by saying, "Let's go to the near-term objective"; that is, getting rid of all the tariffs." And, over 10 years, this agreement does get rid of the tariffs, an enormous step forward. It also eliminates a number of other barriers to trade.

Yes, the critics are correct. It does not eliminate all trade barriers. We do not have a pure free trade agreement before us. But we have a huge step forward, which I will describe in macroeconomic terms a little later.

In addition, Mr. Chairman, we have provided in this agreement a way to improve the agreement. If we can find industries on both sides of the border, and I am advised we have already found some, who wish to accelerate the withering away of tariffs in faster than the 5- or 10-year phases that are available, we will be able to get rid of them sooner, even before the agreement is ratified.

We are also carrying on a good deal of the agricultural negotiations between our countries in the Uruguayan round in the GATT. We expected that we are going to equalize those subsidies on both sides of the border, that we are going to provide for freer trade between our countries, but that is going to come later.

So, not only have we provided a good agreement to begin the process, but we have provided ways in which we can improve on that agreement as our countries progress along the way.

Now, the agreement eliminates the goods and services that move between our two countries under tariff. Canadian goods moving into the United States face an average tariff, of those that are subject to any tariff, at all of about 4 percent. Our goods moving into Canada face an average tariff of around 9 percent. The Canadians are giving a little more on the tariff side than we are. On the other hand, for 10-year products they are giving it rather slowly. And, on the third hand, of course, the Canadians are getting better access to the largest, most succulent market in the entire world.

So I think, Mr. Chairman, on the basis of the tariff giveaways we have a pretty good even score on both sides. What those tariff reductions mean in terms of GNP is even more startling.

We have Canadian studies that indicate Canadians stand, through the 10-year program, to be able to increase their GNP by somewhere between 1½ percent and 10 percent. I do not believe it is possible to get to the high end of that range, but just think of improving GNP by that enormous amount.

On the U.S. side, we have estimates that run around 1 percent, many of them a little less. Now let us take a 1-percent increase. That would mean $740 additionally to every family in the United States. Not a bad return for a little agreement that is going to make almost everybody happy.

There are also estimates that it will increase our exports by many billions of dollars. There is one estimate that calls for a job increase in the United States of a half million to three-quarters of a million jobs. And remember it looks to us like the increases in Canada will be more. Of course Canada, being a smaller economy, will have smaller gains, but the percentage increase will be greater.

Mr. Chairman, that is the benefit that will occur on both sides of the border. Remember that while economic activity increases and while jobs increase, costs to consumers go down unless an industry can be found that is thoroughly monopolized, in which case the monopoly operators may be able to hold these duties that would be otherwise passed on to the consumer. But, in the opinion of most competent economists, most of those cost savings will be passed on to consumers.

Investments on both sides of the border are going to be opened up. Canadian investment in the United States is less than United States investment in Canada. But the difference is not comparable to the size of the economies. In fact, Canada is doing a better job of United States investment than we are doing of Canadian investment, but both of us are going to have our fortunes improved by opening up.

There have been a lot of industries who have come to the negotiators and to the Congress and have said, "Hey, this agreement doesn't give me my heart's desire. It does not do everything I wanted." We have had critics, particularly in agriculture and auto parts and the extractive industries who have said, "You didn't improve my position the way I wanted you to," and yet I think in all of those cases, with the possible exception of uranium, their lots were improved, and there is a good prospect in the future for future improvement.

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I refer, of course, to the statements of the gentleman from Ohio [Mr. PEASE] with respect to auto parts, of his hopes for the future, and my own hopes for continued improvement in the agricultural trade between our two countries and others.

So we are brought to a situation where not only in specific commodities, but more generally, everyone has a chance to profit from this particular bill.

We have that bill that should please all those folks who come around here and grouse and say they are for free trade, but it has got to be fair. They now have that perfect bill, that utopian bill, that does move toward free trade and does it on a fair basis between two trading partners who have had a 200-year history of very close relationships in all regards, but specifically close in commercial activity.

We have enjoyed the benefit of that 4,000-mile unguarded border. We have had the benefits of being together in war and peace. We have had the benefits of sticking close together in our foreign policies and of trying to do business with each other whenever we could.

In my State, people who do not understand the pact are for it. They said that if we can't make a deal with Canada, our best and closest friend, we can make a deal with anyone. I believe we can. I believe we have done so.

We have a bill here, in short, in which everyone gains, and literally no one loses.

It seems to me that what we need to do in this House is to set the standard for ratification. I believe this bill is going to be overwhelmingly ratified in the House. If there are a couple votes against it, I will still be disappointed. I would like to see everyone vote for it. I think the other body of this Congress will give it similarly a strong endorsement by voting for this bill.

In Canada, things are a little more uncertain. There are opponents to the bill up there who are trying to slow it down or to defeat it. In my opinion, those people are not listening to the economists, but I am not going to try to set Canadian internal policy. I am going to leave that for the Canadians.

That, incidentally, is one of the good things about this bill. Canadian negotiators and United States negotiators were allowed to defend their own interests. All the U.S. laws with respect to trade relief are maintained in place. Counterpart Canadian laws are also maintained in place.

Mr. Chairman, I do not think we have ever had such a splendid opportunity and I am sure we have not had this chance in trade legislation in my time in Congress. We have a beautiful win-win situation. There is almost no way we can lose. Let us ratify this agreement by a large majority, and thereby salute those people who worked so hard on both sides of the aisle and on both ends of Pennsylvania Avenue.

I would salute the cooperative process between the executive department and the legislative department where problems were worked out very carefully, sometimes with difficulty.

I would salute the legislative process by which about 20 committees of both the House and the Senate put together this very unusual effort.

Could it be better? I suppose it could.

Is there any downside on it? Not for the United States and not for Canada. It will help us on both sides of the border to improve our economic lot.

Mr. Chairman, I urge its speedy and overwhelming affirmation.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman who has worked tirelessly for the promotion of free trade, as has the gentleman from Florida.

Mr. Chairman, if the gentleman's time is up, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. The gentleman has as much time as he wishes. He controls the time.

Mr. FRENZEL. Mr. Chairman, I continue to yield to the distinguished gentleman for his comments.

Mr. AuCOIN. I was just complimenting the gentleman, Mr. Chairman, who has I think exhibited outstanding leadership in the promotion and advancement of free trade and resisting the temptation to erect trade barriers, which I think ultimately hurt and not help this Nation.

That same compliment could be extended to my friend, the gentleman from Florida [Mr. GIBBONS] who I think has been an outstanding leader in this field.

Mr. Chairman, I strongly support the United States-Canadian Free-Trade Agreement. It is a giant step forward toward sanity in the bilateral trade relations between two major trading partners.

In particular, I want to call to the attention of my colleagues the very important precedent that is set in this agreement by the inclusion of services, which I think sends a very real signal to the GATT negotiators that services need to be brought to the table and discussed and dealt with seriously there, because this is an area of neglect, frankly in the GATT negotiations.

I think there is a precedent here that gives momentum to those efforts in GATT, all for the greater good and glory of freer trade, not pristine free trade, but freer trade among the nations of the world. To the extent we do that, I think we enhance the wealth and the economic standing of all the countries who participate in such regimes.

I appreciate very much the gentleman yielding to me and again I associate myself with his remarks.

Mr. FRENZEL. Mr. Chairman, I thank the distinguished gentleman for his contribution. The gentleman from Oregon has been a tower of strength in the field of export expansion and increasing trade between all countries.

I would like to pick up on one of the gentleman's thoughts, and that is the message that this sends to the GATT. We cannot execute a lot of free trade agreements around the world. It is very seldom that we have a neighbor like Canada that has very similar economic conditions and a history of close and friendly associations with whom we can negotiate one of these kinds of agreements. But, the agreement itself does send a message that, if the GATT does not do the job in the Uruguay round, countries of the world will look for other ways to open up their trading systems to build a better world for all of us.

I think it is not a harsh warning to the GATT, but it is a gentle and friendly reminder.

Mr. GIBBONS. Mr. Chairman, before I yield to others, I yield myself such time as I may consume.

Let me say that the gentleman from Minnesota [Mr. FRENZEL] has just completed a very eloquent statement. I appreciate his hard studious work and selfless presentation that he makes on all these subjects. Without him, the work of this Congress would be much more difficult. He performs an invaluable service in dealing with our foreign friends.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, I certainly thank the gentleman from Florida for yielding this time to me. I commend him and the gentleman from Minnesota for their contribution and for their leadership in producing this particular act.

Today the House has before it an historic opportunity to ratify the United States-Canada Free-Trade Agreement [FTA]. The FTA was negotiated by the executive branch pursuant to authority from the Congress and the implementing legislation was fashioned jointly by the two branches. As the President said when he submitted this legislation:

> This Agreement sets a new standard for exemplary teamwork between the Congress and the Executive branch. The United States-Canada Free Trade Agreement provides for the elimination of all tariffs, reduces many non-tariff barriers, liberalizes investment practices, and covers trade in services. The Agreement is a win-win situation for both countries. It will create more jobs and lower prices for consumers on both sides of the border. The overall result will be increased competitiveness and a higher standard of living in both countries.

Of specific concern to the Committee on the Judiciary are the provisions of the bill relating to judicial review of countervailing duty and antidumping cases. A central feature of the negotiations and the FTA itself, was the creation of binational panels to review final decisions in these categories of tariff cases instead of resort to judicial review. The use of an international arbitration tribunal to resolve disputes has been used since the Jay Treaty of 1794. In this case the development of binational panels—consisting of two American, two Canadians and a fifth member selected by an agreement—represented an imaginative solution to a stalemate in the negotiations.

The Subcommittee on Courts, Civil Liberties, and the Administration of

Justice which I chair, undertook to examine the legal and constitutional issues posed by the binational panel process. We conducted a 1-day hearing on the subject on April 28, 1988. We heard from the administration, an academic expert and various bar groups. In addition, the subcommittee received extensive written comments from leading academic experts and other bar associations. The consensus that emerged was that the FTA is constitutional. Specifically, the binational panel process does not violate article III of the Constitution or the appointment clause. The implementing legislation resolves the due process issues concerning the FTA.

The FTA carries more than the usual presumption of constitutionality. The FTA and implementing legislation are the product of extensive discussions and dialog between the legislative and executive branches. Where Federal courts are faced with fundamental constitutional questions it is likely that the shared responsibility for tariff and foreign affairs possessed by these two branches will place the FTA on strong constitutional ground.

Article III of the constitutional grants Congress general authority to affect Federal court jurisdiction. In the case of the FTA—involving adjudication of government created "public rights"—that authority permits the removal of statutory claims from ordinary judicial review function will be performed by an international body applying international law as well as domestic law.

Substitution of panel review of the preexisting system of judicial review does not deprive anyone of due process. To the extent that the constitution requires a forum for the adjudication of constitutional claims—both facial and as applied—the implementing legislation accomplished that goal.

APPOINTMENTS CLAUSE

The FTA establishes binational tribunals to review antidumping and countervailing duty cases involving Canadian goods. A question was raised as to how decisions by the binational tribunals remanding a determination would be implemented by the appropriate U.S. administering authority or by the International Trade Commission.

The committee feels strongly that under the terms of the FTA and the accompanying implementing legislation, the decisions of the binational panels and extraordinary challenge committees are binding on the United States as a matter of both domestic and international law. Therefore, all that is constitutionally necessary in the implementing legislation is a simple grant of authority to the agencies that will carry out the panel and committee determinations.

The terms of the free-trade agreement and the accompanying implementing legislation make the decisions of the binational panels binding as a matter of international law. It is well established that international law is a part of the law of the United States. Questions were raised, however, concerning the consistency of the FTA with the appointments clause of the Constitution. Article II, section 2, clause 2 of the Constitution has been construed by the Supreme Court to require that persons "exercising significant authority pursuant to the laws of the United States" must be "officers of the United States." It has been claimed that as result of the appointments clause the panel decisions can only be implemented through a Presidential direction to the administering authorities. The argument that panel decisions cannot be implemented directly because of the presence of Canadian panelists—that is, persons not appointed under the appointments clause—is not persuasive because although the FTA incorporates United States trade law, the binational panels are set up to implement the FTA and are, thus, not charged with the enforcement or execution of United States law. If the appointments clause were read to preclude the United States from entering into international arbitration decisions, such a view would be unreasonable because no foreign government would ever agree with the imposition of a condition that all arbitrators be appointed by the United States.

The recent separation of powers cases decided by the Supreme Court have struck down acts of Congress that have attempted to assign significant authority in the enforcement of the laws of the United States to persons appointed by or under the control of the Congress. As one recent case put it, these cases involved the "aggrandizement of congressional power at the expense of a coordinate branch of government."

The court in Morrison versus Olson, a challenge to the powers of the special counsel statute based on an appointments clause claim, reiterated this point when it said:

> While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity.

A "workable government" surely encompasses the ability of the U.S. Government—acting through the representative branches—to exercise the power of a sovereign nation by entering into an agreement requiring the international arbitration of claims. As Professor Henkin, the dean of the foreign relations bar, has noted:

> Nothing in the Constitution denies the United States the power which other nations have, to participate in establishing an international tribunal, to submit to review of governmental activity by such a tribunal, and to bind the United States under international law to abide by the judgments of that tribunal * * * [such] power [is] conferred upon it by the community of states (of which the United States is a member).

The negotiation of the FTA and its implementation by legislation do not "pose a dange[r] of congressional usurpation of executive branch functions." The administration specifically requested negotiating authority with respect to tariff questions and Canada. The Congress granted such authority, the administration voluntarily entered into an agreement that set up the binational panels, and Congress must approve the implementing legislation. Specifically, the use of binational panels does not replace any executive branch function with congressional intervention; rather, it subjects the decisions of administrative entities to binding international arbitration under international law.

The constitutionality of utilizing international tribunals can also be seen from the pattern of their use throughout our history. Starting with the Jay Treaty of 1794 to the Boundary Waters Treaty with Canada in 1909 to the resolution of the Gulf of Maine dispute to the settlement of claims with Iran in 1981, the United States has resorted consistently to the use of international tribunals to adjudicate disputes. To date there have been no successful challenges to these mechanisms. Indeed, a previous challenge to international arbitration was unsuccessful. There have not been appointments clause problems with earlier binational panel tribunals. As Professor Bruff concluded:

> [Buckley v. Valeo] * * * should not be read to condemn this history, or to require formal appointment of the arbitrators to federal office. Since a central function of the Appointments Clause is to allow executive supervision of officers, such appointments would either be inconsistent with the arbitral role, or would needlessly trivialize the Appointments Clause.

The vast majority of expert witnesses who presented testimony to the Subcommittee on Courts, Civil Liberties and the Administration of Justice did not believe there was an appointments clause problem. The committee agrees with these experts that no appointments clause problem is raised.

The binational panels are established to implement the FTA, an international law agreement, and the panelists will apply international law under the FTA. Panelists will be exercising authority pursuant to international law, therefore not enforcing the laws of the United States.

As Prof. Louis Henkin has noted, once the FTA is approved by Congress and signed by the President, it will be the "law of the land, equal in authority to any act of Congress or treaty of the United States." No further statutory direction is necessary in legislation for the President to implement the "law of the land." Article II, section 3 of the Constitution already requires the President to "take care that the laws be faithfully executed."

The method chosen by the committee to implement the FTA is constitutional because it will be adopted by Congress through implementing legislation and signed into law by the President. Further, the President will be bound to implement binational panel decisions as a matter of international law. And it is well established that internatioinal law is a part of the law of the United States. For a more detailed analysis of the legal and constitutional issues, please refer to the committee report, 100-816, part IV.

In sum, the FTA is a good agreement. It furthers free trade and the implementing legislation is constitutional.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am pleased to yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I would like to ask the chairman of the Committee on Ways and Means a question. I have concerns about the mechanism in the legislation by which decisions of binational panels and extraordinary challenge committees created under chapter 19 of the free trade agreement are implemented. The legislation contains two provisions to implement these decisions—a primary provision, and then a fallback provision in case the primary provision is held unconstitutional. Can you tell me why the legislation contains these two provisions?

Mr. GIBBONS. Mr. Chairman, the Committee on Ways and Means believes the primary provision to implement binational panel and extraordinary challenge committee decisions contained in section 401(c) of H.R. 5090 is constitutional. We adopted a fallback provision—though we do not believe it is necessary—only to eliminate any potential problems that could conceivably arise in carrying out the binational review provisions of the free trade agreement. The committee was only willing to agree to a formulation of the fallback provision that ensures the present status of the International Trade Commission as an independent agency is preserved and not made subject to any Presidential directive. For further explanation in response to the gentleman's inquiry, though, I would defer to the gentleman from Wisconsin, the chairman of the Subcommittee, Committee on the Judiciary, since the Committee on the Judiciary shares jurisdiction over these provisions with the Committee on Ways and Means.

Mr. KASTENMEIER. Mr. Chairman, the gentleman from Indiana and the gentleman from Florida are referring to the part of section 401(c) of H.R. 5090 that adds a new subsection 516A(g)(7) to the Tariff Act of 1930 (19 U.S.C. 1516(a)).

The free trade agreement creates a binational panel system to review final antidumping and countervailing duty determinations. Once a panel has reviewed a determination by a U.S. agency, the panel's decision needs to be carried out by that agency. The legislation, therefore, must provide authority for the appropriate agency—which can either be the International Trade Administration within the Department of Commerce, or the independent International Trade Commission—to carry out or implement the panel decision.

Once the free trade agreement, statement of administrative action, and accompanying implementing legislation are approved by Congress and signed by the President, the decisions of the binational panels are binding on the United States as a matter of both domestic and international law. Members of the panel are acting pursuant to international law—the free trade agreement. Panelists are therefore not officers of the United States who exercise significant authority pursuant to the laws of the United States. Under *Buckley* v. *Valeo* (424 U.S. 1 (1976)), then, there is no need to either appoint the panelists pursuant to article II, section 2 of the Constitution—the appointments clause—or, importantly, to involve the President in the implementation of panel decisions. The Committee on the Judiciary received strong testimony supporting this conclusion from many experts. For the reasons I indicated earlier in my statement, the committee believes that all that must be included in implementing legislation to enable the appropriate U.S. agencies to carry out panel—or extraordinary challenge committee—decisions is a simple grant of authority.

New section 516A(g)(7)(A) contains this grant of authority. The appropriate administering authority or the International Trade Commission is given the power to take action to implement directly a panel decision. The committee believes that this is sufficient and constitutional.

While a question has been raised about the sufficiency of this provision under the appointments clause, both the committee and the administration—as the administration expressed in its statement of administrative action—believe that it is unlikely that this grant of authority could be the subject of a successful constitutional challenge.

The committee recognizes the importance to the free trade agreement of guaranteeing that all panel decisions are carried out. Because of this and the unique nature and importance of the free trade agreement, a fallback provision to implement panel decisions has been included in H.R. 5090. This fallback will only take effect in the unlikely event that the Supreme Court finds the primary grant of authority in the bill to carry out panel decisions to be unconstitutional.

Mr. SHARP. What is this fallback provision?

Mr. KASTENMEIER. It is the same as the primary provision, except that Presidential acceptance of a panel decision would have to occur before the appropriate agency would have the authority to implement it.

Mr. SHARP. Would the fallback provision ensure that all panel decisions are implemented?

Mr. KASTENMEIER. The fallback provision on its face does not require the President to accept every panel decision. However, the administration has represented, in its statement of administrative action, that should the fallback provision become operative—which, as I said, we believe is unlikely to occur—it will issue an Executive order stating that the President will in fact accept every panel decision. Further, the President accepts the panel decision in whole and, upon acceptance, direct implementation is required as under the primary provision. The President cannot exert any influence on the process by issuing substantive instructions to the agencies regarding their implementing action.

Mr. SHARP. Would this type of fallback provision serve as a model for future legislation?

Mr. KASTENMEIER. It does not. While the committee does not believe that the fallback provision is really necessary, the provision is being included to eliminate even the remotest possibility that a problem could be raised with this important part of the implementing legislation. The fallback provision should not be seen as a precedent for future legislation.

Mr. SHARP. I thank the gentleman. Along with Chairman DINGELL, I strongly agree with you that the primary implementing provision is constitutionally sufficient. It also protects the independence of the International Trade Commission, an independent agency within the U.S. Government. This independence would be threatened should the ITC's power to act to carry out a panel decision be subject to Presidential direction. The President should not have control over the actions of an independent agency.

Though I, like the gentleman, do not believe a fallback provision is necessary, I am comforted at least by the administration's express representation that should the fallback take effect, an Executive order will be issued stating that the President will accept every panel decision. This will eliminate the chance that there could be Presidential control over the ability of the ITC to carry out a panel decision.

Mr. GIBBONS. Mr. Chairman, I would like to assure the gentlemen from Indiana and Wisconsin that I agree with what the gentlemen have said, and thank them for this explanation.

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Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I intend to support the bill to implement the free trade agreement with Canada. I believe it will generate significant additional trade with Canada, which will translate into more jobs, more income, and a more prosperous economy in the United States.

This is one of those situations where I can cast a single vote that is both in the national interest and to the benefit of the people I represent in Wyoming. I realize that the free trade agreement is not universally praised by every sector of the economy in every corner of my State and the Nation, but the overall effect of the agreement will be positive. That is why I support it.

In 1986 Wyoming and Canada conducted almost 60 million dollars' worth of trade with each other. The balance of trade favored Wyoming, which sold about $13 million more of goods and services to Canada than it bought. Experience with trade agreements in the past has shown that they increase trade. Wyoming can expect generally improved access to markets in Canada, a country which has some of the highest tariffs in the industrialized world.

In 1986, Wyoming sold about $11 million of inorganic chemicals to Canada. The free trade agreement will help increase sales by phasing out Canadian duties. The United States Foreign Commercial Service in Canada rates sales of these chemicals as one of the best export prospects for United States firms.

As Wyoming seeks to broaden its economy, the free trade agreement will help new businesses in the State expand their markets. For example, the Brunton company of Riverton, WY, the only American company making recreational compasses, believes that the agreement could increase its sales by 10 to 15 percent. Nearby in Riverton, DH Print, a company making printer heads, is eager to see Canada lift the tariff on DH Print's products.

Western Oil Tool & Manufacturing Co. of Casper anticipates sales of $1.3 million to Canada this year of its bodies for 150-ton and 170-ton trucks. Sales of other products in previous years would undoubtedly have been higher than they were, had it not been for the 25 percent Canadian duty on WOTCO's exports. The free trade agreement would eliminate this duty, allowing the company to compete more freely in the Canadian market with its entire line of heavy equipment components.

Many agricultural groups endorse the free trade agreement, including the National Wheat Growers, The American Farm Bureau Federation, and the National Grange, because they recognize the benefits of enhanced trading opportunities between the two countries.

It is equally important to make clear what the free trade agreement will not do. Above all, the agreement will not hurt the Wyoming natural gas industry. Gas producers have complained, with good reason, about trade practices which are unfair to domestic gas producers in some U.S. markets. They are concerned about several regulations, of the Federal Energy Regulatory Commission and the Energy Regulatory Administration, which they believe discriminate against domestic gas. They have understandably used the debate over the free trade agreement to call attention to these regulations.

But it is critical to note that the only connection between unfair U.S. regulations and the free trade agreement is the timing of the debate on the two issues. Quite simply, the gas industry has held back on it support for the free trade agreement in hopes of winning concessions from U.S. regulatory agencies. The Independent Petroleum Association of the Mountain States has said clearly, "If we get the changes * * * then IPAMS would not oppose the Canadian Free Trade Agreement."

IPAMS has also noted that, "nothing in the free trade agreement itself speaks to the problems identified by IPAMS, nor requires any governmental action." To put it another way, the free trade agreement itself does nothing to change the laws or terms governing gas trade between the United States and Canada. As has been noted elsewhere, the phrase "natural gas" is not even used in the agreement.

The Oil and Gas Journal of April 4, 1988, quotes a products marketer as saying, "In many ways, the FTA constitutes a restoration of the more rational bilaterial energy policies of the 1950's and 1960's."

I support the changes in regulation which the gas industry calls for. I voted against the windfall profit tax when I first came to Congress, and have worked for its repeal. I am pleased to note that with recent passage of the trade bill, the tax will finally be wiped off the books.

I also support deregulation of natural gas, and I will continue to do all I can to bring that about.

And on the subject of U.S. regulation of natural gas, I am assured by the administration that nothing in the agreement would diminish efforts to modify two irksome FERC regulations, orders 256 and 500, which are rightly singled out as unfair to domestic gas producers.

I am satisfied that nothing in the free trade agreement would change the equation between the United States and Canada in such a way as to jeopardize the Wyoming-to-California natural gas pipeline. I note that the Casper Star-Tribune of April 21, 1988, reported that representatives of gas producing and consuming companies interested in the pipeline concluded that, "The Canada Free Trade Agreement now being considered in Congress will not have much impact on the market for Wyoming gas."

Further, the U.S. Trade Representative's office has assured me that it fully supports the pipeline and will cooperate with the State in every way possible to work toward getting the pipeline project completed successfully.

My one reservation for the agreement is with its treatment of the uranium industry. The free trade agreement would repeal certain protective provisions of law that have been on the books for the past 25 years, designed to maintain a viable domestic uranium industry.

Anyone who is familiar with the uranium and nuclear businesses knows that these are dark days for these strategic industries. The uranium industry has suffered an unimaginable 90-percent decline in employment, and most mills and mines are shut down. Demand for nuclear power is stagnant.

Nevertheless, it is just as important now as ever—perhaps more important—to maintain a viable domestic uranium industry capable of meeting strategic needs now and in the future. Even if the United States were to disarm all of its nuclear weapons and never build or license another nuclear powerplant, over 200 nuclear-powered ships in the U.S. Navy and over 100 commercial powerplants, supplying nearly 20 percent of the Nation's electricity, will continue to depend on a reliable supply of affordable uranium into the next century.

So it is vital that we replace the protections which are eliminated by the free trade agreement with other provisions suited to today's circumstances.

This means that Congress must complete action on separate legislation to maintain a viable domestic uranium industry. The Senate has already acted by attaching a uranium revitalization proposal to a House-passed bill, H.R. 1315, the Nuclear Regulatory Commission reauthorization bill. That measure now goes to a House-Senate conference committee where differences between the House and Senate versions must be reconciled. As the chief House sponsor of the uranium revitalization proposal, I will be working closely with relevant Members of both the House and the Senate to secure final action on this legislation to assure a strong domestic uranium industry.

Mr. Chairman, Wyoming is still heavily dependent on the oil and gas industry, and the free trade agreement would do nothing to harm it. At the same time, it would help open up markets for emerging Wyoming companies and industries. It would remove tariffs and encourage trade with Canada, a relationship which favors Wyoming.

At a time when Wyoming is searching for new, global markets and ways to diversify its economy, the free trade agreement sends the right message to Canada and would help clear the tangled path of trade between Canada and Wyoming.

Mr. CRANE. Mr. Chairman. I yield 6 minutes to the distinguished gentleman from New York [Mr. FISH], a member of the Committee on the Judiciary.

Mr. FISH. Mr. Chairman, the United States has a special, unique relationship with our northern border neighbor—Canada. This historic relationship is reflected in part by the fact that we were allies through two world wars and since that time have implemented mutual security agreements in the joint defense of North America. Our friendly proximity necessitates cooperation with respect to energy policy, transportation, agricultural commodities, and environmental concerns. We are each other's largest trading partner and, in fact, have functionally interdependent economies. Finally, and perhaps most fundamentally, we share democratic values as well as cultural and ethnic origins.

Mr. Chairman, it is difficult for me to conceive of a more logical international relationship than that between ourselves and Canada as the basis for a mutual free trade pact. The United States-Canada Free-Trade Agreement [FTA] represents an economic opportunity of profound importance to the two countries involved. If adopted, this agreement will establish the largest free trade zone in the world.

The United States and Canada currently exchange more goods and services between them than any other two nations in the world—close to $160 billion annually. Canada is by far our largest trading partner and, in fact, is the fastest growing market for United States exports. In recent years, about one-quarter of all United States exports have gone to Canada. American manufactured goods exported to Canada are 20 percent higher than to the European Common Market and three times higher than to Japan, our second largest trading partner. As remarkable as it seems, our country trades more with the Province of Ontario than it does with the Nation of Japan. The implementation of the FTA can only enhance this already mutually beneficial economic relationship.

Under the terms of the free trade agreement, all ad valorem tariffs between the two countries will be removed over a 10-year period and a number of nontariff barriers are addressed as well. Importantly, the FTA is fully consistent with the obligations of both the United States and Canada under the GATT. It covers substantially all trade, and is therefore acceptable under the provisions of article XXIV of the GATT. The FTA is already being viewed internationally as creating a positive climate for further GATT negotiations.

The FTA legislation before this House reflects months of negotiations between representatives of the executive branch, Members of Congress, and relevant committee staff. Under the fast-track provisions (19 U.S.C. 2191-2194), the Congress has, at the outside, 90 legislative days within which to approve this language. If approved by the House of Representatives, the United States Senate, and the Canadian Parliament, the FTA will take effect on or after January 1, 1989.

H.R. 5090 was referred to the Committee on the Judiciary principally because of the modifications of judicial review contained in the free trade agreement and because of certain constitutional questions raised in connection with the binational review panels established by the free trade agreement. Specifically, under the free trade agreement, administrative decisions in antidumping and countervailing duty cases are made subject to review by five-person panels consisting of individuals appointed by the two countries. These binational panels—that essentially replace judicial review in the Court of International Trade and any subsequent appellate review—will be implementing international law as reflected in the text of the agreement. They will, however, be applying the laws of the country whose agency decision is being reviewed, including the existing standard of judicial review in such cases.

There are also some immigration provisions of note contained in the free trade agreement. Chapter 15 of the FTA and section 307 of H.R. 5090 provides for the temporary entry of business persons, traders and investors, professionals and intracompany transfers on a reciprocal basis while maintaining necessary provisions to ensure border security and protect domestic labor concerns.

Most of chapter 15 is consistent with existing provisions of the Immigration and Nationality Act. However, legislative action is needed to allow the admission of treaty traders and investors as nonimmigrants since, to date, Canada and the United States have never entered into a formal "treaty trader" relationship. The agreement lists the specific occupations to be covered. The United States and Canada are to establish a procedure for the annual review of the implementation of these provisions by immigration officials of both countries.

The Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Judiciary Committee held a hearing on April 21 of this year, principally focusing on the binational review mechanism. I am satisfied, based upon the testimony from that hearing and from subsequent staff analyses, that the constitutional questions raised by the creation of the binational panels have been satisfactorily resolved.

First of all, because of the broad power that Congress has with respect to commerce and international trade, an article III—judicial—forum is not required to resolve commercial disputes arising out of dumping and countervailing duty cases. Second, the procedural due process rights of the interested persons are fully protected by the manner of appointment of the panels and the opportunity to fully participate in these proceedings.

Third, the Department of Justice raised concerns during the course of the negotiations as to whether or not the implementation of decisions by the binational panels might be inconsistent with the appointments clause of the Constitution. The language contained in H.R. 5090 reflects a compromise responding to those concerns. The language contained in the implementing legislation provides for the direct implementation of the decisions of the panels by the International Trade Commission or the International Trade Administration. However, in the unlikely event that a constitutional challenge is successfully brought against this approach, the President is authorized to accept panel decisions "as a whole" and to assure that the ruling will be implemented.

Before closing, I want to commend the gentleman from Wisconsin, the distinguished chairman of the Subcommittee on Courts, BOB KASTENMEIER, for his leadership role in resolving these problems. In addition, I would like to express my thanks to the representatives of the administration, particularly Ambassador Alan Holmer, the Deputy U.S. Trade Representative, and Judy Bello of the U.S. Trade Representative's Office, as well as Jean Anderson, the general counsel of the International Trade Administration of the U.S. Department of Commerce, and Tom Boyd, from the Department of Justice. Finally, I also want to commend the staff of the Judiciary Committee that labored to ensure that H.R. 5090 addressed our concerns before it was even introduced. From the Subcommittee on Courts, David Beier and minority staff counsel, Joe Wolfe. From the Monopolies Subcommittee, assistant counsel Gary Goldberger and the full committee minority counsel, Alan Coffey.

Mr. Chairman, I am pleased that we are moving forward promptly on this landmark measure and firmly believe that the free trade agreement will be considered one of the foremost achievements of the 100th Congress. I strongly urge favorable action by the House of Representatives on H.R. 5090.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this implementing legislation and in support of the United States-Canada Free-Trade Agreement.

We in my State of Washington hold very favorable and endearing thoughts of our friends in Canada. We have a very close relationship, and this agreement on both sides of the border will foster opportunity and benefit our constituents on both sides of the border. I think it is a very fine thing, and I complement all of those who have worked for this, both here in the

Congress, in the administration, and in Canada.

Any agreement, of course, of this magnitude, the largest trading agreement between the largest trading partners in the world, is always going to have a few specifics that each one of us wish were different. But as a whole, it it a historic improvement and real leadership for the world. And one of the reasons it is so important that this implementing legislation pass with a good, strong vote, is to give leadership for the world to accomplish the types of trade agreements that we ought to have around the world. If the United States and Canada, with our tremendous friendship and liking for each other, cannot come up with positive approaches to trade, certainly in the rest of the world it is going to be almost impossible to do.

So both for the importance of this agreement and for the importance of the leadership role this gives to proper trade policy in the world, I urge adoption of the legislation before us. I want to particularly complement again our leadership on trade, the gentleman from Florida [Mr. GIBBONS] for the work he has done, and the minority for the work that they did on this important legislation.

Mr. CRANE. Mr. Chairman, I yield 5 minutes to our distinguished colleague, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in strong support of H.R. 5090. This legislation, implementing the free trade agreement concluded recently between the United States and Canada, is a remarkable achievement. It may be the most protrade, projobs, procompetitive bill of our generation.

Today, we say to the doomsayers who warn that the U.S. economy is on a downward slope, who tell us Americans cannot deal decisively with a changing economy: We will prove you wrong. We will pass this bill, and in so doing affirm that Americans will not give up; that our confidence in each other is not misplaced; and that we retain the deepest hope and pride in ourselves, our Nation and our future.

During the course of this debate, and throughout the hearings that preceded it, our collegues have engaged one another on the fine points of this bill—its scope, its treatment of certain products, its timetable.

As well they should. Legislation of this magnitude demands the closest scrutiny, and H.R. 5090 has received it. It has been taken apart, inspected, and put back together again—not once, but many times. Our colleagues, many of whom have devoted considerable energy to this most worthy task, deserve our thanks for a job well done. The bill we consider today is the better for their care.

Thanks go also to President Reagan and to Prime Minister Mulroney. Through their vision and persistence, and the grace and toughness of their trade representatives, the United States and Canada succeeded in negotiating what has eluded both nations since 1851: A sweeping free trade agreement between the world's largest trading partners.

Thus, after more than a century, a bold dream is on the verge of becoming reality. That it could happen now attests to the strength of United States-Canadian relations and reflects the relative freedom that has long characterized our respective trade policies.

Historically, tariffs between the United States and Canada have generally not been excessive, and most trade is now duty free.

The free trade agreement builds on this foundation and carries it to its logical extension. It requires both countries to phase out all remaining tariff barriers by the year 2000. This will especially help United States businesses and their employees since Canada's tariffs are roughly twice as high as the United States'.

The free trade agreement will also eliminate most nontariff trade barriers, such as Canadian licensing requirements that discriminate against some United States imports. A special dispute resolution board, long sought by both nations, will be used to resolve unfair trade practices.

When fully implemented, it is estimated the agreement will increase U.S. gross national product between three-tenths and four-tenths of 1 percent. Using our 1988 GNP as a benchmark, this means a $12 to $17 billion increase in GNP and three-quarters of a million new jobs for Americans.

I am also impressed by the economic benefits this agreement will bring to Arizona. My home State ranks third in the Nation in percentage of is manufacturing produced for export. Many Arizonans have long realized the advantages of expanded trade with Mexico and the nations of the Pacific Rim. Increasingly, we are looking north as well.

Last year, Arizona exported 255 million dollars' worth of goods and services to Canada and imported about $132 million. This left us with a $120 million trade surplus. Arizona exported to Canada 57 million dollars' worth of computers, $41 million in semiconductor equipment, $27 million in aircraft engines and parts, and $9 million in navigational equipment. Canada also purchased fruits and vegetables from Arizona valued at nearly $15 million.

With the passage of this free trade agreement, Arizona can look forward to an even greater volume of trade with our Canadian friends and larger number of Canadian tourists, who already spend $300 million in our State each year.

Yet this free trade agreement is not just about Arizona or any other State. It is also about the future and America's power to shape it.

We are moving toward a competitive world economy unlike any we have ever known. Across the Pacific, Japan and the "Four Dragons"—Singapore, Hong Kong, Taiwan, and South Korea—continue to challenge us, and China is waiting in the wings.

Beyond the Atlantic, the nations of the European Community, the EC, are pressing ahead with the "Single Act," their self-imposed plan of negotiating a Western European Free Trade Agreement by 1992. A free market of 323 million Western Europeans would create an economic power larger in population than either North America or Southeast Asia.

That is the real economic future we face. Having glimpsed it, we know we cannot afford to delay. Fortunately, we are ready. We have before us a bill whose passage will let the whole world know America means business. We have before us an agreement whose success will be an example to other nations that would open their markets to us.

Just as Western Europe will soon unite, our goal must be to create a North American free market, binding together the United States, Canada, Mexico, and the nations of the Caribbean Basin in an alliance of mutually beneficial exchange.

The consummation of such a relationship may seem a distant vision to some. But is it really so far away?

The Caribbean Basin Initiative is already a success story. A United States-Canada Free-Trade agreement is today on the brink of becoming reality. Mexico joined the General Agreement on Tariffs and Trade, the GATT, in 1986. It has since slashed hundreds of trade barriers, negotiated a unique bilateral trade agreement with the United States, privatized industries and reduced limits on foreign investment.

Mexico's extraordinary progress would have been unthinkable 10 or even 5 years ago. To encourage this trend, I recently introduced legislation, House Concurrent Resolution 247, expressing the sense of Congress that the United States and Mexico should negotiate a free trade agreement, inspired by the accord we are considering today.

With plans for an economic fortress Europe underway, and with growing pressure from East Asia and the Pacific Rim, the task of building a North American free market must not be left to chance. It must be a major objective of U.S. trade policy.

By approving the United States-Canada Free-Trade Agreement, we will take another critical step in that journey. I urge Congress not just to pass this legislation, but to do so resoundingly, and thus send a clear message to our colleagues in the Canadian Parliament that we extend our hand in partnership, not parenthood.

Finally, I call on the next President, Republican or Democrat, to use the United States-Canada Free-Trade Agreement to bring representatives from all the nations of North America to the bargaining table. Their goal should be to negotiate, within our lifetime, a North American free market. United, our continent can, and must, lead the world into the economy of the 21st century.

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Mr. GIBBONS. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. LAFALCE], the chairman of the Committee on Small Business, a member of the Committee on Banking, Finance and Urban Affairs, and a distinguished member of the United States-Canadian Interparliamentary Group.

Mr. LAFALCE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support.

Mr. Chairman, this is a historic moment for today the U.S. House of Representatives will approve the most comprehensive trade agreement in the history of the world. It is an agreement that's good for the United States, good for Canada, and good for the world.

Many individuals should be thanked for having reached the moment we are at today. I can think of a number who certainly must be mentioned: David McDonald, Chairman of the McDonald Commission in Canada, a renowned liberal within Canada and a strong proponent of this comprehensive approach and this agreement in particular. Certainly our Ambassador, Peter Murphy, and the Canadian chief negotiator Simon Riesman; our President, Ronald Reagan, and the Canadian Prime Minister, Brian Mulroney; our former Secretary of the Treasury Jim Baker and their Finance Minister, Michael Wilson; our former Secretary of Commerce Mac Baldrige and their former Minister of International Trade Patricia Carney; our Ambassador Tom Niles and their's, Alan Gottlieb; so many individuals who have spent so much time over so many years negotiating this historic accord, we would be remiss if we did not give them special thanks. It has been my pleasure and deep honor to have worked very closely with each of them on this accord.

This is a watershed moment also because we are going to vote today defining whether we want to go protectionist or whether we want to go toward more liberalized trading arrangements emphasizing fairness and competitiveness, not just in the relations between the United States and Canada, but in both our countries' relationship with the rest of the world.

Today's vote will signal the direction in which we wish to go.

This agreement can be a model, also, a model for the bilateral accords we hope to enter into with a great many other countries in the world and, even more importantly, a model for the multilateral arrangements that are being negotiated right now pursuant to the Uruguay round of the GATT negotiations.

This agreement includes many important precedents. For example, this is the first trade agreement in the world that I am aware of that deals in a comprehensive fashion with services. It is the first comprehensive agreement that contains a dispute resolution mechanism. It is the first comprehensive agreement totally eliminating all tariffs between two countries.

The U.S. House of Representatives will do its job today. We will pass this agreement overwhelmingly, and shortly the Senate will do their job. The Senate will pass this agreement overwhelmingly and President Reagan will sign this implementing legislation into law.

But then the ball will be in Canada's court. Were their House of Commons to take a vote today, I am sure that implementing legislation in Canada would also be passed overwhelmingly.

But a political football has been made of this trade agreement within Canada, and the appointed Senate is delaying their consideration of it until after an election.

This is, to my knowledge, unprecedented within the history of Canada.

Over the next several months we can expect to see much appeal within Canada to latent anti-American sentiment. There will be chauvinistic pleadings; they will be masquerading their anti-American message behind anti-free trade agreement rhetoric.

But let there be no solace taken that should this agreement be defeated that we can easily return to the status quo or that we can negotiate some multiple number of sectoral agreements.

Having come this far over so many years, having raised expectations so much, having negotiated so closely, the United States and Canada, we have now come to know the Canadian practices so well and they have come to know our practices so well.

Should this agreement be defeated, I think it is almost inevitable that there will be a major trade war between our two countries, that there will be an avalanche of unfair trading complaints brought both by Canada and the United States that will set back both our countries immeasurably.

The consequences could be catastrophic both for the United States and Canada, and also for the world.

What a terrible model that will set.

Mr. Chairman, today let us do our part within the House of Representatives; let the Senate do their part and then let us hope that the Canadians will do their part. If we all do our part, we all shall win. If any one party should decline, we all shall lose.

Mr. CRANE. Mr. Chairman, I yield 5 minutes to our distinguished colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the distinguished gentleman from Illinois [Mr. CRANE] for yielding this time to me. It is appropriate to begin by commending the distinguished gentleman from Florida [Mr. GIBBONS] for his outstanding effort in its behalf and on our side of the aisle, to commend the gentleman from Illinois [Mr. CRANE] to whom I just made reference, and the distinguished and very able gentleman from Minnesota [Mr. FRENZEL], and to other colleagues who have contributed mightily to the approval of the very good product that we have before us today. And to my fellow Nebraskan, Clayton Yeutter and especially to Chief Negotiator Peter Murphy, who carried quite a load, for him and the United States I offer my congratulations and commendations. When they began their effort I thought that it might indeed be impossible to accomplish what they have now accomplished by presenting the proposed agreement to the legislative bodies of Canada and the United States. They are certainly to be commended for their efforts as well as are their Canadian counterparts.

Mr. Chairman, on January 2, 1988, when President Reagan and Canadian Prime Minister Mulroney signed a free trade agreement [FTA], they set in motion the creation of what would then become the world's largest single market. Once ratified by the United States Congress and the Canadian Parliament, this agreement will establish a new set of rules and regulations to govern our bilateral trade. The effects of these new rules will be to increase economic growth and employment in both nations by reducing the costs of trade through the elimination of all tariffs over a 10-year period and by substantially reducing other barriers to trade.

Today, as recognized by our colleague, the distinguished gentleman from Minnesota [Mr. FRENZEL], the United States and Canada already enjoy the largest bilateral trading relationship in the world. Last year's two-way trade totaled over $130 billion, with the United States selling over $60 billion in goods and services to Canada and buying $71.5 billion in return. Almost 30 percent of this trade is in the automotive sector. Nebraska-Canada trade a year earlier totaled almost $128 million. Incidentally, while the United States ran a trade deficit with Canada, Nebraska had a trade surplus of some $30 million. Nebraska's leading exports to Canada were agricultural machinery and motor vehicle engines and parts. Our major imports were newspaper print and wood pulp.

Canada is the largest market for United States sales abroad, absorbing a quarter of all United States exports. It is also the fastest growing market for U.S. goods. It is a much larger market for us than Japan, which occupies a very distant second place by buying $28 billion in United States products last year. In fact, our exports to Canada are about equal to our exports to all 12 nations which make up the European Community.

Although it is difficult to predict with great accuracy the precise economic benefits that will result from the agreement, the United States Department of Commerce estimates that within the first 5 years, the FTA will increase United States-Canada sales in the two nations by over $25 billion. Some economists predict that over the longterm, the FTA will increase the U.S. GNP by between $12 to $17 billion annually. This GNP growth would create between one-third and one-half million new jobs in the United States, adding to the 2 million United States jobs already dedicated to producing goods for the Canadian market. Growth in Canada is just as certain.

The first and most immediate impact of the FTA will be the 10-year phase out of all tariffs. Canadian tariffs are currently among the highest in the industrialized world, averaging about 10 percent. By contrast, U.S. tariffs average about 3 percent. Under the FTA, some articles will be eliminated immediately. Others will be phased out over 5 years at the rate of 20 percent per year, and finally, some will be phased out over 10 years at 10 percent per year.

The agreement contains a number of important provisions governing various nontariff barriers. For example, many of Canada's restrictions on foreign investment will be lifted, thereby eliminating the burden of maintaining duplicative plants on both sides of the border or of having to export certain amounts of products each year from Canada. It is especially noteworthy that this agreement provides for the first comprehensive international treatment of services that may serve as a model for negotiations now underway in the GATT. As a member of the Committee on Banking, and Finance and Urban Affairs I am pleased to note that the accord opens the Canadian financial services sector to American companies and treats United States banks, securities firms, S&L's, and, in certain instances, insurance companies, the same as Canadian firms.

The FTA also provides for a dispute settlement mechanism that is designed to equitably and rapidly resolve trade squabble. This dispute settlement mechanism may also serve as a model for the GATT. Energy provisions will allow for United States access to cheaper Canadian electricity generated by hydropower. In the automotive sector, tariffs will be phased out over a 10-year period and Canada's practice of waiving duties conditioned on using Canadian parts and components will end immediately.

The United States-Canada Free-Trade Agreement is especially important to small businesses, not only because it significantly reduces the costs of doing business between the two countries but because it streamlines customs procedures and border crossing procedures, thus easing the flow of goods and people across the border. The agreement is also particularly attractive to U.S. exporters of high technology products that typically have only a short-term marketing period before obsolescence; thus delays in penetrating foreign markets are very costly.

The FTA will have far-reaching effects on United States an Canadian trade. However, as already noted, it does not make equal progress in all sectors. For example, agricultural tariffs are phased out over a 10-year period but agricultural subsidies are not covered. Decisions on the latter are deferred to the ongoing Uruguay GATT negotiations.

Our colleagues interested in agricultural issues should take heart in the fact that Canada is a part of the Cairnes Group, nations who are generally quite sympathetic to the agricultural subsidy reforms offered in the Uruguay round of GATT as well as authoring the similar Canadian initiative on the same general subject.

However, it does eliminate the Canadian transportation subsidy on the western shipment of grain, as well as ending import licenses for wheat, barley, and oats when United States and Canadian crop supports on these grains reach the same level. It also bilaterally ends meat import restrictions.

Nebraskans will enjoy expanded trade and economic opportunities under the agreement. Manufacturers will benefit by gains in exports and consumers will benefit by paying lower prices for imports. The ease of trade will offer many Nebraska companies the chance to test an export market for the first time. Experience gained in exporting to Canada can be applied to other foreign markets.

The FTA will go into effect on January 1, 1989, if ratified by the United States Congress and the Canadian Parliament. I believe that the Congress will today overwhelmingly endorse this precedent-setting agreement. In Canada, the FTA has become the focus of a national debate on United States-Canada relations which is shaping a political consensus on this relationship. Despite the high state of political emotion in Canada, the FTA is expected to be ratified by its Parliament.

In conclusion, it is perhaps important to note that growing global economic interdependence has led to a series of trade frictions. With our huge and rapidly acquired trade deficit, we Americans correctly sense that the international rules of trade are not providing us as fair and unimpeded access to foreign markets as, in general, foreigners are given to the U.S. market. The United States-Canada Free-Trade Agreement offers us an opportunity to reduce trade barriers, increase trade, reduce costs to consumers, and make both nations more competitive with the rest of the world.

The United States and Canada share the longest undefended border in the world and a long history of friendship and cooperation for our mutual interests. To quote Shakespeare, "There is a tide in the affairs of men, which, taken at the flood, leads on to fortune." On balance, the higher trade tide under the FTA will be very beneficial to both nations.

I urge a unanimous, favorable vote for the United States-Canada Free-Trade Agreement.

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Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. Guarini], a member of the Subcommittee on Trade and a member of the Committee on Ways and Means.

Mr. GUARINI. Mr. Chairman, I rise in strong support of the adoption of the United States-Canada Free-Trade Agreement, and I want to commend my good friend, the gentleman from Florida, Mr. Sam Gibbons, for his invaluable contribution and for lending his talents and energies to the task of forging an agreement which will give us a better world for tomorrow.

Mr. Chairman, with this legislation we will be on our way to a freer and fairer trade with Canada. The agreement which we are helping to implement today is a truly historic agreement. It will greatly benefit both the United States and Canada. It will help promote jobs in America and in Canada. It will help United States businessmen as well as Canadian businessmen.

Canada is our largest trading partner. Our trade in goods and services exceeded $150 billion in 1986. But for too long, trade betweeen Canada and the United States has been hampered by unnecessary tariffs, quotas, and subsidies. This agreement will help our trading relationship grow unencumbered by removing restrictive trade barriers.

This landmark legislation will benefit manufacturers and consumers alike. Manufacturers will benefit from greater export opportunities and more efficient business operations. Consumers will benefit from greater competition and rationalized production.

For my own State of New Jersey, the agreement will afford the opportunity for increased trade in services, increased exports of products such as chemicals, computers, and telecommunications equipment and additional investment opportunities.

For the entire United States, the agreement will increase economic growth, lower prices, expand employment, and enhance our competitiveness in the world marketplace.

By implementing this agreement, we are strengthening an already deep and growing friendship. We are broadening our economic opportunities and building jobs in both countries. We are removing barriers and helping to set the mood for future trade negotiations.

To those critics who claim this Congress is leaning toward protectionism, let this document bear testimony that we indeed seek freer trade and reduced barriers in the world today. This is truly the way for the future, for peace and better understanding for generations to follow.

We have met the challenge now, and now it is up to Canada to follow through on their part in finalizing this agreement.

Mr. Chairman, I strongly urge my colleagues to vote for this legislation.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to our distinguished colleague, the gentleman from Michigan [Mr. Upton].

Mr. UPTON. Mr. Chairman, trade agreements which reduce trade barriers between two nations sharply increase sales between each of the parties to the agreement. Consequently, the United States-Canada Free-Trade Agreement presents great opportunities for our Nation and for my great State of Michigan.

Michigan carries on more trade with Canada than any other State and does more business with Canada than Japan and the United Kingdom combined. In fact, if Michigan were a separate nation, it would be Canada's No. 2 trading partner. In fact, at least 125,000 Michigan jobs are dependent on exports to Canada.

In 1986 Canada and Michigan traded nearly 26 billion dollars' worth of commodities. Michigan exported 8.2 billion dollars' worth of goods to Canada that year, chiefly in automobile parts and industrial machinery. Michigan also imported 17.5 billion dollars' worth of commodities, including autos and manufacturing imputs such as paper, steel, and lumber.

Service trade between Michigan and Canada is also very great. Michigan probably contributes about 10 percent of the more than $25 billion annual service trade between the two countries. In a key service industry, tourism, Canadians spend approximately $70 million in Michigan each year. There are three areas where Michigan could benefit greatly from the FTA, these include:

MOTOR VEHICLE COMPONENTS

Michigan exported about $6 billion worth of these items to Canada in 1987, representing over 70 percent of exports north. Michigan's auto sector will benefit from the lowering of barriers on used motor vehicles and the restrictions on Auto Pact privileges. More benefits are likely in future years, especially if the two nations can agree on additional changes in restrictive rule-of-origin provisions.

OFFICE FURNITURE

Michigan is a leading producer of metal office furniture, employing nearly 30,000 workers. In 1986 the State sold more than $25 million in these products to Canada.

The Free Trade Agreement enhances this industry by eliminating Canadian tariffs on these products. In fact, by January 1, 1993, many duties on metal office furniture will be eliminated.

AGRICULTURE

Michigan has a strong and diverse agricultural base. My own district is a national leader in producing many fruits and vegetables. Right now the United States exports more than twice the value of vegetables to Canada than does Canada to the United States. Both countries will eliminate all horticultural tariffs within 10 years.

Mr. Chairman, I strongly support this bill, which makes necessary legislative changes in the U.S. law to implement the Free Trade Agreement. I especially want to commend my colleagues in the Michigan delegation who worked hard during the entire Free Trade Agreement negotiating process to make sure the agreement would benefit the workers and industries in Michigan.

Mr. Chairman, this Free Trade Agreement certainly follows a free but fair trade principle. It is something that all North Americans should be very proud of.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the chairman of the Committee on Government Operations, the distinguished American legislator, the gentleman from Texas [Mr. Brooks] who is the incoming chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I thank the gentleman for those kind words, and I rise in support of the bill, H.R. 5090.

Mr. Chairman, I rise in support of H.R. 5090—the United States-Canada Free Trade Agreement Implementation Act of 1988. The FTA is a historic agreement which provides for the elimination of all tariffs, reduces many nontariff barriers, liberalizes investment practices, and, for the first time, covers trade in services. Once implemented, it should further expand what is now the largest trade relationship in the world, amounting to over $166 billion annually in trade between our two countries.

I would like to briefly address chapter 13 of the FTA relating to Government procurement. These provisions, which are implemented by section 306 of H.R. 5090, do the following: First, they open a larger segment of each government's procurement market to full and open competition for American and Canadian suppliers. This is accomplished by lowering the threshold level on GATT government procurement code transactions from $156,000 to $25,000.

Second, in addition to lowering the threshold, Canada is required to establish a bid protest system similar to those currently in place at GAO and the GSA Board of Contract Appeals for this country's Federal procurements. This will provide a forum to United States firms for protesting any covered Canadian Government procurement which is believed to have been conducted unfairly.

Finally, a common rule of origin is established for determining whether a product is, in fact, Canadian or American. This rule is identical to that established by the Buy American Act and currently used in U.S. Government procurements.

Section 306 of H.R. 5090 makes changes to U.S. law necessary to implement the agreement's government procurement provisions. Specifically, this language amends section 308(4) of the Trade Agreements Act of 1979 to give the President authority to waive Buy American Act restrictions on code-covered procurements having a contract value exceeding $25,000. This waiver authority does not apply to other restrictions currently in place in our Federal procurement system, such as those provided by small business and minority business programs and programs for prison and blind-made goods.

Congress recently adopted the Buy American Act of 1988 (title 7 of the Omnibus Trade bill), which is aimed at ensuring that U.S. firms receive fair and equitable treatment when trying to sell their products to foreign government entities. In my view, the government procurement provisions of the United States-Canada Free Trade Agreement build on the principles of that act and should provide United States firms with expanded access to Canadian Government procurements. I urge all of you to support this legislation.

Mr. CRANE. Mr. Chairman, I yield 5 minutes to our distinguished colleague, the gentlewoman from Maine [Ms. Snowe].

Ms. SNOWE. Mr. Chairman, I rise in opposition to enactment of the United States-Canada Free-Trade Agreement.

I certainly support the objectives of this pact to liberalize the United States-Canada trade relationship, already the largest and strongest in the world. The elimination of numerous barriers to fair trade and better prospects for the North American economy are indeed worthy goals. Both the United States and Canada, two countries whose bilateral trade relationship of $150 billion annually is the largest in the world, have something to gain.

My concern, however, is that issues of major contention for Maine and other border States have been denigrated to a lower priority level. I have stressed to U.S. trade negotiators over the past months that the concerns of industries in Maine and other border States cannot be swept aside. Our Trade Representative, Clayton Yeutter, testified to this effect: "It would be a terrible mistake," he said, "to evaluate this agreement on the basis of its impact on particular firms, industries, and States."

I strongly disagree with this sentiment. If we are not to evaluate the agreement's impact on industries and State economies, then what are we to look at?

For the Maine economy, we may well see gains from secured access to energy resources, expanded markets for numerous manufactured finished products, industrial machinery, footwear, furniture, computer equipment and service industries. Many industrial sectors may well benefit from a free trade agreement with Canada. I cannot, however, so easily excuse areas where I think we failed.

In the haste of our negotiators to push "the big picture," they have run rough-shod over the agriculture and natural resource industries in my State, and have neglected some of the State of Maine's principal concerns. Broad macroeconomic dreams and goals are fine, but we can never skip over the trade impact on individual firms. In this case, at least with the State of Maine, we may have done just that.

Because Maine borders on the eastern Canadian Provinces of Quebec and New Brunswick, I have long understood the economic relationship between the United States and Canada. Shipments of products from Canada account for 75 percent of Maine's bilateral trade with Canada. In 1986, Maine imported over $750 million in products from Canada while exporting only $257 million to Canada.

Perhaps this comparison suggests new market opportunities for Maine firms north of the border. However, this trade imbalance may indicate an erosion of competitive strength of traditional Maine industries that are forced to compete with Canadian firms along with the Canadian Government.

This agreement fails to address an issue of longstanding dispute to Maine's potato, lumber and fishing industries, three traditional sources of livelihood in my State. Canada's use of Federal and Provincial domestic subsidies has long hurt our workers competing in the Northeast United States marketplace.

This agreement, whose primary objective is to eliminate government and industry trade barriers, completely omits steps to require the Canadians to dismantle the trade-distorting effects of domestic subsidies. How could such a longstanding concern, once considered a top issue for our negotiators at the outset, be so quickly dismissed?

Our potato industry in Maine has been fighting an uphill battle for years against an array of Federal and Provincial domestic subsidies. Eighty percent of Canadian potatoes come across the Maine border for sale in our northeast markets. Canadian farmers, armed with this artificial assistance, flood and dump our home markets every season of every year.

A few years ago, Maine potato farmers watched painfully as 150 family farmers were forced to quit due to low market prices. These farmers also watched as their Canadian neighbors in New Brunswick and Quebec received over $19 million to pay for dumped potatoes due to overproduction.

In addition, while Canada regularly restricts the free flow of Maine potatoes into their markets with consigned sale and bulk shipment requirements, Canadian imports are annually targeted at our wide-open market.

Maine fishermen have endured with difficulty against 55 Federal and Provincial subsidy programs assisting Canada's groundfish industry. The assistance provided includes vessel and shipbuilding programs and a massive Government investment to reconstruct groundfish processing facilities. Canadian fishermen, selling their fish at artificially lower prices, have captured a large foothold in our targeted American market.

State sawmill owners have watched one-fourth of their brethren disappear, right along with quantities of logs from Maine woodlands. Government-modernized sawmills located right over the border in Quebec are artificially undercutting the market.

For these three Maine industries, the future under this bilateral pact is no better than the present. These workers may fairly ask, "what assurances of improvement do we have about future discussions on subsidies and other border State concerns?" My answer is "none at all."

I recognize that this agreement includes a loosely worded commitment for discussions of the subsidy discipline over the next 5 years. However, a commitment to hold more talks hardly offers even a sense of progress toward actually dismantling Canadian Federal and Provincial subsidy practices. Moreover, by ratifying this agreement, we are acknowledging the acceptance of the status quo and Canada's prevalent use of government subsidies at our expense.

I have other concerns as well with this agreement. For example, the new bilateral dispute settlement procedure for countervailing and antidumping cases raises serious questions about protecting the sovereignty of U.S. trade statutes. When U.S. industries seek trade relief under U.S. laws, they deserve the full power of our legal rights.

I believe the highest objective of the Canadians in their approach to these negotiations was to effectively neutralize the use of United States trade laws and our legal and justified right of retaliation. Now as we look back, Canada may well have succeeded.

Finally, what about the many industries that will most definitely be hurt or destroyed by the effects of the agreement? As one example, Maine's sardine industry will lose traditional tariffs while facing a new import challenge from their government-backed competition in Canada. What can this industry look forward to under this agreement?

I do want to mention that the administration has accepted provisions to the implementing legislation at the request of the Maine congressional delegation which do offer some assistance for Maine's potato industry. We hope our negotiators will pursue a bilateral volume limitation agreement with Canada on potato imports over the next several years. We have also succeeded in improving the effectiveness of the tariff "snapback" provision to protect potato producers and other agriculture industries against import surges.

The administration has also accepted provisions to enforce United States rights under the GATT governing any future actions by Canada to impose a ban on the export of unprocessed fish or the application of landing requirements for fish caught in Canadian waters.

While these measures offer some benefit for Maine's fishing and potato industries, I find the results still unacceptable. I am also disappointed that the administration removed one additional provision added by the congressional committees and supported by the Maine delegation to enhance the conservation of lobster stocks by simply applying domestic conservation size standards on imported lobsters. This was a fair request, and I share the disappointment of Maine's lobster industry that this provision is now omitted.

Mr. Chairman, I would like to think this agreement will reap mostly benefits for Maine's economy in future years. For some industries the prospects are promising for enhanced market opportunities. But I must conclude we came up short on major issues for our agriculture and natural resource industries. This is a major disappointment.

Mr. Chairman, I rise in opposition to the proposed agreement. I do so with disappointment, and I say this to U.S. trade negotiators: The concerns of our industries, no matter how small they appear to some, cannot be so easily cast aside.

Mr. DeLAY. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I am glad to yield to the gentleman from Texas.

Mr. DeLAY. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in support of the free trade agreement.

Mr. Chairman, I strongly support this free trade agreement with Canada. In my view, this agreement is one of the greatest accomplishments of this administration. It will greatly increase our global competitiveness and undoubtedly will pave the way for similar agreements with other countries.

It is easy to get caught up in the industry-specific effects of the agreements, and to pin our support or opposition on that basis. However, if each of us could look at the agreement with a national focus, we would support it unanimously.

The Department of Commerce conservatively estimates that more than 14,000 new jobs will be created in the American machinery, textile, clothing, paper, and furniture manufacturing industries. The job creation in all sectors has been estimated to be between 500,000 and 750,000 new jobs. It will be a tremendous boost to the petrochemical industry in my district. However, more important is how it will affect the average American family—the one special interest we all too often forget in this body.

The organization Citizens for a Sound Economy estimates that the agreement will result in a $740 benefit in GNP growth for each family of four in America. It will lower their food prices and their energy costs. And it will provide limitless opportunities for Americans to start new businesses and to expand existing ones in the areas of banking, telecommunications, architecture, tourism, and professional services. In short, this agreement will improve the standards of living of the vast majority of Americans.

Yet, some Members of this body will choose to oppose this agreement because it harms a particular industry in their district. If they do this, they will have to overlook the national interest in order to support their own parochial interests. I suppose this is just politics at its worst. For special or parochial interest actions usually end up hurting many more Americans than they help.

For instance, when the United States placed a punitive tariff on Canadian cedar shakes and shingles, every American home buyer suffered. When Canada then retaliated against us by placing tariffs on many other American-made goods, including computer parts and books, the workers in those industries and the consumers of those goods were harmed. Then, Canada instituted a huge tariff on corn imports which hurt American farmers and increased the use of taxpayer dollars for grain storage, price supports, and deficiency payments. The circle never ends; the tail of retaliation always comes back to sting us.

I celebrate the approval of this agreement and look forward to the boost it will bring to our economy and our people. Once again, as we did with tax reform and deregulation of major industries, we will be setting the example for nations around the world in opening up mutually beneficial free trade agreements with our trading partners.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, after months of closely examining various aspects of the proposed United States-Canada Free-Trade Agreement, I am today going to cast my vote in favor of its implementation.

For some time now I have been concerned that dramatic influxes of Canadian electricity imports into this country, such as to the degree we have witnessed in recent years, may begin to adversely effect the domestic coal mining industry and cause undue reliance on imported energy within certain regions of the country. After the proposed agreement was announced, I focused my attention on the question of whether any of its provisions would lead to a further escalation in Canadian power exports to the United States. This question, as well as whether the agreement would impact other domestic mining sectors, was the subject of a March hearing conducted by my Subcommittee on Mining and Natural Resources. Unfortunately at that time the administration witnesses were so ill-prepared to address these matters, that some nagging questions remained after the hearing.

I have since satisfied myself that this agreement will have no adverse impacts on the domestic coal mining industry. In effect, as it relates to power sales the United States-Canada Free-Trade Agreement if implemented would not change the current situation: It would neither impose nor lift any restrictions currently in place on the trade except for one. Other considerations outside of the scope of this agreement—such as the extent of electricity demand, transmission capability and environmental matters—will continue to influence the level of Canadian power being imported into the United States.

In this country, the regulation of imported Canadian electricity primarily deals with transmission. Currently, any transmission line which crosses the U.S. international border requires a Presidential permit under the Federal Power Act. The proposed agreement would not affect this permitting process. In Canada, the National Energy Board is responsible for regulatory international transmission lines and licensing electricity exports.

The National Energy Board currently enforces three price tests for these exports: the price of exported electricity cannot be less than that charged to Canadian customers, exports must recover costs incurred in Canada including the total cost of production, and the price of the electricity exported must be less than the least cost alternative available to the United States utility importing the power. All of these Canadian requirements would remain unchanged except for the last one, known as the least cost alternative test. As such, it is very possible that the price of Canadian power sold to domestic utilities could rise somewhat depending on what the market will bear.

At this time, Canada is the largest importer of United States coal in the world. Last year, the United States exported approximately 16 million tons of coal to Canada with about half that quantity used for electric generation and the other half utilized by Canadian steel mills. It should be noted that my home State of West Virginia exports about 6 percent of its total production to Canada. As with electricity, this coal trade will be unaffected by the implementation of the agreement.

To summarize, my central concern as to whether the amount of United States coal exported to Canada at some point in the future would be exceeded by the amount of domestic electric utility coal use displaced by Canadian power imports remains, but it is a matter upon which the United States-Canada Free-Trade Agreement has no bearing.

I am going to vote in favor of this agreement because West Virginia currently has a trade surplus with Canada, with exports of items such as chemical products, coal, and other commodities and goods far exceeding Canadian imports into the State. Due to this strong market position, and the agreement's removal of various Canadian trade restrictions, I believe West Virginia companies will be in the position to make further trade advances in the future.

I also believe that the agreement will provide adequate safeguards against any further Canadian subsidization of its industry. The subsidy issue will most assuredly be the subject of continued monitoring and investigation, especially due to the provisions of the implementing legislation which require the achievement of an increased discipline on Canadian subsidies.

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Mr. CRANE. Mr. Chairman, I yield 3 minutes to our distinguished colleague on the Committee on Ways and Means, the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Chairman, I thank the gentleman from Illinois [Mr. CRANE], and I rise in strong support of this proposal and congratulate the chairman of the subcommittee, the gentleman from Florida [Mr. GIBBONS] for having worked with the committee to bring out this excellent proposal.

Mr. Chairman, this is a great day, not only for the United States and Canada and the moving forward of our relationships, but also for States that border Canada, such as New Hampshire, which have a long and historic tradition of trading relationship with the Canadian Government.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of this historic legislation (H.R. 5090) to implement the United States-Canada Free-Trade Agreement and to commend the Reagan administration for negotiating it. Canada is our largest trading partner with the annual trade volume reaching $116 billion last year. Canada buys 20 percent of all United States exports while the United States buys 75 percent of Canada's total shipments. This agreement will provide enormous benefits for both countries. It will remove tariffs over a 10-year period beginning in January 1, 1989, secure improved access to Canada's market for our manufacturing, agriculture, high-technology, and financial sectors and improve our national security through additional access to Canadian energy supplies. Furthermore, the agreement sets up a strong and expeditious dispute settlement mechanism. Disputes not resolved in consultations will be automatically referred to arbitration panels composed of neutral, independent experts on the issue.

Mr. Chairman, the United States-Canadian Free-Trade Agreement will provide new opportunities for United States business, create jobs and generally strengthen the competitive position of the United States. This agreement will have a positive effect on many California industries including manufacturing, computers, telecommunications, pharmaceuticals, medical equipment, and agricultural products including citrus and wine. This agreement is supported by the Reagan administration, U.S. Chamber of Commerce, American Business Conference, the National Federation of Independent Business and the National Association of Manufacturers. I strongly encourage my colleagues to vote for H.R. 5090.

Mr. GREGG. As I was saying, Mr. Chairman, this is a major day for not only the United States and for Canada, but for New Hampshire, and States like New Hampshire and States which have a long and colorful history of relationship with Canada. Many of our citizens in New Hampshire trace their roots back to Canadian ancestors and have for many years commuted back and forth across our borders in not only trade, but just personal and family relationships.

Mr. Chairman, this type of breaking down of the barriers, the breaking down of the trade barriers, can do nothing but help the close relationship which has evolved for years between our two nations and between the State of New Hampshire, the people of the State of New Hampshire, and the people of Canada. It is especially appropriate to New Hampshire because we export to Canada a large amount of high technology equipment, computer equipment and electronic equipment which is subject today to a fairly high duty. Under the proposal this duty will begin to phase down, and it will mean that our computer equipment and our materials which we produce in New Hampshire will be much more competitive in Canada, and our trade will continue to grow, and we will find ourselves in an even more prosperous climate than we are today.

The goods which we import from Canada are many also, and some of those are subject to duties, but the rejections of those duties will just mean that our markets will become more competitive and our consumers will have more opportunity to purchase goods at a fair price.

So, Mr. Chairman, this agreement generally is an excellent proposal. It is one which is going to go a long way toward improving the relationships between our countries, which have always been good, and toward continuing the unique relationship which States like New Hampshire and the people of New Hampshire have traditionally had with Canada.

Mr. GIBBONS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. BONKER], who is the chairman of the Subcommittee International Economic Policy and Trade of the Committee on Foreign Affairs.

Mr. BONKER. Mr. Chairman, I would like to begin by commending the gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the subcommittee, the gentleman from Florida [Mr. GIBBONS] for the excellent work they have done to bring this implementing bill to the House floor, and I would also like to commend those in the executive branch, notably Clayton Yeutter and Ambassador Peter Murphy for their total commitment to bringing a free trade agreement into fruition.

Mr. Chairman, along with America's growing trade deficit of recent years trade tensions have been mounting between the United States and our trading partners. When Ronald Reagan and Brian Mulroney agreed at the shamrock summit in 1985 to enter into negotiations on a trade pact, there were pending before our trade agencies over 160 cases alleging unfair trade practices. I recall at the time being involved in many of these sectoral issues like hogs and logs and suds and spuds. It certainly spanned the whole spectrum of industrial and agricultural products that seemed to plague our trade negotiators.

In 1986, Mr. Chairman, America's trade deficit with Canada was $20 billion. Now that is larger on a per capita basis than it was with Japan at the time. So obviously the time had come to set aside these trade disputes and problems and enter into an agreement that would attempt to remove all of the trade barriers so that both countries would enjoy market access.

Now what is important in this agreement is that the two countries, Canada and the United States, will phase out all tariffs over a 10-year period. As has been noted earlier, this is unprecedented that such a bilateral agreement has taken on such a comprehensive approach to trade problems. But by removing trade barriers, in this case the tariffs and some of the inspection and certification requirements, we are guaranteeing to the producers on both sides a total market access.

While 65 percent of American exports to Canada are duty-free, Canadian tariffs on the remaining 35 percent are among the highest in the industrialized world, averaging 9 to 10 percent or about double the American average. From my own State of Washington these measures will be of particular benefit to producers of paper products, furniture, electronic computers, aluminum products, wine, fruits and vegetables.

Mr. Chairman, the agreement also creates a freer climate for investment and for American service industries seeking to do business in Canada and insures continued nondiscriminatory access to Canada's energy suppliers.

Mr. Chairman, if the forecasts of economists are believed, there may be no piece of legislation before Congress this year that will have as great a permanent impact on economic growth on both sides of the border. But, Mr. Chairman, this agreement certainly does not address all of the problems that we are having with Canada. It does not address the issue of subsidies and government practices that give producers a competitive advantage in other markets. These practices will still be subject to countervailing actions by our Government, but nonetheless until both sides are able to address the problem of subsidies, notably in the agricultural areas, we are not going to have free and open trade with the other side.

But of course it is unrealistic, Mr. Chairman, to think that only two countries will enter into an agreement to do away with subsidies while other countries continue to engage in that practice. We should also recognize that this issue is very controversial on the Canadian side. Most of the provinces still are not satisfied, nor are they pleased, with the pact. And we are aware that the issue is controversial within the Canadian Government itself.

This is, I believe, the third time in the past 125 years that we have had such a trade agreement before the Congress. In 1911, when the House met to consider a similar trade agreement with Canada, Champ Clark, a Representative from Missouri who was to become Speaker of the House, delivered what may have been the most counterproductive statement of support ever given in this body when he was quoted as saying that he was all for the trade agreement because he had hoped to see the day when the American flag would fly over every square foot of the British North American possessions clear to the North Pole. That was not a wise statement, the result of which is that it precipitated the defeat of the agreement in the Canadian Parliament.

Mr. Chairman, I want to make it abundantly clear that this trade agreement is fair to both sides, and I urge its adoption.

Mr. CRANE. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I thank the gentleman from Illinois [Mr. CRANE] for yielding the time.

Let me first of all say that I would expect that this agreement is going to pass. Let me also say that I am of very mixed emotions on the agreement.

Mr. Chairman, I know that many of my colleagues have stood here in the well and extolled this agreement as a great step forward in trade between ourselves and our good friends to the north. The address has been to tariff barriers. The address has been to subsidies, as the previous distinguished gentleman from Washington [Mr. BONKER] alluded to in agricultural products.

But, Mr. Chairman, there is another issue, and I would hope that once this agreement is ratified that the Committee on Ways and Means would spend a tremendous amount of time in studying these nontariff barriers.

For years we have had our pork products banned from exportation into Canada because we used pharmaceuticals for herd health that Canada had banned. We had a very difficult time in moving live cattle into Canada because Canada required certain tests that we did not require for diseases that we did not have.

I am going to site for my colleagues an example that will give them total evidence of what I am talking about for the future, and it is a case that Monsanto had, and I am not here defending Monsanto, but I use it as an example.

Monsanto produces a commodity known as Lasso, which is a postemerge/preemerge herbicide for corn and soybeans. It has an ingredient known as Alachlor. In 1985 the Minister of Agriculture cancelled the registration of Alachlor in Canada based on advice he had received from the Minister of Health and Welfare. Monsanto protested, and the Minister named a panel of four world renowned scientists with a retired judge as chairman, all experts in the area of toxicology, metabolism, risk assessment, and agricultural economics. Those hearings proceeded for 14 months, 41 hearing days, and this ARB [Alachlor Review Board] recommended the registration be restored. In spite of that recommendation and in spite of strong support from Canadian grower groups, the Minister decided in January not to restore the registration. On April 23, 1988, the Canadian Government published in their Canada Gazette, similar to our Federal Register, a notice that proposes a reduction in the maximum residue limits for residues of Alachlor. There had never even been MRL's for Alachlor in Canada before. The new tolerance levels for corn in Canada were 10 times more strigent than our tolerance levels. The tolerance for dry beans shipped into Canada were 20 times more stringent than our tolerance levels. We have no tolerance level for soybean oil, yet the Canadians have a very stringent tolerance level for soy oil. In meat and milk we have one two-hundredth parts per million tolerance level for Alachlor.

The Canadians have one one-thousandth.

Mr. Chairman, this is a nontariff barrier, and it will appear in other agricultural commodities, and I say to my friends to the north, "If you want free trade, let's make it fair trade, let's make it equal," and I urge the Committee on Ways and Means to continually monitor the practices of our good friends to the north when we ratify this agreement.

□ 1415

Mr. GIBBONS. Mr. Chairman, it is my pleasure to yield such time as he may consume to the gentleman from Florida [Mr. FASCELL]. The gentleman from Florida is not only chairman of the Foreign Affairs Committee, but he has for years served as chairman of the United States-Canadian Parliamentary Delegation and has had great experience in this area.

Mr. FASCELL. Mr. Chairman, it is with great pleasure that I rise in support of H.R. 5090, implementing the United States-Canada Free-Trade Agreement.

The United States does not have a closer friend and ally than Canada. This historic agreement will cement and expand what is already the largest trading relationship in the world.

What is remarkable about this trading relationship is not just the magnitude, but the relative lack of friction. Although avoiding trade disputes was one of the incentives for the agreement, in fact, the United States has considerably fewer trade disputes with Canada, its largest trading partner, than with many other countries.

My hope and expectation is that this agreement will usher in a new era of expanding United States-Canadian economic relations that will set the standard for barrier free world economic relations. The agreement already has provided a model for the GATT negotiations on how to reduce barriers in the area of services.

Mr. Chairman, there are two people, one American and one Canadian, without whom I doubt we would be here today considering this legislation. One is our colleague, my friend, the gentleman from Florida [SAM GIBBONS], whose involvement helped develop what proved to be the linchpin of the agreement, the dispute resolution mechanism. For more than a decade I have been listening at the annual meetings of the Canada-United States Interparliamentary Group to SAM expound on the evils of barriers to the flow of trade and investment, and to his assessment that Canada could not respond to a United States initiative to negotiate a free trade arrangement, but that the United States could respond to a Canadian invitation. Well, they initiated, we responded, and SAM has been proven prescient, and deserves a great deal of credit for what has occurred.

The other person whose role I would like to acknowledge is our friend and colleague on the Canada-United States Interparliamentary Group, Senator George Van Roggen. In the latter 1970's and early 1980's, as chairman of the Senate Committee on Foreign Relations, Senator Van Roggen organized a series of hearings and reports on United States-Canadian trade relations. The first report, in 1978, identified bilateral free trade as the most promising of various policy options. The third report, in 1982, recommended a bilateral free trade agreement between Canada and the United States. These recommendations came at a time when closer economic relations with Washington was not in vogue in Ottawa, but clearly they presaged the future.

Mr. Chairman, all of us who were privileged to attend those interparliamentary meetings over the years will remember that George Van Roggen was literally a lone voice in the wilderness. It was extremely difficult to get our Canadian friends to focus on the possibility of a free trade arrangement with the United States. There was a lot of concern among the Canadians then and that concern remains.

Because of his disagreement with his party's decision to use the Senate to block consideration of the free trade agreement before a new election, Senator Van Roggen has stepped down as chairman of the Senate Foreign Relations Committee. This action by Senator Van Roggen is the act of an honorable and principled statesman who has had the courage and foresight to lead us into this agreement.

He deserves, along with the gentleman from Florida, Mr. SAM GIBBONS, our thanks for taking critical leadership roles on this issue. The final entry into effect of the United States-Canada Free-Trade Agreement will be both a personal and a professional victory for these two men; but more than that, it will be the beginning of an entire new era in world commerce, the end results of which we cannot begin to imagine today. Those results will be extremely beneficial to the people of not only the United States and Canada, but I dare say to all who are willing to join us in the effort knock down barriers, improve trade, and develop closer understanding and improved economic relationships among the nations of the world.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to our distinguished colleague, the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise in support of the Canadian Free Trade Agreement. As did my colleague, I compliment the gentleman from Florida [Mr. GIBBONS] for an excellent job, as well as the negotiators for our country who worked with Canadians, especially Secretary Lyng and Ambassador Yeutter, who have, I believe, put together an agreement that is interestingly enough beneficial to both the United States and Canada.

It is almost an anomaly that a country of some 25 million to our north and our country, 10 times its size, enter into an agreement which is beneficial to both, but this one truly is.

There is no question that the United States is now in a global market. We were shocked in the eighties when we found we had lost much of our agricultural exports, from $46 billion down to some $23 billion. We were shocked because we had controlled world markets, not only in agriculture, but in many other areas. That changed. That changed as a result of the Marshall Plan after World War II when we built up Japan and West Germany, and we did such a fine job that suddenly they became competitors to the point they took away our markets.

The European Community evolved out of all that and the so-called Common Market, 12 countries banded together in Western Europe and became the direct competition of the United States. We lost markets to them and we were shocked.

Here then is a chance to regain some of that confidence in world markets for the North American Common Market, beginning with Canada and the United States.

There is no question that this is beneficial to our region, our area, and brings us back directly into competition with the EEC and the rest of the world in marketing.

Certainly agriculture is so important. It probably has been the most contentious issue, and let me just run through with you for a moment some of the issues.

Remember that the timber agreement we reached with Canada stays in place. The 15-percent duty on the Canadian side stays in place, so our timber industry is protected.

Remember the wheat question when, with the help of the Agriculture Committee, we were advised to keep the section 22 programs to stop the possibility of dumping wheat from Canada to the United States, which resulted in the National Association of Wheat Growers withdrawing their opposition to this agreement.

Also remember that the Cattlemen's Association agrees with this agreement. They have endorsed it. So it is not a problem with the livestock industry in America.

I come from a part of the country that raises potatoes. While the potato people are concerned, my potato people say, "Look, we still have our rights to preserve our market in this country. If there is any kind of dumping of potatoes into this country, fresh or otherwise, we retain our right as the United States to stop that kind of dumping."

Therefore, the potato people are not going to be injured.

Plywood was initially a very contentious issue. The plywood people have withdrawn their opposition to this agreement simply because the standards that were raised by Canada which denied the entrance of plywood from the United States to Canada still remain.

We also agreed to retain the duty on our side, as do the Canadians, until we can rectify this issue of plywood. So the plywood people are not going to be injured by this agreement.

I think the point remains simply this. There are several issues that this Canadian Free-Trade Agreement does not address and they will be ongoing. Yet we have solved a major part of the problems between Canada and the United States.

I think that we have resolved all, if not all, almost all the agricultural issues.

I think it points out that here is a chance for America to begin an agreement which will expand possibly to Mexico, possibly to Japan, Taiwan, Singapore, and South Korea. Here is our chance to get back in world trade. This is a chance we cannot ignore and we must take.

Mr. Chairman, the Pacific Northwest and Canada have enjoyed a prosperous relationship, based largely on a common border, common language, natural resources and climate, cultural similarities, and ocean access to the Pacific rim.

The volume in trade between the United States and Canada is the greatest in the world. Canada buys twice as much in goods from the United States as Japan does and more than Mexico, West Germany, and the United Kingdom combined. Bilateral agricultural trade accounts for 3 percent, or about $3.5 billion.

Our trade relationship with Canada already serves as an example to our other trading partners. About 80 percent of the goods and services between us travels tariff free. However, some experts predict approval of the United States-Canadian Free-Trade Agreement could increase this trade by 50 to 100 percent.

This agreement can be good for all of us: for Oregon, for America, for Canada. It can create jobs and increase the industrial competitiveness and economic strength of both countries.

Not all interested parties originally shared my enthusiasm for this agreement. The wheat producers have expressed concerns about elements of this trading relationship that had the potential to adversely affect them, such as the agreement's impact on our use of section 22 provisions of our trade laws.

I have joined with the wheat industry in working with the administration to arrive at definitions of such terms as a "substantial change in farm policies," a "significant increase in imports," and "as a result of import surges" that keep section 22 in place.

Plywood producers were not entirely satisfied with provisions in the agreement whereby Canada would review its nontariff barriers for plywood. However, the industry has since agreed upon a procedure to address these concerns.

I have worked closely with the Foreign Agriculture Service, U.S. Trade Representative, and industry to craft report compromises to resolve these problems. I must applaud the constructive work that has been done by all parties.

We must push forward and make this agreement a success. Ratification of this agreement is not only important to the United States and Canada, but to the whole world.

The economic benefits for Canada and the United States are obvious. But in a broader sense, this agreement is significant because it will send a message to other countries that free trade is a worthy goal.

It should serve as a model for the 92-member General Agreement on Tariffs and

Trade, the international covenant that guides world trade. Several nations, including Japan and South Korea, already have expressed interest in entering into free trade arrangements with the United States based on what they've seen from the Canadian package.

This agreement represents a window of economic opportunity that rarely comes along. We can use this accomplishment to achieve the shared goal of eliminating all trade-distorting barriers and subsidies that hinder trade worldwide.

This theme has been central to my own strategy for the improvement of U.S. agricultural trade and applies equally well to all trade.

It's a bold step toward a barrier-free international trade atmosphere. I believe it's cooperative leadership at its best, and I urge that we give it broad support.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], a member of our committee.

Mr. LEVIN of Michigan. Mr. Chairman, I will vote for this agreement, with a serious reservation. I want to explain that reservation.

When President Reagan signed this agreement with Canada last January, he hailed it as a historic achievement. When President Reagan's Trade Representative, Ambassador Clayton Yeutter, appeared last week before the House Ways and Means Committee, he called it a magnificent accomplishment.

I would agree that this may indeed be the best that this administration can do in trade policy, but this agreement also reflects the basic weakness of the administration's approach to international trade negotiations. As a result, this agreement is a significantly smaller success than it might have been.

The purpose of negotiating this agreement with Canada was to broaden what already is the largest bilateral trade relationship in the world. The goal has been trade liberalization, not just as an end in itself but as a means of rationalizing economic activity within an expanded, binational free trade area.

At a time when trade liberalization is advancing within the European Community, and being sought globally in the Uruguay round of GATT negotiations, it seems all the more important for the United States to seize the special opportunity created by our unique relationship with Canada for freer trade in North America.

This agreement meets the challenge of freer trade in several areas. It eliminates virtually all tariffs between the United States and Canada over 10 years. Although most bilateral trade already is tariff free, the effect of this agreement for numerous types of goods will be to phase out Canadian tariffs that are on average more than twice as high as United States tariffs. The agreement significantly liberalizes Canada's restrictions against United States investment. It gives United States customers much more secure access to Canadian energy. In financial services, the agreement substantially increases access to the Canadian market for United States bank subsidiaries. It establishes guidelines for trade in service sectors such as information processing and insurance. It provides a new binational mechanism for resolving disputes over subsidies.

In these areas, the agreement meets the challenge not only of liberalizing trade but also of rationalizing economic activity in a free-trade area straddling the 49th parallel.

However, can the same be said of the auto sector?

The question is highly relevant, because more than a third of our bilateral trade is in motor vehicles and motor-vehicle parts. It is relevant because we have been running steady and significant deficits with Canada in the automotive sector since 1982. Last year this sectoral imbalance accounted for a third of our overall deficit with Canada—and our deficit with Canada is our fourth largest, after our deficits with Japan, West Germany, and Taiwan.

The auto sector posed a critical test for the United States as it entered free-trade negotiations with Canada, because much of our deficit in this sector is linked to Canadian protectionist barriers. These barriers have built a structural imbalance into our bilateral trade over the last two decades.

In the 1965 auto pact, Canada and the United States committed themselves to fair and equitable trade in automotive goods. The agreement settled a trade dispute that arose when Canada, seeking to stimulate domestic production of motor vehicles and parts, started giving customs-duty rebates on imported automotive goods if they had Canadian content.

Our two nations agreed that Canada would end this practice and that henceforth automotive goods would cross the border duty free with minimal restrictions, subject to proof that the goods were predominantly of United States or Canadian origin. However, Canada implemented this agreement with strings attached. Canada imposed additional one-sided domestic-content requirements on United States manufacturers wishing to sell products in Canada duty free.

Canada required that a manufacturer qualify for duty-free status by contracting to produce in Canadian factories as many vehicles as it sold there each year. Canada also required that the manufacturer's Canadian production equal at least 60 percent of the value of its total Canadian sales each year.

In return for these special commitments, Canada granted the major United States vehicle manufacturers a privilege that has become increasingly valuable, and increasingly problematic for the United States auto parts industry.

Canada allows vehicle manufacturers that qualify for duty-free status by meeting Canadian-content commitments to import automotive goods duty free not only from the United States but from anywhere in the world. The United States neither imposes such domestic-content requirements nor allows duty-free importation under the auto pact from any country but Canada. The effect is to give qualified manufacturers—namely, the United States-based Big Three—a powerful incentive to import parts from third countries overseas, build them into vehicles in their Canadian production facilities, and then ship them duty free to the United States.

Not only do United States parts producers lose out to overseas competition that bypasses United States tariffs, but also the Big Three themselves have an enhanced incentive to build more vehicles in Canada rather than the United States.

Beyond the distortions caused by Canada's one sided implementation of the auto pact, the Canadians actually have revived in a new form the practice that the auto pact was intended to stop—duty remissions designed to subsidize Canadian production of automotive goods for the United States market. Both direct, export-based remissions and indirect, production-based remissions have been revived.

These distortions of automotive trade since the auto pact was signed have been obvious and well understood. Back in January 1976, the United States International Trade Commission concluded that the auto pact "as implemented by Canada is not a free-trade agreement, and it has primarily benefited the Canadian economy." The ITC added:

> Indeed, when the agreement is examined in its totality, it is manifest that the only true concessions granted in the agreement are those granted by the Government of the United States according duty-free treatment to imports of automotive products manufactured in Canada.

A 1985 assessment by the Ontario Economic Council was equally clear about the one-sided nature of bilateral automotive trade:

> In that the APTA [auto pact] was a limited purpose tool designed to solve the problem of low-volume production in Canada and increase Canada's share of North American automotive production, it has been a successful policy action from which Canada has reaped large benefits in automotive employment, production, investment, and trade, as well as real incomes throughout the economy.

A University of Maryland economics professor, Paul Wonnacott, summed up the matter well last year:

In the normal course of events, the lion's share of the gain from the Auto Pact goes to Canada; it was the Canadian industry that was in need of rationalization through longer production runs. If Canada tries to squeeze the last ounce of gain out of the pact, there is a risk that the question will be asked in the United States, "What's in it for us?"

The impact of Canada's post-auto pact practices took some time to develop, but with the advent of a global automotive market in the 1980's, it has appeared emphatically in the bilateral trade data. Moderate annual U.S. surpluses in automotive goods in the late 1960's turned to small deficits in the early 1970's. We had some surpluses in the second half of the 1970's, but these have been vastly overshadowed by deficits since 1982. These deficits have ranged from $2 billion to $4.5 billion and show no sign of abating.

The relatively even balance recorded over the early years of the auto pact is also misleading. About two-thirds of Canadian automotive exports to the United States has consisted of complete vehicles, while United States automotive exports to Canada have consisted mostly of parts. Canada consistently has recorded surpluses since 1965 in vehicle trade, giving Canadian-based production a decided tilt toward the higher value end of the auto business. In the 1980's, a traditional United States surplus in parts has dwindled to the vanishing point and no longer can compensate for the Canadian surplus in finished vehicles.

Under such circumstances, one would have expected the United States to enter negotiations over a free trade area with a determination to end the one-sided aspects of bilateral auto trade, and with a results-oriented approach—especially in view of predictions of a worldwide glut in automotive production.

Admittedly, U.S. negotiators faced some difficulties in tackling this bilateral problem head-on. For one thing, the United Auto Workers Union that used to speak for all North American autoworkers now has split along national lines, and the Canadian union has decided that a continuation of the status quo serves its members' interests. At the same time, the Big Three have planted their feet firmly on both sides of the border since the auto pact was signed, and they have a keen interest in retaining the global, duty-free sourcing of parts that Canada allows in exchange for meeting Canadian content requirements.

Also to be reckoned with was the natural human tendency on the Canadian side to hold onto a situation that has been very, very good for Canada. Quite predictably, the Canadians entered the free trade negotiations saying that the auto pact was off the table, that it would not be necessary to discuss automotive issues, since the auto pact already covered those in a satisfactory way.

To overcome this Canadian position, what was needed from the outset was: First, strength; and second, strategy. The United States projected neither. The United States did not respond to the Canadians with a clear insistence that the status quo was unsustainable. As late as March 1987, U.S. Trade Representative Clayton Yeutter was telling the Detriot Free Press that "we certainly want to discuss automobile issues. But that does not necessarily mean the auto pact needs to be abandoned. Perhaps it ought to be changed, but we're not prepared even to come to any conclusions on that yet."

In fact, not until the last stage of the talks, at the strenuous urging to a number of us in Congress, did the administration push hard for a change in the status quo.

Even at that time, it was clear to all concerned, not least the Canadians, that the administration did not consider the outstanding automotive issues to be important enough to snag the agreement.

Administration negotiators since have acknowledged that they have made no economic analysis of the impact on the auto and auto parts industries of the negotiating outcomes they were prepared to accept.

The upshot was that some auto sector changes were agreed to, but much of the one-sided status quo was left untouched by this agreement.

Under the agreement, Canada will continue its self-interested implementation of the auto pact. If a United States manufacturer wants to continue duty-free exports to Canada, the same Canadian content requirements will apply. One vehicle still will have to be produced there for each one sold there; $60 worth of Canadian automotive products must be purchased for each $100 in Canadian sales. In other words, a market for Canadian parts will continue to be guaranteed.

Meanwhile, global, duty-free sourcing by qualified companies will be perpetuated, to the continuing disadvantage of U.S.-based suppliers.

The agreement leaves unchallenged two additional subsidies of the purchase and production of automotive products in Canada. Duty remissions based on exports to countries other than the United States will continue for 10 years. Duty remissions based on production in Canada will be allowed for up to 7 years, depending on the terms of Canada's contracts with manufacturers. Exact terms of those contracts—for instance, the volume of production affected—have yet to be disclosed by the Government of Canada.

These Canadian practices have had, and likely will continue to have, lasting effects on the North American auto industry. If production cutbacks should become necessary, Canada's content requirements will give the auto makers a strong incentive to shrink American rather than Canadian production.

As new entrants in auto assembly and parts production establish themselves in North America, primarily to serve the United States market, Canada's continuing duty-remission program will subsidize the choice of Canadian production sites and the purchase of Canadian parts.

The factories built and supply contracts signed under the influence of these duty-remission subsidies will endure long after the remissions are phased out under the agreement.

These persisting inequities—whose weight falls mainly on the companies and workers of the U.S. partsmaking industry—will undercut other provisions negotiated in the auto sector. For example, a new, somewhat stricter rule of origin will not be enough to ensure that engines, drivetrains, and other high-value components must be built in the United States or Canada to qualify a vehicle as United States or Canadian and therefore duty-free.

The net effect is deeply disappointing, because in some ways there are improvements in this agreement over the status quo.

The major improvements are these: In 10 years, all tariffs on automotive goods will be gone. Duty remissions based directly on exports to the United States will be terminated the day the agreement takes effect. No new participants will be able to qualify under the auto pact and thereby qualify for duty-free sourcing in Canada from third countries although an exception is made for a joint venture between GM and Suzuki. The tightened rule of origin will exclude manufacturers' overhead and profits when United States or Canadian content is assessed to establish a product's origin and hence eligibility for duty-free handling.

Pressure from Congress since the agreement was initialed last year has produced some further mitigation of damage in the auto sector.

Members of the House and Senate committees of jurisdiction, of the Northeast-Midwest Coalition, and of the Michigan delegation have worked with the administration since this agreement was initialed last October to make this a fairer deal for the United States.

For example, we have closed loopholes to ensure stronger customs enforcement of the Canadian-origin requirement for duty-free entry. We have blocked the abuse of royalty and license fees to inflate North American content claims. We have required that a rational limit be placed on the scope of Canada's continuing duty-remission programs, since the Canadians have failed to disclose the extent of those programs.

Also as a result of pressure from Congress, the implementing bill calls for further negotiation on auto issues, for new efforts to negotiate a stronger rule of origin that will give both American and Canadian parts makers a fair chance at producing the high-value-added components for vehicles built in Canada.

It will expedite the matter if the Canadians shed certain illusions about what the issue is for Members of Congress. We do not imagine that Canadian barriers are the only major cause of our auto sector deficit, nor that trade must be perfectly balanced in order to be fair. Our problem with Canada in the automotive sector has been a structural imbalance, established by Government practices that largely will remain in place under this agreement.

The bilateral, structural problem aggravates a global problem, which manifests itself in a huge U.S. auto sector deficit, accounting for more than a fourth of our overall national trade deficit each year. This problem reaches not only the vehicle manufacturers but also their U.S. parts suppliers so that we now suffer a worldwide deficit in auto parts as well as in completed vehicles.

The situation cries out for strategic analysis and a strategic response by the makers of U.S. trade policy. But it is precisely the absence of a strategic sense that is the hallmark of this administration's trade policy.

This administration weakness has been undercutting the U.S. trade position for years. A case in point, which bears directly on the third country context of the United States-Canada talks, is the United States initiative on auto parts sales to the Japanese.

In 1985, members of the Congressional Task Force on Auto Parts began to push the administration to negotiate with Japan on the problem of exclusionary procurement relationships between Japanese auto manufacturers and their traditional suppliers. As the U.S. Commerce Department reports in its 1988 U.S. Industrial Outlook, these family-like relationships are "a major impediment to the ability of United States auto parts suppliers to gain access to Japanese auto manufacturers in Japan and the United States."

The United States deficit with Japan in auto parts alone exceeded $6 billion last year, and the automotive sector accounts for roughly half our overall deficit with Japan, which hit the $60 billion level in 1987.

A problem of this enormous magnitude requires a major policy response. It requires a strategy designed to achieve certain results. But this administration, in the market oriented, sector specific [MOSS] talks with Japan on auto parts, elevated the refusal to focus on results to the level of a high principle.

United States negotiators refused to request that the Japanese aim at specific targets for increased purchases of United States parts. They even opposed requesting purchasing data from Japanese subsidiaries in the United States to gauge progress toward nondiscriminatory procurement—lest we appear to discriminate against foreign investors, they said. They negotiated weakly, and they accepted the results meekly.

Small wonder, then, that negligible progress has been made, since these MOSS talks concluded a year ago, in penetrating the closed Japanese procurement families, whose members are now transplanting themselves to North America. Nor should we be surprised to learn that some of the same policymakers who handled the MOSS auto parts negotiations had a hand in defining United States objectives for the automotive sector in the free trade negotiations with Canada.

I am convinced that we can do better than this. I believe that within limits properly established by our commitment to free trade we can bargain far more forcefully for a better deal.

Surely we can determine clearly at the outset what the basic data tell us about our competitive position.

Surely we can figure out in advance the likely impact of alternative negotiating outcomes.

Surely we can identify the outcome most conducive to our own economic health.

Surely we can hang tougher when the pressure inevitably peaks at the eleventh hour of any trade negotiation.

Because we brought neither strength nor a strategy to bear in the automotive sector in the trade negotiations with Canada, the benefits of the agreement for our economy and its value as a precedent for other trade negotiations have been impaired. We have settled, at best, for half a loaf, and that half has big holes in it.

In some other areas this agreement does take major steps toward free trade; I regret this is not true of the auto sector. I believe that passage of the omnibus trade bill can help set the United States on course toward a new trade policy. The trade bill provides some long-needed tools with which an activist administration can regain our international competitive standing.

I will vote for this agreement today, viewing it as a starting rather than a resting point for our trade relations with Canada.

□ 1430

Mr. CRANE. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise to speak in strong support of the United States-Canadian Free-Trade Agreement and the legislation to implement its terms, H.R. 5090.

This agreement is the most comprehensive and far-reaching bilateral trade pact in history. President Reagan and Prime Minister Mulroney should be congratulated for having the wisdom to appreciate the potential benefits of freer trade between our two nations, and the courage and dedication to press ahead to reach the agreement that is now before this Congress.

The President should also be commended for cooperating with the Congress in putting together the legislative documents that will serve to explain the meaning of the general terms of the free trade agreement. We spent many hours working closely with administration officials in crafting the explanatory language. I wish to thank particularly the staff of the U.S. Trade Representative for their cooperation and their expertise.

Mr. Chairman, the United States and Canada are already the world's two largest trading partners. In 1987, our commerce reached a total of $166 billion in goods and services. The free trade agreement spans the entire range of this relationship and should contribute to a significant boost in trade that will increase the economic well being of both of our countries.

The provisions of the agreement governing energy trade are particularly significant. Our Nation and Canada carry on the world's largest two way trade in energy. Canada is the source of most of our natural gas and electricity imports and is a major supplier of crude oil. Canada is also this country's greatest market for exports of domestic coal.

This energy trade is vital to the economic and energy security of both countries. The free trade agreement recognizes this fact, and is intended to protect our mutual interest in maintaining free trade by restricting government interference.

A basic tenet of this part of the agreement is that the laws and regulations of both countries should not discriminate between foreign and domestic energy goods on the basis of national origin. Thus, the result should be a unified market in which suppliers and consumers in both countries can compete for the most favorable transactions without artificial constraints imposed by government.

I believe this bilateral agreement will establish a standard for agreements that we may reach with other nations. The creation of a free trade zone in North America should put pressure on other nations to liberalize their own trade policies and open their markets to U.S. goods.

I regret to note that the agreement does not go very far in reforming our own policy concerning exports of oil produced in Alaska. Our statutes essentially prohibit these exports. This singling out of the products of one State for unfavorable export restrictions is not only unfair to the people of Alaska, but it actually reduces our energy security by lessening the revenues earned from domestic oil production—lost revenues that could otherwise be spent on increased production. The oil produced in Alaska should be sold to the buyer that is willing to give the best price to our U.S. producers. Both producers and consumers lose when government interferes with this logic.

The agreement does make a small dent in this policy by allowing the export of 50,000 barrels per day of Alaskan oil to Canada. We should consider this as the first step toward removing the prohibition of exports of Alaskan oil altogether.

Finally, I wish to note language contained in the statement of administrative action encouraging the Bonneville Power Administration to negotiate fairer transmission access policies with Canadian, Pacific Northwest, and Californian utilities. The demands of Californian consumers for competitively priced electricity should not be thwarted by rules and regulations adopted by a Federal agency which discriminate between potential suppliers of electricity.

Finally, Mr. Chairman, I would like to address one of the most important features of the FTA, which is the binational panel dispute resolution mechanism established in chapter 19 of the agreement. Under the terms of the FTA, rather than the courts of each country reviewing final antidumping and countervailing duty determinations it will be done by binational panels utilizing standards of judicial review and continuing to apply the domestic antidumping and countervailing duty laws of the importing party.

The Subcommittee on Courts, Civil Liberties and the Administration of Justice held a very informative day of hearings focusing on the binational panel approach and the constitutional issues raised by it. It was the consensus of the witnesses as well as other commentators who studied the issues that the binational panel approach is constitutional and I share their views.

I believe that the representatives of the United States and Canadian Governments, who worked for 2 years to reach this agreement, should be commended for their efforts. Here in Congress, the distinguished gentleman from Wisconsin [Mr. KASTENMEIER], chairman of the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, and the distinguished gentleman from Florida [Mr. GIBBONS], chairman of the House Ways and Means Subcommittee on Trade provided valuable leadership and input on the free trade agreement. Likewise, officials of the Commerce Department, USTR, the Treasury Department and Justice Department have been very constructive and cooperative with Congress in fashioning H.R. 5090.

I urge my colleagues to vote to approve the free trade agreement and its accompanying documents.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Chairman, I thank the gentleman for yielding.

I congratulate the chairman, the gentleman from Florida [Mr. GIBBONS], and all of those who are involved in effecting this agreement. It is one that I strongly support.

Mr. Chairman, we passed the Omnibus Trade Act, and that clearly was a way to strengthen our arsenal of dealing with unfair trade around the world. This provision, the agreement between Canada and America, shows how a bilateral agreement is certainly the path to take where nations can, of course, agree and obtain such an agreement.

This opens up markets. It eliminates tariffs and those barriers to trade that all of us want to see eliminated.

A bilateral agreement toward an open market is a signal achievement and, again, I congratulate the chairman, the gentleman from Florida [Mr. GIBBONS], on his achievement and the entire committee for their work and, indeed, for an administration which woke late to the problems of international trade, finally, if not too late. The negotiation of this agreement is certainly a step forward, and I have to say it is good progress for this country.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to our distinguished ranking Republican on the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time, and I want to commend him, personally, for his leadership, and I commend the chairman, the gentleman from Florida [Mr. GIBBONS], for his leadership on this bill.

Mr. WYLIE. Mr. Chairman, I believe the United States-Canada Free-Trade Agreement to be a significant and positive step for our two countries. I remember in 1980 when President Reagan campaigned for the Presidency, he expressed as one of his goals, his desire to achieve this kind of agreement with our closest neighbor to the north. It is a formal step that I am confident will continue to strengthen the goodwill that already exists between our two countries.

This free trade agreement covers a broad range of issues. Almost all tariffs between the two nations will be eliminated over the next 10 years; a binational panel will be formed to settle antidumping and countervailing duty disputes; investment laws in Canada will be liberalized extensively; greater national treatment is accorded for the services sector; restrictions will be limited with respect to energy products; and finally, certain agricultural subsidies are eliminated.

With respect to chapter 17, the financial industry services part of the agreement, United States financial firms stand to benefit significantly from Canada's intentions to accord national treatment with respect to a host of items. Our Nation's banks will no longer be subject to market or asset size restrictions in Canada. Applications by banks and securities firms to enter the Canadian securities sector will be accorded national treatment. Additionally, insurance firms will no longer be restricted by the so-called 10/25 rule that restricted investment by nonresidents.

The United States has made a commitment to allow its banks to underwrite and deal in Canadian Government securities to the same extent they deal in United States securities. The United States will benefit from having a larger market for its Government securities and I believe Canada will benefit by the larger market as well.

The United States has also committed to Canada that certain Canadian banks grandfathered under the International Banking Act of 1978 will not have their status altered. Moreover, if our delivery of financial services laws are liberalized in the future, Canada will be accorded national treatment.

Certainly, some questions are being raised by the implementation of such a broad ranging agreement. However, I am informed by the executive branch, both in writing and at our hearing, that nothing in this agreement will undermine our own financial institutions laws that continue to divide certain financial industry sectors. In addition, regulators have informed us that this agreement will be interpreted with these concerns in mind. I also note that the statement of administrative action specifically mentions that this agreement provides no authority, independent of Federal and State law, for any Canadian banking organization to provide insurance services in the United States.

In sum, Mr. Chairman, I think that the United States and our financial services industry will be well served by the approval of this free trade agreement and I urge its approval.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I thank the gentleman from Illinois [Mr. CRANE] and the gentleman from Florida [Mr. GIBBONS], who have worked so hard on this.

Mr. Chairman, I rise in strong support of the free trade agreement between the United States and Canada. Today we take up H.R. 5090, the implementing legislation for this agreement. Those of us who have wrestled with this issue in the United States Canada Parliamentary Group, it gives us great pleasure. If we pass this bill and if the Canadians ratify this agreement, then over the next decade almost all the tariffs and trade barriers between the United States and Canada will be removed. This bill will create a win-win situation for the United States and Canada. It will allow our nations to engage in more and more economic cooperation. It will encourage economic growth on both sides of the border. It will help create jobs on both sides of the border. It will help create more jobs in my State Washington and in our neighbor, British Columbia. It will streamline the trade bureaucracy in both countries, and that means more consumers on both sides of the border will get more for their money.

Mr. Chairman, this bill will do more than just help the United States and Canada, Washington State, and British Columbia. The United States-Canada Free-Trade Agreement sends a clear message to the rest of the world. The time is now to remove barriers, reduce tariffs, let products move freely.

The omnibus trade bill we passed give the United States the tools needed to enter new markets, to combat unfair trade practices.

The United States-Canada Free-Trade Agreement sends the message to all of our trading partners that if they do not dump, if they do not practice protectionism, if they do open their markets to our exporters, we will make sure they have access to ours.

The United States and Canada have a special relationship. Our political, cultural, and economic traditions come from Great Britian.

But, for too long, we have been separated by economic barriers which benefit no one. This bill, Mr. Chairman, will help us remove those trade barriers, improve the economies of both countries and build stronger bonds of friendship.

Mr. Chairman, I urge my colleagues to join me in supporting the passage of this bill.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in strong support of the Canadian free trade agreements.

Mr. Chairman, today the House meets to put our stamp of approval on H.R. 5090, legislation to implement the pending United States-Canada Free-Trade Agreement signed by President Reagan and Prime Minister Mulroney on January 2 of this year. While the Energy and Commerce Committee, on which I serve, had jurisdiction over only a few pieces of the overall package, our committee met and approved H.R. 5090 a week ago today. While no amendments can be offered under the special fast-track procedures being used to consider this legislation, our actions today should not be taken as simply rubber stamping the agreement. On the contrary, all of the committees involved have been extremely active in examining all aspects of the agreement and generally supportive of the implementing legislation. The House's action today represents an extremely important step in the process of totally eliminating all bilateral tariffs between the United States and Canada over the next 10 years. It is my hope, Mr. Chairman, that this agreement with Canada, our largest trading partner, can serve as the basis for future free trade agreements with our other trading partners, particularly Mexico and Japan.

During the Energy and Commerce Committee hearing process, most of the witnesses and members present expressed support for the free trade agreement as a whole and its goal of opening even further the doors of both nations to each other's goods and services. Furthermore, both critics and supporters of the pact predicted that both Houses of Congress would take the action that the House is taking today by voting to approve the pact this year—in line with the fast-track schedule agreed to by Congress and the administration. Of course, approval in Canada is essential to completing the process.

While approval by both Houses of the Canadian Parliament is much less certain than our own approval, the Canadian Embassy continues to place a very high priority on the pact's approval in that country. Canada understandably has different concerns about the agreement than the United States, and yet support in most of the Canadian Provinces is reflected in their polls, Ontario being the main exception. I am confident that Prime Minister Mulroney will do everything in his power to calm the fears of some of our neighbors to the north in order to get the agreement through the Parliament. I am encouraged by the commitment shown on both sides of the border.

Closer to home, Mr. Chairman, approval of the free trade agreement means a lot to my home State of Ohio and the many individuals and industries in Ohio that benefit from our position as No. 3 among the 50 States in the amount of goods that we trade with our neighbor to the north. Free trade with Canada represents a win-win situation for trade in energy, agriculture, autos, services, and other sectors that are so important to the economies of Ohio and the United States as a whole.

Mr. Chairman, in summary I want to express my support for the United States-Canada Free-Trade Agreement, and I also want to urge my colleagues to support it as well—while the agreement is not perfect, it certainly is a very positive first step toward improving trade relationship with our most important trading partner.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of the Canadian-American Free Trade Agreement. Attempts to open the Canadian-American border to freer trade have been scuttled for over a century by Canadian fears of economic domination by the United States. Trade, however, between the United States and Canada has nonetheless prospered. In 1986, trade between our two countries totalled $130 billion, making Canada the United States' largest trading partner.

I am especially pleased with the provisions affecting speciality crops. Tariffs and quotas on fruits and vegetables will be completely eliminated over 10 years. My district in California grows over 50 nonprogram crops and this agreement will certainly be of great benefit to the growers of these crops.

I am also very happy with the wine provisions; 25 percent of the differential in the markup between Canadian wine and United States wine will be eliminated at the beginning of the first year, 25 percent at the beginning of the second year, and the remaining will be phased out in equal steps over the following 5 years. This will significantly help Napa Valley wine growers who have had difficulty marketing their products in Canada.

Mr. Chairman, the impact on farmers on both sides of the border will be positive. They will each have a larger market for their products. Both will waste less time trying to get around each other's trade barriers. Finally, this agreement will encourage greater cooperation between United States and Canadian farmers.

I strongly urge my colleagues to support this historic accord.

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Mr. GIBBONS. Mr. Chairman, it is my pleasure to yield 4 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], a member of the Rules Committee.

Mr. BONIOR. Mr. Chairman, I thank my friend from Florida for yielding me this time.

Mr. Chairman, I rise today to voice my very strong support for H.R. 5090, legislation to implement the United States-Canada Free-Trade Agreement. I believe this is a special day for the economic future of our Nation, and especially for my State of Michigan.

I would like to congratulate the distinguished chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI, and the esteemed chairman of the Energy and Commerce Committee, Mr. DINGELL, and Mr. GIBBONS, and other committee chairmen and House

Members who have worked so hard to bring this important implementing legislation before us today.

The FTA is a historic and sweeping agreement, Mr. Chairman. It will broaden the Canadian market to American business, both large and small, and create new jobs—jobs that are needed to bring back into our economy those workers who are discouraged, or whose jobs have been lost to overseas competition.

Mr. Chairman, we have made great efforts in this body to improve the trade balance of our Nation. We have enacted legislation designed to make our industries more competitive, to improve our schools, and to make our trading partners respect our market and give us equal access to their markets.

In implementing the free trade agreement today, we have the opportunity to make yet another step forward to insure continued economic growth for ourselves and for our children. One of the key features of the FTA is the phase out of almost all tariffs within 10 years, including tariffs on many agricultural products.

Canadian tariffs are among the highest in the industrialized world, with lowered, and in most cases, eliminated Canadian tariffs on American goods, the demand for American products is likely to increase, creating new job opportunities for American workers.

The FTA will relax barriers for Canadian firms wishing to build manufacturing facilities in the United States which is another feature promising new jobs, in addition to strengthening and diversifying the economic foundation of our Nation. America's well-trained work force and superior transportation network provide an excellent business climate for Canadian firms wishing to build new plants.

Mr. Chairman, our economy will not only benefit from freer trade in goods, but businesses that provide financial, computer, telecommunications, accounting and engineering services will be free to compete with Canadian firms in providing services to the Canadian market.

Increased competition for goods and services between the United States and Canada also promises to lower prices, benefiting consumers and manufacturers alike.

In a larger sense, this will make American goods more price competitive with goods on the world market. This will boost our sales in markets around the world and bring down our trade deficit.

Mr. Chairman, there has been some concern over the terms in the FTA regarding trade in automobiles and automobile parts. While the terms may not be ideal, Michigan and the other auto producing States are far better off with the FTA than without it.

The FTA makes significant changes in laws governing auto trade between the two countries. The Canadians have agreed to future negotiations to address our concerns regarding trade in auto parts. The FTA is not a perfect document, but I believe it will do a great deal to ensure sustained economic growth for our Nation in the coming decades.

Mr. Chairman, I urge my colleagues to support this legislation which is the next step we can take to strengthen and brighten the future of our economy.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to our distinguished colleague and the ranking minority member of the Committee on Energy and Commerce, the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, if it is true that all good things come to those who wait, then the free trade agreement must be very good for the United States because we have been waiting for a long time. In fact, we have been waiting since 1854 for a trade liberalizing agreement with Canada.

It now appears that, after 134 years and four other failed agreements, we finally have arrived at a workable and mutually beneficial agreement. I urge my colleagues to join me in supporting H.R. 5090, the implementing legislation for the United States-Canada Free-Trade Agreement.

This agreement is a major step toward President Reagan's goal of a free trade zone from the Arctic Circle to the tip of South America. Specifically, this agreement will eliminate all tariffs on United States and Canadian products by 1998 and substantially reduce other barriers to trade in goods and services.

Considering the volume of trade between the United States and Canada, this agreement will grant our economy incredible benefits. In 1987, bilateral trade in goods and services between the United States and Canada exceeded $166 billion. The Department of Commerce projects that this figure could increase by $25 billion over the next 5 years. Throw in the multiplier effect, and U.S. GNP could increase by up to $45 billion. In addition, 14,000 new jobs would be created for our traditional manufacturing industries, such as machinery, textiles, and clothing.

This agreement is also good for my home State of New York. In 1986, the State of New York and Canada traded approximately 19 billion dollars' worth of goods and services. In fact, the State of New York conducts more trade with Canada than Japan does. About 127,000, or 10 percent, of New York's manufacturing jobs are dependent upon exports to Canada. And the removal of tariffs on energy helps to provide New York with something that has eluded it for many years: energy security.

This agreement is not meant as a defense for free trade ideology. Instead, it is a recognition of economic realities. For instance, this agreement will spur growth for many sectors of our diverse economy, such as agriculture, manufacturing, telecommunications, energy, financial services, and lumber. This agreement will lower prices and enhance opportunities for all consumers and businesses. Simply put, a rising tide lifts all ships.

We realize that some Canadians, in opposition to Prime Minister Mulroney, would rather protect their economy at the expense of shared growth with the United States. Indeed, as I pointed out earlier, this is our fifth attempt in 134 years to forge a free trade agreement with Canada, and each time, mercantilist sentiments unfortunately have prevailed.

But today we can make a major contribution to reversing this historical trend. By voting for H.R. 5090, we will be telling Canada that we are determined to liberalize trade from the Artic Circle to the Rio Grande.

Mr. GIBBONS. Mr. Chairman, it is my pleasure and privilege to yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], the chairman of the Energy and Commerce Committee.

Mr. DINGELL. Mr. Chairman, I thank my dear friend and colleague, the distinguished gentleman from Florida, for making this time possible and for yielding to me.

Mr. Chairman, I rise in support of the United States-Canadian Free Trade Agreement and this legislation. I do this reluctantly. My reluctance is based on the belief that the administration did not negotiate an adequate deal for the United States and American workers. In my view, Canada gave up little that really counted but was able to gain real concessions for its interests.

I am particularly concerned about the effect of this agreement on the automobile and auto parts industries, as well as on workers in those industries. There have been improvements made in the legislation through the very effective bipartisan efforts of the Michigan delegation and the assistance of the Ways and Means Committee. Nevertheless, duty remissions for several Japanese firms will still exist, enforcement is still uncertain, and most importantly, the agreement still calls for a domestic content level of only 50 percent, not the 60-percent level which is important to our country and which I believe is in the interest of Canada as well.

This agreement should not be considered a model for any future trade negotiations. That is particularly true when our negotiators cannot resolve basic issues in crucial industry sectors until days before the negotiations must end. Our committee's correspondence, printed in the committee's report, shows that the administration was not uniformly behind the 60-percent content rule until the last days of those negotiations. As late as September 1987, the 50-percent rule of preference for automotive products and retention of the auto pact still remained "contentious within the U.S. Government" and was not yet "broached with the Canadians."

There is nonetheless some reason to believe that the agreement will be improved and provide greater benefit to the workers of both the United States and Canada. In particular, I am relying on the word and commitment of Ambassador Clayton Yeutter, who on July 8, 1988 said:

> I reaffirm our intention, John, to pursue this matter as a high priority. We very much want to increase the auto rule of origin to 60 percent, and will do everything possible to obtain Canadian agreement on satisfactory terms as early as possible next year.

As soon as the ink on this document has dried in both countries, I expect Mr. Yeutter and his Canadian counterparts to take all actions necessary to achieve this "increase."

At the same time, I intend to give careful attention to other provisions of the agreement within our committee's jurisdiction to assure that it is fully, fairly and vigorously implemented, and that the interests of the United States and its workers are vigorously attended to by the administration.

In the meantime, it will be my hope that as negotiations of this sort go forward, that more adequate preparation, more vigorous presentation of the case for the United States, and more full and deliberate planning to achieve our national goals of fair treatment in the world marketplace will be achieved.

Again I thank my good friend for yielding me this time.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 5090, legislation to implement the United States-Canada Free Trade Agreement.

I take this position for the simple reason that I believe the agreement, as drafted, sacrifices the interests of many resource industries—industries that are the economic base of my State of Idaho.

It is true that this legislation authorizes the President to enter into negotiations with Canada to resolve our differences on the issue of natural resource subsidies.

Some Members of this body may be satisfied with that "agreement to come to an agreement."

This Member is not.

It seems to me that we're putting the cart before the horse if we finalize a free trade agreement before we have worked out the toughest trade problem that exists between our two countries: Government subsidies that give Canadian products an advantage over the nonsubsidized American products that compete directly with them.

Subsidies are a problem threatening American jobs today.

Tomorrow's agreements—or next year's, or next decade's agreements—won't save those jobs. I urge my colleagues to join me in voting against H.R. 5090.

Mr. GIBBONS. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, I rise today in opposition to the United States-Canada Free-Trade Agreement because it does not really address the unfair competition that now exists for farmers, fishermen, and woodsmen in my State of Maine.

In essence the problem I have with the agreement is that it will tend to lock in for an indefinite period the pervasive unfair advantage enjoyed by Canadians over their competition in my State.

Those advantages are that the Canadians are substantially more subsidized by their government than their competitors in Maine.

Maine's potato farmers compete against Canadian counterparts who receive at least 32 separate subsidies from the Canadian Government. Maine fishermen face even greater barriers in trying to compete fairly against a heavily subsidized Canadian fishing Industry. Here, the situation is worse—55 Federal and provincial subsidies assist Canadian fishermen and producers.

Maine's farmers, fishermen, and woodsmen can compete with anyone head to head on a level playing field, But when the competition is given a 25-yard head start in a 100-yard dash, that's just too tough even for Mainers.

I simply do not want to lock in that head start against Maine's farmers, fishermen, and woodsmen.

My colleagues and I in the Maine delegation worked hard to ease some of the effects that the elimination of tariffs will have on these important Maine industries. We were able to achieve some success by authorizing negotiations with the Canadians to limit quantities of potatoes and to address the subsidies area. But these, however, only allow the President to work on these issues in the future, and do nothing concrete to remedy the problems. Still, the Canadian subsidies continue.

Furthermore, the agreement does nothing to protect Maine's lobster fishermen from unfair competition from undersized Canadian Imports. the administration refused to include something as important as the lobster provisions in the free trade agreement. Our lobster fishermen are now at a great disadvantage.

I respect the views of those supporting the agreement. They have worked in good faith to advocate on behalf of the agreement.

I have carefully examined the provisions of the agreement, and have weighed the impact the agreement will have on the State of Maine and the Nation.

The potential for an expansion of Maine businesses into Canadian markets under the agreement does exist. The elimination of all tariffs over the next 10 years should unite the United States and Canada into a virtual common market. The liberalization of Canadian investment policies could help to create a more favorable climate for United States investment in Canada. Several other groups could benefit as well from this agreement.

Maine businesses can be assured that I will assist them in any way I can should the congress vote to implement the free trade agreement.

For the hard-working men and women of my State who have to compete against unfair Canadian subsidies, I will cast my vote in opposition to the free trade agreement.

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Mr. GIBBONS. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I am pleased to be able to rise in support of the United States-Canada Free-Trade Agreement. By removing trade barriers between the two nations, this historic agreement will create major new trade opportunities for manufacturers and service providers on both sides of the border. More importantly, the FTA will mean new business for many smaller sized companies who have been unable in the past to compete in the Canadian market because of high tariffs and nontariff barriers. The agreement also creates a framework for resolving trade disputes more effectively, and establishes principles for investment and trade in services. And, the FTA will ensure long-term access to abundant Canadian energy supplies and prohibit discriminatory treatment for United States buyers.

As the cochair of the Northeast-Midwest Coalition, I had the opportunity to become involved closely with the FTA during the negotiating process. Last year the coalition formed a bipartisan task force on United States-Canada trade, cochaired by my distinguished colleagues, SANDY LEVIN and

JIM LEACH. The task force distributed numerous reports and provided timely information to coalition members and people back home as the negotiations progressed. On several occasions, the task force met with our distinguished U.S. Trade Representative Clayton Yeutter and the U.S. negotiating team to discuss efforts to resolve trade problems in specific sectors. These meetings and reports allowed us to work closely with the administration at a critical stage in the negotiations to raise concerns and awareness about longstanding trade problems. I am pleased to report that many of the issues we raised are reflected in the final language of this comprehensive agreement.

The FTA is by no measure a perfect trade agreement. I remain concerned about several issues, in particular our bilateral policy governing automotive trade. For the past 23 years, automotive trade between our two countries has been governed by the United States-Canada Automotive Agreement, known as the Autopact. The Autopact has provided duty-free trade across the border in automotive goods. However, Canada over the years, has used the agreement to create incentives for foreign automakers to locate in Canada to serve the United States market. Automotive trade policy is perhaps the most complicated issue that was addressed in negotiations. But with automotive goods accounting for over one-third—$46 billion—of total trade between the two countries, we could ill-afford not to examine closely the automotive provisions contained in the FTA.

In my own home State, automotive trade accounts for much of the trade imbalance, with over 83 percent of Canadian shipments to Michigan consisting of automotive goods. Michigan leads America in trade with Canada—in 1986, Michigan and Canada traded almost 26 billion dollars' worth of goods. But of this amount, more than $17 billion consisted of imports from Canada, leaving the State with a $9 billion merchandise deficit. The FTA gives us the opportunity to redress some of the longstanding inequities resulting from Canada's implementation of the 1965 Autopact, and a chance to lay the foundation trade in automotive products.

Specifically, I am satisfied that Canada will no longer be allowed to give away benefits of the bilateral Autopact to non-North American auto suppliers who set up plants in Canada. This provision in the FTA should remove a major incentive for new foreign manufactures to locate in Canada in order to sell in the United States on a duty-free basis.

I am disappointed, however, that we were unsuccessful in our efforts to increase the rule of origin for automotive products to 60 percent, and I will continue to push for this important provision. A higher content rule would require auto makers in North America to purchase more parts in the United States or Canada before receiving duty benefits under the FTA. Along with my distinguished colleague JOHN DINGELL and many members of the Michigan delegation, we held extensive meetings and discussions with our negotiators to pursue a 60-percent rule. The administration has acknowledged the importance for United States auto parts makers of a higher rule of origin, and in response to our concern, has made a commitment to continue to pursue such a policy in discussions with Canada next year.

I am also disappointed that the FTA will allow Canada to continue its production-based duty remissions program for another 10 years. Under this program, foreign auto makers receive duty rebates on vehicles and parts they import into Canada provided they purchase a large amount of Canadian-built parts for their assembly operations. The program thereby limits the ability of United States auto parts suppliers to sell to foreign producers in Canada. Moreover, retaining the duty remissions program for 10 more years will solidify long-term supplier relationships in Canada, which are likely to remain long after the duty remissions program ended.

Many of my colleagues in this room share my disappointment that the FTA will not terminate this program immediately, although the FTA restricts Canada from expanding the program. To compound the problem, there is insufficient information on the extent of benefits granted to foreign auto makers under the remissions program. We pressed U.S. negotiators to obtain copies of the duty remissions contracts. Having these contracts in hand will enable us to monitor Canada's compliance with provisions of the FTA restricting expansion of the duty remissions program.

The FTA also will establish a bilateral automotive panel to monitor trade once the FTA goes into effect, and to make recommendations to resolve remaining trade problems. Provided this panel is carefully constructed, it could play an important role for imroving bilateral automotive relations. I intend to work closely with my colleagues and the administration in addressing my ongoing concerns through this panel.

There are many other concerns I have with respect to the FTA beyond automotives and which the Northeast-Midwest Coalition Task Force raised with the U.S. negotiators. But I think it is worth stressing that the agreement offers a unique opportunity to improve our trade relationship with Canada. And contrary to the concern of many, the FTA will not close the door to taking steps in the future to resolve outstanding trade problems. The FTA will create business and commercial opportunities in an important market, particularly for those companies located in border States such as Michigan. For these reasons, Mr. Chairman, I encourage our colleagues to support the ageement and to work together in a bipartisan effort to ensure its successful implementation.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to our illustrious colleague, the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I rise in support of the United States-Canada Free Trade Agreement under consideration this afternoon. This is a monumental trade agreement which will foster economic growth for both the United States and Canada. Our nations are the largest trade partners in the world and the United States trades more with Canada than any other nation. This agreement will bolster that relationship.

I commend the trade negotiators, the administration and of course my House colleagues who worked so diligently to expedite this agreement. As a member of the House Tourism Caucus, I am pleased that the agreement will facilitate tourism services between the United States and Canada. In my home State of Florida, millions of Canadian tourists visit our beaches and attractions. In 1986, over 1.5 million Canadian tourists came to Florida and spent approximately $700 million. The tourism industry will certainly benefit from this agreement.

About 1 in 10 Florida manufacturing positions depends on exports to other countries—export-related manufacturers' shipments are $5 million—much to Canada.

In other trade sectors: Florida exported 834 million dollars' worth of commodities in 1986—these goods include computers, fresh fruits and vegetables, tomatoes, orange juice, berries, telecommunications equipment, and motor vehicle parts. Florida accounted for $1.3 billion of the $25.4 billion United States-Canada trade in services. In addition, the agreement will enhance telecommunications and computer service markets in Canada. In Florida, over 39,000 farms will benefit from increased sales of Florida agricultural commodities through the phase-out of duties on fresh fruits and vegetables.

In short, this agreement is good for Florida jobs and Florida's economic growth. It is good for the people of Canada and, in general, for both of our countries. I urge my colleagues to support this historic agreement which promotes free and fair trade.

Mr. CRANE. Mr. Chairman, I yield 1½ minutes to our distinguished colleague, the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Chairman, it is with great satisfaction that I rise in support of this historic opportunity to reduce and finally eliminate all tariffs and most nontariff barriers between the United States and our great neighbor to the north—Canada. As a representative of central New York, I can wholeheartedly say that this landmark agreement will certainly lead to increased economic activity and production, to enhanced employment opportunities, to lower prices and to expanded economic prosperity for Onondaga and Madison Counties of New York.

This is true not only for the commerce of central New York, but indeed for the entire Nation. This agreement between the United States and Canada will lead to a free trade zone stretching from the northernmost points of the Northwest Territory to the Gulf of Mexico. Liberalized trade resulting from this agreement will sustain and actually amplify the economic growth we have been experiencing for the past 70 months.

Many people are surprised by the fact that Canada is the United States' largest trading partner. More than $160 billion in goods and services crossed the United States-Canada border in 1987. The United States sold almost as much to Canada as it did to all 12 countries in the European Community. Moreover, approximately 25 percent of all United States exports go to Canada, which also happens to be the fastest growing United States export market. These are all very salient points to keep in mind when discussing this monumental agreement.

As a member of the House Banking, Finance and Urban Affairs Committee, I am especially knowledgeable of the advantages this agreement would have on financial services between Canada and the United States. This agreement on financial services is the first bilateral agreement of the United States covering the entire financial sector and will serve to further integrate our two financial markets and allow financial firms on both sides of the border to compete on a more equal and reciprocal basis. United States commercial bank subsidiaries will be free from the current Canadian restrictions on market share, asset growth, and capital expansion.

Additionally, United States securities firms will also have a free hand at diversifying into other financial activities in Canada. Furthermore, United States insurance firms will now receive the same as Canadian insurance companies to diversify into banking. Restrictions on percentage of ownership of insurance firms, and trust and loan companies will be removed.

To take advantage of the accord's future, Canada and the United States agree to liberalize its financial markets and to extend the benefits of liberalization to each other. This is indeed a pivotal provision and one which will hopefully further encourage the Banking Committee to further expand financial services available to the commercial banking industry.

By voting on this compact, we are faced with the question of whether it will enhance both countries' trading positions. It will. The lowering or removal of barriers to trade and investment will have strong economic benefits for the United States and Canada. Resulting from the free trade agreement, economists in both countries forecast increased economic growth, heightened bilateral trade and investment, lower prices, expanded employment opportunities, and enhanced North American competitiveness in the world marketplace. Bilateral trade alone has been estimated to increase $25 billion in only the first 5 years of the agreement.

Perhaps the most important aspect of this compact will be its serving as a model for other nations worldwide seeking to improve their trading positions. We already see this happening in Europe, as members of the European Community are working toward a free trade area between their countries as soon as 1992. Moreover, the free trade agreement will serve as an excellent case for the Uruguay round of multilateral trade negotiations. As mediators undertake firsttime issues such as trade in investment and services and improvement of the GATT dispute settlement mechanism, they may look to the free trade agreement for guidance.

As responsible representatives of the people, we must take advantage of this rare historic opportunity. President Reagan and Prime Minister Mulroney have fully capitalized on the current economic and political climate to ensure expanded North American opportunities to increase its global competitiveness. Historic breakthroughs, such as this one, in the two countries' commercial relationships are not all that frequent.

I urge my colleagues to take advantage of this eminent prospect. I do not say this lightly. If we do not support this today, we may not see it again for many years, which would certainly be a tragedy for United States and Canadian competitiveness in the global marketplace. Let's support this accord for the advancement of American trading policy.

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] has 1½ minutes remaining.

Mr. CRANE. Mr. Chairman, I yield the balance of our time to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in support of H.R. 5090, the United States-Canada Free Trade Agreement, one of the most comprehensive agreements on trade ever negotiated in the free world.

The experience of the European Community [EC] is a perfect example of the fantastic success of free trade among free nations. During the period in which EC tariffs were eliminated—1959-69—trade within the EC rose by 347 percent compared to a 130 percent increase in trade outside the EC, a 124 percent increase in United States global trade, and a 130 percent increase in Canadian trade. These tariff reductions created the greatest period of economic growth for EC members.

The United States and Canada can create and expand this same period of enormous growth. Each year the United States and our friends in Canada exchange more goods and services than any two countries in the world. Bilateral trade in goods and services exceeded $150 billion in 1986. Accumulated direct bilateral investment through 1986 totaled almost $67 billion.

The centerpiece of the free trade agreement is the total elimination within 10 years of all tariffs on bilateral trade between the United States and Canada. Studies indicate that duty-free trade will result in a $12 to $17 billion increase in the U.S. gross national product, producing 500,000 to 750,000 new U.S. jobs.

Specifically, both countries will work to improve trade conditions in the agricultural, steel, and automotive industries. I salute the courageous men and women in these industries for their willingness to support this agreement despite their short term sacrifices. This agreement will greatly increase the stability of cross-border trade for United States business, giving United States exporters the assurance that long-term commitments can be made to export to Canada without the fear of arbitrary disruptions through direct import restriction or other measures.

The United States-Canada Free Trade Agreement is truly an economic opportunity available only among free countries. We must use this opportunity to continue to strengthen both the United States and its allies around the world.

The CHAIRMAN. All time of the gentleman from Illinois [Mr. CRANE] has expired.

Mr. DE LA GARZA. Mr. Chairman, I rise to express my support for H.R. 5090, a bill to implement the United States-Canada Free Trade Agreement. As chairman of the Committee on Agriculture, I am especially interested in the effects that the agreement will have on agricultural producers in the United States.

The United States and Canada have a long history of trade in agricultural products. In fact, Canada is the third largest purchaser of American agricultural goods. In 1986, Canada imported approximately 2 billion dollars' worth of agricultural products from the United States. It is my hope that the free trade agreement will enhance this trade relationship and increase United States agricultural exports to Canada in the years ahead.

The central feature of the agreement is the phaseout of all tariffs on agricultural goods over the next 10 years. This action is expected to increase the export of many agricultural commodities produced in this country, including fruits and vegetables, poultry and eggs, grains, wine, and other processed agricultural goods.

While our own tariffs on agricultural commodities will also be phased out, the United States will retain its rights under the General Agreement on Tariffs and Trade, and under current domestic laws, to guard against any drastic increase in the imports of Canadian agricultural goods into the United States. This will ensure that America's farmers have free, yet fair, trade with Canada, and prevent the dumping of any Canadian agricultural goods in the United States.

With regard to agriculture, H.R. 5090 will provide for the implementation of the free trade agreement by amending a number of statutes governing the facilitation, inspection, and limitation of imports of Canadian agricultural goods. The legislation is necessary if the United States is going to live up to its commitments under the free trade agreement.

Mr. Chairman, the free trade agreement is not perfect, especially with regard to its provisions regarding agricultural products. But on balance, the free trade agreement is a step in the right direction of eliminating trade barriers and promoting free and fair trade between the United States and Canada. Accordingly, I would urge my colleagues to support this legislation to implement the free trade agreement.

At this time, I would like to mention a very brief summary of the agricultural provisions of H.R. 5090, the United States-Canada Free-Trade Agreement Implementation Act of 1988.

BRIEF SUMMARY OF THE AGRICULTURAL PROVISIONS OF H.R. 5090

The provisions of H.R. 5090 that are within the exclusive or joint jurisdiction of the Committee on Agriculture will—

First, authorize the President to exempt both Canadian grains and sugar-containing products with 10 percent or less sugar by dry weight from section 22 import restrictions;

Second, authorize the Secretary of Agriculture to issue regulations that would allow the entry into the United States of certain veterinary biologics without a permit issued by the Secretary;

Third, require the removal of the origin-staining requirements for imported Canadian alfalfa and clover seeds;

Fourth, authorize the Secretary of Agriculture to permit imports of Canadian plants based on Canadian inspections when such inspections are equivalent to United States inspections;

Fifth, authorize the Secretary of Agriculture to establish regulations that would allow the importation of ruminants and swine and fresh, chilled, and frozen meat from areas of Canada free of foot and mouth disease and rinderpest, even if other areas in Canada may have such diseases; and

Sixth, approve the free trade agreement, certain letters exchanged between the United States and Canada interpreting the agreement, and the statement of administrative action proposed to implement the agreement, as submitted to Congress by the President on July 25, 1988.

There are a number of other provisions of H.R. 5090 that will directly affect the trade in agricultural products between the United States and Canada. Of these, there are provisions that will—

First, authorize the President to impose, under certain circumstances, a temporary duty on the importation of specified fresh fruits or vegetables from Canada;

Second, exclude Canada from the calculation of the quantity of meat articles that may be imported without triggering meat import quotas, adjust the minimum quota amount to reflect the removal of Canada from the calculation, and authorize the President to impose import restrictions on Canadian meat articles under limited circumstances;

Third, encourage the President to facilitate the preparation and implementation of common performance standards for the use of softwood plywood in construction applications in the United States and Canada, and require the President to report to Congress on the incorporation of common plywood performance standards into building codes in the United States and Canada;

Fourth, direct the President to enter into immediate consultations with the Government of Canada to obtain the exclusion from the transport rates established under Canada's Western Grain Transportation Act of agricultural goods that originate in Canada and are shipped via east coast ports for consumption in the United States;

Fifth, authorize the President to enter into negotiations with Canada for reciprocal quantitative limits on the trade of potatoes between the United States and Canada; and

Sixth, direct the President to take appropriate action to enforce United States' rights under the General Agreement on Tariffs and Trade in the event that Canada applies export controls on unprocessed fish or landing requirements for fish caught in Canadian waters.

Mr. HOUGHTON. Mr. Chairman, today we have the opportunity to vote on landmark legislation—legislation that is the most comprehensive of its kind ever negotiated between the United States and our neighbor to the north—Canada.

To call the United States-Canada Free Trade Agreement comprehensive almost understates its significance. It would liberalize bilateral trade on everything from agriculture and wine to automobiles and timber. Other provisions dealing with energy access and trade in services are the first of their kind. The pact would eliminate all tariffs and duties and remove most import and export restrictions by 1998.

Benefits to the two countries would be numerous. Canada would gain duty-free access to a market 10 times larger than its own, and the United States would gain duty-free access to a market of 25 million people.

By setting predictable rules for trade, the agreement would allow businesses to plan and invest more wisely. Consumers would enjoy lower prices as the cost of doing business would decrease with the abolition of tariffs and other barriers. Thousands of jobs would be created. And the stronger economies would make both of us more formidable competitors in the world market.

In 1986 the United States and Canada exchanged about $150 billion in goods and services, forming the largest trading partnership in the world. In New York alone, figures show $20 billion exchange of goods flowing between New York and the Province of Ontario. In the 34th District, which I represent, our wineries stand to gain the most. The pact will remove Canadian barriers—allowing New York wines to be shipped easier, in greater quantities and less expensively.

The pact represents a bold vision of the future for the United States and Canada. It's historic. It's a win-win situation. I support the free trade agreement.

Mr. ARCHER. Mr. Chairman, by approving today the United States-Canada Free Trade Agreement, its implementing legislation, and the accompanying statement of administrative action, we are concluding a lengthy, arduous, yet thoroughly heartening process. It will mark the end of the most important bilateral trade negotiation of the decade. In my view, it represents a major achievement for our two governments and the 100th Congress. We do much more than pass legislation today. We celebrate a historic agreement between the two largest of the world's trading partners. With its example as our guide, we set our sights on future bilateral and multilateral agreements.

This agreement will be assessed, discussed, and put into practice in the future as a model of how international trade should be conducted and how disputes should be resolved. It demonstrates how new areas such as services and intellectual property rights can be molded into effective trade disciplines, and how bilateral agreements can influence and lead the multilateral process.

Achieving such a far-reaching agreement was not without difficulties. Although sharing many common attributes, including the most open shared border in the world, the United States and Canada are two separate economies and cultures that inevitably have some conflicting policies and goals. Similarly, there are conflicting policies and goals within our own governments.

Yet, all sides met the challenges of this monumental task with a will to succeed. Consultations were extensive among the private sector and the Congress, and the administration was extremely responsive to accommodating potential problems of adjusting to the effects of the agreement. The result is an implementing bill that is more widely supported than any trade bill that we have ever considered.

I would like to make note of a few of the more important aspects of this historic document. Tariff cuts remain the primary achievement of the agreement. All tariffs between the two countries will be eliminated, many immediately. The remainder will be phased out over either 5- or 10-year periods. With tariffs averaging 3.3 percent in the United States with respect to Canadian imports and 9.9 percent in

Canada with respect to United States goods, the enormous benefits to both sides are self-evident. The two countries now collect almost $2.5 billion annually in duties which in the future will represent a significant savings to manufacturers, farmers, and consumers alike. The importance of eliminating all duties should not be underestimated. It is probably the most significant factor in directly facilitating trade expansion, and therefore job expansion, between our two great economies.

The numerous provisions in this agreement that relate to nontariff barriers to trade, or that represent understandings in nontraditional areas, are key to the long-term success of this agreement. These provisions range from disciplines on subsidies, including agriculture subsidies, to expanded government procurement opportunities and bilateral understandings in the areas of services, investment, financial services, and intellectual property rights. The resulting long-term benefits inevitably will be significant given the size of the two markets, the common goals we profess, and the leadership provided by both Canada and the United States in the international community.

There is one final point that I would like to emphasize. Probably as important as any aspect of the agreement's provisions is the overall message it sends from our two economies to the world at large. It says that the enormous difficulties that inevitably exist in any bilateral relationship can be overcome, and two diverse and dynamic economies can be set on a common path of cooperation, accommodation, shared risk and mutual gain. This agreement, along with the one we have already achieved with Israel, will serve as examples for bilateral free trade pacts around the globe.

More immediately, this agreement will serve as an example to participants in the Uruguay round of multilateral negotiations now underway in Geneva. It resoundingly affirms that mutually beneficial disciplines can be achieved in wide-ranging areas outside tariffs. It proves that the new dynamics of trade are not beyond our grasp and that the rules of international trade can accommodate evolving international trade activity. It can occur between the developing and the developed world, as we proved with the United States-Israel agreement, as well as among the trading giants.

We must not lose sight of the messages this agreement portrays. The Uruguay round is our next major goal, but other bilateral agreements are also realistic possibilities.

The Congress continues to have a key role to play. I urge my colleagues to affirm our responsibility by approving H.R. 5090, implementing the United States-Canada Free Trade Agreement.

Mr. GAYDOS. Mr. Chairman, I rise in opposition to H.R. 5090, the bill to implement the United States-Canada Free-Trade Agreement.

Since the President announced his intention to sign a free trade agreement with Canada last October, I have heard a wide variety of views on this complex treaty. I believe one of the most important of these issues is how it will effect our trade balance with Canada.

From the beginning of this administration, our bilateral merchandise trade deficit with Canada has gotten steadily worse. In 1981, we were $2.2 billion in the red, and last year the Canadians exported goods worth $11.9 billion more than those we sent them.

If our trade deficit with Canada has gotten $11.9 billion worse in 6 short years, who knows what will happen if trade restrictions between our two countries are lifted?

As chairman of the Congressional Steel Caucus, I have looked very closely at how the treaty could affect the steel industry and steelworkers.

Last year, Canada shipped more steel to the United States than any other country except for Japan. Canadian steel made up 18 percent of all the foreign steel entering the United States and it captured about 4 percent of the United States steel market.

In spite of this flood of Canadian steel, Canada has steadfastly resisted entering into the same steel voluntary restraint agreement which the United States has signed with 29 steel-exporting countries. For years, Canadian steel exports have been increasing, and there's no end in sight. This high level of imports means lost profits and lost jobs for the American steel industry.

Both American and Canadian workers and labor organizations are very concerned with the impact of the free trade treaty. According to the AFL-CIO, "the measure favors U.S. investors, services industries, and multinational corporations at the expense of U.S. workers." The AFL-CIO opposes the measure and they are joined by the United Auto Workers, the United States Steel Workers, and the Canadian Labor Congress.

In light of such united opposition, I believe we should seriously consider the implications the agreement has for our workers.

The FTA also establishes an unconstitutional trade arbitration board with higher authority than the U.S. court system. The treaty gives preferential treatment to Canadian auto makers; it overrides "buy American" provisions of United States laws; it weakens our energy independence; and it changes immigration laws making it easier for Canadians to enter America.

The most important problem with the FTA is that it does not address the thorny issue of the Canadian Government protection and subsidies on products like cars, wine, beer, grain, poultry, eggs, fish, and plywood.

Last year, the bilateral merchandise trade between the United States and Canada topped $135 billion with a United States deficit of $11.9 billion. How much worse would this get if the volume of trade were increased?

America and Canada have a common heritage, a common language, and many common interests, but we sometimes have very different economic interests. I believe that our two nations need to work together to improve the standard of living for all the people of North America, but the free trade agreement is not the best way to do that.

Mr. Chairman, the Canadian people are our greatest friends and our closest allies, so it is with real deliberation that I have to announce my opposition to the free trade agreement. I believe the treaty could further hurt our trade balance and I urge all of my colleagues to vote against H.R. 5090.

Mr. SENSENBRENNER. Mr. Chairman, I rise in complete support of the free trade agreement signed by President Reagan and Prime Minister Mulroney of Canada.

The United States and Canada have been doing business together for years. We share a common border and a common friendship. We are already the largest trading partners in the world. And there is room for more. The free trade agreement is a good idea and sets an excellent precedent.

Last year $135 billion in commerce took place between the United States and Canada. My home State of Wisconsin accounted for $2.8 billion of that trade, exporting 11 percent more than it imported. According to the Bureau of Labor Statistics, nearly 500,000 jobs in the Great Lakes region alone are supported by merchandise exports to Canada. Canada has welcomed the investment which makes us their largest foreign direct investor. The United States can only stand to gain from broadening the relationship and constructing what will amount to the world's largest shared market.

Mr. Chairman, although the free trade agreement is quite comprehensive, we have heard a lot of bickering about specific items which have not been included. When President Reagan and Prime Minister Mulroney signed the free trade agreement on January 2, both admitted that neither side got everything it wanted. However, the beauty of this agreement is its setting the stage for additional trade liberalization, bilaterally and multilaterally. It creates a framework through which all tariffs and restrictions on the movement of goods might one day be eliminated.

And isn't that our goal? The unrestricted flow of goods, free trade and open markets? If the United States could trade throughout the world as we have proposed with Canada—on a level playing field, without restrictions, barriers and tariffs—we would be much better off. Free trade—not protectionism—stimulates business, makes us more competitive, benefits the American consumer and strengthens the United States.

The free trade agreement is a landmark in U.S. trade policy which breaks new ground in the development of international rules for trade in services and investment and establishes effective procedures for dispute settlement. These achievements will undeniably promote our objectives at the Uruguay round GATT negotiations. Perhaps the many nations participating in those negotiations will take our cue and initiate similiar bilateral and multilateral efforts. I hope this encourages some of our trading partners, such as Japan, to review their trading postures with the United States.

Mr. Chairman, I must note that although we are here today to debate free trade, Canada has objected to the free use of Great Lakes water by areas of our Nation in dire need of this resource.

Barge traffic along the Mississippi River will lose between $150 to $200 million as a result of Canada's refusal to allow the Chicago water diversion into the effected water systems. Higher gas prices in Wisconsin are a negative result of the inability of barges to transit the river system.

We have to protect and defend the Great Lakers water system, however, we must also have access to it when we suffer drought or disaster. I only hope the free trade agreement, when ratified and enacted, will encourage Canada to cooperate with the United States on issues such as the national disaster we are now facing, as well.

Mr. Chairman, above all the United States and Canada are neighbors, friends, allies and partners. The free trade agreement will preserve and envigorate that relationship, and immeasurably strengthen both nations.

Mr. DOWNEY of New York. Mr. Chairman, I rise today in strong support for H.R. 5090, the United States-Canada Free-Trade Agreement Implementation Act of 1988. As a member of the Trade Subcommittee I can attest to the hard work of countless Members and administration officials in bringing this historic agreement to a conclusion. I must commend my good friend, Chairman SAM GIBBONS, for his tireless efforts and his commitment to free trade; at times it seemed as if his drive was the only force that kept the process going.

I would like to deal briefly with one provision with which I was intimately involved in the energy chapter. Article 902:4 provides "In the event that either Party imposes a restriction on imports of an energy good from third countries, the Parties, upon request of either party, shall consult with a view to avoiding undue interference with or distortion of pricing, marketing and distribution arrangements in the other Party." Although the same provision appears also at article 407:4, within the chapter on border measures, its inclusion in the free-trade agreement grew out of the energy negotiations; in particular, discussions with respect to petroleum.

Under the agreement, the United States generally is obligated to exempt petroleum of Canadian origin from fees which in the future might be imposed on imports of foreign petroleum. If such import fees were imposed by the United States without Canada's adopting comparable import fees, however, an exemption for Canada from the United States fees would tend to draw increased quantities of Canadian crude oil and refined products into the United States market. This is because the United States fees would cause the prices of crude oil and products in the United States market to rise above the levels prevailing in Canada, allowing crude producers or resellers in Canada's western provinces, as well as refiners and product marketers in eastern Canada, to enjoy increased profits by diverting their goods from Canada to the United States market. This diversion would be particularly anticompetitive if Canada were the only country exempt from a United States import fee.

Such diversions in large quantities of petroleum or other goods subject to third country restrictions could be disadvantageous to both countries. These diversions could diminish supplies and drive up prices in Canada and artificially create price disadvantages for competing United States suppliers. The free trade agreement negotiators were unable to arrive at a mutually acceptable mechanism to be included explicitly in the agreement, in part because of the wide range of situations in which the issues could arise involving various kinds of third-country import restraints imposed by either country, and potentially involving many different kinds of goods.

Mr. Chairman, the urgency of resolving these issues may differ somewhat from one situation to another. Moreover, although the current administration is opposed to oil import fees, as am I, future administrations may have a different view. Therefore I worked with the chairman of the subcommittee, Mr. GIBBONS, the chairman of the Committee on Ways and Means, Mr. ROSTENKOWSKI, and the U.S. Trade Representative, Ambassador Clayton Yeutter, to develop language in the statement of administrative action to deal with this potential problem. It was my intent that, with respect to any future oil import fees from which Canadian crude oil or refined products are exempted, that the United States request consultations under article 902:4 of the free-trade agreement to avoid distortions in pricing, marketing and distribution arrangements, as soon as it appears likely that the United States will impose oil import fees, and in no event more than 7 days after such imposition. Consultations shall be conducted expeditiously, and the administration shall make every effort to reach a mutually satisfactory solution within 30 days. If the parties are unable to reach an agreement on a solution, unilateral actions shall be taken by the administration to avoid distortions and protect and enhance competition; and could be subject to the dispute resolution provisions of chapter 18 if Canada believed such actions were inconsistent with the agreement.

Mr. Chairman, we stand at the threshold of a bold new day in international trade. By passing this implementing legislation we can begin the long road back to a sound trade policy. I urge my colleagues to vote for this bill.

Mr. SCHULZE. Mr. Chairman, H.R. 5090, legislation to implement the United States-Canada free-trade agreement, is the culmination of 2 years of negotiations between the two countries which comprise the greatest trading partnership in the world. At times, as many of you know, these negotiations served as the textbook definition of acrimonious. However, whenever you bring to a negotiation table two countries which harbor such intense pride in their political and cultural sovereignty, any ensuing talks are bound to straddle the parochial.

I have always believed that an agreement aimed at providing for a freer flow of goods and services between the United States and Canada was not only a good idea, but also an essential tool to be used in gaining leverage in our dealings with the European Community and the Asian Pact. With particular respect to the EC, many of you are aware that by 1992 the EC member-nations aspire to have their trade and tariff laws in conformity with one another. Given the difficulties we now face in negotiating trade disputes with the EC, try to imagine the hurdles we will face when, 4 years from now, we have to contend with a truly unified EC. Clearly, neither the United States nor Canada could singlehandedly compete with the protectionist wall-to-be around the EC. But united in a free-trade pact, these two countries will have a better shot at doing just that.

Regrettably, I have not as yet laid to rest my concern that the United States became so obsessed with concluding an FTA that we overlooked the fact that a number of the pact's provisions stand to benefit Canadian interests at the expense or our own. In fact, it seems that our preoccupation with getting an agreement became so great that, at times, we essentially substituted process for results.

One particularly glaring example of this point is the tariff phaseout portion of the agreement. Currently, the average Canadian tariff is more than twice the average United States tariff. One would assume that such FTA negotiations would have provided just the vehicle for correcting this inequity. Unfortunately, that wasn't the case. By failing to insist that Canada bring its average tariffs to par with ours, United States firms will be kept at a disadvantage until all tariffs between us are ultimately eliminated—the majority of those requiring a full 10 years.

Am I calling this agreement a failure? No, I am not. The fact that all tariffs impeding trade between the United States and Canada are destined for elimination, however inequitable the phaseout may appear to be, is significant and certainly without parallel. U.S. negotiators scored gains in the financial services portion of the talks. Additionally, and without imposing new protectionist roadblocks, we have put Canadian steel firms on notice that the dumping and subsidization of its steel exports into the United States will not be tolerated. This agreement ensures that the Office of the United States Trade Representative shall continue to monitor imports of Canadian steel products into the United States, and will expect Canada to abide by its commitment not to take advantage of the voluntary restraint program currently in effect.

Is this agreement a gem and where we want to end up? No it's not perfect. Is the agreement a lemon? No.

Mr. Chairman, the United States-Canada FTA represents a good starting point and a positive indication of what the future holds for United States-Canada relations, provided Mr. Mulroney can wrest control of the FTA's destiny from Senate liberals up there. If, and when, that happens, we will enact into law a foundation upon which many great job creation and economic growth success stories can be realized.

With this in mind and with an eye to the future, I urge my colleagues to vote yes for H.R. 5090, the United States-Canada Free-Trade Agreement.

Mr. JEFFORDS. Mr. Chairman, I rise in strong support of this bill to implement the United States-Canada Free-Trade Agreement.

The free trade agreement is an important and historic step toward expanding international trade and removing trade barriers. The statistics are vast and continue to show improvements in our shared growth—$125 billion worth of goods traded between our two countries in 1986 alone. Ratification of this agreement establishes a long-term commitment to free trade by the two largest trading partners in the history of the world.

The agreement sends a strong signal to world negotiators during the Uruguay round of the GATT that our two countries are serious about encouraging free trade and are prepared to challenge unfair trading practices. This agreement will encourage other nations to follow the lead, to augment economic growth by encouraging, not discouraging, free and open trade.

Based on an already friendly trading relationship with our neighbor to the north, this treaty solidifes that relationship. With elimination of tariffs, consumers will see a larger variety of goods and more competitive prices. Our national energy supply gets a boost by the establishment of ground rules designed to ensure stability in future energy contracts.

Roughly 80 percent of Canadian exports to the United States and 65 percent of United States exports to Canada arrive duty-free. Of the dutiable items, the Canadian tariffs average 9-10 percent, while the United States average is 4-5 percent. By eliminating the duty, those tariff dollars are eliminated from the cost of any formerly dutiable item, which will result in a lower cost to the consumer. Although the actuarian figures vary on the amount of consumer savings, it is clear tariff dollars will no longer be passed on to consumers.

The agreement will allow producers on each side of the border to have immediate access to much larger markets, and allow manufacturers to extend production runs to fill larger orders, resulting in lower costs per unit and ultimately, lower cost to the consumer. By enlarging the markets, there is an opportunity for all businesses to expand services and increase productivity. With the ratification of this treaty, the United States gains duty-free access to 25 million people, and Canada gains access to a market 10 times the size of its own.

Energy is a big consideration of this trade agreement. Both countries will agree on an elimination on restrictions on trading of crude oil, petroleum, natural gas, electricity, coal and uranium, with consideration for national security and short supply situations. The mutual energy trade between our two countries currently totals about $10 billion per year, with Canada being our largest foreign supplier of crude oil, natural gas, uranium, and electricity.

We know that our world resources are not infinite, that our national supplies of oil and electricity fall short of our needs, and that energy is an imperative and vital component of our national security. It is crucial for us to continue to secure additional proven and reliable sources of energy.

By providing assurances that energy exchanges across our mutual border will be subject to free and predictable treatment, the agreement provides a foundation for an increase in this vital trade commodity. By stabilizing the ground rules, we will ensure unprecedented predictability in energy trade and thereby encourage expansion in these markets. This treaty creates incentives for companies to invest in the capital expenditures necessary for future, long-term contracts. This treaty will encourage energy supplies from our friendliest, most dependable trade partner.

Underlying the United States-Canada Free-Trade Agreement is a certain sense of confidence about our country's ability to compete in the global marketplace. We have the confidence to say to the world that we can compete—not just hold our own but expand—in a global marketplace free of restrictive trade barriers.

I commend the administration for their diligent and purposeful work in negotiating this treaty. I salute the committees for their prompt action in approving the implementing legislation. And I encourage my colleagues to support this bill before us today.

I believe this treaty will benefit the economies of both our countries, it will symbolize the good faith that we share, and it will be an example to the rest of the world that free trade can be a reality. This treaty will encourage other nations to abandon their protectionist policies to realize the benefits inherent to a free flow of commerce.

Ms. SLAUGHTER of New York. Mr. Chairman, I rise today in support of H.R. 5090, a bill to approve the United States-Canada Free-Trade Agreement. This agreement has been carefully negotiated between the administrations of both governments. Approval of the House of Representatives today will mark the final phase of negotiation in the largest free trade agreement ever.

Many in my district are knowledgeable about free trade zones because of our experience with the Monroe Country Foreign Trade Zone granted last year. If the FTA is finally accepted by both the United States Congress and the Canadian Parliament, it will establish the largest free trade zone in the world.

This is an historic agreement. Canada is the United States' largest trading partner with bilateral trade between the two countries estimated to be in excess of $150 billion annually. The agreement will have significant effects on New York State, which has the second largest volume of trade with Canada, totaling over $16 billion.

There is no doubt that the agreement could be improved. I would be remiss if I did not share my concern about the way in which auto parts are treated in the agreement. I am hopeful, however, that the select binational automotive panel created under the agreement will provide a new avenue to make improvements in our bilateral automotive policy.

Overall, however, the FTA will be good for our area. By removing the tariffs on goods and services traded between the United States and Canada within a 10-year schedule, it will increase trade between the two countries. New York's wine industry will benefit under the FTA. Because of the agreement, the current discriminatory practices of Canada's Provincial Governments will cease and New York wine producers will receive fairer treatment of their product as they export and distribute their products throughout Canada. In addition, Rochester, NY, is one of the largest exporting cities in the Nation and is well placed to take advantage of these liberalized trading policies.

Mr. Chairman, the United States-Canada Free-Trade Agreement is clearly an improvement over the status quo and it lays the groundwork for future improvements. It is a major achievement in the area of trade and I ask my colleagues to join me today in support of this historic implementing legislation.

Mr. ST GERMAIN. Mr. Chairman, the United States-Canada Free Trade Agreement represents more than 3 years of work on the part of our two Governments to fashion a more open and fair trading framework.

In general the agreement is excellent trade policy. As it relates to trade in financial services, it is a major step forward for American firms doing business in Canada. In the past the Canadian operations of American firms have been hampered by restrictions which placed them at a competitive disadvantage against Canadian firms. There were limitations on the branching ability of United States banks that didn't apply to Canadian banks. There were limits on the financial service products that American banks could provide that did not apply to Canadian banks. And there were even limits on the total share of the Canadian market that could be controlled by American firms.

These restrictions stood in stark contrast to the manner in which the United States treated Canadian firms. Since the passage of the International Banking Act of 1978, Canadian banks, indeed all foreign banks, have been accorded national treatment. That meant that Canadian banks were treated the same as American banks. As a result of this agreement American banks will not be hampered by these unfair restrictions. They will be able to compete freely with Canadian financial institutions. As this agreement concerns trade in financial services, the vast majority of changes in existing law will have to be made in Ottawa, not in Washington.

Section 308 of the legislation before us today, would amend section 16 of the Banking Act of 1933 to authorize United States and Canadian banks to underwrite, deal in and purchase for their own account debt obligations backed by the full faith and credit of Canadian Governments to the same extent as they can currently trade in similar debt obligations of United States Governments. Because of our Nation's adherence to the principle of national treatment, U.S. banking law does not have to be extensively amended. This change does have symbolic importance however because it signifies our Nation's willingness to become full and fair trading partners with our closest neighbor.

As a result, I can support the substance of the legislation before us today, however I would be remiss if I did not express my concern over another subject that may lead me to vote against the bill. The free trade agreement provides that any further amendments to existing law required by future changes to the agreement be considered under the fast track procedure. While I am pleased that H.R. 5090 contains limited changes in laws under the jurisdiction of the Committee on Banking, Finance and Urban Affairs, there is no assurance that this will be the case in the future. I do not believe that the fast track procedure should be used for substantial changes in law. It provides any administration with an opportunity to evade the committee process and the normal deliberations that are needed to perfect legislation.

In this instance the administration did consult with the Banking Committee and did submit legislation that was responsive to the committee's concerns. However other administrations, on other issues may not be as responsive. For any committee of this House the fast-track procedure is fraught with danger. In the future it is possible that an administration could package several noncontroversial provisions with a provision that is vigorously opposed by a committee or by this House. Under the fast-track procedure the administration could submit legislation containing the objectionable provision to the Congress and we would be forced to accept the entire package or risk embarrassing our national leaders by defeating a major international agreement. Under this fast-track agreement there is the very real possibility that a committee can be ignored in a way that is simply not possible under normal legislative procedure.

Mr. Chairman, I understand that there is no mechanism for us to repair this serious defect today. This is a problem with any free trade agreement not only the agreement before us today. I do want to put any future United States administration or Canadian Government on notice that changes in laws under the jurisdiction of the Committee on Banking Finance and Urban Affairs will be closely scrutinized and that problems which remain between our countries within the committee's jurisdiction would best be handled through the normal legislative process if we are to increase the likelihood of support by the Committee on Banking, Finance, and Urban Affairs.

Mr. GRADISON. Mr. Chairman, I strongly support the United States-Canada Free Trade Agreement and the implementing legislation, and I urge my colleagues to vote in favor of it.

The free trade agreement will create the largest free trade area in the world, exceeding the European Economic Community by more than $1 trillion. The reduction of tariff and other trade barriers over the next 10 years between our two countries will provide substantial benefits to both our economy and the Canadians'. Importantly, this historic agreement reaches beyond just trade in goods and establishes freer trade in services, energy and investment.

This agreement holds out the promise of millions of new jobs and a higher standard of living for all Americans. Studies indicate that U.S. GNP could increase by $45 billion as a result of this agreement. That is an average increase of $740 for a family of four. The benefits do not stop there, however. Consumer prices will fall as well. This accord will directly lead to a higher standard of living in both countries.

American companies should register significant gains. Canadian tariffs will be reduced from an average of 9 percent to zero, while United States tariffs are reduced from an average of 4.5 percent to zero. Through these reductions, American companies will be better able to compete in Canada.

American industry will be more competitive on a global scale because of this agreement. The reduced costs of Canadian imports will lower domestic production costs. Greater access to the Canadian market will mean larger economies of scale. The more efficient allocation of resources will benefit the economies of both countries.

Aside from the removal of all tariff barriers by 1999, the accord ends all restrictions on energy imports and exports. This will provide more secure and lower cost energy supplies for America. It also removes barriers to trade in services and investment. The accord will permit United States banks to acquire Canadian assets, and Canadian banks will receive equal treatment under American securities laws.

The agreement improves the 1965 United States-Canadian Auto Pact. It immediately repeals Canada's embargo on used cars and its export tariff subsidies. All other restrictions are eliminated in 5 or 10 years. These provisions liberalize the trade in automobiles, but still protect American and Canadian automotive manufacturers by requiring that at least 50 percent of the value of the vehicle be made in North America to receive the benefits of the free trade agreement.

Free trade is in the interests of the United States. Now, we need to build upon this agreement, and continue to create freer trade in the world. The United States-Canadian Free Trade Agreement and implementing legislation deserve our overwhelming support. They are clearly in the best interests of both our countries. America and Canada will benefit directly from our increased bilateral trade, and will benefit from increased competitiveness in the world economy.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in opposition to the passage of the Canadian Free Trade Agreement. I associate myself with the remarks of my colleague from North Dakota, Mr. DORGAN.

Mr. Chairman, while I support the concept of free trade between the United States and Canada, as a representative of a heavily agricultural State, my concerns are twofold.

First, I do not believe this agreement provides equal access to agricultural markets, and it inadequately deals with transportation and other subsidies unfairly benefiting Canadian farmers and ranchers.

Second, I do not believe this agreement adequately deals with the issue of agricultural production levels in Canada. Our hopes to arrive at a farm economy based on good market prices rather than on Government subsidies will be set back by opened borders so long as our Nation attempts only unilateral production control.

It is with regret that I oppose this agreement, but I nonetheless urge my colleagues to oppose its passage.

Mr. CHANDLER. Mr. Chairman, I am pleased to rise in support of H.R. 5090, a measure to implement the United States-Canada Free-Trade Agreement signed by President Reagan and Prime Minister Mulroney on January 2 of this year, and to commend the chairman of the Committee on Ways and Means and the Subcommittee on Trade for their diligence in guiding this measure through the legislative process.

Imagine for a moment a free trade zone extending from the upper reaches of Alaska all the way to Antarctica. Imagine goods and services traded freely across national borders and between continents. That is the ultimate objective of those of us who call for free trade: not just the reduction, but the elimination of tariffs and duties between nations.

The measure before us represents an important first step toward that goal.

Free-trade arrangements are hardly a new concept: The European Economic Community is probably the best-known example of a multilateral trade consortium. The idea isn't new to the United States either. The United States and Israel have operated a free trade accord for the past 3 years.

But the scope of the United States-Canada Free-Trade Agreement is breathtaking. it is the most ambitious bilateral trade agreement in history. Ratification of the FTA will set into motion a process that will eliminate tariffs and open markets between the world's two largest trading partners.

The economic growth potential for both countries is enormous. Canada is already America's best and fastest-growing export market, buying twice as many United States goods as Japan. Annual trade between the two countries has been estimated at more than $125 billion in goods alone. With the elimination of tariffs and the reduction of nontariff barriers, two-way trade is expected to increase by $25 billion in the next 5 years. Those numbers add up to jobs.

Of course, no agreement is perfect. In the Pacific Northwest, we were particularly troubled that the agreement would eliminate tariffs on plywood, but allow the Canadians to keep in place their nontariff barriers to United States exports. That isn't free trade, and it certainly isn't fair trade. The measure before us exempts reductions in plywood tariffs until common performance standards can be developed. I'd like to thank the gentleman from Florida [Mr. GIBBONS] for his patience and forbearance in making this much-needed improvement to the implementing legislation.

Mr. Chairman, the measure before us is a remarkable achievement and deserves the support of every Member of this House. The very sweep of this agreement underscores what needs to be done to address this Nation's trade deficit. The solution doesn't lie with erecting barriers, it lies in tearing them down, and building bridges in their place.

Mr. MARLENEE. Mr. Chairman, I appreciate having the opportunity to give my views on the United States-Canada Free-Trade Agreement.

As we all know, President Reagan and Canadian Prime Minister Mulroney signed on January 2 a comprehensive free-trade agreement to eliminate trade barriers between our two countries. While I welcome steps toward promoting free trade worldwide, I have serious concerns about the impact and ramifications the agreement will have on Montana's economy.

My record on trade votes points away from knee-jerk protectionism. I have consistently voted against the omnibus trade bill in its many forms because I believe that the overall thrust of the legislation was too protectionist, even without the plant-closing notification provision.

However, as any student of geography can observe, the United States-Canada Free-Trade Agreement will have a large impact on the economy of the northern border States. I believe that the administration and congressional supporters of the agreement did not fully take into account the unique interests of the border States, who daily live with problems of trade with our northern neighbor.

In the past, agricultural products, timber, and minerals have been exported by Canada into the Untied States at artificially low prices, often made possible by Canada's importation of European Community products. The result has produced negative effects on the border State's economy.

Ninety-five percent of Canada's grain production is spring wheat, durum, and barley, which are the primary grains grown in Montana. There is virtually no market in Canada for United States grain. Yet, the Free-Trade Agreement would allow Canada's grain trade to compete against Montana grain for United States domestic markets.

The Free-Trade Agreement also does not resolve problems facing U.S. products of wheat and feed grains because of Canadian rail transport subsidies. Although the agreement supposedly reduces some negative effects regarding grains shipped to western terminals, it does not remove the clear advantage given Canadian growers whose product is shipped to the Great Lakes.

In essence, Mr. Chairman, we would give Canada free and unrestricted access to all United States markets east of the Mississippi while our own western producers would be held at a disadvantage in those same markets.

In addition, the agreement puts off the controversial subject of Canadian subsidies for metal production. The Free-Trade Agreement aims to resolve this problem in multilateral forums. We all know what that means: no resolution of this intractable issue. This agreement could result in the loss of as many as 1,000 Montana mining jobs if Canada continues to subsidize its metals industries. For example, the Asarco smelter at East Helena, which employs 350 workers, may be forced to close if Canada continues to undercut market prices.

I am also concerned about the establishment of the binational panel to settle trade conflicts between Canada and the United States. A majority of this panel could be Canadians, who would be biased toward keeping subsidies. Mr. Chairman, I am concerned about removing trade disputes from the impartial International Trade Commission to a contentious Canadian-United States Trade Commission.

Finally, I don't believe that this fast-track approach to the Free-Trade Agreement is warranted, especially after opponents in the Canadian Parliament conducted a rare parliamentary maneuver to effectively bury the agreement. Opponents to Prime Minister Mulroney will hold a referendum on the agreement in the upcoming fall elections.

Why should we be so anxious to approve the agreement when the Canadians might hold us over a barrel as the deadline approaches? Why was the implementing legislation rushed through committee? Even if Prime Minister Mulroney wins this election, there still remains serious doubt about the ability of sustaining Canadian support for the agreement over the long haul.

I regret, Mr. Chairman, that I will vote against the United States-Canada Free-Trade Agreement. Perhaps if the appropriate committees had more time to analyze and correct some of the technical problems of the implementing legislation, I would be inclined to support it. However, as the United States-Canada Free-Trade Agreement now stands, I do not believe that it is in the best interests of the State of Montana.

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 5090, legislation to implement the bilateral United States-Canada Free-Trade Agreement. First, I congratulate the distinguished chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI, as well as the chairmen and members of the seven other committees, two of which I serve upon, that considered this landmark legislation. They have certainly done a good job in carefully studying the implications and impact of this legislation for our Nation's economy, for our workers, and for our businesses. This agreement because of the constant dialogue with the administration is much improved from when it was first proposed as to when it was submitted to the U.S. Congress for ratification. I realize that there are members and constituencies who are still not satisfied with this legislation and with some of the changes that the United States-Canada trade pact will bring about. Certainly, I am not totally pleased with every aspect of this measure. This is not a perfect agreement. It does, however, move us in the direction that we ought to go in our trading relations with Canada and therefore serves as a model for future agreements with other nations.

H.R. 5090 provides for the reduction and elimination of almost all tariffs on United States and Canadian products in bilateral United States-Canadian trade within 10 years, including tariffs on many agricultural products. Current Canadian tariffs on United States imports are generally between 9 and 10 percent, or more than double current United States tariffs on Canadian imports, which average only about 4 percent. Eliminating tariffs on agricultural products is especially important to farmers in my home State of Minnesota, which also shares a northern border with Canada.

It is also important to many of my constituents in St. Paul, who work in industries and services related to agriculture. Short-term concerns because of the currency imbalance today may well diminish in the future as our markets become more open. The agreement reduces and eliminates export subsidies on agricultural goods exported directly or indirectly to the other country, and the agreement not to export goods at a price below actual production costs will insure our agriculture sector access to a free and fair market for their products on equitable terms. At a time when many of our farmers nationwide have suffered from the twin blows of a weak farm economy and a severe drought, the importance of expanding the Canadian market for U.S. agricultural products cannot be overstated.

The United States and Canada, through the Free-Trade Agreement, have agreed to give so-called national treatment—in other words, to treat the other nation's investors as favorably as its own investors in the establishment, acquisition, operation, and sale of businesses with the exception of transportation, and to prohibit the imposition of new restrictions in the future. This provision embodies the principle of reciprocity in our trade relations in a substantive manner and should again serve as a further example to our other trading partners.

Both nations—the United States and Canada—have agreed to eliminate and prohibit numerous restrictions on imports and exports of crude oil, petroleum products, natural gas, coal, electricity, uranium, and other nuclear fuels. These provisions benefit Minnesotans and others who live in northern tier States, which are highly dependent upon energy resources for heating their homes and providing the necessary energy to run their factories, farms and other businesses. Many persons living in the northern states are also closer to lower cost energy sources in Canada than they are to similar energy sources in the United States. Yet existing restrictions dictate that those in the border States must often purchase more distant, and more expensive energy from other areas.

The creation of a Canada-United States Trade Commission, is of real significance, with legal authority to resolve most trade disputes with certain specified remedies, is a high tribute to the good will which exists between our two nations. Special provisions dealing with antidumping and countervailing duty cases recognize that some trade problems are of a more insidious and serious nature than others and that they must be appropriately remedied.

Mr. Chairman, while there are still many serious trade problems which confront our Nation around the world, clearly, United States-Canadian trade relations now stand in a very special position. The passage of the United States-Canada Free-Trade implementing legislation does not in any way preclude us from addressing trade-related issues which may not be specifically mentioned in this measure but which will surely arise at some future date. H.R. 5090 represents a good faith attempt to institutionalize fairness and equity in bilateral United States and Canadian trade relations. The measure deserves our support and our best effort must continue to focus on trade problems and the global market place which has such a profound affect upon our domestic economy today and tomorrow.

Mr. BRYANT. Mr. Chairman, the United States-Canada Free-Trade Agreement implementing legislation now before the House, which the administration is enthusiastically urging Congress to approve, endorses and ratifies the continuation, in a modified form, of the Investment Canada Act, the Canadian Government's registration and review process for foreign investment there.

If this agreement is adopted, Canada will, with our Government's official blessing, not only continue to require the extensive reporting of most United States investment in Canada but will also continue its prescreening process and other restrictions in the full range of Canadian industries, whose American counterparts are completely open to Canadian investors.

During the debates on H.R. 3, the omnibus trade bill, I offered an amendment merely to require disclosure of major foreign owned interests in the United States. For most investors, it asks only, "Who are you, where are you from, and what have you got?"—information that would fit on a postcard. Even for controlling interests in large U.S. businesses, it asks only for basic financial data, less than what much smaller publicly traded American corporations already disclose to the Securities and Exchange Commission. It establishes absolutely no restrictions or preclearance requirements of any kind.

Treasury Secretary James Baker and other Reagan officials banded together with foreign lobbyists to defeat my proposal, which asks no more than that major foreign investors sign in after they have walked through our open, door. The United States would still have the most open foreign investment policy in the world—in stark contrast to virtually every other nation, most of which not only require extensive registration, but also impose restrictions and preclearance requirements.

Secretary Baker and the Regan administration argued that mere registration here would inhibit foreign investment, even though more extensive registration, preclearance requirements and restrictions have not inhibited permissible investments in other nations.

The Reagan administration hypocritically endorses the Investment Canada Act's disclosure requirements and restrictions on United States investment in that country, while opposing minimal registration of foreign investment here.

The Investment Canada Act requires more disclosure than my amendment requires. In addition, it has investment restrictions and a preclearance process. Yet Reagan adminstration negotiators have endorsed the Investment Canada Act, part of the United States-Canada Free-Trade Agreement, which Secretary Baker is lobbying Congress to approve.

The administration hails this trade agreement as a milestone for free trade and open investment and as a victory for United States negotiators. In light of Canada's restricting and blocking provisions endorsed in the United States-Canada Free-Trade Agreement, I am compelled to ask, "How can Secretary Baker and the Reagan Adminstration consistently endorse this agreement, but insist that a simple reporting requirement in the United States grossly violates all notions of free trade and open investment.

Although I seriously question the wisdom of the one-sided provision that permits Canada to continue registering, prescreening, and restricting United States investment there while our administration continues to oppose comparable authority for the United States, overall, the good aspects of the United States-Canada Free-Trade Agreement outweigh the bad. It will create the largest free trade area in the world, removing all tariff barriers within 10 years. It will create substantial international business opportunities for both the United States and Canada. While the enactment of strong and responsible trade legislation will strengthen the United States' hand at the negotiating table and help remove foreign trade barriers to American products, the adoption of the United States-Canada Free-trade Agreement will help set an example of the benefits to be gained from free and fair trade.

But I urge this and future administrations not to trade away to other nations rights we do not seek to preserve for ourselves.

It is my understanding that the United States-Canada Free-Trade Agreement now before the House for consideration will create the largest free trade area in the world, removing all tariff barriers within 10 years. It will create substantial international business opportunities for both the United States and Canada.

Consistent with the goal of this Free Trade Agreement is a 40-year-old Greyhound bus service between Montreal, Canada, and New York City and Montreal and Burlington, VT. It is an important service in promoting the free flow of trade in goods and services between the United States and Canada, as well as providing a vital passenger service to rural communities in New York and Vermont. Currently, these bus operations are the only affordable and reliable scheduled transportation service in the numerous small towns and communities in rural New York and Vermont. The Amalgamated Transit Union supports the preservation of this service in order to protect the jobs of its Candaian and American members.

It is my further understanding that neither the United States-Canada Free-Trade Agreement in schedule 1 to annex 1502.1, nor the implementing legislation alter current law with regard to the ability of Greyhound's Canadian-based operators to enter the United States. The continuation of this important service will further the objectives of the United States-Canada Free-Trade Agreement.

Mr. MAZZOLI. Mr. Chairman, I would like the record to reflect that during the course of today's deliberations on the implementing legislation for the United States-Canada Free-Trade Agreement, the gentleman from New York [Mr. SCHUMER] engaged me, in my capacity as chairman of the Subcommittee on Immigration, in the following discussion:

Mr. SCHUMER. Mr. Chairman, it is my understanding that the objective of the Canada-United States Free-Trade Agreement is to eliminate barriers to trade in goods and services.

Consistent with the goal of this free-trade agreement is a 40 year old Greyhound service between Montreal and New York City and Montreal and Burlington, Vermont. This Greyhound service promotes the free flow of trade in goods and services between our two countries, and provides passengers service to rural communities in the States of New York and Vermont.

Currently, these bus operations are the only affordable and reliable scheduled transportation service in the numerous small towns and communities in rural New York and Vermont. The preservation of this service is supported by the Amalgamated Transit Union in order to protect the jobs of its members from both the United States and Canada.

It is further my understanding, Mr. Chairman, that the trade negotiators did not intend to eliminate this vital service between Canada and the United States.

Specifically, Mr. Chairman, is my understanding correct that neither the fair trade agreement annex 1502.1 part A and its schedule I, nor H.R. 5090, the implementing legislation, are meant to alter current law under the Immigration and Nationality Act regarding the Greyhound Canadian-based transportation operators?

Mr. MAZZOLI. The gentleman from New York is correct in his understanding.

Mr. SHUMWAY. Mr. Chairman, I rise in strong support of the United States-Canada Free-Trade Agreement which will have profound effects on the way we do business with our friend and neighbor to the North.

For years we have shared with Canada the longest undefended border in the world. This trade agreement will bring our nations one step closer by virtually eliminating tariff and nontariff barriers and creating the world's largest free trade area.

In 1987 the United States and Canada exchanged over $166 billion in goods and services which exceeds the bilateral trade of any two countries in the world. Canada's trade with California alone totaled $6 billion last year making Canada the State's fourth largest trading partner. This substantial bilateral trade combined with Canada's investment of $5.2 billion in property, plant, and equipment, which makes Canada the largest foreign investor in the State, supports 120,000 jobs in California.

Over the next 10 years the Free-Trade Agreement will eliminate all tariffs on United States and Canadian goods, eliminate import and export quotas which are inconsistent with the GATT, ensure national treatment for U.S. investors and imported goods, prohibit the use of product standards as a trade barrier, and eliminate all bilateral tariffs and export subsidies for agricultural products. The FTA also provides important dispute settlement and consultation procedures for addressing trade problems.

The FTA will have a major impact on every segment of our economy, particularly agriculture. Canada is the third largest export market for California agriculture behind Japan and the European Community. In 1986, California exported almost $600 million in agricultural commodities to Canada and imported less than $200 million worth of Canadian agricultural goods.

Over time this trade agreement will strengthen the economies of Canada and the United States, create thousands of jobs, and provide lower prices and greater selection for consumers. It serves as a model for improving trade relations with other countries.

As we approach the end of the 20th century, the time has clearly come for every sector of our economy to look for opportunities beyond our borders.

Mrs. COLLINS. Mr. Chairman, neighbors have very unique relationships. The level of their interdependency is much higher than that of geographically distant friends. For example, if water pours over one's property line, the whole relationship might get soggy. Neighboring countries have a similarly special relationship.

The United States-Canada Free-Trade Agreement is a substantial step by two neighbors toward recognizing and responding to the special nature of their economic relationship. The spirit in which it was conceived is entirely laudable, as accommodation of each other's needs was shown to be a priority for each country. While we remain steps away from having a common market as practiced in some regions of the world, our two countries used this agreement to emphasize each other's economic attributes and resources so that both countries can benefit by the assets of each country.

The free trade agreement contains some provisions which primarily benefit Canada, just as it contains provisions which primarily benefit the United States. But the idea of give-and-take is, of course, the fundamental principle behind a negotiated agreement. Some critics have expressed views that the United States was forced to give substantially more than it received. But after extensively considering various aspects of the agreement, it appears to me that an appropriate balance has been struck.

For example, a significant benefit to the United States is that Canadian energy resources will become much more readily available to us than at present. Also, the U.S. automobile industry will benefit through the elimination of tariffs even though this will be accomplished over a 10-year period. Another major benefit to the U.S. is the inclusion of financial services, which will result in American companies being able to function in Canada's banking, insurance, and securities industries in ways which they cannot function here. And, one of the greatest benefits to the United States from this agreement is the simple fact that it addresses various service industries. This sets a very benefical precedent for the upcoming round of GATT talks. The free-trade agreement will demonstrate to the world that services are appropriate to be included—and must be included—in the GATT talks.

Once again, Mr. Chairman, I feel that the free-trade agreement offers much to the United States and I urge my colleagues to support this measure.

Mr. KEMP. Mr. Chairman, I want to give my strong support today for H.R. 5090, the implementing legislation for the United States-Canada Free-Trade Agreement negotiated by our two nations.

Open trade is one of the chief cornerstones upon which a free, democratic society is based. As President Kennedy declared, "closer economic ties among all free nations are essential to prosperity and peace." I believe that the United States-Canada Free-Trade Agreement represents the first important step toward creating a North American Free Trade Area encompassing not only Canada and the United States, but also Mexico and the Caribbean Basin countries. This free trade agreement destroys many layers of the trade barrier wall which has existed between the United States and Canada.

Unlike the recently enacted omnibus trade bill, this legislation moves us in the right direction of expanded trade, stronger economic growth, more jobs, and a higher standard of living for all Americans. The benefits of free trade with Canada are clear. Bilateral trade is estimated to expand by more than $25 billion within the next 5 years. Our GNP should increase by $12 billion to $17 billion, and more than 500,000 new jobs will be added to our economy.

In my opinion, this agreement, which creates the world's largest bilateral free trade area, will act as an incentive to other countries to expand trading opportunities with the United States. Our other trading partners will find their goods and services at a disadvantage in this new market, and I believe they will seek out trade liberalization with the United States in order to remain competitive.

My own region of western New York will reap tremendous benefits from expanded trade with Canada. The Buffalo area's role as one of the gateways between the two countries will mean more jobs for western New Yorkers and increased prosperity for the area's residents. More than 4,000 trucks a day already cross the Peace Bridge in the Buffalo area, moving the flow of goods between our two countries. I am confident that this level will increase dramatically once this agreement is implemented.

Canada is our most important trading partner, with more than $160 billion in goods and services moving across our common borders in 1987. The United States sells almost as much to Canada as it does to the entire European Community. In fact, we export more to the Province of Ontario than we do to Japan. Almost 25 percent of our exports go to our northern neighbor, and more than 2 million Americans depend upon trade with Canada for their jobs. Canada sends more than three-quarters of its exports to the United States, with 2.2 million Canadians relying upon those exports for their jobs.

The free trade agreement will eliminate all tariffs between our two countries within 10 years. It also will gradually eliminate almost all import and export restrictions and prevent the imposition of most new restrictions on goods and services flowing between the countries. The agreement establishes a new commission which will expedite decisions on trade disputes that arise. Farmers, manufacturers, and investors, as well as consumers, will all benefit from this expanded trade.

While the agreement does not eliminate all barriers to trade, it is a dramatic improvement over the status quo. And, I am confident that it is not the final word in trade negotiations between our two nations.

I believe this free trade agreement represents a unique chance to expand prosperity and economic opportunities within both countries. It is a win-win situation. I urge my colleagues to vote for this legislation, and I look forward to the day when Canada, the United States, Mexico, and all our hemisphere are joined in one large common market of trade, peace, prosperity, and democracy.

Mr. MOODY. Mr. Chairman, I rise in support of the United States-Canada Free-Trade Agreement and I hope it will be approved by a large margin today. Canada is our largest trading partner and my State of Wisconsin benefits significantly from that trade.

In large part, however, the long-term success of this agreement depends upon how we view it today. It must be clear in all our minds that this agreement is a beginning and not an end to our efforts to expand and open trade with Canada.

If we approve this agreement today and then turn our attention to other issues, we will leave the job unfinished. But if we continue the momentum of these negotiations and move on to tackle the critical trade barriers that remain, then we will have made a tremendous contribution to the long-term economic security of this country. It is in that spirit that I support this agreement today.

This agreement does not adequately deal with two important sectors: beer, and intellectual property.

While the proposed free trade agreement calls for a significant reduction of tariff and nontariff barriers in wine and distilled spirits, it does not apply these requirements to beer. The Canadian provinces have established a series of nontariff barriers, such as discriminatory pricing and tightly controlled provincial licensing, that make it impossible for American producers to compete on an equal footing with Canadian brewers.

I encourage the administration to continue to raise this issue within the framework of the General Agreement on Tariffs and Trade [GATT] since beer is currently the subject of a suit brought against Canada by the European Community.

Second, cultural industries—specifically, the distribution of American movies, television programs, and home video materials—are not covered by the free trade agreement. I urge the administration to continue to pursue this issue, as it is now doing, under separate negotiations. While the United States should respect legitimate Canadian concerns over cultural sovereignty, it should vigorously oppose barriers erected primarily for economic, rather than cultural, purposes.

We should send a clear signal to Canada that the exclusion of beer and deferral of cultural industries concerns does not reflect a lack of interest or commitment to the sectors. Their exclusion does not represent an implicit endorsement of Canadian trade barriers but an added incentive to vigorously pursue remedies through other channels, such as the GATT or bilateral understandings. Taken in that spirit, I strongly endorse this historic agreement.

Mr. GALLO. Mr. Chairman, I urge my colleagues to support ratification of the free trade agreement with Canada. This landmark agreement is a victory for the principle of free trade and a victory for the thousands of American and Canadian workers who will have new and challenging jobs as a result of our closer trade relationship. Free and fair trade creates job opportunities on both sides of the border.

In particular, this agreement is good for America and it is good for New Jersey.

The United States-Canada Free-Trade Agreement [FTA] has the potential to improve the competitiveness of New Jersey industries that produce finished goods and can pave the way for cooperative agreements to meet State energy needs into the 21st century.

As an active advocate for improved export opportunities for small, as well as larger, businesses, I believe in the principle of free trade. No agreement between nations is perfect, but on balance this is a good agreement.

Because Canada is our largest trading partner, this free trade agreement will provide a level playing field for the 25 percent of Canadian trade that is currently subject to protective tariffs.

This is particularly significant to our telecommunications and chemical industries. This agreement will end discrimination against our growing service sector now restricted by laws giving priority by nationality.

As an active member of the steering committee of the Northeast-Midwest Coalition who has worked closely with our U.S. representatives, I believe this agreement lays a solid foundation for development of policies and issues that benefit the region.

Although it will be 10 years until all tariffs imposed on trade between the United States and Canada are removed, those New Jersey industries whose goods are a part of the early phases of the tariff reduction process will see the benefits of this bilateral free trade package in the near term.

These tariff reductions are good news for finished goods producers, as well as for the pharmaceutical industry, which can potentially benefit from this new environment.

In addition, the agreement promises to clear the way for increased cooperation between New Jersey utilities and energy producers to create more stable sources to meet our needs into the 21st century.

I have joined with other members of the Northeast-Midwest Congressional Coalition to exchange views with United States Trade Representative Clayton Yeutter, with members of Canadian and Provincial parliaments, and have worked closely with State and industry officials to assure adequate presentation of the region's concerns during the FTA negotiating process in preparation for today's vote.

If the FTA is ratified, this bilateral agreement will increase trading between the two countries that already enjoy the largest trading relationship in the world—the United States and Canada. It is an historic step to remove trade barriers across this broad range of goods and services.

As a member of the House Committee on Small Business, I am anxious to develop trade missions and other efforts to increase the visibility of New Jersey small business goods and services in Canada. Because of my role with the Northeast-Midwest Coalition, I have met with the principals and I share their belief that this is positive for our State and the region as a whole.

I urge my colleagues to support this free trade agreement as a model for bilateral cooperation and to send a clear message that we are committed to a policy of good trade relations.

Mrs. LLOYD. Mr. Chairman, I rise in support of the United States-Canada Free-Trade Agreement.

On January 2, 1988, President Reagan and Canadian Prime Minister Mulroney signed a trade agreement that could greatly expand the opportunities for free trade with Canada and bolster economic activity on both sides of the border. The trade pact eliminates tariffs between the two nations over the next 10 years, bars future restraints on investment and trade in services, and guarantees United States access to Canadian oil, gas, and uranium.

The trade accord will become effective only if Congress approves the legislation before us today to implement it followed by the subsequent approval of the Canadian Parliament. I strongly support this trade pact. At stake is the growth of the largest trading partnership in the world. Both the United States and Canadian Governments predict that stronger, more closely linked economies will result from the agreement. To the consumer, that should translate into reduced prices and a greater diversity of products. For the worker, it should mean more jobs.

Trade with Canada has been especially profitable for my own State of Tennessee which exports about one-quarter more to Canada than it imports from there. In fact, Canada is Tennessee's largest trading partner. In 1987, Tennessee exported 536 million dollars' worth of goods to Canada, which is more than three times that to Japan—our second largest trading partner—to whom we exported 150 million dollars' worth of goods that same year.

The importance of Canadian trade to the State of Tennessee cannot be overstated. The Tennessee industries involved are vast and have far-reaching effects on the economy of the State and the economic health and prosperity of our entire Nation.

During 1987 alone, the list of products Tennessee exported to Canada included: $39 million in transportation equipment; $21 million in industrial and communications machinery and computer equipment; $18.4 million in chemicals and allied products; $15.2 million in electronic/electric equipment and components; $5.4 million in rubber and miscellaneous plastic products, $4.2 million in printing, publishing and allied industries; $2.8 million in measuring, analyzing and controlling instruments, $2.5 million in primary metal; $2.1 million in fabricated metal products and $1.7 million in stone, clay, glass, and concrete.

In terms of agriculture, the products Tennessee exported to Canada in 1987 included $1.4 million in food and kindred products, $854,000 in forestry products, $473,000 in lumber and wood products, $67,000 in agriculture production/crops, $51,000 in tobacco products and $2,000 in livestock and animals.

These figures illustrate the critical importance of the United States trading partnership with Canada in Tennessee alone. As nations, we are each other's largest trading partners. I urge my colleagues to join with me in supporting the implementation of this historic trade agreement to create a long-term environment for enhanced economic growth and better overall relations between our two nations.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield back the balance of my time, I think it appropriate to pay some attention to the process by which this legislation was developed. It is a tribute to our country and to the country of Canada as to the thoroughness with which this problem has been approached.

This is a fair agreement, fair to both the Canadians and to the United States. Its development was not accidental. The work of our fine staffs here on the Hill, both the majority staff sitting here with me and the minority staff on the other side, have contributed to it.

The work of the U.S. Trade Representative and his bargaining people have contributed to it. The work of the International Trade Commission and all of the economists and scientists down there who worked hard on it also deserve praise. Then certainly, neither last nor least, the private sector of business in the United States and the private sector of business in Canada had a lot to be proud of for their involvement in all of this.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New Mexico briefly. I know he wants to say something.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding and I rise in opposition to the agreement.

The United States-Canada Free-Trade Agreement harbors the beginning of a new era in our Nation's relations with Canada. However, I cannot join those who support the agreement. This agreement is so sweeping, so broad in scope, that it fails to properly address the concerns of many areas of the U.S. economy which would suffer unduly from swiftly enacting the agreement. This is particularly relevant in regards to the domestic uranium industry.

This issue is of particular concern to the people of New Mexico and other uranium producing States who have suffered through the decline of the domestic uranium industry. Employment in the U.S. uranium industry has dropped from more than 22,000 employees in 1980 to less than 1,500 today. My home State of New Mexico has been particularly hard hit. One company operating in New Mexico had 2,100 employees producing 5 million pounds of uranium in 1981. Five years later it had only 60 employees producing 150,000 pounds of uranium. There are similar situations throughout our Nation's uranium producing region.

There is great concern that with the immediate repeal of section 161v. of the Atomic Energy Act with respect to Canada, the domestic uranium industry will not be able to regain a competitive position in the marketplace. Congress passed the Atomic Energy Act with the express intent of maintaining a viable domestic uranium industry for our Nation's energy and national securities. By law the Department of Energy is mandated to maintain the industry healthy and viable. With the partial repeal of section 161v. of the act, the Department of Energy will no longer have the tools to carry out its mandate.

Due to changing energy policies, there has been a decrease in the number of nuclear power facilities being constructed with a consequent reduction in demand for uranium and a substantial increase in uranium stockpiles. Moreover, the domestic industry is saddled with the costly responsibility of reclaiming residual mill tailings cast off in the mining process. The cumulative effect of these factors, combined with increasingly vigorous foreign competition, have placed the domestic uranium industry at an insurmountable disadvantage as it attempts to regain viability and market share.

This situation presents the domestic uranium industry with grave problems. Canadian uranium, whose production is subsidized by their government to upwards of $2.25 billion would undersell all American uranium. The already depressed domestic uranium market would be further hampered due to the unfairness of subsidies and so-called free trade. Therefore, the domestic uranium industry would remain nonviable while the subsidized Canadian industry prospers from unimpeded access to the United States market.

Lacking any adjustment assistance for the uranium industry, implementation of the free trade agreement does not allow the domestic uranium industry either sufficient time nor the means to surmount its many problems. If the Congress does not address these crucial issues in the near future, it is unreasonable to expect that our Nation will ever again have a viable and competitive domestic uranium industry.

As for the provisions regarding natural gas production and export, only after long and tedious debate has the administration included in its report a finding that Federal Energy Regulatory Commission opinion 256 is consistent with the FTA. This opinion has created a rate control that allows the American industry to compete with the subsidized Canadian natural gas industry. Had this opinion not been grandfathered, the Canadians would dominate this industry as surely as they will dominate the uranium industry should the current implementing legislation be passed into law.

In addition to these energy industry issues, I have the following concerns about the precedent the FTA sets. If we approve this agreement, the Congress will for the first time be approving a treaty that reduces tariff barriers, institutionalizes foreign subsidies and nontariff barriers and resolves trade disputes with politically appointed binational panels rather than U.S. courts.

The administration says it will vigorously pursue the elimination of Canadian subsidies. Such promises are not persuasive. The Canadian Constitution specifically mandates that the government subsidize nonefficient industries. At the beginning of the negotiations, when the subsidy issue first arose, the principle Canadian negotiator, Simon Reissman, said:

> You must understand that the Canadian people are not committed to helping their industries that cannot compete. Our Constitution requires that funds be transferred to assist companies in noneconomic locations to compete in international trade. Its only to equalize the competition. (Canada Act 1982, Sec. 36)

Canada never lost sight of this principle, and, at the conclusion of the negotiations, Mr. Reissman exclaimed:

> The trade covered by the items we eventually agreed to are close to three-to-one in favor of Canada. Our people were way ahead of them in terms of the analysis, the investigation, the facts, the methods, the procedures, the whole business. You would thing that the United States was an underdeveloped country alongside us in terms of the way this negotiation went. (Maclean's December 31, 1987, p. 18)

Since the agreement was signed by the President and Prime Minister on January 2, 1988, the Canadian Government has embarked on a series of initiatives to better the deal for Canada's industries. First it was textile rebates, then it was dairy product import restrictions. These actions were followed by programs to aid Canada's energy industries, grape producers, agriculture interests, the fishing industry, film distributors, intellectual interests, lumber, and so forth.

The television broadcast industry is hurt by the fact that Canadian advertisers are not allowed to advertise on American television, while Canadian cable companies are allowed to distribute those signals throughout Canada. The movie industry is concerned that United States distributors will be legally restricted from distributing the movies of other countries within Canada.

The Province of Ontario has said it will not implement the FTA. Ontario's Premier, David Peterson, claims Canada's Constitution allows the Provinces to decide these issues. Mr. Peterson's government has already introduced legislation that mandates Ontario Hydro to charge more for electricity exported to the United States than is charged to Ontario customers. This act flies in the face of the FTA. The administration can take this issue up with Mr. Mulroney's government, but if the Federal Government is helpless to enforce its will on the Provinces, why are we passing the FTA and exposing our industries to such pitfalls?

Mr. Chairman, Ontario's actions were followed recently by the Canadian Senate's decision to hold the FTA hostage to a general election. This action should make us reconsider rushing blindly down the road to passage of the FTA when we do not know if it will or can be implemented north of the border.

Our own Treasury Department has grave concerns about certain aspects of tariff enforcement within the FTA. This past June, Treasury's Commissioner of Customs, Mr. William von Raab, expressed grave concerns about transshipment of products through Canada to bypass United States trade laws. Mr. Von Raab stated:

> Not only will the rest of the trading world be watching, there will be an impact of incalculable significance on the structure as well as the health of many nonmultinational companies. Many of these changes cannot be foreseen, except to the extent of the certainty that they will take place, that they will be extreme in nature, and that they will be irreversible. Whether they are inevitable without enactment of the FTA is unknown. However, it is clear that once the FTA is enacted, there will be no turning back. Thus, whether one strongly favors or is opposed to the United States-Canada free trade agreement, there may be great wisdom in avoiding a blind rush towards its enactment.

Mr. Chairman, even our own Treasury Department has grave concerns about this agreement. Careful and deliberate consideration should be given before enactment.

Yet another salient point is that our Nation has a $13 billion trade deficit with Canada. This past week when the House Agriculture Committee was considering the FTA's implementing legislation, the committee staff acknowledged that the Congressional Budget Office issued a new analysis which stated the FTA would have a negative impact of $350 to $400 million annually on the budget.

Mr. Chairman, if the CBO is correct, then the Agriculture section of the FTA could force a budget sequester in fiscal year 1989. Again, why are we rushing down the road to blindly approve the FTA?

The administration claims the FTA will create millions of new jobs. Yet, there is no detailed analysis supplied by the administration as to where these jobs will be created. The United Auto Workers claim 35,000 jobs will be lost in the auto parts sector alone. No one knows what impact the FTA will have on the Auto Pact of 1965.

Mr. Chairman, while passage of the FTA may have popular support inside the beltway, grave concerns exist in our Western and border States. How can we leave our farmers exposed to the currency differential that exists between our two nations? How can we expect our natural resources to compete against Canadian subsidies? Canada is not an underdeveloped country whose economy is in dire need of stimulation.

The administration claims one of the greatest aspects of the FTA is that it will enhance energy independence. However, after the FTA was signed, Canada adopted a new energy policy which mandates 51 percent Canadian ownership of all energy projects. Further, the Canadian Government plans to subsidize its energy producers by $200 million annually. This certainly does not sound like free trade.

Mr. Chairman, the administration's claim of enhanced energy independence is misplaced. Under the FTA the independent energy agreement's emergency sharing system that was signed by the industrialized nations in 1974 will be controlling. Thus, we get no better deal than Japan or Europe under the FTA.

Mr. Chairman, Canada persists in subsidizing their energy industries. As a result, our American industries cannot compete against such practices which are contrary to free trade. The free trade agreement does not contain provisions to prohibit or even limit Canadian subsidies and it is increasingly apparent that the United States energy industries cannot compete against these heavy subsidies. Therefore, Mr. Chairman, due to the inherent inequality this legislation contains for our energy industries, I must oppose H.R. 5090 in its current form.

Mr. GIBBONS. I thank the gentleman. I respect his views on this.

So here we are today now putting the finishing touches to an historic agreement. I trust that the Senate of the United States will move rapidly and that the Canadian ratification process will move rapidly. If it does, this is a grand day for all free people around the world because we are setting a pattern here that would be a fine example for the rest of the world to follow.

Opening our markets, opening our minds, opening our hearts, opening our opportunities to work together, that is what this is all about.

Mr. Chairman, I have no further requests for time.

Mr. CONTE. Mr. Chairman, I rise to lend my support to congressional approval of the United States-Canada Free-Trade Agreement [FTA]. The FTA truly is an historic economic agreement, bringing together two powerful economies for the benefit of both.

Mr. Chairman, no other country in the world shares our democratic and economic heritage as much as does Canada. We have been peaceful neighbors, friends, and allies for all of our common history, disregarding a few small altercations which occurred when the United States was a fledgling Nation. As befits this longstanding relationship of harmony and good will, the Congress will today approve the implementation of the free trade agreement which President Reagan and Canadian Prime Minister Mulroney signed on January 2, 1988.

The FTA is the most significant bilateral trade pact the United States has made. While it is something of a misnomer to call it a free trade agreement, it certainly is a freer trade agreement. Neither we nor Canada got everything desired, but what we did get comprehensively improves trade liberalization and will provide an excellent precedent for other bilateral and multilateral trade negotiations.

Most significant is the elimination of tariffs by 1999. The United States is going to be the prime beneficiary of a reduction in tariffs, since Canada's existing tariffs are on average twice as high as United States tariffs, and cover more products. Another significant provision of particular importance to New England is the establishment of an open market, free of cross-border trade restrictions, for oil, petroleum production, natural gas, and electricity. That means lower energy costs for those cold New England winters.

Massachusetts is Canada's largest trading partner in New England. The opening of new markets in Canada that will result from the FTA is going to help Massachusetts manufacturers, and those who work for them, increase opportunities and expand business. That will have a positive impact on what has been a pronounced decline in manufacturing employment in western Massachusetts.

Mr. Chairman, I do support the FTA. I have had some differences with particular provisions, and I have made them known to U.S. Trade Ambassador Clayton Yeutter, and have found both the USTR and the administration to be very responsive. While the FTA doesn't solve all the problems associated with the Auto Pact, and while it avoids such complex issues such as intellectual property rights, it still does take large, beneficial steps to improve trade relations. I commend the President, Trade Representative Yeutter, and the leadership on both sides of the aisle for a job well done. The FTA deserves our support.

Mr. DENNY SMITH. Mr. Chairman, I rise in strong support of H.R. 5090, legislation to implement the historic free trade agreement between the United States and Canada.

The United States and Canada are the largest trading partners in the world, with trade between them totaling more than $160 billion last year; $61 million between Oregon and Canada in 1986. A bilateral agreement of this magnitude should serve as an example to the signatories of the General Agreement on Tariffs and Trade [GATT].

As with almost every bill that passes through Congress, I was not satisfied with every provision. I share the concerns of the timber industry that Canadian provincial governments have not opened up their markets completely to United States products. This agreement will set the framework for resolving this dispute.

Overall, the benefits of this legislation far outweigh industry-specific problems. The free trade agreement will lead to an unprecedented expansion in the transfer of goods and services across our borders. This will result in extensive growth in the GNP's of both countries, with estimates ranging from $12 billion to $17 billion annually in the United States, as well as producing thousands of new jobs around the Nation.

I am pleased with the provision dealing with the sale of Canadian power. I think the language of the agreement itself is sufficient to protect United States and Canadian interests.

I am a firm believer in both free and fair trade, H.R. 5090 is a step in the right direction. President Reagan and his trade officials, and Prime Minister Mulroney and his trade ministers, are to be commended for their efforts as this treaty developed over the past 3 years.

Trade between Oregon and Canada has totaled more than $60 million in each of the last 4 years. H.R. 5090 will add to that in a way that will benefit both. I was glad to lend my support to this bill, and urge the United States Senate and the Canadian Parliament to act quickly to ratify this historical document.

Mr. ROSTENKOWSKI. Mr. Chairman, how much time remains on this side?

The CHAIRMAN. The gentleman from Illinois [Mr. ROSTENKOWSKI] has 2 minutes remaining. All time has expired on the other side.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I would like to pay my personal respects to Mr. GIBBONS of Florida who has, for a long period of time, been working on this legislation. He had the foresight to understand that the best way for nations to grow is to work together toward freer trade. I hope that these represent the first seeds for freer trade throughout the world. I think that many individuals deserve credit for this legislation; Mr. Yeutter, our Trade Representative, and our Secretary of the Treasury Jim Baker have worked long and tendiously. I would also like to complement the hard work of their professional staffs.

I would like to pay particular respect to the staffs of all the committees which have put so much time and effort into compiling what I think is a massive piece of legislation.

I only hope, and I am sure that my colleagues join me in this wish, that the Canadian Government recognizes the need for this common bond, and that the Senate in the Canadian Government will recognize the necessity to pass this historic agreement.

Mr. Chairman, I have no further requests for time.

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

□ 1515

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TRAXLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5090) to implement the United States-Canada Free-Trade Agreement, had directed him to report the bill back to the House, with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant At Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 40, not voting 24, as follows:

[Roll No. 267]

YEAS—366

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefner
Henry
Herger
Hiler

Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solarz
Solomon
Spratt
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—40

Anderson
Bentley
Brennan
Craig
DeFazio
Dorgan (ND)
Evans
Ford (MI)
Frank
Gaydos
Hall (TX)
Hawkins
Hayes (IL)
Hertel
Hubbard
Hunter
Johnson (SD)
Jontz
Kildee
Kolter
Lujan
Marlenee
Mollohan
Murphy
Obey
Owens (NY)
Perkins
Richardson
Rose
Skeen
Snowe
St Germain
Staggers
Stangeland
Stump
Tauzin
Traficant
Traxler
Vucanovich
Williams

NOT VOTING—24

Badham
Boulter
Brown (CA)
Clay
Dornan (CA)
Dowdy
Hatcher
Hefley
Horton
Johnson (CT)
Lewis (CA)
Lewis (GA)
Livingston
Mack
MacKay
Martin (IL)
McCollum
McGrath
Mica
Molinari
Rowland (GA)
Shuster
Spence
Taylor

☐ 1532

Messrs. HAYES of Illinois, LUJAN, KOLTER, SKEEN, STUMP, and OWENS of New York changed their vote from "yea" to "nay."

Mrs. BOGGS changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5090, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4783, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, August 9, 1988, to file a conference report on the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRIBUTE TO THE GENTLEMAN FROM MASSACHUSETTS, MR. BOLAND

The SPEAKER. The Chair would like to call attention of the Members to the fact that the gentleman from Massachusetts [Mr. BOLAND], distinguished chairman of the Subcommittee on HUD and Independent Agencies of the Committee on Appropriations, at the end of this year will complete 36 years of effective, distinguished service as a Member of the Congress of the United States, and this quite probably will be the last time he will be bringing to the floor an appropriation bill from his subcommittee.

I just want the House to recognize the fact that the distinguished gentleman from Massachusetts has performed effectively and well over all these years and has been an exemplar of the best in the House.

Mr. BOLAND. Mr. Speaker, I am sure the applause came as a result of my chairing the gym and not this particular subcommittee.

Mr. Speaker, I want to express my appreciation to you and to all of the Members of the House for their generous applause and for the respect, and the regard that the Members of this House have held for this particular Member over the long years that I have served in the Congress of the United States.

CONFERENCE REPORT ON H.R. 4800, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1989

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the rule, (clause 2(c), rule XXVIII), the conference report is considered as having been read.

(For conference report and statement see proceedings of the House of August 3, 1988.)

The SPEAKER. The gentleman from Massachusetts [Mr. BOLAND] will be recognized for 30 minutes and the gentleman from New York [Mr. GREEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND].

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 4800, as well as the Senate amendments reported in disagreement, and that I may include tables, charts and other extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

☐ 1545

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring back to the House today the conference report on the 1989 HUD-independent agencies appropriations bill. I want to begin by paying special tribute to Senator PROXMIRE, the chairman of the HUD-Independent Agencies Subcommittee in the Senate. Out of my 18 years as chairman of this subcommittee, I cochaired the bill with Senator PROXMIRE 10 of those years. Our working relationship has always been excellent—and successful, since the President has signed individual HUD bills 8 out of 9 years—and this year will make it nine out of 10. It was also my pleasure and good fortune to cochair this bill with Senator GARN for 6 years.

This conference report is special because it is the last one I will bring back to this House, and the last one Senator PROXMIRE will bring to the Senate. And both Senator PROXMIRE and I are happy to say that—because every year it gets harder to put together an agreement within the constraints we face.

When the HUD bill passed the House on June 22, it was within our 302(b) allocation—it was fully consistent with the budget summit agreement—and it made some very difficult reductions. The bill reduced EPA's sewage treatment construction grants by $350 million below last year's level—it put a further squeeze on housing programs—and it cut out all new funding for the UDAG Program.

I indicated at that time that the House total of $59.7 billion would probably be the high water mark for this bill. And—I'm sorry to say—I was right. As it turned out, the Senate section 302(b) allocation was far below the House's—$638 million less in domestic discretionary budget authority and $273 million less in outlays.

This big shortfall in the Senate allocation presented a dilemma. Some saw a possibility that by waiting for the continuing resolution the Senate allocation might be increased beyond a split. Others hoped that funds could somehow be transferred to NASA from DOD. We discussed these issues with Chairman PROXMIRE and the other Senate conferees—and we reached two clear conclusions.

First, we wanted to stay out of the continuing resolution.

Second, we did not want to violate the budget summit agreement.

The House and Senate conferees therefore agreed to split the difference on the 302(b) allocations—which required us to give up $319 million in budget authority and $136.5 million in outlays. Of course, making these additional reductions was very difficult. But there was no other alternative to keep this bill out of the continuing resolution.

This conference agreement provides a total of $59,386,045,000 for the Department of Housing and Urban Development and 16 independent agencies. This represents a reduction of $323,875,000 below the House-passed bill.

Now, Mr. Speaker, I will not go into detail on each and every account in this bill. The conference report and the statement of the managers have already been printed in the RECORD. In addition, at the end of my remarks I will include a table comparing the amounts in the conference agreement with the amounts provided in 1988, the budget request, and the House- and Senate-passed bills.

But I would like to highlight the major changes from the House bill—because the House bill served as our departure point at conference. The Department of Housing and Urban Development was trimmed below the House-passed level by $159,278,000—to $12,771,054,000. Only $13.6 million of that reduction was applied to homeless programs—which maintains the 1989 funding for HUD homeless programs at more than $172 million. In addition, the bill contains $114 million for FEMA's emergency food and shelter program.

The Federal Emergency Management Agency was cut $100 million—all of which was taken in the disaster relief account.

The Environmental Protection Agency was reduced by $8,757,000.

The Veterans' Administration was trimmed by $26 million.

And, finally, the National Aeronautics and Space Administration was reduced $30 million below the House figure.

I am pleased to say, however, that the conference agreement on NASA maintains $900 million for the space station. To continue space station at less than $900 million in 1989 would be a waste. And let me put every Member on notice once again—that the bill for space station is going to go up to $2.1 billion in 1990 and $2.9 billion in 1991.

The decision to go forward with space station is a very significant one—one which we did not want to leave the new President out of. So the conference agreement follows the House approach of giving the next President the opportunity of calling a halt to the space station development by sending a special message to Congress.

There is one more issue related to NASA that needs clarification. And that is the suggestion—which originated in the other body—of transferring $600 million to NASA from the Department of Defense. That kind of a transfer from the 050 function to domestic program activities would have violated the spirit, if not the letter, of the budget summit agreement. The conferees rejected that approach—and included language permitting no more than $100 million to be transferred from DOD to NASA—and only for legitimate expenses related to space shuttle operations.

In closing, let me say that the conference report closely resembles the House-passed bill—and reflects the funding priorities established by the House for:

Homeless assistance and housing programs;

Community development grants;

Environmental protection;

NASA and NSF; and

Veterans programs.

We have had no formal communications or assurances from OMB or the White House since we completed conference. But I have every reason to believe that the President will sign this bill. I also want to thank the ranking minority member of the subcommittee, Mr. GREEN, for his able assistance on this bill. And all the members of the subcommittee: Mr. TRAXLER, Mr. STOKES, Mrs. BOGGS, Mr. MOLLOHAN, Mr. SABO, Mr. COUGHLIN, and Mr. LEWIS.

Mr. Speaker, there are several printing errors in the joint explanatory statement of the Committee of Conference on the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, corporations, commissions, and offices for the fiscal year ending September 30, 1989. The statement, as printed in the CONGRESSIONAL RECORD of August 3, 1988, and in House Report 100-817, differs from the text filed for printing as follows:

Under the Federal Emergency Management Agency's Emergency Management Planning and Assistance appropriation, the conference agreement includes a reduction of $300,000 from the budget requested for the Civil Defense Research Program.

The conference agreement for the National Aeronautics and Space Administration's research and development appropriation is $4,191,700,000 and $1,855,000,000 for the research and program management appropriation.

Under the Veterans' Administration's construction, major projects appropriation, the conference agreement includes an additional $5,000,000 for an air-conditioning project at Madison.

In summary, this conference agreement is balanced—it recognizes the fiscal realities we face—it's within a split of the House and Senate 302(b) allocations—and it's consistent with the budget summit agreement. I urge Members on both sides of the aisle to support the conference.

	FY 1988	FY 1989				Conference compared with---			
	Enacted	Estimate	House	Senate	Conference	Enacted	Estimate	House	Senate
TITLE I									
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
HOUSING PROGRAMS									
Annual contributions for assisted housing	7,887,405,000	6,886,765,000	7,673,765,000	7,404,249,000	7,538,765,000	-348,640,000	+652,000,000	-135,000,000	+134,516,000
(By transfer)				(125,000,000)					(-125,000,000)
Rescission of assisted housing deobligations (budget authority, indefinite)	-267,875,000	-303,500,000	-303,500,000	-303,500,000	-303,500,000	-35,625,000			
Total, annual contributions for assisted housing (net)	7,619,530,000	6,583,265,000	7,370,265,000	7,100,749,000	7,235,265,000	-384,265,000	+652,000,000	-135,000,000	+134,516,000
Rental rehabilitation grants		150,000,000	150,000,000	150,000,000	150,000,000	+150,000,000			
Rental housing development grants	3,663,000					-3,663,000			
Rental housing assistance:									
Rescission of budget authority, indefinite	-52,000,000	-50,000,000	-50,000,000	-50,000,000	-50,000,000	+2,000,000			
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)				
Housing for the elderly or handicapped fund:									
Authority to borrow, indefinite	583,683,000	288,649,000	416,896,000	476,210,000	418,580,000	-165,103,000	+129,931,000	+1,684,000	-57,630,000
(Limitation on direct loans)	(565,776,000)	(350,175,000)	(478,422,000)	(537,736,000)	(480,106,000)	(-85,670,000)	(+129,931,000)	(+1,684,000)	(-57,630,000)
Congregate services	4,224,000		5,400,000	7,000,000	5,400,000	+1,176,000	+5,400,000		-1,600,000
Payments for operation of low-income housing projects.	1,450,000,000	1,517,508,000	1,617,508,000	1,617,508,000	1,617,508,000	+167,508,000	+100,000,000		
Housing counseling assistance	3,360,000		4,500,000	3,500,000	3,500,000	+140,000	+3,500,000	-1,000,000	
Emergency shelter grants program	8,000,000		65,000,000	35,000,000	46,500,000	+38,500,000	+46,500,000	-18,500,000	+11,500,000
Transitional and supportive housing demonstration program	65,000,000	75,000,000	85,000,000	75,000,000	80,000,000	+15,000,000	+5,000,000	-5,000,000	+5,000,000
Interagency Council on the Homeless		1,200,000	1,200,000	1,000,000	1,100,000	+1,100,000	-100,000	-100,000	+100,000
Federal Housing Administration Fund	162,866,000	237,720,000	237,720,000	237,720,000	237,720,000	+74,854,000			
(Limitation on guaranteed loans)	(96,000,000,000)	(75,000,000,000)	(96,000,000,000)	(96,000,000,000)	(96,000,000,000)		(+21,000,000,000)		
Temporary mortgage assistance payments (limitation on direct loans)	(79,272,000)	(103,350,000)	(103,350,000)	(103,350,000)	(103,350,000)	(+24,078,000)			
Total, Federal Housing Administration Fund	162,866,000	237,720,000	237,720,000	237,720,000	237,720,000	+74,854,000			
Nonprofit sponsor assistance (limitation on direct loans)	(960,000)	(630,000)	(960,000)	(960,000)	(960,000)		(+330,000)		
Government National Mortgage Association									
Guarantees of mortgage-backed securities (limitation on guaranteed loans)	(144,000,000,000)	(100,000,000,000)	(144,000,000,000)	(144,000,000,000)	(144,000,000,000)		(+44,000,000,000)		
Total, Housing Programs (net)	9,848,326,000	8,803,342,000	9,903,489,000	9,653,687,000	9,745,573,000	-102,753,000	+942,231,000	-157,916,000	+91,886,000
COMMUNITY PLANNING AND DEVELOPMENT									
Community development grants	2,880,000,000	2,480,000,000	2,650,000,000	2,840,000,000	2,650,000,000	-230,000,000	+170,000,000		-190,000,000
(By transfer)		(145,000,000)	(350,000,000)	(160,000,000)	(350,000,000)	(+350,000,000)	(+205,000,000)		(+190,000,000)
(Limitation on guaranteed loans)	(144,000,000)		(144,000,000)	(144,000,000)	(144,000,000)		(+144,000,000)		
Urban development action grants	216,000,000	-50,000,000				-216,000,000	+50,000,000		
Urban homesteading	14,400,000	12,000,000	12,000,000	14,400,000	13,200,000	-1,200,000	+1,200,000	+1,200,000	-1,200,000
Assistance for solar and conservation improvements	1,500,000					-1,500,000			
Total, Community Planning and Development	3,111,900,000	2,442,000,000	2,662,000,000	2,854,400,000	2,663,200,000	-448,700,000	+221,200,000	+1,200,000	-191,200,000
POLICY DEVELOPMENT AND RESEARCH									
Research and technology	16,512,000	19,000,000	17,000,000	17,200,000	17,200,000	+688,000	-1,800,000	+200,000	

FAIR HOUSING AND EQUAL OPPORTUNITY									
Fair housing assistance	4,800,000	5,000,000		5,000,000		-4,800,000	-5,000,000		-5,000,000
Fair housing initiatives		5,000,000		5,000,000			-5,000,000		-5,000,000
Fair housing activities			10,000,000		10,000,000	+10,000,000	+10,000,000		+10,000,000
Total, Fair Housing and Equal Opportunity	4,800,000	10,000,000	10,000,000	10,000,000	10,000,000	+5,200,000			
MANAGEMENT AND ADMINISTRATION									
Salaries and expenses	308,119,000	337,843,000	337,843,000	337,843,000	335,081,000	+26,962,000	-2,762,000	-2,762,000	-2,762,000
(By transfer, limitation on FHA corporate funds)	(358,132,000)	(359,348,000)	(381,528,000)	(371,920,000)	(381,528,000)	(+23,396,000)	(+22,180,000)		(+9,608,000)
Total, title I, Department of Housing and Urban Development:									
New budget (obligational) authority (net).	13,289,657,000	11,612,185,000	12,930,332,000	12,873,130,000	12,771,054,000	-518,603,000	+1,158,869,000	-159,278,000	-102,076,000
Appropriations	(5,138,444,000)	(4,790,271,000)	(5,193,171,000)	(5,346,171,000)	(5,167,209,000)	(+28,765,000)	(+376,938,000)	(-25,962,000)	(-178,962,000)
Authority to borrow	(583,683,000)	(288,649,000)	(416,896,000)	(476,210,000)	(418,580,000)	(-165,103,000)	(+129,931,000)	(+1,684,000)	(-57,630,000)
Contract authority	(7,887,405,000)	(6,886,765,000)	(7,673,765,000)	(7,404,249,000)	(7,538,765,000)	(-348,640,000)	(+652,000,000)	(-135,000,000)	(+134,516,000)
Rescissions	(-319,875,000)	(-353,500,000)	(-353,500,000)	(-353,500,000)	(-353,500,000)	(-33,625,000)			
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)				
(Limitation on direct loans)	(646,008,000)	(454,155,000)	(582,732,000)	(642,046,000)	(584,416,000)	(-61,592,000)	(+130,261,000)	(+1,684,000)	(-57,630,000)
(Limitation on guaranteed loans)	(240,144,000,000)	(175,000,000,000)	(240,144,000,000)	(240,144,000,000)	(240,144,000,000)		(+65,144,000,000)		
(Limitation on corporate funds to be expended)	(358,132,000)	(359,348,000)	(381,528,000)	(371,920,000)	(381,528,000)	(+23,396,000)	(+22,180,000)		(+9,608,000)
TITLE II									
INDEPENDENT AGENCIES									
AMERICAN BATTLE MONUMENTS COMMISSION									
Salaries and expenses	12,408,000	15,085,000	15,085,000	15,085,000	15,085,000	+2,677,000			
COMPETITIVENESS POLICY COUNCIL									
Salaries and expenses				1,000,000					-1,000,000
CONSUMER PRODUCT SAFETY COMMISSION									
Salaries and expenses	32,696,000	32,917,000	34,500,000	34,667,000	34,500,000	+1,804,000	+1,583,000		-167,000
DEPARTMENT OF DEFENSE - CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	8,164,000	13,195,000	13,195,000	13,195,000	13,195,000	+5,031,000			
ENVIRONMENTAL PROTECTION AGENCY									
Salaries and expenses	765,000,000	800,000,000	804,000,000	788,520,000	804,000,000	+39,000,000	+4,000,000		+15,480,000
Research and development	186,350,000	197,000,000	199,382,000	190,170,000	202,500,000	+16,150,000	+5,500,000	+3,118,000	+12,330,000
Abatement, control, and compliance	606,192,000	624,000,000	727,500,000	728,620,000	715,625,000	+109,433,000	+91,625,000	-11,875,000	-12,995,000
Buildings and facilities	23,500,000	8,000,000	8,000,000	8,000,000	8,000,000	-15,500,000			
Subtotal, operating programs	1,581,042,000	1,629,000,000	1,738,882,000	1,715,310,000	1,730,125,000	+149,083,000	+101,125,000	-8,757,000	+14,815,000
Hazardous substance superfund	1,128,000,000	1,600,000,000	1,425,000,000	1,525,000,000	1,425,000,000	+297,000,000	-175,000,000		-100,000,000
(General fund financing)	(239,100,000)			(239,000,000)		(-239,100,000)			(-239,000,000)
(Limitation on administrative expenses)	(182,400,000)		(190,000,000)	(190,000,000)	(190,000,000)	(+7,600,000)	(+190,000,000)		
Leaking underground storage tank trust fund	14,400,000	50,000,000	50,000,000	50,000,000	50,000,000	+35,600,000			
(Limitation on administrative expenses)	(4,800,000)		(5,000,000)	(5,000,000)	(5,000,000)	(+200,000)	(+5,000,000)		
Construction grants	2,304,000,000	1,500,000,000	1,950,000,000	2,100,000,000	1,950,000,000	-354,000,000	+450,000,000		-150,000,000
Total, Environmental Protection Agency	5,027,442,000	4,779,000,000	5,163,882,000	5,390,310,000	5,155,125,000	+127,683,000	+376,125,000	-8,757,000	-235,185,000

	FY 1988 Enacted	FY 1989 Estimate	House	Senate	Conference	Conference compared with --- Enacted	Estimate	House	Senate
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality..........	826,000	870,000	870,000	850,000	850,000	+24,000	-20,000	-20,000	....
Office of Science and Technology Policy	1,888,000	1,787,000	1,587,000	1,587,000	1,587,000	-301,000	-200,000	....	....
Total, Executive Office of the President..........	2,714,000	2,657,000	2,457,000	2,437,000	2,437,000	-277,000	-220,000	-20,000	....
FEDERAL EMERGENCY MANAGEMENT AGENCY									
Disaster relief..........	120,000,000	200,000,000	200,000,000	125,000,000	100,000,000	-20,000,000	-100,000,000	-100,000,000	-25,000,000
Salaries and expenses..........	125,841,000	135,602,000	137,494,000	137,274,000	137,274,000	+11,433,000	+1,672,000	-220,000	....
Emergency management planning and assistance	272,496,000	282,794,000	282,438,000	282,438,000	282,438,000	+9,942,000	-356,000	....	....
Emergency food and shelter program	114,000,000	80,000,000	114,000,000	114,000,000	114,000,000	....	+34,000,000	....	....
Total, Federal Emergency Management Agency..........	632,337,000	698,396,000	733,932,000	658,712,000	633,712,000	+1,375,000	-64,684,000	-100,220,000	-25,000,000
GENERAL SERVICES ADMINISTRATION									
Consumer Information Center..........	1,279,000	1,354,000	1,354,000	1,354,000	1,354,000	+75,000	....	....	....
(Limitation on administrative expenses)..........	(1,652,000)	(1,736,000)	(1,736,000)	(1,736,000)	(1,736,000)	(+84,000)	....	....	....
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Consumer Affairs..........	1,670,000	1,708,000	1,708,000	1,708,000	1,708,000	+38,000	....	....	....
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
Research and development..........	3,274,200,000	4,446,700,000	4,191,700,000	3,552,800,000	4,191,700,000	+917,500,000	-255,000,000	....	+638,900,000
Rescission..........	....	....	-25,000,000	-25,000,000	-25,000,000	-25,000,000	-25,000,000	....	....
(By transfer)..........	(100,000,000)	....	....	....	....	(-100,000,000)	....	....	....
(By transfer, Department of Defense)..........	(70,000,000)	....	....	....	....	(-70,000,000)	....	....	....
Space flight, control and data communications	3,908,309,000	4,841,200,000	4,414,200,000	4,452,200,000	4,364,200,000	+455,891,000	-477,000,000	-50,000,000	-88,000,000
Construction of facilities	178,272,000	285,100,000	270,100,000	270,100,000	290,100,000	+111,828,000	+5,000,000	+20,000,000	+20,000,000
Science, space and technology education trust fund (by transfer)..........	....	....	....	(15,000,000)	(15,000,000)	(+15,000,000)	(+15,000,000)	(+15,000,000)	....
Research and program management	1,495,680,000	1,915,000,000	1,855,000,000	1,870,000,000	1,855,000,000	+359,320,000	-60,000,000	....	-15,000,000
Total, National Aeronautics and Space Administration (net)..........	8,856,461,000	11,488,000,000	10,706,000,000	10,120,100,000	10,676,000,000	+1,819,539,000	-812,000,000	-30,000,000	+555,900,000
NATIONAL CREDIT UNION ADMINISTRATION									
Central liquidity facility:									
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	....	....	....	....
(Limitation on administrative expenses, corporate funds)..........	(813,000)	(880,000)	(880,000)	(880,000)	(880,000)	(+67,000)	....	....	....
NATIONAL SCIENCE FOUNDATION									
Research and related activities..........	1,453,000,000	1,603,000,000	1,578,000,000	1,593,000,000	1,583,000,000	+130,000,000	-20,000,000	+5,000,000	-10,000,000
Program development and management (limitation on administrative expenses)..........	(84,480,000)	(95,550,000)	(90,550,000)	(90,550,000)	(90,550,000)	(+6,070,000)	(-5,000,000)	....	....
Science and Technology Centers	....	150,000,000	....	....	....	....	-150,000,000	....	....
United States Antarctic Program activities..........	124,800,000	141,000,000	136,000,000	131,000,000	131,000,000	+6,200,000	-10,000,000	-5,000,000	....
Science education activities	139,200,000	156,000,000	171,000,000	156,000,000	171,000,000	+31,800,000	+15,000,000	....	+15,000,000
Total, National Science Foundation..........	1,717,000,000	2,050,000,000	1,885,000,000	1,880,000,000	1,885,000,000	+168,000,000	-165,000,000	....	+5,000,000
NEIGHBORHOOD REINVESTMENT CORPORATION									
Payment to the Neighborhood Reinvestment Corporation	18,720,000	19,094,000	19,094,000	19,494,000	19,494,000	+774,000	+400,000	+400,000	....

SELECTIVE SERVICE SYSTEM									
Salaries and expenses	25,459,000	26,113,000	26,313,000	26,113,000	26,313,000	+854,000	+200,000	....	+200,000
VETERANS ADMINISTRATION									
Compensation and pensions	14,334,287,000	14,759,100,000	14,759,100,000	14,759,100,000	14,759,100,000	+424,813,000	....	....	....
Readjustment benefits	808,200,000	597,600,000	597,600,000	597,600,000	597,600,000	-210,600,000	....	....	....
Veterans insurance and indemnities	14,290,000	9,220,000	9,220,000	9,220,000	9,220,000	-5,070,000	....	....	....
Medical care	10,094,808,000	10,327,546,000	10,567,546,000	10,445,171,000	10,542,546,000	+447,738,000	+215,000,000	-25,000,000	+97,375,000
Medical and prosthetic research	192,899,000	204,241,000	210,241,000	210,241,000	210,241,000	+17,342,000	+6,000,000	....	....
Medical administration and miscellaneous operating expenses	46,628,000	47,909,000	48,909,000	47,909,000	47,909,000	+1,281,000	....	-1,000,000	....
General operating expenses	762,810,000	771,316,000	774,316,000	781,236,000	774,316,000	+11,506,000	+3,000,000	....	-6,920,000
Construction, major projects	402,884,000	367,755,000	363,040,000	359,155,000	363,040,000	-39,844,000	-4,715,000	....	+3,885,000
Construction, minor projects	115,942,000	123,881,000	111,596,000	111,596,000	111,596,000	-4,346,000	-12,285,000	....	....
(Limitation on administrative expenses)	(40,774,000)	(42,731,000)	(41,731,000)	(42,731,000)	(41,731,000)	(+957,000)	(-1,000,000)	....	(-1,000,000)
Parking garage revolving fund	3,936,000	9,000,000	26,000,000	9,000,000	26,000,000	+22,064,000	+17,000,000	....	+17,000,000
Grants for construction of State extended care facilities	40,320,000	42,000,000	42,000,000	42,000,000	42,000,000	+1,680,000	....	....	....
Grants to the Republic of the Philippines	480,000	500,000	500,000	500,000	500,000	+20,000	....	....	....
Grants for construction to State veterans cemeteries	....	9,000,000	9,000,000	9,000,000	9,000,000	+9,000,000	....	....	....
Direct loan revolving fund (limitation on direct loans)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	....	....	....	....
Loan guaranty revolving fund	916,400,000	658,000,000	658,000,000	658,000,000	658,000,000	-258,400,000	....	....	....
Total, Veterans Administration	27,733,884,000	27,927,068,000	28,177,068,000	28,039,728,000	28,151,068,000	+417,184,000	+224,000,000	-26,000,000	+111,340,000
Total, title II, Independent Agencies:									
New budget (obligational) authority (net)	44,070,234,000	47,054,587,000	46,779,588,000	46,203,903,000	46,614,991,000	+2,544,757,000	-439,596,000	-164,597,000	+411,088,000
Appropriations	(44,070,234,000)	(47,054,587,000)	(46,804,588,000)	(46,228,903,000)	(46,639,991,000)	(+2,569,757,000)	(-414,596,000)	(-164,597,000)	(+411,088,000)
Rescission	....	....	(-25,000,000)	(-25,000,000)	(-25,000,000)	(-25,000,000)	(-25,000,000)	....	....
(By transfer)	(170,000,000)	....	....	(15,000,000)	(15,000,000)	(-155,000,000)	(+15,000,000)	(+15,000,000)	....
(Limitation on administrative expenses)	(314,106,000)	(140,017,000)	(329,017,000)	(330,017,000)	(329,017,000)	(+14,911,000)	(+189,000,000)	....	(-1,000,000)
(Limitation on direct loans)	(601,000,000)	(601,000,000)	(601,000,000)	(601,000,000)	(601,000,000)	....	....	....	....
(Limitation on corporate funds to be expended)	(813,000)	(880,000)	(880,000)	(880,000)	(880,000)	(+67,000)	....	....	....
TITLE III									
CORPORATIONS									
Federal Home Loan Bank Board:									
(Limitation on administrative expenses, corporate funds)	(30,313,000)	(31,942,000)	(31,942,000)	(31,942,000)	(31,942,000)	(+1,629,000)	....	....	....
Federal Savings and Loan Insurance Corporation, (limitation on administrative expenses, corporate funds)	(1,610,000)	(1,667,000)	(1,667,000)	(1,667,000)	(1,667,000)	(+57,000)	....	....	....
Total, title III, Corporations	(31,923,000)	(33,609,000)	(33,609,000)	(33,609,000)	(33,609,000)	(+1,686,000)	....	....	....
Grand total:									
New budget (obligational) authority (net)	57,359,891,000	58,666,772,000	59,709,920,000	59,077,033,000	59,386,045,000	+2,026,154,000	+719,273,000	-323,875,000	+309,012,000
Appropriations	(49,208,678,000)	(51,844,858,000)	(51,997,759,000)	(51,575,074,000)	(51,807,200,000)	(+2,598,522,000)	(-37,658,000)	(-190,559,000)	(+232,126,000)
Authority to borrow	(583,683,000)	(288,649,000)	(416,896,000)	(476,210,000)	(418,580,000)	(-165,103,000)	(+129,931,000)	(+1,684,000)	(-57,630,000)
Contract authority	(7,887,405,000)	(6,886,765,000)	(7,673,765,000)	(7,404,249,000)	(7,538,765,000)	(-348,640,000)	(+652,000,000)	(-135,000,000)	(+134,516,000)
Rescissions	(-319,875,000)	(-353,500,000)	(-378,500,000)	(-378,500,000)	(-378,500,000)	(-58,625,000)	(-25,000,000)	....	....
(By transfer)	(170,000,000)	(145,000,000)	(350,000,000)	(300,000,000)	(365,000,000)	(+195,000,000)	(+220,000,000)	(+15,000,000)	(+65,000,000)
(Limitation on administrative expenses)	(314,106,000)	(140,017,000)	(329,017,000)	(330,017,000)	(329,017,000)	(+14,911,000)	(+189,000,000)	....	(-1,000,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	....	....	....	....
(Limitation on direct loans)	(1,247,008,000)	(1,055,155,000)	(1,183,732,000)	(1,243,046,000)	(1,185,416,000)	(-61,592,000)	(+130,261,000)	(+1,684,000)	(-57,630,000)
(Limitation on guaranteed loans)	(240,144,000,000)	(175,000,000,000)	(240,144,000,000)	(240,144,000,000)	(240,144,000,000)	....	(+65,144,000,000)	....	....
(Limitation on corporate funds to be expended)	(390,868,000)	(393,837,000)	(416,017,000)	(406,409,000)	(416,017,000)	(+25,149,000)	(+22,180,000)	....	(+9,608,000)

Mr. GREEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, I want to join the Speaker of the House in his praise for the distinguished chairman of our subcommittee, the gentleman from Massachusetts [Mr. BOLAND]. It has been my privilege to be associated with him in my role as ranking minority member of the subcommittee with him in only 8 of his 36 years here in the House, but I certainly can testify on the basis on those 8 years as to the acumen and skill that he brings to the work of this subcommittee, to the work of the full Appropriations Committee, and to the work of the House. The people of this country owe him a great debt of gratitude for his efforts.

As the distinguished chairman has pointed out, when we went to conference we were faced with the fact that the Senate's 302(b) allocation was approximately $600 million less than that on the basis of which the House bill had been crafted. Even after splitting the difference, that plainly left us very short compared with where we had been when this bill was approved by the House.

I have mentioned in the past that this year this bill has been something like putting a size 10 foot in a size 8 shoe. When we got into conference, we found that our problem was putting a size 10 foot in a size 7 shoe because of the lower Senate numbers. Nonetheless, we did with some great difficulty put together a bill which I think merits the support of the House, and I am pleased to join the distinguished chairman of the subcommittee in urging the House to adopt it.

I shall not go over the numbers which the distinguished chairman has so capably and fully laid before the House. Let me deal with the one area that I know was of some concern to the House when we were here passing the bill in the first place and which is of concern to me, and that is the fact of the numbers with respect to housing assistance. We were forced by the logic of the conference to have a reduction of $135 million in the housing assistance numbers. That is not something with which I am very happy to come back here. In fact, with the support of my House colleagues, I did urge the Senate Members of the conference to consider a different approach where we would have added some money back into the housing account. The place I would have taken it from would have been the Superfund moneys. I suggested the Superfund first because the spendout rate on that program has been slow and the program will be carrying over $100 million at the end of fiscal year 1988; also because it gets a very significant increase in any event under this bill and also because I think there have been some legitimate complaints about the way the program has been operated; I think it would be wise for the EPA to take a good hard look at its methods of operations under the Superfund.

However, the Senate was adamant in objecting to that approach. In any event, that would have taken us outside the conference limits, so that we were not in a good position arguing for that. In the end we had to accept the reduction in the housing assistance accounts.

I am glad to say, however, that the number of incremental housing units brought under subsidy in the bill as it comes out of conference is 84,955, so that we are certainly within the range we have been in the past several years in terms of the number of units that will be brought under subsidy, although frankly we have done that by increasing the number of units that are existing housing units and by reducing the number of units available for moderate rehabilitation.

Beyond that, I can only say that I think we have dealt fairly with all the disparate interests that are reflected in our bill. I think that, given the very difficult constraints under which we labored, we have brought back a good bill. From my soundings of the administration, I share the hopes of the distinguished chairman that this bill is acceptable to the administration, and I therefore urge its adoption this afternoon by the House.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I rise today in strong support of the conference report on H.R. 4800, making appropriations for the Department of Housing and Urban Development and independent agencies for fiscal year 1989.

With my support for this agreement, however, I would be remiss if I failed to acknowledge and express appreciation to my distinguished colleague, Chairman ED BOLAND, for whom this conference report marks the final chapter in his rich and admirable history as chairman of the Appropriations Subcommittee on HUD-independent agencies.

It was once said that, "the final test of a leader is that he leaves behind in other men the conviction and the will to carry on." Mr. Speaker, by this benchmark, Chairman BOLAND has been a successful and inspiring leader and I am confident that his successor will prove equally as insightful and thoughtful. As a member of the Banking, Finance and Urban Affairs Committee and the Veterans' Affairs Committee, I have enjoyed working closely with Chairman BOLAND and members of his subcommittee on behalf of housing and community development programs and providing benefits and services for our Nation's veterans.

Mr. Speaker, I rise today to highlight two important provisions in H.R. 4800, preserving vital community development block grant [CDBG] funding for 230 small communities throughout Pennsylvania and earmarking $4.67 million to construct a long-awaited Veterans' Administration [VA] nursing care unit in the city of Wilkes-Barre.

Several months ago, I and other members of the Pennsylvania congressional delegation learned of an ongoing dispute between the Department of Housing and Urban Development and the Commonwealth of Pennsylvania regarding the collection of statistical data to determine eligibility for CDBG funding. When efforts failed to find an administrative solution to this technical deadlock—and HUD announced its intention to suspend funding in the middle of the fiscal year—our bipartisan State delegation requested a General Accounting Office [GAO] study.

In the meantime, however, the inability to resolve this technical issue would result in the shutdown of vital funds urgently needed to complete valuable economic development and low-income housing revitalization projects, and to provide essential community services in these small communities. In essence, these towns and their half-completed projects were left hostage in the face of this technical dispute. Residents and town officials in Shamokin wondered if repairs of an important bridge would be completed, while in Pittston concern surfaced over the prospects of finishing a major sewer system project.

When I and other members of the Pennsylvania congressional delegation discussed this issue with Chairman BOLAND, Congressman GREEN, the ranking Republican, and other subcommittee members, they recognized the problem and the need to find a temporary remedy to protect funding for fiscal years 1987 and 1988 for projects initiated but not yet completed. Passage of today's conference report, H.R. 4800, ensures that these important community development projects in Pennsylvania will be allowed to go forward.

In addition, I want to express my appreciation to the subcommittee for retaining a key provision to earmark $4.67 million to construct a 60-bed VA nursing home care unit in Wilkes-Barre. On April 28 when I testified before the subcommittee on this issue, I described that Wilkes-Barre's current VA nursing home is fully occupied at all times with a waiting list of up to 250 veterans, that service-connected veterans must wait 3 to 4 months, and that nonservice-connected veterans may wait indefinitely.

Although this expansion project was originally authorized in 1985, the administration had refused to request actual construction funds for the facility and had no plans to begin building the unit until 1993 at the earliest. With Chairman BOLAND, Congressman GREEN, and the entire subcommittee's efforts, however, aging veterans in northeastern Pennsylvania who are in need of services will have an opportunity to receive the quality health care treatment they deserve.

Mr. Speaker, I rise in strong support of H.R. 4800 and I urge my colleagues to support this important conference agreement.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I support the legislation.

Mr. Speaker, I rise to lend my support to the HUD-independent agencies appropriations bill. While I am not entirely happy with the level of funding for the housing programs, I am happy to say that the conference report provides virtually the same level of funding as does the House version. I also want to commend Chairman BOLAND and his committee for the hard work and dedication that went into hammering out this bill.

In June, we had a spirited debate over the HUD appropriations bill and the level of support for the housing programs. Many of us in the Housing Subcommittee sought to increase funding levels with the limited amount of appropriations available under the bill. These represent tough decisions in tough times. Unfortunately, we were unable to get the increased funding so desperately needed. But even at that sought-after level of funding, the Federal commitment to the Nation's housing is woefully inadequate.

I want to take this opportunity to simply say that no amount of Federal support would be too much in our effort to improve the Nation's housing crisis and to provide a decent home and safe living environment to every American family.

The Federal Government's commitment has been all but eliminated in the area of housing. It is untenable that a Nation of such great wealth and with a tradition of concern for so many of its less fortunate would turn its back on a growing number of its people. I urge my colleagues to pass this measure but to commit themselves to the larger battle of providing a home for every American family.

Mr. GREEN. Mr. Speaker, I yield 4 minutes to the distinguished ranking minority member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs, the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in support of the conference report and ask unanimous consent to revise and extend my remarks.

As the ranking minority member of the authorizing subcommittee, I want to focus on one very important issue: the serious health threat presented by lead-based paint.

Lead-based paint is a critical health hazard which has already poisoned thousands of children.

I am sorry to report that it is not a hazard which has received very much attention to date. That, however, will change. This Member intends to maintain the drumbeat on this issue until we act responsibly to protect our Nation's children.

It was long ago a well-established medical fact that leaded paint in housing across this country poisons thousands of children every year, causing brain damage and neurological disorders.

It is a disgrace that we have done so little to correct this matter since the Lead Based Paint Poisoning Prevention Act was passed in 1971. Unfortuntely, HUD was charged with the responsibility to administer the act, and for 17 years HUD has avoided and evaded its responsibility.

Between 1976 and 1980, 780,000 American preschool children had excess levels of lead in their blood. This is according to the American Academy of Pediatrics and data from the second national health and nutrition survey.

Lead poisoning causes neurological and psychological disorders. Studies have shown conclusively that poisoning results in a reduction in intelligence and alteration behavior.

I commend the gentleman from Massachusetts [Mr. BOLAND] and the gentleman from New York [Mr. GREEN] for their concern and attention to the matter.

The conference report and the statement of managers recognize the seriousness of the crisis—and, make no mistake, this is a crisis—and properly take the Department of Housing and Urban Development to task for its inexcusable inaction.

The conference report earmarks a minimum of $1.2 million in the fiscal year for lead-based paint efforts.

We urgently need to develop standards and guidelines for detection and abatement of lead-based paint. At present, there are no national standards or guidelines. Both the Housing Subcommittee and the HUD Subcommittee have learned that there is a great deal of abatement effort being made out there that is probably being done very poorly and which is likely to be doing more harm than good. This is a very serious problem.

It is not, however, a reason for significant delay. Our subcommittees also know that dangerous levels of lead-based paint can be detected accurately, and that paint can be abated safely. There are people around the country who know how to do it safely and who are doing it safely.

So, the current situation is that it can be done safely but is often not being done safely. That underscores the need to develop national standards and guidelines. Our subcommittees have both been told by experts that this can be done in about 6 months. I am very pleased to see that the conference report directs HUD, in cooperation with the National Institute of Building Sciences, to develop guidelines within that period of time. In the meantime, the Department's regulations which were published June 6 are put on hold. This is a prudent course, and I commend the members of the conference.

No one, however, should misread this message. To HUD, this is a message to end your delay and to get on with the crucial work of protecting our Nation's children. Do not think you are getting off the hook.

To public housing authorities around the country, this does not mean that the Congress is willing to tolerate any further procrastination. We need only the development of guidelines and standards, and then you, public housing authorities, need to move ahead immediately.

To my colleagues in the Congress, make no mistake about it—this is going to be an expensive proposition. We have significant amounts of lead-based paint not only in public housing projects, but also in thousands and thousands of units of HUD-held properties, federally assisted units, and privately owned units. We are going to have to spend large sums of money over several years to clean up this terrible threat to the public health. The problem is serious, it is immediate, and it is poisoning our children. What could be a higher priority?

I will be working with other concerned Members to develop ways to pay for this major national effort, but no Member of this House can think that it is all right simply to put off the effort for another 2, or 4, or 6 years. That just will not do. My colleagues are now on notice. We must act. The effects of further irresponsible delay would be disastrous.

□ 1600

The SPEAKER pro tempore (Mr. GRAY of Illinois). The time of the gentlewoman from New Jersey has expired.

Mr. BOLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman.

Mr. BOLAND. Mr. Speaker, I wanted to thank the gentlewoman from New Jersey for her remarks. She is exactly on target, and she is precisely right.

Over I don't know how many years I have been hearing about the removal of lead paint in housing under the auspices of the Department of Housing and Urban Development. As the gentlewoman has stated, little or nothing has been done in that area over the past decade.

Mr. Speaker, in the conference agreement that we have that we are now working on, we did reach an agreement with the Senate with respect to compromise language. I think that we will now get some action out of HUD, in conjunction with the EPA. And I think that we will perhaps be moving in the right direction for the first time in many years.

I thank the gentlewoman from New Jersey.

Mr. BOLAND. Mr. Speaker, I yield such time as he many consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I rise in support of the conference committee.

Mr. Speaker, I rise to congratulate the Appropriations Committee on one of the smaller, but important, facets of this bill.

Last March the Subcommittee on Water Resources held most revealing hearings concerning the future of the Chesapeake Bay. While the States of Maryland, Virginia, and Pennsylvania, the District of Columbia, and the Federal Government have made great stride in restoring the Chesapeake's majesty, most efforts have focused on reducing nutrients.

Arguably, more is known of the bay's ecosystem than any other major estuary, yet through the course of our hearings it became apparent that very little data existed regarding the impact of toxics on the delicate ecosystem.

I represent the Port of Baltimore, a leader in the international shipping industry and vibrant industrial center. Our harbor, like that of Hampton Roads to our south, has been significantly degraded by toxics in sediments. Toxics, even after settling in sediments remain a threat to the ecosystem of the harbor and the entire bay.

Further evidence suggests that toxics in the water column percolate and concentrate in the top half inch of the bay's surface layer. This surface "micro-layer" is also known to be a crucial center of biological activity, nurturing the earliest stages of many species' development. In fact, the extremely high concentrations of toxics in the bay's microlayer were only identified last year in the course of a study on the reproduction of striped bass.

This bill includes an earmark of $750,000 for the study of toxics in the Chesapeake Bay. These funds will initiate specific EPA studies of toxics in this national estuary. Toxics from industries on the bay's shores, toxics from acid rain, toxics from urban or agricultural runoffs, toxics already in the ecosystem—these are problems in waters everywhere, and by studying their interrelations in the Chesapeake, where so much is already known, the entire Nation will benefit. This money will not alleviate the pollution that fouls the Baltimore Harbor or clear the bay's surface waters of contaminants, but is a start.

Mr. GREEN. Mr. Speaker, I yield 3 minutes to the distinguished ranking minority member of the Committee on Science, Space, and Technology, the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. Mr. Speaker, as the ranking Republican member on the Science, Space, and Technology Committee, I rise in overall support of the conference report on H.R. 4800, the HUD-independent agencies appropriations bill. This bill includes appropriations for several agencies—including NASA, the National Science Foundation [NSF] and the Environmental Protection Agency [EPA]—which the Committee on Science, Space, and Technology authorize. I would like to commend the efforts of the conferees. Given fiscal constraints, they are bringing a fair compromise bill to the floor today.

The Committee on Science, Space, and Technology reported out bills that authorize the full funding level requested by the administration for NASA and NSF. Both these bills were overwhelmingly supported by the House. It is a disappointment to me that this support could not be followed up with the necessary appropriation. However, given what the other body had proposed in appropriations for NASA, this conference report has to be viewed as a success. I am particularly relieved to see that the space station has survived. Without a permanently manned space station we can forget about our dreams to one day send humans to Mars or other distant planets. It is essential that we have a facility to enable humans to learn to live and work in space for sustained periods before embarking on a trip to Mars. And perhaps equally important is the message the conference report sends to our foreign partners. The Europeans, the Canadians, and the Japanese placed their faith in us when they joined us in this ambitious program and to pull out now would do irreparable damage to our relations with these important allies.

Regarding NSF, as I have noted during House consideration of H.R. 4800 on June 22, 1988, the research budget has been essentially level funded for the last 4 years and therefore, realizing the constraints the conferees were under, I am pleased to see the research number increased from the House recommended number. I note, however, that the Antarctic funds were reduced by the same amount that research was increased by. It is unfortunate that such a tradeoff occurred, though we are at least moving in the right direction for doubling the NSF budget.

Mr. Speaker, I want to say again, that I do appreciate the efforts of the conferees on this very important piece of legislation and I believe we should support the final result. However, I don't want my support of this bill to be interpreted as 100 percent satisfaction with the level of support we are giving to research and technology. Technology is the key to our future—dollars spent on research and technology today bring economic opportunity and jobs tomorrow.

The conference report before us is a fair compromise, given where we started from, and I strongly urge my colleagues to support the conference report on H.R. 4800.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this conference agreement and commend the chairman of the subcommittee, Mr. BOLAND, and the ranking minority member, Mr. GREEN, as well as Mr. WHITTEN and Mr. CONTE, for their action in bringing it before the House. The compromise worked out with the other body is good for veterans.

Today is the last time Mr. BOLAND will be bringing an appropriations bill for veterans before this body. He's been doing it since 1971 and I don't believe anybody could have done it better in any one of those 18 years. He always stood tall when attacks were made on veterans' programs. Veterans will sorely miss Mr. EDDIE BOLAND and will long remember all that he has done for them over the years.

Over the past 4 months, the Committee on Veterans' Affairs has learned that thousands of VA hospital beds have been closed because the agency did not have adequate staff to operate them. This conference agreement provides $45 million for special pay rates for nurses and other scarce medical specialists. It also provides an additional $5 million for tuition assistance payments and over $8 million for scholarships.

Veterans need to know that Congress stands behind them. Although we had anticipated that OMB would clear a supplemental request for the VA's health care system to relieve some of the pressure during the remainder of this fiscal year, such supplemental is not forthcoming. But, I'm happy to report that in the dire supplemental being considered in the Senate, $31.7 million has been added by the other body for veterans' health care for the remainder of fiscal year 1988.

I have every reason to believe that this amount will be accepted by the House conferees when they meet to resolve their differences.

Mr. Speaker, the agreement speaks out against the administration's request to reduce staffing in the two VA departments which provide the bulk of services to veterans. During the past several years, the Department of Veterans Benefits [DVB] has lost significant numbers of employees, resulting in larger delays in the handling of veterans' claims. At a hearing before our committee earlier this year, the VA admitted that only 30 percent of veterans' claims for disability benefits are resolved in a timely manner; yet the administrations' budget called for a reduction of almost 4 percent in DVB employees. This conference agreement rejects that recommendation, and provides for the current field staffing level of 12,415 employees.

As to meeting the health-care needs of aging veterans, the investment we make today could result in lower health-care expenditures in the future. I say this because the VA is already confronted with a huge number of veterans who are elderly and seeking health care. What we learn from our efforts to meet their health-care needs could pay substantial dividends in planning to meet the health-care needs of elderly people who will be seeking health care in far greater numbers 5 or 10 years from now.

Thus, I am pleased that the committee has added to the number of nursing home construction projects included in this budget. Our committee's budget recommended funding for three new VA nursing home care units as well as initiation of the long-delayed Dallas replacement hospital, and this bill accomplishes those objectives.

I regret the conference agreement does not contain the construction funds for the clinical addition at the medical center in Nashville, TN. The design for this project will be completed by May 1 of next year and the project will have to be put on the shelf until the fiscal year 1990 appropriations bill is passed. I am pleased to note that the conferees agreed that construction funds would be contained in the fiscal year 1990 budget.

In addition, this agreement would increase the staffing for VA hospitals by 580 employees over the current level, including 300 employees for AIDS treatment.

By this action, the Congress is signaling its intention to care for veterans with AIDS by providing funds to the VA, which is already treating 6 to 7 percent of all reported cases nationwide, and has assigned three of its medical centers the task of becoming centers of excellence in AIDS-related research.

I do not understand how the administration ignored the huge burden which the VA is bearing with respect to treatment of veterans with AIDS, but I commend Chairman BOLAND for providing some relief in this conference agreement.

The funding in this measure will also allow the continued funding of several homeless veteran projects which began last year, and provides desperately needed funds so that the VA can recruit nurses and other health care professionals to take care of veterans.

Again, I commend the committee for the action it has taken to assist veterans and want to again thank the distinguished and very able gentleman from Massachusetts [Mr. BOLAND] for the leaership he has provided as chairman of the HUD-Independent Agencies Appropriations Subcommittee for so many years. All of us will miss him.

Mr. Speaker, today is the last day the gentleman from Massachusetts [Mr. BOLAND] will bring an appropriation bill for veterans before this body. Mr. Speaker, he has been doing this since 1971, and I really do not believe anybody could have done it better in any one of those 18 years. The gentleman from Massachusetts [Mr. BOLAND] has always stood tall when attacks were made on veterans' programs.

Mr. Speaker, veterans will sorely miss the gentleman from Massachusetts [Mr. BOLAND] and will remember him for all that he has done for them over the years.

In behalf of the 28 million veterans of this country and the 55 million dependents of the veterans, I say thanks very much to the gentleman from Massachusetts [Mr. BOLAND].

Mr. GREEN. Mr. Speaker, I yield 3 minutes to the distinguished ranking minority member of the Committee on Veterans' Affairs, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as ranking member of the Veterans' Affairs Committee, I rise in strong support of the conference report on the HUD-independent agencies appropriations bill for fiscal year 1989. The conference report addresses a number of specific veterans needs by adding funding for Veterans' Administration Hospital staffing, for treatment of AIDS patients, for special pay rates for badly needed nurses and other funds to recruit medical specialists, for a 2-percent pay increase and for treatment of post traumatic stress disorder.

The $10.5 billion to be appropriated for veteran's health care may not be adequate but it is as much as could be realistically expected in light of the imperative to control the deficit.

Mr. Speaker, I am very pleased to also see additional funding for staffing for the Department of Veterans Benefits and for the Board of Veterans Appeals, as well as for construction of additional nursing home units. These nursing home units are essential if the VA is to serve the aging veteran population.

Mr. Speaker, even though I steadfastly oppose the so-called Boland amendments, I join my colleagues in their accolades for Mr. BOLAND, who over the years has proved to be a steadfast friend and protector of veterans. This last conference report he brings as chairman of the HUD and Independent Agencies Subcommittee, is in keeping with all that he has done on behalf of veterans programs. Mr. Speaker, I also commend Mr. GREEN, the ranking member of the subcommittee, and Mr. WHITTEN and Mr. CONTE of the full committee for their support of veterans which is so amply demonstrated by this report.

I urge my colleagues to act favorably on the conference report for H.R. 4800.

Of course, I commend the gentleman from Mississippi [Mr. MONTGOMERY] for his input into this appropriation bill. Again, we all take off our hats to the gentleman from Massachusetts [Mr. BOLAND], and the veterans of this Nation are going to miss him.

Godspeed.

Mr. BOLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, this is a sad occasion here to see us lose our good friend, the gentleman from Massachusetts [Mr. BOLAND]. I have served with him on the Committee on Appropriations since he has been on there, and I do not know of anyone who ever did a better job.

If we wanted the job done and done right and done on time, give it to the gentleman from Massachusetts [Mr. BOLAND]. I would like to see some of our friends on the Senate side take after him when he is gone from here.

Mr. Speaker, as I said earlier, nobody has ever left a better record in season and out of season. He has been responsible for a vast variety of areas—veterans, space, housing, and others—covering the waterfront and doing it well. We have not gone into detail about his work on the Intelligence Committee and on the various subcommittees, but the big thing that I realize about the gentleman from Massachusetts [Mr. BOLAND] as against many, if we gave it to the gentleman from Massachusetts [Mr. BOLAND], the job gets done; it gets done timely; and it is to the interests of the United States of America.

Mr. Speaker, we are going to miss him, and we treasure the memory and the work he has done which has been done in the interests of the whole Nation.

Mr. GREEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I, too, want to join in the accolades to the gentleman from Massachusetts, who has been a superb Member of Congress while he has been here.

Mr. Speaker, I do want to raise a couple of questions with regard to the bill he brings before us today though. I think we ought to make certain that we understand just exactly what we have here. We do have a bill of $719 million over budget. I take that directly out of the committee report. I think we ought to recognize that.

We do have a bill that on the drug-free workplace language has deferred to the Teasury bill, and that is something which this gentleman agrees to, and I am pleased to see that worked out the way it has been.

Third, we do have a bill on this that supports the space station, but one has to wonder for how long. The provision which is there that defers $515 million of the spending until next year is in fact a fairly troublesome amendment, when you read the language that is in the recent aerospace publication where Governor Dukakis makes it quite clear that he is against the space station.

In fact, what that language will allow Governor Dukakis to do if he becomes President is to kill the space station, and that is something which I find disturbing.

Fourth and finally, I am also disturbed by amendment No. 64 that is in the bill. We often hear it said here on the House floor that the reason why the Committee on Appropriations has to act is because the authorization committees do not appropriately act. Here is a case where the Committee on Appropriations has taken a legislative action which has taken an authorization action in a bill which is in the process of being worked on by the authorizing committee.

We passed this bill and provisions relating to this subject matter, namely, the buying of an icebreaker, out of the Committee on Science, Space, and Technology. We are in conference trying to work out the language on this exact item. What do we find after we have worked for some weeks trying to come up with language? We have an appropriation bill that totally takes away our authority and makes all the work we have done junk. I tell the Members, that is exactly why some of us on authorizing committees get a little upset with the appropriations process. Why in the world should we have authorizing committees around here if what the Committee on Appropriations is going to do is set aside everything the authorizing committees do? Why should we have authorizing committees? Why do we not just turn over all the work to the Committee on Appropriations and let them do it all? This is the kind of thing which should not be done. It may be a perfectly appropriate kind of action to take, but it is, in fact, in the jurisdiction of the authorizing committees.

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You all on the Appropriations Committee are not a college of cardinals around here. We have a lot of responsibilities a lot of us carry, and you should not be involved in taking this kind of action. It is wrong, and I think the fact that it is in there should be protested.

I thank the gentleman for yielding.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume to make a brief response to the distinguished gentleman from Pennsylvania. In what he complains about he is absolutely right. I have no problem with it, except that there is no authorization bill for the National Science Foundation. Oftentimes the appropriations are essential in the absence of authorizing legislation to carry out the very programs the gentleman from Pennsylvania and others who serve on the authorizing committee want.

As I recall, the NSF authorization bill did consider a provision indicating a 25-percent differential, as the gentleman from Pennsylvania indicated. This conference agreement provides for a 50-percent differential, and then after the 50 percent they have to get another look at any subsidy from the particular foreign builders in Denmark, Singapore, and Finland, in addition to the one bidder from the United States.

So the gentleman from Pennsylvania I think complains rightfully. But, oftentimes we are caught on the horns of a dilemma, and we try to resolve the problems where no authorization has come to the floor or has not been passed.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding, because I know my complaint really is we on the authorizing committees cannot get our work done because somebody does an end run around us and takes it to the Appropriations Committee and so, therefore, if a Member holds out long enough in the authorizing process, sometimes it gets taken care of in the appropriations process, and I just think that is wrong. It takes the pressure off the authorizing committees to do the right thing. This is not a case where the issue was being neglected. It is a question where there were active negotiations underway on this specific issue that has now been resolved. For all intents and purposes the policy has been set by the Appropriations Committee, and we might as well fold up our tent on the issue and let it go, because we no longer have any say in the issue.

I would just say to the gentleman that I think that is not the way that the system is supposed to work.

Mr. BOLAND. Would the gentleman from Pennsylvania agree that this bill probably has less of that than some of the other bills that come to the floor?

Mr. WALKER. The gentleman is correct on that. I just happened to be somebody who was directly involved in negotiating on this particular subject matter, so it stuck out like a sore thumb.

Mr. BOLAND. I thank the gentleman from Pennsylvania.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. TRAXLER], one of our very distinguished and valued members of the committee and who in the 101st Congress will be chairing this subcommittee, hopefully.

Mr. TRAXLER. Mr. Speaker, I thank the gentleman for yielding time to me and want to salute him in the presentation of, we hope, his last bill. As usual, he has done a magnificent job, and more importantly even, the work product of the gentleman from Massachusetts and his manner and fashion in which he has conducted himself in this body over the years sets a sterling example for those who come after. You are a gentleman of the first order.

I would just like to say in conclusion, Mr. Speaker, that the reference to $719 million over the budget is a reference to the President's budget, and as we all know, under the Budget Control and Impoundment Act, the Congress fashions its own budget. The figures that are contained in this conference report are well within the figures established in the congressional budget effort, and had we followed the President's efforts we would have had to make substantial reductions in HUD as well as the Veterans' Administration medical accounts. The Congress and the House rejected that approach, and I am pleased to say that we bring to my colleagues a bill that is well balanced, not perfect, but well balanced. We did the best we could under very difficult economic circumstances that the Congress finds itself in today.

Mr. GREEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. WYLIE], the ranking minority member of the Committee on Banking, Finance and Urban Affairs.

Mr. WYLIE. Mr. Speaker, I join with my colleagues in commending Chairman BOLAND for his outstanding work on this most important appropriation subcommittee and for his stewardship over the years. He has been very knowledgeable and forthright with this Member at all times, and his service will certainly be missed by all, including this Member.

I would also commend the gentleman from New York [Mr. GREEN] for his excellent work on this appropriation bill.

I believe the Appropriation Committee funding levels for HUD programs under the jurisdiction of the Committee on Banking, Finance and Urban Affairs are worthy of our support. They are within the budgetary limits of the concurrent budget resolution and the economic summit.

The conference report I think reflects the realities and the need to examine carefully and prioritize Federal programs by reducing the wasteful and costly corporate welfare programs, one of which is the UDGA Program. There is zero funding in there for that. I think we can no longer afford the luxury of that program.

At the same time, there is increased funding for the very popular Community Development Block Grant Program. It has been popular in my area. It is an effective program that has been very beneficial to the community.

Although I do not support every item in the bill, overall I commend the gentleman from Massachusetts, Chairman BOLAND, and the gentleman from New York, Mr. GREEN the ranking minority member, for bringing forth a bill which is very worthy of our support.

Mr. BOLAND. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Speaker, I have just returned from a meeting at the Johnson Space Center in Houston and the Kennedy Space Center in Florida.

They know, Mr. Chairman BOLAND, of the work of your committee and the work of the conference, and the expectations and the esprit de corps as we prepare *Discovery* for launch are considerably heightened as a result of your work and of the work of the gentleman from New York [Mr. GREEN] and I commend both gentlemen. In an otherwise impossible budget situation, where most agencies of Government are getting a zero increase, you have fashioned a legislative vehicle and have charted the dangerous legislative waters to come out with a respectable 16 percent increase of funding for NASA, and stepped forward in a major funding commitment toward the space station.

For the generations to come, Mr. Chairman BOLAND, who have resident in their hearts a fascination, a yearning and a desire for nothing less than an excellent civilian space program for this Nation, on their behalf we thank you.

Mr. GREEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before this bill comes to a vote, I want to emphasize the funding that we have provided for the homeless programs because of the urgency of those programs.

First, for the Emergency Shelter Grant Program we have $46.5 million. That is up from $8 million in the fiscal year 1988 bill. There is $80 million for the Transitional Housing Program, up from $65 million in the fiscal year 1988 bill; 950 units of the handicapped portion of the Section 202 Program will go for the deinstitutionalized mentally ill; $45 million and 1,270 section 8 units are for the Homeless SRO Program.

There is $114 million for the Emergency Food and Shelter Program versus $34 million in the fiscal year 1988 bill.

In summary, homeless program funding amounts to $286.6 million, plus the $142 million over 20 years for the section 8 funding for the section 202 program.

So again, while had we more money we could have done more, nonetheless, I think the House should understand that we have provided very substantial funding in here for the homeless programs.

Mr. BOLAND. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I rise in support of this conference agreement and to draw attention to a portion of this bill which is of particular importance to those of us from the Great Lakes Basin.

I want to commend the conference committee for allocating $13 million to the Great Lakes national program office. This funding represents a 15-percent increase over the office's 1988 budget and it could not come at a more opportune time.

The funding will allow us to hold up our end of the bargain in the "Great Lakes Water Quality Agreement" we signed with Canada. It provides money for pollution monitoring and the development of projects to start the difficult process of removing toxic contamination from the lakes. With legislation like this, I hope we will one day be able to consider "toxic hot spots" a thing of the past.

The Great Lakes represent 95 percent of the fresh surface water in America. They are havens for wildlife, fishermen, shippers, scientists and vacationers alike. They enhance the lives of all Americans and I am proud that we in Congress are able to recognize their value by this action today.

As cochair of the Northeast-Midwest Coalition, which spearheaded efforts to increase funding for this vital program, I am particularly pleased to support this legislation and call on all of my colleagues to do the same.

Mr. GREEN. Mr. Speaker, I yield 3 minutes to our colleague on the Appropriations Committee, the distinguished gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman from New York for yielding time to me. I want to commend the chairman of the committee, ED BOLAND, for the great work that he has accomplished, along with the gentleman from New York, BILL GREEN, for the great work that they have accomplished. It is remarkable what can be accomplished when we have people working together in order to produce a conference report such as this.

Most people feel that this is a housing bill as such, but the bill includes funding for the Environmental Protection Agency, the Federal Emergency Management Agency, the National Science Foundation, the Space Program, the Veterans' Administration, and many more. But it takes working together in order to come up with a conference report as we have before us today.

Again, I want to thank not only the chairman of the committee and the ranking minority member, but also all of the members of the committee for a job well done.

Mr. BOLAND. Mr. Speaker, I thank the gentleman from Ohio who serves with distinction on the full Appropriations Committee and all of those who have expressed their appreciation for the work of the distinguished gentleman from New York [Mr. GREEN], the ranking minority member, and myself.

Let me also pay tribute to our staff. I think like all appropriation subcommittees, the staff of this subcommittee equals the best of them. I refer to Richard Malow, Paul Thomson, Don Ryan, and Beverly Taylor, who serve on the majority side, and Jeff Lawrence, on the minority side, and all of the associate staff members who help the members of this appropriations subcommittee.

Mr. CONTE. Mr. Speaker, this represents the second of our thirteen appropriations bills that we intend to bring to the floor this year. I want to commend the chairman of the subcommittee, my good friend EDDIE BOLAND, as well as the ranking minority member, BILL GREEN, for their hard work I also want to commend the committee chairman, JAMIE WHITTEN, for all that he has done to keep our bills moving forward.

Mr. Speaker, as you know, on the basis of the budget summit agreement of last November, we reached an understanding of what we were going to do this year, and we've been going out and doing it. If people wonder what it takes to get our financial house in order, I think we've been showing that you don't need more committees or more procedures. You just need some good basic leadership. And that's what I think our committee has been demonstrating this year.

We passed all our 13 bills in the House this year by June 29, the best record in some 28 years. Thus far, we've gotten one bill completely through and signed into law, Energy and Water, and this one makes the second. We've got two more that we hope to wrap our conferences up today. Conferences are underway or anticipated soon in four other bills. And I expect to go to conference on all the remaining bills early in September.

It is still within our grasp to have all our bills enacted separately into law, and that is my goal. Unfortunately, there are some forces working against us. The Senate is in the process of turning the Defense appropriations bill into a three-ring circus. Our so-called dire emergency supplemental is sitting over there, while the dire emergencies cool their heels while the Senate wages Contra war on itself. If they don't restrain themselves, it could throw a real monkey wrench into our plans, and horror of all horrors, carry us into a continuing resolution.

But I will continue to lend all my effort and support to getting all our 13 bills out individually. That is the way the process should work, and the way we've made it work this year. We made our agreement last November, as part of the budget summit, and we've stuck to it so far. I just hope we can resist all the politics and all the temptations to enact last minute election year goodies, and keep on demonstrating the kind of leadership that is shown with this conference agreement today.

Mr. Speaker, I rise today in support of H.R. 4800, the HUD-independent agencies appropriations bill for fiscal year 1989. This conference agreement provides $59.3 billion in new budget authority for the programs operated by the Department of Housing and Urban Development and 17 independent agencies, including the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, the National Science Foundation, and the Veterans' Administration. That level of funding is $1.8 billion more than the fiscal yaer 1988 appropriation and $720 million over the President's request. And, it is well below the House 302(b) allocation both for budget authority and for outlays.

However, the compromises contained in this bill have been among the toughest struck this year. The requirements of the budget summit agreement combined with the priorities contained in the President's request have required nearly impossible choices.

One of those that has hurt the most is the fact that this bill terminates the Urban Development Action Grant Program. This program has been one of the most important community development programs that we have ever funded. Time and again, I have worked to save this program for elimination proposed by the administration or the Senate. Over the last 10 years, funding has gone from $400 million in 1978, to $675 million in 1981, to zero in this bill. During that time period, we provided $4.4 billion in direct grants, leveraging $27.3 billion in private investments, creating 312,000 new jobs, constructing 80,000 units of housing, generating $620 million in annual tax revenues for our local communities. But this year, the allocation was not adequate to accommodate the $225 million UDAG authorization, and the votes simply were not there to sustain it. I only hope we can keep it alive this year with carryover from previous years, so that we can come back next year with a revised and fundable program.

I am pleased that the conference agreement includes $2.65 billion for the Community Development Block Grant Program, 9,500 new units of housing for the elderly and handicapped, and $165 billion for the public housing modernization program. The total HUD appropriation is $12.77 billion, a reduction of more than $500 million from the fiscal year 1988 level.

For the independent agencies, H.R. 4800 provides support for a number of other programs that I strongly support, such as the $50 million for removal of asbestos from the schools, $1.950 billion for EPA construction grants, $10.5 billion—an increase of $448 million—for veterans' medical care, and $1.885 billion for the National Science Foundation.

I spoke about how tough the choices have been this year in the HUD-Independent Agencies bill. No one knows better how tough this year has been than the chairman of the subcommittee, my friend and colleague from Massachusetts, EDDIE BOLAND, who has served as chairman since 1971.

This conference report is the 18th regular HUD bill that he has brought back before the House. The first one was in 1972 and totaled $18.1 billion, compared to the nearly $60 billion in H.R. 4800. Unfortunately, this will be the last conference report that EDDIE BOLAND will bring before us and I want to take this opportunity to thank and congratulate the chairman for his many years of dedicated service to our committee, the Congress, and the Nation.

Through our many years together, we have fought to establish, expand, and preserve programs serving low-income families, distressed communities, veterans, consumers, environmental protection and scientific research. This year the numbers weren't there, despite the fact the desire still burned. We'll miss you, EDDIE, and we wish you good luck and Godspeed.

Mr. SCHUMER. Mr. Speaker, I would like to thank the committee, the gentleman from Massachusetts and the gentleman from New York for including a small but important sum of money for the Nehemiah Program in the bill.

Nehemiah is a model for housing programs of the future. It shows what can be accomplished when community groups, the Government, the private sector, and labor work together.

Nehemiah is a shallow subsidy, Second Mortgage Homeownership Program which is highly cost effective.

The Federal Government, which would have to spend about $80,000 or more to build a single unit of public housing in my city, can spend just $10,000 to help a struggling family become a homeowning family.

And in most cases, that family will vacate a unit of public housing, creating space for, perhaps, a homeless family or a family languishing in a welfare hotel.

For thousands of families across the country, Nehemiah offers the key to the American dream—the key to their first home.

Low- and moderate-income people who are scrimping and saving will now be able to afford homeownership—a goal previously out of reach.

Nehemiah homes will be built in blocks, creating a critical mass of committed new homeowners that reclaim neighborhoods that have fallen into decay.

Like the prophet Nehemiah, sent to rebuild Jerusalem, this program will offer the hope of renewal for hundreds of communities and thousands of families across the Nation.

I urge and invite my colleagues to watch how this program brings hope to people across this Nation. It is a clear demonstration of what can be accomplished when the Government works with other sectors of our society.

Mr. DINGELL. Mr. Speaker, I rise today in support of the Conference Report for the HUD-independent agencies appropriations bill. The report represents an excellent compromise of House and Senate bills and will fund a variety of good programs necessary to the well-being of countless Americans.

In particular, I praise the work of my colleague from Massachusetts, the Honorable EDWARD P. BOLAND, chairman of the HUD-Independent Agencies Subcommittee, and my good friend and colleague from Michigan, the Honorable BOB TRAXLER. These two gentlemen were instrumental in furthering efforts to restore the Allen Park Veterans Hospital and to construct the Detroit Veterans Hospital. With my deep gratitute and thanks, Chairman BOLAND and Congressman TRAXLER have included legislative language directing the Veterans' Administration to proceed with plans for a 503-bed veterans' hospital in Detroit, MI.

In December 1986, the Veterans' Administration made a commitment to develop a dual campus facility including restoraton of the existing Allen Park Hospital and the building of a Detroit facility of 503 beds. Since that time, the Veterans' Administration has proposed to reduce the size of the Detroit facility to 400 beds.

In addition to House committee report language, Chairman BOLAND and Congressman TRAXLER have extended their efforts to include legislative language in the conference report urging the Veterans' Administration to proceed with its original plans for the Detroit hospital. This represents the support and conviction of the entire Michigan congressional delegation and will encourage the VA to move forward with the original 503-bed agreement.

In my opinion, the proposed bed reduction at the Detroit hospital would have been a serious disservice to the veterans of southeastern Michigan. After numerous years of work by veteran organizations, the entire Michigan congressional delegation, and local officials, I am pleased to see the 530-bed facility moving forward. I offer special thanks to my colleagues Chairman BOLAND and Congressman TRAXLER for their efforts toward that end.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of the confernece report which accompanies H.R. 4800.

I and the membership of the House Veterans' Affairs Committee have been greatly concerned about the adequacy of funding for VA's Department of Medicine and Surgery and VA's Department of Veterans' benefits. The Conference report addresses these two concerns.

Mr. Speaker, the bill before us is a compromise between the bill that passed the House of Representatives and the bill that passed the other body. It is $26 million less than the House passed bill, but $97 million in excess of that which originally passed the Senate. It is obvious, therefore, that the House conferees on H.R. 4800 have generally prevailed in discussions with the other body. I congratulate them for their persuasiveness.

Mr. Speaker, I note that funding is obviously intended to support 194,720 full-time equivalent employees for the Department of Medicine and Surgery. I note further that the bill will allow the Department of Medicine and Surgery to have a staffing level of 12,415 employees, thus enabling it to more timely serve its clientele with respect to compensation, pension, education, and insurance.

Mr. Speaker, I congratulate the distinguished chairman of the Subcommittee on HUD and Independent Agencies. Over the years he has done yeoman work with respect to veterans' benefits and services, and he will be sorely missed as he leaves this body. I also congratulate the distinguished ranking minority member, Mr. GREEN, for his contributions, and, of course, Mr. WHITTEN and Mr. CONTE.

Mr. Speaker, it will be my continuing hope that the Congress will maintain a constant vigil over VA's appropriations to the end that this Nation's moral obligations to its veterans and dependents are carried out.

Mr. WORTLEY. Mr. Speaker, I rise in support of the conference report on H.R. 4800 and I urge my colleagues to give it their support as well.

The bill before us will provide over $59 billion in funds for important agencies ranging from the Environmental Protection Agency to the Veterans' Administration. In particular, it appropriates almost $13 billion for the Federal Government's role throughout fiscal year 1989 in the areas of housing and urban development.

This bill, however, is not perfect. I, for one, wish it contained more for the homeless programs which we recently authorized. It is also regrettable that it does not contain funding for the important UDAG programs which have been of great assistance to the people of central New York. And, although we increased total funding for veterans' programs, they will yet again fail to keep pace with inflation.

In the long run, we will have to continue to seek better ways to use the limited funds available. This will mean building greater flexibility and efficiency into the very structure of these programs. A good start would be to give vouchers a more prominent role in our attempts to provide housing assistance. While over a billion dollars is earmarked for this approach, it is disappointing to note that the overwhelming majority of housing assistance is still administered through an inefficient centralized authority.

But, overall the bill is a decent compromise and a sign that we are willing to make the tough choices that we face. It is no secret that we are operating under severe budgetary constraints, and it is a reassuring sign that we can roll up our sleeves and take this significant steep in the budgeting process.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of the conference report on H.R. 4800, the fiscal year 1989 HUD-independent agencies appropriations bill. This bill appropriates funds for urgently needed housing programs administered by HUD. Many of these programs directly benefit economically depressed regions like the Mahoning Valley in northeast Ohio, which has lost 55,000 jobs in the past 10 years.

Affordable housing is becoming more and more elusive for lower to middle income Americans. The conference report we are considering today appropriates funds for programs such as rental rehabilitation grants, rental housing development grants, low-income housing projects, emergency shelter grants, community and planning development projects, and housing counseling assistance. While the appropriation levels for many of these programs are less than that was approved in the House version of the bill, it is important that these programs have been funded at levels that allow them to continue to benefit and assist Americans most in need.

Of particular interest to me is the housing counseling programs administered by HUD. I am pleased that the House-Senate agreement retains $1 million for a new counseling program I had authorized in the Housing and Community Development Act of 1987 (Public Law 100-242). The agreement also appropriates $2.5 million for existing HUD-counseling programs.

Under my new program, HUD is authorized to make grants to nonprofit organizations to be use to counsel all homeowners. Current HUD counseling programs only cover FHA and other HUD-backed loans. Eligibility for assistance would be limited only to those homeowners with good credit and work histories who have been unable to make mortgage payments due to conditions beyond their control. This new law would also require that lenders, in sending out delinquency notices, also include information on where the homeowner can go get counseling from HUD-approved counseling agencies. HUD would also be required to establish a toll-free number homeowners can call to get information on HUD-approved counseling assistance.

The appropriation of $1 million in the conference report on H.R. 4800 for this new program will enable HUD to draft and implement the regulations necessary to get this program started. In addition, it sets an important legislative precedent which will make it easier to get this new counseling program reauthorized in future years.

Mr. Speaker, the conference report on H.R. 4800 is important to the Nation and I urge all Members to support final passage.

Mr. GEPHARDT. Mr. Speaker, I want to commend the conferees on their efforts on the conference report for H.R. 4800, HUD-independent agencies appropriations. The agreement is a good one, one that will assist in better meeting the housing needs of the people of this nation.

This bill does include important measures which provide for the construction of housing for the elderly, handicapped, and Native Americans, rejects the President's proposal to provide most low-income housing assistance through housing vouchers, and funds emergency homeless shelters. However, though I do support the majority of the measures in the conference agreement, I wish to state publicly my concern over the failure to fund the Urban Development Action Grant [UDAG] Program and the reduction in funding for the Community Development Block Grant [CDBG] Program.

I am disappointed in the failure to fund these programs adequately, because they provide numerous economic benefits to cities and other communities in need of revitalization. The UDAG and CDBG programs have served the economic needs of my city of St. Louis, and our nation well. Their contribution to the growth and vitality of cities throughout our nation, like St. Louis, has created jobs and housing, raised revenue, and encouraged energy conservation and historic preservation. Today, we must acknowledge the fact that these economic benefits will be greatly diminished until funding for the UDAG and CDBG programs is restored to adequate levels.

In the case of St. Louis, a total of $80 million in UDAG funds has been crucial in the revitalization of my district over the past 8 years. These funds have spurred roughly $700 million in development, assisted in the creation of 9,500 construction jobs and 7,000 permanent employment positions, and provided for the building of 2,500 housing units in St. Louis.

I believe that our nation will suffer from the failure to fund the UDAG and CDBG programs at adequate levels. Funding for these important and valuable programs should be restored in the future so that we can continue to encourage economic growth and development in cities throughout the United States.

Mr. SCHUMER. Mr. Speaker, Nehemiah is a model for housing programs of the future. It shows what can be accomplished when community groups, the Government, the private sector, and labor work together.

Nehemiah is a shallow subsidy, second mortgage homeownership program which is highly cost effective.

The Federal Government, which would have to spend about $80,000 or more to build a single unit of public housing in my city, can spend just $10,000 to help a struggling family become a homeowning family. And in most cases, that family will vacate a unit of public housing, creating space for, perhaps, a homeless family or a family languishing in a welfare hotel.

For thousands of families across the country, Nehemiah offers the key to the American dream—the key to their first home. Low- and moderate-income people who are scrimping and saving will now be able to afford homeownership—a goal previously out of reach.

Nehemiah homes will be built in blocks, creating a critical mass of committed new homeowners that reclaim neighborhoods that have fallen into decay.

Like the prophet Nehemiah, sent to rebuild Jerusalem, this program will offer the hope of renewal for hundreds of communities and thousands of families across the Nation.

I urge and invite my colleagues to watch how this program brings hope to people across this Nation. It is a clear demonstration of what can be accomplished when the Government works with other sectors of our society.

Mr. GREEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I have no more requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 30, not voting 27, as follows:

[Roll No. 268]

YEAS—373

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—30

Barton
Beilenson
Brown (CO)
Bunning
Burton
Cheney
Combest
Craig
Crane
Dannemeyer
Davis (IL)
Dreier
Fawell
Frenzel
Kyl
Latta
Lipinski
Lungren
McEwen
Moorhead
Nielson
Petri
Russo
Sensenbrenner
Shumway
Smith, Denny (OR)
Smith, Robert (NH)
Stump
Upton
Walker

NOT VOTING—27

Badham
Berman
Boulter
Brown (CA)
Clay
Coughlin
Dornan (CA)
Dowdy
Hatcher
Hefley
Horton
Johnson (CT)
Kemp
Lewis (CA)
Lewis (GA)
Livingston
Mack
MacKay
Martin (IL)
McCollum
McGrath
Mica
Molinari
Rowland (GA)
Shuster
Spence
Taylor

☐ 1649

The Clerk announced the following pair:

On this vote:

Mrs. Martin of Illinois for, with Mr. Boulter against.

Mr. GEKAS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 1: Page 2, strike out all after line 5 over to and including line 4 on page 5, and insert:

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $7,404,249,500, to remain available until expended, and, in addition, $125,000,000 of unobligated balances shall be provided by transfer from the Flexible Subsidy Fund account, to remain available until expended: *Provided*, That of the budget authority provided herein, $106,850,788 shall be for the development or acquisition cost of public housing for Indian families; $2,065,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l); $1,090,153,040 shall be for assistance under section 8 of the Act for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); $45,00,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f), to be used to assist homeless individuals under section 441 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77); up to $307,430,000 shall be for section 8 assistance for property disposition; $1,273,810,280 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437(o)); and $692,200,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f): *Provided further*, That notwithstanding the provisions of section 18(b)(3)(A)(v) of the Act, the contracts for any certificates under section 8 that are used to assist tenants of public housing projects which are sold or demolished shall be for a term of five years: *Provided further*, That up to $145,462,500 shall be for loan management under section 8 and that any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall not be obligated for a contract term that exceeds five years, notwithstanding the specification in section 8(v) of the Act that such term shall be 180 months: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That of the $7,404,249,500 provided herein, $399,666,960 shall be used to assist handicapped families (including the deinstitutionalized mentally ill) in accordance with section 202(h) (2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further*, That amounts equall to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (excluding public housing for Indian families), for modernization of existing public housing projects (excluding such projects for Indian families), and for programs under section 8 of the Act (24 U.S.C. 1437f), which are recaptured during fiscal year 1989, shall be rescinded: *Provided further*, That of the amount of new budget authority specified for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), 20 percent shall be used under such section 14 of major reconstruction of obsolete public housing projects: *Provided further*, That amounts equal to recaptured amounts for housing development grants shall be made available during 1989 on the terms specified in the sixth proviso under this head in the Department of Housing and Urban Development appropriation for 1987 (section 101(g) of Public Laws 99-500 and 99-591, 100 Stat. 1783, 1783-242, and 3341, 3341-242): *Provided further,* That section 17(d)(4)(G) of the Act is amended by inserting after "July 23, 1985" the following: "; and 36 months after notice in the case of projects for which funding notices were issued during fiscal year 1986:" *Provided further,* That none of the amounts made available for obligation 1989 shall be subject to the provisions of section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND. Moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

(INCLUDING RESCISSION)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C 1437), not otherwise privided for, $7,538,765,000, to remain available until expended: *Provided,* that of the new budget authority provided herein, $89,350,788 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program (section 202 of the Act, as amended by section 2 of Public Law 100-358, approved June 29, 1988); $343,347,300 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; $1,646,948,200 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 14371); $969,570,000 shall be for assistance under section 8 of the Act for projects developed for the elderly under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); $572,059,890 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f); $368,473,610 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f), of which $45,000,000 is to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77); up to $307,430,00 shall be for section 8 assistance for property disposition; and $1,354,937,780 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); *Provided further,* that of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaces in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development); *Provided further,* That up to $145,462,500 shall be for loan management under section 8 and that any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b(1)) shall not be obligated for a contract term that exceeds five years, notwithstanding the specification in section 8(v) of the Act that such term shall be 180 months: *Provided further,* That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further,* That of the $7,538,765,000 provided herein, $355,509,000 shall be used to assist handicapped families in accordance with section 202(h)(2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q), and $20,000,000 shall be for assistance under the Nehemiah housing opportunity program pursuant to section 612 of the Housing and Community Development Act of 1987 (Public Law 100-242) and the immediately aforementioned $20,000,000 shall not become available for obligation until July 1, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: *Provided further,* That amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (excluding public housing for Indian families), for modernization of existing public housing projects (excluding such projects for Indian families), and for programs under section 8 of the Act (42 U.S.C. 143f), which are recaptured during fiscal year 1989, shall be rescinded: *Provided further,* That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: *Provided further,* That amounts equal to recaptured amounts for housing development grants shall be made available during 1989 on the terms specified in the sixth proviso under this head in the Department of Housing and Urban Development appropriation for 1987 (section 101(g) of Public Laws 99-500 and 99-591, 100 Stat. 1783, 1783-242, and 3341, 3341-242).

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Boland] is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, I yield to the distinguished gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Speaker, I applaud the work of the conferees in their support of the Nehemiah Program. This program, which promotes homeownership for low-income people will give crumbling neighborhoods a facelift. It will also help cities such as Portland, OR, reverse neighborhood deterioation, decrease crime and provide more first-time homeownership opportunities for those people who have been left out of the American dream.

The House committee correctly suggested that certain factors need to be present for the National Nehemiah Grant Program to be successful. Among those include a critical mass of 2,500 housing units, median incomes of approximately $23,000-$25,000, multisector cooperation and the participation of nonprofit organizations. The committee also suggested that potential candidates include Baltimore, Cleveland, Boston, New York City, San Antonio, Portland, OR, Los Angeles (Watts), and Prince Georges County, MD.

Mr. Speaker, am I correct in saying that the language of the House report will serve to guide the agency when making their decisions on the grant awards?

Mr. BOLAND. Yes, that is true. The conferees want the program to achieve the highest possible success and the guidance provided by the House report will help that success.

Mr. AuCOIN. Mr. Speaker, would it be the conferees intention that a representative sample of cities in terms of population, geographic diversity, and use of existing housing stock as well as new construction, be chosen by the agency for the grant program?

Mr. BOLAND. Yes, I agree we should give that guidance to the agency. They should develop a program which not only achieves success in large urban areas, but also develops a track record in smaller cities who will rely primarily upon housing stock in need of rehabilitation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. Boland].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the amendments of the Senate numbered, 3, 6, 13, 23, 73, 76, and 81 be considered en bloc and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The texts of the various Senate amendments referred to are as follows:

Senate amendment No. 3: Page 6, line 7, strike out all after "handicapped" down to and including "(4)" in line 14, and insert ": *Provided further,* That 25 percent of the direct loan authority provided herein shall be used only for the purpose of providing loans for projects for the handicapped, with the mentally ill homeless handicapped receiving priority".

Senate amendment No. 6: Page 8, line 10, strike out all after "charges" down to and including "1990" in line 12 and insert "as of September 30, 1988, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1989, to remain available until expended".

Senate amendment No. 13: Page 11, line 17, after "note" insert ": *Provided further*, That $2,000,000 shall be made available from the foregoing $3,000,000,000 to carry out a neighborhood development demonstration under section 123 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181)".

Senate amendment No. 23: Page 15, after line 4, insert:

Section 119(d)(5) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"(C) Notwithstanding any other provision of this section, in each competition for grants under this section, no city or urban county may be awarded a grant or grants in an amount in excess of $10,000,000 until all cities and urban counties which submitted fundable applications have been awarded a grant. If funds are available for additional grants after each city and urban county submitting a fundable application is awarded one or more grants under the preceding sentence, then additional grants shall be made so that each city or urban county that has submitted multiple applications is awarded one additional grant in order of ranking, with no single city or urban county receiving more than one grant approval in any subsequent series of grant determinations within the same competition.

"(D) All grants under this section, including grants to cities and urban counties described in subsection (b)(2), shall be awarded in accordance with subparagraph (C) so that all grants under this section are made in order of ranking.".

Senate amendment No. 73: Page 38, line 9, after "services," insert "maintenance or guarantee period services costs associated with equipment guarantees provided under the project,

Senate amendment No. 76: Page 40, line 7, after "services," insert "maintenance or guarantee period services costs associated with equipment guarantees provided under the project,".

Senate amendment No. 81: Page 52, after line 23, insert:

SEC. 415. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 13, 23, 73, 76, and 81, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 17: Page 14, line 9, strike out "$17,000,000" and insert "$17,200,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$17,200,000, of which not less than $1,200,000 shall be available for lead-based paint studies, with all funds".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 18: Page 14, strike out lines 12 to 17 and insert:

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, $5,000,000, to remain available until September 30, 1990.

FAIR HOUSING INITIATIVES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by section 561 of the Housing and Community Development Act of 1987, $5,000,000, to remain available until September 30, 1990.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, $10,000,000, to remain available until September 30, 1990: *Provided*, That not less than $5,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 15, after line 4, insert:

None of the funds provided in this Act for the Department of Housing and Urban Development may be used to implement or enforce regulations promulgated by the Department of June 6, 1988, with respect to the testing and abatement of lead-based paint in public housing until the Secretary certifies to the Congress that such regulations will provide for the reduction in exposure to lead in public housing in a cost-effective manner and that this program will be conducted with adequate standards and oversight to assure that abatement efforts will not result in greater exposure to lead for public housing residents.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

None of the funds provided in this Act or heretofore provided may be used to implement or enforce the regulations promulgated by the Department of Housing and Urban Development on June 6, 1988, with respect to the testing and abatement of lead-based paint in public housing until the Secretary develops comprehensive technical guidelines on reliable testing protocols, safe and effective abatement techniques, cleanup methods, and acceptable post-abatement lead dust levels.

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendemnt No. 30: Page 18, line 13, strike out "$199,382,000" and insert "$197,000,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$202,500,000".

Mr. GREEN (during the reading). Mr. Speaker, I ask unaimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 51. Page 22, line 25, strike out "$200,000,000" and insert "$125,000,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$100,000,000".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 26, line 12, strike out all after "1990" over to and including "program" in line 12 on page 27.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ", of which $900,000,000 is for the space station program only: *Provided*, That $515,000,000 of the $900,000,000 for the space station program shall not become available for obligation until May 15, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: *Provided further*, That the aforementioned $515,000,000 shall become available unless the President submits a special message after February 1, 1989, notifying the Congress that such funds will not be made available for the space station program".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 57: Page 28, line 3, strike out "$4,414,200,000" and insert "$4,452,200,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows; In lieu of the sum proposed by said amendment, insert the following: "$4,364,200,000: *Provided*, That, notwithstanding any provision of this or any other Act, not to exceed $100,000,000 may be transferred to the National Aeronautics and Space Administration in fiscal year 1989 from any funds appropriated to the Department of Defense and such funds may only be transferred to the "Space flight, control and data communications" appropriation for space shuttle operations: *Provided further*, That the transfer limitation in the immediately preceding proviso shall not apply to funds transferred for advanced launch systems or under existing reimbursement arrangements: *Provided further*, That the funds appropriated under this heading are, together with funds permitted to be transferred hereunder".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 58: Page 29, line 11, after "activities" insert "; *Provided further*, That should a contract award be made for the development and production of the advanced solid rocket motor which provides for non-Federal ownership of a production facility, up to $27,000,000 of the funds provided herein may be transferred and merged with sums appropriated for "Space Flight, control and data communications".

"SCIENCE, SPACE, AND TECHNOLOGY EDUCATION TRUST FUNDS

"There is appropriated, by transfer from funds appropriated in this Act for "Construction of facilities", the sum of $15,000,000 to the "Science, Space, and Technology Education Trust Fund" which is hereby established in the Treasury of the United States: *Provided*, That the Secretary shall invest such funds in the United States Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quarterly basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States: *Provided further*, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: *Provided further*, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: *Provided further*, That of the funds made available by this Trust Fund, $250,000 shall be disbursed each calendar quarter for a ten-year period to the Challenger Center for Space Science Education: *Provided further*, That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That in addition to sums otherwise provided by this paragraph, an additional $20,000,000, to remain available until expended: *Provided further*, That up to $30,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Research and development" and/or "Research and program management".

"SCIENCE, SPACE, AND TECHNOLOGY EDUCATION TRUST FUND

"There is appropriated, by transfer from funds appropriated in this Act for "Construction of facilities", the sum of $15,000,000 to the "Science, Space, and Technology Education Trust Fund" which is hereby established in the Treasury of the United States' *Provided*, That the Secretary shall invest such funds in the United States Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quarterly basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States: *Provided further*, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: *Provided further*, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: *Provided further,* That of the funds made available by this Trust Fund, $250,000 shall be disbursed each calendar quarter for a ten-year period to the Challenger Center for Space Science Education: *Provided further,* That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 31, line 25, after "law" insert ": *Provided further,* That none of the funds appropriated in this Act may be used to pay any individual through a grant or grants at a rate in excess of $100,000 a year".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further,* That notwithstanding the preceding proviso, none of the funds appropriated in this Act may be used to pay the salary of any individual functioning as a federal employee, or any other individual, through a grant or grants at a rate in excess of $95,000 per year".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 64: Page 33, line 9, strike out all after "agencies" down to and including "DUKE" in line 16.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further,* That no funds in this Act shall be used to acquire or lease a research vessel with ice-breaking capability built by a shipyard located in a foreign country if such a vessel of U.S. origin can be obtained at a cost no more than 50 percentum above that of the least expensive technically acceptable foreign vessel bid: *Provided further,* That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: *Provided further,* That a new competitive solicitation for such vessel shall be conducted: *Provided further,* That if the vessel contracted for pursuant to the foregoing is not available for the 1989-1990 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel: *Provided further,* That the preceding four provisos shall not apply to appropriated funds used for the lease of the vessel POLAR DUKE".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There is no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 36, line 24, strike out all after "veterans" over to and including "support" in line 2 on page 37.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further,* That, during fiscal year 1989, jurisdictional average employment shall not exceed 38,000 for administrative support: *Provided further,* That, notwithstanding any other provision in this Act, a supplemental budget request may be transmitted to maintain the personnel level mandated by this Act".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The text of Senate amendment No. 75 is as follows:

Senate amendment No. 75: Page 40, line 2, after "projects" insert : *Provided further,* That all funds provided under this heading in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (H.R. 2783) as enacted under the provisions of section 101(f) of Public Law 100-202, for each project approved in the fiscal year 1988 budgetary process shall be available for these projects for the purposes and for at least the amounts specified in the Committees' reports; funds in excess of the needs of each project may be returned to the working reserve only after the awarding of a contract to carry out the purpose for which the funds were appropriated".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further,* That the Veterans' Administration shall, from funds previously appropriated for the replacement and modernization of the hospital at Allen Park, Michigan, immediately proceed with the planning, site acquisition, site preparation, and design of a new hospital in downtown Detroit, Michigan, which contains not less than 503 hospital beds".

Mr. GREEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PERSONAL EXPLANATION

Mr. DORGAN of North Dakota. Mr. Speaker, on rollcall 266, the vote on the Miscellaneous Revenue Act, I was present and voting but the record inexplicably shows me as not having voted. It is possible that when I used my voting card it may not have properly recorded the vote that I cast.

I want the record to show that I was present for the vote on the rule previous to the consideration of the bill and that I participated in the debate on the bill and that my vote, had it been registered properly, was a yes vote on the bill.

I ask unanimous consent that this statement appear immediately after the vote on final passage of H.R. 4333 in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

MOTION TO DISCHARGE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. WALKER. Mr. Speaker, I have a highly privileged motion which I send to the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. WALKER moves that the Armed Services Committee be discharged from further consideration of H.R. 4264.

Mr. VOLKMER. Mr. Speaker, I move to lay the motion to discharge on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER] to lay on the table the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant At Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 158, not voting 31, as follows:

[Roll No. 269]

YEAS—241

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Rahall
Ray
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—158

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (NY)
McCandless
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—31

Badham
Boulter
Brown (CA)
Clay
Coughlin
Dornan (CA)
Dowdy
Hatcher
Hefley
Horton
Johnson (CT)
Kemp
Kennedy
Leath (TX)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Livingston
Mack
MacKay
Martin (IL)
McCollum
McGrath
Mica
Molinari
Rangel
Rowland (GA)
Sharp
Shuster
Spence
Taylor

☐ 1717

The Clerk announced the following pairs:

On this vote:

Mr. Brown of California for, with Mr. Dornan of California against.

Mr. Rowland of Georgia for, with Mr. Boulter against.

Mr. Lewis of Georgia for, with Mrs. Martin of Illinois against.

Mr. DONALD E. "BUZ" LUKENS changed his vote from "yea" to "nay."

Mr. MATSUI changed his vote from "nay" to "yea."

So the motion to lay the motion on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON ECONOMIC DEVELOPMENT OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TOMORROW DURING THE 5-MINUTE RULE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Economic Development of the Committee on Public Works and Transportation be permitted to sit tomorrow while the House is under the 5-minute rule.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Reserving the right to object, Mr. Speaker, has this been checked with the minority?

Mr. SAVAGE. Mr. Speaker, if the gentleman will yield, that is my understanding, I say to my colleague.

Mr. STANGELAND. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Speaker, it has been cleared. The minority approves of the gentleman's request.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON H.R. 5015, DISASTER ASSISTANCE ACT OF 1988

Mr. de la GARZA. Mr. Speaker, pursuant to the order of the House of yesterday, August 8, 1988, I call up the conference report on the bill (H.R. 5015) to provide drought assistance to agricultural producers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, August 8, 1988, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, August 8, 1988, at page H6455.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. de la Garza] will be recognized for 30 minutes and the gentleman from Illinois [Mr. Madigan] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. de la Garza].

GENERAL LEAVE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 5015, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. de la GARZA. I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support the conference report to accompany H.R. 5015, the Disaster Assistance Act of 1988.

H.R. 5015 will provide needed relief to farmers, ranchers, rural businesses, and farmworkers in drought stricken areas throughout America. At the same time, this bill sends a message to American consumers that they can be assured of a continued supply of food at reasonable prices.

The conference committee on the Drought Assistance Act of 1988 met for 2 days last week and ironed out remaining differences on a 1988 disaster relief program for American agriculture. Among the major provisions resolved were:

Extension of disaster assistance to those who suffered losses due to drought, hail, excessive moisture, and related conditions in 1988;

Limiting feed assistance to livestock producers who suffered a loss in their own feed production;

Providing for a limited 3 month price support increase for dairy producers;

Requiring those who accept disaster payments or other benefits due to the 1988 drought to sign up for crop insurance in 1989 if their losses exceeded 65 percent; and

Assisting migrant and seasonal workers in regard to food stamps and job training support.

Mr. Speaker, this legislation provides for a comprehensive, cost-effective, commonsense program of relief for agricultural producers.

The program benefits are based upon production losses, with added payments provided to those who suffered catastrophic losses this year. No individual will receive more than $100,000 in payments under this disaster program. In addition, no person with more than $2 million in gross revenues for crops of $2.5 million for livestock will qualify for relief. Finally, H.R. 5015 ensures that no individual will reap financial gains from disaster benefits and crop insurance payments that exceed what he or she would have received in a normal crop year with normal yields.

Mr. Speaker, H.R. 5015 is a lean relief program intended to aid those who need it most. USDA estimates the cost of the programs authorized by H.R. 5015 at $3.9 billion, well below the allowance provided in the budget for farm program spending.

Having trimmed away some of the potentially more costly provisions of the bill in conference, I believe that we have crafted a bill that our colleagues and the President can support. I understand that the President is disposed to signing this bill into law when he receives it.

Mr. Speaker, H.R. 5015 was prepared with record speed by my colleagues on the House Agriculture Committee and those in the Senate. We began just 8 weeks ago, when the extent of the drought was becoming apparent, by putting together a bipartisan, bicameral drought task force. That task force crafted a "core" bill that was introduced in the House and the Senate and that served as the basic framework for the legislation before us today. This process and the legislation that resulted should send a clear message to farmers and ranchers, to rural residents, and to all Americans. Where the need exists, the Congress can and will act with speed and efficiency to help those in need. I congratulate my colleagues on the House Agriculture Committee, Senator Leahy and the members of the Senate Agriculture Committee, and the leadership of the House and Senate, for their assistance in expediting this important legislation.

In addition, I want to express my sincere appreciation for the able assistance of the leadership of the Committee on Education and Labor for help in resolving certain differences in the bill with the Senate. I wish to especially thank my colleague, the Honorable Matthew Martinez, for his support for migrant and seasonal workers. I concur in the concerns expressed to me by the gentleman from California for the need for more assistance to farm laborers affected by the drought and am pleased to note that the Department of Labor has decided to make funds, in addition to those provided by H.R. 5015, available immediately.

Before closing, Mr. Speaker, there is one item from the House report on H.R. 5015 that needs clarification. On page 121 of House Report 100-800, there is a typographical error that I would like to correct for the record. Under the Federal Crop Insurance Program segment of the report, a one sentence paragraph was mistakenly printed that should not have appeared in the text of the report. Instead, that segment of the report should read as follows:

> FEDERAL CROP INSURANCE PROGRAM
>
> The Committee applauds the Federal Crop Insurance Corporation (FCIC) for attempting to make its program more actuarially sound by requiring farmers to prove their actual yield rather than receiving insurance coverage based on some arbitrarily assigned yield. However, the Committee also recognizes that the program cannot hope to approach actuarial soundness without higher levels of participation in the major crops. Therefore, the Committee feels that FCIC should take steps to adjust yields to more realistic levels.
>
> The Committee suggests that the FCIC attribute a yield for insurance coverage purposes of not less than 75 percent of the Agricultural Stabilization and Conservation Service county yield to a farm for those years in which records were not produced and those years when a farm suffers a reduced yield because of a natural disaster. The Committee also suggests that, for new and beginning farmers without a long-time production history, additional steps be taken to attribute a more realistic and equitable yield to these farmers. The Committee expects these changes to be made for the 1989 crop year and will expect a report from the FCIC on how it will adjust such yields within sixty days after enactment of the bill, such report to be made to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry.

This matter was discussed among the House conferees and I note at this time that it is the intent of the House conferees that the steps described in the House report, as corrected, be taken.

Mr. Speaker, I am proud to bring H.R. 5015, the Disaster Assistance Act of 1988, before our colleagues today and move its immediate adoption.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. MADIGAN. Mr. Speaker, I rise to support the conference report to H.R. 5015, the Disaster Assistance Act of 1988. This legislation is the product of a temendous amount of concentrated work to provide relief for drought stricken farmers. In little more than a month, this bill was written, taken through the committee process, passed on the floor and conferenced. Both Congress and the White House approached this legislation in a bipartisan spirit and with a sense of urgency. The result is a conference report that assures farmers that help is on the way and does it in a budget responsible manner.

The reason for a sense of urgency is clear. Drought related crop damage is spread across 40 States. The Department of Agriculture has recently estimated that the economic losses for farmers will exceed $10 billion. In my own State of Illinois, conditions are already worse than the recordbreaking drought years of the 1930's.

Despite the huge crops losses that our farmers are facing, there will be no food shortages in the United States as a result of this disaster. There will be sufficient food available to meet our domestic requirements and even our foreign commitments without causing large increases in consumer prices. Drought stricken farmers, however, will be in desperate straits without the assistance in H.R. 5015.

Recognizing that the dimensions of this disaster are so great that we could not hope to offset all farm financial losses, the conferees have crafted legislation that will insure enough help to keep drought stricken farmers in business until next year. At a time when many farmers are just recovering from the economic hardships of the early 1980's, losses of the magnitude being created by the drought would quite simply drive tens of thousands of farm families into bankruptcy.

To help prevent those bankruptcies, H.R. 5015 provides a graduated scale of assistance that, for the hardest hit farmers, would at least help them pay the bills associated with their failed crops, leaving them able to start again next year. For livestock producers, the legislation makes it easier for some producers to gain access to present assistance programs and brings all existing programs under one authority. This direct financial help, combined with additional credit assistance, represents a package of aid that will spell the difference between survival and liquidation for many in the Farm Belt.

To pay for this limited disaster relief, H.R. 5015 draws upon the reductions in farm program spending that the drought created. The economic effect of the drought has reduced expected Federal outlays for crop deficiency payments by several billion dollars. The legislation uses those savings to offset the cost of disaster assistance. In that way the bill remains budget neutral and will not trigger a Gramm-Rudman budget sequester.

We have before us today disaster assistance legislation that is bipartisan and budget responsible. It has the support of the administration and the major farm and commodity organizations. Most importantly, H.R. 5015 is vital to the economic survival of tens of thousands of farm families and the small towns that depend upon farm income for their livelihood.

I urge you to vote for the conference report to H.R. 5015.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Tennessee [Mr. JONES].

Mr. JONES of Tennessee. Mr. Speaker, I rise in support of the conference report on H.R. 5015.

The Congress has acted responsibly in the Disaster Assistance Act, both in terms of holding down Federal budget outlays and in terms of seeking fair treatment among different sectors of our Nation's agricultural industry. This bill recognizes the many important geographic and commodity differences in American agriculture, and strikes a good balance among them.

Personally, I wish the conferees had been bolder in requiring disaster relief recipients to purchase crop insurance in future years so that emergency legislation such as this would not be so necessary the next time Mother Nature strikes.

However, the conference report does recognize the benefits of crop insurance, and I hope America's Farm Belt has learned a lesson from this experience.

The fact that a bill of this significance will no doubt be enacted by an overwhelming majority is a testament to the hard work and dedication of the House and Senate Agriculture Committees and their staffs. I especially want to commend Chairman DE LA GARZA and Representative ED MADIGAN for the enormous amount of personal effort they devoted to this response to an urgent crisis in rural America. They deserve every Member's gratitude and respect for a job well done.

Mr. DE LA GARZA. Mr. Speaker, having asked and received permission for unanimous consent for all Members to revise and extend their remarks on this conference report, I hope that my colleagues will again accordingly all facilitate the passage of this legislation.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Speaker, I rise in strong support for the conference report to accompany H.R. 5015, the Disaster Assistance Act of 1988.

I wish to commend Chairman DE LA GARZA and the ranking Republican, Mr. MADIGAN for their leadership.

Our Nation's farmers have been severely hurt by the drought which began this spring and relentlessly continued into the summer months. My district has been especially hard hit. In fact, I have traveled throughout my entire district to visit with farmers and to walk their dry, parched land with them. The devastation I have seen is unbelievable. This drought is the worse that many of these farmers have ever experienced. In fact, some of them tell me that their losses will be about 60 to 75 percent and some, unfortunately, have been entirely wiped out.

This is why we need to pass this conference report today. This legislation is within the budget, and the administration has said that, if passed, it will be signed. Therefore, we need to keep it on the fast track and quickly pass this disaster assistance package. It was created in a bicameral and bipartisan environment and written in the spirit of compromise.

The bill includes many programs targeted toward helping our Nation's farmers who have fallen upon hard times. It is not a perfect bill and far from being a bailout. However, it offers some hope in the form of assistance—Congress cannot legislate rain and this is what was truly needed during the last few weeks. As a member of the conference committee I was disappointed that there was not enough support in the committee for giving assistance to those producers who do not produce their own feed. This is one of the weaknesses in this bill and my colleagues are all familiar with my views on this issue.

However, since the main focus of the bill was on helping those whose crops have been devastated by the drought, it is important that this report be given the approval of the Members of the House today.

There is true need out there, in our rural areas. What producers in these areas need—is help. Help can come to them through this legislation, and I urge my colleagues to support it today.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I rise today in strong support of the conference report on H.R. 5015, the Drought Assistance Act of 1988. Since the effects of the drought became evident across the Nation, the U.S. Department of Agriculture and now Congress have moved expeditiously to fashion a relief bill for our drought-stricken agricultural producers.

As a member of the House-Senate conference committee which worked out the details of this agreement, I believe the final package represents a grand slam for producers in Wisconsin.

First, the Drought Assistance Act broadens our existing livestock feed assistance programs. Within 15 days of the bill's enactment, a new feed assistance program would be established. This program will maintain the sale of Commodity Credit Corporation-owned feed at 75 percent of the county loan rate—current Emergency Feed Assistance Program—as well as the reimbursement of up to 50 percent of the cost of commercial feed purchased by a producer for the duration of the livestock emergency—current Emergency Feed Program.

In addition, the new program authorizes other forms of livestock assistance. There will be a 50-percent reimbursement for producer's hay and forage transportation costs from a point of origin beyond a producer's normal trade area to the livestock. There would also be assistance of up to a 50-percent reimbursement for the cost of transporting livestock to and from available grazing locations. These forms of assistance are subject to certain limitations. Finally, feed donations by the Commodity Credit Corporation are authorized for producers who are financially unable to purchase feed from the CCC.

As with existing livestock feed assistance programs, these assistance plans are only open to those producers who grow their own feed. Eligible livestock includes cattle, sheep, goats, swine, poultry—including egg producers—horses, and mules—used for food or food production—fish for food, and other animals designated by USDA, that are part of a foundation herd or offspring or are purchased as a part of normal operations.

An additional $2 billion would have been necessary if these programs were to be opened to nonproducers of feed. This could have kicked us into a Gramm-Rudman sequestration order, which would have been extremely detrimental to all of agriculture.

Second, as Wisconsin is the leading State in the Nation in dairy production, it is critical that this bill include adequate economic relief to our dairy producers. I believe this bill meets that test. In addition to cancelling the scheduled 50-cent dairy support price cut on January 1, 1989, the conference agreement actually increases the support price 50 cents from April 1, 1989, through June 30, 1989.

This latter dairy provision, which I offered as an amendment to the House bill just 12 days ago, is especially important to Wisconsin's dairy producers. This 3-month increase is designed to provide economic assistance during the time when milk prices traditionally are the lowest and feed prices will still be high and supplies tight. It is estimated that this short term increase in the support price is worth $21 million to Wisconsin's dairy producers.

Third, this conference agreement includes a provision to waive for 1 year the requirement that a producer be enrolled in Federal crop insurance in order to be eligible for the Farmers Home Administration [FmHA] emergency disaster loans. As Wisconsin already has been declared a disaster area by the Secretary of Agriculture, our producers would be eligible for these low interest loans. However, Wisconsin producers have an extremely low participation in Federal crop insurance and, thus, would be ineligible under current law for the emergency loans. Mr. Speaker, we need to move quickly on this conference agreement so that many more Wisconsin producers can now be made eligible for this important emergency credit program.

The fourth item in the grand slam also pertains to crop insurance. Included in the House-passed bill was a provision, which I strongly opposed, to require any producer who elects to receive a disaster payment or forgiveness of an advanced deficiency payment to enroll in Federal crop insurance for 2 years. Fortunately, the conferees made some major modifications to this crop insurance mandate:

First, crop insurance must be purchased for 1 year instead of 2 years;

Second, only those producers who suffered greater than a 65-percent crop loss would be affected; and

Third, local agricultural stabilization and conservation county committees can waive this requirement if it would cause undue financial hardship to the producer.

With these changes in place the crop insurance requirement provision has been made much more acceptable to Wisconsin.

Now that I have outlined the Wisconsin grand slam, I would like to take this opportunity to outline some of the other major provisions of the bill.

Extent of disaster coverage: Provides disaster benefits for those producers who suffered losses in 1988 due to drought, hail, excessive moisture, or related conditions.

Emergency Forage Program: For established pasture damaged by drought, USDA would pay half the cost of seeding and fertilizing of certain forage crops on that land to facilitate late fall 1988 or early 1989 grazing and haying.

Disaster payments: Provides disaster payments to producers of annual commercial crops who lose 35 percent of the 1988 crop due to the drought. Wheat, feed grain, cotton and rice program participants would be compensated at a rate of 65 percent of the 1988 target price. Nonparticipants who raise program crops would be compensated at 65 percent of the county loan rate. Payments to soybean and other nonprogram crops would be made at a rate of 65 percent of the average producer market price of the last 5 years.

Payment limitations: For livestock producers, Federal feed assistance could not exceed $50,000 in benefits. Livestock producers with gross revenues of over $2.5 million annually are prohibited from receiving benefits. Combined benefits to each person—including livestock assistance—could not exceed $100,000.

Advanced deficiency payments: Producers will not be required to repay advance deficiency payments on any unit of production that failed or was prevented from planting due to disaster, unless that unit of production received a disaster payment.

Forestry assistance: Directs USDA to provide assistance in the form of 65 percent of the costs of replanting for losses to tree seedlings that produce an annual crop or are grown for commercial harvest.

Rural business: Directs USDA to establish a new program to guarantee loans to rural businesses and organizations to assist them in dealing with drought-caused losses.

Mr. Speaker, the conference agreement before us today is a reasonable approach to assisting our Nation's agricultural producers in this the worst drought in 50 years. I urge its adoption in the House today, so that we can begin to assist those agricultural producers who are in dire need.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, I rise in support of this conference report.

The Agriculture Committee leadership and our committee staff have worked tirelessly to bring us a fair bill that will provide some relief to our farmers while respecting the budget constraints we face. The President and Secretary Lyng have been extremely helpful throughout the entire process.

I want to focus my comments today on the dairy portion of this bill. The dairy provision has been the subject of some criticism by the press and others. They say we are milking the drought, and that consumer prices will go up because of the temporary increase in price supports.

I agree that milk prices could go up, but I disagree with the reasons cited in the press by so-called consumer advocates. Milk prices could go up because we have not done enough in this bill to ensure that enough dairy farmers stay in business to meet our Nation's needs.

In the mid-1970's, the Nixon administration attempted to reduce inflation in food prices by keeping milk support prices well below what was needed for dairy farmers to cover their feed costs. Dairy farmers went out of business in droves, domestic supplies dried up, and consumer prices increased by 30 to 40 percent in just 25 years.

The parallel between the early 1970's and the situation today is sobering. Dairy feed prices have increased 25 to 40 percent in the last few months, yet prices received by the farmer have stayed the same. A similar cost-price squeeze occurred in the mid-1970's. This year, feed prices are not expected to return to normal levels unitl the next crop year, if then.

In many ways, we are in a much worse position to mitigate the impact of milk product shortages than we were in the 1970's. Back then the world was swimming in milk. Today, due to the whole herd buyout in this country and supply control programs in Europe, we have a worldwide shortage of nonfat dry milk and tight world supplies of cheese.

I cannot emphasize enough how much the situation has turned around. There is no longer a milk surplus because the dairy program has worked.

We now have no uncommitted stocks of nonfat dry milk or cheese in Government storage. Fortunately, we have over a year's supply of corn and wheat in storage to help us through this drought. However, we have less than a week's supply of dairy products in Government storage.

In fact, Assistant Secretary John Bode warned last month that by this fall we may not have enough of these products in stock to meet our commitments to nutrition programs. According to my calculations, the School Lunch Program could lose $200 million worth of cheese if cheese purchase projection released by USDA last month are correct.

We have already abandoned the distribution of cheese and nonfat dry milk under the Temporary Emergency Food Assistance Program [TEFAP]. Yesterday we approved legislation that will provide funds for the purchase of cheese and other commodities for TEFAP. If domestic supplies continue to tighten up because we allow too many farmers to sell out, the money spent on cheese will not go nearly as far as it did when CCC purchased products directly from processors.

The poor—those dependent on bonus commodities and the working poor who spend a higher percentage of their income on food—will be hardest hit if product shortages cause price increases. Yet all consumers of dairy products will suffer if we make the same mistakes we made back in the mid-1970's. At that time we opened the floodgates to imports to mitigate the consumer price shocks; now we do not even have the luxury of taking this ill-conceived action because of the world supply situation.

Two things are happening out in the countryside to the thousands of family dairy farmers who work so hard to supply our Nation with a safe, affordable supply of milk. First, all dairy farmers—whether in a drought area or not—face substantial increases in feed costs due to the drought. In my area, grain prices are up 25 to 40 percent.

Second, those dairy farmers in drought areas have lost their forage. If they are lucky enough to have any hay left from last year, they are feeding it to their cows now because their pastures have dried up. Even worse, hay and corn crops that dairy farmers count on to take their herds through the winter have been lost.

The first problem—higher feed costs—is forcing many farmers to reduce the amount of soy protein and concentrates fed to their cows. This is causing an immediate reduction in production per cow. With the milk feed ratio at 1.15, its lowest level since 1973, it no longer makes sense for a dairy farmer to feed additional grain to the cows in order to get additional production. Milk per cow dropped 5 percent between May and June.

The second problem—forage availability—is forcing farmers to liquidate part or all of their entire herds. Some farmers have been forced to sell out altogether. Others are trimming their herds in anticipation of short feed supplies. Cow numbers dropped 39,000 in the 21 State region between May and June of this year. In the previous 11 months, cow numbers dropped 45,000. Cow slaughter in region 5, which includes the major Midwestern milk producing States of Minnesota and Wisconsin, is up 18 percent over last year since June 1. And last year we were in the middle of a whole-herd buyout slaughter that removed 1.5 million cows from the national dairy herd.

It is clear from the facts that dairy farmers are now making irreversible decisions about whether or not to stay in farming. On the horizon are high grain prices and continued low milk prices, along with another potential price cut in 1990.

High market prices are expected to help improve the situation through the fall and winter months. The 3-month increase contained in this bill should provide some added protection during the spring flush, when prices received by farmers are traditionally at their lowest point. I remain concerned, however, that we have not sent enough of a signal to the dairy farmers to keep them from deciding that it is no longer worth it.

Each 15-percent increase in feed prices is equivalent to a $0.50 cut in the milk price paid to farmers, in terms of the impact on net farm income. Feed cost increases due to the drought have already effectively cut the support price $1 in addition to the $0.50 price cut that took effect on January 1.

It appeared that before the drought hit, milk supply and demand were finally coming into balance. The buyout, combined with price cuts, had reduced the productive capacity of the industry back to the level needed to meet commercial demand and Government feeding programs. In order to return this balance, we should have approved a temporary, $1 price support increase to offset feed prices.

Opponents of the provision to help dairy farmers argued strenuously that we should not help one segment of agriculture over another. It is important to remember that crop farmers will receive direct government payments for their losses; dairy farmers will not.

Livestock and dairy farmers with substantial losses who grow their own feed will receive limited feed assistance, similar to what is provided under the current feed assistance programs. The dairy farmers that purchase their own feed will not be eligible for feed assistance.

I understand why beef producers feel they are being treated unfairly. However, let's not forget that just last month the Secretary of Agriculture spent $50 million in section 32 funds to support beef prices from a precipitous drop threatened by a drought-induced slaughter.

The bottom line is that Congress is responsible for the dairy program. We do not have a beef or chicken or hog program. We do have a dairy program. The U.S. Congress has determined that it is in our national interest to ensure that the consumers of this country have a safe, affordable, and adequate supply of milk. In order to live up to our mandate, we have a responsibility to assist dairy farmers through this drought.

I urge support for this conference report.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of the conference report.

I want to thank the conferees for their thoughful and expeditious consideration of this vital legislation. In my State of Ohio, this summer's drought has hit our farmers hard and the relief will be welcome.

In addition to the relief to be provided for farmers, this measure also assists ethanol producers who will be adversely impacted by the low yield of this year's corn crop. One such ethanol producer operates in my district at South Point, OH. This plant uses 2 million bushels of corn per month and produces 7 percent of the Nation's ethanol needs. Ordinarily, most of the corn used at the South Point plant comes from Ohio.

Thanks to this bill, ethanol producers who use less than 30 million bushels of corn per year will be eligible to purchase less expensive Government-owned surplus corn.

Last, but not least, the conferees are also to be congratulated for bringing down the costs of the bill. The bill is within budget and is deserving of our support.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, I rise in support of the conference report.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, I rise in support of the conference report on this drought relief bill. It is responsible, it is timely, and it is certainly needed. I urge passage of this conference report.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise in strong support of the conference report to accompany the Drought Assistance Act of 1988. I also want to pay special thanks to Agriculture Committee Chairman DE LA GARZA and to Vice Chairman ED MADIGAN for their leadership in moving this legislation forward with all due speed. Agriculture Secretary Richard Lyng should also be commended for the foresight and cooperation that he has exhibited while keeping in daily contact with the Congress on the status of drought conditions around the Nation.

Although I am not in complete agreement with every provision in this legislation, I do believe the compromise measure before us is one of the best products that we could achieve under our current budgetary restraints. I would have preferred that the final bill would have extended emergency livestock assistance to those livestock and poultry producers who do not grow their own feed, but for the most part this bill does meet the fairness and equitability criteria that we set forth when we began deliberations on this issue months ago.

Many of the farmers I represent in southeast Missouri have been hard hit by the drought, and it almost goes without saying that the drought is creating stress throughout the entire agricultural economy. Forty percent of the cash crops grown in Missouri are raised in my district, and the crop assistance provisions in H.R. 5015 will help ease the financial burden placed upon those producers. I am also pleased that we have seen fit to provide a temporary increase in the dairy price support for 3 months next year following the spring "flush"; these provisions are a good compromise to address the unique problems confronting the dairy industry. I also want to express my appreciation for the inclusion of assistance for commercial timber growers, who are numerous in my district.

All in all, I want to emphasize, however, that my farmers are not looking for a handout, they're looking for a hand up, the kind of help contained in H.R. 5015. This bill does not eliminate the risks associated with farming, but it does ensure that our food- and fiber-producing infrastructure will be there when we need it for years to come. This bill does preserve the integrity of Federal crop insurance and the credibility of Government-sponsored farm programs. On balance, it's a good bill which deserves our support.

Mr. MADIGAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of H.R. 5015, the Drought Assistance Act of 1988, legislation to bring essential financial relief to our Nation's farmers and ranchers threatened by the drought of 1988.

While I support this conference report, I must express my disappointment that it does not include assistance for individuals hurt by 1987 natural disasters. I have fought to have included in this legislation aid to producers who have suffered major crop losses in 1987 due to natural disaster.

It is important to realize that the Congress has previously assisted producers affected by natural disaster in 1983, 1984, 1985, and 1986, and now we stand ready to provide financial assistance for 1988.

I continue to ask, "Why not 1987?" I am told this would have been too costly, but the House version would place a $40 million cap on 1987 aid. This proposal would have been well within the budget and would have only added a 1-percent increase to the cost of this conference report.

On August 4, 1987, Scotts Bluff County, NE, experienced a hailstorm that damaged a strip of land 25 miles long and 12 miles wide; 192,000 acres of farmland were destroyed, causing an estimated $30 million of crop damage. A storm of similar destruction would have destroyed all the cropland in Rhode Island if it had occurred there.

Today I received a letter from an individual who was affected by this disaster. Commenting on the drought bill, his letter reads, "Thanks alot! I mean thanks for nothing." He adds, "Why not let (individuals now suffering the effects of the drought) rough it out like we are?"

I support the bill before us today because it is excellent as far as it goes. But I continue to feel strongly that it would only be fair to include 1987 disaster assistance within the legislation.

I and my good friend from Texas, Mr. STENHOLM, were able to amend the original House drought assistance proposal to include aid for those severely impacted by 1987 natural disasters.

Unfortunately, the conference committee appointed to draft the final assistance package removed the 1987 disaster relief—a decision I deplore.

However, I commend my colleagues for their quick response to this year's national emergency. At present, the breadbasket of America is suffering the worst drought in 50 years.

Water levels have dropped to dangerously low levels throughout the Midwest, and it is estimated that U.S. agricultural production this year will fall 24 percent when compared to 1987 output.

In my district alone, the U.S. Department of Agriculture has determined 34 counties to be emergency drought areas due to below normal rainfall and above-normal temperatures.

My district has been blessed with late summer rains, but the dramatic damage has been done, and the expense to Nebraska's farmers and ranchers will be enormous.

I have been very pleased with the actions taken by the Secretary of Agriculture to assist early in the drought, but now the time has come for the Congress to finish debate and complete its consideration of an effective and sensible assistance program.

H.R. 5015 responds to the drought and other natural disasters by providing disaster relief payments to producers who have or will suffer major production losses. Although this legislation does not pay for all the costs incurred by a producer, it will help pay for the seed, fertilizer, fuel, and other production costs lost due to the drought.

Another major provision of H.R. 5015 provides emergency feed assistance to livestock producers who have lost their feed source due to the sustained dry conditions.

The severity of the drought is impacting cattle producers today with higher feed costs and shortages. The feed assistance provisions within this bill would be set for implementation 15 days after enactment.

I emphasize that H.R. 5015 is not simply a program to respond to the devastation caused by drought. Also included is financial relief to individuals suffering major losses due to 1988 natural disasters. It would have been infinitely fairer to have included last year's losses as well.

While I agree that the Federal Government should not be expected to guarantee a producer's income, we must make certain that farmers and ranchers, as well as rural communities, are not forced into financial collapse due to natural disasters.

I have argued that any drought and disasters assistance proposal must be financially reasonable and sound. The original disaster assistance legislation overwhelmingly passed by the House on July 28 would have cost the American taxpayer an estimated $5.8 billion.

Today, I am happy to see that the legislative package before the House for final approval has been drafted to only cost approximately $3.9 billion and is designed to include many of the basic assistance programs recommended by the President's Interagency Drought Task Force.

I urge my colleagues' support for this legislation so assistance and relief can be made available to our Nation's farmers and ranchers.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, I would like to ask the gentleman from Texas [Mr. DE LA GARZA] a brief question, and I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I would be happy to answer any question for the gentleman from Montana.

Mr. MARLENEE. Mr. Speaker, I again comment the chairman for the splendid job he did in guiding this bill through the committee to passage in this Chamber, and in providing the leadership necessary to speedily resolve some thorny issues in the conference.

In a hurried process such as the one we have been through on this legislation there are always last minute details which are overlooked. On each detail concerns section 301 of the bill, which allows for the planting of limited amounts of soybeans or sunflowers under certain circumstances on acres which otherwise would be devoted to wheat, feed grains, cotton, or rice. Growers who exercise this option will not lose any of the crop base acreage which they already have on the farm. The reason for this is to help prevent a critical shorage of oil-seeds which seems likely to occur duing the next 2 years without the provisions in section 301.

It has come to my attention that in drafting section 301, we completely overlooked the inclusion of safflowers among the oil-seeds which will likely face supply shortages just like soybeans and sunflowers. Safflowers are an important crop in eastern Montana and the western portions of North Dakota and South Dakota. Rainfall in the area is usually about 5 inches below the level needed to produce a crop of sunflowers, and safflower is more tolerant to drought.

Most farmers do not have the specialized equipment necessary for sunflower production. However, safflower production utilizes the same equipment as small grains and is therefore an ideal rotation crop. Obviously, had we been aware of the technical problem in failing to include the term "safflowers" under the provisions of section 301, it would have been included along with soybeans and sunflowers.

My questions to Chairman DE LA GARZA is whether the gentleman agrees that our intent is to authorize increased oil-seed plantings and that the Department of Agriculture should take steps under the bill and other authorities to permit increased plantings of safflowers on a portion of permitted acres to achieve the intent of section 301?

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will yield, I believe the gentleman correctly states the intention of the committee and the provisions of section 301. I agree and in consultation with the distinguished chairman of the subcommittee, he also agrees.

Mr. MARLENEE. I thank the chairman of the Agriculture Committee for assisting in clarifying the matter.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I wonder if the gentleman from Texas [Mr. DE LA GARZA], the chairman of the committee, could respond to a question I have with regard to the Shasta Dam project.

My staff had checked with the Agriculture Committee as of yesterday and was told that that particular project, which has been acknowledged around the country as one of the most outrageous pork barrel projects to get into the bill, had in fact been stripped out of the bill and there was no authorization for it.

I look at the papers here today and I find a $5½ million authorization for this very bad project in the bill.

I would like to know, first of all, why my staff could not find out yesterday about this; and second, how we ended up with the Shasta Dam temperature curtain in a drought relief bill.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I do not know why the gentleman's staff was not able to ascertain what was in the conference and what was in the conference report.

Mr. WALKER. My staff was told that the authorization had been taken out. Now, what I am trying to find out is how it got back in.

Mr. DE LA GARZA. I do not know who they spoke to, because it was approved by the committee and was approved by the conference committee.

Mr. WALKER. So if I understand the chairman correctly, this drought relief bill, this bill that supposedly takes care of farmers who are having great problems as a result of the drought, is now also going to take care of the yuppies and make certain that their salmon mousse supply is not interfered with by getting a temperature curtain on a river that has absolutely nothing to do with the drought; is that my understanding?

□ 1730

Mr. DE LA GARZA. Mr. Speaker, the gentleman is incorrect. No. As I stated in the original debate on the legislation, drought is a very complex phenomenon, and it impacts in many different ways on many different things related to food supply. Temperature on a river is impacted upon by drought, in other areas of that river or its tributaries or behind a dam. This is one of those, complex as it may be, and I hope the gentleman will understand that shortage of water impacts on temperatures of water on parts of a river. The salmon fishery is a part of the food supply, and a very integral part of the food supply.

Mr. WALKER. Mr. Speaker, I want to tell the gentleman that it is my information that there is no such drought in the area where this dam is, that we are in fact taking preventive action for the future. It has absolutely nothing to do with an emergency situation out there. There is no emergency. This is an emergency bill, and it is absolutely absurd that we ought to do this. I am very sorry that the gentleman's committee and the others who are involved in this conference saw necessary to engage in the kind of pork-barreling in a very necessary bill. It seems to me we ought to have clean legislation around here. I think many people across this country are getting sick and tired of Congress using every possible emergency to pork-barrel it.

Mr. DE LA GARZA. Of course, the gentleman is entitled to his opinion. I would state for the record that California now is in a very difficult situation. As a matter of fact, the drought in California is going to be next year, because they are drawing twice as much water as is coming into the tributaries, and pending a massive snowfall next winter in California, we will be talking about California and the drought that could impact upon it much more than what this project is doing at this time.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I am glad we have taken preventive action to make sure that the salmon mousse continues to be on the tables.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just wanted to mention to the Members of the House that there has been no conference committee since I have been here for 5 years that has come in with a 30-percent reduction out of conference. This bill cuts out $2 billion from the Senate version. There is no pork in this bill. There might be an oinker or two, but taking out $2 billion is substantial. I can tell the conservatives they should vote for this bill, because it is directed to those people who are truly hurt by the drought.

Mr. Speaker, at the outset of our work on H.R. 5015, we established criteria meant to include only those who have suffered the loss of all or part of a crop due to the drought.

In the end, we have not stepped from this path. We knew that to do so would have invited a host of inequities into this legislation and into permanent law.

We recognized that it is beyond the scope of this Congress to undo all of the market conditions of this drought for each individual across the Nation. Attempting to do so would have had far-reaching budget, economic, and policy implications.

At one point, cost estimates of this bill reached as high as $6.5 billion. By trimming unfair or inappropriate spending, this legislation now carries a $3.9 billion price tag—well within the constraints of our budget and the Gramm-Rudman trigger.

Mr. Speaker, we have completed work on a fiscally responsible bill that will target assistance to producers who have suffered a crop failure as a result of the drought of 1988.

The bill will take many important steps:

First. It establishes a new program to replace current livestock assistance programs and authorizes additional forms of help such as feed donations and transportation assistance.

Second. H.R. 5015 provides disaster payments to any producer of program or nonprogram annual commercial crops who lose 35 percent of their 1988 crop due to drought.

Third. Forbearance is urged throughout the FmHA and Farm Credit System and the Secretary is directed to take steps to assist producers and rural businesses affected by the drought by making operating loans available for 1989 production.

Fourth. We expanded nonprogram drought benefits for the replanting of seedlings planted on private lands this year and last but lost as a result of this year's drought conditions.

Fifth. H.R. 5015 includes assistance as a result of weather-related disaster often associated with drought years—flood, wind, and hail.

Sixth. We have included forage as eligible for transportation assistance in the livestock aid program.

Mr DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I just wanted to commend the conference committee for their work in reducing the cost of this legislation from what it was when it left the House. It looks like we will be able to meet the needs of our drought-stricken farmers in this country after the conference committee report is adopted at a cost of about one-half billion dollars less than what we were looking at.

I commend the conference committee for their work, and I am also pleased that we are going to be able to meet this need and still do it within the context of figures we were looking at earlier this year when the budget resolution was passed, and will probably end up saving the taxpayers $2 billion. I commend the committee.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to compliment the chairman on an outstanding piece of legislation crafted with concern for those who are suffering from this drought. I would like to raise one question, and that is the delivery system vitally important to ensure that the benefits will be delivered to farmers. What measures have been taken in this legislation or in appropriations or at the prodding of the chairman of the Department of Agriculture to be sure that personnel will be available at the ACS offices at the county level to deliver the benefits of this legislation?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I am happy to yield to the gentleman.

Mr. DE LA GARZA. Mr. Speaker, I would state to my colleague that under the guidance of the President, the working cooperation of the Secretary of Agriculture, the leadership on both sides of the aisle of the House and Senate that I would assume that we will have the necessary steps which will be taken by the Department and by the administration to implement this legislation.

Mr. OBERSTAR. Mr. Speaker, I want to urge the chairman to stay on top of them and prod the Department to ensure that there will be adequate temporary personnel to carry out the job, and I know that the chairman has a real concern about that.

Mr. DE LA GARZA. I assure the gentleman that we will.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this compromise package artfully crafted by our chairman and our ranking member.

Mr. Speaker, despite some reports to the contrary, the congressional machine is alive and well and even churning out results. This is illustrated today in the final version of the drought assistance package that the House will consider.

In just a few weeks time, the respective Agriculture Committee members of the House and Senate delivered legislation that is responsive to the millions of American farmers suffering under the drought.

Certainly, there was disagreement and debate along the way. There are provisions absent from the bill that I wish were included. No doubt, I am not the only lawmaker who can make that claim.

But while battles were fought, we never lost sight of our purpose. The bill is budgetwise, and, most importantly, responsive to the needs of farmers hardest hit by the drought. While its provisions are detailed and specific, the message to drought-stricken producers is very clear: Help is on the way.

As an Iowa Congressman, the drought bill was of obvious interest to me and the citizens of my district. I want to thank the scores of people in north and northwest Iowa who provided valuable input on what kind of assistance was needed. Knowing their opinions was most useful during my work on the bill.

I urge my fellow members to support the conference bill today, which will provide the help to those who need it most.

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this conference measure.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we saw the need. We were convinced of its validity. We acted accordingly. We have met all the tests. We have kept the faith to all who will be helped by this legislation. Our promise has been kept. All Americans should be proud—we are a better people for what we do here today.

Mr. ROTH. Mr. Speaker, I rise in strong support of the Drought Assistance Act of 1988. This vital legislation offers a helping hand to our Nation's farmers who have been hard hit by the drought that has swept the Midwest.

As a cosponsor of this important legislation, I would like to commend my colleagues on the Agriculture Committee for the expeditious manner in which they have moved the final bill to the House floor.

Without a doubt, we are facing the worst drought to grip the country in over 50 years. All 72 Wisconsin counties have been declared disaster areas. Wisconsin's rural communities dependent on agriculture have been particularly hard hit. Everyone from the local shopkeeper to the implement dealer has felt economic pressures from the drought.

In my district, which encompasses northeast Wisconsin, over 65 percent of the hay crop and 45 percent of the corn crop have already been lost. A ton of hay selling for $50 last year is now selling for over $150. The feed costs for next year will eat up an additional $12,000 to $15,000 of the farmer's budget. That's a lot of money for a Wisconsin dairy farmer who normally has a profit margin of only $10,000 to $15,000.

The emergency drought legislation will help farmers make it through the remainder of the year and ensure that they will be able to plant their crops next year. The measure will preserve the economies of drought-stricken rural communities and prevent a serious disruption in the supply of food to American consumers.

The Drought Assistance Act provides relief to all sectors of our Nation's agricultural economy including, crop producers, livestock producers, dairy farmers, and agribusinesses. Wisconsin farmers will directly benefit from many of the provisions in the bill.

Specifically, the feed assistance provisions and disaster payments will help those farmers who grow their own crops. Up to 50 percent of the cost of feed and transportation will be available to those producers who have had substantial feed production losses. Farmers suffering over a 35-percent loss of crops will be eligible for direct disaster payments at a rate of 65 percent of the target price or support price. Farmers with losses on 90 percent or more will get additional aid.

Advance deficiency payments on crops will not have to be repaid on crops that failed, unless a disaster payment was received for that crop already. Over 80 percent of Wisconsin's farmers have received.

Most important, Wisconsin dairy farmers will not be faced with a 50-cent cut in the dairy price support next January 1. And starting next April 1, a temporary 3-month increase of 50-cents in the dairy price support will be provided. This increase, which runs through July 1, 1989, will help offset any destabilization of the price of milk during next spring's flush season.

Elimination of the 50-cent cut will save Wisconsin dairy farmers an estimated $130 million in lost income next year and the modest increase in the price support during the spring will go a long way toward preventing disruption in our Nation's milk supply and skyrocketing costs for consumers. This small increase in price next spring will offer stability to many family farmers who might have been forced to liquidate their herds.

The Drought Assistance Act of 1988 provides desparately needed relief to America's heartland. The feed, crop and dairy provisions of the bill will help minimize the long-term impact of the drought on Wisconsin's farmers. The expansion of the Business and Industry Loan Program in the bill will also help prevent the bankruptcy of many of our Main Street agribusinesses.

Mr. Speaker, the bill before us today is in the best interest of farmers, consumers and our country. I strongly urge my colleagues to support this well-crafted and responsible legislation.

Mr. ROWLAND of Georgia. Mr. Speaker, I support the conference report on H.R. 5015, drought disaster assistance. I voted for this measure when it originally passed the House on July 28, 1988. I continue to support these efforts, and I want to commend my colleagues who have worked so hard on this disaster relief package.

Mr. BEREUTER. Mr Speaker, I rise today in strong support of H.R. 5015 and commend the administration and the leadership on both sides of the aisle for the cooperative, bipartisan effort in the swift and decisive action taken on the most serious drought this country has witnessed in over 50 year. The House Agriculture Committee under the leadership of Chairman DE LA GARZA and the ranking minority member, Mr. MADIGAN, must be commended for crafting legislation with a disaster-aid delivery system which is based on proven commodity losses, consistent across commodity lines, and directs emergency feed programs at those producers who are unable to grow adequate stocks needed to support foundation herds.

From the time the bipartisan, bicameral drought task force was established less than 2 months ago, this Congress has responded in a sensitive and fiscally responsible manner when faced with conditions that could impose a roadblock to agriculture's continuing recovery. While Secretary Lyng has acted promptly and pledged to continue to use existing authority in drought mitigation efforts, there is little more that can be done without the passage of H.R. 5015.

This Congress has been able to draw the line on elements that have no place in this legislation. Assistance through H.R. 5015 is directed to those who suffer substantial losses due to drought in 1988 and deals with the drought impact as it affects producers in 1988. Due to the broad bipartisan support, this bill has almost without exception not been utilized to make major policy changes in basic farm policy. Costly fundamental changes in the farm program or benefits directed toward those not affected by the drought would cause deep resentment and antagonism not only by my urban colleagues but by the American people. We could easily and properly pass legislation that is truly directed toward those substantially hurt by the drought but this legislation must not be and is not construed to be, a "give-away" to those who are not affected by the drought.

In addition to the crop and livestock provisions contained in H.R. 5015, I commend the conference committee's response to the devastating effect of the drought upon Main Street business and rural communities. Through the emergency rural business provisions in the drought package, we can assist rural America by directing the Secretary to stretch the FmHA business and industry loan programs to the proper maximum usage, to provide refinancing of 1988 debt to small businesses hurt by the drought, and to authorize up to $200 million from the Rural Development Insurance Fund for FmHA for the guarantee of loans to rural businesses and Indian tribes.

The President has agreed to sign this necessary legislation this week. The next step is for the USDA to expeditiously and conscientiously design the rules and regulations to properly reflect congressional intent in the implementation of H.R. 5015. However, this Congress cannot relinquish all responsibility to the USDA. We must continue to monitor the situation and assure our farmers and ranchers that the local ASCS offices have the resources they need when assisting producers with the drought relief programs approved.

Therefore, perhaps the most important remaining element is one that cannot be included in this legislation. That is the "commonsense" element which will be essential and must be conscientiously employed by county ASCS personnel and the personnel of other Federal agencies in implementing this legislation.

Mr. WILLIAMS. Mr. Speaker, today marks the culmination of hard work and long hours to bring a timely drought relief package to the farmers and ranchers who are suffering the most from the drought of 1988. This legislation will give hope to both farmers and ranchers hit hardest by the destructive result to crops and pastures from weeks and months without timely rains.

I want to thank Chairman DE LA GARZA, Subcommittee Chairman STENHOLM, the members of the joint drought task force, and the cosponsors of H.R. 3081 for including the major provisions of my bill, in the drought relief bill.

One year ago my colleagues and I introduced the Emergency Livestock Feed Assistance Act of 1987, H.R. 3081. In May of this year the Agriculture Committee under Livestock Subcommittee Chairman, CHARLIE STENHOLM, held field hearings in Idaho and in my district in Bozeman, MT, at my request. These hearings added to the previous public record of a March 1987 Government Accounting Office study and emphasized the need for prompt coordinated response to drought. The GAO had concluded that previous drought assistance in response to the 1985 drought in Montana and other neighboring States had been too late to help many livestock producers and the data indicated the offered assistance in some cases was unusable.

Livestock have to eat every day. Our legislation includes a ticking clock—a 1-month clock set in motion by request for assistance by States to the Department of Agriculture requiring final response before the time expires. This provision will help farmers and ranchers know how to plan to feed their stock. Our legislation draws together seven livestock assistance programs under a single request and response procedure with final authority resting with the Secretary of Agriculture for all seven types of assistance after the request is made by the Governor and County Agriculture Stabilization and Conservation Committee. The donation and transportation provisions had been rarely used in the past but their appropriateness was highlighted by this year's drought and they now are part of the combined and streamlined drought law.

Teamwork has been the trademark of the success of this legislation in meeting a challenging schedule to give our agriculture producers hope. I again thank the chairman for his leadership in this effort.

Mr. MILLER of California. Mr. Speaker, subtitle B of title IV of H.R. 5015 contains the Reclamation States Drought Assistance Act of 1988 and other provisions designed to enable the Secretary of the Interior to respond to the drought in the Western States.

This subtitle originated in the Interior Committee as H.R. 4626, introduced by Mr. COELHO.

The basic purpose of subtitle B is to provide the Bureau of Reclamation with some flexibility to make water from Bureau projects available to a variety of users during a drought emergency.

Our intention, in drafting these provisions, was to make it possible for all water users to have access to the water from Bureau projects, whether or not they normally receive such water. This would include cities and towns. This would include farmers who are not now Bureau contractors, fish and wildlife which are experiencing tremendous losses from the drought.

The language agreed to by the conferees is clearly discussed in the conference report. There are, however, several issues I would like to clarify for purposes of the legislative history of this bill.

Section 413 of this subtitle provides the Secretary of the Interior with the authority to make water or canal capacity at existing reclamation projects available to water users and others on a temporary basis. The price to be charged for this water is to be at least sufficient to recover the operation and maintenance costs and an appropriate share of the capital costs associated with providing such water. The phrase "appropriate," as used in this section, is synonymous with "proportionate" share of the capital costs.

I would further note that this section establishes a floor for what the Secretary may charge. It is perfectly acceptable for the Secretary to charge a greater amount, if he so chooses.

Section 413 also directs that the actions of the Secretary in making water or canal capacity available to water users and others shall be consistent with existing contracts or agreements and State law.

The word "agreements" is important and should not be overlooked by the Department in implementing this provision. It is our intention that this term be interpreted liberally. For example, there are many State fish and wildlife agencies that may have agreements, memorandums of understanding, or other arrangements, providing for water for fish and wildlife purposes. This is certainly the case in California.

The conferees would expect the Secretary to take these agreements into account when determining how much water is available for contracting under section 413.

Section 417 authorizes the Secretary to make available to the Oakdale and South San Joaquin irrigation districts their unallocated storage from the previous year. This language is not intended to set any precedent. It was not included to take a position on ongoing discussions between the Bureau and the irrigation districts.

Mr. Speaker, most of the assistance we are providing in H.R. 5010 is aimed at farmers. The reclamation provisions will assist others as well, including towns and cities, and wildlife.

The onfarm impacts of the drought are obvious and have received most of the attention of the press. However, we should not forget that the drought has also impacted commercial and sport fisheries, wildlife, and municipal water users. They deserve our attention as well.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of the conference report before us today on critical, emergency drought-relief legislation to aid farmers and ranchers affected by one of the driest growing seasons on record. This legislation passed the Senate 92-0 on August 8, and it is imperative that the House acts to quickly follow suit since Agriculture Department officials have stated that assistance could begin reaching farmers about 60 days after enactment.

Because my district has been so severely affected by the drought, I have worked with the drought task force of the House and Senate Agriculture Committees to ensure that the needs voiced by my farmers and manufacturers were adequately addressed in the context of this emergency relief bill. I am pleased that the House-Senate conferees retained much of the language I worked to include in the original House-passed bill.

Since the farmers in my district have expressed great concern over the repayment of Farmers Home Administration [FmHA] loans, among my primary efforts in the drafting of this legislation was the inclusion of language concerning farm credit. Provisions of the conference agreement with regard to FmHA and Farm Credit System [FCS] lending are virtually identical to those in the House bill. The agreement directs FmHA and FCS to exercise forbearance in collecting loan payments from affected farmers, and to expedite the use of credit restructuring measures available under existing law; and authorizes FmHA loan guarantees to help farmers hurt by the drought to refinance their debt. It also waives for 1988 disasters only, the existing requirement that farmers must have purchased Federal crop insurance to qualify for FmHA emergency disaster loans and directs FmHA to take steps to make operating loans available in 1989 to those affected by the drought; I worked hard to have these provisions included in this bill and believe they will enable many farmers to continue their operations.

I also worked to include language in this measure to address the immediate need of my livestock producers for a supply of hay and grain feed. Like the House bill, the conference agreement establishes a new, pemanent program, effective 15 days after enactment, that would replace two existing programs to help livestock producers obtain feed for their animals. The types of livestock assistance provided under the conference agreement would be the same as in the House bill—including reimbursement for up to 50 percent of the cost of feed purchased to replace crops destroyed by the drought; sales of feed owned by the Commodity Credit Corporation [CCC] to livestock producers at reduced prices, and donation of feed to those who cannot afford to pay even the reduced price; payment of up to 50 percent of the cost of transporting and handling feed from CCC stocks, transporting feed or forage from locations outside the area where the producer would normally purchase it, or transporting livestock to available grazing locations; and payment of up to 50 percent of the cost of various measures to provide adequate water supplies for livestock.

I also worked to include language addressing other critical aspects of the water shortages our rural areas are experiencing. This agreement authorizes such sums as may be necessary for the USDA to provide rural water management assistance—including loans, grants, and loan guarantees, technical assistance and extension services, research and development projects, and other types of assistance problems caused by drought and water shortages, and to help our rural area make more efficient use of water resources.

Because many individuals in my district have expressed their concerns over soybean production, I have worked to include language in this bill to allow for greater flexibility in soybean production. Like the House bill, the agreement requires USDA to permit farmers to plant soybeans or sunflowers in 1989 on 10 to 25 percent of their acreage normally planted with cotton, rice, wheat, or feed grains—without reducing their acreage base for the crop planted previously.

Mr. Speaker, this conference agreement has been crafted to efficiently and equitably protect farm income while ensuring the economic health of drought-affected rural communities. Its immediate implementation is essential to the future of the American farmer who is the backbone of our Nation. It is a good compassionate bill with constructive, thoughtful programs to protect farm income and assure a continued adequate supply of food for American consumers. It targets Federal assistance to those who need it. It will prevent the bankruptcy of thousands of family farms so that when normal rainfall returns next year, these farms will still be in operation. I urge my colleagues to join with me in supporting this legislation so that it can be signed into law as soon as possible.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 383, nays 18, not voting 29, as follows:

[Roll No. 270]

YEAS—383

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Collins
Combest
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss

Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—18

Badham
Bates
Beilenson
Brown (CO)
Cheney
Crane
Dannemeyer
DeLay
Frank
Gibbons
Kolbe
Kyl
McCandless
Russo
Scheuer
Shays
Stark
Stump

NOT VOTING—29

Boulter
Brown (CA)
Clay
Coleman (TX)
Coughlin
Dornan (CA)
Dowdy
Hatcher
Hefley
Johnson (CT)
Kemp
Konnyu
Lewis (CA)
Lewis (GA)
Livingston
Mack
MacKay
Martin (IL)
McCollum
McGrath
Mica
Molinari
Mrazek
Rangel
Rowland (GA)
Shuster
Smith, Denny (OR)
Spence
Taylor

□ 1753

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4526, MANASSAS NATIONAL BATTLEFIELD PARK ADDITION

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-854) on the resolution (H. Res. 515) providing for the consideration of the bill (H.R. 4526), to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed on Monday, August 8, 1988.

THOMAS P. O'NEILL, JR., LIBRARY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3661.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. ATKINS] that the House suspend the rules and pass the bill, H.R. 3661, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 158, nays 239, not voting 34, as follows:

[Roll No. 271]

YEAS—158

Ackerman
Alexander
Anderson
Annunzio
Atkins
AuCoin
Beilenson
Bennett
Berman
Bliley
Boehlert
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
Davis (MI)
de la Garza
Dellums
Derrick
Dixon
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Fascell
Fazio
Feighan
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gray (IL)
Green
Guarini
Hall (OH)
Hammerschmidt
Hawkins
Hayes (IL)
Hertel
Horton
Hoyer
Hyde
Ireland
Jeffords
Jones (NC)
Jones (TN)
Kennedy
Kennelly
LaFalce
Lantos
Latta
Lehman (CA)
Lehman (FL)
Leland
Lent
Levine (CA)
Lipinski
Lowery (CA)
Lujan
Madigan
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McDade
Miller (CA)
Mineta
Moakley
Mrazek
Murphy
Murtha
Myers
Natcher
Oakar
Obey
Owens (NY)
Panetta
Parris
Pashayan
Pelosi
Pepper
Perkins
Porter
Pursell
Quillen
Rangel
Regula
Richardson
Rinaldo
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Schulze
Schumer
Skeen
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Sundquist
Synar
Torres
Torricelli
Towns
Traficant
Udall
Vander Jagt
Vento
Visclosky
Weiss
Whitten
Williams
Wilson
Wolf
Wortley
Wright
Young (AK)

NAYS—239

Andrews
Anthony
Applegate
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bonker
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Coats
Coble
Coleman (MO)
Combest
Cooper
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
DeFazio
DeLay
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dreier
Dyson
Edwards (OK)
Emerson
English
Erdreich
Evans
Fawell
Fields
Flake
Flippo
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gingrich
Glickman
Gordon
Gradison
Grandy
Grant
Gray (PA)
Gregg
Gunderson
Hall (TX)
Hamilton
Hansen
Harris
Hastert
Hayes (LA)
Hefner
Henry
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
Jenkins
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
Lagomarsino
Lancaster
Leach (IA)
Leath (TX)
Levin (MI)
Lewis (FL)
Lightfoot
Lott
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Martin (NY)
McCandless
McCloskey
McCrery
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Nagle
Neal
Nelson
Nichols
Nielson
Oberstar
Olin
Ortiz
Owens (UT)
Oxley
Packard
Patterson
Payne
Pease
Penny
Petri
Pickett
Pickle
Price
Rahall
Ravenel
Ray
Rhodes
Ridge
Ritter
Roberts
Robinson
Roth
Rowland (CT)
Saiki
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Stallings
Stangeland
Stenholm
Stump
Sweeney
Swift
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Traxler
Upton
Valentine
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Wheat
Whittaker
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NOT VOTING—34

Akaka
Boulter
Brown (CA)
Clay
Coughlin
Dornan (CA)
Dowdy
Frost
Garcia
Hatcher
Hefley
Johnson (CT)
Kemp
Konnyu
Lewis (CA)
Lewis (GA)
Livingston
Lloyd
Mack
MacKay
Martin (IL)
McCollum
McGrath
Mica
Michel
Molinari
Nowak
Rowland (GA)
Scheuer
Shuster
Spence
Swindall
Taylor
Waxman

□ 1814

Messrs. TRAXLER, BONKER, WISE, and RAHALL changed their votes from "yea" to "nay."

So (two-thirds not having voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

URGING STATES AND FEDERAL ELECTION COMMISSION TO EVALUATE SUCCESS OF KIDS VOTING PROGRAM IN ARIZONA

Mr. COELHO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 134) to urge States and the Federal Election Commission to evaluate the success of the Kids Voting Program in Arizona, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. HUTTO). Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so in order to yield to the distinguished gentleman from California [Mr. COELHO] to explain the Senate concurrent resolution.

Mr. COELHO. I thank my colleague from Minnesota for yielding.

Mr. Speaker, this resolution pays special tribute to a program in Arizona that encourages young people to vote.

The State of Arizona recently adopted a program that seeks to improve on the most fundamental part of any democracy, exercising the right to vote.

This program permits parents to take their children with them to their polling places, and to have the children cast ballots in a simulated election. Later the results are tabulated and publicized.

Hand-in-hand with the voting experience, Arizona schools have begun teaching a special curriculum on voting, including information on candidates, party platforms, and actual voting procedures. The course is designed to fill the children with a sense of the rights and responsibilities of being informed voters.

In addition, the entire Arizona program is financed with private sector funds.

It goes without saying that if the Kids Voting Program in Arizona is a success, there is no better investment in the strength, vitality, and future of our democracy than a program that teaches Americans at an early age that voting is a right to be treasured. Encouraging our children to become involved, informed citizens as they reach voting age, will encourage them to cast real ballots at the voting booth later on as adults.

This concurrent resolution urges States and the Federal Election Commission to evaluate the success of Arizona's Kids Voting Program. States are further urged to find additional innovative ways to reverse the trend of declining voter participation and to share their success stories with other States.

This resolution involves no funds and does not mandate any action on the part of anyone or any State. But increasing voter turnout should be one of the top priorities for our country. The Kids Voting Program takes a serious first step in getting Americans out to vote. I urge all of my colleagues from all 50 States to evaluate the success of the Arizona program and to push for the adoption of similar proposals in their own States.

□ 1815

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, the minority on the committee of jurisdiction concurs in the statement of the distinguished majority whip and agrees with its conclusions.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate the very kind words of the gentleman from California. I simply want to observe that this pilot program which is being tested for the first time this year is being done in the First Congressional District of Arizona, in conjunction with many personal friends and the staffs of the Mesa Public Schools, the Tempe Public Schools, and the Chandler Public Schools.

I personally and many of us in Arizona are tremendously excited about this. We did not really expect to attract congressional attention as rapidly as we have. I do appreciate having the resolution, and I appreciate the attention of the gentleman from Minnesota and the gentleman from California. I think we are going to have a great success, and I thank the gentlemen for assisting us.

Mr. UDALL. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 134.

Mr. Speaker, I have often told a tale about an elderly woman who was asked who she intended to support in the fall elections. Her response—"* * * I never vote. It only encourages them"—rings a bit too true.

As a Nation that prides itself on being a participatory democracy, we must recognize that in years past we have fallen far short of that mark.

Mr. Speaker, since 1876 we have not seen a "new birth of liberty." Rather, what we have seen are less and less people voting in our national elections. Currently, nearly 50 percent of those eligible to vote in Presidential elections do not do so. Over 60 percent of our citizens fail to vote in congressional races.

Now, we could fall over ourselves blaming this group or that trend, or we could form a commission or select committee to study why no one wants to take the time to go to the polls and vote for us. But, rather than taking the most complicated, burdensome path before us, let's try something new: simplicity.

Our brethren in Costa Rica have done a pretty darn good job with their experiment in democracy and for some strange reason, folks there don't mind turning out on election day. What's their secret? Well, I imagine, it's a number of things. But one I know is that by the time their children are old enough to vote they know how to get to the polls.

The idea behind the Costa Rican Program—and a new pilot program in Arizona—is that by getting children in the habit of voting at an early age, they no longer look upon voting as a chore of dubious impact, but accept it as their responsibility. It is difficult to argue with the 80 to 90 percent participation rate Costa Ricans enjoy in their national elections.

So I would urge my colleagues to support Senate Concurrent Resolution 134. Let us let our children know—at an early age—that theirs is a rare privilege; not some treasure to be stored up, but a right that needs to be taken out every 2 years and given a good walk.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 134

Whereas, nearly 50 percent of eligible citizens do not vote in presidential elections, over 60 percent do not vote in congressional elections, and more than 70 percent do not vote in most local elections;

Whereas, 84 percent of young Americans between the ages of 18 and 24 did not vote in the 1986 election, and nonvoting—especially by our young people—undermines the validity of the election mandate and the future of our democratic process;

Whereas, in Costa Rica, Central America's oldest and most stable democracy, 80-90 percent of that country's voting age population regularly turns out for elections—which the former United States ambassador to Costa Rica has described as a "festival of democracy";

Whereas, for more than 40 years Costa Rican children have been permitted to accompany their parents and grandparents to the polls, and for a number of years children have been allowed to cast mock ballots at their schools, the results of this youth "election" being separately counted and publicized;

Whereas, observers credit the high voter turnout in Costa Rican elections in large part to this early exposure of youth to the electoral process, an experience which, they say, assures that democracy in Costa Rica will be safe come the day when these children are old enough for their votes to count;

Whereas, the State of Arizona this year is pioneering an exciting and promising pilot program in American democracy—the first of its kind in the Nation—by adapting and modifying the Costa Rican experience to our electoral system;

Whereas, the Arizona experiment—called Kids Voting—is enthusiastically supported by Arizona business, education, press and government leaders, and citizen volunteers, the Arizona legislature passed overwhelmingly, and Governor Rose Mofford signed into law, legislation permitting children to enter the State's official polling places with their parents and to vote in a simulated general election on November 8, the results to be tabulated and publicized;

Whereas, some 28,000 children in grades 3 through 12 in 6 Arizona school districts and 2 private schools currently are undergoing a special curriculum financed by a private sector grant to prepare them for November 8 including, in the higher grades, instruction on the rights and responsibilities of informed voters, and information on the candidates, offices, and platforms, and on election procedures generally;

Whereas, promoters of Kids Voting describe this historic experiment as "a direct assault on voter apathy" and say it will be a "hands-on lesson in democracy" for those 28,000 school children who, in turn, are expected to improve the voting habits of their parents by urging them to the polls: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That election officials and school administrators in all 50 States and the District of Columbia should assess the results of the Kids Voting program in Arizona this November in terms of increased student awareness of an interest in the political process, that the Federal Election Commission should observe the Kids Voting program and advise the Congress on the success of the program in increasing voter turnout and, if this project does show promise of increasing voter turnout by both present and future voting age citizens, other States should adopt similar innovative programs.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF STATEMENTS IN TRIBUTE TO THE LATE REPRESENTATIVE HAROLD T. "BIZZ" JOHNSON

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 444) authorizing the printing of a collection of statements made in tribute to the late Representative Harold. T. "Bizz" Johnson, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the distinguished gentleman from Tennessee so that he might explain the resolution.

Mr. JONES of Tennessee. Mr. Speaker, I thank my colleague, the distinguished gentleman from Minnesota, for yielding.

Mr. Speaker, this resolution authorizes the printing of a collection of statements made in tribute to the late Representative Harold T. "Bizz" Johnson.

Mr. FRENZEL. Mr. Speaker, the minority concurs with the distinguished gentleman from Tennessee [Mr. JONES] and accordingly I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That there shall be printed as a House document the collection of statements made in tribute to the late Representative Harold T. "Bizz" Johnson and printed in the Congressional Record on April 12, 1988, together with appropriate illustrations and other materials relating to such statements. In addition to the usual number, such number of casebound copies of such document as does not exceed $1,200 in cost shall be printed for the use of the Committee on Public Works and Transportation.

AMENDMENT OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Tennessee: Page 1, line 6, strike out "such number" and all that follows through line 9, and insert in lieu thereof the following: "there shall be printed for the use of the Committee on Public Works and Transportation, the lesser of 300 copies or such number of copies as does not exceed a cost of $1,200.".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. JONES].

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF STATEMENTS IN TRIBUTE TO THE LATE REPRESENTATIVE JOHN H. DENT

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 476) authorizing the printing of a collection of statements made in tribute to the late Representative John H. Dent, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so in order that I may yield to the gentleman from Tennessee [Mr. JONES] for an explanation of the resolution.

Mr. JONES of Tennessee. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, this resolution authorizes the printing of a collection of statements made in tribute to the late Representative John H. Dent.

Mr. FRENZEL. Mr. Speaker, the minority concurs, and I wish to note that Congressman Dent was a member of our committee whom we held in high affection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 476

Resolved, That there shall be printed as a House document a collection of statements made in tribute to the late Representative John H. Dent, together with appropriate illustrations and other materials relating to such statements. In addition to the usual number, there shall be printed three hundred additional copies, such number of which shall be casebound, at a cost not to exceed $1,200, for the use of the Committee on House Administration.

AMENDMENT OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Tennessee: Page 1, line 5, strike out "three" and all that follows through line 8, and insert in lieu thereof the following: ", for the use of the Committee on House Administration, the lesser of 300 copies or such number of copies as does not exceed a cost of $1,200.".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. JONES].

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF PROGRAM KNOWN AS UNDERSTANDING CONGRESS: A BICENTENNIAL RESEARCH CONFERENCE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 509) providing amounts from the contingent fund of the House of Representatives for certain expenses of the program known as Understanding Congress: A Bicentennial Research Conference, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from Tennessee to explain the resolution.

Mr. JONES of Tennessee. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the House Commission on the Bicentenary, and the Senate Bicentennial Commission, recommended that the Congress convene a conference of scholars next February to further the understanding of the role of the Congress as a branch of Government.

The costs of the conference were estimated at $40,000—$15,000 to be provided by the House, and $15,000 by the other body, and the balance by the Congressional Research Service. The other body authorized its $15,000 share earlier this year when it adopted Senate Resolution 380. This resolution authorizes the House share, which was included in the legislative branch appropriation bill.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, the minority has no objection, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 509

Resolved, That there shall be paid from the contingent fund of the House of Representatives not more than $15,000 for fees, travel expenses, and per diem for participants in the program known as Understanding Congress: A Bicentennial Research Conference. No amount may be paid under this section with respect to any elected or appointed officer of the United States, any employee of the United States, or any member of a uniformed service.

SEC. 2. The Committee on House Administration shall have authority to prescribe such regulations as may be necessary to carry out this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three resolutions that have just been adopted.

The SPEAKER pro tempore. Is there objection. To the request of the gentleman from Tennessee?

There was no objection.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 294) designating August 9, 1988, as "National Neighborhood Crime Watch Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. COELHO). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation. However, I do yield to the distinguished gentleman from New Jersey [Mr. HUGHES], the chief sponsor of House Joint Resolution 441.

Mr. HUGHES. Mr. Speaker, I thank the gentlewoman from Maryland for yielding to me.

Mr. Speaker, I rise in support of Senate Joint Resolution 294, the companion bill to House Joint Resolution 441, which seeks to designate today, August 9, 1988, as "National Neighborhood Crime Watch Day."

This resolution is intended to promote public awareness of the growing crime prevention organizations across this country, and their increased effectiveness in fighting crime. The central event of this day will be a "National Night Out," a unique anticrime demonstration in which an estimated 18 million people from 7,000 communities in all 50 States and 11 foreign countries will participate by gathering in front of their homes with their neighbors between 8 p.m. and 10 p.m. tonight in a show of solidarity against crime.

The purpose of the "National Crime Night Out" and its accompanying programs, ceremonies, and activities is to promote several goals, such as: increasing cooperation between community watch programs and their local law enforcement authorities; heightening crime prevention awareness; generating support for and participation in local anticrime programs; strengthening neighborhood spirit in the crime prevention campaign; and sending a message to drug dealers and others in the criminal community that neighborhoods are organized to combat crime.

The National Association of Town Watch, which is coordinating this event, has for many years been a leader in crime prevention awareness. For its past efforts, NATW has received the prestigious National Crime Prevention Award from the National Crime Prevention Coalition and the U.S. Department of Justice. Crime watch organizations such as NATW are assisted in their laudable affairs by the Justice Assistance Act of 1984, and this type of volunteer group conduct is the kind of program that I had in mind when I authored the Justice Assistance Act. They are the focal point for local community participation which is essential for an effective crime watch program.

In my own State, the National Association of Town Watch works closely with the New Jersey Crime Prevention Officers Association to promote neighborhood crime watch organizations and activities. In fact, as a result of their collective efforts, New Jersey is one of the leaders in community participation in the National Night Out. Areas such as Linwood, Egg Harbor Township, Villas and Cape May County, in my district, are helping to make the fight against crime a winning battle by their active participation.

I commend the neighborhood watch groups of this Nation for their efforts to combat crime. Their activities demonstrate the growing effectiveness of crime watch programs and the increased refusal on the part of Americans to allow the fear of crime to rule their everyday lives. It is my hope that the valuable example of these citizens will encourage others to fight crime in their communities.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution to recognize the efforts of groups like the National Association of Town Watch and other concerned citizens all across this country.

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I associate myself with the remarks of the gentleman from New Jersey [Mr. HUGHES] because indeed our neighborhood crime watches have made a big difference.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 294

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers; and

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 10 o'clock post meridian on August 9, 1988, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 9, 1988, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL OUTPATIENT AMBULATORY SURGERY WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 583) designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Surgery Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

Mrs. **MORELLA**. Mr. Speaker, reserving the right to object, the minority has no objection to this joint resolution.

Mr. McDADE. Mr. Speaker, I rise today to draw your attention to House Joint Resolution 583 which designates the week of September 11, 1988, as "National Outpatient Ambulatory Surgery Week." I would like to thank Mr. DYMALLY, chairman of the Subcommittee on Census and Population and the ranking minority member of the subcommittee, Mrs. MORELLA, for bringing this measure to the floor.

This legislation recognizes our Nation's growing reliance on outpatient surgery as a cost-effective alternative to overnight hospital stays. Many health care professionals have supported our efforts to recognize this increasingly attractive surgical option, and I am very grateful for their support.

I would like to take this opportunity to express my personal gratitude to Laura Tartaro-McGowan, R.N., at Alexandria Hospital, for her special interest and support of this House joint resolution.

Mrs. **MORELLA**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 583

Whereas outpatient surgery currently accounts for one-third of all surgical procedures performed in the United States;

Whereas the use of outpatient surgery has reduced hospital costs while improving the quality of health care;

Whereas Americans are increasingly choosing outpatient surgery over traditional inpatient surgery because it is more convenient, less time consuming, and requires less of a change of lifestyle of patients and their families; and

Whereas the number of outpatient surgical procedures performed in the United States is expected to increase from over 6 million in 1985 to over 11 million in 1995: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 11, 1988, is designated as "National Outpatient Ambulatory Surgery Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2342, COAST GUARD AUTHORIZATION ACT OF 1988

Mr. **HUTTO** submitted the following conference report and statement on the bill (H.R. 2342) to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-855)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2342), to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the Senate amendment to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1988".

SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS.

(a) NECESSARY EXPENSES.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal years 1988 and 1989, as follows:

(1) OPERATION AND MAINTENANCE.—For operation and maintenance of the Coast Guard, $1,949,813,000 for fiscal year 1988 and $2,100,506,000 for fiscal year 1989.

(2) ACQUISITION AND CONSTRUCTION.—For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $277,893,000 for fiscal year 1988 and $348,000,000 for fiscal year 1989, to remain available until expended.

(3) RESEARCH AND DEVELOPMENT.—For research, development, test, and evaluation, $20,119,000 for fiscal year 1988 and $19,000,000 for fiscal year 1989, to remain available until expended.

(4) RETIRED PAY AND MEDICAL CARE.—For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act, $386,700,000 for fiscal year 1988 and $410,800,000 for fiscal year 1989, to remain available until expended.

(5) ALTERATION OR REMOVAL OF BRIDGES.—For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, $8,500,000 for fiscal year 1989.

(b) TRANSFER OF FUNDS APPROPRIATED.—If funds for carrying out the purposes described in subsection (a) are appropriated to an officer or agency of the United States other than the Secretary of the department in which the Coast Guard is operating or the Coast Guard, that officer or the head of that agency, respectively, may transfer to the Secretary of the department in which the Coast Guard is operating the full amount of those funds, and that Secretary shall allocate those funds to those purposes.

SEC. 3. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING.

(a) STRENGTH FOR ACTIVE DUTY PERSONNEL.—The Coast Guard is authorized a strength for active duty personnel of 39,121 for fiscal year 1988 and 39,121 for fiscal year 1989. The authorized strength does not include members of the Coast Guard Ready Reserve ordered to active duty under the authority of section 712 of title 14, United States Code.

(b) AVERAGE MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) RECRUIT AND SPECIAL TRAINING.—For recruit and special training, 3,600 student-years for fiscal year 1988 and 3,600 student-years for fiscal year 1989.

(2) FLIGHT TRAINING.—For flight training, 132 student-years for fiscal year 1988 and 132 student-years for fiscal year 1989.

(3) PROFESSIONAL TRAINING.—For professional training in military and civilian institutions, 430 student-years for fiscal year 1988 and 430 student-years for fiscal year 1989.

(4) OFFICER ACQUISITION.—For officer acquisition, 950 student-years for fiscal year 1988 and 950 student-years for fiscal year 1989.

SEC. 4. TRANSFER OF AMOUNTS FOR OPERATIONS AND MAINTENANCE.

(a) IN GENERAL.— Whenever the Secretary of the department in which the Coast Guard is operating determines it to be in the national interest, the Secretary may transfer not more than 5 percent of the amounts appropriated for fiscal years 1988 and 1989 for the purposes described in section 2(a)(2) to the Commandant of the Coast Guard for discretionary use in meeting unanticipated needs for Coast Guard operation and maintenance.

(b) NOTICE TO CONGRESS.—A transfer of amounts under subsection (a) may not be made until 15 days after the Secretary provides to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives written notice—

(1) describing the proposed transfers;

(2) stating the reasons for the determination under subsection (a); and

(3) describing the purposes for which the amounts to be transferred will be used.

SEC. 5. LIMITATION ON CONTRACTING PERFORMED BY COAST GUARD.

(a) MAINTENANCE OF LOGISTICS CAPABILITY.—

(1) STATEMENT OF NATIONAL INTEREST.—It is in the national interest for the Coast Guard to maintain a logistics capability (including personnel, equipment, and facilities) to provide a ready and controlled source of technical competence and resources necessary to ensure the effective and timely performance of Coast Guard missions in behalf of the security, safety, and economic and environmental well-being of the United States.

(2) SUBMISSION OF LIST OF NECESSARY ACTIVITIES; LIMITATION ON CONTRACTING.—(A) Not later than January 31, of each year, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives a list of Coast Guard activities that are necessary for maintaining the logistics capability described in paragraph (1). If the Secretary does not submit such list by that date, no activity performed by Coast Guard personnel may be contracted for performance by non-Government personnel after that date until the list is submitted to such committees.

(B) The list submitted by the Secretary under this section shall not include—

(i) any activity that is being performed under contract by non-Government personnel on the date of enactment of this Act; or

(ii) any activity for which the Congress received, prior to the date of the enactment of this Act, a written notification of intent to contract pursuant to section 14(b)(2) of Public Law 98-557 (98 Stat. 2864).

(b) PROHIBITION ON CONTRACTING FOR PERFORMANCE OF LISTED ACTIVITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), performance by non-Government personnel of an activity included in a list under subsection (a)(2)(A) may not be contracted for after the date on which the list is submitted by the Secretary in accordance with subsection (a)(2).

(2) WAIVER OF PROHIBITION.—The Secretary may waive paragraph (1) with respect to any activity if the Secretary determines that the performance of that activity by Government personnel is no longer necessary to ensure the effective and timely performance of Coast Guard missions.

(3) EFFECTIVE DATE OF WAIVER; SUBMISSION OF STATEMENT.—A waiver under paragraph (2) shall not take effect until after a period of 30 days in which either the Senate or House of Representatives is in session after the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a complete written statement concerning the waiver and the reasons therefor.

(c) SUBMISSION OF LIST OF ACTIVITIES CONTRACTED FOR PERFORMANCE.—At least 30 days before the beginning of each fiscal year, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a list of activities that will be contracted for performance by non-Government personnel under the procedures of Office of Management and Budget Circular A-76 during that fiscal year.

(d) EMPLOYMENT OF LOCAL RESIDENTS TO PERFORM CONTRACTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each contract awarded by the Coast Guard in fiscal years 1988 and 1989 for construction or services to be performed in whole or in part in a State which has an unemployment rate in excess of the national average rate of unemployment (as determined by the Secretary of Labor) shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. The Secretary of the department in which the Coast Guard is operating may waive this subsection in the interest of national security or economic efficiency.

(2) LOCAL RESIDENT DEFINED.—As used in this subsection, the term "local resident" means a resident of a State described in paragraph (1), and any individual who commutes daily to a State described in paragraph (1).

SEC. 6. BOAT SAFETY PROGRAM

(a) TRANSFERS TO AND EXPENDITURES FROM BOAT SAFETY ACCOUNT.—

(1) TRANSFERS TO ACCOUNT.—

(A) INCREASE IN MAXIMUM TRANSFER AND MAXIMUM AMOUNT IN ACCOUNT.—Subclauses (I) and (II) of subsection 9503(c)(4)(A)(ii) of the Internal Revenue Code of 1986 (relating to limitations on transfers to and amounts in the Boat Safety Account) are each amended by striking "for Fiscal Year 1987 only and $45,000,000 for each Fiscal Year thereafter" and inserting in lieu thereof "for each of fiscal years 1989 and 1990 and $70,000,000 for each fiscal year thereafter".

(B) TECHNICAL AMENDMENT.—Subparagraph (E) of section 9503(c)(4) of the Internal Revenue Code of 1986 (relating to the amount of payments to the Aquatic Resources Trust Fund) is amended by striking the second sentence.

(2) EXTENSION OF EXPENDITURE AUTHORITY.—Subsection (c) of section 9504 of the Internal Revenue Code of 1986 (relating to expenditures from the Boat Safety Account) is amended—

(A) by striking "before April 1, 1989," and inserting "before April 1, 1994,"; and

(B) by striking "(as in effect on June 1, 1984)" and inserting "(as in effect on October 1, 1988)".

(3) CORRECTION OF CLERICAL ERRORS.—Subclauses (I) and (II) of section 9503(c)(4)(A)(ii) of the Internal Revenue Code of 1986 are each amended—

(A) by striking the quotation marks following "$60,000,000"; and

(B) by striking the semicolon before the period.

(b) BOATING SAFETY PROGRAMS.—

(1) AUTHORIZATION OF CONTRACT SPENDING.—

(A) STATE RECREATIONAL BOATING SAFETY PROGRAM ASSISTANCE.—Subsection (a) of section 13106 of title 46, United States Code (relating to authorization of contract spending for recreational boating safety programs), is amended as follows:

(i) The first sentence of subsection (a) is amended to read as follows: "(1) Subject to paragraph (2), the Secretary may expend in each fiscal year, subject to amounts as are provided in appropriations laws for liquidation of contract authority, an amount equal to ½ of the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).".

(ii) The following is added at the end of subsection (a):

"(2) The Secretary shall use not less than one percent and not more than two percent of the amount appropriated each fiscal year for State recreational boating safety programs under this chapter to pay the costs of investigations, personnel, and activities related to administering those programs.".

(B) CONFORMING AMENDMENT.—Subsection (d) of section 7 of the Coast Guard Authorization Act of 1986 (Public Law 99-640) is repealed.

(2) EXPENDITURES FOR COAST GUARD SERVICES.—Subsection (c) of section 13106 of title 46, United States Code, is amended—

(A) in the first sentence by striking "for Fiscal Year 1987 and one-third for each Fiscal Year thereafter."; and

(B) by inserting after the first sentence the following: "Expenditures for a fiscal year under this subsection shall not exceed expenditures for the fiscal year under subsection (a).".

(3) CLARIFICATION OF MATCHING RESTRICTIONS.—Section 13102(b) is amended in the first sentence by striking "from sources (except" and inserting in lieu thereof "(except amounts from".

(4) TECHNICAL AMENDMENT.—Section 13102(a) of title 46, United States Code, is amended in the first sentence by striking "1954." and inserting in lieu thereof "1986".

(5) TECHNICAL AMENDMENT.—Paragraph (4) of section 13102(a) of title 46, United States Code, is amended to read as follows:

"(4) the program submitted by that State designates a State lead authority or agency that will carry out or coordinate carrying out the State recreational boating safety program supported by financial assistance of the United States Government in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable to carry out properly and efficiently the program and that are in the form prescribed by the Secretary.".

(6) TECHNICAL AMENDMENT.—Subsection (c) of section 13106 of title 46, United States Code, is amended in the first sentence by striking "1954" and inserting "1986".

(c) SPORT FISH RESTORATION PROGRAMS.—

(1) STATE ALLOCATION OF ASSISTANCE BETWEEN MARINE AND FRESHWATER FISH PROJECTS.—Subsection (b) of the first section of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes" (64 Stat. 430; 16 U.S.C. 777 et seq.) is amended to read as follows:

"(b) ALLOCATION OF AMOUNTS BY COASTAL STATES BETWEEN MARINE FISH PROJECTS AND FRESHWATER FISH PROJECTS—

"(1) IN GENERAL.—Subject to paragraph (2), each coastal State, to the extent practicable, shall equitably allocate amounts apportioned to such State under this Act between marine fish projects and freshwater fish projects in the same proportion as the estimated number of resident marine anglers and the estimated number of resident freshwater anglers, respectively, bear to the estimated number of all resident anglers in that State.

"(2) PRESERVATION OF FRESHWATER PROJECT ALLOCATION AT 1988 LEVEL.—(A) Subject to subparagraph (B), the amount allocated by a State pursuant to this subsection to freshwater fish projects for each fiscal year shall not be less than the amount allocated by such State to such projects for fiscal year 1988.

"(B) Subparagraph (A) shall not apply to a State with respect to any fiscal year for which the amount apportioned to the State under this Act is less than the amount apportioned to the State under this Act for fiscal year 1988.

"(3) COASTAL STATE DEFINED.—As used in this subsection, the term 'coastal State' means any one of the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington. The term also includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(2) STATE USE OF CONTRIBUTIONS.—Such Act is further amended by adding at the end the following:

"SEC. 13. STATE USE OF CONTRIBUTIONS.

"A State may use contributions of funds, real property, materials, and services to carry out an activity under this Act in lieu of payment by the State of the State share of the cost of such activity. Such a State share shall be considered to be paid in an amount equal to the fair market value of any contribution so used.".

(3) EXPENDITURES FROM TRUST FUND.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "(as in effect on June 1, 1984)" and inserting "(as in effect on October 1, 1988)".

(d) SURVEY OF FUEL USE BY RECREATIONAL VESSELS.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of the Interior shall jointly conduct a survey of—

(A) the number, size, and primary uses of recreational vessels operating on the waters of the United States; and

(B) the amount and types of fuel used by those vessels.

(2) AUTHORIZATION OF CONTRACTS.—The Secretary of Transportation and the Secretary of the Interior may enter into contracts for the performance of a survey pursuant to this subsection.

(3) REPORT.—The Secretary of the Interior and the Secretary of Transportation shall jointly submit a report to the Speaker of the House of Representatives and to the President pro tempore of the Senate which describes the results of the survey conducted pursuant to this section not later than November 15, 1992.

(4) FUNDING.—Activities under this subsection may be carried out—

(A) using amounts available to the Secretary of the Interior for administrative expenses under the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes" (64 Stat. 430; 16 U.S.C. 777 et seq.); and

(B) subject to appropriations, using amounts available to the Secretary of Transportation under section 13106(a)(1) of title 46, United States Code (as amended by this Act).

(e) EFFECTIVE DATE.—This section shall take effect October 1, 1988.

SEC. 7. MANNING REQUIREMENTS FOR MOBILE OFFSHORE DRILLING UNITS.

Section 8301(a)(2) of title 46, United States Code, is amended to read as follows:

"(2) A vessel of at least 1,000 gross tons and propelled by machinery shall have 3 licensed mates, except—

"(A) in the case of a vessel other than a mobile offshore drilling unit, if on a voyage of less than 400 miles from port of departure to port of final destination, the vessel shall have 2 licensed mates; and

"(B) in the case of a mobile offshore drilling unit, the vessel shall have licensed individuals as provided by regulations prescribed by the Secretary under section 8101 of this title.".

SEC. 8. TRANSFER OF COAST GUARD PROPERTY AT LAKE WORTH INLET, FLORIDA.

(a) IN GENERAL.—In exchange for parcels of land, or any buildings or improvements located in and about Lake Worth Inlet in Palm Beach County, Florida, or in exchange for construction, improvements, or services to land or buildings in such area, the Secretary of the department in which the Coast Guard is operating may offer for consideration, and transfer, in whole or in part, any other parcels of land, and any buildings and improvements, located in and about Lake Worth Inlet in Palm Beach County, Florida, which have been held for the use of the Coast Guard. The exact acreage and legal description of the land to be transferred shall be as described in such surveys as may be satisfactory to the Secretary.

(b) PROCEDURE.—Each contracting action under this section shall be conducted in accordance with competitive bidding procedures prescribed by section 2304 of title 10, United States Code. Property may not be exchanged under this section for less than its fair market value or reasonably comparable value in property, construction, improvements, or services.

SEC. 9. COAST GUARD ACADEMY ADVISORY COMMITTEE TERMINATION DATE.

Section 193 of title 14, United States Code, is amended by adding at the end the following new sentence: "The Committee terminates on September 30, 1992.".

SEC. 10. AUTHORITY FOR CIVILIAN AGENTS TO CARRY FIREARMS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 95. Civilian agents authorized to carry firearms

"Under regulations prescribed by the Secretary with the approval of the Attorney General, civilian special agents of the Coast Guard may carry firearms or other appropriate weapons while assigned to official investigative or law enforcement duties.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

"95. Civilian agents authorized to carry firearms.".

SEC. 11. RELOCATION ASSISTANCE FOR COAST GUARD PERSONNEL.

Section 1013 of the Demonstration Cities Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (k) by striking "and (c)" and inserting "(c), and (n)"; and

(2) by adding at the end the following new subsection:

"(n)(1) Assistance under this section shall be provided by the Secretary of Defense with respect to Coast Guard bases and installations ordered to be closed, in whole or in part, after January 1, 1987. Such assistance shall be provided under terms equivalent to those under which assistance is provided under this section for closings of military bases and installations which are under the jurisdiction of the Secretary of Defense.

"(2) The Secretary of the department in which the Coast Guard is operating, if other than the Department of Defense, shall reimburse the Secretary of Defense for expenditures under this section made by the Secretary of Defense with respect to closings of Coast Guard bases and installations ordered when the Coast Guard is not operating as a service in the Navy. The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall enter into an agreement under which the Secretary of the department in which the Coast Guard is operating shall carry out such reimbursement.".

SEC. 12. COAST GUARD ACADEMY CADET SERVICE OBLIGATION.

Section 182 of title 14, United States Code, is amended—

(1) by striking the next to the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting in lieu thereof the following new subsections:

"(b) Each cadet shall sign an agreement with respect to the cadet's length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

"(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

"(2) That upon graduation from the Coast Guard Academy the cadet—

"(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Gaurd; and

"(B) will serve on active duty for at least five years immediately after such appointment.

"(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet—

"(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

"(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

"(c)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (b). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

"(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

"(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (b) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

"(d) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include—

"(1) standards for determining what constitutes, for the purpose of subsection (c), a breach of an agreement under subsection (b);

"(2) procedures for determining whether such a breach has occurred; and

"(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (c).

"(e) In this section, 'commissioned service obligation', with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

"(f)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

"(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (b) only with the consent of the parent or guardian.".

SEC. 13. RETROACTIVE PAY FOLLOWING ADMINISTRATIVE ERROR.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 513. Retroactive payment of pay and allowances delayed by administrative error or oversight

"Under regulations prescribed by the Secretary, the Coast Guard may authorize retroactive payment of pay and allowance, including selective reenlistment bonuses, to enlisted members if entitlement to the pay and allowances was delayed in vesting solely because of an administrative error or oversight.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

"513. Retroactive payment of pay and allowances delayed by administrative error or oversight.".

SEC. 14. TECHNICAL AMENDMENTS TO INLAND NAVIGATIONAL RULES.

Section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. chapter 2001 et seq.) is amended—

(1) by striking "minesweeping" in Rule 3(g)(v) (33 U.S.C. 2003(g)(v)) and inserting in lieu thereof "mineclearance";

(2) by striking "minesweeping" in Rule 27(b) (33 U.S.C. 2027(b)) and inserting in lieu thereof "mineclearance"; and

(3) by striking paragraph (f) of Rule 27 (33 U.S.C. 2027(f)) and inserting in lieu thereof the following:

"(f) A vessel engaged in mineclearance operations shall, in addition to the lights prescribed for a power-driven vessel in Rule 23 or to the lights or shape prescribed for a vessel at anchor in Rule 30, as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within 1,000 meters of the mineclearance vessel.".

SEC. 15. DEFENSE OF CERTAIN SUITS ARISING OUT OF LEGAL MALPRACTICE.

(a) IN GENERAL.—Section 1054 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or within the Coast Guard" after "title 32)"; and

(2) in subsection (g), by striking "or the Secretary of a military department" and inserting in lieu thereof ", the Secretary of a military department, or the Secretary of the department in which the Coast Guard is operating, as appropriate".

(b) AFFECTED CLAIMS.—The amendments made by subsection (a) shall apply only to claims accruing on or after the date of the enactment of this Act, regardless of when the alleged negligent act or omission occurred.

SEC. 16. EXEMPTION FROM GENERAL BRIDGE ACT OF 1946.

(a) WATERS DECLARED NONNAVIGABLE.—The waters described in subsection (b) are declared to be nonnavigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) WATERS DESCRIBED.—The waters refered to in subsection (a) are a drainage canal which—

(1) is an unnamed tributary of the creek known as Newton Creek, located at block 641 (formerly designated as block 860) in the city of Camden, New Jersey;

(2) originates at the north bank of Newton Creek approximately 1,200 feet east of the confluence of Newton Creek and the Delaware River; and

(3) terminates at drainage culverts on the west side of Interstate Highway 676.

SEC. 17. CLARIFYING AMENDMENT TO TITLE 14.

Section 2 of title 14, United States Code, is amended by striking "on and under" the first place it appears and inserting in lieu thereof "on, under, and over".

SEC. 18. BRIDGES DEEMED UNREASONABLE OBSTRUCTIONS TO NAVIGATION.

Notwithstanding any other provision of law, each of the following bridges is deemed to be an unreasonable obstruction to navigation:

(1) EAST HANNIBAL, ILLINOIS.—The Mississippi River Railroad Bridge between East Hannibal, Illinois, and Hannibal, Missouri, mile 309.9, Upper Mississippi River.

(2) PASCAGOULA, MISSISSIPPI.—The CSX (L&N) Railroad Bridge in Pascagoula, Mississippi.

SEC. 19. REPORT ON POSSIBLE PROCUREMENT FOR ANTISUBMARINE WARFARE MISSION.

Not later than October 1, 1988, the Secretary of the department in which the Coast Guard is operating shall submit to the Congress a report on the plans to accomplish the Coast Guard's antisubmarine warfare (ASW) mission responsibilities in the Maritime Defense Zone after considering all available options, including those fully developed by the Navy, on how ASW equipment will be installed and used on Coast Guard cutters.

SEC. 20. CLARIFICATION OF MEMBERSHIP OF NATIONAL BOATING SAFETY ADVISORY COUNCIL.

(a) IN GENERAL.—Paragraph (1) of section 13110(b) of title 46, United States Code, is amended by striking "members from" each place it appears and inserting in lieu thereof "representatives of".

(b) IMPLEMENTATION.—The Secretary of the department in which the Coast Guard is operating shall carry out the amendments made by subsection (a) as vacancies in the membership of the National Boating Safety Advisory Council occur.

SEC. 21. DRAWBRIDGE OPENINGS.

Section 5(a) of the Act entitled "An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following: "Any rules and regulations made in pursuance of this section shall, to the extent practical and feasible, provide for regularly scheduled openings of drawbridges during seasons of the year, and during times of the day, when scheduled openings would help reduce motor vehicle traffic delays and congestion on roads and highways linked by drawbridges.".

SEC. 22. MOBILE LAW ENFORCEMENT BASE.

The Secretary of the department in which the Coast Guard is operating shall evaluate the advantages and disadvantages of acquisition by the Coast Guard of a mobile semisubmersible law enforcement base. Not later than 3 months after the date of the enactment of this Act, the Secretary shall report the results of such evaluation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

SEC. 23. ICEBREAKER STUDY.

The President shall review existing national needs for polar icebreakers with respect to all appropriate national security, scientific, economic, and environmental interests of the United States. Not later than October 1, 1988, the President shall submit a report on such review to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives. Such report may be in the form of an update of the Polar Icebreaker Requirements Study of 1984 and shall include—

(1) an assessment of the number and capabilities of polar icebreaking vessels required in the national interest with respect to national security, scientific, economic, and environmental requirements;

(2) a comparison of the advantages and disadvantages of acquiring polar icebreaking vessels built in whole or in part in foreign shipyards as opposed to acquiring polar icebreaking vessels built in whole or in part in domestic shipyards, including any national security risks and economic costs and benefits;

(3) a comparison of the operational and economic costs and benefits that can be derived from leasing polar icebreaking vessels as opposed to the costs and benefits that can be derived from buying such icebreakers; and

(4) recommendations for such funding and legislation as may be necessary to obtain such polar icebreaking vessels as are needed to meet national requirements.

SEC. 24. TWO-YEAR BUDGET CYCLE FOR COAST GUARD.

(a) OPINION OF CONGRESS.—It is the opinion of the Congress that the programs and activities of the Coast Guard could be more effectively and efficiently planned and managed if funds for the Coast Guard were provided on a 2-year cycle rather than annually.

(b) SUBMISSION OF 2-YEAR BUDGET BY PRESIDENT.—The President shall include in the budget for fiscal year 1990 submitted to the Congress pursuant to section 1105 of title 31, United States Code, a single proposed budget for the Coast Guard for fiscal years 1990 and 1991. Thereafter, the President shall submit a proposed 2-year budget for the Coast Guard every other year.

(c) REPORT.—Not later than October 1, 1988, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives a report containing—

(1) the Secretary's views on the advantages and disadvantages of operating the Coast Guard on a 2-year budget cycle;

(2) the Secretary's plans for converting to a 2-year budget cycle; and

(3) a description of any impediments (statutory or otherwise) to converting the operations of the Coast Guard to a 2-year budget cycle beginning with fiscal year 1990.

SEC. 25. COAST GUARD BUDGET ESTIMATES.

Section 663 of title 14, United States Code, is amended by adding at the end the following new sentence: "Not later than 30 days after the date on which the President submits to the Congress a budget under section 1105 of title 31 which includes a proposed 2-year budget for the Coast Guard, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives, detailed Coast Guard budget estimates for the fiscal years covered by such proposed 2-year budget.".

SEC. 26. CONSTRUCTION OF CERTAIN VESSELS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§ 665. Restriction on construction of vessels in foreign shipyards

"(a) Except as provided in subsection (b), no Coast Guard vessel, and no major component of the hull or superstructure of a Coast Guard vessel, may be constructed in a foreign shipyard.

"(b) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so. The President shall transmit notice to Congress of any such determination, and no contract may be made pursu-

ant to the exception authorized until the end of the 30-day period beginning on the date the notice of such determination is received by Congress.".

(b) CONFORMING AMENDMENT.—The analysis of chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"665. Restriction on construction of vessels in foreign shipyards.".

SEC. 27. HELICOPTER PRESENCE IN CHARLESTON, SOUTH CAROLINA.

(a) ESTABLISHMENT OF HELICOPTER PRESENCE.—Not later than three months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall have initiated action to establish a full-time permanent base at Charleston, South Carolina, for the operation of at least one HH-65 short-range recovery helicopter, together with necessary support and operational personnel. The establishment of this base shall be completed in 24 months. The Secretary shall ensure that establishing and maintaining this base shall not result in a relocation of helicopters assigned to a Coast Guard air station as of July 13, 1988.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated under section 2 of this Act, $10,000,000 is authorized to be appropriated for fiscal year 1989 to establish and operate the Charleston, South Carolina, helicopter presence.

SEC. 28. GRANT OF RIGHT OF FIRST REFUSAL TO GRAND HAVEN, MICHIGAN, TO CERTAIN PROPERTY USED BY THE COAST GUARD.

(a) RIGHT OF FIRST REFUSAL.—The Secretary of the department in which the Coast Guard is operating shall transfer without consideration to the city of Grand Haven, Michigan, the right that, if the Coast Guard ceases to use the property described in subsection (c)(1) as a Coast Guard facility or such property is determined to be excess, the city of Grand Haven shall have the first opportunity to purchase the property described in subsection (c)(1).

(b) PURCHASE PRICE OF PROPERTY.—The right referred to in subsection (a) shall provide that the property may be purchased by the city of Grand Haven, Michigan, for fair market value less—

(1) 2/3 of the difference between—

(A) the appraised value of the property described in subsection (c)(1) after improvements are made but before occupancy by the Coast Guard, and

(B) the appraised value of the property described in subsection (c)(1), determined as of the date such property was first acquired by the United States for use by the Coast Guard but before the Coast Guard takes occupancy; less

(2) the difference between—

(A) the appraised value of the property described in subsection (c)(1), determined as of the date the property was first acquired for the use of the Coast Guard, and

(B) the appraised value of the property described in subsection (c)(2), determined as of the date the property was transferred by the United States to the city of Grand Haven, Michigan.

(c) DESCRIPTION OF PROPERTY.—

(1) PROPERTY USED AS COAST GUARD FACILITY.—The property referred to in subsections (a), (b)(1)(A) and (B), and (b)(2)(A) is that property known as the old Board of Light and Power office and service operations facility, located at 650 Harbor Avenue, Grand Haven, Michigan.

(2) OTHER PROPERTY.—The property referred to in subsection (b)(2)(B) is that property in the city of Grand Haven, Michigan, more particularly described as: That part of Government Lot 3 in section 19, town 8 north, range 16 West, described as beginning at a point called "A" located as follows: Commence on the east line of said section 19, 2,290.35 feet south of the east quarter corner of said section, thence west 663.04 feet, thence south 2 degrees west 197.00 feet to point of beginning "A", thence south 63 degrees 45 minutes west 200.00 feet, thence south 26 degrees 15 minutes east 200.00 feet to the north pier on the Grand River, thence north 63 degrees 45 minutes east 250.00 feet along such pier line, thence north 23 degrees 20 minutes west to a point 61.05 feet north 63 degrees 45 minutes east of Point "A", thence south 63 degrees 45 minutes west to the point of beginning, called "A", also known and sometimes described as Tax Parcel No. 70-03-19-42-015, being located in the southeast quarter of said section 19, town 8 north, range 16 west, bounded on the southerly boundary thereof by the waters of the Grand River, and bounded on the northerly edge thereof by "Main Street" in the city of Grand Haven.

SEC. 29. ASSISTANCE TO FILM PRODUCERS.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 658 the following:

"§ 659. Assistance to film producers

"(a) Notwithstanding any other provision of law, when the Secretary determines that it is appropriate, and that it will not interfere with Coast Guard missions, the Secretary may conduct operations with Coast Guard vessels, aircraft, facilities, or personnel, in such a way as to give assistance to film producers. As used in this section, 'film producers' includes commercial or noncommercial producers of material for cinema, television, or videotape.

"(b) The Secretary shall keep account of costs incurred as a result of providing assistance to film producers, not including costs which would otherwise be incurred in Coast Guard operations or training, or shall estimate such costs in advance, and such costs shall be paid to the Secretary by the film producers who request such assistance, on terms determined by the Secretary. The Secretary may waive costs not exceeding $200 for one production, and may waive other costs related to noncommercial productions which the Secretary determines to be in the public interest. The Secretary shall reimburse the amounts collected under this section to the Coast Guard appropriation account under which the costs were incurred.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 658 the following:

"659. Assistance to film producers.".

SEC. 30. USE OF COAST GUARD AUXILIARY FOR NONEMERGENCY ASSISTANCE.

(a) IN GENERAL.—Section 88(b) of title 14, United States Code, is amended—

(1) by striking "The Coast Guard" and inserting in lieu thereof "(1) Subject to paragraph (2), the Coast Guard"; and

(2) by adding at the end the following:

"(2) The Commandant shall make full use of all available and qualified resources, including the Coast Guard Auxiliary and individuals licensed by the Secretary pursuant to section 8904(b) of title 46, United States Code, in rendering aid under this subsection in nonemergency cases.".

(b) CONFORMING AMENDMENT.—Section 113 of the Coast Guard Authorization Act of 1982 (14 U.S.C. 88 note) is amended by inserting "(other than by the Coast Guard Auxiliary)" after "interference".

And the House agreed to the same.

WALTER B. JONES,
EARL HUTTO,
GERRY E. STUDDS,
BOB DAVIS,
DON YOUNG,

As additional conferees from the House Committee on Ways and Means and the Senate Committee on Finance, for consideration of section 6 of the House amendment, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
BILL ARCHER,
GUY VANDER JAGT,
Managers on the Part of the House.

FRITZ HOLLINGS,
JOHN F. KERRY,
JOHN C. DANFORTH,
LLOYD BENTSEN,
SPARK M. MATSUNAGA,
BOB PACKWOOD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two bodies on the Amendment of the House to the Senate Amendment to the Bill H.R. 2342, to authorize appropriations for the Coast Guard for fiscal year 1988 and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House agreed to the Senate amendment, with a House amendment thereto, which struck out all after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the amendment of the House, with an amendment that is a substitute for the House amendment. The differences between the House bill and the Senate amendment and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the managers, and minor drafting and clarifying changes.

SECTION 1—SHORT TITLE

The House and Senate are in accord with the necessary date change from 1987 to 1988.

SECTION 2—AUTHORIZATION OF APPROPRIATIONS

The House recedes to the Senate on the Senate language format of subsection (a) with the inclusion of the Administration's requested dollar amounts for fiscal years 1988 and 1989. The Senate agreed to recede to the House on the inclusion of subsection (b), thereby providing authority for the transfer of funds from an officer or agency to which funds had been appropriated for Coast Guard purposes, to the Secretary of the department in which the Coast Guard is operating.

SECTION 3—AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING

The House and Senate agree to mutually acceptable language specifying for both of fiscal years 1988 and 1989: a strength for active duty personnel of 39,121, 3,600 student-years for recruit and special training, 132 student-years for flight training, 430 student-years for professional training in military and civilian institutions, and 950 student-years for officer acquisition.

SECTION 4—TRANSFER OF AMOUNTS FOR OPERATIONS AND MAINTENANCE

The Senate had no similar provision and recedes to the House.

SECTION 5—LIMITATION ON CONTRACTING PERFORMED BY THE COAST GUARD

The Senate had no similar provision and recedes to the House. The Conference agreed to language in section (d)(2) to define a "local resident" for purposes of this section to mean a resident of a state described in section (d)(1) or an individual who commutes daily to that state. By this language the conferees intend to prohibit a Coast Guard contractor from subverting the purpose of this section by employing individuals who are temporary residents of a state only for the purpose and duration of fulfilling a Coast Guard contract.

SECTION 6—BOAT SAFETY PROGRAM

The House bill had a provision which altered the statutorily defined limit on the amount of gas tax revenues transferred into, and the funds authorized to be appropriated from, the Boat Safety Account by increasing the amount from $45,000,000 to $60,000,000 for fiscal year 1988 only. The Senate bill had no comparable provision. The Senate agrees to the House provision with an amendment thereto which serves to reauthorize transfers to and expenditures from the Boat Safety Account of the Aquatic Resources Trust Fund. The amendment is similar to H.R. 3918, the report for which, House Report 100-786, was filed on July 26, 1988, except for several minor changes. These include changing the date for the completion of the fuel study from October 1, 1991, to November 15, 1992, and several minor technical changes.

SECTION 7—MANNING REQUIREMENTS FOR MOBIL OFFSHORE DRILLING UNITS

The Senate had no similar provision and recedes to the House.

SECTION 8—TRANSFER OF PROPERTY AT LAKE WORTH INLET, FLORIDA

The Senate had no similar provision and recedes to the House position with a slight change in the language. The change reflects the fact that the new property has already been purchased due to a need to exercise the purchase option by December 15, 1988. Therefore, this section authorizes the Secretary of the department in which the Coast Guard is operating to exchange land or buildings at Lake Worth Inlet, Florida for construction, improvements, or services to Coast Guard land or buildings in that area.

SECTION 9—COAST GUARD ACADEMY ADVISORY COMMITTEE TERMINATION

The Senate had no similar provision and recedes to the House.

SECTION 10—AUTHORITY FOR CIVILIAN AGENTS TO CARRY FIREARMS

The Senate had no similar provision and recedes to the House.

SECTION 11—RELOCATION ASSISTANCE

Both the Senate and the House versions contained provisions dealing with this topic. The conferees agree on mutually acceptable language. The agreed upon language in this section adds a new subsection to section 1013 of the Demonstration Cities Metropolitan Development Act of 1966 (42 U.S.C. 3374) to include service members and federal employees who are affected by Coast Guard closures or reductions in the same homeowner's assistance program provided for service members and federal employees who are affected by Department of Defense closures or reductions. As the result of a base closure or major reduction of operations at a Coast Guard facility, residential property values in the local area may be adversely affected. The service member or federal employee who must relocate bears the unusual burden of trying to sell a home in a temporarily depressed real estate market. At present, members or employees of bases or installations ordered closed by the Department of Defense are aided by the homeowner's assistance program authorized under the Demonstration Cities Metropolitan Development Act. However, this program does not currently apply to bases or installations closed by the Coast Guard. This section applies with respect to Coast Guard bases and installations ordered to be closed, in whole or in part, after January 1, 1987. It is intended to include all members affected by the Coast Guard's realignment of support functions that began in January 1987.

SECTION 12—COAST GUARD ACADEMY SERVICE OBLIGATION

The Senate had no similar provision and recedes to the House.

SECTION 13—RETROACTIVE PAY FOLLOWING ADMINISTRATIVE ERROR

The Senate had no similar provision and recedes to the House.

SECTION 14—TECHNICAL AMENDMENTS TO INLAND NAVIGATIONAL RULES

Both the Senate and the House contained provisions in their respective versions of the bill dealing with this issue. The Senate recedes to the House.

SECTION 15—DEFENSE OF CERTAIN SUITS ARISING OUT OF LEGAL MALPRACTICE

Both the Senate and the House contained provisions in their respective versions of the bill dealing with this issue. The Senate recedes to the House.

SENATE 16—EXEMPTION FROM GENERAL BRIDGE ACT OF 1946

Both the Senate and the House contained provisions in their respective versions of the bill dealing with this issue. The Senate recedes to the House.

SENATE 17—CLARIFYING AMENDMENTS TO TITLE 14

The Senate had no similar provision and recedes to the House. The effect of this section is to amend Section 2 of Title 14, U.S. Code, to state that primary duties of the Coast Guard include the enforcement of laws over, as well as on and under, the high seas and waters subject to the jurisdiction of the United States. It is intended to be consistent with the Memorandum of Understanding between the U.S. Coast Guard and the U.S. Customs Service signed May 11, 1987, and approved by the National Drug Policy Board.

SECTION 18—BRIDGE DEEMED UNREASONABLE OBSTRUCTION TO NAVIGATION

The House version contained language which deemed the Mississippi River Railroad Bridge at Hannibal, Missouri to be an unreasonable obstruction to navigation. The Senate version did not contain a similar provision. The Senate agrees to the House position with an amendment designating the CSX (L&N) Railroad Bridge at Pascagoula, Mississippi an unreasonable obstruction to navigation.

SECTION 19—REPORT ON POSSIBLE PROCUREMENT FOR ANTISUBMARINE WARFARE MISSION

The House version required the Secretary of the department in which the Coast Guard is operating to submit to Congress a report on the plans of the Coast Guard to fulfill its responsibilities under the Maritime Defense Zone agreement through the procurement of antisubmarine warfare equipment. The Senate version did not contain comparable language. The Senate recedes to the House with an agreed upon change that requires the Secretary to consider all available options, including those fully developed by the Navy, on how antisubmarine warfare equipment will be installed and used on Coast Guard cutters.

SECTION 20—CLARIFICATION OF MEMBERSHIP OF THE NATIONAL BOATING SAFETY ADVISORY COUNCIL

The Senate has no similar provision and recedes to the House.

SECTION 21—DRAWBRIDGE OPENINGS

The Senate had no similar provision and recedes to the House.

SECTION 22—MOBILE LAW ENFORCEMENT BASE

Both the Senate and the House versions of the bill contained the same language with regard to this section and, as such, they are in accord.

SECTION 23—ICEBREAKER STUDY

Both the Senate and the House versions contained language in this regard. The Senate recedes to the House with the exception that subsection (2) of the Senate version, requiring a comparison of the advantages and disadvantages of acquiring polar icebreakers built in whole or in part in foreign shipyards, becomes subsection (2) of the compromise and that subsections (2) and (3) of the House version are renumbered accordingly.

SECTION 24—TWO-YEAR BUDGET CYCLE FOR COAST GUARD

The Senate had no similar provision and recedes to the House.

SECTION 25—COAST GUARD BUDGET ESTIMATES

The Senate had no similar provision and recedes to the House

SECTION 26—CONSTRUCTION OF CERTAIN VESSELS

Both the Senate and House versions of the bill contained language regarding this area of concern. The House recedes to the Senate in requiring that no Coast Guard vessel, and no major component of the hull or superstructure of a Coast Guard vessel, may be constructed in a foreign shipyard. The section authorizes exceptions to the restrictions only when the President determines that such would be in the interest of national security.

SECTION 27—HELICOPTER PRESENCE IN CHARLESTON, SOUTH CAROLINA

This section requires the establishment of a full-time, permanent helicopter base at Charleston, South Carolina, not later than two years after the date of the bill's enactment into law.

South Carolina has a rapidly growing coastal population and Charleston is one of the top five strategic ports in the nation. This base will ensure that a Coast Guard helicopter is available to provide assistance for lifesaving purposes or in connection with port security, drug interdiction, and coastal defense activities. Helicopters shall be provided to the Charleston base so as not to result in the relocation of helicopters assigned to Coast Guard air stations as of July 13, 1988.

Subsection (b) authorizes appropriations of $10 million for fiscal year 1989 to establish and operate the Charleston helicopter base. These funds are in addition to the funds authorized under Section 2 of this Act.

SECTION 28—GRANT OF RIGHT OF FIRST REFUSAL TO GRAND HAVEN, MICHIGAN, TO CERTAIN PROPERTY USED BY THE COAST GUARD

The House and the Senate agree to mutually acceptable language. The Conference agreed to language to give the City of Grand Haven, Michigan, the first opportunity to purchase property described in section (c)(1) if the Coast Guard vacates the property or if the property is determined to be excess to the Coast Guard. The Coast Guard recently vacated its facility in Grand Haven because shoreline erosion made the facility unsuitable. The City of Grand Haven exchanged property, known as the old Board of Light and Power Office, for the facility the Coast Guard vacated, and also made improvements to the Board of Light and Power Office requested by the Coast Guard. The assessed value of the old Board of Light and Power Office is higher than the vacated Coast Guard property the City of Grand Haven received in the exchange. In addition to the right of first refusal, this section provides a formula to establish the cost of the old Board of Light and Power property, based on fair market value, should the City of Grand Haven exercise its right to purchase the property if and when the Coast Guard vacates that property.

SECTION 29—ASSISTANCE TO FILM PRODUCERS

The Senate and the House agree to mutually acceptable language which provides that when the Secretary of the department in which the Coast Guard is operating determines that it is appropriate and will not interfere with Coast Guard missions, the Secretary may give assistance to film producers, whether they be commercial or noncommercial producers of material for cinema, television, or videotape.

In doing so, the Secretary shall keep account of the costs incurred in providing such assistance, or shall estimate such costs in advance, and such costs shall be paid for by the film producers who request such assistance. Furthermore, the provision requires that the Secretary reimburse the amounts collected under this section to the Coast Guard appropriation account under which the costs were incurred.

SECTION 30—USE OF COAST GUARD AUXILIARY FOR NONEMERGENCY ASSISTANCE

This section directs the Coast Guard to utilize all qualified resources to render nonemergency assistance to individuals on the water.

The Coast Guard Authorization Act of 1982 directed the Commandant of the Coast Guard to "review Coast Guard policies and procedures for towing and salvage of disabled vessels in order to further minimize the possibility of Coast Guard competition or interference with private towing activities or other commercial enterprise." (P.L. 97-322, Title I, Section 113, October 15, 1982). That review was directed because of Congressional concern that already scarce Coast Guard resources were being used unnecessarily to render nonemergency assistance to disabled vessels which could be adequately performed by the private sector. Section 113 of P.L. 97-322 was designed to bring about "stricter adherence by the Coast Guard to its official policy of not interfering unnecessarily with private companies in the provision of towing services to vessels stranded in other than emergency conditions." (H. Rept. 97-563, Part 1, page 28, May 17, 1982).

The conferees intend that nonemergency assistance operations by regular Coast Guard units should continue to be conducted in a manner that minimizes competition with private towing and salvage operations.

Following passage of the 1982 Authorization bill, the Coast Guard implemented nonemergency assistance policies that had the effect of precluding participation by Coast Guard Auxiliary members in virtually all nonemergency assistance cases to the same extent that regular Coast Guard resources have been limited. This has led to a loss of important volunteer services that was neither desirable nor intended when Section 113 was enacted. The Coast Guard Auxiliary should not be considered as part of the Coast Guard in the context of Section 113 of P.L. 97-322.

The Coast Guard has recently refined its nonemergency assistance policy in an attempt to strike a balance between the needs of commercial and volunteer interests, while still providing the highest level of safety services to the boating public. The conferees believe that such a balance is desirable and that the refined policy should be given a chance to work. Section 30 of the bill does not mandate a change in the current nonemergency assistance policy, nor does it preclude further changes in the policy that may be deemed necessary or appropriate by the Coast Guard in its continuing efforts to secure the safety of the boating public.

Walter B. Jones,
Earl Hutto,
Gerry E. Studds,
Bob Davis,
Don Young,

As additional conferees from the House Committee on Ways and Means and the Senate Committee on Finance, for consideration of section 6 of the House amendment, and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
J.J. Pickle,
Bill Archer,
Guy Vander Jagt,
Managers on the Part of the House.

Fritz Hollings,
John F. Kerry,
John C. Danforth,
Lloyd Bentsen,
Spark M. Matsunaga,
Bob Packwood,
Managers on the Part of the Senate.

REQUEST TO MAKE IN ORDER ON WEDNESDAY, AUGUST 10, 1988 OR ANY DAY THEREAFTER CONFERENCE REPORT ON H.R. 2342, COAST GUARD AUTHORIZATION ACT OF 1988

Mr. HUTTO. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, August 10, 1988, or any day thereafter, to call up the conference report on the bill (H.R. 2342) to authorize appropriations for the Coast Guard for fiscal year 1988 and for other purposes, and that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

□ 1830

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority side has a few problems with this particular resolution.

Is the gentleman from Florida [Mr. Hutto] aware of it?

Mr. HUTTO. Mr. Speaker, if the gentlewoman from Maryland will yield, no, I was not aware of it.

Mrs. MORELLA. Mr. Speaker, will the gentleman from Florida withhold?

The **SPEAKER** pro tempore (Mr. Coelho). The gentleman from Florida [Mr. Hutto] may withdraw his request.

Mr. HUTTO. Mr. Speaker, I will withdraw my request.

The **SPEAKER** pro tempore. The request is withdrawn.

DRUM AND BUGLE CORPS RECOGNITION DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 342), to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the legislation now being considered.

Mr. McCLOSKEY. Mr. Speaker, I rise today in strong support of House Joint Resolution 342, a bill to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day."

Drum and bugle corps began 75 years ago as youth marching units of the American Legion, Veterans of Foreign Wars, and neighborhood youth centers. Today, drum corps is considered a competitive team sport which uses music and marching as vehicles to compete. There are over 400 corps in existence in the United States and Canada with others located in Great Britain, Holland, Germany, and Japan.

The Drum and Bugle Corps International Federation, a tax-exempt corporation organized to assist all drum and bugle corps, is based in my hometown of Bloomington, IN. Charles Webb, dean of the Indiana University School of Music, is president of the International Federation.

In addition, the "Star of Indiana," the official drum and bugle corps for the State of Indiana, is also based in Bloomington. The "Star of Indiana" was founded just a few years ago and has never finished out of the top 12 teams in worldwide competition.

Mr. Speaker, I believe the passage of this resolution would be a fitting tribute to the young men and women who participate in drum and bugle corps competition, and I urge my colleagues to vote in favor of House Joint Resolution 342.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 342

Whereas the American public has for more than seventy-five years enjoyed the music and performances of drum and bugle corps;

Whereas more than a million young musicians have participated and enjoyed this unique commitment;

Whereas the support for this unique form of musical presentation has its roots with the Veterans of Foreign Wars and American Legion;

Whereas since 1972 Drum Corps International has elevated this form of musical entertainment to its present popularity;

Whereas the reputation of the drum and bugle corps has been enhanced as both innovative and trend setting since the formation of Drum Corps International; and

Whereas countless opportunities are available throughout the United States of American for participation by musicians, parents, friends, and support organizations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 20, 1988, is designated "Drum and Bugle Corps Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SEWING MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 580) to designate the month of September 1988 as "National Sewing Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I rise in support of this resolution.

Mr. Speaker, I would like to thank all our colleagues who have cosponsored House Joint Resolution 580.

This bill recognizes the importance of home sewing to our economy—the sewing industry reaches over 90 million people who sew at home and over 40 million people who sew part of their wardrobe.

The home sewing industry contributes significantly to the economic life of our country. It employs thousands of people directly in the manufacture, wholesale, retail, and service sectors. Thousands more are involved as teachers, mechanics, truck drivers, contractors, and ancillary professionals. The industry generates over $3.5 billion in sales annually and invests millions of dollars of capital in plants and machinery.

Each congressional district has individuals who are interested in sewing at home. For most, home sewing remains oriented to the home and family. For generations, the fundamentals of home sewing have been learned in the family and in the home economic classes in elementary and secondary schools. The enjoyment of sewing often begins in the seventh and eighth grades and then continues in the 4-H Clubs, the Scouting programs, American Sewing Guild chapters, the Future Homemakers of America and many other organizations. And, for many, acquired sewing skills have led to a valuable and creative career in fashion design, retail merchandising, interior design, patternmaking, and textiles.

Passage of House Joint Resolution 580 will enable an industrywide promotion designed to increase: Participation in home sewing by families, consumer education, and an effort to revitalize the spirit and enjoyment of sewing in America. It will honor millions of people who sew at home. It will also help to promote and instill American hand-made products and American textiles. Community groups such as the 4-H Clubs, Future Homemakers of America, Girl Scouts, and home economics teachers will join home sewing associations in this endeavor to promote sewing.

Congress passed similar resolutions designating September as "National Sewing Month" for 4 consecutive years from 1982 to 1985.

Again, Mr. Speaker, I would like to thank the cosponsors of House Joint Resolution 580 and urge swift passage of the joint resolution.

Mr. DYMALLY. Mr. Speaker, if the gentlewoman will yield, I note with a great deal of pride that my daughter sews her own clothes, and from time to time as I travel overseas, of course on business, I usually take the opportunity to buy a piece of cloth. I have brought cloth back from Asia, Africa, and Europe, and it looks good on her body, but it also feels better in my pocket. I am very pleased that she sews to occupy her time, and it is a good avocation I am very proud of the work she does.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 580

Whereas the sewing industry annually honors the approximately ninety million people who sew at home and the approximately forty million people who sew at least part of their wardrobe;

Whereas the home sewing industry generates over $3,500,000,000 annually for the economy of the United States; and

Whereas innumerable careers in fashion, retail merchandising, design, pattern making, and textiles have had their beginnings in the home and in elementary school home economics: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1988 is designated "National Sewing Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

The joint resolution was order to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DRIVE FOR LIFE WEEKEND

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 592) designating Labor Day weekend, September 3-5, 1988, as "National Drive for Life Weekend," and for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation, and it gives me pleasure to yield to the gentleman from California [Mr. DYMALLY], the chairman of our subcommittee who is the prime sponsor of House Joint Resolution 592.

Mr. DYMALLY. Mr. Speaker, I thank the gentlewoman from Maryland very much for yielding.

Mr. Speaker, I am pleased to be this year's sponsor of "National Drive for Life Weekend," September 3-5, 1988, House Joint Resolution 592, which has received overwhelming bipartisan support of over 225 cosponsors in less than a month.

Today's passage of Senate Joint Resolution 350 in the House, demonstrates the overwhelming support of Congress to the "Drive for Life" campaign, sponsored by Mothers Against Drunk Driving [MADD].

Mr. Speaker, I would like to take this opportunity to commend MADD for their impressive showmanship in effectively organizing grassroots support for the bill.

This organization has done a tremendous job in demonstrating their commitment to a national public awareness program aimed at educating the American public on the dangers of drunk driving.

I would like to mention that the overall goal of the Drive for Life campaign is to reduce the number of alcohol-related car crashes in the United States—crashes that on an average day take the lives of 66 men, women, and children.

This year, the challenge will be great because of the campaign's focus on the Labor Day weekend, a time when the incidence of alcohol-related crashes traditionally runs 10 percent above the average.

By declaring September 3-5 as "National Drive for Life Weekend," it is the shared hope of Congress that this resolution will assist the campaign's effort to reduce the number of deaths related to drunk driving during this Labor Day weekend.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I think it is very important that we have this resolution at this time because, as was mentioned, driving and drunk driving is at its peak around the Labor Day weekend, and I think it is very appropriate that we all become very cautious and remember our responsibilities, not only to ourselves but to others, by this commemoration of National Drive for Life Weekend.

So, Mr. Speaker, I commend the chairman of the committee, the gentleman from California [Mr. DYMALLY], for introducing this legislation and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 592

Whereas drunk-driving is the most frequently committed crime in the United States, with arrests for driving while intoxicated totalling more than three times the number of arrests for all violent crimes combined.

Whereas one individual in the United States was killed every 22 minutes in a drunk-driving related crash in 1987, an average of 65 individuals each day;

Whereas approximately 23,632 individuals were killed in the United States in drunk-driving related crashes in 1987;

Whereas two out of every five individuals in the United States will be involved in a drunk-driving related crash at some point in their lives;

Whereas the estimates of the economic costs of drunk-driving in the United States are as high as $24 billion;

Whereas on October 24, 1987, Mothers Against Drunk Driving and Volkswagen United States, Inc., sponsored the first annual National Drive for Life day;

Whereas Drive for Life is a public awareness campaign which asks all Americans to pledge not to drink and drive on the Drive for Life day and thereby demonstrate a commitment to reduce significantly the tragedies of drunk-driving, and which serves to educate the public about the dangers of drunk-driving;

Whereas on the first annual National Drive for Life day, the toll of individuals killed in drunk-driving related crashes in the United States was 27.5 percent lower than the average number of deaths due to drunk-driving related crashes on an average Autumn Saturday in 1986, reflecting the success of this campaign;

Whereas the first annual National Drive for Life campaign featured endorsements from Nancy Reagan and other prominent public officials; and

Whereas the second annual National Drive for Life day will occur on September 3, 1988, the Saturday of the Labor Day Weekend, when drunk-driving related crashes are traditionally at their peak; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Labor Day Weekend beginning on September 3, 1988, is designated as "National Drive for Life Weekend". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that weekend with a pledge to not drink and drive and other appropriate activities.

The joint resolution was ordered to be, engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 350) designating Labor Day weekend, September 3-5, 1988, as "National Drive for Life Weekend", and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this joint resolution.

Mr. Speaker, I, therefore, withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 350

Whereas drunk-driving is the most frequently committed crime in the United States, with arrests for driving while intoxicated totalling more than three times the number of arrests for all violent crimes combined;

Whereas one individual in the United States was killed every 22 minutes in a drunk-driving related crash in 1987, an average of 65 individuals each day;

Whereas approximately 23,632 individuals were killed in the United States in drunk-driving related crashes in 1987;

Whereas two out every five individuals in the United States will be involved in a drunk-driving related crash at some point in their lives;

Whereas the estimates of the economic costs of drunk-driving in the United States are as high as $24 billion;

Whereas on October 24, 1987, Mothers Against Drunk Driving and Volkswagen United States, Inc., sponsored the first annual National Drive for Life day;

Whereas Drive for Life is a public awareness campaign which asks all Americans to pledge not to drink and drive on the National Drive for Life day and thereby demonstrate a commitment to reduce significantly the tragedies of drunk-driving, and which serves to educate the public about the dangers of drunk-driving;

Whereas on the first annual National Drive for Life day, the toll of individuals killed in drunk-driving related crashes in the United States was 27.5 percent lower than the average number of deaths due to drunk-driving related crashes on an average Autumn Saturday in 1986, reflecting the success of this campaign;

Whereas the first annual National Drive for Life day campaign featured endorsements from Nancy Reagan and other prominent public officials; and

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The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 592) was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO ARDEL FIELDS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, this past Saturday night my wife Carol and I enjoyed the opportunity to attend a retirement dinner honoring Ardel Fields, who for the past 26 years has been postmaster at Hickman, KY.

Ardel Fields and his lovely wife Betty are longtime friends of mine whom I like and admire very much.

A large crowd of Ardel Fields' friends gathered Saturday for dinner at Kenlake State Park Hotel in Aurora, Marshall County, KY, to honor and "roast" the man whose retirement as of August 1 saddened the people of Hickman.

During the 26 years Ardel Fields has served efficiently and effectively as an outstanding postmaster for the Mississippi River port city of Hickman—which is also the county seat of Fulton County, KY—he has been honored in several ways and has served in numerous responsible positions.

In 1979 Ardel Fields was elected State president of the Kentucky Chapter of the National Association of Postmasters.

As president and chief stockholder of Fields Petroleum, Inc., at Hickman, Ardel Fields is also known widely as a gasoline distributor. In 1986 he was elected State president of the Kentucky Petroleum Marketers Association.

To name a few of the other honors bestowed upon Ardel Fields—he has served as president of the Hickman Chamber of Commerce, chairman of the board of Hickman's First United Methodist Church, and a member of the Fulton County Levy Board.

Congratulations and best wishes to a dear friend and an admired, newly retired postmaster—Ardel Fields.

GENERAL DEVEREAUX—HERO, PATRIOT DIES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I have the sad news today to report the death of a former Member of this House, Brig. Gen. James Devereaux, who held the Maryland Second Congressional District seat for four terms after returning home as the Marine Corps hero of Wake Island and a prisoner of war for 3½ years.

Patriot is an often, overused word. But when describing Jim Devereaux, it is appropriate—General Devereaux is one of those few people who led by example and not by words.

Three days after the sneak attack on Pearl Harbor, Wake Island came under attack. Then Major Devereaux and his command of 400 marines held off assault after assault for 16 days before surrendering to an overwhelming invading force. Major Devereaux's men sank two destroyers, and inflicted heavy losses before they were captured. Japanese historians considered the Wake Island engagement as one of the most humiliating defeats ever to the Japanese Navy.

Wake Island, as well as Corregidor and Guadalcanal, became rallying points to galvanize the United States into its monumental efforts in World War II.

General Devereaux spent the rest of the war in a prisoner of war camp, where he was an inspiration to the few who survived Wake Island and others who were captured later.

After the war, General Devereaux served four terms in this House. Always a gentleman, he was a credit to this body and the district he served.

Services were held this morning in Baltimore, and burial was this afternoon at Arlington Cemetery with full Marine military honors. Flags at all Marine Corps facilities throughout the world flew at half mast in is honor today.

His family, this House, the State of Maryland, and the United States will miss this great patriot.

I will do a special order on General Devereaux at the close of business tomorrow and hope that other Members who remember him and his deeds will be able to join in paying tribute to him at that time.

A LONG-AWAITED PEACE

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, after 8 long years it appears peace is finally at hand in the Persian Gulf. After an estimated 1 million combatants have lost their lives in the conflict between Iraq and Iran, the two adversaries have finally agreed to lay down their arms.

The announcement yesterday by the Secretary General of the United Nations that Iraq and Iran will cease hostilities as of August 20, and will commence peace talks 5 days later, is welcome and much awaited news.

In my opinion, the developments in this critical part of the world are in no small way the result of the vigilance and determination shown by the United States and our NATO allies, who in an effort to keep the strategic shipping lanes of the gulf open to commercial traffic, patrolled the gulf at considerable risk and expense.

I commend the president for his courage and foresight in seeing the aforementioned policy through. It was a tough decision, but a decision that appears to have paid big dividends.

□ 1845

CONGRATULATIONS TO CHRIS GREEN ON WINNING MISSISSIPPI CITIZEN BEE COMPETITION

(Mr. WHITTEN, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, I take pride today in congratulating an outstanding young man from the First Congressional District of Mississippi, Chris Green, on winning the Mississippi Citizen Bee competition.

In placing first at the school, regional, and State levels, Chris brought pride to his hometown of Winona, MS, and to Winona High School. In fierce competition, Chris demonstrated superior knowledge in history, geography, economics, current events, government, and American culture.

The Citizen Bee is one of a number of educational programs conducted by the Close Up Foundation with the support of South Central Bell, the Mississippi Power Foundation, Mississippi AFT, and the Stennis Institute.

Congratulations to Chris and to Close Up for a job well done.

MANY CREDIT REPAIR CLINICS DECEIVE, DEFRAUD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 9,000 people from around the country recently lost $2 million to a single credit repair organization which did not render the services it promised. The New York Times called it the "most extreme case of credit-repair abuse ever uncovered," July 23, 1988. What is happening in America to allow such fraudulent business to prosper?

The root of the problem is Americans' dependence on credit. The charge card has virtually replaced cash for many people. Unfortunately, credit cards are often used unwisely. In many cases, debt is accumulated at a rate which cannot be repaid on time. The result, of course, is a bad credit record.

Bad credit records may be devastating. The ability to obtain financing to purchase cars, homes, and or even to rent an apartment may be hampered by a bad credit history. For simply forgetting to pay few bills on time, an individual may be plagued with credit problems for many years.

Credit is offered with the trust that the money will be repaid. Once that trust is broken, a creditor will naturally be reluctant to offer more credit. Of course, a bad credit record which is unfounded may be rectified through appealing to the reporting credit bureau. However, bad credit which has been properly reported will stay in one's credit file for a given period of time, which may be as long as 7 years, or more.

Under the Fair Credit Reporting Act, passed in 1970, consumers who are denied credit based on a credit report are entitled to have the contents of their credit file disclosed to them free of charge. Consumers requesting the disclosure of their file at other times may be charged a small fee by the credit bureau before the disclosure. Generally, these fees average around $10. The act also gives consumers the right to dispute any information that is inaccurate, and to include their story regarding disputed information.

Enter: Credit repair clinics. Many of these businesses are kin to "get rich quick" schemes. They promise fast results and newfound wealth in the form of available credit. Wiping the slate clean is what these credit repair clinics claim they can do, yet this is not possible if the information in the credit file is correct.

Credit repair clinics may legitimately assist individuals in contesting reports of bad credit. However, if the information is verifiable by the credit bureau, the credit repair clinic can do nothing to change it. When an item in a credit history is questioned, the credit bureau has a certain period of time in which to verify the information. If it is not verifiable, or if the bureau is not able to take action to verify it within the allotted time, the item must be removed from the credit history.

Many of these clinics promise to fix credit histories which are irreparable. Further, they may use the unethical tactic of bombarding a credit bureau with requests for verification with the hope that the bureau will not possibly be able to verify all of the information within the given time period. It is this kind of deception and unethical practice that my bill, H.R. 458, the Credit Repair Organizations Act, is designed to prohibit.

H.R. 458 will require that all credit repair clinics advise consumers of their rights under the Fair Credit Reporting Act before any contract is signed. This bill will also require the credit repair organization to fully describe the services they will provide and give the consumer 3 days to cancel any contract between the two. The legislation also prohibits credit repair clinics from making misleading statements about their services and prohibits them from counseling consumers to make misleading statements to creditors and credit bureaus.

I urge my colleagues to be aware of the growing problem of deceptive and fraudulent credit repair organizations. Making the public aware of this situation will help to protect consumers. Further, through H.R. 458, the Congress can take measures to prevent money-hungry schemers from preying on individuals who are dealing with the consequences of having bad credit.

A TRIBUTE TO DR. FREDRICK CHIEN OF CHINA

The SPEAKER pro tempore (Mr. Hutto). Under a previous order of the House, the gentleman from California [Mr. Coelho] is recognized for 60 minutes.

Mr. COELHO. Mr. Speaker, I rise today to honor my good friend Dr. Fredrick Chien, who is returning to the Republic of China later this month after serving as his country's chief representative in the United States for more than 5 years.

Freddie's record of distinguished public service to his nation spans more than two decades. He began his career at the Ministry of Foreign Affairs in 1961 as a North American specialist, and soon rose to the position of section chief. From 1965 to 1975 Freddie served as President Chiang Kai-shek's personal translator, while also holding the position of Director General of the Government Information Office. In 1975 he became the Administrative Vice Minister of the Ministry of Foreign Affairs, and was appointed to the position of Political Vice Minister in 1979. Since 1983 he has served as the Republic of China's chief representative to the United States. But his career in public service is far from over as he leaves Washington—Freddie is returning to the Republic of China to assume the responsibilities of his new position as Minister of State and Chairman of the Council for Economic Planning and Development.

The Republic of China has long been one of the United States most important and loyal allies in a troubled area of the world, and Freddie Chien has worked hard during the last 5 years to renew and strengthen the political, economic, and social ties that bind our two nations. This has been a formidable task, however, due in large part to the fact that the U.S. Government continues to deny the Republic formal diplomatic recognition. A lesser man might have given up in the face of such a formidable task, but Freddie has risen to the challenge and has pushed forward with such complex issues as military sales, trade imbalances, and concerns about human rights.

Certainly there are issues—particularly in the field of agricultural trade—that have not yet been resolved to the satisfaction of both our countries, but Freddie has worked hard to maintain an open and constructive dialog on all issues of contention between us and to push his Government toward liberalization. For example, he was instrumental earlier this year in encouraging his Government to reduce duties on some 3,500 imported products and to allow the new Taiwan dollar to appreciate significantly against the United States dollar over the last several years. Much of the progress in these difficult areas has been due to Freddie's keen understanding of the complex issues involved and of the overriding importance for cooperative relations between our great nations.

Although all of Washington will miss Freddie Chien, we can find comfort in knowing that he will continue to work to promote closer relations between the United States and the Republic of China in the future. One of his primary responsibilities in his new position as Chairman of the Council for Economic Policy and Development will be the supervision of the Republic's foreign trade relations, and I know he will continue to move toward a mutually acceptable solution to the trade issues that remain unresolved between us.

It is important to note that Freddie has been one of the principal Government officials responsible for the increased pace of democratization that has been taking place in his country during this decade. The recent lifting of the state of martial law that had existed since the founding of the exile Chinese Government in 1949 was a milestone in the Republic's efforts to achieve true democracy, and I know that this bold step might not have been taken without Freddie's urging. The smooth transition following the death of the great Chinese patriot, President Chiang Ching-kuo, marked yet another stage in the evolution of democracy on the island of Taiwan, and quite frankly, I am glad that Freddie will be in Taipei to help guide his country during this important period in its history.

Mr. Speaker, I would like to take this opportunity to salute Dr. Freddie Chien for all that he has done to improve the political, economic, and cultural relations between the United States and the Republic of China during his service in Washington. He has a very bright future ahead of him, and I wish him the best of luck as he undertakes his new and challenging duties in Taipei.

Mr. COELHO. Mr. Speaker, I ask unanimous consent to yield 30 minutes of my time to the gentleman from New York [Mr. Solomon] and that he may be permitted to yield time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. Solomon] is recognized for 30 minutes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California [Mr. Coelho] for yielding half of his time on this special order.

Mr. Speaker, I am joining Congressman Tony Coelho in this bipartisan special order today so that Members may have the opportunity to honor an uncommon man whom we all have come to know and respect, Dr. Fredrick Chien.

For the past 5 years, Dr. Chien has served here in Washington as the Republic of China's representative at the Coordination Council for North American Affairs. And in about 10 days, he will be returning to Taiwan, where he has been appointed to serve as Minister of State and Chairman of the Council for Economic Planning and Development.

Mr. Speaker, while we are sorry to see Fred and his family leave Washington, we are happy for them—and for the important promotion that Fred has received. One thing we know for sure: Washington, DC, has not heard the last of Fredrick Chien, and I am sure that every Member will be interested in following his future career.

Mr. Speaker, we have every expectation that Fred will be in the forefront of the continuing political and economic development of Taiwan, just as he has been for the past quarter century.

The last several years, in particular, have witnessed some very dramatic political developments in Taiwan itself, as well as a tremendous expansion in the trade relationship between the United States and Taiwan. Throughout all of these developments, Fred has been a good friend and a valued counselor in helping the American people, and we as their representatives, understand the meaning of these changes.

Many Members of Congress are so well acquainted with Fred that I need not go into extensive detail about his personal background. But his political career does bear testimony to a lifetime of achievement.

Fred earned his Ph.D. in international relations at Yale University in 1961, and he then returned to Taiwan to join the Foreign Ministry. Within a few years he had worked his way up to become personal interpreter for President Chiang Kai-Shek.

Fred was appointed director of North American affairs at the Republic of China Foreign Ministry in 1969 and served in that position until 1972, when he became the official government spokesman for the Republic of China. He was appointed Vice-Minister of Foreign Affairs in 1975, and it was then that so many of us came to know him.

We were delighted, of course, to welcome Fred to Washington 5 years ago, when he came here as the ROC representative. And during these years, our friendship and respect for him has deepened. Fred is a most articulate and able representative for his country and much of the credit for the continuing close relationship between the United States and the Republic of China goes to him.

And so it is with mixed emotions, Mr. Speaker, that we bid a fond farewell to Fred Chien and his beautiful wife, Julie. We are grateful for the time they could spend here, but we look forward to seeing them again. And we know that Fred is going on to ever greater responsibilities in his government.

We wish he and his family Godspeed.

I would just conclude, Mr. Speaker, by noting that a greater political evolution is now taking place on Taiwan. The political system is opening up, and I have every confidence that President Lee will build on the legacy of reform that was left in place by his predecessor, Chiang Ching-kuo. I am also confident that our friend, Fred Chien, will contribute mightily to this effort.

Mr. COELHO. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. PERKINS].

□ 1900

Mr. PERKINS. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from California [Mr. COELHO], for taking the time to extend the privilege of addressing this august body, the House of Representatives, and my colleagues, about Dr. Fredrick Chien.

Dr. Chien certainly has been a man of uncommon ability here in this great Nation that he has come to work so well in. Some of us who spend fleeting amounts of time involved in some of the foreign issues that seem to become so complex within our Nation have been charmed by the dignity and by the knowledge, the personality that seems to surround Dr. Fredrick Chien. He has been a man who has demonstrated an ability to communicate to all ideologies within this Nation so that today we see people on both sides of the aisle who stand gladly to talk about Dr. Chien and what he has done to communicate the ideas of the Republic of China to this, our Nation's leadership in the Congress.

Certainly it is with regret that a number of us see the passing of Dr. Chien from his position here in Washington, but certainly the promotion that is being afforded Dr. Chien is something that can only further benefit the relationship between our two great nations, and I am certain that with Dr. Chien in China and working on the trade problems that, indeed, as our distinguished friend, the gentleman from California, has commented are so complex and require such understanding of the complexities that are involved to attempt to smooth things into a workable order.

Dr. Chien will excel in this regard there as he has here, and I am hopeful that we in Kentucky and the eastern part of the State of Kentucky will be able to continue to work with the Chinese Government and be able to communicate our interests and exchange ideas and trade for the future.

Dr. Chien, it has been a privilege to have you here, and we look forward to seeing you soon in Taiwan.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the distinguished Member, the gentleman from New York [Mr. GILMAN], a very important member of the Committee on Foreign Affairs, and a gentleman that helped this gentleman in the well write the Taiwan Relations Act which has bound these two countries together for so many years.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and I want to thank both the gentleman from California [Mr. COELHO] and the gentleman from New York [Mr. SOLOMON] for arranging this time so we can pay tribute to a great representative of the Republic of China.

Mr. Speaker, I rise to join in this salute to Mr. Fredrick F. Chien, who is leaving his post as the representative of the Government of the Republic of China to the United States.

It was with regret that I learned that Fred would soon be coming to the end of his service in Washington, although I was elated to hear that he will assume a position of great importance in his government.

Representative Chien's intimate knowledge of the American political and economic scene will serve his country well as he takes up his new responsibilities as Minister of State and Chairman of the Council for Economic Planning and Development.

Fred Chien will certainly be missed in Washington. My family and I wish Mr. Chien and his family the best of good health, happiness and success as they return home to new challenges.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I am happy to yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, I'm very happy to join this special order today, honoring Dr. Fredrick Chien, who has been the Republic of China's exceptional representative in Washington, DC, for the past 5 years.

I'd like to commend my colleagues, Representatives COELHO and SOLOMON, for sponsoring this important event.

As we all know, this past year has been an especially momentous one in terms of bringing Taiwan closer to democracy.

But much remains to be done on Taiwan in terms of recognizing human rights, tolerating democratic opposition, and reinstituting civil rights. Those of us in the Congress who are concerned with human rights hope that Taiwan's new President will continue to move Taiwan in the direction of true democracy.

Throughout these times, Members of Congress have had the extremely good fortune to work with Fredrick Chien. Dr. Chien's credentials and experience are simply unsurpassed.

He graduated from National Taiwan University with a major in political sciences and received his Ph.D. from the Yale School of International Relations in 1961.

He was the late President Chiang Kai-Shek's English translator from 1965 until the President's death in 1975. His other positions have included Director General of the Government Information Office; government spokesman; and Political Vice Minister of the Ministry of Foreign Affairs.

Since 1983, Dr. Chien has been the representative of the Coordination Council for North American Affairs. He has served the Republic of China extremely well during this time—meeting with Members of Congress and other American leaders to help improve relations between the United States and the Republic of China. He's an eloquent speaker, and hard worker, and a good friend.

I want to extend my very best wishes to Dr. Chein as he leaves Washington and returns to Taiwan to become the Minister of State and Chairman of the Council for Economic Planning and Development. He will be greatly missed.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Ohio, a longtime friend of Taiwan and a gentleman who has traveled with me to that nice country.

Mr. LATTA. Mr. Speaker, I rise today to pay tribute to a friend of the United States, Dr. Fredrick Chien, of Taiwan. It would be appropriate to recognize him at any time, Mr. Speaker, but this occasion is a very special one. Dr. Chien will be leaving the United States after a long and distinguished career to return to Taiwan to Planning and Development.

Dr. Chien has earned my respect and the respect of this House during his service here in Washington as the Republic of China's representative of the Coordination Council for North American Affairs.

His new post is earned and well deserved and he certainly is the right man for the job. I bid him and his wife, Julie, farewell as they return to Taiwan. It has been a personal pleasure for me to have worked with him in the best interests of our two countries. As Dr. Chien leaves Washington, I wish him well.

Mr. ESPY. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I am happy to yield to the gentleman from Mississippi.

Mr. ESPY. Mr. Speaker, I want to take this opportunity to share with my colleagues my association with the Honorable Fredrick Chien, the Republic of China's Representative to the United States of America. Dr. Chien has been a faithful and effective leader who reflects the belief that China's long history proves human efforts can surmount any obstacle.

Since the break in United States diplomatic relations with the Republic of China on Taiwan, Dr. Chien has dedicated himself to preserving the traditional friendship between the Chinese and American people. He was instrumental in guiding a trade delegation to my State which resulted in the purchase of some 40 million dollars' worth of cotton and soybeans over a 2-year period.

Mr. Speaker, I had the pleasure of visiting this island nation which is about the size of my Mississippi district, and I was impressed with the industriousness and persistence of its people. The Government of Taiwan has embraced the basic elements of democracy and is making lasting changes in its society to further democratic ideals.

In closing, I would like to congratulate Dr. Chien on his appointment as Minister of State and Chairman of Economic Planning Council and know that he will continue his dedicated performance.

Mr. WORTLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to my good friend, the gentleman from New York [Mr. WORTLEY], another good friend of Taiwan.

Mr. WORTLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is, indeed, an auspicious occasion for Dr. Fred Chien, when two distinguished Members of the House of Representatives share a special order to honor him.

Mr. Speaker, I rise to personally pay my respects to a true friend, an ally of the United States, and a distinguished diplomat, Dr. Fredrick Chien.

Dr. Chien is to be commended for the professional and effective manner in which he carried out his duties in this country. As the representative of the Coordination Council for North American Affairs, Office of the United States, he has represented his country well, while he sought to improve its relations with our Nation. Despite the break in formal diplomatic relations in 1979, he has helped preserve the traditional friendship between our two countries.

Mr. Speaker, the Republic of China is one of the foremost friends and allies of the United States, and although we occasionally have our differences, our historic, economic, and philosophical ties have grown stronger as the years have passed. Dr. Chien has made a valuable contribution to this relationship by mediating trade disputes and providing a clear channel of communication.

Dr Chien's past record speaks for itself. In addition to working closely with high-level Government officials, including the late President Chiang Kai-shek, he has served as Deputy Director of the Ministry of Foreign Affairs in Taipei, and as Director General of the Government Information Office. He assumed the post of Political Vice-Minister in 1979 and became a representative in Washington in 1983.

It was in his capacity as Political Vice-Minister that I first met Fred Chien. Dr. Chien has visited my district. He knows my constituents. He has helped build substantial trade ties to central New York. These ties have created friendships and created jobs in my community.

His wife Julie, who often is at his side, actually attended college in New York City, and she was a librarian in the Brooklyn Public Library. She has, indeed, made her presence felt in the United States.

It has been an honor to know the Chiens. We shall miss their presence in America, and I would like to join with my colleagues in wishing Dr. Chien well in his new post as Minister of State and Chairman of the Council for Economic Planning and Development in the Republic of China. This appointment bodes well for both of our nations.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. COELHO. Mr. Speaker, I am happy to yield to the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding.

I, too, rise from West Virginia to say that I am sorry that Fred Chien and his wife are leaving, but also there is also happiness, of course, for what it means for the relations between our countries and for his own personal ambitions and ability.

The Republic of China is going through great challenging times. Democracy is growing steadily. A lot of changes are coming, and I can think of no better person to be in the middle of all of this than Fred Chien. He has certainly been a very able representative for his government and for his country here in the United States. He has caused many of us to know and to appreciate his country, its problems, its unique situation much better. He has made Taiwan more than just a distant place on a map to us. He has brought it home to those of us in the United States. He has also, of course, become an excellent friend to our States, because he has understood the concerns that many of us have. He has understood the trade deficit. He has understood that we have our particular concerns and urgencies, and so he has made an effort to broaden the relationship between our States. I know that each of us feels that his or her State has a particular relationship, a personal relationship, with the Republic of China, and, indeed, thanks to Fred Chien we do. We do. He has been to each of our States personally as well as encouraging those in his country, particularly business people, to come and pay attention, to listen and to see where we can increase our trade and our mutual understanding.

Mr. Speaker, I also want to say in closing that I think the testimony to Fred Chien as a diplomat is exactly in who is here in this presentation, the two gentlemen in the well, who do not always share the same philosophy, from opposite sides of the aisle, and, indeed, I have listened to those from the most conservative to the most liberal, both sides of the aisle, present testimony in behalf of Fredrick Chien and, indeed, that is his test as a diplomat. In fact, I am sorry to see him go. Perhaps in these closing days of the session he might mediate some of the battles coming up between us here in the House as well as he has mediated and brought our two countries together. He might give assistance here.

Once again, I want to thank Fredrick Chien for all he has done. I am secure and confident, in the knowledge that we are all going to be working even more closely with him particularly in the position of even greater importance that he is assuming.

Mr. COELHO. Mr. Speaker, I thank the gentleman from West Virginia for his remarks about the gentleman from New York and I and the other colleagues that have been here to testify to the good job that he has done which are well taken. I am sure many people will observe that.

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Mr. SOLOMON. Mr. Speaker, the gentleman does make a point.

Sometimes liberals and conservatives are like old-fashioned ice tongs. They are far apart in the middle, but they come together at either end, and thank goodness the Congress itself, Republicans, Democrats, liberals, and conservatives, quite often stand together when it comes to jobs in America. One of the things Fred Chien has done for America and for jobs in my district and that of my colleague from New York, Mr. SAM STRATTON, a Democrat from my neighboring area of Albany, is to deliver a contract for three nuclear powerplants in Taiwan. Of course, that means hundreds of thousands of man-hour jobs for the people in General Electric Co. in our two respective congressional districts.

Mr. Speaker, I yield to the gentleman from Washington [Mr. MILLER], a very distinguished member of the Foreign Affairs Committee.

Mr. MILLER of Washington. Mr. Speaker, I thank both of my colleagues, the gentleman from New York and the gentleman from California, for holding this special order.

Mr. Speaker, I first met Fred Chien 28 years ago. He was a student in international relations at Yale and I was studying law there, and we shared many a meal in the law school dining room discussing the issues of the day facing our two countries.

He was then a scholar, a patriot, a defender of democratic ideals, and a fine ambassador for his country. That was 28 years ago. He was my friend then and he is my friend today, and he remains a scholar, a patriot, a defender of democratic ideals, and a fine ambassador for his country.

I have watched with admiration his career, and as many of my colleagues have commented here tonight, his record of service in our Nation's Capital on behalf of his country has been outstanding. I know that in the future positions that he holds for his country his record will also be outstanding.

I just want to wish Fred and Julie Chien the best.

Mr. SOLOMON. I certainly thank the gentleman from Washington for his remarks.

Mr. COELHO. I thank the gentleman for his remarks as well.

Mr. Speaker, I yield to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, I would like to thank the gentleman from California and the gentleman from New York for affording us this opportunity to rise to honor Dr. Fredrick Chien. Although he has not purchased any redwood or wine from my district that I know of, I am very proud to have the opportunity to rise here and express not only my affection for Dr. Chien, but the great gratitude that we have for what he has stood for and how ably he has represented his own country.

Dr. Chien has been a valued friend of many of us here in the Congress, and I have been extremely fortunate to have the personal advice and counsel of him and his staff for several years.

I have always admired his mastery of complex issues, and certainly no issue between countries is more complex than those between Taiwan and the United States, great allies for many years. I am confident that he will continue to make an important contribution to the partnership between our nations in the years ahead.

Dr. Chien is returning to Taiwan to serve as Minister of State and Chairman of the Council for Economic Planning and Development. The home government in Taiwan is gaining a disciplined and inspirational leader, and I have no doubt that he will continue to serve the people of Taiwan ably.

Mr. Speaker, I once again extend my congratulations to Dr. Chien and his wonderful family. I wish them the very best in their return to their homeland, and I know that I am not alone in this body when I hope that Dr. Chien will continue to correspond with the many Members of Congress like myself who hold a special place for him in our hearts and minds.

Mr. COELHO. Mr. Speaker, I thank the gentleman from California for those remarks.

I would like to note as well that I have heard some of my colleagues talk about all of these jobs they got in their districts. I have talked to Freddie about this. I have not gotten those either, so we will have a discussion with him.

Mr. SOLOMON. I thank the gentleman for his remarks as well.

Just to show the broad-based support that Fred Chien has in this Congress on both sides of the aisle, and the philosophical and political spectrum, we have statements from the gentleman from New York, Mr. GARY ACKERMAN, the gentleman from Texas, Mr. BILLY ARCHER, the gentleman from Tennessee, Mr. DON SUNDQUIST, the gentleman from Michigan, Mr. BILL BROOMFIELD, the gentleman from Colorado, Mr. DAN SCHAEFER, the gentleman from Ohio, Mr. MICHAEL OXLEY, the gentleman from New York, Mr. JACK KEMP, the gentleman from Texas, Mr. DICK ARMEY, and the gentleman from California, Mr. ROBERT J. LAGOMARSINO, the home State of my colleague, the gentleman from California, Mr. COELHO.

Mr. Speaker, I yield to another distinguished Member of this House and of the Foreign Affairs Committee, the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for yielding. I say to the two gentleman in the well that this is indeed a unique special order honoring a unique diplomat. It is led by two gentleman of different parties, with differing philosophical perspectives, but it is also rare, frankly, that this body comments on a movement or a diplomatic reassignment, which this is.

Part of it, I think, is due to the fact that the diplomat in question is a man of rare ability. Part of it is due to the fact that I think it is understood in this body that Mr. Chien's personal career is in the midstages and that he may well become one of the senior political figures in his homeland, and for that this body, I think, is very appreciative.

Representative Chien came to this country at a time of great change on Taiwan as well as with regard to the United States' relationship with that island. It is a time that has taken a great deal of subtle command of events, subtle command of ideas. Mr. Chien has brought that to this subject.

He will no longer be residing here in Washington but I think from this country's perspective we will consider him a bulwark of friendship in whatever he may be doing in Taiwan. And as far as this Member is concerned and, I think, the people of the United States are concerned, the relationship with Taiwan is unique. It is geopolitically a land that has unprecedented legal status, and the strength of the Taiwanese people's ability to determine their own future will rest largely upon the democratic process on that island as well as upon what I think is a very strong and warm relationship between our peoples.

I personally would simply want to wish Mr. Chien well and, I think, not just from a personal perspective, but from the perspective that he symbolizes a great deal, he symbolizes change, he symbolizes professional understanding, and he symbolizes a great warmth of friendship between our two peoples.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Iowa, who is the ranking Republican on the Foreign Affairs Subcommittee on Asian and Pacific Affairs.

I will say to the gentleman from California [Mr. COELHO] we have heard from the liberals and the conservatives, and now we have heard from one of the great noted moderates of the House, the gentleman from Iowa [Mr. LEACH]. I thank him for his remarks.

Mr. COELHO. I thank the gentleman from Iowa for his remarks as well and appreciate the cooperation of the gentleman from New York.

Mr. Speaker, I yield to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman, and I too am pleased to have the opportunity to say a few kind words about my friend, Fred Chien.

Mr. Speaker, for all of the differences in the world, all of the ugliness and the headlines and acrimony among nations, the problems we have right here on this floor, I think all of those are pushed aside at a moment like this when we come together to extend our best wishes to one who has worked among us, who has been a friend. And for the gentleman from New York [Mr. SOLOMON] and the gentleman from California [Mr. COELHO] they have visited his wonderful country in different capacities perhaps from the standpoint of trade, and I have been with the gentleman from New York at the World Anti-Communist League, and we have felt the friendship, we have felt the warmth of this great man and the great people that he represents. So I think it is nice that we come together, that we would have the opportunity to come together to say a temporary so long to one who is always cordial and always warm, always gracious and so capable of friendship, as evidenced by the words that have been spoken here tonight, and the epitome of diplomatic success, and we really pay tribute to a fine gentleman and an astute dignitary. I know that he is going to assume his new Cabinet post as Chairman of the Republic of China's Council of Economic Planning and Development, and do it with his usual ability that he has set forth in every undertaking that I have been associated with him.

I have known him a long time. I have long admired his very diligent efforts to promote better relations between the United States and the Republic of China.

Dr. Chien has worked tirelessly toward clarifying and improving trade relations between our two countries, always acting with the utmost decorum, representing the very best interest of his country while at the same time acknowledging the concerns of the United States.

The Republic of China can be very proud of Dr. Chien's accomplishments during his tenure here, his development of amiable and healthy relationships between his countrymen and the leaders of our Nation; his ability to protect his country's industrial markets from undesirable foreign investors, his contributions to development in joint scientific and technical projects.

So as Dr. Chien and his wife, Julie, and their family prepare to leave for Taipei, I join with my colleagues in bidding a very fond farewell to this great dignitary, and to wish him the very best as he continues to serve his country in his new post. He leaves with my hope and I am sure the hopes of many on this floor that the United States will recognize that the Republic of China is and has always been our ally with a common interest. As we adjourn today, Mr. Speaker, I think we should do so in honor of Dr. Fredrick Chien.

Mr. COELHO. Mr. Speaker, I thank the gentleman from Texas for his very kind remarks.

Mr. SOLOMON. Mr. Speaker, I might just say to the gentleman from California that I know Fred Chien will be deeply honored when he reads in the CONGRESSIONAL RECORD that he was represented on this floor by a fine gentleman like yourself, TONY, because I know you have been a great friend of Taiwan and a great friend of Fred Chien.

So I have no further requests for time, but I deeply appreciate the chance to participate in this special order with my colleague, the gentleman from California.

Mr. COLEHO. I thank the gentleman from New York. He, as everyone from Taiwan knows, has been a great friend of Taiwan, and during a time of need and crisis was there and stood up for them, and is appreciated by them and by those of us in the House who have been strong friends of Taiwan.

Mr. Speaker, in closing, I would like to take a personal moment if I can to wish good luck and God speed to Freddie Chien. But not only to Freddie, but to his lovely wife, Julie. The two of them have been so kind to my wife, Phyllis, and me, and during a struggle that my wife had recently, Julie was most kind, most gracious, most outreaching and most warm with her words. It is that type of individual that we are dealing with in both Freddie and Julie, and that is why so many of us on the floor today have risen to bid them a fond farewell, knowing, as the gentleman from Iowa [Mr. LEACH] indicated, that we are talking about a man who is in midcareer. We are not talking about a man who has gone back to his country to basically be promoted into retirement. We are talking about a man who has accomplished a lot, but is in midcareer and will accomplish a whole lot more.

For that, and for so many things we are very, very grateful to Freddie and to Julie. Good luck and God bless.

Mr. SCHEUER. Mr. Speaker, in a few days Dr. Fredrick Chien will be returning to the Republic of China where he will continue to serve his country as Minister of State and Chairman of the Council for Economic Planning and Development.

Those of us who have known and worked with Dr. Chien during the past 5 years in his role as Taiwan's representative in Washington congratulate him for his promotion, and view his departure with both sadness and joy.

We are sad because we will be losing the able advice and counsel of a friend who has helped us to understand the significant changes that have occurred in the Republic of China in recent years.

But we are also happy for our friend because he will be assuming a position in his government's cabinet where he will be able to continue to contribute to the growth and prosperity of the Republic of China.

Dr. Chien has devoted his life to public service and his tireless work on behalf of his nation is well known.

He has been an outstanding and eloquent spokesman for the Republic of China.

He played a major role in convincing the government to lift martial law and establish democracy.

He worked to loosen foreign exchange controls and helped to develop a more flexible policy concerning mainland China.

He has strived to improve trade policies between our two nations.

And he has been instrumental in strengthening political and social ties between the Republic of China and the United States.

Dr. Chien already has earned himself a place in history for his years of public service.

And I deeply believe that he will continue to excel in his new post.

In fact, some of us believe he may someday rise to be President of the country he has served so well.

We will miss Dr. Chien and his wife Julie.

They are a charming couple whose hospitality is legendary in Washington.

I wish them the best of luck on their return to Taiwan.

Mr. YATRON. Mr. Speaker, I want to take this opportunity to join with my colleagues in this most deserving tribute to Representative Fredrick F. Chien. I want to commend my colleague JERRY SOLOMON for his initiative here today. Congressman SOLOMON serves as the ranking member of the Subcommittee on Human Rights and International Organizations, which I chair, and has made a tremendous contribution to a bipartisan human rights policy. I also want to commend Congressman COELHO for his leadership on this special order today.

Dr. Chien is one of the most capable and outstanding foreign diplomats I have ever met and with whom I have worked. His efforts have harmonized United States relations with the Republic of China and he has helped guide the United States-ROC relationship through some problems areas. The people of our two countries have benefited from his expertise. Dr. Chien continues to provide timely information on a whole array of issues which affect United States-ROC relations and has been instrumental in enhancing America's understanding of his country, and in bringing our concerns to the direct attention of the ROC leadership.

Dr. Chien has a depth of experience and knowledge in foreign affairs. In fact, he received his Ph.D. in international relations from Yale, served, since 1961, in the Foreign Ministry in Taiwan, and was Chiang Kai-shek's personal interpreter. In 1969 Dr. Chien became the Director for North American Affairs in the Foreign Ministry and 3 years later served as spokesman for the government. From 1975 to 1983 he was Vice Foreign Minister, became Senior Vice Foreign Minister in 1979. In 1983 Dr. Chien became Representative of the Coordination Council for North American Affairs here in Washington.

While we will certainly miss Dr. Chien and his expertise, he will be going back to Taiwan at a time of tremendous change and reform. He will have a great role to play as the Republic of China meets the challenges which lie ahead.

I want to wish Dr. Chien the greatest success, and I wish the entire population of the Republic of China the very best.

Mr. BUECHNER. Mr. Speaker, I am pleased to join my colleagues in honoring Dr. Fredrick F. Chien, Representative of the Coordination Council for North American Affairs [CCNAA]. I regret that Dr. Chien will be leaving us on August 12 to return to the Republic of China. While I congratulate him on his new post as Minister of State and Chairman of the Council for Economic Planning and Development, I am reluctant to see him leave his post here in the United States. We will surely miss him.

Fred has been an excellent representative of his country during times of difficult economic relations. He is certainly one of the world's most admired diplomats with impressive credentials. Fred has been a scholar, graduate of National Taiwan University with a major in political science. He later studied English at the Officers' Language School and became a translator in the Ministry of National Defense. Shortly thereafter, he left for the United States and received his Ph.D. from the Yale School of International Relations in 1961.

Fred returned to his homeland and entered the Ministry of Foreign Affairs as a specialist on North America. He later held the distinguished position as President Chaing Kai-shek's English translator and served until the President's death in 1975.

He has held numerous high ranking positions with his government and authored several books. Since his appointment as Representative of the CCNAA, Fred has worked admirably to help preserve the special friendship between the Chinese and American people.

Although we bid farewell to Fred and Julie Chien, we take comfort in knowing that the Chiens will return to Taipei to continue their outstanding work on behalf of the Republic of China [ROC] and that of enhancing international trade and cooperation.

Dr. Chien deserves much congratulations. He has proved to be a key spokesman for his country and a pivotal player in shaping its policies. Instrumental in urging the ROC to lift martial law and loosen foreign exchange controls, he has carved a role as an international stateman and diplomat.

In his new post as Chairman of the ROC's Council of Economic Planning and Development, I feel certain that he will continue his contributions toward ensuring economic growth for Taiwan and promoting fairness in international trade.

In speaking of the special relationship between the United States and the Republic of China, I think the Free China Journal said it best in its editorial 2 years ago:

> Dr. Chien * * * is a central factor in making it all work—especially via his pioneering work to establish a mutually acceptable association between the officials of the two countries, outside the framework of the formal diplomatic practice. * * * Chien's personal style, approach, sincerity, and breadth of knowledge, observers agree, are the basic elements in the excellent rapport he has established with his U.S. counterparts.

I offer my best wishes to Fred and Julie as they leave Washington to undertake a new and rewarding experience in Taipei.

Mr. LAGOMARSINO. Mr. Speaker, I would like to join my colleagues in taking this opportunity to say thank you and farewell to Dr. Fredrick Chien, the very able representative of Coordination Council for North American Affairs in Washington, DC.

Dr. Chien, over the past years, has been an important and successful player in strengthening United States-Republic of China relations. He has been very helpful to me and my constituents, the residents of Ventura and Santa Barbara Counties in California, in increasing the export of citrus, wines, agricultural produce, and manufactured products to Taiwan. I am very grateful for all of his assistance.

While I am sorry to see my good friends Dr. Fred and Mrs. Julie Chien leave Washington, I am very pleased that Fred has been promoted by President Lee to serve as Minister or State and Chairman of the Council for Economic Planning and Development.

Knowing of the outstanding service Dr. Chien has performed in Washington, his successor is going to have an excellent, albeit very difficult, example to follow. I very much appreciate the courtesy and cooperation Dr. Chien has extended to me and my colleagues and I wish him the very best in his new responsibilities in Taipei.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from New York [Mr. SOLOMON] for taking this special order to pay tribute to Dr. Fredrick Chien, an outstanding representative of the Republic of China. Fred has served the Republic of China for over 5 years here in Washington and will be leaving soon to take on new responsibilities in Taipei.

Our relationship with the freedom-loving people of the Republic of China dates back many years. Even though President Carter broke diplomatic relations with the Republic of China, our two countries have continued to interact closely through the American Institute in Taiwan and the Coordination Council for North American Affairs [CCNAA]. Serving as the head of CCNAA for over 5 years, Fred has helped foster an even closer working partnership between our two nations.

His hard work is manifest in the fact that over 40 agreements between the United States and the Republic of China in such areas as trade, military sales, and human rights issues have been concluded during his tenure. While our countries have our differences, Fred has helped remind us of our similarities and mutual concerns and is, in no small part, responsible for bringing these mutually beneficial agreements into effect.

In one important area—that of creating an equitable trade relationship between our countries—I have personal knowledge of how hard Fred has worked. A few years ago, I worked with Fred and others at CCNAA to try to get reductions in certain tariffs and duties imposed on American products by the Republic of China. While we were not able to win reductions at that time, I'm pleased to say that the ROC recently announced the relaxation of duties on more than 3,500 import items. I know Dr. Chien was an instrumental voice in guiding his country to relax these mutually harmful trade restrictions.

Mr. Speaker, Fred and his wife Julie will be missed in Washington. But I'm sure in his new, dual role of Minister of State and Chairman of the Council for Economic Planning, Fred will continue to work for even closer ties between the ROC and the United States. I wish Fred and Julie all the best and hope they will keep in touch with their many friends in the United States.

Mr. KEMP. Mr. Speaker, Dr. Fredrick Chien has been a very faithful and effective envoy for the Republic of China in Washington. He has overcome many obstacles and has been able to build an impressive office in Washington. Specifically, over the past 5 years, I have been pleased to work closely with Dr. Chien and Dr. Lyushun Shen in guaranteeing the rights of the Republic of China in the Asian Development Bank. One of Fredrick Chien's great accomplishments has been to establish one of the best congressional relations staff headed up by Mr. Jason Yuan.

As we bid farewell to a friend, we should take time out to evaluate our official relations with the Republic of China. The concept of "linkage" between diplomatic recognition of the People's Republic of China and the derecognition of the Republic of China must be changed. The Republic of China is truly a model of economic development and prosperity. The Republic of China is one of our best trading partners and their adherence to the principles that we share make them a very strong and important ally.

On the other hand, the strategic value of the People's Republic of China decreases as they continue to destabilize areas of strategic importance to the United States through their sale of arms to countries like Syria, Iran, and Libya. Most recently the Senate passed a resolution 97-0 declaring, "if these sales and policies are not discontinued, the United States should reassess its relations with the People's Republic of China."

The Republic of China has made advances in the area of human rights and has made irreversible moves toward a complete and open democracy. For these reasons and others we should re-evaluate the trust placed in the mainland and begin the debate to restore full and formal diplomatic relations with the Republic of China.

Dr. Chien leaves Washington for Taipei to be the Chairman of the Council for Economic Planning and Development. We wish him continued success in his new post. Dr. Chien has had a very positive impact on the relations between our two countries and I am sure that we will continue to work together. I also look forward to welcoming Mr. Mou-Shih Ding, the former Foreign Minister of the Republic of China and the new Representative to the United States.

Mr. OXLEY. Mr. Speaker, I want to join my colleagues today in commending a fine diplomat from Taiwan, Dr. Fredrick F. Chien, who soon will be returning to Taipei after a distinguished career here in the United States.

For more than 5 years, Dr. Chien has ably served as Representative of the Coordination Council for North American Affairs, the unofficial embassy of the Republic of China on Taiwan. Recently, he was promoted to hold the dual offices of Minister of State and chairman of the Council for Economic Planning and Development in Taipei.

One of Dr. Chien's new responsibilities will be United States-Taiwan trade relations. I have no doubt that his ideas and suggestions will be a positive influence for the continued improvement of United States-Taiwan trade. More progress is needed; however, we have seen improvement in the first two quarters of this year, and I am confident that Dr. Chien will do his best to promote fair trade between our two countries.

Dr. Chien is well-qualified for his new post. He is an American trained scholar with a rare understanding and appreciation of the U.S. political system. He is a student of American culture, economics, and political affairs. He knows the workings of a free democracy from his experiences here and from his strong support for social and political democratization in modern Taiwan. During the past several years, he has been deeply immersed with trade and economic matters involving the United States and Taiwan.

Dr. Chien has consistently reminded United States negotiators, American business, and the American people of the mutual benefits of close and friendly United States-Taiwan relations. He deserves credit for encouraging Taiwan to relax duties earlier this year on more than 3,500 import items, just one example of his calm and realistic approach.

The question of how unofficial contacts will be carried out with another nation has presented sensitive problems. Dr. Chien has admirably succeeded in that task. Issues of trade, military sales, and human rights have been resolved amicably and satisfactorily between the United States and Taiwan during recent years thanks in large part due to Dr. Chien's professional contributions.

Fred and Julie Chien will be missed by all of us who knew them here in Washington. We send them off to Taipei with our best wishes for continued success as we look forward to continuing to work with them.

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to express my deep appreciation for the efforts of Dr. Fredrick Chien on behalf of the Coordination Council for North American Affairs. Dr. Chien and his wife Julie are returning to Taiwan, and I am sure I speak for my colleagues in expressing to them our best wishes.

As a son of a university professor at the time of the Communist threat, Dr. Chien's family was evacuated from Peking, and in 1949 they arrived in Taipei. After earning his Ph.D. from the Yale School of International Relations in 1961, his detailed knowledge of the United States led him through many top positions within the Government of the Republic of China. Since 1983, Dr. Chien has worked through the CCNAA to maintain the close political and economic ties between the United States and the Republic of China.

Despite the tragic break in diplomatic relations in 1979, the United States and the Republic of China have continued close cooperation through the American Institute in Taiwan, and the CCNAA. Although Dr. Chien will be leaving, our two countries will continue this close relationship through these two organizations. As a major economic power in the Pacific region, the prominence of the Republic of China will continue to grow, and the early work of Dr. Chien on behalf of both nations will be even more deeply appreciated.

Again, I would like to express my warm regard for Fredrick and Julie Chien, and wish them every success on their return to Taiwan.

Mr. BROOMFIELD. Mr. Speaker, I am pleased to join our colleagues in bidding a fond farewell and proclaiming a "job well done" to a consummate diplomat and our good friend, Dr. Fredrick Chien, of the Republic of China.

Almost from the time that Fredrick Chien earned his Ph.D. in international relations from Yale in 1961 and joined the Foreign Ministry of the Republic of China, Dr. Chien has worked to foster better relations between our two countries. During the now, 2½ decades of his diplomatic career, Fredrick Chien has seen major changes in the relationship between our two countries. But in large part because of his skill in explaining his Government's position and in explaining the United States perspective to his Government, the sound bonds between our two countries have been maintained.

Especially during the 1970's, United States relations with the Republic of China were in transition. Fredrick Chien, serving first as the Director of North American Affairs in the Ministry of Foreign Affairs, and then as the Senior Vice Foreign Minister, skillfully helped our two countries bridge this difficult period in our relations and maintain the deep bonds of friendship that connect the United States and the Republic of China.

In 1983, Fredrick Chien became the Republic of China's representative to the Coordination Council for North American Affairs. Again he was the right man in the right spot as trade questions threatened the friendly relations between our two nations. Because of Fredrick Chien's skills, we have been able to disagree, to negotiate and resolve differences without the serious acrimony that is always potentially there. While trade disagreements still continue to exist, Fredrick Chien has helped to foster a sound basis on which to continue our negotiations.

Mr. Speaker, I have only the deepest respect and friendship for Fredrick Chien. His skills have benefited both our nations over the years. I understand he will be taking up new responsibilities that will place him in the forefront of the continuing political and economic developments of Taiwan, and I know he will once again be the right man in the right spot. I wish him well in his new position, and wait with his many friends in the United States to welcome him on his next visit here.

Mr. SUNDQUIST. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from California [Mr. COELHO] for taking the time to honor the service of Dr. Fredrick Chien as Representative of the Coordination Council for North American Affairs. Dr. Chien assumed his duties here in Washington during the same month that I came to the House of Representatives. Throughout these 6 years, he has been a friend and a trustworthy advocate for the Republic of China. He has earned the respect and high regard of our Government—both in the Administration and throughout Congress—and will be missed.

Dr. Chien has had a life and career that reflects the high degree of motivation and aspirations of the people of the country he represents. The descendent of a long line of public servants, he was a translator and confidante of President Chiang Kai-shek and served as Taiwan's official spokesman. While I am disappointed to see him leave Washington, I am pleased that he will continue his service as Minister of State and as chairman of the Council for Economic Planning and Development. President Lee will be served well by filling this post with a man of Dr. Chien's experience and distinction.

I applaud Dr. Chien because he has done much more than serve as an able spokesman for the Government of the Republic of China. He has bravely fought for the kinds of changes in Taiwan that are essential for the evolution of democracy and continued friendship with the United States. I look at the most important and beneficial changes that have come to Taiwan in the past 2 years: the lifting of martial law, the loosening of currency controls, and the more realistic approach toward Mainland China. These are extremely positive developments, and Fred Chien was among the principle moving forces behind these changes. I trust that this enlightened approach toward policymaking will be enhanced with Fred Chien as Minister of State.

No doubt, there have been serious problems—primarily in the trade area—with Taiwan, and these problems will not disappear overnight. But as we Members of Congress have learned much from Dr. Chien, I know that he, too, has gained wisdom from his day-to-day contracts with Congress. In that sense, we can all be assured that he will work constructively to bridge the differences that exist in our relationship.

Because of the unique relationship between our two countries, Dr. Chien has been forced to walk a tight rope of diplomacy. Aside from the delicate issue of trade, he has admirably addressed sensitive issues such as military sales and human rights. He oversees one of the most capable staffs in all of diplomatic Washington, and they have served him and their country very well.

As Fred and Julie Chien depart Washington, I wish them great success in their new and important endeavors. With persons of his quality in leading positions in Taiwan, I am confident that his country will live up to its designation as "Free China."

Mr. ARCHER. Mr. Speaker, there can be very few Members of the House who have not had the chance to get to know Dr. Frederick F. Chien during the 5½ years that he has served Taiwan as Representative of the Coordination Council for North American Affairs' Office in the United States. He has been an able spokesman for his government and a distinguished member of the diplomatic community.

I am pleased to see that his government is seeking to use his many talents by appointing him to hold the dual offices of both Minister of State and Chairman of the Council for Economic Planning and Development. He will undoubtedly be a continuing credit to his nation and to the causes which he has so ably promoted during his years in the United States.

It has been my pleasure to know Fred and to appreciate his fine work not only on behalf of the people of Taiwan but also on behalf of causes that we both endorse. He has been a tireless proponent of good relations between Taiwan and the United States. He has traveled throughout our country promoting the interests of Taiwan and the deep ties that exist between his nation and ours. He has been ever faithful to the goal of the free flow of goods between nations and has consistently recognized the need for our bilateral trade to be a true "two-way street." On many occasions, I have contacted him to suggest that U.S. industries and products could meet the needs of his government and his country's economy. I have always been impressed by the diligence with which he has followed through on those requests. He has been a forceful advocate within his government for correcting our current imbalance through increased purchase of U.S. products.

Fred has creditably served his country with both distinction and perserverence. He can be described as both a consummate diplomat and a true gentleman.

The loss of his presence here in Washington will be felt by all who have had the opportunity to know and respect him. That loss is tempered by the knowledge that his new positions will give him an increased role in promoting freedom and free enterprise within Taiwan and a continuing opportunity to promote the tremendous goodwill that exists between his nation and ours.

I would like to extend to him and his wife my best wishes as they leave Washington to assume their new and challenging responsibilities in Taiwan.

Mr. ACKERMAN. Mr. Speaker, I am pleased to participate in this special order to honor Dr. Fredrick Chien, the Republic of China's Representative to the Coordination Council for North American Affairs [CCNAA].

Dr. Chien arrived in our Nation's Capital in 1983, the same year I was first elected to Congress. As a member of the Foreign Affairs Subcommittee on Asia and the Pacific and as a Representative from a district with a vibrant and active Asian community, I came to know Dr. Chien quite well in the 5 years we have served in Washington. He was always very friendly, very hospitable, and extremely knowledgeable about the complex relationship between the Republic of China and the United States. Largely because of Dr. Chien, Members of Congress always felt welcome calling on CCNAA for assistance and advice.

While I am sad to see Dr. Chien go, I am pleased that he will return to Taipei to serve as the Minister of State and Chairman of the Council for Economic Planning and Development. Dr. Chien's promotion to this extremely influential position demonstrates how successful and effective he was in his post in Washington. Dr. Chien will now have even greater influence in future Washington-Taipei relations, particularly in the areas of economic growth and trade. I extend my sincere congratulations to Dr. Chien for his promotion to this most important position.

These are very exciting times in Taiwan and I'm sure that Dr. Chien will use his considerable knowledge and expertise to help promote effective policies on trade and foreign relations. Many young politicians have recently been elected to the Central and Central Standing Committees. This is certain to bring lively debate to Taipei and will visibly demonstrate Taiwan's commitment to democratic traditions. All of us will miss our good friend Dr. Fredrick Chien but we are heartened by the knowledge that he will serve his country as ably in Taipei as he did here in Washington.

Mr. RODINO. Mr. Speaker, I want to thank the gentleman from California for arranging this special order to pay tribute to our good friend Dr. Fredrick Chien. Dr. Chien, who has so ably represented the Republic of China in Washington for the past 5 years, will be returning to Taipei where he has been appointed to serve as Minister of State and Chairman of the Council for Economic Planning and Development.

When Fred Chien came to Washington in 1983, he had already distinguished himself as one of the Republic of China's outstanding public officials. He served as interpreter to the late President Chiang Kai-shek and as the spokesman for Premier Chiang Ching-kuo. Fred was also Director General of the Republic of China Government Information Office and Senior Vice Minister of Foreign Affairs.

Fred's challenge as the Republic of China's representative at the Coordination Council for North American Affairs in Washington was to build upon the traditional ties of friendship between the United States and Taiwan and to strengthen this relationship.

It was a task that Fred was uniquely qualified to fulfill. He understood the dynamics of the American legislative process and he quickly developed an effective liaison in the Congress. With his sincerity and breadth of knowledge, Fred enriched relations between Taipei and Washington by effectively forging mutual cooperation in many areas including culture, economics, and science. He was a valued counselor in helping Americans better appreciate the concerns of Taiwan and to understand the changes taking place there—changes which Fred was helping to influence. Fred worked diligently and successfully to improve trade relations between our two nations. Most important, he reminded us all that Taiwan has always been a faithful friend of the United States and that this partnership must continue to flourish.

Fred's return to Taiwan to serve as Minister of State and Chairman of the Council for Economic Planning and Development is a reflection of his talent as a statesman and a political leader. He leaves behind a legacy of tangible achievements as the assumes his important new responsibilities and continues to make even greater contributions to his nation.

Mr. Speaker, Fred Chien has earned our respect and our genuine affection during his tenure in Washington. It has been a great privilege to know Fred and his lovely wife Julie and to enjoy their warm hospitality at Twin Oaks. We will miss their charm, their wit, and their kindness. I want to wish a fond farewell to the Chiens and extend to them my very best wishes for many more years of outstanding and dedicated public service.

Mr. DEWINE. Mr. Speaker, I am pleased to join with my colleagues today in honoring a friend and deeply respected diplomat, Dr. Fredrick Chien, who is returning home to Taipei after completing 5 years of distinguished service in Washington. Dr. Chien has served as the Republic of China's envoy to the United States since 1983 in his capacity as Representative of the Coordination Council for North American Affairs [CCNAA].

Upon his return, Dr. Chien will assume the positions of Minister of State and Chairman of the Council for Economic Planning and Development. In his cabinet posts, Dr. Chien will continue to work closely on United States-Taiwan trade relations.

Those of us who know Fred are keenly aware of his interests in maintaining and strengthening the relationship between Taiwan and the United States. Fred Chien has been very responsive to congressional concerns over our bilateral trade deficit. Dr. Chien was instrumental in encouraging Taipei to relax its duties this year on many import items. Recent trade data seems to suggest an increase in United States exports to Taiwan. During his tenure, Taiwan has made greater efforts to buy American goods. Having worked with Fred in the past, I am confident that he will continue to encourage fair trade practices and to improve the friendship between Taiwan and the United States in his new duties.

We will all miss our good friend Fred Chien. As he departs to undertake new challenges, I wish him the best for the future and thank him for his distinguished service here in Washington.

Mr. FAUNTROY. Mr. Speaker, it is fitting that the House has reserved this time today to commend an outstanding diplomat, Dr. Fred

Chien, who has served since 1983 as Representative of the Coordination Council for North American Affairs. As everyone knows, the CCNAA represents the interest of Taiwan in the United States.

Fred will return to Taipei to take up the position of Minister of State and Chairman of the Council for Economic Planning and Development of the government formerly recognized by the United States as the Republic of China. Thanks to the parallel appointment to the cabinet position of Minister of State, Dr. Chien, as Chairman of the Council, can call cabinet officials together for meetings on economic issues of vital importance, high on the list of which is expected to be the subject of United States-Taiwan trade relations.

Mr. Speaker, I know that Fred Chien will bring to this new calling all his recognized qualities of dignity, intelligence, professionalism, and vision that have marked his past record in several difficult activities. Dr. Chien has held the sensitive post, for example, of English language interpreter to the late President Chiang Kai-shek, and later he served as Vice Minister of the Ministry of Foreign Affairs.

Like his father, who passed away a few years ago, Dr. Chien is a scholar. Both were university professors, his father having been head of the Academia Sinica, the foremost scholarly research institution in Taiwan. Fred himself holds masters and doctorate degrees from the Yale School of International Relations.

Mr. Speaker, it is fair to say that during his service as Representative of the CCNAA, Dr. Chien has proven to be an eloquent spokesman for his country and has generated a great deal of goodwill toward Taiwan. Fred's public speeches are always well informed.

Those who have heard Fredrick Chien speak either at informal gatherings or public events are ever impressed with his ability to use the latest data, the most current world events, and new insights or points in his talks.

Always the gentleman, he patiently describes the growing new importance of the Pacific Rim region to the United States and stresses the mutual benefits of friendly United States-Taiwan relations. He is so successful at this that Members of Congress who were in the House or Senate in 1979 and can remember the pains with which we crafted the Taiwan Relations Act might see Fred Chien as the living embodiment of congressional design to preserve lasting contacts with people whose government had just lost official recognition by the United States.

Mr. Speaker, I would suggest that Dr. Chien is symbolic of the newly industrialized, newly democratized economy and society on Taiwan. Many progressive reforms have occurred in Taiwan since Fred Chien took office in Washington in January 1983. Martial law under the emergency decree of December 10, 1948, was repealed. The system of newspaper restrictions has been deregulated. Pluralist political parties have been formed and their candidates elected to public office. Foreign exchange controls have been lifted. Several trade barriers have been dismantled. And, at long last, a plan of parliamentary reform has been approved by the majority Kuomintang Party.

Much of the credit for these steps must go to the initiatives begun by the late President and now President Lee Teng-hui. Nevertheless, it is common knowledge that one of the steadfast voices counseling for positive, rational change has been Fred Chien.

Mr. Speaker, I hope Dr. Chien will succeed as well in his new positions of honor and responsibility as he has in every other task undertaken throughout a distinguished career. I send both Fred and his wife, Julie, the very best of wishes for their future and the future of United States-Taiwan relations.

Mr. DREIER of California. Mr. Speaker, I wish to add my name to the list of Americans who appreciate Dr. Fredrick Chien's contributions to his country, the Republic of China, and to the United States.

It is important to note that Dr. Chien has served his Government in Washington during a difficult period in our relations, following President Carter's decision to move the American Embassy to Bejing. Since the Taiwan Relations Act of 1979, providing for the operation of continued, close relations between Taiwan and the United States, the American Institute in Taiwan [AIT] and the Coordination Council for North American Affairs [CCNNA] have taken the place of our formal diplomatic relations. In his capacity as Representative of the CCNAA since January 1983 Dr. Chien has been a strong advocate of expanded economic ties between our countries and an especially effective negotiator in mutual trade matters. He has made many friends in the American diplomatic and business communities which have moved our relations forward despite the shadow of our unofficial diplomatic relationship.

In addition, having received two advanced degrees in the United States, Dr. Chien understands our culture and American politics, past and present. Dr. Chien has a deep appreciation for the rights which Americans take for granted and is an outspoken leader for human rights in his country. Dr. Chien will take his knowledge of the United States with him when he returns to Taipei to resume his new responsibilities.

As the new Minister of State and Chairman of the Council for Economic Planning and Development, Dr. Chien will be in the forefront of the continuing political and economic development of Taiwan. Working together, we can move even closer on the important issues of the day and nurture the lasting friendship between our people. I wish Dr. Chien well and look forward to working with him in the future.

Mr. HORTON. Mr. Speaker, I rise today to reflect the accomplishments of Dr. Fredrick Chien, the Representative for the Coordinating Council for North American Affairs for the Republic of China. As you know, Dr. Chien has recently been appointed to serve as Minister of State and Chairman of the Council for Economic Planning and Development for Taiwan.

I would like to take a few moments to reflect on some of the accomplishments of Dr. Chien. During his career in public service, which started over 25 years ago, he has served in many capacities. Early on, he was the personal translator for then President Chiang Kai-shek. He also served in the Foreign Ministry as the Director of North American Affairs and as Senior Vice Minister. Since 1983, he has served in this country in his present capacity as the de facto ambassador for his nation.

During his time here in Washington, Dr. Chien was known for his cooperative style which helped ease the problems associated with the change in American diplomatic recognition from Taiwan to the People's Republic of China. He made it possible for Members to maintain a positive, working relationship with the governments of both nations. This was not an easy task.

When my wife Nancy and I visited Taiwan a few years ago, we were accorded warm hospitality and friendship. Dr. Chien's office made the arrangements which enabled us to learn more about Taiwan and its rich culture, government, and society. I want to take this opportunity to thank Dr. Chien again for all of his help.

Dr. and Mrs. Chien's departure creates a void in Washington's diplomatic circles where they have helped to cement the relationship between our two nations. I hope that Dr. Chien's successor will enjoy his new post and trust that he will be able to fill this void. I also want to wish Dr. Chien luck in his new post and look forward to working with him again in the future.

Mr. FASCELL. Mr. Speaker, I would like to join in the chorus of praise for Dr. Fredrick P. Chien, who is returning to Taipei after nearly 6 years of outstanding service as Taiwan's representative to this country. As Representative of the Coordination Council for North American Affairs [CCNAA], Dr. Chien has worked tirelessly and effectively to improve relations between Taiwan and the United States despite the strain that inevitably resulted from our association with mainland China.

Dr. Chien brought to this task a deep appreciation for this Nation's institutions and a sensitivity to our mutal concerns, particularly in the area of trade. While many issues in the trade imbalance between our two nations still must be resolved, Dr. Chien rightly deserves much of the credit for encouraging Taipei to relax duties earlier this year on more than 3,500 import items and to allow the new Taiwan dollar to appreciate by more than 40 percent since mid-1985.

On issues ranging from trade restrictions to human rights, Dr. Chien has been an articulate spokesman for his nation's point of view, while remaining sensitive to the U.S. needs and policies; he has worked effectively to resolve differences to the satisfaction of both countries.

I have always found Dr. Chien well informed, cooperative, amiable and dedicated to the cause of freedom around the world. I wish Fred and Julie Chien every success in the future. They will be missed.

Mr. GARCIA. Mr. Speaker, for over 5 years the Government of Taiwan through its representating body in Washington, the Coordination Council for North American Affairs, has been fortunate to have Dr. Fred Chien as a spokesperson.

For those of us who have been fortunate enough to know and work with Fred, we have come to respect not only him but the growing economic clout of Taiwan. As one who has visited Taiwan, I can assure first hand that it is truly an emerging economic power.

Earlier this year, my subcommittee, the Banking Subcommittee on International Finance, Trade, and Monetary Policy, held a hearing on the four newly industrialized countries—or economies—of Asia [NIC's or NIE's]. Because of that hearing, I came to appreciate the hard work and effort that went into the building of these nations' economic power. Fred Chien exemplifies that work ethic; he has tirelessly represented his nation's interest, at times to less than receptive audiences. Yet, no matter the situation, Fred has never failed to be pleasant and informative as to his country's point of view.

It has been a pleasure to know Fred Chien. I am certain that he will go on to bigger and better things back in Taiwan. He will surely be missed in Washington.

Mr. DARDEN. Mr. Speaker, today we are bidding farwell to Dr. Fredrick F. Chien, who has served for more than 5 years as the representative to the United States from the Republic of China on Taiwan. During his time in the United States, I have had the pleasure of working with Dr. Chien on many occasions, and will greatly miss his presence in our Capital city.

The Republic of China and the United States have been allies for many decades. Dr. Chien has diligently worked to solidify the strength of that alliance by forging new, mutually beneficial economic ties between our countries. I have always found him to be accessible, well-informed, and gracious.

Dr. Chein is returning to his country to accept an appointment by the Republic of China's President, Lee Teng-hui, to become Chairman of the Council for Economic Planning and Development. He has been an asset to his country during his years in Washington, and I am certain he will continue to represent the Republic of China on Taiwan well in his new capacity.

Mr. Speaker, I join my colleagues in commending Dr. Chien for his years of outstanding accomplishment here in Washington, and in wishing him well as he undertakes his new responsibilities.

Mr. FRENZEL. Mr. Speaker, Dr. Fredrick Chien is well known in Washington as the Republic of China's representative at the Coordination Council for North American Affairs. More than that, Fred is a friend of the United States, and a personal friend of many of us in the Congress.

Dr. Chien has enjoyed great success in his current position. Therefore, his new assignment as Chairman of the Council for Economic Planning and Development for the Republic of China, in Taiwan comes as no surprise. His friends knew his ability would inevitably move him into better jobs.

I am pleased that Fred Chien is moving into a position where he can serve his country better, and, at the same time, serve the relationship between the United States and Taiwan better, too.

On a personal basis, Mrs. Frenzel and I wish Fred and Julie the very best, and we thank them for a job well done in Washington.

Mr. DEWINE. I am pleased to join my colleagues today in honoring a friend and deeply respected diplomat, Dr. Fredrick Chien, who is returning home to Taipei after completing 5 years of distinguished service in Washington. Dr. Chien has served as the Republic of China's envoy to the United States since 1983 in his capacity as representative of the Coordination Council for North American Affairs [CCNAA].

Upon his return, Dr. Chien will assume the positions of Minister of State and Chairman of the Council for Economic Planning and Development. In his cabinet posts, Dr. Chien will continue to work closely on United States-Taiwan trade relations.

Those of us who know Fred are keenly aware of his interests in maintaining and strengthening the relationship between Taiwan and the United States. Fred Chien has been very responsive to congressional concerns over our bilateral trade deficit. Dr. Chien was instrumental in encouraging Taipei to relax its duties this year on many import items. Recent trade data seems to suggest an increase in United States exports to Taiwan. During his tenure, Taiwan has made greater efforts to buy American goods. Having worked with Fred in the past, I am confident that he will continue to encourage fair trade practices and to improve the friendship between Taiwan and the United States in his new duties.

We will all miss our good friend Fred Chien. As he departs to undertake new challenges, I wish him the best for the future and thank him for his distinguished service here in Washington.

Mrs. LLOYD. Mr. Speaker, as you know, our friend Dr. Fredrick Chien, will soon be leaving Washington to return to Taiwan, where he has been appointed to serve as Minister of State and Chairman of the Council for Economic Planning and Development.

Dr. Chien has admirably served as the Republic of China's representative at the Coordination Council for North American Affairs since 1983. Almost immediately after arriving in the United States Dr. Chien won the support, confidence, and respect of his colleagues and acquaintances in his handling of his job. Associates have been impressed with his keen mind, calm under pressure, and take-charge approach to his work. Dr. Chien's dedication to improving relations between Taiwan and the United States has been unfailing. The task has not been easy.

During Dr. Chien's 5-year tenure at the Coordination Council for North American Affairs dramatic political events have unfolded in Taiwan, while trade relations between Taiwan and the United States have intensified. Understanding these political and economic developments has not been easy. Dr. Chien has faithfully and adroitly interpreted these events. Indeed, Dr. Chien has been a good friend to the United States. His insight and presence will be missed, but his friendship will not be lost.

Dr. Chien returns to Taiwan to serve as Minister of State and Chairman of the Council for Economic Planning and Development. His new responsibilities will place him in the forefront of the continuing political and economic development of Taiwan. Dr. Chien's firm belief in democratic values and his political moderation insure that he will continue to be a good friend to the United States. I would be surprised if Dr. Chien's future were anything but bright, and consequently, I expect Taiwan's economic and democratic institutions to thrive.

Mr. Speaker, distinguished colleagues, it is fitting that we, and the American people, take this time to salute and thank Dr. Chien. He has been a good friend to many Members of this legislative body, and to the United States. I wish him, and his country, well.

Mr. CRANE. Mr. Speaker, I first met Dr. Fredrick Chien in 1983 when he came to Washington, DC, to serve as the Republic of China's representative at the Coordination Council for North American Affairs. Freddie, as he was affectionately known, served the Republic of China with distinction and became a friend of Members of Congress on a bipartisan basis.

The possessor of a Ph.D. which he earned at Yale University in 1961, Fred is as American as he is Chinese in his understanding of U.S. culture and traditions. Yet, he served in the Foreign Ministry of the Republic of China in the 1960's and was a personal interpreter for President Chiang Kia-shek in the middle of that decade. His talents were rewarded in 1969 with an appointment as Director of North American Affairs in the Foreign Ministry. Prior to his assignment in Washington he was promoted to the position of Vice Foreign Minister and later Senior Vice Minister.

Dr. Chien, after 5 years of devoted service to his homeland and people, has now been elevated to an even higher level of distinction, Minister of State and Chairman of the Council for Economic Planning and Development in Taiwan.

Dr. Chien has been a valuable friend and adviser to our Government in helping us to understand the momentous developments that have occurred on Taiwan during his tour of duty in the United States.

We are pleased over Freddie's promotion, but we shall miss his cheerful presence and wise counsel. I have had the pleasure of visiting Taiwan half a dozen times since 1970 and will look forward, upon the occasion of future visits, to participate in a warm reunion with Fred and his lovely wife, Julie, in Taipei. We wish you Godspeed, Fred, and the best of luck in your new assignment. We know, based upon your history, that you will serve in this challenging capacity with the same distinction you have thus far achieved in over a quarter of a century of dedicated public service.

Mr. LOWERY of California. Mr. Speaker, I want to join my colleagues in offering congratulations and best wishes to Dr. Fred Chien on his appointment as Minister of State and Chairman of the Council for Economic Planning and Development for the Republic of China. Equally as important, I want to thank Fred Chien for his fine work as the representative of the Coordination Council for North American Affairs. We greatly appreciate his professional assistance on United States-Taiwan relations and the many personal kindnesses he has shown to us during his years here in Washington.

The importance of building a healthy economic relationship between the United States and the Republic of China is obvious. Because of the prominence of trade issues between America and Taiwan, we sometimes overlook the vital democratic values and commitment to freedom we share with the Taiwanese. Fred Chien has worked to preserve and enhance not only the economic, but the political and social ties between the American people and the people of Taiwan.

While there are differences on trade issues between our two nations, recent statistics indicate that United States exports to Taiwan are increasing and we are making progress on reducing Taiwan's trade surplus with the United States. Fred Chien has been an important part of the effort to balance our trade relations and we look forward to his leadership as Chairman of the Council for Economic Planning and Development.

In closing, Mr. Speaker, although we may differ on specific political and economic questions, the United States and the Republic of China are allies that can and will work together to reduce our differences and achieve our common goals. This task has been made easier by the honest, intelligent, and energetic efforts of Dr. Fredrick Chien. We will miss his presence, but we look forward to a continued partnership benefiting our two nations.

Mr. HOPKINS. Mr. Speaker, I rise today to join with my colleagues in recognizing Dr. Fredrick Chien as he returns to the Republic of China to take up the positions of Minister of State and Chairman of the Council for Economic Planning and Development.

I wish to express my personal appreciation to Fred for his friendship, his unfailing spirit of cooperation, and his undaunted crusade to inspire America's continued support for the Republic of China.

Despite the absence of formal diplomatic relations between the two countries, Dr. Chien has been successful in expanding the economic and philosophical ties between our countries.

Since coming to Washington in 1983, Dr. Chien has worked diligently to strengthen the friendly and mutually productive relations between the United States and Taiwan.

It is worth noting that United States-Taiwan trade has more than doubled since 1982, just before Fred came to Washington, from $13.7 billion to $32 billion in 1987.

We look to the next decade with pride and with hope that Taiwan, as one of the leading newly industrialized powers in the Pacific Rim basin, will continue to be a valued trading partner and ally.

Today, Taiwan is a shining showcase of the rewards of personal and economic freedom.

And I am confident that with his new assignment, Fred Chien will be a driving force not only in the continuing progress of his nation, I believe he is destined to be a leader in the worldwide movement toward free enterprise and democracy, as well.

And so, Mr. Speaker, I would like to extend my best wishes to Dr. Fred Chien and his family as they return to the Republic of China and take this opportunity to thank him for his kindness and friendship over the past 10 years.

GENERAL LEAVE

Mr. COELHO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. HUTTO). Is there objection to the request of the gentleman from California?

There was no objection.

CURRENT ISSUES FACING AMERICAN STEELMAKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, I am here with my colleagues, Congressmen JACK MURTHA and RALPH REGULA, to put some of what we learned at last Tuesday's steel caucus hearing in the RECORD.

At that meeting we gave the presidents and CEO's of several of America's major steelmakers a chance to talk with us about important steel issues. The men who testified were:

Thomas Graham, president of the United States Steel Division of USX;

Walter Williams, chairman of Bethleham Steel;

David Hoag, president of LTV Steel;

Joseph Toot, president of the Timken Co.;

Jim Chenault, president of Lonestar Steel;

Frank Luerssen, chairman of Inland Steel;

Bob Wilson, chairman of Lukens Steel; and

Tom Moore, CEO of Cleveland Cliffs Iron Ore Co.

These witnesses gave us insiders' perspectives on topics including: pollution control; the United States-Canada Free-Trade Agreement; steel supply problems; and the extension of the steel voluntary restraint agreements which expire in September 1989.

Steelworkers are very concerned about these same issues. In the New York Times last Sunday, U.S. Steelworkers Union president Lynn Williams said, "The voluntary restraint agreements have been a principal element in the modest recovery of the steel industry."

He also mentioned that the U.S. steel industry has been hurt by foreign governments which either own or subsidize their steel mills. Since the American steel industry is privately owned, we need some way to keep unfairly priced foreign steel from putting our steelmakers out of business.

Tom Graham, president of United States Steel, addressed some of the same issues at our steel caucus hearing. His written remarks cover the VRA treaties, short supply, and the United States-Canada Free-Trade Agreement, which the House debated just today. I believe his comments are very timely so let me quote from his testimony:

THE VRA PROGRAM, THE SHORT SUPPLY PROBLEM, AND THE UNITED STATES-CANADA FREE-TRADE AGREEMENT

(By Thomas C. Graham)

It's a pleasure to be here this morning. I'd like to begin with a brief discussion of the VRA Program; what it means to the steel industry; and why we think this program must be extended.

As you know, the United States now has 20 VRA's with major steel-exporting countries. They limit by product and country the amount of steel that can be imported each year into the United States, and they didn't just happen by accident. They were the direct result of support by the steel caucus and of two important determinations in 1984: a Presidential finding that foreign governments and steel producers had engaged in massive unfair trading; and a section 201 finding by the I.T.C. that disruptive levels of steel imports were a "substantial cause of serious injury" to the domestic industry.

It's critical to remember that pervasive foreign dumping and subsidization of steel imports in violation of both U.S. and international trade rules is what enabled steel imports to exceed 30 percent of the U.S. market in the fall of 1984. It's what contributed to the domestic industry's losses of $12 billion between 1982 and 1986. And it's what ultimately led foreign governments to the VRA negotiating table once the President decided to provide for what he termed "a comprehensive solution" to the steel import problem. It's also critical to recall why the President called for VRA's and not for a trade law solution. He did so because—and I quote—"The regular unfair trade practice machinery had been slow, cumbersome and incomplete. . . ." The fact is that, while no industry has used the trade laws more than steel—we have filed well over 500 cases since the 1960's—these laws by themselves have not been sufficient to resolve the problem of pervasive unfair trade. That's why the steel industry believes so strongly in, and will be working in the next Congress for, reform of our unfair trade laws. As just one example, we feel that, once a positive finding of injury has been made in an unfair trade case, the applicable penalty must be made fully retroactive.

The VRA Program is also not without its problems. It had little beneficial impact in its first two years; non-VRA countries continue to impair its effectiveness; and, since October 1984, over 8 million tons more of finished steel have been imported than was the administration's "expected result." Nevertheless, there is little doubt that this program is today the most effective steel trade policy the United States has ever had.

In fact, it has created a public policy environment that—along with the lower value of the dollar—with the lower value of the dollar—has been crucial to our industry's ongoing restructuring and modernization efforts. By helping to reduce imports from the 30-percent range of late 1984 to roughly 21 percent today, the VRA Program has created a modicum of market stability and has helped to arrest the condition of virtual self-liquidation that our industry was in just a few years ago. Critically, too, it has enabled us to take major steps toward improving our international competitiveness. In so doing, it has been good for our customers, good for our national security, and good for our entire U.S. manufacturing base.

Don't forget that VRA's have been the single principal factor in the industry's ambitious agenda of self-help efforts. Every year the U.S. Trade Representative's office has determined that we have more than met the reinvestment commitment that is contained in the Steel Import Stabilization Act of 1984. As a result, we're now the world's most efficient steel industry in terms of labor productivity. We're internationally competitive in terms of cost—currently beating Japan by a significant margin. And our product quality is as good as any steelmaker's in the world—which is why G.M.'s Roger Smith now says that steel "is a more competitive material than even its most enthusiastic supporters had thought."

That brings me to the issue of continued progress—why we believe the VRA Program must be extended, and improved to include major steel-exporting countries. First, we still have a long way to go before we're competitive internationally in every respect, and to that end we're committed to a policy of steel reinvestment in any extended VRA Program. Second, we've only recently returned to modest profitability; our balance sheets are still very fragile; and most analysts see a market downturn in the relatively near future. But third—and above all else—the conditions that gave rise to the VRA Program in the first place—foreign government intervention, foreign unfair trade practices, and worldwide excess capacity—have not disappeared.

As a result, I expect that companies in the industry will be fully prepared to use the trade laws if necessary in order to ensure that the U.S. market does not revert to being the world's steel dumping ground. I also believe, however, that massive trade litigation has the potential for creating significant market uncertainty that is not in the best interest of either our customers or our trading partners.

Before leaving this issue, I'd like to add a point on the politics of VRA extension. The domestic steel industry is very grateful that Governor Dukakis has stated his support for continuing the VRA's, and we're hopeful that Vice-President Bush will also come out for extension before too long. Let's not forget that—for products such as steel, which are in worldwide over-capacity—systems like VRA's are needed most during periods of market downturn when foreign dumping of excess capacity is at its worst.

Turning to a second and related issue, we think it's vital to address critics of VRA extension who contend that the VRA Program has harmed our customer base by causing severe shortages and steep price hikes. This issue is critical, because our customer base is our future—and it's certainly not in our best interest to support public policies that hurt our customers.

What we've seen over the last year has been unexpectedly strong steel market demand not only in the United States but throughout the world. The VRA Program did not cause this market tightness—witness last year, when VRA export certificates equal to 400,000 to 500,000 tons went unused. The program anticipated tight market conditions. However, every VRA contains a "short supply provision." Under this provision, which we fully support and would like to see continued in an extended VRA Program, the Commerce Department has granted short supply requests totalling over 900,000 tons so far this year—mostly for semifinished steel. We believe that Commerce has been doing a first class job of administering the short supply provision.

With more domestic facilities coming back on stream and a recently improved short supply procedure now producing decisions within 30 days, there are fewer requests today than several months ago—and Commerce officials tell us they see the short supply issue beginning to ease. Yes, there's still talk about "short supply," but the concern today is usually about price. Last year, due to strong market demand and the lower value of the dollar, steel prices did rise about 5 percent, but prices at the end of 1987 were still 5 percent lower than they were when the VRA Program was instituted—contrary to the views of most economists in 1984 who were predicting that the VRA's would have a major upward impact on steel prices. More reflective of market realities, the Congressional Research Service concluded in March of this year that, just as VRA's have not been the cause of any serious shortages, they have also not been the cause of any significant steel price hikes.

In closing, I'd like to say a few words about the United States-Canada free-trade agreement [FTA]. Domestic steel producers greatly appreciate the longstanding concern of the caucus with Canada's non-VRA status and the continuing high level of finished steel imports from Canada. Such imports were about 2.4 percent of the U.S. market in 1983, rose to 3 percent in 1984 and 1985, increased to 3½ percent in 1986 and exceeded 3.8 percent last year. So far this year, the figure is around 3.4 percent, which is most gratifying, and we're all hoping that this downward trend continues.

U.S. steel producers, however, continue to believe that a steel VRA with Canada is essential to the goal of a more effective VRA Program, because the failure to cover such an important foreign supplier isn't equitable to those foreign governments that have negotiated agreements. Recently introduced U.S. implementing legislation now makes it clear that there is nothing in the FTA that would preclude a steel VRA with Canada. This is important because, while we currently feel it would be inconsistent with the state of steel trade between our two countries to give active support to the FTA, negotiation of a steel VRA with Canada would make it much easier to support the FTA—though we still have a number of substantive concerns with its provisions.

In that regard, we're grateful for the many efforts made by the steel caucus to improve U.S. implementing language in several key areas. We still have concerns about the failure of the FTA to deal with the exchange rate imbalance and Canadian subsidy practices, and additional concerns about FTA provisions dealing with a proposed future substitute trade law system, binational panels, and the timing of a bilateral tariff elimination. But we hope to continue working closely with you to see what can be done to minimize these problems, and to ensure that U.S. economic interests overall are well served by the agreement.

Mr. MURTHA. Mr. Speaker, Mr. Walter F. Williams, chairman and chief executive officer of Bethlehem Steel Co., addressed the environmental concerns of the Nation's steel industry. I was very impressed with the points that Mr. Williams made last week at our Steel Caucus meeting. It is essential we work out the important environmental concerns that will move us ahead environmentally but not place unreasonable burdens on business that will halt economic growth we have made.

I would like to now submit Mr. William's testimony for the RECORD.

REMARKS BY WALTER F. WILLIAMS

Thank you—and good morning to all of you.

My comments this morning will be directed at environmental issues of concern to the U.S. steel industry. I will not dwell on the past, as I believe all of us accept the fact that America's steel industry, perhaps more than any other industry, has been severely impacted over the past ten to fifteen years by the laws and regulations that have led to the cleaner environment in this country. Although the burden has been heavy, our industry has responded as responsible corporate citizens.

Particulate emissions to the air from steel plants have been reduced by over 95 percent, and the pollutants we discharge in waste water have been controlled to an even greater degree—over 98 percent. However, the costs to get there have been staggering, in that we have invested over $6 billion in pollution control facilities and now spend well over $1 billion a year in operating these systems.

We accept the fact that many of the programs were necessary for protecting the health of the people and the environment of our country. However, as we move into the 1990's, there must be a proper balance between the costs and results of additional environmental control. And, I'd suggest that the public and you and your colleagues in Congress fully recognize that our society must, in some way, pay these costs.

Today, there are activities under way to enact further environmental legislation that we believe may not strike the proper balance between costs and results. Of particular concern are amendments to the Clean Air Act.

As you know, both the House and Senate are now addressing Clean Air Act Amendments. The Senate bill, S. 1894, which has been approved by the Environment and Public Works Committee, encompasses most of the provisions now being considered in bills before the House. The five titles of this bill constitute an extensive and, in our opinion, unnecessary restructuring of the Clean Air Act. In many cases, we believe the proposed amendments inappropriately attempt to substitute unfounded congressional mandates for sound scientific data and the technical judgment and discretion of the EPA Administrator.

Title I of the proposed amendments is directed at areas unable to attain the ambient air quality standards for ozone and/or carbon monoxide. It is well known that these problems are primarily related to many diverse small sources, and not to major manufacturing sources. Yet, certain provisions appear to be aimed at large manufacturing sources, including, for example, not permitting the use of "bubbles" (I.E., the evaluation of emissions from a total plant rather than from individual sources within a plant). It would also require control of nitrogen oxide emissions, related to the ozone problem, from all combustion sources without any consideration of cost effectiveness on an industry-by-industry basis.

For the steel industry, such control could cost 10 to 75 times the cost for comparable reductions from large utility boilers—even though the steel industry is estimated to contribute only 6 percent of the nitrogen oxide emissions in the country.

Title II covers acid rain legislation, and we believe that this provision is not justified at this time because of the mixed scientific evidence. If Congress does act, in spite of the uncertainties, we estimate that the acid rain provisions, along with the nitrogen oxide controls of title I, would result in increased costs to the steel industry of about $700 million per year.

Title III deals with motor vehicles and, although controversial and costly, does not directly impact our industry.

Title IV would, without adequate scientific review or justification, require EPA to set new National ambient air quality standards on a series of arbitrary deadlines. This provision could again force vastly increased costs upon industry without the safeguards of the existing Clean Air Act which attempts to assure that new standards are scientifically justified.

And, finally, title V would greatly expand existing legislation for dealing with hazardous air pollutants through new provisions that would add immeasurably to the development of further regulations by the EPA. This would undoubtedly lead to major disruptions in industrial operations. In particular, the risk reduction provision in its present form appears to be so onerous as to be unattainable at our cokemaking facilities, inevitably leading to their complete shutdown.

All of this would be done without detained scientific studies showing the need for these controls or documenting actual harmful effects from the emissions.

In a speech several weeks ago, Lee Thomas, Administrator of the EPA, said that we—Government, industries, and the public—face several issues as our society addresses future environmental legislation and regulations.

These include: "How clean is clean." "How much is enough?" "How much over-control do we want to pay for?", and "How do we set priorities?".

As he put it, "If everything; is a priority, nothing is a priority." We followed this with a question; "Where do we get the funds to do everything at once?"

I believe he was "right on"—we must have well documented risk-benefit data, we must set priorities based on this data, and we must decide what our society can afford.

In summary, these proposed clean Air Act Amendment could add at least $800 million per year more to our costs, Yet, we must wonder if this legislation will really add significant further protection to human health and the environment—especially when scientific data in some areas is not fully developed.

Therefore, we question whether any amendments to the Clean Air Act are necessary at this time and recommend that congress reconsider and thoroughly evaluate the issues before enacting major amendments to the already effective legislation.

I close by assuring you that we in the steel industry recognize that cleaning up our environment "is a must." We only suggest that it be done in a manner that is results oriented and affordable.

Thank you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Dornan of California (at the request of Mr. Michel) for today, on account of medical reasons.

Mr. Shuster (at the request of Mr. Michel) for today and the balance of the week, on account of his duties on the Platform Committee at the Republican National Convention.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Solomon) to revise and extend their remarks and include extraneous material:)

Mr. Gingrich, for 60 minutes, today.

Mr. Gingrich, for 60 minutes, on August 10.

Mr. Gingrich, for 60 minutes, on August 11.

Mr. Parris, for 5 minutes, today.

Mr. Marlenee, for 5 minutes, today.

Mr. DeLay, for 5 minutes, today.

Mr. DeLay, for 60 minutes, on August 10.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Burton of Indiana, for 60 minutes, on August 10.

(The following Members (at the request of Mr. Feighan) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Lipinski, for 60 minutes, on August 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bereuter to revise and extend prior to passage of conference report on H.R. 5015 today.

(The following Members (at the request of Mr. Solomon) and to include extraneous matter:)

Mr. Denny Smith.

Mr. Gunderson.

Mr. Oxley.

Mr. Kolbe.

Mr. Lagomarsino in four instances.

Mr. Young of Alaska.

Mr. Kemp.

Mr. Shumway.

Mr. Hefley.

Mr. Burton of Indiana.

Mr. Gallo.

Mr. Solomon.

Mr. Dornan of California.

Mr. Rowland of Connecticut.

Mr. Hastert.

Mr. Dannemeyer.

Mr. Pursell.

Mr. Emerson.

Mr. Fish.

Mr. Gilman.

(The following Members (at the request of Mr. Feighan) and to include extraneous matter:)

Mr. Guarini.

Mr. Fascell in six instances.

Mr. Studds in two instances.

Mr. Lipinski.

Mr. Downey of New York.

Mr. AuCoin.

Mr. Torres.

Mr. Ackerman.

Mr. Stark in three instances.

Mr. Evans in two instances.

Mr. Pepper.

Ms. Kaptur.

Mr. Hubbard.

Mr. Applegate.

Ms. Pelosi.

Mr. Darden.

Mr. Conyers.

Mr. Lantos.

Mr. Coelho.

Mr. Udall.

Mr. Weiss.

Mrs. Byron in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 350. Joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1860. An act entitled the "Federal Land Exchange Facilitation Act of 1988";

H.R. 3932. An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; and

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 892. An act to remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake County, UT.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 29 minutes p.m.) the House adjourned until tomorrow Wednesday, August 10, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4149. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract awards for the period September 1, 1988 to October 31, 1988, pursuant to 10 U.S.C. 2431 (b); to the Committee on Armed Services.

4150. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer to Denmark for defense articles estimated to cost $50 million or more (Transmittal No. 88-53), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

4151. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer and acceptance to Denmark for defense articles and services estimated to cost $61 million (Transmittal No. 88-53), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4152. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance to Belgium for defense articles and services estimated to cost $19 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4153. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the text of a letter from the North Korean People's Assembly to the U.S. Congress; to the Committee on Foreign Affairs.

4154. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 2524. A bill to amend the Public Buildings Act of 1959 to permit executive agencies to have their headquarters located anywhere in the National Capital region; with an amendment (Rept. No. 100-853). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 515. A resolution providing for the consideration of H.R. 4526, a bill to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park (Rept. No. 100-854). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee of Conference. Conference report on H.R. 2342 (Rept. No. 100-855). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROE:

H.R. 5183. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Institute of Standards and Technology for fiscal year 1989, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. ANDERSON (for himself, Mr. Hammerschmidt, Mr. Roe, Mr. Mineta, Mr. Oberstar, Mr. Nowak, Mr. Rahall, Mr. Applegate, Mr. de Lugo, Mr. Savage, Mr. Sunia, Mr. Bosco, Mr. Borski, Mr. Kolter, Mr. Valentine, Mr. Towns, Mr. Lipinski, Mr. Rowland of Georgia, Mr. Wise, Mr. Gray of Illinois, Mr. Visclosky, Mr. Traficant, Mr. Chapman, Mr. Lancaster, Ms. Slaughter of New York, Mr. Lewis of Georgia, Mr. DeFazio, Mr. Cardin, Mr. Grant, Mr. Skaggs, Mr. Hayes of Louisiana, Mr. Perkins, Mr. Shuster, Mr. Stangeland, Mr. Gingrich, Mr. Clinger, Mr. Molinari, Mr. Shaw, Mr. McEwen, Mr. Petri, Mr. Sundquist, Mrs. Johnson of Connecticut, Mr. Packard, Mr. Boehlert, Mr. Gallo, Mrs. Bentley, Mr. Lightfoot, Mr. Hastert, Mr. Inhofe, Mr. Ballenger, Mr. Upton, Mr. Clement, Mr. Payne, Mr. Bates, Mr. Beilenson, Mr. Berman, Mrs. Boxer, Mr. Brown of California, Mr. Coelho, Mr. Dellums, Mr. Dixon, Mr. Dymally, Mr. Edwards of California, Mr. Fazio, Mr. Hawkins, Mr. Hunter, Mr. Lantos, Mr. Lehman of California, Mr. Levine of California, Mr. Lewis of California, Mr. Lungren, Mr. Martinez, Mr. Matsui, Mr. McCandless, Mr. Miller of California, Mr. Panetta, Mr. Pashayan, Ms. Pelosi, Mr. Roybal, Mr. Stark, Mr. Torres, and Mr. Waxman):

H.R. 5184. A bill to designate Black Butte Lake located on Stoney Creek in the Sacramento River Basin, CA, as the "Harold T. 'Bizz' Johnson Lake"; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 5185. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. SUNDQUIST (for himself and Mr. Clement):

H.R. 5186. A bill to designate the Federal Building and U.S. Courthouse at 109 South Highland, Jackson, TN, as the "Ed" Jones Federal Building; to the Committee on Public Works and Transportation.

By Mr. TAUKE:

H.R. 5187. A bill to repeal an exception in section 313 of the Federal Election Campaign Act of 1971 that permits certain Members of Congress to use excess campaign funds for personal purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H.R. 5188. A bill to direct the Secretary of Commerce to make grants for operation of export promotion vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 5189. A bill to authorize the Administrator of the Small Business Administration to make grants to eligible small businesses to facilitate their participation in mobile trade fairs; to the Committee on Small Business.

By Mr. SOLOMON:

H.J. Res. 635. Joint resolution to express the sense of the Congress that export licenses should not be granted which allow satellites manufactured in the United States to be launched by nonmarket launching entities, including the Soviet Union and People's Republic of China; to the Committee on Foreign Affairs.

By Mr. DENNY SMITH (for himself and Mr. Weldon):

H. Res. 516. Resolution requesting the Secretary of Labor to publish certain standards respecting volunteer fire departments; to the Committee on Education and Labor.

By Mr. DANNEMEYER (for himself, Mr. Dornan of California, and Mr. Holloway):

H. Res. 517. Resolution expressing the sense of the House of Representatives concerning the movie "The Last Temptation of Christ"; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. VUCANOVICH introduced a bill (H.R. 5190) to facilitate certain land transactions in the State of Nevada; which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 639: Mr. DioGuardi.

H.R. 669: Mr. Smith of New Jersey.

H.R. 958: Mr. Marlenee, Mr. Levine of California, Mr. Synar, Mr. Archer, Mr. Durbin, Mr. Gilman, Mrs. Byron, Mr. Williams, Mr. Holloway, and Mr. Vento.

H.R. 2148: Mr. Fauntroy and Mr. Pease.

H.R. 2649: Mr. Swindall.

H.R. 3054: Mr. Mfume and Mr. Vento.

H.R. 3478: Mr. Lent, Mr. McGrath, Mr. Flake, Mr. Gilman, Mr. Horton, Mr. Stratton, Mr. DioGuardi, Mr. Rangel, and Ms. Schneider.

H.R. 3588: Mr. Yatron.

H.R. 3660: Mr. Bryant.

H.R. 4048: Mrs. Martin of Illinois and Mr. Swindall.

H.R. 4141: Mr. Blaz and Mr. Fuster.

H.R. 4170: Mr. Jacobs.

H.R. 4189: Mr. Burton of Indiana.

H.R. 4257: Mr. Frost, Mr. Bereuter, Mrs. Roukema, Mr. Young of Florida, Mr. Hefley, Mr. Thomas A. Luken, Mr. Martinez, and Mr. Wolpe.

H.R. 4468: Mr. Clinger and Mr. Barnard.

H.R. 4479: Mr. Boucher and Mr. Dwyer of New Jersey.

H.R. 4482: Mr. Atkins.

H.R. 4497: Mr. McGrath, Mrs. Morella, Mr. Sisisky, Mr. Thomas of Georgia, Mr. Valentine, Mr. Rowland of Georgia, Mr. Clarke, Mr. Rogers, Mr. Hatcher, Mr. Hefner, Mr. Tallon, Mr. Bunning, Mr. Bateman, Mr. Sundquist, Mr. Coble, Mr. Neal, Mr. Price of North Carolina, and Mr. Hubbard.

H.R. 4502: Mr. Skaggs.

H.R. 4712: Mr. Yatron.

H.R. 4721: Mr. Barnard, Mr. Brennan, Mr. Davis of Michigan, Mr. Dowdy of Mississippi, Mr. Edwards of Oklahoma, Mr. Martinez, Mrs. Meyers of Kansas, Mr. Owens of Utah, Mr. Synar, and Mr. Vento.

H.R. 4743: Mr. Buechner.

H.R. 4758: Mr. Hutto, Mr. Inhofe, and Mr. Chapman.

H.R. 4803: Mr. Ackerman and Mr. Bates.

H.R. 4818: Mr. Scheuer, Mr. Clarke, Mr. Darden, Mr. Murphy, Mr. Lewis of Georgia, Mr. DeFazio, and Mr. Lehman of California.

H.R. 4846: Mr. Dowdy of Mississippi and Mr. Dwyer of New Jersey.

H.R. 4870: Mrs. Martin of Illinois and Mr. Wolpe.

H.R. 4881: Mr. Martin of New York, Mr. Kolter, Mr. Buechner, Mr. Dellums, Mr. Bonior of Michigan, Mrs. Bentley, and Mr. Lewis of Florida.

H.R. 4889: Mr. Hefley.

H.R. 4898: Mrs. Roukema and Mr. Wortley.

H.R. 4921: Mrs. Boxer and Mr. Eckart.

H.R. 4923: Mr. Slattery, Mr. Green, Mr. Kolter, Mr. Wortley, Mr. Montgomery, Mr. Lent, Mr. Smith of Florida, Mr. Anthony, Mr. Feighan, Mr. Wylie, Mr. Frank, Mr. DioGuardi, Mr. St Germain, Mr. Kanjorski, Mr. Kostmayer, and Mr. Rahall.

H.R. 4958: Mr. Williams.

H.R. 4987: Mrs. Lloyd, Mr. Wilson, Mr. Lantos, Mr. Vento, Mr. Smith of Florida, and Mr. Herger.

H.R. 5000: Mr. Spratt and Mr. Hayes of Illinois.

H.R. 5003: Mr. de Lugo, Mr. Smith of Florida, Mr. Carper, and Mrs. Saiki.

H.R. 5017: Mr. Hammerschmidt.

H.R. 5018: Mr. Morrison of Connecticut and Mrs. Boxer.

H.R. 5033: Mr. Scheuer.

H.R. 5036: Mr. Ackerman and Mr. Gunderson.

H.R. 5045: Mr. Rodino and Mr. Fauntroy.

H.R. 5050: Mr. Hawkins, Mr. Smith of Florida, Mr. Edwards of California, Mr. Horton, Mr. Morrison of Connecticut, and Mr. McHugh.

H.R. 5068: Mr. Yates, Mr. Fazio, Mr. Frank, Mr. Gray of Illinois, Mr. Garcia, and Mrs. Boxer.

H.R. 5073: Ms. Slaughter of New York, Mr. Rowland of Georgia, Mr. Towns, Mr. Borski, Mr. Sundquist, and Mr. Clement.

H.R. 5121: Mr. Bates.

H.R. 5144: Mr. Ackerman and Mr. Smith of Florida.

H.J. Res. 330: Mr. Wyden, Mr. Inhofe, Mr. Anderson, Mrs. Saiki, and Mr. Kostmayer.

H.J. Res. 501: Mr. Levin of Michigan, Mr. Smith of Iowa, Mr. McMillen of Maryland, and Mr. Florio.

H.J. Res. 520: Mrs. Johnson of Connecticut, Mr. Atkins, Mr. Thomas of Georgia, Mr. Bateman, Mr. Fauntroy, Mr. Frost, Mr. Hammerschmidt, Mr. Young of Florida, Mr. Berman, Mr. Boucher, Mr. Carper, Ms. Oakar, Mr. Parris, Mr. Daub, Mr. DeFazio, Mr. Campbell, Mr. de Lugo, Mr. Hoyer, Mr. Young of Alaska, Mr. Espy, Mr. Fazio, Mr. Downey of New York, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Gray of Illinois, Mr. Green, and Mr. Fuster.

H.J. Res. 540: Mr. Ballenger, Mr. Gordon, Mr. Perkins, Mr. Wise, Mr. Markey, Mr. Synar, Mr. Henry, Mr. Stark, Mr. Gephardt, Mr. Spratt, Mr. Boulter, Mr. Vento, Mr. MacKay, Mr. Clarke, Mr. Bustamante, Mr. Durbin, and Mr. Schumer.

H.J. Res. 556: Mr. Atkins, Mr. Badham, Mr. Borski, Mr. Brennan, Mr. Buechner, Mr. Cheney, Mr. Dixon, Mr. Dornan of California, Mr. Dymally, Mr. Emerson, Mr. Foglietta, Mr. Gilman, Mr. Grant, Mr. Gunderson, Mr. Hefley, Mr. Hoyer, Mr. Kolbe, Mr. Lewis of California, Mrs. Lloyd, Mr. Mack, Mr. Moakley, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Pashayan, Ms. Pelosi, Mr. Price of North Carolina, Mr. Rahall, Mr. Rose, Mr. Savage, Mr. Sikorski, Mr. Solomon, Mr. Spence, Mr. Spratt, Mr. Stump, Mr. Synar, Mr. Tauzin, Mr. Waxman, Mr. Weldon, and Mr. Whittaker.

H.J. Res. 574: Mr. Lagomarsino, Mr. Matsui, and Mrs. Vucanovich.

H.J. Res. 576: Mr. Bartlett, Mr. Bates, Mr. Bosco, Mr. Burton of Indiana, Mr. Carper, Mr. Chappell, Mr. Coleman of Texas, Mr. Conte, Mr. DeWine, Mr. DioGuardi, Mr. Donnelly, Mr. Fascell, Mr. Fields, Mr. Foglietta, Mr. Lowry of Washington, Mr. McCollum, Mrs. Meyers of Kansas, Ms. Slaughter of New York, Mr. Denny Smith, and Mr. Wortley.

H.J. Res. 580: Mr. Tauzin, Mr. Cardin, Mr. McCollum, Mr. Clarke, Mr. Price of North Carolina, Mr. Pepper, Mr. Rowland of Connecticut, Mr. Clay, Mr. Nichols, Mr. Lehman of Florida, Mr. Ray, Mr. Hatcher, Mr. Jones of North Carolina, Mr. Derrick, Mr. Hayes of Louisiana, Mr. Dowdy, Mr. Rowland of Georgia, and Mr. Coble.

H.J. Res. 597: Mr. Sikorski, Mr. Owens of Utah, Mr. Swift, and Mr. Mrazek.

H.J. Res. 598: Mr. LaFalce, Mr. Hefner, Mr. Bonker, Mr. Coughlin, Mr. Cardin, Mr. Dornan of California, Mr. Gordon, Mr. Jones of Tennessee, Mr. Fauntroy, Mr. Frenzel, Mr. Dixon, Mr. de la Garza, Mr. Kleczka, Mr. Dymally, and Mr. Lantos.

H.J. Res. 603: Mr. Lehman of Florida, Mr. Young of Alaska, Mr. Packard, Mr. Lungren, Mr. Hyde, Mr. Lantos, Mr. Fawell, Mr. Boland, Mr. Quillen, Mr. Daub, Mr. Hansen, Mr. Foley, Mr. Holloway, Ms. Kaptur, Mrs. Collins, Mr. Traxler, Mr. Lewis of California, Mr. Murphy, Mr. Spence, Mr. Mfume, Mr. Ford of Tennessee, Mrs. Lloyd, Mr. Levin of Michigan, and Mr. Traficant.

H.J. Res. 604: Mr. Bennett, Mrs. Bentley, Mr. Bevill, Mr. Blaz, Mr. Broomfield, Mr. Callahan, Mr. Campbell, Mr. Clement, Mrs. Collins, Mr. Davis of Illinois, Mr. DioGuardi, Mr. Dorgan of North Dakota, Mr. Dymally, Mr. Emerson, Mr. Evans, Mr. Fawell, Mr. Flippo, Mr. Foglietta, Mr. Frost, Mr. Gallo, Mr. Gilman, Mr. Gray of Illinois, Mr. Gunderson, Mr. Hamilton, Mr. Hopkins, Mr. Horton, Mr. Kostmayer, Mr. Lehman of Florida, Mrs. Lloyd, Mr. Lowry of Washington, Mr. Thomas A. Luken, Mr. Mack, Mr. Madigan, Mr. McCloskey, Mr. McEwen, Mr. Nielson of Utah, Ms. Oakar, Mr. Owens of Utah, Mr. Pursell, Mr. Richardson, Mr. Roe, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Schuette, Mr. Denny Smith, Mr. Spence, Mr. Spratt, Mr. Tallon, Mr. Tauke, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Weiss, Mr. Wortley, Mr. Young of Alaska, Mr. Brown of Colorado, Mr. Bunning, Mr. Carper, Mr. Courter, Mr. Darden, Mr. de la Garza, Mr. Hoyer, Mr. Hughes, Mrs. Kennelly, Mr. Lancaster, Mr. Martin of New York, Mr. Rinaldo, Mr. Robinson, Mr. Rowland of Connecticut, Mr. Saxton, Ms. Slaughter of New York, Mr. Robert F. Smith of Oregon, Mr. Sundquist, Mr. Volkmer, Mr. Cheney, Mr. Dyson, Mr. Fazio, Mr. Fields, Mr. Holloway, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Kolbe, Mr. Lungren, Mrs. Martin of Illinois, Mrs. Meyers of Kansas, Mr. McGrath, Mr. Mineta, Mr. Ray, Mr. Solomon, Mr. Tauzin, Mr. Upton, Mr. Wolf, and Mr. Yatron.

H. Con. Res. 258: Mr. Jenkins, Mr. Tauzin, Mr. Espy, Mr. Inhofe, Ms. Oakar, Mr. Frenzel, Mr. Swindall, and Mr. Hayes of Illinois.

H. Con. Res. 263: Mr. Bilirakis.

H. Con. Res. 305: Mr. Atkins, Mr. Chandler, and Mr. Lewis of Florida.

H. Con. Res. 326: Mr. Fawell, Mr. Bateman, and Mr. Mavroules.

H. Res. 462: Mr. Petri, Mrs. Vucanovich, and Mrs. Johnson of Connecticut.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

222. By the SPEAKER: Petition of Ronald C. Olson, Maricopa County, AZ, relative to a notice of joinder; to the Committee on the Judiciary.

223. Also, petition of Dennis D. Edwards, Baker, LA, relative to a complaint affidavit; to the Committee on the Judiciary.

224. Also, petition of Donald and Dellann Boland, Savannah, GA, relative to a request for acceptance of case and review En Banc, Supreme Court of the United States; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4526

Amendments to the committee amendment in the nature of a substitute.

By Mr. MARLENEE:

—On Page 4, line 23, after "made." insert the following: "Whether the value of just compensation is determined by negotiation between the parties or by the court, within three days of the date of enactment of these amendments the Secretary shall post a bond or place a cash deposit with the court, or offer such bond or cash deposit directly to the owners of the property taken pursuant to this paragraph, equal to the Secretary's estimate of the fair market value of the property taken. The property owners shall be permitted to accept such bond or cash deposit without prejudice to a claim that it inadequately reflects the fair market value of the property taken and shall be permitted to continue negotiations with the Secretary or to file an action in court seeking additional compensation.".

—On Page 4, line 23, after "made." insert the following: "Such payment shall include interest on the value of such property which shall be determined in accordance with 40 U.S.C. 258(e)-1.".

—Page 4, immediately before line 24, insert the following new paragraph 2(B)(1).

"The compensation to the property owners paid pursuant to this paragraph shall include the costs incurred by the property owner in removing from the Addition any equipment or other property title to which is not transferred hereby.".

—Page 4, immediately before line 24, insert the following new paragraph 2(B)(1).

"Should the value of just compensation be determined by judicial proceeding, the compensation to the property owners shall include provision for attorneys' fees in such proceedings as determined valuation to be reasonable by the court adjudicating the compensation issue.".

—Page 4, immediately before line 24, insert the following new paragraph 2(B)(2).

"Should the value of just compensation be determined by judicial proceeding, the compensation to the property owners shall include provision for attorneys' fees in such proceedings as determined valuation to be reasonable by the court adjudicating the compensation issue.".

—Page 4, immediately before line 24, insert the following new paragraph 2(B)(3):

"The compensation to the property owners paid pursuant to this paragraph shall include the costs incurred by the property owner in removing from the Addition any equipment or other property title to which is not transferred hereby.".

—Page 4, immediately before line 24, insert the following new paragraph 2(B)(2):

"The compensation to the property owners paid pursuant to this paragraph shall include the costs incurred by the property owner in removing from the Addition any equipment or other property title to which is not transferred hereby.".

—Page 4, immediately before line 24, insert the following new paragraph 2(B)(1):

"The compensation to the property owners paid pursuant to this paragraph shall include the costs incurred by the property owner in removing from the Addition any equipment or other property title to which is not transferred hereby.".

—Page 5, line 3 strike "court of competent jurisdiction" and insert in lieu thereof the following: "the federal district court for the eastern district of Virginia".

—Page 5, line 5 after the period insert the following: "At least one month prior to initiating such judicial proceeding, and not later than nine months after enactment, the Secretary shall offer the property owner the option of entering into binding arbitration before a mutually agreed upon third party to determine the just compensation with respect to the taking of such property, and if the property owner agrees within two weeks of the date of such offer the Secretary shall enter into such binding arbitration.".

—Page 4, line 14, after "judgement." insert the following: "The Secretary shall reserve funds adequate to satisfy the costs of the estimated judgement from appropriated "Land and Water Conservation Fund" monies and the payment shall have priority over all other uses of the fund until the obligations under this Act are satisfied in full.".

—Page 6, line 9, change "Secretary of the Interior" to "Secretary of Transportation".

—Page 6, strike lines 9 and 10 and insert "(a) Study—The Secretary of Transportation (hereinafter referred to in paragraphs (a) and (b) of this section as the 'Secretary', in consultation", and change "Secretary" to "Secretary of the Interior" in paragraphs (c) and (d) wherever the word "Secretary" appears in lines 16 and 17.

—Page 7, after line 21, add the following new paragraph:

"(e) The Government of the United States shall reimburse Prince William County, Virginia for all public improvements proffered by the landowner would have been required to make to the County if the above property were developed in accordance with the approved rezoning. These reimbursements shall equal the value of: the proffered recreation complex and swimming pool; water and sewer easements; right-of-way for the Route 234 Bypass north of I-66; two new road lands on Route 29 between existing Route 234 and Pageland Lane; a new northbound lane on Route 29; improvement of Groveton Road between William Center Boulevard and Ball's Ford Road; $2.25 million for the design and construction of the Route 234 Bypass interchange with I-66 (or other improvements as noted in the rezoning); $150,000 for school site acquisition; $1,800 for geodetic monumentation; five acres of land for a fire station and commuter parking lot; and any other contractual commitments to the County by the landowner.".

—Page 7, after line 21, insert the following new section:

"SEC. 5. SEQUESTRATION AND CERTAIN REDUCTION IN OUTLAYS.

"If the order issued under section 252(b) of the Deficit Control Act of 1985 for fiscal year 1989 states that the deficit reduction target will not be met, the funds for the legislative taking provided for in Section 2 shall come out of existing appropriations within the jurisdiction of the Secretary of the Interior.".

EXTENSIONS OF REMARKS

VERMONT ROYSTER: SUCCESS AFTER STRUGGLE

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. NEAL. Mr. Speaker, my hometown newspaper, the Winston-Salem Journal, recently published an excellent article by Linda Brinson on Vermont C. Royster, a native North Carolinian who achieved national prominence as editor of the Wall Street Journal. Mr. Royster is now retired and lives in Chapel Hill, NC, but he still writes occasional columns.

It wasn't easy for Mr. Royster, as a young man, to break into the news business. But he persevered. I found Mrs. Brinson's account of Mr. Royster's career fascinating, and I think it could be a great inspiration for young people who often find the going rough when they're trying to get started in their careers.

Mr. Speaker, I ask that the article on Mr. Royster from the July 3, 1988, Winston-Salem Journal be included in the RECORD at this point. The article follows:

VERMONT ROYSTER

(By Linda Brinson)

CHAPEL HILL.—It was a beautiful morning on the patio behind Vermont Royster's comfortable white house on a quiet street near the University of North Carolina. Birds twittered in the ample shade trees, and there was only a hint of the heat that would come later in the day.

Vermont Royster, who at 74 calls himself "the most retired person you ever saw—I'm a retired editor, columnist, professor and naval officer"—was not enjoying the bucolic setting.

He was suspicious of the reporter who was interviewing him with the aid of a tape recorder. "Reporters don't know how to take notes any more," he grumped. "I remember once going to see Jimmy Carter down in his hometown, this was after he was elected but before he was inaugurated, and chatting with him in his living room down there. And he expressed great surprise that I did not use a tape recorder. But I tried a tape recorder only once and I found the trouble transcribing the damn thing was just more work."

He was suspicious of the photographer who kept snapping a camera. "I have a question for the photographer," he grumbled. "Why do newspapers keep running photographs of somebody sliding into second base? He looks exactly like the guy who slud into it before. And why do they keep running the same basketball pictures of people running up and down in their underwear? It doesn't make any sense."

Most of all, he was restless. It's a presidential election year, and the heat of the campaigns was building faster than the heat of the day. But for the first time in many years, Vermont Royster was not planning to be part of the Wall Street Journal's delegation to the Democratic and Republican national conventions.

Albert Hunt, the Washington Bureau chief of The Wall Street Journal, had called recently to make arrangements. But Royster regretfully declined. Frances, his wife of 51 years, is ill, and Royster does not want to leave her.

In 1936, when he was just cutting his teeth as a reporter in the Washington Bureau of The Wall Street Journal, Royster went on his own time over to Philadelphia and managed to get credentials for the Democratic National Convention. By 1940, he attended both parties' conventions as a reporter, and, except for 1944, when he was serving in the Navy in World War II, he has not missed a convention since.

If he's got to be at home, he'd really rather be inside, maybe writing a column to send up to the Journal ("I write one when I feel like it, and they run it when they get around to it"), or showing somebody the "picture wall" in his den.

That's where he has pictures of himself, often with Frances, meeting many of the important people in politics from the past 50 years. He's proudest, he said, of the framed invitation to a White House reception with the Roosevelts, dated 1938. And then there is the photo of the Roysters with Ronald and Nancy Reagan at the White House, when Royster was awarded the Presidential Medal of Freedom in 1986.

The wall holds, too, his two Pulitzer Prizes—one for editorial writing in 1953, and one for commentary in 1984, when he was 70—and other awards.

The centerpiece of the wall is the large world map, studded with redtopped pins indicating places Royster has been on his travels. The United States is thick with pins, and Europe nearly as crowded. Pins dot Africa, South America, Australia, China, the Soviet Union—just about everywhere in the world except for the Arctic and Antarctica.

Another wall is devoted to family pictures—the daughters, Bonnie and Eleanor; the granddaughters, Heather and Shelley. The story of a close family is told in birthday and wedding photos. And then there are the pictures of the boats, including the yacht the Roysters lived on for about a year in 1971, while making the transition from editor of The Wall Street Journal to Kenan professor of journalism and public affairs at UNC.

"I've spent my whole life going in circles," Royster said. But the 35 years that elapsed between the time Vermont Royster was graduated from UNC and his return were eventful and fruitful. His rise to prominence at The Wall Street Journal in many ways paralleled the newspaper's rise to national eminence.

When Royster arrived at the university as a freshman in the fall of 1931, he had no ideas of becoming a journalist. Born in Raleigh, he spent most of his boyhood there, except for the first three years of his life, when his family lived in Chapel Hill. His father was a professor of classics at the university, who stopped teaching for a while to run a candy factory; indeed, teaching at the university was something of a tradition in the Royster family.

His unusual first and middle names are part of another family tradition. In the days when large families were commonplace, an ancestor, James Daniel Royster, came up with the idea of distinguishing his children by naming all of them after states.

The custom, Royster said, had died out by his father's generation, "fortunately." But his mother insisted on naming her first son after his grandfather.

Bearing the names "Vermont Connecticut" made life difficult for a young boy.

So did being at least a couple of years younger than everybody else in his classes. Already a good reader when he started first grade, he was moved up to third grade by midyear.

"I had a scrappy youth," he said. "I was always getting into fights. But later, once I got into journalism, I found the name to be an advantage. People might not remember what I wrote, but they always remembered the name."

Besides being younger than his classmates, Royster was small for his age. As a grown man, he stands 5 feet 6 inches.

His face has often been likened to that of a bulldog, and it matches his reputation for being a curmudgeon. The feistiness has stayed with him all of his life.

The atmosphere in his Raleigh home was scholarly, old-fashioned and disciplined. He began learning Latin at about the age that most children are learning to read. When Royster finished high school at 15, he expected to enroll immediately at the university, but his father insisted on sending him for two years to the Webb School, an old-fashioned, classical-education prep school in Bell Buckle, Tenn.

When he did start college at Chapel Hill, Royster majored in classical languages, mainly, he said, because for him they would be "crib" courses. He credits that choice with his election to Phi Beta Kappa during his junior year.

He never took a journalism course, but, looking for something to fill his spare time, he stumbled into a job on The Daily Tar Heel, the student newspaper. He also worked as a Chapel Hill correspondent for the Durham Morning Herald.

At graduation time, Royster found that he did not have much career preparation.

"When you get out of college with a nodding acquaintance with Euripides, that's really not much help. So being unqualified for anything else, I naturally turned to journalism."

Earning a living was a pressing concern, because Royster had found the love of his life. "But I had the old-fashioned notion that you didn't get married until you could support a wife," he said.

His blue eyes still sparkle with the memory of his first glimpse of Frances Claypoole—"I met my wife on July 4, 1931. She was 16 and I was 17. We went together from then on. She went to St. Mary's and then Greensboro while I went to Carolina."

In 1935, age 21, with no job in sight in North Carolina, Royster "went to New York to conquer the world."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Finally, he landed a job as a busboy in a cafeteria at Broadway and 72nd Street. Then he moved on to a job as a messenger for a bank.

His first break in journalism came with a temporary job with the old New York City News Association, a wire service for the city. He covered all the routine stories—police, night court.

"It was good training, but it was only temporary, and the young man whose place I took had the ill grace to get well," he said.

Unemployed again, Royster noticed a copy of the Wall Street Journal at a newsstand. "I had heard of it, but I thought it was all stocks and bonds and I wasn't interested in those.

"But at least it was a newspaper, and it came out every day, and it was published in New York. So I hied myself down to the Journal office at Broad Street, found that the editor's office was on the third floor, and got in the elevator and went up there."

The guard happened to be away from his desk, so Royster walked into the newsroom and looked around.

"In one corner was a glass partition, obviously the office of the boss. So I went over and stood in the door. At the desk was a gray-haired man; he must have been all of 40. Pretty soon he pushed his glasses up and looked at me, and said, 'What do you want?'

"I said, 'I want a job.'

"He said, 'What can you do?'

"I looked around his office, and I said, 'If you'll give me a broom, I'll sweep up this office,' because it was all cluttered up with papers and stuff."

Before the day was out, Royster had a job. It was, he said "about one step up from a copy boy," and it was supposed to be only temporary, but he worked hard.

About three months later, the man in the office—who turned out to be William H. Grimes, the managing editor—stopped him in the corridor and asked if he would like to go to Washington.

Royster said, "Yes, sir." The man said, "When can you go?" Royster replied, "Give me two hours."

He reported the next morning to Bernard Kilgore, the Journal's bureau manager in Washington. Later, he learned that Grimes had made the same offer to other young staffers, but that Royster's eagerness had won him the job.

Kilgore, who soon became the Journal's managing editor and then general manager, had a vision of modernizing the paper and making it national in scope. Vermont Royster, now a Washington correspondent, became a key figure in those plans. He was assigned to "inconsequential stories," then the Agriculture Department, then Congress and the Supreme Court. It was heady stuff, meeting important government figures, writing major national stories.

Frances Claypoole moved to vice job as a secretary with the State Department, and in June 1937, with Royster's salary now at "the magnificent sum of $25 a week," they got married.

World War II interrupted his budding career and family life. In what he now calls a mistake. Royster had become a Naval Reserve officer in 1939. Much to his shock, the year before Pearl Harbor, "President Roosevelt, that S.O.B., called up the National Guard and Naval Reserve for one year active duty."

Royster's one year of active duty turned into five years as a naval officer, serving mostly aboard ships in the Atlantic, the Pacific and the Caribbean.

It didn't take him long to pick up the pieces after the war was over, however. He was made the Washington Bureau chief for the Journal about a year later, and after a couple of years in that job he moved to New York as chief political reporter. Then he wrote editorials and Sunday special assignment pieces. The 1953 Pulitzer, awarded not for a particular editorial but for his work in general, gave his career another boost.

By the mid-1950s, Royster's forcefully opinionated, highly principled, old-line, Southern-conservative voice was essentially the editorial voice of the increasingly influential Wall Street Journal.

In 1957, his greatest ambition was fulfilled, when he was named the editor of the newspaper. Later, he attained other positions, including that of senior vice president of Dow Jones, the Journal's parent company. But he said that he always considered being editor as his greatest accomplishment.

In his recent autobiography, My Own, My Country's Time: A Journalist's Journey, Royster recalls that he asked when he became editor if the temporary job Grimes had given him in 1938 could finally be considered permanent.

The national prominence of The Wall Street Journal certainly seemed permanent by that time, and as its principal spokesman, Royster was sought out by the powerful and the famous. No matter whom he was dealing with, he was the same crusty, nononsense, highly principled newsman.

Al Hunt, the current Washington Bureau chief, recalled a classic story about Royster, or "Roy," as he is called by his friends at the newspaper:

"Roy went in to interview John Kennedy right after he had been elected president, and Kennedy tried real hard to find something that he and the editorial page of The Wall Street Journal agreed on.

"When Roy went in, Kennedy congratulated him on the Journal's editorial on free trade. Roy said, 'Mr. President, we've been for free trade long before you got there, and we will be long after you leave.' "

Royster, Hunt said, did a great deal toward expanding the scope of The Wall Street Journal beyond business and economic news. He and Allen Otten, another former Washington Bureau chief, were "in the '50s and '60s such giants in their political analysis that they really did make this paper become a serious paper in political journalism," Hunt said.

"Roy really is a living legend. I'm a real Vermont Royster fan. I don't think I've ever read anyone in American journalism who writes as beautifully as Vermont Royster. I can read a column I totally disagree with and be impressed because he writes so well," he said.

Hunt said that he also values Royster as a friend and adviser.

"When I first met him, I thought he was one of the great curmudgeons of all times. I was kind of awed by him. Then I got to know him and I found that besides his brilliance and his eloquence, he really is one of the kindest men I've ever known.

"He is an extraordinary figure who, for all of his bluster, is full of kindness, great insights; he is incredibly supportive and really a remarkable human being.

"He has only one fault," said Hunt, an alumnus of rival Wake Forest University. "He is a graduate of the University of North Carolina."

Royster has a wealth of memories about the big stories, and about the stories that never made it into print. One of his favorite memories is of the 1948 presidential election, when "Harry fooled all of us."

But he didn't completely fool Royster, who was impressed by Harry Truman's campaigning. He wrote an analysis for the Journal that began, "By all the polls and portents, Thomas E. Dewey will be the next president of the United States. But it's hard to see why."

Bill Grimes, the editor, killed the story, telling Royster that once Dewey won, the newspaper would look bad and Royster's relationship with the new president would be strained.

"Of course, Truman was elected, and I was mad as hell," Royster said.

Physical problems and a diagnosis of carcinoma led to Royster's decision early in 1971 to retire as editor and senior vice president. He decided to accept an offer of a William R. Kenan professorship at the University of North Carolina, teaching journalism and political science. For many years, he continued to write a regular column for the Journal from Chapel Hill, and he won his second Pulitzer only four years ago.

He said he found that he enjoyed teaching a great deal, and he also enjoyed the flexibility of an academic job. If he wanted to take a trip and do some extra writing, he could always take a semester off. His major advice to aspiring journalists, he said, was "Get it right, and try to get your spelling right."

He also often told his students that "going to journalism school probably won't hurt you very much," and he tried to persuade them to take plenty of courses in history, economics and other subjects.

"Get as broad an education as possible, that's what I used to preach," he said.

Richard Cole, the dean of the UNC School of Journalism, said that Royster "brought a depth and a range of expertise to the school that was badly needed then and is always badly needed." Cole said that he would like to see a Vermont Royster-Dow Jones professorship in business journalism established "as a lasting tribute to him."

Royster, with only a hint of humor, insists that he was fired from his teaching position. "They use the word 'retired' because of my age, but as far as I'm concerned, I was fired," he said. He does, however, still frequently speak to journalism classes.

And, in spite of criticism and doomsayers, in spite of great changes in the field, he said he thinks that American newspaper journalism is alive and well. "I've got lots of quarrels with it, but I think it's better now than it has ever been, all in all.

"I think the newspapers do a much better job now of covering the world. And by and large the attitude of reporters is more thoughtful and more devoted to trying to just tell the story."

Whether he goes to this year's conventions or not, Royster stays well informed.

But he's not about to say who he thinks will win the election in November.

"I went out of the predicting business in 1948," he said.

WHAT IS A DRUG-FREE SCHOOL ZONE?

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. LAGOMARSINO. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared recently in the Washington Post concerning a new approach being used in the State of New Jersey to combat drugs, especially in the schools. The article follows:

[From the Washington Post, July 31, 1988]

WHAT IS A DRUG-FREE SCHOOL ZONE?

(New Jersey's attorney general explains an idea that some officials in Prince George's County would like to see adopted in their state. Cary Edwards is New Jersey's attorney general. This is adapted from a statement he released earlier this summer.)

"Drug-Free School Zone" proclaim brand-new blue-and-white signs springing up all across the state. These signs, unlike any other in the country, have generated a great deal of discussion and have raised a number of questions. What is a "drug-free school zone"? What is hoped to be accomplished by posting signs?

The signs are designed to heighten public awareness about New Jersey's tough new drug laws, and to put people on notice about the existence and location of the recently created drug-free school zones.

Under the new law, drug-free school zones extend 1,000 feet in all directions from the outer boundaries of every elementary and secondary school in the state. The zones are not limited to public schools, but include private and parochial schools as well. The law now provides that anyone distributing drugs within these school zones faces increased punishment. Specifically, a dealer who operates in a school zone is subject to a minimum mandatory term of three years' imprisonment with no possibility of parole.

The especially tough punishment for drug-free school zone offenders, however, is not restricted to dealers. A person, juvenile or adult, who merely uses or possesses an illicit drug within a school zone faces a mandatory 100 hours of community service. This is in addition to the stern sanctions that apply to all drug offenses, including a cash penalty of $500, which is returned to the community for drug education and prevention and the mandatory revocation or postponement of a driver's license for at least six months and up to two years.

Are we simply encouraging dealers to set up shop just outside the school zone boundaries? Wouldn't it be better simply to post signs proclaiming a drug-free New Jersey?

A drug-free New Jersey—not a warning on signs—is our ultimate goal. Tough laws alone cannot achieve that goal. But we can take immediate steps to rid schools and the areas adjacent to schools of drug-trafficking activities. Why focus on schools?

Our new law recognizes, correctly in my view, that if we are ultimately to win the war on drugs, we can succeed only by reducing the demand for illicit substances. This, in turn, will largely depend on the new education programs we're putting into our schools designed to teach our young people how and why they should say no.

We must, therefore, be certain that schools and the areas around them are safe havens for children, not marketplaces for drug dealers, or users. By vigorously enforcing our drug-free school zone plan, law enforcement will fulfill part of its vital role in reducing demand. The facts are that almost one-third of children try drugs before the ninth and 10th grade and about two-thirds by the time they finish high school.

Children should not be able to look out their classroom windows and see a drug deal taking place. They should not be able to find used "crack" vials littered around school playgrounds. They should not be propositioned to buy or use drugs while walking to school or in school buildings.

It doesn't matter, by the way, whether a sign is posted at every point along a school perimeter or whether a drug offender actually sees a sign. It's not relevant whether a dealer even knows whether he is operating within a drug-free school zone. The dealer is subject to tougher penalties whether or not he knows about the zone.

But knowing of the drug-free school zones and knowing what a violation means will speed the process of achieving our goal: to get the user and the pusher 1,001 feet away from schools.

CONGRESSIONAL BLACK CAUCUS CITES DANGERS OF DEATH PENALTY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. CONYERS. Mr. Speaker, I would like to insert into the RECORD the following letter from the Congressional Black Caucus to Speaker JIM WRIGHT urging him not to include a death penalty provision in the drug bill. The letter directs the Speaker's attention to arguments contained in a recent Washington Post article authored by the chairman of the Select Committee on Narcotics, CHARLES RANGEL. It points up the strong concern that the CBC members have over the inequity of the death penalty. While blacks comprise 11 percent of the population in the United States, they constitute 40 percent of those on death row. Clearly there are racial biases which affect the imposition of the death penalty, which cannot be tolerated in our criminal justice system.

Substantial evidence has been brought to my attention during hearings held by my subcommittee which shows that the race of both the defendant and the victim plays an important role in determining who is sentenced to death as punishment for the crime of murder. Those who kill whites are far more likely to be targeted for execution than those who kill blacks. This situation raises a serious constitutional question of whether the defendants are being denied equal protection of the law. The "death to drug trafficker" provisions which have been circulated thus far do not provide adequate protection against racial discrimination. Therefore, it would be a mistake to permit the use of the death penalty on the Federal level.

On April 21, 1988, I introduced H.R. 4442, the Racial Justice Act, which provides capital defendants a reasonable opportunity to establish an equal protection—14th amendment—violation. However, until the bill is enacted, the process of imposing death sentences will remain unfair and unjust.

CONGRESSIONAL BLACK CAUCUS,
CONGRESS OF THE UNITED STATES,
Washington, DC, August 4, 1988.

Hon. JIM WRIGHT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: My colleagues in the Congressional Black Caucus have asked that I write to formally associate the CBC with the remarks of our colleague and Chairman of the House Select Committee on Narcotics, Representative Charles Rangel, in his recent Washington Post editorial urging that the death penalty not be included in the new drug bill.

As you know, Congressman Rangel has been working on the drug question since long before popular attention focused on this issue. He has effectively made the distinction between an anti-drug program that is in fact tough, and one that merely masquerades as being tough. These charades are often at the enormous expense of racial bias and the loss of innocent life.

As Representatives of communities that are disproportionately plaqued by the drug abuse problem, we are pleased that a number of members are now willing to join with us in what has been an ongoing effort to stop the scourge of drugs in our communities. Nevertheless, we are deeply disturbed that some are using the nation's current focus on the drug problem to enact controversial measures which can only detract from the unified approach that will be necessary to make inroads against the drug crisis. Current proposals to authorize a federal death penalty for drug related crimes are just such measures.

Members of the Congressional Black Caucus have studied with great care, evidence spanning more than fifteen years of death sentences and executions in the United States which clearly indicates that race determines who will be sentenced to die as punishment and who will receive a sentence other than death. We have come to know that factors such as the severity of the crime, whether a gun was used in the commission of the crime, or even the prior criminal history of the defendant are not as relevant as the defendant's race when the death penalty is involved.

In light of last year's Supreme Court decision in *McCleasky* v. *Kemp*, in which the Court charged legislators with the responsibility of evaluating the evidence of race discrimination in the application of the death penalty. A number of Members of Congress, including members of this Caucus, have cosponsored H.R. 4442, the Racial Justice Act. That legislation is designed to address these critical concerns. Unfortunately, the House has not yet had an adequate opportunity to consider this important item.

We strongly oppose calls for the death penalty in the drug bill and feel that legislative measures currently proposed may themselves extend the infamous legacy of a racially biased death penalty to the federal level. Forcing a debate on such an emotionally charged topic can only draw us farther from the unified moral approach that is necessary to mount an effective campaign against what has become one of the great tragedies of our society, drug abuse.

If, a death penalty proposal does become the focus of legislative debate, the Members of the CBC have indicated their intent to oppose this measure. We will aggressively pursue an opportunity for extensive debate on the numerous constitutional, procedural, legal and moral issues raised in the various death penalty proposals, and seek an opportunity to offer amendments to address them. In our view, as the distinguished Chairman of the Select Committee on Narcotics points out, our energies would be better spent hammering out the specifics of a cohesive and comprehensive drug strategy.

Sincerely,

MERVYN M. DYMALLY,
Chairman.

[From the Washington Post, July 6, 1988]

(By Charles B. Rangel)

DRUGS AND THE DEATH PENALTY

Our focus on fighting a real war on drugs is threatened with really going off course now. Over the past few weeks we have allowed ourselves to be distracted by talk that legalization or "zero tolerance" or "user account-ability" is the answer to society's enormously complex and critical drug problem. Now the death penalty is being bandied about as the cure-all-of-the-week.

The Senate recently passed a bill to allow the death penalty for drug traffickers convicted of murder. The measure passed by a wide margin, and a similar measure is being advocated by some House members.

Those who think the death penalty is going to force the drug problem over the horizon and out of our lives are fooling themselves. The drug lords will hardly be scrambling for cover when their radars home in on capital punishment here in the United States.

Even as the death penalty would be imposed upon some of these drug dealers, the flow of drugs across our borders would be as fast and as furious as ever.

Drug dealers already face a certain amount of risk in keeping their billion-dollar industry alive anyway. They constantly face the real prospect of being murdered by one of their competitors. The death penalty would not even increase the cost of doing business for them. It alters the risks very little.

The death penalty in this case is a smokescreen for real action on the drug crisis. It is a camouflage sprung on the American people at a time when they are begging for a noble and valiant response to our nation's narcotics crisis and the national security threat that drug abuse and drug trafficking present. It is a diversion from the critical action that we all know needs to be taken, and soon, to put these merchants out of business.

All the death penalty would do for us is give the appearance of doing something about the drug problem for a short time. The streetcorner deals, the flow of drugs across our border, the senseless killings and robberies and the overdoses would continue. But that's okay. We feel better and safer because somebody somewhere is paying the ultimate price.

What the death penalty would not do for us is help us come up with a plan to seal our borders from the flow of drugs. It would not help coordinate anti-drug efforts. It would not bring forth the vast amount of resources that we know we must commit to fight the war as we know we should.

The death penalty would not increase the money we spend on treatment and education, or give jobs and skills and a sense of self-worth to the poor and forgotten who often depend heavily on these illicit substances because they have nothing to lose.

The death penalty also would not help bring about what is needed: a hemispheric summit between heads of state to discuss strategies for turning back the drug tide. And it would not stop poor farmers in Bolivia and Peru, for example, from growing coca leaves.

Most important, the flow of drugs would not be impeded because of the death penalty. Look at Florida. That state has had the death penalty for years, but it remains the worst spot for the importation of illicit narcotics to the United States.

The death penalty presents serious drawbacks under any circumstances.

The most glaring obstruction is that the sentence leaves no room for error. We may not want to think about it, but errors do occur in bringing people to justice.

Perhaps the most chilling example death penalty foul-ups occurred in Florida in 1983. Young Shabaka Sugliani Waglini came within 15 hours of execution after 10 years on Florida's death row before a three-judge Circuit Court panel in Atlanta stayed the execution on grounds that the case needed a closer look. The ruling came after officials already had measured Waglini, poor and black, for his burial clothes and had offered him a choice of last meals.

From that point on until just before Waglini was set for a retrial last year it filtered out that the prosecutor had hidden evidence and that a key witness had lied. When the witness admitted last year to having lied at the first trial, Florida prosecutors dropped the poorly handled case.

There is no disputing the fact that when it comes to the death penalty, the long, curved blade of the grim judicial reaper extends farther when the defendant is minority. According to the NAACP Legal Defense Fund, 836 of the 2,048 inmates on death row as of May 1, 1988, are black. Blacks make up 40 percent of the death row inhabitants, but only 11 percent of the nation's population.

It has been the custom of the society, and of other civilized societies, to build prisons and mete out long-term punishments for heinous crimes. Let's stick with incarceration. Let's build more prisons. Let's make them more secure. Let's make inmates sit back and think for the rest of their lives how dumb it was to commit murder, rape, robbery or sell drugs. Let's not take the quick way out, but more importantly, let's not have ourselves open to more Shabaka Waglini cases. Has anybody ever heard of life without parole?

RUNNING FOR HUNGER

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. STUDDS. Mr. Speaker, I would like to take this opportunity to pay tribute to the American runners who will soon be traveling to the Soviet Union to participate in the Moscow International Peace Marathon.

The Moscow race brings together runners from across the globe whose goal is to raise funds to help alleviate world hunger—our American athletes are all members of the California-based "World Runners."

I would especially like to congratulate the residents of Cape Cod who have raised nearly $20,000 for OxFam and the Heifer Project, as well as their own travel expenses to Moscow. They are: Donald D. Smith of Marstons Mills, Nicholas and Ellen Harmansky of West Barnstable, Edwin and Margaaret Sargent of Cataumet, and Brian O'Hearn of Centerville. I extend to them my best wishes for a safe journey and successful race, and commend them for their efforts to address the problem of world hunger.

HUNTERS AND FISHING MEN AND WOMEN PUT THEIR MONEY WHERE THEIR MOUTHS ARE—PROMOTING CONSERVATION TO THE TUNE OF $661 MILLION LAST YEAR.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. YOUNG of Alaska. Mr. Speaker, I have always felt that the men and women who hunt and fish and trap are the real environmentalists. They pursue their hobby throughout this great Nation and understand that conservation means wise use of the resources. They are responsible for the vast proportion of wildlife management programs in this Nation, because they put their money where their mouths are—they buy licenses and permits and comply with the laws designed by wildlife managers which promote healthy populations of fish and game. Recently, the Department of Interior released a list of the moneys raised on a State-by-State basis which details this enormous contribution by these good Americans to the wildlife we all enjoy. I ask that the list, and the accompanying release be placed in the RECORD, and I salute these, the real environmentalists of this land.

FISHING AND HUNTING LICENSE SALES STABLE, REVENUE INCREASES ACCORDING TO LATEST SALES FIGURES

Revenue from hunting and fishing license sales increased about 5 percent in 1987, while fishing and hunting activity in the United States remained about the same as the previous year, according to the latest license sales figures released today by U.S. Fish and Wildlife Service Director Frank Dunkle.

A total of 15,819,366 people bought hunting licenses in fiscal year 1987, compared with 15,773,190 during fiscal year 1986. Fishing license purchasers numbered 30,350,321 in fiscal year 1987 compared with 30,359,462 in 1986. Money spent on licenses and associated permits, tags, and stamps in 1987 reached an overall total of $661 million compared with the previous total of $624 million in 1986.

Money from the sale of fishing and hunting licenses, permits, tags, and stamps is used to fund State fish and wildlife programs. License sales figures are compiled annually by the Service's Federal Aid Division from figures submitted by State fish and wildlife agencies. State funding through the Federal Aid in Wildlife Restoration and the Federal Aid in Sport Fish Restoration programs, both administered by the Service, is determined in part by the number of paid fishing and hunting license holders in each State.

License sales figures tend to fluctuate from year to year due to a number of reasons, such as the initiation of a special permit, stamp, or tag; or new regulations governing resident vs. nonresident licenses or one day vs. seasonal licenses. For this reason, the total number of fishing licenses, permits, tags, and stamps sold does not always reflect a trend in hunting or fishing activity, but could be attributed to a change in State license requirements.

Trends in participation are best measured by comparison of the numbers of paid license holders (first column on table attached) from year to year. These figures provide a general estimate of fishing and hunting activity in each State. However, the figures do not necessarily reflect the actual number of hunters and anglers in the country because some States offer license exemptions to people in special circumstances, such as those who are over or under a certain age, handicapped, or who hunt or fish on their own land. Also, some States sponsor special "free" hunting and fishing days, and those who hunt or fish in more than one State are counted more than once.

A State-by-State breakdown of 1987 hunting and fishing license sales figures is attached.

NUMBER OF PAID FISHING LICENSE HOLDERS, LICENSE SALES, AND COST TO FISHERMEN FISCAL YEAR 1987

State	Paid fishing license holders [1]	Resident fishing licenses, tags permits and stamps	Nonresident fishing licenses tags, permits and stamps [2]	Total fishing licenses, tags, permits and stamps [2]	Gross cost to fishermen
Alabama	616,313	531,517	113,041	644,558	$5,049,783
Alaska	297,711	181,721	140,773	322,494	4,028,812
Arizona	497,237	460,365	157,976	618,341	5,751,617
Arkansas	641,564	626,464	141,068	767,532	6,900,160
California	2,341,565	3,355,307	69,350	3,424,657	39,230,069
Colorado	747,235	605,266	325,248	930,514	8,273,884
Connecticut	205,954	198,934	7,020	205,954	1,538,396
Delaware	19,762	20,668	4,066	24,734	199,285
Florida	809,491	629,225	189,491	818,716	7,058,305
Georgia	739,275	873,224	57,901	931,125	4,735,117
Hawaii	8,377	8,377	265	8,642	27,045
Idaho	430,479	322,663	158,063	480,726	4,718,749
Illinois	816,076	912,043	39,459	951,502	5,488,416
Indiana	660,001	624,566	111,870	736,436	4,562,192
Iowa	423,668	417,966	38,705	456,671	3,649,082
Kansas	305,352	261,793	52,367	314,160	3,844,692
Kentucky	641,217	5,596,244	140,287	5,736,531	5,370,072
Louisiana	570,844	748,917	42,580	791,497	2,982,308
Maine	251,299	181,207	86,824	268,031	4,557,348
Maryland	385,749	406,079	40,581	446,660	3,169,551
Massachusetts	204,923	214,680	8,149	222,829	2,357,851
Michigan	1,566,589	1,230,418	355,056	1,585,474	12,976,305
Minnesota	1,467,430	1,017,133	258,506	1,275,639	15,880,348
Mississippi	480,412	394,001	86,411	480,412	3,170,428
Missouri	1,039,988	1,586,522	133,516	1,720,038	7,837,387
Montana	379,382	317,321	279,662	596,983	6,219,097
Nebraska	260,378	264,955	45,803	310,758	2,716,172
Nevada	170,402	202,803	58,258	261,061	2,434,839
New Hampshire	167,633	112,183	56,114	168,297	2,819,670
New Jersey	237,851	365,942	11,178	377,120	3,692,565
New Mexico	264,456	194,052	80,406	274,458	3,302,769
New York	1,122,431	956,856	234,360	1,191,216	9,942,707
North Carolina	456,179	429,462	54,595	484,057	5,635,000
North Dakota	161,610	169,662	18,196	187,858	1,009,138
Ohio	1,194,404	1,084,930	112,745	1,197,675	8,716,201
Oklahoma	587,900	488,072	89,065	577,137	7,241,146
Oregon	762,138	980,829	224,807	1,205,636	10,974,145
Pennsylvania	1,127,284	1,056,898	70,386	1,127,284	12,934,672
Rhode Island	41,336	36,894	6,195	43,089	350,935
South Carolina	372,604	368,096	50,209	418,305	4,400,673
South Dakota	193,283	248,183	53,582	301,765	1,711,899
Tennessee	768,426	772,627	185,212	957,839	5,649,815
Texas	1,878,278	2,373,007	94,411	2,467,418	16,564,432
Utah	394,423	276,765	163,240	440,005	5,925,745
Vermont	105,230	102,353	58,698	161,051	1,476,236
Virginia	622,641	746,458	85,156	831,614	4,629,157
Washington	846,944	1,070,209	134,463	1,204,672	12,108,199
West Virginia	283,436	509,766	53,632	563,398	2,966,941
Wisconsin	1,535,247	1,344,590	404,492	1,749,082	14,950,915
Wyoming	247,913	120,838	167,184	288,022	3,542,291
Totals [3]	30,350,321	35,999,051	5,550,622	41,549,673	315,272,561

[1] A paid license holder is one individual regardless of the number of licenses he may purchase. Data certified by State Fish and Game Departments.

[2] Period covered not identical to period covered by certification of all States.

[3] Persons who fished in more than one State are counted in each State where they fished.

NUMBER OF PAID HUNTING LICENSE HOLDERS, LICENSE SALES, AND COST TO HUNTERS, FISCAL YEAR 1987

State	Paid hunting license holders [1]	Resident hunting licenses, tags, permits and stamps	Nonresident hunting licenses, tags, permits and stamps	Total hunting license, tags, permits and stamps [2]	Gross cost to hunters
Alabama	293,436	312,369	33,098	345,467	$4,739,128
Alaska	84,717	170,637	30,004	200,641	4,856,795
Arizona	188,211	375,127	20,760	395,887	6,311,052
Arkansas	320,410	486,106	25,855	511,961	5,795,950
California	463,074	970,606	3,601	974,207	12,858,220
Colorado	315,434	438,793	121,363	560,156	24,851,216
Connecticut	85,663	83,595	2,068	85,663	557,137
Delaware	27,698	36,559	7,918	44,477	606,907
Florida	234,954	458,990	3,109	462,099	4,369,377
Georgia	414,456	947,648	38,187	985,835	5,885,671
Hawaii	12,061	12,117	407	12,524	89,481
Idaho	247,635	515,657	60,547	576,204	10,316,917
Illinois	320,682	559,074	10,325	569,399	4,984,339
Indiana	291,876	492,847	9,572	502,419	3,686,758
Iowa	243,279	618,817	55,436	674,253	6,411,927
Kansas	210,068	260,247	31,414	291,661	5,339,481
Kentucky	323,418	502,610	14,673	517,283	5,077,279
Louisiana	326,377	530,692	8,373	539,065	5,780,459
Maine	203,376	202,680	36,682	239,362	5,068,401
Maryland	176,125	361,315	60,631	421,946	3,240,211
Massachusetts	96,695	179,948	2,859	182,807	1,344,351
Michigan	926,328	1,445,837	21,777	1,467,614	14,235,557

NUMBER OF PAID HUNTING LICENSE HOLDERS, LICENSE SALES, AND COST TO HUNTERS, FISCAL YEAR 1987—Continued

State	Paid hunting license holders [1]	Resident hunting licenses, tags, permits and stamps	Nonresident hunting licenses, tags, permits and stamps	Total hunting license, tags, permits and stamps [2]	Gross cost to hunters
Minnesota	509,238	978,544	8,726	987,270	12,598,395
Mississippi	294,808	263,045	31,763	294,808	3,588,315
Missouri	496,618	957,680	30,398	988,078	7,684,487
Montana	262,802	801,172	192,612	993,784	9,895,034
Nebraska	157,071	312,364	35,992	348,356	4,282,349
Nevada	59,737	112,927	8,584	121,511	2,228,385
New Hampshire	94,957	108,842	17,823	126,665	2,288,228
Mew Jersey	131,937	285,762	7,791	293,553	4,788,855
New Mexico	148,686	145,947	17,056	163,003	5,081,438
New York	773,283	1,288,293	60,689	1,348,982	13,094,134
North Carolina	327,542	416,039	13,711	429,750	4,883,228
North Dakota	101,591	399,418	36,277	435,695	3,160,546
Ohio	461,820	805,508	11,459	816,967	6,788,392
Oklahoma	254,920	359,350	8,729	368,079	6,010,952
Oregon	350,402	937,375	26,443	963,818	11,204,683
Pennsylvania	1,173,841	2,078,771	90,783	2,169,554	24,157,023
Rhode Island	18,092	18,759	2,951	21,710	193,470
South Carolina	177,268	229,943	29,719	259,662	4,878,253
South Dakota	145,541	376,582	95,082	471,664	4,645,383
Tennessee	603,846	916,767	15,957	932,724	7,109,952
Texas	1,190,075	1,416,303	20,278	1,436,581	12,710,666
Utah	224,096	285,379	20,624	306,003	6,553,296
Vermont	109,877	90,496	19,381	109,877	1,687,997
Virginia	477,188	852,190	77,896	930,086	6,869,977
Washington	267,713	657,792	4,662	662,454	10,179,114
West Virginia	317,404	482,280	88,178	570,458	5,601,194
Wisconsin	737,019	1,359,807	35,233	1,395,040	16,927,650
Wyoming	145,921	197,916	75,970	273,886	9,784,510
Totals [3]	15,819,366	27,097,522	1,683,426	28,780,948	345,282,520

[1] A paid license holder is one individual regardless of the number of licenses he may purchase. Data certified by State Fish and Game Departments.

[2] Period covered not identical to period covered by certification for all States.

[3] Persons who hunted in more than one State are counted in each State where they hunted.

VA PROVIDES 100,000 RESERVISTS WITH EDUCATION AID

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mrs. BYRON. Mr. Speaker, I would like to take this opportunity to share a success story with my colleagues. The Veterans' Administration has just announced that it has provided educational assistance to more than 100,000 reservists eligible for such benefits under the Montgomery GI bill. This is a marvelous achievement. It signifies that the Montgomery GI bill is meeting our high expectations in attracting high quality individuals to our reserve forces, individuals who are interested not only in serving the Nation but in improving their own skills and education as well. I offer my congratulations to my colleague, Congressman SONNY MONTGOMERY, and ask that the announcement from the Veterans' Administration be entered into the RECORD.

VA PROVIDES 100,000 RESERVISTS WITH EDUCATION AID

The Veterans Administration has provided education benefits to more than 100,000 military reservists after the first three years of a new assistance program for National Guard and Reserve members.

VA Administrator Thomas K. Turnage noted, "The program provides up to $5,040 to eligible reservists for 36 months of college studies. For the first time, members of the Army, Navy, Air Force, Marine and Coast Guard Reserves, and the Army and Air National Guards are now eligible for VA education benefits."

By July 1, 1988, the third anniversary of the program, the 100,000th claim for benefits had been processed.

The reserve benefits are authorized by the Montgomery GI Bill, which also provides education benefits to veterans and active duty service members. The education program is funded by the Defense Department and administer by the VA.

VA programs have been providing educational benefits to veterans since 1944, but reservists have been eligible only since 1985, when the Montgomery GI Bill went into effect. More than 20 million Americans have received educational benefits totaling $69.7 billion in the past 43 years.

"It has been estimated that these veterans will pay up to eight times the cost of their education in federal income taxes, or $557.6 billion, from the added lifetime income their educations made possible," Turnage said. "And that doesn't even take into consideration the technological commercial, artistic and other improvements their educations have returned to American society."

IN MEMORY OF SHARON LANE: FIRST UNITED STATES WOMAN KILLED IN VIETNAM

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. EVANS. Mr. Speaker, I would like to take this opportunity to pay tribute to Sharon Lane, the first United States woman killed in Vietnam. As chairman of the Vietnam-era Veterans in Congress [VVIC] and chairman of the Subcommittee on Oversight and Investigations of the House Veterans' Affairs Committee, I believe it is important for us to continue to honor those who have served our country in the Vietnam War. In memory of Sharon Lane, I ask that this article be inserted into the CONGRESSIONAL RECORD.

[From the Wilkes-Barre (PA) Times Leader, June 26, 1988]

SHARON LANE: FIRST U.S. WOMAN KILLED IN VIETNAM

(By George Esper)

SUITLAND, MD.—The Vietnam war's messengers of death are inescapable at the National Archives.

The daily journals, the annual history of the Da Nang mortuary, the certificates of death, the records of things left behind—a peace medal, a Bible, tape cassettes—are abundant in the 12 million pages of Army documents recently made public.

Together, they chronicle the heavy toll paid by the 58,156 men and women who died in Vietnam.

The Da Nang mortuary report tells of processing the remains of 5,377 Americans in 1969 and notes that the number of casualties was generally higher in March through May of each year because of regular North Vietnamese and Viet Cong offensives.

The second entry in the daily staff journal of the 74th Medical Battalion at Chu Lai on June 8, 1969, brought the dreaded knock on the door back home in Canton, Ohio, for Kay and John Lane.

"1. 0001 Journal opened.

"2. 0550 Rocket attack 312th area. Resulted in the death of a nurse.

"3. 0720 SFC Bailey called SP5 Ellafrits, 312th Evac, on the casualty report on the death of 1LT Sharon A. Lane, N2334551, [redacted], 312th Evac. as a result of attack at 0550 hrs —"

While it was morning in Vietnam, it was the previous evening in the United States because Saigon time was 11 hours ahead. The Lanes heard sketchy details of the rocket attack on the evening news.

"Right after that came a knock on the door and we saw this Army car sitting in the driveway," Kay Lane, now 64, recalled in a telephone interview. "When he (the Army officer) came to the door, even before my husband got there, I said, 'Is she dead?' He said, 'Yes.' "

A piece of steel from a rocket that landed between Ward 4A and Ward 4B of the 312th Evacuation Hospital had ripped through Sharon Lane's aorta. She bled to death less than a month before her 26th birthday, the first woman killed by hostile fire in Vietnam.

Among her last letters home, she wrote on June 4, 1969, that her unit had just reached a milestone by treating its 10,000th patient since arriving in Vietnam the previous September. Then she added:

"Start 'nights' tomorrow so don't have to get up early tomorrow. Nice thought. Still very quiet around here. Haven't gotten mortared for a couple of weeks now . . ."

Four days later, she was dead. She was posthumously awarded the Bronze Star, the Purple Heart and the Vietnamese Gallantry Cross.

A memorial statue of the nurse stands in the courtyard of Aultman Hospital in Canton, where she went to nursing school. The hospital's Sharon Lane Women's Center is named in her honor.

Just the same, her mother said, Sharon would approve of none of this.

"She wasn't that kind of person," Kay Lane said. "She just thought she was a nobody, you know, just an ordinary person, and everybody tries to make a hero out of her now."

PRESS CONFERENCE ON ANTI-SEMITISM IN THE SOVIET UNION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. WEISS. Mr. Speaker, the following statement concerning anti-Semitism in the Soviet Union is one which I issued for distribution at a press conference held today on the steps of the Capitol. I insert it in its entirety in the RECORD:

PRESS CONFERENCE ON ANTI-SEMITISM IN THE SOVIET UNION

Let me begin by thanking my colleagues and friends with the Congressional Human Rights Caucus, Tom Lantos, John Porter, Jim Scheuer, and Jack Buechner, as well as the Anti-Defamation League, the National Conference on Soviet Jewry, and the Union of Councils for Soviet Jewry, for their hard work and dedication to this important cause. Let me also extend a special welcome to Lev Shapiro, who has experienced personally the ugliness of anti-Semitism.

We are here today to send an important message to Mihail Gorbachev. Mr. Gorbachev, there is no such thing as selective Glasnost—it must apply to people of every race, creed, color and religion.

We have heard of the new openness of Soviet society. We have heard of the Perestroika—the restructuring. We have heard of the willingness to abide by the human rights agreements that Soviet Union voluntarily signed, including the Helsinki Final Act and the Universal Declaration of Human Rights. These documents talk of the rights of freedom of conscience, freedom to practice religion, and freedom to live in the country of one's choice.

But, Mr. Gorbachev, we have also heard the disturbing accounts of rampant anti-Semitism in the Soviet Union: the refusenik demonstrations crushed by the KGB; the Pamyat demonstrations for which special halls are reserved and which are ignored by the KGB; the leaflets advocating "Death to the Jews" which are plastered around Moscow; the overturning of Jewish tombstones in Soviet graveyards; the program atmosphere and the threats of violence which pervade Jewish communities in the Soviet Union; and the arbitrariness with which Soviet law is applied to Jews.

The questions remain: when will we hear Mr. Gorbachev act or speak out against this anti-Semitism? Where do Soviet Jews go to apply for the rights and freedoms to which they are entitled? When will we see a public commitment toward religious freedom, or toward free emigration, or against religious violence. Mr. Gorbachev, where do Soviet Jews go to apply for Glasnost?

We call upon the leadership of the Soviet Union today to show us their commitment, to publicly denounce anti-Semitism, and to truly guarantee religious freedom and free emigration for all their citizens, regardless of religion. Mr. Gorbachev, the world awaits your response.

THIS IS A WAR

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. OXLEY. Mr. Speaker, last night we learned of the attempted assassination of Secretary of State George P. Shultz in La Plaz, Bolivia. An explosive device was set off on the roadside along which the Secretary of State's motorcade was traveling. Luckily, no one was hurt, yet the explosion was strong enough to damage the automobiles in the motorcade. By the best accounts of the incident so far, it appears that Bolivian drug kingpins may be responsible for this action.

This assassination attempt further demonstrates the magnitude of the problem and dangers that drug kingpins pose to our society and to U.S. citizens. Not only do drug kingpins transport illegal narcotics into our country to poison our children, not only do they torture and murder U.S. Drug Enforcement Administration agents, they now try to murder our Secretary of State. I fully agree with Secretary Shultz when he stated after the incident that the attack was "antidemocratic and anticivilized."

As we now enter into consideration of the Omnibus Drug Initiative Act of 1988, I find it ironic that, given these actions, there are still Members of this body that believe the death penalty is too severe a punishment for drug kingpins. Mr. Speaker, this is a war. Drug kingpins pose a direct threat to our society and to our citizens. We need a tough, effective deterrent to help stop the deadly actions of drug kingpins. I submit to my colleagues that the death penalty for drug kingpins is reasonable and appropriate, and it is a necessary tool to fight the war on drugs.

BOLIVIAN DRUG TRAFFICKERS BOMB SECRETARY SHULTZ' MOTORCADE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. GILMAN. Mr. Speaker, the international drug traffickers have ruthlessly struck again. While traveling from Bolivia's El Alto Airport to La Paz, Secretary of State George Shultz's motorcade was bombed by Bolivian drug traffickers. Fortunately, no one was injured, but, several of the cars in the motorcade were damaged, including the vehicle carrying the Secretary's wife, Helena.

Mr. Speaker, this unfortunate incident illustrates once again, that all nations of the international community are vulnerable and interdependent. Nations everywhere must band together to combat these international drug traffickers. Global and regional drug strategies must be formulated. Resources, funds, equipment, and personnel must be pooled in order to conduct an effective war on this insidious menace that is undermining the political, social, and economic institutions of nations throughout the world and that is jeopardizing the health of citizens from every nation.

Mr. Speaker, I also want to take this opportunity to commend the Government of Bolivia, President Victor Paz Estenssoro, and the people of Bolivia for their courage in recently enacting the Bolivian antidrug law, for their efforts to eradicate the illicit production of coca in their nation, and for their arrest of drug kingpin, Roberto Suarez.

May their efforts result in stamping out the insidious evil of narcotics which is eroding their institutions. S110

SUPPORT FOR THE CONTRAS IS NOT THE ANSWER

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. NEAL. Mr. Speaker, a recent editorial in the Charlotte Observer succinctly points us in the right direction as we continue considering our policy in Nicaragua.

The Reagan administration's support of the Contra forces has strengthened, not weakened, the Sandinista government, has wasted hundred of millions of dollars and has increased bloodshed and turmoil in Nicaragua. The administration's policy has been a complete and costly failure.

We should, without illusion about the Sandinistas, support democracy, and peace in Central America.

Mr. Speaker, I ask that this excellent editorial from the Charlotte Observer of July 19, 1988, be included in the RECORD at this point. The editorial follows:

[From the Charlotte Observer, July 19, 1988]

REPRESSION IN NICARAGUA

CONTRAS STILL AREN'T THE BEST OPTION FOR WASHINGTON

Nicaragua's Sandinistas have shown, once again, the hollowness of their commitment to the democratization they promised as part of the Central American peace settlement. But that ought not provoke Washington to return to a hopeless and unsustainable policy of depending primarily on the contras.

There ought to be few illusions left about the Sandinistas. Time and again they have shown that their heart belongs to Lenin and Castro. Their latest outbreak of repression is completely in character: beating and teargassing demonstrators, jailing opponents, shutting down La Prensa (for 15 days) and the Catholic radio, and expelling American diplomats. If the people of Nicaragua are to enjoy democracy, it will have to be wrested from the Sandinistas. And Washington must be concerned about the dangers posed to American interests and hemispheric peace by the Sandinistas' ambitions and the continuing flow of Soviet weapons.

But renewing the flow of American weapons to the contras is not the best option, and certainly ought not be the first option. The key to ending Soviet-bloc support for the Sandinistas—and thus reducing their potential to threaten their neighbors—is U.S.-Soviet negotiations. Arming the contras, by contrast, does nothing to decrease the flow of Soviet aid, and may have the opposite effect.

Continuing the war threatens the regional peace that is essential to any hope of building prosperity and real democracy in Central America. And so long as the fighting continues, so does the risk of direct American involvement. Like the Sandinistas, the civil war is devastating to the Nicaraguan people, threatening to their neighbors and harmful to American interests.

Instead of first encouraging renewed military aid to the contras, the administration ought to seize a better opportunity. Both the Senate and the House have voted overwhelmingly to condemn the Sandinistas' latest outburst of repression. Democrat Michael Dukakis has selected contra supporter Lloyd Bentsen for his running mate. Perhaps there is, finally, a chance to build an American and regional consensus that can be sustained beyond the rapidly approaching end of the Reagan administration—a consensus that rejects any more illusions about the Sandinistas or the chances for a contra victory. The American priority ought to be on a diplomatic offensive—in the region and the world.

DEPARTMENT OF LABOR BELIEVES VOLUNTEER FIREMEN SHOULD BE PAID FOR WEARING BEEPER

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. DENNY SMITH. Mr. Speaker, I rise today in support of our Nation's fire services. Recently, these men and women who protect our homes and towns from fire have come under the scrutiny of the U.S. Department of Labor.

Fire departments are expected to provide their communities with effecient and effective fire protection. But Mr. Speaker, owing to new and seemingly random audits of fire departments by the Department of Labor, additional and often excessive amounts of money are demanded under the Fair Labor Standards Act, or FLSA.

Two fire departments in my congressional district, Marion County Fire District No. 1, and Polk County Fire District No. 1, have been asked to pay thousands of dollars in back wages to volunteers. Think about that for a moment—wages to volunteers.

You see, the Department of Labor believes that a volunteer should be paid for wearing a beeper. Even if that volunteer works as a store manager or a company official, even if the volunteer is at home with the family, having dinner or watching television, the Department of Labor wants the volunteer department to pay that individual $3.35 an hour.

Worse yet, the time that the Department of Labor calls "on call time" can vary from department to department. Some districts want volunteers to answer a fire call within 3 or 4 minutes, others would like a response around 10 minutes from the alarm. The Department of Labor, however, seems to have imposed different "on call time" limits for which they would like a firefighter to be paid.

But the departments that have asked for a set "on call time" from the Department of Labor, or who have asked for a definition of "volunteer" so that they will know who they're supposed to pay under the Fair Labor Standards Act, have received a frightening answer.

The answer is that the Department of Labor determines FLSA infractions on a case-by-case basis.

That determination leaves our volunteer departments high and dry when it comes to finding solutions to hiring, setting beeper assignments, figuring "on call time," and so forth. How are our volunteer fire departments supposed to know what to do.

This fluid set of standards alarms me, Mr. Speaker. It alarms the people who rely on volunteer departments because those departments are now incurring expenses—expenses to pay volunteers—that they never expected. Tiny local taxes can't offset the back pay that the Department of Labor wants from these local departments, and the protection of our homes and cities is hanging in the balance. Labor is trying to hook our departments into unjust payments with a ladder of surprise regulations.

The Oregon Fire Chiefs' Association passed a resolution this summer calling for solid, clear, written standards by the Department of Labor so that our fire departments can plan their volunteers, beepers, and time requirements to avoid additional and incapacitating costs.

Setting guidelines on the FLSA is not a lot to ask for, Mr. Speaker. I am convinced that our volunteer firefighters, as well as Congress, would be best served by having the Department of Labor clarify and print the regulations that they would like our fire districts to follow. Random chance isn't good enough when it comes to planning a budget for a local fire service. Fair labor standards should be obvious and understandable before they're called "fair".

Today I have introduced a resolution which requests the Secretary of Labor to define and publish clear standards for the application of FLSA to volunteer departments.

The intent of this bill, Mr. Speaker, is an intent which I am sure that we all share—allowing volunteer fire departments to provide the best fire prevention service possible. I am urging my distinguished colleagues to support this legislation, and in doing so, to support the future of almost 1 million volunteer firefighters and the communities that they serve.

SKELLY WRIGHT: A GREAT AND COURAGEOUS JURIST

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. CONYERS. Mr. Speaker, one of the greatest and most courageous jurists to ever sit on our Federal courts passed away this past Saturday at the age of 77.

J. Skelly Wright was a bridge from the old South to the new South. A native of Louisiana, he led his neighbors and fellow citizens out of the era of Jim Crow and segregation and into a new society freed of the scourge of overt racism.

But it was not only in the area of race relations that Judge Wright demonstrated his courage and scholarship and his unwavering commitment to humane values. He had an abiding concern for the rights of the individual caught up in conflict with the power and authority of governmental bureaucracy.

Judge Wright, who was once the youngest person ever appointed to a Federal judgeship, became a recognized hero of the nascent civil rights movement in 1960, when he dared to order the integration of the public school system in his native New Orleans. During his tenure on the U.S. District Court in Louisiana, he also desegregated the professional schools of Louisiana State University and the public buses in New Orleans, opened the city's parks to blacks, restored the names of hundreds of blacks who had been purged from the voting lists and upheld interracial sporting events.

Not all of his fellow citizens celebrated his courageous decisions at a time when the Eisenhower administration was giving aid and comfort to the old order, which was attempting to resist the commands of the U.S. Supreme Court to dismantle the system of segregation and unequal education that existed throughout the South and in much of the rest of the country as well.

As a result of his rulings, Judge Wright was threatened, hanged in effigy and ostracized by his former friends, who according to a New York Times profile on November 16, 1960, called him a traitor to his class. U.S. marshals were assigned to guard him after crosses were burned on the lawn of his home. Indeed, Judge Wright was the target of so many threats against his life and well-being that soon after his election, President John F. Kennedy reassigned him to the U.S. Court of Appeals in the District of Columbia, which moved him out of the direct line of hostile fire.

Judge Wright did not find the District that much more hospitable to his egalitarian view of the Constitution. He unleashed a new firestorm in 1967, when he ruled that the de facto segregation of the D.C. schools also violated the U.S. Constitution.

His 25 years on the court of appeals have been marked by a steady flow of opinions attempting to protect and extend the rights of the individual. As described in a Washington Post opinion piece by Attorney Ronald Goldfarb on Monday, "He authored a stream of civil liberties-sided cases in the area of criminal justice, championed the claims of poor people for equal justice, and was a constant and articulate defender of press rights."

At least one law school, Rutgers, in Newark, NJ, annually awards a J. Skelly Wright prize to the member of its graduating class who contributed the most to the cause of civil rights and civil liberties during his or her law school career.

I attach hereto the entire Op Ed piece by Attorney Goldfarb, which is a fitting tribute to this very special American jurist.

[From the Washington Post, Aug. 8, 1988]

'We Are, All of Us, Free-Born Americans'

(By Ronald Goldfarb)

It is odd that students at places like Harvard Law School wear Skelly Wright T-shirts. A shy and simple man, whose modesty belied his judicial activism and personal toughness, Wright was not a product of the social or legal elite which came to admire him so. He came from a poor Catholic New Orleans family, worked his way through Loyola University Law School at night, taught high school during the Depression, got his first job through a political connection, and was a conventional tough prosecutor until World War II, when he served in the Coast Guard in England. There he met his wife Helen (to the end he called her "Shugah").

After the war he practiced law in Washington alone and briefly with two other lawyers. His most notable case was a famous capital punishment appeal, which he lost in the U.S. Supreme Court. In 1947, he filled an opening in the U.S. attorney's office in New Orleans. Truman's surprise election a year later extended Wright's prosecutor's job. In 1949, at 38, he was appointed a federal trial judge.

There was no reason to suspect from such a background that Skelly Wright would become the extraordinary and controversial champion of the Bill of Rights, and particularly of civil rights, that he did, or to think, judging by his gentle and modest personal life style, that he would become so ardent and courageous an activist on behalf of civil rights and civil liberties. Few judges in American history will leave bigger footprints on this terrain.

The case—or series of cases over several years—that catapulted Skelly Wright into national prominence was *Bush v. Orleans Parish Schools,* involving the desegregation of New Orleans public schools in the aftermath of *Brown v. Board of Education.* It was a time when civil rights were not in fashion and blacks had few allies in government. Wright adamantly enforced *Brown,* and as a result he incurred the wrath of his community. He was ostracized viciously, hanged in effigy and made a social pariah. Earlier he had ordered the desegregation of Louisiana State University law school; indeed between 1952 and 1962—early days in the civil rights struggle in America—Wright issued 41 decisions on racial integration. In the words of Jack Bass, a journalist who studied southern judges, Skelly Wright, very much alone, "broke the back of the states' efforts at massive resistance . . . and upheld federal supremacy under the Constitution."

Wright's actions took great courage at that time and in that place. A few years ago, during a television interview, I asked him to explain what had prompted him to act so bravely and nobly. He was embarrassed by that assessment, saw himself as having done the only thing that could have been done, and felt deserving of no special credit for his judicial integrity. But he did recall an incident that moved him and still haunted him decades later as we spoke. When he was U.S. attorney in New Orleans, he told me, his office was across the street from the Home for the Blind. One Christmas Eve he was looking out his window and noticed a bus unloading a group of blind Negroes who were led by a white person to the entrance for blacks at the rear of the building. "They couldn't even see," he remembered, staring into the distant past with eyes that filled as he spoke, "yet they made them walk into separate doors. That sight still affects me."

When President Kennedy took office Wright was promoted from the U.S. District Court in New Orleans, where he had sat for 13 years, to the U.S. Court of Appeals in Washington, where he was to serve for 25 more years, the last of them as chief judge. It was speculated that Wright would replace his friend and fellow southerner on the Supreme Court, but presidential politics precluded such a move. Many of his corps of former law clerks went on to Supreme Court clerkships, and many of them are law professors now. A prolific flow of law review articles and speeches provided Wright with a national stage and made him far more influential than most lower court judges.

In Washington, Wright's involvement, with controversial cases, particularly civil rights cases, continued. He was the author of the famous *Hobson* decision seeking to end de facto segregation in the Washington schools. He authored a stream of civil liberties-sided cases in the area of criminal justice, championed the claims of poor people for equal justice, and was a constant and articulate defender of press rights. The body of Wright writings—more than 1,000 judicial opinions and scores of law review articles—is vast and influential. But his personal example—especially in the South when it was hard and risky to act during those early days of the civil rights revolution—was his greatest achievement.

The late law professor Arthur Miller, a Wright biographer, considered Skelly Wright a result-oriented, plain-speaking judge who always viewed the Constitution not as a lawyer's document "but as a charter for the achievement of social justice." No better epitaph could be devised for Wright than his own touching words written three decades ago at the time of the integration of New Orleans' public schools. He wrote the words on the back of a Mardi Gras brochure, but they are etched now on a family heirloom. The words capture the man's elegance and humanity:

"The problem of changing a people's mores, particularly those with an emotional overlay, is not to be taken lightly. It is a problem which will require the utmost patience, understanding, generosity and forbearance from all of us of whatever race. But the magnitude of the problem may not nullify the principle. And that principle is that we are, all of us, free-born Americans with a right to make our way unfetered by sanctions imposed by man because of the work of God."

MASSACHUSETTS RESPONDS TO THE DRUG CRISIS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. STUDDS. Mr. Speaker, in Massachusetts, as in many other States, the incidence of AIDS among intravenous drug users is rising dramatically. Drug users play a significant role in the AIDS epidemic because they are a transmission link with adult and pediatric populations. Success in slowing the spread of AIDS will therefore depend, to a large extent, on progress in curing drug users of their addiction.

The Commonwealth of Massachusetts, recognizing this fact, has initiated and funded a far-reaching program whose goal is to offer treatment to many more drug addicts. I bring to the attention of my colleagues the following editorial from the August 3 Boston Globe, which describes the State's response to this tragic national problem.

A Drug-Addiction Challenge

Governor Dukakis deserves great credit for initiating—and funding—the most ambitious program in the nation aimed at getting drug addicts under treatment to cure their addiction and prevent AIDS. This step also could lead to placing the treatment of addiction in the mainstream of medical care.

Massachusetts has 40,000 needle-using drug abusers. By adding $2.6 million for methadone-treatment programs, plus $3.1 million to allow Medicaid—for the first time—to pay for treatment, the state will be able to offer help to about half of these drug abusers through existing clinics and live-in centers.

The Medicaid funds should result in treatment being offered by private hospitals. Twenty years ago, Medicaid payment for impoverished patients paved the way for their care at virtually all hospitals—not just in back wards at municipal and teaching hospitals.

For decades, treatment for drug addicts has been cruelly limited—by lack of funds and by the criminalizing of drug addiction. Of the nation's 1.4 million needle-using addicts, treatment has never been available to more than one in 10.

The spread of AIDS among drug addicts adds urgency. The disease is transmitted by contact with AIDS-contaminated blood when an infected addict shares a needle. AIDS among addicts is complicated by the passage of the disease to their sex partners and, during pregnancy, to their children.

In Massachusetts, treatment capacity was limited to 7,800 openings until 1986. Capacity rose to 12,000 in 1987, when Dukakis obtained better funding; it now will increase to 19,500.

Delay in expanding the programs has permitted AIDS to spread widely among the nation's needle-using addicts; in Massachusetts, 40 percent are now said to be AIDS-infected.

With the grants, most of the state's 21 drug-treatment centers will be brought to capacity. Medicaid funds will remove the financial obstacles to creating more centers.

Although methadone treatment to wean addicts off illicit drugs has a substantial failure rate, part of the reason may be conditions under which it is provided. Financial and societal support for treatment centers—and for research into better modes of treatment—has been lacking

Guaranteed funding for drug treatment may make a new start possible. Masachusetts' hospitals should review their medical responsibility and take up the challenge of drug addiction.

IN SUPPORT OF HOUSE RESOLUTION 514 IN SUPPORT OF A PEACEFUL SETTLEMENT OF THE CYPRUS DISPUTE

SPEECH OF

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. FEIGHAN. Mr. Speaker, I rise in strong support of the resolution and I want to commend the sponsors and the chairman of our committee for acting swiftly to bring this resolution to the floor. Last week, many Members of the House had the opportunity to meet with the President of Cyprus, George Vassiliou, and hear him outline his desire to seek a peaceful, negotiated settlement to the Cyprus dispute. Later this month, he will meet with the Turkish-Cypriot leader, Rauf Denktash, to begin a new dialog designed to make that desire a reality.

This meeting comes at an opportune moment. Earlier this year, we witnessed the initiation of a high-level dialog between the Prime Ministers of Greece and Turkey. This effort created a positive atmosphere that can only help to facilitate movement on the Cyprus issue. President Vassiliou's election represents an opportunity to begin a new chapter in the efforts of the UN Secretary-General to mediate this dispute.

The Secretary-General recently reported to the Security Council of the status of his good offices mission. He stated that the report came at a time of great tension and of great hope. The tension came from the spate of shooting incidents that has occurred between the two communities and between the Turkish-Cypriot side and the U.N. Peacekeeping Force. The hope stems from the possibility of breaking the diplomatic stalemate and bringing the two sides together to resume a high level dialog.

Last week's visit to Washington by the Cypriot President gave rise to President Reagan's reiteration of United States policy in support of the Secretary-General's efforts. This resolution is consistent with that policy and serves to underscore the importance that this Congress places on the Cyprus issue. I urge its immediate passage.

INTRODUCTION OF H.R. 5188 AND H.R. 5189

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. YOUNG. Mr. Speaker, I rise to introduce H.R. 5188 and H.R. 5189. These two bills provide the much needed second step for the Mobile Trade Fair Promotion Program that was included as part of the omnibus trade bill which the President will sign this week.

One of these bills simply allows the Secretary of Commerce to provide grants and other technical assistance to operators of export promotion vessels. The other bill simply provides grants to small businesses that wish to participate in the Mobile Trade Fair Program.

Export promotion is critical to this Nation's continued economic growth. The Mobile Trade Fair Program provides an inexpensive and effective means of showing the world what this country has to sell. The grants included in this legislation simply provide the seed money that will encourage the expansion of the Mobile Trade Fair Program.

This legislation is important to the development of new markets for U.S. made goods and I urge its favorable consideration by the House.

C.W. "BUCK" DOYLE: MONTGOMERY COUNTY HEALTH COUNSELOR ON ALCOHOL FOR 11 YEARS

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mrs. BYRON. Mr. Speaker, I wish to say a few words today about Buck Doyle, the Montgomery County Health Counselor on Alcohol from 1971 to 1982. Buck Doyle was well known in the Washington area as a loyal aide to those who suffer from the disease of alcoholism.

On Monday, July 11, Mr. Doyle was buried with full military honors in Arlington Cemetery, a victim of a stroke suffered on June 13. A former "Flying Tiger," Mr. Doyle and his four brothers enlisted in the military service on the same day during the early days of World War Two. His patriotism was only matched by the love he had for his large family and the dedication he harbored for those with alcoholism.

Mr. Speaker, the Washington Times printed an editorial on Mr. Doyle in its July 13 edition, and I would like to include it for everyone to read after my remarks. In addition, Mr. Jeremiah O'Leary, White House correspondent at the same newspaper, penned a moving obituary about Mr. Doyle on July 8. They were lifelong friends. I ask that Mr. O'Leary's words also be reproduced in entirety in the RECORD.

[From the Washington Times, July 13, 1988]

'BUCK' DOYLE

Charlton W. "Buck" Doyle, who died last week of a stroke at the age of 71, was the uncrowned leader of the Alcoholics Anonymous subculture in the Washington area. He did more for anguished alcoholics in the 34 years since his own recovery from alcoholism than all the clinics, professors, psychologists and social programs combined between Baltimore and Richmond.

In an age in which acts of charity have been cheapened by celebrities and publicity seekers, Buck wrestled directly with the glamourless realities of alcoholism. He served day and night on what he called the "vomit line," helping desperate, demon-riddled drunks fight to survive. He specialized in the tough business of making what Alcoholics Anonymous refers to as "12th Step" calls, in which he and his wife Dolly answered cries for help at all times.

Having been a drunk, Buck wasn't one to coddle those in need. He combined the toughness of a Parris Island drill sergeant with the kindness of a family uncle. He hectored when necessary, pushed, hugged, harangued, humored—did whatever necessary to help save the anonymous souls who came to him seeking help.

Buck understood that alcoholism was as much a disease of the soul as of the body. His experience solidified his faith in a Catholic God and inspired him to help everyone, faithful and faithless alike, struggle to achieve full health. That quest necessarily involved more than just the alcoholic; it involved alcoholism's other victims—families, friends, the community at large. For every alcoholic Buck helped, he helped ten others in the community. His speeches to AA meetings around the area—he spoke at least three times a week—inspired and revived souls made weary by their solitary battles to remain sober.

Some people on this earth are lucky enough to find a mission that engages their passions and serves their communities. Bucks mission was thrust upon him by his own dark glimpse at the hell of alcoholism and nothingness. He grasped the enormous tragedy of alcoholism—the sheer waste of life, of joy, of love—and the stirring triumph of overcoming the disease one day at a time.

Buck Doyle helped an astonishing three out of four anonymous seekers recover permanently. He planted salvation by inspiring many of those recovered drunks to dedicate themselves to helping others. Thousands honored him at a funeral Monday. Thousands more will thrive because Buck Doyle taught others how to conquer alcohol's savage temptations through courage, strength and love.

[From the Washington Times, July 8, 1988]

C.W. 'BUCK' DOYLE, AA ACTIVIST 34 YEARS

(By Jeremiah O'Leary)

Charlton W. "Buck" Doyle, who was instrumental in saving the lives and careers of hundreds of alcoholics as a leading activist in Alcoholics Anonymous in the Washington area, died yesterday at the Hospice of Northern Virginia.

Mr. Doyle, 71, a member of an old Washington family, suffered a massive stroke June 13.

For the last 34 years, he dedicated his life to the AA program, attending more than 10,000 meetings and sponsoring hundreds of newcomers through the first stages of recovery.

Buck Doyle said he was about as anonymous as Sears Roebuck.

In the belief that suffering alcoholics need to know how to find people who can help them gain sobriety, he always announced his full name in an organization that zealously protects the identity of members.

He played a major role in rescuing hundreds of men and women, from both mansions and skid row. His sponsorship of drunks who no longer drink included members of Congress, lawyers, nuclear submarine commanders, airline pilots, priests, house painters, journalists, laborers, surgeons, housewives and four-star admirals.

Born in Georgetown, he graduated from St. Paul's Catholic School and attended old Columbus University Law School until the country entered World War II. He and his four brothers signed up for the armed service on the same day.

As a member of the Army Air Forces, he was a bombardier-navigator who trained in B-25s. His fighting unit of the 14th Air Force operated out of central China.

He flew 38 missions against the Japanese. In July of 1944, after he and the crew had to bail out, it was 11 days before he was rescued by Chinese guerrillas.

He was a salesman for Remington Rand Corp. in Washington until 1971, when he became Montgomery County Health Counselor on Alcohol. He retired in 1982.

Mr. Doyle joined AA early in 1954 and soon became one of the area's most active speakers and volunteers in "Twelfth Step," which sends out one or two recovered alcoholics—at any hour of the day or night—when a call for help comes from anyone suffering from alcoholism.

His technique with newcomers to the program was a blend of Marine Corps sergeant and kindly uncle. His rule was that newcomers had to attend meetings every night for six weeks, and Mr. Doyle always went with them.

There were 70 AA meetings in the Washington area when he joined. Today, there are 1,100 meetings every week.

He is survived by his wife, Dorothy "Dolly" Crombie Doyle; three daughters, Donna Pappalardo of Eastchester, N.Y.; Kathleen Gavri of Washington and Shannon Marder of Marquette, Mich.; two brothers, Phalam of Bethesda and John Doyle of Rockville; three sisters, Adrienne Smith of Washington, Lorraine Johnson of Denver and Margaret Giebel of Bethesda; and five grand children.

A funeral Mass will be said at 9:30 a.m. Monday at St. Ann's Catholic Church in Arlington, with burial in Arlington National Cemetery. The family suggests that expressions of sympathy be in the form of contributions to the Woodlawn Hospice of Northern Virginia in Arlington.

IN MEMORY OF SAMUEL LEROY MENDEL: THE NATION'S OLDEST VETERAN

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. EVANS. Mr. Speaker, it was with much sadness that I learned of the death of Samuel Leroy Mendel who was the oldest American veteran and one of two surviving veterans of the Spanish-American War era. Mr. Mendel was a resident of Galva, IL.

Mr. Mendel will be remembered best for his charity work in Galva, while in his eighties he was a youth-league baseball coach. In addition, he had a gardening column in the local newspaper, the Galva News, and also served as commander in chief of the Spanish-American War Veterans Association.

Although Mr. Mendel, a native of Ft. Worth, was first inspired to enlist by the sinking of the U.S. battleship *Maine* on June 23, 1898, in Havana Harbor in Cuba, he was only 14 at the time. It was not until he became 17 in 1901 that he was actually able to enlist in the U.S. Army.

At that time, he had hoped to be able to join in the fighting in Guam, Puerto Rico, and the Philippines. However, instead of being able to join in the field of battle, Mr. Mendel spent his 3-year military career on the athletic fields at Fort Sam Houston. He played football, was a track champion in the 100 yard dash, the 440 and high hurdle. He became the Fort's best "monkey drill" man, swinging from one side to the other from the saddle of a running horse. In 1902, Mr. Mendel was cited as the best athlete in the U.S. Army.

I want to extend my deepest sympathy to his son, Robert L. Mendel, and daughter, Fern Varley.

DUKAKIS' $187 BILLION PLATFORM

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. PURSELL. Mr. Speaker, yesterday the following article by our colleague, Representative HARRIS W. FAWELL, appeared in the Wall Street Journal.

I would like to take this opportunity to share his interesting insight with those who may not have seen it.

[From the Wall Street Journal, Aug. 8, 1988]

DUKAKIS' $187 BILLION PLATFORM

(By Harris W. Fawell)

"It's time to ask why it is that we have run up more debt in this country." That's the question Michael Dukakis put to the Democratic convention in his acceptance speech last month.

We don't have to look very far to find the answer. In the same speech, Mr. Dukakis promised more money for students, farmers, teachers, blue-collar workers, workers on minimum wage, infants, the elderly, parents, families, the homeless, welfare recipients, universities, laboratories, urban America, rural America, small towns, big towns, factories, neighborhoods, communities, the war on drugs, the war on AIDS, the war on hunger, and the war on pollution—all the while promising to maintain a strong military.

In total, Mr. Dukakis and the Democratic Party platform made at least 16 promises requiring new spending. I'm not saying these promises are necessarily bad. I'm saying a responsible leader would tell Americans just what the price tag is.

And so I dusted off my budget books to see how much we're already spending on these 16 programs and how much spending has increased during the Reagan years. Then I tried to figure out the cost of implementing Mr. Dukakis's initiatives.

According to my calculations the 16 programs will cost at least $37 billion more per year in federal spending, at least $185 billion more over the next five years. I say "at least" because I used the most conservative cost estimates from the Congressional Budget Office. If you add new spending by businesses that Democrats would mandate, the total reaches $64 billion a year and $320 billion over five years.

The Democrats disguise the cost of their promises by being vague. But the costs aren't hard to discern; most of these proposals have been kicking around Congress for years. Some examples:

The Democrats' platform promises "that all Americans should enjoy access to affordable, comprehensive health services . . . from pre-natal care . . . to Medicare." Translation: Rep. Claude Pepper's $28 billion long-term health-care legislation.

It also suggests support for legislation by Sen. Edward Kennedy and Rep. Henry Waxman that would require employers to provide health insurance for all workers, including part-timers, a mandate that would cost businesses between $27 billion and $100 billion a year.

Mr. Dukakis says he'll give "those on welfare the chance to lift themselves out of poverty." Translation: Welfare "reform" legislation wending its way through Congress. The bill in conference would cost $4.4 billion between 1989 and 1993.

The Democrats promise "a war we intend to win" against illegal drugs. Translation: Democrats in Congress are now pushing a one-year, $2.6 billion increase in spending on drug programs. Never mind that during the Reagan administration spending on drug enforcement, prevention and treatment has increased to $3.8 billion a year from $1.1 billion.

Other big-ticket spending items on the Democrats' list: child care, $2.5 billion; Headstart expansion, $6.3 billion; and a significant increase in education spending, at least $2.5 billion. This is new annual spending in addition to automatic increases that will take place under current law.

Other promises are difficult to cost out. For instance, Democrats call for "increased" spending on AIDS research and education. Yet, funding has grown to about $1 billion this year and already is slated to increase $350 million next year. Are the Democrats concurring with the Reagan increase, or are they proposing an even larger one?

Mr. Dukakis vows to make a college education "a right." Student loans and grants have increased to $13.6 billion a year from $7.2 billion during the Reagan administration. How much more are the Democrats proposing?

Through vagueness, Mr. Dukakis and the Democrats have disguised the true costs of their budget-busting proposals. Voters should challenge them to explain how they will pay for their costly promises. Will they raise taxes, cut other programs, or just let the deficit and debt soar even higher?

It's easy to promise voters all these laudable programs. It's easy to say yes. The hard part is saying no. The most difficult job elected officials deal with every day is setting priorities: deciding not which programs are good, but which good programs are absolutely essential.

In his acceptance speech, Mr. Dukakis promised "old-fashioned values like accountability and responsibility and respect for the truth." A good place to start would be with some old-fashioned accountability about how a President Dukakis would find the $185 billion to pay for his promises.

THE NEW YORK TIMES REMINDS THE WORLD: DO NOT FORGET TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. LANTOS. Mr. Speaker, as most of my colleagues know, ever since 1959 when the Chinese occupied Tibet, Tibetans have suffered from extreme abuses of their human rights. Such violations have not diminished over the years; unrest and violence have increased markedly in the last year and now threaten to become even worse. Only recently a Chinese security official proclaimed that this "lenient" policy which has led to thousands of Tibetans being imprisoned, tortured, and in some cases, even murdererd, will be replaced by a more "severe" one. What can we do to help Tibet in its plight? I wish to place in the RECORD an excellent article by A.M. Rosenthal in today's New York Times which suggests that the best hope for helping may be what we all must do for Tibet: "Remember them and speak of them." We must not let the world forget Tibet and its plight. If the Chinese continue to deprive Tibetans on their human rights, the world will view China as a brutal and cruel oppressor. China cannot earn world respect without improving its human record.

Mr. Rosenthal's insightful August 9, 1988 article follows:

[From the New York Times, Aug. 9, 1988]

THE TIBETAN FILE

(By A.M. Rosenthal)

The file has been on the desk for weeks—the clippings about arrests, beatings and killings and a copy of the historic speech to which the world paid almost no attention at all.

The file is marked "Tibet" and it keeps being put aside. And you suspect that most readers are probably not wildly interested in Tibet, so why inflict your own fascination and sorrow for that country on them, one more time? There is always something else to write about.

Anyway, what's the point? The Chinese are not going to relax their grip on Tibet and not one other country wants to do anything. So push the file aside, maybe wait for some kind of news peg to come along and justify writing about Tibet again.

Well, here's a possible news peg, will this do? Asia Watch, the human rights monitoring group, has just put out a report saying that there is severe abuse of every human right in Tibet and that torture is routine in political arrests. No country, including the United States, raises a cry, Asia Watch says.

Is that because the Chinese lock the foreign press out of Tibet? Or is it really because the U.S. has important business afoot with China, or thinks it has, and does not want to risk for a country with no significance except in culture, religion, history, freedom struggles, that kind of thing?

Here's another possible angle—a statement by Qiao Shi, the head of the Chinese security apparatus, which is a major part of a Chinese occupation policy that has partitioned the country, moved millions of Chinese into Tibet and Tibetans out, imprisoned scores of thousands of others, burned down thousands of monasteries, driven the man who is Tibet's leader and God-figure into 30 years of exile and cost the lives of perhaps a million Tibetans.

Now, says Qiao Shi, China has decided to alter its policy in Tibet and will no longer be "lenient." From now on, he says, the policy will be "severe." Yet, somehow, hope lives among Tibetans, for a taste of freedom and for the right to worship as they please. In their exile capital of Dharmsala on the Indian side of the Himalayas, they eagerly seize on the words of encouragement that come from Congress, led by a number of Republicans and Democrats moved by Tibetan bravery. Tibetans bless them and President Jimmy Carter, quietly a strong friend of Tibet.

The man who is Tibet's leader and its incarnation of the spirit of God is the 14th Dalai Lama. He usually signs himself "Tenzin Gyatso, Buddhist monk". He lives in Dharmsala, in exile since 1959, but occasionally goes abroad in his nation's cause. Most governments are polite to him but ask that he not say much in their countries—the Chinese, you know.

In June, in Strasbourg, before the European Parliament, he spoke his heart once more. This time he said Tibet would accept China's right to handle Tibetan foreign affairs and keep troops in Tibet, if China would agree to live in association with Tibet and allow it a democratically chosen government where Tibetans manage Tibetan affairs and man and nature lives in harmony.

He did not give away Tibetans sovereignty, which he said Tibetan had never conceded to foreign powers in almost two millennia of existence. But he said he knew that this important, painful step toward acknowledgment of Chinese power would disappoint many Tibetans.

Most newspapers of the world gave the speech zero space. Some printed a few paragraphs. But the Tibetans heard. Many were sorrowful, and some were angry, but all still follow Tenzin Gyatso.

The Chinese responded with a brief, harsh dismissal—and more repressions in Tibet.

China is a great nation and Tibet is small and imprisoned. Is there really any point, beyond sentiment, in keeping the Tibetan file on the desk instead of putting it away in a cabinet of the mind?

Yes, the Tibetans say, perhaps one day the Chinese will change.

The Chinese react with anger when any nation raises the Tibetan question. Yet, Tibetans and their supporters say, that very anger covers a sensitivity to what the world think of China, and the new China may not always want to be seen as cruel and oppressive.

But if the world forgets, the Chinese will pay no price of loss of respect. That will be the end of us, the Tibetans say, and they know the Chinese quite well. So if Tenzin Gyatso still hopes, all who wish him and his people well at least can do what Tibetans ask: Remember them and speak of them.

OMNIBUS DRUG ABUSE BILL OF 1988

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. EMERSON. Mr. Speaker, the House will soon consider the long-awaited omnibus drug abuse bill of 1988. Truly, this legislation is the result of a tremendous bipartisan effort to take a definitive stand in the war on drugs, and the bill makes great strides. However, I seriously question the wisdom of the provision requiring a 7-day waiting period before the purchase of handguns and pressing onerous investigations on law-abiding citizens. We should put the burden where it belongs by putting the burden, a heavy burden, on people who commit crimes with firearms.

Mr. Speaker, Wayne LaPierre, the executive director of the National Rifle Association of America, recently testified before the Republican Platform Committee in New Orleans. His testimony offers an effective argument against the waiting-period provision, and I respectfully ask that the text of his testimony be included in the RECORD.

TESTIMONY OF WAYNE LAPIERRE

I appreciate the opportunity to testify before you today.

Mr. Chairman and members of the Committee, I would hope the Republican Platform would once again recognize the constitutional rights of all law-abiding Americans to own and use firearms for recreation, personal protection and all other lawful purposes.

The Second Amendment rights of Americans are one of the fundamental liberties and freedoms bestowed upon American citizens. These rights have been most recently recognized in the Senate Subcommittee on The Constitution's excellent report of 1982 on the right to keep and bear arms, chaired by Utah Senator Orrin Hatch.

Today in our great land, there are over 70 million Americans who lawfully own firearms. That translates into one-half of all American households. Of that, 25 million people engage in hunting each year. Next month, our Olympic shooters will travel to Korea to represent America in the Olympic Games, and the National Rifle Association is proud to be the Official Governing Body for the Shooting Sports for the Olympic Games. I might also add that NRA instructors train most police departments in our land in shooting skills, and each year hundreds of thousands of Americans participate in NRA-supported firearms safety and hunter safety courses in every state in this country.

While our members' activities and occupations are greatly diverse, our membership, and the sportsmen and firearms owners of America stand united against those who would deprive Americans of their Second Amendment rights.

It is in that capacity that I would like to address this committee today.

Today in America we have a crime problem out of control. Likewise, we face a drug epidemic of staggering proportions. There are those opposed to Americans owning firearms that are attempting to use the frustration over crime and drugs as a reason for denying law-abiding Americans their Second Amendment freedoms. There are those so frustrated over the lack of progress in fighting crime and drugs that they will grasp at almost any solution offered—even proposals that may only aggravate the situation.

Mr. Chairman and members of the Committee, we are never going to stop crime and drugs by imposing more restrictive firearms laws on law-abiding Americans. Our failure to deal with crime and drugs is not in any way related to the freedom of Americans to own firearms. In fact, the constitutional right of American citizens to own firearms not only serves as a deterrent to hardened criminals, but each year protects 650,000 Americans from criminals assault.

Passing more restrictive measures aimed at regulating honest citizens will do nothing to cut violent crime in this country. Instead, the NRA recommends and supports proposals such as:

Automatically revoking parole for any felon caught in possession of a firearm, and eliminate eligibility for reconsideration of parole in these cases.

The Department of Justice should encourage and order U.S. Attorneys to prosecute felons in possession cases. It is absurd that these are considered "nuisance" cases by U.S. Attorneys. When prosecution is requested by State and local law enforcement, 9 out of 10 times the charges are never brought.

Mr. Chairman, every criminological study done on the subject shows that restrictive firearms laws do not cut crime. The solution is we must lock up felons and keep them behind bars so they are not free to roam the streets and prey on American citizens.

It is a tragedy that in many areas of our great land we are putting 38,000 felons in the front door of our prisons and turning 38,000 out the back door to again victimize American citizens.

It is a tragedy that in our great country today prison is seen as a cost of doing business for drug dealers and repeat offenders. They know they won't be kept long and will soon be free to roam the streets and victimize citizens.

It is a tragedy that police officers tell us many criminals see prison as air-conditioning, color TV, and working out. And that is for the 1 out of 107 convicted felons that end up in prison.

Mr. Chairman, the NRA's stands as an ally of our Nation's police and a protector of the constitutional right of law-abiding American citizens to own and use firearms. It was the NRA—working with President Reagan's administration—that wrote and passed the McClure/Volkmer Firearms Owners' Protection Act that provides a mandatory 10-year sentence for anyone even carrying a firearm in a drug trafficking crime. It is the NRA that is working for crime initiatives around the country including a mandatory sentence initiative currently on the ballot in Oregon.

We urge the Platform Committee to recognize the constitutional right of law-abiding American citizens to own and use firearms for lawful purposes and to also support tough crime fighting measures such as I have discussed.

Right now in the U.S. Congress, some are pushing a restrictive firearms proposal offered by Senator Metzenbaum and Congressman Feighan of Ohio. This bill would have the federal government impose on all 50 States a 7-day wait and a police investigation before anyone can buy a handgun. Mr. Chairman, the purpose of the Gun Control Act of 1968 is not to impose Federal policies on the states, but to assist the States.

Mr. Chairman, the majority of our State legislatures have rejected similar proposals. The fact is that laws that may be good for states like New Jersey may not be sound for states such as Wyoming, Texas Ohio, and numerous other States. Clearly, as President Reagan and Vice President Bush have stated, this is an issue for the States to decide.

There is no criminological evidence that show "waiting periods" are effective in reducing crime or keeping firearms out of the hands of criminals. Criminals do not buy firearms legally—they buy them on the black market or they steal them. In the few instances where criminals acquire firearms through legal channels, it has been by the use of false identification—which a "waiting period" and investigation would not have uncovered—or by the use of a strawman buyer who has no criminal record.

Instead of spending taxpayers dollars on proposals such as the Metzenbaum/Feighan/Brady bill—which will spend millions to billions of taxpayers' dollars investigating honest citizens—we should use those tax dollars to build more prisons. We must lock up and keep behind bars drug dealers and repeat offenders who are victimizing American society.

Mr. Chairman and members of the committee, I will end my comments here; you have a copy of this testimony before you that includes more detail on the issues I have discussed today.

Thank you.

AMENIA CELEBRATES ITS BICENTENNIAL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. FISH. Mr. Speaker, it is with great pride that I rise in honor of the bicentennial of the town of Amenia in Dutchess County in my home district of New York.

Amenia was founded on March 7, 1788—a year in which the New York State Legislature established more than 200 towns.

The settlement of Amenia was founded in 1762 by Dr. Thomas Young, a poet who also thought up the community's name. It is derived from the Latin word "Amoena," which means "pleasant to the eye."

Indeed, the countryside—offering vistas of Cascade Mountain, Smithfield Valley, and De La Vergne Hill—must have been pleasing to the settlers, as it is to the residents today. There is a special resonance to the names of the town's roads—Deep Hollow, Butts Hollow, Bog Hollow, and Sinpatch.

The first significant immigration came in the 18th century, when inexpensive farmland attracted settlers from New York and New England.

Iron ore was discovered in Amenia in the 1760's. A foundry and furnance supplied iron and steel for the war effort in the American War of Independence.

The Amenia Seminary, a private Methodist academy established in 1835, enjoyed a good academic reputation and attracted students from throughout the Nation.

Today Amenia still has great vistas, as well as outstanding educational and cultural opportunities within an 80-mile radius. The town—which comprises many neighborhoods, including Smithfield, Wassaic, Box Hollow, Leedsville, South Amenia, and Amenia Union—is particularly noteworthy for its community spirit. Volunteers contribute greatly to the town by serving on town boards, volunteer fire departments and rescue squads and other praiseworthy organizations.

Mr. Speaker, the town has proclaimed August 13 as a time of official celebration. There will be a community picnic, and the Lions Club has donated a birthday cake large enough to feed 400. I am looking forward to taking part in the ceremonies.

I wish the people of Amenia the best as they celebrate their bicentennial.

THE 50TH ANNIVERSARY OF FOUNDING OF TEMPLE BETH TORAH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to bring to the attention of my colleagues the 50th anniversary of the founding of the Ventura County Jewish Council-Temple Beth Torah.

The roots of the Jewish community in Ventura County go back to 1875 to Simon Cohen who was one of the early postmasters of the area now know as El Rio—then known as New Jerusalem. However it was not until 1938 that a handful of local businessmen met on a regular basis in the county. The Jewish community flourished and they moved to a borrowed Coca-Cola bottling building—where free soft drinks were provided—then into other loaned premises; the Odd Fellows Hall, a local dairy where each week they imported a rabbi to conduct services. From those humble beginnings came the core of what is today the Jewish community of some 500 families from all of western Ventura County. Like the county itself, the Jewish community has come a long way since those early days, from those small, spartan meeting rooms to the beautiful temple and community center.

The weekend of Friday, September 30 to Sunday, October 2 will be a time of celebration for the Jewish community, beginning with a special commemorative service on a Friday. Saturday night will see a black tie banquet and festivities will culminate with a festival on Sunday, October 2. On that day men, women, and children will hand carry a torch in a run from the site of the first official meeting place through the streets of Ventura to the lighting of a giant menorah at the present headquarters at Foothill and Kimball Road. The day will end with food and music, the release of thousands of balloons and singing and dancing at the temple. Attendance is expected to exceed 500 people.

Please join me in congratulations to Temple Beth Torah and the Jewish community on their 50 years of service in the area and in wishing them continued success and happiness.

IMPLEMENTING RESOLUTION FOR PALAU COMPACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. UDALL. Mr. Speaker, one of the most important pieces of legislation pending before the Committee on Interior and Insular Affairs is legislation regarding the future status of Palau.

I, Subcommittee Chairman RON DE LUGO, and 61 other Members of the House have cosponsored legislation to authorize implementation of a compact of free association with Palau. I have today responded to a letter from President Lazarus Salii of Palau regarding this legislation, which we hope can be enacted this year. Because of the importance of the issues involved, I wish to share this response with my colleagues.

COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES
Washington, DC, August, 8, 1988.

Hon. LAZARUS E. SALII,
President of Palau
Koror, Palau.

DEAR PRESIDENT SALII: This letter is in response to your letter of August 2 which refers to Insular and International Affairs Subcommittee Chairman Ron de Lugo's recent letter to you, and requests my assistance.

At the outset, I want you to know that there are no differences between Ron de Lugo and myself with respect to the need for and commitment to the fundamental provisions of H.J. Res. 597 which 59 other Members of Congress have joined us in cosponsoring. I continue to have full confidence in his leadership on the legislation.

We drafted the provisions of the resolution together after consulting with you and other leaders of Palau. Although the exact language of H.J. Res. 597 is not set in concrete, the purposes of the key provisions must be retained and adequately dealt with for this Committee to be able to report Compact implementation legislation.

Assurance that the matters which have created great concern on our part will be adequately addressed is essential if (1) the Committee on Interior and Insular Affairs is to fulfill its legislative and oversight responsibilities under the Constitution of the United States, other U.S. law, as well as the Rules of the House of Representatives, and (2) the United States is to complete its responsibilities to the people of Palau as most of those responsibilities are fully assumed by the Government of Palau under the Compact. This Committee, and the Congress, has the right and the responsibility to address these matters in legislation to implement the Compact.

The events which took place in Palau last year required greater congressional scrutiny of the situation in Palau before final action could be taken to terminate the trusteeship because of continuing U.S. responsibilities to the people of Palau. These events were not of our making but were, in large part as you know, within the aegis of the Government of Palau under the authority that the United States has been granted by the United Nations.

No one wishes any more than I that these events in Palau—and others over the past several years which have come to our attention—had never taken place. Unfortunately, they did. Of necessity, they had to be investigated.

Because of the seriousness of the situation and the apparent extent of the problems, Subcommittee Chairmen de Lugo and George Miller and I requested the assistance of the General Accounting Office of the Legislative Branch of the United States Government to assist this Committee in conducting an investigation.

The GAO (which, with your cooperation, should complete its investigation within the next few months) is not equipped by law, training or resources to conduct investigations for law enforcement purposes. Therefore, when it became apparent from the GAO's investigation and other sources that investigations of potential criminal wrongdoing were required, it also became clear that one of two courses of action needed to be taken. Either the Secretary of the Interior would have to use his broad authority over matters in Palau to conduct the needed investigations and prosecutions where warranted or an independent Palauan authority would need to conduct them. We believe that local action on these matters through independent offices of special prosecutor and public auditor is the preferable course of action. Our legislation, H.J. Res. 597, reflects that belief.

I am well aware of, and sensitive to the volatile nature of local politics, especially in an election year. Regardless of what this Committee does regarding the Compact, someone in Palau may seek to use it for political purposes. We cannot control that.

The fact that they might do so is, however, not a reason for us not to carry out our oversight responsibilities regarding Palau. We, are seeking to address problems in Palau in a fair and impartial way. In doing so, it is not our intent to influence the course of Palau's local politics one way or another. We have no favorites and take no sides in Palau. Our objective is to try to ensure that the people of Palau will have a government that will respect the right of individuals to freely and openly express their views, the right to take their cause to the courts when legal issues arise, the right to have an independent legislature and judiciary free from intimidation, and the right to have integrity in governmental institutions and officials.

It needs to be underscored that the principal reason that the Compact is not in effect today is that, according to Palau's own judicial system, Palau has not yet approved the Compact.

Chairman de Lugo and I are making a good faith effort to explore the issues surrounding implementation of the Compact with the two other committees of the Congress directly involved to see if there is enough common ground on an implementation authorized bill which can pass the Congress this year. If there is, we will consult with Representatives of the Executive Branch of the United States government, the Executive Branch of the Palauan government, and the leaders of the House of Delegates and the Senate of the Legislative Branch of Palau at appropriate steps along the way. As this legislation takes final form, we will continue to try to make sure that it respects the Palauan people, its presidency, its Congress, and the principles of a free democratic system of government while ensuring that the U.S. has carried out its obligations to both the peoples of Palau and the United States.

Time is running out in the 100th Congress, as you are aware. Therefore, we are working with all parties concerned in an attempt to finalize a bill which can pass the Congress this session which will address the chief concerns outlined to you in earlier correspondence and which, hopefully, will be supported by the vast majority of the people of Palau.

Sincerely,

MORRIS K. UDALL,
Chairman.

THE F-16 FALCON—FLYING HIGH

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. DORNAN of California. Mr. Speaker, we are all painfully aware of defense programs that have gone awry—whether through cost overruns or failures in performance. Too often, however, in our tendency to concentrate on problem-plagued programs, we overlook some of the truly remarkable success stories of our military procurement effort. One such success story in which we in Congress can take just pride is that of the Air Force's F-16 Fighting Falcon.

It has recently come to my attention that the F-16 has once again dominated another USAF flying competition; this time the U.S. Air Force, Europe [USAFE], semiannual bombing competition.

In overall standings, the F-16 swept the top three places, with the 50th Tactical Fighter Wing flying F-16C's out of Hahn Air Force Base, leading the way. The "top gun" of the event was Maj. Greg Findlay of the 86th Tactical Fighter Wing, Ramstein Air Base, West Germany. Other F-16 pilots achieved "best scores" in strafing, low-angle bombing, and first-run attack. In fact, in the latter category, one F-16 in its first pass at the target achieved the impressive feat of delivering ordinance within 4 feet of the bullseye.

This impressive competition performance is not a new victory for the F-16 "Flying Falcon." Ever since its entry into the U.S. Air Force stable of fighter aircraft a decade ago, the F-16 has consistently swept the major USAF flying competitions. More importantly, it has proven itself in the true arena for a fighter plane—combat—where it has scored nearly 50 victories over Syrian Soviet-supplied fighters while suffering only a single loss.

In addition to compiling this impressive combat record, the F-16 has also set Air Force peacetime standards for maintenance, safety, readiness, and reliability. There is little wonder why Fortune magazine has recently praised the F-16 as being one of America's highest quality products.

But this is equally impressive—at least as far as we who write the checks are concerned—and that is that F-16's have been consistently produced on time and within budget since production began over 40 years ago. In fact, because of the multiyear procurement process that Congress has approved for F-16 purchase, GAO estimates that more than $800,000,000 has already been saved during the course of production. Additional savings of $315 million are projected by GAO for continuing F-16 multiyear procurement through 1993, resulting in a total of more than $1 billion not drawn from the U.S. Treasury.

Moreover, the F-16 has become the world's most eagerly sought-after fighter. Sales abroad to over a dozen nations have greatly improved our balance-of-trade situation. In fact, negotiations are now under way to sell 170 F-16's to Japan—a reversal of our usual business dealing with that nation.

This success story has been made possible through the combined efforts of Congress, Department of Defense, and the defense industry. Certainly, the F-16 program represents the very best side of our military procurement process and stands as an example to be emulated.

NO TAXATION WITHOUT SIMPLIFICATION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. HUBBARD. Mr. Speaker, I urge my colleagues to read a recent article which appeared in the August 15 issue of the U.S. News & World Report. The article, "No Taxation Without Simplification," by Mortimer B. Zuckerman, editor-in-chief, effectively summarizes why I recently joined 24 of my colleagues in opposition to the Technical Correction Act.

I applaud the insight Mr. Zuckerman displayed in the article and I faithfully submit this material for print in the CONGRESSIONAL RECORD as I believe it tells it like it is.

NO TAXATION WITHOUT SIMPLIFICATION

(By Mortimer B. Zuckerman)

Still seething over your tax return? Join the crowd. Two years ago, Dan Rostenkowski, chairman of the House Ways and Means Committee, was one of the heroes when the tax-reform bill went through for the President's signature. Now, he is hearing from the definitely disillusioned. "Explain to my mother about tax simplification," ran one letter. "If your answer is not satisfactory, this 1987 return will be the last she will ever file."

At first, people kept quiet because they felt guilty that they were having trouble with a "simplified" tax system. Now, the feeling of revolt is commonplace; anger has displaced shame. The protesting son was outraged that his 85-year-old mother had to find $1,100 in accounting fees to prepare her return, three times the prereform cost. It is happening everywhere. Accounting firms report that they have spent more than double the time preparing clients' returns because of an overly complicated law knotted with new regulations.

April 15 used to be the end of the tax season. Before 1986, only about 15 percent of those returns filed by accountants asked for an extension. Now, about 40 percent have sought deferral. Taxpayers have found they need time, patience and professional advice to dissect their past daily life for information demanded by the tax law. It was supposed to be simpler, but the reality is there in the mind-numbing pages of print. We could only be puzzled by the fact that the number of pages in the tax bill had grown from 185 pages in 1981 to 564 pages in 1984. Think of it, 564 pages! Well, the Tax Reform Act of 1986, which was supposed to simplify our taxes, was 879 pages, and the House resolution to correct the errors in the bill runs to 960 pages. Now think of that!

The mess we are in is evident in the relatively commonplace matter of interest deductions. Taxpayers must keep track of how they spend each borrowed dollar so as to determine if the interest is deductible as passive interest, investment interest, business interest, or is only partly deductible because it is personal interest. The deductibility of home-mortgage interest depends on the type of residence, the number of days it is used, when the debt was incurred—and a home-equity loan has a variety of traps.

Someone who runs a small business from home or rents a room, as many Americans do, must nickel-and-dime how much each expenditure or bit of equipment on the premises is used to earn income, down to making sure that every minute of a business phone is used for business by everyone who uses it, or that no private garbage gets into the business garbage taken away as a business expense.

Imagine how daily transactions would stop dead in their tracks if every time a shopper thought of buying something he had to worry about putting every moment's use down in writing and had no way of knowing the legal definition of different uses for tax purposes. Effectively, that is what is happening with a vengeance today with small businesses, which cannot be sure what is allowable for tax purposes and what is not. Even professional advice is often no more than an educated guess when the Internal Revenue Service is struggling to put forth thousands of regulations because Congress has passed vague laws.

Fairness, as well as simplicity, has been a victim of Congress's games with our tax laws. Not only have many taxpayers incurred higher taxes in 1987 from hidden tax increases in the 1986 tax bill but virtually everybody has had to waste time and energy on documentation that would have been better spent on productive enterprise.

There are major disincentives to enterprise and business here. There is also a serious erosion of the credibility of the American tax system. We have had pride in the voluntary self-assessment of taxes, and there has been a remarkably widespread compliance. This is at risk when millions feel persecuted by paper work and few middle-income Americans or small businesses can figure out their liabilities.

Something is wrong when—in the country born of a tax revolt—the most important document regulating individual social behavior, after the Bible, and the most important document affecting the relationship of the individual to the state, after the Constitution, is that uninspiring mass of convoluted prose called the Internal Revenue Code.

GOVERNOR DUKAKIS AND CIVIL RIGHTS FOR THE DISABLED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. COELHO. Mr. Speaker, last week President Reagan made a wisecrack about "invalids." As a person with epilepsy, I resent the callous attitude exhibited by the Reagan-BUSH administration toward those with disabilities, of which this remark is symptomatic.

This year I introduced a comprehensive bill that would ensure the civil rights of America's 36 million disabled persons. This bill, the Americans With Disabilities Act, will protect the disabled against discrimination in all sectors of American society.

I am proud to say that Governor Mike Dukakis, the Democratic nominee for President, shares this commitment to civil rights for the disabled. I would like to insert into the RECORD, his statement on this issue.

STATEMENT BY DEMOCRATIC CANDIDATE FOR PRESIDENT MICHAEL S. DUKAKIS ON CIVIL RIGHTS AND EQUAL OPPORTUNITY FOR CITIZENS WITH DISABILITIES

Yesterday, the House gave final passage to the Fair Housing Act of 1988. This bill is a significant advancement for civil rights, not only because it strengthens enforcement and protects families with children, but also because it marks a historic step forward in providing full access and equal opportunity to Americans with disabilities.

I applaud the Fair Housing Act Amendments because for too long stereotypes and discrimination have prevented Americans with disabilities from obtaining housing in our nation's communities. This accomplishment is only a first step. Discrimination is an everyday experience for America's 43 million citizens with disabilities. For too long this prejudice has prevented these citizens from becoming independent and productive and being totally integrated into our society.

Those principles of full participation and equal access are embodied in the Americans With Disabilities Act of 1988. This landmark bill is designed to eliminate discrimination against persons with disabilities in housing, employment, public accommodations, transportation, and communication.

I support the principles and objectives represented by the ADA of 1988. I applaud the efforts of the disability community in working for the objectives of this bill.

In Massachusetts, we have acted on those goals. We have led the fight to overcome discrimination and the attitudinal and physical barriers for persons with disabilities. I have appointed persons with disabilities to head our Commission for the Deaf and Hard of Hearing, the Commission for the Blind, the Massachusetts Rehabilitation Commission, and the Massachusetts State Office of Handicapped Affairs. I issued Executive Order 246 that bans all forms of discrimination against people with disabilities in programs receiving state support. Executive Order 246 also establishes affirmative action hiring in all state agencies for individuals with disabilities.

I signed legislation in 1983 to establish a new transition planning program for young persons with severe disabilities. My administration established the highest level state agency in the country on the deaf and hard of hearing, and a new commission to protect adults with disabilities against neglect. With the passage of our comprehensive health insurance bill, persons with disabilities will no long fear not having health coverage.

Those examples represent actions not just words. They represent years of leadership, and not a new found awareness. As President, I will continue to provide that same leadership and work with the disability community. As President, I will ensure that all civil rights statutes are enforced and that persons with disabilities have the opportunity to participate in our government, private sector, and our political process.

I will end barriers to the most fundamental right of citizenship: the right to vote, by requiring the over 188,000 polling places to provide accessibility to the elderly and persons with disabilities. My goal is to promote and ensure social integration, personal independence and equality of opportunity for all individuals with disabilities. The Americans With Disabilities Act of 1988 is a major step in protecting the civil rights of persons with disabilities and I will work with the Congress to produce legislation that embodies the principles of this act.

HOUSE JOINT RESOLUTION 602

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. FASCELL. Mr. Speaker, I rise in strong support of House Joint Resolution 602, which calls for the restoration of a free and independent Cambodia and the protection of the Cambodian people from a return to power of the Khmer Rouge, whose genocidal reign we recall with horror and shame. I would like to commend Mr. ATKINS, the principal sponsor of this resolution, as well as Mr. SOLARZ and Mr. LEACH, the chairman and ranking member of the Subcommittee on Asian and Pacific Affairs, for the support and prompt action on this resolution.

We have all noted, I am sure, the recent developments in Southeast Asia which indicate that negotiations may be underway at last toward a resolution of the Cambodian question. We applaud the prospect of peace returning to the troubled country of Cambodia and the contribution that such a development would make toward the achievement of greater stability in this part of the world.

In this resolution we make an unequivocal statement that a Cambodian settlement must contain workable measures to prevent the return of the Khmer Rouge to power. It is unthinkable that a regime which has permitted the autogenocide of more than 1 million of its own people could be allowed to return to power.

It is therefore appropriate and timely that we approve this resolution, clearly stating the policy of the United States and urging the international community to use all appropriate means to prevent the return to power of Pol Pot and to permit the Cambodian people to determine their future in freedom and dignity.

We cannot erase our past actions or inactions. We can, however, do our best not to allow the repeat of tragic errors. This resolution is an important step toward that end. I urge my colleagues to support the passage of House Joint Resolution 602.

PUBLIC SERVANT ALAN CROGAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. LAGOMARSINO. Mr. Speaker, allow me to take this opportunity to pay tribute to one of the 19th District's outstanding public servants, Mr. Alan M. Crogan. After serving Santa Barbara County faithfully for almost a dozen years, Alan Crogan will soon be leaving his position as chief probation officer to accept an appointment as Youthful Offender Parole Board representative with the State of California.

Alan Crogan began his career as a public servant years before his arrival in Santa Barbara County, first as a U.S. Marine and then as an employee of the Probation Department of San Diego County. He moved to Santa Barbara County in 1977, and won, within 3 years of his arrival there, appointment as chief probation officer. In that capacity he has served the county well, coping admirably with shrinking budgets and an increasing workload. Somehow, Mr. Crogan also found time enough to involve himself with the Santa Barbara Rape Crisis Center, the Criminal Justice Program at Santa Barbara City College, the County Law Enforcement Chiefs and the Santa Barbara Citizens Council on Crime. California Governor Duekmejian has twice appointed Mr. Crogan to the State Board of Corrections.

Finally, Mr. Speaker, I know that I speak for the people of Santa Barbara County when I say that they will miss the leadership that this man has provided at the Probation Department, and the friendship this man has given to the community as a whole. We wish him well in all future endeavors. Although his new job may necessitate a relocation, Alan Crogan and his family will always be able to call Santa Barbara County their home.

SUPPLY-SIDE ECONOMICS—FAILURE AS HUNGER REMEDY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. ACKERMAN. Mr. Speaker, despite 5 years of steady economic expansion, 20 million Americans, especially the elderly, homeless and low-income women, infants and children, do not have enough to eat. It is clear that supply-side economics has failed as a remedy for hunger. The unevenness of economic growth has left millions of people falling further behind. More than 32 million people live below the poverty line, an increase of more than 3 million since 1980. Two-thirds of those seeking emergency food assistance are children and their parents, as are one-third of the homeless.

Hunger in New York City has become a chronic condition for hundreds of thousands of residents. Requests for emergency assistance in my congressional district in Queens have risen dramatically even though the city's economy is now stronger than it was during the last decade. The Reagan administration has turned soup kitchens and food pantries from a Depression-era memory into a reality today. These volunteer food providers, originally established as "emergency" facilities, are now a permanent resource utilized regularly by hundreds of thousands of New Yorkers.

If one factor stands out as a major contributor to hunger and poverty in New York City, it is the dramatically reduced level of Federal assistance available to low-income residents, particularly in the Food Stamp Program. While U.S. Secretary of Agriculture Richard Lyng and his top nutrition aide, John Bode, told congressional committees earlier this year that food is always available for the Nation's hungry and that food stamp spending is high enough, the fact is, Federal cutbacks have exacerbated poverty by cutting all programs designed to provide basic needs.

As a member of the Select Committee on Hunger, I have heard over and over again from people across the Nation who are struggling, yet unable to make ends meet—even when food stamps are combined with benefits from other assistance programs. In New York City housing costs are so astronomical that recipients of food stamps and other public assistance are forced to make the cruel choice between food and shelter. This has driven thousands of food stamp recipients to New York's growing network of food pantries and soup kitchens to supplement their inadequate food stamp benefits. Clearly, our present Food Stamp Program is not adequate, and emergency food needs of low-income Americans are not being met.

The time has come to adopt national policies that reflect our national will to eliminate homelessness, poverty, and hunger. That is why I strongly support passage of H.R. 4060, the Emergency Hunger Relief Act of 1988. The measure will ensure that low-income families and individuals receive adequate nutrition assistance in an expeditious manner, and develop a delivery system that will not further complicate or add to the administration of established nutrition assistance programs.

First, the bill would extend authorization for the Temporary Emergency Food Assitance Program [TEFAP] through September 30, 1989, at the current level of $50 million. TEFAP, which provides surplus agricultural commodities to the needy, has been drastically reduced as a result of changes in the dairy price support program and accelerated donations and sales which depleted the vast supply of commodities. In addition, it requires the Department of Agriculture to purchase 110 million dollars worth of commodities in fiscal 1989 to help compensate for the reduced availability of cheese and other commodities in recent months.

In response to growing awareness of the extent of hunger in this country and the understanding that any food that goes to waste represents a missed opportunity to feed hungry people, the bill would establish a national gleaning clearinghouse to collect and disseminate information concerning the kinds, amounts, and geographic location of agricultural products available for gleaning.

The measure also would increase basic food stamp benefits above the normal inflation adjustment by an average of 70 cents in October 1988, and $2.25 in October 1989. Other provisions will improve the Food Stamp Program by providing additional information to the needy about food stamp benefits; reducing barriers to participation for the elderly, disabled, farmers, and migrant workers; improving the efficiency of the program by reforming the quality-control system so that appeals are expedited and the number of claims levied on States are substantially reduced; and provide a contingency clause so that if budget sequestration takes place, the cost provisions of the bill will not be implemented.

Despite commendable efforts by State and local governments to deal with the problems associated with hunger, they cannot achieve effective solutions without a strong commitment from the Federal Government. Food is a basic human need, and access to adequate food should remain a right for every American.

I urge my colleagues to join me in supporting passage of H.R. 4060, to help meet the emergency food needs of low-income Americans.

BANKRUPTCY BREEDS DESPERATION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. DOWNEY of New York. Mr. Speaker, in 5 short months, when the Reagan era is finally over, political pundits will begin the process of reflecting on this administration's more honorable and not-so-honorable moments. This week's revelation that the Reagan administration has, through the back channels, tried to embarrass and undermine Costa Rican President Oscar Arias should certainly weigh in heavily on the list of "less than honorable" schemes of the Reagan years.

Most Americans agree that the Reagan doctrine for Central America has gone bankrupt. It's been a failure. And, in classic and all too familiar fashion, the administration has made a desperate attempt to pin the blame elsewhere. So now they want to blame President Arias, a leader they once embraced, at least for the cameras.

No doubt, the Arias peace plan for Central America has some problems. Nicaragua has caused a fair number of them. But it seems clearer now than ever before that peace was never part of the Reagan plan for Central America. And so, when President Arias put his plan forward—a plan which eventually won him a much deserved Noble Prize—the State Department, while praising Arias a man "admired throughout the world for his noble efforts on behalf of peace", began its own compaign to discredit and debunk him. What a fine and noble picture to present to all those fledgling democracies in Central America that we are trying so hard to nurture!

Maybe I shouldn't be so shocked by all of this. Maybe, after 8 years, I should be used to administration words that say one thing and administration deeds that do something quite the opposite. But America is bigger than that. This is a Nation that was born out of new ideas, and so, it is a Nation that has a deep and abiding respect for others who put forward sound and capable plans designed to help nations work together toward a common dream of peace and prosperity. Americans want to help such leaders, not deride them. As such a leader, President Arias deserves our thanks, our support and our constructive advice. Most Americans have not forgotten that, though the administration apparently has.

HONORING THE HOLLOWAY OLD TIMERS BASEBALL CLUB

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. APPLEGATE. Mr. Speaker, it is my privilege to honor the Holloway Old Timers Baseball Club. Located in Belmont County, OH, in my congressional district, this organization was founded in 1948 and is the oldest in the Nation. The Saturday before Labor Day is set aside each year for all who ever played baseball for or against Holloway, to get together and renew old friendships and to reflect on the past.

There are ball games for the sons and grandsons of the Old Timers, softball games for the women, and baseball doubleheaders for the "Old Timers" where former players from 80 to 90 years old, on down to age 35 participate. These events are followed by a lunch which is paid for by the citizens and donations. The day wraps up with an "Old Timers" softball game, giant parade, band shows, entertainment, and then round and square dancing.

Over 500 people from all over the United States attend this event annually. They plan and save all year for this event. The emotional and sentimental returnees will tell you they live for this day. Many who have played in Holloway and who have gone on to play baseball in the major leagues such as Cy Young, Joe Niekro, Harold "Hal" King, Frank "Buck" Wallace have supported and continued to support this event and urge that it never change.

This nonprofit and self-supporting organization has enjoyed much success over the years because of its concerned and committed membership and its well organized format.

The Holloway Old Timers Baseball Club continues to be a source of pride to everyone in the small village of Holloway. The members of this club have come together in pursuit of common goals and friendship, and the spirit of comradery and support that prevails within its membership has undoubtedly had a profound and positive effect on each member.

Mr. Speaker, this event allows members to share fellowship and renew friendships. As the oldest organization of its kind, the Holloway Old Timers Baseball Club has achieved a praiseworthy record of service in the sports community.

I extend my personal congratulations to all members of the Holloway Old Timers Baseball Club for their undying commitment to not only baseball, but for continuing to be the community mainstay it is today.

HOUSE RESOLUTION 484

SPEECH OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1988

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 484 and urge my colleagues to support this resolution. I would also like to commend Representatives SOLARZ and LEACH, the Chairman and ranking member of the Subcommittee on Asian and Pacific Affairs, and in addition, Representatives YATRON and SOLOMON of the Subcommittee of Human Rights and International Organizations, for their diligence in pursuing this matter and in bringing this resolution to the floor of the House.

While the resolution takes note of the recently announced decision of President Zia to hold elections on November 16, 1988, it urges him to hold these elections on a party basis. We recognize the longstanding relationship between the United States and Pakistan and note that lifting of martial law in 1985 and other subsequent steps in Pakistan represent movement toward a more democratic society. Establishment of a genuine democrarcy in Pakistan would greatly facilitate the further improvement of relations between our two countries.

This resolution represents a statement of our most basic American value, belief that all people should have the right to determine their government through free and fair elections. We strongly support the progress made by the people of Pakistan toward democracy and urge continued progress, consistent with their constitutions, the the development of a more democratic political system.

(House Resolution 484 expresses our interest in democracy in Pakistan, just as we have previously expressed support for movement toward democracy in many other countries of the world. I urge adoption of this resolution.

TRIBUTE TO MANOLO REYES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. PEPPER. Mr. Speaker, a distinguished citizen of my district, Mr. Manolo Reyes, recently celebrated his 50th uninterrupted year in public information service. He regaled an appreciative audience with many delightful remembrances of that half of a century in which he had had a very active part. Mr. Reyes has had a distinguished career and made a very important contribution to the public and journalistic life of the Miami area. He is a revered and highly esteemed citizen. The community generally heartily joined in the heartfelt appreciation shown on this occasion by a large and admiring audience. I ask that the interesting speech Mr. Reyes made on this occasion appear in the RECORD following my remarks.

The speech follows:

The night I won the Emmy I said it was a climax in my career as a journalist.

But today is the night of nights.

Today, I achieve 50 years of consecutive work—accompanied by my family—and accompanied by my friends.

What else can a person strive for?

On this Earth there are two wonderful words in any language: Please and Thank You.

For me—tonight—is a big night for a big Thank You.

First and above all, Thank God that I've made it to here.

True that there has been times of anxiety, tears and despair. Times in which I made many mistakes, and I'm still making mistakes. However, I welcome those times—particularly I welcome the opportunity of making mistakes because it strengthens the responsibility to correct them.

In my life I have prayed many nights and I keep praying for my family and friends because in praying to God we have a phone which is never busy.

Thank you to Ofelia and Manolo, my parents. They brought me into life. They taught me to be what I am and even though my mother died 4 years ago, and my father 20 years ago, they have an eternal life in my prayers and in my soul.

Thank you to the Brothers of La Salle. I came from a very poor but honest family. For ten years—from 7 to 17 years of age, the Brothers had me in Elementary and High School in Cuba without paying a penny.

In the meantime, from 1938 to 1960 I worked 22 years of my life in one Radio and TV station: CMQ in Havana. Thank you to their owners—Miguel Gabriel—Angel Cambo—the Mestre's brothers and particularly to Arturo Chabau who trained me in how to be an Executive.

In 1960 I came to Miami, a political refugee with my wife and children. Five days later I started to work at Channel 4. For 18 years I was its Latin News Editor. Thank you to all my friends at Channel 4 who helped me and my family in the new midst, especially to Col. and Mrs. Mitchell Wolfson, Ralph Renick, and Jim Brossmer.

For the last ten years I have worked for the Hospital Industry in Miami. Six years at Palmetto General Hospital—three years at Hialeah Hospital and now—since a year ago—at Mercy Hospital.

Thank you to all my friends there, particularly Dr. Eliot Berg and Dr. Edward Truppman, Chairman and Vice Chairman of the Board of Directors of Palmetto General Hospital. Terry M. Carson, Former President of Hialeah Hospital—and to my friend and supervisor—the President and Chief Executive Officer of Mercy Hospital, Edward J. Rosasco, Jr.

As you can see all my bosses from Cuba and the United States are here tonight. It means a lot to me and to my family.

Now I want to render a special tribute of thanks to the person who has shared 37 of the 50 years we celebrate today. A person who in the good times and the bad times has inspired my life with her love, her understanding and her very special smile. My wife Grace. I love you.

As you already know, she plotted this night with my daughter Gracielita. Gracielita—my fiancee—as she is called by her mother. Thank you for this wonderful night—for this wonderful birthday present. I love you.

My thanks also to her husband—my dear son-in-law, Octavio Visiedo. Gracielita and Octavio are now in their 16 years of marriage with two beautiful daughters—Michelle and Melissa. I love you all.

Thank you to my son Manolo—my wife's fiancee as I call him. Thank you to my dear daughter-in-law, Loujean. Manolo and Loujean are now in their 10 years of marriage with two lovely children—Nicole and Manolo Jr. I love you all.

Thank you to my son Carlos—Charlie—El Benjamin—el mas joven (the youngest of all). Thank you to my dear daughter-in-law, Miriam. Carlos and Miriam are now reaching two years of marriage. No children yet. I love you all.

Last but not least, my mother-in-law—Graciela who at 87 years of age is still very active. I love her as the son she never had.

Tonight I see in 50 years of work ALMOST the realization of the American Dream. And I say ALMOST because Cuba—my country of birth—which I love with all my heart—is not free. It is under tyranny. In my feelings I have the rare privilege of having two nations to defend and serve: Cuba and the United States.

Since I came to this great nation, seven Presidents—whether Republicans or Democrats—have been in the White House. On behalf of my family and myself our endless gratitude not only to them but to the American people for their hospitality at the time when we needed it the most.

I love the United States of America.

I will always love and respect the woman who was my mother, but I will always love and respect the woman who helped me to raise my children.

In conclusion—Tonight I am fulfilling the three main goals of my life: God—country—and family.

Thank you all and each one of you.

Thank you for helping me in the celebration of 50 years of work.

This can only happen in America!

NATIONAL SUBCONTRACTOR AWARD

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. INHOFE. Mr. Speaker, Tulsa is proud to be the home of this year's National Subcontractor of the Year. On July 18, the U.S. Small Business Administration presented its Administrator's Award of Excellence to Walden's Machine, Inc. in Tulsa, OK in recognition of its outstanding performance as a subcontractor. Walden's is subcontracted by the Boeing Co., to manufacture large and small precision machine detail parts and assemblies for use in commercial aircraft.

At the request of Mr. Walden, the award was presented to the entire staff at the shift change because "they are the ones entitled to it." This insistence on sharing the recognition of excellence with the people who work so hard to produce a good product says much for the management style of Mr. Walden and the quality of his work force.

In further recognition of the fine work done by the people at Walden's Machine Inc., it has also been named the 1988 Small Disadvantaged Business Supplier of the Year.

Walden Machine's Inc. is an exceptional company and sets a fine example for subcontractors across the country. It truly embodies the motto of our great State of Oklahoma, "Labor Conquers All Things."

TRIBUTE TO LEE STEELE, TOLEDO BLADE RELIGION EDITOR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to an outstanding woman from Ohio's Ninth District who, as the Religion Editor and member of the Toledo Blade's news staff for nearly 40 years, established an unparalleled standard of professionalism in news reporting. Mrs. Lee Steele died on August 1, 1988 after an heroic fight against cancer for the past 10 years.

Mrs. Steele, who joined the Toledo Blade's news staff in 1950 was widely respected by leaders of all religious denominations in her role as religion editor, a post she assumed in 1967. Her thorough and fair coverage of religious news throughout Ohio and Michigan was a hallmark of Mrs. Steele's dedication to the religious communities she served through her profession. As the first recipient of a communicators award recognizing outstanding coverage of religion by the Ohio Council of Churches Committee on Communications, Mrs. Steele further demonstrated the respect and admiration which she solicited from leaders of all faiths.

As a native of Newark, NJ, she received a bachelor of arts degree from the New Jersey College for Women, now a division of Rutgers University, and a master's degree in journalism from Syracuse University. Her zeal for learning continued in later years at the University of Toledo and Bowling Green State University where she studied international law, international trade, social legislation, investment banking, advanced economics and labor problems.

Mrs. Steele was a former secretary of the National Religion News Writers Association and founder and first president of the Toledo chapter of Women in Communications, Inc. She continued to set new precedents for women in journalism in her capacity as a reporter for national and State conventions of the League of Women and the Federation of Women's Clubs. Her interests were wide and varied as demonstrated by her coverage of courts, the city, county and Federal issues, as well as in her role as music and drama critic during her tenure at the Toledo Blade.

Mrs. Steele, herself an ordained minister, presided at more than a dozen weddings of friends and coworkers. In 1985, she was named one of Toledo's Women of Achievement for her newspaper career and was frequently sought after for her skills as a public speaker, author, and teacher.

The Toledo Blade and, in fact, the journalistic profession as a whole, has lost a sensitive and forthright contributor. Those of us who benefited from her articulate and insightful reporting of issues pertaining to faith and religion—issues central to so many of us—will miss her greatly.

H.R. 4060, THE EMERGENCY HUNGER RELIEF ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. RAHALL. Mr. Speaker, I am very pleased that H.R. 4060, the Emergency Hunger Relief Act was passed yesterday under suspension of the rules. Since a bill authorizing more than $100 million requires the approval of the Democratic Steering and Policy Committee to be considered under suspension of the rules, I think it is significant that this important piece of legislation was granted approval. It passed uncontested without a rollcall vote and, therefore, demonstrates an earnest bipartisan concern for the hungry in this country.

Mr. Speaker, I have long stood in strong support of the Temporary Emergency Food Assistance Program [TEFAP] because it has meant so much to so many people in my district, and all over the great State of West Virginia. The need for this program, however, was never so apparent until its existence was recently threatened. During the past few months, I have received over 1,000 letters from all over the State of West Virginia reiterating the importance of this program and asking that I do all in my power to keep intact the vital supply of surplus commodities provided by TEFAP.

The Emergency Hunger Relief Act would extend TEFAP for 1 year and require the purchase of $110 million worth of additional commodities for distribution. From this $110 million, $70 million would be distributed under current TEFAP procedures, which are determined by the number of poor people and the number of unemployed in a State. The remaining $40 million is targeted at providing nutrition assistance to the homeless, and thus will be spent on commodities to be distributed to soup kitchens and food banks.

The bill also addresses previous problems found in the Food Stamp Program by raising benefits, facilitating participation, and improving efficiency. Beginning in October of this year, the monthly food stamp benefit will be raised an average of 70 cents per person, up to $2.25 in October 1989, not including regular inflation adjustments.

Many people who are in desperate need of food stamps and are eligible to apply do not know how to go about it or are wary of the application process. The Emergency Hunger Assistance Act includes several measures aimed at making the application process easier. It expands the definition of "disabled" for food stamp purposes and allows the elderly and disabled with medical expenses over $35 per month to claim a deduction from income for food stamp purposes for recurring medical expenses, without having to submit information and verification each month—as long as the expenses are initially verified. The bill also requires that States inform applicants for aid to families with dependent children [AFDC] that food stamp applications may be submitted at the same time.

In an effort to make the administration of food stamps more smooth and effective, this bill improves several aspects of quality control to assure that eligible food stamp recipients receive the proper amount and that appeals claims are handled in a fair and efficient manner.

Mr. Speaker, this is a good bill and it is a vital bill for many, many people in West Virginia. I stand firm in my support for the Emergency Hunger Relief Act and will continue to do all I can to alleviate hunger in the great State of West Virginia and all over the United States.

RENEGOTIATION OF EXCESSIVELY PRICED NATURAL GAS CONTRACTS

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. BATES. Mr. Speaker, the energy shortage of the 1970's has been replaced by surplus in the 1980's and energy prices have fallen substantially. Wholesale oil prices, which reached a peak of $35.24 per barrel in 1981 have declined by almost 50 percent to $17.91 in 1987. In the natural gas industry, average wholesale prices peaked in 1984 at $2.66 per million British thermal units and have since declined to $1.71 per million Btu in 1987, a 36 percent decrease.

While the two industries have experienced surplus and general price declines, the behavior of the two markets has differed substantially. The oil market, which had always operated with less government intervention and has completely deregulated in 1981, quickly reached a point of homogeneous pricing. The gas industry, however, developed a hierarchy of producer prices in which producers received anywhere from $0.30 to upward of $10 per million Btu for the sale natural gas without any substantial difference in the commodity. The upper range of pricing was an artifact of the regulatorily induced shortage and bore little relation to the costs of resource development.

These excessively high prices still exist today even though the gas industry has been in surplus since at least 1983 and the current price of spot gas is between $1.25 and $1.50 per million Btu. These high prices are due to contracts which were signed during the shortage years, under a comprehensive regulatory system and which are still being upheld by the courts even though the market and the regulatory system have changed substantially.

During the last 5 years, the Federal Energy Regulatory Commission [FERC] has tried to implement a more competitive and therefore more homogeneous pricing system in the gas industry through a number of major initiatives. They first opened up the demand side of the market by relieving local distribution companies [LDC's] of their historical obligation to purchase gas from interstate pipelines in Order 380 (1984). This allowed LDC's to purchase natural gas from any supplier, placing a severe burden on the interstate pipelines to eliminate many of the pipelines' long-term supply contracts which has been a condition of FERC certification and which had been necessary to met the contract obligations to the LDC's.

In 1985, FERC Order 436 opened up the interstate transmission network, allowing any party to transport gas without having to obtain the extensive regulatory approvals required under prior regulations. This order exacerbated the pipelines' already serious over-commitment problem and was accompanied by FERC statements suggesting voluntary renegotiation of gas supply contracts between pipelines and their producers. Finally, FERC Order 500 (1987) has effectively imposed a cutoff date of December 31, 1988, for high-priced contract reformation by denying cost passthrough for settlements achieved after the date.

All of these orders mandated certain actions by the interstate pipelines, over whom the FERC has jurisdiction derived from the Natural Gas Act of 1938 et seq. However, the FERC has stated that the Natural Gas Policy Act of 1978 precludes its ability to force any action on producers. The FERC has therefore relied upon voluntary renegotiation by those producers who still maintain their excessively high priced contracts.

As one would expect from such a system, most producers have complied with the FERC request and have renegotiated their high priced contracts in line with current market realities. The others, however, have relied upon the courts in the producing States to enforce their antiquated contracts and have retained their ability to sell gas at prices greater than $10 per million Btu while other gas, priced at $1.50, is left in the ground. As the deadline for renegotiation approaches, these recalcitrant producers now have the ability to either continue selling their high priced gas or, if they decide to renegotiate, they can exact excessive settlements.

The overall result is that those producers who have not responded to the FERC and the market are doubly enriched. They have continued to sell their gas over the last 3 years at five to six times the amount that the market would otherwise dictate and now they can receive excessive settlements for contract reformation.

The Congress, in the NGPA, and the FERC, through their orders of the last 5 years, have determined that it is in the national interest to have a competitive market for natural gas production. To that end, the FERC has devised a system in which all industry participants, producers, pipelines, LDC's and consumers, share in the transition costs. By not participating in the process, the recalcitrant producers are both enjoying a windfall by selling their gas at extreme prices and are harming all other participants in the industry. Their costs will have to be paid by the pipelines, LDC's and the gas consumers, especially those without energy alternatives. In addition, as these excess costs increase the delivered price of gas to end users, the netback price received by producers who have participated in the industry transition will be diminished. Aside from the inequity of having participating producers receive less for their production, diminished prices will also have a deleterious effect on new exploration and production, harming the entire Nation.

Since the FERC has professed its inability to alleviate this situation, I have introduced a bill to require that producers renegotiate excessively high priced contracts so that all consumers can benefit from the energy price reductions of the last 5 years. In the event that the parties cannot agree to renegotiated terms, the bill provides that either party would then have the right to terminate the contract.

The actions taken by the FERC in setting aside minimum payment and minimum purchase provisions in existing contracts between pipelines and their customers—order 380—initiated the huge take-or-pay liability exposure of gas consumers, LDC's and pipelines. Such actions were upheld by the courts, as being within the Commission's authority pursuant to the Natural Gas Act. In the attached proposed statute, Congress would act directly to set aside contractual provisions on the same basis: that such contract provisions are inconsistent with the public interest. Such congressional action is clearly within the constitutional power of Congress, when applied to interstate commerce.

THE WHARTON STUDY: MAQUILAS SAVE U.S. JOBS—AND A LOT MORE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. KOLBE. Mr. Speaker, Congress has devoted much attention recently to glasnost and Mikhail Gorbachev's restructuring of the Soviet state. It is appropriate that we do so. Yet a no less important political opening is underway on our own continent. I am speaking of the recent Presidential elections in Mexico.

Characterized by unprecedented dialog and dissent, the Mexican elections may signal the start of a new era of pluralism in the largest, most populous nation in Central America. For the first time in history, the opposition staged a serious challenge to the ruling Institutional Revolutionary Party. The PRI candidate and President-elect, Carlos Salinas de Gortari, will assume office in December after officially garnering only 50.3 percent of the vote. Meanwhile, activists on the right and left are defining what their role will be in the new order.

Though the vast majority of American citizens watched Mexico's elections only from a distance, the outcome will have a direct effect on both countries. Our nations share a common boundary, the longest such division between a developed and developing country on Earth. Whatever the issue—be it drugs or immigration or environmental quality—the United States has a real stake in Mexico's future.

Conversely, many Mexican citizens are closely following the progress of the Presidential elections in the United States for the same reason. They are watching the candidates and listening for policy pronouncements that will shape the course of things to come.

One issue that profoundly concerns both of us is trade. Mexico is our third largest trade partner, and we are her largest. Our shared experience has been that United States-Mexico trade is inherently good, and it promotes cooperation in other areas.

Though I represent Arizona, a border State, there is no "special interest" in trade expansion. Rather, there is a compelling national interest in doing so. This is elementary economics, besides being common sense. Improve Mexico's economy and they will buy more United States products. Team up with Mexico and they will help make the United States more competitive.

Trade expansion means more jobs on both sides of the border. It means a higher standard of living for this and future generations. It means both countries can compete in a global economy—an economy whose benefits we enjoy but whose responsibilities we are sometimes reluctant to accept.

Two-way trade between Mexico and the United States is already enormous: $34 billion last year and growing rapidly. These are hard statistics, hard facts. Yet they border on the abstract because they are so far removed from our daily life experiences. The numbers need to be refocused and personalized. The auto worker in Michigan, the seamstress in South Carolina—do their jobs depend on trade with Mexico? Quite often, the answer is yes. But the precise link between us and them can be difficult to prove.

Unfortunately, the complexity of commerce is not wasted on those who oppose trading with Mexico. Rather than try to understand the real issues, trade regressionists deliberately confuse them. They delight in depersonalizing trade, in twisting its meaning into "simplifications" that serve their selfish interests, and in substituting slogans for factual analysis. They hammer away at the theme that doing business with Mexico means sacrificing United States jobs. Stop investing in Mexico, they suggest, and United States workers will enjoy unending prosperity.

This makes for nice chants. But we are left wondering: what are U.S. workers supposed to do if they are blocked from competing in the international market? To borrow a phrase from the Speaker of this House, if America is truly to remain great, our work force must do more than deliver pizzas to each other.

Until recently, however, we have lacked conclusive scientific data that pinpoint the indirect impact of trade with Mexico on employment levels in the United States. Unfettered by facts, the protectionists have prolonged their charade.

Prolonged, that is, until now.

Last February, the AFL-CIO challenged Secretary of Labor Anne Dore McLaughlin to commission a scientific report in one of the most important and controversial elements of United States-Mexico trade: Mexico's "twin-plant" or maquiladora program. The maquila program enables United States companies to establish wholly owned assembly plants in Mexico, independent of their other restrictions on foreign investment. Under item 807 of the United States tariff schedules, 100 percent United States-made components can be exported to Mexico, assembled in the maquila plants, and returned to the United States for final assembly, processing, and distribution. Duty is imposed only on the value added in Mexico—that is, on the labor used during maquila assembly.

Established in 1965, the maquila program was designed to promote economic growth in Mexico's traditionally depressed border states. It surpassed even the most optimistic expectations. In 1986, maquiles employed more than 250,000 Mexican workers. This figure now exceeds 300,000 and is expected to rise to 400,000 by 1992. Maquila output has grown an average of 13 percent per year since 1975. Last year, output grew nearly 20 percent. The total value of maquila production was $5.6 billion in 1986, concentrated in the electric and electronics, automotive, and textile sectors.

Maquilas help the U.S. economy as well. Besides the obvious benefit to United States firms operating in Mexico, tariff item 807 provides an incentive for maquilas to use components made by United States workers in United States factories. Indeed, without the maquila option, many U.S. companies could not afford to maintain any U.S. plants. They would be forced either to move their operations to Southeast Asia or to go out of business altogether.

The AFL-CIO has long argued that the maquila program costs U.S. jobs. They advocate the repeal of tariff item 807 as a way to help U.S. workers. Thus, it was commendable for the AFL-CIO to call for a scientific study of the issue. And it was equally commendable for the Secretary of Labor to take up the challenge by directing Wharton Econometric Forecasting Associates, one of the world's most respected economic consulting firms, to do the analysis.

That study, entitled "The Implication for the U.S. Economy of Tariff Schedule Item 807 and Mexico's Maquila Program," was released last month. Yet thus far, I have seen no mention of it in the AFL-CIO newspaper. Why? Could it have something to do with the fact that the Wharton study totally contradicts their claim that maquilas cost U.S. jobs? Or that it states unequivocably that eliminating the maquila program would clearly not save, but would actually destroy, tens of thousands of U.S. jobs in component manufacturing?

I believe the working people of this country have a right to know the findings of the Wharton study. Most previous reports on maquilas pose compelling questions but stop short of providing answers. Such was the case with a report issued last January by the U.S. International Trade Commission, entitled "The Use and Economic Impact of TSUS Items 806.30 and 807.00," requested by the distinguished gentleman from Florida, the chairman of the Subcommittee on Trade, Mr. GIBBONS. The ITC report highlighted trends in the use of these tariff incentives with emphasis on Mexico's maquila industry. It made some estimates on the impact of item 807 on U.S. employment in component and assembly industries. However, the ITC did not analyze the larger impact to the U.S. economy if 807 or the maquila program were curtailed or repealed, as labor organizations have advocated.

In contrast, the Wharton study gauges the impact of 807 and the maquila industry both on U.S. employment and GNP. Using an econometric model, the study quantifies several possible scenarios, including: eliminating 807 for goods produced only in Mexico; eliminating 807 for all countries; and eliminating of the maquila program in Mexico.

The Wharton study concludes that under all scenarios, "both the Mexican Maquila Program and TSUS section 807 benefit the U.S. economy. The net benefit stems from the impact of lower U.S. prices and the demand for U.S. manufacturing components overwhelming the impact of potentially higher assembly production in the United States.

In other words, if the maquila program or 807 were eliminated, U.S. firms would be forced to buy higher priced substitute components. A significantly higher portion of these substitutes would come from foreign countries. U.S. workers would be laid off. While some individual U.S. assembly plants might benefit, their gain would be outstripped by the far greater loss of jobs in the component sector. Under the first scenario—eliminating tariff item 807 only for Mexico—Wharton concludes that after 6 years, real United States GNP is $2.6 billion less than it otherwise would have been. The output losses correspond to a loss of 21,000 jobs in the first year after repeal, which grows to 76,000 after 6 years. Forty percent of the total loss—29,000 jobs—is in manufacturing.

If 807 is repealed for all countries, real U.S. GNP falls $3 billion in 4 years. By the sixth year, 85,000 jobs are lost, mostly in textiles and nonelectric machinery. Despite a drop in imports, the economy suffers because prices rise. Higher prices for components depress demand. "Specifically," the study notes, "textiles confront high tariffs, inducing a large price increase in a sector which is extremely price sensitive. Thus, prices rise in price-sensitive sectors, inducing a drop in consumption of both U.S. mad output as well as foreign made output."

In the unlikely event that Mexico eliminates the maquila program entirely—effectively increasing Mexican production costs by 50 percent—real United States GNP falls by more than $2 billion after 1 year after repeal and $3.7 billion in the sixth year. The cost in human terms is staggering: 92,000 U.S. jobs lost by 1992. The manufacturing sector accounts for most of the job loss, with the nonelectric machinery and automobile industries taking the biggest hit. The Wharton study is enlightening for another reasons. Its exhaustive quantitative analysis makes it possible to identify some of the trends that are shaping the maquila program.

One of the most positive findings is that the number of highly skilled Mexican workers in the maquila plants is rising as a percentage of the total work force. Similarly, the percentage of workers involved in basic assembly and cottage industries is declining.

Thus, maquilas are acting as a bridge for improving the greater welfare of the Mexican people. They are bringing in capital and expertise that are being used to improve both the physical and human infrastructure along the border. This is consistent with the original purpose of the maquila program: to provide a capitalization and technology-transfer function. Skilled workers at one maquila are moving to more sophisticated jobs at another. Some of them are starting their own businesses with the skills they have learned.

Meanwhile, the maquilas themselves are undergoing change. Plants that previously limited their operations to assembly are branching out into product engineering and testing.

An example of this is SME, Sistemas Mecanicos y Electronicos. Located in Mexicali, across the line from the Imperial Valley in Baja California, SME is a twin-plant for AiResearch Tucson, which is itself a division of Allied-Signal Corp. Among other things, SME assembles sophisticated electronic devices such as cabin-pressure controls used in Douglas DC-9 aircraft. United States-made components are shipped from Tucson to Mexicali and assembled at SME. The completed assemblies are returned to the United States, where they are processed, packaged, and distributed.

Currently, SME limits its role to assembly. However, to make the plant more competitive, SME engineers are considering doing some product testing onsite in Mexicali. Such jobs would require advanced technical training—training that has frequently not been available in Mexico.

Anticipating these trends, Mexicali schools are working with maquila operators to increase resources, expand course offerings, and improve classroom quality. Recently, two trustees from a Mexicali technical college—both active participants in the local maquila association—traveled to Stanford University to attend a seminar on setting up and administering corporate fundraising campaigns to support educational programs. They plan to apply these techniques in Mexico to raise money from the maquila companies for school improvement. This is just one example of how the maquila "domino effect" is spreading throughout the border region, bringing the promise of a better life to people who have known little but poverty.

A second trend supported by the Wharton study is the growth of maquilas in Mexico's interior. Maquilas are still mostly a border phenomena. They accounted for 3 percent of total national employment in 1986, as opposed to 18 percent of employment in the five states bordering the United States—Baja California, Sonora, Coahuila, Chihuahua, and Tamaulipas. However, greater than 15 percent of all maquilas are now located south of these 5 states. This compares to less than 10 percent in 1979. The southward migration was another objective of the maquila program. Bringing maquilas to Mexico's interior helps promote balanced economic growth. It also strengthens public support for the program.

As might be expected, the interior maquilas use a higher percentage of Mexican-produced raw materials. The vast majority of their content comes from the United States, but not quite as much as their border counterparts.

However, this is changing. The Wharton study reveals that as the number of interior maquilas has grown, their reliance on Mexican content has declined. In 1986, Mexican raw materials represented only 4 percent of the total content processed by interior maquila plants. As recently as 1980, this figure was 10 percent. Nearly 96 percent of all content used by the interior maquilas comes from abroad—almost exclusively from the United States. Along the border, a remarkable 99 percent of all raw materials used by the maquila plants comes from the United States.

Finally, maquilas will continue to play an essential role in generating surplus foreign exchange for Mexico. Wharton estimates that the maquila industry's foreign exchange surplus will increase from $1.5 billion obtained last year to $2.4 billion in 1992. This represents an annual growth rate of nearly 10 percent. Maquilas' are already the single biggest generator of surplus foreign exchange in Mexico, ahead of oil exports and tourism. This is extremely important at a time when Mexico owes $107 billion to foreign banks—much of it in the United States—and when they are slashing trade barriers to accommodate more United States imports.

In closing, I challenge my colleagues in Congress to do two things during this dual election year.

First, get the Wharton study and read it. This is especially important for those who are unfamiliar with the maquila program or who have been critical of it in the past. Copies of the study are available from the Department of Labor or my office.

Second, visit the Mexican border states and see the maquilas firsthand. I personally pledge to arrange and lead such a tour for my colleagues at mutual convenience.

The maquila program is too important to be ignored by nonborder legislators. Companies that supply maquilas with components are located in all 50 States. Nearly every congressional district is directly affected.

For my colleagues who hesitate to accept this challenge, don't just do it for yourself. Do it for your constituents who depend on trade expansion with Mexico for their jobs and their future prosperity.

RICHARD E. GUGGENHIME

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Ms. PELOSI. Mr. Speaker, on July 13, San Francisco lost a great man and leading citizen with the death of Richard E. Guggenhime. Few citizens have given as much to the city and people of San Francisco.

A leader in civic affairs, he was president of the San Francisco Community Chest and the Rosenberg Foundation and a trustee of the California Academy of Sciences, the San Francisco Symphony Association, and the Branson School. He was also a director of the Bay Area Educational Television Association—KQED Channel 9—the San Francisco Legal Aid Society, and the California Chamber of Commerce.

As an attorney, Richard Guggenhime worked on the construction financing of the San Francisco-Oakland Bay Bridge and the merger of Wells Fargo Bank and American Trust Company. Under his leadership from 1959 to 1973, the San Francisco law firm of Heller, Ehrman, White & McAuliffe tripled in size.

Richard Guggenhime was also a prominent figure in the development of the modern Stanford University. He served on the board of directors for two decades and was cochairman of the most successful fundraising campaign in the university's history.

In addition to a long list of civic and professional accomplishments, Richard Guggenhime will be remembered for an infectious wit and immeasurable devotion to his friends and family. Said his son Richard, "He loved the achievements of his family more than he loved his own. He never talked about himself but only of his family—particularly his wonderful Charlotte, who in her quiet way was an essential ingredient of his success."

Richard Guggenhime was many things to many people. He led by example and lived the words of the prophet Micah: "What does the Lord require of you but to do justice, to love mercy, and to walk humbly with God." San Francisco will miss Richard Guggenhime.

PERSONAL EXPLANATION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. HEFLEY. Mr. Speaker, I was unavoidably absent for rollcall 267, on final passage of the United States-Canada Free-Trade Agreement. Had I been present I would have voted "aye."

A STORY OF HEROISM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mrs. MORELLA. Mr. Speaker, I want to share with you a local story of heroism from which we can all learn.

Six-year-old Tiffany Corbin, of Silver Spring, MD, is a very special girl. She receives therapy for emotional difficulties at the Oak Leaf Center of Bethesda, a nonprofit community mental health outpatient facility that serves children, adolescents and their families.

With the help of local medical assistance programs, the center arranges taxi transport for Tiffany to and from school.

As Tiffany and two other girls, ages 4 and 10 years old, sat in the back seat of Alan Runyon's taxi on Friday, July 15, he noticed that something was terribly wrong. Tiffany was squirming helplessly. Within moments it was apparent that she had swallowed a large piece of candy and it was lodged in her throat. She began to suffocate.

Alan Runyon quickly radioed the Barwood Cab Co., to call an ambulance and, despite heavy rush hour traffic, pulled the cab to the side of the road. Then, keeping a cool head, he proceeded to perform the Heimlich maneuver on little Tiffany. After a few very tense moments, the asphyxiating clump of candy was dislodged.

As the ambulance arrived and took Tiffany to the hospital, Barwood contacted the Oak Leaf Center and Alan Runyon took the other two girls home. Afterwards, he visited Tiffany in the hospital. Without Alan Runyon's quick thinking, Tiffany could have died before getting to the hospital.

Alan Runyon and the Barwood Cab Co., deserve praise for their outstanding handling of the situation. This story subtly reminds us all of our dependency on each other and the importance of helping one another. I am very proud to have Alan Runyon and Tiffany as constituents.

SUPPORT AMERICA'S COMMERCIAL SPACE PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. SOLOMON. Mr. Speaker, today I am again requesting that my colleagues join me in sponsoring legislation prohibiting United States satellites from being launched on Soviet or People's Republic of China boosters.

Mr. Speaker, the Commercial Space Launch Act encourages the development of an American commercial launch industry for economic, national security and strategic reasons. It represents an excellent example of Government policy recognizing the advantages inherent in allowing the private sector to apply its entrepreneurial spirit to the industrial sector of the future—space.

Commercial launch activity may well represent the most active part of America's nonmilitary space program over the next several years. There are contracts worth nearly a billion dollars for launches beginning in 1989.

Mr. Speaker, it is unfair to expect our commercial space industry to compete successfully against a Communist government's controlled economy.

Now that some satellite firms have applied for export licenses, we must reaffirm our opposition to governmental market interference by sending another clear signal—that the Chinese and the Soviet Governments will not be able to use Western-Spacecraft to subsidize their space program or other high technology programs by unfairly grabbing market shares from United States launch industries.

A NEAR TRAGIC EVENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. BURTON of Indiana. Mr. Speaker, very often, a tragic event or a near tragedy inspires thoughts of basic values and principles. I was shocked to hear yesterday, along with millions of Americans, about the attempted assassination of Secretary of State Shultz in Bolivia. Can one conceive of a more vicious, cowardly, heinous act? Killing a man in the midst of a worldwide peace mission would indeed be the most outrageous of crimes. I can only express my profound relief at the failure of this dastardly deed.

Red McDaniel, the Great American hero who spent 6 years at the "Hanoi Hilton" as a prisoner of communism, recently told of seeing a banner unfurled at a U.S. college campus during the 1970's. It said, simply: "There is nothing worth dying for." This unfortunate attitude exemplifies the reason that we have lost so much ground to communism since World War II. The Communists believe there is something worth dying for, and they are often prepared to die for it.

Mr. Speaker, the incident in Bolivia reminds us that there are many who despise us. We have our flaws. But our enemies do not hate us for our flaws, but for our strengths for our freedom, our values, our compassion, and our devotion to, in Lincoln's words, "A just and lasting peace among ourselves and with all nations." That is what Mr. Shultz was working for. That is what the terrorists were trying to kill.

SUPPORT FOR GOLD MEDAL TO MRS. JESSE OWENS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. RANGEL. Mr. Speaker, yesterday, the U.S. House of Representatives approved H.R. 1270, a bill which authorizes the President to present a gold medal to Mrs. Jesse Owens, in recognition of the contributions to mankind by her late husband, Olympic star Jesse Owens. This important, and long overdue tribute to Jesse Owens was moved through the House under the able leadership of Representative LOUIS STOKES. Representative STOKES is to be commended for the role that he continues to play to insure that the U.S. Government honors in this manner such a deserving American.

I am a supporter of this legislation because Jesse Owens was an idol to me and countless other young people growing up in Harlem in the 1930's. He was an idol to my friends and I because he defied the odds and showed the world that black Americans could succeed, if only given the chance.

No words can express the pride that I felt when I woke up one morning to read the New York Times, and discovered that Jesse Owens had won not one, but four gold medals at the 1936 Olympic Games in Berlin. What an accomplishment! What a feat! I also remember reading that Adolph Hitler was so disgusted with Jesse Owen's performance, on his home soil, that he refused to congratulate him on his accomplishments, as he did the other Olympic medalists. Perhaps what hurt Adolf Hitler the most was the fact that Jesse Owens dispelled his ignorant theories of white supremacy on four separate occasions—right before his very eyes!

Mr. Speaker, Jesse Owens has gone down in the history books of the world as not only a revered sports figure, but as a genuine friend and humanitarian in the truest sense of the word. While many black Americans have succeeded in sports, I can think of no other person, black or white, who is more deserving of a Congressional Gold Medal than Jesse Owens.

I would also like to take this opportunity to commend Jesse Owen's widow, Ruth, for the great work that she has been doing to keep his goals and dreams alive. She is able to accomplish this in her capacity as the chairwoman of the Jesse Owens Foundation, a nonprofit, tax-exempt organization. Among the many things that the Jesse Owens Foundation does is to award academic and athletic scholarships to deserving youngsters across the country.

In closing Mr. Speaker, I urge my colleagues in the Senate to move quickly and approve this important and deserving legislation.

TRIBUTE TO DON AND ANNE MORDEN

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. AuCOIN. Mr. Speaker, today I would like to pay tribute to Don and Anne Morden who will celebrate their 40th wedding anniversary on September 4. Don and Anne have lived for the past 14 of those 40 years in Astoria, OR. Astoria is fortunate to have people like Don and Anne. They are among the people who, through their untiring leadership in church, school, business, and civic activities, help to weave the threads that bind a community together. From teaching middle school, to involvement in Rotary, to leadership in their local United Methodist church, to championing the cause of small business, to a variety of volunteer activities, the list of their contributions to life in Astoria goes on and on.

This occasion offers an opportunity to acknowledge the immeasurable value of an enduring union such as that of Don and Anne—not only to their parents, their children, and their grandchildren—but to the entire community. Their support for one another through their four decades of marriage has undergirded their service to others and is a source of strength for family, neighbors, and friends. I congratulate them on their 40 years of marriage and wish them continued happiness for many years to come.

IN HONOR OF THE JIMENEZ FAMILY—1988 GREAT AMERICAN FAMILY OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. TORRES. Mr. Speaker, I would like to call to the attention of my colleagues the honor that will be bestowed on some close friends of mine, the family of Mario and Celia Jimenez, at a special ceremony in the White House later this week.

Mrs. Nancy Reagan will host a reception on Thursday, August 11, 1988 to honor the Jimenez family as one of six Great American Families from throughout the United States. This program is sponsored by the American Family Society to promote family values and citizenship.

Mario and Celia own and operate their family restaurant in my district, having built their taco stand, started 23 years ago, into a successful business in Pico Rivera, CA. During this time, they have provided jobs to local high school youth and have supported various school and charitable organizations.

During the holidays, Mario and Celia have helped those less fortunate by providing a Thanksgiving Day meal for senior citizens and for the homeless. Mario dedicates his time and resources to help many programs and activities that support quality education. He also serves on my congressional awards council, which recognizes the volunteer contributions of young people in my district.

As parents, Mario and Celia have tried to demonstrate to their children that they can succeed at anything they want, if they try their best and share with others. All of the Jimenez children work in the family business when they are not in school or in their own jobs in the community. Strong believers in education, Mario and Celia have encouraged each of their children to pursue their educational goals so that they may achieve their dream for the future. Their oldest children, Mary and Mario Jr. attend California State University, Long Beach; David is a student at Cypress College with plans to transfer to UCLA; Martha Jimenez is the future aerospace engineer in the family, she also attends Cypress College. Youngest daughter, Norma, has recently graduated from La Serna High School and is making plans to attend college this fall.

Mr. Speaker, I am proud of my friends, Mario and Celia Jimenez, for their unselfish work and for serving as role models to all of us. We admire and respect them for being outstanding citizens and friends. I ask my colleagues to join me in saluting one of America's great families, the Jimenez Family of Whittier, CA.

ASSISTIVE MONKEYS FOR QUADRIPLEGIC VETERANS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. KENNEDY. Mr. Speaker, today I am introducing legislation along with my esteemed colleague, Congressman TOM RIDGE, that fulfills a national promise to assist the men and women who have fought so bravely to defend our country. This legislation would provide a means by which our service-connected veterans who are quadriplegic can maintain their independence in their homes. By providing quadriplegics with assistive monkeys, these veterans would be able to complete many daily activities that they otherwise could not perform.

Dr. M.J. Willard, of Boston University, has developed a program called Helping Hands. During the last 6 years, her research has been funded by organizations such as the Veterans' Administration and the Paralyzed Veterans of America. This program has trained Simian monkeys—also known as "organ-grinder monkeys"—to help quadriplegic and other severely disabled people with everyday problems. These highly trained monkeys can retrieve food and beverages from a refrigerator, heat food in a microwave and then set up a meal for ingestion by its master. They can retrieve and reposition a dropped mouthpiece without which their master could not read or write. They can replace the chin rest, which if accidentally pushed away, would render the quadriplegic immobile by preventing his or her ability to operate their wheelchair. The monkey, guided by a mouth-held laser, can place desired VCR or audio tapes in their respective players. Along with a core of learned tasks, these monkeys are also taught specific procedures to meet individual needs.

This legislation establishes a 4-year pilot program which will train and deliver 20 of these monkeys to both service-connected quadriplegics and 50 percent service-connected disabled veterans who have become quadriplegic following an honorable discharge from the service. This legislation directs the Veterans' Administration to reimburse the "Helping Hand" Program for the costs incurred while training these 20 monkeys. Six months after placement in a prospective home, the veterans will assume the modest costs of caring for their Simian companions. The program will also be authorized to assist other veterans by providing information and referral services about future participation in this program.

The projected cost of this program is a modest $200,000 per year—a small price to pay for a wealth of invaluable services. Congressman RIDGE and I would like to invite our other colleagues to support this noteworthy legislation to help our quadriplegic veterans.

TONY DOUGALAS GETS KIDS HIGH—ON LIFE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. KANJORSKI. Mr. Speaker, I would like to bring to the attention of my colleagues a truly outstanding resident of my district. Mr. Tony Dougalas, of Mountaintop, PA, will be presented the "Pharmacist of the Year" award by First Lady Nancy Reagan later this week, but his achievements and contributions within the community extend far beyond his pharmaceutical skills. Besides being a top-notch pharmacist, Tony Dougalas has another important pastime: in his own words, "Drug abuse is a hobby of mine."

Now that I have the attention of my colleagues, let me make it clear that Mr. Dougalas is one of our Nation's foremost experts in the field of drug education and has been battling drug abuse for over 25 years, long before most Americans were aware that our Nation even had a drug abuse problem.

Mr. Dougalas is a tireless campaigner against the inherent evils of drug abuse. He is a well-known speaker at area schools talking with students about the social pressures associated with drug use. His approach, however, is what sets him apart from others who relate drug horror stories to our children. He does not stand on a soapbox, simply preaching the ill effects of drugs; he instead communicates with students, telling them that drugs do provide a high, but it is a self-destructive high that can ruin an otherwise promising life. His advice? Have the strength to resist drugs, whch are so much a part of the environment in which America's youth grow up. He urges his listeners to find "another high": if basketball, tennis, or reading gets you high, go with it. We all have our special interests, we all have our "hot button," as Tony would say. "Find that hot button and throw yourself into it—be the very best you can be." This is the message Mr. Dougalas tells his young audience.

Mr. Speaker, I am convinced that every community, indeed our entire Nation would be a better place to live if there were more individuals like Mr. Tony Dougalas. Our children need to hear a positive message from their elders. Talking down to children or preaching to them the evils of drugs is certainly not the most effective communicative tool; we were all kids once, Mr. Speaker, and it's well known that kids are not always receptive to preaching of this sort. But communicating with them on a one-to-one basis, as concerned equals, elicits a positive response, a response that benefits everyone, most importantly the kids.

Our environment is permeated with drugs; this is no secret to anyone in this Chamber. But Tony Dougalas shows to all of us that we can take the time to help our children grow, to pursue activities that will help them develop into self-respecting, contributing members of this society. Tony demonstrates to all of us that reaching a hand out and listening to the needs and questions of today's youth can have an important impact on their lives. I salute you, Mr. Dougalas, not just for your personal achievements, but for the young lives you touch and influence evey day. Your community, and your inspiration, and your leadership. You are the best weapon we have in our war against drugs.

HONORING JAMES C. DODD, JR.

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. DARDEN. Mr. Speaker, it is my priviledge today to recognize and honor James C. Dodd, Jr., of Marietta, GA, for his recent election as the new chairman of the Marietta Board of Education. He is the first black man ever to be elected as chairman. Mr. Dodd, a graduate of Marietta's Lemon Street High School, experienced an exciting 20-year career in the U.S. Air Force and retired from the Air Force as senior master sergeant in 1983.

Mr. Dodd's duties while in the Air Force included service with the crew of Air Force One. During his time in Washington, DC, Mr. Dodd served under Presidents Johnson, Nixon, and Ford, and worked closely with Henry Kissinger. He served through the Vietnam years, Watergate, and other international crises, but describes the silver platter of his career as the years he spent serving as a crew member of the Presidential wing. As he puts it "to be from a poor family from the South and to be black—to be able to do all these things—I'm extremely fortunate."

Since his retirement from the Air Force, Mr. Dodd has returned to Marietta and continues to serve his country well through his active involvement in community affairs. In addition to his involvement with the Marietta School Board, Mr. Dodd is very proud of his membership with the NAACP and will be the chairperson of their State convention in Marietta in October. Mr. Dodd not only works full time for the U.S. Postal Service, but he also serves his community as an active volunteer.

Mr. Speaker, I invite my colleagues to join me in congratulating James C. Dodd, Jr. on his position as chairman of the Marietta School Board, and in thanking him for his many years of service and dedication to our country.

EAGLE SCOUT FRANK MATTHEW RIESER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen who has become a resident of my district, Frank Matthew Rieser. He will be recognized this Saturday, August 13, at Our Lady of Mercy Catholic Church in Dayton, OH for achieving the highest rank in Scouting, Eagle Scout.

Matthew, as he is known, is joining the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological, and more. His accomplishment becomes even more notable when it is viewed cumulatively. The high caliber of this individual is illustrated by the entire sum of achievements and the perseverance of character he demanded.

In today's society, our youth are truly bombarded with a variety of lifepaths from which to choose. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though credit is certainly due to the family of this young man and to the Scout leaders who provided support, Matthew knows today that he can participate independently in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing this young man the best of luck in his future endeavors.

UNITED STATES-CANADA FREE TRADE AGREEMENT

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. ROWLAND of Connecticut. Mr. Speaker, the House of Representative's overwhelming adoption of implementing legislation for the United States-Canada Free-Trade Agreement [FTA] on August 9, clearly reveals the widespread support this agreement has in the United States. H.R. 5090 is a quantum leap in bringing the benefits of freer trade to the United States, Canada and, indeed, the world. The FTA, once adopted by Congress and the Canadian Parliament, will create the world's largest liberalized trading area and set the stage for global trade in the 21st century.

The thanks that must be given to the myriad negotiators and those involved in guiding the FTA through Congress and the Canadian Parliament cannot be overstated. This herculean task was only accomplished by an unprecedented level of cooperation between United States and Canadian trade officials, between executive and congressional officials and between Canadian federal and parliamentary leaders. To these dedicated individuals, our gratitude can only be outdone by their own realization of the historic nature of their accomplishment. I trust this realization will not be lost on any of them.

I do not have to remind you, Mr. Speaker, of the growing economic power of the European Community. The United States-Canada FTA will place the North American continent in a prime position to fairly and aggressively compete with the EC in the decades ahead. The same can be said for North American trading relationships vis-a-vis Japan, the Pacific Rim nations, China and others. Liberalizing the economic borders between our two nations will also have the unspoken benefit of training United States industry managers to think in global, transnational terms. While this attitude is changing with every passing year, perhaps the only impediment holding United States businesses behind their Japanese, West German, English, and other foreign competitors is their relative lack of global vision. By broadening United States-Canada economic ties, United States industries will be forced to consider the international consequences of their decisions and will seek international opportunities with increased confidence.

As a Representative of the State of Connecticut, I would like to take a few moments to detail the many benefits the FTA will bring to my State and my constituents. Connecticut ranks second in New England for total trade with Canada behind Massachusetts. With nearly $1.7 billion in trade between Connecticut and Canada, Connecticut does enjoy the most balanced trading relationship with Canada than any other New England State. These statistics represent a growing factor that is our bread and butter here in Congress, jobs. For example, Connecticut exports of telecommunications equipment and industrial machinery, which currently face Canadian duties of 17.8 percent and 9.2 percent respectively, would see those duties phased out over 5 to 10 years. The increased export opportunities from this happening will mean more jobs in those industries and that is good news to my ears.

I am not naive enough to imagine that the FTA does not have now, or will have later, its detractors. If the U.S. economic engine is to continue to grow, however, the opportunities the FTA will provide for the vast majority of American workers and businesses cannot be lost. We cannot allow the adverse, short-term consequences to a minority prevent both nations from positioning themselves in the best way possible for the global trading environment that is dawning. The trading environment in the next century will not tolerate nationalistic trading policies, will not tolerate industries unwilling to plan and operate on a global scale, and will not tolerate economies that refuse to adapt. For our part, that is for those of us willing to work and sweat for freer trade, we should not tolerate those who want to guarantee economic decline. Hiding our heads in the sand of the "status quo" is to renege on our responsibility to the American people. The United States-Canada FTA is the American economic dream on an international scale. We must continue to dream that dream for our benefit and the benefit of our world.

"BY THE PASSION OF THEIR LIVES"

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. DANNEMEYER. Mr. Speaker, fellow colleagues, below is a poem that my constituent Warren C. Vining III, Santa Ana, CA, wrote as a tribute to the *Challenger* crew. I believe that this poem captures the importance of our commitment to the space program and the continued exploration of space.

By the Passion of Their Lives

Earthborn
American grown
with iron in their veins
yet settled peace in their souls
they raced through time
never turning back
from the challenging call of tomorrow
Heads held high
with laughter in their mien
they saw the silent salute of stars
grace their destined lives
as they worked and cheered
their way to glory
grasping with their skills
the ancient story
of the restless need
to search and grow
beyond mortal limitation
—and doing so
reach immortal creation.

DEDICATION TO A DIFFICULT, BUT REWARDING PROFESSION

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. GALLO. Mr. Speaker, I am indeed proud today to recognize a fellow New Jerseyan who has assumed a position of national leadership at a crucial time in the history of her honored profession.

Lucille A. Joel of Oradell, NJ, was chosen by her peers in June to serve as the 28th president of the American Nurses Association.

Her 8 years of prior leadership experience as past president of the New Jersey State Nurses Association and first vice president of American Nurses Association will provide Mrs. Joel with the insights needed to tackle a number of challenging questions facing her organization and her profession.

As Mrs. Joel assumes her new duties and responsibilities, the nursing profession is at a crossroads. Not so long ago, the nursing profession and the opportunties for service that it provides attracted a great many young people. Today, we face a shortage of nurses, with a 17-percent vacancy rate for nursing positions in New Jersey alone.

The need for an increasing number of dedicated and well trained nurses has never been greater. As our population ages and the number of senior citizens doubles by the year 2020, we must have nurses with specialized training to provide health care for older Americans.

Changing patterns of child care services will also provide increasing opportunities for specialists at the other end of the spectrum.

Lucille Joel is uniquely qualified to meet these challenges. As a member of the faculty of the Rutgers College of Nursing since 1979 and chairperson of the Department of Adults and the Aged, Mrs. Joel understands the need to provide the specialized training that prepares students for the changing needs of the profession.

As chairperson of the Food and Drug Administration Steering Committee on Nursing, she has a view of the national scope of the needs and opportunities facing her profession.

Mrs. Joel has been elected a fellow of the American Academy of Nursing—a clear indication of her unique qualifications that have brought her to this national leadership role.

Her dedication and her professional standing provide an example for others to follow. And, the fact that these accomplishments did not occur in a vacuum make them even more impressive.

Her husband, Attorney Richard Joel, her eight children and the rest of her family have been very supportive, campaigning for her in the recent national elections.

Her leadership qualities, combined with her enormous energy and her thoughtful, intelligent approach to problems, are well recognized within her chosen profession.

Once again, New Jersey has produced a leader for our times.

I know my colleagues share my pride in the accomplishments of Lucille Joel and stand ready to cooperate with her as she undertakes the challenges of her profession.

LET'S ELIMINATE THE DIESEL FUEL TAX AND HEIFER TAX

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. HASTERT. Mr. Speaker, now that the House has acted, I would like to take this opportunity to encourage our colleagues in the other body to safeguard the provisions in the Miscellaneous Revenue Act that would repeal the diesel fuel tax for off-highway users and the heifer tax.

As you probably know, the budget reconciliation package from 1987 requires wholesalers to collect the diesel excise tax rather than the retailers. Although the law exempts agricultural and off-highway users from paying the diesel fuel tax, it still requires them to pay the tax and then apply to the Government for a refund.

This policy doesn't make sense. The result has been increased redtape and higher upfront costs on farmers by requiring them to pay a tax they do not owe.

The heifer tax is a very complicated requirement that would require cattlemen to capitalize the cost of raising replacement breeding livestock if the preproductive period exceeds 2 years. This burdensome provision would cost cattle producers an additional $50 to $100 for every replacement they raise.

As a cosponsor of legislation that would eliminate both the diesel fuel tax and the heifer tax, I am very pleased that the House has voted to repeal these taxes. Now, I encourage our colleages in the other body to do the same.

CONGRESSMAN JACK KEMP ON DANGERS OF DUKAKIS FOREIGN POLICY AND DEFENSE PROPOSALS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 9, 1988

Mr. HYDE. Mr. Speaker, last week in Chicago and Corpus Christi, Vice President BUSH made powerful speeches setting out his vision and goals for the foreign policy of the United States. As standard bearer of the Republican Party, he has demonstrated that his vision, and that of all Republicans, contrasts sharply with the weak foreign policies of the Democrats and Governor Dukakis.

I would like to call the special attention of my congressional colleagues and the American people to an important speech given last week on these same topics by Congressman JACK KEMP.

Speaking on August 4 to the National Strategy Forum in Chicago, Congressman KEMP provided a comprehensive critique of the dangerous foreign and defense policies of the Dukakis Democrats. It is a critique which should be must reading for all who care about our Nation's future security and freedom.

JACK KEMP points to the difference between "the beef and the bull" in the Democrats' smoke-filled Atlanta platform. And, he notes how different this 1988 platform is in its antidefense and antifreedom fighter message from the 1960 platform of John F. Kennedy, a President much invoked by the Dukakis Democrats.

JACK KEMP highlights five danger zones—key areas crucial to our security in the coming decade—in which Michael Dukakis has displayed an alarming weakness and naivete about international affairs which ought to concern every American voter.

These five Dukakis dangers discussed by Mr. KEMP are indeed shocking. They include: First, endangering deterrence; second, unsound arms control; third, giving up Central America; fourth, unsound defense spending and fifth, undermining the strategic defense initiative.

Mr. Speaker, I ask that JACK KEMP's August 4 speech to the National Strategy Forum be inserted into the CONGRESSIONAL RECORD. I urge all Americans to read, and take to heart, Mr. KEMP's depiction of the radically different visions of the future on which the American people will vote this November.

THE DANGEROUS FOREIGN AND DEFENSE POLICY OF MICHAEL DUKAKIS

It is an honor to be here at the National Strategy Forum. I am particularly pleased to be given the opportunity to cut through the fog the Democrats manufactured at their Atlanta convention and to get to what they tried so hard to obscure: the substance of Michael Dukakis' foreign and defense policy.

I saw a wonderful cartoon by Jeff NcNelly last week. It was captioned, "Noted linguist Mike Dukakis mastering a new language," and it depicted the governor reading from a book called "conversational Republican." Michael Dukakis was carefully mouthing the words, "Free . . . enter . . . prise, private um, sec . . . tor, I'm a Contra too."

The cartoonist has hit upon one of the underlying truths of this year's race: namely that the Democrats have finally gotten the message that the American people do not support their policies. To win in November, they must attempt to sound like Republicans and suppress their true opinions.

They say that political conventions no longer feature smoke-filled rooms. But the Democrats showed in Atlanta that they can feature smoke-filled platforms. The 1988 Democratic platform is said to be the shortest ever written by either party in the 20th century—and its vague, 200-word sentences were obviously written to confuse and bore the reader.

Perhaps they hoped that no one would be able to read their true thoughts through all the smoke. But they were wrong. I've read it. And I have a message for Michael Dukakis: even when smoke gets in their eyes, the American people can tell the difference between the beef and the bull.

Governor Dukakis made much of the so-called Boston-Austin axis at the Atlanta convention, a reference to John F. Kennedy's 1960 team-up with Lyndon Johnson. But the similarity between the two tickets begins and ends with geography. In 1960, John Kennedy ran on a platform calling for aid to freedom fighters in Hungary and a modernization of American's nuclear deterrent. The 1960 Boston-Austin axis was absolutely clear on the subject of communism in Central America. Let me quote the platform. "We reaffirm our historic policy of opposition to the establishment anywhere in the Americas of governments dominated by foreign powers."

My friends, Michael Dukakis could not run on that Kennedy platform—because he is already on record as opposing its major planks. Notwithstanding his invocations of the name of John F. Kennedy, Governor Dukakis is not a Kennedy Democrat. He is a liberal Democrat of the McGovern era. In place of American leadership for the free world, Mr. Dukakis would substitute "multilateralism," that is, submitting decisions to other countries or to the United Nations.

When asked about President Reagan's decision to send U.S. naval vessels into the Persian Gulf, Governor Dukakis said, "I wouldn't have gone in alone." In response to a question about how he would respond if, during his presidency, Nicaragua invaded El Salvador, he replied "I would act in concert with our allies."

Governor Dukakis is wary of any unilateral American action to secure our interests. While most Americans greeted the liberation of Grenada joyfully, and welcomed the safe return of our medical students, Michael Dukakis announced his opposition.

While most Americans cheered the brave pilots who flew all night to destroy terrorist sites in Libya, Mike Dukakis announced this opposition.

And it's not that Michael Dukakis opposed those actions on prudential grounds. He was not exercising his much-vaunted "competence." His stands were ideological stands, based upon the liberal, Democratic notion that the United States really ought not to have a larger role in the world than, say, Norway. The governor has said that he believes the American people need to learn "humility" in international affairs. He thinks, and I quote, that "we had better put away forever the rather presumptuous notion that we have any right to tell other people how they can or should live."

Ladies and gentlemen, I don't think that's the way the American people want our presidents to talk or act. I think the American people believe that our values—the preciousness of each human life, the sacredness of free expression, the inviolability of religious freedom—do not just apply to Americans. Those rights are universal. And when some governments set about denying those rights and those values to their people, we can and should tell them how to live. Freedom and democracy are not mere American preferences which we seek to force upon others—they are God-given rights which we want to share as far and wide as possible.

Michael Dukakis is a great believer in the United Nations. That is consistent with his belief that as a nation we must learn humility. Well, there are dozens of petty dictators with microphones represented at the U.N. who would like nothing better than to humble the United States. But it mystifies me why Mike Dukakis thinks we need moral instruction from the organization which voted to equate Zionism with racism and which daily condemns pro-Western nations while ignoring the abuse of human rights committed by communist governments.

FIVE DANGER ZONES

Michael Dukakis could not have run on John Kennedy's platform—and his own is too vague to make sense of. But we can get a glimpse of what foreign and defense policies would look like in a Dukakis administration by examining the record of Dukakis statements during the 1988 primary season. In five key areas, crucial to our security in the coming decade, Governor Dukakis has displayed an alarming weakness and naivete about international affairs which ought to concern every American voter.

(1) Endangering deterrence

How far the Democratic party has come. In 1960, they ran on modernizing our nuclear deterrent; today Michael Dukakis wants to ruin it. He has demonstrated again and again that he does not understand the role of military strength in deterring aggression and building a secure peace. He will not acknowledge, for example, that President Reagan's deployment of Pershing II and cruise missiles in Europe and the repair of America's crumbling defense capabilities during the first years of the Reagan administration brought the Soviets back to the bargaining table. In light of those blind spots, it shouldn't surprise us to hear that his idea of a good foreign policy is Jimmy Carter's foreign policy.

From weapons to strategy, Governor Dukakis seems to think that national defense can be handled like no-fault auto insurance. No matter who hits us, we pay the price.

Let's talk about the doctrine of deterrence—which has kept the peace between East and West for more than forty years. Michael Dukakis does not seem to understand that to be effective, the U.S. capacity to respond to attack must be credible. That credibility depends upon two things: adequate military hardware and manpower and—just as important—projecting the will to use them if necessary.

Governor Dukakis has a no-nonsense demeanor. Yet when it comes to our national defense, he suddenly turns into a ditherer. He is constantly finding weapons systems he thinks we don't need. The list of systems is too long to recite here, but a sampling of what Michael Dukakis opposes includes the MX missile, the single warhead ICBM or Midgetman (favored by defense-minded members of his own party), the B-1 bomber, the Stealth bomber, modernization of the aging fleet of B-52s, additional nuclear aircraft carriers, additional cruise missiles, deployment of the D-5 Trident submarine missile, and more.

If President Dukakis were successful in gutting those programs, our nuclear deterrent would be gravely endangered. One of the reasons Governor Dukakis doesn't realize just how foolhardy such unilateral disarmament would be, is that he does not fundamentally understand the Soviets or their intentions. He has told questioners that the Soviet Union needs no incentives for arms control because their domestic economy is their highest priority. "They're worried," he said, "about becoming a second rate economic power."

Governor Dukakis's ignorance is showing. The Soviets have never been a first-rate economic power, but they have never allowed domestic economic demands to interfere with continuing to expand the largest military arsenal in the world. Even under the new regime of Mikhail Gorbachev, we have yet to see a change in the fundamental military posture of the Soviet Union. The Soviet weapons build-up continues across the board and the Soviets have not diminished their military assistance to their Sandinista and Cuban allies in Central America and Angola. I remain to be convinced that they will actually pull all of their invasion forces out of Afghanistan.

Soviet intentions do not worry Mr. Dukakis—but American intentions apparently do. Even someone such as James Schlesinger, who has served in Republican and Democrat administrations, recently said in TIME magazine that he wonders whether Governor Dukakis is "viscerally anti military."

As governor of Massachusetts, Michael Dukakis was one of only two governors who refused to allow his state to participate in an emergency communication system called the Ground Wave Emergency Network (GWEN). The GWEN network would permit the military to communicate around the country even in the presence of an electro-magnetic pulse following a nuclear attack.

For reasons known best to himself, Governor Dukakis does not want the United States military to be able to communicate if the U.S. were to suffer a first strike by the Soviets. His refusal to participate in the program was especially problematic since Massachusetts is the site of our primary radar station for detecting submarine-launched nuclear missiles. He has even refused, during his ten years as governor to visit Hanscom Air Force Base, the Air Force's premier electronics systems base. Ladies and gentleman, we face the very real prospect of seeing a candidate elected who supports no modern strategic deterrent—not even those favored by fellow Democrats Les Aspin and Sam Nunn. Aware that his radical anti-defense posture was causing concern, Governor Dukakis recently came out with a new proposal for strategic modernization: adding four more warheads to each existing, three-warhead Minuteman III missile.

That kind of slap-dash approach to defense policy—to the security of our children—is appalling. The proposal is non-sensical. Since Dukakis is opposed to ballistic missile flight testing, these expensively revamped missiles would be useless as a deterrent. Moreover, defense experts agree that our Minuteman arsenal is vulnerable to a first strike—that's why so many of us support the modern MX missile, to be based in a mobile mode. Putting more warheads on an already vulnerable Minuteman missile, and opposing mobility for the MX missile, as Michael Dukakis does, is throwing away good money and undercutting deterrence.

Is that proposal a measure of Governor Dukakis's so-called "competence?"

(2) Unsound arms control

Candidate Dukakis has stressed his eagerness for arms control agreements with the Soviet Union. But in light of his policy of unilateral strategic disarmament by the United States, it's a safe bet that the Soviets will find nothing to negotiate about. Governor Dukakis has obviously forgotten Jimmy Carter's bitter lesson after he scratched the B-1 bomber. When his arms control negotiators met with their Soviet counterparts and asked what concessions the Soviet Union was prepared to make, for example on stopping the Soviet Backfire bomber, the answer was simple, "None." After all, said the Soviets, "We didn't kill the B-1, you did."

Governor Dukakis would go beyond devastating our negotiating leverage with the Soviets. He has also endorsed arms control bans on testing of anti-satellite weapons, flight-testing of ballistic missiles, and on all nuclear tests. Michael Dukakis should know that the bans on flight testing ballistic missiles and on ending even the small current number of limited underground nuclear tests, would undercut vital U.S. modernization programs and the credibility of U.S. deterrent forces, and that neither the proposed nuclear test ban, nor an anti-satellite weapon ban could be effectively verified.

Governor Dukakis's positions on arms control seem to exist in a vacuum, unaffected by the behavior of the Soviets. He has endorsed "strict adherence to the SALT II and ABM treaties, as long as the Soviet Union does the same." Is it possible he does not know that the Soviet Union has long since violated both accords and that, furthermore, the SALT II agreement was never ratified and long ago passed its proposed expiration date?

If Michael Dukakis is in favor of one-sided U.S. compliance with existing and past agreements, what might the Soviets conclude about his intentions for future treaties? I see a real danger that a naive President Dukakis might sign far-reaching arms control agreements with Mikhail Gorbachev, which would drastically cut our deterrent forces, but with which the Soviets would not comply. Mr. Dukakis has promised honesty in government. But what about common sense?

(3) Giving up Central America

In 1961, a young American president said, "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty." Michael Dukakis and the liberal Democrats are not even willing to pay the price of defending freedom in Central America.

Here in our hemisphere, Michael Dukakis's policies would permit something which John F. Kenney swore would never happen: the expansion of Soviet/Cuban hegemony. Michael Dukakis may have good Spanish language skills, but the word "libertad" does not seem to be in his vocabulary.

For that is what is at stake in Central America: the future of liberty and democracy in our hemisphere.

Sadly, Governor Dukakis sides with the radical leftists of his party in failing to confront the danger both to the region and to fundamental U.S. interests there.

The Sandinistas in Nicaragua are not, of course, a direct military threat to the United States. Opponents of aid of the democratic resistance are fond of ridiculing the idea that tiny Nicaragua represents a "threat" to the U.S. But that has always been a straw man. The danger is obviously not of an invasion by Nicaraguan forces against the United States—and the critics know it. Instead, the danger is that a consolidated Marxist/Leninist regime in Nicaragua, currently bankrolled at some $30 million per month by the Soviet Union, will slowly and deliberately subvert its struggling democratic neighbors, as well as Panama and the strategic canal, and will eventually pose a major threat to Mexico.

Serious strategic thinkers doubt whether Mexico's fragile economy and unstable political system could withstand a prolonged period of subversion from a united, communist Central America. Today, Nicaragua, with a population under 3 million already has an army larger than that of Mexico with 70 million people, and it offers harbors and airfields to modern Soviet military forces. Imagine what sort of threatening military strength could be amassed from a Central America united under communist rule and taking its marching orders from Fidel Castro.

Governor Dukakis has been a consistent opponent of aid to the Nicaraguan democratic resistance. He has called the President's policy "illegal and immoral." He claims to want the people of Central America to decide the destiny of Central America. Yet that is exactly what the Sandinista Communists are preventing.

By transforming their country into a staging area for the Eastern bloc; by inviting members of the PLO, the Red Brigades, and other terrorist organizations to feel welcome in Nicaragua; by building the third largest army in the Western hemisphere (next to the United States and Cuba), and by smuggling Soviet arms and supporting guerrilla forces in El Salvador, Honduras and Guatemala, the Sandinistas are trying to prevent the people of Central America from deciding their own destiny.

Just in the past month, Nicaraguans who attempted to have a say in their own destiny—the mothers of political prisoners, labor unions, and members of the opposition who took to the streets to protest the communist governments oppressive policies—were savagely beaten by the Sandinista police. The opposition newspaper, La Prensa, and Radio Catholica were closed.

Governor Dukakis may feel noble saying he wants self-determination for Central Americans, but by abandoning the democratic resistance in Nicaragua—as he has pledged to do—he will be allowing Central Americans the same degree of self-determination currently experienced behind the Iron Curtain by the Poles, the East Germans, the Rumanians, and the Bulgarians.

Nor can the Governor hide behind the Arias Peace Plan. The agreement, signed last summer, has been proved a failure. The Sandinistas took none of the promised steps toward demilitarization or democratication in Nicaragua. Nicaragua's political prisons remain full to bursting. Domestic opposition is brutally suppressed. And free elections are as far away as ever.

A President of the United States must understand that on issues affecting our national interest and our security, we cannot abdicate responsibility to international organizations or other countries. The first duty of the President of the United States is to preserve the security of the United States.

And there is a particular irony in the fact that Michael Dukakis, the son of Greek immigrants, should oppose aid to the resistance in Nicaragua. If a Democratic president named Harry Truman had not supported the forces of democracy in Greece, the cradle of democracy, when the communists attempted to take it over shortly after World War II, the land of Dukakis's ancestors would not be free or democratic today.

This ignorance is truly astonishing. Doesn't he know that in 1947, Harry Truman cited the Monroe Doctrine as the precedent for his intervention in Greece? President Truman did not wait until the Soviets had colonized Greece; he did not wait until Soviet aircraft were sitting on the tarmac in Athens; he acted swiftly to make sure that that would never happen by rushing aid to the resistance.

(4) Unsound defense spending

During the primary campaign, Governor Dukakis attempted to sound like a moderate by speaking of "stable" defense spending.

But he has also called for a $100 billion cut in US strategic spending over the next five years, and large increases in spending for conventional forces in what he calls his "conventional defense initiative." His proposals are dangerous and misleading.

Governor Dukakis has called for a freeze in defense spending and for further reductions by closing down major defense programs including strategic bombers and missiles, SDI, new nuclear carriers, etc. In an earlier period of expanding defense budgets, an argument for a freeze could perhaps have been made—though I believe our defense spending must always be determined by our security needs alone and that America's defense catch-up of the early nineteen eighties was absolutely essential after years of defense neglect. But Michael Dukakis is proposing to freeze defense spending even after his fellow Democrats in the Congress have imposed four straight years of cuts in US defense spending.

Governor Dukakis' recent proposal for a "conventional defense initiative" is a typical mishmash. It ignores the planning which has gone into the existing Conventional Defense Initiative of the Reagan administration and NATO to strengthen NATO's defense posture against the vast superiority of Warsaw Pact conventional forces. And in proposing that as a major part of his initiative three recently formed US "light" divisions now be turned into new, heavily mechanized divisions—which would be very expensive to equip and to transport—Michael Dukakis is flying in the face not only of the military professionals, but also of the views of people like Senator Sam Nunn who want to provide flexibility and maneuverability to our forces.

Michael Dukakis is not only confused about the forces, but also about the costs and purpose, of his conventional defense initiative. At one time he talked about transferring some $50 billion from our strategic force programs to conventional forces over the next five years, but more recently he has talked about spending some $3 billion more a year on his initiative, in order, he says, to give NATO the capability for "winning" a conventional war in Europe.

Well, as former Secretary of Defense James Schlesinger—a Democrat of the "Scoop", not Jesse, Jackson school—has pointed out, the $3 billion dollar figure is completely unrealistic for the proposed Dukakis conventional program and crudely "trivializes" the problem. And, as for "fighting and winning" a conventional war, Secretary Schlesinger has also pointed out that our European allies are interested in deterring a conventional war, knowing that their countries would be devastated even in a conventional war. NATO is postured for deterrence and defense. It is the Soviets and their Warsaw Pact allies that are postured offensively with forces, plans and exercises designed to initiate, fight and win war.

So, while I'm delighted that Michael Dukakis is interested in supporting some form of deterrent to Soviet agression, I'm concerned that he wants to purchase the wrong kind of conventional improvements and for the wrong purpose, and that he proposes to do so at the expense of our fundamental strategic security. This is surely not a competent approach to serious defense issues, but a dangerous and monumental blunder.

(5) Undermining the strategic defense initiative

In at least one defense area, Michael Dukakis has made no attempt even to sound moderate. On the Strategic Defense Initiative (SDI), he has embraced the extremist view of the left-wing of the Democratic party: namely, that it won't work and should never be built by the United States.

The consequence of that short-sighted policy would be to leave the American people utterly vulnerable to nuclear attack.

The strategic defense effort which Governor Dukakis has labeled a "fantasy and a fraud" is not considered so by the Soviets. They are currently spending an estimated $20 billion per year on their own strategic defense program, or about five times as much as we, including a heavy investment in advanced programs.

It's interesting that both the Democrats and the Soviets say that our SDI will never work. But if that's true, why are the Soviets pushing so hard to get us to abandon our SDI? And why are they spending billions on their own, far larger strategic defense programs?

Governor Dukakis' position is that SDI is a "technological illusion," which we should be researching. But why research at all if he's so sure it's hopeless?

What neither Governor Dukakis nor the Democrats in Congress have faced up to yet is that we are moving, whether we like it or not, out of the age of Mutual Assured Destruction or MAD, and into the era of deterrence based increasingly on missile defenses. The Soviets already have deployed a two-layer missile defense in place around Moscow. They are building the capability through a variety of means, both exotic and standard, to provide a comprehensive air and missile defense for their entire territory.

Perhaps most ominously, they are engaged in a massive effort to militarize space, with many military space launches, a space station in orbit, and a capacity for heavy lift into space far exceeding our own capabilities.

Yet while the Soviets are attempting to move into the era of missile defense—they have more than 10,000 scientists at work on laser technology—they are also trying, through diplomacy and disinformation, to prevent us from doing the same. They clearly want a monopoly in strategic defense to go with their offensive capabilities.

Ladies and gentlemen, what Michael Dukakis does not understand is that we can have only two futures: one in which the Soviets will have a missile defense and we will not, or one in which both of us will have the ability to deter attack and to provide increasing protection for our citizens. That's the choice.

Now if Michael Dukakis were president, he would drastically cut funding for our strategic nuclear weapons and also restrict SDI to an arcane research program. He would give us the worst of both worlds. A weak deterrent, and a moribund defense.

Critics of SDI erect the straw man that an absolute defense is impossible. But who ever said anything about an absolute defense, and why not seek to strengthen deterrence so that there will never be an attack? In the current MAD world of Mutual Assured Destruction, all weapons get through, from whatever source.

Did we demand an absolute cure for all cancer before we began applying the knowledge acquired so far to patients suffering right now? Of course not. SDI will unfold in stages, just as our space program did once President Kennedy made the national commitment to put a man on the moon during the next decade.

Since it's obvious that Michael Dukakis has not been paying attention, let me advise him that substantial progress has been achieved in every phase of SDI research: tracking, propulsion, miniaturization, and more. I have visited our SDI facilities and have seen this progress.

One thing is sure, while nothing in life is absolute, each new phase of SDI will strengthen deterrence, whether it's the ability to shoot down some missiles as they enter our airspace, or ultimately, the ability to destroy Soviet missiles just seconds after they are launched from their silos.

Each SDI phase will mean that Soviet planners will be less confident of a successful first strike. And each phase, such as an initial Accidental Launch Protection system, will provide an increased measure of protection against missiles from whatever source. Each will make an attack less likely.

George Bush solidly supports the Strategic Defense Initiative as a vital insurance policy for ourselves and our children and as something that will also greatly benefit our allies and the entire globe.

Isn't it ironic that while Michael Dukakis calls SDI "a fantasy," the U.S. has worked with our ally Israel, and others, to apply SDI technology to defend against missiles deployed in Syria and elsewhere in the Middle East. Is SDI technology "a fantasy" for Israel?

George Bush solidly supports both SDI and a policy of peace through strength. Michael Dukakis supports neither, and the Dukakis Democrats' position is incorporated in the dangerous Defense Authorization Act which President Reagan had to veto yesterday. The Dukakis Democrat position is a retreat from responsibility—a short-sighted and foolish policy which they will one day regret. I only hope that the entire country will not have to pay the price of their folly.

THE FUTURE OF FREEDOM

Those are five major foreign and defense policy areas where I believe the Dukakis Doctrine is tragically misguided. I think it is especially troublesome that he takes the radical positions he does at this time in history.

Ladies and gentlemen, the coming decade is one of great challenge to the United States. We have seen, during the past seven and a half years, an incredibly rich flowering of freedom around the world.

With President Reagan's great inspiration showing the way, millions of people around the world have participated in free elections for the first time. In Latin America, a number of countries which were under authoritarian governments have held free and fair elections. On every continent, governments have turned away from failed socialist policies and to free enterprise. And, of course, in the Soviet Union major changes are being proposed by Mikhail Gorbachev.

The next president of the United States must be able to take such global changes and challenges in stride, encouraging what expands freedom, sober about what constrains it. He must start with a philosophical rudder which will guide him through the rapids of the coming years.

American foreign and defense policies are outgrowths of our values. They cannot be cobbled together by a technocrat looking for ratification from the United Nations at every turn.

George Bush understands those values. He welcomes the new Soviet words of glasnost and perestroika. But he does so with the skepticism of an experienced statesman who judges actions, not words, not with the uncritical enthusiasm of a novice.

And beyond the values, George Bush has the knowledge and experience to lead America into a more secure future—assuring a modern nuclear deterrent, appropriately strengthening conventional forces, moving forward with deployment of the Strategic Defense Initiative, and seeking sound arms control.

Moreover, George Bush has spent a career dealing with the Soviets and with the leaders of the free world's nations. He has served as a diplomat, a CIA chief, and vice president. That experience gives him a wonderful advantage: he doesn't fool easy and he doesn't scare easy.

Under a Bush administration, those brave men and women who are risking their lives for freedom will not be abandoned by the United States of America.

Ladies and gentlemen, in November Americans will be asked to choose between two radically different visions for the future. Michael Dukakis offers cuts into the marrow of our strategic deterrent and imprudent conventional force programs. He offers submission to the expansion of communism in our hemisphere, and timidity about American interests in the rest of the world.

In sharp contrast, George Bush will extend and expand the great strides freedom has made in the past seven years. He will make sure that the world knows America stands by her friends and is resolute toward the enemies of freedom. He will not shrink from the responsibility to provide for our common defense, to have effective deterrent forces, both strategic and conventional, and to build and deploy SDI as rapidly as possible. He will have sound arms control. He will not look over his shoulder and ask permission of the U.N. when it comes to protecting the forces of freedom and assuring America's national security.

As the Vice President said here in Chicago last Tuesday: "The American Century has not drawn to a close. We are not in decline. America has set in motion the major changes underway in the world today—the growth of democracy, the spread of free enterprise, the creation of a world market in goods and ideas, for the foreseeable future, no other nation, or group of nations, will step forward to assume leadership. And as the 20th Century gives way to the 21st, the American republic will continue to represent mankind's last, best hope, the leader among nations seeking a more open and peaceful world."

George Bush will remind friend and foe alike that the United States still believes in the values of life, liberty, and the pursuit of happiness for the entire world, and not just for ourselves. In this he stands for what is best in America. In this Americans will support him as President.

Thank you very much.

SENATE—*Wednesday, August 10, 1988*

The Senate met at 9 a.m. and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Be strong and of a good courage, fear not, nor be afraid * * * for the Lord thy God, he it is that doth go with thee; he will not fail thee; nor forsake thee.*—Deuteronomy 31:6. *The steps of a good man are ordered by the Lord: and he delighteth in his way.*—Psalm 37:23.

Gracious God, our heavenly Father, who never leaves us nor forsakes us, who art "closer than hands or feet"—"nearer than breathing"—I pray for the Senators and their families—all who labor in the Senate and their families, that they enjoy the awareness of Your overarching love and care during the August recess. Pour out special blessings upon the families who will be together. Fill their hearts anew with love for each other—heal brokenness—restore relationships. Be with those who travel. Grant them journeying mercies, profitable labors and a safe return home. Remind them of your promise, "* * * lo I am with you always * * *." Grant to those who stay behind to care for routine business and care of offices and buildings, that they, too, may enjoy a very special measure of grace and love.

Dear God, may the days of recess provide rest—recreation—renewal—and restoration to full capacity to serve when the recess is over. We ask this for Thy sake, for the sake of the Nation, and for the sake of Your servants in His name who was the servant of all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 10, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

JOHN C. STENNIS,
President Pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished majority leader is recognized for not to exceed 5 minutes.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his prayer. His prayers in recent days, in particular, I have noted have sparkled with scriptural gems, scriptural passages that refresh, revive, give renewed strength. I thank him.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished Republican leader is recognized for not to exceed 5 minutes.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. DOLE. Mr. President, I reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 9:20 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

WHY U.S. AID TO THE CONTRAS IS WRONG

Mr. PROXMIRE. Mr. President, last month, the Senate voted 91 to 4 for a sense of the Senate resolution expressing qualified support for the Nicaraguan resistance. I was one of the lonely foursome that resisted that overwhelming expression of antagonism to the Ortega-lead government of Nicaragua. I voted against that resolution with full knowledge that the Ortega government is vigorously supported by the leading world Communist power—the Soviet Union. The Nicaraguan Government also has direct and substantial military support from Cuba. It has engaged in suppression of free speech and a free press. The Ortega government has also suppressed the free expression of Catholic church leaders. But does any of this mean that this country of ours should support the forcible, violent overthrow of the Nicaraguan Government? No way.

The grim fact is that our own country has a long and unsavory record of gross interference in Nicaraguan affairs for almost all of this century. For years, our Marines actually occupied Nicaragua. In the eyes of many Nicaraguans, their previous military dominated dictator, Somoza, was an American puppet. The most recent Nicaraguan election that put the Ortega party in office left plenty to be desired.

On the other hand, this was not a typical Communist one-party election with the party in power winning 100 percent, or nearly 100 percent, of the vote. The election was strongly contested. The opposition to the Sandinistas received a substantial vote. The election was closely observed on the spot by international experts. The consensus was that the Nicaraguan election and the subsequent vote count was at least as Democratic and fair as the elections in most other Central and South American countries, such as Mexico.

From our standpoint the wrong party won. We would have benefited if Ortega and his crowd had been tossed out in favor of a government that would have been friendly to the United States and independent of Cuba and the Soviet Union.

But does this warrant action by the President and the Congress to support forces in Nicaragua that are intent on overthrowing the Nicaraguan Government by military force? Keep in mind that the attempted overthrow is a long-term process of attrition. The resistance forces have taken no military objectives. They have, however, done serious damage to the economy of Nicaragua. They have burned homes. They have destroyed livestock. They have ruined some transportation equipment and facilities in this pathetically poor country. They have also killed hundreds of women and

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

children, as well as a few of the Sandinista soldiers.

So what is the reaction of people who live in Central and South America to American support for this needless war of attrition, even if our support has been nonlethal aid? And what is the reaction of the Nicaraguan people? A recent poll of Nicaraguan people conducted by a Catholic church group critical of the Ortega regime showed considerable opposition by Nicaraguans to Ortega and his Sandinista crew. There was one issue, however, on which there was overwhelming Nicaraguan agreement. An overwhelming 85 percent of the Nicaraguan respondents opposed United States assistance to the Contras.

Now, let us face it, Mr. President, as Thomas Jefferson etched into our Declaration of Independence 200 years ago, we should have a concern for the good opinion of mankind throughout the world. What does it do to that good opinion when they see this American economic and military colossus paying for the devastation of little Nicaragua? Here we are, a nation of 240 million people. Our massive wealth now brings more than $19,500 in income on the average every year to each of the American people. Compare that with Nicaragua. Nicaragua has a population only slightly more than 3 million. Their per capita income is a bare $510. We have 80 times as many people as Nicaragua and each American enjoys an income about 40 times higher than each Nicaraguan. Is it not obvious why people throughout the world perceive American aid to the Contras in Nicaragua as a huge, rich bully beating up on a small, feeble child?

Think of it. The average American over 18 years of age spends more on cigarettes and liquor than the average Nicaraguan has available for all his cost of living including food, housing, health care, transportation, and other absolute necessities. In fact, the per capita expenditures for illegal drugs by Americans substantially exceeds the annual per capita income of Nicaraguans for all purposes.

People throughout the world are aware of the enormous wealth of our country and the pitiful poverty of Nicaragua. They also know of our country's immense military power compared to the feeble military forces of Nicaragua. We Americans have the mightiest Navy on Earth. The Nicaraguan Navy consists of a few pint-size patrol boats. Our Air Force is the most expertly manned with the fastest, most maneuverable planes equipped with the most powerful fire power anywhere. Nicaragua has no significant air force. The U.S. Army is superbly trained and equipped. The Nicaraguan Army consists of a rag-tag militia with little motorized equipment except for a handful of obsolete Soviet tanks.

So, Mr. President, how does America's bankrolling of the feeble resistance forces in Nicaragua, that have little or no prospect of overthrowing the Nicaraguan Government but are impoverising this already pathetical poor country, appear to the world? Can any Senator really believe that our pro-Contra policies serve the interest of the people of Nicaragua? Certainly the resounding 85 percent objection to these policies by the people of Nicaragua in the same poll that reports significant disapproval of Ortega and his government should send us a message. The four of us who voted against the sense-of-the-Senate resolution supporting Contra aid were right.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. Conrad). The Senator from Vermont.

IN RECOGNITION OF U.S. SENATE LEADER ROBERT BYRD

Mr. LEAHY. Mr. President, I would like to pause a moment from the rush of our business to rise and express my deep appreciation for a friend, a Senator of 30 years, and our leader, Robert Byrd. We who serve with him know what it is to feel called to service—to help protect the State and the neighbors we love, to strengthen the country, and to serve our ideals. No one in the Senate so exemplifies the life of selfless service as does Robert Byrd.

We all know what he has accomplished. From the coal fields of West Virginia, this man—one of the most influential in America—never forgot the music, poetry, or the people of his Appalachian Mountains. That tough, worn mountain range joins Robert Byrd and me, for its spine reaches well into Vermont and gives both our States their beauty, their bravery in adversity, their respect for tradition, and even their pockets of hardship. Our leader would understand the statement by President Calvin Coolidge, when he described his fellow Vermonters as "Indomitable people. They are a race of pioneers who have almost beggared themselves to serve others."

Robert Byrd is made of that same mountain spirit—he looked at adversity and made opportunity, he learned and he lead. He became the master of the Senate rules, but he has never lost sight of the goals. An intrinsically decent and fair man, he promotes fairness in this two-party body of legislators. In his courtly and intelligent speech, in his adherence to the procedures that guide debate and confrontation, he always demonstrates his deep love of the U.S. Senate.

For those of us who entered the Senate during his service—and only three of us came before him—he has taught us, uplifted us, chastised us—and showed us that the passions of the hour will fade and the traditions of the Senate will make Senators sometimes better than they are at the moment and carry us to another day of service. Yet his love of tradition, which I share, does not hold us back—as he proved when he pressed for televising the Senate.

His tenacity is legendary—as eight cloture votes on campaign finance reform this session will recall. He did it because he believed reform is right—and he is not a man who gives up easily. And who has shown more sheer gumption and nerve than this leader who graduated cum laude from law school 10 years after initiating his studies—all the while serving as a U.S. Senator?

And who else, my colleagues, can quote Shakespeare and the Bible from memory with equal accuracy and appropriateness? Who else can discuss the intricacies of legislation, the rules of debate or play the fiddle music of his native State with the same knowledge and zest? This Chamber will long ring with stories of Robert Byrd, and they will be the best kind to pass down in this institution—the kind that instruct and set standards for future Senators.

A year ago, Senator Byrd and his gracious wife, Erma, let us share in their 50th wedding anniversary celebration. It was an evening of warmth and good will and community feeling. As my wife, Marcelle, and I toasted the private life of this public couple, and I realized how very much they have given to the Senate we both love. I realized that the private pains and joys of his life made him a most compassionate person.

I want to salute Robert Byrd today and tell him, above all else, how much I appreciate his grace under pressure and his compassionate friendship. I am glad he will return to the Senate to serve West Virginia and chairman of the Appropriations Committee so we can continue to learn from his example. He is truly a "Senator's Senator."

Mr. BYRD. Mr. President, I thank my good friend from Vermont, the distinguished Senator, for his kind remarks concerning me. I cherish his friendship. I admire his dedication to duty. I praise him for his effectiveness as a Senator. I hope that I can serve in a way that will sustain his expressions of confidence in me. I am indeed grateful. I do appreciate his very gracious statement.

BICENTENNIAL MINUTE

JANUARY 3, 1959: ROBERT C. BYRD ENTERS THE SENATE

Mr. DOLE. Mr. President, nearly 30 years ago, on January 3, 1959, a new

Senator was sworn in to serve in this Chamber. Today, he is the majority leader, and in the next Congress he will become the senior member of his party.

ROBERT C. BYRD came to the Senate out of the coal mine regions of West Virginia. His early life was one of unremitting labor, as a butcher, and as a shipyard worker. His education came simultaneously with his political career. He attended college while a member of the West Virginia legislature, and law school while a member of the U.S. Senate.

ROBERT BYRD has achieved a remarkable record for winning elections, and has held more elective offices than any other person in the history of his State. He won election to the West Virginia House of Delegates in 1946, to the West Virginia Senate in 1950, to the U.S. House of Representatives in 1952, and to the U.S. Senate in 1958. In the Senate he was elected Secretary of the Democratic Conference in 1967. In 1971 he upset Senator EDWARD M. KENNEDY to become Democratic whip. In 1977 his party elected him majority leader, and he continued to lead Senate Democrats as minority leader and once again as majority leader.

The secret of his success, any Member of the Senate will testify, has been his infinite capacity for hard work. During his first years in the Senate, ROBERT BYRD could often be found in the parliamentarian's office, studying the rules. Three decades later he is still a regular reader of the rules and precedents—and knows them as well as if he wrote them. On the floor he has applied those rules, sometimes gently, sometimes firmly, but always fairly, with a gentlemanly aplomb, and even with an appropriate verse.

He devotes similar time and care to studying the Senate's history, in which he has earned his own major place over the past 30 years.

Mr. President, I reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I will be happy to yield.

A REMARKABLE MAJORITY LEADER

Mr. PROXMIRE. I thank the Senator for that fine tribute to a remarkable majority leader. I certainly support every word he said. What really surprises me about Senator BYRD is not only his fabulous memory but his remarkable diligence, day after day, week after week, year after year. I do not know anybody who has worked harder in the U.S. Senate to make it an effective body or succeed as well as he has.

The Senator from Kansas has certainly been a superb majority leader himself as well as minority leader and it is a great combination. There is nothing like the "BOB and BOB" show.

Mr. DOLE. I thank my friend and I agree with everything he said about Senator BYRD.

Mr. BYRD. Mr. President, I thank both my friends. They are so lavish in their praise. I really do not know how to respond except to say thank you very much.

MEASURE PLACED ON CALENDAR—H.R. 5141

The PRESIDING OFFICER. The clerk will read H.R. 5141 for the second time.

The legislative clerk read as follows:

A bill (H.R. 5141) to delay temporarily certain regulations relating to sea turtle conservation.

Mr. BYRD. Mr. President, I object to further proceedings.

The PRESIDING OFFICER. The item will be placed on the calendar under rule XIV.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL CAMPAIGN FINANCING

Mr. BOREN. Mr. President, I was dismayed to find that the House of Representatives hurriedly passed a bill to provide even stronger advantages to our already proincumbent system of congressional campaign financing.

Monday night, by a voice vote, the House passed H.R. 4952, reported out of the House Administration Committee one week ago today. Basically, the bill purports to ban any money raised for State office to be used to run for Congress. Yet, Mr. President, current law already prohibits the use of money raised for State office that does not comply with current Federal campaign contribution limits. This includes prohibition of union or corporate contributions which may be legal in some States. Nor could contributions be used that were more than $1,000 from individuals nor $5,000 from political action committees.

In a letter on Friday to Senate Majority Leader BYRD, who has been my partner in our campaign finance reform efforts in this Congress, I stated my strong opposition to this bill's expedited treatment and its seemingly antichallenger intent. Let me further state that it is my intention to object to any such similar hurried consideration of such a measure.

The real campaign finance reform which should be the topic by both Houses of Congress at this time is overall campaign spending limits coupled with aggregate PAC limits. This can be the only effective way to stop the "money chase" and bring back equity to our system of campaign finance.

Incumbents already have too many advantages in our system without help from measures like H.R. 4952. Already, incumbents have a powerful base from which to launch fundraising efforts while challengers must struggle to raise the money to have their voices heard. PAC money goes far too strongly to incumbents. And with those kind of odds stacked against a potential candidate, it is no wonder we saw a 98-percent return rate in House elections.

Mr. President, it is my hope that we can soon stop the election year rhetoric of calling for reform that is not real reform, and that we can stop seeing incumbent protection bills sail through Congress in the dead of the night. Instead, those of us caught up in this diseased system should stand back from it long enough to admit that the only way to clean it up is with a bipartisan bill that will cap the outrageous spending that has put public service on the auction block.

Mr. President, we already have enough incumbent protection, with 80-plus percent of PAC money going to incumbents, with newsletter advantages, and many other advantages. We do not need another barrier to the use of campaign funds for those running for State office to be used for those who want to run for Congress.

If this bill comes from the House and is put on the calendar for consideration, I plan to speak at length to alert my colleagues to the dangers of this bill, to the unfairness of this bill. In fact, I plan to speak at such length and to explain it at such length that it will be impossible for that measure to be considered.

MAJ. GEN. JOHN B. CONAWAY, VICE CHIEF OF THE NATIONAL GUARD BUREAU

Mr. FORD. Mr. President, I would like to take a moment to commend a native Kentuckian, Maj. Gen. John B. Conaway, on his appointment as Vice Chief of the National Guard Bureau. Secretary of Defense Frank C. Carlucci recently announced General Conaway's appointment for the position which was recommended by the Chief of the National Guard Bureau and approved by the Secretary of Defense and Joint Chiefs of Staff as a joint duty assignment.

As Vice Chief, General Conaway will be responsible to Lt. Gen. Herbert R. Temple, Jr., Chief of the National Guard Bureau, for the day-to-day operations of the Bureau to include the supervision of the Army and Air Guard directorates as well as the joint staff. He will perform the statutory and regulatory functions of the Chief of the Bureau in his absence. The new position was established as a result of the National Guard's continually increasing role and mission in the Total Force and in recognition of the growing depth and breadth of fiscal, logistical, policy and program responsibilities.

Before I comment on General Conaway's distinguished and outstanding service to our country, let me first note that he was born in Henderson, KY, on August 23, 1934. He graduated from Bosse High School across the river in Evansville, IN, in 1952. General Conaway attended the University of Evansville and received a bachelor of science degree in business administration in 1956. He then continued graduate work at the University of Louisville School of Business and the University of Kentucky School of Business. In 1975, he received a masters degree in management and human relations from Webster University, St. Louis, MO.

While attending the University of Evansville, General Conaway entered an ROTC cadet program, and upon graduation was commissioned a second lieutenant in the Air Force in June 1956. Upon completion of undergraduate pilot training at Greenville AFB, MS, in 1957, he attended advanced combat crew training at Perrin AFB, TX, graduating in 1958. He was then assigned as a F-102 fighter interceptor pilot in the Air Defense Command at K.I. Sawyer AFB and Kincheloe AFB, MI.

In 1960, General Conaway joined the West Virginia Air National Guard as a SA-16 aircraft pilot performing a special operations mission. In 1963, he transferred to the Kentucky Air National Guard as a RB-57 pilot, and in 1965 became an air technician flying training instructor in operations, flying the RF-101. He was called to active duty with the Kentucky Air National Guard in 1968, and served in Alaska, Panama, Japan and Korea. Upon deactivation in 1969 he returned to the Kentucky Air National Guard as an operations officer. During the next 4 years, General Conaway completed USAF Commanders Safety School, 1969; Air Command and Staff College, 1971; Air University Commanders School, 1972; and Industrial College of the Armed Forces, 1973.

On October 22, 1972, General Conaway was appointed air commander of the Kentucky Air National Guard. On February 8, 1975, he was promoted to colonel. He served as the vice commander of the 123d Tactical Reconnaissance Wing which includes units in my home State of Kentucky as well as in Arkansas, Nevada, and Idaho. Previous assignments include: group commander, wing director of operations, and squadron operations officer. He is a command pilot with 5,800 hours in the T-34, T-28, T-33, C-47, T-29, C-131, F-86, F-102, RB-57, RF-101, RF-4C, F-15, F-16, C-130, KC-135, T-39, C-21, T-43, and C-22 aircraft.

On March 29, 1977, he was promoted to brigadier general and on April 1, 1977, was assigned as Deputy Director, Air National Guard. General Conaway was selected for promotion to major general effective April 1, 1981, and assumed his current assignments as the Director, Air National Guard on that date.

His awards and decorations include the Distinguished Service Medal, Legion of Merit, Meritorious Service Medal, Air Force Commendation Medal, Army Commendation Medal, Air Force Presidential Unit Citation, Air Force Outstanding Unit award with one oak leaf cluster, Combat Readiness Medal with three oak leaf clusters, National Defense Service Medal with one bronze service star, Armed Forces Expeditionary Medal, Armed Forces Reserve Medal with hourglass device, and the Kentucky Distinguished Service Medal. He is also the recipient of the Air Force's Eugene M. Zuckert Management Award and the Air National Guard's Order of the Sword. In 1986, General Conaway received an honorary doctor of law degree from his alma mater, the University of Evansville.

General Conaway is married to the former Linda K. Narcavage of Mount Carmel, PA. He has four children: Ellen; David, a lieutenant in the U.S. Navy; Daniel and Bolyn.

I am proud of General Conaway's distinguished contribution to our national defense effort. I know all Kentuckians join me in congratulating the general on his most recent appointment and wish him the best of success as his career continues.

IN RECOGNITION OF COLORADO'S SAM HOLMES

Mr. WIRTH. Mr. President, I rise today to recognize one of Colorado's most delightful citizens, Mr. Sam Holmes.

In Denver, the name of the historic Town Club and that of Sam Holmes are synonymous. For 35 years Sam has served with flair and devotion as manager and maitre d' of the Town Club. As testament to his love for his job, Sam has never missed a single day of work during his tenure.

Sam is known for the attention he pays to the numerous duties that are essential to the smooth functioning of the club. Sam is beloved by the membership for his warmth and generosity. He is considered a friend by all. I know I speak for many when I say that Sam Holmes' heart and spirit truly reside in the Town Club.

Mr. President, it is with great pride that I recognize Sam for his accomplishments and ask that the article entitled, "Sam Holmes—His Heart Truly Lies in Town Club," from the Intermountain Jewish News of June 24, 1988, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sam Holmes—His Heart Truly Lies in Town Club

(By Dianna Goldberg)

The small office with bright green carpet is extremely cluttered with a myriad of objects: A deflated colorful beach ball, tarnished trophies 15 years old, candelabras, books covered with dust, the March 20 issue of the New York Times Magazine, a ledger lying open on the desk . . .

It's the office of Sam Holmes, former manager and present maitre d', at Denver's nostalgic Town Club.

Having worked there for 35 years, Sam has become a fixture in the club which is located in downtown Denver, in an elegant, refurbished mansion which was the Crawford Hill home.

Sam came to the Town Club in 1955 from the Pullman Company, where he made beds, assisted passengers onto the trains, and transported soldiers during WWII. Working on the railroads, Sam was able to travel all over the country. "There's no place in this country that I haven't seen," he said. "It was very educational." But one can see that his heart truly lies in the Town Club.

When he arrived at the club, with the previous experience gained at the Denver Athletic Club, from 1936-41, he began as a waiter, under the employment of then-manager Mark Toray.

As the years passed, Sam worked his way up to assistant manager and took over the entire position when Toray died in 1971.

For the 35 years as club manager and maitre d', Sam has had more responsibilities than any of the 15 employees. While he leaves the culinary duties to the chef, Sam oversees the swimming pool, the committees which plan social functions, and make certain that every member is content.

According to Sam, a party, such as the New Year's celebration, takes a lot of organization. First on the agenda of planning a gala social function is to select the menu with the chef. To account for late reservations, and to insure that there is enough food, the chef will prepare 10% more meals than he needs. The next step involves designating committees for various responsibilities such as, decorations and entertainment.

Instead of formal invitations, flyers are sent to every member.

When many guests are expected, Sam may hire extra bartenders. To find experienced, responsible bartenders, Sam will call other clubs.

For those who don't know him, Sam is more than a manager, maitre d', or employer. Sam, as Charles Schayer, Sr., a long time member of the club said, "is a surrogate parent to all kids who go there. He helped raise my children and now he's helping to raise my grandkids."

One founder of the club, Jack Weil, Sr., said, "Sam has endeared himself with the members and their families." He added that Sam has "been loyal, attentive, and understanding and has always had a good attitude."

When asked how he feels about all the members, Sam said, "I love these people. In 35 years here, I never met a person I didn't like." He continued, "I haven't missed a day of work here in all the time I've been employed by the Town Club. Not only because I've been blessed with good health, but because I love it here. As long as I can, I will stay here because coming here is like coming home."

When you hear Weil say, "You could say that he is Mr. Town Club . . . ," and Schayer says, "it's very natural to see older kids come up and kiss Sam when they arrive . . ." and when you hear Ben Slosky remark, "he's really a quality person, a really great person . . . ," you know the feeling between Sam and the members must be mutual.

POSITION ON A VOTE

Mr. CRANSTON. Mr. President, I wish to announce that had the Senator from Montana [Mr. MELCHER] been present and voting in regard to vote No. 301, passage of S. 2030, on yesterday, he would have voted "yea."

TWO YOUNG MOTHERS CREATE BOOMING BUSINESS IN KITCHEN

Mr. HELMS. Mr. President, it often occurs to me that not enough attention is focused on the countless thousands of Americans who, combined, really constitute the miracle of America. I refer to people in every section of the country who have the imagination and the creativity to start small businesses.

I do not discount the importance of large businesses, of course, but it is a fact that it is the men and women who operate the small businesses who are truly the bedrock of what America is all about.

Let me explain what I mean. A few weeks before Christmas 1987 I received a package from two lovely sisters in Northampton County, NC—a delightful small community in the northeastern part of our State. The gift was an assortment of five half-pints of peanuts in attractive containers in an attractive package. It was sent by two sisters who had started their own business.

Mr. President, as it turned out, I learned that Mrs. Gen Harrell and Mrs. Dixie Harrell are young mothers. I have never met them, but last week I saw a feature story in the Northampton News, published at Jackson, NC. The story was about Gen and Dixie Harrell—and the thriving business that they started in Gen's kitchen. Pictures of the young women disclose that they are lovely as well as very bright, hard-working and dedicated.

In any event, when I received the assortment of peanuts, I tasted each of the samples and very sacrificially, if I may say so, I decided that my fellow Senators ought to know about Gen and Dixie Harrell, and the splendid products they produce—in Gen's kitchen. So I brought the containers of peanuts over to the Senate Cloakroom and left them on a table for Senators to sample. I figured that some Senators might order some—and several did.

I am tempted to continue at some length about my admiration for these spunky young mothers, but I am not going to do that. The editor of the Northampton News, Nat Felts, has told the story in an impressive way. Nat called me about Gen and Dixie; he said he was preparing to write a front-page story about them.

And a fine story it was—the refreshing kind of news that one seldom finds in the major news media of this country. I decided to share Nat's story with Senators, and with others who read the CONGRESSIONAL RECORD. It makes good reading, and I therefore ask unanimous consent that Nat Felts' story, headlined "Dixie's Pride From The Heart of Peanut Country," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Northampton News, Aug. 3, 1988]

DIXIE'S PRIDE FROM THE 'HEART OF PEANUT COUNTRY'

(By Nat Felts)

JACKSON.—In their promotional brochure, Gen and Dixie Harrell advise peanut fanciers, "We are two sisters whose goal is to provide our customers the very best and most unique peanut taste anywhere." They live in the county with the largest production of peanuts in the state, they say, "truly the heart of peanut country."

Dixie's Pride counts Senator Jesse Helms, and others at the Senate Office Building in Washington, among its list of satisfied customers. Last Christmas, Dixie and Gen sent Senator Helms a "sampler box" of their Northampton County products. Helms introduced others on the Senate floor to the treats by putting his gift out for everyone to share. Some of the politicians, including Senator Robert "Bob" Packwood of Oregon, are now regular Dixie's Pride customers.

"They are absolutely superb," Senator Helms said of Dixie's Pride peanuts recently. "They (Dixie and Gen Harrell) sent me some red pepper peanuts. I put them out in the cloak room of the Senate Office Building, and I sat back and watched the senators. They sort of skirted away from the red pepper at first, but, after a while, they tried them and they really liked them.

"I'm just as proud as I can be of this great Northampton County product—and of these young ladies.

"Obviously, they are great young women. They represent what the American dream is all about."

Their business began and still operates as a cottage industry and family business, Gen and Dixie explain. The two sisters started in Dixie's kitchen. Now they have their own North Carolina Department of Agriculture inspected and approved kitchen used exclusively for peanut preparation. This facility is located adjacent to Gen's house on North Church Street and retains all the charm and personal touch associated with Dixie's Pride.

The girls are quick to point out that their products are home grown and home cooked with great personal care and pride. "Our good name is at stake," they say. Their products are indeed the choicest hand picked jumbo giant peanuts specially selected for them by their local suppliers. The peanuts are carefully cooked and seasoned by them in small batches.

The concept for Dixie's Pride started with their father, Dr. John Stanley of Woodland, the girls said. Dr. Stanley mentioned that pharmaceutical sales people gave Christmas gifts which often were less than desirable. An uncle in Rocky Mount, Boone Grant, told how successful his Sunday School Class fund raising from peanuts was. Northampton County has an abundance of quality peanuts and their mother had a variety of peanut recipes, the girls thought—they had an idea—Dixie's Pride was born.

The enterprise was started in October, 1986. Now, their peanut products offer "goober" lovers and "nut" fanciers alike a gamut of gastronomical delights. They offer, "salted peanuts, golden fried and lightly salted; red peppered peanuts, hot and taste tingling; sugared peanuts, sweet and crunchy; sugar and spice, an aura of festivity and parched peanuts, roasted in skins-pure and simple."

The "peanut girls" have had offers in less than two years that most entrepreneurs only dream of. They attribute this to the array of different peanut products, locally grown quality peanuts and to hands-on care, concern and control given Dixie's Pride.

Gen and Dixie have met with a number of food brokers who brokered for major markets they said, including the Farm Fresh chain. Last summer, they talked extensively with a representative from Hickory Farms. "He was interested in us because he said, 'You are the only people with this variety of flavors'," Dixie reasoned. "We talked all summer, and finally decided we were not prepared to do this."

The girls noted that supplying Hickory Farms or Farm Fresh would require a plant running full time. "We're not sure we want to do this full time," Dixie continued, "and turn it over to someone else. I'm not sure we want all that responsibility. We're not quite ready for that, but we think it will happen."

"We realize what our potential is," Gen explained. "It's just a matter of giving our lives—family interests—children—husbands priority."

Dixie's Pride depends primarily on repeat customers, mail order and gift boxes at this time the girls explained. They have displays in places as diverse as Boone's Supermarket in Jackson and Something Special in Nags Head. Dixie's Pride products also adorn gift baskets for companies in Raleigh, Greensboro and Winston-Salem.

Dixie and Gen say that "old-guard" peanut lovers appreciate their variety of peanut tastes. The bulk of their business is dependent on faithful peanut aficionado, friends, referrals, friends and mail order.

Dixie and Gen are pleased to announce that they are now members of the Goodness Grows national promotion of all North Carolina products by the N.C. Department of Agriculture Division of Marketing. The seal of Goodness Grows denotes quality and standards like the Good Housekeeping Seal they said.

Dixie suggests they were "lucky" that N.C. Health Inspector had been a quality control specialist at Planter's Peanuts in Suffolk, Va. "He gave us some good tips," she said.

"This past year was the first year we were really selling peanuts," Gen explained, "you know, in high gear.

"This year we hope to iron out the kinks and get production going. So far, it's a family affair. We've jumped from a few orders to a lot. We are definitely being conservative about it. It's just that Dixie and I, well, we like it that way—being able to control the quality and character of our products."

The girls say that Christmas is a big time of the year for them in terms of orders. They say they sent out about 2,000 gift boxes last Christmas. All of both girls' families chip in and help package and mail they indicate.

Gen and Dixie acknowledge that they have had a lot of help from their suppliers all along the way. Severn Peanut Company in Severn and Golden in Wakefield, Va. have been very helpful they contend. Howard Decorative Packaging in Chicago and Pierce Printing in Ahoskie have been a valuable resource they say.

Dixie, a full time nurse at the County Health Department, is the creative "cook" Gen says, while she (Gen), a homemaker, "takes care of the business end."

The Harrell's have attended numerous workshops and seminars locally and around the state including those sponsored here by Agricultural Extension Service.

They still haven't sold their product to the pharmaceutical companies. "We haven't completely given up on that," Gen remarks, "but we are going to emphasize specialty shops, mail order and referrals."

WESTERN BANKS HELP SOVIETS FINANCE CUBA

Mr. HELMS. Mr. President, I am deeply concerned about the financing of the Soviet global empire by Western banks. A case in point is Cuba.

On July 25, the Washington Times reported that a high-level Cuban defector has revealed that the Soviet Union last year provided $450 million to bail out this Communist dictatorship 90 miles off our shores. And the hard currency for this Soviet loan to Cuba came from Western bank loans to the Soviet Union.

The Kremlin merely reprogrammed the money to their man in Havana, Fidel Castro. The Cuban Communists of course are the primary patrons of the Nicaraguan Sandinistas who are trying to take over Central America.

Mr. President, we live in a strange world indeed. On the one hand, we know that the Soviet Union is the implacable enemy of the free world. On the other hand, Western banks and multinational corporations are falling all over themselves to do business with the masters of the Kremlin.

It is a fact that the annual hard currency earnings of the Soviet Union have been about one quarter of the total sales of the General Motors Corp. As strange as this sounds, it is true. Net sales for General Motors in 1985 were $96 billion; in 1986, $103 billion; in 1987, $102 billion. Soviet exports, on an f.o.b. basis, were $26 billion in 1985 and $25 billion in 1986.

Mr. President, Senators have every right—included, the duty—to ask themselves: How can a country with annual hard currency earnings less than one-quarter of the sales of a major U.S. industrial corporation finance a global empire?

Soviet net foreign borrowings, including additions to short-term debt, amounted to $7 billion in 1985, $8 billion in 1986, are reportedly running at over a billion per month currently. These net foreign borrowings are in Western hard currencies: United States dollars, German marks, Japanese yen, British pounds sterling, French francs and the like.

The bottom line is that Western banks are lending the Soviet Union over $1 billion per month, every month. The Soviet Union, of course, does not pay for its subversive activities and operations around the world in rubles because the ruble is a nonconvertable currency. The Soviet Union must make payments in hard currencies in order to run its global empire. The hard currency advances come from Western banks.

In international lending there are two basic types of loans: loans that are tied to specific projects and loans that are untied to any specific project. The first type of loans are secured by the project which they are underwriting. The second type of loans, the untied loans, are unsecured loans similar to a signature loan at the local bank.

The money that Western banks make available to the Soviet Union through untied loans can be used by the Kremlin for any purpose that it wishes. The Cuban defector that I mentioned earlier revealed that $450 million of this untied money was used to bail out Cuba last year.

The Western bank loans which the Kremlin has reprogrammed to Cuba from England, West Germany, Japan, France, and other of our supposed "allies" is in addition to direct lending to Cuba by these supposed "allies" as well as countries in the Arab world.

American banks are supposedly prohibited from lending to Cuba directly. Of course, United States bank loans to the Soviet Union can be reprogrammed to Cuba by the Soviets even though United States banks are prohibited from lending directly to Cuba.

What we have, therefore, is the depressing spectacle of banks in allied countries, as well as United States banks, providing financing for Cuba—which is the main source of Communist subversion and terrorism in this hemisphere.

Mr. President, what good does it do for this Congress to provide more than $100 million to the Nicaraguan freedom fighters, or more than $300 million per year to El Salvador—and this is taxpayers' money—when United States and other Western banks are underwriting Soviet and Cuban expansion in this hemisphere? The taxpayers fork over their hard-earned dollars ostensibly to defend freedom while Wall Street is taking its profits from financing international communism.

Mr. President, so that Senators can have at hand useful information about Western bank loans involving the Soviet Union and Cuba, I ask unanimous consent that an article, which appeared in the Washington Times on July 25, entitled "Soviet Bailout Saved Cuba From Sinking, Ex-Official Discloses" and a study prepared by the Cuban-American National Foundation, Inc., entitled "Castro and the Bankers, the Mortgaging of a Revolution" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 15, 1988]

SOVIET BAILOUT SAVED CUBA FROM SINKING, EX-OFFICIAL DISCLOSES

(By Bill Gertz)

Cuba was near economic collapse last year when the Soviet Union bailed out Fidel Castro's island dictatorship by promising a $450 million hard currency loan, a former high-ranking Cuban official disclosed yesterday.

The cash loan was granted by Soviet leader Mikhail Gorbachev during a personal meeting with Mr. Castro in Moscow last fall, according to Gustavo Perez Cott, who until earlier this year was vice president of Cuba's state agency for technology and supply.

Mr. Perez Cott said it was evidence that Cuba is "in a desperate situation" after Mr. Castro's mismanagement of the Cuban economy for decades.

"It also shows there is no intention on the part of the Soviet Union to press Fidel to reform the economy," Mr. Perez Cott said in his first interview with a Washington newspaper.

Despite the $450 million loan, a Cuban Central Bank report issued in January to European bankers in Paris said aid from Moscow had been reduced, Mr. Perez Cott said. The report was an attempt to deceive the bankers into thinking Cuba was unable to meet payments on about $2.4 billion in loans, he said.

Some U.S. experts had speculated, based on the bank report, that the Soviet Union was dissatisfied with Mr. Castro's economic policies.

But Mr. Perez Cott said the hard-currency loan demonstrates Moscow's "ideological commitment" to supporting communism in the Western Hemisphere.

"The Soviets are willing to pay the price for having the first socialist state in the Western Hemisphere," Mr. Perez Cott said. "It is an expensive luxury that is very important for Soviet global objectives."

The Soviet Union operates electronic listening posts in Cuba and has sent Soviet ships and submarines to Cuban ports, he said. Cuba also is expected to support Soviet foreign policy objectives.

The cash loan is unusual since Soviet hard-currency earnings, needed to purchase goods on the international market, amounted to only about $40 billion last year. Most Soviet aid to client states such as Cuba is in the form of arms or other materiel. Total Soviet aid to Cuba is estimated at about $5 billion a year.

The first installment of the loan, about $150 million, was delivered in December, shortly before Mr. Perez Cott defected to the United States.

A soft-spoken and unassuming U.S.-educated economist, Mr. Perez Cott, 52, said in interview that he defected during an airline stopover in Montreal in January because "the Cuban system doesn't work."

He had been deputy minister of Cuba's State Committee for Technology and Supplies, the agency in charge of industrial and agricultural goods, and was in frequent contact with Soviet officials in a corresponding ministry in Moscow.

Mr. Perez Cott said that, in contrast to Soviet economic liberalization, Mr. Castro has initiated draconian Marxist-Leninist economic measures in recent years, such as eliminating a "pleasant market" in Havana and doing away with modest incentives used to boost productivity in factories and other enterprises.

But despite reports of a developing conflict between Moscow and Havana over their different economic policies, Cuba and the Soviet Union remain closely linked, and pervasive internal security controls have made Cuba a "totalitarian state," Mr. Perez Cott said.

"He has gone back to the Stalinist economic methods of the '60s and '70s," Mr. Perez Cott said of the Cuban leader.

"Castro has disregarded all economic laws that rule the development of any society—capitalist or socialist—and made the Cuban economy so chaotic that only the support of the Soviet Union can make it go—only that," he said.

The former Cuban official agreed to be interviewed at a secret location in order to protect himself against possible assassination by Cuban agents.

Fidel Castro and the Bankers: The Mortgaging of a Revolution

(By Ernesto F. Betancourt and Wilson P. Dizard III)

1983 UPDATE

When the Cuban American National Foundation published "Castro and the Bankers: The Mortgaging of a Revolution" in the spring of 1982, it received considerable attention by the international press.* However, in some quarters, it met with skepticism. Those who had been swayed by Castro's propaganda on the success of his regime and the financial assistance it was getting from the Soviet Union questioned its findings. Other writers, such as John Harbron in *The Miami Herald,* challenged its conclusions.

Soon, however, the actions of the Cuban Government validated the basic assumptions and findings of this Paper. Castro himself, in the 26th of July speech, painted a bleak picture of the hardships awaiting the Cuban people. Then, on August 31, 1982, the Banco Nacional de Cuba announced its intention to request a rescheduling of part of the outstanding debt. Finally, Cuba's suspension of payments on principal in January, 1983 confirmed the Paper's predictions.

As usual, Cuba took an aggressive and highly politicized approach in its request for rescheduling, rather than the conventional economic justification approach followed by other borrowers. The Cubans requested a ten year rescheduling period. After a three year grace period, payments were to start by 1986 and extend over seven years. The banks were not very sympathetic.

First, requests were made for further information on the proposed performance of the Cuban economy. This is particularly important in view of the impact worldwide recession and weakness of the sugar market could have on Cuba's ability to pay. Since Cuba, by its own choice, is not a member of the International Monetary Fund, it does not have access to the methodology for monitoring economic performance most Third World countries can offer their creditors.

Secondly, and to the dismay of the lenders, the Soviet Union made it clear it was unwilling to back the debt of its Caribbean client state. This was mentioned as a source of concern by Japanese bankers at the Inter-American Development Bank meeting in Tokyo last fall. It certainly made lending to Cuba riskier. Apparently, the banks had assumed, or were led to believe, that the Cuban debt had the tacit backing of the Soviet Union.

Thirdly, the efforts of the Cubans, to attract foreign investment through Law 50 of February 1982 have been a failure. Since the law itself is ambiguous in offering categoric assurances to investors, it does little to dispel the distrust engendered by Cuba's previous confiscation of foreign investments. In addition, without access to the U.S. market for tourism and exports, Cuba is not an attractive site for any serious investor.

Finally, the campaign to mobilize U.S. public opinion through liberal media and academic circles to pressure the Reagan Administration to lift the embargo has also been a failure. This public opinion effort has drawn on an impressive and articulate array of advocates. Among the most active ones are: Wayne Smith, Carnegie Endowment for International Peace; Abraham F. Lowenthal, Woodrow Wilson International Center for Scholars; Saul Landau, Institute for Policy Studies; William Leogrande, Senate Democratic Policy Committee; Carmelo Mesa-Lago, University of Pittsburgh; Jorge I. Dominguez, President of the Latin American Studies Association.

Despite the persistent efforts of these advocates for lifting the embargo, the trend has been in the other direction. Ironically, during this past year additional restrictions have been imposed on travel to Cuba.

Again, Castro has only himself to blame. Overconfident in his ability to manipulate U.S. public opinion, Castro has continued his aggressive foreign policy against U.S. interests and allies. Cuba has deployed additional troops in Angola. Despite denials, Castro continues to fan revolutionary fires in Central America. In Suriname, Cuba has supported the murderous Bouterse regime to obtain a foothold in continental South America. Finally, Castro's alliance with Libya and the PLO is more evident every day. The coordination of financial, logistical and training support to Nicaragua and the Salvadorean guerrillas revealed by Libyan planes held in Brazil has provided dramatic evidence of these links.

In an even bolder move, the Castro Government became involved in drug traffic between Colombia, Cuba and the United States. These links were thoroughly documented in the indictment of high Cuban officials by a Federal Grand Jury for the Southern District of Florida. Using the drug transportation network as a two-way avenue, the Chief of the Cuban Navy, Aldo Santamaria, among others, was involved in the facilitation of drug smuggling operations into the United States through Cuba in exchange for the smugglers carrying arms and supplies to the M-19 guerrilla movement in Colombia.

Against such actions, no campaign to lift the embargo is likely to succeed. Therefore, for the time being, it is unlikely that Cuba can offer investors access to the U.S. market.

In the face of these developments, the bankers were caught in a dilemma. On the one hand, they did not want to force a Cuban default. On the other, Cuba was a financial pariah that had poor market prospects, no access to the IMF, no backing from the Soviet Union and little likelihood of improving its relations with the U.S. Therefore, after several meetings between lender Government representatives and officials of the Banco National de Cuba, a limited agreement was reached on government loans.

According to the "Agreed Minute on the Consolidation of the Debt of Cuba", a meeting was held with the participation of both sides. According to the Minute:

"1. The representatives of the Governments of Austria, Belgium, Canada, Denmark, France, the Federal Republic of Germany, Italy, Japan, the Netherlands, Spain, Sweden, Switzerland, and the United Kingdom, hereinafter referred to as "Participating Creditor Countries", met in Paris on February 28, and March 1, 1983 with representatives of the Government of Cuba in order to examine the request for alleviation of that country's external debt service obligation. Observers from the Government of Finland, the Secretariat of the U.N.C.T.A.D., the Organization for Economic Cooperation and Development, and the Commission of the European Communities also attended the meeting."

The terms of the consolidation were less generous than Cuba had requested. Instead of a three year grace period, Cuba had to pay 5% of principal in two installments, scheduled for December 31, 1984 and 1985 respectively. The remaining 95% of principal was rescheduled in "10 equal and successive semi-annual payments, the first payment to be made on July 1st, 1986 (end of the grace period). No concessions were made in the interest payments "which will be made according to the original schedule", Cuba will have to pay higher interest rates, 2.25% over the LIBOR rate, and 1.25% rescheduling fee.

Although the terms were couched in face-saving language, the lenders forced the Castro government to accept an Annex where, similar to IMF guidelines, Cuba was forced to submit to the discipline demanded by its creditors. The Annex reads as follows:

"In order to assess Cuba's economic situation, the following indicators, with target figures for 1983, have been selected and agreed:

"Trade balance level in convertible currencies; Minimum surplus 342 Mp.

"Exports and imports level to convertible currencies with market economy countries: Exports 836 Mp; Imports: 840 Mp.

"Current account level in convertible currencies: 5 Mp.

"Level of short term indebtedness in convertible currencies: minimum 900 Mp. and maximum 1 bnp.

"Total indebtedness in convertible currencies, minus reserves: maximum level 2,850 Mp.

"Real growth rate of the Economy: 2 to 2.5%.

"Minimum level of reserves in convertible currencies at the end of the year: 150 Mp.

Footnotes at end of article.

"Maximum level of total indebtedness in convertible currencies: 3,150 Mp."

After more than two decades in power, Castro continues to subordinate the well-being of the Cuban people to his ambition for glory and the hegemonic interests of the Soviet Union. Certainly Castro's behavior during this last year does not provide any grounds to justify the lifting of the U.S. embargo.

Therefore, life in Cuba has changed little since publication of the first edition of this paper: economic prospects continue to be bleak for the average Cuban.—Ernesto F. Betancourt.

FIDEL CASTRO AND THE BANKERS: THE MORTGAGING OF A REVOLUTION

The dependency of Fidel Castro's government on Western banks is fast approaching a crisis state. In 1982 Cuba's debt is 58 times what it was in 1959. If the Soviet debt were added, Cuba's debt of almost $10 billion is more than 200 times what it was in 1959. According to reports filtering out of the world's financial capitals this level is unmanageably large and heading toward a crisis.

Such financial problems usually result in rescheduling or default. In this process, Cuba's creditors would be consulted as a group and might have to roll over the debt over a period of time or receive payment for only a fraction of the debt. Either solution may shut Cuba off from further borrowing.

The financial difficulties of the Castro government are highlighted by two political factors. First, Poland's large rescheduled debt has recently focused attention on the overall Soviet bloc commercial debt. Yet, Cuba's debt situation is one of the worst within the Soviet bloc. A scholar supportive of lifting U.S. trade sanctions against the Castro government estimates Cuba's per capita debt to be the largest in Latin America, or four times that of Brazil and three times that of Mexico.[1]

Second, Cuba's bank debt grew largely during the latter half of the 1970's—a time of renewed Cuban support for international violence and actual deployment of thousands of troops and civilians abroad. Much of Cuba's recent hard currency debt has not been linked to specific development projects.[2] There is evidence indicating that the money may have been diverted to finance overseas military operations, or to subsidize production foregone for military purposes.

Cuba has launched an aggressive campaign to refinance its debt and promote foreign investment. Central to this campaign is a public relations blitz to lift the U.S. trade embargo.[3] This brief report describes the relations between the Cuban government and the Western banks, and analyses the policy implications of this relationship for the United States.

The financial crunch

The pure economic factors of the situation reinforce their political sensitivity. Much of Cuba's debt is due in the coming year, since most of Cuba's loans are short-term, floating rate type and must be refinanced constantly, at interest rates that have risen sharply since the debt was incurred. The U.S. Congress' Joint Economic Committee recently published a study which estimated Cuba's foreign debt to the West at $2.6 billion.[4] This figure does not include substantial loans from the Soviet Union, the total of which now nears $7.0 billion.

Of the $2.6 billion Cuba owes the West, $1,465 billion is owed to commercial banks. Of that amount, approximately $1.1 billion comes due in the next 12 months.[5] Among the leading holders of Cuba's debt are The Royal Bank of Canada, the Bank of Tokyo Ltd., Credit Lyonnais, the French Caisse National de Credit Agricole, the Libyan Arab Foreign Bank, and the Union de Banques Arabes et Francaises. The Cuban government is in no position to repay this staggering sum, and so is faced with the necessity of rolling over the whole amount.

According to sources in European capital markets, the Banco Nacional de Cuba will experience significant difficulties in raising this money. Echoing the assertion of an official of the Royal Bank of Canada that "it is well known that Cuba is facing financial problems,"[6] the London-based Agefi news service reported "it looks as if the Cuban position is quite desperate as far as its foreign debt is concerned." News of Cuba's debt problems attracts more attention in European, Middle Eastern, and Japanese financial centers than in this country because U.S. banks are not affected.

No American banks have loaned Cuba money since a total trade embargo was imposed in February 1962. The embargo resulted from the Castro regime's seizure of almost $2 billion worth of U.S. owned property after the 1959 revolution, in "the largest uncompensated taking of American property by any foreign government in the history of the United States."[7]

Early indications of Cuba's debt problems surfaced a year ago when a planned deal for 150 million deutsche marks[8] fell through.[9] A few of the banks involved in that cancelled transaction, however, did grant short-term loans which are to be repaid this year. In March, 1982 another loan, intended to finance the purchase of Italian goods, also reportedly failed when Italian bankers backed out.[10] Among the concerns of the European banks is their fear that Cuba may be forced to default because of Cuban hard currency income problems and Soviet inability to back fully Cuban hard currency debts.

Rumors say the unwillingness of international banks is bolstered by discreet opposition of the U.S. government to Cuba lending. The failure of last year's deutsche mark loan, which was being organized by France's Credit Lyonnais, was reported by *The Financial Times* of London, to have resulted from pressure by the Reagan administration. The newspaper reported "the U.S. authorities are thought to have asked the French government to stop the credit because of their concern about Cuba's involvement in Central America and other trouble spots."[11] Other sources allege the deal was quashed as a result of direct pressure by President Reagan on Germany's Chancellor Helmut Schmidt.[12]

However, the facts make arm twisting unnecessary. Subsequent to the deal's demise, the prestigious *Institutional Investor*[13] magazine reported widespread disenchantment with Cuban lending: "'We don't particularly want commitments to Cuba,' admitted one of the Paris bankers who had declined to participate (in the unsuccessful loan) . . . Much of this reluctance reflected the troubled state of the Cuban economy. But in addition to citing the country's poor sugar crop, another French banker pointed to the 'uncomfortable' political situation. Other continental European bankers phrased their misgivings more specifically. One of them did not care for Cuba's 'mercenary' activities and judged the Banco Nacional (Cuban central bank) credit to be 'too unsavory.' Because this was to be a general purpose loan, and not export or projected related, others were concerned about where the money would eventually end up."[14]

The Financial Times story also noted: "This is not the first time Cuba has had trouble when trying to raise funds. In November 1979, it was forced to cancel a 30 million Swiss Franc[15] foreign bond offer after criticism from the press and bankers in Switzerland."

Institutional Investor reported "the French Credit Agricole tried to put together a syndicated credit for the central bank but abandoned its efforts when other banks shunned the bank (Banco Nacional) in the wake of the Afghanistan crisis."[16] *The Financial Times* commended: "Cuba has not attempted, at least publicly, to raise funds in the international capital markets since then."[17]

In fact, since the failure of its Swiss bond venture, the Castro regime has forsaken public debt markets. But it has met with some success in raising money privately from syndicates of European and Middle Eastern banks. For example, in 1981 the Cubans raised DM 257.93 million[18] in two unannounced credits from Madrid's *Banco Arabe Espanol* and France's *Societe General,* in addition to a Canadian $60.0 million loan from a group of eight Arab banks led by Muammar Ghadaffi's Libyan Arab Foreign Bank.[19]

No easy financial solution in sight

These recent credits have not, however, eased the Castro government's debt problems and there are now indications the Cuban government has initiated the first stages of negotiations for rescheduling. The Agefi service reports a Cuban delegation was in Paris on March 25, 1982, to meet executives of top French banks to discuss debt renegotiation.

Long term prospects for resolving Cuba's debt problems are not good. According to a Joint Economic Committee report: "Assuming Havana was successful in rolling over all principal payments falling due, more than $200 million in interest charges were probably paid in 1980. In order to pay interest and reduce outstanding debt principal, Cuba would have to maintain a substantial surplus in its overall hard currency balance of trade, an unlikely possibility over the next five years. Western banks and governments are unlikely to significantly increase lending to Cuba, though they may continue rolling over current debts."[20]

The same report gloomily analyzes the prospects for Cuban hard currency trade. Cuban hard currency exports of approximately $900 million annually are unlikely to keep pace with inflation of its hard currency imports. Using a projected inflation rate of 10% for Cuba's imports, the report forecasts exports would have to grow at a rate of 16.4% to stabilize growth of the debt. The report notes: "In view of Cuba's negative 2.3% export performance over the 1975-79 period, optimism is not justified."[21]

Cuban leaders admitted as much in recent statements. Mr. Humberto Perez, Director of Central Planning of the Cuban government, stated in a December 30, 1981 speech to the National Assembly that he anticipated 1982 would be a "year of austerity" for Cuba. Perez forecast the economic growth rate for Cuba at 2.5% down from a planned 4%. He cited three reasons for these difficulties: low sugar prices, a rapid inflation in the prices of essential imports, and continued high interest rates.[22]

Ramifications of rescheduling the Cuban debt are not yet clear. If the Castro government chooses, it probably could avoid outright default by further restricting imports of hard currency goods and deferring new construction projects. This option is likely to be pressed by its foreign creditors, because none of them have invested deeply enough in Cuba to forestall default indefinitely.

The nature of the economic relationship between Cuba and its Soviet bloc trading partners further confuses the situation. At the present, subsidized trade with the Soviet Union is the keynote of Cuba's economic survival, particularly the Soviet Union's purchase of sugar at rates over world market price and the sale of oil to Cuba at concessionary rates.

Cuba's creditors, however, are well aware of the Soviet Union's own recent difficulties in international capital markets, which have compelled it to sell large amounts of gold and other commodities and to draw down its balances of cash on deposit abroad. Cuba's dependence on Soviet oil—the source of 98% of the island's consumption—makes it vulnerable to direct competition with hard currency oil purchasers, particularly at a time when lower oil prices require Moscow to increase the volume of its oil exports to generate the same level of revenue. Cuba's needs for hard currency from the Soviets also compete with the growing demands of other Soviet client states such as Poland, Vietnam, and Afganistan.

PARTIAL LIST OF LOANS TO CUBA

Year, date, and lenders	Amount	Dollar equivalent	Term (years)
1976			
Al UBAF Group, Royal Bank of Canada, Societe Central de Banque SA, Union Mediteranee de Banques, Arab Bank Ltd., Banco Arabe Espanol S.A., Banque Commerciale pour l'Europe du Nord, Banque Francias du Commerce, Exterieur, Banque Intercontinental Arabe, Banque de Paris et des Pays-Bas S.A., Credit Industriel et Commercial, Credit Lyonnais.	DM 200M	$77,690,000	5
Sept. 24: Bank of Tokyo Ltd	Yen 5,000M	17,390,000	NA
Dec. 17: Morgan Grenfell & Co. Ltd., Arab Bank Investment Co., PK banken International (Luxembourg) S.A., Royal Bank of Canada, Trade Development Bank, Bank for Foreign Trade of the U.S.S.R., Banque Arabe et Internationale d'Investessement, Hypobank International, SA, Dresdener Bank AG, Havana International Bank Ltd., International Bank of Economic Cooperation.	DM 150M	63,420,000	5
1977			
Mar. 6: Singer & Friedlander Ltd., Banque de l'Union Europeene (Luxembourg) S.A.	Sw. Fr. 25M	10,159,000	5
1978			
Feb. 13: Bank of Tokyo Ltd., Industrial Bank of Japan Ltd., Mitsui Bank Ltd., Saitama Bank Ltd., Sumitomo Trust & Banking Co. Ltd., Long Term Credit Bank of Japan Ltd., Mitsubishi Bank Ltd., Sanwa Bank Ltd., Sumitomo Bank Ltd., Dai Ichi Kangyo Bank Ltd., Daiwa Bank Ltd., Fuji Bank Ltd.	Yen 10,000M	41,667,000	7
June: Royal Bank of Canada	DM 35M	16,746,000	NA
1979			
Feb. 13: Sumitomo Trust & Bank Co. Ltd., Bank of Tokyo Ltd., Industrial Bank of Japan Ltd., Mitsui Bank Ltd., Tokai Bank Ltd., Long Term Credit Bank of Japan Ltd., Mitsubishi Bank Ltd., Saitama Bank Ltd., Sanwa Bank Ltd., Sumitomo Bank Ltd., Dai Ichi Kangyo Bank Ltd., Daiwa Bank Ltd., Fuji Bank Ltd., Kokkaido Takushoku Bank Ltd.	Yen 12,500M	62,500,000	10
May 22: Al UBAF Group, Credit Lyonnais, Girozentral und Bank der Oesterreichischen Sparkassen AG, Investitions and Handels Bank AG, Societe General S.A., Banco de Bilbao S.A., Banco di Roma, Banque Europeene de Tokyo S.A., Banque Commerciale pour l'Europe du Nord, Banque National de Paris, Havana International Bank Ltd., Kreditbank International Group, Libyan Arab Foreign Bank.	DM 220M	114,583,000	7
July 12: Berliner Handles & Frankfurter Bank, Credit Commercial de France.	DM 20M	10,870,000	5
December: Caisse National de Credit Agricole.	DM 60M	34,682,000	7
1980			
February: Caisse National de Credit Agricole.	DM 50M	28,736,000	7
1981			
May: Branco Arabe Espanol	DM 120M	52,863,000	5
June 24: Libyan Arab Foreign Bank, Union de Banques Arabes et Francaises, Banco Arabe Espanol, Banque Intercontinental Arabe, Arab International Bank, Arab Bank for Investment and Foreign Trade, Arab Bank Investment Co., Al Bahrein Arab African Bank.	Can. $60M	49,979,000	5
July 7: Societe General	DM 137.93	56,529,000	10

Sources: Caploan International Finance Data Ltd., London; Euromarket Monthly, Euromarket Monthly, Inc., London.

Other Cuban efforts to deal with the financial crisis

The Cuban government has also been forced by its financial problems to take unprecedented steps to earn foreign exchange so as to maintain the payment schedules on its debt. Recently Cuba announced a new investment code designed to attract foreign investors.[23]

To complement this action, a well coordinated public relations effort to lift the U.S. trade embargo has been launched. The goal is to open the U.S. market to Cuban goods and tourist facilities. Otherwise, investment in Cuba will be less feasible economically. Aside from the question of investor confidence in a regime which has been so cavalier toward private property, there is a public policy issue: is it in the national interest of the United States to encourage such investments? To answer this question, we must consider the underlying causes of Cuba's financial crisis.

The roots of the problem

In the first place, Castro's mistake in choosing the communist path saddled Cuba with an economic system ill-suited for an economy dependent on agriculture, light industry, and tourism to earn the foreign exchange needed to pay for oil, machinery, and other basic goods. In addition to systemic deficiencies, Castro's highly centralized management style has compounded the situation, leading to waste of resources in ill-advised investment and low labor productivity.

It is in this context that Cuba ventured into the international capital markets.[24] Improvement in living standards (as was the case in Poland) does not appear to have been a goal.

Fidel Castro said in a speech to the National People's Government Assembly that Cuba was "sailing in a sea of difficulties. We have been in this sea for some time, sometimes more stormy and other times more calm, but the shore if far away . . . We will march through a sea of difficulties; we will not be crossing it." [25]

The importance of this statement is clear to the Cuban consumer, who is limited by the rationing system to 2 pounds of meat per month, 1½ pounds of chicken per month, 2 ounces of coffee every 15 days, and 20 percent less new clothing than in 1965.[26]

Investment in new industries, a key goal for Cuba's virtually one-crop economy, also has not been a significant application of the regime's new debt. In fact, sugar and its derivatives now account for a greater percentage of Cuba's exports worldwide than before the revolution. Cuban efforts to establish new industry—which have met with some success in commercial fishing and citrus growing—are generally carried out through barter-like arrangements with other Soviet bloc countries.

However, military activity has continued to grow throughout Cuba's recent economic difficulties. A large amount of Cuba's recent hard currency debt has not been linked to specific development projects, so the money has been available for military operations, or to replace production foregone for military purposes. Concentration on this essentially unproductive pursuit, which incidentally consumers significant foreign exchange due to Cuba's global military and paramilitary involvements, is not likely to reassure Cuba's creditors. It has, however, tightened the bond between Cuba and the Soviet Union at a time when investor confidence in the Soviet role as the guarantor of its allies debts has been shaken by the Polish rescheduling.

There is a growing body of evidence to support this explanation. Mesa-Lago, in his most recent book on Cuba, reports on the composition of Cuban imports over the last twenty years. An enigmatic category labelled "others" jumped from one percent of imports in 1959 to 25 percent in 1975.[27] This category probably hides the cost of military imports to Cuba to the detriment of food, which decreased from 27 to 19 percent, and manufactured goods, which decreased from 31 to 12 percent. Since the import share of machinery and transportation only increased from 19 to 24 percent, it is obvious the reduction in consumer items imported was not primarily used for investment in productive goods. Some analysts assume that it was diverted to military items.

An increase in the military budget from 33.8 pesos per capita in 1962 to 85.7 pesos per capita in 1979 reinforces this analysis.[28] Military import expenses are high for a country like Cuba. Even if the Soviets provide weapons on a grant basis, there are many auxiliary costs which must be borne by the Cubans.

In this respect, the experiences of 1975 and 1977 are relevant. According to Mesa-Lago, fishing during those two years decreased by 14 percent and six percent respectively. In 1975, Cuba sent its troops to Angola and in 1977 to Ethiopia. Although the Soviets provided the military equipment, Cuba had to divert its fishing fleet to transport the troops, decreasing its fishing.[29]

Some argue heavy military expenditure is necessitated by U.S. hostility, and if the

United States stopped being a threat to Cuba, resources could be freed for more productive purposes. This argument fails to recognize that the greatest increase in Cuban military expenditure took place in the late Seventies, when a comparatively non-threatening U.S. Administration was in office. Furthermore, expansion was not linked to defensive actions, but to Cuban meddling in areas far removed from Cuba's defense needs. As Mesa-Lago comments:

"Instead of taking full advantage of this situation to shift resources from defense to development, in the second half of the 1970's Cuba did the opposite; her intervention in Africa . . . resulted in a big jump in military expenditures. In 1975 the number of reservists doubled and probably kept growing during the rest of the decade, and the armed forces swelled to more than 200,000 by 1978." [30]

It is hard to justify sending troops to Angola and Ethiopia as part of the defense of Cuba.

What not to do

Some suggest Cuba's present financial predicament creates an opportunity for rapproachment. By making it easier for Cuba to trade with the United States and help solve Cuba's financial difficulties, the U.S. could mollify Castro's hostile stance.

The record for the second half of the 1970's does not support that hypothesis. At the Organization of American States—and in Europe—as part of the *detente* effort, the same argument was used to justify giving credits to the Cubans and lifting the sanctions imposed at the request of Venezuela in 1964.

As a result of this easing of tensions the following shift in trade took place:

Years	Overseas trade balance	Socialist		Market economies
		U.S.S.R.	Other	
1959–74	−4,197	−3,560	−43	−594
1975	−166	411	−15	−562
1976	−488	148	78	−174
1977	−521	205	−92	−634
1978	−141	178	−106	−203
Total	−5,513	−2,618	−178	−2,719

Source: Carmelo Mesa-Lago, op. cit., table 21, p. 96; the figures do not add due to rounding. Figures in millions of pesos.

As the table shows, up to 1974 there was a negative trade balance with socialist economies and it is in 1975 that it became positive. The cumulative deficit was reduced from 3560 to 2618 for the USSR and it had a small increase for other socialist economies. This shift and the additional total deficit was compensated by trade with the market economies whose cumulative deficit increased from 594 to 2719 in four years.

Since Cuba does not earn much hard currency from trade with the Soviet bloc, these deficits with the West were financed by credit extensions by Western banks which brought the debt to US$2.6 billion. There is no evidence that this lending made Cuba more friendly to Europe and to Latin America. It is also clear that these funds were not effectively used to improve the living standards and productive aspects of Cuba. Indeed, some were probably used to finance Castro's interventionism in Africa and Central and South America.

In summary, present funding sources for Cuba's failing economy are drying up. The well orchestrated propaganda campaign on rapprochement with Havana seems to be an effort to have U.S. banks and investors close the gap left by other Western banks. The ultimate goal of this effort is to secure government insured U.S. investment in Cuba, thereby saddling the U.S. taxpayer with the responsibility for the Cuban debt—as in the recent Polish rescheduling. Cuba may even try to rejoin the IMF and the World Bank as part of a package deal.

It would be unwise to absolutely refuse to engage in negotiations. However, it would be short-sighted for the United States to ease the financial burden of Castro's overseas military activities, as the Western banks seem to have been doing in the past few years. There are other political and economic arguments that could be marshalled against rapprochement with Cuba. But, as long as Castro continues his military adventurism, the overriding consideration is that Cuba will continue to be a threat to its neighbors and no real benefit will accrue to the Cuban people.

FOOTNOTES

[*] Associated Press, "Study Finds Cubans May Face Default," *International Herald Tribune*, (Paris, August 5, 1982); "For the Record," *The Washington Post*, (August 6, 1982); "No Cigar on Cuba debts, study warns," *The Chicago Tribune*, (August 4, 1982); Jack Anderson, "Overseas Debts Steadily Rising Around Castro," *The Washington Post*, (September 3, 1982); William Giandoni, "Cuba's External Debt Worries Foreign Banks," *The San Diego Union* (June 27, 1982); Virginia Prewett/William R. Mizelle, "Castro's conditioning of Cuba continues," *The Washington Times*, (June 30, 1982); Frank Calzon, "The Cuban Debt: Island is Awash in Red Ink," *The Chicago Tribune*, (August 20, 1982).

[1] Carmelo Mesa-Lago. *The Economy of Socialist Cuba: A Two Decade Appraisal*, Albuquerque, New Mexico: University of New Mexico Press, 1981, page 106.

[2] *Institutional Investor*, "Overreaching in Paris," New York, May 1981.

[3] For an overview of earlier lobbying efforts by the Cuban government, see Irving Louis Horowitz, "The Cuba Lobby: Supplying Rope to a Mortgaged Revolution," *The Washington Review of Strategic and International Studies*, Volume 1, No. 3, July 1978. Included in *Cuban Communism*, Irving Louis Horowitz, ed., New Brunswick, N.J.: Transaction Books, 1981.

[4] *Cuba Faces the Economic Realities of the 1980's*, U.S. Government Printing Office, Washington, D.C., 1982.

[5] Agefi Press Service, *International Bondletter & Eurocurrency Financing Review* #410, March 27, 1982.

[6] Kurt Van Dem Hagen: Senior Economist, Royal Bank of Canada, Montreal, Canada, in conversation with one of the authors.

[7] *Questions and Answers About U.S. Claims Against Cuba*, Joint Corporate Committee on Cuba Claims, 1977.

[8] Equal to about $62 million at current rates.

[9] *The Financial Times*, "U.S. Pressure May Have Stopped Loan to Cuba," London, March 21, 1981.

[10] Agefi Press Service, op. cit.

[11] *The Financial Times*, op. cit.

[12] The French-led group, which included the State Bank of India, the Banque Commerciale pour l'Europe du Nord, Banco Franco Roumaine and Arab banks such as the Union de Banques Arabe et Francaises, apparently was frustrated in its efforts to find a German bank to participate in the deal. The direct Reagan-Schmidt link was reported by Mr. Jean Deflassieux, a director of the International Division of Credit Lyonnais and former treasurer of the French Socialist Party.

[13] *Institutional Investor*, Op. cit.

[14] *Institutional Investor*, op cit.

[15] $15.85 million at current rates.

[16] *Institutional Investor*, op cit.

[17] *The Financial Times*, op cit.

[18] $107.02 million at current rates.

[19] The other participants were the Union de Banques Arabes et Franchaises, the Banco Arabe Espanol, the Banque Intercontinental Arabe, the Arab International Bank, the Arab Bank for Investment and Foreign Trade, the Arab Bank Investment Co., and the Al-Bahrain Arab African Bank.

[20] *Cuba Faces the Economic Realities of the 1980's*, Washington, D.C.: U.S. Government Printing Office, 1982.

[21] Ibid.

[22] Agefi Press Service, op cit.

[23] *The Financial Times* (London) April 21, 1982.

[24] It should be noted, in this context, that Cuba's commercial bank debt, which is the source of its current problems, is a relatively new component of its overall international debt. In the early 1970's, the Cuban government was successful in raising substantial amounts from the export credit agencies of its Western trading partners. These credits, which amounted to $3.7 billion, were extended by Argentina, Spain, the United Kingdom, France, Japan, Canada, Sweden, Italy, Mexico, and Switzerland, according to Mesa-Lago's *Economy of Socialist Cuba*, op cit. (Table 25, page 104).

[25] Barry Sklar, "Cuban Exodus—1980: The Context," in *The Political Economy of the Western Hemisphere—Selected Issues for U.S. Policy*, Washington, D.C.: U.S. Government Printing Office, 1981.

[26] Barry Sklar, op cit.

[27] Carmelo Mesa-Lago, op cit., page 82.

[28] Ibid, page 51.

[29] Ibid, page 52.

[30] Ibid, page 51.

THE NAZI-SOVIET NONAGGRESSION PACT ANNIVERSARY

Mr. HELMS. Mr. President, August 23 marks the 49th anniversary of the signing of the Nazi-Soviet nonaggression pact. The pact was signed by German Foreign Minister Ribbentrop and Soviet Commissar Molotov in the days immediately preceding World War II. This heinous pact was an exercise in calculated imperialistic tyranny that brought about the end of independence of the three Baltic States: Latvia, Lithuania, and Estonia.

These three independent nations, Latvia, Lithuania, and Estonia, have been occupied by the Soviet Union since 1940. The United States does not recognize the forcible incorporation of these three nations into the Soviet Union. In addition, the United States recognizes the legations representing the formerly independent governments of the three Baltic States as the official diplomatic representatives of the Baltic States.

THE NONAGGRESSION PACT

In the late summer of 1939, Mr. President, Nazi Germany had already decided to invade Poland and was aware that a war with Britain and France would be the probable result. The Germans were convinced that a neutral Soviet Union was an absolute necessity to avoid a war on both fronts.

Mr. President, the Soviet Union chose the nonaggression pact with Germany over an alliance with Britain and France because it wished to avoid conflict. The pact states that neither Germany nor the Soviet Union would initiate any acts of violence against the other, nor would they aid a third party in any violent act.

THE SECRET PROTOCOL

There is, however, more to the pact than was revealed to the public in 1939. There exists a secret protocol in which the two totalitarian states agreed to divide up Eastern Europe. We are aware of the secret protocol because it was found among captured

Nazi documents at the end of World War II and released by the State Department. To this day, this secret protocol of the pact has not been published in the Soviet Union.

In the secret protocol, Germany declared its willingness to accept a Soviet sphere of influence in the Baltic States of Latvia, Estonia, and later Lithuania in return for Soviet acceptance of a Nazi-occupied Poland. The Soviet Union saw this chance to expand its empire and immediately agreed to sign the pact.

As a result of this secret protocol, Mr. President, the Soviet Union invaded and illegally annexed the three Baltic States on June 15 and 16, 1940. I might add that in 1920 the Soviet Union signed treaties with all three Baltic Republics in which it renounced "for eternal times" any claims to sovereignty over the Baltic States.

To this day, Mr. President, the people of the Baltic States suffer under the yoke of Soviet imperialism. They have been reduced to second-class citizens in their own formerly independent nations. Between 1941 and 1949, over 100,000 Balts were deported to Siberian concentration camps where many died.

THE RUSSIFICATION CAMPAIGN

More recently, Mr. President, the Soviets have introduced a harsh russification campaign in the Baltic States—that is, a campaign to force the Russian language and culture on the Baltic people. The Soviets are using russification as a tool to exterminate all Baltic culture and to replace it with a generic Soviet Russian culture. If the Soviets ever succeed in this act of cultural genocide, their colonization of the Baltic States will be complete.

Mr. President, Latvia and Estonia have been flooded with Russian immigrants making the ethnic Balts a bare majority in their own nations. The official language of the Baltic States is now Russian, though Russian is in no way an indigenous language to the region. Ethnic Balts must wait years to obtain goods such as apartments and automobiles, while Russians in the Baltic States obtain them in a few months. Balts without a knowledge of Russian are kept in the lower ranks of the work force.

The Russians have also blatantly disregarded the environment in the Baltic States. Hepatitis outbreaks have become common from the half million cubic meters of untreated sewage dumped daily into the Daugava River. Skin cancer cases in rural Latvia have multiplied because of widely used pesticide sprays known to be unsafe. Not only are the Balts deprived of their political rights by the Soviets, but they are also being deprived of their health.

Mr. President, the Baltic States have suffered a history of foreign occupations. In the 19th century, they survived a similar, if less pervasive, russification campaign as a part of the Russian Empire under Alexander III. Before that, they were alternately occupied by the Germans, the Swedes, and the Poles. Only between 1918 and 1940 were the Latvians, Lithuanians, and Estonians able to free themselves from all foreign domination and establish independent republics.

ONCE THRIVING INDEPENDENT REPUBLICS

As independent republics, Mr. President, the Baltic States thrived economically and culturally. Large scale land reforms enabled almost all farmers to own land. Baltic minority legislation set a precedent for the world. All minorities in the Baltic States had their own schools and cultural societies which were financed by the state. The Soviets, disregarding their 1920 pact to respect the sovereignty of the Baltic States for eternity, ended the prosperity of the independent Baltic States by invading and occupying them.

NATIONALIST DEMONSTRATIONS

Mr. President, it is necessary to mention that the people of the Baltic States have remained true to their ideals and have not succumbed to the Soviet pressure. In the last year, the Balts have repeatedly expressed their desire to once again become independent nations. Large demonstrations have taken place in all three Baltic nations calling for an end to Soviet dominance of their internal affairs. Last year, large demonstrations took place in Riga, Vilnius, and Tallinn denouncing the hated 1939 Nazi-Soviet nonaggression pact and all the suffering that it has caused.

Evidence indicates that larger demonstrations calling for an official Soviet renunciation of the pact will take place this year. Gorbachev's recent hard-line stance against the Armenian demonstrations may foreshadow hard-line policies that make public displays of nationalism illegal in the Baltic States.

THE MODRIS LUJANS CASE

Mr. President, a Latvian by the name of Modris Lujans has been charged with so-called hooliganism, punishable by a 5-year sentence, for his participation in an earlier rally which denounced the 1941 deportations to Siberia. This arrest is reminiscent of the Brezhnev era, and illustrates that glasnost is only a policy for the West.

In the West, Mr. President, there exists the notion that the policy of glasnost has led to truthfulness in the Soviet press—that Soviet history is now told the way it really happened. As recently as July 22, 1988, Pravda in Moscow published the supposed "truth" of the Soviet takeover of the Baltic States. According to Pravda, Soviet troops entered the Baltic States to assist the proletariat in their spontaneous uprising against the oppressive bourgeoisie. The role of the nonaggression pact and the secret protocol were not even mentioned in the article. Mr. President, this story is a blatant lie, similar to the lie used to explain the invasion of Afghanistan.

It is time, Mr. President, for Gorbachev to put some meat in glasnost. If he truly wants to rid the Soviet Union of its Stalinist past, he must do more than simply rehabilitate long-dead leaders such as Bukharin. He cannot resort to trumped-up "hooliganism" charges whenever a demonstration comes too close to telling the truth. He cannot continue to rely on total fabrications to explain history to the Soviet people.

GORBACHEV MUST TELL THE TRUTH

Mr. President, Gorbachev must renounce the nonaggression pact and attempt to undo the damage that the pact has inflicted in the past half century upon the people of the Baltic States. The nonaggression pact is a legacy of Stalin and the terror that surrounded his regime. Does Gorbachev want the continuation of cultural genocide to be the legacy of his regime? The removal of such legacies is a prerequisite for any real glasnost to occur in the Soviet Union.

Finally, Mr. President, I would like to note that most people in the Baltic States have been left unaware of the contents of the nonaggression pact because of Soviet censorship.

Mr. President, in order to give this pact public exposure, I ask for unanimous consent that a copy of the Nazi-Soviet nonaggression pact, taken from the text "Nazi-Soviet Relations 1939-1941," Didier Press, New York, 1948, which is an English translation of the captured Nazi documents, be inserted in the RECORD.

There being no objection, the pact was ordered to be printed in the RECORD, as follows:

NAZI-SOVIET RELATIONS—1939-41

(Edited by Raymond James Sontag and James Stuart Beddie)

AUGUST 23, 1939.

TREATY OF NONAGGRESSION BETWEEN GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the German Reich and the Government of the Union of Soviet Socialist Republics desirous of strengthening the cause of peace between Germany and the U.S.S.R., and proceeding from the fundamental provisions of the Neutrality Agreement concluded in April 1926 between Germany and the U.S.S.R., have reached the following agreement:

ARTICLE I

Both High Contracting Parties obligate themselves to desist from any act of violence, any aggressive action, and any attack on each other, either individually or jointly with other powers.

ARTICLE II

Should one of the High Contracting Parties become the object of belligerent action by a third power, the older High Contracting Party shall in no manner lend its support to this third power.

ARTICLE III

The Governments of the two High Contracting Parties shall in the future maintain continual contact with one another for the purpose of consultation in order to exchange information on problems affecting their common interests.

ARTICLE IV

Neither of the two High Contracting Parties shall participate in any grouping of powers whatsoever that is directly or indirectly aimed at the other party.

ARTICLE V

Should disputes or conflicts arise between the High Contracting Parties over problems of one kind or another, both parties shall settle these disputes or conflicts exclusively through friendly exchange of opinion or, if necessary, through the establishment of arbitration commissions.

ARTICLE VI

The present treaty is concluded for a period of ten years, with the proviso that, in so far as one of the High Contracting Parties does not denounce it one year prior to the expiration of this period, the validity of this treaty shall automatically be extended for another five years.

ARTICLE VII

The present treaty shall be ratified within the shortest possible time. The ratifications shall be exchanged in Berlin. The agreement shall enter into force as soon as it is signed.

Done in duplicate, in the German and Russian languages.

Moscow, August 23, 1939.

For the Government of the German Reich: V. Ribbentrop.

With full power of the Government of the U.S.S.R.: V. Molotov.

SECRET ADDITIONAL PROTOCOL

On the occasion of the signature of the Nonaggression Pact between the German Reich and the Union of Socialist Soviet Republics the undersigned plenipotentiaries of each of the two parties discussed in strictly confidential conversations the question of the boundary of their respective spheres of influence in Eastern Europe. These conversations led to the following conclusions:

1. In the event of a territorial and political rearrangement in the areas belonging to the Baltic States (Finland, Estonia, Latvia, Lithuania), the northern boundary of Lithuania shall represent the boundary of the spheres of influence of Germany and the U.S.S.R. In this connection the interest of Lithuania in the Vilna area is recognized by each party.

2. In the event of a territorial and political rearrangement of the areas belonging to the Polish state the spheres of influence of Germany and the U.S.S.R. shall be bounded approximately by the line of the rivers Narew, Vistula, and San.

The question of whether the interests of both parties make desirable the maintenance of an independent Polish state and how such a state should be bounded can only be definitely determined in the course of further political developments.

In any event both Governments will resolve this question by means of a friendly agreement.

3. With regard to Southeastern Europe attention is called by the Soviet side to its interest in Bessarabia. The German side declares its complete political disinterestedness in these areas.[34]

4. This protocol shall be treated by both parties as strictly secret.

Moscow, August 23, 1939.

For the Government of the German Reich: v. Ribbentrop.

Plenipotentiary of the Government of the U.S.S.R.: V. Molotow.

SECRET SUPPLEMENTARY PROTOCOL

The undersigned Plenipotentiaries declare the agreement of the Government of the German Reich and the Government of the U.S.S.R. upon the following:

The Secret Supplementary Protocol signed on August 23, 1939, shall be amended in item 1 to the effect that the territory of the Lithuanian state falls to the sphere of influence of the U.S.S.R., while, on the other hand, the province of Lublin and parts of the province of Warsaw fall to the sphere of influence of Germany (cf. the map attached to the Boundary and Friendship Treaty signed today). As soon as the Government of the U.S.S.R. shall take special measures on Lithuanian territory to protect its interests, the present German-Lithuanian border, for the purpose of a natural and simple boundary delineation, shall be rectified in such a way that the Lithuanian territory situated to the southwest of the line marked on the attached map should fall to Germany.

Further it is declared that the economic agreements now in force between Germany and Lithuania shall not be affected by the measures of the Soviet Union referred to above.

Moscow, September 28, 1939.

For the Government of the German Reich: J. Ribbentrop.

By authority of the Government of the U.S.S.R.: V. Molotow.

SECRET SUPPLEMENTARY PROTOCOL

The undersigned plenipotentiaries, on concluding the German-Russian Boundary and Friendship Treaty, have declared their agreement upon the following:

Both parties will tolerate in their territories no Polish agitation which affects the territories of the other party. They will suppress in their territories all beginnings of such agitation and inform each other concerning suitable measures for this purpose.

Moscow, September 28, 1939.

For the Government of the German Reich: J. Ribbentrop.

By authority of the Government of the U.S.S.R.: W. Molotow.

CONFIDENTIAL PROTOCOL

The Government of the U.S.S.R. shall place no obstacles in the way of Reich nationals and other persons of German descent residing in the territories under its jurisdiction, if they desire to migrate to Germany or to the territories under German jurisdiction. It agrees that such removals shall be carried out by agents of the Government of the Reich in cooperation with the competent local authorities and that the property rights of the emigrants shall be protected.

A corresponding obligation is assumed by the Government of the German Reich in respect to the persons of Ukrainian or White Russian descent residing in the territories under its jurisdiction.

Moscow, September 28, 1939.

For the Government of the German Reich: J. Ribbentrop.

By authority of the Government of the U.S.S.R.: W. Molotow.

SENATE TELEPHONE SYSTEM

Mr. McCLURE. Mr. President, I feel it is my duty to inform my colleagues that our new telephone system within the Senate is anything but secure.

I am informed by my staff that, by absolutely no effort on their part, phone conversations between other Members' offices are being heard on telephones in my office. These conversations are apparently being picked up through the speakers located on telephones in my office without anyone on my staff even touching the phones. Yesterday, I am told by my receptionists that they ended up hearing dozens of two-way conversations for a period of about 3 hours.

Mr. President, this is not the first time that unwanted telephone conversations have somehow been broadcast through my office phone system. On at least three previous occasions, phone conversations from other Members' offices have been heard over the past 6 months. Each time this has happened, the Senate Telecommunications Office was notified immediately, and representatives of that office have listened to these conversations as well. Yesterday, Senate telecommunications officials listened to these calls for a matter of hours, apparently attempting to figure out what is wrong.

Mr. President, I am afraid that my staff is in a position to tell me which Senators made reservations for dinner at La Colline last night, which Senator's office was contacting the Dukakis campaign in West Virginia yesterday, and which Massachusetts Senator's office was discussing campaign strategy at one of the universities in that State. That is only a sampling of what we are unintentionally listening to, and we apparently cannot stop it, short of ripping the phone cord from the wall.

Mr. President, I recite these circumstances not to be humorous, but to make a serious point that the confidentiality of phone conversations around Capitol Hill must be protected. Overhearing one of my colleagues make dinner reservations is one thing, but we all know that extremely confidential information is transmitted by telephone and those conversations must be confidential.

My office has made every attempt to have this situation corrected immediately on each occasion that it has occurred. Obviously, whatever the problem, it is not fixed, and I want to let my colleagues know that their own conversations, or those of their staffs, may be listened to. And I must question, if this is occurring in my office, whether it is also occurring in other offices.

I make this statement for two purposes. First, to let my colleagues and their staffs know that their conversations may or may not be private. And second, to attempt to increase the concern about this problem, and therefore elevate the priority of finding a permanent solution.

AGNES RICHMOND

Mr. METZENBAUM. Mr. President, I wish to bring to the attention of my colleagues the case of Agnes Richmond of Cincinnati, OH.

Mrs. Richmond is a retired Ohio teacher, now 82 years old, who taught in the Cincinnati school system, motivating and inspiring thousands of children during her many years of professional life. She is a lovely lady, but, sadly, she is the victim of Alzheimer's disease. She lives now at Twin Towers, a Medicaid-certified nursing home in Cincinnati that is providing her with good care.

Alzheimer's is a tragic disease, destroying memory, and, eventually personality and physical functioning. It affects the family as well as the victim, physically and emotionally. And it can be devastating financially.

Agnes Richmond is now totally impoverished, though she once owned an attractive, well-furnished home, and received a modest pension. That home has to be sold at auction along with its furnishings in order to pay nursing home costs at a private nursing home, because no beds were available in a good Medicaid-certified home at the time of her initial admission.

Mrs. Richmond's greatest asset is her son, Jerald. He has devoted his life and his resources to her, and to the cause of others who like her have been devastated by this Nation's lack of a rational long-term health care policy.

The Agnes Richmond case has received considerable local and national attention. Newspapers, radio, and television have told her story as an example of the failure of health care policy. But there is hope. The Agnes Richmond case may have been a catalyst for improving long-term health care coverage for senior Ohioans in the State teachers retirement system. Her story, and others like hers, have moved Congress to develop long-term health care legislation.

Sadly, it is too late to save Agnes Richmond from either this tragic disease or its devastating financial consequences. But we can look to her story to save others. For that, many will be grateful to her in the future; and for that, I believe we owe Agnes Richmond and her son, Jerald, our gratitude.

THE CIVIL RESERVE AIR FLEET PROGRAM

Mr. CRANSTON. Mr. President, I would like to talk about the Civil Reserve Air Fleet [CRAF] Program, which is an important component of our support for our military conventional forces around the world. Under CRAF, private air carriers make their planes available to the Government during times of crisis. In exchange, the U.S. Government contracts with these carriers to provide airlift to the military during peacetime. The program is a valuable means of maintaining the Nation's readiness, while doing so in a financially sound manner.

Over the last several months, I have become concerned about budgetary reductions in the CRAF Program and their effect on our security. Accordingly, I raised these concerns in a letter to Senator SAM NUNN, the chairman of the Senate Armed Services Committee, requesting that the committee review the CRAF Program and the long-term effects of the budget reductions.

I was very pleased to receive the response from my distinguished colleague from Georgia, wherein he states that he shares my concerns about CRAF and that the committee staff will conduct the review I requested.

Mr. President, these issues are more fully expressed in our letters, therefore, I ask unanimous consent that they be placed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 13, 1988.

Hon. SAM NUNN,
Chairman, Senate Committee on Armed Services, Russell Senate Office Building, Washington, DC.

DEAR SAM: In recent years, the Senate Armed Services Committee has put greater emphasis on readiness and the needs of our conventional forces. An important aspect of our readiness is our ability, in a time of crisis, to move personnel and equipment to Europe and to reinforce the resupply of our forces overseas quickly and efficiently.

The Civil Reserve Air Fleet Program [CRAF] is a major component of our current airlift capability. Under that program, U.S. carriers dedicate their aircraft to the military during times of emergency. In return, these carriers are provided military contracts during peacetime to transport service personnel and equipment. Thus, the program enables the Department of Defense to maintain readiness capability but without spending billions of dollars to purchase and maintain aircraft, and retain trained crews to fly them. It is a cost-effective means of meeting a portion of our emergency requirements. Clearly, the CRAF Program plays a significant role in enhancing the national security interests of the United States.

I understand that during the last few months the Air Force has reduced the volume of business given to the private carriers that participate in CRAF. Moreover, DoD has informally indicated that further reductions may be forthcoming. As a result, these carriers, for legitimate business purposes, may be forced to withdraw their aircraft from the program and use them elsewhere.

I am aware that the Air Force has been forced to take severe measures to control outlays this year. But, I am also concerned about our military airlift capability. Accordingly, I urge the Armed Services Committee to carry out a thorough review of the CRAF program. We need to know whether our airlift capability is adequate and how it will be affected by the present cuts. We also need to know what the Air Force plans are with respect to the CRAF program in the near future as well as over the long term.

Sam, I hope you will give this important issue thorough consideration. The readiness of our airlift capabilities is essential to our national security.

With warm regards,
Cordially,
ALAN CRANSTON.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 27, 1988.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC

DEAR ALAN: Thank you for your letter dated July 13, 1988, in which you expressed your concern for the status of the Civil Reserve Air Fleet [CRAF] Program in light of budget reductions imposed by the Military Airlift Command.

I share these concerns as I have always felt the CRAF program was a cost-effective way to provide needed wartime surge capability. You are correct in that the health of our commerical airlift augmentation fleet is an important concern and should be carefully studied.

I have asked the staff of the Committee on Armed Services to conduct a review of the CRAF Program in general as well as the impact of the budget reductions on the CRAF fleet. After that analysis is completed, I will discuss this issue with Senator Kennedy, who chairs the Subcommittee on Projection Forces and Regional Defense which has jurisdiction over airlift issues, to determine what further action to take.

Thank you again for bringing this important matter to my attention.

Sincerely,
SAM NUNN,
Chairman.

REDUNDANCY NEEDED FOR THE NATION'S DEFENSE REACTORS

Mr. McCLURE. Mr. President, I rise today to call attention once again to a matter of vital concern to all of us; the fragile state of the Nation's nuclear weapons complex—in particular the nuclear materials production reactors. At this time, I also want to commend the Secretary of Energy, John Herrington, for recommending a two-reactor strategy to address this grave situation. I might add that this strategy has the full support of the Department of Defense, which has publicly acknowledged the critical need for redundancy and expressed a willingness to pay the additional costs to have it.

Mr. President, the Secretary of Energy's decision to build two reactors concurrently at two different sites was a courageous one. But courage is needed if we are to resolve the current situation in a way that does not endanger the national security. At this time, there are only three production reactors capable of producing nuclear material where 3 years ago, there were five. Furthermore, these three reactors are aging and for almost 2 years they have been reduced to operating at less than half power for safety and environmental reasons. All of them are at one site. They provide the Nation's entire supply of nuclear material—tritium primarily, and plutonium. It has become quite clear to many of us that the present condition of these facilities could put this Nation in a vulnerable condition—our national security at risk.

This statement is not simply my opinion. It is the conclusion reached by the National Academy of Sciences which reviewed the safety of the defense reactors last year. The NAS said, "The production reactors all display symptoms of acute aging that could affect safety and are likely to limit the useful lives of these reactors." Furthermore, because there are no new production facilities on the drawing boards, the Academy concluded the Nation may be forced within the next decade "to rely upon a small number of reactors that demonstrate serious safety problems, or face shortages of material needed to maintain and expand the nuclear weapon program."

Today the issue is critical. Tomorrow, it could be a crisis.

Nothing has been done to replace these reactors. For far too long, too little heed was paid to this vital component of our national security. Forty years ago, the United States made the decision to make nuclear deterrence the cornerstone of our national defense. Since that time, we have routinely debated, designed, and deployed increasingly sophisticated weapons systems. And during those same 40 years, reactors begun during the Truman administration have been operating. While we have built air, naval and Army bases across all sections of this country in order to achieve the protection provided by diversity and duality, these few but most important reactors have been operating at one or at most two locations—the Savannah River plant in South Carolina and the N reactors at Hanford, WA. Plans to add to, or replace these reactors have been made and then discarded several times. The reactors have continued to run—and run.

Apparently, we expected them to run forever. Of course, we should have known better. Nothing does. Commonsense should have told us that. But in 1985, when the latest proposal to build a replacement production reactor was deferred, the Department of Energy's decision was supported by the conclusion there were "no known life limiting factors" associated with the Savannah River reactors. Apparently, sheer age was not considered a problem by a Department of Energy facing severe budgetary constraints.

Now the situation has changed dramatically because of a snowballing series of events. First, an irrepairable crack was discovered in the reactor vessel of the C reactor at Savannah River plant and it was shut down; then the N reactor at Hanford, was shut down for a number of post-Chernobyl safety-related modifications; finally the NAS review team recommended 50 percent power reduction at the three remaining reactor for safety concerns. These reactors had their power reduced even further this year. So now, a complex of five operable production reactors has been reduced to the production capacity equivalent of less than one and one-half reactors.

That is what is produced when the reactors are operating. As I noted earlier, all of the reactors are shut down—for safety or environmental reasons. And over the past 2 years, the newspaper accounts of problems at the Savannah River reactors are like warning drum beats, growing louder and louder with each passing day, calling our attention to the potential for disaster.

Just a glance at the most recent headlines in the the State, the Columbia, SC, newspaper illuminates the problems: April 1, 1988, "Water in S.C. 'Good', Worst Groundwater Found Around SRP"; April 10, 1988, "Reactor Is Shut Down, SRP Water Pipe Braced to Withstand Earthquake"; April 11, 1988, "2nd SRP Reactor Inspected"; April 16, 1988, SRP Called Vulnerable to Quakes, Standards Less Strict When Reactor Built"; April 29, 1988, "5 Workers Exposed to SRP Radioactivity"; May 7, 1988, "SRP's P Reactor Still Shut Down for More Review"; May 11, 1988, "Negative Talk Alarms DOE Officials"; "Potential Problems at SRP Need To Be Analyzed, Safety Panel Says."

There are many, many more, from the State, the Washington Post, the Energy Daily, and others, detailing the safety and environmental problems at SRP reactors over the years: "The SRP: Has It Become a Greater Risk to the Public Welfare?" "DOE, NRC Contradicted on Accidents, Runaway Reactions Possible, Study Says," "Fallout! Dupont Pulling Out of Weapons Plant."

Contrary to most headlines which are designed to frighten, these are simple statements of facts further detailed in the text of the articles. For example, the "negative talk" that alarmed DOE officials was critical remarks made by DOE's Deputy Assistant Secretary for Health and Safety who said, "past indifference to safety within DOE bred some of the problems confronting SRP." This official was concerned about such things as blueprints of an earthquake protection system in one of SRP's three reactors that did not match what was actually built. He explained, "It's a big deal, anytime you've got an engineering facility and you don't really understand what you've got in the facility, that's dangerous." This man said further in the article that in 1983 a review of the same systems concluded the earthquake systems were "adequate and provide sufficient protection from the effects of earthquakes."

Mr. President, that SRP reactor, the P reactor is still shut down, and an article in the June 9, 1988, issue of the Nucleonic Week notes a debate within DOE's safety and defense programs over "whether the SRP weapons reactors should operate before missing or incomplete design and safety analyses are documented."

The concern driving DOE to keep these reactors operating is the terrible reality that the three vulnerable, and inadequately safety documented reactors are all that this Nation has standing between us and defacto disarmament.

I want to assure my colleagues that I genuinely share DOE's fear that anything, such as actual or imagined safety and environmental concerns, erode public support or shut these reactors down permamently. They must be made safe, and they must be made to operate for the next 10 years.

Yes, Mr. President, I said 10 years. It will be that long before we have any other capacity online. So this time, while decisions are being made regarding new production reactor capacity, we must make very sure they are the right decisions and that they are carried through with congressional and administrative support and funding.

And we must prevent this situation from ever happening again by providing redundancy—diversity—duality; call it what you will. In order to assure a steady, adequate supply of nuclear material, we must build more than one reactor at more than one site. There will be additional funding needed; estimates vary from 10 percent to 50 percent more, but the benefits far outweigh the costs.

Duality can be more than one reactor. It can be a number of modular units at two or even three sites, two half sized reactors are two sites or a mix of those options. However, we determine duality, we gain in return:

Reduced risk of simultaneous loss of all capacity.

Greater flexibility in ability to keep part of the capacity in operation at a given time while other units are down for refueling or maintenance.

Reduced risk of severe accidents as smaller units have increased potential for use of passive safety features.

Earlier product and possible revenues gained, if earlier modules were put into operation while later modules were still under construction.

Protection against loss of capability by naturally occurring external events—earthquakes, storms—that might damage a particular site.

Increased protectoin against espionage, site intrusion or other deliberate events that could jeopardize production.

Reduced threat of an accident at one reactor affecting operation of another.

Two technologies would eliminate the risk of losing all production capcity from safety or technical problems with one technology.

Perhaps the strongest argument for duality is that with only one reactor in production, that reactor must continue to operate and only the most severe dangerous conditions would cause it to be shut down. With two or more, there is a greater opportunity to manage with flexibility, thus yieling to moderate to severe safety concerns.

Earlier this year, at Congress' direction, DOE established panels to look at technologies and at sites. The Energy Research Advisory Board [ERAB] made its recommendation to the Secretary of Energy the first week of July. I was pleased to discover the panel strongly recommended diversity. The Secretary of Energy in consultation with the Secretary of Defense acted upon that recommendation by choosing a heavy water reactor to be build at Savannah River plant and a high temperture gas-cooled reactor to be built at the Idaho National Engineering Laboratory.

I urge my colleagues in Congress to support the administration's request for duality. This is the only wise and prudent choice. Our material production capacity must never again be in such jeopardy as it is right now. As long as we have a nuclear deterrent we must have a reliable source of nuclear material. Otherwise, we stand at the end of unilateral disarmament with no alternatives from which to chose.

Mr. President, I ask unanimous consent to have printed in the Record various items in connection with this matter.

There being no objection, the material was ordered to the Printed in the Record, as follows:

Statement by John S. Herrington, Secretary of Energy

In January of this year, this Department established a formal process for reviewing and assessing sites and technologies for new production reactor capability. I am pleased today to report on the conclusions of that evaluation, and on the next steps the Department will take toward acquisition of the necessary capacity.

As long as this Nation relies on the nuclear deterrent, we must have the capability for a steady, reliable supply of tritium and plutonium. The need for new production reactor capacity is driven by the need for assured supplies of tritium for our nuclear weapons.

Our acquisition strategy began with indepth evaluations of four candidate technologies and three sites. I asked the Department's Independent Energy Research Advisory Board to review the technologies suitable to tritium production, and that review began in February. ERAB established a special, 19-member panel of experts that assessed each technology against criteria developed by DOE and ERAB. The board reported its findings to the Department on July 1.

I also established a DOE task force which developed evaluation criteria for the three potential sites, then conducted evaluations of each of the three. That evaluation included visits to each site. As I requested, their report was completed and made available within the Department in July.

These reports have been a key part of the process for developing a recommendation, as has the input of the Energy System Acquisition Advisory Board, chaired by Joseph Salgado, and the discussions we have had within the Administration.

I am today recommending a two-reactor strategy which involves proceeding on an urgent schedule to design and construct a heavy water reactor at the Savannah River Plant which can produce 100 percent of expected tritium requirements, with concurrent preparation leading to the construction of a modular high-temperature gas-cooled reactor at the Idaho National Engineering Laboratory. That reactor would be designed to produce 50 percent of expected requirements.

As a contingency, work will continue on target development for a light water reactor and solving the institutional issues associated with the acquisition of WNP-1.

The strategy the Department will pursue is a low-risk, cost-effective strategy that will assure a tritium supply on an urgent schedule through the use of the best-developed tritium technology available to us, heavy water technology. This strategy will further provide the Department with protection against any unforeseen events through the use of modular high-temperature gas-cooled reactor technology. ERAB stated that a multiple reactor strategy, possibly with diverse technologies, would provide high-production assurance, reduce uncertainties in the new production reactor schedule and minimize the technical risks to national security. With two plants located at different sites, production would be less vulnerable to a number of external events, for example, seismic events. Choosing diverse reactor technologies would provide protection against a design problem or other generic problems. Two plants would afford significant flexibility in managing operations and maintenance while maintaining tritium or plutonium production.

The site evaluations provided to me indicate that any of the three sites considered would be acceptable. However, the Savannah River site offers the benefit of having the Department's base of experience with heavy water technology, plus existing facilities for the initial recovery and packaging of tritium. At the other sites, additional support facilities would have to be constructed, thus slowing down our schedule and increasing our initial costs. The Savannah River site will make the most efficient use of all the Department's resources.

The Idaho National Engineering Laboratory is in the process of constructing state-of-the-art reprocessing facilities, and has conducted numerous reactor development programs.

The proposed reactor technologies can be built and operated safely; they can provide a level of safety comparable to that of the best present commercial nuclear powerplants, a factor that should and will be emphasized throughout the design and construction process. With this approach we have increased assurance that we can have the reactor capacity we need on schedule and that no single external event or generic technical issue can cause a total shutdown of our tritium production capacity.

I would again emphasize that this two-reactor strategy offers the United States significant production flexibility, flexibility that is important to our national defense. This recommendation has been fully reviewed by key members of the administration, and I am confident that Congress will, over the necessary length of time, give this project the high priority that it deserves.

[From the Columbia (SC) State, Apr. 1, 1988]

Water in S.C. "Good"—Worst Groundwater Found Around SRP

(By Charles Pope)

Except for isolated hot spots, the quality of South Carolina's groundwater is good, and most supplies are able to meet federal drinking water standards with minimum treatment, a government report says.

The eight-page report, prepared by the U.S. Geological Survey's Columbia District Office, concluded that groundwater quality is uniformly good in South Carolina's principal aquifers. Aquifers are underground rock structures that slowly collect and trap water.

Where problems exist, they rarely affect a large population and often are the result of natural geochemical processes "rather than widespread water quality degradation by human activities," the report said.

The quality of groundwater is important because it's among the largest source of drinking water. In South Carolina, groundwater provides more than 40 percent of the drinking water, and is used widely by industry.

"There are isolated problems caused by underground storage tanks and landfills, but they are isolated," said Glenn G. Patterson, director of the USGS water investigation division.

"There are a lot of little pimples on an otherwise clear face. But overall, South Carolina has abundant, clean groundwater resources."

The report on South Carolina's groundwater will be incorporated in a forthcoming National Water Summary Report that will describe water resources in the United States and its territories.

In South Carolina, the most serious groundwater problem exists at the federal Savannah River Plant, which has extensive contamination from powerful industrial solvents and other chemicals, some of which have been shown to cause cancer.

The government has embarked on a multiyear, multimillion dollar project to pump contaminated water from the aquifer, cleanse it and return it underground.

While SRP has the most severe problem, it does not pose a public health problem because the contamination has yet to spread beyond the facility's borders. The Savannah River Plant produces tritium and plutonium for nuclear weapons, and must use powerful chemicals to separate the radioactive materials from unwanted byproducts.

"I'm not saying we don't have any problems," said Jim Ferguson, director of the State Department of Health and Environmental Control's hydrology division.

Other problems are caused by leaking underground storage tanks, from waste that has been improperly placed in landfills, chemical spills and salt water intrusion along the coast.

[From The Columbia (SC) State, Apr. 10, 1988]

REACTOR IS SHUT DOWN—SRP WATER PIPE BRACED TO WITHSTAND EARTHQUAKE

(By Charles Pope)

The Savannah River Plant's L Reactor was shut down Friday night to strengthen braces guarding the unit's emergency cooling system against earthquake damage.

The facility's other two reactors are being inspected for similar weaknesses.

Although officials for the Federal Department of Energy stressed that the reactors met safety requirements, they said the action was taken to "increase the margin of safety" against potential ruptures and other effects from a severe earthquake.

DOE officials said the 35-year-old L Reactor is expected to be returned to service today. Workers will install a single 3-foot brace to better protect a 100-foot feed water pipe.

"We had to make a decision. Do we run the reactor until its next scheduled shutdown in early July or do we shut it down now and make the repairs?" said Charles Ahlfeld, reactors program manager for SRP's prime contractors, E.I. du Pont de Nemours & Co.

He said that with the recent attention on the reactors' emergency cooling systems, "it just seemed prudent . . . to go ahead and take what looks to be a two-day outage and restore the thing back to its original design basis."

During the past year, the emergency cooling systems of the three reactors were deemed inadequate by a National Academy of Sciences panel.

As a result of that determination, DOE reduced power in the reactors to less than 50 percent to ensure that the system could properly cool the radioactive core during an accident. DOE also agreed to install a fourth water line to the core of each reactor.

Ahlfeld said the decision to shut down the reactor was made after a subcontractor specializing in seismic protection raised questions about one brace last fall. Additional questions about a second brace surfaced on Tuesday after closer inspection, and the repairs were ordered.

"It's not a foregone conclusion that it would fail," Ahlfeld said. "The fact of the matter is, it would probably survive. But that word 'probably' means probability. We want a very high probability that it would survive."

A network of braces is used to ensure the emergency cooling system, which provides water to the reactor's radioactive core, can survive an earthquake as severe as the one that damaged Charleston in 1886. That earthquake registered 7.7 on the Richter scale.

The braces are designed to make the system rigid enough to survive an earthquake and are attached to structures like concrete pillars, walls and floors.

Ahlfeld said workers installed a second angle brace under the suspect brace to provide additional support.

The Savannah River Plant's two other operating reactors—P Reactor and K Reactor—will each receive a thorough inspection of the emergency cooling system.

K Reactor is scheduled to shut down today for four months to allow routine maintenance and to upgrade the emergency cooling system. Ahlfeld said the reactor will be subjected to a thorough review of the cooling system to determine if any braces need to be altered.

The P Reactor is scheduled for an extended shut down in September, but Ahlfeld said an inspection of the braces will be done before then.

"Because P Reactor is going to be operating so long, we've got (the subcontractor) analyzing the same pipe (as in L Reactor) . . . to see if we should shut down before September," he said.

The Savannah River Plant is the nation's only producer of plutonium and tritium for nuclear weapons.

[From the Columbia (SC) State, Apr. 11, 1988]

2D SRP REACTOR INSPECTED

(By Charles Pope)

For the second time in less than two days, a Savannah River Plant nuclear reactor experienced an unscheduled shutdown Sunday amid concerns that braces supporting the emergency cooling system would not survive a severe earthquake.

An official for the federal Department of Energy, which operates the Savannah River Plant, said the decision to shut down the P Reactor, was made Saturday evening after officials shut down the L Reactor on Friday because of similar concerns.

The facility's third and final operating reactor, the K Reactor, was shut down Sunday morning to begin a scheduled four-month maintenance operation.

The action will allow engineers to visually inspect the 30 braces supporting the emergency cooling system to determine whether they meet DOE standards and conform to blueprint specifications.

"We had surveys and studies done (of the braces) around 1983, but, after considering everything, we made the decision that it would be the right thing to do to go ahead and call for a shutdown," DOE spokesman Cliff Webb said.

He said visual checks will be made of the braces and compared to the computer models and design analysis.

"The decision was just the right thing to do. We don't anticipate there being a problem with P (Reactor), but we felt at this point in time it would be the right thing to do," Webb said.

By taking the P Reactor out of service Sunday, all three nuclear reactors at the nuclear weapons facility were out of commission. But Webb said that is neither an uncommon nor a dangerous situation, and he denied that the action indicated a more serious problem with the aging reactors.

"Sometime you may have a common reason to bring all of the reactors down, we've done that before," he said. "We don't know and will not know because we can't conclude until we go back and make the visual checks. The usual checks are to validate the drawings."

The P Reactor was scheduled to operate until August when it would be taken out of service for four months to allow annual maintenance and inspection to take place.

The aging reactors are the nation's sole source of plutonium and tritium for nuclear weapons and have been the focus of heavy Congressional and public scrutiny.

Webb said he expects the P Reactor to return to service by the end of the week if major repairs are not needed. The L Reactor is expected to be returned to operating power today.

The shutdown of the L Reactor on Friday and the R Reactor Sunday were characterized as "procedural shutdowns," which is the government term meaning that unscheduled repairs were required and could not wait for the reactor's scheduled annual maintenance.

The L Reactor was shut down to allow a "non-standard" brace to be strengthened to "increase the margin of safety." A consulting firm from San Francisco specializing in seismic protection confirmed doubts last week about the brace's strength after another consulting firm raised questions last summer.

DOE grades equipment on a four-point scale, with anything falling below 1 deemed unacceptable. Although the L Reactor was operating with a flawed brace, Webb said there was never any danger because the brace carried a safety factor of 2.5.

Webb said DOE strives to maintain a safety rating of "4" for all equipment associated with the 35-year-old nuclear reactors.

A network of braces is used to ensure the emergency cooling system, which provides water to the reactor's radioactive core, and can survive an earthquake as severe as the one that destroyed Charleston in 1886. That earthquake registered 7.7 on the Richter scale.

During the past year, the emergency cooling systems of the three reactors have received heavy scrutiny and were deemed inadequate by a National Academy of Sciences panel studying the reactors.

As a result of that determination, DOE reduced power in the reactors to less than 50 percent to ensure that the system could properly cool the radioactive core during an accident. DOE also agreed to install a fourth water line to the core of each reactor to increase the ability to rapidly cool the reactor and prevent radioactive elements from escaping into the atmosphere.

[From the Columbia (SC) State, Apr. 16, 1988]

SRP CALLED VULNERABLE TO QUAKES

(By Charles Pope)

All three nuclear reactors at the Savannah River Plant are more vulnerable to catastrophic damage from a major earthquake than nearby commercial reactors, partly because extensive seismic protection was not among the "design criteria" 35 years ago when the reactors were built, according to sources and government documents.

Although "seismic protection systems" have been strengthened considerably since about 1965, some federal officials and sources familiar with Savannah River Plant reactors doubt the reactors could withstand an earthquake similar to the one that leveled Charleston 102 years ago. That earthquake, the worst ever east of the Mississippi River, registered 7.7 on the Richter scale.

Despite that earthquake and a prediction in 1982 by the U.S. Geological Survey that a similar earthquake could strike the facility, many believe the Savannah River Plant reactors are ill-equipped for such an event.

"I'd be willing to make any bet that the Savannah River Plant today could not survive a 7.7-on-the-Richter-scale earthquake. There's a chance it could survive, but it's even money that it wouldn't," one source said.

Officials for the federal Department of Energy, however, insist the Savannah River nuclear reactors are as well protected as more modern commercial reactors, and that they could survive a severe earthquake.

Roger Rollins, the DOE official responsible for reactor operation at SRP, based his belief on the conclusions of DOE consultants who said the system was adequate and on the work that has been done over the years.

"Yes. I have confidence in these independent experts. We've had other people come in and review them also. And they say we don't have a problem with them."

But according to DOE documents, the Savannah River reactors are designed to withstand an earthquake ranking 7 on the Modified Mercalli scale, an intensity that corresponds to an earthquake of about 5 on the more common Richter Scale.

By comparison, the Charleston earthquake of 1986 registered 10 on the Modified Mercalli scale and 7.7 on the Richter scale.

At least one commercial nuclear reactor—Georgia Power's Plant Vogtle—is designed to withstand an earthquake registering 8 on the Richter scale, a company official said. Plant Vogtle is less than 15 miles from the Savannah River Plant's southern border.

Both Plant Vogtle and the SRP reactors are in the area identified by the USGS in 1982 as where an earthquake as severe as the one that struck Charleston could occur.

Another commercial reactor, the V.C. Summer Plant in less earthquake-prone Fairfield County, can safely operate during an earthquake registering up to 5.8 on the Richter scale, spokeswoman Becky McSwain said.

Protection from earthquakes is crucial for nuclear reactors because they must remain operable even after the nuclear chain reaction has stopped to prevent decay heat from building up and causing a release of radioactivity to the atmosphere.

Unless they are adequately protected, pipes carrying cooling water to the reactor core could rupture, cutting off its water and allowing heat to build to dangerous levels. An earthquake could also damage control cables, electrical circuits, power lines and other equipment critical to operating the reactors.

"In every case, during an earthquake failure the largest concern is disruption of the cooling system. You could have a reactor bereft of either normal or emergency cooling," Elmer Schwartz, an engineering professor at the University of South Carolina, said. Schwartz is a member of the safety advisory committee sanctioned by the DOE.

"You can shut it down, but it's stuck with decay heat at about 15 percent of the level at which it was running. That is, the nuclear . . . decay of what's left in the reactor continues at a fairly high rate for eight or 10 hours. Even if you shut the reactor down you still have to cool it."

The need for earthquake protection is so important, Schwartz said, that he would "shut the damn things down" if it is demonstrated conclusively that the SRP reactors are not as well fortified as commercial units.

"If there were really a serious concern about a seismic event disrupting the core cooling, I think they ought to be shut down and there's no way to keep them running. Because you don't know when an earthquake is coming. You can't say, 'We'll let it run a little while.'

"The only possible barrier (to improvements) is expense. And in this case, it doesn't seem to me they can make that argument. That is, there is nothing too expensive to make it safe."

Although the safety committee has yet to discuss the earthquake protection of SRP and other government weapon reactors, Schwartz said the issue will be "high on our priority list."

The ability of the reactors to withstand earthquakes came into question when a consultant for DOE discovered two weeks ago a brace of "nonstandard" design that helps shield the emergency cooling system in the L Reactor from earthquake damage.

All three reactors were shut down last week at the same time, while more thorough inspections were conducted. The L Reactor has been modified and was returned to service while another—P Reactor—will remain out of service for another two weeks. That reactor was not scheduled to shut down until late August, when it was to undergo routine annual maintenance.

A third reactor—K Reactor—was taken out of service Sunday for a routine four-month servicing.

The reactors are the nation's only source of plutonium and tritium for nuclear weapons.

According to DOE officials, the systems should be able to withstand an earthquake measuring about 8 on the Richter scale, but sources—and DOE documents—say the protection falls well short of that standard. Sources say another factor is the cost of retrofitting additional protection to the 35-year-old reactors.

"Before that work was done, a moderate earthquake would've put the reactors out of business. There would have been no power, and there would have been very limited ability to even shut the reactors down," one source said.

"A lot of things have been fixed, but I don't know to what Richter level they've been fixed. But that limit is probably below 7.7."

Still other fears are focused on the 28 million gallons of high-level radioactive waste stored in underground tanks at Savannah River. Although the tanks are hardened against earthquakes, it is unknown whether they would remain intact during a major earthquake.

DOE has spent millions of dollars since 1965 to study and upgrade earthquake protection on the three reactors, but because protection from severe earthquakes was not a consideration in the original construction plans, the government has been forced to add protection where it can to existing systems.

One official likened the effort to trying to upgrade a bass boat to win a race against a hydrofoil.

The major improvements included strengthening confinement filters, which capture some radioactive elements, on the reactor roof to make sure they operate during an earthquake, stabilizing the reactors' heat exchangers, which originally were loaded on railroad wheels, to keep them from moving, and strengthening transformers to decrease the likelihood they would tip over.

[From the Columbia (SC) State, Apr. 29, 1988]

FIVE WORKERS EXPOSED TO SRP RADIOACTIVITY

(By Charles Pope)

Five construction workers at the Savannah River Plant suffered minor exposure to tritium Wednesday when radioactive water was mistakenly used to cool a drill bit.

The incident occurred around 1 a.m. Wednesday in the K Reactor and was discovered 11 hours later when an increase in radiation level in the plant was detected, a plant official said. In all, more than 100 workers were tested for exposure to radioactive tritium. None was seriously injured, however.

"About 12:30 or 1 p.m. (Wednesday) our airborne tritium monitoring system started showing a very slight increase, and that's when we decided to go in and investigate where that little extra tritium was coming from," said Andy Cwalina, superintendent of reactor operation for the facility's prime contractor, E.I. du Pont de Nemours & Co.

The workers were drilling holes in the reactor's concrete floor as part of a project to modernize its electrical system. The 35-year-old reactor, which produces tritium and plutonium for nuclear weapons, was not operating at the time of the release.

Cwalina said a construction worker dumped about half a gallon of radioactive water from a 6-gallon plastic container into a 30-gallon reservoir that supplied cooling water to the drill.

"The construction laborer basically just picked up the wrong bottle. He thought he had the bottle of . . . regular water and instead he picked up a bottle that had D_2O (deuterium oxide, or heavy water) in it," which had been contaminated with tritium. "This fella came along and grabbed the wrong bottle."

Cwalina said the mistake was made because the container holding the radioactive water was poorly marked.

"The identification between the two (containers of normal water and those holding tritiated water) was probably not marked enough for him—in a hurry—to recognize he's got" the wrong one, Cwalina said.

The greatest worker exposure amounted to three percent of the federal government's annual limit for employees, which translates to about 15 millirem.

A Du Pont spokeswoman said two construction workers were contaminated "by a small amount of radioactive tritium," and three others showed "some exposure, but at significantly lower levels."

Cwalina said the incident has led officials to review the way tritiated water is stored and how containers are labeled.

"Very definitely. We've got to see first of all that people are reminded that one of our rules is that you don't pick up a container and just assume that it has plain old water in it," he said.

"The second thing is to make sure we have some sort of very clear labeling system so that these things can't be confused in the future."

Heavy water, or D_2O, is used to cool the Savannah River Plant's three reactors.

Cwalina said small amounts of the cooling water is routinely collected in one of the plastic "jugs" and sent to a facility on-site to be recycled.

"We used these bottles for various miscellaneous collection of D_2O. If we're working on a particular pipe or something and we need to drain the D_2O out of the pipe, we use the bottle to collect that. They are then packaged up and sent back to our rework unit to reuse in the reactor at a later time," he said.

"It's kind of catchall bottle. D_2O is fairly expensive stuff, so we try to gather up all the miscellaneous D_2O that we might have around so we can rework it and put it back in the reactor."

The jug had been in the area "on the order of several days" to collect D_2O from a repair job on the reactor's heat exchanger.

"The bottle was stored across the heat exchanger bay, several hundred feet from where they were actually doing the core drilling. It was stored in the vicinity with some other plastic bottles," Cwalina said.

[From the Columbia (SC) State, May 7, 1988]

SRP's P REACTOR STILL SHUT DOWN FOR MORE REVIEW

(By Charles Pope)

Three weeks after it was expected to be restarted, the Savannah River Plant's P Reactor remains shut down while technicians "completely and thoroughly" evaluate its ability to withstand earthquakes.

Federal Department of Energy officials abruptly ordered the unit taken out of service April 9 after consultants determined that seismic braces in another of the plant's 3 reactors did not meet design standards.

The L Reactor was repaired and returned to service after receiving repairs to strengthen the bracing system, but P Reactor remains under review. DOE officials said on April 10 that P Reactor would be put back in service within several days.

But according to spokesman Clif Webb, engineers from Blume and Associates of San Francisco requested additional time to complete their review.

"We are waiting for them to complete that, and we have not yet received all of their review data," Webb said

"Yes, the date slipped from a week to April 28, then we said something like May 8. It keeps getting pushed back, and the reason it keeps getting pushed back is we are waiting for these results. Obviously we want to return the reactor to service but we can't do that until everything is completed, included any changes that have to be made."

Webb denied that the delay stemmed from the discovery of additional problems, and said that Blume officials simply asked for more time to complete the review and to conduct computer modeling of the seismic bracing system.

"I do not know what issues have arisen, I can only tell you it is to ensure the job is done completely and thoroughly . . . They are just being very thorough in their review. We should hopefully know something next week," Webb said.

Webb added that no specific date has been established for restarting the 35-year-old reactor. "That will be based on the data we get back from Blume. Hopefully next week we will have that date. They are just requiring more time to complete their analysis."

The seismic bracing systems of all three of Savannah River's nuclear reactors have been scrutinized after Blume engineers concluded the system in the L Reactor did not provide an adequate margin of safety.

The system, made up of 30 braces supports pipes which carry emergency cooling water to the reactors' core. Those pipes must withstand an earthquake to prevent the radioactive core from overheating and releasing its contents to the environment.

DOE officials said the system must be able to survive an earthquake as strong as the one that hit Charleston in 1886. That earthquake registered 7.7 on the Richter scale.

The braces are designed to make the system rigid enough to survive an earthquake, and are attached to such structures as concrete pillars, walls and floors.

The Savannah River Plant produces plutonium and tritium for nuclear weapons

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[From the Columbia (SC) State, May 11, 1988]

NEGATIVE TALK ALARMS DOE OFFICIALS

(By Charles Pope)

Senior Energy Department officials responded with alarm Tuesday to critical remarks about the safety and reliability of nuclear weapons production facilities, suggesting that negative comments could erode the United States' nuclear deterrent by undermining public support.

Government sources said statements made Monday by a senior DOE official who questioned the safety of the Savannah River Plant nuclear reactors are potentially even more damaging because of renewed arms talks this week between the United States and Soviet Union in Geneva.

"The feedback I get makes me nervous," Troy Wade, DOE Undersecretary for Defense Programs, said from Washington. "I worry about the unilateral disarmament. One of my concerns is that the pressures can force us to shut down our nuclear materials complex, which is a form of unilateral disarmament."

The 38-year-old Savannah River Plant is the nation's only source of weapons-grade plutonium and tritium and has been plagued with safety and oversight questions for the last two years. The facility's recent problems include a critical review by the National Academy of Sciences and concerns about emergency cooling systems in three of the plant's five reactors.

Wade's comments came in response to statements by Richard Starostecki, DOE deputy assistant secretary for safety, health, and quality assurance, who said in an interview with The State Monday that past indifference to safety within DOE bred some of the problems now confronting Savannah River and other weapons facilities.

Sources said Starostecki's comments touched off a sharp division within DOE's Washington headquarters as officials scurried to minimize anticipated damage to a complex that has been under increasing Congressional and public scrutiny.

"There are far more perceived problems than there are actual problems," Wade said. "You can't compare 40-year-old reactors to today's licensing standards and expect them to come out 100 percent on the line. You just can't do that."

Wade and other government officials said safety and technical criticisms of the Savannah River Plant and other DOE nuclear facilities could lead to curtailed operation, which would hinder the nation's nuclear weapons output and place the United States at a strategic disadvantage. Despite mounting safety concerns and continued demand for defense materials, Wade insisted, "We would not operate a plant that is not safe. We would not."

DOE concerns were heightened, sources said, because Congress has scheduled hearings this week to probe safety concerns at the DOE facilities, including SRP.

"I have a deep seated concern that little problems are becoming big problems at Savannah River (because of public perception). . . . My own personal view . . . is anything that we do that puts the United States nuclear deterrent in jeopardy is a form of unilateral disarmament," said Wade, who is responsible for meeting production demands set by the Department of Defense and President Reagan.

Starostecki, who came to DOE in December from the Nuclear Regulatory Commission, said he was concerned that blueprints of an earthquake protection system in one of Savannah River's three reactors did not match what was actually built.

"It's a big deal. Anytime you've got an engineering facility and you don't really understand what you've got in the facility, that's dangerous. One of the more difficult things about operating a nuclear facility is you have to have very close ties between the engineering people and the operations people," he said.

"If one side of the house doesn't have an accurate reflection of what's actually installed in the plant, that's critically dangerous."

Starostecki also said experts inspecting the ailing P Reactor suspect that the overall design of the system may be flawed.

"People this week are making some modifications. They are actually looking at designs and improving the designs. So supports and brackets that hold pipes need to be strengthened, and calculations show they need to be larger. There are actual repairs being made in the facility, yes," he said.

Savannah River Plant manager William Kaspar said repairs to the P Reactor will be more extensive than those on the L Reactor, and will include replacing or strengthening braces.

Kaspar said he expects the 35-year-old reactor to be restarted in about a week, but not before a thorough safety and technical review.

"If there is any substantive question about the safety of the facility, it will not be started."

The reactor was shut down April 9 because of concerns about the seismic protection system.

Aside from the technical questions that are under review, Starostecki, government sources and the National Academy of Sciences agreed that the system for identifying, communicating and repairing problems has been poor at field operations such as SRP.

They also said that the seismic protection situation could be a symptom of more profound management shortcomings within DOE.

"If, in fact, the engineering calculations and designs aren't correct, or are inadequate, or don't reflect reality, I have a problem," Starostecki said. "And what it says in a broader sense is there's a lack of this integration between operations and engineering."

Unlike the setup at commercial nuclear reactors, where the safety branch is intentionally separated from operations, at Savannah River and other DOE weapons facilities the operations wings have dual responsibility for production and safety.

And according to officials, Savannah River and other facilities until recently have been reluctant to report such deficiencies to Washington.

"There's been a history within the Department of Energy that that process does not work well," Starostecki said of the process for transferring critical information from field operations to Washington.

As evidence, Starostecki pointed to a 1983 review of the same systems that concluded they were adequate and provided sufficient protection from the effects of earthquakes. Starostecki said he is trying to determine why the problems weren't identified during that review.

"Anytime you find something that isn't the way you thought it was, I'm surprised, yes. People down there had . . . supposedly a few years ago specifically looked at some of these things, and here this stuff still existed."

Starostecki said the technical question by themselves are significant, but when combined with institutional problems and poor communication they become more pronounced.

Despite the problems, Starostecki said improvements have been made, one of which is the creation of the 2-year-old office he now heads, which employs some of the precepts used by the NRC and subscribes to a more sensitive view of safety.

"I can only speculate. My own personal speculation is, I don't think it would have been shut down three or four years ago in the first place," he said of the P Reactor.

Potential Problems at SRP Need To Be Analyzed, Safety Panel Says

(By Charles Pope)

Aiken.—Savannah River Plant engineers must develop a better understanding of how the facility's three nuclear reactors would respond to severe accidents, and procedures need to be devised to minimize any consequences, a safety advisory panel suggested Friday.

Although the Federal Department of Energy and SRP's prime contractor have begun an ambitious and complex program to address those issues, some members of the Advisory Committee on Nuclear Facility Safety publicity wondered why it has taken so long for work to begin.

"What's been going on the last five years is a mystery to me," said committee member Elmer Schwartz, associate dean of the University of South Carolina's College of Engineering. "I fall on the side that (the severe accident analysis) needs to be done. The sooner the better."

SRP officials spent the better part of Friday morning describing a four-year, $12 million program that will "demonstrate that risks are acceptable" and will aid in uncovering design or hardware problems.

"I see this program as raising problems and allowing us to address them before they become a problem," said Roger Rollins, chief of DOE's reactor branch at Savannah River.

Committee chairman John Ahearne, a former chairman of the Nuclear Regulatory Commission, praised DOE's efforts but wondered why they are occurring more than eight years after similar studies were done on commercial nuclear reactors. Those studies were triggered by the Three Mile Island nuclear accident and required by the NRC.

Under the program, which began this year, new technical information, supported in many cases by laboratory experiments and analysis, will be used to predict consequences for a range of accidents.

The potential accidents will be rated according to likelihood and risk, and by mid-1990, modifications to the reactors will be undertaken.

At the same time, new procedures will be developed for reactor operators to follow.

Ultimately, the program will allow DOE officials to determine where SRP reactors conform to the more stringent standards imposed on commercial nuclear reactors. Officials noted, however, that their goal is not to meet every standard, because design differences between production reactors and commercial units make that difficult.

Information gained from the program will also be used in the design of a second generation production reactor that SRP officials hope will be built at the site.

The SRP was also criticized by the National Academy of Sciences for not having a better understanding the effect of severe accidents.

Even with the information, committee member Harold Lewis warned that management must be devoted to seeing that it is put in place.

"Collecting information and doing analyses doesn't make sense unless someone's behavior is changed to make him do something he wouldn't normally do," said Lewis, a physicist from the University of California at Santa Barbara.

The discussion of severe accidents came on the last day of the panel's three-day inspection of SRP, the aging facility that is the nation's sole producer of plutonium and tritium for nuclear weapons.

The committee was appointed by Energy Secretary John Herrington to review safety and technical at nuclear weapons production facilities like SRP.

Herrington's action came after the NAS released its critical study last October and amid mounting safety concerns voiced by Congress and the public.

DOE, NRC Contradicted on Accidents—Runaway Reactions Possible, Study Says

(By Cass Peterson)

A nuclear accident similar to the one that destroyed a Soviet reactor in the Ukraine last year cannot be ruled out in U.S. weapons-production reactors, according to a draft of a National Research Council report.

The report said "there exists the possibility" of a runaway reaction similar to the April 1986 accident that turned the Chernobyl reactor into a radioactive cauldron and showered much of the world with fallout. The conclusion contradicts statements from the Department of Energy and the Nuclear Regulatory Commission, both of which contended last year that such an accident was inconceivable in U.S. reactors.

The National Research Council report, commissioned 18 months ago by Energy Secretary John S. Herrington, is scheduled to be released next week.

Panel chairman Richard A. Meserve, a Washington lawyer, declined yesterday to comment on a draft copy obtained by The Washington Post, saying the report was still under review and subject to change.

However, the panel's broad conclusions are likely to intensify congressional concern about the safety of the nation's bomb-production reactors, which came under scrutiny after the Chernobyl accident, and about the future of the nuclear weapons program.

"The production reactors all display symptoms of acute aging that could affect safety and are likely to limit the useful lives of these reactors," the panel concluded in the draft. Because there are no new production facilities on the drawing boards, it said, the nation may be forced within the next decade "to rely upon a small number of reactors that demonstrate serious safety problems" or face shortages of the materials needed to maintain and expand the nuclear weapons program.

Nuclear material for weapons production is produced at four federal reactors; three at the Savannah River Plant in South Carolina and one at the Hanford Nuclear Reservation in Washington state. The Savannah River reactors date from the early 1950s; Hanford's N reactor was built in the early 1960s. The plants are operated by private contractors for the Energy Department.

DOE officials have maintained that the reactors are as safe as commercial nuclear reactors, although they are not subject to the same regulatory requirements. Unlike commercial reactors, for example, the weapons reactors do not have concrete containments to prevent the release of radioactive material in the event of an accident and rely instead on "confinement" systems that are supposed to filter out the most dangerous radioactive particles.

The panel said that DOE does not have enough data to know if its reactors would withstand a severe accident, and it may be too late to conduct the necessary studies. Hanford's N reactor, for example, is expected to be shut down permanently by the mid-1990s because its graphite core is swelling and threatens to break through its steel shell.

A thorough analysis of possible accidents "would require three to five years to complete and thus might be completed too late to provide any benefit," the draft report said.

The panel urged "prompt evaluation" of one possible accident: an uncontrolled reaction called a power excursion similar to that which occurred at Chernobyl. DOE officials have maintained that such an accident was not possible in the United States because of design differences.

According to the draft report, however, DOE has known since 1958 that similar conditions could occur in the Savannah River plants in the event of a severe accident. While the plants are equipped with backup safety systems to thwart a runaway reaction, the draft report suggested that even the backup systems might not be adequate under some conditions.

"At the current state of knowledge, there exists the possibility of an uncontrolled reactivity excursion in the Savannah River reactors," it said.

The draft report also said that there are "significant uncertainties about the adequacy of confinement systems, which might overload and rupture under the strain of a severe accident.

But the panel warned that efforts to improve safety systems are increasing the complexity of the reactors and may be increasing the risk. An improved confinement system being developed for the Savannah River plants, it said, "may cause a buildup of hydrogen in the event of a severe accident."

Fallout!—DuPont Pulls Out of Weapons Plant

(By Bill Rankin)

The DuPont Co. on Thursday morning notified the U.S. Department of Energy that it does not intend to continue operating the Savannah River nuclear weapons production plant in South Carolina when its present contract expires in two years. The news hit the department only hours before the formal release of a National Academy of Sciences report which outlines numerous deficiencies in DOE's management of the four reactors at Savannah River and the Hanford nuclear weapons complex in Washington.

Energy Secretary John Herrington, who ordered the 67-page Academy of Sciences study last year, said that his agency will quickly respond and adhere to the report's recommendations. DOE also said it will soon begin the process of selecting a technology and site for a new production reactor.

The NAS report said that DOE's nuclear reactors, which produce plutonium and tritium for the nation's nuclear weapons, suffer greater from aging problems that compromise their safety. "If the U.S. finds it necessary to have a reliable and safe capability for the production of plutonium and tritium for nuclear weapons, then planning for new production reactors or other alternatives should be accelerated," said the report, conducted by the National Research Council, an NAS research arm.

DuPont accepted a request by President Harry Truman in 1950 to operate Savannah River on a nonprofit basis. But questions of liability coverage and other concerns have in recent months prompted DuPont's board of directors to reassess its commitment. On Wednesday, DuPont's board voted to discontinue its DOE contract. On Thursday morning over breakfast in Washington, DuPont chairman Richard Heckert gave Herrington the news.

"From the beginning, Dupont has operated Savannah River with total protection from liability, which we believe is appropriate given the nature of the task. . . . We are not willing to put our shareholders' assets at risk for a business which we operate without profit," Heckert said in a statement released on Thursday afternoon.

But the political climate surrounding the Price-Anderson nuclear liability act has changed dramatically in recent years, he said. "Regardless of the outcome of the current congressional debate over renewing Price-Anderson, we believe that an increasing number of elected officials and some segments of the public favor the elimination of protection from liability which is critical to us. We do not see the trend abating. This is of major concern with today's runaway tort system."

Moreover, Heckert said, the increasingly "contentious environment in which we operate Savannah River is consuming more and more management time in an activity that is not for profit and not part of our business mission. We expect this trend to accelerate in the years ahead."

"DuPont has been an excellent contractor and operator and they will be missed," Under Secretary of Energy Joseph Salgado told a press conference at DOE headquarters. "We've been assured there will be a smooth transition over a two-year period."

In a brief statement, Herrington told reporters that his department "has every intention of responding expeditiously to the recommendations and concerns that have been expressed" by NAS (see accompanying table of DOE's action plan). The department requested the academy's study shortly after the Chernobyl nuclear disaster in the Soviet Union.

"The aging problems at the Savannah River plant and the N Reactor [at Hanford] cannot be avoided," Richard Meserve, a partner with Covington & Burling and chairman of the academy's study, told a press conference at NAS headquarters. Although Meserve carefully skirted questions on whether he considered both Hanford and Savannah River unsafe for continued operations, he would not dismiss the possibility of a power excursion, like the one at Chernobyl, occurring at Savannah River.

"Under some very specific accident circumstances, such a power excursion might be possible at the Savannah River reactors," he said, noting that such a chance is "remote." Just the same, the NAS panel "recommends that a risk analysis be conducted for this kind of accident at the Savannah reactors."

Among other findings in the long-awaited academy study of the Hanford and Savannah River reactors:

There exists "a high degree of confusion both within DOE and among the contractor staff" concerning safety goals, and the department's management capability "falls short of reasonable expectation in attempting to cope with the mix of production and safety responsibilities. On occasion, the contractors have pressed for safety upgrades that DOE has then rejected for budgetary reasons."

DOE has failed to "specify its safety requirements clearly, has failed to apply them uniformly at the two production reactor sites and has failed to implement them in a timely manner."

DOE needs more staff and technical expertise to oversee the contractors that operate Hanford and Savannah River.

It would make little sense to begin an effort to gain a detailed understanding of the "many potential severe accident phenomena" that may occur at the reactors because such an undertaking would be time-consuming and expensive and "would not be completed until after the reactors are retired."

Analyses demonstrating the adequacy of safety systems to deal with a major loss-of-coolant accident do not exist for both reactor sites.

The piping and containment tanks at the Savannah River reactors are susceptible to stress corrosion and cracking in the region of welds. While the piping can be replaced, replacement of the reactor tanks is not feasible. Unless a repair technology is developed, all these reactors may have to be retired.

DOE "may have underestimated" the amount and type of radioactive particles that would have to be trapped by the production reactors' radioactivity confinement system (which allow the controlled release of contaminated air through a filtration system) in the event of an accident.

During normal operation of the N Reactor, radioactivity contaminated liquid effluents are discharged from the confinement into "open, unlined basins," constituting "an environmentally unsound practice."

The report "is critical of the department but the important point to remember is that we invited this criticism," Salgado said in response to the study's conclusions. DOE will study the issue and "will not operate unsafe reactors," he vowed.

The 16-member NAS panel that conducted the study recommends the appointment of an "aggressive oversight committee . . . to assist the department and to build public confidence that the reactors are being operated to high safety standards," Meserve told reporters. It is not necessary to transfer DOE's reactor safety responsibilities to the Nuclear Regulatory Commission or to some other new entity, he added.

"The results of the academy's study are not encouraging," Senate Energy and Natural Resources Committee chairman J. Bennett Johnston said on Thursday. "The time has come to swallow hard and deal with the bad news."

Estimates of the cost of a new production reactor range up to $5 billion, the chairman said: "But it may be that we need to overhaul our entire weapons production complex. The cost of that endeavor is likely to be closer to hundreds of billions of dollars."

WHAT DOE PLANS TO DO NOW

Within the next two months, the Energy Department will take a number of steps to respond to the National Academy of Sciences' report on the department's nuclear weapons production reactors, Energy Secretary John Herrington told reporters on Thursday. For example, by the close of business on Friday, DOE and the Institute for Nuclear Power Operations will sign an agreement that will provide the department with access to INPO operating experience and data, Herrington said. Other DOE projects, to be headed by Energy Under Secretary Joseph Salgado, include:

Establishment of an external oversight committee for nuclear safety. It will be made up of recognized experts outside DOE and have broad authority to review departmental activities at the production reactors, including design review, safety analyses, operations, management, inspection and enforcement.

DOE's assistant secretary for environment, safety and health will prepare within 60 days a plan to improve the agency's safety oversight. Among the goals will be to give DOE stronger field oversight of contractors and to improve contractor reporting procedures.

The assistant secretary for environment will also develop, as soon as possible, a plan to revise the DOE order system and safety standards consistent with NAS recommendations. This includes a process similar to that used by the NRC to assure that older commercial reactors have adequately considered current safety requirements and a policy for backfitting new requirements to existing facilities.

The assistant secretary for defense programs will prepare within 60 days an action plan to resolve each of the technical recommendations by NAS.

THE SRP: HAS IT BECOME A GREATER RISK TO THE PUBLIC?

(By Jack Horan)

The Savannah River Plant, cornerstone of the United States' nuclear warhead production effort, has become a far greater risk to public health and safety than officials expected when they built it 35 years ago.

The defense plant, in southwestern South Carolina, manufactures plutonium and tritium, two key explosive components in the United States' 25,000-plus nuclear warheads.

In the 1950s, federal officials expected the remote, 300-square mile site, which is about 25 miles southeast to Augusta, to serve as a limitless sponge to safely absorb radioactive and chemical wastes.

They figured the plant's nuclear reactors were safely designed and—like the destroyed reactor at the Soviet Union's Chernobyl plant—didn't need domes to contain radioactivity in case of an accident.

They presumed the government would provide a disposal site for the dangerous high-level nuclear wastes the plant produced.

But it didn't turn out the way.

Instead:

The U.S. Energy Department's plant—operated by Du Pont—has become one of South Carolina's worst polluters.

The Chernobyl accident showed it was a mistake not to have containment domes and prompted a National Academy of Sciences study of reactor safety. Since then, plant researchers have discovered the four reactors are unsafe when operated at full power.

The government has no permanent storage site for high-level radioactive waste, so the waste sits in tanks at the plant—making South Carolina the nation's largest repository of nuclear waste. Other radioactive material permanently buried at Savannah River is so dangerous a threat it will have to be guarded for 300 years—longer than the United States has existed.

What makes the problem worse, critics say, is that the Energy Department, which was supposed to be supervising the plant safety, has failed to do the job.

The result is that, although no deaths or catastrophes have occurred, the Savannah River Plant's operations have created a zone of risk in South Carolina.

The aging of the facilities and the continued dumping of wastes in violation of some environmental laws add to the risk.

The General Accounting Office last month concluded that years of lingering problems at Savannah River and other weapons facilities ". . . raise serious questions about both the safety of individual facilities and DOE (Department of Energy) operations as a whole." The office estimates it will cost billions of dollars to fix things.

Said Sen. John Glenn, D-Ohio, whose state contains a weapons-related facility: "It's almost a creeping Chernobyl."

Savannah River and Energy Department officials say the reactors are run safely, that no damage occurs outside the plant and that they work to comply with environmental laws. Said Del Bunch, a top Energy Department official: "I think we have a fairly extensive regulatory oversight system already in place."

Until recently, Savannah River operated with little public scrutiny, shielded by the national security aspects of its mission. The plant is immune from nuclear safety rules that apply to commercial reactors and for years contended it could ignore environmental laws.

But rising concerns about safety and environmental damage—accelerated by the disastrous Chernobyl accident in the Soviet Union last April—has put Savannah River and other weapons facilities under unprecedented scrutiny by Congress, state regulators, public interest groups and the media.

The attention comes after a massive nuclear weapons buildup by the Reagan administration that is straining the deteriorating facilities from Savannah River to Fernald, Ohio, to Hanford, Wash.

An investigation by The Charlotte (N.C.) Observer has found that questions about the Savannah River Plant fall into five categories: environmental contamination by radioactive and chemical wastes; safety at the reactors and other nuclear facilities; threats posed by the loss or theft of nuclear materials and by their transportation; the possible long-term threat to the health of workers and the public from radiation; and whether outside agencies should oversee the facilities.

CONTAMINATION

According to documents from the Savannah River plant, the Energy Department, the General Accounting Office (GAO) and the South Carolina Department of Health and Environmental Control (DHEC):

The Savannah River Plant has become South Carolina's second most heavily fined polluter. DHEC has fined the plant $235,450 in 11 enforcement actions since 1979. Another enforcement action is pending.

Two suspected cancer-causing solvents, triclene and perclene, have contaminated 150 acres of groundwater, seeping into a deep aquifer that provides drinking water from Alabama to North Carolina. Plant officials are pumping the solvents out at a cost of $50 million. They say no drinking water is at risk. The solvents got into the groundwater from a leak in a sewer line to a seepage basin. Since 1958, officials have dumped 3.5 million pounds of triclene and perclene into the basin, now closed.

The Savannah River Plant gives South Carolina the nation's highest concentration of nuclear waste, including 33 million gallons of high-level waste that can be deadly for thousands of years. In 1960, 700 gallons of waste from an underground tank seeped out through a leak about 30 to 40 feet underground. The waste has contaminated an area of 30,000 square feet, about three-quarters of an acre. Plant officials say it has not contaminated the Tuscaloosa Aquifer and plan to leave the waste in place.

Other radioactive wastes will remain at Savannah River forever. While states maneuver to avoid housing permanent storage sites for the nation's nuclear waste, South Carolina has one by default. Almost 17 million cubic feet of radioactive wastes—including plutonium—are buried at the plant and will have to be guarded and monitored for 300 years, perhaps longer. The government plans to store plutonium waste in New Mexico but the buried plutonium at Savannah River is too dangerous to remove.

Radioactivity has contaminated groundwater, streams, ponds and soil. Some streams have concentrations as much as 750 times the Environmental Protection Agency (EPA) limit for drinking water. Turtles in ponds on site routinely are found to be "hot." Groundwater around waste tanks and basins has become highly contaminated with radioactivity from both intentional and accidental discharges. In 1984, tritium concentrations in groundwater were as much as 116,000 times above the EPA limit for drinking water. While no one drinks the water, the EPA limit is used as a bench mark of enviromental degradation.

REACTOR SAFETY

Plant researchers discovered in 1986 that, because of mistakes in lab tests, the plant's four nuclear reactors had operated for six years without the necessary cooling to prevent a catastrophic meltdown in a severe accident. To compensate for the unsafe condition, the Energy Department has cut operating levels by 50 percent since November.

Officials still haven't acted on 198 recommendations for fixing safety problems, some of them dating to the 1970s. A large backlog could conceal a combination of faults that could lead to a serious accident, according to the GAO. Du Pont's own consultants acknowledge that the backlog "may indicate a trend toward a gradual deterioration of safety . . ."

Reactor operators at Savannah River are less well-trained than their counterparts at commercial reactors, according to a 1986 Energy Department audit.

The reactors have no leak-tight containment domes to prevent the escape of radioactivity in an accident. Containments are required at all commercial nuclear plants. At Chernobyl, a fire and explosion blew through a partial containment, spewing radioactive particles and gases over thousands of square miles of western Russia and Europe. Savannah River uses a "confinement system," where fans suck air through filters designed to trap radioactive particles but not gases.

Other safety measures fall below standards for commercial reactors. In a severe accident, the reactors are designed to discharge radioactive water into a 500,000-gallon tank with the overflow going outside to a 50-million-gallon earthen basin. That would not be permitted for commercial reactors because potentially dangerous levels of radioactivity could seep into the air, exposing people.

TRANSPORT, TERRORISM

Trucks and planes cross the Carolinas carrying deadly nuclear material to and from the Savannah River Plant. There have been no known incidents but critics raise questions about the possibility of sabotage. In 1986, 67 shipments of dangerous spent nuclear fuel from research reactors in the United States and Europe were trucked to Savannah River from Norfolk and other ports.

There are no known terrorist incidents involving the Savannah River Plant. But in a 1985 exercise to test plant defenses, simulated aggressors escaped into the woods at the plant with a bucket of simulated plutonium—the makings of a nuclear bomb. Plant guards retrieved the bucket before it could be smuggled off-site.

HEALTH EFFECTS

Plant officials say radiation releases have never been high enough to threaten short-term harm to anyone—either workers or people who live around the plant. They say the average person gets more exposure from lingering fallout from nuclear weapons tests than he or she gets from the Savannah River Plant.

Energy Department-sponsored studies of long-term health effects are continuing.

PLANT OVERSIGHT

The Energy Department has inadequately supervised the plant, say critics who think that is the heart of problems with Savannah River and other weapons plants. The critics include a growing number in Congress. They say that because the department is responsible for both production and safety, there is a built-in conflict. With no outside oversight, they argue, production of nuclear weapons will invariably win out over safety.

The Energy Department's program "has become a toothless watchdog guarding the safety and environmental integrity of one of the potentially most hazardous undertakings in the world," concluded department consultant James Kane. In 1985, Energy Secretary James Herrington strengthened the office and launched initiatives to improve safety and environmental compliance.

The Savannah River Plant was born in the cradle of the Cold War with the Soviet Union in 1950.

At the time only the Hanford plant in Washington state was producing plutonium for atomic bombs. President Harry Truman wanted another source of plutonium as well as one that would make tritium for the top-secret thermonuclear bomb.

After sifting through 115 places, the Atomic Energy Commission—the Energy Department's predecessor—chose a patchwork of farmlands and pine forests in Aiken, Allendale and Barnwell counties in South Carolina, bordering the slow-moving Savannah River.

Work started in 1951. The $1.1 billion plant was built by Du Pont, the chemical and energy firm based in Wilmington, Del. Du Pont has run Savannah River since the day the plant opened in 1952.

The Atomic Energy Commission and then the Energy Department have renewed Du Pont's five-year contract without interruption. Du Pont's unusual arrangement for running the $1.2 billion-a-year operation calls for a fee of only $1 a year.

John Granaghan, the Du Pont plant manager, said Du Pont operates Savannah River solely as a patriotic duty. "We do it as a source of pride and support of our defense policy, without a profit."

Pride and a huge payroll make Savannah River a welcome neighbor. It is South Carolina's largest employer, with 14,190 workers on site and another 1,200 in Wilmington, Del. The annual payroll is $359 million, an average of $23,933 per worker. The plant provides the economic lifeblood of nearby Aiken, an azalea-bedecked town whose fortunes turn on plutonium and peonies.

Townspeople hold Du Pont in high regard. "We're very, very fortunate to have a blue-ribbon company operating the Savannah River Plant," Tommy Wessinger, chairman of the Aiken County economic development board, said at a January hearing on reactor safety.

Others see a clear and present danger. Environmentalist Frances Close Hart of Columbia describes Savannah River as a "national defense sacrifice zone."

"It's such a mess down there," said Hart, chairwoman of the Energy Research Foundation. "It's almost an unsurmountable environmental problem."

The nuclear power house of the Free World is surrounded by thick forests populated by deer and turkey. The reactors sit in clearings hewn from pines. They are housed in gray, block-type buildings designed to withstand blasts from atom bombs that the Soviets might drop.

The so-called heavy-water reactors are at the vortex of an unusual manufacturing complex unlike any in the United States.

They make no electricity but use nuclear fissioning to convert uranium into plutonium, and lithium metal into tritium gas. After bombardment with neutrons, Separations Plants remove the plutonium from nuclear wastes. In another process, a furnace extracts the tritium.

The complex also includes exotic operations that don't figure into the production of nuclear warheads.

One of these is a partly finished $1 billion plant that will convert the 33 million gallons of nuclear waste from a corrosive liquid into stable glass.

Ironically, it was the Chernobyl disaster that sharply focused public attention on Savannah River. Last April 26, the Soviet reactor killed 31 persons and may cause cancers in hundreds, perhaps thousands of others.

Chernobyl's shock waves were felt first at the N Reactor at Hanford, Wash. Like Chernobyl, the N Reactor has a graphite core and no containment. In January, the Energy Department shut it down for safety modifications.

Last year, for the first time, Energy Secretary Herrington asked an independent agency to examine the safety of the Hanford and Savannah River reactors. The National Academy of Sciences report is expected in June.

The accident gave unexpected weight to the arguments of critics who think the Energy Department can't be trusted to regulate its own plants.

The department has resisted outside regulation, claiming it follows Nuclear Regulatory Commission standards where applicable and is upgrading its internal safety oversight.

Critics remain skeptical and continue to push legislation that would require the department to use outside experts and put agencies such as the Environmental Protection Agency in charge of aspects of the weapons facilities.

Some think the threat of the weapons facilities themselves is greater than the threat they are supposed to counteract.

Asked Sen. William Cohen, R-Maine, during a hearing last month: Should the pursuit of national security be allowed to mean an unacceptable safety risk?"

ARMS CONTROL AND FOREIGN POLICY CAUCUS

Mr. HATFIELD. Mr. President, for the past 18 months, it has been my privilege to serve as chairman of the 130-member Arms Control and Foreign Policy Caucus. As anyone who has ever worked with the caucus knows, one of its great strengths is its committed and tremendously talented staff. Their efforts and enthusiasm go largely unrewarded, Mr. President, but both the caucus staff and the interns who work with them make an important contribution to the individual members of the caucus and to the numerous debates in which we all engage.

I rise today for two reasons. The first in simply to say thank you to the caucus staff, on behalf of the members of the caucus and the Congress as a whole. The second reason is to bring to the attention of my colleagues an example of the fine work that one of the caucus staff has done. "El Salvador: Hope Born of Despair" appeared in last Sunday's Los Angeles Times. Its author, Caleb Rossiter, offers important insight into one of the most overlooked and indeed most troubling of U.S. foreign policies. The essay is typical of the first rate work done for the caucus by Dr. Rossiter, and I hope my colleagues will take the time to read it.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 7, 1988]

EL SALVADOR: HOPE BORN OF DESPAIR

(By Caleb Rossiter)

WASHINGTON.—At a conference in El Salvador that brought leftist rebel politicians and pro-government activists together, one speaker indentified a "paradox of despair and opportunity" that is evident as the civil war grinds into its ninth year.

The despair is pervasive; after $3 billion of U.S. aid, the military balance is virtually unchanged, while economic and social conditions have deteriorated dramatically. But the very occurrence of a public conference including the rebels engenders some optimism about the possibilities for peace. More and more Salvadorans see continuation of the war as unacceptable, creating a sense of re-evaluation that has extended even to the U.S. Congress. The first legislative flight over U.S. policy in the four years since the inauguration of President Jose Napoleon Duarte erupted in June in Washington.

The U.S. policy of "marginalizing" the rebels with military pressure while making political and economic reforms to defuse the roots of the conflict has not worked, lending credibility to moderate voices in El Salvador who have urged both sides to give up hopes of victory and negotiate an end to the war. There are a thousand casualties annually on each side; neither the rebels nor the army are any closer to winning.

The "dirty" war has escalated sharply this year; both military-sanctioned death squads and rebels kill unarmed civilian opponents. Unemployment has soared to 50% and average income has fallen 40% since the start of the war, as the economy has suffered from constant rebel attacks on infrastructure and the cost of a fivefold military increase. The war has driven 10% of the population from the country and another 10% to refugee and squatter camps. The country is kept afloat only by record U.S. aid.

On top of these military and economic woes, the government's political leadership had fragmented badly, even before outgoing President Duarte's recent hospitalization for cancer. No one knows just who has the authority to cut the war-ending deal that El Salvador needs. The public is disillusioned with Duarte; he failed to end the war and his party's staggering corruption led to victory for the right-wing ARENA party in the Assembly elections this spring. ARENA , the party of reputed death-squad leader Roberto D'Aubuisson, is expected to win the presidency next spring as well, taking advantage of a split in Duarte's party.

Remarkably, in the midst of all this is the first glimmer of hope for El Salvador since Duarte traveled to La Palma to meet with rebel leaders soon after his election in 1984. That meeting came to naught, and both sides have held to the positions they presented there: The government says the rebels should lay down arms and run for office; the rebels say that first they need a restructured government that can protect their supporters from the dealth squads. No member of the military has been tried for abuses of human rights, not even the one who recently killed the only judge who tried to bring the army to justice.

A wide spectrum of Salvadorans now appears to believe that the deadly stalemate requires—and may even generate—creative thinking and concessions on both sides. One important step in that direction is the recent announcement by rebel political leaders that, contrary to the advice of their military leaders they will contest the presidential elections next spring. Another is the rebels' recent decision to propose a mutual de-escalation of the war to be followed by a three-month truce for negotiations.

The man who organized the June conference on negotiations. Father Ignacio Ellacuria, rector of a Catholic university, is one of the few Salvadorans who commands enough respect on both sides to serve as a mediator. He told both sides they must believe the alternative to concessions is an unwinnable war.

Certainly most civilian leaders on both sides have come to believe this; unfortunately, many military leaders—both rebel and army—have become inured to war. They hope against all the evidence that the stalemate can be broken in their favor. The Salvadoran officers now moving into top leadership and the right wing leaders who recently took control of the Legislature speak ominously of "total" war, beyond the control of U.S. policy-makers and their concern for human rights. Rebel military leaders speak once more of an "urban uprising" this fall to sweep the military from the country. To head off such bloody campaigns, civilians on both sides must be able to offer some proof that a negotiated settlement is possible. For this, the United States must provide active encouragement.

Unfortunately, U.S. policy appears to be drifting in El Salvador, waiting for new presidents to be elected in both countries. The U.S. Embassy reportedly agreed to attend the conference on negotiations, but then received other orders from Washington—not to appear with rebel politicians until they first break their alliance with the rebel military, so as not to "legitimize" their presence.

If the goal of U.S. policy is to end the war with some prospect for democracy, this refusal to bring rebel politicians as far as possible into the political process appears to be self-defeating. The political wing of the rebels is led by some of the most "legitimate" politicans in Salvadoran history, whose participation will be required by any settlement to be successful. Their president, Guillermo Ungo, was Duarte's vice-presidential running mate in the 1972 election that was stolen by the military, and served in the civilian-military junta that tried to chart a course back to civilian rule in 1979.

The rebel vice president, Ruben Zamora, was a top official in Duarte's party until 1980, when the military raided a party meeting and assassinated his brother, a Cabinet minister, and he fled for his life. These men have allied with the Marxist-led rebel military because it is the only force capable of challenging military rule—and of offering, through the threat of retribution, protection from the military and the death squads. Their roots are on political rather than military action—they have shown a far greater willingness than their military wing to seek a negotiated settlement.

The recent deterioration of the political situation in Nicaragua makes it hard to conceive of negotiating a solution to any of the deep-seated political problems in Central America. Nonetheless, the military resiliency of both sides in El Salvador shows that negotiations are the only way out. If El Salvador could establish the same kind of uneasy truce that for more than six months has stopped most of the killing in Nicaragua, it might be tough for the combatants to restart the war.

To try to bring the same urgency to the search for a truce and negotiated settlement in El Salvador that was brought to bear in Nicaragua, U.S. Sens. Mark Hatfield (R-Ore.) and Tom Harkin (D-Iowa) recently took the issue before the Senate committee that prepares the funding bill for foreign aid. The senators proposed withholding half of El Salvador's military aid until the Administration reports on Salvadoran and U.S. efforts to promote a negotiated settlement, and redirecting a third of U.S cash aid (which indirectly pays for the expanded Salvadoran army) to health and water projects—directly addressing the needs of the poor.

The Administration's response to this largely symbolic proposal was instructive. Declining to debate the senators' claim that U.S. policy has failed to bring El Salvador any closer to peace or reform, the Administration cast the measure as a personal slap at Duarte, whose signature appeared on a letter from his bed at Walter Reed Army Medical Center asking the committee to reject it. After a full-court press by Secretary of State George P. Shultz and a State Department roundup of absent senators, the provision, was dropped from the bill by a 15-14 vote. Instead, the sponsors accepted a provision redirecting a quarter of cash aid to basic needs. For the first time in four years, Congress had taken away some of the Administration's ability to bankroll El Salvador as it had planned.

As the situation in El Salvador continues to deteriorate, this legislative fight was probably the first step in reopening congressional debate. The next occupant of the White House will find Congress already asking why the issue it thought had been settled with massive aid has come back. There will be increasing pressure to drop the pursuit of a military victory as the primary U.S. goal. Congress will probably push tough measures to encourage negotiations, and to create a safe environment for rebel participation in a government that would throw murderers out of the Salvadoran military and bring them to justice in court.

The only apparent alternative to this course is another eight years of war.

BILL AND HELEN MILLIKEN

Mr. RIEGLE. Mr. President, on August 27, hundreds of distinguished Michigan citizens will gather to celebrate the contribution to public service of Bill and Helen Milliken. As many of my colleagues know, Bill and Helen Milliken have a long tradition of service to Michigan, serving as Governor and first lady for 14 years, the longest of any Governor and first lady in Michigan's history.

The Milliken's many years of leadership were characterized by a sense of decency, of sincerity, and of an idealism tempered by the practical pursuit of worthy goals.

Bill Milliken's distinguished career began in 1960 when he was elected to the Michigan State Senate. As a third generation State senator, Bill continued his family's longstanding commitment to public service and to helping the people of Michigan. His role in the senate expanded in 1963 when he was selected Republican floor leader. The next year, 1964, Bill Milliken was elected Lieutenant Governor, and when Governor Romney resigned to join President Nixon's Cabinet, Bill Milliken became Michigan's Governor on January 22, 1969.

During his 14 years in the State house, Bill Milliken's easy style, gentle manner, and commitment to the public good won him the respect of labor and management, of consumer advocates and industry, and of citizens, both public and private, from both parties throughout the State. He once said "I'd like this administration to be recognized as an open and an honest and a compassionate administration." No one can deny that he achieved this goal.

Helen Milliken is her husband's closest adviser. Throughout the years together, Helen worked as an energetic, caring first lady. Still today, her commitment to equal rights and social justice is well known throughout Michigan. She remains a tireless supporter of the equal rights amendment.

We, as citizens of Michigan, recognize that the Milliken's real legacy stands in the programs, policies, and attitudes they shaped as Michigan's first couple. It is a legacy of decency, honesty, and caring; a legacy that all of us in public service strive to achieve. Mr. President, Michigan is a better place because of the Millikens.

TRIBUTE TO AL MAZEWSKI

Mr. RIEGLE. Mr. President, I rise today to pay special tribute to our dear friend, and an outstanding American, Al Mazewski. All of us who were privileged to know and work with Al over the years were saddened to learn of his passing.

Less than 1 year ago, Al Mazewski, who served as president of both the Polish National Alliance and the Polish American Congress, was honored with the 18th annual "Heritage Award" of the Polish American Congress for:

> * * * his thoughtful, creative leadership to millions of Polish Americans, for his efforts to enhance their existence and their political participation, and for his unrelenting demand for a free Poland.

As a Polish American who, throughout his life, demonstrated great pride in his Polish heritage, Al Mazewski strove to help others understand and appreciate more fully their ethnic heritage. By example, Al showed us that our own appreciation for the freedoms and liberties we enjoy in this country can be strengthened and made more resolute by keeping in touch with our ethnic roots, and by working to promote those freedoms in the lands of our ancestors.

And so, Mr. President, it is with great sorrow that we mark Al's passing. We will deeply miss his friendship, and all the world will miss the powerful and inspired leadership he provided on behalf of universal freedom and human rights. I know all of my colleagues join with me in extending our deepest condolences to his wife, Florence, his children Marilyn and Aloysius, and to their families.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Karen Phillips, of Virginia, to be a member of the Interstate Commerce Commission on which there shall be 10 minutes of debate equally divided.

The PRESIDING OFFICER. The clerk will report the nomination.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Karen Borlaug Phillips, of Virginia, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1991.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. As the chairman of the committee, we are pleased to report with approval, overwhelming approval, the nomination of Karen Phillips to the Interstate Commerce Commission. Ms. Phillips worked on the staff of our distinguished colleague and former chairman, Senator PACKWOOD. She worked on the Commerce Committee staff with distinction, and we on the committee think that she is an outstanding appointee.

This morning, the Senate is considering the nomination of Karen Borlaug Phillips to serve as a member of the Interstate Commerce Commission [ICC]. The nomination of Ms. Phillips was ordered favorably reported by the Commerce Committee on June 28 of this year, with only two dissenting votes. The committee's action followed a full committee hearing on her nomination on June 7 of this year at which time her views were carefully examined regarding rail and motor carrier issues—the two primary concerns of the Interstate Commerce Commission.

The Commerce Committee's hearing on Ms. Phillips nomination was particularly thorough. The nominee testified and responded to questions for nearly 2 hours before the committee. In addition, she responded to an extensive series of pre- and post-hearing questions submitted for the record by committee members. All of this leads me to conclude that our examination of Ms. Phillips and her positions was indeed thorough. This examination also caused me to conclude that as chairman of the Commerce Committee I can fully support her nomination.

The appointment of Karen Phillips to a term on the ICC would be an asset to the Commission. If confirmed, Ms. Phillips would serve on the ICC through December 31, 1991. She will be a pivotal vote on the Commission. Ms. Phillips is well suited for this position. She has a strong background in transportation, having served as a staff economist on the Senate Commerce Committee working in the area of transportation, as well as an economist for the U.S. Department of Transportation. Currently, she is minority chief economist of the Senate Finance Committee. All who have worked with her speak highly of Ms. Phillips, her integrity and abilities. In my opinion, she is well qualified to serve as a member of the Interstate Commerce Commission and I urge her confirmation by the full Senate.

There were two dissenting votes in the committee, the Senator from Washington and the Senator from West Virginia. So under the limited time agreement I will yield that time to our distinguished colleague from West Virginia.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I must vote against this nomination, and I would like to explain why.

The Interstate Commerce Commission is a small agency, administering a highly technical body of law. Nevertheless, it is supposed to stand watch over basic principles of our free enterprise economy.

It is supposed to promote competition, fair play, and the competitiveness of Amercan industry.

In recent years, the ICC has failed to meet its responsibility.

In 1980, Congress deregulated competitive rail traffic but insisted that the ICC assure reasonable rates where railroads have monopoly power. Instead, the ICC has shirked its responsibility and rendered the law a dead letter. It has created a maze of burdensome and unfair procedures from which no shipper seeking fair rail rates can emerge with justice.

Although hidden from public view in the increased costs of basic industry and agriculture, the result has been widespread economic damage. The result has been damage to the coal industry of West Virginia, Kentucky and other States, economic damage to farmers, economic damage to the Nation's chemical industry—in fact, economic damage to all those who are compelled to ship by rail.

All this is now widely acknowledged. Karen Phillips herself, in her confirmation hearing, questioned the ICC's record. Yet, Ms. Phillips could not bring herself to support legislation to ensure that the ICC carries out its congressional mandate. In fact, she endorsed the idea of abolishing the ICC and farming out the remaining duties to other agencies.

This is not a question of the nominee's professional experience, which is fine. It is a question of whether we are going to have a continuation of the discredited philosophy of "anything goes" that has recently prevailed at the Commission.

As I have worked with shippers, railroads, and consumers to produce a balanced legislative solution to the problems at the ICC, some have suggested that we can solve the problems with new appointees instead of with legislation. But new nominees will only aggravate the problems if the philosophy—Reagan pervasive philosophy—perpetuated is the old one. If that happens, the need for legislation will become even more pressing.

In the case of the present nominee, I hope that, if confirmed, her record will prove me wrong. In light of recent ICC history, however, the public should not be asked to take a chance. I must vote "no."

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Thank you, Mr. President.

Mr. President, there are few if any people that I could more warmly endorse for any position than Karen Phillips to be a member of the Interstate Commerce Commission. Senator ROCKEFELLER made reference to some of the current decisions, and in fact they were heavily depending on economics. Here is an economics major out of Commerce who went to work for the Department of Transportation, was there under Secretaries Adams and Goldschmidt, who has won numerous awards when she was at the Department of Transportation under Democratic Secretaries.

She then came to the Commerce Committee when I became chairman. She basically was 5 years in Transportation, has been 6 years with me, most of it at Commerce, some of it at Finance and she is without a question an expert on everything transportation-wise that moves on the ground—buses, trucks, trains. She knows the subject.

She is also well aware that whether or not the Interstate Commerce Commission remains or is abolished is a congressional decision. We may abolish it one day, or we may not. We abolished the Civil Aeronautics Board but that did not mean the end of our concern with airlines. We simply moved some of the remaining functions over to the Department of Transportation. As far as I am concerned, that could be done with trucks now. We have for all practical purposes eliminated trucking regulations. We have a few vestiges leftover in rate commissions. What is leftover could be moved to the Department of Transportation and the Motor Carrier Division eliminated. That does not mean we are opposed to safety. It does not mean we are opposed to the economic concerns of the country. But those are congressional decisions. She knows that.

She has handled everything that she ever touched in the Commerce Committee with aplomb, with care, with intelligence, and the vote on her coming out of the committee and her bipartisan support is evidence of that.

She then moved over to the Finance Committee as a staffer when I became chairman there; moved into an area that was not transportation. As I have said to many people, I think the task that she had to do during the tax reform bill was probably the most difficult task anyone could have been given. She had to handle the transition rules in the tax reform bill, the requests from all of the Members. Of course, they do not come over in a year's length of time. They do not come until the Members think, "My gosh, there might be a bill and I need an exception for my industry or my State or my something."

And so in a period of 6 or 7 weeks, 3 or 4 weeks, in come these hundreds, thousands, of cascading requests from every Member, and to every Member their request is the most important part of that bill. Not "Do we keep the investment tax credit or not?" Generally it is, "Do we keep it an exception for my little business?"

She handled every one of those with every Member, dealt with the Members, in most cases personally, because it was important enough that they called her. At the end of it, she came off with accolades for fairness. Most of the requests were not granted, but she came off with accolades for fairness.

Mr. President, there is not anybody better suited for any job than Karen Phillips, but without which there is no one better suited for the Interstate Commerce Commission than Karen Phillips, and I am absolutely privileged and delighted to be able to vote for her confirmation this morning.

What is our time situation, Mr. President?

The PRESIDING OFFICER. The Senator from Oregon still has 1 minute and 21 seconds.

Mr. PACKWOOD. Unless anyone else wants time, I would be prepared to yield mine back.

Is the vote set at 9:30?

The PRESIDING OFFICER. Yes. The Senator is correct.

Mr. PACKWOOD. I would be prepared to yield back my time, unless anybody wants time.

Mr. HOLLINGS. We would be glad to yield back our time at this particular point.

The PRESIDING OFFICER (Mr. GRAHAM). All time having expired, under the previous order the Senate will now proceed to vote.

The question is, Will the Senate advise and consent to the nomination of Karen Borlaug Phillips, of Virginia, to be a member of the Interstate Commerce Commission? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN] would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 24, as follows:

[Rollcall Vote No. 302 Ex.]

YEAS—71

Armstrong
Bentsen
Bond
Boren
Boschwitz
Bradley
Breaux
Burdick
Chafee
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Reid
Riegle
Roth
Rudman
Sanford
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—24

Adams
Baucus
Bingaman
Bumpers
Byrd
Chiles
Conrad
Daschle
Gore
Graham
Harkin
Inouye
Kennedy
Kerry
Lautenberg
McConnell
Melcher
Mikulski
Mitchell
Proxmire
Rockefeller
Sarbanes
Sasser
Simon

NOT VOTING—5

Biden
Cochran
Dodd
Kasten
Weicker

So the nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. PACKWOOD. I move to lay that motion on the table.

Mr. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The galleries are admonished to refrain from showing signs of approval or disapproval.

There is a motion to reconsider the vote by which the nomination was confirmed. Is there a motion to lay that motion on the table?

Mr. FORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Those who have private conversations will please take them to the Cloakroom.

Without objection, it is so ordered.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of the confirmation of Karen Borlaug Phillips to be a member of the Interstate Commerce Commission for a term expiring December 31, 1991. I desire the RECORD to show that, were I present, I would vote 'aye' on the confirmation of Karen Phillips.

Ms. Phillips is a well qualified nominee who will be an excellent addition to the ICC. I am pleased that the President has chosen Ms. Phillips and am confident that just as her nomination was passed by the Commerce Committee overwhelmingly, that the full Senate will do likewise.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I am hoping that we can get an indication of where we are going on the Contra aid amendment.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The PRESIDING OFFICER. The Senate will return to the unfinished business, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Byrd Amendment No. 2813, to extend humanitarian assistance to the Nicaraguan Resistance, to require a report on diplomatic efforts to resolve the Central American armed conflict, and to provide procedures for Congress to consider legislation made necessary by an emergency in Nicaragua occurring before the adjournment of Congress.

Mr. BYRD. Mr. President, if the Chair will indulge me, I am waiting on the distinguished Republican leader. I feel that now is the time to attempt to get some understanding of what is in store on the Contra aid amendment.

Does any Senator wish me to yield for a morning business speech?

Mr. President, if the Chair will indulge me, I would prefer just to hold the floor and wait, if Senators have no objection.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 9:53 a.m., recessed until 9:58 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAHAM].

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 9:48 a.m., recessed until 10:04 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX].

RECESS

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent the Senate stand in recess for 10 minutes.

Thereupon, at 10:04 a.m., the Senate recessed until 10:14 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX].

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, at 10:15 a.m., the Senate recessed until 10:26 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX].

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 10:26 a.m., recessed until 10:31 a.m.; whereupon, reassembled when called to order by the Presiding Officer [Mr. BREAUX].

RECESS

Mr. BYRD. Mr. President, while we are waiting on a telephone call, I ask unanimous consent that the Senate stand in recess for 5 additional minutes.

There being no objection, the Senate, at 10:32 a.m., recessed until 10:37 a.m.; whereupon, reassembled when called to order by the Presiding Officer [Mr. BREAUX].

RECESS

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes.

There being no objection, the Senate, at 10:39 a.m., recessed until 10:40 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX].

TEXTILE AND APPAREL TRADE ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 847, S. 2662.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2662) to remedy injury to the United States textile and apparel industries caused by increased imports.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DOLE. Mr. President, reserving the right to object—and I shall not object—I indicate for the record and for the majority leader that this has been discussed with Senator EVANS, who has an interest in this matter, and Senator THURMOND and the ranking Republican on the Finance Committee, Senator PACKWOOD, and they have no objection to this request.

Mr. BYRD. I thank the distinguished Republican leader.

There being no objection, the Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill S. 2662.

Senators Ernest F. Hollings, Harry Reid, J. Bennett Johnston, Paul Simon, J.J. Exon, Daniel P. Moynihan, Claiborne Pell, Wendell Ford, Carl Levin, Bill Proxmire, Strom Thurmond, John J. Rockefeller, Terry Sanford, David Pryor, John C. Stennis, Richard Shelby, Quentin Burdick, George Mitchell, Jesse Helms, and Tom Daschle.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 2662.

Mr. BYRD. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is H.R. 4781.

Mr. BYRD. In the meantime, I think we should have a live quorum and have Senators come over, so that we can discuss the Contra aid situation.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the regular order.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Senate continued with consideration of the bill.

Mr. BYRD. Mr. President, does the distinguished leader wish to have the floor before I suggest the absence of a quorum?

Mr. DOLE. No.

QUORUM CALL

Mr. BYRD. Mr. President, I suggest the absence of a quorum. It will be a live quorum, and I suggest that the Cloakrooms so indicate to Senator's offices.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 25]

Breaux
Byrd
Dodd
Dole
Metzenbaum
Pell
Shelby
Stafford
Stennis

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll, and the following Senator entered the Chamber and answered to his name:

Adams

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. DOLE. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Delaware [Mr. ROTH], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

The PRESIDING OFFICER (Mr. Fowler). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 72, nays, 22, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—72

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wirth

NAYS—22

Armstrong
Bond
Chafee
D'Amato
Evans
Garn
Gramm
Hecht
Heinz
Helms
Humphrey
Karnes
McCain
McClure
McConnell
Murkowski
Nickles
Quayle
Specter
Symms
Wallop
Wilson

NOT VOTING—6

Biden
Cochran
Kasten
Roth
Simpson
Weicker

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. Senators will please take their seats. All Senators please take their seats. The Senate will be in order.

The majority leader.

AMENDMENT NO. 2813

Mr. BYRD. Mr. President, I hope that I might have the indulgence of Senators just for a few minutes.

Mr. President, on this past Friday I offered an amendment which is intended to support the overall goal of moving the Central American region toward a peaceful settlement of its differences by placing United States support squarely behind the Arias peace process. This legislation puts the Sandinistas on notice that this Congress supports the diplomatic solution envisioned in the peace process as the way to resolve the conflict in Central America, but that we are prepared to return to military pressure if Ortega fails to keep his word to democratize his government, and continues to restrict the democratic hopes of the people of Nicaragua, and by his actions creates an emergency situation having a critical impact on peace and stability in Central America.

This amendment, which is cosponsored by several Senators, provides $27 million in humanitarian aid to maintain the Contras as a pressure point and negotiating element until March 31, 1989. The amendment also provides $5 million in medical assistance for the innocent civilian victims of the war in Nicaragua, to be administered by the Catholic Church in Nicaragua. It outlines economic incentives to encourage the Sandinistas to reach a general peace settlement with the Contras. It strengthens the negotiating position of the Contras by providing for the Congress to expeditiously take up a Presidential request for the transport of previously authorized military assistance if the Government of Nicaragua acts to create an emergency in Central America which threatens the existence of the Nicaraguan resistance and is detrimental to the peace and stability in the region, in violation of the Esquipulas accord of August 7, 1987.

Mr. President, this legislation provides no new lethal military aid in or out of escrow. But it is a clear indication to the Sandinistas that they have reached a crucial point in their future course of action. Mr. Ortega should understand that he has reached a fork in the road. He can deliver on his pledge to adhere to the peace agreement he signed on August 7, 1987, and peacefully coexist with his neighbors or face further isolation and possible renewed military aid to the Contras.

Consideration of the release of the previously authorized aid can be triggered by a Presidential request that Congress expeditiously authorize its transport after such a request comes over from the House, if the President has:

First, consulted with the Presidents of Costa Rica, El Salvador, Honduras, and Guatemala.

Second, demonstrated that the Sandinistas have created an emergency which threatens the peace and stability of Central America and the existence of the resistance.

Third, Nicaragua continues to receive unacceptably high levels of Soviet bloc armament.

Mr. President, no Member of this body can be pleased with the recent repressive actions of the Nicaraguan Government. This Senator considers, as I am sure all Senators do, that United States security is of paramount importance in regard to the conflict in Central America.

I have always felt that in matters involving the national security of our Nation, no third party negotiator could be adequate. The Contras certainly are not equipped to be the sole guardians of United States national security when it comes to a Soviet or Cuban influence in Central America; or Soviet block influence. Yet they can be a useful reminder to Ortega that there are limits to what will be tolerated. And so, depending on events, under this proposal, the President may yet decide at a later date to request more military aid. But this amendment allows time for the peace process to run its course while keeping the Contras viable for the future. This approach keeps the options open and on a fast track. President Arias is reported today to be attempting to revive the peace process and I hope he will be successful.

This amendment is a carrot and stick proposal which hopefully will encourage both the Sandinistas and the Contras to resume their cease-fire negotiations in accord with the provisions of the Esquipulas agreement. Its intent is to invite a peaceful resolution of the civil strife in Nicaragua as well as advance the prospects for peace throughout Central America.

I hope that my amendment will receive bipartisan support so that the signal will be sent in the strongest possible way.

Mr. President, this amendment, in the first degree, was offered on last Friday and, including that day and since, there have been many, many meetings between our two parties in the Senate and meetings with White House personnel—and possibly other executive agency personnel, I do not know.

But these meetings have gone on and on and on; and I think they have been worthwhile. I hope that we have advanced the cause of the legislation by virtue of these meetings.

I am one who believes that every degree of patience should be demonstrated in the effort to bring about the full fruition of the legislative will, and I have never found it to be entirely in vain that such patience be demonstrated.

I have marveled at the Republican leader's equanimity and patience in the course of these meetings. I have not sat in on all of them by any means. But I do know about them, and I know that Senator Dole has done his utmost. It must be frustrating to him, as it has been frustrating to many of the rest of us. He has tried, and tried again, to reach an agreement whereby we can, hopefully, get on with the action on the Contra aid issue and finish our work on the DOD appropriations bill before the recess.

Now, Mr. President, I think that the time has come for me to proceed with my amendment. I have done everything that I know to do. And I say to the distinguished Republican leader that, without any hesitation or reservation whatsoever, I know that he has done everything that he can do. But it is obvious that no leader can guarantee anything in the Senate when it comes to the matter of delivering a final vote. He has to have the indulgence and cooperation and support of his colleagues, and any Senator can object to a time agreement, thus stringing out the debate and, in some instances, stringing it out almost interminably. It may be that now and then a Senator relishes that power. I have to recognize it.

Mr. President, Senators who wish to unwisely use that power also have to recognize a few other things. One is, that the Senate is larger than the composite total of its 100 Members, and that the Senate in the final analysis has a responsibility to work its will; and, further, that the people of the country—Republicans and Democrats, Independents and whatever—expect us to do the public's business.

I respect the viewpoint of any Senator and respect his right to use the Senate rules and to refuse to give consent to agreements. It is a great power. It can even be intoxicating, undoubtedly, I suppose, once in a while, to some Members, to understand that they can wield such power.

One thing I have always regretted, and that is that in this Senate, which has to operate on the basis of comity and understanding, a Senator can even exercise this great power and not even come to the floor. He can simply call his leader and say, I object to any agreement. I am going home. Or I am out in the hills of West Virginia and I object to any unanimous-consent agreement until I get back. I will not be back until after the convention—or after the recess, but I am objecting to any agreement.

That is a great power for any Senator to be able to do that and not even come to the floor. The Senate ought to require its Members to come in person to the floor if they want to object to an agreement that is intended to expedite the people's business by this institution.

But that is food for another day's thought and not for today. I am simply stressing the fact that Senators do have this power. But they also have a very deep responsibility to the Senate.

I have done everything I know to advance today's effort. I have sat in meetings and I have waited through many recesses. I know that one of the problems with this issue is that certain Senators want a guarantee that the House of Representatives will act in a certain way in the event that the President makes his request, and those Senators insist upon that guarantee.

Mr. President, may we have order in the Senate?

The **PRESIDING OFFICER**. The Senate is not in order. The staff will retire to the Cloakrooms. All Senators will take their seats.

The majority leader.

Mr. **BYRD**. A Senator with a one-track mind can easily be distracted when he is trying to make a little talk.

But some Senators want guarantees that the House is going to act and act expeditiously and they even want the Speaker and the House leadership to issue a guarantee of some kind.

Mr. President, I have done everything I can do and so has the Republican leader to get such an understanding with the House. I called the Speaker at least twice, and I believe perhaps three times. I asked for a letter and he sent a letter. And I even, without anybody asking me to do so, wrote into the language of the amendment that, when the President makes his request under the Byrd amendment and the bill comes over from the House, that either the minority leader or I can offer an amendment that will strike out the text of the House originating measure and insert in lieu thereof the following text:

> That the Congress hereby authorizes the President to transport to the Nicaraguan Resistance all previously appropriated assistance held in title by the Nicaraguan Resistance and provides, if requested, the authority for the interchangeability of the assistance with certain equipment.

I have no leaf to hide anything under. I have nothing under the table. I have nothing up my sleeve. Everything I have is out on the table. I have assured Senators that if the President meets those conditions that are laid out in this amendment and makes a request, that it is certainly going to get expedited action here.

I cannot guarantee what the House will do. I think Senators have to stop a minute and think. Suppose Members in the House wanted a guarantee from Senate leaders that some specific action would be taken in the Senate in the future, does any Senator think for 1 minute that Senator DOLE or I would accede to the request of the House, sight unseen in advance, that we guarantee delivery on this or that proposition? We cannot do that, and it is absolutely silly to remain obstinate in such a demand.

I think the Speaker has said all he can say and done all he can do to give assurance. I think we have to go on faith when we reach a certain point in regard to these matters.

Mr. President, Senators who are objecting to the Republican leader—the Republican leader is trying to get an agreement whereby he will get a vote on his amendment, I will get a vote on mine, up or down or tabling, or whatever—Senators who object to a time agreement have to understand, Mr. President, that this amendment provides something, whereas without it, the Contras get nothing—nothing! It provides $27 million in humanitarian aid to run from October 1 to March 31 of next year.

So it provides humanitarian aid; it provides for the transportation of that lethal assistance that has been appropriated and is in the pipeline. It provides for $5 million in civilian medical aid to be delivered by the Catholic Church, and it is definitely a plus for those Senators who really want to keep the Contras viable and an effective force.

Why do Senators remain obstinate and unwilling to give an agreement to let the Senate work its will in regard to both the Dole amendment and the amendment I have offered so we can get on with this bill?

Let me say to the Senators, and I say this as low key as I know how to say it, we have a dire emergency supplemental appropriations bill, and that dire emergency supplemental appropriations bill has moneys for 26,000 families throughout this country whose working members have lost their jobs as a result of unfair trade practices. And those families are not receiving the trade adjustment assistance payments to which they are entitled. They have been going to the mailbox for the last several days and they have not been getting that check. They are in need now.

The Contras, on the other hand, are funded until October 1. They are not going to an empty mailbox. They are funded until October 1. And yet the supplemental bill continues to be held hostage by virtue of the desire on the part of some who want to see a Contra aid amendment on that supplemental.

Mr. President, I hope that we will come to a resolution of this matter today and that we will be able to send the supplemental bill to conference, because it has to be acted on in conference before we go out tomorrow for the break, else that emergency supplemental bill will still be around here after the break.

Mr. President, if that happens, I have no choice but to cut the break short. I have no choice. I will not hesitate to do it. I will not interfere with the Republcan convention, but instead of going out for recess until the date of September 7, we will come back earlier. That is not a threat. It is just a recognition that the people's business cannot be damned because of the obstinacy of one or two or three Senators who just simply refuse to look the facts in the face.

We have to come to grips with reality. I am not going to be a party to putting this Senate out, and I will not take up an adjournment resolution that will allow us to go out, for 3 weeks or more and see those American workers stand meanwhile in need of their subsistence checks.

And I also feel a heavy responsibility to bring this Senate back if we are not going to finish this DOD appropriations bill before we go out. Senators may not be altogether happy with what I have said, but I have a responsibility to do just what I have said. We either finish the work on the DOD appropriations bill today or tomorrow or we come back the week after the Republican Convention and do our work on this DOD bill.

I understand that there may be two or three Senators who will be just as happy to see the DOD appropriations bill go over until we come back after the break in September. I am not happy with that at all. It may be that in the best of all situations, if we cannot pass it until we come back, we will have an opportunity to come back early and the people will then see who is doing the filibustering, if we have to come back immediately following the break following the convention.

I say that in all good faith and good spirit. I do not say it as a threat. I just recognize that the people's business has to be done. As far as I am concerned, no single Senator is going to stand for very long in the way of getting the people's business done.

Mr. President, I shall offer my amendment, and I hope the distinguished Republican leader, if not just now, and other Senators on the other side, will feel that, shortly, they can join in supporting it. I would like for it to be a bipartisan vote. I know that the Republican leader would like to see a bipartisan vote. He had said so many, many times in private conversations around here. I am sure that most, a great majority, of Senators on his side of the aisle feel that way about it.

Mr. President, I beg the tolerance and understanding of all Senators in what I have said, but I have a responsibility, as leader, and I intend to fulfill it as best I can and to the utmost of my ability.

AMENDMENT NO. 2833 TO AMENDMENT NO. 2813

(Purpose: To extend humanitarian assistance to the Nicaraguan Resistance to require a report on diplomatic efforts to resolve the Central American armed conflict, and to provide procedures for Congress to consider legislation made necessary by an emergency in Nicaragua occurring before the adjournment of Congress)

Mr. BYRD. Mr. President, I send to the desk my amendment to the Byrd amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself, Mr. DODD, and Mr. BOREN, proposes an amendment numbered 2833 to amendment numbered 2813.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with, and that Mr. CHILES be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is printed later in today's RECORD under Amendments Submitted.)

Mr. DOLE. Mr. President, I understand this will fill up the tree; this will be the amendment that we will debate. I urge my colleagues on both sides who want to discuss the Byrd amendment, this is a good time to do it. It seems to me we have had enough meetings. Maybe it is time we start discussing the issue in the Senate Chamber.

I do not know what may happen. Maybe nothing will happen this week. Maybe it will. But I say there are questions, legitimate questions by some on this side of the aisle: What do the Contras get out of this vote? There are questions about the delivery system. If we cannot deliver it to the Contras, what good does it do to pass it? And there are political questions, which I will not go into.

We have had a lot of meetings and a lot of discussions in total good faith on both sides, so I do not suggest anything but. The majority had indicated certainly many times he is prepared to go the extra mile and the extra mile. In fact, he indicated, I think publicly, if not in a group of us, that he would even stay here beyond the proposed adjournment date if necessary to get that second vote.

I think the fundamental difference is that second vote. There are some on this side who believe, well, we can go ahead and put this on the appropriations bill, and they will load up the appropriations bill with all of these arms amendments and all the other amendments the President would not like and say, "OK, Mr. President, you take it or leave it. You are going to get a little Contra aid if you take all this other stuff." The President is not going to do that. He has already demonstrated by vetoing the defense authorization bill that he does not want all this stuff on the defense authorization bill or on the defense appropriations bill, so he is not going to swallow a lot of extraneous provisions that have no place on either bill to get a little bit of Contra aid. There are other things he can do before we adjourn to raise the question of Contra aid, on a continuing resolution or on another supplemental or whatever it may be.

But there are some Members on this side who are more expert than I in these areas who really believe that by accepting the Byrd amendment, it is an invitation to load up the DOD appropriations bill, load up the DOD authorization bill in conference, and then tell the President, "If you want Contra aid, you are going to pay for it." He does not want to be in that position and he is not going to be in that position because he has indicated as recently as yesterday he would veto it.

So, if you look at that particular area, my colleagues ask me, what do the Contras get? They get nothing during the recess, not a thing, not a dime. This is effective in October. We are back here in September. And there has to be a second vote to release $16 million already appropriated once—no new lethal aid. And so there is a legitimate question, what have we gained? Have we provided sort of an umbrella for certain Members of the Senate to say, "I voted for Contra aid, everybody voted for Contra aid?" That is another legitimate question.

In the amendment that I would offer there is not any second vote. There is no need for a second vote. This money has been previously appropriated. We accept the so-called Byrd provision, the $16 million in previously appropriated aid with a swap provision which is in both amendments so that it is material that can be used by the Contras. So, I suggest that is the big difference.

I agree with the majority leader that we cannot bind the House to do anything. They cannot bind us and we would be infuriated if they tried. I think we have learned in the budget process, which sets it out fairly clearly, that you cannot bind the House. They have a Rules Committee. What we say or what we do or what we put in our legislation does not have any impact, or very little impact, but we do have the Speaker's word. Some say, "What is that word?" Well, as far as I am concerned, I have never asked for his word but he has given me his word, and that is about all we have in this place is our word. He indicated to me with the majority leader on the phone, the Senator from Oklahoma on the phone, and Representative CHENEY on the phone that he would give a vote on the President's package when the President made the request and there would also be an alternative package, maybe the Speaker's, maybe somebody else would have a package. The way they do it on the House side is if you have two votes, the first vote prevails but then if the second vote prevails, the second vote is the one that they accept on whatever package it might be.

So I guess the bottom line as far as this Senator is concerned is do we do anything for the freedom fighters in Nicaragua? For all the reasons the majority leader stated in his statement, we are fed up with Ortega. I believe most Members are fed up with Ortega. But I assume even he could be good for a couple of weeks so the President could not make these statements and make this certification of an emergency situation. We do not know whether the President can determine there is an unprovoked attack on the Contras, human rights violations or receipt of unacceptable levels of Soviet-Cuban military aid. As far as I am concerned, any aid would be unacceptable. So we may be putting the President in a position where he cannot make that emergency certification. And so it is a dead end.

Some would say sending it to the House is like putting it in the waste basket. So I guess the real hangup on both sides is delivery: How do we get it to the Contras? I think the Senator from Oklahoma will probably make the point, it probably does not make that much difference; we are talking about maybe a couple weeks if there is a second vote, and if there is lethal aid provided and you have what we call a mixed load, there is not a problem with delivery. But that is a question I think we need to address.

We have a different definition of humanitarian assistance. We have a broad definition which includes a wide range of nonlethal supplies and they have a narrow definition in the so-called Byrd provision.

I have been in touch with the White House this morning. I will be in touch with General Powell as the debate goes on, and I think I can say now, notwithstanding what General Powell may have said to anyone else, the White House has not yet taken an official position. Their position is right now they support the Dole amendment. The Dole amendment is not up. It may be up later. We can always make an agreement to go back and try what we have been trying to do for a couple days and put the Dole amendment on the supplemental and have a vote. If it fails or passes, whatever, then we dispose of the supplemental, because I happen to share the view expressed by the majority leader and the Senator from Oregon, the ranking Republican on Appropriations, that we ought to have action on the supplemental before we leave here for the reasons that the majority leader stated, plus there are other benefits in that bill, emergency benefits including the Small Business Administration, black lung benefits, trade adjustment assistance which affects 12 States, and we will make all that available for the RECORD.

Now, I had hoped—you always try to be creative around here—maybe somebody would yet come up with the perfect idea which would satisfy everyone. I know the majority leader cannot do it, but I suggested this morning let us just make an agreement we pass the supplemental without any amendment and get it over to conference. I understand in a couple of hours they could finish the conference. And then we put the Byrd amendment on the appropriations bill and the Dole amendment on the defense authorization bill almost by unanimous consent, complete action on those two bills; we have already sent the supplemental to conference, and then each side can claim that they prevailed. Those who have concerns on my side about ever getting the second vote will say, "Well, at least we got to conference." And the other side can claim the same.

I understand that may not be possible but at least it is something we might consider, and maybe there are better ideas. If the House would send us another little supplemental, just another little supplemental with something they really needed to do, right now, we would let the other supplemental go and then we would put a package on that vehicle and send that back to conference.

So I believe we have made some progress. It may not be noticeable, but we have made a lot of progress.

I want to commend the distinguished Senator from Oklahoma and Senators on my side, the Senator from Arizona, the Senator from Wyoming, other Senators who have been in every meeting, the Senator from Colorado, the Senator from North Carolina, my colleague from Kansas, the Senator from Maine, Mr. COHEN, the Senator from Washington, Mr. EVANS. We have had good cooperation. I do not think anything has broken down yet. But I do agree with the majority leader we might as well start doing something, and doing something would be discussing his amendment and maybe some of these questions that I have raised can be clarified. The trouble is when you get up in the morning, you turn on the television—at least I do. The first story on CNN, "The Democrats have to have this before the Republican Convention to get Senator BENTSEN off the hook." I do not think Senator BENTSEN is on a hook. He has been a consistent supporter of Contra aid and will continue to be. Some would say this is a Bentsen umbrella we are about to pass. I do not know that that is correct. I do not believe that is the case. Senator BENTSEN does not need an umbrella. He has a good record on supporting aid to the freedom fighters. I do not know what Governor Dukakis' view is on this package. I have not heard. Maybe we will hear.

But it seems to me that we are down to the point that the majority leader suggests. We need to move ahead. Maybe moving ahead is starting the debate, and letting Members on each side express their views about the amendment and express their reservations about the amendment. I am an optimist. I think we can wind up all the business today, get off a day early, and those of us who are going to the big event in New Orleans—hopefully, a big event in New Orleans. [Laughter.]

We have 1 more day to prepare ourselves. And we will not be coming back here after our convention. It is going to be so exhilirating after our convention that I do not think we will be able to concentrate probably for months. [Laughter.]

We do not want to do that if we can avoid it.

So I believe that because of the good faith, not just because, but in part because of the good faith of the majority leader, who has indicated his frustration with Daniel Ortega, he has put his leadership on the line, so to speak, and is trying to hold together a fragile coalition on that side. And I must say frankly a few of those could slip off, if it would help on this side. But, in any event, that sort of is where we are at this point.

Once the debate starts I know Senator WALLOP is prepared to speak, Senator MCCAIN is prepared to speak, and we can still be visiting with Members on both sides and with the administration. I have indicated that the President supports the Dole amendment. If that amendment fails, then we would appreciate knowing his position on the compromise amendment.

So I thank the majority leader.

I hope we can reach some agreement, even as the debate is in process if we can expedite it. Everybody understands this issue. It has been around for a long time. It is a very important issue. The bottom line is helping the Contras. The bottom line is not politics. The bottom line is not one side prevailing over the other side. The bottom line in the view of this Senator is are we going to get any money to the Contras, are they all going to be driven into Honduras, or is Ortega going to prevail because we did nothing.

I do not believe any Member of this body—well, maybe a few, but not many—wants that to happen.

If America stands for anything, it stands for freedom. And I cannot believe the Members of this Senate, or the Members of the House, regardless of their views on this particular issue, are going to sacrifice 10,000 to 15,000 people who are fighting for freedom and swallow the views of the dictator Daniel Ortega. I do not think that will happen. I think the majority leader has made it clear it is not going to happen as far as he is concerned.

I think we also send a message during this recess period to all the countries in that area, if we get a good vote for a good Byrd package, not only to Ortega but to Oscar Arias, President of Honduras, and all the other five countries involved, plus many others in that part of the world, that we have a strong bipartisan vote in the Senate for $27 million in humanitarian aid.

We have a promise from the majority leader that we are going to get a second vote, and, if the House sends us something else, as he has already recited, that he will put in the President's request and support it. That, in my view, goes a good way. We still have a way to go. If Daniel Ortega or his press officer understands what we are doing, it puts him on notice and puts his government on notice that you cannot lock up your political opposition, that you cannot shut down your newspaper at will, that you cannot turn off the Catholic radio, that you cannot abuse human rights one day and expect us to withdraw our support from people who believe in just the opposite the next.

So I have a lot of confidence in the system. And I know some of my side may not fully understand we lost in 1986. We are no longer the majority. We do not have the votes to call up the supplemental. Or I cannot call up the supplemental. It has been suggested that you call up the supplemental, and that I offer the Byrd amendment to the supplement. I cannot do that but once. The leader cannot do that to leaders. And I do not intend to do that.

So we are at the, I think, point where we can probably have a good debate, and maybe some of the concerns expressed on this side can be resolved. If so, we have not lost anything about having a debate. That will take some of that time out of the time agreement and in the meantime, we are still continuing to work on time agreements. I already had a couple of my Members come to me and say I do not want to hold it up. So I think we are making some progress. If we cannot, I would assume as the majority leader said, if there is extended debate on this amendment, we probably will not get to a vote today or get to a vote tomorrow. Then the question is what, or maybe Friday. Then it would be a question of coming back and completing it I guess in about 10 days.

So everybody understands what the rules are. As the majority leader said, it was not a threat. It was a statement. And we accept it. We do not want to come back. But I think for reasons stated, primarily the 26,000 families on trade adjustment, thousands of families on black lung, those who are waiting for small business emergency loans, I think they certainly would expect us to be here and not on vacation.

So I thank the majority leader. I thank all other Senators on both sides of the aisle. We have not had many disagreements on this side. In fact, we have had a lot of meetings, and we have had a lot of good questions raised. And I would hope in the final analysis there is still some way to resolve the remaining questions.

I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I appreciate very much the remarks that have just been made by both of our leaders. They are working strenuously to try to reach an agreement to let the Senate work its will and to let us have a strong bipartisan expression on this important issue. It is no small wonder that we are having difficulty on this matter. This issue of Central America and what to do in Nicaragua has been one of those issues that has polarized the country more than any other issue that I certainly have seen during the 10 years that it has been my privilege to serve in this body.

But we have a unique opportunity now to have a strong bipartisan expression that will help the peace process by putting clearly on notice the other side, the Sandinistas, that if, as has just been said by the Republican leader, they continue to violate the peace accords, they continue to lock up opposition leaders for exercising their own political rights to dissent, if they continue to shut down the free news media, that we will have an opportunity for an up or down vote, a vote that could not be filibustered in September on the release of military aid, aid that we have already paid for previously but it has not yet been delivered to the Contras.

I would appeal to those on the other side of the aisle who time and time again have stood with me in trying to assist the Contra cause, in trying to bring leverage to the peace process, to enter into this time agreement and let us have a victory on this matter.

No one feels more strongly than I do about what has gone on in Central America. There has not been one instance, not one time that a request for aid to the resistance has come to this floor that this Senator has not only voted for it, but spoken for it and not spoken for it immediately but spoken for it passionately. I have indicated, and I believe this, that when the decision was made to cut off military assistance to the freedom fighters, to the resistance in Nicaragua, that it was perhaps the most serious mistake, the most serious foreign policy mistake made in the past couple of decades by the Government of the United States.

I believe we have set in motion, if that decision is not reversed, forces that will lead ultimately to chaos and instability in the entire region, all the way from the Panama Canal to the Rio Grande.

I am sorry to say it, but I believe that unless we begin to get some leverage back to the freedom fighters, to those people in the region, to fight for themselves, we are setting in motion a chain of events that will increase, not decrease, the likelihood that young Americans someday will be forced to engage in combat in our own hemisphere to protect our own vital national interests.

I will never forget the discussions I had with some of those leaders in Nicaragua who uphold the values we believe in, like Mrs. Chamorro, the widow of the martyred publisher of La Prensa, killed not by the Sandinista government but killed by Somoza, the Sandinista regime, a statue to it in downtown Managua.

Mrs. Chamorro and her associates believe in the values we believe in—freedom of the press, democracy—and do not favor a dictatorship of the right or of the left.

I will never forget discussions with those people, who said:

> I hope you will never forget us and our cause. I hope the United States will not make any side agreement just for some promise from the Sandinistas that they will not attack their neighbor in return for pulling the plug on those of us who are fighting for pluralistic democracy in our own country, in your own hemisphere, in your own neighborhood. Do not forget us. Do not forsake us.

Mr. President, I made a vow to myself that as long as I had the ability to influence events, I would never forget what was said to me and I would never forsake those people.

What we are talking about here in what has been referred to as the Byrd package? It is a simple matter, and I say to the Members on the other side of the aisle that it is time for them to make a decision.

Do you want a political issue to take into the political campaign? If you want a political issue to take into the political campaign, fine. If you want to take the position that "no matter how reasonable the offer from the other side of the aisle, we won't accept it because we want a political issue," fine. I cannot argue with that.

That is the kind of politics I have never played as a Member of the Senate. I have exercised my responsibility to vote on matters as I saw them. I did not say, "Is it a political issue?" when I, as a Democrat, voted to support the President's Persian Gulf policies. I did not say, "Is it a matter of politics? when I, as a Democrat, voted to support the President's initiatives in Afghanistan and Angola. I did not say, "Is it a matter of politics?" when I exercised my own judgment and conscience to vote for the confirmation of the President's nomination of Judge Bork to be on the Supreme Court of the United States.

Yes, I had political fallout on those things. People said: "You ought to put your party high on your list of priorities." I said: "No. We are here to serve our country."

If there is anything that has disillusioned me as a Senator, it is that I have been in on too many discussions on both sides of the aisle in which the point was raised, "Will this help our party politically?" instead of, "Will this help our country?"

I did not come here to serve our political party first. I came here to serve America first.

Harry Truman said, "If you want to be a good Democrat, you better be a good American first." That is what I believe in, and I believe that is true of the Republican Party as well. If we are going to be good members of either political party, we should put our country first.

In this situation, I believe we should figure out some way to get help to the resistance and send a message that supports the peace process by saying, "Listen, Mr. Ortega, if you don't start abiding by the peace process and keeping your promises, we are very likely to vote to resume military assistance to the Contras by releasing what is already in the pipeline and letting them have that."

I think it is time for us to send that message—and not by a vote of 51 to 49, but with an overwhelming bipartisan majority.

If you want to get help to the Contras, what do you have to do? Let us look at the fundamentals. I appeal to my friends on the other side of the aisle to listen to this particular point. What do you have to do? Right now, there is no military assistance possible for the Contras.

You have to pass a bill through both Houses of Congress—the Constitution says that is the only way you can make law—and it has to be approved by the President. Unless we adopt the Byrd proposal, given the promise of the Speaker of the House on an up-or-down vote on the proposal in the House, and we have a nonfilibusterable vote in the Senate, only 10 hours of debate—if the Byrd amendment is adopted, we have a chance for the President of the United States to present a request for release of military assistance and have it voted on in both Houses. Without the Byrd amendment, there is absolutely no guarantee—and I would say a very unlikely chance—that you will ever get that vote, because the rules of the Senate allow for a filibuster, and it takes 60 votes, not a majority, to end a filibuster.

Unless we adopt the Byrd amendment, which allows for a vote on the President's request after 10 hours of debate, I have grave doubt, as a supporter of Contra aid, that we will ever get a vote in the U.S. Senate prior to the sine die adjournment of this Congress for the release of military assistance. There is no guarantee of that whatsoever.

Unless you can be sure, unless my friends, who I think have misunderstood my proposal, know for sure that they have in their hip pockets 60 votes or more, then it is time for them to join those of us on this side of the aisle who believe just as sincerely as they do in the resistance cause. Join with us. Do not deprive us of the only chance that we are going to have in this Congress to assure ourselves of an up or down vote in the Senate that cannot be filibustered on the release of military assistance to the Contras. That, to me, is the absolute, fundamental point.

If the Dole amendment or any other amendment is offered, you cannot assure that it will not be filibustered in the Senate. In fact, I think that if the Dole amendment were not to be tabled, there would be a filibuster.

I do not think there is any way you are going to get a vote on immediate release of military aid today that will not be filibustered. You cannot get a fast-track procedure, 10 hours of debate. This amendment allows us to have the opportunity.

I appeal to my friends on the other side of the aisle, let us have that chance. I do not want a political issue in the fall campaign over who lost Nicaragua. I do not want to lose Nicaragua. I do not want a political debate over who sold out the Contras. I do not want to sell them out.

I do not want election year politics to say let us turn down anything offered from this side of the aisle so that we can get an issue and prevent helping those people who are fighting for values we believe in.

The way it is structured, this does fit in with the peace process. We are given one last chance, a chance for Mr. Ortega to accept, for him to get back on the path and to begin to keep his promises; because, under this, we would vote very likely in September. That is the fundamental point.

Do those who say they want Contra aid want to have a chance to vote on Contra aid? If they want Contra aid instead of a political issue, I cannot, for the life of me, see why they would turn their backs on this particular proposal.

Let me go to a second point. It has been said that there is some political motivation here because this is cover for Democrats, so that the fact that some Democrats feel one way and some feel another way about Contra aid can be disguised. In the first place, no one is trying to disguise it.

Senator **Dole**, the distinguished Republican leader, said just a moment ago, that Senator **Bentsen** has never hidden his view on this matter. Governor Dukakis has not hidden his. There is no secret that I agree with the view previously expressed by Senator **Bentsen**, a view he still holds.

If we get a fast-track vote on the question of releasing military aid in September, we are all going to have to vote. There will be a rollcall. Everybody in the country is going to know how every Senator, whether Democrat or Republican, voted on that question. There is no cover here. If you are going to have an up or down vote on a rollcall, how is that covered? Everyone has to express his or her own judgment at that time.

So that is just a false argument.

Let me go to the third point which has been a matter of great discussion the last couple of days. That is do we have an effective delivery system of the humanitarian aid to the Contras that are in the country right now? Can we get it to them in Nicaragua? Can we get it to them inside Nicaragua?

Mr. President, I will say that I myself for about 48 hours thought of almost nothing else but trying to figure out a way to be sure that we could get the humanitarian aid to the Contras inside the country.

I personally think we came up with a way to do it if the Agency for International Development and the bureaucracy in that department would simply be willing to make the system work instead of trying to avoid it, not wanting it, because it is a hot issue, a controversial program, and bureaucracies by their nature do not want to handle controversial programs.

I have to say, after having focused on that question for 48 hours, I finally woke up and said to myself that is not important, that is not important at all. I see my good friend from Wyoming and my good friend from Idaho on the floor, and I want to explain why I think we have been looking at the wrong target here. We have been focusing on the wrong thing.

We will vote in September on this final matter. It will be September before the humanitarian assistance, if this is approved, is signed into law by the President. It will be that long before it goes through both Houses on whatever vehicle it goes. I do not think we have to have a concern about a vehicle, by the way, because the majority leader has said publicly and I think everyone accepts the word of the majority leader on both sides of the aisle in the body—I know the minority leader accepts his word—that he will make sure if something happens, if the whole defense bill process falls apart, he would put it on a continuing resolution. There is no way we can leave here without a continuing resolution and stay here long enough for the President to make his request.

So that is not a problem. But what about this problem of delivery of humanitarian assistance inside Nicaragua to the Contras? Let us suppose the worst. I do not believe this, but let us suppose the delivery system will not work. Let us suppose that you can only get it to the border and they will have to carry the food in on their backs or some system as we have had now where there is a cash payment.

How important is that? It is totally unimportant. It is totally unimportant. It is a totally and completely irrelevant issue.

Here is why. Does anyone in this body really believe that if we do not resume military assistance to the Contras that you are going to have 10,000 Contras in the field if we say to them: "Oh, we will be able to deliver food to you down inside Nicaragua; down inside Nicaragua where they are going to be shooting at you, we can deliver food to you, not any bullets, not any military supplies. You all go back in there and we will just deliver some food to you. We will drop it from airplanes to you."

Now if you were a resistance fighter, would you go marching back into the mouth of a cannon with no bullets, knowing we are going to be able to deliver food to you down there? Of course not.

The only way that you are going to get significant numbers of resistance people to go back inside Nicaragua itself or to stay inside Nicaragua is for them to have something to fight with when they are attacked, which means this: If you only vote humanitarian assistance and you kill the release of the military aid in September it is over anyway. It is over. The Contras are not going to stay in the middle of the country. At most you are going to find them on the border areas and, yes, we will still be able to feed them there under this proposal, even if the delivery system fails. They are not going to stay there.

The key question is and the key vote will be, will we release the military aid on that fast-track vote in September? If we do this proposal explicitly provides that the President may request to use the same transportation system to develop, to deliver food, medicines, humanitarian supplies as well as lethal supplies on the same plane. Of course, that makes sense. You would not, if you were in a military situation, say, "Well, you have to have one plane go in and drop guns but you cannot carry medicine on that flight, you have to send another plane in to drop medicine." It would not make any sense. Now we prohibit mixed loads if it is humanitarian if we do not approve the military. If it is humanitarian only we do not allow mixed loads.

The President has the right to request the release of the military aid with the preexisting—and this is important—preexisting supply network we have used in the past, contracted with the Central Intelligence Agency, that can effectively then deliver in the same transportation network both arms and humanitarian supplies to the Contras. That is what is critical.

If we pull the plug, if we decide in September no release of military aid, you are not going to get large numbers of resistance fighters to go into Nicaragua or stay in Nicaragua.

As far as I am concerned, if we do not release it—and that is why I will so strongly argue for the release of it when we have the chance to have that vote—if we do not, I think for all intents and purposes you have struck such a blow against the resistance forces that they will not be able to keep themselves really effectively together until a new President is inaugurated in January of 1989. The decision will have de facto already have been made.

So, Mr. President, these matters are difficult. As I said we have struggled, we have struggled with grave difficulty now for about 7 years to try to come up with a nonpolarized policy to speak in a bipartisan way with a single voice effectively with leverage behind the peace process. Oh, we have tried the other. There were those who said, "Oh, take all the pressure off Mr. Ortega, take all the pressure off; he is just using this aid to the Contras as an excuse not to keep his promises, take it all off."

So we took it all off. We took it all off, took all the aid away, all military assistance away. And what was supposed to happen? He was supposed to march along with the peace process, agree for elections, agree the army would no longer be the army, in essence, of the Communist Party; but instead the army of a pluralistic state, going to have freedom of expression of the media, no political prisoners, freedom of dissent, oh, we were going to have all that, because it was only us aiding the Contras that kept Mr. Ortega from agreeing to all that.

We have tried that experiment. Many of us warned ahead of time it would not work. We have tried it. We took all the pressure off and with all the pressure off what did Mr. Ortega do? He has taken the most repressive actions even he has ever taken to date since we took the pressure off. He has arrested the dissidents. He threw out our Ambassadors, and we had hearing on that.

There were people who said, "Was our Ambassador mixing in politics?"

You had a big news story in the Sandinista newspaper that quoted our Ambassador as saying all sorts of things, like people who deny freedom to others cannot expect freedom of themselves.

We had a hearing. We put the Ambassador under oath. We put him under the spotlight. We said, "Mr. Ambassador, is it true you went down to Nicaragua and said all of these inflammatory things? Is that the reason the Sandinistas threw you out of the country?"

Do you know what he answered?

He said, "Yes, I said all those things. I gave that statement about freedom and what it meant."

And we said, "When?"

He said, "Every Embassy of the United States in the world has a Fourth of July celebration at the Embassy. They invite guests to be there. We had one in Managua, like every other country in the world."

He said, "I wasn't sure what I should say on that occasion. So, to avoid making a speech, I drew the words myself, I pulled a speech of Abraham Lincoln that he had given during the Civil War about the meaning of freedom. I told those people gathered for our Independence Day celebration. I told them I wanted to share with them the meaning of freedom; that I felt Abraham Lincoln said it better then anybody else, and every one of those words quoted in the Sandinista newspaper was a quotation of me quoting Abraham Lincoln at our Fourth of July celebration at the American Embassy."

That is what our Ambassador was guilty of the basis for throwing our Ambassador out of that country.

Thank God we have an Ambassador like that, who will say the words of Abraham Lincoln at our Fourth of July celebration. We ought to be recalled if he does not have the guts to do that.

Mr. President, the writing is on the wall as to what these people are. I have said it before. Let us stop calling them Marxists, let us stop calling them revolutionaries, let us call them Communists, hard-line Communists. They are not even Gorbachev Communists, because they do not even believe in opening the system. They are closing the system as fast as they can go. "Block captains, you do not get your food ration card, if you are not a good member, loyal to the regime." If that is not Communist control, I will eat my hat.

It is time all of our colleagues opened our eyes and looked at them for what they are and called them what they are.

This man goes and consults with Mr. Noriega. He goes and consults with Fidel Castro. He goes to Moscow to get his marching orders. He is getting $1 billion a year. We argue about $27 million. We argue about $16.3 million.

He is getting $1 billion a year Soviet aid—$500 million arms and $500 million economic aid to his small country every year from the Soviet Union.

I do not know where President Monroe is, but I know President Monroe has been turning over, over and over and over again. The headstone has been disturbed by what has been happening.

We argue about $50 million of help in our own hemisphere, in our own area of interest, not in Southeast Asia, not in Vietnam, in our own backyard. We are arguing about it and we let the Soviet Union continue to send in a billion dollars of aid, half of it military.

Well, Mr. President, it is clear what is going on down there, from my point of view. Now, there are some colleagues on my side of the aisle that will not agree with me.

Let me say that one of the most remarkable things about the discussions we have had over the last week—and we have had plenty; the Senator from Kansas, the distinguished minority leader, has mentioned it; the distinguished majority leader from West Virginia and I have discussed it. I think many of us will have withdrawal. We will have trouble kicking the habit of all of these discussions we have had with each other around the clock when, hopefully, this finally ends.

But it has been remarkable. We have listened to each other with respect. We have heard each other out.

The Senator from Connecticut and I and the Senator from Massachusetts and I and others have had sharp disagreements on these matters before. We heard each other out. We heard each other out. And we were able to forge an agreement, not only an agreement that they will vote for the release of military aid. They are going to take a different point of view than I am, and I respect their right to do that. But we forged an agreement that will let the Senate work its will and let us have an up-or-down vote after 10 hours of debate on whether or not to release military aid.

If the President requests it—and there is some confusion about the President's certification. We do not pass judgment on whether or not the President has certified properly before he gets his fast track. All he has to do is request it. The fast track is automatic. If he says the Sandinistas have taken action to upset the peace and stability in the region, he automatically gets his fast-track procedure.

Now, Members will make their own judgments in their own conscience. I will make my judgment. The Senator from Connecticut and the Senator from Massachusetts will make their own judgments of: "Has the President cited sufficient reasons to lead me to vote for it?" Some of us may say yes and some of us may say no.

But he does not have to certify that certain things have happened before he gets his fast-track procedure. He merely has to make his request. In the report accompanying his request he has to give information on subjects such as Soviet bloc arms, any attacks on Contras, and violation of the peace accord.

In my opinion, there is plenty of evidence right here today. The President only needs to say what has already happened, as far as this Senator is concerned, for this Senator to vote for the release of military aid. As far as I am concerned, it already happened. Five hundred million dollars is enough evidence of Soviet bloc arms. Closing down the Catholic radio, putting additional pressure on La Prensa, and arresting dissident leaders for demonstrating are already enough reasons. He does not have to say another thing, as far as this Senator is concerned, before I am going to vote for it.

I suppose that is predictable. There are probably some others that no matter what was in the President's report would feel it is the wrong action to release the aid and feel they are not going to vote for it anyway either. But we will have that vote.

But I would say to my colleagues: let us let this time agreement go forward. Let us have a vote on the Dole amendment and then let us have a vote on the Byrd amendment.

And let me say to my friends that have worked, we have all worked together, those of us who believe passionately in the Contra cause and those of us that have strong concerns about what is going to happen to the stability of the entire region if the Sandinistas were to solidify themselves and be free once again to stir up trouble in El Salvador and Guatemala and all other countries where the level of guerrilla activity is against those governments is directly traceable.

Whenever the level of Contra activity went up and the Sandinistas were occupied, the level of subversive activity against the elected democratic governments of El Salvador and Guatemala went down. If you take all the Contra pressure off the Sandinistas and I will guarantee you the level of guerrilla activity to destabilize those democratic governments in the rest of the region is going to go up.

Let us at least have a vote with a time certain on both of these proposals. I know there is skepticism. There is a lot of distrust here.

I have heard some Senators say to me, "I don't know how in the world I can vote for something that another Senator who has been opposed to me in the past is going to vote for. How am I going to go home and explain it?"

That is going to be hard for both to explain. That is going to be awfully hard for both to explain.

If I end up on the same side with some people who have been on the opposite side of me on this issue, I have to go home and explain it and so does the other fellow. It is just as hard for him to explain it. It is just as hard for Senator DODD or Senator KERRY to go home and explain, "What in the world were you doing voting with Senator BOREN" as it is for Senator BOREN to go home and explain why he and Senator WALLOP, if we end up that way, were on the same side with Senator KERRY and Senator DODD, for example.

By my goodness, our concern of that kind is symptomatic of something being wrong. We are not agreeing on military aid to the Contras. We are agreeing on a fair set of procedures that protects everybody's right.

Where we can agree on a fair set of prcedures and do it in a bipartisan way, why can people, who have serious philosophical differences on issues, not be agreed on that without arousing suspicion from either side?

I have heard some people say, "you can't trust the word of the Speaker of the House." I have heard some other people say, "You can't trust the word of the President of the United States."

There is bipartisan distrust. That is the one thing I guess we are united in. We distrust each other on both sides of the aisle. And it is a shame. It is a shame. We have to rise above that. The times call for us to rise above that level of distrust.

I was on the extension. I heard Speaker WRIGHT say, "We had a misunderstanding in the past, but I want you to know, Senator DOLE"—and he made the promise to Senator BYRD as well—"I will give the President an up or down vote on his plan. Either I will offer his first, and if we have a substitute, we will vote up and down and then vote on the substitute, or I will offer a substitute first and we will vote up or down on the President's substitute. An up or down vote. We will do it in time for the Senate to act before adjournment. We won't go out until the President has had a chance to be heard from."

Then I heard Senator BYRD say, "we won't even let the other body adjourn. The Senate has to agree to adjournment. We are not going to let them adjourn."

If the President's bill giving him authority passes at the last of the session, we are going to stay here and give the President a chance to vote.

I have argued to my friends on this side of the aisle from time to time that if the President made a promise in writing or an extensive promise like that that was witnessed, no matter what has gone on in the past, we ought to accept that. We have to accept each other's word or we cannot operate.

I would say to my good friends on the other side of the aisle, I heard with my own ears what the Speaker said and I would urge them to accept that. He said it not only to me, he said it to the Democratic leader and he said it to the Republican leader. This was not a promise between the Speaker and even Mr. MICHEL. It was a promise to both sides of the aisle. It was a promise to the Democratic leader of the Senate as well as the Republican leader of the Senate.

I do not think there is anybody in this body whose word has more credibility than the majority leader. I would say both of our leaders have great credibility when it comes to keeping their word. And if I know the majority leader, as I feel assured that I do know him, he will not only keep his own word, he will make sure that someone else who has given their word to him keeps that word as well. Because in order for the majority leader to keep his word, the others are going to have to keep theirs. He will be right in there helping to enforce this agreement as strongly as anyone could help do it.

So I urge my friends, let us not let this break down on a political issue. Let us not have a rerun of the debate of who lost China or who lost Nicaragua. Let us not lose Nicaragua. Let us not take an action that destabilizes.

There is no guarantee that we will win that vote in the House in September or even that we will win it in the Senate. I feel sure that we will win it in the Senate. I do not know if we have got 60 votes. That is the reason why I am so concerned about having a nonfilibusterable proposal. But I think we have got more than 50 in the Senate unless something badly changes between now and September. I think we have got a real shot at it in the House.

One thing is sure: Whatever plan we pass we do not get anything unless it passes both Houses anyway, because that is the only way the Constitution lets us make law.

So I would urge my friends, let us allow the two leaders—I really believe both of them want this agreement to be approved. Neither one of them wants to appear to be unfair to any group or members of their own party in this agreement. Let us let the two leaders' agreement stand. Let us allow Senator DOLE a vote on his amendment on the supplemental bill and then let us return to the DOD bill and let Senator BYRD have a vote. And if the Byrd amendment is agreed to let us attach it also to the authorization bill. And let us remember the President promised the majority leader if all the defense bills get in a muddle and go down, if need be, we will put it on the CR. We have to have a continuing resolution or we cannot adjourn for the year. So we are assured of a vote. Let us have a procedure that gives us the right to have a vote without it being subject to filibuster and then we will all take our chances.

I think we have an excellent chance to win. The other side, obviously, hopes the conditions will change between now and September and the peace process will get back on track and that they will have a chance to defeat our request for release of military assistance.

That is what this is all about. It is a fair process that people that have strong philosophical differences can agree upon. The integrity of a lot of people have been pledged in support of making this process work and pledged in a highly visible way. I do not think any of them would want to go back on their words, and even if they did, I think as a pledge, the visibility of the integrity that has been pledged is so high that it would be impossible for those words not to be and those pledges not to be kept and not to be redeemed.

I go back, again to the delivery system and I ask my colleagues to contemplate it. We tried very hard. I would like to find a way to deliver that food inside Nicaragua right now. I would like to find a way to do that. If you have the CIA deliver it, we will never get it past the filibuster. It will never pass the House. That has been clear from the past.

If you have humanitarian aid only, no release of military aid, you will never get the CIA to deliver it. I wish you could. We can monitor it. Our Intelligence Committee can monitor it. I am for that. We can make sure nothing goes on those planes but food and medicine and clothes; but enough of our colleagues disagree with me to make sure that will never happen.

It may be what we want, but it is not an option. I am practical person. There are a lot of things I want but I cannot get them. There are a lot of things I want that I cannot get. Yes, I would like release of the military aid right now. But we cannot get that.

I would like the right for the CIA, with this provision of two Intelligence Committees, to deliver humanitarian aid to the Contras right now inside Nicaragua, but we cannot get that. I am a practical person.

What can we get? If we can get an up-or-down vote on releasing military assistance with the President having the right to use the same transportation system once we have released the military assistance and also carry the humanitarian aid, we can get that in a way that is not subject to a filibuster in the Senate, I would say I will take that as a supporter, a strong supporter of the resistance. I will say I will take that.

Because I have got to take my chances on whether or not I can convince enough people in the House and Senate to vote with me. Anyway, I have to pass it through both Houses. And I say it does not really matter whether or not we can deliver the food inside Nicaragua if we make a decision not to release the military aid because you are not going to have people march back into the eye of the cannon, looking down that gun barrel, with nothing but food in their knapsack in the first place.

They are simply not going to go in and do that. They are only going to go back if they have something to fight with for this cause of freedom that they have been fighting for.

They are not going to go back in and stay there in large numbers otherwise.

So the question really is moot, whether in a 2-week period between when we vote on humanitarian and military aid we could get the food inside the country rather than to the border area.

So I hope I have cleared up the trigger device. It does not require the President to certify certain things to get his fast track. He gets it automatically. That is a decision Members will make when they vote on the fast track. And we allow the President to request the full purpose, multiple purpose delivery system, existing CIA infrastructure, if we release the military aid and that is when it is crucial and we do get, and I stress this—to me it is the most important thing of all—we do get an opportunity for a nonfilibusterable vote on the release of military aid and I know of no other way.

I might want other ways. I might not get a nonfilibusterable vote on other proposals that will be more perfect than this one from my point of view. I would vote for more money; vote for it today. As I say, when the Soviets have been sending in a billion dollars I do not know why in the world we are having to struggle to get $50 million or less, $40 million or less, because that is the way it is.

This is not a perfect world, and I would urge my colleagues: Do not let us lose what I view as perhaps the last opportunity to get some real help to the Contras and to get a vote, a vote on the release of military aid. Do not let us pass by that opportunity because we might be able to all think of some things that would be more perfect from our own points of view but things that have absolutely no chance of being adopted by the two Houses of Congress.

I respect those that have asked the questions on the other side of the aisle. Let me say that there have been dozens of things that we have improved in this process because of very legitimate questions that have been raised. I am glad the questions have been raised. This Senator certainly does not mean to say that he can spot all the loopholes in something and close them all by myself. I do not.

I am glad that everybody has gone over this with a fine-toothed comb. I am glad of that. We have spotted some technical errors that we have corrected. We have had some corrections from the other side of the aisle. We started out with seven. We got all seven of those corrected and we had some more we brought and we kept on trying to bring them and kept on trying to correct them.

So I am not at all upset with those on the other side of the aisle who asked the questions. I am not surprised by the skepticism. This Senator has got a healthy dose of skepticism, too, about wanting to make sure that what we adopt is workable.

I do not want to vote for something that just says cosmetically I have somehow voted to help the Contras, when in fact I really have not done anything practical that will give them any help at all. This Senator would never vote for that; never. Certainly not knowingly. I would never do that.

I am not looking for some cosmetic way to say I am for the Contras.

Everybody knows I am for the Contras. I am looking for a way to get help to them. I think this does it.

I will say that those who have been for Contra aid on our side of the aisle have been every bit as much involved in the drafting of the Byrd proposal, every bit as much involved as those who have been opposed to Contra aid in the past. And you can still vote against Contra aid.

I do not think there is one meeting I have missed. I do not think there is one drafting session I missed. I have been in on all the wording, as far as I know. And we have allowed all the wording and urged all the wording to be looked at, not only by assistants from Senator DOLE's office but also by some very able people from General Powell's staff and from the White House.

We are close. We are very close. It is time for a bipartisan statement. Time to start bridging the gap. It is time to start saying to Mr. Ortega, not by a close vote but by an overwhelming vote: we mean business. It is time you either accept the peace process, keep your promises, move toward elections and democracy and freedom in that country or it is time we move toward resuming aid to the freedom fighters. If you are not going to give it to them through negotiation we are going to support those people that are fighting for the causes we believe in and principles we believe in. It is time to do that.

I think this proposal gives us a chance to do that and I would urge my colleagues to take another look at it.

I apologize that I am going to have to leave the floor to attend a meeting but I will be monitoring the questions that are asked, comments that are made, and I will be happy to try to return to the floor later to respond to any of those or to engage in colloquies that may be desired. But I did want to set on the RECORD to begin with the essentials, real essentials of this amendment as I see it and to express the hope that we will be able to have an agreement that will allow the two leaders to each get this vote at a time certain on their proposals and then we can move forward.

I will be the first one, if the Byrd amendment passes and the process set up by it falls apart and there is any breach of faith, I will be the first one to join those that will not only be crying foul but will be trying to do something about it at that point. But I do not believe that will happen. I just do not believe that will happen.

I have worked with the majority leader and this minority leader enough to know they are going to keep their words and they are going to make sure that things happen. I was a party to the conversation with the Speaker. I heard every word of it. I asked questions myself. I got direct answers to the questions that I asked. It was a conversation that was participated in by many.

I also talked with Mr. Alfredo Cesar last evening, again, in terms of the concerns the Contras raised about this question. We have put the accounting language that Mr. Cesar requested to be put back in, we put it back in the package. It is my understanding, in talking with him, that he very much hopes we can work out some sort of bipartisan approach like this that will work. He understands where we are.

We also worked out some language that he was requesting on the $10 million to make sure that they could not just get it by signing an agreement. They have to in good faith begin to implement it.

I think we have come a long way. It is my understanding that they are not presently expressing opposition. I just hope we will find a way to move this forward and do it today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Before the Senator from Oklahoma leaves the floor I want to say I do not quarrel in any way with his sincerity or his belief in what he has crafted. I have worked with him, and I worked with others from his side. I work with others on my side.

It is, really, a question over which people who care a lot about this issue can disagree.

So I would say to my friend that this Senator is not seeking a political issue. This Senator is seeking something to help in some real way the cause which he believes in and has since 1979.

Mr. BOREN. Will the Senator yield just for a brief comment?

Mr. WALLOP. Yes.

Mr. BOREN. I thank my colleague from Wyoming. I suppose there are very few Senators in this body—I do not know I can name any—with whom I have worked more closely than the Senator from Wyoming. Particularly we work together as comembers of the Finance Committee. We work together day in and day out. We virtually exchanged staff members from time to time. We have worked on projects together.

I would simply say I would hope the Senator would not hear anything I have said to imply the Senator from Wyoming would be motivated by anything other than his own sincere desire to get help to the Contras. I know that is exactly his point of view, and I appreciate the fact that he acknowledges that is my point of view.

Also, I think we both feel that passionately. I respect him a great deal and, as I say, I regret that I have to leave the floor but I will return and I will be happy, both in public and in private, to sit down with the Senator from Wyoming and go over the concerns that he has.

(Mr. WIRTH assumed the chair.)

I appreciate his statement. I want to make it clear to him my feelings about him, his position, and where he is coming from on this issue. It is of absolute sincerity and integrity on this, and I will say on every other matter with which I have dealt with him.

There are people who talk in diplomatic language and people who talk straight, say what they mean and mean what they say and live by their word. The Senator from Wyoming is one of those people in this body for whom I have the utmost respect.

Mr. WALLOP. I thank the Senator from Oklahoma. Mr. President, the Senator from Oklahoma said that we have to send a signal that we mean business. I will just say that someday we must, in fact, send such a signal, but the Byrd amendment does not. The signal that we have to send, when we get around to it, is that we either are going to abandon the cause of freedom in Central America and America's commitment to it and state that and withdraw and not waste $27 million of American taxpayers' money, or we must state clearly that we do, in fact, believe in the cause of freedom; we do, in fact, support those who pursue it, willing to shed their own blood. When we state it, we must back it and we must commit to it.

My problem with this Byrd amendment is that it does not. It may be practical from one standpoint, as the Senator from Oklahoma stated. The problem is its practically has a way of postponing yet once more a decision.

I will say also to my friend, when he asked and counseled us not to seek a political issue out of it, that it is the majority party which has made it a political issue because they have laid down the take-it-or-leave-it standard. That standard precludes them from voting for the Dole amendment even were they to like it.

So it is difficult for the Senator from Wyoming to understand how anybody can complain about a political standard when it has been designed and crafted by the very people who ask us not to make it one.

To disagree with their way of going is political simply because this is a political body, but this Senator and those who have pursued the cause of trying to help the people in revolution against a Communist domination and takeover of their country believe this is astonishingly important. I say to my friend from Oklahoma and others on this side of the aisle, I do not view this as a hoop-jumping contest. It is not us holding out a hoop and saying: "Jump through it, Democrat, and I will hold you accountable somewhere."

It is a contest of wills about doing something real, something which, in fact, can be made to be felt in Nicaragua, to be understood by the Communist Government of Nicaragua, to be welcomed by those who fight and shed their blood for freedom. Even in an economy as miserable and as degrading as that which Ortega has provided for his people, it is still more safe and more comfortable to be at home than it is to shed blood in the cause of freedom.

Yet, that is what people are asking us to do because they believe that peace without freedom is no peace at all. So you look at what has been crafted here and we are saying: "Well, all right, if you want peace that way, go to Honduras to get it."

Unfortunately, this is becoming a hoop-jumping contest. It has been designed and crafted by a majority party to be one. My guess is that before this is over, we ought to have an expression as to whether the Presidential nominee of that party, Mr. Dukakis, supports it. Because were he not to support it, then we are already wasting time anyway on the off chance that he might be elected President.

The Senator from Oklahoma said the provisions of the Dole amendment would be filibustered; were it to pass muster and a tabling motion, it would then be filibustered.

Why do you suppose that is? The reason why it would be filibustered is precisely because it does something, something real. Those on the other side—the Senators from Massachusetts, the Senator from Iowa, the Senator from Connecticut, and all those who have supported and counseled Ortega while he continues his domination of the poor benighted people of Nicaragua—know that they can wait out this Congress which has yet to show itself willing to face up to real questions: Abandon the freedom fighters, abandon the cause of freedom and those who pursue it or support them, but do not spend taxpayers' money in the vain hope that somehow or another somebody will judge you as having supported freedom when, in fact, you did not.

The Senator from Oklahoma, in his remarks, said that this would give Ortega one last chance. Well, in the opinion, and the historically derived opinion, of the Senator from Wyoming, there is no such thing as a last chance for a Communist dictator. We always will go one more mile with them, whereas we find those who may support us in the world of politics forever against the rigid deadline beyond which they cannot step.

But let us just take a look at the chances that this so-called peace process has had.

First, in July 1979 with the Organization of American States peace plan; followed in August 1981 by the Enders peace plan; it was followed in October 1982 by the San Jose peace plan; followed in January 1983 by the Contadora peace plan; followed in 1987 by the Wright-Reagan peace plan which Speaker JIM WRIGHT cavalierly abandoned after having given his word 72 hours earlier, embracing the Arias Guatemala City peace plan. The government of Daniel Ortega gave promises to adherence to each of these plans, but evaded and subverted them all.

What is one last chance and who is to believe there is such a thing as a last chance? We have, by the behavior of this Congress, clearly sent signals that there is no such thing if you are a Communist dictator.

The Senator from Oklahoma said let us have a victory. It is what we seek, he said. He and I do not disagree that we ought to have a victory. I think in his heart, he and I do not disagree as to what would constitute a victory, but this amendment does not.

We are not serious about aid to the Contras by even proposing it in this way. We are not serious about the freedom fighters by attaching it to the DOD authorization bill or the DOD appropriations bill because those on that side of the aisle know perfectly well that what they intend to do otherwise in that bill will elicit a Presidential veto, and that we will then go to a continuing resolution. Notwithstanding the promise of the majority leader, which I wholeheartedly believe, the anxiety of Members of Congress to leave and campaign will overcome their commitment to freedom in October, mark my word.

Even were we to be called back, my guess is we would confront the same thing. And why? The simple reason that the House is now, as the Wall Street Journal described them, America's House of Lords. People do not get defeated when they go to the House very much. I think 96 percent of Members of the House who seek reelection are reelected. But they are troubled by being asked to make real world conclusions about real world problems, about real blood, about real freedom, and about real communism. So by putting it on the DOD bill it is simply in essence trying to assure that it will never be signed. Had they been serious, they would have put it on the dire emergency supplemental, the urgent one, something they know has a timeframe which must be confronted and which must be passed.

The only other way of viewing this is that they will face the President with another of these really disgraceful choices that Congress is so adept at crafting. You take something which all America should believe in and attach it to something which is laden with things that most of America does not believe in and say, "take it or leave it." So were the majority serious about delivering aid to the Contras they would not have chosen the vehicle that they have.

I would say as well, given my premise that what we really need to do is determine on behalf of the American people whether in fact we are going to back freedom, back those who are willing to shed their blood for us, back those who believe in democracy and confront communism, were we to do that both the Dole and the Byrd amendments are far too complex. They do not define the issue. The issue is, do you support those who pursue freedom, those who pursue the relief and the release of their country from the tentacles of communism, from Cuba, from the Soviet Union? That is really what is at question here and not delivery systems and not humanitarian aid and trigger votes without corresponding filibusters and all kinds of things.

The question in front of America is really very simple and the Congress and indeed the President refuse to pose it and it goes back to: Do you believe that America should help those who pursue democracy and freedom with their own blood against the tyranny of communism? Phrased that way, you might have a rather different vote.

There are some here who do not believe that America should do that. We sit in here and quibble about all kinds of complicated issues and yet the issue is so straightforward as to be really much better explained simply by just laying it out and saving the American people $27 million if the Congress that represents them says that we do not believe in the support of people who wish to die for freedom.

It is interesting that we have in this Government at this moment in time still given more aid to the Sandinistas than we have in direct aid to the resistance fighters, the revolutionaries pursuing freedom. We still have given more aid to that Communist government. And while we are talking about who is given what aid, we sit in here and quibble about $27 million and delivery systems and subsequent votes and humanitarian aid and whether it can go into or out of Nicaragua, the Soviet Union gives a billion dollars a year to support communism and revolution against neighbors in Nicaragua—$1 billion a year.

Does anybody think that is anything but military aid? Look at the state of the Nicaraguan economy and tell me how devoted the Soviet Union is to the lifestyle of Nicaraguans, to the economy of that country, the peace of those people, their ability to do what we take for granted, to have labor unions, to have free choices, to have the right to assemble, the right to protest, even a government in Nicaragua which this past month authorized a demonstration and then clubbed, beat, and arrested the participants. They authorized the demonstration and then broke it up, clubbed and beat the participants, and arrested the leaders. That is what this aid is all about. It is really very simple. It is a question that we ought to resolve and we ought to pose simply. It befuddles, confounds the American people that we sit here and argue about delivery systems, and trigger votes, and requirements for reporting, and all of those things and none of the message gets out that this is a pure and simple confrontation between democracy and freedom in our hemisphere and the Congress is backing away from it.

Some would say, I think even Senator DOLE said it, that Ortega will have prevailed because we did nothing. I do not believe that he will have prevailed because we did nothing, because we are setting about to do nothing. It is not a question of abandoning one approach over another. Neither of them fundamentally go to the problem of whether or not it is possible to survive as a Nicaraguan citizen in pursuit of your own freedom.

Senator BOREN urged us to have a strong bipartisan expression. It would be wonderful to have a strong bipartisan expression for something that meant something, but to have a strong bipartisan expression in behalf of the plan that lies in front of us is an expression that is impossible to shoot, it is an expression that is impossible to eat, it is an expression that in effect gives Ortega the victory he has so long pursued. In order to get the aid, those 4,000 or 5,000 freedom fighters left in Nicaragua will have to leave the country to collect it. These are the boats at Dunkirk for the freedom fighters. These few dollars of humanitarian aid are the magnet that draws them out of the last chance they have to fight for the freedom of their country. We are saying to the freedom fighters, "Come to the border. Leave your homeland. Leave your dream of freedom—in exchange for some free food and bandages—Congress will feel better and so will your Communist dictator, Daniel Ortega."

We have quarrels and problems with regard to the delivery system. It is because it is designed not to get it to the people who need it in place where they are. And I guess that would be one of the reasons why this Senator believes we ought either to save the American people's money or make it work in some real kind of way.

Many would say, "Well, the Central American governments, the neighbors of Nicaragua, why are they not willing to speak out?" And I pose the opposite question: Why would they dare speak out when the Speaker of the House of Representatives negotiates with their enemy contrary to laws of the United States? Why would they dare speak out when some Senators counsel the government of Ortega how to behave until after they get by the deadlines that are set up in messages and mechanisms like this one upon which we seek strong bipartisan support?

They have to live next to a government that has the second-largest military apparatus in Central America, a country of 3 million people that has the second-largest military apparatus in Central America after the Government of Mexico, a country of some hundred-plus millions.

Why would they speak out when they have to live there, having seen that Congress will quibble, that Congress will dissimilate, that Congress will avoid making decisions upon which real events can occur? Why would they speak out? If this Government were a small nation, next to a nation bent on hostility, bent on revolution, wholly and completely supported by the Soviet Union and Cuba, would we speak out? It is unreasonable to suggest that they would because they have seen no commitment which goes back to my fundamental choice. The question here is not all that difficult. It is not so much about delivery systems. It is not so much about all manner of things we talk about today. Delivery is only a problem if something passes here, and my first point has been that by choosing the vehicle to haul it out of here, we have chosen a vehicle which is very unlikely to pass in the House of Representatives.

I do not trust the word of the Speaker of the House of Representatives no matter what he said on the telephone to those people because he said to the American people on television last year, to the whole country—not just the leadership of the Republicans and Democrats in the House and Senate, to the whole of America—he said he supported the Wright-Reagan peace plan, and 3 days later, 72 hours, we abandoned it. That is not the behavior of somebody trustworthy.

So why not again phrase the question: Do Americans support freedom and those who are willing to die for it? Or does America feel so comfortable with its freedom that it dares not commit to anyone else's?

I think the Senator from Oklahoma said that the CIA was the wrong delivery system, or at least could not get bipartisan support. Perhaps it is political but the problem is it is the only delivery system that will work. Once again, by saying that we cannot have a choice of a delivery system that will work, we said we are really dissimilating with the American people, we are quibbling in life, we are not honest, we are not up front with them, we are saying we do not have the courage to make the decision in behalf of freedom, and we are saying that the CIA cannot do it because we do not trust them even though it is the most overseen agency in the Government of the United States.

He suggested perhaps that the Agency for International Development, if only it would get off its high bureaucratic horse, would be an appropriate agency to deliver this aid. I would say that the Agency for International Development is a bureaucracy wholly unsuited to delivering supplies to military forces in the field which confront SAM fire, surface-to-air missiles, of Soviet design. It is not possible for it to do this. So this is aid worthy to be passed only to get to the border. It will achieve the withdrawal which is Ortega's principal goal, a goal he has been unable to achieve by force of arms.

The Senator from Oklahoma did say if we do not release the military money it is over anyway. Our complaint I guess is that this is designed not to release that money. So humanitarian aid delivered to the border of Nicaragua accomplishes the goals of the Communist President of that country by effecting the withdrawal of the remaining people seeking freedom. And it basically says the money we spent is designed to salve our conscious, not the problem of those in pursuit of freedom.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to discuss the pending amendment before the Senate. I would like to begin by expressing my appreciation for my colleague from Wyoming who has played a key role in this issue for many years, a man who on occasion has taken an unpopular position on these issues, and yet I think due to his diligence, study and knowledge of the issues has consistently taken the proper position. I believe he has contributed a great deal to this debate. I would like again to repeat my appreciation for all of his efforts on behalf of peace in Central America.

Mr. President, I would also like to express my appreciation to our distinguished friend and colleague from Oklahoma, Senator BOREN, who I think has made an enormous good-faith effort to try to arrive at an agreement that can be accepted by the majority of this body in order that we might achieve the goal that all of us seek; that is, the restoration of peace and democracy in Central America.

Mr. President, DAVID BOREN has devoted literally hundreds of hours in this effort, and although I find myself in disagreement with him I think he emerges as a giant in this regard. I pledge to continue to work with his laudable efforts of achieving the goals which we share.

Mr. President, I think it might be of value to articulate and inform the American people exactly where we are as far as the freedom fighters in Central America are concerned as we speak. As many of my colleagues know, we passed legislation that called for humanitarian aid to the Contras back in March. Most of us were under the impression that that humanitarian assistance would be provided inside Nicaragua to the freedom fighters as they moved toward a cease-fire in place.

Tragically we found out that was not the case. In fact, that humanitarian aid package for all intents and purposes turned into a refugee assistance package because the Contras, in order to eat, had to go to Honduras. They could not remain in Nicaragua.

What we have seen in the intervening months since the Congress of the United States cut off aid to the Contras is a steady decline in their military capability, an erosion in their presence which has accelerated in recent weeks, and a clear inability to maintain a significant and viable presence inside Nicaragua which, by the way, in retrospect we realize they could become a viable fighting force and achieve military successes far beyond the expectations of many, including this Senator.

What is happening is as we speak—and I think this is important to recognize what is happening because I think it is important in the context of how we view this legislation. I quote from a cable that arrived at the State Department yesterday. I read from it.

> The group includes civilian collaborators and children. An additional 750 personnel are expected to cross the river in the next few days.
>
> On Sunday August 7th, Task Force for Humanitarian Assistance (TFHA) delivered 6,000 pounds of foodstuffs.
>
> Because the group was earlier reported to be in bad condition, ERN medical personnel accompanied TFHA to the area. TFHA personnel on the scene report that 75-80 percent of the group was "very ill," suffering from severe foot lacerations, fungal and bacterial infections, malaria, and parasites. Many were extremely dehydrated and malnourished and required emergency treatment. ERN personnel evaculated 22 of the more seriously ill and wounded.
>
> This first group of arrivals which is composed primarily of young men, is reportedly in much better condition than those who are expected to come out during the next few days. Embassy officers who visited the site on August 8 confirmed that "those who have crossed are in very bad shape and those waiting to enter Honduras are reputed to be even worse.
>
> Resistance sources report that two additional groups are en route to Honduras. One group consists of approximately 2,000 people and is expected to arrive in the 13-15 August timeframe. The other group consists of 500 persons and is expected to enter Honduras during the 11-20 August time period.
>
> As reported in Reftel, large numbers of sick and starving resistence personnel are now crossing from Nicaragua into sanctuary in Honduras. Emboffs who have just returned from the scene report that a human crisis of major proportions may be under way along the Rio Coco. More than 2,000 may cross into Honduras in the next two weeks. These people are reported to be in an even more appalling condition than the first arrivals.
>
> The Sandinista's refusal to comply with the democratization and national reconciliation provisions of Esquipulas II has led directly to this tragedy.
>
> The USG through the aid task force is currently providing emergency humanitarian assistance to those who are now arriving in Honduras. If early reports are true much more will have to be done. The United States has a moral obligation to help these people.

Mr. President, I think it is clear that humanitarian assistance efforts, as passed by this body a few months ago, is clearly a failure, unless the object of that legislation was to get freedom fighters out of Nicaragua and into Honduras. Then, that package should not be called humanitarian assistance. It should have been called what it has turned into, and that is a refugee assistance package.

If Members of this body and the other body want the freedom fighters out of Nicaragua and into Honduras, I suggest that they say so. I suggest that they not cover it with a fig leaf of some kinds of so-called humanitarian aid that cannot be distributed inside Nicaragua. I suggest that they not put before this body an amendment that clearly deprives the Contras of providing assistance to those inside Nicaragua.

Mr. President, the major problem that I and those of us who have examined this legislation very carefully—and, by the way, we have not had the opportunity to examine it until about 48 hours ago—are concerned about is the fact that this transportation will not provide assistance for people inside Nicaragua.

We all know that Congress is going to go out of session sometime at the end of September or the first week in October. We are looking at about 20 more legislative days. I know of no objective observer of the situation in Nicaragua who does not believe that if this plan is not improved, by next January we will have a large group of some thousands of refugees residing in camps along the Honduran border. If that is the goal of this body, let us say so. If that is the objective of the Members of Congress who are sick and tired—and believe me, Mr. President, I am as weary of this issue as anyone. I have had the discomfort of working with this issue for 6 years. I have had people sit in my office and call me a baby killer and a warmonger for the second time in my life, and I do not enjoy this issue.

I think it is time that we decided what we want to do with the Contras. Maybe it might be nice if we decided clearly that we either help them and give them the wherewithal to achieve their goals—peace, freedom, democracy, affirmation of the commitments that were made to them in 1979 when the Sandinistas came to power and we assisted the Sandinistas in doing so in every possible way, including $117 million in aid, and again when they signed the so-called Esquipulas II agreement on August 7 of last year, and I would like to remind my colleagues of the provisions of those agreements—or we should say the game is over and say to the freedom fighters: "Get out as soon as you can. Save your lives. We will try to provide some kind of humanitarian assistance to you in those camps. And those of you who need to relocate someplace else, we will try to be of assistance and work with United Nations and others of the abundant humanitarian organizations that exist in this country and throughout the world." But, Mr. President, let us not tell them we are going to give them aid and they cannot get aid. Let us not tell them that we might be able to trigger some lethal aid to them, when they have been deprived of lethal aid since February, when hundreds of millions of dollars of Soviet equipment and military supplies pour into the Port of Managua.

Mr. President, I have only been a Member of this body a relatively short time, and I believe that one of the greatest honors of my life is to be privileged to be here. But I will never forget, as long as I live, sitting in the office of the majority leader, and the Speaker of the House came over and sat down, with a group of about 10 of us, and said: "I want to tell you of my commitment to the Reagan-Wright peace plan, of my absolute commitment and adherence to it, and I will stick with this plan."

Also, the Speaker of the House said that an integral and crucial part of this plan is that the situation regarding the Cuban-Soviet military buildup in our hemisphere must be addressed.

Frankly, I was exhilarated. I thought that now, for the first time, we have a bipartisan approach to this issue—which, by the way, can only be solved over time in a bipartisan fashion—and not only were we addressing all the concerns of peace and freedom, but also the crucial aspect of this issue, and that is the continued Soviet-Cuban buildup in Nicaragua.

Mr. President, I remember 72 hours later—72 hours later—the signing of the Arias peace plan in Esquipulas and the absolute, complete, and immediate abandonment of the Reagan-Wright peace plan by the Speaker of the House of Representatives.

So, if it appears from time to time that some of us are a little cynical, if it appears that some of us want to see how every I is dotted and how every T is crossed, let me assure you that some of us feel we have been, if not betrayed, certainly deceived from time to time about the true intentions of this body with regard to what we want to do about the situation in Central America.

Mr. President, let me just read very briefly:

> On August 7, 1987, in Guatemala City, Commandante Daniel Ortega joined the presidents of the four Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in signing the peace plan authored by Costa Rican President Oscar Arias. The peace plan committed each country to institute democratic reforms—and Nicaragua was the only signatory country that was not already a democracy. The peace plan commitments, to have been achieved by November 5, 1987, included these important elements:
>
> Amnesty for political opponents and dialogue with unarmed political opposition;
>
> A cease-fire with "irregular and insurgent groups" (in the Nicaraguan context, this meant a cease-fire between the Sandinistas and the Contras);
>
> Democratization, including: (a) complete freedom for television, radio and the press; (b) rights of political parties to have access to media, to associate, and to proselytize; and (c) lifting states of emergency; and
>
> Cessation of aid to irregular and insurgent forces in the other Central American countries and non-use of national territory by such forces (for the Sandinistas, this means primarily ceasing support for the communist FMLN guerrillas in El Salvador and not permitting them to continue to be headquartered in Nicaragua).

The interesting thing about this, and perhaps the most forgotten aspect of the Arias peace plan, was the date of implementation—November 5, 1987.

November 5, Mr. President, ended the time Mr. Arias, recipient of the Nobel Peace Prize for this plan, assured all of us, in fact assured me personally on a visit that we made down there that if there was not compliance by November 5, that all parties would be severely condemned and, in his view, the so-called Arias peace plan was inoperable.

So what did we do? We extended the deadline. That is the way to do it. In fact, it was then, if I remember correctly, extended to December 7. We said, you know, that is fine, it is a little hard to implement this plan, let us go ahead and see if it does not by December 7. Then that was not possible so we went to January 7 that this plan had to be implemented and then, of course, as we all know, we have forgotten about any deadline for the implementation of this peace plan. There is no deadline and almost comically, although tragically, President Arias continues to cling to this failed peace plan of his and tries to blame both sides equally for being at fault when, clearly, the Sandinista government has cynically abrogated their responsibilities under this plan.

Are other parties at fault here? Certainly they are.

But when after he came out of signing this, Commandante Ortega at meetings with us said there would be full implementation, there would be freedom of the press, there would be freedom to organize, there would be freedom of the radio, there would be freedom of the opposition parties and, believe me, Mr. President, the opposition parties within Nicaragua pose no military threat to that government.

If you can find me one objective observer who will tell you that the weakened and indeed deplorable state of the opposition parties within Nicaragua pose a threat to that country in any fashion except in that of the area of moral persuasion, I would be astonished.

The fact is that when one newspaper, and I visited Violeta Chamorro on several occasions down there, the martyred widow of the previous publisher of La Prensa who was murdered by the Somoza criminals, one newspaper, La Prensa. How does she exist, Mr. President? Maybe a lot of Americans do not know how she exists. She exists on the largesse of the Sandinista government who control the newsprint. Many times La Prensa has not been able to publish not because they have been shut down, as most recently, but because of nonavailability of newsprint.

Will the Sandinista government allow humanitarian organizations and other organizations to send newsprint to La Prensa? Certainly not.

What about Catholic Radio? Catholic Radio in Nicaragua is perhaps the most listened to radio station in that country. The Nicaraguan people are enormously proud of the fact that they have a cardinal, Cardinal Obando y Bravo, who in my view is one of the great men in world history, much less Latin American history. Cardinal Obando y Bravo also happens to have Indian blood as part of his rich heritage which is also a source of great affinity on the part of the Nicaraguan people.

I wish that every American could have the opportunity of meeting with Cardinal Obando y Bravo. He will tell you about the oppression. He will tell you about the way when his priests are stripped naked and driven out in the streets. He will tell you how Tomas Borge, who is an incredible individual, threatened to punch the director of his radio station in the nose. He will tell you what it is like to have the Sandinistas to come into the churches while services are going on and photograph people and stare at them and take their names. He will tell you what the so-called people's church is like which the Sandinistas have set up and it has been an entirely futile effort to draw people away from their allegiance to the Catholic church.

The conditions within Nicaragua, Mr. President, are clearly the classic oppression and repression of a Marxist government. And each time we believe that there is at least some small measure of progress, Danny Ortega and his friends continue to dash our hopes and aspirations.

Mr. President, why would President Ortega and his Communist friends do things in the fashion that they do? Why would they close La Prensa? Why would they shut down Catholic Radio? Why would they tear gas, club, and beat some innocent demonstrators who are carrying on a peaceful demonstration? And that is the opinion of objective observers. It does not help his image here in the United States. It does not help his efforts to end aid of any kind to the Contras. Why does he do that?

Frankly, Mr. President, I have puzzles over that for a long period of time. I guess the best answer was given to me by the Cardinal, and that is that the Sandinistas want to show the people of Nicaragua that they can do whatever they want to do, peace agreement or no peace agreement, commitment or no commitment.

If they want to shut down Catholic Radio, they can shut down Catholic Radio; if they want to shut La Prensa, they will shut La Prensa; if they want to beat and club the mothers of the disappeared, a very interesting organization of poor women whose sons, brothers, and husbands have disappeared into prisons, if they want to go in with the so-called Turbins, the divine members and beat them, they can; and they are going to show the people of Nicaragua that the United States cannot and will not do a thing about it.

That is the reason they take the actions that they do. That is why they showed the people of Nicaragua we will kick out the American Ambassador and let us see what the gringos can do about that. Not only will we kick out the American Ambassador, they can stall a week or two after they order ours out, the clear message being sent to these poor devils who are trying to have some modicum of freedom and democracy, it is you cannot get away with it.

Mr. President, we are going to run out of Lino Hernandez who heads the human rights organization, we are going to run out of Cardinal Obando y Bravo, we are going to run out of Violeta Chamorro, because no one, as we proved in other Communist countries, is going to continue to oppose a government when the obvious result is beating, economic deprivation, and sometimes imprisonment.

So, if sometimes you are curious why the Sandinistas do things and carry out really incredible acts, which serves only to hurt their image significantly here in the United States, recognize that their long-term goal is exactly what they said it was when they came to power, Marxist state, one party, one organization, the army is part of the state, and they will continue to do whatever is necessary to ensure that they stay in power.

That is what is tragic about this situation because I wonder myself, if this Nation were under such oppression and repression whether we would have the Violeta Chamorros, the Lino Hernandez, and the Cardinal Obando y Bravos, and others, who have stood up so bravely and so long for the principles of freedom and democracy?

Let me also say a couple more words about President Arias because frankly, he has been a great disappointment to me, a man of great intellect, a man who has vision, a man who seeks fervently and passionately peace and democracy in his region of the world.

Let me just tell you what he has had to say and I think it is interesting. He reserved his harsh condemnation for the Sandinistas but he also criticized the Contras, the United States efforts to obtain new military aid for them and the continuation of Soviet arms deliveries. By comparisons with his other rebuke Arias' letter to Ortega was worded relatively mild. He referred to the beating, gassing and clubbing of demonstrators at Nandam as "the unfortunate events of Nandam." The unfortunate events. Cannot Oscar Arias at least admit as to what it was?

Why, Mr. President, cannot Mr. Arias admit that his peace plan has failed? His peace plan has failed, and it is time we took a new look at how to restore freedom and democracy in Central America. I would suggest to you, Mr. President, that one of the ways is to provide the freedom fighters with the wherewithal in order to gain peace and freedom, which I have repeatedly stated has been promised to them on numerous occasions.

Let me also talk a little bit about this package that is presented before us in the form of the Byrd amendment. As I mentioned, Mr. President, the delivery system is simply unacceptable. I pointed out to you, I think in as graphic a fashion as possible, the failure of the delivery system of humanitarian aid that we have had implemented over the last few months. There are no new communications called for in this package.

We even get down, in fact—if our constituents are interested—we get into such micromanagement of programs that we had a major difference of opinion that lasted for some hours as to whether we were going to provide batteries—batteries—for the Contras' radios so they could communicate with one another. There is such an abiding fear on the other side of the aisle that somehow we may help them in their military situation that they did not even want to give them batteries for their radios so they could communicate with one another.

Mr. President, that is ludicrous. It is absolutely ludicrous. And it was viewed as a major concession by my friends on the other side of the aisle when they decided, "Well, we will concede. We will let them have batteries for their radios." Well I am certainly grateful.

But the fact is I think it is indicative of a larger problem and that larger problem is that the people who are proposing this amendment clearly have no intention, under any circumstances, to provide lethal military aid to the freedom fighters.

This package, in some ways, is a bit of a deception in that this indicates some support for the freedom fighters, but not sufficient support to get them food inside Nicaragua and certainly not sufficient reason to get them the lethal aid that they may need as the Sandinistas continue to cynically violate the Arias peace plan.

I would also like to point out the vehicle upon which this amendment is placed. This amendment, on the insistance of the majority leader—who has my utmost respect for his efforts at trying to resolve this issue—at the insistance of the majority leader, this amendment was placed on the DOD appropriations bill. Many of us stated unequivocally, "If you are sincere about this bill, don't put it on perhaps the most controversial piece of legislation that comes before this body between now and adjournment. Put it on the dire emergency supplemental bill, which is clearly going to pass, which clearly has programs which need to be kept alive, such as black lung and other medical benefits, We know that that piece of legislation is going to be passed."

What is the situation as regard to the DOD appropriations? As we all know, Mr. President, the DOD authorization bill was vetoed by the President. Now, whether the President should have vetoed the Department of Defense authorization bill, I think, is a matter of academic discussion. The fact is the President did veto it.

I was one of those, one I think, of all of us as members of the Armed Services Committee that were asked as to whether or not we felt the President should veto that legislation or not. My response was that, "If the President, is going to veto the defense authorization bill, he had better be prepared to veto a defense appropriations bill and later on a continuing resolution, because clearly the proponents of the odious and unacceptable aspect of that bill will take those"—the arms control provisions of which I am speaking specifically—"and place them on the DOD appropriations bill and then give the President his choice there."

The President has stated unequivocally he will veto that bill. We all know what is going to happen to the Department of Defense appropriations bill. It will go to the House side, they will put the arms control limitations on it, and the President of the United States will be faced with a Hobson's choice of accepting this bill with the unacceptable provisions or at least the provisions that were unacceptable as part of the DOD authorization bill, accepting it, because aid to the Contras is on it, or vetoing the bill and thereby losing aid to the Contras. And then, with some certitude and correctness, the opponents will say, "Well, he had his chance. It was on a bill that we gave him and he chose to veto it."

Now, in the series of discussions I have had for the last week with the proponents of this legislation, I have said, "Why can't we put this on a bill we know is going to pass?"

"Can't do it. Can't talk about it. Can't consider it. We will not consider putting this on legislation that is sure of passage. The only vehicle"—and I emphasize "only"—"is a bill which we clearly know is going to be vetoed by the President."

So, again, Mr. President, we have to question, those of us who, as I say, have been on this issue for such a long time, we have to again raise the issue of sincerity. If we are sincere that we want this bill passed as quickly as possible, brought before the President, humanitarian aid reinitiated, then it seems to me that we use the most convenient vehicle and the one that is going to be readily passed.

Mr. President, the other aspect I would like to return to for just a moment is that we sometimes, in our haste to compromise—and I think one of the great strengths of this body, in fact, perhaps its most significant strength, is the ability of men and women together in this body to sit down and work out our differences and come up with a compromise. I think if we did not have that significant strength, this body clearly would be in gridlock. I think it is a source of great pride that this body exists in an atmosphere of comity, collegiality, and indeed compromise. And I have seen my colleagues, including the distinguished occupant of the chair who has felt strongly on an issue, arrive at a compromise for the greater good.

Time after time on this issue, many of us have compromised and then discovered later on, to our great dismay, in fact, sorrow, that what we compromised on ended up to be far different from what we thought we were getting.

I trace this all the way back, Mr. President, to the Boland amendment. I place, by the way, some of the blame for this on the administration, which has adopted an attitude all too often of, "Well, if it is the best we can get, we will take it."

I think that is the proper attitude to take until we reach a point where the best package that we can get is not acceptable to those who are doing the fighting and dying. And in this case, this package is not acceptable to the Contras. They say it is not workable. They say that this is not a humanitarian aid package. But they say what it is is a refugee assistance package which will drive them into Honduras and remove whatever viability as a fighting force remains there.

The $27 million in humanitarian aid. When I agreed to a set of compromises, as others did, as all of us did, at least a majority of us that passed that legislation, we believed that there would be a capability of delivering these foodstuffs and medicines inside Nicaragua. We found out that we could not.

When we, a few years ago, spent—and I do not know why the number 27 should be a magic number in this business—but when we gave $27 million in strict humanitarian assistance to the Contras a few years ago, this humanitarian assistance was delivered by the CIA. Immediately, opponents of Contra aid asked for a GAO report as to how this $27 million was being spent. The GAO came back with a report before the subcommittee of which I was a member at the time in the House, the Western Hemisphere Subcommittee of the Foreign Affairs Committee, and said, "We can't trace it. We cannot trace this $27 million."

Now, they also said, "We can't trace the $27 million in humanitarian aid because we don't have access to classified operations and material," because GAO does not have that. That is left to the Intelligence Committees; and, in my view, properly so.

But what did the Contra aid opponents say about it? They said, "See, this money is all being spent on military equipment, clearly in contravention to the intent of Congress," and again gave rise to a belief, which still exists in America today, that that $27 million in humanitarian aid was somehow misspent and was spent on military aid, when the fact is the Intelligence Committee records clearly show that that $27 million was carried out in exactly the fashion that it was earmarked for.

So Mr. President, I could go through several other instances that I have been exposed to which have given rise to a great deal of cynicism and mistrust on this side. And I regret that. I regret that deeply because I am convinced and have reiterated to the point of nauseum that the only way we are ever going to clearly address this issue, and in a coherent fashion, is in bipartisan fashion.

I would suggest that the first priority of the next administration, whether it be Republican or Democrat, is to get a bipartisan group together in the White House and sit down and try to hammer out some viable policy that we can all support.

That may not be possible, Mr. President. That may not happen. But, I think the most energetic effort must be made in attempting to arrive at some kind of agreement on how to address this issue.

Mr. President, we cannot ignore—we cannot ignore—we cannot ignore the presence of billions of dollars of Soviet equipment and Cubans and Libyans and PLO and every other wacky fanatic outfit that is present there in Managua who are training and orchestrating and exporting subversion into their neighborhood countries. There are so many strange and weird people there, the place looks like the bar scene in the movie "Star Wars." I have never seen anything like it in my life.

Mr. President, although they are a weird bunch, every single one of them is bent on the destruction of the United States and democracy and freedom as we know it—and that is a crucial aspect of this issue. Until we recognize that the Cuban-Soviet military presence in our hemisphere is of utmost, and indeed, primary importance to the security of this Nation, we will not address it correctly and from a bipartisan fashion.

Second votes. Mr. President, part of this package is that we will get a second vote at some time, if the President seeks it. That has basically been an integral part of agreements in the past and I generally have supported that. I think that Congress must play a role in the decisionmaking process, as to whether we are going to resume lethal aid to the Contras.

At the same time, many of my colleagues, and I lean toward their view, feel that with only 30 days left of legislative action on the part of this body before we go out, between now and January, that perhaps it would be very difficult for us to come back into session. We would have to be called into a special session by the President. It would be somewhat difficult for us to go ahead and have a second vote and all the ensuing debate in a timely fashion.

I think, Mr. President, that I would lean toward—although not make it a killer amendment—that we go ahead and try to shape a package which would at least request the lethal aid which is currently in the pipeline and could be delivered on short notice. Why do I say that, Mr. President? I say it because of the behavior of the Sandinistas, I say it because of the clubbings, the torture, the imprisonment, the shutting down of the radios, the newspapers, the incredible oppression which the Sandinistas have practiced in the most incredible fashion in recent months.

And yet every time, and it is beginning to be a tired old song around here: Well, if the Sandinistas continue to do these bad things, we will be right behind this lethal aid. Do not worry; if they do not abide by these peace agreements they signed, lethal aid is going to be next.

You know, a few weeks ago we were in this debate. It seems a bit nightmarish, all the thousands of hours that have been spent in this discussion of this issue. And my colleague, Senator ARMSTRONG of Colorado, quoted from some very interesting debate that has taken place on the floor of this Senate in previous years. Time after time after time our colleagues have stated, if the Sandinistas do not abide this time then they are going to be in trouble. If the Sandinistas do not abide by this agreement we are going to tell them that we are going to send lethal aid down to the freedom fighters. Yet the Sandinistas abrogate—do little, if anything in fact carry out their oppressive and repressive measures that I discussed. And what happens? Nothing happens, my friends. Nothing happens.

Mr. PROXMIRE. Will the Senator yield?

Mr. McCAIN. I will be glad to yield to my friend and colleague and most respected friend from Wisconsin.

Mr. PROXMIRE. Mr. President, I appreciate that very much. I have had an opportunity to hear much of what the Senator was saying. I presided through much of his speech. I have a relatively short speech, 5 minutes. It is on the other side. It may give my good friend a little ammunition to come forward. If he would permit me to go ahead, maybe he could clear his throat during that 5-minute interval.

Mr. McCAIN. I am glad to yield.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I cannot vote for the pending amendment to provide so-called nonlethal aid to the Contras in Nicaragua. It is simply beyond this Senator's understanding how we can justify spending the American taxpayer's money to provide millions of dollars to a group of guerrillas who camp in Honduras for the purpose of keeping them in operation so they can continue to make raids on the people of Nicaragua. This Senator has yet to hear anyone argue that the Contras can overthrow the Sandinista government of Daniel Ortega in Nicaragua. Indeed, the record throughout the years shows that the Contras have not achieved a single military objective in Nicaragua. Yes, indeed, the Contras have succeeded in burning homes in Nicaragua. They have killed many women and children and a few—very few—Sandinista soldiers. They have disrupted the economy of Nicaragua, sharply lowered the standard of living of its already pathetically poor people. But as a military force pursuing military objectives of defeating the Sandinista military, they are a total 100-percent failure and I have yet to hear any Senator dispute this fact. So why spend millions of American taxpayer dollars to keep the Contras in operation so they can continue to make life even more miserable in this poverty stricken country?

Mr. President, here is a country that has a per capita income of $510 a year compared to our $19,500 a year, about one-fortieth of what we have.

As I pointed out this morning, Mr. President, we spend more per capita on cigarettes and liquor than the people of Nicaragua spend on everything: their food, their housing, their clothing, their medical care, everything.

Some argue that aid to the Contras will bring Communist Ortega to abide by the Arias peace plan. President Arias does not agree with this. Nor do the other principal leaders of the democratic forces in Central America. On the contrary, independent experts tell us that what will come from our Contra aid is that Ortega and his pro-Soviet, pro-Cuban Sandinistas will respond to what little pressure they get from the Contras with a crackdown on the small measure of free expression that develops from time to time in Nicaragua.

Others argue that the Soviet Union is pouring a great deal of military weapons into Nicaragua and that Cuba is also providing strong military assistance. The Contra supporters contend that without U.S. aid for the anti-Sandinista forces the Communists will build a military force in Nicaragua that will threaten Central America and may even eventually threaten our own American southern flank. Mr. President, this is nonsense. The Soviet and Cuban military assistance to the Sandinistas represents absolutely no threat to the military security of the United States. The Sandinistas have no navy, no air force worthy of the name. With their lack of air and naval power any invasion of neighboring Central American countries would be suicidal. And Ortega knows it. The Rio Treaty is in force. Under that treaty any Central American country can call on the signatories to the treaty—including the United States—for defense against invasion. There is no doubt that our country would move and move swiftly and decisively to defend any Central American country under attack by Nicaragua. And there can be no question that the United States Air Force, naval forces, and land forces could and would swiftly crush any invasion of its Central American neighbors by Nicaragua.

It is true that Daniel Ortega and his pro-Soviet supporters have suppressed free expression in Nicaragua. They have pursued a vehemently anti-American line. Certainly the people of Nicaragua suffer painfully under this Sandinista regime. But this Senator cannot think of a more unwise response than for our country to subsidize a totally ineffective armed rebellion against the Nicaraguan Government. We do not win the affection of the Nicaraguan people by paying Contras to destroy their homes, their crops, their jobs. I am proud to report that for years my State of Wisconsin has adopted Nicaragua as a sister nation. Wisconsin doctors, Wisconsin nurses, Wisconsin agricultural and health and housing specialists have lived for years in Nicaragua.

I have talked to many of these people; hundreds of them from the University of Wisconsin and from many parts of our State. They have developed a deep affection for the Nicaraguan people. To a person these Wisconsin experts on Nicaragua have told me that we should stop all aid to the Contras because it is bleeding and smothering that country.

So, Mr. President, although I recognize the deep conviction of Senator BYRD, Senator DODD, Speaker WRIGHT, and others who argue that this compromise package of nonlethal aid to the Contras is the wisest solution to this painful Nicaraguan problem, I respectfully disagree. I must vote against the pending amendment.

I thank my good friend from Arizona, and I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the gentleman from Wisconsin. I have always respected his views, and he has always added enormously to whatever debate we have been involved in, including this one.

Mr. President, I think that this was certainly an interesting and informative statement made by my friend from Wisconsin. I think it is well to remember many other statements that have been made on the floor of this Senate. As far back as April 1985, a Senator said:

> The Sandinistas need to know that our patience is not endless. If we stop aid, if we provide a so-called cooling off period, we expect results. Nicaragua's President Ortega has stated that if the United States ends its support for the Contras and reopens negotiations with the Sandinistas, Nicaragua will immediately call for a cease-fire and move toward freedom of the press, political pluralism and fundamental freedoms. To the Nicaraguans we should say, "Make good on your promise, stop exporting your revolution and establish human and civil rights within your country."

Mr. President, that was a Senator in 1985. A Senator in March of 1986 said:

> It is time to cast a vote for peace in Central America, but as we do, let us send a clear message to the Sandinistas: Do not embrace the enemies of freedom any longer. Do not let your anger at your North American neighbors become beguiled by those who would use your country for their own ideological purposes. Send them away. Do not fear freedom for your people. Let there be freedom of speech, freedom of the press, and freedom of association and freedom in your land. Let them speak freely and let them be heard.

Mr. President, I could go on and on, but the fact is for the last 6 years, my friends in this body have been demanding freedom and democracy for the people of Nicaragua and threatening that unless that comes about, we will have to take appropriate action.

Like Oscar Arias, he seemed to be willing to endure outrage after outrage and still not do anything which would help the cause of freedom in Nicaragua.

In the Washington Post of this morning, Oscar Arias said:

> Today what I want to do is convince Daniel Ortega that he should make some gestures if he wants to save the peace plan.

Let me repeat that, Mr. President. That is an interesting statement. This is a quote from Oscar Arias direct:

> Today what I want to do is convince Daniel Ortega that he should make some gestures if he wants to save the peace plan.

Have we not come a long way, President Arias? We do not have to implement the peace plan. We do not have to let Radio Catolico broadcast again. We do not have to let people organize for freedoms, for democracy. Just make so gestures.

Mr. President, I believe President Arias should send back his Nobel Peace Prize, following the example of Le Duc Tho of North Vietnam. Le Duc Tho received the Nobel Peace Prize for bringing about peace in Vietnam. We know what kind of peace that the people of Vietnam got. Unfortunately, the people of Nicaragua are getting the same kind of peace, part of it as a result of the so-called Arias peace plan.

Mr. President, I see my friend from Idaho here who is a noted authority on this issue. He is a staunch defender of freedom. He is a man that I have had the privilege of traveling to Central America with; a man, by the way, who is not afraid to ask some tough questions of the Communists in our meetings with them. He is neither intimidated nor deceived by their rhetoric.

I know he has some important things to add on this issue, and I will be pleased at this time to yield the floor to my friend from Idaho, Senator SYMMS.

Mr. SYMMS address the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, first, I compliment Senator McCain for his long and tireless hours, days, and weeks of efforts that he has expended on trying to come up with some kind of a workable solution to the thorny problem in Nicaragua and to the oppression that the people of Nicaragua are undergoing because of the Communist Government of Nicaragua.

I compliment Senator McCain for his patience. He tried very hard a year ago when the first Wright-Reagan peace plan was offered to see to it that it was achieved successfully. Moreover, he tried to see that the Arias peace plan would be achieved successfully.

When some of us were doubters of the situation, he gave every effort, and I think there is no one in this Chamber who has more credibility on this issue than the Senator from Arizona.

I have appreciated the opportunity to travel with him. I think he is well known for his credentials, his love for freedom, and for his efforts to try to come to some kind of workable and achievable compromise.

However, Mr. President, I am completely dismayed at the Contra amendment that is being considered here today. Moreover, I understand that the Contra directorate has announced their objections to this amendment.

Mr. President, this so-called aid compromise package is, in this Senator's opinion, and I say that without inpugning the motives of any of my colleagues because I believe they are very sincere in their efforts, is simply political cover for those who originally opposed military assistance to the Contra freedom fighters and they are looking for something they can vote for to defuse the issue going into the fall elections.

I wish to remind my colleagues that our interests in Nicaragua are to assure that peace, freedom, and democratic values are established in that country. The Byrd amendment does not serve that end. If Members of Congress are truly intent on ending the war in Nicaragua, intent on bringing peace to that country, intent on free elections, and intent on halting blatant oppression brought about by the Sandinistas, then we should give our full support to the Nicaraguan freedom fighters, the resistance, and our full opposition to the Sandinista Communist dictatorship that is in power.

The package we are considering today is a meager attempt to pacify the American public during the November elections.

Once again, the Contras are being held hostage to the gutless, no good 100th Congress' vacillation and indecision on this issue. This Congress has bobbed and weaved and ducked and dodged every possible way to avoid helping freedom in Nicaragua.

It is interesting, Mr. President. I just came from a lunch with our Assistant Secretary of State for African Affairs, Mr. Chester Crocker, who says the only reason we were able to get the parties in Geneva to the conference table with respect to Angola and Namibia is because of the fact that UNITA has been armed and able to achieve victories on the battlefield to secure territory, to build hospitals and schools, and help the Angolan people.

It is also true that in a visit earlier this year to Pakistan that we heard the same thing. In Pakistan, along the borders of Afghanistan, that if it were not for the United States support of the Afghan Majuhidin freedom fighters, the Soviet Army would not be on the retreat trying to withdraw from Afghanistan. But the reason they are leaving is because they are losing on the battlefield.

It is very interesting to this Senator that we can get bipartisan support for the freedom fighters in Angola and the freedom fighters in Afghanistan some 10 to 11 time zones away from here, but we cannot get support for freedom in this hemisphere. I find it absolutely incredible and incredulous, Mr. President, that we cannot do that.

Mr. President, 1 year ago yesterday the Presidents of the Central American countries agreed to the Arias peace plan. It was designed, according to Mr. Arias, to bring peace and freedom to Central America. Now, 1 year later, after the Arias plan, the Sapoa agreement and the extensions thereof, what has happened? What has happened is that the Arias peace plan is down the drain, what many of us said at the time. To begin with, the Sandinistas have jailed opposition leaders numerous times and expelled Catholic priests from Nicaragua. They have closed down La Prensa and Radio Catolico several times. They have attacked and killed Nicaraguan citizens participating in peaceful demonstrations. They have continued to supply and train Salvadoran Communist guerrillas. And, earlier this year they launched a massive attack on Contra supply bases inside the Honduran border.

Mr. President, in my opinion this so-called peace process has been a disaster and useful only for the Sandinistas for consolidation of their power.

That is right, Mr. President, it has only allowed the Sandinistas to consoldiate their power base, to strengthen their viselike grip that they hold on the people of that country, while we have sat idly by dodging, ducking, and darting around the issues. This gutless, no good 100th Congress has failed to deliver the goods that are necessary if peace and freedom are going to prevail in Central America. It is though we are giving them a death wish. So I find it incredible that this amendment could be brought forward at this hour, that somehow this actually offers an opportunity for peace and freedom to survive in Central America.

Mr. President, we have tested and tested and tested and tested the Communist Sandinistas. We have given them repeated opportunities to stop the violence and political oppression. The hallmark of the Sandinista rule is oppression, threats, and fear. That is the way they operate. Each time we have tested them they have failed. I ask my colleagues, how much longer does this have to go on? Until the election is over? Is that what we are waiting for? How much longer does it have to go on? Do we continue this game until the Sandinistas have killed all the freedom fighters, until they have absolutely obliterated any resistance and opposition? Do we continue this policy until the Ortega regime has jailed every single opposition member? Then it would be said of the United States of America, when new resistance movements emerge somewhere, "Be careful, if you get involved fighting for your freedom with the United States of America backing you because it depends on the whims of the Congress. It may not be suitable for Congressmen and Senators to vote for it because maybe some of their constituents are not in favor of it."

I think the distinguished Presiding Officer knows very well that in his State of Illinois or in my State of Idaho most people are interested in the problems that confront them in their jobs and their families and their schools and the things that they are working on. However, they are not overly concerned about foreign policy issues. That is what we get paid to be concerned about as Senators; to demonstrate leadership. I think it is about time, Mr. President, that the Democrats and the Republicans join together and have a bipartisan foreign policy that is based on peace and freedom instead of one that allows the consolidation of the Sandinistas who view the United States as the enemy, who are envious of what we have, who plan to wage war on their neighboring countries, and who has the largest standing army in Central America.

Oh, I know, they say that they have no designs on their neighbors, but then why are they training troops and terrorists and guerrillas in Nicaragua to send them into Mexico, to send them into El Salvador, to send them into Costa Rica and Honduras? Why are they training them if they do not have designs of subversion? Why do they have to have hundreds of tanks and tracked vehicles and HIND helicopters if they are not planning an offensive, I would say to my friends in this Chamber?

Each time we have given them a test they have failed the test, and we have now continued and continued and continued and we are starting to continue, it looks like, longer. We are vacillating until the Sandinistas have launched an offense not on Contra supply bases, but on the sovereign democratic nation of Honduras. Where is it going to end? Mr. President, if the Contras are defeated, any hope for real democracy and freedom in Nicaragua will die with them and then it will be the heritage of this gutless, no-good 100th Congress on this issue. We will be directly responsible for the demise of freedom and hope in that desperate country. Citizens of Nicaragua are our friends. They are begging for an opportunity for freedom. Cardinal Obando y Bravo said to me, when I asked him last year in Nicaragua, "Cardinal, how many of the people in this country support the Contra freedom fighters?" At least 85 percent of the people support the Contras and the freedom fighters. Yet somehow this Congress has failed to deliver the goods. It is as though there is a hope on the part of some in the Congress that somehow the Marxist revolutionaries will survive and that Marxism will continue when in fact everywhere in the world people living behind the Iron Curtain, behind the Bamboo Curtain are living poorly.

The great Soviet Union, that great superpower, if it were not for their military war machine, would be third-rate or fourth-rate economic country. Go to the best supermarket in downtown Moscow, where I went just last month to look at what they had to sell in the supermarket, and they have less than 20 items that a person could buy—some scrawny chickens that I would venture to guess most anyone in this Chamber, if they were to take one home to their wife, would probably have it thrown at them. It is a chicken that you could not sell here in the United Sates. Old fatback pork bacon, two or three different canned goods and a few other items. That is all they have to sell in these stores—and a line behind each counter waiting to purchase those items. That is what the people's paradise has produced.

If you go around in Nicaragua, it is very obvious to see they have poverty in that country because they have a controlled economy. The Government is trying to run everything. They are taking the incentives away from the people and destroying the initiative for people to be able to produce and encourage a better lifestyle for all people.

This body, Mr. President, is going to have to make a decision on Contra aid that will determine the fate of Nicaragua and the Nicaraguan freedom fighters and further consolidate the Marxist-Leninist Sandinista regime. That is why we need the Dole package, though I think the Dole package is not strong enough. What we need is a freedom fighter fund that makes a very clear statement that the United States of America is pro-freedom, it is pro-capitalism, it is pro-people, and that it is against oppression and tyranny and the abridgement of human rights; that we will support those people who want to fight for their own freedom, and we will do it with a strong enough and long enough case that we will ultimately achieve victory over Communism. That is what our goal should be. This aid package before us defeats our intentions to promote democracy or freedom in Nicaragua and encourages the Sandinistas to believe the United States has written off the Nicaraguan freedom fighters for the last time.

Mr. President, I strongly urge my colleagues to oppose this amendment. I believe the Contras are actually better off without this aid package because it is a fraud to say that somehow this is going to help them. What we need is to send them a real package, real support, both lethal and humanitarian, and I think it is important that we do that.

Mr. President, to continue just briefly with my remarks with respect to Contra aid and the freedom fighters, I simply want to say that I urge my colleagues to reexamine what we have been doing in this Congress with respect to the freedom fighters in Nicaragua. We need to reexamine the basic premise that I think all Senators must know and agree with; that is, that freedom works, and if people are given an opportunity to be free they can also become prosperous, can also become stronger, and have a better opportunity of life; that we have some sense of obligation in the United States of America to help our fellow American countries that are neighbors, that are close by, that are important not only from a humanitarian and a human rights standpoint, but also important for the security of the United States of America, and the peace and freedom that we have enjoyed for over 200 years.

Mr. President, I urge my colleagues to reexamine this issue, take the position as U.S. Senators, and exert the leadership.

My State is a small State of 1 million in population, but large in geography. Many, many people misunderstand the issue, and are confused as to who the Sandinistas are, and are confused as to who the Contras are. It is not made clear oftentimes that the Sandinistas are a Communist-Marxist dictatorship that represses human rights and freedom, and that the Contras are freedom fighters that are striving to fulfill the original intent of the revolution that started against the previous regime in Nicaragua; that the Sandinistas have denied that noble cause that had been started earlier; that they have been denied the opportunity for private ownership, for freedom of the press, for freedom of religion, for freedom of speech, for the right to assemble; that there are thousands of political prisoners locked up in Nicaragua; and that we in the Senate have an opportunity. We are privileged to be in this Senate. We have an opportunity to try to do what I believe is the right thing to do, and that also means that we have an obligation if it is misunderstood back home to go back home and explain it to people.

That is part of what happens. We have a Congressman in my State that runs around his district and says we would rather send the money to the Contras than to the farmers who are in need. And he would make it sound like from the headlines that somehow the amount of money we are talking about to send to the Contras is going to bankrupt each and every farmer in the United States of America, when really the fact is, it is really a very small amount of money, a small commitment we are being asked to make. That is a small commitment for freedom.

That is why I support Senator DOLE's measure in this Chamber to support freedom fighters around the world. I think we should have a policy. It should be a clearcut policy in the United States that we will support freedom fighters anywhere, any time, at any place in order to expand the cause of liberty.

You know, President Kennedy spoke on that when he gave his very fine inaugural address back in 1961. He said we would let the world know that we will pay any price to expand the cause of liberty wherever it is, to whomever it is, as they stand up against oppression and tyranny.

Nothing has changed, Mr. President. The issue is still the same. The problem is that the Congress has gotten used to taking cover. And this particular issue, in my view, is just another way for Congress to take cover and hide from what he real issue is. The truth is, with respect to aid to the freedom fighters in Central America, the 100th Congress is leaving a legacy that is gutless, indecisive, inconclusive, and afraid of its own shadow to stand up for truth, for freedom, and for human rights.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield without losing my right to the floor.

Mr. DOLE. Mr. President, I had indicated to Senator PACKWOOD that he might be able to speak soon, and he has another conflict. I wonder if I might obtain consent that following the Senator from Massachusetts, if Senator PACKWOOD is here, he might be recognized.

The PRESIDING OFFICER (Mr. SANFORD). Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have opposed this administration's policy of military support for the Contras since that policy first came to light in 1983. I believed then—and I still believe today—that for the United States to intervene in the internal life of Nicaragua by providing military support for a band of former Somoza National Guardsmen was the worst of all possible worlds.

The history of this policy over the past 5 years has confirmed my worst fears. The recent election of Enrique Bermudez to the directorate of the Nicaraguan resistance only underscores the influence of Somoza's National Guard in the Contra leadership. The recent crackdown on internal dissent in Nicaragua—the closing of La Prensa and Radio Catholica and the jailing of opposition leaders—only demonstrates again the willingness of the Sandinistas to repress their own people.

In fact, the administration's policy has been counterproductive. It has enhanced the influence of the Soviets and the Cubans inside Nicaragua.

It has allowed the Sandinistas to exercise greater and greater control over all aspects of Nicaraguan society. It has entrenched the Sandinistas and strengthened their position among the people of Nicaragua. The policy has not advanced democracy inside Nicaragua. It has only produced death, destruction, and greater repression for the people of Nicaragua.

I have always believed that a better course was to work with the other governments in the region, first through the Contadora process and more recently by supporting the Arias peace plan. But this administration has never genuinely supported these efforts. It has sabotaged them at every turn. Only through the heroic efforts of President Arias—who has had the courage to stand up to President Reagan—has the prospect of a real and lasting peace become a possibility for all of Central America.

For the past 3 weeks, the Senate leadership has engaged in a continuing effort to reach some agreement on United States policy toward Nicaragua. In reality, there can be no true agreement on the substance of this issue, because the differences are too profound.

There are those who deeply believe that the only way to advance democracy in Nicaragua is at the barrel of a gun, through continued United States military assistance to the Contras. And there are those of us who, no less passionately, believe that the policy is fundamentally flawed, that the policy has failed, that the policy is illegal and inconsistent with fundamental American values, and that wider war in Nicaragua only gives the Sandinistas greater pretext to suppress freedom and repress the Nicaraguan people.

But there has been a willingness among Senators on both sides of this issue to come to an agreement about continuing humanitarian assistance to the Contras between October 1, 1988 and March 31, 1989 and, equally important, about the procedures that the Senate will follow for dealing with the Contra issue between now and the time that the 100th Congress passes into history. I support the agreement crafted by the majority leader because its central element involves continued support for the peace process. That process is still going on; that process has not yet died, despite the efforts on both sides—in the Contra leadership and among the Sandinistas—to kill it.

But the process that we have gone through during the past 3 weeks—and the process that we have gone through over the past 7 years—is dramatic proof that this administration's policy simply cannot be sustained. The divisions are too profound, the differences are too great, and the debate is too polarized to allow for a successful continuation of this policy. This policy is dead, and it is time to give it the last rites.

In reality, there is no abiding support among the American people or among their respresentatives assembled in Congress for a continuation of the Contra war in Nicaragua.

It is time for a fundamental restructuring of U.S. policy toward all of Central America. In fact, there is a basis for reaching a national consensus about what a new policy should be.

I refer the Senate to the report of the National Bipartisan Commission on Central America issued on January 10, 1984—with the participation of such distinguished Americans as Henry Kissinger, Jeane Kirkpatrick, Sol Linowitz, Lane Kirkland, and Michael Barnes. That Report focuses on meeting the economic crisis that afflicts the nations of Central America and on dealing with the fundamental human needs of the people of the region. That is the direction we must now take; that is the path we must now follow.

The next President will be confronted with continued instability and uncertainty in Central America. The future of democracy in El Salvador after the end of the Duarte era is again in doubt. The success or failure of the Arias peace process—in Nicaragua and elsewhere—still hangs in the balance.

The next President must change the terms of the debate about U.S. policy toward this region of the world.

It is time to launch a new partnership with the peoples and governments of the region—a partnership for peace—that will command the support of all Americans and all Central Americans. This initiative would stress new schools, new clinics, new investment and new economic opportunity and a new commitment to the peace process. It would build and heal. It would protect new life and treat sick children. It would teach and educate and train. It would construct a new world filled with new opportunity. It would unify all the people of the region around the task of improving the fundamental conditions for human life.

The partnership for peace in Central America would bring all Americans together with all Central Americans in a common enterprise aimed at the common enemies of all humankind—illiteracy and infant mortality, disease and despair, unemployment and economic stagnation. There is a war going on in Central America, and it is a war that we, working with the people of Central America, must fight and win if freedom is ultimately to prevail. But it is not the war that this administration has been fighting. It is the war against disease and infant mortality, against ignorance, unemployment and economic stagnation.

I support the Byrd amendment—and I congratulate him on his leadership. But there is more to the defense of freedom in Central America than sending guns and bullets to the Contras.

And I can only express the hope that the next administration will right the imbalance in our past policies and adopt a new approach that will give new hope to all the people of Central America.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

Mr. EXON. Mr. President, will my friend and colleague from Oregon allow me 60 seconds to pose a question?

Mr. PACKWOOD. I am happy to yield to my good friend from Nebraska.

Mr. EXON. I thank the Senator from Oregon.

Mr. President, I ask the managers of the bill who are on the floor—I see the minority leader is here, and others—if we could get some indication from the floor managers when we are likely to come to a vote on this matter, or are we in a filibuster?

I know this is a very important issue. It is so important that it has been debated hotly and heavily for a week or 10 days behind the scenes, and I suspect that nothing I have heard so far on the floor of the Senate is much different from what I heard behind the scenes when we wasted a lot of time.

We are scheduled to adjourn tomorrow night for the Republican Convention. I will not be going to the Republican Convention, but others will.

May I have some indication from the present managers of the bill when we could expect a vote?

Mr. DOLE. First, I want to express my regrets that the Senator is not coming to our convention. [Laughter.]

Mr. EXON. I have a previous commitment.

Mr. DOLE. All we are doing now is that there are a number of Members on both sides who want to speak, particularly some on this side, before we can entertain any time agreements, and we are trying to do that. It is my hope that all these speeches will come out of a time agreement. In other words, if we had 4 hours, we would not have the same speakers as part of the agreement.

There has not been one interruption for a quorum call, and I think we are proceeding on schedule. I do not know where the schedule is going to take us.

Mr. EXON. Is it the hope of the minority leader that we will have a vote sometime between 6 and 10 o'clock tonight?

Mr. DOLE. I would hope that we could be out of here by 8 o'clock tonight and not have to come back tomorrow.

Mr. EXON. Meaning we would have vote by that time?

Mr. DOLE. Right. Meaning we would be complete, as I indicated to the majority leader, without coming back in August after the Republican Convention. We are not there yet, but we are still working on agreements.

Mr. EXON. I thank the minority leader.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, in listening to the speeches today, I find that there is very much being repeated of what has been repeated over the past 6 months, over the past year—as a matter of fact, repeated long before the Central American Governments, along with Nicaragua, entered into their so-called peace agreement.

The only thing that has been added to the argument since the agreement is that Nicaragua is not living up to it. The same arguments about freedom, democracy, the Contras, America's position, what do we stand for—those were all extant arguments 1 year ago, 2 years ago, 3 years ago.

So I think it is wise to try to put into perspective what our policy is, if it can be determined, what it ought to be, whether it ought to apply just to Nicaragua or to all of Central America or throughout the world. We must know whether we have the discipline and the will to stick to a policy, assuming we would adopt one, so that the world would know what it is and for better or for worse could count on it, fear it, demean it, but at least know what it is.

So I will make this argument: Indeed, our policy is to bring freedom and democracy to this world and that has been a policy of the United States long before this administration, long before the founding of the present Republican and Democratic Parties. We have been a beacon of leadership for those peoples around the world who either wanted to flee their countries and come here and find refuge and freedom and democracy or to try to help them obtain freedom and democracy in their own lands.

And there is no question but that time has been on our side, not on the side of dictatorships, be they leftwing dictatorships or rightwing dictatorships.

When you go back to 1500, there were no democracies in this world. By 1600 you might say England was starting to have the emergence of a House of Commons that had some control over the purse. By the 1700's, surely you could count England; by 1800 a few more; by 1900 even more; and by now many, many more democracies in the world than you could count 10 years, 20 years, 30 years ago.

But I think from the standpoint of the current generation, and by that I mean those living today, a good dividing line is World War II. That was the war in which Russia became a major world power, and I do not mean to underestimate their power. They had been a major regional power prior to that, and they had been imperialistic long before they were ever communistic. When the czars ruled Russia, they pointed, poked, and prodded outward in all directions. They wanted Lithuania, Latvia, and Estonia, and they took it in 1720-21. They just took it. They always wanted their Slavic buffers. They also wanted Siberia, Georgia, the Ukraine, and that entire area, so under the czars, the Russians moved out, moved out, moved out, sometimes by conquest, sometimes by bribe, sometimes by absorption.

But were they imperialistic? Clearly, yes.

Did they continue to be imperialistic under the Communists? Clearly, yes. If anything changed when they became Communist, it is that their imperialistic desires leapfrogged their contiguous boundaries. Until that time they were pretty much satisfied to try to get buffers, and with some justification. They had been invaded by a variety of countries over the years, although they had done their share of invading over the years. But they clearly were thinking to themselves, "If we are going to have to go through this perpetual invasion and reinvasion, we would like to be in somebody else's land and within their borders, not on our land."

But after they became Communist in the concept of the worldwide revolution, they looked around and they saw that England had an overseas empire, France had an overseas empire, and now that they regarded themselves as a major player, they were entitled to an overseas empire.

And you had a debate within the Communist Party at that time between Leon Trotsky and Josef Stalin, and at that stage neither had consolidated their position as the preeminent successor to Lenin. It was a contest as to which one might win out. Trotsky was ready to further the worldwide revolution immediately. Stalin wanted to consolidate and get rid of his domestic enemies and concentrate his power at home and then start to look outward, and, of course, Stalin won. Trotsky was exiled and subsequently was assassinated on Stalin's orders.

Then Russia, at great expense to Russia, both in terms of money and people, became a major power in the world, no longer simply Europe, during World War II. At the end of World War II they broke all kinds of commitments that they had made earlier. At Yalta they promised, of course, free elections in Poland. It was not 3 months after Yalta before the so-called Lublin Poles had taken over the country. These were the Communist Poles that were kept propped up by Russian troops. It is clear Russia violated most of their treaties and agreements for democracy that they had made with the Western powers. Therefore, if our policy was going to be, "If you don't live up to your agreements and if you do not agree to democracy, we are going to fund military opposition to overthrow you," that probably should have been the place that we started.

Interestingly, Churchill grasped that concept, understood that concept. He knew the Russians wanted those Slavic countries, knew they would try to take them, knew they would prop up Communist governments with Russian troops.

But we did nothing—we protested naturally—but I mean we did nothing.

And from that time onward, it has been a battle between communism, and call it what it is, imperialism, because communism also connotes an economic system, but it is also a continuation of the old Russian imperialist system.

But since that time, Mr. President, since World War II, Russia has not done very well if you mean how was the contest going between democracy and dictatorships and in this particular case, Communist dictatorship. Other than the Slavic countries, where they simply posted their troops at the end of World War II and pulled down the Iron Curtain, Russia has been noticeably unsuccessful.

First, take a look at the European countries, our principal enemies during the war, Germany and Italy. They are now thriving, commercial democracies.

Take a look at some others that had difficult times, have gone through dictatorships and are now democracies—Turkey, Greece, Spain, Portugal, although interestingly we did not put troops in Spain and Portugal. We only marginally were involved in Greece at the end of the war to help prevent a Communist insurrection, financed and supported by the Russians. We had not put troops in Turkey. But we surely supported the efforts of democratic forces within those countries to help bring about democracies.

Did Russia want to move into Portugal when Salazar died? You bet. There is a story yet to be told by our present Secretary of Defense, Secretary Carlucci, who was at that time Ambassador to Portugal, and I bet he could reveal more about how the forces of democracy succeeded there than perhaps any other man in the United States.

But today they are all democracies.

Let us move to Asia. Japan, a principal enemy in the war, not only to say are they a thriving commercial democracy, they are overwhelmingly thriving and overwhelmingly democratic, enjoying a free press, honest trials as we would envision honest trials, and in every sense of a thriving democracy.

Korea has turned the corner. They have held free elections. They have elected a President and then held elections for their Congress. Interestingly, the Presidential party did not win a majority in the Congress and the President did not try to overthrow the elections. Instead, while his party won a plurality, the other two major parties together have a majority in the Parliament, and he is having to learn to deal with democracy much as any other country has to learn to deal with it.

The Philippines are trying; it is admittedly fragile, with their economy barely surviving, but they are trying.

Taiwan within 5 years will be a democracy as we understand the term democracy. They are moving very close to it now.

And I think it will not be another generation before you will see Pakistan, Singapore, Malaysia, most of those newly industrializing Asian countries turn the corner also. And the reason they normally turn is because there is an almost irrevocable line between going to a market economy, often an intervening step of arts, and then democracy. It is very hard to start down that road and say, "We want to change from a Communist market system to a free market system," and stop it right there and say, "That is all we mean is markets, not democracy."

You go back in history and you can see it began in the Renaissance almost by happenstance. Italy became the point of transshipment—first they were the principal area, where you had trade with the Middle East, goods coming by land to the Mediterranean ports in the Middle East, and transshipped to Italy. Italy then became the jumping-off spot, and tremendous competition grew up in Italy in the late 1100's, 1200's, early 1300's between their city states, between Florence and Geno and Venice—competition in every sense that we would understand competition in a market. Nothing might have pleased a Florentine better than to win a contract from the merchant of Venice. Nothing pleased Venice more than to beat Genoa out of a ship's contract.

So these became flourishing commercial centers and it was not long after that before they became flourishing artistic centers, financed largely by the merchant princes who wanted to show off the success and the pride in their cities. They became the patrons for the Michelangelos and the da Vincis and others.

It was not long after that before you begin to have political rivals commenting about the forms of government and questioning whether or not there might not be better forms of government. You saw this movement move to Northern Europe a century or two later. Although they were later in coming to it, they went through the same process. A mercantile system in some of the countries evolved to a market system, and then to the arts, and then to democracies in Northern Europe. And the process seems to be almost inevitable, any place you try it.

Gorbachev says he is going to try it in Russia. He says he wants to reduce his military expenditures and put them into a market economy. But those are two things. One is, are you willing to reduce your military expenditures? Two, can you sufficiently change your economy into a market economy that it will do you any good to put the money into it at all?

Whether or not he can carry it off, I do not know, because he has tremendous opposition. He has opposition from the military, which has always been a major factor in Russia as it was under the czars. And then he has a 1,000-year history of a nonmarket system.

Russia was not a market system under the czars. It was basically a mercantilist system. Those who received the franchises for the best businesses were normally relatives or friends of the czars and there were no competitive franchises given. So it was decidedly not a market system.

Gorbachev is going to have to change a thousand years of thinking about competition. He is going to have to be able to say to the factory manager in Kiev: "Now, listen, the old deal is over." The old deal meant the government supplied you the cloth and you made the bathing suits and the government took the bathing suits. It was up to the government to get rid of them.

Now, Gorbachev is going to have to say to that factory manager: "Look, that cloth that is outside your door is called inventory and it counts as a cost. If you pile up too much of it and can't use it, that is a check that goes on the bad side of your business. Second, you better make something the people want. You don't have to make bathing suits. You can make shirts, if you want. Because if you can't make something they want to buy, you are out of business."

Now, can he carry that off? I do not know. I think it is in our interest that he carry it off, because if he can get by the 65-year-old and the 60-year-old factory managers and get down to the 40- and 35-year-old factory managers, you are going to find the ones who will say, "This is the opportunity I've been waiting for. I never did like those bathing suits, anyway."

He gets on the phone and he rings up his school chum whom he went to school with in Leningrad, and says, "Have I got a deal for you. Shirts. I have shirts tailored the way you want them. Forty rubles apiece. But if you want to buy 100, 30 rubles apiece."

That is the start of a market system. And you will not be able to cut it off. And that factory manager will pretty soon be wanting his city to be the showplace. If he is from Kiev—and Kiev, of course, used to be the capital of Russia—what he is going to want is to have a better ballet than the Bolshoi. He is going to start getting together the downtown Kiev retail merchants association to gather money and attempt to bring the artistic director from the Leningrad ballet to Kiev and say, "You create for us a better ballet than the Bolshoi." And the kid from Leningrad is delighted at the opportunity. And soon after that, you are going to have the intellectual ferment, if they do not try to shut it off. I do not know if Gorbachev will try to shut it off or not. I do not know if they will ever get that far. But if they do not, then you are going to have a tremendous intellectual ferment in the Soviet Union.

And the reason I dwell on the Soviet Union is that they are the engine that drives the Communist forces around the world. They are the economic engine. Russia is not very efficient, but they have enough money that they can give to Cuba, give to Angola, give to Nicaragua so that those countries can keep their economies above water—they are terrible economies that can minimally finance their military and the basic commodities that citizens might need. And if Russia ever gets tired of doing that, those other countries will not survive.

Now, whether or not Russia can carry it off is almost beyond the control of this country. There is very little we can do to change internally a thousand years of Russian history.

Let us come now to Latin America, because here, if there has ever been a place where we have been successful or at least success has happened, whether we are responsible for it or not is hard to tell. Twenty years ago, you could number on one hand the democracies in Latin America. Today, you are hard pressed to number on one hand the dictatorships. Certainly, the Communists in Nicaragua are one of the handful of remaining dictatorships left. Generals Stroessner and Pinochet, in Paraguay, and Chile, would be two. Obviously, President Castro in Cuba would be another.

But, in Latin America, democracies have done well. They have done well without our having to put in troops. They have done well without our having to fund insurrections to overthrow the dictatorships. They have come along.

So the question is: Will it come along in Nicaragua or, if not, must our policy be that we try to overthrow Nicaragua militarily if they will not adhere to democracy as we define it or democracy as defined in the agreement with the other Central American nations?

There is no question that Nicaragua's economy is in a handbasket. There are only three countries, Mr. President, in Central and South America that have lower gross national products than Nicaragua: Belize, Guyana, and Suriname. Every other country, including all of those in Central America, are economically better off than Nicaragua and are growing faster than Nicaragua, including El Salvador, for all of its troubles. Nicaragua is the economic basket case of Latin America, understandably. Communism does not work as an economic system.

The joke going around in Russia is true when the worker says, "We pretend to work and they pretend to pay us." That is, indeed, the Communist system.

So, economically, purely economically, Nicaragua is not a threat to Latin America, let alone the rest of Central America.

Militarily is another matter, because even a relatively poor country, if it wants to devote a disproportionate amount of its resources to the military, can become a significant military power. Russia is probably a good example. Their economy has been stagnant for the last 5 years. As best we can tell, they are now spending about 20 percent of their gross national product on the military. We spent about 6 or 7 percent of ours on the military.

I once asked Ambassador Kampelman, our principal arms negotiator, whether, it was true that our best policy with Russia, if they want to have an arms race, we would respond, "Fine, and we will run them right off the boards. They cannot afford to keep up with us." He said, "No, it won't work that way." He said, "Assuming their economy is half of ours, if we were to spend 15 percent of our GNP on the military, they would spend 30. If we were to spend 40, they would spend 80." He said, "You cannot run them off the boards so long as they have a sufficient control of the Government to prevent the people from doing what they want. But," he said, "of course, if they do that, they will have no domestic economy."

And this is what Nicaragua is about right now. They have a military disproportionate to anything they need to ward off would-be insurrectionists other than those that are financed and supported from the other side. They have airfields better than they need. The helicopters they have, no use in chasing down common criminals. They have a big military.

Our policy ought to be what it should have been in 1945 and 1946. Our policy ought to be George Kennan's policy of containment, and we will say to the Nicaraguans:

> You stay within your borders. If you want to keep your Communist system of government, which drives your people further and further into poverty, which represses their civil liberties more and more, if you want to do that, you go ahead. But not so much as one crate of arms to go across the bay to El Salvador. Not so much as one trigger-happy battalion is to go across the border into Honduras. Those are off-limits.

And that, legitimately, would justify us financing the Contras or taking other measures of collective support, such as we did in Korea under the United Nations where there was an outright invasion from North Korea. That is legitimate, collective self-defense.

So the issue becomes, if we were to follow that policy, what would eventually happen to Nicaragua?

If we were to say to them, not so much as one crate of arms across the bay into El Salvador, not one battalion into Honduras, quit sending money into Costa Rica and trying to subvert their government, just confine yourselves to your boundaries and run your economy into the ground if that is what you choose to do, where would Nicaragua eventually end up?

One of two things has to happen. Things get worse and worse and worse for them economically and today, at least in Central America, I think it is very hard to keep even the most landlocked peasant from knowing what is going on in the country next door.

What Gutenberg did with movable type and print, the satellite dish does for every peasant except for handfulls in central Tibet perhaps or central Siberia.

Does the average farm peasant in Nicaragua know there are more goods on the shelves in Costa Rica? You bet he does. Does he know there is a freer press in Guatemala? You bet he does.

Would he like to have those things? You bet he would.

But there is no point in our trying to impose those things from the outside. The kind of movements to democracy that have been successful since the end of World War II have not come by force of arms from the outside; they have come usually by peaceful revolution, if you want to call it that, inside.

Go back again: Turkey, Greece, Spain, Portugal, Korea, Philippines, Taiwan. None of those have come about because of some external power forcing democracy on the country. The one place where arms were involved to an extensive degree was in South Korea and that is because they were faced with an illegitimate, across-the-border, armed invasion.

One of the interesting things about South Korea is a story, relatively unknown, about Syngman Rhee who, of course, then was the ruler; dictator. South Korea was not a democracy. Syngman Rhee was then a dictator in what was then a rural and relatively poor country.

Today it is one of the industrial giants of the world but then it was rural and poor.

But President Rhee did one thing when he took power in 1947. He had undertaken land reform. He all but confiscated the land of the wealthy landowners and redistributed it to the peasants and in a poor, rural country, land is security. It does not matter that your country is richer or poorer than that of somebody else. You do not really compare yourself, if you live in South Korea, to whether you are better or worse off than somebody in Belgium. You really look at yourself in comparison to your neighbors.

You think: Am I better off than I used to be? And once the peasants had land and felt the sense of opportunity and some sense of equality, they supported the government. The one thing we had on our side in South Korea that we never had had in South Vietnam was the support of the peasantry. There was no Vietcong equivalent in South Korea during the Korean war. There was no attempt in South Korea to join with the North Korean forces and overthrow the South Korean Government. To the man and woman, you had extraordinarily loyalty to the south. You did not have that in Vietnam, unfortunately.

I think you cannot succeed in imposing democracy on a country and you cannot succeed in stopping a government from falling if it does not have an indigenous base of popular support. If that is a rural country, it means farmers. If it is an industrial country, it probably means factory workers.

If we stand firm and we say to Nicaragua: You keep your government. You want to keep your Communist system? You want to destroy all incentives? You want to drive your business out? You want your inefficiency to grow so you cannot compete with Belize in textiles or Suriname in apparel? You go right ahead.

But if you so much as take one step over the line in terms of invading or subverting your neighbors we will, first collectively try to stop you but we would not hesitate to try to do it alone if, for whatever procedural reasons, we could not get collective support.

Would that work? I think so. But it is a policy, Mr. President, that we have to stick to for a substantial period of time.

The best example I can think of again was brought home to me by Ambassador Kampelman when we were talking one night about NATO and burden sharing and obligations and who should put up money. He said: Bob, let me put it this way. He said, Burdens come in different forms. West Germany is about the size of your State, about the size of Oregon. Each of you have about 96,000 square miles. West Germany has 60 million people. You have 2.5 million. West Germany has 900,000 troops, of whom half are foreign; 20,000 tanks tearing up their roads, tearing up their parks on maneuvers, and over 20,000 low-level overflights a month by military planes pretty much confined to the West German borders and over 10,000 nuclear warheads stored on their soil in case there is a war which would be fought on their soil.

Do you think the people of Oregon would regard that as a burden? I had to admit that we probably would regard that as a burden and we might be willing to pay a little bit extra to have that burden someplace else.

Then Ambassador Kampelman said to me, for all the arguments about money and policy and strategy, it has been 43 years since the end of World War II. Forty of those years we have had NATO. And for whatever you might say about collective burden sharing, the Western European democracies collectively have put up more money for their defense, regardless of whether we think it is enough or not, than they have ever put up collectively for their defense before.

Always in the past, whether it was the Maginot Line in the thirties, or equivalent measures in other centuries, the Western countries could never get ready for their own defense until the wolf was at the door.

And he said, in the next war, if there is one, you will not have that time.

He said, for the last 43 years the Western nations, including the United States, have put more money into NATO than we have ever put into a defense alliance before and in those 43 years no major European power has attacked another major European power.

He said, Bob, believe it or not, that is the longest period of time since the end of the Hundred Years' War in 1453 that one major European power has not attacked another major European power.

Was that because of NATO? I said I do not know. He said: I think so, but I cannot prove it.

But, he said, I think I can probably say this safely. Had there been no NATO, had there been another war in Europe and for the third time in this century, had we gone to Europe's aid as we had done twice before, it would have cost us 10 times 10 more than all the moneys that we have put into NATO. And it would have cost hundreds of thousands or millions of lives and destruction unequaled in the history of civilization.

He said: No, we have had a policy in Western Europe that I would argue has worked because we stuck to it on a bipartisan basis over a long period of time.

Mr. President, patience is not an Occidental quality. It is an Oriental quality, but not an Occidental quality. We are a wonderful Nation. We are over 200 years old. We have a sensational engineering mentality: do it now. Put a man on the Moon this decade? Done. Build an automobile, get them mass produced, get them out to the common man and woman? Done.

We sometimes exhibit that impatience in diplomacy. Why cannot they reach a settlement in the Middle East? What is the matter with those people? Why do they not just get together and bargain and reach a solution by the 4th of July, Thanksgiving—it does not matter that those are our holidays and nobody else's holidays.

Why do they not reach an agreement? The fact that those people have been living there for the better part of 5,000 years sort of escapes us.

I saw this so graphically brought home in 1978. I was on a congressional trip to China, which Secretary of State Muskie was leading, and it was just before the normalization of relations with the People's Republic of China, so every place we went, the issue was Taiwan.

Mainland China wanted Taiwan. We definitely were not going to give them Taiwan. We were there about 10 days and there was not a seminar, a luncheon, or a dinner that Taiwan was not the focal point. We said we are going to defend Taiwan; it is in our Nation's interest; they said we want Taiwan, an integral part of China, and on and on the argument went.

One night, the last night we were there, we were having a farewell banquet, and the Chinese Foreign Minister was there, who understands English and spoke it a bit. Senator Muskie proposed a toast, and in his toast, he said: "I want you to understand, Mr. Secretary about Taiwan." He said: "I have said over and over on this trip, we will defend Taiwan; we will support Taiwan. Her integrity and our honor are at stake." And then his voice went up a bit and he said: "You would never get Taiwan for 50 years."

The Foreign Minister sat between us. He looked up and said: "Fifty years? Is that all you want, Senator?" He said: "We can bargain tonight," and I understand what he meant.

They have waited 99 years to get Hong Kong, and they are going to get Hong Kong.

They are going to get Hong Kong handed to them without ever firing a shot.

So the question is, could we wait 50 years? Could we bring to Latin America the same kind of a policy that we brought to Europe and NATO? Do we have the power, the influence, the discipline, and the patience to say in Latin America, the policy shall be "live and let live," and that policy means that thou shalt not invade or subvert thy neighbor. Short of that, you may have the kind of government you wish.

I will wager, Mr. President, that if we follow that policy, eventually all of Latin America will be democratic, freely democratic of its own will.

Does that mean every country will fall into democracy next year, the year after, 5 years after? It does not. Does that mean some governments may practice internal repression that we find repugnant? They will. But is it a guarantee that in the long run we will be more successful in bringing democracy to that continent than any other way? I think so. More successful, Mr. President, than trying to impose it by force of arms internally in another country.

If this country in Latin America, let alone the world, is going to start on a policy imposing democracy by force of arms, then I ask, is that going to be our policy toward General Pinochet in Chile, General Stroessner in Paraguay, Fidel Castro in Cuba? No one that I have run across has talked about any of those governments as being paragons of democracy. I think we would be unsuccessful—and we tried it once during the Bay of Pigs with Cuba; it did not work at all— I think it would be markedly unsuccessful if we tried to do it in Paraguay or tried to do it in Chile.

I think there was one reason and one reason alone that we are attempting to do it in Nicaragua, and that is that they are a Communist dictatorship rather than some other form of dictatorship.

I will wager that had they not attempted in the early part of their Trotskyite Communist years—1980, 1981, 1982—to expand their Communist imperialism to El Salvador that we never would have gotten into it, and that was a legitimate reason to support the Contras. That was the reason the administration used to legitimize the support of the Contras until about 1984.

We called it interdiction. The Contras would keep the Communist Sandinistas busy on the Honduran front so that they could not be running supplies and arms and personnel into El Salvador on another front.

But from about 1984 onward, we have ceased to use that reason. If the administration could again prove any serious attempts to overthrow neighboring governments, I would support Contra aid. I have asked for briefings. I have had secret briefings by the CIA with classified information, information that I have subsequently seen printed elsewhere. I am not going to repeat it because I know simply because you see it printed someplace does not mean it is no longer classified information.

Mr. President, the information the CIA gave me in a classified briefing was not enough to justify the defense of overthrowing Nicaragua on the premise that they are trying to subvert their enemies. If it were public information, you would not use it.

I say again in closing, if our policy is going to be to overthrow dictatorships by force, it is a policy worthy of debate. I think it is one doomed to failure, but it is worthy of debate. That is not the policy this country is pursuing in the world, in Latin America, in Central America. We are attempting to overthrow one dictatorship in Nicaragua, a Communist dictatorship because we do not like it. We would be better off to quarantine it, embargo it, surround it, and say, "Stay within your borders."

In the long run, not only will that do more to bring democracy to Latin America and the world, in the short run, it would do even more to bring democracy to Nicaragua.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I am very much concerned about what we see happening here now, and I want to talk about some things that apparently nobody else is willing to talk about openly about what I perceive is happening, and I may indeed be wrong. I will assure my colleagues that it is not the result of any overheard conversations on the telephone.

I am concerned that there are a number of people in this body who have traditionally and for a long period of time opposed any aid to the Contras. They are concerned that the situation in Central America is turning bad and that as a matter of fact the Sandinistas may be able to suppress all human rights within their own country and do so with impunity and that somehow the finger may be pointed at them because they failed to support Contra aid.

I do not want to make this a partisan issue. It has not been a strictly partisan issue, is not now a strictly partisan issue, and I think we would all be the losers if it did become such. But I am concerned that what we have constructed now is a package that has no reality in terms of whether it will actually aid the Contras. There is no assurance, as I understand it, in the package being submitted to us in the Byrd amendment that there is any credible delivery system. In other words, if humanitarian assistance is not reaching them today, humanitarian assistance voted for in this package will not reach them either. If they are starving now, they will be starving even if this passes because there is no way of getting the assistance to them. I am told by experts in the field that as a matter of fact the language that is being employed does not remove that fear on my part and it is shared by others.

If there is no delivery system, then the humanitarian assistance means nothing, and we vote for a package that has in it the promise of some lethal assistance but only if, only if it is voted for by the Congress in the future after a Presidential certification and only if it is first voted for by the House of Representatives.

Now, I do not believe anybody in this body really believes the House of Representatives is going to vote for it first. They never have. Why does anyone believe that they will in September?

So I have the suspicion that this is not intended to actually release any lethal aid to the Contras but is intended to give political cover to those who have never supported lethal aid in the past but want now to have a vote on the record that says they did while they know that it will never happen and they will have it both ways. They will be able to say, "I voted for that package in the Senate and if it does not get to them, that is not my fault." But they vote for a package in which it is almost certain that it will never reach them.

Mr. President, I am afraid what we are constructing now is a scenario to provide political cover rather than any kind of material or lethal assistance to the Contras. That to me, if indeed it is the motivation of any, is a disgrace. I am not going to try to attribute that to any individual Member because there is certainly no possibility that I can get inside someone's head and understand why they are doing what they are doing. But I am trying to interpret what I see happening in these negotiations over the last several days and the result that is likely to happen in votes on the floor of the Senate.

Finally, Mr. President, it seems to me that also the determination to attach it to the DOD appropriations bill rather than some other vehicle that is likely to come up is a very blatant attempt to force the President of the United States to accept what he has previously rejected in terms of treaty limitations on arms that are not contained in treaties that have ever been ratified but in treaties that are not ratified and therefore not the law of the land, to pair up his objection to the arms limits language of an authorization and then an appropriations bill with foreign policy questions that are contained or will be contained in an ultimate DOD appropriations bill that the President has previously rejected in the authorizing legislation and put that on his desk together with a package of ostensible aid to the Contras and say, "OK, Mr. President, veto this bill if you dare. You will be vetoing Contra aid."

Well, I understand that game. That is played around here too often. I am afraid the American public does not realize how many of the votes on the floor of the Senate are really political votes and not substantive votes, but this is one such issue in which there is an attempt, I believe, to box the President into the position of making it an either/or choice on the Contra aid or other positions to which he has heretofore objected.

For both reasons, Mr. President, it seems to me that neither we nor the American public are given the opportunity to vote on the issue of Contra aid in a real context, nor is the American public given the opportunity to see where individual Members of the Senate stand on that subject, because that subject is being completely obliterated by the other rhetoric that surrounds the issue today. I am concerned that that may be the case.

Let me address one other question that really does distress me. I have heard a speaker on the floor of the Senate say that indeed we ought not to be addressing communism inside Nicaragua; that is their problem. If they confine it to their own country, that is their own business. But if they step outside Nicaragua, we will stop them.

What brave and empty talk, because if, indeed, that Senator really means it, I would invite him to join with me in suggesting we send our troops to take over Cuba tomorrow. Precisely the same issue, precisely the same talk, precisely the same brave assurance to the American public: "Oh, but Castro is just the Cubans' problem, not ours, and if they want to live under communism in Cuba, that is their problem. But if they ever move outside Cuba, we'll whack 'em."

Whack them where? Whack them in Nicaragua? "Oh, no, that's their problem in Nicaragua. We certainly won't be involved in that." Whack them where? In Angola where they have over 50,000 troops today? Brave talk. Empty rhetoric. I would say to those who fall for that line of reasoning that as a matter of fact there is no point at which we will resist. And indeed the prognosticators of the demise of the American system in which we will be progressively surrounded until we fall into their hands like a bunch of grapes will indeed be right.

No, I do not mean to be bellicose about this. I just mean to read history. I remember a few people during World War II saying, "Why didn't we believe what Hitler told us about what his objectives were? Why didn't we understand?" Well, they did not read "Mein Kampf" or they did not understand "Mein Kampf" or they did not believe what Hitler said in "Mein Kampf," but they came to believe it after the war started and thousands, tens of thousands of young men and women were sacrificing their lives in a war that might have been avoided. After tens of thousands of Jews had died in the holocaust in the gas chambers in Germany, people were saying, "Why didn't we know this was going to happen?" They did not know it was going to happen because they did not want to believe what had been written. And it has been written what the Communist objective and Communist tactic is. It is no different today than it was before. I want to believe there will be a change. I want to see evidence of it. But certainly if you want to know what is going to happen next after Nicaragua, look to the example of Cuba. If you do not believe that, you cannot read history and you can understand nothing because certainly no one can explain today that we did not know what Fidel Castro would do once he consolidated his strength in Cuba.

You say it does not matter. It does matter today in Nicaragua. It matters today in Africa, where the subversion of human dignity, and human rights is being subverted in those countries by the Cuban extension of Soviet power. That is a fact. That is not an aberration on the part of the Senator from Idaho. That is a fact. And there is not anyone on the floor of this Senate or elsewhere who can refute those facts. All they wish to do is to say, oh, but that is different. Somehow that has been bad but it will not be bad in the future.

Mr. President, if you believe, as I believe, that we are making progress in our relations with the Soviet Union, it is because we have had a President of the United States sitting in the White House who knew and understood what the menace was, who knew and understood that the way to deal with it was with strength and not with weakness. If we had success in arms control negotiations, if we have success in bettering relations on a diplomatic front with the Soviet Union today, if those signs are real, concrete, and are really the harbinger of things to come, they are the result of our strength, not of our weakness.

Those who would counsel us that now we have too much strength, we are going too well, let us dissipate our strength in the hope that the process will be continued, are certainly going to be deluded. I pray we do not find out.

I pray that indeed we keep our strength and our resolve so that we can coninue to make progress on disarmament, so that we can continue to make progress on arms control agreements across the board on a wider range of issues, so that we can continue to make progress with respect to Jewish emigration from the Soviet Union, so that we can continue to make some progress with respect to getting the Soviet Union to comply with their solemn agreements in the Helsinki Final Act when they said we are going to enhance the observance of human rights within the Soviet Union, not any interference on our part on their internal processes—just a simple demand that they live up to the commitments that they made when they signed the agreement.

All of these are a part of the same fabric. You cannot deny human rights in Nicaragua without diminishing our attempt to have human rights observed elsewhere. You cannot possibly be concerned about the observance of human rights in Namibia and apartheid in South Africa unless you are equally concerned about human rights in Nicaragua. My friends, there is no division of this subject. You either understand that is a part of the same fabric and a part of the whole or you understand nothing about the political evolution in this country, and in this world today.

Mr. President, I pray that the Dole amendment when offered, which is a real alternative for Contra aid, is passed. And I would pray that indeed if the Dole amendment turned down that everybody who voted for the Dole amendment also votes against the Byrd amendment which in my judgment is supported by some of good faith and some of less than candid motives.

For that reason, Mr. President, I hope when we get to that vote the vote will be for the Dole amendment. I hope it is adopted, and that we will never find out what will happen on the other. If, as a matter of fact, the Dole amendment is not adopted, it is my purpose, and I hope that of everyone else who is dedicated to truth in packaging and honesty with the American public will vote against the Byrd amendment if it follows.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LEAHY. Mr. President, we have had a lot of discussion on the floor about aid to the Contras, and I would like to pass out some of my feelings about it.

We have heard a lot about discussions, and I commend both the Republican and Democratic leaders for trying to bring in Senators across the political spectrum to discuss aid to the Contras and discuss what kind of package they should have.

I think Senator BYRD, the Democratic leader—I am a member of his caucus—has gone out of his way to have just about every single part of the political spectrum in our party represented.

As the distinguished Presiding Officer [Mr. SANFORD] knows, when you talk about political spectrum and the Democratic Party, especially in the U.S. Senate, it does go right across the board.

Let me just tell you my feelings as one individual Senator, not speaking for the caucus, not speaking for the leadership.

Mr. President, 4 months ago, with serious reservations I joined an overwhelming majority of Senators in voting for humanitarian aid in the Nicaraguan conflict. That was real humanitarian aid, not the military supplies this administration has called "humanitarian" aid in the past.

Half of that was for food, medicine and clothing for the Contras and half for children injured in the war.

I have seen those children. I remember one of the things that sticks in my mind the most was going in a hospital in the jungles along the Honduran-Nicaraguan border and seeing a youngster, probably 16 years old, who had been in the hospital now for 3 or 4 years. It was around 100 or 110 degrees inside this hospital. The hospital really looked like an old World War II wooden barracks. He had been there several years. He had lost a leg in a land mine. There was no place for him to go. He was a peasant farmer. He could not work in the field. There is no such thing as an artificial leg or rehabilitation. He just kind of was there. I saw not only him but dozens more like him.

So the money that went for the children injured in the war was very important. It certainly was to this Senator.

Another $10 million was to monitor compliance that the aid was not used to continue the war.

I hoped this money would give the Contras a reason to honor the Sapoa cease-fire agreement they had just signed. I believed both the Contras and the Sandinistas had strong motivations to end this stupid, senseless war.

Maybe what actually happened was predictable. Instead of telling the Contras there would be no more military support, the Reagan administration used the aid to keep the Contra military option alive. Egged on by administration hardliners, the Contras made a mockery of the peace talks by constantly upping their demands. It got to the point where one might have thought they had won the war, when in fact, they were barely surviving.

Now, the peace talks appear to have collapsed. The Contra leadership has moved sharply to the right, with the election of former Somocista, Col. Enrique Bermudez. He has said time and again that he does not support the peace process, and is lobbying hard for more guns and ammunition, often right here in the halls of Congress.

The Sandinistas also share the blame for the disaster afflicting the Nicaraguan people. By arresting opposition leaders, stifling a free press and breaking up demonstrations with clubs and tear gas, they have reneged on the Sapoa agreement. By playing their own internal power politics games, they are fueling what support the Contras have left in the United States.

But we are not bankrolling Sandinista stupidly and oppression. We created the Contras. We kept their war going. We ignored our laws and the Constitution to get money to them. And we can not duck that responsibility anymore.

When do we finally come to our senses and stop trying to orchestrate events in a tiny, impoverished country that poses no threat to us? When will we acknowledge that the real threat in Central America is not hostile ideologies or governments we do not like, but rather poverty, ignorance, injustice, disease and despair?

I cannot condone for 1 minute the recent actions by the Sandinistas. They are undemocratic, repressive and just plain wrong. But neither can I understand how anyone who has seen the misery caused by our tragically flawed policy can vote for more aid for the Contras—more aid to stir this rotten mess up one more time.

I know many of the Senators here have spent long hours negotiating this new aid formula that we have talked about today and that many of the same Senators oppose this Contra war policy just as much as I do. I know that several who participated in developing this package believe it will never result in renewed lethal aid—and I do not question for 1 second the good faith of such Senators. I also know it is an election year and that this issue will be debated in the Presidential race. But these are the very pressures that can force us into mistakes for the sake of political expediency.

And to keep open the chance that the war could keep going for another 6 months, in which more Nicaraguans will needlessly die, is a terrible misunderstanding of the will of the American people.

I have looked at the latest plan that has been floated out here. The Byzantine complexity of the plan before us would make a Leonardo da Vinci of Rube Goldberg. It spells the end of the peace process and gives President Reagan the opportunity to resume the war that President Arias so abruptly interrupted with his bold initiative for peace.

The Arias initiative, I am convinced, offers the only hope for real peace in Central America. It is a tragedy that the Reagan administration has thrown away this historic opportunity to play a central role in rebuilding a region that is vital to the security of the United States.

Do we learn anything from history? It seems this administration will stop at absolutely nothing to keep the Contras fighting. They defy our laws to pursue this end. Again we see the possibility of a victory for an administration that has lied to us over and over again on its activities in Central America.

After 7 years, can the Senate still be buying it with a straight face? Can anyone still expect to sell it back home? Does anyone in this Chamber still think the American public has not caught on to what is happening here?

For me, this is a question of principle. From the very start of the Contra war, I have argued that military pressure on the Sandinistas is not the way to advance American interests in democracy, economic development and political stability in Central America. It is counterproductive and undermines the very goals we are trying to pursue.

Yet, stripped of all its complexity, what we are looking at is a plan that gives President Reagan one last shot at military aid. The original Republican leadership plan provided for a vote for $20 million in new military aid. This alternative provides for a vote to release $16 million in old military equipment.

What is the difference between voting for new or old military aid? Maybe we here in this Chamber can pretend there is a difference because the guns were bought with last year's money. But the guns really have only one purpose. They are there to kill people and often those people are civilians. Often those people are the age of the youngster I saw with one leg in the hospital in 110 degree heat along the Honduran-Nicaraguan border.

Vermonters know that what we are doing there is wrong. I go home nearly every weekend, and everywhere I go Vermonters tell me they do not want their money to pay for the Contra war. In fact, the largest single topic in my foreign policy mail is Central America, and Vermonters overwhelmingly oppose the Contra war.

We are really going to have to build a new policy toward Central America when the next adminstration takes office no matter what that administration is. There are better and more decent ways for America to make its influence felt in Central America, ways more worthy of the American people.

I hope there will be many Senators who will join me in voting against any more aid to the Contras. I know most of my fellow Senators are as disheartened by this resumption of the war as I am.

We can end it right here, right now. There are a lot more Americans than you think out there who hope we do the right thing by ending it now.

Mr. President, I do not know if anybody else seeks recognition. I see the distinguished Senator from Rhode Island on the floor.

I yield to my friend and colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, one colleague who deserves to be congratulated on this compromise amendment that is before us is the majority leader because he has exercised forbearance, patience, and energy in trying to weld together the divergent viewpoints.

I just wanted to congratulate him on what he has done over these past days and weeks.

Mr. President, the circumstances of recent weeks have intensified the call for military assistance to the Contras from some quarters. It was my hope when we last visited this issue in March, that at this time we would be celebrating the anniversary of Esquipulas II and the peace process would be on its proper track; that we would be discussing assistance to support the process, such as helping to relocate and reintegrate the Contras. But as we debate this issue once again, the peace process is stalled and indeed in trouble, the Sandinista government by its actions is calling into question its commitment to democratize, and the Contras have come under control of their military leadership.

Mr. President, this demand for, or the use of the threat of military assistance is a call for a renewal of the war and that is wrong—very wrong. I want to remind my colleagues that, despite outbreaks and skirmishes, including a very serious incident the other day when Americans were among civilians injured while in a boat under Contra attack, a cease-fire, albeit fragile and cracking, is still in place. Frankly, under the circumstances in which we find ourselves, the informal cease-fire may be all we have to cling to. We must do everything possible to preserve it, and make it permanent, not be a party to its destruction. Further military assistance, putting more weapons and ammunition into the hands of the Contras, will set back the chances for a real political settlement.

I am not ready to declare the chances for peace dead. But the process needs strong doses of revitalization. The Sandinistas government, for its part, must demonstrate its will to comply with the peace process. Those in power in Managua are finding out that the road to democratization is a very difficult one. With every passing, day, the internal opposition is going to test the limits of the political system and the government is going to have to accept loud and harsh cries of dissent without flailing out at political leaders, La Prensa and the opposition radio.

I believe that it will take a renewed effort by President Arias to get the peace process back on track and this is happening. He has been working to get the Contras and the Sandinistas back to the cease-fire talks which broke down in June. For its part, the administration must dedicate itself to unequivocal support for that process. A positive step would be the opening of a dialog and diplomatic channels with the Nicaraguans. A further step, and a point I have made many times before, would be the renewal of bilateral talks with Nicaragua to discuss matters of mutual security concern. An accord should be negotiated that would satisfy our problems regarding Soviet/Cuban assistance and other matters. The Nicaraguans have said that they would do this and we should take them up on it. A discussion of this subject would be a reporting requirement for the Secretary of State under this amendment.

This compromise amendment, born of necessity and drafted to meet the particular circumstances that we face, satisfies my concerns. There is no military aid for the Contras, the peace process is given an opportunity to get back on track, and the Nicaraguan Government is given economic and trade incentives to work out a peace agreement. In order to make a future request this year for previously appropriated lethal assistance, the President will have to follow specific requirements including consultation with the presidents of Costa Rica, El Salvador, Honduras, and Guatemala. Any military assistance request will be subject to another vote by the Congress. The amendment before us does not include military assistance; nor does it make such assistance a foregone conclusion in the future. It simply says that under certain circumstances the President will be guaranteed a vote if he sends up a request for military aid. In short, given the situation that exists at this particular time, this compromise is the best prescription at hand and I therefore will vote for it.

Mr. HELMS. Mr. President, for the past week, I have spent at least 20 hours in meetings and consultations about what to do about the freedom fighters in Nicaragua.

I must be candid at the outset. I know what we ought to do. We ought to recognize that the Soviet aim is to take over Central America. That is demonstrable throughout the past 20 years or more.

You can start with Cuba and the rise of Castro. Oh, I remember all of the caterwauling that went on in the liberal media and among liberal politicians that Mr. Castro was just an agrarian reformer who was out to look after the people of Cuba. I remember Herbert Matthews of the New York Times, who wrote day after day that Mr. Castro was a valiant defender of freedom and that if he could just take over in Cuba democracy would flourish and abundance would become the lifestyle.

And then, after that happened, we all saw what Mr. Castro was and what he is today. But that is where it began, with Cuba.

And then came the most fateful decision that I could recall in terms of an action by the U.S. Senate. It was 10 years ago when this Senate voted, after much arm-twisting by the then President of the United States, Mr. Carter, and the New York bankers and others, and we gave away the Panama Canal.

Now, that sent a signal, an unmistakable signal, to the forces in Central America that the United States lacked the will to defend this hemisphere. And from that point on, it has been downhill all the way.

And here we are debating what I consider to be a puzzling issue: whether we should help the freedom fighters regain that country for the people—Nicaragua—now in the hands of a petty, arrogant, two-bit dictator. And we are reluctant to help the freedom fighters, who are willing to fight and die to restore democracy to their country.

This very day I have heard Senators say such ridiculous things, as one Senator awhile ago claimed that the freedom fighters were just terrorists. That, with all due respect to the Senator, is a falsehood.

Fifteen minutes ago I hung up the phone after a conversation with Adolfo Calero, a good man, a former Nicaraguan business leader, who has laid aside all of his interests to try to restore freedom to his country. I asked his about the proposal now before the U.S. Senate purporting to be aid to the freedom fighters or Contras. He said, "Senator, frankly, nothing is better than this. It will not help the freedom fighters," he said, "because if we do not understand the parliamentary situation, the freedom fighters in Nicaragua do." They understand what is afoot. No aid of substance will get to the freedom fighters if we follow the process we have not embarked upon.

Various leaders of the freedom fighters have expressed similar sentiments; some stronger than that, as a matter of fact. One told me, "We do not need beans and Band-Aids. We need something to ward off the Sandinistas," who, after all, are getting and have gotten a total of billions of dollars worth of military aid from the Soviet Union.

These facts are indisputable. The Soviet Union is orchestrating what is going on in Nicaragua, including the ploys and the duplicity and the deceit, the shutting down of the news media by the Communist Sandinistas and then opening it up when psychologically it is important. And there is strong reason to believe that they take their psychological cues from Washington, DC.

Let me put it this way, Mr. President: If Franklin D. Roosevelt had been required to try to prosecute World War II with the restrictions and limitations that the Congress of the United States has constantly put upon Ronald Reagan in trying to free Central America from communism, World War II would have been lost. The Germans would have won.

And, as somebody put it the other day, the French people today would be making their vichyssoise out of sauerkraut.

So, what are we about? Why is there any reluctance, let alone dispute, about helping people who are fighting for freedom? But this goes on all the time.

We had to battle like fury to get any help for Jonas Savimbi, of Angola. And I can point to other hot spots around the world where communism is reaching its tentacles in.

Africa is in grave danger, and yet there is a move on in Congress to turn over Africa to the Soviet Union. So, this is not just one, isolated little of circumstances, in Nicaragua, Central America. It is a broad brush picture, and you cannot count on the major liberal news media in this country to deliver the truth to the American people.

Now then, for the subject at hand specifically, the package that is being proposed. At the outset I want to emphasize my respect for the distinguished majority leader as well as Senator BOREN and others who have really tried to come up with a workable proposal on their side of the aisle. Some of them have been candid enough to say that, well, we have got to satisfy this Senator and that Senator, who does not want to help freedom fighters anywhere, anytime. So we have what amounts to a Rube Goldberg proposal.

You look at the triggering mechinism. You look at the ifs and the ands and the buts and you find that it is a catch-22 for the freedom fighters any way you look at it.

I am aware of the frustrations that Senator BYRD and Senator BOREN experienced. So I imply no criticism whatsoever of these fine Senators and I thank them for the efforts they made. But, having said that, the more I look at this package and all of the Rube Goldberg wheels and switches, the more convinced I become it is not really a package that will help the freedom fighters let alone save the people of Nicaragua.

It has all the appearances of a package that will prevent any aid whatsoever to the freedom fighters.

I reiterate, for the purpose of emphasis, that I know that this is not what the majority leader or Senator BOREN and some others on the other side of the aisle intend. Still, what we have before us is a measure that will allow certain Senators to go back home and say that they voted for aid to the freedom fighters without allowing any actual aid to reach those anti-Communist friends of ours.

The pending amendment will simply give a breathing space to the Communists until Congress adjourns and that way the issue of communism in Nicaragua will go away until after the election.

The fundamental point was stated succinctly by another leader of the freedom fighters. He said: "Congress has got to decide now whether communism will be allowed to take over Central America." And if ever there was a factual statement, that is it. If we fail now to help men and women who are willing to fight and die for their country, then that blood is going to be on our hands. This is the point that the American people, apparently, do not understand, in large percentage. Because if the freedom fighters go down in Nicaragua, then there will be the most enormous mass exodus from Central America that you could imagine. Do you think the number of people pouring over our borders now is enormous? Just wait.

They will come here. And we cannot begin to stop them, and I am not sure that people fleeing communism ought to be stopped. But that is a subject for another day. But it is coming. Because all they need now is for the freedom fighters to go down in Nicaragua and the message will go out to Communists everywhere, let us move in.

I think the American people are entitled to know that the freedom fighters in Nicaragua are strongly opposed to this proposal. They, frankly, describe it as a sham.

Yesterday, the directorate of the Nicaraguan resistance, the freedom fighters, presented its official, unanimous opinion to the White House and that opinion was this legislation is worse than no legislation at all. The directorate knows that this amendment could well mean the end of the freedom movement. They know that communism, in the form of Marxist-Leninist Sandinistas in Nicaragua, will be the main beneficiary if the Contras are allowed to die on the vine.

And they know, a lot better than most Americans, perhaps, that there are some Senators and there are some Members of the House of Representatives who have done their best all along to break the back of the freedom fighter movement. They know that every time there is a chance for freedom there are some on this Hill, Capitol Hill, who always come up with a plan to tie the arms and legs of the freedom fighters in the name of negotiations.

So, we have negotiated. We had all sorts of pronouncements. We have had all sorts of meetings. There is no peace. To the consternation of the Sandinista supporters on Capitol Hill, and elsewhere, Communists are always going to be Communists. When they are in trouble they pretend to want peace, but they do not want peace or freedom, and there are always apologists ready to believe these cries of peace.

Patrick Henry said it well, quoting from the Scripture: "The gentlemen cry peace, peace; but there is no peace."

Oh, we hear, over and over again, if we just do not provide any sustenance to the freedom fighters, then we are going to have a peace settlement. I have heard that over and over again.

Mr. Ortega has played this Congress like a fiddle. He will shut down the press and the radio stations.

Then when a little heat is applied, he will open them up again and his supporters will say, "Oh, mercy, we have now accomplished something," and then he shuts them down again.

Then the Arias peace plan was advertised all over the place as being the road to peace when, in fact, it has been a demonstrable and disastrous failure. The Communists have more than once embarrassed their allies on Capitol Hill and elsewhere. The Sandinistas have been exposed time and time again as the cruel tyrants they really are, staging events to manipulate votes in the House or the Senate, and it always works. Without fail, it works.

So here we go again. Those who do not support the freedom fighters and who place vain hopes in the Sandinistas, are saying well, we can contain them if they get out of line when, in the first place, they are going to get out of line and, in the second place, you cannot contain them. How are we going to do it? The Soviet Union has pumped billions of dollars worth of armaments into that country, and we stand here and sit here and haggle about $25 million or $20 million or whatever the piddling amount turns out to be.

Adolfo Calero had it right. We have to decide whether we want this hemisphere to be taken over by communism or not. This Senator does not want it.

I said a moment ago that the leaders of the freedom fighters are strongly opposed to this proposal. This morning I learned from the directorate of the Nicaraguan resistance, the freedom fighters, that the unanimous position of the directorate, as communicated to the White House, is that this package is a step backward and, as they put it, worse than nothing. The leadership of the freedom fighters cited the following reasons: One, the humanitarian aid in this package can never be delivered and is so narrowly defined that humanitarian operations would be crippled. It requires delivery either by the freedom fighters or by nongovernmental agencies, rather than by the U.S. Government.

Neither the freedom fighters nor private foundations are equipped to deliver humanitarian aid in the midst of a hostile, war-fighting environment. If you were leasing airplanes, Mr. President, would you lease a plane to fly into that sort of thing? Of course, you would not unless you have lost your mind or you want to get rid of an antiquated airplane. Furthermore, the definition of humanitarian aid excludes communications equipment.

Mr. President, let me yield to the distinguished majority leader and the Republican leader with the understanding I can resume my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—DOLE AMENDMENT

Mr. BYRD. Mr. President, the distinguished Republican leader and I have been talking again, not that we have quit talking, but this is just a most recent conversation.

I ask unanimous consent, based on our conversation, that on the amendment by Mr. Dole there be 1 hour equally divided between Mr. Dole and myself; that no amendments to the Dole amendment be in order at such time as Mr. Dole offers his amendment.

The PRESIDING OFFICER (Mr. Harkin). Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

Mr. ARMSTRONG. Mr. President, I note that the Senator from North Carolina is returning and under the order, it is his right to reclaim the floor. But I wonder if he will yield to me briefly for a question?

Mr. HELMS. I certainly will.

Mr. ARMSTRONG. I have been listening with the utmost interest to the thoughtful statement which the Senator has presented. I especially, and I am looking forward to the conclusion of his remarks, but I was especially intrigued by an observation that he made about some of our colleagues. I wonder if the Senator would be willing to pursue it with me.

I recall the Senator made a point of complimenting some of the Senators who are on the other side of the aisle who have developed this proposal, which he disagrees with and with which I find myself completely in disagreement as well. As I recall, he complimented them for their integrity, for their concern for the Contras, and so on.

The point I wanted to emphasize is the fact that they may approach this matter with good will does not mean that they are right. In fact, many of us on this side of the aisle think they are not only wrong, but tragically so. I could not help recall just 1 year ago that the Senator from North Carolina and I and one or two others went down to chat with someone else we admire greatly, the President of the United States, a person whose integrity we trust, whose convictions we believe in, whose support for the democratic resistance in Nicaragua has never wavered. We looked him right in the eye and said, "Mr. President, you are making a big mistake to buy off on what has come to be known as the Reagan-Wright plan."

I just wanted to point out that neither the Senator from North Carolina nor some of the rest of us have hesitated to disagree with people who we admire and think well of.

When my turn comes to speak, I am going to make a point of echoing his remarks which I believe really deserve to be put in the right perspective. This proposal which is before us, in my opinion, is disastrous. The fact that some people who we have a high personal regard for, even a great personal affection, should obscure the fact that we are here to do our duty.

It is our duty to say this is a terrible plan. It is, as one of our colleagues termed it, the Dunkirk for the Contras. It is the end of the Reagan doctrine. It is the end of the Monroe Doctrine in Central America. It is a way politically to get a bunch of people who never did want to support the democratic resistance in Central America off the hook and to hide their tracks, to conceal from the world the fact that they are pulling the plug on the people who are fighting for freedom down there. The mere fact they have convinced a handful of people who have traditionally supported the democratic resistance to go along with this does not change the underlying reality, which is this is a terrible idea.

Mr. President I would not have interrupted the Senator's remarks to draw this conclusion or to emphasize this theme, but since he had been interrupted for other reasons, I just thought it was an appropriate time to point that out and compliment him on the statement he is making.

Mr. HELMS. Mr. President, of course, I thank my friend from Colorado. He has been a stalwart in this matter. He understands what the problem is, both in Central America and in the Congress of the United States. I must say that Bill Armstrong has been unwavering in his efforts to persuade that there be a modicum of common sense. You do not have to be brilliant to understand what is happening. You just have to have a little common sense. And then you have to decide whether you want Central America to be absolutely engulfed by communism or whether you want to try to do something about it. It is just as simple as that.

I thank the Senator. I deeply appreciate his comments.

The directorate of the Nicaraguan resistance, if I may resume my comments, raised the point that the definition of humanitarian aid excludes communication equipment which has been allowed in all previous bills. Without radios, there is no way that the commanders can keep in touch with the troops and maintain a cease-fire, for example. This is not military equipment. It is the kind of item that can be purchased anywhere in the United States at Radio Shack.

Then they raised a point about the definition of humanitarian aid no longer including the materials that are used to assist Nicaraguan civilians in rural development, thereby developing a working relationship.

Then they raised a point that the definition of humanitarian aid does not even include nonmilitary training exercises. Troops are leaving because they have nothing to do after 5 months of a cease-fire.

Most importantly, they noted, as I am sure most Senators understand, there is not one penny of new military aid in this package. All that is added is a new layer of redtape to military supplies that have already been approved by appropriations by this Congress, supplies that already belong to the freedom fighters, supplies that are now in the custody of the Honduran Government.

So why should we be adding more redtape and more obstacles?

These are the puzzling things, among others. The directorate of the freedom fighters contends, and they are absolutely right, that the conditions for release of these supplies are so complicated that there is no chance of their being met.

Bear in mind that the President of the United States, in asking for military aid, must report on the activities of the Sandinistas during the next 30 days. Oh, boy, what a ruse. It requires the President to report on two of the following three situations: That the Sandinistas have launched an "unprovoked military attack"; that the Sandinistas have shut down opposition media or suppressed political dissent; or that they are receiving "unacceptable" levels of Soviet bloc military aid.

Well, even a schoolboy could understand that this just places it all in the lap of the Communist Sandinistas. All they have to do is be nice for 30 days and keep quiet and they win. After the 30 days have expired, they can go hell-for-leather in whatever devious activity they choose.

Now, if the redtape in this legislation were to be met, Mr. President—and it cannot be met— then we supposedly would have a second vote to supply military aid.

But, as I said earlier, and I say again, this is not new military aid. It is already in the pipeline. No, The $16 million that they are talking about in military aid in this package has already been appropriated. It is already owned by the freedom fighters and is in the custody of that third country, Honduras. So how is that for a ringer?

Now, if there is a second vote in September—and bear in mind that the House of Representatives has to act first, and I would reference Senators to the fact that the House has never originated anything to aid the freedom fighters, never—this provides that the House would have to act first and approve funds that will then be released for transportation to the battlefield—truly a legislative catch-22.

Now, this is old military material and includes very little of the critical military supplies needed by the freedom fighters on the battlefield. Otherwise, they would be left defenseless, ready for slaughter. Moreover, the package does not allow the United States to swap military items already appropriated for military items that are more critically needed today. So their hands are tied. And the President of the United States, with his policy of trying to prevent a Communist takeover in Central America, has been long-tied.

Finally, not enough money is appropriated in any case for the delivery of critical military aid if somehow we could thread through the thicket of confusion, rhetorical, legislative, and parliamentary. The delivery, Mr. President, of critical materials is an expensive proposition because of the special transport and indemnification of possible losses that would be required.

The package includes only $25 million out of an estimated $35 million to $40 million actually needed for transportation of the assistance. And I would refer again to the fact that the Soviet Union has pumped in well over $1 billion to help their surrogates, the Sandinistas, but nobody ever mentions that.

But once again, Mr. President, even that transportation money would be provided under this proposal only if the President reports Sandinista violation of two of the three conditions that I enumerated earlier: one, if the President reports as I have indicated; two, only if the House of Representatives agrees with the President; and three, only if the Senate subsequently agrees. I can see prolonged debate from certain quarters of the Senate to tie the Senate in knots.

Now, if all of those roadblocks are overcome, then and then only would it be possible for transportation money to be made available for military materials which for freedom fighters already own.

This is legislative Chinese water torture. This is congressional strangulation of the freedom fighters with legislative redtape and loopholes.

For the mere signing of an agreement between the Sandinistas and the freedom fighters, without verification, the trade embargo is lifted and $10 million of the American taxpayers will be made available for reintegration and relocation of displaced Nicaraguans.

What that means is $10 million for the Communist Sandinistas, and that is the first time this sort of provision has crept into any legislation, to my knowledge, except way back then, way back then when this Congress, this Senate voted—and I watched with great awe—to give $75 million seed money to the Communist Government in Nicaragua.

Now we haggle over a little bit of money, relatively, designed to help the freedom fighters stay in existence. But under the provision of this proposal all the Sandinistas have to do is to sign the paper, almost any paper, and you know what an agreement means to them? They tear it up and laugh. It does not have to be a good agreement nor a verifiable agreement. The Communists will just sign a piece of paper and bingo, they get the trade embargo lifted and they get a $10 million door prize from the American taxpayers.

Furthermore, after 180 days, believe it or not, the Nicaraguan Communist government is authorized to receive foreign aid funds from the United States by way of the Caribbean Basin Initiative, and also from the Export-Import Bank. And these Communists can qualify for trade under the general system of preferences just as though they were one of our democratic allies in Central America, which certainly they never have been, and never will be.

So, Mr. President, the leaders of the Nicaraguan resistance—that is to say the freedom fighters—are absolutely right. The freedom fighters are not foolish. They understand what is going on, even if some in this Chamber do not. They recognize a ruse when they see one. In simple truth, this is not aid to the freedom fighters. It is aid to the Sandinistas, the Communists in Nicaragua. And it is a proposal that could very well destroy forever any hope for freedom in Nicaragua.

Thank you, Mr. President. I yield the floor.

Mr. AMSTRONG. Mr. President, the Senator from North Carolina is completely right. This is not a proposal that should be lightly rejected. This is a proposal that should be trounced, withdrawn. This is a proposal which means less freedom, less peace, and less progress toward democratic ideals in Central America. This is a proposal which in my view is in part—I say in part because I cannot look into the hearts of all the people who are behind it—but cynical domestic political considerations.

Mr. President, this is in short one of the fishiest legislative proposals ever to come before this body during the years I have been here.

Mr. President, this started out under the representation that it was a bipartisan approach. In fact, in some quarters it was hailed as a renewal of the bipartisan foreign policy which was the hallmark of American international relations for several decades, much to the success of our own foreign policy and to the benefit of the world. It was a bipartisan foreign policy that did so much to restore Europe following World War II which has kept the peace for several decades, which has only broken down in the last few years, and in which many of us on this side of the aisle, and some on the other side of the aisle as well I judge are eager to restore.

We earnestly need a bipartisan foreign policy, and nowhere more so than in Central America but, Mr. President, in calling something bipartisan does not make it so.

The fact of the matter is this amendment comes to us not as a proposal developed after extensive consultation between the two parties, but after a lengthy consultation among the Democratic Members of this body. The proposition was then presented to Republicans, it has been the object of discussion for some time, and like the Senator from North Carolina and others I have been a party to those discussions. I have listened to this thing at some length. I did not ever quite get to the point that one of our colleagues did when he said in exasperation "I just do not want to go to any more meetings" on this subject. But I went to a bunch of meetings. I listened a lot. I suggested some changes and listened as other of my Republican colleagues suggested changes, and the truth of the matter is that those several days went by there was no effective negotiations. There really was not any Republican participation in the formulation of this plan. It was given to us on a take it or leave it basis.

One anecdote I think sums up so well exactly the nature of this supposedly bipartisan plan. I asked about one particular provision that was of interest to me, a small provision in the largest scheme of things, and basically what I was told by a staffer for the Democrats who were present was that they just could not even think about it, or as he put it, "That camel is loaded." I said "could not we unload the camel, and let some of us over here participate in this process?" And in effect what I was told, in fact I did not write it down but I remember vividly what I was told. It was that "Our colleagues"—meaning the colleagues among Democrats—"would fall apart if we changed that provision." In a moment I will tell you what that provision was. But the point I want to make at the very outset is it is a sham to talk about this as a bipartisan approach. It is not anything of the sort.

The second aspect of this which in my view is fishy at best is the insistence that the House of Representatives vote first. I think it was the Senator from North Carolina and it may have also been the Senator from Wyoming who pointed out that the House of Representatives just does not have a history of initiating aid requests of this kind for the democratic resistance in Nicaragua. That is not to say they might not do it some time. It is just that they never have.

The only way we have ever been able to get aid to people who were fighting for freedom in Central America has been for the Senate to begin it. In fact, even if that were not true, it is very hard to take at face value as a fully credible proposal, something which insists as a precondition to voting on the military aid component—the so-called lethal aid—that the House of Representatives has to do somehing first. If it is our desire to provide such aid, why do we not just provide it? Or if it is our desire to have a vote in September on the subject, why do we not just schedule such a vote? Why do we have to say we will have a vote in September but only if the House has voted to send us something first? For that matter, Mr. President, if we are really sincere about it, why do we want to wait until September anyway and why, if we are going to wait until September, would we only vote in September?

That is the underlying fact. The people who are sponsoring this issue are not willing to vote in August, and they are not willing to vote in October, November, December, or January. The only time that they are willing to have a vote on this subject is in the month of September after we come back, between the time we return and our scheduled adjournment on September 30, or perhaps in the first week of October.

That sounds fishy to me. It seems even fishier to me that those who are backing this proposition are eager to spell out in minute detail how the humanitarian aid will be provided. The transportation issue I think has already been discussed at length but it is just obvious that under the scenario which is established by the pending amendment probably very little of that humanitarian aid would be effectively delivered. What aid to be delivered under this approach would really be given to people in Honduras, the practical effect of which is to convert a resistence army in Nicaragua into a collection of refugees in Honduras? Or to put it even more simply, if you want to eat you have to come out of Nicaragua, and cease being an effective resistance force for the Communist government and come to Honduras. If you will do that, we will provide you with some boots, shoes, and food, and whatnot.

An even smaller matter occupied the attention of those who were discussing, and I say discussing, not negotiating, because really there was very little effective negotiation. But there was one item that was negotiated and that was the radio batteries. The sponsors of this matter not only do not want to provide weapons for the democratic resistance to defend themselves, but they do not want to provide communications gear so that they can talk to each other. They do not want to provide radios which hardly seem to me to be a highly controversial item but they are to somebody. Then the question was how about batteries? How about batteries as replacements for radios that are already in existence and, by gosh, the team that was sent to negotiate with us did agree to go back to the caucus and check on that, and did come back with a report that they could have a few batteries.

Mr. President, the batteries, in and of themselves, are not important. But when Senators are reduced to negotiating over replacement batteries for people who are willing to put their lives on the line in the jungles and highlands of Central America, fighting for freedom, I think it raises a fundamental doubt about the sincerity of some of the people who are bringing this package to our attention.

Mr. President, I am concerned about the lack of expedited proceedings in the House. One of the things that looks fishiest about all this to me is the fact that we are not able to get any solid guarantees that this matter will ever be voted on in the House. We have certain representations. We received a letter at one point from the Speaker which somebody characterized as a broad restatement of the Constitution. I do not have it before me; but, in effect, it said that the President can send up his proposal and the House will work its will, send it to committee, and by majority action do whatever needs to be done. That, I guess, can be aptly termed a restatement of the Constitution.

That is the way the process works. But it does not constitute the kind of credible, expedited procedure for somebody who cares about getting aid to the democratic resistance in Nicaragua, an assurance that something was going to be done. Particularly in light of the controversy over past representations by the leader of the House to those of us who care about this matter, you can excuse, I think, if we are going to be pretty cautious and be sure that if we enter into a contract, it is one that binds both sides, that we are sure we are going to get a vote, if that is what we are asking for.

I am not one who is enamored of getting some kind of promise by the Speaker of the House about a vote in September. I am interested in a vote right now. If the House does not want that, it is on their conscience. If they want to let the democratic resistance go down the drain, that is up to them. But if we are going to enter into a contract, if that is the price of getting action in this body, it should be a real contract. It should not be something that is subject to misunderstanding or controversy subsequently.

That brings me to the last matter or kind of general procedural fishiness about this, and that is the question of what vehicle we are going to put this on. I have been preoccupied in the last few hours with some other matters, and maybe some others have explained this, but it is very hard to take as a credible plan.

Its sponsors only will be for it if it is on a certain legislative vehicle which looked like it could be stalled. That is to say, when the sponsors say that they are only in favor of this if it goes on a certain piece of legislation and that legislation looks like it might be tied up for several weeks, maybe to mid or late September, could be the subject of other riders, could have amendments put on it, to have the President veto it, and never be enacted, it is certainly hard to believe that this is a likely way to aid the democratic resistance in Central America.

Mr. President, I say to my colleagues on the other side of the aisle who helped develop this, we want to believe you. We would like to believe you. In the case of several people who worked on this, they are Members whom I have admired and worked with and whose friendship I treasure. But, as I pointed out earlier, I did not hesitate to tell the President of the United States, whom I admire and have worked with and have campaigned with, and whose devotion to the democratic cause in Central America is beyond question, that he was making a mistake when I believed he was.

He signed on to that so-called Reagan-Wright plan, and I begged him not to do it. I told him it was going to be a big mistake. I did not tell him it was only going to last 2 days, which it did, but I told him it would be a sorry setback, perhaps a fatal setback, to get attached to that idea instead of a vote on democratic resistance.

So, despite my affection and regard for some people who developed this, I say to them, and I say to all my colleagues, this is a terrible mistake, a tragic mistake. It is a bad package. It is intended, I believe, to provide political cover to some people who want to choke off aid to the democratic resistance but do not want to be blamed for doing so.

Mr. President, on Sunday, we celebrated, or at least observed, the anniversary of the signing in Guatemala City of the so-called Arias peace plan, under which the Sandinista regime, the Communist Government in Nicaragua, promised once again to institute democratic reforms. The promises contained in the Arias peace plan prompted Congress to cut off military aid to the democratic resistance. There was a general feeling, as it was expressed often in this Chamber and elsewhere, to give the peace process a chance, to give peace a chance.

A year later, it seems to me reasonable to ask ourselves, what is the result of giving peace a chance? What it means to give peace a chance in this context is to cut off the aid, the material support and, for that matter, much of the moral support, to those elements within Nicaragua fighting for freedom—for free elections, freedom of worship, free trade unions, free economy, a nonaligned foreign policy, all the other things the Communist government has promised.

After cutting off the aid for a year, it seems to me reasonable to ask, how is this working out? Did the American decision to defund the resistance, while the Soviet aid to the Communist government continued, bring about peace or democracy, or did the United States and the people of Nicaragua simply receive more of the promises that we have received periodically since 1979 and 1980?

For an answer, I would like to quote a letter written by Mrs. Chamorro, the editor of La Prensa, to former President Jimmy Carter. I remind my colleagues that Mrs. Chamorro and her newspaper, La Prensa, were instrumental in the struggle to overthrow the Somoza dictatorship. She was a member of the Sandinista-dominated government which took over in 1979, from which she subsequently resigned.

Citing the commitments made by the Arias peace plan, she wrote President Carter the following:

> A year has passed and the Sandinistas, following their well-known tactic of deception and delay, have reaffirmed their commitment of San Jose, Costa Rica. They signed the Cipola agreements. They have held four meetings in Managua with the Nicaraguan resistance and 25 sessions with the internal political opposition in order to achieve a definitive cease-fire and democratization. They do not comply with what was promised. They only want unconditional surrender of the rebel forces and a submissive collaboration of the internal political forces, without conceding absolutely anything regarding previously mentioned democratic measures.

Mr. President, the cynical use of promise after promise—make a promise and break a promise; wait till it appears that support is building up in Congress for democratic resistance aid and make a new promise; when Congress subsides, break those promises—that is the pattern, the modus operandi, which the Communist government has followed since coming to power in 1980, and even before coming to power.

On June 17, 1979, while Somoza was still in power, a Sandinista-dominated Nicaraguan Government of Reconciliation was formed in San Jose, Costa Rica. Of the five members of that government, three of them, including Daniel Ortega, were members of the Sandinista National Liberation Front. The non-Sandinista members included Mrs. Chamorro, now editor of an opposition newspaper, La Prensa, and Alphonso Ribello, later a member of the seven-man directorate of the Nicaraguan resistance.

At that time, on June 18, 1979, this so-called Government of National Reconciliation held a press conference in which they pledged their government's program would be truly democratic with respect to fundamental liberties, including specifically the following: free expression; freedom of religion; a mixed economy; union rights; an independent, nonaligned foreign policy; a minimum permanent military establishment, and other generally accepted principles.

Mr. President, they have not kept any of these promises. They have not kept one of these promises. They have reiterated the promises. They have talked about the promises. They have engaged in numerous attempts to persuade people that they were going to do something about these promises, but so far as I am aware they have not kept even one of them.

For example, one of the promises they made is that the lives of national guard officers and soldiers would be respected and they would not be subject to revenge or indiscriminate reprisals, but in fact they killed or at least are believed to have killed several hundred national guardsmen when they took over, people who mysteriously disappeared, some of whose bodies never have been found.

They promised after the replacement of the Somoza regime, the army would be reformed into a new, nonpolitical national army. This army would maintain a "minimum"—that was the word they used—permanent establishment. In fact nothing like that has happened.

What remains in power, the major military force in the region, is a partisan army, the Sandinista army, not even an army of the Government of Nicaragua.

They have promised an independent, nonaligned foreign policy, an independent policy but, as a matter of fact, the ink was hardly dry on that press release before they began to systematically violate that pledge, a pattern of violations which continues up to today.

The first Cuban military and security advisers entered Managua within a week on the announcement of the nonaligned foreign policy on July 19. On July 21—this is in 1979—after the GRN, the Government of National Reconciliation, was installed, representatives from two Salvadoran Communist guerrilla factions were in Managua to discuss military cooperation and assistance.

On July 25, prominent members of the junta traveled to Havana to help Castro celebrate the anniversary of the beginning of his revolutionary movement.

In early August—we are still back in 1979—Commandante Henry Ruiz traveled to the U.S.S.R., Bulgaria, Libya, and Algeria to conclude aid agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979 , at a speech in Havana, Commandante Daniel Ortega gave a speech condemning United States "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization [PLO].

In early 1980, Nicaragua abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "nonaligned" nations voted for the resolution.

In March 1980, the Sandinistas established party-to-party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister Commandante Humberto Ortega declared "Marxism-Leninism" the "scientific doctrine" that guides the Sandinista revolution; the declaration which has been borne out repeatedly in the day-to-day life of this country ever since.

In late 1981, Sandinista-controlled media were told to take a line against the counterrevolutionary solidarity movement in Poland and only to report facts confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnev died in 1982, Sandinista media praised him and the Soviet Union for their peace policies.

The Sandinistas abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the U.S.S.R., and all of the East European countries with the sole exeption of Albania.

As a matter of fact, viewed in that perspective, the voting record in the United Nations of the Warsaw Pact nations are more pro-American than that of Nicaragua.

So much for the promised independent nonaligned foreign policy of the Communist government of Nicaragua.

Mr. President, one of the promises they made in 1979 was to create a legislative council that would be broadly representative of Nicaraguan society including a number of political parties, labor unions, business groups, the national university, and the clergymen's association. They violated that promise.

They guaranteed freedom of expression, religion, association, unions, press, private enterprises, so on, and they violated every one of those promises.

I am going to ask at the right time permission to insert in the RECORD just documentation from published sources of imprisonment of newsmen, closing of newspapers, the seizing of television and radio stations, and just the whole pattern of censorship, of oppression, intimidation and harassment against the media.

Among other things, an early resolution of this Communist government promised to hold democratic elections as soon as possible. They stalled altogether on holding elections until 1984. They kept putting it off and off and finally conducted a mock election which was widely understood by people all over the world to be rigged, that to call this anything like a fair election or a free election is to make a mockery of the term.

Mr. President, there had been a lot of peace plans. There was the August 1981 plan named after Thomas Enders, the so-called Enders plan. He called upon the government in Nicaragua to stop supplying weapons to he Communist guerrillas in El Salvador, to reduce the rapid buildup of military forces, to proceed with political reforms as spelled out in promises of 1979 to the Organization of American States and reduce their close ties to the Soviet Union and Cuba.

Of course, the Sandinistas rejected that proposal.

Then there was another peace plan that came forward that was the San Jose plan of 1982. In October of 1982, Mr. President, seven democratic countries, the United States and six others, issued an offer to the Sandinistas for a regional peace settlement based on four principles: Removal of all foreign military advisers from the region; end to support for insurrection in neighboring countries; ban importation of heavy weapons into the region; and establishment of democratic institutions in each country.

In retrospect, Mr. President, these proposals are strikingly similar to those contained in the later plan advanced by President Oscar Arias. Nonetheless, not only did they refuse to respond to this offer, the Sandinistas would not even receive the Costa Rican Foreign Minister as the emissary of the group.

All while this is going on, Mr. President, in this body people were making bold statements about how we were going to hold the Sandinistas accountable, that we were going to give peace a chance but we were going to be watchful, that we were going to not let them get away with political repression, with murder, terrorism, torture. We were not going to let them export revolution and terror to neighboring countries, that if they did, we would be vigilant and resume our aid.

It is instructive, Mr. President, that many of those who made such statements have never actually been willing to do so.

In 1983 in January the Contadora plan came forward. The Foreign Ministers of Colombia, Mexico, Venezuela, and Panama met on Contadora Island and issued a declaration proposing dialog and negotiation and instruments for a peaceful settlement of the Central American problem.

That declaration contained the following points:

First, democratic pluralism, social justice, civil rights, and elections in all the Central American countries;

Second, nonintervention, peaceful settlement of disputes, cessation of support to subversion in neighboring countries, and elimination of foreign military bases and advisers from the region;

Third, humanitarian aid for refugees and measures to promote the economic welfare of the region; and

Finally, measures to ensure international cooperation and verification.

Mr. President, officially, the Contadora process is still in being. It is still dragging on. There was a followup meeting in April 1983 between the nine Contadora and Central American Foreign Ministers, a July 1983 Sandinistas' offer of a regional nonaggression pact, acceptance of the Contadora principles by the nine Contadora and Central American governments in September 1983, acceptance by the Sandinistas in September of 1984 of a draft treaty that would end outside support for the guerrillas and prohibit regional military maneuvers while leaving arms reduction and withdrawal of advisers until a later meeting, formation in 1985 of a Contadora support group consisting of Argentina, Brazil, Peru, and Uruguay, a meeting in November 1985 in Luxembourg, many other meetings. They have had meetings everyplace. They have had meetings everyplace but Disneyland and the truth of the matter is if some were there they might start getting somewhere.

The fact is despite all of the meetings, declarations, consultations, and exchange of diplomatic notes, thus far I do not think any Senator can point to a concrete verifiable agreement as a result of that and all the time in the Congress self-delusion, more self-indulgent statements, more observations and breast beatings and how we are really going to keep our eye on the situation down there.

One Member of this body said in 1985 right here in this Chamber, "The Sandinistas need to know that our patience is not endless. If we stopped the aid, if we provide so-called cooling-off period, we expect results."

That was a kind of a typical statement heard in this Chamber and all over Capitol Hill.

Mr. President, the issue before us I think is adequately put into perspective, not by going back 7 or 8 years or 9 years or even dredging up the Reagan-Wright peace plan which was in effect from August 5 to August 6 of 1987 and holds the record for being the shortest plan, the one that lasted the shortest length of time before it fell of its own weight.

What we are really here to evaluate, I think, is what has happened the last year while Congress has withheld aid to the democratic resistance to give peace a chance, and to give the governments in that region a chance to see if they can make the plan that has come to be known as the Arias peace plan an opportunity to work.

On August 7, 1987, in Guatemala City, Commandante Daniel Ortega joined the Presidents of the four Central American democracies—Costa Rica, El Salvador, Guatemala, and Honduras—in signing the peace plan authored by Costa Rican President Oscar Arias the peace plan committed each country to institute democratic reforms—and Nicaragua was the only signatory country that was not already a democracy. The peace plan commitments, to have been achieved by November 5, 1987, included these important elements:

Amnesty for political opponents and dialog with unarmed political opposition;

A cease-fire with "irregular and insurgent groups";

Democratization, including: (a) complete freedom for television, radio, and the press; (b) rights of political parties to have access to media, to associate, and to proselytize; and (c) lifting states of emergency; and

Cessation of aid to irregular and insurgent forces in the other Central American countries, and nonuse of national territory by such forces.

Strikingly similar to proposals made earlier.

But the fact of the matter is, though they have signed off on these in principle, every one of these promises have been violated.

On August 15, 1987, about a week following the peace plan signing, the director of the Independent Nicaraguan Permanent Commission on Human Rights, Dr. Lino Hernandez, with whom I met when I was in Managua, was arrested and sentenced to jail during a peaceful demonstration by the Coalition of Nicaraguan Opposition Groups.

"Sandinista security forces used attack dogs, night sticks, electric cattle prods, and government-organized mobs to suppress the demonstrators."

On September 12, two Catholic priests who had been expelled by the government were allowed to return. However, 18 other priests remained outside the country after having been expelled by the Sandinista regime.

On October 1 and 2, respectively, the Sandinistas allowed La Prensa and Radio Catolica to resume operations without censorship. However, censorship decrees were not revoked and licenses were refused for other radio programs and an independent television station.

On October 22, members of the January 22 Mothers of Political Prisoners Movement were attacked by a Sandinista group during a peaceful vigil.

During October 1987, according to Sandinista defector Maj. Roger Miranda, the Sandinistas provided training to 15 Salvadoran

Communist FMLN guerrillas in the use of hand-carried surface-to-air missiles, such as the Soviet SA-7 and SA-15 and the U.S. Redeye. This occurred 2 months after the Sandinistas has signed the peace plan requiring them to cease support for the FMLN.

On November 13, President Ortega announced an 11-point cease-fire proposal which called for the surrender of the resistance—essentially a reworking of their September 30 unilateral cease-fire offer. The Sandinistas then refused to initiate a direct dialog with the resistance in Central America and refused to allow resistance members to travel to Managua to deliver their cease-fire proposal personally.

This is part of what Mrs. Chamorro referred to in her letter to President Carter.

On November 17, the publisher of Nicaragua's sole opposition newspaper, La Prensa, strongly criticized Managua's Sandinista government and said the paper faced continual threats of closure. Violeta Chamorro, whose newspaper resumed publication in September after a 15-month government-imposed suspension, said President Ortega had broken promises to lift emergency powers that enable him to order the closing of the newspaper at any time.

On December 3, and 4, the Sandinistas rejected a proposal for an interim truce put forward by Miguel Cardinal Obando y Bravo and rejected a Resistance cease-fire proposal.

On December 13, in a speech to a labor group, President Ortega said that while the Sandinistas might give up the government, they would never give up power.

On December 14, the Sandinistas cancelled the second round of cease-fire talks.

Mr. President, the list just goes on and on of specific violations within the last several months, right up to today, as a matter of fact, of variations of the agreement which they signed just 1 year ago.

Mr. President, I will not read further from the news accounts of these violations. I think the question is very clearly framed for us.

The agreement signed 1 year ago has not been honored by the Communist government in Nicaragua to any extent that is visible, at least to outsiders. They have systematically, flagrantly, arrogantly, violated every promise they have made just as they have violated every promise they have previously made.

Mr. President, there are some people in this country who have noticed this. Some of the thoughtful newspapers in this country have begun to call for the resumption of military aid to the democratic resistance. Some columnists are writing about it and some here in this Chamber have called for it. And that is what brings us to this point.

We have before us not one, but two propositions. We have the proposition, which is pending, and another, which I hope will be before us before this day is over. We have before us the Democratic plan and the Republican plan, a plan presented by the Democratic leader and a plan which, in due course, will be presented by the Republican leader, Mr. DOLE. I think this is a very clear-cut choice. I do not think it is a close call at all.

It has been reported to us by the Senator from North Carolina that those who are fighting for freedom in Central America, those who are called Contras, or who are more properly called the democratic resistance, are not in doubt about this. Not only do they favor the plan which Senator DOLE will put forward but, more than that, they are flatly opposed even as a possibility to the plan which is recommended by Senator BYRD.

Mr. President, I think this is a clear-cut choice. Either we are for aid for the democratic resistance or we are not. If we are for it, let us vote for it. If we are for it, we are not going to say we are only for it in September. If we are for it, we are for it now, not in some convoluted, complicated, indirect, on-again, off-again process which might or might not ever actually reach a vote in the House of Representatives.

It is very difficult for me to see how someone can be for aid to the Contras but only want to do it at a time and place which is so unlikely of bearing fruit.

Mr. President, I think the issue is as simple as whether we are ready to stand up and be counted for freedom against communism, whether it is going to be, in Central America, the Monroe Doctrine or the Breznev doctrine, whether we want to stand up and be counted or have it on our conscience that we declined to do so.

So, at the right time, I am going to stand up and be counted in support of Senator DOLE's proposal. I hope, when the dust settles, there will be at least a majority of this body who will do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I rise in opposition to the legislation before us today which seeks to give further aid to the Nicaraguan Contras. My views on this subject are well known. The facts of the matter are equally explicit. So I will make just a few brief observations.

The amendment states its purpose as this: to advance democracy in Nicaragua. And it proposes to do so by providing new assistance to the so-called democratic resistance in that country. Mr. President, I think the time has come to stop playing fast and loose with the English language and with the great notion which gave birth to our Nation.

The muddle of mistakes, overt and covert, which has come to be known as United States policy in Nicaragua, is not about democracy. A new book on the subject, entitled "Banana Diplomacy: The Making of American Policy in Nicaragua, 1981–1987," concludes that recent American policy has "had more in common with the foreign policy of the banana republics of the past than of a superpower in the late 20th century"—and I am inclined to agree.

The amendment, with its built-in disincentives to good-faith negotiation on the part of the Contras, is not about democracy either. Rather, it represents a nail in the coffin of peace and a virtual death warrant for thousands of Nicaraguans—combatants and civilians alike.

Early last month, when the Managua government tear-gassed demonstrators, shut down the independent newspaper La Prensa yet again, and went so far as to expel our Ambassador and six other American diplomats, many of my colleagues could not contain themselves. They rushed to the floor and, with a tone of finality, declared that "the Sandinistas" had shown their true colors. As far as I was concerned, that was not the point—their "colors" have never been in doubt. I supported the resolution condemning Managua for its crackdown because I believed the Sandinistas were wrong to behave as they did. Ten years ago, it was Somoza stifling all dissent and shuttering La Prensa's windows; today, it is the Sandinistas.

However, while some of my colleagues are more than ready to put the screws on the Sandinistas for their rights violations, little is said about the human rights abuses committed by the Contras themselves, including the loss of life which occurred last week when Contra soldiers opened fire on a civilian passenger boat.

Nor were the Contras taken to task earlier this year when, after winning a major package of concessions from the government, they returned to the bargaining table with a long wish list of demands they deemed "nonnegotiable." Contra commander Enrique Bermudez talks of turning to terrorist attacks to achieve their goals, should Congress fail to appropriate more aid. What kind of leadership are we dealing with? One seriously committed to negotiating an end to this war? Or one looking for any pretense to renew the bloodshed? I think the words and actions of Bermudez and the bulk of the Contra forces speak for themselves. For too long, we have been letting them get away with murder, figuratively and literally, paid for by the U.S. taxpayer. That is why I cannot support any assistance which involves lethal aid, whether old or new, previously appropriated or not.

I cannot say it better than the Boston Globe did in a July 14 editorial when it argued against resumption of "the cynical warfare known as Contra aid." Likewise, Mr. President, arm-twisting the other Central American nations into denouncing Nicaragua, as has been attempted in recent days, should not be passed off as "diplomacy." The ideology, the rhetoric, and the warfare must be forsaken in favor of Central American policies attacking the poverty, disease, ignorance, repression, and resource destruction which, unaddressed, give rise to revolution.

I urge my colleagues to vote against this amendment and all amendments which include military aid. The mere fact that Congress has appropriated money for this purpose is no reason it should be disbursed when the possibility of peace through negotiation argues otherwise.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I would like to make a brief remark. I have spoken earlier on the floor and I do not wish to add to it.

Mr. BYRD. Would the distinguished Senator yield for a request?

Mr. BOREN. I would be happy to yield.

Mr. BYRD. Mr. President, Mr. Dole and I have been discussing time on my amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that there be 1 hour of debate on the Byrd amendment and that 1 hour cover both Byrd amendments, first and second degree, equally divided between Mr. Dole and myself.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOREN. Mr. President, reserving the right to object, are you talking about proceeding to the Byrd amendment first?

Mr. BYRD. No, the vote would be in relation to the Dole amendment.

Mr. BOREN. The Dole amendment followed by 1-hour debate on the Byrd amendment?

Mr. STENNIS. If the Senator will yield, would you repeat what you said?

Mr. BYRD. That there be 1 hour of debate on the Byrd amendments in the first and second degree; the debate 1 hour to be equally divided between Mr. Dole and myself and that no further amendments to the Byrd amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Would the majority leader just yield briefly? If the Senator from Oklahoma would just indulge me for 1 minute?

It will be my hope, and we will hotline this, if we could turn to the supplemental appropriation, offer the Dole amendment, there is a 1-hour time agreement already entered equally divided. We may not use all that time.

And then have a vote on or in relation to the Dole amendment. Hopefully at that point, dispose of the supplemental, pass it. It could be on a voice vote because I understand from Senator Stevens, who has been in contact with House appropriators, that there are some things that they need to confer on in conference. If we are to complete action on that bill, which Senator Hatfield would very much like to do, then we would have to get them started this evening.

Following that, we would then go, whatever the majority leader decides, then maybe back to the appropriations bill and debate the Byrd amendment and then vote on that or whatever.

But I assume it is the Senator's hope we can dispose of the supplemental the sooner the better so we go to conference?

Mr. BYRD. Yes. If the distinguished Senator will continue to yield?

Mr. President, I would hope we could have the following scenario: That we call up the supplemental appropriations bill, the dire emergency supplemental; that Mr. Dole immediately offer his amendment, which I take it is the amendment about which we have been——

Mr. DOLE. That I described earlier.

Mr. BYRD. Yes. We described earlier. Call up his amendment.

Mr. President, I ask unanimous consent that at such time as the majority leader calls up the dire emergency supplemental appropriations bill, after consultation with the distinguished Republican leader, no amendments to the dire emergency appropriations bill be in order except one amendment by Mr. Dole, the amendment on Contra aid which he has already described; on which there will be 1 hour for debate as previously ordered; provided further that the vote then occur on or in relation to the Dole amendment; that immediately after the disposition of that amendment, without further debate or intervening action, the Senate proceed to vote on the dire emergency appropriations bill; that upon disposition of that bill the Senate resume consideration of the unfinished business, the DOD appropriations bill, at which time the 1 hour which has been previously ordered on the Byrd amendment begin to run; that at the conclusion of that 1 hour or the yielding back of time thereon, the vote occur on the Byrd amendment without further intervening action on motion of any kind, and that upon the disposition of that vote, on the second-degree amendment, no other amendments be in order to the first-degree amendment and that that amendment be disposed of immediately forthwith by voice vote or by rollcall.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

Mr. President, I will alert Senators on this side that they should come to the floor and be prepared for the 1 hour of debate on the amendment by Mr. Dole so that this scenario will begin running. And of course, we will wait until after the distinguished Senator from Oklahoma has been heard.

Mr. DOLE. Will the Senator from Oklahoma yield 1 additional minute?

Mr. BOREN. I will be happy to yield.

Mr. DOLE. I might say to my distinguished majority leader and all my colleagues, I doubt it is going to take an hour. We have had almost 6 hours of good debate with only one interrupting quorum call, one intervening quorum call. So I think we have had the debate.

I have had some indication on this side that we may not even use the 30 minutes on this side on my amendment. So I will indicate to Senators we could move fairly quickly here.

We are prepared, whenever the Senator from Oklahoma concludes his statement, to offer our amendment once the supplemental is before us.

Mr. BYRD. Very well. When the distinguished Senator from Oklahoma has completed his statement, he will put in a quorum call.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the distinguished majority leader and Republican leader. I am certainly happy to see the progress we have made so that the Senate can work its will on these important matters before us. I simply was going to make a point, not to repeat the remarks I made earlier in the day because I have expressed myself at great length about what we are dealing with in Nicaragua, the nature of the Sandinista regime, the fact that we should not be fooled in terms of what we are dealing with there.

I do not think it has been mentioned on the floor, and I think it bears mention, that if any have doubts as to what we are dealing with in Mr. Ortega, after he already took action to arrest the political opposition and prevent them from functioning freely in his country; after he took action to shut down La Prensa and the Catholic Radio, after he took action to expel our Ambassador without any justifiable reason; after he failed to release the political prisoners; after he failed to have negotiations on zones where humanitarian assistance could be delivered; after he failed to agree on a date for elections; after he failed to agree on a procedure under which the army could be divorced from the Sandinista Communist Party and made an organ of a pluralistic state instead; after all these failures and after his visit to Moscow in the midst of congressional debate a couple of years ago; after his constant consultations with Mr. Castro of Cuba, if we still have doubts as to what we are dealing with in Mr. Ortega, I think it should be pointed out that according to Reuters, he met again yesterday with General Noriega of Panama to show his solidarity with that ruthless, notorious drug dealer and dictator in Panama who has been certainly cozying up to all Marxist elements in recent months.

If there is any doubt about what we are dealing with in Mr. Ortega, I ask for them to reflect not only upon his actions, but to reflect again on his meeting which was certainly not fortuitous with General Noriega at General Noriega's headquarters yesterday, where they conferred, according to the Reuters press accounts, for over 1 hour.

Mr. President, it is time for us to call a spade a spade. It is time for us to realize what we are dealing with in that area. We are shortly going to be voting on two amendments. The first that will be offered is the Dole amendment.

This Senator who has always voted for Contra aid will vote to table the Dole amendment for one and only one reason. I participated in good faith in negotiations on this side of the aisle to forge a program to get help to the Contras, one that would not be subject to a filibuster, one that would give us, I believe, the only real chance of succeeding and passing by a majority vote, passing through both Houses, some sort of assistance to the Contras this year.

I participated in those negotiations in good faith. They have been conducted in a good manner with the result of a package that can work. Therefore, I will be voting to table the Dole amendment when it is offered. I will be voting for the Byrd amendment as a strong Contra supporter.

Because it was meant to be from the very beginning the kind of proposal that can be embraced on both sides of the aisle, I hope we will not miss the opportunity when the Byrd amendment comes to have a resounding bipartisan vote to send a strong united message, not as Democrats or Republicans, but as Americans, to that region of the world that we mean business, that we need to stand behind the peace process and that if the Sandinista leaders of the Government of Nicaragua do not keep faith with that process, they must face the very real possibility that additional assistance will be provided to the Contras.

That will be my position. I do not intend to debate the Dole amendment, as I have already done so. But I encourage my colleagues to read the reports of the meetings between General Noriega and Mr. Ortega yesterday.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1988

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5026.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5026) making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 2834

Mr. DOLE. Mr. President, under the time agreement, which is 1 hour equally divided, I send my so-called Dole amendment to the desk for myself and numerous other sponsors and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. Dole) for himself, Mr. Armstrong, Mr. Bond, Mr. Cochran, Mr. Cohen, Mr. Danforth, Mr. Evans, Mr. Garn, Mr. Gramm, Mr. Hatch, Mr. Hecht, Mr. Karnes, Mrs. Kassebaum, Mr. Kasten, Mr. Lugar, Mr. McCain, Mr. McConnell, Mr. Rudman, Mr. Simpson, Mr. Stevens, Mr. Thurmond, Mr. Warner, and Mr. Wilson, proposes an amendment numbered 2834.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 12, after line 23, insert:

TITLE—ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. . POLICY AND REPORT.

(a) General Policy.—It is the policy of the United States in implementing this title to advance democracy and security in Central America, and thereby to assist in bringing a just and lasting peace to that region, in a manner compatible with the Guatemala Peace Accord of August 7, 1987, the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and the Sapoa Agreement of March 23, 1988, and consistent with the national security interests of the United States.

(b) Specific Policy Objective.—In pursuing the policy set forth in subsection (a), it is the objective of the United States to enhance its security as well as that of the democratic countries of Central America by assisting in the achievement of—

(1) genuine democracy in Nicaragua;

(2) an end to Soviet, Cuban, and other Communist bloc military or security assistance to, advisers in, and establishment or use of bases in Nicaragua;

(3) an end to Nicaraguan aggression and subversion against other countries in Central America; and

(4) reduction of the military and security forces of Nicaragua to a level consistent with the security of other countries in the region.

(c) Report on Noncompliance by the Government of Nicaragua and Receipt of Soviet Bloc and Other Military Aid.—During fiscal years 1988 and 1989, the President shall report bimonthly to the Congress on—

(1) violations by the Government of Nicaragua of its obligations, including the obligation to establish democracy, under the Guatemala Peace Accord of August 7, 1987, the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and the Sapoa Agreement of March 23, 1988; and

(2) receipt by the Government of Nicaragua of Soviet, Cuban, other Communist bloc, and other foreign military or security assistance, including advisers.

SEC. . TRANSFER OF PRIOR DEFENSE APPROPRIATONS FOR ASSISTANCE.

(a) Transfer and Use for Humanitarian Assistance, Civic Action, Nonmilitary Training and Transportation.—The President shall transfer to the Agency of International Development, from unobligated funds from the appropriations accounts specified in section 9005—

(1) $27,140,000, to provide humanitarian assistance, civic action, and non-military training to the Nicaraguan democratic resistance (including resistance administration), and to strengthen resistance human rights programs, to remain available through March 31, 1989, except that funds provided by this paragraph shall not be obligated for humanitarian assistance prior to October 1, 1988; and

(2) such funds as may be necessary to provide transportation in accordance with this title for assistance authorized by this title and assistance previously, specifically authorized by law, to remain available until the funds made available by subsection (a)(1) have been expended.

(b) Safe Transportation.—(1) Subject to paragraph (2), in its administration of funds transferred by subsection (a)(2), the Agency for International Development shall arrange for transportation into Nicaragua in accordance with this title by the Pan American Development Foundation or a simillar non-governmental organization of assistance authorized by subsection (a)(1) and humanitarian assistance previously, specifically authorized by law.

(2) If the President determines and reports to the President of the Senate and the Speaker of the House of Representatives, no earlier than fifteen days after the date of enactment of this title, either that transportation of the assistance described in paragraph (1) into Nicaragua cannot be carried

out safely and effectively due to the conduct of the Government of Nicaragua, or that no organization described in paragraph (1) will provide such transportation effectively, the President may transfer funds made available pursuant to subsection (a)(2) to such department or agency as he shall designate, to provide for transportation into Nicaragua of assistance to the Nicaraguan democratic resistance authorized by this title and humanitarian assistance previously, specifically authorized by law, in accordance with the provision of this title.

(3) Funds transferred pursuant to subsection (a)(2) may not be obligated or expended to purchase aircraft.

(c) Indemnification of Leased Aircraft.—(1) The President is authorized to transfer unobligated funds, from the appropriations accounts specified in section 9005, to the Agency for International Development and the department or agency to which subsection (b)(2) refers solely for the indemnification of aircraft leased with funds transferred pursuant to subsection (a)(2) to provide transportation in accordance with this title for assistance for which this title provides and assistance previously, specifically authorized by law for the Nicaraguan democratic resistance.

(2) The President shall transfer the balance, if any, remaining of funds transferred under paragraph (1) to the appropriations accounts from which such funds were transferred under that paragraph when the funds transferred by subsection (a)(1) have been expended.

(d) Passive Air Defense Equipment.—(1) The Department of Defense shall make available for use with aircraft leased with funds made available pursuant to subsection (a)(2) passive air defense equipment (including ground-based radio detection and ranging equipment) to ensure the safety of transportation provided pursuant to this title.

(2) The Department of Defense shall make no charge for installation, use, maintenance, and removal of equipment made available under paragraph (1), and shall bear the risk of loss, damage, or deterioration of such equipment during the period of its use under the authority of paragraph (1).

(e) Administrative Expenses.—Funds made available by subsection (a)(1) shall be available for "Operating Expenses of the Agency for International Development," and for departments or agencies designated pursuant to this title to carry out the provisions of this title, to meet necessary administrative expenses in carrying out this title.

SEC. . EQUIVALENT VALUE EXCHANGES BY BARTER OF LESS NEEDED LETHAL ASSISTANCE.

(a) Authority for Exchanges.—(1) A department or agency designated by the President may receive title from the Nicaraguan democratic resistance items of lethal assistance owned by the resistance on the date of enactment of this title that was previously, specifically authorized by law, and provided to the resistance, in non-cash barter exchanges for the items to which title was received, items of lethal assistance for which the resistance has a greater need.

(2) The department or agency to which subsection (a) refers may provide transportation for the items authorized by that paragraph to be provided and for lethal assistance to the resistance previously, specifically authorized by law.

(3) The authorities granted in subsections 9002(c), 9002(d), 9002(e), 9004(b), and the provisions of section 9004(a), shall apply with respect to this section.

(4) The limitations set forth in sections 9002(b)(3) and 9004(c) shall apply with respect to this section.

(5) Exchanges authorized by this section shall be deemed to have no budgetary impact.

(b) Equivalent Value and Purpose.—(1) The aggregate value of the items provided to the resistance under subsection (a) shall equal the aggregate value of the items to which title is received under that subsection.

(2) The types of items of lethal assistance provided under this section shall not differ from the types of items of lethal assistance to the resistance previously authorized by law.

(c) Availability of Funds and Equipment.—Funds made available by subsections 9002(a)(2) and (c), and equipment available pursuant to subsection 9002(d), shall be available to the department or agency to which subsection (a) refers to carry out this section.

(d) Report to Congress.—The department or agency to which subsection (a) refers shall give notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives at least 7 days prior to exercising the authority granted subsection (a).

(e) Suspension.—Delivery of lethal assistance under this section shall be suspended during any period in which there is in place a ceasefire agreed to by the government of Nicaragua and the Nicaraguan democratic resistance, except to the extent, if any, permitted by the agreement governing the ceasefire.

SEC. . GENERAL AUTHORITIES AND LIMITATIONS.

(a) Related Statutes.—The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178), the corresponding provision of the Intelligence Authorization Act, Fiscal Year 1989, section 8144 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), the corresponding provision of the Department of Defense Appropriations Act, 1989, section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use consistent with this title of the funds made available by subsections 9002(a), 9002(c), 9002(e), and 9007(a), and of equipment as provided under subsection 9002(d), and the use of authorities granted by this title.

(b) Continuation of Authority To Support, Monitor, and Manage.—(1) The authority to support, monitor and manage activities for which funds are provided under this title or a law (including Public Law 100-276) which previously, specifically authorized assistance to the Nicaraguan democratic resistance shall continue until the funds transferred pursuant to section 9002(a)(1) have been expended.

(2) Subsections 4 (b), (c), (d), and (e) of Public Law 100-276 shall apply to the Agency for International Development and to any other department or agency that provides assistance pursuant to this title.

(c) Continuation of Limitations.—Sections 203(e), 204(b), 207, 209(b), and 209(c), and the first sentence of section 203(d), in "TITLE II—CENTRAL AMERICA" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591), shall apply with respect to funds made available under this title.

SEC. . DEFENSE APPROPRIATIONS ACCOUNTS.

The appropriations accounts to which subsections 9002(a), 9002(c), 9002(e), 9003(a) and 9007(a) refer are non-ammunition Procurement accounts in any of the following:

(1) the Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) the Department of Defense Appropriations Act, 1987, as contained in section 101(c) of the further continuing appropriations resolution for the fiscal year 1987 (Public Law 99-500 and 99-591); and

(3) the Department of Defense Appropriations Act, 1988, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1988 (Public Law 100-202).

SEC. . UNITED STATES POLICY CONCERNING ECONOMIC ASSISTANCE FOR CENTRAL AMERICA.

As part of an effort to promote democracy and address on a long-term basis the economic causes of regional and political instability in Central America, in recognition of the recommendations of groups such as the National Bipartisan Commission on Central America, the Inter-American Dialogue, and the Sanford Commission, and in the context of an agreement to end military conflict in the region, the Congress encourages the President to submit proposals for bilateral and multilateral action—

(1) to provide additional economic assistance to the democratic countries of Central America to promote economic stability, expand educational opportunity, foster progress in human rights, bolster democratic institutions, and strengthen institutions of justice;

(2) to facilitate the ability of Central American economies to grow through the development of their infrastructure, expansion of exports and the strengthening of increased investment opportunities;

(3) to provide a more realistic plan to assist Central American countries in managing their foreign debt; and

(4) to develop these initiatives in concert with Western Europe, Japan and other democratic allies.

SEC. . ECONOMIC INCENTIVES FOR DEMOCRACY IN NICARAGUA SIMILAR TO THOSE AVAILABLE TO CENTRAL AMERICAN DEMOCRACIES.

(a)(1) If the Government of Nicaragua and the Nicaraguan democratic resistance sign a comprehensive final agreement to provide for peace and democracy in Nicaragua, then—

(A) the President shall terminate the trade embargo imposed against Nicaragua by Executive Order 12513 of May 1, 1985; and

(B) there shall be transferred to the President from unobligated funds from the appropriations accounts specified in section 9005 $10,000,000, to remain available for a period of 12 months after the signing of the agreement, to provide assistance for the relocation in Nicaragua and the reintegration into Nicaraguan civil society of members of the Nicaraguan democratic resistance, and Nicaraguans outside President displaced by the conflict.

(2) Nothing in this section shall be construed to limit the authority of the Presi-

dent under the International Emergency Economic Powers Act.

(b) On or after the date which is 180 days after the date of signing of the agreement described in subsection (a), if the President certifies to the Congress that the Government of Nicaragua is continuing to comply with that agreement, then the President may, notwithstanding any other provision of law—

(1) designate Nicaragua a beneficiary country for purposes of proposals referred to in section 9006 and for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.);

(2) designate Nicaragua a beneficiary developing country for purposes of Title V of the Trade Act of 1974 (relating to the generalized system of preferences); and

(3) authorize loan assistance to Nicaragua under the Export-Import Bank Act of 1945.

(c) Authority granted by subsections (a) and (b) shall be in addition to, and shall not be construed to limit, authority otherwise available to the President by law.

SEC. . DEFINITIONS.

As used in this title, the term—

(1) "civic action" means the provision by the Nicaraguan democratic resistance of food, seeds, cooking utensils, agricultural implements, clothing, educational supplies, medical services, and medical supplies to non-combatives inside Nicaragua;

(2) "humanitarian assistance" means food, clothing, shelter, medical services, medical supplies, and payment for such items or services, and communications equipment;

(3) "lethal assistance" means weapons, weapon systems, and ammunition; and

(4) "non-military training" means training other than training in the use of lethal assistance, and specifically includes training in reading and writing, hygiene, radio communications, maintenance and contruction, managment of goods and services, and observance of human rights.

Mr. DOLE. Mr. President, as I indicated earlier, it may be that we will not use the entire hour but we may. I know at one point the distinguished Senator from Oregon, Mr. HATFIELD, would like to speak for 15 minutes, and I would certainly be pleased to yield that time to him at this point or on the Byrd amendment.

We have had about 6 hours of debate on a very important issue. I know there have been literally dozens of hours expended by men and women of good will, on both sides, who have been trying to reach some agreement. Contra aid is very important.

If we want to have a chance to advance American interests in Central America, then I believe we ought to take a hard look at the amendment that I have offered. I know there are some who cannot support it. It has been revised to some extent from the other amendment that I talked about a few weeks ago. Really, it is almost identical to the Byrd amendment with one exception—but it is a big exception, a major exception. There is no second vote. We have already approved $16 million twice, and we do not believe it is necessary to go back and do it a third time. I think the failure to come to grips with that central issue is the reason so many strong supporters of Contra aid are backing away from the Byrd amendment. They do not believe there will ever be a second vote.

The Governor of Massachusetts, I am advised, has indicated through staff that he supports the Byrd amendment, but he does not support lethal aid. Many Contra supporters believe there is never going to be any lethal aid; that we are going to provide a big cover, a big umbrella for a lot of people. Notwithstanding every promise made—and I know the distinguished majority leader means every word of it—if the House does not act, then we have a problem.

I think there is one other matter—and I know it is a very important issue on both sides of the aisle—how do we deliver the aid to the Contras? I know there is not going to be much of a gap between the time humanitarian aid, new humanitarian aid would trigger in, October 1, and a vote on lethal aid. And, if lethal aid is approved, we could have so-called mixed loads and there would not be a problem. So maybe that is not as big an issue as some would make it, but it is symbolic that if you want humanitarian aid to go to the Contras, we ought to be able to deliver it. And they should not have to come to Honduras to get it.

I have listened to much of the debate today. I know this is not a popular issue in America. I do not know what the polls show, but I think there are many people who support the President in Afghanistan, support the President in the Persian Gulf but do not support him in Central America. I do not understand that. Because of that strong support in Afghanistan and Angola and the Persian Gulf we are seeing peace break out all over in those regions. Here is a cease-fire between Iran and Iraq, a cease-fire with Namibia and South Africa, and Angola. And every night on television you see a few hundred more Soviet soldiers leaving Afghanistan. But for some reason the American people have never fully appreciated our policy in Nicaragua. Maybe it is the fault of the administration. Maybe it is the fault of Congress. And so we find ourselves today sort of split down the middle. I am not certain what the White House position will be when the Dole amendment is tabled, as I assume it will be. There is no way we can prevail even with a superior product without the vote of some of my Democratic friends. And they are part of this fragile coalition that worked very hard to put together the so-called Byrd amendment. I commend them for that.

I will not second-guess anyone's motives anyone's reasons. The distinguished Senator from Oklahoma has worked night and day. He spent hours with Republicans trying to, not persuade us but to explain to us, precisely what is in the Byrd package. The majority leader has been right up front, as he always is, trying to get somethings done. He made a very strong statement this morning concerning his frustration with Ortega, and what Ortega has done to his country, to the people who live there, who have been driven into poverty, locked up in jails because they disagreed with the government. We can disagree in America. We do not shut down the radio that says something about President Reagan or some leading Democrat or Republican; or we do not shut down the newspaper because they disagree with our Government or some politician or some bureaucrat or whatever. We do not do that here.

Maybe Ortega hss been his own worst enemy. About the time we are working out some compromise, he shoots off to the Soviet Union to meet Gorbachev. The next time you find him going to Cuba to meet Castro. I just saw a picture, I think in yesterday's paper of him with Noriega. Noriega is not the most popular figure in America. Neither is Castro and neither is Gorbachev at this time.

Now, if we are really serious and sincere and want to help the Contras and the people who are improverished and who these who have been abused in many ways by this oppressive regime, then we ought to vote for the Dole amendment. Why have a second vote? It would seem to me that if we are trying to protect the Contras, make certain they survive, we should not have to come back and go through all this in September.

I guess there are probably two or three major differences in this package, as opposed to the Byrd package. One is that it releases lethal aid. It is already appropriated lethal aid. It is not new lethal aid. We do it right now when it is needed without a second vote. We cannot construct legislative language to guarantee a second vote. We have already voted on the lethal aid we are talking about several times. It is old aid, authorized, appropriated, delivered to Central America and already titled to the resistance. So by voting for this amendment we are going to vote on it one more time. Once, twice, three times, that ought to be enough.

So I think we have to come out from under this big umbrella, this political cover. I am not certain who wins politically, but I am certain the Contras are going to lose unless they have some help and immediate help.

I do not know how long we tolerate the tyranny in Nicaragua. We do have an interest in Central America. I do not know how many diplomats, American diplomats they have to kick out of the country, how many prisoners they lock up because they disagree with the government. These are opposition leaders—40 of them. Every one disagrees with Ortega, every opposition party. That is the first difference.

Second, the package provides a reliable delivery mechanism for the humanitarian aid that is I believe supported by the overwhelming majority in the Senate and a clear majority in the House. Why vote any aid if we cannot deliver it?

It seems to me that is rather a fundamental, basic question. Under the Dole plan, the President would make a good-faith effort to deliver humanitarian aid through the mechanism that is supposed to be in place now utilizing AID and the humanitarian organization called PADF.

But if the mechanism does not work, because the Sandinistas will not let it work, then the President has a right to designate some alternate delivery system that will work. In other words, the Dole plan appropriates humanitarian aid and assures it can be delivered. And the other amendment does not.

I do not believe the Byrd amendment, despite all the effort that has been made and all the good will and all the staff work and everything, all the meetings—the delivery mechanism is not going to work. And I do not know how we can ask someone to lay down their lives, or risk laying down their lives inside Nicaragua, to deliver aid just because we will not use the mechanism at hand. We are offering this amendment to the right vehicle. If it passed, my view is the House would have to think long and hard before rejecting it. And I would hope that this amendment would be adopted.

Some would like to have it both ways. Some want to vote for aid but they never want to see it enacted into law. And it seems to me that is really not what it is all about. As I said earlier today, we are afraid an amendment on the appropriations bill is going to get mired down in a lot of other things. The President has already indicated he is going to veto it, if it is mired down with a lot of other things. Then the President is going to be told, maybe in late September, all right, you have a little bit of Contra aid, but you have to take this and this and this and this and this and this to get it. Maybe it will cost $1 billion, maybe more. He does not want it.

I do not believe this is a political vote. I heard a lot of people on both sides talk about the politics of this issue. And I am not very smart about politics. I already demonstrated that earlier this year. But I think this is a "line-in-the-sand" vote. This is a fundamental issue of national security. It is a vote on whether you really favor effective aid to the Contras or not. And I think it probably is high time we voted on it.

I am under no illusions that I am going to prevail. I believe the majority in this body would like to see this amendment prevail. But because of other agreements made in good faith—and I respect those agreements—it is not going to pass. Then we will discuss the Byrd amendment after disposing of this amendment. And there will be some who will want to be heard on that amendment.

But I would just say as I conclude—and I see the distinguished Senator from Oregon is here. I would be happy to yield to the distinguished Senator from Oregon time on this amendment or on the other amendment. I would be happy to advise him we are hoping to dispose of the supplemental here very quickly and go to conference, which is his wish.

In my view, we have tried about everything we could think of—there are a lot of creative thinkers on both sides of the aisle and a lot of creative staff—on how we could put together a package that really meant something to the Contras and we could point to during the recess and say, well, we did this. But we are not doing anything.

If we pass the Byrd amendment, have we done anything? I have not heard the final word from the White House. Yesterday it said well, maybe marginally it is a little bit better, but I will wait to hear before I indicate what will happen on that amendment.

But I really believe this is sort of a minimal package being presented at this time by the Senator from Kansas, and I would hope we could have a favorable vote, knowing probably we cannot. I am certainly willing to dispose of it as quickly as possible and move on.

Let us get the supplemental out of here, get to conference, and get that down because there are 29 States at the end of this week that are going to run out of trade adjustment assistance money. There are a number of States which are going to run out of money for black lung; the Small Business Administration has no money for emergency loans. So, it is critical we pass the supplemental and not hold it hostage, as my friend from Oregon articulated much better than I.

So, we are prepared to do that. I would be happy to yield at this time to any of my colleagues.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I appreciate the statement of the minority leader. Senator DOLE has been very cooperative throughout our efforts to get the appropriations process moving so that we could avoid a continuing resolution.

Mr. President, I will not take the time to speak to the Dole amendment. I would only say that when I go home to my State of Oregon, people are very happy we have not done anything about Contra aid. But that is maybe peculiar to my State. But I do feel that the importance the Senator has placed on those parts of the dire supplemental should be kept in mind. In fact, I am a little bit less than optimistic that we could even move that supplemental at this late date without some difficulty for the reason is the House has not appointed conferees. I think for all intents and purposes my information is the House has completed business for the day. So consequently I am not sure we could even go to conference until tomorrow. But if we could complete the supplemental this evening it does free it up to try to get that conference with the House tomorrow, and get it completed and back to the respective Chambers to have the supplemental then in place by the time we adjourn tomorrow at some particular time. I do not believe it has been set yet.

Mr. President, I do not seek any more time on this limited time under this time agreement, except to say that I know the sincerity of the Republican leader. The Republican leader has been very active on behalf of the Contra program from the very beginning, as an advocate and supporter. My chairman across the aisle, the Senator from Mississippi, is a supporter with great sincerity and conviction of Contra aid.

I will resist the temptation to go over my arguments why I think it is wrong to pursue Contra aid but I do not think we need to go over that ground at this late hour.

So I shall resist that temptation.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield 5 minutes to my distinguished colleague from Kansas, Senator KASSEBAUM.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, the whole question of aid to the Contra opposition in Nicaragua is like a cat. It has nine lives. We seem to keep revisiting and revisiting and revisiting this issue. Many of us have struggled with it for some years trying to find a policy that could be sustained, that could provide an effective assistance package, that could lend support to both negotiations and the diplomatic initiatives. I have been a strong supporter of the Arias peace plan. But we are back again making the same arguments.

I am a strong supporter of the minority leader's position, Senator DOLE, in that I think we are under time contraints at this juncture, and so we should provide the mechanism in this vote to release the lethal aid that is in the pipeline.

I have also been a strong supporter of a second vote before any new military funds could be released from an escrow account. But again, given that changed circumstances and the fact that the rug was pulled out from under any effective support for the Contras at a crucial time in the negotiations by the Democratic majority in the House in March, I think we are faced with a situation where we have to try to put together again, I hope, a bipartisan effort that could be successful.

So, with the suggestion of Senator Dole and the strong support from this side of the aisle, I think that it will not only mean the $27 million in humanitarian aid would be going at a crucial time, but also, by this vote we would release already approved money that is in the pipeline that could be used as deemed necessary by the Contras for lethal support.

Again, Mr. President, this gives them the opportunity to have some strength in negotiations and we do have to give them tools by which they can be successful at the bargaining table.

It is for this reason that I support and I am a cosponsor of Senator Dole's initiative in this effort, and I urge my colleagues to support it as well.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina [Mr. Hollings].

Mr. HOLLINGS. Mr. President, a conference report is a many splendored thing. If you would take a political science exam and ask what the policy of the United States is, I think you would get a good three or four dozen different answers—including here in this body, charged with the responsibility of approving policy.

I refer to the assistance we have given to the Contras: The totals are as follows: In 1981 to 1983, $120 million; 1984, $24 million; 1985, $27 million; 1986, $87.1 million; 1987-88, $14.8 million; for a total of $285.8 million over the last 8 years.

So, officially, by those figures at least, our policy is to support the resistance in Nicaragua.

Why I call it a many-splendored thing is that we are far apart and we are close together.

First, it should be said, by way of commendation, that the distinguished Senator from Kansas has done an outstanding job to get an aid package together for the resistance in the past 5 or 6 years, and this Senator intimately has worked each of those times with the Senator from Kansas.

There were several features of the distinguished Republican leader's original proposal that have now been changed. One of the big changes that the Senator from Kansas now has in his measure, and the argument which prompted me to come to the floor, was why we would have a second vote to approve lethal aid.

I argued against the second vote idea, 6, 7, or 8 weeks ago. However, there are Members on the Republican side of the aisle who were demanding a second vote.

Thereupon, our distinguished majority leader took up just that in a practical fashion, with his leadership, on a very important issue, and I see no way to forestall aid to the Contras. It was going to come up on this bill or one of many other bills.

In an astute fashion, the leader took us into his confidence, in negotiation, particularly led on this side by our colleague from Oklahoma, Senator Boren, who has been intimate to all the conferences. We finally fashioned a result very similar to what the Senator from Kansas has: $27 million in humanitarian; $16.3 million in lethal aid; and a second vote in September.

Now there are some little picky points—I call them picky that I still hear about. One is with relation to delivery of the aid. Some feel very strongly that it should be by the CIA. I do too. I happen to work on intelligence matters 30-some years ago and have been trying hard to help the CIA recoup its integrity.

We have covert activities, but we are talking about overt policy here. The agency should never be charged with overt policy and programming of this sort. However did it, it would have to do it by contract. One of the other agencies should do that.

We should not get hung up on delivery and we should not get hung up on the word of the Speaker. When we were arguing last week about the Speaker, I recalled he made an open commitment this spring to the minority leader, Bob Michel, and I wanted to affirm it. It was a Friday, and the distinguished minority leader, Mr. Michel, had a loss in his family and was at the funeral. But he later affirmed it by telephone and I spoke to him yesterday, and that is not playing games. The Speaker has given his commitment.

Things could go awry. I cannot say what will happen with the President in the defense bill or whatever bill. But our majority leader now has fashioned a measure whereby, in both Houses, without a filibuster, we can get a vote and can get aid.

I am really chagrined at the moment to hear that one of the leaders of the resistance is on the telephone saying he is against this. He does not know what he is talking about. Let's face the facts. This $16 million in lethal aid does not make viable the resistance in Nicaragua. It is not enough for me. I would like much, much more.

We have only given $285.8 million in all aid in the past 8 years. That is compared to $5 billion in aid that the Soviets have given the Sandinistas. I do not understand how the Soviets can support their revolution in this hemisphere but we cannot support freedom. We get worked up about Afghanistan and maybe Angola but right now under our own noses we are puny.

We are asked why it does not work. Do not tell me about the Sandinistas. I did not trust them in 1979, but they momentarily changed my mind, and there is no use to go back into that. I think the Contras could have won if we had helped them enough for the past 2 years.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks, an article entitled "The Contras Could Have Won."

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Mr. President, I think the Contras could have won, I do not think this $16 million is going to help them enough. But we never believed that the assistance we gave in Afghanistan was going to defeat the Soviets. Now it appears that they see freedom there.

So let me congratulate our distinguished minority leader on coming forward. He understands. He knows what the situation is and what the negotiations were.

Now that we have one of that is viable, I am forced to even note that the minority leader has come to what I want. We live in the real world. We have not been in the majority. We have been in a sort of minority.

Taking the tide at its flood, the best we can do under the circumstances, I hope, is to table Senator Dole's amendment and come forward with the majority leader's compromise and leadership, it will give us a vote up or down on the House side, which will permit us to have continued assistance and survival for our resistance friends in Nicaragua.

Exhibit 1

[From the American Spectator, August 1988]

The Contras Could Have Won

(By Ambrose Evans-Pritchard)

At the beginning of this year there were signs of insurrectionary conditions in Nicaragua. I believe that if the contras had received American military aid for another two years the country would have become ungovernable. The Sandinista Front would have had to sue for peace on terms that effectively dismantled the one-party military state, or risk eventual collapse. This is impossible to prove. There are no polls in Nicaragua. There is no opposition movement like Solidarity that captures the imagination. And the overwhelming majority of Americans who know the country would disagree with me vehemently. Some still insist that the Sandinistas would win an open election in Nicaragua if it were held tomorrow.

It is easy to forget how strong Anastasio Somoza looked two years before the revolution. In 1977 he was able to fill the Plaza de la Republican with tens of thousands of seemingly enthusiastic supporters—more than the Sandinistas are able to turn out now. The country had the best educated managers and technocrats in Central America. Living standards had been rising rapidly for a generation, labor laws were relatively progressive, and even farm workers could afford transistor radios. True, Somoza had plenty of headaches. Archbishop Obando y Bravo, accused of being a Communist by the chief of police, was issuing damning pastoral letters. Pedro Joaquin Chamorro was publishing broadsides in his family newspaper La Prensa. Jimmy Carter's ambassador, Mauricio Solaun, was reading the riot act on human rights. Least among Somoza's troubles was a band of student guerrillas with connections to the Granada aristocracy, calling themselves Sandinistas. Their leader had been killed in 1976 and the quarreling factions were accusing each other of "putschist adventurism" and "petit bourgeois deviation." They did not look very dangerous. The lesson is that insurrectionary conditions are not always obvious. For some they will never be obvious. While units of the National Guard were fleeing to El Salvador on rafts in July 1979, Jim Wright continued to stand behind Somoza and was puzzled that everybody was turning against a stalwart American ally.

Gauging the mood in Nicaragua is difficult. The people dissemble, particularly with foreigners, some of whom they abusively call "sandalistas" on account of their footwear and politics. But it is possible to make them talk, provided you travel alone, without an interpreter, and don't wear Sandinista sympathies on your sleeve. All you have to do is drive along Managua's Carretera Sur, for example, and there will be the pathetic sight of thirty, fifty, perhaps even a hundred people trying to hitch a ride. Half-empty Ladas and Toyota landcruisers race past, carrying the party apparatchiks. They rarely stop. Occasionally buses come past. They don't stop either, because they already are jammed full. So if you pull over to offer a ride, these desperate creatures will fall like animals on your car, piling in from every door until you shout "basta ya," and heartlessly push the stragglers back into the dusty street.

I usually ask about the rice ration first. It is a subject that evokes fury in this culture where many families traditionally eat rice and beans twice a day. Before the revolution Nicaragua was a rice exporter. No longer. Now huge donations come from Bulgaria and the Soviet Union and there is still a critical shortage. The Sandinistas fixed the ration at four pounds per person per month. In reality it hovers between one and two pounds. "It doesn't last a week," scream the women from the back of the car, "and why isn't there any milk? We have to wait for three hours in the sun to get milk for our children and then they say it's run out." Next comes a barrage of recriminations about everything. I dare not repeat some of the amazing remarks I have heard, for fear of losing credibility. (Once when I quoted a Nicaraguan family saying that it hoped for an American invasion, the editor of Private Eye insinuated in print that I had made it up.)

The shortage of food was becoming serious by the beginning of this year. An emaciated old peasant in the area of Rivas said that his cooperative was reduced to two- or three-hour workdays. "By nine in the morning we just can't keep going, we're too weak from hunger." But on the whole, few Nicaraguans look starved. They probably get as much to eat as the British during the Second World War. The British, however, were disposed to suffer. In Nicaragua the sense of common purpose that makes such sacrifices tolerable has completely broken down. Even if the people believed that American imperialism was the cause of their troubles, which the majority no longer do, it would be hard to rally patriotic support when the hardships are so unevenly shared.

Nicaragua has the most regressive wage system I have ever seen. While inequalities in Honduras are ugly, in Nicaragua they are grotesque. This was not intended. It is the consequence of hyperinflation in an economy with fixed exchange rates. I remember that in early 1984 the purple 50 cordoba note could buy you breakfast at the Intercontinental Hotel in Managua. On a visit last January, I was surprised to find that the note was back in circulation with 50,000 clumsily printed over the 50. The inflation rate was about 2000 percent, yet the Sandinistas were still holding the official exchange rate at 70 cordobas to the dollar, with a maddening ladder of different rates for other transactions. Meanwhile the black market rate, remorselessly tracking the printing practices of the central bank, had reached about 50,000 to the dollar. In February a new currency was introduced as part of an austerity package, but it has left the fundamental distortions in place.

The result is a dual economy in which anyone with dollars is fabulously rich. The Sandinistas are dollar kings because they have a monopoly on exports. But they have to spread their dollars around to lubricate a system that is clotted by worthless cordobas. Big coffee and cotton growers are paid dollar incentives. The party faithful are rewarded with coupons to spend at Managua's dollar stores. Government economists, engineers, and technicians are paid dollar bonuses worth more than their salaries. (Though not enough to stanch a catastrophic brain drain. If you telephone Nicaragua you will notice that very few of the international operators speak English. The linguists have already gone to greener pastures in Florida.)

There is another layer of Nicaraguans who do not necessarily handle dollars, but who service the dollar elite and expect to be paid a fee that reflects the black market rate. Skilled mechanics, for instance, or plumbers can earn a relative fortune. They are among the customers at Managua's French restaurant, La Marseillaise, taking their families out to lunch and blithely spending mountains of cordobas, which they leave on the table in uncounted wads of notes tied with rubber bands. La Marseillaise recently built an extra room to handle the brisk business.

Left behind in the cordoba economy, and increasingly alert to the swindle, are farm hands on the state farms, who earn about a dollar a week, and factory workers, who make perhaps two. A study by the private sector organization, COSEP, using the government's own figures, calculates that their buying power has fallen to the levels of the last century. Daniel Ortega accepts that real wages have fallen but argues that this has been cushioned by a subsidized canasta basica of rice, beans, sugar, cooking oil, etc., and by the invisible "social wage." There was once some truth in this, but it is wearing thin today. The canasta (basket) is two-thirds empty, and the social wage never got far beyond the drawing board.

Take health care. the Sandinistas have cut the incidence of smallpox and polio with the enthusiastic and well-publicized vaccination campaigns. This is not difficult to do. Wherever a sustained effort was needed they have failed badly. Malaria, dengue, and hepatitis have got worse since 1979. Half the doctors have left the country. Managua's maternity hospital is filthy and understaffed. There is a critical shortage of medicine, and some of what is available (the part that has no international value and cannot be smuggled out for resale in Costa Rica by corrupt officials from the Health Ministry) is labeled in Cyrillic script, to be dispensed with an educated guess. One can make allowances as to why the Sandinista proyecto of social justice has withered on the vine, but only a frantic can still maintain that poor Nicaraguans live better now than during the last years of Somoza.

It is not surprising that the Sandinistas have failed to bring prosperity. Their writings before the revolution show little interest in the dynamics of wealth creation, not even in Communist economic theory. In fact, their grounding in Marxism generally is thin. Harry Berghold, until recently the American ambassador in Managua, reportedly used to enjoy debating the comandantes on their own ideological turf, running rings around them with his superior grip on Marxist doctrine. They are, of course, Leninists. They hold power through a secretive and elite vanguard party, but their inspiration, a nationalist brew of martyrs, myths, symbols, and demagoguery, resembles that Marxist heresy we call fascism. In particular the Italian brand of Mussolini.

To the extent that the Sandinista regime has made anti-Americanism its legitimizing principle and has become a military client of the Soviet Union, its makes scant difference to U.S. security which variety of oppression it chooses. But it matters inside Nicaragua. The structure of the economy is a key to understanding the political vulnerability of the regime. The Sandinistas have not nationalized the means of production, as occurred in Cuba. They manipulate the private sector through a system of licenses and monopolies in what is really an extreme version of Latin American merchantilism. "Patriotic producers" can prosper. The Sandinistas have nothing against profit. On the other hand, enemies of the state, like Enrique Bolanos from COSEP, wake up one morning to find that peasants armed with AK-47 rifles have taken a fancy to their land, and to their tractors and trucks.

This system is familiar enough in the Third World. While not enviable, it can admit a tolerably productive private sector so long as everybody knows the rules of the game. The Sandinistas, however, have been too undisciplined to make it work. They have expropriated landowners who tried to cooperate, turned credit on and off capriciously (all banks are nationalized), and pursued lunatic state pricing policies. The result is decapitalization as owners run down their farms and factories. Exports tell the tale. They fell from $646 million in 1978 to $292 million in 1987. According to Dr. Jamie Bengoechea, president of the Nicaraguan Chamber of Industry, the country used to export about $150 million in manufactured goods to the rest of Central America. Now it exports less than $20 million. Nicaraguan industry is a carcass.

Bankruptcy alone is not life-threatening in a totalitarian system, provided the regime keeps control of what remains of the economy. Indeed, hunger can induce obedience where the government has a food monopoly. The problem for the Sandinistas is that they control less and less. The private sector has become adept at evading oversight, and it has given protective cover to an exploding black market that is by some estimates bigger than the official economy. The effect is profoundly subversive. The Sandinistas can no longer threaten to sack workers in state industries if they get out of line because wages are so abysmal that they are already leaving in droves, hoping to turn a quick buck as buhoñeors (hustlers) on the streets. In private industries the government used to maintain influence through its puppet labor union—the Confederation of Sandinista Workers—which issues coupons to the subsidized state stores, known as CATs, where workers can buy shoes and clothes at a fraction of the free market price. In the past, life was unbearable for a worker who did not have access to the CATs, and many told me they defected from the opposition unions to the Sandinistas union just to get a CAT card. But now the government's distribution system has so disintegrated that the CATs no longer have much to offer. At the same time wages in the private sector are finding their own level despite pay scales fixed by the state, making the CATs less relevant. (In June the government announced an end to wage and price controls.)

Food ration cards have lost their clout. "I don't bother with them anymore," says Coco Lopez, a Managua cook. "You go to the dispendio and there's nothing there." She buys her food at the Eastern Market. The Sandinistas have periodically tried to close this seething labyrinth of free enterprise, and lost at least one of their inspectors to a lynch mob of market women. Lately, the Ministry of Internal Commerce seems to have given up the struggle. The stalls are better stocked than they have been in years, and even prohibited products like rice, intended for the government patronage machine, are being sold under the table. Last year a large delivery of Soviet rice found its way into the Oriental Market before it reached the government rationing posts. Although food ration cards are still important in some rural areas, they are not decisive. Those who attend meetings of the opposition Conservative party, say, in the little town of El Carmen, may fear reprisals from the local office of the political police, but it is increasingly rare to find them worried about losing their tarjeta, as the card is called.

The Sandinistas have lost their grip on their primary tool of totalitarian control: economic coercion. Dr. Jose Luis Medal, a Nicaraguan economist who runs a consultancy firm in Managua, estimates that over 60 percent of the workforce in the capital is beyond the government's economic control. Nor have the Sandinistas done much better creating the political apparatus of the one-party state. Unlike the Salvadoran guerrillas, who are real revolutionary Marxists rather than putschists, the Sandinistas did not develop a support network before seizing power. They had to create their mass organizations almost from scratch, without being able to draw on an army of cadres seasoned by years of struggle. Opportunists and turncoat Somocistas filled many of the slots. The result is a party base with the militancy of a suet pudding. There are exceptions. The Sandinista Youth can usually put together a turba of street hoodlums and send them out with crowbars to kneecap reactionaries. But beyond inciting spasms of violence, the party has few effective instruments of social control.

The Sandinista Defense Committees (CDS), called the "eyes and ears of the revolution" by Sandinista Godfather Tomas Borge, have caused indignation abroad where they have been compared to the Nazi "Blockwart." In fact they are a joke. In some neighborhoods people don't even know who their block captain is, and they certainly don't care. In others, they point lazily down the street, then add that nobody much bothers with the CDS anymore. In the early 1980s Nicaraguans went to committee meetings in the evening because it was a way of getting government hand-outs, like a waterpump for the community. Once the munificence came to an end, so did the attendance.

The CDS still have their informal function of recruiting for the army. They do not do a good job. Nicaragua has a very high rate of draft evasion. Last January a group of youths at a village baseball game in Carazo—an area not known for contra sympathies—told me they were nearly all draft-dodgers. "Well, mate, it's everyone for himself, isn't it?" said one. "Why should I get my cojones blown off for the Ortegas?" Defense Minister Humberto Ortega boasts of building a 600,000-man reserve army. Either he is bluffing, or he is going mad.

The Sandinistas tried the Nazi trick of creating party-affiliated replicas to mirror and undermine every institution in Nicaraguan society. It failed. None of the imposters gained credibility. The "popular church," which caused immense confusion abroad, lost a slow battle as the bishops plucked the liberation theologians one by one from their dioceses. Some foreign firebrands have been recalled by their orders in Europe, others have toned down their sermons. The church hierarchy, headed by Cardinal Obando, is accepted by the overwhelming majority of Nicaraguans as the only legitimate version of Catholicism. The regime can no longer pretend to have the blessing of the church. It is common knowledge what Obando thinks of Sandinismo.

The Sandinistas have not succeeded in establishing a totalitarian system in Nicaragua. They still have tools of control, above all the DGSE (political police) which has penetrated the opposition organizations and unions, and strikes pre-emptively. Spontaneous insurrection is therefore unlikely. But the Sandinistas are vulnerable to an insurrection induced by a skilled vanguard party (to use the terminology of Marxist revolutionaries) that erodes the authority of the government and provokes it into blunders.

Humberto Ortega understands this well. He masterminded the Sandinistas' own insurrection a decade ago from his headquarters in Costa Rica. At the time Tomas Borge, seeing no signs of insurrection and disappointed in the mettle of the proletariat, was pushing a Maoist strategy of "prolonged popular war" in the mountains. But Ortega sensed that the foundations of Somocismo had become so rotten that a few well-judged jolts would bring the edifice tumbling down. He launched a series of daring raids against the National Guard in October 1977 which had no military impact, but radically altered the war of perception. They were a catalyst for the Monimbo Indian Uprising four months later, the watershed of the civil war. Ortega admits that he never controlled the urban sansculottes who manned the barricades and bore the brunt of the fighting. They were no Sandinistas. But he harnessed them. He calculated correctly that a Leninist core, catching the imagination with a deft use of symbolism, could set off insurrection if all the right conditions came together.

By the beginning of this year, the contras had reached a perception threshold inside Nicaragua. They were on the verge of becoming a revolutionary vanguard. They had transformed themselves from a Somocista raiding force into the biggest peasant insurgency in Latin America. It was an astonishing achievement that had little to do with the strategic foresight of the contra leadership, or of the CIA. It had to do with eight years of Sandinismo. Like most of the press corps in Central America, I was slow to realize what was happening. My education was a solitary ten-day walk in early 1985 through the mountain provinces of Jinotega, Matagalpa, and Boaco. This is an area full of yeoman farmers, or kulaks, some with fifty head of cattle, others with little more than a horse, but united by rugged individualism. I wantered from farm to farm, eating and sleeping wherever I was invited in, and conducting dozens of random interviews.

The first grievance was food confiscation by the Ministry of Internal Commerce. The peasants were forced to sell their produce to the state at fixed prices. But the prices did not keep up with inflation. Indeed, the government became more and more rapacious as the economy went into a tailspin, and there came a time when prices fell below the cost of production. There is some debate as to whether this was a deliberate strategy to stamp out an independent landowning peasantry and force them into collectives and cooperatives where they could be controlled. Jose Luis Medal, who has written a treaties on the economic philosophy of the Sandinistas, believes it was simply a case of inept planning.

The benefit of the doubt cannot be extended, however, to Sandinista military repression. I do not understand how Americas Watch, the New York-based human rights organization, could conclude that Sandinista abuses during that period were not systematic. I met several villagers who told me they had been arrested, usually for periods of two to eight weeks, and had been beaten up, ducked under water *(el submarino)*, and threatened. It was clear that the heaviest repression was happening in the pre-trial detention centers, to which the International Red Cross was denied entry, not in the formal judicial system. The 500 or so prisoners who were being convicted each year by the Anti-Somocista Tribunals, where the judges were party activists from the block committees, were just the tip of the iceberg.

Back in Managua I visited the opposition Permanent Human Rights Commission and began to look more thoroughly at their stack of testimonies (which are very limited because they depend on peasants coming all the way to Managua to make a deposition, and most peasants don't know the organization exists). Over the next two years I did a number of spot checks in remote villages where the commission had news of killings, and confirmed my suspicion that some Sandinista militas conduct death-squad operations. So do some contra units. One side is as brutal as the other. The difference is that the Sandinistas, enjoying greater resources, practice a more extensive pre-emptive repression.

The Sandinista methods of subjugating the recalcitrant peasantry were badly calibrated. They were not ruthless enough to crush all resistance—the regime is too dependent on international goodwill to risk Guatemalan-style massacres—but they went far enough to embitter thousands of families, and probably had the net effect of enlarging the support base of the contras. By early 1988 there were chunks of Nicaragua where the contras, known as "Los Primos" (the cousins), could move freely, confident that the villagers would not give away their movements, while Sandinista troops had the uneasy feeling of being an army of occupation. Taking a leaf out of the Sandinista textbook of vanguard mythology, local contra commanders have emerged as popular heroes. Comandante "Franklin" of the Jorge Salazar II regional command has almost legendary stature in his home province of Chontales, where he has outfoxed much larger Sandinista forces for year after year.

The contras face a formidable military machine. Somoza's National Guard never numbered more than 15,000. The Sandinistas have an army of over 70,000 men, backed by a network of militarized cooperatives, and equipped with terrifying Stalin Organs (for concentrated shelling) and MI-24 helicopter gunships.

But the Sandinista People's Army is not all that it is cracked up to be Discipline is lax. Officers drink on combat missions. The counter-insurgency units, known as BLIs, are made up of recruits with only a few weeks training. They often bunch up together while on patrol, ignoring an elementary safeguard against ambushes. Perhaps the poor showing of the Sandinistas' infantry (with the notable exception of the elite Pablo Ubeva forces) has led them to ignore the lessons of the successful counter-insurgency in Guatemala in 1982, which was conducted with foot soldiers. Instead, the Sandinistas have increasingly copied the American dependence on air support in Vietnam. They have even begun bombing hamlets from Antonov aircraft with 500-pound bombs, a sure sign of military sclerosis.

By contrast, the rebels have gotten better. Honing their skills in the field, they have learned how to concentrate forces for big operations, then melt back into smaller units. Before Christmas they launched the two biggest operations of the war, one of which nearly succeeded in cutting the Rama road that links the Atlantic Coast to the Pacific. The contras were able to spread news of these attacks through their radio station, from Costa Rican stations, and by word of mouth.

These publicity coups came at a time when the Sandinistas already faced a political crisis in the cities. Gambling on the Arias Peace Plan, the government had half-lifted the lid on repression, and the toxic fumes had escaped. *La Prensa,* back in circulation without censorship, was openly ridiculing the regime to undermine its authority. It published an amazing interview with a senior army defector, Major Reger Miranda, who accused President Daniel Ortega of betraying his fellow guerrillas before the revolution. The oppostion umbrella group, La Coordinadora Democratica, organized a march on January 10 in which demonstrators openly chanted "viva la resistencia."

Then came the near total breakdown of Managua in late January when Soviet supplies were delayed. My neighborhood had no water for five days, except for nocturnal trickles. In poor barrios, where residents share taps, the women were getting up at one in the morning to line up for water with buckets. Gas was almost unavailable, except by bribery. Drivers waited in long coiling lines outside gas stations in the hope of buying five gallons. Nobody moved for hours on end because power cuts had put the pumps out of action. Random blackouts shut down factories. Air-conditioned offices without ventilation became furnaces. Tempers were frazzled in the markets and on buses people openly cursed the government. The city was a tinderbox, yet the Sandinistas had no reliable way of stifling unrest other than raw force.

The day was nearing when they would either have to risk losing control or use police repression in the streets of Managua, which could be televised and seen all over the world. The U.S. Congress spared them that dilemma.

On February 3, Congress voted down new aid for the contras. The momentum of months sputtered out within days. Once they saw that the United States had abandoned the contras many Nicaraguans concluded that Sandinismo would be their future after all. They came down off the fence where they had been sitting, waiting, wondering whether to risk throwing in their lot with the opposition.

Many Americans find this impossible to understand. They have swallowed the cliche that Nicaraguans are anti-American nationalists. In fact the reverse is true. Nicaraguans on the whole are exceedingly pro-American, or *gringuista* as they say, and many see El Norte as the promised land. They also have a naive faith in American power; they tend to assume that if the United States intervenes its client will ultimately win, and Nicaraguans like being on the winning side. While liberal commentators in Washington write claptrap about how the contras can never succeed as long as they are identified with the United States, the contras themselves see their interest differently. For six years they have been busy inside Nicaragua trying to reassure people that Reagan stands with them. The perception that he does not is fatal.

The Congress was put in a delicate situation by the Arias Peace Plan. It would have made for unpopular diplomacy if the United States had renewed military aid to the contras two weeks after the Central American presidents had signed a joint peace accord in San Jose. Why they signed it is no mystery. Oscar Arias overrated his own powers of persuasion. The more cynical presidents of Honduras and El Salvador got caught in the public relations trap of peace summitry. All had doubts whether a divided Washington would ever give the contras the wherewithal to win. Arias in particular concluded that accommodation with the Sandinistas would be a more stable option than an interminable war on the border. The accord gave doubting Democrats all the cover they needed to back away from the policy. Perhaps a few even believed that the Sandinistas would fulfill their promises to "democratize."

If so, their credulity is unpardonable. As Sen. Ernest Hollings aptly put it; "There's no education in the second kick of a mule." In 1979 the Ortegas led a faction known as the "Terceristas" that formed a tactical alliance with business leaders and centrist parties. It involved a Machiavellian campaign of distortion to present the Sandinista Front as a disparate movement with a few Communists on the fringe, but mostly made up of nationalists and social democrats. After seizing power the Ortegas continued to make all the right noises, even as a secret party document, the September 1979 "analysis of the situation and tasks," outlined puppet pluralism to neutralize international opinion. "Humberto [Ortega] is brilliant," says Arturo Cruz, Jr., a former Sandinista who now advises the contras. "He's resurrecting the whole Tercerista project of tactical compromise.

In any case, the Arias Plan and the subsequent Sapoa agreement never made a settlement contingent on a separation of the army and the party. It must be remembered that the Sandinista Front began as a military organization, and only turned itself into a political party after the revolution. Militarism is the essence of Sandinismo. "Their best cadres are in the army," says Virgilio Godoy, former minister of labor and now head of the Independent Liberal party. In El Salvador the FMLN have flatly rejected any peace that leaves the structure of the Salvadoran state intact. They have demanded power sharing and a fusion of the opposed military forces.

The contras have been negotiating terms that amount to a graceful surrender. At times even the grace is missing. "What we are discussing is how the mercenary forces, who are already defeated, can lay down their weapons," said Daniel Ortega recently. "They should be grateful that we are not offering them the guillotine or the firing squad." As I write this piece the talks have stalled. The contras have begun to define their concept of acceptable democratization, but so late in the day as to give the impression that they are merely obstructing. They are threatening to return to war. That will be difficult. Nicaraguans have seen Adolfo Calero and Humberto Ortega standing side by side on television singing the national anthem. This gives legitimacy to the contras but at the same time it smacks of *personalismo.* Nicaraguan history is full of unlikely alliances, of deals cut across ideological lines, of co-option. The perception of betrayal undoubtedly saps the militancy of the contra base. There has already been a mutiny by some field commanders.

If the war is lost, it was lost in Washington. Those who believe that the United States defeated the Tet Offensive in 1968, but didn't realize it and lost the will to fight, may see a parallel in Nicaragua. In the field the contras did better than almost anybody, including the Sandinistas, ever expected. With hindsight they could have done even better. Too many contra leaders saw their force as the spearhead for direct U.S. intervention. At a result they retained the structure of a conventional army, fighting in large units with long supply routes. In the end it was the semi-autonomous field commanders, many of whom were renegade Sandinistas, who took the initiative and adapted to the imperatives of guerrilla warfare. There was never enough emphasis on political organization, particularly creating an urban front for insurrection. The leaders were always jockeying for advantage against each other in a game of what Nicaraguans call "politica electorera," instead of planning hellfire and revolution. "We're one-third turtles, one-third rabbits, and one-third hogs," said a contra official candidly in a moment of despair.

Even so, the motley coalition has held together, and advanced. The problem has been selling their success in the U.S. I discount the polls that indicate a majority opposes the Administration's Nicaragua policy. They are soft numbers reflecting an instinctive isolationism. More serious is the opinion among the American clerisy that the contras can't fight. It's said they do not hold territory. But no guerrilla insurgency in Latin America holds territory in the strict sense. There's not a square foot of El Salvador that the army cannot occupy, yet the rebel FMLN is causing havoc nevertheless. Textbook doctrine holds that so long as guerrillas are not losing, they are ultimately winning. Congress, eager for instant results, has turned this on its head. Because the contras are not seizing towns and developing a visible system of dual power, they are said to be losing. The contras themselves are partly to blame, for setting unreasonable expectations and failing to define a strategy of prolonged popular war.

They have also suffered unfair criticism in the U.S. for their dependence on outside support. It is a myth that other insurgencies in Central America are self-sufficient. The Sandinistas themselves had sanctuary in Costa Rica, and got arms from Venezuela, Panama, and of course Cuba. In El Salvador the rebels are relatively self-sufficient, but even they need Nicaraguan supplies. In 1983 they went into a nose dive when the Sandinistas temporarily suspended supply flights across the Gulf of Fonseca, after the U.S. invasion of Grenada sent a shock wave through Managua. Moreover, the contras are necessarily more dependent on hard supplies than the FMLN because they have been fighting a regime that extends social control more deeply than most. I have watched Salvadoran guerrillas on shopping trips buying sacks of beans and sugar in village stores. Until recently this would have been impossible in Nicaragua because the government kept a tight rein on the distribution system. Incidentally, the Salvadorans pay for their groceries with money extorted from farmers, passengers on buses, or hostage families. Imagine the uproar if the contras tried that. They have to try to conduct a guerrilla war that satisfies the sensibilities of a refined democracy, which is impossible.

Could the Reagan Administration have crafted the policy more skillfully? It quickly fell prey to partisan politics. "The contras became the favorite god-child of the far right in this country, and that was the kiss of death," says a State Department official who enthusiastically supports the resistance. Could anything have been done to bring the Democrats on board? Perhaps. Some officials now concede that they moved too quickly, though delay also entailed risks. The original nucleus of the contras might have dispersed, leaving the Administration with little to work with. The Sandinistas would have had longer to build an army and indoctrinate Nicaragua's youth. "The apparatus of control would have made it much harder to get an uprising going," said one of the arthitects of the policy. "But politically it would have made more sense to have waited. It would have been much easier to sell the idea in Washington if there'd already been rioting in the streets, like Haiti or the Philippines. And they would have rioted."

By using the military option immediately the Administration gave the Sandinistas a pretext for totalitarian mischief, and undercut its own attempts to portray the regime as illegitimate. Worse, the dependence on officers from Somoza's National Guard was a gift to the Sandinista office of Agitation and Propaganda (DAP). The CIA compounded this with its stubborn preference for men without revolutionary vision, Adolfo Calero in particular. Oliver North continued the CIA approach during the Boland affair, using "el private supply network" (as the contras call it) to channel money to the dependable troglodytes, cutting out the ex-Sandinistas who brought appeal, flair, and revolutionary praxis to the movement. Arturo Cruz, Jr., who wrote a biting critique of the contra strategy that enraged Oliver North and led to a rift between them, says that "the boys really blew it; they used Calero as their foreman in Nicaragua but they didn't understand that his face was so big it hid the faces of the young peasants in the field."

The post-mortems span the spectrum. Some still insist that the Sandinistas could have been co-opted, forgetting that Jimmy Carter tried it. The Sandinistas received $118 million in U.S. aid after July 1979 (more than Somoza got in a quarter century), their debt was rescheduled on the softest of terms, and the rules of the Inter-American Development Bank were bent to allow them loans. Yet they gobbled up Nicaragua without flinching. The revolution was not for sale, said Tomas Borge. Perhaps it could have been ignored. A plausible case can be made that the collapse of Central America would not have significantly affected the U.S., provided Washington kept out of it altogether. Mexico has its own separate rhythm, and a gaggle of bankrupt Albanias on the isthmus would threaten nobody but their own people.

Instead, the U.S. chose the worst option. It intervened, but not decisively. It made a commitment without following through. It suffered opprobrium in the world forum for the exercise of imperial power, without putting that power to much effect. At the end of the day, the region is more or less back to square one, and attention is shifting again to the misfortunes of El Salvador, where the political center is collapsing. Gov. Dukakis says it's "the worst fiasco of my lifetime." I believe he truly doesn't understand how close the contras came to paralyzing Nicaragua. Those Democrats who do have an inkling can't easily admit it. To do so would be to admit that in cutting contra aid their party snatched an American defeat from the jaws of victory.

Mr. BYRD. Mr. President, I thank my friend.

Mr. GRAHAM, from Florida, wishes some time. How much times does he wish?

Mr. GRAHAM. Five minutes.

Mr. BYRD. I yield 5 minutes to Mr. GRAHAM.

Mr. GRAHAM. Mr. President, I will support the motion to table Senator DOLE's amendment. I do so out of a feeling that the approach which has been suggested and which will be voted on later offered by the majority leader is the one which is the most likely to get us to our destination. I define that destination as an American commitment to not only peace in the sense of the end of warfare in Nicaragua but also the building of a true democracy.

Second, the removal of the Russian military presence from Nicaragua.

I believe this is true for two reasons: One that it is absolutely critical to our ability to have a sustained policy in this or any other region of the world that we have a broad consensus behind American policy.

I believe that the approach which has been suggested by Senator BYRD and which will be voted on as an amendment to the defense appropriations bill has worked toward building that consensus.

I also believe that it is a provision which will not only receive the majority vote in this Chamber but also will do likewise in the House of Representatives. Therefore, it is an approach which has the actual potential of becoming law.

I would comment as to some of the concerns that have been expressed that this might be used as a facade, a subterfuge, that it will never happen, that the amendment that will be adopted here will be deferred, I will be closely, for one—and I am certain I speak for others—monitoring this process, and if when we return after the recess we find that those prophecies are becoming reality, I for one will be prepared to reconsider the action that we are taking today and, if some other course is necessary in order to express this Senate's broad concensus in support of peace and democracy and the removal of the Soviet presence from Nicaragua is required, I will join that effort.

Mr. President, I would like to use a couple of minutes to talk about two other provisions of this bill as I understand that once this amendment is disposed of we will go immediately to a final vote. On one provision I wish to speak very positively and the other to raise a cautionary flag.

One of the provisions of the supplemental appropriations bill is a supplemental appropriation to the U.S. Coast Guard for their efforts in law enforcement and particularly drug interdiction activities. It is a sad commentary that for the past several weeks a substantial part, in excess of 40 percent of the Coast Guard vessels which have been used as the front line of defense against drug importation into the United States by sea, have been tied up. They have been tied up because they have not had the adequate resources to fuel those ships, to pay the salaries of the personnel, to support that effort.

With the passage of this supplemental those boats will be untied and will be returned to the appropriate law-enforcement protection of our borders function.

So I applaud those who have been committing themselves to expedited final passage of this legislation.

Let me raise, however, a cautionary comment about an amendment which was added to this bill during its debate several days ago. It is an amendment which I do not believe received much thoughtful consideration. That amendment states that it is the sense of the Congress that we place the full faith and credit of the U.S. Government behind notes which have been issued in increasingly large amounts over the past several months by the Federal Savings and Loan Insurance Corporation, known as FSLIC.

We have said that this full faith and credit will be up to a maximum of $11 billion. So in a rather casual means we are just committing the Federal Government to an increase in its deficit of $11 billion because anyone who has seriously studied the condition of FSLIC would have to conclude that the likelihood is that these notes are going to be paid off not by proceeds of FSLIC but by the general taxpayers of the United States.

It is ironic that a year ago when we were considering steps to take to assist FSLIC, we had another approach and that was the so-called FICO bonds which were supported by an increase in premiums charged to the thrift industry. We set a limit of $10.8 billion on those bonds. What we did not do with those bonds is we did not allow the full faith and credit of the Federal Government to be behind bonds which had a dedicated revenue source to support them.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator has used his 5 minutes.

Mr. GRAHAM. I ask for 2 additional minutes.

Mr. BYRD. I yield the Senator from Florida 2 additional minutes.

Mr. GRAHAM. Mr. President, in a much more casual procedure without a thorough hearing by the Banking Committee or full debate in this Senate we are putting the full faith and credit of the Federal Government behind notes which have no dedicated source for their repayment.

I think that this is a very ill-advised policy. I bring it to the attention of the Senate this afternoon in hopes that I will catch the ear of those who will be designated by the Presiding Officer to represent the Senate in its negotiations with the House and that we will succumb to the wisdom of the House which has not been to place this provision on the supplemental appropriations bill.

Failing to do that I suggest that we are going to place this Congress in a very embarrassing and ironic situation of having denied full faith and credit to bonds which have some degree of security in their repayment and then having put $11 billion of the credit of this country behind unsecured notes of an insolvent insurance company.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida yields the floor. Who yields time?

Mr. DOLE. Mr. President, I am prepared to yield back my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I suggest the absence of a quorum and charge it against my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, while the distinguished majority leader is checking, I do have another request for time. I yield 5 minutes to the distinguished Senator from Missouri, Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Thank you, Mr. President, and I thank the minority leader.

Mr. President, once again we face the question of our policy toward Nicaragua. Once again, we face the choice of supporting democratic freedom fighters in that country or, instead fooling ourselves into believing the lies of the Communist regime.

We have heard reports during the day that the leading Presidential candidate, one who has been nominated, has indicated general support for the alternative plan, the one on which we will vote later on. He said so, I understand, in the context that he still opposes lethal aid.

Mr. President, that appears to me to be an uncharacteristically perceptive analysis of foreign policy. I fear that if we do not adopt the Dole amendment we will, in effect, be telling the Sandinistas, and Daniel Ortega, that they have no reason to fear the Contras will be a force; they have no reason to change their policy of oppression, repression, and supporting of subversion outside their country.

It is almost a year to the day since the so-called historic Esquiplas II agreement was signed in Guatemala City. At that time, many of our colleagues told us that we were witnessing a turning point in the Nicaraguan situation, and that we should refrain from further action which might harm the peace agreement. We were told to give peace a chance.

Well, Mr. President, we have given peace a chance and look where it has gotten us. We are no closer to a peaceful resolution of the situation in Nicaragua than we were a year ago. Why is that? The answer is simple—it is because we cannot bring peace to the region unilaterally. It takes participation from all sides.

But have the Sandinistas been giving peace a chance? No, they have been reneging on their agreements to move toward democracy and provide basic freedoms to the citizens of their nation. Have the Soviets been giving peace a chance? No, they have been pouring arms and materiel into the country at the same furious pace as before the agreement.

The events of recent weeks ought to have made it crystal clear to all of my colleagues that we have been fooling ourselves if we thought that withholding aid from the Contras would result in peace and freedom for Nicaraguans.

We have tried that before, and the result has always been the same. In each case, the Communist government made promises which it broke. And in each case, the Communist government used the lull in U.S. support to improve its military position and put the Contras at a disadvantage.

In the most recent case—the Arias peace plan—the Sandinistas made several promises which they have broken. They promised democratic reforms. They promised a free press. They promised freedom of association. And they promised an amnesty for political prisoners.

They have kept none of these promises.

I, for one, am not surprised. I am disappointed, but I am not surprised. With the Sandinista record before us, I fail to see how any of my colleagues could be surprised—but that seems to be the case.

But Mr. President, regardless of how one feels about recent Sandinista actions, and regardless of what one thought would come of the Arias peace plan, one fact is now clear. That is that the U.S. Congress must take action. As the saying goes: Fool me once, shame on you. Fool me twice, shame on me. Fool me again and again—well it just becomes incomprehensible.

For a year now—and really for much longer than that—opponents of Contra aid in the Senate, in the House and on the Presidential campaign trail have been issuing grand proclamations telling the Sandinistas, "We are giving peace a chance. We are not sending aid to the Contras, but we are watching you. And if you do not live up to your promises, then we will be forced to take strong action." I say to my colleagues that if we fail to take that action now, we will be hurting ourselves not just in Nicaragua, not just in Central America, but throughout the world. The Sandinistas watch us watching them and laugh because they know our resolve is not there.

If we fail to act, the whole world will know that the U.S. Senate is in the business of issuing idle threats. The Communist dictators in Managua and in Havana and in Moscow will know that they do not have to take us seriously.

But it appears that opponents of aid to the Contras have a different definition of strong action than most folks. We can pass all the resolutions in the world, but they will have no real impact on world affairs. If we are to make clear to the Sandinistas the importance we attach to their keeping their promises then we must take concrete action. That means aid to the freedom fighters—both military and humanitarian. That is what it will take to make it clear to the commadantes that we are serious. That is what it will take for them to remember their promises.

Mr. President, there have been some interesting articles in the press in recent weeks which have made clear what the Sandinistas are up to. I would like to take just a moment to read from one of those articles.

The New Republic, in an editorial written last month, said:

> The Sandinistas have skillfully exploited political divisions in the United States and are using the peace process led by Costa Rican president Oscar Arias to drag out negotiations with the Contras until the Reagan administration is out of office. Then, almost surely, they will revert to form and consolidate a Leninist dictatorship, a Marxist economy, and a menacing, Soviet-financed military force.

The editorial continues at a later point:

> The Sandinistas obviously think they need to grant no weakening of their grip on power, no real democracy, because they have beaten the Contras—not on the battlefield, but in the Congress of the United States. What is the United States going to do about this? What Congress should do is rise up in discust at Sandinista violations and vote renewed military aid to the Contras, cancelable only if there's real evidence of Sandinista progress toward democracy.

That article hits the nail on the head, Mr. President. We have given the Sandinistas the benefit of the doubt, and they have just laughed in our face. I do not want history to record—as the New Republic already has done—that this Congress turned its back on those fighting for freedom and democracy and allowed Communist dictators a free hand in Central America. Now we must act. To do otherwise would be immoral.

I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum and ask that the time be charged against my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time does each side have remaining?

The PRESIDING OFFICER. Senator Dole has 2 minutes and the majority leader has 9 minutes and 40 seconds.

Mr. DOLE. Mr. President, I yield back my time.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a 5-minute recess, charged against my time.

There being no objection, the Senate, at 6:07 p.m., recessed until 6:12 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BINGAMAN].

The PRESIDING OFFICER. The majority leader has 4 minutes remaining.

Mr. BYRD. Mr. President, I yield back my time and I respectfully move—I am sorry to have to do this—but I move to table the distinguished Republican leader's amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN], would vote "nay."

On this vote, the Senator from Connecticut [Mr. WEICKER] is paired with the Senator from Mississippi. [Mr. COCHRAN].

I present and voting, the Senator from Connecticut, would vote "yea" and the Senator from Mississippi, would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—57

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Stafford
Stennis
Wirth

NAYS—39

Armstrong
Bond
Boschwitz
Cohen
D'Amato
Danforth
Dole
Domenici
Evans
Garn
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kassebaum
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—4

Biden
Cochran
Kasten
Weicker

So the motion to lay on the table amendment No. 2834 was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate so that Senators will know on what they are about to vote.

THE DIRE EMERGENCY SUPPLEMENTAL BILL IS AN EMERGENCY

Mr. ROCKEFELLER. Mr. President, I would like to take a few minutes to make a plea to my colleagues—especially those on the other side of the aisle—to recognize the effect of the current Contra aid longjam on thousands of unemployed American workers, thousands of victims of the terrible disease of black lung, and efforts such as drug interdiction and drought assistance.

As everyone in this body knows, we had the chance to immediately pass the dire emergency supplemental appropriations bill last week in order to release desperately needed funds for just what the bill's title signifies—dire emergencies. Instead, with the administration's support presumably, the bill became the target for a Contra aid package that is controversial and would, in my opinion, be far more appropriate as an amendment to the Department of Defense appropriations bill. Because a resolution hasn't been reached yet on Contra aid, the dire emergency supplemental bill sits here in the Senate and the funds contained in it sit, too.

Mr. President, these are funds that have a very real meaning to our people. For example, the dire emergency bill has $49 million for trade readjustment assistance benefits—these are the cash payments that workers who lose their jobs because of imports are entitled to receive as they struggle to find new jobs, become trained in new skills, and rebuild their lives. There are 26,000 of these import-injured, unemployed workers throughout the United States who has their payments cut off in the last month. The dire emergency supplemental bill has the funds to resume those payments, but the bill sits waiting for a Contra aid resolution.

In my State alone, there are 1,200 import-injured workers who saw their checks suspended 3 weeks ago. These are miners and factory workers whose jobs have been lost because of import competition. These are hundreds of workers who saw the Anchor-Hocking Glass factory in Clarksburg, WV, close and are struggling to keep their homes and their families intact.

The dire emergency supplemental bill has $43 million in funds for medical payments and other assistance for the victims of black lung. There are hundreds or even thousands of black lung recipients who are being told that the Government can't pay for the health care they're entitled to because the funds have run out. This bill has the funds, but the bill sits waiting for a Contra aid resolution.

There is money in this bill for a very limited group of other needs—urgent and dire needs—that is being held hostage by the much larger debate over Contra aid.

Mr. President, I fully understand the deep feelings and strong emotions by Contra aid. I am concerned, too, about the status of the peace process in Central America and Nicaragua. But I truly believe this body should have the ability and the sense of obligation to our own citizens to solve this issue so that it does not hold the dire appropriations bill hostage any longer. I know that's the point our majority leader is making every day on this floor. I know many of my colleagues agree with me on this point. But we need some recognition of this from some others—particularly on the other side of the aisle and from the White House. There are innocent victims—our own U.S. unemployed workers and black lung victims—being directly harmed. And they will continue to be harmed until the logjam is broken.

Let the dire emergency appropriations bill free. And my final point is that we should not contemplate leaving for recess until these desperately needed funds are released.

Mr. GLENN. Mr. President, although there is no report accompanying the Senate's version of H.R. 5026, I would like to make it clear that of the funds allocated to the Coast Guard for operating expenses in the dire emergency supplemental appropriations bill, the repair and renovation of the icebreaker *Mackinaw* should receive a portion of these funds and be made a high priority. It is important that this Coast Guard cutter be prepared to combat ice jams for the late 1988 sailing season on the Great Lakes.

I and many of my Senate Great Lakes colleagues are very interested in maintaining the icebreaking capabilities of the Coast Guard icebreaker *Mackinaw*. I have here a letter addressed to the distinguished chairman of the Transportation Appropriations Subcommittee in support of the *Mackinaw* signed by 13 Senators who would like to see the vessel operational for the December 1988 to approximately mid-January 1989 season.

The Coast Guard has expressed their disinterest in the idea of preparing the *Mackinaw* in time for the late 1988 sailing season. However, they have not provided adequate assurances to the shippers and industries that will be ice bound should the Coast Guard's alternative plan fail. The Coast Guard plans instead to prepare several Bay class tugs for icebreaking purposes and to keep the polar icebreaker, *Northwind*, on bad weather reserve in North Carolina. The Great Lakes Commission—Great Lakes Task Force members are not convinced that this alternative is workable.

George Ryan of the Lake Carrier's Association has pointed out that:

> The *Mackinaw* can be operable in 30 to 45 days if sufficient resources are devoted to its repair.
>
> December/January will be a busy period on the lakes. It is possible that 13 to 15 million tons of iron ore, coal, and stone may require late season shipping.
>
> There is no conclusive proof that the Coast Guard plan of using two Bay class vessels in place of the *Mackinaw* will work. And, the *Mackinaw* had outperformed Wind class icebreakers *(Northwind)* the last 5 years.
>
> The *Northwind* would not be of help in restricted channels, the areas of the lakes where icebreaking is frequently the most crucial.

I am hopeful that the Coast Guard will be responsive to the sentiment expressed in this statement and that we can be assured of a smooth flow of commerce even during the freezing winter days of December.

I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTHEAST MIDWEST SENATE COALITION, GREAT LAKES TASK FORCE,
Washington, DC, August 1, 1988.

Hon. FRANK LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We urge you to consider the plight of the U.S. Coast Guard cutter *Mackinaw*. This indispensable vessel's status is uncertain because of Coast Guard funding concerns. Fortunately, this year the Appropriations Subcommittees have provided the Coast Guard with sufficient funding to enable the repairs and maintenance necessary to return the *Mackinaw* to active service. However, we are concerned that no mention has been made of this essential component of the Coast Guard's ice operations in the pertinent provision of the Transportation Appropriations bill or the Dire Emergency Supplemental Appropriations bill passed by the House.

The *Mackinaw* is the only Coast Guard cutter capable of handling the otherwise potentially crippling ice jams that can clog numerous choke points on the Lakes. The resurgence of American steelmaking promises increased iron ore activity which will require the services of a vessel like the *Mackinaw*. The *Mackinaw* must be operable in time for cargo movement on the Great Lakes expected in December 1988 and January 1989. Without the *Mackinaw*, the already short winter sailing season could be further curtailed.

We respectfully request that you insert into the conference report for the Transportation and Related Agencies Appropriation FY 1989 bill a reference to the need to retain this valuable and critical vessel in order to maintain economic and navigational versatility in the Great Lakes. In addition, we hope that you will earmark at least $3 million of FY 1988 Supplemental Appropriations to bring the *Mackinaw* up to full active status. The *Mackinaw's* icebreaking capabilities cannot be matched by other Coast Guard or commercial icebreakers and should, therefore, be maintained in active status.

Sincerely,

Dave Durenberger, John Glenn, Richard Lugar, Rudy Boschwitz, Alan Dixon, William Proxmire, Paul Simon, Don Riegle, Dan Quayle, Howard Metzenbaum, Robert Kasten, and John Heinz.

Mr. GLENN. Mr. President, I rise today to urge the Senate to expedite passage of the Dire Emergency Supplemental Appropriations bill, H.R. 5026.

This measure contains a request from the Department of Labor for $49 million for funds which are vital to many unemployed workers currently receiving Trade Readjustment Assistance [TRA] benefits. As you know, TRA provides subsistence income for these who have lost their jobs due to foreign imports. Under TRA, eligible workers can receive 26 weeks of additional benefits once their regular State unemployment benefits are exhausted.

My State of Ohio has approximately 3,000 affected workers who are counting on the passage of this measure to maintain their livelihoods as they continue to search for employment. With its large industrial base, Ohio and other manufacturing States, have experienced significant economic problems resulting from the trade deficit. Unfortunately, time is of the essence as many States, including Ohio, have already run out of money.

The bottom line for TRA recipients is that they are not receiving their benefits. Even if the Senate were to pass this measure today, checks would not be issued until the third week of August. Some 26,000 unemployed workers across the Nation depend on TRA to help meet their basic food and shelter expenses. I cannot stress enough the importance of this program.

Last week, I signed a letter along with other U.S. Senators to urge the Appropriations Committee to report this bill out to the floor so that the Senate could address this issue and secure those benefits which are so badly needed. Now that the measure is before us, we have a duty to those whom we represent and who have been so unfortunate as to lose their jobs for the reasons stated, to pass this legislation and get money to those who are in dire need.

Mr. President, I urge passage of this legislation.

Mr. HARKIN. Mr. President, I strongly support the dire emergency supplemental appropriation bill. This measure contains a number of appropriations which are truly needed.

The Congress recently passed legislation addressing the serious drought plaguing huge regions of the country. The relief offered by that bill is essential to my State of Iowa and to many other States. However, the assistance in the drought bill cannot do the job unless funds are provided for salaries and expenses of employees of the Agricultural Stabilization and Conservation Service. This appropriations measure provides those funds.

This bill also provides direction to the Army Corps of Engineers to help alleviate the tie-up of barges on the Mississippi River System caused by lower water levels due to the drought. Hundreds of millions of dollars are being lost by barge operators because of the inability to efficiently move their barges. And those costs are and will be borne by farmers through lower prices for their grain, by purchasers and sellers of many other products that are moved by barge and by the entire economy.

Also included in this supplemental appropriations bill is $10.3 million for salaries and expenses for the Small Business Administration. Without those funds the SBA will not be able to process disaster loans for home owners and businesses that have suffered losses as a result of natural disasters. No loans have been processed since June 3, 1988, due to the lack of funds. In my own State, a tornado struck Council Bluffs last month causing extensive damage. It is unfair to those that have lost their homes or sustained damage to be told that they may indeed be eligible to receive an SBA loan to help with such losses, but that they cannot even get the process going because the SBA has no money to consider their eligibility. This bill will take care of that problem.

This bill also contains $49 million for Trade Adjustment Assistance. These funds are desperately needed if workers who have lost their jobs because of the rise in imports are to receive the retraining that they need and are entitled to under the law. Again, this is a problem I am very familiar with because, unfortunately, there are many people in my State who are eligible to receive TRA.

Mr. President, this bill is limited. It is directed to a small number of programs which will simply not be able to continue without the additional necessary funds. I urge that the measure be adopted.

The PRESIDING OFFICER. The bill is open to further amendment. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

(At the request of Mr. Dole, the following statement was ordered to be printed in the Record:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of H.R. 5026, the fiscal year 1988 dire emergency supplemental appropriations bill. I desire the record to show that, were I present, I would vote "nay" on the motion to table amendment No. 2834 to H.R. 5026.●

The PRESIDING OFFICER. The Senate will come to order.

The question is on passage of the bill, as amended.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Will the Chair state the question and also indicate on what bill we are voting.

The PRESIDING OFFICER. The question is on passage of the bill H.R. 5026, as amended, the Dire Supplemental Appropriations Act.

Mr. BYRD. I thank the Chair.

The bill (H.R. 5026), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendments, that it request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees as managers on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. Bingaman) appointed Mr. Stennis, Mr. Byrd, Mr. Proxmire, Mr. Inouye, Mr. Hollings, Mr. Chiles, Mr. Johnston, Mr. Burdick, Mr. DeConcini, Mr. Lautenberg, Mr. Hatfield, Mr. Stevens, Mr. Weicker, Mr. Garn, Mr. Cochran, Mr. Kasten, Mr. Rudman, Mr. Domenici, and Mr. D'Amato conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2833

The PRESIDING OFFICER. The question recurs on the DOD appropriations bill, and the pending question is the amendments by the Senator from West Virginia, Senator Byrd.

Mr. BYRD. Mr. President, I believe there is 1 hour for debate. Do any Senators wish to speak on this amendment?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I yield 7 minutes to the Senator from Arizona, Mr. McCain.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 7 minutes.

Mr. BYRD. Mr. President, may we have less talk in the rear of the Chamber so that the Senator may be heard and understood.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Arizona is recognized for 7 minutes.

Mr. McCAIN. Mr. President, I was able to talk at length earlier on this particular issue, and I will not take my entire 7 minutes, but I do want to repeat some very important points.

First of all, I believe I express the view of every person on this side of the aisle when I express our appreciation for the hard work and dedicated efforts exerted by our friend from Oklahoma, Senator Boren. He has labored long and hard for thousands of hours and I think done the best he could to achieve a reasonable package. We greatly appreciate his efforts.

However, Mr. President, what has been done is not enough. It is the wrong vehicle. It is the wrong message. I think more importantly than that, Mr. President, I must tell you, I just finished meeting with Alfredo Cesar of the Contras. He opposes this package, and he said that he has been in contact with all of the directorate. They are opposed to this package. Mr. President, we cannot approve of a package that the people who are required to carry it out are opposed to. We will be doing them a great disservice if we do so, and we at least must respect their wish. Their wish is that we go back in September, or at a later time and try to come up with a package that is acceptable to them.

Mr. President, this proposal is not acceptable to the Contras because it has an unworkable transportation package. Thousands of the resistants are now moving into Honduras because of the cockamamy lashup that we gave them last time which did not allow us to get humanitarian assistance inside of Nicaragua. They had to go to Honduras in order to eat. They are very concerned about the complexities of so many provisions that have been written into this legislation such as sufficient rationale for the President to request a second vote. They are concerned about the House of Representatives being first. And I might remind my colleagues that no Contra aid package has ever originated in the House of Representatives. It makes us over on this side a little skeptical as to why there is such a requirement in this bill.

Mr. STENNIS. May we have order in the Chamber, Mr. President. The Senator is entitled to be heard and the Senators are entitled to hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCAIN. Mr. President, it gives us pause as to why this particular vehicle had to be the vehicle, a bill that we all know will be fraught with difficulties and certainly vetoed by the President of the United States if the scenario ensues that we are all sure is going to take place, No. 1. No. 2, the requirement of origination in the House of Representatives is, we feel, unconscionable. No. 3, clearly the transportation of humanitarian aid is unacceptable, not only to the Contras but to this observer.

Mr. President, those who are required to be the ones who carry out the mission of providing humanitarian aid to their own people and then lethal aid if it were so voted at a later time are opposed to this package. I am talking about the resistance fighters themselves. I believe it would be wrong for us to approve a package under certain circumstances.

I would again like to express my deep and heartfelt appreciation to Senator BOREN and others who have worked so hard on this package. I reluctantly oppose it. I reluctantly say that it is time for us to go back to the drawing board and find a real package of aid and assistance, not a fig leaf which will eventually lead the Contras and the freedom fighters in Nicaragua to despair and eventual defeat.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I will not take much time. I assume, if there are not any requests for time on the other side, we can be voting rather quickly.

Mr. President, it had been my hope that we would end up with a bipartisan agreement. As I said in discussing my amendment there are a lot of reasons for it, including the good faith of everybody in this Chamber who has been working toward that end. I said at the outset in some of the discussions with White House representatives that I would support the President and to do that I wanted a letter saying the President supports the Byrd amendment. The President supports the Dole amendment but that has failed. I am now advised—I was advised earlier that letter would probably not be forthcoming because there is a great deal of opposition in the House and among many of my colleagues on this side in the Senate—and the President's support might bring along some Republican votes. It certainly would, but there was still no clear-cut evidence that the Contras would in any way benefit, notwithstanding as I said earlier all the good-faith promises and all the efforts of the second vote, because of the delivery system.

So I am not certain what my colleagues will do on this side. I cannot support the Byrd amendment. We have worked and worked with the distinguished majority leader and with Senator BOREN. We have been able to clear the track to get the supplemental passed, get the vote and a 1-hour time agreement on each amendment.

And I would hope that, whatever happens with this amendment when we come back from the so-called August recess, we will remember the bottom line; and that is what can we do to help the freedom fighters in Central America and Nicaragua and those who are refugees in Honduras?

So I just suggest that at least we have gotten to the vote, there is no filibuster, we have had a time agreement, and we passed the supplemental. We have accomplished a great deal, and for those who really believe there is a step forward in giving the Contras real assistance, then they ought to vote for it. I am advised that the Governor of Massachusetts has been quoted through his press aide in the last hour that he could not advise Senators on how to vote. He is not a Senator. He is not the President. He could not advise us how to vote. But in essence he was pleased that we are moving away from lethal aid and support humanitarian aid.

That is the very thing that many of us are concerned about; that there is never going to be any lethal aid. As the Senator from Oklahoma pointed out earlier, if there is not any lethal aid, it is all over in any event unless something happens, and we are back here in September.

I would assume the majority has the votes to pass their amendment. I assume there may be some on this side who support it.

So I just suggest that the effort was made, and this is one of those times when you cannot reach some bipartisan consensus, at least on a leader-to-leader level. There may be some other bipartisan consensus.

So I urge my colleagues to keep two or three things in mind. First, we have already appropriated this money two times. We are not even going to do it the third time tonight. We could have done that on the last amendment. There is a great deal of concern about the delivery system. And if I have been asked once, I have been asked a dozen times by my colleagues on this side. "Why would you vote for a package of humanitarian aid when you can't deliver the aid?" Who are we trying to fool? We cannot deliver because we are limited under this amendment on what can be done.

The President does not have an alternative. So we cannot deliver the humanitarian aid. So what we are going to do in essence is drive all the Contras into Honduras where most of them are now, and continue to reduce the fighting force, and that is hard to sell on this side of the aisle. It would be hard to sell to many on the other side of the aisle.

I think finally there is the same question I have been asked a dozen times. "Why are we doing it now?" If we are going to vote, is there no hope of anything happening between now and the time we come back in September?

I am not certain what signal we would send. Had we had the White House on board, and 75 or 80 Senators, we may have sent a signal to Central America that it is bipartisan, and we feel strongly about it. We do not have that. So I am not certain what kind of a signal we send.

I just say in all candor there is some on this side who look at some on the other side who suddenly are going to vote for Contra aid, with disbelief and skepticism, and I assume on the other side look at us in the same way.

So it seems to me in the final analysis, notwithstanding all the efforts that may have been made by Senators on both sides and all the meetings we have had, that it is going to be up to the majority to pass their plan. We have been able to make some technical changes but we have not made any real changes. We were told we could not change the delivery system. The Senator from Maine, I might add, pointed out last night rather clearly that we cannot deliver it under this plan. And we cannot.

So whatever happens, I think for the most part it would be up to those who sponsored the amendment, who have spoken out on its behalf. And I would say to the majority leader most respectfully, I regret that I will nto be able to support his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield back my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I will be very brief. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment encourages the peace process at a very critical stage in that process. Mr. President, I am sorry to hear the distinguished Republican leader state that if this amendment is agreed to, it will be agreed to by the Democratic votes. I think that is essentially what the distinguished Republican leader has stated.

Mr. President, the Republican leader has certainly worked to try to get support for the amendment, and to try to get the White House to give support to the amendment. Surely, one would have thought that, once the Dole amendment went down, the White House would be ready to indicate its support for the Byrd amendment.

Mr. President, why Senators cannot see and why this White House cannot see the reality of what is about to occur is beyond me. The Republican leader and the majority leader have worked together with our respective colleagues in attempting to deal with some of the technical points that were raised by the White House as well as by Members of the minority.

Mr. President, meeting after meeting after meeting occurred in the effort to alleviate some of the concerns with respect to some of the technicalities. And on some of the points, I believe that the Republican leader would say that the Democrats moved to meet those problems and those objections.

Mr. Colin Powell, representing the President, sat in the Republican leader's office and met with Republicans and with at least some Democrats. I was there on one occasion when I listened to the Speaker and spoke with the Speaker of the House of Representatives. Mr. DOLE was in on the conversation; Mr. BOREN was in on the conversation; and Mr. CHENEY, of the House of Representatives, was in on the conversation. Those who were present, including Colin Powell, I believe, heard me ask the Speaker a question, and everybody there on the telephone heard all of the answers.

Following that conversation, I said to Colin Powell and to Mr. CHENEY and to others there that, if this bill comes over from the House, it will be taken up in the Senate. And, furthermore, I said if there is not time between the enactment of this bill into law and sine die adjournment, I will not call up the adjournment resolution of the Senate. So as to the concern that the bill would become law but that ipso facto Congress might adjourn sine die and not give the President an opportunity to make the request that is laid out in the amendment, I said you need not worry about that; I will not call up an adjournment resolution in the Senate in that event until the President has had an opportunity to make his request.

Mr. President, I went further than that. In the Byrd amendment, I wrote in the language that provides for the Republican leader or the majority leader to call up an amendment containing the President's request. I have no doubt as to who will call up the amendment. The majority leader is going to live up to his responsibility, but I put in that amendment language that will allow the Republican leader to call it up as well. I was not asked to do that. I did it to demonstrate my good faith.

I also indicated that Senators would have an opportunity on the continuing resolution. It is open to amendment. But no matter what one says, no matter how many miles one walks, one cannot please certain Senators on the other side of the aisle and one cannot please this White House. You can inscribe your name in blood on a shaft of marble, and they still will not believe you.

Mr. President, I would hope that we would have one moment of statesmanship in this Senate on this question. There are people so hung up on this thing. They will not listen to reason; they are suspicious of everybody; they are paranoid. I cannot understand that kind of person in the U.S. Senate.

I know we have people on the outside who, I can appreciate, may be like that. I have said I have nothing to hide. There is nothing up this sleeve. There is nothing in a bag of tricks here. I have gone the utmost mile of the way to try to get favorable action on this amendment.

The distinguished Republican leader said there are some Senators on the other side who had expressed consternation that some Senators on this side of the aisle are willing to vote for Contra aid. Yes, I appealed to these Senators on my side to stand as a unit and show that this Democratic Party in this Senate stands for the peace process and is willing to give that process a chance to work, and for one moment, for once, at least, to put aside their own personal doubts.

I think that, for the most part, the Senators in this party are going to demonstrate that statesmanship. It took some of the Members on my side of the aisle a long time to understand that we were not in the majority any more during the long march of 6 years. Time and time again when we were in the minority I said, "You have to understand, we are not in the majority anymore." Well, we are in the majority now again, and we have the responsibility to act as the majority, and we often reap the benefits of being in the majority. We are chairmen of committees. We are chairmen of subcommittees. How do you think we got to be chairmen? How did I get to be majority leader? Not because I am ROBERT C. BYRD. That is not why I am majority leader. I am majority leader because my party controls this Senate in response to the people's voice out there from the Atlantic to the Pacific and from the Canadian border to the Gulf of Mexico.

The Democrats are in control. That is why Senators on this side of the aisle are chairmen of committees. That is why they are chairmen of subcommittees, and they ought not forget that.

Mr. President, I respect every Senator's personal feelings about this matter. I respect every Senator for voting according to the dictates of his own conscience. But there comes a time once in a while when we have to stand up and vote for what is in the country's best interests. I fully believe that it is in the best interests of my country that we do whatever we can to give this very tenuous, fragile peace plan a chance to live and breathe for a little while longer.

I hope that since the distinguished Republican leader—and I respect him, and he has indicated that if this amendment is to passs, it will have to pass with the Democratic votes—I hope that my fellow Members over here heard that. Apparently, we may see a solid party line vote on the other side after we on this side have given and given and given and given. Yes, they have these little meetings and they whittle a little here, whittle a little there; they want a little here, a little there, and we give and we give and we give and we give. Now, at the end I hear us being told that if this amendment passes, we will have to pass it on this side of the aisle. Why not go back to my original amendment as it started? Why not take out the little tidbits here and there that we gave? We are not going to get any help from the other side anyway, now we are told.

I want to say to the White House, too, I am sick and tired of dealing with a White House that has no more steel in its gut than this White House has. Colin Powell comes up here representing the President—I know Colin Powell did so in good faith—but here at the last minute the White House gives no support. The leader of the Republican Party in the Senate gives hours and hours of his time working with that White House, trying to get the support of the White House. I can understand the White House's support for Mr. DOLE's amendment. But that amendment went down. Why did they not level with him? Why did they not say, "We are not going to support Byrd's amendment" right at the start?

Now he has to make a choice. He is left out hanging on the limb to dry if he supports the Byrd amendment because that White House down there has never understood that it no longer controls this Senate, but that there are some Senators on this side of the aisle who have some integrity and whose word is good, and whose help the White House may need in the future.

Now this amendment, if it goes down, let the White House come again.

I have about got to the point where I am sick and tired of Ortega making a fool out of me.

But let me say something else: I am tired of a White House that has never learned the difference in a Federal Constitution and a State constitution and which knows darn little about checks and balances and nothing about the kind of comity that the legislative branch and the executive branch ought to demonstrate toward one another.

I have gone the last mile of the way in my efforts here, to try to reach out, to try to get a few votes on the other side of the aisle. I put my word on the line. I said I will do this, I will do that. Furthermore, I said if the President makes that request and it meets the conditions of this amendment I will vote for his request.

If we do not get some help, I do not feel that I am bound by that promise. I do not feel that I am bound to go mile after mile after mile. After all, the people of West Virginia may not want to vote the way I am voting today, either.

I want to see a little help on the other side of the aisle. If we do not get it, I will review my promises.

Mr. McCLURE. Mr. President, will the Senator yield for a question before he yields back?

Mr. BYRD. Yes, I yield for a question.

Mr. McCLURE. I thank the Senator for yielding.

I hesitate to even ask a somewhat technical question about the Byrd amendment, but I believe it is essential to ask the question and understand.

Page 23 of the amendment, as I have it before me today, is the final subsection of the amendment, subsection (c).

Would the Senator inform the Senator from Idaho as to whether or not the Department of Defense is a part of the intelligence community within the meaning of that subsection?

Mr. BYRD. It is not.

Mr. McCLURE. I wonder if I could get the Senator from Oklahoma to respond to the same question if the Senator from West Virginia would yield to him for that purpose.

Mr. BYRD. Mr. President, I yield for that purpose.

Mr. BOREN. Mr. President, the majority leader in my opinion has stated the correct answer. The Department of Defense is not an intelligence agency within the meaning of that subsection.

Mr. McCLURE. I thank both Senators. I think it is essential for us to have that on the record before we vote.

Mr. BYRD. Mr. President, I yield first to the distinguished Senator from Nebraska. How much time does he want?

Mr. EXON. One minute.

Mr. BYRD. I yield 2 minutes.

Mr. EXON. Mr. President, I have served in the Senate only 10 years. There are many people who have served here much longer than I.

I stood at my desk a week or so ago and gave a tribute to the majority leader. I have watched him and admired him for a long time.

I have never admired him any more than during the outstanding speech that he just delivered. It is a little unusual for the Honorable Robert Byrd of West Virginia to speak out as he just did. But I happen to know that he was tested, he was tried, and I salute him for laying it on the line, and I am more proud than ever of our majority leader.

Mr. BYRD. Mr. President, I thank the Senator.

I yield to Mr. Harkin. How much time does he want?

Mr. HARKIN. Just 1 minute.

Mr. BYRD. Two minutes to Mr. Harkin.

Mr. HARKIN. Mr. President, I want to first of all compliment and commend our leader for taking the action that he has in bringing us together to try to work out a reasonable compromise on this very contentious issue.

It is no secret to anyone in this Chamber that I have been an ardent and vocal opponent of Contra aid since it was first started by Alexander Haig in the early days of 1981. I always thought it was wrong-headed approach and doomed to failure.

But again, this is a body in which we have to reach compromises. We all cannot have our way one way all the time or one way another time. So reasonable compromises have to be reached.

Again, I said just last week that I am not in favor of some of the things in this package. Those of us who have been opponents of Contra aid had to give up quite a bit on this thing and we did.

In our agreements that we made with Senator Boren and others, this Senator gave his word, that if this was the package that we agreed on that I would vote for it, and I intend to keep my word and I intend to vote for it. I do not like it, but I am going to vote for it. We gave up a lot on this.

I think it is in the spirit of that kind of a compromise of trying to reach an amicable decision on this matter that we all ought to support this. I think that it would be very, very shortsighted, as the leader has said, if this turns out to be a partisan party type issue with all the Members of one party voting one way and the others voting the other way. That is not what I thought of initially that this would come to. I thought that this would come to some form of a reasonable compromise where we would get votes from both sides to support this approach.

Mr. President, I rise in support of the amendment of Senator Byrd which represents a reasonable compromise compared to the package of Senator Dole.

The Byrd amendment provides $27 million in food, clothing, shelter, and medical assistance to the Contras through March of next year.

It adds another $5 million for medical assistance for civilian victims of the war in Nicaragua.

It provides for a procedure for the release of previously authorized and previously purchased military equipment for the Contras before Congress adjourns this October. This process imposes strict conditions on the release of this now frozen aid, and requires that the House must act first on any resolution approving the "unfreezing" of this military aid.

Finally, the resolution provides that in the event that the Sandinistas and Contras sign a comprehensive final agreement on peace and democracy, then the 3-year trade embargo against Nicaragua would be lifted.

Mr. President, this is not a perfect package. It provides aid to the Contras even though it is they who rejected the Sapoa accords, even though it was the Contras who killed the June 9 cease-fire negotiations, even though it is the Contras who have consistently refused to agree to a temporary cease-fire.

As I have stated over the past 6 years, since December 1982 when I offered the first amendment ever considered by Congress to cut off covert aid to the Contras, I have consistently opposed this administration's policy of trying to overthrow the Government of Nicaragua.

However, the Byrd amendment represents a reasonable and necessary compromise. Representing the input of an array of Democrats, from Senator Boren to myself, this agreement represents a classic compromise. It totally satisfies none of the parties to it; yet, it gives each enough to declare victory.

For the Contra supporters, it provides humanitarian aid—food, clothing, shelter, and medical assistance. For Contra opponents, it delays a vote on military aid for another 2 months, allowing Nicaraguans time to return to the negotiating table and to put the peace process back on track. In short, this proposal keeps both the Contras and the peace process alive.

This package sends two signals. It signals the Sandinistas that they should abide by the Esquipulas accords. It signals the Contras that they should begin good-faith negotiations on a definitive cease-fire.

This package, by delaying a vote on military aid till the end of the session, also gives the peace process time—time for cease-fire negotiations to resume, time to get back on track.

The Nicaraguan Government's closing of La Prensa and Radio Catolica, which helped create the conditions here in Washington for the consideration of this package, must be condemned. But resumption of military aid to the Contra is neither a solution to this problem nor an option for United States policy.

The Contra war has never been designed to promote democracy or political reconciliation in Nicaragua. And as I stated last month, and I will repeat it again, resumption of the war, and approval of military aid, will kill the peace accords and bring a permanent end to this process begun last August when the five Central American Presidents signed a peace accord in Guatemala City.

Several points need to be made.

First, the Contras—with a new majority led by recently installed political director, Col. Enrique Bermudez—are not serious about reaching a negotiated settlement. For the Contra leadership, particularly the Bermudez clique, waging war is a business. For them, there is no profit in making peace.

Contrary to the disinformation campaign waged by Elliott Abrams and his associates, it was the Contras, not the Sandinistas, who torpedoed the June 9 round of cease-fire negotiations.

Don't take my word for it, listen to the Contras themselves.

A Newsday article of July 5 quotes a Contra leader who boldly stated to reporter Roy Gutman, and I quote, "We broke off the * * * talks." Why, because, according to this Contra official, "So long as we were talking, we had no chance for a revival of military aid. Now we may."

Let me repeat that quote:

> So long as we were talking, we had no chance for a revival of military aid.

This view is seconded by the recently ousted chief Contra negotiator, Jaime Morales. Morales, as is reported in a July 10 Newsweek, charges that the Contra leadership sabotaged peace talks in the latest round on June 9.

For the failure of the peace talks, Morales blames the Contra leaders' "devotion and submission to foreign interests"—that is, the United States.

It was Bermudez who undercut Alfredo Cesar who had reached an informal agreement on a cease-fire and democraticization during the June 9 round of talks. It was Bermudez who undercut this informal agreement that has been reached between Alfredo Cesar and the Sandinistas.

If it was difficult in June to get the Contras to agree to a definitive cease-fire in June, I fear it will be nearly impossible now that Col. Enrique Bermudez, Somoza's former military attaché and former commander in chief of the Contra military forces, is a political director of the Nicaraguan Resistance.

This development should be disturbing to my colleagues on both sides of the aisle.

It surely concerns some of the Contras.

Listen to Pedro Joaquin Chamorro, son of Violetta Chamorro of La Prensa. Referring to Bermudez, Pedro Joaquin recently said:

> There is no way you can have seven equal directors when one of them has a gun in his pocket.

For those of my colleagues concerned about the Sandinistas' control of the Nicaraguan military, listen to Chamorro. He condemned Bermudez's elevation to the directorate, saying:

> That's the same thing we've been telling the Sandinistas, that militarism is incompatible with democracy.

For those of my colleagues concerned with the Sandinistas shutting down Violetta Chamorro's La Prensa, I urge you to be equally concerned about Bermudez shutting out her son, Pedro Joaquin Chamorro, from the resistance directorate.

Listen to the seven commanders of Contra forces along Nicaragua's southern front, who resigned from the Contras to protest Bermudez' election, stating:

> We didn't defeat Somoza to put in this dictator.

Listen to what Jaime Morales, former chief Contra negotiator, has to say about Bermudez and Aristedes Sanchez, the other Somocista on the Contra directorate. Morales called Bermudez and Sanchez "representatives of the most reactionary, belligerent and fascist sector" of the Contras.

Listen to Jose Francisco Cardenal, who helped found the Nicaraguan Democratic Force or FDN with Bermudez in the early 1980's. Cardenal calls Bermudez "the biggest thief in Nicaragua." And his commanders are "salaried 'yes men' of the CIA. The Sandinistas are right about that."

Listen to Walter Calderon Lopez, a Contra commander who because of his support for the March 23 Sapoa peace accords was ousted from the resistance by Bermudez. Lopez, also known as Comandante Tono, called Bermudez "a dictator just like Noriega or Castro."

Over the years, members of the Contra political directorate who have advocated civilian control and diplomatic solutions have been forced out, one by one.

Jose Francisco Cardenal, 1982.

Edgar Chamorro, 1984.

Arturo Cruz, 1987.

Alfonso Robelo, February 1988.

Walter Calderon and Diogenes Hernandez—two negotiators who signed the Sapoa Accord—April 1988.

Pedro Joaquin Chamorro, July 1988.

The political and military power of the Contras is now firmly concentrated in the hands of Colonel Bermudez, one of the most senior officers to have served in Somoza's National Guard, the CIA's man in the Contras, a military man charged with corruption and ineffectiveness, a man who has boldly stated his opposition to a negotiated settlement.

Seven years of effort to transform the Contras into a civilian controlled and popular guerrilla force have gone down the drain with the elevation of Bermudez to the Contra political directorate.

Bermudez' rise to political power within the directorate has also renewed Sandinista charges of Somocista control of the Contras. The Sandinista press, according to reports, was gleeful upon hearing the news of Bermudez' appointment. One Nicaraguan headline declared, "Somoza Official Controls Contras."

The CIA and the Abrams crowd apparently can tolerate Contras killing innocent civilians, they can tolerate Contra corruption, they can tolerate Contra incompetence. But they cannot tolerate leaders they can't control, they cannot tolerate nationalist Contras, they cannot tolerate Contra leaders who seek peace to stop the unnecessary deaths of their countrymen.

The CIA and Abrams, through Bermudez, may insure their control over the Contras. But they have guaranteed that the Contras will never win the war against the Sandinistas. Bermudez'a Contras will never win because the Nicaraguan people will never forget the bloodstained past of Somoza's national guard.

Nicaraguans remember back in 1982, when one member of the FDN, admitted:

> Come the counterrevolution, there will be a massacre in Nicaragua. There will be bodies from the [Honduran] border to Managua.

They recall the words of former Contra political director, Arturo Cruz, who wrote in a 1983 Foreign Affairs Quarterly:

> Those who aid insurrection in my country . . . should be aware of the risk they take of bearing a historical responsibility for contributing . . . to a possible mass execution of the flower of our youth.

I asked Arturo Cruz about that after he wrote the piece, and he said yes, because the young people are the ones who supported the Sandinistas.

Two weeks ago, despite the best efforts of Secretary Shultz' assistant, Mr. Busby, to force the four Central American countries to sign a United States written declaration against Nicaragua amounting to what one senior American official described as "a virtual declaration of war" against Nicaragua, Costa Rica and Guatemala resisted.

We also should resist lining up behind this administration's war policy, which has been wrong-headed from the start.

Instead we should listen to President Arias of Costa Rica, who last week warned that United States "isolation" now overcome, could be reimposed in Latin America if Washington approves new military aid.

The answer is not renewed military aid, but renewed peace talks.

We should be encouraging the Nicaraguans to accept Arias' offer to meet the Contras in San Jose, Costa Rica.

We should demand that the Sandinistas revoke their media censorship law.

We should urge the Nicaraguans to resume serious discussion with the unarmed internal opposition on political changes.

Yesterday was the 1 year anniversary of the Esquipulas II accords. Events of the past month have dealt the peace process a devastating blow, causing Central Americans, led by Arias, to question Nicaraguan sincerity toward the peace process. But the shutting down of the press and jailing opposition leaders by the Sandinistas represents a setback, not the destruction of the peace process.

Too often in the past year, we have used Nicaraguan compliance as the only standard to measure success of the Guatemala accords. We have allowed the Reagan administration's obsession with Nicaragua to blind us form developments in the rest of Central America.

Take El Salvador. One year later, the brutal 7 year civil war still rages, while talks between the Government and guerrillas remained stalled with no signs of their resumption.

One year later, political killings and death squad killings are on the rise.

One year later, the Christian Democrats have lost control of the assembly to right-wing Arena, which, with death squad leader Roberto D'Aubuisson waiting in the shadows, stands a good chance of winning the Presidency next March.

Take Honduras. One year later, despite signing accords which pledge all parties to remove insurgent groups from their territory, Honduras still permits the Contras to remain within its border.

One year later, civilian control remains subordinate to a Honduran military fattened by drug profits, which the Reagan administration tolerates as a payoff for their continued Honduran support for United States-Contra policy.

One year later, Honduras stands condemned by the OAS for operating, with United States support, a secret death squad responsible for torturing and killing over 100 Hondurans and other Latin Americans. Despite last week's verdict of the OAS's Inter-American Court of Human Rights, the head of that death squad, Maj. Alexander Hernandez, still runs a training academy for Honduran security forces.

Take Guatemala. One year later, President Cerezo, after weathering a May coup attempt, barely keeps democratic hopes alive in a country that suffered 30 years of military repression.

And in Costa Rica, the one Central American country which is truly democratic, the Reagan administration has consistently tried to undermine President Arias since he took office 2 years ago.

While Arias has sought to bring democracy to the rest of Central America, the Reagan administration has tried to destroy it in Costa Rica.

Last year, while most of the international community celebrated Arias' winning the Nobel Peace Prize for his engineering the Guatemala accords, the administration, according to a former deputy of Secretary Abrams, reacted with "disgust, unbridled disgust."

Instead of strengthening Arias, the Reagan administration, according to yesterday's New York Times, has withheld Costa Rica's foreign aid, withdrawn trade credits, forced out of Washington Arias' ambassador, and pressured Arias into removing his trusted adviser.

It appears that Elliot Abrams, the Rasputin of administration policy, is more comfortable with terrorists like Enrique Bermudez, whom he and the CIA helped elevate to the Contra directorate last month, than with real democrats like Oscar Arias.

Worst of all, Abrams' willingness to tolerate military men as political leaders of the Contras sends the wrong signal to fragile democracies in the rest of Central America.

Rumors of military coups circulate daily in El Salvador. In Guatemala, President Cerezo, with the support of Defense Minister Gramajo, put down a military coup attempt this May. But while the military may have returned to their barracks, threats of future coups have not been put to rest.

What kind of signal is Secretary Abrams trying to send to Central America? In Salvador and Guatemala, we're trying to keep the military out of power, while in the Contras, the United States has helped put the military in power.

Mixed signals like this could do more to undermine democracy in Central America than all the Cuban advisers and Soviet weapons combined.

Let's return reason to United States policy not just in Nicaragua but in the rest of Central America. As a first step, we must work to stop a resumption of the Nicaraguan war and work to defeat any future aid to the contras.

For the sake of peace and democracy in all of Central America, not just Nicaragua, I urge my colleagues to help get the peace process back on track, not permanently derail it.

Tragically, this administration is prepared to sacrifice hopes for peace and democracy in Central America in pursuit of the destruction of the Sandinistas.

If this administration is not prepared to act responsibly, then we must. The Byrd amendment gives the peace process time, time to convince the Sandinistas and the Contras to resume talks, and time to resist administration efforts to resume the war.

Again, I just thank Senator BYRD for his excellent leadership in this area.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. CRANSTON. Mr. President, despite my grave reservations, I will vote for this scaled-down aid package because it is the only way to prevent Senate adoption of a more sweeping proposal providing for prompt release of military aid to the Contras.

If the Senate did not adopt the Byrd substitute proposal, the more objectionable Dole proposal would almost certainly prevail.

I would vote again today against so-called humanitarian aid were I not aware that the result of such a vote would almost certainly be the defeat of the Byrd substitute and the adoption of an even worse alternative: immediate resumption of military aid.

For 8 years, I have opposed military aid to the Contras.

I will continue to oppose such aid if a request is forthcoming for military money this fall. Such a request would require separate votes again in the House and Senate before any military aid to the Contras would be released.

I do not believe it serves United States national interests to fund a futile effort to overthrow the Sandinista regime, however repugnant that regime may be to our democratic principles.

It is time for United States policymakers to accept the fact that the Contras are finished as a military force. They never enjoyed popular support in Nicaragua. They never held any Nicaraguan soil. And recently, Contra demands have become even more extreme with the accession to power of the most militant Contra factions. We should therefore reserve consideration of any future humanitarian aid until the war effort is dropped and the United States begins to meet its obligation to resettle these people and to begin a new, more constructive relationship with the people and government of Nicaragua.

Mr. DURENBERGER. Mr. President, I rise today in opposition to the Byrd proposal for aid to the Nicaraguan resistance. I do so realizing that this aid package will do little to further a comprehensive settlement to the war in Nicaragua. I do so because I know this aid package is designed for U.S. politics not U.S. policy. At best, this amendment could be viewed as a holding action for the new president; as such, some of my colleagues who have historically opposed aid to the Contras may join in supporting the amendment. But as one who has opposed the militarization of the democratic political opposition to the Sandinistas since the genesis of this project, I cannot vote to turn loose another $27 million.

In my view, Mr. President, our policy toward the Nicaraguan resistance has come full circle. It began in 1981 with covert U.S. aid to a small circle of former Somoza supporters. A program of paramilitary aid—ostensibly for interdicting arms destined for El Salvador—was set in motion with no thought given to the political implications or the political consequences. We essentially encouraged a political war with no conception of our political goals. Even Elliot Abrams, Assistant Secretary of State for Inter-American Affairs, concedes this was the original sin of American policy.

This original sin was what led me to question the direction of our policy for years—behind the closed doors of the Senate Select Committee on Intelligence. The administration chose to build an army to fight the Sandinistas and the administration chose to conduct this policy as a covert action. Because the implementation of the policy was secret, only 15 Senators on the Intelligence Committee knew the details. And because the action was covert, the Senators most knowledgeable about the issues were constrained from speaking publicly about our policy.

From 1983 to 1985, the circle expanded as our Contra policy became front page news. The Nation heard about harbor mining, Managua airport bombing just before U.S. Senators arrived, and assassination manuals—all parts of a covert action. Largely due to pressure from Congress, the administration moved to broaden the political base of the Contras. Arturo Cruz tried to run for president in the election of 1984 and I supported aid to the Contras as a necessary signal of United States support for democratization in Nicaragua. In 1985 after assuming the chairmanship of the Intelligence Committee, I spent long days working on a bipartisan compromise to send humanitarian aid to the Contras. I urged Arturo Cruz not to resign. I argued for the establishment of a genuinely political movement—where the military was under the control of civilians like Alfonso Robelo and Arturo Cruz. And I strongly supported broadening the base of the resistance to include freedom fighters like Brooklyn Rivera and Eden Pastora.

It is now clear that the perennial movement for reform in the Contra leadership has not and will not succeed. Despite a series of surface changes and new acronyms, the real power rested with the former Somoza National Guard Col. Enrique Bermudez. One by one, the political leaders left the movement: Jose Francisco Cardenal, Edgar Chamorro, Eden Pastora, Arturo Cruz, Alfonso Robelo, Pedro Joaquin Chamorro. The absence of political leadership, with the sole exception of Alfredo Cesar, puts our policy in nearly the same place as 1981—after thousands of deaths and 7 years of war.

Last mohth Enrique Bermudez was elected to the political directorate of the Contra movement. Beginning in 1981, Contra field commanders charged that Bermudez abused his power and was ineffective. In April of this year, 28 regional commanders resigned calling Bermudez corrupt and dictatorial. Reports indicate the dissent resulted in an armed rebellion. After Bermudez was elected to the directorate seven southern military commanders quit, reportedly with their troops. They stated the election of Bermudez showed a "steady and pronounced shift to the extreme right." Clearly, reforming the Contra movement is a distant if not unreachable goal.

On March 31, this body approved a Contra aid package by the overwhelming vote of 87 to 7. I voted with the majority, after long opposition to further aid, because the goal of that package was to "reinforce the Central American peace process by supporting negotiations leading to a permanent, negotiated cease-fire agreement." I supported that goal and shared the views of 86 of my colleagues that the aid could help further a comprehensive settlement in Nacaragua.

Since March, however, the cease-fire talks have broken down, Bermudez has gained in stature, and the Sandinistas have turned even more repressive. The answer by many of my colleagues to the deteriorating situation has been to support sending more money to the Contras.

The Senate has spent much of the last week debating in private over the merits of the Byrd and Dole proposals. The differences are over the means of delivering nonlethal aid and the procedure for later votes on releasing lethal aid. Many Contra supporters express fear of a major Sandinista offensive after Congress is out of session. Such an offensive, it is argued, could wipe out the resistance.

However, this is not the issue before us today. In the face of a major Sandinista offensive, the Contras could return to their Honduran base camps as they have done so often in the past. If the Sandinistas invade Honduras, the United States can and should respond appropriately. Sandinista subversion will continue to threaten Central America—regardless of whether we adopt the Dole plan, the Byrd plan, or no plan. The Senate has spent hours discussing the fine points of the two competing plans. In my view, neither amendment addresses the fundamental issues. That is why I voted to table the Dole amendment and will vote against the Byrd amendment.

The serious policy issues our Nation faces in Central America remain. It is the challenge for our next President to develop a policy that addresses our security interests and gathers the support of Congress and the American people.

DELIVERIES OF HUMANITARIAN ASSISTANCE

Mr. DODD. Mr. President, I would like to ask the Senator from Oklahoma, Senator BOREN, the chairman of the Senate Select Committee on Intelligence, to clarify certain provisions in the pending amendment.

Section 9006 of this amendment authorizes the provision of $27.1 million of humanitarian assistance for the Nicaraguan resistance and "such funds as may be necessary to provide transportation in accordance with section 9007." Section 9007 provides for the delivery of the humanitarian assistance to Nicarguan resistance forces in Honduras by the Agency for International Development. It also provides for delivery of such assistance to Nicaraguan resistance forces inside Nicaragua by the Agency for International Development acting through the Nicaraguan resistance, the Pan American Development Foundation, or a similar nongovernmental organization. Regardless of which entity is chosen as the agent for delivering the humanitarian assistance, such deliveries must be "consistent with the provisions of the Sapoa Agreement and any subsequent agreement between the parties to the armed conflict in Nicaragua."

It is my understanding that the Agency for International Development is the only United States Government agency which will have an involvement in the delivery of humanitarian assistance to the Nicaraguan resistance forces in Honduras or in Nicaragua, and that the Central Intelligence Agency will have no involvement in the delivery of humanitarian assistance authorized by this act. Is that correct?

Mr. BOREN. The Senator from Connecticut is correct.

Mr. DODD. It is also my understanding that should the Nicaraguan resistance be chosen as the agent for delivery of humanitarian assistance, as provided for in section 9007, that funds authorized to transport this assistance pursuant to section 9006 would be used solely to transport humanitarian assistance as defined in section 9006(b). And, that no military assistance or other equipment not specifically included in the definition of humanitarian assistance in section 9006(b) would be transported or otherwise delivered in conjunction with the delivery of humanitarian assistance or with the use of any funds authorized in section 9006(a)(2).

Is this the Senator from Oklahoma's understanding?

Mr. BOREN. Yes, that is my understanding.

Mr. DODD. Finally Mr. President, it is my understanding that if the Nicaraguan resistance is chosen as an agent for delivering the humanitarian assistance under section 9007, the Nicaraguan resistance would not be permitted to contract directly or indirectly with a private company or companies which are or have been CIA proprietaries or have otherwise had a relationship with the CIA, such as Southern Air Transport or Circle G—an Honduran company, in order to carry out such deliveries. Is that also the Senator from Oklahoma's understanding?

Mr. BOREN. Yes.

Mr. DODD. I thank the Senator from Oklahoma for these clarifications.

Mr. LEVIN. Mr. President, I am saddened that virtually 1 year to the day that the Esquipulas accord was signed we find ourselves struggling once again with the issue of further aid to the Contras. I am saddened that the hope and the promise of progress that came to fruition 1 year ago are wilting on the vine.

I deplore the recent crackdown in Managua against the press, the church, and political dissent. Further, I deplore the violations of the agreements and the bad-faith negotiations by both the Contras and Sandinistas during the past year. The Sandinistas have not fulfilled their obligations under the accord, but this administration and the current Contra leadership have repeatedly acted in ways that were likely to stall the peace process if it appeared the result would be anything short of the removal of the Sandinistas from power.

Mr. President, while the Sandinistas have reneged on promises to reform, it is hard to believe that this administration or the current Contra leadership have ever been willing to settle for reforms in Managua. Sadly, it is hard to believe this administration and the current Contra leadershp ever wanted the Arias peace plan or the Esquipulas accord to succeed. It is hard not to believe that from the beginning this administration has been determined to force the Nicaraguan Government to cry "Uncle," and would accept nothing less.

I support legitimate efforts to challenge and moderate the conduct of the Government in Nicaragua. But, provididng more lethal military aid to the Contras at this time would not be an appropriate or realistic way to achieve that goal or to ensure the success of the stalled peace process. In fact, it would do the opposite—it would endanger the peace process.

Mr. President, the economy of Nicaragua is in a shambles. This year's inflation rate is expected to top 1,200 percent, and last year's inflation was 1,600 percent. This year's unemployment is about 30 percent, up from last year's 22 percent. And the restructured cordoba has plunged from 10 to the U.S. dollar in February to 350 to the dollar now.

The Sandinistas are failing, and do not have the support of the people. And yet, pointedly, the people have not turned to the Contras. Indeed, a recent public opinion poll by the University of Central America in Nicaragua found that only 28.3 percent of the people of Nicaragua support the Sandinistas, 59.6 percent of the people said they support no one, and only 9 percent indicated support for all the opposition combined—including non-Contra opposition.

Military aid from the United States to the Contras at this time would be the propaganda tool the Sandinistas so desperately need.

Confirming this, the head of the opposition Permanent Commission on Human Rights in Nicaragua was quoted earlier this month as saying that all that is staying the hand of the Sandinistas from reimposing a state of emergency is that it would violate compliance with the peace plan and look bad. He said "the Sandinistas need the pretext of war, the pretext of aid to the Contras." Military aid at this time would play into the hands of the Sandinistas, and could be used as an excuse to reimpose a state of emergency to further repress freedoms in Nicaragua.

Costa Rican President Oscar Arias, the recipient of last year's Nobel Peace Prize for his efforts to bring peace to his region, said last week that:

> More military pressure is going to allow the Sandinistas to find an excuse for more repression . . . [They will] use it to take more backward steps than they've already made, to eliminate all kinds of pluralism, and make the Nicaraguan government a much more authoritarian, tyrannical, and dictatorial regime.
>
> For the first time, Washington [instead of Nicaragua] is not isolated. But as soon as aid to the Contras is approved again, once more they won't get the support of the Western Hemisphere.

It would be unwise, therefore, to extend new military aid to the Contras.

Mr. President, this package before us today is a compromise. It is not the legislation I would prefer, but it is the product of extensive and difficult negotiations here in the Senate.

I can accept this proposal because it does not contain new military aid.

This legislation is intended as a clear and unmistakable statement that Congress desires a diplomatic solution rather than a military solution to the conflicts in Central America. I support this compromise amendment because I support the intention of its stated policy:

> It is the policy of the United States to advance peace and democracy in Central America and to protect American security interests in the region. In pursuing that policy it is the objective of the United States to seek a just and lasting peace for the region in a manner compatible with the Esquipulas Accord of August 7, 1987, the declaration of the Central American presidents at San Jose, Costa Rica, on January 16, 1988, the Sapoa Agreement of March 23, 1988, and the United States national security interests in the region.

In doing so, this legislation makes clear that the Sandinistas must fulfill their obligations under the agreements they have reached with the other nations of the hemisphere.

Mr. President, President Arias has urged this body to forgo further military aid to the Contras. It would be unwise and shortsighted of us to ignore his advice—and the advice of other leaders in the region. I support their continued efforts to find an acceptable peace.

It is in our national security interest to see President Arias and his colleagues succeed in their efforts. Because it is in our national interest, I urge the administration to support fully the regional efforts to find peace.

It is a limited and narrow view to perceive the enemies in Central America as exclusively military. The current military conflicts should be resolved quickly and justly so a united effort can be mounted to attack, fight, and defeat the unrelenting historic enemies of the region—poverty, disease, illiteracy, despair, hopelessness, and social and economic injustice.

Our Nation's resources and efforts should not be misdirected. This administration should cooperate with, and participate wholeheartedly in, the efforts to resolve the current turmoil throughout the region. I fear that if we do not act with foresight and wisdom, justice and peace may elude the people of Central America once again, and history will judge us harshly.

Mr. ADAMS. Mr. President, we are once again considering the issue of Contra aid. And once again, we are missing the point.

The speeches we have heard today have focused on how evil the Sandinistas are and what a threat to regional stability they represent.

Let us begin, Mr. President, with something we can all agree on: the government in Managua is bad. The Sandinistas violate human rights, they have not kept their agreements with the other Central American states, they are a force for regional instability. No one here is defending them.

The issue before us is not what we think about the Sandinistas; the issue is what we are going to do about them.

I want to see the Arias plan given a chance and I want to see a democratic alternative to the Sandinistas develop and flourish in Nicaragua. In that context, I am not opposed, on a philosophic basis, to American support for resistance movements. I have, for example, supported U.S. military aid to the Afghan resistance. But in deciding if we ought to provide aid, and what kind of aid we want to provide, the test cannot simply be that someone is fighting a Communist regime.

My point is that we should not make a blanket pledge to support any and all resistance movements which someone labels anti-Communist. That should not be the only credential one needs to secure American support. Surely we have learned that lesson from our support of the Shah in Iran or Marcos in the Philippines. We have to look at the issue of American support on a case-by-case basis.

When I look at the issue of aid to the Contras, I don't find evidence which suggests that they deserve our support or that such support would achieve our goals.

When we look at the Contras, we should ask if they really represent local opposition to the Sandinistas. We have to ask how they were created. An article in the Washington Post of August 7, 1988, helps answer that question and I request that it be reprinted at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW THE CONTRAS CREATED SHULTZ' CREDIBILITY GAP

(By Roy Gutman)

Two months ago, just as negotiators for the contra guerrillas and the Sandinista regime seemed close to achieving a cease-fire in Managua, contra leaders introduced tough last-minute demands and insisted on a reply within two hours. The talks broke down.

Enrique Bermudez, the contra military leader, was behind the move, which proved to be a brilliant tactic. The negotiations, Bermudez later explained to U.S. officials, were "strangling" the resistance, leaving them without real support from the Reagan administration, from any faction in Congress or from the Central Americans. Bermudez wanted U.S. military aid restored and felt that so long as the talks continued, the topic was taboo in Washington.

His aim in breaking off the talks was to create a crisis, and he succeeded probably beyond his expectations. Every Central American leader had a stake in the success of the peace initiative launched a year ago today under the auspices of Costa Rican President Oscar Arias. Suddenly all faced the possibility of its collapse.

But provoking a crisis is easier than managing it. Bermudez' ploy may backfire. The aftermath revealed both the Reagan administration's internal paralysis and Congress' reluctance to support more military aid. It also handed Sandinista hard-liners the excuse for a domestic crackdown and helped produce a situation in which Secretary of State George Shultz finds his pronouncements are no longer treated as credible.

When the peace talks collapsed on June 9, Shultz hurriedly scheduled two trips to the region, one at the end of June and a second now underway. But the talks did not resume. In Nicaragua, following a violent anti-government rally at Nandaime on July 10, the Sandinistas began a crackdown against the internal opposition and expelled U.S. Ambassador Richard Melton, charging him with helping to organize it. The Reagan administration quickly reciprocated by expelling Nicaraguan Ambassador Carlos Tunnermann. And Congress began yet another debate on contra aid.

Meanwhile Central American leaders have refused to back Bermudez or to sign a joint statement with the United States condemning the Sandinistas. In Washington, the Democrats, long split in both houses over the Nicaragua issue—and divided even within the party's presidential ticket—seem to have united behind legislation that would extend non-lethal support to the contras but put off any decision on new military aid at least until fall.

The most interesting reaction to Bermudez' ploy came from within the administration. Without doubt President Reagan and Elliott Abrams, his hardline assistant secretary of state for inter-American affairs, would like to have military aid restored. But with the administration in its final months, no one else seems ready to fight for it. Shultz and national security adviser Colin Powell are said to be convinced that military aid is out of the question and to favor opening a diplomatic track. But they are hemmed in by a president who is unwilling to accept the implications: the defeat of the contras and the survival of the Sandinista regime.

In short, Bermudez' ploy, rather than bringing additional military aid, has revealed the paralysis of the administration. "Our political space is too limited. We can't afford to get out front," one State Department official said last week when asked whether Shultz will try to open a diplomatic track on his current travels.

If the events of the last two months make anything clear, it is that Bermudez notwithstanding, the contras are probably heading for dissolution as a military force, even as American politicians of both parties ingeniously try to find new ways to avoid the responsibility for disbanding their force.

And when the contras go, U.S. policy toward those Nicaraguans who remain in Nicaragua will be revealed in all its contradictions and deceptions. Thanks at least in part to Reagan administration policy from 1981 through today, the plight of the mass of Nicaraguans has gotten a good deal worse. The upshot of the most recent developments that began with the contra walkout on June 9 is that at least 35 opposition leaders are in jail, anti-government rallies are banned and the small political space that had developed in the past year has shrunken significantly once again.

There is no sign of any division within the Sandinista directorate; indeed U.S. policy may very well have helped unite them behind the latest repressive measures. Even contra politics are once again in disarray. The contras have expelled Pedro Joaquin Chamorro, Jr., son of the martyred publisher of the opposition newspaper in Managua, and reshuffled their civilian directorate to include Bermudez. They have hardened their line by stating preconditions for returning to the peace talks. Alfredo Cesar, a moderate who commands respect in Congress and who is nominally in charge of negotiations with the Sandinistas, has for now been eclipsed by Bermudez.

Now, according to Costa Rican officials, the Sandinistas are also resisting resuming talks. Paradoxically, the threat of renewed military aid might encourage both parties to resume bargaining but once the talks resume, Congress will lose interest in passing military aid—not the least because Arias insists that actual passage would doom the peace process.

The administration's policy toward Nicaragua is sometimes summed up by officials in one word: "destabilization."

The approach is full of contradictions. Military overthrow of the Sandinistas by the contras has seemed unlikely since the Arias plan was announced, but the approach taken by the administration seems to be based on the premise that it remains an option. Instead of using incentives to encourage the Sandinistas over the long haul to liberalize their regime and enlarge the political space available to their internal opponents, the administration used the internal opponents, the administration used the internal opposition to prove a short-term point in the congressional funding debates: The Sandinistas are not democrats and will not uphold democratic values.

This is not the first time that the administration has come up with the wrong answers to the big questions. In what even Abrams now describes as the "original sin" of American policy, Reagan began to support the contras long before there was serious political discontent within Nicaragua. The fighting force that Bermudez built never had to find a political base in Nicaragua but instead was able to develop one in Washington among hard-right ideologues in the administration and in Congress. U.S. funding, not internal support, became the test of its success.

Only after the Nicaraguan elections in 1984 did the U.S. approach change, as the CIA began to encourage internal opposition leaders to remain in Nicaragua. Yet the emphasis of U.S. policy remained on resuming military aid, purportedly to encourage reform, but with the more likely result of provoking repression and polarization and thus gaining political support in Congress for more military aid.

The first break in this vicious cycle came a year ago when Central American leaders set up a process that gave each a vital stake in its success. El Salvador, Guatemala and Nicaragua would try to negotiate an end to their respective guerrilla wars and achieve national reconciliation with their political opponents. Honduras would regain sovereignty from the contra forces that have used its territory as a sanctuary. Costa Rican President Oscar Arias, the driving force behind the plan, had his prestige on the line. And, by backing a cut-off of aid to the contras, the four leaders hoped to strengthen moderate tendencies within the Sandinista directorate. It was a subtle and complex approach that only Central Americans could have devised.

Immediately upon the signing of the accord, Shultz sought to open direct talks with the Sandinistas to resolve U.S. security concerns in the context of an overall settlement. But the president sided with Elliott Abrams, who opposed any talks with the Sandinistas, and the result was a sharp setback for Shultz.

Abrams still considers the Arias plan a naive way of dealing with incorrigible Marxist-Leninists, as he views the Sandinistas. But last autumn, his political clout weakened by the revelations of the Iran-Contra hearings, he adopted a new approach of using the Arias plan to test the tolerance of the Sandinistas. The administration plan, one aide said, was "to support the internal opposition to the hilt,' which would either provoke a Sandinista crackdown—thus providing a rationale for renewed contra aid—or create momentum for democratic change that the regime could not control. The object was to "push to the limit and beyond the limit of Sandinista toleraton."

The problem with the internal opposition, from the U.S. viewpoint, was that it was deeply divided and unlike contra fighters, the rebels were not "willing to die for their cause. There may have to be martyrs to their cause if democracy is to take root in Nicaragua," one official said. But few wanted to become martyrs.

An example occurred in mid-January on the eve of a summit of Central American leaders, when the contras invited members of the internal opposition to a meeting in Guatemala to sign a joint communique. The administration had its own representatives at the Guatemala meeting and almost certainly helped inspire it, according to U.S. officials. No government ordinarily allows a legal political party to negotiate a joint program with armed forces seeking the overthrow of that government. And even though the opposition leaders refused to sign the document, they were detained on returning to Managua for one day. The Reagan administration, predictably, denounced the detentions as proof of Sandinista repression.

Despite this souring of events, Nicaraguan President Daniel Ortega agreed at the summit to hold direct talks with the contras, lifted the state of emergency and began allowing opposition demonstrations.

Meanwhile, the idea of testing the Sandinistas picked up steam with Melton's dispatch to Managua in April. Before leaving Washington, Melton, an Abrams portege, announced at his swearing-in: "I want to make it crystal clear what America stands for and the values of democracy and how the Sandinistas don't meet even the minimal standards," one colleague recalled him saying. Melton added there would be "no more compromising" with the Sandinista regime. He also noted that Nicaraguan Ambassador Tunnermann had not been invited and boasted "that was no accident."

State Department officials said Melton through his frequent public contacts with opposition figures encouraged them to think the United States would back them whatever they did. A number of news dispatches indicate that the opposition began the July 10 melee with police, although no one has produced any evidence that Melton encouraged demonstrators to bring bricks and bottles. Melton's critics here doubt that there was a "Melton plan" of destabilization as charged by the Sandinistas; yet when the violence erupted and opposition leaders were arrested, the administration all but cheered the development. (Melton, who has been named Abrams' deputy in charge of Caribbean countries, refused to answer questions last week.)

Besides letting itself be manipulated by the contras and using the internal opposition as a prop in its sales pitch to Congress, the administration has also committed the bad mistake of avoiding, for ideological reasons, any contact with the Sandinistas. Reagan and his aides often claim that the Sandinistas are a monolithic group of Marxist-Leninists who respond only to military pressure. But analysts at the State Department assess the nine as a Latin-style leftist junta who may use Marxist rhetoric but whose main interest is to stay in power and not be seen as bowing to U.S. pressures. U.S. claims to the contrary, most of the Sandinista concessions seem to have come as part of the regional process to end the war rather than in response to military pressures. So long as the peace process was unfolding, the Sandinistas were ready to suspend their internal restrictions; when the peace process was suspended, the Sandinistas renewed repressive measures.

Unfortunately, instead of taking the opportunity afforded by the peace talks to encourage the Sandinistas in their moves toward political moderation, U.S. contacts with them were drastically reduced. No high U.S. official has met Sandinista leaders for the past year, and special envoy Morris Busby, who is responsible for coordinating U.S. policy with its democratic allies in Central America, has not talked with the Sandinistas since assuming his job nearly one year ago.

Today, the most interesting question is whether Shultz will attempt to depart from this failed policy and agree to meet with the Sandinistas. Deane Hinton, U.S. ambassador to Costa Rica, has been telling President Arias that Shultz is now in charge of the policy and to expect a new diplomatic approach when he visits again this week. So far, according to an Arias aide, the Costa Ricans think that Hinton is naive.

One problem that has developed for Shultz is that his defense of U.S. policy on Nicaragua has become so strident that it has affected his credibility. His rehetoric is "straight Ollie North," commented one U.S. diplomat. During his June trip to Central America, Shultz repeatedly stated that the Sandinistas caused the breakdown of the cease fire talks even though Bermudez had already told his aides that the contras deliberately pulled out of the negotiations.

On his latest trip, aides said Shultz felt he had been sandbagged by news reports that his aide, Busby, had tried to force upon the Central Americans a U.S. draft condemning the Sandinistas. Shultz denied the United States had used any pressure and Busby denied carrying any draft to the meeting. But, after eight years of disingenous U.S. policymaking, the problem for Shultz was that no one believed him.

Mr. ADAMS. I recognize, Mr. President, that some of my colleagues see the Contras as freedom fighters. But that isn't the way I see them. And I don't think it is the way the people of Nicaragua see them either. No objective can look at the performance of the Contras and conclude that they are friends of freedom or devotees of democracy. Their recent decision to elevate Enrique Bermudez to their directorate demonstrates that they can make the same sort of strategic mistakes that we berate the Sandinistas for.

I don't believe that the Contras are the moral equivalent of our Founding Fathers, and I don't believe that the people of Nicaragua would see their lives improved or their freedom advanced if the Contras triumphed.

Beyond my concerns about the character of the Contras, Mr. President, I have questions about their military prospects. I don't know of any military authority who believes they can achieve a military victory. Despite that, I remember hearing nonmilitary people talk about using the Contras to make the Sandinistas "cry uncle," and I also remember some rhetoric about triumphant marches through the streets of Managua.

But, Mr. President, that is not going to happen and we all know it. At best, the Contras can create a stalemate. And at best, that stalemate will encourage the Sandinistas to be more repressive at home and more recalcitrant abroad. In may respects, the Sandinistas need the Contras in order to justify the increased presence of sophisticated weapons. We are playing into Sandinista strategy when we so willingly accept the role of colonial Satan by maintaining proxy military units on the border and allow them to try to play the part of defenders of regional independence.

While the prospects of a Contras military victory is somewhere between impossible and unlikely, our continued support for them makes a diplomatic defeat for the United States more likely. Just last month, Secretary of State Shultz went to Central America in an effort to rally our allies around our cause. The results of that mission were clear: they did not rally. Our allies do not agree with our conclusion that the Contras constitute a viable policy to contain the Sandinistas. They do not like the Sandinistas, but they do not like the Contras either, and they will not support an American policy which has the Contras at its core.

Mr. President, our opposition to the Sandinistas is legitimate. But our support for the Contras is not. This Contra policy is inconsistent with our values and our interests. After all these years, surely we ought to have learned that the enemy of our enemy is not necessarily our friend. The Contras may be against the Sandinistas but that doesn't mean they are for us or that they represent our best interests.

Mr. President, let me close by making one final point: Since Contras aid has been curtailed, domestic unrest in Nicaragua has increased. It was not the Contras which created the protests in the streets of Managua. The people of Nicaragua must select their own opposition to the Sandinistas; they will; they have. It is not the Contras and nothing we do or say will change that fact.

For all these reasons, Mr. President, I must oppose this amendment. I object to the provision requiring an expedited vote on military, lethal aid. But I also object to humanitarian aid which is designed to sustain the Contras as a military force. I accept the fact that we have an obligation to the Contras as human beings—we sent them into the jungles and we have an obligation to get them out—but this humanitarian aid is not designed to allow them to get out, rather it is designed to doom them to more months of futile war. That war makes no sense, Mr. President, and I cannot support any amendment or any policy which, in my view, will prolong it.

While I recognize the hard work and honest effort that went into crafting this amendment, I cannot support it. It simply continues our policy, continues to use the Contras as pawns, continues to get us deeper into a tragic and historic error in judgment, I will have no part of it.

Mr. MITCHELL. Mr. President, it is a sad reality that the U.S. Congress is again facing the divisive issue of continued assistance to the Nicaraguan Contras.

We had sincere hopes for the regional peace plan, promoted by Costa Rica President Arias, that was signed by the Central American Presidents in Guatemala last August. Comprised of provisions to promote peace and democracy, that plan was to be a means of ending the region's conflict and repression.

The world has been disappointed by the failure to achieve these goals during the past year. In all countries save Costa Rica, the fighting continues or threatens to erupt; national reconciliation remains a distant dream; democratic and human rights have yet to be firmly and fully secured.

In no Central American nation has the precarious nature of democracy been more apparent than in Nicaragua. Hopes for peace and democracy in that country were again raised with the signing of the Sapoa accord in March. The Contras and the Sandinista government aimed to conclude the war and to assure the implementation of democratic reforms and an opening of the Nicaraguan political system.

After a promising cease-fire agreement, the Sapoa accord faltered. Anger and recrimination alternated with serious efforts to reach agreement. While private negotiations reportedly produced a document acceptable to Alfredo Cesar and the Sandinista government, such an agreement never reached the official table.

Instead, as the talks moved to a close, the Contras introduced a new series of demands that went beyond the both the private agreement and the Guatemala accord—and thus doomed success. These actions seemed to indicate a preference for a continuation of the war. By subsequently elevating Somocista Col. Enrique Burmudez to the political directorate, the Contras appear willing to lessen the chances of a negotiated peace.

Prospects for peace have been equally threatened by repressive Sandinista actions. In the past month alone, the world has watched the Nicaraguan Government suppress peaceful demonstrations, jail opposition leaders without charge, closed La Prensa and Radio Catholica, and expel eight American diplomats from the country.

This blatant violation of the Guatemala accord—which the Sandinistas pledged to uphold—seems to demonstrate a disdain for the peace process. The Sandinistas apparently find the prospect of a truly democratic political battle more frightening than a continuation of the war.

Today in Nicaragua, both sides have indicated that they would rather take their chances outside the peace process. Each seems to believe that it can gain more by fighting than through negotiations.

Such selfish cynicism will destroy the country.

We in the Congress want to see Nicaragua enjoy democracy and peace. We share a concern that the negotiations have failed to achieve those goals. We aim to promote an American policy that will help revive the peace process and contribute to its success.

Yet among us there is great disagreement about how the United States can best foster these objectives, disagreement within and between our parties. Some would provide military aid to the Contras, some would end all assistance. Some would take tougher action against the Nicaraguan Government, some would end the trade embargo of that country.

Democrats recognize that despite these differences, it is necessary and possible to construct a bipartisan policy toward Nicaragua.

Senator BYRD's amendment offers such a policy by building on a common goal—the revival of the peace process. I commend the majority leader and my colleagues who worked so diligently in crafting this compromise.

It is an effort to induce the Sandinistas and the Contras to return to the framework of negotiations and seriously approach the challenge of political and military compromise.

The amendment would provide $27 million in humanitarian aid to the Contras—food, clothing, shelter, medical services, and medical supplies.

This aid would permit the Contras to survive as a viable force through March 1989. It would deny the Sandinistas the hope that Contras will wither away, thus ending the most direct challenge to repressive Sandinista rule. In so doing, the aid provides pressure for the resumption of serious negotiations.

By refusing to abandon the Contras and wash our hands of any responsibility for their fate, Congress would be giving the next American President greater freedom in fashioning a policy toward Central America and Nicaragua.

The amendment also establishes procedures by which the Senate could consider a Presidential request for authority and limited funds to transport military aid previously appropriated for the Contras.

The President could make such a request if he finds that the Sandinistas have caused an emergency situation having a critical impact on peace and stability in Central America; and if he has consulted with the Presidents of Honduras, Costa Rica, Guatemala, and El Salvador on this emergency situation; and if he submits a report to Congress describing this situation and justifying his request.

The Senate would consider such a request under expedited procedures only if the other body has already passed legislation granting the President's request. Furthermore, a request could be made only after this amendment becomes law and before Congress adjourns sine die.

The Byrd amendment does not commit any Senator to voting for military aid to the Contras.

It establishes procedures to provide the opportunity for a vote on transporting previously appropriated military aid under specified conditions.

If in fact the Sandinistas were to precipitate a crisis in Central America, as some in Congress believe they would, the Senate could quickly vote on such a Presidential request.

By providing for an immediate vote in the case of an emergency, the amendment would accommodate those who fear rash Sandinista action and help ensure that the Sandinistas will not be tempted to jeopardize regional peace and stability.

In so doing, this amendment provides an opportunity to prevent partisan stalemate from crippling American policy and denying the United States a positive role in the Central American peace process.

There can be no doubt that we have a vital interest in the future of Central America. We have legitimate concerns about democracy in Nicaragua and about Nicaragua's military capabilities and intentions toward its neighbors.

I believe it is possible and realistic to address these concerns through diplomacy and negotiation.

I have always considered the administration's reliance on force—and its virtual exclusion of diplomacy—to be an inappropriate and ineffective means of promoting American interests in Central America.

I do not believe providing more military aid to the Contras will help ensure peace and security in Nicaragua.

But the United States cannot turn its back on the peace process. We have an obligation to keep the pressure on both sides to reach an agreement that will end the conflict and put Nicaragua on a democratic path.

This amendment would do that. For a limited time, it would sustain the Contras and their demands at the bargaining table—but would not provide the means to renew the war.

I hope it will prompt the Sandinistas to realize the need to make good on their promises under the Guatemala accord and negotiate a political opening, a route toward full democracy in Nicaragua.

Congress does not want to be forced to revisit the issue of Contra aid. The next President would prefer to concentrate American energies on a Central American policy to enhance economic development, increase bilateral trade, improve health and educational services, and promote hemispheric cooperation.

But until there is peace and democracy in Central America, such hopes cannot become reality.

I believe that this amendment will promote a return to negotiations and more serious efforts to reach agreement in Nicaragua, and I believe that my colleagues can and should join in supporting the Byrd amendment.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BAUCUS). The Senator has 9 minutes and 28 seconds remaining.

Mr. BYRD. I thank the Chair.

Mr. President, Mr. BOREN wants 2 minutes. I yield 3.

Mr. BOREN. Mr. President, I thank the distinguished majority leader.

I want to associate myself with the remarks that the majority leader has made just a few moments ago. I think every word he spoke was the truth.

I think every one of my colleagues on both sides of the aisle knows this is a Senator who believes in bipartisanship in foreign policy. I have conducted myself that way ever since I came to this body. I have conducted myself in such a bipartisan fashion that at times there have been those on my side of the aisle who thought I was far too bipartisan at times.

I have been a negotiator in this process. Senator BYRD and my colleagues on both sides of the issue on this side of the aisle have asked me to negotiate. I have negotiated in good faith. Time and time again, we have tried to accommodate the White House in this process. We thought we were crafting a bipartisan package. We walked the extra mile—not the extra mile, the extra 10 miles—and I felt very strongly that we were negotiating with people that in good faith on the other side wanted a bipartisan package and not a political issue.

I come to this conclusion very sadly, but I simply have to say it as a matter of fact that if this ends up being a party-line vote after all the effort of those of us, including those of us on this side of the aisle who support Contra aid—we just heard from Senator HARKIN and he stated his position very clearly, and why he has taken it. If we are rebuffed on this when we have tried to fashion a statesmanlike approach so we can with an American voice stand behind the peace process and put some leverage behind the peace process and have a vote—we started with an agreement not to have a party-line vote on the amendment but to have a vote of 80 or 90 votes so that we can send a strong message and make a difference in Central America.

The majority leader and I believe the minority leader also tried their hardest in the name of bipartisanship to make that kind of impact.

I just appeal to my friends on the other side of the aisle, since I have been chairman of the Intelligence Committee, there has never been a party-line vote in the Intelligence Committee. I have also sought bipartisanship. I think they all know that I could not present to them a plan that I did not think was fair.

This is a fair plan. It has been entered into with fair negotiations from the other side.

But if now because of the failure of the White House to send a signal to those on the other side of the aisle that they ought to support what has been the product of sincere, honest, bipartisan negotiation, I have to say with sadness this Senator could never in good conscience try to enter into negotiations with the White House again with any feeling that they sincerely wanted to make a bipartisan decision on substance rather than on politics.

I am sorry to say that, but I know of no other way to tell it. I know of no other way to tell it.

There is no reason, in the opinion of this Senator, for the White House, at this point, to not tell those on the other side of the aisle: "Let's join. Let's have a strong bipartisan, American ringing policy in Central America that will work."

There is only one reason for them to refuse to do that, and that is politics.

This Senator is interested in bipartisanship in American foreign policy. This Senator is not interested in partisan politics in an election year, and this Senator will not be negotiating any further with people on the other side if that is all they are concerned with. And I do not mean the other side of the aisle in the Senate. I mean those at the White House who have led us down the primrose path and made us believe and have told us for a week that we want honest and sincere negotiations. If they will not send a signal now that they want a bipartisan solution, this Senator can only conclude that there has not been sincerity on the other side.

Mr. BYRD. Mr. President, I thank the Senator.

How much time does the Senator require?

Mr. DODD. Just a minute.

Mr. BYRD. I yield 2 minutes to the Senator from Connecticut.

Mr. DODD. I thank the majority leader, and I will not take the full 2 minutes.

I just want to again associate myself with the remarks of the majority leader regarding this matter, and compliment my colleague from Oklahoma. He and I do not agree on Contra aid; never have. But I have watched him over the last 2½ weeks spend countless hours running back and forth, meeting with TOM HARKIN, my colleague from the State of Iowa, and others who oppose and have opposed Contra aid.

I would just urge that we try, in these last moments here, to come together on this. I am not happy with it, I will tell you right now. I do not pick up any votes by supporting this package. I do better politically, I suppose, by being where I have been for 7 or 8 years and vote against the whole thing.

But I will guarantee you one thing tonight: If you vote down this package, you vote for chaos. If you want chaos to reign over the next 3 or 4 months, this what you get.

You have the Secretary of State tonight calling for a reinitiation of the Arias talks. That is the news on the nightly broadcasts.

What the Byrd amendment does it give you an opportunity to do that. If it fails, if it all falls apart, you are back here in September and you vote on Contra aid. But you do not walk away from this at this juncture, unless you happen to believe that the only formula for success is chaos. And that is where this body will be if this amendment is rejected.

So, for those of us who have acted in good faith and taken the body blows over the last 3 weeks from constituencies all over this country, who would like to act as purists could vote it down. But I will tell you the alternative is not a pretty one and does not get resolved.

So we ask you tonight to join with us in the spirit that has been suggested by the majority leader. That is the way out of this.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. DODD. I urge my colleagues to support the amendment.

Mr. KENNEDY. Mr. President, may I have 1 minute?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 45 seconds.

Mr. BYRD. I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr President, I cannot speak with any authority about the negotiations that took place between the Republicans and the Democrats. But one thing that I think I can speak to and I think anyone who has been on the floor over the period of these last several minutes would understand, and that is that the leader took a policy position that had basically divided our party and it divided the Republican Party in an attempt to try and bring those elements together in a constructive way. And, as one who had an opportunity to participate in the times of finding bridges and common paths within our own party, I was impressed, right from the beginning, of those efforts about his real desire and willingness to see that the kind of a cooperation and common spirit would reach out to the other side.

Over the last 7½ years, we have not had the real possibilities to speak as one country and one Nation at a very, very critical time in this whole process.

So I, too, just want to join in and congratulate the majority leader. He does not need the commendation of the membership in terms of this own sincerity, but his real desire to try and find a common ground, I think, has been one of the finest acts of statesmanship that I have seen here in this body. I want to join those in commending him for his contribution.

Mr. BYRD. I thank the distinguished Senator.

Mr. DOLE. Mr. President, I yield back all of my time with the exception of 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I have listened to the debate. I do not want to leave the impression here—and I know that White House bashing may be all right—but I would say very honestly there has been a struggle within those who advise the President on this issue. The Senator from Oklahoma knows it very well because he has been talking with General Powell.

As I indicated on this floor yesterday or sometime in the last day or so, last Friday I had the feeling that the White House was moving in the direction of supporting it. Then they met with a number of agencies over the weekend who said, "You can't implement it; you can't deliver it; doesn't mean anything."

So we started renegotiations on Monday. I believe from Monday on until this very moment there are some in the White House who would probably say, and maybe have issued a statement, that, well, maybe the package is minimally acceptable. But if you ask the people in the White House, "Can you deliver the aid?", they say, "No." And, "does anything happen between now and the time we get back?", the answer is, "No."

And I want to say to all of my colleagues, I think all of the Members have been in good faith. I do not think anybody here has been in bad faith.

I indicated earlier that if the President sent a letter up here saying, "We support the Dole amendment and if that failed we support the Byrd amendment," that would have meant a great deal on this side. We did not get that letter. We did not get it because the President is not concerned about the Contras. On the contrary, he is. He is concerned whether or not we are moving in the right direction.

Sometimes you just cannot get together. It does not happen very often around here. But there are times, as the leader has said, many times you cannot march in the same direction. I hope when it is all over that we can continue with the working relationship we had with Members on both sides whose interest is in the Contras and the freedom fighters and their preservation. That is really what this debate is all about—not the White House, not this side of the aisle, not that side of the aisle, not politics. But are we going to try to preserve the freedom fighters until Mr. Ortega decides that he believes in freedom and democracy? That is the bottom line. That is what I hope the vote is all about.

I thank the majority leader. I did not mean to speak after the majority leader, but others did, so I took the floor.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 5 seconds.

Mr. BYRD. Mr. President, the distinguished Republican leader used the phrase "White House bashing." I am sorry he used that phrase, but that is his right if he wishes to.

The White House is going to want some help again. We hear the concern expressed that will not be able to deliver the humanitarian aid. We all know that it will be delivered. We know that.

Here is the one opportunity for Republican Senators, who are strong in their support of the Contras—and I respect them for that—to have an expedited vote when the President makes his request. They are going to turn this amendment down now, but I hope we on our side can salvage it.

They should understand, and that White House should understand, that without this amendment there is no guarantee of further Contra aid against a filibuster in this Senate. Now, a filibuster in September or October or November, if we are still here, is going to be awfully hard to break. I am sorry that the handwriting on the wall cannot be seen by some. It needs no prophet Daniel to interpret it.

This is the last chance for expedited procedures. This is the chance when you have a majority leader who has given you his word as to what he will do. You are so afraid of the other body. If this side of the aisle, the Republican side of the aisle, with that White House, would show some statesmanship on this question and stand by this majority leader, I might help you to start the request on this side.

I have no doubt that the Speaker means what he says. I have no doubt. He is not going to break his word. He has given it publicly. He has given it on the telephone. So you have that promise.

You might have had a majority leader here who, in the final analysis, with no opportunity coming from the House side, might have initiated the process here in the Senate—if you would support this amendment.

Mr. President, I urge that Senators think, and then cast a bipartisan vote for the peace process; that the people of the United States and the people of the world may see a Senate act in a bipartisanship manner in the interest of peace in Central America.

The PRESIDING OFFICER. All time has expired. The question now occurs on agreeing to amendment No. 2833 offered by the Senator from West Virginia. The yeas and mays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN] and the Senator from Connecticut [Mr. WEICKER] would each vote "nay."

The PRESIDING OFFICER (Mr. EXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—49

Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Wirth

NAYS—47

Adams
Armstrong
Bond
Boschwitz
Chafee
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Humphrey
Karnes
Kassebaum
Leahy
Lugar
McCain
McClure
McConnell
Melcher
Murkowski
Nickles
Packwood
Pressler
Proxmire
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—4

Biden
Cochran
Kasten
Weicker

So the amendment (No. 2833) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the underlying amendment. The yeas and nays have been ordered. The clerk will call the roll.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of H.R. 4781, the fiscal year 1989 Department of Defense appropriations bill. I desire the RECORD to show that, were I present, I would vote "nay" on amendment No. 2833 to H.R. 4781.●

Mr. BYRD. Mr. President, I ask unanimous consent that the rollcall vote be vitiated.

The PRESIDING OFFICER. Is there objection to vitiating the rollcall vote? If not, the question is on agreeing to the underlying amendment.

The amendment (No. 2813), as amended, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, there will be other rollcall votes tonight in all likelihood. I hope it will be possible to complete action on the bill this evening.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, we just completed a vote that represents a tragically missed opportunity for the Senate and for the United States of America. For 7 years we have been polarized on policy in Central America. We have been unable to bridge the gap. We have been unable to speak with a single voice. Friend and foe alike in the region have not known where the United States of America stood.

We had an opportunity tonight to change that. We had an opportunity to speak with one voice. We had an opportunity to send a clear message to the Sandinistas. This message is abide by the peace process or know that in September, without any opportunity to filibuster, without any opportunity for delay, there would be a chance to vote for release of the military aid unless the Sandinistas began to support the peace process.

That is a missed opportunity and it is a tragedy for this country. I predict it will set back the peace process. I predict it will set back the cause of the resistance.

I have asked myself again and again why could that happen. Why would those who purport to be in favor on Contra aid in the White House—

Mr. ARMSTRONG. Mr. President, the Senate is not really in order. We ought to have order.

The PRESIDING OFFICER. The Senator from Colorado makes a good point. The Chair asks once again for Senators and staff who wish to carry on conversation to please remove themselves from the floor. The Chair requests that they clear the well.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, as I was saying, I think we have had a tragic moment on the floor of the Senate. I have talked about other tragic moments we have had in regard to foreign policy. I happen to think that earlier defeat of Contra aid was a tragic mistake for this country. But I think this has been a real tragedy tonight.

We have missed this opportunity to speak with a single voice, to have a bridging of this polarized gap, and I have asked myself why. Why would the White House, for example, that has so long espoused the cause of Contra aid turn its back on the statement of the Democratic leader of the Senate that if there were bipartisan support for this measure and the President met the conditions in this amendment, that leader was prepared to vote for release of military aid to the Contras?

That is a major development, Mr. President. If I were sitting in the White House, a Republican President, with the potential of support from the Democratic leader of the Senate on a matter on which the country had been so divided, I would think that was a very major event indeed.

Why would they choose to rebuff that offer, that pledge to see that there was an expedited vote on that matter in the Senate backed up by a pledge of the Speaker of the House given to the Democratic leader of the Senate? Why would it happen? Why would they, for example, turn their back on about a dozen Senators on this side of the aisle who, every single time the matter has come up, every single time Contra aid has come up, have voted for Contra aid including this Senator?

The PRESIDING OFFICER. The Chair must interrupt the Senator from Oklahoma once again with apologies. The Chair reminds colleagues once again that the Senator from Oklahoma is entitled to be heard, and I will not allow or recognize the Senator from Oklahoma to continue until we have full order in the Senate.

The Senator from Oklahoma.

Mr. BOREN. I thank the Chair and I thank my colleagues.

Mr. President, as I was saying, if you were sitting in the White House and you were in favor of Contra aid, why would you turn your back on an effort when the Democratic leader of the Senate is trying to fashion a package that would give you a vote on military aid and when that Democratic leader in a major turn of events had said if the President meets the conditions in the amendment he would vote for military aid to the Contras? Why would you turn your back on at least a dozen Senators on this side of the aisle who happen to have the name Democrat written after their names who, every single time, have voted for Contra aid when it has come to this floor because we believed in it as Americans and because we believed it was right? Why would you turn your back on our support, tell us that our support is meaningless to you, you do not care what we do?

Why would you allow us to engage, as I have been engaged, and many on this side of the aisle and many on the other side of the aisle, including the distinguished Republican leader, in over 100 hours of negotiations, daytime, nighttime, weekends, trying in good faith to fashion a proposal that would be a bipartisan proposal? Why would you allow this Senator to go back to his colleagues, I do not know how many times, 20, 30, 40 times, this colleague who has always voted for Contra aid, why would you allow him to go back to his colleagues and say, "Can you make just one more change in that proposal? Can you modify it one more time so that we can have an acceptable bipartisan package?"

As far as I know, every one on the list of things given to me was accomplished on what I was told was now a mutually satisfactory basis. I was told that as late as Sunday night. Why would you let that happen? Why would you string us along? Why would you allow us to go through all of this process? Why would you allow the people on the other side of the aisle—and I have not dealt with one Member of the Senate in this matter who I think has not acted in good faith. I have to say General Powell, as Senator BYRD said, who was sent down to negotiate with us, came down here to deal in good faith. I have had many conversations with the man. I have had many dealings with the man. I think he is an honorable man. Why would you allow that to go on? Why would you allow us to put ourselves out on the limb one more time?

Mr. President, I have searched my mind for an answer to that question because never in my life—and maybe it is because of where I come from and people keep their word. If people say they want to enter into an agreement with you, they mean it when they say it. They do not talk to you about negotiating if they do not want to negotiate. They do not talk about bipartisanship unless they mean it. I challenge anyone to question my credentials when it comes to bipartisanship.

They did not tell me they were against bipartisanship when they said vote for the confirmation of Judge Bork. They did not tell me they were against bipartisanship when they said support us in the Persian Gulf, support us in Afghanistan, support us in El Salvador, support us in Nicaragua. I could go up and down the list and the litany of the number of times when they have said to me, "Weigh it on the merits. Be an American. Let's have a bipartisan solution" This Senator has responded in a bipartisan fashion. This Senator has come to the conclusion—I think it is sad, indeed. I began to have this feeling when the defense bill was voted, when the Secretary of Defense was against the veto, when the defense community was against the veto. I began to have a feeling that something was wrong. But I have never ever had the feeling that something was wrong as I do tonight to allow us to go as far as we have gone to try to reach a bipartisan solution, to try to do something to send a unified message to Central America.

There is an answer to the question, Mr. President. There is only one answer I can come up with. Why do they not want the support of the majority leader? Why do they not want the support of the 12 Senators on this side of the aisle who every time voted for Contra aid? Maybe it is because we have a "D" after our name in parenthesis instead an "R." This Senator thought that mainly we had "American" after our names. I can only come to one conclusion, and I regret coming to the conclusion and I do not apply it to any single Senator sitting on the other side of the aisle, not one. Senator DOLE has dealt with us in good faith. Senator SIMPSON has dealt with us in good faith, Senator McCAIN. We have a difference of opinion but we have an honest difference of opinion. I could go down the litany of names. But when the moment came for the White House to send a signal to Senator DOLE and the Republican leadership on the other side—all they had to send was a signal, a one sentence letter, "If the Dole amendment goes down, let's don't let everything go down that might help the situation in Central America. Let's then have a strong ringing bipartisan vote for the Byrd amendment," a one sentence letter—we waited. I called. I knew that letter was going to come because I trusted them.

I waited for that letter to come because I believe that they believed in bipartisanship. I did not believe they would send me back five times. I did not believe they would call me in to negotiations and our distinguished leader in negotiations for 100 hours if they were not sincere. And the letter did not come. Why, Mr. President? There is only a one-word answer that I can find to explain why. That one word is "politics," Mr. President. "Politics," not what is good for America, not what is good for the resistance in Central America, not what is good for bipartisanship and foreign policy. That word is "politics" above country; party above Nation; string them along if they have a Democrat after their name; tell them you are for bipartisanship when you need them and cut them loose if you can save an issue for the campaign.

Mr. President, I am sorry about it. I am very sorry about it. As I have said, I do not believe one single Member of the United States Senate on either side of the aisle practices that. I do not think one single Member of the U.S. Senate should be proud of it. And I do not say this because I am a Democrat. I say that because I am sincerely disappointed as an American that this has broken down because when we needed that one-sentence letter from the White House with whom we have negotiated in good faith, that letter did not come. This Senator happened to believe, up until 2 hours ago, that that letter would come. I took them at their word. I took them at the spirit in which I have been negotiating with them, and it did not come.

Mr. President, it is a serious mistake. I hope they will think about it overnight. I hope they will think about it next week. We are out of here for a recess for a couple of weeks. I hope they do a lot of thinking about it. Do you know what I predict? I predict before this is over, if this is finally enacted into law—I hope it will be because it is a good amendment, it is a good process, and it is good for the country. I predict the President of the United States will come up here and make a request for this procedure, and I hope by that time the President of the United States will reflect upon the need for bipartisanship for what is good for this country, and not to cut the rug out from under people because of party label that they happen to wear or the political party from which they happen to be elected.

Mr. President, it is a sad day. It is a missed opportunity Politics has prevailed. Politics has prevailed over what should be the main consideration of all of us on both sides of the aisle, and that is the national interest.

I urge my colleagues on the other side of the aisle, those that have agreed with me on that issue and disagreed with me, and I hope you will talk to your own administration. I hope you will determine exactly why there was a failure to hear from them when we should have heard from them. I hope you will tell them they ought to get back on course with all of us out here to seek to put the country first, even in an election year—even in an election year. Maybe it is too much to hope for. But even in an election year on something as fundamentally important as this is to the country, of trying to stop the destabilization of Central America, I hope we will find a way tonight. I hope we will not have any more of these partisan kinds of divisions at a time when we ought to be uniting.

Mr. KERRY, Mr. BYRD, Mr. JOHNSTON, and Mr. ARMSTRONG addressed the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I think we have a good opportunity to complete action on this bill this evening. We have all had our emotions and pride tested. We have had our say. I think we ought to turn our backs on this vote now and go forward.

The joint leadership had talked about approaching the bill in a way that would allow us to perhaps have a vote on attaching the authorization bill, and the joint leadership, I believe, talking with the managers of the bill, had indicated that we would move to table or support a tabling motion of certain types of amendments. It is 5 minutes of 8. I was under an impression earlier today that once we had the Contra amendment behind us that perhaps there would only be two or three more amendments. And the Senate might be able to complete action on the bill this evening, which could be very desirable.

So if we could proceed now, I would hope that we could act on whatever amendments are going to be called up. I do not know whether there are any amendments on our side to be called up. Mr. NUNN knows.

Mr. JOHNSTON. Mr. President, will the Senator yield? Mr. President, we on the committee along with Senator NUNN and members of the Armed Services Committee have been working with staff to try to work out most, but perhaps not all of the problems in the bill. There are a goodly number of amendments but I think most of those either have been worked out or can be brought to conference, and with some real cooperation on the part of Senators and a little good luck I think we can finish the bill tonight. But there is some very weighty, very important things, and we need a lot of cooperation in order to be able to do that. Particularly, we cannot for example go through a whole litany of sense-of-the-Senate votes and that sort of thing and hope to finish at any reasonable time tonight.

What we would like to do is first of all have Senator NUNN propose the Senate-passed authorization bill which we would like to accept and take to conference without change. Part of our agreement which we hope would be a bipartisan agreement is that we protect that bill for conference and resist any move to change it. Senator NUNN can speak to that better than I.

We hope then to have an agreed-upon Johnston-Nunn-Sasser leadership amendment, STEVENS and I hope a broad range of Senators who would agree on that which is a joint burden-sharing amendment. Then, Mr. President, there are a number of other amendments which have been worked out or are in the process of being worked out. I urge all Senators who have proposed amendments to please make us aware of them, give us a copy of them, give us a chance to work with you on it so that perhaps they can be made acceptable to take to the conference.

Mr. PELL. Will the Senator yield for a question?

Mr. JOHNSTON. Replying to the majority leader, we do have good hopes that we can work the bill and finish it tonight.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. JOHNSTON. Yes.

Mr. BYRD. Mr. President, the Chair was about to recognize Mr. ARMSTRONG earlier, and the Chair recognized me, which was right of the Chair to do, because I have always stood, when I was a majority or the minority, for the majority leader on that side, if he was seeking recognition, to be recognized. I quarreled with my own Vice President on one occasion when he refused to recognize Howard Baker who was in the minority at that time.

So I thank the Chair. He did what he has been told to do and what he should do. But Mr. ARMSTRONG was seeking recognition and the Chair was about to recognize him. I sought recognition because I wanted us to move on if we could because I think there is a fair chance that we can complete action on this bill this evening. If not, certainly we can finish the bill tomorrow. It is very much to be desired.

Mr. PELL. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

The PRESIDING OFFICER. If the Chair could interrupt just a moment, the Chair recognized the majority leader as is standard procedure. The Chair has been looking for the opportunity when he could recognize, under the rule, the Senator from Colorado, and when the majority leader yields the floor, the Chair intends to do exactly that.

Mr. BYRD. Mr. President, the Chair does not have to explain what he is going to do. The Chair can recognize Senators at his own discretion. He did the right thing, but I want Mr. ARMSTRONG to be recognized. He was seeking to speak.

Mr. PELL. Will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. PELL. Does the majority leader expect any more rollcall votes tonight?

Mr. BYRD. I would certainly hope so; yes. I hope we can have rollcall votes because I think there is opportunity to make progress. We have good attendance. Senators are still around, and many of them are on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I thank the Chair for recognition.

May I say to the leader that I am grateful to him for spontaneously, not at my request but on his own initiative, pointing out that I was seeking recognition.

It is another example, one of many that we have seen in this Chamber, that the leader is eager to protect the rights of all Senators and, of course, the Chair was correct in giving recognition to the majority leader. That is the longstanding and proper tradition of the body, and I am grateful to the leader for extending me that courtesy.

I regret that the Senator from Oklahoma is not on the floor. I think he may have seen that I was on my feet seeking recognition throughout his entire speech. It is my intention to respond to him briefly. So if a member of his staff happens to be in the room, perhaps he would let the Senator from Oklahoma know that I do intend to comment briefly on his quite extraordinary observations.

I hope somebody will also point out to the Senator from Oklahoma that he won that vote; he did not lose. From the tone of his remarks, it sounded as if he had fallen a few votes short, and the fact of the matter is he won that. He did not get too many votes from our side of the aisle, but he got exactly the same number of votes from the Republican side of the aisle that the Republican leader got on his plan. So we have had a vote tonight on a Republican plan and a Democratic plan, and all the Republicans voted against the Democratic plan, and all the Democrats voted against the Republican plan. That is because we lost control of the Senate here a little while ago and so we did not prevail. The Senator from Oklahoma prevailed and with the help and leadership of the Senator from West Virginia. That is fine. We have no complaint on that. We had our say. We had a chance to offer our amendment.

But, by gosh, what some of us do have a complaint about is the notion that somehow what has been rejected here tonight was some sort of a bipartisan plan, because it was not that. And the Senator from Oklahoma asked a question that deserves a fair answer. The answer to his question of why Republicans would not support his plan is because we never felt it was a bipartisan plan. We had a lot of meetings and I sat through some of them. I did not sit through 100 hours of them. It seemed like 100 hours, but I did not think it went on quite that long.

But honestly let me say to my colleagues on this side of the aisle, especially to that group of Democratic Senators of which the Senator from Oklahoma is one and there are others, some of them on the floor, who have supported aid to the democratic resistance, let me say to them publicly what I have said to them privately. We wanted to believe you. We wanted to think that this was real aid for the democratic resistance.

Some of us on our side of the aisle counseled our colleagues that we ought to look with favor and bend every inch and go the extra mile to support some kind of a plan that we could believe in, but we did not believe in it because when it got right down to it it did not seem to us to be believable.

Here is why. First as to bipartisanship, after days of negotiation within the Democratic Party, it came to us basically as a take-it-or-leave-it package.

Now my friends, maybe it did not look that way on your side of the aisle, but what appeared on our side of the aisle was a presentation by some emissaries who came to us and said specifically in so many words, "We are not empowered to negotiate."

It is true that we discussed a lot of things and, in fact, some minor details of the plan were changed after the Republicans were advised, consulted, cajoled, and maybe you could call that negotiation. For example, after a lot of hemming and hawing and a lot of back and forth, we finally did get a change in the package to permit us to give some batteries to the Contras, some batteries for the radios. We did not get any new radios. All we got was batteries.

The issue of transportation, which in my view is actually what finally hung up the package, was discussed endlessly. It was discussed Thursday, it was discussed Friday, it was discussed over the weekend, it was discussed Monday, it was discussed Tuesday, it was still under discussion today; and if I was told once I was told at least a dozen times by Senators from that side of the aisle, by Senators over here, and by the White House that it had been fixed. And every time I checked to see if it had been fixed, it had not been fixed.

Then we would have another meeting, and they would say, "I think we can get together on this; we are all in the same boat. We want a bipartisan plan. We want something we can believe in and we are going to fix this. It is going to be fixed. We will come up with a method by which this humanitarian aid will actually be delivered."

Then when we looked, and we presented it to the people whose responsibility it is to deliver it, and that is the executive branch—there are not any Senators who are going to help to deliver this stuff—it is all going to be delivered one way or another by the executive branch. When we went to the executive branch and said, "With this language can you assure us that this humanitarian aid will actually be delivered?" They said, "Well, no, but if we could just get this changed we can fix it."

Then another meeting ensued and everybody agreed we were going to fix it, and then finally we get the language back and it still was not fixed. My friends, we do not believe—now maybe we are wrong—I think we ought to concede that is a possibility—maybe we are wrong. Maybe under this language that humanitarian aid can be delivered, but the best professional advice that we can get from the people who are responsible for delivering the humanitarian aid, if this should ever be enacted into law, tell us that they cannot assure us such aid will ever be delivered. That is No. 1.

I honestly do not know from the assurance which we got from the Speaker whether a vote would ever occur in the House. I discussed at some length the letter that the Speaker sent over, and I will just have to say that that was not a clear-cut promise of the kind of expedited procedures that I had in mind that I would think constitutes a valid ironclad contractual agreement in the way of expedited procedures.

Now, maybe we will get a vote if this is enacted into law, and maybe we will not, but the pledge was not very certain and ordinarily we might not insist on crossing every "T" and dotting every "I", but the question of who promised what to whom on a Contra aid vote in the House was a matter of bitter controversy and misunderstanding very recently, and under those circumstances, that is a key element of this deal. We would have been remiss to not take it into account.

No. 2, is the question of which bill to put it on. We are all legislators around here and we all know that it is a matter of opinion as to where we ought to put these things. We deeply feel on this side of the aisle that this is the wrong bill to put it on, although I must tell you that if they had fixed the transportation part I probably would have voted for it and I probably would have voted for it whatever the White House said or what anybody else did.

I remind my colleagues on the Democratic side of the aisle that more than once I have been one of a very small group on our side that has come over and voted with your party when I thought you were right. I have done on more than one occasion exactly what the Senator from Oklahoma pointed out that he has done. There are times, by gosh, when Senators have to vote their convictions even if their party is going the other way.

If the transportation thing had been fixed and maybe a couple of details, I would have voted for this, I believe, even though I do not think this is the right legislative vehicle.

But the suspicion on our side of the aisle, to respond directly to what our friend, Senator BOREN, asked of why could we not go for this, is our deep suspicion that this is never going to happen, that it is going to get lost in the shuffle, that it will be late September before this gets voted on, that something else will be added to it that will cause the President to veto it for one reason or another.

And then there is the question of the House voting first, and I listened intently to the leader's discussion at the very last minute that he might help us initiate something over here. And I must admit that a very great concern of mine is having to wait for the House because the House, so far as I know, has never initiated one of these things, and I do not know if they ever will.

Mr. President, I want to yield the floor now, but before I do, I want to sum up where I think we are. Since the Senator from Oklahoma has done so, I just want to tell you where I think we are.

I think the Senator from Oklahoma ought to rethink some of what he has said tonight and cheer up a little and recognize that he won, the Democrats won. If the package is as good as they think it is, then the Contras have won.

Now, I think the vote the way it has come out with all the Democrats on one side and all the Republicans on the other puts us in a very clear-cut position. Either this thing is going to work or it is not. If it works, and it seems to me it puts all the Democrats under a lot of pressure to produce to make it work, if that happens, then I think those of us on the Republican side are going to have to come back and admit that that happened, and if it does, I am going to say to my Republican colleagues, remember what Winston Churchill said. He said, "During the course of my long career in public life, I have often had to eat my words, and on the whole, I found them to be quite tasty."

For my part, nothing will please me more than to come back in September and to say to Senator BOREN and Senator BYRD and the others, "You are right. This thing was a better package than I thought. You made it work. It may have been awkward and it may have been complicated. It may have been the wrong vehicle. But if it works, it works, and we ought to stand up and say so, and admit that you made it work." And I, for one, hope you do. And if you get some political credit out of it, that is OK with me, too.

But, Mr. President, let there be no mistake of where the burden for making it work is. And by that I just do not mean getting this piece of legislation enacted. I mean get aid, humanitarian aid and military aid delivered to the Contras. That is the goal. It is not just to gain the upper hand in a parliamentary scuffle. It is to get the aid delivered.

If they get the aid delivered, humanitarian and military aid, to the Contras so they can sustain themselves while the peace process grinds on, then I am going to stand up and say then, by gosh, they deserve the credit for doing it. And I would like to lead the parade of bipartisan appreciation for their doing so.

But by the same token, if that does not happen, then I would be hopeful that there would be some on your side of the aisle who would be willing to negotiate again and next time negotiate with some of us, too. Do not put the package together and bring it to us as take-it-or-leave-it basis. Invite us in a little earlier in the process.

Before I yield the floor, I want to mention one more thing. There used to be a Senator around here who sat right in that chair, who said, "If I am going to be in the crash landing, I want to be in on the takeoff." That is the essence of bipartisanship.

We want to be in on the first meetings, not just the last one. We want to be in when there is still something to be negotiated, not when it is take it or leave it.

Mr. BYRD. Mr. President, I do not intend to carry on and belabor this. But I think I should respond to two things that the distinguished Senator said. One, he said it would be up to the Democrats to make it work. I think it is up to all of us to make it work. Republicans are in control of the executive branch. So it is up to all of us.

Second, as to his suggestion that the Democrats ought to have come and discussed their amendment with the Republicans, negotiate it with them before we offered it; am I correct?

Mr. ARMSTRONG. Mr. President, if the leader would yield.

Mr. BYRD. Yes.

Mr. ARMSTRONG. That is my meaning, that if it is to be a truly bipartisan approach, we have to be involved in the process at a time when significant changes are still possible.

As it turned out, though some marginal changes were made, it did not appear to us—maybe we misunderstood—that such changes were possible; that, in effect, as one of the negotiators put it, the camel is loaded and it could not be reloaded again.

Mr. BYRD. Mr. President, the only thing I would say in answer to that is that the distinguished Republican leader did not come to us when he prepared his amendment. He stated to the press what he was going to offer, and I found no fault with that. I saw the headline that the Democrats were being chided because they were divided on this issue. As it turned out, the Democrats were not too divided.

But I do not hold the distinguished Republican leader responsible because he devises an amendment and announces to the press that he is going to call it up. He did not owe it to me or anyone on this side to discuss that amendment before he called it up. So let us all let our voices lower now, if we will, and let our tempers cool a little bit.

Mr. President, I have an amendment I would call up whenever the managers are ready.

Mr. JOHNSTON. Mr. President, we are ready to accept that amendment at this time.

AMENDMENT NO. 2835

(Purpose: To include funds for the Wartime Host Nation Support agreement between the Federal Republic of Germany and the United States)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Byrd) for himself, Mr. Nunn, Mr. Warner, Mr. Sasser, Mr. Levin, Mr. McCain, Mr. Boren, Mr. Glenn, Mr. Lugar, Mr. Leahy, Mr. Bradley, and Mr. Gramm, proposes an amendment numbered 2835.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, after line 22, insert the following new section:

Sec. 8127. (a) Of the amount appropriated for the procurement of ammunition for the Army, not less than $29,105,000 shall be available only for the Wartime Host Nation Support agreement between the Federal Republic of Germany and the United States.

(b) Of the amount appropriated for other procurement for the Army, not less than $57,354,000 shall be available only for the Wartime Host Nation Support agreement between the Federal Republic of Germany and the United States.

(c) Of the amount appropriated for other procurement for the Air Force, not less than $4,522,000 shall be available only for the Wartime Host Nation Support agreement between the Federal Republic of Germany and the United States.

Mr. BYRD. Mr. President, in the post-INF environment, NATO is conducting a healthy re-examination of its goals. The alliance faces a sophisticated challenge from the newly vigorous and creative Soviet leadership under Mr. Gorbachev. There is a need for strong American leadership, including a clearly articulated renewed commitment to work together with our NATO partners to fashion our military and arms control strategy for the immediate future. This was impressed upon me this past February during a visit that I made to 5 NATO capitals.

This past February in the company of Senators Pell and Nunn and Warner and Boren the delegation that I led included the leadership of the three committees which handled the INF Treaty, Mr. Pell, Mr. Nunn, and Mr. Boren. Also included was the ranking Republican on the Armed Services Committee, Mr. Warner. A number of important observations and conclusions were reached. Of crucial importance, as I explained in testimony to the Foreign Relations Committee and in the report I submitted to the Senate following our visit, was that careful, collegial planning and alliance consensus on goals and strategy is a formula which produces success. This was the key lesson we drew from the successful conclusion of the INF Treaty. The policy of alliance consensus was a bipartisan policy spanning two administrations from each party, and Senate majorities of both parties, over a decade. In connection with the INF Treaty, I was struck by the level of uncertainty on the part of European leaders regarding the staying power of the American commitment to Europe. These jitters derived from, in significant part, the confusion of policy and purpose arising from the selling of arms to the Ayatollah, the Beirut disaster, and uncertainty over America's Persian Gulf policy.

As a consequence of these anxieties over American staying power and credibility, the delegation, which I led to those 5 NATO capitals, to quote from our trip report, "conveyed to European audiences, in pubic as well as private sessions, a message concerning the U.S. commitment to NATO and the inherent stability of the American political system. Particularly in an election year, when the level of political rhetoric and debate could convey confused and conflicting images of the United States to Europe, the fact that the Senate of the United States acts as a stabilizing force because it is a continuing body is worth recalling and emphasizing. The delegation took the opportunity to reaffirm the Senate commitment to the NATO strategy of flexible response and to indicate that there is broad support in the United States and in the Senate for NATO and for the current NATO strategy."

I was, Mr. President, most impressed with our talks with Chancellor Kohl of Germany. We had very wide-ranging and fruitful discussions with him. Many of my colleagues will undoubtedly remember the most informative time we spent with the chancellor when he was my guest in the Capitol here on the Senate side on a return visit this past March. The German Government demonstrated great resolve during the difficult days of the late 1970's and early 1980's when the deployment of INF missiles was the subject of virulent opposition in Germany. Chancellor Kohl, as we all remember, stayed the course. He stood the test, he kept the faith. He turned public opinion over the course of those years into positive channels of support for the NATO program. That was a lesson in political courage which the alliance may well be called upon to repeat in the years ahead.

During our trip to five NATO countries at every stop the delegation indicated its opposition to any U.S. troop withdrawals in the foreseeable future, and in the urgent need to deepen the conventional defense of Europe at the same time that we emphasized the need to challenge the Soviet leadership with a carefully developed, unified conventional arms control proposal.

In the post-INF environment, increased attention to improving the credibility of our conventional defense and to strengthening cooperation among NATO partners will be essential. A central aspect of a stronger conventional defense capability in Europe is the enhanced development of burdensharing arrangements with our European partners.

There have been legitimate complaints in the United States that we are bearing a disproportionately large burden in NATO today. The answer to this problem lies in renewed American leadership to achieve a consensus which will bring more equitable arrangements, not in unilateral and precipitous actions by the United States which try to punish Europeans and which will have the effect of further undermining European confidence in the American commitment.

The Appropriation Committee has articulated many of these questions in its report, and in the remarks which have been made on the floor by Senators JOHNSTON and STEVENS, and I commend the effort. There is, however, one provision in the bill that I am especially concerned about, and that is the subject of this amendment.

The United States and Germany have entered into a burdensharing arrangement, the host nation support program, which has been acclaimed by both sides. Conceived in the late 1970's under the Carter administration, the policy was formalized in an agreement with Germany in 1982, and has been a model of success. Both sides have lived up to the agreement in its entirety up to now.

The United States-German Wartime Host Nation Support Program, which is geared toward implementation during a crisis or a war with the Warsaw Pact, covers an extensive range of activities, including airfield damage repair, security forces for U.S. Army and Air Force facilities, evacuation of casualties, resupply and logistics support. The agreement calls for the Germans to provide roughly 90,000 reservists organized into 176 units and assigned, in wartime, to support the United States forces. This eliminates the need for the United States to airlift these additional personnel and equipment into Europe in the event of a war. In addition, the agreement spells out an equitable cost-sharing arrangement in which NATO pays for 50 percent of the costs and the United States and Germany split on a 50-50 basis the construction costs for facilities provided for under the agreement. Other costs have been worked out in a sharing arrangement in great detail, and the program is on schedule. The units will be fully operational in the 1990-91 time period if U.S. funding continues.

Mr. President, the distinguished Senator from Tennessee, Mr. SASSER, authored an amendment last year to the fiscal year 1988 continuing appropriations measure which directed the Secretary of Defense to conduct a thorough reassessment of our burden-sharing programs, and that resulted in the development of a Pentagon task force, which has been hard at work on this reassessment. I know that Mr. SASSER intends to discuss the work of the task force which was created as a result of his farsighted amendment, in connection with our amendment, but I simply point out here that the Senate has addressed this issue recently and action is underway in the executive branch as a result.

We need to reexamine and correct any inequities of our NATO Burden-Sharing Program. Senator NUNN has recently written a cogent piece in the New York Times of July 10, 1988, entitled "Our Allies Have To Do More." He points out, rightly, that "despite the shift in relative economic power to our allies, the cost of defense has remained disproportionately on American shoulders. Adjustments are long overdue."

Unfortunately, the bill before us zeroes out the U.S. share of the cost-sharing for wartime host nation support for items other than construction for fiscal year 1989, a total of $91 million. I would point out that fully a third of this money would be used to procure construction equipment manufactured in the United States, forklift trucks and the like. The German Ambassador has written me to express his concerns over the provision, and other NATO countries have also expressed concern.

So, given this background, Mr. President, my cosponsors and I have joined together in offering this amendment to restore the $91 million.

Restoring the $91 million for the Host Nation Support Program with the Federal Republic of Germany will ensure that the full implementation of the program is not delayed. Without this money, delays of 2 or 3 years would be likely. Perhaps equally important, however, is the fact that the United States is committed to these purchases. Therefore, restoration of this funding will send a strong signal that the Senate will support commitments which have been entered into by the United States.

Recognizing the need for adjustments, I believe that to zero out the American share of one of the most successful of our burden-sharing initiatives sends the wrong signal to the wrong country at this time. There are delicate sensitivities in the German political system today, and the Soviets are targeting Germany in the latest of their historic attempts to divide the alliance. This amendment, then, reinstates the planned $91 million in funds to meet the United States commitment under our Host Nation Support Program with the Republic of Germany.

Mr. President, I ask unanimous consent that an article from the New York Times dated July 10, 1988, entitled "Our Allies Have To Do More" by Senator NUNN be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 10, 1988]

OUR ALLIES HAVE TO DO MORE

(By Sam Nunn)

WASHINGTON.—Next January, the new President will confront complicated and demanding challenges to national security policy. Although internal changes in the Soviet Union may offer new opportunities, Soviet military power continues to grow. Arms control negotiations will become more complicated. We face new threats from terrorism and other forms of unconventional warfare. Defense budgets will become even tighter.

These challenges call for thoughtful and innovative approaches on every front, from policy to negotiations to internal management. Answers will require strong leadership by the new President, bipartisan Congressional support and a new spirit of cooperation and commitment from our allies.

Despite the shift in relative economic power to our allies, the cost of defense has remained disproportionately on American shoulders. Adjustments are long overdue.

Each allied country should play the instruments it plays best rather than trying to stage an entire symphony orchestra. The United States must give priority to contributions that no ally can easily duplicate. These include a survivable nuclear deterrent, a Navy capable of controlling of the seas and conventional forces that can respond flexibly to challenges around the world. These Army and Marine Corps units should be mobile and well-armed with modern anti-tank weapons, not tied to the heavy armor that is principally useful in Europe but difficult and expensive to transport. We should also play the principal role in assuring regional air superiority by emphasizing tactical air forces equipped with modern stand-off conventional weapons.

These changes will still leave gaps in the alliance's forward defense posture. Our allies must fill them or explain to their own citizens why territory cannot be defended without the use of nuclear weapons in the first few days of any European war.

If the Europeans wish to avoid explaining the unexplainable, they must take on the principal role of providing heavy armored forces; the necessary ammunition and equipment to sustain their own forces for NATO's 30-day requirement; effective reserves; and shelters and support facilities for U.S.-based aircraft to be dispatched to Europe in a confrontation. The goal of these improvements is to make NATO's doctrine of flexible response truly flexible—to move away from dependence on the early use of nuclear weapons in response to a Soviet conventional attack.

Japan should be held accountable for its own announced goal of defending the air and sea lanes out to a thousand miles. Japan should be firmly told that it is its turn to fund a "Marshall Plan" of military and economic aid to key nations that support Western defenses, like the Philippines, Pakistan and Turkey. The Japanese also must take the lead in a multinational effort to ease heavy third world debts—economic threats today that, if left unattended, will become the source of military threats tomorrow.

This country's most basic defense task will continue to be to provide a survivable and effective nuclear deterrent. We face a fundamental question as technology decreases missile flight times and increases their accuracy: Do we rely principally on our ballistic missile submarines and nuclear-armed bombers, or continue to pay for the additional insurance provided by a land-based intercontinental ballistic missile force that cannot be largely destroyed in a surprise attack?

The next President will have to decide on the next generation of ICBM's. Should he cancel the small mobile Midgetman ICBM and rely instead on MX's parked on trains at military bases (which need several hours' warning for escape)? He will have to ask whether the current American position at the strategic arms, or Start, talks would worsen or improve strategic stability. In particular, he should carefully review the concept that the United States proposed to the Soviets at the Moscow summit to restrict each side's mobile ICBM's to 10 square miles. Instead of spending billions on mobile missiles and then corraling them into a small, vulnerable area, why not propose a ban on all land-based mobile multiple-warhead ICBM's (such as the Soviet SS-24 and the American railmobile MX), along with incentives to move toward single-warhead ICBM's?

A Start accord that can greatly reduce the incentive for a first strike is within reach, but only if it is combined with sensible force deployments. The Administration deserves credit for paving the way for this treaty, but in its efforts to promote and pay for space-based defenses it has lost sight of the forces needed for a stabilizing agreement. Unless the "fatal flaws" in our arms control proposals and strategic plans are corrrected, our national security is better served if no Start agreement is signed by this Administration.

Despite all of the attention and money that has been focused on the Strategic Defense Initiative over the past five years, the Administration still hasn't established a realistic timetable for development and deployment, sound cost estimates or even credible goals.

The next Administration must develop a sensible defensive research program. One objective of this research should be to determine the affordability and feasibility of a system offering us some protection against an unauthorized or accidental launch or a missile fired by one of the worrisome number of countries that may be acquiring long-range missiles.

A second objective should be to develop survivable, cost-effective defensive options for enhancing the survivability of U.S. retaliatory forces, and systems for command, control and communications. Deployment of such options would depend on a number of factors, including Soviet weapons developments and the Start negotiations.

We need to worry more about unconventional threats—for example, third world nations with weapons having chemical, biological or conventional warheads, such as those being used in the Iran-Iraq war. The superpowers have a clear mutual interest in preventing this proliferation. We also need to plan countermeasures and defenses against sabotage or terrorism of our command and control facilities and the fragile infrastructure of our civilian society.

In conventional forces, the Soviet Union and its allies have a substantial advantage in Europe, both in numbers and equipment. Even more troubling is their capability for a potentially decisive short-warning attack. NATO's priority should be substantial, disproportionate reductions in the forward-deployed Soviet armor nd artillery units that would be used in a "blitzkrieg" attack.

Conventional arms control can play a major role in reducing the threat of war in Europe. Over time, it can also lead to reduced arms spending in NATO and the Warsaw Pact.

Our first step in these negotiations should be to seek an early data exchange (tanks, artillery, etc.) for all relevant NATO and Warsaw Pact forces. Second, to reduce the possibility of surprise attack, we should propose interim on-site inspection by monitoring teams for all military mobilization centers such as airfields, rail junctions and perhaps even military headquarters. Third, at the beginning of the process we should propose a series of verification experiments, perhaps performed by the same monitoring teams that would guard against surprise attack.

We must not only have the right forces, we must manage those forces effectively and efficiently. The immediate challenge facing the Pentagon is to work with the Justice Department in pursuing vigorously the investigation of the Defense Department procurement scandal. At the same time, Congress and the next Administration must work together to correct any systemic flaws in the Pentagon's procurement system and restore public confidence.

Over the longer term, defense managers must increase military capabilities without large increases in defense spending. This will require stable, predictable levels of defense spending; improving the quality and authority of senior civilian acquisition managers in the Pentagon; increasing the standardization and commonality of weapons and equipment among our allies and our own military services; buying weapons at efficient production rates, even if it means cutting the number of systems in production; upgrading existing weapons platforms such as aircraft with new-generation weapons and munitions rather than building new platforms; and closing unneeded military bases abroad and at home.

These challenges are formidable, but they must be met if we are to maintain the defense that are essential to our long-term efforts for peace and freedom.

Mr. President, the distinguished Senator from Georgia has an amendment in the second degree which I believe he wishes to offer to this amendment.

Mr. President, I yield the floor.

Mr. JOHNSTON. Mr. President, we, support the amendment as proposed by the majority leader. Initially, we had a burden-sharing package as part of the Appropriations Committee bill.

Mr. STENNIS. Mr. President, may we have quiet? This is an awfully important matter. The Senator is entitled to be heard.

The PRESIDING OFFICER. The point made by the Senator from Mississippi is well taken.

Will the Senate please be in order so that we might hear the Senator from Louisiana who is the manager of the bill before us?

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as part of our burden-sharing initiative, we thought that what we call the host nation support, that is the amount that the United States pays for the ammunition to be furnished for the Federal Republic of Germany, was excessive, was not in line with the amount of burden that the United States ought to share.

However, after passage of the bill, the majority leader and others, and also in consultation with our own leaders from NATO—I personally talked to General Galvin on it—pointed out that while it is true that the United States is putting up $91 million to buy ammunition and equipment which will, in fact, go for the reserve troops of the Federal Republic of Germany, that is a matter that already has been negotiated—may we have order, Mr. President?

The PRESIDING OFFICER. Will the Senate please be in order?

I will ask the Senator from Louisiana to withhold for just a moment. Maybe if we can get everybody to cease their conversation we can keep them to a bare minimum for the rest of the session this evening.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, while we felt initially that the $91 million was inappropriately large as a share for the United States, considering the trade deficit that we have with not only NATO but with the Federal Republic of Germany, and also considering the fact that we put up a higher share of not only gross national product but a higher per capita expenditure for defense than the Federal Republic does, and are not spending enough to equip United States reserve forces we thought this was an appropriate thing.

But upon further consideration, Mr. President, we believe that, because it is a matter that we have negotiated with the Federal Republic, it is in effect a binding contract which we ought to honor.

In that spirit we are glad to accept the amendment of the distinguished majority leader.

Mr. BYRD. Mr. President, will the Chair proceed, and then I would like to be heard.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from West Virginia?

Mr. NUNN. Mr. President, I strongly support the amendment of the Senator from West Virginia. I have a second-degree amendment, but it is not quite ready yet. I suggest, in the interest of time, we proceed, if the majority leader is ready, with his amendment.

Mr. NUNN. Mr. President, I strongly support the amendment offered by the majority leader on the Wartime

Host Nation Support Agreement with West Germany. In particular, the amendment would restore about $91 million to the Defense appropriations bill for the U.S. share of this important agreement.

Even though it is usually an inefficient approach, the NATO alliance has traditionally considered logistics support to be an independent responsibility of each member country. That is, each country is responsible for supporting its own combat troops. Six years ago, however, the United States and West Germany achieved a breakthrough in this area when they reached a Wartime Host Nation Support Agreement.

According to the terms of the bargain, West Germany will assign about 90,000 of its own reservists to supply direct logistics support to United States combat units in wartime. Some of the ordinary but essential tasks that these reservists will perform include repairing and guarding airfields, maintaining fuel pipelines, caring for casualties in field hospitals, driving trucks, and operating ferries. In exchange for the organization, pay, training, and outfitting of these reservists, the United States will buy the heavy equipment that they will use to support American troops. The agreement further specifies that 60 percent of this heavy equipment must be made in the United States.

Mr. President, the impetus for this innovative approach to logistics support arose in the late 1970's when the alliance reached agreement on a long-term defense program first proposed by the United States. One of the commitments that the United States undertook at that time was to expand the size and pace of its ground and tactical air deployments to Europe. Specifically, the United States pledged to field a total of 10 divisions and supporting flying squadrons in Europe within 10 days after mobilization.

In making this pledge, however, we made it clear to our NATO allies that if we were to engage in this massive deployment of U.S. combat forces at great speed, we could not simultaneously deploy the support forces needed to supply and maintain those combat troops. The only practical alternative was to rely upon our allies for the necessary logistics support. As a result, the United States negotiated a network of Host Nation Support Agreements with several NATO countries. Although they are all important, our support arrangements with West Germany are, by far, the most elaborate and significant.

Mr. President, the majority leader has correctly emphasized the harmful effect that the appropriations action would have on a longstanding agreement with a valuable ally. If we now believe that West Germany should be paying the entire cost of these arrangements, it does not seem fair to me to suddenly disrupt an agreement that both sides have been implementing for 6 years.

Mr. SASSER. Mr. President, I strongly support the goal of securing improved burden sharing from our allies.

In fact, no Member of the Senate has been as outspoken on this issue as the Senator from Tennessee.

In this amendment I offer with Senator BYRD, Senator NUNN, Senator WARNER, and others, we seek to restore funding for the U.S. share of the Wartime Host Nation Support Agreement with the Federal Republic of Germany.

These funds were deleted by the committee.

Let me say that I share the view that this agreement is not the best of agreements. If it were being negotiated today, I would hope we could achieve even a better sharing of the burden.

But this agreement was concluded more than 6 years ago. From everything I can find, the West Germans are living up to the terms of the agreement. And until now, the United States has been meeting its responsibilities.

But the provision in the defense appropriation bill would essentially direct the Department of Defense to renege on our responsibilities. The language in the bill and report would result in this specific agreement being renegotiated.

Now, renegotiation may sound pretty good at first blush. But it will not result in a better agreement. In fact, Mr. President, I would be willing to predict that if we were to insist on this agreement being renegotiated now, 6 years after it was approved by both Governments, the result would be we would no longer have an agreement at all. The Germans would simply pull their support.

Let's look at what this agreement does. Under the terms of the agreement, the West Germans provide 93,000 reserve personnel to support United States troops to be deployed to Europe in the event of war.

If there were no agreement, the United States would have to make provisions to support our own troops. And that at great cost.

In fact, Mr. President, I am advised, that without this agreement, our costs would be increased at least $1.4 billion.

Now, we all know the Germans can do more for the common defense than they are doing now. And we know that they could have agreed to provide more funding 6 years ago when the Wartime Host Nation Support Agreement was signed.

But an agreement is an agreement. There will never be a perfect agreement on burden sharing which all parties in NATO will be completely satisfied with. But at agreement in hand is better than no agreement at all.

I would submit that if the Congress were to approve this cut made by the committee, the on-going efforts to achieve new, broader, and more equitable burden sharing arrangements with our NATO allies would be severely jeopardized.

Mr. President, earlier this year, Secretary Carlucci, in response to a provision of the Military Construction Act, which I authored, created a special high level task force on defense burden sharing.

That task force is already at work. It is chaired by Deputy Secretary Taft. Secretary Taft has already made two trips to Europe and one trip to the Far East.

Now, Mr. President, I know that all of us would like instant action by our allies on burden sharing. But that is just not realistic.

We cannot turn around decades of neglect on this issue overnight. And we certainly can't do it by making threats on our allies.

Frankly, I am very encouraged by the leadership Secretary Carlucci has been giving this issue.

The task force he set up in response to the concerns of the Congress is a definite step in the right direction. I have stayed in close contact with Secretary Carlucci and Secretary Taft and I can assure my colleagues that the task force is no simple endeavor designed to deflect criticisms of the Congress.

The task force is taking the message to our allies that a better defense burden sharing relationship must be forthcoming.

Now, I cannot relate all the specific conversations which are taking place between the allies and the task force. Out of necessity, those conversations must remain confidential. But I can tell my colleagues that the response the task force is getting from senior allied officials is encouraging.

The new Secretary General of NATO, Mr. Woerner, in particular, seems to undertstand the magnitude of the problem and the need to conclude new burden sharing arrangements.

In fact, as a result of the work of the new task force, NATO has set up a special working group on burden sharing which will present recommendations at the next ministerals in December.

This is unprecedented movement by our allies, Mr. President. And we should welcome that progress.

Certainly, we do not yet know how far our allies are willing to go. We may find that they will fall far short of what we would like.

But it would be a mistake to try to force them to take specific actions at this juncture before we know how far they, themselves, are willing to go.

Now, Mr. President, some believe that the only way we will ever get our allies to provide a more fair share of the defense burden is to threaten them, even to the point of threatening to unilaterally pull our troops out of Europe.

Now, I do believe the time is long overdue for us to insist that our European allies become more responsible for their own defense.

Europe is no longer a war-ravaged economy. Europe is modern. Europe is prosperous. Europe is perfectly capable of assuming more of its own defense.

But, despite the rhetoric we hear from Moscow, the military threat to Western Europe from the Warsaw Pact hasn't changed one bit. And even if the Soviets unilaterally pull out some of their troops, they will still have the capability to wage a fierce offensive war into the heartland of Europe.

That is why we must place conventional force reductions high on the agenda. We should not threaten our European allies with U.S. troop reductions. We should work with our European allies to come up with a strategy for reducing the threat we face in Europe. That is the surest way of reducing our defense burden overseas.

So, Mr. President, I can tell my colleagues that if our amendment does not pass today, our allies will look at the action of the Senate and say: "Why should we continue to talk with the United States or burden sharing since the United States does not even honor its past commitments."

So, I would say to my colleagues that if you want to see our allies bearing more of their share of the burden, vote for our amendment.

This is not the time for posturing. This is not the time for blustering. This is not the time for threats or ally bashing.

This is the time for cooling the rhetoric and getting down to the task at hand.

The job has begun. Our allies are getting the message. Let's don't give them a chance to back out before the process even gets well underway.

If we fail to live up to our commitments, that is just what we will be doing.

I urge approval of the Byrd amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. Byrd].

The amendment (No. 2835) was agreed to.

The PRESIDING OFFICER (Mr. Simon). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me commend the majority leader on this amendment. I know it has already been adopted and I will be very brief but I am the chairman of the Conventional Forces Subcommittee.

I know the importance of this amendment to restoring some funds in this bill to carry out commitment, our commitment under a host nation agreement. We do not believe, most of us in this country, that the burdens are being fairly shared with our allies. I am one who believes that they are not being fairly shared with our allies. The purpose of this host nation agreement was to get out ally—in this case Germany—to share the burden of supporting a number of American divisions that might have to go to Europe someday. This was a burden-sharing agreement that we entered into with West Germany.

We should carry out this agreement. We should not back away from it. It does what we say we want to do, which is to get out allies to carry their share of the burden, which they have done under this agreement. We should keep our word and do the same thing.

I commend the majority leader for seeing the importance of this. It could be misunderstood easily. But the heart of his amendment is to keep the American word, to keep out commitments, and also of great importance, to get our allies to do more for the common defense, which is what these host nation agreements are all about and I commend him. I am proud to cosponsor that amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his statement, his very supportive statement. I also thank him for cosponsoring the amendment, and I thank the original cosponsors of the amendment as well: Mr. Nunn, Mr. Warner, Mr. Sasser, Mr. McCain, Mr. Boren, Mr. Glenn, Mr. Lugar, Mr. Leahy, Mr. Bradley, and Mr. Gramm.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2836

(Purpose: To revise the provisions of section 8113 relating to overseas costs of supporting Department of Defense personnel and their dependents)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston], for himself, Mr. Nunn, Mr. Warner, Mr. Stevens, Mr. McCain, Mr. Bingaham, and Mr. Sasser, proposes an amendment numbered 2836.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, beginning with line 16, strike out all down through line 3 on page 108 and insert in lieu thereof the following:

Sec. 8113. (a)(1) Not later than March 1, 1989, the United States Military Representative to the Military Committee of the North Atlantic Treaty Organization (NATO) shall submit to Congress a report on the assignment of military missions among the member countries of NATO and on the prospects for the more effective assignment of such missions among such countries.

(2) The report shall include a discussion of the following:

(A) The current assignment of military missions among the member countries of NATO.

(B) Military missions for which there is duplication of capability or for which there is inadequate capability within the current assignment of military missions within NATO.

(C) Alternatives to the current assignment of military missions that would maximize the military contributions of the member countries of NATO.

(D) Any efforts that are underway within NATO or between individual member countries of NATO at the time the report is submitted that are intended to result in a more effective assignment of military missions within NATO.

(3) The United States Military Representative to the NATO Military Committee shall consult with the other members of the Military Committee in preparing the report.

(b) The Secretary of Defense and the Secretary of State shall (1) conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States, and (2) determine specific actions that, if taken, would result in a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies. Not later than August 1, 1989, the Secretary of Defense and the Secretary of State shall transmit to Congress a report containing the findings resulting from the review and their determinations.

(c) The President shall appoint a special representative who shall have the primary responsibility for conducting burdensharing negotiations directly with other members of the North Atlantic Treaty Organization, Japan, the Republic of Korea, and other countries allied to the United States by treaty. The objective of such negotiations shall be to secure increased defense spending by such countries, increased in-kind and financial support by such countries for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries, and a more balanced sharing of foreign assistance costs.

(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in the budgets submitted to Congress under section 1105 of title 31, United States Code, for fiscal years after fiscal year 1989 the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e)(1) None of the funds appropriated by this or any other Act enacted before, on, or after the date of the enactment of this Act may be obligated or expended for the support of more than the following maximum number of dependents of Department of Defense overseas personnel who accompany such personnel outside the United States. After September 30, 1989, the maximum number of such dependents shall be 413,020 (the number of such dependents who were residing with such personnel outside the United States on September 30, 1987). The Secretary of Defense should prescribe and implement personnel and deployment policies that, by September 30, 1991, result in a reduction in the number of such dependents who accompany such personnel outside the United States by 10 percent of the maximum number of such dependents specified in the preceding sentence.

(2) Not later than May 1, 1989, the Secretary shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total costs required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

(f) As of September 30 of each fiscal year after fiscal year 1989, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation provided for in the preceding sentence may be increased if and when a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and the President determines and certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

(g)(1) After fiscal year 1989, that portion of the costs incurred for Department of Defense personnel and units in permanent duty stations ashore outside the United States which exceeds the amount of such costs incurred in fiscal year 1989 shall be defrayed only out of (A) increased financial or in-kind contributions made by the allied countries in which such personnel are assigned by mutual defense alliance organizations supported by the deployment of such personnel outside the United States, or (B) amounts appropriated or otherwise available to or for the use of the Department of Defense for personnel and units in permanent duty stations ashore outside the United States. The Secretary of Defense may not defray such excess cost by reducing the amounts allocated for the support of Department of Defense personnel and units afloat or assigned to permanent duty stations in the United States.

(2) In computing the amount of the excess of the costs incurred for maintaining Department of Defense personnel and forces in permanent duty stations ashore outside the United States over the amount of such costs incurred in fiscal year 1989, the Secretary shall—

(A) exclude increased costs resulting from increases in the rates of pay provided for members of the Armed Forces and civilian employees of the United States Government and exclude any cost increases in supplies and services resulting from inflation; and

(B) include (i) the costs of operation and maintenance and of facilities for the support of Department of Defense overseas personnel, and (ii) increased costs resulting from any decline in the foreign exchange rate of the United States dollar.

(h) The provisions of subsections (f) and (g) shall not apply in time of war or during a national emergency declared by the President or Congress.

(i) In this section—

(1) the term "personnel" means members of the Armed Forces of the United States and civilian employees of the Department of Defense;

(2) the term "Department of Defense overseas personnel" means those Department of Defense personnel who are assigned to permanent duty ashore outside the United States; and

(3) the term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Mr. JOHNSTON. Mr. President, this amendment is proposed on behalf of myself, the Senator from Georgia, Mr. Nunn; Senator Warner; Senator Stevens; Senator McCain; and Senator Sasser. I believe that is all the Senators. And it deals with burden sharing.

Mr. President, I want to thank, not only all those Senators, but their staffs, the staff of the Armed Services Committee, our own staff of the Appropriations Committee, the majority and minority staff, for working with us on what I consider to be the preeminent defense issue of the coming 4 years, and that is the question of burden-sharing.

Mr. President, these are delicate, difficult things to adjust. Burden-sharing is the kind of issue that everyone is for in principle but is very hard to effect in detail. It is just like cutting the budget. Everyone is for Gramm-Rudman, for cutting across the board, and yet when we come to adjust individual budgets, we find that they are very, very hard to cut.

So it is with burden-sharing, Mr. President, the operative facts on burden-sharing, and I have shown these charts before, but I think they bear repeating.

The first chart shows the percentage of gross national product that the United States, South Korea, Great Britain, West Germany, and Japan put up respectively.

You will notice that the percent of gross national product for the United States was 6.8; 5.5 percent for South Korea; 5.1 percent for the United Kingdom; 3.1 percent for West Germany, and 1 percent for Japan.

On a per capita expenditure basis, Mr. President, the United States is putting up $1,164 per capita; Great Britain, $481 per capita; West Germany, $454 per capita; and Japan $163 per capita. All this at a time, Mr. President, when we had huge trade deficits with our allies—with South Korea, a $9.9 billion trade deficit; with NATO, a $21.9 billion deficit; with Japan, a $59.8 billion deficit.

Mr. President, we point out these figures not in anger, not in any way to fracture the alliance. This is not "NATO-bashing"; it is not Japan-bashing. To the contrary, Mr. President, I think it is well to reiterate the importance of these alliances. Our alliance with NATO is one of the most successful, one of the most historically consistent and coherent alliances that the world has ever known. Our peace, our security has depended on it for all these years. At times of real crisis, it has been the mainstay of our defense. We wish to do nothing, Mr. President, in any way to interfere with that alliance.

With Japan, we not only have a strong military alliance with equal interest in the defense of Japan and the seas surrounding Japan, but we have a trade alliance and an economic marriage with our great friends in Japan so that even if we were angry at the Japanese, there is no way we could get a divorce from that relationship, even militarily or economically. No one would propose that. These burden-sharing initiatives, Mr. President are not at all submitted in a sense of anger or Japan-bashing or NATO-bashing. I think that cannot be repeated enough times.

They are submitted as the father of a family might submit a proposition to his son who has just graduated from college and gone into the work force. Or better than that, it is submitted by the father of a family who is going down in income in his later years and his son has just reached the millionaires' club and he wants the son to contribute a little more to the family budget. It is really in that sense that we submit this package.

Mr. President, our premise is that our defense is a mutual concern; that that burden should be shared. Our goal is not to weaken but to strengthen the alliance, but our goal is to share the burden. The defense of Japan is a mutual matter. It is not an American primary responsibility which the Japanese help with. It is a coresponsibility of the two and, therefore, the goal ought to be, the premise ought to be an equal sharing of the burden. That need not mean that we have the same number of troops. The burden might be shared in a whole host of different ways. The Japanese might, for example, because of their history and because of their constitution, want to use more of their yen in helping us with the cost of Third World development, rather than spending it all on the military. Those things will have to be negotiated. But the goal ought to be some equality in our relationship with the Japanese, as well as NATO, as well as our other allies because, after all, we have huge trade deficits with them.

Briefly, Mr. President, our original proposal was, first, to have the Secretaries of State and Defense review our relationships, review our defense postures in the world and determine what our strategic interests are; second, review our future troop requirements in light of those strategic interests; third, determine how we might more equitably share that burden.

Second, we required that the Department of Defense explicitly budget for overseas costs. That sounds very simple, very easy, and you ask why has it not been tried before? Why is it not being done now? The answer is, Mr. President, it has been tried before. There is in the statutes a mandate to set forth those costs, but the mandate is not clear and it has never, never been agreed to or, should I say, observed by the Department of Defense.

So you cannot tell from any of their budget presentations how much it cost to keep an individual troop or a company of troops or a division of troops in Europe or Japan or Korea, or how much it costs to keep dependents overseas. What we require is an explicit setting forth in the budget of all of those costs in such a way that all of the costs, the incremental costs and the total costs of overseas deployments can be set forth and readily understood.

Third, it requires the President to appoint a special representative, a negotiator, whose job it shall be to carry out a high level and extensive negotiation with respect to burden sharing.

Mr. President, it will require a high-level plan, but it cannot be, in my view, the Secretary of State or the Secretary of Defense. Their duties are too extensive to compete with this. It must be a man with a mandate from the President. So accordingly, we require the appointment of a special representative to negotiate.

Fourth, we require a freeze on new United States defense personnel and costs overseas. With respect to Japan and Korea, we have an end strength ceiling of 94,450 for active duty personnel. We adopted an end strength ceiling in NATO in 1984. We should have done so with Japan, and Korea but we did not.

We require an overseas work year ceiling for civilian employees. Unless the ceilings apply to civilian employees, as well as military people, and unless it is stated in terms of work year ceilings, it would not be effective. Accordingly, we require a continuation of that ceiling which has been in effect since 1986.

We require an end strength freeze on dependents overseas at 1987 end strength levels, at 413,000, with a goal of a 10-percent reduction by September 30, 1991. I will shortly state how this amendment changes that.

We require that overseas costs at current levels, except for pay raises, be absorbed either by the overseas military establishment or by the host nations. It pertains only to permanently stationed troops. We hope and expect that such changes, which would be largely due to currency fluctuation, would be absorbed by the host country.

Mr. President, upon examination and extensive conferring with the distinguished chairman of the Armed Services Committee, Senator NUNN with other members of his committee, with the distinguished ranking minority members, Senator STEVENS, of the Defense Appropriations Committee, Senator McCAIN from Arizona, and others, a number of changes have been suggested which we think are appropriate and, in fact, strengthen our burden-sharing initiative.

First, we change the date for the report on the high-level review to August 1, 1989, to give the new administration 6 months to conduct the review.

Senator NUNN especially pointed out that time limits for this review were too short, that to require the report be due by March 1 was unrealistic and so this amendment changes that date.

Second, the R&D procurement requirements for the DOD overseas budget requirement are deleted for the purpose of the caps, but we still require that the DOD budget for overseas operating costs be separately set forth. That is, operation and maintenance and military personnel appropriations.

Third, with respect to the end strength caps in Korea and Japan, we have modified this to reflect the possibility that we may no longer be able to keep our troops deployed in the Philippines. We are hopeful that we can. But to the extent that future negotiations may prevent us from having troops or functions in the Philippines, that to that extent those troops or functions may be redeployed to Japan or even to Korea as necessary.

For example, if our Air Force personnel were required to leave Clark Air Force Base, they could be redeployed in Japan if certified to by the President and only to the extent that the Philippine modifications would require that.

We adjusted the overseas budget cap for inflation, and that is effective October 1989. That is, the budget cap is effective starting October 1989. Again Senator NUNN pointed out that it is going to take a goodly number of months just to do the accounting to determine what the costs are and require some period of months to get ready for the cap, and so we adjusted that cap for inflation and made it effective October 1, 1989.

Senator NUNN will talk about the reporting requirement on mission specialization among the NATO allies, an initiative that he and the Armed Services Committee have been pursuing for some time and which by elaboration in this initiative will give the special emphasis and priority in our relationship with NATO.

Finally, we exempted the effect of the troop ceiling and cost ceiling during national emergencies, something that, of course, everyone wanted to do. We hope that it is an exception, an exception that will never have to be employed.

So, Mr. President, those are the changes in our burden-sharing initiative as proposed by this amendment. I again want to thank those Senators for working so cooperatively with us. Senator SASSER in our committee especially really began the initiative as part of his military construction budget. Others on our committee have worked very hard on it and, of course, those who really started the initiative were Senator STENNIS, the chairman of our full committee, and the chairman of this subcommittee, and Senator NUNN following in the footsteps of Scoop Jackson.

Mr. President, this is in many respects a very bold initiative. At the same time it is only the beginning of an initiative which we will strengthen our defense by strengthening our economy and at the same time make for a stronger alliance not only with our allies in NATO, in Japan, and South Korea but will be a more enduring and a fairer alliance with it.

Mr. STENNIS. Will the Senator yield to me quite briefly?

Mr. JOHNSTON. I yield to the distinguished chairman.

Mr. STENNIS. Mr. President, I am very much encouraged by and I strongly endorse the movement to take advantage of some overexpenditures made in good faith. It is a very attractive feature to have more and more members of the family overseas. But there just has to be some kind of limit, and it is very well that you take a financial review of the cost of these matters currently over a 2-year period, or something like that anyway.

I have been in this 25 years. We found out it strengthened the unit in question and saved money, too. I commend the Senators highly for going into it.

I thank the Senator and commend Senators again.

Mr. NUNN. Mr. President, I rise in support of the second-degree amendment sponsored by Senator JOHNSTON.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. NUNN. I will be glad to yield.

Mr. JOHNSTON. Just to make a correction. This is a first-degree amendment.

Mr. NUNN. First-degree amendment now. It was originally a second-degree amendment. It has now been made a first-degree amendment. The Byrd amendment has already been agreed to, as I understand.

Mr. President, I support some of the funding and policy changes the committee has recommended to encourage a more balanced sharing of the defense burden. However, I do believe some of these provisions restrict our military forces too tightly with little prospect of achieving a more equitable and effective allocation of the burden. Therefore, I have been working with the Senator from Louisiana to see if his amendment now in the bill could be modified so that we could begin to accomplish some of his purposes without placing our forces in a straitjacket, which none of us want.

I believe that this amendment that is now pending would make improvements in the original provision in the bill. I think all of us recognize that despite the shift in relative economic power to our allies, the cost of our common defense has remained disproportionately on American shoulders and ajdustments to that burden are long overdue. The question is, How do we go about doing it?

The analogy that I have used in the past to describe the necessary adjustments is a symphony orchestra. Rather than trying to stage an entire symphony orchestra, each country in NATO should play the instruments that it plays best. For the United States, that means giving priority to contributions that no ally can easily duplicate. These include a survivable nuclear deterrent, a Navy capable of controlling the seas, conventional forces that can respond flexibly to challenges around the world, and tactical air forces equipped with modern standoff, conventional weapons.

If the United States moves in this direction in its force posture and in particular emphasizes flexibility and being able to move our equipment in a timely fashion, this is going to still leave gaps in the alliance's forward defense posture, particularly relating to heavy forces. Our allies must fill these kinds of gaps or they have to be able to increasingly explain to their own citizens why their territory cannot be defended with conventional weapons without the early use of nuclear weapons.

I think if our allies in Europe wish to avoid explaining the unexplainable, they too must assume the responsibilities for which they are best suited. I believe that our European allies must take on the principal role of providing heavy armored forces in Europe, necessary ammunition and equipment to sustain their own forces for NATO's 30-day requirement, effective reserves and shelters and support facilities for U.S.-based aircraft which would be deployed to Europe in any confrontation.

The goal of these contributions is to make NATO's doctrine a flexible response, meaning conventional, theater, nuclear, and strategic to make that flexible response policy truly flexible by increasing and improving our conventional lead.

The host nations support the agreement that Senator Byrd has just addressed in his amendment as an ideal example of the division of labor and specialization that I have just described. Because it relies upon the system of conscription, West Germany has a large pool of manpower with previous military experience. Although some of these personnel have already organized as reservists, as far as they can organize as reservists, and many experts have long believed in West Germany because they could make a greater relative effort to organize, equip, and train more personnel with previous military service.

On the other hand, the United States cannot afford to station more support forces in Europe nor can it transport those support forces to Europe quickly enough to influence the early stages of the conflict. The natural solution of this problem is to take advantage of West Germany's pool of reserves. That is what the wartime host nations' support agreement does.

I think the appropriations bill originally failed to recognize that by requiring that this agreement in effect be set aside. I am delighted the Byrd amendment has passed. One of the major changes that the amendment now pending, sponsored by Senator Johnston, would make is to require a report on the status and prospect for further specialization within NATO. That was a provision that I asked the Senator to insert in the amendment which I have cosponsored with him now pending.

I think this report will help stimulate NATO to begin thinking in terms of specialization, not simply with the United States forces, but even more importantly with the allied forces. This is not something that is self-implementing. We are just calling for a report, but I think it is the beginning of a very important thought process that is long overdue. I hope this reporting requirement will stimulate both the United States and its NATO allies to get to work in developing a more equitable and effective division of labor.

We are not simply talking about burden-sharing. We are talking about something much more important than simply equity; that is, we are talking about making our forces more effective and making flexible response truly work.

The other significant changes that the Johnston amendment is making that the Senator already outlined briefly is it requires a new report on NATO specialization which I have just outlined. It changes the deadline from March 1, 1989, to August 1, 1989, for a report on U.S. long-term strategic interest overseas. It removes procurement, and research and development from the overseas cost data that must be submitted each year. I believe it is just almost impossible to arrive at precise numbers relating to procurement, research and development. Those are now removed.

It requires the new report on the cost of overseas dependents. It allows the President to waive the ceiling on Japan and South Korea, if we have to make changes due to changes in the United States bases in the Philippines. It delays implementation of the cap on overseas defense spending from fiscal year 1989 to fiscal year 1990.

As the Senator from Louisiana already said, it would be almost impossible since this bill is not likely to go into effect until early in the next fiscal year. It is going to take them quite a while to figure this report out. I do not believe it can be done as quickly as originally called for. It waives the cap on overseas spending and on the number of personnel in Japan and South Korea in time of war and national emergency.

So this is a good amendment. I share the concern of the Senator from Arizona. I know he is going to express that about this question of overseas dependents. I think the amendment is requiring a 1991 reduction of 10 percent. I question that provision, and I hope the conferees will take a very close look at that as to how it is going to affect our forces, and the morale of those forces. But I also agree with the Senator from Mississippi that someplace, sometime we have to draw the line. I do not know exactly where that line is. But I believe that if this amendment is agreed to even if it does not come out of conference as it is now drawn, it will begin perhaps the thought process in the Department of Defense as to where that line should be drawn on dependents.

I have heard all the arguments on dependents. I have been hearing them for 10 or 15 years. With the valuation of the dollar as we have seen it evolve over the last 2 or 3 years we are more acutely conscious of the cost of that.

So I urge my colleague from Louisiana and the other conferees to take a careful look at this dependents question if it does pass the way it is now proposed in conference.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. McCAIN. Mr. President, the Senator from Arizona seeks recognition.

Mr. STEVENS. I understand the Senator from Arizona sought recognition.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2837 TO AMENDMENT NO. 2836

(Purpose: To substitute language in lieu of the language proposed to be inserted by amendment No. 2836)

Mr. McCAIN. Thank you, Mr. President. I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. McCain), for himself, Mr. Evans, Mr. Quayle, Mr. Warner, Mr. Chafee, Mr. Lugar, Mr. Glenn, Mr. Thurmond, Mr. Gramm, and Mr. Wilson, proposes an amendment numbered 2837 to amendment numbered 2836.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter to be inserted, insert the following:

The Secretary of Defense and the Secretary of State shall jointly conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States. In carrying out such review the Secretary of Defense and the Secretary of State shall consider the specific actions that may be taken to achieve a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies.

(b) Not later than December 1, 1989, the Secretary of Defense and the Secretary of State shall submit to Congress a report containing the results of the review required by subsection (a) together with such comments and recommendations as the two Secretaries consider appropriate, including a discussion of the actions that may be taken to achieve a more balanced sharing of defense and foreign assistance burdens by the United States and its allies and the particular action favored by the two Secretaries for achieving a more balanced sharing of such burdens.

(c) The President is urged to appoint a special representative whose primary responsibility will be to conduct burdensharing negotiations directly with members of the North Atlantic Treaty Organization (other than the United States), Japan, and the Republic of Korea. The objective of such negotiations should be to secure (1) increased defense spending by member countries of NATO (other than the United States), Japan, and the Republic of Korea, (2) increased in-kind and financial support by such countries for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries, and (3) a more balanced sharing of foreign assistance costs.

(d) The Secretary of Defense shall submit to Congress, at the same time the budget is submitted under section 1105 of title 31, United States Code, for fiscal years after fiscal year 1989, a report setting forth the costs of stationing United States forces in European countries which are members of the North Atlantic Treaty Organization, in Japan, and in the Republic of Korea.

(e) As of September 30 of each fiscal year after fiscal year 1989, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation provided for in the preceding sentence shall not apply if the President determines and certifies to Congress—

(1) that a major realignment of United States forces stationed in the Republic of the Philippines or elsewhere in the Pacific region on the date of the enactment of this Act is necessary; or

(2) an increase in such number is required in the interests of the national security.".

Mr. McCAIN. Mr. President, I would like to describe this amendment. It deletes the cap on overseas dependents, a provision that will increase family separations, adversely affect morale as well as increase costs. It deletes the caps on overseas costs, but retains the reporting requirement contained in the Senate Appropriations Committee bill. It urges the President to appoint a special burdensharing representative, rather than mandates this. It retains the troop ceiling on United States forces in Japan and Korea, but provides for a waiver of this ceiling if the United States is not able to maintain its military forces in the Philippines. I believe this is a much more reasonable approach to the burdensharing issue.

Mr. President, I would like to add as cosponsors to that amendment Senators Evans, Quayle, Warner, Chafee, Lugar, Glenn, Thurmond, Gramm, and Wilson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I understand the frustration voiced by my colleagues about the lack of cooperation and assistance provided by our allies in the burden sharing. I believe, as they do, that our allies need to do a great deal more. But, I believe much more significant improvements can be made in this legislation, specifically those I am proposing in this amendment.

Mr. President, I will go into some detail in describing the reasons for this amendment. But, let me point out at the outset, one basic fact that shapes the All Volunteer Forces today. That fact is family separation and is the No. 1 issue affecting retention in the military today. I would like to repeat that, Mr. President. The No. 1 issue affecting the retention of members of the Armed Forces today is family separation.

Mr. President, this amendment not only places a cap on the numbers of dependents allowed overseas, it mandates a 10-percent reduction. This would dramatically exacerbate the problems that we have today in maintaining a viable All Volunteer Force.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. McCAIN. I am glad to yield to my friend and colleague on that point.

Mr. JOHNSTON. Is the Senator aware that the 10-percent cut language speaks in terms of "should"? The Secretary of Defense "should" prescribe and implement personnel policies set by September 30, 1991, resulting in the reduction of number of such dependents by 10 percent, et cetera. Is the Senator aware of that?

Mr. McCAIN. I am aware of the language, I say to my colleague, but I do not understand the point he is trying to make.

Mr. JOHNSTON. The Senator says it mandates a 10-percent cut. It says it does not mandate. It says the Secretary "should" implement such policies.

Mr. McCAIN. I stand corrected, and I appreciate my colleague's pointing that out to me.

I believe, however, that if I were the Secretary of Defense, I would certainly take this as clear legislative language that means that I should implement personnel and deployment policies that would result in a reduction.

Mr. President, I understand that the Senate report language recommended shorter overseas tours and increased unit rotations, such as 6-month temporary duty tour similar to those used by the Marine Corps in Okinawa. Such tours and unit rotations are unsuitable in other areas where the mission requirements are different. Ratios of Army and Air Force combat units in Conus similar units overseas cannot support these proposed rotations in areas now supported by accompanying tours. They would be significantly more costly, and sharply reduce our conventional defense capabilities.

The Air Force estimates that the reduction in dependents would mean a $201 to $205 million annual increase in cost, plus a one-time cost of $46.8 million. The Army cost estimates for Europe are at $245 million annual increase, plus a one-time cost of $857.5 million. These costs occur because shortening overseas tours would significantly increase the permanent change of station cost and training loads and adversely affect readiness.

With the exception of extensions and separations, overseas requirements generate 62 percent of all moves, and comprise 72 percent of the PCS budget. Mr. President, I believe the key to lowering these costs is for our people to stay overseas longer. In fact, in fiscal year 1986 the House Armed Services Committee directed increases in tour lengths to reduce costs. Further, in fiscal year 1986, this body accepted legislation that directed increases in tour lengths to reduce costs. Now we are suggesting to the armed services that they shorten tour lengths.

Mr. President, I know many Members of this body have visited our military bases overseas. It is a difficult life for our young men and women, particularly in these days of a devalued dollar which purchases less. They have to spend more and more of their time on the base because they cannot afford to go out and shop and live on the local economy. Yet, we are now advocating a policy which would reduce the availability of the comforts that we would like to provide our military men and women, and that is the company of their spouses and their families.

Mr. President, let me also address the impact of the cap on overseas cost. The enactment of this language would force unanticipated and unpredictable changes in overeas funding requirements. It would require that costs other than personnel, inflation, devaluation of the dollar, and increased program activity would have to come from limited overseas resources or be financed by our allies. Financing unanticipated increases in this manner would force reprogramming of overseas resources which could degrade mission accomplishment, training of forward deployed forces, and especially base services and facility maintenance. It would limit the Department of Defense ability to pursue national interests overseas and meet treaty obligations. It would result in restricted overseas military end strength, flexibility and make planning, transport, and support decisions difficult to make within the proper lead time.

It would also disrupt U.S. support of international agreements, including support for NATO.

Mr. President, I think that all of us in this body feel our allies have not expanded their military role in support of the common goals of the Western alliance and the free world in a way that matches the expansion of their economies. I think we all agree that it is imperative that they do more to share the burden of our common defense.

At the same time, I believe we also all agree that we need our allies, that they already bear an important part of the burden of our defense, and that the need to improve burden sharing is scarcely a reason for "ally bashing."

It is for this reason that I would like to rise to offer an amendment to the fiscal year 1989 Defense appropriations bill that I believe should command broad bipartisan support.

My second-degree amendment would substitute for section 8113—the burden-sharing provision which I find to be most destructive. The current version of section 8113 includes a long list of measures which will do far more to damage our alliances than reduce our defense expenditures. These measures include a cap on overseas costs, a cap on dependents allowed overseas, and a troop ceiling on U.S. forces stationed in Japan and Korea.

My amendment to section 8113 substitutes a cooperative constructive approach to the burden-sharing problem—one that builds on the progress already being made in this area. The amendment calls for the same report on long-term strategic interests overseas as the current section 8113. In addition, my amendment retains the requirement that the President appoint a special burden-sharing representative.

What my substitute eliminates from section 8113 is the cap on overseas dependents and the cap on overseas costs. As I have stated, I believe that both of these provisions would be detrimental to alliance relations and to Western security interests.

This means we must negotiate burdensharing, not mandate it in ways which are likely to do far more to alienate our allies than persuade them. It means we need to approach burdensharing in a way that will reinforce success, not failure. The experience of the Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, and Reagan administrations tells us that we should quietly express our concerns in serious negotiations, not in rousing speeches on the floor of the Congress or in provocative articles in the press.

THE PROBLEM WITH THE MANDATED PROVISIONS IN THE BILL

The issue also is not just section 8113. We need to recognize just how destructive most of the burdensharing provisions in the Senate Appropriations Committee report on the fiscal year 1989 Defense appropriations bill really are. As Deputy Secretary Taft's letter of July 14 to Senators NUNN and WARNER clearly indicates, they will not help resolve our defense burden.

This mix of provisions are a classic example of congressional micromanagement. They are sure to undermine the efforts the administration and the Congress have already undertaken to encourage our allies to assume a more equitable sharing of the roles, risks, and responsibilities in the common defense.

Some of the provisions in the bill go so far as to mandate actions by our allies, such as covering the costs associated with currency fluctuations. While there may be merits in negotiating such a commitment by our allies, I can think of no approach that is more heavy-handed or paternalistic than attempting to force such action by unilateral legislation—and no approach more unenforceable.

Further, this bill goes further. It requires our allies to cover all costs for U.S. forces stationed overseas which exceed our fiscal year 1988 expenditures. What makes us think that we have the authority to enact such laws for other nations? Any mandated action on our part is sure to provoke the contrary result to that which we seek. Further, it will leave us unfunded to meet many of our own needs.

The measure to limit foreign civilian employee pay raises to those granted to U.S. citizen runs counter to the Foreign Service Act and international agreements already entered into by the United States. This measure is sure to damage ongoing negotiations on basing agreements and efforts already underway to expand burden-sharing. Once again, it ignores the basic economic realities that shape the hiring and retention of foreign nationals.

The requirement for Japan to pay for repairs to the U.S.S. *Midway* might well require modification of the Status of Forces Agreement. Furthermore, Japan is significantly increasing its burdensharing contributions in other areas, such as labor cost sharing, which will save considerably more money than what would be gained by this provision. If we require the *Midway* to be repaired in the United States, we would disrupt carrier deployment schedules, add 20 percent to the cost, and further add to crew dislocation, which is a prime reason cited for leaving the service.

The requirement to continue the limit on overseas workyear ceilings limits the DOD's ability to manage the civilian work force based on mission requirements and funded work load. It would also impede DOD's ability to hire spouses and other dependents, and it disregards the requirement in some status of forces agreements to hire a certain number of local nationals. It is clearly both micromanagement and mismanagement.

The reduction of the $91 million necessary to support the FRG units assigned to provide host nation support to U.S. forces will senselessly undermine what has been a good example of allied defense cooperation. The FRG agreed to provide the manpower and their pay, while the United States agreed to procure equipment and ammunition for 176 German reserve units, and some 80,000 West German personnel which would be placed under U.S. operational control during wartime. Out German allies have already made a major burden sharing investment in this area, and this reduction would delay our ability to benefit from this reduction by up to 4 years.

The requirement to delay the modernization of the Lance until cost arrangements with our allies can be reached totally disregards the fact that the need to modernize is an immediate need in light of the recently concluded INF Treaty and that the SACEUR has declared that modernizing the Lance is his No. 1 defense priority.

The provision to terminate funding of the Enhanced Fighter Maneuverability Program because the United

States bears 67 percent of the cost disregards two critical facts: One, that the percentage cited does not take into account prior German investment expenses and, two, that the program includes a significant transfer of technology from Germany to the United States in a critical technology area.

THE PROBLEMS IN THE TREATMENT OF PURELY U.S. MEASURES

The provisions I've just cited affect our dealings with our allies in areas where agreements are possible by negotiation rather than by American fiat. Yet there are other provisions concerning burdensharing, which are purely American decisions, but are presented in section 8113 in ways which are still questionable or destructive.

The provision to appoint a special representative who will have the responsibility for negotiating burdensharing agreements with our allies is not needed. The Secretary of Defense has already established a high level burdensharing task force under the chairmanship of Deputy Secretary William H. Taft IV. The task force is currently examining the full range of burdensharing issues and developing recommendations. This is no time to create another group to do what is already being done.

The provision to establish ceilings on the number of dependents overseas neglects the fact that this would require more frequent unaccompanied tours, which would increase family separations, one of the principal causes of dissatisfaction with military life. Since unaccompanied tours are shorter than accompanied tours, this would also increase moving costs and training loads, thereby affecting readiness.

The reduction of the Defense budget by $109 million to reflect increased Japanese burdensharing payments ignores the fact that Japan is providing $120 million in additional labor costs during their fiscal year, only half of which overlaps our fiscal year. It assumes twice the saving we will really achieve in fiscal year 1989.

The permanent ceiling on the number of United States personnel in Japan and Korea makes it impossible to respond to changes in the threat or in basing facilities in the Philippines. It establishes a new layer of micromanagement without saving a dollar.

BLOCKING THE VERY REAL PROGRESS ALREADY BEING MADE

These exercises in "ally bashing" will interfere with the ongoing efforts of the Reagan administration to comply with past congressional requirements to seek more equitable burdensharing, just as the prospects of success appear to be on the rise. Further, they will tie the hands of the next President in ways which will seriously undermine his ability to deal with our allies.

We should recognize that we have made substantial progress in many areas, and that more progress is to come. There are a number of examples that reveal the increased sensitivity of our allies to American concerns about the imbalance of commitment to the common defense. A prime example recently occurred in NATO. The NATO alliance agreed to fund the cost of relocating the 401st Tactical Fighter Wing from Spain to Italy.

Another example was the creation by the Defense Planning Committee [DPC] of a special NATO working group on burdensharing in May of this year. The working group is to present specific recommendations to the DPC in December. In addition, at the June meeting of the North Atlantic Council, Lord Carrington scheduled a special session on burdensharing chaired by Secretary Shultz.

A third example was the recent decision by the Republic of Korea to provide $120 million over the next 3 years to help defray the costs of stationing United States forces there, as well as to provide additional moneys to help maintain United States aircraft on the Korean peninsula.

Japan is not doing enough, but it is doing more. It is increasing its defense effort and its support for United States forces stationed in Japan. Japan is also seeking to buy United States Aegis technology to aid in meeting its military obligations in the region. Yet, just as the Japanese are beginning to increase their role, this bill threatens to scuttle the deal by requiring the Japanese to purchase United States built ships to get the Aegis system.

These examples demonstrate that the administration's efforts are beginning to bear fruit. They also demonstrate that this is not the time to derail these substantive efforts for short-term domestic political gain.

In summary, we need to remember that the United States is not in Europe and East Asia for philanthropic reasons. We are there and participate in defensive alliances, because we have felt—and still feel—that our global role is critical to the long-term defense of the United States. The fact that the Europeans or the Japanese or the Koreans also gain security in no way changes the benefits we receive from our role as a world power.

We cannot solve our defense spending problems with burdensharing legislation that will snatch defeat from the jaws of victory. The provisions in this bill attack the consensus that is vital to our alliances. They propose the wrong measures in the wrong place at the wrong time. They tie the hands of our military planners, undercut useful burdensharing activities, and create problems for our servicemen and their dependents. In short, they ultimately do far more to increase our burdens rather than reduce them.

This is why I feel it is essential that we amend this bill to remove those provisions. In combination with the legislation that Senator Bradley and Senator Evans have passed regarding the contraints on Aegis and Senator Nunn has passed on host Nation support, the amendment I am proposing to section 8113 will reinforce the positive aspects of our efforts to increase burdensharing while removing the negative ones. They will help us strengthen our capabilities, and reduce our expenditures, and they will allow us to maintain the efficiency and morale of our forces.

Mr. President, I ask unanimous consent to have printed in the Record a table showing a comparison of section 8113 of SAC Defense bill and substitute amendment.

There being no objection, the table was ordered to be printed in the Record, as follows:

COMPARISON OF SECTION 8113 OF SAC DEFENSE BILL AND SUBSTITUTE AMENDMENT

Section 8113	Substitute
1. Report Requirement: Requires a report on U.S. long-term strategic interests overseas and specific actions to increase burdensharing.	1. Same report requirement.
2. Special Representative: Requires the President to appoint a special burden-sharing representative	2. Same requirement.
3. Overseas Budgeting: Requires future DOD budgets to be submitted with each appropriation account separated into domestic and overseas components.	3. Requires the Pentagon to report on the cost of overseas operations.
4. Cap on Dependents: Imposes a permanent ceiling on the number of overseas dependents at the fiscal year 1987 level and requires a 10-percent reduction in that number by 1991.	4. No similar provision.
5. Troop Ceiling in Japan and Korea: Imposes a permanent ceiling at the fiscal year 1987 level on the number of United States military personnel stationed in Japan and South Korea.	5. Retains the troop ceiling. Provides for a waiver of this limitation if the United States is not able to maintain its military forces in the Philippines.
6. Cap on Overseas Costs: Requires that all costs above the fiscal year 1988 level of expenditures for military and civilian DOD personnel permanently stationed overseas, and operations and maintenance and facility costs for units and forces ashore overseas (including foreign currently fluctuation costs) be financed either by Alied contributions or be absorbed within funds budgeted and appropriated for overseas activities.	6. No similar provision.

Mr. McCAIN. Mr. President, the hour is late. I know that other of my colleagues want to speak on this issue. But let me close by reminding my colleagues of one critical fact, and that is that burdensharing works two ways. Our allies bear a critical part of our strategic burdens. We should never forget that we are as dependent on our allies as they are dependent on us. We are only a superpower because we lead a system of alliances. We can only play a global role at anything like our present level of defense spending and military manpower because we have the global support.

We often justifiably criticize our European allies because they devote less of their economies to defense than the United States. It is important to remember, however, that it is military forces that contribute to the defense of the West and not economic statistics.

Our European allies now provide 90 percent of the ground forces in Europe, 75 percent of the air power, and 50 percent of the naval assets. Even if one considers all of the forces available in NATO, which include many United States forces with other contingency missions and which could not deploy in NATO in less than 30 days, our European allies still provide 53 percent of the alliance's tanks, 46 percent of its artillery, 54 percent of its combat aircraft, 83 percent of its combat ships, 58 percent of all active duty personnel, and 80 percent of all reserve personnel.

Let me also say, Mr. President, that it is not in the United States' interest to see Japan remilitarize. It is not in our interest to see them increase significantly in their military inventory.

Right now the Japanese have a force of some 246,000 regulars, 1,800 main battle tanks, 15 submarines, 36 destroyers and 18 frigates. It has some 84 naval combat aircraft and 389 aircraft in its air force. This is a large force by the standard of our NATO allies. It is so large in fact that it indicates that we would be far better off pressing Japan to increase its economic aid than seeking major increases in defense support or expenditures.

Mr. President, our present system of alliance is not perfect. We want our allies to do more. I believe that we can achieve this through consultation. I would also remind you that our system of alliances is the most successful in history. Despite the number of nations we depend upon, and their varying constituencies and national concerns, we have maintained a degree of cohesion over a period of time unknown in previous attempts at mutual defense.

We also can never afford to forget that we lead a coalition of sovereign democracies. As is true in any alliance composed of free nations, each member assesses the cost and benefits inherent in membership, determines whether to participate, and then must attempt to win the support of its citizenry for that decision. Each of our allies is a sovereign nation with varying demands on its resources. Most have parliamentary forms of government. Some have coalition governments. If we are to succeed in burdensharing, we must recognize and respect these differences.

I would suggest we need negotiations on a broad variety of fronts to achieve success with our allies.

I would also suggest that if we continue to support a policy toward burdensharing which separates our men and women who serve in the military from their dependents in the day of the All Volunteer Forces, we will and with a much larger challenge ahead of us and a much more expensive effort in trying to maintain an All Volunteer Force, men, and women simply will not submit to arduous and long deployments in peacetime when they can clearly see they are unnecessary.

Mr. President, I know that my other colleagues would like to speak on this issue. I urge the adoption of this amendment, and I yield the floor.

The PRESIDING OFFICER [Mr. ROCKEFELLER]. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this amendment does a great deal more than just deal with dependents. It guts the burdensharing provisions in this bill.

For example, Mr. President, with respect to our end strength caps which really are very much at the heart of the burdensharing, it provides that all the President has to do is submit a certificate saying that a realignment anywhere in the Pacific, including the Philippines, takes that cap off. We are constantly having what some would regard as realignments in the Pacific. So that would take the end strength cap off. All the President has to do is sign a letter and it is done.

We know what Presidents can do with respect to those certificates.

Second, it takes away the requirement of budgeting, separately budgeting with respect to foreign deployment of dependents.

What does it cost to keep a dependent overseas? Nobody knows, Mr. President. It is not anywhere in the budget. We have been asking for it; we have been pleading for it year after year. The information never comes.

Why won't DOD provide it? I do not know. But I suspect if those costs were fully documented and fully set forth, I think the American public would be amazed at what it costs to keep 413,000 civilians overseas.

Mr. President, let us talk about dependents. We have 413,000 overseas; 310,000 are in NATO.

Mr. President, I was here in this Senate in 1974 when the distinguished Senator from Georgia [Mr. NUNN] teamed with Scoop Jackson—the late, great Scoop Jackson—and they pointed out the same kind of trends we are pointing out. They said that NATO is not doing its share. We have the balance of payments. We have a much smaller percent of the GNP. They pointed out that at that time NATO was putting up only 5.4 percent of its GNP and that that ought to be increased. And they said if they do not change, then the United States is going to begin to withdraw bit by bit and piece by piece at some future date from NATO.

Well, what happened, Mr. President? Well, instead of increasing with NATO its percentage share of GNP, they went from 5.4 percent to 5.1 percent, while the United States is at 6.8 percent. And what happened to the troops when they went down in that funding relative to a percent of GNP? Did the United States rise up and take its troops out? No, Mr. President, we did not. As a matter of fact, we increased our troops.

Since the passage of the Nunn-Jackson amendment, we have increased troops overseas from 274,000 to 324,000, almost a 50,000 increase. Civilians have increased by 48 percent. U.S. civilian employees increased by 41,000 since the Nunn-Jackson amendment.

But, most alarming of all, Mr. President, dependents have increased by 80,122. So while NATO is going down as a percent of GNP in their expenditures, we are increasing the number of dependents overseas in NATO by 80,122 or a 34.8-percent increase.

Now, Mr. President, anyone who is satisfied with that kind of trend—80,000 increase in dependents—while all the while we are putting up a higher percent of GNP, while we are putting up a higher per capita expenditure, at costs spiraling up and up, if you are satisfied with that trend, vote for this amendment.

The reason we put in this amendment, is really more than just cost. The costs are, I must say and must admit, the guiding force in this amendment. But it also is a very important initiative as far as the safety of these 310,000 dependents. How in the world are we going to get 310,000 dependents out of NATO if the balloon goes up?

Mr. President, Soviet troops do not have dependents accompanying them. And, by the way, the Marine Corps do not have dependents accompanying them, and it seems to me that retention is just fine in the Marine Corps. It seems to me that morale is pretty good in the Marine Corps.

All I can say to the argument of the Navy and the Air Force—they say, "Oh, it is going to cost more to bring the dependents home and have shorter tours of duty." Mr. President, that argument is silly on its face, it seems to me.

But if it is not, I wonder just how much the Marine Corps is costing this country by not accompanying their brave Marines with dependents when they go overseas? Just how much is that costing? Why, of course, it is not costing anything. It is saving a great deal.

So it is safety and it is mission. Our mission in NATO in Europe is a defensive mission. It is a military mission. It is not to run schools and libraries and PX's and social events. And all of these things are important for morale and all of that and retention. But, Mr. President, we are not having any trouble with retention, thank goodness. I am glad that things are so good in retention.

Just recently, a friend of mine who is in this administration had an outstanding son who graduated from the University of the South at Sewanee, with a good strong C-plus average. I have known the young lad all his life. The kind of young stock—you look at that kid, fine looking, smart, brave, true. And a good kid. And I tried to get him in Officers Candidate School and, Mr. President, he was not good enough. I mean, his grades were not good enough. It is like trying to get in one of these fine colleges, you have got to have such a high grade point average. And you would think that Sewanee, which is one of the finest universities I know of, you would think that would qualify him, with a good C-plus average; strong, healthy, good background.

His father, Mr. President, is one of the top men in the National Security Council, but he could not get him in.

Now, I am glad we are having that kind of retention problem; that is, a reverse retention problem. But, Mr. President, we do not have to keep increasing by 80,000 dependents every decade or two in order to keep those troops overseas. If we do, if that is what it takes, Mr. President, I say let us—you know we are wasting too much money on 310,000 dependents.

Mr. President, it was referred to as a mandate to cut 10 percent in 3 years. It is not a mandate. It is not a requirement. The language, as I say, is the Secretary of Defense should prescribe and implement personnel and deployment policies that cut 10 percent by 1991; that he should.

Mr. STEVENS. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. STEVENS. Mr. President, I would ask my good friend from Louisiana, in view of the fact that we have changed the amendment for the Secretary of Defense and Secretary of State to submit us a report by August 1, 1989, could we not, as the sponsors of the basic amendment, agree to delete the material between the sentence beginning at the end of line 15 on page 4 of the basic amendment through line 21 and see if we could get some agreement with the Senator from Arizona and move on with the basic agreement we thought we had here?

When the Secretary of Defense and Secretary of State submit their findings as a result of their review, and determinations and recommendations to the Senate and the Congress as a whole, certainly that subject should be covered as to what the policy should be with regard to dependents by 1991. It is not something we have to settle here tonight, what happens by 1991, and it goes beyond our bill, which funds fiscal year 1989.

Mr. JOHNSTON. I thank my friend from Alaska for his suggestion. In the spirit of compromise, if that will produce an agreement, we certainly want that. As a matter of fact, we thought we had the distinguished Senator from Arizona on the package. If that is what it takes to get him—he is a strong military man, he knows about these matters, and we would like him to be a part of the package. If he will sign on, we will take it.

Mr. McCAIN. Mr. President, I appreciate the kind words of my friend from Louisiana. I would like to suggest the absence of a quorum in order that we might discuss this a little further.

Mr. STEVENS. Mr. President, I urge that my friend from Arizona discuss that with the principal sponsor. I would like to make a few remarks about the underlying amendment, rather than the McCain amendment, while that is going on so as not to delay this consultation.

Let me go to another point. I am not going to offer the amendment I had in mind. I want to point out to the Senate that next year I will raise this subject, and that is the disposition of the military personnel, the civilian employees, and the dependents that are part of the INF units that will be now removed from Europe, the Pershing II sites.

We have, at the Pershing I sites, 5,500 Army personnel and 8,500 dependents; and including the GLCM sites a total of 15,000 military personnel, civilian employees and 18,000 dependents.

In my judgment we have gone through a period of time of modernization of our Forces overseas and it would be, as I pointed out on the floor once before, like a medieval prince having a group of bowmen to defend a part of his realm and finding that it was possible to get gunpowder and rifles, and forgetting to remove the bowmen. We have the bowmen still in Europe, the ones that were there with the prop-driven airplanes are still there. But they have been given other jobs as the new units move in.

These INF sites will be closed down. The people that are there went in on a waiver of the ceiling the Senate has established, commencing in 1982.

As those sites are removed and we comply with INF, it is this Senator's intention to offer an amendment next year that the personnel that were sent over there in excess of the ceilings that were established at the time be brought home along with their dependents.

I do not want that to be looked at as a Mansfield-type amendment to withdraw troops from Europe. They are troops that went over there on a specific mission for a specific purpose. They have achieved their purpose; deploying those missiles accomplished the purpose of bringing us to the table with the Soviet Union. We have entered into the agreement and ratified the treaty.

It is time, I believe to do this. I hope the Department of Defense does it unilaterally so we do not have to force the issue on the floor of the Senate or the floor of the House, but in my judgment those people went over there on a waiver to man specific functions and when those functions have been removed from Europe, so should the personnel.

I was going to offer that as an amendment to this amendment tonight. I think it raises another issue here that ought not to be here. We are not trying to remove troops from Europe. We are trying to set some limits on the deployments, not only of the military people, but also the civilian employees, and the dependents, that are within the Nation's pocketbook.

The difficulty with our deployment now, and I agree with what the Senator from Arizona said, is if we send a military person overseas, that person, male or female, has a right to have their family with them. That is our system.

But the number of dependents that are going overseas are increasing so rapidly that something has to change. Either we have to change the personnel deployment policy or we have to change the dependent policy or we have to modify both. Clearly, we do not have the money to continue increasing or escalating the presence of Americans overseas.

I calculated recently, Mr. President, that the U.S. taxpayer is the largest employer in Western Europe. The largest employer in Western Europe. The taxpayers of the United States support more than 1.1 million people over there every day.

That is something for us. We have only 2.2 million people in the whole military force worldwide, but 1.1 million of these are in Europe. They are not all military. They are, as we know, civilians, civilian dependents, military,

military dependents and in-country people that we pay, that we support every day.

Those policies that have led to that escalation from the days of former Senator Mansfield to the days of these staggering numbers, have to be modified, and that is what this amendment does.

It sets in motion a review by the Department itself and asks for a review by the next administration by August of the cost of this deployment, the policies that have led to this escalation, and what policies should we pursue in the future?

As far as I am concerned, whoever is the Secretary of Defense can come to only one conclusion, and that is the conclusion that we have come to, that there is a limit to the pocketbook of the taxpayers of the United States, as far as our involvement overseas.

One of the limits that has bothered me, and I have spoken about that several times on this floor this year, is the increased cost that has come to us this year. It affects this bill. Over $1.5 billion in this bill we are considering right now is increased cost to maintain our military people and their dependents overseas, a cost that has increased since the budget was computed last year. That is solely attributable to the fluctuations in currency worldwide. The increased costs did not give us one additional person overseas, either military or dependent, did not give us one more rifle or one more bullet. It merely paid the bill for the people who were there last year and cost $1.5 billion more.

My first wife used to say that if you spend money before you get it, you end up by eating your lunch a day ahead of time. We are eating tomorrow's lunch now, as far as the military budget is concerned. I do not think we can go another year without setting these policies in effect. So I hope the conference that is going will yield us an agreement now, on this basic amendment.

If not, then I say it is time to get to a vote, because, Mr. President, I count 30 amendments that are before me as manager on this side for this bill. If we are going to finish this bill before we go home, either Friday night or Saturday morning—and I say that advisedly—then we had better get about settling some of these disputes.

This should not be a dispute because it does not really affect anything in terms of past policy, and this, I would hope the people who are in this conference would listen for a minute—sets as a level for 1989 the level that is in existence at the beginning of 1989. It just says: Do not increase any more while this study is going on and we are waiting for this report that is coming in August. Do not change the policies and exacerbate the problem in the interim.

If you examine it, we are not increasing a thing. We are not decreasing a thing. We are just saying this is the level that you cannot exceed until we review the report that comes from these two Secretaries. I think it is common sense.

Why in the world ask these two new Secretaries—and I assume they will be new Secretaries no matter who is elected President—to make a review and submit recommendations but in the meanwhile say, "Go ahead and change the policies in the interim." This is not a destabilizing amendment. It sets as a plateau those statistics that exist at the end of this fiscal year and says carry them forward until you give us your recommendation.

Mr. President, I can think of no reason to stand and argue through the night about it. I hope it is adopted, and I hope we have come to some conclusion on the matter as far as this deletion of that one item.

I might say there have been inquiries, while they are still talking, inquiries have been made of me and I assume they have been made by the manager of the bill. Of course it is his basic determination how long we go, but we have a series of amendments that are contested, Mr. President. I do not think anyone sitting in his office or her office should believe that we are going to have only a number of amendments here that will be accepted or adopted without rollcall votes, because this Senator intends to oppose several of the amendments that have been brought to my desk tonight.

Some of these amendments are not acceptable to me. I assume they will not be acceptable to my friend from Louisiana. And we would like to get on with this bill.

I would like to inquire, do we have an understanding about that one amendment?

Mr. JOHNSTON. Which one amendment?

Mr. STEVENS. The deletion from the basic amendment——

Mr. JOHNSTON. I think the distinguished Senator from Arizona wishes to press forward and does not want to compromise the amendment.

Mr STEVENS. Well, Mr. President, then I would say to the Senator from Arizona, respectfully, I intend to make a motion to take his amendment in the very near future because I think we have got to get on with this bill. I again respectfully call his attention to the fact we are not reducing anything in the amendment, the basic amendment. We are saying they cannot exceed in the first 9 months of 1989 the levels that exist in the beginning of 1989.

To me, that is common sense. If the Senate is going to join with us and ask for a study of the basic policies, at the very least it ought to agree with us not to change the numbers in the interim.

THE PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to support the amendment of the Senator from Arizona. I am an original cosponsor of that amendment. Although I fully agree with all aspects of the amendment, as Chairman of the Subcommittee on Manpower and Personnel of the Armed Services Committee, I am particularly concerned about the cap on overseas dependents in section 8113 of the bill as now written.

No one wants to cut expenses any more than I do, but I do not want to do it at the expense of the morale of our people in the services, nor do I want to violate the contracts under which they signed up and thought that if they were going to be sent overseas they would be able to take dependents with them.

I have had a little experience in this area, having spent 23 years in the Marine Corps and having been overseas on a number of occasions and never had an accompanied tour, as it is called. I know what it is like to be separated from my dependents.

I know what it is like to be on Guam for almost 2½ years and have my daughter born back in Ohio and not see her until she was 14 months old. I do not wish to tell my old hardship cases here. I just indicate that I have a little personal experience, and I know how people feel.

I know when you sign people up under one condition and then jerk the rug out in mid hitch, and then reverse policy and say you cannot take your dependents with you. That is great for morale. I can tell you that.

I say that at the same time, I want to save money as much as possible, I want to see burden-sharing. I think the distinguished Senator from Arizona has made a very good point on the situation with regard to dependents, with overseas costs, and providing an outlet, if you will, in case something happens in the Philippines. That to me is just plain common sense.

Where are you going to put people if something happens in the Philippines and we have to take them out of Subic Bay and Clark Field and put them elsewhere in the Orient. We are not going to put them in Japan or in Korea. We are going to have restrictions on where they can go. Or are we going to exercise the only other option we have at that point? We are going to pull them down out of that area and say our forces in the Pacific will be reduced. I think that will be a mistake for us here on the floor of the Senate tonight to say that is what we want, that our posture will change by a certain amount.

This bill now prohibits appropriated funds support for dependents overseas at any level above the number residing overseas at the end of fiscal 1987, and also requires DOD to implement personnel and deployment policies so that the number of dependents overseas is reduced by 10 percent by the end of fiscal 1991. The amendment by the distinguished Senator from Arizona would delete that provision. The cost-saving motivation of the Appropriations Committee is very laudable, but I say this is a guaranteed way to discourage people from joining the military services and, even more important, to discourage those already in from reenlisting.

Over the last 15 years, this Nation has spent an extraordinary amount of effort and money in creating an All Volunteer Force for our military. It has been working pretty well. I must admit I started out as somewhat of a critic of this All Volunteer Force. I was not sure it would work, but we gave more pay, we gave some benefits, and a little better retirement. We said they could take dependents overseas. We gave them some of the services. They gave a choice of the specialty area that the people might wish to serve in and guaranteed they would get that specialty.

All those things combined have served to create an All Volunteer Force in our military. It is working well. There are a number of factors that act to detract from both the numbers and the quality of the force. The single most contentious and, arguably, most important factor detracting from retaining military personnel is the already substantial requirement for family separation.

It is a very serious problem now in retaining highly trained people, and the bill requirements are certain to make it worse.

I am sure the distinguished Senator from Arizona, having served aboard ship and having had a lot of experience in the Navy, knows that that is one of the most difficult things in Navy retention of both officers and enlisted personnel—the fact that you go to sea 6 months at a time. Too often you are away from family. You get reintroduced to your wife and kids when you come back.

I can tell my colleagues, I have been on that rotation, so I know what I am talking about. It is not very pleasant. Now we are going to cut back and make a military career less certain, and more difficult.

Is that really what we want to do? I think we need to keep in mind that we are in a period also of declining demographics. What does this mean? It means those coming into the eligibility period are not going to be as numerous in the future as they have been in the past. We are going to have to recruit a higher percentage of the eligible males and females in this country to meet our defense needs.

Now we are about to take this action, and the argument was being made a moment ago that we only have 413,000 people overseas and we are 10,000 under that number, which means just a few over 400,000. We have not exceeded that for a long time. My view is that that is fine, then we will not have to make any reductions. But let us say just in case something happens, we have to increase our strength overseas. Does that mean then that those people who signed up thinking that they could get their dependents to accompany them if they were sent overseas are now prevented from doing what we do here in the middle of the night on the Senate floor?

I just disagree with that way of taking care of our military people. I am duty bound as chairman of the Manpower and Personnel Subcommittee on Armed Services to represent our military personnel, both at home and abroad, in trying to make sure that we live up to our commitments to those people. If we do not pass this amendment, in my view, we are letting down the very people we are trying to keep in the service.

So we do have declining demographics in the pool of people who are eligible and qualified to join the military. In my view, this provision in the bill would make it even tougher to acquire and retain qualified personnel. I urge adoption of the amendment by the distinguished Senator from Arizona.

Mr. President, the appropriated funds support for dependents overseas would require—as I understand, that the Secretary of Defense should move in that direction to implement personnel and deployment policies so that the number of dependents overseas is reduced by 10 percent by the end of 1991.

Mr. WARNER. Mr. President, will the Senator yield for one observation? There is a conciliatory effort being made to try to bridge the gap on this amendment, and at the appropriate time I wonder if the Senator from Ohio might join in these consultations and in the hopes that this can be bridged?

Mr. GLENN. I would indeed. I have a few more remarks I wish to make.

Mr. WARNER. Mr. President, I thank the Senator from Ohio.

Mr. GLENN. Mr. President, also of particular concern is section 8113's provision requiring future DOD budgets to be submitted with each appropriation account separated into domestic and overseas components. At the present time, I am told DOD is unable to implement the Senate Appropriations Committee proposal because it does not formulate its budgetary requirements on the basis of geographic area. Operating costs are predicated on the cost of performing specific missions or objectives. And if we force them to do this, we are requiring them to do something that is exceedingly difficult to do.

There is another factor as well. The Senate Appropriations Committee expects DOD to increase staffing and the ADP resources necessary to develop this capability while both the House Appropriations Committee and the Senate Appropriations Committee reduced the fiscal 1989 operations and maintenance funding for ADP systems. We are asking them to put in a system they never had before and reduce the funds for the personnel to do it. That does not make much sense to me either, and that is the reason why I support the Senator from Arizona in this matter as well.

The final issue of greatest concern is the provision requiring that all costs above the fiscal 1988 level of expenditures for military and civilian DOD personnel permanently stationed overseas, and operation and maintenance and facility costs for units and forces overseas be financed either by allied contributions or be absorbed within funds budgeted and appropriated for overseas activities. Enactment of this language would force unanticipated, unpredictable changes in overseas funding requirements, including inflation, devaluation of the dollar, or increased program activity to come from limited overseas resources or be financed by our allies.

Furthermore, financing unanticipated increases in this manner would force reprogramming of overseas resources which could degrade mission accomplishment, training of forward deployed forces, and essential base services and maintenance. It could disrupt U.S. support of international agreements, including NATO and certainly has the potential for antagonizing our allies, and signals a decreased international commitment.

For all these reasons, I support the amendment of the Senator from Arizona.

But my biggest concern is that we not break faith with the enlisted people in the services who signed up under one condition and believed their Government would honor it, and now we are going to pass legislation that says if certain conditions occur, we are not going to honor that commitment because we do not want to spend the money to send the dependents overseas.

I think to jerk the rug out from under our men and women in uniform is just flat wrong.

So for all these reasons, I urge support of the amendment by the Senator from Arizona and I yield the floor.

Mr. NUNN. Mr. President, the Senator from Virginia suggested just a few minutes ago that perhaps this amendment and the second-degree amendment could temporarily be laid aside while there is discussion. I think there is discussion on going. I wonder if we could follow that suggestion and temporarily lay aside the Johnston amendment and the McCain amendment for about 10 minutes. I believe we could handle the authorization amendment that the Senator from Virginia and I are sponsoring and perhaps we could work out this other matter off the floor.

Mr. JOHNSTON. Mr. President, I appreciate the suggestion of the distinguished Senators from Georgia and Virginia. I hope in the 10 minutes or so that we deal with the Nunn amendment, we can do so. We are most anxious to work this out because we have a lot do, not only a lot to do tonight on this bill and perhaps even tomorrow, but we have a huge conference and so we hope we can work it out. If not, then we will have to move to table. But for the time being, Mr. President, I ask that the pending Johnston amendment, along with the second-degree amendment, be temporarily laid aside.

The PRESIDING OFFICER (Mr. Daschle). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank the distinguished manager, the Senator from Louisiana, and the Senator from Alaska and we will now proceed to the amendment offered jointly by the Senator from Georgia and the Senator from Virginia.

AMENDMENT NO. 2838

(Purpose: To incorporate by reference the provisions of S. 2355 as passed by the Senate on May 27, 1988)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of myself, Senators Warner, and Mr. Johnston, and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. Nunn), for himself, Mr. Warner, and Johnston, proposes an amendment numbered 2838.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, after line 22, insert the following new title:

TITLE IX—NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1989

Sec. 9001. (a) Except as provided in subsection (b), the provisions of S. 2355 of the One Hundredth Congress, as passed by the Senate on May 27, 1988, are incorporated in this Act by reference.

(b) The following sections of S. 2355 of the One Hundredth Congress, as passed by the Senate on May 27, 1988, shall be deemed to have been stricken from S. 2355 before being passed by the Senate:

(1) Section 615, relating to a special annuity for certain surviving spouses.

(2) Sections 2106, 2305, and 2409, relating to extensions of certain prior year authorizations.

Mr. NUNN. Mr. President, last week President Reagan vetoed the fiscal year 1989 Defense authorization bill. I strongly disagreed with that decision and the reason behind it and I said so. I provided my views on that veto in detail. That was last week.

Tonight, we begin the process of putting Humpty-Dumpty back together again. I intend to do everything I can to achieve enactment of a fiscal year 1989 Defense authorization bill before adjournment in October.

This may be mission impossible, but at least I am going to make an effort. The amendment I am offering tonight with Senator Warner and Senator Johnston, if adopted, will be the beginning of restarting that difficult process.

This amendment takes the version of the fiscal year 1989 Defense authorization bill passed by the Senate and incorporates it by reference on the appropriations bill that is now pending. Everyone up to and including President Reagan hailed this Senate-passed bill as a good bill. So if this amendment is adopted, we will send this good Senate-passed bill back to conference with the House again and see what we can come up with the second time around.

This amendment incorporates the fiscal year 1989 Defense authorization bill that was reported out by the Armed Services Committee as well as all of the amendments that were adopted during the Senate floor debate on that measure. All of the legislative history that applied to the Senate-passed version of this bill will apply if this amendment is adopted. With two minor exceptions, all Senators who had an amendment or provision in the Senate-passed bill have been protected in this amendment.

These two exceptions, Mr. President, involve provisions of the Senate-passed bill that we have to delete in this amendment for technical budgetary reasons. The Budget Committee has indicated that section 615 of the Senate-passed bill, which would have provided an annuity for certain unremarried surviving spouses of former military members, constitutes direct spending authority and therefore would have the effect of increasing the fiscal year 1988 outlays in this appropriations bill by $2 million.

The second exception involves the extension of certain expiring prior year military construction authorizations totaling $118 million. For technical reasons, these provisions could also be construed as direct spending authority, so they are not included in this amendment.

Since this appropriations bill is at the allowable outlay ceiling, these provisions of the Senate-passed bill could cause the amendment to break the budget targets for this appropriations bill. This is why we have not included these sections of the original Senate-passed bill in this amendment. It would be my hope that the conferees on this bill will do what they can to include these provisions in the conference report since they were in the original Senate-passed bill and in the conference agreement which the President vetoed. It may even be that later on in this debate we can get unanimous consent to delete these exceptions since they involve a relatively small amount of money.

Otherwise, Mr. President, this amendment has the effect of sending the Senate-passed fiscal year 1989 Defense authorization bill back to conference with the House.

It is my hope that we can also pass this amendment in the form of a separate bill, perhaps even later on this evening. I think that the Senator from Virginia has agreed with that. I believe that the leadership agrees with that. And I hope that we can do that as a separate bill.

So then we would have the authorization bill by reference in conference with the Appropriations Committee. When they go to conference, we would also, if we pass a separate authorization bill, have a conference with the House Armed Services Committee, assuming they are willing to conference and they pass a similar bill.

I do not underestimate the problems ahead. We need to have the executive branch sort out whom the Congress is supposed to work with on national security issues. If the President is going to reject the advice of his national security team, which he did when he vetoed this bill, it is difficult to see how we are going to work out the substance of these issues again. But nevertheless, we are going to try.

We have to know who we are going to deal with. We have to know who is speaking for the administration. Do we deal with the Secretary of Defense? Do we deal with the national security adviser? Can they speak for the President or are we going to have to seek the advice of other people rather than those who are involved in defense?

Enough said on that subject.

I hope we do not have to face the situation again where we work in good faith with the President's national security advisers only to have the White House put the advice of political pollsters ahead of the Defense Science Board and the advice of campaign managers ahead of the congressional floor managers. If that situation is not corrected, there is little or no hope for this legislation.

This defense authorization bill contains a great deal of legislation that is very important to our national security—authorization for the full $299.5 billion requested by the President for national defense programs in fiscal year 1989; authority for the Defense Department's enhanced role in the drug interdiction effort; the military pay raise; the joint officer management provisions; repeal of the officer cuts in the military services; and new bonuses for pilots and doctors. If we can get to conference I expect that we will focus primarily on those issues that were identified with the President's veto. But we need to pass this amendment in order to complete another conference report on this bill before adjournment.

So I would urge my colleagues to support this amendment which again incorporates by reference the Senate-passed defense authorization bill for 1989. We spent several weeks on the floor of this Senate very carefully going over that bill and amendments thereto.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished chairman of the Armed Services Committee. I think this move has been discussed with the leadership and managers of the bill. The Senator from Georgia has fully made the case on behalf of the support for this course of action. It is a parallel course of action having the bill that was previously adopted by the Senate as a freestanding measure and also incorporated by reference in the Department of Defense appropriations bill.

Mr. President, if there is no further debate, I urge adoption of the amendment.

Mr. JOHNSTON. Mr. President, I strongly support this amendment. Not only does this give us a roadmap for handling our bill, but it really constitutes I think an agreement between the Appropriations Committee and the Armed Service Committee that we will take the authorization bill without change except for those two very minor changes as noted in the amendment and that we will stand together to pass that bill as part of our bill, and that in effect they will go to conference. And so I hope in the passage of this amendment, Mr. President, Senators will understand what we are passing and will stand with us to defeat any amendments that would change the policies as set forth in the defense authorization bill as passed by the Senate.

Mr. STEVENS. Mr. President, I have no argument with this procedure. And I think it is a good one to eliminate redundancy and repetition in the Senate's process.

I want to raise one little word of caution though just for this Senator. If the authorization conference that will ensure as a result of this action leads to the hiatus that occurred before, I hope everyone in the Senate will realize that at least this Senator will be saying to the conferees, delete this amendment, and get on with the appropriations business. We want an appropriations bill before September 30. This is the commitment that has been made.

I have discussed this with our ranking member, Senator HATFIELD. He has taken the position as I have stated here before that he did not want the authorization bill itself to become an amendment added to the bill so that the text is reprinted. But we believe this is the right thing to do, to move this bill in effect. It will move it back to conference if I understand the objective, and it is our hope and our fervent prayer that this will result in some action to give us a bill that might lead to an authorization bill. But if we get to the point just prior—

Mr. WARNER. Mr. President, really, does the Senator need to disclose the tactics here? That is playing into the hands of those——

Mr. STEVENS. I do not want anyone to misunderstand this Senator. This Senator is going to ask the conferees on the appropriations bill to drop this amendment if we cannot get an agreement on the authorization bill, and I think it is only fair to state that now. I believe it is good practice, and we should do it. But I do not think we ought to delay the appropriations bill beyond the end of the fiscal year waiting for the authorization bill.

I have no objection to the amendment.

Mr. NUNN. Mr. President, if I could say to my friend from Alaska, I understand completely and we are going to be hopefully in conference with an authorization bill. If we pass a separate authorization bill, we will be working very hard on that. I expect there would be an awful lot of opposition to dropping this in the conference. I imagine the House will have their own ideas on that subject, and if the Senator can pull that one off, I would be surprised. But we will see, and we will work with the Senator from Alaska. And we will also be working in our conference in a formal way on both this bill and, hopefully, the base-closing bill.

But the main thing we have to have is somebody in the administration that can speak for the President, and if we are not going to be dealing with the Secretary of Defense, then we ought to know who the spokesman is. I do not know who that is. So perhaps our friends on the other side of the aisle could tell us after we get to conference who it is that speaks for this administration on national security matters.

That is not a trivial matter or facetious matter.

Mr. President, I believe we ought to have a rollcall vote on this amendment. I understand there are further negotiations going on on the McCain amendment. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I only want to put in a brief quorum so Senators will be notified in time to get back.

Mr. LEVIN. Mr. President, I wonder if I could ask my friend from Georgia a question relative to this amendment. It is my understanding that it is expected that the House of Representatives is going to do a similar thing relative to their version of the authorization bill, and put their version onto the defense appropriations bill. That is, as I gather, the expectation, and then if that is correct, I am wondering whether I could ask the chairman, who has worked so hard on this bill in such a bipartisan fashion. Would it be his expectation that when this matter goes back to conference, assuming the same conferees on these subjects are on the authorization bill, we would end up at about the same place as this conference report which was vetoed?

Mr. NUNN. I say to my friend first—I do not believe he was on the floor when I mentioned a minute ago—that it is my hope that we can pass a separate authorization bill. The Senator from Alaska, the Senator from Oregon, other Senators take a dim view of the authorizers being part of the appropriations conference. We have heard about that for some time. We understand that. We have our conference. They have their conference. We are not a part of their conference except to the extent of the ex-officio arrangement we have worked out as far as the chairman and ranking member.

It is my view that we will be in conference on the authorization bill in a formal way assuming the House passes another authorization bill. I do not know and I do not have any specific understanding with the House when they will pass another authorization bill or what will be in it. Only using my intuition I would think the dynamics not having changed they will likely, if they pass another authorization bill, pass one very similar to the one they passed the first time. That means we would have the same problem. We would have the same conferees. We would have to find a compromise on the same issues.

When the House acts on the appropriations bill they have already passed an appropriations bill. So I do not know whether they are going to pass a separate appropriations bill and also add on the appropriations bill which we are on now the authorizing bill as passed by the House. I cannot answer that. But if they did do that, I would think they would pass pretty much the same authorization bill they passed the first time, and then you would have these matters all in conference.

It is my understanding the Senator from Alaska and the Senator from Louisiana would like for us to work on these authorizing matters in our conference. That advises them that if we can come to a conclusion on them, and then they would likely fold those into their conference.

So I do not know how the dynamics is going to change in any material way, and my own views and others will probably be about where we were before. If we could have that kind of process unfolding I think it is likely, although no one could guarantee it, that we would come out pretty close to the same version that the President vetoed.

Mr. LEVIN. I thank the Senator.

Mr. NUNN. I thank the Senator.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD. Mr. President, so the Senators may have an additional 2 or 3 minutes to be alerted to the fact that a rollcall is about to begin, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. NUNN. Mr. President, if the majority leader will withhold that——

Mr. BYRD. Yes.

Mr. NUNN. I have another amendment that has been worked out with both the Senator from Alaska and the Senator from Louisiana. I believe we can find out real quickly if it has not. I would like to go ahead and delay 5 minutes, and give people a chance to get here.

Mr. BYRD. That will take the place of the quorum call.

I withdraw the suggestion.

The PRESIDING OFFICER. The Senator would have to ask unanimous consent to lay aside the pending amendment.

Mr. NUNN. Mr. President, I ask unanimous consent to lay aside the pending amendment temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2839

(Purpose: To require the Secretary of Defense to submit to Congress his plans for the Department of Defense to engage in the detection and monitoring of aerial and maritime transit of illegal drugs into the United States)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for himself, Mr. WARNER, and Mr. MOYNIHAN proposes an amendment numbered 2839.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, strike out lines 6 through 19 and insert in lieu thereof the following:

For the Department of Defense, $199,060,000, for transfer to "Military Personnel" and "Operation and Maintenance" appropriations for operating costs of the Department of Defense related to the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. Not less than $30,000,000 of such amount shall be available only for drug interdiction activities of the Army and the Air National Guard. Funds appropriated by this paragraph in excess of $30,000,000 may not be obligated or expended until—

(1) the Secretary submits to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on how the funds are proposed to be used; and

(2) a period of 30 days has elapsed after the date on which the report is received by such committees.

Such report shall be submitted not later than 60 days after the date of the enactment of this Act and should set forth in detail the plans of the Secretary for the obligation of such funds, including a statement of the following:

(A) The appropriation account or accounts to which the funds are proposed to be transferred.

(B) The activities proposed to be undertaken using those funds.

(C) The relationship between those activities and the drug interdiction strategy of the United States.

Funds appropriated by this paragraph shall be available for obligation for the same period, and for the same purpose, as the appropriation to which transferred. The transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act. The restrictions contained in the third sentence of this paragraph shall not apply to the obligation of any amount not in excess of $30,000,000 which is obligated for drug interdiction activities.

Mr. NUNN. Mr. President, the Congress this year has given detailed attention to the task of defining an appropriate and effective role for the Armed Forces in our vital national effort to combat the scourge of illegal drugs. Our efforts resulted in a bipartisan compromise in the Senate on the DOD authorization bill, which expressly established a new statutory mission for the Department of Defense: the monitoring and detection of aerial and maritime threats to the United States, including the threat posed by illegal drugs.

The conference report supported this approach and designated DOD as the lead agency for air and sea surveillance, required DOD to implement an effective communications network for drug interdiction, established requirements for DOD involvement in drug-related intelligence matters, and provided a new program for involvement of the National Guard in drug interdiction. The conferees authorized $300 million for drug interdiction activities. Because the legislation established new missions and activities for DOD, the conferees specifically decided not to specify the use of these funds, but instead gave maximum flexibility to the Secretary of Defense to design a program for expenditures, with a requirement to report back to Congress before obligating the funds.

It is worth mentioning that the President, in his veto message on the DOD authorization bill, praised the drug interdiction section as one of the most desirable features of the bill. This is another reason why I think the veto was ill-advised. Absent a veto, DOD would already be well on its way to serving as the lead agency for air and sea surveillance; integration of a new command, control, and communications network would have been initiated; and DOD participation in the drug interdiction program would have been greatly enhanced by the substantial revisions in the law enforcement assistance laws contained in the authorization bill.

I am confident that regardless of what happens to the other aspects of the DOD bill the drug interdiction portions as far as I am concerned will certainly be a high priority and I will do everything I can, whether it is on this bill, whether it is on an authorization bill, or whether it is on a continuing resolution, whether the continuing resolution is for 1 month, 2 months, 3 months, or 4 months, I am going to do everything I can to see that these provisions are enacted into law.

Because DOD will be taking on a new mission in which the precise requirements cannot be defined at this time, I was concerned that the approach taken in this appropriations bill and the accompanying report attempted to restrict the flexibility that the Department will need in operating this new program. The bill and report provided $199 million and I think that is an amount that we can live with, but earmarked it for specific purposes: $56 million for Navy and Air Force surveillance aircraft, $10 million for research and development of a ground-based radar system not previously associated with drug interdiction, and $103 million to keep in service 8 of the 16 frigates which the Navy has chosen to retire.

Senator MOYNIHAN, Senator WARNER, and I, working with members of the Appropriations Committee from both sides of the aisle, have developed an amendment that will give the Department the flexibility it needs to develop a plan to expend the $199 million in a manner that maximizes the benefits for the drug interdiction program. Under the amendment, the funds are available only for Department of Defense operating costs related to detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The term "operating costs" includes expenditures for personnel and operations and maintenance. This is consistent with the conference report on the DOD authorization bill, which stated that these funds should be used "primarily to operate existing equipment.

The $199 million provided by this section is in addition to the funds that the Department of Defense currently is expending on drug interdiction activities.

The amendment provides that not less than $30 million shall be available for drug interdiction activities of the National Guard. Again, this is consistent with the approach taken in the authorization bill, which designated specific funds for the Guard to be used in programs designed by the Governors and approved by DOD. This will enhance the ability of the Guard to participate in activities such as crop eradication programs and interdiction efforts at the borders and ports of entry.

The amendment also follows the approach of the authorization bill by requiring DOD to submit a report to Congress and waiting 30 days prior to obligating any of the funds. In order to ensure that some funds are immediately available for this important effort, the amendment permits the Department to expend $30 million without the notice and wait period.

At this early stage on the development of DOD's new mission, it is essential that we avoid earmarking funds for the operation of specific vessels or aircraft before the Secretary of Defense even has developed his strategy, plan, and programs for successfully implementing this new mission. We need to let the Secretary of Defense define his programs and priorities and come to us with his program for use of these funds, and of course we can make changes then if we do not agree.

Under the amendment, the Secretary will have that flexibility, and we will have the opportunity to review his priorities to ensure that these funds will be applied in the most effective manner in furtherance of our national drug interdiction effort.

I appreciate the cooperation of the managers of the bill and their staff in developing and refining this amendment.

I would hope that the amendment will be accepted.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. NUNN. I am glad to yield.

Mr. STEVENS. Mr. President, at my request, there was a change made and $30 million is to be available immediately out of the enactment of $199 million. The final amendment as drawn, however, contemplates a 90-day period. At the time we were looking at a 60-day period, in effect making one-sixth of the money available for that 60-day period.

I ask my friend from Georgia if he would agree with me that the sum of $30 million, as an amount to be made available, could be considered flexible as far as the conference is concerned? It does seem to me we ought not to hold up the drug interdiction money, and if possible even a little more ought to be made available immediately when we get to conference. I am not asking that we change the amendment now. I want to put on the record that that $30 million is not an absolute limit as far as the money to be made available immediately during the 90-day period, particularly in view of the fact it is going to be a transition of administrations no matter who wins.

Mr. NUNN. I think the Senator from Alaska makes a good point and I certainly agree with that general flexibility he would request in the conference. I think that would be consistent with the purpose of the amendment.

Mr. STEVENS. I thank the Senator. I urge the adoption of the amendment.

My friend from Louisiana has a statement, I am sure.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Mr. President, the committee will accept this drug interdiction amendment. Our bill already provides $199.1 million for specific Department of Defense drug interdiction operations. This amendment improves our bill—it provides the Secretary with more discretion on what types of drug interdiction operations to pursue, although he will likely elect to support many of the drug interdiction operations we've recommended. I feel that in the case of drug interdiction operations, unlike procurement for such operations, the Secretary should be provided more flexibility.

This amendment is consistent with the spirit of the drug interdiction appropriation already contained in our bill. It clarifies that the $199.1 million provided will finance additional operating costs—military personnel and operation and maintenance costs—needed for detecting and monitoring aerial and maritime transit of illegal drugs into the United States. These funds augment the $98 million for drug operations that the Department of Defense and Office of Management and Budget estimate are already included in the budget request. The amendment clarifies that the Department of Defense must submit a plan to both the Appropriations and Armed Services Committees of the House and Senate within 60 days after enactment of this act. This is a good improvement—it forces the Department to plan, program, and budget for drug interdiction operations—rather than follow the current process of supporting operations on an ad hoc basis.

Most importantly, this amendment retains the committee's earmarking of not less than $30 million for Army and Air National Guard drug interdiction operations. I believe that all Senators were quite pleased to see the National Guard has recently stepped up its drug interdiction operations and is assisting customs officials in Florida, Texas, and Arizona. This amendment ensures that these types of anti-drug interdiction operations will continue to be supported without reducing funding for other important National Guard training. The amendment also releases $30 million, exclusive of the funds for the National Guard, immediately after enactment of this act to ensure that drug interdiction operations continue while the Department prepares its report to Congress.

Mr. President, this is a good amendment that the committee supports. It furthers the Department of Defense's role as a full partner along with other Federal agencies in the war against drugs.

The PRESIDING OFFICER. If there is no further debate on the amendment offered by the Senator from Georgia, the question is on agreeing to the amendment.

The amendment (No. 2839) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. JOHNSTON. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Georgia.

Mr. JOHNSTON. Mr. President, once the Nunn amendment which I expect would be adopted I hope unanimously, the pending business thereafter would be the McCain second-degree amendment to the Johnston-Nunn-Sasser burden-sharing amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. We would expect to put in a motion to table the McCain amendment and what I would like to do, I say to the leader, is to ask unanimous consent to move to table that and have those votes be back to back so that Senators would be accommodated in that way.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, it is my understanding there are two Senators who would like to have the opportunity to speak on this amendment. So I would have to reluctantly object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Mr. President, I would hope that we would be able to table, and I wish we could have those votes back to back.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. JOHNSTON. I yield.

Mr. GRAMM. I think maybe we might have the two Senators speak now and then have it back to back if this would be acceptable. I think we could do that.

Mr. JOHNSTON. Very well.

Mr. BYRD. Mr. President, it is obvious we will not be able to finish this bill tonight. However, I would suggest that we have the vote that is immediately pending and that tomorrow morning at 9:30, the motion to table by Mr. JOHNSTON be made. That is a nondebatable motion. He has the right to move to table at any time he can get the floor.

In that way, we would have one more rollcall vote this evening. We have a vote at 9:30 tomorrow morning.

I understand there will be a signing ceremony of the drought bill tomorrow at 10:30 at the White House and several Senators on both sides will be going there. We will have a 9:30 vote. Then while those Senators go to that ceremony, the distinguished managers if they are so minded could stay here and handle amendments that can be disposed of by unanimous consent or voice vote or they could be preparing through debate for an amendment that would require rollcall votes, which could be had then upon the completion of that ceremony.

There will be another recall vote tonight for sure.

Mr. COHEN. Could I inquire if we would have an opportunity, those two Members who would like to address the issue of the cap on dependents in European forces, to be able to speak this evening?

Mr. BYRD. Yes; absolutely.

Mr. President, I ask unanimous consent that the yeas and nays may be ordered at this time on the motion to table, which will be made tomorrow morning at 9:30 a.m.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

Mr. DOLE. Mr. President, reserving the right to object, I understand the distinguished Senator from Arizona would like to modify his amendment before the yeas and nays are ordered. Is that correct?

Mr. McCAIN. That is correct.

Mr. DOLE. Is that modification prepared?

Mr. McCAIN. Yes, I have that prepared.

Mr. BYRD. Very well, that modification can be made this evening.

Have the yeas and nays been ordered on his amendment yet?

Mr. DOLE. No.

Mr. BYRD. Then he has a right to modify it.

I ask unanimous consent that Mr. McCAIN may modify his amendment this evening. May I have response on that?

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the motion to table which will be made tomorrow morning at 9:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank all Senators.

Mr. GLENN. Mr. President, I just want to ask the majority leader or the floor managers, just for planning purposes, are there other amendments, that we know of that will be brought up tomorrow in addition to the McCain vote?

Mr. BYRD. Mr. President, may we have order? I believe this is an important question.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, I do not know if the Senator from Louisiana wishes to answer that, but there are a series of amendments and there are at least two that are most controversial.

I believe during the period of time the majority leader is talking about that Members will be down at the signing ceremony for the drought bill we can take care of a considerable number. We have at least 30 amendments, 18 of which have been cleared, as I understand it.

Mr. BYRD. Mr. President, may I also contribute to the response?

I urge Senators to be prepared to stay tomorrow into the evening in order to complete action on this bill. I must point out to Senators that I have assured the distinguished Republican leader that the Senate will not be in Friday. I do not intend to break that commitment and I will keep that commitment. But I also do not want to carry this bill over until after the recess if it is within a spitball shot of completion.

So let us stay tomorrow evening and finish it so I can keep my commitment to the leader and we will finish action on this bill before we go out and not carry it over just for a shirttail-full of amendments.

Mr. JOHNSTON. Mr. President, there are indeed a number of amendments that we can deal with tomorrow which we expect to be able to take. Some of them are in the shape now that we know we can take; others we hope to be able to massage and be able to take.

I would particularly alert Senators DIXON, PROXMIRE, BUMPERS, HEINZ, COHEN, and HUMPHREY to be ready with their amendments in the morning. We come in, in a very accepting mood early in the morning. If they come in with their amendments, we hope to be able to take them.

Mr. DOLE. Mr. President, just before we vote on the amendment of the Senator from Georgia, I wanted to indicate, as he did, that I support the effort, and also point out that in the President's veto message he praised the Senate authorization bill. I think the record should reflect that.

It is probably not perfect. There are some things some of us raised in the conference report debate about addons and plus-ups and things of that kind. But, basically, it was a good bill. That is why I agreed with the distinguished Senator from Georgia, the majority leader, the Senator from Virginia, and others that we ought to do it this way and, in addition, we ought to pass them separately, which I hope we can do before we conclude our work tomorrow evening.

I would just say this: The President, I believe, had a lot of good advice on the bill and decided to veto it. I would guess that if it came back to him in the same way, he would probably do it again.

But I would point out that he did praise the Senate bill and the leadership of the Senator from Georgia and the Senator from Virginia in his veto message.

Mr. NUNN. Will the minority leader yield just briefly?

Mr. DOLE. Yes.

Mr. NUNN. I join the minority leader in hoping that we can pass this as a separate bill. We probably will not have to have a rollcall vote. Maybe we can do that sometime tomorrow after we finish the pending bill. That would help facilitate, I believe, both conferences.

AMENDMENT NO. 2838

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Georgia [Mr. NUNN]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr.

SANFORD] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce the the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Connecticut [Mr. WEICKER], and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN] and the Senator from Connecticut [Mr. WEICKER] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 2, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—90

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—2

Harkin
Proxmire

NOT VOTING—8

Biden
Bond
Cochran
Kasten
Pressler
Sanford
Stennis
Weicker

So the amendment (No. 2838) was agreed to.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. KASTEN. Mr. President, my duties as co-chairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of H.R. 4781, the fiscal year 1989 Department of Defense appropriations bill. I desire the RECORD to show that, were I present, I would vote "aye" on Amendment No. 2838 to H.R. 4781.●

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, before I lose the entire audience tonight, may I inquire, is my understanding correct that the McCain amendment is now before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. COHEN. It is my understanding that the Senator from Arizona intends to modify his amendment. It is also my understanding he intends to modify it in such a way that it would only pertain to that portion of the Johnston amendment that deals with dependents overseas.

Mr. McCAIN. If my friend will yield, that is correct.

Mr. COHEN. Mr. President, if I might proceed for a few moments I would appreciate having the opportunity to talk a little bit about my involvement in quality of life issues. I say that with some note of irony this evening. It is now 10:30. We are still here debating, and hopefully voting, although we have had many deliberations about the quality of life in this institution. We have been concerned about what the impact our schedules have had upon our personal lives. We have been concerned about the impact upon our family lives, the impact upon our wives or on husbands, the relationships that we maintain with out children, to the extent we still have children at home—all of those have been a concern to the Members who serve in this distinguished body.

I submit to my colleagues that these problems are small compared to those of our men and women who are serving in our armed services.

If I had to pick one quality that was most important to the people who serve our country, I would say it has to do with morale. You can have the most intelligent people serving in the military, you can have the best trained people serving in the military, but if those highly intelligent, highly skilled individuals lack either morale or motivation, then it will undermine all of that skill and all of that intelligence and, in fact, degrade the quality of that particular individual.

So I want to talk a little bit of what has happened to our military over the years. When I first came to the Senate and started serving on the Armed Services Committee, I saw reports dealing with the quality of our Army. I remember Gen. Shy Meyer, Chief of Staff, describing the U.S. Army as being a hollow army. I recall Admiral Hayward talking about our Navy and saying we have a hemorrhage of qualified people in our Navy. In describing the relationship between the U.S. Navy and that of the Soviet Union, he said, "In a conflict today, I would have to say the outcome is not guaranteed; it is muddy."

That sent a shock wave through most of us who were serving on the committee because we had always assumed that there would be a margin of superiority, certainly in the Navy and hopefully with our Army.

Some people wanted to simply say, "let us go back to a draft." Let us just beat the drum once again. Forget about all these quality-of-life arguments and go to a draft. Fortunately, wisdom prevailed and we said if we go back to a draft, it will solve the immediate problem; it will not solve the long-term problem. We will have more and more people going through the military on shorter and shorter terms. It will cost more and more money, and we will have a less qualified military in the final anaylsis.

What I want to suggest to my colleagues, tonight is that if we accept the Johnston amendment without the McCain modification, then we are saying to our soldiers that you can be a soldier but you cannot be a husband; you can be a soldier, but you cannot be a wife. Or, you can be a soldier but you cannot be a father. What you can be is a soldier and an absentee husband; you can be a soldier and an absentee wife; and you can be a soldier and an absentee parent.

That, Mr. President, to me, is a great disservice to those who are in our military today. I think the attractiveness of the argument that we should cut down our dependents overseas is that we would save some money. I think it is a short-term benefit. It is illusory, and I think it is going to result in a long-term disaster.

I would hope that the modification of the amendment to be offered by my colleague from Arizona will prevail tomorrow; that we will not do this to the men and women who serve in our military; that we will not deprive them of their families at a time when we have divorce rates that are skyrocketing in our own society; when we have teenagers who have tremendous problems in coping with the many temptations that they are faced with in today's society, including drugs and alcohol, the spread of AIDS and other social problems. These kids need guidance from their families.

If we want to take the position that only nonmarried individuals can serve in the military, let us say that. If we want to reduce the size of our military serving overseas, let us do that, but do not put our men and women in the service and say you cannot have your family travel with you, you cannot be together as a family unit; you must send your dependents home, either this year or next year or by 1991.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. COHEN. I yield for a question.

Mr. JOHNSTON. Does the Senator understand that under our amendment that 413,000 dependents would be eligible to be assigned overseas at a cost to the Government? 413,000?

Mr. COHEN. How many people will be overseas, I might ask the chairman?

Mr. JOHNSTON. The last census we have is 413,000 dependents.

Mr. COHEN. Does that mean they cannot have any more children? I assume if they stop producing children—you are putting a cap on families that are currently under that limit?

Mr. JOHNSTON. Say again?

Mr. COHEN. Are you putting a cap on what we have now?

Mr. JOHNSTON. That is right.

Mr. COHEN. What about soldiers who have children in the future? Do they send half of them back, or what?

Mr. JOHNSTON. Well, we assume that the dependent to end strength ratios is not going to go up; realistically, the Department will manage to an end strength just as it manages to the NATO end strength ceiling. Thousands of troops deploy to and from NATO and overseas bases on a weekly basis.

Surely, 413,000 is enough. I understand that, and we are currently 7,000 end strength under that level.

Mr. COHEN. If the Senator wants to put a birth control amendment on the defense appropriations bill, we ought to vote that. It seems to me to put a cap saying we have so many dependents overseas and that is all you are getting is really unrealistic and is telling our men and women who are serving in the military you cannot have any more children with you.

Mr. JOHNSTON. Does the Senator understand that in NATO the total number of dependents and civilians exceeds the number of active military?

Mr. COHEN. I say to my friend from Louisiana, why do you not just start pulling the troops out of Europe? Those who are stationed there with families ought to be able to keep those families.

Mr. JOHNSTON. We have increased this amount by 80,000 since we passed the Nunn-Jackson amendment; 80,000 dependents have increased since the Nunn-Jackson amendment was passed in 1974, the effect of which was we were spending too much in Europe. Why do we have to keep increasing? The Marines have a policy. They have shorter tours, and they are nonaccompanied tours for the most part. Morale is high with the Marines. We do not hear the divorce rate is higher with the Marines. We are not asking all dependents to do that. We are just saying 413,000 is enough. The dependent tail is wagging the military dog.

Mr. COHEN. I suggest to my friend that we ought to reduce the forestructure itself rather than break up the families. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2837, AS MODIFIED

Mr. McCAIN. Under the previous unanimous-consent agreement, I have a modification to my amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2837, as modified.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following

SEC. 8113. (a)(1) Not later than March 1, 1989, the United States Military Representative to the Military Committee of the North Atlantic Treaty Organization (NATO) shall submit to Congress a report on the assignment of military missions among the member countries of NATO and on the prospects for the more effective assignment of such missions among such countries.

(2) The report shall include a discussion of the following:

(A) The current assignment of military missions among the member countries of NATO.

(B) Military missions for which there is duplication of capability or for which there is inadequate capability within the current assignment of military missions within NATO.

(C) Alternatives to the current assignment of military missions that would maximize the military contributions of the member countries of NATO.

(D) Any efforts that are underway within NATO or between individual member countries of NATO at the time the report is submitted that are intended to result in a more effective assignment of military missions within NATO.

(3) The United States Military Representatives to the NATO Military Committee shall consult with the other members of the Military Committee in preparing the report.

(b) The Secretary of Defense and the Secretary of State shall (1) conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States, and (2) determine specific actions that, if taken, would result in a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies. Not later than August 1, 1989, the Secretary of Defense and the Secretary of State shall transmit to Congress a report containing the findings resulting from the review and their determinations.

(c) The President shall appoint a special representative who shall have the primary responsibility for conducting burdensharing negotiations directly with other members of the North Atlantic Treaty Organization, Japan, the Republic of Korea, and other countries allied to the United States by treaty. The objective of such negotiations shall be to secure increased defense spending by such countries, increased in-kind and financial support by such countries for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries, and a more balanced sharing of foreign assistance costs.

(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in the budgets submitted to Congress under section 1105 of title 31, United States Code, for fiscal years after fiscal year 1989 the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) Not later than May 1, 1989, the Secretary shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total costs required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

(f) As of September 30 of each fiscal year after fiscal year 1989, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation provided for in the preceding sentence may be increased if and when a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and the President determines and certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

(g)(1) After fiscal year 1989, that portion of the costs incurred for Department of Defense personnel and units in permanent duty stations ashore outside the United States which exceeds the amount of such costs incurred in fiscal year 1989 shall be defrayed only out of (A) increased financial or in-kind contributions made by the allied countries in which such personnel are assigned by mutual defense alliance organizations supported by the deployment of such personnel outside the United States, or (B) amounts appropriated or otherwise available to or for the use of the Department of Defense for personnel and units in permanent duty stations ashore outside the United States. The Secretary of Defense may not defray such excess cost by reducing the amounts allocated for the support of Department of Defense personnel and units afloat or assigned to permanent duty stations in the United States.

(2) In computing the amount of the excess of the costs incurred for maintaining Department of Defense personnel and forces in permanent duty stations ashore outside the United States over the amount of such costs incurred in fiscal year 1989, the Secretary shall—

(A) exclude increased costs resulting from increases in the rates of pay provided for members of the Armed Forces and civilian employees of the United States Government and exclude any cost increases in supplies and services resulting from inflation; and

(B) include (i) the costs of operation and maintenance and of facilities for the support of Department of Defense overseas personnel, and (ii) increased costs resulting from any decline in the foreign exchange rate of the United States dollar.

(h) The provisions of subsections (f) and (g) shall not apply in time of war or during a national emergency declared by the President or Congress.

(i) In this section—

(1) the term "personnel" means members of the Armed Forces of the United States and civilian employees of the Department of Defense;

(2) the term "Department of Defense overseas personnel" means those Department of Defense personnel who are assigned to permanent duty ashore outside the United States; and

(3) the term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Mr. McCAIN. I know the hour is late and I will attempt to be brief. I would like to again thank my friend and colleague from Louisiana in his efforts to reach a compromise on this issue. Unfortunately, we have not been successful, so we will have to leave it to the will of this body tomorrow morning. Nevertheless, I do want to thank him for his efforts and that of his staff.

Mr. President, I have gone a long way to compromise. I have been willing to drop all of the other aspects of my amendment, in spite of the damage I believe the resulting bill will do to our alliances and our Armed Forces.

Frankly, Mr. President, I have done so because I am so deeply concerned about this one aspect of this so-called burden-sharing amendment. Mr. President, if this amendment is passed with any cap on dependents—if the Johnston amendment is passed in its present form—you are going to see headlines in the Army Times, the Navy Times, and the Air Force Times that say the following: "Congress Moves to Reduce Dependents Overseas."

Do you know what that message does to the men and women who are stationed overseas? I will tell you what it does. It sends their morale plummeting. Once again they get the all-too-often-correct impression that the Congress of the United States is micromanaging their futures without regard to their family units.

Mr. President, the No. 1 reason why there are separations from the military today is not because of pay and allowances and benefits. It is because of family separation. Family separation is why servicemen and women are separating from the armed services.

Just as an example, this year we are losing more pilots to the airlines than the entire Army, Navy, and Air Force will produce this year. We are experiencing a veritable hemorrhage of pilots from all of our services, and these pilots cost millions of dollars to train. The reason why is easy to determine.

A few weeks ago I went down to Charleston. I went down to the Military Airlift Command and met with a group of Air Force pilots who are part of that command. These men and women fly all over the world and often in dangerous conditions. They are highly trained. They are multiengine pilots. I was astonished to know that they are experiencing an attrition rate of over 50 percent. I had long conversations with these pilots. Their primary reason for leaving the Air Force was family separation. What are we going to do to them and our other career military with the Johnston amendment? Frankly, Mr. President, we are going to send a message that will devastate their morale.

As for the increase in the number of dependents grown in the military since 1974, we went to an All Volunteer Force at that time. Yes, the families of military people are also becoming larger. We have an increase in the number of women in the service who have husbands and children. That is a demographic fact.

Now, if my distinguished friend from Louisiana wants to go to a force which is either all male or all single, we should consider that option not his concept of Gurder sharing.

I see my friend from the State of Utah on the floor here who has served in the U.S. Navy. He has just related to me that he appreciated and enjoyed his service in the Navy, but that when they asked him if he would remain in the U.S. Navy, he said he would have to leave because of family separation.

I would be glad to yield to my friend from Utah.

Mr. GARN. If the Senator will yield, I will be happy to respond. Although I am a member of the Appropriations Committee, that does not mean I am bound by their final product.

I think the Senator from Arizona makes absolutely correct points, as did the Senator from Ohio. I was a career Naval officer, not a reservist; ensign, U.S. Navy, mega 30-year career, lifetime ambition. When I decided to get out and resign my commission they called me into one of those retention meetings. They said, "Is it pay?"

"No, it is not pay."

"Is there any problem with your service?"

"No."

We went through all these questions on a form and finally I said, "You don't have the right question on your form. You keep me separated from my family. I didn't get married and have children to be separated in peacetime. If you have a war, that is a different story. If you have a remote site where there are no facilities for dependents, I understand that. But you tell me that I have to be separated from my family." In Japan, what I did to solve the problem while I was on active duty, I paid the expenses of my wife and one child at that time. I took them over there at my expense, found them housing in town, in Iwakuni, Japan, totally apart from the military situation. And it happened to be on a Marine base.

Earlier I heard in some of the debate, "Well, Marines are tough and they couldn't take them." That is true. On that particular base, it was a Marine Corps air force facility in Japan and their families were not there and you should have heard the griping and morale problems. Those in the Navy that had families brought them at their own expense. The military at that time did not even allow the Marines to bring their own families at their own expense. No Government expense at all. How brilliant. Then they ask them why they do not want to re-enlist. If we want to have an All Volunteer Army, you have hit it right on the head. You have to have some encouragement or decide to go back to the draft.

Somebody so flippantly here tonight said, "Well, it is all right for them to go over there and serve." Let us say that Senators have to go someplace for a year alone, they cannot take their wives and families with them. If we prohibited Senators from taking their wives, they could not take it for a week or 2. But we are asking our servicemen to join up, voluntarily, no draft, but it is all right if you spend a third or a half of your time away from your family. So I very much support the amendment of the Senator from Arizona. It just does not make any sense, particularly if you have been in that situation.

Maybe some people wish they had been more generous 28 years ago, some of those in this body who would prefer some of us not be here. I might have still been in the Navy had they had adequate overseas facilities for families. I would not have left and they could have avoided my Senate career.

Mr. CHAFEE. I wonder if the distinguished Senator from Arizona would yield for a question.

Mr. McCAIN. I will be happy to yield for a question.

Mr. CHAFEE. I would just like to say this to the distinguished Senator from Arizona. It was my experience when I had the privilege of serving in the Navy Department that the family separations were the primary reason we were losing two key categories of personnel, the submariners, particularly the Polaris submariners who are on those long patrols, and, secondly, the aviators. We soon found—and I believe we might well find it in this very situation—that it feeds on itself. You have these long patrols, and thus you do not have extension by the officers or the reenlistment of the men. Then we would have fewer people available to fill in. Therefore, the patrols had to be longer and longer or the rotation ashore was shorter and shorter. And then soon we had more and more people leaving the service.

I believe that we are liable to get into the same predicament here. We have commitments overseas particularly in Germany, and those in the active U.S. Army Forces, particularly the combat branches have to go to Germany on a regular rotation.

I suspect we will find the average Army officer in the course of a 20-year career has spent 6 to 8 tours in Germany. And if we cut down the families that can accompany them, they are not going to go. We have not reduced the commitments. Therefore, the rotation is quicker and faster and faster to go to Germany, and without the families, it feeds on itself so we have fewer and fewer acquired people reenlisting and the officers extending.

I just think this is a very bad idea and I commend the Senator from Arizona for his amendment.

I wonder if the Senator from Alaska would be able to help me on this question. The question was raised about the Marines. They go on unaccompanied tours. And so therefore, what is the matter with that? Why cannot the Army do the same? Am I correct in saying that the only place that the Marines are sent for 1 year tours is in Okinawa, with a very small number going to the Marine air base in Japan? Is that correct? And the total number of Marines involved in those overseas deployments, unaccompanied deployments, are, I would believe, in Okinawa perhaps two regiments and less than a wing in Iwakuni, Japan. Am I correct in that?

Mr. STEVENS. Mr. President, I would respond, if I may, to the Senator from Rhode Island, not knowing who has the floor.

The PRESIDING OFFICER. The Senator from Arizona controls the floor. Does the Senator from Arizona yield?

Mr. McCAIN. I would be glad to yield to my friend from Alaska.

Mr. STEVENS. I would have to respond by saying that there is nothing in this proposal that bars sending dependents overseas with Marines, Army, Air Force, or Navy personnel. What this amendment says is that the number of dependents overseas now will not be exceeded during the review period of the first 9 months of next year. As far as the question the Senator asked me, it was my understanding that there are accompanied tours in Okinawa. I personally was there and saw the three new high-rise buildings in which they live. It was my understanding that this was the only place that we send Marine organizations in large numbers overseas on accompanied tours and only the permanent cadre personnel are accompanied. The other Marines are detached on board ship, or on 6 months unit rotations, or in embassy situations, and in various deployments throughout the world. But Okinawa is, as I understand it, the center of our overseas deployment with dependents, not without dependents, for Marines.

Mr. CHAFEE. I should not hold the Senator from Alaska responsible because I believe the Senator from Louisiana was pointing out the Marines go on these unaccompanied tours. The Marines, unless things are changed, are unaccompanied tours in Okinawa with the exception of what you might call the base personnel, those who are runing the bases and camps. They have a small cadre of permanent people there who are there on accompanied tours.

But my point is to make a comparison between the Marine deployments which involve a relatively small percentage of the total Marines to make that comparison with the U.S. Army and the combat branches, the tankers, the artillery, the infantry. A very substantial portion of those forces are in Germany or in Okinawa or in Korea. But proportionately a far greater percentage, I believe, of the U.S. Army combat branches are deployed overseas than are the Marines in these 1-year unaccompanied tours.

So my point is that it is not really a fair comparison of saying that those Marines do it. So what is the matter with the Army doing it because the Marines go to Okinawa or Iwakuni, Japan on an unaccompanied tour for a year? But that occurs very rarely in the course of a Marine's total enlistment or officer career of 20 years.

Mr. JOHNSTON. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. JOHNSTON. Mr. President, what I said was that our amendment allows a ceiling worldwide of 413,000 dependents, 310,000 in Europe, and the simply preposterous statement was made, well, what is going to happen when a baby is born? Is the baby going to have to go back? The answer is quite obviously no. We are dealing with averages. They are under that average, I understand, by 7,000 right now. We know from demographics that the baby boom is over. Our birth rates are not going up. All we are asking is a stabiliztion on what we have now. If you add up the number of civilians and the number of dependents in Europe, it exceeds substantially the number of uniformed service people, and a large number of those uniformed service people are there to serve the dependents in the first place. So it is really the tail wagging the dog. For 3 years in Europe we had a cap on dependents, and babies were not shipped out when they were born. They did not have to separate husbands and wives. I mentioned the Marines to just point out that there are a whole number of things that could be employed if necessary.

Frankly, I do not think there would be any bite at all to this cap. But at least it says let us not have another period of preposterous growth in dependents where we had an 80,000 growth after the Jackson-Nunn amendment which said cut down our dependents in Europe. Instead of cutting down, the only thing that was cut down was the European percentage of GNP paid for their dependents. Dependents went up by 80,000, and uniformed military went up by tens of thousands.

Mr. CHAFEE. Does the Senator's proposal require a 10-percent reduction by 1991?

Mr. JOHNSTON. No; it does not. It says that we should submit plans for doing that, and they should implement plans but it is precatory only. There is no requirement of doing that.

Mr. CHAFEE. I thank the Senator.

Mr. McCAIN. If I might regain the floor, I am intrigued by the comments of my good friend from Louisiana. He says it is an average, and yet it says maximum number of such dependents shall be 413,020. It does not say an average number of dependents of 413,020.

Mr. JOHNSTON. Will the Senator yield?

Mr. McCAIN. I would be glad to yield for the purpose of responding.

Mr. JOHNSTON. The 413,000 is the end strength at the end of the year. And by the average what I mean is a baby is born over here, or somebody rotates out over there. It is not like they stay right up bumping up to the underside at every minute so one person comes home, and one person comes, and another has to leave. There is a leeway there. That is what I meant by the average.

Mr. McCAIN. Very well. Let me strongly recommend to my colleague that either in the body of the legislation or in the report language he makes that clear because, as I read it, on line 12, page 4, it says maximum number of such dependents shall be 413,020, period. So I hope we can make that clear.

But that is a very small point here. I hesitate to repeat it again. But any legislation that says the Secretary of Defense shall prescribe and implement any policy clearly means that the Congress expects a policy to be prescribed and implemented.

Mr. JOHNSTON. Will the Senator yield?

Mr. McCAIN. Yes, for the purpose of responding.

Mr. JOHNSTON. The Senator said "shall" and "should."

Mr. McCAIN. I thank the Senator. "Should" prescribe. I think as I said any civil servant or public servant is going to try to carry out the dictates of the Congress which says should prescribe and implement. But the time grows late. I apologize for taking so much time on this amendment.

I want to repeat, this is very important. This is a very important message to the families, the men and women in the All Volunteer Force who serve us in every corner of the globe. I think we have an obligation to them to let them know we are supporting them, not that we are implementing some micromanagement type of policy in which they will view I think accurately as an assault on the basic fabric and the basic principle upon which all Americans live; and that is the family.

I think we should implement policies to encourage the family, not those that send messages that they can look forward to long years of separation from one another because the Congress in some misguided fashion is attempting to save money.

Mr. President, I yield.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. I believe the floor managers intended to set aside temporarily the amendment so that I may offer an amendment which has been cleared by the floor managers on both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2841

(Purpose: To provide for the use of United States-owned foreign currencies for the benefit of certain American citizens abroad)

Mr. HUMPHREY. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. Humphrey) proposes an amendment numbered 2841.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place at the end of the bill insert the following:

[SEC. —. For fiscal year 1989, United States-owned foreign currencies (in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law) may be made available to the Administrator of the Agency for International Development for the same purposes for which assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 is available, and for the support of education for Americans, in the country where such currencies are held or in other foreign countries.

Mr. HUMPHREY. Mr. President, as I said at the outset, this amendment has been cleared with the floor managers on both sides. It provides discretionary authority to the administrator of the Agency for International Development to use excess foreign currencies to augment development assistance obligations in countries where such currencies are held.

Further, it provides the administrator discretionary authority to transfer excess foreign currencies to meet AID development assistance obligations in other countries.

Third, it provides discretionary authority to the AID administrator to use excess foreign currencies to support education programs for Americans in countries where currencies are held or in other countries.

THE PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, I would like to ask a question, if I may. It is my understanding that this money is for the purpose of assisting in financing the education of American children who are overseas, and the particular country is Israel. Is that correct?

Mr. HUMPHREY. This is written in a generic sense. It applies to any country where excess foreign currencies exist or to other countries to which excesses can be transferred. It is very generic. But it does apply, in addition, to aid development assistance programs, also to support education programs for Americans, American citizens in the country where such excess currencies are held, or to a country where such excess currencies might be tranferred.

Mr. STEVENS. Mr. President, not having been here in 1961—although sometimes I feel like the President—I may have been here too long—the Senator's amendment refers to assistance under chapter I of the Foreign Assistance Act of 1961.

It was my understanding, when we discussed the amendment with the Senator from New Hampshire that we were talking about a particular country. This now becomes a very generic amendment, as he said.

For instance, does it cover paying the cost of a graduate student who is an American, who has just inherited a half a billion dollars, to go to school in England?

Mr. HUMPHREY. Mr. President, as I emphasized, the authority is discretionary. Surely, the administrator of AID will not engage in that kind of assistance.

Mr. STEVENS. I should like to make the record that it was my understanding that this was to provide assistance to operate schools, to provide education for dependents of Americans overseas, and it was not intended to be used as a general, open, carte blanche, for the Agency for International Development to pay any educational costs overseas out of these funds. That is for dependents of people who are overseas for our country, in other countries, primarily for children.

Mr. HUMPHREY. I think the Senator misunderstood the intent.

The third provision here—namely, providing discretionary authority to the AID administrator to support educational programs—is not intended exclusively to benefit dependents who are employees of the Federal Government, if that is the question the Senator is asking.

Mr. STEVENS. I mean citizens abroad. They do not have to be employees of the Federal Government. But American citizens abroad—their children are going to school over there, that I understood were not being fully funded by the host country, and we were trying to find money to operate those schools for American children.

Mr. HUMPHREY. The particular case that the Senator refers to involves an effort to seek capital funds, funds for capital improvements to schools attended by American young people, American citizens, but they are not necessarily children of American parents serving abroad, either in the public or private sector.

In some cases, probably most cases, with respect to the particular schools I discussed with the Senator, these are youngsters studying abroad, not in the company of their parents. In most cases, their parents remain in the United States.

Mr. STEVENS. But they are U.S. citizens abroad. I understood that they were primarily children of Americans living there. But they are U.S. children abroad. We are not talking about building a university.

Mr. HUMPHREY. No. We are talking about improvements to existing capital facilities, such that students will not be separated by wide distances between classrooms and dormitories, for example, such that in the evening, after dark, they have to walk substantial distances, at some danger to their safety, as an example.

Mr. STEVENS. I want the record to show that I am delighted to work with the Senator from New Hampshire to meet the problems involved. I intend as we come out of conference, to limit the impact of this provision.

This is much broader than was originally explained to this Senator. I will have no problem recommending to the Senator from Louisiana that we take it to conference. But I had no indication that this was a multiple country concept; that we were turning over to AID, I am told, over $100 million in foreign currency to be used without any description of the projects involved and totally at the discretion of AID, and not in schools that are necessarily predominantly attended by American citizens.

Mr. HUMPHREY. That is not quite right. There are three new authorities proposed by this amendment.

The first provides the AID administrator with authority to use excess foreign currencies to augment development assistance obligations in countries. These are traditional AID programs in the countries where currencies are held.

Likewise, authority for the AID administrator to transfer excess foreign currencies to meet AID development assistance obligations in other countires where there is not a surplus of such currencies.

The third provision is the one that would give the authority to use excess foreign currencies to support education programs for American citizens.

Mr. President, these substantial amounts of money are immobilized, they are frozen. They are usually soft currencies, and not much can be done with them, and they have been sitting there for years. We are preparing to use the money, wherever possible, for development assistance programs and to support programs for Americans. In a host country where there is a surplus of foreign currency and there is a program where American students participate, this money will become available. Today, it is locked up.

Likewise, where a means can be found to transfer these excess foreign currencies from the nation where they are surplus to another nation for programs of American students, the administrator will be given the authority to do that.

Mr. STEVENS. Mr. President, the time is late, and I will be happy to recommend that it be taken to conference.

Again, I had no understanding that the Senator was intending to transfer these funds from one country to, say, Israel, from another source country.

Those funds are used for the Department of Defense in the country. When I first came here, they were transferred throughout the world, and we had a difficult time keeping track of how much money was there. It was like check kiting. You could not find out how much was in any country because of the transfers.

I understand the basic intent of the Senator. I discussed one country with him extensively, and I think there are some needs there, and I will be pleased to work with him on this to achieve his objective in conference, if possible.

Mr. JOHNSTON. Mr. President, the amendment has been cleared by the Foreign Operations Subcommittee, but I am not sure that they were aware of this transfer between the countries. Nevertheless, we are willing to take this to conference and work with the Senator in the meantime. It may be all right in its present form. It may require some modification, but we will work with him between here and conference and see if it cannot be made acceptable. So we will accept the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HUMPHREY. If I did not accurately inform the Senator from Alaska about the intent, I apologize. I thought he had seen the amendment, but apparently that was my fault.

Nonetheless, in discussing it with a number of Democratic Senators who have a substantial interest each saw the amendment and discussed the language at length and even modified it at length to suit their tastes. Nevertheless, if there was some misunderstanding I will take responsibility for that and I appreciate the expression of willingness to modify this in conference to achieve a greater consensus.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 2841) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2842

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside to consider the amendment offered by the Senator from Louisiana.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, and Mr. STEVENS, proposes an amendment numbered 2842.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 17, strike "$22,015,900,000" and insert in lieu thereof "$22,065,900,000".

On page 9, line 6, strike "$24,853,901,000" and insert in lieu thereof "$24,916,901,000".

On page 10, line 10, strike "$1,774,600,000" and insert in lieu thereof "$1,799,600,000".

On page 19, line 6, strike "$2,519,700,000" and insert in lieu thereof "$2,556,800,000".

On page 28, line 24, strike "$1,265,067,000" and insert in lieu thereof "$1,280,967,000".

On page 34, line 18, strike "$9,291,614,000" and insert in lieu thereof "$9,300,614,000".

On page 35, line 13, strike "$14,588,332,000" and insert in lieu thereof "$14,438,332,000".

On page 36, beginning on line 2, strike "That, of the amounts" through and including "Administration" on line 4.

On page 36, line 15, strike "$8,423,698,000" and insert in lieu thereof "$8,373,698,000".

On page 39, line 6, strike "$400,000,000" and insert in lieu thereof "$100,000,000".

Mr. JOHNSTON. Mr. President, the defense appropriations bill, as reported by the committee, Allocates $600 million to the National Aeronautics and Space Administration for national security related space activities. Since this was action as recommended by the committee, new 302B allocations and conference results on the NASA funding in the HUD and independent agencies appropriations bill, have lessened the requirement for this transfer. It is now clear that NASA will not need all of these funds.

As such, this amendment reallocates $500 million for other defense needs. As a compromise the amendment provides an increase of $250 million for the strategic defense initiative above the committee position. This takes SDI up to $3.96 billion, still about $250 million below the Senate authorization level.

The House provided less than $3.2 billion for SDI, while the authorization conference supported $3.7 billion. Adoption of this amendment will give the committee some extra leverage when conferring with the House.

The remaining $250 million is for several programs which were not recommended previously because of a lack of funds. The amendment provides $138 million for operations and maintenance funding to increase training at the Army's National Training Center, to reduce the backlog of Navy Aviation Depot Maintenance, and to provide additional training for the Marine Corps.

Fifty-three million dollars is provided for two conventional weapons programs, $37.1 million to procure 18 additional launchers for the multiple launch rocket system—the highest priority of the commander in chief of our European forces—and $15.9 million to fully fund the Marine Corps requirement for M-1 tank advance procurement.

The amendment also provides $9 million for development of an identification friend or foe [IFF] system for Aegis ships. This program will allow the Aegis combat system to more clearly differentiate between commercial and military aircraft.

Finally, the amendment provides $50 million to accelerate the Air Force Space Recovery Program. The committee has been a strong proponent of reviving our National Defense Space Program since the challenger accident. These funds will allow for additional progress to be made in this vital area of national security.

Mr. President, this is a good amendment it adds funds to several areas which will be beneficial to overall national defense, and it will provide the Senate conferees a better bargaining position on SDI. I urge the adoption of the amendment.

Mr. President, this is an amendment that deals with the $500 million which in effect was released from the requirement of the space station by virtue of the HUD and independent agencies conference which provided for that. Initially, the $500 million was provided in this DOD bill for transfer to NASA. But since NASA's needs have been met by the HUD and independent agencies, the $500 million was therefore freed up.

The Senator from Alaska, Mr. STEVENS, earlier in the week proposed an amendment to transfer that $500 million to SDI—on the grounds that the Senate level is $3.7 billion for SDI and the authorization conference was $3.7 billion—this was the level that the Senate and the House had in fact agreed upon through that conference which was vetoed by the President. The Senator from Alaska pointed out that if we were at a lower level, I mean at only at that $3.7 billion level, that it would be hard to come out in conference at that level.

We felt that transferring this $500 million to SDI, first of all, was grosslly excessive; second, that we did not want there to be any appearance at all that there would be a reward for the President for vetoing the bill. However, Mr. President, we have come up with this compromise which the $500 million with a conventional defense initiative—tanks; MLRS, multilaunch rocket systems; Army and National Guard training centers; Navy depot maintenance; Air Force Space Recovery Program R&D; Marine Corps O&M; Aegis IFF R&D. Those items would take up $250 million and the other $250 million would go to SDI and give SDI a level of $3.96 billion.

Mr. President, there is, of course, no intention on my part or anyone on this side of the aisle to come out with a conference level exceeding the conference level of the authorization conference which was vetoed by the President.

In fact, it would be possible even after the adoption of this amendment that we would come in substantially below that level because the House is below $3.2 billion. Last year's level being $3.55 billion.

So, even with this amendment we would have the possibility of undercutting not only the conference level but even undercutting last year's level substantially. That would be within our power. But I think the Senator from Alaska has made a point that most conferences do pick a point in the middle, and frankly we think we could win this amendment if it was proposed and we had a fight here on the floor.

But the Senator from Alaska has been very reasonable in all his dealings on this subject and on other subjects and we think the better part of dealing with one of these bills is a reasonable compromise which grants all parties maximum flexibility. And so we thank the Senator from Alaska for his spirit of accommodation not only on this amendment but on other matters as well, and I repeat, there is absolutely no intent to end up at a level in excess of the conference of the defense authorization bill. Indeed, there is a real possibility we could be below that $3.7 billion level.

But I would hope that the President would come back into the game of reasonable negotiation, would reconsider his veto of the defense authorization bill and accept a bill that is substantially in line with that.

I would say that with the adoption of this amendment we would have the opportunity to give him a package which has the $3.7 billion, was the vetoed level, which I would hope he would accept. It also gives us the opportunity to go substantially below that so I hope he will have the same spirit of compromise that my friend from Alaska does.

Mr. STEVENS. Mr. President, I thank the Senator from Louisiana for his willingness to give us the opportunity to continue the debate as we get to conference over the level of funding for SDI. I do recommend the adoption of the amendment as it has been presented in the spirit of that cooperation, and I think it will foster the ability of the Senate to return from the conference with a more reasonable balance in terms of the allocation of SDI funding for 1989.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 2842) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to print in the RECORD the letter presented to the chairman of our committee, Senator STENNIS, from the Department of Defense concerning the $9.2 million for Navy funding for the Aegis IFF upgrade.

I think it will be necessary legislative history.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, July 18, 1988.

Hon. JOHN C. STENNIS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Defense is striving to develop aircraft identification systems to provide effective control of our increasingly lethal air defense weapons. This is not an easy problem; however, there is a noncooperative identification technique which has the potential to identify hostile and civil aircraft. This classified system may be applicable to a wide variety of platforms, including ships; it has been tested on one ship with very good results.

Unfortunately, both the Senate and House Appropriations Committees deleted the funds which the DoD requested in the fiscal year 1989 budget for Navy development of such techniques. Both Committees reduced the Navy IFF System Development project (Program Element 64211N) by $9.2 million, thereby terminating Navy efforts to identify foes and neutrals (the remaining $16.0 million is for the development of the Mark XV to provide interoperable identification of US military aircraft and those of our NATO allies).

It is requested that consideration be given to a floor amendment to restore the requested $9.2 million in Navy funding for noncooperative identification efforts, so that a balanced identification architecture of cooperative and noncooperative techniques can be pursued. A copy of this letter is being sent to Senator Stevens in his capacity as the ranking minority member of the Subcommittee on Defense.

Sincerely,

GORDON A. SMITH.

GOODWILL GAMES

Mr. ADAMS. Mr. President, the House defense appropriations bill includes $5 million to allow the Department of Defense to support the security needs associated with the Goodwill Games, an international competition which will be held in Seattle in 1990. The Senate version of H.R. 4781, however, contains no funding for this program.

As passed by the Senate, the defense authorization bill also did not provide funding for the Goodwill Games. Since the Appropriations Committee reported the bill before us, however, the Authorization Conference reached an agreement that gives the Department of Defense authority to provide security assistance. While we recognize that, in a period of constrained budgets, the committee had to make a series of difficult decisions, and that there is currently no room to accommodate such finding in this bill, we believe that there are compelling reasons to accept the House position in conference.

The Goodwill Games provide America with an opportunity to demonstrate the values of democracy to a watching world. We want to make the most of that opportunity, and that means we have to deny the opponents of democracy any chance to use this event for their own propaganda purposes. DoD's assistance in planning and providing security for the games is vital for that purpose.

Mr. EVANS. Mr. President, let me just add a word to the comments made by my colleague from Washington. The city of Seattle, as well as the surrounding communities and the State government, have made a substantial financial commitment to supporting the games. We are not asking the Federal Government to carry the load for us; rather we are asking the Federal Government to help us by picking up the slack. Let me give you one example: We need helicopters to provide security and we just don't have enough of them. Nor do we have a continuing need for them which is great enough to justify their purchase. The Department of Defense, however, has such equipment and can provide it to us. This is the sort of support we are asking for. And given the conditions associated with the authorization bill, we think we can assure the committee that all requests for support will be carefully reviewed and considered. This is not a blank check; it is a reasonable request with plenty of procedural safeguards associated with it.

Mr. STENNIS. Mr. President, both Senator ADAMS and Senator EVANS have spoken with me about the security needs associated with the Goodwill Games. They make a strong case. I must admit that I do have questions about how far the Department of Defense ought to go in providing assistance to such activities and in determining which international competitions qualify for Department of Defense assistance and which do not, especially when every dollar we spend on them has to be taken away from other important military programs. I do recognize, however, that the authorization bill has approved funding for the Goodwill Games under several conditions, and my colleagues can be assured that we will give the House position every consideration during Conference.

Mr. STEVENS. I agree with the chairman. I think that at some point the Congress should give some serious consideration to this issue of DOD support for international competitions. DOD support of security activities at such events should not be a litmus test for U.S. support of international athletic competition, but rather an assessment of the real security requirements and the resources needed to ensure safety. I understand the special concerns of my colleagues from Washington, and concur with the chairman that we will pay close attention to this matter in conference with the House.

Mr. BYRD. Mr. President, I thank both of our distinguished managers.

I understand that they feel this is all that can be done on this bill today.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 5 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN EFFECTIVE POLICY TOWARD NICARAGUA

Mr. COHEN. Mr. President, I have argued in the past that in order to develop an effective policy toward Nicaragua we need a better balance between means and ends. The United States cannot and should not provide open-ended support for a guerrilla war aimed at overthrowing the Nicaraguan Government. At the same time, we cannot and should not abandon our legitimate security interests in Central America.

The President, most Members of Congress, and I believe the American people, agree that our goal should be a negotiated settlement providing for peace and democracy in Nicaragua. This is an objective that is both feasible and desirable. Indeed, since the fall of 1986, substantial progress toward that objective has been achieved—the Central American Presidents have signed a regional peace plan, and the Contras and the Sandinistas have held a series of face-to-face negotiations in Nicaragua. While a final agreement remains elusive, we are much nearer to that objective than we were last year. Where we need to focus our attention, then, is not on the objective of U.S. policy, but on our strategy for achieving that objective.

I continue to believe that the United States has an important role to play in bringing about an end to the conflict in Nicaragua on terms consistent with our security interests. As much as we might like to, we cannot prudently ignore Nicaragua's relationship with Cuba and the Soviet Union or its support for insurgencies in neighboring countries. That is why I have been willing, with some qualifications, to support assistance to the Contras—because, as recent actions have again confirmed, the Sandinistas are not going to make serious concessions absent pressure to do so. And I think the record to date shows that Sandinista flexibility in negotiations with its neighbors and the Contras has occurred precisely when it faced a viable resistance.

It is noteworthy that it was not until after Congress appropriated funds for the Contras in 1986 that serious headway in negotiations began. And it is in my view not coincidental that the recent Nicaraguan violations of the Arias peace plan, which included the closing of La Prensa and Radio Catolica, as well as the brutal suppression of a demonstration for human rights, occurred at a time when resumption of military assistance to the Contras seemed unlikely. And as we all know, despite the cutoff of military assistance to the Contras by the United States, and the protests of Oscar Arias and other regional leaders, the Sandinistas continue to import hundreds of millions of dollars of Soviet bloc military equipment.

In my view, however, support for the Contras only makes sense if it is part of a broader policy involving economic and diplomatic components. There is not going to be a military solution to this conflict, and there will never be lasting stability in Central America as long as there remains such a prevalence of abject poverty. In addition, I think it is clear that our Government needs to remain vigorously supportive of regional diplomatic efforts. The American people are understandably reluctant to support a policy that involves the use of force, even indirectly, unless they believe that peaceful means of achieving our objectives have been tried and found wanting.

In short, we need a balanced, multitrack approach toward Central America, one which recognizes the complexity of the problems there and treats not only the symptoms but the causes. I remain hopeful that at some point an approach along these lines, toward the objective shared by Congress and the administration, can attract the broad support necessary to sustain an effective policy.

In that regard, Mr. President, I was very encouraged by the overwhelming support that the distinguished majority leader's resolution regarding Nicaragua received last month. That resolution, which passed 90 to 4, outlined a balanced, carrot and stick approach toward Nicaragua. The Byrd resolution stated that the Sandinistas should be aware that the United States may consider providing the Contras with additional assistance, including military aid, if the Sandinistas continue to blatantly violate regional peace accords. It also indicated that the United States should consider providing economic assistance to Nicaragua if the Sandinistas permit the establishment of a democratic system in Nicaragua.

I worked closely this summer with Senator DOLE and the administration in the hopes of fashioning a package consistent with this approach. In those discussions, I stressed the importance of a second vote by Congress before lethal aid for the Contras could be released. I also pushed hard for provisions that would give the Sandinistas economic incentives to negotiate seriously with the Contras. Both of these elements were included in Senate Joint Resolution 351, introduced by Senator DOLE, which I was prepared to support. Unfortunately, for a variety of reasons, changes were made in this legislation, and the result was that I was faced with a choice between a modified Dole package, from which the second vote had been removed, and a Byrd package that had a second vote, and the economic provisions I supported, but among other things did not contain an effective mechanism for getting humanitarian assistance to the Contras inside Nicaragua. Further, unlike Senator DOLE's amendment, the Byrd amendment was offered to the Defense appropriations bill, which may very well be vetoed by President Reagan. Consequently, I was forced to conclude that the Byrd amendment would ultimately prove to be a mirage, an illusory oasis in the desert.

Recent events in Nicaragua, including the crackdown on the media and the internal opposition by the Sandinistas, underscore the role of the Nicaraguan resistance. The record to date, in my view, clearly indicates that the progress that we have seen in regional negotiations has been linked to the pressure applied by the Contras. It was a mere 72 hours after the Wright-Reagan plan was agreed to, for example, that the Sandinistas agreed to sign the Arias plan. And some Sandinista officials have even been candid enough to admit that many of their concessions have been linked to efforts to undermine support for the Contras.

I very much regret that we in the Senate were not able to develop a bipartisan approach for responding to the crisis in Nicaragua that has cast doubt on the intentions of the Sandinistas and the viability of the Arias accords. I know that Members on both sides of the aisle have worked diligently all week to achieve such a package. Unfortunately, what has resulted is two packages, neither of which is ideal.

For a variety of reasons, the proposal I noted earlier—which I believe provided the most balanced, multitrack approach—did not reach the floor of the Senate for consideration. Given a choice between the two remaining amendments, I felt compelled to support the amendment offered by Senator DOLE. Despite the problems associated with the Dole amendment, it had one critical virtue—it would clearly sustain the Contras. The Byrd amendment, by contrast, was so weak that even Contra representatives said they would prefer nothing. I believe that it is in our best interest to maintain the viability of the Contras in order to deter the Sandinistas from engaging in further violations of the Arias accords and keep the pressure on them to negotiate seriously with their opposition.

In addition to the fact that the Dole amendment would sustain the Contras, it also contained a number of provisions designed to provide economic incentives for the Sandinistas to seek a negotiated settlement providing for peace and democracy in Nicaragua. Specifically, the Dole amendment:

Directs the President to lift the economic embargo imposed on Nicaragua if the Contras and the Sandinistas sign a comprehensive final agreement providing for peace and democracy in Nicaragua. And,

Directs the President, in the event of a final peace agreement, to use his authority to assist in the voluntary repatriation and resettlement of persons displaced by the war in Nicaragua. Up to $10 million in unobligated Department of Defense funds would be available for this purpose.

This amendment also stipulates that if after 180 days the President determines that Nicaragua is still in compliance with a final peace agreement, then Nicaragua would be eligible for loan assistance under the Export-Import Bank Act of 1945, and trade benefits under title V of the Trade Act of 1974 and the Caribbean Basin Economic Recovery Act.

I believe that these provisions will have a number of benefits:

First, they provide additional incentives for the Sandinistas to negotiate seriously with the Contras. The Nicaraguan economy at present is a shambles. According to the State Department, the Nicaraguan economy, already the smallest in Central America, is expected to shrink by 3 percent this year—the fifth consecutive year of decline. Inflation in Nicaragua is running at roughly 4000 percent annually and unemployment is over 22 percent. Travelers from the region report that grocery store shelves are bare, water and electricity supplies are sporadic, and basic supplies are heavily rationed. In short, the economic situation in Nicaragua is desperate. I don't think that we ought to waste the economic leverage we have by failing to link a brighter economic future for Nicaragua to an appropriate peace agreement with the Contras.

Second, I know that there are deep concerns in both Costa Rica and Honduras over the hundreds of thousands of persons displaced by the war in Nicaragua. By making it clear that we intend to address this humanitarian problem during the implementation of a final agreement, we may help to win greater regional support for U.S. policy.

Third, I think that it would be a great disservice to the internal oppositon in Nicaragua to maintain an economic embargo at the same time that we are trying to stimulate political pluralism to test a final peace agreement. Many of the most effective and ardent members of the internal opposition in Nicaragua are members of what remains of the business community. If there is no reasonable prospect for an improved business climate in Nicaragua—even after a peace settlement—few businessmen will return to contest Sandinista policies through democratic means and many more will leave. Further, lifting the economic embargo after a final settlement will help remove a pretext for Sandinista economic incompetence—which would also help the opposition.

Fourth, and this may be the most important benefit of all, these provisions should help to give greater credence to the declared objective of U.S. policy toward Nicaragua. If there had been stronger support by the administration for regional diplomatic initiatives in Central America, if there had been no clandestine mining of Nicaraguan harbors, if there had been no Iran-Contra affair, we might be debating a rather different amendment. But the concerns that these episodes have raised are not easily dispelled. I believe that these provisions should help to make it clear that those days are behind us and that our government is making every effort to promote a lasting settlement between the Sandinistas and their opposition.

As a result of these provisions, which for the first time link economic incentives to a final peace agreement, I believe that the Dole amendment would have provided strong incentives for both sides of this conflict to get back to the bargaining table. The Contras can hardly afford to be complacent. They have not received military assistance in nearly a year. Meanwhile, as noted earlier, the Sandinistas are continuing to receive massive amounts of military equipment from the Soviet Union and Cuba. So the Contras have every incentive to seek their goal of a democratic Nicaragua through negotiations rather than military operations. At the same time, due to the economic incentives contained in the Dole amendment, and the provisions to ensure the continued viability of the Contras, the Sandinistas would have strong incentives to negotiate seriously. In sum, while neither amendment was ideal, I believe that the Dole proposal offered a more realistic basis for advancing the prospects of a negotiated settlement providing for peace and democracy in Nicaragua.

Mr. President, in closing, I would like to make it clear that I continue to believe that a negotiated settlement of the conflict in Nicaragua should remain the objective of U.S. policy. I also continue to believe that we need a multifaceted approach in order to achieve this objective. A purely military policy has no greater chance of success than a wishful policy based solely on rhetoric and good intentions. Unfortunately, in my view, the procedural obstacles contained in the Byrd amendment would have reduced the chances of delivering assistance to the Contras in the immediate future. Consequently, after comparing the two packages, I felt compelled to support the amendment offered by the distinguished minority leader. I hope that we will yet be able to come up with a balanced approach which members on both sides of the aisle can support.

NASA SCORES A VICTORY

Mr. DANFORTH. Mr. President, today the National Aeronautics and Space Administration completed what is apparently a very successful test firing of the main engines of the space shuttle *Discovery.* It looks like America is ready to head back into space.

Today's 22 second flight readiness firing has almost 2 years of very tough, very important work behind it. There have been frustration and disappointment since the tragic accident over 2 years ago. Today's test firing is a tribute to the resilience of a large and dedicated group of public servants working around the clock at NASA.

I would like to take this opportunity to express my deep appreciation to the men and women who have dedicated their lives to restoring this country's space program. The exploration of space expands our limits. Whether it be in the sciences, new technological innovations, or our exploration of other planets and distant galaxies, America's presence in space enlarges us. We must continue to pursue a vigorous space program. We must continue to expand our knowledge. We must continue to broaden our horizons.

We read about the problems the space shuttle has confronted. I remind my colleagues that the shuttle is the envy of the world. What we accept as routine, the launching and landing of this vehicle, has not been duplicated. Delays and problems with the shuttle, while undesirable, are understandable considering the complexity of this undertaking. I recall the marvel of the first launching of the shuttle. Perhaps we began to take this great accomplishment for granted. We should do so no longer.

Mr. President, this is a great moment for NASA. The shuttle is the key to continued access to space and deployment of the space station. This success today is the result of hard work and dedication. I commend all involved.

THE 1988 ONASSIS INTERNATIONAL PRIZES

Mr. PELL. Mr. President, the Alexander S. Onassis Public Benefit Foundation annually awards $100,000 each to persons or organizations whose contributions in all areas of contemporary life is characterized by dedication to human values as conceived and encouraged in Greek philosophy and Greek culture. These awards, the Onassis International Prizes, are among the many activities of the foundation which was created by the late Aristotle Onassis in memory of his only son. Past recipients of these awards have included the late Prime Minister Harold MacMillan of the United Kingdom; former Chancellor of the Federal Republic of Germany Helmut Schmidt; Bishop Desmond Tutu of South Africa; conductor and director of the Slazburg Music Festival Herbert von Karajan; Secretary Emeritus of the Smithsonian Institution S. Dillon Ripley; and film director Andrzej Wajda.

This year, the chairman of the Onassis International Prizes Committee was the Honorable John Brademas, our distinguished former colleague in the House of Representatives, now president of New York University. Dr. Brademas presided over the 1988 awards ceremonies and was accompanied by the paramount secretary of the committee, Ambassador Ioannis Georgakis. These ceremonies were held in the Old Parliament Building in Athens, Greece, and were conducted in the presence of senior officials of the Greek Government, members of the diplomatic corps, and leaders of the academic, cultural, and professional communities of Greece.

The 1988 awards were presented to Miss Elizabeth Taylor, actress, in conjunction with the French organization AIDES; the Honorable Robert S. McNamara; and the Administrative Bureau of Museums and Archeological Data of the People's Republic of China.

Miss Taylor and the French organization AIDES shared the "Aristotelis Prize for Man and Society." They were honored for their "campaign against AIDS and their invaluable contribution to encouraging the awareness of society, governments, and authorities of the tragic dimensions of this contemporary 'plague' which endangers humankind everywhere." Miss Taylor has been a vigorous champion of more research of the causes of AIDS and has worked tirelessly to raise funds for this purpose. The Paris-based organization, AIDES, helps victims of AIDS and was represented in Athens by the President of the organization, Professor Daniel Defert.

The "Athinai Prize for Man and Mankind" was awarded to the Honorable Robert S. McNamara, former Secretary of Defense and former president of the World Bank. Dr. McNamara was honored for his work in "forging new policies to encourage economic and social cooperation between developed and developing countries" as well as for his articulate and dedicated advocacy of control of nuclear weapons and reduction of tensions between East and West.

And the "Olympia Prize for Man and His Environment" was awarded to the Administrative Bureau of Museums and Archeological Data of the People's Republic of China. The prize was received by the Deputy Minister of Culture of the PRC, Mr. Wang Gifu on behalf of the organization. The bureau was honored for its contributions to better cultural understanding between Asia and the West through the excavation and protection of the terra cotta army in the tomb at Xian of the Emperor Qin Shi Huang.

Mr. President, I ask that the opening ceremony remarks of Dr. Brademas as well as the remarks of each of the recipients of the Onassis Prize be printed at this point in the RECORD.

The remarks follow:

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY, ONASSIS INTERNATIONAL PRIZES CEREMONY

It is my pleasure and privilege to welcome you all to the ninth annual presentation ceremonies of the Onassis International Prizes, made possible by the Alexander S. Onassis Public Benefit Foundation.

At the outset, I should like to say how delighted I am to greet the distinguished recipients of the 1988 Onassis Prizes, whom we gather today to honor.

May I also express my profound gratitude to the distinguished members of the International Prizes Committee for the time and energy they have devoted to making the selections.

My colleagues on the Committee, of which I am honored to be this year's chairman, join me in voicing our particular appreciation for his dedicated efforts to the Permanent Secretary of the committee, and since 1985 Vice Chairman of the Onassis Foundation, His Excellency, Ambassador Ioannis Georgakis.

MEMBERS OF ONASSIS PRIZES COMMITTEE

Allow me here to salute the other distinguished members of the Committee:

The Rector of the University of Paris and Chancellor of the Universities of Paris, Mme. Helénè Ahrweiler;

The President of the Italian Energy Authority, E.N.E.A., Umberto Colombo;

Former President of the Institute of Ibero-American Cooperation, Ambassador Manuel de Prado y Colón de Carvajal;

Former President of the Federal Republic of Germany, Dr. Walter Scheel;

Former British Ambassador to Greece, Sir Michael Stewart;

Former Prime Minister of Luxembourg and former President of the Commission of the European Communities, Gaston Thorn;

Former Greek Ambassador to the Soviet Union, Ambassador Angelos Vlachos;

Director of the Insitute for European Enviromental Policy, Professor Ernst U. Von Wizsaecker; and

Member of the Constitutional Council of France, George Vedel.

ALEXANDER S. ONASSIS PUBLIC BENEFIT FOUNDATION

We meet today to award three prizes in the name of the Alexander S. Onassis Public Benefit Foundation. But I think it appropriate that I take a moment to observe that these prizes represent only one of an array of important activities made possible by the Foundation.

I have time to give you only examples. The Alexander S. Onassis Foundation supports projects principally in the fields of health, education and culture. It provides scholarships to young Greek men and women for post-graduate study in Greece and abroad, and it produces a range of films that celebrate the heritage of Greece.

Here I must mention two of the largest and most significant benefactions of the Onassis Foundation.

One is the Onassis Center for Hellenic Studies, which is being established—I am delighted to say—at my own New York University. The Onassis Center, part of our Faculty of Arts and Science, will embrace the rich span of Greek history.

As President of the University, may I express appreciation to Ambassador Georgakis and to the other members of the Onassis Foundation Board for their foresight in realizing that such a center could mean a profound and enduring impact for Hellenic culture and civilization.

The other signficant benefaction of the Onassis Foundation I want to cite is the Onassis Cardiac Survey Center in Athens. As you know, groundbreaking ceremonies for this modern and complete facilty were held last fall, and it is expected to open in 1990. The Cardiac Center represents a major contribution to medical care for the people of Greece.

A TRIBUTE TO ARISTOTLE ONASSIS

As we reflect on the Onassis International Prizes, the Onassis Center for Hellenic Studies, the Onassis Cardiac Surgery Center and other extraordinary contributions of this Foundation to the betterment of humankind, I think it fitting that we pay tribute to the remarkable man whose generosity and foresight made the Onassis Foundation possible. For the Alexander S. Onassis Public Benefit Foundation, the activities of which began in 1980, was the crystallization of many years of thought and planning by Aristotle Onassis. He bequeathed half his fortune for the creation and operation of a public benefit foundation dedicated to the memory of his beloved son, Alexander, tragically killed at the age of 23.

In his will, Aristotle Onassis, in the humanistic spirit appropriate to a product of the Greek heritage, declared his intention that the Foundation serve "to assist in the fields of medicine, education, literature, religion, journalism, arts; to provide also for the establishment of . . . awards, with monies similar to those of the Nobel Foundation . . . ."

The breadth of this extraordinary bequest was consistent with his extraordinary life. Like his friends Winston Churchill and Greta Garbo, Aristotle Onassis became a modern phenomenon, a person of such talent and achievement as to make him in life, legendary.

From difficult beginnings, in the tragic streets of Smyrna, he lept to the pinnacle of an international business empire, controlling among other holdings one of the world's largest shipping lines.

Today, however, we salute his memory not solely for his brilliance as an entrepreneur, but for the vision and imagination that caused him to create a foundation that will in perpetuity be a constructive force for Greece and the world.

So as we meet this afternoon to celebrate the distinguished persons who will receive the Onassis International Prizes, let us celebrate as well the legacy of Aristotle Onassis.

Acceptance Speech of Miss Elizabeth Taylor on Receiving Onassis "Aristotelis" Prize for Man and Society

Words cannot express my gratitude for being awarded this distinguished honor. I am deeply moved to have been chosen to receive this award from such a prestigious and internationally renown Foundation as the Alexander S. Onassis Public Benefit Foundation, I would also like to congratulate Professor Daniel Defert of AIDES for their outstanding work in France.

I would like nothing more than to be receiving this prize for any reason other than AIDS. I pray each day that this tragedy will be ended. I keep hoping that I will awaken from this nightmare, but my hope is shattered by the painful realization that AIDS is not a dream, I cannot pretend it isn't happening, not even for a moment—none of us can.

Our society is faced with a medical emergency that is unparalleled in the twentieth century. AIDS increasingly brings with it untold suffering and loss of life, social chaos and financial overwhelm. It knows no regional, sexual, racial, religious or socio-economic boundaries. The tragedy of AIDS has stricken many thousands and threatens millions more. Cases have been reported from practically every nation in the world. Indeed, the magnitude of this crisis demands urgent and international attention and cooperation.

TWO EPISODES OF AIDS: ILLNESS AND FEAR

The world is experiencing two epidemics of AIDS—one of illness—and one of fear. The illness brings heart-rending physical and emotional pain to human beings, most often in the prime of their lives. The epidemic of fear breeds irrational behavior, senseless mistreatment, and the destruction of relationships among friends and family at times when those relationships are most needed. Fear that engenders a senseless stigma which causes leaders to shrink from their responsibilities and misdirects the fight against AIDS into a fight against people instead of the virus which causes it.

The war on AIDS is not a war that merely involves support of science and medicine. We must also give our love and support to people with AIDS. In the words of Sophocles, "one word frees us from all the weight and pain of life: That word is love".

I am honored and privileged to accept this prestigious award. I accept on behalf of those individuals who give tirelessly of themselves in searching for medical answers, and those who struggle to ensure unconditional dignity for people with AIDS and AIDS-related conditions.

I accept on behalf of the loved ones who have suffered not only the empty pain of losing someone dear, but also the humiliation of the abhorrent stigma of AIDS.

But most of all, I accept on behalf of the many thousands of men, women, and children throughout the world who have died, or are currently fighting for their lives. Their strength and courage are worthy of our utmost praise and support. Their valiant struggles must not be in vain.

I urge you to persevere in the fight against AIDS, with efforts that are, renewed with each new day. We must give of ourselves—our time, our money, and our love for the sake of all humanity throughout the world. Thank you.

Acceptance Speech of Professor Daniel Defert, President of the Organization Aides Onassis "Aristotelis" Prize for Man and Society

Twelve years before the third millennium, will an AIDS epidemic also carry along our ability to reason?

In choosing to award the Aristotelis Prize to those who have volunteered to launch the campaign against the discrimination of the ill and the seropositive, to inform the public and advance the research, and for this to select Athens and the surroundings of a Parliament, a place linked both in myth and in history to the birth of the "logos", the Onassis Foundation asserts its confidence in the face of this tragedy, by taking a firm stand in favour of our highest values.

And yet, seven years after the onset of this new disease in the U.S., it is true that if hope lies in the hands of researchers, urgency remains always and everywhere in information and advice on preventive measures, in the care of the diseased and in the struggle against discrimination which rages in employment, schools, borders, when it is not inside the medical establishments. The AIDS menace affects our private lives and the confidence of individuals towards each other, creating a crisis in society ties. It reveals a shortcoming in communications. It is neither knowledge, nor resources which are lacking in the developed countries and obstruct the scale and the nature of the information campaigns and the quality of compassion. It is social prejudice. And to defeat these opposing forces we shall need the same number of years it took the disease to incubate. This way we will not run the risk of being overwhelmed.

THE ROLE OF VOLUNTEERS

What has been in this context, the role of an organisation of volunteers?

To act promptly, to instruct everybody regardless of the sexual expression of their emotional life, the ways in which to manage it so that the risk of contamination is reduced.

To alert public opinion on the need to hasten the control of blood donations, to facilitate the access to sterile syringes and, recently, to advertise that no test for the detection of the virus shall be made without consent, to assure the legislator that he will be taking these measures with public approval.

To defend in the press, in society and in a Court of Law, the rights and the dignity of the persons affected by the HIV against the attacks provoked by fear, discrimination, breach of confidence or media sensationalism. To propose concrete forms of solidarity.

First, the solidarity of a generation of men and women, often professionals in the field of health, sharing a common youth, a common approach to life, bound to the sick by compassion and a moral principle. These volunteers which are now organized in different countries, are maybe, witnesses of a new era. They are not missionaries of human rights, who in the midst of exile, famine and war, undertake the perilous defense like the French Doctors, of which Bernard Kouchner invented the generous model during the Biafra war. Most certainly, they too defend the lives and the rights. But the planet in which they roam, is the intricate subjectivity of the West, its deadends and its anguish. Yet, we say today that privacy is our societies' future.

It all starts with an anonymous phone call, the panicked voice of an adolescent: "Sir, I am seventeen years old and I have AIDS. Am I going to die?" then in the course of an intense dialogue: "Would I still be able to take my nephews on my lap?". Or this blank voice: "I hesitated between turning the gas on, and dialing your number". And he would have turned the gas on, because of a misinterpretation of a medical test result. So, a volunteer goes to the home or the hospital and the unknown voice becomes a face given to the admission of its desperation. It is about finding out together the dimensions of this tragedy: Loneliness, rejection, impossibility of communication with a parent, a lover, a spouse. Financial distress, anguish of death. Then, they embark together on this strange journey, we call companionship.

One will talk, the other one will listen. Reformulating the uncertainties, helping repeat the confessions and supporting the hopes, in the course of a long relationship with occasional practical services and administrative tasks which death interrupts, too often. The volunteer is a neutral partner, a little bit like an analyst, a caring mate with whom the sick person resumes a perilous life. To talk is also talking in order to stay alive.

Fritz Zorn has already written that his life was twice eroded. By cancer and by the cancer of conformism.

The lengthening of the periods of remission, thanks to the new treatments and the possibility of an early detection, increases the lifetime spent with the disease. The fraction of time within therapeutic care structures, is reduced in comparison to the period that one lives in confrontation with social, professional and family surroundings, something which augments the emotional strain on both sides and shifts the weight of the task.

We must also make sure that the prospect of a "fatal consequence" which leads to the loosening of social ties, behaviours of abandonment and non-communication patterns, is avoided. That a social death does not precede the biological death.

A CERTAIN SILENCE

A certain silence is slowly established in our society around dying, which has become a progressive physical exhaustion, supported by ultimate techniques inside the cold hospital walls. Modern people do not identify any more with those who die. AIDS has reintroduced death in the hearts of the young, in the same way that mislaid cartridges during the war, bring it to the minds of the unprepared whose lives are by no means over and who have not yet acquired consciousness of the immediacy of death.

This very recent voluntary movement to attend illness and the anguish of death, is a symptom of a radical change in our societies. Through it, the medical system will have to watch for a new awareness and behaviour, regarding all pathologies.

This very confidential task of accompanying the sick, does it have an impact on public opinion, on education, governments, in one word public health?

Yes. Because this collective apprenticeship of "being", even more than that of "doing", greatly increases ones' knowledge on the disease and takes roots in society like a plant-cutting. By witnessing, by the hundreds of thousands of brochures distributed every year, with films, conferences, the forceful reminders in the chart written by Medecins du Monde, on the rights of the sick and those seropositive, AIDES, making use of the authority that solidarity with the patients gives them, bear witness to every dimension of the epidemic.

NEAR THE EXPERIENCE

Thus, he who is forming his own experience does not let someone else prevail on it. We all know that a change of behaviour is never induced either by decree or by the quantity of information given. It is induced by being near the experience, by being present in the midst of a group of behaviour promoters. We propose a language for this disease, we participate in the careful study of new behaviours. We facilitate the cooperation of those belonging to high risk groups to the promotion of preventive measures, which implies that we in turn assure them of complete legitimacy inside the city area, that we fight all discrimination. It is not in vain that we maintain that such an approach guarantees public health and human rights.

The Aristotelis Prize is the first international distinction presented to one of these voluntary organizations, which, as everybody knows today have played an important part in the initiation and the encouragement of the fight against the disease. AIDES is probably the only one to have made a national establishment without fixed salary by the government. This voluntary venture against AIDS was started in Paris by some of us, in the fall of 1984. We are now more than six hundred volunteers present in 22 major regional cities in France and Overseas. In each of those cities we insure support, advice, defence. It is towards such purposes that the important sum which you are giving me today Mr. President, will be assigned and integrated, since our work is entirely voluntary and our function depends on the solidarity of the donators public and private, on individuals or enterprises.

No civilisation has been able to recognize the sense in the appearance of voluntary groups who contemplate life and pleasure as a symbol of self-concern, more than the Greek one. This notion appears in classical philosophy in direct correlation with medical thought and practice, both of which are preoccupied with pathos, passion and disease. It is from this classical concept that Michel Foucault derived his geneology of the sexual moral code of the West. His life imprinted my own with warmth, his death prescribed new urgencies. Through his philosophical work, our collective project has had the possibility to benefit from your tradition. Enlightened by this memory, I express to you Mr. President and to the Wise Council of the Alexander S. Onassis Foundation, the profound gratitude of the AIDES Association.

ACCEPTANCE SPEECH OF ROBERT S. MCNAMARA ONASSIS "ATHINAI" PRIZE FOR MAN AND MANKIND

Mr. President, twenty-five years ago last October John Kennedy announced to his nation and the world that the Soviet Union, under the cloak of secrecy, and with the clear intent to deceive, had introduced intermediate range nuclear missiles into Cuba.

A series of actions followed which brought the world to the brink of nuclear disaster.

Last Fall, to review those events, I participated in the most extraordinary international meeting I have ever attended. Harvard University invited McGeorge Bundy, Ted Sorenson, and me to join three Soviet officials—Fyodor Burlatsky, Khrushchev's personal assistant and now an advisor to Gorbachev; Sergei Mikoyan, the son of the influential Politburo member; and Georgi Shaknazardov, a senior member of the Central Committee staff—to discuss the causes of the Missile Crisis and the lessons to be learned.

With extraordinary candor the Soviets stated Khrushchev acted in a spirit of adventurism and without consideration of the consequences. But Khrushchev did what he did, and Kennedy responded as he did, because each leader, their associates, and their peoples were captives of gross misperceptions and deep-seated mistrust—misperceptions and mistrust that exist to this day. At our meeting, after 15 hours of private exchanges and a full day of public discussion, Mikoyan stated he was only then beginning to believe that in 1962 the US did not intend to invade Cuba and destroy the Castro government. And yet I can assure you we had absolutely no such intent. We were equally wrong in our perceptions of Soviet behavior and objectives.

The result was that on Saturday, October 27 the crisis had reached such a point that Burlatsky reported to us that he and a Central Committee colleague decided to move their wives and children to the countryside in anticipation of a US nuclear strike on Moscow. And, at the same time in Washington, on a beautiful Fall evening, as I left the President's office to return to the Pentagon, I thought I might never live to see another Saturday night. That sounds melodramatic, but it is, I believe, a measure of the gravity of the crisis as it was viewed by both sides.

THE LESSONS LEARNED

What were the lessons learned?

We agreed there were two.

1. In this nuclear age crisis management is impossible—if by crisis management one means the ability to predict with confidence the consequences of military action between the superpowers and their allies.

2. Therefore, we must direct our attention to crisis avoidance. And that means striking at the misperceptions and mistrust that underlie political confrontation and military engagement.

I do not believe the Soviet Union wants war with the West. And certainly the West will not attack the USSR or its allies. But dangerous frictions between East and West have developed in the past and, unless together we change course, they are likely to do so in the future. The Missile Crisis was just one illustration of a fundamental truth: Things can go wrong; Actions can lead to unintentional consequences; Signals can be misread; Technologies can fail; Crises can escalate even if neither side wants war.

A HIGH RISK

If deterrence fails and conflict develops, the present strategy followed by both East and West carries with it a high risk that our civilization will be destroyed.

George Bernard Shaw once wrote:

"Some men see things as they are and ask why.
Others dream of things that never were and ask why not."

It is an impossible dream to believe that, after four decades of continuing confrontation between East and West, we can begin to reduce political tensions and reshape military forces so as to reduce the risk of nuclear war?

Should we not set that as our goal?

Has not Mikhail Gorbachev given many indications that he is prepared to move in that direction?

Should not we in the West concert our views and, having done so, should we not probe the extent to which together we can dramatically reduce the basis for East-West conflict.

So far as military forces are concerned, we face an unparalleled opportunity to lay the foundation for entering the 21st Century with a totally different nuclear strategy, one of mutual security instead of war-fighting; with vastly smaller nuclear forces; no more than a few hundreds, or perhaps a few tens, in place of fifty thousand; with conventional forces in defensive, rather than offensive, postures; and with a dramatically lower risk that our nations will be destroyed by unintended conflict.

I hope that working together, we will seize that opportunity.

Surely our first duty and our first obligation must be to assure beyond doubt the survival of our civilization. We cannot accept that that is no more than an impossible dream.

MR. WANG JIFU, DEPUTY MINISTER OF CULTURE OF THE PEOPLE'S REPUBLIC OF CHINA ONASSIS "OLYMPIA" PRIZE FOR MAN AND HIS ENVIRONMENT

Mr. President, Ladies and gentleman, I feel greatly honoured today to receive, on behalf of the Cultural Ministry of the People's Republic of China, the Olympia Prize, presented by the Onassis Foundation to China's State Administrative Bureau of Museums and Archaeological Data. Please allow me, as the representative of the Cultural Ministry and China's archaeological workers to avail myself of this opportunity to convey to the President and to the Onassis Foundation our highest respect and sincere gratitude. And may the Onassis Foundation make even greater contributions to the cause of world peace and friendship in the future.

It is universally recognized that both China and Greece created glorious civilizations in world history. Friendly relations between these two great nations began as early as 2,000 years ago, when Chinese historians and Greek travelers introduced each other's cultures and traditions to their own people. The Silk Road brought Chinese silks to Greece, while Greek sculpture and mythology had considerable influence on Chinese art. Since diplomatic relations were established in 1972, even more cultural exchanges have taken place. Today the Onassis Foundation has taken another important step towards cementing the close and friendly relations between the two countries. We Chinese people will strengthen our efforts to further develop the friendship and cultural exchanges as well.

THE TERRA COTTA FIGURES

Mr. President, I would like to take this opportunity to outline our work on the excavation and protection of the Qin Dynasty terra-cotta figures of 2,200 years ago.

In March 1974, in Lintong County of Shaanxi Province, 1.5 kilometers away from the tomb of Qin Shi-Huang, the first emperor of the Qin Dynasty, terra-cotta figures of Qin warriors and horses, used as burial sacrifices to the emperor, were found in burial pits. These works of art drew immediate attention from scholars and specialists worldwide and soon became known as one of the world wonders.

The three pits which cover an area of over 20,000 sq. metres, have been designated Pits No., 1, No. 2 and No. 3. So far, Pit No. 1 has been partially excavated and trial diggings of the other two have been made. According to estimates, the three pits could reveal a total of seven to eight thousand tera-cotta warriors, several hundred terr-cotta horses, over a hundred chariots and numerous weapons.

All visitors to the burial sites are impressed by the size of the structure, the number of the terra-cotta figures, the workmanship employed in making the weapons and of course the beauty of the sculptures. These treasures, hidden in the earth for some two thousand and two hundred years, attest to the world the ingenuity of the ancient Chinese people. These discoveries have not only answered many of the controversial questions in Chinese history books but also provided a great impetus to the study and research of ancient Chinese culture, science and technology.

TREASURES OF THE CHINESE PEOPLE

After ten year of careful and elaborate work, we have built a large exhibtion hall over Pit No. 1 with floor space of 6,000 sq. metres and repaired more than 400 of the warriors and horses, sparing no efforts to preserve this world wonder in proper ways. Now the figures are aligned in an orderly and stately fashion, showing the magnitude and power of the original battle formation.

The Qin terra-cotta figures are the treasures of the Chinese people and also the common wealth of mankind. We hope our friends here will be happy to see the representative terra-cotta figures of the Quin emperor's bodyguards that we have brought with us. We trust they will receive a warm welcome.

Once again, please allow me to express my deep gratitude both to you, Mr. President, and to the Onassis Foundation for this high honour.

Thank you!

AIDS UPDATE

Mr. CRANSTON. Mr. President, according to the August 8, 1988, AIDS Weekly Surveillance Report, 70,208 Americans have been diagnosed with AIDS; 39,620 Americans have died from AIDS; and 30,588 Americans are currently living with AIDS.

Mr. President, 1,123 more Americans have developed AIDS and 722 Americans have died from this horrible disease since I last noted these statistics 2 weeks ago.

Mr. President, last week President Reagan responded to the excellent and thorough report of the Presidential Commission on the HIV Epidemic. Unfortunately, instead of heeding his Commission's advice, the President chose to ignore most of the major recommendations.

Most significantly, the President did not listen to the Commission regarding a much-needed Federal antidiscrimination measure covering both the public and private sectors. Instead, the President intends merely to instruct Federal agencies to adopt a policy based on guidelines issued 4 months ago by the Office of Personnel Management. I support those guidelines, but they are not nearly enough.

Admiral Watkins—who was appointed to the Commission by President Reagan and later elevated by him to be its Chairman—has stated repeatedly that discrimination against individuals with AIDS or those infected with the HIV is widespread nationwide and that a Federal statute is necessary in order to create the atmosphere most likely to help combat this disease.

Equally disappointing is the President's ignoring the Commission's call for markedly expanding drug abuse treatment programs for individuals at risk for AIDS. If we are not aggressive about helping intravenous drug addicts get off of drugs, we will never be able to stop AIDS.

The President's responses overall consisted basically of words, studies, and promises instead of urgently needed action, appropriations requests, and legislative proposals.

Mr. President, I would like to share with my colleagues the story of one man with AIDS and the double tragedy he suffered. As an August 4, 1988, New York Times piece by Howard H. Hiatt recounted, after being diagnosed with AIDS, Mr. Wilson Roberts faced discrimination and a health system unresponsive to his needs. Implementation of the Commission's recommendations would go a long way toward correcting these problems Mr. Roberts and tens of thousands of people with AIDS face every day. I ask unanimous consent that the article, "Why Did Wilson Roberts Have To Suffer Needlessly?" be printed in the RECORD.

WHY DID WILSON ROBERTS HAVE TO SUFFER NEEDLESSLY?

(By Howard H. Hiatt)

BOSTON.—President Reagan has just ordered Federal agencies to protect their employees with AIDS against discrimination and to explore other public health issues related to AIDS. It is an important step, but much too small and certainly too late to help Wilson Roberts.

Mr. Roberts died on his 34th birthday. During the last two years of his life, he suffered repeated episodes of pneumonia and other severe infections, debilitating diarrhea, cancer, a weight loss of 50 pounds and, near the end, progressive dementia. HIV, the virus that causes AIDS, killed Mr. Roberts, as it killed more than 38,000 other Americans before him.

The suffering Mr. Roberts and the others went through was needlessly magnified by serious problems in our health care, legal and educational systems. I say needlessly because many of these problems could be solved by better leadership. AIDS is new. The other problems are not.

Six months after his sickness began, Wilson Roberts lost his engineering job. Two months later, he lost his health insurance. Medicaid ultimately paid his medical bills but only after he had established eligibility by pauperizing himself, spending all but $2,000 of his life savings of $75,000.

When Mr. Roberts first became ill, he had no personal doctor. He went from one hospital emergency room to another before the diagnosis was finally made. During his illness, he was hospitalized nine times; after his insurance lapsed, he was refused admission to the hospital where he had been treated earlier. On several occasions his medical care could have been managed at home, and he would have preferred that. But the medical and social services for this were not available, and even if they had been his insurance paid for hospital costs but not home care.

Mr. Robert's landlord learned that his tenant had AIDS shortly before his lease expired, and forced him out of the apartment. Fortunately, a friend provided a room. By the end Mr. Roberts was bankrupt and too weak to look for housing.

Wilson Roberts' problems might have been eased by a humane and rational health care system. Had he had his own doctor, the diagnosis might have been made earlier. When home care could have substituted for hospitalization, his doctor would have arranged it.

Under a rational system, hospitals would admit all patients in need, and some of the nation's empty hospital beds, now estimated to be 40 percent of the total, would be converted to meet the need for nursing homes. The medical insurance system would provide comprehensive coverage for, and distribute the statistical risks among, the whole population.

We know we could have such a health care system because other countries do—and for less, some for far less, than the more than $2,000 per capita we will pay this year for ours.

There are legal issues, too. Antidiscrimination laws could protect the jobs and homes of people who, though infected with the virus, constitute no threat to fellow workers or neighbors. (The virus is fragile and can be spread only through the blood, by sexual contact or from the pregnant or nursing woman to child.)

Laws could also protect the rights of infected children to attend school under conditions that would pose no hazard to others. Last year, terror seemed to have overcome the Florida town where three hemophiliac children infected with HIV were barred from school and townspeople burned their home. Consider the reassurance for the family (and the lesson for the nation) if that episode had led to a televised talk from the White House, with the children sitting next to the President as he described how the virus is and is not spread.

More enlightened approaches to these and other problems could result in more attention to sex education, which might help contain the epidemic as well as reducing teenage pregnancies and abortions.

More support for methadone programs might slow the spread of AIDS and encourage some to give up drugs. Now, an uninfected intravenous drug abuser in Boston worried about getting AIDS from other addicts must wait six months to enter a methadone program.

The dim prospects for drugs to prevent or cure AIDS in the near future make it likely that at least the one million Americans believed to be infected, and perhaps several million more, will die in the epidemic. Many millions more around the world will also die. But if we come to grips with some of the non-AIDS problems—problems we have recognized but regularly failed to act on in the past—the pain of tomorrow's AIDS sufferers will be greatly eased. And in the process we can reduce the burdens of tens of millions more Americans with other serious medical and social diseases.

AGRICULTURAL COMMODITY-BASED PLASTICS

Mr. GLENN. Mr. President, earlier this year I introduced S. 2298, the Agricultural Commodity-Based Plastics Development Act of 1988. Six of my distinguished colleagues, Senators BURDICK, CONRAD, HARKIN, KASTEN, MELCHER, and DIXON, have jointed me as cosponsors of this important piece of legislation.

Mr. President, this measure addresses two important issues facing Americans today. Namely, the return to health and prosperity of our Nation's agriculture, and the serious environmental problem we face regarding the disposal of plastic waste.

This bill will promote the development of degradable plastics technology and private sector markets through the preferential procurement of degradable plastic products by the General Services Administration. Special emphasis will be given to agricultural commodity-based products. Twenty million dollars will be provided for each of 3 years to pay for the differential between the cost of the degradable plastic products and conventional products.

The bill will also direct the Secretary of Agriculture to annually report to Congress on the progress and status of research into the development of new nonfood uses for agricultural commodities. Finally, an interagency working group will be established to coordinate the implementation of the act and to annually report to Congress on its results.

Mr. President, the technology exists today to produce agricultural commodity-based plastics which degrade when disposed of in the environment. Research into degradable plastics was pioneered by the Department of Agriculture in Peoria, IL, as well as several universities and corporations. This research has yielded the first generation of products which are just now reaching the marketplace. As indicated in a Wall Street Journal article of July 21, 1988, many large chemical corporations are rushing to develop degradable plastics in response to increased public pressure driven by environmental concerns. Indeed, several communities in this country have enacted various laws to curb the use of nondegradable plastics for a variety of products ranging from fast food containers to disposable diapers. Many European countries are also concerned, including Italy, Denmark, Switzerland, Austria, and Britain.

Mr. President, I will ask unanimous consent that the full text of this Wall Street Journal article be printed following my statement.

The widespread introduction of this technology will benefit the American farmer since degradable plastics can be made by combining conventional plastic resins with starch made from corn and other agricultural commodities. A wide variety of items can be produced using these techniques, including plastic packaging, plastic bags, agricultural mulch, milk jugs, dairy tubs, meat trays, diaper liners, fast food containers, industrial containers, and pharmaceutical packaging. Using durable injection molding techniques, such diverse products as children's toys, office supplies, and automobile components are also feasible. When disposed of in a landfill, naturally occurring microbes consume the starch, causing the items to degrade. It has been estimated that corn starch based plastics could replace 30 to 45 percent of the low density polyethelyne plastics used in this country each year. This translates into an additional market for greater than 110 million bushels of corn per year.

Agricultural commodity-based degradable plastics also address another problem which faces our Nation, that of solid waste management. More than one-half of the cities in the United States will exhaust their current landfill capacity by 1990. By the year 2000, plastics will comprise 10 percent of the solid waste in our Nation's landfills. The management of this growing volume of waste is one of the most urgent and fundamental environmental problems facing Federal, State, and local officials. Clearly, there is no simple solution to this problem. The answer lies in a number of initiatives, including recycling, new incineration technologies, and modifying our use and disposal of solid waste. An important component of this will be the increased use of degradable plastics.

Mr. President, the problems facing American agriculture and the disposal of municipal waste are complex. They will not be solved quickly, rather they require a forward-looking strategy to help return our agricultural communities to prosperity and to address this very serious environmental concern facing our Nation's cities. I believe that this legislation, the Agricultural Commodity-Based Plastics Development Act of 1988, is part of that solution.

Mr. President, I will be holding hearings on this bill in the Governmental Affairs Committee in September. I am certain that many of my colleagues will be interested in these hearings and I look forward to their input as we consider this important piece of legislation.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG CHEMICAL CONCERNS HASTEN TO DEVELOP BIODEGRADABLE PLASTICS

(By Amal Kumar Naj)

Wayne Maddever knows just how to pitch his company's new product. As he extols its virtues, he produces pictures to prove how easily the product rots. They show, among other things, colonies of mold on a slimy pink surface.

Mr. Maddever says actual samples of the product decomposing are too disgusting to put in his briefcase. Anyway, the photos seem to do the trick. Sales, he says, have taken off.

The product, believe it or not: plastic.

For decades, chemical companies have invested fortunes to make plastic more durable. They succeeded to an extreme degree. Now, ironically, they are going back to the lab to develop plastics that rot.

They aren't doing this by choice, exactly. Victims of their own success, the companies created a product that is ubiquitous and nearly indestructible. Plastic is clogging the nation's dumps and killing wildlife. As the waste crisis worsens, laws aimed at curbing the use of plastic are proliferating.

BANNING DISPOSABLE DIAPERS

Several communities in California and New York have banned certain plastic packaging. About a dozen states are considering restrictions on plastic products such as egg cartons, disposable diapers, and grocery bags. Anti-plastic sentiment isn't confined to the U.S., either. Denmark is considering legislation to ban all plastic packaging. In Italy, certain types of plastic bags will be outlawed after 1991. Similar restrictions are being sought in Britain, Switzerland and Austria.

At the moment, the anti-plastic movement doesn't appear to be a big threat to the hugely profitable $15 billion market for plastic packaging. But the chemical industry fears packagers may turn to paper, aluminum or glass if restrictions on plastic increase. The paper industry, in particular, has been capitalizing on environmental concerns to promote paper as a substitute for plastic.

Kenneth P. Heinze, a securities analyst at Eberstadt Fleming Inc., says a number of chemical companies are already factoring a previously expected decline into their sales outlooks. Karl Kamena, manager of state and local regulatory affairs for Dow Chemical Co., adds: "If we don't solve the solid-waste problem, it will hurt our bottom line. We're going to suffer as an industry."

BAGS, BOTTLES AND AUTO PARTS

So the chemical industry is reluctantly pouring millions into developing biodegradable plastics. The research has yielded several promising first-generation technologies, and scientists believe more breakthroughs are possible. Among the companies at the forefront are Dow Chemical Co., Exxon Corp., Bayer AG of Germany, Imperial Chemical Industries PLC of Britain, and Enichem of Italy.

"Legislation will ultimately make this a big business," Lawrence Powers, chairman of Spartech Corp. in St. Louis, says. Spartech, a maker of plastic packaging, is banking on his hunch. With St. Lawrence Starch Co., a closely held milling concern based in Mississauga, Ontario, it recently launched a joint venture to develop biodegradable plastic products such as bags, bottles and even automotive parts.

St. Lawrence markets an additive that it claims enables plastic to fully decompose in 15 years. In contrast, conventional plastics remain intact for up to four centuries.

Here is how it works: Conventional plastics are composed of repeating hydrocarbon molecules, called polymers, which are derived from petroleum. (The lengthy chains too long for micro-organisms to eat; that is what makes plastic so resistant to decay.

A BANQUET FOR BUGS

St Lawrence's additive is composed of cornstarch and an oxidizing agent. Mixed with plastic resins, the agents become interspersed within the plastic polymers. When buried in landfills, the oxidizing agents react with metal salts in the soil, and the link between the polymers are destroyed. Simultaneously, bacteria feed on the cornstarch.

Gradually, the long chains of hydrocarbon molecules break down into smaller and smaller fragments. Within two years, the plastic becomes porous and brittle. Over the next decade, the plastic decays into fragments too small for the eye to see. Eventually, the molecules become tiny enough to be eaten by micro-organisms.

The biodegradable plastic typically cost about 15% more than conventional plastics. "Two years ago, when we began to market the product, the packaging manufacturers said it's a great idea but customers won't pay for it," Mr. Maddever says. Mr. Maddever, the salesman with the photos, is business-development manager of St. Lawrence.

Now, demand for the novel plastic is growing, especially among trash and grocery-bag makers, he says. The company says it also has had inquiries about the product from cosmetics concerns and diaper manufacturers.

Competitors are pursuing other technologies. In one of the boldest research efforts to date, Imperial Chemical, the big British chemical manufacturer, is testing a natural plastic produced by a type of bacteria found in the soil. The bacteria produce the plastic as a future source of energy, much as humans store fat. Similar in appearance and texure to petroleum-based plastics, the plastic decomposes into water and carbon dioxide when attacked by certain enzymes in the soil.

Imperial says it has had "terrific unsolicited interest in the material from all areas of plastics uses." But the cost of manufacturing the natural plastic is prohibitively expensive: $15 a pound, compared with roughly 65 cents a pound for conventional plastic. However, the company says it hopes to reduce manufacturing costs enough to begin marketing the plastic in two to five years.

FLAMMABLE GASES

Meanwhile, Exxon Chemical, a unit of Exxon Corp., is testing a plastic to which iron and nickel compounds have been added. The compounds eventually cause the plastic to break down. "We're evaluating and talking to our customers," a spokesman says, "but it is not clear what role biodegradable plastic will fill.

In any case, chemical companies still have technical problems to overcome in developing biodegradable plastics. The new plastics generally aren't as strong as conventional plastic. Scientists also fear that the new plastics could prove unreliable—that is, prone to decay before the job is done. That raises the specter of unhappy consumers with half-full trash bags disintegrating in their basements.

Decomposing plastics create chemicals that may contaminate goundwater. The decaying plastics also give off gases such as methane, which in large concentrations is flammable. Though it is unlikely the gases would become concentrated enough to ignite in landfills, the possibility still raises concerns. Some scientists also aren't sure whether they can develop biodegradable plastics that won't infect food with bacteria or impart smells to food.

MARKETING PROBLEMS

Aside from the technical problems, the new plastics pose other dilemmas for the chemical industry. For one, the industry has poured a fortune into advertisements designed to promote plastic bags, trashcan liners and other household products that are, as the televison commercial goes, hefty, hefty, hefty.

And the industry has billions invested in plant and equipment. Large-scale degradable plastic production would require a huge investment in manufacturing and handling facilities. Dow Chemical estimates that adding the new silos, holding tanks and other manufacturing equipment needed to make biodegradable plastic would add 10% to 20% to production costs.

Even companies that have developed plastics that decay are reluctant to market them aggressively. A number of years ago, when states began to outlaw the plastic connector rings that hold six-packs of soda or beer together, Dow developed a photodegradable plastic. Environmentalists pressed for the laws because birds and other animals were choking and strangling on the rings. Dow is a big manufacturer of resins for the rings.

DOW HOLDS BACK

Photodegradable plastic essentially disintegrates when exposed to the sun for long periods. Manufacturers have sought to use Dow's plastic in making trash bags and even kites. But, fearful of endangering the market for conventional plastic, Dow says it won't sell the plastic except for use as connector rings.

Marketing the photodegradable plastic more widely would only play into the hands of the anti-plastic movement, B.A. Geisert, Dow's director of business development, says. "If we don't think the use is appropriate," he adds, "we'll refuse to sell."

In what it calls a "defensive move," Dow says it, too, began research into other types of biodegradable plastics this spring, although officials declined to elaborate on the company's efforts. Dow's Mr. Kamena says the company didn't want to be "the last guy on the block" in the new field.

MOBIL COMES OUT SWINGING

Even as it is pursuing research into new plastics, the chemical industry is hastening to defend conventional plastic. Mobil Corp., for instance, recently launched a high-profile public-relations compaign to argue the folly of anti-plastic laws and to press for other solutions to the solid-waste crisis, such as garbage incineration and recycling.

Mobil came out swinging earlier this year, when New York's Suffolk County was considering legislation that would ban certain plastic products, such as grocery bags. The company took out full-page ads in several magazines and newspapers, lambasting the proposed bill. Despite Mobil's efforts, the measure passed; it will take effect in mid-1989.

But Mobile says it won't be a sore loser in the battle over plastic, if its foes prevail. At the same time it is rallying to defend conventional plastic, the company says it is conducting research into biodegradable plastics at tis laboratories in Edison, N.J.

If the market for biodegradable plastic takes off, "we will also make the stuff," a spokesman says. "We have to stay in business.

PANAMA CANAL: FUTURE POLICY DETERMINATION III

Mr. HELMS. Mr. President, August 15 is the anniversary of an important event in the history of the U.S. Panama Canal—its formal opening for commerce 74 years ago on August 15, 1914.

That was the day of the dramatic transit of the Panama Railroad ship "Ancon" from the Atlantic to the Pacific. From vantage points along the line of the canal, thousands witnessed the "dream of four centuries," one of the greatest engineering achievements of mankind.

Mr. President, in view of the turmoil of recent years in the Caribbean-Central American danger zones, especially in Panama, where the United States has vital interests, it is appropriate to summarize some of the highlights in the history of the Panama Canal, long recognized by well-informed leaders in the Congress as the key target for Soviet conquest of those strategic areas and for encirclement of the United States.

Interoceanic canal history traces back to the Age of Discovery when Christopher Columbus, during his fourth voyage, spent the Christmas of 1502 in what is today known as Limon Bay, the Atlantic terminus of the Panama Canal. The cities of Cristobal and Colon are named in his honor.

Although the early Spanish conquistadores explored the principal Isthmian crossings extending from Tehuantepec in Mexico to the Atrato River in Colombia, the most-favored-trade routes became those at Panama and Nicaragua and they are still potential rivals, each with strong supporters and opponents. The first plan for the Panama Canal was prepared in 1529 by the Spanish engineer, Alvaro Saavedra. But for valid reasons nothing definite was accomplished until the 19th century when the United States started upon a series of extensive explorations to determine the best location.

The first specific step toward constructing a canal at Panama was completion by U.S. interests of the Panama Railroad, 1849-55, the first transcontinental railroad in the Americas.

Following an 1879 Congress in Paris of some 134 distinguished world leaders under Ferdinand de Lesseps, the hero of the Suez Canal, French interests started the construction of a canal at Panama, 1880-89—an effort that tragically failed.

One of the major consequences of the famous war emergency dash of the U.S.S. *Oregon* in 1898 from the Pacific around South America to join the U.S. fleet in time to take part in the Battle of Santiago was the arousing of strong public support in the United States for constructing an interoceanic canal.

Isthmian history has also shown that whenever the canal question comes up for serious consideration there are two major issues: first, one for site; and later, the other for type.

The solution for the question of site of the Panama Canal was determined by the Spooner Act of 1902 after what is now known as a "battle of the routes" and that for type in 1906 largely through the efforts of Chief Engineer John F. Stevens of the Isthmian Canal Commission after what was later termed a "battle of the levels." Subsequently canal history has completely established the wisdom of both decisions: the Panama site for a canal of the high-level lake and lock type.

Many years later, on October 13, 1962, the U.S. Government honored the memory of John F. Stevens by designating the principal traffic circle in Balboa, C.Z., as Stevens Circle and the unveiling of a monument to him at its center that bears this inscription:

John F. Stevens
1853-1943
Isthmian Canal Commission
Chairman, 1907
Chief Engineer, 1905-1907
"The Canal is his monument."—Goethals

Colonel George W. Goethals, as the successor of Stevens, brought the Panama Canal to completion in 1914 and was its first Governor, 1914-16, becoming known as its "builder" with Stevens as its "basic architect."

Prior to and during World War II while serving as captain of the Port of Balboa, 1941-44, in charge of Marine operations in the Pacific sector of the Panama Canal, Comdr. (later captain) Miles P. DuVal, Jr., U.S.N., after a series of serious marine accidents in that sector and in close collaboration with some of the most experienced canal engineers and pilots, developed what was later described as "the first comprehensive plan" for the future canal derived from marine experience, known as the Terminal Lake—Third Locks Plan. ["A.S.C.E. Proceedings," Vol. 73 (Feb. 1947), pp. 161-74; "U.S. Naval Institute Proceedings," March 1955, pp. 263-75; and April 1956, pp. 395-99].

Publicly presented by him in an address at the Balboa College on May 20, 1943, with the authority of Governor Glen E. Edgerton before one of the best-informed audiences in the world on key canal problems consisting of responsible higher officers of the U.S. Armed Forces, Panama Canal engineers and pilots, the plan soon attracted worldwide attention of major maritime interests and, eventually, that of President Franklin D. Roosevelt who expressed his approval of the plan "as a postwar project."

After World War II was over that address was first published in 1947 by the American Society of Civil Engineers under the title of "The Marine Operating Problems, Panama Canal, and the Solution," creating a sensation among its members and in the Congress. ["A.S.C.E. Proceedings," Op. cit., pp. 161-74; and CONGRESSIONAL RECORD, Vol. 93 (Appendix), Pt. 10 (March 21, 1947), P. A1176.]

In 1945, after the use of the atomic bomb to end World War II in the Pacific, the corpse of the ancient dream for a canal of so-called sea-level design was resurrected with the enactment of Public Law 280, 79th Congress, authorizing the Governor of the Panama Canal to investigate the means for increasing its capacity and security, a measure strongly supported by certain industrial interests that would benefit and afterward strongly opposed by well-informed Panama Canal pilots, many major environmental organizations, and naval atomic bomb experts.

At the hearing in the House of Representatives preceding the enactment of Public Law 280 just mentioned the only witness was Maj. Gen. Joseph C. Mehaffey. When asked by Representative Eugene J. Keogh, of New York, about the Terminal Lake—Third Locks Plan, he expressed his approval of the plan "in principle" for completing the suspended Third Locks Project. (House Committee on Merchant Marine and Fisheries, "Investigation of Additional Panama Canal Facilities," executive hearings on H.R. 4480, 79th Congress, November 15, 1945, p. 9). He did not at this time commit himself on the long predetermined dream for a new canal of "sea-level" design with tidal locks.

Mr. President, this meant that two experienced Governors of the Panama Canal, Maj. Gens. Glen E. Edgerton and Joseph C. Mehaffey, have accepted the validity for modifying the original third locks project to include a terminal lake at the Pacific end of the Panama Canal as was planned in 1906 by Chief Engineer John F. Stevens and in 1879 by the far-visioned French engineer, Godin de Lepinay, the "Precursor of the Panama Canal."

In later hearings and debates in the Congress, 1947-79, covering most major canal questions, there were many scholarly discussions, notably by Senator STROM THURMOND of South Carolina, Senator James B. Allen of Alabama, Representative Willis W. Bradley of California, a retired naval officer of great ability; Representative (later Senator) Thomas E. Martin of Iowa, a retired Army officer of high capacity; and Representative Daniel J. Flood of Pennsylvania whose interest in the canal subject began in his boyhood when he heard former President Theodore Roosevelt describe some of the difficulties he had when launching that tremendous project.

A selection from the key addresses by Representative Flood covering the sovereignty question, the major modernization of the existing Panama Canal, and the question of a new canal, all under the title of "Isthmian Canal Policy Questions (Ho. Doc. No. 474, 89th Congress) is an invaluable source of reliable information on the highly complicated interoceanic canal question and should be consulted by all wishing to be informed.

Mr. President, at this point I shall list some of my own contributions:

"Panama Canal: Evolution of a Plan." CONGRESSIONAL RECORD, Vol. 124, Pt. 21 (Aug. 25, 1978), pp. 27878-82.

"The Security Situation in Central America and the Caribbean Basin." CONGRESSIONAL RECORD, Vol. 127, No. 187 (Dec. 15, 1981), pp. S15243-53.

"U.S. Isthmian Canal Policy." CONGRESSIONAL RECORD, Vol. 128, No. 34 (March 30, 1982), pp. S3075-76.

"U.S. Isthmian Canal Policy." CONGRESSIONAL RECORD, Vol. 129, No. 33 (March 16, 1983), pp. S3306-11.

"Panama Canal: Future Policy Determination [I]." CONGRESSIONAL RECORD, Vol. 132, No. 133 (October 1, 1986), pp. S18486-97.

"Panama Canal: Future Policy Determination [II]." CONGRESSIONAL RECORD, Vol. 133, No. 93 (June 9, 1987), pp. S7764-68.

Mr. President, in 1977 in disregard of the overwhelming opposition of the sovereign people of the United States and well informed opposition in the U.S. Congress, two new canal treaties that would cede the canal with its indispensable protective frame to Panama in 1999 were signed and ratified with the advice and consent of the U.S. Senate. Many of the Senators who voted for that strategic "give away" are no longer Members.

The gruesome details of the 1977-79 "surrender" with much pertinent background history are now available in two recent, well documented and highly original books. They are:

G. Russel Evans. "The Panama Canal Treaties Swindle: Consent to Disaster."

Samuel J. Stoll. "Canalgate: A Panama Canal Brief for the American People." Privately published by its author, Livingston, NJ, 1988.

Captain Evans, a graduate of the Coast Guard Academy and Naval War College, is a retired officer and aviator of the U.S. Coast Guard with an extensive background of experience at sea, as well as a student, since the Panama flag riots in 1964 in the Canal Zone, of Panama Canal history, as well as a distinguished author and columnist.

Mr. Stoll is a distinguished New York patent lawyer who understands the necessity for using original documentary evidence of historic value in clarifying confusing legal situations, such as those in the U.S. Senate debates for the 1977 canal treaties.

Copies of the Evans book were distributed by the Washington Chapter of the Military Order of the World Wars to all Members of the U.S. Senate, and to a majority of the House of Representatives. The book by Mr. Stoll was distributed by its author to persons in key positions in and out of the Congress.

Recent information is to the effect that Soviet engineers have been making a "feasibility study" for construction of a canal at Nicaragua. This study is a further violation of the Monroe Doctrine in the current struggle for world domination that was reaffirmed on September 17, 1987 by the U.S. Senate by a vote of 90 to 2. ("Show Business," N.Y.C., Sept. 30, 1987, p. 10.)

At this particular time, when so much of Central America, including the Isthmus of Panama, is still embroiled in bloody conflicts, it is important that before the next major debates, the leading Members of the Congress, especially in the Senate, be better informed on Isthmian Canal history for one of the treaty-based responsibilities of the United States in assuming its jurisdiction over the U.S. canal in 1904 was protection "against lawlessness and disorder," (Hay-Pauncefote Treaty of November 18, 1901, Art. II, subpar. 2). Subsequent history has justified that precaution.

The record of political turmoil in the Republic of Panama is truly amazing in that it predates by many years its separation from Colombia on November 3, 1903. Fortunately, this information has been published in easily available form (CONGRESSIONAL RECORD, Aug. 7, 1969, Vol. 115, Pt. 17, pp. 22845-48); and Jon P. Speller, "The Panama Canal: Heart of America's Security," 1972, pp. 129-42.)

Mr. President, after study of these records of political instability it will be easily understood why Panama has been so often described as a "land of endemic revolution and political turmoil," (Speller, op. cit. p. 140).

The latest addition to the cumulating literature on the interoceanic canal question is an important article by Captain Evans published in the April 1988 number of the "A.S.C.E. Journal of Professional Issues in Engineering" of which the editor is Archie N. Carter.

Mr. President, to make the previously indicated article by Captain Evans available to all Members of the Congress, Executive agencies concerned with Panama Canal policy matters, especially the tripartite study group now working on the canal question, and the Nation at large, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the indicated article was ordered to be printed in the RECORD, as follows:

[From the Journal of Professional Issues In Engineering, April 1988]

CONSENT TO DISASTER: 1977 PANAMA TREATIES

(By G. Russell Evans [1])

(Abstract: The American-built Panama Canal, product of American engineering genius, will be owned and operated by Panama by the year 2000, under terms of the 1977 Treaties. Then, Panama can invite Cuba, Nicaragua, the Soviets or any other country to operate this strategic waterway. This paper offers substantial evidence of unconstitutional treaties obtained illegally in forcing possible fraud upon the U.S. Senate for its "advice and consent"—and upon the American people. Panama's secret counter-reservation made possible the Carter-Torrijos Treaties. Further execerbating the situation is the unstable and corrupt dictatorship of Guardia General Manuel Antonio Noriega, who maintains close ties with Cuba and the Nicaraguan Communist Sandinistas in transshipping munitions. Even more important than the Canal is the integrity of the Constitution, as well as U.S. interests in the Caribbean. Solutions are offered looking towards sound constitutional policy and assertion of legitimate defense rights over the Canal—which is not yet lost.)

PANAMA AND CANAL ARE UNIQUE

For those who have studied or become involved in any way with the Republic of Panama and its American-built Canal, the very sight of this crossroads of the world on a map conjures up visions of intrigue and adventure. This tropical land, nine degrees of latitude above the Equator, with 10,000-foot mountains, coffee plantations and dense jungles, stretches in an east-west direction in the shape of a recumbent letter "S," some 360 miles long and 31-110 miles wide.

The Canal itself runs generally in a northwest-southeast direction through the 10-mile by 51-mile former Canal Zone, granted "in perpetuity" to the United States by the 1903 Treaty, but taken away by the 1977 Treaties—in what has been called the Age of Surrender.

Panama is unique. It is the land bridge connecting North America and South America. The Canal saves some 8,000 miles in sea voyages between the Atlantic and Pacific Oceans, voyages which otherwise would go around Cape Horn at the bottom of South America. Its strategic importance, as one of the four major waterways of the world, is self-evident—and Teddy Roosevelt in negotiating the 1903 Treaty was emphatic about three essential premises: (1) The Canal must be under U.S. control; (2) it must be fortified; and (3) the U.S. must have sovereign rights over the Canal and its protective zone. Today, with the 1977 Treaties, all this is changed.

The purpose of this paper is to elucidate those changes and the present situation in Panama; to examine serious allegations of unconstitutional Treaties; and to offer solutions for a more secure future for this most valuable strategic and economic asset.

BUILDERS OF PANAMA CANAL

American civil engineering genius constructed this new wonder of the world. Indeed, some have written that future archaeologists will marvel at a civilization that could create such an awesome mark on the face of the earth. During the period 1904-1914, engineers, supervisors, and diggers labored under the most trying conditions of disease, murderous landslides and diplomatic wrangling in order to complete one of the world's most ambitious engineering projects—first, under Chief Engineer John Findley Wallace (1904-1905); then, John Frank Stevens (1905-1907); and finally, the U.S. Army Engineeers Colonel George Washington Goethals (1907-1914).

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[1] Capt., U.S. Coast Guard, Retired, 5010 Gosnold Ave., Norfolk, VA 23508.

Note. Discussion open until September 1, 1988. To extend the closing date one month, a written request must be filed with the ASCE Manager of Journals. The manuscript for this paper was submitted for review and possible publication on November 9, 1987. This paper is part of the Journal of Professional Issues in Engineering, Vol. 114, No. 2, April, 1988. ©ASCE, ISSN 0733-9380/88/0002-0199/$1.00 + $.15 per page. Paper No. 22354.

Stevens originated the basic plan and after it was well underway, he resigned in 1907, nonetheless earning his place in history as the basic architect of the Panama Canal. Thus, the shift from civilian control to military control. Colonel Goethals completed the project, becoming the builder of the Panama Canal.

An appreciation of the value and magnitude of the Canal can best be had by a transit, for example, on a vessel such as the USS *Iowa*, where, close up, observers can marvel at this monument to American sacrifice and national pride, the Panama Canal.

This 887-foot battleship with a beam of 108 feet and 2 inches fits into the lock chambers with a clearance of 11 inches on each side. This challenging operation requires four skilled pilots using tugs and locomotives to guide the ship through the 110-footwide lock chambers, in a twelve hour passage from Pacific to Atlantic Ocean. During this time, the 58,000-ton warship is lifted 85 feet above sea level at Miraflores and Pedro Miguel Locks, and then lowered 85 feet back to sea level in the 3-step locks at Gatun.

A superb system of locks, lakes, and personnel is the Panama Canal, carved out of the jungle wilderness some 75 years ago, and today operating with most of the original equipment. A total of 413 million cubic yards of dirt and rocks was excavated for the 45-foot channels—enough diggings, if laid yard to yard, to reach from Panama City to the moon and beyond. The 8-mile long cut through the Continental Divide, 312 feet above sea level, took 168,000,000 cubic yards—enough to encircle the earth four times, yard to yard. Construction of the Gaillard Cut cost the lives of hundreds of workers because of landslides and other accidents.

Civil engineers, as much as any other segment of American society, have a wide interest in the future of the Canal and in the shaping or national policy that affects it.

STATUS OF CANAL TODAY

There are two 1977 Panama Canal Treaties: (1) the Panama Canal Treaty, providing for the gradual turnover of the Canal to Panama; and (2) the Permanent Neutrality and Operation Treaty, providing for permanent neutrality and operation of the Canal by Panama. Both are bilateral treaties between the United States and the Republic of Panama, and both are in force. By the year 2000 all U.S. forces will be gone.

Today, the Canal is neutral and operating under the Neutrality Treaty, a very distinct advantage for the Communist-bloc nations, whose cargo and war ships enjoy the same rights of passage as U.S. vessels. The Soviets have quadrupled their use of the Canal since the Communist Sandinistas took over Nicaragua in 1979 and began expanding their "revolution without borders." Tanks, ammunition, and helicopters pass unchallenged in support of the second Cuba, this time on the mainland of North America.

Only a dozen years ago, this situation would not have been possible. Then, the Canal was under U.S. control, as guaranteed by President Theodore Roosevelt, and U.S. interests would have been protected. With the 1977 Treaties, however, the Canal has been internationalized, with equal access by all nations, friends and adversaries alike.

NEW STUDIES REVEAL SUSPECT TREATIES

Unsettling as such a situation is, an even more disturbing problem has been discovered: the voiding of legal U.S. defense rights over the Canal. This matter of permanent and unilateral U.S. rights to defend and keep open the Canal, with or without Panama's permission, under authority of the U.S. DeConcini Reservation to the Treaties, has been nullified and overriden by a secret Panamanian counter-reservation inserted into Panama's instruments of ratification at the last moment, and therefore, never consented to by the U.S. Senate as constitutionally required. This three-paragraph reservation, called "the most substantive change imaginable" by the late U.S. State Department treaty specialist, Dr. Charles H. Breecher, does not appear in the U.S. instruments, as customary.

Numerous other highly questionable procedures, both under the U.S. Constitution and Panamanian Constitution, as well as under international law, have been discovered and documented in two recent studies. One is titled "The Panama Canal Treaties Swindle: Consent to Disaster" by Captain G. Russell Evans; and the other is titled "Canalgate: A Panama Canal Brief for the American People" and is authored by attorney Samuel J. Stoll. The Evans study examines allegations of unconstitutional procedures in ratification.

The Stoll study (preview edition) focuses on such arguments used by proponents of the Treaties as who in Panama actually signed the 1903 Treaty, and how "We, the People" of the United States were largely ignored. It discloses new information about and definition of the sovereignty issue and the roles of Presidents Eisenhower, Kennedy, and Carter. Taken together, these two studies reveal much new information never before publicized.

The future security of the Canal is endangered, not only by the highly suspect Treaties, and Panama's rejection of U.S. defense rights, but also by an irrational dictatorship under the pro-communist Guardia (National Defense Forces) General Manuel Antonio Noriega, a man who regularly deals in the transport of arms to Nicaragua from Cuba and the Soviet-bloc, and a man described by Senator Jesse Helms (R-N.C.) as "the biggest drug dealer in the Western Hemisphere." Admiral Thomas H. Moorer, US Navy (Ret.), former Chairman of the Joint Chiefs of Staff, has called Panama "a dangerous environment in which to position one of our most valuable strategic assets."

MILESTONES MARKING "SURRENDER" OF CANAL

A number of milestones mark the road to the 1977 Treaties—Treaties opposed by 79 percent of the American people, who also objected to "surrendering" U.S. sovereign rights and eventually ten billion dollars worth of taxpayers' investments by the year 2000. These milestones bring to mind the Latin American axiom: "The more one shakes the Yankee tree, the more plums one gathers."

Milestone No. 1 was the proposed 1926 treaty that was never ratified but which would soften treaty enforcement. The fact that negotiations were conducted at all signified a shift from the "big stick approach" to the "good neighbor policy."

Milestone No. 2 was the 1936 Hull-Alfaro Treaty, a direct outgrowth of President Franklin D. Roosevelt's "Good Neighbor Policy," featuring generous aid. There were 14 major concessions, including sharing the Canal defense with Panama and the abolition of U.S. rights to preserve order in the Republic of Panama.

Milestone No. 3 was the surrender in 1942 of defense base rights in Panama, a significant concession during World War II.

Milestone No. 4 was the unauthorized action in 1946 by Alger Hiss in listing the U.S. Canal Zone as "occupied territory" in his report to the United Nations.

Milestone No. 5 was the 1955 Chapin-Fabrega Treaty, with more concessions, including increasing the annuity to almost $2,000,000, and voiding U.S. rights to regulate sanitation in Colon and Panama City, among other concessions.

Milestone No. 6 was President Eisenhower's capitulation in 1960 to permit Panama's flag alongside the U.S. flag in Shaler's Triangle in the Canal Zone, as evidence of "titular sovereignty"—a costly mistake that signaled the beginning of the end.

Milestone No. 7 was President Kennedy's error in 1963 in permitting Panama's flag to be flown everywhere in the Canal Zone where the U.S. flag flew, thereby compounding Eisenhower's mistake. Since flags, historically and universally, have always signified sovereignty, these orders of Presidents Eisenhower and Kennedy were totally contrary to the provisions of the 1903 Treaty granting the United States sovereign rights "to the entire exclusion of . . . the Republic of Panama" of the exercise of any such sovereign rights.

Milestone No. 8 was President Johnson's announcement in 1964 to renegotiate the 1903 Treaty and to surrender U.S. sovereign rights, thereby exceeding his constitutional authority regarding a ratified treaty, and weakening all future U.S. negotiating positions.

Milestone No. 9 was the unnecessary abrogation in 1971 of the 1914 Bryan-Chammoro Treaty with Nicaragua, thereby surrendering U.S. proprietary rights for a canal through Nicaragua, plus 99-year leases on the Corn Islands in the Caribbean Sea and future base rights on Nicaragua's Gulf of Fonseca on the Pacific side—all initiated by Secretary of State Kissinger under President Nixon. The intrinsic value of such a treaty against the communist Sandinistas today in Nicaragua could be quite high.

Milestone No. 10 marked another serious error by Secretary Kissinger. This was the Kissinger-Tack Statement of Principles in 1974, incorrectly alleging three times (out of eight principles) that the Canal Zone was "Panamanian territory," a totally incorrect statement completely contrary to the rulings of the Supreme Court in 1907, and of the Fifth Circuit Court of Appeals in 1971, both of which declared the Canal Zone a U.S. territory. These Principles formed the basis for the 1977 Treaties, and Kissinger, therefore, could be called architect of the Panama Treaties.

TREATY 'RATIFICATION' TOOK PRIORITY

Among candidate Jimmy Carter's most repeated promises during the 1976 presidential campaign were his assurances that he would "never give up U.S. control of the Panama Canal," and many times he said, "I'll never lie to you." On January 21, 1977, the day after his inauguration however, National Defense Memorandum No. 1 was prepared, initiating negotiations for the 1977 Treaties, from beginning to end designed to "give up U.S. control," as the top priority of his administration.

Fifteen months later, on April 18, 1978, President Carter had the Senate's "advice and consent" to the two new Treaties, which he called "one of my proudest moments." Others who have studied the negotiations and ratification procedures have been less enthusiastic.

The late Dr. Charles H. Breecher, a retired U.S. State Department treaty specialist, called the Treaties a "swindle" and much more. He advanced strong constitutional and international law arguments in support of his charges, particularly at the June 23, 1983 hearing before the U.S. Senate Subcommittee on Separation of Powers. Breecher also denounced as unconstitutional the treaty provisions that could authorize four Panamanian non-resident aliens to serve as officers of the Panama Canal Commission, the U.S. agency that operates the Canal under the Treaties, when these Panamanian citizens could not take oath of office to support the U.S. Constitution. These were only a few of the irregularities documented by Dr. Breecher.

WHAT GOOD IS STUDY?

In my three-year-study of the Panama Treaties, chief among the findings was the inescapable conclusion, repeatedly, that the Carter Administration's goal of the ratified Treaties took precedence over national security considerations. No amount of logic, counterargument, or strategic advice seemed to matter. Always, some overriding pro-treaties argument prevailed. Even when irrefutable facts were laid out, side by side, it often seemed that devious measures were employed to sidestep, or to obfuscate, or at times to deceive. For example, the repeated claim that the Canal Zone was "rented" and was not U.S. property or territory was abundantly refuted by constitutional scholars at the time and also by rulings of the Supreme Court (1907) and the U.S. Court of Appeals (1971). Nonetheless, Mr. Carter and his backers continued these false allegations.

Some have asked, "What good is a study? The Canal is gone." No, the Canal is not gone, nor is some 34% of the former Canal Zone. A special Act of Congress will be required for that. The specific purposes of my study are threefold: (1) To provide an historical accounting of what really happened; (2) to provide potential legal grounds for reasserting U.S. defense rights when that becomes necessary; and (3) to provide a basis for congressional investigation into unconstitutional treaties if there is the national will to do so.

NEVER-BEFORE-TOLD STORY

Our evidence provides particulars of the never-before-told story of how President Carter was able to produce "ratified" Treaties against the will of the American people and how he gained the "advice and consent" of 68 senators when only 31 originally favored the Treaties. It was a masterful exercise in dogged determination.

In his Introduction to this study, Admiral Moorer wrote:

"Americans will be appalled at what actually took place. They will have extreme difficulty believing that the executive and legislative branches of the U.S. government would foster such non-treaties and swindle on our nation . . . .

"I testified before committees of both the Senate and House of Representatives several times. It was quite clear throughout that very few of the members of Congress had any concept of the long-range implications of these treaties on the security and prosperity of the United States. Rather, they chose to deal in emotional and ideological levels. . . .

"Today, because of our failure to stand fast in support of the principles expressed in the Monroe Doctrine and to retain control of the greatest maritime gateway in the world, we are in very serious trouble in Central America."

Critics of the 1977 Treaties, among them, Senators Steve Symms (R-Ida.) and Jesse Helms (R-N.C.), Generals Gordon Sumner U.S. Army (Ret.) and C. M. Talbott U.S. Air Force (Ret.), Congressmen Bill Dickenson (R-Ala.) and Philip Crane (R-Ill.), John Fisher of the American Security Council, and Reed Irvine of Accuracy in Media, have all agreed with the premises of this study, which they have reviewed: American taxpayers were deprived of their property and rights under false pretenses.

CHARGES OF FALSE PRETENSES

Historical documentation proves that the Canal Zone was the property of the taxpayers of the United States, bought and paid for four times with tax money out of the U.S. Treasury: $40,000,000 to the French engineering company for its assets, $25,000,000 million to Colombia, from which Panama gained independence in 1903, $10,000,000 to the new Republic of Panama, and $4,700,000 total of title in fee simple to all of the individual land owners and squatters in the 10-by-51-mile Canal Zone—perhaps the most bought and paid for piece of real estate in history.

The Canal Zone was also U.S. territory, so ruled by the U.S. Supreme Court in 1907 in the *Wilson* v. *Shaw* case, and so ruled again in 1971 by the Fifth Circuit Court of Appeals in *United States* v. *Husband R. (Roach)*. Americans had been deprived of their rights—sovereign rights granted by Article III of the 1903 Hay-Bunau-Varilla Treaty to the entire exclusion of the exercise of any sovereign rights by the Republic of Panama.

These are facts, and they are clear-cut.

A number of actions prove false pretenses: (1) Both nations made believe they had ratified the same treaties; they had not; (2) both nations had to violate their own constitutions and the 1969 International Convention on the Law of Treaties in order to get ratified treaties they could never get otherwise; and (3) both nations hid Panama's secret counter-reservation until the last moment, thereby voiding U.S. defense rights and preventing a U.S. Senate vote on "the most substantive change imaginable."

SUSTAINED PRESSSURE PRODUCED "RATIFIED" TREATIES

All this was evidently possibly because of the power of the U.S. presidency—"unsurpassed," said Harry Truman, "even by the might of Genghis Khan, or Caesar, or Napoleon." Perhaps an overstatement by President Truman, but nevertheless, within seven months, on August 10, 1977, Mr. Carter had two treaties in his hands: (1) the Neutrality Treaty for the permanent neutrality and operation of the Canal; and (2) the Panama Canal Treaty for the gradual takeover by December 31, 1999. Next came the highly publicized signing ceremonies in Washington on September 7, 1977, followed by the constitutional procedures of each nation for final approval.

But there was trouble: there were no clear cut U.S. defense rights, without which the U.S. Senate would never give approval to the Treaties. So, President Carter and Torrijos, the dictator of Panama, huddled in Washington and with much fanfare issued on October 14, 1977 their meaningless Statement of Understanding—which was really a statement of misunderstanding, since it did not clarify defense rights at all. It was sufficient, however, to satisfy the Panamanians who, on October 23, 1977, voted by plebiscite to approve the Treaties.

In Washington, the U.S. Senate went into action. Some 90 changes were proposed at one time or another, and six were approved, all substantive, particularly the all-important DeConcini Reservation, which spelled out in plain words unilateral U.S. defense rights.

The U.S. Senate gave "advice and consent" to the first treaty (the Neutrality Treaty) by the margin 68 to 32 on March 16, 1978, and one month later on April 18, approved the second treaty (the Panama Canal Treaty) by the margin of 68 to 32, one vote over the required two-thirds. Meanwhile, in Panama, Torrijos was balking because of the clear-cut U.S. defense rights, and threatening to denounce all treaties. President Carter's secret telephone call, disclosed in his book, "Keeping Faith" (Bantam), persuaded Torrijos "to write his own reservation about U.S. intervention" (p. 174). This invitation became Panama's secret counterreservation, requiring Panama's "cooperation" before the exercise of any U.S. rights, and it was hidden until the day (June 16, 1978) of actual "ratification," when the Treaties became an accomplished fact. Carter and Torrijos had thereby voided U.S. unilateral defense rights.

Confirmation that Panama's secret reservation did indeed remain secret until the actual day of the Treaties' "ratification" was established by a survey of 23 participants in the treaties process. This survey by Phillip Harman's Committee for Better Panama and United States Relations turned up not a single participant nor member of the Senate Foreign Relations Committe who had seen the secret counterreservation before the Treaties were "ratified." A total of 85 letters and innumerable telephone calls and interviews produced not an iota of evidence that the counterreservation was available to the public or to the Senate until the Treaties were a fait accompli.

In this manner, President Carter had "ratified" treaties that had eluded four previous presidents over the preceding 14 years. He had agreed to give up control of the Canal after assuring voters he never would. He did more: he surrendered ownership.

IMPASSE IS OVERCOME

Along the way to "ratified" Treaties was the argument that never went away and was never resolved: permanent and clear-cut U.S. rights to defend and keep open the Canal, with or without Panama's approval. The required two-thirds of the Senate would never agree to Treaties without this guarantee—and Omar Torrijos, the one-man ruler of Panama, would never agree to Treaties with this provision.

It was an impasse. What was the solution? The solution was an eight-part series of exciting manipulations, one by one, every one providing the power of parliamentary expediency. Briefly, here are the eight parts:

1. The failure of the U.S. State Department to explain to the U.S. Senate leadership and to members of the U.S. Foreign Relations Committe Panama's last minute counterreservation that killed U.S. rights to defend the Canal, thereby preventing the Senate vote constitutionally required for treaties and their parts.

2. Failure to keep the Clements Clause (defining unilateral U.S. defense rights) in the 1977 Treaties after Panama had agreed to this Clause in a 1975 negotiated treaty draft.

3. Stonewalling Senator Robert Griffin's request to the White House (on the day of the U.S. Senate vote on the first Treaty) for information about Panama's rejection of U.S. defense rights.

4. Tabling Senator Dewey Bartlett's motion (on the day of the vote on the first Treaty) for inquiry into Panama's failure to hold a second plebiscite for approval of the changes added to the Neutrality Treaty.

5. Tabling a similar motion by Senator Bartlett for inquiry into Panama's failure to hold a second plebiscite regarding changes added to the Panama Canal Treaty (the second Treaty). (Obviously Carter and Torrijos could not risk a second plebiscite, which surely would have rejected the changes added by the United States.)

6. Tabling on March 20, 1978, Senator Malcolm Wallop's Amendment No., 13 (50 to 37) that would provide that if Panama abrogated any part of the 1977 Treaties, then both Treaties would terminate and the 1903 Treaty would "reenter into force." (This was exactly the provisions of James Madison's Federalist Paper No. 43: " that all articles are mutually conditions of each other; that a breach of any one article is a breach of the whole treaty.")

7. Tabling on April 18, 1978, Senator Strom Thurmond's Amendment No 34 (58 to 40) requiring President Carter to submit to the U.S. Senate for "advice and consent" anything Torrijos added to the Treaties. If Senator Thurmond's Amendment had passed, presumably the Senate would have seen Panama's secret counterreservation—though perhaps some other method would have been found to protect Panama.

8. Undoubtedly, the bypassing of Article II, IV, and VI of the Constitution, more than any thing else, assured President Carter's victory, his "ratified" Treaties, and this part of the eight-part manipulation is the most important of all. Before explaining the violations of these three Articles of the Constitution and in order to establish credibility with the reader, let me make a few observations; first, the Constitution is written in language that the average person can understand; indeed approximately one-half of the framers of the Constitution were not even lawyers. Second, the secondary sources of the law are also easily understandable; however, let us note quickly, no one can logically derive from the Constitution some of the penumbral decisions of modern courts. And third, and very important to me, five constitutional lawyers carefully checked this analysis regarding violations of the Constitution, among them, Mr. Alfred J. Schweppe of American Bar Association fame. He said. "I have read your analysis carefully. I agree. You have made your constitutioal points emphatically." Herewith a brief discussion of Articles II, IV and VI:

A. Article II contains the treaty clause, which was violated when the U.S. Senate did not vote on Panama's secret counterreservation, called by treaty specialist Dr. Charles Breecher and other jurists "the most substantive change imaginable" and contrary to accepted standards of international and constitutional law. Artcile II requires a two-thirds vote of Senate approval for treaties and all their parts.

B. Article IV contains the property clause, which requires approval of both U.S. Houses of Congress for disposal of U.S. territory and property. The U.S. House of Representatives was denied its constitutional role in transferring the property and territory of the Panama Canal Zone. The President and the Senate purported to do it alone, thereby avoiding almost certain rejection of the Treaties by the House of Representatives.

C. Article VI contains the supremacy clause, which makes treaties and U.S. laws equal as "the supreme law of the Land." This constitutional requirement was simply ignored in attempting to abrogate the old 1903 Treaty with Panama which was unconstitutionally declared terminated by the new 1977 Treaties. This was contrary to "Jefferson's Manual and the Rules of the House of Representatives" (paragraphs 593 and 599), that specify that "an act of the legislature alone can declare them (treaties) infringed and rescinded." Since treaties are laws, they must be handled as laws, i.e., repealed by both Houses of Congress. Treaties, however, receive the special treatment of Article II's "advice and consent" of the Senate only in being brought into force as a "law of the land."

Unfortunately for the Panama Canal Treaties, the U.S. Constitution gave way to what is called "legislative efficiency" and "settled diplomatic practice" by the U.S. State Department and modern-day negotiators and treaty specialists. But, on what authority is the Constitution circumvented?

OTHER IRREGULARITES

Among the other irregularities and illegal producers that make these important Treaties suspect, or unconstitutional, or outright invalid are the following:

1. The failure of the U.S. Senate to vote on Panama's secret counter-reservation violated Article 20.2 of the 1969 Vienna Convention on the Law of Treaties, specifying that "a reservation requires acceptance by all parties."

2. The failure to hold a second plebiscite in Panama to approve the six substantive changes added to the Treaties by the United States violated Article 274 of Panama's Constitution which requires plebiscites for all Panama Canal Treaties (and the six changes were important parts of the Treaties).

3. The failure of Panama's President Demetrio Lakas to sign the Treaties violated Article 163 of the Panama Constitution, which specifies the signature of the President, not that of Dictator Omar Torrijos, who signed the Treaties without constitutional authority.

4. The failure to wait until March 31, 1979, to ratify the Treaties, as required by the U.S. Brooke Amendment. President Carter "ratified" the Treaties nine and a half months early, on June 16, 1979, thereby precluding possible exposure of the many irregularities about the Treaties, including possible discovery of Panama's secret counterreservation and more pressure for a second plebiscite. Mr. Carter said, "We now have ratification in escrow, and we'll make it effective March 31, 1979." Others have said, "Illegal and unprecedented."

SMOKING GUNS

A "success story" of this magnitude left behind a number of so-called smoking guns. After the heat was off, the time had come for reflection:

1. In 1979 (April 28), William D. Rogers, U.S. Assistant Secretary of State, involved with the Treaties, related in a speech to the American Society of International Law, Washington D.C., that the real purpose of one of the leadership amendments to the Treaties was to remove U.S. defense rights, i.e., to make them "subject to the nonintervention principles of the U.N. Charter."

2. In 1980, Senator Howard Baker (R-Tenn.), in his book "No Margin for Error" (Time), reported his ex officio negotiating with Omar Torrijos in Panama in January 1978. He was circumventing both the Constitution (Articles I and II) and the Logan Act, which restrict foreign negotiations to the President alone.

3. In 1981, President Carter revealed in his memoirs, "Keeping Faith" (Bantam), that when the Treaties were about to fail because of clear-cut U.S. defense rights in the DeConcini Reservation, he told Torrijos to write his own reservation on the matter. Torrijos did, and this became Panama's secret counterreservation that voided unilateral U.S. defense rights.

4. In 1982 (June 5), Ambassador David Popper, a one-time Treaties negotiator, wrote in his letter to Phillip Harman, Chairman of the Committee for Better Panama and U.S. Relations, that "ambiguity was essential" to get ratified Treaties, and that without ambiguity, there would be no Treaties.

In explaining to Mr. Harman that unilateralism in defense of the Canal was "never acceptable to the Panamanians," Mr. Popper added, "In the end, we concluded that the Panamanians had as much right to interpret the Treaties as we did, and that a certain amount of ambiguity was essential . . . ." The amount of ambiguity that the negotiators accepted was enough to nullify U.S. defense rights.

Henry Kissinger had set the pattern for acceptable ambiguity, the U.S. State Department's "New Diplomacy," when he told the U.S. Senate Foreign Relations Committee October 14, 1977, in testifying in favor of the Treaties, "Ambiguity, of course, is the essence of diplomacy . . . I have resorted to it in negotiations on several occasions."

GROUNDWORK FOR SURRENDER

Military strategists have always regarded the Panama Canal as the "key to the Western Hemisphere." The naval strategist and author, Alfred Thayer Mahan, called the Isthmus "the focus of the Monroe Doctrine" long before the Canal was completed. U.S. Admiral Tom Moorer, former Chairman of the Joint Chiefs of Staff, told the U.S. Senate Foreign Relations Committee in 1977 before the vote to surrender the Canal, "In military affairs, there is no substitute for the ownership of territory and the ability to control or deny its water and air space."

Festering in the U.S. State Department since the day in 1946 when Alger Hiss sent an unauthorized report to the United Nations listing the Panama Canal Zone as "occupied territory" has been the obvious latent desire to surrender the Canal to the Panamanians. Evidently sympathetic and unwilling to uphold U.S. treaty rights in this matter have been a number of Secretaries of State, e.g., Dean Acheson, Dean Rusk, Henry Kissinger and Cyrus Vance.

Next to President Carter, there were four men most involved in the loss of the Canal. Howard Baker, then U.S. Senate Minority Leader and later Chief of Staff to President Reagan, undoubtedly influenced other Republicans to support the Treaties. President Lyndon Johnson, disturbed by the 1964 flag riots in Panama, announced, without constitutional authority or procedure, his intention to scrap the 1903 Treaty and give up U.S. sovereign rights, thereby conceding outright all major future bargaining chips in any negotiations with Panama.

The other two were Henry Kissinger and Sol Linowitz. As Secretary of State in 1974, Kissinger signed a Statement of Principles, incorrectly alleging in three of the eight Principles that the Canal Zone was Panamanian territory, thereby perpetuating the Alger Hiss allegation of "occupied territory" and laying the groundwork for future dissent and "surrender." Was the Secretary of

State unaware of the 1907 Supreme Court ruling and the 1971 Circuit Court of Appeals ruling that established legally the Canal Zone as U.S. territory?

Sol Linowitz, the Washington attorney, had a record of potential conflicts of interest when Carter appointed him as co-negotiator of the Treaties. Mr. Linowitz was a director of the Marine-Midland Bank, to which Panama owed $115 million. Canal tolls could help pay off this debt. He had been a registered agent of Colombia and of communist Chile (under Allende) in litigation against the United States. Linowitz had served as chairman of several private commissions whose objectives, among others, included transferring the Canal to Panama. By virtue of Linowitz's six-months-only appointment by Carter, he was not subject to Senate confirmation and thereby, the airing of potential conflicts of interest. The foregoing information was published in Human Events and in other conservative publications over a period of time, and was not denied, constituting, in this writer's opinion, disqualifying conflicts of interest.

MILITARY OFFICERS: CONCEPT OF DUAL LOYALTY

The concept of dual loyalty seems to have been abandoned by the U.S. Joint Chiefs of Staff in the matter of the Panama Canal Treaties. These highest ranking military officers, and heads of the four branches of the armed forces in the U.S. Defense Department, first opposed the Treaties. Then, after considerable political pressure, as described by Colonel Sam Dickens, U.S. Air Force, of the planning staff of the Joint Chiefs, all decided to support the Treaties. In contrast, approximately 99% of the retired admirals and generals who were polled opposed the Treaties. One report scored them 321 opposed out of 324 polled.

U.S. active duty officers either support the U.S. President's policies in public, or they must retire or resign. After all, they are dealing with the commander in chief. Carter's five-officer Joint Chiefs of Staff were: Chairman U.S. Air Force General George Brown; U.S. Army General Bernard Rogers; U.S. Navy Admiral James L. Holloway III; U.S. Air Force General David Jones; and U.S. Marine Corps General Louis Wilson. If any one of these military leaders had resigned in protest to surrendering the Canal, the impact could have possibly changed a few votes in the Senate and undoubtedly would have generated more public pressure.

Hansen Baldwin, the great military strategist and author, wrote authoritatively about the dual loyalty that all military officers must be bound by in "Strategy for Tomorrow," Baldwin wrote:

"The Joint Chiefs, in fact the uniformed officers of all services, owe loyalty and obedience to the Commander-in-Chief, but they also have an obligation to the Congress, as well as to the President, to provide frank appraisals of all military matters. The fundamental loyalty is to the Nation, not to any single administration, and the founding fathers undoubtedly intended to emphasize the dual loyalties involved."

U.S. Army General Thomas Lane also wrote of dual loyalty in his "Breakdown of the Old Politics:"

Our military leaders at the highest level cannot dismiss their responsibilities for the safety of the country by saying we obeyed the President.

HOW PANAMA'S SECRET WAS KEPT SECRET

How did Omar Torrijos and President Carter keep Panama's counterreservation secret until the last moment? Dictator Torrijos affixed a totalitarian clamp of silence, i.e., keep quiet or else. Carter's State's Legal Adviser Herbert Hansell evidently locked it up. But the four stories told by four storytellers sounded much like an exciting chapter from "The Adventures of the Katzenjammer Kids" in alleging how the U.S. Senate leadership and the Foreign Relations Committee were briefed about the counterreservation: Michael Kozak, State's Deputy Legal Adviser, said Hansell did the briefing; U.S. Ambassador William Jorden in his book, "Panama Odyssey," said Kozak did it; Robert Dalton, another Legal Adviser, said Hansell and Curtiss Cutter, a veteran Foreign Service Officer, did it; and Hansell said, "The Department provided copies."

The fact is no one could prove that anyone did it. There were no records, no dates, no locations, no correspondence. Nothing. In a total of 85 letters to 23 principals of the Foreign Relations Committee, Senate leadership, and staffs not a single person reported seeing Panama's secret counterreservation until the day the Treaties were ratified in Panama on June 16, 1978.

Another secret that was well kept was the answer to the question: Did the U.S. State Department prefer a dictatorship instead of a democracy in Panama in order to get ratified Panama Treaties? Powerful evidence from the year 1968 suggests that the answer is yes. After the failure of President Johnson's proposed 1967 treaties, the internationalists in the State Department apparently needed a new way. The following developments help explain the "new way" for Panama:

1. A draft position paper, discovered by Panamanian journalist Leopoldo Aragon in February 1968, called for a military dictatorship with Omar Torrijos as the "likeliest man to do the job."

2. U.S. Secretary of State Dean Rusk hinted at a dictatorship in his testimony of October 12, 1977, before the Senate Foreign Relations Committee.

3. U.S. Army intelligence officer Efrain Angueira on October 9, 1968 warned the U.S. command in Panama of the planned coup against President Arnulfo Arias 48 hours in advance, a warning that was ignored as the three top U.S. officials left the country: General Robert Porter to Uruguay; Ambassador Charles Adair and Canal Zone Governor Walter Leber to Washington. Then, on October 11, the Guardia's military coup was inplemented and Panama has been controlled by the Guardia ever since.

These are the facts. Torrijos was indeed the "likeliest man to do the job" for Panama, just as Carter was "likeliest" for the United States. Both men pushed through treaties that may in time prove to be unconstitutional under the constitutions of both countries.

LAND OF ENDEMIC REVOLUTION AND POLITICAL TURMOIL

At this writing, Panama continues its role as "the land of endemic revolution and political turmoil." Beginning in June 1987, masses of demonstrators openly demanded the ouster of General Manuel Antonio Noreiga, the chief of Defense Forces (Guardia), for denying basic human rights, and specifically for (1) rigging the 1984 elections to install his own man, Nicolas Barletta, as president; (2) implication in the 1985 murder of political opponent Dr. Hugo Spadafora; (3) firing Barletta for refusing to whitewash the Spadafora murder; and (4) drug trafficking and gunrunning, among other things. These were the charges.

In mid-1987, Noreiga's military regime, with figurehead President Eric Delvalle, declared an "indefinite state of emergency" with no right of public protest or freedom of speech. News censorship was heavy, with no independent media allowed. According to reports, the Miami Herald was banned from Panama, as was the book, "The Panama Canal Treaties Swindle."

Panamanian businessman Elaf Alvaro, interviewed on public television, said Panama is not a country, but a racket with much corruption everywhere. General Noriega's contacts, making him the leading drug trafficker in the Hemisphere, netted him a reported $1,500,000 yearly in personal fortune. The security and future of the Canal should be a matter of grave concern. Nonetheless, on June 5, 1987, 13 U.S. senators signed and sent an "Open Letter to the People of Panama" alleging how strongly the American people supported the 1977 Panama Treaties. At last count, however, some 79% opposed the Treaties.

Within 12 short years, full ownership and operation of the Canal passes to Panama under terms of the Treaties. Then, Panama will be free to invite the Soviets, the Cubans, or any country to come in and operate the Canal. According to a July 27, 1987 report in the newspapers, Panamanian leaders, doubtful of their ability to run the Canal after 1999, are contacting "Japanese experts who would be contracted to run the Canal," perhaps even "to widen, extend and upgrade the entire Canal." Henry Kissinger was reported to have received a $5 million fee for services to Japan in these matters.

Keeping in mind that the United States, with taxpayers' money, built, developed, and operated the Panama Canal for civilization during the past 70 years, the possibility that Japan or some other nation may move in is a matter of interest to engineers and others. It recalls the Terminal Lake-Third Locks Plan for modernization developed by Captain Miles P. DuVal Jr., U.S. Navy (Ret.), some 40 years ago—and still waiting.

TERMINAL LAKE-THIRD LOCKS PLAN

As a defense project just prior to World War II, Congress authorized a third set of locks (140′ × 1200′) alongside the existing locks, plus the widening of Gaillard Cut. Work stopped in 1942, after two years work, because of higher war priorities. Perhaps this suspension was fortunate, because the proposed new channels contained three sharp bends (29°, 47°, and 37°), creating navigational hazards. Subsequently, the U.S. Navy Captain of the Ports of Balboa, then-Commander Miles P. DuVal, Jr., analyzed the operational problems and proposed the following solutions:

1. For the bottleneck at Pedro Miguel, physically remove the Locks.

2. For the double handling of vessels on the Pacific side, construct all Pacific locks in continuous steps, as at Gatun on the Atlantic side.

3. For the fog hazards in Galliard Cut and the water surges caused by operating Pedro Miguel Locks, elevate the Miraflores Lake water level to that of Gatun Lake in order to provide safe anchorage during fogs and to dampen surges.

4. For the limited water level of Gatun Lake (82′-87′), raise the summit water level to 92′.

5. For the narrow-bottom width (300′) of Galliard Cut, widen it to 500′.

6. For the inadequate size (110′ × 1000′) of the present locks, construct a set of larger locks.

This Terminal Lake-Third Locks Plan won approval as best for navigation and engineering from Canal Zone officials, pilots, and engineers, and was approved as a postwar project by President Franklin D. Roosevelt. Budget and treaty considerations, however, prevented accomplishment of this modernization plan, that at some future date will make Captain DuVal the "architect of the future Panama Canal."

Although the 1977 Panama Treaties provide for U.S. rights to improve the Canal and for joint studies, one of which is in progress today involving the United States, Panama and Japan, practicable considerations of Panamanian ownership and sovereignty in the year 2000 demand prudence to say the least. Experienced authorities stress that any major modernization "be undertaken at no risk to the U.S. taxpayers and investors, and only under the undiluted sovereign control of the United States over both the Canal and its indispensible protective territorial frame." This is impossible with the 1977 Panama Canal Treaties.

FOCAL ISSUE BETWEEN USA AND USSR

On June 30, 1987, Elliott Abrams, U.S. Assistant Secretary of State for Inter-American Affairs, in his address to the Washington-based World Affairs Council, described the instability in Panama caused by the despotic military regime and emphasized the need for democracy. Mr. Abrams assured the members of the Council, however, that the Canal was safe, that Americans are committed to the Treaties, which, he said, "are in no way affected by this month's events." The "events" included, among other things, rioting and demonstrations against a government unable to govern. Even so, this is the "regime for . . . permanent neutral operation" of the Canal.

Experienced military officers have cautioned that the surrender of the Canal and loss of sovereign control over the Canal Zone will not help democracy come to Panama, nor in any way solve the Canal problem. The late Major General Thomas A. Lane, strategist and U.S. Army engineer with Canal experience, called the loss of control a "calamitous misjudgment." Added Captain Miles DuVal, "Moreover, it can only lead to endless future conflicts and recriminations in Panama as well as facilitate the pro-Soviet Cubanization of other Isthmian and Caribbean countries."

Captain DuVal, a primary source of historical and technical information about the Canal, has observed that military strategists and informed members of Congress consider that "the focal issue involved in the Panama Canal situation is between the USA and the USSR for control of Central America and the strategic Caribbean Basin." On April 12, 1979, at the U.S. Naval Academy, he said:

"The greatest lesson learned from all Panama Canal history is that in the formulation of Isthmian Canal policy there is no substitute for responsible experience. The simple and economic solution of the current problem is not abandonment by the United States of its historic responsibilities, which include protection against "lawlessness and disorder," or construction of a second canal. Instead, it is retention by the United States of sovereign control over the Canal Zone and the major modernization of the existing canal, with only one flag over this vital asset—the American flag. This is best for the United States, best for Panama, and best for the users of the Canal."

At the time of the extensive debates on the Treaties in 1977, an editorial in the "Strategic Review" warned:

"To confide this crucial waterway to the nominal control of a small country which is ill-qualified to administer or defend it is an act of Great Power irresponsibility . . . . Marxist-Leninist subversion would be intensified . . . . Friction would mount and the U.S. position would become intolerable."

In a follow-up editorial, ten years later, in the Summer 1987 issue, Lt. General Victor H. Krulak, U.S. Marine Corps (Ret.), warned that Panama's secret unilateral reservation fails to acknowledge U.S. defense rights, thereby bringing the validity of the Treaties into question as well as "the prospect of our permitting a repetition in Panama of the tragedy we allowed to happen in Nicaragua," he added:

"We still have time to adopt a position before the world that comports with our stature as a great nation, and which recognizes the flaws in the treaty under which we are operating."

Specifically, we should announce our determination to respect the independence of other nations, but an equal determination, by whatever means necessary, to ensure the free use of the Panama Canal.

WHAT SHOULD BE DONE

The construction of the Panama Canal through the mountains and rocks of the Continental Divide in a hostile environment just after the turn of the century will forever remain in history as a monumental accomplishment by the engineers of America—done with skill, ingenuity and dedication, after others has tried and failed. Nothing will ever change that $10 billion fact—not treaties, not diplomats, not appeasement, not surrender, not riots and demonstrations, not even unconstitutional procedures in attempting to give the Canal away.

Theodore Roosevelt was criticized in 1903 for the manner in which he obtained the site for the Canal, albeit done much in the manner of international diplomacy of that day. In the October 7, 1911, issue of the magazine "Outlook," he answered.

"You could no more make an agreement with the Colombian rulers than you could nail currant jelly to a wall—. . . . The people of Panama were a unit in desiring the Canal and in wishing to overthrow the rule of Colombia. . . .

"We did our duty by the world, we did our duty by the people of Panama, we did our duty by ourselves. . . . The United States has many honorable chapters in its history, but no more honorable chapter than that which tells of the way in which our right to dig the Panama Canal was secured and of the manner in which the work itself was carried out."

As the date approaches for the turnover of the Canal to the Republic of Panama, a number of questions and concerns deserve serious attention. Will they get attention? What should be done? Will our national leaders face the consequences of the allegations of illegal Treaties, the swindle of taxpayers' property and the bypassing of oaths of office to preserve the Constitution? Are any issues more important—the Persian Gulf, the Iran-Contra affair, a balanced budget, the 1988 presidential campaign—than the faithful fulfillment of oaths "to preserve, protect and defend the Constitution of the United States," as prescribed in Articles II and VI and as sworn to by all presidents, senators and representatives, and other officials of the United States?

Professor Charles E. Rice of Notre Dame University wrote on November 26, 1984, "The Senate has a duty to examine the allegations that its consent was achieved by fraud." Other jurists have expressed concerns that Panama's secret counter-reservation was improperly handled, among them: William M. Whitman, constitutional scholar; Richard Falk of Princeton University; Meldrim Thomson, former Governor of New Hampshire; Hans Smit of Colombia University; and Charles Maechling, Seymour Rubin and Luis Kutner, all well-known jurists.

The issue should be settled. The U.S. Constitution, of course, is far more important than U.S. property or territory. A full congressional investigation, with a special counsel with subpoena powers and one who will use those powers, can determine the status of the 1977 Panama Treaties, question the Treaties' principal handlers, and develop the true story of negotiations and ratification.

It is obvious that the U.S. Senate should vote on Panama's counter-reservation, or Panama should withdraw it. Only then will both nations have considered and ratified the same set of treaties. Constitutional requirements remaining will then be Articles IV for disposal of the remaining portions of the Canal Zone and Article VI for abrogation of the 1903 Treaty. The House of Representatives is required by the Constitution to vote on both of these issues and was deprived of voting at the time of the Treaties. Now, it should vote.

Thereby, the Constitution will have been honored. Otherwise, Americans will have no choice in future conflicts except to use force to achieve their legitimate interests. Then, the alleged misdeeds of Teddy Roosevelt and the Frenchman, Bunau-Varilla, will be dwarfed by the denunciations of the Carter-Torrijos fraud.

Are the Panama Treaties worth investigating? Perhaps not, if voters are satisfied with business as usual where only one-third of the electorate turns out and where almost 97% of the incumbents in Congress who want to stay are reelected. A Congress more representative of the people could make a difference.

What can one person do? One person can be informed and refuse to accept misinformation about the Canal, including revisionist history in books and magazine and newspaper articles praising the participants in the 1977 Panama Treaties. But, more importantly, he can ask his two senators and representatives in Congress to explain why Panama's counter-reservation (requiring Panama's "cooperation" before any U.S. action to defend the Canal) was never voted on by the U.S. Senate. Very probably, many members of Congress will avoid serious answers for fear of rocking the boat or because they think the issue is dead. But, it is far from "dead." Another Act of Congress is required before transfer of the Canal, as required by Sections 1503 and 1504 of the Panama Canal Act of 1979.

The U.S. Congress and national media have emphasized the alleged "scandal" of the Iran-Contra arms deal. No scandal was proved. Scandal involves shame and dishonor. In matters of fact, no shame and dishonor was involved in fighting for freedom and against communism. However, if our media and Congress wish to investigate scandal, let us suggest that they turn attention to the allegations in the Panama Canal swindle—called by the late Dr. Charles H. Breecher, "the worst fraud ever perpetrated on the

United States Senate and on the American people."

ACKNOWLEDGMENT

The opinions and assertions of the writer are those of a private individual and are not to be construed as official expressions of the U.S. Coast Guard or other government agency or of the American Society of Civil Engineers.

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THE OPEN SPACE CHALLENGE

Mr. CHAFEE. Mr. President, earlier this summer a regional conference was held on the issue of open space. The conference, titled, "How Green is Our Future—The Open Space Challenge," brought together over 200 participants from all over the Northeast United States. Included in the 3-day conference were individuals from Federal, State, and local governments as well as environmental groups and other citizens dedicated to preserving and protecting our dwindling forestlands, beaches, meadows, and other wildlands.

The conference focused on a number of ways to implement the recent recommendations of the President's Commission on Americans Outdoors. As my colleagues may know, the Commission made a series of recommendations to assure adequate outdoor recreation opportunities for Americans in the next century. The central feature of the Commission's report was the creation of a dedicated, national fund to finance the acquisition of open space at the rate of $1 billion per year.

I have introduced legislation with Congressman Mo UDALL that would establish such a fund. The bill, S. 2199, the American Heritage Trust Act, is gaining considerable support around the country as well as here in the Senate. As of today 27 Senators have cosponsored the bill.

During the open space conference, a number of work sessions covering everything from land protection techniques, to cooperation with developers, to trends in park operations were held. Problems were identified and actions were recommended. Perhaps the clearest statement was the conference attendees' virtual unanimous approval of a resolution calling for the enactment of the American Heritage Trust Act.

Mr. President, I congratulate those who organized and attended this important meeting. Although I was unable to attend, I share their enthusiasm and their hope for a new national program that will meet the Nation's outdoor recreation needs into the next century. I urge them to meet again soon and continue to work toward the implementation of the recommendations of the President's Commission on Americans Outdoors.

I ask unanimous consent that the resolution that was adopted by the conference attendees be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION: HOW GREEN IS OUR FUTURE CONFERENCE

Be it Resolved, That we, the participants of the How Green is Our Future conference, endorse and support the American Heritage Trust Act as an essential element in the Federal/State/Local/Private partnership for the protection of natural, cultural and recreational resources in the United States.

Be it further resolved, That we, as citizens and professionals concerned about our natural, historic and recreation heritage, and its preservation endorse that Act as the single most important vehicle towards this end.

We call upon our Senators and Representatives to cast their votes in favor of this Act, and solicit each State's Governor, Legislative Body, Local Elected Officials, and concerned citizens to also endorse this Act.

PROSPECTS FOR THE UNITED STATES-SOVIET DIALOGUE

Mr. WARNER. Mr. President: We are all aware of the recent historic exchange of visits between top United States and Soviet military officials. I had the opportunity this morning to discuss with Defense Secretary Frank Carlucci his trip to the Soviet Union. I was impressed by Secretary Carlucci's assessment of the opening in United States-Soviet relations. These developments present new and perhaps unprecedented opportunities to improve relations between our Nations and to reduce the risk of war through a broad series of understandings on military and other issues. At the same time, we must not mistake this improvement in the climate of relations for an automatic resolution of the many differences between our two Nations. The opening of the Soviet system under Gorbachev presents us with the opportunity to address these issues of concern between our Nations, which affect not only our two countries, but the world at large. Whether that opportunity will lead to substantive improvements in the political and military situation largely remains to be seen.

Secretary Carlucci has demonstrated his clear understanding of the difference between the genuine promise entailed in improved relations with the Soviet Union and the actual changes in the military and political spheres which can, but have not yet flowed from those improved relations. His trip, I hope, represents an initial step in turning that promise into performance. The Secretary is to be particularly commended on his speech to the Soviet General Staff addressing frankly, but in a cooperative tone, the open questions of whether glasnost and perestroika will lead to demonstrable, observable changes in Soviet military doctrine activities. I recommend that speech to my colleagues and ask unanimous consent that it be included in the RECORD at the conclusion of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PROSPECTS FOR THE U.S.-SOVIET DIALOGUE

(By Hon. Frank C. Carlucci, Secretary of Defense)

I am pleased to speak here today in Moscow, and to advance another step the dialogue in which our two nations are engaged. I especially want to thank my hosts for providing me this opportunity to address the General Staff Academy. This is, of course, my second visit to Moscow in the past two months. I expect in the next few days of discussions with Minister Yazov and in the other events on our agenda to add to my understanding of Soviet thinking on security issues, on relations with the U.S.—and to deepen as well my understanding of the Soviet system.

My intent today is to speak about the prospects for our on-going dialogue on defense and security issues—where we are now, and how we can expect this diaogue to develop. Yet in light of the insights I will gain into the Soviet system during my visit, I want to begin my remarks today by sharing with you a few of my own observations on the American system, and about the ideals and interests that shape U.S. policy.

I don't know how many of you have spent time studying how the American system works. I commend you if you have made the effort. From my position as a participant with more than thirty years experience in government, I am still learning how the American system works every day.

What is immediately evident is the profusion of "players"—as we say in Washington—involved in the process. There is the President, the Cabinet, the Congress, the court system; there are staff advisors, independent agencies, committees and subcommittees, and, of course, the bureaucracy. Outside the government is the party out of power, the organized interest and associations, advocates and experts of all sorts. Then there is the press—reporting, explaining, commenting on and questioning every political decision that is made, or even in the making. The formulation of any one policy can quite often involve a dozen different institutions, and hundreds of individuals. And even when a decision is reached, issues have a way of never seeming settled.

But the appearance that, in the American system, the normal state of affairs is a state of flux can be deceiving. The system does what it was designed to do and—above all—it is open: There is maximum opportunity for any and all opinions and points of view to be advanced, and acted on. And that openness is at the heart of the democratic system.

In any system other than one-man rule, there is debate among those who govern on what course of action to take—though that debate can easily be hidden from public view. When the people govern, the public itself becomes an open-air forum where the issues of state are decided. More than one hundred fifty years ago, a very insightful student of political systems named Alexis de Tocqueville came to America to see democracy at work. The first thing he recorded in his journal was the constant clamor he found in America. Everywhere he went, he found people engaged in public disputes, noisily disagreeing with one another. In time Tocqueville realized that what he had at first taken as evidence of a people deeply divided and in disarray was in fact democratic debate—the sound of people governing themselves.

The fundamental fact about the American system is that all our diversity has a common root—in the freedom that belongs to every individual.

Freedom is the bedrock principle that defines democracy, and gives direction to American policy. Our security policy is built upon our commitment to preserve our freedom, in alliance with other free nations. Our foreign policy is guided by a respect for the fundamental rights and freedoms of people everywhere. America is not militarily aggressive, because democracy is not a doctrine that can be imposed by force. To the extent a democratic people can choose, they will wish nothing more than to live in peace, and exercise the freedoms they enjoy. But they can and will do what is necessary to make certain those freedoms remain safe.

Perhaps one day some or all of you will have the opportunity to observe America, and form your own impressions about its system and its people first-hand. I hope officers in the American military will have a similar opportunity in the USSR. The program of military exchanges Marshal Akhromeyev and Admiral Crowe have developed is a promising start.

I myself am here in Moscow as something of a student of current events in the USSR. From all that I see, there is a very significant process of change taking place here. In the next few days, I hope to learn more about the changes now underway.

As Secretary of Defense, my most immediate interest is how this process might affect Soviet military power—both its capabilities, and in the ways those capabilities are put to use.

I am interested in seeing:

Whether glasnost will ease the secrecy surrounding the Soviet military as it has begun to do in other aspects of Soviet life;

Whether perestroika will result in a redirection of resources away from military production and toward civilian needs;

And in general, whether the "new thinking" now in progress in the USSR will mean a restructuring of Soviet military doctrine and force structure, and lasting changes in the way the Soviet Union conducts its relations with other nations.

Right now, these are interesting—but by and large open—questions. We in the United States will continue to wait and watch—and we will welcome constructive change when we see it manifested in concrete terms.

Let me use the issue of Soviet military doctrine as a case in point. I have found Defense Minister Yazov, and many of the other Soviet officials I have spoken to, articulate and willing—indeed anxious—to discuss a shift in Soviet military doctrine to a defense strategy and posture. Nonetheless, there are still a number of unanswered questions in my mind regarding a shift in Soviet military doctrine.

First, we have difficulty in reconciling a defensive doctrine with what we see in Soviet force structure and operational strategy as an emphasis on the offensive—especially on surprise and maneuver. I refer to such things as the operational maneuver group concept, forward-based bridging units, and the heavy emphasis on tanks and artillery. At the same time, we see no shift of emphasis to the kind of forces typically associated with defense.

We also have difficulty reconciling the USSR's pledge not to be the first to use nuclear weapons with your continuing emphasis on heavy ICBMs, such as the SS-18. These missiles, in our view, are best suited for a first-strike against U.S. silo-based systems—a capability more compatible with a military doctrine that emphasizes preemptive nuclear strikes.

I recognize, of course, that significant changes in force structure can take time to implement—but I am equally sure *you* will recognize that no prudent military man would alter his own posture until he saw evidence of actual change.

I have also been urged by your leadership to examine Soviet military exercises for signs of a new defensive emphasis. Now, it is true that we can learn from your exercises, just as you learn from ours. At present, however, while there are some changes, the signs are ambiguous. We have noted exercises where Soviet forces repulse an attack before going on the offensive. Yet it is hard to tell the difference between offensive forces designed to launch an attack, and those meant to launch a counter-offensive—a fact pointed out by some Soviet strategists. We will, of course, maintain an open mind as we observe Soviet exercises in the future.

Let me at this point say clearly that the U.S. has absolutely no interest in adopting unrealistic expectations in regard to Soviet military restructuring. We recognize that the Soviet Union has legitimate defense needs, and we are aware of the suffering your country has endured in the past. No one begrudges you the need for a strong and capable army. What troubles us is when the USSR continues to develop forces far in excess of what it needs for purposes of its own defense—and especially when that newly-added strength focuses on forces designed for massive offensive operations to seize and hold territory.

As we assess each other's military forces, we need to bear in mind the geostrategic differences between us. The Soviet Union is a land power, virtually self-sufficient in strategic resources and materials. America, in contrast, is an island nation, not fully self-sufficient in resources and in need of developing a community of interest among nations in order to prosper—and indeed to survive. The U.S. needs a large navy to ensure American access to the sea lanes that constitute our lifelines to trading partners, to deter aggression, and help defend common interests with allies and friends overseas. Your leaders are now urging us to reduce our naval forces. But asking the U.S. to cut back its naval capabilities would be similar to asking the USSR to tear up its road system and railways: Given our geopolitical circumstances, neither of us could afford to cut these vital lifelines.

Obviously, as the USSR develops its attack submarine force and extends its air capability over the world's oceans, the U.S. must improve and take steps to protect its own naval capabilities, through—for instance—weapons such as sea-launched cruise missiles. And yet our navy is no threat to any nation that does not itself threaten us.

Our policy is one of deterrence. I know this term sometimes has had a pejorative connotation in Soviet military terminology, so let me say plainly what the term means as American strategists use it. Deterrence is nothing more than our aim to convince an adversary that an attack on us will be too costly, cannot succeed—and, in the final analysis, is best not made. This understanding of deterrence is as far removed as possible from a first strike strategy that other nations would rightly find menacing.

Our force structure is open for all to see. While we have a strong navy, it is smaller in numbers than yours. Our army has far fewer tanks than yours, our air force has fewer combat aircraft, and we depend heavily on reserve forces whose mobilization requirements make surprise attack effectively impossible. And the U.S.—in contrast to the USSR—has a limited civil defense program and no comparable deep underground system of bunkers, tunnels and subways to provide shelter in a protracted nuclear war.

In assessing American power, I ask you also to note the open way in which details of our defense posture are discussed. The restoration of American defense strength in the early 1980s was a matter of intense and very public debate—just as the fact that the U.S. Defense Budget is now in its fourth straight year of decline is not hidden from public view. One year ago, in a message to Soviet and American participants in the Chautauqua conference, President Reagan called on the USSR to open its own military process—to publish a valid military budget, to reveal the size and structure of Soviet forces, to debate publicly the course of major military policies and weapons programs in the Supreme Soviet.

Both your General Secretary and your Minister of Defense have indicated they are studying the possibility of making your military budget public. That would be a very welcome development for our ongoing dialogue. But at present we are obliged to measure Soviet military output, and—according to our best estimates—Soviet military spending continues to consume a full 15 to 17 percent of your country's GNP, and continues to increase from year to year. The United States, in contrast, devotes 5.7% of its national wealth to defense. Admittedly, our GNP is larger, but in quantitative terms your output of military equipment greatly exceeds ours.

I am prepared to acknowledge that in many areas the U.S. enjoys a technological edge over the Soviet Union—and I will say as well that we have every intention of further enhancing our technological capabilities. We really cannot afford to do otherwise. When, for instance, we see the technological possibilities of a defense against strategic missiles, we must seize that opportunity in hope of one day developing a more stable, defensive deterrent.

We know the importance you place in defending your homeland—an interest underscored by your own intensive work into advanced anti-missile systems similar in many respects to our strategic defense initiative. This interest in developing defenses is understandable, and it is an interest we share. I can assure you that SDI is purely defensive, and does not represent the slightest threat to the USSR. It is designed for one purpose only: to develop systems that can destroy missiles launched against us.

In fact, it is our view that the defenses we are both researching may one day help us shift to a more stable strategic regime built on a balanced combination of defense and offense. Surely, a system that incorporates a defense against missile attack would be far superior to forever depending on a "balance of terror" involving offensive nuclear arms alone.

I am hopeful that our ongoing negotiations in Geneva will lead us toward that goal. Great progress has already been made. Who would have thought five years ago that we would today be implementing the world's first agreement eliminating nuclear weapons—the INF treaty—and be well on our way to an even more far-reaching agreement reducing strategic nuclear weapons by 50 percent? There are, of course, problems to be resolved, but they are by no means insurmountable. The key is for both our military establishments to recognize the benefit in an agreement that results in a more stable strategic balance at reduced force levels. If we approach the arms reduction talks with this aim in mind, I am confident agreement can be reached.

I am speaking candidly today because I am convinced that candor is constructive. Dialogue, after all, is not valuable in and of itself—but only to the extent that it enhances our security. And that is an argument for plain speaking about the very real differences that divide our nations, even as we seek to ease tensions and improve our relations.

The way to advance the U.S.-Soviet dialogue is not to paper over our differences, but to face them squarely, search for common ground, and build on it.

Let me focus on some of the interests we share, where advances are possible:

We must continue to work together to find ways to prevent dangerous military incidents, that might spark a confrontation neither of us wants.

We must continue to advance our understanding of each others' security concerns through military-to-military contacts.

And, as I have mentioned, we must continue to work towards arms agreements that establish stability at lower levels—in both nuclear and conventional forces.

Finally, in addition to these areas, we have in our overall relationship a common interest in easing tensions and that is the central reason that the dialogue we have established—covering regional conflicts and human rights, as well as military issues—must continue to move forward.

The simple fact that I am here today at the Soviet General Staff Academy indicates how far this dialogue has progressed. And yet in spite of this progress, it should be clear that this is not a culmination, but rather a beginning. What this dialogue offers is an opportunity to proceed—on the basis of realism and reciprocity—to ease tensions and build better relations between our nations. That is the objective that has brought me to Moscow, and the one I will do my best to advance during my stay here.

THE GOVERNMENTAL AFFAIRS COMMITTEE AMENDMENT TO S. 2607, THE STEWART B. McKINNEY HOMELESS ASSISTANCE AMENDMENTS OF 1988

Mr. GLENN. Mr. President, I submit for the Record an amendment in the nature of a substitute to S. 2607, the Stewart B. McKinney Homeless Assistance Act Amendments of 1988. This legislation, reported out of the Governmental Affairs Committee on June 27, 1988, represents the committee's reauthorization of programs under its jurisdiction as contained in the Stewart B. McKinney Homeless Assistance Act of 1987.

Before I describe this amendment in detail, I would like to note that it has been cosponsored by my distinguished colleague, Senator Roth, the committee's ranking member, and by Senators Heinz, Levin, Nunn, and Pryor. It is my understanding that the entire text of this amendment will be incorporated into the omnibus McKinney Homeless Assistance Amendments of 1988.

Last year, for the first time, the Federal Government addressed in a comprehensive manner the problems faced by our homeless population in gaining access to life's basic necessities—food, shelter, and clothing. In addition to meeting the immediate concerns of the homeless, the McKinney Act established programs to combat the causes of homelessness by targeting assistance for housing, health services, education, and job training.

A central component in this effort was the creation of the Federal Interagency Council on the Homeless. This body was established to coordinate homeless activities among Federal agencies on the one hand, and between Federal, State, and local levels of government on the other. The McKinney Act alone embraces some 7 funding streams and 20 different programs, whose varying regulations, requirements, and application procedures can bewilder even the most adept State adminstrator.

The Federal Council on the Homeless was charged with a number of specific duties to ensure that it successfully carry out its coordinating responsibilities. For example, the committee mandated that the Council provide technical assistance to State and local governments, as well as to public and private nonprofit service organizations who may need guidance in walking through the maze of Federal programs.

In addition to these functions, the Council was also tasked to produce an annual report that assesses the nature and extent of homelessness in the United States. I cannot overemphasize the significance of this report, scheduled to be released this October, for we still talk about homelessness in terms of estimates and generalizations. And how can we talk about the need for Federal programs, with any degree of precision, when we lack basic data documenting the numbers and types of people relying on shelters and soup kitchens to survive? Equally important, how can we discuss permanent solutions for this problem when the root causes of homelessness are still nebulous.

In the short time since becoming organized, the Council has made some important strides. For example, the Council has established a field network in each Federal region to help implement McKinney Act programs. Last month, the Council published and disseminated its first newsletter and held a biregional homeless conference in St. Louis, MO.

While recognizing the progress achieved so far, more work needs to be done so that Federal assistance effectively reaches homeless people across this Nation.

The committee's amendment attempts to improve coordination and cooperation between the Federal branch and State governments by encouraging States to establish their own interagency councils on the homeless. These entities would serve as central information and referral points for Federal and State agencies, as well as for nonprofit service organizations seeking assistance.

The committee amendment further clarifies the Council's mandated duties. For example, in order to ensure that technical assistance is provided as needed, the Federal council is required to designate certain personnel as regional coordinators. These persons will assist States and local organizations by interpreting Federal regulations, helping in the application process, and organizing on-site regional workshops.

To complement this effort, the Council will also prepare a bimonthly bulletin describing all available Federal assistance programs, and detailing their application criteria and funding deadlines. The Council will be responsible for distributing this bulletin to the States, which, in turn, will disseminate it among service providers on the local level.

Together these changes should enhance the Council's effectiveness, and maximize the resources we can provide to the homeless men, women, and children who are involved in a daily struggle to survive.

In addition to establishing the interagency council, the committeee also authorized the Federal Emergency Management Agency's [FEMA] Emergency Food and Shelter Program. This program has proved quite successful through reliance on local entities for distributing grants to public and private nonprofit homeless providers. This emergency aid is used primarily to supplement the provision of food and shelter services. Since the McKinney Act was also intended to facilitate the transition from temporary shelter to permanent homes, FEMA moneys are also used for limited emergency rent and utility assistance.

During fiscal year 1988, FEMA assistance provided over 120 million meals and some 42 million nights of shelter to homeless persons across this Nation. In my home State of Ohio, FEMA local boards helped distribute $6.4 million in fiscal year 1988, helping service providers offer 5 million meals and 850,000 nights of shelter to men, women, and children without permanent homes.

Some concerns have been raised over the criteria FEMA currently uses—unemployment and poverty statistics—to allocate its funds among competing local jurisdictions. Specifically, it has been contended that unemployment rates and the numbers of people living below the poverty level do not provide an accurate index of a region's need for emergency assistance. In order to determine if a more reliable barometer can be devised, the committee is asking FEMA to propose two alternative formulas for funding eligibility.

The committee's last contribution to the McKinney Act expanded the amount of government property made available for use by the homeless. In title V, the committee created a procedure requiring Federal agencies to identify and transfer underutilized buildings to public and private nonprofit homeless providers. Another provision explicitly stated, and elevated, the eligibility of nonprofit homeless providers to receive Federal surplus personal items.

Since this act's passage, Federal agencies have identified nine buildings available for use by the homeless, and have already transferred two of these to service providers. In addition, over 1 million dollars' worth of surplus personal property, such as clothing, cots, bedding, and kitchen supplies, have been distributed to assist the homeless.

The committee's amendment makes a few technical clarifications in the categorization of property available for distribution to the homeless. These changes have been suggested by the General Services Administration [GSA], and should serve to make even more buildings and goods available.

Clearly, providing relief to this Nation's growing homeless population requires action on many fronts, from the community, local, State, and Federal levels, and from people with a variety of technical backgrounds. What we can do in Congress is to craft legislation designed both to address the vital short-term needs of our homeless population as well as to combat the causes which precipitate homelessness.

This committee brings a unique perspective to the McKinney Act since it can focus on strengthening the intergovernmental aspects of the legislation. This approach is immensely critical in the McKinney Act precisely because it invokes the participation of many different agencies, and the involvement of a wide breadth of programs. The changes proposed by the Governmental Affairs Committee in its reauthorization package ensure that Federal and State resources are used with one objective in mind—to help the homeless improve the quality of their lives.

Mr. President, I ask unanimous consent that a summary of the committee substitute, an explanation, a section-by-section analysis, and a copy of the bill, as amended, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE GOVERNMENTAL AFFAIRS COMMITTEE SUBSTITUTE TO S. 2607

TITLE I

A. The Committee proposes an amendment which requires the General Accounting Office (GAO) to submit annual summaries of the status of each program authorized by Titles III and IV.

TITLE II

A. The Committee proposes some change to facilitate effective coordination between the federal and state governments on the one hand, and the state agencies and local providers on the other.

States are encouraged to establish State Interagency Councils on the Homeless as central information and referral points. These Councils will provide information about sources for homeless assistance, application procedures and deadlines, and offer technical assistance as needed. (Section 210a-d.)

Governors may designate State Coordinators to lead the work of the State Interagency Councils. The Federal Council may award limited grants as an incentive for States to establish this position. (Section 210e-f.)

If a State does not establish a State Interagency Council on the Homeless or a State Coordinator, it must designate a lead state agency to coordinate state activities with federal programs. (Section 210g.)

B. The Governmental Affairs Committee proposes certain changes to the structure, organization, and duties of the Federal Interagency Council on the Homeless:

Two to five employees will be designated as region coordinators for each of the ten standard federal regions. Specifically, these coordinator would assist states and local organizations by interpreting federal regulations, helping in the application process, and organizing on-site regional workshops. These workshops would be held on a biennial basis, and at least five would be conducted in the first year after the enactment of this Act. (Section 203(a)(4).)

The Council will prepare and distribute to states a bimonthly bulletin which describes the federal assistance programs and program funding application deadlines. The states will then be responsible for disseminating the bulletin among agencies and organizations serving the homeless. (Section 203(a)(7).)

Federal agencies responsible for homeless programs will provide timelines regarding funding availability to the Federal Council. (Section 202c.)

C. The substitute provides a $1.2 million reauthorization for FY89 and FY90 for the Federal Council. (Section 208.)

TITLE III

A. The Committee requires the Federal Emergency Management Agency (FEMA) to propose, within six months after the enactment of this Act, two different statutory formulas incorporating the criteria on which the distribution of Emergency Food and Shelter grants is based. The amendment should address questions about the effectiveness of the current formula with regard to targeting assistance to the areas in the Nation with the greatest need. (Section 9.)

B. The substitute provides a $129 million reauthorization for FY89 and $134 million for FY90. (Section 322.)

TITLE V

A. This title encourages federal agencies to identify federal facilities that can be used to temporarily shelter the homeless. The Committee clarifies the language used in this title to facilitate implementation by the General Services Administration (GSA).

The terms currently used, "excess" and "surplus" property, mean that the property has been relinquished permanently by the agency. Instead, GAC plans to substitute language that would imply clearly that federal real property has been made available only on a temporary basis. (Section 501 (b) and (d).)

B. The Committee also requires the Secretary of Housing and Urban Development (HUD) to identify buildings which are suitable for use by the homeless within two months after he has collected information about underutilized Federal buildings. (Section 501a.)

EXPLANATION OF THE GOVERNMENTAL AFFAIRS COMMITTEE SUBSTITUTE TO S. 2607

TITLE I—GENERAL PROVISIONS

AUDITS OF HOUSING AND SHELTER PROGRAMS BY COMPTROLLER GENERAL

The Committee Substitute requires the General Accounting Office (GAO) to submit annual summaries of the status of each program authorized by Titles III and IV instead of annual and quarterly reports. GAO has indicated that a summary of each program would require a more efficient use of their resources than would an annual detailed report.

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

REGIONAL COORDINATORS

The Committee Substitute addresses the growing need for effective technical assistance by requiring that the Federal Council designate at least two, but no more than five, employees to coordinate the Council's activities in the ten standard Federal regions.

Although the McKinney Homeless Assistance Act of 1987 specified that technical assistance should be provided "through personnel employed by the Council in each of the ten standard Federal regions," Congress prohibited the implementation of this provision in the Fiscal Year 1988 Continuing Resolution (P.L. 100-202).

Subsequently, the Council designated coordinators for homeless activities in each of the ten federal regions. These persons are responsible for overseeing McKinney Act programs in addition to their regularly assigned duties.

Both federal and state/local representatives, however, have pointed to the need for enhanced mechanisms of communication between intergovernmental entities to more effectively administer McKinney Act programs. One very basic function that should be provided is the exchange of up-to-date, pertinent information regarding federal homeless assistance programs.

The two to five employees that the Council designates to act as regional coordinators would assist in explaining program eligibility requirements, guidelines, and deadlines. In addition, these coordinators would be responsible for organizing on-site federal regional workshops and helping states develop their own programs and initiatives to combat homelessness.

BIMONTHLY BULLETIN

Since the McKinney Act contains different timelines for its many programs and various application procedures, states have had difficulty in tracking all relevant information. A schedule of program timelines and requirements, condensed into a bimonthly bulletin, would increase state and local governments' ability to plan and participate in McKinney Act programs.

The Committee Substitute requires the Federal Council to prepare a bimonthly bulletin describing federal homeless assistance programs, their application deadlines, and the agency contact persons administering these programs.

The Committee Substitute further requires the Federal Council to distribute this bulletin to the principal state entity responsible for interacting with the Federal Council, (e.g. a State Coordinator, a State Interagency Council on the Homeless, or a lead state agency). The state entity, in turn, would be responsible for disseminating the bulletin to state agencies, local government units, and other public and private nonprofit service providers.

PROGRAM TIMELINES

The Committee Substitute requires each federal agency administering a program under the McKinney Act to submit to the Federal Interagency Council a timeline which lists program funding availability and application deadlines. The Federal Council would incorporate this information in its bimonthly bulletin. This provision will create a mechanism that ensures the Federal Council has immediate and direct access to such information in one centralized location.

AUTHORIZATION LEVELS

The Committee Substitute provides a two-year reauthorization, continuing the Federal Interagency Council on the Homeless through Fiscal Year 1990 at the funding level of $1,200,000 for each Fiscal Year. This is consistent with the President's Fiscal Year 1989 budget request.

The Committee Substitute also extends the Council's legislative authorization to October 1, 1990; this change makes the Council's authorization consistent with the Federal Year schedule.

STATE INTERAGENCY COUNCILS ON THE HOMELESS

Currently, state and local agencies providing services to the homeless are often unable to take full advantage of federal programs because they are not familiar with application procedures and deadlines. Moreover, these agencies do not yet have a single, one-stop reference clearinghouse to which they can turn for answers to these questions. Similarly, the Federal Council has had difficulty identifying, for purposes of coordination and communication, the relevant persons and agencies administering homeless programs within state governments.

Since implementation of the McKinney Act, states, cities, localities, and non-profit homeless providers have identified the following specific problems:

A lack of information available for McKinney Act programs, application procedures and deadlines. This situation has hampered agencies' ability to plan and apply for funds.

Problems coordinating services on the local and state level due to the Act's varying requirements, deadlines and application procedures.

Difficulty in writing and understanding the program's applications.

Confusion in interpreting McKinney Act program regulations.

Lack of knowledge as to which entities have applied for and received grants.

There is an established need for a centralized mechanism within each state to address these concerns. The Committee Substitute encourages states to create their own Interagency Councils on the Homeless. These Councils would be composed of representatives from state agencies involved in the administration of McKinney Act programs, and from city and county organizations. These Councils would provide information on application procedures, maintain inventories of entities which have received federal assistance, and help coordinate programs servicing the homeless throughout the state.

The Committee Substitute also allows State Governors to appoint an individual to act as a State Coordinator. This person will organize the State Interagency Council's activities, interact with the Federal Interagency Council, assist in distributing information on Federal homeless assistance programs throughout the state, and distribute the bimonthly bulletin to relevant agencies, organizations, and public and private nonprofit service providers throughout the state.

The establishment of State Coordinator positions would ensure that McKinney Act funds will be used more effectively. Therefore, the Committee Substitute allows the Federal Interagency Council to provide discretionary incentive grants to encourage states to designate a person to serve as State Coordinator. No more than 15% of the Federal Council's total annual budget can be earmarked for these grants, and furthermore, these grants, at a maximum, could amount to only one-fifth of the Coordinator's state salary. These grants would also supplement the Coordinator's state salary for assuming these additional responsibilities.

Because the need for such state-wide coordination is paramount, the Committee Substitute requires states to designate lead state agencies if they choose not to designate a State Coordinator or establish a State Interagency Council. Interaction and communications between the Federal Interagency Council and the State would then be channeled through the lead agency.

TITLE III—FEDERAL MANAGEMENT FOOD AND SHELTER PROGRAM

AUTHORIZATION LEVELS

The Committee Substitute provides for a two-year reauthorization, continuing the Federal Emergency Management Food and Shelter Program at the funding level of $129,000,000 for 1989 and $134,000,000 for 1990. These figures account for inflationary growth.

REPORT

Questions have been raised concerning the adequacy of the formula used to determine counties' eligibility for Emergency Food and Shelter Programs.

The Committee Substitute requires the Federal Emergency Management Agency (FEMA) to report to Congress on various methods employed to determine which jurisdictions should receive grants. Specifically, FEMA would have to propose at least two different formulas incorporating the criteria on which the distribution of those grants is based. FEMA would also have to justify how each formula would effectively target grants to the areas having the greatest need.

TITLE V—IDENTIFICATION AND USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY

This title provides for the temporary use of underutilized federal public buildings and other real properties by the homeless. The General Services Administration (GSA) has indicated that there has been some confusion among federal agencies in trying to identify underutilized buildings because of the use of the terms "excess" and "surplus." Those two words are technical terms, implying that an agency has relinquished the property only on a permanent basis. "Underutilized," on the other hand, means that an agency has relinquished the property only on a temporary basis.

The Committee Substitute clarifies this problem by replacing the terms "excess" and "surplus" with "underutilized." Federal agencies could then be assured that any use of a Federal facility by a homeless provider would be only temporary, so long as the facility remains categorized as "underutilized." Such a use does not imply that the transfer is for an indefinite period of time or in perpetuity.

SECTION-BY-SECTION ANALYSIS OF GOVERNMENTAL AFFAIRS COMMITTEE SUBSTITUTE TO S. 2607

TITLE I—GENERAL PROVISIONS

SECTION 105.—AUDITS OF HOUSING AND SHELTER PROGRAMS BY COMPTROLLER GENERAL.

This amendment requires the General Accounting Office (GAO) to submit annual summaries of the status of each program authorized by Title III and IV instead of annual and quarterly reports.

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

SECTION 203(A). FUNCTIONS AND DUTIES.

An amendment to Section 203(a)(4) would require the Federal Council to designate at least two staff members, but no more than five, to coordinate the Council's activities within the ten standard federal regions. The Coordinators would interpret federal regulations, assist states and homeless providers in the application process for federal assistance, develop recommendations for regional solutions to homeless issues, and coordinate McKinney assistance programs with other relevant federal programs.

This amendment would also require the Regional Coordinators to schedule on-site workshops in each of the ten federal regions over a two year period, and to hold at least five workshops by September 30, 1989.

An addition to Section 203(a) would require the Federal Council to prepare a bimonthly bulletin summarizing information about federal agency application deadlines and procedures. The Council would distribute this bulletin to the designated lead agency or coordinator of homeless services in each state.

Section 203(C). PROGRAM TIMELINES.

This subsection requires the Federal agencies which administer programs under the McKinney Act to submit timelines regarding program funding availability and application deadlines to the Federal Council.

SECTION 208. AUTHORIZATION OF APPROPRIATIONS.

This section authorizes the Federal Interagency Council on the Homeless at $1.2 million for each of the Fiscal Years 1989 and 1990.

SECTION 209. EXTENSION OF INTERAGENCY COUNCIL.

This amendment conforms the Council's legislative authorization to the Fiscal Year schedule by extending its operation until October 1, 1990.

SECTION 210. STATE INTERAGENCY COUNCILS ON THE HOMELESS.

Section 210(a) encourages states to establish their own Interagency Councils on the Homeless.

Section 210(b) provides that these State Councils be composed of representatives from state agencies having jurisdiction over McKinney Act programs, the state municpal league, the county association, and other persons as designated by the Council.

Section 210(c) requires these entities to serve as central information and referral points for those state agencies involved in administering the McKinney Homeless Assistance Act. In addition, the Councils would provide information on application procedures and deadlines, sources of homeless aid, and help in interpreting McKinney Act program regulations.

Section 210(d) allows the Councils to hold such meetings as necessary to carry out their functions.

Section 210(e) allows Governors to designate State Coordinators for the McKinney Act. These Coordinators would lead the work of the State Interagency Council, coordinate and interact with the Federal Interagency Council, distribute the Federal Council's bimonthly bulletin, and provide technical assistance as necessary.

Section 210(f) gives the Federal Interagency Council discretion to award limited incentive grants to states for establishing a designated State Coordinator. The Federal Council would award grants to states applying based on a formula taking into account a state's population, unemployment rates, and total number of people living below the poverty line. No more than 15% of the Federal Council's total annual budget can be earmarked for grants, and furthermore, these grants, at a maximum, could amount to only one-fifth of the Coordinator's state salary.

Section 210(g) requires states to designate lead state agencies to coordinate and interact with the Federal Interagency Council in the event they do not establish State Interagency Councils or State Coordinators.

TITLE III—FEDERAL EMERGENCY FOOD AND SHELTER PROGRAM

SECTION 322.—AUTHORIZATIONS OF APPROPRIATIONS.

This section authorizes the Federal Emergency Food and Shelter Program at $129 million for Fiscal Year 1989, and $134 million for Fiscal Year 1990.

SECTION 9. REPORT ON EMERGENCY FOOD AND SHELTER GRANT PROGRAM.

This section requires the Federal Emergency Management Agency (FEMA) to develop two alternative statutory formulas incorporating the criteria on which the distribution of grants to localities is based.

TITLE V—IDENTIFICATION AND USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY

SECTION 501—USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY FOR FACILITIES TO ASSIST THE HOMELESS.

SUBSECTION (A)

This amendment requires the Secretary of Housing and Urban Development to identify buildings that are suitable for use by the homeless within two months after collecting information about underutilized Federal properties.

SUBSECTION (B)

This amendment clarifies that such property will only be used on a temporary basis by the homeless. It substitutes the term "excess to the agency's need" with "make the property available, on an interim basis."

SUBSECTION (D)

This amendment clarifies that an agency would relinquish property on a temporary basis, not permanently, for use by the homeless. It would substitute the term "surplus" with "underutilized."

S. 2607

That this Act may be cited as the "Stewart B. McKinney Homeless Assistance Amendments of 1988".

AUDITS OF HOUSING AND SHELTER PROGRAMS BY COMPTROLLER GENERAL

SEC. 2. Section 105 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11304) is amended—

(1) by inserting "annually" after "shall"; and

(2) by striking out "a report to Congress setting forth the findings of such evaluation, upon the expiration of the 4-month and 12-month periods beginning on the date of the enactment of this Act" and insert in lieu thereof "an annual summary of the status of each program authorized under this Act to Congress".

DUTIES OF THE INTERAGENCY COUNCIL ON THE HOMELESS

SEC. 3. (a) Section 203(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11313(a)) is amended—

(1) in paragraph (4)—

(A) by striking out "through personnel employed by the Council in each of the 10 standard Federal regions", and inserting in lieu thereof "by at least 2, but in no case more than 5, regional coordinators employed by the Council, each having responsibility for interaction and coordination of the Federal Council's activities within the 10 standard Federal regions,";

(B) in paragraph (4) by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) interpret regulations and assist in the application process for Federal assistance, including grants;

"(B) provide assistance on the ways in which Federal programs, other than those authorized under this Act, may best be coordinated to complement the objectives of this Act;

"(C) develop recommendations and program ideas based on regional specific issues in serving the homeless population; and

"(D) establish a schedule for biennial regional workshops to be held by the Council in each of the 10 standard Federal regions to further carry out and provide the assistance described under subparagraphs (A), (B), and (C) and other appropriate assistance as necessary, of which—

"(i) not less than 5 such workshops shall be held by September 30, 1989; and

"(ii) at least 1 such workshop shall be held in each of the 10 Federal regions every 2 years, beginning on September 30, 1988;"

(2) in paragraph (5) by striking out "and" at the end thereof;

(3) in paragraph (6) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(4) by adding at the end thereof the following new paragraph:

"(7) prepare and distribute a bimonthly bulletin that describes the Federal resources available to assist the homeless, including information regarding application deadlines and appropriate persons on the Federal Council and in each Federal agency providing such resources, to all—

"(A) State Interagency Councils established pursuant to section 210(a);

"(B) State Coordinators designated pursuant to section 210(e); and

"(C) State agencies designated pursuant to section 210(g).".

(b) Section 203 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11313) is further amended by—

(1) redesignating subsection (c) as subsection (d);

(2) redesignating subsection (d) as subsection (e); and

(3) inserting after subsection (b) the following new subsection:

"(c) PROGRAM TIMELINES.—No later than 90 days after the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments of 1988, the head of each Federal agency who is a member of the Council and responsible for administering a program under this Act shall provide to the Council a timeline regarding program funding availability and application deadlines. The Council shall furnish such information to each State Interagency Council, State

agency, and State Coordinator established or designated under section 210.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,200,000 for each of the fiscal years 1989 and 1990.".

EXTENSION OF INTERAGENCY COUNCIL

SEC. 5. Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking out "upon the expiration of the 3-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "on October 1, 1990".

STATE INTERAGENCY COUNCILS ON THE HOMELESS

SEC. 6. (a) Title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 210. STATE INTERAGENCY COUNCILS.

"(a) ESTABLISHMENT.—Each State is encouraged to establish a State Interagency Council on the Homeless.

"(b) MEMBERSHIP.—The State Council shall be composed of representatives from—

"(1) each State agency with jurisdiction over programs authorized under this Act;

"(2) the State municipal league;

"(3) the county association; and

"(4) other appropriate members as designated by the State Council.

"(c) FUNCTIONS OF THE STATE INTERAGENCY COUNCIL.—

"(1) Each State Council established under subsection (a) shall provide information on programs authorized under this Act, including—

"(A) procedures to apply for assistance under this section, including program application deadlines;

"(B) an inventory of entities in the State which have applied for and received Federal assistance; and

"(C) information on other State and Federal sources for homeless assistance.

"(2) Each such State Council shall—

"(A) improve methods of coordination and development of homeless assistance programs throughout the State; and

"(B) develop innovative methods and programs to achieve a more effective use of Federal homeless assistance funds.

"(d) MEETINGS.—For the purpose of carrying out this section, the State Interagency Council may hold such meetings as appropriate.

"(e) STATE COORDINATOR.—Each Governor may designate a qualified individual within one of the appropriate agencies to serve as the State Coordinator of the Stewart B. McKinney Homeless Assistance Act. The State Coordinator shall—

"(1) coordinate the work of the State Interagency Council of the Homeless;

"(2) coordinate and interact with the Federal Interagency Council on the Homeless and other Federal agencies as necessary;

"(3) assist in disseminating information on Federal homeless assistance programs throughout the State;

"(4) provide technical assistance to entities applying for Federal assistance under the programs authorized by this Act; and

"(5) distribute the bimonthly bulletin received from the Federal Council, as described under section 203(a)(7), to appropriate State agencies, units of local government, and other public and private nonprofit organizations throughout the State.

"(f) INCENTIVES FOR ESTABLISHING A STATE COORDINATOR.—

"(1) In order to encourage States to establish a State Coordinator to carry out the functions under this section, and to best coordinate and maximize available Federal assistance, the Federal Interagency Council on the Homeless may award to any State designating a State Coordinator, a grant to supplement the compensation by the State to the individual serving as State Coordinator.

"(2) Within 90 days after the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments of 1988, a State designating a State Coordinator may apply to the Federal Council for a grant described under paragraph (1).

"(3) The Chairperson of the Federal Council, in consultation with the Vice Chairperson, other members of the Council, and the Executive Director of the Council may approve an application of a State based upon the—

"(A) most current 12-month unemployment rates of the State;

"(B) total number of unemployed within the State;

"(C) total number of individuals below the poverty level within the State; and

"(D) total population of the State.

"(4) No more than 15 percent of all funds made available to the Federal Council annually may be awarded to States through grants under this subsection.

"(5) Any such grant to a State may not exceed 20 percent of the salary paid by such State to the State Coordinator.

"(g) STATE LEAD AGENCIES.—Any State not establishing a State Interagency Council on the Homeless under subsection (a) or a State Coordinator under subsection (e) shall designate a lead agency within the State government to assume primary responsibility for interacting and coordinating with the Federal Interagency Council on the Homeless and other Federal and State agencies as necessary.".

(b) The table of sections of the Stewart B. McKinney Homeless Assistance Act is amended by inserting after the item relating to section 209 the following:

"Sec. 210. State Interagency Councils.".

FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

SEC. 7. Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $129,000,000 for fiscal year 1989 and $134,000,000 for fiscal year 1990.".

IDENTIFICATION AND USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY

SEC. 8. Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) in subsection (a) by inserting before "shall identify" a comma and "within 2 months after collecting such information,"; and

(2) in subsection (b)—

(A) in paragraph (1) by striking out "declare the property excess to the agency's need" and inserting in lieu thereof "make the property available, on an interim basis, for use by the homeless"; and

(B) in paragraph (2) by striking out "be declared excess" and inserting in lieu thereof "made available on an interim basis"; and

(3) in subsection (d)(2) by striking out "surplus Federal buildings" and inserting in lieu thereof "underutilized Federal buildings.".

REPORT ON EMERGENCY FOOD AND SHELTER GRANT PROGRAM

SEC. 9. No later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the appropriate committees of the Congress on the emergency food and shelter grant program administered under Title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11341 et seq.) which shall include—

(1) proposed legislation for a minimum of two alternative statutory formulas incorporating the criteria on which the distribution and disbursement of such grants is based; and

(2) supporting evidence for each alternative formula and criteria that explains how each formula would be effective in targeting such grants to the areas in the Nation that have the greatest need.

CALL TO CONSCIENCE

Mr. BOREN. Mr. President, in light of the recent news that some of the refuseniks on whose cases I have worked were recently allowed to emigrate, I am particularly pleased to join in today's call to conscience.

After 34 other Senators joined me in a letter to General Secretary Gorbachev, Vladimir and Izolda Tufeld, who had been waiting 11 years to see their son in the West, finally received permission to emigrate to the United States.

It is encouraging that not only are the well known refuseniks receiving permission to emigrate but it seems a broader emigration policy is being pursued as a whole.

While the personal leadership of Gorbachev is an important dimension of this change, the pressure exerted by Congress has made increased emigration a worthwhile strategy by Gorbachev for approval in the West. Given this leverage, we must use every opportunity to reiterate our commitment to the hundreds of thousands of Soviets who wish to leave the Soviet Union but are denied that basic right.

In that effort, I want to call attention to a woman and her daughter who have been trying to leave their country for the past 10 years. Alla Archipova is a 50-year-old widow who lives with her daughter. The intimidation tactics used by the Soviet Union against refuseniks and their contacts have caused friends and even family members to stop socializing with the two women.

Far from benefiting from a change in leadership, Alla and Zlata Archipova have been continually harassed by the KGB and denied fairness in university applications as well as in career options. Furthermore, after 2 years of being refused entrance to the university of her choice, Alla was finally accepted to college but was then denied a diploma by school officials.

Zlata has been told she can emigrate if she is offered a marriage invitation from the West, yet it is an insult to force a person to make such a choice in order to realize a right which has been guaranteed by the Helsinki Accords.

The latest update on their case reveals that both women lost their jobs because they were allegedly "overqualified." Dissidents are now refused emigration permits because of earlier access to "sensitive" information and then fired from current jobs due because they have too much knowledge, creating a situation which is both ironic and tragic.

I hope the plight of Alla Arkhipova and her daughter, Zlata, will induce my colleagues to join in efforts on their behalf. In this atmosphere of improved relations, we cannot release the pressure to ensure basic freedoms for refuseniks in the Soviet Union.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT—PM-152

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the provisions of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)) and Subtitle H of the Energy Security Act (42 U.S.C. 8286), I herewith transmit the eleventh annual report on Federal Energy Conservation Programs undertaken during Fiscal Year 1987.

Ronald Reagan.

The White House, *August 10, 1988.*

MESSAGES FROM THE HOUSE

At 10 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5015) to provide drought assistance to agricultural producers, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1360. An act to amend the Indian Financing Act of 1974, and for other purposes.

The message further announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 294. Joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day"; and

S.J. Res. 350. Joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 134. Concurrent resolution to urge States and the Federal Election Commission to evaluate the success of the Kids Voting program in Arizona.

The message further announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4333. An act to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes;

H.J. 342. Joint resolution to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day"; and

H.J. Res. 580. Joint resolution to designate the Month of September 1988 as "National Sewing Month."

ENROLLED BILLS SIGNED

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2200. An act to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month;

H.R. 1414. An act to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents; and

H.R. 4800. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. Stennis].

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 4848: An act to enhance the competitiveness of American industry, and for other purposes;

S.J. Res. 294. Joint resolution designating August 9, 1988, as National Neighborhood Crime Watch Day" and

S.J. Res. 350. Joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. Stennis].

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

Mr. Stokes, Mr. Beilenson, Mr. Kastenmeier, Mr. Roe, Mr. McHugh, Mr. Dwyer of New Jersey, Mr. Wilson, Mrs. Kennelly, Mr. Glickman, Mr. Mavroules, Mr. Richardson, Mr. Hyde, Mr. Cheney, Mr. Livingston, Mr. McEwen, Mr. Lungren, and Mr. Shuster; and from the Committee on Armed Services, as additional conferees for consideration of matters within the jurisdiction of that committee under clause 1(c), rule X: Mr. Aspin, Mr. Stratton, and Mr. Dickinson.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1270. An act to award a congressional gold medal to Mrs. Jesse Owens;

H.R. 2999. An act to prohibit the importation or exportation and certain other transactions involving elephant products, and for other purposes;

H.R. 3621. An act to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and to declare such lands to be part of the reservation with which they are contiguous;

H.R. 3763. An act to amend title 28, United States Code, relating to foreign sovereign immunity, with respect to certain activities of foreign governments, and for other purposes;

H.R. 4354. An act to designate certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, create the Winding Stair Mountain National Recreation and Wilderness Area, and for other purposes;

H.R. 4458. An act to simplify the process of obtaining licensing by States for participation in parimutuel wagering by allowing consolidated requests to be made to the Federal Government for identification and criminal history records relating to the applicant for such licensing;

H.R. 4777. An act to modify the boundary of the Guadalupe Mountains National Park;

H.R. 4952. An act to amend the Federal Election Campaign Act of 1972 to require that all contributions in elections for Federal office be subject to that act;

H.R. 4998. An act to amend the Food Stamp Act of 1977 to make technical corrections in the Family Independent Demonstration Project;

H.R. 5010. An act to extend the authorization of the Water Resources Act of 1984 through the end of fiscal year 1993;

H.R. 5037. An act to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes;

H.J. Res. 602. Joint resolution in support of the restoration of a free and independent Cambodia and the protection of the Cambodian people from a return to power by the genocidal Khmer Rouge; and

H.J. Res. 620. Joint resolution expressing the support of the United States for the restoration of full and genuine democracy in Chile and calling upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 351. Concurrent resolution to correct errors in the enrollment in the bill S. 328.

ENROLLED BILLS SIGNED

At 6:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1979. An act to establish the Grays Harbor National Wildlife Refuge; and

H.R. 5015. An act to provide drought assistance to agriculture producers, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore [Mr. LEAHY].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3621. An act to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and to declare such lands to be part of the reservation with which they are contiguous; to the Select Committee on Indian Affairs.

H.R. 4354. An act to designate certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, create the Winding Stair Mountain National Recreation and Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4777. An act to modify the boundary of the Guadalupe Mountains National Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4952. An act to amend the Federal Election Campaign Act of 1971 to require that all contributions in elections for Federal office be subject to that act; to the Committee on Rules and Administration.

H.R. 4998. An act to amend the Food Stamp Act of 1977 to make technical corrections in the Family Independence Demonstration Project; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5010. An act to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993; to the Committee on Environment and Public Works.

H.J. Res. 602. Joint resolution in support of the restoration of a free and independent Cambodia and the protection of the Cambodian people from a return to power by the genocidal Khmer Rouge; to the Committee on Foreign Relations:

H.J. Res. 620. Joint resolution expressing the support of the United States for the restoration of full and genuine democracy in Chile and calling upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5141. An act to delay temporarily certain regulations relating to sea turtle conservation.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1270. An act to award a congressional gold medal to Mrs. Jesse Owens;

H.R. 4333. An act to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes; and

H.R. 5037. An act to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, August 10, 1988, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 892. An act to remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake County, Utah;

S. 2200. An act to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month;

S.J. Res. 294. Joint resolution designating August 9, 1988, as National Neighborhood Crime Watch Day"; and

S.J. Res. 350. Joint resolution designating Labor Day Weekend, September 35, 1988, as "National Drive for Life Weekend."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-612. A bill adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"SENATE BILL 1412

"Be it enacted by the Legislature of the State of Arizona:

"Section 1. Heading change

"The heading of title 30, chapter 5, article 2, Arizona Revised Statutes, is changed from "Western Low-Level Waste Disposal Compact" to "Southwestern Low-Level Radioactive Waste Disposal Compact".

"Sec. 2. Repeal

"Sections 30-721 and 30-721.01, Arizona Revised Statutes, are repealed.

"Sec. 3. Title 30, chapter 5, article 2, Arizona Revised Statutes, is amended by adding a new section 30-721, to read:

"30-721. Adoption and text of compact

"The Southwestern Low-Level Radioactive Waste Disposal Compact is adopted and enacted into law as follows:

"ARTICLE 1. COMPACT POLICY AND FORMATION

"The party States hereby find and declare all of the following:

"(A) The United States Congress, by enacting the Low-Level Radioactive Waste Policy Act, Public Law 96-573, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sec. 2021b to 2021j, incl.), has encouraged the use of interstate compacts to provide for the establishment and operation of facilities for regional management of low-level radioactive waste.

"(B) It is the purpose of this compact to provide the means for such a cooperative effort between or among party States to protect the citizens of the States and the States' environments.

"(C) It is the policy of party States to this compact to encourage the reduction of the volume of low-level radioactive waste requiring disposal within the compact region.

"(D) It is the policy of the party States that the protection of the health and safety of their citizens and the most ecological and economical management of low-level radioactive wastes can be accomplished through cooperation of the States by minimizing the amount of handling and transportation required to dispose of these wastes and by providing facilities that serve the compact region.

"(E) Each party State, if an agreement State pursuant to section 2021 of title 42 of the United States Code, or the Nuclear Regulatory Commission if not an agreement State, is responsible for the primary regulation of radioactive materials within its jurisdiction.

ARTICLE 2. DEFINITIONS

"As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(A) "Commission" means the Southwestern Low-Level Radioactive Waste Commission established in article 3 of this compact.

"(B) "Compact region" or "Region" means the combined geographical area within the boundaries of the party States.

"(C) "Disposal" means the permanent isolation of low-level radioactive waste pursuant to requirements estalished by the Nuclear Regulatory Commission and the Environmental Protection Agency under applicable laws, or by a party State if that State hosts a disposal facility.

"(D) "Generate," when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(E) "Generator" means a person whose activity, excluding the management of low-level radioactive waste, results in the production of low-level radioactive waste.

"(F) "Host county" means a county, or other similar political subdivision of a party State, in which a regional disposal facility is located or being developed.

"(G) "Host State" means a party State in which a regional disposal facility is located or being developed. The State of California is the host State under this compact for the first 30 years from the date the California regional disposal facility commences operations.

"(H) "Institutional control period" means that period of time in which the facility license is transferred to the disposal site owner in compliance with the appropriate regulations for long-term observation and maintenance following the postclosure period.

"(I) "Low-level radioactive waste" means regulated radioactive material that meets all of the following requirements:

"(1) The waste is not high-level radioactive waste, spent nuclear fuel, or by-product material (as defined in section 11e(2) of the Atomic Energy Act of 1954 (42 U.S.C. Sec. 2014(e)(2))).

"(2) The waste is not uranium mining or mill tailings.

"(3) The waste is not any waste for which the Federal Government is responsible pursuant to subdivision (b) of section 3 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sec. 2021c(b)).

"(4) The waste is not an alpha emitting transuranic nuclide with a half-life greater than five years and with a concentration greater than one hundred nanocuries per gram, or plutonium-241 with concentration greater than three thousand five hundred nanocuries per gram, or curium-242 with a concentration greater than twenty thousand nanocuries per gram.

"(J) "Management" means collection, consolidation, storage, packaging, or treatment.

"(K) "Major generator state" means a party State which generates ten per cent of the total amount of low-level radioactive waste produced within the compact region and disposed of at the regional disposal facility. If no party State other than California generates at least ten per cent of the total amount, "major generator State" means the party State which is second to California in the amount of waste produced within the compact region and disposed of at the regional disposal facility.

"(L) "Operator" means a person who operates a regional disposal facility.

"(M) "Party State" means any State that has become a party in accordance with article 7 of this compact.

"(N) "Person" means an individual, corporation, partnership, or other legal entity, whether public or private.

"(O) "Postclosure period" means that period of time after completion of closure of a disposal facility during which the licensee shall observe, monitor, and carry out necessary maintenance and repairs at the disposal facility to assure that the disposal facility will remain stable and will not need ongoing active maintenance. This period ends with the beginning of the institutional control period.

"(P) "Regional disposal facility" means a nonfederal low-level radioactive waste disposal facility established and operated under this compact.

"(Q) "Site closure and stabilization" means the activities of the disposal facility operator taken at the end of the disposal facility's operating life to assure the continued protection of the public from any residual radioactive or other potential hazards present at the disposal facility.

"(R) "Transporter" means a person who transports low-level radioactive waste.

"(S) "Uranium mine and mill tailings" means waste resulting from mining and processing of ores containing uranium.

"ARTICLE 3. THE COMMISSION

"(A) There is hereby established the southwestern low-level radioactive waste commission.

"(1) The commission shall consist of one voting member from each party State to be appointed by the Governor, confirmed by the Senate of that party State, and to serve at the pleasure of the Governor of each party State, and one voting member from the host county. The appointing authority of each party State shall notify the commission in writing of the identity of the member and of any alternates. An alternate may act in the member's absence.

"(2) The host State shall also appoint that number of additional voting members of the commission which is necessary for the host State's members to compose at least fifty-one percent of the membership on the commission. The host State's additional members shall be appointed by the host State Governor and confirmed by the host State Senate.

"If there is more than one host State, only the State in which is located the regional disposal facility actively accepting low-level radioactive waste pursuant to this compact may appoint these additional members.

"(3) If the host county has not been selected at the time the commission is appointed, the Governor of the host State shall appoint an interim local government member, who shall be an elected representative of a local government. After a host county is selected, the interim local government member shall resign and the Governor shall appoint the host county member pursuant to paragraph (4).

"(4) The Governor shall appoint the host county member from a list of at least seven candidates compiled by the board of supervisors of the host county.

"(5) In recommending and appointing the host county member pursuant to paragraph (4), the Board of Supervisors and the Governor shall give first consideration to recommending and appointing the member of the Board of Supervisors in whose district the regional disposal facility is located or being developed. If the Board of Supervisors of the host county does not provide a list to the Governor of at least seven candidates from which to choose, the Governor shall appoint a resident of the host county as the host county member.

"(6) The host county member is subject to confirmation by the Senate of that party State and shall serve at the pleasure of the Governor of the host State.

"(B) The commission is a legal entity separate and distinct from the party States and shall be so liable for its actions. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of party States.

"(C) The commission shall conduct its business affairs pursuant to the laws of the host State and disputes arising out of commission action shall be governed by the laws of the host State. The commission shall be located in the capital city of the host State in which the regional disposal facility is located.

"(D) The commission's records shall be subject to the host State's public records law, and the meetings of the commission shall be open and public in accordance with the host State's open meeting law.

"(E) The commission members are public officials of the appointing State and shall be subject to the conflict of interest laws, as well as any other law, of the appointing State. The commission members shall be compensated according to the appointing State's law.

"(F) Each commission member is entitled to one vote. A majority of the commission constitutes a quorum. Unless otherwise provided in this compact, a majority of the total number of votes on the commission is necessary for the commission to take any action.

"(G) The commission has all of the following duties and authority:

"(1) The commission shall do, pursuant to the authority granted by this compact, whatever is reasonably necessary to ensure that low-level radioactive wastes are safely disposed of and managed within the region.

"(2) The commission shall meet at least once a year and otherwise as business requires.

"(3) The commission shall establish a compact surcharge to be imposed upon party State generators. The surcharge shall be based upon the cubic feet of low-level radioactive waste and the radioactivity of the low-level radioactive waste and shall be collected by the operator of the disposal facility.

"The host State shall set, and the commission shall impose, the surcharge after congressional approval of the compact. The amount of the surcharge shall be sufficient to establish and maintain at a reasonable level funds for all of the following purposes:

"(a) The activities of the commission and commission staff.

"(b) At the discretion of the host State, a third-party liability fund to provide compensation for injury to persons or property during the operational, closure, stabilization, and postclosure and institutional control periods of the regional disposal facility. This subparagraph does not limit the responsibility or liability of the operator, who shall comply with any Federal or host State statutes or regulations regarding third-party liability claims.

"(c) A local government reimbursement fund, for the purpose of reimbursing the local government entity or entities hosting the regional disposal facility for any costs or increased burdens on the local governmental entity for services, including, but not limited to, general fund expenses, the improvement and maintenance of roads and bridges, fire protection, law enforcement, monitoring by local health officials, and emergency preparation and response related to the hosting of the regional disposal facility.

"(4) The surcharges imposed by the commission for purposes of subparagraphs (b) and (c) of paragraph (3) and surcharges pursuant to paragraph (3) of subdivision (E) of article 4 shall be transmitted on a monthly basis to the host State for distribution to the proper accounts.

"(5) The commission shall establish a fiscal year which conforms to the fiscal years of the party States to the extent possible.

"(6) The commission shall keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(7) The commission shall prepare and include in the annual report a budget showing anticipated receipts and disbursements for the subsequent fiscal year.

"(8) The commission may accept grants, equipment, supplies, materials, or services, conditional or otherwise, from the Federal or State government. The nature, amount and condition, if any, of any donation, grant, or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"However, the host State shall receive, for the uses specified in subparagraph (E) of paragraph (2) of subsection (d) of section 2021e of title 42 of the United States Code, any payments paid from the special escrow account for which the Secretary of Energy is trustee pursuant to subparagraph (A) of paragraph (2) of subsection (d) of section 2021e of title 42 of the United States Code.

"(9) The commission shall submit communications to the Governors and to the presiding officers of the legislatures of the party States regarding the activities of the commission, including an annual report to be submitted on or before January 15 of each year. The commission shall include in the annual report a review of, and recommendations for, low-level radioactive waste disposal methods which are alternative technologies to the shallow land burial of low-level radioactive waste.

"(10) The commission shall assemble and make available to the party States, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(11) The commission shall keep a current inventory of all generations within the region, based upon information provided by the party States.

"(12) The commission shall keep a current inventory of all regional disposal facilities, including information on the size, capacity, location, specific low-level radioactive wastes capable of being managed, and the projected useful life of each regional disposal facility.

"(13) The commission may establish advisory committees for the purpose of advising the commission on the disposal and management of low-level radioactive waste.

"(14) The commission may enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party State.

"(15) The commission shall prepare contingency plans, with the cooperation and approval of the host State, for the disposal and management of low-level radioactive waste in the event that any regional disposal facility should be closed.

"(16) The commission may sue and be sued and, when authorized by a majority vote of the members, may seek to intervene in an administrative or judicial proceeding related to this compact.

"(17) The commission shall be managed by an appropriate staff, including an executive director. Notwithstanding any other provision of law, the commission may hire or retain, or both, legal counsel.

"(18) The commission may, subject to applicable Federal and State laws, recommend to the appropriate host State authority suitable land and rail transportation routes for low-level radioactive waste carriers.

"(19) The commission may enter into an agreement to import low-level radioactive waste into the region only if both of the following requirements are met:

"(a) The commission approves the importation agreement by a two-thirds vote of the commission.

"(b) The commission and the host State assess the affected regional disposal facilities' capability to handle imported low-level radioactive wastes and any relevant environmental or economic factors, as defined by the host State's appropriate regulatory authorities.

"(20) The commission may, upon petition, allow an individual generator, a group of generators, or the host State of the compact, to export low-level radioactive wastes to low-level radioactive waste disposal facility located outside the region. The commission may approve the petition only by a two-thirds vote of the commission. The permission to export low-level radioactive wastes shall be effective for that period of time and for the amount of low-level radioactive waste, and subject to any other term or condition, which may be determined by the commission.

"(21) The commission may approve, only on a two-thirds vote of the commission, the exportation outside the region of material, which otherwise meets the criteria of low-level radioative waste, if the sole purpose of the exportation is to process the material for recycling.

"(22) The commission shall, not later than ten years before the closure of the initial or subsequent regional disposal facility, prepare a plan for the establishment of the next regional disposal facility.

"ARTICLE 4. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"(A) There shall be regional disposal facilities sufficient to dispose of the low-level radioactive waste generated within the region.

"(B) Low-level radioactive waste generated within the region shall be disposed of at regional disposal facilities and each party State shall have access to any regional disposal facility without discrimination.

"(C) (1) Upon the effective date of this compact, the State of California shall serve as the host State and shall comply with the requirements of subdivision (E) for at least thirty years from the date the regional disposal facility begins to accept low-level radioactive waste for disposal. The extension of the obligation and duration shall be at the option of the State of California.

"If the State of California does not extend this obligation, the party State, other than the State of California, whish is the largest major generator state shall then serve as the host State for the second regional disposal facility.

"The obligation of a host State which hosts the second regional disposal facility shall also run for thirty years from the date the second regional disposal facility begins operations.

"(2) The host State may close its regional disposal facility when necessary for public health or safety.

"(D) The party States of this compact cannot be members of another regional low-level radioactive waste compact entered into pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. secs. 2021b to 2021j, incl.).

"(E) A host State shall do all of the following:

"(1) Cause a regional disposal facility to be developed on a timely basis.

"(2) Ensure by law, consistent with any applicable Federal laws, the protection and preservation of public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the regional disposal facilities within the State.

"(3) Ensure that charges for disposal of low-level radioactive waste at the regional disposal facility are reasonably sufficient to do all of the following:

"(a) Ensure the safe disposal of low-level radioactive waste and long-term care of the regional disposal facility.

"(b) Pay for the cost of inspection, enforcement, and surveillance activities at the regional disposal facility.

"(c) Assure that charges are assessed without discrimination as to the party State of origin.

"(4) Submit an annual report to the commission on the status of the regional disposal facility including projections of the facility's anticipated future capacity.

"(5) The host State and the operator shall notify the commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of a regional disposal facility.

"(F) Each party State is subject to the following duties and authority:

"(1) To the extent authorized by Federal law, each party State shall develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for a regional disposal facility to conform to packaging and transportation requirements and regulations. These procedures shall include, but are not limited to, all of the following requirements:

"(a) Periodic inspections of packaging and shipping practices.

"(b) Periodic inspections of low-level radioactive waste containers while in the custody of transporters.

"(c) Appropriate enforcement actions with respect to violations.

"(2) A party State may impose a surcharge on the low-level radioactive waste generators within the State to pay for activities required by paragraph (1).

"(3) To the extent authorized by Federal law, each party State shall, after receiving notification from a host State that a person in a party State has violated packaging, shipping, or transportation requirements or regulations, take appropriate actions to ensure that these violations do not continue. Appropriate actions may include, but are not limited to, requiring that a bond be posted by the violator to pay the cost of repackaging at the regional disposal facility and prohibit future shipments to the regional disposal facility.

"(4) Each party State shall maintain a registry of all generators within the State that may have low-level radioactive waste to be disposed of at a regional disposal facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(5) Each party State shall encourage generators within its borders to minimize the volume of low-level radioactive waste requiring disposal.

"(6) Each party State may rely on the good faith performance of the other party States to perform those acts which are required by this compact to provide regional disposal facilities, including the use of the regional disposal facilities in a manner consistent with this compact.

"(7) Each party State shall provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(8) Each party State shall agree that only low-level radioactive waste generated within the jurisdiction of the party States shall be disposed of in the regional disposal facility, except as provided in paragraph (19) of subdivision (G) of article 3.

"(9) Each party State shall agree that if there is any injury to persons or property resulting from the operation of a regional disposal facility, the damages resulting from the injury may be paid from the third-party liability fund pursuant to subparagraph (b) of paragraph (3) of subdivision (G) of article 3, only to the extent that the damages exceed the limits of liability insurance carried by the operator. No party State, by joining this compact, assumes any liability resulting from the siting, operation, maintenance, long-term care, or other activity relating to a regional facility, and no party State shall be liable for any harm or damage resulting from a regional facility not located within the State.

"ARTICLE 5. APPROVAL OF REGIONAL FACILITIES

"A regional disposal facility shall be approved by the host State in accordance with its laws. This compact does not confer any authority on the commission regarding the siting, design, development, licensure, or other regulation, or the operation, closure, decommissioning, or long-term care of, any regional disposal facility within a party State.

"ARTICLE 6. PROHIBITED ACTS AND PENALTIES

"(A) No person shall dispose of low-level radioactive waste within the region unless the disposal is at a regional disposal facility, except as otherwise provided in paragraphs (20) and (21) of subdivision (G) of article 3.

"(B) No person shall dispose of or manage any low-level radioactive waste within the region unless the low-level radioactive waste was generated within the region, except as provided in paragraphs (19), (20), and (21) of subdivision (G) of article 3.

"(C) Violations of this section shall be reported to the appropriate law enforcement agency within the party State's jurisdiction.

"(D) Violations of this section may result in prohibiting the violator from disposing of low-level radioactive waste in the regional disposal facility, as determined by the commission or the host State.

"ARTICLE 7. ELIGIBILITY, ENTRY INTO EFFECT, CONGRESSIONAL CONSENT, WITHDRAWAL, EXCLUSION

"(A) The States of Arizona, North Dakota, South Dakota, and California are eligible to become parties to this compact. Any other State may be made eligible by a majority vote of the commission and ratification by the legislatures of all of the party States by statute, and upon compliance with those terms and conditions for eligibility which the host State may establish. The host State may establish all terms and conditions for the entry of any State, other than the States named in this subparagraph, as a member of this compact.

"(B) Upon compliance with the other provisions of this compact, an eligible State may become a party State by legislative enactment of this compact or by executive order of the Governor of the State adopting this compact. A State becoming a party State by executive order shall cease to be a party State upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment the legislature enacts this compact.

"(C) A party State, other than the host State, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. If a party State which is a major generator of low-level radioactive waste voluntarily withdraws from the compact pursuant to this subdivision, that State shall make arrangements for the disposal of the other party States' low-level radioactive waste for a time period equal the period of time it was a member of this compact.

"If the host State withdraws from the compact, the withdrawal shall not become effective until five years after the effective date of the repealing legislation.

"(D) A party State may be excluded from this compact by a two-thirds vote of the commission members, acting in a meeting, if the State to be excluded has failed to carry out any obligations required by compact.

"(E) This compact shall take effect upon the enactment by statute by the legislatures of the State of California and at least one other eligible State and upon the Consent of Congress and shall remain in effect until otherwise provided by Federal law. This compact is subject to review by Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to Federal law.

"ARTICLE 8. CONSTRUCTION AND SEVERABILITY

"(A) The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party State shall not be infringed unnecessarily.

"(B) This compact does not affect any judicial proceeding pending on the effective date of this compact.

"(C) If any provision of this compact or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the compact which can be given effect without the invalid provision or application, and to this end the provisions of this compact are severable.

"(D) Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. sec. 2011 et seq.).

"(2) An agreement State under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. sec. 2021).

"(E) Nothing in this compact confers any new authority on the States or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement States or of the Nuclear Regulatory Commission.

"Sec. 4. Section 30-722, Arizona Revised Statutes, is amended to read:

"30-722. Administration

"A. The radiation regulatory agency is designated as the agency responsible for performing any administrative and enforcement duties assigned to this state by the southwestern low-level radioactive waste disposal compact except those duties specifically assigned to the governor.

"B. The payment of any monies by this State to the southwestern low-level radioactive waste commission under the compact shall be from an appropriation made to the radiation regulatory agency which is not a line item in the radiation regulatory agency's budget.

"Sec. 5. Section 30-723, Arizona Revised Statutes, is amended to read:

"30-723. Joint legislative oversight committee on low-level waste

"A. The joint legislative oversight committee on low-level waste is established.

"B. The committee shall be composed of the following six members:

"1. Three members appointed by the speaker of the house of representatives, two of whom shall be members of the majority party in the house of representatives including the chairman of the house committee on natural resources and energy or its successor, and one who shall be a member of the minority party in the house of representatives.

"2. Three members appointed by the president of the senate, two of whom shall be members of the majority party in the senate, including the chairman of the senate committee on natural resources and agriculture or its successor, and one who shall be a member of the minority party in the senate.

"C. The chairmanship of the joint committee shall alternate annually between the two standing committee chairmen.

"D. The committee may review all proposals submitted to the southwestern low-level radioactive waste commission prior to any action by the commission.

"E. The committee shall monitor the actions of member states to determine conformance with the provisions of this article. If the committee determines a conflict with the provisions of this article, the committee shall advise the governor to appoint a separate committee to begin negotiations with any other available compact.

"Sec. 6. Repeal; reversion of appropriated monies

"A. Title 30, chapter 4, article 5, Arizona Revised Statutes, is repealed.

"B. Laws 1987, chapter 369, sections 2 and 3 are repealed. Any monies remaining in the low-level radioactive waste fund shall revert to the state general fund.

"Sec. 7. Emergency

"To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law."

POM-613. A bill adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY BILL NO. 1000

"Chapter 52

"An act to add Article 17 (commencing with Section 25877) to Chapter 7.6 of Division 20 of the Health and Safety Code, relating to radioactive waste. [Approved by Governor June 17, 1987. Filed with Secretary of State June 17, 1987.]

"LEGISLATIVE COUNSEL'S DIGEST

"AB 1000, Peace. Low-level radioactive waste disposal: compact.

"(1) Under the federal Low-Level Radioactive Waste Policy Amendments Act of 1985, states are authorized to enter into interstate compacts to provide for the establishment and operation of regional disposal facilities for low-level radioactive waste.

"Existing law also requires the Governor to enter into an agreement or compact with other states, or into an agreement with compacts, for the purpose of establishing or maintaining access to land disposal facilities, and specifies that the agreement or compact may include a provision concerning the reciprocal access to California permanent disposal facilities by the other parties to the agreement or compact. Existing law requires the ratification by statute by the Legislature of any agreement that proposes membership for California in a compact made pursuant to the federal act, or any agreement that includes a reciprocal access provision.

"This bill would enact and ratify the Southwestern Low-Level Radioactive Waste Disposal Compact, which would become effective when the legislatures of the State of California and at least one other eligible state enact this compact, as specified, and the compact is ratified by Congress.

"The compact would provide that the States of California, Arizona, North Dakota, and South Dakota are eligible to become parties to the compact and that any other states may be made eligible, as specified.

"The compact would provide for the establishment of a Southwestern Low-Level Radioactive Waste Commission and would specify the commission's powers and duties. The compact would require California to serve as the host state for siting and developing a regional low-level radioactive waste disposal facility for at least 30 years after the date when the facility begins accepting low-level radioactive waste. Each state party to the compact would be required to develop procedures and take specified actions concerning violations of low-level radioactive waste transportation regulations. The bill would create a new crime by making unlawful the disposal of low-level radioactive waste, except as specified, thereby imposing a state-mandated local program.

"The compact would provide that only low-level radioactive waste, as defined, generated within the region may be disposed of at a regional disposal facility, except as specified.

"The bill would require the State Department of Health Services to adopt regulations specifying the modes of transportation required to be used by generators to transport low-level radioactive waste, thereby imposing a state-mandated local program, as a violation of these regulations would be a misdemeanor pursuant to other provisions of law.

"(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

"This bill would provide that no reimbursement is required by this act for a specified reason.

"The people of the State of California do enact as follows:

"SECTION 1. Article 17 (commencing with Section 25877) is added to Chapter 7.6 of Division 20 of the Health and Safety Code, to read:

"Article 17. Southwestern Low-Level Radioactive Waste Disposal Compact

"25877. The Legislature of the State of California hereby enacts and ratifies the agreement set forth in Section 25878 and designated as the "Southwestern Low-Level Radioactive Waste Disposal Compact," which is entered into pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sec. 2021b to 2021j, incl.). This compact shall become effective in accordance with Article 7 of the compact as set forth in Section 25878.

"25878. The provisions of the Southwestern Low-Level Radioactive Waste Disposal Compact are as follows:

"Article 1. Compact Policy and Formation

"The party states hereby find and declare all of the following:

"(A) The United States Congress, by enacting the Low-Level Radioactive Waste Policy Act, Public Law 96-573, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sec. 2021lb to 2021j, incl.), has encouraged the use of interstate compacts to provide for the establishment and operation of facilities for regional management of low-level radioactive waste.

"(B) It is the purpose of this compact to provide the means for such a cooperative effort between or among party states to protect the citizens of the states and the states' environments.

"(C) It is the policy of party states to this compact to encourage the reduction of the volume of low-level radioactive waste requiring disposal within the compact region.

"(D) It is the policy of the party states that the protection of the health and safety of their citizens and the most ecological and economical management of low-level radioactive wastes can be accomplished through cooperation of the states by minimizing the amount of handling and transportation required to dispose of the these wastes and by providing facilities that serve the compact region.

"(E) Each party state, if an agreement state pursuant to Section 2021 of Title 42 of the United States Code, or the Nuclear Regulatory Commission if not an agreement state, is responsible for the primary regulation of radioactive materials within its jurisdiction.

"Article 2. Definitions

"As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(A) "Commission" means the Southwestern Low-Level Radioactive Waste Commission established in Article 3 of this compact.

"(B) "Compact region" or "region" means the combined geographical area within the boundaries of the party states.

"(C) "Disposal" means the permanent isolation of low-level radioactive waste pursuant to requirements established by the Nuclear Regulatory Commission and the Environmental Protection agency under applicable laws, or by a party state if that state hosts a disposal facility.

"(D) "Generate," when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(E) "Generator" means a person whose activity, excluding the management of low-level radioactive waste, results in the production of low-level radioactive waste.

"(F) "Host county" means a county, or other similar political subdivision of a party state, in which a regional disposal facility is located or being developed.

"(G) "Host state" means a party state in which a regional disposal facility is located or being developed. The State of California is the host state under this compact for the first 30 years from the date the California regional disposal facility commences operations.

"(H) "Institutional control period" means that period of time in which the facility license is transferred to the disposal site owner in compliance with the appropriate regulations for long-term observation and maintenance following the postclosure period.

"(I) "Low-level radioactive waste" means regulated radioactive material that meets all of the following requirements:

"(1) The waste is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42 U.S.C. Sec. 2014(e)(2))).

"(2) The waste is not uranium mining or mill tailings.

"(3) The waste is not any waste for which the federal government is responsible pursuant to subdivision (b) of Section 3 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sec. 2021c(b)).

"(4) The waste is not an alpha emitting transuranic nuclide with a half-life greater than five years and with a concentration greater than 100 nanocuries per gram, or Plutonium-241 with a concentration greater than 3,500 nanocuries per gram, or Curium-242 with a concentration greater than 20,000 nanocuries per gram.

"(J) "Management" means collection, consolidation, storage, packaging, or treatment.

"(K) "Major generator state" means a party state which generates 10 percent of the total amount of low-level radioactive waste produced within the compact region and disposed of at the regional disposal facility.

"If no party state other than California generates at least 10 percent of the total amount, "major generator state" means the party state which is second to California in the amount of waste produced within the compact region and disposed of at the regional disposal facility.

"(L) "Operator" means a person who operates a regional disposal facility.

"(M) "Party state" means any state that has become a party in accordance with Article 7 of this compact.

"(N) "Person" means an individual, corporation, partnership, or other legal entity, whether public or private.

"(O) "Postclosure period" means that period of time after completion of closure of a disposal facility during which the licensee shall observe, monitor, and carry out necessary maintenance and repairs at the disposal facility to assure that the disposal facility will remain stable and will not need ongoing active maintenance. This period ends with the beginning of the institutional control period.

"(P) "Regional disposal facility" means a nonfederal low-level radioactive waste disposal facility established and operated under this compact.

"(Q) "Site closure and stabilization" means the activities of the disposal facility operator taken at the end of the disposal facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at the disposal facility.

"(R) "Transporter" means a person who transports low-level radioactive waste.

"(S) "Uranium mine and mill tailings" means waste resulting from mining and processing of ores containing uranium.

"Article 3. The Commission

"(A) There is hereby established the Southwestern Low-Level Radioactive Waste Commission.

"(1) The Commission shall consist of one voting member from each party state to be appointed by the Governor, confirmed by the Senate of the party state, and to serve at the pleasure of the Governor of each party state, and one voting member from the host county. The appointing authority of each party state shall notify the commission in writing of the identity of the member and of any alternates. An alternate may act in the member's absence.

"(2) The host state shall also appoint that number of additional voting members of the commission which is necessary for the host state's members to compose at least 51 percent of the membership on the commission. The host state's additional members shall be appointed by the host state Governor and confirmed by the host state Senate.

"If there is more than one host state, only the state in which is located the regional disposal facility actively accepting low-level radioactive waste pursuant to this compact may appoint these additional members.

"(3) If the host county has not been selected at the time the commission is appointed, the Governor of the host state shall appoint an interim local government member, who shall be an elected representative of a local government. After a host county is selected, the interim local government member shall resign and the Governor shall appoint the host county member pursuant to paragraph (4).

"(4) The Governor shall appoint the host county member from a list of at least seven candidates compiled by the board of supervisors of the host county.

"(5) In recommending and appointing the host county member pursuant to paragraph (4), the board of supervisors and the Governor shall give first consideration to recommending and appointing the member of the board of supervisors in whose district the regional disposal facility is located or being developed. If the board of supervisors of the host county does not provide a list to the Governor of at least seven candidates from which to choose, the Governor shall appoint a resident of the host county as the host county member.

"(6) The host county member is subject to confirmation by the Senate of that party state and shall serve at the pleasure of the Governor of the host state.

"(B) The commission is a legal entity separate and distinct from the party state and shall be so liable for its actions. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"(C) The commission shall conduct its business affairs pursuant to the laws of the host state and disputes arising out of commission action shall be governed by the laws of the host state. The commission shall be located in the capital city of the host state in which the regional disposal facility is located.

"(D) The commission's records shall be subject to the host state's public records law, and the meetings of the commission shall be open and public in accordance with the host state's open meeting law.

"(E) The commission members are public officials of the appointing state and shall be subject to the conflict of interest laws, as well as any other law, of the appointing state. The commission members shall be compensated according to the appointing state's law.

"(F) Each commission member is entitled to one vote. A majority of the commission constitutes a quorum. Unless otherwise provided in this compact, a majority of the total number of votes on the commission is necessary for the commission to take any action.

"(G) The commission has all of the following duties and authority:

"(1) The commission shall do, pursuant to the authority granted by this compact, whatever is reasonably necessary to ensure that low-level radioactive wastes are safely disposed of and managed within the region.

"(2) The commission shall meet at least once a year and otherwise as business requires.

"(3) The commission shall establish a compact surcharge to be imposed upon party state generators. The surcharge shall be based upon the cubic feet of low-level radioactive waste and the radioactivity of the low-level radioactive waste and shall be collected by the operator of the disposal facility.

The host state shall set, and the commission shall impose, the surcharge after congressional approval of the compact. The amount of the surcharge shall be sufficient to establish and maintain at a reasonable level funds for all of the following purposes:

"(a) The activities of the commission and commission staff.

"(b) At the discretion of the host state, a third-party liability fund to provide compensation for injury to persons or property during the operational, closure, stabilization, and postclosure and institutional control periods of the regional disposal facility. This subparagraph does not limit the responsibility or liability of the operator, who shall comply with any federal or host state statutes or regulations regarding third-party liability claims.

"(c) A local government reimbursement fund, for the purpose of reimbursing the local government entity or entities hosting the regional disposal facility for any costs or increased burdens on the local governmental entity for services, including, but not limited to, general fund expenses, the improvement and maintenance of roads and bridges, fire protection, law enforcement, monitoring by local health officials, and emergency preparation and response related to the hosting of the regional disposal facility.

"(4) The surcharges imposed by the commission for purposes of subparagraphs (b) and (c) of paragraph (3) and surcharges pursuant to paragraph (3) of subdivision (E) of Article 4 shall be transmitted on a monthly basis to the host state for distribution to the proper accounts.

"(5) The commission shall establish a fiscal year which conforms to the fiscal years of the party states to the extent possible.

"(6) The commission shall keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(7) The commission shall prepare and include in the annual report a budget showing anticipated receipts and disbursements for the subsequent fiscal year.

"(8) The commission may accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant, or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"However, the host state shall receive, for the uses specified in subparagraph (E) of paragraph (2) of subsection (d) of Section 2021e of Title 42 of the United States Code, any payments paid from the special escrow account for which the Secretary of Energy is trustee pursuant to subparagraph (A) of paragraph (2) of subsection (d) of Section 2021(e) of Title 42 of the United States Code.

"(9) The commission shall submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 15 of each year. The commission shall include in the annual report a review of, and recommendations for, low-level radioactive waste disposal methods which are alternative technologies to the shallow land burial of low-level radioactive waste.

"(10) The commission shall assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(11) The commission shall keep a current inventory of all generators within the region, based upon information provided by the party states.

"(12) The commission shall keep a current inventory of all regional disposal facilities, including information on the size, capacity, location, specific low-level radioactive wastes capable of being managed, and the projected useful life of each regional disposal facility.

"(13) The commission may establish advisory committees for the purpose of advising the commission on the disposal and management of low-level radioactive waste.

"(14) The commission may enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(15) The commission shall prepare contingency plans, with the cooperation and approval of the host state, for the disposal and management of low-level radioactive waste in the event that any regional disposal facility should be closed.

"(16) The commission may sue and be sued and, when authorized by a majority vote of the members, may seek to intervene in an administrative or judicial proceeding related to this compact.

"(17) The commission shall be managed by an appropriate staff, including an executive director. Notwithstanding any other provision of law, the commission may hire or retain, or both, legal counsel.

"(18) The commission may, subject to applicable federal and state laws, recommend to the appropriate host state authority suitable land and rail transportation routes for low-level radioactive waste carriers.

"(19) The commission may enter into an agreement to import low-level radioactive waste into the region only if both of the following requirements are met:

"(a) The commission approves the importation agreement by a two-thirds vote of the commission.

"(b) The commission and the host state assess the affected regional disposal facilities' capability to handle imported low-level radioactive wastes and any relevant environmental or economic factors, as defined by the host state's appropriate regulatory authorities.

"(20) The commission may, upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level radioactive wastes to a low-level radioactive waste disposal facility located outside the region. The commission may approve the petition only by a two-thirds vote of the commission. The permission to export low-level radioactive wastes shall be effective for that period of time and for the amount of low-level radioactive waste, and subject to any other term or condition, which may be determined by the commission.

"(21) The commission may approve, only by a two-thirds vote of the commission, the exportation outside the region of material, which otherwise meets the criteria of low-level radioactive waste, if the sole purpose of the exportation is to process the material for recycling.

"(22) The commission shall, not later than 10 years before the closure of the initial or subsequent regional disposal facility, prepare a plan for the establishment of the next regional disposal facility.

"Article 4. Rights, Responsibilities, and Obligations of Party States

"(A) There shall be regional disposal facilities sufficient to dispose of the low-level radioactive waste generated within the region.

"(B) Low-level radioactive waste generated within the region shall be disposed of at regional disposal facilities and each party state shall have access to any regional disposal facility without discrimination.

"(C)(1) Upon the effective date of this compact, the State of California shall serve as the host state and shall comply with the requirements of subdivision (E) for at least 30 years from the date the regional disposal facility begins to accept low-level radioactive waste for disposal. The extension of the obligation and duration shall be at the option of the State of California.

"If the State of California does not extend this obligation, the party state, other than the State of California, which is the largest major generator state shall then serve as the host state for the second regional disposal facility.

"The obligation of a host state which hosts the second regional disposal facility shall also run for 30 years from the date the second regional disposal facility begins operations.

"(2) The host state may close its regional disposal facility when necessary for public health or safety.

"(D) The party states of this compact cannot be members of another regional low-level radioactive waste compact entered into pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Secs. 2021b to 2021j, incl.).

"(E) A host state shall do all of the following:

"(1) Cause a regional disposal facility to be developed on a timely basis.

"(2) Ensure by law, consistent with any applicable federal laws, the protection and preservation of public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the regional disposal facilities within the state.

"(3) Ensure that charges for disposal of low-level radioactive waste at the regional disposal facility are reasonably sufficient to do all of the following:

"(a) Ensure the safe disposal of low-level radioactive waste and long-term care of the regional disposal facility.

"(b) Pay for the cost of inspection, enforcement, and surveillance activities at the regional disposal facility.

"(c) Assure that charges are assessed without discrimination as to the party state of origin.

"(4) Submit an annual report to the commission on the status of the regional disposal facility including projections of the facility's anticipated future capacity.

"(5) The host state and the operator shall notify the commission immediately upon the ocurrence of any event which could cause a possible temporary or permanent closure of a regional disposal facility.

"(F) Each party state is subject to the following duties and authority:

"(1) To the extent authorized by federal law, each party state shall develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for a regional disposal facility to conform to packaging and transportation requirements and regulations. These procedures shall include, but are not limited to, all of the following requirements:

"(a) Periodic inspections of packaging and shipping practices.

"(b) Periodic inspections of low-level radioactive waste containers while in the custody of transporters.

"(c) Appropriate enforcement actions with respect to violations.

"(2) A party state may impose a surcharge on the low-level radioactive waste generators within the state to pay for activities required by paragraph (1).

"(3) To the extent authorized by federal law, each party state shall, after receiving notification from a host state that a person in a party state has violated packaging, shipping, or transportation requirements or regulations, take appropriate actions to ensure that these violations do not continue. Appropriate actions may include, but are not limited to, requiring that a bond be posted by the violator to pay the cost of repackaging at the regional disposal facility and prohibit future shipments to the regional disposal facility.

"(4) Each party state shall maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a regional disposal facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(5) Each party state shall encourage generators within its borders to minimize the volume of low-level radioactive waste requiring disposal.

"(6) Each party state may rely on the good faith performance of the other party states to perform those acts which are required by this compact to provide regional disposal facilities, including the use of the regional disposal facilities in a manner consistent with this compact.

"(7) Each party state shall provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(8) Each party state shall agree that only low-level radioactive waste generated within the jurisdiction of the party states shall be disposed of in the regional disposal facility, except as provided in paragraph (19) of subdivision (G) of Article 3.

"(9) Each party state shall agree that if there is any injury to persons on property resulting from the operation of a regional disposal facility, the damages resulting from the injury may be paid from the third-party liability fund pursuant to subparagraph (b) of paragraph (3) of subdivision (G) of Article 3, only to the extent that the damages exceed the limits of liability insurance carried by the operator. No party state, by joining this compact, assumes any liability resulting from the siting, operation, maintenance, long-term care, or other activity relating to a regional facility, and no party state shall be liable for any harm or damage resulting from a regional facility not located within the state.

"Article 5. Approval of Regional Facilities

"A regional disposal facility shall be approved by the host state in accordance with its laws. This compact does not confer any authority on the commission regarding the siting, design, development, licensure, or other regulation, or the operation, closure, decommissioning, or long-term care of, any regional disposal facility within a party state.

"Article 6. Prohibited Acts and Penalties

"(A) No person shall dispose of low-level radioactive waste within the region unless the disposal is at a regional disposal facility, except as otherwise provided in paragraphs (20) and (21) of subdivision (G) of Article 3.

"(B) No person shall dispose of or manage any low-level radioactive waste within the region unless the low-level radioactive waste was generated within the region, except as provided in paragraphs (19), (20), and (21) of subdivision (G) of Article 3.

"(C) Violations of this section shall be reported to the appropriate law enforcement agency within the party state's jurisdiction.

"(D) Violations of this section may result in prohibiting the violator from disposing of low-level radioactive waste in the regional disposal facility, as determined by the commission or the host state.

"Article 7. Eligibility, Entry into Effect, Congressional Consent, Withdrawal, Exclusion

"(A) The States of Arizona, North Dakota, South Dakota, and California are eligible to become parties to this compact. Any other state may be made eligible by a majority vote of the commission and ratification by the legislatures of all of the party states by statute, and upon compliance with those terms and conditions for eligibility which the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this subparagraph, as a member of this compact.

"(B) Upon compliance with the other provisions of this compact, an eligible state may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment the legislature enacts this compact.

"(C) A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. If a party state which is a major generator of low-level radioactive waste voluntarily withdraws from the compact pursuant to this subdivision, that state shall make arrangements for the disposal of the other party states' low-level radioactive waste for a time period equal the period of time it was a member of this compact.

"If the host state withdraws from the compact, the withdrawal shall not become effective until five years after the effective date of the repealing legislation.

"(D) A party state may be excluded from this compact by a two-thirds vote of the commission members, acting in a meeting, if the state to be excluded has failed to carry out any obligations required by compact.

"(E) This compact shall take effect upon the enactment by statute by the legislatures of the State of California and at least one other eligible state and upon the consent of Congress and shall remain in effect until otherwise provided by federal law. This compact is subject to review by Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"Article 8. Construction and Severability

"(A) The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party state shall not be infringed unnecessarily.

"(B) This compact does not affect any judicial proceeding pending on the effective date of this compact.

"(C) If any provision of this compact or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the compact which can be given effect without the invalid provision or application, and to this end the provisions of this compact are severable.

"(D) Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under Section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"(E) Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, byproduct, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the Nuclear Regulatory Commission.

"25878.1. Notwithstanding Section 25878, authority for on-highway routing and enforcement relating to low-level radioactive waste shall, pursuant to other provisions of law, remain with the Department of the California Highway Patrol for low-level radioactive waste generated from, and shipments into, California.

"25878.2. Notwithstanding Section 25878, authority for rail transportation routing and enforcement relating to low-level radioactive waste shall remain with the Public Utilities Commission pursuant to the Public Utilities Act (Part 1 (commencing with Section 201) of Division 1 of the Public Utilities Code) for low-level radioactive waste generated from, and shipped into, California.

"25878.3. The department shall adopt regulations specifying the modes of transportation which are most protective of public health and the environment which shall be used by generators to transport low-level radioactive waste within the state.

"SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction."

REPORTS OF COMMITTEES

The following reports of the committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 459. An original resolution to provide for the transfer of archival quality video recordings of Senate proceedings to the Librarian of Congress and the Archivist of the United States and to clarify procedures for providing copies to Senators (Rept. No. 100-471).

By Mr. JOHNSTON from the Committee on Energy and Natural Resources, without amendment:

S. 2436. A bill to reauthorize the Sleeping Bear Dunes National Lakeshore Advisory Commission (Rept. No. 100-472).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 3977. A bill to authorize appropriations for the Mining and Mineral Resources Research Institute Act for fiscal years 1990 through 1993 (Rept. No. 100-473).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 4267. A bill to authorize additional appropriations for the WEB Rural Water Development Project (Rept. No. 100-474).

Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1992. A bill to promote intergovernmental and interagency cooperation in the development of groundwater policy (Rept. No. 100-475).

Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2231. A bill to amend the Public Health Service Act to reauthorize nurse education programs established under title VIII of such act, and for other purposes (Rept. No. 100-476).

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

H.R. 2370. A bill to provide for the establishment of an economic development plan for, and Federal services and assistance to, the Northwestern Band of the Shoshoni Nation, and for other purposes (Rept. No. 100-477).

H.R. 3617. A bill for the relief of the Coushatta Tribe of Louisiana (Rept. No. 100-478).

H.R. 4143. A bill to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes (Rept. No. 100-479).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 458. An original resolution managing the expenditure of funds for Senate official mail during fiscal year 1989 (Rept. No. 100-480).

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment:

S. 2349. A bill to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio.

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2607. A bill to reauthorize appropriations and modify adminstrative organization and activities of the Interagency Council on the Homeless, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

R. James Woolsey, of Maryland, to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of 2 years;

Sam E. Keith, Jr., of Texas, to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of four years;

Margaret Truman Daniel, of New York, to be a member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1993;

Justin W. Dart, Jr., of Texas, to be a member of the National Council on the Handicapped for a term expiring September 17, 1990;

Robert S. Muller, of Michigan, to be a member of the National Council on the Handicapped for a term expiring September 17, 1991;

Betty Southard Murphy, of Virginia, to be a member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term of 6 years;

Daniel C. Drucker, of Florida, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994;

Phyllis Curtin, of Massachusetts, to be a member of the National Council on the Arts for a term expiring September 3, 1994;

Mel Harris, of California, to be a member of the National Council on the Arts for a term expiring September 3, 1994;

Wendy W. Luers, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1994;

Kevin Roche, of Connecticut, to be a member of the National Council on the Arts for a term expiring September 3, 1994;

Jocelyn Levi Straus, of Texas, to be a member of the National Council on the Arts for a term expiring September 3, 1994;

Marvin Hamlisch, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1994;

Roberts T. Jones, of Virginia, to be an Assistant Secretary of Labor.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BURDICK, from the Committee on Environment and Public Works:

Lawrence J. Jensen, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BENTSEN, from the Committee on Finance:

Don E. Newquist, of Texas, to be a Member of the United States International Trade Commission for the remainder of the term expiring December 16, 1988.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary:

Richard L. Thornburgh, of Pennsylvania, to be Attorney General;

Stuart A. Summit, of New York, to be U.S. circuit judge for the Second Circuit; and

Robert P. Patterson, Jr., of New York, to be U.S. district judge for the Southern District of New York.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY:

S. 2705. A bill to temporarily suspend the duty on 2',4'-Difluoro-4-hydroxy-3-biphenylcarboxylic acid; to the Committee on Finance.

S. 2706. A bill to temporarily suspend the duty on 2-(alpha-hydroxyethyl)-3-amino-1,5-pentane-dioic acid 5-methylester; to the Committee on Finance.

By Mr. SYMMS:

S. 2707. A bill to provide for the transfer of certain monkeys to the animal sanctuary known as Primarily Primates, Inc.; to the Committee on Labor and Human Resources.

By Mr. HECHT:

S. 2708. A bill entitled the "State Sovereignty and Wilderness Evaluation Act of 1988"; to the Committee on Energy and Natural Resources.

By Mr. SANFORD (for himself, Mr. Bond, Mr. Daschle, and Mr. Hecht):

S. 2709. A bill to clarify the United States' obligation to observe occupational safety and health standards and to clarify the United States' responsibility for harm caused by negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2710. A bill to enlarge the San Francisco Bay National Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. D'Amato):

S. 2711. A bill to assist States in providing low- and middle-income housing to their residents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM:

S. 2712. A bill to discourage employers from closing sites of employments in the United States and relocating overseas, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON:

S. 2713. A bill to amend title 18, United States Code, to provide procedural safeguards with respect to the issuance of lawyer-client subpoenas; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. Danforth):

S. 2714. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the credit for expenses with respect to child care for dependent children, to make such credit refundable, and for other purposes; to the Committee on Finance.

By Mr. PROXMIRE (for himself and Mr. Garn) (by request):

S. 2715. A bill to amend the Bank Holding Company Act of 1956 to authorize the Board of Governors of the Federal Reserve System to order bank subsidiaries of bank holding companies to consolidate if any such bank subsidiary is in danger of closing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN:

S. 2716. A bill to temporarily suspend the duty on self-folding collapsible umbrellas; to the Committee on Finance.

BY Mr. WIRTH:

S. 2717. A bill extending permission for the President's Commission on White House Fellows to accept certain donations; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 2718. A bill to amend the Federal Water Pollution Control Act to include Massachusetts Bay, MA, in the National Estuary Program; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 2719. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Wirth, and Mr. Cranston):

S. 2720. A bill requiring the use by the Federal Government of certain vehicles capable of operating on alcohol or natural gas fuels or on electricity in areas not in compliance with the Clean Air Act, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. Levin, Mr. Roth, Mr. Pryor, Mr. Stevens, and Mr. Chiles):

S. 2721. A bill to amend the Federal Advisory Committee Act; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI:

S. 2722. A bill to apply the deposit insurance limitation to deposits by deposit brokers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON:

S. 2723. A bill to partition certain reservation lands between the Hoopa Valley Tribe and the Yurok Indians, to clarify the use of tribal timber proceeds, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. RIEGLE (for himself and Mr. Hatfield):

S. 2724. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURDICK (for himself and Mr. Conrad):

S. 2725. A bill to assure that amounts available for allotments to States under the Community Services Block Grant Act are allotted with an increased small State minimum for any fiscal year in which the amounts appropriated is in excess of the amount appropriated and available for such allotment in fiscal year 1989, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD:

S. 2726. A bill to amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection to promulgate regulations on the management of biomedical waste; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2727. A bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 2728. A bill to permit coal to be transported in foreign flag-vessels between the States of Alaska and Hawaii without regard to section 27 of the Merchant Marine Act, 1920; to the Committee on Commerce, Science, and Transportation.

S. 2729. A bill to allow certain foreign-flag vessels to carry passengers among ports in Alaska and between points in Alaska and Seattle, WA; to the Committee on Commerce, Science, and Transportation.

By Mr. WILSON:

S. 2730. A bill to increase the availability of quality affordable child care, and for other purposes; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. Shelby, Mr. Specter, Mr. Kerry, Mr. Lugar, Mr. DeConcini, Mr. Dole, Mr. Weicker, Mr. Thurmond, Mr. Bond, Mr. Burdick, Mr. Exon, Mr. Durenberger, Mr. Inouye, Mr. Chafee, Mr. Levin, Mr. Sanford, Mr. Wilson, Mr. Moynihan, Mr. McCain, Mr. Pressler, Mr. Hollings, Mr. Pell, Mr. Heflin, Mr. Pryor, Mr. Stennis, and Mr. Humphrey):

S.J. Res. 364. A joint resolution to designate the week of October 2 through October 8, 1988, as "National Paralysis Awareness Week"; to the Committee on the Judiciary.

By Mr. GARN (for himself, Mr. Adams, Mr. Boren, Mr. Bradley, Mr. Bumpers, Mr. Conrad, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Exon, Mr. Fowler, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Kennedy, Mr. Levin, Mr. Matsunaga, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Pell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, Mr. Sarbanes, Mr. Wirth, Mr. Bond, Mr. Cochran, Mr. D'Amato, Mr. Danforth, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Grassley, Mr. Hatch, Mr. Hecht, Mr. Humphrey, Mr. Lugar, Mr. McCain, Mr. McClure, Mr. Murkowski, Mr. Packwood, Mr. Quayle, Mr. Rudman, Mr. Stafford, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Warner, and Mr. Wilson):

S.J. Res. 365. A joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*; to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 366. A joint resolution designating September 24, 1988, as "National Integrity Day," to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 458. An original resolution managing the expenditure of funds for Senate official mail during fiscal year 1989; placed on the calendar.

S. Res. 459. An original resolution to provide for the transfer of archival quality video recordings of Senate proceedings to the Librarian of Congress and the Archivist of the United States and to clarify procedures for providing copies to Senators; placed on the calendar.

By Mr. PELL (for himself and Mr. Lugar):

S. Res. 460. A resolution in support of a peaceful, negotiated settlement to the Cyprus dispute; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. Bradley, Mr. Metzenbaum, Mr. Pressler, Mr. Dodd, Mr. Durenberger, Mr. D'Amato, Mr. Wilson, Mr. Dole, Mr. Kerry, Mrs. Kassebaum, Mr. DeConcini, Mr. Mitchell, Mr. Inouye, Mr. Grassley, Mr. Symms, Mr. Bumpers, Mr. Boren, Mr. Dixon, Mr. Levin, Mr. Riegle, Mr. Domenici, Mr. Lugar, Mr. Karnes, Mr. Gore, Mr. Helms, and Mr. Sarbanes):

S. Res. 461. Resolution condemning Romania for its human rights abuses, particularly its plan to raze agricultural villages in traditionally Hungarian areas; ordered held at the desk.

By Mr. STEVENS (for Mr. Bond (for himself, Mr. Stevens, Mr. Murkowski, Mr. Boren, Mr. Shelby, Mr. Wilson, Mr. Cochran, Mr. McConnell, Mr. Dixon, Mr. Rudman, Mr. Sanford, Mr. Helms, Mr. Quayle, Mr. Packwood, Mr. Danforth, and Mr. Karnes)):

S. Res. 462. Resolution expressing the sense of the Senate concerning the 1988 Seoul Olympic Games; considered and agreed to.

By Mr. SYMMS (for himself, Mr. Helms, and Mr. Thurmond):

S. Con. Res. 138. Concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Canal Act of 1979; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself, Mr. Pell, Mr. Helms, Mr. Cranston, Mr. Murkowski, and Mr. Kennedy):

S. Con. Res. 139. Concurrent resolution to express the opposition of the Congress to the mass killings, mass arrests, and denial of human rights in the Socialist Republic of Burma; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SYMMS:

S. 2707. A bill to provide for the transfer of certain monkeys to the animal sanctuary known as Primarily Primates, Inc.; to the Committee on Labor and Human Resources.

TRANSFER OF CERTAIN MONKEYS TO PRIMARILY PRIMATES, INC.

● Mr. SYMMS. Mr. President, I am introducing legislation today which provides for the transfer of the Silver Spring monkeys to Primarily Primates, Inc. of San Antonio, TX.

Primarily Primates is a private facility which operates entirely on donations. It is not a zoo or a laboratory; rather it is a place where these monkeys, which have been used for extensive research, can live out their short lives in a private, peaceful existence.

The Silver Spring monkeys were taken from the Institute of Behavioral Research [IBR] in 1981 by the National Institutes of Health [NIH] as a result of charges that the animals were victims of abuse. In addition, NIH revoked the grant IBR received to study the effects of deafferentation on the monkeys and possible treatments for stroke victims afflicted with that disability. NIH then transfered the monkeys from the IBR facility in Silver Spring, MD to a NIH facility in Louisiana where they remain. No longer being used for research, the nine monkeys left are housed at the Delta facility at a cost of approximately $30,000 per year.

In 1986, 313 Members from both Houses of Congress signed letters to Dr. Wyngaarden, Director of the NIH, urging him to release the monkeys to "a sanctuary or refuge willing to accept the primates" and provide care. I am disturbed by the NIH's failure to heed the advice of a strong majority of Members in both Houses of Congress. The fact that legislation apparently will be required to resolve this problem is most frustrating to me.

I am not opposed to scientific or biomedical research using animals, and I do not wish to discourage or deter such research. I am fully aware of the many benefits from research that we often take for granted today. From aspirin to open heart surgery and chemotherapy, every American has derived some benefit from medical research. However, I do not believe the case of the Silver Spring monkeys is indicative of all such research, nor do I believe that the transfer of these monkeys to a private facility is going to impair scientific research for future generations. This is an isolated problem that should have been resolved long ago without congressional involvement.

I look forward to the expeditious consideration of this legislation and the subsequent transfer of the Silver Spring monkeys to Primarily Primates, Inc. I ask unanimous consent that the bill be printed in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGREEMENT PROVIDING FOR TRANSFER.

(a) In General.—Notwithstanding any other provision of law, the Secretary of Health and Human Services (or the Secretary's designee) shall take such steps as are necessary to enter into an agreement with the animal sanctuary known as Primarily Primates, Incorporated (located in San Antonio, Texas), which provides for the transfer to such sanctuary of—

(1) possession of; and

(2) all interest of the United States in;

the animals described in section 2.

(b) Terms of Agreement.—Any agreement entered into pursuant to subsection (a) shall provide—

(1) that Primarily Primates, Incorporated, shall reimburse the United States for any expense relating to the maintenance of the animals described in section 2 which is incurred by the United States after the date of such transfer; and

(2) Primarily Primates, Incorporated, shall not—

(A) transfer ownership or possession of such animals to any other party; or

(B) authorize or allow any research to be conducted on such animals, other than research which is noninvasive and observational in nature.

SEC. 2. ANIMALS DESCRIBED.

The animals referred to in section 1 are all surviving members of a group of approximately 15 monkeys which were purchased with funds provided in a grant—

(1) from the National Institute of Neurological and Communicative Disorders and Stroke to the Institute for Behavioral Research (located in Silver Spring, Maryland) for research relating to the effects of somatosensory deafferentation; and

(2) for which notice of award was issued March 31, 1981.

SEC. 3. UNITED STATES NOT RESTRICTED FROM RECOVERING CERTAIN EXPENSES.

This Act shall not be considered to limit any right of the United States to recover expenses associated with the animals described in section 2 from a person who received, or used funds provided by, a grant referred to in section 2.●

By Mr. HECHT:

S. 2708. A bill entitled the "State Sovereignty and Wilderness Evaluation Act of 1988"; to the Committee on Energy and Natural Resources.

STATE SOVEREIGNTY AND WILDERNESS EVALUATION ACT

● Mr. HECHT. Mr. President, today I am introducing a bill to put a little common sense back into the way this country makes decisions about the management of Federal lands. The bill will also restore a sense of balance to our Federal system of government, with respect to decisionmaking on Federal lands.

My bill, the State Sovereignty and Wilderness Evaluation Act of 1988, basically does two things. First, it allows a State which is more than 25 percent owned by the Federal Government to veto an area designated wilderness by a Federal law.

Mr. President, the Senate has a tradition of being very considerate of the prerogatives of a Senator with regard to issues and legislation that affects only that Senator's State. Unfortunately, the other body doesn't share that tradition, and has no compunction about legislating wilderness for States without the full agreement of the State's congressional delegation. Wilderness designation is a very restrictive land use, and effectively closes off whole areas to most forms of multiple use. It can devastate the economies of local communities, and exclude recreationists.

My bill gives the affected State government one last chance to avoid being railroaded by an insensitive Federal Government. The Governor of the affected State can veto wilderness designation for a specific area, or for all the area contained in the wilderness bill, and this land does not become wilderness unless the Congress overrides the Governor's veto.

The second major part of my bill is the requirement for a study by the General Accounting Office of the affects of past decisions on the designation of Federal wilderness. Since 1964 the Federal Government has created about 90 million acres of Federal wilderness in this country. There has been little or no effort to examine the consequences of those decisions. Before we continue down this possibly counterproductive course, I think we had better thoroughly evaluate the consequences of our actions.

Does Federal wilderness discriminate against the handicapped, the elderly, the disabled? Are hunters and fishermen effectively locked out by wilderness designation from their prime hunting and fishing grounds? Have small rural communities adjacent to Federal wilderness areas withered on the vine as a result of the loss of nearby economic activity? Are the wildlife of Federal wilderness areas better off, or worse off, after their habitat is designated as wilderness?

Mr. President, these and many other important and useful questions deserve objective answers. The General Accounting Office is probably in the best position to provide those answers, and with prompt enactment of this legislation, it will be able to do so.●

By Mr. SANFORD (for himself, Mr. BOND, Mr. DASCHLE, and Mr. HECHT):

S. 2709. A bill to clarify the United States obligation to observe occupational safety and health standards and to clarify the United States responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

UNITED STATES OBLIGATIONS TO OBSERVE OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Mr. SANFORD. Mr. President, I rise today to offer legislation to define a fair and responsible relationship between our National Government and its citizens when harm comes through negligence of the Government in the workplace.

When Government errs, and people are its victims, it is often difficult for them to get any kind of equitable treatment in a timely fashion. Government can often hide behind the cloak of sovereign immunity, leaving its victims without recourse, That is not decent or fair, even when the damage has occurred inadvertently.

A Government, like ours, with decent instincts and solid democratic traditions, must have the strength, courage, and honor to acknowledge its own misdeeds, whether they grow out of the purest of motives or just bungling and ineptitude.

We are strong when we do, and we are weak when we don't. There are ample lessons of that throughout our history, and I do not think I need remind any Member of this body of that.

Countries without democratic roots don't feel that obligation, and it is a crucial difference between us and them. It is a difference we should not and cannot ignore if we are to honor our most precious heritage.

An overriding responsibility to our citizens must inspire our actions today, just as it has done in our finer moments for over 200 years. And that, Mr. President, is what the bill I have introduced today is all about. It is "to clarify the United States obligation to observe occupational and health standards and to clarify the United States responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States."

While it has application in any instance where that takes place, I want to cite one problem area that cries out for fair and practical resolution. Many of our citizens served this Nation during the time around World War II, not only in the military, but in civilian jobs. Today some of them suffer from lung cancer and other diseases directly related to their work then.

These victims were, for the most part, civilian workers in Navy-run shipyards, doing Navy-directed tasks with Navy-specified materials. They worked with asbestos material whose composition was defined by the Navy. They worked in conditions controlled by the Navy. They were, for all practical purposes, recruits in our war effort.

Courts have since found that Government officials and safety inspectors knew that asbestos exposure was dangerous and that asbestos dust, visible to the naked eye, piled up underfoot and on any available surface where the people worked. They knew it clung to the clothes and skin of the workers. They knew the workers inhaled the deadly fibers. They were not evil and villainous, but they had a crucial job to do and they did it with little time in which to consider the human consequences.

Yet today as the victims of those conditions—conditions we knew should be avoided, conditions we knew how to avoid—appeal to the courts for justice, for some gesture of concern, for some compensation for their pain, and, indeed, for their inevitable deaths, we seem to forget we are a democracy, and hide instead behind sovereign immunity and discretionary function.

It is a bureaucratic reaction that refuses to acknowledge the inequity of paying back patriotism and devotion to country with indifference. It is a travesty that must be stopped, not just for the victims and their families' sake, but for our own national moral well-being.

Mr. President, we have been spending millions of dollars to keep from compensating victims of governmental decisions. Wouldn't it be more compassionate, more sensible to devote our money and energy to fighting old wrongs, to give a little to those who need much, to ease the pain of those who suffer greatly, and who suffered all because this Government in a time of national crisis ignored individual health and welfare as though the people were robots?

I do not wish to sound unduly harsh in my views of what went on. I know from my personal experience how desperately important it was that our war effort move expeditiously forward. Serving in the front lines of the war, facing enemy fire, living with your life at risk was more tolerable if one knew that an all-out effort was being made on the homefront. Certainly, as I moved across Europe with my paratroop outfit, my thoughts were of national and personal survival. Now, many years have passed and we have the time to look back on the errors of that time, and we simply must.

And that is why I urge that we take a serious look at an important step in the direction of equity. This bill does not propose to create a welfare program. It is not some disguised raid on the Treasury. It is not an entitlement program for every civilian who ever worked for the Government.

It is a long overdue effort to say that the Federal Government is willing to abide by the rules in occupational safety and health that it applies to others. That is justice. That is equity. That is what this bill is all about.

Mr. President, in testimony delivered today before the House Subcommittee on Administrative Law and Governmental Relations, Mr. Joe Hollingsworth, a partner in the law firm of Spriggs & Hollingsworth, eloquently makes the case for the need for this legislation.

I ask unanimous consent that Mr. Hollingsworth's testimony be printed in the RECORD immediately following my remarks.

I urge my colleagues to join with me in supporting this important piece of legislation.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOE G. HOLLINGSWORTH, WASHINGTON, D.C., AUGUST 10, 1988

Mr. Chairman, Members of the Committee, I am submitting this Statement on behalf of the Committee for Equitable Compensation, which consists of former manufacturers of asbestos-containing insulation materials who are today fighting for their corporate survival and who seek nothing more than fairness.

I am a partner in the law firm of Spriggs & Hollingsworth, and I represent two former insulation product manufacturers with claims against the United States. These claims are based on the federal government's responsibility for the personal injuries suffered by tens of thousands of workers employed in the construction and repair of government vessels at government-owned and government-controlled shipyards during World War II and thereafter.

Although we are making satisfactory headway in the asbestos litigation, and although the United States Supreme Court recently decided two cases which may enhance the manufacturers' ability to recover from the government or preclude plaintiff's recovery in the underlying asbestos litigation, the progress is slow and uncertain. Therefore, a legislative solution is still necessary.

THE SUPREME COURT DECISIONS IN BERKOVITZ AND BOYLE

The Supreme Court recently held in *Berkovitz* v. *United States*, 108 S. Ct. 1954 (U.S. June 13, 1988), that where a government employee negligently fails to follow a government statute, regulation or policy which specifically prescribes a course of conduct regarding health and safety requirements, the discretionary function exception to the Federal Tort Claims Act does not shield the government from liability because the employee had no rightful option but to adhere to the directive.

Two weeks later, in *Boyle* v. *United Technologies Corp.*, 108 S. Ct. 2510 (U.S. June 27, 1988), the Supreme Court held as a matter of federal common law that a contractor providing military equipment to the federal government was immune to state law claims for design defects so long as: (i) the United States approved reasonably detailed specifications; (ii) the equipment conformed to the specifications and (iii) the contractor warned the United States about the dangers in the use of the equipment that were known to the contractor but not to the United States.

Under Boyle, asbetos manufacturers who supplied a product to the government pursuant to government contracts and in compliance with reasonably precise specifications which the government approved, cannot, as a matter of federal common law, be held liable for plaintiffs' injuries. Thus, had Boyle been decided years earlier, the manufacturers could have asserted the government contractor defense to defeat the underlying asbestos plaintiffs' personal injury claims arising out of shipyard exposure. That, of course, is not the case, and the manufacturers already have paid out hundreds of millions of dollars in damages to plaintiffs.

Although the Berkovitz decision provides the manufacturers a legal basis for recovering from the government some of the monies paid to the underlying plaintiffs in the asbestos litigation, Berkovitz and Boyle do not, by any means, solve all of the legal and technical difficulties the manufacturers face. Indeed, it will take several years of litigation to determine the extent to which the Supreme Court's holdings apply to facts other than those before the Court in Berkovitz and Boyle.

Even then, the remaining issues must be resolved on a case-by-case basis, and, due to technicalities in the Berkovitz and Boyle decisions, there undoubtedly will be cases involving the government's failure to warn of, or protect shipyard workers from, asbestos exposure which will not fit within the confines of the two decisions. Therefore, there is still a need for legislative recognition of the fundamental equities of the asbestos litigation.

THE NEED FOR A LEGISLATIVE SOLUTION

The courts are overwhelmed with the sheer volume of asbestos-related personal injury cases, and the Berkovitz and Boyle decisions may very well exacerbate that volume. The manufacturers have incurred massive liabilities as well as massive defense costs. And for many of those most in need of legal redress—the workers injured by exposure to asbestos—that redress comes only at a significant price because so much of the money otherwise available for compensation is consumed by lawyers' fees and transaction costs.

The manufacturers have asserted meritorious legal claims against the United States. But the litigation is complex, and hindered by the government's interposition of procedural and technical defenses, which, even in view of Boyle and Berkovitz, prevent the parties from reaching the merits of the cases. The proposed legislation strikes an appropriate balance across the board between (i) allowing courts to determine the United States' liability for violating its own occupational safety and health standards or for breaching its duty to maintain a safe workplace and (ii) shielding from exposure to suit other governmental activities which involve the government's permissible exercise of policy discretion.

THE GOVERNMENT'S RESPONSIBILITY

In a nutshell, the manufacturers seek to preclude the United States from hiding behind technical defenses to avoid responsibility for its role in exposing shipyard workers during World War II—and for over forty years thereafter—to dangerous high levels of asbestos dust created during installation and/or removal of asbestos-containing insulation products.

In the course of preparing our clients' claims against the government, we have uncovered evidence showing: (1) that as early as 1932, U.S. government health officials, including officials of the Public Health Service, participated in an epidemiological study that linked even low-dose asbestos exposure to the development of disease; (2) that the United States failed to publish or disseminate the results of its investigation; (3) that the occupational health standards the government recognized prior to and during World War II allowed grossly excessive and unsafe levels of exposure to asbestos dust; (4) that the United States did not declassify World War II shipyard surveys documenting the shipyards' failure to meet the government's own minimum safety requirements until the 1980's; (5) that, after World War II, government safety regulations and precautions were regularly ignored, disregarded, and generally unenforced; and (6) that, even as recently as 1982, the government was still failing to protect Navy personnel whom the government regularly exposed to unconscionably high levels of asbestos dust during "rip-out" operations.

We are faced today with a truly extraordinary situation. The United States government—instead of protecting the welfare of its citizens and promoting the common good—is behaving like the most short-sighted and self-interested litigation adversary. The government does not dispute that the massive World War II shipbuilding effort was vital to the Allies' victory; it does not dispute the critical role that asbestos-containing insulation products played in making our battleships and merchant ships seaworthy and strong in withstanding enemy fire; it does not dispute that it maintained exclusive control over the shipyard workplace and was completely responsible for shipyard working conditions and occupational health and safety; it does not even dispute that it conducted studies about the hazards of asbestos exposure and concealed much of the information it learned from the manufacturers and from the workers themselves. Yet today the government steadfastly maintains that it has no responsibility whatsoever for sharing any of the burdens of the asbestos tragedy.

Some have argued that occupational disease resulting from asbestos exposure during World War II was a necessary cost of victory, and as terrible as the toll may have been to the hundreds of thousands of patriotic men and women who toiled in the shipyards during the war, the cost of losing the war would have been greater. This may be so. But is it not the role of government to apportion the costs of victory? If winning the war was a common effort undertaken for the common good, why should just a few companies bear the whole burden? To date, the manufacturers, who did nothing more than supply products to the government in response to the government's demand, have alone borne the liabilities that have ensued.

THE MANUFACTURERS' LEGAL CLAIMS AGAINST THE GOVERNMENT

I have tried here to outline primarily the case that equity and fairness make for the manufacturers. That is not to say that there is not also a strong legal case to be made, and we have been making it in the courts. Most recently, a federal district court in Maine held that the government was negligent in failing to warn a shipyard worker and his family of the potential hazards of "household" exposure to asbestos fibers. *Dube* v. *Pittsburgh Corning Corp.*, No. 83-0224P (D. Me. June 9, 1988). The court held that the government shared responsibility for the death of a shipyard worker's daughter. But, because of the immunity the government enjoys under the "discretionary function" exception to the Federal Tort Claims Act, the court insulated the government from having to pay its fair share of the liabilities. The manufacturers once again had to pick up the government's tab.

Although we are optimistic that, in view of the Supreme Court's decision in Berkovitz, we can prevail on appeal, the Dube case illustrates the frustrations and inequities of the asbestos litigation against the government. The manufacturers proved in court that the government was negligent; they established their legal right to contribution from the government for Mrs. Dube's death; yet they were left holding the bag. Multiply the Dube case by tens of thousands of cases like it, and the magnitude of the problem becomes apparent.

Similarly, in 1984, Mrs. Shuman, the wife of a shipyard worker employed in the construction and repair of United States Navy ships, sued the United States for its negligence in exposing Mr. Shuman to dangerously high levels of asbestos dust. Mr. Shuman died of an asbestos-related disease in 1976. The trial court found the United States negligent and awarded damages to his widow. *Edythe Shuman* v. *United States*, No. 78-1407-D (D. Mass. July 27, 1984). That judgment against the United States, however, was overturned on appeal by the United States Court of Appeals for the First Circuit based on the discretionary function exception to the Federal Tort Claims Act and on technical legal grounds. *Shuman* v. *United States*, 765 F.2d 283 (1st Cir. 1985).

The cost of the government's continuing efforts to defend itself against manufacturers' and workers' legitimate claims is enormous. For example, the Department of Justice's asbestos litigation costs alone have increased from $5.9 million in 1984 to $10.2 million in 1987. In the last four fiscal years the Department of Justice has spent over $34 million dollars on asbestos litigation, a third of which constituted expenditures for an automated litigation support system to analyze the government's collection of asbestos-related documents. Thus the aggregate cost to the government of defending against legitimate and meritorious claims may well exceed one hundred million dollars. That money and similar amounts budgeted for future litigation could better serve the purpose of compensating deserving claimants who were injured by the government's negligence.

NEEDED FOR A SOLUTION, NOTABLE BY ITS ABSENCE: THE UNITED STATES GOVERNMENT

In sum, the asbestos litigation crisis is a costly, tangled, and complicated problem in which the courts, the claimants, insurance companies, and some of America's leading manufacturing companies are intertwined. But the party who bears the greatest degree of responsibility for the crisis and who could do the most to resolve it thus far not only has refused to act but also has chosen to hide behind technical legal defenses in denying responsibility for any of the massive liabilities. The time has come for leadership and for legislation that will allow the courts fairly to assign the liabilities without having to worry about the application—on a case-by-case basis—of technical and special governmental defenses and immunities.

We strongly support legislation that will limit the government's ability to assert these special defenses and immunities in any case where it is responsible for injuries arising out of occupational health and safety practices. We challenge the government to stand up and defend itself on the merits. During World War II, asbestos insulation manufacturers responded to the country's needs quickly, efficiently and patiotically. Today they ask for nothing more in return than fundamental fairness.

By Mr. CRANSTON:

S. 2710. A bill to enlarge the San Francisco Bay National Wildlife Refuge; referred to the Committee on Environment and Public Works.

LEGISLATION TO ENLARGE THE SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to enlarge the San Francisco Bay National Wildlife Refuge in California. The bill is identical to H.R. 4272 sponsored by Congressman DON EDWARDS.

The San Francisco Bay National Wildlife Refuge established in 1972 includes 21,662 acres of land, saltwater marshes, saltponds, submerged lands, and open waters. These marshlands are important habitat for four endangered species—the California clapper rail, California least tern, red-bellied salt marsh harvest mouse, and peregrine falcon—and other wildlife. They also serve to enhance the water quality of San Francisco Bay.

The refuge, however, does not include valuable seasonal wetlands which also are important as habitat for migratory waterfowl and for runoff and flood protection during winter storms. With over 90 percent of the San Francisco Bay wetlands already destroyed, I believe the refuge should be expanded to include remaining wetland habitat adjacent to the present boundaries.

The bill I am introducing today would authorize the addition of 20,850 acres to the San Francisco Bay National Wildlife Refuge, doubling its size. The bill provides that the acquisitions be made from willing sellers only.

Mr. President, there is tremendous support in the San Francisco Bay area for this legislation. In addition to being supported by the entire bay area congressional delegation, the expansion of the refuge has been endorsed by eight cities—Belmont, Redwood City, Menlo Park, Palo Alto, Mountain View, San Jose, Milpitas, and Fremont—and three counties—San Mateo, Santa Clara, and Alameda. Additionally, it is supported by numerous local conservation organizations.

I recognize that little time remains in this 100th Congress. Nonetheless it's my hope that the Senate will be able to consider this meritorious bill before adjournment.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENLARGEMENT OF REFUGE.

Section 2 of the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (Public Law 92-330: 86 Stat. 399), is amended—

(1) by inserting "(a)" before "There shall be included"; and

(2) by adding at the end thereof the following new subsection:

"(b) The boundaries of the refuge, as set forth in subsection (a), shall be adjusted so as to include those additional lands, marshes, tidal flats, salt ponds, submerged lands, and open waters in the San Francisco Bay area that are generally depicted on the map entitled "San Francisco Bay National Wildlife Refuge Additions—Proposed", dated March 1988, and comprise approximately 20,850 acres. The map referred to in the preceding sentence shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service.".

SEC. 2. ACQUISITION.

Section 4 of such Act of June 30, 1972, is amended—

(1) by striking out "That lands, waters, and interests therein" and inserting "That (1) lands, waters, and interests therein within the boundaries set forth in section 2(a) (before adjustment under section 2(b))"; and

(2) by inserting before the period the following: "; and (2) the lands, waters, and interests therein referred to in section 2(b) may only be acquired from willing sellers and donors".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of such Act of June 30, 1972, is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated for the acquisition of the additional lands, marshes, tidal flats, salt ponds, submerged lands, and open waters referred to in section 2(b) such sums as may be necessary; and the sums appropriated under the authority of this subsection shall remain available until expended.".

By Mr. DODD (for himself and Mr. D'AMATO):

S. 2711. A bill to assist States in providing low and middle income housing to their residents, and for other purposes; referred to the Committee on Banking, Housing, and Urban Affairs.

HOUSING GRANT ACTION PROGRAM ACT

● Mr. DODD. Mr. President, today, I am pleased to be joined by my friend, colleague, and New York neighbor, Senator D'AMATO, in introducing the 1988 Housing Grant Action Program.

The 1988 Housing GAP Act is predicated on the belief that housing must regain its rightful place on the agenda of national priorities. It is my hope that the introduction of this legislation will signal the return of housing to the top tier on the national agenda and help mark the end of what has been an 8 year assault on Federal housing policy.

It has been an assault driven by budgets and ideology when it should have been a policy debate outlining the parameters of our Nation's housing needs.

It has been an assault fueled by fictions about the state of our Nation's housing stock when it should have been a national exploration and assessment of the difficult realities of maintaining and broadening that housing stock for all Americans.

It has been an assault indifferent to fashioning solutions to the evolving demands of securing safe, affordable housing for all Americans when it should have been an effort dedicated to creating them.

This legislation attempts to address those new needs, confront those new realities and create those new solutions.

The bipartisan introduction of this legislation reflects a concern spanning the political spectrum that too much distance has grown between the rhetoric and the reality of the American dream of home ownership. It reflects a consensus that no one on either side of the aisle denies—that arduous and painful budgetary decisions constrain every area of policy debate; but, that where housing is concerned, the administration and the Congress have gone beyond the bounds of reason.

Bipartisan support of the 1988 Housing GAP Act reflects a non-ideologial commitment to bridging the gap between the rhetoric and reality of our Nation's housing policy by beginning to link the resources of all levels of government and the private sector in the shared pursuit of providing safe and affordable housing for all Americans.

A Federal housing policy which heeds the often difficult lessons of the past and anticipates the emerging needs of the future rests, in my mind, on four basic principles which:

First, recognize the central role of State and local governments and nonprofit organizations in the establishment of an effective national housing policy;

Second, use limited Federal resources to leverage substantial private investment;

Third, target limited Federal resources based on need; and

Fourth, better coordinate tax and spending policies.

Those were the guiding principles in the development of this legislation.

In broad measure, the basic grant portion of the act is a straightforward block grant based on a State's housing need and comprises 70 percent of program funds. The challenge grant portion of the bill is also based on a State housing need but requires a state to provide at least a third of the funds necessary to carry out each proposed project. This challenge grant portion of the bill comprises the remaining 30 percent program funds. The act also establishes a tax and housing policy coordinating council to coordinate tax policy and legislation with the administration's housing policy.

I will take just a moment here to highlight some of the act's key provisions:

The Secretary of HUD is authored to make basic grants to each State to defray the cost of developing and acquiring affordable housing for low and moderate income families. States receive basic grants according to a national housing formula based on factors including population, income, poverty, housing stock condition and utilization, and State's fiscal capacity. To receive a basic grant, a State must submit to the Secretary, on behalf of itself and its units of local government, a 2-year grant action plan that will establish precise linkages between housing needs and actions proposed to meet those needs.

The Secretary of HUD is authorized to make challenge grants to each State to cover the cost of developing and acquiring affordable housing for low and moderate income families. Grants under this section will be awarded on the basis of particular programs or projects proposed in the State's challenge plan submitted with the State's 2-year grant action plan. The State must provide at least one third of the funds necessary to carry out each proposed project.

The grant action plan and the challenge plan shall be prepared only after full opportunity for public participation in the State. Such participation must include public hearings in those places in the State where activities specified in the plans are proposed to be undertaken.

In the cases of cities with populations in excess of 100,000 and counties in excess of 400,000, both Plans shall contain specific references to those units of government and shall include written consent by the chief official of each such government in the State's submission of its plans. In any case where the local official withholds such consent, the State grant shall be appropriately reduced and shall be available for reallocation to all States.

A Tax and Housing Policy Coordinating Council will be established to coordinate tax policy and legislation with the administration's housing policy. It will consist of the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Secretary of Agriculture and the President's Chief Domestic Policy Advisor. The council will advise the President regarding the consistency between existing and proposed tax policy and housing policy and comment on tax legislation proposed in Congress or by the administration.

To facilitate an awareness on the part of Congress and its tax-writing committees of the relation between tax and housing policy, committees of Congress shall include a "Housing Impact Statement" in any committee report accompanying tax legislation. The statement shall spell out implications for housing which proposed tax changes would impose.

Mr. President, I ask that a copy of the legislation, a detailed summary of the legislation and a letter of endorsement from my Governor, Bill O'Neill, appear in the RECORD immediately following the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Grant Action Program Act of 1988".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) restore housing to its rightful place on the agenda of national priorities;

(2) link Congress' 50 year commitment to housing policy with a range of actors in the public and private sector also committed to establishing safe, suitable, well-designed, and affordable housing for all Americans;

(3) promote the cooperation of all levels of government and the private sector, including nonprofit organizations, in addressing local housing needs and issues;

(4) recognize the diversity of housing issues and concerns across the Nation;

(5) maximize the use of existing Federal resources to assist State and local governments in addressing current housing problems;

(6) add to the supply of affordable housing for low and moderate income Americans through new housing production, rehabilitation and preservation, and otherwise widen access to the housing market for low and moderate income Americans;

(7) provide the maximum possible flexibility in the use of these assistance funds within general target population service parameters and priority goals;

(8) provide all States with basic levels of assistance with which to address urgent housing priorities and provide additional funds to assist in other priority initiatives;

(9) provide assistance funds to States on a formula basis for use according to a State housing plan and for prescribed eligible housing activities;

(10) provide assistance funds based on activities benefiting target populations which encourage conformity with other direct and tax-based Federal programs; and

(11) promote consistency between existing and proposed tax policy and housing policy.

TITLE I—HOUSING GRANT ACTION PROGRAM

SEC. 101. DEFINITIONS.

As used in this title, the term—

(1) "State" means a State of the United States and the District of Columbia;

(2) "Secretary" means the Secretary of Housing and Urban Development;

(3) "targeted area" means an area described in section 143(j) of the Internal Revenue Code of 1986; and

(4) "representative tax system (RTS) formula" means a formula, prescribed in regulations of the Secretary, for adjustments based on a State's fiscal capacity, as measures by the Representative Tax System (RTS).

SEC. 102. ELIGIBLE ACTIVITIES.

(a) Purpose of Grants.—

(1) Grants under this title may be used to provide non-transient housing including rental housing, single-family ownership, cooperative housing, and mutual or special needs housing through direct grants or loans to beneficiaries, reimbursement for tax abatement, mortgage reduction, second mortgages, or interest rate writedowns.

(2) Eligible uses for grant funds may include—

(A) acquisition of land;

(B) acquisition of land and improvements;

(C) demolition;

(D) site improvement and preparation;

(E) relocation expenses;

(F) construction and rehabilitation costs and necessary costs; and

(G) assistance in maintaining the low and moderate income character of existing assisted housing.

(3) Grant funds may be expended for any of the uses listed in paragraph (2), if—

(A) those served are within the target populations established by this Act; and

(B) such uses are identified as priorities in the State plan.

(4) Funds may be used for loans for otherwise eligible purposes if all interest charged is recycled as program funds.

(b) Ineligible Uses of Grant Funds.—No grant funds under this Act may be used—

(1) to make permanent first mortgage loans regardless of interest rate;

(2) to defray any administrative costs of State and local government agencies;

(3) to substitute as a source of funding when funding may be obtained through existing Federal programs; and

(4) to supplement direct tenant income.

SEC. 103. TARGETED INCOME GROUPS.

(a) Homeownership Programs.—

(1) Grant funds may be used for a program for homeownership involving dwelling units with purchase prices that do not exceed 90 percent of the median area purchase price. The median area purchase price shall be determined for each category of dwelling units by a sample survey of purchase prices in each metropolitan area and for the balance of the State as compiled annually for each State. Each State shall establish income limits based upon the income needed to purchase a dwelling unit of this price at 100 basis points less than the contract mortgage rate.

(2) In designated targeted areas, the maximum allowable dwelling unit purchase shall be limited to an amount less than or equal to 115 percent of the area median.

(b) Rental Housing Programs.—

(1) Any rental housing project assisted under this title must meet 1 of the following 2 criteria:

(A) 40 percent of the units shall be rented to households earning less than 60 percent of the greater of the area or state median income adjusted for family size; or

(B) 20 percent of the units shall be rented to households earning less than 50 percent of the greater of area or state median income adjusted for family size. These units should be rented at a gross rent, including utilities, equal to no greater than 30 percent of eligible tenant income in accordance with section 103(b)(4)(A) of the Internal Revenue Code of 1986.

(2) In designated targeted areas, 20 percent of the units shall be rented to households earning less than 80 percent of the greater of the state or area median income. This income targeting option may be used outside of targeted areas in "special housing needs areas" designated by the Governor.

SEC. 104. BASIC GRANTS.

(a) General Authority.—The Secretary is authorized to make basic housing grants to each State to cover the cost of developing and acquiring affordable housing for low and moderate income families.

(b) Funding Formula.—

(1) Each State may receive a Basic Grant according to a national housing formula prescribed by the Secretary, based on an allocation formula that includes the following factors:

(A) population;

(B) income and poverty;

(C) housing stock condition and utilization;

(D) States fiscal capacity; and

(E) an affordability index, which compares housing cost (homeownership and rental) to income for moderate and low income households.

(2) Impact of fiscal capacity on the funding formula.—

(A) For a State with below average fiscal capacity, the entire grant shall be adjusted for fiscal capacity according to the Representative Tax System (RTS) formula, combining all sources of tax revenue into a composite index of state tax capacity.

(B) For any State with above average fiscal capacity, the Basic Grant shall be determined by the formula set forth in paragraph (1).

SEC. 105. CHALLENGE GRANTS.

(a) General Authority.—The Secretary is authorized to make challenge grants to each State in order to cover the cost of developing and acquiring affordable housing for low and moderate income families. Grants under this section shall be awarded on the basis of particular programs or projects proposed in the challenge grant portion of the application.

(b) Funding Formula.—Each State may receive a challenge grant in an amount determined according to the formula set forth in section 104(b) of this title, except that—

(1) no State shall be deemed to be entitled to a grant under this section solely by virtue of application of the formula; and

(2) no State shall receive an amount in excess of that set forth in its application.

(c) Matching Requirement.—To receive a challenge grant, a State shall provide from its own or other non-Federal resources at least 33 percent of the funds necessary to carry out each proposed project, and the amount and source of such funding shall be specified in the challenge grant application. Notwithstanding the preceding sentence, a State with below average fiscal capacity may have its matching share requirement reduced in accordance with the Representative Tax System (RTS) formula.

(d) Use of Funds.—Challenge grant funds provided to a State but not committed within 180 days of the grant shall be returned to the Secretary and shall be available for reallocation to any other State.

SEC. 106. PROGRAM PLANNING AND ADMINISTRATION.

(a) Basic Grant Program.—

(1) To receive a basic grant under section 104, a State shall submit on behalf of itself and units of local government located in that State a State grant action plan to the Secretary.

(2) A grant action plan shall describe generally the activities the State proposes to undertake during the 2-year period following disbursement of the grant funds. The plan shall be operational and focused, and shall establish precise linkages between housing needs and actions proposed to meet those needs.

(3) A grant action plan under this subsection shall be prepared in accordance with subsection (c).

(b) Challenge Grants.—

(1) To receive a challenge grant under section 105, a State shall include with its grant action plan under subsection (a) a challenge plan. The challenge plan shall describe specifically—

(A) the activities proposed to be undertaken with challenge grant funds during the 2-year period following the fund disbursement; and

(B) efforts undertaken by the State to maximize housing availability and affordability, including changes in land use practices.

(2) The challenge plan shall specifically identify the amounts and sources of non-Federal funds and shall contain evidence that such funds are available and will be committed.

(3) A challenge plan under this subsection shall be prepared in accordance with subsection (c).

(c) Public Participation.—The grant action plan and the challenge plan shall be prepared after full opportunity for public participation, including public hearings in those places in the State where activities specified in the plan are proposed to be undertaken.

(d) Consideration by the Secretary.—

(1) For the purpose of this section, the Secretary shall prescribe the form, content, and times at which such plans shall be filed.

(2) The Secretary shall consider grant action plans and challenge plans concurrently, and the Secretary shall take action on such plans simultaneously.

(3) The Secretary shall approve or disapprove all plans submitted under this section not later than 90 days after submission. Unless the Secretary disapproves a plan, each plan shall be deemed to be approved upon the expiration of 90 days after submission. The Secretary may disapprove a plan if—

(A) the plan does not substantially comply with this Act or the regulations under this Act,

(B) the plan was not prepared in accordance with the requirements of subsection (c), or

(C) the plan fails to contain assurances satisfactory to the Secretary of economic or other feasibility.

(4) In any case where a plan is essentially or substantially in compliance with applicable requirements, the Secretary may grant conditional approval and provide the grantee an additional period of not to exceed 30 days in order to revise and resubmit the plan in compliance with such requirements.

(e) SPECIAL PROCEDURE FOR LARGE UNITS OF GOVERNMENT.—In the case of cities with populations in excess of 100,000 and counties with populations in excess of 400,000, a grant action plan and challenge plan shall contain specific references to those units of government and shall include written consent by the chief official of each such government within the State to the State submission of a plan. In any case where the local official withholds such consent, the State grant shall be appropriately reduced, and the amounts shall be available for reallocation to all States.

(f) APPLICABILITY OF DAVIS-BACON ACT AND NATIONAL ENVIRONMENTAL POLICY ACT.—The provisions of sections 104(f) and 110 of the Housing and Community Development Act of 1974 shall apply to grants under this Act.

SEC. 107. AUTHORIZATION.

To carry out this title, there are authorized to be appropriated such sums as may be necessary, of which—

(1) 70 percent shall be for basic grants under section 104; and

(2) 30 percent shall be for challenge grants under section 105.

Any amounts so appropriated shall remain available until expended.

TITLE II—FHA INSURANCE PROGRAMS

SEC. 201. SINGLE FAMILY MORTGAGE INSURANCE.

(a) MAXIMUM MORTGAGE AMOUNT.—Section 203(b)(2) of the National Housing Act is amended by striking "the lesser of (A) one hundred fifty per centum of the dollar amount specified, or (B)".

(b) ADJUSTABLE RATE MORTGAGES.—Section 251(c) of the National Housing Act is repealed.

(c) SHARED APPRECIATION MORTGAGES.—Section 252(g) of the National Housing Act is repealed.

(d) INDUSTRY ACCEPTED MORTGAGE PROGRAMS.—Title II of the National Housing Act is amended by adding at the end thereof the following:

"MORTGAGE INSURANCE DEMONSTRATION PROGRAMS

"SEC. 256. (a) IN GENERAL.—The Secretary is authorized to insure and make commitments to insure mortgages under this section if—

"(1) the Secretary finds that the type of mortgage has achieved acceptance in the private mortgage market;

"(2) the mortgagee is approved by the Secretary;

"(3) the property securing the mortgage is a 1- to 4-family residence to be occupied by the mortgagor; and

"(4) the amount of the mortgage does not exceed the dollar amount and loan-to-value limitations contained in section 203(b)(2).

"(b) LIMITATION.—The aggregate number of mortgages insured under this section during a fiscal year may not exceed 10 percent of the aggregate number of mortgages insured by the Secretary under this title during the preceding fiscal year.

"(c) REPORTS.—Not later than December 31, of each year, the Secretary shall transmit to the Congress a detailed report in each category of mortgage insurance provided under this section during the preceding fiscal year.".

SEC. 202. MULTIFAMILY MORTGAGE INSURANCE.

(a) SHARED APPRECIATION MORTGAGES.—Section 253(f) of the National Housing Act is repealed.

(b) OTHER PROGRAMS FOR MULTIFAMILY MORTGAGE INSURANCE.—The Secretary of Housing and Urban Development is authorized, following appropriate public notice and opportunity for comment, to implement multifamily mortgage insurance program revisions without the approval of any other agency.

(c) COINSURANCE.—Section 244(g)(4) of the National Housing Act is amended by striking "and (B)" and inserting "(B) a mortgage on a project assisted under title I of the Housing Grant Action Program Act of 1988, and (C)".

(d) CLAIMS.—Section 204 of the National Housing Act is amended by adding at the end the following:

"(l) Claims on mortgages insured in connection with a project assisted under title I of the Housing Grant Action Program Act of 1988 shall be paid in cash.".

TITLE III—TAX AND HOUSING POLICY COORDINATING COUNCIL

SEC. 301. PURPOSE.

The purpose of this title is to encourage greater coordination between housing and tax policy and to promote tax policies consistent with national housing policy, by creating a cabinet level Tax and Housing Policy Coordinating Council, to coordinate tax policy and legislation with the Administration's housing policy.

SEC. 302. ESTABLISHMENT.

The Council shall consist of the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the President's Chief Domestic Policy Advisor.

SEC. 303. DUTIES.

The Council shall—

(1) advise the President regarding the consistency between existing and proposed tax policy and housing policy; and

(2) comment on tax legislation proposed in Congress or by the Administration.

SEC. 304. IMPACT STATEMENT.

To facilitate an awareness on the part of Congress and its tax-writing committees of the relation between tax and housing policy—

(1) committees of the Congress shall include a "Housing Impact Statement" in any committee report accompanying tax legislation. This statement shall spell out implications for housing which the proposed tax change would impose;

(2) the committees to which housing legislation is referred shall make a report within the first 90 days of each Congress on the state of the Nation's housing, including a section considering Federal housing policy, its tax component, and the relationship between tax and housing policy; and

(3) the reports to the Budget Committee by the committees referred to in paragraphs (1) and (2) shall include an assessment of the conformance between tax and housing policy.

TITLE IV—REPEALS AND AMENDMENTS

SEC. 401. REPEALS.

The following provisions of law are repealed:

(1) Section 17 of the United States Housing Act of 1937.

(2) Section 235 of the National Housing Act.

SEC. 402. AMENDMENT.

Section 104 of the Housing and Community Development Act of 1974 is amended—

(1) by striking subsection (a)(18); and

(2) by adding at the end the following:

"(d) Assistance under this title may be used for housing construction or rehabilitation only if the grantee or recipient certifies that assistance for such purpose is not available under title I of the Housing Grant Action Program Act of 1988.".

1988 DODD/D'AMATO HOUSING GRANT ACTION PROGRAM (1988 HOUSING GAP ACT) SUMMARY AND SECTION-BY-SECTION ANALYSIS

SUMMARY

The 1988 Housing GAP Act is predicated on the belief that *Housing* must regain its rightful place on the agenda of national priorities.

As such, a federal housing policy which comprehends the problems with past housing policies and which anticipates the emerging housing needs of the future rests on four basic principles which: (1) recognize the central role of State and local governments in the establishment of an effective national policy; (2) use limited federal resources to leverage substantial private investment; (3) target limited federal resources based on need, and (4) better coordinate tax and spending policies.

In broad measure, the Basic Grant portion of the Act is a block grant based on a State's housing need and comprises 70% of program funds. The Challenge Grant portion of the Act comprises the remaining 30% of program funds, is also based on State housing need by additionally requires that a State provide at least 33% of the funds necessary to carry out each project specified in the State Challenge Grant application. Finally, the Housing GAP Act establishes a Council to coordinate tax policy and legislation with the Administration's Housing policy.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE.

SEC. 2. PURPOSE.

This section states that the purposes of the Act include but are not limited to restoring housing to its rightful place on the agenda of national priorities and linking Congress' 50 year commitment to housing policy with a range of actors in the public and private sector also committed to establishing housing for all Americans. The Act also serves to widen access to the housing market for low and moderate income Americans by adding to the supply of affordable low and moderate income housing through new housing production, rehabilitation and preservation by promoting the cooperation of all levels of government and the private sector, including nonprofit organizations, in addressing local housing needs and issues. The Act provides assistance funds to States on a formula basis for use according to a State housing plan and for prescribed eligible activities benefiting prescribed target populations. The Act also serves to promote consistency between existing and proposed tax policy and housing policy.

TITLE I: HOUSING GRANT ACTION PROGRAM

SEC. 101. DEFINITIONS.

SEC. 102. ELIGIBLE ACTIVITIES.

Grants under this Act may be used to provide non-transient housing including rental housing, single-family ownership, cooperative housing, and mutual or special needs housing through direct grants or loans to beneficiaries, reimbursement for tax abatement, mortgage reduction, second mortgages or interest rate writedowns. Eligible uses for grant funds may also support a range of other activities, e.g., assistance in maintaining the low and moderate income character of existing assisted housing. Eligible activities must serve those within the target populations established by the Act and must be identified as priorities in the State Plan.

Grants may not be used to make permanent first mortgage loans, to defray any administrative costs of State and local government agencies, to substitute as a source of federal funding, or to supplement direct tentant income.

SEC. 103. TARGETED INCOME GROUPS.

For Home Ownership Programs: Grant funds may be used for home ownership programs for homes with purchase prices that do not exceed 90% of the area purchase price. In designated target areas, the maximum allowable home purchase is limited to an amount less than or equal to 115% of the area median.

For Rental Housing Programs: Under this Act, rental housing project assistance must either have (1) 40% of the units rented to households earning less than 60% of the greater of the area or state median income adjusted for family size OR; (2) 20% of the units rented to households earning less than 50% of the greater of area or State median income adjusted for family size.

In designated targeted areas, 20% of units must be rented to households earning less than 80% of the greater of the state or area median income.

SEC. 104. BASIC GRANTS.

General Authority: The Secretary is authorized to make basic grants to each State to defray the cost of developing and acquiring affordable housing for low and moderate income families.

Funding Formula: States receive Basic Grants according to a national housing formula based on an allocation formula that includes the following factors: population, income and poverty, housing stock condition and utilization, State's fiscal capacity and an affordability index.

Impact of Fiscal Capacity on Funding Formula: For a State with below average fiscal capacity, the entire grant will be adjusted for fiscal capacity according to a formula which combines all sources of tax revenue into a composite index of State tax capacity. (Representative Tax System (RTS) formula)

SEC. 105. CHALLENGE GRANTS.

General Authority: The Secretary is authorized to make challenge grants to each State to cover the cost of developing and acquiring affordable housing for low and moderate income families. Grants under this section will be awarded on the basis of particular programs or projects proposed in the Challenge Grant portion of the application.

Funding Formula: Same as that in Section 6 except that no State shall be deemed to be entitled to a grant under this section solely by virtue of application of the formula and no State shall receive an amount in excess of that set forth in its application.

Matching Requirement: To receive a Challenge Grant, a State must provide its own or other non-Federal resources at least 33% of the funds necessary to carry out each proposed project. The amount and source of funding must be specified in the Challenge Grant application. However, States with below fiscal capacity may have their matching requirement reduced in accordance with the RTS formula. (See Section 6)

Use of Funds: Challege Grant funds provided to a State but not committed within 180 days of the grant must be returned to the Secretary and will be made available for allocation to any other State.

SEC. 106. PROGRAM PLANNING AND ADMINISTRATION.

Basic Grant Program: To receive a Basic Grant under Section 6, a State must submit to the Secretary, on behalf of itself and its units of local government, a two-year Grant Action Plan that will establish precise linkages between housing needs and actions proposed to meet those needs.

Challenge Grants: To receive a Challenge Grant under Section 7, a State must include a Challenge Plan with its Grant Action Plan as described in the preceding paragraph. The Challenge Plan must be project-specific in focus and must identify the amounts and sources of non-Federal funds and evidence that such funds will be available and committed.

Public Participation: Both the Grant Action Plan and the Challenge Plan shall be prepared only after full opportunity for public participation. Such participation must include public hearings in those places in the State where activities specified in the Plans are proposed to be undertaken.

Consideration by the Secretary: The Secretary shall consider the Grant Action Plans and Challenge Plans concurrently and shall take action on them simultaneously. All plans shall be approved or disapproved by the Secretary no later than 90 days after submission. Unless the Secretary disapproves a plan, each plan shall be deemed as approved upon the expiration of the 90-day time period. In cases when the plans are substantially in compliance, the Secretary may grant conditional approval and provide the grantee an additional period of not to exceed 30 days in order to revise and resubmit the plan.

Special Procedure for Large Units of Government: In the cases of cities with populations in excess of 100,000 and counties in excess of 400,000, both Plans shall contain specific references to those units of government and shall include written consent by the chief official of each such government in the State's submission of its plans. In any case where the local official withholds such consent, the State grant shall be appropriately reduced and shall be available for reallocation to all States.

Applicability of Davis-Bacon Act and
National Environmental Policy Act

SEC. 107. AUTHORIZATION.

TITLE II: FHA INSURANCE PROGRAMS

SEC. 201. SINGLE FAMILY MORTGAGE INSURANCE.

Mortgage Insurance Demonstration Programs: This section authorizes the Secretary to insure mortgages for one to four family residences occupied by the mortgagor when the mortgage instrument is of a type that has achieved market acceptance provided that the aggregate number of mortgages does not exceed 10% of the number of mortgages insured by the Secretary in the previous year.

SEC. 202. MULTIFAMILY MORTGAGE INSURANCE.

This section authorizes the Secretary to implement multifamily mortgage insurance programs without the approval of other Federal agencies and to include within the Housing Grant Action Program mortgages which are co-insured under Section 244 of the National Housing Act.

TITLE III: TAX AND HOUSING POLICY COORDINATING COUNCIL

SEC. 301. PURPOSE.

The purpose of this title is to establish a Tax and Housing Policy Coordinating Council to coordinate tax policy and legislation with the Administration's housing policy.

SEC. 302. ESTABLISHMENT.

The Council shall consist of the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Secretary of Agriculture and the President's Chief Domestic Policy Advisor.

SEC. 303. DUTIES.

The Council shall advise the President regarding the consistency between existing and proposed tax policy and housing policy and comment on tax legislation proposed in Congress or by the Administration.

SEC. 304. IMPACT STATEMENT.

To facilitate an awareness on the part of Congress and its tax-writing committees of the relation between tax and housing policy, committees of Congress shall include a "Housing Impact Statement" in any committee report accompanying tax legislation. The statement shall spell out implications for housing which proposed tax changes would impose.

The committees to which housing legislation is referred shall make a report within the first 90 days of each Congress on the state of the Nation's housing. The report must include a section considering Federal tax policy, its tax component and the relationship between tax and housing policy.

The reports to the Budget Committee by the committees referred to above shall include an assessment of the conformance between tax and housing policy.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, August 9, 1988.

Hon. CHRISTOPHER DODD,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR CHRIS: It is with pleasure and enthusiasm that I lend my support to the Housing Grant Action Program (GAP) Act of 1988 which you are introducing today. The Housing GAP Act focuses on several major themes which are important to state and local governments as we all work together to develop the practical tools needed for making progress in meeting our people's housing needs.

State and local governments are on the "frontlines" of housing issues and I believe need to be active partners in addressing important housing needs. I applaud your recognition of the importance of state and local governments as witnessed by the central role they play in the Housing GAP Act.

When the resources are limited, as we all know to be the case in Washington at this time, it is fitting and proper that Federal housing dollars go where housing problems are the greatest and the local resources the least. Challenging states and local government to do more with the help of the Federal government provides additional incentive for even greater activity by state and local governments to meet the basic housing needs of our citizens.

Finally, I applaud your efforts to provide for better coordination between our nation's taxing and spending policies. This will ensure that Federal, state and local spending, debt tax incentives will be mutually supportive and focused on the task at hand.

> These ideas simply make practical good sense and will be well received by State and local governments across the country, particularly in Connecticut. In Connecticut we have been doing more in recent years. I have worked closely with the General Assembly to make sure that the tools which we are able to provide are in place. Your efforts will provide additional energy and resources that would allow us all to work together to serve more of our people than any level of government can do alone.
>
> It is encouraging to see that housing issues are once again receiving high priority on our nation's agenda, and that the ideas motivating the GAP Act are receiving such serious attention. I am glad to lend my support to your efforts and wish you success in promoting this legislation as the Congress works to refashion the Federal government's housing policies and programs.
>
> Sincerely,
>
> WILLIAM A. O'NEILL,
> *Governor.*●

● Mr. D'AMATO. Mr. President, I am pleased to join Senator DODD in introducing the 1988 Housing Grant Action Program. This legislation addresses the critical problem of providing housing and homeownership opportunities for families across this country. I commend my colleague, Senator DODD, for his commitment to seeking workable and productive solutions to a growing housing crisis.

This bill comes at a critical time. There is a growing feeling around the Nation that housing has been overlooked, swept under the rug, and misunderstood for well over a decade. In addition, people and families around the Nation are beginning to see housing problems right at their own back door. For the first time in this Nation's history, we have homeless people sleeping on our streets and young working families unable to buy a home. It is not surprising that a broad variety of constituencies around the country are crying out for a shift in gears.

Senator CRANSTON and I, as chairman and ranking member of the Housing Subcommittee, have embarked on an extensive process to reevaluate the Federal role in housing policy. MIT completed a series of papers laying out the extent of our housing problems. Interest groups from around the country submitted suggestions for housing reform to the subcommittee. The National Housing Task Force, chaired by Jim Rouse and David Maxwell, issued a report which clearly focuses on the need for a renewed effort in housing low- and moderate-income families in our Nation. The academic community, interest groups, and the private sector all agree that there is clearly a need to make some drastic changes. This legislation that Senator DODD and I are introducing today adds to the dialog that this process has created.

A block grant approach to housing must be seriously considered. It is the recommendation of the National Housing Task Force, it recognizes the essential role of State and local governments, it calls for a private-public partnership, it targets limited Federal resources on those who are in greatest need, and it better coordinates tax and housing policy.

The bill is a simple, straightforward block grant; 70 percent of the funding goes directly to State governments. This funding will be distributed on a formula basis, based on population income, poverty, housing stock, and a State's fiscal capacity. As we work on final legislation to provide housing development funding, I hope to work with Senator DODD and other interested Senators in getting a significant amount of this funding straight down to the local level.

The remaining 30 percent of the program's funding will go to States, with a requirement that the States provide a match of 33 percent of the funding. States may turn to the private sector for this match or turn to alternate State and local sources. With this Federal-State, public-private partnership, States are provided the flexibility and capital to develop and acquire affordable housing for low- and moderate-income families.

A State will submit a 2-year grant action plan to HUD. This plan will represent a comprehensive approach to providing housing in localities and throughout the State. Funding will be provided on a formula basis. This formula will assure the Federal Government that its funding will go to those families who are most in need.

In addition to providing flexibility for States and local governments, a block grant allows these entities to leverage private dollars as well as maximize involvement of nonprofit organizations. These types of private-public partnerships are essential if we want to generate a substantial amount of capital and commitment for housing.

This bill also encourages a coordination of housing and tax policy by establishing a tax and housing policy coordinating council and by requiring tax-writing committees to issue a "housing impact statement" in any committee report accompanying tax legislation. In the past these two areas have functions separately, creating disjointed programs. Because of this lack of coordination, housing providers have become so frustrated that many have chosen to back out of housing all together. Unfortunately, our low- and moderate-income families were the ones who suffered from this poor Federal policy.

Although the bill does not provide a specific level of funding for the program—"such sums"—two programs will be repealed in lieu of funding for this program. They are the HoDAG program and the 235 homeownership program.

The housing crisis today is one couched in startling figures. No one has better captured the reality of this issue that my colleague and friend, Jim Rouse. In a letter which he wrote to me earlier this summer, he stated:

> In 10 years poverty has increased from 25 million to 32 million people.
>
> Housing at rents of under $250 per month has declined by 2.5 million units.
>
> Of 13 million families with incomes under $10,000 per year, more than half pay over 50% of their income on rent.
>
> Men, women, and children—families—walk the streets at night like stray animals looking for a place to sleep—for perhaps the first time in our history. And homelessness is but the tip of the iceberg. Millions of near-homeless live in fear at the edge—one setback, loss of pay, medical crisis, and they are on the street * * *.
>
> The percentage of people who own their own homes has declined in each of the past 2 years for the first time in 50 years.

These facts and figures point to the overwhelming challenge in front of us. It is a challenge that must be taken on by all parties—the Federal Government, the State and local governments, the private sector, and the nonprofit sector. Every American must have a home—a place to call his/her own, a place to raise children, a place that is safe and secure for a family. This is our responsibility. I am pleased to work with Senator DODD as we aim to confront and meet this obligation.●

By Mr. METZENBAUM:

S. 2712. A bill to discourage employers from closing sites of employments in the United States and relocating overseas, and for other purposes; to the Committee on Governmental Affairs.

SAVE AMERICAN JOBS ACT

● Mr. METZENBAUM. Mr. President, I rise to introduce a bill to help save American jobs. The legislation I am offering today will cut off Federal grants and loans to companies that move their operations—and American jobs—overseas.

Companies that stay put—and keep Americans working—will be given preference when Federal contracts are awarded.

This is a simple matter of fairness. The Federal Government has no business giving tax dollars to businesses that turn their backs on American workers.

Last week, legislation I authored requiring companies to give workers 60 days advance notice before plant closings or mass layoffs became the law of the land. Workers and communities will now be given time to adjust and prepare for a company's departure. The advance notification law was supported by 86 percent of Americans: people from all regions and all walks of American life. It is a compassionate and decent measure. It makes sense.

Mr. President, I believe that the legislation I am offering today will have that same type of overwhelming public support. It, too, is fair and sensible.

We know the devastating effects that sudden plant closings have on the workers who gave their best years to a company, only to be told that they were out of a job. We have all seen communities in our home States struggle to fill the gap when a business suddenly folds up and leaves town.

Mr. President, it's an even harder pill to swallow when companies close their doors because they are moving overseas to take advantage of workers who are willing to work, or forced to work, for a fraction of the wages paid here.

But that's precisely what has been happening in recent years.

In the past decade, American firms have invested $2 billion on assembly plants in Mexico alone. Look at General Motors. The U.S. Auto giant has gone south of the border with a vengeance. GM now has 17 subsidiaries in Mexico operating 35 plants. But GM is not only moving capacity to Mexico. It has plants in Korea and Japan. While GM's offshore capacity has risen, its capacity to manufacture cars in the United States has declined. And this, Mr. President, has cost thousands of GM workers in the United States their jobs.

Let me cite a few other recent examples of companies exporting American jobs to foreign countries.

Tonka Corp., the toy manufacturer, closed its Minnetonka, MN plant and moved to Juarez, Mexico. At least 800 American workers lost their jobs.

A subsidiary of Tenneco, Inc. closed its Bettendorf, IA plant where it manufactured farm machinery. The company shifted the work to Korea; 1,500 Iowans were displaced from their jobs.

In my State of Ohio, we know all too well about companies moving overseas. Westinghouse stopped making small motors in Bellefontaine, OH, in 1986. It shifted the work to Mexico; 400 workers were displaced. And this year, when Hoover moved several of its product lines to Mexico, 500 workers in the company's North Canton facility lost their jobs.

The list goes on and on. We may not be able to stop this disgraceful corporate exodus but we certainly don't have to encourage it. Two of the companies I just mentioned are among the top dozen recipients of Federal contract dollars. We don't have to give companies millions of dollars in lucrative defense contracts, low-cost Export-Import Bank loans, or research and development grants. These companies must understand that when they close the door on American workers, Uncle Sam is going to close his wallet to them. My bill will require companies to notify the Secretary of Labor at least 120 days before relocating a facility or an operating unit overseas. The Secretary will compile a list of such companies every 6 months, and distribute the list to all Federal agencies.

When companies appear on the list, they will be ineligible for any direct or indirect Federal grant or guaranteed loan for 5 years after the list is published. The Secretary of Labor, in consultation with the appropriate Federal agency, may permit a specific grant or loan to go through if failure to do so would threaten national security, cause a substantial job loss in the United States, or harm the environment.

Finally, the bill would require Federal agencies to give preference when awarding Federal contracts to those U.S. employers who retain operations in this country. American companies that employ American workers are the companies that should reap the benefits of American tax dollars.

Mr. President, this measure meets the test of fairness. I urge my colleagues to support it.●

By Mr. SIMON:

S. 2713. A bill to amend title 18, United States Code, to provide procedural safeguards with respect to the issuance of lawyer-client subpoenas; to the Committee on the Judiciary.

ISSUANCE OF LAWYER-CLIENT SUBPOENAS

● Mr. SIMON. Mr. President, today I introduce legislation designed to deal with a problem of constitutional dimension: the practice of issuing subpoenas to lawyers to compel them to disclose information about their own clients. This information can then be used against the client, a practice with grave implications for the sixth amendment right to the effective assistance of counsel, for the candor and trust necessary in the attorney-client relationship, and for the health of the adversarial system of criminal justice upon which this Nation has relied for 200 years in ensuring due process of law to all its citizens.

This bill recognizes that there may be some situations where a subpoena to an attorney about a client may pose no threat to important constitutional rights or the attorney-client relationship. My legislation would not prohibit the practice altogether, but would simply require prior judicial approval of each such subpoena. The bill sets forth clearly defined standards for distinguishing the innocuous subpoena from the insidious one.

As Newsweek magazine noted more than 2 years ago ("Using Fees as Evidence: Can Defense Lawyers Testify Against Their Clients?" April 21 1986, at 74): "Federal Prosecutors have discovered an amazing new source for incriminating evidence: defense attorneys." Justice Department figures indicate that in one 13-month period ending March 31, 1987, Federl prosecutors caused the issue of 525 grand jury and trial subpoenas to attorneys—a rate of more than 40 per month—the vast majority of which were for information relating to a current or prior client. In Massachusetts alone, according to court papers filed by the Government in the case of *United States* v. *Klubock*, 639 F. Supp 117 (D. Mass. 1986), "approximately 50-100 federal grand jury subpoenas per year have been served . . . upon attorneys for documents or testimony relating to a person represented by that attorney."

The most devastating effect of these subpoenas occurs when the information sought relates to a current client. The attornty is instantly transformed from the client's legal adviser into a witness in the case. Since an attorney is ethically prohibited from representing a client in a case in which he or she may be called as a witness—whether adverse or not—the attorney-witness must generally be disqualified from the case. Thus, the prosecutor's power to subpoena an opposing lawyer shall be. It is the power to remove the adversary from the adversarial process.

This presents an extraordinary potential for abuse, and for interference with the constitutional right to counsel of choice subsumed within the broader sixth amendment right to counsel.

Indeed, there is a grave threat to sixth amendment rights whether the information sought relates to a current or former client. The possibility that the Government will, by subpoena, rummage through the lawyer's files at any time during or after the conclusion of a case, could easily chill a client's willingness to confide in his or her attorney. When the client loses confidence in the attorney's loyalty or ability to protect the client and maintain the client's confidence, the relationship of trust that is an essential constitutional component of the effective assistance of counsel is shattered.

Moreover, these subpoenas divert attention from the merits of the case and waste the time, energy and resources of all involved in the criminal justice process on an unnecessary "side issue." They sap the morale of the opposing advocate by focusing attention on his or her own conduct and forcing him or her to defend his or her own interest, often by hiring a separate lawyer just to litigate the subpoena issue.

As far as I am aware, every bar association in the country which has examined the practice of attorney subpoenas has soundly condemned it—including the National Association of Criminal Defense Lawyers, the American Bar Association, the National Legal Aid and Defender Association, and numerous State and local bar groups, including the Illinois State Bar Association, Illinois Attorneys for

Criminal Justice, and the Chicago Bar Association.

One nationally respected bar association which studied the problem for 2 years, the Bar Association of the City of New York, concluded that the practice constitutes "one of the single greatest threats to the defense bar and to defendants' ability to obtain criminal representation."

In response, various States are moving to impose their own requirements of prior judicial approval of attorney subpoenas, including Massachusetts, Virginia and Tennessee. The Illinois Legislature has passed such a bill, containing specific standards to guide the court in deciding whether to approve the subpoena, but it was vetoed by Governor Thompson.

The Massachusetts rule was upheld last year by a Federal appeals court in the case of *United States* v. *Klubock*, 832 F.2d 649 (1st cir. 1987), affirming 639 F.Supp. 117 (D Mass. 1986), *vacated*, 832 F.2d 664 (1st Cir. 1987) (en banc).

The legislation that I am proposing would require that all subpoenas to attorneys be reviewed by a court before they are issued. The court would be required to make sure the subpoena is not too vague, to determine whether there is probable cause to believe that each item sought is evidence of some criminal activity, to examine whether the Government needs each item sought and has tried unsuccessfully to obtain it elsewhere, to ensure that the subpoena does not seek any privileged information, and to ensure that a lawyer would not have to divulge fee information or testimony against a current client until that current representation is concluded. These determinations would be made by the court after a hearing at which both sides would have an opportunity to present evidence.

These protections would specifically not apply to "sham" confidences—documents or other evidence given to the attorney simply for the purpose of sheltering them from subpoena. The bill would protect only things given to the lawyer for the purpose of seeking bona fide legal advice from the lawyer.

In the drafting of this bill, I am grateful for the expert assistance furnished by a blue ribbon panel of the National Network for the Right to Counsel, headed by Hofstra University Law Professor Monroe Freeman; Norman Lefstein, dean of the University of Indiana School of Law and past chairman of the ABA Criminal Justice Section; and Jeanne Baker, counsel to Vermont Governor Madeline Kunin.

Mr. President, I believe this proposal represents a reasoned and balanced approach to a very serious crisis confronting the sixth amendment and the future health of our Nation's cherished adversarial system of criminal justice.

It is my plan to schedule hearings on this measure before the Constitution Subcommittee, which I chair, early in the next Congress. I urge my colleagues to join me in supporting this important initiative.●

By Mr. PACKWOOD (for himself and Mr. DANFORTH):

S. 2714. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the credit for expenses with respect to child care for dependent children, to make such credit refundable, and for other purposes; to the Committee on Finance.

CHILD CARE TAX INCENTIVE ACT

● Mr. PACKWOOD. Mr. President, of all the issues facing us this year, none is more important than the care of our children. Their well-being and their future should be of primary concern to us all.

The increasing number of women in the workforce has caused a change in our society. Women have joined the labor force for a variety of reasons, often out of economic need. Whatever the reason, one area most affected by their entry into the labor market is how our children are cared for and who cares for them.

In my own State of Oregon, for example, families spend more than $300 million annually on child care. As an industry, child care employs more than any other single employer except State government. Currently, in Oregon, it is estimated that there are 200,000 children under age 10 of working parents. It is crucial that families be able to provide these children with the best possible child care supervision available.

Just as women's reasons for working are varied, so each family situation is different. Ideally, parents should have a number of child care options to choose from so that they may make the best choice for their children. Income alone should not determine what child care choice working parents are forced to accept for their children.

In addition, many parents may wish to provide specialized care for their children. They may prefer to have their child cared for by a neighbor or they may want to use a religiously-oriented child care center. These options should not be foreclosed to parents. No single child care model will be suitable for every parent. Instead of a cookie-cutter approach, we should provide families with a range of child care options now that reflect their individual preferences. Guaranteeing choice will help result in a generation of well-cared for and diverse adults in years to come.

Today there is no real question government must assume a role in the issue of child care. The consensus has long since arrived that believes as I do that government has an important role to play.

While the majority agree there is a growing need for child care, there are different opinions on what the government's role should be. A virtual army of bills are before Congress now, many of which create an additional layer of bureaucratic hurdles and mandate Federal regulation of what is properly an individual concern and a matter for State and community supervision.

There has to be a better way—a way that guarantees choice without the heavy hand of overpowering Federal involvement. As an alternative to setting up a new federal program, I propose that child care benefits be provided to families through Federal tax incentives. This type of proposal has a host of advantages over more complex, federally controlled programs:

First, more families will receive direct benefits through the tax system because there are no new administrative costs to reduce the amount of money available to be spent on child care;

Second, there are no new Federal regulations. States and parents may work together to devise regulations that best fit their own needs and situations.

Third, there are no Federal "strings" on the money. It belongs to the parents, therefore, parents have the freedom to choose the best child care for their own children. No particular type of child care provider would be favored through the legislation.

My proposal is simple and includes these advantages. It will one, target the greatest benefits to the neediest families among us; two, insure that lower income working families, without federal tax liability will be helped by making the child care tax credit refundable; three, provide immediate payment of the credit in the parent's take-home pay; and four, continue the current child care tax credit for middle and higher income families.

Obviously, it is important to have accountability for the receipt of federal funds. To be eligible for the child care tax credit, the child care provider selected by a parent claiming a tax credit must be in compliance with any applicable local or state regulations.

Across the United States, we have a rich diversity of family life. And in many of these families, the same questions arise: What kind of child care is best? How do we find safe, quality day care? How will we be able to afford it?

There is no shortage of answers to all of those questions. Our difficulty may be sorting out the answers and developing the right approach. I believe that approach must provide meaningful federal support, limit Federal intervention to a minimum, and most of all, guarantee families as wide a range of choices as possible.

Our commitment is ensured—Congress is prepared to enact comprehensive child care legislation if not this session, then in the next year. I am committed to arriving at a solution that provides the best possible child care for our children and peace of mind for working parents.

Mr. President, I ask unanimous consent that a summary of the legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY OF CHILD CARE TAX INCENTIVE ACT OF 1988, INTRODUCED BY SENATOR BOB PACKWOOD, AUGUST 10, 1988

PURPOSE

To provide low and moderate income parents with a greater variety of child care options by increasing the amount of money they have to spend on child care. The Child Care Tax Incentive Act of 1988 achieves this goal by increasing the existing child care tax credit, rather than setting up a new government spending program.

MAJOR PROVISIONS OF THE BILL

The bill increases the present law child care tax credit for low and moderate income families. It also makes the credit refundable so that low income families who pay little or no Federal income tax can take advantage of the credit.

SIZE OF CREDIT

Increases the child care tax credit to 40 percent of work related expenses for families with adjusted gross income (AGI) under $10,000. (Compare with a 30 percent credit under present law.)

Also increases the credit for families with AGI between $10,000 and $40,400. The credit would start at 39 percent for those at $10,000 of AGI and would decline proportionately down to 20 percent as AGI increases to $40,400. (Compare with the present law credit which declines from 29 percent to 20 percent between AGI of $10,000 and $28,000.)

The credit would remain at 20 percent for families with AGI over $40,400, as under present law.

MAXIMUM CREDIT

Under present law, the maximum amount of child care expenses eligible for the credit is $2,400 for one child and $4,800 for two or more children. Thus, the maximum credit at the 30 percent rate is $720 for one child and $1,440 for two or more children.

Under the bill, the maximum credit at the new 40 percent rate would be $960 for one child and $1,920 for two or more children.

REFUNDABILITY

In a significant departure from present law, the credit would be made "refundable" for low income families who pay little or no Federal income tax. A refundable credit is one that is paid even though you have no tax liability. Currently, these families do not benefit from the child care tax credit. Under the bill, the child care tax credit reduces you tax liability to zero and then 70 percent of any remaining credit is refunded.

HOW BENEFIT WOULD BE RECEIVED

The benefit of the credit would be received by the parent throughout the year by reducing wage withholding and/or estimated tax payments.

For low income families eligible for a refundable credit, the benefit would be added to the parent's paycheck as "negative income tax withholding." For example, if the parent's normal take-home pay is $500 and the child care tax credit for that pay period is $50, the parent's paycheck would equal $550.

COMPLIANCE WITH GOVERNMENT REGULATION

As under present law, the day care provider must operate in compliance with any applicable state or local regulations in order for the parent to claim a tax credit.

COMPARISON OF MAXIMUM CREDIT

Family income [AGI]	Current law	Packwood bill
Under $10,000	[1] $1,440	$1,920
$15,000	[1] 1,296	1,728
$20,000	1,152	1,584
$25,000	1,056	1,440
$30,000	960	1,296
$35,000	960	1,152
$40,400 and up	960	960

[1] In fact, these families derive little or no benefit from the credit because it is not refundable.●

By Mr. PROXMIRE (for himself and Mr. GARN) (by request):

S. 2715. A bill to amend the Bank Holding Company Act of 1956 to authorize the Board of Governors of the Federal Reserve System to order bank subsidiaries of bank holding companies to consolidate if any such bank subsidiary is in danger of closing; referred to the Committee on Banking, Housing, and Urban Affairs.

EMERGENCY BANK CONSOLIDATION ACT

● Mr. PROXMIRE. Mr. President, today, at the request of the Federal Deposit Insurance Corporation, Senator GARN and I are introducing legislation designed to bolster a bank holding company's obligation to serve as a source of strength to its subsidiary banks and to minimize the costs to the FDIC when a bank fails within a multibank holding company structure.

The bill responds to two problems that the FDIC encounters in States that prohibit or limit branching. The first problem occurs when the lead bank uses captive funding from affiliated banks to finance its own lending activities. The second problem involves shareholders and creditors of bank holding companies. Let me briefly describe both problems.

In unit banking States, multibank holding companies coordinate their bank's activities so closely that the bank holding company system effectively operates as a single banking enterprise. The bank subsidiaries frequently have common names and common advertising.

In most cases the bank subsidiaries support their lead banks by depositing many times over their entire capital account in the lead bank or by making unsecured loans to the lead bank. The danger in concentrating the bank holding company's assets in a single bank arises when the lead bank engages in inferior lending practices—thus isolating the bank holding company's poor quality assets in that bank. When the lead bank's assets deteriorate sufficiently to threaten its solvency, the affiliated bank may withdraw their deposits—leaving the FDIC with the losses when the lead bank is declared insolvent.

The second problem occurs when shareholders and creditors interfere with the Federal deposit insurance safety net. For example, in the case of First City Bancorporation, it was in the best interest of the local community for FDIC to arrange open bank assistance for the holding company's subsidiary banks, which required the consent of shareholders and creditors. Some creditors—(many of them arbitrageurs)—forced repeated delays of the First City transaction in an attempt to receive greater consideration than they would have been entitled to if the bank had failed.

In an effort to minimize the FDIC's costs and to restore banking services, the bill amends the Bank Holding Company Act to establish a special procedure to deal with failing banks that belong to multibank holding companies. After the failing bank's chartering authority certifies to the FDIC that a bank owned by the holding company is in danger of closing and the FDIC certifies to the Federal Reserve Board that the proposed action would lessen the risk to the FDIC fund, or that local economic conditions justify the special procedure, the Federal Reserve Board would be authorized to order a bank holding company to merge or reorganize its subsidiary banks to the extent needed for the failing bank to regain its health. The Federal Reserve Board may only order the actions that the FDIC has specified. On the other hand, the FDIC cannot compel the Federal Reserve Board to act on the FDIC's recommendation.

The bill will place no undue burden on responsibly managed institutions; it will restrict the Federal safety net to banks and prevent it from extending to holding company shareholders and creditors.

I ask unanimous consent to include in the RECORD; the text of the bill; a discussion of the need for the bill and how it would be implemented if enacted; and a section-by-section analysis. The discussion and the section-by-section analysis have been prepared by the FDIC.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Bank Consolidation Act of 1988".

SEC. 2. EMERGENCY CONSOLIDATIONS.

Section 5 of the Bank Holding Company Act of 1956 is amended by inserting at the end thereof the following new subsections:

"(g) EMERGENCY CONSOLIDATIONS; PREEMPTION OF STATE AND FEDERAL LAWS.—Notwithstanding any other provision of this Act, or of Federal or State bankruptcy laws, or of any other Federal or State law or of the constitution of any State, or of any contract or other instrument or security—

"(1) CONSOLIDATIONS REQUIRED.—Upon certifying to the Board that it is necessary for the Board to exercise the powers made available by this subsection, the Corporation may recommend that the Board—

"(A) order a bank holding company to cause any or all of its affiliated banks to be reorganized as subsidiaries of a bank specified in paragraph (11)(A);

"(B) order a bank holding company to cause any or all of its subsidiary banks located in the same State as a bank specified in paragraph (11)(A) to merge with, or to purchase the assets and assume the liabilities of, such bank;

"(C) order a bank holding company to cause a bank specified in paragraph (11)(A) to merge with, or to purchase the assets and assume the liabilities of, any or all of the bank holding company's other subsidiary banks that are located in the same State as such bank;

"(D) order a bank holding company to contribute or transfer or provide to a bank specified in paragraph (11)(A), or to require any of its subsidiaries to contribute or transfer or provide to any such bank, such assets or services as are customarily utilized by a bank in the conduct of its business or operations; or

"(E) order a bank holding company to take any combination of actions specified in subparagraphs (A) through (D).

"(2) BOARD POWERS.—

"(A) AUTHORITY.—

"(i) The Board shall have authority to compel any bank holding company to consummate a transaction recommended by the Corporation under this paragraph (1). The Board may require the bank holding company and any subsidiary thereof to take such action in connection with any such transaction as the Board may deem necessary or appropriate.

"(ii) Upon a determination that an emergency no longer exists, the Board may order any bank holding company subsidiaries which were reorganized as subsidiaries of a bank under subparagraph (A) of paragraph (1) to be organized as direct subsidiaries of the bank holding company. In no event shall the Board order such a restructuring to occur in less than 30 days from the date of its order.

"(B) PROCEDURES.—Any action required by the Board under subparagraph (A) shall be consummated in accordance with such procedures and schedules as the Board may prescribe. Except as provided in clause (ii) of subparagraph (A), any transaction ordered by the Board, and any action required by the Board in connection with any such transaction, shall be consummated immediately if the Board so orders.

"(C) JUDICIAL REVIEW.—No order issued by the Board under paragraph (2), and no action required by the Board under paragraph (2), shall be subject to review by any court.

"(3) CONSULTATION.—

"(A) REQUIRED.—Before making any recommendation under paragraph (1), the Corporation shall consult the relevant supervisor of any bank involved in the recommended transaction.

"(B) NOTICE.—The Corporation shall provide the relevant supervisor a reasonable opportunity, and in no event less than 48 hours, to object to the Corporation's recommendation.

"(C) RIGHT TO OBJECT.—If the relevant supervisor objects during such period, the Corporation may make a recommendation under paragraph (1) only by a unanimous vote of its Board of Directors.

"(4) OFFICES ACQUIRED IN CONSOLIDATIONS.—Any office operated as a branch or home office by a bank involved in a transaction ordered by the Board under paragraph (2) may be operated as a branch or home office by any bank that acquires it pursuant to such transaction.

"(5) APPLICATION OF CERTAIN LAWS.—

"(A) BANK HOLDING COMPANY ACT.—

"(i) SECTION 2.—So long as a bank that is ordered under paragraph (2) to acquire affiliates as subsidiaries remains itself a subsidiary of a bank holding company, the term 'bank holding company' as defined in section 2(a) of this Act shall not include a bank if such bank would otherwise be deemed to be a bank holding company solely because it holds stock in the shares of another bank or banks, and has acquired such stock pursuant to the action required by the Board.

"(ii) SECTION 3.—No action required by the Board under paragraph (2) shall require an application to or approval by the Board under section 3 of this Act.

"(B) NATIONAL BANKING STATUTES.—No action required by the Board under paragraph (2) shall be subject to the requirements of the Act entitled 'An Act to provide for the consolidation of national banking associations' and approved November 7, 1918.

"(C) FEDERAL DEPOSIT INSURANCE ACT.—No action required by the Board under paragraph (2) shall be subject to the requirements of section 13(f) or of section 18(c) of the Federal Deposit Insurance Act.

"(D) HART-SCOTT-RODINO ACT.—No action required by the Board under paragraph (2) shall be subject to the requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

"(6) PRIVATE PARTIES INELIGIBLE TO PREVENT CONSOLIDATION.—

"(A) LIMITATION ON RIGHTS OF PRIVATE PARTIES.—No court shall give effect to any rights or powers conferred on any person, whether such rights or powers are conferred by State constitution or statute or by Federal statute or by the articles or bylaws of the bank holding company or of any subsidiary thereof or by any debt or equity security of any such bank holding company or subsidiary thereof or by any other contract or other instrument or otherwise, and any provision of any statute or security or article or bylaw or contract or instrument shall be void, insofar as giving effect to any such rights or powers would impair the ability of the bank holding company or of any subsidiary bank—

"(i) to take any action required by the Board under paragraph (2), or

"(ii) as part of a transaction ordered by the Board under paragraph (2), to pledge, sell, or otherwise transfer securities or assets of the bank holding company or of any subsidiary bank to the Corporation in connection with a transaction authorized by section 13 of the Federal Deposit Insurance Act.

"(B) REFUSAL TO ENFORCE RIGHTS NOT OCCASION OF DEFAULT OR OTHER IMPOSITION OF PENALTY OR GROUND FOR ASSERTION OF DERIVATIVE RIGHTS.—The failure of a court to give effect to any rights or powers under subparagraph (A) shall not constitute an event of default or occasion of imposition of any penalty. No consequent effect of such failure to enforce the rights or duties of any person shall constitute an event of default or occasion of imposition of any penalty. No person may assert any rights or powers, whether such rights or powers are conferred by State constitution or statute or by Federal statute or by the articles or bylaws of the bank holding company or of any subsidiary thereof or by any debt or equity security of any such bank holding company or subsidiary thereof or by any other contract or other instrument or otherwise, if such person would be unable to assert such rights or powers but for the failure of the court to give effect to rights or powers under subparagraph (A).

"(C) NO OTHER CONSENTS NECESSARY.—Except as provided in this subsection (g), any action required by the Board under paragraph (2) shall be consummated without the necessity of notice to, approval from, or consent of shareholders, creditors, parties to contracts, lessors, insurers, or any other persons or governmental authorities.

"(7) RIGHT OF APPRAISAL.—

"(A) DEBTS OF BANK HOLDING COMPANIES AND OF AFFILIATED BANKS.—Any creditor of a bank holding company subject to an order issued by the Board under paragraph (2), and any creditor of a bank directly involved in a transaction in connection with such order, may apply to the Board for an appraisal of the value of any valid and enforceable debt owed to such creditor: *Provided*, That neither the bank holding company nor any affiliate thereof, other than a person who is an affiliate solely because such person holds shares for investment purposes in such bank holding company or affiliate thereof, may file an application to the Board under this subparagraph.

"(B) SHAREHOLDERS IN BANK HOLDING COMPANIES.—Any person holding shares in a bank holding company subject to an order issued by the Board under paragraph (2) may apply to the Board for an appraisal of the value of such shares: *Provided*, That no affiliate of such bank holding company, other than a person who is an affiliate solely because such person holds shares for investment purposes in such bank holding company, may file an application to the Board under this subparagraph.

"(C) SHAREHOLDERS IN AFFILIATED BANKS.—Any person holding shares in a bank directly involved in a transaction in paragraph (2) may apply to the Board for an appraisal of the value of such shares: *Provided*, That no affiliate of such bank, other than a person who is an affiliate solely because such person holds shares for investment purposes in such bank, may file an application to the Board under this subparagraph (C).

"(8) TIME LIMITS.—

"(A) LIMIT RELATED TO TIME OF CONSUMMATION OF THE TRANSACTION.—No application under paragraph (7) may be made more than 30 days after the date of consummation of the transaction ordered by the Board under paragraph (2).

"(B) LIMIT RELATED TO TIME OF ACQUISITION OF THE DEBT OR SHARE.—No application under subparagraph (A) or subparagraph (B) of paragraph (7) may be made based on a debt or share acquired by the applicant on or after the effective date of this subsection: *Provided*, That this subparagraph (B) shall not apply to a person making application based on a debt owed for goods or services procured by the bank holding company or bank in the ordinary course of business.

"(9) BOARD APPRAISALS.—

"(A) BOARD AUTHORIZED TO MAKE APPRAISALS.—Whenever a person files an application with the Board under paragraph (7), the Board shall determine the value of any debt or share based upon an appraisal. The appraisal shall be final and binding on all parties.

"(B) BASIS FOR APPRAISAL.—The value of any debt or share shall be based upon the value it would have had if every bank specified in paragraph (11)(A) had been closed on the date of the order issued by the Board under paragraph (2), with the Corporation paying all insured deposits, the assets liquidated, and the resulting funds applied toward satisfying all other valid and enforceable liabilities of such bank, with the remainder, if any, allocated to the shareholders of such bank. Any determination of value also shall include consideration of any consequential effects resulting from such closing that would have occurred to other subsidiaries of the bank holding company.

"(C) RULEMAKING AUTHORITY.—The Board shall promulgate rules providing the procedures for making applications and appraisals under this paragraph.

"(D) STANDARD OF REVIEW FOR APPRAISALS.—Any person obtaining an appraisal from the Board and disagreeing with the appraisal so established may seek review of the appraisal in accordance with the provisions of section 9 of this Act: *Provided*, That no appraisal of any debt or share shall be set aside unless the Board has acted arbitrarily and capriciously in setting the value of such debt or share.

"(10) FDIC COMPENSATION.—

"(A) TENDER BY APPLICANT.—No later than 20 days after completion of an appraisal under paragraph (9)(A) and review of any challenge thereto, an applicant may tender to the Corporation any debt or share so appraised. An applicant may accomplish the tender by surrendering the debt instrument or share to the Corporation or by providing such other evidence of the debt or ownership interest as the Corporation may reasonably require.

"(B) FDIC COMPENSATION AUTHORIZED; SUBROGATION.—Upon tender of any debt or share under subparagraph (A), the Corporation is authorized and directed to acquire any such debt or share from the applicant and to compensate the applicant promptly in the amount determined by the Board under paragraph (9). Upon providing compensation to any person under this subparagraph, the Corporation shall be subrogated to all rights of such person arising out of such debt or share to the extent of such compensation.

"(C) RULEMAKING AUTHORITY.—The Corporation is authorized and directed to promulgate rules providing procedures for receipt and payment under the provisions of this paragraph.

"(D) FDIC COMPENSATION AS SOLE REMEDY.—The procedure established by paragraphs (7) through (10) of this subsection shall be the sole means by which any person may seek compensation for any loss occasioned by an action ordered by the Board under paragraph (2).

"(11) STANDARD FOR CERTIFICATION.—The Corporation may certify that it is necessary for the Board to exercise the powers made available by this subsection (g) only if:

"(A) BANK IN DANGER OF CLOSING.—The chartering authority for an insured bank has notified the Corporation that the bank is in danger of closing, as defined in section 13(f)(8) of the Federal Deposit Insurance Act, and

"(B) REDUCTION OF RISK TO FDIC FUND.—The Corporation has determined, in its sole discretion, either—

"(i) that such action will lessen the risk to the Federal Deposit Insurance Fund, or

"(ii) that severe financial conditions exist which threaten the stability of a significant number of insured banks in the community where the bank specified in subparagraph (A) is located or is making loans or is doing business, or the stability of insured banks possessing significant financial resources in any such community.

"(12) BOARD ACTION TO BE LIMITED IN KEEPING WITH NEEDS OF SITUATION.—In exercising the authority conferred under this subsection (g), the Board shall make a reasonable effort to assure that any transfer of assets or securities to a bank specified in paragraph (11)(A), and any transfer of assets or securities in connection with a merger involving a bank specified in paragraph (11)(A), shall not exceed an amount that is reasonably necessary to provide adequate capitalization to such bank or any successor thereto.

"(13) DEFINITIONS.—For the purpose of this subsection (g):

"(A) FDIC.—the term 'Corporation' means the Federal Deposit Insurance Corporation.

"(B) RELEVANT SUPERVISOR.—

"(i) COMPTROLLER OF THE CURRENCY.—In the case of a national bank, the term 'relevant supervisor' means the Office of the Comptroller of the Currency.

"(ii) STATE BANK SUPERVISOR.—In the case of a State-chartered bank, the term 'relevant supervisor' means the State bank supervisor of any such bank.

"(h)(1) CERTAIN RESTRICTIONS PROHIBITED.—No provision of any contract entered into by a bank holding company or subsidiary thereof on or after the effective date of this subsection shall be effective if—

"(A) it prohibits or restricts in any manner the sale, transfer, pledge, or conveyance by a bank holding company or a bank subsidiary of a bank holding company of shares or assets of a subsidiary bank or prohibits the subsidiary bank from selling, transferring, pledging, or conveying any or all of its shares, assets, or liabilities to any entity other than the holding company; and

"(B) such sale, transfer, pledge, or conveyance takes place in conjunction with or as a part of assistance provided by the Corporation under section 13(c) of the Federal Deposit Insurance Act and the Corporation request such sale, transfer, pledge, or conveyance as a part of such assistance.

"(2) COMPLIANCE WITH FDIC REQUEST NOT OCCASION OF DEFAULT OR OTHER IMPOSITION OF PENALTY.—Any compliance with such a request of the Corporation shall not constitute a default or event of default under such contract, and shall not give rise to the imposition of rights of acceleration, damages, or otherwise.

"(3) DEFINITION.—For the purpose of this subsection (h) the term 'Corporation' means the Federal Deposit Insurance Corporation.".

EMERGENCY CONSOLIDATIONS—ANALYSIS

Bank holding companies generally coordinate their banks' activities so closely that the bank holding company system effectively operates as a single banking enterprise. Yet when a bank within the system fails, the FDIC must deal with such bank individually. In effect, the FDIC must act as if there is no connection between the failed bank and the rest of the system.

Some bank holding companies and their creditors have seen a way to turn this situation to their advantage. Most multi-bank holding companies exist in states that have restricted branching. In most cases, the bank subsidiaries are commonly named and are commonly advertised. The bank subsidiaries support their lead bank(s) to the same extent as if they were branches of that bank. For instance, individual "downstream" (or subsidiary) banks frequently deposit many times over their entire capital account in the lead bank (often well over the $100,000 coverage limit). Or the subsidiary banks may make unsecured loans to the lead bank. This captive funding is used by the lead bank to finance its lending activities.

This arrangement concentrates the bank holding company's assets in a single bank (usually the lead bank). If the lead bank's lending practices are inferior, the bank holding company effectively isolates its poor-quality assets in that bank. Moreover, the bank has the resources to make far more poor-quality loans than would be the case if the bank did not serve as the conduit for its affiliated banks' funds. When the lead bank's assets deteriorate sufficiently to threaten its solvency, the affiliated banks may withdraw their deposits—leaving the FDIC with the losses. This technique amounts to a misuse of the FDIC's resources, which can do substantial harm to the Federal safety net for depositors.

Recent experience has also shown that creditors and shareholders can interfere with the Federal safety net in other ways as well. In many cases it is in the best interest of the local community and of the banking system for the FDIC to arrange open-bank assistance transactions. These transactions are designed to avoid the disruption that a bank failure would inflict on a community. Open-bank transactions require the consent of creditors and shareholders of the holding company, however. In a number of cases the creditors and shareholders have delayed these transactions in an attempt to receive greater consideration than they would have been entitled to if the bank had failed. These creditors and shareholders have imposed added costs on the Federal safety net because of the FDIC's desire to prevent the closing of the bank.

The bill seeks to address these problems by establishing a special procedure to deal with failing banks that belong to multi-bank holding companies. The procedure is designed to protect the public interest by assuring that the banking assets of a holding company system are appropriately applied towards solving problems in a subsidiary bank prior to requiring the expenditure of FDIC funds.

The process begins with a bank's characterer—State or Federal—notifies the FDIC that a bank is in danger of failing, and asks the FDIC to start the process. The FDIC then decides whether the special procedure will reduce the risk to the FDIC fund, or alternatively, whether local economic conditions are such that resort to the special procedure is justified. If so, the FDIC may then certify to the Federal Reserve Board that it is necessary for the Board to exercise the new special powers made available under the bill.

Upon making the certification, the FDIC may specify one of the following new powers for the Board to exercise:

—The Board can order the holding company to transfer the stock of one or more of its healthy banks to the failing bank;

—The Board can order the company to merge one or more of its banks into the failing bank;

—The Board can order the company to merge the failing bank into one or more of its healthy banks; and/or

—The Board may order the company to provide such assets or services to the failing bank as may be needed for the bank to continue to conduct its normal business operations—e.g., bank buildings or data processing services.

The FDIC's recommendation may specify that the Board may exercise some or all of these powers. The Board may only exercise the powers that the FDIC has specified. On the other hand, the FDIC cannot compel the Board to take the action that the FDIC has recommended.

The Board must make a reasonable effort to see that the transaction does not involve the transfer of more assets to the failing bank than the bank needs to regain its health, taking into account the circumstances of the case. The FDIC may recommend a transaction, and the Board may order it, even if the assets so transferred to the failing bank are not sufficient to restore the bank to solvency.

Before the FDIC may make any recommendation to the Board, the FDIC must provide advance notice of the proposed transaction to every charterer—State and Federal—of every bank that would be involved. Each charterer has 48 hours to object to the recommendation. If any charterer objects within that time, the FDIC may only issue the recommendation if the FDIC's board of directors acts unanimously.

The Board has complete control over the specifics of any transaction that it orders pursuant to the FDIC's recommendation. The Board controls the procedures and scheduling.

No party may challenge an order issued by the Board or any action required by the Board in connection with any such transaction. Anyone who may be harmed by a Board-ordered action can take advantage of the bill's compensation provisions, but may not prevent the transaction from going forward.

No private contract can prevent or interfere with a Board-ordered transaction. Conversely, if a court declines to enforce a private contract because doing so would interfere with such a transaction, the court's action will not disturb the contract rights of the parties as among themselves.

Anyone who believes that a Board-ordered transaction has diminished the value of any valid and enforceable debt the bank holding company or any subsidiary bank might owe him, or of any equity interest he may own in the bank holding company or in any subsidiary bank, can apply to the Board within thirty days and ask the Board to appraise the debt or the equity interest. The Board must determine the value of any such debt or equity. Then, if the person tenders the debt or equity to the FDIC, the FDIC must buy it at the appraised value. This procedure provides full compensation for anyone whose property rights may be harmed by a Board-ordered transaction. It is the only procedure available to claimants for seeking such compensation.

The appraisal-and-tender rights created by this Act are only available to independent owners of the debt or equity of the bank holding company or of an affiliated bank. The bank holding company itself and its affiliates are not given any such rights.

The appraisal-and-tender rights apply to any debt and any equity, but only to debt or equity that someone holds on or before the effective date of this Act. Anyone who acquires debt or equity after that date does not have appraisal-and-tender rights. There are two exceptions to the cut-off. A person who is owed money for goods or services that the bank holding company or bank has procured in the ordinary course of business may tender the debt to the FDIC no matter when the debt was incurred. In addition, a person who owns shares in a subsidiary bank may tender them to the FDIC no matter when he acquired them. This latter provision protects someone who has bought a minority share in an independent bank, and who continues to hold that share after the majority owners have sold their shares to a bank holding company.

A resulting bank may keep any branches or other offices it acquires as a result of a Board-ordered merger.

EMERGENCY CONSOLIDATIONS—SECTION-BY-SECTION ANALYSIS

The Emergency Consolidations bill adds two new subsections to Section 5 of the Bank Holding Company Act (BHCA).

Subsection (g) establishes a special procedure to deal with failing banks that belong to multi-bank holding companies. The procedure is designed to protect the public interest by assuring that the bank assets of a holding company system are appropriately applied towards solving problems in a subsidiary bank prior to requiring the expenditure of FDIC funds. The procedure may only be used under certain emergency conditions.

Subsection (g) begins by preempting any and all inconsistent provisions of Federal law, including any inconsistent provisions of the BHCA itself. It also preempts any and all inconsistent provisions of State law, without regard for whether the provisions are enacted as statutes or are incorporated in State constitutions.

Paragraph (1) of subsection (g) identifies the powers that the FDIC may specify for the Federal Reserve Board to exercise to effectuate the consolidation of a holding company's banks. These powers are as follows:

—The Board can order the holding company to transfer the stock of one or more of its healthy banks to the failing bank;

—The Board can order the company to merge the failing bank into one or more of its healthy banks;

—The Board can order the company to merge one or more of its banks into the failing bank; and/or

—The Board may order the company to provide such assets or services to the failing bank as may be needed for the bank to continue to conduct its normal business operations—e.g., bank buildings or data processing services.

The FDIC's recommendation may specify that the Board exercise some or all of these powers.

The Board may only exercise the powers that the FDIC has specified. On the other hand, the FDIC cannot compel the Board to take the action that the FDIC has recommended.

Paragraph (2)(A) gives the Board full power to compel any bank holding company (BHC) and any subsidiary thereof to do whatever is necessary to consummate the transaction recommended by the FDIC pursuant to Paragraph (1).

Once the emergency has passed, Paragraph (2)(A) enables the Board to order any BHC subsidiaries which were recognized as subsidiaries of a bank to be organized as direct subsidiaries of the BHC. The Board may not order such a restructuring to occur in less than thirty days from the date of its order.

Paragraph (2)(B) enables the Board to prescribe procedures and schedules for the actions it may require in connection with any particular transaction, or in connection with any class of transaction. The Board may require any transaction, and/or any action to be undertaken in connection with a transaction, to be consummated immediately.

Paragraph (2)(C) provides that neither the Board's orders, nor any action by a private party that the Board has commanded the private party to take, are subject to judicial review.

Paragraph (3) requires the FDIC to consult with the "relevant supervisor" of any bank that would be involved in an emergency consolidation, and do so before the FDIC makes a recommendation to the Board. The "relevant supervisor" means the Comptroller of the Currency in the case of national banks, and the State bank supervisor in the case of State banks. The FDIC must give each relevant supervisor at least 48 hours to object to the proposed transaction. If any such supervisor does object, the FDIC may nevertheless go forward with its recomendation, but only upon the unanimous vote of the FDIC's board of directors.

Paragraph (4) makes it clear that, if a bank acquires an office that has been operated as a branch prior to a Board-ordered transaction, the bank that acquires the office may continue to operate it as a branch afterward.

Paragraph (5) exempts Board-ordered transactions from the requirements of certain laws. Paragraph (5)(A) makes it clear that, if a bank belongs to BHC, and the Board orders the bank to acquire the stock of another bank, the acquiring bank does not itself become a "bank holding company" within the meaning of the Bank Holding Company Act. Other provisions of Paragraph (5) exempt Board-ordered transactions from various procedures and approval requirements pertaining to mergers and acquisitions.

Paragraph (6)(A) assures that no one may interfere with or delay a Board-ordered transaction by asserting private rights, whether those rights are conferred by State constitution, by contract, by State or Federal statute, or otherwise. Paragraph (6)(B) provides that the failure of a court to give effect to any such rights may not constitute a default or event of default under any contract, or otherwise give rise to the imposition of a penalty. Finally, Paragraph (6)(C) makes it clear that Board-ordered actions may be consummated without obtaining approval from private parties or from other government agencies.

Paragraph (7) identifies those who are eligible to take advantage of the bill's compensation provisions. In general, both creditors and shareholders of the BHC, and of any bank involved in the transaction, may be eligible. But creditors and shareholders who themselves belong to the same family of companies as the BHC or any such bank are not eligible.

Paragraph (8) sets forth the time limits on the bill's compensation provisions. Paragraph (8)(A) says that no one may apply for compensation with respect to a particular

Board-ordered transaction more than 30 days after the transaction has been consummated. Paragraph (8)(B) says that generally the bill's compensation provisions do not apply to obligations or equity interests that someone acquires after the bill becomes law; anyone who acquires such obligations or interests after that date are deemed to do so with full knowledge of how the bill might affect them. But the limitation set forth in Paragraph (8)(B) does not apply to someone who has become a creditor of the bank or BHC as a result of having supplied goods or services to the bank or BHC.

Paragraph (9) deals with Board appraisals to be used in establishing the amount of compensation, if any, the FDIC must pay as the result of a forced consolidation. Paragraph (9)(A) gives the Board authority to make appraisals, and provides that Board appraisals shall be final and binding on all parties. Paragraph (9)(B) sets forth the standard by which the Board must make its appraisals. The Board must appraise the value that the obligations or equity interests would have had if the bank had failed and the FDIC had treated it as a pay-out (i.e., as if the FDIC had paid insurance to the depositors and had liquidated the bank's assets on a piecemeal basis). In doing so the Board must take into account the effect that any such failure would have had on other banks and companies—in particular, other banks and companies belonging to the same BHC system.

Other provisions of Paragraph (9) give the Board full rulemaking authority for the appraisal procedure, and also enable any applicant who is dissatisfied with the Board's appraisal to seek review of the appraisal in court. The court may not set the appraisal aside unless the Board has acted arbitrarily or capriciously.

Paragraph (10) sets forth the procedure by which the FDIC provides compensation to an applicant. An applicant must tender his obligation or equity interest to the FDIC within 20 days of the Board's appraisal. If the applicant meets that deadline, the FDIC is obliged to purchase it from him at the Board-appraised value. The FDIC acquires all rights that the seller had as a result of the obligation or equity interest.

Paragraph (10) gives the FDIC authority to adopt regulations governing procedures for the receipt and payment of compensation. Paragraph (10) further specifies that the mechanism established by this bill is the only means by which anyone may seek compensation for a loss occasioned by a Board-ordered action.

Paragraph (11) sets forth the standards for the FDIC to make a recommendation to the Board under Paragraph (1). The FDIC may take such action only if two conditions are satisfied. The first condition is that the chartering authority for an insured bank must notify the FDIC that the bank is in danger of closing. The second condition is that either (i) the action recommended by the FDIC will lessen the risk to the Federal Deposit Insurance fund, or (ii) severe financial conditions exist which threaten the stability of a significant number of insured banks in the bank's community or the stability of banks with significant financial resources in any such community.

Paragraph (12) says that when the Board orders the transfer of assets or securities to a failing bank, or orders such a transfer in connection with a merger of a failing bank, the Board must make a reasonable effort to see that the transfer will not be more than is reasonably necessary to provide adequate capital to the bank or its successor. The FDIC may recommend a transaction, and the Board may order it, however, even if the assets so transferred to the failing bank are not sufficient to restore the bank to solvency.

Paragraph (13) provides definitions for subsection (g).

Subsection (h) provides that no contract entered into by a BHC or any subsidiary thereof is effective if it interferes with the transfer of shares or assets of a subsidiary bank, when the FDIC requests that the transfer in connection with assistance that the FDIC is providing under Section 13(c) of the Federal Deposit Insurance Act. Subsection (h) further provides that compliance with such a request by the FDIC does not constitute a default or event of default under such contract.●

● Mr. GARN. Mr. President, today I am joining Senator PROXMIRE in introducing, by request, the FDIC's proposal to permit the emergency consolidation of banks controlled by the same holding company.

On May 25, 1988, Chairman Seidman of the FDIC testified before the Banking Committee on the financial condition of FDIC-insured institutions. During his testimony, Mr. Seidman explained that when a bank that is part of a multibank holding company fails, the FDIC must act as if there were no connection between the failed bank and the rest of the holding company system. Some bank holding companies have taken advantage of this situation by concentrating the poorer assets of the system into a single bank, and then letting that bank fail. The result is that the holding company has effectively shifted some of the losses to the FDIC that it would otherwise have had to absorb. Mr. Seidman also noted that in some cases the FDIC wishes to arrange openbank assistance which avoids the costs of closing an institution, but that such assistance may require the consent of the shareholders and creditors of the holding company. In certain cases the shareholders and creditors of the holding company have delayed the transaction in order to receive greater compensation than they would have been entitled to if the bank had failed.

In response to these concerns, the FDIC has requested the introduction of this bill entitled the "Emergency Consolidations Act." This legislation establishes a procedure to require a bank holding company with one or more failing banks to consolidate all of its banking subsidiaries into one institution. The bill would also make invalid any contract entered into after the date of enactment, if that contract contains a restrictive covenant prohibiting a bank or bank holding company from transferring—or pledging—its shares or assets in conjunction with FDIC assistance to a failing bank, when the FDIC requests such transfer or pledge as part of the assistance package.

Mr. President, this legislation may provide some very useful tools to the FDIC for handling problem institutions. However, it is also necessary to proceed with care in this area because of the complexity of the issues involved, and the impact this measure may have on the rights of the creditors and shareholders of healthy banks. I hope that we will be able to proceed in the near future to hearings on this proposal, so that we can obtain the expert views of the other agencies and other affected parties.●

By Mr. GLENN:

S. 2716. A bill to temporarily suspend the duty on self-folding collapsible umbrellas; referred to the Committee on Finance.

SELF-FOLDING COLLAPSIBLE UMBRELLAS

● Mr. GLENN. Mr. President, I am introducing this legislation to suspend temporarily the duty on self-folding collapsible umbrellas through December 31, 1992. This legislation is noncontroversial and should be acceptable to the Senate as part of the miscellaneous tariff bill.

At present, self-folding collapsible umbrellas are classified under Tariff Schedule of the United States item 751.0510 and is subject to a 8.2-percent ad valorem duty.

There is at present no known integrated umbrella making industry in the United States engaged in the manufacture of these mass market, handheld umbrellas or umbrella frames; accordingly, the existing duty on imported umbrellas serves no legitimate "industry protection" purpose.

Some U.S. firms are assembling certain specialty umbrellas using imported frames. For the most part, these firms manufacture beach, golf or other specialty umbrellas which are not directly competitive with self-folding collapsible umbrellas. Thus, the duty suspension for these umbrellas will not inflict harm on American workers or companies.

There is a substantial market in this country for these finished umbrellas. In 1987 alone, 43.9 million of them were imported into this country, amounting in value to $73.5 million.

The requested duty suspension would produce a much-needed duty savings to U.S. importers and may result in some savings for consumers. For example, in 1987 U.S. firms paid $5.35 million in Customs duties on the imported self-folding collapsible umbrellas, some or all of which may have been passed on to the consumer.

This bill should be noncontroversial. Given domestic firms' reliance on foreign sources of finished, self-folding collapsible umbrellas, the continued imposition of a high tariff on them is not aiding any U.S. industry. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SELF-FOLDING COLLAPSIBLE UMBRELLAS.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"912.47	Self-folding collapsible umbrellas chiefly used for protection against rain (provided for in item 751.05, part 8B, schedule 7)	Free	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. WIRTH:

S. 2717. A bill extending permission for the President's Commission on White House Fellows to accept certain donations; referred to the Committee on Labor and Human Resources.

FELLOWS COMMISSION CONTRIBUTIONS

Mr. WIRTH. Mr. President, today, I am introducing legislation to authorize the President's Commission on White House Fellows to accept donations of money, property, and personal services from private and corporate contributors for the purpose of operating the White House Fellowship Program.

As a former White House Fellow, I feel that the restriction prohibiting the Commission from accepting private donations diminish the potential for the development of private-public partnerships and, as a result, unnecessarily burden the American taxpayers.

Established by Executive Order 11183 on October 3, 1984, the President's Commission on White House Fellows has provided outstanding men and women from all walks of life the opportunity to participate in the shaping of their Government. Since the enactment of this program by President Lyndon B. Johnson, there have been 23 classes of fellows, comprised of 352 individuals. Former fellows include my distinguished colleagues, Senator DAVID KARNES of Nebraska and Representative JOE BARTON of Texas; Henry G. Cisneros, mayor of San Antonio; and Lt. Gen. Colin Powell, National Security Adviser to the President.

The White House Fellowship Program was created to draw exceptionally talented and motivated Americans of great promise to Washington for 1 year of personal involvement in the process of government. During the 1-year fellowship, each individual is assigned to executive level service in a Cabinet-level agency or at the White House. These work assignments provide the fellows with firsthard experience in the process of public policy development.

The program is open to gifted people from all sectors of our national life—the professions, government, the arts, business, and the academic world. This provides nongovernmental leaders with an understanding of the process of government necessary for a healthy democratic society. The selection process is completely nonpartisan and based solely on qualifications.

Mr. President, as you would expect, the White House Fellowship Program has a tremendous number of supporters. Consequently, the Commission is frequently approached by numerous individuals, corporations and foundations offering money, property or personal services. These people and organizations share a common commitment to the value of the program's objectives and a deep appreciation for its record of success. Under the current law, however, the Commission is precluded from accepting donations for other than its education program—which is a separate component.

In the Independent Agencies Appropriations Act of 1988, a temporary provision was included that allowed the Commission to accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellowship Program. This resulted in a savings of $30,000 to the American citizens.

Public Law 99-424 set a precedent for executive exchange programs such as the White House Fellowship Program to accept donations. The Executive Exchange Program Voluntary Services Act of 1985 authorized the President to establish experimental Federal programs which can accept voluntary contributions. This law set a precedent for other fellowship programs to be exempt from the Hatch Act restrictions which prevent Federal agencies from accepting donations.

In the upcoming fiscal year, the Commission is planning to purchase under its budget authority a facsimile machine—valued at between $1,500-$2,300—and four personal computers with printers—$36,000. All of this equipment has been offered to be donated by supporters of the program, but under current law, the Commission may not accept it.

Mr. President, last year the White House Fellowship Program received $546,000 in Federal funding. There is no reason for the taxpayers to bear the full cost of this program if other funding means are available. For this reason, I am proposing that the Congress authorize the Commission to accept private donations of money, property, and personal services for all aspects of the program. Similar legislation has been introduced in the House by Representative BARTON of Texas. I invite my colleagues to join me in ensuring the swift passage of this legislation.

By Mr. KENNEDY:

S. 2718. A bill to amend the Federal Water Pollution Control Act to include Masssachusetts Bay, MA, in the National Estuary Program; to the Committee on Environment and Public Works.

MASSACHUSETTS BAY PROTECTION ACT

● Mr. KENNEDY. Mr. President, I rise to introduce a bill entitled the Massachusetts Bay Protection Act of 1988. This legislation would designate the Massachusetts Bay as an estuary of national significance.

Massachusetts Bay encompasses one of the most beautiful coastal areas in our country. The shorelines extend from Cape Ann in the northern parts of the Commonwealth to the tip of Cape Cod and includes several major eastern Massachusetts watersheds. Massachusetts Bay provides a critical economic base as a commercial fishery for lobster, finfish and shellfish. It also is a recreational resource, enjoyed by the 4 million people that it serves for fishing, swimming and boating.

All across our country, we are increasingly concerned over the reports of coastal pollution. Illegal waste disposal including the most serious recent problem with hospital discharges has had a tremendous impact on our region. Stopping this unacceptable activity has become one of our most important enviromental priorities. We recognize that we can no longer allow pollution to destroy this precious natural resource and that we can no longer delay action to address the problem.

The National Estuary Program was established in the 1987 amendments to the Clean Water Act and is designed to create a coordinated effort by the public sector, private industry and Government to develop long-term conservation plans for designated estuaries. The mandate of the law is to address areas that have been seriously impacted by polluting activity.

The Massachusetts Bay is the perfect example of the type of coastal area that needs immediate attention to prevent any additional environmental damage. Boston Harbor has been identified as one of the most polluted harbors in the Nation. Efforts to stop illegal waste disposal are operating in the coastal communities along the bay. Massachusetts has directed its energies and resources to the problem. But the true solution lies in a unified approach.

Designation as an estuary of national significance, as proposed in the legislation that I am introducing today, will provide the critical assistance to restore the pristine shores of the Massachusetts Bay.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Massachusetts Bay Protection Act of 1988."

SEC. 2. DEFINITION.

(a) For purposes of this Act, the term "Massachusetts Bay" includes Massachusetts Bay, Cape Cod Bay and Boston Harbor, consisting of an area extending from Cape Ann, Massachusetts south to the northern reach of Cape Cod, Massachusetts.

SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) Massachusetts Bay comprises a single major estuarine and oceanographic system extending from Cape Ann, Massachusetts south to the northern reaches of Cape Cod, encompassing Boston Harbor, Massachusetts Bay and Cape Cod Bay;

(2) Several major riverline systems, including the Charles, Neponset and Mystic Rivers, drain the watersheds of eastern Massachusetts into the Bay;

(3) The shorelines of Massachusetts Bay, first occupied in the middle 1600's, is home to over 4 million people and supports a thriving industrial and recreational economy;

(4) Massachusetts Bay supports important commercial fisheries, including lobsters, finfish, and shellfisheries, and is home to or frequented by several endangered species and marine mammals;

(5) Massachusetts Bay also constitutes an important recreational resource, providing fishing, swimming and boating opportunities to the region;

(6) Rapidly expanding coastal populations and pollution pose increasing threats to the long-term health and integrity of Massachusetts Bay;

(7) While the cleanup of Boston Harbor will contribute significantly to improving the overall environmental quality of Massachusetts Bay, expanded efforts encompassing the entire ecosystem will be necessary to ensure its long-term health;

(8) The concerted efforts of all levels of government, the private sector and the public at large will be necessary to protect and enhance the environmental integrity of Massachusetts Bay; and

(9) The designation of Massachusetts Bay as an Estuary of National Significance and the development of a comprehensive plan for protecting and restoring the Bay may contribute significantly to its long-term health and environmental integrity.

(b) PURPOSE.—The purpose of this Act is to protect and enhance the environmental quality of Massachusetts Bay by providing for its designation as an Estuary of National Significance and by providing for the preparation of a comprehensive restoration plan for the Bay.

SEC. 4. DESIGNATION AS ESTUARY OF NATIONAL SIGNIFICANCE.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor);" after "Buzzards Bay, Massachusetts;".

SEC. 5. FUNDING SOURCES.

(a) In order to supplement the funds authorized under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330), the Administrator of the Environmental Protection Agency and the Governor of Massachusetts are hereby authorized to accept funds derived from fines, penalties or settlements paid in conjunction with efforts to comply with the Clean Water Act by the Commonwealth of Massachusetts to finance activities pertaining to Massachusetts Bay undertaken pursuant to section 320.

(b) Within one year of enactment, the Administrator and the Governor shall undertake to identify and make available other sources of funding to support activities pertaining to Massachusetts Bay undertaken pursuant to or authorized by section 320 of the Clean Water Act, and shall make every effort to coordinate existing research, monitoring or control efforts with such activities.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2719. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Finance.

EDUCATION/RETIREMENT SAVINGS ACCOUNTS

● Mr. MURKOWSKI. Mr. President, today I am introducing a bill that will allow individuals under the age of 21 to set up an individual education/retirement savings account. The bill's primary purpose is to encourage and help children and families save for college.

The bill would be like a regular individual retirement account [IRA] with some twists. It would have to be opened before the individual turns age 21. Contributions would be—limited to $1,000 per year, tax deferred, prohibited after age 21, tax deductible against the individual's unearned or earned income, and tax free if used to pay for the individual's higher education or vocational training. Any unused excess in the account after age 27 would be distributed, taxed, and penalized if not rolled over into a regular IRA.

This country's personal savings rates are at historically low levels. Last year's personal savings rate of 3.7 percent of gross national product was at its lowest point in 30 years. A recent February 1988 Congressional Budget Office study on family income found that significant numbers of families with children are losing economic ground. For almost a decade the costs of college have risen by twice the rate of inflation, sometimes by more than 10 percent a year. What's more, the costs of public and private colleges are expected to increase 18 and 13 percent over the next 2 years. A recent poll reveals that most families believe that the price of a college education—the second biggest investment most families make—will soon be beyond the average family's means.

Today's annual costs of tuition, room and board, and other expenses at a public, private, or Ivy League school average $5,800, $12,000, and $18,500, respectively. Those costs are expected to rise at an average of 6 percent per year over the next several years. This would mean that a newborn child would have to put aside $143 per month to pay for a future B.A. degree at a public college; $296 per month at a private college; and $457 per month at an Ivy League school.

Our tax laws penalize those who save and reward those who incur debt. We've got it backward. We need to encourage people to save. Increased savings rates help bring interest rates down making investment for growth affordable. The Tax Reform Act of 1986 has made it more difficult for families and children to save. By severely restricting the means of a tax dependent to offset unearned income, the act penalizes children who work and save, or simply save.

Mr. President, I ask that this body join me in this effort to help children and families save for college. It will offer a tax incentive to children and families to save for college; add to and lock in long-term savings that are needed for our country's economic growth; and make the family's and Federal Government's share of education costs less burdensome.●

● Mr. STEVENS. Mr. President, I am pleased to join today with my colleague from Alaska, Senator MURKOWSKI, as an original cosponsor of a bill to provide for the establishment of education savings accounts.

As Senator MURKOWSKI explained, the bill would allow children and young adults under the age of 21 to set up special education savings accounts. Tax deductible contributions of up to $1,000 of the individual's earned or unearned income could be made to an education savings account each year. Withdrawals from these accounts would then be tax free, provided the money is used to pay for the individual's higher education or vocational training expenses.

I strongly support the concept of this bill. I have long been concerned about the rapidly escalating costs of higher education in the United States. We are moving toward a situation, where many institutions of higher learning will be accessible only to the very wealthy and to those who can qualify for Federal grants and loans, thereby freezing out much of the middle class. At a time when we are focusing our Nation's attention on competitiveness, we need to ensure that a college education or vocational training is accessible to every American who desires it.

This bill would make a good beginning. By making contributions to the educational savings accounts tax deductible, and the distributions from those accounts tax free, the bill would establish our Government's commitment to helping Americans save for their children's education.

Moreover, this bill alleviates an unfair burden placed on children by our tax laws. Under current law, if a child earns more than $500 of unearned income, he or she must pay tax on that amount. This situation affects all the children in my State of Alaska, due to annual distributions from the Alaska Permanent Fund. Many of my constituents have written to me asking why their children should be paying tax on these distributions when the Government ought to be encouraging them to put the money away for college.

Under this bill, Alaskans would be encouraged to save their children's permanent fund dividends for college expenses by sheltering the money saved from taxation. In this way, families in Alaska, as well as all over the country, will have an incentive to save for their children's education.

I want to add that I am not unmindful of our current budgetary constraints. I have supported, and will continue to support, the Gramm-Rudman-Hollings deficit-reduction targets. However, as we assemble our budgets in the next few years, we must work hard to find room—within the Gramm-Rudman limits—for programs which are vital to our Nation's future. Securing for our Nation's children the accessibility of a quality education is unquestionably one of those vital needs.

Mr. President, I am pleased to cosponsor this bill and I commend my colleague from Alaska for his work on this important issue.●

By Mr. BINGAMAN (for himself, Mr. WIRTH, and Mr. CRANSTON):

S. 2720. A bill requiring the use by the Federal Government of certain vehicles capable of operating on alcohol or natural gas fuels or on electricity on areas not in compliance with the Clean Air Act, and for other purposes; to the Committee on Governmental Affairs.

ALTERNATIVE FUELS LEGISLATION

● Mr. BINGAMAN. Mr. President, I rise today to introduce, along with Senators WIRTH and CRANSTON, alternative fuels legislation that requires the Federal Government to take the lead in the search for an effective solution to one of our major sources of air pollution—vehicle emissions.

There are three important reasons for introducing this legislation today. First, there is the desire to reduce our steadily growing dependence on foreign sources of crude oil. Increased use of alternative fuels helps us reduce that dependence. Second, we can reduce farm subsidies by creating a market for ethanol from agriculture products. And finally, there is the growing problem of rising levels of carbon monoxide and ozone that clearly threaten public health and safety.

Far more cities are out of compliance with EPA standards for these two pollutants than for others. Gradually converting vehicles from gasoline to cleaner burning fuels offers one of the least intrusive means of lowering these levels and achieving healthy air.

Reducing air pollution is important to my constituents in New Mexico. The city of Albuquerque and Bernalillo County are currently under Federal sanctions for noncompliance with national ambient air quality standards for carbon monoxide. Sanctions were imposed when the Environmental Protection Agency [EPA] disapproved the vehicle inspection/maintenance [I/M] program portion of the New Mexico State Implementation Plan. The sanctions have caused economic hardship to the State and local government entities within the nonattainment area. More importantly, the health of citizens residing and working within the Albuquerque Metropolitan area has been adversely affected over the years by continued carbon monoxide pollution.

Aggressive action and coordination by the Albuquerque City administration, The Bernalillo County Commission, and the business community and civic and environmental organizations have led to a coordinated strategy to combat air pollution and improve air quality.

This has revitalized coordinated public/private efforts in my State to maintain air quality and comply with environmental standards. New Mexico is becoming a leader among the States in setting a new pace toward cleaner air.

The legislation I introduce today, will gradually convert portions of the vast Federal fleet of vehicles from gasoline to cleaner-burning fuels, such as methanol, ethanol, natural gas or electricity. Fueling vehicles with these alternatives can dramatically reduce emissions of both carbon monoxide and the hydrocarbons that contribute to our ozone and particulates problem. The current, high levels of the pollutants in our attainment areas are a serious threat to public health and the environment.

My legislation will require Federal fleets operated in such areas as Albuquerque, where the levels of ozone or carbon monoxide are severe to convert to vehicles running on cleaner, alternative fuels at a rate of 10 percent of the fleet a year, starting in 1993.

The bill also will hopefully increase the availability and use of alternative fuels and technologies, and encourage American auto manufacturers to step up their production of alternative fueled vehicles.

This legislation creates a guaranteed market with Government fleets, that should stimulate the automotive industry to develop such vehicles.

The legislation is an inportant step in dealing with our air pollution problem, an issue that should concern us all and a problem we must address. I believe this begins that problem. I urge my colleagues to support it.●

By Mr. GLENN (for himself, Mr. LEVIN, Mr. ROTH, Mr. PRYOR, Mr. STEVENS, and Mr. CHILES):

S. 2721. A bill to amend the Federal Advisory Committee Act; referred to the Committee on Governmental Affairs.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS

● Mr. GLENN. Mr. President, today Senator LEVIN and I are introducing the Federal Advisory Committee Act Amendments of 1988. The Federal Advisory Committee Act, or FACA, was enacted 16 years ago this October to provide a means for the Federal Government to account for and manage advisory committees. Senator ROTH, the distinguished ranking member of the Governmental Affairs Committee and cosponsor of this bill, played a very major role in drafting the original bill which became FACA, and has been a leader in bringing some order to what had been a completely chaotic situation. In 1971 when FACA was first introduced, Congress didn't even know how many advisory committees there were, how much they cost, or what they did, and there was no way to find out. Educated guesses on the number of advisory committees in existence ranged from one to three thousand, and no agency had the responsibility to monitor them.

In addition, there were not guarantees of public access to the deliberations of these advisory committees. Some met in closed sessions, and their was no requirement that public notice be given of advisory committee meetings that were open to the public. Concern was voiced that special interests could exercise undue influence on government decisions without scrutiny.

These issues were addressed in FACA. FACA originally provided for OMB to conduct an annual review of all advisory committees, whether they were created by the executive branch or the Congress, and for OMB to review the charters of agency-created committees before they were established. President Carter transferred this responsibility to the General Services Administration in 1977 FACA required that advisory committee deliberations be in public, subject to certain exceptions which are set forth in the Government in the Sunshine Act. And finally, FACA required that advisory committees be terminated after 2 years unless their charter was renewed by the parent agency. This was intended to slow the proliferation of unnecessary and duplicative committees, which were perceived as the largest problem area with advisory committees.

I think it is fair to say that FACA has served the Government and the public quite well. And the real costs to the taxpayer have been held reasonably stable, as evidenced by a few very telling statistics. For instance, the total number of chartered advisory committees has remained relatively constant since 1979 with approximately 1,000 committees, councils, and advisory groups of one type or another in existence at any one time. In 1986 alone over 24,000 individuals served on these committees.

The total committee costs have fluctuated, rising from $25 million in 1972 to over $82 million in 1986. However, when we convert these cost figures to 1972 dollars to account for inflation, the increase is much smaller—from $25 million in 1972 to only $31 million in 1986, a very modest increase. And though the nominal cost of each expert's advice per year has risen from $1,800 in 1974 to $3,400 in 1986, when we discount these figures for inflation, the cost per expert in real dollars has actually decreased to only $1,300 in 1986.

However, the story of FACA is not contained in the number of committees or their costs or the numbers of people involved. There is still, even after 16 years, considerable confusion concerning the interpretation of the most fundamental provisions of the act.

I am disturbed to find continued litigation over basic questions such as whether a specific group is an advisory committee as defined in the act or whether the group meets the act's balanced membership requirement. Over the years portions of the act have been criticized by several Federal court judges called upon to interpret its provisions and Congress' legislative intent.

Indeed, one Federal judge in commenting on FACA said that it was:

> Obscure, imprecise, and open to broad interpretations. If more expertise were applied to such enactments to ensure that Congress states with more precision what it intends, the rules of the game would be more sharply drawn and court involvement could be less.

In another case involving a dispute over the balanced membership provision of FACA, settled several months ago, the Federal district court judge commented that the requirement of FACA that advisory committees be fairly balanced "embodies inherent conceptual and practical difficulties." This very clearly puts the burden on Congress to resolve any difficulties inherent in the act.

Over the last 16 years the Governmental Affairs Committee has held a number of hearings on FACA. In 1976 the committee heard testimony from James Lynn, Director of OMB. He raised a number of questions about attaining an appropriate balance of membership on an advisory committee, open meetings, and the proliferation of advisory committees created by Congress. These comments were echoed again in 1984 by Joseph Wright, Deputy Director of OMB. In his testimony before the Committee's Information Management and Regulatory Affairs Subcommittee, he said:

> Some of the Act's provisions are not drawn, (we see in retrospect), with great clarity. Some are written in a fashion that permit lawyers to argue over their meaning almost endlessly. And, they have. There is also criticism of the way that the Act has been interpreted by the courts, and the effect that these decisions and the ambiguities of the Act have had on the ability of agency officials to obtain advice promptly or even to meet with members of the public.

He went on to cite specific problems with the language of FACA, including the definition and applicability of "balanced membership", the lack of definition of "meeting", and the applicability of FACA to subcommittees.

The Governmental Affairs Committee held two hearings during the 100th Congress on FACA: one on December 3, 1987 on "FACA and the President's AIDS Commission" and another on April 19, 1988 on "DOD/SDIO Compliance with FACA." At both hearings the committee received a number of specific suggestions as to how the act should be clarified and improved. Again, the main areas of concern were the definition of balanced membership, the definition of advisory committee, the openness of meetings and availability of documents, and the need to ensure that members of advisory committees do not have conflicts of interest.

One area of particular concern to me is the proliferation of advisory committees created by Congress. So often our response to a problem is to create a committee or commission to study it. And while that in many cases may be the correct thing to do, a number of these committees linger on because Congress has either made the committee permanent, or given it too long a lifespan, or exempted it from FACA altogether. Mr. Paul T. Weiss, Associate Administrator for Administration of GSA, testified at our December 3 hearing that:

> The number of committees directed by the Congress, as a percentage of the total inventory, has doubled over the past 10 years. While the majority of these committees no doubt serve useful purposes, many are established with no fixed date for termination. Consequently, when such groups have accomplished their missions, Federal departments and agencies are hindered in their efforts to comply with FACA's provisions for terminating unneeded advisory committees by the necessity of entering an oftentimes protracted process of seeking legislative relief.

The bill Senator LEVIN and I are introducing today addresses many of these concerns, and accomplishes two main goals. First, it reorganizes and makes logically consistent the five sections of the act which discuss the establishment, chartering, and management of advisory committees and the responsibilities of Congress, the President, agency heads, and the Administrator for GSA. Second, it defines a number of terms such as "balance", "meeting", and "operational functions" which have been problematic throughout FACA's history, as well as spelling out more clearly the duties and responsibilities of parties responsible for creating and managing FACA committees.

The amendment will not create many actual changes in the way the FACA system is implemented, although it will make the current system function much more efficiently. Perhaps the most significant change is that agencies are given the authority to terminate statutorily created committees in their agencies before the statutory termination date of the committee, after giving 90-days' notice to the authorizing committees in both Houses. Congress could during that 90-day period reauthorize the existence of the committee. Another significant change is that for the first time each agency will issue its own annual report, and the President will issue a summary annual report. This is designed to give the Committee Management Secretariat, located in GSA and charged with managing advisory committee functions, more time to selectively monitor agency performance rather than merely collecting and tabulating information from each agency.

Finally, language has been included which will require prospective members of a committee, prior to appointment or participation in any committee meeting or work, to disclose in writing any financial or other interest which may be affected by the work of the committee, or which may present the appearance of a conflict of interest. All members, regardless of whether they are appointed as Special Government Employees, regular Government employees, or private citizens, will file such a written disclosure. My distinguished colleague on the Governmental Affairs Committee, Senator LEVIN, has devoted a great deal of time and attention to this important element of open and accountable government.

By passing FACA in 1972, Congress recognized the merits of allowing the Government to draw upon the knowledge and experience of public experts, and at a reasonable cost. In return, the public is given an oppotunity to participate actively in the Government's decisionmaking process. These are excellent goals, and FACA has to a large extent furthered them, but we need to ensure that the system continues to provide the Government with the best advice possible, and in an open and efficient manner.

Mr. President, I ask that the current Federal Advisory Committee Act (Public Law 92-463), the bill, and a section-by-section description of the act as it would read if it were amended be printed in the Record at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Advisory Committee Act Amendments of 1988".

REFERENCES

Sec. 2. All references in this Act are to the Federal Advisory Committee Act (5 U.S.C. App. 2), unless otherwise provided.

FINDINGS AND PURPOSES

Sec. 3. Section 2(b) of the Act is amended—

(1) in paragraph (1) by amending such paragraph to read as follows:

"(1) the need for each existing advisory committee should be periodically reviewed;";

(2) in paragraph (2) by inserting after "essential" the following: "and only when the information to be obtained is not already available through another advisory committee or source within the Federal Government,";

(3) in paragraph (4) by inserting "utilization," after "establishment,";

(4) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively, and inserting after paragraph (4) the following new paragraphs:

"(5) the composition of any such committee should be balanced in membership in terms of the points of view represented and the functions to be performed by the advisory committee, with emphasis given to obtaining representation of interests which will be directly affected by the work of the committee and to obtaining expertise relevant to the work of the committee;

"(6) all matters to be considered by a committee should be clearly delineated in the charter of such committee";

(5) in paragraph (7) (as redesignated by paragraph (4) of this section) by striking out "and" after the semicolon;

(6) in paragraph (8) (as redesignated by paragraph (4) of this section) by—

(A) striking out "only"; and

(B) striking out the period and inserting in lieu thereof a semicolon and "and"; and

(7) by adding at the end thereof the following new paragraph:

"(9) to the greatest extent practicable, an advisory committee should conduct all business furthering the mandate of the committee through meetings.".

DEFINITIONS

Sec. 4. Section 3 of the Act is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking out "by statute or reorganization plan, or" and inserting in lieu thereof "pursuant to statutory direction or authorization;"

(B) in subparagraph (B) by striking out the comma and inserting in lieu thereof a semicolon; and

(C) by striking out the matter following subparagraph (C) and inserting in lieu thereof:

"in the interest of obtaining collective advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes—

"(i) the Advisory Commission on Intergovernmental Relations;

"(ii) any committee established or utilized by the Central Intelligence Agency;

"(iii) any committee established or utilized by the Federal Reserve System;

"(iv) any committee which is composed wholly of full-time officers or employees of the Federal Government;

"(v) any local civic group whose primary function is that of rendering a public service with respect to a Federal program; and

"(vi) any State or local committee established to advise or make recommendations to State or local officials or agencies."; and

(2) by redesignating paragraphs (3) and (4) as paragraphs (6) and (7), respectively, and inserting after paragraph (2) the following new paragraphs:

"(3) The term "subcommittee or subgroup" as used in paragraph (2) means any group established by a committee (regardless of whether any members of such subcommittee or subgroup are also members of the parent committee) that provides collective advice or recommendations directly to an agency or Federal official.

"(4) The term "operational function" means committee actions taken to implement Federal policy, rather than to develop or provide advice concerning such Federal policy.

"(5) The term "meeting" includes any interaction between—

"(A) a majority of advisory committee members at which the substantive business of the committee is discussed; or

"(B) any members of a subcommittee or subgroup for purposes described in paragraph (3).".

PROHIBITIONS AND APPLICABILITY

Sec. 5. Section 4 of the Act is amended to read as follows:

"PROHIBITIONS AND APPLICABILITY

"Sec. 4. (a) No advisory committee shall be established or utilized by the United States, unless the establishment or utilization is—

"(1) specifically authorized or directed by statute or directed by the President; or

"(2) specifically determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator, to be in the public interest in connection with the performance of duties imposed on that agency by law.

"(b) No advisory committee shall meet or take any action until a committee charter has been filed in accordance with section 7.

"(c) The function of advisory committees shall be advisory only, unless otherwise specifically provided by a statute, Presidential directive, or agency directive which is a matter of formal record. If a statute, Presidential directive or agency directive specifically provides for operational functions in addition to advisory functions, the statute or directive shall also state whether the committee is subject to this Act. An advisory committee with operational functions shall be subject to this Act, if it is primarily advisory in nature as determined by the involved agency after consultation with the Administrator. Agencies shall identify in any annual reports under section 10(d) any advisory committees which also have operational functions.".

ESTABLISHMENT OF ADVISORY COMMITTEES BY CONGRESS

Sec. 6. Section 5 of the Act is amended—

(1) by amending the section heading to read as follows:

"ESTABLISHMENT OF ADVISORY COMMITTEES BY CONGRESS";

(2) by amending subsection (a) to read as follows:

"(a) Congress may establish or direct the President or an agency to establish or utilize an advisory committee.";

(3) in subsection (b)—

(A) in the first sentence by—

(i) striking out "In" and inserting in lieu thereof "When";

(ii) striking out "each standing committee" and inserting in lieu thereof "a Committee";

(iii) striking out "determine" and inserting in lieu thereof "consider"; and

(iv) striking out "such determination";

(B) in paragraph (1) by inserting "and detailed" after "defined";

(C) in paragraph (2) by striking out "functions to be performed by the advisory committee;" and inserting in lieu thereof "committee functions to be performed by the advisory committee, and shall prescribe the factors to be considered in achieving balanced membership;";

(D) in paragraph (3) by striking out "appropriate"; and

(E) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following new paragraphs:

"(4) indicate whether members of the committee shall—

"(A) be appointed as Federal employees; or

"(B) represent the views of non-Federal organizations or interests;

"(5) contain provisions dealing with authorization of appropriations, the duration of the advisory committee, and dates for the completion and publication of any reports; and

"(6) contain provisions to assure that the advisory committee shall have adequate staff quarters, and funds to meet necessary expenses."; and

(4) by striking out subsection (c).

RESPONSIBILITIES AND ADVISORY COMMITTEE PROCEDURES

Sec. 7. The Act is amended by—

(1) striking out section 15;

(2) redesignating sections 12 through 14 as sections 14 through 16, respectively; and

(3) striking out sections 6 through 11 and inserting in lieu thereof the following new sections:

"ESTABLISHMENT OF ADVISORY COMMITTEES BY PRESIDENT OR AGENCY

"Sec. 6. (a) The President or an agency head may establish or utilize an advisory committee pursuant to a statute, Presidential directive, or agency directive. Any agency directive shall be a matter of formal record, subsequent to consultation with the Administrator.

"(b) When considering establishing or utilizing any advisory committee the President or agency head shall consider whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee in existence, or by enlarging the mandate of an existing advisory committee. At the time any advisory committee is first established or utilized, the President or agency head shall make a determination in writing which shall—

"(1) contain a clearly defined and detailed purpose for the advisory committee;

"(2) contain provisions to assure that—

"(A) the membership of the committee shall be fairly balanced in terms of the points of view represented and the committee functions to be performed; and

"(B) shall prescribe the factors to be considered in achieving balanced membership;

"(3) contain provisions to assure that the advice and recommendations of the advisory committee shall not be inappropriately influenced by the appointing authority or by any special interest, but shall be the result of the independent judgment of the advisory committee;

"(4) indicate whether members of the committee shall—

"(A) be appointed as Federal employees; or

"(B) represent the views of non-Federal organizations or interests;

"(5) contain provisions dealing with authorization of appropriations, the duration of the committee, and dates for the completion and publication of any reports; and

"(6) contain provisions to assure that the advisory committee shall have adequate staff, quarters, and funds to meet necessary expenses.

"(c) The information required under this section shall be in—

"(1) the Presidential directive in the case of an advisory committee established or utilized by the President; or

"(2) a timely notice published in the Federal Register in the case of advisory committees established or utilized by an agency.

"CHARTERING OF ADVISORY COMMITTEES

"SEC. 7. (a) The charter of an advisory committee shall contain at least the following information:

"(1) the name of the committee;

"(2) whether the committee is—

"(A) authorized or established by statute;

"(B) established by the President; or

"(C) established as a matter of formal record by the head of the agency involved;

"(3)(A) the date the charter is filed;

"(B) whether such charter is an original charter or a renewal; and

"(C) if a renewal charter, the date when the committee was first chartered;

"(4)(A) the agency responsible for providing support services to the committee;

"(B) the name of the advisory committee management officer of such agency under section 10(c); and

"(C) the name of the designated Federal official for the committee under section 10(c);

"(5)(A) a clear and detailed explanation of the purpose, objectives, duties, and scope of activity of the committee; and

"(B) if such committee has operational as well as advisory functions, the authority for performing such operational functions;

"(6) the plan for achieving a balance in committee membership in terms of the points of view represented and committee functions to be performed;

"(7) whether committee members are to serve as Federal employees, representatives of non-Federal interests or some combination of the two, and whether such members shall be subject to Federal ethics rules and criminal conflict of interest statutes;

"(8) the estimated number and frequency of committee meetings and the estimated total period of time necessary for the committee to complete all tasks;

"(9) the estimated annual operating costs in dollars and person-years for such committee; and

"(10) the termination date of the committee if no renewal charter is filed.

"(b) For each advisory committee, a charter in accordance with this section shall be filed with—

"(1) the Administrator;

"(2) the head of the agency which established or provides support services for such advisory committee; and

"(3) the standing committees, in the Senate and the House of Representatives, having jurisdiction over such advisory committee.

"RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

"SEC. 8. In the exercise of its legislative and oversight functions, each standing committee of the Senate and the House of Representatives may review the activities of each advisory committee under the jurisdiction of each such committee to determine whether—

"(1) such advisory committee should be terminated or merged with any other advisory committee;

"(2) the responsibilities of such advisory committee should be revised; and

"(3) such advisory committee performs a necessary function not already being performed.

"ADDITIONAL RESPONSIBILITIES OF THE PRESIDENT

"SEC. 9. (a) Within one year after the date on which a Presidential advisory committee submits formal recommendations to the President, the President or a delegate shall submit a report to the Congress describing either proposals for action or reasons for inaction, with respect to such recommendations.

"(b) The President shall ensure that committee charters required by this Act are filed in a timely manner.

"(c)(1) No later than February 1 of each year, the President shall make an annual summary report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall be a summary of information contained in the annual report of each agency which established or utilized an advisory committee during that period. The summary report shall include—

"(A) the name of every advisory committee and the total estimated annual cost to the United States to fund, service, supply, and maintain such committees;

"(B) a summary and analysis of data regarding the establishment and termination of advisory committees;

"(C) whether such committees are ad hoc or standing committees;

"(D) the membership of such committees;

"(E) the frequency and openness of meetings;

"(F) the number of reports submitted;

"(G) any issues of concern in the functioning of such committees or this Act; and

"(H) a list of the advisory committees terminated by the President or an agency during the preceding year.

"(2) The President may exclude from the annual summary report any information which the President determines should be withheld for reasons of national security, and in lieu thereof shall include in such report a statement that such information has been excluded.

"ADDITIONAL RESPONSIBILITIES OF AGENCY HEADS

"SEC. 10. (a)(1) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established or utilized by such agency, which shall be consistent with any rule, order, or regulation of the Administrator under sections 11 and 12.

"(2) Each agency head shall conduct periodic reviews of committees or other groups established or utilized by the agency to determine whether any are advisory committees subject to this Act and, if so, to bring such committees into compliance with the requirements of this Act.

"(b) Each agency shall maintain systematic information on—

"(1) the nature, functions, and operations of each advisory committee within the jurisdiction of the agency; and

"(2) agency compliance with this Act and the rules of the agency for advisory committees.

"(c) The agency head shall—

"(1) designate an advisory committee management officer for the agency;

"(2) comply with section 6 in establishing or utilizing any advisory committee;

"(3) file a charter in accordance with section 7 of this Act for each advisory committee—

"(A) which is established or utilized by the agency;

"(B) for which the agency provides support services; or

"(C) for which an officer or employee of the agency acts as the designated Federal official for the committee;

"(4) appoint a designated Federal official for each advisory committee;

"(5) require prospective members of a committee, before appointment or participation in any committee meeting or work, to—

"(A) disclose in writing any financial or other interest which may—

"(i) be affected by the work of the committee; or

"(ii) create the appearance of a conflict of interest; and

"(B) resolve with the agency ethics official, any such conflict of interest or other possible ethical problem;

"(6) publish timely notice of committee meetings in the Federal Register, oversee timely completion of detailed committee minutes and otherwise oversee committee compliance with the procedures in section 12; and

"(7) terminate advisory committees when appropriate.

"(d)(1) No later than December 1 of each year, the head of each agency which establishes, utilizes, or supports an advisory committee shall make an annual report to the Congress on the activities, status, and changes in the composition of such advisory committees during the preceding fiscal year.

"(2) The agency head shall follow guidelines set forth by the Administrator for the annual report by the agency head.

"(3) The report shall include—

"(A) the name of each advisory committee which the agency has established, utilized, or supported during the year;

"(B) the date of establishment and expected termination of each committee;

"(C) whether such committee is an ad hoc or standing committee;

"(D) the date any significant report has been filed or is due to be filed;

"(E) functions of each such committee;

"(F) the dates of meetings of each such committee during the preceding year;

"(G) the names and occupations of the current members;

"(H) the total estimated annual cost to the United States to fund, service, supply, and maintain each such committee;

"(I) a list of the advisory committees terminated by the agency head during the preceding year; and

"(J) any issues of concern in the functioning of such committees or this Act.

"(4) The agency head may exclude from the annual report any information which such agency head determines should be withheld for reasons of national security, and in lieu thereof shall include in such report a statement that such information has been excluded. A copy of the report shall be submitted to the Administrator and the President.

"(e) Each advisory committee management officer shall—

"(1) exercise control and supervision over the establishment, operation, and termination of advisory committees established, supported, or utilized by that agency;

"(2) assemble and maintain the reports, records, and other papers of any such committee during existence of the committee;

"(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers;

"(4) carry out, on behalf of the agency, the provisions of section 552a of title 5, United States Code, with respect to meetings of the committee, including supervising the designated federal official;

"(5) oversee and provide counseling on ethics issues and financial disclosure obligations;

"(6) maintain in a single location a complete set of the charters and membership lists of each of the advisory committees of such agency;

"(7) maintain information on the nature, functions, and operations of the advisory committees of such agency; and

"(8) provide upon request copies of minutes of meetings and reports of the advisory committees of such agencies.

"RESPONSIBILITIES OF THE ADMINISTRATOR OF GENERAL SERVICES

"SEC. 11. (a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

"(b)(1) The Administrator shall—

"(A) prescribe administrative guidelines and management controls applicable to advisory committees;

"(B) to the maximum extent feasible, provide advice, assistance, and guidance to agencies, the advisory committees of agencies, and committee members;

"(C) establish guidelines for the annual report required of each agency under section 10(d); and

"(D) review committees or other groups established or utilized by an agency to determine if any are advisory committees subject to this Act and, if so, to bring such committees into compliance with the requirements of this Act.

"(2) In carrying out the functions under this subsection, the Administrator shall consult with the agencies that have established or regularly utilized advisory committees.

"(c)(1) The Administrator shall periodically conduct a comprehensive review of each existing advisory committee to determine whether—

"(A) such committee is carrying out its purpose;

"(B) consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised;

"(C) such committee should be merged with other advisory committees; or

"(D) such committee should be terminated.

"(2) The Administrator may from time to time request such information as the Administrator determines necessary to carry out the functions under this subsection. Each agency head shall cooperate by providing such information to the Administrator. Upon the completion of a review, the Administrator may make recommendations to the President, an agency head, or the Congress with respect to any action that should be taken.

"(d)(1) The Administrator shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

"(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

"(B) such members, while engaged in the performance of duties away from homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in government service, and

"(C) services may be provided pursuant to section 3102 of title 5, United States Code, for members while in performance of advisory committee duties who—

"(i) are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)); and

"(ii) do not otherwise qualify for assistance under section 3102 of title 5, United States Code, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such title).

"(2) Nothing in this subsection shall prevent—

"(A) an individual who (without regard to service with an advisory committee) is a full-time employee of the United States; or

"(B) an individual who immediately before service with an advisory committee was such an employee,

from receiving compensation at the rate at which such individual otherwise would be compensated (or was compensated) as a full-time employee of the United States.

"(e) If there is disagreement between the Administrator and the President or an agency head regarding the establishment, management, or termination of advisory committees, the President or agency head shall have final authority, but a notice of the areas of such disagreement shall—

"(1) in the case of establishment, be placed in the charter; or

"(2) in the case of management or termination, be placed in the annual summary report to the Congress.

"(f) The Administrator shall include in budget recommendations a summary of the amounts the Administrator determines necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

"ADVISORY COMMITTEE PROCEDURES

"SEC. 12. (a)(1) Each advisory committee meeting shall be open to the public.

"(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to ensure that all interested persons are notified of such meeting prior thereto.

"(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe. The agency head or, in the case of an independent Presidential advisory committee, the Administrator, shall ensure that—

"(A) each advisory committee meeting is held at a reasonable time and in a place reasonably accessible to the public;

"(B) the meeting room size is sufficient to accommodate advisory committee members, committee or agency staff, and interested members of the public; and

"(C) any member of the public is permitted to file a written statement with the advisory committee.

"(b) An advisory committee may not report advice or recommendations to any Federal official without first holding a meeting at which a majority of the committee members approve the advice or recommendations to be reported.

"(c)(1) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying—

"(A) at the time any such records and documents are distributed to the advisory committee; and

"(B) at a single location in the offices of the advisory committee or the agency to which the advisory committee reports.

"(2) Such records and documents shall be available for public inspection and copying—

"(A) at a single location in the headquarters of the agency which chartered or provided support services to the advisory committee during the existence of the advisory committee; and

"(B) for at least one year after the committee ceases to exist.

"(3) In the case of Presidential advisory committees whose charters are not filed by an agency head, such records and documents shall be transmitted to the office of the Administrator and made available for public inspection and copying by that agency during the existence of the advisory committee and for at least one year after the committee ceases to exist.

"(d) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified by the chairman of the advisory committee within forty-five days after the meeting.

"(e)(1) Subsections (a)(1) and (3) of this section shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552b of title 5, United States Code.

"(2)(A) No advisory committee meeting may be closed, unless such meeting is closed under the provisions of this paragraph.

"(B) To close all or part of a meeting, a duly authorized official acting on behalf of the committee shall submit a request to the agency head, or in the case of an independent Presidential advisory committee, the Administrator, citing the specific provisions of section 552b of title 5, United States Code, which justify the closure. The request shall provide the agency head or Administrator sufficient time to make a determination prior to the publication of the required meeting notice.

"(C) If the agency head, or in the case of an independent Presidential advisory committee, the Administrator, determines that the request is consistent with applicable law—

"(i) such agency head or Administrator shall issue a determination that all or part of the meeting may be closed; and

"(ii) the agency head, or the chairperson of an independent Presidential advisory committee, shall—

"(I) make a copy of the determination available to the public upon request; and

"(II) publish the meeting notice in the Federal Register, including the reasons that all or part of the meeting is closed, citing the specific exemptions used under subsection (c) of section 552b of title 5, United States Code.

"(f) The designated Federal official named under section 10(c)(3) shall attend the meetings of the advisory committee and is authorized to—

"(1) adjourn the meetings when such office determines that adjournment is in the public interest; and

"(2) for advisory committees established or utilized by the agency—

"(A) approve the agenda of the meeting;

"(B) open the meeting; and

"(C) chair the meeting when so determined by the agency head.

"(g) No advisory committee may conduct any meeting in the absence of the designated Federal official.

"AVAILABILITY OF TRANSCRIPTS

"SEC. 13. (a) Agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts and minutes of agency proceedings or advisory committee meetings.

"(b) As used in this section 'agency proceeding' means any proceeding as defined in section 551(12) of title 5, United States Code.".

ADMINISTRATIVE PROVISIONS

SEC. 8. Section 14 of the Act (as redesignated by section 7(1) of this Act) is amended—

(1) in the third sentence of subsection (b) by striking out "may" and inserting in lieu thereof "shall"; and

(2) by adding at the end thereof the following new subsection:

"(c) For purposes of this section, the term 'support services' means the provision of office space, telephone and computer service, and other administrative or clerical services that the advisory committee may need.".

TERMINATION OF ADVISORY COMMITTEES

SEC. 9. Section 16 of the Act (as redesignated by section 7(1) of this Act) is amended—

(1) in subsection (a) by—

(A) striking out paragraph (1);

(B) by redesignating paragraph (2) as subsection (a) and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(C) striking out "established after such effective date" in the first sentence of subsection (a) (as redesignated in subparagraph (B) of this paragraph); and

(D) inserting "or utilized" after "established" in paragraph (1) (as redesignated in subparagraph (B) of this paragraph); and

(2) by amending subsections (b) and (c) to read as follows:

"(b)(1) The President or an agency head may terminate an advisory committee before the statutory termination date, after giving ninety days notice of the intention to terminate to the establishing or authorizing committees in each House of the Congress, if the President or an agency head determines that—

"(A) the tasks assigned to a committee established by statute are complete or obsolete;

"(B) the primary functions of the committee have been assumed by another entity; or

"(C) the termination of the committee is otherwise in the public interest.

"(2) If the Congress determines that the committee is necessary, the Congress may reauthorize it within the ninety-day period.

"(c)(1) To renew an advisory committee, the President or an agency head shall file, before the date of the scheduled termination of the committee, a new committee charter in accordance with section 7.

"(2) An advisory committee may be renewed for a period not to exceed 2 years from the date a new charter is filed.

"(3) Subsequent renewals may be achieved in the same manner before the date on which such advisory committee would otherwise terminate.".

United States Code—Title 5—Government Organization and Employees

APPENDIX 2.—FEDERAL ADVISORY COMMITTEE ACT

Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended Pub. L. 94-409, § 5(c), Sept. 13 1976, 90 Stat. 1247; 1977 Reorg. Plan No. 1, § 5F. 42 FR 56101, 91 Stat. 1634; Pub. L. 96-523, § 2, Dec. 12, 1980. 94 Stat. 3040; Pub. L. 97-375, Title II, § 201(c), Dec. 21, 1982, 96 Stat. 1822

Sec.
1. Short title.
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12. Fiscal and administrative provisions; record-keeping; audit; agency support services.
13. Responsibilities of Library of Congress: reports and background papers: depository.
14. Termination of advisory committees; renewal; continuation.
15. Effective date.

§ 1. Short title

This Act may be cited as the "Federal Advisory Committee Act".

§ 2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that—

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

§ 3. Definitions

For the purpose of this Act—

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies.

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of Title 5.

(4) The term "Presidential advisory committee" means an advisory committee-which advises the President.

§ 4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by—

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

§ 5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of report (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

§ 6. Responsibilities of President: report to Congress: annual report to Congress: exclusion

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) The President shall, not later than December 31 of each year make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

§ 7. Responsibilities of the Administrator of General Services: Committee Management Secretariat establishment: review; recommendations to President and Congress: agency cooperation; performance guidelines; uniform pay guidelines; travel expenses: expense recommendations

(a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine—

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether is should be abolished.

The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(c) The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Administrator after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service; and

(C) such members—

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)), and

(ii) who do not otherwise qualify for assistance under section 3102 of Title 5, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such Title 5),

may be provided services pursuant to section 3102 of such Title 5 while in performance of their advisory committee duties.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee,

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Administrator shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

§ 8. Responsibilities of agency heads: Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10. Each agency shall maintain systematic information to the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall—

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

§ 9. Establishment and purpose of advisory committees: publication in Federal Register; charter: filing, contents, copy

(a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take an action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

§ 10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

(a)(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to ensure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5 United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

§ 11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

§ 12. Fiscal and administrative provisions; recordkeeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. where are such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

13. Responsibilities of Library of Congress: reports and background papers; depository

Subject to section 552 of title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

§ 14. Termination of advisory committees: renewal: continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning of the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) An advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

§ 15. Effective date

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

EXECUTIVE ORDER 12024 RELATING TO THE TRANSFER OF CERTAIN ADVISORY COMMITTEE FUNCTIONS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), Section 301 of Title 3 of the United States Code, Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), and as President of the United States of America, in accord with the transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration provided by Reorganization Plan No. 1 of 1977, it is hereby ordered as follows:

SECTION 1. The transfer, provided by Section 5F of Reorganization Plan No. 1 of 1977 (42 FR 56101), of certain functions under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), from the Office of Management and Budget and its Director to the Administrator of General Services is hereby effective.

SEC. 2. There is hereby delegated to the Administrator of General Services all the functions vested in the President by the Federal Advisory Committee Act, as amended, except that, the annual report to the Congress required by Section 6(c) of that Act shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

SEC. 3. The Director of the Office of Management and Budget shall take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, personnel and positions, assets, liabilities, contracts, property, records, and other items related to the functions transferred.

SEC. 4. Executive Order No. 11769 of February 21, 1974 is hereby revoked.

SEC. 5. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned as provided in this Order from the Office of Management and Budget to the Administrator of General Services, shall remain in effect as if issued by the Administrator until amended, modified, or revoked.

SEC. 6. This Order shall be effective November 20, 1977.

JIMMY CARTER.

THE WHITE HOUSE, *December 1, 1977.*

SECTION-BY-SECTION DESCRIPTION OF FACA AS AMENDED BY PROPOSED BILL

SECTION 1—SHORT TITLE

No changes.

SECTION 2—FINDINGS AND PURPOSES

The additions to this section are intended to reinforce the notion that advisory committees, while a useful and necessary part of government, are not to be created unnecessarily, that their membership should be balanced in terms of functions to be performed and views represented, and that the business of an advisory committee should be conducted through meetings.

SECTION 3—DEFINITIONS

The addition of definitions for "operational function", "subcommittee or subgroup", and "meeting" are intended to clear up confusion which exists over the precise meaning of those terms. In addition, the committees excluded from FACA's coverage in the law's current Section 4 would not be referenced directly in the definition of "advisory committee".

SECTION 4—PROHIBITIONS AND APPLICABILITY

Provisions are added which limit the establishment and utilization of committees, and which limit the functions of the committee to advice unless otherwise specifically provided for.

SECTION 5—ESTABLISHMENT OF ADVISORY COMMITTEES BY CONGRESS

Subsection (a) of Section 5 has been moved to a separate section on the responsibilities of Congress; the rest of Section 5 involves criteria Congress should consider in establishing or authorizing the establishment of advisory committees. Very little is added to the original Section 5(b) except for an expanded definition of "balanced membership".

SECTION 6—ESTABLISHMENT OF ADVISORY COMMITTEES BY PRESIDENT OR AGENCY

This is an entirely new section, and it outlines the requirements and procedures for establishing advisory committees by the President or an agency. This replaces the current law's vague "guidelines" for President- and agency-established committees. It states that advisory committees can only be established if they are specifically authorized or directed by statute or the President or determined after consultation between the agency head and the Administrator to be necessary. The criteria for the committee are similar to those required in the original Act and in Section 5 above. However, the information is to be contained in either the Executive Order, in the case of Presidential Advisory Committees, or printed in the Federal Register for agency-created advisory committees.

SECTION 7—CHARTERING OF ADVISORY COMMITTEES

This new Section 7 contains most of the old Section 9, with several changes. Material which was incorporated into Section 4 and the new Section 6 was struck, and a requirement that all committees with operational functions be reported to the Administrator was added. In addition, the charter shall specify which authority created the committee, to whom the committee reports, and the name of the Committee Management Officer.

SECTION 8—RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

This new section duplicates the old Section 5(a), which was deleted above.

SECTION 9—ADDITIONAL RESPONSIBILITIES OF THE PRESIDENT

New Section 9 is essentially the old Section 6, with a few changes. A subsection is added stating that the President shall file charters in accordance with Section 7 above. In addition, the annual report summarizing committee activities has been modified to a summary report which will build upon reports that each agency will write. The President's summary report, which will actually be prepared by GSA, will contain much more significant analysis of advisory committee activities than the current annual report.

SECTION 10—ADDITIONAL RESPONSIBILITIES OF AGENCY HEADS

This section is a much-expanded version of the old Section 8. Most of the additions are from current GSA regulations and will not substantially change current operating procedures. Additions include that agency heads shall: file charters in accordance with Section 7 above; publish timely notice in the Federal Register of meetings; designate a Committee Management Oficer; appoint a Designated Federal Official; require committee members to file financial disclosure forms; and terminate committees when appropriate. Each agency is tasked with producing an annual report summarizing its committee activities for the year. In addition, the duties of the Committee Management Officer are spelled out in more detail.

SECTION 11—RESPONSIBILITIES OF THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

This section has only two additions to the old Section 7: first, that agencies have final authority over establishment and termination of advisory committees, and second, that the Administrator shall establish guidelines for the agencies' annual reports so they are uniform.

SECTION 12—ADVISORY COMMITTEE PROCEDURE

This section is essentially the old Section 10. As with the new Section 10, the additions are from GSA regulations and will not substantially change current operating procedures. Additions include specifying that meetings will be held in an accessible place, that documents will be available for inspection, and procedures for closing a meeting. The duties of the Designated Federal Official are reorganized, but not changed.

SECTION 13—AVAILABILITY OF TRANSCRIPTS

This is the same as the old Section 11. Part of the first sentence is this section is deleted to update the Act.

SECTION 14—FISCAL AND ADMINISTRATIVE PROVISIONS

This is the same as the old Section 12. Subsection 14(c) is added to ensure that support services for advisory committees are supplied either by an agency or the Administrator.

SECTION 15—RESPONSIBILITIES OF LIBRARY OF CONGRESS

This is identical to the old Section 13.

SECTION 16—TERMINATION OF ADVISORY COMMITTEES

This section is taken from the old Section 14. The only significant change to this section is the addition of a provision giving agency heads the authority to terminate statutorily created committees after giving 90 days notice to the authorizing Congressional Committees. However, Congress could reauthorize the committee within the 90 day period. This provision is being added to provide some mechanism to terminate unneeded statutory advisory committees other than the passage of legislation. Currently, more than half of all advisory committees are statutorily created, and many have outlived their usefulness.●

● Mr. LEVIN. Mr. President, I'm pleased to join with my friend and colleague, Senator JOHN GLENN, in introducing today the Federal Advisory Committee Act Amendments of 1988.

Before the Federal Advisory Committee Act was enacted in 1972, committees providing advice to the Government operated outside uniform management controls. As Senator GLENN pointed out, no one knew how many there were, how much they cost, or what they were doing.

The Federal Advisory Committee Act of FACA changed that. For the first time, it required agencies to keep track of their committees, to justify creating new ones, and to terminate those whose tasks were complete. It required committees to file charters with basic information about their purpose, membership, and operation. It imposed cost controls to bar overpriced consultants, and it imposed recordkeeping requirements so we'd know what our taxpayer dollars were paying for and what our committees were doing. FACA required committee meetings to be open to the public, unless a valid justification was made to keep them closed.

FACA also served to increase ethics controls, by encouraging agencies to take steps to ensure that their committee members comply with Federal ethics rules. And FACA assigned to the General Services Administration the task of serving as the advisory committee watchdog.

The management controls imposed by FACA have brought a lot more information and accountability to Federal advisory committees. But, of course, the problems have not all been solved.

As Senator GLENN indicated, there has been litigation over the meaning and application of FACA in specific cases. In addition, a hearing held by the Governmental Affairs Committee in April showed that we still have a long way to go in terms of ensuring agency compliance with FACA.

At that April hearing, we looked at the actions taken by the Department of Defense [DOD] and, in particular, the Strategic Defense Initiative Organization [SDIO], to comply with FACA. DOD has about 60 advisory committees that have been chartered under FACA.

The hearing disclosed a discouraging picture of poor committee management practices. SDIO's record of noncompliance with FACA was simply disgraceful. We found at least five SDIO advisory committees that had never been chartered as required by FACA. Those committees had not obeyed FACA's cost controls, had not kept records, had not held open meetings, and had not required their members to file financial disclosure forms or to obey the conflict of interest rules that apply to DOD advisory committee members.

SDIO's one chartered committee, the SDI Advisory Committee, revealed a disturbing insensitivity to ethical concerns. All 12 members of that committee began work prior to receiving an official committee appointment, which means prior to the time they became subject to Federal ethics rules. Nine of the 12 members began committee work prior to filing required financial disclosure forms, and everyone began work before SDIO got around to reviewing the forms for possible conflicts of interest. That's significant, because it turns out that all of the committee members have potential conflicts of interest, due to service as consultants, directors, trustees or stockholders of firms or universities doing SDI related work.

DOD's committee management officials testified that they were unaware of SDIO's FACA violations, despite their responsibility to implement FACA. They acknowledged that, over the past 5 years, they have fallen behind generally in their efforts to review DOD's advisory committees for FACA compliance. Instead of reviewing all 60 committees every 3 years, as DOD had promised Congress, DOD conducted 25 committee reviews in 1984, 17 in 1985, 8 in 1986, 6 in 1987, and 0 as of April 1988. That's not good enough, and the committee is exercising its oversight functions to ensure that DOD and SDIO start to improve their committee management practices.

But improving agency compliance through congressional oversight will not alone guarantee better management of Federal advisory committees. We need to make some improvements in FACA itself. And that is the goal of the bill that Senator GLENN and I are introducing today.

One key change that the bill would make in FACA would be to strengthen its provisions on ethics. The bill would require agencies to evalute prospective committee members for potential conflicts of interest before those persons begin work on the committee. It would require agencies to determine explicitly whether particular committee members are expected to provide advice as independent consultants or as representatives of interests whose opinions or expertise are being solicited. The bill would also explicitly require agencies to oversee and counsel committee members on ethics issues and financial disclosure obligations.

A second important change that the bill would make would be to increase the responsibility of the General Services Administration and individual agencies to search for advisory committees that aren't chartered under FACA, but should be. We need to make sure that the distressing example of SDIO, which had 5 unchartered committees to one chartered committee, is not repeated in other parts of the Government. The bill would perform that function by explicitly obligating GSA and other agencies to examine their operations to determine whether a committee or group, which may have been overlooked for some reason, should be chartered and made subject to FACA's management controls.

Senator GLENN has described a number of other improvements that the bill would make in FACA, such as clarifying the requirement that committees have a balance of viewpoints, establishing a process for the orderly termination of statutorily created committees, and generally reorganizing and simplifying some of the provisions in the act. These changes are valuable, timely and needed.

Federal advisory committees play an important role in public life and warrant careful attention. I commend Senator GLENN for his leadership in addressing this issue and making sure that advisory committees are held accountable. I hope that our colleagues will join us in enacting this worthwhile legislation.●

By Mr. MURKOWSKI:

S. 2722. A bill to apply the deposit insurance limitation to deposits by deposit brokers; to the Committee on Banking, Housing, and Urban Affairs.

BROKERED DEPOSITS ACT

● Mr. MURKOWSKI. Mr. President, today I am introducing a bill to limit the use of federally insured brokered deposits. A brokered deposit is a federally-insured certificate of deposit (CD) that is marketed nationwide by a financial institution to investors through the use of a broker. It is presently federally insured up to $100,000 per depositor, per institution.

My bill would limit the total amount of insured deposits that could be placed by a broker to $100,000 per financial institution that does not meet the minimum capital requirements of the FSLIC or FDIC. This would mean that a single broker or firm could place no more than a total of $100,000 of federally insured brokered deposits in any one undercapitalized (financially troubled) institution. Presently, there is no limit on the total amount of insured brokered deposit business that can be done in any institution.

Roughly 1,500 of our 17,000 banks and thrifts are financially troubled.

Advances in technology and recent legislative and regulatory advances have given rise to a CD brokerage industry. Ceilings on interest rates were removed; and issuance of CD's in negotiable form were permitted along with fees to pay brokers for obtaining the CD's.

Deposit brokers assist large institutional customers and smaller individual investors in placing their funds in CD's, none of which, in any financial institution, exceed the value of $100,000—the limit on Federal Deposit insurance.

Investors like the insured CD's because of their safety and competitive yields; financial institutions find them a cost effective way to ease liquity problems; and, brokers enjoy the fees that insured CD's generate. But we can no longer afford to subsidize investors, brokers, and unhealthy banks and thrifts. It is being done at the expense of taxpayers, healthy financial institutions, and the safety of Federal Deposit Insurance funds.

Brokered deposits have some extremely harmful side effects. They drain FSLIC and FDIC deposit insurance funds, inflate banking costs, take money away from local communities, encourage funds to flow to poorly managed and financially troubled institutions, and conflict with the intended purpose of Federal Deposit Insurance.

Federal Deposit Insurance was originally set up to provide depositors with a safe place for their savings. It is also a way for the Federal Government to direct money into areas it deemed worthwhile—namely, affordable home loans. The depositor, in return for safety, would receive a lower rate of interest which in turn would lower the rate of interest charged by a bank or thrift on a home loan.

Federally insured brokered funds have distorted the intended purpose and use of Federal Deposit Insurance. They give investors a no-risk, higher than average rate of return, and force financial institutions into speculative ventures.

When financial institutions use brokered deposits they do so at a very high price, quite often at the expense of the FSLIC and FDIC funds. With the help of brokers they enter national markets by offering insured CD's at rates that are normally higher than local market rates. As the CD's are insured, investors look to the high rate of return, not the soundness of the institution, when purchasing the CD's. This causes substantial sums of insured deposits to flow into poorly financially managed institutions. While this may initially prolong failure, it greatly increases the exposure of an ultimate loss to the FDIC or FSLIC funds, and our Federal Treasury.

In addition to our Federal deficit, next Congress we will have to find a way to help FSLIC find the funds to enable it to close insolvent thrifts. It's estimated cost—anywhere from $50 billion to $100 billion. That's roughly one third to more than one half of our deficit.

Some have suggested that merging our FDIC and FSLIC funds could help solve the problem, but it won't. FDIC is in the black by roughly $18 billion and FSLIC is in the red by $50 billion plus. In fact, the FDIC is scheduled to face a drop in its reserves this year—the first time in its history. It's going to take other measures and that is why I am introducing this bill.

Nearly $1.5 billion in insured brokered deposits were part of FDIC insurance payoffs or assistance payments over the past 4½ years. The potential for further losses is even greater. Roughly $2 billion of the $11 billion in FDIC brokered funds presently sit in FDIC problem banks. Problem banks use brokered funds more extensively than well-rated institutions. FDIC numbers show that the percentage of brokered funds of total deposits in problem banks is 2½ times greater than that in healthy banks. The FSLIC has no current numbers, but in its June 1985 hearing before the Senate Banking Committee it stated that over 50 percent of its most troublesome thrifts had high levels of brokered funds.

The use of brokered deposits can unduly harm local competitor institutions. When a bank brokers its CD's nationwide it typically prices its regular local CD's at a higher than market rate, but below its nationwide brokered rate. Other local banks are then forced to raise their own rates or experience a deposit decline. This leads to lower profitability which in turn increases the number of troubled banks and added costs to the insurance funds.

Mr. President, today I join with other respected leaders in government and the financial community to halt the imprudent growth of deposits at undercapitalized institutions. Perhaps Treasury Under Secretary George Gould summed it up best at a recent Senate Banking Committee hearing—"growth without capital should be stopped. It doesn't usually work".

The bill will restore a similar 1984 FDIC and Federal Home Loan Bank Board regulation that was later overruled in a Federal court case as an invalid exercise of statutory authority.

It is a modest effort that will help the taxpayer, preserve FSLIC and FDIC insurance funds, and keep banking and thrift costs down. FSLIC regulators don't have the funds to close poorly managed insolvent thrifts. The FSLIC fund is already insolvent and many of our Nation's thrifts and banks continue to deteriorate and fail at a record pace.

My bill will help the insurance funds adjust to some of the unforeseen problems caused to it by advanced technology and recent deregulation. Federal insured deposit funds were never intended to be used to attract no-risk investment opportunities, especially in unsound institutions. Rather, they were created after the crash of 1929 and the Great Depression of the 1930's to insure depositor safety, primarily in local banks.

Mr. President, I ask that this body support my bill. It will help enhance the security of our Federal Deposit Insurance System and bring us closer to basic free market principles that encourage the flow of capital to institutions that inspire investor confidence. While it may not please investors, brokers, and unsound institutions, it will get us back on track in helping depositors, financially credible banks and thrifts, and the Federal taxpayer.●

By Mr. CRANSTON:

S. 2723. A bill to partition certain reservation lands between the Hoopa Valley Tribe and the Yurok Indians, to clarify the use of tribal timber proceeds, and for other purposes; to the Select Committee on Indian Affairs.

HOOPA-YUROK SETTLEMENT ACT

Mr. CRANSTON. Mr. President, I am pleased today to introduce S. 2723, the proposed Hoopa-Yurok Settlement Act. This measure is identical to H.R. 4469 as reported out unanimously by the House Interior and Insular Affairs Committee earlier this morning. H.R. 4469 was first introduced in the House by my good friend, Represent DOUG BOSCO. I applaud the leadership of Representative Bosco for first introducing H.R. 4469, legislation to partition certain reservation lands between the Hoopa Valley Tribe and Yurok Indians, and to clarify the use of tribal timber lands.

I thank the distinguished Chairman of the Indian Affairs Committee, the Senator from Hawaii [Mr. INOUYE] for holding an oversight hearing on the status of the Hoopa Valley Indian Reservation and related issues in Sacramento, CA, on June 30, 1988, and I am hopeful that he will be able to schedule a prompt hearing on S. 2723. I believe that it is essential to provide as much time as possible for all parties to be able to express their views.

Finally, Mr. President, I ask that S. 2723 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Hoopa-Yurok Settlement Act".

(b) DEFINITIONS.—For the purposes of this Act, the term—

(1) "Escrow funds" means the moneys derived from the joint reservation which are held in trust by the Secretary in the accounts entitled—

(A) "Proceeds of Labor-Hoopa Valley Indians-California 70% Fund, account number J52-561-7197";

(B) "Proceeds of Labor-Hoopa Valley Indians-California, 30% Fund, account number J52-561-7236";

(C) "Proceeds of Klamath River Reservation, California, account number J52-562-7056";

(D) "Proceeds of Labor-Yurok Indians of Lower Klamath River, California, account number J52-562-7153";

(E) "Proceeds of Labor-Yurok Indians of Upper Klamath River, California, account number J52-562-7154";

(F) "Proceeds of Labor-Hoopa Reservation for Hoopa Valley and Yurok Tribes, account number J52-575-7256"; and

(G) "Klamath River Fisheries, account number 5628000001";

(2) "Hoopa Indian blood" means that degree of ancestry derived from an Indian of the Hunstang, Hupa, Miskut, Redwood, Saiaz, Sermalton, Tish-Tang-Atan, South Fork, or Grouse Creek Bands of Indians;

(3) "Hoopa Valley Reservation" means the reservation described in section 2(b) of this Act;

(4) "Hoopa Valley Tribe" means the Hoopa Valley Tribe, organized under the constitutions and amendments approved by the Secretary on November 20, 1933, September 4, 1952, August 9, 1963, and August 18, 1972;

(5) "Indian of the Reservation" shall mean any person who meets the criteria to qualify as an Indian of the Reservation as established by the U.S. Court of Claims in its March 31, 1982, May 17, 1987, and March 1, 1988, decisions in the case of *Jesse Short et al.* v. *United States,* (Cl. Ct. No. 102-63);

(6) "Joint reservation" means the area of land defined as the Hoopa Valley Reservation in section 2(b) and the Yurok Reservation in section 2(c) of this Act.

(7) "Karuk Tribe" means the Karuk Tribe of California, organized under its constitution after a special election conducted by the United States Department of the Interior, Bureau of Indian Affairs, on April 18, 1985;

(8) "Secretary" means the Secretary of the Interior;

(9) "Settlement Fund" means the Hoopa-Yurok Settlement Fund established pursuant to section 4;

(10) "Settlement Roll' means the final roll prepared and published in the Federal Register by the Secretary pursuant to section 5;

(11) "*Short* cases" means the cases entitled *Jesse Short et al.* v. *United States,* (Cl. Ct. No. 102-63); *Charlene Ackley* v. *United States,* (Cl. Ct. No. 460-78); *Bret Aanstadt* v. *United States,* (Cl. Ct. No. 146-85L); and *Norman Giffen* v. *United States,* (Cl. Ct. No. 746-85L);

(12) "*Short* plaintiffs" means named plaintiffs in the *Short* cases;

(13) "trust land" means an interest in land the title to which is held in trust by the United States for an Indian or Indian tribe, or by an Indian or Indian tribe subject to a restriction by the United States against alienation;

(14) "unallotted trust land, property, resources or rights" means those lands, property, resources, or rights reserved for Indian purposes which have not been allotted to individuals under an allotment act;

(15) "Yurok Reservation" means the reservation described in section 2(c) of this Act; and

(16) "Yurok Tribe" means the Indian tribe which is recognized and authorized to be organized pursuant to section 9 of this Act.

SEC. 2. RESERVATIONS; PARTITION AND ADDITIONS.

(a) PARTITION OF THE JOINT RESERVATION.—(1) Effective with the publication in the Federal Register of the Hoopa tribal resolution as provided in paragraph (2), the joint reservation shall be partitioned as provided in subsection (b) and (c).

(2)(A) The partition of the joint reservation as provided in this subsection shall not become effective unless, within 60 days after the date of the enactment of this Act, the Hoopa Valley Tribe shall adopt, and transmit to the Secretary, a tribal resolution waiving any claim such tribe may have against the United States arising out of the provisions of this Act.

(B) The Secretary, after determining the validity of the resolution transmitted pursuant to subparagraph (A), shall cause such resolution to be printed in the Federal Register.

(b) HOOPA VALLEY RESERVATION.—Effective with the partition of the joint reservation as provided in subsection (a), the area of land known as the "square" (defined as the Hoopa Valley Reservation established under section 2 of the Act of April 8, 1864 (13 Stat. 40), the Executive Order of June 23, 1876, and Executive Order 1480 of February 17, 1912) shall thereafter be recognized and established as the Hoopa Valley Reservation. The unallotted trust land and assets of the Hoopa Valley Reservation shall thereafter be held in trust by the United States for the benefit of the Hoopa Valley Tribe.

(c) YUROK RESERVATION.—(1) Effective with the partition of the joint reservation as provided in subsection (a), the area of land known as the "extension" (defined as the reservation extension under the Executive Order of October 16, 1891, but excluding the Resighini Rancheria) shall thereafter be recognized and established as the Yurok Reservation. The unalloted trust land and assets of the Yurok Reservation shall thereafter be held in trust by the United States for the benefit of the Yurok Tribe.

(2) Subject to all valid existing rights and subject to the adoption of a resolution of the Interim Council of the Yurok Tribe as provided in section 9(c)(2)(A), all right, title, and interest of the United States—

(A) to all national forest system lands within the Yurok Reservation and

(B) to that portion of the Yurok Experimental Forest described as Township 14 N., Range 1 E., Section 28, Lot 6: that portion of Lot 6 east of U. S. Highway 101 and west of the Yurok Experimental Forest, comprising 14 acres more or less and including all permanent structures thereon,

shall thereafter be held in trust by the United States for the benefit of the Yurok Tribe and shall be part of the Yurok Reservation.

(3)(A) Pursuant to the authority of sections 5 and 7 of the Indian Reorganization Act of June 18, 1934 (25 U.S.C. 465, 467), the Secretary may acquire lands or interests in land, including rights-of-way for access to trust lands, for the Yurok Tribe or its members.

(B) From amounts authorized to be appropriated by the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), the Secretary may use not to exceed $5,000,000 for the purpose of acquiring lands or interests in lands pursuant to subparagraph (A). No lands or interests in lands may be acquired outside the Yurok Reservation with such funds except for purposes of exchange for lands within the reservation.

(4) The—

(A) apportionment of funds to the Yurok Tribe as provided in sections 4 and 7;

(B) land transfers pursuant to paragraph (2);

(C) land acquisition authorities in paragraph (3); and

(D) organizational authorities of section 9 shall not be effective unless and until the general council of the Yurok Tribe has adopted a resolution waiving any claim such tribe may have against the United States arising out of the provisions of this Act.

(d) BOUNDARY CLARIFICATIONS OR CORRECTIONS.—(1) The boundary between the Hoopa Valley Reservation and the Yurok Reservation, after the partition of the joint reservation as provided in this section, shall be the line established by the Bissel-Smith survey.

(2) Upon partition of the joint reservation as provided in this section, the Secretary shall publish a description of the boundaries of the Hoopa Valley Reservation and Yurok Reservation in the Federal Register.

(e) MANAGEMENT OF THE YUROK RESERVATION.—The Secretary shall be responsible for the management of the unallotted trust land and assets of the Yurok Reservation until such time as the Yurok Tribe has been organized pursuant to section 9. Thereafter, those lands and assets shall be administered as tribal trust land and the reservation governed by the Yurok Tribe as other reservations are governed by the tribes of those reservations.

(f) CRIMINAL AND CIVIL JURISDICTION.—The Hoopa Valley Reservation and the Yurok Reservation shall be subject to section 1360 of title 28, United States Code; section 1162 of title 18, United States Code, and section 403(a) of the Act of April 11, 1968 (82 Stat. 79; 25 U.S.C. 1323(a)).

SEC. 3. PRESERVATION OF *SHORT* CASES.

Nothing in this Act shall affect, in any manner, the individual entitlements already established under existing decisions of the United States Claims Court in the *Short* cases or any final judgment which may be rendered in those cases.

SEC. 4. HOOPA-YUROK SETTLEMENT FUND.

(a) ESTABLISHMENT.—(1) There is hereby established the Hoopa-Yurok Settlement Fund. Upon enactment of this Act, the Secretary shall cause all the funds in the Escrow funds, together with all accrued income thereon, to be deposited into the Settlement Fund.

(2) Until the distribution is made to the Hoopa Valley Tribe pursuant to subsection (c), the Secretary may distribute to the Hoopa Valley Tribe, pursuant to the provision of title I of the Department of the Interior and Related Agencies Appropriations Act, 1985, under the heading 'Bureau of Indian Affairs' and subheading 'Tribal Trust Funds' at 98 Stat. 1849 (25 U.S.C. 123c), not to exceed $3,500,000 each fiscal year out of the income or principal of the Settlement Fund for tribal, non-per capita purposes.

(b) DISTRIBUTION; INVESTMENT.—The Secretary shall make distribution from the Settlement Fund as provided in this Act and, pending dissolution of the fund as provided in section 7, shall invest and administer such fund as Indian trust funds pursuant to the first section of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a).

(c) Hoopa Valley Tribe Portion.—Effective with the publication of the option election date pursuant to section 6(a)(3), the Secretary shall pay out of the Settlement Fund into a trust account for the benefit of the Hoopa Valley Tribe a percentage of the Settlement Fund which shall be determined by dividing the number of enrolled members of the Hoopa Valley Tribe as of the date of the promulgation of the Settlement Roll roll, including any persons enrolled pursuant to section 5, by the sum of the number of such enrolled Hoopa Valley tribal members and the number of persons on the Settlement Roll.

(d) Yurok Tribe Portion.—Effective with the publication of the option election date pursuant to section 6(a)(3), the Secretary shall pay out of the Settlement Fund into a trust account for the benefit of the Yurok Tribe a percentage of the Settlement Fund which shall be determined by dividing the number of persons on the Settlement Roll electing the Yurok Tribal Membership Option pursuant to section 6(c) by the sum of the number of the enrolled Hoopa Valley tribal members established pursuant to subsection (c) and the number of persons on the Settlement Roll, less any amount paid out of the Settlement Fund pursuant to section 6(c)(3).

(e) Federal Share.—There is hereby authorized to be appropriated the sum of $10,000,000 which shall be deposited into the Settlement Fund after the payments are made pursuant to subsection (c) and (d) and section 6(c). The Settlement Fund, including the amount deposited pursuant to this subsection and all income earned subsequent to the payments made pursuant to subsection (c) and (d) and section 6(c), shall be available to make the payments authorized by section (d).

SEC. 5. HOOPA-YUROK SETTLEMENT ROLL.

(a) Preparation; Eligibility Criteria.—(1) The Secretary shall prepare a roll of all persons who can meet the criteria for eligibility as an Indian of the Reservation and—

(A) who were born on or prior to, and living upon, the date of enactment of this Act;

(B) who are citizens of the United States; and

(C) who were not, on August 8, 1988, enrolled members of the Hoopa Valley Tribe.

(2) The Secretary's determination of eligibility under this subsection shall be final except that any *Short* plaintiff determined by the U.S. Claims Court to be an Indian of the Reservation shall be included on the Settlement Roll if they meet the other requirements of this subsection and any *Short* plaintiff determined by the U.S. Claims Court not to be an Indian of the Reservation shall not be eligible for inclusion on such roll.

(b) Right to Apply; Notice.—Within thirty days after the date of enactment of this Act, the Secretary shall give such notice of the right to apply for enrollment as provided in subsection (a) as he deems reasonable except that such notice shall include; but shall not be limited to,—

(1) actual notice by registered mail to every plaintiff in the *Short* cases at their last known address;

(2) notice to the attorneys for such plaintiffs; and

(3) publication in newspapers of general circulation in the vicinity of the Hoopa Valley Reservation and elsewhere in the State of California.

Contemporaneous with providing the notice required by this subsection, the Secretary shall publish such notice in the Federal Register.

(c) Application Deadline.— The deadline for application pursuant to this section shall be established at one hundred and twenty days after the publication of the notice by the Secretary in the Federal Register as required by subsection (b).

(d) Eligibility Determination; Final Roll.—(1) The Secretary shall make determinations of eligibility of applicants under this section and publish in the Federal Register the final Settlement Roll of such persons one hundred and eighty days after the date established pursuant to subsection (c).

(2) The Secretary shall develop such procedures and times as may be necessary for the consideration of appeals from applicants not included on the roll published pursuant to paragraph (1). Successful appellants shall be added to the Settlement Roll and shall be afforded the right to elect options as provided in section 6, with any payments to be made to such successful appellants out of the remainder of the Settlement Fund after payment have been made pursuant to section 6(d) and prior to division pursuant to section 7.

(3) Persons added to the Settlement Roll pursuant to appeals under this subsection shall not be considered in the calculations made pursuant to section 4.

(e) Effect of Exclusion From Roll.—No person whose name is not included on the Settlement Roll shall have any interest in the tribal, communal, or unallotted land, property, resources, or rights within, or appertaining to, the Hoopa Valley Tribe, the Hoopa Valley Reservation, the Yurok Tribe, or the Yurok Reservation and in the Settlement Fund unless such person is subsequently enrolled in the Hoopa Valley Tribe or the Yurok Tribe under the membership criteria and ordinances of such tribes.

SEC. 6. ELECTION OF SETTLEMENT OPTIONS.

(a) Notice of Settlement Options.—(1) Within sixty days after the publication of the Settlement Roll as provided in section 5(d), the Secretary shall give notice by registered mail to each person eighteen years or older on such roll of their right to elect the settlement options provided in this section.

(2) The notice shall be provided in easily understood language, but shall be as comprehensive as possible and shall provide an objective assessment of the advantages and disadvantages of each of the options offered. The notice shall also advise such persons that their election shall be deemed to be the election of the minor children under their guardianship who are also on the Settlement Roll.

(3) With respect to minors on the Settlement Roll whose parent or guardian is not also on the roll, notice shall be given to, and the necessary election made by, the parent or guardian of such minor.

(4)(A) The notice shall also establish the date by which time the election of an option under this section must be made. The Secretary shall establish that date as the date which is one hundred and twenty days after the date of the publication in the Federal Register as required by section 5(d).

(B) Any person on the Settlement Roll who has not made an election by the date established pursuant to subparagraph (A) shall be deemed to have elected the option provided in subsection (d).

(b) Hoopa Tribal Membership Option.—(1) Any person on the Settlement Roll, eighteen years or older, who can meet any of the enrollment criteria of the Hoopa Valley Tribe set out in the decision of the U.S. Court of Claims in its March 21, 1982, decision in the *Short* case (No. 102-63) as "Schedule A", "Schedule B", or "Schedule C" and who—

(A) maintained a residence on the Hoppa Valley Reservation on the date of enactment of this Act;

(B) had maintained a residence on the Hoopa Valley Reservation at any time within the five year period prior to the enactment of this Act; or

(C) owns an interest in real property on the Hoopa Valley Reservation on the date of enactment of this Act,

may elect to be, and, upon such election, shall be entitled to be, enrolled as a full member of the Hoopa Valley Tribe.

(2) Notwithstanding any provision of the constitution, ordinances or resolutions of the Hoopa Valley Tribe to the contrary, the Secretary shall cause any entitled person electing to be enrolled as a member of the Hoopa Valley Tribe to be so enrolled and such person shall thereafter be entitled to the same rights, benefits, and privileges as any other member of such tribe.

(3) Any person enrolled in the Hoopa Valley Tribe pursuant to this subsection shall be assigned by the Secretary that quantum of "Indian blood" or "Hoopa Indian blood", as appropriate, as may be determined pursuant to the criteria established in the March 31, 1982, decision of the U.S. Court of Claims in the case of *Jessie Short et al.* v. *United States,* (Cl Ct. No. 102-63).

(4) Any person making an election under this subsection shall no longer have any right or interest whatsoever in the tribal, communal, or unallotted land, property, resources, or rights within, or appertaining to, the Yurok Indian Reservation or the Yurok Tribe or in the Settlement Fund.

(c) Yurok Tribal Membership Option.—(1) Any person on the Settlement Roll may elect to become a member of the Yurok Tribe and shall be entitled to participate in the organization of such tribe as provided in section 9.

(2) All persons making an election under this subsection shall form the base roll of the Yurok Tribe for purposes of organization pursuant to section 9 and the Secretary shall assign each such person that quantum of "Indian blood" as may be determined pursuant to the criteria established in the March 31, 1982, decision of the U.S. Court of Claims in the case of *Jessie Short et al.* v. *United States,* (Cl. Ct. No. 102-63).

(3) The Secretary, pursuant to section 7 of the Act of August 2, 1983 (25 U.S.C. 1407), shall pay to each person making an election under this subsection, $3,000 out of the Settlement Fund.

(4) Any person making an election under this subsection shall no longer have any right or interest whatsoever in the tribal, communal, or unallotted land, property, resources, or rights within, or appertaining to, the Hoopa Valley Reservation or the Hoopa Valley Tribe or, except to the extent authorized by paragraph (3), in the Settlement Fund.

(d) Lump Sum Payment Option.—(1) Any person on the Settlement Roll may elect to receive a lump sum payment from the Settlement Fund and the Secretary shall pay to each such person the amount of $20,000 out of the Settlement Fund.

(2) Any person making an election to receive, and having received, a lump sum payment under this subsection shall not thereafter have any interest or right whatsoever in the tribal, communal, or unallotted land, property, resources, or rights within, or appertainig to, the Hoopa Valley Reservation, the Hoopa Valley Tribe, the Yurok Reservation, or the Yurok Tribe or, except authorized by paragraph (1), in the Settlement Fund.

SEC. 7. DIVISION OF SETTLEMENT FUND REMAINDER.

(a) Any funds remaining in the Settlement Fund after the payments authorized to be made therefrom by subsections (c) and (d) of section 6 and any payments made to successful appeallants pursuant to section 5(d) shall be evenly divided between the Hoopa Valley Tribe and the Yurok Tribe and shall be held by the Secretary in trust for such tribes.

(b) Funds divided pursuant to this section and any funds apportioned to the Hoopa Valley Tribe and the Yurok Tribe pursuant to subsections (c) and (d) of section 4 shall not be distributed per capita to any individual before the date which is 10 years after the date on which the division is made under this section.

SEC. 8. HOOPA VALLEY TRIBE: CONFIRMATION OF STATUS.

The existing governing documents of the Hoopa Valley Tribe and the governing body established and elected thereunder, as heretofore recognized by the Secretary, are hereby ratified and confirmed.

SEC. 9. RECOGNITION AND ORGANIZATION OF THE YUROK TRIBE.

(a) Yurok Tribe.—(1) Those persons on the Settlement Roll who made a valid election pursuant to subsection (c) of section 6 shall constitute the base membership roll for the Yurok Tribe whose status as an Indian tribe, subject to the adoption of the general council resolution as required by subsection (c)(2), is hereby ratified and confirmed.

(2) The Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), as amended, is hereby made applicable to the Yurok Tribe and the tribe may organize under such Act as provided in this section.

(b) Interim Council; Establishment.—There shall be established an Interim Council of the Yurok Tribe to be composed of five members. The Interim Council shall represent the Yurok Tribe in the implementation of provisions of this Act, including the organizational provisions of this section, and shall be the governing body of the tribe until such time as a tribal council is elected under the constitution adopted pursuant to subsection (e).

(c) General Council; Election of Interim Council.—(1) Within 30 days after the date established pursuant to section 6(a)(3), the Secretary shall prepare a list of all persons eighteen years of age or older who have elected the Yurok Tribal Membership Option pursuant to section 6(c), which persons shall constitute the eligible voters of the Yurok Tribe for the purposes of this section, and shall provide written notice to such persons of the date, time, purpose, and order of procedure for the general council meeting to be scheduled pursuant to paragraph (2) for the consideration of the adoption of the resolution provided for in paragraph (2)(A) and the nomination of candidates for election to the Interim Council.

(2) Not earlier than 30 days before, nor later than 45 days after, the notice provided pursuant to paragraph (1), the Secretary shall convene a general council meeting of the eligible voters of the Yurok Tribe on or near the Yurok Reservation, to be conducted under such order of procedures as the Secretary determines appropriate, for—

(A) the adoption of a resolution, by a vote of not less than two-thirds of the voters present and voting, waiving any claim the Yurok Tribe may have against the United States arising out of the provisions of this Act; and

(B) the nomination of candidates for election of the members of the Interim Council.

No person shall be eligible for nomination who is not on the list prepared pursuant to this section.

(3) Within 45 days after the general council meeting held pursuant to paragraph (2), the Secretary shall hold an election by secret ballot, with absentee balloting and write-in voting to be permitted, to elect the five members of the Interim Council from among the nominations submitted to him from such general council meeting. The Secretary shall assure that notice of the time and place of such election shall be provided to eligible voters at least fifteen days before such election.

(4) The Secretary shall certify the results of such election and, as soon as possible, convene an organizational meeting of the newly-elected members of the Interim Council and shall provide such advice and assistance as may be necessary for such organization.

(5) Vacancies on the Interim Council shall be filled by a vote of the remaining members.

(d) Interim Council; Authorities and Dissolution.—(1) The Interim Council shall have no powers other than those given to it by this Act.

(2) the Interim Council shall have full authority to receive grants from, and enter into contracts for, Federal programs, including those administered by the Secretary and the Secretary of Health and Human Services, with respect to Federal services and benefits for the tribe and its members.

(3) The Interim Council shall have such other powers, authorities, functions, and responsibilities as the Secretary may recognize, except that it may not legally or contractually bind the Yurok Tribe for a period in excess of two years from the date of the certification of the election by the Secretary.

(4) The Interim Council shall appoint, as soon as practical, a drafting committee which shall be responsible, in consultation with the Interim Council, the Secretary and members of the tribe, for the preparation of a draft constitution for submission to the Secretary pursuant to subsection (e).

(5) The Interim Council shall be dissolved effective with the election and installation of the initial tribal governing body elected pursuant to the constitution adopted under subsection (e) or at the end of two years after such installation, whichever occurs first.

(e) Organization of Yurok Tribe.—Upon written request of the Interim Council or the drafting committee and the submission of a draft constitution as provided in paragraph (4) of subsection (d), the Secretary shall conduct an election, pursuant to the provisions of the Indian Reorganization Act of June 18, 1934 (25 U.S.C. 461 et seq.) and rules and regulations promulgated thereunder, for the adoption of such constitution and, working with the Interim Council, the election of the initial tribal governing body upon the adoption of such constitution.

SEC. 10. SPECIAL CONSIDERATIONS.

(a) Life Estate for Smokers Family.—The 20 acre land assignment on the Hoopa Valley Reservation made by the Hoopa Area Field Office of the Bureau of Indian Affairs on August 25, 1947, to the Smokers family shall continue in effect and may pass by descent or devise to any blood relative or relatives of one-fourth or more Indian blood of those family members domiciled on the assignment on the date of enactment of this Act.

(b) Rancheria Merger With Yurok Tribe.—If two-thirds of the adult members of the Resighini, Trinidad, Big Lagoon, Blue Lake, Smith River, Elk Valley, or Tolowa Rancherias vote in an election conducted by the Secretary to merge with the Yurok Tribe and if the Yurok Tribe consents to such merger, the tribes and reservations of those rancherias so voting shall be extinguished and the lands of such reservations shall be part of the Yurok Reservation with the unallotted trust land therein held in trust by the United States for the Yurok Tribe. The Secretary shall publish in the Federal Register a notice of the effective date of the merger.

SEC. 11. KLAMATH RIVER BASIN FISHERIES TASK FORCE.

(a) In General.—Section 4(c) of the Act entitled "An Act to provide for the restoration of the fishery resources in the Klamath River Basin, and for other purposes" (16 U.S.C. 460ss-3) is amended—

(A) in the matter preceding paragraph (a), by striking out "12" and inserting in lieu thereof "14"; and

(B) by inserting at the end thereof the following new paragraphs:

"(11) A representative of the Karuk Tribe, who shall be appointed by the governing body of the Tribe,

"(12) A representative of the Yurok Tribe, who shall be appointed by the Secretary until such time as the Yurok Tribe is established and Federally recognized, upon which time the Yurok Tribe shall appoint such representative beginning with the first appointment ordinarily occurring after the Yurok Tribe is recognized.".

"(b) Special Rule.—The initial term of the representative appointed pursuant to section 4(c) (11) and (12) of such Act (as added by the amendment made by subsection (a)) shall be for that time which is the remainder of the terms of the members of the Task Force then serving. Thereafter, the term of such representative shall be as provided in section 4(e) of such Act.

SEC. 12. TRIBAL TIMBER SALES PROCEEDS USE.

Section 7 of the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 407) is amended to read as follows:

"Sec. 7. Under regulations prescribed by the Secretary of the Interior, the timber on unallotted trust land in Indian reservations or on other land held in trust for tribes may be sold in accordance with the principles of sustained-yield management or to convert the land to a more desirable use. After deduction, if any, for administrative expenses under the Act of February 14, 1920 (41 Stat. 415; 25 U.S.C. 413), the proceeds of the sale shall be used—

"(1) as determined by the governing bodies of the tribes concerned and approved by the Secretary, or

"(2) in the absence of such a governing body, as determined by the Secretary for the tribe concerned.

SEC. 13. LIMITATIONS OF ACTIONS; WAIVER OF CLAIMS.

(a) Any claim challenging the partition of the joint reservation pursuant to section 2 or any other provision of this Act as having effected a taking under the Fifth Amendment of the United States Constitution or as otherwise having provided inadequate compensation shall be brought, pursuant to 28 U.S.C. 1491 or 28 U.S.C. 1505, in the United States Claims Court.

(b)(1) Any such claim by any person or entity, other than the Hoopa Valley Tribe or the Yurok Tribe, shall be forever barred if not brought within the later of 210 days from the date of the partition of the joint reservation as provided in section 2 or 120 days after the publication in the Federal Register of the option election date as required by section 6(a)(4).

(2) Any such claim by the Hoopa Valley Tribe shall be barred 180 days after the date of enactment of this Act or such early date as may be established by the adoption of a resolution waiving such claims pursuant to section 2(a)(2).

(3) Any such claim by the Yurok Tribe shall be barred 180 days after the general council meeting of the Yurok Tribe as provided in section 9 or such early date as may be established by the adoption of a resolution waiving such claims as provided in section 9(c)(2)(A).

(c)(1) The Secretary shall prepare and submit to the Congress a report describing the final decision in any claim brought pursuant to subsection (b) against the United States or its officer, agencies, or instrumentalities.

(2) Such report shall be submitted no later than 180 days after the entry of final judgment in such litigation. The report shall include any recommendations of the Secretary for action by Congress, including, but not limited to, any supplemental funding proposals necessary to implement the terms of this Act and any modifications to the resource and management authorities established by this Act.

By Mr. RIEGLE (for himself and Mr. HATFIELD):

S. 2724. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT ADMINISTRATION ACT AMENDMENTS

● Mr. RIEGLE. Mr. President, today Senator HATFIELD and I are introducing legislation to amend the Export Administration Act to restrict the amount of refined petroleum that can be exported from the United States. Currently, exports of crude oil are generally not permitted, under section 7 of the Export Administration Act, and this legislation will simply impose reasonable limitations upon the export of refined products.

The legislation would permit up to 70,000 barrels of refined products, such as gasoline or fuel oil, to be exported. No existing refinery operations will be affected by these limitations, and it is likely that only new refineries which contemplate exports as a condition of their financing packages will have to factor these limitations into their overall calculations.

Mr. President, I believe that it makes absolutely no sense whatsoever to contemplate exporting domestic petroleum products. We now import more than 40 percent of our oil, and this figure is increasing. Every barrel that we would export would have to be replaced by foreign oil. That would increase our dependence upon the Middle East and elsewhere for our oil, and that is a circumstance that we should all strive to avoid at all cost. We must protect to the maximum extent possible the energy sources and supplies in this Nation. That makes good economic sense and benefits the national security as well.

I ask unanimous consent that the text of this bill be printed at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTIONS ON EXPORT REFINERIES.

Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) is amended by adding at the end thereof the following:

"(5)(A) Subject to subparagraph (B), the provisions of paragraphs (1) through (3) of this subsection shall apply to the export of refined petroleum products, and partially refined petroleum products (from Alaska or from the rest of the United States in an untransformed or uncommingled state), which are produced, from crude oil subject to the prohibition contained in paragraph (1), by an oil refinery which commits or has committed to export petroleum products as a condition of obtaining financing and which commences commercial operations on or after the date of enactment of this paragraph, to the same extent as the provisions of paragraphs (1) through (3) of this subsection apply to the export of domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act.

"(B)(i) Without regard to the provisions of paragraph (1) through (3) of this subsection, but subject to clause (ii), up to 50 percent of all refined petroleum products, and partially refined petroleum products, which are produced, from crude oil subject to the prohibition contained in paragraph (1), by an oil refinery described in subparagraph (A) during the 1-year period beginning on the day on which the refinery commences commercial operations, and during each 1-year period occurring successively thereafter, may be exported. For purposes of determining, under this clause, the percentage of refined petroleum products and partially refined petroleum products of a refinery that are exported, there shall be excluded sales of refined petroleum products or partially refined petroleum products to any military department of the United States or to any air carrier as defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C App. 1301), and such sales shall not be subject to subparagraph (A) except to the extent provided in clause (ii).

"(ii) Notwithstanding clause (i), exports in excess of an average of 70,000 barrels per day, in the 1-year period beginning on the date of enactment of this paragraph, and in each 1-year period occurring successively thereafter, of all refined petroleum products, and partially refined petroleum products, which are produced, from crude oil subject to the prohibition contained in paragraph (1), by all oil refineries described in subparagraph (A), shall be subject to paragraphs (1) through (3) of this subsection.

"(C) For purposes of this paragraph—

"(i) the term 'refined petroleum product' means gasoline, kerosene, distillates, ethane, propane, butane, diesel fuel, and residual fuel oil; and

"(ii) the term 'partially refined petroleum product' means a mixture of hydrocarbons which existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through the surface separating facilities, and which has been processed through a crude oil distillation tower, including topped crude oil and other unfinished oils, but not including any refined petroleum product.

"(D) Within 180 days after the date of enactment of this paragraph, the Secretary shall issue such regulations as may be necessary to carry out this paragraph and paragraph (6).

"(6) The provisions of paragraphs (1) through (5) of this subsection shall not apply to the export of ethane, propane, or butane separated from crude oil that is subject to the prohibition contained in paragraph (1) and that has passed through a separation facility, except that the crude oil remaining after such separation shall not be considered to be a refined petroleum product or partially refined petroleum product and shall continue to be subject to the provisions of paragraphs (1) through (3) of this subsection.".

By Mr. BURDICK (for himself and Mr. CONRAD):

S. 2725. A bill to assure that amounts available for allotments to States under the Community Services Block Grant Act are allotted with an increased small State minimum for any fiscal year in which the amount appropriated and available for such allotment in fiscal year 1989, and for other purposes; referred to the Committee on Labor and Human Resources.

COMMUNITY SERVICES BLOCK GRANT AMENDMENTS

Mr. BURDICK. Mr. President, I am pleased to introduce today, along with Senator CONRAD, the Community Services Block Grant Amendments of 1988. The purpose of the legislation is to bring greater equity to the allocation of funds available to States under the community services block grant [CSBG].

In my State, we are suffering from the economic distress of the farm crisis. Poverty is up, employment down, and people are leaving the State. We need more of the valuable assistance provided through CSBG and Community Action Agencies.

The legislation I am introducing increases the minimum allocation for

States from 0.25 to 0.50 percent. The following States will receive a greater allocations under my proposal: Alaska, Hawaii, Montana, New Hampshire, South Dakota, Utah, Vermont, Delaware, Idaho, Nevada, Wyoming, and my home State of North Dakota.

It is not my intention, however, to reduce funding for any other State or territory, on the important programs of the CSBG discretionary fund. I have, therefore, added a hold harmless provision which raises the minimum allocation only when funding for CSBG and the discretionary fund exceeds the fiscal year 1989 appropriation. To implement this provision, I estimate it will cost $9 million which is an increase of less than 3 percent over current CSBG funding.

I urge the adoption of this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Services Block Grant Amendments of 1988".

ALLOCATION AMENDMENTS

SEC. 2. (a) Section 574(a)(1) of the Community Services Block Grant Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of paragraph (2), the".

(b) Section 674(a) of the Act is further amended by striking out "one-quarter of 1 percent" and inserting in lieu thereof "one-half of 1 percent".

(c) Section 674(a) of the Act is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following new paragraph:

"(2) In any fiscal year in which the amount appropriated and available for allotments to States (after complying with the reservations required by clauses (A) and (B) of paragraph (1)) does not exceed the amount so available for allotment to States in fiscal year 1989, the State minimum shall be one-quarter of 1 percent.".

Mr. CONRAD. Mr. President, I am pleased today to join my colleague from North Dakota, Senator BURDICK, in introducing the Community Services Block Grant Amendments of 1988.

The CSBG Act, authorized in 1981, allocates funds based on a formula established in the Economic Opportunity Act of 1974.

This formula employs a number of poverty related factors in determining the allocation, except that no State may receive less than 0.25 percent of the annual appropriation and 0.50 percent of the appropriation reserved for trust territories.

The impact of this formula is that a number of small States, including North Dakota, Delaware, Idaho, Nevada, and Wyoming receive only 0.25 percent while trust territories receive 0.50 percent.

Mr. President, an article in the August 8 edition of Newsweek calls rural poverty "America's Third World." I know for a fact that areas of my home State fit the description of rural America contained in Newsweek. Our proposal, if enacted, will bring a modicum of help to the poor of North Dakota, and I suspect, the other States affected.

I urge the Senate to move rapidly to address this inequity.

By Mr. DODD:

S. 2726. A bill to amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to promulgate regulations on the management of biomedical waste; referred to the Committee on Environment and Public Works.

BIOMEDICAL WASTE REGULATION AND CONTROL ACT

● Mr. DODD. Mr. President, I rise to introduce the "Biomedical Waste Regulation and Control Act," a bill which will help address the emerging crisis in the management of biomedical and infectious waste in this country.

The summer of 1988 will be remembered, in part, as the year which biomedical wastes washed ashore on many of our nation's beaches and focused attention on the major shortcomings in the management of biomedical waste.

It must be emphasized, however, that the problem of biomedical waste, currently of epidemic proportions, is not simply a problem of recent vintage. A year ago, in August 1987, the residents of the State of New Jersey were shocked when needles and syringes and other medical waste polluted their shoreline, resulting in the closing of several beaches. This summer, or course, along the East Coast from Delaware to Massachusetts, the public is reacting with anger, disgust and fear to the almost daily scenes of medical waste washing up on the beaches.

However, biomedical waste disposal problems certainly do not begin with beach closings, or with children playing with vials of contaminated blood disposed of in dumpsters outside medical offices, or with warehouses full of abandoned biomedical wastes. These occurrences are merely where the public first learns about such problems.

Currently, we are faced with inconsistency, confusion, and a serious lack of coordination at every level of management—Federal, State, local, and private—responsible for the proper handling, treatment, storage, and disposal of biomedical waste.

The Evironmental Protection Agency has published guidelines for infectious waste management, but these guidelines are neither mandatory nor enforceable. While medical waste is washing ashore along virtually every beach on the Northeast Coast, the EPA says that "education and guidance" should be sufficient to halt the waves of dirty needles and syringes.

Ten years after EPA first proposed to regulate biomedical waste as hazardous waste, there still is no comprehensive Federal program governing handling, transportation, and disposal of the 2 million tons of infectious waste generated every year by U.S. hospitals, clinics, nursing homes, and doctors' and dental offices.

Given the lack of a national policy on the management of biomedical waste, the States have been left on their own to devise biomedical waste management programs. A patchwork of State and local laws has evolved in the absence of Federal regulation, leading to such conflicts as the definition of medical waste. Important regulatory variations frequently exist both between States and between local requirements and those of State. These variations pose several problems, including the possibility that stricter regulations in one State may encourage the shipment of wastes to other States with less stringent regulations—or worse, no regulations at all.

Indeed, 11 States and the District of Columbia do not regulate "infectious wastes" at all. In the remaining States, the current system is simply not working very well.

Although there are critical gaps in the States' medical waste managements programs, EPA continues to maintain that the problem is "regional," and that medical wastes are better managed at the State level.

Mr. President, there is growing evidence that education and guidance from EPA, and regulation of biomedical waste at the State level, are not adequate. What clearly is needed is Federal action in the form of a comprehensive biomedical waste management policy at the national level.

The "Biomedical Waste Regulation and Control Act" that I am introducing today represents a first step toward establishing such a national biomedical waste management policy. The bill directs EPA to promulgate regulations governing the generation, transportation, treatment, storage, and disposal of biomedical waste. The bill further directs EPA to consult experts in the field of biomedical waste, the National Institutes of Health, the Centers for Disease Control, the Occupational Safety and Health Administration, and other entities in the formulation of the regulations. The bill also authorizes EPA to make grants available to States for purposes of establishing State demonstration projects relating to off-site biomedical waste treatment facilities. Finally, the bill provides Federal inspection authority and Federal enforcement by means of administrative orders and civil and criminal penalties for violation of the regulations.

Creating a new Federal program won't completely solve the problem of biomedical waste. Even if a national policy with uniform standards is adopted, there still will be the question of enforcement. EPA must institute a well coordinated, comprehensive law enforcement effort to attack this problem.

Ultimately, of course, we must resolve the most critical issue of all—our Nation's drift toward a crisis in solid waste generation, treatment and disposal. We simply do not have enough facilities to handle the waste that is being produced today, never mind what will be generated in the future. With over 150 million tons of solid waste being generated annually in the United States, rules and regulations are needed to ensure that solid waste reaches its destination in facilities that are designed to protect human health and the environment. I believe that the "biomedical waste regulations and control act" will help accomplish this goal. I urge my colleagues to support the legislation.●

By Mr. HATCH:

S. 2727. A bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs; to the Committee on the Judiciary.

COMPUTER SOFTWARE RENTAL AMENDMENTS ACT

Mr. HATCH. Mr. President, I rise today to introduce the Computer Software Rental Amendments Act of 1988.

In 1984, it became apparent that the nearly universal access to the technology necessary to produce cheap, high-quality copies of phonorecords was threatening to spawn a new business of renting sound recordings for the primary purpose of copying original works without compensation to the copyright owner. Congress responded to this threat to the copyright law by enacting the Record Rental Amendments of 1984.

Because Congress acted before the rental of records became a widespread business practice, the United States record industry was able to continue in its position of world leadership. The industry reinvested substantial sums in a new generation of sound recordings—compact discs—without fear of losing the market to unauthorized copying. The interests of the creative community, the American public, and the U.S. economy all were advanced by Congress' decision to act before reliance of the previous inadequate law produced an economic dislocation which would have been very difficult to eliminate.

The computer software industry, a dynamic and blossoming source of growth for our Nation's economy, was only in its infancy when the Record Rental Amendments were being considered by Congress in 1984. Yet today, only four years later, this industry is confronted by a nearly identical situation. Rarely does history repeat itself so quickly.

The rationale underlying the 1984 Record Rental Amendments was that the primary purpose of rental of sound recordings would be to displace sales of authorized copies of copyrighted works. This rationale applies with equal force to the computer software business and the threat of software rental.

In the recording industry, a typical compact disc sells for $16.95 and cost hundreds of thousands of dollars in developmental costs to bring to the marketplace. A typical mass market computer software package costs several hundred dollars at retail and requires millions of dollars to develop. Were computer programs to be rented for a few dollars a day, the multimillion dollar investments necessary to bring new software to the market could no longer be amortized, and one of the brightest stars of the modern U.S. economy would be extinguished in its infancy.

As in the case of sound recordings, the overwhelming rationale for renting a computer program is to make an unauthorized copy. Computer software cannot be enjoyed for an evening's entertainment and then returned. To have meaning to a user, the software packages require mastery of complex user manuals, often running hundreds of pages in length. Even after a user has mastered the use of a program, it has little value until he or she adds his or her own data base to the program. The functions of learning how to use a program and utilizing it in connection with one's own data base cannot be accomplished in the few hours or days available under a rental arrangement without copying the program and displacing a legitimate sale of the program.

Of course, there may be situations in which the owner of copyrighted software may wish to authorize a vendor to make the software available to a potential purchaser in order that the product might be examined prior to making a purchasing decision. Nothing in this legislation prohibits such arrangements. In fact, nothing in the legislation prevents any copyright owner from waiving any or all of the exclusive rights granted under this legislation. Thus, as is currently the case with the exclusive rights granted in section 106 of the Copyright Act, nothing prevents a creator from dedicating his or her work to public domain at any time.

Just as in the case of the record industry in 1984, there is not in existence the embryo of a business of rental of software for the purpose of copying. Unless Congress Acts quickly, the embryonic rental industry could soon grow out of control, becoming a cancer which would kill off the legitimate software development industry by which it was created. This is particularly true in view of the fact that technological methods of limiting unauthorized copying, commonly called copy protection, are proving impractical in an industry in which there is often a need for legitimate use of backup copies by purchasers of authorized copies of computer programs.

The potential loss to the U.S. economy should rental of software become widespread can be seen clearly when one looks to the losses suffered by U.S. software developers by virtue of their inability to restrict commercial copying of the products in many foreign markets. The office of the U.S. Trade Representative has estimated losses to U.S. software developers due to inadequate copyright protection to be approximately $4.1 billion a year.

The need to extend the Record Rental Act of 1984 beyond its current expiration date provides the Congress with a unique opportunity to protect computer programs from a repeat of the same circumstances which gave rise to the 1984 Act.

The bill which I am introducing today provides software protection by amending section 109(B) of Title 17 of the United States Code, the Copyright Act. Paragraphs one and three of that section are amended to include the owners or licensees of copyright in a computer program. Thus, unless authorized by the copyright owner or licensee, no person in possession of a particular copy of a computer program may, for the purposes of direct or indirect commercial advantage, dispose of, or authorize the disposal of, the possession of that computer program by rental, lease, or lending, or by any other act or practice in the nature of a rental, lease, or lending. Any person who so distributes a copy of a computer program in violation of this restriction is subject to the remedies provided in the Copyright Act. For purposes of the act, computer program is defined to include any tape, disk, or other medium embodying such a program.

Mr. President, in 1984 Congress determined that the sound recording industry was deserving of the protections that were provided in the 1984 act. The threat of unlimited rental of computer software poses just as grave a threat to the computer software industry today. I would urge my colleagues to carefully consider this measure and support this bill. I ask unanimous consent that the text of the bill be placed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Computer Software Rental Amendments Act of 1988".

SEC. 2. Section 109(b) of title 17, United States Code, is amended by—

(1) amending paragraph (1) to read as follows:

"(b)(1) Notwithstanding the provisions of subsection (a), unless authorized by the owners of copyright in the sound recording or the owner or licensee of copyright in a computer program (including any tape, disk, or other medium embodying such program), and in the case of a sound recording in the musical works embodied therein, neither the owner of a particular phonorecord nor any person in possession of a particular copy of a computer program (including any tape, disk, or other medium embodying such program), may, for the purposes of direct or indirect commercial advantage, dispose of, or authorize the disposal of, the possession of that phonorecord or computer program (including any tape, disk, or other medium embodying such program) by rental, lease, or lending, or by any other act or practice in the nature of rental, lease, or lending. Nothing in the preceding sentence shall apply to the rental, lease, or lending of a phonorecord for nonprofit purposes by a nonprofit library or nonprofit educational institution."; and

(2) amending paragraph (3) to read as follows:

"(3) Any person who distributes a phonorecord or a copy of a computer program (including any tape, disk, or other medium embodying such program) in violation of clause (1) is an infringer of copyright under section 501 of this title and is subject to the remedies set forth in sections 502, 503, 504, 505, and 509. Such violation shall not be a criminal offense under section 506 or cause such person to be subject to the criminal penalties set forth in section 2319 of title 18.".

By Mr. MURKOWSKI:

S. 2728. A bill to permit coal to be transported in foreign flag vessels between the States of Alaska and Hawaii without regard to section 27 of the Merchant Marine Act, 1920; to the Committee on Commerce, Science, and Transportation.

SHIPMENTS OF COAL BETWEEN ALASKA AND HAWAII

● Mr. MURKOWSKI. Mr. President, today I am introducing legislation intended to enhance the ability of utilities in non-contiguous states to purchase coal from domestic sources. Specifically, this legislation would waive the Jones Act for shipments of coal between Alaska and Hawaii.

Mr. President, the Jones Act, requires that all interstate commerce be conducted using U.S.-flag vessels and U.S.-flag crews. Under normal circumstances, the Jones Act insures that all competitors compete on the same level by utilizing American bottom vessels. However, because of the shipping distances involved to Alaska and Hawaii, in some instances the Jones Act creates an incentive for domestic buyers to procure many products from foreign sources.

Currently, utilities in Hawaii purchase high-sulfur, bituminous coal from Australia and Canada. Government production and transportation subsidies have served to give these coals a competitive advantage over coals from domestic sources. Recently, the State of Hawaii enacted more stringent air quality requirements for small powerplants. These new regulations create an opportunity for utilities in Hawaii to purchase clean-burning, subbituminous coal from Alaska. However, at the present time, the cost associated with transporting the coal from Alaska to Hawaii on Jones Act vessels precludes Alaska producers in this natural intrastate market, while at the same time creating a situation favorable for foreign suppliers from Australia and Canada.

As no coal is currently going from Alaska to Hawaii, this waiver would not result in the loss of any jobs to the U.S. maritime industry. It would however mean that domestic coal producers would be on a level playing field with their Australian and Canadian counterparts in competing for coal supply opportunities as they occur in the Hawaiian Islands.

Mr. President, I am introducing this, and another bill today—relating to cruise vessels—in order to focus hearings that will be held before the end of this session before Chairman JOHN BREAUX's Merchant Marine Subcommittee of the Commerce Committee.●

By Mr. MURKOWSKI:

S. 2729. A bill to allow certain foreign-flag vessels to carry passengers among ports in Alaska and between points in Alaska and Seattle, Washington; to the Committee on Commerce, Science, and Transportation.

TRANSPORTATION OF PASSENGERS AMONG PORTS IN ALASKA

● Mr. MURKOWSKI. Mr. President, I rise to introduce a bill to allow certain foreign-flag vessels to carry passengers between several U.S. ports. The bill will allow vessels greater than 1,000 deadweight tons, and which are engaged solely in carrying passengers, to serve the U.S. ports of Seattle, WA, and any port in Alaska.

I want to emphasize, Mr. President, that I am offering this legislation to encourage dialog on the issue of passenger service in the Pacific Northwest and Alaska, not because I expect complete agreement on this particular form of the bill.

It is not unusual for a nation to seek to protect its maritime industry by limiting access to its domestic trade to vessels flying its own flag. However, the United States today has no large passenger cruise liners.

As a result, the luxury cruise ships which every year bring hundreds of thousands of tourists to view the scenic splendor of Alaska not are starting their voyages in the United States. Instead, they are sailing from Canadian ports, which reap the benefits of feeding them, housing them, and supplying them with services and souvenirs.

On a typical summer day, hundreds of people from every State and dozens of countries step from airplanes at the Seattle-Tacoma International Airport with plans to cruise the Inside Passage to Alaska.

But with a day or two before their cruise begins, do they stay at a Seattle area hotel, eat in an American restaurant, sightsee in the State of Washington? The answer, Mr. President, is almost invariably "no." More often then not, they board a Canadian bus and are taken over the border, where the dollars they spend before sailing contribute nothing whatsoever to the United States economy.

I am not arguing that Canadian hotels, restaurants, et cetera, should not have a fair shot at those tourist dollars, Mr. President. Of course they should. What I am saying is that we ought to take another look at any U.S. policy that actually compels those dollars, lira, francs, krone, marks, and so on to be spent on the other side of the border.

Furthermore, Mr. President, it is not just tourist dollars that are at stake. Food, fuel, and other supplies for the voyage are taken aboard somewhere else, and vessel repairs, docking fees, loading costs, and so on, are all lost to the U.S. economy.

Mr. President, it might be understandable if we were protecting enough American jobs to make it worthwhile, but that's not happening, nor are we encouraging the creation of new American jobs. The only thing we're really doing is putting an artificial, unneeded and unjustified barrier between U.S. companies and their potential customers.

In my opinion, Mr. President, any policy that accomplishes no more than that deserves some very close scrutiny.●

By Mr. WILSON:

S. 2730. A bill to increase the availability of quality affordable child care, and for other purposes; referred to the Committee on Finance.

KIDS IN DAY-CARE SERVICES ACT

Mr. WILSON. Mr. President, I rise in the spirit of compromise and with the firm belief that the 100th Congress can reach a strong bipartisan consensus on the issue of child care. I do not agree with those who believe this task too large to be completed this session. I question those who editorialize that it is better not to act this year. Instead, I challenge my colleagues to defy those who think Congress incapable of laying aside election year politics to act in the best interests of the Nation's working parents and their children.

We can and must act. The well-being of over 26 million children with working parents hangs in the balance. For their parents, the availability of safe and affordable child care is a real and critical concern. The need for legislative action has never been greater. Clearly, the time for action is not tomorrow, as the critics would suggest; the time for action is now.

Mr. President, the task before us admittedly will not be easy. Very few legislative days remain in the 100th Congress. To improve our chances, there will need to be a concerted effort toward compromise. As Edmund Burke once said, "All government—indeed, every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter." Today, I offer the following legislation as a point from which to begin the bartering.

My bill, the Kids In Day-Care Services Act of 1988 or to call it by a short acronym, the "kids bill," adopts a truly comprehensive approach to the child care problem. Let me briefly describe the major provisions of my legislation.

First, by creating a new refundable "children's tax credit" for low-income families, similar to that proposed by the Vice President just weeks ago, we can increase access to child care for millions of American families who are most in need of child care assistance. More important, it affords parents, not bureaucrats, choice in selecting the child care program best suited for their children.

For those families who do not earn enough income to pay taxes, but for whom access to child care services is equally important, the kids bill would make the present dependent care tax credit refundable.

Families would be free to choose the greater of the two credits—the children's tax credit or the dependent care tax credit.

However, as we know, to place purchasing power in the hands of families becomes futile if there are no child care services to purchase. The following question then presents itself: What is the best means to increase the availability of safe and affordable child care? I think our success in forging a compromise hinges upon our answer to that question. I would submit it is over this critical issue that we are most likely to stumble.

There are many different views in Congress on the issue of how best to increase child care availability. One thing we can all agree upon is that the Federal Government must play a role. But, to what extent?

Supporters of the widely publicized ABC bill argue that the Federal Government is best able to provide the hand that feeds. But I would argue, just as we have allowed the States maximum flexibility to design and operate their education and training programs under the recently passed welfare reform legislation, so ought we allow States to enjoy the greatest flexibility in developing and providing child care services.

Accordingly, the kids bill would expand Federal assistance to the States for child care programs and activities, but would not dictate Federal standards as a condition of receipt of funds. That does not mean that States would not be required to establish their own standards. To the contrary, they would.

Under the kids bill, States would be required to develop accreditation and licensing standards for family-based and group child care providers in addition to methods of inspection and certification based on such standards. Minimum competency requirements for child care workers and supervisors would also be established. In essence, the States, not Uncle Sam, would develop standards through consultation with parents, units or local government, community-based groups, business, educators, labor representatives, and others.

With tax credits for low- and modest-income families and standards of care, the next piece in the puzzle is to increase Federal funding to assist States in the provision of child care services. Therefore, the kids bill would expand the funding authorization for the Dependent Care and Development Program under the Department of Health and Human Services from $20 million to $400 million. I believe this funding level will serve as a sufficient impetus to increasing child care availability, while remaining within the boundaries of fiscal responsibility.

Under the greatly expanded Dependent Care Program, States could provide a wide range of activities designed to increase the availability of child care. From a voucher of scholarship program for low-income families to after-school programs. From training senior citizens as child care providers to establishing and operating community or neighborhood child care centers. A wide variety of activities would be offered.

Further, any State which has already taken the initiative to establish child care programs which meet the purpose of the kids bill would be allowed to use Federal funds to expand their current programs. For example, the State of California spends over $450 million annually in State funds and tax credits, providing a wide variety of child care programs similar to those authorized in the kids bill. Under the kids bill, California could utilize Federal funding to build upon its current network of services.

Mr. President, I have briefly discussed Government's responsibilities in the child care arena, but what of the private sector's involvement? Certainly, any comprehensive response must involve business and, in particular, pay attention to the capability of small business to play a vital role in providing child care.

Recent studies have shown that business has been slow to establish child care facilities for their employees. The services provided to employees usually consist solely of information and referral services.

Those businesses across the Nation that have taken the initiative to establish child care facilities are truly pioneers. While the number of employer-sponsored child care facilities is rising, supply has not kept pace with demand. After a review of the Internal Revenue Code, one finds few, if any, provisions which provide incentive to a corporation, let alone a small business with limited capital, to establish and operate a child care facility.

Consider that fact, Mr. President, and examine the astronomical costs of liability insurance, I am sure you would be surprised to find any employer-sponsored day care facilities anywhere in America. Clearly, if we are going to maximize access to child care for working families, we must offer incentives at the workplace just as we provide tax credits to the individual and matching grants to the States.

I believe we must especially focus our efforts upon the small business sector of our economy. It is here where tomorrow's jobs will be created. It is small business which will offer job opportunity to the great influx of working mothers expected in the job market by the year 2000.

I believe we can create an environment in which many of the barriers to child care can be removed and the road to employer-sponsored child care facilities paved. First, the kids bill would create a small business tax credit of 25 percent up to $100,000 for expenses related to the establishment and operation of an on- or near-site child care facility.

Second, to help reduce the liability barrier which is oftentimes too great to overcome, my bill would, similar to other proposals, authorize $100 million in funding to States to assist in the establishment of liability risk retention groups.

Mr. President, other provisions of the kids bill include the establishment of a $25 million revolving loan fund to improve day care facilities, a study on the feasibility of offering child care as a benefit to Federal employees, requiring dependent care as an option under cafeteria benefit plans, and a comprehensive examination of Federal day care efforts. And, to enlist the support of one of the Nation's most valuable resources, our senior citizens, the kids bill would exempt earnings received for the provision of child care under the Social Security earnings test for recipients age 62 through 69.

Finally, Mr. President, to ensure that Federal programs and tax incentives are directed toward those families with the greatest need, the kids bill would gradually reduce the dependent care tax credit for those taxpayers whose adjusted gross incomes exceed $65,000 per year, eliminating the credit completely for those families with adjusted gross incomes over $93,000 per year.

Let me, once again, indicate that I introduce the kids bill with one purpose in mind and that is to provide a vehicle for compromise. I do not pretend to satisfy all who have been involved in the child care debate. Simply, it is an attempt to combine what I believe to be the best and least contentious provisions of proposals we have seen to date.

Having said that, I challenge my colleagues to prove our critics wrong and show the American public that this Congress, not the 101st, 102d, or 103d, can and will take prudent action on the child care issue.

Mr. President, this legislation is a tribute to those who have been involved, but I think that those of us who read an editorial in a recent edition of the Washington Post, saying that while many good proposals have been put forth there was a need to try to bring together the best of all in an eclectic effort, would agree that perhaps that effort needs to be forthcoming. What is offered here is the vehicle that I hope will stimulate that effort and consensus.

It is a compromise, as we were told, of the kind that hopefully will produce progress.

Mr. President, I hope for that progress, and I hope that it comes within the remaining days of the session. It is imperative that we make every effort to see that it does. Working parents and their children need the kind of help that we can provide. They need it now.

I ask that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kids in Day-Care Services Act of 1988".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. Findings and purpose.

TITLE I—DEPENDENT CARE PLANNING AND DEVELOPMENT PROGRAM

Sec. 101. Dependent care planning and development program.
Sec. 102. Effective date.

TITLE II—CHILD CARE LIABILITY RISK REDUCTION AND REVOLVING LOAN FUND

Subtitle A—Liability Risk Reduction

Sec. 210. Purpose.
Sec. 211. Formation of child care liability risk retention group.
Sec. 212. State applications.
Sec. 213. Federal enforcement.
Sec. 214. Authorization of appropriations.
Sec. 215. Reservations for territories and administrative costs.
Sec. 216. Allotments to States.
Sec. 217. Payments.

Subtitle B—Revolving Loan Fund

Sec. 220. Purpose; definitions.
Sec. 221. State applications.
Sec. 222. Authorization of appropriations.
Sec. 223. Reservations for territories and administrative costs.
Sec. 224. Allotment to States.

TITLE III—SOCIAL SECURITY ACT PROVISION

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TITLE IV—INTERNAL REVENUE CODE PROVISIONS

Sec. 401. Credit for small businesses providing qualified child care facilities.
Sec. 402. Cafeteria plans required to provide child care option.
Sec. 403. Child and dependent care credit completely phased out for adjusted gross incomes above $93,500.
Sec. 404. Refundable dependent care services tax credit.
Sec. 405. Children's tax credit.

TITLE V—MISCELLENOUS

Sec. 501. Community Services Block Grant Act.
Sec. 502. Child care under the Community Development Block Grant Program.
Sec. 503. Federal employee child care study.
Sec. 504. Study of Federal child care efforts.
Sec. 505. Sense of the Senate.

SEC. 3. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) 26,400,000 children have mothers who are employed in full and part time jobs, and 8,200,000 of such children are under the age of 5;

(2) more than 50 percent of new entrants into the labor force between the years 1986 and 2000 will be women in their childbearing years;

(3) the rapid influx of mothers into the workforce has made child care a primary concern of American families;

(4) safe and affordable child care has become a major problem for many families, including families with low and modest incomes;

(5) compliance with established quality, accreditation, and licensing standards is critical to ensuring the health and safety of children in family-based and group child care settings;

(6) there is a shortage of both trained child care providers and child care training programs where individuals can obtain the training necessary to become such a provider;

(7) difficulties in obtaining affordable liability insurance discourages individuals and small business from providing child care;

(8) there are persons between the ages of 62 and 69 who, though qualified and interested in working as child care providers, decline to do so for fear that their social security benefits would be reduced;

(9) the current Child and Dependent Care Tax Credit under section 21 of the Internal Revenue Code of 1986, is not of maximum benefit to families of low and modest incomes;

(10) the creation of additional child care tax incentives is essential to meeting the needs of children from low and modest income families; and

(11) coordination of Federal child care programs will greatly enhance the provision of child care services.

(b) Purpose.—It is the purpose of this Act to—

(1) provide assistance and flexibility to States to increase the availability of safe and affordable child care for working families;

(2) increase the access of families with low and modest incomes to affordable and quality child care;

(3) ensure the health and safety of children entrusted to child care providers;

(4) promote greater private sector involvement in the provision of child care; and

(5) remove barriers to the provision of child care.

TITLE I—DEPENDENT CARE PLANNING AND DEVELOPMENT PROGRAM

SEC. 101. DEPENDENT CARE PLANNING AND DEVELOPMENT PROGRAM.

Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(1) by inserting before the heading of section 2001 the following:

"Subtitle A—Social Services Grant Program"; and

(2) by adding at the end thereof the following new subtitle:

"Subtitle B—Dependent Care Planning and Development Program.

"SEC. 2010. DEFINITIONS.

"As used in this Act:

"(1) Consortium of small businesses.—The term 'consortium of small businesses' means two or more small businesses.

"(2) Eligible entities.—The term 'eligible entity' means—

"(A) a unit of State or local government;

"(B) a local education agency;

"(C) a nonprofit organization, which qualifies as a nonprofit organization under section 501(c) or 501(d) for the Internal Revenue Code of 1986;

"(D) a professional employee association;

"(E) a consortium of small businesses;

"(F) an institution of higher education;

"(G) a hospital or health care facility;

"(H) a family care provider; and

"(I) any public, private, or nonprofit entity that the State considers able and appropriate to carry out a project under this part.

"(3) Eligible families.—The term 'eligible families' means families with one or more children who are under the age of 13 and whose family income does not exceed 100 percent of the State median income for a family of the same size;

"(4) Institution of higher education.—The term 'institution of higher education' has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), as amended;

"(5) LOCAL EDUCATION AGENCY.—The term 'local education agency' has the same meaning given that term by section 198(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854(10)), or any successor statute defining that term for the purposes of Federal assistance to elementary and secondary education;

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services;

"(7) SLIDING FEE SCHEDULE.—The term 'sliding fee schedule' means a system of cost sharing between the State and a family based on the income and size of a family with very low income families having to pay no cost;

"(8) SMALL BUSINESS.—The term 'small business' means any business entity that employs less than 50 individuals.

"(9) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of making allotments to States to carry out the activities described in section 2014, there are authorized to be appropriated $400,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992.

"SEC. 2012. ALLOTMENTS.

"(a) FORMULA.—

"(1) IN GENERAL.—The Secretary shall make an allotment to each State for each fiscal year, from amounts appropriated under section 2011 for such fiscal year, on the basis of a formula prescribed by the Secretary that is based equally—

"(A) on the population of each State as it compares to the population of all States; and

"(B) on the population of each State weighted by the relative per capita income of that State as such compares to the relative per capita income of all States.

"(2) DEFINITION.—For purposes of this subsection, the term 'relative per capita income' means—

"(A) the quotient of the per capita income of the United States and the per capita income of the State; or

"(B) in the case of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Commonwealth of Puerto Rico, or the Virgin Islands, the quotient shall be considered to be 1.

"(b) ADDITIONAL ALLOTMENT.—

"(1) METHOD OF ALLOTMENT.—Any amounts not alloted under subsection (a) shall be allotted among each of the States in proportion to the amount otherwise allotted to such States for such fiscal year under subsection (a).

"(2) DEFINITION.—For the purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(3) REDUCTIONS.—

"(A) IN GENERAL.—The amount that a State is entitled to receive under subsection (a) and under paragraph (1) shall be reduced to the extent that such amount exceeds the sum that the Secretary estimates will be used in such State to carry out a State plan approved by the Secretary under section 2015.

"(B) REALLOTMENT.—The amount of such reduction shall be reallotted among those remaining States that have not been subject to a reduction under this paragraph in the same manner in which the original allotment was made.

"SEC. 2013. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make payments from amounts appropriated for each fiscal year under section 2011, as provided by section 6503(a) of title 31, United States Code, to each State in an amount (not to exceed its allotment under section 2012 for such fiscal year) equal to the Federal share of the aggregate amount to be expended by the State under the State plan for such fiscal year.

"(b) FEDERAL SHARE.—The Federal share for each fiscal year shall be 75 percent.

"(c) STATE SHARE.—The State share shall equal 100 percent minus the Federal share.

"(d) CARRYOVER.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that year shall remain available, for the next fiscal year, to the State for the purposes for which the payment to the State was made.

"SEC. 2014. STATE USE OF ALLOTMENTS.

"(a) PROJECT GRANTS.—Amounts paid to a State under section 2013 shall be used by the State to make grants to eligible entities for projects described in subsection (b) that meet at least one of the purposes of the Kids in Day-Care Services Act of 1988.

"(b) PROJECTS.—

"(1) PURPOSE.—A State may make a grant to an eligible entity—

"(A) for the provision of child care services through various programs, including a certificate or voucher program for eligible families;

"(B) for the expansion and operation of existing State child care programs, if such programs are consistent with the purposes of the Kids in Day-Care Services Act of 1988;

"(C) for the establishment or operation of community or neighborhood child care centers, including the renovation of public buildings for such purposes;

"(D) for the establishment or operation of after school child care programs;

"(E) for the establishment or operation of programs to recruit and train senior citizens to serve as child care providers;

"(F) for the establishment or operation of child care programs for children of migrant workers families;

"(G) to enable such entity to provide grants or loans to fund the start up costs of onsite child care offered by small business concerns;

"(H) for the establishment and operation of training programs for child care providers;

"(I) for the temporary care of children who are sick and unable to attend child care programs in which such children are enrolled; or

"(J) for any project consistent with the purposes of the Kids in Day-Care Services Act of 1988.

"(2) LIMITATIONS.—A State may not use amounts paid to the State under section 2013 to—

"(A) provide inpatient health care services or other such unrelated services, except temporary sick child care services as authorized under paragraph (1)(I);

"(B) make cash payments to intended recipients of services (other than pursuant to a certificate or voucher program to enable low income families to obtain adequate child care as authorized under paragraph (1)(A));

"(C) provide support to any project in which the provision of child care services is not based on a sliding fee schedule;

"(D) purchase major medical equipment (except as provided in paragraph (1)(I)); and

"(E) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(3) WAIVER OF LIMITATIONS.—The Secretary may waive the limitations contained in paragraph (2) on the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this title.

"(c) TECHNICAL ASSISTANCE.—The Secretary, on the request of a State, shall provide technical assistance to the State in planning and operating activities to be carried out under this title.

"(d) STATE ADMINISTRATION.—

"(1) LIMITATION OF EXPENDITURES.—No more than 7 percent of the total amount paid to a State under section 2013 for a fiscal year shall be used for administering the funds made available under such section. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(2) STATE RESPONSIBILITIES.—From the funds reserved by the State under paragraph (1) for the administration of the amounts paid to the State under section 2013, the State shall—

"(A) provide technical assistance to eligible entities participating in projects receiving assistance under this section;

"(B) conduct investigations of alleged child abuse in projects receiving assistance under this section;

"(C) coordinate projects receiving assistance under the Kids in Day-Care Services Act of 1988 with existing programs;

"(D) establish regular communications with registered, licensed, and accredited child care providers concerning regulatory standards, provider training opportunities, provider support groups, and nutrition assistance programs; and

"(E) establish a consumer education program designed to inform parents and the general public about regulatory standards, complaint procedures, and the importance of parental involvement in assuring quality child care.

"SEC. 2015. STATE PLAN.

"(a) STATE PLAN.—Not later than 12 months after the date of enactment of this title, each State desiring to participate in the program authorized under this title shall prepare and submit to the Secretary a State plan. Each such plan shall—

"(1) describe the State agency that will administer the programs authorized under this title;

"(2) describe the authorized activities for which assistance is sought under this title;

"(3) provide assurances that Federal funds under this title for any fiscal year will be used to supplement, and to the extent practicable, to increase the level of funds, that would, in the absence of such Federal funds, be made available from non-Federal sources for the purpose described in section 2014 and in no case supplant such funds from non-Federal sources;

"(4) describe procedures that the State will use to require eligible providers to submit applications to the State in accordance with section 2017, and to approve such applications;

"(5) describe standards that the State has established pursuant to section 2016;

"(6) certify that the State will coordinate the provision of child care services made available with funds provided under this title with other child care services provided in the State;

"(7) provide such fiscal control and accounting procedures as may be necessary—

"(A) to ensure the proper accounting of Federal funds paid to the State under this title; and

"(B) to ensure the verification of reports required under this title;

"(8) certify that the State will use the information contained in the report submitted to the Secretary pursuant to subsection (i) to regularly evaluate the impact of the distribution of funds received pursuant to section 2013 by the State on the quality and availability of child care services in the State; and

"(9) provide such additional assurances as the Secretary may reasonably require.

"(b) Approval.—

"(1) Time period.—Not later than 30 days after the receipt of a State plan under section 2018, the Secretary shall approve such plan if it meets the requirements of such subsection and this title.

"(2) Disapproval.—In the case of a State plan that is not approved by the Secretary under this paragraph (1), the Secretary may withhold funds from such State until such time as the State plan meets the requirements of this title.

"(3) Technical assistance.—The Secretary shall provide technical assistance to a State, on request by the State, to ensure compliance with the provisions of this title.

"SEC. 2106. STANDARDS.

"(a) Establishment.—To receive funds under this title, a State shall establish standards for—

"(1) the accreditation and licensing of family-based and group child care providers;

"(2) inspection and certification of the providers referred to in paragraph (1) based on such standards; and

"(3) minimum competency requirements that child care providers must meet.

"(b) Consultation.—In developing standards under paragraph (1), a State shall consult with child care providers, parents, community-based organizations, local government, social service agencies, religious organizations, educational institutions, business organizations, and labor and employee associations.

"SEC. 2017. APPLICATIONS FOR GRANTS BY ELIGIBLE PROVIDERS.

"(a) Application.—In order to receive a grant from a State under section 2014, an eligible entity shall submit an application to the State that—

"(1) describes the project for which assistance is sought;

"(2) contains assurances that the eligible provider will use funds furnished in accordance with the requirements of this title;

"(3) provides assurances that—

"(A) an appropriate sliding fee schedule will be established in the case of any project in which child care services are furnished with assistance under this title; and

"(B) such fee schedule will be based on the annual incomes of the participating families;

"(4) provides assurances that procedures will be established for parental involvement in the operation of a project receiving assistance under this title;

"(5) provides assurances that the project will meet the standards established by the State under section 2016; and

"(6) includes any additional assurances that the State may reasonably require.

"(b) Priority.—In making grants under this title, a State shall give priority to applications from eligible providers that attempt to significantly expand or improve the provision of child care services to children of parents with low or modest incomes.

"(c) Funding Requirement.-An eligible entity receiving a grant under this section shall be required to fund at least 10 percent, but not more than 50 percent, of the project cost with non-Federal funds. The non-Federal funding may be in cash or in-kind based on fair market value.

"SEC. 2018. REPORTING REQUIREMENTS.

"(a) State Reports.—

"(1) In general.—Not later than 12 months after a State receives funds under this title, and at 12-month intervals thereafter, the chief executive officer of such State shall prepare and submit to the Secretary, in such form as the Secretary shall prescribe, a report describing the States' use of funds received under this title.

"(2) Report requirements.—Reports submitted under paragraph (1) shall—

"(A) include a description of the programs, activities, and services supported or provided with the funds received under this title;

"(B) include the number of children served by, the number of low-income families served by, and the Federal, State, local, and private costs incurred in, the programs, activities, and services supported or provided with the funds received under this title;

"(C) include the number of individuals trained as child care providers and an examination of the impact of provider pay on the quality of child care and on provider and staff turnover in the State during the preceding year;

"(D) include the number of new child care programs established in part or in whole with funds provided this title;

"(E) include any additional information that the chief executive officer of the State may consider appropriate; and

"(F) be made public in the State in a manner that will facilitate comment by persons desiring to do so.

"(b) Report to Congress.—Not later than 6 months after the receipt of State reports required under subsection (a), and at 12-month intervals thereafter, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report containing a summary of the information contained in the State reports submitted under subsection (a). Such summary shall include an analysis of those programs activities, and services supported or provided with the funds received by the States this title that the Secretary considers particularly innovative and effective, and any additional information the Secretary considers appropriate.".

SEC. 102. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective on 6 months after the date of enactment of this Act.

TITLE II—CHILD CARE LIABILITY RISK REDUCTION AND REVOLVING LOAN FUND

Subtitle A—Liability Risk Reduction

SEC. 210. PURPOSE.

It is the purpose of this subtitle—

(1) to increase the availability of child care by alleviating the serious difficulty faced by child care providers in obtaining affordable liability insurance; and

(2) to provide States with a sufficient capital base for liability insurance purposes that may be increased or maintained through mechanisms developed by the State.

SEC. 211. FORMATION OF CHILD CARE LIABILITY RISK RETENTION GROUP.

(a) Assistance in Formation and Operation of Group.—Any State may assist in the establishment and operation of a child care liability risk retention group in the manner provided under this subtitle.

(b) Child Care Liability Risk Retention Group Defined.—For purposes of this subtitle, the "child care liability risk retention group" means any corporation (or other limited liability association)—

(1) whose members are child care providers licensed or accredited pursuant to State or local law or standards; and

(2) which otherwise satisfies the criteria for a risk retention group under section 2(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(4)).

SEC. 212. STATE APPLICATIONS.

(a) Applications.—To qualify for assistance under this subtitle, a State shall submit an application to the Secretary of Health and Human Services, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require, including a State plan which meets the requirements of subsection (b) of this section.

(b) State Plans.—

(1) Lead agency.—The plan shall identify the lead agency which has been designated and that is to be responsible for the administration of funds provided under this subtitle.

(2) Participants in risk retention group.—The plan shall provide that all participants in the child care liability risk retention group are child care providers who are licensed or accredited pursuant to State or local law or standards. In addition, the plan shall provide for maximum membership of family-based child care providers in the group.

(3) Use of funds.—The plan shall provide that the State shall use at least the amount allotted to the State in any fiscal year to establish or operate a child care liability risk retention group.

(4) Continuation of risk retention group.—The plan shall set forth provisions that specify how the child care liability risk retention group will continue to be financed after fiscal year 1991, including financing through contributions by the State or by members of such group.

SEC. 213. FEDERAL ENFORCEMENT.

(a) Review of Plans.—The Secretary of Health and Human Services shall review and approve State plans submitted in accordance with this subtitle and shall monitor State compliance with the provisions of this subtitle.

(b) Finding of Noncompliance.—If the Secretary of Health and Human Services, after reasonable notice to a State and opportunity for a hearing, finds—

(1) that there has been a failure to comply substantially with any provision or any requirements set forth in the State plan of that State; or

(2) that there is a failure to comply substantially with any applicable provision of this subtitle,

the Secretary shall notify such State of the findings and of the fact that no further payments may be made to such State under this subtitle until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

SEC. 214. AUTHORIZATION OF APPROPRIATION.

(a) Authorization of Appropriations.—To carry out the provisions of this subtitle, there are authorized to be appropriated $100,000,000 for fiscal year 1989.

(b) Amounts To Remain Available.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1989, 1990, and 1991 without limitation.

SEC. 215. RESERVATIONS FOR TERRITORIES AND ADMINISTRATIVE COSTS.

From the sums appropriated to carry out the provisions of this subtitle for each fiscal year, the Secretary of Health and Human Services shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

(2) 3 percent for the administrative costs of carrying out the provisions of this subtitle.

SEC. 216. ALLOTMENTS TO STATES.

(a) In General.—From the remainder of the amounts appropriated under section 214, the Secretary of Health and Human Services shall make an allotment to each State not referred to in section 215 for each fiscal year in accordance with subsection (b).

(b) Allotment Formula.—

(1) In General.—The amount of each State's allotment under subsection (a) shall be equal to the product of—

(A) an amount equal to the sums appropriated to carry out the provisions of this subtitle for each fiscal year minus the amount reserved pursuant to section 215 for such fiscal year; and

(B) the percentage described in paragraph (2).

(2) Percentage.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

(A) an amount equal to the population of each State as it compares to the population of all States; divided by

(B) an amount equal to the population of each State weighted by the relative per capita income of that State as such compares to the relative per capita income of all States.

(c) State Administrative Costs.—Of the amount allotted to a State pursuant to subsection (a), an amount not to exceed 7 percent shall be used by such State to provide for the administrative costs of carrying out such program.

SEC. 217. PAYMENTS.

(a) Entitlement.—Each State having a plan approved by the Secretary of Health and Human Services under this subtitle shall be entitled to payments under this section for each fiscal year in an amount not to exceed its allotment under section 216, to be expended by the State under the plan for the fiscal year for which the grant is to be made.

(b) Method of Payments.—The Secretary of Health and Human Services may make payments to a State in installments, and in advance or, subject to the requirement of section 214, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) Carryover.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that year shall remain available, for the next fiscal year, to the State for the purposes for which the payment to the State was made.

Subtitle B—Revolving Loan Fund

SEC. 220. PURPOSE; DEFINITIONS.

(a) Purpose.—It is the purpose of this subtitle to—

(1) increase the availability of family-based child care by enabling family-based child care providers to meet accreditation or licensing standards; and

(2) provide States with a sufficient capital base to make loans that may be increased or maintained through mechanisms developed by the State.

(b) Definitions.—As used in this subtitle:

(1) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(2) State.—The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 221. STATE APPLICATIONS.

(a) Submission of Application.—

(1) Form of application.—To qualify for assistance under this subtitle, a State shall submit an application to the Secretary, at such time, in such manner, and providing such information as the Secretary may require, including a plan which meets the requirements of paragraph (2).

(2) Qualifying for loan.—The State shall submit a plan that sets forth procedures and requirements whereby any person desiring to make capital improvements to the principal residence of such person (within the meaning of section 1034 of the Internal Revenue Code of 1986) in order to become a licensed or accredited family-based child care facility, pursuant to State or local law or standards, may obtain a loan from the State revolving loan fund (hereinafter called the "fund"). Such fund shall be administered by the State and shall provide loans to qualified applicants, pursuant to the terms and conditions established by such State, in an amount, determined by such State, which is not in excess of $1,500.

(b) State Plan.—

(1) Establishment of fund.—The State shall provide in its plan, that such State has established a revolving loan fund, and has provided procedures whereby—

(A) moneys are transferred to such fund to provide capital for making loans;

(B) interest and principal payments on loans and any other moneys, property, or assets derived from any action concerning such fund are deposited into such fund;

(C) all loans, expenses, and payments pursuant to the operation of this title are paid from such fund;

(D) loans made from such fund are made to qualified applicants for capital improvements to be made so that such applicant may obtain a State or local accreditation or a license for a family-based child care facility; and

(E) the plan shall set forth provisions which specify how any such revolving loan fund will continue to be financed after fiscal year 1990, such as through contributions by the State or by some other entity.

(2) Qualifications.—Such plan shall also set forth procedures and guidelines to carry out the purposes of this subtitle, including provisions which will assure that only applicants who obtain a license or accreditation for a child care facility in accordance with the provisions of State or local law or standards, benefit from loans made available pursuant to the provisions of this title.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—To carry out the provisions of this subtitle, there are authorized to be appropriated $25,000,000 for fiscal year 1989.

(b) Amounts to Remain Available.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1989, 1990, and 1991 without limitation.

SEC. 223. RESERVATIONS FOR TERRITORIES AND ADMINISTRATIVE COSTS.

From the sums appropriated to carry out the provisions of this subtitle in each fiscal year, the Secretary shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be alloted in accordance with their respective needs; and

(2) 3 percent for the administrative costs of carrying out the provisions of this subtitle.

SEC. 224. ALLOTMENTS TO STATES.

(a) In General.—From the remainder of the amounts appropriated under section 222, the Secretary shall make an allotment to each State not referred to in section 223 for each fiscal year to enable the State to carry out the provisions of this subtitle for such fiscal year.

(b) Allotment Formula.—

(1) In general.—The amount of each State's allotment under subsection (a) shall be equal to the product of—

(A) an amount equal to the sums appropriated to carry out the provisions of this title for each fiscal year minus the amounts reserved pursuant to section 223 for such fiscal year; and

(B) the percentage described in paragraph (2).

(2) Percentage.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

(A) an amount equal to the population of each State as it compares to the population of all States; divided by

(B) an amount equal to the population of each State weighted by the relative per capita income of that State as such compares to the relative per capita income of all States.

(c) State Administrative Costs.—Of the amount allotted to a State pursuant to subsection (a), an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

TITLE III—SOCIAL SECURITY ACT PROVISION

SEC. 301. CHILD CARE EARNINGS EXCLUDED FROM WAGES AND SELF-EMPLOYMENT INCOME FOR EXCESS EARNINGS TEST.

(a) Wages.—Section 203 (f)(5)(c) of the Social Security Act (42 U.S.C. 403(f)(5)(c)) is amended—

(1) by striking out "or" at the end of clause (i),

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new clause:

"(iii) the amount of any payment made to an employee by an employer for child care services performed by such employee after the month in which such employee initially becomes entitled to insurance benefits under this title.".

(b) SELF-EMPLOYMENT INCOME.—Section 203(f)(5)(D) of such Act (42 U.S.C. 403(f)(5)(D)) is amended—

(1) by striking out "or" at the end of clause (i),

(2) by adding "or" at the end of clause (ii),

(3) by inserting immediately after clause (ii) the following new clause:

"(iii) an individual who has become entitled to insurance benefits under this title, any income attributable to child care services performed after the month in which such individual becomes entitled to such benefits,", and

(4) by striking out "royalties or other income" and inserting in lieu thereof "royalties or income".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages or income earned after the date of the enactment of this Act.

TITLE IV—INTERNAL REVENUE CODE PROVISIONS

SEC. 401. CREDIT FOR SMALL BUSINESSES PROVIDING QUALIFIED CHILD CARE FACILITIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 43. QUALIFIED SMALL BUSINESS-PROVIDED CHILD CARE FACILITY CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the qualified child care facility credit determined under this section for any taxable year is an amount equal to 25 percent of the qualified child care expenses for such taxable year.

"(b) LIMITATION.—The amount of the credit determined under subsection (a) for any taxable year shall not exceed $100,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENSES.—The term 'qualified child care expenses' means any amount paid or incurred by a small business during the taxable year to acquire, construct, or otherwise establish a qualified child care facility and to operate such facility.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) operated by a small business for the care of enrollees, at least 30 percent of whom are dependents of employees of such small business,

"(ii) located on or near the business premises of such small business, and

"(iii) which is accredited or licensed to operate as a child care facility under applicable State and local laws and regulations.

"(B) CONSORTIUM OF SMALL BUSINESSES.—In the case of a facility operated by more than 1 small business, such facility shall be treated as a qualified child care facility of each small business with respect to which the requirements of subparagraph (A) are met separately.

"(3) SMALL BUSINESS.—The term 'small business' means any person who employs less than 50 full-time employees in any 1 pay period.

"(d) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) NO DOUBLE BENEFIT.—No credit or deduction under any other provision of this chapter shall be allowed to a taxpayer for the taxable year for any expenditure with respect to which a credit is allowed under this section for such year.

"(f) SPECIAL AGGREGATION AND ALLOCATION RULES.—For purposes of this section—

"(1) AGGREGATION OF EXPENDITURES.—

"(A) CONTROLLED GROUP OF CORPORATIONS.—In determining the amount of the credit under this section—

"(i) all members of the same controlled group of corporations shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such member shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(B) COMMON CONTROL.—Under regulations prescribed by the Secretary, in determining the amount of the credit under this section—

"(i) all trades or businesses (whether or not incorporated) which are under common control shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such person shall be its proportionate share of the qualified child care expenses giving rise to the credit.

The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(2) ALLOCATIONS.—

"(A) ALLOCATION IN CASE OF CONSORTIUM OF SMALL BUSINESSES.—In the case of a consortium of small businesses described in subsection (c)(2)(B) in jointly operating a qualified child care facility, the credit allowable by this section to each such small business shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(B) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(C) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(3) CONTROLLED GROUP OF CORPORATIONS.—The term 'controlled group of corporations' has the same meaning given to such term by section 1563(a), except that—

"(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(B) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(g) SPECIAL RULE FOR PASS-THRU OF CREDIT.—In the case of an individual who—

"(1) owns an interest in an unincorporated trade or business,

"(2) is a partner in a partnership,

"(3) is a beneficiary of an estate or trust, or

"(4) is a shareholder in an S corporation,

the amount allowable under subsection (a) for any taxable year shall not exceed an amount (separately computed with respect to such person's interest in such trade or business or entity) equal to the amount of tax attributable to that portion of a person's taxable income which is allocable or apportionable to the person's interest in such trade or business or entity.

"(h) RECEIPT OF CHILD CARE PROJECT GRANT.—A small business is not eligible for a credit under this section for a taxable year if such small business received a child care project grant pursuant to section 1934 of the Public Health Service Act during such taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(6) the qualified child care facility credit determined under section 43.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 43. Qualified small business-provided child care facility credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31 of the calendar year in which this Act is enacted.

SEC. 402. CAFETERIA PLANS REQUIRED TO PROVIDE CHILD CARE OPTION.

(a) IN GENERAL.—Paragraph (1) of section 125(c) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end thereof the following new sentence:

"A plan shall not be treated as a cafeteria plan unless it provides an option to choose benefits under a dependent care assistance program (within the meaning of section 129(d)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31 of the calendar year in which this Act is enacted.

SEC. 403. CHILD AND DEPENDENT CARE CREDIT COMPLETELY PHASED OUT FOR ADJUSTED GROSS INCOMES ABOVE $93,500.

(a) IN GENERAL.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 0 percent) by the sum of—

"(A) 1 percentage point (but no more than a total of 10 percentage points) for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000, plus

"(B) 1 percentage point for each $1,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $65,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31 of the calendar year in which this Act is enacted.

SEC. 404. REFUNDABLE DEPENDENT CARE SERVICES TAX CREDIT.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended—

(1) by redesignating section 35 as section 36, and

(2) by redesignating section 21 as section 35.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 35(a) of the Internal Revenue Code of 1986 (relating to allowance of credit), as redesignated by subsection (a), is amended by striking out "chapter" and inserting in lieu thereof "subtitle".

(2) Section 129 of such Code (relating to dependent care assistance programs) is amended—

(A) by striking out "section 21(d)(2)" in subsection (b)(2) and inserting in lieu thereof "section 35(d)(2)", and

(B) by striking out "section 21(b)(2)" in subsection (e)(1) and inserting in lieu thereof "section 35(b)(2)".

(3) Subsection (e) of section 213 of such Code (relating to deduction for medical, dental, etc., expenses) is amended by striking out "section 21" and inserting in lieu thereof "section 35".

(4) Paragraph (4) of section 6201(a) of such Code (relating to assessment authority) is amended—

(A) by striking out "or section 32 (relating to earned income)" and inserting in lieu thereof ", section 32 (relating to earned income), or section 35 (relating to dependent care services credit)", and

(B) by striking out the caption and inserting in lieu thereof the following:

"(4) Overstatement of certain credits.—

".

(5) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(f) Time Tax Is Considered Paid for Dependent Care Services Credit.—For purposes of section 6511, the taxpayer shall be considered as paying an amount of tax on the last day prescribed for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments) equal to so much of the credit allowed by section 35 (relating to dependent care services credit) as is treated under section 6401(b) as an overpayment of tax.".

(6) Subsection (d) of section 6611 of such Code is amended by striking out the caption and inserting in lieu thereof the following:

"(d) Advance Payment of Tax, Payment of Estimated Tax, Credit for Income Tax Withholding, and Dependent Care Services Credit.—".

(c) Clerical Amendments.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking out the item relating to section 21.

(2) The table of sections for subpart C of such part IV is amended by striking out the item relating to section 35 and inserting in lieu thereof the following new items:

"Sec. 35. Expenses for household and dependent care services necessary for gainful employment.

"Sec. 36. Overpayments of tax.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31 of the calendar year in which this Act is enacted.

SEC. 405. CHILDREN'S TAX CREDIT.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by section 405, is further amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CHILDREN'S TAX CREDIT.

"(a) General Rule.—In the case of an individual who maintains a household which includes as a member 1 or more qualifying children, there is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the child care expenses for each qualifying child for the taxable year.

"(b) Limitations.—

"(1) Child care expenses.—The amount of child care expenses for each qualifying child incurred during any taxable year which may be taken into account under subsection (a) shall not exceed $750, and in no event shall a credit be taken for more than two qualifying children in any one year.

"(2) Adjusted gross income of taxpayer.—

"(A) In general.—No credit shall be allowed under subsection (a) with respect to any taxpayer whose adjusted gross income for the taxable year exceeds the applicable amount.

"(B) Applicable amount.—For purposes of subparagraph (A), the applicable amount shall be determined in accordance with the following table:

"In the case of any taxable year beginning in:	The applicable amount is:
1989	$16,000
1990	17,000
1991	18,000
1992	19,000
1993	20,000.

"(c) Qualifying Child.—For purposes of this section, the term 'qualifying child' means any individual—

"(1) who is a dependent (as defined in section 152) of the taxpayer,

"(2) who is a child (as defined in section 151(c)(3)) of the taxpayer, and

"(3) who has not attained age 4 at the close of the calendar year in which the taxable year of the taxpayer begins.

"(d) Child Care Expenses.—

"(1) In general.—The term 'child care expenses' means amounts paid for the care of a qualifying child, but only if such amounts are incurred to enable the taxpayer to be gainfully employed for any period for which there are 1 or more qualifying children with respect to the taxpayer. Such term shall not include any amount paid for services outside the taxpayer's household at a camp where the qualifying child stays overnight.

"(2) Dependent care outside the taxpayers household.—Child care expenses described in paragraph (1) that are incurred for services provided outside the taxpayer's household shall be taken into account only if such services comply with all applicable laws and regulations of a State or unit of local government.

"(e) Special Rules.—For purposes of this section—

"(1) Maintaining household.—An individual shall be treated as maintaining a household for any period only if over half the cost of maintaining the household for such period is furnished by such individual (or, if such individual is married during such period, is furnished by such individual and his spouse).

"(2) Married couples must file joint return.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return for the taxable year.

"(3) Marital status.—An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

"(4) Certain married individuals living apart.—If—

"(A) an individual who is married and who files a separate return—

"(i) maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a qualifying child, and

"(ii) furnishes over half of the cost of maintaining such household during the taxable year, and

"(B) during the last 6 months of such taxable year such individual's spouse is not a member of such household,

such individual shall not be considered as married.

"(5) Special dependency test in case of divorced parents, etc.—If paragraph (2) or (4) of section 152(e) applies to any child with respect to any calendar year, in the case of any taxable year beginning in such calendar year, such child shall be treated as a qualifying child with respect to the custodial parent (within the meaning of section 152(e)(1)), and shall not be treated as a qualifying child with respect to the noncustodial parent.

"(6) Payments to related individuals.—No credit shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual—

"(A) with respect to whom, for the taxable year, a deduction under section 151(c) (relating to deduction for personal exemptions for dependents) is allowable either to the taxpayer or his spouse, or

"(B) who is a child of the taxpayer (within the meaning of section 151(c)(3)) who has not attained the age of 19 at the close of the taxable year.

For purposes of this paragraph, the term 'taxable year' means the taxable year of the taxpayer in which the service is performed.

"(f) No Credit Allowed if Dependent Care Credit Allowed.—No credit shall be allowed under this section to a taxpayer for the taxable year if a credit is allowed to such taxpayer under section 35 for such year.".

(b) Clerical Amendment.—The table sections for subpart C of part IV of subchapter A of chapter 1 of such Code, as amended by section 405, is further amended by striking the item relating to section 36 and inserting in lieu thereof the following new items:

"Sec. 36. Children's tax credit.

"Sec. 37. Overpayments of tax.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31 of the calendar year in which this Act is enacted.

TITLE V—MISCELLANEOUS

SEC. 501. COMMUNITY SERVICES BLOCK GRANT ACT.

Section 674 of the Community Services Block Grant Act (42 U.S.C. 9903) is amended—

(1) in subsection (a)(1)(A), by inserting ", and makes the grants authorized under subsection (b)(3)" after "(b)(1)"; and

(2) in subsection (b), by adding at the end thereof the following new paragraph:

"(3) Of the amounts appropriated under section 672, the Secretary shall reserve $10,000,000 in each fiscal year to make grants to States that fund local child day care projects to enable such States to improve the provision of affordable and quality child care services within such State. To receive a grant under this paragraph, a State shall comply with the provisions of this Act.".

SEC. 502. CHILD CARE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "(A)" after "except that"; and

(2) by inserting before the semicolon the following: "(B) an additional amount of any assistance under this title may be used for child care, but in no case may more than 20 percent of the amount of assistance under this title be used for activities under this paragraph".

SEC. 503. FEDERAL EMPLOYEE CHILD CARE STUDY.

Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall conduct a study, and prepare and submit, to the appropriate Committees of Congress, a report concerning—

(1) the feasibility of offering child and adult day care as a benefit to Federal employees through health insurance plans under chapter 89 of title 5, United States Code;

(2) the ability of health insurance providers to subcontract the management of child and adult care facilities; and

(3) the approximate cost to the Federal Government, to Federal employees, and to health insurance providers of offering child and adult day care as a benefit of Federal employment.

SEC. 504. STUDY OF FEDERAL CHILD CARE EFFORTS.

(a) STUDY.—The Secretary of Health and Human Services, in conjunction with the heads of other relevant Federal agencies and departments, shall conduct a study of all child care programs and activities that receive assistance from the Federal government.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit, to the appropriate Committees of Congress, a report based on the study conducted under subsection (a), that shall include—

(1) the number of families served under child care programs in effect on the date of enactment of this Act;

(2) recommendations by the Secretary to improve the operation of such programs; and

(3) a plan for the coordination of all Federal child care efforts.

SEC. 505. SENSE OF THE SENATE.

It is the sense of the Senate that States should be required to assist low and moderate income families in finding affordable and quality child care services.

By Mr. HELMS (for himself, Mr. SHELBY, Mr. SPECTER, Mr. KERRY, Mr. LUGAR, Mr. DECONCINI, Mr. DOLE, Mr. WEICKER, Mr. THURMOND, Mr. BOND, Mr. BURDICK, Mr. EXON, Mr. DURENBERGER, Mr. INOUYE, Mr. CHAFEE, Mr. LEVIN, Mr. SANFORD, Mr. WILSON, Mr. MOYNIHAN, Mr. MCCAIN, Mr. PRESSLER, Mr. HOLLINGS, Mr. PELL, Mr. HEFLIN, Mr. PRYOR, Mr. STENNIS, and Mr. HUMPHREY):

S.J. Res. 364. Joint resolution to designate the week of October 2 through October 8, 1988, as "National Paralysis Awareness Week"; to the Committee on the Judiciary.

NATIONAL PARALYSIS AWARENESS WEEK

Mr. HELMS. Mr. President, today I am offering a joint resolution designating the week of October 2, 1988, as "National Paralysis Awareness Week"—and I know that those Senators who haven't yet agreed to cosponsor it will want to do so shortly.

Mr. President, each year there are more than 14,000 spinal cord injuries, the leading cause of which is automobile accidents. The average age of individuals receiving a spinal cord injury is 19, and young males are the victims of 80 percent of all injuries.

In 1985, a former all-pro Miami Dolphin, and a personal friend of many Senators, Nick Buoniconti, introduced me to the Miami Project to Cure Paralysis. The Miami Project is the largest, most comprehensive and advanced center in the world committed to finding a cure for paralysis.

The project's two scientific components, basic research and applied research, having received international recognition, comprise a significant part of this exceptional operation. The basic research component consists of a team representing all major areas in the study of the central nervous system. Each of the team's members bring their own expertise to develop novel approaches to the treatment of spinal cord trauma and other central nervous system disorders.

The applied research component consists of a leading group of scientists devoted to the care and rehabilitation of paralyzed patients.

The scientific components are actively supported by the Miami Project's fundraising and special events unit and a strong board of directors. Key fundraising events are hosted nationwide on an ongoing basis, one of which is "The Annual Great Sports Legends Dinner," to be held on October 4, 1988, in New York City. To heighten awareness of the need to find a cure for paralysis, an aggressive public relations and media campaign have been initiated by folks associated with the project.

Mr. President, there's a touching story involving Nick Buoniconti's son, Marc. In 1985, while playing in a college football game, Marc dislocated his neck and suffered a complete lesion of the spinal cord, leaving him paralyzed from the chest down.

Mr. President, I ask that the article, "three in a half-million," which appeared in the The Kansas City Times on January 25, be printed in the RECORD at this point. Then I will resume my comments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kansas City Times, Jan. 25, 1988]

3 IN A HALF-MILLION—MARC BUONICONTI TRANSFORMS HIS PARALYSIS INTO BEACON OF HOPE AND SUPPORT FOR OTHERS

(By Kent Pulliam)

MIAMI.—Blinking his eyes repeatedly, he barely managed to stem the tears. "I know exactly what he is going through," Marc Buoniconti said, shrugging his shoulders as he does whenever he talks. "It's so hard.

". . . It's so hard."

Garrett Conrad sat immobile in a wheelchair not 15 feet away on the other side of the door paralyzed from the neck down. His head was held in place by a metal brace. A trachea tube ran through his neck and down his esophagus, enabling a ventilator to breathe for him. He spoke in a coarse whisper barely audible 3 feet away, but his eyes said worlds about the frustration of being confined to a world no larger than the 20-by-20-foot hospital room.

It was only two years ago Buoniconti lived this hell himself. Bed No. 1 just down the hall was his home for five months. He, too, was paralyzed from his neck down after suffering a broken neck during a football game his sophomore year at The Citadel.

He still is.

"I have something to offer to the people over here," said Buoniconti, who in the two years since his injury has fought his way off a ventilator and is living as normal a life as possible for someone whose arms and legs lay limp and useless.

"They know I went through the same things they are. So I guess they feel more comfortable.

"People can say: 'Oh, I understand how you are feeling.' Well, bull! You don't understand what I am feeling or going through.

"But they know I understand. It's kind of a camaraderie. That's bad. You don't want to be comrades in paralysis, but it's a family situation. It's like growing together."

On the morning of Oct. 26, 1985, Marc Buoniconti dressed himself, fed himself breakfast. It was the last time he did either for himself.

Just over 12 hours later, as Herman Jacobs tried to convert a third-and-1 situation for East Tennessee State, Buoniconti came face to face with tragedy. Jacobs ran to his right, was hit in the backfield, lost his balance and dived forward. At the same time Buoniconti, playing middle linebacker, shoved the center away, pursued Jacobs left and hit him, helmet on Jacob's left hip.

The impact snapped the second and third cervical vertebrae, a broken neck.

The young man who looked back at him from the mirror that morning, a picture of health, had become another statistic among the half-million Americans who have suffered spinal-cord injuries.

Another 10,000 to 12,000 suffer similar injuries every year. Most sustain those injuries in automobile accidents. In some areas of the country, diving produces almost as many of these types of injuries. Many who suffer spinal-cord injuries are active youth with their lives ahead of them.

Buoniconti fit the profile perfectly.

"I knew I had broken my neck" Buoniconti told interviewers a year after his injury. "But I felt no pain. I remember lying there for what seemed like forever. Our trainer, Andy Clawson, came over. He saw that my legs were floppy and all twisted. He looked at me with eyes as big as golf balls.

"He knew I was breathing just enough to keep alive, gasping. Because I had broken my neck at the third cervical vertebra, I initially lost the use of my phrenic nerves, the ones that control the diaphragm. I had so little breath that I couldn't make any vocal sounds. I felt like I was suffocating."

Buoniconti is adapting as well as he can. He is tanned, athletically minded.

He lives at his parent's newly purchased home in Coral Gables, Fla. It was remodeled into a duplex, so he has living quarters on one side. His wing of the house has a kitchen and separate entrances. He has five full-time nurses, each of whom works a 12-hour shift. He is attending classes at the University of Miami, majoring in psychology. He was on the dean's list one semester and now carries about a 3.0 grade average.

He is the national spokesman for the Miami Project to Cure Paralysis, traveling around the country to appear at fund-raising events such as the Great Legends of Sports dinner in New York. Recently he was in Dallas for the national collegiate flag-football championships, a benefit for the Miami Project.

He has had opportunities and help many quadriplegics are not offered. He started from a similar proving ground, his being the eighth floor of Jackson Memorial Hospital. It is the neurosurgical floor. It is not fun.

"When I got there I couldn't breath," said Buoniconti. A ventilator did that for him. The trachea tube down his throat prevented him from speaking; he communicated with his eyes only. After two months he could speak in a whisper only with the aid of a machine that forced air across his vocal cords.

"When I first got hurt I felt sorry for myself," Buoniconti said. "I was asking, 'Why me?' Once I started getting off the ventilator everything got much better."

There is a love-hate relationship between the quadriplegic and the ventilator. Without it, Buoniconti never would have lived. Even as it pumped life into him, he feared it would be the instrument of his death.

"It's breathing for you, but you are scared of it," Buoniconti said. "You know if there is a malfunction you will die. Even though you need it, you hate it.

"You actually have to suffocate yourself to force your way off the ventilator. That's the only way to do it. You can't breathe. You can't talk. You can't do anything. But you know you have to get off it.

"I would pull it off for one minute and try to breathe. You are shoulder shrugging, gasping, doing everything you can to force air down into your lungs. But that one minute led to three, and that led to five. Then I was finally off all day.

"I didn't sleep for two or three days because I was so scared that I wouldn't be able to breathe. I got a lot of headaches because of oxygen starvation. I had almost three months of those headaches."

Now when he returns to the hospital, he is fawned over by the nurses.

"These are the people who got me going," he said. "They are the ones who saved my life, got me over the hard part. When I come back, I guess it's a feeling of accomplishment.

"A lot of nurses, especially when dealing with intensive-care units, never see the end results. They (patients) come up with all sorts of problems; the nurses get them stable and then send them away, to the floor or other parts of the hospital. They never see them again. So when I come back. . . ."

The play that so changed Buoniconti's life is now hedged in ifs.

"It was weird how it happened," Buoniconti said. "(Jacobs) got tripped up at a certain point in time. I was already coming. There are a lot of ifs.

"If . . . he hadn't gotten tripped. If . . . he hadn't flown into the air. If . . . I had pursued it quicker. If . . . I had gotten cut (blocked) I wouldn't have been in on the tackle."

After lying on the field for nearly 30 minutes while his uniform was cut from his body and his neck stabilized, Buoniconti was put on a stretcher. His head was taped to the stretcher, and sandbags were placed alongside it to prevent movement as he took the 15-minute drive to the hospital.

Buoniconti said it no longer bothers him to watch a videotape of the play, that he doesn't mind talking about it. He still follows football avidly, attending Miami and Dolphins games.

"Actually, I follow it more now," Buoniconti said. "But when there is a good hit, a real hard hit, now I have a tendency to look and see what is going on. When someone is down I look to see what they are doing.

"The other day some guy was knocked unconscious. He didn't move for a while. They took him off the field and later on said it was a concussion, not a neck problem. But I was concerned."

Buoniconti will not regain the use of his arms and legs. Medical science has not found a way to repair spinal-cord damage. He hopes the Miami Project will make a breakthrough in its research for a cure. He wants to be ready.

That's why twice a week he comes to Jackson for a half-hour workout on an F.E.S. bicycle he donated to the rehabilitation center.

During his workouts on the bike, electrodes attached to his legs are fired in sequence by a computer. Those electric shocks (about 46 milliamps) send signals to the muscles in his leg to pedal the bicycle.

"It was good for my self-image," Buoniconti said. "You could see your legs start from toothpicks and see them grow. There's a feeling of physical accomplishment."

As his legs regained muscle tone, Buoniconti began wearing shorts. He is confident in the way he looks once again, and the exercise has contributed to better health by increasing his lung capacity.

"The more I can do, the quicker I can get out of the chair," he said.

The wheelchair is controlled by so-called "sip-and-puff" technology. A puff of air into the mouthpiece directly in front of his face and he goes forward. A sip for reverse. Gentle puffs to left and right control directions.

Those are the good things. The remainder of his day he faces more obstacles than most can imagine.

As he negotiated the two-block distance between the rehabilitation center and the main entrance to the hospital, Buoniconti drove his wheelchair directly down the middle of a busy street. Unable to balance himself with his arms, the crown of the street was the only place level enough for him to guide the chair and allow his body to remain upright. As he approached the hospital entrance, he asked his nurse to prop him back up. The sidewalk slanted several inches, and he was falling out of his chair.

He has friends take notes for him during classes at the University of Miami, providing them carbon paper. Someone else must help turn the pages of the book he is reading or the notes he is studying.

"I took a recorder last year," Buoniconti said of his lecture courses. "But one lecture already puts you to sleep. Why listen to it again? It was better than taking sleeping pills. Now I usually get two or three series of notes from different people and compare them back and forth.

"I have a stand to read, but someone has to turn the page. There is something called a mouth stick that you keep in your mouth and you can turn pages. But you keep it in your mouth for about an hour and you start drooling. They do have an electric page turner, one of those sip and puff page turners. I'm going to look into that and see how that will do."

He changed his major at The Citadel from business to psychology.

"I started back in business at the University of Miami," Buoniconti said. "But business is really hard without the use of your hands. You have to do a lot of mathematics, a lot of statistics. I feel psychology has a lot to offer me."

He dates but has no serious girlfriend: "I can't help it. I'm in love with about 40 girls right now. It's awful tough."

He travels. He spent Thanksgiving weekend in Dallas at the benefit flag-football game. There, he did what any other 21-year-old might.

"We went to the Hard Rock Cafe," Buoniconti said, smiling. "That's where I met this former Dallas Cowboys cheerleader. She was blond. She said she wanted to go to the game, so I gave her my phone number at the hotel, thinking that was the last I would ever hear of her. She called the next day.

"Then we went to Billy Bob's. That place is so huge they have three bands going at the same time."

He has a lift-equipped van with a personalized license plate on the front: "I'LL WALK." He meets new people easily, putting them at ease almost immediately. He does not mind being touched when introduced.

"When I see my friends, they come up to me and will put their hands on my hands," Buoniconti said. "Some of my close friends will give me head butts and say, "How are you doing?" A lot of people put out their hand to shake my hand. I just say you have to give it to me."

He remains in a wheelchair, paralyzed.

Mr. HELMS. While attending classes at the University of Miami to earn a degree in psychology, Marc is exceedingly active in serving as the national spokeman for the Miami project. He is an outstanding young man, and I am enormously proud of him.

Mr. President, I hope this resolution will increase the awareness of the seriousness of spinal cord injuries, and will help focus attention on the dramatic advancements made by the Miami project in its efforts to find a cure for paralysis. I urge all Senators to join in supporting this splendid effort.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD at the conclusion of my rewards.

There being no objection, the joint resolution was ordered to be printed in the RECORD as follows:

S.J. RES. 364

Whereas between 250,000 and 500,000 men, women, and children are currently victims of paralysis;

Whereas 10,000 to 12,000 Americans experience traumatic injuries to the spinal cord each year;

Whereas scientists and physicians worldwide are joining in the fight to find a cure for paralysis;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 2 through October 8, 1988, is designated as "National Paralysis Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

By Mr. GARN (for himself, Mr. ADAMS, Mr. BOREN, Mr. BRADLEY, Mr. BUMPERS, Mr. CONRAD, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. LEVIN, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SARBANES, Mr. WIRTH, Mr. BOND, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. GRASSLEY, Mr. HATCH, Mr. HECHT, Mr. HUMPHREY, Mr. LUGAR, Mr. MCCAIN, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. QUAYLE, Mr. RUDMAN, Mr. STAFFORD, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, and Mr. WILSON):

S.J. Res. 365. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*; to the Committee on the Judiciary.

NATIONAL CHALLENGER CENTER DAY

● Mr. GARN. Mr. President, for the past 2 years I have had the pleasure of sponsoring, with my friend and colleague, JOHN GLENN, legislation designating January 28 as National Challenger Center Day. Each year we have had great response from our colleagues and their staffs indicating wide support for this effort and I'd like to thank them again for their help.

The resolution I am introducing today will mark January 28, 1989, as National Challenger Center Day. Fifty-three original cosponsors are joining Senator GLENN and me in this effort. In addition, Congressman JACK BROOKS is introducing a companion bill in the House of Representatives today.

You all know the story of the Challenger Center, the space education center that acts as a living memorial to the astronauts who flew the space shuttle *Challenger* on her last mission. You know that the families of the crew members picked this learning center not just to be a memorial, but to further the dreams of their loved ones.

What you may not know is how well the plans and programs for the center are progressing. The center has made significant strides in establishing a Washington headquarters, as well as regional mission sites and affiliated museums across the country. The first center in Houston is already well underway. Students are being trained right now in a prototype lesson project, and simulated flights at the Houston affiliate are scheduled to begin this month. Final selection of the headquarters site here in the Washington area will take place in the next few months. On top of that, the Challenger Center now has a teaching membership of over 300.

I am sure that Dick Scobee, Mike Smith, Ron McNair, Ellison Onizuka, Judy Resnik, Greg Jarvis, and Christa McAuliffe would be pleased with the progress of the center. They would know that they are not forgotten. To date, over 20,000 individuals have contributed in excess of $3.5 million to the center, and the families and friends of the Challenger Center have traveled thousands of miles to communicate the purpose of the center and to gather valuable support for its programs.

The passage of this resolution will supplement these efforts by once again focusing public attention on the living memorial that the Challenger Center is. It will also demonstrate our support for NASA and our recognition of the bravery and patriotism of the men and women in the Space Program.

Mr. President, I ask that a copy of the bill appear following my remarks and I look forward to the early consideration and passage of this resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 365

Whereas the crew of the space shuttle *Challenger* was dedicated to stimulating the interest of American children in space flight and science generally;

Whereas the members of the *Challenger* crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the *Challenger* crew and their families is needed;

Whereas an appropriate form for such a tribute would be to expand educational opportunities in science by the creation of a center that will offer children and teachers activities and information derived from American space research; and

Whereas the Challenger Center is the only institution expressly established by the immediate families of the crew of the *Challenger* for the above-named purposes, and is intended to be the living expression of the Nation's commemoration of the *Challenger* crew: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1989, is designated as "National Challenger Center Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day—

(1) by resolving that in the course of their regular activities the people of the United States will remember both the *Challenger* astronauts who died while serving their country, and the importance of the Challenger Center in honoring the accomplishments of the *Challenger* crew by continuing their goal of the expansion of interest and ability in space and science education; and

(2) with other appropriate ceremonies and activities.●

By Mr. CRANSTON:

S.J. Res. 366. Joint resolution designating September 24, 1988, as "National Integrity Day"; to the Committee on the Judiciary.

NATIONAL INTEGRITY DAY

Mr. CRANSTON. Mr President, at the request of seven California mayors, among others, I rise to introduce this Resolution, Senate Joint Resolution 366, which will proclaim September 24 "National Integrity Day." The recognition of this date began in California in 1983 and has resulted in the official celebration of September 24 as Integrity Day in 46 other States as well as in over 200 cities. Given the current participation of States and cities in recognizing this day, I believe it is appropriate that our National Government take the next step and declare a national day commemorating integrity.

In States, cities, and towns in which Integrity Day is celebrated, citizens set up volunteer committees dedicated to public service, educational, athletic, cultural, and entertainment events. Public service feeding projects, community clean-up projects, hospital and institutional visits, essay contests in schools, and fundraising drives on behalf of local charities are just a few of the ways individuals and organizations have found to celebrate and implement the theme of personal integrity.

Mr. President, I have received letters from a number of city mayors, and also the Governor of Arizona, expressing support for a National Integrity Day. I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks.

In conclusion, Mr. President, I believe the grassroots effort to commemorate integrity deserves our attention and support. Recognition of September 24 as National Integrity Day will encourage the efforts of individuals and groups who promote the principles of understanding, truth, courage, and integrity. Companion legislation is being introduced by Congressman MEL LEVINE, and I urge my colleagues to support this resolution.

I ask unanimous consent that the text of the resolution be printed in the

Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 366

Whereas, as part of the global community, we recognize that mankind is faced with numerous challenges and unparalleled opportunities as we enter the 21st century; and

Whereas, our nation's founding fathers were men of great conviction and personal integrity: special qualities that require commitment, awareness and courage; and

Whereas, individual commitment to personal integrity is important in the promotion of world cooperation and understanding; and

Whereas, the people of the United States are dedicated to this effort and acknowledge that positive growth begins with each individual and his or her commitment to personal integrity and to excellence in all aspects of life: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 24, 1988, is designated "National Integrity Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.

City of Pasadena,
Pasadena, CA, August 3, 1988.

Hon. Alan Cranston,
112 Hart Senate Office Building,
Washington, DC.

Dear Senator Cranston: I am writing to you to ask your consideration in bringing before the Senate House, a resolution which will declare a national Day of Integrity. It is, I think, an important initiative, especially at this time in our history when some of our most important human values are being challenged.

This is an initiative which began in California in 1983 and has resulted in the official celebration of September 24th as Integrity Day in 46 other states as well as in hundreds of cities and towns across the country. It seems logical then that our national government take the next step and declare a national day in which individuals and groups can focus their efforts toward promoting those levels of understanding, truth, courage and concern for others, thus making the practice of personal integrity.

I urge your consideration of this resolution.

Sincerely yours,
William E. Thomson, Jr.,
Mayor.

City of Compton,
Compton, CA, August 4, 1988.

Hon. Alan Cranston,
U.S. Senate,
Washington, DC.

Dear Senator Cranston: Your cooperation and support is very much needed in bringing before the House and the Senate a resolution which will declare a national "Day of Integrity". It is, I believe, a most important initiative because it brings to our attention the real and valuable nature of integrity, a special concern to many people during this time in our history when some of our most important human values are being challenged.

The initiative began here in California in 1983. I am told that it has resulted in the official annual celebration of "Integrity Day" on September 24th in 46 other states as well. Since this celebration is held in hundreds of cities and towns across the country, it seems logical that the leaders of our government should take the next step toward making "Integrity Day" a nation-wide observance.

Therefore, my request is for your support of this resolution to declare September 24th a national day on which individuals and groups can focus their efforts toward promoting those levels of understanding, truth, courage and concern for others which marks the practice of personal integrity.

Sincerely,
Walter R. Tucker.

City of Inglewood,
Office of the Mayor,
July 8, 1988.

Senator Alan Cranston,
5757 W Century Blvd., Suite 515,
Los Angeles, CA.

Dear Senator Cranston: I am writing to request your support in bringing a resolution to the United States Congress declaring a national day of Integrity. It is a timely and most important initiative during this time in our history when some of our most important human values are being challenged.

September 24, 1988 has been officially designated as Integrity Day in California and 46 other states as well as hundreds of cities and towns across the country. The next logical step is for our national government to declare a national day on which individuals and groups can reflect and practice those qualities that bring greater honesty, trust, and consideration for others' well-being into practice.

Your efforts in support of this resolution can indeed underscore a greater commitment to those worthwhile ideals.

Respectfully,
Edward Vincent,
Mayor.

Santa Monica,
Santa Monica, CA, July 19, 1988.

Hon. Alan Cranston,
U.S. Senate,
Washington, DC.

Dear Senator Cranston: I'm writing to ask your support for a resolution which will declare a national day of Integrity. It is, I think, an important issue at this time in our history when some of our most important human values are being challenged.

It is an initiative that was begun here in California in 1983 and I am told has resulted in the official celebration of September 24th as Integrity Day in 46 other states as well and in hundreds of cities across the country.

It seems the right time for the national government to take the next step and declare a national day on which individuals and groups can focus to promote a higher level of understanding, truth, courage, and concern for others which marks the practice of personal integrity.

Your effort in support of this resolution will be appreciated.

Sincerely,
James P. Conn,
Mayor.

City of San Diego,
May 31, 1988.

Senator Alan Cranston,
112 Hart Senate Office Building,
Washington, DC.

Dear Senator Cranston: There is an important initiative underway to have a national day proclaimed in support of Integrity, and I am writing to encourage your participation in the sponsorship of this resolution.

There is little doubt that we need more attention placed on the issues of integrity and ethics. Your support of this national resolution can, indeed, assist many groups and individuals in creating a stronger focus for the excellent work they do to promote greater public awareness.

Sincerely,
Maureen O'Connor,
Mayor.

City of Gardena,
Gardena, CA, June 30, 1988.

Hon. Alan Cranston,
U.S. Senator,
Washington, DC.

Dear Senator Cranston: This year marks the sixth anniversary of the International Integrity Program which has been celebrated in 47 states and several hundred cities across the country since its inception in California in 1983. It seems logical then that our national government take the next step and declare a national day on which individuals and groups can focus their efforts toward promoting those levels of understanding, truth, courage and integrity.

Therefore, I am asking your cooperation and support in bringing before the Senate House, a resolution which will declare September 24 a national day of integrity. I believe it is an important initiative, especially at this time in our history when some of our most important human values are being challenged.

Your efforts in support of this resolution can indeed underscore a greater commitment to these worthwhile ideals. I thank you for your support.

Sincerely,
Donald L. Dear,
Mayor.
Gardena, CA.

City of Huntington Park, CA,
July 25, 1988.

Senator Alan Cranston,
Hart Senate Office Building, Washington, DC.

Attention: Marian Rodriques.

Dear Senator Cranston: I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the House and Senate.

Sincerely,
Jack W. Parks,
Mayor.

Office of the Governor,
Phoenix, AZ, August 1, 1988.

Senator Alan Cranston,
Hart Senate Office Building, Washington, DC.

Attention: Marian Rodriques.

Dear Senator Cranston: This is in response to your recent letter regarding National Integrity Day. Yes, I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the Senate.

Please keep me informed of your progress on this important initiative.

With warmest regards, I am

Sincerely,

ROSE MOFFORD,
Governor.

TOWN OF EAST HARTFORD,
East Hartford, CT, July 28, 1988.

Senator ALAN CRANSTON,
Hart Senate Office Building, Washington, DC.

Attention: Marian Rodriques.

DEAR SENATOR CRANSTON: I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the Senate.

Sincerely,

ROBERT F. MCNULTY,
Mayor.

BOROUGH OF FORT LEE,
Fort Lee, NJ, July 26, 1988.

Senator ALAN CRANSTON,
Hart Square Office Building, Washington, DC.

Attention: Marian Rodriques.

DEAR SENATOR CRANSTON: I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the House and Senate.

Sincerely yours,

NICHOLAS CORBISCELLO,
Mayor.

THE CITY OF REVERE, MA,
July 27, 1988.

Senator ALAN CRANSTON,
Hart Senate Office Building, Washington, DC.

Attention: Marian Rodriques.

DEAR SENATOR CRANSTON: I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the House and Senate.

Very truly yours,

GEORGE V. COLELLA,
Mayor.

CITY OF DELRAY BEACH,
Delray Beach, FL, July 25, 1988.

Senator ALAN CRANSTON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR CRANSTON: I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the House and Senate.

DOAK S. CAMPBELL,
Mayor.

CITY OF LINCOLN PARK,
Lincoln Park, MI, July 26, 1988.

Senator ALAN CRANSTON,
Hart Senate Office Building, Washington, DC.

Attention: Marian Rodriques.

DEAR SENATOR: I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the House and Senate.

Sincerely,

ROBERT C. HEYER, Jr.,
Mayor.

COLUMBUS CONSOLIDATED GOVERNMENT,
Columbus, GA, July 26, 1988.

Senator ALAN CRANSTON,
Hart Senate Office Building, Washington, DC.

Attention: Marian Rodriques.

DEAR SENATOR CRANSTON: I am in support of an initiative to have September 24th proclaimed as National Integrity Day and encourage you to sponsor the bill in the House and Senate.

Sincerely,

JAMES E. JERNIGAN,
Mayor.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 232

At the request of Mr. WILSON, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 684

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 684, a bill to amend the Internal Revenue Code of 1986 to make permanent the targeted jobs credit.

S. 1340

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1340, a bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles.

S. 1426

At the request of Mr. PRYOR, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1426, a bill to amend the Internal Revenue Code of 1986 to encourage small businesses to extend retirement and fringe benefits to all employees, and for other purposes.

S. 1522

At the request of Mr. RIEGLE, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1763

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1763, a bill to direct the Secretary of Health and Human Services to promulgate fire safety standards for cigarettes, and for other purposes.

S. 2182

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2182, a bill to amend title XVIII of the Social Security Act to increase the amount authorized for the patient outcome assessment research program, and for other purposes.

S. 2305

At the request of Mr. MITCHELL, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2305, a bill to amend title XVIII of the Social Security Act to provide for long-term care benefits, and for other purposes.

S. 2345

At the request of Mr. WEICKER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2345, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of handicap.

S. 2346

At the request of Mr. HARKIN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2346, a bill to preserve the cooperative, peaceful uses of outer space for the benefit of all mankind by prohibiting the basing or testing of weapons in outer space and the testing of antisatellite weapons, and for other purposes.

S. 2367

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2367, a bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes.

S. 2395

At the request of Mr. WIRTH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2395, a bill to facilitate access to space, and for other purposes.

S. 2420

At the request of Mr. McCain, the name of the Senator from Florida [Mr. Chiles] was added as a cosponsor of S. 2420, a bill to provide for the disposition of certain lands in Arizona under the jurisdiction of the Department of the Interior by means of an exchange of lands, and for other purposes.

S. 2449

At the request of Mr. Pryor, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 2449, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 2478

At the request of Mr. Karnes, his name was added as a cosponsor of S. 2478, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 2480

At the request of Mr. Moynihan, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of S. 2480, a bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits.

S. 2517

At the request of Mr. Riegle, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 2517, a bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable under title II, to provide for continued entitlement to disability and medicare benefits for individuals under disabled and working status, and for other purposes.

S. 2549

At the request of Mr. Lautenberg, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 2549, a bill to promote highway traffic safety encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes.

S. 2626

At the request of Mr. Moynihan, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 2626, a bill to amend section 530 of the Revenue Act of 1978 to clarify the Federal income and employment tax treatment of providers of technical services through third party arrangements, and for other purposes.

S. 2664

At the request of Mr. Moynihan, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 2664, a bill to amend the Internal Revenue Code of 1986 to exempt from the capitalization rules certain expenses of producers of creative property.

SENATE JOINT RESOLUTION 11

At the request of Mr. Karnes, his name was added as a cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE JOINT RESOLUTION 273

At the request of Mr. Lugar, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of Senate Joint Resolution 273, a joint resolution designating October 6, 1988, as "German-American Day."

SENATE JOINT RESOLUTION 321

At the request of Mr. Bradley, the names of the Senator from Washington [Mr. Adams], the Senator from Pennsylvania [Mr. Heinz], the Senator from New York [Mr. D'Amato], the Senator from Georgia [Mr. Fowler], the Senator from South Dakota [Mr. Pressler], the Senator from Oklahoma [Mr. Boren], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of Senate Joint Resolution 321, a joint resolution to designate the period commencing February 19, 1989, and ending February 25, 1989, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 337

At the request of Mr. Cochran, the names of the Senator from North Dakota [Mr. Burdick] and the Senator from Rhode Island [Mr. Chafee] were added as cosponsors of Senate Joint Resolution 337, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 21, 1988, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 341

At the request of Mr. Lautenberg, the names of the Senator from Connecticut [Mr. Dodd], the Senator from North Dakota [Mr. Burdick], and the Senator from California [Mr. Cranston] were added as cosponsors of Senate Joint Resolution 341, a joint resolution to designate September 15, 1988, as "National RSDS Awareness Day."

SENATE JOINT RESOLUTION 347

At the request of Mr. Kennedy, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from California [Mr. Cranston], the Senator from Tennessee [Mr. Gore], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of Senate Joint Resolution 347, a joint resolution in support of the restoration of a free and independent Cambodia and the protection of the Cambodian people from a return to power by the genocidal Khmer Rouge.

SENATE JOINT RESOLUTION 362

At the request of Mr. Exon, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of Senate Joint Resolution 362, a joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States.

SENATE RESOLUTION 455

At the request of Mr. Lautenberg, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of Senate Resolution 455, a resolution condemning Romania for its human rights abuses, particularly its plan to raze agricultural villages in traditionally Hungarian areas.

AMENDMENT NO. 2813

At the request of Mr. Byrd, the name of the Senator from Florida [Mr. Chiles] was added as a cosponsor of amendment No. 2813 proposed to H.R. 4781, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

SENATE CONCURRENT RESOLUTION 138—URGING THE REPEAL OF TREATIES AND LEGISLATION RELATING TO THE PANAMA CANAL

Mr. SYMMS (for himself, Mr. Helms, and Mr. Thurmond) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 138

Whereas the Panama Canal is a vital strategic asset of the United States;

Whereas Article 163 of the 1972 Constitution of the Republic of Panama provides that "The President alone . . . [shall] conduct foreign relations. . . . and enter into international treaties and agreements . . .";

Whereas the Panama Canal Treaties of 1977 were signed by General Omar Torrijos Herrera, the head of Panama's Defense Forces, who was neither the President of Panama nor a duly elected official of the Government of Panama, and not by Demetro B. Lukas, the President of Panama, as required by the Constitution of Panama;

Whereas this violation of Panama's Constitution regarding competence to conclude treaties renders the Panama Canal Treaties of 1977 invalid under international law, including Article 46 of the Vienna Convention on the Law of Treaties, to which the United States conforms, and therefore subject to termination by the Republic of Panama at any time;

Whereas the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal is also subject to repudiation by the Republic of Panama because six modifications to the Treaty contained in the resolution of ratification of the United States Senate, including the DeConcini Reservation asserting the unilateral right of the United States to intervene to protect the Panama Canal, were never submitted to a national plebiscite, as required in Article 274 of the Constitution of Panama;

Whereas Panama's instruments of ratification concerning the Neutrality Treaty, which contain counter-reservations denying the right of the United States to intervene unilaterally in order to protect the Panama Canal, were never submitted to the United States Senate for approval, in violation of established procedures for the ratification of treaties under the Constitution of the United States;

Whereas the Neutrality Treaty confers no explicit legal right upon the United States either to maintain defense forces in Panama or to enter Panama to defend the Panama Canal against an external or internal threat after the year 1999;

Whereas both the United States and the Republic of Panama are signatories to the charters of the United Nations and the Organization of American States, which guarantee the territorial inviolability of an independent State and therefore prohibit unilateral intervention or entry upon the sovereign territory of another country without its permission;

Whereas the Neutrality Treaty limits the right of the United States to defend the Panama Canal on the high seas, without express permission to enter Panamanian territory, and therefore fails to provide adequate protection for the national security of the United States;

Whereas the Neutrality Treaty does not prohibit the Republic of Panama from entering into an agreement with a third country, including Cuba or Nicaragua, for the joint or exclusive operation and control of the Panama Canal;

Whereas Article III of the Panama Canal Treaty of 1977, providing for the operation of the Panama Canal through 1999, stipulates that four of the nine members of the Board of the Panama Canal Commission must be citizens of Panama who are proposed by the Panamanian Government for appointment and are subject to removal by the Panamanian Government;

Whereas these provisions in the Panama Canal Treaty regarding the appointment and removal by Panama of the Panamanian members of the Board improperly restrict the President's appointment and removal powers under Article II, Section 2 of the Constitution of the United States and are inconsistent with the Supreme Court's ruling in Buckley vs. Valeo, 424 U.S. 1 (1976), holding that all such members of a United States Federal agency are "officers of the United States" who are subject to Senate confirmation;

Whereas all "officers of the United States" must be citizens of the United States, and all such officers must therefore take an oath to defend the Constitution and may be impeached and removed from office for treason, bribery, or other high crimes and misdemeanors;

Whereas the Panamanian members of the Board of the Panama Canal Commission are appointees to a United States Federal Agency and are exercising the powers and responsibilities of "officers of the United States," but are foreign nationals and are therefore ineligible under the Constitution of the United States to serve as members of the Board of the Commission; and

Whereas the Panama Canal Act of 1979 is the implementing legislation for the Panama Canal Treaties of 1977: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President or the Congress should immediately abrogate the Panama Canal Treaties of 1977 and the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and that the Congress should repeal the Panama Canal Act of 1979.

Mr. SYMMS. Mr. President, today in the House of Representatives Congressman PHILIP CRANE, the distinguished Member in the House from the Presiding Officer's State, and a very dear friend of both the Presiding Officer and this Senator, introduced a joint resolution to show that it is the sense of the Congress that the Panama Canal Treaty should be abrogated because it was not properly ratified. Congressman CRANE noted in a press conference in room H-217 that I was privileged to attend that the treaty not only cost this Nation and the canal, but it cost the taxpayers billions and billions of dollars to give over to the Panamanian Government to take this vital piece of property off our hands.

The preceding administration, the Carter administration, argued that:

"The enactment of the treaty would ingratiate the United States not just to Panama, but with our other Latin American neighbors as well," the congressman declared. "It was further argued that the canal was increasingly obsolete and that the fears of critics of the treaty over the inability of the Panamanian government to maintain and operate the canal were grossly exaggerated.

"We were also told," the congressman went on, "additional revenues to Panama could improve that nation's economy, while laying the foundation for a stable economy for a nation with close ties to the United States. Most importantly," he declared, "we were informed the U.S. would reserve the right to guarantee the protection of the canal in perpetuity."

Congressman Crane contended that instead of the rosy picture that was painted, today we find Panama a land of unrest under General Noriega and his drug-dealing government.

"Since President Carter and the Senate agreed to give away the Panama Canal," Congressman Crane declared, "a number of facts have surfaced which make it imperative that members of Congress should reexamine the facts and understand that the Panama Canal Treaty was never properly ratified."

I ask unanimous consent that at an appropriate place in the RECORD, the news from the International Freedom Council, "Legal problems with the 1977 Panama Canal Treaties"; "The Panama Canal Treaties; Legal Myths and Political Realities," by very noted attorney and legal scholar James McClellan, be printed in the RECORD; and then send to the desk on behalf of myself, Senator HELMS, and Senator THURMOND, a Senate concurrent resolution which would express the sense of the Congress that the President of the United States should abrogate the Panama Canal Treaties of 1977 and the neutrality treaty and Congress should repeal the Panama Canal Act of 1979.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[News from the International Freedom Council, Washington, DC]

CRANE CALLS FOR ABROGATION OF CANAL TREATIES

WASHINGTON.—Congressman Philip M. Crane (R-Ill.) and 28 other House members are introducing a resolution calling for the abrogation of the 1977 Panama Canal Treaties by the United States.

"The problems the U.S. is currently having with [Panamanian dictator Manuel Noriega are just one more reason why these treaties must be scrapped," said Duncan Sellars, Chairman of the International Freedom Council, authors of the Crane Resolution. "The Panama Canal is a vital strategic asset and must never be turned over to anti-American drug traffickers," he continued.

The Crane Resolution cites numerous legal and constitutional difficulties with the language of the 1977 treaties, the result of which is to leave the United States no protection in the event that an anti-American regime in Panama closes the Canal to U.S. shipping after 1999, the date the Canal will change hands under the Treaties.

"This is an issue that the next President will have to come to terms with," said Sellars. "As the treaties now stand, if the Panamanians signed a treaty with Castro, or even the Soviet Union, giving them control of the Canal, all the United States could do is send a note of protest. We can't afford to let this matter go until 1999 and hope that the Panamanian government at that time will be friendly."

The Crane Resolution will be formally introduced on Wednesday, August 10 at a special press conference at 10:30 am in Room H137 of the U.S. Capitol. Attending this press conference will be Rep. Crane; James McClellan of the Center for Judicial Studies, author of a soon-to-be-released legal study of the Panama Canal Treaties; and Captain G. Russel Evans (USCG-Ret.), author of *the Panama Canal Treaties, Swindle,* and Captain Miles P. DuVal Jr. (USN-Ret.), who was the Captain of the Port of Balboa in charge of marine operations in the Pacific sector of the Canal during World War II.

Co-sponsors of the Crane Resolution include: Reps. Helen Bentley (R-Md.), Michael Bilirakis (R-Fla.), Thomas Bliley (R-Va.), Beau Boulter (R-Tex.), Jim Bunning (R-Ken.), Dan Burton (R-Ind.), Sonny Callahan (R-Ala.), Larry Craig (R-Ida.), William Dannemeyer (R-Cal.), Jack Davis (R-Ill.), Tom DeLay (R-Tex.), Bob Dornan (R-Cal.), David Dreier (R-Cal.), Bill Emerson (R-Mo.), Jack Fields (R-Tex.), Dennis Hastert (R-Ill.), John Paul Hammerschmidt (R-Ark.), Duncan Hunter (R-Cal.), Marvin Leath (D-Tex.), Connie Mack (R-Fla.), Stan Parris (R-Va.), Ike Skelton (D-Mo.), Denny Smith (R-Ore.), Robert Smith (R-N.H.), Bob Stump (R-Ariz.), Pat Swindall (R-Ga.), James Traficant (D-Ohio), Barbara Vucanovich (R-Nev.).

Senator Steve Symms (R-Ida.), is currently considering sponsoring similar legislation in the Senate.

LEGAL PROBLEMS WITH THE 1977 PANAMA CANAL TREATIES

Two treaties were signed by President Carter and Panamanian "Head of Government" Omar Torrijos in 1977. The first was "The Panama Canal Treaty," which was intended to gradually transfer control over the canal and the zone to Panama, culminating in a final transfer of sovereignty in 1999. The second treaty was "The Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal" (The Neutrality Treaty), which was intended to guarantee the neutrality of the canal after the transfer was complete.

1. CONFLICTING RESERVATIONS

The text of the treaties as signed was not completely acceptable to the U.S. Senate, which was charged with ratification under the Constitution. In ratifying the treaties, several reservations were attached to clarify the meaning which the Senate placed on the treaties' provisions which were ratified.

Chief among these was the so-called "DeConcini Reservation," introduced by Senator Dennis DeConcini (D-Ariz.), which declared that the United States' right of intervention to guarantee the neutrality of the canal could be exercised unilaterally, without a prior request by the government of Panama and, if necessary, against the opposition of the government of Panama.

The DeConcini Reservation was strongly opposed by the Panamanian negotiators, who inserted a three paragraph counter-reservation into their instrument of ratification, asserting that it was the understanding of Panama that the DeConcini Reservation did not allow for unilateral U.S. action, despite the clear intentions to the contrary expressed in the Senate debate.

This Panamanian counter-reservation was never presented to the Senate for a vote (as required by the Constitution) and is not mentioned in the U.S. instrument of ratification. Clearly, the ratification was faulty and the treaties are void.

2. ILLEGALITY UNDER THE VIENNA CONVENTION

The Vienna Convention on the Law of Treaties (1969) is generally recognized as the codification of the international law of treaties. Under Article 20.2 of the Convention, each reservation required the acceptance of the other party. Since neither reservation was accepted by the other party (indeed, since they are mutually exclusive) there has been no ratification under international law.

3. NO TRANSFER OF SOVEREIGNTY

Article I of the Panama Canal Treaty of 1977 purports to terminate all previous canal treaties and states ". . . the Republic of Panama, as territorial sovereign. . . ." There is no provision in the 1977 treaty which explicitly transfers sovereignty from the United States back to Panama.

The U.S. Supreme Court in 1907 concluded that the provisions of the 1903 treaty had granted sovereignty over the Canal Zone to the United States. Clearly then, some affirmative act was required to transfer sovereignty back to Panama. The abrogation of the 1903 treaty alone was not sufficient. Since the rest of the treaties cannot be constructed in any way with sovereignty remaining with the United States, the treaties must be void in their entirety.

4. IMPROPER ABROGATION OF THE 1903 TREATY.

As noted above, the 1977 treaty purports to rescind the provisions of the 1903 treaty. This is improper. The clear intent of the framers of the Constitution was for the Executive Branch to negotiate treaties, which would be ratified by the Senate (⅔ vote) and then become laws, just like other laws, which could only be repealed through the standard legislative process in *both* Houses of Congress.

If a treaty could be declared invalid by the President and the Senate, without the House of Representatives, then treaties would not be the "supreme law of the land" as guaranteed by Article VI. The principle is analogous to that which the U.S. Supreme Court used in 1983 to overturn the "legislative veto."

Since the House of Representatives never approved legislation abrogating the Hay-Bunau-Varilla Treaty of 1903, it remains in force; and the conflicting language of the 1977 Treaty is void.

5. IMPROPER DISPOSAL OF U.S. PROPERTY

As noted above, the U.S. Superme Court in 1907 found that the Canal Zone was the property of the United States. Under Article IV, Section 3, Clause 2 of the U.S. Constitution. "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . . ." Therefore, U.S. property can only be conveyed through the normal legislative process (both Houses of Congress).

One September 27, 1979, President Carter signed into law Public Law 96-70, the Panama Canal Act of 1979, the only legislative vehicle pertaining to the Canal Treaties which was passed by both Houses of Congress. Key provisions of this law are Sec. 1503, "No property of the United States located in Panama may be disposed of except by law enacted by the Congress," and Sec. 1504(c), "the Panama Canal, . . . shall not be transferred to the Republic of Panama prior to December 31, 1999."

Under this law, then, the Panama Canal and Zone still belong to the United States and will continue to belong to the United States until Congress, *both Houses of Congress,* passes a law disposing of it. Provisions of the Panama Canal Treaties to the contrary must be void.

6. NON-RESIDENT ALIENS AS U.S. OFFICIALS

Article III of the Panama Canal Treaty (1977) provides for the President of the United States to appoint four Panamanians to serve as directors on the nine-member Panama Canal Commission, the government agency which operates the canal.

The U.S. Constitution requires that all officers of the United States must swear an oath to support the U.S. Constitution (Article VI, Section 3) and may be removed for treason (Article II, Section 4).

These Constitutional provisions clearly do not allow for non-resident aliens to serve as officers of the United States. Such an alien cannot take an oath to support the United States Constitution and, by definition, cannot commit treason against the United States. Therefore, this provision of the Panama Canal Treaty is unconstitutional.

7. IMPROPER APPLICATION OF PANAMANIAN CONSTITUTION

The Panamanians had long expected the 1903 Treaty to eventually be renegotiated, and made provision for it in the Constitution of Panama (1972). Article 274 provided that "Treaties . . . with respect to the Panama Canal . . . shall be submitted to a national plebiscite" for ratification. Accordingly, the treaties signed by President Carter and General Torrijos were submitted to a plebiscite by Panamanian Law 33 and approved on October 23, 1977.

However, the subsequent U.S. reservations and Panamanian counter-reservations (see above) were never submitted to a second plebiscite. The versions of the treaties ratified by the people of Panama in the October 1977 plebiscite are not the same as the versions ratified by the United States Senate in March and April of 1978; and both are different from the versions ratified by General Torrijos in June of 1978. Since the ratification was unconstitutional under the Constitution of Panama, the treaties are void.

8. IMPROPER SIGNING UNDER PANAMANIAN CONSTITUTION

Article 277 of the Constitution of Panama (1972) stipulates that the "Head of Government," then Omar Torrijos, had the power to "direct foreign relations," while Article 163 reserved to the "president of the Republic alone" the power to "enter into international treaties and agreements."

Despite this, the 1977 treaties were signed by General Torrijos, not the President of Panama. For this reason, the treaties are void under Panamanian law.

THE PANAMA CANAL TREATIES: LEGAL MYTHS AND POLITICAL REALITIES

(By James McClellan)

TALKING POINTS

On September 7, 1977, President Jimmy Carter of the United States and Gen. Omar Torrijos, representing the Republic of Panama, signed two treaties. The first agreement, the Panama Canal Treaty ("the Canal Treaty") surrendered all U.S. rights of ownership and sovereignty in the Canal Zone and the Canal to Panama. The United States agreed to administer the Canal for Panama until December 31, 1999. Thereafter, Panama would acquire complete ownership and control of the Canal and surrounding territory and operate the Canal independently.

The Second treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal ("the Neutrality Treaty"), declared the Canal to be permanently neutral in both peace and war.

I. LEGAL MYTHS

A Constitutional and legal analysis of these treaties concludes that:

(1) The Canal Treaty is unconsitutional because the Property Clause of the Constitution prohibits the transfer of United States property to foreign nations through self-executing treaties. Under Article IV, Section 3 of the Constitution, both Houses of Congress must consent to the disposal of U.S. property. The House of Representatives was by-passed under the Canal Treaty.

(2) Section 101 of the Panama Canal Act of 1979, providing for the operation of the Canal by a Panama Canal Commission, is unconstitutional because it stipulates that four of the nine directors on the Commission (a U.S. agency) must be citizens of Panama (non-resident aliens), appointed and subject to removal by the Panamanian government. This provision improperly restricts the President's appointment and removal power and is also inconsistent with the Supreme Court's holding in *Buckley* v. *Valeo,* 424 U.S. 1 (1976), holding that all such officials are "officers of the United States," subject to Senate confirmation. Moreover, the United States Constitution implicity bars non-resident aliens, owing allegiance to a foreign government, from becoming "officers of the United States." They cannot bind themselves by oath to support the Constitution or be removed from office by impeachment for treason.

(3) Both treaties are subject to repudiation by the Republic of Panama at any time and are of doubtful legality under international law because they were not

signed in accordance with the Panamanian Constitution. Gen. Omar Torrijos signed the treaties. Article 163 of the 1972 Constitution of Panama requires, however, that "the President of Panama alone [shall] . . . conduct foreign relations . . . and enter into international treaties and agreements. . . ." The President of Panama in 1977 was Demetrio Lakas.

(4) The Neutrality Treaty is also subject to repudiation by the Republic of Panama on the grounds that six changes made by the Senate, including the DeConcini Reservation, were never submitted to a national plebiscite in Panama, as required by Article 274 of the Panamanian Constitution.

(5) Established procedures for the ratification of treaties under the United States Constitution were not observed respecting the Neutrality Treaty because Panama's instruments of ratification, which contain reservations denying U.S. unilateral rights to keep the Panama Canal secure, were never submitted to the Senate for approval. The Neutrality Treaty is therefore constitutionally flawed and of doubtful validity under international law.

(6) Despite assurance by President Carter and the State Department, the DeConcini Reservation of the Neutrality Treaty fails to protect U.S. legal rights to enter Panama and defend the Canal. Any legal rights that have been claimed by the United States under the Treaty to defend the Canal against either internal threats in Panama or attack by third countries are illusory. In fact, such action is arguably forbidden by multilateral treaties (OAS and U.N.) to which both the Republic of Panama and the United States are parties.

It is noteworthy that the treaty provides no legal framework for a defense of the Canal. It recognizes no right in the United States either to maintain troops in Panama or to enter to defend the Canal against an external or internal threat. Article IV of the Neutrality Treaty states only that the two countries will "maintain the regime" of neutrality established by the Treaty. Furthermore, Article IV explicitly limits the right to maintain a military presence to defend the Canal to Panama: "After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the Canal and maintain military forces, defense sites and military installations within its national territory." The Joint Communiqué ("Statement of Understanding") issued by President Carter and General Torrijos, which was prompted by such criticisms, fails to correct this crucial flaw in the Treaty.

II. POLITICAL REALITIES

Though hailed by Jimmy Carter as the greatest achievement of his presidency, the Panama Canal Treaties have already proven to be one of the greatest diplomatic disasters in the history of the United States. If corrective action is not taken in the near future, these agreements could ultimately weaken or even cripple the national security of the United States.

The proponents of these treaties contended that the transfer of the Canal to the Republic of Panama would improve American relations with Panama and Central America, and that this diplomatic objective justified the giveaway. The treaties, however, have never achieved this goal—and never will. American relations in the region are, in fact, worse today than when the treaties were signed more than 10 years ago. Nicaragua was seized by the Sandanistas in 1979, the communist penetration of Central America, including Mexico, has continued to increase in spite of the treaties. Panama itself is still ruled by an unstable, military dictatorship that not only encourages the spread of communism in Central America, but openly and defiantly plays a major role in the trafficking of narcotics to the United States. This, and not a strengthened and improved American presence in Central America, is what the treaties have accomplished; and for all their generosity and good will the American people have earned only the contempt of Panama—a true "banana republic" of less than 2 million citizens that is now in a position to dictate the terms of American diplomacy in the Western Hemisphere.

The most immediate and serious threat to the United States and the Free World under these agreements is the Neutrality Treaty. The terms of this Treaty were left intentionally ambiguous in order to gain acceptance for the treaty in the United States and Panama. Such ambiguities will serve as a continuing source of conflict between the United States and Panama, further straining relations.

In less than 12 years, the United States and all of its military forces defending the Canal will depart, never to return, leaving Panama in complete control of this vital waterway. The United States will thereafter be helpless to prevent a communist takeover of the Canal, and, notwithstanding the so-called DeConcini Reservation, to defend it militarily. There is no provision in the treaty forbidding Panama from entering into an alliance with a communist power, such as Nicaragua or Cuba, to operate the Canal. Because the Neutrality Treaty fails to confer legal rights on the United States to defend the Canal after the year 2000, it is clear that, the United States may eventually be placed in the position of having to violate the Treaty in order to keep the Canal free and open.

In anticipation of these results, and to rectify constitutional and legal mistakes that were made in the drafting and ratification of these agreements, the United States should promptly abrogate or substantially alter these treaties. This can be accomplished in a variety of ways, including repeal by an Act of Congress, the negotiation of new treaties with Panama, or the transfer of the Canal through multilateral treaties to an international organization.

SENATE CONCURRENT RESOLUTION 139—EXPRESSING THE OPPOSITION OF THE CONGRESS TO THE MASS KILLINGS, MASS ARRESTS, AND DENIAL OF HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF BURMA

Mr. MOYNIHAN (for himself, Mr. PELL, Mr. HELMS, Mr. CRANSTON, Mr. MURKOWSKI, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 139

Whereas General Ne Win overthrew a democratically-elected government in 1962, and established the Burma Socialist Program Party which has ruled Burma since;

Whereas the Government of Burma has followed the "Burmese Road to Socialism," a policy which has resulted in the indiscriminate seizure of private property, the demonetization of currency, and strict control over private economic activity;

Whereas in September 1987, demonstrations against the Government of Burma resulted in mass arrests and the death of numerous protesters, followed in March 1988, with further demonstrations and the deaths of as many as 100 persons;

Whereas General Ne Win, on July 23, 1988, stepped down as Chairman of the Burma Socialist Program Party, after calling for a transition to a multi-party system;

Whereas on July 26, 1988, General Sein Lwin succeeded General Ne Win as Chairman of the Burma Socialist Program Party, and was selected President of the Socialist Republic of Burma on July 27, 1988;

Whereas on July 30, 1988, General Sein Lwin ordered the arrest of U Aung Gyi and as many as 25 other critics of the Government of Burma, including an Associated Press correspondent, U Sein Win;

Whereas popular demonstrations erupted throughout the country in protest of General Sein Lwin's assumption of power and rejection of a referendum on a multiparty system which had been suggested by Ne Win;

Whereas on August 3, 1988, General Sein Lwin declared martial law in Rangoon, the capital of Burma;

Whereas peaceful demonstrations are being held almost daily by students and monks at the Shwedagon Pagoda, Burma's holiest shrine;

Whereas on August 9, 1988, over 100,000 Burmese in 28 cities protested the leadership of General Sein Lwin and the Burma Socialist Program Party;

Whereas the Burmese Army opened fire on the demonstrators causing the deaths of over 100 persons;

Whereas the Burmese Army has arrested more than 1,000 persons; and

Whereas nationwide protests continue for the third straight day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That in recognition of the violence and denial of human rights in the Socialist Republic of Burma and of the need for national reconciliation, the Congress—

(1) condemns the killings and mass arrests by the Burmese army;

(2) expresses support for an end to one-party rule in Burma and for a return to democracy;

(3) voices its support for the people of Burma and their effort to restore human rights in Burma; and

(4) calls upon the President, the Secretary of State, the United States Ambassador to Burma and the United States Permanent Representative to the United Nations to—

(i) publicly condemn the killings and mass arrests by the Burmese army;

(ii) encourage the restoration of democracy in Burma and an end to one-party rule;

(iii) raise the issue of human rights and national reconciliation in their meetings with Burmese officials.

Mr. MOYNIHAN. Mr President, I rise to introduce a resolution concerning the very disturbing situation in Burma.

For the last 26 years, Burma has been ruled by the Burma Socialist Program Party which came to power in a military coup in 1962. The coup overthrew an elected parliament.

In addition, during that entire period of time the Government of

Burma has waged a civil war against a number of ethnic minorities, including the Kachins, Shans, and Kerens.

Until 2 weeks ago the leader, or more accurately the dictator, during the 26 years was General Ne Win. Ne Win relinquished his official control over the Burma Socialist Program Party on July 26 to General Sein Lwin.

Throughout the rule of the Burma Socialist Program Party, which pursued an ideology, if it can be so regarded, of a "Burmese Road to Socialism," the economic and political circumstances of the country have continuously decayed.

Corruption and mismanagement has been endemic to the Government of Burma. During this period Burma also has become the world's leading opium producer. Indeed, it defies the imagination that the Government of Burma has not been profiteering in the drug trade, and, in fact, in Ne Win we may be dealing with an Asian Noriega.

Burma, a country rich in natural resources with a bright future in 1948 when it achieved independence from Great Britain, is now considered one of the least developed countries in the world. Burma was also a country in which democratic institutions would seem to have had a chance to take root, but since 1962 tyranny has been the life of its citizens.

The record of tyranny has been documented. The State Department has reported that the Government of Burma does not guarantee its citizens basic human rights. The human rights organization Freedom House lists Burma as "not free."

Amnesty International reported in May 1988, that the Government of Burma has grossly violated the human rights of Burma's ethnic minorities.

However, after 26 years of oppression, the people of Burma are now crying out to the world for democracy and human rights. For dignity and the chance for economic growth.

Since last September, the Government of Burma has faced a challenge from its people. Actually, this is only the latest chapter in a history of struggle against the oppression of the Burma Socialist Program Party.

As in the past, demonstrations against the Government have been met with a brutal reply. Demonstrators have been shot, tortured and arrested in successive incidents.

In March 100 people were reported killed.

Demonstrations spread to the holiest Buddhist shrine in Burma, the Shwedagon Pagoda.

In June, the Government outlawed all demonstrations and imposed curfews.

Perhaps because of the growing popular unrest Ne Win, on July 23, announced that he would relinquish control and perhaps even hold a referendum on whether to continue one party rule in Burma.

However, this hopeful indication of change quickly disappeared. General Sein Lwin assumed control. The same General responsible for the deaths of 100 protesters in March.

On July 30, Sein Lwin quickly moved to arrest the key critics of the Government, including U Augn Gyi, the leading dissident. At the same time, the Government put even further restrictions on foreign journalists in Burma, and arrested the Associated Press correspondent, U Sein Win.

Undeterred, yesterday the people of Burma staged a mass protest, reportedly involving more than 100,000 persons in 28 cities. The Government response was brutal. More than 100 have been reported killed, and 1,000 arrested. However, due to the press controls, the real numbers of casualties cannot be reliably reported.

This is a protest for democracy in Burma. The people want an end to military control and a return of human and economic rights.

The Senate of the United States must be clear in its support for the restoration of democracy in Burma. For an end to human rights violations, and for national reconciliation to end the civil war.

Mr. President, I urge the rapid adoption of this resolution by the Senate.

SENATE RESOLUTION 458—ORIGINAL RESOLUTION REPORTED MANAGING THE EXPENDITURE OF FUNDS FOR SENATE OFFICIAL MAIL FOR FISCAL YEAR 1989

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES 458

Resolved, That for purposes of this resolution—

(1) the term "franked mail" has the meaning given to such term by section 3201(4) of title 39, United States Code;

(2) the term "mass-mailing" is a mass mailing (as defined in section 3210(a)(6)(E) of such title) which is to be mailed as franked mail; and

(3) the term "official mail costs" means the equivalent of—

(A) postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege; and

(B) those portions of the fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of such title;

(4) the term "Senate office" means the Vice President of the United States, a United States Senator, a United States Senator-elect, a committee of the Senate, the Joint Committee on Printing, the Joint Economic Committee, an officer of the Senate, or an office of the Senate authorized by section 3210(b)(1) of title 39 of the United States Code to send franked mail.

SEC. 2. (a) Notwithstanding any provision of law or of the Standing Rule of the Senate, the total amount which may be incurred by a Senate office for official mail costs for fiscal year 1989 shall not exceed the amount allocated to such Senate office for such period by the Committee on Rules and Administration in accordance with this resolution.

(b) As soon as practicable after this resolution is agreed to, the Committee on Rules and Administration shall determine:

(1) The total amount to be allocated for official mail costs for the Senate, which shall be one-half of the total amount appropriated for official mail costs for the Senate and the House of Representatives for fiscal year 1989.

(2) The total amount necessary for official mail costs for fiscal year 1989 for Senate offices other than Senators and Senators-elect.

(3) The total amount necessary for the official mail costs for Senators-elect for the period beginning on November 9, 1988 and ending on January 3, 1989: *Provided, however*, That such amount shall not include amounts for unsolicited mass-mail.

(4) The total amount necessary for the official mail costs of newly elected Senators for the period January 3, 1989 through September 30, 1989; *Provided, however*, That such amount shall not exceed three-fourths of the amount that such Senators would receive for a full fiscal year.

(5) The total amount necessary for the official mail costs for Senators whose service as Senators will end on January 3, 1989 (except Senators whose retirement from the Senate was announced prior to October 1, 1988, for the period beginning on November 9, 1988, and ending on April 3, 1989: *Provided, however*, That not more than one-sixth of the amount such Senators would receive for a full fiscal year shall be available for the period November 9, 1988, through January 3, 1989, and that no amounts shall be provided for unsolicited mass-mailings for the period January 3, 1989, through April 3, 1989.

(6) The total amount necessary for the official mail costs for Senators whose retirement from the Senate was announced prior to October 1, 1988, for the period October 1, 1988, and ending on April 3, 1989: *Provided, however*, That not more than one-fourth of the amount such Senator would receive for the full fiscal year shall be available for the period October 1, 1988, through January 3, 1989, and that no amounts shall be provided for unsolicited mass-mailings for the period January 3, 1989, through April 3, 1989,

(7) The total amount necessary to be reserved for contingencies, which shall not exceed 10 per centum of the amount determined pursuant to paragraph A.

(8) The total amount available for allocation to Senators other than Senators whose terms of service as a Senator will begin or end on January 3, 1989, which shall be the amount determined pursuant to paragraph (1) minus the sum of the amounts determined pursuant to paragraphs (2) through (7).

(9) The allocation to a Senate office (other than a Senator or a Senator-elect) for fiscal year 1989 which shall be an amount equal to the product of the amount determined pursuant to paragraph (2) multiplied by the ratio that the official funds provided to such office bears to the sum of the official funds provided to all such offices, except that for purposes of this paragraph the funds provided to the Sergeant at

Arms shall be considered to be equal to one-half of the funds provided to the Secretary of the Senate: *Provided*, That the official mail costs of the Joint Committee on the Library shall be charged to the amount allocated to the Committee on Rules and Administration.

(10) The allocation of a Senator-elect for official mail costs for that portion of fiscal year 1989 beginning on the date of the election of such Senator-elect and ending with the date such Senator-elect is appointed to the Senate, which shall be an amount equal to the product of the total amount determined pursuant to paragraph (3) multiplied by the ratio that the population of the State represented by the Senator-elect bears to the total population of States represented by Senators-elect.

(11)(A) Subject to the exception in subparagraph (B) of this paragraph, the allocation of a newly elected Senator for official mail costs for the period January 3, 1989, through September 30, 1989, which shall be an amount equal to the product of the total amount determined pursuant to paragraph (4), multipled by the ratio that the population of the State represented by such Senator bears to the total population of the States represented by such Senators.

(B) Any Senator whose allocation pursuant to subparagraph (A) of this paragraph is less than $75,000 shall be granted such sums from the contingent fund provided for in section 2(b)(7) to bring such Senator's total allocation up to but not to exceed $75,000 upon request of such Senator to the Committee on Rules and Administration. Funds shall be withheld in the contingent fund during each fiscal year for the use of Senators referred to in this paragraph until each such Senator has indicated the total additional sums, if any, that will be needed by such Senator.

(12) The allocation of a Senator whose service as a Senator will end on January 3, 1989 (except a Senator who announced his retirement prior to October 1, 1988, for official mail costs for the period November 9, 1988, through April 3, 1989, which shall be an amount equal to the product of the total amount determined pursuant to paragraph (5), multiplied by the ratio that the population of the State represented by such Senator bears to the total population of the State represented by such Senators.

(13) The allocation of a Senator whose retirement from the Senate was announced prior to October 1, 1988, for official mail costs for the period October 1, 1988, through April 3, 1989, which shall be an amount equal to the product of the total amount determined pursuant to paragraph (6), multiplied by the ratio that the population of the State represented by such Senator bears to the total population of the States represented by such Senators.

(14)(A) Subject to the exception in subparagraph (B) of this paragraph, the allocation of a Senator whose term of service as a Senator does not begin or end on January 3, 1989, for official mail costs for fiscal year 1989 which shall be an amount equal to the product of the total amount determined pursuant to paragraph (8), multiplied by the ratio that the population of the State represented by such Senator bears to the total population of the States represented by such Senators.

(B) Any Senator whose allocation pursuant to subparagraph (A) of this paragraph is less than $100,000 shall be granted such sums from the contingent fund provided for in section 2(b)(7) to bring such Senator's total allocation up to but not to exceed $100,000 upon request of such Senator to the Committee on Rules and Administration. Funds shall be withheld in the contingent fund during each fiscal year for the use of Senators referred to in this paragraph until each such Senator has indicated the total additional sums, if any, that will be needed by such Senator.

(c) In determining official mail costs, and in making the allocations of Senate offices under this resolution, the Committee on Rules and Administration shall consult with the Postmaster General of the United States.

Sec. 3. The Senate urges the House of Representatives to limit the amounts which may be expended by Members of the House of Representatives, Delegates, Resident Commissioners, and committees, officers, and offices of the House of Representatives in a manner which is similar to the limitations on the expenditure of such amounts which are applicable to Senators during fiscal year 1989.

Sec. 4. The Committee on Rules and Administration shall prescribe a record keeping system to be used by Senate offices to ensure that the amounts allocated to such offices are not exceeded.

Sec. 5. The Committee on Rules and Administration shall prescribe a procedure whereby portions of an allocation made to a Senate office may be transferred to another Senate office: *Provided*, That each such transfer shall be approved by the Committee on Rules and Administration and that no Senate office shall acquire a total amount in excess of the amount that the office could use with the paper officially allotted to such office. The amount of each transfer together with the name of the transferring office, the name of the receiving office, and the date of the transfer shall be set forth in the semiannual report of the Secretary of the Senate, immediately following the tabulation of Senators' quarterly mass-mail costs.

SENATE RESOLUTION 459—ORIGINAL RESOLUTION REPORTED RELATING TO THE TRANSFER OF VIDEO TAPES OF SENATE PROCEEDINGS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. Res. 459

Resolved, That subsection (c) of section 4 of Senate Resolution 28, agreed to February 27, 1986 (99th Congress, 2nd Session) is amended to read as follows:

"(c)(1) The Sergeant at Arms and Doorkeeper of the Senate shall—

"(A) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution;

"(B) make audio and video tape recordings, and copies thereof as requested by the Secretary under paragraph (2) of Senate proceedings; and

"(C) retain for 30 session-days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings.

The Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in subparagraphs (A) and (B), shall comply with appropriate Senate procurement and other regulations.

"(2) The Secretary of the Senate is authorized to obtain from the Sergeant at Arms archival quality video recordings of Senate proceedings and, as soon thereafter as possible, transmit such recordings to the Librarian of Congress and to the Archivist of the United States.".

SENATE RESOLUTION 460—IN SUPPORT OF A PEACEFUL, NEGOTIATED SETTLEMENT TO THE CYPRUS DISPUTE

Mr. PELL (for himself and Mr. Lugar) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 460

Whereas the Cypriot nation has been tragically divided since the military conflict of 1974;

Whereas the division of Cyprus has persisted despite numerous international mediation efforts, particularly those of the Secretary General of the United Nations;

Whereas the newly elected president of Cyprus, George Vassiliou has indicated that he is committed to a peaceful, negotiated settlement of the 14-year dispute over the division of the island;

Whereas President Vassiliou's visit to the United States is aimed at stimulating United States support for further international efforts to resolve the Cyprus issue;

Whereas Prime Minister George Papandreou of Greece and Prime Minister Turgut Ozal of Turkey have initiated a series of meetings aimed at reducing bilateral tensions; and

Whereas President Vassiliou and Turkish Cypriot leader Rauf Denktash are scheduled to meet in the near future in New York under the auspices of the United Nations: Now, therefore, be it

Resolved, That the Senate—

(1) commends President Vassiliou of Cyprus and Turkish Cypriot leader Denktash for agreeing to meet in the near future on steps to resolve the Cyprus issue;

(2) congratulates President Vassiliou, Mr. Denktash, and United Nations Secretary General Xavier Perez de Cuellar for arranging this meeting in order to further the internationally mediated process of resolving the division of Cyprus; and

(3) expresses its strong support for the United Nations mediation effort and continuation of negotiations between all parties to the dispute.

● Mr. PELL. Mr. President, I am introducing this resolution on behalf of Senator Lugar and myself, in support of a peaceful, negotiated settlement to the Cyprus dispute. Recent developments in the Eastern Mediterranean offer new hope for progress toward a settlement of the Cyprus problem. In February, the Republic of Cyprus elected a new President, George Vassiliou. In the short time since he was elected, President Vassiliou has already developed a reputation as a pragmatic leader who has the determination and vision needed to reach a settlement. I think all of us who met with President Vassiliou during his recent visit would agree that reputation is well deserved. As he has said, "there can be no solution that will be a defeat for either side; a solution must be a victory for all."

The election of President Vassiliou coincided with the budding rapprochement between Greece and Turkey that has grown out of the January meeting between Prime Minister Papandreou and Prime Minister Ozal in Davos Switzerland. These converging events have spurred new efforts to resolve the Cyprus problem. On August 24, President Vassiliou will meet with Mr. Denktash, the leader of the Turkish-Cypriot community, under the auspices of the U.N. Secretary General. This resolution commends both President Vassiliou and Mr. Denktash for their leadership in accepting the Secretary General's mediation efforts.

At a time when longstanding regional disputes are being settled around the globe—in the Persian Gulf, in southern Africa, and in Afghanistan—why shouldn't the international community also dedicate itself to resolving the Cyprus problem? This resolution is a symbol of American determination to do whatever possible to facilitate a just and lasting settlement to the Cyprus problem.●

SENATE RESOLUTION 461—CONDEMNING ROMANIA FOR ITS HUMAN RIGHTS VIOLATIONS

Mr. LAUTENBERG (for himself, Mr. Bradley, Mr. Metzenbaum, Mr. Pressler, Mr. Dodd, Mr. Durenberger, Mr. D'Amato, Mr. Wilson, Mr. Dole, Mr. Kerry, Mrs. Kassebaum, Mr. DeConcini, Mr. Mitchell, Mr. Inouye, Mr. Grassley, Mr. Symms, Mr. Bumpers, Mr. Boren, Mr. Dixon, Mr. Levin, Mr. Riegle, Mr. Domenici, Mr. Lugar, Mr. Karnes, Mr. Gore, Mr. Helms, and Mr. Sarbanes) submitted the following resolution; which was ordered held at the desk by unanimous consent:

S. Res. 461

Whereas in recent years the U.S. Congress has received a substantial body of evidence establishing a persistent pattern of severe human rights violations in the Socialist Republic of Romania;

Whereas among these violations is the denial of the right of free emigration for Jews and other Romanians and the systematic manipulation of emigration figures;

Whereas the Romanian government continues to deny ethnic minorities, among them 2.5 million Hungarians, Germans, Serbs, Croatians, Saxons and Ukrainians, the basic right of preserving opportunity for their children to be educated in their native tongue;

Whereas the Romanian government continues to interfere with freedom of religion, harassing, intimidating, and arresting religious believers for as little as the possession of Bibles, and destroying places of worship;

Whereas the U.S. Congress in recent years has repeatedly condemned the Romanian government for these violations and urged it to observe basic human rights as set forth out in the Helsinki Accords and other agreements, to which the Socialist Republic of Romania is a party;

Whereas in 1987 both Houses of Congress voted by substantial margins to suspend Romania's Most Favored Nation status in response to human rights violations by the government of that country;

Whereas Romania's MFN status expired on July 3, 1988;

Whereas Romania's human rights policies have not shown improvement even after last year's Congressional action, and the U.S. Department of State has determined in its Country Report on Human Rights practices for 1987 that "(t)he poor human rights picture in Romania in 1987 showed no improvement" and "* * * its human rights abuses remained pervasive.";

Whereas Romania is about to undertake a new and massive agricultural collectivization program, bulldozing 7,000 traditional villages to make way for government owned agricultural-industrial complexes, a program whose implementation will result in new, gross abuses of human rights;

Whereas this program, if implemented, would eradicate a substantial part of the traditional settlement pattern, folk architecture, and way of life of the Romanian people and the Hungarian, German, Saxon, Croatian, Serbian, Ukrainian and other ethnic minorities;

Whereas this program would force the displaced population into government-owned, standardized housing units to be built in centuries-old town centers: Now, therefore be it

Resolved, That the Senate:

(1) condemns the Romanian government's continued practice of systematically violating a whole range of internationally recognized human rights of its citizens;

(2) strongly protests the planned program of wholesale destruction of traditional settlements in violation of the human rights, minority cultural rights and property rights of their inhabitants;

(3) urges the Romanian government to revise its human rights policies and institute meaningful reforms to comply with international agreements that are binding on Romania;

(4) urges the President and the Secretary of State to continue to call the above violations to the attention of Romanian officials and demand meaningful reforms;

(5) urges the President to make clear to the Romanian government that restoration of Romania's Most Favored Nation status or any extension of other favorable trading privileges to Romania should not be considered by the United States until that country implements a thorough reform in its human rights practices, including substantial improvement in the observance of the right of emigration, the rights of national minorities, and freedom of religion.

SENATE RESOLUTION 462—RELATING TO THE 1988 SEOUL OLYMPIC GAMES

Mr. STEVENS (for Mr. Bond, for himself, Mr. Stevens, Mr. Murkowski, Mr. Boren, Mr. Shelby, Mr. Wilson, Mr. Cochran, Mr. McConnell, Mr. Dixon, Mr. Rudman, Mr. Sanford, Mr. Helms, Mr. Quayle, Mr. Packwood, Mr. Danforth, and Mr. Karnes) submitted the following resolution; which was considered and agreed to:

S. Res. 462

Whereas there has been a long history of close friendship and cooperation between the United States and the Republic of Korea;

Whereas Seoul, the capital of the Republic of Korea, will host the XXIV Olympiad from September 17 to October 2, 1988;

Whereas the Seoul Olympic Organizing Committee has effectively directed the preparations for the 1988 Olympics including extraordinary security precautions;

Whereas more than 160 nations, a record number, have officially accepted the Olympic invitations and will send some 12,000 athletes to Seoul, making this year's Games the largest ever;

Whereas the Seoul Olympics will include participation by the major nations of both the Western and Eastern Blocs and, thus, for the first time in 12 years will not be marred by an organized political boycott;

Whereas the Seoul Olympic Organizing Committee, under the auspices of the governing International Olympic Committee, has made every effort to allow for the participation of North Korea;

Whereas Seoul continues to show flexibility in its dealing with the North and, on July 7, 1988, Republic of Korea President Roh Tae Woo announced a historic new initiative aimed at improving relations between the rival governments; and

Whereas a successful Seoul Olympiad which includes the participation of not only the major communist bloc nations but also North Korea would serve American interests by reducing tensions on the Korean peninsula and improving East-West relations; Now, therefore, be it

Resolved, That—

(1) the Senate pays tribute to the close friendship between our two peoples and the mutually beneficial cooperation between our governments;

(2) the Senate commends the Seoul Olympic organizers for the serious attention they have given to safety precautions.

(3) the Senate urges all member nations of the Olympic Family including North Korea to participate in the Seoul Games;

(4) the Senate commends all nations including the Soviet Union and the People's Republic of China, which have announced their intention to attend the Seoul Olympics;

(5) the Senate commends Korean President Roh Tae Woo for his July 7, 1988, policy initiative which is aimed at improving North-South relations and coaxing North Korea out of its international isolation;

(6) the Senate urges North Korea to respond favorably to President Roh's July 7th initiatives;

(7) the Senate urges North Korea's allies to encourage the North to attend the Games;

(8) the Senate would consider North Korea's participation as an important gesture and a significant indication that it is serious about achieving tension reduction on the peninsula and enhancing stability in all of Northeast Asia.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1989

BYRD (AND OTHERS) AMENDMENT NO. 2833

Mr. BYRD (for himself, Mr. DODD, Mr. BOREN, and Mr. CHILES) proposed an amendment to amendment No. 2813, proposed by Mr. BYRD, to the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes; as follows:

Strike all after the word "Title" in the pending amendment and insert the following:

TITLE IX—ASSISTANCE FOR THE NICARAGUAN RESISTANCE

SEC. 9001. POLICY.

It is the policy of the United States to advance peace and democracy in Central America and to protect American security interests in the region. In pursuing that policy it is the objective of the United States to seek a just and lasting peace for the region in a manner compatible with the Esquipulas Accord of August 7, 1987, the declaration of the Central American presidents at San Jose, Costa Rica, on January 16, 1988, the Sapoa Agreement of March 23, 1988, and United States national security interests in the region.

SEC. 9002. SPECIAL CONDITIONS WARRANTING EXPEDITED PROCEDURES FOR LEGISLATION CONCERNING TRANSPORTATION OF PREVIOUSLY APPROPRIATED ASSISTANCE HELD IN TITLE BY THE NICARAGUAN RESISTANCE.

If, at any time after enactment of this Act and before the adjournment sine die of the 2nd session of the One hundredth Congress—

(1) the President finds that the Government of Nicaragua has caused an emergency situation in Central America which is having a critical impact on peace and stability of that region, and

(2) the President has consulted with the presidents of Costa Rica, El Salvador, Honduras, and Guatemala regarding that emergency situation, and

(3) the President submits to the Congress the report described in section 9004(a), and

(4) the President requests the Congress to consider legislation which would authorize the transportation to the Nicaraguan resistance of previously appropriated assistance held in title by the Nicaraguan resistance and, if necessary, provide authority for (a) the interchangeability of such assistance with equipment of comparable value and purpose which is owned by the United States, and (b) the transportation of humanitarian and military assistance in the same transportation system.

(5) the House of Representatives has passed legislation, with or without amendments, with respect to the request under paragraph (4),

then a joint resolution described in section 9013(a)(1), shall be considered in the Senate in accordance with the procedures specified in section 9013 of this title.

SEC. 9003. RESTRICTIONS REGARDING THE EMERGENCY TRANSPORT OF PREVIOUSLY APPROPRIATED ASSISTANCE HELD IN TITLE BY THE NICARAGUAN RESISTANCE.

(a) IN GENERAL.—This section shall only apply upon the enactment of legislation, considered in the Senate in accordance with section 9013, authorizing the transportation to the Nicaraguan resistance of previously appropriated assistance not to exceed $16.5 million held in title by the Nicaraguan resistance and, if necessary, providing authority for the interchangeability of such assistance with equipment of comparable value and purpose which is owned by the United States.

(b) FUNDS FOR TRANSPORTATION.—(1) There shall be transferred to the Secretary of State from unobligated funds from appropriations accounts specified in 9011—

(A) such sums as are necessary to carry out the transportation requirements described in subsection (a), but not to exceed $5 million; and

(B) such sums as are necessary to provide for the indemnification of aircraft leased with funds transferred under clause (A), but not to exceed $20 million.

(2) The Secretary of State shall transfer the balance, if any, remaining of funds transferred under paragraph (1)(B) to the appropriations accounts from which such funds were transferred under such paragraph when the transportation requirements described in subsection (a) have been met.

(c) MONITORING BY CONGRESSIONAL COMMITTEES.—(1) The chairmen and ranking minority members of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate shall be kept fully and currently informed regarding the transportation or exchange of any assistance described in subsection (a), including the value and purpose of the items transported or exchanged and the costs of such transportation.

(2) For purposes of this subsection, the term "fully and currently informed" includes the provision of all records, data, and other information necessary to carry out the monitoring of activities described in this subsection.

(d) ROLE OF THE SECRETARY OF STATE.—The Secretary of State (or his designee) shall be responsible for support, coordination, and supervision of the transportation of assistance described in subsection (a). Such support shall involve the provision of funds as well as the provision and transportation of materiel and other assistance.

(e) The authority granted by this section expires upon delivery of previously appropriated assistance and interchanged assistance authorized by this section.

SEC. 9004. REPORTS.

(a) PRESIDENTIAL REPORT.—At the time of the submission to the Congress by the President of any request for the authority described in section 9002(4), the President shall submit to the Congress a report containing—

(1) a detailed discussion and substantial evidence of the nature of the emergency situation in or adjacent to Nicaragua caused by actions taken by the Government of Nicaragua having a critical impact on peace and stability of the Central American region,

(2) a description of the recommendations made by the presidents of the Central American democracies consulted in accordance with section 9002(2), and

(3) the justification for the transport to the Nicaraguan Resistance of previously appropriated assistance held in title by the Nicaraguan Resistance,

including specific information pertaining to at least two of the following three actions:

(A) Sandinista initiation of an unprovoked military attack and any other hostile action directed against the forces of the Nicaraguan Resistance, as well as participation or support of any hostile actions against such forces by any other foreign country or organized group;

(B) Other blatant violations of the Esquipulas Accord of August 7, 1987, such as suppression of the media and the internal political opposition, including a denial of its rights to assemble and to hold peaceful demonstrations, and other human rights violations against the people of Nicaragua; and

(C) A continued unacceptable level of military assistance by Soviet-bloc countries, including Cuba.

(b) MONTHLY REPORT BY THE SECRETARY OF STATE.—The Secretary of State shall, not less than once every 30 days after the date of enactment of this Act until the funds provided under this title are expended, submit to the intelligence committees and foreign relations committees of the Congress a report—

(1) describing the conditions in Nicaragua and the use of the funds provided under this title;

(2) a detailed statement of any progress toward a negotiated settlement of the armed conflict in Central America, as agreed to under the Esquipulas Accord of August 7, 1987;

(3) a detailed discussion of United States efforts since the signing of the Sapoa agreement to encourage the Soviet Union to restrict the shipment of Soviet arms to the Government of Nicaragua and specifying Soviet reaction to such efforts;

(4) a discussion reviewing the status of United States national security interests in Central America, with particular attention to the advisability of entering into bilateral negotiations with the Government of Nicaragua concerning—

(A) the termination of the presence of Soviet and Soviet-bloc (including Cuban) military and security advisors in Nicaragua;

(B) the termination of Soviet and Soviet-bloc (including Cuban) assistance to the Government of Nicaragua; and

(C) a prohibition on the establishment or use of bases in Nicaragua by the Soviet Union or any Soviet-bloc country, including Cuba;

(5) a description of United States diplomatic efforts in support of the Esquipulas Accord of August 7, 1987, and the Sapoa Agreement of March 23, 1988, and an analysis of the actions taken by the Nicaraguan Resistance and the Government of Nicaragua to negotiate a settlement under the provisions of these agreements;

(6) an evaluation of the effect that additional military assistance for the Nicaraguan Resistance would have on political and economic stability in Honduras, Costa Rica, and El Salvador, as well as how such assistance would advance the process of negotiation and political settlement in Nicaragua;

(7) a description of the progress made by economic development programs that have been implemented in Honduras, El Salvador, and Costa Rica since the Esquipulas Accord of August 7, 1987, was signed and

what effect renewed fighting in Nicaragua would have on these programs; and

(8) a discussion of the policies of the European allies of the United States and the Latin American democracies (outside Central America) toward Central America, and the extent of their support for and cooperation with United States policies regarding the Nicaraguan Resistance.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "intelligence committees" refers to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and

(2) the term "foreign relations committees" refers to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 9005. PROHIBITION.

Except as provided in this title, no additional assistance may be provided to the Nicaraguan Resistance unless the Congress enacts a law specifically authorizing such assistance.

SEC. 9006. ADDITIONAL HUMANITARIAN ASSISTANCE.

(a) TRANSFER OF FUNDS.—The President shall transfer to the Agency for International Development, from unobligated funds from the appropriations accounts specified in section 9011—

(1) $27,140,000, to provide humanitarian assistance to the Nicaraguan Resistance, to remain available through March 31, 1989, except that funds provided by this subsection shall not be obligated for humanitarian assistance prior to October 1, 1988; and

(2) such funds as may be necessary to provide transportation in accordance with section 9007 for assistance authorized by paragraph (1).

(b) DEFINITION.—For purposes of this section and section 9007, the term "humanitarian assistance" means—

(1) food, clothing, and shelter;

(2) medical services, medical supplies, and nonmilitary training for health and sanitation;

(3) nonmilitary training of the recipients with respect to their treatment of civilians and other armed forces personnel, in accordance with internationally accepted standards of human rights; and

(4) payment for such items, services, and training and

(5) replacement batteries for existing communications equipment.

SEC. 9007. TRANSPORTATION OF HUMANITARIAN ASSISTANCE.

(a) IN GENERAL.—The transportation of humanitarian assistance on or after the date of enactment of this Act which, before such date, was specifically authorized by law to be provided to the Nicaraguan Resistance, or which is authorized to be provided by section 9006, shall be arranged—

(1) in the case of the forces of the Nicaraguan resistance outside Nicaragua solely by the Agency for International Development; and

(2) in the case of the forces of the Nicaraguan resistance in Nicaragua, solely by the Agency for International Development, acting through the Nicaraguan resistance, the Pan American Development Foundation, or a similar nongovernmental organization, consistent with the provisions of the Sapoa Agreement and any subsequent agreement between the parties to the armed conflict in Nicaragua.

(b) PROHIBITION OF MIXED LOADS.—Transportation of any military assistance or of any assistance other than that specified in 9006(b), is prohibited.

SEC. 9008. MEDICAL ASSISTANCE.

There are hereby transferred to the Administrator of the Agency for International Development from unobligated funds from appropriations accounts specified in section 9011 $5,000,000, to be used only for the provision of medical assistance for the civilian victims of the Nicaragu civil strife to be transported and administered by the Catholic Church in Nicaragua.

SEC. 9009. UNITED STATES POLICY CONCERNING ECONOMIC ASSISTANCE FOR CENTRAL AMERICA.

As part of an effort to promote democracy and address on a long-term basis the economic causes of regional and political instability in Central America—

(1) in recognition of the recommendations of groups such as the National Bipartisan Commission on Central America, the Inter-American Dialogue, and the Sanford Commission,

(2) to assist in the implementation of these economic plans and to encourage other countries in other parts of the world to join in extending assistance to Central America,

(3) and in the context of an agreement to end military conflict in the region,

the Congress encourages the President to submit proposals for bilateral and multilateral action—

(A) to provide additional economic assistance to the democratic countries of Central America to promote economic stability, expand educational opportunity, foster progress in human rights, bolster democratic institutions, and strengthen institutions of justice;

(B) to facilitate the ability of Central American economies to grow through the development of their infrastructure, expansion of exports, and the strengthening of increased investment opportunities;

(C) to provide a more realistic plan to assist Central American countries in managing their foreign debt; and

(D) to develop these initiatives in concert with Western Europe, Japan, and other democratic allies.

SEC. 9010. ECONOMIC INCENTIVES FOR DEMOCRACY IN NICARAGUA SIMILAR TO THOSE AVAILABLE TO CENTRAL AMERICAN DEMOCRACIES.

(a) CONDITION ON TERMINATION OF TRADE EMBARGO AND PROVISION OF RELOCATION ASSISTANCE.—(1) If the Government of Nicaragua and the Nicaraguan Resistance sign a comprehensive final agreement to provide for peace and democracy in Nicaragua, then—

(A) the President shall terminate the trade embargo imposed against Nicaragua by Executive Order 12513 of May 1, 1985; and

(B) there shall be transferred to the President from unobligated funds from the appropriations accounts specified in section 9011 $10,000,000, to remain available for a period of twelve months after the signing of the agreement, to provide assistance for the relocation in Nicaragua and the reintegration into Nicaraguan civil society of members of the Nicaraguan Resistance, and the Nicaraguans outside Nicaragua displaced by the conflict.

(2) Nothing in this section shall be construed to limit the authority of the President under the International Emergency Economic Powers Act.

(b) TRADE BENEFITS.—On or after the date which is 180 days after the date of signing of the agreement described in subsection (a), if the President certifies to the Congress that the Government of Nicaragua is continuing to comply with that agreement, then the President may, notwithstanding any other provision of law—

(1) designate Nicaragua a beneficiary country for purposes of proposals referred to in section 9009 and for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.);

(2) designate Nicaragua a beneficiary developing country for purposes of title V of the Trade Act of 1974 (relating to the generalized system of preferences); and

(3) authorize loan assistance to Nicaragua under the Export-Import Bank Act of 1945.

(c) INTERPRETATION.—Authority granted by subsections (a) and (b) shall be in addition to, and shall not be construed to limit, authority otherwise available to the President by law.

SEC. 9011. AVAILABLE APPROPRIATIONS ACCOUNTS.

The appropriations accounts referred to in sections 9003(b), 9006, 9008, and 9010(a)(1)(B) are non-ammunition Procurement accounts in any of the following:

(1) the Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) the Department of Defense Appropriations Act, 1987, as contained in section 101(c) of the further continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591); and

(3) the Department of Defense Appropriations Act, 1988, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1988 (Pubic Law 100-202).

SEC. 9012. PROHIBITION ON THE USE OF CERTAIN FUNDS.

Except as provided in this title, no funds available to any agency or entity of the United States Government under this title may be obligated or expended pursuant to section 502(a)(2) of the National Security Act of 1947 for the purpose of providing funds, materiel, or other assistance to the Nicaraguan Resistance to support military or paramilitary operations in Nicaragua.

SEC. 9013. CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTIONS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "joint resolution" means, except as otherwise provided, only a joint resolution or bill described in section 9002(s) which originated in the House of Representatives and is received in the Senate.

(2) the term "session days" means days on which the Senate is in session.

(b) REFERRAL OF JOINT RESOLUTION.—A joint resolution referred in the Senate shall be referred to the Committee on Foreign Relations of the Senate.

(c) COMMITTEE ACTION.—(1) If the Committee on Foreign Relations has not reported such joint resolution (or an identical joint resolution) at the end of 3 session days after its introduction, such Committee shall be discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the Senate.

(2) After the Committee on Foreign Relations reports or is discharged from a joint resolution, no other joint resolution with re-

spect to the same matter may be reported by or be discharged from such Committee while the first joint resolution is before the Senate (including remaining on the calendar), a committee of conference, or the President.

(d) Floor Action.—(1)(A) When the Committee on Foreign Relations has reported, or has been discharged under subsection (c) from further consideration of such joint resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for the Majority Leader, after consultation with the Minority Leader, to move to proceed to the consideration of the joint resolution and, except as provided in paragraph (2) of this subsection (insofar as it relates to germaneness and relevancy of amendments), all points of order against the joint resolution and consideration of the joint resolution are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall be in order, except that such motion may not be entered for future disposition. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate, to the exclusion of all other business, until disposed of.

(2)(A) Consideration in the Senate of the joint resolution, and all amendments and debatable motions in connection therewith, shall be limited to not more than 10 hours, which, except as otherwise provided in this section, shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or by their designees. The Majority Leader or the Minority Leader or their designees may, from the time under their control on the joint resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(B)(i) Subject to subparagraph (ii), only amendments which are germane and relevant to the joint resolution are in order. Debate on any amendment to the joint resolution shall be limited to 2 hours, except that debate on any amendment to an amendment shall be limited to 1 hour. The time of debate for each amendment shall be equally divided between, and controlled by, the mover of the amendment and the manager of the joint resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(ii) It shall be in order for the Majority Leader or the Minority Leader to offer one amendment to strike out the text of the House originated measure and insert in lieu thereof the following text: "That the Congress hereby authorizes the President to transport to the Nicaraguan Resistance all previously appropriated assistance held in title by the Nicaraguan Resistance and provides, if requested, (a) the authority for the interchangeability of the assistance with certain equipment and (b) the transportation of humanitarian and military assistance in the same transportation system."

(C) A motion to postpone the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is in order, except that such motion may not be entered for future disposition, and debate on such motion shall be limited to 1 hour.

(3) Whenever all the time for debate on a joint resolution has been used or yielded back, no further amendments may be proposed, and the vote on the adoption of the joint resolution shall occur, except that a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate may occur immediately before such vote.

(4) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate to the procedure relating to a joint resolution shall be limited to one-half hour of debate, equally divided between, and controlled by, the Senator making the appeal and the manager of the joint resolution, except that in the event the manager is in favor of any such appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(e) Resolution of Differences Between the House and the Senate.—(1)(A) The time for debate in a House of Congress on all motions required for the disposition of amendments between the Houses shall not exceed 2 hours, equally divided between, and controlled by, the mover of the motion and the manager of the joint resolution at each stage of the proceedings between the two Houses, except that in the event the manager is in favor of any such motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee. In the case of any disagreement between the two Houses of Congress with respect to a joint resolution which is not resolved, any Member of Congress may make any motion or motions referred to in this subparagraph within 2 session days after action by the second House or before the appointment of conferees, whichever comes first. In the event the conferees are unable to agree within 72 hours after the second House is notified that the first House has agreed to conference, they shall report back to their respective House in disagreement.

(B) Notwithstanding any rule in either House of Congress concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, such report, including a report filed or returned in disagreement, shall be acted on in the House of Representatives and the Senate not later than 2 session days after the first House files the report or, in the case of the Senate acting first, the report is first made available on the desks of the Senators. Debate in a House of Congress on a conference report or a report filed or returned in disagreement on any such joint resolution shall be limited to 3 hours, equally divided between, and controlled by, the Majority Leader and the Minority Leader, and their designees.

(2) If a joint resolution is vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to 6 hours in each House of Congress, equally divided between, and controlled by, the Majority Leader and the Minority Leader, or their designees.

(f) Congressional Rulemaking Powers.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, (insofar as it applies to that House), but applicable only with respect to the procedure to be followed in that House in the case of legislation described in this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 9014.

(a) Accountability Standards, Procedures, and Control.—In implementing this title, the Agency for International Development, and any other agency of the United States Government authorized to carry out activities under this title, shall adopt the standards, procedures, and controls for the accountability of funds comparable to those applicable with respect to the assistance for the Nicaraguan resistance provided under Section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202), any changes in such standards, procedures and controls shall be developed and adopted in consultation with the Committees on Intelligence and Foreign Relations pursuant to (b).

(b) Congressional Oversight.—Oversight within the House of Representatives and the Senate with respect to activities under this title shall be—

(1) with respect to nonlethal assistance, within the jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(2) with respect to lethal assistance, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(c) Definition.—For purposes of subsection (a), the term "intelligence committees of the Congress" refers to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) The provisions of the Act of April 1, 1988 (Public Law 100-276) contained in subsections (b), (d), (e), of section 4 and section 5 shall apply to the provision of assistance under this title except that section 4(d): shall not apply to the Intelligence Community.

(e) AID Administrative Expenses.—There shall be transferred from unobligated funds from appropriations accounts specified in section 9011 not to exceed $4,000,000 to "Operating Expenses of the Agency for International Development" to meet the necessary administrative expenses to carry out this title.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, FISCAL YEAR 1989

DOLE (AND OTHERS) AMENDMENT NO. 2834

Mr. DOLE (for himself, Mr. Armstrong, Mr. Bond, Mr. Cochran, Mr. Cohen, Mr. Danforth, Mr. Evans, Mr. Garn, Mr. Gramm, Mr. Hatch, Mr. Hecht, Mr. Karnes, Mrs. Kassebaum, Mr. Kasten, Mr. Lugar, Mr. McCain, Mr. McConnell, Mr. Rudman, Mr. Simpson, Mr. Stevens, Mr. Thurmond, Mr. Warner, and Mr. Wilson) proposed an amendment to the bill (H.R. 5026) making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes; as follows:

Page 12, after line 23, insert:

TITLE —

ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. . POLICY AND REPORT.

(a) General Policy.—It is the policy of the United States in implementing this title to advance democracy and security in Central America, and thereby to assist in bringing a just and lasting peace to that region, in a manner compatible with the Guatemala Peace Accord of August 7, 1987, the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and the Sapoa Agreement of March 23, 1988, and consistent with the national security interests of the United States.

(b) Specific Policy Objective.—In pursuing the policy set forth in subsection (a), it is the objective of the United States to enhance its security as well as that of the democratic countries of Central America by assisting in the achievement of—

(1) genuine democracy in Nicaragua;

(2) an end to Soviet, Cuban, and other Communist bloc military or security assistance to, advisers in, and establishment or use of bases in, Nicaragua;

(3) an end to Nicaraguan aggression and subversion against other countries in Central America; and

(4) reduction of the military and security forces of Nicaragua to a level consistent with the security of other countries in the region.

(c) REPORT ON NONCOMPLIANCE BY THE GOVERNMENT OF NICARAGUA AND RECEIPT OF SOVIET BLOC AND OTHER MILITARY AID.—During fiscal years 1988 and 1989, the President shall report bimonthly to the Congress on—

(1) violations by the Government of Nicaragua of its obligations, including the obligation to establish democracy, under the Guatemala Peace Accord of August 7, 1987, the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and the Sapoa Agreement of March 23, 1988; and

(2) receipt by the Government of Nicaragua of Soviet, Cuban, other Communist bloc, and other foreign military or security assistance, including advisers.

SEC. ___. TRANSFER OF PRIOR DEFENSE APPROPRIATIONS FOR ASSISTANCE.

(a) TRANSFER AND USE FOR HUMANITARIAN ASSISTANCE, CIVIC ACTION, NON-MILITARY TRAINING AND TRANSPORTATION.—The President shall transfer to the Agency for International Development, from unobligated funds from the appropriations accounts specified in section 9005—

(1) $27,140,000, to provide humanitarian assistance, civic action, and non-military training to the Nicaraguan democratic resistance (including resistance administration), and to strengthen resistance human rights programs, to remain available through March 31, 1989, except that funds provided by this paragraph shall not be obligated for humanitarian assistance prior to October 1, 1988; and

(2) such funds as may be necessary to provide transportation in accordance with this title for assistance authorized by this title and assistance previously, specifically authorized by law, to remain available until the funds made available by subsection (a)(1) have been expended.

(b) SAFE TRANSPORTATION.—(1) Subject to paragraph (2), in its administration of funds transferred by subsection (a)(2), the Agency for International Development shall arrange for transportation into Nicaragua in accordance with this title by the Pan American Development Foundation or a similar non-governmental organization of assistance authorized by subsection (a)(1) and humanitarian assistance previously, specifically authorized by law.

(2) If the President determines and reports to the President of the Senate and the Speaker of the House of Representatives, no earlier than fifteen days after the date of enactment of this title, either that transportation of the assistance described in paragraph (1) into Nicaragua cannot be carried out safely and effectively due to the conduct of the Government of Nicaragua, or that no organization described in paragraph (1) will provide such transportation effectively, the President may transfer funds made available pursuant to subsection (a)(2) to such department or agency as he shall designate, to provide for transportation into Nicaragua of assistance to the Nicaraguan democratic resistance authorized by this title and humanitarian assistance previously, specifically authorized by law, in accordance with the provisions of this title.

(3) Funds transferred pursuant to subsection (a)(2) may not be obligated or expended to purchase aircraft.

(c) INDEMNIFICATION OF LEASED AIRCRAFT.—(1) The President is authorized to transfer unobligated funds, from the appropriations accounts specified in section 9005, to the Agency for International Development and the department or agency to which subsection (b)(2) refers solely for the indemnification of aircraft leased with funds transferred pursuant to subsection (a)(2) to provide transportation in accordance with this title for assistance for which this title provides and assistance previously, specifically authorized by law for the Nicaraguan democratic resistance.

(2) The President shall transfer the balance, if any, remaining of funds transferred under paragraph (1) to the appropriations accounts from which such funds were transferred under that paragraph when the funds transferred by subsection (a)(1) have been expended.

(d) PASSIVE AIR DEFENSE EQUIPMENT.—(1) The Department of Defense shall make available for use with aircraft leased with funds made available pursuant to subsection (a)(2) passive air defense equipment (including ground-based radio detection and ranging equipment) to ensure the safety of transportation provided pursuant to this title.

(2) The Department of Defense shall make no charge for installation, use, maintenance, and removal of equipment made available under paragraph (1), and shall bear the risk of loss, damage, or deterioration of such equipment during the period of its use under the authority of paragraph (1).

(e) ADMINISTRATIVE EXPENSES.—Funds made available by subsection (a)(1) shall be available for "Operating Expenses of the Agency for International Development," and for departments or agencies designated pursuant to this title to carry out the provisions of this title, to meet necessary administrative expenses in carrying out this title.

SEC. ___. EQUIVALENT VALUE EXCHANGES BY BARTER OF LESS NEEDED LETHAL ASSISTANCE.

(a) AUTHORITY FOR EXCHANGES.—(1) A department or agency designated by the President may receive title from the Nicaraguan democratic resistance items of lethal assistance owned by the resistance on the date of enactment of this title that was previously, specifically authorized by law, and provide to the resistance, in non-cash barter exchanges for the items to which title was received, items of lethal assistance for which the resistance has a greater need.

(2) The department or agency to which subsection (a) refers may provide transportation for the items authorized by that paragraph to be provided and for lethal assistance to the resistance previously, specifically authorized by law.

(3) The authorities granted in subsections 9002(c), 9002(d), 9002(e), 9004(b), and the provisions of section 9004(a), shall apply with respect to this section.

(4) The limitations set forth in sections 9002(b)(3) and 9004(c) shall apply with respect to this section.

(5) Exchanges authorized by this section shall be deemed to have no budgetary impact.

(b) EQUIVALENT VALUE AND PURPOSE.—(1) The aggregate value of the items provided to the resistance under subsection (a) shall equal the aggregate value of the items to which title is received under that subsection.

(2) The types of items of lethal assistance provided under this section shall not differ from the types of items of lethal assistance to the resistance previously authorized by law.

(c) AVAILABILITY OF FUNDS AND EQUIPMENT.—Funds made available by subsections 9002(a)(2) and (c), and equipment available pursuant to subsection 9002(d), shall be available to the department or agency to which subsection (a) refers to carry out this section.

(d) REPORT TO CONGRESS.—The department or agency to which subsection (a) refers shall give notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives at least 7 days prior to exercising the authority granted subsection (a).

(e) SUSPENSION.—Delivery of lethal assistance under this section shall be suspended during any period in which there is in place a ceasefire agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance, except to the extent, if any, permitted by the agreement governing the ceasefire.

SEC. ___. GENERAL AUTHORITIES AND LIMITATIONS.

(a) RELATED STATUTES.—The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, Fiscal year 1988 (Public Law 100-178), the corresponding provision of the Intelligence Authorization Act, Fiscal Year 1989, section 8144 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), the corresponding provision of the Department of Defense Appropriations Act, 1989, section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use consistent with this title of the funds made available by subsections 9002(a), 9002(c), 9002(e), and 9007(a), and of equipment as provided under subsection 9002(d), and the use of authorities granted by this title.

(b) CONTINUATION OF AUTHORITY TO SUPPORT, MONITOR, AND MANAGE.—(1) The authority to support, monitor and manage activities for which funds are provided under this title or a law (including Public Law 100-276) which previously, specifically authorized assistance to the Nicaraguan democratic resistance shall continue until the funds transferred pursuant to section 9002(a)(1) have been expanded.

(2) Subsections 4 (b), (c), (d), and (e) of Public Law 100-276 shall apply to the Agency for International Development and to any other department or agency that provides assistance pursuant to this title.

(c) CONTINUATION OF LIMITATIONS.—Sections 203(e), 204(b), 207, 209(b), and 209(c), and the first sentence of section 302(d), in "TITLE II—CENTRAL AMERICA" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591), shall apply with respect to funds made available under this title.

SEC. . DEFENSE APPROPRIATIONS ACCOUNTS

The appropriations account to which subsections 9002(a), 9002(c), 9002(e), 9003(a) and 9007(a) refer are non-ammunition Procurement accounts in any of the following:

(1) the Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) the Department of Defense Appropriations Act, 1987, as contained in section 101(c) of the further continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591);

(3) the Department of Defense Appropriations Act, 1988, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1988 (Public Law 100-202).

SEC. . UNITED STATES POLICY CONCERNING ECONOMIC ASSISTANCE FOR CENTRAL AMERICA

As part of an effort to promote democracy and address on a long-term basis the economic causes of regional and political instability in Central America, in recognition of the recommendations of groups such as the National Bipartisan Commission on Central America, the Inter-American Dialogue, and the Sanford Commission, and in the context of an agreement to end military conflict in the region, the Congress encourages the President to submit proposals for bilateral and multilateral action—

(1) to provide additional economic assistance to the democratic countries of Central America to promote economic stability, expand educational opportunity, foster progress in human rights, bolster democratic institutions, and strengthen institutions of justice;

(2) to facilitate the ability of Central American economies to grow through the development of their infrastructure, expansion of exports and the strengthening of increased investment opportunities;

(3) to provide a more realistic plan to assist Central American countries in managing their foreign debt; and

(4) to develop these initiatives in concert with Western Europe, Japan and other Democratic allies.

SEC. . ECONOMIC INCENTIVES FOR DEMOCRACY IN NICARAGUA SIMILAR TO THOSE AVAILABLE TO CENTRAL AMERICAN DEMOCRACIES

(a)(1) If the Government of Nicaragua and the Nicaraguan democratic resistance sign a comprehensive final agreement to provide for peace and democracy in Nicaragua, then—

(A) the President shall terminate the trade embargo imposed against Nicaragua by Executive Order 12513 of May 1, 1985; and

(B) there shall be transferred to the President from unobligated funds from the appropriations accounts specified in section 9005 $10,000,000, to remain available for a period of 12 months after the signing of the agreement, to provide assistance for the relocation in Nicaragua and the reintegration into Nicaraguan civil society of members of the Nicaraguan democratic resistance, and Nicaraguans outside Nicaragua displaced by the conflict.

(2) Nothing in this section shall be construed to limit the authority of the President under the International Emergency Economic Powers Act.

(b) On or after the date which is 180 days after the date of signing of the agreement described in subsection (a), if the President certifies to the Congress that the Government of Nicaragua is continuing to comply with that agreement, then the President may, notwithstanding any other provision of law—

(1) designate Nicaragua a beneficiary country for purposes of proposals referred to in section 9006 and for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.);

(2) designate Nicaragua a beneficiary developing country for purposes of Title V of the Trade Act of 1974 (relating to the generalized system of preferences); and

(3) authorize loan assistance to Nicaragua under the Export-Import Bank of 1945.

(c) Authority granted by subsections (a) and (b) shall be in addition to, and shall not be construed to limit, authority otherwise available to the President by law.

SEC. . DEFINITIONS

As used in this title, the term—

(1) "civic action" means the provision by the Nicaraguan democratic resistance of food, seeds, cooking utensils, agricultural implements, clothing, educational supplies, medical services, and medical supplies to non-combatants inside Nicaragua.

(2) "humanitarian assistance" means food, clothing, shelter, medical services, medical supplies, and payment for such items or services, and communication equipment;

(3) "lethal assistance" means weapons, weapon systems, and ammunition; and

(4) "non-military training" means training other than training in the use of lethal assistance, and specifically includes training in reading and writing, hygiene, radio communications, maintenance and construction, management of goods and services, and observance of human rights.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1989

BYRD (AND OTHERS) AMENDMENT NO. 2835

Mr. BYRD (for himself, Mr. NUNN, Mr. WARNER, Mr. SASSER, Mr. LEVIN, Mr. MCCAIN, Mr. BOREN, Mr. GLENN, Mr. LUGAR, Mr. LEAHY, Mr. BRADLEY, and Mr. GRAMM) proposed an amendment to the bill (H.R. 4781), supra; as follows:

On page 114, after line 22, insert the following new section:

SEC. 8127. (a) Of the amount appropriated for the procurement of ammunition for the Army, not less than $29,105,000 shall be available only for the Wartime Host Nation Support agreement between the Federal Republic of Germany and the United States.

(b) Of the amount appropriated for other procurement for the Army, not less than $57,354,000 shall be available only for the Wartime Host Nation Support agreement between the Federal Republic of Germany and the United States.

(c) Of the amount appropriated for other procurement for the Air Force, not less than $4,522,000 shall be available only for the Wartime Host Nation Support agreement between the Federal Republic of Germany and the United States.

JOHNSTON (AND OTHERS) AMENDMENT NO. 2836

Mr. JOHNSTON (for himself, Mr. NUNN, Mr. SASSER, Mr. STEVENS, Mr. MCCAIN, Mr. BINGAMAN, and Mr. WARNER) proposed an amendment to the bill, H.R. 4781, supra; as follows:

On page 103, beginning with line 16, strike out all down through line 3 on page 108 and insert in lieu thereof the following:

SEC. 8113. (a)(1) Not later than March 1, 1989, the United States Military Representative to the Military Committee of the North Atlantic Treaty Organization (NATO) shall submit to Congress a report on the assignment of military missions among the member countries of NATO and on the prospects for the more effective assignment of such missions among such countries.

(2) The report shall include a discussion of the following:

(A) The current assignment of military missions among the member countries of NATO.

(B) Military missions for which there is duplication of capability or for which there is inadequate capability within the current assignment of military missions within NATO.

(C) Alternatives to the current assignment of military missions that would maximize the military contributions of the member countries of NATO.

(D) Any efforts that are underway within NATO or between individual member countries of NATO at the time the report is submitted that are intended to result in a more effective assignment of military missions within NATO.

(3) The United States Military Representative to the NATO Military Committee shall consult with the other members of the Military Committee in preparing the report.

(b) The Secretary of Defense and the Secretary of State shall (1) conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States, and (2) determine specific actions that, if taken, would result in a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies. Not later than August 1, 1989, the Secretary of Defense and the Secretary of State shall transmit to Congress a report containing the findings resulting from the review and their determinations.

(c) The President shall appoint a special representative who shall have the primary responsibility for conducting burdensharing negotiations directly with other members of the North Atlantic Treaty Organization, Japan, the Republic of Korea, and other countries allied to the United States by treaty. The objective of such negotiations shall be to secure increased defense spending by such countries, increased in-kind and financial support by such countries for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries, and a more balanced sharing of foreign assistance costs.

(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in the budgets submitted to Congress under section 1105 of title 31, United States Code, for fiscal years after fiscal year 1989 the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e)(1) None of the funds appropriated by this or any other Act enacted before, on, or after the date of the enactment of this Act may be obligated or expended for the support of more than the following maximum number of dependents of Department of Defense overseas personnel who accompany such personnel outside the United States. After September 30, 1989, the maximum number of such dependents shall be 413,020 (the number of such dependents who were residing with such personnel outside the United States on September 30, 1987). The Secretary of Defense should prescribe and implement personnel and deployment policies that, by September 30, 1991, result in a reduction in the number of such dependents who accompany such personnel outside the United States by 10 percent of the maximum number of such dependents specified in the preceding sentence.

(2) Not later than May 1, 1989, the Secretary shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total costs required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

(f) As of September 30 of each fiscal year after fiscal year 1989, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation provided for in the preceding sentence may be increased if and when a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and the President determines and certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

(g)(1) After fiscal year 1989, that portion of the costs incurred for Department of Defense personnel and units in permanent duty stations ashore outside the United States which exceeds the amount of such costs incurred in fiscal year 1989 shall be defrayed only out of (A) increased financial or in-kind contributions made by the allied countries in which such personnel are assigned by mutual defense alliance organizations supported by the deployment of such personnel outside the United States, or (B) amounts appropriated or otherwise available to or for the use of the Department of Defense for personnel and units in permanent duty stations ashore outside the United States. The Secretary of Defense may not defray such excess cost by reducing the amounts allocated for the support of Department of Defense personnel and units afloat or assigned to permanent duty stations in the United States.

(2) In computing the amount of the excess of the costs incurred for maintaining Department of Defense personnel and forces in permanent duty stations ashore outside the United States over the amount of such costs incurred in fiscal year 1989, the Secretary shall—

(A) exclude increased costs resulting from increases in the rates of pay provided for members of the Armed Forces and civilian employees of the United States Government and exclude any cost increases in supplies and services resulting from inflation; and

(B) include (i) the costs of operation and maintenance and of facilities for the support of Department of Defense overseas personnel, and (ii) increased costs resulting from any decline in the foreign exchange rate of the United States dollar.

(h) The provisions of subsections (f) and (g) shall not apply in time of war or during a national emergency declared by the President or Congress.

(i) In this section—

(1) the term "personnel" means members of the Armed Forces of the United States and civilian employees of the Department of Defense;

(2) the term "Department of Defense overseas personnel" means those Department of Defense personnel who are assigned to permanent duty ashore outside the United States; and

(3) the term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

McCAIN (AND OTHERS) AMENDMENT NO. 2837

Mr. McCAIN (for himself, Mr. EVANS, Mr. QUAYLE, Mr. WARNER, Mr. CHAFEE, Mr. LUGAR, Mr. GLENN, Mr. THURMOND, Mr. GRAMM, and Mr. WILSON) proposed an amendment, which was subsequently modified, to amendment No. 2836 proposed by Mr. JOHNSTON (and others) to the bill (H.R. 4781), supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 8113. (a)(1) Not later than March 1, 1989, the United States Military Representative to the Military Committee of the North Atlantic Treaty Organization (NATO) shall submit to Congress a report on the assignment of military missions among the member countries of NATO and on the prospects for the more effective assignment of such missions among such countries.

(2) The report shall include a discussion of the following:

(A) The current assignment of military missions among the member countries of NATO.

(B) Military missions for which there is duplication of capability or for which there is inadequate capability within the current assignment of military missions within NATO.

(C) Alternatives to the current assignment of military missions that would maximize the military contributions of the member countries of NATO.

(D) Any efforts that are underway within NATO or between individual member countries of NATO at the time the report is submitted that are intended to result in a more effective assignment of military missions within NATO.

(3) The United States Military Representative to the NATO Military Committee shall consult with the other members of the Military Committee in preparing the report.

(b) The Secretary of Defense and the Secretary of State shall (1) conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States, and (2) determine specific actions that, if taken, would result in a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies. Not later than August 1, 1989, the Secretary of Defense and the Secretary of State shall transmit to Congress a report containing the findings resulting from the review and their determinations.

(c) The President shall appoint a special representative who shall have the primary responsibility for conducting burdensharing negotiations directly with other members of the North Atlantic Treaty Organization, Japan, the Republic of Korea, and other countries allied to the United States by treaty. The objective of such negotiations shall be to secure increased defense spending by such countries, increased in-kind and financial support by such countries for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries, and a more balanced sharing of foreign assistance costs.

(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in the budgets submitted to Congress under section 1105 of title 31, United States Code, for fiscal years after fiscal year 1989 the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) Not later than May 1, 1989, the Secretary shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total cost required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

(f) As of September 30 of each fiscal year after fiscal year 1989, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation provided for in the preceding sentence may be increased if and when a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and the President determines and certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

(g)(1) After fiscal year 1989, that portion of the costs incurred for Department of Defense personnel and units in permanent duty stations ashore outside the United States which exceeds the amount of such costs incurred in fiscal year 1989 shall be defrayed only out of (A) increased financial or in-kind contributions made by the allied countries in which such personnel are assigned by mutual defense alliance organizations supported by the deployment of such personnel outside the United States, or (B) amounts appropriated or otherwise available to or for the use of the Department of Defense for personnel and units in permanent duty stations ashore outside the United States. The Secretary of Defense may not defray such excess cost by reducing the amounts allocated for the support of Department of Defense personnel and units afloat or assigned to permanent duty stations in the United States.

(2) In computing the amount of the excess of the costs incurred for maintaining Department of Defense personnel and forces in permanent duty stations ashore outside the United States over the amount of such costs incurred in fiscal year 1989, the Secretary shall—

(A) exclude increased costs resulting from increases in the rates of pay provided for members of the Armed Forces and civilian employees of the United States Government and exclude any cost increases in supplies and services resulting from inflation; and

(B) include (i) the costs of operation and maintenance and of facilities for the support of Department of Defense overseas personnel, and (ii) increased costs resulting from any decline in the foreign exchange rate of the United States dollar.

(h) The provisions of subsections (f) and (g) shall not apply in time of war or during a national emergency declared by the President or Congress.

(i) In this section—

(1) the term "personnel" means members of the Armed Forces of the United States and civilian employees of the Department of Defense;

(2) the term "Department of Defense overseas personnel" means those Department of Defense personnel who are assigned to permanent duty ashore outside the United States; and

(3) the term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

NUNN (AND OTHERS) AMENDMENT NO. 2838

Mr. NUNN (for himself, Mr. WARNER, and Mr. JOHNSTON) proposed an amendment to the bill (H.R. 4781), supra; as follows:

On page 114, after line 22, insert the following new title:

TITLE IX—NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1989

SEC. 9001. (a) Except as provided in subsection (b), the provisions of S. 2355 of the One Hundredth Congress, as passed by the Senate on May 27, 1988, are incorporated in this Act by reference.

(b) The following sections of S. 2355 of the One Hundredth Congress, as passed by the Senate on May 27, 1988, shall be deemed to have been stricken from S. 2355 before being passed by the Senate:

(1) Section 615, relating to a special annuity for certain surviving spouses.

(2) Sections 2106, 2305, and 2409, relating to extensions of certain prior year authorizations.

NUNN (AND OTHERS) AMENDMENT NO. 2839

Mr. NUNN (for himself, Mr. WARNER, and Mr. MOYNIHAN) proposed an amendment to the bill (H.R. 4781), supra; as follows:

On page 44, strike out lines 6 through 19 and insert in lieu thereof the following:

For the Department of Defense, $199,060,000, for transfer to "Military Personnel" and "Operation and Maintenance" appropriations for operating costs of the Department of Defense related to the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. Not less than $30,000,000 of such amount shall be available only for drug interdiction activities of the Army and the Air National Guard. Funds appropriated by this paragraph in excess of $30,000,000 may not be obligated or expended until—

(1) the Secretary submits to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on how the funds are proposed to be used; and

(2) a period of 30 days has elapsed after date on which the report is received by such committees.

Such report shall be submitted not later than 60 days after the date of the enactment of this Act and should set forth in detail the plans of the Secretary for the obligation of such funds, including a statement of the following:

(A) The appropriation account or accounts to which the funds are proposed to be transferred.

(B) The activities proposed to be undertaken using those funds.

(C) The relationship between those activities and the drug interdiction strategy of the United States.

Funds appropriated by this paragraph shall be available for obligation for the same period, and for the same purpose, as the appropriation to which transferred. The transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act. The restrictions contained in the third sentence of this paragraph shall not apply to the obligation of any amount not in excess of $30,000,000 which is obligated for drug interdiction activities.

HELMS AMENDMENT NO. 2840

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (H.R. 4781), supra; as follows:

At the appropriate place, insert:

Notwithstanding any other provision of this Act, none of the funds appropriated by this Act can be spent to dismantle any Poseidon submarines in order to comply with the unratified SALT II Treaty, unless the President shall have certified to the Senate by December 1, 1988 that the Soviet Union is in compliance with SALT II.

HUMPHREY AMENDMENT NO. 2841

Mr. HUMPHREY proposed an amendment to the bill (H.R. 4781), supra; as follows:

At the appropriate place at the end of the bill insert the following:

Sec. —. For fiscal year 1989, United States-owned foreign currencies (in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law) may be made available to the Administrator of the Agency for International Development for the same purposes for which assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 is available, and for the support of education for Americans, in the country where such currencies are held or in other foreign countries.

JOHNSTON AND STEVENS AMENDMENT NO. 2842

Mr. JOHNSTON (for himself and Mr. STEVENS) proposed an amendment to the bill (H.R. 4781); as follows:

On page 8, line 17, strike "$22,015,900,000" and insert in lieu thereof "$22,065,900,000".

On page 9, line 6, strike "$24,853,901,000" and insert in lieu thereof "$24,916,901,000".

On page 10, line 10, strike "$1,774,600,000" and insert in lieu thereof "$1,799,600,000".

On page 19, line 6, strike "$2,519,700,000" and insert in lieu thereof "$2,556,800,000".

On page 28, line 24, strike "$1,265,067,000" and insert in lieu thereof "$1,280,967,000".

On page 34, line 18, strike "$9,291,614,000" and insert in lieu thereof "$9,300,614,000".

On page 35, line 13, strike "$14,588,332,000" and insert in lieu thereof "$14,438,332,000".

On page 36, beginning on line 2, strike "That, of the amounts" through and including "Administration" on line 4.

On page 36, line 15, strike "$8,423,698,000" and insert in lieu thereof "$8,373,698,000".

On page 39, line 6, strike "$400,000,000" and insert in lieu thereof "$100,000,000".

PET THEFT ACT

FORD (AND OTHERS) AMENDMENT NO. 2843

Mr. BYRD (for Mr. FORD, for himself, Mr. LEAHY, Mr. DOLE, and Mr. CONRAD) proposed an amendment to the bill (S. 2353) to amend the Federal Laboratory Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pet Theft Act of 1988".

SEC. 2. ANIMAL WELFARE ACT.

The Federal Laboratory Animal Welfare Act (7 U.S.C. 2131 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 28. PROTECTION OF PETS.

"(a) GENERAL RULE.—Except in instances where State or local law supersedes, it shall be unlawful for any class B licensee, as defined by the Secretary of Agriculture in regulations (hereinafter referred to in this section as the 'dealer'), to obtain live random source dogs and cats from a source other than—

"(1) a State, county, or city owned and operated pound or shelter;

"(2) a private entity established for the purpose of caring for animals such as a humane society, or any other organization that is under contract with a State, county, or city that operates as a pound or shelter and that releases animals on a voluntary basis;

"(3) research facilities licensed by the Department of Agriculture; or

"(4) individuals who have bred and raised such dogs and cats on their own premises.

"(b) Holding Periods.— The pounds, shelters, or organizations referred to in section 28(a)(1), (2), and (3) shall hold and care for dogs or cats for a period of at least seven days before selling such dogs or cats to dealers, to enable such dogs and cats to be recovered by their original owners or to be adopted by other individuals.

"(c) Certification.—

"(1) In General.—Dealers may not sell, provide, or make available to any individual or entity a random source dog or cat unless such dealer provides the recipient with a valid certification that meets the requirements of paragraph (2) and subsection (b).

"(2) Requirements.—A valid certification must contain—

"(A) the name, address, and Department of Agriculture license or registration number (if such number exists) of the dealer;

"(B) the name, address, Department of Agriculture license or registration number (if such number exists), and the signature of the recipient of the dog or cat;

"(C) a description of the dog or cat being provided that shall include—

"(i) the species and breed or type of such;

"(ii) the sex of such;

"(iii) the date of birth (if known) of such;

"(iv) the color and any distinctive marking of such; and

"(v) any other information that the Secretary by regulation shall determine appropriate;

"(D) the name and address of the person, pound, or shelter from which the dog or cat was purchased or otherwise acquired by the dealer;

"(E) the date of the purchase or acquisition referred to in subparagraph (D);

"(F) a statement by the pound or shelter (if the dealer acquired the dog or cat from such) that it satisfied the requirements of subsection (b); and

"(G) any other information that the Secretary by regulation shall determine appropriate.

"(3) Records.—The original certification required under paragraph (1) shall accompany the shipment of a dog or cat sold, provided, or otherwise made available by the dealer, and shall be kept and maintained by the research facility for a period of at least one year for enforcement purposes. The dealer shall retain one copy of the certification provided under this paragraph for a period of at least one year for enforcement purposes.

"(4) Transfers.—In instances where one research facility transfers animals to another research facility a copy of the certificate must accompany such transfer.

"(d) Enforcement.—

"(1) In general.—Dealers who fail to act according to the requirements of this section, or who include false information in the certification required under subsection (c), shall be subject to the penalties provided for under section 19.

"(2) Subsequent violations.—Any dealer who violates this section more than one time shall be subject to a fine of $5,000 per dog or cat acquired or sold in violation of this section.

"(3) Permanent revocations.—Any dealer who violates this section three or more times shall have such dealers license permanently revoked.

"(e) Regulation.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Friday, August 22, 1988, in Senate Russell 485, beginning at 9:30 a.m., on S. 2672, Federal recognition for the Lumbee Tribe of North Carolina.

Those wishing additional information should contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Tuesday, September 13, 1988, at 10 a.m. in SR-332 to receive testimony on the nominations of John R. Dahl, George J. Benston, Derryl McLaren, Gordon C. Southern, and Edward C. Williamson, Jr., to be members of the Board of Directors of the Federal Agricultural Mortgage Corporation.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on September 8, 1988, beginning at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measure pending in the subcommittee: H.R. 4526, a bill to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park.

Because of the high level of interest in this legislation, it will be necessary to strictly limit the witnesses appearing before the subcommittee. Accordingly, the subcommittee will invite witnesses to testify. Those wishing to submit written testimony for the record may do so by sending two copies of their testimony to the subcommittee on Public Lands, National Parks and Forests, U.S. Senate, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Tom Williams of the subcommittee staff, at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to conduct an executive session during the session of the Senate on Wednesday, August 10, 1988, on pending business.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, August 10, 1988, to conduct a markup of pending business.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on August 10, 1988, for an executive business meeting.

The PRESIDING OFFICER. Without objection, it is ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 10, 1988, to hold a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON THE CONSUMER

Mr. BYRD. Mr. President, I ask unanimous consent that the Consumer Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on August 10, 1988, to hold a hearing on S. 2047, legislation to require a health warning on the labels of all alcoholic beverage containers.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE AND THE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service and the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on August 10, 1988, to review the Postal Service's contract with Perot Systems.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON TECHNOLOGY AND THE LAW

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Technology and the Law of the Committee on the Judiciary, be authorized to meet during the session of the Senate on August 10, 1988, to hold a markup on S. 2361, a bill to amend title 18, United States Code, to preserve personal privacy with respect to the rental, purchase, or delivery of video or similar audio visual materials and the use of library materials or services.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet on Wednesday, August 10, 1988, in open session to receive testimony on the general and flag officer requirements.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on August 10, 1988, to hold a markup on S. 1619, a bill to amend the copyright law to secure the rights of authors of pictorial, graphic, or sculptural works to prevent the distortion, mutilation, or other alteration of such works, to provide for resale royalties, and for other purposes.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on August 10, 1988, to hold a hearing on S. 2161, a bill to exclude certain farmout agreements from property of the estate.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, August 10, 1988, for a business meeting.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on August 10, 1988, at 6:15, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

CIVIL RESERVE AIR FLEET

● Mr. WILSON. Mr. President, a major component of our military airlift capability in time of mobilization is the Civil Reserve Air Fleet [CRAF].

The Civil Reserve Air Fleet is composed of those commercial aircraft designated by participating civilian air carriers which are made available in times of crisis to the Military Airlift Command [MAC] for purposes of transporting personnel and cargo. Not all carriers participate nor do participating carriers necessarily enroll all their aircraft in the program. Nevertheless, without the CRAF contribution to our military airlift capability, we would have a dangerous and critical shortfall—if we do not already—in our ability to meet the needs of reinforcement and resupply.

The incentive that is provided to the civilian air carriers to participate with the aircraft in the CRAF Program is a commitment by the Department of Defense to contract with these carriers during peacetime to provide transport services of military-related personnel and cargo as a component of the MAC mission.

Clearly, then, the importance to our security interests in Europe and readiness planning by our military leaders must necessarily contemplate a real and adequate CRAF component in the MAC Program. This is especially important when according to DOD's own figures, which have been confirmed on several occasions by independent outside experts, the use of CRAF planes has proven both efficient and cost-effective. Given the Federal budgetary constraints we are now facing, therefore, the CRAF Program represents a sound investment of the taxpayers' dollar.

Unfortunately, what has occurred in recent months goes exactly in the opposite direction and is counterproductive to both our readiness and a reliable airlift reinforcement program. I refer to the fact that there have been substantial cutbacks in the CRAF Peacetime Contract Program with the result that some carriers have already withdrawn aircraft from the CRAF Program.

I understand that the Senate Armed Services Committee is planning to undertake a review of the CRAF Program and recent reductions in CRAF capability. I endorse this effort and urge the committee to explore every alternative for maintaining this program at a level adequate to sustain all of our conventional mobility missions.●

FOREIGN LANGUAGE STUDY

● Mr. SIMON. Mr. President, there is much evidence that the American business community is paying more attention to foreign language study, and I am pleased to say that foreign language study is now on the increase.

The latest evidence of that is an article by Pamela Dittmer McKuen in the Chicago Tribune of August 7.

Perhaps most significant in the article is the subhead: "Many Students Find It Advantageous in Job-Hunting."

The more that is the case, the more we will see expansion in an area where Americans are woefully behind the times.

The Foreign Relations Committee will soon be having a hearing on what we can do to place greater emphasis on foreign languages within the Foreign Service. We have the only Foreign Service in the world that you can enter without the knowledge of a foreign language.

That has to change.

I urge my colleagues to read the article from the Chicago Tribune, and I ask that it be inserted in the RECORD at this point.

The article follows:

LANGUAGE STUDY ON THE INCREASE—MANY STUDENTS FIND IT ADVANTAGEOUS IN JOB-HUNTING

(By Pamela Dittmer McKuen)

Tim Goodell believes that his fluency in Japanese will give him an edge in job-hunting after he receives his master's in business administration next year from the University of Chicago.

Goodell, 25, plans to live in Japan for a while to pursue a career in international banking. In his field, "you can still be a genius and not speak Japanese and get by," he said, "But it [knowing the language] is no longer the icing on the cake. It is the cake."

His interest in Japan was sparked when he decided to travel the world after completing his bachelor or arts degree in English literature at the U. of C. in 1985.

"I started in Japan and my money ran out in a few weeks, so I took a job as an English teacher," he said. "I stayed for a year and really fell in love with the country and the culture."

Goodell said he considers himself part of a new wave of future professionals who will acknowledge the advantage of knowing a foreign language.

"We think we're a great big melting pot, but America is really very much introverted when it comes to business," He said. "You can go to a company like McDonald's and say, "I don't know the food business, but I know Japanese so maybe I can help you over there,' and they will look at you twice. I view it as leverage."

Goodell is among a growing number of college students who have included a foreign language in their academic study. Enrollment in foreign language courses is on the rise, according to triennial statistics complied by the Modern Language Association of America, a professional organization of language teachers, in New York City. In the 1986-87 school year, a little more than 1 million students registered for foreign languages in the country's two- and four-year colleges and universities. Some students are studying two or more languages.

"This was the first time the enrollment went above 1 million since the peak of 1.1 million in the 1970's," said Richard Brod, director of special projects for the association. He added that the 1980-1981 survey revealed the lowest enrollment in the last two decades: 925,000.

With the enrollment increase is a shift in the languages being studied. Chinese, Japanese and other Asian languages, once infrequently studied, are gaining in popularity over Hebrew and ancient Greek.

The increases and decreases are attributed to a variety of socioeconomic factors. The denunciation of required coursework by student activists in the 1970s placed pressure on many institutions to lower standards or drop foreign languages and other traditional courses, Brod said.

"My feeling is today students have more interest in Asian cultures—politically, economically and as a lifestyle—than they did 15 to 20 years ago," Brod said. "Also they perceive the economic power of Japan as a major force in world trade and world economics. They see knowledge of a foreign language as useful and valuable, and students appear to be translating these perceptions into a sense of jobs."

At the University of Illinois-Urbana, business students can sign up for commercial French and German courses. The courses place emphasis on vocabulary and customs relative to commerce instead of literature.

"In the last four or five years our offerings in Asian languages have gone up considerably, and we've added Korean," said William Prokasy, dean of the College of Liberal Arts and Sciences. "We're stabilizing our offerings in selected African languages too; we're offering them more regularly."

Northern Illinois University in De Kalb, which is adding Burmese to its foreign language program in the fall of 1989, offers majors in Spanish and German with emphasis on business and translation. Department chairman Marilyn B. Skinner estimated that 70 percent of foreign language majors opt for the business degree and 30 percent for the literature degree.

Some schools, such as U. of I. at Urbana and Colgate University in Hamilton, N.Y., require coursework in a non-Western culture for liberal arts degrees. "This general education requirement has resulted in students going on to take courses in lesser-known foreign languages," Prokasy said.

Martha Selby, who plans to teach Sanskrit after completing her doctorate in the language at the U. of C., has seen the university's Asian studies department grow since her admission to the doctorate program in 1982. "The year I came in, there were three graduate students. This year there are seven," she said. "The enrollment in first-year Sanskrit classes is now 22 or 23 students, up from maybe 6 to 10."

Selby, 33, studied French in high school and German in college. While taking a humanities course, she read an English translation of a Sanskrit epic.

"I wanted to read the text in its original version," she said. "Then I wanted to be able to read all the classical literature of India, so I studied Tamil also."

Another indication of the rising trend in foreign language study is the growth of programs offering a year or semester of study abroad.

In the Education Abroad program at the University of California, 1,212 students are expected to attend 82 schools worldwide in the 1988-89 academic year. In 1982, 696 students spent a year studying in 46 institutions around the world.

Several Chicago-area schools offer similar programs. Loyola University's program for study in Rome had grown to a capacity of 210 in 1985-86 from 92 when the program began in 1962.

NIU has added Chinese and Japanese locations to its education abroad program during the last five years. About 600 students participate in the program each year.

"Spanish continues to be the No. 1 foreign language studied," Brod said. "It has been No. 1 at the college level since 1970 and at the secondary level since 1948." He cited Mexico's close proximity, the large Spanish-speaking populations in American cities and the simplicity of the sound system as possible reasons for the language's popularity.

According to the association's most recent survey in 1986, French is the second most popular language, followed by German, Italian, Russian and Latin. Since the 1983-84 survey, Japanese moved from 9th to 7th place, and Chinese from 10th to 9th place.

Another reason for the increased enrollments in foreign language classes is the general upgrading of required coursework at the college level and in secondary and elementary schools, educators said.

NIU's Skinner noted that freshmen are coming into the foreign language department with greater proficiency, reflecting increased interest at the high school level. Since 1983 the number of freshmen taking junior-level courses has risen by 16 percent. Sophomore and junior enrollments at the same level have decreased by 7.5 percent and 14.5 percent respectively because many have taken tests that exempted them from lower-level courses, thus completing language requirements during the first year or two.

"We expect these freshmen figures to go up even further," she said.

In 1966 college language requirements were at a peak, Brod said. "Nearly 90 percent of colleges had foreign language requirements for a bachelor of arts degree. In 1970 it was down to 75 percent, and in 1983, down to 53 percent." In 1986 the figure moved up to 58 percent.

Students seeking college entrance also are finding tougher admission standards. In 1986, 25 percent of American institutions required some proficiency in a foreign language. Brod said. In 1982 the figure was 14 percent.

The College of Liberal Arts and Sciences at U. of I.-Urbana, wasn't one of many that lowered language requisites in the '60s and '70s.

"Our minimum admission requirements of two years of foreign languge has been in effect for decades at least," Prokasy said. "Within two years we plan to restrict the College of Education to juniors and seniors. All others [education majors] will first apply to the College of Liberal Arts and Sciences, where they must complete or show proficiency of four semesters of foreign language."

At the high school level, 16 states require some form of foreign language proficiency to graduate, according to a survey by the Joint National Committee for Language Study in Washington.

Recent legislation in North Carolina mandates that by 1993, pupils in kindergarten through 5th grade must study a second language; students 6th through 12th grades must be given the opportunity to continue their study.

In Illinois all high schools must provide foreign language study to receive accreditation. By 1993, state law will require secondary students to have completed two years of study in music, art or a foreign language for admission to a state university. A law that went into effect in 1985 requires high school students to have one year of music, art, a foreign language or a vocational study to graduate. Before 1985 Illinois had no foreign languge requirements for high school students.

"Foreign language has a slight predisposition in the selection process because art and music require some talent," said Paul Griffith, educational consultant for the Illinois State Board of Education. "Students say, 'I can't sing or draw so I'll take a foreign language.' "

Nationwide, 87 percent of public and private high schools teach a foreign language, according to a survey by the Center for Appied Linguistics, a federally funded clearing house for materials, resources and general information on language programs in Washington. Of those that don't, 69 percent say they hope to add it to their curriculum, according to Nancy Rhodes, research associate.

"There is definitely an increase in schools offering foreign languages," she said, "The New York State Board of Regents has mandated that by 1992 every student in grades 1 through 9 must have one year of a language, and by 1994 two years. Louisiana and California are two states that have traditionally offered extensive language courses in their schools."

Nationwide, 22 percent of all elementary schools have foreign language programs, Rhodes said.●

LOS ALAMOS AND THE "FIFTH FORCE"

● Mr. DOMENICI. Mr. President, 300 years ago a simple event took place, an event that triggered a revolution of scientific thinking.

The simple event was the falling of an apple. And the thought that came to a man changed forever the way mankind viewed the universe.

Isaac Newton had pondered a simple question under that apple tree. He wondered what the nature of the force was that attracted the Moon to the Earth, the force that kept the Moon from flying off into the solar system, instead of continuing its endless circles around the Earth.

Once that apple fell, Newton could envision the nature of the force that we call "gravity."

Since Newton's time, we have expanded our view of the forces of nature, with a concensus among scientists today about the existence of four fundamental forces. Within the past few years, debate has begun about a fifth force. This discussion has taken on a form that the average person could not have expected when they thought of physicists, such as Einstein and others.

This is a debate that is taking place in the laboratory, not on the blackboard. People are doing simple experiments to see if they can actually measure that fifth force.

I come to the Senate floor today, Mr. President, to include in the CONGRESSIONAL RECORD an article on one of these experiments. This experiment may be one of the most stimulating to date because of its elegant simplicity and the startling findings. It points to the existence of a fifth force.

That fact has significance enough to merit this Chamber's attention. But I would like to make one further point. This work was achieved by a team of scientists lead by Mark Ander of Los Alamos National Laboratory.

I bring this point up in order to remind my colleagues, as I have before, that our Nation has a number of Federal laboratories that are at the forefront of research in so many, many fields of interest to scientists throughout the world.

I have introduced legislation aimed at making these Federal labs more available to our universities and businesses. That legislation, S. 1480, is about to be considered by the Senate Energy and Natural Resources Committee. The experiment I am speaking of is a good example of what can be done when universities, business and Federal labs work together. Mark Ander of Los Alamos was joined by Mark Zumberge of the University of California, Ted Lautzenhiser of Amoco Production Co., Carlos Aiken of the University of Texas at Dallas, and Mark Gorman of Cambridge University.

I hope that the article from the Washington Post I am introducing in today's RECORD will help convince my colleagues that we do have a remarkable resource in our Federal labs and I hope they will join me in supporting S. 1480 when it comes before the Senate.

Mr. President, I ask that the article be printed at this point in the RECORD.

The article follows:

[From the Washington Post, Aug. 2, 1988]

NEWTON'S LAW CHALLENGED BY GRAVITY TESTS—GREENLAND FINDINGS SUGGEST FIFTH FORCE

(By Boyce Rensberger)

Experiments carried out a mile below the surface of the Greenland ice sheet have yielded the best evidence yet that Isaac Newton's 301-year-old law of gravity may be wrong.

The findings, which scientists reported yesterday at a meeting at Los Alamos National Laboratory in New Mexico, suggest two possibilities. Either there is a previously unknown fundamental force in nature, the widely debated fifth force that would accompany the four known forces, or gravity, one of the four, works in a more complex way than had been supposed.

"Either way, we're saying something pretty big, something you don't say every day in physics. We're saying we appear to have the cleanest evidence to date of something that cannot be explained by Newtonian gravity," said Mark Ander, a Los Alamos physicist who reported the findings.

If the existence of such a force were proven, it would be one of the biggest advances in the history of physics. As physicists understand matters now, every motion—every push or pull in the universe from the flex of a muscle to an atomic explosion—can be explained as the work of four fundamental forces. They are gravity, electromagnetism (which manifests itself as heat, light, radio waves and other things), the "strong force" that holds atomic nuclei together and the "weak force" involved in radioactive decay.

The experiment involved lowering a highly sensitive gravity meter into a hole bored more than a mile into the ice and seeing how the strength of gravity changed as the meter moved closer to the center of the Earth. Newtonian gravity theory says it should change in a certain way because, as the meter goes down, there is less matter below it to exert a pull.

What the researchers found was that the pull diminished faster than expected, indicating that a second pull was at work and also being reduced as the meter descended. The strength of the second pull is about one-fiftieth that conventionally assigned to gravity.

The discoveries are certain to become the focus of a debate that has been raging in the physics community for the past three years. In that time several experiments similar to the Greenland test had suggested deviations from Newtonian gravity, though of very different strengths and even direction. Some alleged fifth forces were attractive, others repulsive.

All the experiments contained sources of error that could not be eliminated and as a result many physicists remained unconvinced of their significance. Even those critics say the Greenland test overcame many of the problems of the previous experiments.

"This is certainly the most elegant experiment yet," said Jim Thomas of the California Institute of Technology. "There are still some problems, but the results from this one should be seen as the most nearly believ- able yet."

Although some physicists say the tests point to a more complex form of gravity, the most vocal partisans in the debate have been the fifth force advocates.

The behavior of the gravitational force had been accepted since Newton's time as a simple pull, exerted in some unknown way by any object with mass, whose strength diminished at a mathematically predictable rate as one moved away from the object. Newton showed the pull of gravity weakens in proportion to the square of the distance from the center of the pulling body, the "inverse square law."

Ander, whose brand of physics is experimental rather than theoretical, claims only that his test shows "gravity violates the inverse square law."

Richard J. Hughes and Michael Martin Nieto, theoretical physicists at Los Alamos, see the experiment as consistent with their speculations about so-called quantum gravity. In this view, the force of gravity is carried by special subatomic particles just as the force of electromagnetism is carried by particles called photons.

Several theories about gravity particles invoke the idea that there are three particles—the graviton, the graviphoton and the graviscalar. The particles differ in basic properties and can produce two or more gravity-like forces depending on the combinations in action.

"There isn't any experimental data to support any of these notions," Nieto said. "We're still in the early days of this field. It's like the years just before quantum mechanics became a formal theory early in this century. We have some strange experimental data and we can cook up some ideas to explain them. But we don't have real theories yet that can predict experimental results."

The Greenland experiment's advantage was in having the bore hole in ice, a material whose density, and hence its contribution to gravity, is well understood. This overcame the problem of holes bored into the Earth, whose density can vary considerably in a short distance down and from side to side without being easily detected.

The hole was dug near an American radar base called DYE-3 in a valley 60 miles south of the Arctic Circle covered by an ice sheet 1.2 miles thick. The automated gravity meter was lowered a maximum of 5,500 feet into the narrow hole on a cable and allowed to stabilize at various depths while readings were taken.●

AVERTING A STRIKE

● Mr. SIMON. Mr. President, last week, Congress acted quickly to keep a strike by the United Transportation Union against the Chicago & North Western Railroad to a duration of slightly more than an hour. Commuters in the Chicago area were only minimally affected. A cooling-off period has been extended until September 9. I am hopeful the parties will reach agreement and it will not be necessary for Congress to implement a Presidential emergency board recommendation. In a column I write for newspapers in my State, I have detailed the events that led to last week's agreement between the union and the railroad. I ask to have it reprinted in the RECORD.

The article follows:

AVERTING A STRIKE

One of the satisfactions of being a United States Senator is that there is no end to the variety of issues, challenges and opportunities afforded—and the recent Chicago & North Western Railroad strike situation is a good illustration.

Illinois and the nation faced a strike by the United Transportation Union at 12:01 a.m. on Aug. 4. Such a strike would have an immediate impact upon more than 40,000 people who commute to work in the Chicago area, and ultimately on farmers, coal miners, steel workers and anyone in 10 states who is heavily dependent on shipping by rail, and indirectly on the whole nation.

Railroads are treated differently than other corporations in our national laws because their operation is so essential to the economic life of the nation.

About three weeks before the strike deadline I talked to the president of the Chicago & North Western Railroad, Bob Schmiege; the president of the United Transportation Union, Fred Hardin; and the general chairman for the union of this railroad, Don Markgraf. I did not feel the message I was receiving from them was very encouraging, though they all held out some hope of a settlement.

But three days before the strike it became clear that a resolution of the problems would not take place. After consulting both sides, I introduced legislation, cosponsored by Senator Alan Dixon, calling for a delay of 36 days in the strike. I had assurances from both sides that if that passed they would try to work out a settlement.

The Senate passed the bill that same day, thanks to the help of Senators Bob Dole and Robert Byrd, as well as Senators Ted Kennedy, Charles Grassley, Tom Harkin and Dan Quayle. It then went to the House where several key members were helpful, partiularly Rep. Terry Bruce, who is a member of the Energy and Commerce Committee, the committee with jurisdiction, and the chairman of that commmittee, Rep. John Dingell.

Dingell believes that Congress should not act unless there actually is a strike, a position I respect even though I disagree with applying that principle on all occasions. But he agreed to help pass the measure once a strike occurred.

The question then: How do we have a strike that has the least amount of harm possible?

It quickly became apparent that if instead of having the strike begin at midnight, stranding commuters the next morning, it should begin at 9 a.m., after the morning rush hour. That would be 10 a.m., Washington time, about the same time the House opened for business. And if we scheduled the bill for passage shortly after the strike began, we could have the strike begin and end in a matter of hours, at the most. With any luck we would have it over well before commuters would head home.

And the short interruption would have little impact on the movement of freight in the nation.

Then the task was to get the unions and management to agree to postpone the effective time of the strike. That may seem like a small thing but it took a good portion of one day to work out.

Finally about 7:30 p.m. Chicago time—4½ hours before the strike was to begin—I got an agreement from both the president of the union and the president of the railroad.

Both were operating in good faith and with good will, but both had very different interests to protect, as well as a substantial common interest to protect.

On Thursday morning, Aug. 4, about 10:10 a.m. Chicago time, the House passed my bill calling for a 36-day delay in the strike. Union and railroad leaders immediately cooperated. The strike effectively lasted one hour and 15 minutes.

Both sides have assured me they will do their best to get this resolved in the next 36 days. And I am cautiously optimistic they will. Both Congressman Bruce and I will be closely monitoring what happens.

It is important for Illinois and the nation that this dispute gets resolved satisfactorily.

And working on something like this makes life as a senator rewarding.●

NATIONAL DRIVE FOR LIFE WEEKEND

● Mr. WARNER. Mr. President, on August 4, I cosponsored Senate Joint Resolution 350, asking the President to designate September 3-5, 1988, as "National Drive for Life Weekend."

In 1987, drunk drivers claimed the lives of over 23,000 Americans. In 1988, another 23,000 people could be killed in alcohol-related incidents. Drive For Life, a national public service campaign sponsored by Mothers Against Drunk Driving [MADD] and Volkswagen United States, Inc., seeks to reduce the very high number of alcohol-related car accidents in the United States by implementing a month-long public awareness program aimed at educating the public on the danger of drunk driving. Senate Joint Resolution 350 designates Labor Day weekend, September 3-5 as a weekend asking all Americans to pledge not to drink and drive. By declaring Labor Day weekend as "National Drive for Life Weekend," Congress will assist the campaign's efforts to focus national attention on the dangers of drunk driving.

I am pleased to be a part of this effort to end the suffering caused by drunk driving: The tremendous loss of human potential, the promising lives cut short, the never-ending medical bills, and the families torn apart by senseless tragedy.●

DR. FREDRICK F. CHIEN

● Mr. KERRY. Mr. President, I would like to add my comments to those of my colleagues commending Dr. Fredrick F. Chien, Representative of the CCNAA, for his accomplishment during his tour of duty in Washington.

As the many statements of my colleagues have pointed out, Dr. Chien has left United States-Taiwanese relations in a far better state than they were when he assumed his responsibilities at the CCNAA in January 1983. While many of us have noted the fine legacy which Dr. Chien has left us as he returns to Taipei, I believe it is also important to stress that he will continue to play a significant role in the relations between our two countries. As a student of American culture, economics, and political affairs who received his advanced education in the United States, Dr. Chien will bring to Taiwan the benefit of considerable experience living and working in a society based on free-market and democratic principles. His understanding of democratic values and free economics will stand him in good stead as he returns to Taiwan to play a major role in that country's political and economic evolution.

Taiwan has undergone dramatic political changes in the past 2 years. This process has been remarkably smooth and orderly and has been accomplished with a minimum of political violence. In the next few years, Taiwan will be engaged in seeking to consolidate and institutionalize past progress toward greater democratization. Efforts in the political sphere will require the support of parallel advances in economic liberalization and greater expenditures on social programs designed to enhance their basic living standards. None of this is easily accomplished, and it will require sincere effort of individuals with both technical competence and a firm commitment to participatory politics.

In calling Dr. Chien home to take up new responsibilities, Taiwan is evidencing that it does not intend to shy away from completing the task of political development it has already begun with such promising results. Thus, while we will miss Dr. Chien, we should be pleased that Taiwan has recognized the skills and professionalism that have served its interests here so well and sought to put them to service in the cause of Taiwan's move toward greater democracy.

I take heart, Mr. President, in my knowledge that, while Fred Chien and his family may be leaving America, they will be bringing an understanding and appreciation of what America stands for Taiwan. With thanks for exemplary service in the betterment of United States-Taiwanese relations, I extend my warmest wishes to Fred Chien, and his wife, Julie, as they depart Washington to engage in the exciting and important work which awaits them.●

SMALL BUSINESS LOANS

● Mr. HATCH. Mr. President, I support additional incentives for lending institutions to meet the growing demand for small business loans of under $50,000. The rapid emergence of new proprietorships in recent years means the reseeding of our entrepreneurial economy. This growth is due, in large parts, to the dramatic increase of women entrepreneurs. It is also here that we are finding the greatest number of obstacles to securing growth capital.

The number of women-owned enterprises in the U.S. economy has exploded in recent years. Until 1970, fewer than 5 percent of sole proprietorships were female owned. Today, 28 percent are female owned, and the projection for the year 2000 is 50 percent. According to the latest Census Bureau statistics from 1982, in my home State of Utah there were almost 22,000 women-owned businesses doing over $644 million worth of business. Obviously, these numbers have increased dramatically over the past 6 years.

These women entrepreneurs include minority women; older women unable to get back into the labor force at anywhere near their level of competence; young family women who need flexible working conditions; and corporate women who are bumping up against the promotional "glass ceiling." Their value to our economy in terms of experience, talent, and determination cannot be underestimated.

The removal of disincentives for small loans is especially important to the service sector of our economy—our fastest growing sector. Traditional loan criteria have become less relevant to this sector because its businesses are more often without tangible collateral. In many instances, service industries need startup capital rather than large sums of money in order to get off the ground. One such example of businesses which would benefit from these smaller loans is day care providers. Often, day-care providers need small loans of less than $10,000 in order to comply with pensional residence guildelines.

Mr. President, services are the fastest growing sector of our economy, and I might add, our strong card in the international arena. Therefore, providing incentives to lending institutions to issue smaller loans is not only a woman's issue, but it is a trade issue and an investment issue as well. I urge my colleagues to join with me in supporting adoption of financial provisions offered in the small business reauthorization bill which would create incentives for this very promising sector of the business community.●

DENVER AREA AMATEUR ALL-STAR BASKETBALL TEAM

● Mr. WIRTH. Mr. President, I pay tribute today to the Denver metro area amateur athletes who returned on August 5 after very successfully representing the United States in an international basketball tournament in Stockholm, Sweden.

This group of young Coloradans has much of which to be proud. As representatives of the United States in the Sweden World Amateur Basketball Tournament held from July 24 to August 4, the Denver-area team of 14- and 15-year-olds finished an impressive second—even though they were competing against teams comprised of players who were 2 to 3 years older. The team's only loss was by a two-point margin against a select all-star team of 17-year-olds.

The tournament featured both club teams and all-star teams from Sweden made up of 16- and 17-year-olds.

Led by coaches Duane B. Lewis and Tom McFarland, the team members include: Jason Anderson, Matt Haberkorn, Jason Hahler, John Jones, Craig Lopez, and Zach McFarland of Alameda High School; Chris Morley of Chatfield Senior High School; David Meyers and Billy Neal of Golden High School; Dan Jensen of Lakewood High School; Mark Cramer of Littleton High School; Jason Baynes, Brad Cannan, and Mike Steinmetz of Stanley Lake High School; David Acosta of Wheatridge High School; and Shane Williams of Bemidji High School in Bemidji, MN. The Colorado team members were selected for their basketball skills and abilities, the recommendations of their coaches, and their outstanding citizenship.

In addition to playing basketball, the youngsters had the opportunity to tour Stockholm, Sweden, and Helsinki, Finland.

Mr. President, I am honored to salute this outstanding group of young athletes. To the members and coaches of the Colorado team: congratulations on a job well done. I am proud that you so ably represented Colorado and the United States in the international arena.●

LAKE ARCADIA

● Mr. BOREN. Mr. President, I wish to bring a situation that is of great concern to me to the attention of the full Senate. Lake Arcadia, in Edmond, OK, was authorized in 1970 and 1976 under a cost sharing agreement between the Corps of Engineers and the city of Edmond. The original plan calls for six parks to be built for a total of $8.4 million, with the city's share to be $4.2 million or 50 percent.

Last August, the city of Edmond discovered that the corps' estimates for just three of the facilities was $16.8 million—double the original cost of the entire project. If all six parks are built, the corps estimates the total cost to be $28.9 million. Therefore, the city would be liable for over $14 million, more than 300 percent of the original price.

In the course of this dispute, the corps has threatened to close the parks or take them over and operate the facilities themselves. I do not consider these to be positive steps toward a resolution to the dispute. Fortunately, the corps has decided against these actions which would only hurt the citizens of Edmond. After several discussions with the office of Robert Page, Assistant Secretary of the Army for Civil Works, the Oklahoma delegation has received a letter from Secretary Page reaffirming the corps decision not to take these actions.

Mr. President, I want this situation to be resolved. Frankly, I am appalled by the thought of cost overruns that bring the total bill to three times the original bill. I intend to bring Edmond's problem to the attention of the committees with the appropriate jurisdiction so the problems with the current cost-sharing programs can be examined.

I thank the Chair and ask that the letter from Assistant Secretary Page be inserted into the RECORD.

The letter follows:

DEPARTMENT OF THE ARMY,
Washington, DC, August 9, 1988.

Hon DAVID L. BOREN,
U.S. Senate, Washington, DC.

DEAR SENATOR BOREN: As you know, a cost sharing contract dispute involving the recreational facilities ar Arcadia Lake continues to exist between the city of Edmond, Oklahoma, and the Tulsa District, U.S. Army Corps of Engineers. The purpose of this letter is to advise you of the present status of that dispute and to inform you that the recreational facilities at Arcadia Lake will remain open and, provided certain conditions are met, may continue to be operated by the city of Edmond, Oklahoma.

On July 1, 1988, the city was informed by the Tulsa District Engineer that the city was in default of the contract and that the city's right to continue operation of the facilities under the contract was suspended. As part of a July 6, 1988, letter to my office, the city of Edmond reaffirmed its willingness to continue quality management of the facilities consistent with Corps requirements for operation of the facilities. Based on these representations. I asked the Tulsa District Engineer to determine whether it would be appropriate to allow the city to continue operating the facilities.

The District Engineer has informed me that it is his best judgment that the city be allowed to operate the facilities pending the outcome of litigation, provided the city agrees to meet certain conditions that are necessary to protect the Government's interest in the facilities. I agree with the District Engineer and have asked that he take the appropriate steps to facilitiate his decision.

Sincerely,

ROBERT W. PAGE,
Assistant Secretary of the Army.●

YOUTH FOR CHRIST D.C. '88 STUDENT CONGRESS ON EVANGELISM

● Mr. CHILES. Mr. President, it was my privilege on Friday, July 29, 1988, to accept on behalf of my colleagues in the House and Senate a plaque and prayer proclamation presented by the D.C. 1988 Student Congress on Evangelism.

Over 8,000 high school students, youth pastors, and youth workers participated in the Youth for Christ sponsored by D.C. 1988 conference held here in Washington from July 27 through July 31, 1988. The participants gathered in D.C. from all areas of our country as well as from Canada, Mexico, Jamaica, Germany, and Poland. for 5 days, these young people attended workshops on topics such as personal Bible study and communicating their faith to others, listened to dynamic speakers which included President Ronald Reagan and Mrs. Nancy Reagan, and were challenged to live their lives in step with the faith they proclaim and to share the message of Jesus Christ with others.

One of the events which I was privileged to experience took place on the west front of the Capitol. Thousands of students walked to the Capitol from the Washington Monument, not to lobby or protest, but to proclaim their commitment to pray for national leaders and those in their communities. I was moved by their enthusiasm for spiritual renewal in our country. I was touched by their commitment to pray for those of us who make decisions that impact this country.

Mr. President, I ask that the D.C. 1988 Prayer Proclamation be printed in the Congressional Record.

The prayer is as follows:

D.C. '88 Prayer Proclamation

Dear Members of the United States Senate and House of Representatives:

We, the delegates of D.C. '88, students from across the United States, Mexico, and Canada cherish our Christian beliefs. We believe that the strongest contribution we can make to our countries is to pray for spiritual renewal within our lands. We will pray for the leaders of our countries and for those who live in our communities.

We have made a commitment to pray for you, our leaders, and our friends who do not know the God of the universe in a personal way. We know that change comes from the heart and from God who changes hearts. We believe this so strongly that on a weekly basis, we are going to meet in small groups to pray. As we gather around the country, we will be praying that decisions are made based upon spiritual wisdom and not just human reasoning.

As a result of our prayer times, we will be compelled to live lives that are God-honoring, to be sensitive to the needs of others, and to be better citizens of our country.

Yes, we the participants of D.C. '88 believe * * *

"* * * not by might, nor by power, but by my Spirit, says the Lord Almighty." (Zechariah 4:6)●

THE TRADE BILL

● Mr. STEVENS. Mr. President, an editorial in Monday's New York Times expresses my view on the trade bill which the Senate passed last week.

The editorial calls the bill "the 1,000-page monster about to become law." That's a valid observation.

In my judgment, the bill is discriminatory. The first version, which the President vetoed, contained provisions that were clearly discriminatory toward my State, Alaska.

While the Alaska provisions were removed from the bill the Senate approved last week, that was not enough to gain my support.

Just as our trade deficit is decreasing and our exports are on the rise, this bill creates a new bureaucracy which could stifle expansion, particularly for those businesses which are aiming for the growing market in the Pacific Rim.

The Senate began consideration of a trade bill in 1985, when the dollar was rising, leading to the current trade deficit.

Now, 4 years later, the dollar has fallen back to a more reasonable level and the trade deficit is on a downward trend.

As our trading partners take greater advantage of the relative bargains in American products, our exports will continue to expand, unless, unless, Mr. President, we create a new wave of protectionist measures by our trading partners in retaliation to provisions in the bill.

In fairness, the editorial points out "one outstanding plus." That "plus" is a short section which authorizes our Government to continue current international negotiations aimed at reducing trade barriers at the next round of General Agreement on Tariffs and Trade talks.

Mr. President, I ask that the editorial from the Monday, August 8, edition of the New York Times be entered into the Record.

The editorial follows:

[From the New York Times, Aug. 8, 1988]

The Trade Law's Potential

There is more bad than good in the foreign trade bill now on its way to the White House. But its ultimate impact depends on future Presidents. Only time will tell whether it sets off an endless cycle of crippling tit-for-tat restrictions or encourages healthy expansion.

Congress started on the bill in 1985. The rising dollar had wiped out America's trade surplus. Debilitating deficits were soaring. The Administration boasted that the strong dollar paid tribute to a strong economy, but rising imports and stagnant exports put predictable pressure on Congress to get tough on foreigners. For a while, Representative Richard Gephardt's get-tough amendment to the bill provided him with a platform for a Presidential race. He and his amendment were eventually defeated, but the underlying emotion survived.

The final bill sends a warning. America—the world's largest market—will restrict imports unless foreign markets are opened wider for U.S. exports. In a section that other governments have singled out for protest, the bill threatens retaliation against countries with import restrictions and export subsidies that Washington deems unfair. That ignores America's own unfair practices. Indeed, the bill adds new farm export subsidies to the list.

Another wrongheaded amendment penalizes foreign companies for selling sensitive high-tech equipment to the Soviets, a direct reaction to sales by Japan's Toshiba Machine Corporation. Norwegian and French companies were also involved, but the impulse behind the amendment was Japan-bashing. Worse, it seeks to apply American law to foreign companies everywhere, even though all of the Western allies, by mutual agreements, maintain their own regulation of strategic exports.

The bill has one outstanding plus—a short section that authorizes the Government to continue current international negotiations to reduce trade barriers. The concessions that will flow from these talks are the key to trade expansion. This brief authorization, standing alone, would have been better than the 1,000-page monster about to become law.

But even the monster isn't as monstrous as it might have been; crude protectionism has for the most part been kept out. Further, some provisions that do authorize restrictions have mitigating clauses that give the President leeway to refrain from imposing them.

The new law will leave much to the good judgment in the White House. It gives Presidents the tools to expand trade by prying more concessions from other countries and the tools to restrict it by shutting off imports. Whether it turns out to be a good law, thus, depends on whether future Presidents have the sense and the will to work for expansion.●

DR. JAMES C. MacLAGGAN

● Mr. WILSON. Mr. President, I rise today to pay tribute to the memory of a treasured Californian, Dr. James C. MacLaggan, a man who will long be remembered with affection, respect and gratitude throughout our State for his exemplary career as a pediatrician and for his political activism on behalf of our State's medical community.

His passing last month is an enormous loss to all of us who knew the depth of his commitment and the breadth of his active and productive life. He was a dedicated and respected leader of our State's medical community, serving as president of both the San Diego County Medical Society and the California Medical Association. As a political activist, he played a central role in the California Medical Political Action Committee, and was widely known throughout our State as the founding father of this political action group. In tribute to Jim's leadership in the medical political arena, the annual James MacLaggan Award was initiated and is presented annually by the California Medical Association to a physician whose support of a political campaign or candidate is in keeping with the exemplary tradition Jim established in the course of his career.

The dedicated leadership of Dr. Mac- Laggan in the medical community was also reflected by his chairmanship of the Board of Medical Examiners, the University of California at San Diego Board of Overseers, and the first statewide Salk vaccine immunization program. He represented California as a delegate to the American Medical Association for 20 years and served as a member and past chairman of the AMA's political action committee.

That Dr. MacLaggan was deeply respected throughout the San Diego community he served so well during his 40-year medical career was evidenced when he was honored in 1984 both by the San Diego Jaycees as their "Citizen of the Year" and by his medical community as "San Diego County Physician of the Year."

Beyond his compassionate, caring nature which endeared him to patients and colleagues alike, and his extraordinary contributions to the California medical community, he was a valued friend, a man who will long remain in the hearts and minds of his fellow Californians. It is my great privilege to honor this remarkable individual and his legacy in this Chamber of the U.S. Senate.●

THE ARMED CITIZEN

● Mr. McCLURE. Mr. President, there is an unfortunate perception, fostered by those who fear guns in the hands of law-abiding citizens, that any attempt at self-defense is doomed to end in failure. I do not subscribe to the notion that we must cringe helplessly, waiting to be victimized by thugs and robbers—the American people are not passive and inept, and a close look at the facts will bear this out.

Dr. Paul Blackman, research coordinator and deputy director of the NRA-ILA, has written the following article which outlines important research by Dr. Gary Kleck. Dr. Kleck is an associate professor at the Florida State University School of Criminology in Tallahassee. His study puts to rest the notion that the average citizen is incapable of self-defense. To the contrary, the armed citizen plays an important part in crime control. As Dr. Kleck points out, * * * victim gun use may be one of the most serious risks a criminal faces."

To dramatize these findings, I also comment to my colleagues' attention the most recent "Armed Citizen" feature from the American Rifleman.

Mr. President, I ask that Mr. Blackman's article and "The Armed Citizen" be included in the RECORD.

[From the American Rifleman, July 1988]

ARMED CITIZENS

One of the most popular features in the American Rifleman is "The Armed Citizen" column, a listing of a tiny fraction of the incidents in which citizens use their privately owned firearms for protection. Only those incidents reported to the police, and covered in local newspapers, are highlighted in the column.

How widespread is the use of firearms by citizens for their self-defense? Data from diverse studies indicate that firearms—particularly, handguns—are used for protection in hundreds of thousands of incidents each year. Now, after years of research, a criminologist from Florida State University has published the most thorough estimates on the prevalence of defensive use of guns by Americans. The study—"Crime Control Through the Private Use of Armed Force" by Professor Gary Kleck—was published as the lead article in the February 1988 issue of Social Problems.

Dr. Kleck notes that although criminologists have long ignored the issue of guns for protection, they do study how "routine activities" may impact on crime and crime control. He notes that, with half of all American households and a quarter of retail businesses keeping firearms, "gun ownership must surely be considerd a very routine aspect of American life and of obvious relevance to the activities of criminals." Nonetheless, Dr. Kleck adds, "victimology scholars have largely ignored victim gun ownership and use. [Yet] victim gun use may be one of the most serious risks a criminal faces."

Dr. Kleck's study focuses on: (1) the frequency and nature of private citizens' defensive use of firearms against criminals; (2) the effectiveness versus risk of such actions; and (3) the potential deterrent impact on crime of defensive gun ownership and use.

Primary sources for the study are national and state surveys on gun ownership and use, on victimization and protective measures taken, and on local studies on "justifiable" and "excusable" (self-defense) homicides. Dr. Kleck also weighs what he calls "quasi-experimental" cases of deterrence, such as the well-known example of Orlando, Florida, where women purchased firearms and attended safety classes on gun use in response to an increase in rapes. As a result, incidences of rape and burglary dropped dramatically.

Although several national surveys all suggest relatively small percentages of the nation's 60 million gun owners are using their firearms for protection. Dr. Kleck notes that the figures represent a "large number of actual uses." He estimates that "there were about 645,000 defensive uses of handguns against persons per year, excluding police or military uses." In addition, Dr. Kleck made projections on the uses of long guns, based on the numbers of households keeping long guns vs. handguns primarily for protection. Added together, Dr. Kleck estimates "that guns of all types are used for defensive purposes about one million times a year," and that "guns of all types are used substantially more often defensively than criminally." Most of these uses do not involve firing the gun, much less injuring the criminal.

"Although shootings of criminals represent a small fraction of defensive uses of guns, Americans shoot criminals with a frequency that must be regarded as remarkable by any standard," says Dr. Kleck. The criminologist notes that the FBI's so-called "justifiable homicide" data miss most killings of criminals by civilians because of technical reporting reasons. Using those data as suggestive and local studies as a means of estimating how many actually occur, Dr. Kleck estimates that annually, "gun-wielding civilians in self-defense or some other legally justified cause" kill between about 1,500 and 2,800 felons—or 2½ to seven times as many criminals as are shot dead by police.

Insofar as citizens protect themselves from criminals, Dr. Kleck estimates "there were about 8,700-16,600 nonfatal, legally permissible woundings of criminals by gun-armed civilians" annually, and "the rest of the one million estimated defensive gun uses, over 98% involved neither killings nor woundings but rather warning shots fired or guns pointed or referred to."

National gun prohibitionists claim that firearms owned for protection are "generally useless and even dangerous to the victim. . . ." Using victimization surveys commissioned by the U.S. Department of Justice, Dr. Kleck puts that contention to rest, finding that "for both robbery and assault, victims who used guns for protection were less likely either to be attacked or injured than victims who responded in any other way, including those who did not resist at all. Only 12% of gun resisters in assault and 17% in robberies suffered any kind of injury. After gun resistance, the course of action least likely to be associated with injury is doing nothing at all, i.e., not resisting. However, passivity is not a completely safe course either since 25% of robbery victims and 27% of assault victims who did not resist were injured anyway."

Significantly, Dr. Kleck notes that the victimization surveys actually exaggerated the association of injury with gun-resistance since the surveys generally fail to ask whether the injury occurs after and because of resistance or whether the injury occurred first. In a supplemental questionnaire, however, it was found that most injuries to armed resisters preceded their resistance: "For cases involving both robbery and attack, forceful self-protection actions never preceded attack . . . even among the minority of cases where forceful self-protective acts were accompanied by attacks on the victim, few incidents support the contention that the victim's defensive action provoked the attack."

In addition to preventing injury to the intended victim of a violent crime, the data Dr. Kleck analyzed "show that victims who resisted robbers with guns or with weapons other than guns or knives were less likely to lose their property than victims who use any other means of resistance or who did nothing." As Dr. Kleck puts it in his study: "When victims use guns to resist crimes, the crimes usually are disrupted and the victims are not injured."

Criminologists generally believe, Dr. Kleck notes, that "punishment deters as its certainty, severity and celerity (promptness) increase," and "the maximum potential severity of citizen self-help is far greater than legal system responses to crime." And, obviously, the promptness of punishment, in the form of being shot, is much faster than the criminal justice system: "victims almost always use guns defensively within minutes. . . ., the average celerity of even arrest is much lower than for citizen gun use, while the celerity of conviction and punishment is lower still."

Dr. Kleck believes that the well-known Wright-Rossi survey of armed felons underestimates the number of criminals who admit that they had avoided committing some crimes for fear that their intended victims were armed or carrying guns. According to Dr. Kleck, "given that being 'scared off' by a victim is not the sort of thing a violent criminal is likely to want to admit, incidents of this nature may well have been underreported, if misreported at all. . . . These results, therefore, may reflect a minimal baseline picture of the deterrent potential of victim gun use."

Looking at instances where publicity over gun purchases and training was associated with dramatic declines in crime. Dr. Kleck writes that "these natural quasi-experiments . . . do support the argument that routine gun ownership and defensive use by civilians has an ongoing impact on crime. . . . an impact which is intensified at times when prospective criminals' awareness of potential victims' gun possession is dramatically increased. Gun training programs are just one source of increased awareness: publicity surrounding citizen gun use against criminals would be another." And he notes how crime dropped dramatically following Bernhard Goetz's shooting of four robbers in the New York subways—a "quasi-experiment" whose results were muddied by the fact that, in addition to a well-publicized gun use, there was also an increase in police manpower on the subway trains.

Burglars devote considerable effort to avoid occupied dwellings at least partly because so many residences in the United States are armed, according to Dr. Kleck. He quotes from a study which found that several burglars "reported they avoided late-night burglaries because it was too difficult to tell if anyone was home, explaining. 'That's the way to get shot.' " In addition, Dr. Kleck notes that victimization surveys in at least three other countries "indicate that in countries with lower rates of gun ownership than the United States, residential burglars are much more likely to enter occupied homes, where confrontation with a victim is possible."

There are several advantages to the American burglar's fear of confrontation. Most importantly, "The nonconfrontational nature of most [American] burglaries at least partly accounts for the infrequency of associated deaths or injuries. . . . Because victim gun ownership is partly responsible for the nonconfrontational nature of burglary, it is therefore to be credited with reducing deaths and injuries by its deterrent effects. The benefit is enjoyed by all potential burglary victims, not just those who own guns, since burglars are rarely in a position to know exactly which households have guns and thus must attempt to avoid confrontations in all their burglaries."

Dr. Kleck's conclusions address the implications of his research for crime-control policy. He, basically, suggests that policies aimed at reducing gun ownership among the law-abiding would be good for criminals but bad for the country generally. Dr. Kleck argues persuasively that "guns used by private citizens against violent criminals and burglars is common and about as frequent as arrests, is a more prompt negative consequence of crime than legal punishment, and is more severe, at its most serious, than legal system punishments. Victim gun use in crime incidents is associated with lower rates of crime completion and of victim injury than any other defensive response, including doing nothing to resist. Serious predatory criminals say they perceive a risk from victim gun use which is roughly comparable to that of criminal justice system actions, and this perception appears to influence their criminal behavior in socially desirable ways."

Nonetheless, Dr. Kleck adds "We cannot precisely calculate the social control impact of gun use and ownership any more than we can do so for the operations of the legal system . . . rates of commercial robbery and residential burglary might be far higher than their already high levels were it not for the dangerousness of the prospective victims."

In conclusion, Florida State University's Kleck believes that "[M]easures applying equally to criminal and noncriminals are almost certain to reduce gun possession more among the latter than the former . . . there would be little direct crime control benefit to be gained by reductions in gun possession among noncriminals. . . . Consequently, one has to take seriously the possibility that 'across-the-board' gun control measures could decrease the crime-control effects of noncriminal gun ownership. . . ."

Just as Professors Wright and Rossi were forced to conclude that some restrictive gun laws might make things worse by spurring criminals to commit more and more dangerous robberies without guns, or more dangerous assaults using potentially deadlier large handguns (instead of the so-called "Saturday Night Special") or with long guns instead of handguns, so Professor Kleck's study leads him to conclude that resticting guns among the law-abiding may simply encourage criminals, particularly burglars, and limit the beneficial impact of the armed citizen on crime control in the United States.

The Armed Citizen

(Mere presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The accounts below are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.)

When three men brandishing knives broke into William Sylvester's Nashua, N.H., home and tried to rob him and his wife, the resident drew his handgun and fired several shots, sending the would-be thieves fleeing. (The Union-Leader, Manchester, N.H. 3/9)

Two men armed with a shotgun and a large knife accosted Kathryn Cook, 26, of Jefferson County, Mo., and forced her back into her home. Once inside, however, the two intruders had to deal with Cook's husband, who grappled with the duo and then grabbed his .45 pistol and opened fire, wounding both attackers. (The Post-Dispatch, St.Louis, Mo. 3/5)

Liquor store owner Burl Clevenger of Wichita, Kans., had to use his concealed .38 for the second time when an armed robber followed him into a back room to get cash. Getting the drop on his adversary, Clevenger fired twice, forcing the robber to drop his .22 pistol. Police, alerted by a silent alarm, were soon on the scene. Clevenger said of his experience: "I think probably every liquor store in Wichita's got a gun. And there's no doubt in my mind that every store would use it." (The Eagle-Beacon, Wichita, Kans. 4/4)

A series of "hot prowls"—burglaries in which the victims are at home—may have ended in San Marcos, Calif., when 86-year-old John George shot and killed a knife-wielding intruder in his mobile home. The sheriff's department ruled the incident a justifiable homicide. (The Tribune, San Diego, Calif. 4/20)

When a man kicked in the front door of her St. Louis, Mo., home and continued to advance, Ella Willis armed herself. As the intruder lunged at Willis, the 75-year-old grandmother fired, killing the man. No charges were filed against Willis. An assistant circuit attorney said, "In my estimation, she was protecting herself." (The Post-Dispatch, St. Louis, Mo. 3/23)

Massa Sheridan went to investigate with her .38 revolver when her son reported that his bedroom window in their Los Angeles, Calif., home was open. Grabbed from behind by a 6-ft. intruder hiding in a closet, Sheridan struggled, then fired her handgun, fatally wounding her attacker. A neighbor said: "I guess it's a new generation. People learn how to protect themselves." (The Times, Los Angeles, Calif. 5/3)

A persistent burglar rang the doorbell of William Jackson's Orlando, Fla., home for 10 minutes before using a length of lead pipe to shatter a front window. The 75-year-old Jackson, on the telephone to police, fired his .38 handgun when the man made his way to the bedroom. Police arrived in time to arrest the fleeing suspect, who was later charged with burglary of an occupied dwelling. (The Sentinel, Orlando, Fla. 4/3)

Awakened by an intruder who threatened them, tied him up and who then tried to rape his wife, St. Paul, Minn., resident James Nase managed to escape his bonds and grabbed a 12-ga. shotgun to go to his wife's rescue. Firing once, the homeowner killed the would-be rapist-burglar. The slain intruder had just been released from prison, and had been jailed previously on burglary, assault and drug convictions. No indictments were returned against the resident. (The Star, Minneapolis, Minn. 3/17)

For self-protection, William Leech, a Bordeaux, Tenn., resident, had kept a loaded pistol in his house for the last year. That precaution came in handy when a pair of burglars jumped Leech and tried to strangle him. The 64-year-old homeowner reached for his handgun and opened fire. The two wounded attackers, one already charged with armed robbery in a separate incident, were taken into custody at a local hospital. (The Tennessean, Nashville, Tenn. 4/20)

New York Post photographer Joe De Maria responded to a distraught Italian woman tourist's cries and gave chase to a mugger in New York's Chinatown. When the cornered bandit tried to bluff De Maria with a bunched-up jacket, the photographer drew his licensed revolver and yelled. "Don't even think about it." The robber dropped the pretense with his coat while De Maria used a portable radio to contact police, who charged the man with robbery. (The Post, New York, N.Y. 4/27)

John Ben Smitley was preparing to open his Brownsville, Pa., grocery store when a ski-masked robber crashed through the front door and, while pointing what proved to be a BB gun, issued demands for a "money bag." Reaching into the back of his pants, Smitley instead drew his own handgun and opened fire, killing the bandit. (The Telegraph, Brownsville, Pa. 5/6)

Clerk Mohammed Kal was outside a San Diego, Calif., liquor store when he noticed a man in the parking lot take a gun from his pants, load it, and put it into a pouch. Following the man inside, Kal drew his own revolver when it appeared the other was about to pull out his gun. Ordering the would-be bandit to the floor, the clerk phoned police. The suspect was arrested on suspicion of attempted armed robbery, carrying a concealed weapon and possession of a loaded firearm. (The Union, San Diego, Calif. 4/11)

Dale Harkness, a Winston-Salem, N.C., jewelry store owner, was forced into the back of his shop by a pistol-wielding robber. Seizing an opportunity, Harkness overpowered his assailant with the aid of a fellow store employee, then grabbed his own pistol to hold the man for police. The suspect was charged with armed robbery. "I love it when something like this happens," a police captain said. (The News & Record, Greensboro, N.C. 4/22)●

AIDS: A FAMILY TRAGEDY

● **Mr. ARMSTRONG.** Mr. President, I urge Senators to read the following letter. The letter, relating a true story, speaks for itself.

To Whom it may concern:

To me AIDS is not someone else's problem. For you see, both my father and my mother are dying from AIDS.

I grew up in the most ideal all-American family. My father was a successful senior partner in a thriving business. My mother took care of seven of us at home. We went to church each Sunday and were sent to the finest private schools that money could buy. We belonged to the country clubs. My parents were outstanding civic and conservative political leaders in our community and our well-adjusted family was the envy of all.

But for the last two decades my father led a very secret life as a homosexual. He discreetly received pornography and letters from his homosexual partners through a private post office box. He frequented homosexual bars and bath houses. He courted boys my younger brother's age and hosted them in the penthouse suites of the finest hotels. He squandered away the family's savings account. We now know that over the years he contracted herpes, lice, rectal lesions, gonorrhea of the throat, among other diseases, as a direct result of homosexual encounters.

Then last October my father underwent open-heart surgery, one of the bloodiest of surgical procedures, with over twenty health care professionals in attendance. At Christmas he appeared so frail and weak that he was readmitted into the hospital for a series of diagnostic tests, including an HIV blood test. His doctors diagnosed histoplasmosis, then pneumosystis carinii pneumonia (PCP) and when the blood test came back, AIDS was confirmed. But my father felt no obligation to share the final diagnosis with my mother. And the doctor was legally prohibited from informing my mother of the prognosis without my father's consent. It was days later, when my mother called in a rare disease specialist in an effort to ensure my father's good health that she was told that my father had AIDS and that she was at risk.

My mother is in the ARC stage now and she's been given one month to five years to live. She is a beautiful woman who visits me frequently. She holds my baby and makes meals but I live daily with the realization that her blood is lethal. I think back nine months, during a happier time, when she stood beside me as I gave birth to my first child. If there had been any complication I would have asked her to give me blood. I would have then slept beside my husband and breastfed my newborn child.

The Centers for Disease Control reported that the average homosexual AIDS patient has had 61 different sexual partners each year. Recent government statistics project that one out of every thirty men between the ages of 20 and 50 are HIV positive (which is as infectious as the final stages of AIDS). My mother's doctor, who specializes in AIDS treatment, has expressed concern that there are tens of thousands of unsuspecting wives now infected with the virus who have never engaged in high risk behavior other than sleeping with their own husbands. Yet you advocate a public policy which places the so-called privacy rights of some over the right to life of many.

May I ask you who the real victims of AIDS are and who benefits from the current policy of secrecy. Is the victim the one who is dying, who is unwilling to bear the embarassment of a secret life revealed? Or is the victim the person who enjoys a routine life, who nurtures a family, and who has hope because there is not yet knowledge, but who unknowingly is a walking time bomb who will years later experience the most debilitating and shameful disease imaginable.

We are playing with fire. It's about time that our government, including our President and our Surgeon General, started advocating policies that protect the real victims of this fatal disease. It's about time that political leaders deal with the reality of a nightmare rather than the self-interests of a myopic and militant lobby.

A VICTIM OF AIDS.

The author requests anonymity.●

ST. STEPHEN'S DAY

● Mr. SIMON. Mr. President, I rise today to commemorate St. Stephen's Day on August 16. St. Stephen's Day marks the coronation of King Stephen I of Hungary and I'm pleased to join our friends in Hungary and their relatives and descendants in America.

Stephen I realized at the end of the 10th century that his kingdom would have to convert to Christianity in order to ensure its continuing existence. Prince Stephen realized that the new Hungarian nation, which had no ethnic relations in Europe, must avoid being conquered by the great empires of Europe. He thus turned to Pope Sylvester II to request recognition into the Catholic Church.

The Pope had Stephen crowned King of Hungary and as the apostle of Catholicism in Hungary. King Stephen I was subsequently elevated to sainthood, and as king carefully guarded the liberties and rights of Hungary's citizens. St. Stephen once decreed "Henceforward, no earl or knights shall dare to place a free man in bondage."

Mr. President, St. Stephen is a symbol of hope and freedom to the people of Hungary. I would urge my colleagues in the Senate to join me and Hungarians around the world in sharing in honoring this great Hungarian hero.●

MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT

● Mr. KERRY. Mr. President, I am pleased to join a number of my colleagues in supporting S. 1673, the Medicaid Home and Community Quality Services Act of 1987. This important piece of legislation will provide our Nation's disabled and elderly citizens with a broader range of quality Medicaid-funded services and a wider range of choices regarding the environment in which they will live.

Currently, more than one-half of Medicaid funds are used to provide long-term care services to elderly and disabled individuals. However, these resources primarily fund institutional care. As a result, the type of Medicaid-funded care available to the family of a disabled child or elderly parent is quite limited. Should a family decide against institutionalization, often the only remaining option is to pay for costly alternative services. In most cases, the cost makes this option impossible. This legislation would encourage States to provide more resources for home and community-based services in order to ensure a wider range of options for our Nation's disabled population.

Mr. President, I cannot tell you the number of times I have heard from constituents who are concerned because, despite their desire and ability to care for their disabled family member at home, they are unable to afford the exhaustive medical costs. These individuals should have the option of choosing to care for their family member at home. The decision should be based on their willingness and ability to provide quality care, not whether it will jeopardize eligibility for Medicaid assistance.

S. 1673 would remove the current institutional preference for funding Medicaid-reimbursable services in order to encourage States to provide services to persons living with their families, in their own homes, or in community-based, family-scale environments. States would be required to provide, at a minimum, four services: case management, protective intervention services, individual and family support services, and specialized vocational services including supported employment. States would also be required to develop a comprehensive, integrated quality assurance system for community services which would be reviewed and approved by the Federal Government.

Mr. President, what is at stake here is the quality of life of the individual and freedom of choice. We need to encourage independence, not dependence, by facilitating provision of the most appropriate environment: whether it be family, community, or institution. Each and every individual should be given the opportunity to reach his or her fullest potential and to decide on the environment that is most consistent with that goal. We must assist in creating the circumstances which will foster this personal growth and development, and our Medicaid system can and should be a part of that creation.

I would like to take a moment to stress that this legislation will ensure that families have a choice. If a family or individual should decide that an institution is the most appropriate type of care, this option will continue to be available. Institutions will not be closed as a result of this legislation; rather, institution funding will continue at the current level and funding for home and community-based care will be added. Families who have witnessed the benefits of institutional care for their loved one will be assured of that continued care for as long as they desire it. The purpose of S. 1673 is not to create a bias against institutions, but instead to eliminate any bias against home and community-based care.

At this time I would like to express some concerns I have regarding those individuals employed in long-term care institutions. I am pleased that this bill includes a provision which is intended to ensure that any public employees who face job displacement will be taken care of. Maximum efforts must be made to provide for the employment of such individuals, including training and retraining when necessary. It concerns me, however, that the bill provides for retraining of workers only after displacement. It is necessary that we prepare for such potential job displacement. To that end I would recommend that the legislation include a mechanism for redeploying highly skilled workers into any new community system far in advance.

The legislation should also address the issue of staffing ratio requirements. Furthermore, representatives of labor interests should be involved in developing new strategies to assist individuals whose jobs could be affected by this act. Mr. President, it is my intention to offer suggestions in this areas designed to improve the bill as it moves through the legislative process.

A diverse coalition of concerned organizations participated in the development of S. 1673, including national organizations representing consumers, parents, advocates, service-providers, professionals, and State directors of programs serving persons with developmental disabilities. The Association for Retarded Citizens of the United States, the New England Coalition of Independent Living Centers, the Council for Exceptional Children, the National Association of Developmental Disabilities Councils, and many, many more concerned organizations support this legislation.

Mr. President, this legislation provides us with an opportunity to open the door to a new way of life for many of our disabled and elderly citizens. As a nation that prides itself on its humanitarian tradition we cannot let this opportunity pass. I support this legislation and encourage my colleagues to do the same.●

BUDGET SCOREKEEPING REPORT

● Mr. **CHILES**. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.2 billion in budget authority, and by $2.9 billion in outlays. Current level is under the revenue floor by $10.6 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $153.9 billion, $1.4 billion below the maximum deficit amount for 1988 of $155.3 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 8, 1988.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1988 and is current through August 5, 1988. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent resolution (H. Con. Res. 93). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report Congress has taken no action that affects current level of spending or revenues.

Sincerely,
JAMES L. BLUM,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 2D SESSION AS OF AUGUST 8, 1988

[Fiscal year 1988—in billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 93 [2]	Current level +/− resolution
Budget authority	1,145.8	1,146.0	−.2
Outlays	1,031.8	1,034.7	−2.9
Revenues	922.2	932.8	−10.6
Debt subject to limit	2,551.8	[3] 2,565.1	−13.3
Direct loan obligations	34.4	34.6	−.2
Guaranteed loan commitments	155.1	156.7	−1.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(1)(b) the budget authority and outlays include an adjustment that reflects the amount reserved for subsequent allocation under section 302(a) of the Congressional Budget Act.

[3] The permanent statutory debt limit is $2,800.0 billion.

PARLIAMENTARIAN STATUS REPORT, 100TH CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS AUG. 5, 1988

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			911,050
Permanent appropriations and trust funds	792,035	674,291	
Other appropriations	569,646	574,400	
Offsetting receipts	−202,566	−202,566	
Total enacted in previous sessions	1,159,115	1,046,125	911,050
II. Enacted this session:			
Recission of Jewish Education Centers Abroad (Public Law 100–251)	−8	−5	
Veterans Home Loan Program Emergency Amendments (Public Law 100–253)		1	
Assistance and Support for Central America (Public Law 100–276)		43	
Veterans Emergency Supplemental (Public Law 100–304)	709		
Veterans' Benefits and Services Act of 1988 (Public Law 100–322)	1	1	
Atomic Veterans Compensation Act (Public Law 100–321) [1]			
Catastrophic Health Care (Public Law 100–360)		5	
College-aid Annual Appropriation for Territories (Public Law 100–339)	[2]	[2]	
Total enacted this session	702	45	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Disaster relief	142	85	
Special milk	5	1	
Special benefits	83	83	
Special benefits for disabled coal miners	7		
Medicaid	51	51	
Social services block grants	50	48	
Veterans compensation:			
Previous law	282		
H.R. 1811	15	12	
Payment to air carriers	8	2	
Coast Guard retired pay	6	6	
National wildlife refuge fund	1	1	
Total entitlement authority	649	288	
VI. Adjustment for economic and technical reestimates	−14,650	−14,650	11,200
Total current level as of Aug. 5, 1988	1,145,816	1,031,808	922,250
1988 budget resolution (H. Con. Res. 93)	1,146,000	1,034,700	932,800
Amount remaining:			
Over budget resolution			
Under budget resolution	184	2,892	10,550

[1] This act increases the current law estimate for veterans compensation, which requires an appropriation. The amount is shown in section V.

[2] Less than $500 thousand.

NOTE: Numbers may not add due to rounding.●

NOMINATION OF ROBERT PATTERSON

● Mr. **SIMON**. Mr. President, at its business meeting on August 10, the Judiciary Committee reported favorably on the nomination of Robert Patterson to U.S. district judge for the southern district of New York. Since I presided at the committee hearing held on this nomination on July 27, I offer the following brief summary of the committee's consideration of this nomination, for the benefit of Senators who will soon vote on this nomination.

Robert Patterson has been nominated to be U.S. district judge for the southern district of New York. The nominee has spent the past 32 years in private practice in New York City, where he has handled a wide variety of civil and criminal litigation, and served as a special master by appointment of a Federal court in redistricting litigation. Earlier in his career, Mr. Patterson served as an assistant U.S. attorney, and as counsel to the New York State Crime Commission and to the Senate Banking Committee. The nominee has also compiled an extensive record of public service, including the presidency of the Legal Aid Society in New York, the chairmanship of Prisoners' Legal Services of New York, and membership on a gubernatorial panel appointed to monitor the aftermath of the Attica prison uprising. Mr. Patterson is 65 years old, and is a graduate of Harvard College and Columbia Law School. He enjoys a good reputation among the New York bar, and was rated well qualified by the American Bar Association's Standing Committee on the Federal Judiciary, with a minority finding him exceptionally well qualified.

At the hearing on July 27, Mr. Patterson was introduced by Representative HAMILTON FISH. I then questioned the nominee about his role with the Legal Aid Society; his recent resignation from a New York club that does not admit women; and about questions he was asked by the Justice Department in the nominations process. After the hearing, the nominee responded to written questions from Senator GRASSLEY, concerning the questioning of the nominee by the Justice Department; the nominee's severance agreement with his current law firm; the role of the nominee's law partner in the deliberations of the ABA Standing Committee on the Federal Judiciary with respect to Mr. Patterson's nomination; and judicial activism. He also responded to written questions from Senator HUMPHREY on judicial activism, questioning by the Justice Department, and his views on the constitutional status of capital punishment.

At the committee business meeting on August 3, Mr. Patterson's nomination was held over at the request of Senator GRASSLEY. Subsequently, the nominee answered further written questions from Senator GRASSLEY on the questions he was asked by the Justice Department, and on judicial activism. On August 10, the committee, by voice vote and without dissent, ordered his nomination favorably reported.

Mr. President, if I may offer a personal observation, I found Mr. Patterson's qualifications for the Federal bench to be outstanding. I was particularly impressed by his extensive record of public service. Somehow, in the midst of a busy and successful law practice, Mr. Patterson was able to devote substantial amounts of time to safeguarding the legal rights of indigent criminal defendants, prisoners, and others whose claims to protection under our Constitution and laws are too often neglected. The nominee's dedication to public service is also reflected in the fact that at an age when many private practitioners are planning their retirement from the world of law, he is eager to assume the arduous duties of U.S. district judge.

I also commend Mr. Patterson for his decision to resign from the prestigious Century Club in New York, which has never permitted women to become members. I think Mr. Patterson hit the nail on the head when he testified that this action was required because "female litigants and attorneys * * * should not be under the misperception that the judge might discriminate in their matter." Mr. Patterson resigned from the club even before the Supreme Court issued its decision upholding the New York municipal antidiscrimination ordinance, under which the club would be required to drop its longstanding policy of discrimination against women.

Mr. President, Mr. Patterson is the 86th judicial nominee to be acted upon by the Judiciary Committee during the 100th Congress. Within a few hours after the committee acted on his nomination, I returned to the committee room at 6:15 p.m. to preside at yet another hearing on two more judicial nominees, the 34th hearing held by the committee during this Congress on nominations to the lower Federal courts. These facts demonstrate that, contrary to reports some Senators may have heard, the Judiciary Committee is still actively engaged in giving prompt yet thorough consideration to the judicial nominations that have been referred to it.●

NUCLEAR TEST BAN PROMISE UNFULFILLED

● Mr. PELL. Mr. President, last week, the anniversaries occurred of two major events in the era of nuclear weaponry. Last Saturday marked the 43d anniversary of the atomic bombing of Hiroshima. Last Friday was the 25th anniversary of the Limited Test Ban Treaty—the first significant step back from the abyss opened with the advent of nuclear weapons.

Last week, two fine friends, Senator John O. Pastore and his son, Dr. John O. Pastore, wrote an excellent commentary in the Providence Journal and the Evening Bulletin, recalling the debate surrounding Senate consideration of the Limited Test Ban Treaty and making a compelling case for movement now toward a comprehensive test ban. Senator Pastore had a most distinguished career in the Senate until his retirement in 1976, including service as the chairman of the Joint Committee on Atomic Energy. His son has been a leader in the International Physicians for the Prevention of Nuclear War. He is presently secretary of that organization.

Senator Pastore and Dr. Pastore write:

> In 1963, some Senators feared that the nuclear arms race would accelerate if it were driven underground. Not all of us believed them then because, after all, we were prohibiting nuclear test explosions in the atmosphere, under the seas and in space. Yet, the annual number of nuclear test explosions has increased, not decreased, in the years that followed the LTBT. New generations of sophisticated and potentially first-strike nuclear weapons have been developed in the absence of a treaty banning all nuclear explosions. These explosions are not used to test the reliability of existing nuclear weapons. They are part of an effort by the nuclear powers to achieve the impossible superiority in atomic weaponry.
>
> That is why arms reduction treaties, including the INF accord, will not end the madness of the nuclear arms race. Such treaties do not halt the emergence of destablizing nuclear weapons systems. A multilateral, comprehensive test ban would do just that.

Mr. President, I ask that the full text of the article be printed in the RECORD.

The article follows:

[From the Providence Journal, Aug. 3, 1988]

A LOOK BACK AT THE LIMITED TEST BAN TREATY OF 1963

(By John O. Pastore and John O. Pastore, M.D.)

The first weekend in August is a special one this year. Saturday, August 6, will be the 43rd anniversary of the atomic bombing of Hiroshima. But the preceding day is important as well: the 25th anniversary of the signing of the Limited Test Ban Treaty of 1963 (LTBT) which banned nuclear testing in the atmosphere, the oceans and outer space by the Soviet Union, the United States and Great Britain. Consequently, all nuclear testing by the treaty's signatories is now done underground.

Today there is renewed interest in a comprehensive test ban, a goal that eluded us in 1963. The LTBT, like all such treaties, had to be ratified by the U.S. Senate before becoming law. To see what guidance the past might provide for the future, we recently reviewed the Congressional Record from that summer of 1963 and specifically the Senate debate that led to ratification of the LTBT.

Twenty-five years ago the United States had tens of thousands of nuclear warheads in its arsenal, a fact revealed in Senate testimony by then Secretary of Defense Robert McNamara. Testimony before the Joint Congressional Committee on Atomic Energy established likelihood that further unrestricted testing in the atmosphere and perhaps in space, would lead to the development of massively powerful weapons in the 60 to 100 megaton range. McNamara and many other expert witnesses renounced the need to develop such enormous weapons.

It was well known in 1963 that Soviet leader Khrushchev was anxious to have a Test Ban Treaty. There was speculation that Khrushchev's motivation was similar to Gorbachev's today, namely the enormous burden that an unrestricted arms race places on a nation like the Soviet Union struggling to achieve economic stability. During the Senate debate, Senators Pastore and Fulbright recalled a trip to Zagorsk, outside Moscow. There the senators were fed "anemic vegetables."

Pastore: "Khrushchev has been educating his people. Now they want things. He can use all the propaganda he wants on his people, but when a Ph.D. sits down and gets a puny stringbean, he is not going to believe all the things that are being said about capitalism. Khrushchev has that situation to contend with." Gorbachev, too seems motivated by the economic needs of his country, which is burdened by the arms race.

There are also parallels between the arguments used today by test proponents and arguments against the Limited Test Ban Treaty on the Senate floor 25 years ago. Senator Strom Thurmond, the only principal from the 1963 debate is still in the senate, hammered away in 1963 at the issue of verification and the ability of the U.S. to distinguish Soviet underground explosions from earthquakes.

Thurmond: "Could Senator (Pastore) give the Senate any assurance that the signals received from the event in the Antarctic were not caused by a nuclear explosion set off by the Soviets or some other communist nation?"

Pastore: "Our best experts in the United States have said that there is no such indication. If the senator had better information than I have, I wish he would spread it on record."

Senator Thurmond did not pursue the point.

In 1963 some feared that the treaty favored the Soviet Union more than the United States and that Khrushchev could not be trusted. But treaty opponents had missed a crucial point.

Pastore: "There are some who would make one think that it would be necessary to embrace Khrushchev if one is to favor this treaty. One almost finds it necessary to stand up and give assurances that Khrushchev is on the level. Who cares whether he is or not? This is not his treaty. This is America's treaty. This treaty is not based on the good faith of the Russians. Of course not. We are not taking their word for anything. Read the treaty."

Looking back at 1963, one is saddened that what was then characterized as only a small first step toward the elimination of the nuclear threat, did not lead to more important agreements. The LTBT has not been the sturdy vine from which healthy fruit could grow, as we expected it would be 25 years ago. So many opportunities have been lost in arms control since 1963. Indeed, during the last decade, work on a comprehensive nuclear test ban has all but ground to a halt. The Reagan administration has it on a deep back-burner and essentially ignored the Soviet Union's 18-month unilateral nuclear testing moratorium.

In 1963 some senators feared that the nuclear arms race would accelerate if it were driven underground. Not all of us believed them then because, after all, we were prohibiting nuclear test explosions in the atmosphere, under the seas and in space. Yet, the annual number of nuclear test explosions has increased, not decreased, in the years that followed the LTBT. New generations of sophisticated and potentially first-strike nuclear weapons have been developed in the absence of a treaty banning all nuclear explosions. These explosions are not used to test the reliability of existing nuclear weapons. They are part of an effort by the nuclear powers to achieve the impossible superiority in atomic weaponry.

That is why arms reduction treaties, including the INF accord, will not end the madness of the nuclear arms race. Such treaties do not halt the emergence of destabilizing nuclear weapons systems. A multilateral, comprehensive test ban would do just that.

Although the LTBT of 1963 reduced the risk of radioactive contamination of the atmosphere from nuclear fallout, it has the unfortunate effect of reducing public concern about nuclear test explosions. As we look back across the arid disarmament landscape of the last 25 summers, we must involve all American citizens in this crucial debate. An aroused citizenry can make certain that the next administration fulfills the test ban promise of that hot Washington August of 1963.●

NATIONAL NUTRITION MONITORING ACT

● Mr. HARKIN. Mr. President, I want to make a few comments in support of S. 1081, the National Nutrition Monitoring and Related Research Act of 1988 which passed on the Senate floor last evening.

As chairman of the Nutrition Subcommittee, I have held many hearings during this Congress on hunger and the ability of our Federal food assistance programs to combat domestic hunger. I will not take the time here and now to discuss the subcommittee's findings. They are extensive. Nevertheless, I was astonished to learn that there is no scientific definition of hunger.

We talk of nutritional risk and undernutrition but we are unable to state with any degree of precision the extent of these problems in our society. Although we know that hunger exists in America, it remains an undefined, unmeasured phenomenon. I personally suspect that hunger is more prevalent than it is generally presumed to be. We must have more information to effectively wage the war on domestic hunger to which we are committed. This bill will help correct that problem.

Poor nutrition is not confined to the 60 million Americans who at one time or another last year were living in poverty. Good nutrition is a matter of concern for all of us from those with possible unique dietary concerns due to age, sex, health or physical conditions to those whose dietary habits and consumption patterns are lacking in nutritional balance. Studies indicate that we spend far more for the cure than we would for the prevention of illnesses and ailments associated with nutritional deficiencies. What will this bill do to remedy these problems?

National nutrition monitoring legislation would mandate for the first time a coordinated interagency and intergovernmental system which is structured to meet the expanding needs of Federal and non-Federal entities for health, nutrition, and dietary information. Enactment of this legislation will increase efficiency and maximize the benefits of existing Federal monitoring activities. It will increase the ability to collect nutrition status data related to food assistance and undernutrition, diet and health promotion, disease prevention, food safety, and nutrition education.

I believe that this bill can help us make our food assistance programs more efficient and effective. I also believe that it can help us reduce health care costs both public and private by allowing a more focused attack on nutritional problems within our society.

I want to commend this bill's sponsors both in the Senate and in the House. A list of 46 supporting organizations which I ask to be placed in the Record includes some of the most recognized names in the fields of nutrition, health, education, social concerns, and agriculture. They too are to be commended for their input to this bill.

As one who has studied the underlying issues and problems of nutritional status in America, I add my support to S. 1081.

The list follows:

The American Academy of Pediatrics.

The American Association of Retired Persons.

The American Bapist Churches USA.

The American College of Preventive Medicine.

The American Dietetic Association.

The American Farm Bureau Federation.

The American Heart Association.

The American Home Economics Association.

The American Institute of Nutrition.

The American Meat Institute.

The American Medical Students Association.

The American Nurses Association.

The American Public Health Association.

The American School Food Service Association.

The American Society for Clinical Nutrition.

The Association of State and Territorial Health Officers.

The Association of Schools of Public Health.

The Association of Teachers of Preventive Medicine.

Bread for the World.

Center on Budget and Policy Priorities.

Coalition on Block Grants and Human Needs.

Food Research and Action Center.

Lutheran Office for Government Affairs.

Mennonite Central Committee.

National Association for WIC Directors.

National Broiler Council.

National Cattlemen's Association.

National Consumers League.

National Council of La Raza.

National Farmer's Union.

National Grange.

National Milk Producers Federation.

National Osteoporosis Foundation.

National PTA.

National Perinatal Association.

National Pork Producers Council.

National Student Campaign Against Hunger.

Public Voice for Food and Health Policy.

Service Employees International Union.

Society for Nutrition Education.

United Egg Association.

United Egg Producers.

United Fresh Fruit and Vegetable Association.

United States Conference of Local Health Officers.

World Hunger Education Service.

World Hunger Year.●

CONGRESSMAN TOM SAWYER HIGHLIGHTS EDUCATION AT THE DEMOCRATIC NATIONAL CONVENTION

● Mr. GLENN. Mr. President, I would like to submit for my colleagues attention the remarks made by our colleague in the House, Representative Thomas C. Sawyer, at the Democratic

National Convention last month. His statement is a useful and poignant reminder that our system of universal free public education provides the energy that drives the engine of this Nation and all that it stands for. As we continue to debate the central issues and themes of this important election, Representative SAWYER's statement emphasizes that our renewed commitment to the "American schoolhouse" may well be the most valued legacy we leave to the generations that follow ours.

The remarks follow:

REMARKS BY REPRESENTATIVE THOMAS C. SAWYER, OHIO

Representative SAWYER. Two hundred years ago, the U.S. Constitution brought an enormous promise of freedom and opportunity to a young nation. That same year, the Northwest Ordinance, in its commitment to public education for the nation's young, put real life in that promise. From that promise, made at the edge of an American frontier in the heartland of a continent, came the homes and the families and the farms and the factories that made the American Midwest the most productive place on the face of the earth.

Today we Democrats come together here in this great hall at the edge of the next American frontier, this time a global threshold filled with all the challenge and hope and danger that we can imagine. We come together with a commitment to rebuild the American schoolhouse. It must be a great building, with a great task. It must be and we must be, if we are to remain a great nation.

That Democratic commitment is a promise to those who will carry on what we have started in thanks to those who have come before. It's a promise to support our own children in this renewed American schoolhouse and our neighbors' children long after our own have graduated. It's a promise to support the men and the women who teach there day-in and day-out, year after year.

It's a promise to make this school a living part of our communities and to make our entire communities a partner in the life of this school. That is the heart of this legacy of education and the building that houses it. Like the Constitution, we have argued and struggled over it. We have fought with one another over it, and, like the Constitution, we care about it. We value it deeply.

Most of all, like the Constitution, it works because we believe in it. That belief and that commitment is our Democratic gift to those who will sit where we are sitting when we're gone, and who will attend to the things that they learn in that schoolhouse that are lasting and useful and important.

And because of that, like us, they will renew that promise again and, like us Democrats, they will leave this a better place for the effort that they give.

Thank you all very much.●

NATIONAL BURN AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 348, introduced by my distinguished colleague, Senator REID, recognizing a common but overlooked medical tragedy—fire and burn-related injury and death.

Every hour of every day, 2 people die and 114 people are injured in or from fire and burn-related incidents. Burn injuries cause more than 12,000 deaths and 70,000 hospitalizations annually. Treating these injuries results in millions of dollars in hospital bills every year.

Fire hazards are especially devastating to our children and the elderly. Thirty-five percent of all deaths and injuries from fire and burn-related causes are children. Many children are unprepared to avoid fire, their parents often lacking the education and resources to respond effectively to fire and smoke.

Over one-fourth of fire-related deaths involve the elderly. These deaths often result from carelessness with cigarettes and smoking materials. Many could be avoided with adequate warning; yet only 34 percent of the elderly have smoke detectors installed in their homes. Too many of our senior citizens, unequipped to handle fire hazards, are left vulnerable to catastrophe.

National Burn Awareness Week will bring needed visibility to this significant issue. I hope that this resolution will help familiarize people of all ages with methods of burn prevention, treatment, and rehabilitation. By educating people to recognize fire hazards and to practice appropriate precautions, we can greatly reduce the incidence of burn-related injury and death in this country.

I encourage my colleagues to join me in this effort.●

LILLIAN AND WILLARD HACKERMAN—HELPING HOMELESS FAMILIES

● Mr. SARBANES. Mr. President. The plight of the homeless continues to be a particularly troublesome one of our Nation, and a particularly tragic one for families with young children. Just this year, the United States Conference of Mayors put out a report that found that there has been a 31-percent increase in the number of homeless families since 1985. All across our country public and private efforts are being undertaken to try to meet the need of homeless families.

In the city of Baltimore, where families comprise one-quarter of the 10,000 who are homeless, philanthropists Willard and Lillian Hackerman saw the plight of the homeless children and decided to do something about it. Mr. Hackerman, one of Maryland's largest developers and contractors, told the mayor of Baltimore that he would donate the cost of renovating abandoned schools into apartments for homeless families. The city of Baltimore quickly took the Hackermans up on their generous offer and renovations have been undertaken in two vacant schools—one in northwest Baltimore and the other in east Baltimore—to provide transitional apartments for almost 100 homeless families.

This new program is designed to give homeless families a fresh start and to assist them in their return to self-sufficiency. The program permits families to live in apartments for 6 months to a year, in return for their participation in programs such as job training, budget counseling, and remedial education. It also links much-needed day care for the children while their parents participate in the job training and education programs.

One of the major goals of the program is to attack the causes of homelessness while providing the basic shelter that is needed by the family. Another goal is to get families off the streets and into transitional housing while keeping them together. Mr. Hackerman wanted the program to, "be much more than a temporary shelter so people could eventually stand on their feet."

This generous initiative represents the private sector combining forces with the public in an effort to provide needed transitional housing for homeless families. City officials believe that it is unique in the country. Other communities around the country should look to the Baltimore program as a model for giving homeless families an opportunity to improve their quality of life.

Mr. President, I request that the attached articles regarding this commendable and unique effort by Mr. and Mrs. Hackerman be printed following my remarks in the CONGRESSIONAL RECORD.

The articles follow:

RENOVATED "GODSEND" HOUSES FAMILIES IN TRANSITION

(By Sandra Crockett)

The young mother of two explained in stark terms how she happened to become one of the homeless: "If I had not left my husband, I probably would have killed him," she said, "Or he may have killed me."

Alice Fleming, 23, said she was habitually abused by her husband, often in front of the couple's young children. But before further violence erupted. Mrs. Fleming chose to walk out of the home—and the marriage—with only her children and a few clothes.

"I just couldn't take it anymore," she said.

The former Delaware resident who moved to Baltimore about two years ago had nowhere to go and almost no money. As a last resort, Mrs. Fleming turned to shelters.

The first shelter she called, a refuge for battered wives, was filled, and so last Oct. 3, Mrs. Fleming, daughter La Neah, 3, and son Michael Jr., 2, became temporary residents at the YWCA shelter.

"This was like the end of the world to me," she said.

Once there, she was told about a program in the city that was starting the next month. The city calls it "transitional housing"—a place for families to stay for up to a year so that they can get their lives in order—and Mrs. Fleming calls it "a godsend."

The city's Transitional Housing Program opened Nov. 23 at the former Springhill Elementary School on Cottage Avenue in Northwest Baltimore. The cost of the $800,000 building renovation was donated by developer Willard Hackerman and his wife, Lillian. Thirty-four families can be accommodated.

The families pay from $50 to $207 a month, depending on the size of the furnished apartments and family income. So far, the average amount a family has paid is $75 a month, said Elise Steinberg, the program's director.

Families who are living in one of four emergency shelters around the city are interviewed at least three times before they are accepted into the transitional housing program. The families must not have serious problems, such as severe drug or alcohol abuse, she said.

Thus far, nine families have lived in the building, Ms. Steinberg said. Two of the nine families have since found permanent housing, she said.

Some of the apartments are still being renovated. Once they are completed, Ms. Steinberg said, she expects all 34 to be quickly filled.

Families must agree to work aggressively toward pulling their lives together, including getting job training, in exchange for the low monthly rent, Ms. Steinberg said.

In an interview Thursday, Mrs. Fleming spoke from her spotless, cheery apartment while her two children competed for her attention.

"My husband and I were in the military, and since he is from Baltimore, this is where we came when we got out," she said. But their domestic disputes made life difficult.

Still, she admits that she was terrified at the thought of walking into a shelter.

"The shelter wasn't a good atmosphere for the kids," she said. "I wasn't on Social Services, so moving into public housing was a long way off. And I was determined that I was not going back to Delaware. I wanted to make it on my own."

The transitional housing program is designed to help people like Mrs. Fleming, Ms. Steinberg said.

Mrs. Fleming had previously completed one year at a two-year local business college, and she said she was going back in April to finish. Meanwhile, she is getting job training through the city's Job Plus Training program.

"They teach you how to write a resume, how to dress for an interview, all the steps you have to take in seeking out a job," she said.

Mrs. Fleming said that her immediate goal was to become an administrative assistant but that ultimately she hoped to become a supervisor.

She said she was "extremely grateful" at being given the opportunity to put her life in order. "When I first came here, I loved it," she said. I'm still young, and now I can start a whole new life for myself and my children."

[From the Miami Herald, Feb. 12, 1988]

Benefactor's Gift Brings Homes, Hope

(By John Boll)

Baltimore.—After living on the streets, homeless women and children here get more than a roof when they move into the bright, new apartments created in two rundown, empty schools by a philanthropic couple.

They also get new hope and even a push toward a better life through education and job-training.

The first 34 of 70 planned apartments in the old schools opened Thanksgiving week, and the rest are due to open in the spring.

Barbara Boward, one of two full-time counselors at the apartments, said a wide variety of people had applied for the program but all who are accepted have one thing in common: "Their whole face lights up" when they see their new homes.

That's not just because they are roomy, brightly decorated and well-equipped residences most middle-class people would find comfortable.

It's also because they represent a fresh start.

Those accepted into Baltimore's program enter into six-month contracts that require them to complete their high school education and then undego a rigorous schedule of psychological and job counseling, with the ultimate goal of self-sufficiency. The contracts can be extended another six months if sufficient progress is shown. Residents are on their own after the six-month or year-long terms, freeing the apartments for other homeless families.

"We're really interested in getting the family firmly routed on the path to self-sufficiency," said Marion Pines, until recently commissioner of the city's Neighborhood Progress Administration.

On any given night in Baltimore, as many as 1,600 mothers and children are homeless, according to Joanne Selinski, director of residential services for the local YWCA. For every family that finds a shelter bed, three or four are turned away, she said.

"It's very frightening," said Selinski. "Just think about the little children. The potential impact on children is devastating. It's heartbreaking, to say the least."

A U.S. Conference of Mayors study found a 31 percent increase in the number of homeless families since 1985. And well over two-thirds of homeless families are headed by single parents, according to the Mayors' report.

Laura DeKoven Waxman of the Conference of Mayors said transitional housing programs similar to Baltimore's are the ideal solution, "and a lot of cities have tried to do it but there isn't always the money to do it."

The money for the project here—$2 million—came a year ago from philanthropists Willard and Lillian Hackerman.

"I worry a lot, and I thought we might put two and two together," recalled Hackerman, who went to see former Mayor Clarence Burns to see what might be done to help find needy people places to live.

"It's just a terrible situation. This has been done before, but never by the private sector."

Hackerman, who owns a contracting company, said his biggest worry was for families torn apart by poverty or a spouse's abuse, citing cases in which battered women are forced to place their children in foster homes or with relatives while they seek temporary shelter.

A survey of 23 U.S. cities by the National Coalition for the Homeless found New York topped the list with 30,000 to 40,000 homeless family members, followed by Los Angeles with 22,000.

It will cost Baltimore $350,000 a year to run the 70 apartments. Pines said she hopes the private-public partnership here will serve as a prototype for the rest of the nation.

Around-the-clock security and day-care facilities are provided, in addition to the job counseling, but Ms. Pines conceded the program was not a cure-all.

"It's a symbol that there is a way to a better life," she said. "We want to get that message across."

The YWCA's Selinski agreed that the vision of better days is one of the keys to the program.

"I really think it's a misnomer, this business about a lack of motivation," Selinski insisted. "The problem is a lack of oportunity.

"Many of these women have been through really horrendous things. What they need is some vision. That's what motivation is about, knowing that what you put out today will help tomorrow."

[From the Hagerstown (MD) Morning Herald, Jan. 4, 1988]

Gift of Hope—Generous Couple Aids Baltimore's Homeless

Baltimore (AP)—It's become an ugly and heartbreaking part of the American urban landscape: battered or impoverished women and their children forced into the streets nightly in search of refuge.

On any given night in Baltimore, as many as 1,600 mothers and their children are homeless, according to Joanne Selinski, director of residential services for the local YWCA.

Many turn up on the doorsteps of the YWCA, one of four emergency shelters in the city that accept children, and Selinski said that for every family that finds a bed, three or four are turned away.

"It's very frightening," said Selinski. "Just think about the little children. The potential impact on children is devastating. It's hearbreaking to say the least."

The crisis has provoked widespread frustration among the nation's social workers who must deal with the problem, but in Baltimore much of the anger has been replaced by new hope made possible by the generosity of philanthropists Willard and Lillian Hackerman.

Last January, the Hackermans pledged more than $2 million to transform two rundown and empty elementary schools into 70 apartments for homeless families.

"I worry a lot, and I thought we might put two and two together. So I went to see Mayor (Clarence "Du") Burns," recalled Hackerman. "It's just a terrible situation. This has been done before, but never by the private sector."

Hackerman said his biggest worry is for families torn apart by poverty or spousal abuse, citing cases in which battered women are forced to place their children in foster homes or with relatives while they seek temporary shelter.

The first 34 apartments were officially opened Thanksgiving week. They aren't the dreary lodgings that might be expected, but rather are roomy, brightly decorated and well-equipped residences most middle-class folks would find comfortable.

Marion Pines, commissioner of the city's Neighborhood Progress Administration, said the facilities represent a unique private-public partnership that she hopes will serve as a prototype for the rest of the nation.

According to a study released on Thanksgiving by the National Coalition for the Homeless, about 45 percent of the two to three million homeless Americans are family members. Another study completed in May found a third of the nation's homeless are family members.

The Coalition's survey of 23 U.S. cities found New York City topped the list with between 30,000 and 40,000 homeless family members, followed by Los Angeles with 22,000. Baltimore wasn't included in the study.

And the problem appears to be growing at an alarming rate. A United States Conference of Mayors study found a 31 percent increase in homeless families since 1985. And well over two-thirds of homeless families are headed by a single parent, according to the Mayors' report.

[From the Baltimore Sun, Nov. 24, 1987]

RENOVATED SCHOOL WILL SHELTER HOMELESS FAMILIES

(By Martin C. Evans)

The rooms were spotless and freshly painted in light, cheerful colors. The furnishings—convertible sofas, modest wooden tables and modern kitchen appliances—were brand new. Utensils, still packed in plastic boxes, awaited their first use.

Yesterday, those rooms became home for three families seeking to start their lives anew.

The apartments, created by renovating the abandoned Springhill Elementary School on Cottage Avenue in Northwest Baltimore, eventually will house 34 homeless families struggling to get their lives in order.

A city official said the cost of the $800,000 renovation was donated by developer Willard Hackerman and his wife, Lillian.

The facility is the focal point of a newly inaugurated Transitional Housing Program in Baltimore, which seeks to help homeless families, not only by providing shelter but by addressing the problems that forced them into the streets.

Families living in one of four emergency shelters around the city will be screened for their ability to return to self-sufficiency.

If they qualify, they will be allowed to live at the apartments for six to 12 months. In return, family members would have to agree to participate in programs to help them return to the mainstream.

City officials said the program is not designed for people with other serious problems that might prevent them from success, such as severe drug or alcohol abuse.

Programs would be tailored to individual family needs and could include job training and referrals, remedial education and budget counseling as well as such services as day care, health care and assistance in finding permanent housing.

The families, who may include from two to five members, will be housed to efficiency and one-bedroom apartments.

Parents must be at least 18 years old, and children must be under 12 years old.

Among the first residents of the Springhill apartments are a woman and her 3-year-old child. She had left home because her husband beat her and had been living at an emergency shelter in the YWCA, a city official said. A high-school graduate, the woman told program officials she wanted to get clerical training.

"Many [homeless people] have the necessary skills but just need a stable environment," said Thompson M. Betts of the city's Office of Manpower Resources, which will coordinate job-training activities.

"By stabilizing a person's situation, they may be able to find employment so they can make a transition out of their situation," he said.

The housing program—which is scheduled to expand to a yet-undetermined location in East Baltimore by mid-1988—will be operated by the Housing Assistance Corp., a quasi-public organization funded by public and private funds, at a cost of $600,000 per year.

Staffing will include a resident manager, 24-hour security and professional counselors.

The transitional housing program will significantly expand the amount of space allocated for housing homeless families in Baltimore City.

While there are 18 emergency shelters in the city—with a total of 780 beds—only four accept families, according to Michael E. Dwyer, the Neighborhood Progress Administration assistant director for neighborhood projects.

An estimated 1,000 individuals are homeless in Baltimore each night, he said.

While some smaller programs around the city offer transition shelter—in which homeless people can stay for more than a few nights and are offered some social services—none of them accommodate families.

[From the Daily Record, Apr. 17, 1987]

ATTACK ON HOMELESSNESS—HACKERMAN GIFT LINKS HOUSING, TRAINING

(By Paul D. Samuel)

Aided by a $1 million-plus donation from wealthy contractor/developer Willard Hackerman and his wife, Lillian, Baltimore City intends to start an innovative program to house up to 100 homeless families in two or more renovated city-owned school buildings.

The Transitional Housing Program will differ from traditional homeless shelter programs, city officials said yesterday, in that it will help homeless families re-enter the mainstream by providing not only housing, but also job training, remedial education, employment and personal counseling, and day care for children.

Although all of the nitty-gritty details haven't been worked out yet, families will be allowed to stay in their apartments between 6 and 18 months, enough time to enable the household heads to find jobs and to allow the families to otherwise "get their act together," as Marion Pines, commissioner of the city's Neighborhood Progress Administration, put it.

She said that referrals to the program will come from operators of existing temporary shelters for the homeless in Baltimore, which will screen out alcoholics, drug addicts, and others who lack the necessary incentive for rehabilitation. The buildings should be in operation by the onset of next winter.

The program's annual operating costs, estimated at between $200,000 and $250,000 per building, will be provided by a mix of federal job training, public assistance and housing funds. No expenditure of city general funds is anticipated, according to Pines. Hackerman said he hopes the city can charge the tenants a small amount of rent, to cover such costs as heating and air conditions, and Pines indicated this is being seriously considered.

HACKERMAN'S ROLE

At a City Hall press conference yesterday, Hackerman, president of the Whiting-Turner Contracting Co., said his company will renovate and furnish at least two vacant school building designated by the city, at a cost of "at least $1 million, maybe more." He said his role will be limited to renovating the buildings, which the city will continue to own and operate.

Although the building sites have not been finalized, there will be at least one on the city's west side, and one on the east side. Pines said. Some of the candidate buildings require major structural renovations, according to Hackerman. The furnished units will consist chiefly of efficiencies and one-bedrooms, and a few two-bedroom apartments.

Pines said the city intends to house from 30 to 35 families in each building, indicating that the program may embrace more than two buildings. The city doesn't intend to make public the exact locations of the buildings, to shield the participating families from unwanted publicity and potential invasions of their privacy.

ORIGINAL IDEA

Hackerman originated the idea for the program, and presented it to Mayor Clarence "Du" Burns about six weeks ago at a meeting in Burns' City Hall office. Asked how and why he had convinced the new housing approach—which the city officials said to their knowledge is unique in the country—Hackerman said that he worried about the problems facing the homeless. "When I worry, I try to do something," he said.

At the same time, Hackerman—who described himself as "quite practical about things"—said he wanted to create "something more than just a temporary shelter program." By linking housing with training and educational components, as well as day care, "the city should save money," he said, noting that the city frequently provides support for children of homeless families who are forced into foster care while their parents are living in shelters.

Burns welcomed Hackerman's generosity, saying he hoped it would encourage other private citizens to follow suit. The mayor said he was tired of people "just sitting around and talking" about the city's estimated 10,000 to 12,000 homeless residents. "I don't want any more talk," Burns emphasized. "I want action."

MAJOR CONTRACTOR

Hackerman's construction company is the nation's 53rd largest general contractor, according to ENR, a national construction weekly magazine which last week published its annual list of the top 400 contractors in the country. With $418.8 million in contracts in 1986, according to ENR, Whiting-Turner, headquartered in Towson, ranked as the second largest contracting firm in Maryland, topped only by the Clark Construction Group Inc., of Bethesda.

Among Whiting-Turner's past construction projects in Baltimore are the St. Paul Plaza Garage, the Joseph Meyerhoff Symphony Hall, the Baltimore Convention Center, and Festival Hall. The company is presently undertaking a major reconstruction of one span of the twin Bay Bridges.

Hackerman, 69, owns the Sheraton Inner Harbor Hotel, the city's Incinerator No. 4 and other real estate in and around Baltimore. He is an extremely private individual who rarely talks to the news media and forbids any of his employees from doing so. But Hackerman is also a major philanthropist who once told a friend he wished never to retire, instead wanting only "to make money and give it away."

Among Hackerman's generous gifts to Baltimore, in 1985 he bought the Gladding Mansion at 1 E. Mount Vernon Place for $850,000 and donated the historic structure to the city. The city renamed the building Hackerman House, and turned it over to the

Walters Art Gallery, which is converting the adjacent mansion into a museum for the Walters' Asian art collection.

[From the Baltimore Sun, Apr. 17, 1987]

Contractor To Renovate 2 Vacant City Schools as Homes for Homeless

(By Ann LoLordo)

Willard Hackerman, owner of one of Maryland's biggest construction firms, will renovate two vacant Baltimore school buildings into apartments for homeless families, housing that will be available to them for up to 18 months, it was announced yesterday.

"The good news is the city's homeless families have a benefactor," Mayor Clarence H. "Du" Burns said yesterday in announcing the new transitional-housing program and donation of services. "Mr. Hackerman has come up with [what] could be the solution for this problem, if only others would follow his lead."

The program will assist 100 families who will receive day care, educational opportunities and job training to give them the tools toward self-sufficiency.

Families make up nearly a quarter of Baltimore's estimated 10,000 homeless people, city officials said.

The abandoned school sites have not yet been selected, but Mr. Hackerman said he hopes to complete the conversion of one building by fall. Mr. Hackerman, known for his philanthropic efforts, said his firm, the Whiting-Turner Contracting Co., would renovate the buildings.

Mr. Hackerman said he and his wife, Lillian, decided to offer his assistance because the plight of the homeless has worried them.

"When I worry about something, I usually do something about it," he said. "I suggested that it be much more than a temporary shelter so people could eventually stand on their feet."

To that end, the Neighborhood Progress Administration, which will run the program, will draw on the assistance of social service agencies, job-training programs and the like. Families would stay from six to 18 months in the efficiency or one-bedroom apartments after being referred by emergency shelters in the city.

"This won't be for everybody," said NPA Commissioner Marion Pines. "There has to be a commitment on both sides." She said the program will be for families who are willing to help themselves.

Mr. Hackerman, who approached Mayor Burns with the proposal six weeks ago, said the program should help save the city money; for example, children of homeless families won't have to be put in foster homes.

Norma Pinette, president of the board of the Greater Baltimore Shelter Network, applauded the effort.

"I'm very pleased that the city has taken some responsibility and some leadership in the issue of homelessness. I think the time of providing only emergency shelter is clearly gone," she said. "After that, people are left on their own and with no chance to change their lives.

This really affords people a way to do that. Starting your life over is a very difficult, complicated process," she said.

Mrs. Pines estimated the cost of operating each apartment building at between $200,000 and $250,000, but she said the city hopes to cover those costs through federal assistance.●

CONGRATULATIONS TO DELAWARE OLYMPIAN VICKI HUBER

● Mr. ROTH. Mr. President, I rise today to congratulate Delawarean Vicki Huber on her wonderful performance in the 3,000-meter final of the U.S. Olympic trials. Ms. Huber finished second to ensure her place on the Olympic Team. Together with her teammates we can expect another winning effort in the Summer Olympic Games to be held in Seoul, Korea this September.

Mr. President, it is important that we recognize the achievements of this Nation's young people. Qualifying for the Olympics is an achievement which takes great talent, perseverance, and character. There can be no better role model for our Nation's young than an Olympic athlete. Few people have the stamina to even attempt a bid for the Olympic Team and fewer still actually make it. As a Delawarean I am proud that a fellow Delawarean has accomplished this feat.●

HONORING DR. ABEL WOLMAN

● Mr. SARBANES. Mr. President, I ask my colleagues to join with me today in honoring Dr. Abel Wolman for his three-quarters of a century of dedicated service to environmental science. Dr. Wolman was recently presented the Health for All Medal by the Pan American Health Organization, the regional office of the World Health Organization, for his important contributions to the advancement of sanitation and health throughout the world, and specifically, his important leadership role in the cause of health for all by the year 2000.

Dr. Wolman was one of only five Americans awarded this honor, included among them our distinguished colleague from Massachusetts, Senator KENNEDY. This award was presented for the first time to commemorate the 40th anniversary of the World Health Organization and to recognize those individuals who have made "outstanding contributions toward fulfillment of the aspirations of humanity embodied in the goal of Health For All."

A sanitary engineer since 1915, Dr. Wolman has played a vital role in the development of modern water-treatment systems and, accordingly, has been one of the principal figures in the fight against water-borne disease. Although having recently celebrated his 96th birthday, Dr. Wolman continues working with the same spirit that makes his career a distinguished example of energy and intelligence spanning more than 70 years and work in over 40 countries.

Abel Wolman began his remarkable career in 1914 when he worked for the State health department. His particular ability and hard work permitted him to rise quickly through the ranks and become the chief sanitary engineer in 1922. He served as chief engineer until 1939, after taking a full-time position as head of the sanitary engineering and public health schools at Johns Hopkins University. He is now professor emeritus of sanitary engineering and has worked to bring these two related disciplines together. Since his time, the department has been redesignated environmental engineering and geography.

Finally, for more than 60 years, Dr. Wolman has been a sanitation and environmental consultant to local, national, and international organizations. He has done engineering work in 40 countries and also testified before numerous congressional hearings, bringing his expertise to many important environmental issues. This outstanding individual has also represented the United States throughout his career at public health policy conferences, having been to Geneva for the World Health Organization over 40 times. He has also worked on the Potomac since 1913—2 years before he completed his engineering degree at Johns Hopkins—doing pollution studies for the U.S. Public Health Service.

In 1918, along with chemist Linn H. Enslow, Dr. Wolman developed the standardized chlorine treatment of water. This process is now used throughout the world to eliminate harmful bacteria in drinking water. This is perhaps Dr. Wolman's most recognizable contribution to sanitary engineering yet, his engineering projects have also stood the test of time.

When Abel Wolman was growing up in Baltimore, he had to carry water from a well. It is fitting that he is credited with the design of a water system that has met the needs of this growing city for the last 50 years. Furthermore, Baltimore's system has remained a model that cities around the country admire.

The city of Baltimore has taken steps to recognize its native son. In 1986, then mayor William Donald Schaefer proclaimed the city municipal building, in which he has met with public works officials for over 40 years, the Abel Wolman Municipal Building. In addition to this honor, he has received the National Medal of Science, the Tyler Ecology Award, and the John Wesley Powell Award of the U.S. Geological Survey.

Called by some the "Father of Modern Environmental Science," Abel Wolman has had a lengthy and distinguished career. For the same reasons that the Pan American Health Organization chose Dr. Wolman as a honoree—his dedication to world health and his important scientific contributions to it—I ask my distinguished colleagues to join with me in commending Dr. Abel Wolman.

I ask that an article from the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, June 9, 1988]

PUSHING 96, HIS CREATIVITY FLOWS—WOLMAN STILL A WATER SCIENCE TITAN

(By Paul W. Valentine)

BALTIMORE.—He stands little more than 5½ feet tall—a spare, birdlike figure with darting, inquisitive eyes.

And as he reaches his 96th birthday tomorrow, Abel Wolman is still hard at work doing what he's done for nearly three-quarters of a century: cleaning up the world's drinking water.

"I deal with 5 billion people," he said almost innocently, his arms stretched in a symbolic embrace of the globe.

A sanitary engineer since 1915, he is a giant of environmental science, an early strategist against waterborne disease, codeveloper of modern water chlorination and a mythic character in Baltimore, where he grew up, labored and has a building named for him.

With nary a tremor of hand or voice, he conducts his daily routine, walking from his North Charles Street town house to his office on the nearby Johns Hopkins University campus. There, by telephone and in person, he deals with a global array of engineers, health officers, politicians and bureaucrats from Washington to Calcutta or, more precisely, from the banks of the Potomac to the ghats of the Ganges.

When he's not in the office, he's on the road. A consultant to a dozen national and international organizations, he flies regularly to Boston and New York. He's been to Geneva for the World Health Organization 40 times, the last in 1985. He has done engineering work in 40 countries throughout his career. He acknowledged that he's slowed down a bit in the past few years and does not make the longer trips to Africa and the Far East as he used to.

Teacher, lecturer, adviser, former Maryland health department engineer, witness before countless congressional committees and author of four books and hundreds of articles, Wolman said in an interview that his main contribution has been to "summon up and help what I call the 'doers' in every country in the world," from the planners of complex waste water systems to a child in Africa taught to spot early signs of cholera in a village and report it to health authorities.

They are "those dedicated people who don't get public dinners recognizing them," Wolman said. "* * * We reserve that for basketball players * * *. I use the terminology of unsung heroes. When you have a busted 48-inch water main in Washington at 7 o'clock in the morning in front of the Willard Hotel, those unsung heroes get there and work 48 hours without sleep to find out where in the hell the break is. And everyone is cursing hell out of them because it's the time [commuters] are all going to work and they can't get through."

But without them, the city would lack running water, Wolman said. "I'm not their leader," he said. "I'm their beneficiary * * *. They're the doers."

Wolman's 74 years of professional and public life have encompassed three overlapping careers. First, from 1914 to 1939, he worked for the state health department, rising quickly through the ranks and serving as its chief engineer from 1922 to 1939.

From 1937 to 1962, he taught at Johns Hopkins, heading the sanitary engineering and public health schools and promoting cross-fertilization of the two academic disciplines. He is now professor emeritus of sanitary engineering.

Finally, spanning more than 60 years from the mid-1920s to the present, he has been a sanitation and environmental consultant to local, national and overseas organizations and countries. They have included the governments of Brazil, Guatemala, Mexico, Taiwan, Ghana, Israel, Sri Lanka and Senegal, as well as the city of Calcutta, where he helped improve drinking and waste water systems over 26 years.

His work on the Potomac River in Washington dates back to 1913—two years before he finished his engineering degree at Johns Hopkins—when he did pollution studies for the U.S. Public Health Service.

In the intervening 75 years, he has seen a gradual, but incomplete, improvement in the river. During the Johnson administration in the 1960s, he recalled, he was asked by a member of Congress during a committee hearing why the Potomac River "surrounding the greatest capital in the world . . . is not swimmable [and] not fishable."

Wolman said he pointed to a shelf full of river studies in the committee room. The studies, some dating back to the 1920s, all urged massive but expensive cleanup programs.

He said he told the committee, "We would recommend $25 million, and you gave us $12 million, [or later] we would recommend $75 million, and you gave us $40 million * * *. You've done that each time. You've never given us enough to clean it up."

In the sanitary engineering profession, Wolman is best known for his development in 1918, along with chemist Linn H. Enslow, of the standardized application of chlorine to water—a process now used worldwide to eliminate harmful bacteria from drinking water.

Scientists had experimented with chlorination as far back as the 1880s, using random doses of the potentially hazardous chemical. The doses were effective for some water supplies but useless for others.

While working together at the Maryland health department, Wolman and Enslow determined the absorption rate of chlorine in various kinds of water and then devised a standard formula permitting the proper amount of the chemical in all waters, regardless of their origins.

Looking back over his near century-long life, Wolman said much of the world's water supply has improved, along with its supporting environmental systems, mainly because of mankind's heightened sense of management and regulation.

But a modern phenomenon, over-population, is neutralizing the good work, he said.

Rapid growth in Third World countries has "locally vitiated the net accomplishments" of improved drinking and waste water systems, he said. "Unless something is done about that, at the turn of the century, which is around the corner, we'll be going down the drain."

As for his own long and healthy life, he attributed his success to "nothing but plain luck. I didn't design it * * *. I've played my life by ear."

He walks frequently, dodging traffic on Charles Street between home and office. He eats almost anything, drinks regular coffee ("No decaf, please") and generally ignores dire warnings about cholesterol "and all those other medical things," he said.

In 1986, Baltimore's Municipal Building near City Hall was renamed for him in honor of his design work on the water system here.

Wolman's wife of many years, Anne, a constant companion on many of his overseas trips, died four years ago at age 91. Their son, M. Gordon (Reds) Wolman, now teaches at Hopkins and heads the redesignated department of environmental engineering and geography once headed by his father.

"I've enjoyed my life," Abel Wolman said. Does he envision a day when the world will no longer have problems? "I hope not," he said. "A world without problems? What a prodigious bore."●

NUTRITION MONITORING LEGISLATION

● Mr. BOSCHWITZ. Mr. President, I am pleased that the Senate passed S. 1081, the National Nutrition Monitoring and Related Research Act of 1988, yesterday.

I was an original cosponsor of this bill to monitor the nutritional health of Americans and have been a strong supporter of efforts to establish a continuous and comprehensive national nutrition monitoring system. Back in the 99th Congress I was also a cosponsor of nutrition monitoring legislation. During the waning hours of that Congress we worked hard to try and get that legislation passed but did not succeed at that time.

Over the past few years, a great deal of time has been spent in an effort to get nutrition monitoring legislation passed by Congress. In the past few months negotiations have been ongoing between staff of Senators on both the Agriculture and Governmental Affairs Committees, the Department of Health and Human Services, the Department of Agriculture, representatives of commodity groups, and several organizations supporting S. 1081. Through this process several improvements were made to the bill and a great deal of fine-tuning of the legislation resulted.

As a member of the Senate Agriculture Committee, I joined the Nutrition Subcommittee because of my concern about hunger and nutrition issues and the Federal role in addressing the problem of alleviating hunger. The existing Federal nutrition programs (such as food stamps, school breakfast and lunch, child care food, and WIC) have made a substantial contribution to reducing hunger. While these Federal nutrition programs have not relieved all hunger in our Nation, they have surely gone a long way toward providing nutritious food for our Nation's poorest people.

As a Senator who is a strong supporter of the Federal nutrition programs, both food stamps and the array of child nutrition programs, I believe it is vital that we have accurate, timely data to determine the effectiveness of our efforts to improve the nutritional status of needy Americans. The President's Task Force on Food Assistance pointed out the lack of information in this area. They recommended a number of steps to better coordinate and disseminate nutritional data including integrating information from the two major nutrition surveys and getting the information out in a timely manner.

While improvements in coordination of nutrition monitoring have been made in recent years, this legislation will strengthen the cooperation that has been developing between Federal agencies by creating a comprehensive and coordinated nutrition monitoring system to provide up-to-date information on our citizens' nutritional status.

This legislation will help us gather this information by coordinating the efforts of the Department of Agriculture and the Department of Health and Human Services. This coordination will be achieved through a 10-year National Nutrition Monitoring and Related Research Program and an Interagency Board for Nutrition Monitoring. The purpose of this coordinated program is to continually assess the dietary and nutritional status of our Nation's population. In addition, this legislation will provide for a National Nutrition Monitoring Advisory Council to provide scientific and technical advice on the development and implementation of the coordinated program and the comprehensive plan.

The bill also requires that the Secretaries of Agriculture and Health and Human Services jointly issue and publish dietary guidelines for Americans at least every 5 years. Furthermore, the bill is designed to coordinate the efforts of Federal agencies regarding dietary guidance. Any Federal agency planning to issue dietary guidance would submit the proposed guidance to both Secretaries for review. A procedure is established for approval or disapproval of the proposed dietary guidance by the Secretaries to assure consistency with the dietary guidelines for Americans.

I believe that this legislation will provide us with important tools to assess the nutritional status of Americans, particularly the effect of the Federal nutrition programs, and ultimately help us design more effective programs to alleviate hunger and malnutrition. Again, I am pleased that my Senate colleagues approved this important nutrition monitoring legislation.●

INDIA INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, I am pleased to bring to the attention of my colleagues the celebration of the 41st anniversary of India's independence. Rarely are we privileged to witness the emergence and development of a country with so rich a heritage.

India's existence began with the Dravidian civilization in 3000 B.C., and today their languages are still spoken in the south. The Dravidians were conquered by the Aryans whose most profound impacts were on the language and the caste system. In 300 B.C., when the Aryans' power waned, Alexander the Great extended his empire over the Indian borders. Upon his death, the Emperor Chandragupta Maurya came into power and became the first great leader of the country.

British control of India began with a trade agreement between India and the East India Co. of England. In 1893, a 24-year-old Indian lawyer was sent to South Africa to represent a Moslem firm. It was here that he, Mahatma Gandhi first became aware of how Indians were being treated. It was also here that he developed his theories and practice of nonviolence, the first of the Hindu laws. He continued to fast and inflict trials on himself in order to gain the freedom to which he had dedicated his life.

After World War II, the British Labor Party won an election and because of Gandhi's consistent efforts, the British gave India her independence. On August 15, 1947, after 300 years of ruling, Great Britian finally removed the last vestiges of her power. India was free once more.

In the postwar period, the United States population from India has increased. The strength that they have contributed to our community cannot be underestimated, and I admire their efforts to maintain their heritage. In the United States today there are many American citizens of Indian background who have brought with them their ideals and practices. The premium they place on family and the stress and importance they place on education are two of the most obvious areas. I have been struck by the incredible achievement of young Indian boys and girls in our schools. These young people are leading their classes. They are winning academic awards, graduating with highest honors, attending the best universities and professional schools in the country and then going out into our community to be leaders in the professions, in business, and in the artistic world. These students have done so well largely because their families have nurtured them and provided the strength and the support that helped to make their achievement possible.

In the postwar period, the United States population from India has increased. The strength that they have contributed to our community cannot be underestimated, and I admire their efforts to maintain their heritage.

Today India is a vibrant mixture of many cultures, religions, and customs. It is a land where family ties are strong. Mr. President, it is an honor on this, the 41st anniversary of her independence to ask my colleagues to join with me in congratulating this great Nation.●

EIGHTIETH BIRTHDAY OF WALTER SONDHEIM, JR.

● Mr. SARBANES. Mr. President, today I ask my colleagues to join with me in acknowledging the achievements of Walter Sondheim, Jr. Mr. Sondheim has recently celebrated his 80th birthday and we in Maryland are celebrating his devoted work for the citizens of Baltimore.

Mayor Thomas D'Alesandro, Jr., appointed Walter Sondheim president of the Baltimore City Board of School Commissioners just as the the board and the city were faced with the difficult task of implementing the Supreme Court's historic May 1954 desegregation ruling. Within a year all Baltimore City schools were integrated. This decisiveness thrust Walter Sondheim into the public spotlight and all of our citizens continue to benefit from his leadership.

In the 1950's Baltimore was also dealing with a serious housing problem and created a new agency in an effort to deal with the problems. Once again Mr. Sondheim was called on by Mayor D'Alesandro to serve as the housing chairman, making another significant mark on Baltimore's public policy.

In the 1960's Mr. Sondheim went on to become one of the guiding forces of Baltimore City's downtown renewal, a rennaissance that has made Baltimore a true jewel among modern urban centers. As vice chairman and then chairman, a post he holds today, Mr. Sondheim oversaw the construction of two vast projects, Charles Center and the Inner Harbor, the centerpieces of Baltimore's outstanding downtown renewal.

Among Mr. Sondheim's other achievements and contributions to our people are his service as chairman of the boards of Goucher College and Sinai Hospital. He was also a senior adviser to then-Mayor Schaefer and now serves as chairman of Governor Schaefer's Commission on School Performance.

No individual has contributed more to the renewal of Baltimore over the past three decades than Walter Sondheim. I ask that an editorial from the Baltimore Sun commemorating the 80th birthday of this truly remarkable citizen be printed in the RECORD.

The editorial follows:

[From the Baltimore Sun, July 27, 1988]

IGNITE.

SONDHEIM AT 80

Walter Sondheim Jr. turned 80 this week—still working for the people of Baltimore and Maryland, as he has done for nearly four decades in multiple and often simultaneous public posts.

In the early 1950s Sondheim was a department store executive and a member of the Baltimore Board of School Commissioners, then presiding over a segregated school system. When the board president resigned, Mayor Thomas D'Alesandro, Jr. surprised many people by tapping the unassuming Sondheim for the presidency. He took over just in time to face the Supreme Court's historic desegregation ruling in May 1954. While other cities resisted, Sondheim guided the board toward its dramatic decision to integrate the schools completely the following September.

This decisiveness thrust him into the public spotlight. Baltimore was then dealing with massive housing problems and had created a new agency, under a lay board, to direct it. Once again D'Alesandro called on Sondheim who, as housing chairman, made his mark in another important area of public policy.

At that time, the housing chief was one of a group of businessmen who had formed the Greater Baltimore Committee, the guiding force in downtown renewal. When the Charles Center-Inner Harbor Management Corporation was created to oversee the two vast projects, Sondheim was the obvious leader; he served first as vice chairman then as chairman, a post he holds today.

His other achievements have been no less formidable. He is former chairman of the boards of Goucher College and Sinai Hospital. He was senior adviser to Mayor Schaefer. He now serves as chairman of the governor's Commission on School Performance.

He has held many other public and charitable posts because, when called upon for help, a friend noted, "Walter can't say no." Throughout this generous service, unmatched by any other Baltimorean of his generation, Sondheim has maintained a level head, a modest affability and a sense of humor. At 80 he has earned a rest—which we're sure he won't take. Just as well; Baltimore and Maryland need him for a lot more birthdays.●

OCEAN PINES 20TH ANNIVERSARY

● Mr. SARBANES. Mr. President, this year, the community of Ocean Pines, MD, celebrates its 20th anniversary. Ocean Pines is located in northern Worcester County, just across the Assawoman Bay from Ocean City. The town's wooded setting and 9 miles of waterfront make it an attractive home for people from all walks of life. In the words of a town official involved in the planning of the anniversary celebration, "Most communities don't have this kind of support, enthusiasm, and spirit and for that reason I feel we are very lucky.

What began in 1968 as a planned resort community comprised mainly of second homes has evolved into an active year-round community. The town features a wealth of parks and recreational facilities that add to its appeal and more than 2,000 families reside in Ocean Pines year-round. More and more families are attracted to the quality of life in Ocean Pines and it is projected to become the largest population center in the county by the year 2000.

Ocean Pines has made extraordinary progress in its relatively brief history. The town has its own police and fire departments, plus an ambulance service that has been recognized with a State seal of excellence. The community is governed by a homeowners' association with a seven-member elected board of directors committed to well-managed growth. With these forces at work, the future of Ocean Pines certainly looks bright.

Mr. President, I join the people of Ocean Pines in celebration of its 20th anniversary. While celebrating the progress of the past 20 years, the town's citizens can look to the future with anticipation of what is yet to come.●

SARBANES SUPPORTS THE HEARING AID COMPATIBILITY ACT

● Mr. SARBANES. Mr. President, on July 11, 1988, the Senate passed H.R. 2213, the Hearing Aid Compatibility Act of 1987. As an original cosponsor of this legislation in the Senate, I am indeed pleased that the House, on July 28, 1988, accepted the Senate amendments to H.R. 2213 and sent the bill to the President. This important legislation will ensure telephone access to thousands of hearing impaired individuals throughout the Nation. I want to urge the President to sign this important legislation.

The telephone is one of the most essential means of communication in our society and is absolutely vital to carrying out almost every aspect of our daily lives. Imagine how difficult it would be for us to carry out our everyday activities without access to the telephone. Yet, millions of Americans are denied access to our telecommunications system because of the incompatibility of telephones with hearing aids. This problem affects not only the hearing impaired but all the people with whom they need to communicate. It is especially serious for the many senior citizens who are hearing impaired and must rely on the telephone for critical health and emergency needs.

As a first step to address this situation in 1982, Congress enacted the Telecommunications for the Disabled Act, Public Law 97-410, which requires that certain public and other essential telephones be made hearing-aid compatible. However, if the hearing impaired are to enjoy equal access to our communications system all telephones should be made compatible with hearing aids.

I believe we should have a telecommunications system which serves all of our citizens. This bill fulfills that goal by requiring telephones that are manufactured after a certain date to be hearing-aid compatible. I strongly support this bill and urge the President to sign it.●

THE PERISHABLE AGRICULTURAL COMMODITIES ACT

● Mr. LEAHY. Mr. President, the Perishable Agricultural Commodities Act [PACA] was enacted in 1930 to promote fair trading of fruits and vegetables. The PACA program provides important protections for the growers, shippers, brokers, wholesalers, retailers, and processors involved in the $70 billion fruit and vegetable industry in this country.

This bill amends PACA in two ways. First, it raises the statutory license fee ceilings to provide sufficient revenue for the administration of PACA. Second, it establishes an advisory committee to review PACA programs and report to the Congress.

Mr. President, the cost of administering PACA is borne solely by industry through the assessment of annual license fees. These fees have increased, out of necessity over the years, with the current fee ceilings enacted as part of 1981 farm bill.

New responsibilities under PACA require additional revenues however. During a hearing on this bill in the House, representatives from the U.S. Department of Agriculture testified that an increased workload has resulted from amendments passed in 1984 that established trust provisions to assure payment to sellers of perishable commodities in the event of a buyer's delinquency or financial insolvency. The USDA projected that at current fee rates, the program would be operating at a deficit level before the end of fiscal year 1989.

The fee increase proposed in this bill would be adequate to cover costs of the program through 1991. The fruit and vegetable industry supports this increase and the USDA strongly favors its passage.

The advisory committee established by this bill would review and suggest improvements to the PACA program. The advisory committee would be comprised of representatives from all sectors of the fruit and vegetable industry. The committee would provide interim reports to Congress and send a final report to Congress no later than May 1, 1990.

Mr. President, this bill represents compromises made between the buyers and sellers of perishable commodities. I ask for its immediate and favorable consideration.●

● Mr. D'AMATO. I rise today in strong support of Senate Concurrent Resolution 127, legislation submitted by my colleague from California, Senator Wilson, to recognize amateur radio operators for the myriad of valuable public services they perform.

More than 435,000 United States citizens are licensed by the Federal Communications Commission as amateur radio operators. These individuals are dedicated to advancing the art of amateur radio, relaying messages without charge, and fostering education in the field of electronic communications.

Amateur radio operators are perhaps best known for relaying information in times of crisis when all other links have been severed. It was amateur radio operators who provided the only form of communication during such events as the invasion of Grenada, the 1980 eruption of Mount St. Helens, and the Mexico City earthquake of 1985.

In addition to their significance in emergency situations, amateur radio operators contribute a great deal to space and satellite communication. To date, these radio enthusiasts have built and put into orbit seven amateur satellites.

Amateur radio operators in the United States also play a vital role as foreign ambassadors to nearly 900,000 other radio amateurs from all over the world. It was an amateur radio operator who first successfully transmitted a radio signal overseas. From that day forward, amateur radio operators have established a kinship with foreign citizens which serves as a valuable conduit for the exchange of ideas and information.

As a hobby that entails FCC proficiency testing and certification, amateur radio operating is highly respected. Although amateur radio operators are under FCC regulation, the field of amateur radio requires only minimal monitoring due to its superior self-policing and discipline.

Mr. President, I commend all amateur radio operators for the many needed services they provide in our country. I am pleased to support Senate Concurrent Resolution 127 and I urge my colleagues in the Senate to join me in cosponsoring this legislation.●

REPORT CARD ON SCHOOL REFORM

● Mr. SIMON. Mr. President, our country has been in the midst of a massive educational reform effort for quite a few years now. The Carnegie Foundation has been on the leading edge of both initiating these educational improvements and reporting on them.

The Carnegie Foundation's most recent effort in this regard is a comprehensive survey made of 13,500 teachers nationwide to find their views on school reform. Certainly teachers in our schools have a uniquely qualified and acute vantage point from which to judge these changes and their effects on the students, the school system, the parents, and their colleagues.

The most revealing of their answers was that nearly 70 percent of the teachers surveyed rated the national effort for school reform a grade of C or less. One of five teachers gave school reform a D or F.

Mr. President, I believe that the summary and introduction to the survey result document, written by Ernest L. Boyer, warrants not only reprinting in the Record, but also deserves careful reading by all those interested and involved in education. I ask that the introduction to "Report Card on School Reform: The Teachers Speak" be reprinted in the Record in full. I thank the Carnegie Foundation for the Advancement of Teaching for its efforts in disseminating this vital information.

The introduction follows:

Report Card on School Reform—The Teachers Speak

In September 1983, the Carnegie Foundation issued a report on secondary education in America. At that time, we concluded that to prepare students for the transformed world they will inherit, a comprehensive school improvement program must be launched. "It is in the public schools that this nation has chosen to pursue enlightened ends for all its people," we said. "And this is where the battle for the future of America will be won or lost."

During the past five years, this nation has been engaged in the most sustained drive for school renewal in its history. Governors have placed education at the top of their agendas. Corporate leaders have, for the first time, argued vigorously on behalf of public schools. And federal involvement in the education debate has become increasingly intense.

But what has been the impact on schools and classrooms across the country? What improvements have occurred in the conditions for teachers and in the learning opportunities for students? Are the large hopes of the reform movement being adequately fulfilled?

Since 1983, Carnegie Foundation representatives have visited dozens of school districts, talked to hundreds of teachers, and attended scores of state, regional, and national meetings. As consultants, we have examined, firsthand, the education systems of several states.

Most recently, we surveyed more than 13,500 teachers to find out how they feel about school reform. After all, teachers have a unique vantage point from which to evaluate education. The relationship between the teacher and the student is the heart of education, and only when improvements reach the classroom will excellence be achieved.

The first and most revealing question we asked teachers was this: "If you were to give a grade to the reform movement, what would it be?" We were surprised to discover that the vast majority of teachers—nearly 70 percent—said the national push for school reform deserves a "C" or less. One teacher out of five gave the reform movement a "D" or "F".

A close examination of all data covering a wide range of issues—from school goals to the working conditions of teachers—reveals a mixed report card. In this report, we evaluate the school renewal movement within the framework of our 1983 study, drawing especially on the perspective of the teacher.

SCHOOL GOALS

First, the goals of education. Five years ago, we said that, to be effective, a school must have a clear and vital mission. Students, teachers, administrators, and parents should have a shared vision of what, together, they are trying to accomplish. The vision must be larger than a single class in a single day, go beyond keeping students in school and out of trouble, and be more significant than keeping track of students' courses. Further, academic expectations should be high, and the principal should be viewed as key educator and inspired leader.

The reform movement has, we found, had a positive impact on these priorities. School goals are being clarified, expectations for students are going up, and principals increasingly are fulfilling a leadership position. Specifically, our data show:

More than three-quarters of the teachers surveyed said goals at their school are more clearly defined today than they were five years ago.

Almost three-fourths reported expectations for students have gotten better.

More than half said the leadership role of their principal has improved.

Clearly, the school reform movement has sparked a lively debate about objectives, and there is, it appears, a growing consensus about what the nation's schools should accomplish. School reform should continue to focus on the purposes of education.

Specifically, this nation must reaffirm equality of opportunity, unequivocally, and give it meaning in every classroom. We must proceed with the conviction that students, even those from the most difficult backgrounds, can academically and socially succeed. The goal should be quality for all.

STUDENT ACHIEVEMENT AND ACADEMIC REQUIREMENTS

In the 1983 Carnegie report on secondary education, we said that all students should be taught to think critically, listen with discernment, and communicate with power and precision. Every student must become proficient in the written and the spoken word. Those who do not are enormously disadvantaged, both in and out of school. The nation's schools should, we believe, give priority to language.

There has been enthusiastic response to the call for proficiency in language. The number of English and literature credits required for graduation has increased; writing-across-the-curriculum has become a widely endorsed idea; and "literacy" is now a national crusade. Further, teachers report that the language and computational achievement levels of their students have improved. Here's what our survey found:

About two-thirds of the teachers said student achievement has gone up in each of three subjects: math, reading, and writing.

Only slightly more than 10 percent reported a decline in achievement in these basic subjects.

Our report also called for a core of common learning—a program in literature, the arts, foreign language, history, civics, science, mathematics, technology, and health—to extend the basic knowledge of students and broaden their perspective. Students, we said, should be well informed, but they also should be able to bring together information from across the disciplines, organize their thoughts, and use knowledge wisely.

Again, progress has been made. Since 1983, graduation requirements have been tightened in forty-five states. And teachers overwhelmingly report that the academic core at their schools has been tightened:

More than four in five teachers reported an increase in the core courses required for graduation.

About three-quarters said science and math requirements have increased.

More than half said requirements in English have gone up.

These are impressive gains, but rejoicing should be muted. Curriculum reform has been more quantitative than creative and there has been a disturbing tendency to focus on course labels, rather than on content. In most schools, the K-12 curriculum still lacks clarity and coherence. Courses in science, English, social studies, and mathematics have been added, but more credits have not necessarily meant more learning.

Further, there is still a tendency to focus only on isolated facts. In many classrooms, little effort is made to connect separate courses or to help students see relationships between academic work and day-to-day experiences. Raising course requirements, without providing support, is especially harmful to disadvantaged students. Indeed, despite the reforms of the past half-decade, high dropout rates persist in most inner-city schools.

Isn't it ironic that five years after the National Commission on Excellence in Education said, "The nation is at risk," we are still talking about what students do not know? Isn't it time for master teachers and research scholars to come together—in a kind of peacetime Manhattan Project on the school curriculum—to design, for optional state use, courses in language, history, science, and the like, and to propose ways to link school content to the realities of life?

COMMUNITY SERVICE

Beyond the classroom, we recommended, in 1983, that every high school student complete a "new Carnegie unit"—a service term involving volunteer work at school or in the community. This proposal sprang from the observation that many young people are socially adrift, that there is a feeling of isolation in too many schools, and that students see little connection between the classroom and the world beyond. The goal of the new service unit is to help students discover that they are not only autonomous individuals, but also members of the larger community to which they are accountable.

During the past five years, many schools have embraced the community-service idea. In a 1985 Carnegie Foundation survey of more than 1,100 public and private high schools, more than 70 percent reported a service program in which students worked on projects in their schools and communities. For example, all students in the Atlanta public schools are required to participate in a service project; Vermont has a statewide student-service program; and, recently, the State of Pennsylvania proposed a community-service requirement.

A service term helps build community and common purpose within the school. In the end, the goal is to teach values—to help students understand that to be fully human one must serve.

NEW PROGRAMS, NEW SCHEDULES

Five years ago, we urged greater flexibility in education. Teachers, we said, should be able to adjust quickly to new conditions, and school scheduling should fit a variety of purposes. Schools, we said, should introduce flexible programs and calendar arrangements to serve special groups of students.

This feature of the reform movement has had a good beginning. For example, the national Coalition for Essential Schools, a movement that gives top priority to flexibility in innovation, has been formed. And, in our own survey, teachers report encouraging trends, nationwide. Here are the findings:

Three teachers in five said special programs for disadvantaged students at their schools have improved; only 10 percent reported that such programs have gotten worse.

Fifty-eight percent said programs for gifted students have improved.

More than four teachers in ten reported improvements in pre-kindergarten programs.

About a third said after-school enrichment programs at their school are better today than they were five years ago.

We applaud these gains.

Still, the push for flexibility has just begun. As now constituted, the school calendar often does not mesh with student needs. Those who work part-time or must care for a baby, for example, frequently are tripped up by the rigid academic lockstep.

Further, many schools are too big and too impersonal, promoting a climate of anonymity among students. Today's young people often have few positive relationships with adults, and many students, especially those in urban schools, drop out because no one noticed that they had, in fact, enrolled.

In the next phase of reform, more attention should be given to school size and flexible scheduling arrangements. For example, large schools, especially those in inner cities, should be divided into clusters of no more than 450 students each so that all students can be well known to each other and to teachers. Students need mentors, in and out of school, older people who serve as role models for both educational and social growth. Greater flexibility in school scheduling is essential. The system should serve the student, not the other way around.

SCHOOL CLIMATE AND RESOURCES

A creative atmosphere for learning is crucial, too. Expectations must be high, standards clear, evaluation fair, and students should be held accountable for their work. Technology should be an effective tool for teaching, and, above all, schools need adequate fiscal resources to carry on their work.

In these areas, the reform movement is moving in the right direction. For instance, our survey found:

Fifty-eight percent of the teachers said their schools are doing a better job in tailoring instruction to student needs.

About three-fourths said the use of technology for teaching has improved.

About three teachers in five said textbooks and other instructional materials are better today than they were in 1983.

Forty-two percent said the orderliness of classrooms has improved.

On the downside, about 22 percent said their classrooms suffer from more distractions today than in 1983; 27 percent said there are fewer interruptions.

Nearly four teachers in ten said they believe the fiscal resources available to their school have declined during the past five years.

While some progress has been made in the climate for learning, there is disturbing evidence that, at many schools, the focus continues to be on memorization and recall. Textbooks still control curriculum in the nation's schools. Too little attention is paid to individual differences among students. Also there is great passivity in the classroom where often the most frequent question asked is: "Do we have to know this for the test?"

If students are to excel, they must be engaged actively in learning. The mastery of subject matter is essential. But unless students are creative, independent thinkers, unless they acquire the tools and motivation to go on learning, propects for excellence will be enormously diminished.

Especially troubling is that fact that, according to teachers, the fiscal health of schools has gone down; indeed, only about out-third said school resources have increased. We find it particularly unsettling that, with all the talk about reform, the shocking inequities in school finance from district to district have not been seriously addressed.

If excellence in education is to become a reality, this nation must examine the financing formulas for public schools and make available to principals and teachers—especially those in the most disadvantaged districts—the money required to educate effectively all students.

STUDENT TESTING

In *High School*, we called for a comprehensive program of student evaluation, one that would enrich, rather and trivialize, the goals of education. Tests, we said, should measure academic achievement as well as give guidance to students.

What has happened since 1983?

Progress in student assessment has, we believe, been marginal at best. During the past five years, parents and politicians have, quite properly, wanted to know if the nation's more than $150 billion annual investment in public education is paying off. In response, a plethora of testing measures has been introduced at the state and district levels, and there is even talk of a national examination. Indeed, this move to measure student progress nationwide has been one of the most remarkable outcomes of the school reform movement. Further, our teacher survey reveals a dramatic increase in testing in local schools. Here is what the data show: Sixty-three percent of the teachers reported that at their school achievement testing has increased as a result of state or district regulations.

Half of the teachers said the use of tests for graduation or promotion has gone up.

But there is something troubling—even paradoxical—about these findings. We are disturbed that testing instruments are crude and often measure that which matters least. Accountability is essential, and some tests are useful. The Iowa Tests, for example, have provided, for many years, a base line of student achievement, and the National Assessment of Educational Progress holds promise.

Still, education cannot be reduced to numbers. Multiple-choice questions, for example, do not reveal the critical thinking or problem-solving capacities of students. Such tests do not measure aesthetic, altruistic, or social intelligence. If the reform movement is to succeed, educators must design better instruments of evaluation—ones that expand, rather than restrict the potentiality of students.

First, language, mathematics, and computational skills should be measured to verify that young children have mastered the basic tools of learning. Second, general education examinations are needed to measure, at the secondary level, knowledge in such areas as science, civics, literature, history, and geography. Third, all high school seniors should write a thesis on a consequential topic to determine their capacity to think critically and integrate ideas. Finally, students should keep a portfolio of academic progress and service projects to evaluate aesthetic sensitivity, creativity, and problem-solving abilities.

To develop a model assessment program, a national panel should be established—organized, perhaps, by the Educational Commission of the States, the six regional accrediting associations, and the Council of Chief State School Officers.

In the end, what we test is what we teach. Finding better ways to evaluate students is one of the most essential challenges the reform movement now confronts.

SCHOOL AUTONOMY

Principals and teachers too often are caught in a bureacratic web. They frequently are preoccupied more with paperwork than learning. Five years ago, we said that excellence in education means giving more authority to the principal and more empowerment to teachers. States, we said, should establish general standards and provide support; they should not be overly prescriptive.

Recently, some schools have gained more authority. We note with satisfaction agreements reached between teachers and district officials in Miami, Florida; Rochester, New York; and Hammond, Indiana. In these bold projects, teachers have been given wide latitude to direct the educational programs at their schools.

Still, these moves are the exception, not the rule. Indeed, the reform movement has been driven by outside regulation, and our survey reveals that, today, teachers are encountering more red tape and more political interference. The bureaucracy in big-city schools is especially distressing. Principals and teachers in these districts often find themselves scrounging for chalk and paper clips while being bombarded with a steady flow of procedural directives. Here is the picture:

About three teachers in five said political interference in education has increased during the past half-decade; only 4 percent reported that such interference has declined.

Fifty-seven percent reported that overall state regulation of local schools has increased.

More than half the teachers said they have more bureaucratic paperwork today than they did five years ago; only 8 percent said they have less.

To achieve excellence, educational leadership should be school-based. The time has come to move reform activity from district and state officials to principals and teachers. But the local school also must be held accountable. It must demonstrate that the school is well led and that effective learning has occurred. Current assessment procedures often make a mockery of evaluation. Principals and teachers are all too frequently kept busy reporting on administrative activity, not the educational outcomes of students.

Intervention procedures also are required. If, after a reasonable period, a school fails to meet objectives, appropriate officials should intervene. The range of such intervention could include professional consultation, replacement of the principal, more resources, or even the closing of the school.

SALARY AND JOB SECURITY

Five years ago, we observed that the teaching profession is threatened by the lack of a career ladder and the leveling off of salaries. We found that to "get ahead" in teaching, you must leave it. We said then that a career path for teachers should be developed and that teacher salaries should increase 25 pecent during the next three years.

Progress is impressive. Salaries have, in fact, increased about 40 percent during the past five years. Further, several states have introduced merit-based programs to recognize and reward teachers. And, in our survey, teachers report gains in both compensation and job security. The findings are these:

Three teachers in five agreed that salaries have gotten better since 1983.

One teacher in four said job security has increased; about 60 percent reported that it has remained the same.

Twenty-six percent said career ladder options have increased at their school.

Here again, the task is far from finished. To attract bright students to the profession, and to hold dedicated teachers in the ranks, salaries must be adequate, and prospects for recognition and mobility must be strengthened. We recommend that the rank of "master teacher" be established and that gifted teachers be given leadership positions in the school and receive special compensation in recognition of their work.

TEACHER RENEWAL

Teaching is a grueling, thankless job. Most people who criticize teachers could not long survive in many of the nation's schools. There are inept teachers, to be sure, and the teaching profession should move vigorously to police itself. But if we want better schools, this nation must find ways to identify great teachers and give them the recognition and the opportunities for renewal they deserve.

According to teachers, inservice education has gotten better. But special awards and summer fellowships have remained the same, and money for innovative ideas and teacher travel has declined. Specifically, our data show:

About half the teachers said inservice education has improved during the past five years; about one-third reported it has remained unchanged.

Seventy-one percent said special awards for teaching have either not changed or gotten worse.

Three-fourths agreed that summer fellowships for teachers have remained the same or diminished.

About seven teachers in ten said money to support innovative ideas has not improved.

Eighty-seven percent said money for teacher travel has not gotten better.

We cannot expect a teacher trained twenty years ago to prepare students to live forty years into the future without a systematic program of renewal. In other professions—medicine and law—such programs are assumed. Further, teacher recognition at the district level is required, and money should be available at the local school to support innovative ideas and make it possible for teachers occasionally to travel to professional meetings

But we also need new federal legislation to establish teacher institutes in every region of the country and provide fellowships to teachers from all fifty states. The measure also could include a "distinguished teaching fellows" program, allowing master teachers to move from school to school, holding seminars with colleagues. In addition, aid should be available to students who agree to teach in public schools, and we also need summer institutes for high school students who plan to enter the profession.

TEACHER INVOLVEMENT

During our research five years ago, teachers told us time and time again they feel powerless. They have, they said, little involvement in the shaping of curriculum, school schedules, goals, or rules. We concluded, in 1983, that if good teachers are to remain in the classroom, they must be regarded as professionals. Teacher empowerment is essential.

We believe the gains in decision-making deserve a better-than-average grade. For example, our national survey revealed:

Nearly three teachers in five said their participation in setting school goals has improved; 11 percent said it has gotten worse.

Slightly more than half the teachers said their involvement in shaping the curriculum has improved; 10 percent said it has declined.

Fifty-three percent agreed that participation in selecting textbooks and other instructional materials has improved.

A school, to flourish, must have an environment in which people work together. In such a setting, teachers stay in touch with current practices, and administrators involve teachers in school leadership. In the end, it is students who benefit when teachers are made full partners in the process.

WORKING CONDITIONS OF TEACHERS

Many people think teachers have soft, undemanding jobs. Yet, when we visited schools five years ago, we found that teachers frequently have too many students, too much paperwork, and too many mindless interruptions. Teachers, we found, are expected to work miracles day after day and then often get only silence from students, pressure from the principal, and criticism from parents. We concluded, in our 1983 report, that improving the working conditions of teachers is of paramount importance.

To improve such conditions, we urged that teachers be given at least an hour a day for class preparation and recordkeeping; that teachers be exempt from such nonteaching responsibilities as monitoring halls, lunchrooms, and recreation areas; that a "teacher excellence fund" for innovative projects be established at every school; that groups within the school, as well as those outside, sponsor recognition programs to honor outstanding teachers; and that every school establish a teacher travel fund.

On these issues, we believe the reform movement deserves a failing grade.

Schools continue to require teachers to perform menial tasks—supervising lunchrooms, policing hallways, and chaperoning students. Such assignments rob teachers of time they need for preparation and diminish their professional status, too. Further, the heavy schedule gives teachers few opportunities to share common problems with colleagues or to sustain an intellectual life.

Consider these survey responses:

More than a third of the teachers said that the size of their typical class has increased since 1983; only about one-fifth said class size has declined.

About a third reported that they have less freedom from nonteaching duties such as cafeteria monitoring; only 21 percent said they have more freedom.

Eighty percent said the time they have to spend with other teachers is the same or even less than five years ago; only 20 percent have more time.

Twenty-seven percent said they have less preparation time; only 16 percent said time for preparation has increased.

One teacher in four reported that there is less private space available to them for study today than five years ago.

Today, the teaching profession in America is still deeply troubled. While new regulations have been imposed on schools, the heart of the enterprise—the teachers—has been largely overlooked. Salaries have gone up, but working conditions have gotten worse.

Here, then, is our judgment, and it simply restates a conviction reached five years ago. In the end, the reform movement will succeed, not only through increased academic rules and regulation, but also through raising the status of those who meet with children every day. Working conditions must improve if we are to attract and hold outstanding teachers.

COMMUNITY AND PARENTAL SUPPORT

How we, as a nation, regard our schools has a powerful impact on their prospects for success, we said in High School. It helps determine the morale of the people who work there; it helps students calibrate their expectations; it contributes to the climate of reform.

We note with special satisfaction that the spirit of collaboration has been an outstanding feature of the reform movement. Even before 1983, governors were calling urgently for better schools. More recently, leaders from business and industry have spoken eloquently about the importance of public education. Further, colleges and universities, convinced that all levels of education are intertwined, are establishing partnerships with schools.

Most crucial, of course, is the attitude of parents. On this important issue, teachers paint a mixed picture. While parental involvement in schools has shown a healthy gain, teachers are less enthused about the support they receive from parents and the community at large. This is what they report:

Forty-five percent of the teachers said cooperative arrangements with business and industry have improved; only 7 percent said such linkages have gotten worse.

A quarter said community respect for teachers has improved, while a like percentage said such support has declined.

More than four teachers in ten reported that parental involvement in their school has improved; 19 percent said such involvement has gotten worse.

About one-fourth of the teachers said parental support for teachers is better.

School improvement requires enthusiastic backing from the community it serves. Only through partnerships with higher education, with business and industry—and especially with parents—can we achieved excellence in the nation's public schools.

CONCLUSION

The past five years have been special, perhaps unique, in the history of American education. There has been a growing consensus about school goals; the leadership role of the principal has been strengthened; achievement levels of many students has improved; and a dramatic array of partnerships with business and universities has been launched. We applaud the progress.

Gains also have occurred in matters of curriculum and testing—more academic units and more assessment of the students. But there is a special challenge in the next phase of school reform to think creatively about content. What should students know to be culturally literate in the year 2000 and beyond? And how can we measure more carefully the potential of students in areas that go beyond the recall of isolated facts?

The reform movement appears to be succeeding on another front. Improvement in teacher salaries is consequential, and the push for adequate compensation, especially for the most gifted teachers, should persist. Also significant is the progress in inservice education, a vital program that should continue to expand. Equally important is teacher involvement in setting school goals, shaping curriculum, and selecting textbooks. Clearly, all of these are moves in the right direction.

Still, we are troubled that the nation's teachers remain so skeptical. Why is it that teachers, of all people, are demoralized and largely unimpressed by the reform actions taken?

Almost forgotten is the act that, when the renewal movement first began, teachers were sharply criticized in several states that quickly introduced teacher tests. There was a clear signal that teachers were the problem, rather than the solution, and the focus was on failure, not success.

Further, the reform movement has been driven largely by legislative and administrative intervention. The push has been concerned more with regulation than renewal. Reforms typically have focused on graduation requirements, student achievement, teacher preparation and testing, and monitoring activities. But in all of these matters, as important as they are, teachers have been largely uninvolved.

Thus, many teachers have remained dispirited, confronted with working conditions that have left them more responsible, but less empowered. They are concerned about loss of status, bureaucratic presures, negative public image, and the lack of recognition and rewards.

Indeed, the most disturbing finding of our survey is this: Half the teachers believe that, overall, morale within the profession has substantially declined since 1983. During this period of unprecedented activity in behalf of education, 49 percent say morale has gone down; less than one-fourth say it has gotten better.

What is urgently needed—in the next phase of school reform—is a deep commitment to make teachers partners in renewal, at all levels. It's time to recognize that whatever is wrong with America's public schools cannot be fixed without the help of those already in the classroom. To Talk about recruiting better students into teaching without examining the circumstances that discourage teachers is simply a diversion.

For half a decade, governors, legislators, and corporate leaders have vigorously affirmed the essentialness of public education. School renewal must build on this foundation. The challenge now is to move beyond regulations, focus on renewal, and make teachers full participants in the process.

In the end, the quality of American education can be no greater than the dignity we assign to teaching.●

TWENTIETH ANNIVERSARY OF INVASION OF CZECHOSLOVAKIA BY THE SOVIETS

● Mr. SIMON. Mr. President, today I rise to commemorate August 21 as the 20th anniversary of the Soviet invasion of Czechoslovakia. On August 21, 1968, 500,000 Soviet troops and several of their allies forcefully entered Czechoslovakia, thereby violating the Czechoslovakian-Soviet treaty of noninterference. At the time of the invasion, the Soviets claimed to be aiding Communists in Czechoslovakia faced with resistance from the democratic-oriented left. Despite valiant efforts at popular resistance, the invasion soon became a permanent Soviet military presence in Czechoslovakia.

Despite several citizens' initiatives on behalf of a more democratic government in Czechoslovakia, the Soviets have remained in Czechoslovakia for 20 years. In this new era of glasnost and perestroika, I hope that Soviet leaders will reexamine previous military actions and motivations. The withdrawal of Soviet troops today would allow Czechoslovakia to return to independent rule and would permit voices in Czechoslovakia advocating democratic values to be heard.

Mr. President, I would like to urge my colleagues in the Senate to join me and Czechoslovakian-Americans in supporting our Czech friends abroad and in recognizing August 21 as the 20th anniversary of the Soviet invasion of Czechoslovakia.●

TIME LIMITATION AGREEMENT—SENATE RESOLUTION 461

Mr. BYRD. Mr President, there is a resolution at the desk that has been submitted by Mr. LAUTENBERG and other Senators.

I ask unanimous consent that that resolution, Senate Resolution 461, may be subject to the following agreement: That the majority leader after consultation with the minority leader may proceed to the immediate consideration of that resolution to be submitted condemning Romania for its human rights abuses; that the resolution be considered under a 10-minute limitation overall with no amendments or motions to commit in order and that the resolution may remain at the desk until such time as it is called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader as to whether or not Calendar Orders Nos. 846, 869, and 880 are ready for passage on his side.

Mr. STEVENS. Mr. President, it is my understanding they are, and I am pleased to proceed with them.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the Senate proceed to the foregoing measures en bloc; that they be considered en bloc, that amendments, where shown, be agreed to; that Senators who have statements may have those statements appear in the RECORD as though read in full; that the measures be agreed to en bloc; and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FIRE PREVENTION AND CONTROL ACT AUTHORIZATION

The Senate proceeded to consider the bill (H.R. 4419) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment.

On page 2, after line 12, insert the following:

SEC. 2. (a) The Administrator of the United States Fire Administration shall conduct a study concerning the quality, availability, and degree of use of fire prevention systems for the hearing impaired population. In particular such study shall—

(1) evaluate the quality of equipment for the hearing impaired;

(2) assess the extent, adequacy, and status of research on ways to improve the quality of such equipment;

(3) evaluate the availability of such equipment and the extent to which it is being used in houses, apartments, hotels, and public buildings; and

(4) determine the degree to which such equipment is required by states and model codes.

(b) The Administrator shall, not later than January 1, 1989, complete such study and transmit to the Congress a report on the results of the study, together with recommendations on how fire alarm and detection systems for the hearing impaired can be improved and how the use of such systems can be encouraged, including the appropriate Federal role in doing so.

H.R. 4419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by adding at the end of the following new subsection:

"(g)(1) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there are authorized to be appropriated to carry out the purposes of this Act—

"(A) $17,039,000 for the fiscal year ending September 30, 1989;

"(B) $17,737,000 for the fiscal year ending September 30, 1990; and

"(C) $18,464,000 for the fiscal year ending September 30, 1991.

"(2) Of the amounts referred to in paragraph (1), not more than $4,150,000 is authorized to be appropriated for each fiscal year for National Emergency Training Center site administration.".

SEC. 2. (a) The Administrator of the United States Fire Administration shall conduct a study concerning the quality, availability, and degree of use of fire prevention systems for the hearing impaired population. In particular such study shall—

(1) evaluate the quality of equipment for the hearing impaired;

(2) assess the extent, adequacy, and status of research on ways to improve the quality of such equipment;

(3) evaluate the availability of such equipment and the extent to which it is being used in houses, apartments, hotels, and public buildings; and

(4) determine the degree to which such equipment is required by States and model codes.

(b) The Administrator shall, not later than January 1, 1989, complete such study and transmit to the Congress a report on the results of the study, together with recommendations on how fire alarm and detection systems for the hearing impaired can be improved and how the use of such systems can be encouraged, including the appropriate Federal role in doing so.

Mr. HOLLINGS. Mr. President, I support passage of H.R. 4419, as amended, because I believe that it is vitally important that the Federal Government continue its efforts in the area of fire prevention and control.

The Federal Government formally got into this business in 1974, through the enactment of the Federal Fire Prevention and Control Act of 1974, after the publication of the report "America Burning." During the life of the U.S. Fire Administration and the National Fire Academy, there has been almost a 50-percent reduction in the annual number of U.S. citizens who have lost their lives to fire. This is in part attributable to the efforts of these two entities.

The administration has again suggested reductions in the Federal fire effort, especially in the areas of travel stipends for training activities and elimination of the Office of Fire Prevention and Arson Control. During the Commerce Committee's consideration of this measure, witnesses repeatedly attested to the importance of the travel stipend program in providing training to firefighters. Also, the Administrator of the U.S. Fire Administration testified that few, if any, of the programs provided by the Office of Fire Prevention and Arson Control would be sustained by State and local governments, because they do not have the financial capacity to do so. This bill would restore the funding reductions proposed by the administration for both these functions.

I believe in the Federal role regarding fire prevention and control, and therefore I am very supportive of the bill now before us.

Mr. GORE. Mr. President, I am pleased that the Senate is now considering H.R. 4419, legislation to provide authorization of appropriations for the U.S. Fire Administration [USFA] and the National Fire Academy. On May 12, 1988, I introduced almost identical legislation to that which we are considering today. The Consumer Subcommittee held a hearing on these bills on June 22, and received testimony about the serious fire situation which continues to confront America.

The United States has had one of the worst fire records of any industrialized nation. Though the statistics have dropped somewhat in recent years, fires still cause some 6,000 deaths and billions of dollars in direct property loss annually. Consequently, fire prevention and control are of continuing national importance.

The USFA and the Fire Academy were established by the Federal Fire Prevention and Control Act of 1974 to assist States and local firefighters in promoting fire prevention and control. The Federal effort focuses on programs that local communities cannot provide. It collects data on fires, sponsors research into the causes of fire and methods of reducing the damage from fires, and develops programs to educate both firefighters and the public.

In the past few years, the Reagan administration has proposed reductions in funding for the USFA and the Fire Academy. This would yield a serious setback to their important efforts in training and data information that can help to prevent loss of life and property due to fires. Testimony presented at the Consumer Subcommittee hearing by Chief Frank Baker of the Memphis Fire Department indicated that 14 fire companies recently responded to a hazardous materials incident at the Military Supply Depot of the Defense Logistics Agency in Memphis, TN. Chief Baker testified that 22 members of the response team had received training at the National Fire Academy, and had received a stipend to attend those training sessions. Without that stipend, Chief Baker is convinced that these officers would not have had the opportunity to receive the training necessary to confront that situation and to ensure their safety. This and other similar situations demonstrate the essential nature of the training and stipend programs. Therefore, the legislation which we are considering restores the proposed funding reductions.

During the Commerce Committee's consideration of this bill, an amendment was added to require the USFA to conduct a study concerning the quality, availability, and degree of use of fire prevention systems for the hearing impaired. The research will evaluate the adequacy of equipment in this area, as well as ways to improve the quality of this equipment. This amendment is similar to language contained in the House report on this measure, and I endorse this provision.

Passage of this bill will reflect a continued Federal commitment to fire prevention and control, and I urge my colleagues to support this vital legislation.

Mr. McCAIN. Mr. President, I want to join my Commerce Committee colleagues in recommending that the Senate pass H.R. 4419, a bill to authorize appropriations for the Federal Fire Prevention and Control Act of 1974. This bill would fund the activities of the National Fire Academy and the U.S. Fire Administration at the current fiscal year 1987 appropriations level, plus a 4.1 increase for inflation, for fiscal year 1989, fiscal year 1990, and fiscal year 1991. The National Fire Academy provides instruction in advanced firefighting techniques to professional and volunteer firefighters and fire administrators from around the Nation and pays their travel costs to the academy. Without these travel stipends, most firefighters and fire administrators would not be able to attend the Fire Academy. The U.S. Fire Administration compiles and analyzes national fire data, funds fire safety research, and supports fire prevention education efforts. These programs have been responsible, in a large part, for the reduction of fire deaths and injuries occurring in the United States. Unfortunately, fire deaths continue to remain disproportionately high among the elderly and other groups, including Native Americans, which indicates more remains to be done.

Before the Commerce Committee passed H.R. 4419, I asked that it be amended to direct the U.S. Fire Administrator to complete a study on the quality and availability of smoke detection and fire warning devices for the hearing impaired. The Commerce Committee unanimously approved the provision.

Currently, there are more than 24 million Americans who are hearing impaired. Fire detection devices to warn this population of fires are inadequate. Present systems rely on sound and provide little or no warning to the hearing impaired individuals. Alarms using lights or vibration for the hearing impaired are either expensive or marginally effective. Compounding the problem, none of the existing technologies for the hearing impaired have been evaluated by a major laboratory, which prevents their inclusion in state fire codes.

My amendment to H.R. 4419 directs the Fire Administrator to assess the quality of existing devices, evaluate the availability of such equipment, and determine the degree to which such equipment is required by State and model codes. It is my hope that this study will result in technologies that provide the same warning to Americans who are hearing impaired as for those who are not.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

CHARLES PINCKNEY NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (H.R. 3960) to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

Mr. HOLLINGS. Mr. President, I appreciate this opportunity to speak in strong support of this bipartisan bill to authorize establishment of the Charles Pinckney National Historic Site in Charleston, SC. This bill will permit us to preserve Charles Pinckney's unique and historic homestead, built more than 200 years ago just across the Cooper River from Charleston, SC.

Charles Pinckney, who lived from 1757-1824, is a favorite son of South Carolina and a Founding Father of the United States. Not only was he one of the principal drafters of the Constitution, he also served four terms as Governor of South Carolina, and was a Member both of the U.S. Senate and the House of Representatives. From 1801 to 1805, he served as President Jefferson's minister to Spain.

It is a matter of urgent necessity that Charles Pinckney's Charleston homestead, Snee Farm, be preserved, both as a landmark of historic charm and as a living memorial to a man who contributed mightily to the young American Republic.

Mr. President, today huge oak and magnolia trees surround the Pinckney home. Yet, just beyond these ancient trees, urban development is inexorably closing in. By any sane and reasonable calculation, the time has come to draw a line. Suburban Charleston has plenty of subdivisions and plenty of parking lots already. But it has only one Snee Farm. We have a profound responsibility to preserve this treasure for future generations.

Snee Farm is one of only 13 homesteads associated with framers of the Constitution that have not been sacrificed to developers' wrecking balls. Located just outside of Charleston, the 233-year-old house and the surrounding 21 acres of farm land are recognized by the National Park Service as a national historic landmark. Regrettably, however, this recognition has been no protection whatsoever against degradation or even outright destruction. Indeed, the tragic fact is that real estate developers were moving forward with plans to build 41 luxury homes on one-half-acre lots on the Snee Farm site. With good reason, Snee Farm was designated by the National Park Service as one of the Nation's most threatened landmarks.

To prevent this wanton destruction of our heritage, a broad-based coalition of citizens known as "Friends of Historic Snee Farm" was mobilized. South Carolinians and other concerned American citizens have been working and, as I speak, are continuing their efforts to buy this historic property and to give it to America, and to place it under the responsibility of the National Park Service where it can be preserved as the national treasure that it is forever.

Many, many citizens have become involved. My wife, Peatsy, serves as the national fundraising chairman of "Friends of Historic Snee Farm," While Mrs. Nancy Thurmond, the wife of my distinguished Senate colleague from South Carolina, serves as chairman of the Snee Farm Children's Education Committee. Distinguished individuals such as former South Carolina Governor Robert McNair and Mrs. Ann Edwards, wife of former South Carolina Governor and U.S. Department of Energy Secretary, Dr. James Edwards, serve as State cochairmen. Each of these people has worked tirelessly to raise the private funds necessary for acquisition of the property. Citizens from across America as well as dozens of Pinckney descendants have joined forces with the State and local governments of South Carolina to preserve Snee Farm.

Mr. President, a loan was taken in July by "Friends of Historic Snee Farm," and they now have title to the property. Fundraisers are well past the half-way mark in donations and pledges, and I have every confidence that the full purchase price of $2 million will be raised and that no Federally money will be required. Nonetheless, congressional authorization is still required in order for the National Park Service to accept donation of the Snee Farm property. That is precisely the purpose of H.R. 3960.

This bill has received the unanimous and energetic endorsement of the National Park Service, the entire South Carolina congressional delegation, the South Carolina State Legislature, the South Carolina Department of Archieves and History, the Historic Charleston Foundation, and the National Trust for Historic Preservation.

Mr. President, H.R. 3960 will allow us to preserve and protect the Pinckney estate. This project is a wonderful example of cooperation between citizens and Government on the local, State, and national level in an attempt to achieve a worthy goal. Today, we are asking for your support in making this goal a reality by supporting final passage. We have a duty to rescue this site—a duty to ourselves and, most importantly, to future generations.

Mr. THURMOND. Mr. President, as author of the Senate companion bill to H.R. 3960, it is my pleasure to rise today in support of final passage of this bill which will authorize the establishment of the Charles Pinckney National Historic Site in Charleston, SC.

I would like to take this opportunity to express my strong appreciation to Senator BUMPERS, the chairman of the Energy and Natural Resources' Subcommittee on Public Lands, National Parks and Forests, for his strong support and the expeditious manner in which he scheduled hearings and reported this bill. I would also like to thank the ranking minority member, Senator WALLOP, and the other members of the subcommittee for their fine support and cooperation on this measure. It was my distinct pleasure to testify before the subcommittee on June 23 of this year, and I am pleased that this legislation is now before this body.

Mr. President, I want to spend just a few minutes on the subject of this legislation. Charles Pinckney was one of our country's finest Founding Fathers. His estate, known as Snee Farm, is one of only eight actual primary dwellings left that can be directly associated with a signer of the Constitution.

The Snee Farm home is a simple 1½ story, clapboard structure that was built in 1754 by Col. Charles Pinckney, father of the signer of the Constitution. The farm house is the center piece of a serene 21 acre tract of land outside Charleston, SC. George Washington, after a visit to the estate, referred to Snee Farm as "The county seat of Charles Pinckney."

Mr. President, as we celebrate the signing and ratification of the Bicentennial of the Constitution, it is fitting to preserve the home of one of the most prominent figures at the Constitutional Convention. Charles Pinckney began a career of dedicated service to his country by serving in the Revolutionary War. He rose to the rank of lieutenant and was captured and held as a prisoner of war after the fall of Charleston in 1780.

One of Charles Pinckney's greatest contributions to our country was his service as a delegate to the Constitutional Convention. Although he was the second youngest delegate, Pinckney has been credited with being one of the most influential members. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during debate. Pinckney also authored a draft of the Constitution, known as the "Pinckney Draft." It is believed that as many as 31 provisions of his draft were later adopted into the Constitution.

After working to ensure ratification of the Constitution by South Carolina in 1888, Pinckney continued a distinguished career in government. He served four terms as Governor of South Carolina—1789-92, 1796-98, 1806-08—and served in the South Carolina General Assembly from 1810-14. He was elected to the U.S. Senate in 1798; and in 1801, Pinckney was appointed as U.S. Minister to Spain by President Thomas Jefferson. He finished his public service in the U.S. House of Representatives serving from 1819-21. Charles Pinckney's long and distinguished career as a public servant clearly makes him worthy of this tribute by authorizing the Charles Pinckney Natonal Historic Site.

Mr. President, I would like to mention the efforts of a group of prominent South Carolinians known as the "Friends of Snee Farm." These highly respected individuals have managed to raise $2 million in private funds to purchase the Snee Farm property. The fundraising project has been spearheaded by such able individuals as Mrs. Ernest F. Hollings, the wife of my distinguished Senate colleague from South Carolina; former South Carolina Governor, Robert McNair; and Mrs. Ann Edwards, wife of former South Carolina Governor and former U.S. Department of Energy Secretary, Dr. James Edwards; and South Carolina Governor, Carroll Campbell. In addition, my wife, Nancy, has served as chairperson of the Snee Farm Children's Education Committee. These concerned citizens have made it possible for Snee Farm to be privately purchased. It is now up to the Senate to pass this measure authorizing the Secretary of the Interior to accept this donation and place Snee Farm under the jurisdiction of the National Park Service.

Mr. President, this worthy effort has been noted by, Mr. William Penn Mott, Jr., the Director of the National Park Service, who has stated:

> The National Park Service is proud to count Snee Farm on its list of National Historic Landmarks and fully support your efforts to save this historic site. We believe that Snee Farm's destruction would be a tragedy for the Nation and an insult to the memory of one of the greatest of the Founding Fathers.

Mr. President, this is a very worthy proposal, and I urge my colleagues to vote in favor of this bill.

The bill (H.R. 3960) was ordered to a third reading, read the third time, and passed.

EXPANSION OF NATIONAL TELECOMMUNICATIONS SYSTEM FOR BENEFIT OF THE HEARING IMPAIRED

The Senate proceeded to consider the bill (S. 2221) to expand our national telecommunications system for the benefit of the hearing impaired, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That it is the purpose of this Act to—

(1) implement an interim telecommunications relay system to serve the needs of the hearing-impaired and speech-impaired populations for access to Federal departments and agencies;

(2) equip all Federal departments and agencies with TDDs or facilities to accommodate portable TDDs, or both;

(3) provide for the assembly, publication, and maintenance of a TDD directory for Federal departments and agencies, and for publication of governmental TDD access numbers in other existing directories.

FINDINGS

SEC. 2. The Congress finds that—

(1) nationwide communications are essential to the effective and efficient management of the Nation's affairs;

(2) under the Communications Act of 1934, the Federal Communications Commission was created for the purpose of regulating interstate commerce in communications by wire so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide wire communication service with adequate facilities;

(3) one percent of the population of the United States suffers from some type of hearing or speech impairment and is thus precluded from using the nationwide telecommunications system currently accessible to the nonimpaired population;

(4) the inability of these individuals to gain access to the nationwide telecommunications system available to all other individuals has a detrimental effect on the interstate commerce system;

(5) the technology exists to provide access to the nationwide telecommunications system for the many individuals currently denied access;

(6) the existing Federal TDD relay system is insufficient to handle the communications needs of the hearing-impaired and speech-impaired populations, and the incidence of TDDs in Federal departments and agencies is nearly nonexistent; and

(7) in the interest of fulfilling the mandate of the Communications Act of 1934, the Congress must enact legislation specifically addressing the needs of the hearing-impaired and speech-impaired populations and extend to them the provisions of such Act.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "TDD" means a Telecommunications Device for the Deaf, a machine which employs graphic communications in the transmission of coded signals through the nationwide telecommunications system; and

(2) "Federal departments and agencies" means each department, agency, or other entity of the United States Government, except the Congress.

REGULATION; PROGRAM

SEC. 4. (a) The Federal Communications Commission, in consultation and coordination with the Architectural and Transportation Barriers Compliance Board, shall, by regulation, take such action as may be necessary to establish and implement a telecommunications system for the hearing-impaired and speech-impaired populations with and within the Federal Government that serves as an interface between TDD users and Federal departments and agencies.

(b) In carrying out the provisions of subsection (a), the Commission shall—

(1) within 90 days after the date of enactment of this Act, provide for the continuation of the existing Federal relay system for users of TDDs and expand it to a minimum service level to be established in accordance with subsection (a);

(2) within 18 months after such date of enactment, complete a rulemaking that will—

(A) ensure that Federal departments and agencies are equipped with TDDs to provide to hearing-impaired and speech-impaired individuals direct access to the resources of those departments and agencies; and

(B) assure the accessibility of TDDs in Federal departments and agencies sufficient to meet the needs of the hearing-impaired and speech-impaired employees of the Federal Government;

(3) assemble, publish, and maintain a TDD directory for Federal departments and agencies, and publish, in existing directories, Federal governmental TDD access numbers;

(4) adopt the design of a standard logo to signify the presence of a TDD;

(5) support the development of technologies designed to reduce the cost of TDD telecommunications with and within the Fedeal Government; and

(6) plan for the evolution of a telecommunications system with and within the Federal Government for use by the hearing-impaired and speech-impaired populations.

INQUIRY REGARDING INTERSTATE TDD RELAY SYSTEM

SEC. 5. The Federal Communications Commission shall, within 12 months after the date of enactment of this Act, complete its existing inquiry regarding an interstate relay system for users of TDDs.

TDD INSTALLATION BY CONGRESS

SEC. 6. As soon as practicable, the Congress shall—

(1) ensure that congressional offices are equipped with TDDs to provide to hearing-impaired and speech-impaired individuals access to congressional resources; and

(2) assure the accessibility of TDDs in congressional offices sufficient to meet the needs of hearing-impaired and speech-impaired employees of the Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HARKIN. Mr. President, I am pleased to rise in support today of S. 2221, a bill which will greatly improve the Federal Government's telecommunications systems for people with hearing or speech impairments.

This bill requires the Federal Communications Commission [FCC] to work with the Architectural and Transportation Barriers Compliance Board [ATBCB] to establish and implement, with and within the Federal Government, a telecommunications system for people with hearing or speech impairments. It will also equip all Federal departments and agencies with telecommunication devices for the deaf [TDD's] or facilities to accommodate portable TDD's, or both; provide for the publication of a TDD directory for Federal departments and agencies, and for publication of governmental TDD access numbers in other existing directories; mandate the design of a standard logo to identify the location of a TDD; and support the development of technologies designed to reduce the cost of TDD telecommunications with and within the Federal Government.

I thank Senator McCAIN for adding to the bill, language which I requested that requires the FCC to complete its existing inquiry into the development of a non-Federal interstate relay system.

We often take for granted the ease of using the telephone to reach friends, relatives and businesses. Yet, this is a luxury that most people with hearing or speech impairments do not enjoy. Many people with speech or hearing impairments can make telephone calls with "telecommunication devices for the deaf," also known as TDD's, which enable calls to be placed by typing messages on a keyboard. But, TDD users can only call other people who have TDD's to receive their calls. Where does this leave, then, the deaf employee who must call his boss to let her know he cannot come to work on a snowy day? How does a parent with a speech impairment call her child's school in an emergency when the school has not purchased a TDD? Even the smallest task can become a major nuisance for someone who cannot use regular telephone services.

One option for addressing this problem is to establish TDD relay systems. These systems use a third party to transmit messages back and forth between the TDD user and the hearing individual he or she wishes to call.

While a number of States have successfully established intrastate relay systems, efforts to obtain interstate services by State commissions and local telephone companies have met with problems because it has been unclear whether there is a need for the FCC to establish guidelines in this area. Consequently, TDD users have been unable to relay calls to a business, friend, or relative in another State.

Since early this year, my staff has worked closely with a group interested in clarifying the role of the FCC with respect to interstate telecommunications relay systems. These meetings have included representatives from organizations representing people with hearing impairments, such as the National Center on Law and the Deaf at Gallaudet College; the National Association of the Deaf; and Telecommunications for the Deaf, Inc.; as well as representatives from the National Association of Regulatory Utility Commissioners and telephone companies.

The language added to S. 2221 will require the FCC to make a timely response to their current Notice of Inquiry (FCC 88-123). It should also result in the FCC clarifying their service boundaries and jurisdiction relative to a national interstate telecommunications system for persons who use TDD's. This activity is essential for the ongoing development of a national telecommunications system that is truly accessible to persons with disabilities.

This bill addresses the need to establish telephone relay services to provide access to the Federal Government for people with hearing or speech impairments. Currently, there is a Federal relay system for TDD users operating as a pilot program funded by the ATBCB and housed in the Treasury Department. But, this pilot program only funds one operator to relay messages for the entire Federal Government. Clearly, this service is inadequate to provide access for the 24 million people in this country with hearing impairments, or the 2.8 million people who have speech impairments.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in programs or activities conducted by the Federal Government. This legislation is in keeping with the intent of section 504. It is inexcusable that, 15 years after the enactment of the Rehabilitation Act, people with hearing and speech impairments are still not receiving full access to the Federal Government, including the Congress. The passage of S. 2221, which I fully support, must not be construed as providing a time extension for compliance with requirements of section 504 to ensure full access to and participation in the Federal Government by persons with speech and hearing impairments.

Just last week, the Senate passed my bill, the Technology-Related Assistance for Individuals with Disabilities Act of 1988, which will help ensure that people with disabilities have access to the assistive technology they need to be more productive, independent, and integrated into the mainstream of society. This bill will help ensure that those users of TDD's have access to the Federal Government; access that has been denied them to date. I congratulate Senator McCAIN on his efforts.

Mr. McCAIN. Mr. President, as I stand here today, it is unfortunate that there are 24 million Americans who are not enjoying the same rights and privileges accorded to them by the Communication Act of 1934—the right for all Americans to have equal access to this Nation's telecommunications network. For too long we have overlooked the 24 million hearing-impaired and almost 3 million speech-impaired Americans. S. 2221 is a bill to improve the Federal telecommunications system for the benefit of the hearing- and speech-impaired, gives us an opportunity to correct this situation and allow these proud citizens to share in the finest telecommunications system in the world.

One hundred and twenty-six years ago Alexander Graham Bell was attempting to invent a better hearing aid so that his deaf wife could communicate more efficiently. Ironically, the device he created proved to be one of the greatest obstacles to the hearing-impaired world—the telephone. The technological problems that initially prevented the hearing-impaired from having access to our telecommunications system have been overcome. Now we must demonstrate the political will to make that access a reality. Our Nation has made the decision, the correct one I believe, that people with disabilities have much to contribute to our society. Access to all that life has to offer must be assured.

S. 2221 is a good first step in affirming to the hearing-impaired community that we intend to fully integrate them into our Nation's telecommunications system. This measure requires the construction of a telecommunications network with and within the Federal Government by expanding the existing Federal relay system, and it provides for the installation of devices known as TDDS, telecommunication devices for the deaf. These devices would insure that hearing-impaired individuals have real-time access to our Federal Government.

The Federal Government's current system is woefully inadequate. All that exists now is a relay staffed by one lone operator. All TDD calls to, from, and within the Federal Government must be channelled through this slow and cumbersome system. Clearly, the spirit of integration called for by the Communications Act of 1934 is not evident here.

I acknowledge that this legislation only addresses one aspect of the communication needs of the hearing- and speech-impaired community. But it is an important and necessary first step. The ability of these 24 million tax paying Americans to communicate with the Federal Government and for the Government to communicate with all of its citizens is necessary for the efficient and representative management of society.

Quite simply, Mr. President, we cannot ignore this large segment of our population. We must give them every opportunity we give to all citizens. This is not only in the country's best interests, it is this group's right as participating members of our society.

Last month, at a hearing on this bill, I learned that every morning across this great country of ours there are deaf children that say the Pledge of Allegiance in sign language. The pledge ends on the note that in this country there is justice for all. In this spirit that I ask for quick passage of S. 2221 so that those children will be able to exercise their rights under the flag to which they pledge their allegiance.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill (S. 2221) was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDING THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of H.R. 4694 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4694) to amend the Perishable Agricultural Commodities Act to increase the statutory ceilings on license fees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 4694) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PET THEFT ACT OF 1988

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of S. 2353, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2353) to amend the Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2843

Mr. BYRD. Mr. President, on behalf of Senators FORD, LEAHY, DOLE, and CONRAD, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mr. FORD (for himself, Mr. LEAHY, Mr. DOLE, and Mr. CONRAD) proposes an amendment numbered 2843.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pet Theft Act of 1988".

SEC. 2. ANIMAL WELFARE ACT.

The Federal Laboratory Animal Welfare Act (7 U.S.C. 2131 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 28. PROTECTION OF PETS.

"(a) GENERAL RULE.—Except in instances where State or local law supersedes, it shall be unlawful for any class B licensee, as defined by the Secretary of Agriculture in regulations (hereinafter referred to in this section as the 'dealer'), to obtain live random source dogs and cats from a source other than—

"(1) a State, county, or city owned and operated pound or shelter,

"(2) a private entity established for the purpose of caring for animals such as a humane society, or any other organization that is under contract with a State, county, or city that operates as a pound or shelter and that releases animals on a voluntary basis;

"(3) research facilities licensed by the Department of Agriculture; or

"(4) individuals who have bred and raised such dogs and cats on their own premises.

"(b) HOLDING PERIODS.—The pounds, shelters, or organizations referred to in section 28(a) (1), (2), and (3) shall hold and care for dogs or cats for a period of at least seven days before selling such dogs or cats to dealers, to enable such dogs and cats to be recovered by their original owners or to be adopted by other individuals.

"(c) CERTIFICATION.—

"(1) IN GENERAL.—Dealers may not sell, provide, or make available to any individual or entity a random source dog or cat unless such dealer provides the recipient with a valid certification that meets the requirements of paragraph (2) and subsection (b).

"(2) REQUIREMENTS.—A valid certification must contain—

"(A) the name, address, and Department of Agriculture license or registration number (if such number exists) of the dealer;

"(B) the name, address, Department of Agriculture license or registration number (if such number exists), and the signature of the recipient of the dog or cat;

"(C) a description of the dog or cat being provided that shall include—

"(i) the species and breed or type of such;

"(ii) the sex of such;

"(iii) the date of birth (if known) of such;

"(iv) the color and any distinctive marking of such; and

"(v) any other information that the Secretary by regulation shall determine appropriate;

"(D) the name and address of the person, pound, or shelter from which the dog or cat was purchased or otherwise acquired by the dealer;

"(E) the date of the purchase or acquisition referred to in subparagraph (D);

"(F) a statement by the pound or shelter (if the dealer acquired the dog or cat from such) that it satisfied the requirements of subsection (b); and

"(G) any other information that the Secretary by regulation shall determine appropriate.

"(3) Records.—The original certification required under paragraph (1) shall accompany the shipment of a dog or cat sold, provided, or otherwise made available by the dealer, and shall be kept and maintained by the research facility for a period of at least one year for enforcement purposes. The dealer shall retain one copy of the certification provided under this paragraph for a period of at least one year for enforcement purposes.

"(4) Transfers.—In instances where one research facility transfers animals to another research facility a copy of the certificate must accompany such transfer.

"(d) Enforcement.—

"(1) In general.—Dealers who fail to act according to the requirements of this section, or who include false information in the certification required under subsection (c), shall be subject to the penalties provided for under section 19.

"(2) Subsequent violations.—Any dealer who violates this section more than one time shall be subject to a fine of $5,000 per dog or cat acquired or sold in violation of this section.

"(3) Permanent revocations.—Any dealer who violates this section three or more times shall have such dealers license permanently revoked.

"(e) Regulation.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.".

Mr. FORD. Mr. President, 2 years ago an out-of-state class B dealer came to eastern Kentucky to buy dogs for medical research purposes. Unfortunately, but typically, many of the dogs he bought were stolen—they were peoples' pets. Public reaction in Kentucky to this incident was loud and strong, as it has been everywhere that cherished family pets are suddenly missing in large numbers.

Upon looking further into the matter, I discovered that pet theft is a Nation-wide problem. My files contain articles from major newspapers documenting theft for research in, to name a few, the following States: California, Illinois, Indiana, Kansas, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Montana, North Carolina, Oregon, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

KMOV, a TV station in St. Louis, MO, ran a five-part series from May 9-12, 1988, documenting these auction sales and showing dogs that were obviously stolen. I have a copy of the tape of this program in my office if any of my colleagues wish to view it.

Finally, the U.S. Department of Agriculture has documented case after case of stolen pets being sold by class B dealers to researchers. According to USDA, the problem of pet theft occurs primarily in relation to auction sales, as noted in proposed regulations dated March 31, 1987. I quote:

> In the past few years, there have been several instances of dealers buying and selling obviously stolen animals and of a few research facilities obtaining animals under questionable circumstances. One of the major purposes of the Act (Animal Welfare Act) is to protect the owners of animals from the theft of their animals and to prevent the sale or use of animals which have been stolen. The Department is, therefore, proposing a new (section) prohibiting the purchase, sale, use, or transportation of stolen animals.

The bill before us today, sponsored by Senator Leahy, Senator Dole, Senator Conrad, and myself, is based on these proposed regulations.

S. 2353, simply and directly, prohibits class B dealers from obtaining animals from auction sales. Class B dealers are currently licensed and regulated under the Animal Welfare Act by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service. As such, they are able to legally obtain random source animals from two main sources: auction sales, as happened in eastern Kentucky, and pounds and shelters. Under S. 2353, class B dealers will be able to take a dog or cat only from a State, county, or city owned and operated pound or shelter. Furthermore, that animal must have been held at the facility for a period of at least 1 week to allow recovery by its owner and/or a chance to be adopted.

Mr. President, it was the problem of stolen pets that caused the enactment of the Animal Welfare Act in August of 1966. Yet here we are, almost 22 years to the day, with the exact same problem—except that now it is being perpetrated through a loophole in the act.

It is that loophole we seek to close today.

The road to achieving this moment has not been easy. The bill before us is the product of extensive deliberation both within and without the Agriculture Committee, and on and off the Hill.

I want to make it clear to my colleagues that medical researchers do not want to experiment on stolen animals. I say this on the basis of extensive communication with and testimony from individual researchers across the Nation. I also want my colleagues to know that, among many other researchers, Dr. Michael DeBakey, one of the Nation's most prominent heart surgeons and the premier spokesman for the biomedical research community, has personally endorsed my bill.

The owners of 56 million cats and 54 million dogs across the United States have a right to protect their pets from theft. Without the bill before us, without closing this loophole, there is no way to grant them that relief.

Mr. President, because the problem of pet theft is so pervasive, occurring in every jurisdiction, and because no responsible researcher wants anything to do with stolen animals, I look forward to swift passage of this legislation by the House of Representatives.

Mr. LEAHY. Mr. President, children and adults across America treasure the companionship and love of the pets who share their homes and are considered part of the family. S. 2353, The Pet Theft Act, is a bill for our pets. This legislation, introduced by Senator Ford, will protect pets from theft and provide additional opportunities for pet adoption.

This bill, S. 2353, was referred to the Senate Committee on Agriculture this spring. Senator Ford came to me personally to discuss this bill and made a very strong case for its passage. I was so impressed with what he said that I decided that we would bypass committee hearings and move as quickly as possible to bring the bill to the floor of the Senate.

Under Senator Ford's leadership, we worked with concerned parties and altered the bill so that it is acceptable to everyone. Yesterday, Senator Ford, along with Senators Dole, Conrad, and myself, introduced S. 2703, a pet theft bill which represents the improvements made during the course of our deliberations.

Time is running out. Because it is very important to pass this bill, the Senate Agriculture Committee is discharging S. 2353 with an amendment in the form of a substitute. The amended bill is identical to S. 2703 introduced on the floor yesterday. I ask that the Senate immediately consider and pass favorably this improved compromise legislation.

Unfortunately, there are numerous, documented cases of animal dealers obtaining stolen pets at auctions for the purpose of selling them to research institutions. This is a practice that mut be stopped immediately. This legislation bans auction sales of animals for research purposes and would thereby eliminate the abduction of pets in our neighborhoods.

This legislation also requires a 7-day holding period at pounds so that sufficient time is allowed for the recovery and adoption of pets before releasing them for research. Most people find that Saturdays are the most convenient time to visit their local shelter to look for a new pet. A 7-day period would ensure that pets are there to visit on Saturdays so that adequate opportunity is provided for adoption of homeless animals.

As I stated yesterday, many people have worked long hours on this legislation and it represents a rare and thoughtful compromise on behalf of the animal welfare organizations and the scientific research community.

Mr. President, I accept that prudent use of animals for research is necessary to advance medical science and save human lives. But we must protect against the misuse of animals and explore alternatives to their use in research, testing and education. This bill will not hinder medical research in this country. Rather, this bill will ensure that only those animals intended for research are used.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

The amendment (No. 2843) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a thrid reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENSE-OF-THE-SENATE RESOLUTION CONCERNING THE 1988 SEOUL OLYMPIC GAMES

Mr. STEVENS. Mr. President, on behalf of Senator Bond, myself, Mr. Murkowski, Mr. Boren, Mr. Shelby, Mr. Wilson, Mr. Cochran, Mr. McConnell, Mr. Dixon, Mr. Rudman, Mr. Sanford, Mr. Helms, Mr. Quayle, Mr. Packwood, Mr. Danforth, and Mr. Karnes, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 462) expressing the sense of the Senate concerning the 1988 Seoul Olympic games.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOND. Mr. President, next month the eyes of the world will turn to Seoul, Korea which will host the 24th summer Olympic games. The resolution before us today expresses the Senate's support for those games, and expresses our hope for continued progress toward peace in this region.

This will be a truly historic event as more than 12,000 athletes from a record 161 nations travel to Seoul to compete in various sporting events. The games will be noteworthy for several other reasons, as well.

First, this will be the first Olympiad in 12 years which will not be marred by an organized political boycott. Even more important will be the significance of holding the games in Korea. That Koreans, Americans, Soviets, Chinese, and Japanese athletes all will compete in a nation which symbolizes such differing and deep-seated memories for each of them will contribute toward peace in all of Asia.

The one unfortunate note regarding the Olympics is North Korea's continued refusal to participate. Despite the fact that its major allies, including the Soviet Union and China, will participate, the North Koreans continue to decline all offers to come to Seoul. The resolution before us today calls upon the North Koreans to participate and urges that country's allies to encourage its participation.

The resolution also commends Korean President Roh Tae Woo for his July 7 initiative aimed at improving relations between his country and North Korea. President Roh has taken a significant step toward improving relations. I know my colleagues join me in wishing him success on his effort. North Korean participation in the games would be a good indication of their desire to consider Roh's initiative in good faith.

Mr. President, the Koreans have put a lot of effort into preparing for the Olympics. The Seoul Olympic Organizing Committee, under the able leadership of President Park Seh Jik, especially deserves commendation for its fine efforts. I ask unanimous consent that an article by President Park describing the efforts of the committee be printed following my statement.

The facilities which have been constructed for the games are some of the finest in the world. I had the opportunity to visit the Olympic Center last November, and I was impressed with the fine work that had been completed at that point.

The Koreans also have, unfortunately, had to invest significant resources in security. The measures they have taken are unprecedented and, it is hoped, will be sufficient to prevent any terrorist acts from marring the games. During his visit to South Korea last month, Secretary of State Shultz expressed his view that there would be no terrorist incidents at the games.

Mr. President, this resolution commends our good friends and close allies in Korea for their hard work in preparing for the summer Olympics, and it expresses our wish for safe and successful games. I hope that all of my colleagues will join me in supporting it and I urge its adoption.

Mr. MURKOWSKI. Mr. President, the Olympic games have always provided the drama of human accomplishment—the "thrill of victory and the agony of defeat" as the line goes—they have also provided great moments of political drama.

The confrontation between the black American Jesse Owens, and the ultimate racist, Adolf Hitler in 1936; the violence associated with student demonstrations in Mexico City in 1964; the terrorism of Munich in 1972, and the boycotts of Moscow in 1980 and Los Angeles in 1984: these are sad memories.

Yet as Avery Brundage said after the Munich tragedy, "The games must go on." Go on they have. It is a mark of the strength of the Olympic movement and its commitment to world peace that the games have gone on.

This year, Mr. President, the Olympic games offer an opportunity for a positive movement for peace in one of the planet's longest continuing wars. The games are being held in Seoul, one of the world's most modern and progressive cities.

Despite the approach of its 600th anniversary, Seoul is a thoroughly 20th century place. The various Olympic venues, communications facilities, and athletes' housing are straight out of the next century.

This is particularly amazing, Mr. President, when we remember that within the lifetime of even the youngest Member of this body, Seoul was leveled by a devasting war, a war, ended by a truce in 1953, which is legally still in progress.

Mr. President, this is neither the time nor the place to conduct a lesson on the sad course of Korean history, or the many false starts which have been made to achieve a lasting peace on the peninsula. It is a time, however, to look with hope to an end to the hostilities between the Korean peoples.

On July 7, 1988, President Roh Tae Woo of the Republic of Korea announced an historic new initiative aimed at improving relations between the North and South Korean Regimes. I commend President Roh and express my hopes that the Olympic spirit can permeate the Korean situation and lead to an opening to peace.

Mr. President, this resolution urges the North Koreans to participate in the Seoul Olympics. It also urges North Korea's friends who plan to attend, notably the Soviet Union and China, to encourage the North Koreans to participate. That is my hope too.

Mr. President, I urge the North Koreans to take the first essential steps toward Korean peace.

First, they should forswear any use of terrorism in connection with the games;

Second, they should send a team to Seoul to participate in the games; and

Third, they should reopen government-to-government talks with the South.

The Olympic games provide the perfect atmosphere in which to take these steps.

If North Korea were to take them, it would be incumbent on the other particpants in the Korean war to frame appropriate reactions.

The end result of these actions would be to lower tensions on the Korean peninsula and might be an opening to peace.

Mr. President, those of us from Alaska are looking forward to the Seoul Olympiad with greater anticipation than most Americans. We are certain that the international Olympic committee meeting at Seoul will award the 1994 winter games to Anchorage. It is a great prize, but we have run a great race and we expect to win.

Mr. President, how much more glorious would the victory be if the great prize of peace could be awarded to Korea as a result of the 1988 Olympic games.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 462) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 462

Whereas there have been a long history of close friendships and cooperation between the United States and the Republic of Korea;

Whereas Seoul, the capital of the Republic of Korea, will host the XXIV Olympiad from September 17 to October 2, 1988;

Whereas the Seoul Olympic Organizing Committee has effectively directed the preparations for the 1988 Olympics including extraordinary security precautions;

Whereas more than 160 nations, a record number, have officially accepted the Olympic invitations and will send some 12,000 athletes to Seoul, making this year's Games the largest ever;

Whereas the Seoul Olympics will include participation by the major nations of both the Western and Eastern Blocs and, thus, for the first time in 12 years will not be marred by an organized political boycott;

Whereas the Seoul Olympic Organizing Committee, under the auspices of the governing International Olympic Committee, has made every effort to allow for the participation of North Korea;

Whereas Seoul continues to show flexibility in its dealing with the North and, on July 7, 1988, Republic of Korea President Roh Tae Woo announced a historic new initiative aimed at improving relations between the rival governments; and

Whereas a successful Seoul Olympiad which includes the participation of not only the major communist bloc nations but also North Korea would serve American interests by reducing tensions of the Korean peninsula and improving East-West relations: Now, therefore, be it

Resolved, That—

(1) the Senate pays tribute to the close friendship between our two peoples and the mutually beneficial cooperation between our governments;

(2) the Senate commends the Seoul Olympic organizers for the serious attention they have given to safety precautions.

(3) the Senate urges all member nations of the Olympic Family including North Korea to participate in the Seoul Games;

(4) the Senate commends all nations including the Soviet Union and the People's Republic of China, which have announced their intention to attend the Soul Olympics;

(5) the Senate commends Korean President Roh Tae Woo for his July 7, 1988, policy initiative which is aimed at improving North-South relations and coaxing North Korea out of its international isolation;

(6) the Senate urges North Korea to respond favorably to President Roh's July 7th initiatives;

(7) the Senate urges North Korea's allies to encourage the North to attend the Games;

(8) the Senate would consider North Korea's participation as an important gesture and a significant indication that it is serious about achieving tension reduction on the peninsula and enhancing stability in all of North Asia.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, does my good friend, the distinguished Senator from Alaska who is the acting Republican leader have anything further he wishes to say or any further business he wishes to transact?

Mr. STEVENS. No, I am pleased to be here again with my good friend from West Virginia. He has had a very hard day and performed in his usual illustrious way. I am proud of the majority leader and I am pleased to be here.

Mr. BYRD. I thank my good friend.

ORDERS FOR THRUSDAY

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning; that following the two leaders under the standing order, there will be a period for morning business to extend to 9:30 a.m., that Senators may speak during that period of morning business for not to exceed 5 minutes each; that at 9:30 a.m., the Senate resume consideration of the unfinished business and the Senator from Louisiana be recognized at that point to make the motion to table.

The PRESIDING OFFICER. Is there an objection?

Without objection it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will come in tomorrow at 9 o'clock. After the two leaders or their designees have been recognized under the standing order there will be morning business until 9:30. During that period for morning business Senators will be permitted to speak for not to exceed 5 minutes each.

At the hour of 9:30 the Senate will resume consideration of the unfinished business, the DOD appropriations bill, and at that moment Mr. Johnston will be recognized, and if not Mr. Johnston I will be recognized, to make a tabling motion on which the yeas and nays have been ordered.

That will be a 15-minute rollcall vote. The call for the regular order will be automatic at the conclusion of the 15 minutes.

Senators are urged to be here in advance of the vote and following that vote the Senate will then proceed to consideration of other amendments and there will be other rollcall votes throughout the day.

I hope and believe that the Senate can complete action on the DOD appropriations bill tomorrow, which then will allow it to go to conference and staffs can prepare for the conference which will occur on that bill.

That will be the 13th appropriation bill out of the 13 regular appropriations bills this year. And I think that, if that bill goes to conference tomorrow, it will mean that action on the other appropriations bills that are in conference will be in hand.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Yes, I will be happy to.

Mr. STEVENS. Did the Senator say the time for the vote is 9:30 a.m.?

Mr. BYRD. Yes, 9:30 a.m.

Mr. STEVENS. I thank my friend.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate——

Mr. STEVENS. Will the Senator withhold for a moment? I see the Senator from California is here, Mr. Leader.

Mr. BYRD. Mr. President, I ask unanimous consent that there be morning business for—how many minutes will the Senator wish to speak?

Mr. WILSON. Oh, about 12 or 15 minutes.

Mr. BYRD. For not to exceed 15 minutes. And the Senator only intends to make a speech?

Mr. WILSON. And then recess.

Mr. BYRD. And then recess.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator may have 15 minutes for that purpose and that upon the conclusion of his remarks the Senate stand in recess under the order until tomorrow morning at 9 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

The **PRESIDING OFFICER.** The Senator from California.

(The remarks of Mr. WILSON pertaining to the introduction of legislation appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

RECESS UNTIL 9 A.M. TOMORROW

The **PRESIDING OFFICER.** Under the unanimous-consent agreement, the Senate stands in recess until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 11:38 p.m., recessed until Thursday, August 11, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 10, 1988:

DEPARTMENT OF THE TREASURY

NICHOLAS F. BRADY, OF NEW JERSEY, TO BE SECRETARY OF THE TREASURY.

DEPARTMENT OF EDUCATION

LAURO F. CAVAZOS, OF TEXAS, TO BE SECRETARY OF EDUCATION.

BOARD FOR INTERNATIONAL BROADCASTING

MICHAEL NOVAK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1991 (REAPPOINTMENT).

LEGAL SERVICES CORPORATION

J. BLAKELEY HALL, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1989, VICE LEAANNE BERNSTEIN, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR THE TERMS INDICATED:

FOR A TERM OF 2 YEARS:

STEPHEN E. BELL, OF VIRGINIA, VICE V. SHANNON CLYNE, TERM EXPIRED.

FOR A TERM OF 3 YEARS:

JAMES H. ATKINS, OF ARKANSAS, VICE ROBERT A.G. MONKS, TERM EXPIRED.

COMMUNICATIONS SATELLITE CORPORATION

THOMAS C. GRISCOM, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1991, VICE NEAL B. FREEMAN, TERM EXPIRED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

EVAN GRIFFITH GALBRAITH, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1990 (REAPPOINTMENT).

SECURITIES INVESTOR PROTECTION CORPORATION

THOMAS J. HEALEY, OF NEW JERSEY, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1991 (REAPPOINTMENT).

U.S. INFORMATION AGENCY

HENRY E. HOCKEIMER, OF MICHIGAN, TO BE AN ASSOCIATE DIRECTOR OF THE U.S. INFORMATION AGENCY, VICE WOODWARD KINGMAN, RESIGNED.

U.S. POSTAL SERVICE

BERT H. MACKIE, OF OKLAHOMA, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 1997, VICE J.H. TAYLOR MCCONNELL, TERM EXPIRING.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. H. NORMAN SCHWARZKOPF, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieuteant general

MAJ. GEN. CARL W. STINER, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN CONJUCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 601(A) AND TO BE APPOINTED AS SENIOR ARMY MEMBERS OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711.

To be lieutenant general and senior Army members of the Military Staff Committee of the United Nations

LT. GEN. JOHN W. FOSS, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be brigadier general

COL. RICHARD W. POTTER, JR., [redacted], U.S. ARMY.
COL. DEWITT T. IRBY, JR., [redacted], U.S. ARMY.
COL. MICHAEL M. SCHNEIDER, [redacted], U.S. ARMY.
COL. GERALD C. BROWN, [redacted], U.S. ARMY.
COL. JOSEPH S. STRINGHAM, [redacted], U.S. ARMY.
COL. WILLIAM J. EDWARDS, [redacted], U.S. ARMY.
COL. HUBA WASS DE CZEGE, [redacted], U.S. ARMY.
COL. THOMAS L. PRATHER, JR., [redacted], U.S. ARMY.
COL. CREIGHTON W. ABRAMS, JR., [redacted], U.S. ARMY.
COL. JOHN G. COBURN, [redacted], U.S. ARMY.
COL. LEONARD D. MILLER, [redacted], U.S. ARMY.
COL. JOHN H. LITTLE, [redacted], U.S. ARMY.
COL. PAUL Y. CHINEN, [redacted], U.S. ARMY.
COL. OTTO J. GUENTHER, [redacted], U.S. ARMY.
COL. STANLEY KWIECIAK, JR., [redacted], U.S. ARMY.
COL. MARY C. WILLIS, [redacted], U.S. ARMY.
COL. RICHARD W. WHARTON, JR., [redacted], U.S. ARMY.
COL. ROGER F. YANKOUPE, [redacted], U.S. ARMY.
COL. WILLIAM G. CARTER III, [redacted], U.S. ARMY.
COL. JAMES E. MACE, [redacted], U.S. ARMY.
COL. ROBERT P. MCFARLIN, [redacted], U.S. ARMY.
COL. WESLEY K. CLARK, [redacted], U.S. ARMY.
COL. PAT M. STEVENS IV, [redacted], U.S. ARMY.
COL. WALTER H. YATES, JR., [redacted], U.S. ARMY.
COL. ROBERT A. DROLET, [redacted], U.S. ARMY.
COL. THOMAS P. BARRETT, [redacted], U.S. ARMY.
COL. JUDE W.P. PATIN, [redacted], U.S. ARMY.
COL. HUBERT G. SMITH, [redacted], U.S. ARMY.
COL. CHARLES W. MCCLAIN, JR., [redacted], U.S. ARMY.
COL. MICHAEL S. DAVISON, JR., [redacted], U.S. ARMY.
COL. RICHARD E. BEALE, JR., [redacted], U.S. ARMY.
COL. PAUL E. BLACKWELL, [redacted], U.S. ARMY.
COL. RICHARD W. TRAGEMANN, [redacted], U.S. ARMY.
COL. ROBERT E. GRAY, [redacted], U.S. ARMY.
COL. JARED L. BATES, [redacted], U.S. ARMY.
COL. HENRY A. KIEVENAAR, [redacted], U.S. ARMY.
COL. RICHARD F. TIMMONS, [redacted], U.S. ARMY.
COL. FRANK L. MILLER, JR., [redacted], U.S. ARMY.
COL. ALFONSO E. LENHARDT, [redacted], U.S. ARMY.
COL. JOSUE ROBLES, JR., [redacted], U.S. ARMY.
COL. JAMES J. STEELE, [redacted], U.S. ARMY.
COL. THOMAS E. WHITE, JR., [redacted], U.S. ARMY.
COL. ROBERT C. GOETZ, [redacted], U.S. ARMY.
COL. JARRETT J. ROBERTSON, [redacted] U.S. ARMY.
COL. JOSEPH W. KINZER, [redacted], U.S. ARMY.
COL. JOHN S. COWINGS, [redacted], U.S. ARMY.
COL. WILLIAM M. STEELE, [redacted], U.S. ARMY.
COL. DAVID J. KELLEY, [redacted], U.S. ARMY.
COL. GREGORY G. GOVAN, [redacted], U.S. ARMY.
COL. WESLEY B. TAYLOR, JR., [redacted], U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2, U.S. CONSTITUTION.

To be vice admiral

REAR ADM. JOHN D. BULKELEY, [redacted]/1113, U.S. NAVY (RETIRED) (RECALL).

CONFIRMATION

Executive nomination confirmed by the Senate August 10, 1988:

INTERSTATE COMMERCE COMMISSION

KAREN BORLAUG PHILLIPS, OF VIRGINIA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1991.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, August 10, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for the leaders of our Nation, O God, those women and men who are called to serve all the people. As they experience the strains of leadership and the dilemmas of decision, may Your spirit of reconciliation and truth set upon them and give them those qualities of justice and mercy that will enable them to lead our Nation to be a place where justice is truly established and mercy is practiced through the land. This we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **MARLENEE**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **MARLENEE**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 113, not voting 45, as follows:

[Roll No. 272]

YEAS—272

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Barnard
Bartlett
Bateman
Beilenson
Bennett
Berman
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McEwen
McHugh
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Patterson
Payne
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Saxton
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—113

Badham
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Edwards (OK)
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gregg
Hastert
Hawkins
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lungren
Marlenee
Martin (IL)
McCandless
McMillan (NC)
Miller (OH)
Moorhead
Morella
Morrison (WA)
Murphy
Oxley
Parris
Pashayan
Penny
Porter
Rhodes
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Visclosky
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—45

Armey
AuCoin
Bates
Bevill
Bilbray
Boulter
Chappell
Clay
Conyers
DeFazio
Dowdy
Ford (MI)
Gray (PA)
Hatcher
Johnson (CT)
Kemp
Kleczka
Konnyu
Leath (TX)
Leland
Lewis (CA)
Livingston
Lowery (CA)
Lukens, Donald
Mack
MacKay
Madigan
McCollum
McCurdy
McDade
McGrath
Meyers
Mica
Molinari
Moody
Murtha
Neal
Rangel
Ridge
Ritter
Savage
Shuster
Spence
Valentine
Williams

☐ 1023

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 3431. An act to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL;

H.R. 3880. An act to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years;

H.R. 4676. An act to amend the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 to extend through the fiscal year 1989 the authorities contained in such Act;

H.R. 4754. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes;

H.R. 5174. An act to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes;

H.J. Res. 417. Joint resolution designating May 1989 as "Neurofibromatosis Awareness Month"; and

H.J. Res. 525. Joint resolution to designate the month of November 1988 as "National Hospice Month."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 17, 18, 24, 30, 51, 56, 57, 58, 62, 64, 70, and 75 to the above-entitled bill.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1236. An act to reauthorize housing relocation under the Navajo-Hopi Relocation Program, and for other purposes.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT PROVIDING FOR CONSIDERATION OF OMNIBUS DRUG ABUSE AMENDMENTS OF 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report providing for the consideration of an unnumbered bill relating to the omnibus drug abuse amendments of 1988.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MICHEL. Mr. Speaker, reserving the right to object, I reserve the right to object for the purpose of making it abundantly clear that the distinguished majority leader making a unanimous-consent request to file a rule with respect to consideration of the drug bill, while Members are well aware that there are a number of committees involved in that rather comprehensive piece of legislation, the Speaker's burning interest in it, having delegated to the majority leader and the gentleman on this side of the aisle to coordinate this activity, the distinguished majority leader and I met last night for nearly 2 hours going over the number of contentious amendments and considerations here.

Of course we want to proceed in a bipartisan way and in order to do that there are obviously some of those contentious, argumentative amendments that ought to be discussed by this House and let the House then work its will.

Before conceding to the gentleman's request, might I have his assurance that what agreement we arrived at last night during our lengthy meetings with respect to the numbers of amendments that would be offered is generally in accord with what we talked about last night.

Mr. FOLEY. Mr. President, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, yes, we did reach a general understanding about the recommendation to be made to the Committee on Rules on both sides of the aisle with respect to the bill.

As the House may know, there was something in the general vicinity of 150 proposed amendments to the legislation submitted to the Committee on Rules. And while I agree with the gentleman that there should be broad opportunity for the House to consider various approaches to the drug legislation, we are interested in doing that in a way that permits the efficient handling of the legislation which we are now proposing to take up the week of our return on September 7.

So I would say to the gentleman that, yes, we have a general understanding about our joint proposals to the Committee on Rules.

Mr. MICHEL. Further reserving the right to object, Mr. Speaker, while I know, Mr. Speaker, you would have liked to have added the total consideration of the drug bill, that is the rule, general debate and even amendments, resolved before our break here, I appreciate your having deferred to the fact that we have a number of Members on our side who would be instrumental in waging the verbal debate here who are away at our platform hearings. And then we were originally talking about part of the general debate today and then leaving some until after we return, along with all amendments.

Now it is my understanding that because of the time restraints here that there will only be consideration of the rule, itself, on the drug bill and then the entire debate and amending process will take place after we return. Is that not correct?

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. I thank the gentleman.

With that kind of assurance from the distinguished majority leader, in combination with our earlier conversation with the Speaker, I think Members on our side, while not everybody is going to get every small amendment he wants, there are a significant number that are going to be granted under the rule.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The Chair would like to state that on this matter, the drug bill, a matter of this importance, has come this far in a very bipartisan way and the Chair would like to express his appreciation to the majority leader and to the minority leader for the manner in which they have worked together, and to reassure both that the Chair desires to support the agreements reached between the two of them, to see that a modus operandi is achieved wherein the will of the majority of the Members of the House will be worked.

Mr. MICHEL. I thank the Speaker.

The SPEAKER. They are important amendments.

□ 1030

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4783 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 1989

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, August 10, 1988, to file a conference report on the the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MICHEL. Reserving the right to object, Mr. Speaker, and only for that purpose, if I might first inquire of the distinguished chairman of the committee, the gentleman from Kentucky [Mr. NATCHER], if I understand correctly that the conference report, while it will have a number of technical amendments to it, will bring back only one significant amendment in disagreement with respect to the abortion matter?

Mr. NATCHER. Mr. Speaker, the minority leader, the gentleman from Illinois [Mr. MICHEL], is correct. We had 256 amendments in disagreement. All of them were resolved, Mr. Speaker, with the exception of section 204, the abortion matter. We bring that one back in through disagreement.

Mr. MICHEL. Further reserving the right to object, Mr. Speaker.

So what this indicates is that the Members of the House will have an opportunity to speak specifically on that issue in addition to making their judgment on the conference report.

Mr. NATCHER. The gentleman from Illinois [Mr. Michel] is correct.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to my distinguished ranking member on my subcommittee, the gentleman from Massachusetts [Mr. Conte], for whatever comment he might wish to make on my observation.

Mr. CONTE. Mr. Speaker, I am glad the gentleman from Illinois [Mr. Michel] yielded.

I will not be here. Unfortunately I have an appointment tomorrow at Johns Hopkins at 12:15, but I asked the gentleman from Michigan [Mr. Pursell] to handle the bill. That will be the only major amendment, and it will be debated in full. We are bringing that amendment back in disagreement.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished gentleman from Illinois.

Mr. HYDE. Mr. Speaker, do I understand that tomorrow we are going to have a full-dress debate on abortion and we are going to deal with South Africa? And those of us who are down trying to do something with our convention, our leaders who should be down there with the Rules Committee, the platform committee, are just going to have to come back or we are going to get a lopsided vote on two important, major issues, contentious and emotional issues, and we have got to do it tomorrow? Is that correct?

Mr. NATCHER. Mr. Speaker, of course that is a matter that would be up to the leadership of the House on both sides.

Let me say to the gentlemen this:

This is a good bill. We believe on this side and on the gentlemen's side that the President will sign this bill. It is a good bill. We worked on it for many months. We would like to call it up tomorrow in the House and in the Senate. This will be a matter for the leadership. We are ready to call it up.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I do not object to Mr. Natcher's proposal at all. It just seems to me that the two of them on 1 day is overkill on some very difficult issues, and I am just pleading with the leadership to consider putting South Africa over until after our convention so we can be here, and I just am concerned that a lot of important people cannot be here on a very tough day.

Mr. MICHEL. Mr. Speaker, I subscribe to the comments of the distinguished chairman that overall the bill is compatible with what I suspect or have a hunch the President would agree with provided, of course, that the one agreement, the true disagreement, is also favorably resolved.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4867, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman's motion is to file and has nothing to do with possible consideration tomorrow; is that correct?

Mr. YATES. Mr. Speaker, if the gentleman will yield, the gentleman from Pennsylvania is correct.

As far as I know, the bill has not been scheduled as yet.

Mr. WALKER. I thank the gentleman from Illinois.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4387, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. STOKES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, disagree to the Senate amendment thereto, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

The Chair hears none, and appoints the following conferees: Messrs. Stokes, Beilenson, Kastenmeier, Roe, McHugh, Dwyer of New Jersey, Wilson, Mrs. Kennelly, Messrs. Glickman, Mavroules, Richardson, Hyde, Cheney, Livingston, McEwen, Lungren, and Shuster.

For consideration of matters within the jurisdiction of the Committee on Armed Services under clause 1(c), rule X: Messrs. Aspin, Stratton, and Dickinson.

MOTION TO DISCHARGE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. WALKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. Walker moves to discharge the Committee on Armed Services from further consideration of H.R. 4264.

MOTION TO TABLE OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. Foley moves to lay on the table the motion to discharge.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. Foley] to lay on the table the motion offered by the gentleman from Pennsylvania [Mr. Walker].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were— yeas 239, nays 163, not voting 28, as follows:

[Roll No. 273]

YEAS—239

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio

Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Rahall
Ray
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—163

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lott
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCrery
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—28

Boulter
Chappell
Clay
Dowdy
Hatcher
Johnson (CT)
Lehman (CA)
Levine (CA)
Lewis (CA)
Lipinski
Livingston
Lowery (CA)
Mack
MacKay
McCollum
McCurdy
McGrath
Meyers
Mica
Molinari
Moody
Rangel
Ridge
Shuster
Smith (FL)
Spence
Sweeney
Williams

☐ 1059

The Clerk announced the following pairs:

On this vote:

Mr. Levine of California for, with Mr. Boulter against.

Mr. THOMAS of California and Mr. HOUGHTON changed their vote from "yea" to "nay."

Mr. PANETTA and Mr. SAVAGE changed their vote from "nay" to "yea."

So the motion to lay the motion on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore (Mr. KANJORSKI) laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 15, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Room H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to advise you that, pursuant to sec. 8002 of the Internal Revenue Code, the Honorable Guy Vander Jagt (R., Mich.) a Member of the Committee on Ways and Means, has been designated to fill the vacancy created by the death of the Honorable John J. Duncan (R., Tenn.) on the Joint Committee on Taxation for the remainder of the 100th Congress.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

LEGISLATION PROVIDING PAYMENT OF OPERATING EXPENSES OF FEDERAL ELECTION COMMISSION FROM THE PRESIDENTIAL ELECTION CAMPAIGN

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to provide that the operating expenses of the Federal Election Commission be paid from the Presidential Election Campaign Fund.

This fund is supported by voluntary designations by taxpayers on their 1040 income tax returns, and brings in $30 to $40 million a year from the 25 percent of the taxpayers who so designate.

The fund is used to help pay the costs of Presidential nominating conventions and the subsequent Presidential campaigns. My bill would simply add to that the costs of operating the Federal Election Commission, which manages the fund and disburses the money.

There is no reason why the general revenues of the United States should be used for this purpose. Since all the money is turned over to the FEC, it just makes good sense to pay the FEC operating costs from it.

As the result of voluntary designations, the FEC will have $200 million to distribute to the parties and the Presidential candidates, win or lose. The FEC can operate on about 5 percent of this amount; not an unreasonable overhead in any business.

My bill would take about $10 million off the Federal budget and consolidate the financing and operations of the FEC into a single Presidential Election Campaign Fund. It does not affect our present authority to authorize the FEC operations, nor our oversight responsibility.

That makes fiscal sense, and it makes management sense.

Mr. Speaker, I urge my colleagues to support this bill.

MR. GREENSPAN, TRY A DAY ON MAIN STREET

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, I hope my colleagues will join me in sending a message to the Federal Reserve Board, a message that says it is unconscionable to drive up interest rates while a huge section of the country is laboring to pay off debts and make a recovery.

Mr. Greenspan, Middle America is trying to desperately to survive, and interest rates are the dagger in the heart, being driven into the heart, of businesses from Billings, MT, to Dodge City, KS.

My request to you, Mr. Greenspan, is quit focusing on Wall Street and try a day on Main Street. I will roll up my sleeves and join you for a day of selling insurance, selling hardware, selling tractors, real estate, or groceries in Middle America. Maybe then, maybe then you will understand why there are no jobs in States like mine, why so many stores are closed, why homes are selling at 30- to 40-percent below value.

Mr. Greenspan, do not devastate, do not devastate business in Middle America by driving up interest rates so the big banks can cover their bad loans in South and Central America.

PALESTINIANS ARE ALSO GOD'S CHILDREN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the situation in the West Bank and the Gaza Strip is getting worse. Palestinians continue to die in that region.

Mr. Speaker, Congress cannot remain silent over the abuses still being committed by Israel. They include indiscriminate beatings, bulldozing of homes and the use of live ammunition and, to boot, the deportation of Palestinian activists, which is a violation of international law.

I agree with our State Department today that Israel's handling of the uprising will in the long run jeopardize Israel's own security. We must urge the Palestinians and the PLO to renounce terrorism and recognize Israel's right to exist but, on the other hand, we must rise to condemn Israel's abuses.

We cannot forget here in this body that the Palestinians are also God's children. They have a right to self-determination, and, Members of this body, they have a right to freedom themselves.

THE LAST TEMPTATION OF CHRIST

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the German theologian, Martin Niemoeller has said:

> In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

Mr. Speaker, I believe this is a time to speak up.

As early as Friday, a much publicized, much scrutinized, anything but sanitized, Universal Studios' production of "The Last Temptation of Christ" is scheduled to be released in specific locations throughout the country.

This Hollywood portrayal of the Savior of all Christiandom has been the subject of controversy within the Christian community. And in the face of opposition, the good people at Universal, the liberal conscience of Hollywood, have decided to release the movie a month early to take advantage of all the attention.

The film could potentially offend the deeply held beliefs of many religious Americans. Would Universal Studios consider making a movie based on the anti-Semitic tract "The Protocols of the Elders of Zion"? How would the Hollywood crowd react to a movie based on the life of Nelson Mandela called "Cry Communism"?

Mr. Speaker, my colleagues BOB DORNAN and CLYDE HOLLOWAY have joined me in introducing House Resolution 517 expressing the sense of the House that Universal Studios cancel the release of "The Last Temptation of Christ" and, barring this action, that those individuals who find the film objectionable ask their local theaters and film distribution companies not to show the film and refuse to patronize Universal Studios and those businesses that are associated with the film. I invite those who oppose the action of Universal Studios to join my colleagues and I in supporting House Resolution 517.

TRIBUTE TO HARRY LEE WATERFIELD

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I certainly agree with my friend and colleague from California, Mr. DANNEMEYER, regarding the movie "The Last Temptation of Christ." I ask that my name be added as a cosponsor to House Resolution 517.

Mr. Speaker, Harry Lee Waterfield, twice Kentucky's Lieutenant Governor, 1955–59 and 1963–67, died last Thursday at Frankfort, KY, at age 77.

Harry Lee Waterfield, a native of Tobacco in Calloway County, KY, his pretty and talented wife Laura and their three outstanding children—Rose Gayle, Nancy, and Harry Lee II—lived for many years at Clinton, KY.

Governor Waterfield also served six terms as State representative for the First District in far western Kentucky from 1938 to 1948 and 1950 to 1952. Harry Lee Waterfield was elected House speaker for the Kentucky General Assembly in 1944 and 1946.

For several years and until his death Governor Waterfield was chairman of the board of a very successful insurance company he started—investors Heritage Life Insurance Co. in Frankfort, KY.

My wife Carol and I were among the hundreds who filled Frankfort's First Christian Church last Saturday for Governor Waterfield's funeral. Among those in attendance were five former Governors of Kentucky.

Harry Lee and Laura Waterfield were classmates of my parents at Murray State Teachers College in the early 1930's. Among the many places in Kentucky where Harry Lee Waterfield is loved and admired is Murray State University where the main library on campus is named for him.

I extend to Laura Ferguson Waterfield, Rose Gayle Waterfield Hardy, Nancy Waterfield Walton, Harry Lee Waterfield II, and to the eight grandchildren and one great-grandchild of Harry Lee Waterfield my sympathy upon his death last Thursday.

CROP DIVERSIFICATION AND THE NEBRASKA MILKWEED PROJECT

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today holding a lovely warm comforter in the middle of August to draw attention to and cosponsors for my bill, H.R. 1197.

This "Go Big Red" comforter, made in my district, looks and feels like a conventional comforter, but, in reality it is the first new product introduced by Nebraska Comforters filled with milkweed plant fibers being developed by Natural Fibers Corp. of Ogallala, NE.

Enterprising Nebraskans initiated this new product and are busy turning the previously scorned milkweed into a valuable drought-resistant crop with almost limitless demand. But they will need Federal assistance to augment the State and local efforts to expedite the process.

Congress can speed crop diversification like this by approving my bill, H.R. 1197. My bill would establish an institute to identify, fund, and promote research on promising new crops and new uses for existing crops. It would create new jobs and new prosperity in the depressed rural economy.

This comforter's insulating material is 60 percent processed milkweed floss. The material is light and thin, but tests show, milkweed floss is warmer than down, which is mostly imported, or synthetic insulating materials.

The House version of the 1989 Agriculture appropriations bill includes my amendment providing $50,000 for milkweed research.

The State of Nebraska has already invested $100,000 in the Natural Fibers Corp. The company hopes to create 60 to 80 jobs and have sales of around $5.3 million within 5 years.

Cosign H.R. 1197 and join in our efforts to expand agriculture's role in today's modern industrial society through renewable resources like milkweed.

CIVIL WAR DEAD DESERVE MORE THAN PAVING OVER THEIR GRAVES

(Mr. MRAZEK asked and as given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, today we will be voting on a bill designed to preserve a piece of ground in northern Virginia which is directly across Route 29 from the Manassas National Battlefield Park. But, make no mistake about it, it is not next to the battlefield, it is the battlefield. It was here on this land that Robert E. Lee chose to make his headquarters and where General Longstreet launched the important counterattack that led to the Southern victory, where 19,000 men were killed or wounded in a 3-day period and where the greatest living historian on Manassas, John Hennessey, says there are dozens of soldiers, both Union and Confederate, buried on that land to this day.

Mr. Speaker, I think it is important to remember what was at stake when we talk about the price of preserving our heritage.

Mr. Speaker, I think Michael Shaara, who won a Pulitzer Prize for a book called "The Killer Angels," summed it up best when he described the Union Army in the following way:

> If you look at history, you will see that men have fought for pay and they have fought for land. They have fought because a king makes them or just because they like killing. But they were here for something that had not happened anywhere before. They were an army going out to set other men free.

I think it is worth our paying a price to preserve this heritage, this hallowed ground, where so many soldiers fought and died for a cause they believed in so much. I think they are owed more than having their graves paved over with a Burger King or a Bloomingdale's.

LINCOLN-DOUGLAS DEBATE SITE REDEDICATION

(Mrs. MARTIN of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, 130 years ago, two men stood on a platform in Freeport, IL, debating the question of slavery. One of those men would win reelection to the U.S. Senate later that year. The other man, although defeated in his quest for a Senate seat, would be elected President of our soon to be divided Nation, 2 years later.

Those two men were Stephen A. Douglas and Abraham Lincoln. Their series of debates throughout Illinois in 1858 would become a historical high point in the annals of American political history. The question of slavery they debated would help set the stage for the Civil War, pitting brother against brother, father against son, in a war that would decide the fate of our then young Nation.

Since 1858, many of our Presidential candidates have debated the governing course our Nation should follow. Kennedy-Nixon, Carter-Ford, Reagan-Carter, Reagan-Mondale, all were debates that helped or hindered the chances of these men in their quest for the Oval Office.

One hundred and thirty years ago, two men stood on a platform in Freeport, IL, debating the question of slavery. Thirty years ago, this body passed a concurrent resolution commemorating their historic debate.

Mr. Speaker, last week I was joined by my colleagues from Illinois in introducing House Concurrent Resolution 349 to commemorate the 130th anniversary of this famous debate and the rededication of the Lincoln-Douglas debate site in Freeport, IL, on August 27.

I urge my colleagues to join us in commemorating the historic Lincoln-Douglas debate by cosponsoring House Concurrent Resolution 349.

□ 1115

PEACE IN THE MIDDLE EAST

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend this remarks.)

Mr. LEVINE of California. Mr. Speaker, I happened to hear, unfortunately, a very oversimplified analysis of the situation in the Middle East. Let me briefly address the House to state that it is sad to hear analyses as oversimplified and, frankly, as unhelpful as occasionally are presented to this Chamber.

The fact is, Mr. Speaker, there is one essential obstacle to peace in the Middle East, and the obstacle to peace is the continued unwillingness of any of the representatives of the Palestinian people to sit down and talk peace with the State of Israel. We are seeing a tragic situation in that region unfold, Mr. Speaker. As we approach an Israeli election in November of 1988, the same month as our own elections, we can hear and see an agonizing debate in Israel about how to make peace with their Arab neighbors.

While the Israeli debate is focused upon the question of how to make peace, unfortunately, the Arab nations and the Palestinians have not yet come to the mountain on whether to make peace.

Mr. Speaker, the essential question that is facing the peoples of the region, where so much sadness, and so much tragedy and so much bloodshed has unfolded over the years, is whether or not there will be an Arab spokesman other than the representatives of the state of Egypt willing to sit down and live in peace with their neighbors in Israel. Until that happens, Mr. Speaker, and until the PLO ceases to rely upon terror and is willing to alter its convenant, which still refers to the elimination of the State of Israel, and until the PLO recognizes that peace requires the acceptance of the State of Israel as a long-term, secure and stable neighbor, distractions such as the ones that we have heard which take our eyes off the ball are not helpful and are not constructive.

We should be urging the peoples of the Arab world to agree to live in peace with the State of Israel and we should not be misled by the simplistic and inaccurate analysis we recently heard on this floor.

HERE COMES GEORGE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, here comes GEORGE. The Gallup polls today show that that tremendous double digit lead that the Democratic nominee for President had has closed from 17 points to 7 points in a single week.

Over the last couple of weeks we have heard Members of the other side of the aisle tell us that the Republicans are in trouble, the Vice President is in trouble, that the Democrats are going to a smashing victory. Now we see the momentum changing, much like last night where the Democrats took an early lead, were in fact out ahead 11 to 4, ahead by 7 runs, the Republicans staged a tremendous comeback and won in the final inning 14 to 13. That bodes well for the fall.

We may have been down by 7 in the third inning last night, but we won in the seventh inning. GEORGE BUSH may be down by 7 points today. Tomorrow is another inning and November is when it really counts.

Keep watching. We are going to win.

TEXAS ASSOCIATION OF SCHOOL BOARDS OPPOSES MANDATED FAMILY LEAVE

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, we have not heard much about the mandated parental leave bill over the past few months. As a result of the silence, many of us felt that this particular bad idea's time had not come. But yesterday I received a "Dear Colleague" which mentions that this particular bad idea would be scheduled for House consideration during the week of September 14.

Over the last year or so I have received, as has everyone in this House, a great deal of correspondence about this bill. But the one letter from the Texas Association of School Boards really did catch my eye as an effective set of arguments as to why this is a bad idea. Here is how the school board sees the issue.

First, this bill is a new, unfunded Federal mandate, reduced to its basics, through which the priorities and terms of individual employee benefits would be set by congressional politics rather than by individual choice.

Second, the legislation will negatively impact on the education of the Nation's schoolchildren at a time when the public wants to increase the quality of education.

Third, the public schools already have leave policies which reflect locally determined priorities, and which allow for sensible variations among the Nation's 15,000 local school districts. This bill would mandate and homogenize that process.

Fourth, in schools, the burden of this bill would fall on the children in the classroom whose learning would suffer from unreasonable turnover of teachers and disruption caused by teachers who would choose to take part-time leave.

Last, this is reduced at its basic to a yuppie bill. The beneficiaries of this legislation would only be a very small group of relatively upper income employees, since leave without pay would not be a viable option for families who rely on both parents' incomes to meet living expenses.

This particular bad idea ought to stay off the House Calendar for this year.

RESOLUTION REAFFIRMING CIVILIAN SPACE PROGRAM AS A NATIONAL PRIORITY

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, BUDDY MACKAY and I are proud to introduce a resolution today that reaffirms this Nation's commitment to make our civil space program a national priority.

While the American space program enjoyed immense popularity and respect in its glory days of the Apollo expeditions, the last 15 years have been a dwindling commitment to space.

We stand now at the verge of a new resurgence in space. After a long period of evaluation and reevaluation in the obscurity of the years after the *Challenger* disaster, the new space shuttle *Discovery* is expected to launch in a few months, signaling the rebirth of American dreams in space, and with it, the rebirth of solid commitment to an improved space program.

In fact, earlier this morning, NASA conducted a successful test firing of *Discovery's* main engines and yesterday afternoon this Chamber passed a HUD appropriations conference report which contained $900 million for the manned space station.

This resolution recognizes the contributions our space program has given the American people and the American scientific community, not only the solid achievements of space exploration, and the promising discoveries of the potential of a weightless environment, but a return of billions of dollars' worth of technological spinoffs.

I want to thank BOB ROE, chairman of the Science, Space, and Technology Committee, and BILL NELSON, the chairman of the Space Subcommittee, as well as the other cosponsors who lent their names to this legislation.

BIOPHARM, U.S.A., THE NATION'S ONLY LEECH FARM

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, I would like to announce that we celebrated the historic opening of the Nation's only leech farm, Biopharm, U.S.A., in Charleston, SC, on July 2, past. This venture, an outgrowth of Biopharm, U.K., Ltd., is a reflection of international cooperation and trade.

We are pleased to recognize Dr. Roy Sawyer, a native of Sumter, SC, currently living in Wales, and his wife, Lorna, for their pioneering work with leeches and their application to modern medicine. These leeches will be shipped all over our country to be used in research on the anticoagulent effects of leech saliva. This research holds interesting promise for the treatment of heart disease. The leeches will also be used to improve blood circulation following surgery to reattach body parts after traumatic amputation.

THE LAST TEMPTATION OF CHRIST

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, today would have been the 93d birthday of my uncle, Jack Haley, who played the Tin Man in the "Wizard of Oz." When Jack died in 1979 he was a third order Franciscan, and he was playing what he called the "Communion breakfast circuit." He used to tell me when I was very young, and again when I was not so young, that he had never told a dirty joke or blasphemed God, and that he would have turned down any movie script that asked him to do that. He said that was the easy way out for an actor who could not act, or a writer doing a script who could not write.

MCA Universal has turned a new page in the history of show business. They are blaspheming Jesus Christ in film they are rushing into release 5 weeks early called "The Last Tempation of Jesus."

If my colleagues do not think that is a blasphemy, Mr. Speaker, because we have not yet seen the film, just read the August 18, 1988, issue of Time magazine. The article starts out in the opening paragraph: "Jesus has brief on-screen sex with his first wife, Mary Magdalene and later commits adultery," with Martha, after he was married to Martha's friend, Mary, one of the three Marys in the Testament. "Judas is a hero, the strongest and best of the Apostles. Paul is a hypocrite and liar."

It goes on to say there are a billion people, around the world, including myself, who worship Jesus as the Son of God.

Mr. Speaker, I include for the RECORD at this point the Sunday, August 7, 1988, Gospel reading of St. John 6:51-52:

> The Jews started to murmur in protest because Jesus claimed, "I am the bread that came down from heaven." They kept saying: "Is this not Jesus the son of Joseph? Do we not know his father and mother? How can he claim to have come down from heaven?"
>
> "Stop your murmuring," Jesus told them. "No one can come to me unless the Father who sent me draws him; I will raise him up on the last day. It is written in the prophets: 'They shall all be taught by God.' Everyone who has heard the Father and learned from him comes to me. Not that anyone has seen the Father—only the one who is from God has seen the Father.
>
> "Let me firmly assure you, he who believes has eternal life, I am the bread of life. Your ancestors ate manna in the desert, but they died. This is the bread that comes down from heaven, for a man to eat and never die. I myself am the living bread come down from heaven. If anyone eats this bread he shall live forever; the bread I will give is my flesh, for the life of the world."

Jesus is the only religious leader in all of history who had a following and who claimed to be the Son of God. This blasphemy should not be released on the screen this Friday, and I can tell Universal that they have bitten off more than they can chew. I, for one, am going to take them on with every ounce and fiber of strength in my being.

WELCOME TO LEV SHAPIRO, SOVIET EMIGRE

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, today the Hill is privileged to have here Lev Shapiro. Lev was in Leningrad a few years ago when the gentleman from Ohio [Mr. FEIGHAN] and I and our spouses were there. He had been waiting for many, many years with his wife and two children to be able to leave the Soviet Union.

He had applied for an exit visa. He had been refused because of the alleged argument that he had state secrets.

He waited. He acted. He protested. He worked for the freedom of others, waiting for the freedom for his own family.

Last December that freedom at last came. He was granted an exit visa and now is living his dream of a life in Israel with his family, including his elderly parents.

We welcome him. I know he would want me to thank everybody in the House and in the Senate, the National Conference on Soviet Jewry, everybody who worked together, the White House, all of the officials there on a bipartisan basis to obtain his freedom and to express his hope that all others in the Soviet Union who would wish to join him and his family will soon have that opportunity.

THE LAST TEMPTATION OF CHRIST

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute.)

Mr. HOLLOWAY. Mr. Speaker, Universal Pictures will release a movie entitled "The Last Temptation of Christ" next week. I rise in strong protest against this blasphemous portrayal of the life of Jesus Christ.

This movie has many controversial scenes. In one such scene Jesus invites the angels to watch as he and Mary Magdalene have sex.

We cannot dictate morality in this House, we cannot legislate it, and in one way I guess I am glad that we cannot because I might be afraid of what the result would be.

But the people of this country have to be the ones who stand up and protest against a parent company like MCA putting a movie out that really betrays the people. We just cannot imagine as Americans this demeaning, inaccurate movie with our Savior, Jesus Christ.

I ask the Christian people of this Nation to stand up and boycott Universal Studios. I do not care if it is rated a "G" movie, let us protest and stay away from their movie theaters. Let us protest the parent corporation and show that we as a people are the only ones who can make a difference in this and show that we will not tolerate it in the future.

Then we will let other companies know that we as Americans do still have morality and we as Americans will say what morality and taste should be in this country.

□ 1130

PROVIDING AMOUNTS FROM CONTINGENT FUND OF THE HOUSE FOR FURTHER EXPENSES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN SECOND SESSION OF 100TH CONGRESS

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 500) providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on Standards of Official Conduct in the 2d session of the 100th Congress, and asked for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 500

Resolved, That for further expenses of investigations and studies by the Committee on Standards of Official Conduct (hereinafter in this resolution referred to as the "committee"), there shall be paid out of the contingent fund of the House not more than $300,000, any of which may be used for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

SEC. 2. Payments under this resolution shall be made on vouchers authorized by the committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 3. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning on the date on which this resolution is agreed to and ending immediately before noon on January 3, 1989.

SEC. 4. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under the first section of this resolution, if necessary to comply with an order of the President issued under section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section.

Mr. GAYDOS [during the reading]. Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute:

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof the following:

That for further expenses of investigations and studies by the Committee on Standards of Official Conduct (hereinafter in this resolution referred to as the "committee"), there shall be paid out of the contingent fund of the House not more than $350,000, any of which may be used for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

SEC. 2. Payments under this resolution shall be made on vouchers authorized by the committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 3. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning on the date on which this resolution is agreed to and ending immediately before noon on January 3, 1989.

SEC. 4. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. The Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under the first section of this resolution, if necessary to comply with an order of the President issued under section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section.

Mr. GAYDOS [during the reading]. Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 1 hour.

Mr. GAYDOS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. BADHAM], the ranking minority member of the subcommittee on accounts, for purposes of debate only, pending which I yield myself such time as I may consume with the understanding that any additional time which I may yield will be subject to the specific limitation for debate purposes only.

The committee amendment provides $350,000 for further expenses of investigations and studies by the committee on standards of official conduct in the 2d session of the 100th Congress. Any of this amount may be used for the procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946. These additional funds would be available to the Committee on Standards of Official Conduct for the period beginning on the date on which this resolution is agreed to and ending immediately before noon on January 3, 1989. It should be noted that House Resolution 500, as amended, was ordered reported favorably to the House by the full Committee on House Administration at its meeting on August 3 by a vote of 17 to 0.

The total amount of additional funds—$350,000—to be provided by this committee amendment, will be used for the purpose of assuring that the Committee on Standards of Official Conduct has adequate financial reserves to use in discharging any additional responsibilities that may arise during the remainder of this session of Congress. The need for additional funds was unforeseen when that committee submitted its original primary expense resolution for consideration by the Committee on House Administration. Due to the inherent nature of the Committee on Standards of Official Conduct, its workload is not subject to either predictability or its own control.

It is imperative for the House to have the necessary resources to police itself, and, accordingly, the Committee on Standards of Official Conduct should be authorized sufficient funds to enable it to discharge its important institutional responsibilities.

Finally, I urge my colleagues to vote in favor of the committee amendment in the nature of a substitute and the resolution.

Mr. BADHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution (H. Res. 500). I would like to thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. GAYDOS], for his courtesy and the fine way in which he has handled this resolution. I will also advise him that I have, besides myself, three additional speakers who will consume some time.

This resolution does provide for an additional $350,000 in supplemental funding for the Committee on Standards of Official Conduct.

Each year when our Accounts Subcommittee reviews the request for funding of the committees of the House we recognize the fact that this particular committee's request is based on what only can be currently known and projected needs at that time. However, recent events with which we are all familiar have required the committee to seek additional funding this year. The resolution was approved by all the membership of the Committee on Standards of Official Conduct and by a 17- to-0 vote in the full Committee on House Administration. It was additionally unanimously approved by the Subcommittee on Accounts. I believe that this funding measure is necessary to ensure that the Committee on Standards of Official Conduct will be able to meet all, and fully meet all of its responsibilities to this House.

Mr. Speaker, I yield 15 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

I do not think I will take all of that time. I might like to reserve a little bit of it to respond to my colleagues who may want to respond to what I am about to say.

I want to recommend that every Member vote "yes." I think we should finance this. I think it is a legitimate first request and I suspect there may be more following.

But I want to take a few minutes to talk about what I think is frankly an inadequate response by the committee. I do not mean this in terms of any of the members of the committee. I think that they are trying very, very hard to do a very, very difficult job. But I think we are in a period of transition. I think the rules, the systems, the procedures that used to apply do not apply because times are changing. And I think in particular that there are some assumptions about how one investigates somebody as powerful as the Speaker of the House that are just not appropriate to what is going on.

When it was announced that we would have independent counsel, Common Cause chairman, Archibald Cox, urged the Ethics Committee to publicly establish the authority and independence of outside counsel for the inquiry.

At that time I had expressed some concerns about the counsel who was chosen, not as an individual but because it seemed to me there were some general questions that deserved to be looked at and deserved to be answered.

I then sent a letter to the chairman of the Ethics Committee asking a series of questions. I did not, to the best of my knowledge, get a letter back personally. We did get a "Dear Colleague" of August 4 signed by both the chairman and the ranking member. The essence of the letter on August 4 was that they were not going to answer Common Cause's questions. But in fact they were going to generalize about the issue and they made several assertions that I want to focus on.

Let me say first that this is not an isolated set of questions invented by NEWT GINGRICH. You can look at editorials from the Cleveland Plain Dealer, you can look at National Review. You could look at the Wall Street Journal, the Washington Times, the Boston Herald, the San Diego Union, the San Antonio Express News, the Washington Post, the Arizona Republic; all have raised questions. Common Cause has raised questions and I think that if you look at the background of Archibald Cox's experience, summarized in the San Diego Union an editorial on August 1 which said the following:

> These constraints prompted an outcry from former Special Prosecutor Archibald Cox, the chairman of Common Cause, a nominally liberal citizens lobby that led demand for a fullscale probe of Mr. Wright's wheeling and dealing. Mr. Cox speaks from personal experience. He was fired in 1973 after insisting that President Richard Nixon turn over the now-famous White House tapes that had a direct bearing on the Watergate investigation. Mr. Cox's call for the committee to ensure that Mr. Phelan has the authority and independence to conduct a credible investigation carries real weight. Consider for example the outside counsels who were hired by the Ethics Committee for the Koreagate and Abscam investigations only to resign in protest because of the strict limits placed on them.

That is the San Diego Union.

Now the letter which was sent out, may I say with all due respect, attempts in significant ways to trivialize the questions being raised by Common Cause and the questions I raised in my letter of July 28.

For example, it was suggested that I object to Mr. Phelan exercising his "right as an American citizen to support individuals of a particular party."

I did not say that at all. I did raise the question that a man who would raise between $50,000 and $100,000 in this Presidential cycle and was a delegate to a convention this summer is a little active. This is more than your "right as an American citizen." This is an active partisan Democrat.

Had anyone suggested, "Let's investigate Ed Meese, William French Smith is available," it would have been a joke. I was simply saying it seemed to me sad that the committee could not look out in America and find a single independent or a single nominal Democrat who was not actively raising money or, even, radically, a Republican. None of those were found. But a man who is an active Democrat—and I am not questioning Mr. Phelan's integrity, but I am saying as a matter of public propriety, even though Mr. Phelan may be a superb attorney, that that raised a question.

I said, second, in a press conference that when I talked to former U.S. attorneys they had said unanimously they thought it was useful to have prosecutorial background.

In fact, I have been told by people who know Mr. Phelan, he is a superb investigator, he will do a fine job, he is a systematic researcher. And I am not raising any objection to Mr. Phelan. But again I would suggest in a case which involves tracking down leads, trying to understand the meaning of conversations and documents and accounting systems that somebody who came out of a prosecutorial background might have been a more appropriate choice and one more inclined to automatically sense, intuit, if you will, where it is going.

But for the letter to suggest that anyone is questioning the right of an American citizen to support individuals of a particular political party is to trivialize the issue.

Second, the letter suggests on page 1 that somebody is impugning the integrity, not only of the committee but the individual himself. That is not true. One can question wisdom without impugning integrity. One can believe sincere and well-meaning and decent and committed people just were not wise; that it was not the right choice to reassure the American people, to reassure those who are worried about ethics in the House.

The committee goes on to say, I believe on page 3, that the Committee on Standards of Official Conduct essentially is bound by the rules of the Committee on Standards of Official Conduct. There are two answers to that.

First, is that committees can interpret rules very broadly and can delegate enormous power within those rules; and the second is committees can come back to the House and say, "In this case for the purpose of this investigation we recommend changes."

To abide by the rules and then claim that you are trapped by the rules you abide by is simply, I think, not responsive. It is clearly possible for the committee to recommend changes if it thinks changes are necessary.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Texas.

Mr. FROST. I thank the gentleman for yielding.

Mr. Speaker, I would only ask the gentleman—and this was mentioned previously, just a few moments ago, where it was pointed out that this committee is made up of six Democrats and six Republicans, an equally divided committee. The decision was unanimous.

Mr. Speaker, does the gentleman have a quarrel with the Republican members of this committee? Is there something wrong with the Members of his own party who serve on the committee?

Mr. GINGRICH. Yes, if I may reclaim my time. Let me point out to the gentleman that, in fact, we have no way of knowing as a House what reservations or what discussions went on prior to unanimity. We have no way of knowing what misgiving members of the committee might have had because they are bound by secrecy.

So I suggest to the gentleman that we are trapped in the situation where the committee cannot tell us because it is secret, so we do not know.

Mr. FROST. But the six Republicans voted for this. Was there something wrong with the judgment of the six Republicans on this committee that they voted for this?

Mr. GINGRICH. I think that the pressures of being in the room are trying to reach a bipartisan agreement can legitimately lead members of the committee to reach a conclusion different than those that are seen by people who are not in that room.

Mr. FROST. Well, is the gentleman concerned that the Republican members will not stand up and vote their convictions, that they will not cast the dissenting vote if they feel strongly about a matter,

Mr. GINGRICH. I am simply trying to communicate that for those who have no idea what was happening in secret, it is reasonable to raise questions and that today, before voting on the authorization of the expenditure of $350,000 is the appropriate time to say to the committee members on both sides—I did not mention partisanship—the committee members on both sides, all 12 of them that there are concerns that Common Cause has, that there are concerns that 10 or 12 newspapers have, there are concerns that citizens have and that the committee members should be aware of those concerns and furthermore that the letter which is a public document—not secret—and which was not responsive.

Mr. FROST. And which was signed by the ranking Republican.

Mr. GINGRICH. Again, I am not raising the question of partisanship, the gentleman is.

Mr. FROST. My only point is that this is one of the few committees in Congress that is equally divided between Republicans and Democrats. There cannot be any serious argument that the minority is being steamrollered when you have equal representation on this committee. And if what the gentleman says is true, then it seems that at least one or two of the Republican members would have dissented on this.

Mr. GINGRICH. Let me reclaim my time and make the point that I made at the beginning. We are in a time of change. There was a report issued by this committee 1 year ago which I am confident, were it issued now, it would include sanctions. The rules are getting tougher, the investigations are getting tougher; the public awareness of corruption was in the New York times yesterday, a request for the committee to investigate yet another member. This is all building. The committee itself is in transition. That is good. I simply want to lay out the record that there are two things to be looked out.

Two last points: For the committee to suggest that there is any "represents an assault upon the foundation of our system of representative government," again, I think, obscures the underlying key issue.

☐ 1145

The fact is that the investigation of the second most powerful official in America and the man second in line to the President is different than anything the committee has ever done. The entire integrity, I think, of the House is at stake. It is a very difficult situation, and I think the committee should feel itself obligated not simply to be bound by the rules as they exist but, if necessary, to come back to the House and say, "We think we need to change some things, we think we need to open some things up." To be told that it has to be secret because the rule says it has to be secret, and that, by the way, we are not going to recommend changing it, is to say that we like it to be secret.

Common Cause asked some questions that are not answered by the letter. I have asked some questions that are not answered by the letter. In fact, the letter says quite specifically they are not going to try to answer the questions. I think the people of the United States have the right to have answers to these questions, and I think we have a right to know that there will be a systematic process of investigation and reporting which is at least as open as the Iran-Contra process, and that we are not going to protect politicians' secrets any more than we protected America's allies or America's national security secrets.

Mr. Speaker, I reserve the balance of my time.

Mr. GAYDOS. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the chairman of the Committee on Standards of Official Conduct, the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I thank the chairman of the subcommittee for yielding this time to me.

First, Mr. Chairman, I would like to thank the members of the Committee on House Administration for the expeditious way in which they handled this resolution. I appreciate the gentleman from Georgia saying that he will support this resolution, and I respect his right to take time out to raise issues of concern.

The gentleman from Georgia indicates and uses the term, "independent counsel." I think we should make it clear that there is no statutory authority for independent counsel, that all the authority that any counsel, whether staff or special outside counsel, has flows from the authority of the committee. That is that neither special outside counsel nor staff counsel has the right to issue subpoenas but, rather, in our committee those are signed by the chairman and ranking member.

If the gentleman from Georgia wants to have outside counsel in the future in some case, it is his right to introduce legislation to do that, and we can debate that issue. However, at the present time let us not be confused by the term that he uses, "outside counsel."

I am sorry that the gentleman from Georgia did not receive the letter from me. Our committee has been very thorough in its conduct of business and correspondence with the gentleman from Georgia [Mr. GINGRICH]. As a matter of fact, I have said in this well several times that we are pen pals. On July 28, he did repeat and parrot the Common Cause letter expressing his concerns. That is his right. On August 3, we sent to his office a response to his letter. I am sure it is not adequate for him.

There is an employee on his payroll by the name of Mary Anne Farmer. At 10:28 on August 3, she received and signed for the letter. Not only that, I saw the gentleman from Georgia [Mr. GINGRICH] on the floor on that particular day. He said to me, "You owe me some correspondence." My response was that I sent it that morning.

So I apologize to him if we have not been thorough enough, but I would suggest to him that he go back and check and see if in fact an employee in this office received a letter on August 3.

This committee, as has been pointed out by the gentleman from Texas and others, is a nonpartisan committee in the sense that there are six Republicans and six Democrats on the committee. Those six members of the Republican Party and those six Democrats selected an outside counsel. I never anticipated that the gentleman from Georgia [Mr. GINGRICH] would agree to anyone we selected. The gentleman from Georgia [Mr. GINGRICH] is the moving party here. There is no one more biased on this floor. The gentleman from Georgia [Mr. GINGRICH] has signed a complaint that to the best of his belief certain allegations against a Member of this House are true. So the gentleman from Georgia [Mr. GINGRICH] is the last person that I would ever want to judge outside counsel.

As it relates to the newspaper articles, we cannot run this institution based on what the Chicago papers say or on what the San Diego Union says. We must run this House on what the rules of the House say.

The gentleman from Georgia [Mr. GINGRICH] would suggest to us that because the investigation at hand involves the Speaker of the House, there should be some different standard. As far as I am concerned, the Speaker of the House is no better or no worse than the other 434 Members of this House. He should live up to every code, rule, and regulation. We cannot set a standard for one Member of the House that all other Members of this House should not have to live up to.

So we should ask ourselves, why in this particular case is the issue of some special standard raised? The issue raised for a special standard is a politicization of this issue, and I am proud of the fact that notwithstanding the many special orders that this Member has taken out, in fact all 12 members on all decisions in these matters have withstood political pressure.

So, Mr. Speaker, we should not be persuaded by what Common Cause thinks. It is their right and their responsibility as a citizens' group to speak out. It is our right to adhere to the rules of the House, and it is the responsibility of our committee to do what we think is proper, and in this case each member of the committee agrees.

Mr. BADHAM. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I really had not intended to make any comments this morning. I think the request of the Committee on Standards of Official Conduct is self-explanatory.

I do want to thank the Committee on House Administration, the committee chairman, the gentleman from Illinois [Mr. ANNUNZIO], the ranking member, the gentleman from Minnesota [Mr. FRENZEL], as well as both the subcommittees here and their chairmen and ranking members and the entire membership of the House Administration Committee, for helping us.

I am going to speak rather briefly about the request we have made. It is not out of order for this committee to make this kind of request this late in the session. As was said earlier, we do not dictate our schedule. That is brought upon us by what happens from the membership and what the requests are that we receive. So we do not really control the amount of money we spend to that extent.

The special request comes not just because of one complaint lodged against one Member of the House of Representatives. The Committee on Standards of Official Conduct has a number of cases pending right now that may well require additional funds. I want to emphasize again that this is not just solely because we have a complaint against the Speaker of the House. There are a number of cases pending before this committee.

The committee does have a very special responsibility. Our committee is different than any other committee of this House. We are dealing with people's careers. I guess there is hardly a day goes by that we do not receive in some fashion or some form a request to investigate either another Member of this House or a staff member or at least a suggesting that there is wrongdoing.

If this committee, dealing with the careers of Members, started to make public every letter we receive and every complaint we receive, we would have a lot more trouble around here than we have. We do not treat these things lightly. We examine the accusations made, and it takes time. We have our own counsel and our own investigators that do this, and it goes on constantly. Just because we are concerned about whether we want to protect one political party or another, that has absolutely nothing to do with it. We are going to protect the integrity of the House and the reputations of Members until we find otherwise and until it is necessary to take some other action. But it just cannot be done in public.

I know that the media, of course, is in the business of selling newspapers and getting headlines, whether we are dealing with the electronic media or the printed media. Of course, they are not going to like the fact that they do not have access every day to what is going on in the Committee on Standards of Official Conduct. They would like to have it. I cannot fault them for that. I have a daughter and a son-in-law in the media, and they would love to have all this, too. We cannot fault them for that.

But it is the responsibility of this committee to do what is right, and this is what we are doing here. I can assure all the Members here who are concerned about this special request that the Ethics Committee is not going to spend one more penny than is absolutely necessary. I hope this money will not be necessary. My estimate is that some of it will be necessary between now and the close of this session, and we felt it necessary to have that money available late in the session when we have other business so we can take care of it now. But I can assure the Members none of this money will be spent unless it is absolutely necessary.

The committee is doing its work, and it is not an easy job. It is one that any one of us would be glad to give up to some of the rest of the Members. But until you wear these shoes, you will find it is not as easy as you might think. We are charged with the responsibility of protecting the integrity and continuing the reputation of the

House of Representatives. I think that is our primary responsibility.

As far as partisanship is concerned, as has been said, we all know that this committee is composed of six Democrats and six Republicans. It is the only committee in the House that is so divided; it is politically blind, and we must be. We are going to do the right job regardless of how the politics might shuffle out.

Mr. PURSELL. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Speaker, this is a thoughtful time in our process here, and as a former member of the Ethics Committee, let me say it is an assignment that most Members do not want, to watch their fellow colleagues and peers. But irrespective of this particular case, perhaps it is appropriate that we ought to be thinking as a House about giving a major responsibility of this committee to an outside panel.

It is very tough for doctors to look at doctors or for dentists to look at dentists. It is difficult for lawyers to review lawyers or for others, whether it is professional or nonprofessional, to be a judge and jury of their own peers.

I think the public is generally suspect of whatever we do, rightly or wrongly. Maybe it is appropriate that we consider some legislation that would establish a retired district judges' panel or some representative body that could serve to review Members of Congress as an outside group.

Mr. Speaker, I just think that is a thoughtful idea that some people have discussed. I like it myself, and I just wondered what the gentleman's thoughts might be on that.

The SPEAKER pro tempore (Mr. RUSSO). The time of the gentleman from Indiana [Mr. MYERS] has expired.

Mr. BADHAM. Mr. Speaker, I yield 2 additional minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, this discussion about changing the rules of the House has been had both by the committee through the years and by other Members. Constitutionally, the House of Representatives has the sole responsibility of investigating itself and of disciplining itself, and so we would have to somehow, statutorily or otherwise, circumvent the Constitution of the United States. That is not an easy job to do, but it has been considered.

But this involves more than just this particular case, and I am not talking about any one particular case now that is on the platter before the Committee on Standards of Official Conduct. This has been discussed, but this is not the case to talk about it today. In the future, if that needs to be done, if that be the wish of the House of Representatives, it may be in order to make such an adjustment.

I was here in 1969 and 1968 when the whole thing was changed, when we created the Committee on Standards of Official Conduct, and the discussion was had then. Constitutionally, we have to have the authority within the House itself to investigate ourselves. There is no provision, statutorily or otherwise, or by rule, to have an independent outside counsel, one who works independently. I think I am correct in saying that no committee of this House can delegate its authority to subpoena, as a example.

Mr. PURSELL. But, Mr. Speaker, if the gentleman will yield further, I think we have to find a way to have some objectivity regardless of the case, maybe by use of an advisory group, at least, through the Ethics Committee or through the House. Maybe there is a way out of this to see that we get objectivity so that the general public can trust our decisions and know they are not political decisions to protect our colleagues. That is really the bottom line concern here.

Mr. MYERS of Indiana. Now, Mr. Speaker, that is the reason this committee has frequently chosen to select a special outside counsel, not independent, because we do not have the authority to do that, but this person will be independent to make his own investigation. That is what is going on right now in several cases. In one case right now we have a special outside counsel.

Mr. PURSELL. That is a step in the right direction.

Mr. MYERS of Indiana. Mr. Speaker, that is the reason we created the special outside counsel.

The SPEAKER pro tempore. The Chair will state that the gentleman from California [Mr. BADHAM] has 6 minutes remaining, the gentleman from Pennsylvania [Mr. GAYDOS] has 23 minutes remaining, and the gentleman from Georgia [Mr. GINGRICH] has 4 minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

□ 1200

Mr. BADHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL], the ranking member of the Committee on House Administration.

Mr. FRENZEL. Mr. Speaker, the minority on the committee agrees with the distinguished gentleman from Pennsylvania [Mr. GAYDOS] and the committee's ranking member, the gentleman from California [Mr. BADHAM], that all Members should vote for this resolution.

We believe that the committee has acted responsibly, that it is fulfilling the duties set out for it by the House, and that the members of the Committee on Standards of Official Conduct, are going to do their duty. We are giving them this amount of money as a vote of confidence in the committee.

On the other hand, I think we cannot ignore the complaints of the gentleman from Georgia that we expect when we give this money and this authority to the committee that it is going to do the job thoroughly. We expect it is going to let its independent counselor follow where the trail leads. It should not give him a hunting license, but on the other hand it should allow him the necessary tools to do his job.

Our committee also has no objection to the selection of the counsel. He is apparently a highly qualified person. In this resolution we confirm that committee's confidence in him. We on the minority side do note in passing a substantial difference between how the House investigates its own and how we insist, under other laws, that independent counsels go after members of the executive.

We do note further that our Members are in a protected status compared to members of the executive departments. We believe the House method is preferable, and suggest that a single standard would be more appropriate.

Again, Mr. Speaker, I urge all Members to vote for the bill.

Mr. BADHAM. Mr. Speaker, I yield to the gentleman from Georgia [Mr. GINGRICH] for the remainder of his time.

The SPEAKER pro tempore (Mr. RUSSO). The Chair will state that the gentleman from Georgia has 4 minutes remaining and 4 minutes remains on the balance of the time for the gentleman from California.

The gentleman from Georgia [Mr. GINGRICH] is recognized for 8 minutes.

Mr. GINGRICH. Mr. Speaker, let me first of all thank the gentleman from Illinois [Mr. ANNUNZIO], the chairman, and the gentleman from Minnesota [Mr. FRENZEL] for the time they have given me and for the work we have done together. I want to thank the gentleman from Pennsylvania [Mr. GAYDOS] and the gentleman from California [Mr. BADHAM] for the work they do on the Subcommittee on Accounts, and I also want to just take a minute to thank the gentleman from California [Mr. DIXON], the chairman, and the gentleman from Indiana [Mr. MYERS] and the fact is that to some extent I know that I am occasionally a bur under their saddles, and I know that I make life more difficult than it might be, but I appreciate what an extraordinarily difficult job they have tackled.

I think this is hard, but I want to share just for a couple of minutes as we close why I am taking this so seriously, why I am insisting on bringing it to the floor. I could not agree more when it was said earlier, and I wrote it down, that, "you've been very thorough in dealing with Mr. GINGRICH," and it is known that Karen van Brocklin on my staff and I have bothered the staff probably more than any other 12 Members combined, and this staff has been very gracious in trying to work with us given the restrictions.

I was looking through this morning a new report that came out from the New York State Organized Task Force on Corruption and Racketeering in the New York City construction industry. I read recently the charges filed against the Teamsters Union by Mr. Giuliani, and I was really struck with the reality that however tough it is, and the gentleman from Indiana [Mr. MYERS], I think, spoke from the heart in commenting on how tough it is to judge your friends, your colleagues, people riding in the elevator, people in the same committee. However tough that job is, we face a very new and a very different reality in this House, and we have not quite yet confronted it. That is the absolute fact that in 1986, 98.4 percent of the incumbents who ran for reelection were rehired, that with $1,200,000 a cycle we now give ourselves to spend of the taxpayers' money we are virtually invulnerable, that the job of purging those who fail can no longer be done by the American people.

The job of being tough on those who are unethical is almost impossibly done now by the American people because a smart staff, a shrewd expenditure of $1,200,000, and one can survive almost anything.

And we face a very real and a very deep crisis in this institution. There are by my latest count 19, or 20 or 21 Members, depending on how you judge it, in the newspapers, and I agree that the newspapers are not the only source of information, but they are an important source. There are two convicted felons, one of whom resigned in the last few days, the other who will resign before October 4. This should sober and sadden and at the same time increase the determination of every Member of this House because either we are going to be tough on ethics, or in the long run corruption is going to be very tough on the innocent and the weak.

If my colleagues have any doubt about that, read the New York State Task Force on Organized Crime. Read the filing on the Teamster Union. The Members should ask themselves what will happen to this House if corruption ever sinks in here and becomes normal.

Remember, this is not a city council. This is not a State legislature. This is a body that supervises the Central Intelligence Agency, the Federal Bureau of Investigation, the Internal Revenue Service.

Mr. Speaker, the morning that we are less than vigilant in rooting out unethical behavior, and again I draw a distinction between human weakness, which every one of us has, human error, which every one of us makes, and those behaviors that cross the line, and so it is frankly sad. It is not happy, it is not funny, it is not easy or nice to be the person who stands in this well, and I share the burden that is carried by the chairmen and their committee members.

I would like to suggest without, hopefully, it being too self-serving, but this has not been all that much fun on my side of the speech either. But, if we are not tough and vigilant in a world where for all practical purposes incumbents cannot be defeated, we will have within a decade a House which resembles this kind of a report.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] has 23 minutes remaining.

Mr. GAYDOS. Mr. Speaker, I move the previous question on the committee amendment in the nature of a substitute and on the resolution.

The SPEAKER pro tempore. Without objection the previous question is ordered.

Mr. FRENZEL. On what, Mr. Speaker?

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. BADHAM. Mr. Speaker, I did not yield back the balance of my time.

The SPEAKER pro tempore. The Chair will state that it was the understanding of the Chair that the gentleman from California [Mr. BADHAM] had yielded his remaining time to the gentleman from Georgia [Mr. GINGRICH].

Mr. BADHAM. Mr. Speaker, if I might respond to the Chair?

The SPEAKER pro tempore. Will the gentleman from California allow the Chair to state the process?

Mr. BADHAM. Absolutely, Mr. Speaker.

Mr. GAYDOS. Mr. Speaker, I yield 5 minutes to my colleague the gentleman from California [Mr. BADHAM].

The SPEAKER pro tempore. The gentleman from California [Mr. BADHAM] will cease while the Chair states the question here.

The gentleman from California, as the Chair recalls, yielded the balance of his time to the gentleman from Georgia [Mr. GINGRICH]. At that point the Chair then made a statement that the gentleman from Georgia had 4 minutes remaining on his time and the 4 minutes that the gentleman from California had yielded, which meant that the gentleman from Georgia had been recognized for 8 minutes. The gentleman finished his time, and at the finish of his statement he yielded back the balance of his time, which was all the time he had remaining to the chair, which was about 3 minutes, but he yielded back the balance of his time, which included the 4 minutes the gentleman from California [Mr. BADHAM] had yielded to him.

The Chair will then state to the gentleman from Pennsylvania [Mr. GAYDOS] that if the gentleman from Pennsylvania will withdraw his motion for the previous question, the gentleman from Pennsylvania still has 23 minutes remaining, at which point he could yield time to the gentleman from California [Mr. BADHAM].

Mr. GAYDOS. Mr. Speaker, I withdraw my previous motion.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] has 23 minutes remaining.

Mr. GAYDOS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Speaker, I am thankful for the kindness and graciousness of the Chair, of the Speaker, and the chairman of the committee. I certainly did not want to appeal the ruling of the Chair whether I thought it was wrong or not.

I merely did want to say in closing our side of the debate that I appreciate the fact that the debate was held, and I certainly give my greatest respect, I think, to the chairman of the Committee on Standards of Official Conduct, and the ranking member and all the members of that committee for the tireless work they do and the difficult job that they do, and I encourage all Members to vote for this resolution as being absolutely essential to the conduct of this House, and I commend also the gentleman from Georgia [Mr. GINGRICH] for raising the level of this debate to the House.

Mr. Speaker, I yield back the balance of my time.

Mr. GAYDOS. Mr. Speaker, at this time I think it is imperative that I thank the chairman of the full committee, the gentleman from Illinois [Mr. ANNUNZIO], also the minority, for their specific cooperation, and to emphasize a matter of record that this procedure that the Subcommittee on Accounts has just concluded as always follows statutory requirements. We have not changed it one iota. What we have done before and probably will do in the future is governed by the statutory authorization to the committee as to what we can handle and under what conditions we can and what rules and regulations the Committee on House Administration has set into effect.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from California.

Mr. PASHAYAN. Mr. Speaker, I should just like to offer the observation as a member of the Committee on Standards of Official Conduct that not only is it a very hard-working committee, but it does its job very, very well indeed, so well indeed that I should hope in the very near future the House would consider making all the committees even in their ratios of Republicans and Democrats, and perhaps that would solve a lot of other problems in this body as well.

Mr. GAYDOS. Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The **SPEAKER** pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 0, answered "present" 1, not voting 21, as follows:

[Roll No. 274]

YEAS—408

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

ANSWERED "PRESENT"—1

Murphy

NOT VOTING—21

Aspin
Bentley
Boulter
Dowdy
Edwards (OK)
Hatcher
Johnson (CT)
Lewis (CA)
Livingston
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Molinari
Ridge
Shuster
Smith (NJ)
Spence
Weber

□ 1230

Mr. MURPHY changed his vote from "nay" to "present."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 500, the resolution just agreed to.

The **SPEAKER** pro tempore. (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M., FRIDAY, SEPTEMBER 2, 1988, TO FILE SUNDRY REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until 6 p.m. on Friday, September 2, 1988, to file sundry reports.

This request has been cleared by the minority.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING CORRECTIONS IN ENROLLMENT OF S. 328, PROMPT PAYMENT ACT AMENDMENTS OF 1987

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the concurrent resolution (H. Con. Res. 351) to correct errors in the enrollment in the bill (S. 328) to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

The Clerk read the title of the concurrent resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HORTON. Reserving the right to object, Mr. Speaker, and I will not object, I just want to ask the chairman to indicate what this is.

As I understand it, these are just technical corrections for the Prompt Payment Act for some errors made in the printing.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from Texas.

Mr. BROOKS. Specifically, Mr. Speaker, I inform my distinguished friend, the gentleman from New York [Mr. HORTON], the purpose of this resolution is to correct the enrollment of S. 328, the Prompt Payment Act Amendments of 1988, which passed the House on July 26, by a vote of 394 to 0.

Specifically, Mr. Speaker, the resolution makes grammatical corrections, corrects cross references to the United States Code, and clarifies the effective dates.

I am informed by the sponsors of the bill in the other body that they intend to act this week to send the bill to the President.

Mr. HORTON. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 351

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 328) to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes, the Secretary of the Senate should make the following corrections:

(1) In section 3901(c) of title 31, United States Code (as added by section 2(c)(1) of the bill), strike out "3907" and insert "3906".

(2) In section 14(a) of the bill, strike out "sections 2," and insert "sections 2(a), 2(b),".

(3) In section 14(c) of the bill, strike out "section 3(c)" and insert "sections 2(c) and 3(c)".

(4) In section 14(a) of the bill, strike out the comma after "Act".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1230

MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS OF 1988

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4526) to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and amendment made in order by this resolution and which shall not exceed one hour, with fifty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and with ten minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 302(f) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 515 is an open rule providing for the consideration of H.R. 4526, the Manassas National Battlefield Park Amendments of 1988. H.R. 4526 is a legislative response to the controversy surrounding a proposed shopping mall to be constructed on a site adjacent to the existing boundaries of Manassas National Battlefield Park. The proposed shopping mall would cover the site of Gen. Robert E. Lee's headquarters and the staging area for General Longstreet's decisive counterattack on Union forces during the Battle of Second Manassas. The proposal to construct a mall on this site has been protested in recent weeks by local preservationists and by Civil War historians from around the country.

Mr. Speaker, House Resolution 515 waives points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of House rule XI. Clause 2(1)(6) of rule XI prohibits the consideration of any bill until the report of the committee or committees reporting the bill has been available for three calendar days. While H.R. 4526 was referred to the Committee on Interior and Insular Affairs when introduced, the committee reported amendment in the nature of a substitute was sequentially referred to the Committee on Public Works and Transportation for the consideration of section 4 of the amendment. The Committee on Public Works did not mention section 4; however, the committee did file a report stating its views on that section and because that report has not been available to the House for 3 calendar days, the waiver of clause 2(1)(6) of rule XI is necessary. The Committee on Rules recommends this waiver because it is technical in nature and because if will expedite the business of the House and allow the consideration of this most important legislative initiative prior to the recess of the House for August district work period.

Mr. Speaker, House Resolution 515 provides for 1 hour of general debate, 50 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and 10 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The rule also provides that when the bill is considered for amendment under the 5-minute rule, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs which is printed in the bill as an original bill for the purpose of amendment. The rule further provides that each section of the bill shall be considered as read.

Mr. Speaker, the rule waives three points of order against the substitute. The first waives points of order for failure to comply with the provisions of section 302(f) of the Budget Act. Section 302(f) prohibits the consideration of measures that would cause the appropriate subcommittee level, or program level, ceiling to be exceeded for a fiscal year. The second waiver, waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill.

H.R. 4526 provides for a legislative taking of privately held properties in Prince William County, VA, and directs the Secretary of the Interior to pay just compensation to the owners of the property. The expenditures associated with the legislative taking would create new budget authority for fiscal year 1988 which would cause subcommittee allocations to be exceeded in this fiscal year and would result in direct spending by the Secretary of the Interior. As Members know, the development of the tract is currently proceeding and the Committee on Interior and Insular Affairs has recommended this urgent action in order to preserve a priceless and invaluable historical site. The Committee on Rules has recommended the waivers of section 302(f) of the Budget Act and clause 5(a) of rule XXI because of the urgency of the need for the U.S. Government to take possession of this parcel of land.

Finally, the rule waives clause 7 of rule XVI, the germaneness rule, against the substitute. This waiver is necessitated because the amendment in the nature of a substitute reported by the Interior Committee includes two provisions which were not included in the introduced bill and which are not germane to the introduced bill. The first provides that the Secretary of the Interior shall work with State and local governments to encourage preservation of the scenic viewshed of the battleground; the second directs the Secretary to conduct a study on the possible relocation of two highways which run through the existing national park. The Committee on Rules concurs with the Interior Committee that these amendments to the introduced bill will enhance the preservation of this historical site and for that reason recommends this germaneness waiver against the substitute.

Mr. Speaker, the rule also provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. Finally, Mr. Speaker, House Resolution 515 provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, I strongly support the efforts of the Interior Committee and my colleague from Texas, Mr. ANDREWS, to save the 600-acre Prince William tract for the enjoyment and education of future generations. H.R. 4526 is a reasonable response to a clear and present threat to the preservation of a valuable piece of American history. While the means of acquiring this property may provide some of my colleagues some question, the Committee on Interior and Insular Affairs has weighed these questions carefully and recommends this action as the most expedient way to preserve an important part of our proud national heritage.

Mr. Speaker, if I may make a personal observation, my family and I have visited many of the Civil War battlesites surrounding Washington, and I believe these visits have been of great value in teaching my children about the struggles of our Nation to ensure freedom and liberty for all our citizens. No dollar value can be placed on such a lesson and for that reason, I urge adoption of this open rule so that the House may proceed to the consideration of this most important legislative initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the importance of protecting nationally significant lands and adding those not now a part to our national parks.

However, the land in question in this bill is not of such significance that it merits the extraordinary legislative-taking procedure or the large amounts of money that are being proposed in this bill.

Mr. Speaker, we should remember that the boundary of Manassas National Battlefield Park has been expanded twice by Congress since the establishment of the park in 1940. The lands proposed to be added to the park by this bill were studied for addition to the park the last time it was expanded in 1980. Mr. Speaker, not one of the five House-passed versions of the expansion bill in the late 1970's proposed addition of this tract. Mr. Speaker, it is very strange that this tract of land which is outside the main battlefield area has suddenly become so important. If this was such a crucial piece of land, why was it not included in 1980?

Mr. Speaker, the extraordinary procedure being used to acquire this land, called a legislative taking, means that ownership of the land would pass to the Government upon enactment. The Secretary of the Interior would then be directed to compensate the current owners of the land. The amount of such compensation, including interest, would be determined by negotiation or by the courts. While it is impossible to know what the final figure will be, the administration estimates that the cost could be up to $100 million.

Mr. Speaker, this cost is equal to several years of National Park Service land acquisition funding nationwide. These additional costs would also violate the limitations on direct spending contained in the bipartisan budget agreement reached last year between the Congress and the President.

Mr. Speaker, the proponents of this bill will argue that this legislative taking method is the fairest and quickest resolution to the issue. However, as noted in the dissenting views in the report of the Committee on Interior and Insular Affairs, past practice does not bear this out. Recent experience at Redwood National Park indicates that this approach is neither timely nor inexpensive. At Redwood National Park, private landowners have yet to be fully compensated 10 years after the taking and the final cost is now estimated to be in excess of 1,300 percent of the original estimate.

In addition to problems with the bill, I should note that the rule providing for consideration of this bill includes four different waivers of points of order, one of which is a waiver of the Budget Act. Section 302(f) of the Budget Act is violated because this bill proposes the spending of money which was not allocated to the Interior Committee under the most recent budget resolution.

Mr. Speaker, I oppose this rule because of the Budget Act waiver, and I oppose this bill because the likely cost is far greater than the limited benefit to be derived from it.

□ 1245

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, H.R. 4526 comes to this House under the guise of a historical preservation bill. Its sponsors speak piously of historical significance, but that significance was undiscovered until development plans began to threaten the residential serenity of local residents.

In the first place, the National Park Service and the Department of the Interior have not exactly been salivating over the property. As a matter of priority, this parcel seems to be off the bottom of their scale. The Park Service has other land it would like to acquire. As a preference, if we are rolling in money, the Park Service would prefer to use additional funds to improve the management of the land it already controls.

Does the land have significance? Of course it does. It is hard to find a square foot in the area that does not. Do the Civil War buffs want the land? Of course they do. They want lots of other land, too.

But, for an outsider, or as to one whose committee jurisdiction does not include such matters, it appears that this 600 acres is a target of opportunity, rather than a target of priority.

Only when groups began to object to development which appeared to disrupt the local residential tranquility, did the matter assume national prominence. That prominence, and the national interest in a key historical event in the country's history, has transformed the normal chauvinistic desires of local people to protect their interests into some kind of historical crusade.

Members may note that the rule requires another Budget Act waiver. While our open-handed Rules Committee has made waivers a regular routine, a $100 million waiver is not routine. The rule itself should be defeated.

One hundred million dollars is a lot of taxpayer dollars. The Park Service could do many wonderful things with $100 million. So could every other department of Government. But, this bill appears to say that $100 million must be used to protect a handful of local people from a mall they don't want.

If the $100 million is divided on a per capita basis, I suspect the taxpayer cost per protected local resident is pretty high. On a square-foot basis, it may not be in a class with downtown Tokyo, or beach front Oahu, but 4 bucks a foot is pretty steep; $100 million would buy miles of virgin forests, snow capped peaks, or assorted rocks and rills.

At best, H.R. 4526 is a squandering of taxpayers' money on a low- or no-priority matter. At worst, it is squandering national taxpayers' money to protect the narrow, chauvinistic interests of a handful of people.

It will ultimately be vetoed. But the House should defeat it now and save all that fuss.

Mr. LATTA. Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARLENEE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 101, not voting 27, as follows:

[Roll No. 275]

YEAS—302

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—101

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Brown (CO)
Bunning
Burton
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
Dickinson
Dreier
Dymally
Edwards (OK)
Fish
Frank
Frenzel
Gallegly
Gallo
Gekas
Goodling
Grandy
Gregg
Hammerschmidt
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Houghton
Ireland
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Lewis (FL)
Lightfoot
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCrery
McEwen
Michel
Miller (WA)
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Porter
Pursell
Rhodes
Ridge
Roberts
Roukema
Saxton
Schulze
Sensenbrenner
Shumway
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stump
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Valentine
Vucanovich
Walker
Weber
Whittaker
Williams
Young (AK)
Young (FL)

NOT VOTING—27

Aspin
Badham
Bentley
Boehlert
Boulter
Brown (CA)
Dowdy
Gingrich
Hatcher
Hutto
Johnson (CT)
Kemp
Konnyu
Lewis (CA)
Livingston
Lujan
Mack
MacKay
McCloskey
McCollum
McGrath
Meyers
Mica
Molinari
Shuster
Spence
Udall

□1310

The Clerk announced the following pair:

On this vote:

Mr. Udall for, with Mr. Boulter against.

Mr. HEFLEY changed his vote from "yea" to "nay."

Mr. DELAY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 515 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4526.

□ 1313

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4526), to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, with Mr. ECKART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 25 minutes; the gentleman from Montana [Mr. MARLENEE] will be recognized for 25 minutes; the gentleman from California [Mr. ANDERSON] will be recognized for 5 minutes; and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in strong support of this bill and want to report to the House and to the Members this legislation, the merits of it, the history of it. This is about history and it is about our cultural heritage, a heritage that I think ought to be preserved and I think the majority of the Members feel should be preserved by virtue of the fact that there are nearly 300 sponsors on legislation that in one form or another supports resolution. It is an argument, really, between whether we have the ability to preserve that history or whether we have to turn this historic ground into making a dollar in northern Virginia, which was one of the most important battles of the U.S. Civil War.

□ 1315

It is a question of whether that consecrated ground in that area ought to be permitted to be turned into a development which is unnecessary and unwarranted. The fact is there are two sets of history. I do not think anyone can question the historical value of the Battle of Manassas, either the first battle or the second battle. I think the fact is that the ground we are talking about, the 600 acres we are talking about adding, includes the headquarters of General Lee. It includes some of the major actions during some of the major battles in which thousands of American soldiers, both on the part of the Confederacy and the Union, died in that area.

There are field hospitals there. There are undoubtedly many soldiers who are buried in this area because of the location of the field hospitals, notwithstanding the type of trumped up archeological report that was presented to us by the developer to suit his arguments as to the development of this ground.

But the more recent history is probably more important to the Members of the House, because we are going to hear today that during the 1970's this issue came up and the fact is that Congress did not act at that time to take this parcel of land into the park. The fact is that the issue did come up, and there was an amusement park proposed for this area, and after developers backed off in terms of the amusement park, there were assurances that a compatible type of development would take place in this Williams tract. But the fact is that in recent years, in spite of the fact that the county board approved a general type of zoning, there was always an understanding that compatible development would take place on this tract.

But what has occurred, of course, in the last year is that we found out dramatically through the committee hearing process that nobody, including the county board, approved a shopping mall. The developer even claimed not to know that shopping mall was going to be constructed on this site, and certainly the National Park Service did not know a shopping mall was going to be there. In other words, nobody knew that a 1.2-million-square-foot shopping mall was going to be built there, not the developer, not the zoning authority, not the National Park Service, and not the U.S. Congress. In fact, there were assurances that any type of development that occurred there would be compatible with the substantial national historic park that is there comprising some 4,500 acres.

The National Government has a big investment in terms of preserving the cultural heritage in this area, not just this 600 acres. We are talking about the integrity of the entire Manassas Battlefield. The fact is that there has been a lot of scare tactics used on this floor and throughout this debate. The scare tactic is that somehow this is going to cost $100 million. The developer paid less than $10 million for it 2 years ago. The Congressional Budget Office reports the assessed valuation is $13.6 million, and even with the type of improvements we are talking about, this particular cost will not be $100 million. That simply is a scare tactic to help make an argument for the opponents of this proposal.

The question is: Do we put a cost or a price on our national heritage? The fact is that we have some $6 billion in the land and water conservation fund and some $1.5 billion in the historic preservation fund. It is available to deal with these problems. It ill behooves this administration, which has objected to using any dollars from those funds, to come here and suggest that this will take money away from other projects. It has sought no funds for such projects, in fact it has recommended the close out of these programs.

Mr. Chairman, they are not in favor of this project, and they are not in favor of any project in regard to our national parks and public land management agencies.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all due respect, I must say to the chairman of the Subcommittee on National Parks and Public Lands that we have covered this ground before, and I must say: My, my, my, trumped up allegations by the developer? Does the gentleman think that we are stupid? Is the board of supervisors stupid?

When the gentleman says, "scare tactics," the term, "scare tactics," and his utilization of those words appear to me to be a scare tactic.

To call this legislation a "turkey," is a compliment. Rarely has a Trojan horse been ridden onto the floor of the House of Representatives that affects more Members of Congress and their districts without their really knowing what is happening. Members' constituents should be mad. They should object, and Members should object to this piece of legislation.

I object to this body, the U.S. Congress, being used to settle a local land zoning dispute. That is what this amounts to. I object to this body writing a blank check that will be far in excess of $100 million to settle this dispute, a local dispute, I might add.

I object to the acquisition of a largely nondescript piece of property that the Park Service does not want and one that this Congress, this very body, passed over in 1980 when acquiring more land, more property for Manassas. I object to spending more for one piece of property than we have spent in 3 years of combined spending for the Park Service acquisitions. I object to saying that with reference to every other park or potential park in the United States of America, Manassas moves to the head of the line because Congress will be the bully and will move it there regardless of the merits or regardless of the dire needs of those other parks, 42 other priority parks and national monuments that the Park Service has on its list.

I object to setting a precedent and saying that any time we consider property adjacent to a park or a historic site, all 360 of them, because something may not be to the liking of a local nongovernmental group—and I emphasize "nongovernmental group"—then we, the U.S. Congress will step in and confiscate private property and the taxpayer will write a check for it.

I object to the confiscation of private property that is entailed in this bill, and I object to an additional purchase when we have not even acquired or paid for what was designated in the expanded boundary of this park in 1980. We have still not paid for it.

Mr. Chairman, this legislation should be defeated very soundly. Our constituents, our taxpayers, should object vehemently to the spending of this kind of money and writing blank checks for this legislation.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. ANDERSON] is recognized for 5 minutes.

Mr. ANDERSON. Mr. Chairman, I yield myself such time as I may consume, and I rise to engage in a colloquy with the gentleman from Minnesota [Mr. Vento], the manager of the bill H.R. 4526, Manassas National Battlefield Park Amendments of 1988 in order to clarify the provisions of section 4 of the bill.

On August 3, 1988, the Committee on Public Works and Transportation reported the bill, H.R. 4526, which provides for the preservation of the historical integrity of the Manassas National Battlefield Park and the addition of approximately 600 acres to the park.

The first three sections of the bill deal exclusively with items under the jurisdiction of the Committee on Interior and Insular Affairs that cover the size of the park, the addition of the property and the visual protection for the park.

Section 4 of the bill deals with highway relocation, a matter under the jurisdiction of the Committee on Public Works and Transportation. As a result of the addition of section 4, the Committee on Public Works and Transportation was given a sequential referral to consider that section only and complete its work by August 5, 1988. The section provides for a study by the Secretary of the Interior, in consultation with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, dealing with the relocation of Federal-aid Highways 29 and 234 and a determination as to whether or not segments of the highways which transect the park should be closed. The study must be completed within a year after the date of enactment of this legislation. The funding for the provision is authorized to be appropriated out of the general fund of the Treasury to the Secretary of Interior and will not be assigned to the Secretary of Transportation or appropriated from the highway trust fund. The Committee on Interior and Insular Affairs has confirmed the committee's understanding of this provision through an exchange of correspondence. A Federal share of 75 percent and a State and local government matching share of 25 percent is provided for the construction and improvement of highway projects; $30 million is authorized for the study and construction of alternative routes.

Mr. Chairman, the Committee on Public Works and Transportation is deeply concerned and primarily interested in assuring proper committee consideration of any legislative proposals that affect the jurisdiction of the Committee on Public Works and Transportation.

My question to the gentleman from Minnesota [Mr. Vento] is this: Is it the understanding of the gentleman from Minnesota that it is the intent of the Committee on Interior and Insular Affairs that the amounts authorized to be appropriated for the study and the construction for the alternative routes will not be assigned to the Secretary of Transportation or be appropriated from the highway trust fund?

Mr. VENTO. Mr. Chairman, if the gentleman will yield, the gentleman from California has correctly explained the understanding between the committees. The Committee on Interior and Insular Affairs will request funding for the provisions of H.R. 4526 through annual appropriations legislation for the programs under the jurisdiction of our committee.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for clarifying the intent and understanding of the committee as it relates to section 4 of the bill.

Mr. MARLENEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. Parris].

Mr. PARRIS. Mr. Chairman, a source of great frustration for me during my nearly 16 years off and on as a Member of this body has been the evolution of our system of representative government to a point where there is a serious imbalance between the pressures for a Member of Congress to vote on the side of political expediency based frequently on media hype and disinformation, or the necessity that a Member take a considerable political risk and vote to do the right thing based upon the facts, the short- and long-term impacts and the pertinent ancillary issues that influence many of these important matters which come before us almost daily for a decision.

The decision with which I am faced today represents the culmination of that conflict. Let me ask my colleagues a rhetorical question concerning the position we must all take today on this bill to further expand the Manassas National Battlefield Park, H.R. 4526.

Is there any Member of this body who is opposed to the preservation of the Manassas National Battlefield Park and other historical properties which represent important facets of the history and heritage of this Nation and the Commonwealth of Virginia? Certainly not. This Member, for one, is second to none in the recognition of and appreciation for the history and heritage of our great Commonwealth.

If that question were the only one facing us on this issue, the vote would be an easy one—but it is not. Although groups like "Save the Battlefield" don't talk about them, there is much more to this debate than would ever see the light of day in the media. I would like to talk about some of those issues.

I have had to ask myself a question which you too must ask. Have circumstances changed since this bill was first filed and considered? The answer is "yes." One-half-mile of 4-lane road has been constructed, a tunnel under I-66—providing sewer and water service—has been constructed, utilities are available, and 200 of 500 residential lots are now on record and have a market value of $40,000 a piece. That's $20 million for just 25 percent of the property. This proposal has clearly become a lot more costly than it originally appeared.

This bill provides for a "legislative taking" of the 600 acres which make up the William Center site. What is not specifically mentioned in the bill, however, is the cost to the Federal Government should we pass this legislation. Current estimates as to the property's worth run from $60 to $100 million. Before you approve this measure, you must ask yourselves, "have all other alternatives been exhausted?" The answer is an unequivocal "No," they have not.

If that is true, then why, you might ask, is the Congress prematurely considering such a drastic action? The answer is quite easily summed up as political pressure. Allow me to elaborate on that.

The issue of singular importance to my constituents in poll after poll is transportation—the inability of our citizens to get from point A to point B without running into gridlock. The Manassas area is sorely lacking in the area of transportation infrastructure, and the population is growing every day. Into the picture step my two colleagues, Messrs. Mrazek from New York and Andrews from Texas, who find it all too easy to demagog the issue without regard for the significant concerns of the local governing body or the local residents. These two Members then proceed to hold a gun to the heads of the citizens and the local government by saying either you don't develop this privately owned land, or else. The "or else" is that these two Members will take away two of the most important transportation improvements to come into northern Virginia in the last decade—the Route 234 bypass and a new I-66 interchange to serve it. Two projects which, if not completed, will turn the two roads bisecting the Battlefield Park into the Manassas National Battlefield parking lots. Not only is that wrong and irresponsible, its counterproductive and irrational.

So that's how my fellow northern Virginia colleagues and I found ourselves in the position of supporting the appropriation of as much as $100 million to buy these 600 acres for the park—so our friends from New York and Texas will let Virginia and Prince William County build local roads for local residents. I ask my colleagues, do you follow that rationale? I don't, and I hope you don't either.

Some of my colleagues have simply failed to acknowledge the concerns of the State and local governments in this matter, I would like to call your attention to an OPED piece which was written by Kathleen Seefeldt, chairman of the Prince William County Board of Supervisors, which appeared in the Washington Post this past Sunday.

Mrs. Seefeldt says that although most historians agree that Gen. Robert E. Lee apparently kept his headquarters somewhere on Stuart's Ridge, a part of this site, for 1 day, "there are many compelling reasons not to acquire this site." She points out that a Federal taking of this property will reduce county residents' ability to develop a diversified tax base to finance the most basic of public services as well as local programs to help the homeless, the abused and the mentally ill. Because of the existing imbalance between households and businesses in the county, local residents pay some of the highest local taxes in the State. Even then there are no funds available for expanded library hours or additional books, nor is the county able to furnish transportation assistance for the elderly or handicapped or adult day-care programs. Mrs. Seefeldt points out that the county will need to provide for radical expansion of public services as its population is expected to swell by 50 percent over the next 10 years. The county chairman also makes the point that the Federal Government currently owns 20 percent of Prince William, for which it compensates the county 75 cents per acre per year—a severe loss of tax revenue which is directly subsidized by the residents of the other 80 percent of the county—which I also represent.

She closed with the following:

> While we are mindful of our heritage, we have a responsibility to educate our young, protect our citizens and care for our less fortunate. For this reason, the county government must oppose a legislative taking of the William Center site and will continue to work with interested parties to negotiate a settlement to this debate.

Let me ask you, does that sound like a sincere local elected official agonizing over a difficult decision? It certainly does. The chairman happens to be a Democrat—should that make a difference? No, I don't think it should—but at the same time, I hope it does influence some in the majority party.

I earlier suggested that we must all support the preservation of important pieces of property representative of our Nation's great heritage. Our country and our culture is built upon our heritage. Our past is an important part of our present, and our future. We cannot, however, confuse our historical perspective with living in the past—for if we fail to provide for the present, exercise foresight, and establish some priorities with an eye toward the future, then there will be no future.

Perspective, that is an important word—it is the key word here. One hundred million dollars is perspective. Keeping it all in perspective also means asking yourself, "Have all other alternatives to a legislative taking been exhausted"—No, they have not. "Is there a different and better solution then to a very complex and difficult situation?" There certainly is.

That solution is continued good-faith discussion about alternatives that would satisfy all interested parties and minimize the impact on an important historical location, but would at the same time promote the interests of the local governing body and the citizens that it and I have the privilege of jointly representing. A radical and excessively costly proposal such as that which we have before us today should not be considered unless and until all other alternatives have been exhausted—to do so is both fiscally and legislatively irresponsible.

I could, I suppose, take the politically expedient route and vote for this legislation. However, I was not sent to Capitol Hill to make the politically easy choice—I was sent here to represent the best interests of my constituents and the interests of good government. As a Virginian, as an avid student of history, and as a public servant for more than 25 years, I cannot in good conscience vote for this measure—not now.

While I hope I have made my position on this matter clear, I resentfully find myself in the position of not being able to vote against it either. The gentleman who owns this site has been a friend of mine for many years and there are those who have alleged a conflict of interest on my part. Such is public life. In deference to that consideration, however, I will cast a vote of "Present" on final passage of H.R. 4526. That vote and this statement leave me with a clear conscience and with a feeling in my heart that I know very well—a belief that I have done the right thing for my constituents, for my fellow Virginians and for the Nation.

In closing, I can only hope that my colleagues walk away today with that same feeling—that what they have done today is consistent with the goals I have discussed; namely, perspective and balance in a difficult world.

□ 1330

Mr. VENTO. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. ANDREWS], the major sponsor of the legislation in the House.

Mr. ANDREWS. Mr. Chairman, near a muddy little stream in northern Virginia called Bull Run fields of goldenrod will bloom knee high much as they did 126 years ago this month when Union and Confederate armies clashed in one of America's bloodiest battles. Names clouded by time: the Laurel Brigade of Virginia, the Iron Brigade of Wisconsin, the Pennsylvania Bucktails, the Louisiana Tigers. Men and boys from New York and New Jersey charged in waves against young men from Georgia and South Carolina who threw rocks when their ammunition was exhausted.

The climactic event of the battle, called Second Manassas in the South and Second Bull Run in the North, occurred when Gen. Robert E. Lee sent 30,000 crack troops against the left wing of the Union army—nearly destroying it. Three days of desperate fighting left 24,000 casualties; some of those young men are still buried there.

Gen. John Bell Hood, who led the Texas Brigade, described the combat:

> "The Confederates and Federals were so intermingled that commanders of both armies gave orders for alignment, in some instances, to the troops of their opponents* * *"

At stake was no less than the preservation of the Union.

This hallowed ground has become one of our country's most important national parks. Manassas National Battlefield Park is a very special place.

The recent actions of a major developer and a handful of local politicians, endorsed by the Secretary of the Interior, may dramatically change what has been protected as a national shrine for more than a century. They plan to construct a 1.2-million-square-foot shopping mall, the second largest in Virginia, an office complex, and a residential subdivision on a portion of the battlefield adjacent to the national park. The site is historicaly important; it was the staging area of Lee's final counterattack that won the battle.

The Virginia Department of Transportation projects that on weekends more than 80,000 cars a day will come to the mall. The developer plans to pave over part of the battlefield for a 4,000-car parking lot. The development will destroy a large portion of the battlefield and the impact on the park itself will be devastating. The national park will never be the same.

The issue presents a very fundamental political and constitutional question for the Congress: How to equipose the need to protect our national parks and our national heritage with the right of private property development and the right of local governments to regulate that development, in this case by zoning ordinances.

With constant urban growth across the country, there is a pressing need to create a national strategy that will protect our national park system. The Federal Government can neither purchase every historic site nor ignore the rights of local property owners.

At the same time there is an important responsibility to protect our national heritage and park lands for future generations. Unbridled development of the fragile areas that are adjacent to our national treasures, such as Manassas, can spoil our parklands forever. Surely, there is another tract of land more appropriate for a regional shopping mall than on one of our country's most historic battlefields.

This issue is a national one—not to be decided solely at the local level. The forum of last resort is the Congress—the fate of Manassas will be decided here today.

In this instance there is only one solution that will preserve both the battlefield and the park: the purchase of the adjacent land by Congress. This legislation introduced with my colleagues, Bob Mrazek of New York and Frank Wolf of Virginia, has more than 210 members of the House as cosponsors. Every major preservation, park and veterans' group in the country supports our bill.

This legislation does three things: First, the 542 acres in question will be purchased by legislative taking; the title transfers immediately—that stops the ongoing destruction of the property by the developer. The Federal Government will then compensate the owner a fair market value for the property.

Second, the legislation directs the Secretary of the Interior, with the cooperation of the Commonwealth of Virginia, and other parties to promote scenic preservation of views from the park.

Finally, the bill directs a study, in consultation with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County regarding the relocation of highways in the vicinity of the Manassas National Battlefield Park. This is intended to reroute traffic that currently bisects the park and to eventually incorporate the two roads into the Manassas National Battlefield Park. To defer the cost of rerouting the traffic our bill authorizes no more than $30 million with at least 25 percent of the cost of road construction and improvements to be provided by the State and local governments.

What is ultimately needed to preserve the integrity of our national parklands is broader legislation that includes the Secretary of the Interior in local land use decisions that may adversely impact our national parks. We lack a national strategy on dealing with development in the fragile buffer areas that surround our national parks. Regrettably, Manassas is but one egregious example of several sites in our park system that are at great risk.

The War Between the States is the most important event in the growth of our Nation. That terrible conflict tested the very foundations of our Republic, our Constitution, and our values. Its consequences continue to touch and shape our time. Those who fought and died at places like Manassas, at Sharpsburg, and at Gettysburg have long since dedicated those battlegrounds far beyond our abilities. What we can do is preserve the fields on which they fought—to understand our past and to see our future.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. Frank].

Mr. FRANK. Mr. Chairman, I thank the gentleman from Montana [Mr. Marlenee] for yielding this time to me.

Mr. Chairman, I hope the legislation is not adopted for a couple of reasons. First, I want to say that it seems to me a mistake to suggest that building housing or a shopping center near a battlefield somehow dishonors the battlefield. I do not think there is anything dishonoring about residences or other activities. I think it frankly trivializes the history and the experience of history to suggest that in preserving the actual park, having housing nearby undermines it. I literally do not understand what this is supposed to mean, and I do not understand how anyone could think that could demean a great event by having people going about their normal lives in an area that we decided originally was not necessary for the park.

But beyond that I suppose it would be nice if we could buy this land, and it would be nice if we could do a lot of other things, but I sat here all year, and for several years, and watched us deny people in desperate need of money that ought to have been spent. We passed the homeless bill, and we underfunded enormously. People fought hard for it. The gentleman from Minnesota [Mr. Vento] who is here, no one fought harder than he. We have a welfare bill now where the Senate, in my judgment, is begrudging us the funds needed to provide minimal levels of assistance for the poor. There are priorities that have to be met, and for an extraordinary expenditure to come now, and I understand there is a disagreement about the range of the expenditure, but we are told it is in the tens of millions certainly, and how much of a multiple we will not know by the time we are all through. To do that without the Budget Act under a waiver at a time when we have been denying funds that are so desperately needed for people in need seems to me a mistake, and it has brought replications. This is not the only instance. So, at this point to take what is in the abstract a perfectly reasonable thing to do, to pull it out and give it all this priority and to put it ahead of so many needed priorities I think is a grave error.

Mr. Chairman, I hope the bill is defeated.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Mrazek], also a major sponsor of the legislation before us.

Mr. MRAZEK. Mr. Chairman, how do you measure the value of the sacrifice of the 19,000 men who were killed or wounded in the 3 days of this particular conflict?

How do you measure the sacrifice of Col. John C. Upton who commanded the 4th Regiment of Hood's Texas Bridgade, one of the most remarkable citizen-soliders our Nation has ever produced, a very colorful man who used to go into battle, regardless of the time of year, stripped down to the waist and carrying a skillet in one hand and a sword in the other? At Second Manassas, his skillet didn't stop the bullet that found his heart and ended his life. If you could ask Col. John Upton why he was fighting in the Civil War, it was not because he owned slaves. He did not own slaves. And, he was not fighting to preserve slavery. He was fighting to preserve his rights and his State's rights because he, like so many others in the Civil War who fought for the Confederate side who did not own slaves, believed that the ultimate repository of power in this Nation rested in the States rather than in the Federal Government, as did their historic mentor, John C. Calhoun.

What is the measure of the sacrifice of Maj. Andrew Birney who came from a place where no black people lived in Otsego County, NY? He never saw a black man when he was growing up, but he believed in the Union, and he believed that slavery was wrong. He knew he was led by incompetent, corrupt generals, but he believed so much in his cause that he slowly rode his white horse ahead of his troops—a hundred yards in front—right up to the unfinished railroad cut, the embankment, where 30,000 Confederate troops were waiting for him, and he calmly and coolly walked the horse up that embankment and gave up his life. How do you measure that kind of sacrifice?

Is the answer to build a 1.2-million-square-foot shopping center on the unmarked graves of all the Union and Confederate soldiers who still lie on the Williams Center tract because that is where the Confederate side chose to put their field hospitals?

John Hennessey, the greatest living expert on Manassas, former historian at the National Park Service at that battlefield, says that there are dozens, if not hundreds, of Confederate and Union soldiers lying on that ground where they are putting in the sewer lines right now.

Well, some people do believe that the best way to preserve this particular hallowed ground is to build a shopping center and homes on top of those graves, but I suggest that the way that we should honor the sacrifice of the

John C. Uptons and the Andrew Birneys and all of the unknown soldiers who still lie there and who though their ultimate sacrifice made us who and what we are today as Americans, that the way to honor that sacrifice is to preserve that ground.

I think President Lincoln summed it up best at a different battlefield a year after the conflict of Gettysburg when he said, "But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hollow—this ground," he said. "The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

If we do not pass this bill, Mr. Chairman, and preserve this land, we in fact will be forgetting and trivializing what they did there.

□ 1345

Mr. MARLENEE. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Virginia [Mr. SLAUGHTER], who represents this district.

Mr. SLAUGHTER of Virginia. Mr. Chairman, we have before the House today legislation which comprehensively addresses the protection of the Manassas National Battlefield Park, which is located in Virginia's Seventh District, which I am privileged to represent.

The issue of how to protect the Manassas National Battlefield Park is very complicated and there are many aspects to this issue.

The Manassas Battlefield Park is located in Prince William County, VA, which is one of the fastest growing counties in the Nation. Therefore, the park is inevitably confronted by developments which have the potential to diminish the integrity of this battlefield which was the site of the First and Second Battles of Manassas during the Civil War.

In addition, the Park Service has stated that the traffic running through the park represents a grave threat to the Manassas Battlefield Park, with or without the proposed William Center or any other new development in the area. The Department of the Interior estimated that traffic volume on Route 234 which runs north-south through the park will increase by 150 percent in the near future. Route 29, which is a major east-west commuter road running through the park, is expected to see an increase in traffic by almost 60 percent in the next 20 years.

Finally, while the traffic threat to the park is real and critical, so are the transportation needs of Prince William County. Therefore, it would be a disservice to the citizens of this county to simply consider how we can better protect the park without also thinking about how such additional protections will affect the already severe transportation problems in this area.

For example, while closing Route 29 through the park would be of great initial benefit to the park, such a change would be to the detriment of the county—and would therefore have a long-term negative effect on the park itself—without a simultaneous widening of Interstate 66 to carry the resulting increase in east-west traffic.

Any consideration of legislation to protect the Manassas National Battlefield Park, therefore, should take into account all of the factors which have an impact on the park, the county, and the citizens of Prince William County.

I support and am a cosponsor of H.R. 4526 because it makes the decisions that are necessary for the Congress to make if the William Center tract of land is to be incorporated into the park.

First, this legislation provides for a "legislative taking" of this tract of land, allowing the Federal Government to immediately take title of the property upon enactment of this bill into law by Congress and the President. The value of the taken property will then be paid to its owners by the Federal Government. This portion of this legislation is crucial because acquisition of the land would be both prompt and thorough, rather than going through the authorization and appropriations process, which could result in delays of up to 10 years and cost millions of dollars.

H.R. 4526 further provides immediate authorization of up to $30 million in Federal funds, but not more than 75 percent of total costs, to conduct a study of the traffic problems in and around the park and to begin construction of the improvements recommended by the study.

This study will examine the possible closing of Routes 234 and 29 within the park, as well as the transportation improvements needed to effect such closings, including the construction of additional lanes on Interstate 66, a new 234 bypass, and an interchange between I-66 and the 234 bypass. The Secretary of the Interior, the Virginia Department of Transportation, the Federal Highway Administration, and the Prince William County government will participate in conducting this study and recommendations will be reported to the Congress within 1 year.

This legislation—by including provisions which promptly deal with the needs of the park, the county, and the citizens of the county—recognizes the valuable heritage the Manassas Battlefield Park represents to our country and makes the decisions Congress must make for the acquisition of additional land and for road improvements which are so important to the park.

It is important that Congress acts quickly on this legislation, and I urge my colleagues to support H.R. 4526.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEHMAN] a member of the committee.

Mr. LEHMAN of California. Mr. Chairman, I rise today in support of H.R. 4526, a bill to protect and preserve the integrity of Manassas National Battlefield Park by incorporating 600 acres of adjacent historical property. The property includes the site from which General Lee directed his soldiers to victory.

On the Manassas Battlefield itself, the site of 2 of the most notable conflicts of the Civil War, over 4,000 American men shed their blood. The First Battle of Manassas set the stage for the lengthy and bitter conflict that ensued. The Second Battle of Manassas marked the height of power for the Confederacy. Both battles had tremendous impact on the course of the war, and, yes, the course of history. They carved the names of General Lee and Stonewall Jackson into the American history books.

But the Battlefield of Manassas provides a much more vivid and thorough history lesson than any history book ever could. The monuments, the cemeteries, and the 30 miles of trails through the meadows, woods, and landscape that remain allow us to relive and experience the dramatic events that helped shape our Nation.

The Manassas Battlefield is an integral part of our cultural heritage, a heritage that is too valuable to be relinquished to a shopping mall or parking lot. Yet, that is precisely what threatens the integrity of the park today. Without H.R. 4526, the construction of a 1.2 million square foot mall will continue and the site of General Lee's Headquarters, as has been mentioned, will be sacrificed. Additionally, without H.R. 4526, traffic congestion on Highways 29 and 234 through the park will continue to diminish the visual and historical quality of the battlefield.

Mr. Chairman, it is always easy and expedient to destroy and desecrate places of historical significance, especially when substantial amounts of private profit are involved.

It is always difficult to preserve something whose only value seems to be a certain feeling and attachment to history that some people achieve there.

I believe this is an instance where we should make the effort. We can find other places than this neighborhood in this country to build parking lots, shopping centers, and housing, but we cannot create another Manassas Battlefield.

I am certain that future generations of Americans will have plenty of shopping centers, or their equivalent. Surely they ought to have a Manassas, too.

Mr. MARLENEE. Mr. Chairman, it is my pleasure to yield 4 minutes to my colleague, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in support of H.R. 4526 which incorporates provisions of legislation I introduced to protect and preserve the Manassas National Battlefield Park for future generations of Americans to enjoy.

H.R. 4526 is a balanced bill. It is a fair and honest approach that has been carefully crafted and comprehensively addresses the questions raised by the National Park Service, preservationists, and citizens groups. Most importantly, it does so in a way that protects the interests of all of the parties including the owner.

This legislation has three major provisions.

First, it calls for a legislative taking of approximately 600 acres known as the William Center tract in Prince William County, VA.

I've looked at this issue closely. I have talked with leading historians from across the country including John Hennessy, who served as a park service historian at the Manassas Battlefield; Brian Pohanka, who wrote much of the Time-Life Books' series on the Civil War; and Gary Gallagher, professor of history at Penn State University.

They all agree that the William Center tract is historically significant and should be made a part of the National Park System.

A legislative taking is fair to all of the parties involved and it is the fastest and least expensive way for the Government to acquire this tract.

H.R. 4526 also addresses the issue of visual protection of scenic views from within the park by directing the Secretary of the Interior to work with the Commonwealth of Virginia and Prince William County and others to develop a comprehensive plan that protects views throughout the park.

Last, H.R. 4526 addresses the problem of heavy automobile and truck traffic within the park.

The National Park Service has argued, and I completely agree, that if the Manassas Battlefield is to be protected and preserved, roads through the park must be closed to automobile and truck traffic and alternate routes outside the park provided.

The legislation before us directs four parties, the Department of the Interior, the Federal Highway Administration, Prince William County, and the Commonwealth of Virginia to develop a plan for closing roads through the park and for constructing alternate routes for traffic that would have used roads in the park.

In addition, $30 million is authorized from the Department of the Interior to construct these alternatives.

Mr. Chairman, I am sensitive to protecting the heritage embodied in our National Park System and to preserving our great Nation's history. As a former Deputy Assistant Secretary of Interior for Congressional and Legislative Affairs under Secretary Rogers C.B. Morton during a time when 33 new units were added to the National Park System, I understand the issues that are involved here and the concerns that some Members have raised.

First, let me make it clear that H.R. 4526 would not affect any acquisition projects in Members' districts. It would also not affect the Park Service's acquisition program.

Under a legislative taking, upon passage of the legislation title of the land transfers from the private owner to the Federal Government. The Government then begins the normal appraisal process. If the private owner does not accept the appraisal, the issue is taken to the courts and a judgment is handed down. That judgment is paid through a special fund at the Treasury Department designed to cover claims against the United States.

The money does not come out of the National Park Service acquisition budget. As a result, H.R. 4526 would not affect any Park Service acquisitions underway or planned for the future.

No national park in the Nation would suffer as a result of H.R. 4526.

Second, Members have asked why we need a legislative taking. Two reasons.

First, because the William Center tract has great historical significance and should be added to the National Park System in the most efficient manner possible.

If any of my colleagues doubts the historical significance of the tract, I urge them to look at the compilation prepared by historian John Hennessy or at some of the other research we have done on this issue.

Second, H.R. 4526 is our last chance to protect and preserve the Manassas National Battlefield Park. If we do not act today, we will forever lose an important part of our Nation's proud heritage. A legislative taking ensures that this part of our history is preserved.

Some Members have expressed concern that this is a local matter better left for local government. George Will, in a recent column in Newsweek wrote: "The protection of places that are part of our national patrimony is the responsibility of national, not local, government.

I think Mr. Will is absolutely correct.

In addition, Congressman SLAUGHTER, who represents the area affected by this legislation, and support this legislation.

Simply put, there is an historically significant tract of land adjacent to one of our Nation's great battlefields that should be made a part of the Park System. H.R. 4526 is the best way available to accomplish this and to address other threats to the park that have been identified by the National Park Service.

Mr. Chairman, H.R. 4526 is the result of a great deal of hard work and effort by a bipartisan coalition who cares very deeply about the history of our Nation. It is an honest approach. It is a fair and balanced approach and I hope Members will join me in supporting it.

Mr. Chairman, I include the following article by George Will:

WHERE MEN FOUGHT AND FELL

Beneath the broiling sun of July 3 the infantry marched into fields of fire in support of Pickett's flank. They tramped through the parking lots of Howard Johnson's, Kentucky Fried Chicken, McDonald's, Hardee's and the Home Sweet Home Motel. Those businesses were not there then but Gettysburg has grown some (from 3,000 to 8,000) in 125 years. Growth has spilled onto hallowed ground.

Gettysburg must accommodate visitors. Eighty million Americans live within 300 miles of it. It might have grown more had not the battlefield encircled a lot of the town like a noose. Much of the land adjoining the battlefield is not sufficiently protected from development. But at Gettysburg and other Civil War battlefields, growth is an intensifying problem. American industrialism received a sharp stimulus from the Civil War and today economic dynamism is bringing development—subdivisions, shopping malls—too close to what should be civic shrines.

Gettysburg never was a pristine battlefield in pastoral isolation. The two armies collided at a town that could not forever after be kept frozen as it was, like a fly in amber. But there is a difference between compromising with a community's life and abjectly surrendering to economic forces. Some commercial establishments should be bought and removed by the government because they are smack in the center of the crucial vista from the Union line. The government perhaps need not own, but should see to the continued agricultural use of the field behind the Union line where 6,000 horsemen clashed under the generalship of J.E.B. Stuart and George Armstrong Custer.

The problems of encroaching growth that came years ago to Gettysburg are coming now to Manassas and Antietam. When the war came to Manassas in the First and Second Battles of Bull Run (Southern call them the battle of Manassas, but to the winner goes the right to name battles) the place was well outside of Washington. Today the battlefield is within one of the nation's fastest growing areas. Washington's northern Virginia suburbs. Subdivisions and commuter arteries devour land and now a developer wants to build Virginia's second largest mall hard by the battlefield. This would bring incongruous sights, sounds and congestion. It would impair the park's pedagogic function, making it harder to take the imaginative journey back in time to empathy with the men caught in the events that churned and drenched the earth there.

The most interesting preservation issues concern America's most important battlefield, Antietam (As at Bull Run, Northerners named the battle after a creek. Southerners after a town—Sharpesburg.) The two sides suffered more than 23,000 casualties there Sept. 17, 1862, the bloodiest day in American history. Three generals were killed on each side. (General Custer, of course, lived to die more theatrically.) Abner Doubleday, who had little to do with the beginning of baseball but played a role in the beginning of the war at Fort Sumter, led a division at Antietam. Lt. George Washington Whitman, the poet's brother, fought there, as did Col. Fletcher Webster, Daniel's son, and Lt. Charles Francis Adams Jr., the grandson and great-grandson of presidents. The 23rd Ohio Regiment contained two future presidents, Col. Rutherford B. Hayes, and supply sergeant William McKinley. After the battle a Massachusetts captain was found wandering with a wound in his neck. He lived 73 more years, did Oliver Wendell Holmes Jr.

CONTESTED GROUND

Antietam battlefield offers visitors a superb immersion in the drama of the war. Supplemented by a good book on the battle—say, Stephen W. Sears' "Landscape Turned Red"—a trek around the contested ground gives a brisk introduction to the war that was the hinge of American history. Antietam was enough of a Union victory to enable Lincoln to proceed with the Emancipation Proclamation. Thereafter it was not merely a war for "union." The new battle cry was "freedom!"

Gettysburg, Manassas and Antietam, and other battlefields, present differnt preservation priorities and problems. Antietam was an especially important event and has been an especially pastoral place. However, a farm directly across the battlefield park entrance is for sale and there are no legal restrictions that would prevent intrusive development of the land. Fortunately, development was stopped that would have bordered Bloody Lane where corpses were stacked so thick a man could walk without touching ground. But developers are planning a shopping center adjacent to the Grove House where, after the battle, the noblest American, Lincoln, met with one of the least noble, General McClellan. The cornfield site of some of the fiercest fighting in American history, is not owned by the government. It should at least be restricted so as to be forever sown with corn.

Reasonable people can differ about what acquisitions and restrictions are needed near battlefields. But two principles are clear. The protection of places that are part of our national patrimony is the responsibility of national, not local, government. This is a conservative era, or so 'tis said. Conservatives like economic growth and local government; they dislike central government, government spending and regulation. But unless the name by which are known is meaningless, conservatives should be leading the charge on behalf of the conservation of battlefields.

The vast majority of Americans will never come close to combat. So it is important for them to try to sense the struggles and sacrifices that gave us our country. A reader can get some sense of combat from literature—from Tolstoy, Stendhal. Stephen Crane. It also is instructive to walk where men fought and fell. At least it helps if later generations have kept faith with the fallen by insisting on a certain faithfulness to the setting of their sacrifices.

The monetary price of such faithfulness is small. The moral cost of cheese-paring niggardliness in government's approach to preservation is steep. It is the irrecoverable loss of history and hence of memory. Lincoln said we cannot hallow such ground because the brave men who struggled on it hallowed it above our poor to add or detract. Alas, 125 years after Lincoln spoke we know we can detract from it by neglecting to cherish it. By so doing we subtract from our national dignity.

Mr. MARLENEE. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank my colleague for yielding this time to me.

Mr. Chairman, I think this is a very direct and a very straightforward issue from this standpoint. Many of us have friends who are Governors, who come to us and say, "Oh, you are legislators. You spend your lives talking and you spend your lives passing thousand-page bills, but you don't really ever do much. You can't put your finger on it, but we Governors do things."

Well, it seems to me today that we have a chance to do something. It is very simple. If we leave at the end of this year without having passed this bill, a large piece of American history is going to be gone, period. The mall will be built. The traffic will expand.

It will be gone. It will be over.

On the other hand, if we pass this bill, for the rest of our lives and the lives of our children and grandchildren we will be able to point to that site and that battlefield and say that we saved part of American history for all the future. It is that simple.

Those who think that part of American history is not worth saving, vote "no." Those who think that here is an occasion where we in the Congress can do something positive, do something real and make a difference, and if we are wrong, 30 years from now you can build a mall, but if we are right it is infinitely more expensive 10 years from now to tear down a mall. It is that simple.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY], a member of the committee.

Mr. MURPHY. Mr. Chairman, I thank my subcommittee chairman for yielding me this time.

Mr. Chairman, when the armies of northern Virginia and the army of the Potomac ranged up and down the east coast through the States of Virginia, West Virginia, Maryland, and Pennsylvania, they set foot on just about every parcel of ground. If we would set aside the entire area that those two vast armies of 100,000 men apiece trampled on or covered, we would be setting aside half of the State of Virginia, the western half and the middle parts of Maryland and great sections of Pennsylvania.

Actually, in 1980 when this matter was thoroughly reviewed by the Congress and by the National Park Service, it was decided that there would be almost 5,000 acres set aside for the Battle of Bull Run, as we Yankees refer to it.

□ 1400

Mr. Chairman, in those two very famous battles of Bull Run and Manassas, we decided that we would set aside that land. If it was so important to have all of the 20-mile radius, and that is how much that battle encompassed, a 20-mile radius, any other portions we felt that we would need to be set aside should have been done at that time.

Our job is to preserve an adequate amount of land to commemorate each of the important instances in our history. We have done that, and when I hear the pleas of the gentleman talking about graves of the soldiers and the consecrated ground, yes, those are the very pleas that touch our heart, but they are not quite accurate. We have already done that. We are not tampering with the part set aside to commemorate these two battles. We are not touching upon any part of that national park.

Mr. Chairman, I would hope that we could straighten out the traffic congestion, which would certainly make the park much more accessible and much more reasonable, but when we talk about the $100 million that now this developer has forced us to pay for 500 acres, we can certainly use that for the total development of the national parks.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MARLENEE. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. MURPHY], a member of the committee.

Mr. MURPHY. Mr. Chairman, I thank the gentleman for yielding time to me so that I might conclude.

We do have a plan that we must follow in the development of our historical sites. That plan is there; it is in place. To say that we are going to take another $100 million from somewhere to upset that plan, could it be used in Wyoming to commemorate the Indian battles, in Pennsylvania where the Gettysburg National Park is far less in total area than the Manassas park is at the present time? It was a far greater battle fought there, and we just cannot say that legislatively we can upset local planning and the National Park Service planning.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I am opposed to the bill under consideration by the Committee. My reservations have to do with the precedent established by "legislative taking," at enormous cost, a site of debatable historic priority.

The cost estimates are frightening. With property values ranging from $50 to $75 million, and this bill authorizing an additional $30 million for design and construction, it's safe to say we're in the ballpark of at least $100 million.

As a Virginian, I revere the history of our Commonwealth. It is bathed in the blood of revolutionary and Civil War heroes. The Virginia landmarks register is a gold mine of opportunities for historic preservation.

Like Virginia, our entire Nation is blessed with opportunities for preserving sites associated with our natural and social history. We are all committed to a rational program of acquisitions.

I simply do not believe that acquiring a tract of land where soldiers camped and armies marched on the road to Manassas merits high priority when compared to other more necessary acquisitions throughout the United States.

Much has been made of the fact that Lee camped on Stuart's hill. But when I reviewed Bruce Catton's account of Second Manassas in "Mr. Lincoln's Army," I was shocked that General Lee's name was mentioned in only one sentence.

The fact that the land is on the historical, as well as geographical, periphery of Manassas Battlefield explains why acquisition of this tract has never been an Interior Department or congressional priority.

"Legislative taking" takes away the right of 205,000 people in Prince William County to decide what to do with their land. "Legislative taking" takes away jobs from 8,000 people who might otherwise be employed in William Center.

"Legislative taking" takes away the ability of Prince William County to provide quality education for their children by decreasing net tax revenue an estimated $87 million over the next 20 years.

The chairman of the board of supervisors said, "We have all the fundamental municipal needs, and we cannot continue to finance all those needs on the backs of homeowners." But "legislative taking" takes away the chance to do otherwise.

Is there an alternative? Yes. The Secretary of the Interior proposed to close roads through the park, restore them to Civil War era condition, and replace them with a bypass giving access to a less visually intrusive mall.

This makes sense to me. It was unanimously endorsed by the Prince William Board of Supervisors. But again, "legislative taking" took away the opportunity for compromise. What it does take—is a disorderly approach that will not solve the problem.

While the compromise provided an alternate traffic route, the current proposal directs the Department to study the issue and make recommendations. I am not satisfied that this protects Virginia from extraordinary outlays for highway construction.

Although the bill authorizes up to $30 million for the Federal share of construction, the Congressional Budget Office estimates that "relocation of the highways is expected to cost at least $30 to $40 million and could cost significantly more."

They go on to say that "if the Secretary decides on relocation, and if the necessary sums are appropriated, it is likely that the full $30 million would be spent." As far as Virginia is concerned, those are a lot of "ifs."

The bottom line according to CBO, is that "if the two roads are relocated, the Commonwealth of Virginia would be responsible for 25 percent of the construction costs, or any amount over the $30 million authorized Federal share.

"State authorities estimate the cost of road construction work at about $100 million because they believe that it will be necessary to widen I-66 as a result of the additional traffic routed to it." That means Virginia's share is $70 million.

I ask you to oppose this legislation for three reasons:

First, "legislative taking" is an apt description of a process that takes away liberty and property from the people of Prince William County,

Second, other sites across the country deserve higher acquisition and preservation priority than the William Center tract, and

Third, taking this property places an unfair burden on those who will ultimately be forced to pay the bill for lost local revenue and the lion's share of highway construction.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HUCKABY], a member of the committee.

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this legislation. Manassas—Bull Run, the Southern—the Northern name for the first great battle of the Civil War, historians tell us that on that afternoon there were literally hundreds of people from Washington with their horses and buggies watching this great battle. Of course, as the evening fell, they fled the scene as the southerners demonstrated that this was going to be a long war. It was going to be a major war.

The Manassas Battlefield is only located a few miles out on the Route 66 corridor in northern Virginia, a few miles from Washington, but I say to the developer, go around, go around. Future generations will appreciate what we are going to do here today. They will not remember it, but the park will be so much more meaningful without having this massive shopping center and development here.

The gentleman from Virginia just referred to the fact that this might cost us $50 million, even $100 million. I would suggest that by passing this bill we should say to those who are going to appraise this to take into consideration that this developer only paid some $10 million for the property 3 years ago, and by the actions of this Congress it no longer has the potential of being a shopping center.

Do not rip us off, the taxpayers, the Federal Government; pay the fair market value for it, but let us preserve this sacred ground.

What we do here today is the proper thing to do.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES of Louisiana. Mr. Chairman, the historic perspective offered by the other gentleman from Louisiana is correct, and the battle has long been taught in afternoon classes all the way from south Louisiana, where the Louisiana Tigers participated, into the northern corridors through to the Northeast, to New York and regiments from New England, but they have never taught anything about how much money was spent as people sat watching the battle with vendors probably making sales, and perhaps the best place to commemorate profiteering would be there and here today. It would be best to preserve the sites unaffected by the political interference of those in Virginia who decided to make it commercial and not residential, and if there is a blame, let it be theirs.

Do not take the great-grandchildren of those who fought from Louisiana and present them with a bill for $100 million and tell them that some way that furthers their education. It will tell them a lot about politicians, but it will not tell them much about history.

We have a 1.2-million-square-foot shopping center, and in my previous life before Congress I developed shopping centers. I built some big ones, nowhere near as big as that one. That one at $50 a foot will run $60 million, and one does not pay market price. I have been in expropriations. One pays fair market price at highest and best use, and on this commercial acreage the highest and best use is probably a $40 million land use with improvements of over $100 million, with contracts already executed for construction, with leases already executed for retail sales following that, and I suggest that we will have accomplished nothing more in the past 100 years than having shortsighted people not recognizing the war stand on a hill and watch one and instead have shortsighted people not in fact blame those whose fault it is that history is not being preserved, and through money attempt to cure the loss.

Let us reject this. We cannot afford the cost. Let us reject it objectively on that reason.

Mr. MILLER of Washington. Mr. Chairman, I rise in very reluctant opposition to H.R. 4526, the bill to expand the Manassas Battlefield National Park. I would like to support a bill which would acquire the historical lands next to the current park. Lands, which we all agree are historically significant. However, Mr. Chairman, I must oppose this bill for two basic reasons: first, this bill is a blank check. Second, this blank check must be paid before any other land acquisition program can take place.

What this means is that we could well stop land acquisitions all over the United States for a year, or two or three or four. Mr. Chairman, unfortunately, I do not believe that as written, we should approve this bill today.

I might note, Mr. Chairman, that for my constituents, this bill could mean a delay in important land acquisitions for the Olympic National Park, the North Cascades National Park, the Mount Baker-Snoqualmie National Forest, along the Columbia Gorge, and for the Bowerman Basin/Grays Harbor National Wildlife Refuge. I do not know, under this bill if any or all of these land acquisitions will be delayed. Other members face the same problem.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Let me close with this argument. Mr. Chairman, those whose responsibility it is to take the important decisions regarding Manassas Battlefield have said no to the Manasses addition. Let me emphasize that. They have said no to the Manassas addition. Remember that when Members vote. The board of supervisors of the local jurisdiction have endorsed the development. Not only have they endorsed it but they have issued the necessary permits.

The roads, the curbs, the gutters, the sewers, and the improvements are in place. Remember, the Interior Department, which makes the major decision in this, has said twice they had higher priorities and did not want this piece of property. Maybe it is because there are no identifiable graves on this property.

Remember the last time we were involved and involved ourselves in a congressional taking. That was the Redwoods National Park. The Congress estimated it would be $340 million. To this date we have spent $700 million, and eventually we will spend, without a doubt, $1.3 billion on the Redwoods, $1 billion over what Congress estimated.

Remember the 200 homes and lots and sewers and curbs and highways? There is no doubt in my mind that this bill will cost. This does not save the battlefield. The park is there, and it will remain there, all 4,400 acres of it, and if we pass the Manassas, we are putting all of these 42 parks from California, the women's rights parks, on hold.

Vote against the Manassas bill.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, we continue to hear that this issue should be focused on a local level.

Well, we live in the greatest, most powerful and wealthiest democracy that has ever existed on the face of this planet Earth. We are that Nation today because of the sacrifice made during the convulsive years through which we fought a great Civil War.

To preserve the places where so much sacrifice was made, places like Sharpsburg, MD, Pittsburg Landing, TN, Chickamauga, Manassas twice, these are the demands on us as custodians of our history.

When we spend a thousand billion dollars a year in this Government and we hear a developer paid $10 million or less than $10 million 2 years ago on a piece of land on which so many people made the ultimate sacrifice, I suggest the price is not too high to acquire this land.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 50 years ago Congress decided to dedicate, to set-aside, Manassas Battlefield. Today we have to reassert that policy in terms of what is going on.

Should a key parcel of that area which I suppose most thought would be pastoral and never disturbed by such commercial intrusion, be added to this battlefield to preserve what has been set-aside in terms of one of the most important battles that affected Americans where many, many, many Americans on both sides, the Union and Confederate side, died?

The fact is that is what has happened in development here. The developer and county board have decided to shove down the throat of the Park Service a policy that puts commercial development and the development of one more shopping center in this Nation ahead of what is our national heritage.

That is the question before the House, whether we are going to stand here and let that type of commercial, local decision, in other words, contradict the decision made 50 years ago to preserve this particular battlefield because of the significance it has to our Nation and to our people.

The cost is more than I would wish. I would wish the decision would have been made years ago, but unfortunately others did not have crystal balls when such policy was made. We counted on, depended upon, a good-faith action in terms of the county board and a good-faith action in terms of the developers.

They are not backing away and seeking compromise today. Their answers have come in the bulldozers tearing up that area. I say that the answer today in the House has to be to set this land aside, to go to the funds that we have, $7½ billion that are supposely dedicated, from removing and drilling U.S. offshore oil wells. Depleting one resource, and replacing it with another resource, and the dollars are in fact available and dedicated. It is not a question of the homeless, and it is not a question of other programs. It is a question of whether this Congress will reaffirm the decision made 50 years ago to preserve this battlefield.

The decision should be that we act to reaffirm that we must, in terms of the preservation of our national heritage.

Mr. Chairman, there are various ways to measure how much a nation values itself and its people. Concern for all its people is one such measure, care for its past another. Today we have a clear choice between history and commercialism, a decision of how much we value the events that shaped us as a people and a nation. We need to decide how best to protect part of our history—the Battlefield of Second Manassas. We need to decide if a shopping mall—which could be located in many places—should be allowed to pave over part of our history.

Had the Battle of Second Manassas not occurred at roughly the same location as the First Battle of Manassas, this part of the battlefield would certainly have received the preservation and interpretation it deserves long ago and we would not be considering last minute efforts to save it. The part of the battlefield now in question played a major part in the battle, as the site of General Lee's headquarters and staging area for General Longstreet's advance and decisive routing of the Union Army. For Gen. Robert E. Lee, this battle was part of his effort to invade the North, and so win international recognition and southern independence. In 9 weeks, the fortunes of the Civil War had turned from the outskirts of the Confederacy's capital in Richmond to the outskirts of the Union's capital here. The Confederate victory at Second Manassas played a major part in that reversal. The victory gave the Confederacy the confidence to invade the North and led to the Battle of Antietam. Asked about the signficance of the Battle of Second Manassas, Historian James McPherson, author of the best-selling "Battlecry for Freedom," described it as "a spectacular victory that gave the Confederates increased optimism and led directly to the invasion of the North that resulted in Antietam, which was a major turning point of the war." Professor McPherson noted that the largest Confederate hospital was located on the William Center tract and that while the Union often reinterred their dead, the Confederacy did not, so that a number of soldiers still lie there. Professor McPherson concluded by quoting President Abraham Lincoln on another Civil War battlefield as "hallowed ground" and stating that such ground should not be desecrated by asphalt or concrete. Mr. Chairman, I agree, and add that we need to consider better protection for all our historic places.

There are two major, and related, impacts of the proposed development, which consists of a 1.2-million-square-foot shopping mall, major office construction and residential subdivision. The first impact is on the existing Manassas National Battlefield Park, with increased traffic, and visual, noise and automobile pollution. The second impact is on the historic battlefield itself. The historic battlefield is larger than the park, with significant portions of the battlefield outside the park. Certainly the location of the victorious general's headquarters, where Robert E. Lee directed the battle, and which today helps us understand the battle, has significance as does the staging area for General Longstreet's decisive counterattack on the Union forces which sent them scurrying here to Washington, DC.

Mr. Chairman, as you know, there has been considerable national attention given to Manassas recently. Two bills related to expansions of the Manassas National Battlefield have been introduced, H.R. 4526 was introduced by our colleagues MIKE ANDREWS and BOB MRAZEK with over 200 cosponsors and H.R. 4691 introduced by the Members from Virginia who are affected by this issue: FRANK WOLF, FRENCH SLAUGHTER, and STAN PARRIS. H.R. 4526 as amended has been agreed to by the primary sponsors of both bills and strikes a good balance between the two bills.

As amended by the Committee on Interior and Insular Affairs, H.R. 4526 does three things. First, it provides for a legislative taking for the 642 acres currently being proposed for the shopping mall, office complex and residential subdivisions. Such a taking will prevent further damage to the land and its resources and will immediately prevent increased costs incurred by the developer's current day and night construction. This title transfer will then be justly compensated.

Second, the bill as amended directs the Secretary to work with the State and local governments to encourage preservation of the battlefield's viewshed through zoning and other appropriate means. This will bring together the interested parties and encourage their joint efforts to protect this part of the Nation's history. A similar effort to protect the viewshed around Antietam National Battlefield is proceeding quite well.

Third, H.R. 4526 as amended directs the Secretary of the Interior to conduct a study on the highways that pass through the existing park, Highways 29 and 234. He is to study the highways in and in the vicinity of the battlefield, assess alternatives, develop plans for the closure of the roads and determine alternative routes. The Secretary of the Interior is authorized to provide funds for the construction and improvement of those highways to be used for the rerouting of traffic, with not more than 75 percent of the cost of the road relocations to be provided by the Secretary of the Interior and at least 25 percent to be provided by State or local governments. H.R. 4526 authorizes appropriations not to exceed $30 million for the road study and construction.

H.R. 4526 as amended deals with the major threats to this park—both external and internal. It prevents the construction of the shopping mall on that part of the battlefield not currently protected within the park by including it in the park and it works to assess and mitigate the impact of the roads that go through the park. Those roads carry traffic that certainly doesn't contribute to our understanding of the battle. But having personally seen the morning traffic there, I cannot say that those roads are anywhere as serious a threat to the park as such a huge shopping mall is. The administration has argued that the highways are the primary threat to the park. But the present commuter traffic is very little compared to the traffic generated by a 1.2-million-square-foot mall. H.R. 4526 addresses the Secretary's concern but is more comprehensive. The impact on the existing park is dealt with in the road study and construction and the direction that the Secretary work to protect the viewshed; the threat to the historic battlefield is dealt with by the acquisition of the William Center tract.

The administration has proposed a so-called compromise for Manassas. I can find no such compromise in its proposals. It simply proposes to close the roads within the park and to build the mall in a somewhat different location than the top of Stuart's Hill. But there is no linkage between the road closing and the mall construction, so that the mall could be built with all its impacts on the park without the roads in the park being closed. That is simply unacceptable. For one thing, while a very small portion of Stuart's Hill would be saved as a memorial to General Lee, most of the land there is marked for "nonresidential use." That means commercial, and includes buildings that would certainly be dominant when viewed from the existing battlefield. Furthermore, when we examined the proposed visual screening of the mall and offices to be built on the William Center tract, we learned that it will consist of deciduous trees. Mr. Chairman, as I'm sure you know, such trees lose their leaves in the fall, so that any screening would be minimal for months of the year. I would find dependence on tree leaves to protect a national park from visual intrusion comical except that the Secretary's proposal is completely serious.

I've heard the county's cry that 20 percent of the land is owned by the Federal Government. Their assertion ignores that the majority of that land—some 60,600 acres—is occupied by Quantico Marine Base, which employs 8,500 people and makes a major economic contribution to the county. I would be surprised if the county would prefer to close Quantico and make it private property. In contrast, Manassas National Battlefield Park, including the 642 acres in question, would only be about 4,400 acres.

Why has this area not been previously included in the park? Because we have, in the name of saving money, tried to acquire the battlefield piecemeal during the years. The battlefield itself has not changed. Indeed, as early as the 1930's master plan for the park, this area was identified as significant. Had we purchased the land then we could have saved a great deal of expense. Let us not wait again, but use this as a lesson for park protection everywhere. In cases such as Manassas, postponing purchases of significant lands only increases prices but does not decrease their significance. The cost of this land does not determine its significance. History does that. We can only act before the cost goes higher and before more of our Nation's past is lost.

I urge passage of H.R. 4526 and ask this Chamber's support in protecting our Nation's heritage. We must not trade our heritage for a mess of shopping malls. Shopping malls can be built elsewhere; but the location of such history was determined long before, and cannot be moved for our convenience. Thank you, Mr. Chairman.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill shall be considered by sections as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manassas National Battlefield Park Amendments of 1988".

□ 1415

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADDITION TO MANASSAS NATIONAL BATTLEFIELD PARK.

The first section of the act entitled "An act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b), is amended—

(1) by inserting "(a)" after "That"; and

(2) by adding at the end thereof the following:

"(b)(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in this Act be referred to as the 'Addition'.

"(2)(A) Notwithstanding any other provision of law, effective on the date of enactment of the Manassas National Battlefield Park Amendments of 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

"(B) The United States shall pay just compensation to the owners of any property taken pursuit to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be made by the Secretary in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of the Manassas National Battlefield Park Amendments of 1988 to the last day of the month preceding the date on which payment is made.

"(C) In the absence of a negotiated settlement, or an action by the owner, within 1 year after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretasry may initiate a proceeding at anytime seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

"(3) Not later than 6 months after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(c) The Secretary shall not allow any unauthorized use of the Addition after the enactment of the Manassas National Battlefield Park Amendments of 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition.".

AMENDMENT OFFERED BY MR. MARLENEE

Mr. MARLENEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARLENEE: On page 4, line 23, after "made.", insert the following:

"Whether the value of just compensation is determined by negotiation between the parties or by the court, within three days of the date of enactment of these amendments the Secretary shall post a bond or place a cash deposit with the court, or offer such bond or cash deposit directly to the owners of the property taken pursuant to this paragraph, equal to the Secretary's estimate of the fair market value of the property taken. The property owners shall be permitted to accept such bond or cash deposit without prejudice to a claim that it inadequately reflects the fair market value of the property taken and shall be permitted to continue negotiations with the Secretary or to file an action in court seeking additional compensation."

Mr. MARLENEE. Mr. Chairman, I think what my colleagues need to remember is that this is a confiscation, a legislative taking of property, and if we take that property we should pay for that property as soon as practicable.

When an individual walks out of a store with a new radio, he had better have paid for it or he goes to the slammer. He had better use a credit card, he had better put it on his charge account, or he had better pay cash or he is going to the slammer.

When an individual buys an automobile, try getting out of town without obligating yourself for the purchase of that automobile. When you buy a home, at the settlement table you lay down the cashier's check.

What this amendment says is the United States bought this property and takes immediate possession. Then we pay, the U.S. Government pays the owner immediately.

The amendment is standard procedure established by the Declaration of Taking, 50 U.S.C. 258(a) for the taking of property by condemnation.

> Time of payment.
>
> It is not necessary that compensation be made at time of or in advance of taking of land and government has power to take land without bringing condemnation proceedings at all since it is only necessary that payment be made at time of taking of title.

We must minimize the legal costs of the interest and expense, and this amendment does exactly that. It saves the taxpayers money. It saves the property owner money.

What this really is is a downpayment as soon as we occupy the property.

I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

The fact is that the legislative taking is the fastest and the most effective, it is the way that is the least costly to the Government to acquire this tract of land. The fact is that such land and such claims, as I said earlier, about the cost of the land I think are wild exaggerations which are more designed to stampede the Members of the House into a false debate about the cost of this measure than what would otherwise be the case.

But notwithstanding that, it is very clear that legislative taking draws its money, and it is our intent it would draw its money from the claims and judgments account in the Department of the Treasury. They would be used for the legislative taking, not the appropriations of the Department of the Interior, as some have implied, which of course contradicts the issue beyond all recognition.

It is our direct intent that the claims and judgment account in the Department of the Treasury provide funding for acquisition payment for the property which shall be certified to the Department of Justice. After the Department of Justice certifies the payment from the claims and judgment account, it shall be made available to pay just compensation from the permanent fund.

For these reasons and many other reasons, I oppose this amendment.

What the gentleman is attempting to do is we have had a couple of custom-made proposals just for this particular developer. Who is this developer that he demands or he is able to command such type of treatment in this House?

I say that the existing and the normal procedure in terms of legislative taking is a just and fair method to deal with the process. We do not need to turn the process on its head for this particular developer or in this particular instance. The fact is that it is my reading of this amendment that the American taxpayer would end up paying the owner of the Williams tract interest on this money twice. That is neither necessary nor appropriate use of taxpayer money, Mr. Chairman.

I think that this amendment speaks to what the developer might want, but not to a fair break for the American taxpayer. It would seem to reward Williams for the actions that they have taken.

In other words, this amendment seems to suggest in terms of posting a bond that somehow we should not trust the National Government, that the National Government in a legislative taking, in the course of jurisdiction over this would not be reliable, that they could not be counted upon.

At the very least, Mr. Chairman, I think that is insulting to the courts. I think it is insulting to the process that exists here. This language would be unprecedented, unnecessary, and as far as I know it has not been requested by anyone on either side of this issue.

It seems to me that those that were so concerned about costs now are proposing to make the costs even higher with regards to this amendment. I think that it is tough enough in terms of facing the types of costs in this purchase. We do not need the Department of the Interior trumping up the cost as being more than it is, nor do we need this amendment increasing the cost or doubling the interest for remuneration to the developer in this particular instance.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMAS of California. Mr. Chairman, I rise in support of this amendment.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I thank the gentleman from California for yielding. I would like to pose a question to my colleague, who is the chairman of the Subcommittee on National Parks and Public Lands. We have in hand today a letter from the Office of Management and Budget, Jim Miller, and I refer to the letter and quote:

> I assume that this is a reference to the Treasury Department's permanent, indefinite appropriation account entitled "Claims, Judgments and Relief Act."

I know that the gentleman's side of the aisle has made a lot to do about where this money is going to come from, from this big, omnibus fund that we have out there. Let me say, "The purpose of this fund is to finance from the general funds of the Treasury payments of claims against the U.S. that are not," and I emphasize "are not otherwise provided for. Given this general principle, it appears to me that at this time that the payment to acquire Manassas property, if taken by the Federal Government as provided for in H.R. 4526, would necessarily be derived from amounts appropriated to the National Park Service from the land and water conservation fund for land acquisition. I understand that the unobligated balance of such funds currently available to the Park Service is about $74 million. Also the House version of the fiscal year 1989 Interior appropriations provides $62 million in new budget authority for Park Service land acquisition, whereas the Senate version provides $64 million."

What this signifies is that this legislation, the money will come directly from the land and water conservation fund, and we will have to deal with it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. Reclaiming my time, I yield to the gentleman from Minnesota for a response.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

It is good to have the views of what the Office of Management and Budget intends. I am telling the gentleman that what the authors of this legislation intend is that it would come from the claims and judgment account of the Department of the Treasury.

I can understand why Mr. Miller might like to take and to make this particular measure antagonistic to the other elements of the budget that affect the Park Service, but that is not our intention. The fact is that is within our purview to, in fact, provide the dollars from the particular claims and judgment fund, to reimburse it from the land and water conservation fund or other mechanisms, but the fact is that is our legislative intention. That is what we are doing, and it is not antagonistic to the other projects of the National Park Service or other agencies.

Mr. THOMAS of California. Reclaiming my time, I yield to the gentleman from Montana [Mr. MARLENEE] for a response to the response.

Mr. MARLENEE. Mr. Chairman, the gentleman may claim that, but the actual impact of this bill is to dilute the funds that are necessary for all of those acquisitions and the priorities that the Park Service has and the priority list that they have given us.

I would further say that I wonder if it is the gentleman's intention, the intention on that side of the aisle by the passage of this legislation that the Park Service go into the houses and lots business? What is the gentleman going to do with the curbs and the gutters and the highways and the lots that we acquire and the buildings, by the way?

Mr. THOMAS of California. Reclaiming my time, I yield to the gentleman from Minnesota.

Mr. VENTO. The fact is, of course, that we must have the dollars. If we purchase the tract and it were modified, improved or changed, we would have to have the appropriations. We must have appropriations based on the need for restoration of the area because the bulldozers are running today. The fact is it would be much more, obviously, if we had not in fact provided for legislative taking and implement the policy earlier rather than later.

I thank the gentleman for yielding.

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

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Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Chairman, I recall very vividly the day that the gentlelady, and she was a gentlelady, from the board of supervisors, appeared before our subcommittee. She at that time supported the development.

Was she not elected by a majority of her constituents in that area? I know the gentleman knows that area very well.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. PARRIS] has expired.

(By unanimous consent, Mr. PARRIS was allowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, will the gentleman continue to yield?

Mr. PARRIS. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman.

Was not the gentlelady from the board of supervisors elected by a majority of her constituents?

Mr. PARRIS. I certainly hope so because she won. She was put in office and that apparently means she got a majority of the votes.

Mr. MARLENEE. Mr. Chairman, that is an elected office, she won by a majority, she supports the project, indicating the wishes of the people in that area after much studied consideration.

Mr. PARRIS. I think that is correct.

Mr. MARLENEE. I thank the gentleman.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I respect the gentleman's statement with regard to not voting on this issue and certainly do not question it. But I note that the gentleman did sponsor one of the major pieces of legislation that essentially had many of the elements that are in this bill before us. I note the gentleman is passionately arguing in the well a specific position. Of course, finally I understand the gentleman's statement did not address the amendment before us. In other words, the gentleman wanted to make a statement generally beyond what the general debate provided. So I just wanted to call to the attention of the Members that the amendment really is an amendment that in my judgment is inappropriate, is covered by the legislative taking, a procedure that is in the law.

Mr. Chairman, I oppose the amendment. I appreciate the gentleman's yielding the time.

Mr. PARRIS. I thank the gentleman for his contribution. I would simply reiterate that he is totally correct. I was one of the original sponsors of the bill filed by Mr. WOLF which has been turned into the Mrazek-Andrews-Vento bill or whatever. The point of all that is that there has been considerable change of circumstances since that time. I mentioned in bifurcated statement, the first part of it, that since the time the bill was originally filed in this matter, there has been one-half of a mile of road built, there have been 200 lots that have gone on record which are worth $40,000 a piece, that is $25 million for 25 percent of this property. Utilities are available to this site and it is going to cost this Government a fortune to acquire it.

Mr. MRAZEK. Mr. Chairman, I move to strike the requisite number of words.

Mr. VENTO. Mr. Chairman, will the gentleman yield to me?

Mr. MRAZEK. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's concern about the fact that circumstances have changed since the introduction of this bill. The fact is that the Committee on Interior and on Insular Affairs, and our subcommittee moved very carefully forward on this issue. While the issue developed in January, we were not here with legislation in February or March. I guess it was in April, the gentleman, Mr. MRAZEK and Mr. ANDREWS introduced legislation. Even then we waited until substantial sponsorship occurred. The Secretary of the Interior came forth with his proposal which, frankly, I do not think satisfied anyone. The fact is that the answer of the developer in this instance was that the bulldozers were turned free, there was no compromise, there was no consideration of what the impact would be.

That is what this has grown into a national issue of concern to the national preservation organizations across this Nation.

That is why they are in support of this bill.

So to talk about the fact that it has not been compromise or that there may be a compromise down the road remains to be seen.

There certaintly has been no compromise on the part of the developer, nor for that matter with regard to the county board. So the fact is this legislation and the actions of those, the developer and the county board, have left us no recourse. Yes, the county board has the responsibility for zoning and zoning in that area. They zoned and within that zoning we had this opportunity for an office park, for other types of development. I think, frankly, that the Park Service was misled and the fact is, I think the facts and the committee hearing reflect that. Not that anything was done illegally. But certaintly there are questions about the fact that they were misled.

Also the county board has a responsibility here but we also have a responsibility in terms of what park policy is. We are not going to transfer that responsibility to the County Board of Commissioners of Prince William or any other single county across this Nation. We set that policy. And the policy in this instance I think is clear: Where there is development that is occurring, that is intrusive into the park, which is going to damage the park, which is going to increase the traffic flow from 8,500 cars per day to 85,000 per day, I think we have to recognize the major impact that that has on the park.

This amendment simply is one that tends to—it is not necessary and I would hope we would oppose the amendment.

Mr. MRAZEK. I thank the gentleman.

Mr. Chairman, it seems pretty clear that the gentleman from Virginia has several different positions on this particular issue. I am a little confused about where he stands. I know that he started reading an excerpt from a column by George Will supporting the taking of this hallowed ground and reading what has happened at a place called Gettysburg, PA.

And what has happened at Gettysburg is an absolute travesty. And what we are trying to do today is see that what happened at Gettysburg does not happen at Manassas. The gentleman talked about the people of northern Virginia whom he represents and I am sure he represents them well. But every poll that I have seen in recent weeks suggest that the overwhelming percentage who live in northern Virginia suggested that the value of preserving this land far outweighs the cost that the Federal Government must bear to acquire it.

The gentleman talked about the fact that the land has already been cleared on the William Center tract and that is true. In some respects they have done us a favor because the National Park Service in trying to restore certain historic lands to the condition they were in at the time, in this particular case, a battle took place, has actually helped out to some extent in clearing some of the trees away from areas that did not have trees when the battle took place.

For the gentleman to suggest that simply because it is recorded that there are number of home sites on this land that that automatically means that those home sites would be valued by a Federal judge looking to adjust for fair compensation for what the developer paid for the land—less than $2 million 2 years ago—is automatically $20 million in and of itself is not something that I think a Federal judge would automatically accept. I submit to you that one of the reasons that the land was cleared was because of the legal steps taken by the developer. I would cite the letter here from Col. J.J. Thomas, colonel, Corps of Engineers, district engineer, to Mr. Ted Canterbury of the Hazel Peterson Cos.

The CHAIRMAN. The time of the gentleman from New York [Mr. MRAZEK] has expired.

(By unanimous consent, Mr. MRAZEK was allowed to proceed for 3 additional minutes.)

Mr. MRAZEK. The letter in part reads as follows:

> Your unauthorized filing project is in direct violation of condition 9 of Nationwide Permit (33CFR330.5)(a): Number 14, for minor roadfill crossings; and Number 26 for discharge in non-tidal headwaters and adjacent wetlands. This letter confirms our verbal direction of June 21, 1988 to seize and desist any and all unauthorized activity in Youngs Branch and its adjacent wetlands. You are requested to provide in writing your reasons for performing these unauthorized activities.

We have a developer who has gone in, working at night bulldozing the land, working without permits, filling in wetlands illegally, all in an effort to try to head off the effort by those of us who believe that this land is important to preserve for our national historic heritage.

I would submit to you that what is really at stake is the kind of desecration that took place at Gettysburg. I do not understand exactly why the jackals and the fly-by-nighters feel that it is so important to bring huge developments right on top of historic sites. It has happened at many historic sites in this Nation. Perhaps the reason is that because so many people come to visit these sites that there is going to be more money made by placing a major development contiguous to the sites.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is exactly right, we find time and time again when we have created parks, we have created historic sites that in fact the type of development wants to anneal itself to the park to benefit and profit from their particular unit. I think this is an example which makes this particular parcel so desirable, the setting of the 4,500 acres that is a part of the battlefield and of course that is why they are seeking this. First an amusement park was tried, now this shopping center pursued. The amusement park was rejected. There was an understanding that this would not be the type of development that would occur in the area. But unfortunately we are where we are at today because of the bad faith that has occurred with respect to this issue.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Jackals, fly-by-nighters, I do not think that is the kind of language we should use on the floor of the House or the kind of characterizations that we should use against otherwise sincere individuals who have an occupation or a profession that they are pursuing.

I think that the Members who are proposing and supporting this bill should refer to the RECORD to refresh their memories perhaps in order that they may not impinge the character of another Member or the developer.

The developer, I will remind the committee, was willing to compromise. He was very willing to compromise. He worked with the committee out there that opposed the development. He worked with the Park Service.

What did he do? Well, he established buffer zones on his land, on his dollars, buffer zones on his dollars, buffer zones on that private property between the park and the development.

What else did he do? Well, he established an observation point so that people at the development could look back at the park to observe what had happened within the park.

What else did he do? He also acquiesced or said that he would move the proposed site of the shopping mall, which he did.

□ 1445

He moved the proposed site to a lower elevation, and then, in addition to that, he brought down the total height to live within a covenant that he agreed to that no structure would be more than 45 feet in height.

Those are the things that the developer compromised on in order to accommodate those who proposed the development. But that is not enough. They sent out the signal that—"Hey, we would have agreed to a housing development, a few offices, and maybe a small shopping center." But when we talk about a development, when we talk about houses and a mall, then they get all excited, even after the developer has compromised and has agreed to enhance the esthetics.

So I would admonish my chairman of the subcommittee not to cast any dark aspersions on those who oppose the legislation.

Mr. PARRIS. Mr. Chairman, will the gentleman yield to me?

Mr. BROOMFIELD. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding.

I have no desire or intent, nor will I, to engage in the defense of the utilization of this property, but let me for the record make sure that all my colleagues understand the facts here.

There have been several references to an amusement park. What that was was a theme park by Marriott Corp., something like Disneyland Northeast or something, whatever that was. It was, in fact, rejected by the county government, and that property was then acquired by this property owner for the Marriott Corp. So this person or this corporation had nothing to do with any kind of an amusement park in this location.

Second, there has been some reference to wetlands on this property. I have visited this property, as have many others. This is not anywhere close to the Potomac River. It is 40 miles out in the country, in the foothills of the Blue Ridge, and the wetlands is a wet water stream with one farm pond.

Mr. Chairman, those are the considerations here that ought to be applicable to the facts.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, very briefly, without disparaging any developers, let me say this: My father at one point in his varied career was a developer, and he always tried to help families and do the things that enhanced life here in America. I think probably there is a good side to all these people, but they have such a focus on what they are trying to do that they have lost their sense of history. We must never lose that in this country.

I want to associate myself with 98.9 percent of the positive remarks of the gentleman from New York [Mr. MRAZEK] and all the Members in this House who feel that it is hallowed ground out there. To quote Lincoln, these are decisions made that we can never turn the clock back on.

I bought a home out there in that area not too far away. It is probably one of the most beautiful places in this country, and I say that as a Californian who thinks his State is about the be-all and end-all when it comes to physical beauty.

I just hope that this is resolved by them getting a message from those of us who are supposed to be caretakers for the future of all these sites around this country that we respect and want to pass on to our children and our grandchildren.

Mr. Chairman, I hope this bill will pass overwhelmingly in this House.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to take a moment to address what was mentioned about the so-called efforts of the developer to compromise by moving a 4-story building off the highest prominence of the entire battlefield. He moved it some 200 yards, and in its place he agreed to put a visual visitors' center, an observation post that he would build and that would be manned by the Park Service.

What will the tourists and the historians of the future see as they stand on that highest prominence and look out across the fields of Manassas? A parking lot, a 4,000-car parking lot, a department store, and a mattress factory. They will literally need long-range binoculars to see the battlefield.

This will be a unique shopping mall. It will be the first one in our country's history that has its own historic observation post run by the Park Service. If you misplace your car, you can go to the observation post to find it. If your children are lost, they will know exactly where to go. A park ranger will be there to help them find their way.

Mr. Chairman, I submit that this amendment should be defeated. Those of us who have worked with the preservation groups and with the local county officials and have talked with the developer have tried to seek a reasonable compromise. The one suggested by this development is not the way to go. We are left with no other alternative here today.

Mr. Chairman, the forum of last resort is the Congress. Today we are deciding the fate of Manassas National Military Park.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. MARLENEE].

The question was taken; and on a division (demanded by Mr. VENTO) there were—ayes 5, noes 10.

Mr. MARLENEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 276]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)

Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 1512

The CHAIRMAN. Four hundred two Members having answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Montana [Mr. Marlenee] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair reminds the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 326, not voting 26, as follows:

[Roll No. 277]

AYES—78

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bliley
Brown (CO)
Buechner
Cheney
Combest
Coughlin
Craig
Crane
Dannemeyer
Daub
DeLay
DioGuardi
Dreier
Edwards (OK)
Frank
Frenzel
Gallo
Gekas
Goodling
Gradison
Green
Hammerschmidt
Hansen
Hastert
Hefley
Herger
Hunter
Inhofe
Jacobs
Kolbe
Kyl
Latta
Lewis (FL)
Lightfoot
Lujan
Lukens, Donald
Madigan
Marlenee
Martin (IL)
McCandless
Miller (OH)
Moorhead
Morrison (WA)
Myers
Nielson
Olin
Oxley
Packard
Parris
Payne
Petri
Regula
Saxton
Schulze
Sensenbrenner
Sisisky
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Stangeland
Stump
Sweeney
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Whittaker
Williams
Wylie
Young (AK)
Young (FL)

NOES—326

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
AuCoin
Baker
Ballenger
Barnard
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Crockett
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Gallegly
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (PA)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lungren
Manton
Markey
Martin (NY)
Martinez
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Shumway
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wilson
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron

NOT VOTING—26

Aspin
Atkins
Boulter
Burton
Dowdy
Gray (IL)
Hatcher
Hawkins
Johnson (CT)
Kemp
Kolter
Lewis (CA)
Livingston
Mack
MacKay
Matsui
McCollum
McGrath
Meyers
Mica
Michel
Molinari
Nichols
Shuster
Spence
Wise

□ 1520

Mr. GUARINI and Mr. MILLER of Washington changed their vote from "aye" to "no."

Mr. PAYNE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARLENEE

Mr. MARLENEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Marlenee: Page 4, line 14, after "judgment.", insert the following:

"The Secretary shall reserve funds adequate to satisfy the costs of the estimated judgment from appropriated 'Land and Water Conservation Fund' moneys and the payment shall have priority over all other uses of the fund until the obligations under this Act are satisfied in full."

Mr. MARLENEE. Mr. Chairman, there has been some confusion with regard to where the money would come from to pay for the Manassas Battlefield. I think it is extremely important that we know where this money is coming from and that it is not out of some pie-in-the-sky fund that already exists.

This is a major amendment, the amendment that I have offered. It puts the Manassas purchase on line in the budget. It takes the money for the purchase out of the Land and Water Conservation Fund. It gives the payment of the Manassas site priority over all other land and water conservation fund purchases, just as the legislation does. It carries through on that. It says that we will pay for what we take. No smoke and mirrors, just upfront purchase for the appropriated land and water conservation funds, nothing more and nothing less.

It makes Congress put its money where its mouth is.

The argument against this amendment is that no other land purchases can be made until Manassas is paid for. This is not true. If Congress want to buy more land, they can appropriate the funds through the normal process. That is the way it should be. None of this funny money.

Sooner or later we as the U.S. Congress and the taxpayers are going to have to pay the piper. Ths amendment says that the time is now to do that.

Lest there be any confusion on where this will come from, we have a letter from Jim Miller from the OMB, who essentially states:

> The purpose of the Claims Judgment Fund is to finance from the General Treasury payments of claims against the U.S. that are not otherwise provided for.
>
> 2. Since the Land and Water Conservation Funds under the Department of Interior are available specifically for land acquisition, use of that fund must first be exhausted before funds can be used from the Claims Judgment Fund. Even if the bill were amended to provide that the moneys came solely from the Claims Judgment Fund, such action would directly violate the bipartisan budget agreement, because the Manassas spending would be over the limit set for unappropriated funding."

Note well the OMB letter.

Finally, Mr. Miller of the OMB says:

> Given this general principle, it appears to me at this time that the payment to acquire the Mansassas property if taken by the Federal Government as provided for in H.R. 4526 would necessarily be derived from amounts appropriated for the National Park Service.

What we are saying in this amendment is let us get with it. Let us have an honesty in legislation amendment and proceed with this. It is going to come from appropriated funds. Let us say so.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, some of us were talking about this legislation. I think some of the Members are confused about the legislation. It could cost as much as $30 million, I understand. It is to buy some lands surrounding the Manassas Battlefield so that a shopping center will not be built.

What is the problem about the shopping center?

Somebody suggested that they might be worried that one of the shoppers would get hit by a wild shot. Is that the problem? What is the purpose of the legislation?

□ 1530

Mr. MARLENEE. The purpose of the legislation is to subvert the intent of the Park Service and the local jurisdication of the county board of supervisors which approved the development on an area—and I emphasize adjacent—adjacent to Manassas National Battlefield. Manassas National Battlefield Park will always be there, all 4,500 acres of that park will be there. This does not save that 4,500 acres. It provides the taking of 400 acres next to it.

Mr. JACOBS. How does the shopping center hurt the battlefield? It is not for the safety of people shopping at the center, is it?

Mr. MARLENEE. I would say it does not hurt, because the builder and the Park Service have compromised their positions. The builder has allowed a buffer strip between the development and the park and an observation tower.

Mr. JACOBS. If the gentleman will assure the House that there was a cease-fire that is still in effect and that nobody is in danger of being hit from the battlefield, I will thank the gentleman.

Mr. MARLENEE. I give that assurance.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a straightforward amendment. The gentleman from Montana and the Director of Office of Management and Budget made it abundantly clear that they want this money that is used for this emergency situation in terms of a legislative taking to actually be antagonistic to the other appropriations that are made out of the Land and Water Conservation Fund to other programs of the Park Service, and that is what they are doing.

Mr. Chairman, it is clear to me and I think to other Members of the House that this amendment would, in fact, of course, put the Manassas, this emergency action, in an antagonistic manner toward other projects that the Park Service needs, and this is really very curious. The fact is we provided this legislation, and it is the intent of the legislation that the direction that the claims and judgments account of the Department of the Treasury provide for the funding of this acquisition as it generally has for almost all other legislative takings. That is the procedure that we use, but the administration and the gentleman from Montana [Mr. MARLENEE] are insisting that this money be in competition with money that is appropriated from the Land and Water Conservation Fund.

The fact is that this is simply an effort to try and defeat this legislation by virtue of building opposition from those that have other projects in the Land and Water Conservation Fund. That is what the purpose of this amendment is. It is not necessary. There can be funds appropriated to restore the money to the Treasury fund from a variety of different sources. This is not unusual.

The fact is that this amendment is simply an effort by an administration who seeks incidentally no money for the Land and Water Conservation Fund, so if we want to take their suggestion it is that we pay for it from that fund, but their suggestion is we not put any money into that fund, that we not appropriate any money. I guess the result would be that there would be no money in that fund to facilitate what is the emergency action in this instance.

Mr. Chairman, I think this shows the folly of it and the type of logic and the type of, I think, attitude that exists on the part of the administration with regard to this issue. There would be no money to execute the decision if we took their instruction as to what we put into the land/water fund.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, if in fact Jim Miller took the money for Manassas, and this is a question, and it is a serious question, if he took the money from Manassas out of the legal fund, the claims fund, and he broke the law, would not the gentleman be wanting to bring him up here and prosecute him? He is bound by law, and that is the reference he makes in his letter where he said the purpose of this fund is to finance from the General Fund of the Treasury repayments of claims against the United States that are not otherwise provided for; that is, general claims.

Mr. VENTO. Reclaiming my time, that is exactly what this legislative taking is, because it is an emergency taking. We recognize that, and that is why we have this particular procedure set up so that we can meet the funds, because it comes from unexpected appropriation. Nobody designed or has had designs in terms of this particular area until the emergency development this year, and it became clear that this was the only way to resolve this particular issue.

I would just suggest to the gentleman that there are various ways to repay this fund, recapture the dollars, and that is a question we will have to face. The question is not pertinent in this instance. The gentleman would make this particular project antagonistic to the other Land and Water Conservation Fund projects that are competing. That is not necessary at this point. There is some $6 billion in this Land and Water Conservation Fund which the administration has adamantly refused to request dollars for in almost each of the last 7 years except, of course, for the closing out of that fund the administration has sought funding, as the gentleman is aware; but the administration for all practical terms requested no dollars for the Land and Water Conservation Fund. If we followed their prescription, there would be no dollars to pay for this particular program. Clearly the Congress and the distinguished members of the Committee on Appropriations have sought to restore funding to this Land and Water Conservation Fund Program in each of those years at obviously much reduced levels because of the opposition of the administration.

Mr. Chairman, I think this amendment needs to be defeated. It is not necessary. It will take money away from other park units that are necessary, and that money should come out of the Treasury fund as is anticipated in the law and general policy.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I would say that the gentleman from Minnesota is somewhat confused.

Mr. Miller and the U.S. Congress are bound by the law, and he would be drug up here in a moment if he took those funds from anywhere but the Land and Water Conservation Fund. The law says the purpose of this fund is to finance from the general funds of the Treasury repayments of claims against the United States that are not otherwise provided for.

If one goes to court and wins a lawsuit, that is a claim against the United States of America. There is no doubt about it. I intend that this Congress, that this committee, and that the chairman of the subcommittee be straightforward. As a matter of fact, I demand that they be straightforward and tell us that we are trying to sweep this under the rug so that this does not show up in the true cost of this; that this does not have to be appropriated; that it is outside of the budget process; that it will not be sequestered. I think that that is why the gentleman is opposing the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SHAW. Mr. Chairman, I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I regret that I did not make myself clearer to the gentleman from Montana, our distinguished member of the Interior Committee.

The fact is that as the gentleman said in his own words, he said that a taking, a legislative taking, is a claim. This is the normal procedure that is used with the legislative taking process, to go to this particular claim fund as it was used in other cases where court decisions are made, and the fact is that this is the normal procedure.

The Committee on Appropriations obviously will have to provide those funds within that particular fund for this land to be purchased, but the legislative taking would come as a claim because of the nature of the issue that is before us. The gentleman would try and solve that problem ahead of time by vitiating the actions to provide Land and Water Conservation Funds for other projects, and I think that is inappropriate and unnecessary. We will have to restore that money from various funds at the national level, and perhaps from the Land and Water Conservation Fund, but not on the basis of taking it away from other projects, and that is what this gentleman's effort here will do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. MARLENEE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARLENEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 45, noes 361, not voting 24, as follows:

[Roll No. 278]

AYES—45

Archer
Armey
Bartlett
Barton
Cheney
Combest
Craig
Crane
Dannemeyer
Daub
DeLay
Dreier
Edwards (OK)
Frank
Gekas
Goodling
Green
Hammerschmidt
Hansen
Hunter
Jacobs
Kolbe
Kyl
Latta
Lewis (FL)
Lujan
Lukens, Donald
Marlenee
McCandless
Miller (OH)
Nielson
Oxley
Pashayan
Schulze
Shumway
Smith, Denny (OR)
Smith, Robert (OR)
Stump
Sweeney
Swindall
Thomas (CA)
Vucanovich
Walker
Williams
Young (AK)

NOES—361

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lungren
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NOT VOTING—24

Alexander
Boulter
Dowdy
Hatcher
Johnson (CT)
Kemp
Kolter
Lewis (CA)
Livingston
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Miller (CA)
Molinari
Nichols
Shuster
Spence
Stratton
Waxman
Wilson
Wise

☐ 1558

Mr. GLICKMAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. VISUAL PROTECTION.

Section 2(a) of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b-1), is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(2) The Secretary shall cooperate with the Commonwealth of Virginia, the political subdivisions thereof, and other parties as designated by the Commonwealth or its political subdivisions in order to promote and achieve scenic preservation of views from within the park through zoning and such other means as the parties determine feasible.".

Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. HIGHWAY RELOCATION.

(a) Study.—The Secretary of the Interior (hereinafter in this section referred to as the "Secretary"), in consultation and consensus with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, shall conduct a study regarding the relocation of highways (known as routes 29 and 234) in, and in the vicinity of, the Manassas National Battlefield Park (hereinafter in this section referred to as the "park"). The study shall include an assessment of the available alternatives, together with cost estimates and recommendations regarding preferred options. The study shall specifically consider and develop plans for the closing of those public highways (known as routes 29 and 234) that transect the park and shall include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park. The Secretary shall provide for extensive public involvement in the preparation of the study.

(b) Determination.—Within 1 year after the enactment of this Act, the Secretary shall complete the study under subsection (a). The study shall determine when and how the highways (known as routes 29 and 234) should be closed.

(c) Assistance.—The Secretary shall provide funds to the appropriate construction agency for the construction and improvement of the highways to be used for the rerouting of traffic now utilizing highways (known as routes 29 and 234) to be closed pursuant to subsection (b) if the construction and improvement of such alternatives are deemed by the Secretary to be in the interest in protecting the integrity of the park. Not more than 75 percent of the costs of such construction and improvement shall be provided by the Secretary and at least 25 percent shall be provided by State or local governments from any source other than Federal funds. Such construction and improvement shall be approved by the Secretary of Transportation.

(d) Authorization.—There is authorized to be appropriated to the Secretary not to exceed $30,000,000 to prepare the study required by subsection (a) and to provide the funding described in subsection (c).

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walker: Page 7, after line 21, insert the following new section:

"Sec. 5. Sequestration and Certain Reduction in Outlays.—If the order issued under section 252(b) of the Deficit Control Act of 1985 for fiscal year 1989 states that the deficit reduction target will not be met, the funds for the legislative taking provided for in section 2 shall come out of existing appropriations within the jurisdiction of the Secretary of the Interior."

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

☐ 1600

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VENTO. Mr. Chairman, the amendment violates rule XXI as being appropriation on legislation and I insist on my point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. WALKER. I certainly do, Mr. Chairman.

Mr. Chairman, there is nothing in this amendment which specifically appropriates money. All this amendment does, it says that if we run afoul of the Budget Act, the money would have to be taken out of previously appropriated funds. So that there is nothing in this particular amendment which in fact appropriates any specific funds at all. It simply assures that we maintain compliance with another act to which this Congress is committed, namely the Deficit Reduction Act.

The CHAIRMAN (Mr. Eckart). Are there any additional Members who wish to be heard on the point of order? If not, the chair is prepared to rule on the point of order.

Having examined the amendment, it is clear that it represents a diversion of previously-appropriated funds for a new purpose and thus would be violative of clause 5(a), rule XXI.

Therefore, the gentleman from Minnesota's point of order is well taken and the amendment is ruled out of order.

Are there other amendments?

If there are no additional amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Murtha] having assumed the chair, Mr. Eckart, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4526 to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, pursuant to House Resolution 515, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the agreement and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARLENEE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant At Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 307, nays 98, answered "present" 2, not voting 23, as follows:

[Roll No. 279]

YEAS—307

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bates
Bennett
Bentley
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Bustamante
Callahan
Campbell
Cardin
Carper

Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Courter
Coyne
Crockett
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hefley
Hefner
Hertel
Hiler
Hochbrueckner
Holloway
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowry (WA)
Lukens, Donald
Madigan
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Vento
Visclosky
Volkmer
Walgren
Walker
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—98

Archer
Armey
Bartlett
Barton
Bateman
Beilenson
Bereuter
Bilirakis
Bliley
Bruce
Burton
Byron
Cheney
Coble
Combest
Cooper
Craig
Crane
Dannemeyer
Daub
DeLay
Dickinson
Dreier
Dymally
Edwards (OK)
Flake
Frank
Frenzel
Gallegly
Gallo
Goodling
Gradison
Hall (OH)
Hammerschmidt
Hansen
Hastert
Henry
Herger
Hopkins
Houghton
Hunter
Inhofe
Jacobs
Jones (TN)
Kanjorski
Kolbe
Konnyu
Kyl
Latta
Leath (TX)
Lewis (FL)
Lowery (CA)
Lujan
Luken, Thomas
Lungren
Manton
Marlenee
McCandless
McCrery
Mfume
Michel
Miller (WA)
Moorhead
Murphy
Myers
Nielson
Olin
Ortiz
Oxley
Packard
Pashayan
Payne
Pursell
Ray
Regula
Rogers
Rose
Rowland (CT)
Savage
Saxton
Schulze
Sensenbrenner
Shumway
Sisisky
Smith (NE)
Smith, Robert (OR)
Stangeland
Stump
Sundquist
Sweeney
Thomas (CA)
Valentine
Vander Jagt
Vucanovich
Watkins
Wortley
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Hayes (LA)
Parris

NOT VOTING—23

Badham
Boulter
Dowdy
Hatcher
Jeffords
Johnson (CT)
Kemp
Kolter
Lewis (CA)
Livingston
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Miller (CA)
Molinari
Nichols
Shuster
Smith, Denny (OR)
Spence
Williams

□ 1624

The Clerk announced the following pair:

On this vote:

Mr. Miller of California for, with Mr. Nichols against.

Mr. McDADE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 4526, the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS ACT

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3679) to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lac Vieux Desert Band of Lake Superior Chippewa Indians Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Lac Vieux Desert Band of Lake Superior Chippewa Indians, although currently recognized by the Federal Government as part of the Keweenaw Bay Indian Community, has historically existed, and continues to exist, as a separate and distinct Indian tribe that is located over 75 miles from the Keweenaw Bay Indian Community;

(2) the Lac Vieux Desert Band consists of approximately 250 members who continue to reside close to their ancestral homeland near the town of Watersmeet, Michigan;

(3) the Lac Vieux Desert Band entered into two treaties with the United States as a distinct tribal entity (7 Stat. 591, 10 Stat. 1109);

(4) members of the Lac Vieux Desert Band currently reside on or otherwise occupy lands within the Township of Watersmeet, Michigan, which are held by the United States in trust for the Keweenaw Bay Indian Community, and currently receive limited Federal benefits through the Keweenaw Bay Indian Community; and

(5) because of its distance from Keweenaw Bay and the failure of the United States to recognize the independent status of the tribe, the Lac Vieux Desert Band and its members receive only limited benefits to which the tribe and its members are entitled.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Band" means the Lac Vieux Desert Band of Lake Superior Chippewa Indians;

(2) the term "member" means those individuals eligible for enrollment under section 5 in the Band; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL TRUST RELATIONSHIP.

(a) The Federal recognition of the Band and the trust relationship between the United States and the Band is hereby reaffirmed. The Act of June 18, 1934 (48 Stat. 984), as amended, and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this Act shall apply to the members of the Band, and the reservation. The Band is hereby recognized as an independent tribal entity, separate from the Keweenaw Bay Indian Community or any other tribe.

(b) The Band and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 5. ESTABLISHMENT OF A BAND ROLL.

(a) Within six months after the date of enactment of this Act, the Band shall submit to the Secretary, for approval, its base membership roll which shall include only individuals who are not members of any other federally recognized Indian tribe or who have relinquished membership in such tribe and who are eligible for membership under subsection (b).

(b) An individual is eligible for inclusion on the base membership roll in the Band if that individual—

(1) is on the tribal membership roll as maintained by the Band prior to the date of enactment of this Act and is on file with the Bureau of Indian Affairs as of the date of enactment of this Act; or

(2) is at least one-quarter Chippewa Indian blood and is a person or a descendant of a person who was listed, or could have been listed, on any of the census of the Lac Vieux Desert prepared by the Superintendent of the MacKinaw Agency prior to 1928 or by the Superintendent of the Great Lakes agency on or prior to 1940.

(c) The Band shall ensure that the roll, once completed and approved, is maintained and kept current.

(d)(1) Notwithstanding paragraph (b) of section 6 and except as provided in paragraph (2), future membership in the tribe shall be limited to descendants of individuals whose names appear on the base roll and who have at least one-quarter Chippewa blood quantum.

(2) The Band may modify such quarter Chippewa blood quantum requirement if such modification is adopted in the tribal election as prescribed under paragraph (a) of section 6 or in a referendum by a majority of the voters and approved by the Secretary of the Interior. The Secretary shall approve such new membership requirements once adopted by the tribal voters unless he finds that the proposed amendment is contrary to Federal law.

SEC. 6. ORGANIZATION OF TRIBE; CONSTITUTION AND GOVERNING BODY.

(a) Within one year following the enactment of this Act, the Band's governing body shall propose a governing document, and the Secretary shall conduct, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), and in accordance with applicable rules and regulations, an election as to the adoption of the proposed document. The Secretary shall approve the governing document if approved by a majority of the tribal voters unless the Secretary finds that the proposed constitution, or any provision thereof, is contrary to Federal law.

(b) Until the Band adopts and the Secretary approves a governing document, the Band's interim governing document shall be the Lac Vieux Desert Constitution which bears the approval date of June 18, 1986, and a copy of which is in the files of the Division of Tribal Government Services, Bureau of Indian Affairs, Washington, District of Columbia.

(c) Until the Band elects a new governing body pursuant to the new governing document, the Band's governing body shall consist of its current Band officers, elected at the Band's election held on November 5, 1986, or any new officers selected under election procedures of the interim governing document identified under subsection (b) of this section.

SEC. 7. LAND ACQUISITION; ESTABLISHMENT OF FEDERAL RESERVATION.

(a) The Keweenaw Bay Indian Community is hereby authorized to convey, by deed to the United States in trust for the Band, all lands located in Gogebic County, Michigan, which, on the date of enactment of this Act, are held in trust by the United States for the benefit of said community. The Secretary is hereby authorized and directed to approve and accept the deed with the expressed consent of the Keweenaw Bay Indian Community and the Band. Upon acceptance of the deed, all lands described therein shall constitute the reservation of the Band.

(b) The Secretary may place such other land into trust for the benefit of the Band pursuant to the provisions of the Act of June 18, 1934 (48 Stat. 84), or any other Act: *Provided*, That any such land placed in trust which is located in Gogebic County, shall become part of the reservation.

SEC. 8. DISTRIBUTION OF FUNDS.

(a) For the purpose of proceeding with the per capita distribution of the funds appropriated and subsequently apportioned to the Keweenaw Bay Indian Community in satisfaction of judgments awarded the Lake Superior Chippewas and Mississippi Chippewas in dockets numbered 18–C, 18–T, 18–S, and 18–U of the Indian Claims Commission, the Secretary of the Interior shall accept the tribe's certification of enrolled membership.

(b) Individuals who are or become members of the Lac Vieux Desert Band and who are eligible for per capita shares out of funds apportioned to the Keweenaw Bay Indian Community or Sokaogan Chippewa Community shall continue to be eligible for such per capita payments notwithstanding their relinquishment of their enrollment in either community pursuant to section 5 of this Act.

SEC. 9. CONSTITUTIONAL AMENDMENT.

Notwithstanding any other law or provision in the constitution of the Keweenaw Bay Indian Community, the Secretary shall call an election within 90 days of receipt of a resolution of the Keweenaw Bay Tribal Council requesting an election for the purpose of amending provisions of the constitution of the Keweenaw Bay Indian Community."

SEC. 10. COMPLIANCE WITH BUDGET ACT.

Notwithstanding any other provision of this Act, any spending authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts. For purposes of this Act, the term "spending authority" has the meaning provided in section 401(c)(2) of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Mr. VENTO [during the reading]. Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. RHODES. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota for an explanation of the Senate amendment.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 3679 is a bill to federally recognize the Lac Vieux Desert Bank of Lake Superior Chippewa Indians of Michigan as a separate Indian tribe. The members of this tribe, which number about 250, are currently recognized as members of two other Chippewa Indian Tribes.

The Lac Vieux Desert Band has historically existed as a distinct and separate Indian tribe with its own government, land base, and membership, yet through bureaucratic fiat, it is only recognized as part of another Indian tribe, the Keewenaw Bay Indian community. The legislation before us would establish a direct government-to-government relationship with the band and recognize it as a distinct and separate Indian tribe.

This bill originally passed the House by unanimous consent and has now come back from the Senate with some minor amendments.

Mr. RHODES. Mr. Speaker, further reserving the right to object, I thank the chairman, and agree with his explanation. S. 1735, a bill to clarify the status of the Lac Vieux Desert Band of Chippewa Indians as a distinct tribe, passed the Senate last September. The Interior Committee amended the bill and it passed the House on the Consent Calendar on May 2 of this year. I would like to commend our colleague, Representative BOB DAVIS, of Michigan, who sponsors the companion bill in the House, for his efforts on the bill.

I support the further Senate amendments to the bill, and I urge my colleagues to support the motion.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., FRIDAY, AUGUST 26, 1988, TO FILE REPORTS ON SUNDRY BILLS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 5 p.m. Friday, August 26, 1988, to file reports on the bills H.R. 2848, H.R. 4807, and H.R. 4970.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2342, COAST GUARD AUTHORIZATION ACT OF 1988, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-856) on the resolution (H. Res. 518) waiving certain points of order against the conference report on the bill (H.R. 2342) to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes, and against consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1580, ANTI-APARTHEID ACT AMENDMENTS OF 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-857) on the resolution (H. Res. 519) providing for the consideration of the bill (H.R. 1580) to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5142, GRANT PROGRAMS AND CONFIDENTIALITY PROTECTIONS RELATING TO COUNSELING AND TESTING WITH RESPECT TO AIDS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-858) on the resolution (H.Res. 520) providing for the consideration of the bill (H.R. 5142) to amend the Public Health Service Act to establish grant programs, and confidentiality protections, relating to counseling and testing with respect to acquired immune deficiency syndrome, to amend such act with respect to research programs relating to such syndrome, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREE ON H.R. 3051, AIRLINE PASSENGER PROTECTION ACT OF 1987

The SPEAKER. The Chair appoints the gentleman from West Virginia [Mr. Rahall] as a manager on the part of the House to the conference on the bill (H.R. 3051) to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes, to fill the vacancy on that conference resulting from the death of our former colleague, Representative Howard of New Jersey.

The Clerk will notify the Senate of the change in conferees.

APPOINTMENT AS MEMBER TO SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to clauses 6 (f) and (i) of rule X, the Chair appoints to the Select Committee on Aging the gentleman from Indiana [Mr. Jontz] to fill the existing vacancy thereon.

□ 1630

APPOINTMENT OF CONFEREES ON H.R. 4585, TAFT INSTITUTE AUTHORIZATION EXTENSION

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4585) to extend the authorization of appropriations for the Taft Institute through fiscal year 1991, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Montana? The Chair hears none, and appoints the following conferees: Messrs. Hawkins, Ford of Michigan, Gaydos, Williams, Owens of New York, Hayes of Illinois, Perkins, Jeffords, Goodling, and Coleman of Missouri, and Mrs. Roukema.

APPOINTMENT OF CONFEREES ON S. 908, INSPECTOR GENERAL ACT AMENDMENTS OF 1988

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 908) to amend the Inspector General Act of 1978, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. Brooks, Conyers, Synar, Wise, Erdreich, Horton, Walker, and Clinger.

DEPARTMENT OF VETERANS' AFFAIRS ACT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3471) to establish the Veterans' Administration as an executive department, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Brooks, Conyers, Weiss, Neal, Frank, Montgomery, Edwards of California, Horton, Walker, Lightfoot, and Solomon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MARITIME PROGRAMS FISCAL YEAR 1989 AUTHORIZATION

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 503

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. Skaggs). The gentleman from Massachusetts [Mr. Moakley] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. Quillen] and pending that I yield myself such time as I may consume.

Mr. Speaker, the rule makes in order an amendment in the nature of a substitute, recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as original text for the purpose of amendment. The substitute will be considered by sections and each section shall be considered as having been read.

Mr. Speaker, the rule provides one waiver against the substitute, clause 7 of rule 16, the germaneness waiver. This waiver is necessary because language that makes permanent changes in law is not germane to the bill. Section 6 of the substitute repeals the on board posting requirement of the terms and conditions of bill of ladings and contracts. Because section 6 would change existing law under the Intercoastal Shipping Act of 1933, a waiver of clause 7 of rule 16, is necessary.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4200 authorizes $486.8 million for the Maritime Administration and $15.1 million for the Federal Maritime Commission for fiscal year 1989. The Maritime Administration oversees vital programs that are important for the promotion and the continued existence of the U.S. merchant marine shipping industry in both domestic and foreign commerce.

In keeping with that directive, Mr. Speaker, the bill authorizes $300 million for the operating differential subsidy program. These subsidies are paid to U.S. shipping companies, to make certain that U.S. flag ships will be able to continue to compete in foreign trade, and to ensure economic and national security.

Also, Mr. Speaker, the Maritime Administration operates the U.S. Merchant Marine Academy where students are trained to become licensed merchant marine officers. The students are also enrolled as midshipmen in the Naval Reserve and, if eligible, are commissioned as ensigns in the Naval Reserve.

Mr. Speaker, the Federal Maritime Commission acts as a regulatory agency for the maritime industry, besides ensuring that all participants in U.S. foreign ocean commerce are treated equally the Federal Maritime Commission enforces tariffs and service contracts, the investigation of any discriminatory practices among shippers and terminal operators, and deciding possible actions and sanctions toward any foreign carriers or governments that create unfavorable conditions in U.S. ocean trade.

Mr. Speaker, as I stated earlier, this is an open rule, the bill is open to any germane amendment, I urge adoption of the rule so the full House can consider the bill H.R. 4200.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule has been ably explained as well as the provisions of the bill. In my 26 years here in the House I have seen the merchant marine fleet diminish almost to the point of disappearing. I would like to see it built up as it was right after World War II because it means so much to our national defense.

Mr. Speaker, I cannot understand why this administration and the administrations prior to this one shove the merchant marine authorizations and appropriations on the back burner. I think it should be in the forefront, and I think we should be encouraging our merchant marine fleet to be improved, to be enlarged and to be able to help defend the Nation, if necessary.

We know what it meant, this fleet meant, during World War II in helping to win the war. It was a great asset. To me the amount in this authorization bill is not nearly enough although the 300 million for operating differential subsidy keeps the fleet competitive. I would like to see that increased.

So, Mr. Speaker, I am a merchant marine advocate. I think it is necessary that this House and this Congress look at the situation with the idea of improving and enlarging the merchant marine fleet and, if we can do that, Mr. Speaker, I think this Nation will be safer.

Mr. Speaker, I urge the adoption of the rule, and I have no requests for time.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4200.

□ 1642

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, with Mr. MOAKLEY in the chair.

The Clerk read the title of the bill.

Mr. CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. JONES] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to say a word about H.R. 4200, the fiscal year 1989 authorization for the Maritime Administration and the Federal Maritime Commission. This bill is being considered at a time when the U.S.-flag fleet and the American shipyards are in dire need of help. Our national security depends on our ability to ensure that healthy U.S.-flag sealift assets continue to ply commercial trade routes in peacetime in an atmosphere of healthy competition.

H.R. 4200 provides $486,851,000 for Marad and $15,150,000 for the FMC. The bill differs from the administration's budget request in several ways. First, it authorizes an extra $25 million for operating-differential subsidy, with an eye toward the passage of fair- and growth-oriented reform legislation.

Second, it establishes a separate line item for research and development, and reallocates $2 million out of operations and training for this purpose. While it does not increase Federal outlays, it does send an important signal to our maritime community that one way to improve the efficiency and competitiveness of our fleet is to make sure R&D programs are encouraged. This initiative is in line with the report of the President's Commission on Merchant Marine and Defense.

Third, H.R. 4200 differs from the budget request by adding $2 million to the State maritime school line item. In return for his slight increase in funding, the bill includes language to increase the commitment of students who receive assistance under the Student Incentive Payment Program. We should bear in mind that the States themselves bear the lion's share of funding responsibilities for the State academies.

Fourth, the bill mandates a study to determine the feasibility of ship sharing among the State maritime academies. It also prohibits ship sharing until the later of 1 year after the study is completed, or September 30, 1990.

Finally, H.R. 4200 includes language from last year's bill that would place offshore oil industry vessels and inland waterway vessels outside the scope of the title XI Loan Guarantee Program, but only until 1990. The purpose of this is to limit the program to only the oceangoing fleet for the time being. Many of the most publicized defaults were caused by a downturn in the oil industry.

The bill allocates $110,751,000 for acquisition and maintenance of vessels for the Ready Reserve Force. Previously, most funding for this program was within the Navy. This amount is consistent with the administration request and should not be controversial. I believe this initiative is an important step and reflects a commitment to more efficiently manage our sealift assets.

The funding level in H.R. 4200 for the FMC is identical to that requested by the administration. The funding this bill provides to the FMC will be used in several important areas, including implementation of the Automated Tariff Filing System, beefed-up trade enforcement measures which may well be enacted this year, and the beginning of the 5-year review of the 1984 Shipping Act.

I commend the leadership of this body for consistently recognizing the importance of these vital programs to the national security, industrial base, and promotion of jobs in America. I am aware of no amendments or controversy concerning this legislation, and I urge that my colleagues approve the bill.

□ 1645

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the authorization legislation for the Maritime Administration [Marad] in the Department of Transportation and the Federal Maritime Commission [FMC].

The programs to be authorized for these two agencies are extremely important in promoting and supporting the American maritime industry as well as implementing existing maritime regulatory and trade reform efforts. These two agencies represent virtually the entire Federal effort in developing programs and support mechanisms for the American maritime industry. For the last several years these programs have suffered from the budgetary and inflationary problems in our country.

Marad has made a valiant effort to keep pace with budgetary problems, but it has been a losing battle for them. In their efforts to maximize their limited Federal resources, they have made some decisions with regard to spending levels and priorities that the Merchant Marine and Fisheries Committee has had some problems with but I do not think they represent insurmountable difficulties.

We are optimistic that the FMC will continue its efforts to implement the Federal maritime laws and international trade policies that will support and encourage the American merchant marine to expand and seek broader international markets. Hopefully, the Agency will be able to convince other maritime nations that there must be equal treatment in order to have fair trading arrangements.

I believe that H.R. 4200 represents reasonable funding levels for these two agencies. The bill authorizes $486,851,000 for Marad and $15,150,000 for the FMC for a total funding authorization of $502,001,000. This level is about $27 million more than the amount requested by the administration. Most of this difference represents funds for the operating-differential subsidy [ODS] program that we on the Merchant Marine and Fisheries Committee felt was necessary.

Two amendments adopted when the Merchant Marine and Fisheries Committee approved the bill are good additions and merit special mention:

The feasibility study concerning training ships for the State maritime academies hopefully will lead to the resolution of this contentious issue of ship sharing; and

The amendment deleting the requirement to have bills of lading posted under glass on cargo ships operating in the domestic trade is a good change reflecting current practices and modern computerized information services.

I am aware that the administration has expressed opposition to this bill—in its present form. Our committee considered all the points raised by the administration and decided to proceed with this bill.

We believe that the authority for the title XI Vessel Loan Guarantee Program should be retained in order for the Government to have the ability to guarantee loans that are determined to be sound. The administration recommended repeal of this authority but we think that if a company can get a private party to consider financing a merchant vessel that meets the Government's standards and needs, then the company should be able to get a loan guarantee.

We tightened up the program that gives student incentive payments [SIP's] to cadets at the State maritime academies and do not feel that this program should be eliminated as suggested by the administration. When a cadet gets a SIP he must agree to sign up for a Naval Reserve commitment. We also believe that the program of financial support to the six State academies should be continued in its present form and not conditioned upon all the graduates getting a Coast Guard license and a reserve appointment, as proposed by the administration.

The additional $27 million in the bill represents $25 million in funding for the ODS Program that we felt would be needed as part of the congressional effort to reform this subsidy program. There is also $2 million more for the six State maritime academies. This small amount of money over the administration's request acknowledges that these two efforts are important to the overall Federal maritime program. ODS supports most of our Nation's liner vessels operating in international trade, and the State schools are the largest source of trained individuals needed not only for the merchant marine but also for our national defense.

Our difference with the administration about the $2 million for research and development activities simply represents our view that there should be a separate R&D line item in the budget rather than burying this money in another account, which was what was proposed in the administration's budget.

Mr. Chairman, I support this bill and urge my colleagues to join with us to enact this important bill.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BENTLEY], a distinguished member of the Committee on Merchant Marine and Fisheries.

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in full support of this authorization. Even though I would like to see more money authorized for the American merchant marine and the maritime industry, what little there is today is just enough to retain a nucleus for this very vital basic industry of our country. Even with the $27 million, which is more than what the administration asked for, it is an important addition and we must have it.

This industry has taken a beating over the past several years. Anything we can do to shore it up to make certain that we have American flagships sailing is the responsibility of this body.

Mr. Chairman, I rise in full support of this legislation and I want to commend the chairman and the minority leader for their good work on this legislation.

Mr. DAVIS of Michigan. Mr. Chairman, I rise in support of H.R. 4200, which authorizes appropriations for fiscal year 1988 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission.

Mr. Chairman, I think we have arrived at an authorization level for the Maritime Administration and the FMC which seeks to recognize the limited resources available. This is not the optimum solution, but the best we can do under the circumstances. There are just not enough Federal dollars to do all we need to do.

While we do not yet have a formula for an ODS bill, we have included sufficient funds to get a program moving if we can get the consensus of the industry. I remain confident that we can still have an ODS bill, however, with just over 20 legislative days in this session time is, indeed, running out.

H.R. 4200 authorizes $487 million for the Maritime Administration. This is approximately $27 million more than the administration requested but well justified if we are to continue our efforts to assure a strong merchant marine.

H.R. 4200 reflects the administration's request for $15.5 million for the Federal Maritime Commission. In this year when trade legislation has been in the forefront, Congress must be especially mindful of the important work carried out by the FMC. This authorization provides the Commission with the necessary funds ot discharge its statutory mandate. The FMC must have the resources, now and in the future, to assure that ocean transportation is conducted in a fair and open environment. Our efforts at removing restrictive trade barriers which impede our U.S.-flag carriers' ability to participate equally in all trade routes must continue.

The administration also requested repeal of title XI of the Merchant Marine Act, 1936, the Federal ship financing fund. While not going as far as the administration might wish, H.R. 4200 does eliminate all offshore oil equipment and vessels and all inland tugs and barges from coverage under the Loan Guarantee Program for a period of 2 years. This change returns the title XI program to its original purpose, namely to guarantee loans on our blue water vessels.

On another point, Mr. Chairman, I wanted to make just a few comments about the funding levels for the State maritime academies. We have authorized $2 million more than that requested by the administration. This increase is needed to assure that the academies have sufficient funds to assure maintenance of their training vessels and payments for the fuel to operate those vessels.

Mr. Chairman, I remain concerned that the administration is not taking seriously the value of these academies to our national defense.

They are producing graduates who are considered among the best mariners in the world. I am particularly proud of the Graduates of the Great Lakes Academy. The Great Lakes Academy is among the most efficiently operated of the State academies, and it is beyond debate that the taxpaying public is getting its money's worth. While I had hoped for some alteration in the funding formulae which would have benefited the Great Lakes Academy, I have, at the urging of the State school including the school in my own State, opted for a more comprehensive solution which we hope can be developed in the next fiscal year.

Mr. Chairman, that concludes my remarks and I urge passage of H.R. 4200.

Mr. LENT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for purposes of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In fiscal year 1989, $486,851,000 is authorized to be appropriated for the Maritime Administration including—

(1) for payment of obligations incurred for operating-differential subsidy, $300,000,000;

(2) for research and development activities, $2,000,000 to remain available until expended;

(3) for expenses related to operations and training activities, $61,801,000, including—

(A) for maritime education and training not more than $34,021,000 including—

(i) not more than $22,759,000 for maritime training at the Merchant Marine Academy at Kings Point, New York;

(ii) not more than $10,000,000 for financial, operation, maintenance, and fuel oil assistance to the State maritime academies and their training ships, which shall be operated by the State maritime academies until the latter of one year after the completion of the study required under section 5 of this Act, or September 30, 1990; and

(iii) $1,262,000 for additional training;

(B) for other operating programs $27,780,000; and

(4) for expenses related to national security support capabilities, not more than $123,050,000, including—

(A) $121,852,000 for the National Defense Reserve Fleet, including—

(i) $35,400,000 for fleet additions, replacements, acquisitions, and upgrading of vessels for the Ready Reserve Force;

(ii) $75,351,000 for maintenance and operations programs in support of the Ready Reserve Force; and

(iii) $11,101,000 for other programs in the National Defense Reserve Fleet;

(B) $1,198,000 for emergency planning operations.

SEC. 2. In fiscal year 1989, $15,150,000 is authorized to be appropriated for the use of the Federal Maritime Commission.

SEC. 3. (a) Section 130(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)) is amended—

(1) in paragraph (1)(B), by striking "and" the second place it appears;

(2) in paragraph (1), by striking subparagraph (C) and substituting the following:

"(C) paid by the Secretary for the first complete or partial academic year of attendance to the individual in a lump sum of $1,200 or on a prorated basis based on actual attendance, and at a time during the second academic year when the individual enters into an agreement accepting midshipman and enlisted reserve status as required under paragraph (2); and

"(D) paid by the Secretary for the academic years after those years specified in subparagraph (C) as the Secretary shall prescribe while the individual is attending the academy.";

(3) in paragraph (2), by striking "apply for midshipman" and substituting "accept midshipman and enlisted reserve";

(4) in paragraph (3)(D), by striking "to apply for an appointment as,"; and

(5) in paragraph (4), by striking "has attended a State maritime academy for not less than two years" and substituting "has accepted the payment described in paragraph (1)(C) of this subsection".

(b) The amendments made by this section apply to individuals who commence attendance after December 31, 1988, at a State maritime academy in accordance with section 1304 of the Merchant Marine Act, 1936 (46 app. U.S.C. 1295c).

SEC. 4. Until October 1, 1990, the term "vessel" in section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) does not include the following types, whether in existence or under constructon: drill ships, tug supply boats, supply boats, crew boats, pipelaying barges, any other type of vessel designed or intended primarily for offshore oil or gas exploration or development, and any type of vessel, other than a passenger vessel, operated or intended to be operated primarily in inland waterways.

SEC. 5. The Secretary of Transportation, after consultation with other agencies in the executive branch and the State maritime academies, shall submit to Congress a feasibility study on providing suitable training ships to the State maritime academies as authorized by section 1304(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c). This study shall include data on the cost effectiveness to the United States Government; cost impacts on the affected State governments; safety of the ships involved; safety of the State students; operational and scheduling impacts upon the States; liability exposure of the United States Government; impact on national security sealift, trooplift, and Ready Reserve Force requirements; ship maintenance methods; accountability of Federal and State consumable and other supply items; impact of existing labor and other contracts upon the States; and the overall impact on the ability of State Maritime academies to produce merchant marine officers.

SEC. 6. The first paragraph of section 2 of the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 844) is amended—

(1) by inserting in the third sentence after "on board each vessel", the words "that carries passengers";

(2) by striking in the seventh sentence ", if filed as permitted by this section and framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times,"; and

(3) by striking in the seventh sentence "on board each vessel," the second time it appears.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Add the following new section—

SEC. 7. The Maritime Administration shall disclose to credit reporting agencies, to which it reports loan activity, information concerning any debt of more than $1,000 that—

(1) arises out of loan activities of the Maritime Administration that are authorized by this Act; and

(2) is delinquent more than 90 days.

Mr. KASICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, this amendment I am presenting I believe receives the support of the chairman, because frankly, the chairman wrote it.

The amendment was written in anticipation of an amendment that I wanted to offer in my continuing quest to try to control the growth of the Government debt, which is now up to $82 billion.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the distinguished gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, I am happy to report that as author of the bill, I have considered the gentleman's amendment and find it acceptable.

Mr. KASICH. The only thing I would like to say about this, Mr. Chairman, if I could, is that there is good news according to the Chief of Staff, that we are going to be collecting more of this money with the oil revenues coming back. We are going to see some improvement there for the fishing industry. This may be one of the bright spots.

I want to thank the chairman for his support, and wish the gentleman was coming back for another term so that the people of Greenville could bring him back to Congress for one more term.

Mr. LENT. Mr. Chairman, will the sponsor of the amendment, the gentleman from Ohio, yield?

Mr. KASICH. I am glad to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, the minority also has had an opportunity to look over this amendment.

Let me say parenthetically that we have no objection to it.

We anticipate that the distinguished chairman of the full committee has every intention of coming back and we expect to have him back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. MOAKLEY, chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4200) to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, pursuant to House Resolution 503, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4200, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore, laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

Hon. JIM WRIGHT,
Speaker of the House, House of Representatives, H-209, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 453 of the 96th Congress, as amended, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Academy for the year 1988:

The Honorable Roy Dyson of Maryland;

The Honorable George J. Hochbrueckner of New York; and

The Honorable Norman F. Lent of New York.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am
Sincerely,
WALTER B. JONES,
Chairman.

□ 1700

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS, 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, August 10, 1988.)

ARMY RECRUITING AD WINS GOLD MEDAL AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I received a letter from Lt. Gen. Allen K. Ono, Deputy Chief of Staff for Personnel, U.S. Army. In his letter, General Ono announced that the Army recruiting advertisement, "Dear Dad," had won a Gold Medal from the International Advertising Festival of New York which has been in existence for 31 years. The ad beat 39 entries from all over the world. In the finals of the "General Recruiting" category, "Dear Dad" won out over seven other entrants including, the New York Police Department, Bank of America, and General Electric. "Dear Dad" is the first print ad produced by the Army's new advertising agency, Young & Rubicam. I want to share General Ono's letter with my colleagues.

Hon. Gillespie V. Montgomery,
House of Representatives,
Washington, D.C.

DEAR MR. MONTGOMERY: I thought you would be interested to know that the "Dear Dad" print ad has won a Gold Medal from the International Advertising Festival of New York in the category of "General Recruiting." As you know "Dear Dad" is the first print advertisement produced for the Army by Young & Rubicam.

The Festival has been in existence for 31 years. The print category is in its fifth year. It is an international competition where advertising agencies from all over the world submit entries.

There were originally 39 entries in the "General Recruiting" category, coming from Canada, England, West Germany, Australia, and other foreign countries, as well as the United States. Those were narrowed down to seven, including the New York Police Department, Bank of America, and General Electric. "Dear Dad" won the only medal awarded (the Gold). The others received "Finalist Certificates."

I know that a copy of this print ad occupies a position on the wall in your office. This award is proof that not only do we have a winner in the Montgomery G.I. Bill, thanks to your efforts, but we also have an outstanding program to promote it. Your continued support is truly appreciated.

ALLEN K. ONO,
Lieutenant General, U.S. Army,
Deputy Chief of Staff for Personnel.

GREEN TEA AND DIRTY TRICKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, yesterday I had said when I announced the sad death of Brig. Gen. Jim Devereux, the hero of Wake Island and former Member of this House, that we would be doing a special order on him today, but because of the necessity and the need of having more time to prepare to pay proper tribute to him, several Members requested that I postpone it until after we return from the Labor Day recess, so we will do it at that time.

Mr. Speaker, I now would like to do as my special order a continuation of the different ones I have been speaking on concerning the Japanese lobby. Today, Mr. Speaker, I have an interesting article.

As the Members know, for some time I have been reading from the book called The Japanese Conspiracy by Marvin Wolf, which outlines the method that Japan has used to target our industries and, of course, there have been some questions as to whether Mr. Wolf was accurate or whether he was not.

I was very happy when on Sunday we found an article by a liberal columnist named Richard Reeves in the Baltimore Sun. It was actually on August 9. He stated essentially what Marvin Wolf has claimed in his book. The article is entitled "The Japan Lobby," and it explains how the Japanese have cheated on their quotas with the British and how upset the British are with their behavior.

I will now read it. It is datelined New York, by Richard Reeves, and it says:

> You can buy a jeep with right-hand drive at Suzuki dealers in Holland, which seems strange because Dutch cars have their steering wheels on the left. The Dutch drive the same way we do, on the right side of the road.

He says:

> It is the British who keep to the left and so need steering wheels on the right. And, in fact, those Dutch Suzukis with English-language dashboards and owner's manuals are made and sold for the British market.

Mr. Reeves points out:

> The whole thing is a way, one of many, for Japanese manufacturers to cheat on a court arrangement backed by the governments of Great Britain and Japan.

This is how Mr. Reeves says it works:

> The Japanese (Government and auto companies) have agreed to restrict their exports to 11 percent of the British market—

Which is about 220,000 cars a year.

> But when that quota has been met, Japanese car dealers begin sending customers, employees and relatives across the English Channel to Rotterdam, to pick up the right-hand drive cars there and bring them back to England as "used" cars.
>
> Such tricks—

And that is the word Mr. Reeves uses—

> according to auto experts in London, actually give the Japanese 16 percent or more of the British market. "It has got to stop," said Anthony Beaumont-Dark, a Conservative member of Parliament, whose district happens to include a Land Rover factory.

Of course, Land Rover produces vehicles, four-wheeled vehicles.

> "These people see rules"—

The Conservative member says—

> "as something to get around, rather than something to abide by."

Mr. Reeves continues to write:

> Saying things like that, at least in the United States, leaves one open to charges of "Japan bashing"—a civil disorder that some would equate with racism or anti-Semitism. I would suspect, though, that Mr. Beaumont-Dark might be just as upset if he thought the Swedes or Norwegians were the ones threatening the jobs of his constituents.
>
> "Japan bashing" in the United States"—

Mr. Reeves says, and he says which he thinks is—

> a healthy indication that Americans can still read and write and count, has created an equal and opposite counterforce, a "Japan Lobby." That lobby—second now only to the Israel Lobby, which seems to have been an inspiration to the Japanese—was built and is supported by the pennies of hundreds of thousands of Americans working for Japan Inc., from Toyota dealers to lumberjacks cutting trees in Oregon to make chopsticks in Tokyo.

And I might just point out at this juncture in this article that we have created 106,000 more jobs in Japan than they have in the United States, and that is according to Harper's Index.

Mr. Reeves says that:

> * * * if a congressman or columnist says that maybe we should take a look at what's happening and whether it's good for all of us, a reassuring face appears on television to say we don't understand free trade or something equally sacred. It could be Elliot Richardson—

Elliot Richardson, according to Business Week, is now chairman of the $25 million Hitachi foundation, which is the largest Japanese foundation in the United States, and Hitachi is also setting up community action committees, our information says.

Mr. Reeves again says:

> It could be Elliot Richardson, or Walter Mondale, or Jim Jones, the former chairman of the House Finance Committee—all now working for or representing Japanese or other foreign companies.
>
> More than 100 former federal officeholders are among the hundreds and hundreds of Americans now lobbying for foreign companies, usually Japanese.

The writer continues:

> One of their great successes has been to help defeat legislation allowing the federal government to begin monitoring foreign investment in American properties—a thing the Japanese government does routinely.

We would not let it happen here, because we said everybody would take their money and go home. I think we should have given it a chance.

> That number and others come from the research of Pat Choate, a vice president of TRW who is writing a book on foreign impact on the U.S. economy, and who also reports that 152 Japanese companies and government agencies paid $100 million last year to 113 Washington law firms and public-relations agencies for lobbying in Washington.

I placed that list in the CONGRESSIONAL RECORD on June 23.

"The Japan Lobby is, in fact, a growth industry," according to Mr. Reeves. "The Association of Foreign Investors in America"—and that is the one represented by Mr. Richardson—"and the Association of Foreign Investors in Real Estate were both formed just this year."

Reeves said that:

> My own Japan-bashing credentials are, I think, in order, even though I believe in free and fair trade. It's that I don't see Japan practicing free trade or considering fairness at all. I think, in fact, that Japan's willful, self-interested abuses of the spirit and letter of international trade agreements and systems—the complaint of Mr. Beaumont-Dark in England—could destroy those systems if other major traders begin to play the game the Japanese way.

Continuing with Mr. Reeves, he said:

> I said something like that to a Japanese ambassador (to a major industrial country) a few weeks ago, and he said, in sadness not anger "You have to understand that we cannot allow ourselves to be pushed too far on these matters, and we cannot push our people too far, because we are potentially a socially unstable country."

Mr. Speaker, I say nonsense to that attitude, because Japan is a very strong, aggressive country. It is certainly the largest economic power in the world now.

Mr. Reeves said:

> "What about us? * * * Do you think America and Americans can be pushed too far?"

The Japanese Ambassador responded:

> "No, * * * you are flexible enough to take anything."

Mr. Reeves concluded with his comment that the Ambassador may have intended a compliment but that he, Mr. Reeves, "took it as a misjudgment that may cost both of us greatly."

Mr. Speaker, the conclusion of this article is certainly most interesting to me. I was surprised that a Japanese Ambassador would tell Mr. Reeves that—

> You have to understand that we cannot allow ourselves to be pushed too far on these matters, and we cannot push our people too far, because we are potentially a socially unstable country.

What does this mean to us? Does it call into question the reliability of their intentions as a friend? It is a basic tenet of American life that we may argue with our friends over politics and principle, "but you are still my friend." We learn very early as youngsters the ground rules for friendship and not to step over a line, because it would be an affront to a friend.

Mr. Speaker, in fact, anyone involved in politics has learned this lesson well and cherishes the individuality of our friends and our constituents. This remark of the Ambassador's is putting the burden of the relationship on the United States. When he was asked, "Do you think America and Americans can be pushed too far," he replied, "No. You are flexible enough to take anything."

There is something that should be understood about the Americans. We are flexible, but we will not take everything. One of the outstanding features of being an American and living under this great Constitution and prizing freedom the way we do is that Americans have a sense of fair play.

I had a friend who succinctly expressed what fair play means to us. She said, "Americans are essentially free spirits, because they prize freedom. To protect it, when you've cut their options, they turn hostile."

The Ambassador should know what we all understand. We do not take everything off of everybody. Friendship is a two-way street. When it becomes a real burden to us, then difficulties begin.

Mr. Speaker, I am including the article by Mr. Reeves in the RECORD.

[From the Baltimore Sun, Aug. 9, 1988]

THE JAPAN LOBBY

(By Richard Reeves)

NEW YORK.—You can buy a jeep with right-hand drive at Suzuki dealers in Holland, which seems strange because Dutch cars have their steering wheels on the left. The Dutch drive the same way we do, on the right side of the road.

It is the British who keep to the left and so need steering wheels on the right and in fact, those Dutch Suzukis with English-language dashboards and owner's manuals are made and sold for the British market. The whole thing is a way, one of many, for Japanese manufacturers to cheat on a court arrangement backed by the governments of Great Britain and Japan.

This is how it works in this case:

The Japanese (government and auto companies) have agreed to restrict their exports to 11 percent of the British market—that's about 220,000 cars a year. But when that quota has been met, Japanese car dealers begin sending customers, employees and relatives across the English Channel to Rotterdam, to pick up the right-hand-drive cars there and bring them back to England as "used" cars.

Such tricks, according to auto experts in London, actually give the Japanese 16 percent or more of the British market. "It has got to stop," said Anthony Beaumont-Dark, a Conservative member of Parliament, whose district happens to include a Land Rover factory. "These people see rules as something to get around, rather than something to abide by."

Saying things like that, at least in the United States, leaves one open to charges of "Japan bashing"—a civil disorder that some would equate with racism or anti-Semitism. I would suspect, though, that Mr. Beaumont-Dark might be just as upset if he thought the Swedes or Norwegians were the ones threatening the jobs of his constituents.

"Japan bashing" in the United States, which I think is a healthy indication that Americans can still read and write and count, has created an equal and opposite counterforce, a "Japan Lobby." That lobby—second now only to the Israel Lobby, which seems to have been an inspiration to the Japanese—was built and is supported by the pennies of hundreds of thousands of Americans working for Japan Inc., from Toyota dealers to lumberjacks cutting trees in Oregon to make chopsticks in Tokyo.

So, if a congressman or columnist says that maybe we should take a look at what's happening and whether it's good for all of us, a reassuring face appears on television to say we don't understand free trade or something equally sacred. It would be Elliot Richardson or Walter Mondale or Jim Jones, the former chairman of the House Finance Committee—all now working for or representing Japanese or other foreign companies.

More than 100 former federal officeholders are among the hundreds and hundreds of Americans now lobbying for foreign companies, usually Japanese. One of their great successes has been to help defeat legislation allowing the federal government to begin monitoring foreign investment in American properties—a thing the Japanese government does routinely.

That number and others come from the research of Pat Choate, a vice president of TRW who is writing a book on foreign impact on the U.S. economy, and who also reports that 152 Japanese companies and government agencies paid $100 million last year to 113 Washington law firms and public-relations agencies for lobbying in Washington.

The Japan Lobby is, in fact, a growth industry. The Association of Foreign Investors in America—that's the one represented by Mr. Richardson—and the Association of Foreign Investors in Real Estate were both formed just this year.

My own Japan-bashing credentials are, I think, in order, even though I believe in free and fair trade. It's that I don't see Japan practicing free trade or considering fairness at all. I think, in fact, that Japan's willful, self-interested abuses of the spirit and letter of international trade agreements and systems—the complaint of Mr. Beaumont-Dark in England—could destroy those systems if other major traders begin to play the game the Japanese way.

I said something like that to a Japanese ambassador (to a major industrial country) a few weeks ago, and he said, in sadness not anger, "You have to understand that we cannot allow ourselves to be pushed too far on these matters, and we cannot push our people too far, because we are potentially a socially unstable country."

"What about us?" I said. "Do you think America and Americans can be pushed too far?"

"No," he said. "You are flexible enough to take anything."

He may have intended a compliment. I took it as a misjudgment that may cost both of us greatly.

TRIBUTE TO THE LIFE AND WORKS OF ALOYSIUS MAZEWSKI

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. LIPINSKI] is recognized for 10 minutes.

Mr. LIPINSKI. Mr. Speaker, I am pleased today to have called this special order to honor the life and works of Aloysius Mazewski, former president of the Polish American Congress and Polish National Alliance. His death this past week is a point of sorrow for thousands of ethnic Americans to whom Mr. Mazewski was a shining example of hard work and dedication. He was a man of deep personal integrity and character who recognized the need to remember his homeland and advance the cause of Polish-Americans throughout the United States. He never backed down from a challenge and had an undying thirst to bring justice and freedom to his constituents.

I got to know Al best when he joined in assisting this Congress in the passage of the Polish Permanent Residency Act. His own efforts and those of his staff were tireless. With thousands of Polish refugees facing deportation and possible imprisonment, he worked to adjust their standing here in the United States. The American contribution to the Polish workers' cause has been consistent through the years. Al refused to allow the leaders of the movement to be returned to Poland and lost to the workers struggle. I was proud to be a supporter in this fight and will always remember his efforts in backing the legislation which eventually granted martial law refugees permanent residence.

Life cannot be lived in a vacuum and perhaps Al's greatest accomplishment was his recognition of the needs of others. Though thousands of miles from his home in Chicago, the plight of the Polish people was foremost in his mind. He could never disassociate himself with the troubles of the Polish people. Americans of all ethnic backgrounds can make a contribution toward the establishment of a more free and just world. I admire his initiative and drive in forwarding the cause of oppressed and poverty stricken Poles. His efforts expanded our horizons and forced us to come to grips with the horrors and atrocities of a far-away land.

Al Mazewski recognized the Communist Party for what it is: a parasite on the health and souls of the people. The history of the Communist Party in Poland has shown us that the Communists have only one way of dealing with groups who oppose their corrupt ideology—they simply deny them the right to exist.

The suppression of Solidarity and the crushing of the Gdansk shipworkers' strike are but a few examples of the Polish Communist Party's version of pluralism. In modern-day Poland, where the worship of the state must surpass the worship of the Creator, where freedom of the press stops at the doors of the pro-Soviet bureaucracy, there can be no liberty.

Al knew that communism was an aberration completely foreign to the free spirit of the Polish people, a system imported on the backs of tanks. After World War II the weakened nation of Poland had no respite from the terrors of a totalitarian regime; the echoes of the Nazi Holocaust had barely faded before the crying was heard anew under Soviet occupation.

In his observations of Poland he saw that the Polish people were as disenfranchised economically as they were politically. Al did his best to encourage investment in a stagnated economy where for the worker the only reward is a ration card, the only relaxation a predawn vigil in a food line.

To address these problems Al founded and headed the Polish American Congress Charitable Organization. It was this foundation that was the American lifeline of the Solidarity movement, raising $150 million for the Polish people following the 1980 strikes led by Lech Walesa. He also played a stellar role in coordinating Lech Walesa's trip to Chicago a year later.

Al was an active member on the United States Holocaust Commission, bringing attention to the 3 million non-Jewish Poles slaughtered during World War II under Hitler's directive. The lifetime works of Aloysius Mazewski are clear examples of his dedication to the Polish people and the vision that Poland would one day be free.

But Al Mazewski went even further in his quest to improve the lives of his constituents. He has a long history of supporting Polish American causes. His work began as a young man when as editor of the Lane Tech High School newspaper he supported the introduction of Polish language and culture into the school curriculum. Even today, Lane Tech retains this initiative sparked by the idealism of the young Mazewski.

Al took an even greater step in 1967 when he won election to the presidency of the Polish National Alliance. A fraternal organization which offered education and insurance programs, the PNA blossomed under his reign into a 300,000 member organization with greater social and economic influence.

The following year, he captured the presidency of the Polish American Congress. Originally a social and cultural organization, he expanded its objectives until it became an influential national group. The PAC today publishes a well-circulated newspaper for the community and is deeply involved in congressional actions concerning the Polish people and its Government.

As a spokesman for Polish issues and ethnic-American concerns in general, Aloysius was an integral part of United States foreign policy. He served as confidant to the last six U.S. Presidents, many U.S. Senators, Representatives, and Pope John Paul II. In 1970 he became the first Polish American to be named a special delegate to the United Nations. He later served as a U.S. delegate to the International Human Rights Conference.

Al worked intensively with the Chicago legal community. He was a well known practicing attorney, a Bar Association member, and participated on the Judiciary Society.

Al Mazewski was a friend to all ethnic Americans who sought to achieve a more free and just world. America has a proud tradition of ethnic mutual benefit societies. Thousands of immigrants have been led out of poverty and made to feel at home by the society in their community. The principle of self-support and friendship within the ethnic community has built America into the interwoven society that it is today. As a product of immigrant stock I salute all those who have risen together to form for themselves a better life.

Finally, I extend my sympathy to Al's widow Florence, and their two children, Marilyn and Aloysius, Jr. You can feel comfort in the fact that Al Mazewski was a man who made a difference. His deep-felt feelings of compassion and concern will live on in the hearts of the thousands of ethnic Americans whose lives he touched. Thank you Al and may God be with you.

Mrs. COLLINS. Mr. Speaker, I wish to express my heartfelt sympathy to the entire Polish-American community of Chicago on the loss of an extraordinary leader Aloysius Mazewski. Mr. Mazewski was an influential and dynamic leader of the Polish National Alliance since September 1967, and in the following year, became president of the powerful Polish American Congress. Under his leadership, the group grew from a social organization into a well-respected major national organization.

We all know that Mr. Mazewski was a strong spokesman for Polish Americans. He was an advocate for peace in Poland and for the Solidarity union movement. He strongly supported Pope John Paul II's advancements for better relations in Poland. Indeed, all Americans join our friends of Polish descent in praying for peace in Poland and around the world.

Mr. Mazewski's accomplishments can never be underestimated or forgotten. He not only committed himself to the concerns of his Polish-American constituents in Chicago, but also to the people of Poland, his motherland. Because both countries were a part of him, he, in turn, was loyal to the issues and the people of both.

Mr. Speaker, I believe we should all join together today in both honoring and mourning an outstanding leader.

Mr. HERTEL. Mr. Speaker, I would like to join my colleagues in noting and mourning the passing of Aloysius Mazewski, president of the Polish-American Congress. With his passing, the Polish-American Congress has lost its leader and Polish Americans throughout the United States have lost a valuable advocate.

Mr. Mazewski's involvement in Polish issues began at an early age. While still a student at Lane Technical High School he helped instigate the Polish Club and began the study of the Polish language which is still in the curriculum. He continued to devote his time to Polish concerns during his years at DePaul University College of Law.

In 1940, he graduated with a J.D. degree and practiced law until 1967 when he was elected president of the Polish National Alliance. In 1968, he became president of the Polish-American Congress.

During the next 20 years, he would be called to serve the Polish community in numerous capacities. Chicago Council on Foreign Relations. On the national level, he was the former alternate to the United Nations 25th Assembly, the first Polish American to serve in this capacity. In 1980, President Carter appointed him a delegate to the International Human Rights Conference in Madrid, Spain. Mr. Mazewski became a familiar face on Capitol Hill as he testified before various Senate and House committees concerning such issues as Polish veterans and Radio Free Europe.

Under his leadership, the Polish-American Congress has been able to deliver $150 million in medical supplies and clothing to relieve suffering in Poland and continue communications with Solidarity leader Lech Walesa.

Mr. Mazewski's extraordinary effort did not go unnoticed. He received honorary doctorates of humanities letters from both Daeman College and the College of St. Rose. Among the awards he had received for his life-long service and dedication were the Man of the Year Award from both the Polish Daily News and the Joint Civic Committee of Italian Americans. He was also named Veteran of the Year by the Combined Veterans. In 1986, he was bestowed with the Ellis Island Medal of Honor.

Dedication, service and, most of all, pride in his Polish heritage were the hallmarks of Aloysius Mazewski's as a source of inspiration for those he served so well—the Polish-American Congress and Polish Americans throughout the United States. He was a personal friend, and I treasured his advice and support.

Mr. SIKORSKI. Mr. Speaker, I want to take a moment to recognize a monumental loss to the Polish-American community and Americans across this Nation. On Wednesday, August 3, 1988, Aloysius A. Mazewski, president of the Polish American Congress and the Polish National Alliance passed away. Aloysius was one of America's most effective advocates for Polish Americans. His life and work will leave an indelible imprint on the national landscape—he served not only Polish and ethnic Americans, but all Polish people and those concerned with human rights throughout the world. He fought for dignity, human rights, and freedom at home and abroad.

As president of the Polish American Congress, Aloysius was charged with the stewardship of local and national Polish organizations with over 3 million members. He assiduously promoted qualified Polish Americans in government, business, and other professional fields. And he coordinated the activities of Polish-American organizations and individuals throughout the United States whose concerns were civic, cultural, and educational affairs. Since the Presidency of John F. Kennedy, Mazewski provided advice and consultation for every resident of the Oval Office.

From its birth, America has offered haven and promise to all those who reached our shores. Polish men and women came to this great land to escape poverty and oppression and to find—liberty, justice, equality and work. They came to build a future for themselves and their families. They believed in the American dream: that if they studied hard, worked hard, and abided by the law, they would succeed. And they did.

But at times, America had to struggle to keep its promise. There has been, and there remains discrimination against minorities and ethnic Americans. Aloysius Mazewski worked against it. Polish immigrants brought to America a rich and vibrant heritage, and their invaluable contributions helped shape this Nation. Organizations such as the National Alliance and the Polish American Congress have helped thousands of Poles by providing an additional avenue of support and enhanced the opportunities for great leaders, like Aloysius, that these organizations have made such real differences in the lives of their members. His years of service to the Polish National Alliance and Polish American Congress serve as his most eloquent memorial.

Aloysius Mazewski was a national figure. He stood at the forefront of the Polish-American community and was a brilliant example to millions. At the vanguard of our national efforts to advance the rights of Poles and strengthen our national commitment to human rights, Aloysius provided critical leadership during his tenure in support of the millions of Poles who suffer under the current repressive regime in Poland. In this regard, he was duly recognized as one of America's major proponents of a strong human rights policy. He was effective and eloquent. Aloysius will be sadly missed. But the influence of Aloysius' good work extends beyond the millions of members of the Polish National Alliance and Polish American Congress to all ethnic Americans whose lives have been bettered by his hard work.

I have worked with the Polish American Congress since I first came to Washington. The executive director of the Washington office, Myra Leonard, was instrumental in arranging for me to meet Aloysius. He offered me encouragement and support. And I have since relied on Pol-Am as a valuable resource for information, for sound counsel, and for national perspective on the Polish-American community. As a Polish American, I am personally proud and deeply appreciative of Aloysius Mazewski's accomplishments and valuable leadership. I wish to express my heartfelt sentiments and condolences to his family and the bereaved Polish-American community.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in paying tribute to Aloysius Mazewski, president of the Polish American Congress and the Polish National Alliance, whose untimely death on August 3, leaves a great void for the citizens of the city of Chicago, the State of Illinois, and the Nation.

For all of us who knew him, he was one of the most outstanding ethnic leaders of our time, espousing the causes of Polonia, and condemning human rights violations. He grew up in the 11th Congressional District of Illinois which I am honored to represent, and today, the Polish National Alliance's main office, dedicated in 1977, is also located in the 11th District.

I had the opportunity to work with Al on several occasions, and with his invaluable help, Congress approved the Freedom Fighters Medical Care Act, legislation to provide medical benefits for Polish veterans living in the United States, who had fought on the side of the Western Allies during both World Wars. We also worked together on the passage of legislation to grant a Federal charter to the Polish Legion of American Veterans, and I was proud to have Al as a personal friend. I shall always cherish his support, and his wise counsel and advice.

Born in Chicago in 1916, Al Mazewski received his law degree from DePaul University in 1940. With World War II approaching, he volunteered for military duty in the U.S. Army, serving as an intelligence officer. He was honorably discharged in 1946 with the rank of major.

From 1947 through 1955, he served as the national director of the Polish National Alliance, a fraternal organization providing insurance. Under Al's leadership, the PNA was modernized, and today is a highly regarded major provider of insurance. Elected president of the Polish National Alliance in 1967, 1 year later he also became president of the Polish American Congress, the umbrella organization of all Polish groups in the country.

Through the Polish National Congress, Al Mazewski was a formidable force in speaking out against human rights violations, in aiding the people of Poland, and in helping Polish immigrants assimilate, while at the same time preserving their cultural and religious ties. He worked tirelessly to condemn defamatory and derogatory ethnic humor and stereotypes about Poland and Polish-Americans.

After martial law in Poland was declared, Al Mazewski played an instrumental role in raising over $150 million for the people of Poland. He also acted as a link between U.S. Government officials and Lech Walesa, the leader of the Polish Independent Trade Union, Solidarity.

Al Mazewski gave advice to seven Presidents, from Eisenhower to Reagan, and also served on several U.S. commissions, including the Federal Ethnic Studies Commission, and the U.S. Holocaust Commission. In 1970, he was a special delegate to the 25th session of the United Nations General Assembly.

In a final tribute to Al Mazewski, last Saturday, I joined with thousands of people who assembled at St. Hyacinth Catholic Church in Chicago. Many dignitaries were in attendance at the Memorial Mass, including Illinois' Governor, Hon. James R. Thompson, and attorney general, Hon. Neil F. Hartigan, officers and members of the Illinois State Senate and House of Representatives, city officials, and the U.S. Ambassador to Poland. The service was broadcast live on Polish language radio in Chicago. Prior to the service, Vice President GEORGE BUSH and Gov. Michael Dukakis' wife, Mrs. Kitty Dukakis, visted with the Mazewski family.

Mr. Speaker, Al Mazewski was a great American, who dedicated his life to human rights causes, and for a free Poland. His lifetime of monumental achievement will be long remembered and inspire others for generations to come. Mrs. Annunzio and I extend our deepest sympathy to his wife, Florence, his son, Aloysius, Jr., his daughter, Marilyn, and the other members of his family who survive him.

Mr. DURBIN. Mr. Speaker, Aloysius Mazewski was a great leader in the Polish American community. As president of the Polish American Congress, he unhesitatingly spoke out about matters of concern to Polish Americans. He was a consistent advocate of human rights and supported the Polish people in their pursuit of political, cultural, and economic rights and freedoms.

Following the Solidarity strikes in Poland in 1980, Mr. Mazewski founded the Polish American Congress Charitable Foundation, which raised an incredible $150 million for the Polish people. He never failed in his hope that one day the Polish people would regain full control over their national destiny.

Aloysius Mazewski always stood on the side of liberty. With his passing we have lost a strong and internationally known leader in the field of human rights. But his vision will live on in the Polish American Congress and in the hearts of all people who cherish freedom. The Polish-American community can be proud to have been represented by this man, and I hope that they will continue to carry on his work.

Mr. RUSSO. Mr. Speaker, greatness is born in some people, and other people grow into it. In the case of Aloysius Mazewski, I believe his destiny was to lead, to affect people, to construct change. It was natural to him, this ability to use his bicultural heritage as an expression of commitment to his beloved Poland and a guide to action for America's ethnics. This "bridge builder" as Myron B. Kuropas in yesterday's Chicago Sun-Times aptly called Mr. Mazewski, was a great man.

I long admired Mr. Mazewski as a skillful president of the Polish American Congress, the Polish National Alliance and an always eloquent spokesman for freedom for Poland. He used this skill, this eloquence, not for himself but in the service of others—the true mark of a great man. And he did reach people. How many count among their achievements serving in the United Nations and being a confidant to Presidents, Senators, Congressmen, and the Pope? How many can count the love and affection and respect of countless people whose lives they have touched?

He will be greatly missed, but men like Mr. Mazewski leave us a legacy to preserve and words by which to live. When you are a man with visions for the future you learn to move forward and bring others with you. As he said to his Polish community, "We must concentrate on what unites us. If we don't we'll remain slaves to the hatred of our past."

I join with my colleagues today in paying final tribute to Aloysius Mazewski of Chicago, of the Nation, and I extend my deepest sympathies to his family.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise to join with my colleagues in noting the life accomplishments and legacy of a great American—even better, a greater Polish-American—Aloysius A. Mazewski, known around the world as "Al."

First, though, I want to thank the gentleman from Illinois [Mr. LIPINSKI] for giving us this opportunity to honor Al. I know how closely the gentleman works with the Polish-American community, and how well respected he is by all ethnic Americans for his efforts on their behalf. I especially appreciate this chance to offer a few remarks about Al Mazewski at this time, since I was regrettably unable to attend his funeral.

Al Mazewski was an extraordinary leader of an extraordinary segment of this Nation—the Polish-American community. I can think of no public figure who has surpassed Al in terms of commitment to a cause, devotion to the interests of those he represented, and love for the traditions and heritage of his people.

Anyone who knew Al Mazewski knows the definition of the word "commitment." Although he was known to play a round of golf from time to time—as we know, it was his last act—I will remember Al as a man who was always working, always pursuing his dreams of promoting the absolute freedom of the Polish people and the solidarity of Polish people everywhere.

His energy was boundless, as was the sweep and number of worthwhile projects he created or embraced. He worked every angle. He asked everyone he knew to help, and persisted until they did. His work produced tens of thousands of active volunteers, hundreds of successful programs, and a deep and rewarding sense of community among all those who pitched in.

In pursuing the interests of the Polish people, whether they live in Poland, America, or anywhere in the world, AL Mazewski found himself in the highest reaches of American life. He was adviser and confidant to an astounding array of Presidents, Secretaries of State, Members of Congress, Ambassadors, business leaders, labor leaders, State and local officials, and the major editorial boards. And, of course, few Americans have enjoyed more confidence and affection of the Holy Father, Pope John Paul II.

Top decisionmakers frequently turned to Al for his advice and counsel, and wanted him at their side to announce major decisions and accomplishments. He was frequently asked to serve on important bodies of experts assigned to tackle very tough issues. Al always thought of these appointments as both a high privilege and an opportunity to serve his people.

Perhaps the best example of this was his appointment to the Holocaust Memorial Commission. There, he insisted that the history of the persecution and the attempted extermination of the Polish race be remembered and memorialized. The result of his labors has been a heightened international awareness of Hitler's hateful treatment of the Poles, and a recognition of the need to include the tragedy of World War II Poland when remembering the horrors of genocide.

Al's devotion to the solidarity of Polish people everywhere is probably his greatest life achievement. It took so many forms that they could not be listed, or even known, by any one person.

As the beloved and respected leader of both the Polish National Alliance and the Polish American Congress, Al strove to support the Polish people's determined pursuit of their undisputable political, economic, and cultural rights and freedoms. He also guided his organizations to adopt policies and programs aimed at improving the standard of living and quality of life of the Polish people.

Here at home, he rallied Polish-Americans in a large number and variety of worthy causes, many designed to provide direct aid to Poles in Poland, others designed to help immigrant Poles help themselves here in the States. He was personally responsible for many events which served to strengthen generation after generation of the Polish-American community by preserving its traditions and instilling a love for its heritage.

Polish parades, festivals, feasts, religious ceremonies, books, records, maps, political education seminars, fraternal organizations all over the country—Al was behind all these and much, much more.

He also played a guiding role in the administration of Alliance College, as well as in the heart-wrenching decision to close the school. In a recent conversation, though, Al was looking at the bright side.

He recalled that the school was first set up to educate previous generations of Polish-Americans who were having trouble being accepted in established schools, or simply could not afford them. He preferred to see the declining enrollment at Alliance as a sign that the school had met its need—that this generation of Polish-American students was benefiting from the advances made by their parents and grandparents. Now they are finding their ways to the great public and private institutions across the country, and distinguishing themselves as students and graduates.

By the way, no one who knew Al will be surprised to learn that, in recent days, he was working hard on a transaction to find the best possible sales price for the beautiful alliance campus. Al was hoping to show a good return on the investment made in the school by Polish-Americans across the country.

Mr. Speaker, this is a life about which I could say much more. It was so full, so loving, and so well lived. I will miss Al Mazewski. I'll miss his guidance and counsel. I'll miss his political sensibility. I'll miss the motivation that he made so contagious. And I'll miss his good-humored friendship.

On behalf of my family and my staff, I extend sincere sympathy and admiration to Al's loving wife Florence and to his children. Al's is a life which many of us will remember vividly. His name will be known to many generations of Polish-Americans to come. May he rest in peace.

Mr. KLECZKA. Mr. Speaker, I would like to participate in this special order to express my profound grief at the passing away of Aloysius Majewski on August 3, 1988.

As a proud son of Polonia myself, I share this deep loss with all of those in the Polish-American community in Milwaukee and across our great Nation.

Al Majewski has promoted the interests of the United States and Poland throughout his life. After serving in U.S. Army intelligence during World War II, Al became for 8 years the national director of the Polish National Alliance [PNA], a fraternal organization which provides insurance and education.

During his tenure at the PNA, this highly respected group contributed $20 million to aid war-devastated Poland. Due to the dedicated work of Al and others, the alliance now has 300,000 members and assets of close to $200 million.

In 1967, Al Majewski was elected President of the PNA. One year later, this already great honor was enhanced by his election to the presidency of the Polish American Congress, the umbrella grouping of all Polish organizations in the United States.

In this powerful role which Al held until his tragic death, he channeled American encouragement to the Poles in their struggle for freedom. He supplemented his considerable moral support for authentic Polish independence with the raising of $150 million in assistance to the long-suffering Polish people. Al effectively combined his eloquent words with decisive action.

As a leader of Polonia, Al advised the last seven American Presidents on matters of national significance. As president of the Polish American Congress, Al acted as a liaison between our Government officials and leaders of the Polish opposition, particularly Lech Walesa and other activists in Solidarity, the independent Polish trade union.

In extending my deep sympathy to Al's wife, Florence; his daughter, Marilyn; and his son, Al, Junior, I would like to reassure them that Al's legacy of selfless, loyal, and effective service to Polonia, the United States, and Poland will live on in the hearts, minds, and lives of millions of Americans.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INVULNERABLE INCUMBENTS AND CONGRESSIONAL CORRUPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to speak tonight about the 98.4 percent of the invulnerable incumbents and congressional corruption.

We face a real crisis in our political system. Incumbents are now so powerful, the amount of tax paid money they give themselves to create offices, send out direct mail, build computerized systems, hire staff, travel, is so great that it is estimated to be $1.2 million per election cycle in taxpayer money that incumbents have so that House incumbents today are virtually invulnerable.

In 1986, 98.4 percent of the incumbents who ran for reelection to the U.S. House were reelected. That is, only 1.6 percent of the incumbents who ran for reelection were defeated in 1986. To put it in different terms, although there are 435 House seats up in an election year and only 33 Senate seats, there were more U.S. Senate incumbents defeated in 1986 than there were House incumbents defeated in 1986.

In other words, the reality is that a Senator today faces a greater likelihood of defeat than a House incumbent, even though traditionally if you look at the Constitution and how it is written, the Founding Fathers clearly intended for the House of Representatives to be the body closest to the people, the body which turned over most frequently, the body which was most representative of current activities and current concerns. In fact, the Founding Fathers were so intent on having a truly representative House of Representatives that one of the major debates in the Constitutional Convention was whether elections should be every 6 months or every 2 years, because many of the Founding Fathers felt that in order to ensure that the politicians stayed close to home and worried about what was happening at home that they should have elections every 6 months.

By contrast, the reality is with 98.4 percent of the incumbents being reelected every 2 years that we are now moving into a period into which for all practical purposes the House is becoming a House of Lords, and aristocracy of power. House Members increasingly are elected for a lifetime, so you either change them the first time out, or at most possibly change them at the end of their freshman term, but for all practical purposes people have lost the ability to change who they now have loaned power to.

It is fascinating to contemplate the reality that 1988 may be the first year in history in which the voters of Mexico have a greater opportunity to defeat incumbents than the voters of the United States in House elections, that literally a Mexican vote counts for more in trying to defeat somebody this year than an American vote in an American House election.

This is not just a partisan problem. This is not just a difficulty that involves the Republican Party in the fall election. This is also a problem involving primaries.

If Members look carefully at primary elections in recent years, in fact it is fair to say that House Members are even more invulnerable to challenge in primaries. To the best of my knowledge, there were only one or two primary defeats for Democrats in the 1980's. Members cannot vote almost half of the time and they get reelected. Members can be reprimanded or censored by the Ethics Committee and Members can take positions dramatically different from their districts and they get reelected.

The fact is with $1.2 million in tax paid money to pay essentially for activities which contributed in the end to being a stronger incumbent, incumbents are virtually underfeated.

This was remarked in a number of articles recently. In the New York times, for example, there was an article by Clifford May as recently as July 9 entitled "Challenges in Races for House Declining." There has been a series of articles in the Wall Street Journal entitled "Incumbent Law Makers Use the Perks of Office to Clobber Opponents." Staffs, mail and PAC money give them a big edge.

Mr. FROST. Mr. Speaker, will the gentleman yield just for a brief moment?

Mr. GINGRICH. I am glad to yield to the gentleman from Texas.

Mr. FROST. Mr Speaker, I find that kind of interesting. I was struck by listening to the gentleman's remarks, because I defeated an incumbent in the primary. I know that in my own delegation there are 17 Democrats in the Texas delegation and within the last 10 years, two of us defeated Democrats in primaries. My colleague from San Antonio, Mr. BUSTAMENTE, defeated Mr. Kazen; I defeated Mr. Milford, and both of those occurred within the last 10 years. I am aware of other Democratic Members who have gotten here by defeating Democrats in primaries, and fairly recently.

I am not sure that it is quite as unusual as the gentleman has suggested. It is not easy to defeat an incumbent in a primary. I had to run twice in order to do it. I ran in 1974 against an incumbent and lost to him, and I ran again 4 years later against the same incumbent and defeated him my second time out.

I know in the case of the gentleman from Georgia, though he did not win in the primary, that he ran twice unsuccessfully before he finally won in very much the same situation I had.

So I am not sure that the gentleman is entirely correct about how difficult it is to defeat incumbents. I think we just have to have someone who perseveres, and I think if you take a candidate who only runs once, I think you may be able to conclude if you look at all of the races where people ran once and then did not make another effort, you may be able to make a case, but I think it is certainly possible to defeat an incumbent. I defeated an incumbent who had a tremendous name identification. He had been a television personality in the Dallas-Fort Worth media market, so it can be done.

Mr. GINGRICH. Let me just suggest to the gentleman though, both of us won in the 1970's. In the 1980's both the advantage of the sheer weight of incumbency in the direct sense, that is the amount of money available to incumbents in direct mail, computerized, sophisticated operations, et cetera, has gotten even greater, and sometime in the 1980's the political action committee situation reversed itself.

□ 1730

Instead of being an instrument by which the business and professional community influenced Congress, it became an instrument by which incumbent Congressmen tended to, in effect, insist upon or extort or, in some cases, frankly, blackmail political action committees into giving money to them.

So that today, for example, there are Members who have $200,000, $300,000, and $400,000 sitting in the bank waiting for somebody to come and challenge you. So you have $1,200,000 in tax paid money and then very often you have incumbents who have even more money available. For example in the last year, January 1, 1987, to March 31, 1988, just to take, without naming any names, the top 10 PAC recipients in the House, all of whom happened to be Democrats, it was $312,000, $267,000, $257,000, $256,000, $248,000, $246,000 $245,00, $231,000, $226,000, and $221,000. Now that is just PAC money. That is not counting the tax paid money and it is not counting other kinds of contributions. My point just being that if you are out here as a normal everyday citizen and you say to yourself, "I would like to challenge an incumbent in the late eighties," and I think the gentleman is making my point in essence, that the world has changed radically from the late seventies.

Mr. FROST. but I would point out to the gentleman that one of the examples I cited occurred during the eighties. Mr. BUSTAMANTE from my State defeated Mr. Kazen. I do not know—it may have been 1984. I do not know the exact year, it was just 4 years ago. Mr. Kazen was the second ranking member on a very significant committee, had been in the House for a number of years. Yet, Mr. BUSTAMANTE, who had been a popular local elected official in his area of San Antonio, decided that he would make this challenge despite the fact that people counseled him he should not do it. And he was successful against a very entrenched long-term incumbent.

Mr. GINGRICH. So the gentleman's suggestion that having 98.4 percent of the incumbents reelected has no relationship to the increased power of incumbents to survive.

Mr. FROST. I am suggesting to the gentleman that it is—if you have a tenacious challenger that it is certainly possible to defeat an incumbent.

I would point out to him—I do not have the list in front of me that the gentleman has—but I do know that in my own area in the Dallas-Fort Worth area of Dallas, the Republican Member raises every bit as much PAC money as the two Democratic Members. So I am not sure that you can conclude that the PAC money is all on the Democratic side.

Mr. GINGRICH. There are 10 leading PAC Members cited in this particular report. One of them from Texas, there are no Republicans cited from any part of the county as leading PAC recipients on the House side. But let me go a step further and take the gentleman's home State for a minute.

There was a primary race in the gentleman's State this year involving a Democrat. That Democratic incumbent, according to the Wall Street Journal spent more than $400,000, 61 percent of it PAC money, to defeat a primary challenger who spent less than $11,000 and got nothing from PAC's. My point is it goes a step further: The incumbent in fact spent $1,200,000 in tax paid money prior to spending $400,000 that they had raised from PAC's and other groups.

So their actual advantage in this case just in the 2-year cycle would be $1,600,000 for the incumbent and $11,000 for the challenger.

Mr. FROST. In this particular case that the gentleman cites it was of course a very popular black Member from Texas he very well knows. He had not had a race in some years and he had a challenger from within his district and he ran a very serious, tough race, I guess the first time he had done this in some time and he did win by a large margin. And I am very proud of my colleague, Mr. LELAND from Houston, who did have a primary challenge and rose to the occasion.

I recall in my own State, Congressmen JACK BROOKS, the dean of our delegation a few years ago had a very tough primary challenge even though he had been around for a number of years. He ran a very active campaign. He did survive it. He did run a very tough race. But he had two very active opponents who really made him work hard.

So I just think when the gentleman says that it is impossible, it is not in fact impossible, and when the gentleman points out the advantage that incumbents have, I would only ask the gentleman: Does he take advantage of these things? Does he take advantage of the congressional mailing privilege the way he is suggesting that other people do? Does the gentleman not send out postal patron mailing in his own district?

Mr. GINGRICH. No; I do take advantage of it. The point I would make is that all of us are currently caught up in a system in which all of us have massive advantages, that that system virtually guarantees the reelection of most incumbents. At 98.4 percent reelection rate for incumbents who seek reelection, again the figure—in addition to the tax paid money which we get, the Wall Street Journal article points out for example that in the House last year political action committees gave $24,300,000 to incumbents and $243,000 to challengers.

Now I would just suggest that from the standpoint of the citizen, not the standpoint of an incumbent politican but from the standpoint of the citizen there are fundamental problems with a system in which the incumbent knows that the odds are better than 49 to 1 that they will be get reelected if they run.

Mr. FROST. I would ask the gentleman because I do not have the record in front of me and of course I do not know, I am asking for informational purposes: We did have the opportunity to consider PAC legislation offered by Mr. OBEY a few years ago eliminating or greatly restricting PAC contributions. Did the gentleman support that legislation?

Mr. GINGRICH. No, and for a very specific reason which is part of the point I am making this evening. Every liberal proposal and so-called reform has in fact increased the likelihood that incumbents would be reelected because they tend to put a cap on spending without taking into account our $1,200,000 advantage.

Mr. FROST. I have trouble following the gentleman.

Mr. GINGRICH. I would be glad to yield to the gentleman from Pennsylvania. I will yield to him first.

Mr. WALKER. I thank the gentleman for yielding.

There is another thing: Those particular schemes, the Obey bill was designed as an incumbent protection act. What it did was it gave us taxpayers' money to run for reelection. It gives it in equal amounts to both the challenger and the incumbent. So the incumbent starts off with an advantage and now gets taxpayer-paid money in order to run his campaign. It is an incumbent protection act, lock, stock, and barrel. What we ought to do is what a few of us do around here and put real limits on the amount you take from PAC's. I will not take more than $500 from anybody. I do not understand why we have to run these multi-hundred-thousand-dollar campaigns, in some cases multimillion-dollar campaigns. That is what the problem is. Mr. OBEY's bill was public financing.

Mr. FROST. The Obey provision of a few years ago did put a limit on PAC contributions. My recollection is it was about $80,000 that you could accept in total PAC contributions. It was not a public financing bill. There were some other bills Mr. OBEY offered. But he had a strict limit on the amount of money you could accept from PAC's. And that is what the gentleman seems to be railing against, the role of PAC's. I am curious if he supported putting that limit on the PAC contributions.

Mr. GINGRICH. Let me clarify so the people will understand what we are talking about. You start with an incumbent who has $1,200,000 in tax paid advantage. Then you say, "Now we are going to have an even-playing field, each side gets $80,000 from PAC's," if the challenger can raise a dime. But all I am suggesting to you is that does not even begin to deal with the real problem.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. One other point. It seems to me the Obey proposal also failed to address the problem of the in-kind contributions. It dealt with cash only, it did not deal at all with the fact that many labor unions put in phone banks and do all kinds of things and in fact contribute to campaigns on an in-kind basis.

So therefore, it gave a substantial disadvantage to challengers who do not have that available to them and a substantial advantage to those incumbents who have those resources at their beck and call.

That also is a major problem with the situation that we now face.

Mr. FROST. If I may just follow up and then my friend from North Dakota wants to ask, too. But I would ask the gentleman from Georgia [Mr. GINGRICH], is he suggesting, is he favoring the elimination of all PAC contributions? Is that what it is, is he in favor of that line?

Mr. GINGRICH. I will be proposing in September a package of fairly dramatic reforms but they do not just address PAC's. They also have to address the question: How do you help the challenger have a fair chance to defeat the incumbent?

Mr. FROST. But I am asking, is the gentleman for eliminating PAC contributions?

Mr. GINGRICH. No; I am for reregulating them, not eliminating them.

Mr. FROST. Is the gentleman for putting some sort of limit on what PAC's can give?

Mr. GINGRICH. Yes. Particularly a limit on what PAC's can do for incumbents.

Mr. FROST. No; I am talking about the aggregate. Right now a PAC can give $5,000, an individual can give $1,000. Is the gentleman for putting an aggregate limit on what PAC's can give?

Mr. GINGRICH. Purely in and of themselves, PAC's are not the problem. Let me give the gentleman an example.

There is an incumbent subcommittee chairman in this House, a Democratic subcommittee chairman who says proudly he takes no PAC money. He has raised 343 contributions of $1,000 each from executives in the industry that his subcommittee threatens. I do not know that you have done anything for good government if you say to that particular incumbent, "Let us give you a rose for taking no PAC money, but by the way, isn't it slightly strange that all across America executives in your particular industry that you threaten in your subcommittee happen to write out thousand dollar checks?" That actually in some companies that particular subcommittee chairman raises more money in thousand dollar units from individuals than he could raise if the company gave him a $5,000 contribution?

Mr. FROST. It is very interesting that the gentleman raises that point, raises the point about subcommittees that the Member sits on.

The gentleman in the well sits on the Aviation Subcommittee of Public Works. In fact, he is the ranking Member if I recall.

Mr. GINGRICH. Sure.

Mr. FROST. He is the ranking Republican. I was curious when this all came up a few months ago about what kind of PAC contributions the gentleman from Georgia took? And I noticed that in just a casual review that the gentleman has accepted PAC contributions from airlines, in fact an airline, a very fine airline based in Georgia.

Mr. GINGRICH. Sure.

Mr. FROST. Now the gentleman is sitting on a subcommittee regulating an industry and he is criticizing someone else for taking PAC contributions—for taking contributions from people in that industry and the gentleman himself takes aviation PAC contributions?

Mr. GINGRICH. This may be a shock to Texas Democrats: I am not standing up here saying there is one saint or two saints or three saints in this House; I am saying every Menber in this House is caught up in a mess and every Member is tainted by a process which guarantees that incumbents get re-elected; incumbents are too secure, incumbents are too arrogant and all of us are threatened.

Lord Acton did not say power tends to corrupt except for the saints. Lord Acton said for humans all of us face a real problem. But I have got the guts to come out here on the floor and say I think we had better face up to the fact that all of us involved in the problem.

Mr. FROST. Is the gentleman going to stop taking airline PAC money? Is that what he is saying, is he going to voluntarily renounce—or announce no more PAC contributions?

Mr. GINGRICH. I am going to propose we go to lower the limit for all PAC's for all of us.

Mr. FROST. I was asking—the gentleman is complaining.

Mr. GINGRICH. Let me ask the gentleman a question.

Mr. FROST. Is the gentleman going to stop taking airline PAC money?

Mr. GINGRICH. No, why should I?

Mr. FROST. The gentleman is offended by this.

Mr. GINGRICH. I do not go around terrorizing an industry and raise $343,000 out of airlines, period. Most of the airlines give me $250 or $500. I do not raise units on the scale of the subcommittee chairman. I do not raise $1 million like a Speaker did at one event, period.

Mr. FROST. I believe the gentleman has taken PAC contributions from airlines in excess of $500, in fact I believe I have seen some on his disclosure statement. But there is no point in getting into a long discussion of that.

Mr. GINGRICH. No; the fact is I did not come out here and say as a saint let me point the finger; I came out here and said all Americans face a problem because all incumbents are too strong—GINGRICH is an incumbent and GINGRICH by definition is too strong.

I did offer three amendments and I would be curious as to how the gentleman voted. I offered three amendments this summer to cut the number of mailings we were allowed to send out. I do not happen to have the RECORD in front of me but I would be curious as to how the gentleman voted. I offered three amendments this summer to cut the number of mailings we were allowed to send out that are automatic junk mail that go out to all constituents. I would be curious to know, did the gentleman vote for any of those three, did he vote to cut the amount we are allowed to send out?

Mr. FROST. I do not believe that I have voted for any of the amendments of the gentleman from Georgia [Mr. GINGRICH]. I am not a particular fan of his legislative proposals. But I will tell you this——

Mr. GINGRICH. Well, yes——

Mr. FROST. Well, let me finish answering the question.

Mr. GINGRICH. Well, I want to reclaim the time. I control the time.

The SPEAKER pro tempore (Mr. GARCIA). The gentleman from Georgia has the time.

Mr. FROST. I was trying to respond to a question.

Mr. GINGRICH. I thank the Chair. So I just want to make a point that in fact if you did not vote to cut spending by incumbents on direct mail, that in fact while the gentleman is doing a very effective job of serving this evening as a spokesman for his side—and I understand that and I think that is very useful, it is very helpful for the public to get to watch both of us—I just want to stipulate for the RECORD, that I am not claiming that I do not have a staff. I do have a staff. So if I stand up here and say we get $1,200,000 and we get staff and we get computers, yes, I have a computer.

I am willing to stipulate so we do not go through these games. Yes, I am a Member of Congress. Members of Congress as a group and individually are too strong. That means Republican Members are too strong, it means Democratic Members are too strong. Members of Congress have too great an advantage. That includes GINGRICH. I will say that up front. All right?

Now the question is do you agree or disagree that Members are too strong? That incumbency is too great an advantage? That we have real problems in our current system and that 98.4-percent reelection is on the surface a symptom of the potential for a real problem?

And let me yield to my friend from North Dakota.

Mr. FROST. The question is directed to me and I will be glad to respond.

Mr. GINGRICH. No.

Mr. FROST. The answer is "yes" in that I helped draft with Mr. OBEY one of his major reform packages which unfortunately never saw the light of day in the House of Representatives.

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Mr. GINGRICH. Which was in fact an incumbency protection package, which made it even harder for a challenger to get up the energy and the resources to challenge an incumbent.

Mr. FROST. Mr. Speaker, I might add that I think the gentleman knows the package I am talking about.

Mr. GINGRICH. Mr. Speaker, let me yield to the gentleman from North Dakota [Mr. DORGAN], if I might.

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman's yielding.

One of the difficulties I have had when I have observed the gentleman from Georgia and the gentleman from Pennsylvania [Mr. WALKER] speak on this institution is the suggestion that somehow the institution is corrupt and the people who make up the institution are corruptible. The fact is that the gentleman knows history—because he cites history a great deal—and we know that we can go back to some of the great names in American politics who served in this body and in the body across the way and analyze the practices and the customs back then. Back then it was not unusual, for example, for business groups and support groups back home to send pockets full of cash to keep them in a certain style back in the 1800's. It was perfectly legal and perfectly appropriate. In fact, there are letters from some of our great legislators back to their constituents saying, "I need you to send me more money so that I can pay my bills here in Washington, DC."

Times have changed, and by and large what we do is subject to public scrutiny through disclosure and a whole host of things.

I would observe that the Members on the gentleman's side of the aisle, including the Republicans and the Democrats whom I have observed and worked with in this House, are some of the finest people I have ever had the opportunity to work with. I think they are very talented, and that includes the Member in the well. I think they are really extraordinary people. Most of them work much harder than most of their constituents understand in most cases.

So I guess, while there might be some problems here and there, my observation is that the difficulties in terms of the implication of honesty that the gentleman seems to suggest are, I think, isolated, not general.

Let me make another observation, if I may. The gentleman talks about the Mexican elections and the fact that the citizens of Mexico somehow have an advantage because they are able to more easily defeat politicians in Mexico. I frankly do not think we would want to exchange systems at this point. I think the American citizens are advantaged by the kind of government they are able to select, and I would say to the gentleman that in this whole area of power and return to office of incumbents, I do not think the selection of incumbents by their constituents for another term is necessarily a symbol of failure.

I would observe one other thing: The gentleman says we have a lot of advantages, and I admit to that. I think that is the case. I think an incumbent that does good work and represents well the constituency certainly has an advantage over someone who is challenging. I would also observe that one of the advantages we have exists at this moment for the gentleman in the well. I recall several years ago when the two gentlemen who are now standing, stood up at the start of the session and asked to have time reserved on almost every evening we were in session for about an hour so that they could address a largely empty Chamber and fill the homes out there across the Nation and talk about what they wanted to talk about.

I think that is fine, and I frankly admire your willingness and interest in doing that. I have not ever criticized that, but I would say this: It is not lost on either of you that that is a very significant perk for both of you to be able to do that, and I would expect the reason you invest that time is that you know it is a way for you to develop your ideas and develop your constituencies. I do not begrudge that. I think free speech and the ability to do that, especially in the well of a House like this where the great debates take place, indicate that that is what you ought to do. But when you point around and say, "Well, everybody else is involved in this, but I take my special orders all the time and that is not a perk," I have a problem with that.

Mr. GINGRICH. Mr. Speaker, let me make two distinctions that seem to be confusing people. First of all, I do not say, "Everybody else is doing this."

Out of 435 Members of the House, most are hard-working, most are intelligent, most are frankly more knowledgeable and more serious than the press or most citizens give them credit for.

But I would also say to the gentleman that the world we all on this floor grew up in is gone, that the world in which you could defeat an incumbent with some reasonable possibility is gone.

Let me just give the gentleman a couple of specifics. These are quotes from a Wall Street Journal article, and I think it gives us the sense of my concern. And let us remember again that the incumbent starts with $1,200,000 advantage every 2 years.

Mr. DORGAN of North Dakota. I would ask the gentleman not to point at Mr. DORNAN when he does that.

Mr. GINGRICH. That is true of all of us. All of us are in this pond together. These quotes are out of this Wall Street Journal article:

> Special-interest money is playing a bigger part than every in the 1988 Senate and House elections, more strongly favoring incumbents, especially House Democrats.
>
> Latest campaign-finance reports also show that incumbents are raising and spending more than ever to stay in office, even as the number of seriously contested congressional campaigns declines.

The article goes on as follows:

> Incumbents are dominating the flow of PAC money even more than in the past. They got nearly 88 percent so far, up from 84 percent 2 years earlier. PACs increased their donations to incumbents by 31 percent, and slightly decreased their giving to nonincumbent candidates.

In another article the President of Common Cause, Fred Wertheimer, accused the PAC's of "bending over backward to buy influence with incumbents and lock challengers out of the process."

My point is this: I do not see how any American citizen can look at a 98.4-percent reelection rate and accept it. I am not talking about an individual campaign. You may serve North Dakota wonderfully, the gentleman from Texas may serve central Texas wonderfully, and the gentleman from Pennsylvania may serve the Lancaster area wonderfully.

I can accept the idea that 200 or 250 or even 300 incumbents were reelected, but the idea that 98.4 get reelected, that most of them are not seriously challenged, that they are not challenged in the primary if it is a Democratic or Republican stronghold, and that they are not challenged in the general election if it is a marginal seat, I think, strikes terror because it is the beginning of the process of corrupting and undermining the system of representation.

Mr. DORGAN of North Dakota. But that is precisely the language that causes me some anguish. The gentleman will not find a debate with me when he discusses the need to reform campaign financing. I think we have to do that, and frankly I think if serious people on both sides of the political aisle get together and think about how to do that, we will get that done. The gentleman will not get an argument from me on the need to reform some of these things.

I think, however, it disserves this institution to imply with careful language that this is a corrupted place. I urge the gentleman to think about what he just said at the start of this last discussion, because I think it was appropriate. The gentleman said, to start the discussion, that this is a place with very good men and women, serving their constituencies and working hard.

Mr. GINGRICH. Yes, most of them do.

Mr. DORGAN of North Dakota. It is important to preface the discussions that way, because when the gentleman gets up and begins without that admonition, he begins by suggesting somehow that the whole place is corrupt, and that is a disservice to the Nation.

Mr. GINGRICH. Mr. Speaker, let me be very clear, because I think we have a fundamental disagreement.

I am genuinely terrified that we are in the early stages of a process of corrupting the system. I am speaking of the system, not specific individuals, but the system of behavior, of shifting the whole way, the whole acceptable habit of how one behaves in the House, how one behaves in politics in terms of the House, and it frightens me because I think it goes to the core of the way in which a free society runs. I think there are very, very deep weaknesses beginning to spring forth.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I appreciate the gentleman's yielding, because I want to make one brief point.

I do not know if either of the two gentlemen on the other side have been among those who have accused this administration of being corrupt and who have talked about the sleaze factor in this administration, but there have been a number of people on the other side of the aisle who have made that a consistent theme, including some of the Members of their leadership.

I will, later on this evening, in a special order go into these statistics and make them clear, but I just want to point out that insofar as there is a possible sleaze factor in this administration, the amount of corruption in this Congress that could be quantified in the same way the sleaze has been quantified for this administration, the amount of corruption in this House is 2½ times greater over the same period of time than that in the administration. So insofar as there is any talk whatsoever of corruption in the administration, there has been 2½ times more corruption in this House during that same period of time.

Mr. FROST. Mr. Speaker, if the gentleman will yield, that is an interesting statistic the gentleman has thrown out, and I would really be interested in knowing how the gentleman calculaed that.

Is the gentleman including in that the people who were caught up in the Abscam adventure of a few years ago, which included both Democrats and Republicans? How are you getting that 2½ times? I am not sure I am following that. If the gentleman is talking about people who actually have pleaded guilty or who are serving time and who have been convicted, clearly there have been more people in the administration who have gone through a court of law, unless you are somehow counting all the Abscam people in that. I am not sure how you get to the 2½ times.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, I am taking the same standards that the Democratic Party has used when they have talked about 242 corrupt officials in the Republican administration. I am using the same standards for evaluating Members of Congress that have been used there, and I am finding that 1.9 percent of the Reagan administration appointees—and there is some question about some of the statistics used there, and I will talk about that later on—1.9 percent of them have been involved in some kind of sleaze factor, whereas about 5 percent of all Members of Congress who have served during that period of time have been involved in the same kind of sleaze factor.

Mr. FROST. During the 8-year period of the Reagan administration?

Mr. WALKER. During the same period, and during that same 8-year period in the Congress.

So those figures would seem to indicate about 2½ times more corruption in the same kind of quantification as took place in the Reagan administration.

All I am saying is that that does indicate insofar as there is corrpution downtown, we have 2½ times more corruption here in the Congress.

Mr. FROST. But there were Republicans involved in that as well as Democrats.

Mr. WALKER. That includes both Democrats and Republicans.

Mr. GINGRICH. Mr. Speaker, if I may reclaim my time, let me go back and put this in a systems perspective. Again I want to quote from a Wall Street Journal article on the House reelection rate. It says this:

> In the vast majority of House races, "the election is effectively over before the formal campaign begins," says Brookings Institution political scientist Thomas Mann. The story is similar in the Senate; though Senators face more competition, theirs also is declining.
>
> It has been 40 years since the House reelection rate fell below 80 percent; it hasn't been below 90 percent since the Watergate elections of 1974, and it was a record 98 percent in 1986. House Members also win by bigger margins: Although four in 10 House incumbents won less than 60 percent of the vote in their districts in 1964, only about 1 in 10 had that close a race in 1986.

The article goes on as follows:

> Political scientists have been writing for years about these "vanishing marginals." Soon they may be writing about vanishing challengers as well. In the first 15 States where the ballot deadline has passed, 28 House Members are running without opposition, up 64 percent from 1986.

Further in the article, it states this:

> One reason for the dearth of competition is staff. Before World War II, House Members got along with only a secretary and a clerk, and Senators had an average of four aides each. But these personal staffs grew to a total of 7,920 for the House and 3,774 for the Senate in 1986. Furthermore 34 percent of those Senate aides and 44 percent of House staff work outside Washington, in home States and districts.

Further in the article:

> Another factor is official mail. Congress appropriated $97 million to pay postage for 759 million pieces in 1986, a 17-fold increase in volume since 1954. Most mail is self-generated. In 1986 Congress disgorged more than 12,000 items for every incoming letter.

The article states that so far one freshman "has blanketed his district with three newsletters to all 230,000 homes. He will easily spend $1 million to reach voters with official staff and mail during his first term."

All I am suggesting is that at a systems level I do not see how any American who cares about self-government and about the prospect of having real elections can look at that and not be deeply concerned.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I have just one final comment. This institution fortunately will survive both of us. It will survive Republicans and Democrats no matter how they act over the years. I would simply encourage the gentleman and the gentleman from Pennsylvania, who are serious Members of this body, when you discuss these matters, not to lead the American people to believe that 90 percent of the people who serve in public office here are corrupt.

Mr. GINGRICH. I did not say that.

Mr. DORGAN of North Dakota. The gentleman just said under his reading there have been 5 percent of the people in this body who have done this, that, or the other thing. Even if those figures are true—and I would not necessarily accept them. If they were true, that suggests 95 percent, on the other hand, are the kinds of people who serve seriously with the intent of doing the best they can for their districts. I would just encourage the gentleman to do what he can to bring honor to this institution.

Mr. GRINGRICH. Mr. Speaker, let me just ask this question: In North Dakota what is acceptable percentage of corruption? Is it 3 percent, or is it 9 percent?

Mr. DORGAN of North Dakota. I do not know, but all I am saying is that I think the institution of Congress needs a defense as well, because this institution is going to survive all of us.

Mr. GINGRICH. So the gentleman defends the idea that 98.4 percent of the incumbents get reelected?

Mr. DORGAN of North Dakota. Let me ask the gentleman a question: What percentage of reelection would be acceptable to the gentleman? Do you think a 75-percent threshold represents electoral health out there?

Mr. GINGRICH. Let me give you sort of a test.

Mr. DORGAN of North Dakota. Does the gentleman believe 98 percent is not responsible or symbolic of health?

Mr. GINGRICH. Yes.

Mr. DORGAN of North Dakota. Is 50 percent a more acceptable figure?

Mr. GINGRICH. My personal guess is, if I had to affix a yardstick, that I believe we ought to have 40 to 50 percent of the incumbents in any given election in a serious race on election day. That might mean in a year of "throw the rascals out" that 30 percent got defeated. In a year when peace and prosperity reigned, that might mean that 15 percent or 10 percent got defeated. But something on the order of 40 to 50 percent of the incumbents ought to go into election day knowing that the voters have a reasonable chance to fire them if they want to.

Mr. DORGAN of North Dakota. But let me say this, aside from the advantages that incumbents have—and I think the gentleman is correct on that, that there are inherent advantages, including this special order, the ability to have a special order as an inherent advantage.

Mr. GINGRICH. Sure.

Mr. DORGAN of North Dakota. But we wonder if there are people out there in the country who will take a look at this kind of dialog and then say, "You know, I would like to get involved in politics, but I hear these folks talking about what a cesspool of corruption it is, and so on."

We wonder if that does not overstate what really exists in terms of opportunities to serve. There are Republicans and Democrats, there are men and women out there that I think could contribute a great deal to this country. All I am urging is that when we talk about these things—and indeed we should, when we have corruption, root out the bad apples, because when we need reform, we must join hands and effect reform in a bipartisan way—I think always we should also understand that this institution was here a hundred years ago and will be here a hundred years from now.

□ 1800

Mr. GINGRICH. But that is precisely why I am standing here tonight. I am not at all convinced that an institution which a hundred years ago, by the way, had about 50 percent freshmen—I mean the turnover rate up to the 1890's is remarkable, and I only see the rise of the modern, long-term, stable incumbency beginning around 1900.

Mr. DORGAN of North Dakota. And the interesting part of that is the disclosure back then was nonexistent, the disclosure about special interests, the disclosure about where they got their money. The disclosure of who was funding them, who was financing them, is almost nonexistent.

Mr. DORNAN of California. Mr. Speaker, would the gentleman yield?

Mr. GINGRICH. Just one second because I think this is part of the fallacy. The greatest single advantage incumbents have is tax-paid money. The second greatest advantage is, particularly on the Democratic side; they have control, that you can threaten interests if they do not finance your campaign, that there is a process in effect of medieval tribute, of saying to people, "If you don't drop by, you will get punished," and I do not think anybody can come here with a straight face and say there have not been conversations in which powerful politicians have said to interest groups, "If you don't give, you will be punished."

Now that means that, unlike the 19th century, the weight of incumbency, the mountain that has to be moved by the challenger, is vastly greater.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. There are two observations that have not yet been introduced to the discussion, one which I think reinforces the faith of the gentleman from Georgia [Mr. GINGRICH] about the power of the incumbency, and the other may be affected by the heavy return of incumbents, 98.5 or something.

First one is this little simple word "gerrymandering" created in the early part of the last century, the 1800's. Elbridge Gerry, the Lieutenant Governor, then Governor, then went on to serve in Congress and went on to be a Vice President, he took his name, Gerry with "G," and put it on the word "salamander" and came up with gerrymander because they had an unusually shaped district including Cape Cod that looked like the tail of a lizard.

Well, the gerrymandering in California, and I can only speak for my own State, and I cannot speak for Texas, and I am going to use a string of adjectives here and sound like Jesse Jackson or my friend and colleague, the gentleman from California [Mr. DELLUMS].

It is so mean-spirited, vicious, unethical, antidemocratic, small "d," anti-Constitution, that everybody thought the Republicans would win easy court challenges, and in effect we did sort of win one in 1982 that forced them to change the lines ever so slightly. They just bumped or pushed the line on a map, and it was virtually the same breed out of 1984.

So we have had several elections in California where the only incumbent that was ever defeated was the incumbent I defeated, Jerry Patterson, and let me just make this thought, and then I will ask the gentleman to yield.

Jerry Patterson is a nice man. What it was was I had a 6-year record as a Congressman that I could transpose against his 6 years. He was there 2 years before I got here in 1976, and this was during the 2 years after I had left. But we had 6 years where we both served, and because I had been an incumbent and could put our two voting records side by side, this district, which is a Democrat, blue-collar district, but very pro-Reagan, what both Dukakis and Vice President BUSH are going to be going after—the Governor and the Vice President will be after these blue-collar Democrats.

I was able to say, "I voted this way, he voted that way, 6 years record; which way would you have voted?"

I beat him handily by about 53.1 to 44.1.

Now how many people could do that? I was the only incumbent that changed in 1984. None changed in 1986 in our biggest State, California.

Mr. GINGRICH. In California, right.

Mr. DORNAN of California. There were a few retirements and a few freshmen coming into retirements, and Republican seats saved Republican, and Democrat seats saved Democratic. But I could never have done it. I could never have even thought about doing it were I not a recent incumbent. I had only been out of office a year when I redeclared. I had my fundraising lists, were not all that stale, and there small donors average about 20 to 25 bucks. I do not even know what PAC money I got, to tell you the truth. It comes in; I say, "Thank you."

Nobody has ever tried to influence me. I am trying to come off like Caesar's wife, but I have never had a PAC person ever lean on me because I, like the gentleman in the well—500 bucks is a great deal to me. I do not have a big string of thousands. I have an incredibly small list of thousand-dollar donors, under two dozen. My backbone is $25 donors, but without that list, without a 6-year voting record that I could put up truthfully before the voters and say, "Here is the way each of us voted," and then, even with that, the incumbent made a terrible mistake, and this is what I want to talk about, how we change that 1.5 percent of seats. It is usually terrible personal mistakes in the last few weeks of a campaign.

My hometown newspaper, the Orange County Register, printed my voting record on five key votes and his. I mean biggies; busing, gun control, nuclear freeze; and they reversed our two voting records, and honestly it was a major typographical type of error. I went through the roof. I went ballistic. I said, "You're going to change this."

It was a Sunday edition, the highest circulation. They buried it on a back page on Tuesday. They said that is the way they make corrections, but my opponent took the original mistaken page on Sunday and ran it as substantially his voting record. The paper was furious at that, and they editorialized him on the Sunday before election Tuesday, and that probably cost him several points.

But let me make this one point; then it is the gentleman's.

I am thinking of a Republican seat that has stayed Democrat for the last 6 years, the last four elections, because 10 days out from the election the Republican who was assured of the election, he was running 60-40 in the polls, had a couple of admitted vodka and Cokes at a poker party, and hit a tree and picked up a scar down the center of his face that I heard a minister at the back of a hall when I was going to appear for him, and they did not know who I was. They said, "Which is our incumbent?"

They said, "The one with the mark of Cain on his forehead."

Well, I went, "Holy smoke, this big red scar from his nose to his hairline."

Well, however harshly it was characterized there, this poor guy hit a tree with a couple of drinks falling alseep going home, and that seat has been Democratic ever since, and it is a Republican seat, and I could sit here, if I wanted to rack my brain, and come up with 10 examples like that, and most of them fall into that category of the 1.5

In other words, if one takes out all personal mistakes or bad breaks, self-induced or not, one might have 0.2 percent that is defeated, and in the gentleman's party he has more examples for the majority side of taking out people in primaries the way we have.

This year a Republican in California took out someone in a primary——

Mr. FROST. I was going to ask the gentleman about that.

Mr. DORNAN of California. But again he might have had a tough race anyway, but there was some unfortunate dialog, dialog only, about whether or not he had thrown chauvinist lines in the first few months of his incumbency.

Take out the personal toe-stubbing, and I think we are returning virtually this House intact. When one overlays in our largest State with 45 Congressmen, soon to pick up 6 more after the 1990 census, and look at this vicious gerrymandering going on in our State, I think the Republic is in an unhealthy position as far as bringing more women, more Hispanics, more blacks, more mixtures in both parties, more young people with ideas.

And the second thing I want to throw out to the gentleman from Georgia [Mr. GINGRICH], and then I will shut up, is the fact that less people are voting. Now we know at the lower socioeconomic levels there is a lack of hope, there is a feeling of desperation, I cannot count, and then there is just the economic disadvantages where one does not have an address, one does not have a car to get to the polls, one does not have money for carfare and one does not get around. But I see people at the upper end of our political spectrum, the brightest who know about demographics and the power of incumbents, the little chance of changing elections, and I am finding more and more of those very bright people in business waiting for the Presidential election where the vote counts because it is all put in one big hopper, College of Cardinals notwithstanding.

So, taking in this lowering voting percentage rollout year after year and gerrymandering, compounding everything that I believe the gentleman in the well has said, and I think his point is well taken, the Republic is in jeopardy for lack of healthy political firmament in the political process.

Mr. FROST. If I may respond to the point the gentleman has raised——

Mr. GINGRICH. Let me just make one quick comment here, and then I will yield to the gentleman from Texas.

That is, if one looks at Clifford May's article in the New York Times, "Challenges in Races for House Declining," which is July 9, he says the following:

> The expectation is that more than 100 House Members will face no challenge in the fall general election.

He quotes one Member as saying:

> In 1984 I had an opponent, but I never met the guy and I can't remember his name. In 1986 the Republicans didn't put anyone against me at all, but there was a right-to-life candidate. If the Republicans have someone lined up, I haven't heard anything about it.
>
> Such statistics are psychological barriers to would-be challengers. In the metropolitan region and other expensive media markets, the cost of campaigning presents an equally formidable obstacle.
>
> "Unless you can write a check for half a million dollars, you might as well forget it," said Roger Stone, a Republican political consultant who has worked for candidates in New York and New Jersey.
>
> But Mr. Stone took a less sanguine view. "The people in Congress control the system and they set the rules," he said. "So they are the ones who benefit. Congress has become an incumbent protection society."

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Texas.

Mr. FROST. An interesting item happened this year in my State, and I speak of my State because I am familiar with what goes on in Texas. I am somewhat familiar in other States, but I know a great deal about my home State, as I am sure the gentleman does about his home State of Georgia.

About, and I do not remember the exact number, but about half the Democratic incumbent Members of the House from my State of Texas are unopposed this year. The Republicans did not field a candidate against us.

Let me finish the point.

When this happened, officials of the Republican Party made it clear to the media that this was a conscious strategy on their part not to field candidates against Democrats with high minority population in their districts in order to help their statewide candidates and in order to help their Presidential candidate in the State of Texas. This was a conscious decision by the Republican Party to discourage people from filing in Dallas, and in Fort Worth, and in Austin, and in Beaumont, and in El Paso so that there would not be a contest—and in Houston—so that there would not be a contest in congressional districts in the major urban centers of my State in the hopes that this would suppress minority turnout this fall.

Now, if the Republican Party wants to follow this kind of strategy, a somewhat cynical strategy, and not put people into races intentionally in order to help their Presidential candidate, that is one thing, but it is hard for the gentleman then to bemoan the fact that so many Congressmen are unopposed when his party has been part of the strategy to make that happen in my State.

Mr. GINGRICH. But come on——

Mr. FROST. Mr. Speaker, that is absolutely what happened in the State of Texas this year.

Mr. GINGRICH. But let me just make a point before I yield to my own good friend from Texas.

The gentleman is an elegant defender of an indefendable system, but one cannot seriously argue that 13, which is the number—how many Democrats are there in Texas——

Mr. FROST. Seventeen.

Mr. GINGRICH. Thirteen of the seventeen Democrats have no opposition in the general election.

Mr. FROST. Because the Republican Party made a concerted effort not to field candidates against them.

Mr. GINGRICH. Wait a second. In a setting in effect many of whom, by the way, are raising enormous amounts of PAC money even though they have no opponent and will then give that PAC money away to other people.

The gentleman knows I understand he wants to blame the victim, but having first set up the system——

Mr. FROST. Does the Member in the well not make contribution to other Republican Members?

Mr. GINGRICH. Right.

Mr. FROST. Do you make contribution to other Republican Members?

Mr. GINGRICH. Sure, and again I also stipulate the rules as they are set up I will abide by, and I think we ought to change the rules.

Mr. FROST. The gentleman is doing the exact thing that he is complaining about.

Mr. GINGRICH. And I intend to offer rules changes which will make it impossible for all of us to engage in these behaviors.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Texas, my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding, and I am not part of this debate because I have not been following it, but I was on the floor waiting for my special order when my good colleague from Dallas made the statement about Republicans in Texas did not field candidates against Democrats in Texas.

Mr. FROST. In urban areas.

Mr. DELAY. Well, I do not know where the gentleman gets his information, but we, for instance, have a candidate against the gentleman from San Antonio [Mr. GONZALEZ], a very heavy, heavy, heavy minority district in San Antonio—have a very good candidate by the name of Lee Trevino. I do not know; you may have entries into the Republican Party of Texas that I do not have, but I am not aware of any, any strategy not to field candidates or support candidates in minority areas.

Mr. GINGRICH. Furthermore, even a Democrat would have a hard time suggesting that 13 of the 17 Democrats represent largely minority areas. The fact is——

Mr. FROST. If the gentleman will yield, Members of both parties who represent rural areas in the South wind up without—going without opponents from year to year, but I am talking about urban areas, and I would like to respond to my friend from Houston.

☐ 1815

Mr. GINGRICH. If I may reclaim my time, I think the gentleman has elegantly twisted and turned, but the fact is that in large cities in the North there are Members without opposition. The fact is that in areas across the whole country there are Members without opposition.

To quote again from an article entitled "The U.S. House of Lords" in the Wall Street Journal:

> Never before have so few outcomes been in doubt, with the effect that most House incumbents now enjoy de facto lifetime tenure.
>
> Two recent independent political surveys confirm that in all but a few districts the elections for the House this November will be a mere formality. Roll Call, a Capitol Hill newspaper, concludes than in only 96 out of 435 House races is there any contest at all. In 78% of the races the incumbent is either unopposed or faces token opposition. Charles Cook, a political analyst whose conclusions are summarized nearby, says the Democrats have all but won control of the House for the 18th consecutive election. He finds only 16 seats where the outcome is seriously in doubt. Roll Call can find only 12.
>
> The House was meant to be the electoral body most representative of and closest to the people. Instead, 98.4% of incumbents running for reelection were returned to office in 1986. David R. Mayhew, chairman of the political science department at Yale University, calls that result "shocking" and warns against a tide of voter cynicism. He says the House is "becoming too impenetrable to be representative."

I just want to make the suggestion here that we have a systems problem that affects everybody who cares about representative government in America, that the overpowering advantages of the incumbent are in fact dangerous to the system, that as incumbents get further and further away from the public ability to punish them for transgressions, that we are going to have more and more ethics problems and that there is a direct correlation in the decay, I think, of the system and the fact that it is harder and harder to challenge us.

Now, the analogy which the Wall Street Journal drew is as follows:

> Several analysts believe that these trends could undermine the very legitimacy of the House. Some 150 years ago Britain faced a similar problem. Parliamentary boundaries had not been redrawn to reflect population changes for centuries, with the result that many "rotten boroughs" had only a handful of voters and a few none at all. Many landowners served in Parliament for life, and there were fears Britain might cease to be an effective democracy. "Many bitterly said the House of Commons was merely another House of Lords," says historian Paul Johnson.
>
> Just as the Reform Act of 1832 redrew British districts and injected fresh blood into Parliament, similar dramatic action will have to be taken or more Americans will sink into electoral cynicism. Campaign-finance reform is desirable, starting with a lifting of the $1,000 contribution limit and new laws making it easier for parties to spend money on key races. But merely relying on incumbents to inject more competition into politics is like asking banks to make their vaults less secure. That's why voter initiatives to limit gerrymandering—such as those by California's Don Sebastiani—are important. The Supreme Court has also served notice that the most extreme gerrymanders won't survive court challenges.
>
> Voters were offered a wide range of choices in this year's presidential race. A baker's dozen of candidates ran, and for the first time a black is in the ranks of the front-runners. It's time voters had the same kind of real choices—and the chance for an occasional surprising outcome—in races for Congress.

Now, my colleague may want to defend the process. I just think it is easier, frankly, to concede that I am sure deep down you have some concerns.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Texas.

Mr. FROST. I actually worked with Common Cause a few years ago developing campaign finance reforms, so I am very interested as to what the gentleman is for.

If I understand what he said, he is not for a limit, overall limit on PAC spending. He is not for public financing.

If the gentleman is not for either one of those things, what is the gentleman for to reform the system that the gentleman has been criticizing today?

Mr. GINGRICH. I would first of all have much more severe limits than what PAC's can give to incumbents and what they can give to challengers.

I would, second, raise the amount of money that parties can donate in challenging races so they could match the amount of money that incumbents are currently allowed to spend in terms of their tax paid funds so that there was some kind of parity, that in fact in a congressional district, in my district the Republican Party, in the gentleman's district the Democratic Party, could match through private contributions the amount of money that the gentleman and I get from the taxpayer so that there will be truly a competitive alternative party out there.

There are a number of other steps which I will outline in September, but I think the first thing to recognize, whether it is Gingrich's reforms or whether it is somebody else's reforms, is that we are in a situation in which the very fact of 98.4 percent reelection by incumbents who seek reelection means that we have to start fundamentally reforming the structure of congressional elections and the structure of incumbency advantage, because in the absence of doing that I think we are in a system which is going to grow steadily sicker, and I think that is a very, very real problem. I do not think this is something to be shrugged off.

And notice, I did not this afternoon just talk about Republicans or Democrats. I said incumbent advantage.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding to me.

One of the things that we do not talk about much around here is the abuse of the franking that we do. I think this is a very salient point that ought to be made in conjunction with the gentleman's argument.

I think we ought to keep in touch with our constituents. We certainly should do newsletters to let them know what is going on in Washington and we should keep them appraised of the very important issues facing this body.

One of the things that I have noticed is the tremendous amount of mail that we send out on a regular basis. Some Members of this body send out 8 or 10 mailings a year, at least 6, to a quarter of a million households. That is a million and a half pieces of correspondence going to their constituents.

Now, if you put a pencil to that and figure that it costs at least probably 40 cents for a competitor for each piece of mail, 20 cents for postage or 25 cents for postage now, plus 15 cents to produce the piece, multiply 40 cents times a million and a half households per year for 2 years, that is 3 million mailings that go out at 40 cents and that is a tremendous amount of money. What is that—$600,000.

Mr. GINGRICH. Let me if I might, because we are about to run out of time on my special order, let me just close by saying that in the New York Times today in a article by Frank Lynn, entitled "Record Numbers of State Races Are Not Contests", begins:

> The number of uncontested primaries and elections in New York for the House of Representatives and the State Legislature has increased dramatically this year. At least one of every five members of the House and the Legislature does not have a major party opponent and is thus virtually assured of reelection in November.

He goes on to say that incumbents are reaching the point of guaranteed jobs. He quotes Herbert E. Alexander, a University of Southern California political science professor and campaign-finance expert as saying:

"It means that there is not a lot of fluidity, not a lot of change in government," said Herbert E. Alexander, a University of Southern California political science professor and campaign-finance expert.

He and William Pound, executive director of the National Conference of State Legislatures, agreed that the uncontested races are becoming a national phenomenon. Although New York is an extreme example, "it's consistent with a national trend," Mr. Pound said.

VIETNAM VETS WITHOUT HOLLYWOOD, WITHOUT TEARS

The SPEAKER pro tempore (Mr. GARCIA). Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I will not take the whole 60 minutes.

I just wanted to bring to the attention of my colleagues in the House a letter that I read in the Wall Street Journal on July 26, 1988, and several followup letters that were generated by this letter in the Wall Street Journal. I thought it was very apropos and I wanted to put in into the RECORD by reading it.

The headline is "Vietnam Vets Without Hollywood, Without Tears." It is written by a gentleman by the name of William K. Lane, Jr. It goes like this:

VIETNAM VETS WITHOUT HOLLYWOOD

(BY WILLIAM K. LANE, JR.)

Movies about Vietnam are the phase in Hollywood's nonstop assault on the American spirit. The films are often accompanied, in the print media and on TV, by advice from Vietnam veterans groups, "outreach" organizations, and the like, that we who fought in that conflict should see these movies only with a "support group." One organization advised us not to see "Platoon" alone; another cautioned us to spend time "decompressing with friends after it." We've been told about the danger of "nightmares" and warned of the ultimate horror: "flashbacks." Jane Fonda, our dart-board version of World War II's Betty Grable, claims she and a group of veterans "wept" in a theater lobby after seeing the movie.

Excuse me while I barf.

This ludicrous blubbering and psychobabble has puzzled me for 17 years. Every unveiling of a Vietnam memorial on TV news seems to star the same two central-casting vets wearing fatigues—both bearded, one with pony tail—hugging each other and sobbing. It's embarrassing.

The other image is created by the cultural termites in Hollywood: the American soldier in Vietnam as racist, neurotic, drug crazed, feral, a hopeless pawn of a rotten society sent to fight an unjust war. Even the cartoonist Rambo character is a societal misfit, a mumbling killer exorcising his demons in a revenge ritual.

The vast majority of men who fought in that war—people like me—simply do not fit any of those images. Many of us are embarrassed by them, especially in the presence of veterans of Iwo Jima and Midway and Pork Chop Hill—most of whom saw much more horror than Vietnam soldiers ever did and managed to continue their lives without whining, acting nutty, or looking for a free ride.

This is not to say that Nam was not a searing experience. Indulge me as I present some images I dredged up in an attempt to stimulate a few "flashbacks."

I arrived in Vietnam in early 1968, as green as the beret I wore, and was assigned to the Special Forces "A" team that had the dubious distinction, two weeks later, of being one of the first attacked during the Tet offensive. My memories of that battle are of the incredible roar and chaos that occurs when two rifle companies open up on each other; of a day and a night pinned down behind tombstones in a Buddhist cemetery; of picking up a terrible sweet smell for the first time and knowing instinctively that it was death.

I remember an old French priest who insisted I follow him during a lull in the battle because he wanted me to see a "bullet" in his church. The bullet turned out to be a howitzer shell that had come through an open window and embedded itself in the steps of the alter without exploding. We got "the bullet" out for him when things calmed down a week or so later, but I do remember genuflecting as I left the church in awe, and then going back to the grim work.

I can still see the terror in the eyes of the North Vietnamese prisoners brought before me. I was the first American they had ever seen, tall and blond (then), and undoubtedly going to kill them. They nearly collapsed in relief when I handed each of them a few of my Luckies and told them, "No sweat."

I remember the exhilaration brought about by extreme fatigue and our victory over the North Vietnamese regiment that had invaded our area. And I recall the curses, the hatred we felt when the New York Times clips arrived claiming the Vietnamese and American victory in the Tet offensive was actually a defeat.

There were other vignettes that haven't faded: A boy in a nearby village with a twisted foot caused by a badly-healed break. We begged his mother for months to let us take him into Nha Trang and have it fixed.

Finally she relented, tearfully, not quite trusting us. Our medic sneaked the boy into an American hospital under care of a doctor who was part of our conspiracy. We gave him back to his mother, in a cast, with a leg as good as new. The whole village got drunk with us.

We got drunk on Thanksgiving day as well, after the giggling Vietnamese told us the "deer" we had eaten with them for Thanksiving dinner was actually a dog.

I remember trying to cram a year of good times into a week of R&R in Singapore, and then landing back in Vietnam at the air base, hung over and depressed, only to be mortared in the terminal.

But many of the starkest of memories are the bad ones. A newly married lieutenant dead after less than a week in the country, a sergeant killed in a firefight when another American shot him accidentally, piles of dead North Vietnamese, dead South Vietnamese, dead Montagnards, a dead old man in his bed in a house wrecked by battle; heat, fear, concussion, the frenzy of fighting out of an ambush.

Bad things, but no worse than many other bad thngs in life: car wrecks, the death of loved ones. Being fired probably can be as traumatic as being fired upon. And besides, Nam was a long time ago.

I still know where a few of my team-mates are. I get a few cards at Christmas. Sometimes I see one or two and hear about others. Some did a few more tours in Nam after I left. A couple are still in the Army. Some have done better than others, but I'll bet you this: None of them would need a "support group" to go see a movie. None of them would indulge in prattle about "post-traumatic-stress disorder" and how it caused them to beat up their wives or wet their beds. None of them would be a party to the Agent Orange hustle.

And none of them would go to an Army-Navy surplus store and buy jungle fatigues and put them on and hug each other and cry for the cameras because no one gave them a parade.

The men I knew in Vietnam didn't hate each other because of race. We weren't on drugs. We didn't murder civilians. We didn't hate the Army or LBJ or our country. We didn't feel America owed us a free ride because we spent time defending it. We were our own "support group" over there. We don't need one here.

I've met hundreds of Viet vets over the years, and I've yet to encounter one who fits the prevailing stereotypes. There are veterans from all our wars who are sick or depressed or drug addicted, and by all means they deserve our help and comfort. Those who were legitimately disabled deserve a special, revered status in our society. But can't we stop the fictional stereotyping that simply doesn't fit the majority of Vietnam veterans?

Some of the bravest and best men that ever wore an American uniform fought in that war. They deserve better than to be caricatured by Hollywood and represented in the media as a legion of losers.

□ 1830

Following in the Wall Street Journal on August 4, the Wall Street Journal published the letters to the editor that were reflections on the Vietnam war, and I ask that these letters be included in the RECORD.

I need to read one letter that I think was so appropriate in response to Mr. Lane's insightful presentation, and that was a letter from John C. Roots right here in Great Falls, VA, and he writes:

My Vietnam experience lasted from February 1967 to March 1968. I was a helicopter pilot, flew 220 missions, on several occasions brought back battle-damaged aircraft and wounded crew, and spent three months at the siege of Khe Sanh as a forward air controller. I then returned to the U.S. married, finished my active military service, went back to school, graduated, am raising two delightful children, and have spent the past 14 years working happily for a major U.S. company. I am not on drugs, and never have been. I participate in community service such as Little League, Lions Club, and the YMCA. I love my family, cherish my friends and respect the opinions of those who disagree with me.

In the 20 years since my Vietnam tour, I have watched with amazement and frustration the parade of flakes projected by the media as representing Vietnam veterans. Mr. Lane has said what I've wanted to say for a long time. We Vietnam veterans, like veterans of other wars, served our country when asked, conducted ourselves honorably in combat, returned home to lead normal lives and are active participants in our society. The current series of Hollywood films do not do service to these facts. I hope history does a better job.

JOHN C. ROOTS.

GREAT FALLS, VA.

[Letters to the Editor]

REFLECTIONS ON THE VIETNAM WAR

I am compelled to comment on the excellent editorial-page article by William K. Lane Jr. ("Vietnam Vets Without Hollywood, Without Tears," July 26).

I returned from my second tour of duty in Vietnam in June 1970, having spent the period July 1969 to June 1970, with the 17th Aviation Group at Nha Trang, Tuy Hoa and Pleiku. My first trip to Vietnam (1966-1967) was with the First Air Cavalry Division at An Khe and Bong Son. My awards include the Legion of Merit, Soldiers' Medal, Distinguished Flying Cross, three Bronze Stars, numerous Air Medals and the Purple Heart—all earned while serving in Vietnam. These facts are not related for self-aggrandizement, but rather to establish the fact that I shared some of the same type of experiences as Mr. Lane.

Since my return, I have been increasingly, distressed by the portrayal of "typical" Vietnam soldiers or veterans on television, on the movie screen, and as presented by some of the media in their coverage of various Vietnam memorial dedications, "peace" marches and other demonstrations in which the alleged "frustrations" of Vietnam-era servicemen and servicewomen were vented.

My lack of erudition has prevented me from articulating my feelings of disgust and revulsion at some of the caricatures that have been played by those actors and, unfortunately in some cases, as represented by individuals who probably were somewhere in Southeast Asia during the period of the conflict.

It took Mr. Lane's keen perceptions and outstanding writing ability to put into words those feelings of uneasiness that have bothered me for the past 18 years. I, too, was able to watch "Platoon" without the assistance of a "support group." Although the dress and language were fairly accurate, this just tells me that the technical advisers did their job well in that respect. I, too, have felt that the Agent Orange debate has been nothing but a big con job by a few greedy or gullible people.

My own "post-traumatic-stress disorder" has been relieved immeasurably by Mr. Lane's observations. I join him in a long-overdue, cathartic barf. Well done.

STUART G. MCLENNAN Jr.

SAN ANTONIO, TX.

I cannot remember the last time I enjoyed a piece on your editorial page as much as I did Mr. Lane's essay on how Hollywood and (more important) the media routinely engage in mawkish distortion of the image of the Vietnam veteran.

I fought in Vietnam at the same time as Mr. Lane, and I, too, have the sort of memories he describes—both good and bad. I also have good and bad memories of other periods of my life—a stint as a police reporter for a Midwestern newspaper added more to my stock of "war stories" than did the war. Now a corporate lawyer, I am regularly embarrassed by the clownish behavior of badly groomed "media vets" and amused by the naivete of some of my yuppie colleagues who think that movies like "Deerhunter" and "Apocalypse Now" have something to do with war.

JOSEPH S. ORBAN.

NEW BRUNSWICK, NJ.

My Vietnam experience lasted from February 1967 to March 1968. I was a helicopter pilot, flew 220 missions, on several occasions brought back battle-damaged aircraft and wounded crew, and spent three months at the siege of Khe Sanh as a forward air controller. I then returned to the U.S., married, finished my active military service, went back to school, graduated, am raising two delightful children, and have spent the past 14 years working happily for a major U.S. company. I am not on drugs, and never have been. I participate in community service such as Little League, Lions Club, and the YMCA. I love my family, cherish my friends and respect the opinions of those who disagree with me.

In the 20 years since my Vietnam tour, I have watched with amazement and frustration the parade of flakes projected by the media as representing Vietnam Vieterans. Mr. Lane has said what I've wanted to say for a long time. We Vietnam veterans, like veterans of other wars, served our country when asked, conducted ourselves honorably in combat, returned home to lead normal lives and are active participants in our society. The current series of Hollywood films do not do service to these facts. I hope history does a better job.

JOHN C. ROOTS.

GREAT FALLS, VA.

Mr. Lane's column was right on target. As a former platoon leader in the 101st Airborne Division in Vietnam. I very much want to thank him for writing what has been in the back of my mind for years. Most vets are well-adjusted and proud of their service to this great country. Our government may have handled the Vietnam "problem" poorly, but that is no reason to denigrate the honorable people who served there.

ROSS JONES.

BEDFORD, NY.

Mr. Lane's article expresses my feelings exactly. I, too, am embarrassed by those who use their war experiences to justify their inability to cope with life. Their pretension is an affront to all those veterans of that war who came home, picked up the threads of their lives and got on with living. As for the characters portrayed in the movies and on TV, in the 20 months I spent over there in Marine infantry battalions, I never saw anyone who remotely resembled them.

ERNEST T. FITZGERALD.

NEW ORLEANS.

Mr. Lane's article was right on target in criticizing the common caricature of Vietnam vets as neurotic, drug-crazed pawns of a rotten society. As a group, we are probably no better nor no worse than any other large segment of society. I, too, am tired of the whining, sniffling, paranoid image of the Vietnam vet. We're ordinary folks, living ordinary lives. We shouldn't ask for or get a "free ride."

A. DARRYL JAMES.

MIDLAND, TX.

As a veteran of Guadalcanal, Iwo Jima and Okinawa, I wish to thank Mr. Lane for reminding us that like the veterans of all of our wars the veterans of Vietnam did their duty with honor and have survived in every sense of that word.

ROBERT L. JAMES.

WHITE SULPHUR SPRINGS, WV.

Mr. Lane deserves a medal for heroism in attacking the media-generated stereotype of the Vietnam veteran. Since my four years in the Navy were squeezed in between Korea and Vietnam, I felt that I didn't have the right to express what I believe: Vietnam has been co-opted by fringe elements with motives far afield from the truth about Americans in Vietnam, I hope Mr. Lane's piece is the forerunner of others that will put Vietnam in proper perspective for our posterity and make me feel less out of touch with current American values.

JERRY MCCLESKEY.

GREENVILLE, DE.

As a former officer of the First Infantry Division in Vietnam, I also could not understand why anyone "would go to an Army-Navy surplus store and buy jungle fatigues and put them on and hug each other and cry for the cameras."

The overwhelming majority of returning Vietnam vets I encountered is serving in the National Guard and the civilian world over the past 20 years seem to echo Mr. Lane's thesis, both in words and deeds.

We went. We did what was asked of us. We experienced both good and bad circumstances. What we received from this experience was a lifelong grateful feeling of being granted the opportunity to return to our wives, children, families, friends and life in general, in a country, flawed like all human endeavors, but truly a good place to live and raise our children.

CHARLES L. CUNIS.

DANBURY, CN.

Congratulations to Mr. Lane for expressing the true feelings of most of us who served in Vietnam. I've written a number of similar articles, but can add nothing to what he said. He represents the vast, but silent majority.

RONALD F. FRAZIER.

BRAINTREE, MA.

As a veteran of World War II who saw Iwo Jima, I salute Mr. Lane. He and others like him are indeed. The Right Stuff.

ROBERT L. RORSCHACH.

TULSA, OK.

After reading Mr. Lane's article I could only reflect, "What oft was thought but ne'er so well expressed."

CHARLES S. CAHASKIE.

WOODBRIDGE, VA.

Mr. Speaker, I think that says it all. I think we have Vietnam vets that served their country well and honorably, and I think the American people know it. I think Hollywood has shunned it, and we owe them, those Vietnam vets that came home, who did their duty, came home and are living wonderful lives, much better than Hollywood is giving them.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. DELAY. I am happy to yield to the gentleman from Indiana.

TRIBUTE TO RYAN BABITZ

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding. I think the points he just made about the men who fought and the many who died for our country should be heard by everybody throughout America. I want to thank him for taking this special order to talk about that tonight. I really appreciate him yielding to me on another subject. I will not take too much time.

Mr. Speaker, I had a youth leadership conference about 3 months ago, 4 months ago, and a young man attended that, a young man named Ryan Babitz.

Ryan was picked by his school leaders to attend this youth leadership conference, because he was a very highly regarded young man. Ryan, unfortunately, was driving home late one night a few weeks back and a car, a Thunderbird, hit him head on and killed him and left the scene of the accident. To my knowledge, they have not yet found out who did this terrible deed and killed this very fine young man.

I wrote to the family and asked them if there was anything I could do, because he was such a fine young man, and being one of my constituents, I thought I ought to contact the family and see if there was any assistance we could give them. I received a letter from the father that I would like to read into the CONGRESSIONAL RECORD, because those of us who have families ought to really, after hearing this letter, appreciate our loved ones.

I have a daughter Kelly, 24, a daughter Danielle, who is 15, and a son Danny, who is 13, and I love them very much. When I read his letter, I started thinking about what it would be like if one of my children were killed in a horrible accident like that.

I hope everybody who is in their office or my colleagues here on the floor will bear with me for just a minute while I read this letter, because I think it is very touching.

It says:

> DEAR REPRESENTATIVE BURTON: Obviously you have requested information in order to get a feeling for who Ryan was. I'll try but it's a task. I'm ultimately going to fall short of giving justice to Ryan's essence. He was a neat kid. You know that much since he was chosen for your leadership conference. He wasn't academic, but he was street-wise, yet had a great depth of feeling. He helped teach me to touch and hug. He was tough as nails. He and I took a 420-mile bicycle trip to Michigan when he was only 11 years old. It was a piece of cake for him.
>
> Ryan played football from 3d grade through his freshman year. He loved the contact. He wore the black and blue marks like a badge of honor. As offensive center, he always led his team out of the huddle. He and I spent hours practicing long punt snaps. And in all his games, he never once made a bad punt snap. He was undersized as a defensive lineman, but always got his share of quarterback sacks and solo tackles.
>
> But it was basketball which really revealed Ryan's unique character. Like so many fathers, I worked with my son helping him to learn the Hoosier tradition of the sport of basketball. He played 5 years in youth league. He was not fast, or a good shooter; but he had that certain intensity and tenacity that made his presence felt whenever he was on the court.
>
> At the end of sixth grade we accepted that his short career was over and it would be football only for middle school. But a surprise phone call from the coach informed him that he had been named an alternate to the sixth grade all-star team, followed later by another call telling him he could dress and play as a full team member.
>
> The Zionsville team was beaten easily by Lebanon, but for Ryan it was a chance to step on the court, score 3 points, and acquit himself well against the best basketball players in the county. He came to me and said "I think I can compete. I want to go to basketball camp."
>
> Camp at Ball State University that summer gave Ryan the edge he needed to make the seventh-grade team. He asked for jersey No. 13, the same number I wore at that age. And Ryan scored 13 points for the entire season.
>
> He didn't make the team the next year, but went back to basketball camp, determined to be on the freshman team, especially when that coach told him he liked Ryan's aggressiveness and expected to see him at tryouts. He did make the freshman team, and after another summer session at Ball State, Ryan was the last man selected for the Zionsville Junior Varsity Team last season.
>
> There was one special game last year when all the hours of practice and dedication let Ryan reach the mountaintop. The game had gone into overtime and with 2 minutes remaining Ryan was fouled. Always the poor shooter, this free throw banked in to tie the game. Then Ryan got the ball again and scored on a turnaround jumper. Ryan, on a roll now, then stole the ball at midcourt and drove back down for a layup and victory for Zionsville. And for that one short timeframe, Ryan got to savor the cheers and accolades accorded the hero.
>
> Ryan loved to play defense, dive for a loose ball, and block out a taller opponent. He loved the team concept and the camaraderie. He even liked practice—and being coached. He could joke about his free throw shooting, but take pride in not letting his man score. I was his biggest fan, and I loved every minute watching him, whether he was warming up or sitting on the bench, or in the game.
>
> Next year following the basketball season, some fine athlete at Zionsville High School will be receiving the Ryan Babitz Basketball Scholarship Award. He probably won't be the star of the team and his statistics may not be laudable, but he will have Ryan's qualities, and he too will be a very special young man.
>
> Respectfully, JERRY BABITZ.

We have a lot of young people who come to our youth leadership conferences, but I do not think there was ever one that was more loved by his parents than Ryan, and I want to say to his parents, whom I hope get a chance to see this special order, that he will be missed by all of us.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subjects of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

VACATING SPECIAL ORDER AND REQUESTING SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, in the interests of time, my own and everyone else's involved in this great legislative body's process, I ask unanimous consent to withdraw my 60-minute special order and ask for a 5-minute special order instead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

"THE LAST TEMPTATION OF CHRIST"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I made a 1-minute address to the House last week on a scurrilous and blasphemous film that is being put out by heretofore one of Hollywood's great studios, Universal. Universal used to be considered a mill that ground out B production movies until they discovered Dracula and Frankenstein, and finally they worked their way into the ranks of the Academy Award-winning studios and put out a lot of artistic films of great quality the last couple of decades.

I think they have returned without even the skill of exciting Bram Stoker fiction to something as ghastly as Dracula, only what it does is it drags the image, the name and reputation of Jesus Christ, the Son of God, through the mud of a blasphemous and secular society.

I was going to do pretty much most of a 60-minute on this and allow some time for something that just boggles my mind that I saw on page 4 of the Washington Post newspaper, and I am going to try to combine two special orders in less than 5 minutes.

□ 1845

DUKAKIS IDENTIFIES WITH REAGAN ON SOVIET POLICY

Mr. DORNAN of California. First the secular, before we get to the blasphemous, although this is some sort of a strange charade. Vice President BUSH the day before yesterday tagged an excellent nickname on the Governor of Massachusetts. Instead of calling him as some of us "Dutaxis," a little play on his name, he called him the Stealth candidate, after the B-2 bomber which is going to be rolled out for public view in about 100 days, the Stealth candidate because Mr. Dukakis does not use the "L word" for liberals or the "T word" for taxes, and he has completely fogged his whole image and did it with some skill at the Democratic Convention.

But, Mr. Speaker, this is outrageous. "Dukakis identifies with Reagan on Soviet policy. The Democratic nominee says he's 'a lot closer' to the President's views than BUSH is."

Listen to this headline out of Cincinnati, August 9: "Democratic presidential nominee Michael F. Dukakis argued today that he is closer to President Reagan's current views on U.S.-Soviet relations than Vice President BUSH is and challenged his prospective Republican opponent to clear up 'where he stands' on foreign policy."

Then he goes on to say, and these are his exact words, after seeing Reagan "walking arm in arm with Gorbachev in Red Square. * * * I think the President is moving a lot closer to my views," Mr. Dukakis' views, who has no record in foreign policy whatsoever. "We are a lot closer together on Soviet relations than he is with BUSH.

"Dukakis' efforts to reposition himself as a Reaganite," says the Washington Post, "on foreign policy began at the Democratic National Convention where he saluted Reagan for his achievements on arms control. * * *

"Responding to BUSH's charge Monday that Dukakis is a 'Stealth candidate,' hiding his liberalism from public view, Dukakis told reports that it is BUSH who is the mystery man. 'Do you know where he stands on Southern Africa?' " I do.

He says, "Do you know where he stands on the Gulf?"

I do, and there are plenty of statements on the record, and then he says, "Do you know where he stands on Central America?"

Then at the end he comes back and says that he has supported "the endless fiasco" of the freedom fighters in Nicaragua for all of these years, so he knows where he stands there on that one issue.

I will close this ridiculous page 4 article from the Post that if Dukakis wins, freedom fighters' efforts around the world are dead, and Dukakis even once drew his finger across his throat and said, "Finished," for these young men and women, some of them teenagers who lay their bodies on the line and die for the freedom of their country. Now we are finally getting a piece of the cause of the Reagan doctrine in Angola, in the gulf, in Iraq and Iran, at the northern end of the Persian Gulf, and it looks like Central America will be the last Communist bastion of expansionism, and it will work for the Communists if Dukakis wins. If BUSH wins, then he will find out all about how BUSH will continue the Reagan doctrine of strength in the face of communism that is working.

In the few seconds I have left, I recommended that people read the article in the current Time magazine of this film coming out by Universal, this unbelievable, blasphemous film, "The Last Temptation."

Just listen to this opening paragraph from Time magazine:

"Jesus has brief on-screen sex with his first wife Mary Magdalene and later commits adultery. Judas is a hero, the strongest and best of the Apostles. Paul is a hypocrite and a liar.

This book by the tormented Greek Orthodox believer—he is not a believer, he was excommunicated—Nikos Kazantzakis, has been faithfully reproduced in the film.

"Neither the label 'fiction' nor the first amendment gives Universal the right to libel, slander and ridicule the most central figure in world history," one reference says.

Franco Zeffirelli, who directed the incredibly beautiful, moving and inspiring "Jesus of Nazareth," 6 hours of glorious film work, interestingly filmed in Morocco where this was filmed, of Scorsese's film he says it is "damaging to the image of Christ. He cannot be made the object of low fantasies."

Listen to this: "The dramatic centerpiece of the film is a half hour segment in which the dying Christ, played by Willem Dafoe, hallucinates about the Devil's final temptation."

Mr. Speaker, I just have to read these 3 paragraphs. Let me quit here and ask if my colleague will yield to me for a couple of minutes to finish this paragraph.

The SPEAKER pro tempore (Mr. GARCIA). The time of the gentleman from California has expired.

"THE LAST TEMPTATION OF CHRIST"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from California, for a few minutes.

Mr. DORNAN of California. I thank the gentleman.

If he has not read this article, his ears will burn.

Mr. BURTON of Indiana. Mr. Speaker, I plan to make a response to the gentleman.

Mr. DORNAN of California. Good.

Listen to this. "The dramatic centerpiece of the film is a half hour segment in which the dying Christ, played by Willem Dafoe," who was one of the lead actors in the Academy Award-winning film, "Platoon," the one that is executed by one of his fellow sergeants without anybody coming to justice on this, Willem Dafoe, here is a scene of him coming down the street as Jesus, carrying the cross, no blood whatsoever, no blood from the crown of thorns, no blood from the over 200 lashes from the Roman flagon, and if anybody wants to know about the ultimate torture that Jesus Christ went through for our sins, they should read some descriptions by excellent doctors of what you can learn from the famous Shroud of Turin. But he says he "hallucinates about the devil's final temptation." This is the half hour segment in the middle of the film, and that is their half copout because it is a dream sequence.

"Come down from the cross, renounce your role as the Messiah, marry Mary Magdalene and live a long and ordinary life." But then when she dies or something he marries Mary, not the Mary, Jesus' Mother, but Mary of the Mary and Martha, and he has an illicit, adulterous affair with Martha, and they did a lot in the 30 minutes.

Following Kazantzakis, however, Scorsese presents "the early Jesus as a weak and dithering collaborator who builds crosses used by the Romans to execute Jewish rebels. Later he becomes the wild-eyed guru to a band of ragged followers that remains apprehensive and fundamentally confused about his message and his mission."

Are you listening to this, Mr. Speaker, colleagues, and people who have tracked the proceedings of this House? "He persuades Judas, his best friend, to betray him to fulfill God's plan." Predestination again, and that heresy pops up occasionally.

Then Jesus is shown briefly having sex with his wife, Mary Magdalene, and I almost gag to say this, "Later in the fantasy, after Magdalene dies, he weds Mary of the Biblical duo Mary and Martha, then commits adultery with Martha.

"Temptation is drenched in blood. The blood of sacrificed animals runs through the streets, blood unaccountable pours out of an apple Jesus eats and, at the Last Supper, the wine literally turns into blood."

Some Christians believe this did happen, but it was Christ's blood.

"In one grotesque scene, Jesus reaches into his chest (though it looks more like his belly), yanks out his heart and holds it up for his Apostles to admire.

"For a few critics, this display seems to be an arch-send-up of the Catholic devotion to the Sacred Heart of

Jesus," my father's principal devotion. This is sickening.

Lazarus, having been brought back from the dead, says, "I was a little surprised. There isn't that much difference."

Then "at times Jesus sounds like a mumbling method actor (his first sermon begins 'Umm, uh, I'm sorry') and others like a recent graduate of the Shirley MacLaine School of Theology ('everything's part of God')."

This author and this film is "not tinkering with a minor historical figure, as Gore Vidal did with Aaron Burr, but with the founder of their faith," of a billion people in this world.

"'This is an international attack on Christianity,' concludes Joseph Reilly, national director of Morality in Media," my friend. "The group is particularly incensed by Jesus' anguished comment," and this is unbelievable, Jesus on the screen is saying, "I am a liar. I am a hypocrite. I am afraid of everything. * * * Lucifer is inside me."

One line that Universal now seems to have edited out because of this building fire storm of Christian horror at this is that at one point Jesus is saying to Mary Magdalene, "God sleeps between your legs." Universal weakly says that line has been taken out. I wonder if they are going to take out some of this other junk?

They have taken out full-page ads in four major cities including New York and Los Angeles, and the gentleman from Indiana will love this, "Quoting Thomas Jefferson and announcing that the constitutional rights to free expression and freedom of religion," as a defense of Universal to put this blasphemy on the screen.

One group of the Sisterhood of Mary, a Protestant group of women which Time called a group of ultra conservative Protestant women, an egregious little prefix there because I know the group, and they are just conservative Protestant women, they are the ones they are giving the credit for taking out the offensive line about Mary Magdalene. And Mother Angelica, and I saw this on the "Larry King Show," and she made mincemeat out of my friend, Jack Valenti, who was sitting there trying to defend this garbage, and they talk about some of the groups going off the extreme end with anti-Semitic statements. That is all we need. This has nothing to do with Martin Scorsese, a lapsed Catholic.

One token liberal minister, probably for People for the American Way, in his tepid defense, said "People who go to the movie are going to come out bored and leave before it is over."

Not young people. They will be absolutely scandalized by this in the worst sense of the word.

The Right Reverend Paul Moore, an Episcopal Bishop of New York, offered one of the strongest defenses "calling Temptation 'theologically sound.'" I pray for you, Right Reverend Moore. You are in a lot of trouble, baby.

Bishop Anthony Bosco, head of the communications department of the National Council of Catholic Bishops, says he "thinks that the movie should be allowed to expire quietly. 'This too shall pass away.'"

There is the lack of guts of my beloved Catholic bishops. They are free to come out and they will endorse the Mondale economics after Reagan has carried 49 States, and they get involved in nuclear throwweights to where they have almost screwed up the INF Treaty that Reagan got, and they are fast away on subjects they admit are not faith and morals, and tell me I can form my own conscience, and cannot even respond to HENRY HYDE, one of my colleagues, or Michael Novak, with thoughtful papers. But when it comes to an attack on Jesus Christ, they have not yet spoken out.

But my bishop did in Orange County; big, tall tough guy, Bill McFarland has told every Catholic and Christian worthy of the name in Orange County, do not go to see this film.

The owner of the biggest chain of movie theaters in California, in the second largest county, James Edwards III, running his father's great business of screens, with 189 screens in Orange County, 89 are owned by the Edwards family, and they have said we do not have to see this film any more than we had to be witnesses to the Manson slaughter or told the police to let us buy the yellow ribbons that they put about sealing it off from the public. You can smell the slander of the blasphemous character a mile away. And James Edwards III said none of my screens are going to show this blasphemous film, and I honor you, Jim.

One final thought.

"The film's Jesus questions himself so much that," Reverend Michael Morris, a teacher of religion and the cinema at a Catholic school in Berkeley says, "It's sort of like watching the Three Faces of Eve." Which Jesus are you talking about? There is a lot a faulty theological themes. "In the dream sequence, for example, when Jesus interrupts Paul's preaching to explain that he did not die and rise again, Paul says the facts are not important as long as people have something to believe in. This appears to reinforce the familiar and cynical view that Paul invented Christianity and distorted Jesus' teachings. Scorsese's Jesus also makes a number of doctrinal blunders." Get this: "He announces that his death will pay for his own sins, rather than for the sins of mankind. And he picks up dirt and stones and says, 'This is my body too,' which apparently makes him a founder of pantheism as well as Christianity."

The dirt, the rocks, and everything has God in it, and that is heresy that pops up occasionally.

"Such theological slip-ups are fueling passions about the film. Father Morris says he was told by Scorsese that filmmaker wonders why everyone is so upset when 'it's just a movie.'" That is what they all say until they are going for an Academy Award.

And then he says he has a right "to work out his private quest for Jesus on film," not the experiences of a believer who thinks that Jesus died for their individual sins. That is what this Member believes standing in the well, that Jesus died for one of my mortal sins, and to have this blasphemy hit the screens of this country is probably one of the great outrages of this secular materialized, hedonistic age where we see Hugh Hefner who goes on the "Morning Show," and the show host calls him "Hef," and "Heffie," and after 35 years and bragging of having slept with 25,000 women he is now a great figure giving money to charities, but Jesus, the Divine Redeemer of us all, he is made the figure of ridicule in this film, and people who have seen the film clips say that it is technically so beautiful, so wonderfully crafted in its cinematography, its artful direction and its special effects, its Dolby sound, that it is every bit as pretty to look at and as historically accurate in its appearance except for God not having any blood on him that it rivals the really beautiful 6-hour treatise on Jesus. It is one of the outrages that hammers us in the face in modern life, and since I have only learned about the details this morning, I would like the reaction of my courageous and good friend from Indiana, who gave me more than a couple of minutes. I thank him and am now maybe ready to reflect on his comments.

Mr. BURTON of Indiana. All I would like to say is that I am just going to take a couple of minutes. I share the gentlemen's revulsion at these kinds of statements being made, let alone a movie being made saying these things. I did not know there was a book written that the movie was based on from 15 to 16 years ago by a defrocked Greek Orthodox priest.

Mr. DORNAN of California. He was not a priest, just a layman, a troubled layman way back in 1955.

Mr. BURTON of Indiana. I stand corrected, a Greek Orthodox layman, but in fact that is no reflection on the Greek Orthodox Church, incidentally.

The beginning of wisdom is the fear of God, the Bible says, and I am a Christian, and I am a sinner too, like all of us, but I am a Christian and I believe deeply that Jesus Christ is my Lord and Savior, and I think most of us would say the same thing. And I become very concerned about the future of our Nation when I see the very foundations starting to crack.

□ 1700

Now up there above the Speaker's desk, up here at the top of this Chamber behind the Speaker's chair, it says "In God We Trust." Now we have a Judeo-Christian ethic in this country and we call ourselves a Christian nation. Yet we allow this kind of garbage to be consumed by our kids in the name of art. And it really, really bothers me. I do not know how to really express myself other than to say that if the Bible is accurate—and I believe it is—and if Jesus Christ was Lord—and I believe he was—and I do not believe that they are going to stand still and tolerate this kind of degradation, sacrilege to take place without some reprisals. In the United States of America, if we are a God-fearing nation and if we do believe in Jesus Christ, then we had better do something to stop this kind of thing from taking place, in the name of art or anything else.

It is just reprehensible. We see immorality on television, we go in to turn on the television screen and our kids are watching, in prime time, sex acts being performed. They said, "Well, you can always turn it off or put some kind of a lockbox on it."

Mr. DORNAN of California. "Just a movie, just television."

Mr. BURTON of Indiana. You can always put a lockbox on your television set, and I guess you can. But the fact of the matter is your kids, in a very mobile society, are going to see that sort of thing if it is on the television screens.

So we have a morality problem that has been growing and growing by leaps and bounds. But we turn our backs and we say, "Well, you know, first amendment rights, freedom of speech, freedom of art, freedom of people to do that sort of thing." And it goes on.

And we tolerate it. Then we see the immorality starting to spread and we see the pornography that is infesting our cities. And we see the drugs and all these other things that are spawned by this type of thinking. And now the very foundation of our society is being attacked through the movie industry.

You know, a lot of us here are Christians who believe deeply in Jesus Christ and we do not go around wearing it on our sleeves. Maybe we should. Maybe we ought to go around and talk more about Jesus Christ and what he means to us, and that he did die for our sins and he is our Lord and Savior. Maybe if we did that kind of talking this kind of garbage would not be put on the movie screens in this country. But all I would like to say tonight is for God's sake, where do you draw the line? For God's sake, you people in the movie industry, when are you going to be responsible? If we are a Christian nation, if we do believe in God, "In God We Trust," then why are you desecrating his name? Why are you desecrating the name of Jesus Christ? Maybe you do not believe in him. Maybe you are an atheist. That is your right in this country. But do not spread that garbage out before our kids for them to consume. We do not want it. We do not need it.

I pray to God every day that every American who cares about Jesus Christ and who cares about morality will get out there on the streets and demonstrate against this movie and I hope they do not make a dime. If they lose a lot of money maybe they will get the message.

I yield to my colleague.

Mr. DORNAN of California. If the gentleman will yield for a final thought, I was first up in special orders tonight so I hope the gentleman from Pennsylvania [Mr. WALKER] will forgive me for asking him something. But for a fluke, being caught in the hall, I would be up here for a full hour and long gone. I have introduced with Mr. DANNEMEYER, he is the lead and he is including Mr. HOLLOWAY and myself with him as coauthors of a House resolution. But we have only 19 days left. Tomorrow, then a week of 3 business days, 3 business days, 2, a 5 and a 5, 19 days and the 100th Congress is history. There is not going to be a lameduck session this year.

I would like to—and I will stay and try to help the gentleman from Pennsylvania with his special order if he wants because Mr. WALKER is going to do a fascinating thing on the Democratic so-called sleaze list. It has now exploded to 240-some people. But I wonder if Mr. HOLLOWAY who has a special order—maybe it comes ahead of you or it follows you—maybe he could just encapsulate his special order, Mr. HOLLOWAY, inside Mr. BURTON's special order right now to give it some continuity. Also I would like an observation from the gentleman from Pennsylvania about what he thinks about that. I believe he is the senior Parliamentarian in the House on either side of the aisle. What can we do? I assume even publicly the gentleman will join this and so will the gentleman from Indiana. What can we do to possibly get on the Calendar? Because they have moved up the release dates by 7 weeks. It opens Friday. They are trying to stop every beautiful eloquent word that was just said by Mr. BURTON. They are trying to stop him as a U.S. Congressman from telling his young people, and a lot of people in wheelchairs who will probably get out there to defend the name of Jesus, the Son of God; they want to get their dirty bottom dollar fast. So what can we do with the resolution when we have a fast day tomorrow, the get-away day, then we are gone for our convention, then it goes into the summer August/September work break and we do not come back until September. Then we have a couple of 3-day weeks and 2-day week, the third week in September. What can we do to get this on the Calendar?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. There are several things that can be done. I assume that the resolution that has been introduced has gone to committee. There is in fact a discharge petition open and as the gentleman knows that takes 218 signatures to get that up. We could, in fact, bring up that resolution by unanimous consent in the House of Representatives. The route to that would be to bring it up by virtue of the leaderships of both sides of the aisle signing off on that to be brought to the floor. Given the time constraints of the matter before us, it seems to me that is the route we might want to look at taking to get the minority leadership, namely BOB MICHEL, TRENT LOTT and that group, plus the people who are the ranking Members of the committees to which the bill has been assigned, and also the Democratic leadership. If that were done, the bill then could be brought to the floor under a unanimous-consent procedure. That, of course, does not guarantee you that somebody will not stand up, and under the guise of protesting free speech or whatever it might be, be against the resolution and thereby turn it down, which in my mind would be tragic.

But that seems to be the only route that this gentleman knows that could get up in any time of a timely fashion.

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. DORNAN of California. I think it would be desperate to try to put all of this together even with thoughtful men who once having heard some of this material from a secular magazine would say "yes, there is no way that this can be presented in a uplifting way. This is an outrage." But tomorrow is shot.

Now it would have been on the screens from August 12 through September 7 or 8. The only thing we would have to do is a resolution, a sense of the House resolution pleading with Universal to withdraw this picture from the screens.

If, God forbid, and I mean that as a prayer, God forbid it is a success financially over its first 3 weeks, I guess it will be playing in New Orleans, a Christian city of great historical renown, during the convention. I do not know—we will try to craft something with more immediacy to it.

But would the gentleman mind if I impose to ask Mr. BURTON to yield to Mr. HOLLOWAY? He has a short presentation of what we are going to do with this resolution. I thank the gentleman very much.

Mr. BURTON of Indiana. I would like to congratulate the gentleman from California for showing such leadership in controlling my special order. I would be happy to yield to the gentleman.

Mr. HOLLOWAY. Let me just ask one of the speakers here: Do you not really feel that in this United Pictures is really putting themselves as an irresponsible type film company that we are trying to fight here. They are really not to be respected from this point on among the 145 million Christian people of this country.

Mr. DORNAN of California. If the gentleman will yield so I could answer the question: The name is Universal, not United.

Mr. HOLLOWAY. I am sorry, Universal.

Mr. DORNAN of California. That is all right. We have heard from the great Atlantic coast, the Northeast, we have heard from California, we have heard from the Great Lakes area and the great State of Indiana and I welcome some southern input here. It is a very religious part of the country.

Here is the problem. Imagine this Hobson's choice or to use the title of an academy award winning film of great power, "Sophie's Choice," imagine this choice: Would you rather have your child see a hardcore porno film, just a couple where the guy still has his socks on, in a lust-filled sex act? Or would you rather have them see a film, beautifully done artistically, defame Christ as a diffident, bumbling buffoon and taking his divinity away from him?

Mr. BURTON of Indiana. If I might reclaim my time, that is a choice that I do not want to have to make because I do not want my kids to see pornography and I certainly do not and will not allow them to see a movie depicting Christ in a situation such as the gentleman described tonight. I think it is unthinkable.

As I said before, I hope nobody in this country goes to see it.

Mr. HOLLOWAY. Basically what I am saying is we are all Christians of one denomination or another. This pertains to Catholics as well as Protestants, Pentacostals, Southern Baptists. I guess what I am really saying is, why do we go to church? Why do people take the time to go to church if they go to look at something like this that totally disregards what has been taught to us and read to us and what we have believed in the word of God for over 2,000 years. Where are we going as a nation, where are we going with morality, where are we as Christians? Have we totally thrown God out of our lives? Are we as a country going to totally turn our backs on believing that Christ came to save us from sin and that we can look and tolerate something like this? I guess I just have a problem of seeing a Christian who has ever professed his faith—not even if you profess your faith, if you are willing to go to Mass and sit through Mass an hour every week and listen to what the priest tells you; if you go to a Southern Baptist church which I go to and you listen to a preacher who will tell you what I believe is the Holy word of God and then we go to look at something like this to make a mockery of that? I just have a real problem, totally. The only thing that hits a big conglomerate like this is when people with money hit them. I believe we as Christians and there are many, many more of us who profess Christ in this country than do not, I think we could really put some tremendous pressure if we not only hit them at the box office on their GP films, as well as the many other conglomerates that this company owns, I think that is where we really should press this company to withdraw.

I see Paramount Pictures dropped a similar project in 1983 due in part to the realization of the damage to the Christians. Where is Universal Studios at this point? Where in the world can they be coming from?

Mr. BURTON of Indiana. MCA stockholders—and I guess MCA is the parent company of Universal—I think that Pat Robertson has urged, and also Concerned Women For America have urged all MCA stockholders to sell the company's stock on September 15. I think it would be incumbent upon church leaders, I hope it is incumbent upon church leaders to find out all the companies that are subsidiaries of this corporation, including Universal and ask people to boycott their products.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. We have a lot of churches right now who are suggesting disinvesting in South Africa. We are going to have that bill up before us. My guess is that a lot of churches, main line churches and so on, that have great big funds, probably have money invested in Universal Studios or in its parent companies and so on. If ever there was an area for disinvestment, based upon this film, here is an area for disinvestment. No Christian should accept this. I mean it is just absolutely outrageous that Christians should end up, as the gentleman from California indicated, even kind of defending the fact that the film was made. Now I happen to be of the opinion that God being omnipotent, as he is, is going to survive this petty matter as well. But we as Christians, as believers should be outraged by what is going on here. One way the Christian churches could show that outrage would be to disinvest in this property.

I would suggest it would be a route to go to very quickly.

Mr. BURTON of Indiana. Let me just say it is not God I am worried about because he is omnipotent and Christ his son is, as well. It is our Nation. God is not mocked, as the Bible says very, very clearly.

If our Nation tolerates this sort of thing, this Nation is going to be in deep trouble. In the past, in the Old Testament and in the New Testament when the people of God disobeyed him for a very long period of time, they suffered the consequences. And if America thinks it can mock God and turns its back on Jesus Christ and God for very long we are sadly mistaken. If you look at all the great societies in history, Christian, Judeo societies, when they turned their backs on God they suffered dramatically. And we do believe in God, and I know we do, and if we believe in Christ as most of us do here in this Chamber, then by golly we ought to be concerned about what this bodes for the future of America. You cannot turn your back on him and expect him not to retaliate. And he does retaliate.

I yield to my colleagues from New York.

Mr. GARCIA. I thank my colleague for yielding. I just want to make certain that those who are viewing this discussion tonight understand there are Members on both sides of the aisle who feel very strongly about this. I think probably the saddest commentaries that because of the debate and because of the coverage that this movie has received, it will probably be successful. I hope that will not be the case.

I hope people who are watching tonight and who are with us tonight, who monitor these discussions, would think seriously about not viewing that movie. I think the best way to combat this is by not going to see it, by not spending your money. We have a system here that has worked for us, the system of freedom of the press, freedom of being able to put those things out in public that fall hopefully within certain guidelines.

☐ 1915

As one person who has been strengthened and brought up by a dad who was a minister—and my sister is a minister also—I can just say, as one who believes very much in Jesus Christ, that I feel that this debate, while it is healthy, is necessary, and nonetheless—and we have to say it because this is what we feel—I know that historically in this country when things happen and people have a sense of outrage, we are entitled to say what we want, just as other groups are entitled to say what they want about issues that affect them, that affect the people themselves and what they believe in.

All I want to say is that I wish to thank my colleague for yielding to me in these few minutes, and I just hope that this debate is a debate in which we will just tell people, "Please, for your own sakes and for the sake of the foundation of what this country was built on, don't see that movie."

Mr. HOLLOWAY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Louisiana.

Mr. HOLLOWAY. Mr. Speaker, what I want to end up with is by saying the fact is that I do not want the viewers to see that this is a bunch of fundamental radicals up here speaking. My wife is a Roman Catholic, a very faithful Roman Catholic. We married and kept our own denominations. But my wife feels as strongly as I do about this as a Catholic. And the fact is that this is wrong. So I just want to stress the fact that it is not only the fundamentalists who are carrying forward this battle. The Roman Catholics and other denominations of Christianity feel the same as we do, and I just hope they will stand up and they will be heard, just as we are, and I hope this will lead to more and more Members on the other side of the aisle speaking on this issue, letting us know that it is not a matter of party or partisanship, that it is a matter of what is right and what we found this Christian, God-fearing country on. And if we are not careful, we do not know where we are going to go with morality in this country, if we have not already gone too far that way.

But I do believe there comes a time when we can stand up and revolt. I do believe right now that time is here, and that we have to boycott this film. It is very much as the gentleman on the other side said, we have to totally boycott this film and hope that people who walk in the theaters will turn around and look to see who is looking to see that they are going to see this film. It is just wrong, and I just cannot believe we can allow it to happen in a Christian Nation, with people who believe as I do in the Holy Bible as the sacred word of God. That being so, I wonder, how can a company that should be respected in this country produce a film like this?

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Louisiana [Mr. HOLLOWAY] for his contribution. Mr. Speaker, I will just end by saying, "God bless America, and don't see that film."

DEMONSTRATIONS AGAINST ABORTION RESULT IN ALLEGED CIVIL RIGHTS VIOLATIONS

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Louisiana [Mr. HOLLOWAY] is recognized for 15 minutes.

Mr. HOLLOWAY. Mr. Speaker, I will not take the entire 15 minutes, but I have an issue that is very, very important to me. I am going to be sending a letter around, and I hope that the Members of the House will see and sign the letter. The issue I want to address for just a very few minutes involves something that took place in Atlanta starting on July 19.

We had 134 people who were arrested for participating in a peaceful demonstration against abortion. They caused no damage to personal property. They were respectful to the authorities. Yet what happened was not what has happened in many other cities. I watched the demonstrations out here, outside the Capitol last week. The people were treated very carefully, more carefully probably than they should be sometimes, but they were treated with very great care by the authorities.

Instead, these people in Atlanta were thrown over policemen's shoulders and thrown into vans. One group in Florida was even put into chicken coops and kept in 120-degree heat for 2 days before they were released.

But the people I am speaking of in particular tonight were jailed in Atlanta, and out of the 134 who were jailed there are 80 of the original participants in jail there, and we are writing a letter to the mayor hoping that he will look into the issue, hoping that he will remember the days of the civil rights movement, remembering the days of people seeking against the rights they should have had but which they did not have.

We have addressed and will continue to address the issue of the rights of unborn children. I am not saying that they were not totally within their authority in taking these people in, arresting them, but in many of the other cities they have been arrested and were charged with just simply a summary and released. These people have been in jail now for 3 weeks. I have to say that they have not given their names to the authorities simply because once they give their names to the authorities they are of the opinion that the abortion clinics there or the attorneys for the abortion clinics plan to file civil suits against them. So they are not willing to do that. They are holding out, hoping to be released on a misdemeanor or a summary, hoping to have some of the freedoms that we feel we should have in this country.

My understanding is that some of these people are from Louisiana, and others are from all over the rest of the Nation. From what I understand, there are 300 more people who are going from Louisiana to Atlanta next week to protest this, and they are willing to be arrested, if that is what it takes.

I am not going to speak until I have all the facts totally on this matter, but I had heard a statement made that there are more people in jail on this one issue of blocking an entrance to abortion clinics than there were during the entire civil rights movement at any one time. We all believe in fighting for our rights and standing up for them, and my main purpose for being here today is to say that these people believe in what they are fighting for.

We may have to clarify the law to protect the rights of unborn children. But these people are willing to suffer, they are willing to go to jail, and they are going to do whatever it takes to make sure their rights are protected.

I believe personally the city of Atlanta should be like the rest of the Nation, and they should take heed of the fact that they have many criminals on the streets there that need to be in jail much more than peaceful protesters who have done nothing really other than to try to block the entrance of a clinic.

My understanding is that the police have bodily carried people over the tops of these protesters, and they have handed ladies over who are in for abortions, and they are seeing that they get in a clinic rather than taking their time to see that they remove these people properly.

I am here to ask Mayor Young of Atlanta to take a look at this issue and see if he feels that these people's protests resemble his protests and those of many others who protested for their rights during the civil rights movement, people who gained many of the freedoms they strived for.

I am just here to say that we will address the issue of right to live, but at this point I believe this is a more fundamental right that is being violated against these people than the actual fundamental right to life movement. I think actually their civil rights are being violated. They are not being treated fairly, as people are in other parts of the country.

So in closing, I am just going to say, "Please, Mayor Young, do something for these people." I would ask if he would look into the situation. I feel it is going to get out of hand there in Atlanta if he does not look into it.

I feel it is something that we need. My understanding is that the people do want to be released. Once it is shown that they are simply being charged with a summary or whatever it is that will be filed against them, they will give their names to the authorities, and we will be able to solve that situation there. But the taxpayers of Fulton County, in my opinion, should require more of their authorities than to spend the money for imprisonment of people who are simply trying to make their protest known, people who are willing to go to jail, knowing they are going to jail but hoping that they will be released immediately.

So my request is that they would look into the situation, and I would hope the people throughout this country will let them know their feelings on it. If it takes a mass march on Atlanta, much as we have had before, I hope the people are willing to go and march for these people who are in prison.

I am going to continue to fight this battle until I see these people released to go back to their homes and back to their churches—many of them are pastors—and continue the work that they do in their communities. But these people know that if it is required, they are willing to do it again over and over and over. I applaud them for their part in this. I applaud them for standing up for what they believe in, trying to make something happen to correct something that they consider is wrong in this country. They are trying to change it, and we will try to reverse Roe vs. Wade. We will try to treat the issue of the rights of the unborn child, and hopefully, we can continue to address that issue in the House, and hopefully we will have candidates run and be elected who will address that issue and we will be able to pass the legislation.

Mr. Speaker, I appreciate very much the Members bearing with me, and I hope we will have interest on the other side of the aisle also to show that this is a bipartisan issue, one that we all feel should be considered in giving the rights to these people.

AN UPDATE OF THE SLEAZE FACTOR

The SPEAKER pro tempore (Mr. GARCIA). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, during the last several weeks there has been quite a bit of discussion about the so-called sleaze factor in politics. In particular, there have been discussions about the sleaze factor in the Reagan administration.

During the Democratic Convention last month a number of the speakers at that convention alluded to the overwhelming sleaze factor in the Reagan administration and the need to clean up the corruption in Government that had occurred over the last several years. The Presidential nominee of the Democratic Party in fact referred to that at the Democratic Convention and has referred to it since as one of the things he is going to do.

In fact, the Democrats have come forth with a fairly comprehensive list of what they regard as the sleaze factor. I have been able to obtain a copy of that list. I have it here this evening. It is a list that is compiled by the House Subcommittee on Civil Service. It says here, "Representative PATRICIA SCHROEDER," and it gives a phone number. It lists 242 people who allegedly have been a part of the sleaze factor of the Reagan administration. Let me read from the front of this document to tell the House what it is this document purports to do.

It says this: The following is an index updated to March 30, 1988, of newspaper articles concerning individuals appointed by or serving in the Reagan administration who have been the subject of charges of unethical conduct. The allegations have not been further investigated by the subcommittee.

So, what they have done is, they have compiled all the sleaze they can find out there, and they have come up with 242 individuals who are involved. And they rightfully make the point that 242 individuals in an administration is far too many people involved in sleaze. I do not quarrel with that.

I do quarrel, however, with this report, and I do suggest that the sleaze factor in the Reagan administration, if in fact this is true, is compounded in this Congress.

Let me tell the Members why. I recently did a little research. What I found was that President Reagan has appointed in that 7-year period, since taking office in 1981, 18,270 individuals to executive branch positions. If in fact the Democrats are correct, that 242 of those individuals are charged with some kind of misconduct, that means that 1.3 percent of the people appointed by this administration have in fact been engaged in some kind of misbehavior.

Now, let me say to the Members that that is a very conservative estimate because I did not include in that estimate any of the people appointed to judicial offices, despite the fact that this report to which I am referring discusses people who were appointed as judges. But I did not include that because that would be another few thousand people, and that would make the percentage even lower. But I am going to use the most conservative figure, and I am going to say that 1.3 percent of all the people in the Reagan administration have been accused of sleaze as a result of this report.

Let us examine the report. Is that figure in fact a true figure? Is this 242 figure that has been used over and over and over again to define sleaze in the administration a real figure?

Let us remember what I said that the report says it does. It says that it is an index concerning individuals appointed by or serving in the Reagan administration. That is interesting, because as I leaf through this report, guess who I find in the report? I find Mrs. Caspar W. Weinberger. Mrs. Weinberger was never appointed to anything by this administration. She is the wife of the former Secretary of Defense.

How in the world did she get on the list if the list is what it purports to be? She is not a member of the administration, and never has been.

Then I leaf further back here in the report, and who do I find? Well, I found Mrs. Donald Regan, again the wife of a Cabinet officer.

□ 1930

I found in the report Mrs. Drew Lewis, the wife of a former Cabinet officer. They took family and included them as members of the administration.

As my colleagues know, I went through the list, and do they know who I found on their list? Nancy Reagan, the President's wife.

Now what is she accused of? What is the sleazy thing she did?

Well, it turns out she took fancy clothes as gifts from American designers. Well, she has admitted to that. I mean that was open and so on. It was part of the inaugural activities and things like that, and so on, but to suggest as one of 242 people that are the sleaze factor of the Reagan administration, Nancy Reagan is on this list, makes this list almost ludicrous.

But it gets worse. Michael Reagan, the President's son, who has never been appointed to anything by this administration, is on this list. He is one of the 242.

But it goes even further, and perhaps even more disturbing is the fact that they took family members and put them on the list.

Mr. Speaker, I found on this list the name of James M. Beggs, and for my colleagues who do not remember Mr. Beggs, he was the distinguished Administrator of NASA, of the space agency. Mr. Beggs was literally railroaded out of his job. It is one of the more horrid incidents of the kind of railroading of a government official that can ever be found. Mr. Beggs has been apologized to by the Attorney General of the United States. Distinguished Americans, such as the columnist Jack Anderson, have pointed out that Mr. beggs did absolutely nothing wrong. The court to which he was taken found him completely innocent. On this list, the man is regarded as guilty of sleaze despite being proven in the courts as being innocent.

In other words, if one takes the Democratic sleaze factor for what it is on this list, we have not only abandoned the idea that one is innocent until proven guilty. Under the Democrat formulation on this list one is guilty even though proven innocent. What a horrid kind of thing.

And my colleagues may say, "Well, it's probably just one mistake, one itsy-bitsy little mistake. WALKER, don't make a big deal out of one little mistake like that."

Then I leafed back here in the report, and who do I find on the report? Ray Donovan, former Secretary of Labor, same thing. He went to court on these charges. He was found innocent in the court, and yet he still shows up on the Democrat's list as being someone who is a sleaze factor despite the fact that they say in this report that Mr. Donovan was acquitted.

So, one is still sleazy, one is still a slime ball even though one has been acquitted. What kind of system is this? This is absolutely absurd to have a list like this, but it gets better.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding.

I think it is perfectly appropriate that we mention Secretary Donovan. Secretary Donovan was a man that served nobly in the Cabinet of this President, was put under repeated investigations, not unlike Attorney General Meese. After repeated investigations and finding nothing of significance, Members of this Congress continued to call for further investigations. Finally he was indicted shortly before the 1984 election, indicted by a very politically motivated prosecutor.

As he immediately resigned thereafter due to the fact that he was under indictment to one of the first cabinet officials in many, many years, he then spent the next year, several months, going to trial, and in the course of the trial, after many, many weeks and tremendous political and press coverage, he was acquitted, as the gentleman said. He was found not guilty of anything, and the gentleman may recall when Secretary Donovan came out of the courthouse and stood on the steps before the reporters.

He said, "Well, someone now please tell me what window I go to get my reputation back."

Now, when we ask prominent, capable, dedicated American citizens to serve in the Government, subject them to this type of harassment to which the gentleman is referring today, and when people are accused politically of political motivated purposes and are then acquitted in a court of law, but that is not satisfactory for some because their motivation is not honesty or truth or fairness, their motivation is politcal power and will destroy reputations for political gain.

Mr. Speaker, this is extremely damaging to our system of goverment. It does a disservice to us all, and I appreciate the gentleman from Pennsylvania [Mr. WALKER] bringing this out.

Mr. WALKER. I thank the gentleman from Ohio [Mr. McEWEN], and the answer to Secretary Donovan's question, "Where do I go to get my reputation back," there is only one answer to that I know we can give him.

The answer is, "'Don't go to the House Committee or Subcomiittee on Civil Service because, despite the fact you have been proven innocent in the courts, the House Subcommittee on Civil Service is still listing you as one of the sleaze factors in the Reagan administration."

Mr. Speaker, I think that that is just positively appalling.

Mr. McEWEN. Under their reports one is not guilty until proven innocent. One is guilty even though proven innocent.

Mr. WALKER. That is precisely the point of this particular special order, that within this document one is guilty even though proven innocent in some instances.

Now that is not to say they do not have some legitimate people in there. There are some legitimate cases in here, and, as I leafed through it, I found a number of people that I agree with them are people that should not have been in the administration or who misbehaved while they were in the administration and should have been thrown out. Actions should have been taken against them, all kinds of things.

But I think that they abuse their own case when they include items like some of the rest of them that I am going to cite here this evening.

For example, one person accused of being a sleaze in this administration is a gentleman who was a public affairs specialist at the Department of Housing and Urban Development. Why is he a sleaze factor in this administration?

Well, it turns out, according to this document, the Democrats' own document, he is a sleaze factor for routinely arriving late for work.

Now wait a minute. I mean there are a lot of Americans who come into work a little bit late. They do not think of themselves as being unethical. Now it may not be a good practice. I happen to not tolerate that in my office, but it says here that he was verbally reprimanded regarding his work hours, which is what happens in my office, but I do not regard a staff member who arrives late as being unethical. I regard them as someone who should not be doing that, but to say that it is a sleaze factor for everybody in the country that has gone into work a little late, that one has become a sleazeball because he got to work late, come on, folks. This is ridiculous. And that is one of the charges in this particular document.

Oh, I got some more, too. Some of these are real dandies.

Oh, I got a guy back here who his problem is, according to the Democrats' own document, that he accused his staff of using communistic language and being trained in Moscow. Well, that is not exactly the way one ought to talk to their staff, but it is not necessarily an ethics charge, and this is what really got him on the list, I guess: He did not turn over his logs to the Congress because his dog barfed all over them. Now, if someone has a problem at home and their dog barfs on their records, they got a problem because Congress has decided, at least over there in the Subcommittee on Civil Service, that this person is a slimeball and they have got a real problem.

Oh, there are a few others, too. We got a guy here that wrote a nasty letter to somebody. He also is a sleazebag. He was an economist at the Department of the Treasury who responded to the postcard of a citizen who evidently wrote some nasty things because this guy wrote back calling this person an amazingly pathetic creature who espoused small-minded tripe. Now those are not very nice things to say to somebody out in the country, and I would not endorse somebody writing them, but I can tell my colleagues that there are a lot of Members of Congress around here that, when they get nasty letters from constituents, also write back fairly strong replies. I do not think that we regard them as ethical problems in the Congress because they write strong letters to people. But in this case we have got somebody, one of the 242 people, who has ethical violations because he wrote a strong letter.

Oh, we have got someone else back here. Here is a lady who in the course of performing her duties down at the Department of Health and Human Services took a very strong antiabortion stance. According to this document that strong antiabortion stance makes her a sleaze. Well, we can have a difference of opinion about the issue, but to suggest that because someone stood up for what she believes within the administration and took that position as a matter of policy that she is a sleaze is just wrong. And to put her on the list of the 242 is completely wrong.

Oh, there are a couple of more here that they have on the list as well. Here is a gentleman who is the chairman of the Federal Service Impasses Panel. I never even heard of that. I did not know it was part of the administration, but I guess it is, and he was appointed and so on.

Now what did he do wrong? Well, it says here that he was "a powerful crusader against Communist influence in the film industry." What is wrong with that? I mean there may be people around here who do not think one should be a powerful crusader against Communist influence in the film industry, but how does that make him a sleaze? And yet that is how he got on the list. I am reading from the list itself.

Mr. Speaker, I have to say the list goes on, and on and on. There are all kinds of people on this list that really raise questions, 242 people, many of whom are highly questionable representing, if one takes all 242 though, 1.3 percent of all of the appointments made by President Reagan and to his administration.

Well, I thought that it would be interesting, maybe, to quantify the sleaze factor then as it applies to this body. Let us take the same 7-year period and find out how many people in this body might have been involved in things which could be regarded as sleaze, taking the same thing, people who have been the subject of charges of unethical conduct.

Now, whereas this document from the Democrats includes violations like drunk driving, it includes people who write nasty letters, it includes spouses who travel overseas; some of the wives that are included in here are people who traveled overseas, I am not going to include any of those on my list. I am not going to include the Members of Congress who have been picked up for drunk driving and we know about it. I am not going to include on my list some of those who we know come to the floor and brag about the fact they wrote nasty letters to their constituents, and I am not going to talk about any people who have had spouses travel overseas with them when they have gone out on junkets, not going to include any of that even though that is included on this list.

I am going to just include individuals where there have been real charges of questionable conduct on their part.

Since 1981 there have been at least 31 Members of Congress that fall into that category. That is, out of 635 individuals who have served as Members of Congress during that period, that is 4.9 percent of all of the people who have served in this body who have been charged with unethical conduct.

In other words, the sleaze factor in this body is three times the sleaze factor in the Reagan administration. If we really believe that we have got a terrible problem of sleaze downtown, what have we got here? We have got a massive problem here. If these 242 people are a big, big problem, we have got an even bigger problem here because nearly 5 percent of all the Members of this body who have served in the same period of the Reagan administration have been charged with unethical conduct. Probably should be dealt with.

Now, if someone wonders why there are a few of us who come to this floor and suggest that it is time to get tough on the committee on ethics, it is time to get tough in dealing with ethical problems in this Congress, the answer lies in what has already been said in the Presidential campaign, that 242 individuals, even though some of them are on questionable status, is far too many people to have been accused of corruption in the Reagan administration.

□ 1945

That being the case, 1.3 percent of the people being accused, 4.9 percent of Members of Congress being accused of unethical conduct is far too much.

The sleaze factor in this body is three times the sleaze factor in the Reagan administration and should be corrected.

Let me make one more statement. I am not simply accusing Democrats of sleaze on that list. This list includes Democrats and Republicans because it is an institutional problem. It is not a partisan problem. We have an institution problem that we have too much corruption in Congress. It needs to be dealt with and it needs to be dealt with openly and honestly. It should not be dealt with using documents like the one prepared by the House Committee on Civil Service, because the House Committee on Civil Service has done a disservice to America with this document, including on it people that just should not be there.

I want to make as my final point, I hope the press will get their hands on this document and will look at it carefully so that the next time when they are writing that figure of 242 people in the Reagan administration accused of sleaze, they will at least know honestly that they are writing a falsehood when this document includes lies, it includes judgeship nominees who were not a part of the nomination.

In fact, as you go through this document what you find is that some of the people included in this document never ever took office. They were in fact people who withdrew their nominations. It had all kinds of things. They never even were part of the administration. It is a very disturbing document.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, one of the things about this document, because I was most anxious to look at it when the gentleman showed it to me earlier, I did not know where the people at the convention in Atlanta, the Democratic Convention, were getting this list of a 101 names, 105 names, 150 names, now it is 200 and something. Some of these people sat here during all administrations. Some were here during the Carter years. Some of the unfortunate instances, less than 1 percent of the people who work in the Pentagon procurement process, were there through several administrations.

I remember Time magazine had a cover story last year called "Ethics in America." It was across the board. Every institution could use that word, every group.

There was ripping off of needles and pharmaceutical drugs in hospitals, Lutheran hospitals, Catholic hospitals, open public sector hosptials. There is not a profession that is not touched in some part of American life, and it is an almost identical profile, maybe a little worse in Europe.

It comes with the territory of a free society. What a free society means when you get it right down to basics, it is a Judeo-Christian concept, free will, the ability to chose between good and evil, and if you are locked up in some little rural village in China and told you can only have one child, two suits of clothes, and you will perform on this job, there is very little opportunity to expand yourself and to use your free will.

One of the horrors they are finding in China, and they just broke up a whole week long think tank meeting about what the direction of there economy is going to be, they broke up in 3 days last week because there were signs of some black marketeering starting and some corruption. They are opening Pandora's box a little bit and people are not adapting too well, and they have helped to drive religion out of that society. What little faith is left is rudimentary Confucianism. They still have a few priests and ministers in prison of Chinese nationality heritage.

So this is a problem that is universal. I hope some of the reporters on the left and the right are correct when they say that the sleaze factor seems to be cancelling itself out and we are going to get down to really what kind of a President do we want and who has what it takes, who has got the right stuff, Governor Dukakis or Vice President BUSH.

The gentleman from Pennsylvania has done a great service in bringing this to the floor. Can reporters and myself included and other Members and the Speaker, because I know he is interested, can we get this document from the gentleman's office?

Mr. WALKER. Surely, I will be very glad to make this document available, as well as the document that I have prepared that indicates the names of people that I have listed in that total of 31. We are going to be expanding that list some because I am going to try to make that list a duplicate of this list, so I think I will probably include some people for later use that were in drunk driving incidents and some of the people who have also had those kinds of charges made, since this document is of the same kind.

So while this particular document, the figure is going to remain at 1.3

percent of appointees, my figure of 4.9 percent here in the Congress is likely to go up as we discover more people who would rightfully fit on the list if they are to be matched bodies, but I can certainly provide both of those.

I would say to the gentleman that the one thing we should remember about the sleaze factor, given this, is that the level of sleaze is more than three times, more than three times the level in this House than it is in the administration.

Mr. DORNAN of California. A fascinating observation. I thank the gentleman.

Mr. WALKER. It is a very interesting kind of situation I think.

With that, Mr. Speaker, I yield back the balance of my time.

AMERICA'S ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEwen] is recognized for 60 minutes.

Mr. McEWEN. Mr. Speaker, I appreciate the indulgence and tolerence of the Chair tonight, because there are a couple quick points I wanted to make before we recess for the Labor Day district work period.

Mr. Speaker, it is apparent that America is in a state of economic growth. We have totally revolutionized the direction of the country as opposed to the way we entered this decade.

During the beginning of the 1980's, we were told by our political leadership that America had crested, that we had entered an era of limits in which we had to think small, freeze in the winter, roast in the summer, wear your sweater, ride your bicycles, that America's best days were behind her and there was nothing anyone could do about it.

You remember that Gov. Jerry Brown, of California, and President Jimmy Carter told us that we had better learn to live with less because we had entered an era of limits and that America's future held only gaslines and diminished standards of living.

Many of us did not believe it. We felt that there was nothing wrong with America that a good decent leadership could not correct, and so we went back to some basic fundamentals. We began to encourage savings, investment, productivity, growth, jobs, hope, and opportunity.

If you tax something, you get less of that thing. If you tax savings, you will get less savings. If you tax investment, you wil get less investment. If you tax energy production, you will get less energy production. If you tax productivity growth and jobs, you will get less of that.

If you subsidize something, if you pay people to do it, they will do more of it. If you subsidize unemployment, mediocrity, debt, inflation and high interest, you will get more of that.

So at the beginning of the 1980's our President just said very simply, "Why don't we go back to basics? Let's go back and reward the engine that drives the American economy," and so we did. We cut taxes on savings and we got an increase in savings. We cut taxes on investment and we got an increase in investment. We cut taxes on work and began to get more work.

We began to encourage the creation of employers so that we could create more employees.

So now the Department of Commerce announced just last Thursday at 8 o'clock that America is in its 67th consecutive month of economic growth. That it the longest period of expansion in our Nation's history since 1796.

The country is creating more goods, raising the quality of the standard of living and making the quality of life for all Americans better, the envy of the world, creating 17 million new jobs just since 1982 alone.

And you say, "What does that mean to me? How does that relate to the rest of the world?"

America has created two and a half times as many jobs as Japan, Canada, and Western Europe combined. As a result of that, black unemployment has begun to collapse. Unemployment across the board is at a 15-year low. People are finding new jobs at alltime record rates. Sixty-four percent of all adults in America, male and female over age 16, are employed. This is an alltime record high for any nation ever.

So when faced with these facts, when it is apparent now that people are able to provide for themselves, able to put food on their tables and clothes on their backs and a roof on their heads, and it is an election year and you are from a little State in New England or you are, as was brought to my attention on Monday when the President was visiting our district in Ohio and made the observation about the new jobs, a man of oratorical fame, the Governor of Arkansas, Mr. Clinton, held a press conference to say that,

> Never mind the fact that we are back at work. Forget the fact that people are not as unemployed as they were when we were driving. Never mind the fact that instead of closing factories, we are opening factories at a ratio of 6 to 1.

When we entered this decade we were losing jobs at the rate of 50,000 a week and now we are creating jobs at the rate of 280,000 jobs a month for 67 consecutive months. We are creating new jobs at the rate of 9,000 new jobs every working day for now 6½ years.

Never mind the fact that we have all these jobs in America, instead of collapsing and learning to live with less, riding our bicycles, wearing our sweaters, turning our thermostats down, America is growing and prospering again.

Mr. Speaker, Mr. Dukakis and Mr. Clinton and Mr. Jesse Jackson say, "I know you've got more jobs, but they are just rotten little jobs. They are crummy jobs. When we were in charge, you were unemployed waiting in line, but now that you have created all those jobs, those jobs aren't any good. You shouldn't be interested in those goods because those are McJobs. Those are hamburger flipping jobs. Those are jobs that are not of any count."

Well, I think that once and for all we ought to look at the facts. You remember on the "Good Morning America Program" when they said, "Let's go to the videotape." I think we ought to go look at the facts. The facts are that during any period of expansion throughout our Nation's history, of the new jobs that are created it is customary that in the top wage-paying category, the managerial or high paying jobs, usually 24 percent, our national average from 1796 until this expansion beginning in 1982, 24 percent of the new goods that are created are in the highly skilled or managerial level, except during this expansion. During this expansion, 46.7 percent, or nearly half of all the new jobs created since 1982 are in the top paying category, $28,000 or above of the highly skilled or managerial levels.

You say, "All right, if half the jobs are high paying, what about the McJobs? What about the hamburger flipping jobs? What about the jobs that aren't any good and we speak so contemptuously of?"

Every time we are faced with the facts that America is growing and prospering and people are at work and people are buying new automobiles and factory orders are at all-time record highs and we are making refrigerators again and American products are selling again, what about the rotten little jobs that we have to tell Americans they have?

Let us look at the facts. In the bottom category, $7,500 and below, the McJobs, the hamburger flipping jobs if you will, in the bottom category, 6 percent of all the new jobs created since 1982 are in that bottom category.

In other words, 94 percent of the 17 million new jobs that have been created since 1982 are in the middle or upper income category.

So for Michael Dukakis or Bill Clinton or Jesse Jackson or anyone else to look down their noses with contempt at those people who are providing food for their families and clothing and shelter for their homes, it is absolutely abominable. They are doing a disservice to themselves, a disservice to their party and a disservice to our country, because it is untrue.

I think before we recess for the next 3 weeks that we are going to be subjected to just such inaccuracies and such rhetoric, that those facts can and should be brought out.

The gross national product is expanding. The predictions that have been made by the President for the past 7 years, we always talk about the President's expectations for the economy, for the 7 years he has been in office and sent predictions to the Congress, in 4 of the 7 years his predictions of increases in growth in the economy have been less than what actually took place.

Unemployment, as I mentioned, is at a 14- or 15-year low. The increase from the new jobs is at the highest percentage of new jobs created, as I mentioned. Inflation has virtually collapsed. Interest rates are always higher than inflation. So interest rates are at a 9-year low, and whenever inflation goes up that drives interest rates up, and as we bring inflation down interest rates have come down.

New construction is at record highs. Personal income is growing at seven and a half times what its average was during the last decade.

Business inventories are strong.

Real final sales are up. Leading economic indicators are up. Durable goods orders are all up.

You know, they used to talk about supposedly our manufacturing sector was being depleted. After encouraging investment in 1984, we had about a 34-year high in long-term capital investment.

□ 2000

In 1985 we had a 38-year high in long-term capital investment, making our factories competitive once again as we made goods that the world and Americans would buy. Once again, as a result, we are creating the new jobs. As we are becoming increasingly more efficient, industrial production is up, consumer confidence is up, and very simply, as we look to the days ahead, this country, in 1976, had a 4-percent inflation rate, a 6¼ prime rate, and America was proud. We decided to take a chance, to experiment, but a fellow came in with his wife and said we just want a government as good as the American people, and as a result we took a gamble. Just 48 months later we had the highest inflation and interest rates since the Civil War, and our factories, instead of growing, we had a collapsing, diminishing economy, a negative 2½-percent growth, losing jobs at the rate of 50,000 a week.

Our Embassies were being burned around the world, and they told us that that was our future. Now, just 8 years later, that inflation has gone, instead of 18 percent to less than 3, interest rates far less than half, instead of a collapsing economy, the greatest and strongest growth economy in the world, instead of losing jobs, creating jobs, and instead of having the Soviets marching into Afghanistan, and the most that we could ever do was stand boldly with our hands on our hips and say, "Listen here, Mr. Brezhnev, just for that, we are not going to go to the Olympics," but we have changed that foreign policy to the point through strength America is championing the world again in Angola and in Southeast Asia, in Afghanistan, and in fact virtually every place in the world where it has been unencumbered by the kind of congressional intervention as we have seen in Central America where earlier this year when the Sandinistas were opening their prisons to release political prisoners and allowing public assemblies again, opening La Prensa, the newspaper again, and allowing free access to the radio, then on February 3, the Congress of the United States, hopefully in anticipation of a President who would support their actions next year, pulled the rug out from beneath those freedom fighters and said that in Nicaragua we would not support democracy, we will not allow that Reagan doctrine to succeed as it has in Afghanistan and as it has in Angola and in Grenada, we want to maintain the preservation of the Carter doctrine in Nicaragua, and we want to be able to make sure the Carter doctrine in Iran and the Carter doctrine in Nicaragua survives.

The Congress reversed the Reagan efforts, and that is the one exception of our success around the world, but now as we are entering the 1990's, the question before us is very simply do we want to go forward; with low inflation and low interest rates keeping taxes down, an America strong, or have we enjoyed it long enough? Do we want to go back to experimenting again? Do we want to go back to the high taxes, high inflation, high interest rates, low growth that they have promised us and that they have delivered? That is what we are going to decide about 100 days from now.

Mr. Speaker, I just want to begin to say that the Members will notice we do not hear much about inflation anymore that robs senior citizens of their life's savings, we do not hear much of interest rates that deny a farmer the right to put a crop in the field or a businessman to expand his company and put people to work, or young people the hope of owning a home or buying an automobile or sending a child to college, because inflation and interest rates are under control. We do not hear much talk about America's defenses, that during the late 1970's our naval capacity was cut in half, we had ships that could not sail for lack of sailors, we had planes that could not fly because of lack of parts, we had soldiers that were on food stamps. We reversed all of that, so now it is not even a topic of discussion as America is strong once again.

Then when it comes to unemployment, the jobs that we have talked about, the 17 million new jobs, two and a half times more than Japan, Canada, and Europe combined, their only response is to say, "I know that. We cannot deny that. But the jobs are not any good. We do not care about them."

Mr. Speaker, the question facing us is that this did not happen by accident. It was policies that we decided to pursue. We decided that we wanted to go in this direction, and if we change direction, American will reverse in all of those areas. I call upon our colleagues to recognize history, to do what is in the best cause of freedom, democracy in America, and that is to stand by those principles that have brought us to the brink of economic success that we are enjoying today.

Mr. Speaker, with that, I thank the Speaker very much.

MOB INVOLVEMENT IN HAZARDOUS WASTE DISPOSAL: WHY WE NEED A STRONG RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS Mr. Speaker, on August 7, 1987, when I announced my intention to introduce, along with my distinguished colleague, the gentleman from California, Mr. DON EDWARDS, RICO legislation, I included in the RECORD a copy of a resolution of the National Association of Attorneys General that called for making the criminal violations of our hazardous waste management and disposal laws predicate offenses within RICO. (133 Cong. Rec. E 3362 daily ed., Aug. 7, 1987). Nevertheless, I did not at that time include in H.R. 3240 the toxic waste criminal violations, as I had not had the opportunity to study the issue sufficiently. I rise now to share the results of my subsequent examination of the issue with the House. I note, too, that these offenses are included in the RICO reform legislation, H.R. 4920, which Mr. EDWARDS and I introduced on June 28, 1988. (134 Cong. Rec. H. 4832 daily ed. June 28, 1988).

I

The generation of hazardous waste is one of the side effects of modern industrial production. Factories must cope daily with large accumulations of unrecyclable chemical byproducts generated by normal production techniques. Until recently, such waste disposal was unregulated. The generators of hazardous waste disposed of it cheaply, generally by dumping it in costal waters or in landfills, neither of which has the capacity to absorb the volume of such material now being produced.

In the 1970's, concerned citizens, rightly, came to believe that the improper disposal of such hazardous waste was creating an environmental and public health burden of an unknown, but potentially massive scale. Although the great uncertainty still exists about the ultimate effect of industrial waste on public health, improper management has clearly resulted in explosions, fires, pollution of water resources, and other uncontrolled releases that have resulted in harm ranging from skin irritation, lung disease and cancer to birth defects. In response to this concern, the States and the Federal Government passed regulations dealing with the problem. The centerpiece of this regulatory scheme has been the Resource Conservation and Recovery Act [RCRA], passed in 1976. (42 U.S.C. 6901 (1982)) The RCRA mandates comprehensive mechanisms to guarantee the safe disposal of hazardous waste. It establishes standards and procedures for classifying substances as hazardous. It also authorizes the States to register corporate generators of hazardous waste and license hauling and disposal firms. Today, approximately 66,000 firms have been identified and brought within the regulatory scheme, a scheme that as recently as 1985 had to handle 264 million metric tons of hazardous wastes. Finally, the 1976 statute mandates the creation of a manifest system that documents the movement of hazardous waste from the generator, through the transporter, to the shipment's final destination at a licensed disposal site.

II

The new regulations that resulted from this pioneer legislation dramatically increased the demand for hazardous waste hauling and disposal services. Unfortunately, recent State and Federal investigations have tragically documented that illegal waste disposal is widespread and that organized crime elements—traditionally active in garbage hauling and landfilling—have entered this new market. (See generally, Szasa, Corporations, Organized Crime and The Disposal of Hazardous Waste, 24 Journal of Criminology 1 (1986) for an excellent review of the literature.) The involvement of organized crime elements has been particularly prevalent in the tristate region of New York, Connecticut, and New Jersey. This region produces a great deal of hazardous waste, and the mob's involvement in the region and in the problem is thoroughly documented. As such, a situation now exists where corporations, some of which are at the heart of the American economy, discharge their regulatory obligations under RCRA by entering into direct contractual relationships with firms dominated by organized crime.

Mr. Speaker, the problem is not minor in character. The percentage of hazardous waste that is disposed of illegally is astounding. The Office of Technology Assessment [OTA] estimates that no more than 10 to 20 percent of all hazardous waste is rendered harmless by incineration or by chemical or biological treatment. Few facilities exist, however, that can treat wastes in these ways, and the price of treatment is much higher than other means of disposal. The remaining 80 to 90 percent is either landfilled—or disposed of illegally. Tragically, it is apparent that only a small portion of hazardous waste goes into landfills that have the siting studies, proper containment practices, and continuous monitoring to be fully licensed by the EAP. Only 200 such landfills are to be found in the Nation. Most hazardous waste, therefore, goes to landfills that have only interim licenses to operate that are a much poorer quality and are likely to pollute the surrounding land and water within a few years.

Illegal dumping is even more likely to have adverse short term environmental consequences. The full extent of illegal activity is, of course, largely unknown. State officials interviewed by the GAO in its comprehensive 1985 study of the illegal disposal of hazardous waste agreed that illegal disposal was occurring, but had no firm information on the scope of the activity. (See generally, Illegal Disposal of Hazardous Waste: Difficult to Detect or Deter (GAO: Feb. 22, 1985)). In that same study, the Director of EPA's National Enforcement Investigations Center reported that the Center received 240 allegations judged as having good potential for investigation during fiscal years 1921-84. Nevertheless, due to staff limitations, the Center was able to open investigations on only 70! The manager of the Illinois environmental agency's Land Pollution Control Division reported that he believed the number of illegal disposal cases to be between 170 to 340 cases. Officials in Massachusetts, New Jersey, and California also reported that illegal disposal is a problem but no way existed to quantify its extent.

A wide array of illegal disposal practices have occurred and are occurring. The 1985 GAO study illustrates the variety of illegal ways waste shipments may end up commingled with ordinary garbage—and few of these cases reflect organized crime related activities. The problem, in short, is not only organized crime, but also illegal business-related activity generally. A manufacturing company, for example, dumped 10 gallons of highly flammable liquid solvent into a trash bin. (GAO, case No. 7) An engine and mechanical equipment manufacturer placed about 600 gallons of corrosives, solvents, and oil wastes into a large rollaway trash bin. (GAO, case No. 22) Liquid hazardous waste may be released along a roadway (GAO, case No. 11) where a transporter abandoned a stolen truck trailer loaded with 78 drums of sulfuric acid and cyanide wastes. (GAO, case No. 34) Shipments may also be stockpiled at sites unsuited for hazardous waste or at disposal facilities that have no real disposal capabilities. Twelve hundred drums of highly flammable wastes were stored in a building adjacent to a fully occupied high-rise tenement. (GAO, case No. 33) Wastes may be drained into local city sewer systems, rivers, oceans, or dumped in out of the way rural spots. A metal recovery company disposed of its wastes in an oil field that the company leased in a national forest. (GAO, case No. 23) Similarly, a battery-lead recovery operator discharged acid wastes to the ground; the wastes were described by county investigators as potentially injurious to the workers and to the neighboring environment, and the soil samples contained a toxic lead concentration that was more than 1,000 times the maximum concentration allowed by State law. (GAO, case No. 29) The list of alarming illustrations could easily be extended.

III

Mr. Speaker, organized crime was ideally suited to develop its special form of illegal hazardous waste disposal practices to the fullest. In those parts of the Nation where garbage hauling and landfilling was historically controlled by organized crime, its movement into the newly created hazardous waste market was an obvious extension of its traditional criminal activity. In New Jersey, for example, organized crime has, for a number of years, controlled major portions of the garbage industry through the ownership of garbage hauling firms, ownership of, or control of, landfills, and through labor racketeering. As such, organized crime elements easily entered both the hauling and disposal phases of the hazardous waste hauling industry. It is a sad, but tragic story.

The mob began with an established organizational infrastructure, which governed its relationship in a particular geographical area. Threats and violence quickly persuaded other firms to join the infrastructure and abide by its rules—or to sell and get out. Accordingly, when the RCRA mandated the licensing of firms deemed fit to transport hazardous waste, mob-connected garbage haulers found it easy to acquire State permits and declare themselves to be hazardous waste haulers. (See generally, Organized Crime and Hazardous Waste Disposed: House Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, 92 Cong. 2 Sess. 22 (Dec. 16, 1980) (hereinafter "House 1980") Naturally, these elements brought their traditional form of special organizational talent with them. Indeed, they immediately met as a group to set up a Trade Waste Association to apportion and enforce "property rights" in the new market. (See generaly, id. at 9-10; Organized Crime Links to the Waste Disposal Industry, House Subcommittee on Oversight and Investigation of the Committee on Energy and Commerce, 92 Cong. 2 Sess. 1-12, 212 (May 28, 1981)).

The RCRA, however, requires more than just licensed haulers. The manifest system requires that someone be willing to sign off on the manifest and declare that a waste shipment has been properly disposed of. Thus, the mob had to have ownership of, or at least influence over, final disposal sites. Many landfills were already owned wholly, or in part, by organized crime figures, a legacy of past mob involvement in the garbage business. Accordingly, these sites regularly began to accept dubious shipments of hazardous waste thinly disguised as ordinarily municipal waste. Landfill owners not directly associated with organized crime were also bribed or threatened to sign manifest for shipments never received or to accept hazardous waste that was manifested somewhere else. In addition, known organized crime figures started to seized control of a network of phony disposal and treatment centers, including the Chemical Control Corp., Modern Transportation and Duane Marine.

Modern Transportation, a firm that would ultimately receive half the manifested hazardous waste originating in northern New Jersey, was incorporated in 1972 by Richard Miele, coowner with organized crime figures of numerous garbage-related firms and landfills. See generally, A. Block and F. Scarpitti, Poisoning For Profit: The Mafia and Toxic Waste in America 297 (1985)) Chemical Control Corp. was taken over by Johnny Albert, one of the organizers of the job related New Jersey Trade Waste Association. (1980 House at 10) Duane Marine was so enmeshed in organized crime networks and activities that its former employee, Harold Kaufman, became, in fact, the central Federal informant on these criminal activities.

Licensed by the State, these outfits could legally receive hazardous waste and sign off on the manifest. They would then either stock pile it on site or dump it along roadways, down municipal sewers, into the ocean, or elsewhere. In one case, several major corporations signed over their wastes to an out of State facility that subsequently was shown to simply not exist.

IV

Mr. Speaker, it is hardly surprising that given the opportunity, organized crime elements entered the newly created market for hazardous waste handling. They had the equipment and the organization. They had the know-how and the will to corrupt the manifest system. It was an attractive prospect. Both the potential size of the market and the potential profits were enormous. But even if these criminal elements charged only a fraction of the true price of legitimate hazardous waste disposal, the price would be much higher than the price charged to move the same stuff when it was just garbage, yet the operating expenses were largely the same. That organized crime entered into the hazardous waste hauling activity needs no subtle unraveling. The more complex task is how to curtail it—and the similar activity by so-called legitimate businesses.

While public outcry against hazardous waste led to the State and Federal regulation of the industry, the enforcement of these regulations—unfortunately—has been minimal. Voluntary compliance—particularly by the mob—is not likely to occur. Truly legitimate businesses may be expected to follow the law. The problem is that all too often the businesses in this area are far from legitimate. The companies and people who haul the waste and dump it illegally, or operate dumping sites in an illegal fashion, are making a handsome profit and do not want to see an end to it. Attainment of full compliance by Government by traditional forms of civil and criminal suits is not likely to happen in the foreseeable future. In the meantime, industry will continue to produce the goods of a civilized world, which results in hazardous waste. As the struggle to regulate continues, the environment, property, and all of us still suffer injury. In fact, an individual injured in his property or person has little effective recourse under current Federal or State law. The traditional measures of recovery for damages contained in the various State's common law and statutory scheme as tragically inadequate. Although many commentators have called for new remedial State and Federal laws, they have not been adopted in sufficient number, and there is a need to strengthen present law—criminally and civilly.

Mr. Speaker, part of the solution will come if only we will reexamine our own thinking. We must begin to view the illegal dumping of hazardous waste, not only as an economic crime, but as a crime of violence. Unfortunately, most Federal and State environmental laws are lenient—even where their violation is criminal. If more severe criminal penalties were available under these laws, we would still have the problem of limited investigative and prosecutorial resources. Accordingly, criminal and civil RICO suits may offer a promise of an avenue to deal with the aggravated violations or our hazardous waste statutes. Criminal RICO includes several penalties. Civil RICO, too, includes powerful civil sanctions—triple damages, attorney's fees and injunctions—and, most importantly, it allows injured individuals themselves to bring suit. Indeed, forward looking litigators have already begun to use civil RICO to vindicate their client's rights where they had in fact been injured by illegal toxic and hazardous waste abuse. For example, Standard Equipment, Inc., a California corporation engaged in mining and construction activity, has, in the last 3 years, won over $5 million in settlements for the Civil RICO litigation it began in 1984. Standard Equipment was a neighbor to Western Processing, which, according to Standard Equipment, posed as a recycling plant, while at the same time allowing hazardous waste to be dumped on its ground. Eventually, it contaminated Standard Equipment's property. While Civil RICO, as it is presently drafted, has afforded Standard Equipment important and valuable civil relief, the statute needs to be more carefully tailored to meet the task of dealing with illegal toxic and hazardous waste abuse.

Mr. Speaker, I am convinced now that criminal hazard waste violations should be added as a predicate offense to RICO. I look forward to soliciting the views of appropriate parties in the coming months as the Subcommittee on Criminal Justice processes the various proposals for reform in the RICO area.

CONFERENCE REPORT ON H.R. 4867

Mr. YATES submitted the following conference report and statement on the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-862)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 16, 19, 22, 23, 25, 26, 36, 37, 41, 48, 51, 55, 60, 64, 65, 66, 67, 70, 71, 72, 74, 75, 78, 88, 90, 96, 97, 99, 102, 111, 113, 141, 143, 144, 146, 163, 171, 174, 177, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 194, 198, 200, 201, and 204.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 17, 20, 57, 73, 79, 80, 81, 91, 101, 119, 121, 126, 133, 139, 145, 147, 160, 168, and 192, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$508,462,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$60,000,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

: Provided, That none of the funds provided herein may be used for the planning, implementation, or financing of agreements or arrangements with entities for the management of the Wynne complex on Matagorda Island, Texas, except for agreements or arrangements existing as of the date of enactment of this Act; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$57,529,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$6,645,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$744,835,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

In lieu of the sum proposed by said amendment insert *$1,450,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$170,744,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$159,292,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$91,010,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$101,095,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$193,160,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$992,767,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

: Provided further, That $250,000 of the funds made available in this Act shall be available for cyclical maintenance or tribally owned fish hatcheries and related facilities; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$92,767,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$89,741,000;* and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$32,360,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$49,067,000*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$18,749,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$137,867,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$225,518,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$33,914,000*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$191,604,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$75,000,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

and $400,000 for acquisition of land and interests therein and near the White Salmon National Recreational River, Klickitat County, Washington, described as Government lot 2, SW¼ of the NW¼, sec. 18. T.4N., R. 11E., Willamette Meridian, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)), to remain available until expended; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$35,999,000*; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$37,000,000*; and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$61,668,000*; and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$71,553,000*; and the Senate agree to the same.

Amendment numbered 162:

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$52,748,000*; and the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$27,373,000*; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$750,000*; and the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$124,300,000*; and the Senate agree to the same.

Amendment numbered 176:

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$22,270,000*; and the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,778,000*; and the Senate agree to the same.

Amendment numbered 179:

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,334,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 5, 7, 10, 11, 13, 14, 21, 24, 27, 28, 29, 30, 31, 33, 34, 35, 38, 39, 40, 42, 43, 45, 52, 53, 58, 59, 61, 62, 63, 76, 82, 83, 84, 86, 89, 92, 93, 94, 95, 98, 103, 104, 105, 106, 107, 114, 116, 118, 120, 122, 123, 124, 125, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 140, 142, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 165, 166, 167, 169, 172, 173, 182, 191, 193, 195, 196, 197, 199, 202, and 203.

J.P. MURTHA,
NORMAN D. DICKS,
EDWARD P. BOLAND,
LES AUCOIN,
JAMIE L. WHITTEN,
TOM BEVILL,
RALPH REGULA,
JOSEPH M. MCDADE,
BILL LOWERY,
SILVIO O. CONTE
(except 131),
SIDNEY YATES,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,

DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
ERNEST F. HOLLINGS,
HARRY M. REID,
JOHN C. STENNIS,
JAMES A. MCCLURE,
TED STEVENS,
THAD COCHRAN,
JAKE GARN,
WARREN B. RUDMAN,
LOWELL P. WEICKER, Jr.,
DON NICKLES,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4867), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 4867 incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 100-713 and Senate Report 100-410 shall be complied with unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $508,462,000 for management of lands and resources instead of $500,959,000 as proposed by the House and $510,595,000 as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of $1,500,000 for Alaska lands; $750,000 to inventory, enhance, and monitor riparian areas in grazing management; $250,000 for noxious weed control, and $190,000 for research on fire resistant grasses and shrubs with the University of Idaho in grazing management; $500,000 for challenge grants, $750,000 for fishery resources, $215,000 for the San Pedro Conservation Area (AZ), and $110,000 for Cascade fire rehabilitation in Idaho, all in wildlife habitat management; $740,000 in threatened and endangered species; $50,000 for Chacoan outliers (NM), $75,000 for the San Pedro Conservation Area (AZ), and $200,000 for trial maintenance, all in recreation management; $3,800,000 for Alaska cadastral surveys; and $100,000 for facilities maintenance; and decreases of $200,000 in rights-of-way processing; $750,000 for riparian areas in soil, water, and air management; $337,000 for base restoration in wildlife habitat management $100,000 for cultural resources management; and $50,000 for King Range NCA (CA), $100,000 for El Malpais NCA (NM), and $100,000 for East Mojave Scenic Area (CA), all in recreation management.

The managers agree that $50,000 within available funds should be provided to the National Academy of Sciences for a study of how oil and gas exploration and development is considered in land management planning, and that a total of $750,000 has been provided for the "Oregon/Washington Riparian Enhancement Plan".

The managers consider that pilot projects in privatization of "undeveloped public lands" as contained in fiscal year 1989 budget documents are subject to reprogramming guidelines.

The managers agree that oil and gas program funding contains $1,864,000 for Alaska.

If the transfer to the Bureau of Lands in Black Canyon and Kofa, AZ is authorized, the managers agree the bureau may use up to $75,000 from recreation management funds for operations in these areas.

The managers agree to the new budget structure for the management of lands and resources and Oregon and California grant lands appropriations. Reprogramming levels are to be at the level of activity identified in the House and Senate reports, and transfers of funds at levels identified in the budget, but below report tables, are to be reported to the Committees quarterly with an explanation of the changes.

For the wild horse and burro program, the managers agree that:

(1) sanctuary guidelines should be submitted to the Committees by January 1, 1989 as proposed by the Senate;

(2) a report on strengthened procedures for monitoring potential adopters should be submitted to the Committee within 90 days of enactment;

(3) quarterly reports on sanctuaries should be submitted to the Committees;

(4) more than one sanctuary in more than one climate or geographical type should be established, and no specific funding limitation is provided;

(5) the Bureau must establish an oversight activity for the overall program with a broad spectrum of the interested public;

(6) no funds are provided for the fee waiver adoption program; and

(7) the goal of the program should be the orderly achievement of appropriate management levels in a humane and cost effective manner.

Amendment No. 2: Provides $70,000,000 for firefighting and repayment to other accounts from which funds were borrowed under Secretarial authority as proposed by the House instead of $75,000,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 3: Appropriates $5,431,000 for construction and access as proposed by the House instead of $2,631,000 as proposed by the Senate.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Payments in Lieu of Taxes Act. The effect of the Senate amendment is to allow two boroughs in Alaska, organized after passage of the Act, to share in payments in lieu of taxes.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of Senate with an amendment which appropriates $12,290,000 for land acquisition instead of $11,640,000 as proposed by the House and $12,020,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acquisition Management	$600,000
Big Morongo Canyon, CA	110,000
Bizz Johnson Trail, CA	50,000
Carrizo Plain, CA	5,000,000
Chuckwalla Bench ACEC, CA	1,300,000
Colorado River Access, CO	600,000
Desert Tortoise NA, CA	1,000,000
El Malpais NCA, NM	1,000,000
Rock Creek Ranch, UT	35,000
Warner Basin Potholes, OR	2,000,000
Westwater Canyon, UT	95,000
Wilderness and wilderness study areas	500,000
Total	12,290,000

Within the $500,000 for wilderness and wilderness study areas is $170,000 for the Dominiques WSA, CO. Priority consideration should be given to the Willow Creek & Mahogany Ridge Wilderness Study Areas in the Trout Creek Mountains.

Amendment No. 6: Appropriates $60,000,000 for Oregon and California grant lands instead of $61,445,000 as proposed by the House and $59,141,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of $314,000 for timber management and $1,131,000 for timber development. The conference agreement contains an increase of $1,340,000 over the budget for reforestation.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted, insert: ***$360,688,000.***

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $360,688,000 for resource management instead of $350,251,000 as proposed by the House and $360,654,000 as proposed by the Senate.

The net increase to the House position includes the following changes: increases of $500,000 for endangered species recovery; $110,000 for a fishery biologist and a contaminant specialist in West Virginia; $1,000,000 for the farm bill wetland conservation program; $250,000 for the National Wetlands Inventory of which $130,000 is for West Virginia; $100,000 for contaminant investigation on refuges; $400,000 related to Arctic Goose activities; $250,000 for pintail duck production research and waterfowl inventory; $500,000 for Alaska refuge operations; $974,000 for Alaska subsistence grants; $1,500,000 for education and informational materials at an ecological study center; $200,000 for Challenge grants; $250,000 for nongame migratory bird management; $84,000 for operations at Bowden NFH, WV and $241,000 for operations at White Sulphur Springs, NFH, WV; $254,000 for the Quniault NFH, WA which is transferred from Bureau of Indian Affairs management; $288,000 for the Lower Snake River Compensation Fund; $946,000 for Leetown NFC, WV of which $300,000 is for striped bass studies, $200,000 is for fish health and fish disease research, $146,000 is to restore the 1988 level and $300,000 is to install an air injection system; $165,000 for operations at the Hagerman Research Field Station, ID; $60,000 to investigate the feasibility of restoring anadromous fish to the Snake River Basin; $650,000 for Alaskan marine mammal research; $315,000 for the wildlife review publication; $250,000 for the fisheries review publication; $300,000 for a procedure to assess and test how well existing preserves protect natural communities; $1,200,000 for the National Wetlands Research Center, Lafayette, LA; $500,000 for the Cooperative fish and wildlife units of which $200,000 is to establish a new unit and $300,000 is for staffing at existing units; and decreases of $250,000 for non-game management through the endangered species program, $500,000 for development of bioassessment technology which is to be carried out within the existing program and $100,000 for brown tree snake research.

The increase for the farm bill wetland conservation program includes up to 30% for technical assistance with the balance to be used on actual wetland restoration in the most critical areas including the Lower Mississippi Valley. Within the amount provided for hatchery maintenance, $130,000 is for the Bowden NFH, WV; $95,000 is for White Sulphur Springs, WV and $195,000 for Tishomingo NFH, OK.

Within the $900,000 provided for the Southeast Fish Culture Laboratory and Auburn University over the budget request, the managers recommend an increase of $600,000 to expand aquaculture research at the Southeastern Fish Culture Lab in Marion, AL of which $300,000 shall be directed to Auburn University.

The Southern Fish Culture Laboratory, in Marion, AL, is directed to coordinate its research in the conservation, management, investigations, and protection of warm water fish farming with the Alabama Cooperative Fishery Research Unit and the Department of Fisheries and Allied Aquaculture of Auburn University, toward a missing of improving the economics of farm aquaculture, including the commercial production of catfish, tilapia, striped bass, and other species in the Southeast.

Beyond the above increases to maintain FY 1988 levels, the budget is increased by $300,000 to establish a permanent field station at Auburn University in FY 1989 under the Fort Collins Research Center starting with two professionals to develop in stream flow methodology for warm water fisheries management in the Southeastern United States.

The managers agree to delete Senate language which would have made the funds available for two years.

The Service is to consider the Stewart B. McKinney NWR, CN when allocating funds designated for newly established refuges. The Service is to give preference in establishing new cooperative fish and wildlife units to the first State to have fully resolved intrastate questions of unit sponsorship and managment and communicated notice of this resolution to the Service. Of the increase for the endangered species recovery funds, no less than $100,000 is for the red wolf captive breeding program at the Point Defiance Zoo and Aquarium, Tacoma, Washington.

Of the increase provided for operations at the Northeast Anadromous Fish Laboratory, $360,000 is for the base research program which brings the base level to $500,000.

The managers approve the reprogramming proposed by the Service providing fresh water to the San Luis NWR, CA.

Amendment No. 8: Provides $6,811,000 for the Lower Snake River Compensation Plan as proposed by the Senate instead of $6,523,000 as proposed by the House.

Amendment No. 9: Restricts language proposed by the House and stricken by the Senate to Federal management of the Wynne Complex on Matagorda Island, Texas. The House language would have applied to all refuges.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $1,500,000 for the development and installation of displays, exhibits, films, and other educational material for an ecological center.

CONSTRUCTION AND ANADROMOUS FISH

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $31,834,000 for construction and anadromous fish instead of $23,756,000 as proposed by the House and $25,294,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Anadromous Fish Grants	$1,500,000
Bowden NFH, WV (expansion)	2,000,000
Dam safety	7,343,000
Leetown NFC, WV (water supply)	1,700,000
Little River NWR, OK (planning)	270,000
Little White Salmon NFH, WA	990,000
National Fisheries Research Center (Seattle)	1,000,000
National Wetland Research Center, LA (planning)	1,050,000
Nisqually NFH, WA	5,067,000
Northeast Anadromous Fish Laboratory	5,600,000
North Attleboro NFH, MA (complete design)	180,000
Oklahoma refuges (flood damage)	1,500,000
Patuxent River MD (visitor center, planning and design)	900,000
Striped bass study	500,000
Tensas NWR, LA (road repair)	2,000,000
Wichita Mountains NWR, OK (Corral)	234,000
Total	31,834,000

The managers concur in the Service's plan to expend up to $250,000 for site development at Tinicum NEC, PA. Final plans and a progress report are to be provided the Committees by March, 1989.

The managers are committed to completing the expansion of striped bass facilities at Bowden NFH, WV in FY 1990. The managers direct that $350,000 remaining for the Kodiak NWR, AK ranger station be reprogrammed to fund the Skilak Loop Visitor Center in the Kenai NWR, AK.

LAND ACQUISITION

Amendment No. 12: Appropriates $57,529,000 for land acquisition instead of $50,809,000 as proposed by the House and $61,849,000 as proposed by the Senate.

The managers agree to the following distribution:

Administration	$2,834,000
Alaska Peninsula NWR, AK	100,000
Arivaca Creek, AZ	2,000,000
Bog Brook NWR, ME	250,000
Bogue Chitto NWR, LA	2,000,000
Bowerman Basin/Grays Harbor, WA	850,000
Chincoteague NWR, VA	770,000
James Campbell NWR, HI	1,500,000
Kirtlands Warbler NWR, MI	535,000
Klamath Forest NWR, OR	2,000,000
Lower Rio Grande NWR, TX	10,000,000
Mason Neck NWR, VA	1,400,000
Matagorda Island, TX	5,500,000
National Driftless Area, IA	500,000
National Key Deer NWR, FL	3,000,000
Oahu Forest NWR, HI	1,500,000
Rachel Carson NWR, ME	1,000,000
Sacramento River NWR, CA	2,000,000
San Francisco Bay NWR, CA	3,000,000
San Joaquin River NWR, CA	2,000,000
Stewart McKinney NWR, CN	500,000
Sunkhaze Meadows NWR, ME	1,100,000
Tensas NWR, LA	2,000,000
Tishomingo NFH, OK	190,000
Inholdings	1,000,000
Wetlands	10,000,000
Total	57,529,000

The managers have provided funds for the Stewart McKinney NWR, CN with the understanding that new appraisals are being undertaken for the properties involved.

Of the $10,000,000 provided for wetlands, $2,000,000 is for the National Fish and Wildlife Foundation for matching purposes.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert: *:Provided, That of the funds provided to the United States Fish and Wildlife Service under the heading "Construction and Anadromous Fish" in Public Law 100-71, $1,200,000 shall be expended for the lease or purchase of water rights, from willing sellers, for the benefit of Stillwater Wildlife Management Area, Nevada: Provided further, That the lease or purchase shall be carried out pursuant to the statutory and procedural requirements of the laws of the State of Nevada, and the Secretary shall proceed with any such lease or purchase pursuant to this appropriation if and only if the Secretary receives certification from the State of Nevada that the transfer of water rights and associated change of use for the beneficial use of Stillwater Wildlife Management Area is approved by the State of Nevada.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment modifies language added by the Senate permitting the use of $1,200,000 to purchase water rights from willing sellers for the benefit of the Stillwater Wildlife Management Area, Nevada. The managers agree that the Secretary of the Interior is to continue to pursue a comprehensive settlement of water rights disputes on the Carson and Truckee Rivers among the affected parties. Further, the Stillwater Wildlife Management Area may be considered a high priority wetland for funding undertaken pursuant to the North American Waterfowl Management Plan.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Secretary may acquire lands on the Sacramento River, including formerly submerged lands, and waters which are subject to the interest of the State of California, including the public trust, and subject to any other adverse claim arising out of the riparian character or location of the property.

MIGRATORY BIRD CONSERVATION ACCOUNT

The managers note that the Migratory Bird Conservation Commission plans to acquire property in fiscal year 1989 in Forsythe NWR, NJ ($1,500,000), and Cache

River, AR ($2,300,000), among others. The managers urge the Commission to give acquisition priority in the future to Cache River, AR; Little River, OK; Chenia Plain, TX; Neches River, TX; and Forsythe NWR, NJ.

Amendment No. 15: Appropriates $6,645,000 for the National Wildlife Refuge Fund instead of $7,645,000 as proposed by the House and $5,645,000 as proposed by the Senate.

Amendment No. 16: Deletes language proposed by the Senate to allow donated aircraft to be accepted as additions to the fleet. Language included in the Working Capital Fund, Office of the Secretary already provides this authority. The managers are concerned about the Department's ability to enforce adequately waterfowl hunting regulations and recommend that the Service provide up to $400,000 to acquire a helicopter from the Isaac Walton League to be used for expanded enforcement of waterfowl hunting regulations in the lower Mississippi flyway, and to equip, operate and maintain said helicopter.

National Park Service

Amendment No. 17: Earmarks $442,000 for the Roosevelt Campobello International Park Commission as proposed by the Senate instead of $424,000 as proposed by the House.

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 18: Appropriates $74,835,000 for Operation of the National Park System instead of $742,181,000 as proposed by the House and $746,024,000 as proposed by the Senate.

The managers agree to the following changes to the House position: increases of $150,000 for the Harpers Ferry NP, WV shuttle bus system; $300,000 for Harpers Ferry NP operations; $400,000 for Buffalo NR, AR; $350,000 for Glen Canyon NRA, AZ/UT; $300,000 for Lake Mead NRA, NV; $100,000 for Saguaro NM, AZ; $300,000 for Hot Springs NP, AR; $300,000 for Canyonlands NP, UT; $150,000 for Fort Jefferson NM, FL; $315,000 for Jean Lafitte NHP, LA; $48,000 for Stika NHP, AK; $600,000 for Yellowstone NP; $60,000 for Apostle Islands NL, WI; $100,000 for Salinas NM, NM; $200,000 for El Malpais NM, NM; $60,000 for the New River Parkway Authority; $35,000 for operations at Pierce Point Ranch, Point Reyes NS, CA; $60,000 for trail development at Ice Age NSP, WI; $540,000 for New River Gorge NR, WV; $400,000 for National Trail system management; $85,000 for Harpers Ferry police; $1,500,000 for trail maintenance; $100,000 for international affairs including US/Soviet cooperation; $83,000 for a study of alternatives for managing and protecting historic Georgetown, Clear Creek, CO; $50,000 for a study of Alaska National Park recreation opportunities; $100,000 for a statewide park assessment for West Virginia; $40,000 for a restorations assessment at Apostle Islands NL, WI; $30,000 to assist Marquette County in a feasibility study of Muir Park; $150,000 for a review of Spanish culture in New Mexico and of the Mimbres culture; $40,000 for the Fort Knox II Historical Site at Vincennes, IN; $10,000 for a bike trail feasibility study at Everglades NP, FL; $115,000 for a study at Colorado NM, Co; $150,000 for a review of lands around Harpers Ferry WV; $150,000 for studies of parks and national landmarks with black themes; $60,000 for women's theme studies related to parks and landmarks; $18,000 for the Roosevelt Campobello International Park Commission; $2,000,000 for Fort Lincoln, Mandan, ND; and $33,000 for the Mary McLeod Bethune NHS; and decreases of $500,000 for exotic plant/pig control at Haleakala/Hawaii Volcanoes NP which is transferred to the construction account; $200,000 for operations at Golden Gate NRA, CA; $100,000 for Women's Rights NHP, NY; $150,000 at Indiana Dunes NL, IN; $4,700,000 for the Krejci waste site which is addressed in the construction account; $200,000 for the airplane oversight study; and $978,000 for the Director's discretionary fund.

Within the increase for El Malpais NM, NM are funds for Masau trail planning and implementation. Wtihin the increase for trail maintenance is $150,000 for the Santa Fe Trail and $200,000 for Olympic NP trails. There is $30,000 within resoruces management for range management guidelines at Point Reyes NS, CA. The managers agree that parks may use more funds for the Student Conservation Association and the Volunteers in Parks program if there is sufficient need.

The managers agree that the return of the wolf to Yellowstone NP is desirable. There are a number of concerns about the reintroduction and $200,000 has been included to study questions which have been raised. The managers believe the studies should address, but not be limtied to the following:

1. The issue of whether wolves would or would not be controlled either within or without the Park;

2. How a reintroduced population of wolves may affect the prey base in Yellowstone NP and big game hunting in areas surrounding the park;

3. Would a reintroduced population of wolves harm or benefit grizzly bears in the vicinity of the park;

4. Clarification and delineation of wolf management zone boundaries for reintroduction; and

5. An experienced wolf coordinator with the FWS will oversee the program in full cooperation with the NPS.

The managers agree that the National Park Service may provide technical assistance and concept planning to the Port of Oakland in the restoration of the ship "Potomac" and in the development of an interpretive center. Any plans should provide for private sector cost sharing.

The managers agree that one additional clerical staff is to be provided to the Office of Congressional Liaison. There is up to $40,000 from within available funds for conduct of an origin and destination survey within the boundaries of the Delaware Water Gap NRA, NJ.

The managers agree that future budget justifications for the National Park Service must identify the amount proposed for the conduct of conferences with a description of the types of conferences to be conducted. The amount provided for conferences would be subject to reprogramming guidelines. For fiscal year 1989, the Service is to submit to the Committees within 30 days of enactment of this Act the amount to be used for conferences, a list of proposed conferences and a proposed definition of conferences. Changes to this amount will be subject to reprogramming guidelines.

The managers note that both House and Senate reports contain language providing guidance for management of park units. The guidance is to be complied with, unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

The managers are concerned about the inadvertent acquisiton of lands which may contain toxic or hazardous materials. There appears to be no well stated policy regarding the precautions to take when acquiring land to ascertain whether there are toxic or hazardous materials. Accordingly, the managers direct the Service to prepare a policy statement on acceptance of donations or acquisitions of lands which may contain toxic or hazardous materials.

Amendment No. 19: Deletes Senate language which would have provided for a permanent appropriation for park fee receipts beginning in fiscal year 1989. It is the managers intent that the allocation by function, and by park, provide at least 1988 funding levels and also maintains the fee incentives built into the fee legislation.

The managers direct that the Service submit two budget presentations in fiscal year 1990 for the "Operation of the National Park System" appropriation. The first presentation should reflect the President's recommendations. The second presentation should display the budget estimate as if the fee legislation included a permanent appropriation account provision, keeping in mind the managers intent to fund parks and functions at least at the 1989 level, plus base increases and decreases, and also recognizing the incentive for the public to pay, and park managers to collect, park fees.

The Service is directed to consult with the House and Senate Committees concerning the exact features of the alternative budget presentation.

Amendment No. 20: Deletes earmarks for certain Operation of the National Park System activities proposed by the House. The managers are concerned that the National Park Service cannot account for funds on the same basis as the funds are requested. The General Accounting Office will be asked to report on National Park Service accounting capability and provide recommendations for improving the system.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $85,000 for police operations at Harpers Ferry, WV.

Amendment No. 22: Deletes Bill language proposed by the Senate directing the National Park Service to continue its review of the proposal to acquire property in and around Natchez, Mississippi for the Mississippi River National Park. The managers strongly support efforts of the National Park Service to extend the Natchez Trace Parkway to the historic Natchez Bluff area and the inclusion of Fort Rosalie and Melrose as part of the Park system and urge the Park Service to complete the work now underway.

Amendment No. 23: Provides $250,000 for the National Institute for the Conservation of Cultural Property as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits removal, obstruction, dewatering, filling or damage to the Brooks River fish ladder in Katmai National Park, AK.

Amendment No. 25: Deletes Senate language regarding wolf research in Alaska. The Alaska National Interests Lands Conservation Act requires the Secretary of the Interior to consider persons who have lived or worked in or near a conservation system unit in Alaska for all available employment opportunities therein. The managers have been informed that the National Park Service has not complied with this provision of the law in its hiring decisions in Denali National Park, despite written assurances to local residents that it would do so.

The managers direct the Service to submit a report on its compliance actions to the Senate and House Committees on Appropriations no later than February 1, 1989. The Committees will insist on compliance with the law.

Amendment No. 26: Deletes Senate language regarding wolf research in Alaska which is discussed under amendment No. 25.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which repeals Public Law 97-341 and makes provision for phasing out grazing at Capitol Reef NP, UT.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $14,608,000 for national recreation and preservation instead of $14,093,000 as proposed by the House and $13,470,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the House level includes increases of $100,000 for assistance to river communities in the New River Gorge NR, WV; $150,000 for Rails to Trails assistance; $200,000 for a national inventory of trails and direction; $400,000 for other national trails programs; and $100,000 for Federal archeological programs. There are decreases to the House position of $35,000 for the San Francisco Bay Area Trail, $100,000 for urban parks grant administration and $300,000 for women's studies and black historic park and landmark studies. Women's studies and black historic park and landmark studies are addressed in the Operation of the National Park System appropriation.

HISTORIC PRESERVATION FUND

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $30,500,000 for the historic preservation fund instead of $30,000,000 as proposed by the House and $30,250,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the Senate level includes $250,000 for the critical issues fund of the National Trust for Historic Preservation.

For the States, the allowance may be used for survey and planning activities, or for architectural, engineering, and management assistance grants for land-based or maritime-related projects nationwide, at the discretion of the States.

The managers also agree that, for the purposes of grant administration procedures, the grant to the National Trust shall be considered one grant.

The managers do not intend to provide additional funding for the Bicentennial Lighthouse Fund in subsequent years.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $1,000,000 for the Bicentennial Lighthouse Fund and establishes procedures for distribution of the money.

CONSTRUCTION

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $159,108,000 for construction instead of $131,809,000 as proposed by the House and $119,072,000 as proposed by the Senate.

The managers have agreed to the following distribution of funds:

Emergency projects	$2,000,000
Planning	15,850,000
Line item request	6,634,000
America's Industrial Heritage, PA	7,400,000
Bighorn Canyon NRA, MT	412,000
Biscayne NP, FL	1,784,000
Boston NPH, MA:	
Faneuil Hall	5,556,000
Old State House	5,280,000
Buffalo River NR, AR	1,380,000
C&O Canal, MD (Bridge replacement)	100,000
Canaveral NS, FL (Playalinda Beach Rd)	6,614,000
Chamizal NM, TX	1,500,000
Chickamauga/Chattanooga NMP (road relocation)	6,000,000
Crater Lake NP, OR (Rim development)	1,761,000
Cuyahoga Valley:	
Brandywine Falls	785,000
Erosion control	200,000
Kendall Unit utilities	600,000
Plug unsafe oil and gas wells	204,000
Krejci waste site	4,500,000
Dam safety	3,450,000
Delaware Water Gap NRA, Smithfield Beach	1,500,000
New Jersey access	473,000
Denali NP, AK (road repair)	619,000
Employee Housing	10,000,000
Fire Island NS, NY (dredging)	300,000
Fort Union Trading Post	750,000
Fossil Butte NM, WY (completion)	350,000
Gateway NRA, NY:	
Great Kills Seawall	3,070,000
Sandy Hook bathroom facilities	971,000
George Washington Parkway (Spout Run Bridge)	5,000,000
Golden Gate NRA, CA (restrooms)	917,000
Guadalupe Mtns. TX	750,000
Harpers Ferry NHP, WV	5,450,000
Hawaii Volcanoes/Haleakala, HI (fencing)	500,000
Hot Springs NP, AR	1,881,000
Ice Age NSR, WI	500,000
Indiana Dunes NL, IN (West Beach access)	850,000
Jean Lafitte NHP, LA	7,165,000
Klondike Gold Rush NHP, AK	1,480,000
Knife River Indian Villages, ND	600,000
Lincoln Home NHS, IL	325,000
Lowell NHP, MA:	
Boott Mill	1,300,000
Commission	1,450,000
Mt. Raineir NO, WA (Longmire Inn)	1,450,000
Natchez Trace Parkway	10,100,000
New River Gorge NR, NV	6,050,000
North Cascades NP, WA (Henry Jackson visitor center)	1,450,000
Petersburg, NB, VA (City Point Erosion)	350,000
Steamtown NHS, PA	8,000,000
Suitland Parkway, MD	6,500,000
Tuskegee NHS, AL	4,000,000
Voyaguers NP, MN	480,000
Yellowstone NP, WY	1,400,000
Yosemite NP, CA	1,200,000
General reduction	−83,000
Total	159,108,000

Within the amount provided for planning, the managers agree to the following projects:

Big Thicket NP, TX (visitor contact center)	$450,000
Blue Ridge Parkway (Roanoke visitor center)	450,00
Denali NP, AK (Southside)	500,000
Florrisant Fossil Beds NM, CO (visitor center)410,000	
Fort Clatsop NM, OR (expansion)	256,000
Gateway NRA, NY (Canarsie Pier)	800,000
Great Smokie Mtns. NP, NC (Occonaluftee)	560,000
Harpers Ferry NHP, WV	1,500,000
Indiana Dunes NL, IN:	
Lakeshore Campgrounds	260,000
Parkway study	332,000
Jean Lafitte NHP, LA	300,000
Kennedy Center (garage)	900,000
Lincoln Home NHS, IL	50,000
Lake Mead NRA, AZ (flood hazard)	300,000
Mesa Verde NP, CO (Soda Point)	250,000
National Museum Conservation Lab	465,000
New River Gorge NR, WV	1,775,000
Salem Maritime NHS, MA	600,000
Saltsburg Canal	125,000
Saratoga Monument, NY	303,000
Scranton Area Heritage Park	175,000
Springfield Caserne	100,000
Staple Bend Tunnel	150,000
Stones River NB, TN (Fortress Rosencrans and trails study)	70,000
Summit Level	400,000

The $4,500,000 provided for the Krejci Waste Site includes $1,200,000 to reimburse EPA for containment costs already incurred; $2,300,000 for additional containment and $1,000,000 for the remedial investigation feasibility study.

The managers do not object to the Service providing up to $500,000 for furtherance of a Civil War Museum at Gettysburg NMP, PA. The Service should provide the Committees, by February 15, 1989, with a plan for completion of the Museum, including estimated costs, a timetable for implementation, and a proposal for funding such a plan.

The managers agree to the following distribution of funds for Jean Lafitte NHP, LA:

a. $5,500,000 to complete construction of the Acadian Cultural Centers in Lafayette, Eunice and Thibodaux.

b. $500,000 to complete construction of the environmental education center and some of the related facilities.

c. $100,000 to continue construction of a tour boat landing and interpretive wayside exhibits in the vicinity of Wagner Bridge.

d. $700,000 to renovate the permanent location of the Park's Headquarters and French Quarter Visitor's Center.

e. $95,000 to realign the rampart, renovate the bathrooms, clean the headstones in the cemetery and improve drainage/landscape at the Chalmette Unit.

f. $150,000 for rehabilitation of the Chalmette monument.

g. $15,000 to upgrade exhibits at the Chitimacha Unit of the Park.

h. $15,000 in planning money for the German Cultural Center.

i. $25,000 to improve the Kenta Canal, Coquille, and Ring Levee trails at the Barataria Unit.

j. $25,000 to replace the roof and repair the electrical system at the Islenos Center.

k. $40,000 to build a boat launch and boat storage for Park Service boats at the Barataria Unit.

The $1,000,000 reduction from the House position on the America's Industrial Heritage Project is from Staple Bend. The managers urge the Service to seek cost sharing for the construction of a new lodge at Crater Lake NP, OR.

The managers have included $10,000,000 to begin to address the need for improved employee housing, and understand that $3,000,000 shall be available for planning and $7,000,000 shall be available for repair and rehabilitation of existing units, including a limited amount of new construction logically related to repair and rehabilitation needs at park units. While no specific earmarks are provided, the managers agree with the Service on the priority needs of addressing winter housing problems at Yellowstone NP, and other pressing issues at Crater Lake NP and Grand Canyon NP. The Service may explore housing alternatives other than direct Federal construction, and shall provide the Committees with the proposed spending plan when it is available.

Amendment No. 32: Provides $1,450,000 to carry out the provisions of sections 302, 303, and 304 of the Public Law 95-290 instead of $2,950,000 as proposed by the House and nothing as proposed by the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $72,609,000 for land acquisition and state assistance instead of $62,206,000 as proposed by the House and $64,961,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Assistance to States:	
Matching grants	$16,700,000
Administrative expenses	3,300,000
Subtotal, States	20,000,000
National Park Service:	
Acadia NP, ME	2,000,000
Antietam NB, MD	1,000,000
Appalachian NST	7,000,000
Black Canyon of the Gunnison NM, CO	700,000
Congaree Swamp NM, SC	3,000,000
Cuyahoga Valley NRA, OH	3,000,000
Delaware Water Gap NRA, PA/NJ	888,000
Ft. Frederica NM, GA	300,000
Indiana Dunes NL, IN	500,000
Jimmy Carter NHS, GA	100,000
New River Gorge NR, WV	8,000,000
Pictured Rocks NL, MI	300,000
Saint Croix NSR, WI/MN	1,500,000
Salem Maritime NHS, MA	500,000
Santa Monica Mtns. NRA, CA	11,000,000
Stones River NB, TN	530,000
Timucuan NP, FL	1,000,000
Women's Rights NHP, NY	50,000
Emergencies, hardships, deficiencies, inholdings, and relocations	5,000,000
Acquisition management	6,241,000
Subtotal	52,609,000
Total	72,609,000

The managers have agreed to provide an additional $700,000 for land acquisition in the Black Canyon of the Gunnison National Monument. If the appraised value of the tracts exceeds this amount, the managers urge the Service to use funds available in the Emergencies, hardships, deficiencies, inholdings and relocations account.

The managers agree that $350,000 is included to be provided to the National Academy of Sciences for a review of the land acquisition criteria and programs of the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service. The agencies are directed and encouraged to participate fully in such a review. The Committee convened by the Academy should address, at least, the following items:

Existing criteria used to evaluate potential land acquisition projects and assess agency compliance with existing criteria.

Existing criteria and procedures of the four agencies involved, evaluating their strengths and weaknesses.

Comparable land acquisition criteria, procedures, and guidelines of non-governmental groups, such as The Nature Conservancy, and evaluate their strengths and weaknesses.

The effectiveness of existing or potential criteria in terms of achieving stated public policy objectives.

Report its findings to the Committees in approximately 18 months.

The Academy should consult with the Committees prior to initiating its review.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That $3,000,000 of the funds made available herein shall be available for land acquisition at Congaree Swamp National Monument, South Carolina, subject to enactment of authorizing legislation: Provided further, That notwithstanding the provisions of Public Law 95-625, the Secretary may initiate condemnation with the consent of the owner of property, improved or unimproved, within the boundary or at a currently authorized administrative site of the New River Gorge National River, West Virginia*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language provides $3,000,000 for land acquisition at Congaree Swamp National Monument, SC subject to enactment of authorizing language.

The managers are aware that there are several willing sellers of improved properties in New River Gorge NR, with whom the Service has not been able to come to terms for the acquisition of their property. These properties are needed to complete the construction of the Park headquarters at Glen Jean, WV. The managers have agreed to include bill language authorizing the Secretary to initiate condemnation with the consent of the owner.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes permanent language authorizing contracts to be awarded on the basis of contractor qualifications as well as price for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts.

Amendment No. 36: Appropriates $250,000 for the Illinois and Michigan National Heritage Corridor Commission as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 37: Appropriates $4,765,000 for the American Revolution Bicentennial Administration as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as follows:

NATIONAL FILM PRESERVATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Film Preservation Board in the Library of Congress, $250,000: Provided, That the following may be cited as the "National Film Preservation Act of 1988":

SECTION 1. FINDINGS.

The Congress finds that—

(1) motion pictures are an indigenous American art form that has been emulated throughout the world;

(2) certain motion pictures represent an enduring part of our Nation's historical and cultural heritage; and

(3) it is appropriate and necessary for the Federal Government to recognize motion pictures as a significant American art form deserving of protection.

SEC. 2. NATIONAL FILM REGISTRY.

The Librarian of Congress (hereafter in this Act referred to as the "Librarian") shall establish a National Film Registry pursuant to the provisions of this Act, for the purpose of registering films that are culturally, historically, or aesthetically significant.

SEC. 3. DUTIES OF LIBRARIAN OF CONGRESS.

(a) POWERS.—The Librarian shall, after consultation with the Board established pursuant to section 8, and pursuant to the rulemaking procedures provided in subchapter II of chapter 5 of title 5, United States Code, known as the Administrative Procedures Act—

(A) establish criteria for guidelines pursuant to which such films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such films first theatrical release;

(B) establish a procedure whereby the general public may make recommendations to the Board regarding the inclusion of films in such National Film Registry;

(C) establish general guidelines so that film owners and distributors are able to determine whether a version of a film regis-

tered on the National Film Registry which is in their possession has been materially altered.

(2) In addition, the Librarian shall—

(A) determine, from time to time, after consultation with the Board, which films satisfy the criteria developed pursuant to paragraph (1)(A) and qualify to be included in the National Film Registry, except that the Librarian shall not select more than 25 films per year for inclusion in such Registry;

(B) convene, from time to time, a panel of experts, as provided in subsection (b), solely to advise the Board on whether it is necessary to petition Congress to revise the definition of "material alteration";

(C) provide a seal to indicate that the film has been included in the National Film Registry as an enduring part of our national cultural heritage and such seal may then be used in the promotion of any version of such film that has not been materially altered; and

(D) have published in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3)(A) The Librarian shall submit annual reports to the appropriate Committees of the Congress listing films included on the National Film Registry and describing the criteria used in determining why specific films were included in the National Film Registry.

(B) The first such report shall be submitted within 12 months after the date of enactment of this Act.

(b) COMPOSITION OF PANEL.—The panel provided for in subsection (a)(2)(B) shall be chosen by the Librarian. It shall be comprised of four persons, one representative each from the Motion Picture Association of America and the National Association of Broadcasters, and one representative of the Directors Guild of America and one representative of the Screen Actors Guild of America. The Presidents of these four organizations shall recommend three nominees to serve on such panel.

(c) APPEALS TO THE LIBRARIAN.—(1) The owner, exhibitor, or distributor of a film may appeal to the Librarian—

(A) objecting to the Boards recommendation of such film for inclusion in the National Film Registry; or

(B) the determination that a version of film which is included in the National Film Registry has been materially altered.

(2) The Librarian shall refer such appeals to the Board for its recommendation.

(c) REGISTRY COLLECTION.—The Librarian shall endeavor to obtain, by gift from the owner an archival quality copy of an orginal version of each film included in the National Film Registry. All films so received by the Librarian shall be maintained in a special collection in the Library of Congress to be known as the "National Film Board Collection". The Librarian shall, by regulation, provide for reasonable access to films in such collection.

SEC. 4. LABELING REQUIREMENTS.

(a) LABEL REQUIRED.—Except as otherwise provided in this section, no person shall knowingly distribute or exhibit to the public a materially altered version of a film included in the National Film Registry unless the version is labeled as required by this section.

(b) EFFECTIVE DATE OF LABEL.—Except as provided in subsection (c), any labeling requirement established pursuant to this section shall be effective 45 days after publication in the Federal Register indicating that film has been selected for inclusion in the National Film Registry.

(c) EXCEPTIONS.—With respect to films intended for home use through either retail purchase or rental, the provisions of subsection (b) shall apply, however no requirements imposed under this section shall apply to—

(1) a film which has been packaged for distribution prior to the effective date of such requirement with respect to such film, except that the provisions of this paragraph shall not apply if the packaging has been accelerated in contemplation of imposition of such requirement; or

(2) a retail distributor of films for home use, other than a manufacturer or packager, who has in good faith relied on compliance with the provisons of this Act by the manufacturer, wholesaler, or packager of a film.

(d) REQUIREMENT OF THE LABEL.—(1)(A) A label for a materially altered version of a film, other than a colorized version, shall consist of a panel card immediately preceding the commencement of the film which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."

(B) Such a label shall appear in a conspicuous and legible type.

(2)(A) A label for a colorized version of a film shall consist of a panel card immediately preceding the commencement of the film which bears the following statement:

"This is a colorized version of a film originally marketed and distributed to the public in black and white. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film.".

(B) Such a label shall appear in a conspicuous and legible type.

(3)(A) A label for a film package of a materially altered film, other than a colorized version, shall consist of—

(i) an area of a rectangle on the front of the package which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."; and

(ii) an area of a rectangle on the side of the package which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. See front panel.".

(B) Such labels shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

(4)(A) A label for a film package of a colorized version of a film shall consist of—

(i) an area of a rectangle on the front of the package which bears the following statement:

"This is a colorized version of a film originally marketed and distributed to the public in black and white. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."; and

(ii) an area of a rectangle on the side of the package which bears the following statement:

"This is a colorized version of original work. See front panel.".

(B) Such labels shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

SEC. 5. MISUSE OF SEAL.

No person shall knowingly distribute or exhibit to the public a version of a film which bears a seal as described by section 3(a)(2)(C) of this Act if such film—

(1) is not included in the National Film Registry; or

(2) is included in the National Film Registry, but such version has been materially altered.

SEC. 6. REMEDIES.

(a) JURISDICTION AND STANDING.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of sections 4 and 5 of this Act upon the application of the Librarian to the Attorney General of the United States acting through the several United States Attorneys in their several districts.

(b) RELIEF.—(1) Except as provided in paragraph (2), relief shall be limited to the prospective inclusion or application of, or removal of, a label as appropriate.

(2) In the case in which the Librarian finds a pattern or practice of the willful violation of this Act, the United States District Courts may order civil fines of not more than $10,000 and appropriate injunctive relief.

SEC. 7. LIMITATIONS OF REMEDIES.

(a) The remedies provided in section 6 shall be the exclusive remedies under this Act or any other Federal or State law, regarding the use of a seal as described by section 3(a)(2)(C) or labeling of materially altered films.

(b) No remedies under section 6 of this title shall be available with respect to any film which is exempted from the labeling requirements of this Act pursuant to section 4(c).

SEC. 8. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—(1) The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of thirteen members, selected by the Librarian in accordance with the provisions of this paragraph. Each organization listed in subparagraphs (A) through (M) shall submit a list of not less than 3 qualified candidates to the Librarian. The Librarian shall appoint one member from each such list submitted by the following organizations, and shall designate from that list an alternate who may attend those meetings to which the individual appointed to the Board cannot attend:

(A) the Academy of Motion Picture Arts and Sciences;

(B) the Directors Guild of America;

(C) the Writers Guild of America;

(D) the National Society of Film Critics;

(E) the Society for Cinema Studies;

(F) the American Film Institute;

(G) the Department of Theatre, Film and Television, College of Fine Arts at the University of California, Los Angeles;

(H) the Department of Cinema Studies in the Graduate School of Arts and Science at New York University;

(I) the University Film and Video Association;

(J) the Motion Picture Association of America;

(K) the National Association of Broadcasters;

(L) the Association of Motion Picture and Television Producers; and

(M) the Screen Actors Guild of America

(2) Before the Librarian selects nominees for such Board, such Librarian shall request that each of the entities listed in paragraph (1) who do not currently have a nominee on such Board nominate three individuals to serve on such Board. No individual may serve on the Board for more than one term and each entity shall be represented a comparable number of times.

(b) CHAIRPERSON.—The Librarian shall appoint one member to serve as Chairperson.

(c) TERM OF OFFICE.—(1) The term of each member of the Board shall be 3 years.

(2) A vacancy in Board shall be filled in the manner prescribed by the Librarian, except that no entity listed in subsection (a) may have more than one nominee on the Board at any one time. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Any member appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(d) QUORUM.—Seven members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) BASIC PAY.—Members of the Board shall serve without pay. While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(f) MEETINGS.—The Board shall meet at least twice each calendar year and the first such meeting shall be within 120 days after the effective date of this Act. Meetings shall be at the call of the Chairperson or a majority of its members.

(g) CONFLICT OF INTERESTS.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibiltiies of the Board.

SEC. 9. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(A) STAFF.—The Chairperson of the Board may appoint and fix the pay of such personnel as the Chairperson considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Board may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-16 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule, and in no case may a Board member be paid as an expert or consultant.

SEC. 10. POWERS OF BOARD.

(a) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian with respect to the inclusion in the Registry, and with respect to the powers defined in section 3.

(b) NOMINATION OF FILMS.—The board shall consider, for inclusion in the National Film Registry, nominations submitted by representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, producers, and film critics, film preservation organizations and representatives of academic institutions with film study programs. The Board shall not nominate more than 25 films a year for inclusion in the Registry.

SEC. 11. DEFINITIONS.

(a) DEFINITIONS FOR SECTIONS 1 THROUGH 6.—As used in section 1 through 6:

(1) The term "Librarian" means the Librarian of Congress.

(2) The term "film" means a feature-length, theatrical motion picture after its first theatrical release.

(3) The term "film package" means the original box, carton or container of any kind in which a videotape or disc is offered for sale or rental.

(4) The term "Board" means the National Film Preservation Board.

(5) The term "material alteration" means to colorize or to make other fundamental post-production changes in a version of a film for marketing purposes but does not include changes made in accordance with customary practices and standards and reasonable requirements of preparing a work for distribution or broadcast.

(6) The term "to colorize" means to add color, by whatever means, to versions of motion pictures originally produced, marketed, or distributed in black and white.

(7) The term "colorization" means the process whereby a film is colorized.

(b) EXCLUSION FROM DEFINITION OF "MATERIAL ALTERATION".—Excluded from the definition of "material alteration" are practices such as the insertion of commercials and public service announcements for television broadcast.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

To carry out the purposes of this Act, there are authorized to be appropriated to the Librarian of Congress, such sums as may be necessary to carry out the purposes of this Act, but in no fiscal year shall such sum exceed $250,000.

SEC. 13. EFFECTIVE DATE.

The provisions of this Act shall be effective for three years beginning on the date of enactment of this Act. The provisions of this Act shall not apply to any copy of a film materially altered prior to such effective date if such copy of such film is owned by an individual for his personal use, in the inventory of the manufacturer or packager of a videocassette or already distributed to retail or wholesale distributors of videocassettes.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Motion pictures are a significant part of our Nation's historical and cultural heritage which uniquely reflect their time. Through the eyes of the filmmaker we relive moments in history gaining insight into the time as the artist intended. The motion picture is a significant art form worthy of recognition and protection. To this end, bill language is included establishing a National Film Preservation Board within the Library of Congress to protect this art form from alteration.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as folllows: *None of the funds in this Act may be used to issue a permit for seismic exploration of Big Cypress National Preserve, Florida, until an environmental impact statement has been completed: Provided, That such statement shall be completed within two years of the date of enactment of this Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language provides for an environmental impact statement to be prepared before permits may be granted for seismic exploration of Big Cypress National Preserve, Florida. The statement is to be completed within two years of the date of enactment of this Act.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *None of the funds provided in this Act shall be available for an appeal to the February 26, 1988 special rate pay approved by the Office of Personnel Maangement for the U.S. Park Police.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment modifies language proposed by the Senate regarding pay increases for U.S. Park Police.

Amendment No. 41: Deletes language proposed by the Senate regarding Hetch Hetchy Valley. The managers agree that no funds should be used to study, plan, investigate or otherwise advance restoration of Hetch Hetchy Valley.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed, insert: *The Director of the National Park Service shall administer a fellowship program, within available funds, to improve mutual understanding and cooperation between Service employees, and Members and Committees of Congress. The program is dedicated to the memory of Pietro Antonio (Tony) Bevinetto, and Service employees participating in the program shall be known as "Bevinetto Fellows".*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment clarifies that an existing program may carry the name "Bevinetto Fellows".

GEOLOGICAL SURVEY

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *up to $500,000 for a 50 percent cost-shared scientific project for test and observation wells near Kohala, Hawaii: Provided, That upon enactment of this Act and hereafter, final costs related to the National Petroleum Reserve in Alaska may be paid from available* *prior year balances in this account, and $451,006,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $451,006,000 for surveys, investigations and research instead of $448,056,000 as proposed by the House and $448,045,000 as proposed by the Senate, and up to $500,000 for test and observation wells in Hawaii as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of $500,000 for image mapping; $1,500,000 for Louisiana wetlands studies; $1,500,000 for mineral resource surveys on RARE II Forest Service lands; $1,000,000 for coal availability studies in VA, KY, and WV; $400,000 for the regional aquifer program; and $375,000 for nuclear waste hydrology; and decreases of $375,000 for geographic information systems (GIS); $250,000 for Federal geologic mapping; $1,500,000 for offshore geologic surveys; and $200,000 for studies of the coast of Mississippi and Alabama (to be done within existing funds).

The managers have agreed to include bill language permitting payment of close out costs for the National Petroleum Reserve in Alaska from available prior year balances.

Minerals Management Service

Amendment No. 44: Appropriates $170,744,000 for leasing and royalty management instead of $170,009,000 as proposed by the House and $171,847,000 as proposed by the Senate.

The net difference over the amount proposed by the House consists of increases in royalty management of $200,000 for nonstandard Indian leases, $400,000 for the audit program, $35,000 for the State of Louisiana to conduct 8(g) audits, and $100,000 for two less paid days in fiscal year 1989.

The managers agree that MMS is to provide quarterly reports on the "revenue neutrality" of the revised product value regulations, improvements to the Auditing and Financial System and conversion of the prosecution accounting system.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$35,000 shall be used by the Secretary to enter into a cooperative agreement with the State of Louisiana to carry out or conduct audit activities on any lease or portion of a lease subject only to section 8(g) of the Outer Continental Lands Act of 1953, as amended (43 U.S.C. 1337(g)): Provided, That notwithstanding the provisions of sections 201 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1731), sections 202 through 206 of that Act (30 U.S.C. 1732-1736) shall apply to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act: Provided further, That for purposes of those provisions and for no other purposes, such lease or portion of a lease shall be regarded as within the coastal state or states entitled to receive revenues from it under section 8(g), and of which not less than $52,302,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language which authorizes the Secretary to enter into a cooperative agreement with the State of Louisiana to participate in 8(g) audits. In addition, the amendment earmarks $52,302,000 for the royalty management program instead of $51,567,000 as proposed by the House and $53,605,000 as proposed by the Senate.

Bureau of Mines

Amendment No. 46: Appropriates $159,292,000 for mines and minerals instead of $146,254,000 as proposed by the House and $165,167,000 as proposed by the Senate.

The net decrease in the amount proposed by the Senate consists of increases in health and safety and mining technology of $350,000 for mine disaster prevention, $200,000 for advanced mining systems, and $500,000 for selective mining; in minerals and materials $250,000 for materials performance research; in environmental technology $700,000 for detoxification of mine waste including $500,000 for flame reactor research, and $300,000 for decontamination of mining and processing waters; and in general administration, $500,000 for deferred maintanance.

These increases are offset by reductions in health, safety and mining technology of $600,000 for self-contained self-rescuers, $250,000 for methane drainage, $400,000 for haulage, $250,000 for cost-shared field tests of innovative mining concepts, $500,000 for Casa Grande pilot test, $500,000 for insitu leaching of precious metals, $500,000 for coal bumps and outbursts which provides a total of $1,500,000 to be divided equally between mountain bump and rock bust research; in minerals and materials $500,000 for flame reactor research; in environmental technology, $300,000 for the National Mine Land Reclamation Center, $225,000 for acid mine drainage, and $50,000 for soil revegetation; in mineral institutes $2,000,000 for generic research centers; in general administration $2,200,000 to maintain employment throughout the Bureau; in facilities $200,000; and a general reduction of $200,000 for two less paid days.

The managers agree that the Mineral Institute Advisory Committee is to review each generic center annually for the relevance and effectiveness of the research conducted, efficiency of the research performed, the need for further research in the generic area under consideration, the potential for other consortia to perform the work more efficiently and effectively and such other criteria as the Advisory Committee may deem appropriate. Based on this review, the Mineral Institute Advisory Committee shall recommend to the Secretary of the Interior and to the Committees on Appropriations, by order of priority, the continuation, termination, expansion, reconstitution or recompetition of the generic centers.

Amendment No. 47: Earmarks $91,010,000 to remain available until expended instead of $84,435,000 as proposed by the House and $92,785,000 as proposed by the Senate.

Amendment No. 48: Deletes language proposed by the Senate regarding sealing abandoned mine sites in and around the Town of Galena, Kansas.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

Amendment No. 49: Appropriates $101,095,000 for regulation and technology instead of $104,086,000 as proposed by the House and $100,837,000 as proposed by the Senate.

The increase over the amount proposed by the Senate is $258,000 for assessments and collections for six additional auditors.

The managers agree to a general reduction of $229,000 for the two less paid days as proposed by the Senate instead of reducing general administration as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 50: Appropriates $193,160,000 for the Abandoned Mine Reclamation Fund instead of $191,154,000 as proposed by the House and $201,328,000 as proposed by the Senate.

The net increase over the amount proposed by the House consists of $2,000,000 in State reclamation program grants to review projects in the Abandoned Mine Land Inventory for consistency in approach and content and $112,000 in general administration to restore the reduction for the two less paid days in fiscal year 1989. These increases are offset by a general reduction of $106,000 for the two less paid days.

Amendment No. 51: Deletes language proposed by the Senate which would mandate that the allocation formula used in fiscal year 1988 to distribute the Secretary's discretionary share of the Abandoned Mine Reclamation Fund be used in fiscal year 1989.

The managers agree that the allocation formula to be used in fiscal year 1989 should distribute the Secretary's discretionary share on the basis of historic coal production prior to 1977.

The managers are concerned that the allocation formula from the Secretary's discretionary share of the Abandoned Mine Reclamation Fund has not stabilized over the past few years. Moreover, guidance to the States during fiscal year 1988 regarding appropriateness of projects and projected reclamation costs for certain types of reclamation activities under the inventory has been inconsistent at best. This has led to wasted effort and resources, contention among the States and reduced progress in the effort to reclaim hazardous abandoned mine sites.

Despite the Office of Surface Mining Reclamation and Enforcement's (OSMRE) sloppy execution of improvements to the Abandoned Mine Lands inventory, the managers continue to believe that the inventory of high priority abandoned mines sites requiring reclamation should be a useful tool for allocation purposes. Flaws in the development of the present inventory, however, make it impractical for use in its present form. According to GAO, different State approaches to performing the inventory update, changing OSMRE requirements during the update period, and inconsistent implementation of OSMRE's inventory update guidelines, make the present inventory an inaccurate picture of the relative reclamation needs of one State versus another. Consequently, the managers have recommended that additional funding of up to $2,000,000 be used by OSMRE to conduct a thorough review and revision, as appropriate, of the existing inventory. This process should be designed to apply standard definitions, guidelines and cost factors, where applicable, to all projects in the inventory. As a first step, the OSMRE should consider other appropriate criteria as well as procedural matters necessary to improve project consistency, and these factors should then be discussed with the States within thirty days of enactment of this bill. The Office should continue to meet with the States on this "consistency" effort and should report to the relevant Committees of Congress on a quarterly basis with the intent of having a "sound" inventory available for use in the FY 1990 grant cycle.

In the interim, the managers agree that OSMRE should base the FY 1989 allocations of discretionary funds upon historic coal production prior to 1977. The managers are aware that a number of members are concerned about using historic coal production as the sole tool for allocating reclamation funds. Therefore, the OSMRE is directed to make every effort to ensure that a return to the FY 1988 formula, based in part on a sound inventory, is possible in FY 1990. The managers will review OSMRE's effort to improve the inventory's consistency during next year's appropriations process.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Office of Surface Mining Reclamation and Enforcement (OSMRE) to provide for the travel and per diem expenses of State and tribal personnel attending OSMRE training.

The managers have agreed to bill language which allows OSMRE to reimburse State employee travel and per diem to attend OSMRE training programs. OSMRE is to use no more than $250,000 for this purpose and is to provide such funds only when State funds are not available.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *: Provided further, That the Secretary shall conduct a thorough accounting and reconciliation of the Abandoned Mine Reclamation Fund, under title IV of the Surface Mining Control and Reclamation Act of 1977, for the period from fiscal year 1977 through fiscal year 1988. This accounting and reconciliation shall determine, by State, the source of all contributions to the fund and shall denote all fund disbursements by purpose and fiscal year including letter of credit grants to States.*

Funds authorized as grants to States shall be reconciled according to:

(1) the Surface Mining Control and Reclamation Act of 1977, including the 50 percent State share; and

(2) the formula for allocation of the discretionary share as expressed by the Office of Surface Mining and Reclamation during each relevant fiscal year under review.

The findings of the Secretary shall be transmitted to the Committees on Appropriations by May 1, 1989. Such information shall not be used to amend or revise State allocations during fiscal year 1989

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to include bill language which directs the Secretary to conduct an accounting and reconciliation of Abandoned Mine Lands funds which have been granted to the States. The findings of the Secretary shall be transmitted to the Committees on Appropriations by May 1, 1989. This information shall not be used to amend or revise State allocations during fiscal year 1989.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 54: Appropriates $992,767,000 for operation of Indian programs instead of $996,024,000 as proposed by the House and $980,486,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of increases of $350,000 for social services for children of Job Corps training participants in Arizona, $200,000 for employment development, $1,696,000 for Indian services—tribe/agency operations, $141,000 for agriculture for San Carlos fencing, and $110,000 for the Close Up Foundation; and decreases of $95,000 for Haskell Indian Junior College, $50,000 for Navajo Community College, $250,000 for the tribally-controlled community colleges endowment fund, $100,000 for Klamath economic development plan, leaving $150,000 to complete the plan, $500,000 for the proposed Institute for Tribal Government, $2,500,000 for contract support, $175,000 for the geographic information system, $564,000 for wildlife and parks, $70,000 for natural resources—tribe/agency operations, $500,000 for facilities management, and $950,000 for automated data processing.

The $200,000 increase for employment development is for the United Tribes Technical College. The managers expect the College to meet operating expenses in future years within the increased base level provided, or through other sources, rather than seeking additional appropriations each year. The managers expect the Bureau to work with the Oglala Sioux Tribe to identify possible sources of funding for the tribal community college learning resource center.

Under Indian services—tribe/agency operations, a total increase of $4,000,000 is provided for law enforcement, consisting of $500,000 for the Gila River juvenile detention center, $450,000 to be divided equally for retroceded law enforcement programs on the Quileute, Swinomish and Chehalis reservations in Washington, $250,000 to continue the Tohono O'Odham substance abuse initiative, and $150,000 for the Sault Ste. Marie Tribe to fund its law enforcement program, since State and county law enforcement agencies have withdrawn services from the area. In addition, restoration of the 1988 increases is provided for the Winnebago Tribe ($70,000), the Lummi Tribe ($100,000), the Quinault Tribe ($175,000), the Miccosukee Tribe ($50,000), the Rosebud Tribe ($150,000), the Standing Rock Sioux Tribe ($50,000), and the Cheyenne River Sioux Tribe ($250,000), and a general increase of $1,805,000 is provided. The balance of the increase for tribe/agency operations consists of increases of $186,000 for the Chitimacha Tribe, $60,000 for Pasqua Yaqui fire protection, and $60,000 for the Penobscot tribal court; and a decrease of $300,000 to the self-governance planning funding, leaving $1,200,000 to continue second-year planning funds for those tribes needing additional planning, and to allow several new tribes to begin planning efforts in fiscal year 1989. All add-ons in tribe/agency operations are to be added to the base unless it is indicated they are one-time only additions. The additional funds for Pasqua Yaqui fire portection are to be added to their base, which is understood to be $111,000. The managers have not provided additional new tribes funding for the Lac Vieux Desert Tribe of Michigan pending final passage of the authorizing legislation. If necessary, the Bureau should consider a reprogramming to address the needs of the Lac Vieux Desert Tribe if the authorizing legislation is approved prior to submission of the fiscal year 1990 budget. None of the funds provided for contract support are to be used for contract monitoring.

With respect to funding provided for welfare assistance grants, the managers reiterate that the Bureau should not make any changes with regard to the income disregard for per capita payments until Congress has reviewed the issue and acted on proposed legislation. It is the expectation of the managers that the Bureau will continue the provision of institutional care services in Arizona at the level presently provided, pending implementation of the Arizona Health Care Cost Containment System. The managers do not recommend any earmarks within the total level of funding provided for self-determination grants, including the $280,000 proposed to be earmarked by the Senate for a microwave digital telephone system for the Havasupai Tribe, AZ. However, the managers direct the Bureau to work with the tribe to identify other needs in the fiscal year 1990 budget or through a fiscal year 1989 reprogramming that the Bureau could appropriately fund, in order to free up non-Federal tribal resources which could be used for this purpose. With respect to the Tohono O'Odham tribal court, the managers concur with the Senate language regarding future funding for the court, but only if the Tribe establishes funding for the court within its Indian Priority System base. The managers expect the Office of the Secretary to consult and work with the tribes in preparing to take over the function of indirect cost negotiations beginning in fiscal year 1990. The managers agree that none of the business development grant funds or road maintenance funds are earmarked.

The decrease of $564,000 for wildlife and parks from the House level consists of increases of $100,000 for the Leech Lake hatchery, $100,000 for grants to Montana tribes, and $120,000 for the Navajo heritage program; and decreases of $50,000 for tribal fish hatchery maintenance, $250,000 for Chippewa Ottawa Treaty Fishery Management Authority, $330,000 to the amount transferred from the tribe/agency line (so the amount becomes $11,410,000), and $254,000 for transfer of the Quinault NFH to the Fish and Wildlife Service.

The minerals and mining funding includes $250,000 for the Council of Energy Resource Tribes. There is also $75,000 for a gold mining feasibility study, Fort Belknap reservation.

The decrease of $70,000 in natural resources—tribe/agency operations from the House level consists of an increase of $330,000 to the amount transferred to wildlife and parks, and decreases of $250,000 for Passamaquoddy forest development, $100,000 to Leech Lake hatchery, and $50,000 to Umatilla fisheries.

The total decrease of $500,000 for Geographic Information Systems consists of reductions of $100,000 for GIS coordinators, $100,000 for software development/acquisition, $200,000 for technical specialists, $50,000 for increased map digitizing, and $50,000 for hardware and peripherals.

The managers direct the Department of the Interior to negotiate a new lake-wide management agreement for Lake Roosevelt and to report back to the Appropriations Committees on the progress made in completing that agreement by January 31, 1989.

Within water resources funds, there is $387,000 for the Confederated Salish and Kootenai Tribes of the Flathead reservation, $190,000 for the Seminole Tribe's water office, and $315,000 for the Navajo Nation.

The total decrease of $1,950,000 to automated data processing consists of $700,000 in maintenance, $100,000 in software, $200,000 in central management, $100,000 to the task force, $750,000 to field offices and $100,000 to the Detroit Office. None of the funds are to be used for the operation of an office in Detroit.

With regard to the funds under trust responsibilities for the Little Colorado River Basin water rights adjudication, $50,000 each should be provided to the Hopi and Navajo tribes to cover the cost of historical studies and engineering work being undertaken by the tribes with the approval of the Bureau. The Bureau should also work with the Yakima tribe to see that its needs are addressed with regard to their ground water study.

Amendment No. 55: Provides $71,004,000 for scholarships and Johnson-O'Malley educational assistance as proposed by the House instead of $68,564,000 as proposed by the Senate.

Amendment No. 56: Provides that $250,000 of appropriated funds will be available for cyclical maintenance of tribally-owned hatcheries, instead of $300,000 as proposed by the House, and deletes Senate language which would have provided for the maintenance from savings from hatcheries transferred to the Fish and Wildlife Service.

Amendment No. 57: Provides $230,000 for a grant to the Close Up Foundation as proposed by the Senate instead of $120,000 as proposed by the House.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Cow Creek Band of Umpqua Tribe of Indians Recognition Act.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert: *: Provided further, That notwithstanding any other provision of law, the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the basis of the formula recommended by the Assistant Secretary—Indian Affairs in a letter to the Commitees on Appropriations dated June 27, 1988, except that for the fiscal year ending September 30, 1989 the minimum weight factor shall be 1.1 rather than 1.3 and for the fiscal year ending September 30, 1990 the minimum weight factor shall be 1.2 rather than 1.3*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This provision provides for the phased-in implementation over a three-year period of a new formula for the distribution of Johnson-O'Malley educational assistance funds.

Amendment No. 60: Deletes language proposed by the Senate which would have amended legislation to change the distribution of income derived from the interest in the Chilocco School Reserve lands in Oklahoma.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the Hosue will offer a motion to recede and concur in the amendment of the Senate which authorizes the payment of general assistance funds for dependent children of Job Corps participants in Arizona at the full State AFDC A-2 grant level.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that not to exceed $700,000 remaining available under the authority of Public Law 93-530 shall be transferred to the San Carlos Apache Tribe for economic development purposes, and that the Federal Government shall have no further obligation to appropriate funds for the purposes identified in Public Law 93-530.

CONSTRUCTION

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $79,283,000 for construction instead of $79,136,000 as proposed by the House and $78,513,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House consists of increases of $790,000 for Turtle Mountain Middle School, ND, and $29,000 to restore the reduction made by the House for two less paid days; and decreases of $372,000 for the Red Cliff Chippewa hatchery, and $300,000 for the Milk River, MT irrigation project.

The managers have agreed to provide $790,000 in additional funds for the Turtle Mountain Middle School. The cost of the specific items to be included in the project with these funds may be subject to change due to renegotiation of the original bid estimates.

No specific funds have been provided for planning and design of the Pine Ridge, SD high school. However, the managers recognize this facility has been ranked high on the new construction priority list, and that planning and design funds will be made available for the project in order of its ranking.

Amendment No. 64: Provides $1,100,000 for rehabilitation of tribally-owned fish hatcheries as proposed by the House instead of $1,500,000 as proposed by the Senate.

Amendment No. 65: Deletes language proposed by the Senate which would have transferred $332,000 to the Institute of American Indian and Alaskan Native Culture and Arts Development for renovation of a building and relocation of museum collections.

Amendment No. 66: Deletes lanugage proposed by the Senate which would have transferred $34,000 from Northern Cheyenne irrigation construction unobligated balances to the Dull Knife Memorial College.

MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 67: Appropriates $13,952,000 for miscellaneous payments to Indians as proposed by the House instead of $13,955,000 as proposed by the Senate.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 68: Appropriates $92,767,000 for administration of territories instead of $82,397,000 as proposed by the House and $96,087,000 as proposed by the Senate. The increase over the amount proposed by the House consists of increases of $500,000 for Virgin Islands water improvements, $10,000,000 for a grant to the Northern Mariana Islands for the Saipan Harbor project and $170,000 for the grant to the Close Up Foundation; and a decrease of $300,000 for American Samoa hospital improvements.

The Government of the Northern Mariana Islands is to provide the balance of funding for both the onshore and offshore portions of the Saipan Harbor project. The managers expect the Northern Marianas government, with the assistance of the Army Corps of Engineers, to develop a plan to coordinate the management of construction for the harbor development. This plan shall provide for coordination and cooperation between all parties directly involved in design and construction so that savings anticipated from concurrent construction of the onshore and offshore components of the harbor development will be realized. The plan may require the two components to be combined and contracted as one project, if that is decided to be the best approach. The managers expect the Department of the Interior to cooperate in the implementation of the plan as developed by the Northern Marianas government with the assistance of the Army Corps of Engineers.

The funds included in the appropriation for the Ordot landfill in Guam shall not be made available until a system of user fees for the landfill is in place.

The funds for hospital improvements in American Samoa are to be made available only upon creation and implementation of an independent hospital authority, which shall in its charter of origin possess the authority to establish its own fee schedule for reasonable cost recovery.

The funds provided for drug enforcement in the Virgin Islands shall be spent consistent with the agenda finally approved by the National Drug Policy Board.

Funding is not included at this time for additional improvements to the fuel tank farm in American Samoa. The managers remain concerned, however, about safety conditions at the tank farm which have resulted from the failure to properly maintain the facility. Accordingly, the managers request that the Department of the Interior Office of Territorial and International Affairs, in cooperation with the American Samoa Government, submit a report to the Appropriations Committees by March 1, 1989, outlining options and making recommendations for a permanent solution to the deteriorating conditions at the tank farm, including a funding mechanism for that solution. The managers request that the report include, but not necessarily be limited to, the following options: a firm financial commitment by the American Samoa Government to meet its obligations as owner of the tank farm to make capital improvements necessary to bring it into compliance with applicable safety and environmental standards; transfer of ownership of the tank farm to a Federal government agency; and, domestic privatization of the tank farm. The report should also include an up-to-date appraisal of the value of the tank farm and the property on which it is located; and a status report on relocation efforts on behalf of Gataivai Village residents.

Amendment No. 69: Provides $89,741,000 to remain available until expended instead of $79,371,000 as proposed by the House and $93,041,000 as proposed by the Senate.

Amendment No. 70: Provides $3,026,000 for salaries and expenses as proposed by the House instead of $3,046,000 as proposed by the Senate.

Amendment No. 71: Restores the word "those" stricken by the Senate, and deletes the word "the" inserted by the Senate. These words are related to the Agreement of the Special Representatives on Future

United States Financial Assistance for the Northern Mariana Islands.

Amendment No. 72: Restores language stricken by the Senate which provides that covenant grant funding is provided according to those terms of the agreement between the United States and the Northern Marianas which were approved by P.L. 99-396. The managers understand that there is disagreement concerning this language and suggest that the authorizing committees work together to resolve the disagreement.

Amendment No. 73: Provides $710,000 for a grant to the Close Up Foundation as proposed by the Senate instead of $540,000 as proposed by the House.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 74: Appropriates $28,434,000 as proposed by the House instead of $18,287,000 as proposed by the Senate.

Amendment No. 75: Restores language stricken by the Senate which provides $10,304,000 for payment of claims pursuant to the Micronesian Claims Act of 1971.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that unobligated balances that remain available when the Palau Compact is implemented shall be used to reduce the Trust Territory deficit.

COMPACT OF FREE ASSOCIATION

Amendment No. 77: Appropriates $32,360,000 for Compact of Free Association isntead of $36,160,000 as proposed by the House and $30,360,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of an increase of $200,000 to the general reduction to Federal services assistance, and a decrease of $4,000,000 in Federal disaster aid reimbursement funds. This reduction is possible because the Federal Emergency Management Agency (FEMA) has been providing disaster aid to the freely associated States (FAS) out of the disaster assistance fund without reimbursement. This action is not intended in any way to disrupt the provision of disaster assistance to the FAS, and pursuant to the Compact, FEMA is to continue to provide such assistance as necessary.

With regard to the $1,000,000 provided for the causeway project to link Ebeye and Gugeegue, the Kwajalein Atoll Development Authority (KADA) is expected to use the funds it receives annually under the Compact to cover the remaining costs of the project. The managers also expect that KADA and the Army will cooperate to use project funds available to each most efficiently, and request that KADA, in cooperation with the Army, submit a report to the Appropriations Committees on the steps taken to coordinate these projects prior to the award of any contracts.

Amendment No. 78: Restores House language stricken by the Senate which provides $2,500,000 for the Enjebi Community Trust Fund. This is the last increment of the $10,000,000 trust fund authorized by the Compact.

Amendment No. 79: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 80: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 81: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the deposit of $90,000,000 into the Resettlement Trust Fund for the People of Bikini in installments, beginning with $5,000,000 in fiscal year 1989.

The managers on the part of the House concur with the Senate report language on the Bikini resettlement in lieu of the House report language, and agree that this language reflects Congressional intent regarding this provision.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for modification of the terms of the Bikini Resettlement Trust Fund.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for eventual extinguishment of the Bikini Resettlement Trust Fund, and that payment of funds in accordance with this language is for the sole purpose of implementing and fulfilling the terms of the Section 177 Agreement referred to in the Compact of Free Association.

Office of the Secretary

Amendment No. 85: Appropriates $49,067,000 for the Office of the Secretary instead of $49,580,000 as proposed by the House and $48,809,000 as proposed by the Senate.

The net decrease to the House position includes reductions of $30,000 in the Office of the Assistant Secretary, Policy, Budget and Administration, $33,000 in acquisition and property management, $50,000 in financial management and $400,000 in the amount provided for restoration of the historic characteristics of the Interior building.

Within the amount provided is $75,000 to provide for the transition of indirect cost negotiation from the Inspector General to the Office of the Secretary.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That the National Park Service shall reissue a Notice of Proposed Rulemaking on the mandatory use of seatbelts while traveling on National Park Service roads within 30 days after the date of enactment of this Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides for a Notice of Proposed Rulemaking on seatbelt use on National Park Service roads instead of withholding 5 per centum of Office of the Secretary funds until final rules are issued. The Park Service should take special measures to solicit comments on proposed rules from appropriate State and Federal highway safety agencies as well as other interested health and safety organizations.

Amendment No. 87: Appropriates $18,749,000 for the Office of the Inspector General instead of $18,858,000 as proposed by the House and $18,649,000 as proposed by the Senate.

The decrease to the amount proposed by the House includes decreases of $55,000 because of an overestimate of GSA space costs and $54,000 for overestimated pay cost annualization.

General Provisions, Department of the Interior

Amendment No. 88: Limits consultant services to $500,000 as proposed by the House instead of $810,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as follows: *Sec. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley: Provided, That no funds made available by this or any other Act shall be expended to exchange lands located within the boundaries of the Lake Mead National Recreation Area in Nevada in township 32 south, range 22 west, Mount Diablo Meridian.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores House language which prohibits changing the name of Mount McKinley and includes Senate language which prevents an exchange within the boundaries of the Lake Mead NRA, NV.

Amendment No. 90: Deletes Senate language which prevents any exchange of lands located within the boundaries of the Lake Mead National Recreation Area in Nevada in township 32 south, range 22 west, Mount Diablo Meridian. This item is addressed in Amendment No. 89.

Amendment No. 91: Deletes language proposed by the House which amends section 5 of the Outer Continental Shelf Lands Act by adding a new subsection which requires that any new construction of vessels, rigs, platforms or other structures be built from articles, materials, or supplies at least 50 percent of which, by cost, shall have been mined, produced or manufactured in the United States.

The managers agree to delete language requiring 50 percent domestic construction and content for any new construction of vessels, rigs, platforms and other structures used in the Outer Continental Shelf. The managers recognize that the design and manufacture of equipment used in the exploration and production of America's offshore oil resources is an important strategic American industry and the managers will continue to closely monitor developments in this area to assure that the industry remains a viable one. As such, the managers again urge the oil and gas industry, in every reasonable instance, to contract with U.S. manufacturers and fabricators for oil drilling and production equipment. Absent progress in this area there may be a need to include language such as the "Buy-Build America" provision.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Sec. 113. Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the approval of permits for the acquisition of geologic and geophysical data* *in Outer Continental Shelf areas, except that exploratory drilling shall not be permitted by this provision in lands within the Eastern Gulf of Mexico Planning Area which lie south of 26 degrees North latitude and east of 86 degrees West longitude and for areas identified as the Northern California Planning Area and the Georges Bank-North Atlantic Planning Area out to 400 meters.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have permitted some geological and geophysical activity, including high energy seismic surveys, in areas which are under moratoria. The managers agree that exploratory drilling activities are still prohibited in areas under moratoria.

The managers expect MMS to continue conflict resolution when permits for high energy seismic surveys are requested. In addition, the managers anticipate that when the results of environmental studies currently underway on the effects of geologic and geophysical studies are completed, the MMS will report to the Committees on Appropriations on the need for the development of a new Environmental Assessment or Environmental Impact Study on seismic surveys.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Sec. 114. Notwithstanding any other provision of law, and subject to valid existing rights, the Secretary of the Interior shall transfer to the Housing Authority, Clark County, Nevada, without consideration, all rights, title, and interest of the United States, in and to the land described as township 21 south, range 60 east, Mount Diablo Meridian, section 24, north half of southwest quarter, Clark County, Nevada, for use only as a mobile home park for low income senior citizens, reserving to the United States all minerals under applicable law and such regulations as the Secretary of the Interior may prescribe, and as required by the Act of August 30, 1980 (43 U.S.C. 945), a right-of-way thereon for ditches or canals constructed by the authority of the United States: Provided, That if such land ceases to be used as a mobile home park for low income senior citizens, all rights, title, and interest in and to such land shall revert to the United States.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The agreement clarifies the Senate amendment which transfers land to Clark County, Nevada for use as a mobile home park for low income senior citizens by specifying the rights retained by the United States in the land transfer and providing for reversion of the land to the United States if the land ceases to be used for a low income senior citizens' mobile home park.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Compact of Free Association Act to provide for supplemental food assistance to Rongelap and Utrik.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes a guaranteed loan to the Government of Guam for water system improvements.

Amendment No. 96: Deletes language proposed by the Senate which reduces object classes 21, 25, 26 and 31 by 2 per centum and directs the Minerals Management Service toward leases consistent with bid review procedures for Outer Continental Shelf Lease Sale 92 in October 1988.

Amendment No. 97: Deletes language proposed by the Senate which would have provided that funds received by the Government of Guam in excess of the 30 percent limitation for reasonable development costs contained in P.L. 98-454 would be used for the development of port facilities, subject to the prior approval of the Secretary of the Interior.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *Sec. 117. Within currently available funds, the Secretary of the Interior is directed immediately to appoint and compensate an independent third party factfinder mutually agreed upon by the Secretary and the Governor of Louisiana, to make all appropriate factual findings relating to past drainage on State and Federal leases occurring along the boundary of the State of Louisiana and Federal waters. Such factual findings shall include:*

(a) whether drainage of either United States or State hydrocarbons has occurred during the time period starting April 7, 1986, and ending on the date the factfinding proceeding is completed;

(b) the areas or reservoirs from which the drainage occurred;

(c) the quantity of recoverable hydrocarbons, determined on a volumetric basis, originally in place within such areas or reservoirs prior to any production therefrom;

(d) the respective percentages of such recoverable hydrocarbons within the Federal and State portions of such areas or reservoirs;

(e) the total accumulated volume of any net drainage from each area or reservoir, including the value thereof (together with a description of the method for determining such value) and all production costs incurred during that period;

(f) the net dollar impact to the United States, United States lessees, the State of Louisiana, and the State lessees that has resulted from any such drainage from each area or reservoir;

(g) the proper allocation of production from each field from all time periods starting April 7, 1986; and

(h) the proper prospective allocation of production from the field involved.

Within 180 days of the date of enactment of this Act, the third party factfinder shall submit a written report containing the factual findings to the Secretary, the Governor of Louisiana, and the Congressional Committees of jurisdiction. The Secretary shall then prepare a plan 60 days after receipt of the written report regarding options for the potential redistribution of royalty receipts, if warranted by the finding of this written report.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to require a report by an independent third party factfinder which will review drainage on all leases between the boundary of the State of Louisiana and Federal waters. The factfinder has 180 days to complete this study and submit a written report. The Secretary of the Interior is to prepare a plan for the Congressional committees of jurisdiction regarding options for the potential redistribution of royalty receipts, if warranted by the findings of this written report. This report is not intended to serve as the basis for requiring any additional payments by the Federal lessee on the West Delta Field as a result of past production from that field.

Amendment No. 99: Deletes language proposed by the Senate regarding a study to determine a site for a National Fisheries Research Center.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 100: Appropriates $137,867,000 for forest research instead of $139,865,000 as proposed by the House and $312,599,000 as proposed by the Senate. The net decrease from the amount proposed by the House consists of increases of $85,000 for hardwood supply research, Princeton, WV, $160,000 for southern pine genetics, Gulfport, MS, $201,000 for hardwood research, Parsons, WV, $300,000 for hydrologic evaluation, Oxford, MS, $102,000 for acidification research, Parsons, WV, $375,000 for anadromous fish, Boise, ID, $190,000 for processing research, Pineville, LA, $42,000 for harvesting research, Morgantown, WV, $78,000 for hardwood utilization research, Princeton, WV, and $650,000 for the hardwood bridge initiative; and decreases of $54,000 for urban-wildland interface, Riverside, CA, $161,000 for multiple-use evaluations, Fort Collins, CO, $125,000 for non-point-source pollution, Boise, ID, $131,000 for second growth Douglas fir research, Portland, OR, $601,000 at Madison, WI (including $219,000 for biological wood pulping, $167,000 for design procedures, $107,000 for light-frame construction, and $108,000 for wood strength properties) $109,000 for wood-coal combustion, Carbondale, IL, and $3,000,000 for competitive grants.

The managers agree that the Department of Agriculture should include the forest research competitive grants program within the Cooperative State Research Service competitive grants program beginning in fiscal year 1990. The recommended level includes $1,350,000 to support the Advanced Hardwood Processing and Technical Resource Center at Princeton, WV. This allowance continues the 1988 earmark of $50,000 for a cooperative agreement with West Virginia University.

The recommended level includes $1,050,000 for FIR/COPE research.

The recommendation also includes $200,000 for planning a nationwide study of the effects of forest fire smoke on firefighters under the auspices of the National Wildlife Coordinating Group, with the participation of Johns Hopkins University.

Amendment No. 101: Deletes House language which would have provided $3,000,000 for competitive grants, as proposed by the Senate.

Amendment No. 102: Deletes language proposed by the Senate which would have earmarked $637,000 for research at Lincoln, NE. The recommended level includes $643,000 for research at Lincoln, NE.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

The Secretary is directed to convey by quitclaim deed, without a requirement for reimbursement, all right, title, and interest of the United States in and to all improvements (1) situated on leased land as recorded in Docket 5191, pages 258-260, Maricopa County, Arizona, and (2) situated on leased land as recorded in Docket 4388, pages 452-455 and Docket 4673, pages 147-148, Maricopa County, Arizona.

The Secretary is further directed, concurrently with conveyances under this section, to relinquish, without a requirement for reimbursement, that certain lease dated October 13, 1962, as amended on May 15, 1963, and that certain related Memorandum of Understanding of like date therewith (collectively referred to herein as the "lease agreement"), which instruments cover and pertain to the real property located on the campus of Arizona State University in Tempe, Arizona: Provided, That the United States is hearby released from any and all liability arising from the future use of the facilities or lands affected by this Act: Provided further, That the Forest Service shall continue to occupy the facilities described herein, at no increased expense, until such time as replacement space which is determined to be comparable by the Forest Service is available: Provided further, That the Forest Service may not move from the facilities described herein unless the move is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language which terminates a lease and transfers title of a forestry sciences laboratory, parking area, and headhouse to Arizona State University, in order to allow the university to proceed with its plans for a new engineering center. However, until such time as comparable replacement laboratory facilities are provided to replace the existing facility, the Forest Service will continue to occupy its laboratory space at Arizona State University.

STATE AND PRIVATE FORESTRY

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $86,668,000 for State and private forestry instead of $78,143,000 as proposed by the House and $82,918,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House consists of increases of $5,600,000 for the Appalachian integrated pest management demonstration project, $75,000 for Two Forks, CO resource analysis, $2,700,000 for the hardwood timber bridge initiative, $500,000 for economic diversification studies, and $250,000 for New England timber resource analysis; and a decrease of $600,000 for a grant to Oregon for the Old Columbia River Highway.

The managers have agreed to provide a total of $3,350,000 for an initiative related to increasing the use of hardwoods in the construction of timber bridges. The initiative will be managed out of the Hardwood Timber Bridge Information Resource Center in Morgantown, West Virginia. The funding includes $650,000 funded under the Research account, including $500,000 for research and $150,000 for cooperative agreements with West Virginia University's civil engineering department, forestry school, and the Harley O. Staggers National Transportation Center; $500,000 for technical assistance and technology transfer; $200,000 for project administration; and $2,000,000 for a demonstration program for the construction of timber bridges, $1,000,000 of which shall be used in West Virginia.

The managers have agreed to review the progress of constructing the demonstration bridges. No commitment is made for additional demonstration bridges.

$250,000 is provided for a study of the timberland resources in New York, Vermont, New Hampshire and Maine, and the managers expect the States to spend an equal amount. Changes in forest land ownership in northern New England and New York are leading to increased subdivisions, development of large tracts of lands, and a loss of traditional economic and recreational uses of these lands and it has been suggested that a similar situation may occur in the State of Maine at some time in the future. Unless prompt action is taken, there may be an irreparable loss of these forest resources. Accordingly, funds have been provided for the Secretary of Agriculture, acting through the Forest Service, to conduct a study of forest lands in these four states. The study shall be completed and submitted to the Congress within one year of enactment of this Act.

The Study shall include identification and assessment of: (1) forest resources including, but not limited to, timber and other forest products, fish and wildlife, lakes and rivers, and recreation; (2) historical land ownership patterns and projected future land ownership, management, and use; (3) the likely impacts of the changes in land and resource ownership, management, and use of traditional land use patterns, including economic stability and employment, public use of private lands, natural integrity, and local culture and quality of life; and (4) alternative strategies to protect the long-term integrity and traditional uses of such lands. Specifically, the alternative conservation and management strategies shall consider a sustained flow of renewable resources in a combination which will meet the present and future needs of society, permanent public access for recreation, protection of fish and wildlife hatitat, preservation of biological diversity and critical natural areas, and new State or Federal designations.

The study shall be done in consultation with the Governors' Task Force on Northern Forest Lands, and the Secretary shall provide for public involvement including State and local governments, landowners, private organizations and the general public. This study is not intended to lead to administrative action by any agency of the Federal government, but rather to provide Congress and the affected State governments with information for possible future action.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That notwithstanding any other provision of law, a grant of $3,600,000 shall be provided to the Washington State Parks and Recreation Commission for construction of the Spokane River Centennial Trail, and a grant of $1,350,000 shall be provided to the County of Kootenai, Idaho, for construction of the Idaho Centennial Trail*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides funding for centennial trails in the States of Washington and Idaho. Funding proposed by the House for the Old Columbia River Highway in Oregon has been deferred.

NATIONAL FOREST SYSTEM

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $1,329,488,000 instead of $1,309,244,000 as proposed by the House and $1,329,018,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the Senate consists of increases of $872,000 for minerals management, including an additional $100,000 for the Tongass NF, $3,000,000 for real estate management, $13,000,000 for additional fuels treatment, $248,000 for range management, and $1,182,000 for land line location, $600,000 for cooperative law enforcement, $500,000 for road maintenance, $10,800,000 for timber sales, (including $3,300,000 for advance preparation of timber sales, $2,000,000 for non-timber support, $500,000 for the old-growth inventory, and $5,000,000 for harvest administration), $3,450,000 for wildlife and fish habitat (including decreases of $500,000 to the funds provided for an additional 100 FTE's, $500,000 to wildlife habitat improvement, $1,300,000 to inland fish habitat, $1,142,000 to anadromous fish habitat, $704,000 for the Monongahela NF, and an increase of $696,000 for repair of fire damage), and $1,470,000 for general administration, including a decrease of $925,000 for the Tongass NF.

Increases included for the Tongass are $423,000 in trail maintenance, $967,000 in recreation, $1,000,000 in wildlife and fish habitat, and $1,000,000 in soil, water and air management.

The following earmarks are included for the Monongahela NF: $382,000 for land line location, $500,000 for road maintenance, $456,000 for wildlife and fish administration, $142,000 for wildlife habitat improvement, $106,000 for inland fish habitat and $206,000 for soil, water and air management. Within the recreation program, there is $50,000 for wild and scenic river inventory, $220,000 for recreation use, $226,000 for cultural resources, and $50,000 for wilderness.

In the soil, water and air managment program, there are increases over the estimate of $2,500,000 for operations, including $500,000 for the Federal facilities compliance program, and $730,000 for fire damage costs; $4,058,000 for improvements, including $852,000 for fire damage repair; and $2,000,000 for inventories, including $108,000 for fire damage costs.

Within available funds, there is $90,000 to be provided to the National Academy of Sciences for a study of how oil and gas resources are considered in land use planning.

The managers agree that the portion of the land line location program related to the timber sales program shall be included in the timber sales support table included in the budget justification beginning in fiscal year 1990.

There is an increase of $500,000 to accelerate the ongoing old growth inventory, to include Forest Service, National Park Service, Bureau of Land Management, and State lands.

The managers expect the Forest Service to spend additional K-V funds as necessary to meet increased timber salvage-related reforestation needs.

For the challenge cost share program, the Forest Service may use up to $3,000,000 in the recreation program, $1,500,000 in the anadromous fish habitat program, and some or all of the $1,500,000 increase in wildlife habitat management. The threatened and endangered species program shall be included in the challenge cost share program. The Forest Service may use up to $500,000 in the recreation challenge cost share program for archaeological law enforcement programs in Utah, Colorado and New Mexico, comparable to the program in Arizona. Included in the anadromous fish habitat program is $450,000 for the Green Mountain and White Mountain NF's. Within the inland fisheries program, there is an additional $200,000 for fishery protection and to halt erosion on the Clearwater, Payette, and Panhandle NF's.

Within the soil, water and air program, a total of $400,000 is provided to continue water quality monitoring in the Bull Run watershed, Mount Hood NF.

The managers agree on the following regional breakdown for the 1989 timber sales program:

[In billions of board feet]

Region 1	1.138
Region 2	.371
Region 3	.400
Region 4	.400
Region 5	1.800
Region 6	4.950
(net merchantable sawtimber	4.350)
Region 8	1.324
Region 9	.753
Region 10	.319
Total	11.455

The managers agree that the Forest Service may prepare and offer up to 800 million board feet of timber in Region 9 in 1989 if there is sufficient demand, within the funding provided.

The managers intend that regular reprogramming guidelines be followed in the timber sales program.

The managers are aware that the Forest Service has proposed a reprogramming of funds needed to offer salvage sales in 1988. The source of funds which was proposed was land acquisition, which is not acceptable to the managers.

However, the managers note that the Forest Service is likely to carry over 1988 funds into 1989 because a number of Forest Service employees have been engaged in fighting forest fires during 1988. Therefore, the managers have no objection to the reprogramming of up to $2,300,000 from funds which will not be obligated in 1988 in the National Forest System account, from activities other than recreation, fish and wildlife, soil and water and trail maintenance.

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided, That appropriations in this account remaining unobligated at the end of the fiscal year 1988, both annual and two-year funds, and which would otherwise be returned to the General Fund of the Treasury, shall be merged with and made a part of the fiscal year 1989 National Forest System appropriation, and shall remain available for obligation until September 30, 1990: Provided further, That funds available for forest firefighting and emergency rehabilitation of National Forest System lands are available for liquidation of obligations made in preceding fiscal years*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to language extending the availability of unobligated fiscal year 1988 funds until September 30, 1990, and providing that funds available for firefighting are available for liquidation of obligations made in preceding fiscal years.

The managers expect the Forest Service to distribute the reductions for FERS and two less workdays among the National Forest System and Construction line items and submit an adjusted line item table to the Appropriations Committee within 30 days.

CONSTRUCTION

Amendment No. 108: Appropriates $225,518,000 for construction instead of $216,542,000 as proposed by the House and $225,997,000 as proposed by the Senate. The decrease from the amount proposed by the Senate includes increases of $925,000 for Jefferson NF, VA recreation facilities and $3,140,000 for rehabilitation of recreation facilities (for a total of $16,035,000); and decreases of $44,000 for Mount St. Helens recreation facilities and $4,500,000 for road construction (including reductions of $1,000,000 to purchaser credit/purchaser election support, $500,000 to augmentation, and $3,000,000 to timber road construction/reconstruction).

Since the Sewanee, TN research laboratory is being closed, the Forest Service may use the funds budgeted for asbestos removal for other high priority projects.

Within the trail construction program, there is a total of $620,000 for Mount St. Helens, $912,000 for fire damage repair, $718,000 for the Monongahela NF, and $480,000 for the Tongass NF.

The road construction funding includes $806,000 for payment of excess cost balances. The road construction allowance is sufficient to support a 400 million board feet timber sales program in Region 3.

The Forest Service is directed to add sufficient FTE's to oversee developed and undeveloped recreation projects in the Monongahela NF.

Amendment No. 109: Provides $33,914,000 for construction and acquisition of buildings and other facilities, instead of $35,038,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Amendment No. 110: Provides $191,604,000 for construction of forest roads and trails instead of $181,504,000 as proposed by the House and $197,541,000 as proposed by the Senate.

Amendment No. 111: Deletes language proposed by the Senate which would have provided $1,250,000 for road reconstruction for access to the Monongahela NF, WV. The State of West Virginia has not yet acted to provide the required equal match of funds for this project.

Amendment No. 112: Provides $75,000,000 as a ceiling on obligations for the construction of forest roads by timber purchasers instead of $64,000,000 as proposed by the House and $125,367,000 as proposed by the Senate.

Amendment No. 113: Restores the words "Forest Development" stricken by the Senate and deletes the word "State" inserted by the Senate. This language provides for Mount St. Helens road construction to be constructed to forest development rather than to State standards.

LAND ACQUISITION

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $63,805,000 for land acquisition instead of $41,645,000 as proposed by the House and $57,734,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acquisition management	$4,600,000
Appalachian National Scenic Trail	1,500,000
Chequamegon National Forest, WI: Chippewa flowage	1,360,000
Cibola National Forest NM: Rounds Estate	4,250,000
Columbia River Gorge National Scenic Area, OR/WA	4,300,000
Eleven Point Wild Scenic River, MO: Greer Springs	2,000,000
Flathead National Forest MT: Laudenberg	2,000,000
Green Mountain National Forest, VT	2,000,000
Lake Tahoe, CA/NV	11,000,000
Mount Baker-Snoqualmie, WA: Noisy Creek	2,500,000
Mount Rogers National Recreation Area, VA	1,000,000
Nantahala National Forest, NC: Panthertown	2,000,000
Oceola National Forest, FL: Pinhook Swamp	6,700,000
Ouachita National Forest, AR	5,900,000
Pisgah National Forest, NC: Catawba Falls	1,000,000
Red Butte Canyon Research Area, UT	160,000
San Bernardino National Forest, CA	1,000,000
Shawnee National Forest, IL	1,000,000
Siuslaw National Forest, OR: Searose	1,000,000
Spruce Knob-Seneca Rocks National Recreation Area, WV	500,000
Toiyabe National Forest, NV/CA	1,100,000
Wayne National Forest, OH	1,000,000
Wayne-Hoosier National Forest, IN	650,000
White Mountain National Forest, NH:	
Diamond International	5,250,000
Mirror Lake	435,000
Total	64,205,000

Within the amount provided for the Appalachian Trail, there is $236,000 for the Peake property.

Amendment No. 115: Provides $400,000 for acquisition of land and interests in and near the White Salmon National Recreation

River instead of $600,000 as proposed by the House.

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert the following:

Notwithstanding any other provision of law or order based thereon, if requested by the Secretary of Agriculture, the Secretary of the Interior is authorized and directed to take such actions (including but not limited to the revocation of the Shay Creek withdrawal (Mount Diablo Meridian: T. 10N., R. 19E., Sec. 24, SE ¼ NE ¼ E ½ SE ¼, and SW ¼ SE ¼) under Public Land Order 2301 and the issuance of patents) as may be necessary to consummate the exchange within the Toiyabe National Forest in California of the Shay Creek parcel for private holdings of equal value.

The following may be cited as the "New Hampshire Forest Management Initiatives Act of 1988".

SEC. 1(a). For the protection and management of the timber resources and the scenic, natural, recreation and other resource values associated with certain forest lands in the State of New Hampshire, and in cooperation with State and private entities as provided herein, the Secretary of Agriculture (hereafter "Secretary") is authorized and directed to acquire by purchase, donation, or otherwise, lands and interests therein now or formerly owned by Diamond International Corporation in the State of New Hampshire (hereafter "Diamond lands").

(b) The Diamond lands are generally depicted on maps dated July 1988 and entitled "New Hampshire Forest Initiatives", which maps are on file with the Chief, Forest Service, Washington, D.C. The Secretary may correct technical and clerical errors on any map.

(c) Acquisitions made pursuant to this Act shall be commensurate with appropriated and donated funds and shall be completed by the Secretary notwithstanding any other provision or requirement of law or condition precedent. The Secretary may exclude from acquistion such rights-of-way, easements and other outstanding rights deemed unacceptable to the Secretary, and may also exclude from acquisition any small or isolated parcels which the Secretary deems are not manageable for Federal purposes. It is the intent of Congress that these acquisitions be completed prior to October 15, 1988.

SEC. 2(a). To the extent deemed practical by the Secretary in furtherance of this Act, the Secretary shall cooperate and assist ongoing and future initiatives by State and private organizations (hereafter "cooperating entity(ies)") to acquire the Diamond lands. Cooperating entities include, but are not limited to, the Society for the Protection of New Hampshire Forests, The Nature Conservancy, and the State of New Hampshire or instrumentality therof.

(b) Any information provided by the Secretary by any cooperating entity relating to the study and acquisition of lands shall be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

SEC. 3. Subject to the availability of donated and appropriated funds, if by October 1, 1988, the Secretary or a cooperating entity has not acquired title or a land purchase option or contract to purchase the lands referenced in section 1, less any exclusions, the Secretary is directed to condemn such lands, or portions thereof, commensurate with available funds. Condemnation shall be as soon as possible after October 1, 1988, by a declaration of taking filed in accordance with the Act of February 26, 1931 (40 U.S.C. 258a, as amended). Nothing herein shall preclude filing of a condemnation action at any time if the Secretary deems further negotiations for the acquisition of the Diamond lands to be futile or if the condemnation is for the purpose of clearing title. No Congressional oversight or approval shall be required for the filing of a declaration of taking or any other aspect of the land acquisitions herein authorized, it being the intent of the Congress that the Diamond lands be acquired as soon as practicable.

SEC. 4. All lands acquired by the Secretary under authority of or pursuant to this Act shall be administered under the Weeks Act of March 1, 1911 (36 Stat. 961, as amended). For lands acquired by the United States located outside of and not contiguous to national forest boundaries existing as of the date of this Act, the primary management emphasis shall be the sustained yield of forest products consistent with the traditional uses, including public access, and conservation of other resource values. Within two years from the date lands are acquired pursuant to this Act, the Secretary shall report to Congress with recommendations for the permanent administration and disposition of such Federally-owned lands.

SEC. 5. In furtherance of the public purposes associated with the present nad future protection and management of the timber, scenic, natural, recreation and other resources of forest lands in New Hampshire, and for other similar purposes as may be authorized by Congress, the Secretary may enter into written cooperative agreements with States and their political subdivisions, and private organizations, for the study, acquisition, management and administration of forest lands. Such agreements may include provisions for limited financial assistance for such purposes.

SEC. 6. Of the amount provided herein, $5,250,000 shall be available from the Land and Water Conservation Fund, to remain available until expended, for the acquisition of lands and interests therein, and associated administrative costs.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment modifies language proposed by the Senate to reflect the cooperative nature of the endeavor among The Nature Conservancy, the State of New Hampshire, the Society for the Protection of New Hampshire and the Secretary of Agriculture. The amendment also provides for condemnation in the event that a negotiated settlement is not achieved by October 1, 1988. Management of these lands is to be consistent with traditional multiple use management of the New England forests which allows for timber harvesting, hunting, fishing and public access.

The amendment also allows a land exchange of approximately 200 acres associated with the Toiyabe National Forest.

TONGASS TIMBER SUPPLY FUND

Amendment No. 117: Appropriates $35,999,000 for the Tongass Timber Supply Fund instead of $25,264,000 as proposed by the House and $40,699,000 as proposed by the Senate. The decrease from the amount proposed by the Senate consists of decreases of $1,000,000 to timber stand improvement, and $3,700,000 to road construction/reconstruction.

For fiscal year 1989, the managers agree to a total funding level for the Tongass National Forest of $51,660,000, exclusive of purchaser road credits, trust funds, and permanent appropriations, but including National Forest System and Construction funds.

Funds for the Timber Supply Fund, the National Forest System, and Construction are allocated as shown in the table below:

[In thousands]

Tongass Timber Supply Fund:	
Research	$1,800
Timber resource planning and inventory	3,548
Timber sales preparation	2,217
Timber sales administration	3,520
Timber support	1,345
Reforestation	35
Timber stand improvement	930
Engineering support	8,334
Road construction/reconstruction	4,930
Log transfer site	1,470
Tongass plan revision	1,755
General administration	6,115
Subtotal, Tongass Timber Supply Fund	35,999
National Forest System:	
Minerals management	807
Real estate management	277
Land line location	472
Facilities maintenance	370
Fire protection	188
Cooperative law enforcement	25
Forest road maintenance	1,030
Forest trail maintenance	728
Timber sales	69
Reforestation and TSI	42
Recreation use	3,567
Wildlife and fish	3,506
Soil, water and air management	1,861
General administration	1,485
Subtotal, National Forest System	14,427
Construction:	
Road construction	165
Recreation facilities construction	429
Trail construction	640
Subtotal, Construction	1,234
Total, appropriated funds	51,660
Purchaser credit	(6,845)
Brush disposal	85
Timber salvage	133
Cooperative work—KV	2,095
Cooperative work—other	237
Subtotal	2,550
Total, Tongass National Forest	54,210

The funds provided will allow the Forest Service to prepare 300 million board feet in fiscal year 1989 and assumes a harvest level of 370 million board feet.

The managers agree that the Forest Service may use Tongass Timber Supply funds to prepare environmental reviews for up to 370 million board feet of timber volume in fiscal year 1989, to be available for sale or release in future fiscal years if market conditions warrant an increase above the fiscal year 1989 level of 300 million board feet. In the event that the Forest Service does advanced preparation work (through the environmental clearance process) on more than

300 million board feet in fiscal year 1989, the Forest Service shall submit a report to the House and Senate Committees on Appropriations, and shall explain the source and application of funds committed to such efforts.

TIMBER ROADS, PURCHASER ELECTION, FOREST SERVICE

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate rescinding $40,000,000 of unneeded timber roads purchaser election funds.

MISCELLANEOUS TRUST FUNDS

Amendment No. 119: Appropriates $90,000 for miscellaneous trust funds as proposed by the Senate instead of $30,000 as proposed by the House.

The Forest Service is requested to provide a report on actual expenditures in fiscal year 1988 in this account as soon after the end of the fiscal year as possible.

ADMINISTRATIVE PROVISIONS

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *, and for sales preparation of timber sales to replace sales lost to fire or other causes, and sales preparation activities to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides that the timber salvage sale fund may be used for sales preparation to replace sales lost to fire or sales inventory, and for design, engineering and supervision of road construction associated with the timber sales program. Such funds are not to be used for construction or reconstruction of roads.

Amendment No. 121: Provides that $47,561,000 will be made available from the timber salvage sales fund in fiscal year 1989 as proposed by the Senate, instead of $37,561,000 as proposed by the House.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That moneys received from the timber salvage sales program in fiscal year 1989 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides that receipts from the timber salvage sales program shall be considered as money received for purposes of distributing the 25 percent payments to local governments.

This is a temporary provision, which the managers have agreed to continue this year because of the unique situation caused by the extensive fires of a year ago. Salvage sales of timber burned in those fires will continue to be sold during fiscal year 1989, offsetting green sale volumes which would normally result in receipts to be shared with local governments. This action is not intended to set a precedent for any changes in the basis for calculating the local share of timber receipts in the future.

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that any funds available to the Forest Service may be used to provide nonmonetary awards of nominal value to volunteers and those who contribute in various ways to Forest Service programs.

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that annual recreation residences fee adjustments shall be phased-in on a four-year basis beginning January 1, 1989.

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the Forest Service to negotiate and enter into cooperative arrangements with States and private, non-profit organizations in the recreation and wildlife and fish challenge cost-share programs.

Amendment No. 126: Deletes House language as proposed by the Senate, which would have prohibited the Forest Service from adopting or implementing modifications to the Small Business Timber Set-Aside Program.

During fiscal year 1989, the managers urge the Department of Agriculture not to proceed with final regulations changing the Forest Service Small Business Timber Set-Aside program. The managers are aware of the controversy over the so-called "freeze" proposal advanced in May, 1987, by the Department. Because of that controversy, the managers expect the Department to withdraw this proposal and proceed to consider other options that might be available to address perceived problems in the set-aside program. The managers urge the Department to examine the possibility of constructing a small business timber set-aside program which recognizes regional differences. In conducting these studies, the Department shall assure full public participation and shall invite comments from all interested parties and segment of the industry, as well as the Small Business Administration.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Nothwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of Agriculture, to remain available until expended, all National Forest Fund timber receipts received by the Treasury during fiscal year 1988 from the harvesting of National Forest Timber in excess of $791,000,000, the 1988 National Forest Fund timber receipts contained in the President's Budget proposal for fiscal year 1989: Provided, That this estimate of 1988 receipts shall not be adjusted for the purposes of this section: Provided further, That such funds shall be made available during fiscal year 1989, and shall be in addition to any funds appropriated in this Act: Provided further, That this transaction will not affect, diminish, or otherwise alter the payments to be made in accordance with the provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): Provided further, That the funds associated with this section shall be scored in a manner consistent with the President's request for fiscal year 1989: Provided further, That funds made available to the Secretary of Agriculture pursuant to this section shall be used for the necessary expenses, including support costs of National Forest System programs as follows: 6 per centum for National Forest trail maintenance; 4 per centum for National Forest Trail construction; 20 per centum for wildlife and fish habitat management; 20 per centum for soil, water, and air management; 5 per centum for cultural resource management; 5 per centum for wilderness management; 10 per centum for reforestation; and 30 per centum for timber sales administration and management, including all timber support costs, for advanced preparation work for fiscal year 1990 and fiscal year 1991 timber sale offerings: Provided further, That not later than 30 days after the submission of the President's fiscal year 1990 budget, the Chief of the Forest Service shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this section and shall include an assessment of National Forest resource outputs to be produced in fiscal year 1989, fiscal year 1990, and subsequent years, using funds made available under this section, and a comparison of the outputs achieved in fiscal year 1989 and proposed for fiscal year 1990, with the output levels for the program areas listed described in the Forest Service resource management plans in effect at the time of the report required by this section.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included bill language directing the Secretary of the Treasury to make available to the Secretary of Agriculture timber receipts above the fiscal year 1988 receipts estimate of $791,000,000 included in the President's fiscal year 1989 budget submission. These receipts are accruing because of changes made by the Congress in the fiscal year 1988 timber sales program and the historically high timber harvest level. Bill language precludes the use of mid-session adjustments in calculating the amount to be provided to the Forest Service. These excess receipts are in addition to all funds appropriated in this Act, and shall remain available until expended.

The distribution of these funds is provided for in the bill language and recognizes the multiple use nature of National Forest System lands. The inclusion of this bill language will provide such needed funding in the non-commodity programs, as well as increasing the likelihood that the Service will have adequate volume of timber prepared to have the option to continue to offer timber sales in future years at levels comparable to recent years. The portion of these funds to be made available to the timber sales program shall be used only for advanced sales preparation for future years, and related support costs, and shall not be used for preparation, offer or harvest administration of timber sales in fiscal year 1989. The managers do not intend the 1989 timber sales program to differ significantly from the

11.455 billion board feet program outlined under the National forest system account.

In addition to the report required to be submitted by the Chief within 30 days after the fiscal year 1990 budget is submitted on the amount and distribution of funds provided under this amendment, a report shall be submitted as soon after the end of the fiscal year as possible detailing the actual distribution and expenditure of funds received under this provision, and the actual outputs achieved.

Amendment No. 128; Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Forest Service to make cash payments in lieu of payment through collection rights with regard to cooperative right-of-way construction and use agreements. These are the excess cost balances for which $806,000 is included in the road construction account.

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that money collected from States for fire suppression assistance shall be used to reimburse the applicable appropriation.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Of the funds available to the Forest Service, $1,500, is available to the Chief of the Forest Service for official reception and representation expenses.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment will allow the Chief of the Forest Service to use up to $1,500 within available funds for official reception and representation expenses.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901 et seq., $575,000,000 shall be made available on October 1, 1989, and shall remain available until expended: Provided, That projects selected pursuant to a general request for proposals issued pursuant to this appropriation shall demonstrate technologies capable of retrofitting or repowering existing facilities and shall be subject to all provisos contained under this head in Public Laws 99-190 and 100-202 as amended by this Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides $575,000,000 in fiscal year 1990 for a third Clean Coal Technology procurement as proposed by the Senate, and clarifies that the procurement is for retrofit and repowering technologies and is subject to the cost-sharing provisions of the previous two procurements.

The managers agree that a request for proposals should be issued by May 1, 1989, with proposals due no later than 120 days after issuance of the request for proposals, and that the Secretary of Energy should make project selections no later than 120 days after receipt of proposals.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *The first paragraph under this head in Public Law 100-202 is amended by striking "and $525,000,000 are appropriated for the fiscal year beginning October 1, 1988" and inserting "$190,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended, $135,000,000 are appropriated for the fiscal year beginning October 1, 1989, and shall remain available until expended, and $200,000,000 are appropriated for the fiscal year beginning October 1, 1990": Provided, That outlays in fiscal year 1989 resulting from the use of funds appropriated under this head in Public Law 100-202, as amended by this Act, may not exceed $15,500,000: Provided further, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment changes the availability of $525,000,000 originally made available for fiscal year 1989 in Public Law 100-202 by making $190,000,000 available in 1989, $135,000,000 available in 1990, and $200,000,000 available in 1991 and also provides an outlay ceiling in fiscal year 1989. The House had proposed $100,000,000 in fiscal year 1989, $225,000,000 in fiscal year 1990, and $200,000,000 in fiscal year 1991, and the Senate struck the House language.

Both of these changes are necessary because of budget allocation constraints, but neither action has an effect on the execution of the Clean Coal program, or on the Congress' overall support for the program, as is evidenced by additional appropriations provided for a third procurement of technologies.

The managers agree that administrative contract expenses may be incurred up to the budget level of $9,820,000, but caution that close control of such expenditures is necessary to assure that the outlay ceiling provided will be sufficient to cover project costs.

Amendment No. 133: Modifies public law citation as proposed by the Senate.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that funds borrowed by REA Electric Cooperatives from the Federal Financing Bank are eligible as cost-sharing in the clean coal technology program.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which specifies clean coal projects may proceed 30 calendar days after receipt by Congress of required reports, provided the reports are received prior to the end of the 100th Congress.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates $380,595,000 for fossil energy research and development instead of $357,361,000 as proposed by the House and $367,829,000 as proposed by the Senate. The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House consists of increases of $13,000 for UNDEMRC in oral coal preparation and analysis; $9,000 for UNDEMRC in coal gas, cleanup; $4,000 for UNDEMRC, $400,000 for three low emission, direct coal-fired turbine concept contracts, and $500,000 in supporting research, all in gas stream cleanup; $6,000 for UNDEMRC in waste management; $235,000 for WVU FBC probe research, $39,000 for UNDEMRC, $200,000 for instrumentation research, and $800,000 for bioprocessing research at INEL, all in advanced research and technology development; $1,400,000 for the Consortium for Fossil Fuel Liquefaction Science and $14,000 for UNDEMRC in advanced coal liquefaction research; $19,000 for UNDEMRC in direct liquefaction; $9,000 for UNDEMRC in atmospheric fluidized bed combustion; $2,000,000 for hot gas cleanup at the Tidd plant and $14,000 for UNDEMRC in pressurized fluidized bed combustion; $9,000 for UNDEMRC in alternative fuels utilization; $500,000 for diesel contracts and $1,000,000 for a combustion turbine test facility at METC in heat engines; $68,000 for WRI in underground coal gasification; $2,000,000 for magnetohydrodynamics; $900,000 for mild gasification mechanisms and catalysts, $300,000 for inhouse mild gasification R&D, $600,000 for membrane separation of gas/liquid mixtures and CO_2 separation, and $9,000 for UNDEMRC, all in advanced surface and coal gasification research; $400,000 to modify METC facilities and $350,000 for a study comparing costs and performance of first and second generation IGCC systems in power production surface gasification technologies; $450,000 to modify a METC reactor and $5,000,000 for four contracts in mild gasification; $39,000 for UNDEMRC in synthesis gas surface gasification technology; $13,000 for UNDEMRC and $800,000 for advanced exploratory research in advanced process technology; $800,000 for reservoir characterization, $600,000 for microbial and other novel processes, $600,000 for a pilot venture in oil mining, and $1,000,000 for assessments of the economics of producing unrecovered oil, all in enhanced light oil recovery; $59,000 for WRI, $750,000 for eastern research and $750,000 for western research in tar sands as described in the Senate report; $1,000,000 for INEL in heavy and light oil for integration of advanced reservoir monitoring and multiphase flow research; $200,000 for WRI and $3,000,000 for hot solids retorting in oil shale; $1,000,000 for verification of production at wells of opportunity, including multiple strata completions in eastern gas shales, $250,000 for assessments in Southern West Virginia, $500,000 for analysis and modeling in western tight sands, $500,000 for deep gas, and $400,000 for liquids from gas, all in unconventional gas recovery; $4,500,000 for continued construction of an administrative wing at METC; and $9,000,000 for ongoing construction at the National Research Center for Coal and Energy at WVU; and decreases of $400,000 for acid rain procurements in coal preparation and analysis; $2,100,000 for acid rain procurements and $500,000 for advanced separations in flue gas cleanup; $800,000 for an integrated PDU for particle testing in gas stream cleanup; $595,000 for solids transport in advanced research and technology development; $300,000 for base funding in advanced coal liquefaction research; $400,000 for generic process research in indirect liquefaction; $500,000 for coal liquefaction support studies; $400,000 for beneficiated coals in advanced combustion research; $30,000 for special applications in atmospheric fluidized bed combustion; $500,000 in advanced combustion technology; $800,000 for fuel characterization in alternative fuels utilization; $500,000 for phosphoric acid fuel cells; $200,000 for post-burn analysis at the Rocky Mountain I site in underground coal gasification; $1,750,000 in base funding in advanced surface coal gasification research; $5,000,000 for geosciences; $1,000,000 for general research in oil shale; $500,000 for slant drilling in eastern gas shales, $500,000 in slant drilling in western tight sands, and $500,000 for the cost-shared secondary gas recovery program, all in unconventional gas recovery; and $2,500,000 for renovation of PETC facilities.

The managers agree that:

(1) Funds for the integrated PDU with industry for particle testing in gas stream cleanup ($600,000) are for conceptual design only, and the Committees will consider additional funds only after further justification is presented and the need for this facility in addition to the Tidd test facility in PFB's is explained;

(2) the additional $500,000 in coal liquefaction support studies is for the study and plan described in the Senate report as well as for beginning to develop new base case economic evaluations;

(3) funds for advanced combustion technology should support three contractors;

(4) in mild gasification, $6,700,000 is to continue four existing contracts. All contracts shall remain at the 100 pound per hour stage except if an increase in size is financed substantially by the private sector, which the managers understand is the case with one contractor. Expansion beyond the 100 pound per hour stage and the funding therefor will be considered in conjunction with the fiscal year 1990 budget. $600,000 is allocated for product characterization and support activities;

(5) a competitive program in geosciences related to enhanced oil and gas recovery is essential. The managers have agreed to a total of approximately $18,300,000 for geosciences compared to $21,000,000 in the House-passed bill and $17,000,000 in the Senate-passed bill. The managers are aware of several consortia and combinations of universities that plan to participate actively in the Department's geoscience program and are encouraged by this response. These consortia include the Geosciences Institute in Austin, TX, and the Western Earth Sciences Technologies (WEST) consortium. The managers agree that of the geosciences funding the Department should provide at least $5,000,000 for comprehensive, openly competed, cost-shared programs, including these consortia and others;

(6) it is the managers intent that the METC administrative facilities be completed in fiscal year 1991 as planned and that renovation of the PETC facilities also be completed in that fiscal year. The managers intend to provide sufficient funding in subsequent appropriations bills to do this;

(7) up to five percent of internal (non-contract) research and development funds may be used by METC, PETC, WRI, UNDEMRC, and NIPER for capital equipment, and any such use shall be reported to the Committees quarterly;

(8) in headquarters program direction, $2,700,000 is for the small business set-aside and $2,200,000 is for support contracts. The managers agree that the Department should continue to identify separately in the budget amounts allocated from R&D accounts to technical and program management support and to minimize these amounts, especially those allocated to headquarters functions;

(9) the Department should support Argonne National Laboratory at levels equivalent to fiscal year 1988 with maximum emphasis on its core R&D program;

(10) funding for WRI ($4,658,000) and UNDEMRC ($4,300,000) may be transferred among activities without *prior* reprogramming notification;

(11) within available funds, a feasibility study on the value of a diagnostic instrumentation and analysis laboratory at Mississippi State University should be done and submitted to the Committees by March 1, 1989;

(12) specific projects or "annexes" to agreements with states and foreign countries should be reported to the Committees on a quarterly basis;

(13) transfers of funds at the "key activity" level in the budget which are below the reprogramming level of the tables in the House and Senate reports should be reported on a quarterly basis;

(14) $750,000 within available funds are for coal export-related activities so long as such activities in each case include the use of advanced technologies involving coal;

(15) from unobligated prior year appropriations $300,000 is available for analyses of the use of specific coal based technologies in developing countries;

(16) a portion of oil shale funds should be made available for the Western States Enhanced Oil Shale Recovery Program;

(17) no commitments should be made in the oil shale program that would require government support of major facility construction; and

(18) the $600,000 for oil mining is to continue the Caddo Pine Island Light Oil Mining Project, which the Department is initiating with FY 1988 pilot venture funds. It is expected that the private sector will cost share no less than 52% of this four-year project and that the Department will not start actual funding of the project until such time as the $600,000 provided in this bill and the $1,000,000 provided in FY 1988 will fund the project fully, without interruption, for the remainder of fiscal year 1989.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the second sum named in said amendment insert: *$4,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment earmarks $9,000,000 for an energy center at West Virginia University (WVU) and $4,500,000 for continued construction of a building at METC, instead of $9,000,000 for WVU and $5,500,000 for METC as proposed by the Senate.

Amendment No. 138: Provides $37,000,000 for the magnetohydrodynamics program instead of $35,000,000 as proposed by the House and $40,900,000 as proposed by the Senate.

Amendment No. 139: Establishes a 30 per centum cost-sharing requirement for the magnetohydrodynamics program as proposed by the Senate instead of 25 per centum as proposed by the House.

ENERGY CONSERVATION

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates $372,502,000 for energy conservation instead of $371,562,000 as proposed by the House and $357,019,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House consists of increases of $400,000 in windows and $150,000 in performance simulation in building systems; $400,000 for heat pumps and $400,000 for lighting equipment in technology and consumer products; $150,000 for least cost utility planning; $500,000 for automotive gas turbines and $1,000,000 for the Stirling engine in vehicle propulsion; $75,000 for the Hawaii methanol program; $250,000 for the electric vehicle site operators' task force; $100,000 for transportation technology assessment and transfer; $545,000 for State and local program direction (monitoring and National Consumer Law Center); $300,000 for electrochemical research and $400,000 for tribology in ECUT; and $3,000,000 for a facility at Brandeis University; and decreases of $300,000 for materials, and $200,000 for building retrofits in building systems; $400,000 for advanced refrigeration, $300,000 for evacuated insulation, $250,000 in combustion, and $150,000 for lighting impacts and applications in technology and consumer products; $100,000 for capital equipment in buildings; $250,000 for heat pumps, $200,000 for liquid and solid waste conversion, $100,000 for waste gas utilization, and $400,000 for National Laboratory support in waste energy reduction; $100,000 for process electrolysis, $200,000 for separations, $500,000 for coatings, and $150,000 for catalyst research in process efficiency; $400,000 for cogeneration; $100,000 for industrial implementation and deployment; $630,000 for alternative fuels utilization; $500,000 for capital equipment for materials; $300,000 for combustion, $800,000 for thermal sciences, and $100,000 for foreign technology assessment in ECUT; $200,000 for multi-sector technology and assessment; and $100,000 in multi-sector capital equipment.

The managers agree that:

(1) Building materials can include work on evacuated panels for insulation and CFC substitutes;

(2) The increase for buildings retrofit is to be used for a competitive solicitation regarding technologies applicable specifically to existing buildings;

(3) In district heating and cooling, up to $200,000 is for completion of the Scranton mine water heat recovery project;

(4) Funds provided for the automotive Stirling engine complete the Committees' commitment to support transportation and stationary applications of the so-called "Mod II" type engine and no additional funding is to be expected in future years;

(5) The buildings program should consider the applicability of research and development to low-income dwellings and encourage such research and its transfer to industry;

(6) In industrial process efficiency no less than $1,000,000 is for aluminum anode related research;

(7) The Hawaii methanol programs does not include funds for vehicle purchases;

(8) Up to $1,000,000 in ECUT materials funds may be used for chemical vapor composite deposition;

(9) The additional $200,000 in multi-sector technology assessment and transfer is for support of state and local governments and organizations involved in development of innovation technology;

(10) The $1,146,000 in prior year weatherization funds not used to offset new budget authority may be used for State and local program direction;

(11) The National Appropriate Technology Assistance Service is to continue in Butte, MT;

(12) Transfers of funds among "key activity" categories in the budget structure which are below the reprogramming level identified in Committee reports are to be reported quarterly with explanations for the transfers;

(13) In the indoor-air quality program, radon related research should be limited to that which is directly related to buildings unless supported by EPA funds; and

(14) The remaining addition of $750,000 for combustion in technology and consumer products is all for oil related research.

Amendment No. 141: Provides that $200,000,000 be earmarked for energy conservation grants to States and localities as proposed by the House instead of $197,100,000 as proposed by the Senate.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$3,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides $3,000,000 for an energy and natural resources technology development center at Brandeis University in Waltham, Massachusetts.

The managers agree that the $3,000,000 is to be applied to the design and construction of a new central science facility estimated to cost $25,750,000. The managers further agree that future appropriations will only be considered for this facility, and only up to fifty percent of the cost, or $12,375,000, including the currently agreed to sum. No Federal funds shall be applied to modify existing facilities or to purchase of computers and other major equipment.

Amendment No. 143: Deletes language proposed by the Senate that would have allowed the Secretary of Energy to use up to $5,000,000 from previously appropriated funds for the steel initiative for other steelmaking research and development without cost-sharing provisions.

The managers agree that steel research and development is very important, but believe the cost-sharing required by the steel initiative is essential in assuring that research and development is pertinent to and supported by the industry, even if the pace of the program is somewhat slower.

Amendment No. 144: Restores language proposed by the House and stricken by the Senate that allocates State conservation grant program funds in the same amounts as in fiscal year 1988 and which also specifies a $10,000,000 grant for an energy demonstration and research facility at Northwestern University.

ECONOMIC REGULATION

Amendment No. 145: Appropriates $21,372,000 for economic regulation as proposed by the Senate instead of $21,010,000 as proposed by the House.

STRATEGIC PETROLEUM RESERVE

Amendment No. 146: Appropriates $173,421,000 for the Strategic Petroleum Reserve as proposed by the House instead of $174,421,000 as proposed by the Senate.

The managers direct the Department to provide a report to the Committees by April 1, 1989 addressing the steps necessary to develop sites and facilities to expand the Reserve to one billion barrels capacity upon completion of the currently planned 750 million barrel Reserve. The report should address as a minimum potential sites, construction and acquisition costs, distribution access, and schedules for implementation.

SPR PETROLEUM ACCOUNT

Amendment No. 147: Appropriates $242,000,000 for acquisition and transportation of petroleum as proposed by the Senate instead of $333,555,000 as proposed by the House. This funding will support a fill rate of approximately 50,000 barrels a day.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $91,550,000 for acquisition and transportation of petroleum to be made available on October 1, 1989. This funding will permit prior orders for oil to be delivered in the first quarter of fiscal year 1990.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$62,856,000 of which $1,000,000 for computer operations shall remain available until September 30, 1990*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $62,856,000 for the Energy Information Administration as proposed by the House instead of $63,156,000 as proposed by the Senate, and provides that $1,000,000 for computer operations shall remain available for two years instead of until expended as proposed by the Senate and one year as proposed by the House.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $1,020,106,000 for Indian health services instead of $1,016,667,000 as proposed by the House and $1,014,536,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The difference from the amount provided by the House consists of increases of $1,000,000 for hemodialysis services for the Standing Rock and Fort Berthold tribes, $5,000,000 for the Alaska Community Health Aides program, and $1,239,000 for the Alaska village-built clinic program; and decreases of $1,800,000 for within grade increases, $500,000 for regional youth substance abuse treatment centers, $1,000,000 for the backlog of dental services, and $500,000 for the urban health program. The funding included for the urban health program includes $300,000 for the AIDS education and prevention initiative.

With regard to the directive to IHS to budget for and include new tribes funding rather than taking funds from existing programs, the managers agree that initial funding for a newly-recognized tribe may be provided from existing funds prior to submission of the next year's budget in which the new funding needs should be identified. The Klamath tribe should receive funding at least at the level they received in fiscal year 1988.

Within the funds provided for the alcoholism program, there is $100,000 for fetal alcohol syndrome (FAS) research at the University of Washington. The IHS may use up to $300,000 for a study of possible headquarters relocation. The study should include consultation with tribes, and the results should be presented to the Congress and no further action taken without specific approval of the Congress.

The managers expect the Indian Health Service to submit a report by February 1, 1989, addressing the current status of the Alaska Community Health Aide program, any remaining shortfalls, and the impacts thereof.

The IHS should provide funding and FTE's for the three additional positions for the Shoshone-Bannock Tribes during fiscal year 1989. The $360,000 in sanitation funds earmarked for the Fort Berthold tribe should be provided from sanitation facilities funds, under the facilities appropriration.

With regard to the requested report due by March 1, 1989, on the proposed eligibility regulations, an interim report in December is not required.

The IHS should include in the fiscal year 1990 and future year budget justifications a table and accompanying narrative displaying the distribution of funding within the hospital and clinic programs.

INDIAN HEALTH FACILITIES

Amendment No. 151: Appropriates $61,668,000 for Indian Health facilities instead of $64,050,000 as proposed by the House and $50,185,000 as proposed by the Senate. The decrease from the amount proposed by the House includes an increase of $314,000 for renovation of a facility to provide alcohol/substance abuse treatment in Browning, MT; and decreases of $2,646,000 for modernization and repair projects (including $701,000 for Cass Lake, MN, $491,000 for Whiteriver, AZ, $1,304,000 for Keams Canyon, AZ, and $150,000 for engineering, planning and design), and $50,000 for planning at Montezuma Creek, UT.

Within the funds provided for sanitation facilities, the following projects should be funded: $673,000 for water development, Rocky Boy reservation; $2,000,000 for water supply at the Cattaraugus Reservation of the Seneca Nation; $133,000 for Supai Village, Havasupai Tribe; $360,000 for the Fort Berthold reservation; $1,250,000 for Kotzebue, AK, to be matched equally by the State of Alaska; and $75,000 for test wells, Quileute tribe.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Indian Health Service may hold not to exceed $600,000 as a contingency for site acquisition at the Kotzebue, AK hospital.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That of funds appropriated in the fiscal year 1987 continuing resolution for the construction of detoxification facilities for Indian youth, not to exceed $600,000 shall be made available for planning and design of a youth alcohol and substance abuse treatment facility by the Inland Tribal Consortium, to be located in the State of Washington: Provided further, That the Secretary of Health and Human Services may accept ownership of the buildings offered at no cost by the Gila River Indian Tribe for use solely as the Phoenix Area Regional Youth Treatment Center for Alcohol and Substance Abuse, and may use funds appropriated to the Indian Health Service in Public Law 99-591, to renovate the buildings for that purpose*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This amendment makes available $600,000 appropriated in fiscal year 1987 for planning and design of a youth alcohol and substance abuse treatment facility by the Inland Tribal Consortium, WA. The managers expect the IHS to report to the Appropriations Committees on the results of the planning process for this facility, including the decisions of the affected tribes with respect to the location of the facility before proceeding with expenditure of the funds.

The amendment also provides authority for the Secretary to accept ownership of buildings offered by the Gila River Tribe for use as the Phoenix Area Regional Youth Treatment Center for alcohol and substance abuse, and to use previously appropriated funds to renovate the buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes "and" and inserts "or".

The effect of this and the following amendment will be to allow tribally administered facilities to retain funds received for extending health care to non-Indians at their facilities or recovered under the Federal Medical Care Recovery Act.

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes the words "available to" and inserts "retained by".

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows;

In lieu of the matter inserted by said amendment, insert the following: *, initially filed on or after December 22, 1987, whether or not such person is an Indian or Alaska Native or is served on a fee basis or under other circumstances as permitted by Federal law or regulations*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment clarifies the managers' intent with regard to changes in the Federal Tort Claims language carried in the fiscal year 1988 Act. The managers intend that Public Law 93-638 Indian health care contractors and their employees are to be covered under the Federal Tort Claims Act even when serving non-Indians, and non-Alaska Natives, as permitted or required by Federal law and regulations, pursuant to a Public Law 93-638 contract. The managers therefore direct that, upon the request of an Indian health care contractor, the Indian Health Service shall include a recitation of such laws and regulations in the Public Law 93-638 contract.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *and is further amended by adding after the word "agreement" and before the period the words "; Provided, That such employees shall be deemed to be acting within the scope of their employment in carrying out such contract or agreement when they are required, by reason of such employment, to perform medical, surgical, dental or related functions at a facility other than the facility operated pursuant to such contract or agreement, but only if such employees are not compensated for the performance of such functions by a person or entity other than such Indian tribe, tribal organization or Indian contractor"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment further clarifies the managers' intent that Federal Tort Claims Act coverage is to cover contractor employees acting within the scope of their employment, including when such employees are required to perform medical or related functions at other facilities than the facility operated pursuant to the contract, but only if no compensation from a source other than the tribe or contractor organization is received for performing such functions.

Amendment No. 158: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Secretary of Health and Human Services to undertake a demonstration employee housing project at Kayenta, AZ.

As used in this language, "Federal construction standards" means those construction standards which are applied by the IHS in the construction of all IHS staff housing. The total Federal contribution to this project will be the $200,000 Federal grant referenced in the language, and the Federal land. All work such as roads, utilities, and other site improvements will be the responsibility of the non-profit, Indian-controlled community development corporation.

Amendment No. 159: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides authorization for 170 village built clinics to be operated in Alaska.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Amendment No. 160: Includes language proposed by the Senate which references Public Law 100-297 which amends the Indian Education Act.

Amendment No. 161: Appropriates $71,553,000 for Indian education instead of $68,153,000 as proposed by the House and $72,297,000 as proposed by the Senate.

For the gifted and talented program, the managers agree to provide $500,000 to initiate a pilot program. The Department of Education is to assess the costs associated with this program as compared to programs benefitting more students, and report to the Committees on Appropriations on their findings.

Amendment No. 162: Earmarks $52,748,000 for Part A instead of $49,848,000 as proposed by the House and $53,492,000 as proposed by the Senate.

The increase over the amount proposed by the House consists of $2,900,000 which when combined with the House level provides 102 percent of the amount available in fiscal year 1988 for Local Educational Agencies with the balance of the increase going to BIA schools.

Amendment No. 163: Earmarks $15,807,000 for parts B and C as proposed by the House instead of $15,307,000 as proposed by the Senate.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Amendment No. 164: Appropriates $27,373,000 for salaries and expenses instead of $27,723,000 as proposed by the House and $26,473,000 as proposed by the Senate.

The increase over the amount proposed by the Senate consists of $300,000 for the home repair program, $350,000 for a training program on home repair, and $250,000 for the continuation of the water quality study of the Puerco River.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

CULTURE AND ARTS DEVELOPMENT

SALARIES AND EXPENSES

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$3,094,000, for payment to the Institute of American Indian and Alaska Native Culture and Arts Development to carry out the provisions of Public Law 99-498, as amended (20 U.S.C. 56, Part A)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $3,094,000 for salaries and expenses as proposed by the House instead of $2,849,000 as proposed by the Senate, and adds language clarifying that the funds are to be provided as a grant to the Institute, as authorized in P.L. 99-498, as amended.

Amendment No. 166: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Institute shall be subject to tort claims liability only to the extent a Federal agency is subject to such liability under 28 U.S.C. 171.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 167: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates

$211,240,000 for salaries and expenses instead of $209,266,000 as proposed by the House and $208,734,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House consists of increases of $2,000,000 for Museum Support Center equipment, $34,000 for the lapse rate for facilities services, and $164,000 for rent; and decreases of $176,000 for Office of Design and Construction positions and $48,000 for two less paid days.

The $2,230,000 reduction proposed by the Senate for withingrade increases has been restored, but should be used for increased costs related to health insurance premiums, upgrading guards, and the Federal Employees Retirement System.

The Smithsonian shall report to the Committees as soon as possible, but in any case prior to the fiscal year 1990 hearings, on the estimated costs and timeframe to complete the equipping of and move to the Museum Support Center.

Included within the total is $500,000 for the Smithsonian to contract with the Capital Children's Museum, to develop and implement a national educational outreach program using the experience gained from the demonstration project and exhibition, "Remember the Children". Recommendations of professional organizations, such as the American Association of Youth Museums, Council of American Jewish Museums, and Standing Professional Committees of the American Association of Museums, should be sought in developing the program.

RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 168: Appropriates $20,735,000 for restoration and renovation as proposed by the Senate instead of $20,835,000 as proposed by the House.

CONSTRUCTION

The managers agree that the reduction within this account of $1,180,000 may be taken as a general reduction rather than as specified in the House and Senate reports. The Smithsonian should report to the Appropriations Committees as soon as possible on how the reduction will be taken.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 169: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted in said amendment, insert the following: *$37,981,000, including $2,370,000 for the special exhibition program.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $37,981,000 for salaries and expenses instead of $37,831,000 as proposed by the House and $38,543,000 as proposed by the Senate, and adds language earmarking a total of $2,370,000 for the special exhibition program. The increase over the amount proposed by the House consists of $50,000 for the special exhibition program, and $100,000 from the FERS savings. These funds are to be used by the Gallery to increase its ability to recruit the best candidates available when filling guard positions.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 170: Appropriates $750,000 for repair, restoration and renovation of buildings instead of $500,000 as proposed by the House and $1,000,000 as proposed by the Senate. This reduction from the budgeted amount is not intended in any way to slow down the program, but is based solely on the fact that the expected obligation rate during fiscal year 1988 will result in a larger than estimated carryover of unobligated balances into fiscal year 1989. The managers intend to continue to fund the repair and renovation program at required and justified levels.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 171: Deletes language proposed by the Senate which would transfer unobligated balances from the salaries and expenses account into the Endowment Challenge Fund.

Amendment No. 172: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

PAYMENT TO ENDOWMENT CHALLENGE FUND

For payment to the Endowment Challenge Fund for the Woodrow Wilson International Center for Scholars $300,000, to remain available until September 30, 1990: Provided, That such sums shall be transferred only to the extent matched on a three-to-one basis by private funds.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to provide $300,000 for the Endowment Challenge Fund to continue the Center's fundraising momentum.

NATIONAL ENDOWMENT FOR THE ARTS

Amendment No. 173: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $141,890,000 for grants and administration instead of $141,800,000 as proposed by the House and $141,431,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distributions:

Arts in schools	$5,600,000
Dance	8,850,000
Design Arts	4,200,000
Expansion Arts	6,500,000
Folk Arts	3,000,000
Inter Arts	4,100,000
Literature	5,000,000
Media Arts	12,000,000
Museums	11,400,000
Music	12,200,000
Opera/Musical Theatre	4,200,000
Local program	2,500,000
Theatre	10,800,000
Visual arts	6,100,000
Advancement	1,200,000
Challenge	300,000
State program	25,500,000
Policy, Planning and research	1,000,000
Administration	17,440,000
Total	141,890,000

Amendment No. 174: Includes language as proposed by the House which prevents changes to the peer panel review process.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Amendment No. 175: Appropriates $124,300,000 for grants and administration, National Endowment for the Humanities instead of $125,000,000 as proposed by the House and $115,535,000 as proposed by the Senate.

The managers agree to the following distribution:

Media grants	$9,400,000
Museums & Historical Organizations	8,640,000
Public humanities projects	2,000,000
Humanities projects in libraries	2,800,000
Education programs	16,150,000
Fellowships and seminars	15,560,000
Research grants	16,400,000
State programs	25,000,000
Office of Preservation	12,500,000
Administration	15,850,000
Total	124,300,000

INSTITUTE OF MUSEUM SERVICES

Amendment No. 176: Appropriates $22,270,000 for grants and administration, Institute of Museum Services, instead of $22,620,000 as proposed by the House and $21,944,000 as proposed by the Senate.

The managers agree to the following distribution:

Operating support grants	$17,700,000
Conservation grants	3,200,000
Program support	250,000
Administration	1,120,000
Total	22,270,000

Amendment No. 177: Deletes language proposed by the Senate which required the Institute of Museum Services to develop a plan, by which, within three fiscal years, each State shall receive a minimum of one-half of one per centum of the grant funds available.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Amendment No. 178: Appropriates $1,778,000 for salaries and expenses instead of $1,774,000 as proposed by the House and $1,781,000 as proposed by the Senate.

The decrease to the Senate level is $3,000 for the two less paid days in fiscal year 1989.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Amendment No. 179: Appropriates $2,334,000 for salaries and expenses instead of $2,343,000 as proposed by the House and $2,311,000 as proposed by the Senate.

The net increase to the amount proposed by the Senate consists of increases of $7,000 for office space rental costs and $20,000 for temporary employees, and a reduction of $4,000 for the two less paid days in fiscal year 1989.

Amendment No. 180: Appropriates $3,175,000 for public development as proposed by the House instead of $3,095,000 as proposed by the Senate.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Amendment No. 181: Appropriates $2,244,000 for the Holocaust Memorial Council as proposed by the House instead of $2,209,000 as proposed by the Senate.

The difference from the amount proposed by the Senate consists of an increase of $35,000 to extend the demonstration project and exhibition, "Remember the Children", through fiscal year 1989.

Title III—General Provisions

Amendment No. 182: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds oil and gas to the minerals for which activities related to leasing in designated wilderness areas and wilderness study areas are prohibited.

Amendment No. 183: Deletes language proposed by the Senate which would have allowed subsurface oil and gas leases in wilderness study areas.

Amendment No. 184: Restores House language providing that employment funded in this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

The managers are aware of the TEAM program proposed by the Secretary of the Interior. The managers agree that the program should be implemented only on a voluntary basis and should not be used as a punitive measure. Further, participants in the program should be able to return to their original positions.

The managers are concerned that the Department of the Interior is undertaking significant relocations of employees in the last days of this administration. The managers agree that a more effective approach, both in terms of employee morale and cost, would be to wait until the next administration takes office before undertaking such reassignments.

Amendment Nos. 185-190. Restore House proposed section numbers changed by the Senate.

The managers have agreed to language in section 314 prohibiting challenges to Forest Service and BLM land and resource management plans solely on the basis that the plan is outdated or does not incorporate new information. However, the section is not intended to preclude case-by-case timber sale appeals in site-specific instances, and ensures that judicial review of these and other particular Forest Service and BLM activities shall be available.

Congress, in the exercise of its plenary authority over federal lands, has the power to limit the availability of judicial relief under substantive or procedural statutes affecting the management of those lands. While the managers do not endorse the ready use of this Constitutionally-derived power, they consider section 314 to be a necessary short term response to those challenges that have disrupted or have the potential to disrupt new management plans and timber management activities under existing plans while the new plans are being developed. The language in section 314 has been included to ensure the smooth transition of resource management activities and planning capability from one planning period to another, especially during the last stage of management under the existing plans. The managers note that this is particularly applicable in the current circumstances because both the Forest Service and BLM are within approximately 18 months of the completion and release of final land and resource management plans and environmental impact statements in Oregon and Washington.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 317. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves only will be done to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment restores House language stricken by the Senate and adds language allowing the removal of dead trees, except for "specimen trees" 6 feet in diameter or larger, for human safety, protection of adjacent trees, and fire hazard reduction.

Amendment No. 192: Deletes language proposed by the House which prohibited use of funds in any workplace that is not free of illegal use or possession of controlled substances. A government-wide provision is to be included in the Treasury-Postal Service Appropriations Bill.

Amendment No. 193: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *Sec. 318.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The provision requires that fiscal year 1989 pay raises for programs funded in this Act be absorbed within the levels appropriated in this Act.

The managers agree that the source of funds to be used for the pay raise is to be reported to the Appropriations Committees under the reprogramming procedures.

Amendment No. 194: Deletes language proposed by the Senate extending the period in which carbon dioxide leases may be issued in the Antone Bench area in Utah by the amount of time consumed by administrative appeal, protest, or litigation.

Amendment No. 195: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 319. Notwithstanding any other provision of law, hereafter for the purposes of section 208 of title 18, United States Code, "particular matter", as applied to employees of the Department of the Interior and the Indian Health Service, shall mean "particular matter involving specific parties".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment changes the Section number and inserts "hereafter" in the Senate proposed language to make permanent the definition of "particular matter" as it pertains to section 208 of title 18 of the United States Code for employees of the Department of the Interior and the Indian Health Service.

Amendment No. 196: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Service with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 320. Notwithstanding any other provision of law, the Final Environmental Impact Statement issued by the USDA Forest Service concerning the Silver Complex Fire Recovery Project on the Siskiyou National Forest and the Record of Decision accompanying the Environmental Impact Statement shall not be subject to judicial review, and shall be subject only to one level of administrative appeal. Existing administrative appeals and appellant's Statement of Reasons shall be immediately transferred to the Chief of the Forest Service for decision. The Chief must render his decision not later than 30 days following enactment of this Act.

Any decision of a responsible Forest Service official to undertake a specific activity, including but not limited to the preparation, advertisement and sale of timber and the preparation, advertisement and contracting for the construction of related roads within the Silver Complex Fire Recovery Area, as designated on maps dated June, 1988 and entitled "Silver Complex Fire Recovery Area", which maps are on file with the Chief, Forest Service, Washington, D.C., shall not be subject to administrative appeal or judicial review.

No funds made available to the Forest Service under this or any other Act may be expended to extend the Bald Mountain Road on the Siskiyou National Forest beyond S.W. ¼, NE. ¼, of section 21, T. 36 S., R. 10 W., W.M.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to include language limiting administrative appeals and prohibiting judicial review of the final EIS and record of decision concerning the Silver Complex Fire Recovery Project on the Siskiyou NF, OR. The managers have included this language to address a unique set of circumstances presented by the Silver Complex Fire Recovery Project, and do not intend the language to limit or restrict administrative or judicial review activities unrelated to the Silver Complex Fire Recovery Project.

The language as proposed by the Senate has been modified to remove any ambiguity that may arise with regard to the timing of the filing and rendering of decisions on administrative appeals of the final EIS. The final EIS and record of decision were issued by the Forest Service on July 8, 1988. The language provides that existing appeals must be immediately transferred to the Chief for decision, and that he must render his decision not later than 30 days following enactment of this Act.

Like the original language, the amendment retains one level of administrative appeal, and ensures that the Chief of the Forest Service will be the reviewing officer.

Amendment No. 197: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 321. To ensure adequate availability of timber from the Mapleton Ranger District of the Siuslaw National Forest until the final forest land and resource management plan pursuant to section 6 of the

Forest and Rangelands Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, as amended (16 U.S.C. 1604) is in effect, and notwithstanding the injunction issued pursuant to the judgment in National Wildlife Federation, et al. v. United States Forest Service, et al. (592 F. Supp. 931 (D. Ore. 1984) as modified by 801 F.2d 360 (9th Cir. 1986)), the Secretary of Agriculture is authorized to offer up to 90 million board feet of net merchantable timber in fiscal year 1989 in the Mapleton Ranger District of the Siuslaw National Forest pursuant to the requirements of this section and until completion of the final forest plan. For purposes only of selling timber pursuant to this section (and activities related thereto), the Secretary shall utilize the Siuslaw National Forest draft land and resource management plan and accompanying draft environmental impact statement dated Octobert 1, 1986 as if they were the final forest plan and environmental impact statement: Provided, That such statement, timber sales, roads and other associated activities, and their accompanying environmental assessments, prepared and offered pursuant to and consistent with such draft plan, for purposes only of this section, shall be treated as satisfying all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangelands Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, as amended (16 U.S.C. 1600 et seq.) and shall not be subject to administrative or judicial review for compliance with such Acts: Provided further, That nothing in this section shall affect any existing right of administrative or judicial review of such timber sales for compliance with other applicable laws: Provided further, That this provision does not in any manner represent a judgment upon the legal adequacy of the Siuslaw National Forest final plan and environmental impact statement.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The managers have modified the Senate's general provision permitting Forest Service timber sales and prohibiting judicial review of such sales on the Mapleton Ranger District of the Siuslaw National Forest. The managers agree to permit up to 90 million board feet of timber sales in fiscal year 1989. The Forest Service should base this volume on sales suggested in its preferred alternative for the Siuslaw National Forest plan, which recommeds an annual timber sale quantity of 99 million board feet. Procedurally, the draft forest plan and accompanying draft environmental impact statement will be treated, for the purposes of these timber sales only, as if they were final and in compliance with the National Environmental Policy Act and National Forest Management Act. This section does not restrict any rights to administrative and judicial review of individual timber sales for their substantive compliance with other applicable environmental laws, including the Church guidelines, the 1972 clearcutting guidelines of the Senate Subcommittee on Public Lands, Clearcutting on Federal Timberlands, Senate Committee on Interior and Insular Affairs (March 1972); nor does it represent a judgment upon the legal adequacy of the final Siuslaw National Forest plan and environmental impact statement. This language is intended to be a one-time only provision until the final forest plan and EIS are completed.

Amendment No. 198: Deletes language proposed by the Senate directing the Director of the Office of Management and Budget and Federal agency heads to comply with the specific allocations and earmarking of funds contained in the joint statement of the managers accompanying the conference report of this Act. This matter will be addressed in the Treasury-Postal Service bill.+0

Amendment No. 199: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 322. Unobligated balances remaining from the Baca Geothermal Demonstration Powerplant Project may be used to clean out the Hulin Well in the State of Louisiana.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment allows funds deobligated from the Baca Geothermal project to be used to clean out another geothermal well.

Amendment No. 200: Deletes Senate language relating to the inclusion of wildlife sale proceeds in the Alaska Native Escrow Fund.

The managers note that statutes for the benefit of Indians are always interpreted for their benefit with all doubtful expressions being resolved in the Indians' favor. Similarly, remedial statutes are broadly construed in favor of the class Congress intended to benefit.

In light of those canons of statutory construction, the managers direct the Secretary of the Interior to interpret the term "resources of land" contained in subsection (a)(1) of section (2) of P.L. 94-204 as amended by section 1411 (a) of P.L. 96-487 to include wildlife. The managers further direct him to accept the settlement offer made jointly by Tanadgusix Corporation and St. George Taniq Corporation on July 19, 1988, subject to the Secretary's evaluation of the appraisal tendered to the Department by the claimants.

No exception covering wildlife was ever intended by Congress, as is suggested by the broad terminology used in the escrow statute. This will enable the Department to settle a claim that has been pending for four years and has accrued $3,000,000 in interest while it awaits resolution.

Wildlife escrow claims are to be treated no differently than escrow claims which are already distributed based on the gross proceeds from timber or oil and gas sales on Native-selected lands. The proceeds received by the Federal government from its sale of pelts taken from Native Corporation lands shall be the measure of the principal amount placed in escrow and then distributed. Any other use made by the Federal government of these Native Corporations' lands, unrelated to the wildlife harvested on those lands, shall remain compensable, pursuant to existing Native escrow account precedent.

It is the intent of the managers that this longstanding claim be resolved no later than early FY 1989 so that the Alaska Natives who face severe economic hardship can receive the money to which they are entitled. If the Department does not certify the claim by January 1, 1989, the Secretary shall submit a report by that date to the House and Senate Committees on Appropriations explaining why this claim has not been certified and distributed.

The managers have not adopted the Senate bill language because the term "resources of land" includes wildlife. If this claim is not settled by early FY 1989, the managers shall seek to confirm legislatively their intent that the term be so interpreted.

Amendment No. 201: Deletes Senate language restricting consulting services obligations.

Amendment No. 202: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in this amendment insert: *SEC. 323.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment makes quartz a saleable mineral within the Ouachita National Forest, Arkansas.

Amendment No. 203: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

SEC. 324. The Secretary of the Interior shall not recover or recoup any portion of late payment interest paid to the United States which is paid or distributed to any State or other recipient of Federal mineral lease revenues prior to September 30, 1989, except for amounts paid in connection with royalties or other revenues subsequently determined to be not owing to the United States.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers will allow the Minerals Management Service to continue the current practice of paying late interest. The managers agree that this language does not amend any statutes and that this language is only effective for fiscal year 1989.

Amendment No. 204: Deletes language proposed by the Senate concerning the Sandinistas and Nicaragua. This issue is addressed in another bill.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1989, is defined by the Committee as follows:

As provided for by section 252(a)(1)(B)(i) of Public Law 99-177 and for the purposes of a Presidential Order issued pursuant to section 252 of said Act, the term "program, project, and activity" for items under, the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, state and other administrative units and the like, for which funds are provided in fiscal year 1989.

The Committee emphasizes that any item for which a specific dollar amounts is mentioned in an accompanying report, including all increases over the budget estimate approved by the Committee, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all non-defense accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988	$9,342,660,000
Budget estimates of new (obligational) authority, fiscal year 1989	8,864,974,000
House bill, fiscal year 1989	9,697,798,000
Senate bill, fiscal year 1989	10,091,445,000
Conference agreement, fiscal year 1989	9,891,961,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988	+549,301,000
Budget estimates of new (obligational) authority, fiscal year 1989	+1,026,987,000
House bill, fiscal year 1989	+194,163,000
Senate bill, fiscal year 1989	−199,484,000

J.P. MURTHA,
NORMAN D. DICKS,
EDWARD P. BOLAND,
LES AUCOIN,
JAMIE L. WHITTEN,
TOM BEVILL,
RALPH REGULA,
JOSEPH M. MCDADE,
BILL LOWERY,
SILVIO O. CONTE
(except 131),
SIDNEY YATES,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
ERNEST F. HOLLINGS,
HARRY M. REID,
JOHN C. STENNIS,
JAMES A. MCCLURE,
TED STEVENS,
THAD COCHRAN,
JAKE GARN,
WARREN B. RUDMAN,
LOWELL P. WEICKER, Jr.,
DON NICKLES,
MARK O. HATFIELD
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SLAUGHTER of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, on August 11.

Mr. HOLLOWAY, for 15 minutes, today.

Mrs. BENTLEY, for 60 minutes, on September 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29.

Mr. WALKER, for 60 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous matter:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STAGGERS, for 10 minutes, on August 11.

(The following Member (at the request of Mr. FROST) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SLAUGHTER of Virginia) and to include extraneous matter:)

Mr. BUECHNER.
Mr. GRADISON.
Mr. HEFLEY.
Mr. CLINGER.
Mr. CRANE.
Mr. LOWERY of California.
Mr. BROOMFIELD.
Mr. RITTER.
Mr. GALLEGLY.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. KILDEE.
Mr. KOSTMAYER.
Mr. OLIN.
Mr. MINETA.
Mr. RANGEL.
Mr. EVANS.
Mr. HAMILTON in two instances.
Mr. MORRISON of Connecticut.
Mr. ACKERMAN.
Mr. TALLON.
Mr. RODINO.
Mr. ROWLAND of Georgia.
Mr. STARK.
Mr. DORGAN of North Dakota.
Mr. BONIOR in two instances.
Mr. MILLER of California.
Mr. TRAFICANT in two instances.
Mr. LOWRY of Washington.
Mr. CARDIN.
Mr. CLAY.
Mr. MARKEY.
Mr. MCMILLEN of Maryland.
Mr. LANTOS in two instances.
Mr. FAZIO.
Mr. LIPINSKI.
Mr. MOAKLEY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1236. An act to authorize housing relocation under the Navajo-Hopi Relocation Program, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1414. An act to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents;

H.R. 4800. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes;

H.R. 4848. An act to enhance the competitiveness of American industry, and for other purposes; and

H.R. 5015. An act to provide drought assistance to agricultural producers, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following title 5:

S. 1979. An act to establish the Grays Harbor National Wildlife Refuge;

S. 2200. An act to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month;

S.J. Res. 294. Joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day;" and

S.J. Res. 350. Joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1860. An act entitled the "Federal Land Exchange Facilitation Act of 1988;"

H.R. 3932. An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; and

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

ADJOURNMENT

Mr. MCEWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, August 11, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4155. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer to Greece for defense articles estimated to cost $50 million or more (Transmittal No. 88-52), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

4156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-234, "St. Stephen and the Incarnation Protestant Episcopal Church Equitable Real Property Tax Relief Act of 1988", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

4157. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-235, "District of Columbia Savings and Loan Acquisition Amendment Act of 1988", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

4158. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of the price and availability report for the quarter ending June 30, 1988, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

4159. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance to Greece for defense articles and services estimated to cost $14 million or more (Transmittal No. 88-52), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4160. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance to Canada for defense articles and services estimated to cost $21 million (Transmittal No. 88-54), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4161. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance to Canada for defense articles and services estimated to cost $48 million (Transmittal No. 88-55), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4162. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act, the Child Nutrition Act of 1966 and other statutes; jointly, to the Committees on Education and Labor and Agriculture.

4163. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation to reduce costs in the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

4164. A letter from the Secretary, Department of the Treasury, transmitting the views of the department on H.R. 4658 and H.R. 4916; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHEAT: Committee on Rules. House Resolution 518. A resolution waiving certain points of order against the conference report on H.R. 2342 and against consideration of such conference report (Rept. 100-856). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 519. A resolution providing for the consideration of H.R. 1580, a bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes (Rept. 100-857). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 520. H.R. 5142, a bill to amend the Public Health Service Act to establish grant programs, and confidentiality protections, relating to counseling and testing with respect to acquired immune deficiency syndrome, to amend such Act with respect to research programs relating to such syndrome, and for other purposes (Rept. 100-858). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 4188. A bill to designate the building located at 445 Broadway in Albany, New York, as the "James T. Foley United States Post Office and Courthouse"; with amendments (Rept. 100-859). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 5007. A bill to designate the United States Courthouse at 620 Southwest Main Street, Portland, Oregon, as the "Gus J. Solomon United States Courthouse" (Rept. 100-860). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 521. A resolution providing for the consideration of the Omnibus Drug Initiative (Rept. 100-861). Referred to the House Calandar.

Mr. YATES: Committee of Conference. Conference report on H.R. 4867 (Rept. 100-862). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 5191. A bill to amend section 9006 of the Internal Revenue Code of 1986 to provide for funding of the Federal Election Commission from amounts designated for the Presidential election campaign fund under section 6096 of such Code; to the Committee on House Administration.

By Mr. BARNARD:

H.R. 5192. A bill to enhance the value of thrift charters and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANCASTER (for himself, Mr. Bates, Mr. Atkins, Mr. Lagomarsino, Mr. Bonior of Michigan, Mr. Harris, Mr. Weiss, Mr. Upton, Mr. Hughes, Mr. Downey of New York, Mr. Dwyer of New Jersey, Mr. Eckart, and Mr. Valentine):

H.R. 5193. A bill to require the Administrator of the Environmental Protection Agency to issue rules requiring that certain plastic articles be made of naturally degradable material; to the Committee on Energy and Commerce.

By Mr. NIELSON of Utah (for himself, Mr. Hansen, and Mr. Owens of Utah):

H.R. 5194. A bill to provide certain public and private entities with an opportunity for a waiver of the liability resulting from the sale of a medical facility with respect to which funds were received pursuant to title VI of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 5195. A bill to amend title 5, United States Code, to increase the productivity of the Government by promoting excellence in Federal career employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5196. A bill to amend title 5, United States Code, to promote excellence in Government; to the Committee on Post Office and Civil Service.

By Mr. ROBERT F. SMITH:

H.R. 5197. A bill to convey certain Oregon and California railroad grant lands in Josephine County, OR, to the Rogue Community College District; to the Committee on Interior and Insular Affairs.

By Mr. STARK:

H.R. 5198. A bill to amend title XVIII of the Social Security Act to provide civil money penalties and other remedies for certain improper referral arrangements for services provided under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. COELHO (for himself, Mr. Pashayan, and Mr. McCloskey):

H.R. 5199. A bill to make nonmailable any plant, fruit, vegetable, or other matter, the movement of which in interstate commerce has been prohibited or restricted by the Secretary of Agriculture in order to prevent the dissemination of dangerous plant diseases or pests, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Agriculture, and the Judiciary.

By Mr. SWINDALL (for himself, Mr. Mazzoli, Mr. Fish, Mr. McCollum, and Mr. Slaughter of Virginia):

H.R. 5200. A bill to amend the Immigration and Nationality Act to limit the period of detention of excludable aliens pending removal in a manner similar to that provided in the case of deportable aliens pending deportation; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 636. Joint resolution designating the week of October 2 through October 8, 1988, as "National Paralysis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. PORTER:

H.J. Res. 637. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to, and, if necessary, a resolution of, the railway labor-management dispute between the Chicago and Northwestern Transportation Co. and certain of its employees represented by the United Transportation Union; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.J. Res. 638. Joint resolution designating December 15, 1988, as "National Arab American Day"; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H. Con. Res. 351. Concurrent resolution to correct errors in the enrollment of the bill S. 328; considered and agreed to.

By Mr. STAGGERS:

H. Con. Res. 352. Concurrent resolution establishing the Ad Hoc Joint Committee on Labor Relations for the Capitol Police; jointly, to the Committees on Rules and House Administration.

By Mr. BUECHNER (for himself, Mr. MacKay, Mr. Roe, Mr. Nelson of Florida, Mr. Slaughter of Virginia, Mr. McCurdy, Mr. Waxman, Mrs. Morella, Mr. Conte, Mr. Packard, Mr. Lewis of California, Mr. Gallegly, Mr. Boehlert, Mr. Pickett, Mr. Rhodes, Mr. Harris, Mr. Flippo, Mr. Weber, Mr. Huckaby, Mr. Inhofe, Mr. Skeen, Mr. McMillen of Maryland, Mr. Perkins, Mr. Neal, Mr. Ritter, Mr. Fazio, Mr. Levine of California, Mr. Gingrich, Mr. Hayes of Louisiana, Mr. Lewis of Florida, Mr. Hutto, Mr. Bevill, and Mr. Bateman):

H. Con. Res. 353. Concurrent resolution expressing the sense of the Congress that the United States should make the space program a national priority; to the Committee on Science, Space, and Technology.

By Mr. CRANE (for himself, Mr. Armey, Mrs. Bentley, Mr. Bilirakis, Mr. Bliley, Mr. Boulter, Mr. Bunning, Mr. Burton of Indiana, Mr. Callahan, Mr. Coble, Mr. Craig, Mr. Dannemeyer, Mr. Davis of Illinois, Mr. DeLay, Mr. Dornan of California, Mr. Dreier of California, Mr. Emerson, Mr. Gingrich, Mr. Hastert, Mr. Hammerschmidt, Mr. Hansen, Mr. Hunter, Mr. Hyde, Mr. Konnyu, Mr. Leath of Texas, Mr. Mack, Mr. Parris, Mr. Robinson, Mr. Roth, Mr. Shaw, Mr. Skelton, Mr. Denny Smith, Mr. Solomon, Mr. Stump, Mr. Swindall, Mr. Traficant, Mr. Vander Jagt, Mrs. Vucanovich, and Mr. Smith of New Hampshire):

H. Con. Res. 354. Concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Canal Act of 1979; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. DORGAN of North Dakota:

H. Con. Res. 355. Concurrent resolution expressing the sense of the Congress that South Korea, Japan, and the European Economic Community have a responsibility to reduce their trade surpluses with the United States, and that the President should set a minimum target for increases in agricultural exports of the United States when negotiating trade surplus reductions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. VUCANOVICH:

H.R. 5201. A bill for the relief of Carol Y. Chasse; to the Committee on Armed Services.

H.R. 5202. A bill for the relief of Carol Y. Chasse; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 341: Mr. Dreier of California and Mr. Kemp.

H.R. 387: Mr. Beilenson, Mr. Dowdy of Mississippi, Mr. Espy, and Mr. McCurdy.

H.R. 551: Mr. Torres.

H.R. 1028: Mr. Gordon, Mr. Michel, Mr. Kyl, Mr. Shays, Mr. Penny, and Mr. Cheney.

H.R. 2456: Mr. Green, Mr. Jeffords, and Mr. Moakley.

H.R. 3112: Mrs. Meyers of Kansas, and Mr. Udall.

H.R. 3143: Mr. Downey of New York.

H.R. 3174: Mr. Gray of Illinois.

H.R. 3233: Mr. Akaka.

H.R. 3454: Mr. Clement and Mr. Jenkins.

H.R. 3478: Mr. Solarz.

H.R. 3585: Mr. Clay, Mr. Roe, Mr. Slattery, Mr. Hammerschmidt, Mr. Brown of California, Mrs. Morella, Mr. Montgomery, Mr. Grandy, Mr. Johnson of South Dakota, Mr. Gregg, Mr. Gunderson, Mr. Coble, Mr. Espy, Mr. Lagomarsino, Mr. Bereuter, Mr. Dixon, Mrs. Smith of Nebraska, Mr. Price of North Carolina, Mr. Myers of Indiana, Mr. Tallon, Mr. Clarke, and Mr. Lewis of Georgia.

H.R. 3593: Mr. Bates, Mr. Torres, Mr. Foglietta, and Mr. Ford of Tennessee.

H.R. 3620: Mr. Bevill, Mr. Quillen, Mr. Slattery, and Mrs. Saiki.

H.R. 3646: Mr. Atkins, Mr. Bates, Mr. Conte, Mr. Armey, Ms. Snowe, and Mr. Crane.

H.R. 3889: Mr. Eckart, Mr. Boehlert, Mrs. Johnson of Connecticut, Mr. Gradison, Mr. Price of North Carolina, Mr. Kennedy, and Mr. Hopkins.

H.R. 3892: Mr. DeFazio.

H.R. 4015: Mr. Clarke, Mr. Slaughter of Virginia, Mr. Wyden, and Mr. Gingrich.

H.R. 4048: Mr. Dorgan of North Dakota.

H.R. 4049: Mr. Foley, Mr. Dannemeyer, and Mr. Russo.

H.R. 4141: Mr. Nielson of Utah and Mr. Lipinski.

H.R. 4270: Mr. Wheat.

H.R. 4277: Mr. Badham and Mr. Sharp.

H.R. 4400: Mr. Packard.

H.R. 4420: Mr. Gordon.

H.R. 4426: Mr. Borski.

H.R. 4455: Mr. Towns.

H.R. 4530: Mr. Frost and Mr. Weiss.

H.R. 4606: Mr. Fazio, Mr. Panetta, and Mr. Packard.

H.R. 4609: Mr. DeFazio and Mr. Kildee.

H.R. 4793: Mr. Gibbons, Mr. Mineta, Mr. Levin of Michigan, Mr. Lehman of Florida, Mr. Bates, Mr. Badham, and Miss Schneider.

H.R. 4803: Mr. Penny.

H.R. 4880: Mr. Bartlett, Mr. McCrery, Mr. Smith of Texas, Mr. Bateman, Mr. Holloway, Mr. Kolbe, Mr. Edwards of Oklahoma, Mr. Parris, Mr. Fawell, Mrs. Bentley, Mr. Lott, Mr. Upton, Mr. Sundquist, Mr. Tauke, Mr. Crane, and Mr. Myers of Indiana.

H.R. 4902: Mr. Vento and Mrs. Byron.

H.R. 4924: Mr. Lagomarsino, Mrs. Saiki, and Mrs. Meyers of Kansas.

H.R. 4932: Mr. Traficant.

H.R. 4940: Mr. Leland, Mr. Robinson, Mr. Staggers, Mr. Levin of Michigan, Mr. Traxler, and Ms. Pelosi.

H.R. 4963: Mr. Penny.

H.R. 4964: Mr. Penny.

H.R. 4965: Mr. Penny.

H.R. 4966: Mr. Penny.

H.R. 5042: Mr. Lott.

H.R. 5068: Mr. Conyers, Mr. Murphy, and Mr. Jontz.

H.R. 5081: Mr. Manton, Mr. Carper, Mr. Roe, Mr. Fascell, Mr. Wolpe, Mr. Morrison of Connecticut, Mrs. Martin of Illinois, Mr. Clement, Mr. Courter, Mr. Foglietta, Mr. Atkins, Mr. Smith of New Jersey, Mr. Weldon, Mr. Florio, Mr. Jontz, Mr. Levine of California, and Mr. Lewis of Georgia.

H.J. Res. 330: Mr. Saxton, Mr. Lewis of California, Mr. Panetta, Mr. Lipinski, Mr. Badham, Mr. Gallo, and Mr. Murphy.

H.J. Res. 370: Mr. Williams, Mr. Owens of New York, Mr. Weiss, and Mr. Torricelli.

H.J. Res. 489: Mr. Weber, Mrs. Martin of Illinois, Mr. Livingston, Mr. McDade, Mr. Garcia, Mr. Crane, Mr. Jontz, Mr. Montgomery, and Mr. Hastert.

H.J. Res. 540: Mr. Smith of New Jersey, Mr. Miller of California, Mr. Gekas, Mr. Torres, Mr. Chappell, Mr. Grant, Mr. Broomfield, Mr. Bateman, Mr. Carr, Mr. Conte, Mr. Dicks, Mr. Lipinski, Mr. Yatron, Mr. Gregg, Mr. Olin, Mr. Lehman of Florida, Mr. Hubbard, Mr. Volkmer, Mr. Conyers, Ms. Kaptur, Mr. Valentine, Mr. Rahall, Mr. Hammerschmidt, Mr. Ray, Mr. Hayes of Illinois, Ms. Oakar, Mr. Neal, Mr. Gallo, Mr. Owens of Utah, Mr. Fascell, Mr. Jeffords, Mr. Darden, Mr. Annunzio, Mr. Mazzoli, Mr. Shaw, Mr. Thomas of California, Mr. Vander Jagt, and Mr. Wortley.

H.J. Res. 554: Mr. Miller of Washington, Mr. Oberstar, Mr. Weiss, and Mr. Thomas A. Luken.

H.J. Res. 564: Mr. Foglietta, Mr. Foley, Mr. McDade, Mr. Crockett, Mr. Martin of New York, and Mr. de la Garza.

H.J. Res. 570: Mr. Murtha, Mr. Rinaldo, Mr. Murphy, Mr. Rowland of Georgia, Mr. Smith of New Hampshire, Mr. Solarz, Mr. Johnson of South Dakota, Mr. Markey, Mr. Wolf, Mr. Richardson, Mr. Mazzoli, Mr. Pickle, Mr. Sawyer, Mr. Boulter, Mr. Lehman, of Florida, Mr. Brown of California, Mr. Montgomery, and Mr. Gordon.

H.J. Res. 571: Mr. Young of Florida, Mr. Wise, Mr. Thomas A. Luken, Mr. Cheney, and Mr. Crane.

H.J. Res. 572: Mr. Dorgan of North Dakota, Mr. Martinez, Mr. Young of Florida, Mr. Mineta, Mrs. Kennelly, Mr. Jeffords, Mr. Boland, Mr. Nichols, Mr. Torres, Mr. Ray, Mr. MacKay, Mr. Murphy, Mr. Rodino, Mr. Natcher, Mr. Waxman, Mr. Traxler, Mr. Bilirakis, Mr. Sharp, Mr. Blaz, Mr. Sunia, Mr. Pashayan, Mr. Lehman of California, Mr. Hopkins, Mr. Porter, Mr. DioGuardi, Mr. Solomon, and Mr. Grandy.

H.J. Res. 581: Mrs. Byron, Mr. DioGuardi, Mr. Lungren, Mr. Rogers, Mr. Skeen, Mr. Price of North Carolina, and Mr. Cheney.

H.J. Res. 608: Mr. Stump, Ms. Oakar, Mr. Leach of Iowa, Mr. Synar, Mr. de Lugo, Mr. Taylor, Mr. Lagomarsino, Mr. Saxton, Mr. Swindall, Mr. Fauntroy, Mr. Green, Mr. Markey, Mr. McCollum, Mr. Florio, Mr. Gallo, Mr. Solomon, Mr. Coleman of Texas, Mr. Owens of Utah, Mr. Goodling, Mrs. Bentley, Mr. Ackerman, Mr. Mack, Mr. Fawell, Mr. Bliley, Mr. Smith of Texas, Mr. Russo, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. McEwen, Mr. Kasich, Mr. Robinson, Mr. Frenzel, Mr. Gray of Illinois, Mr. Hansen, Mr. Henry, Mr. Hunter, Mr. Hyde, Mr. Ireland, Mr. Lipinski, Mr. Sundquist, Mr. McDade, Mr. Mazzoli, Mr. Miller of Ohio, Mr. Molinari, Mr. Murphy, Mr. Kleczka, Mr. Bevill, Ms. Kaptur, Mr. Hawkins, Mr. Frost, Mr. Schaefer, Mr. Lewis of Florida, Mr. McGrath, Mr. Smith of New Jersey, Mr. Boland, Mr. Roe, Mr. Borski, Mr. Bilirakis, Mr. Bruce, Mr. Carr, Mr. Hutto, Mr. Upton, Mr. Courter, Mr. Clement, Mr. Coats, Mr. Dornan of California, Mr. Espy, Mr. Foglietta, Mr. Hall of Ohio, Mr. Kolter, Mr. Yatron, Mr. Quillen, Mr. Ravenel, Mrs. Lloyd, Mrs. Morella, Mr. LaFalce, Mr. Evans, Mr. Horton, Mr. Lungren, Mr. Tauke, Mr. Murtha, Mr. Richardson, Mr. Roberts, Mr. Rowland of Georgia, Mr. Sabo, Mr. Traficant, Mr. Wilson, Mr. Wolpe, Mr. Shaw, Mrs. Vucanovich, Mr. Spence, Mr. Weber, Mr. DeFazio, Mr. Atkins, Mr. Bennett, Mr. Young of Florida, Mr. Weldon, Mr. Neal, Mr. Lancaster, Mr. de la Garza, Mr. Frank, Mr. Bustamante, Mr. Gilman, Mr. Holloway, Mr. Flippo, Mr. Dannemeyer, Mr. English, Mr. Moakley, Mr. Stratton, Mr. Rinaldo, Mr. Panetta, Mr. Walgren, Mr. Boucher, Mr. Archer, Mrs. Boxer, Mr. Moody, Mr. DeWine, Mr. Gephardt, Mr. Lowry of Washington, Mr. Latta, Mr. Olin, Mr. Blaz, Mr. Gallegly, Mr. Levine of California, Mr. Tauzin, Mr. Young of Alaska, Mr. Rahall, and Mr. Fish.

H.J. Res. 619: Mr. Lancaster, Mr. Evans, Mr. Watkins, Mrs. Boxer, Mr. Levin of Michigan, Mr. Lagomarsino, Mr. Gordon, Mr. Rangel, Mr. Lungren, Mr. Garcia, Mr. Frost, Mr. Green, Mr. Wyden, Ms. Kaptur, Mr. Smith of Florida, and Mr. Dymally.

H.J. Res. 629: Mr. Horton.

H. Con. Res. 15: Mr. Parris.

H. Con. Res. 317: Mr. Rowland of Connecticut, Mr. Houghton, Mr. Towns, Mr. Latta, Mr. Hochbrueckner, Mr. Hastert, Mr. Schuette, Mr. Roe, Mr. Horton, Mr. Smith of New Hampshire, Mr. Shaw, Mr. DeFazio, Mr. Hutto, Mr. Traxler, Mrs. Bentley, Mr. Lewis of California, Mr. Robinson, Mr. Roberts, Mr. Davis of Illinois, Mr. Lujan, Mr. Campbell, Mr. Coats, Mrs. Martin of Illinois, Mr. Clinger, Mr. Florio, Mr. Emerson, Mr. Rose, Mr. Lagomarsino, Mr. Weber, Mr. Jacobs, Mr. Buechner, Mr. Dannemeyer, Mr. Synar, Mr. McHugh, Mr. McCollum, Mr. Wilson, and Mr. Tallon.

H. Con. Res. 320: Mr. Sawyer, Mr. Johnson of South Dakota, Mr. DeFazio, Mr. Dixon, Mr. Kastenmeier, Mr. Oberstar, Mr. Fuster, Mr. Durbin, Ms. Kaptur, Mr. Hawkins, Mr. Jontz, Mr. Towns, Mr. Wolpe, Mr. Vento, Mr. Udall, and Mr. McHugh.

H. Con. Res. 329: Mr. Wolpe, Mr. Williams, and Mr. Martinez.

H. Con. Res. 334: Mr. Madigan, and Mr. Hughes.

EXTENSIONS OF REMARKS

PLO STATEMENT AT ALGIERS ARAB SUMMIT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. HAMILTON. Mr. Speaker, during the June 1988 Arab Summit in Algiers, a statement entitled "Prospects of the Palestinian-Israeli settlement" was circulated and its author was Bassam Abu Sherif, an advisor to Chairman Yasser Arafat.

This statement has been the subject of considerable comment, debate, and controversy since it was issued. Its origins, its possible implications, and its significance have also been debated.

I attach for the interest of my colleagues, the Abu Sherif statement as well as correspondence I had with the Department of State about the statement, my letter to the State Department of June 22, and the State Department's reply of July 25;

PROSPECTS OF A PALESTINIAN-ISRAELI SETTLEMENT

(By Bassam Abu Sherif)

Everything that has been said about the Middle East conflict has focused on the difference between Palestinians and Israelis and ignored the points on which they are in almost total agreement.

These points are easy to overlook, hidden as they are under a 70-year accumulation of mutual hostility and suspicion, but they exist nevertheless and in them lies the hope that the peace that has eluded this region for so long is finally within reach.

Peel off the layers of fear and mistrust that successive Israeli leaders have piled on the substantive issues and you will find that the Palestinians and Israelis are in general agreement on ends and means.

Israel's objectives are lasting peace and security. Lasting peace and security are also the objectives of the Palestinian people. No one can understand the Jewish people's centuries of suffering more than the Palestinians. We know what it means to be stateless and the object of the fear and prejudice of the nations. Thanks to the various Israeli and other governments that have had the power to determine the course of our people's lives, we know what it feels like when human beings are considered somehow less human than others and denied the basic rights that people around the globe take for granted. We feel that no people—neither the Jewish people nor the Palestinian people—deserves the abuse and disfranchisement that homelessness inevitably entails. We believe that all peoples—the Jews and the Palestinians included—have the right to run their own affairs, expecting from their neighbors not only non-belligerence but the kind of political and economic cooperation without which no state can be truly secure, no matter how massive its war machine, and without which no nation can truly prosper, no matter how generous its friends in distant lands may be.

The Palestinians want that kind of lasting peace and security for themselves and the Israelis because no one can build his own future on the ruins of another's. We are confident that this desire and this realization are shared by all but an insignificant minority in Israel.

The means by which the Israelis want to achieve lasting peace and security is direct talks, with no attempt by any outside party to impose or veto a settlement.

The Palestinians agree. We see no way for any dispute to be settled without direct talks between the parties to that dispute, and we feel that any settlement that has to be imposed by an outside power is a settlement that is unacceptable to one or both of the belligerents and therefore a settlement that will not stand the test of time. The key to a Palestinian-Israeli settlement lies in talks between the Palestinians and the Israelis. The Palestinians would be deluding themselves if they thought that their problems with the Israelis can be solved in negotiations with non-Israelis, including the United States. By the same token, the Israelis—and U.S. Secretary of State George Shultz, who has been shuttling to the Middle East for discussions on his peace proposals—would be deluding themselves if they thought that Israel's problems with the Palestinians can be solved in negotiations with non-Palestinians, including Jordan.

The Palestinians would like to choose their Israeli interlocutor. We have little doubt that we could reach a satisfactory settlement with the Peace Now movement in a month. We know, however, that an agreement with Peace Now would not be an agreement with Israel, and since an agreement with Israel is what we are after, we are ready to talk to Mr. Shimon Peres' Labor Alignment, or to Yitzhak Shamir's Likud Bloc, or anyone else the Israeli choose to represent them.

The Israelis and Mr. Shultz would also prefer to deal with Palestinians of their own choosing. But it would be as futile for them as for us to talk to people who have no mandate to negotiate. If it is a settlement with the Palestinians that they seek, as we assume it is, then it is with the representatives of that people that they must negotiate, and the Palestinian people, by the only means that they have at their disposal, have chosen their representatives. Every Palestinian questioned by diplomats and newsmen of the international community has stated unequivocally that his representative is the Palestine Liberation Organization. If that is regarded as an unreliable expression of the Palestinians' free will, then give the Palestinians the chance to express their free will in a manner that will convince all doubters: arrange for an internationally-supervised referendum in the West Bank and the Gaza Strip and allow the population to choose between the PLO and any other group of Palestinians that Israel or the United States or the international community wishes to nominate. The PLO is ready to abide by the outcome and step aside for any alternative leadership should the Palestinian people choose one.

The PLO will do this because its raison d'etre is not the undoing of Israel, but the salvation of the Palestinian people and their rights, including their right to democratic self-expression and national self-determination.

Regardless of the satanic image that the PLO's struggle for those rights has given it in the United States and Israel, the fact remains that this organization was built on democratic principles and seeks democratic objectives. If Israel and its supporters in the U.S. administration can grasp that fact, the fears that prevent them from accepting the PLO as the only valid interlocutor toward any Palestinian-Israeli settlement would vanish.

Those fears, as far as I can tell from what has been written and said in Israel and the United States, center on the PLO's to unconditionally accept Security Council Resolutions 242 and 338 and on the possibility that a Palestinian State on the West Bank and Gaza would be a radical, totalitarian threat to its neighbor.

The PLO, however, does accept Resolutions 242 and 338. What prevents it from saying so unconditionally is not what is in the resolutions but what is not in them: neither resolution says anything about the national rights of the Palestinian people, including their democratic right to self-expression and their national right to self-determination. For that reason and that reason alone, we have repeately said that we accept Resolutions 242 and 338 in the context of the other UN resolutions, which do recognize the national rights of the Palestinian people.

As for the fear that a Palestinian State would be a threat to its neighbor, the democratic nature of the PLO—with its legislative, executive and other popularly-based institutions—should argue against it. If that does not constitute a solid enough guarantee that the State of Palestine would be a democratic one, the Palestinians would be open to the idea of a brief, mutually-acceptable transitional period during which an international mandate would guide the occupied Palestinian territories to democratic Palestinian statehood.

Beyond that, the Palestinians would accept—indeed, insist on—international guarantees for the security of all states in the region, including Palestine and Israel. It is precisely our desire for such guarantees that motivates our demand that bilateral peace talks with Israel be conducted in the context of a UN-sponsored international conference.

The Palestinians feel that they have much more to fear from Israel, with its mighty war machine and its nuclear arsenal, than Israel has to fear from them. They would therefore welcome any reasonable measure that would promote the security of their state and its neighbors, including the deployment of a UN buffer force on the Palestinian side of the Israeli-Palestinian border.

Time, sometimes the great healer, is often the great spoiler. Many Israelis no doubt realize this and are trying to communicate it to the rest of their people. As for us, we are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ready for peace now, and we can deliver it. It is our hope that the opportunity that presents itself today will not be missed.

If it is missed, we will have no choice but to continue to exercise our right to resist the occupation, our ultimate aim being a free, dignified and secure life not only for our children but also for the children of the Israelis.

House of Representatives,
Washington, DC, June 22, 1988.

Hon. George P. Shultz,
Secretary, Department of State, Washington, DC.

Dear Mr. Secretary: At the recent Algiers Summit, a document entitled "Prospects of a Palestinian-Israeli Settlement" by Bassam Abu Sherif was circulated. A copy of that document is attached.

I would like to have the comments of the Department of State on this document. Specifically, I would like you to address the following questions:

Is it your assessment that the document represents the views of Mr. Arafat or the PLO?

Is it authoritative to the best of your knowledge?

If authoritative, what is the significance, if any, of the document?

Do you feel this document was designed to attract international attention, as opposed to representing PLO policy at the time of the Algiers Summit?

In what ways does the document represent a change in the PLO position?

In a statement, your press spokesperson said that there were positive elements in the PLO statement. What are those positive elements and what is negative in the statement?

Is it helpful or harmful to efforts to try to restart the peace process?

What, if anything, does the administration plan to do to explore further this document and any possible ramifications it might have?

I appreciate your consideration of these questions and look forward to an early reply.

With best regards.

Sincerely yours,

Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East.

Assistant Secretary of State,
Washington.

Hon. Lee H. Hamilton,
House of Representatives.

Dear Mr. Hamilton: The Secretary has authorized me to respond to your letter of June 22, 1988, in which you ask for our comments on "Prospects of a Palestinian-Israeli Settlement," distributed prior to the recent Algiers Summit.

The article was unsigned at the time of distribution. As you are aware, however, Bassam Abu Sharif has since declared himself to be the author. Subsequent public attacks on his article by such senior PLO officials as Salah Khalaf reinforce our initial impression that the proposals do not represent an authoritative or agreed PLO position. As you know, Yasir Arafat has declined to support the article officially and we do not know if it reflects his personal views.

The significance of the article remains to be seen. If this is a personal effort with no subsequent steps or resonance within the PLO, then it will have little significance. We have nevertheless been struck by the overall constructive tone of the article, paricularly its emphasis on the existence of Israel and on the ultimate goal of the Palestinians as lasting peace and security for Israel and for the Palestinian people. A key substantive point is the assertion that the conflict can only be solved by direct talks. Based on the efforts to ensure publication of this article in the international press, and the fact that it was written originally in English, we conclude that its principal target audience was the West and possibly Israel and not the Arab world, although it has since been widely reprinted.

We note that the paper is silent on the subject of terrorism and that it repeats the PLO's equivocal position on acceptance of UNSC Resolutions 242 and 338. The article does not alter basic PLO positions on a PLO-led Palestinian state, or the PLO's claim to be the sole representative of the Palestinian people. It does, however, offer to put this latter point to the test of a referendum.

The practice of the PLO for years has been to issue a multiplicity of mutually inconsistent and deniable statements and proclamations, which produces confusion and discredits it as a serious entity. Should events prove this article to be the exception, and to mark the beginning of a responsible, reliable, authoritative and realistic approach by the PLO to the peace process, then it would be welcomed. Regrettably, the public indications so far do not bear this out.

Sincerely,

Richard W. Murphy.

TRIBUTE TO ANNE HERROD

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. MILLER of California. Mr. Speaker, it gives me great pleasure today to share with my colleagues a tribute to an outstanding citizen in my district, Mrs. Anne Herrod.

Mrs. Herrod recently received the distinction of being named the city of Richmond's June Citizen of the Month, after having been nominated for this honor by Volunteers of America, Temple Beth Hillel, and Friends of Meals on Wheels. For her outstanding volunteer work, Mrs. Herrod was recognized by the Richmond City Council at the June 6 city council meeting. I would like to take this time to add my own recognition of her inspiring activities.

Mrs. Herrod's volunteer activity is well known by the public agencies of Richmond and West County, but I would like to spread her story further. A proud Richmond resident for almost 40 years, Mrs. Herrod has dedicated much of that time to improving the lives of the less fortunate. She is a regular volunteer at the Souper Kitchen, where she attends to the needs of the homeless and poor by preparing and serving meals to those unable to afford them. Mrs. Herrod is also actively involved with Temple Beth Hillel, where she heads the congregation's sunshine committee, visiting and providing help—such as door-to-door car service—for those in need. For over 14 years she has also been a volunteer driver for Meals on Wheels, a program in which drivers deliver home-cooked meals to the elderly and the housebound.

Luckily for the city of Richmond, Anne Herrod's philosophy, "Life is a lot richer when you do things with and for other people," has proven contagious. One of her greatest contributions to volunteer activity is her continual recruitment of new volunteers through her dedication and enthusiasm. In this era in which parochial concerns and selfishness are all too prevalent, Anne Herrod and her actions stand as an inspiration to us all. Along with the city of Richmond, her husband Sam, and her daughter and grandchildren, I am proud of Anne Herrod.

SUPPORT THE JOINT RESOLUTION DESIGNATING DECEMBER 15, 1988, AS "NATIONAL ARAB-AMERICAN DAY"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. TRAFICANT. Mr. Speaker, today I introduced legislation to designate December 15, 1988 as "National Arab-American Day." The Arab immigrants first started to arrive to the United States in 1875. From that time on, they strove diligently to contribute to the cultural and economic growth of this great country. Yet, many of us today do not recognize the Arab people for all that they truly are.

The term "Arab" does not represent a religion, because its composure contains many religions. It is not a nationality, but made up of many nations whose identity is everchanging. The Arab culture is rich in history and tradition. It is a culture which exists despite geographic, political, and religious barriers.

Despite this, there seems to be a stigma today that goes along with being an Arab-American. There is an unfair stereotype that these citizens must live with regardless of their endless contributions to society. Congress should take positive action to dispel negative stereotypes about Arab-Americans that may persist. That is why I feel I must introduce this most necessary legislation.

The Arab-Americans have worked hard through the years and were willing to alter many of their customs in order to be viable citizens. They were so intent on becoming good Americans, they put aside their Eastern roots. It is time to remember those roots. America is a nation of many cultures. We must never forget what cultural ingredients are mixed in our great melting pot. We must never forget the Arab-Americans who strove, and still strive today, for our Nation's prosperity.

Mr. Speaker, for these reasons, I urge all of my colleagues to support this important legislation.

THE ROLE OF THE CONSTABLE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. KOSTMAYER. Mr. Speaker, at the request of a friend and constituent, Mr. Hal Lefcourt of Levittown, PA, I rise to inform my colleagues of the history and continued significance of constables in law enforcement and the administration of justice in the United States.

In fact, in the early colonial days of our great country, the constable was the only law enforcement person implementing the existing common laws which were the law of the land.

The constable performed these duties on a volunteer basis on behalf of the taxpayers who elected them.

The evolution of the salaried modern-day police department and related law enforcement agencies in an expanding delivery of justice system comes from their heritage—the constable.

A former constable, Milton Coggins of Newnan, GA, supported by the National Constables Association [NCA], has proposed a system of Federal and/or State grants available to the judiciary, the county commissioners and local municipalities who employ the services of the cost-effective, "human resource" of constables. A constable is equipped, by law, to carry out the noncrime prevention duties under the direction of the chief of a police department, to service the process of the minor courts and to perform a myriad of duties for the county commissioners and local municipalities.

Today, the National Constables Association, the voice of the working and professionally trained constable, is giving a dramatic rebirth of the constable system, at tremendous savings to the Nation's taxpayers.

More and more local municipalities are finding it increasingly difficult to pay for the salary and benefits of new patrolmen. Constables are legally self-employed contractors who provide their own liability insurance, health insurance, the use of their own emergency vehicle and their own uniform and radio communications equipment.

Most constables carry statuted police powers of arrest and are trained to carry defensive weapons. There are constables who service only the minor courts and there are constables who only service the executive branch of government, the county commissioners and the local municipalities.

In all cases, the constable can be paid for services on a salaried basis, an hourly basis or on a fee plus mileage basis at almost no cost to the taxpayers.

May I urge my colleagues to give their active support to the valid efforts of the National Constables Association, State-to-State, as they continue their nationwide program to regain and update the historical role of the position of the constable in the delivery of justice system as promulgated by the judicial and executive branches of our Government.

RONALD GOLDFARB'S TRIBUTE TO JAMES SKELLY WRIGHT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. LANTOS. Mr. Speaker, with the death of James Skelly Wright, America has lost a tireless fighter for civil rights and racial justice. Judge Wright served with distinction for more than three decades on the Federal court. His rulings on desegregation were important milestones in achieving racial equality. Although subjected to threats, Judge Wright never flinched from the duties of his office.

Shortly before his death, Judge Wright was interviewed for a public television program by the distinguished Washington attorney, Ronald Goldfarb. His moving tribute to Judge Wright appeared recently in the Washington Post. I commend the article to my colleagues:

WE ARE, ALL OF US, FREE-BORN AMERICANS

It is odd that students at places like Harvard Law School wear Skelly Wright T-shirts. A shy and simple man, whose modesty belied his judicial activism and personal toughness, Wright was not a product of the social or legal elite which came to admire him so. He came from a poor Catholic New Orleans family, worked his way through Loyola University Law School at night, taught high school during the Depression, got his first job through a political connection, and was a conventional tough prosecutor until World War II, when he served in the Coast Guard in England. There he met his wife Helen (to the end he called her "Shugah").

After the war he practiced law in Washington alone and briefly with two other lawyers. His most notable case was a famous capital punishment appeal, which he lost in the U.S. Supreme Court. In 1947, he filled an opening in the U.S. attorney's office in New Orleans. Truman's surprise election a year later extended Wright's prosecutor's job. In 1949, at 38, he was appointed a federal trial judge.

There was no reason to suspect from such a background that Skelly Wright would become the extraordinary and controversial champion of the Bill of Rights, and particularly of civil rights, that he did, or to think, judging by his gentle and modest personal life style, that he would become so ardent and courageous an activist on behalf of civil rights and civil liberties. Few judges in American history will leave bigger footprints on this terrain.

The case—or series of cases over several years—that catapulted Skelly Wright into national prominence was *Bush v. Orleans Parish Schools*, involving the desegregation of New Orleans public schools in the aftermath of *Brown v. Board of Education*. It was a time when civil rights were not in fashion and blacks had few allies in government. Wright adamantly enforced *Brown*, and as a result he incurred the wrath of his community. He was ostracized viciously, hanged in effigy and made a social pariah. Earlier he had ordered the desegregation of Louisiana State University law school; indeed between 1952 and 1962—early days in the civil rights struggle in America—Wright issued 41 decisions on racial integration. In the words of Jack Bass, a journalist who studied southern judges, Skelly Wright, very much alone, "broke the back of the states' efforts at massive resistance . . . and upheld federal supremacy under the Constitution."

Wright's actions took courage at that time and in that place. A few years ago, during a television interview, I asked him to explain what had prompted him to act so bravely and nobly. He was embarrassed by that assessment, saw himself as having done the only thing that could have been done, and felt deserving of no special credit for his judicial integrity. But he did recall an incident that moved him and still haunted him decades later as we spoke. When he was U.S. attorney in New Orleans, he told me, his office was across the street from the Home for the Blind. One Christmas Eve he was looking out his window and noticed a bus unloading a group of blind Negroes who were led by a white person to the entrance for blacks at the end of the building. "They couldn't even see," he remembered, staring into the distant past with eyes that filled as he spoke, "yet they made them walk into separate doors. That sight still effects me."

When President Kennedy took office, Wright was promoted from the U.S. District Court in New Orleans, where he had sat for 13 years, to the U.S. Court of Appeals in Washington, where he was to serve for 25 more years, the last of them as chief judge. It was speculated that Wright would replace his friend and fellow southerner on the Supreme Court, but presidential politics precluded such a move. Many of his corps of former law clerks went on to Supreme Court clerkships, and many of them are law professors now. A prolific flow of law review articles and speeches provided Wright with a national stage and made him far more influential than most lower court judges.

In Washington, Wright's involvement with controversial cases, particularly civil rights cases, continued. He was the author of the famous *Hobson* decision seeking to end de facto segregation in the Washington schools. He authored a stream of civil liberties-sided cases in the area of criminal justice, championed the claims of poor people for equal justice, and was a constant and articulate defender of press rights. The body of Wright writings—more than 1,000 judicial opinions and scores of law review articles—is vast and influential. But his personal example—especially in the South when it was hard and risky to act during those early days of the civil rights revolution—was his greatest achievement.

The late law professor Arthur Miller, a Wright biographer, considered Skelly Wright a result-oriented, plain-speaking judge who always viewed the Constitution not as a lawyer's document "but as a charter for the achievement of social justice." No better epitaph could be devised for Wright than his own touching words written three decades ago at the time of the integration of New Orleans' public schools. He wrote the words on the back of a Mardi Gras brochure, but they are etched now on a family heirloom. The words capture the man's elegance and humanity:

> "The problem of changing a people's mores, particularly those with an emotional overlay, is not to be taken lightly. It is a problem which will require the utmost patience, understanding, generosity and forbearance from all of us of whatever race. But the magnitude of the problem may not nullify the principle. And that principle is that we are, all of us, free-born Americans with a right to make our way unfettered by sanctions imposed by man because of the work of God."

EFFECTIVENESS OF DEATH PENALTY QUESTIONED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. BONIOR. Mr. Speaker, as debate in Congress over how to strengthen our Nation's war on drugs intensifies, I believe we need to examine the many alternative approaches to combating drugs open to us. An article in The Washington Post on July 26, 1988, does an excellent job of outlining the ramifications of these different approaches. I would like to direct my colleagues attention to the article's discussion of what the possible consequences could be of imposing a death penalty on those convicted of being drug kingpins. This is an enlightening article which I commend to the attention of my colleagues.

[From the Washington Post, July 26, 1988]

"SELF-DEFEATING" DRUG BILLS—DEATH PENALTY COULD BAR TRIALS OF "KINGPINS"

(By Michael Isikoff)

Among all the election-year ideas for combating the drug problem, few have proved more politically popular than the ultimate one—a federal death penalty for major narcotics traffickers.

"It is about time we say to the Darth Vaders of the drug world that you will face the ultimate sanction," proclaimed Sen. Alfonse M. D'Amato (R-N.Y.), as a measure imposing the death penalty for drug-related killings sailed through the Senate by a 65-to-29 vote last month.

But as the plan has gained momentum, winning endorsements from President Reagan and Vice President Bush, some law enforcement officials warn that it could prevent many of the biggest drug "kingpins" from even being tried, much less executed.

The reason is that most of the biggest drug traffickers, such as the leaders of the cocaine cartels, live abroad. And almost no country will agree to extradite any of its citizens to a nation where they face the prospect of the death penalty, according to federal prosecutors and State Department legal experts.

"You have to consider the practical consequences of what you're doing," said Richard Gregorie, chief assistant U.S. attorney in Miami, whose office has indicted more drug kingpins than any other U.S. attorney's office in the country. "If we imposed the death penalty, we wouldn't be able to get any of the true drug lords. It would be self-defeating."

As a questionable weapon in the war on drugs, the death penalty proposal does not stand alone, according to many experts. As Congress races to enact major drug legislation in time for this fall's election campaign, scores of sweeping proposals have been advanced. They include: bringing in the military to help interdict drugs at the border; imposing harsher sanctions on illegal drug users; instituting widespread drug testing in the workplace, and spending billions in new funds for anti-drug programs aimed at treating and deterring drug abusers.

But many experts and law enforcement officials question whether such measures can make a serious dent in the nation's narcotics trade. And in almost every case, they say, the most politically popular ideas will have the least impact on the most serious and alarming aspects of the drug problem, for example, the rise of "crack" use among inner-city youths or the spreading activities of urban gangs trafficking in drugs.

"What we really may be getting here is a pig in a poke," said Peter Reuter, an economist for the Rand Corp. who specializes in federal drug policy. "We don't have the slightest idea what the consequences of some of these proposals are going to be. Yet we're on the verge of putting into place some far-reaching changes in the law that may have very little to do with the problems they are designed to solve."

The most graphic example cited by many law enforcement professionals has been the attempt to enlist the military in interdiction, an effort embodied by a House-passed amendment to a defense authorization bill in May directing the Pentagon to "substantially" reduce drug smuggling within 45 days. Since then, a House-Senate conference committee on the defense bill has narrowed the scope of the military's role considerably, although the Pentagon still would be given primary responsibility for surveillance and intelligence.

In recent interviews, officials of the Drug Enforcement Administration and the U.S. Customs Service contended that the movement to bring in the military illustrates a lack of understanding among lawmakers about how drug smugglers operate.

According to these officials, the biggest cocaine shipments enter the country on ships, hidden inside routine commercial cargo such as roses or concentrated orange juice.

The Customs Service is physically able to inspect no more than 3 percent of the million cargo containers that enter the country every year, according to agency figures. Finding the right containers among the hundreds typically aboard each ship is a painstaking task and largely immune to detection by Airborne Warning and Control System (AWACS) planes or other intelligence assets at the Pentagon's disposal, they say.

"I don't know of anything the military can do to help us in this area," said Patrick O'Brien, special agent in charge of the U.S. Customs Service in Miami. "We've given a lot of thought to the container problem and the only way to stop it is getting on the forklifts and start opening up all the boxes . . . What good does another AWACS plane do? . . . What you need is information on specific cargoes on specific ships."

In recent weeks, attention in Congress has shifted from stopping the supply of drugs from abroad to curbing demand at home. With 205 bills and resolutions on the drug issue introduced this session, congressional leaders have created special "task forces" charged with piecing together disparate elements into an omnibus bill. Operating under an unusual "fast track" procedure that bypasses most public hearings and subcommittee deliberations, House Speaker Jim Wright (D-Tex.) and Senate Majority Leader Robert C. Byrd (D-W.Va.) have pledged to have a mammoth package on the floor of each chamber by next month.

In the process, a seemingly endless array of novel and catchy ideas has tumbled forth. A recently unveiled Senate Democratic plan, put together by a task force headed by Daniel Patrick Moynihan (N.Y.) and Sam Nunn (Ga.), would more than double anti-drug spending to more than $6 billion a year, create a national drug "czar" and institute new penalties for drug offenders, such as denying them federally backed mortgages and disqualifying drug-abusing lawyers and accountants from practicing before federal courts or agencies.

Meanwhile, a Senate Republican package put together by a task force headed by Phil Gramm (Tex.) has emphasized the Reagan administration's "zero tolerance" and "user accountability" themes. Among its features: mandatory drug testing for members of Congress and their aides, forcing states to randomly test recipients of drivers' licenses for drug use, creating an "Airport Drug Interdiction Zone" in which commercial aircraft could be seized without probable cause, and denying most federal benefits, including access to public housing and job training programs, to persons convicted of drug offenses.

"What the Republicans are saying is, 'you [the drug user] are responsible for your own actions and the best thing society can do for you is make sure you have real disincentives' " to stop using drugs, said Jeffrey Eisenach, a visiting fellow at the Heritage Foundation, who helped draft the Republican plan.

The Republican plan, while it has received little public attention so far, has stirred the most opposition to date among drug professionals, in part on civil liberties grounds. "This is the kind of bill that would make Mussolini blush," said Ethan Nadelmann, a Princeton professor who has become the leading academic champion of drug legalization.

But many specialists in the drug field also point out that these and other proposed user sanctions are the least likely to deter those segments of society most afflicted by the drug problem, particularly inner-city youths who have turned increasingly to crack.

"For these kind of people, the kind of punitive sanctions they are talking about don't mean anything—long-term risks are not even in their consciousness," argues Doug Lipton, director of research and the Narcotic and Drug Research Inc., a leading New York-based clearinghouse on drug use.

"The 'zero tolerance' approach may be fine if you want to deter middle-class yacht owners from keeping a stash of marijuana on their boats," he said. "But what are these kids going to lose—their welfare hotels?"

Experts also warn that many of the legislative proposals can backfire. Denying job training to convicted drug users may cut off one of the few avenues they have toward rehabilitation. Massive drug testing may have the paradoxical effect of prodding workers to shift from marijuana, which stays in the urine from one week to a month, to cocaine or crack, which leaves the urine after two or three days, or to alcohol, which is not subject to urine testing.

"People are most likely to shift their drug use to make sure that if you take it on a Friday night, you won't test positive on Monday morning," Nadelmann said.

Senate Democrats contend that their approach—redirecting the bulk of spending toward treatment, rehabilitation and education—is more humane, and ultimately more productive, than the Republican plan emphasizing sanctions. Among the Democratic bill's provisions, for example, is $1.2 billion in new block grant funding for drug treatment programs, a step aimed at reducing waiting periods of more than 20 weeks in some cities for admission to treatment clinics.

"What we're trying to do is help people and not punish them," said one Democratic staffer. "The idea is to begin to meet the goal of drug treatment on request."

But many drug experts say the treatment-oriented approach also runs into problems: There is little available information on which cocaine treatment programs work and, according to Lipton, "there is no data with respect to crack" treatment. For every 100 persons who enter the door of an inner-city cocaine treatment clinic, 80 or more are likely to leave before the program is complete.

"The Republicans have a nasty point on this," said Reuter, the Rand economist. "The fact is treatment techniques for cocaine are not very good . . . and it's fair to say that if you spend large sums of money on cocaine treatment right now, you won't have much to show for it in terms of reduction of cocaine users. But you might have something to show for it in five years, it's the kind of time frame."

That, however, is precisely the point raised by many specialists in the drug field—there are no easy "quick-fix" solutions to a problem that grows and contracts in response to broad social trends.

"There's nothing in our history that suggests this can be solved in a short period of time, that you can get a rapid turnaround," said David Musto, a Yale University medical historian who has written extensively on the history of drug control. "My concern is as we turn against drugs, and come to hate the drug users, there's almost no countervailing force out, there's almost no limit to what you can do . . . and you can create a lot of havoc in people's lives."

TRIBUTE TO PAT LAUMAN OF EVART, MI

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. SCHUETTE. Mr. Speaker, today, I would like to take the opportunity to congratulate one of my constituents for being inducted into the Michigan Farmer's Hall of Fame. Mr. Ralph "Pat" Lauman of Evart, MI, will be inducted into the Hall of Fame on September 2 of this year.

Established in 1982, the Michigan Farmer's Hall of Fame honors farmers for their contributions to their community and to Michigan's agriculture industry. Being inducted into the Hall of Fame is a high honor and Pat has evidently demonstrated his talents and commitment to be worthy of acclamation.

Today, at the age of 92, Pat is still an active dairy farmer. He has been cultivating his 200-acre farm for over 80 years. Pat was born in 1896 on a farm in Northern Osceola County, MI. After being a farmer and carpenter during the Depression, Pat began his own small milk bottling business. His business quickly grew into a 500-quart-a-day route to the stores and homes in Evart, MI. He sold his business in 1946, but kept the dairy cattle for dairy farming. Today, his only son is a partner with him in the dairy farming business.

In 1927, he married Vera Lauman and shared 59 years with her working side by side to develop their dairy business. She helped operate the business during the good times and the bad times. Pat attributes much of his success to his wife and son, and the hard work they put into their dairy business.

Pat is an inspiration to his community. His dedication to farming encourages others to become farmers and to appreciate agriculture. He helps the young and the old to love farming and to enjoy life. Pat still goes to the barn each day, feeds and milks the cows, and cleans the equipment.

Mr. Speaker, I hope you and our colleagues will join me in commending and congratulating Pat Lauman upon his induction into the Michigan Farmer's Hall of Fame. As our State's second largest industry, agriculture plays a significant role in the economy and social structure of our communities, and this recognition is a most prestigious honor and one that Pat and his family should always be proud to hold.

CONGRESS, AS WELL AS COURTS, MUST MAKE CONSTITUTIONAL LAW

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, I think my colleagues will be interested in seeing an article by Paul Gewirtz, professor of constitutional law at Yale Law School, commending Congress for its wisdom in passing the independent counsel statute. The article provides a very cogent analysis of the virtues of the statute, which the Supreme Court recently upheld. The article appeared in the Hartford Courant on July 24, 1988.

CONGRESS, AS WELL AS COURTS, MUST MAKE CONSTITUTIONAL LAW

(By Paul Gewirtz)

Many have praised the U.S. Supreme Court's decision last month upholding the special prosecutor law, but the real credit belongs more to Congress than to the court itself.

The law was upheld because Congress did something that legislatures often fail to do. Rather than pass the buck to the courts, Congress carefully considered possible constitutional objections at the time it adopted the legislation. It wrote a balanced statute that took account of reasonable constitutional concerns and tried to minimize them.

In the end, the Supreme Court deferred to that effort. Its action illustrates the role legislatures can play in constitutional decision-making.

Congress' overriding concern, of course, was to address a sharply felt practical need—to create an independent prosecutorial office that avoided the conflict of interest of having executive-branch prosecutors investigate crimes possibly committed by top executive-branch officials.

But from the beginning, Congress heard arguments that principles of the separation of powers would be offended by having prosecutors appointed by the courts or by Congress, and then not removable by the president or attorney general. Such an approach, it was argued, would undermine legitimate executive-branch prerogatives and give inappropriate powers to other branches of government.

Aware of these issues, Congress held hearings that assessed the views of a broad range of constitutional law experts. The drafters of the legislation sought to address many of the constitutional concerns raised—when the law was passed and through subsequent refinements.

The statue does not create special prosecutors who are altogether independent. It preserves a role for the president and attorney general in both the appointment and possible removal of special prosecutors. In addition, it avoids an excessive role for the other branches of government.

The independent counsel is appointed by a court, but only if the attorney general first determines that there are "reasonable grounds to believe that further investigation is warranted."

A special panel of judges appoints the independent counsel, but the prosecutor's jurisdiction is based on the attorney general's initial investigation. The appointing judges are disqualified from sitting in any of the cases that the independent counsel actually brings—thereby protecting the integrity of the judicial branch.

The independent counsel retains a great measure of independence, but the executive branch retains some countercheck by having the power to fire the counsel for "good cause." A further counterbalancing check is built in, however, by providing for judicial review of any decision to fire.

Congress strictly limited its own role in appointing or removing independent counsels.

Taken together, these provisions give the special prosecutor the independence necessary to be a check on executive branch lawlessness. But they also establish a broader interactive structure of checks and balances that promotes a measure of accountability and respects the prerogatives of each branch.

Critics of the law invoke "separation of powers." But our system of separation of powers was designed to preserve checks and balances in the political system. The structure of intersecting roles provided in the independent counsel legislation suggests that Congress was seeking to foster a system of checks and balances rather than subvert it.

That, at least, was what the Supreme Court concluded. Its opinion makes clear that the legislation was upheld precisely because it provided for interactive relationships among the branches and showed no sign of being a congressional power grab.

Had Congress not been so careful and balanced in attempting to avoid constitutional difficulties, the legislation might well have been struck down.

The complex role that legislatures play in evaluating constitutional questions is often overlooked. Like every government entity, Congress has the duty to assess the constitutionality of its actions, and to try to act consistently with constitutional requirements. It should not pass the buck to the courts, though it sometimes does. By facing constitutional issues itself, Congress can avoid problems and help shape the courts' analysis.

On the other hand, the courts cannot automatically defer to the judgment of Congress solely because it has considered carefully the constitutionality of its actions.

Sometimes Congress is wrong. Sometimes Congress' assessment of constitutional issues may be distorted because its own interests are at stake, or because it slights the rights of politically weak individuals or minorities. The courts have their own expertise—and unique detachment.

But where Congress considers a constitutional question seriously, and where Congress is not acting to aggrandize its own power or in disregard of minority interests, the courts will give substantial weight to its attempt to navigate the constitutional waters.

This is especially so in the separation of powers area, where the Constitution's language is vague and general. Here, the constitutionality of government action often turns on whether it addresses a strong practical need, if only because the Constitution is a charter of practical government.

Where the legislature is moved by those felt necessities and at the same time attempts to respond in a balanced manner to the underlying constitutional values at stake, the courts are not likely to stand in the way.

AISI POSITION ON NATURAL GAS ANTIBYPASS LEGISLATION

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. REGULA. Mr. Speaker, I would like to make several observations regarding the domestic steel industry and the challenges confronting it.

The American steel industry has sustained human and financial losses during this decade. Nearly $11 billion has been lost by the industry since 1982. At least 25 companies, close to 20 percent of the market, have been forced into bankruptcy proceedings. This has resulted in employment being reduced by 67 percent since 1974, from over 500,000 to 170,000 jobs.

Despite these sobering statistics, the industry has begun to reverse this trend and now stands on the verge of a new era as an international leader in the production of steel. Over the past 6 years American companies have spent $9 billion or 43 percent more than their cash flow on modernization. Furthermore, in 1987 more than 60 percent of steel was continuously cast, up from 13 percent 10 years earlier. Rising productivity combined with a modern production system indicate a new preeminence for American produced steel.

In viewing its role as ensuring a "level playing field" in the international marketplace, the U.S. Government acted to protect the steel industry in the early 1980's. The President implemented a program of voluntary restraint agreements, VRA's, to provide domestic producers with protected access to U.S. markets. This program has been successful by reducing the import penetration rate from 26.9 percent in 1984 to 21.8 percent in 1987.

Most experts agree that the President's program has allowed the domestic industry to regain its international competitiveness. The program is set to expire in September 1989.

Unfortunately, the same problems which confronted our producers in 1980 continue to exist. For example, in Japan the domestic market remains cartelized. Imports are restricted by domestic producers through pressure on distributors and customers. This is possible because of Japan's weak antitrust enforcement. Although the European Community has taken steps to enforce a ban on public subsidies, the effectiveness of their actions are doubtful. There continue to exist widespread reports of clandestine subsidies, substantial State aid in the form of indirect transportation and labor schemes, in addition to the continued effects of past subsidization.

It is essential that Congress takes every effort to promote domestic steel production until "equity" is achieved with foreign producers. The continuation of the highly successful VRA program is critical to the industry but there are other equally important issues which have an impact upon the ability of the industry to compete. H.R. 3445, the natural gas antibypass legislation, would keep natural gas prices artificially high by discouraging local distribution companies to sell and transport gas at cost based rates. Mr. Joseph Toot, president of the Timken Co., correctly set forth the problems with this bill before the Steel Caucus last week. As spokesman for the American Iron and Steel Institute, he stated that gas prices could increase 25 to 100 percent. Such costs would eliminate the industry's profitability which was only recently restored in 1987. I ask that this incisive commentary be inserted into the House record following my statement.

STATEMENT BY JOSEPH TOOT, PRESIDENT, TIMKEN CO.: AISI POSITION ON NATURAL GAS ANTIBYPASS LEGISLATION

WHAT'S THE ISSUE?

Antibypass legislation would remove a key incentive for local distribution companies (LDCs) to sell and transport gas at competitive, cost based rates. It would keep natural gas prices artificially high by preventing U.S. steel producers from purchasing some or all of their natural gas supplies directly from interstate pipelines.

WHAT'S THE COST IMPACT ON STEEL?

Last year, the industry used 396 billion cubic feet of natural gas at a cost of $1.2 billion, or about 4.5 percent of the industry's total manufacturing cost—a significant cost element. Had U.S. steel companies last year been forced to pay LDC tariff rates, gas costs would have increased by 25-100 percent, and that would have increased steel's total manufacturing costs by 1-4 percentage points. It is interesting to note that the industry spends more on natural gas than it earned in profits in 1987. Legislation such as this would wipe out the profitability which we have all worked so hard to restore.

WHAT'S THE IMPACT ON STEEL'S INTERNATIONAL COMPETITIVENESS?

In today's global market where every dollar of cost savings counts, U.S. steel producers cannot afford to lose any part of their competitive advantage in any component of total costs. U.S. steel companies currently have a relative cost advantage in natural gas vis-a-vis their foreign competitors in Europe (where prices are as much as 35 percent higher) and Japan (as much as 200 percent higher). Pending anti-bypass legislation would potentially deprive U.S. steel producers of their current cost advantage in this critical area.

WHAT'S AISI'S POSITION?

AISI believes that the ability to bypass benefits all consumers, residential, commercial and industrial, because it forces LDCs to improve their service and cut costs. We strongly oppose H.R. 3445 for two main reasons: (1) it would eliminate this powerful incentive, and (2) it would damage the international competitive position of domestic steel producers.

H.R. 4127

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. JONTZ. Mr. Speaker, I rise today to support H.R. 4127, the American Heritage Trust Act which would serve as a successor to the Land and Water Conservation Fund.

Since 1964, the L&WCF has supported conservation and outdoor recreation projects at the Federal, State, and local level. Over 30,000 projects in every State, 5 territories, and the District of Columbia have been funded, constructed, operated, and maintained by L&WCF at a cost of more than $6.8 billion. Most of this has been matched by State, local, and private contributions.

As a cosponsor of this bill it is my hope that the Congress will move quickly to pass this legislation. H.R. 4127 would continue the work done by the L&WCF that is enjoyed by almost all the people of our Nation.

To close my remarks I would like to insert the following two examples for how this program has benefited the people of my State.

GRAND KANKAKEE MARSH COUNTY PARK

LAKE COUNTY, IN

In 1976, the Lake County, Indiana, Park and Recreation Board saw the need and opportunity to acquire and protect 873 acres of the small amount of wetlands remaining from the large marsh which once covered much of the northwestern corner of Indiana. The site borders the Kankakee River on the southern edge of Lake County. The Grand Kankakee Marsh was, and its surviving remnants still are, important not only for local wildlife and recreation in this heavily urbanized area, but also for migratory waterfowl in the Mississippi flyway. The Board sought help through a $425,000 Land and Water Conservation Fund grant, which provided half the cost of the land acquisition. The park has since been developed with recreation facilities, and provided waterfowl habitat protection while offering numerous outdoor recreation activities, such as fishing, camping and natural and historical interpretation. The park was created through an exemplary mix of local, state, federal and private support which protected an important natural resource and will serve many urban and rural preople.

TIPPECANOE RIVER STATE PARK AND BASS LAKE STATE BEACH

INDIANA DEPARTMENT OF NATURAL RESOURCES DIVISION OF STATE PARKS

Tippecanoe River State Park, near the Town of Winamac in Pulaski County, lies along seven miles of the Tippecanoe River, which flows through northern Indiana. Small sand dunes, oak forests, pine plantations, and marshes form the park's terrain. The park was originally acquired by the National Park Service in the 1930s as part of the 7,353 acre Winamac Recreation Demonstration Area. In 1943 it was transferred to the Indiana Department of Natural Resources. The State manages the property in two portions, with the Division of State Parks operating 2,761, acres and the Division of Fish and Wildlife maintaining the other 4,592 acres as a state fish and wildlife area. Many of the state park facilities were built in the 1930s. Between 1974 and 1979 four Land and Water Conservation Fund grants totaling $630,874 cost shared in the renovation of older existing facilities and the development of new improvements at the state park. Included in the construction projects were picnicking, playground, camping, bicycle, restroom, sewage and water treatment, office/information and maintenance facilities, and the adaptation of facilities for access by handicapped persons, which helped modernize and enhance this important state park.

Nearby in Starke County, Land and Water Conservation Fund grants totaling $243,635 were used to renovate the bathhouse and a restroom, and build a playground and sewage treatment plant at Bass Lake State Beach near the Town of Knox. Bass Lake is Indiana's fourth largest natural lake, containing 1,345 acres, and is a popular recreation area for local residents and vacationers. Because there is no swimming available at Tippecanoe River State Park, Bass Lake State Beach serves as the swimming area for the nearby state park. The bathhouse at Bass Lake was built in the 1930s when the State acquired the site. The 21-acre Bass Lake State Beach provides swimming, picnicking and camping.

THE GREENHOUSE EFFECT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 10, 1988, into the CONGRESSIONAL RECORD:

THE GREENHOUSE EFFECT

This summer's drought and record high temperatures have impresed on all of us once again the importance of reliable, predictable weather conditions. Much more than our personal comfort depends on the weather. Food production, water supply and transportation systems, energy consumption, and engineering designs are all geared towards particular climates, and are quickly disrupted by unusual weather conditions. While some claim that we are now just witnessing normal swings in temperatures, several scientists have been warning congressional committees recently that there is increasing evidence that the earth's climate is undergoing a global warming trend of historic proportions. Climate change has always been a part of the earth's natural history, but this time human action may be responsible.

Our planet is able to sustain life because of a mechanism known as the "greenhouse effect". The glass roof and sides of a greenhouse let the sun's heat through to warm the plants, but trap the heat inside, enabling the plants to grow. Similarly, carbon dioxide and the other gases making up the earth's atmosphere trap the heat from the sun and warm the earth's surface. Without the greenhouse effect, the earth's surface temperature would be 60 degrees Fahrenheit colder.

The problem is that human activities are now putting record amounts of gases which trap solar heat into the atmosphere, thus increasing the greenhouse effect and the future temperature of the earth's surface. Of particular concern is the buildup of carbon dioxide from the burning of fossil fuels, such as coal, oil, and natural gas. Concentrations of carbon dioxide in the atmosphere have risen 25% since the Industrial Revolution of the 19th century. The rapid deforestation of the tropics has also been a major factor, as it leaves fewer trees to absorb carbon dioxide. Emissions of other gases and chemicals from industry and agriculture also compound the greenhouse effect.

Since 1850, the world's average temperature has risen about one degree. Estimates are that current trends of fossil fuel use will likely boost the average temperature three degrees by early in the next century, and possibly nine degrees within 100 years. The rate and magnitude of such an increase have never been experienced in human history. The effects of such warming are likely to include rising temperatures, expanding oceans, and changing precipitation patterns, although the precise size, timing, and direction of such changes are not known. These changes could result in longer, hotter summers, a shift northward of grain-growing regions, uncertain effects on crop yields, salt contamination of freshwater, and more frequent and stronger tropical storms. Some warn that the Great Plains could become a dust bowl, low-lying coastal cities could be flooded, and many of our national forests could be lost. Although it is still too early to link this summer's drought with the greenhouse effect, there is broad agreement among scientists that an overall warming trend is underway due to the greenhouse effect.

Since 1978, about $1.2 billion has been spent by the federal government on the research and assistance activities of the National Climate Program. Annual greenhouse research funding by the U.S. now totals $56 million, about 90% of the world total. The Congress also enacted provisions this year requiring the President to propose within two years a national policy on global climate change. An attempt to study the earth as one system—looking at interactions between the atmosphere, oceans, ice, land surfaces, and life forms—is also just beginning, with an international science program expected to be in operation by 1992.

Many scientists agree that we need to reduce greatly the burning of fossil fuels that emit carbon dioxide. They believe that we should begin now to decrease fuel use and increase energy efficiency. Shifting to solar, wind, water, and geothermal power can also decrease carbon dioxide emissions. Nuclear power does not emit carbon dioxide, and could replace some fossil fuel use if it can be made more economically and environmentally sound. Natural gas and oil produce lower carbon dioxide emissions than does coal, but they are more expensive. Slowing the deforestation of the tropics would also limit carbon dioxide emissions.

An international climate conference this year endorsed a 20% cut of carbon dioxide emissions by 2005, half from energy efficiency and half from using non-fossil fuels. Canadian and Norwegian representatives also called for a global Law of the Atmosphere treaty to stem pollution and to set up a trust fund from fossil fuel taxes to slow deforestation and encourage reforestation. These recommendations will be the basis for a 1990 United Nations meeting to lay the foundation for the first international agreement on climate change.

It is also time to reassess recent changes in U.S. energy policies. The Reagan energy program has gradually eliminated the 1970's promotion of alternative energy resources, and has shifted much of the work of the Department of Energy from civilian energy programs to nuclear weapons development and production. Since 1980, federal funding for renewable energy research and development has been cut 85%, while energy conservation R&D has been cut 55%. Meanwhile, foreign countries continue to subsidize renewable energy technologies.

Responding to the greenhouse problem is a formidable challenge. Greenhouse warming of the climate is a global problem which cannot be solved by the U.S., or even by the industrial countries alone. Industrialized countries were developed through extensive use of fossil fuels and deforestation. Developing countries object to proposals which would restrict their opportunities. Moreover, methods of limiting emissions are expensive. Some argue that we should not take any action until we know more about the precise effects of global warming. Yet the feeling is growing, especially after the searing summer of 1988, that taking steps now to slow the rate of warming is critical. The longer we delay acting, the more difficult it will be to contain and adjust to the adverse consequences of the greenhouse effect.

THE OMNIBUS DRUG INITIATIVE OF 1988

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. MILLER of California. Mr. Speaker, the on-going drug crisis threatens the cohesion of our society more profoundly than any other issue confronting the Congress. Drug abuse is not a new problem; but the development of crack cocaine has broadened the scope of drug abuse and drug-related crime, while the emergence of AIDS has greatly increased the costs to society of IV drug abuse.

One consequence of these two new problems, crack and AIDS, has been the emergence of new populations at high risk; adolescents, and women, and their young children.

Reflecting an increased level of concern about adolescent drug abuse, a recent survey found that the No. 1 policy priority among directors of State alcohol and drug abuse programs was to develop and expand programs for teenagers. And while illicit drug use by high school seniors appears to be declining, a majority of the class of 1987 had tried an illicit drug, and over a third had tried an illicit drug other than marijuana. Unfortunately, these figures tell us nothing about drug abuse by high school dropouts, among whom drug abuse is most likely more prevalent.

Meanwhile, the link between adolescent drug abuse and crime is growing stronger. An estimated 35 percent of arrested juveniles in the District of Columbia, 42 percent in Maricopa County (Phoenix), AZ, and 35 percent in Tampa, FL, test positive for illicit drug use. Here in Washington, cocaine use among juvenile arrestees has increased from less than 1 percent in 1984 to 22 percent in 1987.

On the supply side of the drug question, we confront an escalating epidemic of drug-related gang violence, spurred on by the spread of crack cocaine and the disintegration of support systems for at-risk youth and their families. The easy profits reaped from crack have transformed youth gangs into small, extremely violent units of organized crime, structured to maximize the flow of drug dollars.

Rather than seeking to protect their neighborhood turf as in years past, gangs from Los Angeles, Chicago, and Miami are spreading out across the Nation in search of virgin markets for their goods. The Drug Enforcement Administration reports that Los Angeles gang members selling narcotics have surfaced in 49 U.S. cities.

The other new vulnerable population, low-income women of childbearing age, are at increased risk of both drug addiction, because of crack, and AIDS, because while they will likely not use IV drugs, they may well have sexual partners who do.

Moreover, if women are pregnant and use crack or IV drugs or contract AIDS, their children frequently share the consequences. Children under 5 are now one of the fastest growing segments of Americans with AIDS; and a substantial majority are infected perinatally by parents who use, or who have sexual partners who use, IV drugs. And according to experts testifying before the Select Committee on Children, Youth, and Families, more and more women are using cocaine during pregnancy.

These trends are tragic, for these infants, if they survive, frequently face great difficulties in their development.

These trends are also extremely expensive. An infant born to a drug-addicted mother will likely spend 4 to 6 weeks in the intensive care nursery at a cost, minimally, of about $28,000. Hospital care for infants born with AIDS can cost more than $200,000 per child.

Furthermore, the New York Times recently reported that crack is having a powerfully destructive effect upon low-income, single-parent families. Women in general have been more reluctant to use IV drugs than men, and this has protected their children. Yet crack is easier to use and more addictive and growing numbers of low-income single mothers are becoming addicted to it, thus leaving their children neglected.

In addition to these direct human and monetary costs of drug abuse, we are also faced with secondary costs. Urban foster care agencies tell us they are increasingly burdened by babies who are born with AIDS or addicted to drugs and then abandoned in hospitals by their mothers.

These are intimidating problems yet we are not without resources or successful models to build upon.

Comprehensive programs in Chicago and Los Angeles that provide medical and psychotherapeutic care for drug-addicted pregnant women have dramatically improved the outcomes of these pregnancies and reduced the costs of caring for the infants.

The omnibus drug initiative contains several important provisions that respond to the drug crisis among children, women, and youth; and it allows us to build upon what we know.

I am particularly pleased that the bill establishes drug abuse education and prevention programs targeted to youth gangs. Further, it orients resources for the development of more effective juvenile justice programs targeted to the illicit use of drugs by youth and to provide juveniles and their families referral to education, prevention, treatment, and rehabilitation.

The bill also initiates a new National Youth Sports Program for disadvantaged youth, which will include drug abuse education and prevention activities.

Adolescents and children will also be well served by a 20-percent set-aside in the alcohol and drug abuse prevention, treatment, and rehabilitation services block grant for prevention activities, including early intervention programs and activities.

The omnibus drug initiative also authorizes several key programs to target women at risk. For instance, funds are earmarked for model projects for pregnant and postpartum women and their infants; the National Institute for Drug Abuse is directed to conduct research and demonstration projects designed to develop more effective treatments for pregnant and postpartum women and their infants; and 6 percent of the alcohol and drug abuse prevention, treatment, and rehabilitation services block grant is set aside specifically for services for women.

This legislation addresses the urgent needs of tens of millions of Americans who abuse drugs. It is especially crucial to high-risk youth and to high-risk women and their children. Providing intervention and prevention services to these populations will prove far less costly than relegating them to lives of drug addiction or crime, or to death from AIDS.

At the same time as it addresses the prevention and treatment needs of Americans, this legislation sends a firm message to those who engage in the smuggling, transport or sale of illegal drugs.

We cannot confuse the needs of those who are the victims of drug abuse with the crimes of those who profiteer from the drug trade. We must act swiftly and vigorously against those who perpetrate drug violence and drug abuse.

That is the value of this legislation. It offers both prevention and tough enforcement, assistance and firm punishment. Together, those efforts represent a determined effort to rid our society of the tragedy and violence of drugs.

A TRIBUTE TO PASTOR BARNEY LEONE AND CHRISTIAN ASSEMBLY CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Pastor Barney P. Leone and the Christian Assembly Church of my 17th Congressional District. It is one of my proudest and most humbling moments as a member of the U.S. House of Representatives to be able to announce that not only is this the 25th anniversary of Barney Leone's tenure as pastor of the Christian Assembly Church, but this is also the 50th anniversary of the Christian Assembly Church. A gala dinner celebration is being planned to celebrate these two momentous anniversaries on September 9, 1988, at Cesta's Golden Gate Restaurant in Warren, OH.

The Christian Assembly Church is located on Regal Drive in Warren, OH, and I must say that it is one of the most beautiful churches in Turmbull County. Pastor Barney Leone is an extremely kind and generous person, and through his church he is building a strong moral fabric for the Warren community. It is very exhilarating for me to know that there exists in my 17th Congressional District a church leader as devoted to helping humanity and to spreading the word of God as Pastor Barney Leone, and that there are parishioners as worshipful and compassionate as those of the Christian Assembly Church.

I tip my hat in salute to Pastor Barney Leone and the wonderful congregation of the Christian Assembly Church on their proud history and record of accomplishment, and it is my deepest desire that the Christian Assembly Church's next 50 years and Barney Leone's next 25 years as Pastor of that church are even more successful than their first era has been. Thus, it is with thanks and special pleasure that I join with the people of the 17th Congressional District in paying tribute to the outstanding individuals who comprise the Christian Assembly Church and to the dynamic leadership of Pastor Barney P. Leone.

J. SKELLY WRIGHT

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. KOSTMAYER. Mr. Speaker, some may find it difficult to believe that just a little more than 25 years ago Federal judges who ordered school integration required police guards to protect them.

The fact that his life was threatened, that crosses were burned on his front lawn, and that friends of long standing refused to speak to him, never seemed to deter the late Judge J. Skelly Wright from upholding the Constitution as he saw it.

Judge Wright's view held that "racially and socially homogeneous schools damage the minds and spirits of all the children who attend them—Negro, the white, the poor and the affluent—and block the attainment of the broader goals of democratic education."

Most Americans take this view for granted today, but there was not the case in Judge Wright's native New Orleans in 1960.

Judge Wright ordered an end to segregation of the New Orleans public schools and his order integrated not only the city schools but its universities, parks, buses, sporting events, and voting lists.

Later, as a Federal Appeals Court Judge for the District of Columbia he called segregation in the District schools "criminal".

Judge Wright was the sole dissenter when the court of appeals blocked the release of the Pentagon papers at the request of the White House.

Judge Wright's view was upheld 11 days later, however, when the Supreme Court ruled that the first amendment required the release of the Penatagon papers to the Washington Post and the New York Times.

Wright called the Government's efforts to stop the public disclosure of the Pentagon papers "the suppressing of our most precious freedom."

Many whites in the South called him a "traitor" to his class, some called him Judas.

President Kennedy named him to the Court of Appeals for the District of Columbia because he feared Wright wouldn't be confirmed for a seat on the Court of Appeals for the Fifth Circuit in New Orleans.

Judge Wright saw in the Constitution, protection for even the most unpopular causes.

While others were silent, he was willing to risk his life and career for the country and the Constitution.

He saw in America's diversity its strength.

Millions who will never know his name are in debt to J. Skelly Wright.

TRIBUTE TO "THE GREENGROCER"—JOE CARCIONE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. LANTOS. Mr. Speaker, it was with deep regret that I learned of the death of Joe Carcione who must surely have been the most famous greengrocer in America. As an expert on fruit and vegetables, he delighted millions of listeners in 34 television markets with his advice on the best buys of the day. He was widely admired for his straightforward honesty. He once told a reporter "I'm going to tell the truth. If I can't do what is right, I'm going to get off the air." Joe Carcione was on the air for over 20 years.

Joe Carcione got his start in the produce business in 1933 working with his father, Peter, in the family market in the North Beach area of San Francisco. Later the business moved to the Golden Gate Produce Terminal in south San Francisco. Mr. Carcione went to work at 5 a.m., strolling through the 14-acre terminal, sampling fresh fruit and vegetables while chatting with employees and making notes for his listeners and readers.

In 1967, he began doing his own radio commercials on KCBS. He was approached to do daily news reports on produce which were quickly syndicated nationwide. Millions of Americans will miss Mr. Carcione's distinctive, gravelly voice when they decide which fruits and vegetables to buy.

For several years Mr. Carcione had been battling intestinal cancer. Although he eventually lost the fight, his work as consumer advocate will not be forgotten.

HAITI ABUSES CONTINUE UNDER MILITARY DICTATORSHIP

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. BONIOR. Mr. Speaker, a reign of terror continues in Haiti.

Gen. Henri Namphy, the self-appointed dictator of Haiti, recently decreed the Constitution establishing democracy in 1987 null and void, further tightening his iron fist of military control.

On July 10 Lafontant Joseph, a founder of the Center for the Promotion of Human Rights, was found brutally murdered in his jeep near the airport road, a dumping ground for victims of political assassinations.

It appears the narrow window of democracy opened by the forced removal of dictator Francois Duvalier has closed in Haiti. It's yet another sad chapter in the history of a country with one of the worst human rights records in the Western Hemisphere.

The United States must do all it can to end human rights abuses in Haiti, to end the extreme poverty of its people, and to end its military dictatorship.

As the letter to the editor of the New York Times indicates below, the media must not ignore continuing human rights abuse in Haiti.

IN HAITI, ONCE AGAIN, MURDER IN THE NIGHT

To the Editor:

I note with distress that you have not reported the murder of the Haitian human rights advocate and lawyer Lafontant Joseph in Port-au-Prince on the night of July 10. Mr. Joseph was a respected member of the Haitian bar and founder of the Center for the Promotion of Human Rights. He was an author of a June 30 joint statement by Haitian human rights advocates calling for a return to constitutional norms. After repeated threats against his life and the lives of his family, he was found knifed and shot to death in his jeep near the airport road, a favorite dumping spot for victims of political assassinations during the reign of Francois Duvalier.

Mr. Joseph's murder, which few doubt was politically motivated, followed a July 4 attack on the home of Laennec Hurbon, a Haitian intellectual. Mr. Hurbon has ties to a major center-left political organization in Haiti, and he is working on a study of religious movements in the Caribbean. At about 2 A.M., his house was searched and ransacked by four men carrying Uzis and walkie-talkies. They seemed particularly interested in Mr. Hurbon's work, going through his notes and tearing apart his library. As in the earliest Duvalier days, the men wore black hoods to avoid recognition and to instill fear.

A few days before Mr. Joseph's murder, Gen. Henri Namphy (now the self-proclaimed President) decreed that the democratic Constitution of 1987 was null and void. Mr. Joseph's murder seems an obvious second act to that declaration. We can only wonder what will happen in Act III of General Namphy's military dictatorship.—AMY WILENTZ, New York, July 20, 1988.

A TRIBUTE TO JOSEPH GEORGE OF CLINTON, MI

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. SCHUETTE. Mr. Speaker, today, I would like to take this opportunity to congratulate one of my constituents, Joseph George, for his acceptance into the Michigan Farmer's Hall of Fame. Joseph will be inducted into this prestigious organization on September 2 of this year.

Established in 1982, the Michigan Farmer's Hall of Fame honors farmers for their contributions to their community and to Michigan's agriculture industry. Being inducted into the hall of fame is a high honor and Joseph has evidently demonstrated his talents and commitment to be worthy of acclamation.

Joseph is a resident of Clinton, MI, and was an active farmer for 52 years before retiring. During his career, Joseph owned nearly 160 acres, and grew a variety of crops including: soybeans, corn, wheat, and oats. He also had about 400 hogs.

Born in 1915 on his great-grandfather's farm in Clinton MI, Joseph grew up helping his father with the family farm. As his interest in farming increased, he began learning more about the family business. Then in 1940, his father sold the farm to Joseph and his wife, Rita. Continuing the family tradition of farming, Joseph and Rita enjoyed 52 years in the business.

While a most talented and dedicated farmer, Joseph has never taken his successes for granted, nor disregarded the help he has received from others. On his questionnaire submitted to the hall of fame, Joseph attributes his good fortune and success in farming to hard work, good health, and the help of his sons.

Mr. Speaker, I hope you and our colleagues will join me in commending and congratulating Joseph George upon his induction into the Michigan Farmer's Hall of Fame next month. Agriculture is a vital industry in our State and to be recognized as a leader in the agriculture community, by your peers, and your community is a high honor. Please join me in offering our congratulations and best wishes to Joseph George and his family on this joyous occasion.

ABROGATE THE PANAMA CANAL TREATIES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. CRANE. Mr. Speaker, today I introduced a House joint resolution with Senator STEVEN SYMMS that will show a sense of Congress that the Panama Canal Treaty needs to be abrogated. This treaty not only cost us our canal, but cost the taxpayers of America billions of dollars given to the Panamanian Government to take this vital piece of American property off our hands. To the Carter administration, this action was designed to redress an ancient grievance and to ingratiate the United States not just with Panama, but with our other Latin American neighbors as well. Further, the Carter people argued that the canal was increasingly obsolete and the fears registered by American critics of the treaty over the inability of the Panamanian Government to both maintain and operate the canal were grossly exaggerated. In addition, we were told, the revenues pouring into Panama, which was hurting economically, would provide the basis not just for improving that nation's economic welfare, but also for laying the foundation for a stable Panamanian democracy with close ties to the United States. Finally, we were assured that the United States would reserve a right to guarantee the protection of the canal in perpetuity.

Obviously, with the current situation involving General Noriega and his drug-dealing government, Panama is a land of unrest. Fortunately, the United States still controls and owns the strategically vital Panama Canal. A number of facts which have surfaced since President Carter and the Senate agreed to give away the Panama Canal have led to a public outcry. It is time that the Members of Congress reexamine the facts and understand that the Panama Canal Treaty was never properly ratified.

The problems with the ratification process were numerous. I have included a list which explains eight key points that prove most conclusively that this sense of the Congress is the needed action for this country.

1. CONFLICTING RESERVATIONS

The text of the treaties as signed was not completely acceptable to the U.S. Senate, which was charged with ratification under the Constitution. In ratifying the treaties, several reservations were attached to clarify the meaning which the Senate placed on the treaties' provisions which were ratified.

Chief among these was the so-called "DeConcini Reservation," introduced by Senator Dennis DeConcini (D-Ariz.), which declared that the United States right of intervention to guarantee the neutrality of the canal could be exercised unilaterally, without a prior request by the government of Panama and, if necessary, against the opposition of the government of Panama.

The DeConcini Reservation was strongly opposed by the Panamanian negotiators, who inserted a three paragraph counter-reservation into their instrument of ratification, asserting that it was the understanding of Panama that the DeConcini Reservation did not allow for unilateral U.S. action, despite the clear intentions to the contrary expressed in the Senate debate.

This Panamanian counter-reservation was never presented to the Senate for a vote (as required by the Constitution) and is not mentioned in the U.S. instrument of ratification. Clearly, the ratification was faulty and the treaties are void.

2. ILLEGALITY UNDER THE VIENNA CONVENTION

The Vienna Convention on the Law of Treaties (1969) is generally recognized as the codification of the international law of treaties. Under Article 20.2 of the Convention, each reservation required the acceptance of the other party. Since neither reservation was accepted by the other party (indeed, since they are mutually exclusive) there has been no ratification under international law.

3. NO TRANSFER OF SOVEREIGNTY

Article I of the Panama Canal Treaty of 1977 purports to terminate all previous canal treaties and states ". . . the Republic of Panama, as territorial sovereign. . . ." There is no provision in the 1977 treaty which explicitly transfers sovereignty from the United States back to Panama.

The U.S. Supreme Court in 1907 concluded that the provisions of the 1903 treaty had granted sovereignty over the Canal Zone to the United States. Clearly then, some affirmative act was required to transfer sovereignty back to Panama. The abrogation of the 1903 treaty alone was not sufficient. Since the rest of the treaties cannot be constructed in any way with sovereignty remaining with the United States, the treaties must be void in their entirety.

4. IMPROPER ABROGATION OF THE 1903 TREATY

As noted above, the 1977 treaty purports to rescind the provisions of the 1903 treaty. This is improper. The clear intent of the framers of the Constitution was for the Executive Branch to negotiate treaties, which would be ratified by the Senate (2/3 vote) and then become laws, just like other laws, which could only be repealed through the standard legislative process in both Houses of Congress.

If a treaty could be declared invalid by the President and the Senate, without the House of Representatives, then treaties would not be the "supreme law of the land" as guaranteed by Article VI. The principle is analogous to that which the U.S. Supreme Court used in 1983 to overturn the "legislative veto."

Since the House of Representatives never approved legislation abrogating the Hay-Bunau-Varilla Treaty of 1903, it remains in force; and the conflicting language of the 1977 Treaty is void.

5. IMPROPER DISPOSAL OF U.S PROPERTY

As noted above, the U.S. Supreme Court in 1907 found that the Canal Zone was the property of the United States. Under Article IV, Section 3, Clause 2 of the U.S. Constitution, "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . . ." Therefore, U.S. property can only be conveyed through the normal legislative process (both Houses of Congress).

On September 27, 1979, President Carter signed into law Public Law 96-70, The Panama Canal Act of 1979, the only legislative vehicle pertaining to the Canal Treaties which was passed by both Houses of Congress. Key provisions of this law are Sec. 1503, "No property of the United States located in Panama may be disposed of except by law enacted by the Congress," and Sec. 1504(c), "the Panama Canal . . . . shall not be transferred to the Republic of Panama prior to December 31, 1999."

Under this law, then, the Panama Canal and Zone still belong to the United States and will continue to belong to the United States until Congress, both Houses of Congress, passes a law disposing of it. Provisions of the Panama Canal Treaties to the contrary must be void.

6. NON-RESIDENT ALIENS AS U.S. OFFICIALS

Article III of the Panama Canal Treaty (1977) provides for the President of the United States to appoint four Panamanians to serve as directors on the nine-member Panama Canal Commission, the government agency which operates the canal.

The U.S. Constitution requires that all officers of the United States must swear an oath to support the U.S. Constitution (Article VI, Section 3) and may be removed for treason (Article II, Section 4).

These Constitutional provisions clearly do not allow for non-resident aliens to serve as officers of the United States. Such an alien cannot take an oath to support the United States Constitution and, by definition, cannot commit treason against the United States. Therefore, this provision of the Panama Canal Treaty is unconstitutional.

7. IMPROPER APPLICATION OF PANAMANIAN CONSTITUTION

The Panamanians had long expected the 1903 Treaty to eventually be renegotiated, and made provision for it in the Constitution of Panama (1972). Article 274 provided that "Treaties . . . with respect to the Panama Canal . . . shall be submitted to a national plebiscite" for ratification. Accordingly, the treaties signed by President Carter and General Torrijos were submitted to a plebiscite by Panamanian Law 33 and approved on October 23, 1977.

However, the subsequent U.S. reservations and Panamanian counter-reservations (see above) were never submitted to a second plebiscite. The versions of the treaties ratified by the people of Panama in the October 1977 plebiscite are not the same as the versions ratified by the United States in March and April of 1978; and both are different from the versions ratified by General Torrijos in June of 1978. Since the ratification was unconstitutional under the Constitution of Panama, the treaties are void.

8. IMPROPER SIGNING UNDER PANAMANIAN CONSTITUTION

Article 277 of the Constitution of Panama (1972) stipulates that the "Head of Government," then Omar Torrijos, had the power to "direct foreign relations," while Article 163 reserved to the "president of the Republic alone" the power to "enter into international treaties and agreements."

Despite this, the 1977 treaties were signed by General Torrijos, not the President of Panama. For this reason, the treaties are void under Panamanian law.

It is time that the Members of Congress and the President of the United States abrogate the Panama Canal Treaties. We must return to the American people, a canal which their loved ones built, operated, and defended. It not only is the right action to take, but the moral action as well.

REMEMBERING THE PLAISTED EXPEDITION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. OBERSTAR. Mr. Speaker, the people of my State, Minnesota, like much of the rest of the country, are suffering through the hottest, driest summer in many, many years. However, just over 20 years ago, a group of Minnesotans faced a very different challenge. On April 19, 1968, the Plaisted Polar Expedition reached the North Pole, setting a record for the earliest indisputable attainment of the Pole over the sea ice.

The story of the Plaisted Expedition is told in the following article by Tom Dennis of the Duluth News Tribune, which looks back at the adventure with one of the participants, a friend of mine, Dr. Authur Aufderheide of Duluth.

I sincerely hope that the courage and fortitude shown by these Arctic pioneers 20 years ago will in some small way encourage Americans who are facing the challenges of this summer's severe drought.

[From the Duluth News-Tribune, Apr. 18, 1988]

20 Years Haven't Cooled Memory of Arctic Trek

(By Tom Dennis)

A group of unkempt, exhausted explorers, their parkas stark against the Arctic snow, their frostbitten faces cracking into smiles as they stand on the top of the world: the North Pole. . . . You've seen that picture before.

Or have you? When this snap-shot was taken, Lyndon Johnson was president. "The Beverly Hillbillies" was on prime-time TV, and explorer Will Steger was only 23 years old.

Twenty years ago Tuesday, an insurance salesman, a teacher and two other relative amateurs became the first men since discoverer Robert E. Peary to cross the ice to the North Pole.

And for most of the trip, Duluth's Dr. Authur Aufderheide was there.

Aufderheide, now 65, was not only a charter member of the Plaisted Polar Expedition of 1968, the snowmobile expedition that successfully reached the pole on April 19, 1968. He was also a member of the Plaisted Polar Expedition of 1967, a year earlier. That's the one that was aborted scarcely 100 miles onto the ice.

"We made so many mistakes that first time." Aufderheide said Friday, looking at the huge map of the Arctic that dominates his office at the UMD School of Medicine.

None of the men had any experience on the icecap them. Of course, that wasn't unusual in 1967, since virtually no one on the planet had such experience.

All they had was grit, determination, a few weeks of training on Minnesota's frozen Lake Mille Lacs and the vision of their leader, St. Paul insurance salesman Ralph Plaisted.

"The result was that we took all this bad advice," Aufderheide said. "It was given very considerately and thoughtfully, by people who were trying to help. But it was wrong."

They left northern Canada too late in the season. They hauled sleds piled so high with equipment that when one tipped over, several people would be required to right it. They started with seven tents and ended with one.

"We got 100 miles out onto the ice and ran out of winter," Aufderheide said.

But a leaner, meaner Plaisted expedition set out to beat the same odds a year later, on March 7, 1968. And 44 days later, they won.

Although Aufderheide was among the six snowmobilers who started the second expedition, supply problems forced his evacuation mid-route. He was at the base camp in Canada when the group reached the pole.

Nevertheless, Aufderheide's experiences left him with a keen appreciation for the Arctic world, especially the challenges faced by explorers such as Ely's Will Steger. Steger led a team that reached the pole by dogsled, unsupported by aircraft, in 1986.

For example, all arctic explorers face the challenge of temperature. "Down to about 40 below zero, things don't change," he said. "It's cumbersome to tie a knot at 40 below, but you can do it.

"At 70 below, you plan."

You tie your knot twist by twist, dashing your hands out of your mittens for a swipe at a time. Even so, your hands still steam when they hit the air.

"I had to repair a rip in the tent once," he said. "It was one stitch at a time."

Taking pictures at 70 below is another fiasco, he said. "In fact," Aufderheide laughed, "you want to see the most common stance for an Arctic photographer?"

Aufderheide stood, then thrust his hands down the front of his pants. "I'm serious. You've got to get those hands warm."

The experiences of the Plaisted expeditions, which were recorded in books and a CBS-TV documentary, doubtless helped Steger and other explorers who followed.

"I would never say Steger couldn't have done it without us," Aufderheide said. For one thing, Steger is an exceptionally creative and adaptable man, who himself could have handled the problems Plaisted encountered, he said.

"For another, Steger had a whole set of problems of his own," he said. "We were resupplied by aircraft. He wasn't."

"But I like to think that we saved him from some problems," Aufderheide said.

Today Aufderheide follows Steger's latest exploits with interest.

"The whole exploring business is, of course, irrational," he said. "You can't judge it by any standard logic."

But there's something deeply reassuring about having the Plaisteds and the Stegers around, he said. Witness the intense public interest in the adventures of both men.

"We all feel the need to renew our contact with nature," Aufderheide said. "We're all living beings, living masses of protoplasm. We need reassurance that something in us remains in contact with nature—sometimes facing nature on its own terms, giving it the upper hand.

"We can't all go out and live in 70-below-zero weather," he said. "But I think we identify with people who can."

INFANT MORTALITY

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. ROWLAND of Georgia. Mr. Speaker, I am pleased today to present to the House the final report of the National Commission to Prevent Infant Mortality.

It is a shocking fact that, in saving the lives of babies, America ranks 19th among the nations of the world.

We have made outstanding achievements in medical technology, but still 40,000 American infants are dead each year before their first birthday.

For the past year, the National Commission to Prevent Infant Mortality has probed the experiences of the Nation's parents and professionals for answers.

What we found is that many infants are born too small, many are born too soon, many mothers never get decent care and guidance during their pregnancy.

We need to invest the kind of resources that provide preventive health care rather than waiting to provide costly "rescue" treatment later.

This report calls for universal access to early, comprehensive maternity and infant care. Second, it describes the need to make children's health and well-being a front-row national priority—not just to recognize the problem but to reach the people who need the help.

The Commission believes the Nation has the means to help the children and the means justify a new beginning. We need to weld the resources of medicine, government, and community into a commitment and a capacity to care for mothers and infants.

I would like to submit a copy of the final report of the National Commission to Prevent Infant Mortality for inclusion in the CONGRESSIONAL RECORD.

RECOMMENDATIONS

Two major steps must be taken immediately if the United States is to activate our fight against infant mortality and if we are to assure our children and mothers the health and well-being that are their right.

First, we must provide *universal access* to early maternity and pediatric care for all mothers and infants. The existing financial, administrative, logistical, geographical, educational, and social barriers to essential health services for pregnant women and infants must be eliminated. Employers must make available health insurance coverage that includes maternity and well-baby care. Government must assume responsibility for those who lack private insurance or are unable to pay.

Second, we must initiate immediately a sustained, broadbased effort to make the health and well-being of mothers and infants a national priority and give them the public attention and resources they deserve.

These broad courses of action are the major recommendations of this report. To implement these goals, federal, state, and local governments, business and industry, community organizations, and the public and private sector health care communities must assume the responsibility for specific actions. The recommendations offered in this report represent a strategy which can make a difference.

EVERY MOTHER AND EVERY BABY MUST BE ABLE TO GET THE HEALTH CARE THEY NEED

UNIVERSAL ACCESS

Every baby should have the right to a healthy start in life. No pregnant woman or infant should go without preventive health services because avenues to care are blocked. Front-end maternity and early infant care are matters of life and death. They are far too important to allow anyone to fall through the cracks. Unless we make a commitment to providing universal access to maternity and infant care, the financial and human cost of infant mortality and morbidity will continue to climb. So will the cost to society of supporting the care and treatment of unhealthy children who, through no fault of their own, grow up with long-term disabilities or have difficulty becoming self-supporting adults.

The Commission holds that every pregnant woman and infant should be able to get the health care they need.

There must be no financial barriers to care.

The health of a pregnant woman or infant should never depend solely on wealth. Health care should not be limited to those with the ability to pay. To the maximum extent possible, the private sector should make available health insurance coverage, with the government being the provider of last resort as resources become available.

There must be no geographic or administrative barriers to care.

In some rural areas, the closest health care facilities are hundreds of miles away.

Often, mothers and infants needing help have no way of getting to or from a clinic.

Women seeking to enter medical or other public assistance programs are often forced to wait as long as 30 to 60 days while their case is considered. Often, pregnant mothers and their small children must wait hours to receive much needed services. Many mothers just give up out of frustration.

Where no services are available, public health departments or local hospitals should establish them. Where there are long forms to fill out, waiting lists, hard to reach clinics, poor transportation, lack of child care services, or other administrative barriers to care, agencies should knock down those barriers.

We must provide early care that is high-quality, readily accessible, and appropriate to the health risks presented.

Pregnant women and infants must be guaranteed maternity and infant care as early as possible—women as soon as they know they are pregnant, infants as soon as they are born. Health services—prenatal, delivery, and pediatric—should be coordinated, comprehensive, sensitive to cultural differences, and consistent with accepted health care standards.

THIS NATION MUST MAKE THE HEALTH AND WELL-BEING OF MOTHERS AND BABIES A TOP PRIORITY

If the health and well-being of pregnant women, new mothers and infants is currently a national priority at all, it is far down the list. We are willing to spend an unlimited amount of money to keep low birthweight babies alive once they are born, but we are strangely reluctant to spend far less on the front-end preventive care that would make heroic, glamorous and expensive efforts to save young lives unnecessary. The consequence is that too many of our youngest children are dying. Our infant mortality rate is irrefutable evidence that although we care, we do not care enough. It is time we made a visible, tangible commitment to our children's health, to their quality of life, and to our nation's future—because it is cost-effective, and more importantly, because it is right.

The Commission recommends that a national campaign to bring infant mortality to the forefront of our country's awareness be launched and that there be established a permanent national council on children's health and well-being to focus efforts on preventing infant mortality and reducing infant morbidity.

FIRST STEPS FOR REDUCING INFANT MORTALITY

FINANCING CARE: PAY NOW OR PAY LATER

Comprehensive maternity and infant care saves lives and money: those facts are well documented. We can spend the money now or we can spend a lot more later.

This nation's hospital bill for keeping low birthweight babies alive during their first year of life can be as high as $2 billion a year. The cost of providing front-end prenatal care for those women who do not currently receive it could be as little as $500 million.

One of the main reasons millions of pregnant women and infants do not get the health care they need is simply because they cannot afford it. Most Americans finance health care with insurance provided by through their employer. But a job does not guarantee that a woman or her family will automatically have health insurance, or that the insurance they have will cover all their needs.

In 1985, 9.5 million women of childbearing age had no health insurance. More than 7 million of these women were married to workers or had jobs themselves. More than 20 percent of all children without health insurance lived with a parent who was insured through work.

Even those who have private insurance must often pay substantial out-of-pocket expenses, especially if their coverage specifies cost-sharing for maternity and well-baby care benefits, or if it restricts coverage for new policyholders who have personal or family histories of medical conditions such as diabetes. Some policies simply do not cover maternity care at all. In 1987, five million women of childbearing age had private health insurance that did not cover maternity care.

A PLAN OF ACTION

Public Sector

The Medicaid program should be expanded to cover all pregnant women and infants who have family incomes at or below 200 percent of the federal poverty level.

Assets tests for pregnant women applying for Medicaid should be eliminated. As of July 1988, 16 states still considered assets, such as a family automobile, in computing eligibility.

Eligibility in Medicaid for pregnant women and infants should be continuous throughout the infant's first year of life.

Private Sector

The private sector should make available prenatal and pediatric health care. All employment-based health insurance should include maternity and well-baby care coverage for employees, their spouses and dependents.

Self-employed and unincorporated businesses should be allowed to deduct the full cost of health insurance as a business expense. Corporations already do this.

To increase the availability and affordability of private group health insurance for small employers, insurance pooling mechanisms should be established.

Women must be made aware of the full array of available services as soon as they become pregnant. It would be best if pregnant women and infants could secure all necessary services at one location. At a minimum, there must be coordination of programs including Medicaid; Title V Maternal and Child Health Programs; the Special Supplemental Food Program for Women, Infants, and Children (WIC); Community and Migrant Health Centers; social and welfare services; mental health and mental retardation services; substance abuse, prevention and rehabilitation; special education; and family planning services.

Congress should require that all Medicaid-eligible infants be automatically enrolled at birth in the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) program. Currently, fewer than half of eligible children receive any EPSDT services. States should also be required to offer follow-up services for any problems identified in the screenings.

The Medicaid application forms must be simplified and states should adopt a streamlined eligibility process, such as "presumptive eligibility" under which all pregnant women applying for Medicaid would be immediately eligible for services for up to 45 days or until the formal application is denied or accepted, whichever is sooner. As of July 1988, only 19 states had adopted the presumptive eligibility process.

The number of providers willing to serve high-risk pregnant women and infants must be increased and the malpractice crisis must be addressed. The Commission encourages the development of demonstration projects to test innovative ways to increase the participation of obstetricians, family physicians, pediatricians and certified nurse midwives in Medicaid and underserved communities.

In order to encourage more maternity and pediatric providers to participate in the Medicaid program, states should examine ways to adjust their Medicaid reimbursement rates and simplify the administrative requirements.

A "home visitors program" for pregnant women and new mothers, particularly those in high-risk populations, should be established. The program could educate and work with pregnant women throughout their pregnancies to promote healthy outcomes. Community organizations and volunteers could be trained to encourage healthy behavior and to refer pregnant women and infants to appropriate services.

INVESTING IN CHILDREN—INVESTING IN AMERICA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. MILLER of California. Mr. Speaker, last week I had the opportunity to address the Contra Costa Council, an organization of key business leaders in the Seventh District of California.

The central theme of my speech was this: America doesn't have any children to waste if we are to be a productive, innovative, and competitive society in the 21st century.

We have the knowledge to assure that every American child has the opportunity to succeed—through good health, sound development, educational opportunity, and economic security. The only issue is whether we will utilize that knowledge or continue to consign one-fifth of our young people to fail.

My address follows:

STATEMENT OF CONGRESSMAN GEORGE MILLER, SEVENTH DISTRICT, CALIFORNIA, TO THE CONTRA COSTA COUNCIL, AUGUST 6, 1988

I'm delighted to have the opportunity to come before the Contra Costa Council again to share some thoughts about Federal policies and our economic situation.

Of course, the Presidential election is going to be very important in setting that course.

But there are complex issues—fiscal issues, policy issues, and ideological issues—that go beyond this one election and address the future of the American economy in the decades to come.

The No. 1 topic in American politics today is children: their education, their families, and health care.

As most of you know, those are very important subjects to me, as chairman of the House Select Committee on Children, Youth and Families.

So I'm delighted that children are receiving this attention, because these issues raise some of the most fundamental questions about the role of Government and the future of this country.

Children today face a litany of problems which present difficult challenges to the future economic prosperity, growth and competitiveness of America.

We are losing millions of our children. We are losing them to drugs, to homelessness, to school dropouts and to teen pregnancy.

We are losing them to child abuse, to poverty, to AIDS and to infant mortality.

We must look behind the rosy economic indicators, at the real condition of millions of young Americans.

During the early 1980's, poverty among families with children rose 37 percent. Even among two-parent families, poverty rose over 50 percent.

Today, one-fifth of all children—13 million Americans under the age of 18—1.3 million California children—are growing up poor, overwhelmed by all of poverty's attendant health, educational, and developmental consequences.

Two of every three poor children are white.

Many poor children are living in the fastest growing family arrangement: single parent families.

In California, one-sixth of all children live in a family headed by a single mother—and half of them are living in poverty.

More women in the workplace mean changing child care needs in the home. And tax credits or moralizing aside, women will not disappear from the workplaces because they can't afford to. Not for the luxuries of life, but for the necessities. And even so, many are barely getting by.

Eight percent of women workers earn less than $20,000 a year. And even in half the homes where there are two wage earners, the husband is earning less than $20,000.

Nearly 40 million Americans lack any health care coverage at all, A 31 percent increase since 1980, and 12 million of them are children.

Over the past 8 years, 750,000 children have lost access to their only health program, and nearly 25 percent of all children are born to mothers who have had no prenatal care at all.

Is it any wonder that we have made little progress on preventing infant mortality, as the bipartisan National Commission on infant mortality disclosed yesterday.

Tens of thousands of those babies are born at high medical risk of death and disability because of low birthweight. Yet nearly 70 percent of the medically certified, high risk mothers in California cannot participate in the WIC Program that dramatically reduces the chances of low birthweight.

That tragic record is repeated in State after State throughout this Nation. So, it should come as no surprise that today, the United States has the highest infant mortality rates of any industrialized Nation in the world.

Five years ago, the study "A Nation At Risk" warned us of "a rising tide of mediocrity" in our Nation's schools.

Immediately, there were political promises of a renewed commitment to education; teachers would be trained; scholarships would be given; equipment would be modernized.

But for the most part, we abandoned that effort before we ever began it.

Sure, some paltry efforts were made. Michigan will spend $2-million on preschool programs. Is that a commitment to education? At the same time, that State has decided to spend $1-billion on new prisons.

Where's the investment? Where's the priority?

This year, 1 million babies will be born in the United States who will never finish high school. Most are poor, and as drop-outs, they will stay that way their entire lives.

As young adults, they will be largely illiterate, unskilled, and unemployable. Many will be teen-age parents, raising children in an environment as bad as their own, or worse.

When that class of 1 million drop-outs leaves school this year they take with them $240-billion in lost earnings and taxes over their lifetimes. And ultimately, they will deliver a bill to society: a bill for welfare, for health care, for law enforcement, and on, and on.

Now, many of you may be sitting there thinking that this is the litany of a liberal. You think my answer to all these crises of the American child is to dig into your wallets and spend your money on a lot of well meaning, but ineffective, programs.

That may be the rhetoric—but it has nothing to do with the reality.

In fact, as I continue to speak out on these issues in the Congress, I continue to win over the most conservative of the conservatives.

And as I speak out throughout the Nation, I win over business leaders.

And if I can win over Orrin Hatch and Henry Hyde, I think I can make my case to the Contra Costa Council, too.

Because a growing number of American leaders—in private and in public life—are coming to recognize that just as in business, we must decide that successful competition compels intelligent investment in the next generation of Americans.

That's not liberal, it's not conservative:

It's hard economic and business sense.

The challenges to making America competitive are real, but not insurmountable.

And the real tragedy is not that we do not have the resources or the know-how to succeed.

The real tragedy is that we have refused to act upon our knowledge.

And that short-changes America, not just today, but in our long-term. Because it means we will have a less educated, less healthy, less productive, less trained, and less competitive workforce than other nations.

America cannot be No. 1 economically if we are No. 19 in health, losing millions of work days a year through preventable illness.

America cannot be No. 1 creatively if we are No. 20 in education, with millions of young people unable to follow simple instructions.

America cannot be No. 1 competitively if we oppose child care and parental leave policies that don't force a woman to choose between employment and her children.

We cannot succeed if one-fifth of our children are destined to fail.

We cannot compete if the raw material of the new American economy—the human product, is uncompetitive.

I keep getting told that business people tend to be conservative. So let's take the "conservative" estimate of the Committee for Economic Development—a coalition of some of the Nation's most successful business leaders, the C.E.O.s of major companies like Procter and Gamble, Bell South, and Honeywell.

C.E.D. predicts we are losing over a million children a year to dropouts, to drugs, to crime and to violence.

According to that conservative estimate, by the year 2000, we could have 20 million young Americans—untrained, uneducated, unemployable and unproductive.

If we are to be a competitive Nation; if we are to lead the world economically; if we are to sustain participatory democracy itself, we cannot afford that rate of failure.

We cannot afford schools that produce drop-outs or illiterate graduates.

We can't afford to spend $200 to teach an American worker basic statistical process control, because first we must teach that worker basic literacy.

In Japan, according to Motorola, it costs 47 cents—because they just hand a book to an employee.

That difference—47 cents versus $200—is the price of ignoring our schools. And it's a difference that translates into unemployment here at home and jobs exported abroad.

We can't afford to have over 10 percent of all new mothers in California become pregnant as teenagers. Because we know that teen-age parents have half the lifetime earning potential of a woman who defers childbearing until after the age of 20. We know that they require welfare, that they can't get jobs, and that too often, they raise their children in poverty.

We can't afford that waste of human capital.

We remember the "lost generation" of the 1950's and 1960's. Most of them grew up, went to school, got jobs, and made this country the most productive, most competitive, and wealthiest country in the world.

In the 1980's and 1990's, we may really lose a generation of American children, a generation that isn't going to finish school; isn't going to find good jobs; isn't going to be able to afford college or buy houses.

They will be a generation of Americans who are dependent on taxpayers for income, for health care, for housing and for food.

They will offer us nothing, they will produce nothing, because they do not have the basic tools of productivity or of competition.

And those millions, and the millions more in their families, will become an economic anchor chained to the leg of an American economy that will no longer be able to compete.

This fall, we are going to have an opportunity to confront these difficult issues. And for me, it is not just a question of Dukakis or Bush: it's a challenge to America's voters as well as our leaders.

And that's why I am delighted that the unmet needs of America's children and families has taken center stage in the political debate.

Are American voters going to make realistic assessments of what this Nation needs from the next President, and we are going to recognize that the only way we will even come close to solving social, economic, and health issues is for Government to be actively involved as a partner?

We've tried it the other way. We've listened to those who have said that "the best Government is the least Government"; We've heard their argument that when Government gets involved, the problem gets worse.

We have been listening too long to false drummers who summoned us to the false goals of personal enrichment, social indifference and political ambivalence.

Those are not the hallmarks of a great nation.

They do not challenge us to be a compassionate people.

They lull us into a complacency that endangers the integrity, the security, and the potential of this nation and its future.

There are those who argue that the existence of these problems illustrates the failure of past initiatives.

I couldn't disagree more.

Because for the last 5 years, my select committee on children, youth and families has looked at those programs—on nutrition, on early childhood education, on nutrition and preventive services.

And what we've found is that those programs haven't been a waste at all. They're not riddled with fraud; they're not wasting money; they're not increasing poverty.

No. The evidence is overwhelming—from universities, from medical researchers, even from this administration: the programs work, they reduce poverty, they improve health and nutrition, they improve educational performance.

And that isn't the conclusion of a liberal Democrat: it's the conclusion shared by conservative Republicans on my select committee.

So despite all the rhetoric, the fact is that the only failure has been our refusal to make adequate investments in the future of our children.

Now, I know the question in your minds: "Alright, George, but how are you going to do anything about it without spending more money?"

Let me tell you the answer to that question.

You're not going to address the need, you're not going to respond to the crisis, you're not even going to make a dent in the problem without spending more money.

Just as we found out that you can reduce hunger—and we did.

You can reduce elderly poverty—and we did.

You can improve school performance, reduce low birthweight, and infant health—and we did.

But it is going to require an investment by this nation in its future health and economic security.

We cannot run away from the costs of addressing these problems any more than we can evade the problems themselves.

That's why the committee on economic development—those leaders of American business—called for an expanded commitment of resources, not because they want to spend money wildly, but because they recognize the enormous cost to this country if we fail to attack the serious education, health, and social crises that are undermining our society.

You can't do it on the cheap and be effective. As C.E.D. concluded, "Any plan for major improvements in the development and education of disadvantaged children that does not recognize the need for additional resources is doomed to failure.

"The price of action may seem high, but the costs of inaction are far higher."

And whether we are liberals or conservatives, whether we are Keynesians or supply-siders, whether we are Democrats or Republicans, on this we can all agree:

America cannot begin the 21st century "doomed to failure."

We don't lack the evidence. We don't even lack the resources.

All we lack is the will to invest in the future of America.

Isn't it time we committed ourselves to a national agenda that shows at least as much concern for the human cost of failure as for the fiscal cost of success?

But the fact is that investing isn't just good social policy. It's good human policy, too.

A few hundred dollars per pregnancy dramatically cuts low birthweight, and the thousands of dollars a day infant intensive care costs.

But half the eligible kids can't get on W.I.C.

Head Start dramatically improves test scores, reduces drop outs, and cuts repeat grades. Its saves us five bucks for every dollar we spend.

But 80 percent of the kids are locked out of Head Start.

When Richard Riley became Governor of South Carolina, that State ranked 49th in education spending, it had one of the highest dropout rates, and its student scored abysmally low.

Five years later, because Governor Riley had the foresight to demand better schools and the courage to ask voters to pay for them, 61 new education programs were created with the support of teachers, business leaders and parents. Tough accountability standards have been created for administrators and teachers. Parents are sending their children back to public schools, and morale has never been higher.

Who says America can't compete?

No greater challenge faces the next President, the next Congress, and all Americans:

Not to create an expensive Government;

Not to create an intrusive Government;

But to find an effective, compassionate and intelligent Government that educates its children, cares for its ill, houses its homeless and feeds its hungry.

As America closes out this decade, and as we move from one millennium to another, from one generation to another, and from one administration to another, let us take stock of our resources.

Americans must quickly decide how we will compete, for surely we must compete, if we are to pass along to our grandchildren a Nation which holds the promise of the America our parents passed on to us.

I believe that it is apparent that many of the strengths of the past will play a less significant role in the coming years: natural resources, military power, overseas colonies.

None of these assures a Nation's success any longer.

In fact, reliance on many of these traditional forms of national power will undermine our fiscal ability to prepare for the challenges of a world of unparalleled competitiveness.

Success will not come from domination of Third World countries, or from having bloated military budgets, or from conquest.

The Soviet Union realizes it; Japan realizes it; Germany realizes it.

Our resources, our economy, and our policies—domestic and international—must now turn from the aftermath of past wars to the challenges of future economic competition.

That is a competition which will not be won with weaponry or on battlefields. It will be won through creativity, through ingenuity, through aggressiveness and through determination.

It is a challenge unlike any which has ever faced this Nation, and it is one we cannot afford to lose.

These are choices America must make, and 1988 is, I believe, the critical year.

If we can put aside the past ideological divisions, the partisanship and the simplification, I believe this Nation has the resources and the ability to meet every one of these challenges, and to succeed.

I believe we have the best minds, the greatest abilities, and the national history to again achieve first rate status in every field of economic endeavor.

I don't believe there is another nation in the world that can be more productive, more competitive, or more resourceful than the United States.

What we need is the commitment, the determination, the discipline and the leadership—both from public and private sectors, working together, channeling the resources of this great country.

We don't have a single American child to waste in our effort to assure the economic leadership of this Nation in the coming century.

I believe we can meet that challenge, and so do you. And I want to work together with you towards reaching those goals.

Thank you for giving me the opportunity to meet with you today.

IN OPPOSITION TO THE DEPORTATION OF JOSEPH DOHERTY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. TORRICELLI. Mr. Speaker, I would like to take this opportunity to reiterate my opposition to Attorney General Meese's decision in June to deport Joseph Doherty. Mr. Meese's decision contradicted a Federal judge's 1985 ruling. This ruling held that Mr. Doherty, accused of killing a British soldier, could not be extradited because the killing was a political act.

Since 1983, Mr. Doherty has been held in a New York jail, pending judicial determination of whether Britain's request for extradition should be granted. Under the applicable extradition treaty between the United States and Britain, political acts cannot serve as the basis for extradition. By making his decision, Attorney General Meese allowed political considerations to interfere with the normal judicial process. The decision as to whether the United States should send Mr. Doherty to Britain should be made by the courts under the proper extradition treaty. Mr. Meese turned this situation into a deportation case by claiming that Mr. Doherty should be sent to Britain for illegally entering the United States.

Mr. Speaker, it is obvious to anyone who has carefully scrutinized this case that Mr. Meese distorted the judicial process to reflect the administration's ideological proclivities. Fortunately, this decision will be reviewed by the Second Court of Appeals in the near future. I only hope that Mr. Meese's resignation will put an end to the Department of Justice's interference in our judicial system.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, August 11, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 12

9:30 a.m.

Select on Indian Affairs

To hold hearings on S. 2672, to provide Federal recognition for the Lumbee Tribe of North Carolina.

SR-485

SEPTEMBER 7

2:00 p.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

To hold hearings on S. 2571, to designate certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, and create the Winding Stair Mountain National Recreation and Wilderness Area.

SR-332

SEPTEMBER 8

10:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

Business meeting, to mark up S. 2272, to authorize funds for fiscal years 1989 and 1990 for programs of the Fish and Wildlife Conservation Act of 1980, S. 2384, to authorize funds for fiscal years 1989, 1990, and 1991 for programs of the Atlantic Striped Bass Conservation Act, and other pending calendar business.

SD-406

SEPTEMBER 9

8:00 a.m.

Veterans' Affairs

To hold oversight hearings to review the adequacy of available funds and personnel for the VA health-care system.

SH-216

SEPTEMBER 15

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2657, Campaign Cost Reduction Act.

SD-562

SEPTEMBER 20

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings to review the U.S. and foreign commercial service.

SR-253

Rules and Administration

Business meeting, to consider a report on the operation of the Senate, and a report on impeachment proceedings pursuant to instructions of the Senate.

SR-301

SEPTEMBER 27

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the American Legion.

SD-106

SENATE—*Thursday, August 11, 1988*

(Legislative day of Wednesday, August 10, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

The PRESIDING OFFICER. This morning's prayer will be offered by the guest Chaplain, Rev. Greg Dowey, of Columbia, SC.

PRAYER

The Reverend Gregory D. Dowey, Columbia, SC, offered the following prayer:

Let us pray:

How great You are, O Sovereign Lord. There is no one like You, and there is no God but You, as we have heard with our own ears.

We invite You here now to give wisdom, knowledge, and direction to our Senators. Guide them as they make the decisions concerning the well-being of this country.

Father, we ask by the faithful administration of authority You have placed over us, that our Nation will be faithful to You. Keep us ever mindful or Your constant love.

Now may Your peace overcome and endure.

In Christ's name, amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 11, 1988.

To the Senate:

Under the provisions of rule I, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I also ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond 9:30 a.m., with the Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

HOW TAKEOVERS STRIKE AT THE HEART OF THE U.S. ECONOMY

Mr. PROXMIRE. Mr. President, why is the merger and acquisition mania that has been sweeping the country a serious economic danger? First and above all, it is a danger because the firms that are the takeover targets are our very best, our most competitive, our most efficient. The takeover boys have no interests in the dogs. Show me a failing firm with inept management and high debt, and I'll show you a firm that has no appeal to the merger and acquisition crowd.

Take my State of Wisconsin, for example. The Milwaukee Journal recently carried a story by Judy Wenzel. The story reported that seven of our State's biggest, most successful and most efficient firms are now considered possible targets for a takeover. These seven firms employ 26,250 of my constituents. They have annual sales of $11.5 billion. They represent a vital part of the economic life of our State. They include Briggs & Stratton, Harnishfager Industries, Johnson Controls, Kimberly Clark, A.O. Smith, Universal Foods, and Western Publishing. Mr. President, every one of these firms has earned an enviable reputation for the excellence of their management.

Johnson Controls is an outstanding example. A couple of years ago a group of economic experts selected Johnson Controls as the Wisconsin firm that has most conspicuously improved its productivity. I was proud to present Johnson Controls with the coveted award for their remarkable productivity record.

Each of the other firms has won nationwide recognition in the business community for the excellence and efficiency of their management. Now they're ripe for takeovers.

That means the jobs of 26,250 of my constitutents are in various degrees of jeopardy. Some may ask—what's wrong with that? Why shouldn't any and every American company, no matter how efficient, be in jeopardy? Why shouldn't investors be free to buy any company they want? Does anyone hold a gun to the head of stockholders who own these companies and force them to sell? Don't the stockholders tend to make a bundle when the takeover crowd moves in? Don't takeovers lift the price of the stock and therefore benefit stockholders?

All this is generally true in the short run, over a few months. But in the long run, studies by Dr. Sherer of Swarthmore show that the resources bought in takeovers become consistently less productive. Takeover management is generally not better. It's worse. A study by Prof. Louis Lowenstein of Columbia University shows that where the price per share of firms acquired in mergers rises during the acquisition process, the value of those shares falls after the takeover has been completed.

The long-term shareholder isn't the only loser. Takeovers usually diminish the number of jobs available. So those who work for the takeover target lose. Takeovers also strike the community where the firm is based. Result: an adverse ripple effect. The community that relies on its local firms for employment, local purchasing, and taxes paid to the local community is frequently a big loser when a major local firm is taken over. Headquarters are typically moved out of the community, frequently out of the State. The firm then becomes just another branch or division of a conglomerate.

All these losses might be worthwhile if the sacrifice paid off for the country's overall economy. But there is no evidence that it does. Whether the management succeeds in turning back a hostile takeover or is taken over, when the smoke has cleared there is always one common burden: a heavy

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and often an extraordinarily heavy increase in the firm's debt burden.

It is rarer than a no-hit major league baseball game when an acquirer group moves in and pays excess cash to buy a major company. One way or another, the acquisitions are almost always paid for with borrowing, usually very heavy borrowing.

Who assumes this new debt? The acquired corporation assumes it. So if someone moves in on our Wisconsin star, Johnson Controls, that firm will end up carrying an immense debt load. What's wrong with that? What's wrong is that the excellent productivity performance of Johnson Controls will become a thing of the past. Henceforth, its cash flow will not be available for the kind of research and development that now keeps Johnson Controls at the head of its domestic and foreign competition. The cash flow will have to go to paying the huge interest burden it will have to bear. If not, the firm will become insolvent.

Mr. President, there are some powerful and very big winners in most of these takeover fights. The winners are the acquirers, their insider arbitraging associates, their investment bankers, their lawyers and the stockholders who come in for a ride on the takeover express and jump off the day the takeover is consumated.

The losers are: the long-term investor, the job losing employees of the target firm, the community and State where the target firm is located. And the big loser is the American economy. The huge increase in corporate debt imposes a colossal interest burden on corporate America that blocks investment in research and development, manpower training and new, more efficient equipment that is quintessential to our country's economic progress.

Mr. President, I ask unanimous consent that the article to which I referred by Judy Wenzel in the July 3 Milwaukee Journal, headlined" Takeover Fever Strikes Here—No Wisconsin Firm Is Immune From Attack," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAKEOVER FEVER STRIKES HERE—NO WISCONSIN FIRM IS IMMUNE FROM ATTACK

(By Judy Wenzel)

Who's next?

Cooper Industries bought RTE Corp. in May and already plans to close its Brookfield headquarters with the loss of 50 jobs. Fort Howard Co. stunned investors 10 days ago when its top officers bid $3.57 billion for the Green Bay company. Wall Street has pushed the stock price above the $53-a-share offer, speculating that another buyer could step in and up the ante.

In the past 18 months, 10 Wisconsin publicly traded companies have been sold.

"No one is sacred," said Timothy P. Reiland, director of research at the Cleary Gull Reiland McDevitt & Collopy Inc. investment firm in Milwaukee. "It really kind of boils down to this: Almost everyone is vulnerable to the acquisition and leveraged buyout craze."

No one, of course, can say who's next. But there's a staggering list of Wisconsin companies whose names crop up as possible takeover targets or who already have a potential buyer in the wings.

Seven big firms with Wisconsin headquarters or major operations here are considered possible targets, according to anlaysts. They are: Briggs & Stratton Corp., Harnischfeger Industries, Johnson Controls, Kimberly-Clark, A.O. Smith, Universal Foods and Western Publishing Group. Together they have annual sales of $11.5 billion and employ 26,250 people in the state.

Another six companies already have an investor who owns a significant chunk and might try to buy the rest. Some have already rejected several bids. They are: Air Wis Services, American Medical Buildings, Gander Mountain, Manitowoc Co., Medalist industries and Nicolet Instrument.

All the state's major banking companies have to be considered potential targets, several analysts said. With interstate banking, and the prospects of nationwide banking within the next several years, they're all vulnerable. Add to the list: Associated Banc-Corp, First Interstate of Wisconsin, First Wisconsin, Marshall & Ilsley, and Valley Bancorp.

* * * * *

"If we continue to lose companies at the rate we've been losing them, we're going to be nothing but a branch office community, said Martin A. McDevitt Jr. Of Cleary Gull. "The whole trend is not a good one for the quality of life here."

* * * * *

The potential target and to some extent victims of good management, suggested Stephen Morton, director of research at Blunt * * * & Loew investment house in Milwaukee.

Companies here tend to be conservatively run, they don't have a lot of debt and their products have strong market positions—all traits that tend to make them more attractive—and vulnerable—he said.

Often the companies look cheap. The revival in Midwestern manufacturing and better health of these companies isn't reflected in their stock prices, according to Reiland.

Add to that the weaker dollar attracting foreign buyers and the uncertainty about whether the next administration will be as lenient on antitrust rulings, and it fuels a takeover frenzy, Reiland said. "My guess is we're near some sort of peak."

The takeover trend has been a mixed bag for corporate America.

"You could argue that this is one of the healthiest things and one of the scariest," Reiland said.

"It provides a fire to produce good results and a high stock price,", he explained. "But," added McDevitt "there's no question that communities and employes have suffered greatly because companies have been dismembered in a way that didn't make economic or sociological sense."

Jack L. Murray, chief executive officer of Universal Foods, calls the takover trend "terribly foolish and very risky."

"Madness," he put it, that is making a lot of money for Wall Street.

"You worry about it, but there isn't a hell of a lot you can do," Murray said. "You keep running the company as best as you can, and grow the company so shareholders can enjoy the benefits."

Universal Foods, a leading yeast producer, has done some extensive restructuring in its other product lines, including developing a line of frozen potato products and a food flavor and color business, and profitability is expected to improve.

Johnson Controls is an attractive target because of its strong cash flow and a leading position in four distinctive markets; energy control systems, considered the company's jewel; batteries; auto seats; and plastic bottles, analysts said. A raider could easily sell one or two divisions to help pay for the deal.

Is anyone immune from takeover?

Only the complete dogs, Murray suggested.

Less vulnerable are companies whose stock is still controlled by the founding family, such as W.H. Brady, Badger Meter, Oshkosh B' Gosh and Applied Power. Any takeovers would have to be on a friendly basis.

Analysts also suggested Snap-on Tools of Kenosha would be an unlikely target because of its relatively high stock price, though it could still attract a foreign buyer who would pay up for its distribution network.

Another potential deal with a difference is Mosinee Paper and Wausau Paper. They share some directors, and the chairman of Wausau was recently named Mosinee's president. A merger wouldn't be illogical.

You get the picture. The opportunity for speculation is wide open.

Here's a closer look at the takeover rumors and activity. Remember that sometimes the least likely companies wind up victims. And being in the spotlight now doesn't mean something is going to happen.

POTENTIAL TARGETS KIMBERLY-CLARK BRIGGS & STRATTON

Both have been the subject of takeover speculation that pushed up their stock price.

Rumors that Kimberly-Clark was a target fueled a $5.75-a-share runup in the stock two weeks ago and it has been trading in the low 60s since. It adopted a shareholder rights plan to fight a hostile takeover after the rumors surfaced.

No potential buyers have surfaced, and analysts estimated it could cost $6 billion to $8 billion to buy the giant—a price that obviously limits the field.

Briggs' stock climbed $3.25 a share after a noted New York analyst said it could attract a foreign investor looking for a debt-free US company. The analyst, Michael Metz of Oppenheimer, suggested Briggs, trading in the low 30s, could bring $45 a share.

Chairman Frederick P. Stratton Jr. said the company wan't talking to any potential acquirers, foreign or domestic.

Analysts said both companies are attractive because of their dominant market positions. Kimberly-Clark, based in Dallas, Texas, with major operations in the Fox Valley, has such widely recognized brand names as Kleenex tissues, Huggies diapers and Kotex and New Freedom feminine products. Briggs is the biggest producer of engines for the lawn and garden industry and the biggest makers of auto locks.

JOHNSON CONTROLS UNIVERSAL FOODS

In the last three years, both have bought off potential corporate raiders, paying a higher price to buy back the stock than it was trading for. In Wall Street terms, they were greenmailed.

In February, Universal Foods paid an unidentified investor nearly $18 million to buy back his 4.7% stake in the company at a

22% premium; Murray, its chairman, declined to comment on the transaction.

In 1985, Johnson Controls paid financier Victor Posner $80 million to buy his 11% position—a bonus of $2 a share or 4.6%. During the time Posner held his stock, the company also bought Hoover Universal Inc., a maker of auto seats, soft drink bottles and precision engine rings, which dilutes Posner's stake.

Johnson Controls apparently dodged the takeover bullet in late '86, as well. The investment firm of Drexel Burnham Lambert had an open order with brokerage houses to buy all the Johnson Controls stock it could, and the stock price jumped about $4 a share in heavy trading, McDevitt said. But when takeover speculator Ivan Boesky was indicted on insider trading charges, Drexel Burnham dropped out of sight for a while and Johnson Control's stock fell off sharply, McDevitt said.

Both companies' stocks sell at a slight discount to the market.

Universal Foods, a leading yeast producer, has done some extensive restructuring in its other product lines, including developing a line of frozen potato products and a food flavor and color business, and its profitability is expected to improve.

Johnson Controls is an attractive target because of its stong cash flow and a leading position in four distinctive markets: energy control systems, considered the company's jewel; batteries; auto seats; and plastic bottles, analysts said. A raider could easily sell one or two divisions to help pay for the deal.

WESTERN PUBLISHING

The publisher of Little Golden Books, with major operations in Racine, has indicated it's willing to sell if the price is right. Negotiations to sell to Gulf and Western fell apart in May. Will the company be sold by the end of the year? "If I were a betting women, I would bet on it," said analyst Judith Scott of Robert W. Baird & Co.

HARNISCHFEGER

It rejected a half-hearted takeover attempt last year from a group of Florida investors, and analysts disagreed over how likely a target it is now. The naysayers point out that its earnings as a percentage of sales are still low and its stock is fairly priced.

But others note it has substantially reduced its debt, so there's room on the balance sheet for a buyer to add some, and there's some breakup potential, given the good performances of the Beloit Corp., the leader in making papermaking machinery, and Syscon Corp., developers of computer information systems, primarily for the US government.

A.O. SMITH

Its stock is cheap, barely more than half the company's book value—the amount the company's books show it would be worth after all the debts are paid.

The Smith family still controls a majority of the stock, but if the price were high enough, they'd have to consider an offer, analysts suggest.

The maker of auto and truck frames, water heaters and electric motors has gone through a major restructuring and is in the midst of a turnaround, analysts noted.

WITH INVESTORS

These companies have large investors who could pose a takeover threat.

AIR WIS SERVICES

The Appleton-based regional airline that operates as United Express has turned down three takeover bids, the last for $17 in cash and debentures, in the last seven months.

A Florida insurance holding company, Transmark USA, still owns 9.9% of the stock and has been silent about its intentions since it said in its initial securities filing in February that it might be interested in gaining control.

Some investors, however, are still speculating that something will happen. Last week, the stock rose to a record high for the last 12 months in heavy trading after another regional airline was acquired. Company officials said nothing was in the works.

MANITOWOC CO.

The Belzberg family of Canada, which has a reputation for profiting on takeover attempts, two weeks ago bought a 5.1% stake in Manitowoc Co., of Manitowoc and might be interested in a takeover.

Hugh Denison, director of research at The Milwaukee Company, said he didn't think the Belzbergs would buy the company, but suggested there's a strong possibility the management could propose a leveraged buyout or another company could make an offer.

It's a prime takeover candidate, he said, because it doesn't have any debt and it's sitting on cash of $100 million. The company has shrunk to only about $100 million in sales by cutting back its crane operations and virtually getting out of the shipbuilding business, leaving it with a profitable ice machine operation. "The company is almost a bank with a subsidiary that makes ice machines," Denison said.

MEDALIST INDUSTRIES

This Mequon firm has standstill agreements with two big investor groups that expire the end of August: Riverway Securities of Hoston, Texas, whose $20-a-share bid was rejected; and a New York group of physicians, which has made a tentative offer of $21 a share.

Denison suggested the New York group is more serious. If nothing happens there, he said Medalist could make a significant corporate move, possibly selling its bicycle business.

Reiland also suggested the company would re-evaluate its bicycle division, looking at everything from restructuring it to selling it.

GANDER MOUNTAIN

The Wilmot-based catalog retailer of hunting and fishing equipment adopted anti-takeover measures after Horn & Hardart Co., a Las Vegas mail-order firm and fast food operator, announced it bought a 6% stake. Ralph Freitag, Gander Mountain's president, said Friday that he hadn't talked with Horn & Hardart officials since early February when they indicated they wouldn't seek a bigger position without management's blessing.

NICOLET INSTRUMENT

A Chicago money-management firm, Baker, Fentress & Co., bought a 7.5% stake in Nicolet Instrument of Madison in April, but has said it has no immediate intention to take over the company, Nicolet has had losses and layoffs and installed a new chief executive last December.

AMERICAN MEDICAL BUILDINGS

The financially strapped American Medical Buildings turned last month to its major shareholder, Unicorp American Corp. of New York, to be its principal lender. Unicorp, which has owned 38.1% of the stock for a year, received stock options, which, if exercised, would give it a 47.7% interest in AMB.

STATE BANKS MAY FACE TAKEOVERS, TOO

"Every bank in Wisconsin is a takeover candidate," says William W. McGinnis Jr., the banking analyst at The Milwaukee Company.

"In the long run, I don't think we're going to have a surviving institution in Wisconsin," says Mike Milunovich, banking analyst at Robert W. Baird & Co.

The industry consolidation and the prospect of national interstate banking by the early 1990s make all the banks potential targets, McGinnis, Milunovich and several other analysts said.

Marine Corp., the state's third-largest banking company, was the first to go. Banc One Corp. of Columbus, Ohio, completed its acquisition on April 1.

Milunovich suggested that the smaller companies will probably be acquired next.

But even the biggest, First Wisconsin Corp., with $7.1 billion in assets, and Marshall & Ilsley Corp., with $6.3 billion in assets, will be susceptible unless they can quickly grow to $20 billion in assets, either by merging with each other or with similar-sized banks outside the state and maintaining the headquarters here, he said.

Milunovich said he wasn't aware of any talks between the two companies. John Hendee Jr., chairman of First Wisconsin, said the companies have had "absolutely no discussions." A spokesman for M&I declined to comment, saying the bank doesn't comment on rumors or speculation.

Such a merger wouldn't be unheard of, however. First Wisconsin was quietly negotiating with Marine last year when M&I moved in with an offer for Marine. It was M&I's offer that led Marine to open up the bidding and end up with Banc One as a so-called white knight.

One analyst also noted that there have been rumors for years that M&I was interested in acquiring Associated Banc-Corp of Green Bay.

First Interstate Corp. of Wisconsin, based in Kohler, is being prodded by its biggest shareholder to seek an acquisition partner, but the board of directors has indicated it isn't interested in selling the company.

McGinnis said it isn't possible to say which banking company is most likely to be acquired next. That will depend on the size of the buyer, what market areas it wants to get into, whether it wants to emphasize business or consumer lending, and how the banks' corporate cultures mesh, he said.

With its recent acquisition of Central Wisconsin Bankshares, No. 2 M&I now has the most extensive statewide operations. It would also command the highest price because of its consistently high earnings record, he said.—Judy Wenzel

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SENATOR DANFORTH AND THE TRADE BILL

Mr. DOLE. Mr. President, the President will shortly sign into law the Omnibus Trade and Competitiveness Act of 1988, the most sweeping revision of U.S. trade law in over a decade. Its enactment will signal a national consensus of exceptional proportions on the future direction of U.S. trade policy.

Mr. President, this remarkable achievement would not have been possible without the efforts of the senior

Senator from Missouri, JACK DANFORTH.

I know that my friend the majority leader, Mr. BYRD, and the chairman of the Finance Committee, Mr. BENTSEN, have both commented on JACK DANFORTH's vital role in the past, as have I. Today, however, I wish to share with my colleagues a special acknowledgement of his role and of how JACK DANFORTH came to be one of the—if not the—prime congressional influence in U.S. trade policy.

Shortly after his arrival in the U.S. Senate, JACK DANFORTH realized that the trade should and would become a major policy issue before the Nation. Of particular concern to the Senator from Missouri was the need for consistent and credible enforcement of U.S. laws related to unfair trade practices. As a result, he and our colleague from Pennsylvania, Mr. HEINZ, authored major portions of the 1979 Trade Agreements Act to strengthen our laws against dumped and subsidized imports.

In 1981, when I assumed the chairmanship of the Senate Finance Committee, JACK DANFORTH became chairman of the Subcommittee on International Trade. By 1982, he had formulated the basic intellectual framework of an American trade policy based on reciprocity of market access and predictable American action to enforce U.S. rights under trade agreements.

The Danforth Reciprocal Trade and Investment Act of 1982, and its Danforth-Bentsen successor, ultimately found its way into law in the Trade and Tariff Act of 1984. It lay the foundation for much of what is contained in the new omnibus bill, including annual trade barrier inventories, administration self-initiation of trade cases, and greater precision in defining unfair or illegal trade barriers.

By 1985, JACK DANFORTH had become the principal advocate of reforms to develop a comprehensive and consistent U.S. trade policy. That April, for example, he commented to an audience at the National Press Club that without a significant decline in the value of the dollar and a more activist administration approach to foreign barriers, there could be no hope of congressional enactment of authority for a new multilateral round of trade negotiations. He was right.

In late 1985, the first bipartisan omnibus trade bill was introduced in the Senate by Senators DANFORTH and MOYNIHAN. This bill marked the arrival of Senate consensus on three key points: First, an activist-aggressive trade policy need not and should not be protectionist; second, market access and predictable U.S. responses are a necessary component of that policy; and third, bipartisanship is crucial in U.S. trade policy. I was pleased to be a principal sponsor of that measure and am proud to note that these concepts will now go into law as part of the 1988 act.

The Bentsen-Danforth Omnibus Trade and Competitiveness Act was introduced in early 1987. Key provisions of the bill, including its "super 301" cornerstone, and measures ranging from telecommunications trade to triggered farm marketing loans, were painstakingly put together by JACK DANFORTH in collaboration with the majority leader and I, as well as other Members from both sides of the aisle. The final product, which recently received a resounding 85 to 11 vote in the U.S. Senate, is one of which the Senator from Missouri is, and should well be, proud. A broad consensus on a substantive bill involving Republicans and Democrats, Congress, and the Executive, business and labor isn't seen around this institution every day. I salute this unique accomplishment and one of its principal architects, the distinguished senior Senator from Missouri, JACK DANFORTH.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HEINZ. Mr. President, I associate myself with the comments of the distinguished minority leader, Senator DOLE, on the critical role that Senator DANFORTH of Missouri has played in trade legislation.

I feel qualified to speak in that regard because, as a member of the Finance Committee and of the Trade Subcommittee which Senator DANFORTH has chaired and is now ranking member during the entire of my tenure since 1979, I have seen him fashion each of the measures that Senator DOLE has referred to.

He has been an effective and outspoken leader in virtually every area of trade, and the fact that the trade bill is about to become reality for this country is not only a testament to Senator DANFORTH's determination that there be a trade policy, a meaningful one in this country, but it is also recognition in this body brought about by his leadership that we cannot stand idly by while sectors of this country are crippled by unfair trading practices.

I commend the Senator from Kansas, Senator DOLE, our distinguished minority leader, for bringing Senator DANFORTH's remarkable record to the attention of all Senators.

Mr. DOLE. I thank the distinguished Senator from Pennsylvania.

I note the presence also of the distinguished Senator from Delaware, who has been a leader in trade ever since I have been on the Finance Committee, as has the Senator from Pennsylvania, as I noted in my comments. I know that Senator DANFORTH appreciates the Senator's remarks.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Nevada.

POLLUTION

Mr. REID. Mr. President, virtually not a day goes by without a startling news report detailing some aspect of this Nation's pollution problems. The headlines have focused on the washing of medical wastes on the beaches of New Jersey and New York, unhealthy air quality in our major cities, deterioration of the Earth's protective ozone layer, and the contamination of water supplies.

Not all of the myriad examples of environmental abuse are perpetrated by private entities that are unaware, unconcerned, or simply ignorant about the long-term and potentially threatening effects of their activities. It is a distressing fact indeed that some Federal programs have resulted in severe degradation of the environment.

The environmental records of some Federal agencies are a disgrace. In the past, Federal agencies have not complied with certain environmental laws and practices that others are required to follow. This double standard has resulted in contamination of land, air, and water by dangerous industrial and radioactive substances—posing a serious threat to public health and safety. In recent testimony before Congress, EPA officials have stated that some of the worst hazardous waste problems in the country are located on Federal facilities. Conservative estimates indicate this damage could cost as much as $100 billion to clean up.

We can no longer tolerate actions by Federal agencies—actions funded by taxpayer dollars—which pose a substantial threat to the health and safety of the public. The double standard which allows Federal agencies to flagrantly violate protective environmental standards cannot continue.

Yesterday I joined with my good friend and colleague in the House of Representatives MEL LEVINE of California, to call attention to a particularly deleterious act of a Federal official or agency—an act requiring induction into what we call the "Environmental Hall of Shame." The Department of Energy will have the dubious honor of receiving the first "Globe Rotter" award for an action which demonstrates "a callous disregard for the environment and the quality of life."

The Department of Energy manages this Nation's nuclear weapons program, a program which uses and generates toxic, hazardous, and radioactive materials. Various reviews conducted at DOE's defense facilities have identified a number of environmental concerns due to the agency's waste disposal practices. A September

1986 GAO report identifies key environmental issues at nine DOE defense facilities. According to GAO, eight facilities have ground water contaminated with radioactive and/or hazardous substances to high levels; six facilities have soil contamination in unexpected areas; and four facilities are not in full compliance with the Clean Water Act.

Apparently DOE has followed the decades-old waste-management philosophy of "dilution is the solution to pollution." This theory sounds good on paper but has obviously not worked in practice.

At the Hanford site in Washington, DOE has dumped 200 billion gallons of radioactive waste into shallow evaporation ponds, seepage basins, and burial pits, which has created a lake the size of Manhattan Island 40 feet deep. Earlier 15 million gallons of high-level tank wastes containing over 10 pounds of plutonium was piped into ground water at the Hanford site.

Plutonium leaks have been discovered at the radioactive waste site at the DOE's 890 square mile National Engineering Laboratory in Idaho Falls, ID, as well. It is outrageous what they have done there. In 1949, this facility began operation as an area to build, test, and operate various nuclear reactors, fuel processing plants, and support facilities. Hazardous waste is stored and incinerated at the facility.

"Deadly Defense—Military Radioactive Landfills," the radioactive waste campaign's report, discusses the use of injection wells for radioactive waste disposal at the Idaho lab. Under this simple process, wells were drilled into the aquifer and wastes were dumped into the ground water. This disposal method that they used at Idaho, which started in 1952 and was ended very recently, has used unbelieveable practices to dispose of their nuclear waste. During the first 12 years of using deep well injections of radioactive waste, 16 billion gallons of waste water containing 70,000 curies of radioactivity were dumped into the Snake River Aquifer.

And, a House Subcommittee on Oversight and Investigations memorandum also addresses contamination at the Idaho facility. It states:

> Over 17,000 tons of hazardous materials were disposed of in unlined leach ponds, retention basins, an earthen ditch, and an injection well which fed directly into an aquifer. These wastes include chromium contaminated cooling water, waste solvents, sulfuric acid, radionuclides, and laboratory wastes.

DOE's Environment, Safety and Health Report, dated July 1, 1988, further discusses the subsurface migration of transuranic radionuclides—a term which is less menacing than plutonium. The most deadly poison known to man. In other words, plutonium has penetrated to the deep rock, 110 feet beneath the southeastern Idaho site. Other tests indicate the deadly substance can be found 240 feet beneath the surface—almost halfway to an underground water reservoir. Plutonium is the substance that remains radioactive for 250,000 years. There is justification to be concerned about the future of the area's water supply should enough of the substance penetrate the underground reservoir.

In summary, Mr. President, we are hopeful that DOE's efforts to improve past pollution practices and clean up these contaminated sites will continue and result in success. Maybe then the Department of Energy will no longer bury dry plutonium-contaminated wastes in cardboard boxes.

So, Mr. President, it is with some regret that Congressman LEVINE and I have nominated them for this award.

A DEFENSE ENVIRONMENTAL RESTORATION AMENDMENT

Mr. HEINZ. Mr. President, later this morning, I will offer an amendment to the DOD appropriations bill to address the problem of hazardous waste contamination at Defense Department facilities.

Mr. President, there are commonsense principles that ought to be followed by defense facilities dealing with hazardous waste contamination. The first principle is that the citizens in a democracy should know of the dangers that face them. For good reason—so they can take actions to protect themselves and their families. Simply put, at a minimum, defense facilities should notify their neighbors that there exists a potential public health threat.

The second commonsense principle is that you take care of a serious problem as soon as possible. Providing notice to local officials will lead defense facilities to respond promptly. Why? Because local officials who are elected to perform will not stand for threats to their communities being ignored.

Mr. President, I must say that I have the utmost respect for the military institution and the service men and women that are responsible for defending our freedom abroad in Europe, Japan, and around the world. But the Defense Department must also be neighbors at home. That means cleaning up waste dumps that threaten American communities.

Within the past several months, two separate incidents of hazardous waste contamination at DOD facilities in Pennsylvania have come to my attention; and forcefully so, let me tell you. One is at the Navy Ships Parts Control Center, commonly referred to as the Navy Depot, in Mechanicsburg, the other is nearby, at the New Cumberland Army Depot about 10 miles away. Past disposal practices have now come back to haunt the Navy and the Army and pose threats to the public health and to the environment. My amendment would ensure that the Navy, Army, and the other services in the Department of Defense act responsibly and be accountable to the communities that surround them.

Specifically, my amendment is designed to remedy the problems that were experienced by the two sites in Pennsylvania and that would reasonably be expected to arise in relation to other contaminated DOD installations. First, my amendment requires DOD to notify the Environmental Protection Agency, the appropriate State and local authorities, and local public officials of all activities related to environmental restoration activities at DOD facilities.

Second, my amendment requires that all stages of the environmental restoration activities be conducted by entities that are independent from the Department of Defense.

Finally, my amendment directs that DOD facilities conducting environmental restoration activities immediately install the necessary monitoring systems upon the discovery of potential contamination.

Mr. President, I believe this amendment will be timely. It reaffirms existing law in carefully defining DOD's responsibilities for hazardous wastes at DOD installations, and it involves no new expenditures. I hope, when I bring it up later this morning, that our colleagues will adopt it.

INDIVIDUAL APPROPRIATIONS ACT

Mr. EVANS. Mr. President, as we approach the August recess, I wish to leave my colleagues with a few sobering thoughts. We have much work to complete before the end of the 100th Congress. We have made it our top legislative priority to send the President 13 separate appropriations conference reports. However, in view of the time remaining in the session and given the amount of work left to complete, the prospect of yet another omnibus continuing resolution is becoming more apparent by the day.

Although the Senate has passed all but one of the regular appropriations measures, we have enacted into law, to date, only two—Energy and Water and HUD. And, we are close to completing work on the third conference report on fiscal year 1989 funding for Labor-HHS-Education. There remain 10 general appropriations bills and 1 dire emergency supplemental upon which action must be completed before we adjourn sine die if we are to avoid a continuing resolution. Let us review briefly, exactly where we are. Of the 10 remaining appropriations bills we have sent to conference, only 2 have actually met: Treasury and Interior. Conferees will not have their first meeting until after the August recess on military construction, legislative branch, Transportation, DOD, assuming we complete action on it by the end of this week. A complete cast of conferees has yet to be appointed for foreign operations, Commerce, Science and Transportation, and appropriations for the District of Columbia.

We will have about 25 legislative days remaining in the session when we reconvene in September, assuming we adjourn sine die in the second week of October. We have 25 legislative days to enact 12 appropriations conference reports, as well as consider a whole host of other items on the calendar under the heading of "must pass." Judging by the amount of time it has taken us thus far in passing individual appropriations bills, we will have to resort to a continuing resolution to meet our adjournment date. For example, from the time of House passage, this year, on average, it has taken about 29 days for the Senate to complete action on the appropriations bill. In the Senate, alone, appropriations bills have remained on the Legislative Calendar for approximately 9 days before coming to the floor. The Senate has taken an average of 2 days to deliberate on each individual appropriations bill before final passage.

Mr. President, with these statistics, I believe it is an inevitability that we will have a continuing resolution for fiscal year 1989. When we arrive at this prospect in late September, early October, I will remind my colleagues then of the statement I will make now. One of the most visible errors in the budget process is our increasing and excessive reliance on the continuing resolution. These past few years have been an embarrassment. We have been required to vote on one massive continuing resolution—often on the same day that the conference committee filed its report. This has left Members of the Senate, supposedly a deliberative body, with approximately 30 minutes to review its contents. In the aftermath, we would discover the unusual spending provisions and new legislation concealed in the huge continuing resolutions. No one, not the current President or his successor, could afford to veto the omnibus bill knowing that the Government of the United States literally would come to a grinding halt if he exercised such authority.

We have abused the process to the point where it clearly is a contravention of what Congress originally intended. Under the 1974 Budget Act, Congress and the President reconfirmed their commitment to a process that requires 13 separate appropriations bills. A continuing resolution was to be used as a temporary measure when Congress could not reach agreement on an appropriations bill. The continuing resolution would provide for continued spending for a limited period of time until a final appropriations act could be passed.

For the last 2 years, we reached an agreement on nearly all the individual appropriations bills. They could have been brought back as separate conference reports to the Senate and House. However, a conscious decision was made to lump them all together in what really is not a continuing resolution at all. What it is, in reality, is a broad, huge, omnibus appropriations bill.

Fiscal years 1987 and 1988 were not unique cases. Fiscal year 1977 was the first complete year under our current budget process. It also was the first, last, and only year that all 13 appropriations bills were adopted in their own right since the inception of the Budget Act in 1974. The last 3 years are a good indication of the problem; 1985—eight bills were included in the continuing resolution; and fiscal year 1986—seven bills were included. Thus far, we have done nothing in fiscal year 1989 to break with our tradition of the past.

Mr. President, when we take up the continuing resolution for 1989, I will offer an amendment similar to legislation I introduced with 43 of my colleagues. This amendment would direct the Senate-House committee of conference to divide the continuing resolution into titles, where titles correspond to regular appropriations bills. It would apply to continuing resolutions making appropriations for periods of 30 days or longer and would not apply to supplemental appropriations. Additionally, it would apply to continuing resolutions that contain two or more regular appropriations bills. By considering conference reports by titles that correspond to regular appropriations bills we can make more responsible and informed decisions based on merits rather than expedience.

This amendment will be identical to the amendment I offered last December to the continuing resolution. During the debate, there was considerable confusion over the scope and effect of the amendment. Those opposing the amendment were speaking against the original amendment I offered to the debt ceiling resolution in July of last year which directed the enrolling clerk to divide the continuing resolution. This separating responsibility has been shifted from the enrolling clerk to the committee on conference to allay the constitutional concerns which were raised during the floor debate.

In conclusion, Mr. President, I note that each time we debate the so-called line-item veto proposals, opponents express concern that such a proposal will circumvent our constitutional system of checks and balances. I understand and respect this concern. My amendment, however, would allow us to address what is an equally serious concern related to the constitutional imbalance created by sending the President a $500 billion-plus continuing resolution and saying, "take it or leave it." This scenario, itself, has been an aberration of checks and balances. Thus, I put my colleagues on notice of my intention to offer S. 1835 as an amendment to the fiscal year 1989 continuing resolution.

Mr. President, I ask unanimous consent that material from the Congressional Research Service of the Library of Congress on the subject of the method of treating appropriations bills including more than one title be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 11, 1988.

To: Honorable Daniel Evans, Attn: Ms. McKay.
From: American Law Division.
Subject: Method of Treating Appropriations Bill Including More Than One Title.

This is in response to your request for our consideration of your proposal which would require the conference committee of the House of Representatives and the Senate, acting upon an omnibus appropriations bill containing more than one title including funds for more than one of the major divisions of Government, to divide the conference report into separate measures, corresponding to what the ordinary appropriations bills would be, for reporting and subsequent consideration by both Houses. Purpose of the proposal is to halt the practice of omnibus bills funding all or most of the Government departments, with one consequence being that the President would have somewhat greater discretion with respect to the exercise of his veto power. The identical proposal was offered on December 11, 1987, in the Senate and defeated. *Cong. Rec.* (daily ed.), 12/11/88, S 17846–S 17852. At that time, it was intimated that constitutional questions could be raised as a barrier to the measure.

In recent years, Presidents have sought and others have both endorsed and opposed the concept of "line-item" vetoes, by which the President would have the authority of rejecting parts of bills rather than being required to sign or veto the entire bill. See *Line Item Veto,* Hearings before the Senate Committee on Rules and Administration on S. 43, 99th Cong., 1st sess. (1985). One of the cited reasons Presidents are said to need such authority is the practice in Congress of adding extraneous riders to bills or, more recently, of combining at the end of a session one omnibus bill containing the appropriations for the entire government.

Your proposal, as we understand it, would attempt to meet the proffered argument in a different way, by preventing an omnibus appropriations bill. Thus, once both Houses had passed an omnibus bill and sent it to conference the conference committee would be charged with dividing the bill into its thirteen component bills in accordance with the divisions by which Congress regularly treats appropriations for the Government.

We do not discern any constitutional obstacles to congressional ordering of its procedures in this way. Under Article I, § 5, cl. 2, of the Constitution, each House is empowered to determine the rules of its proceedings. While there is very little judicial precedent concerning this power and its exercise, as one would fully expect, what there is confirms the almost plenary nature of the authority. "[Neither House] may . . . by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any body or tribunal." *United States* v. *Ballin*, 144 U.S. 1, 5 (1892).

Where a rule effects private rights, its construction and application may present a judicial question. E.g., *United States* v. *Smith*, 286 U.S. 6 (1932) (Senate's attempt to reconsider confirmation of person nominated to executive office by President after communication of confirmation not warranted by its rules and is ineffectual); *Christoffel* v. *United States*, 338 U.S. 84 (1949) (issue of quorum at committee which cited complainant for perjury issue of judicial notice); *Powell* v. *McCormack*, 395 U.S. 486 (1969) (exclusion of Member-elect unconstitutionally expanded Constitution's list of qualifications of Members regardless of power of each House to judge the qualifications of its Members). Certainly, while the construction of a rule and even whether its validity is subject to constitutional infirmity may present a judicial question, *United States* v. *Smith*, *supra*, 33 (Justice Brandeis for the Court), the lower courts, predominantly the courts in the District of Columbia which naturally hear most of the disputes, interpret the Supreme Court precedents to require them to "take special care to avoid intruding into a constitutionally delineated prerogative of the Legislative Branch." *Harrington* v. *Bush*, 553 F. 2d 190, 214 (C.A.D.C. 1977); *Exxon Corp.* v. *FTC*, 589 F. 2d 582, 590 (C.A.D.C. 1978), *cert. den.* 441 U.S. 943 (1979); *Consumers Union* v. *Periodical Correspondents' Assn.*, 515 F. 2d 1341, 1347–48, 1351 (C.A.D.C. 1975); *Metzenbaum* v. *FERC*, 675 F. 2d 1282, 1287 (C.A.D.C. 1982). While finding that Members may have standing to raise the issues in court, the courts have refused on equitable discretion grounds, motivated by respect for a coequal branch, to involve themselves in such inherently internal disputes as those over the preparation of the Congressional Record, *Gregg* v. *Barett*, 771 F. 2d 539 (C.A.D.C. 1985), or the party ratios on committees, *Vander Jagt* v. *O'Neill*, 699 F.2d 1166 (C.A.D.C. 1982), *cert. den.*, 464 U.S. 823 (1983).

In the final analysis, it matters little whether there could be judicial review of your proposal, if it is adopted, or the degree of deference the courts accord it if they do review it. Members of Congress take the same oath to uphold and defend the Constitution as do the judges, Article VI, cl. 2, and Members must come to an independent judgment on the question of constitutionality. *United States* v. *Nixon*. 418 U.S. 683, 703 (1974). The point of the recitation of authority, above, is simply that the Constitution grants to each House the authority to make its own rules that so long as they do not run afoul of any constitutional restriction the House of Representatives and the Senate have vast discretion as to what those rules should be.

The only specific constitutional objection which was suggested during the December 11, 1987, debate was that to allow a conference committee to "originate" bills, i.e., the bills separated out of the omnibus bill, was to violate article I, § 7, cl. 1, which provides that "[a]ll Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills." It is far from evident that what the conference committee would be doing would constitute the origination of a bill; the original bill would have come to it and it would have broken it down into the separate appropriations bills which would otherwise have been each considered by both Houses. One can suggest that because the purpose of the conference committee is to compromise differences between the two Houses, each bill referred back to the two Houses will contain provisions that were either not in the bill as passed by one House or that is substantively different from either precedent provision contained in the two bills passed by both Houses. If that is to be considered origination, however, similar objections could be made to any bill reported back by a conference committee, unless it is something unique in having the conference committee spearate an omnibus bill.

Whatever may be the solution to such a nice question, the response to the objections is of a different order altogether. The proposed rule applies to appropriations bills; the constitutional provision on origination applies to "[a]ll bills for raising Revenue." There are two different kinds of bills concerned here. Revenue bills are those the primary purpose of which is to raise revenue, i.e., to impose taxes. E.g. *United States* v. *Norton*, 91 U.S. 566, 567 (1875); *Twin City Bank* v. *Nebeker*, 167 U.S. 196 (1897). Revenue bills do not comprehend appropriations bills. We need not rely on the plain language of the clause here, because, unlike many other constitutional disputes wherein the intention of the Farmers is ambiguous or must be discerned solely from the language used, the record in the Constitutional Convention shows the Framers consciously including tax bills and excluding appropriation bills.

Progress of the origination clause was extensively considered in the Convention.[1] While the Virginia Plan, introduced on May 29 by Randolph, gave to each House the "right of originating Acts," 1 M. Farrand, *Records of the Federal Convention of 1787* (rev. ed. 1937), 21, a competing draft, introduced the same day by Charles Pinckney, first contained a provision giving to the House of Representatives the power to originate "all money bills of every kind." *Id.*, 23; text at 3 *id.*, 596. Although various proposals for an origination clause were subsequently defeated by the Convention, as part of the "Great Compromise" by which the question of the nature of state representation in each House was resolved, there was included a provision that "all Bills for raising or appropriating money . . . shall originate in the first branch of the Legislature." 1 *id.*, 524. See *id.*, 543–547 (debate and adoption of clause). The clause as reported by the Committee on Detail was again debated on August 8 and this time stricken from the draft. 2 *id.*, 223–225. Additional efforts to include the same or similar language read: "Each House shall possess the right or originating all bills, except bills for raising money for the purpose or revenue, or for appropriating the same . . . which shall originate in the House of Representatives." *Id.*, 292. Although it was debated on several occasions, the proposed clause was postponed while other matters were resolved. Finally, the Committee of Eleven, which was charged with considering all matters that had been postponed or not acted on, reported on September 5 the immediate predecessor to the present clause. "All bills for raising revenue shall originate in the House of Representatives." *Id.*, 508–509. With a revision of the clause allowing the Senate to amend such bills, the clause was adopted in present form on September 8. *Id.*, 552.

Thus, it is evident that the Convention intended the distinction drawn in the language of the clause, its applicability only to tax bills, especially in light of the consideration over the course of the Convention of language that specifically referred to appropriations bills separate from revenue bills. And, in fact, Mason and Gerry, both of whom had proposed broader clauses to include appropriations and who had refused to sign the constitution, included among their objections the limiting of the originating clause so that the Senate could originate appropriations bills. *Id.*, 638 (Mason), 3 *id.*, 265–266 (Gerry).

Beyond this specific textual objection, it is difficult to see what other provisions of the Constitution are implicated by the proposal. The Constitution is quite specific about the legislative process in some ways, i.e., bicameralism was reflected in Article I, § 1, and process in Article I, § 7, but it says nothing about committees or conference committees, nothing about how bills are prepared or introduced, nothing about what the concept "bill" means. All the great detail of the legislative process is the subject of rule making by both Houses and to the accretion of precedent over the years. That innovation is hardly restrained by the Constitution is revealed by the so-called Gephardt Amendment in the House of Representatives, by which, under Rule XLIX of the House of Representatives, upon passage by the House of a concurrent resolution on the budget, containing a public debt figure, the enrolling clerk of the House prepares an engrossed joint resolution prescribing the public debt figure set out in the concurrent resolution which is signed by the Clerk and transmitted to the Senate. "The vote by which the conference report on the concurrent resolution on the budget was agreed to in the House (or by which the concurrent resolution itself was adopted in the House, if there is no conference report) shall be deemed to have been a vote in favor of such joint resolution upon final passage in the House of Representatives."

In short, acting upon its power to make its own rules, each House, absent a constitutional prohibition, may structure its legislative process at its discretion. It appears there is no prohibition which would reach the proposal so to have the conference committee acting on an omnibus appropriations bill to subdivide the bill into its component parts. In order to effectuate the purposes of the change, each House would have to amend its rules or the two Houses could concurrently embody the procedure in statute as has been done a number of times, such as in the impoundment control law and in the 1985 Balanced Budget and Emergency Deficit Control Act. Embodiment of the rules in statutes does not, of course, prevent either House from unilaterally changing its own rules.

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[1] See McDonald & Mendle, "The Historical Roots of the Originating Clause of the U.S. Constitution: Article I, Section 7," 27 Modern Age 274 (1983).

Johnny H. Killian,
Senior Specialist,
American Constitutional Law.

DR. ARMAND HAMMER'S VIEWS ON ASIA

Mr. PELL. Mr. President, on August 2, 1988, Dr. Armand Hammer, chairman and chief executive officer of Occidental Petroleum Corp., expressed to me his views concerning the political implications of the dynamism of the Pacific Rim countries. Dr. Hammer pointed out that the tremendous economic progress of the great trading nations of East Asia has created prosperity and economic opportunities which open the door for improved relations between erstwhile enemies.

I commend Dr. Hammer for his incisive views. Having recently returned from an extensive visit to East Asia, he expressed his conclusions in a July 31, 1988, article in the Los Angeles Times. A longtime advocate of exploiting economic and political opportunities for greater cooperation among nations, Dr. Hammer has earned the commendation and respect of leaders throughout the world.

Mr. President, I wish to take this opportunity to express publicly my appreciation to Dr. Hammer and his extensive efforts to build bridges between nations. I also commend his fine article on the possibility for improved relations between nations still hostile to one another in Asia. Mr. President, I ask unanimous consent that Dr. Hammer's Los Angeles Times article of July 31, 1988, be printed in full at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, July 31, 1988]

Former Asian Enemies See the Temptations of Trade

(By Armand Hammer)

A new order of political harmony and economic prosperity is about to be born in the Far East with the Pacific Rim as its cradle. I am glad to be one of the attendants witnessing its arrival, eager to nurture the infant.

"New Order" is a historically chilling term, but the one arising in the East is not rigidly rooted in ideology nor is it a set of theological precepts drawn from anicent texts. The signs in some of the dominant countries and cities of the Far East, capitalist and socialist alike, are the most people increasingly want to live together in prosperous harmony—not to impose their political beliefs and differing ideologies upon each other but to improve their standards of living as much as possible by trade among themselves and, otherwise, to let each other be.

It may not be long, I suspect, before Taiwan will be trading directly with the People's Republic of China and South Korea will be trading with North Korea. For their standing international markets and for their people at home, they need each other; and my experience over 70 years in business has taught me that, in the long run, economic necessity always counts for more than ideology.

What is happening in the Far East taxes credulity the pace of change is so rapid, the tempo of human activity so frenetic that, at times, you doubt the evidence of your own senses.

Last itme I was in Seoul, six years ago, six bridges spanned the Han River, connecting the two sides of the city. When I visited last month, I counted 16 bridges and saw two more in construction. In 1982, when I first visited South Korea, the population of Seoul was 7 million. It is now 10 million. What will it be by the end of the century? In Taipei, a senior member of the governing Kuomintang Party joked about the idea that economic aid might be given to Taiwan by China if ever the countries were reunified, saying: "By any measure of truth, any offer of help should be the other way round."

The foreign reserves of tiny Taiwan stand at $75 billion and, as a distinguished American diplomat told me, "The country is awash in liquidity: It sloshes round your knees when you walk down the street; the banks are discouraging depositors." The benefits of this prosperity are felt by people at all levels.

Under a liberal new policy, tens of thousands of Taiwanese are now able to visit their old homes and relatives on the mainland. To the amazement of both governments, all but a handful of those who have made the trip have returned to Taiwan and the benefits of the free-enterprise system. The only ones who remained behind were some aged people who wanted to be buried in the old country and some enterpreneurs who have spotted financial opportunities under Deng Xiaoping's "open door" policy.

The Pacific Rim is fast becoming the economic cockpit of the industrialized world ("these countries are production platforms for the West," an American diplomat told me); but few of us have begun to realize what those countries might achieve if they could break through the old political and ideological barriers that still restrain them economically. On my recent trip, I detected clear signs that breakthroughs may be imminent.

It would be absurd to treat the Pacific Rim as a homogenous economic entity. Singapore, Indonesia and the Philippines all differ from each other and from South Korea and Taiwan. The political problems of those last two countries are exceptional—witness the continuing unrest in Seoul. Yet South Korea and Taiwan have one economic characteristic in common: incredible productive output achieved with, effectively, no raw materials. Meanwhile, across the borders of both countries are boundless reserves of mineral wealth, cut off by twists of history and the consequences of war. Think what South Korea might do if it could gain access to the mineral reserves of North Korea; imagine what Taiwan could accomplish if it had access to part of the mineral surpluses of China.

Such trade would be very much in the interests of North Korea and China. As do all members of the socialist bloc, leaders in Pyongyang and Beijing face deepening difficulties in providing their people with satisfactory standards of living. Their domestic industries are incapable of providing finished manufactured goods in the quantity and quality of finish their people require.

They realize that the solution lies, partly, in friendly trading connections with the old capitalist, enemies at their frontiers. Skeptics will say that this will not happen to any great extent in the foreseeable future. But I believe that future to be just around the corner.

In Taipei, I had lunch with all the major cement manufacturers in Taiwan. These industrialists buy coal from Australia, South Africa and the United States. They could import coal much more cheaply from China but old barriers prohibit such trade. Not the least of their fears is that they might become dependent upon mainland coal which China could cut off at any time. I offered them an idea off the top of my head, suggesting that they turn to American capitalism to satisfy the needs of both Taiwan and China.

In association with the Chinese government, my corporation, Occidental, has developed one of the biggest open-pit mines in the world at An Tai Bao in Xianxi province. Meanwhile, through its subsidiary Island Creek Coal Co., Occidental is also one of the biggest coal-producers in the United States. "What if," I said to the Taipei manufacturers, "you bought Chinese coal from us and we guaranteed supply against our American reserves? That way, you would be independent of China."

The gentlemen around the table, enjoying their shark's fin soup, greeted my idea with cheerful laughter and applause. They didn't reject it out of hand as unworkable or immoral. They did not raise ethical objections to doing business with their old enemy. The only inhibition they mentioned was that such an arrangement would require a change of government policy at the top (and then, *sotto voce*, they added that such a change might be possible).

When men cast in the mold of Chiang Kai-shek can say that they would welcome trade with the mainland, through the intermediary of an American company, then observers may truly reckon that a new day is dawning over the East China Sea.

In Seoul, eager businessmen urged me to try to act as an intermediary between them and the North Korea government in the hope of effecting some trading connection between north and south.

Yet we know far more about Beijing than we know about Pyongyang. I know Deng Xiaoping as well as I know any political leader on earth; no more realistic and pragmatic man is in office in any country. Deng initiated an "open door" policy long before we heard any talk of *glasnost* in Moscow and, to some extent, Mikhail S. Gorbachev's reform policies seem to reflect Deng's campaigns in Beijing. If the authorities in Taiwan will open a window of opportunity, Deng will push China right through it.

Kim Il Sung in Pyongyang is a much less predictable force. North Korea is the Albania of the Far East, one of the most tightly controlled and exclusive societies in all history. The public demeanor of the government appears extremely hostile to the outside world and the political perceptions of North Korean leadership are anybody's guess.

Everybody is looking to the coming Olympics in Seoul as a vital trial and test of Kim Il Sung's good faith. If he restrains his followers and the games run their course without disturbance or attack, we may believe that North Korea genuinely wants a new climate of good will; in those circumstances, we may be able to look more favorably on President Roh Tae Woo's request that the friends of South Korea try to open a new trading relationship with North Korea.

The U.S. government position is unequivocal: hang tough. During a recent visit to South Korea, Secretary of State George P. Shultz reaffirmed support for Roh and confirmed that U.S. troops would remain in South Korea. The day after I saw Roh, U.S. Secretary of Defense Frank C. Carlucci III, visiting Seoul, said the United States was ready to use military force to prevent any terrorist activities by the North Koreans at the Olympic Games.

Firm declarations of American intent give Roh confidence. His most recent public statements sound like he is increasingly willing to initiate an accord with Kim.

If trade were to begin between South and North Korea and between Taiwan and China—eventually leading to open trade in the region and around the globe, we would take a vital step toward a new order in world politics; the 20th Century, so often so bleak and dark for the Far East, might close on a full note of hope, another new dawn in the progress toward world peace.

PROSPECTS FOR PROGRESS ON TEST BAN

Mr. PELL. Mr. President, next week, a precedent-setting nuclear test will over next Thursday at the Nevada test site. Soviets and Americans will, for the first time, be cooperating in jointly monitoring a nuclear experiment. Next month, our side will monitor a Soviet explosion at the test site at Semipalatinsk.

The negotiations which led to agreement on these tests are known as the nuclear testing talks. They began last November. A breakthrough was achieved at the Moscow summit when a joint verification experiment agreement was worked out. Under this agreement, we will conduct an explosion at the Nevada test site next week, which we and the Soviets will measure carefully with hydrodynamic and seismic means, and a Soviet test at Semipalatinsk will be similarly measured next month. A number of experts have been at each other's site preparing for the tests.

In addition, there was a detailed exchange of technical information in June on five earlier tests by each side. That information, together with the results of the upcoming experiments, should help us at last to deal effectively with the persistent fears that the Soviets have cheated on test limitations. They may prove our fears were groundless. They may indicate that some tests did exceed the ceiling. In any event, I think we will be far closer to the truth and in a far better position to move ahead in confidence.

The two nuclear experiments should help open the way to conclusion of new verification protocols to the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaties. I wish the President every success in concluding the negotiations and reaching workable agreements before this administration leaves office. If he is successful, I intend, as chairman of the Committee on Foreign Relations, to give a top priority to consideration of protocols. I hope that we will be able to move expeditiously thereafter to consideration by the Senate of the two treaties and the new protocols.

When the Threshold Test Ban and Peaceful Nuclear Explosions Treaties are ratified, I intend to push hard for early agreement to reduce the permitted yields and the numbers of tests. I believe we should be able to marshal the necessary support to reduce the ceiling in safety from the present 150 kilotons to about 10 kilotons—a level that could be monitored with high confidence. We could move down to 1 to 2 kilotons, and on to a level below that. A complete ban will be possible only when there is general acceptance that our monitoring and restrictions are good enough to ensure that no cheating is possible that would outweight the advantages of a ban.

I hope very much that the new administration will be convinced of the merits of negotiating a new treaty that moves us steadily toward the early achievement of a complete ban. I hope that the new administration will understand the vital importance of moving forcefully so that we can curb the development of new weapons, decrease our reliance upon nuclear weapons, and show other potential nuclear weapons states that we are serious about halting nuclear weapons tests.

Mr. President, we are now in the fifth decade since nuclear weapons were used in war against Hiroshima and Nagasaki. Most of the world's population was not yet born when that devastation occurred. And for those who were alive in 1945, the ruination brought on by these two bombs is now a remote memory.

Even many of those who saw those early atomic tests, who felt that first flash and its heat upon their faces, have passed from the scene. And, as nuclear testing has gone underground, these weapons have, in a sense, become sanitized for many. They have lost their ability to awe and shock.

Yet most of us here recall with clarity what happened at Hiroshima and Nagasaki. We remember the instantaneous deaths and the lingering illnesses, mutilations, and slow deaths. We know that behind the new prosperity in Hiroshima and Nagasaki lurks a continuing pain and horror. We know what those ghastly moments in 1945 mean for those who were there, and for their children and grandchildren, and for children still unborn.

The Hiroshima and Nagasaki holocausts were brought on by two crude weapons, each with an explosive force of less than 20 kilotons. Today, the five known nuclear weapons states have deployed nuclear arsenals containing a total of more than 40,000 weapons. Most of those weapons are far larger than the two weapons that introduced the world to nuclear war. Moreover, more than five nations may have nuclear weapons, and others want them—including terrorists desperately seeking the ultimate terrorist threat.

The need to seek controls upon and the reduction of nuclear weapons will remain until nations no longer perceive themselves to be dependent on nuclear weapons, no longer see them as a means of war, and no longer wish to threaten others with annihilation. To lessen the dependence upon nuclear weapons we must deal with the problem of nuclear testing. We commemorated last week the 25th anniversary of the signing of the first partial test ban—the Limited Test Ban Treaty of 1963.

We knew in 1963 that the Limited Test Ban Treaty represented a signal success for President Kennedy. He understood fully the importance of that treaty and put his personal effort into achieving agreement with the British and the Soviets. The treaty was negotiated in Moscow in only 10 days in a process that built upon the good aspects of the Soviets' initial position.

In the preamble to the treaty, the nations signing asserted that they were—

> Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, desiring to put an end to the contamination of man's environment by radioactive substance . . .

The flame of hope represented by that pledge has flickered, sputtered, and even seemed about to expire. That flame of hope has never died.

Mr. President, I am heartened by recent developments regarding nuclear testing. I believe that this President desires to—and can—complete work on the verification protocols and submit them to the Senate. I believe that the next President can attain additional constraints at an early date. We have an opportunity to fulfill a pledge made 25 years ago. We must not falter now.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD AND COMMISSION ON AGRICULTURAL WORKERS

Mr. HOLLINGS. Mr. President, on July 27 the Senate approved H.R. 4782, the Commerce, Justice, State, the Judiciary and Related Agencies

Appropriations Act for fiscal year 1989. As chairman of the subcommittee that developed the bill, I have had several inquiries about why there were no funds recommended for the Commission for the Preservation of America's Heritage Abroad and the Commission on Agricultural Workers. The answer is that no funds were requested by the administration for these Commissions.

The Commission for the Preservation of America's Heritage Abroad was authorized by the International Security and Develoment Cooperation Act of 1985 (Public Law 99-83). The Commission is charged with identifying cemeteries, monuments, and the historic buildings in eastern and central Europe associated with the heritage of U.S. citizens; with encouraging foreign governments to preserve and protect these entities; and with preparing annual reports to the President of the United States and the Congress. The efforts to preserve these cemeteries, monuments, and buildings is strongly supported by the American Jewish population who are particularly alarmed by the destruction of these vital ties to their heritage, such as is now occurring in Romania.

On June 5, 1987, L. Wayne Arny III, the Associate Director of the Office of Management and Budget for National Security and International Affairs wrote Representative BILL GREEN that:

> The administration supports the purposes of this Commission and believes it desirable to proceed with the steps necessary to get the Commission functioning.

The question is then, what steps has the administration taken to get the Commission functioning? By a letter earlier this year, the Chairman of the Commission, Betty Heitman, advised me that the President has appointed the members of the Commission and that OMB had established an account number in the Treasury in anticipation of an application. However, the administration has never requested any funds for the Commission on the Preservation of America's Heritage Abroad.

Mr. President, I ask unanimous consent to insert the names of those appointed to the Commission at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Last year, our subcommittee supported this effort by recommending my amendment for a startup appropriation of $200,000 in last year's appropriations bill. We did this in anticipation of a request from OMB. We never received an official budget request. When we got to the conference to work out the final bill, the House managers adamantly opposed the amendment on the grounds that the $200,000 was not requested. The Senate had to recede.

This year we renewed our efforts to secure a budget estimate from the White House, but again, none was forthcoming. So those persons that the President appointed to the Commission who are wondering what they are supposed to be doing, I suggest they call the White House. If the administration did not want the Commission they should not have made the appointments, but instead they are trying to take credit for something they obviously do not support.

We have a similar situation with respect to the Commission on Agricultural Workers. This Commission, authorized by section 304 of Public Law 99-603—the Immigration Reform and Control Act of 1986—was established to review the impact of the legalization program and the special agricultural worker [SAW] provisions of IRCA on the supply of agricultural labor and the agricultural industry. The Commission is expected to report its findings and recommendations to the Congress no later than November 1991.

On July 15 the White House announced their intention to appoint four persons to this Commission. Mr. President, I ask unanimous consent that the White House announcement dated July 15, 1988, also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Again, when we inquire about a funding request, we cannot find anything. So the White House makes an announcement to mislead the interested groups into thinking the administration supports these commissions, but when you look for something tangible, like a budget request, there is nothing to be found.

Mr. President, I want to support both these Commissions, but there is a proper procedure. This administration has pounded us over the head and shoulders about congressional add-ons to the budget. That is what makes us hesitant. They want us to fund these commissions without asking for the funds. As soon as we do their work for them they will issue another release about Congress appropriating funds that the President did not request. There are certainly larger issues to concern us. We are only talking about $200,000 for the Commission for the Preservation of America's Heritage Abroad and $600,000 for the Commission on Agricultural Workers, surely the administration, with all their wizards in OMB, undoubtedly could find the modest amounts necessary for both commissions within the overall totals they requested. That is, if they really wanted it.

So to all those that are concerned with these commissions, I would point them to 1600 Pennsylvania Avenue with the words of former Attorney General Mitchell in mind: "Watch what we do, and not what we say." In this instance, the administration cannot even hear what it is saying and I would suggest to the Commissioners who wonder what they are supposed to be doing, as well as the interested Members and groups, to go down there and yell a little louder.

EXHIBIT 1

COMMISSION ON THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

Betty Green Heitman, Chairman, The Heitman Group, 1350 New York Avenue N.W., Suite 915, Washington, D.C. 20005.

Dalia Debenes Bobelis, 4925 60th Avenue So., St. Petersburg, Florida 33715.

Rabbi Zvi Kestenbaum, Executive Director, Opportunity Development Association, 12 Heyward Street, Brooklyn, New York 11211.

Morgan Mason, President, The Mason Organization, 1900 Avenue of the Stars, Suite 2270, Los Angeles, California 90067.

Mary Lou O'Brien, Ponte-Vecchio Apartment 306, 1250 South Washington Street, Alexandria, Virginia 22314.

Honorable Judy Baar Topinka, Illinois State Senate, 8609 West 22nd Street, North Riverside, Illinois 60546.

Laurence J. Majewski, Professor of Conservation Emeritus, Institute of Fine Arts, New York University, New York, New York 10021.

Edward Howell Sims, Publisher/Author, Editor's Copy Syndicate, P.O. Box 532, Orangeburg, South Carolina 29115.

Gerald Rosen, Miller, Canfield, Paddock & Stone, 2500 Comercia Building, Detroit, Michigan 48226.

Arthur L. Berney, Professor, Boston College Law School, 885 Centre Street, Newton, Massachusetts 02159.

Rabbi Cheskel Besser, Congregation Bnai Israel, 353 West 84th Street, New York, New York 10024.

Abraham Friedlander, Editor, Boro Park Voice, 4616 13th Avenue, Brooklyn, New York 11219.

Asher J. Scharf, President, 33rd Street Development Corporation, 1421 52nd Street, Brooklyn, New York 11219.

Norman H. Stahl, Senior Officer, Devine, Millimet, Stahl & Branch, 111 Amherst Street, Manchester, New Hampshire 03105.

Edgar Gluck, Special Assistant to Superintendent for Community Affairs, New York State Police, 2 World Trade Center, Room 5802, New York, New York 10047.

Levi Goldberger, Field Underwriter, Mutual of New York (MONY), 1 Harmon Place, Secaucus, New Jersey 07094.

Israel Rubin, 10709 Great Arbor Drive, Potomac, Maryland 20854.

Rabbi Morris Schmidman, Executive Director, Council of Jewish Organizations of Boro Park, 4616 13th Avenue, Brooklyn, New York 11219.

Leslie Keller, 111-20 73rd Avenue, Forest Hills, NY 11375.

Julius Berman, 68-42 110th Street, Forest Hills, NY 11375.

EXHIBIT

THE WHITE HOUSE—OFFICE OF THE PRESS SECRETARY

The President today announced his intention to appoint the following individuals to be Members of the Commission on Agricultural Workers. These are new positions.

Lloyd W. Aubrey, Jr., of California. Since 1985, Mr. Aubrey has been a California State Labor Commissioner in the Division of Labor Standards Enforcement in San Francisco, CA.

Michael V. Durando, of California. Since 1984, Mr. Durando has been President of the California Grape & Tree Fruit League in Fresno, CA.

Philip L. Martin, of California. Since 1985, Mr. Martin has been a Professor of Agricultural Economics in the Department of Agriculture Economics at the University of California at Davis.

George Sorn, of Florida. Since 1984, Mr. Sorn has been Secretary, Treasurer, Executive Vice President and General Manager for the Florida Fruit and Vegetable Association in Orlando, FL.

TRIBUTE TO DON WALLACE

Mr. HEFLIN. Mr. President, it is truly a great honor for me to rise, today, to pay tribute to an outstanding Alabamian, and my good friend, Don Wallace of Florence, AL. Don Wallace recently received the American Legion Award as Alabama's Veteran of the Year. I can think of no person who is more deserving of this award or who better exemplifies the ideals of the American Legion than Don Wallace.

Don Wallace has been a member of the Florence-Lauderdale American Legion Post 11 for 43 years and works actively to make his post one of the best in the State. Don, who served in the Army Air Corps from 1942–46, currently serves as the district 11 representative for the district executive committeemen and has been the post adjutant for 7 years.

Mr. President, Don Wallace belongs to one of the most exclusive American Legion clubs, the Golden Brigade, with only 287 national members and 6 located in Alabama. In order to qualify as a member of this select group of legionnaires, Don Wallace has signed up 50 new legion members each year. In addition to his normal legion activities, Don takes great pride in his post's devotion to the Boys State Program. This year the post sent more boys to Boys State than any other post.

Don Wallace does not limit his activities only to the Legion. He remains very involved in other community projects. He received the Red Cross Volunteer Award and was named the Central High School Alummus of the Year.

Mr. President, I have no doubt that Don Wallace will continue to lead post 11 of the American Legion and promote the service of the Legion to our Nation. I ask unanimous consent that a newspaper article describing his accomplishments be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times Daily, July 24, 1988]

STATE AMERICAN LEGION VETERAN OF THE YEAR WANTS POST 11 NO. 1

Don Wallace, a former commander of Florence-Lauderdale Post 11 of the American Legion, was elected by the American Legion's state Department Executive Committee last week as Veteran of the Year.

Wallace, who has served as the post adjutant for seven years, is a former commander for the 11th district of the America Legion and has earned several other distinctions with the Legion and in the community.

He is the District 11 representative for the District Executive Committeemen. He served in World War II from 1942–1946 in the Army Air Corps.

Staff writer Jill Rhodes talked with Wallace about the state award and other aspects of his 43 years in the Legion.

Question: How does one get nominated for Veteran of the Year and from how many were you chosen?

Wallace: There are 25,315 members of the American Legion in the state, divided into 14 districts. The present commander of this post, Bill Hanbery, and Chester Lawrence nominated me in July and sent the nomination to the Department Executive Committee. The nominations were narrowed down to four from all over the state last Saturday at the DEC board meeting in Montgomery. My election was a unanimous decision by the executive committee:

Question: What accomplishments have you acquired in your years with Post 11 and did those awards contribute to your being elected Veteran of the Year. If not, why do you think you were chosen?

Wallace: Three things won this award for me. The biggest thing is that I am a member of the Golden Brigade, which includes only six other people in the state. To be a member of this, you must sign up 50 new members every year to be a member of the American Legion. Our post currently has 1,066 members.

Question: Is the Golden Brigade limited to a statewide distinction?

Wallace: No, it's nationwide. It was only started two years ago, and I have been a member both years. There are only 287 members of the Golden Brigade in the United States.

Question: How do you recruit 50 new members into the Legion each year?

Wallace: I go out and just ask people. Everywhere I go I am always asking people if they were in conflict in any war. I carry applications in my pocket and I sign them up. I intend to wear the Golden Brigade pin again this year.

Question: What are the other reasons that you feel you were chosen by state Legion officials?

Wallace: I think they were looking for people who want to go out in the community and work; people who are willing to go beyond the American Legion.

Question: What accomplishments do you have beyond the American Legion?

Wallace: I was named the Central High School Alumnus of the Year. I also received the Red Cross Volunteer Award and was recognized by the Northwest Alabama Chapter of American Prisoners of War for my help with them.

Question: When you were told you were selected, did you feel that out of all the other awards you have on your office wall, you were proudest of this particular achievement most?

Wallace: It made me feel great. As a matter of fact, a former state commander came up to me and said he would rather win this award than be state commander. It was a great honor. But, there were a lot of people who have helped me; members of the post, district and the Ladies Auxiliary. No one person can do by themselves what happened to me.

Question: When will you receive the award and does this recognition bring on responsibilities such as speaking engagements or anything else?

Wallace: I will receive a plaque at the Veterans Day Parade on Nov. 11 in Birmingham and I'll have a part in the program. I don't think I'll have to speak anywhere or do other things for being Veteran of the Year.

Question: Now that you have received perhaps the highest award an American Legion veteran can receive, what goals will you be working toward in the future?

Wallace: I just want to continue to make Post 11 number one in the state and to make District 11 the top district in the state. In my opinion, they already are. I would also like to try to get more Vietnam veterans into the post. We've got to bring in more young people.

Question: Why have you put so much energy into this post? You have been a member for 43 years and have been highly active for the past eight. What keeps you going here?

Wallace: It's just something I believe in. We sent more boys to Boys State than any other post in the state. Our youth programs and our help to the down and out are the best anywhere. It has to do with just wanting to help people.

Question: Have you gotten much local attention for winning and did this award bring the post together any more than usual?

Wallace: The award has made me more humble. It has made me want to give other post members the credit because I know others who work as hard as I do but maybe just don't get the right breaks. Post members and the Ladies Auxiliary have all worked hard and they go on without me all the time. We've got a pretty good organization.

TRIBUTE TO THE AMERICAN JUDICATURE SOCIETY

Mr. HEFLIN. Mr. President, I am delighted, today to congratulate the American Judicature Society on the occasion of its recently celebrated 75th anniversary. For three quarters of a century, the American Judicature Society has worked to promote the effective administration of justice. This organization plays a vital role in the pursuit of equality and justice by educating thousands of Americans and helping them understand the judicial branch of Government.

During the 200 years since we ratified the Constitution, our Nation has undergone a period of greater change than has ever been witnessed in the history of the world. We are living in an entirely different world than that inhabited by the signers of the Constitution. Our Government and our system of justice has endured because of its ability to respond to the changing needs of the people of this country. Mr. President, the American Judicature Society has responded to these changes by working to improve the court systems and instituting more effective management systems.

Mr. President, over the years, I have had the distinct privileges of serving as vice president of the American Judicature Society and contributing articles to their journal, Judicature, and therefore, have seen firsthand the importance of the services which they perform.

By striving to eliminate the politicizing of judgeships and by defending judicial independence, the society ensures the survival of such precepts of our system as due process, equal protection, and the right to a speedy and public trial. I encourage this society to continue its vital work by guaranteeing the basic rights of the people of this country. I congratulate the American Judicature Society for its past efforts and accomplishments and look forward to the future as you continue to meet the challenges offered by our judicial system. With their help, the judicial system will continue to respond to the changing needs of the people of this country.

For all that it has done since 1913, and for all that it will do in the future to ensure the effective administration of justice in America, I salute the American Judicature Society on the occasion of its 75th anniversary.

Mr. President, the history of the American Judicature Society is long and proud. Their accomplishments are much too numerous to recite here today, but I would ask unanimous consent that this history of the American Judicature Society be inserted in the CONGRESSIONAL RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

IN CELEBRATION OF THE AMERICAN JUDICATURE SOCIETY'S 75 ANNIVERSARY

In 1906, Roscoe Pound, then a young Nebraska lawyer who later became dean of the Harvard Law School, delivered an address destined to have lasting impact on the American justice system. Though Pound received an icy reception from the lawyers assembled in St. Paul to hear his speech on "The Causes of Popular Dissatisfaction with the Administration of Justice," Herbert Harley, a law-trained small-town newspaper editor in Manistee, Michigan made it the basis for founding a nationwide court improvement organization—the American Judicature Society—on July 15, 1913.

The Society's work, as Harley perceived it, would include "research, the accumulation of data, education of the bar and public concerning correct principles of judicial administration, and finally positive work to secure the enactment and adoption of recommended reforms in concrete legislation." A look at what the Society has accomplished and the work it is doing today indicates why the nation should join with the American Judicature Society in proudly celebrating its 75th anniversary.

The American Judicature Society is an independent, membership-based organization 20,000 strong. It is the only national organization joining lawyers and nonlawyers in the effort to improve the nation's judicial system. Through its research, educational programs and publications, AJS has become a vital force for improving the administration of justice in America. Many people give the Society credit for much of what has already been accomplished. Indeed, as Pound said in 1940, AJS "has been behind every significant advance in judicial organization and procedure for a generation."

Harley envisioned an organization which would "acquaint itself with the conditions involved in the administration of justice in various states and tender its services in securing concrete enactment of programs concerning improved procedures reorganizing courts, removal of the judiciary from politics, and germane matters."

In the first five years alone, AJS produced and refined several major plans:

The state-wide Judicature Act, designed to unify fragmented state courts into a single system. Today, most states have unified their courts to some degree.

The nonpartisan plan for the selection of judges (which later became the Missouri or "merit" plan). Today, 35 states use the plan to select some or all of their judges.

A model procedure act to streamline the cumbersome rules of the day. Further efforts on the part of the society in the 1920s and 1930s led, in part, to adoption of the Federal Rules of Civil Procedure in 1938.

From its founding, the American Judicature Society has made it a primary objective to provide a body of experience and expert guidance to America's courts as they seek solutions to their most critical problems. U.S. Supreme Court Justice William J. Brennan, who served as chairman of the Society from 1965-67, expressed why AJS has given priority to achieving a businesslike approach to court business: "There is actually no difference between the business of judicial administration and the business of running an industrial or commercial enterprise in the sense that the efficiency and businesslike conduct of both means better service for the public. An inefficient and wasteful judicial administration actually can and often does result in a denial of justice, however earnestly an honest and upright judge may strive to prevent that lementable result."

Since its earliest days, when AJS decried "public ignorance of the real workings of the courts," the Society has worked to improve public understanding of the justice system and to involve the public in the job of improving the courts. In 1959, it held the National Conference on Judicial Selection and Court Administration, the first nationwide event of its kind attended by both lawyers and laymen. That event gave birth to AJS citizens' conferences; over 125 conferences in 48 states have since been sponsored by the Society. Major advances in improved judicial selection, compensation and discipline mechanisms, court unification and the introduction of professional court management throughout the United States can be traced to citizens' conference programs.

More recently, the Society has held workshops for journalists designed to provide them with a better understanding of the third branch of government so that they, in turn, can better inform their various audiences. Similarly, summer seminars for American government teachers have been conducted to enable them to provide more instruction about the courts and judiciary to their students.

While selection, tenure and compensation of judges have been in the forefront of AJS activity from the very beginning, much less attention has historically been given to questions about judicial conduct, ethics and disability. That changed in the 1960s and 1970s, however, and today work in this area is a major activity of the Society. The Society is largely responsible for the fact that commissions now exist in every state to deal with problems of judicial misconduct and disability. It was also a strong advocate of the federal Judicial Council Reform and Judicial Conduct and Disability Act of 1980. The Society's Center for Judicial Conduct Organizations aids in the development of fair and impartial judicial discipline procedures to preserve judicial independence while ensuring that improper judicial conduct is not tolerated. It serves as the national clearinghouse for information and is the major publisher in the country of material relating to the vital area of judicial conduct and ethics.

Based on its past performance, there is every reason to believe that AJS will continue to meet the challenges of the future, that in the words of its statement of goals, it will "continue to be an independent, objective voice, comparing the ideals of fair and impartial justice for all with the realities of judicial administration in action, pointing out where changes may be needed and improved performance is possible."

A TRIBUTE TO CONGRESSMAN CLAUDE PEPPER

Mr. HEFLIN. Mr. President, the name CLAUDE DENSON PEPPER belongs among the legends of the U.S. Congress.

CLAUDE PEPPER is the oldest Member of the 100th U.S. Congress. He served in the U.S. Senate for 14 years and in the House of Representatives for 26 years—for a total of 40 years of congressional service. Currently, Congressman PEPPER is chairman of the House Rules Committee and is an advocate for the Nation's elderly, constantly working to improve the quality of their lives.

Congressman PEPPER was born in Dudleyville AL, in 1901 and began his long career by teaching school in Dothan, AL, in 1917 to 1918.

He then entered the University of Alabama and upon graduating with honors, was admitted to Harvard Law School where he finished in 1924 as one of the top six students in his class. While attending Harvard, he earned the nickname "Senator"—most likely for his oratorical abilities. From Harvard he went to the University of Arkansas as a law instructor. He moved to Florida in 1925 and was admitted to the State bar. He then began the practice of law in Perry, FL.

In 1929, CLAUDE PEPPER was elected as a Democrat to the Florida House of Representatives. At this point, he sponsored his first legislation specifically concerned with senior citizens. It was a bill to exempt persons 65 years of age and older from having to obtain a fishing license. In 1936, he was elected, unopposed, to complete the unexpired term of the late U.S. Senator Duncan V. Fletcher. During his tenure in the Senate, he supported a national health insurance plan, repeal of the poll tax, government-sponsored research, a minimum wage, a public works department and a fine arts bureau. He also served on the Senate Committee on Labor and Public Welfare, cosponsoring legislation to create the National Cancer Institute. He was chief Senate sponsor of legislation creating: First, the National Institute of Mental Health; second, the National Institute of Neurological Diseases and Blindness; and third, the National Institute of Arthritis and Metabolic Diseases. After he was defeated in the 1950 senatorial race, CLAUDE PEPPER returned to private practice in Tallahassee, FL. In 1962, he returned to Capitol Hill as a Member of the U.S. House of Representatives from Florida's 11th Congressional District—now the 14th—which includes the Miami area. Continuing his interest in the welfare of senior citizens, Congressman PEPPER was one of the major sponsors of the Older Americans Act of 1965. From the act, the Administration on Aging in the Department of Health and Human Services was established. The act also created a nationwide network of agencies to function as central clearing houses for services to the elderly. In 1978, he amended this act to include more Federal aid to the elderly. The same year, Congressman PEPPER guided through the House a law to raise the retirement age in private industry from 65 to 70 and to eliminate age as a factor for enforced retirement for Federal employees. Between 1977 and 1982, Congressman PEPPER headed the full Committee on Aging and since 1975, has served as chairman of the Subcommittee on Health and Long Term Care of the House Committee on Aging. His committee work has been devoted to investigating fraud against the elderly, elderly abuse, age discrimination, Medicare/Medicaid fraud and the need for health care reform. He has endorsed programs to combat crime against senior citizens, reduce Amtrak fares for the elderly, create a National Institute for Arthritis, fund the National Health Care Institute, create a home health care program, and establish Federal standards for MediGap insurance to pay medical costs not covered by Medicare.

Beyond his legislative duties to help senior citizens around the country, CLAUDE PEPPER has been writing a syndicated column called "Ask Claude Pepper" in which he answers questions relating to problems facing our elderly. In addition to his news column, he has formed his own lobby for the elderly, "Pepper's People," which informs the senior citizens about various issues of interest to them. CLAUDE PEPPER has conducted Congressional hearings on Alzheimer's disease, and he is the author of legislation to create 10 Alzheimer's disease treatment centers.

Although he has had a temporary setback in his drive for long-term home care and catastrophic protection for the elderly, Congressman PEPPER has vowed to continue his commitment to strengthening Federal standards in nursing homes by toughening inspections, increasing penalties, and devoting money and staff to prevent patient abuse and neglect. The senior citizens have a true champion in CLAUDE PEPPER. He is a credit to Alabama—the State of his birth, Florida, the U.S. Congress and to our Nation.

AFGHAN STUDIES PROGRAM

Mr. KARNES. Mr. President, I rise today to talk about a program that I feel merits the attention of the Senate and the Nation as a whole. The program I am referring to is the Afghan Studies Program at the University of Nebraska in Omaha. Most people tend to associate Nebraska with the powerful Cornhusker football team, continually in the spotlight as one of the Nation's premier football squads. Given this fact Mr. President, the academic programs at the university are frequently overlooked.

I recently hosted a ceremony in my office at which time a commemorative certificate was signed acknowledging a $5.9-million grant awarded to the Afghanistan cross-border education sector support project. The education sector support project is part of a $45 million—fiscal year 1988—cross-border humanitarian assistance program to provide assistance in the areas of health, food, and commodities. The project is implemented through the Afghan Alliance Education Council. The council is assisted by the University of Nebraska in Omaha, which has been under contract with AID since 1986 to provide educational assistance to areas in Afghanistan controlled by the Afghan resistance.

The University of Nebraska in Omaha was chosen as the contractor because of its unique expertise in the area of Afghanistan. Mr. President, it is the only university in the Nation with a center for Afghan studies, which was founded in 1972. It has been through the work of such men as Ronald W. Roskens, current president of the University of Nebraska System and Chancellor of UNO at the time the program was founded, that the center has been so successful. It was through his efforts the program was able to get funding and recognition. Tom Gouttierre, dean of the International Studies Program, has headed the program since 1974 and is director of the Afghanistan education sector support project as well. Tom is widely respected among his colleagues as an expert on Afghanistan. Not only has he worked closely with AID, but he has also been instrumental in providing the State Department with important insights on the situation in Afghanistan.

The immediate goal of AID, with regard to humanitarian assistance in Afghanistan, is to improve the ability of the Afghans to sustain themselves inside Afghanistan. Countering Sovietization of the Afghan educational system is another primary goal of the education project as well as of American policy. Thus far, funding for the program has gone toward a variety of projects: Providing primary school kits for grades 1 through 3 for 1,300 schools; printing 120,000 copies of 12 separate textbooks for grades 1 through 3 for distribution this past spring; training for 130 district directors of education, completed in March 1988—these directors are now reentering Afghanistan to train and supervise primary school staff in the districts of 20 provinces; improving literacy training of the Mujahidin with the development of training manuals and materials, and training approximately 600 teachers who have provided a 14 to 16 week program for over 12,000 Mujahidin in seven refugee camps; and finally Mr. President, administering the Afghan Scholarship Program for 21 Afghan professionals who are spending a year at UNO upgrading and refreshing their skills.

Mr. President, we have reached a critical point in United States-Afghan relations given the recent decision by the Soviets to withdraw from a country they have ravaged for more than 9 years. This brutal occupation has left 1 million Afghans dead, 3 million refugees in Pakistan, 2 million refugees in Iran, and another 2 million internally displaced. It has become increasingly important to provide the Afghan people with the quality of education and skills necessary to transform the country after the Soviet retreat. I am proud that the University of Nebraska in Omaha has and will continue to play a vital role in this process.

THE NURSE EDUCATION AND REAUTHORIZATION ACT

Mr. HATCH. Mr. President, the nursing shortage in America is real. Congress must act now to avert the continued shortage of trained nursing care in this country, and we do not have the time to stumble around for a solution.

In Utah, we do have a unique situation. As many as three applications are received for each student slot in nurse education and training programs. This is a major reason why I am pleased to be an original cosponsor of S. 2231, the Nurse Education and Reauthorization Act.

This legislation is a bipartisan effort to ensure that adequate support is given to nurse education programs. We are not just talking about support for graduate level nursing programs but also for undergraduate and associate degree programs.

Mr. President, I believe that educational opportunities must be available through a broad array of institutions and must be readily accessible to minority and disadvantaged students. Universities, community colleges, and other appropriate educational institutions should be eligible to offer a professional nurse her or his education toward licensure. Two- and three-year training programs in the community offer flexible schedules, low tuitions and convenient locations to attract a wide range of nursing students. I also urge the administration to look at part-time programs that offer dislocated workers, or those reentering the work force, an educational opportunity to become a professional nurse.

S. 2231 also includes nurse traineeship programs in which a nurse practitioner may payback his or her loan by working in a medically underserved health care program. This bill also includes a provision to include nursing homes that receive Federal funds as a health program where nurses may work to satisfy their loan obligations. Nursing homes are hardest hit by the nursing shortage. We need to ensure that quality care is provided; and, I believe that well-trained nurses are the key to the delivery of quality care.

Also included in this legislation is an amendment which allows the public sector to work in partnership with the private sector in reducing the nursing shortage. This provision will allow nursing students to obtain loans or scholarships if they agree to work in a specific hospital or nursing home. That nursing home or hospital will then agree to pay at least 75 percent of the nursing loan. This is a new idea worth trying.

I do believe that other efforts are necessary to reduce our nursing shortage. However, S. 2231 is an important first step, and I urge my Senate colleagues to support this legislation as amended.

MFN RENEWAL FOR HUNGARY

Mr. DECONCINI. Mr. President, as cochairman of the Commission on Security and Cooperation in Europe, I have a strong interest in the annual review of Most-Favored-Nation [MFN] status for those final act signatories that currently enjoy MFN status under the terms of section 402 of the 1974 Trade Act, commonly known as the Jackson-Vanik amendment. The Commission is mandated to monitor and encourage compliance with the Helsinki Final Act by all 35 signatory States.

The Jackson-Vanik amendment, while explicitly linking the emigration performance of nonmarket economy countries to the extension of MFN status to imports from those countries, implicitly embraces wider human rights considerations such as respect for freedom of expression and religious liberty. The President can decide to continue the extension on an annual basis if this will promote the objectives of the amendment, a decision which is subject to congressional review. This review, in which the Commission traditionally provides a balanced account of the performance of the countries under review, is an important mechanism through which greater respect for human rights and the resolution of other humanitarian problems can be achieved.

This year the Commission has only one country to evaluate in this light: Hungary. Romania has enjoyed MFN status from 1975 until February of this year, when Romanian officials informed the U.S. Government that their country would no longer accept that trading status subject to the terms of the Jackson-Vanik amendment. Prior to the February announcement, both the House and the Senate attached language to a trade bill before Congress which would have suspended Romania's MFN status for at least 6 months. That language was deleted from both versions of the trade bill just 1 week before Romania announced its decision to unilaterally renounce MFN status.

The Commission continues to watch closely the Romania human rights and human contacts situation, which, unfortunately, is worsening. Emigration rates are declining, President Ceausescu plans to radically remake the face of the Romanian countryside, and religious believers continue to be harassed and restricted in their activity. Even without the annual opportunity of the MFN status review to focus attention on that country, the Commission will continue to monitor and speak out on human rights and human contacts issues concerning Romania.

Earlier this summer, President Reagan recommended that MFN status be extended to Hungary for another 1-year period. It has enjoyed this status since 1978. Although there have been some positive developments in Hungarian performance which may warrant the extension of MFN for another year, there are also continuing violations of Hungary's Helsinki and Madrid commitments which deserve our attention, especially in light of some signs that the Hungarian leadership may take the hardened line toward dissent.

Turning first to the emigration picture, I would like to note that family reunification cases between the United States and Hungary continue to be resolved without difficulty, as they have been in the past 4 years. This welcome development demonstrates how the annual MFN review, along with continual dialog between the United States and Hungary, can work to meet the concerns of all those involved. The continued existence of restrictive emigration law, however, might create difficulties in the future and may, in fact, discourage some prospective emigrants from applying to leave the country. The removal of these laws from the books would build further confidence that the Hungarian Government will continue its current, favorable practices, as I hope it will.

The broadened ability of Hungarians to travel abroad for family visits, tourism or other personal or professional reasons during the past year has led to a substantial increase in the number of Hungarians currently visiting other countries, including the West. A new passport law, which went into effect at the beginning of this year, has eliminated most artificial limitations to travel abroad, leaving currency controls as the primary constraint on such travel. Passports are now valid for 5 years and can be used for 90-day visits to any country, with longer periods of stay possible upon request.

At the same time, Mr. President, it must be kept in mind that the new passport law does not make it easy for all Hungarian citizens to obtain a passport; some select individuals, in fact, have been denied passports for political reasons. Their number may be negligible in comparison with the number of those who do get passports, but the circumstances surrounding the denials demonstrate that travel abroad may be considered a privilege to be widely granted but not a right to be fully respected. For example, according to the new passport law, individuals can still be denied passports if, during a previous stay abroad, they have gravely violated Hungary's laws, or if they were previously imprisoned in Hungary. As a result, several dissenting intellectuals as well as a few former 1956 activists have been denied passports during the past year. Another individual was denied a passport because he had earlier sought political asylum during a visit to Austria. These denials stand in sharp contrast not only to the spirit of the human contacts provisions of the Helsinki Final Act and Madrid Concluding Document but to the overall improvement of Hungarian practices regarding travel as well, and I hope the Hungarian Government will take the action necessary to correct this situation.

Although Hungarian human rights performance during the past year continued to be better than most other Warsaw Pact States, dissenting intellectuals are still frequently harassed for expressing independent views on human rights and other sensitive issues. The apartments of many of these individuals, known as the democratic opposition, have been raided and searched. Copies of unofficial journals and other independently published materials are confiscated, and those who publish, possess or distribute them are frequently fined for violating the press law. Large police raids of several apartments took place on March 8 and 14, resulting in the confiscation not only of 700 independently published books and the entire run of the unofficial journal, Hungarian Jew, but of a word-processor and 10 typewriters as well.

There have been numerous demonstrations in Hungary during the last year. On March 15, the day when Hungarians commemorate the 1848 Revolution, the police did not intervene to break up a mass demonstration but nevertheless arrested eight members of the opposition. On June 16, when some Hungarians sought to mark the 30th anniversary of the execution of Imre Nagy and others involved in the 1956 Revolution, the police did intervene to break up public demonstrations, detaining several individuals and reportedly beating some of them. A ceremony at the cemetary where the executed are believed to be buried, as well as commemoration events at a church and a theater, were nevertheless tolerated. Other demonstrations, such as one protesting the construction of a dam on the Danube River and another, large demonstration on June 27 protesting the treatment of the Hungarian minority in Romania, took place without police intervention.

During the last year, Mr. President, there have been several other major developments of interest. A Democratic Forum, involving people representing a wide range of views in Hungarian society, was formed in September 1987 and meets periodically to discuss specific issues. Some Hungarian officials have attended these meetings, although the official Hungarian press declined to print resolutions that were adopted. In addition, an independent youth group, an independent association of journalists and an independent union of scientific workers have been created and seek official recognition. Hungarian officials recently have stated that a new law on associations will allow Hungarian citizens to have a greater legal basis for such independent group activities. This is a positive sign, and we hope that all groups will be allowed to function without their members being harassed.

I would also hope that this broadening of tolerance for independent activities could be extended to religious groups as well. Some religious denominations, such as the Faith Church, are not officially recognized by the government and their members are reportedly subject to various forms of harassment. This is indeed unfortunate, particularly since the Hungarian Government has committed itself, in the Helsinki Final Act and Madrid Concluding Document, to respect freedom of thought, conscience, religion or belief. I do not believe that the exercise of these freedoms should be constrained by what denominations the government chooses officially to recognize.

On a related issue, I am pleased to note that the Hungarian press has announced that alternative service will soon be provided to those who object to military service for reasons of conscience. I hope that this will lead to the quick release of those currently imprisoned in Hungary for conscientious objection to military service.

Mr. President, I do not oppose President Reagan's recommendation to extend MFN status to Hungary for another year. Nevertheless, I believe that continuing human rights violations in that country warrant our continued attention. While these violations are mild relative to those taking place in some other East bloc States, they are violations nonetheless, and I urge the Hungarian Government to bring its practices into line with its Helsinki and Madrid commitments.

GEORGE SELDES

Mr. LEAHY. Mr. President, I would like to take a few moments today to pay tribute to a remarkable man whose career and life have touched most of the major events of the 25th century.

George Seldes, has been a resident of Vermont since his friend, Sinclair Lewis, purchased a house for him in Woodstock in 1933. As a renowned investigative reporter, George witnessed and reported on events that shaped today's world. As friend or acquaintance of many of the participants in those events, he became a part of that history.

I first came to know George through a mutual friend, Abigail Van Buren, perhaps known better by her pen name, "Dear Abby." In 1986, she graciously accepted my offer to visit Vermont during my campaign for reelection, but on one condition, that she have an opportunity to see a friend, George Seldes. I was more than pleased to honor her request.

You see, Mr. President, the two had corresponded for years without meeting one another in person. I must admit that I was a little surprised because there are very few luminaries George Seldes has not met. If you are a friend of George Seldes, you are in well-known company.

The locations next to his many bylines send one on a dizzying trip around the world—Berlin, London, Paris, Mexico, Rome, Spain and Syria, to name a few. Whether a bureau chief or a "roving correspondent," he excelled as an investigative reporter, often getting interviews where others failed.

On Armistice Day, he and three other reporters ignored regulations and drove into Germany to interview Field Marshal Hindenburg. Hindenburg gave them a unique firsthand account of the German defeat. He said the American entry into the war was the sole cause of that defeat. At the end of the meeting, Hindenburg, the crushed warrior, broke down weeping. Upon returning to the allied lines, the military censors were so displeased with the renegade reporters that they forbid publication of the account. French Premier Clemenceau reportedly wanted the reporters court-martialed and shot. Fortunately, cooler heads prevailed.

George's reporting is perhaps the most exhaustive account by one individual of the major events of this century. What background did not make it into his articles he has recounted for us in his many books, the most recent of which "Witness to a Century," is an engrossing story of his life and encounters with dozens of people who we all recognize.

But, even though the tales of his adventures provide an invaluable and unique history of this century, George will also be remembered as a maverick among the press corps. He told it as he saw it.

His first reporting job was at the height of the muckraking era, when the failure of the press to do its job was first exposed. Throughout his career he often vilified the press, challenging them to report all the facts. His determination to report the truth often brought criticism on him, and sometimes even persecution. He was fearless in his attacks against Senator Joseph McCarthy in his weekly newletter In Fact. McCarthy finally subpoened George to testify, but Roy Cohn's loaded questions fell flat. McCarthy saw that he was no match for George Seldes, whose answers only further exposed McCarthy for the fraud he was.

Mr. President, every American should take the time to review the fascinating life of accomplishment and adventure of George Seldes. He has been an inspiration to me, and I thank George for that. One of the most pleasant times I have spent was visiting George with my wife, Marcelle, and my mother at his home. As he prepares for the celebration of his 98th birthday this fall, I want to convey to George Seldes the deep admiration and affection of the Leahy family.

TRIBUTE TO ROBERT C. BYRD

Mr. MELCHER. Mr. President, Majority Leader Robert C. Byrd has been a wise leader, a dedicated public servant, and a very good friend. If I am privileged to continue to serve here in the Senate, which is subject to the will of the voters of Montana in this fall's election, I shall miss him as my leader. But, whether Senator Robert Byrd is majority leader or not, his great public service and his leadership for the Senate and the country will be continued in years to come.

When I first ran for the Senate in 1976, then-Majority Leader Mike Mansfield told me while we were sitting side by side at a political dinner that the first thing I should do after getting elected was to declare my support for Robert Byrd as the next majority leader. Mike Mansfield was not mincing words. He was giving me strong advice which we renewed on two more occasions prior to the election. He brushed aside my comment, "Well, Mike, I had better make sure I get elected, don't you think?" And enlarged on his reasons for prodding me to support Robert Byrd as majority leader when I got to the Senate. Mike Mansfield said:

> Byrd is honest, Byrd is effective, Byrd thinks like we do, Byrd will help Montana, and is the best qualified for majority leader in every sense of the word.

That was Mike Mansfield—right to the point.

I was impressed. While I had seen Robert Byrd during my tenure in the House, I had never met him. Within a few days after the election, I heeded Mike Mansfield's strong advice and went to meet Robert Byrd and discussed with him his candidacy for majority leader. I pondered for a day or two, returned to see him again, and declared myself in support of his candidacy for majority leader. I have never regretted that. I believe I was the first of the new Democratic Senators elected in 1976 to announce my support for him. I have found over the years since then that what Mike Mansfield told me about Robert Byrd was true, and now I can tell Mike Mansfield a whole lot more about Robert Byrd than just his leadership and his ability to work with Senators to make the Senate an effective body.

All of us respect Robert Byrd's knowledge of the rules of the Senate, but more importantly he understands why the rules are necessary to frame the Senate's work into an effective function.

We have had years with the Democrats in control and Robert Byrd as majority leader, and years under Republican control of the Senate, with Robert Byrd as the Democratic leader. But, in all of these years, Robert Byrd has been a leader in the finest sense of the Senate—a leader that reveres the Senate, that assures integrity in the Senate's action, keeping uppermost in our deliberations that it is the people we serve.

It takes patience to lead the Senate. Robert Byrd is courteous, understanding and patient. There are 100 of us and he as 1 of the 100 protects the rights, regardless of party, of all of the rest of the 99 of us. That is fairness, and Robert Byrd's consistent fairness wears well.

Leadership is earned, and Robert Byrd earned it. Productivity is from work, and Robert Byrd works. Accomplishments come from the foregoing, and the accomplishments he has attained from humble circumstances in West Virginia here to Washington have been, in truth, a lifetime of dedicated public service. Integrity is acquired, and Robert Byrd is integrity. The life of Robert Byrd is a success story that honors all of us.

I believe that all of us find in Mrs. Robert Byrd, Erma, and in their family, a delightful explanation of why Robert Byrd is a man of strong convictions, working tirelessly for our country and American ideals of family life. It is a strong endeavor to keep America strong by helping the underprivileged making the entire country stronger.

But, finally, a personal note. Friendship is given, and I want to express my thanks to Robert Byrd for his great friendship. It is a warm, faithful, honest friendship that he gives to me and to so many others that makes him a very, very special Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 9:30 having arrived, morning business is over.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the unfinished business, H.R. 4381, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Johnston Amendment No. 2836, to revise the provisions of section 8113, relating to overseas costs of supporting Department of Defense personnel and their dependents.

(2) McCain modified Amendment No. 2837 (to Amendment No. 2836), in the nature of a substitute.

AMENDMENT NO. 2837, AS MODIFIED, TO AMENDMENT 2836

The PRESIDING OFFICER (Mr. Daschle). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I believe under the previous order I am to be recognized to make a tabling motion but at this time I would ask unanimous consent that the distinguished Senator from Texas, Mr. Gramm, be recognized in opposition to the tabling motion for a period of 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, we have had a lot of discussion in this bill about burden-sharing. Obviously the burden of keeping Ivan back from the gate and keeping the world free is a heavy burden. But I thought, in the midst of all this talk and in the midst of the recent publication of books, talking about the decline of America because of the burden of defense, that it was important that somebody remind our colleagues that while the burden of keeping the world free is a heavy burden, indeed, it is a declining burden.

In fact, we are spending, in terms of percentage of GNP and percentage of the Federal budget, about half of what we were spending 25 years ago to do the same job.

Twenty-five years ago, the percentage of the budget going to defense was about 50 percent. Today it is down to about 27 percent.

Twenty-five years ago the percentage of GNP going to defense was bumping up against 10 percent. Today it is around 5 to 5.5 percent; in this bill, slightly over 5.5.

I think it is a great testament to the productivity of our system that we have been able to protect freedom, to protect American interests, and we have been able to do it over a 25-year period while cutting the burden on the American people by roughly 50 percent.

So, while we are talking about burden-sharing, while people are writing books about the decline of America because of the heavy burden of providing for a free and competitive world, I think it is important that we remember that our burden, in fact, is declining.

There are only two nations on Earth I am aware of that are increasing defense as a percentage of GNP. One is the Soviet Union and the other is Communist China.

I would like, Mr. President, in the time I have, to address the amendment before us on burden-sharing. The amendment has been revised. As some of our colleagues are aware, it now really deals with only one issue and that issue is the issue of cap on overseas dependents. The authors of these provisions that are being amended tell us they want to impose the burden on our allies. Well, Mr. President, the provision we are voting on here is not a provision related to our allies. It is a provision related to the young men and women who keep Ivan back from the gate and keep the world free.

If we impose a dependent cap, that cap is going to fall heavily on our enlisted personnel. It is going to affect our young people, many of whom are married. When we are sending them around the world to promote American interests and to promote freedom, I think we are under an obligation to provide for them a quality of life that makes them want to stay in the service.

It costs us a lot of money to train our military people. If we go with dependent caps, if we limit the ability of people to be with their families, we are going to lose our quality enlisted corps. We are going to have to train more and we are going to have to spend more money. Morale is going to decline. The All Volunteer Force is going to falter.

So the provision in the bill is wrongheaded and wrong-hearted. I hope our colleagues will adopt this amendment and remove this dependent cap. I hope you will cast a vote for this amendment, against the motion to table, for all the young men and women all around the world this morning who are working to keep Americans free.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we are very proud of this bill because it has more tanks, more guns, more airplanes, than the Pentagon requested. But in order to be able to do that, Mr. President, we had to make savings elsewhere.

Mr. President, some of the most important savings we make in this bill are in burden sharing. It is an effort to cure what we might call imperial overreach, to use the term that Prof. Paul Kennedy uses in his new book.

Only in the United States of all the nations in the world, Mr. President, would make the kind of profligate spending that we are making in Europe. If you want to know why we are able to spend $300 billion and get so relatively little for it, if you want to know how we could have doubled our expense for the military and gotten so little for it, then you ought to look at the number of troops overseas and particularly at our dependents.

Mr. President, of our 450,000-odd troops overseas, more than half of those troops are engaged in service operations and support: in baking bread, in transporting the gasoline, in operating and running the PX's and overseeing the schools, in doing all of these myriad services that you do for dependents. Over half our troops do that.

In Europe, Mr. President, we have more dependents and more Department of Defense civilians based in NATO nations than we have troops. It is the tail wagging the dog.

Mr. President, we have lost sight of our mission overseas because we have this huge amount of our troops helping the dependents and more dependents and civilians than we have troops total including the service troops.

Only the United States would do that, Mr. President. And that is as responsible as anything else for the huge cost of our defense and why it costs so much to maintain 4⅓ divisions in Europe. We have put limits on the dollar amount and on the number of troops overseas in this bill. We also seek to put a limit on the number of dependents overseas, because would it not be incredible if we would limit the number of troops and say you could not increase the number of troops but go ahead and continue with this trend of increasing dependents overseas?

The most preposterous argument of all is to say that our proposal is going to ship all the dependents home, that the soldier who is guarding Ivan at the gate is going to have to ship his dependents home.

Our amendment, Mr. President, allows 413,000 dependents overseas, 413,000 dependents, the largest aggregation of dependents, of children, of teachers in the history of the world. No other country has ever done that. We allow 413,000 to continue; 310,000 in Europe to continue. We do not have to ship those home. That is plenty of room for everybody that we need overseas. But, Mr. President, we have to contain the number of troops overseas and we ought also to contain the number of dependents.

It is not just a question of cost; it is a question of safety. How in the world would you get 310,000 dependents home from NATO if "the balloon went up?" The Department of Defense does not have an adequate plan to do so. They do not aid the defense of our mission in Europe.

Third, Mr. President, we hinder the mission rather than help it. For example, we have dependents up on the border areas, like in Fulda, part of the unit that I was stationed with when I was in Germany. It is right on the border with East Germany, with Soviet troops right across the border, and they are accompanied by wives and children. How in the world, if there was a sudden attack across the Fulda gap, would they ever get those dependents out? They could not, Mr. President. It is a hindrance of the mission of defense rather than a help.

We are not talking about anything revolutionary about sending all these dependents home. What we are saying is let us stop this trend which has increased dependents by 80,000 since the Nunn-Jackson amendment of 1974, stop that trend. Let us put at least a cap where we are now; 413,000 dependents is enough, with all of the expense, with all of the degradation of the mission that it brings.

Mr. President, 413,000 is enough. We ought to cap it. Therefore, the amendment of the distinguished Senator from Arizona should be tabled, and I move to table. The yeas and nays, I believe, have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—36

Adams
Baucus
Bentsen
Bingaman
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
Dixon
Exon
Ford
Fowler
Gore
Graham
Harkin
Hollings
Inouye
Johnston
Lautenberg
Leahy
Matsunaga
McClure
Nunn
Pell
Proxmire
Pryor
Reid
Rudman
Sasser
Simon
Stennis
Stevens

NAYS—59

Armstrong
Bond
Boren
Boschwitz
Bradley
Chafee
Cohen
D'Amato
Danforth
DeConcini
Dodd
Dole
Domenici
Durenberger
Evans
Garn
Glenn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kassebaum
Kennedy
Kerry
Levin
Lugar
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Quayle
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Shelby
Simpson
Specter
Stafford
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NOT VOTING—5

Biden
Cochran
Kasten
Pressler
Weicker

So the motion to table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment (No. 2837), as modified, was agreed to.

Mr. McCAIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Now the question is on agreeing to the amendment offered by the Senator from Louisiana, as amended by the amendment of the Senator from Arizona.

The amendment (No. 2836), as amended, was agreed to.

Mr. GLENN. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease audible conversations. The Senate is not yet in order.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senate is not yet in order.

The Senator from Alaska.

Mr. STEVENS. Mr. President, has the McCain amendment been adopted?

The PRESIDING OFFICER. The Chair would advise the Senate that the McCain amendment is adopted and the Johnston amendment, as amended by the McCain amendment, has been adopted.

Mr. STEVENS. I move to reconsider that action.

Mr. JOHNSTON. Did the Chair say it has or has not been?

The PRESIDING OFFICER. Both amendments have been adopted.

Mr. JOHNSTON. Has the underlying amendment been reconsidered?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Has it been reconsidered?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I apologize to the Chair. There was so much noise I did not hear that. I hope we can keep some attention so the managers of the bill will know what is going on.

AMENDMENT NO. 2844

Mr. STEVENS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], proposes an amendment numbered 2844.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 113, line 8 strike all after "Sec. 8123." through line 17 and insert in lieu thereof the following:

None of the funds authorized and appropriated may be administratively withheld from obligation unless in compliance with Section 1012 of the Congressional Budget and Impoundment Control Act of 1974, as amended in Public Law 99-177: *Provided*, That the Secretary shall provide a report to Committees on Appropriations and Armed Services within 45 days after enactment of this Act which presents a plan for orderly obligation of funds, projects a quarterly expenditure rate for all funds available, and presents a rationale for any delayed obligations relative to the budget plan or intent expressed in the applicable joint explanatory statements of managers.

Mr. STEVENS. This is a modification of the provision in the bill as it stands now that we are making at the request of the Armed Services Committee. The modification retains the principle that the Office of Management and Budget and the Department of Defense must comply with the Budget Act and establishes a reporting requirement within 45 days of the enactment for any delayed obligations.

We have had some disagreements between the Armed Services Committee and the Appropriations Committee over the last few years, and I believe this will settle that or at least attempt to settle that argument. This settles the OMB problem in my mind, and focuses the jurisdictional issue in the Congress so that the Armed Services Committee and the Appropriations Committee will work together to try to make certain that there is not an instruction within the administration itself that leads to a unilateral impoundment of funds such as almost occurred with the Office of Management and Budget with the director's letter that we are all familiar with this past year. It will formalize the process of reviewing appropriations after enactment.

I think it meets with the approval of the two leaders who I just mentioned of the Armed Services Committee in the Senate. It has their approval, and I ask for its adoption.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from Alaska is correct. This is an amendment we worked out carefully with the Appropriations Committee. We feel it now expresses a consensus as to the way we should proceed vis-a-vis the administration, and the executive branch. And this means that the authorizations as well as appropriations process will be the key here as far as the administration withholding of any obligations. So this would include both the authorization and the appropriations.

Before commenting on the proposed compromise, I would like to provide my views on the effect that section 8123 could have if allowed to stay in the appropriations bill unchanged.

First, section 8123 would have undermined the authorization process. The introductory clause of section 8123 has as its stem the clause: "Notwithstanding any provision of title 10 * * *." As we all know, title 10 is the portion of the United States Code which contains virtually all legislative provisions regarding the Defense Department, including the statutory requirement for authorization of appropriations. Title 10 covers defense organization, procurement laws, personnel legislation, and just about every other significant provisions relating to the Defense Establishment. I do not believe the authors of section 8123 have the intent of waiving title 10, but that is what this provision does.

Second, section 8123 would have changed the Budget Act as it relates to rescissions and deferrals. As such, it is subject to a point of order that can only be overcome with a vote supported by 60 Senators since the Budget Act has no such requirement. This would be a far-reaching change and should be considered through the normal committee process.

It also would have impacted the relationship between authorizations and appropriations. Title 10 requires an authorization for defense appropriations. The Department of Defense may not obligate funds that are not authorized in separate legislation. When there is a discrepancy between funding requirements and limitations betweeen the authorization and appropriation bills and reports, the Department of Defense notifies the Congress.

The committees then review any programs that fall in this category. In the Armed Services Committee, we review them through both an informal process and a more formal supplemental authorization process. Last year, for example, nearly $10 billion was appropriated in excess of authorizations. This spring, the Armed Services Committee marked up a supplemental authorization for those fiscal year 1988 funds and included it in the fiscal year 1989 authorization bill. We decided that all of them had merit, with several minor but significant exceptions. We did approve 97 percent and notified the Department by letter of our action. As I mentioned, we included this approval in a supplemental authorization as well.

Section 8123 would have eliminated the authorization requirement by focusing the law entirely on the appropriations process.

I have been assured by my colleagues on the Appropriations Committee that this result would have been unintended, as this was not their purpose in drafting section 8123. I understand from them that the primary intent of section 8123 was to address a problem created by a memorandum issued last year by Mr. James Miller, the Director of the Office of Management and Budget, to the heads of all executive agencies. Mr. Miller stated that those agencies did not have to comply with directions contained in committee reports. Mr. Miller asserted that only bill language was binding on the executive branch, despite years of customary adherence to report language by the Executive.

Section 8123 was the approach adopted by the Defense Appropriations Subcommittee to deal with the Miller problem.

Mr. President, while I support the general intent of section 8123 as they explained it, I am pleased that the Senator from Alaska has offered an amendment that will remove the unintended effect of undermining the authorization process.

This compromise provision reflects the excellent working relationship that exists between the Armed Services and Appropriations Committees. As Members may recall, when our committee reported out the authorization bill this year, we included a provision—section 904—that would have established a framework in law for resolving the problem of unauthorized appropriations. We had the same goal—to establish a formal procedure. After objections and discussions with the Appropriations Committee, we agreed that the matter would be handled more effectively through revisions and expansion of the memorandum of agreement between the two committees that began in 1986. It has now been improved and extended for the next Congress.

Under the memorandum of agreement, the chairman and ranking member of the Armed Services Committees are ex officio members of the Appropriations Committee; and the chairman and ranking member of the Appropriations Subcommittee on Defense are ex officio members of our committee. Chairman STENNIS, of course, is already a member of our committee. The memorandum of agreement calls for the two committees to share markup materials, and the leadership may attend all sessions, including conference meetings.

This approach has been very successful. The two committees have done an excellent job of coordinating with each other. The Defense appropriations and authorization bills for fiscal year 1989 generally support and complement each other. The problem areas have been dealt with by amendment, such as the drug interdiction provision last night, which was a cooperative effort.

The compromise amendment offered by Senator STEVENS to section 8123 reflects this same spirit of cooperation between our two committees. Under the amendment, the Department may not withhold obligation of funds that have clearly been both authorized and appropriated unless the Department submits a rescission or deferral under existing procedures. By requiring both an authorization and an appropriation, this preserves current law and current practice under which the Department may not obligate unauthorized funds, but must instead await further action by the Congress through such processes as a supplemental authorization.

The compromise amendment offered by Senator STEVENS also sets out a process when a program is not clearly both authorized and appropriated. The Department of Defense would identify those programs for which they expect to deviate from the intent of the authorization and appropriation process for the obligation of funds. The Department will review both the bill and report language in both the authorization and appropriation process for the determination. This procedure will force the Department of Defense to explicitly identify the programs in which they intend to deviate from congressional direction. At that point, the Armed Services and Appropriations Committees will have to work jointly to reconcile those differences with the Department of Defense.

This compromise amendment unites the Armed Services and Appropriations Committees in insisting that the executive branch comply with the directives of the Congress. It reinforces the compromise which was reached this spring during consideration of the authorization bill and retains the essential requirement for authorization of appropriations.

Therefore, I urge my colleagues to adopt this amendment.

Mr. WARNER. Mr. President, I join with the distinguished manager, the chairman of the Armed Services Committee, and urge adoption of this amendment. Indeed, it does recognize differences reoccurring each year, and let us hope this will start as the benchmark for the future.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alaska [Mr. STEVENS].

The amendment (No. 2844) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2845

(Purpose: To limit the amount of independent research and development costs that may be considered as allowable costs allocable to Government and commercial work under cost-reimbursement type contracts awarded by the Department of Defense)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk on behalf of the Senator from Wisconsin, Mr. PROXMIRE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for Mr. PROXMIRE, proposes an amendment numbered 2845.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place at the end of the bill, add the following new section:

SEC. —. Of the funds appropriated by this act, not more than $5,842,474,000 of the costs incurred by Department of Defense contractors for independent research and development and bid and proposal costs may be considered as allowable costs allocable to Government and commercial work under cost-reimbursement type contracts for procurement and research, development, test, and evaluations awarded by the Department of Defense for fiscal year 1989 for purposes of reimbursement under those contracts.

Mr. JOHNSTON. Mr. President, this amendment places a cap on a small defense program called the independent research and development, or IR&D, and bidding proposal costs or BP. The program is not very well known outside of the Defense contracting community because it is not a line item in the budget and not part of the program known as RDT&E. But this is a program that has grown rapidly and this amendment which Senator PROXMIRE has proposed will put a cap on that. We think it is a worthwhile amendment. And we will accept it.

Mr. President, the Senator from Wisconsin has proposed a useful amendment and the committee will accept it. The amendment imposes a ceiling on the amount of contractor independent research and development [IR&D] and bid and proposal [B&P] costs which the Department of Defense can consider for purposes of reimbursement.

While the committee believes that continued imposition of a ceiling is appropriate, it recognizes the benefits to the Pentagon and to the defense industrial base of a properly-sized and administered IR&D/B&P cost-reimbursement program. The committee notes that a recent study by the Rand Corp. concluded that the IR&D program furthers national security by increasing the diversity of independent research, encouraging more investment in defense technology and ensuring a more effective transfer of new technologies into defense capabilities.

The committee believes that a ceiling contributes to congressional oversight by increasing the visability and accountability of this program. This ceiling also provides the Department of Defense with an effective management tool given current and future conditions of fiscal austerity. As the distinguished Senator has said. IR&D costs are not a specific budget line item but are included as a portion of overhead costs on negotiated contracts for research and development and procurement.

The need for a ceiling on IR&D and B&P costs is further supported by findings of the Department of Defense inspector general, who has expressed concerns with regard to the lack of firm guidelines to establish the military relevance of the research, and the lack of uniform methodology for calculation of DOD reimbursements to contractors. Furthermore, it has come to the committees attention that during recent internal deliberations on the fiscal year 1990 budget, the Department of Defense is considering a substantial reduction in the IR&D/B&P ceiling.

The ceiling imposed by this amendment should not represent a restriction on the program, since its limit of $5,842,474,000 on allowable costs allocable to Government and commercial work is the same amount proposed by the Department of Defense in its supplement to the fiscal year 1989 budget request. That amount was established as the appropriate level by DOD's own internal policy council during annual reviews of the program.

Considering the unresolved issues raised by the Department of Defense inspector general and recent internal budget deliberations regarding the IR&D/B&P program, the committee also wishes to take the opportunity presented by this amendment to inform the Defense Department that it should continue to submit proposed ceilings along with future budget requests.

Mr. President, the committee accepts the amendment, and I urge its adoption.

Mr. PROXMIRE. Mr. President, I have proposed an amendment to place a cap on a little known defense program called independent research and development, or IR&D, and bid and proposal costs, or B&P. This program is not very well known outside of the defense contracts community because it is not a line item in the budget, and is not a part of the program known as RDT&E.

The Defense Department does not award contracts for IR&D. Instead, it pays the costs of this program by reimbursing contractors who qualify for engaging in it. Under the procedures followed by the Pentagon, the larger contractors get most of the funds. In effect, the main criterion for deciding how much a defense firm can spend for IR&D is how much it spent the year before.

In theory, independent research and development is initiated by Defense contractors in areas of their chosing. Proponents argue that this simulates new ideas. But in practice, the funds are spent mostly on development projects, suggested if not directed by the services, rather than research. The program is not really independent and does not produce much research.

IR&D needs to be capped for several reasons.

First, it has grown very rapidly for a long period of time. In real terms, IR&D has increased by an average of 6.8 percent per year over the past 10 years.

Second, placing a ceiling on IR&D will not—I repeat "will not"—effect spending for RDT&E, which has also grown greatly in the past decade.

Third, many of the details about the program are unavailable to the public, including complete lists of contractors that receive IR&D funds and the amounts they receive.

Fourth, a number of studies question the value of the program because of the relatively small contribution to basic and advanced research.

Fifth, the program is structured in a way that favors the large and established defense firms to the disadvantage of smaller firms and those that would like to enter the defense market.

I have proposed a statutory ceiling on IR&D spending in this year's Defense appropriations bill because none now exists. The 1982 Defense Appropriations Act contained an expenditure ceiling of $2.1 billion for IR&D. Since then there has only been a ceiling on allowable costs indicated in Defense Appropriations Committee reports. There has been no statutory ceiling. My amendment would remedy that by imposing a ceiling on allowable costs.

The allowable costs ceiling provided by the amendment is equal to the level recommended by the Pentagon, approximately $5.8 billion. Actual expenditures will be considerably less than that amount because the ceiling in the amendment represents the allowable costs allocable to Government and commerical work under cost-reimbursement type contracts. In past years, reimbursements for defense IR&D have been equivalent to about 60 percent of the ceiling. In 1987 expenditures for IR&D totaled $3.6 billion.

It should be recognized that IR&D spending has increased every year for many years, and it has been increasing despite the fact that Congress has been trimming back Defense appropriations since 1985.

In addition, it should be understood that the IR&D ceiling does not affect RDT&E. Expenditures for RDT&E in 1988 are estimated at $43.75 billion. The ceiling I have proposed is a generous one and is in addition to the amount spent for RDT&E.

There are many in the Pentagon who now question the wisdom of supporting such a large IR&D program. The Pentagon's own inspector general was highly critical of the management of IR&D in a report issued last year.

There is also an issue of defense priorities. Obviously, defense funds spent for IR&D cannot be spent for other defense activities. In view of the tremendous growth of RDT&E, and the constraints on overall defense spending, it is reasonable to ask whether IR&D funds would be better spent elsewhere.

In fact, the decision has apparently been made in the Defense Department to reduce the size of this program. The Defense News reported on July 4, 1988, that the Defense Resources Board, in a meeting chaired by Deputy Defense Secretary William Taft, decided to reduce the IR&D program by $1.2 billion. I understand that it is intended that this be done over the next few years.

I want to emphasize that this ceiling does not affect the RDT&E program, and it will not reduce overall defense spending. Placing a lid on IR&D will provide some assurance that the Defense Department will control and reconsider this program.

Mr. STEVENS. Mr. President, a similar ceiling has appeared in the Department of Defense appropriations bill for 5 years. For some reason or other it has been left out of the House version of this bill. We support reinstating it. This amendment sets a ceiling of $5.8 billion on allowable costs for independent research and development, and bid and proposal preparation.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is agreeing to the amendment of the Senator from Wisconsin [Mr. PROXMIRE].

The amendment (No. 2845) was agreed to.

AMENDMENT NO. 2846

Mr. JOHNSTON. Mr. President, I send an amendment to the desk on behalf of the Senator from Illinois [Mr. DIXON] and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. DIXON, proposes an amendment numbered 2846.

Mr. **JOHNSTON**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place at the end of the bill, insert the following new section:

SEC. . (a) The Secretary of Defense shall conduct an independent assessment of Air Force and Army analyses and studies of close air support aircraft alternatives for meeting military requirements for an interim period, and after the year 2000, including both new aircraft and modifications of existing aircraft, and, as a minimum, the A-7 Plus Strikefighter, the F/A-16, the AV-8B, and the A-10 aircraft models in current or modified forms; the Secretary's assessment shall address the issues of costs, schedules, technical risks, manpower, force structure, five-year funding profiles, and cost- and military-effectiveness;

(b) The director of Defense Operational Test and Evaluation, after consultation with the Air Force Test and Evaluation Center, the Army Operational Testing and Evaluation Activity, and the Marine Corps Operational Test and Evaluation Activity, shall develop, no later than March 31, 1989, an operational test plan for a competitive flyoff of close air support alternatives;

(c) The Secretary of Defense shall assess the feasibility of transferring, from the Air Force to the Army, the close air support mission beginning no later than FY 1992, including the costs, schedules, five-year funding profiles, manpower, and force structure implications;

(d) The Secretary of Defense shall provide the Committees on Appropriations and Armed Services of the Senate and House of Representatives, no later than March 31, 1989, an interim report containing information required in the above-mentioned subsections (a)-(c), and a final report no later than December 31, 1989; such reports shall be in both classified and unclassified versions.

Mr. **JOHNSTON**. Mr. President, the Senator from Illinois has proposed an important amendment, which has been cleared on both sides.

This issue of maintaining and improving U.S. close air support capabilities has major implications for our present and future defense posture.

It is an issue which deserves an exhaustive, independent, and objective examination, and the Senator's amendment will assist greatly in this process.

This amendment requires that the Secretary of Defense conduct an independent assessment of Air Force and Army analyses and studies of close air support aircraft. It is an excellent amendment.

Mr. **DIXON**. Mr. President, during the consideration of last year's defense authorization bill, we began to take a very careful look at our conventional forces and to stress the importance of commonality of systems within the services. At that time I raised the issue of the need to look into the commitment by our Armed Forces to the vitally important close air support programs and the possibility of using one aircraft to satisfy this mission.

At my request, Senator LEVIN, chairman of the Subcommittee on Conventional Forces and Alliance Defense, held a hearing just a few months ago to address the critical need of the U.S. Army for close air support. Close air support is a term used to describe the way the Air Force uses aircraft along the frontline in support of combat land forces. The aircraft used in this mission drop bombs on the enemy and use cannons to hit enemy vehicles. Close air support provides heavy firepower to counter quantitative advantages the enemy has in armor.

The problem we have, Mr. President, is that the Air Force has never given very high priority to close air support. You do not become an ace by killing tanks in the Air Force. The Air Force has plans to spend $12 billion over the next 7 years to develop a new fighter, but plans to spend almost nothing to modernize the fleet of aircraft which provides close air support for the Army. What the Air Force wants to do is take a great fighter plane, the F-16, and make it a close air support aircraft. Yet many experts throughout the defense community have pointed out that this great fighter plane is not a very good aircraft for close air support because it cannot maneuver very well when flying at low levels with a load of bombs. The Army off the record believes the Air Force will use them for other missions when the war starts. As I said earlier, you don't become an ace by killing tanks, Mr. President.

Mr. President, it is obvious to me that the Air Force has no intention of conducting a serious modernization of the Close Air Support Program. I am afraid the Air Force intends to just compromise on the issue by proposing to use the F-16 and call it the A-16. Gen. Robert D. Russ, Commander of the Air Force Tactical Air Command was quoted by Aerospace Daily as saying "A-16 is the best option we have seen for the close air support mission."

Well, Mr. President, this is the type of thinking that has cost this country's taxpayers millions of dollars in wasted moneys. The Air Force seems to forget that the marines are flying a plane designed for close air support—the AV-8B. Now it is just my opinion, but I think the Marine Corps knows a heck of a lot about close air support. Senator CARL LEVIN, chairman of the Conventional Forces Subcommittee on which I serve, has pointed out, in his excellent report on the results of his European trip last year to observe NATO conventional forces, the importance of reducing our dependence on fixed air bases. His recommendation on how to avoid this dependence which increases our vulnerability to Soviet attacks is to procure significant numbers of V/STOL aircraft like the AV-8B.

Mr. President, I was going to offer two amendments which I felt were required to bring this important issue to a head. At this time I ask unanimous consent to have these two amendments printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

DRAFT AMENDMENT

On page 114, below line 22, insert the following:

SEC. 8127. The Secretary of Defense, through the Director of Operational Test and Evaluation, shall make the selection of an appropriate interim close air support aircraft and shall conduct the testing and evaluation necessary for making the selection. In connection with the evaluation, the Director shall supervise a "fly-off" competition among the AV-8B aircraft, A-10 aircraft, A-7 aircraft, and all other aircraft which can reasonably perform the close air support mission.

On page 114, below line 22, insert the following:

SEC. 8127. Not later than March 1, 1989, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for expeditiously transferring the Air Force close air support function to the Army.

Mr. **DIXON**. The first of the amendments I have just placed in the RECORD would not have forced the Air Force to buy any specific airplane. The amendment would have simply taken the decision authority on the close air support aircraft away from the Air Force and given it to the Secretary of Defense. The second amendment would have required the Secretary of Defense to report to Congress no later than April 1, 1989, on the feasibility of transferring the fixed wing close air support mission to the Army. Beginning with the defense budget submission for fiscal year 1991.

However, Mr. President, after discussing the issue with my colleagues on the Appropriations Defense Subcommittee and having our staffs working together, we have come up with a compromise which I understand both sides have agreed to. The amendment, which is at the desk, requires the Secretary of Defense to conduct an independent assessment of the Air Force and Army analyses and studies of close air support aircraft alternatives for an interim period and after the year 2000. This assessment will include both new aircraft and modifications of existing aircraft, and as a minimum, the A-7, the F/A-16, the AV-8B, and the A-10.

The amendment further requires that the Director of Defense Operational Test and Evaluation develop an operational test plan for a competitive flyoff of close air support alternatives. This test plan will be developed no later than March 31, 1989, after consultation with the proper offices in the Army, Marine Corps, and Air Force. The amendment further requires the Secretary of Defense to assess the feasibility of transferring, from the Air Force to the Army, the close air support mission, beginning not later than fiscal year 1992. The Secretary shall provide to the Committees on Appropriations and Armed Services of both Houses an interim report in March of 1989 and a final report by December 31, 1989.

Mr. President, I appreciate the help that my friends on the appropriations committee have given me on this important issue.

Whatever the final recommendation of the Secretary of Defense on the proper airplane for close air support, it is critical that we move forward to meet the close air support requirements. This mission must be elevated to a high priority within the Defense budget. The defense of our ground forces is critical to meeting any conventional threat.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. STEVENS. Mr. President, the amendment is acceptable to our side. It may need some refinement in conference but we accept the principle that these studies would be worthwhile.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Illinois [Mr. Dixon].

The amendment (No. 2846) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2847

Mr. JOHNSTON. Mr. President, I send an amendment to the desk in behalf of Senator Symms and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston], for Mr. Symms, proposes an amendment numbered 2847.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert:

Sec. —. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged. *Provided*, That reimbursements which are not received within one hundred eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred eighty first day following submission of an appropriate request for payment.

Mr. JOHNSTON. Mr. President, the amendment which I have offered on behalf of Senator Symms will allow the Department of Defense to recoup expenses paid on behalf of the Soviet Union monitoring teams in fulfillment of the requirements of the recently enacted INF Treaty.

This amendment has been cleared by both sides.

Mr. President, according to the terms of the INF Treaty, housing, travel, and feeding of the inspection team is paid for by the host country during the actual inspection. The host country will then submit a bill to the inspecting country for reimbursement of actual expenses incurred. According to current Federal accounting practices, the moneys reimbursed by the Soviet Union for expenses of their inspection teams would be returned to the Treasury. This amendment would grant DOD an exception to this procedure and allow the moneys to be returned to the DOD budget for later expenditure.

We think it is a good amendment.

Mr. SYMMS. Mr. President, the amendment I offer today, simply permits reimbursements to the Department of Defense, for "out-of-pocket" expenses for Soviet activity costs that are incurred during INF Treaty implementation.

Currently, Department of Defense payments in support or Soviet activity involving INF Treaty implementation must be made in advance, even though the inspecting party must incur the cost of inspections at the portals and the United States and basing country sites. Unfortunately, this necessitates the DOD to pay "out-of-pocket" for Soviet activities in the United States.

Current law does not permit the Department to increase fund availability based on reimbursable agreements with the Soviets. Moreover, law specifies that all reimbursements by the Soviets must go into the United States Treasury's general receipts fund.

Mr. President, I believe the Department of Defense should not be penalized by having to fund Soviet expenses from moneys appropriated for other ongoing programs.

Mr. President, I urge the adoption of the amendment.

Mr. STEVENS. Mr. President, I join with the Senator from Louisiana in commending Senator Symms for this amendment. It provides us a way to implement the portion of the INF Treaty pertaining to the Soviet activity costs without burdening the defense programs on an ongoing basis. I think it is a worthwhile amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2847) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2848

(Purpose: To revise the authority of the Comptroller General of the United States in procurement protests under subchapter V of chapter 35 of title 31, United States Code)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Louisiana (Mr. Johnston), for Mr. Cohen (for himself and Mr. Levin) proposes an amendment numbered 2848.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Sec. . Section 3554 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking out "unless the Comptroller General determines and states in writing the reasons that the specific circumstances of the protest require a longer period";

(2) in subsection (c)—

(A) by striking out "may declare an appropriate interested party to be entitled to the costs of—" in paragraph (1) and inserting in lieu thereof "may recommend to the Federal agency issuing the solicitation, proposing the contract award, or awarding the contract, as the case may be, that such agency pay to the appropriate interested party reimbursment for the costs of—"; and

(B) by striking out "Monetary awards to which a party is declared to be entitled under paragraph (1) of this subsection shall be paid promptly" in paragraph (2) and inserting in lieu thereof "A payment of costs recommended by the Comptroller General under paragraph (1) of this subsection may be paid"; and

(3) in subsection (e)(1), by striking out "those recommendations within 60 days of

the receipt of the Comptroller General's recommendations under subsection (b) of this section," and inserting in lieu thereof "the recommendations of the Comptroller General under subsection (b) or (c) of this section within 60 days after the head of such procuring activity receives those recommendations.".

Mr. JOHNSTON. Mr. President, I offer this amendment on behalf of Senator COHEN. It proposes two technical changes in the Competition and Contracting Act. These technical amendments further clarify two sections of the act which the Armed Services Committee have identified as subject to varied interpretation by the court. The amendment clears up these interpretations.

The amendment has been cleared on both sides, and therefore I ask for its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. COHEN. Mr. President, the amendment I am offering today on behalf of myself and Senator LEVIN amends two provisions of the Competition in Contracting Act of 1984 [CICA], which was enacted as part of the Deficit Reduction Act of 1984. As my colleagues know, the constitutionality of the bid protest provisions of this important procurement reform law have been challenged on the grounds that the role played by the Comptroller General in this process violates the separation of powers doctrine. The Supreme Court has agreed to hear the case in question, Ameron, Inc. versus U.S. Army Corps of Engineers, in its next term. While I believe that the law as now written is constitutionally sound, and rulings in the circuit courts have affirmed the law's constitutionality, the amendment I am offering today will further strengthen the constitutional footing of the bid protest provisions.

The amendment would alter the authority of the Comptroller General in two ways. First, the amendment would modify the period of time in which the Comptroller General may stay a procurement when a bid protest has been filed. Under current law, a procuring agency is required to suspend a procurement upon the filing of a bid protest until the Comptroller General issues his decision in the protest. To minimize delays in procurement activity, CICA contains a tight timetable for the disposition of protests. GAO must issue a final decision on the protest within 90 working days after the protest is filed, unless the Comptroller General determines and states in writing the reasons that the specific circumstances of the protest require a longer period.

The first provision of the amendment we are offering today would remove the extension of the 90-day period that is now available to the Comptroller General. The effect of the amendment is to carry out the original intent of the law to handle bid protests as expeditiously as possible and not to subject them to indefinite delays.

In offering this amendment, I want to point out that in our 4 years of experience under the act, the Comptroller General has not yet used the extension period provided by CICA. Since it has been argued by the Department of Justice that this extension places a legal cloud over the constitutionality of the bid protest process itself, it is appropriate to delete this extraneous extension provision from the law.

The second part of the amendment deals with the provision of CICA that gives the Comptroller General the power to require payment of bid protest costs and bid and proposal preparation costs by a Federal agency to a prevailing protester under certain circumstances. The Justice Department has maintained that this provision, by purporting to vest in the Comptroller General's office the power to award damages against an executive branch agency, gives a congressional agent impermissible judicial power.

The amendment would revise the language of this provision by authorizing the Comptroller General to recommend the payment of costs by a Federal agency, rather than to direct such payment.

Mr. President, I believe that the amendment will go far in ameliorating constitutional concerns regarding the authority of the Comptroller General in the bid protest process. The amendment modifies both of the provisions cited by Attorney General William French Smith as the Department of Justice's basis for advising agencies not to execute the bid protest provisions of CICA and that were the basis for challenge in subsequent litigation. While addressing these concerns, the amendment retains the essence of the bid protest provisions contained in CICA, namely, a short stay on the procurement action by the executive branch while the Comptroller General investigates the lawfulness of the action, and, if such action is found to be unlawful, issues a purely advisory recommendation urging the executive branch to change its course.

I urge the adoption of this amendment.

Mr. STEVENS. Mr. President, it is my understanding that this change is necessary because of the advice of the Senate Legal Counsel. In the Third Circuit Federal Court, the case of Amaron, Inc. versus United States Army Corps of Engineers involves an interpretation of our current law. We are informed that these two minor amendments that are contained in this amendment would be in furtherance of the position we have asserted through our Senate Legal Counsel.

I have reviewed this amendment and believe it is an amendment that is necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2848) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, since 1978 the U.S. Air Force and NATO allies have maintained dominance in the air through the use of the F-15 Eagle and the F-16 Fighting Falcon. In light of the INF treaty, an emphasis is being placed on maintaining conventional deterrence. Many believe that access to an affordable multi-mission fighter is imperative.

Several European nations are now developing completely new fighters—the French RAFALE, the European Aircraft, and the Swedish GRIPPEN. Upgrades to the F-16 should ensure aerodynamic dominance and may be more cost effective than those being designed now by our allies. The improvement program for the F-16 is contemplated as a multinational effort by the original F-16 partners—Belgium, Denmark, the Netherlands, Norway, and the United States.

Mr. President, I am very concerned about the position taken by the Defense Subcommittee on this effort. While the subcommittee has raised some very valid and important questions about a long-term approach to cooperative NATO research and development programs, I hope the conference will insure that a thorough and balanced review is given to this matter.

Mr. JOHNSTON. As usual, the distinguished Senator from Florida has made a thoughtful suggestion. I can assure him we will give this matter a complete and impartial review in conference.

Mr. President, that concludes the amendments we have available. There may or may not be further amendments, and we will put in a quorum call shortly, before we go to third reading.

If there are further amendments, we are ready to consider them immediately, without further delay. We are trying to wrap up this bill before the noon hour, if possible.

AMENDMENT NO. 2849

(Purpose: Technical corrections to the Department of Defense Appropriation Act for Fiscal Year 1989)

Mr. JOHNSTON. Mr. President, there is a technical amendment, and I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 2849.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, beginning on line 20, strike ":" through "*Provided further*, That", on line 21; and on page 10, line 1, immediately preceding "of the amount", insert ": *Provided further*, That".

On page 21, line 8, restore ";" and on line 14 delete ";".

On page 34, line 1, strike ": *Provided*," and on line 8, immediately preceding the word "That" insert ": *Provided*,".

On page 35, line 14, strike ": *Provided*,".

On page 36, line 16, strike ":", and on page 37, line 12, insert ":" immediately preceding "*Provided*,".

On page 113, line 1, delete ";" and insert in lieu thereof ":".

Mr. JOHNSTON. Mr. President, this is a series of technical amendments to the bill. They are purely technical. I ask unanimous consent that they be considered and adopted en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 2849) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, as I have said, there may or may not be some further amendments.

I understand that the Senator from Arkansas may have an amendment. The other amendments which are on our list are, I think, "iffy" amendments—that is, they may or may not be offered.

So I put all Senators on notice. I think we should send out a hotline that we are open for business and we soon expect to conclude our business, and any Senators having amendments should get them cleared or withdrawn shortly.

Is the Senator from Arkansas ready to proceed at this time?

Mr. PRYOR. No.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, in a few minutes—maybe it will have to take more than that—I intend to offer an amendment which I discussed briefly this morning during morning business. It is an amendment that I have provided to both the majority and minority staff, and as I understand the situation, it is the position of the staff—I am not sure I know what the position of the managers of the bill is—that the managers should not accept the amendment but that there is general agreement as to the policy presented in the amendment.

If that is accurate, I would hope that the idea that an amendment should not be accepted because it might be subject to a procedural attack, such as a point of order claiming that it is legislation on an appropriations bill, that while the committee is perfectly within its rights to invoke such a point of order, should that point of order be sustained, that the managers agree that on the merits that this amendment is in fact timely and necessary.

It is the position of this Senator that I would much rather that I did not have to bring this legislation to the floor for two reasons:

First, I wish the legislation were not necessary. I wish we did not have the problems at the two military installations, the New Cumberland Army Depot and the Navy Parts Depot at Mechanicsburg that I referred to this morning earlier.

I sincerely wish that those were not real problems. I wish that the people at the New Cumberland Army Depot had not buried a great amount of hazardous waste, transferred that property to the local township, with the consequence that a park, Marsh Run Park, was established on what has turned out to be a hazardous waste site.

I sincerely wish that had not happened because it is very bad for the reputation of the Army Department. They do not need that. They are a good institution. It is very bad for the confidence of the people who live in the area of Marsh Run Park, particularly the parents whose children have played in that park. Those parents are very frightened indeed. It is not good for our reputation as legislators that somehow we are thought to be, perhaps, at fault because we have not taken appropriate action even though it may be maintained, and it may be correctly so, that we have to ensure that the DOD and its departments are good neighbors.

So that is one reason that I wish that I did not have to bring this legislation here and to discuss it as much as I apparently am going to have to do to try to make the case and make the record in favor of this legislation.

The second reason is that this Senator believes that, when possible, legislation of any kind should go through the appropriate authorizing committees, and ideally it should be the subject of hearings, it should be the subject of committee markup, and then it should be brought to the floor.

In the case of this legislation, I have consulted with the authorizing committee, the Environment and Public Works Committee. It is my understanding that while they might like to add to this legislation additional provisions that I lack the background and expertise to discuss knowledgeably and expertly as I would want to do, they agree with the substance of this legislation.

Mr. HEINZ. Yesterday, in conversation with Senator STAFFORD, the ranking minority member on the Environment and Public Works Committee, he informed me that he felt my legislation was appropriate and that he had no objection to the legislation.

I hope that the managers of the bill would consider this legislation on its merits. Since I know they do not have all the background on this legislation, I hope they will listen carefully to the very brief reasons for the legislation and what the legislation most specifically does.

The reasons for the legislation really begin with the fact that of those two separate incidents of hazardous waste contamination at DOD facilities in Pennsylvania—as I said, one is at what is known specifically as the Navy Ships Parts Control Center, commonly referred to as the Navy Depot at Mechanicsburg, PA; and the other is nearby, across the Susquehanna River, the New Cumberland Army Depot, at New Cumberland, PA.

Past disposal practices that reached back over many decades have literally come back now to haunt not only the Navy and the Army, but the residents of that area, as they pose a real threat to the public health and environment in that area. My amendment would ensure that the Navy, Army, and the other services in the Department of Defense act responsibly and be accountable to the communities that surround them.

In 1985, the Navy Depot in Mechanicsburg received the results of its consultant's study on hazardous waste contamination on the 818-acre installation. The study, called the initial assessment study, reported that four of seven dump sites located on the depot property posed enough of an environmental and health threat that more detailed assessments, possibly leading to remedial actions to remove the contamination, were necessary.

What were those contaminants? Mr. President, they included radioactive wastes, degreasers contaminated with TCE, trichlorethylene, and PCB's, polychlorinated biphenyl, both known carcinogens. They included hazardous medical wastes, of the kind popping up on beaches, and other hazardous wastes that were dumped at the depot; serious contamination problems, Mr. President.

Now, despite the fact that the Navy was aware of this contamination and, I might add, the potential threat to the ground water as revealed in their consultant's 1985 report, they did not notify local public officials of the potential threat to their community until a local newspaper released this information. This led directly to the formation of the Community Toxic Action Committee, C-TAC, which is a citizens group in Mechanicsburg that was formed to review the Navy's action. C-TAC promises vigilance of the Navy's future, as well.

What I would like to do through our amendment is make sure that we have a policy, not a chance occurrence, that will ensure that not only the Navy but the Army and the other Government agencies indeed are vigilant.

The New Cumberland Army Depot, which I also referred to, suffers equally—perhaps more, perhaps less; it is difficult to say—from faulty past disposal practices. In this particular case, what happened was the Army did not notify any of the local officials of the potential environmental and health threats from dumping done within the boundaries of the depot. In addition, the Army even failed to notify the local officials or anybody else when it sold property to the township that it knew had been a dump. That the property was used as a dump was not told to the township. The township turned it into a park because they did not have any knowledge of the dumping that took place on that land and, therefore, did not have knowledge of the danger to the users of that park. that park was opened by the township and has been used by soccer leagues. Some 600 children a year play on those soccer fields. They have played on those soccer fields for the past 7 years. Of course, as soon as the local officials were notified of the danger, the park was closed.

Now, Mr. President, I would like the managers of the bill, to respond, if they would be so kind, to some requests. How can it be and what does anybody in this body propose to do about the fact that, at the Navy Parts Depot the study, having been done and completed in 1985, reveals serious threats to drinking water of central Pennsylvania, was absolutely buried? That study was covered up just as surely as the contaminants were covered up. Having it come to light only through investigative reporting is scarcely the way for any agency of the Department of Defense either to conduct its business or be a good neighbor.

So my first question to my colleagues, the managers of this bill, are: How can this possibly happen? What is there in existing law to prevent it from happening?

If there is law on the books that requires the Department of Defense, the Department of the Navy, and the Department of the Army to be a good neighbor, to let people know when there is a problem, to take prompt remedial action to address the problem, to monitor any possible migration of toxic chemicals of that site so that it does not pose a threat on others adjacent to it, I would like to know where that legislation is. And if it is on the books, I would like to know whether or not it is being enforced. Because if it is on the books, it clearly is not being enforced and the commanders of these bases are in serious jeopardy because they are disobeying the law of the land if that legislation is on the books.

As I understand the Joint Code of Military Justice, it is very serious not to obey the laws of the United States and such commanders, I suppose—I am not expert—could be subject to court-martial.

The alternative, of course, is that there is not adequate law on the books or that what we have is vague and unclear, in which case, if that is the case, we need to adopt legislation in this body.

We do not want to wait to act, Mr. President, at least insofar as I can see, because what has happened in central Pennsylvania is not only clearly a fact of life there, but it could become a reality for many other communities that are privileged to be host to our military facilities elsewhere.

So I hope that the managers of this legislation would have some answers to these questions because, as things stand now, what we have is a problem. We have questions. The one thing we do not have is answers. And if the managers of the bill do have some answers, I would most appreciate hearing from them because, if not, there is a lot more I have to say on this subject and I am certainly prepared to say it.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. HEINZ. Mr. President, I yield to the Senator without losing my right to the floor.

The PRESIDING OFFICER. The Senator yields to the Senator from Louisiana.

Mr. JOHNSTON. President, I thought the Senator had yielded the floor.

Mr. HEINZ. No, the Senator was posing questions to the manager of the bill. I hope the managers would be willing or able to respond. If they are not, I understand.

I think this is an important issue and I really would like to know whether there is any concern on the part of the managers of this problem. It is a very real problem in our State. I suspect it is going to prove to be a real problem in other people's States, maybe Louisana, maybe Alaska.

Mr. JOHNSTON. First of all, let me tell the Senator from Pennsylvania that he makes a strong case as I listen to this issue for the first time on the floor. We have two problems with his amendment, however.

First, this is, obviously, a defense appropriations bill and on this issue we have not held hearings, so there is no record that has been made for us to judge other than the eloquence of the Senator from Pennsylvania, which is considerable, and quite frankly beguiling. I do not want to be beguiled into accepting something about which I am not an expert and do not have a hearing record. That is the first problem.

The second problem is that the Committee on Environment and Public Works, which I understand has jurisdiction on the matter, has some objection. If we could get those objections worked out, we would be happy to respond to the Senator. But while there are those objections, I am afraid that this matter would be subject to a point of order which we would have to make.

Mr. STEVENS. Will the Senator yield on that?

Mr. JOHNSTON. Yes.

Mr. STEVENS. Mr. President, I happen to be the author of the provisions that are in the bill. They originated in our Defense Appropriations Committee and not in the Public Works Committee, but the Public Works Committee does now have jurisdiction.

But I would say to my friend, no one has brought to our committee any indication of a deficiency in that basic bill that is on the books now.

We have gone from $10 million to half a billion dollars being spent this year on the programs you are talking about. If you have a particular problem in Pennsylvania, I am sure that we would be most interested in putting some guidelines in the report saying to the people who are administering the program in your State to shape up or ship out.

But as a practical matter, I can state that the program has worked in my State. I personally have reviewed several of the projects that have been conducted under this basic law in my State and I do not know that there has been any objection raised in our committee in the hearings on the money.

I see the Senator from New Jersey is here who is involved in the Public Works Committee and he might comment on what complaints have been reported. But this was a program intended to clean up the Department of Defense lands and to move as quickly as possible to eliminate the problems, environmental problems that required cleanup.

As I have said, we escalated from $10 million to $500 million, and the existing program is replete with mandated requirements to cooperate with local authorities, to work with local authorities. I would hope that you would allow us to mandate the Department of Defense to comply with the law in your State.

Mr. LAUTENBERG. If the Senator will yield?

Mr. HEINZ. I would be pleased to yield.

Mr. LAUTENBERG. I think that the Senator from Pennsylvania brings up an important issue. I do not object to the substance of the Heinz amendment. But on behalf of several members of the Environment and Public Works Committee, would raise a concern about dealing with this issue in the appropriations context. I would hope that we could review the measure in more detail, possibly with hearings, and I would invite the Senator from Pennsylvania to consider this point. We come from neighboring States and we often share an agenda that deals with environmental cleanup, whether it be of the land or water, which our States border.

So I would ask the Senator from Pennsylvania if he would join with us in considering an approach that deals with this problem generally. We do have in the Superfund bill of 1986 several provisions addressing Federal facilities and specifically calling upon the Secretary of Defense to take actions necessary to protect the environment. From the perspective of a coauthor and conferee on these 1986 amendments, last week I chaired an oversight hearing on Federal facility compliance with our hazardous waste laws. That hearing was aimed at getting DOD, the services, and other Federal agencies to improve compliance with our hazardous waste laws. DOD and these other agencies can and must do a better job of addressing environmental problems and of involving and informing citizens affected by their sites.

I, therefore, commend the Senator from Pennsylvania, and I would like to have an opportunity to work with him in the effort to improve compliance with our current laws, and to examine the possible need for future legislation.

Mr. BURDICK. I concure with the Senator from New Jersey and thank him for his remarks on behalf of myself and other members of the Environment and Public Works Committee. Addressing these issues on an appropriations bill is not the best way to address these environmental questions. But as the recent oversight hearing of the Senator from New Jersey on Federal facility compliance with our hazardous waste laws underscores, DOD can and must do a better job of complying with the law.

Mr. MITCHELL. The Senator from New Jersey and the Senator from North Dakota have raised a very good point. Addressing Federal facilities questions on an appropriations bill is not a sound approach to dealing with these very significant problems. As a former conferee to the Superfund Amendments and Reauthorization Act of 1986, I would agree that DOD and other Federal agencies must improve their efforts to comply with our hazardous waste laws. But these issues need to be addressed in a comprehensive manner in the authorizing committees.

Mr. HEINZ. Mr. President, first, I think the Senator from New Jersey and the Senator from Alaska make very attractive offers and I am very strongly tempted to take them. But I would very much appreciate clarification on one point that continues to trouble me, and it is this: In both the cases I referred to—the Navy Depot in Mechanicsburg and New Cumberland Army Depot—information had been developed, was in the control of the—in the one case, Navy in the other case, Army Department—and it was never revealed to anybody who had a legitimate concern or interest in this problem.

My question—and it is not a trick question—and I refer it to either the Senator from Louisiana or the Senator from Alaska: What is there, particularly in the legislation the Senator from Alaska referred to, as to the timely notification of anybody, but most specifically responsible State agencies and local agencies—and/or—local elected officials, if the Department or a facility that is owned and operated by the Department has information about a serious environmental threat? What does the legislation, the regulation, the policy say about that? What do we know about it?

If we do not know what that is, I can accept that, but I would like to know where we stand on the very basic issue of the right of responsible State and local agencies to know what they face. Can anybody respond on that question?

Mr. JOHNSTON. Mr. President, frankly, I am not an expert on that law but I do know enough about what the Department should do to tell you that it should not take an act of Congress to get the Department of Defense to respond as to what the environmental hazards are in a particular Army depot or DOD installation. If information, which is important to the health and welfare of the citizens of Pennsylvania, is not being released, it should be. Any assistance we could be, on the Defense Appropriations Committee, in getting that released, we would be happy to help play that role.

Whether the details of the legislation are appropriate or not, as I say, we are simply not able to say. But I think if the Senator details a problem that needs solving, and I hope he will, if he does withdraw his amendment and goes through the Environment and Public Works Committee or whatever other legislative procedures he would seek to invoke, I hope that if we can be of assistance in the Defense Appropriations Committee, that he will call on us. We will be glad to do so.

Mr. HEINZ. Mr. President, that is a very appealing offer by the Senator from Louisiana. When he makes such an offer I know it is a commitment that if accepted he would keep.

Mr. JOHNSTON. If the Senator would further yield, we would be happy to put in language in a statement of the managers at the conference to reinforce the Senator's concern. I think that would also speak loudly to the Department of Defense.

Mr. HEINZ. Mr. President, I sincerely thank both the Senator from Louisiana, the manager, majority manager of the bill, and the Senator from Alaska for their offer to put a clear direction in the statement of managers on this legislation on the substance of what I have been proposing.

My understanding is it would be specific as to these two sites; is that correct?

Mr. JOHNSTON. That is right.

Mr. HEINZ. I am going to accept that offer, but I hope we understand that remains a problem. There are still many issues that are unable, in the time available here on the floor, to really nail down. The Senator has been very candid with respect to the issue of what is really required today on DOD and, for that matter, EPA in terms of notification.

We do understand that they have a financial responsibility to restore. I think the issue on restoration—it is not clear whether or not Senator STEVENS' amendment, and $500 million appropriated in this bill for restoration, is appropriate or not.

The real question is the speed with which that restoration is to be carried out. The people at the Navy Depot in Mechanicsburg were told by the Navy Department it would take 3 to 5 years, not to clean up but to do a proper assessment of how to clean up.

Surely that is an acceptable length of time just to figure out how. EPA does that every 18 months and, of course, there is the very immediate issue of monitoring. Those, I hope, are the three things that could be addressed. Would that be possible?

Mr. JOHNSTON. That would be, Mr. President. If the Senator would yield, I must say that I think the Senator has identified problems in Pennsylvania which are really nationwide problems of the Department of Defense. Frankly, this problem has been swept under the rug in many multifaceted ways with the Department of

Defense; that is, environmental identification, assessment, and cleanup. The Department of Defense has sort of escaped some of the regulations and requirements applicable to parties in the private sector.

There is going to be a big bill to pay and a huge job to do as we get on with the task of identifying, assessing, and cleaning up military waste, as well as civilian. So we will be happy to work with the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I want to thank my colleague from Louisiana and my colleague from Alaska. They have been extremely responsive and very helpful. I accept their very kind offer of assistance. It is an excellent offer.

My only further request is that I ask unanimous consent that the text of my amendment, which I will not send to the desk, be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 16, line 25, insert before the period the following: "*: Provided further,* That the Secretary of Defense shall ensure that all information relating to environmental restoration activities at Department of Defense facilities and required to be provided to regional offices of the Environmental Protection Agency, appropriate State authorities, and local authorities under section 2705 of title 10, United States Code, is expeditiously provided to such offices and authorities: *Provided further,* That the Secretary of Defense shall ensure that all assessments of environmental contamination, plans to remediate such contamination, and emergency and remedial actions to abate or mitigate such contamination are carried out by entities that are independent of the Secretary of Defense in accordance with Environmental Protection Agency protocols, and that each such assessment, plan, and action is reviewed by the Environmental Protection Agency and the appropriate State agency: *Provided further,* That immediately after discovery of a potential environmental contamination at any Department of Defense facility conducting environmental restoration activities, the Secretary of Defense shall install systems for monitoring contamination at such facility and shall monitor air, surface water, and ground waste for contamination at such facility".

Mr. HEINZ. Mr. President, I thank the manager of the bill.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2850

(Purpose: To modify existing law relating to the use of the sewage treatment facilities at Fort Chaffee, Arkansas, by the City of Barling, Arkansas)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston] for Mr. Bumpers, proposes an amendment numbered 2850.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, after line 22, insert the following new section:

Sec. 8127. Section 2345 of the Military Construction Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1230), is amended to read as follows:

"SEC. 2345. USE OF SEWAGE FACILITIES AT FORT CHAFFEE, ARKANSAS

"(a) In General.—The Secretary of the Army shall permit the City of Barling, Arkansas, to use the sewage treatment facilities at Fort Chaffee under an agreement that would require the city to pay a reasonable cost for the use of such facilities and to pay any reasonable costs incurred by the Army in increasing the capacity of the sewage treatment facilities at Fort Chaffee in order to accommodate the use of such facilities by the city. An agreement entered into under this section shall be for such period, not less than 20 years, as may be agreed upon by the Secretary and the city.

"(b) Requirement For Completion Of All Assessments, Studies, And Reports.—(1) The Secretary of the Army shall complete all necessary environmental assessments, studies, and reports and all baseline studies that may be required in connection with the increased use and expansion of the sewage treatment facilities at Fort Chaffee as a result of the enactment of this section not later than 120 days after the date of the enactment of this Act.

"(2) The city shall be required to reimburse the United States for all costs incurred by the Secretary in carrying out such assessments, studies, and reports. Such costs shall be amortized over the period of the agreement entered into by the Secretary and the city pursuant to subsection (a).

"(c) Deadline For Agreement.—The Secretary shall enter into negotiations with the City of Barling at the earliest practicable date after the date of the enactment of this Act regarding the use of the sewage treatment facilities at Fort Chaffee and shall make every effort to conclude negotiations and sign an agreement with the city not later than 150 days after the date of the enactment of this Act.

"Additional Terms and Conditions.—Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary of the Army determines necessary or appropriate to protect the interests of the United States.".

Mr. JOHNSTON. Mr. President, this amendment, submitted on behalf of Senator Bumpers, deals with waste disposal requirements for the city of Barling, AR, in the development of cooperative agreements for such disposal between the city and Fort Chaffee. This amendment should get ongoing negotiations concluded. It should achieve responsiveness from the Department of the Army.

I am advised by Senator Bumpers that the problem is one of responsiveness. It amends the 1988 Defense Authorization Act, and it has been cleared by the Armed Services Committee and on both sides of the aisle.

Mr. BUMPERS. Mr. President, I offer this amendment today to address a problem that the city of Barling, AR, has struggled with for some time. Barling, a small town of little more than 3,700 residents, is completely surrounded by land belonging to Fort Smith, AR, the U.S. Army Corps of Engineers, and Fort Chaffee, a U.S. Army training installation. Because of its location, Barling has no suitable land of its own on which to construct a wastewater treatment facility, nor can it continue—due to EPA regulations and high costs—to continue the present situation of treating waste at the Fort Smith wastewater treatment facility.

So Barling has nowhere to turn for wastewater treatment than to the U.S. Army, particularly the Fort Chaffee installation. Originally, Barling sought to negotiate a lease with the Army for suitable land near the city on which to construct its own wastewater facility. After many years of little progress, Barling appealed to Congress to require the Army to lease the land, and Congress, appropriately, commissioned a study on alternative sites for the proposed facility. This study was mandated by Senate Report 99-331, which accompanied the fiscal year 1987 military construction appropriations bill. The study, and the response by Barling, led to the conclusion that, as we had known all along, Barling has no recourse for wastewater treatment other than on Fort Chaffee.

In light of that report, a provision, section 2345, was included in the fiscal year 1988 and fiscal year 1989 Military Construction Act, Public Law 100-180, that gave the Army a clear choice: either lease Barling the appropriate land for construction of a new wastewater facility by the city, or allow the city to simply have its waste treated at the Fort Chaffee facility. It was thought at that time that by giving the Army a choice, this issue could be easily and quickly resolved. This, unfortunately, has not been the case.

Today, 10 months after Congress having specifically adopted a law to require an action on the part of the U.S. Army, Barling's problem remains. The Army has required the city to conduct extensive environmental studies of all alternatives before the Army decides whether to lease land or allow Barling to use the existing facility. After Congress passed the law putting the burden on the Army to make the decision, the Army responded by mandating further steps by the city of Barling.

It has become ever more apparent that the best alternative is to simply allow Barling to use the Fort Chaffee facility and require the city to pay for any additional costs, and incur any liability, that results from such use. Fort Chaffee's wastewater treatment lagoons have a capacity to treat the waste generated by as many as 25,000 people. At present, there are about 4,000 people stationed at Fort Chaffee and another 3,700 residents of Barling. so there is no question that the existing facilities are more than sufficient to accommodate Barling without jeopardizing the ability of Fort Chaffee to treat its waste and perform its present mission. I do acknowledge, however, that the Joint Readiness Training Command, JRTC, is scheduled to be deployed to Fort Chaffee in fiscal year 1989. While this will bring several thousand troops to the Fort, this provision clearly allows for expansion of the existing facility.

That background leads us to where we are today, and the amendment I am now offering. Let me first make it clear that the amendment does not amend the fiscal year 1989 Department of Defense authorization bill, which is being also considered here today, but Public Law 100-180, the fiscal year 1988 and fiscal year 1989 Military Construction Act. The amendment proposes the obvious solution: it requires the Army to forge an agreement to allow the city of Barling to use or expand the existing lagoons on Fort Chaffee and pay the Army for any costs incurred. The agreement would be in force for at least 20 years. Further, it requires the Army to complete all necessary environmental and baseline studies within 120 days of enactment, and to use its best efforts to reach an agreement with the city within 150 days of enactment.

Finally, the amendment requires the Secretary of the Army to include in any agreement such terms and conditions as he may determine are necessary or appropriate to protect the interests of the United States. This subsection is included specifically to address the concerns of the Army that any potential liability arising from the nature of the sewage to be treated at Fort Chaffee be borne by the city. It is expected that an agreement reached between the city and the Army would stipulate under what circumstances either the Army or the city of Barling would be liable in the case of an environmental hazard.

It is time to put this issue to rest, Mr. President. The city of Barling is simply asking for what is practical and reasonable. This amendment accomplishes that. I understand that the amendment has been cleared on both sides, and I ask its adoption.

Mr. STEVENS. Mr. President, it is my understanding this is an amendment to the authorization bill as it passed the Senate which has been accepted by the authorizing committee and deals with the military construction portion of the bill rather than the defense appropriations part of it. Under the circumstances, it appears to be needed at this time. We have no objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2850) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT 2851

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas, Senator PRYOR.

Mr. PRYOR. Mr. President, this morning I rise with Senators LEVIN and CONRAD to offer an amendment to the Defense Department appropriations bill. This amendment would require all consultants who work directly for the Department of Defense or for prime Government contractors who are working on DOD projects to register with the Office of Standards and Conduct at the Department of Defense.

Lobbyists, Mr. President, must register with Congress. Representatives of foreign governments must register. Exporters of U.S. military hardware must register, but there is no registration for those consultants doing work for the Department of Defense.

This amendment that I offer on behalf of Senators LEVIN and CONRAD simply requires the same kind of disclosure and sunshine by the consulting industry.

Mr. President, this amendment establishes this requirement only for the Department of Defense and the military departments.

I propose this amendment after receiving testimony at two hearings held by my Subcommittee on Federal Services. First, we heard the Office of Management and Budget say that OMB does not know how much the Government today spends on consulting services. Then we heard the Deputy Inspector General at the Department of Defense say that he does not know which Department of Defense consultants also work for private contractors doing work for the Department of Defense or how many of these consultants actually work for foreign governments.

In short, Mr. President, the Deputy Inspector General at the Department of Defense and the Office of Management and Budget both admitted that today our Government is spending billions of dollars on consulting services, while we still do not have the mechanism to know who is working both sides of the street.

I believe that we have the right and the need and the responsibility, Mr. President, to know who is doing work for the Government and at what cost. The amendment I am offering today is a step in that direction. It simply requires consultants who are receiving funds, either directly from the Government or through prime contractors on Government projects, to register and to provide the following information. It is simply. It is direct.

First, a consultant must give his name and business address;

Second, a description of the consultant's clients and the services normally furnished by the consultant to those clients;

Third, a list of all clients for which the consultant has provided consulting services that in any way relate to the work it is doing for the Defense Department, as well as a description of the services furnished to each client;

Fourth, a statement of whether that consultant has ever been convicted of a felony or whether the consultant is currently under indictment;

Fifth, a statement of whether the consultant is under suspension or debarment by the Federal Government or any agency thereof;

And, sixth, Mr. President, a certification that, to the best of that consultant's knowledge, the consultant and all employees are in compliance with the revolving door restrictions contained in section 2397, title 10 of the United States Code.

Mr. President, that is what this amendment does. It does no more; it does no less. There is a great deal of confusion about this amendment, and I am sure that we are going to hear a lot of debate about it. There may be those who oppose this legislation simply because they say it is going to add to the paperwork.

Mr. President, this information is for the first time going to allow us to obtain a clearer picture of the other clients for whom that consultant works. While this amendment does not require a definitive list of every client, it does require a general description of the consultant's clients, both public and private, foreign and domestic. I envision that this will take the form of a statement which will say at the very least, "I work for *x* number of U.S. companies, *x* number of Government agencies, *x* number of foreign firms and *x* number of foreign governments."

This amendment, Mr. President, does require a complete list of all clients for whom the consultant has provided consulting services which are in any way related to the work the consultant is doing for the Department of Defense or a prime contractor.

This amendment will enable the contracting officer to ensure there are not potential conflicts of interest which could be damaging to the United States. In fact, a contract may not be awarded until the appropriate contracting officer and supervisor review this information and make such a determination. The Department of Defense Inspector General under my amendment is charged with monitoring compliance with this registration requirement and submitting an annual report to the Armed Services Committee in the House and in the Senate. If a consultant is found to be intentionally not complying with this registration amendment, then that consultant shall be subject to suspension or disbarment proceedings. This will give DOD the necessary latitude to protect the interests of the United States. This section, however, should not be interpreted in any way to preclude any legal proceedings which might be appropriate.

Mr. President, this amendment also contains an exception. It is an important exception. It is a necessary exception to protect the security interests of the United States. For those contracts that the Secretary of Defense determines involve sensitive foreign intelligence or foreign counterintelligence activities or sensitive law-enforcement investigations, the consultant working on that particular contract will not have to register with the Office of Standards and Conduct.

Finally, Mr. President, I am told that some consultants are lobbying hard against this amendment to the Department of Defense appropriations bill. They say that we have no idea how many people it will affect and it might generate too much paper work.

Mr. President, the fact is that we are now spending somewhere between $2 billion and $3 billion on consultants at the Department of Defense. The other fact is that we can this morning, Mr. President, walk into the Pentagon, press one button on a computer and find out exactly the number of people working for the marines, the Navy, and the Air Force. We can press another button and find out how many Air Force personnel are on our bases in Alaska; we can press another button and find out how many office clerical workers we have in the Department of Defense. But until this amendment passes, we are not going to have any opportunity whatsoever to find out who is doing work for the Federal Government. Over 60 percent of these consulting contracts are not even competitive. Over 50 percent, Mr. President, of these contracts have add-ons that probably amount to more than the original sum in the contract.

What we have is an open money sack. What we have is a system that is not accountable to anyone. What we have is a system that in the last 10 years has grown beyond anyone's expectation.

Mr. President, while these consultants are stalking the halls of the Senate and the House, while they are saying vote against the Pryor-Levin-Conrad amendment, let us talk a moment about self-interest. Let us talk about the national interest, because I strongly believe that consultants doing honest work have nothing to fear from registration. The high cost of not monitoring the action of consultants in sensitive national security areas has been made painfully clear by this year's Pentagon scandal.

Mr. President, this amendment is going for the first time, to help fill the information vacuum that hinders the Department of Defense Inspector General and the Congress whenever we attempt to get information, not only about who the consultants are, but what they are doing and what justification did they have for getting the contract in the first place. I urge my colleagues to support this amendment. I am aware also that Senator WARNER, my very good friend from Virginia, has two suggestions that will improve this amendment.

Mr. WARNER. Mr. President, will the Senator yield on that? Is the Senator prepared to discuss those matters?

Mr. PRYOR. Not at this point. I will be in just a very few moments, I say to my friend. In just a moment, we will discuss those changes.

I feel the two changes that will be offered by the Senator from Virginia will actually improve and strengthen this amendment which will be before the Senate shortly. I intend to accept them, and I also intend to endorse them.

Mr. President, again, I believe that we have the right, we have the need, and we have the responsibility to know who is doing what kind of work for the Department of Defense. I believe we have the right to know, if a consultant is being paid to work for the Department of Defense, who his other clients are. I believe we have a right to know if a consultant is working both sides of the street—in other words, for the Department of Defense and also for a private contractor doing business with the Defense Department. I believe we have a right and a responsibility at the very least to know, if a consultant hired by the Department of Defense, is a convicted felon. I believe, if the Department of Defense hires a consultant for advice, we have a right to know if he also works for a defense contractor or for a foreign government.

We have no such ability today. We have no process today whereby we can ascertain that. I believe we have a responsibility to install some system of the most basic checks and balances into a world none of us know anything about, that we cannot account for, that we cannot explain, and in most cases cannot justify.

I am not going to embarrass the managers of this bill this morning by demanding to know how many consulting dollars we have in the DOD appropriations bill for fiscal year 1989, because no one knows. This is exactly what the Pryor-Levin-Conrad amendment is all about. It is about disclosure. It is about sunshine. This particular amendment which we will be sending to the desk in a short time is a giant first step in bringing light to this whole system of consulting—the shadow government, the Beltway bandits, the unelected government, call it what you wish, Mr. President—toward finding out for the first time who they are, what they are doing, and letting us ask the question, "Are they justified?"

Mr. President, I ask unanimous consent, when the amendment is submitted to the desk, that Senator GORE of Tennessee be added as an original cosponsor.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I find myself in an unusual position that I first wish to commend our colleague from Arkansas because he has done a lot of work in this area. It is an area that must be addressed by the Congress in terms of additional legislative initiatives.

But I am concerned on the other hand that we have not had adequate time to consider this proposal. It has not been scrutinized by our normal hearing procedure. The Senator from Arkansas is on the Government Operations Committee which would take jurisdiction of this piece of legislation were it to be submitted as a bill and referred in the normal course of events. It is for that reason that I will join, I believe, with the managers of the bill and others in endeavoring to set this aside and at an appropriate time from this bill such that it can then on the procedures being completed be considered by the Government Operations Committee. Bring in the witnesses and let us look at this piece of legislation to determine what portions thereof we may incorporate into law at some future time.

For that purpose I want to suggest to the Senator at this time that the present pending measure be modified in two respects to reflect my suggestions which I would have made at a hearing as to how to improve the legislation.

I do this against the background of some experience myself in this area, not only in the Department of Defense but having followed with great interest as have other Members of the Senate the current investigations underway now in the Department of Justice largely under the supervision of the U.S. attorney for the Northern District of Virginia looking into this very serious series of allegations now being leveled at the Department of Defense concerning fraud, and allegations which allege that a number of consultants were involved in the fraud scheme.

It has always been my position that 99.9 percent of the people who are in Government service, particularly those in uniform and long time career employees in the Department of Defense, and 99 percent I think of those on the outside, in the private sector, are trying to make the procurement system work in accordance with law and regulation, and in the best interests of our national defense. Nevertheless, there is that undefinable, that element which we cannot quantify subject to these alleged fraud allegations.

So at some point in time we have to address this. I just suggest that this is not the vehicle, nor the time, and that we should proceed in the orderly way of having a hearing. So be it.

But for the present measure, I would like to suggest to my colleague from Arkansas that two modifications to the amendment be offered. I believe they have been discussed. I have discussed them with the Senator and they have been discussed at the staff level. The first involves the reporting requirement in subsection (c), under paragraph 3, a consultant would be required to list all clients for which he or she has furnished related advisory and assistant services and descriptions related to advisory and assistant services furnished each client by the consultant.

There is no limit on the period of time that would be covered in this requirement. In order to lessen the paperwork burden of this requirement, I propose to limit the period covered by the reporting requirement to 3 years prior to the date of resignation.

At this point, Mr. President, I would like to have any comments the proponent of the pending measure would like to make.

Mr. PRYOR. Mr. President, if the distinguished Senator from Virginia will be so kind as to repeat his question to me, and also the section he just read, I think we can reply.

Mr. WARNER. It would be under paragraph 3, subsection (c), a consultant—that is the existing, the pending matter—would be required to list all clients for which he or she has furnished related advisory assistant services and descriptions of related advisory assistant services furnished each client by the consultant.

Mr. PRYOR. I think, Mr. President, the distinguished Senator from Virginia is proposing that the consultants would be required to list their clients for the last 3 years. There would be a 3-year effective period.

Mr. President, the distinguished Senator from Virginia has in fact submitted a proposal for a change which is not only satisfactory but I think perhaps could even strengthen the overall Pryor-Levin consultant amendment. We accept it.

Mr. WARNER. I thank the distinguished Senator. I now address the second proposal.

The second modification to the Pryor amendment I am proposing involves a definition of the term "consultant" in subsection (f):

> The registration requirements under this definition would cover any person who "furnishes advice, information, direction or assistance" to any person in support of a preparation or submission of an offer for a Department of Defense contract by such other person.

The language does not specify that any advice or assistance be furnished by contract and therefore the registration requirement might be construed to cover anyone who has the most casual discussions with the contractor about the submission of an offer on a defense contract.

I propose that the words "by contract" be inserted after "any other person" in that definition.

Mr. PRYOR. Mr. President, once again the distinguished Senator from Virginia has offered not only a change that would be accepted by Senator LEVIN and myself, but would help hopefully, final passage of this legislation.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I thank staff who have worked on this.

At this time I send to the desk an amendment and ask for its immediate consideration.

Mr. PRYOR. Mr. President, there is no pending amendment at the desk at this point.

Mr. WARNER. I stand corrected. I withdraw that.

Mr. PRYOR. I will send an amendment at the appropriate time.

Let me, if I might, Mr. President, comment while my distinguished friend is on the floor.

I am very, I do not want to say surprised, but I am very saddened by the fact that the Senator from Virginia, after he has taken such interest in strengthening this amendment and making this amendment stronger, is also stating that he is going to oppose the amendment. I must say I find that a little bit inconsistent. I am very saddened by this fact.

The second area of concern I have is that the Senator from Virginia says: let us hold some hearings on this and let us look at it, let us not rush into anything.

First, I would say that we have held some hearings. For example, on July 8, Mr. Vander Schaaf, deputy inspector general of the Department of Defense provided testimony on his efforts to monitor DOD consultants. Here is the question that I asked the deputy inspector general, I say in response to my friend from Virginia. This was my question to the IG:

> Now, can one be a convicted felon, and also become a consultant for the Department of Defense?
>
> Mr. Vander Schaaf: Yes. You could be.
>
> Senator Pryor: How does the Department of Defense Inspector General know that when you have a consulting contract with the Department of Defense you are not also working for General Dynamics, BDM, or McDonnell-Douglas?

Mr. Vander Schaaf's response: "We do not."

We do not know who the other clients of these contractors and consultants are. How bad do we want this system to get before we finally look at it and pay some attention to it?

It was 8 years ago when I proposed similar legislation. It did not even get a hearing. But this time, and with the recent events swirling around the Department of Defense, I think we can do no less. In fact, I think we are totally abdicating our responsibility unless we for the first time have some mechanism of finding out who is working for the Department of Defense, and how many sides of the street they are working on.

Can you imagine this, in a recent hearing it came out that a consultant for the Department of Defense not only represented DOD in a very lucrative consulting contract but he also represented at the same time five foreign governments? Did he have to reveal this? No. Did he have to disclose this? No. Did anyone of us know this until we really started digging into these contracts? No.

For the first time, if this amendment becomes law, all of us are going to know. Any consultant worth his salt should have no fear. Any consultant who is honest should have no concern about having to go to the Office of Standards and Conduct in the Department of Defense and fill out a very simple form saying, "OK, I have a Department of Defense contract, and I am paid by the Department of Defense, but I also represent foreign countries, and here they are."

I am very saddened that we do not have the support on this amendment of the very distinguished Senator from Virginia, a member of the Armed Services Committee. I thought we had received his support, and I am sorry we did not.

Mr. WARNER. Mr. President, I do not know this Senator has ever represented to my good friend from Arkansas that I was prepared to support the amendment at this time.

The Senator has been very cooperative, as I understand it. For purposes of the record, he has now accepted my proposal, which will be incorporated in the amendment at such time as he sends it to the desk. Is that correct?

Mr. PRYOR. That is correct.

Mr. WARNER. To clarify my position, I am basically in support of the goals that the Senator is trying to achieve. My concern is what I refer to as the partial hearings that have been held in the committee. This concept has not been subjected to the scrutiny this body should accord such an important subject before we are asked, as the Senate as a whole, to accept it.

I do not want to speak for the managers. I was under the impression that a point of order might be raised by the managers. I will let them speak for themselves. In the event the point of order is raised, I feel obligated to support the point of order, for the reasons I have given.

Again, I thank the distinguished Senator from Arkansas for accepting this Senator's recommendations for strengthening the amendment, which may or may not be sent to the desk.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. If the Senator will suspend, the Senator from Arkansas still retains the floor. There was no yielding of the floor by the Senator from Arkansas.

Mr. PRYOR. Mr. President, at this time, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, at first, the Senator from Arkansas was a lonely voice, but his voice is being heard, and he is being joined by others on what is an increasingly large problem in the Department of Defense; and that is a sort of underworld—or, let us say, world beyond the public view—of consultants.

They are making millions of dollars. They are performing all kinds of services. There is very little recognition of who they are, what they do, what their conflicts of interest are, who they represent, and how they go about doing it.

All we know is that we see a little tip of the iceberg every now and then that bobs up on the surface of the ocean in the form of some scandal such as we have recently had, and we realize that we ought to try to see the whole iceberg and see what is below the water and try to bring it to the light of day.

Mr. President, I am aware that this amendment may have a mechanical problem or two, and that is what conference committees are for. If we adopt this amendment, it would give us time to respond to the objections of the Department of Defense.

I have a set of notes here from the Department of Defense pointing out difficulties with it: the definition in the bill does not meet the definition in circular A-120.

I do not mean to make light of that mechanical problem, but I think those problems can be worked out. I think that, given passage here, it would energize the Department of Defense so that they would get their best minds and their best experts working with our best minds and best experts.

Suddenly, faced with the Senate passage of a piece of legislation, it is amazing how these problems can be solved. Rather than sitting in some office and writing reams of details of difficulties, if we approach this amendment from the standpoint of solving these problems, I think there is a very good chance that it could be done and in the process help this whole process of contracting a great deal—to bring to the light of day what consultants do, who they are, what their other conflicts are, what their other contracts are. Knowledge certainly never hurt.

So, with the understanding and knowledge that this piece of legislation is not perfect, that it undoubtedly will require modification—perhaps minor, perhaps major—I think we ought to give the Senator from Arkansas a chance between here and conference to work on what I think is a fine piece of legislation. It is certainly a fine idea.

If it cannot be worked out, then undoubtedly the conferees will not accept it, and we will certainly not push it. But I hope it will be given a chance to go to conference with the bill.

Mr. STEVENS. Mr. President, if the manager of the bill wants to take it to conference, I have always respected that, as the comanager.

Let me say this: If this had been the law at the time the *Vincennes* incident happened, the Department of Defense could not have sent a representative to the *Vincennes* without first having him cleared with this procedure. A person who is working for the CIA to go out and install a safe house would first have to be identified on the record as a consultant, to comply with this procedure.

I happen to be the ranking member of the Subcommittee on Government Affairs, of which the Senator from Arkansas is chairman. I support what he is trying to do. I think we ought to take our time.

Certainly, there is an overwhelming revulsion in the country in terms of what has happened with respect to the procurement scheme that was involved in the Department of the Navy. All of us want to see something done. I share the feelings of the Senator from Arkansas that we should do something, but let us do it right.

This is no way to legislate, to come to an appropriations bill and open it up—the only comment I make to the manager, if he wishes to take it, and I will not oppose it—this opens up our bill to all the procurement problems for the last 3 years, and without an agreement, they could not be on this bill. There is no other procurement section in this bill.

If this goes into it, the House can pull out all the initiatives they had before, and we remember all the procurement fights we had on the appropriations bill and the authorization bill for 3 or 4 years.

The two leaders, in their wisdom, entered into an agreement. We have not put it into a unanimous-consent agreement, because I did not want that. The two leaders have agreed to oppose any amendment which would amend the authorization bill. In my judgment, this does. In my judgment, this adds a section in this bill that deals with defense procurement for the first time.

Again, if it is the judgment to take it in, OK; but I think we ought to know what we are doing.

Again, my good friend does know what he is doing. He is suggesting a course of action to the country to set forth a registration concept dealing with consultants, which I applaud.

Is is similar to the registration of lobbyists, and I applaud that concept of the registration of lobbyists, but we ought to find a way to not impede those functions of Government which by their very nature ought not to be subject to this.

This does not apply to two specific portions of the activities of the Department of Defense and it should not—the sensitive foreign intelligence, foreign counterintelligence activity, and sensitive law enforcement investigations.

I think it ought to be broader in what it does not apply to—it should not apply to those activities of the Department of Defense that are related to covert activities. The DIA activities are beyond foreign intelligence and beyond foreign counterintelligence.

It also should not apply to those tech rep activities where we have to hire technical representatives to come and become consultants of the United States and provide emergency services to the Department of Defense.

I remember one instance, and maybe others remember it, where a whole section of a vessel that was in the Persian Gulf, or was it the Indian Ocean, resigned and the Department of Navy was forced to hire them right there on board as technical representatives. They went from being employees to consultants because there was some dispute aboard the ship and that way they were removed from that dispute.

As I understand it, we could not have hired those people; they could not have been hired to provide assistance services to the Department of Defense unless they complied with this law.

There are circumstances where there ought to be the right by the Secretary of Defense to waive such requirements, but again I think those of us who say, Look, this is a great idea and let us do it, but let us get some people in here to give us some evidence, some testimony that would have impeded the functions of the Government that we feel are vital, that is the intelligence-gathering activities of the Department of Defense, those that are related to it currently, for instance, when any of the people involved within the Department of Defense are consultants who work with the FBI in this recent investigation, were they not consultants?

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. JOHNSTON. If we take this amendment to conference, I think we ought to recognize that there will be a big burden on the distinguished Senator from Arkansas and his staff members between now and the time we come back in September to work out these problems with the Department of Defense because we are not really going to have time to do it all in the conference. There will be a huge number of items in the conference, but I know the distinguished Senator from Arkansas and his able staff will respond to those problems which I think are very real which the Senator from Alaska is detailing.

I know he is willing to do that. I think I hear from the Senator from Alaska that the answer is "yes," and before the mood changes and the trapdoor closes——

Mr. WARNER. Mr. President, will the manager clarify the answer? What is that answer "yes" to, to what question?

Mr. JOHNSTON. To take it to conference.

Mr. STEVENS. I say I would not object, but I think there are Members on this side who may object. That means we still may have to have a rollcall vote. But I understand what the manager is saying. He is saying let us take it to conference and in the meantime let us go through the process since we are going to be in recess where we get the objections raised and see if we can work them out and see if we can present to the Senator from Arkansas a version of this proposal that will be acceptable to him and to the managers of the bill.

I have an idea that again, though, what it is going to do is open the door. That is my only reservation. There is nothing in this bill that we take to conference that raises this whole question of procurement reform that has been in the authorization and in the appropriations bills to our great plague for the last several years other than this.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. WARNER. Mr. President, I want to work cooperatively with everyone here because I basically support the goal of having a registration comparable to what we have for lobbyists for this category of consultant.

My concern is that this procedure is a rather unusual one where groups of Senators are going to work with staff or try to refine the procedure in the course of the conference. That to me has certain perils, because I am not so sure we can fully evaluate the contributions that might come from the private sector and, indeed, the Department of Defense itself in such a way that the evaluation is fully distilled, evaluated, and then incorporated into the final product.

But, nevertheless, if the distinguished managers want to pursue that course, this Senator is not going to be disruptive because the proponents of the amendment have been most cooperative. I want to work with them to see if we cannot achieve this common goal. I am going to defer to the wisdom of the managers as to the procedures that will be followed.

If we pursue this procedure by which this amendment is incorporated into the bill, and then go to conference, as ranking member, I would like to have some informal assurance from the managers of the appropriations side that the chairman of the Senate Armed Services Committee, with whom I have been in indirect consultations, and myself and other members of the Armed Services Committee can be brought in to work through this conference structure. If this were a bill, as I read it, it would be referred to the Armed Services Committee. However, as I understand, it is a section out of a larger bill which is pending before the Governmental Affairs Committee. But this section, as I interpret it, is directed at the Department of Defense and therefore, under the normal procedure of the Senate, would come under the Senate Armed Services Committee jurisdiction.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. JOHNSTON. I would not only invite the Senator from Virginia in, I would urge him and welcome him, and I think it is a primary responsibility of the Armed Services Committee. If he and Senator NUNN, or others on that committee and their staffs, would be willing to play the role as the primary negotiator to advise us, I am sure, as we have in the past, we would look primarily to you to work out the problems.

The seeming eagerness with which I would accept the amendment and take it to conference does not mean that we would not ask it to pass a very rigorous test as set and defined by the distinguished Senator from Virginia and other Senators on the Armed Services Committee.

So we would, as I say, not only be willing to do that, we would urge it and invite you to do it.

Mr. WARNER. Mr. President, I thank the distinguished senior Senator from Louisiana. If that is his desire, to have the Senate to follow this procedure, we will be most cooperative and constructive in trying to achieve the goals of this particular piece of legislation.

Mr. President, at this time I ask unanimous consent that my remarks may be expanded. I do not wish to take up further time of the Senate, but my remarks in the expansion will include specifics as raised by the Department of Defense, their concerns with respect to this proposed amendment, and I would hope that those studying the CONGRESSIONAL RECORD of these proceedings today would look at this section provided by the Department of Defense as well as other sections of the colloquy here this morning, such as we can invite the private sector to come in and offer their constructive judgment on this question.

The PRESIDING OFFICER. Without objection, the Senator from Virginia has the right to expand his remarks.

The Senator from Arkansas.

Was the Senator from Arkansas seeking recognition?

Mr. PRYOR. Actually I was trying to reserve the right to object. I was not going to object, Mr. President, but the distinguished Senator from Virginia just alluded to a fact or the possibility that the Department of Defense opposes this consulting registration amendment. Could the Senator from Virginia illuminate this Senator as to whether the Department of Defense opposes or supports this amendment?

Mr. WARNER. Mr. President, it appears that I have a document which comes from the Department of Defense which contains this reference. "DOD opposes the bill." And that speaks to the larger bill that is before the Governmental Affairs Committee. As I understand it, the pending amendment is drawn from a certain section of that bill. Is that correct?

So these remarks apply to the bill as a totality; therefore, I can only deduce that since the Department of Defense is opposed to the total bill, it may well have reservations about the amendment.

Mr. PRYOR. Mr. President, I thank the distinguished Senator.

Mr. WARNER. I would want an opportunity during the course of the day to consult with the Department directly to make certain that the representations this Senator is making, which are predicated on these documents that I am going to put in the RECORD, are accurate representations.

Does the Senator from Arkansas have a view that is different than what I have recited here with respect to the position of the Department of Defense?

Mr. PRYOR. I talked to the deputy inspector general this morning because he had been before our committee, I respond, Mr. President, to my friend from Virginia. I do not know that they have a position for or against. However, there was a piece of paper literally put under our door about 48 hours ago during the late night. It was a piece of paper on Department of Defense stationery saying that they oppose the bill, and I am just wondering why they would oppose such a bill. I am not surprised because during the past 8 years I can remember this Department of Defense coming before the Governmental Affairs Committee and openly opposing the establishment of an independent Office of Inspector General, and openly opposing the independent Office of Operational Testing. In short, openly opposing every piece of procurement reform offered in the last 8 years on the floor of the U.S. Senate.

They have not supported any area of reform which is going to even come close to cleaning up what is going on at the Pentagon today. This is exactly as I see our responsibility. If they are not going to support it, then it is our responsibility in the legislative branch to come forward with the reforms that we think are absolutely the basic necessities. I am sorry the Department of Defense opposes this amendment.

The PRESIDING OFFICER. The acting Republican leader is seeking recognition.

Mr. RUDMAN. Mr. President, if the Senator from Virginia wants to respond, I will withdraw my seeking recognition at this time.

Mr. WARNER. Mr. President, the Senator from Virginia is seeking recognition.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend from Arkansas that I will endeavor today to get an official response from the Department of Defense to the pending measure that I understand will soon be sent to the desk. We will try and clarify where they would have constructive suggestions, because it would be my hope that the Department, like this Senator, supports the goals that are sought in the proposed amendment.

Therefore, I ask unanimous consent to have this printed in the RECORD. The document speaks for itself. I believe this is the midnight courier that went under the Senator's door, or a copy of it. The document will speak for itself. I will, during the course of the day, under my UC request, further supplement the RECORD and my remarks, including an official position from the Department if it is obtainable, and I will make every effort to obtain it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, DC.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: This is in response to your request for our views on S. 2674, the Consultant Registration and Reform Act of 1988.

The Department of Defense does not necessarily object to the concept of registration of consultants. We could support a registration that was not unduly burdensome and that would elicit information necessary to enable us to identify potential conflicts of interest resulting from the work that a consultant undertakes for the Department and the work the consultant performs for others.

I must state, however, that enactment of this bill is premature if the purpose of such enactment is to cure problems related to the allegations arising out of the investigation into Defense procurement practices. To date, we have had limited access to the investigation data. With very limited exceptions, we do not have a clear picture of what has occurred. Consequently, we believe it is premature to consider any corrective legislation. Piecemeal reform legislation, enacted without a better understanding of the facts developed by the investigators, and without hearings by the appropriate congressional committee to assess the pros and cons of the legislation could have serious adverse impacts on the national defense, the defense mobilization base, and the industrial work force.

Sincerely,

KATHLEEN A. BUCK.

CONSULTANT REGISTRATION AND REFORM ACT OF 1988

SECTION 1. TITLES.—No comment.

SEC. 2. FINDINGS.—Background is inaccurate and misleading. Leaves impression that the Government is operating its CAAS program in an incoherent manner inconsistent with both law and regulation. It also suggests that CAAS contract awards are largely noncompetitive when the revenue is true.

SEC. 3. POLICY.—Requires that Government procurement be efficient and effective in accordance with law and regulation.

SEC. 4. DEFINITIONS.—The definition of CAAS is vague, but clearly has been expanded beyond what DOD now uses and appears inconsistent with OMB Circular A-120. For example, OMB Circular A-120 does not include systems engineering within the definition of CAAS, while the present bill includes it as part of management and professional services. The expanded definition would unnecessarily increase the amount of services both managed and reported under the CAAS umbrella.

SEC. 5. Public Notice of Contracts for CAAS.—Applicable statutes and regulations include adequate rules for public notification of CAAS and other contracts. Separate time periods dealing only with CAAS contracts will make public notification more difficult to implement and will provide no added information or value to the Government or the contractor.

SEC. 6. MONITORING PROCUREMENTS OF CAAS.—This would place the DOD IG or Service IG in an acquisition role undermining the intent of the Goldwater-Nichols Act and the authority of the Under Secretary of Defense for Acquisition and the Service Acquisition Executives. The involvement of the Inspector General in the routine issuance of CAAS contracts and their modifications is unnecessary. This would also distort the role of the IGs, who instead of devoting efforts to specific acquisition problem areas, would have to devote sizeable resources to reviewing and maintaining records on thousands of routine contract actions. Further, adequate safeguards already exist for oversight of CAAS awards and unsolicited proposals. DOD currently has a requirement that each component appoint a Director for CAAS. One of the responsibilities of this individual is to review and approve all CAAS budget requests. Also, the DOD IG is required by statute to conduct an annual evaluation of DOD actions to institute effective management controls and in improving the accuracy and completeness of consulting services information: On the issue of how unsolicited proposals are handled, there is currently an exception under CICA to award contracts based on unsolicited proposals for innovative or unique ideas in the research area. In any event, all sole source awards require justification under CICA.

SEC. 7. IDENTIFICATION OF REPORTS PREPARED BY CONTRACTORS.—Much of this information is already submitted to the Government as part of the proposal process for each CAAS contract. Specific information regarding each report would create an enormous administrative burden for the Department and would result in additional expense for the contractor and the Government.

SEC. 8. EVALUATION OF CONTRACTOR PERFORMANCE.—While DOD evaluates the performance of contractors on a regular basis, as prescribed in DOD Directive 4205.2, it does not believe that an evaluation system established by law and available to the general public would be useful or cost effective. DOD evaluations made now are for internal management of CAAS and it would be inappropriate to routinely release them to the public. Moreover, this requirement would be an enormous administrative burden to the Department and might require the diversion of resources from the review and evaluation of programs that are of much greater significance to DOD's mission.

SEC. 9. BUDGET INFORMATION.—Similar information is already submitted as part of the budget under PB27.

SEC. 10. FEDERAL PROCUREMENT DATA SYSTEM.—The FPDS and agency contract reporting systems contain obligation amounts and not expenditures. If expenditures are required to be reported, there is no practical system to separately identify the data described. To provide this volume of information through the FPDS would require the establishment of a separate report or a greatly expanded and expensive single report for all awarded contracts. Further, since inconsistent terminology is used, it is not clear whether consulting services includes only CAAS services. Moreover, the application of the reporting system to "embedded" CAAS will require the creation of an entirely new reporting system that will be administratively burdensome and expensive to the Government and the contractor.

SEC. 11. PUBLIC AVAILABILITY OF INFORMATION ON CONTRACTS.—In excess of 236,000 contractual actions over $25,000 are performed by the DOD annually. In addition, there are currently over 450,000 open contracts being administered by contract administration offices. It is assumed that this section applies only to CAAS contracts, however, this is not clear on its face. The information requested is not currently maintained in a central system like the FPDS. DOD cannot centrally track, due to the costs involved, current amounts to be paid under contracts and brief descriptions of the work to be performed. The public is currently able, through use of the FOIA, and subject to its exceptions, to get copies of contracts awarded by the Government. This section appears to supersede the exceptions provided for under FOIA. In any event, the DOD reporting process cannot provide information directly prior to 60 days after the end of the fiscal year or each quarter. The FPDS requires an additional 90 days to process information after DOD provides it. Like other sections of this bill, this section will require the creation of a new reporting and record keeping system that will be administratively burdensome and will divert resources from other more significant projects.

SEC. 12. PROHIBITION AND REQUIREMENTS RELATING TO REGISTRATION OF CONSULTANTS.—The entire concept of registration of consultants is onerous and would create a bureaucratic burden which would be costly, ineffective, and time consuming for both contractors and the Government and is unnecessary as DOD has no use for the information which would be provided by such registration. Simply put, DOD has no need, desire or end use for registation. The penalty of suspension or debarment for failure to comply is totally contrary to its intended use. Suspension and debarment is not used as a penalty; its purpose is to ensure that the Government does business with responsible contractors.

SEC. 13. EXCEPTIONS.—The exceptions are too limited. For example, there is no exception for purchases on belhalf of foreign governments.

SEC. 14. EFFECTIVE DATE.—If this lelgislation, or anything similar to it, were to be passed, it would take between 18 and 24 months to get a registration system and reporting system on line.

DOD opposes the bill. It is unreasonable to enact legislation establishing a major registration program and other record keeping requirements with far-reaching implications without first affording the Department an opportunity to assess the feasibility, costs, and impact of the proposed legislation.

The legislation is an old concept that has been resurrected to address the current situation, but to the best of our knowledge, the legislation would have absolutely no impact on fixing any of the problems uncovered by the current procurement investigation. It is naive to conclude that registration would preclude anyone from committing illegal or fraudulent acts. Now is not the time to hastily pass complicated legislation which would be very expensive and burdensome to administer but would not solve this or any other problem. The Department is currently exploring administrative solutions to deal with known problems regarding the use of consultants.

The proposed legislation would create an enormous administrative burden on the Department without any obvious benefits. Moreover, the Department is making progress in improving the oversight and management of Contracted Advisory Assistance Services.

The PRESIDING OFFICER. The acting majority leader.

Mr. JOHNSTON. Mr. President, I believe on the question of whether we can take this to conference, I think the answer is yes, and I think we really ought to do that before points of order are made or before the mood changes. We will try to work it out from there, if everyone is ready.

The PRESIDING OFFICER. The acting Republican leader.

Mr. RUDMAN. I thank the Chair.

Mr. President, I wonder if my friend from Arkansas and my friend from Michigan might just possibly respond to just several questions, with the view of keeping this record very clear, because I, obviously, share their goal. I have, during the past 45 minutes, read the legislation fairly carefully and I have just a couple of questions.

If I could direct the attention of the Senator from Arkansas and my friend from Michigan to page 3 of the proposed amendment. In paragraph (c) of that amendment, on line 15, it sets out a number of requirements by statute that will be complied with to accomplish the registration. Those are numbered 1 through 6, and none of them are onerous. They are very easy to accomplish. So, assuming that anybody who wished to consult, who is covered under the purview of the requirement of those who must file, would file those with a minimum of difficulty.

I wonder if, however, the Senator from Arkansas or the Senator from Michigan might direct themselves to page 2, line 2, paragraph (B), which reads: "The contracting officer responsible for such contract has reviewed the information provided by such consultant"—which is that which I have just referred to—"in its registration and such other information as may be available to the contracting officer and determined, with the approval of the supervisor that, with respect to such contract, the consultant does not have a conflict of interest that could be prejudicial to the interest of the United States."

The problem I have, having dealt with ethics issues with my friend from Arkansas and having some understanding of the United States Code and the requirements, I wonder if anyone has given any thought to what a conflict of interest will be under this law. Because when you are talking about consultants, you are talking about people who may represent a number of different corporations, all who may have bid on similar contracts, many in the technical area.

As the Senator from Arkansas knows, the overwhelming number of these consultants employed by DOD are technical and they are large companies.

How do you determine that? What standard are we going to use? Because, obviously, if we do not spell out what we mean by conflict of interest in a better way than is expressed so far in the statute, No. 1, I think it will be difficult to enforce; and, No. 2, it may be enforced unfairly or maybe not enough. So I would just like that responded to.

Mr. LEVIN. Mr. President, if the Senator will yield, the Senator is right, of course. There must be definitions of what constitutes a conflict of interest. The Department of Defense has those definitions extensively by regulation. What they are lacking is the information that this amendment would require so that they can then make a judgment as to whether or not somebody has a conflict of interest within the meaning of the Department of Defense's own regulations.

What they do not know is whether or not the consultant that they are hiring by contract also represents other firms that have defense matters. So they cannot make the judgment that must be made, the Senator is absolutely right. But the definitions of the conflict are set forth in the regulations of the Department of Defense.

Mr. RUDMAN. In response to that, let me simply suggest that I am familiar, being a member of this subcommittee, as is the Senator from Michigan, being a member of the Armed Services Committee, with those conflict regulations as set forth by DOD. I wish I had a copy of them with me. I have looked at them; not that recently.

But I have questions as to whether or not that set, which is a classic conflict you are concerned about, which is financial conflict of interest—whereas you have a financial interest in some matter pending which is undisclosed—I have a serious question as to whether or not those regs are going to be sufficient.

Obviously we cannot do that here. The manager of the bill wants to accept this. I do not disagree with that. But it seems to me that long before this gets to conference, unless those regulations can be looked at with an eye to this requirement, then we are not going to have effective legislation. It will either go too far or it will not go far enough.

Mr. LEVIN. Again, if my friend will yield, I agree with him. This is the correct way to go. I understand there are two different sets of regulations, one on the financial conflict, one on the organizational conflict. It is my understanding that special employees of the Department of Defense that are sworn in as such and fill out a form setting forth their other clients do get measured against the organizational conflict of interest standards. That is basically what this amendment would require for contractual consultants who are not sworn in as special Government employees.

Mr. RUDMAN. I thank the Senator for his answer. I would just close—and I do not want to carry this on—but I just want to make an observation on the kind of thing that I am concerned about.

You have, as the Senator from Michigan is very aware and I am sure the Senator from Arkansas, as well, some consultants in highly technical areas that have very special expertise that may consult to a number of different contractors in a very proper fashion on major contracts that they are accomplishing for DOD. I am personally aware of such people in certain classified programs.

Now, at first blush, looking at that disclosure that they are consultants tm corporation A, B, C, and D—fill in the names of the four largest defense contractors in the country—you might assume there might be a conflict when, in fact, there is none. So we have to really take a good look at that situation to make sure that we do not throw out the baby with the bathwater. That is what I am concerned about.

I thank the Senator. I wanted to put this in the RECORD at this time because this is a very difficult legal issue, when you are talking about conflict involving people who might be purely technical, as opposed to marketing, which is where the problem has arisen up to now.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we just simply must get a reasonable handle on consultants. We have thousands of consultants who by contract consult with the Department of Defense who have other clients dealing with the Department of Defense with whom they also consult.

We must be in a position to know about those conflicts, potential conflicts, and appearances of conflict of interest.

The Department of Defense is in no position to know that now or with contractual consultants. This amendment addresses that in a reasonable way and gets a handle on those consultants. I ask, Mr. President, that a colloquy between myself and Secretary Carlucci appear in the RECORD at this point. In two lines it reads as follows, to show you how reasoanble this amendment is.

I asked him at a hearing on procurement reform—we have had these hearings on procurement reform. I asked him the following question:

"Would you go along with a proposal which we are drafting to require such a disclosure?," referring to the disclosure which I have just outlined.

And his answer is: "I do not have any problem with that."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. LEVIN. All right. We have done some checking on it. We believe it is only where the consultant believes there is a conflict of interest, that then there is a requirement of disclosure. There is not an automatic requirement of disclosure for all consultants.

But in any event, we can check that out. If there is not such a requirement, then you would then go along with a proposal which we are drafting to require such a disclosure, is that fair enough, at least tentatively?

Ms. BUCK. Certainly.

Secretary CARLUCCI. I do not have any problem with that.

Mr. LEVIN. We had breakfast with Secretary Carlucci this morning, a number of us and Members of the House, on Department of Defense reform. I am not sure where Defense is on this particular amendment. I think they have some minor changes which they would like to suggest which can be taken care of before conference.

I would like to commend my friend from Alaska and my friend from Louisiana for this approach they are taking to this. I know they want to get on with this.

I ask unanimous consent a very lengthy statement I have prepared be printed in the RECORD in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. I wanted to thank them for their willingness to accept this amendment. It is an amendment which addresses a real evil. There is a consensus in this body that it ought to be addressed. I do not know where the DOD is on it, frankly, after talking with them. We have written a letter to Mr. Carlucci which we have not gotten a response to, on a related matter.

I think the approach is the correct one. I hope he will keep with this amendment in conference because whatever little changes in it need to be made to cover the emergency situation or other situations can be made and we can make some progress in getting a handle on these consultants.

EXHIBIT 1

STATEMENT OF CARL LEVIN ON CONSULTANT REGISTRATION

Mr. President, we are faced today with a procurement scandal of extraordinary proportions. Although the full range of the investigation has not yet been made public, that dozens of defense consultants, dozens of defense contractors (including some of the Nation's largest) and numerous current and former high-ranking Pentagon officials are involved. We are told of unethical and possibly criminal behavior in the marketing of inside information. We are told that abuses by consultants have been commonplace and that this kind of activity is well-known and well-used.

While it is still too early for us to determine the full scope of the problems underlying the current scandal, it has become clear that we have a major problem with consultants in the defense industry. One problem in particular has emerged in recent hearings before the Senate Governmental Affairs Committee and the Senate Armed Services Committee: the problem with potential conflicts of interests by consultants who work both for the Department of Defense and for Defense contractors. These consultants who wear two hats are in a position to service a private client from the information they obtain through their contacts and relationships with the Department of Defense. And such services to the private client may be at the expense of and result in damage to DOD's interests.

In one such case examined by my Governmental Affairs Subcommittee, we learned that a consultant who played a key role in advising the Department of Defense to sponsor particular research was a senior researcher for an institution which quickly submitted an unsolicited proposal and received a sole-source contract to provide the suggested research.

The consultant at issue—was the chairman of an advisory committee to the SDI program, known as the "Eastport Group". In December of 1985, the Eastport Group issued a report recommending that DOD sponsor certain SDI-related research. Within 2 weeks of the public release of that report, a "think tank" known as the Information Sciences Institute, or ISI, submitted an unsolicited proposal to do some of the recommended research. The person whom ISI proposed to supervise the project was their senior researcher, Danny Cohen—the same Dr. Cohen who headed the Eastport Group that recommended the research in the first place. Moreover, ISI sent its proposal to an official at the Department of Defense—Dr. Richard Lau—who also happened to be a member of the Eastport Group. Not surprisingly, ISI got the contract.

These apparent abuses of the contracting process were possible, at least in part, because neither the Eastport Group nor ISI officials ever disclosed potential conflicts of interest.

As we have looked at this problem in recent weeks, it has been disturbing to find that top officials at the Department of Defense have been unable even to tell us clearly what the rules are for disclosure of potential conflicts of interest by consultants.

In testimony before Senator Pryor's subcommittee on July 8, 1988, Deputy Inspector General Derek Vander Schaaf stated that he believed the Department of Defense has no way of knowing if a consulting firm which works for DOD also works for corporate or private clients—and therefore no way of knowing whether these companies have conflicts of interest.

In testimony before the Senate Armed Services Committee just 4 days later, DOD General Counsel Kathleen Buck mistakenly came to the opposite conclusion. Ms. Buck first claimed that all DOD consultants are required to disclose their list of clients to the Department. Ms. Buck stated that:

"In fact, I double checked on that question myself this morning. I wanted specifically to know not only did they disclose the firm that they worked for, but were they disclosing their clients."

"And I was advised that specifically they do disclose their own clients, as well as the firm that they are working for. So if they work for XYZ Corporation plus they are specifically advising certain companies, they disclose that on Form 1555.

My staff had checked the Form 1555, however, and discovered that this form applies only to so-called "special government employees." When I pointed this out to Ms. Buck, she reiterated her belief that all consultants were covered by this provision. Ms. Buck stated:

"I think generally we consider our consultants to be special government employees. I think that is the general approach, that they would fall within the definition under the law of special government employees."

Ms. Buck later qualified that response by acknowledging that many consultants are not "special government employees," but are in fact contractors who are hired by contract to do studies or reports for the government. Ms. Buck acknowledged that such consultants are not required to disclose potential conflicts of interest to the government.

Subsequent to that hearing, we learned that Ms. Buck was incorrect even in her statement that all individual consultants are hired as special government employees, subject to disclosure requirements. In fact, DOD regulations on individual consultants specifically provide that "For those experts and consultants not obtained through the appointment process"—in other words, those who are not special government employees—"an appropriate service contract shall be written." There are no disclosure requirements for individual consultants who are hired pursuant to service contracts.

While in the three weeks since the Armed Services hearing the Department of Defense has been unable to provide us with any statistics as to the number of consultants hired by contract and therefore the number exempt from disclosure requirements, it appears that the vast majority of DOD's consulting services—at least by dollar amount—are provided by companies or individuals who are not subject to disclosure requirements. With regard to these consultants, the Department of Defense has no way of knowing whether there is a conflict of interest.

Current DOD rules attempt to address this problem through so-called "organizational conflicts of interest" requirements, which identify certain defense contractor relationships which could jeopardize Department of Defense interests. However, there is a fundamental problem with these regulations: they place the burden on DOD contracting officers to identify such conflicts of interest without providing the tools to do this. DOD's rules direct contracting officers to seek information about potential conflicts of interest "from within the Government or from other readily available sources" such as trade and financial journals and business directories. Contracting officers are specifically told to avoid "creating unnecessary delays" and "burdensome information requirements" on the consultants themselves.

The result is that the contracting officer is required to act in an almost complete vacuum in determining whether the consultant has a conflict of interest. This is an impossible situation: the contracting officer simply cannot determine whether a consultant has a potential conflict of interest without some basic information about the consultant's other clients who do business with the Department of Defense.

On July 18, 1988, I wrote a letter to Secretary Carlucci in which I laid out this problem. The letter concluded with a recommendation that the Department close the loophole in its disclosure rules "by requiring that all consultants to the Department—regardless of whether their services are obtained pursuant to appointment or pursuant to contract—be required, during the period when they are consulting for the Department of Defense, to disclose their clients who do business with the Department."

I have not received an answer to this letter.

The amendment that we are offering today is designed to address precisely this problem. Under the amendment, every consultant to the Department of Defense—whether they are hired by contract or made special government employees—would be required to disclose potential conflicts of interest.

The provision is narrowly crafted so that consultants would not be required to disclose every other client for whom they are working, but only those clients whom they are assisting on matters related to contracts with the Department of Defense. This is precisely the information that a contracting officer needs to determine whether any of a consultant's private work creates a potential conflict of interest with the work that the consultant is doing for DOD.

This rule does not prohibit the Department of Defense from doing business with a consultant who has a potential conflict of interest. We leave it up to the Department and its contracting officers to determine whether it may be necessary to contract with a consultant despite a potential conflict of interest and how best to protect the interests of the government in such a situation. The important point is that this decision must be made in the open, and with full disclosure and awareness of the relevant facts.

In addition to requiring disclosure by consultants to the Department of Defense, our amendment requires disclosure by those consultants who advise or assist defense contractors in preparing an offer for a contract with the Department of Defense. This provision covers precisely the kind of consultants about whom we need to know: consultants who seek information from the government to help a contractor in preparing its proposal and consultants who try to influence the government to afford favorable treatment to the proposal of a particular company.

Finally, this amendment expressly states that consultants who intentionally violate these registration requirements are subject to suspension and debarment proceedings. This provision does not mean that every consultant who violates the registration requirements must actually be suspended or debarred—rather, it is intended to ensure that DOD can protect its interests by initiating at its discretion suspension and debarment proceedings, where the conduct of the consultant makes such protection appropriate.

Moreover, this provision is not intended to preclude the government from taking such other legal action as may be appropriate if a consultant fails to comply with registration requirements. For example, any intentionally false statement to the government in a registration form or certification is likely to be subject to the Criminal False Claims Act or the Program Fraud Civil Remedies Act.

Mr. President, this amendment provides a workable structure for disclosure of potential conflicts of interest by DOD consultants. It is a significant improvement upon current law and regulation, and I urge my colleagues to adopt it on this bill no better vehicle is in sight.

The **PRESIDING OFFICER.** The Senator from Louisiana.

Mr. **JOHNSTON.** Mr. President, we will so work with the Senator, and I hope he will work with the DOD and other staff members during the convention, during the recess, because that is when most of the work will have to be done. I hope we can go ahead now and take it to the conference and move on because I know a lot of Republican Senators want to get down to New Orleans and spend a lot of money and we want to get them there this afternoon if possible.

The **PRESIDING OFFICER.** The Senator from Rhode Island is recognized.

Mr. **CHAFEE.** Mr. President, I commend the Senator from Arkansas for his diligent pursuit of these matters. I must say they raise some concerns with me and I would like to address a couple of questions, if I might, to the Senator from Arkansas, if I can get his attention. They are as follows:

First of all, as I understand this amendment, which is a cutback from an amendment which he had before, as I understand it, all it does is require the registration of consultants and that those consultants must list who their clients were in the previous 3 years and whether he or she, the consultant, has ever been convicted of a felony. Is that basically it?

Mr. **PRYOR.** Mr. President, if I may respond to my friend from Rhode Island, the distinguished Senator has outlined very accurately what portions of this amendment call for.

It also goes a great deal further than this. This individual consultant or the consulting company, entity, upon receiving a DOD contract: One, must register, must disclose pertinent information about that contract; at the same time they must also state whether they are working for foreign governments or for other prime defense contractors; and whether they have ever been convicted of a felony.

I am not so concerned, Mr. President—responding to my friend from Rhode Island—about DOD consultants at this point being hired by the Department of Defense, as long as we know who we are hiring, just as long as we know that they are not working in a conflict-of-interest situation. Today we have no mechanism to determine that and that is the main purpose and thrust of this amendment.

Mr. **CHAFEE.** I do not argue with that general approach. As I understand it, there have been no full-scale hearings on this particular piece of legislation although, as I understand it, there were some hearings on the general approach. So any time that happens it seems to me is cause for concern.

Second, do I understand there are certain exempt areas? For instance, is the Defense Intelligence Agency exempt?

Mr. **PRYOR.** Mr. President, let me respond by saying we have a very strong exemption for those areas which represent the intelligence and counterintelligence community. We in no way intend or desire, of course, to jeopardize our national security interest in this field.

This is why this exception is here. My only hope is, Mr. President, it is not abused.

Mr. CHAFEE. Now let us take a situation, say, where one of our Polaris and Poseidon submarines is damaged at sea, comes into Holy Loch, Scotland; they need some work quickly, they have to hire a consultant, and outside contractor of some type to help them.

What happens then? Does the consultant first have to register and file? Are there procedures for emergency repairs and responses?

Mr. PRYOR. Mr. President, if I may respond to my friend from Rhode Island, and let me just say for the record I have admired him not only as a former Governor, but also as a former Secretary of the Navy and my colleague in the Senate.

But let me assure the Senator from Rhode Island that it is my opinion that the legislation would exclude the deficiencies the Senator has identified. This legislation relies, in part, on DOD consultant definitions which are fully discussed in DOD directive 4205.2, category D.

This directive would take into account the situations described by the Senator and defines them as an exception, to answer the problems raised by the distinguished Senator from Rhode Island.

Mr. LEVIN. Will the Senator yield for an amplification?

Mr. CHAFEE. Yes.

Mr. LEVIN. I just checked with our friend from Arkansas. In addition to what he said, there is a key provision——

Mr. CHAFEE. Will you tell me what section you are in?

Mr. LEVIN. This is section 8127. Are we looking at the same bill? Page 2, line 21 if we are looking at the same document. Do you see where it says, "Time after submitting the bid"? Is that the same document?

Mr. CHAFEE. I must have a different document.

Mr. LEVIN. Let me read it. Basically the Secretary of Defense is the one that prescribes the time period by regulation.

Mr. CHAFEE. The time period within which the person must register?

Mr. LEVIN. Exactly.

Mr. CHAFEE. Can he register after the fact?

Mr. LEVIN. This is an amendment I am cosponsoring. That is exactly the way I read it, if that is what the Secretary of Defense provides by regulation.

Mr. CHAFEE. The reason we are making these remarks here is to call attention to the distinguished Senator from Alaska and the distinguished Senator from Louisiana and the Senator from Virginia and Georgia, who are going to be the conferees, and I presume the Senator might well be a conferee in this, too.

So this is serious business we are dealing with. Everybody is against consultants now. Well, that is fine. But consultants serve a function or we would not have them.

It is not all waste to have consultants. We do not want to tie up the Defense Department so it cannot get on with its job. I know this amendment is going to go through. It is being accepted, there is a wave here that I am not going to try to stand in front of because I approve of the goals.

But I think we have got to recognize that we should use some caution in proceeding and, indeed, the Senator from Arkansas amended this. His original amendment applied to the entire U.S. Government, including the FBI, CIA, and every other organization.

Now he has restricted it. He has made exemptions for the DIA and other sensitive areas in the Department, which is right. But we want to think of emergency situations.

I think we should know what Defense, DOD's response to all this is. It does not mean you have to follow it.

Mr. LEVIN. We would be very delighted to get DOD's response to it. Let me tell you——

Mr. CHAFEE. In all fairness, this has been a moving target. This legislation, as I understand it, the original was introduced August 1 and since then it has been substantially amended.

Indeed, the piece I have has been marked up with pencil and insertions and delineations. So, in all fairness to Defense, they do not know what they are responding to.

Mr. LEVIN. If the Senator would yield just to address the issue the Senator wanted addressed on the emergency? Perhaps I can give him the assurance that the Senator wants? I think he now has the same copy in front of him that I do; because it does raise an important question.

This is indeed a serious matter. I think we all agree on that, and this is a serious amendment. Let me read two lines from the amendment which you have in front of you, lines 19 to 22.

> A consultant submitting a bid or proposal for a contract referred to in subsection (a)(1) shall, within such time after submitting the bid or proposal as the Secretary of Defense shall prescribe in regulation, register with the Office of Standards.

I wanted to give my friend from Rhode Island, who makes a very critical point, that we need consultants, give him the assurance that the Secretary of Defense can make the time period consistent with the needs of the Department, including the needs for emergency consultants. That is simply the reason why I asked my friend to yield, to give him that assurance that it is covered. That is simply the reason why I asked my friend to yield to give him that assurance that it is coming.

Mr. CHAFEE. Mr. President, there is a freight train moving here. I am not going to get in front of it, but I do hope and I count on those members of the Armed Services Committee who are present to carefully examine this and to take into consideration the views of the Department of Defense and those who are going to wrestle with this matter in the future. So I hope they bear those thoughts in mind.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Alaska.

Mr. STEVENS. Mr. President, one last time, I want to try—I do not think it is going to do any good. The problem that is before the country is the problem of consultants who were hired to influence procurement. This amendment first pertained to the Government as a whole. Now, within the last 2 days, it has been made to apply just to the Department of Defense. It does not cover those people only. It covers any person who is hired for the purpose of providing either advisory services or assistance services to the Department of Defense. That means anyone, in my opinion, who is not a Government employee. That covers every single person I can think of who is hired by the Department of Defense who either provides advice or services.

I want the Senate to know that it is so broad and if it survives in this way, I will oppose the final enactment of our bill. I am willing to take it to conference to try to make it work. I am not willing to be party to legislation on the floor that ought to be subject to review. As I understand it, by the way, this applies to the inspector general. It would apply to the DIA; it would apply to a captain of a vessel who pulls into Tokyo and needs emergency repairs and services.

That is so broad it ought not to be taken to conference. My friend says, "Let's take it to conference. The momentum behind the issue is so great the country will misunderstand."

All right, I accept that. I think that is true. The momentum behind doing something about consultants who bribe employees is so great that we have two full sections working now in the FBI and in the U.S. Attorney's Office to deal with that problem. Legislation of this type ought to be reviewed in our Governmental Affairs Committee; it ought to be subject to hearings; we ought to have people who are involved in the procurement process. We ought to have people involved in the personnel process. We ought to have people who are involved in the inspector general, the DIA. The whole full spectrum of the Department of Defense should be listened to.

I listened a little bit to my friend from Arkansas, and I am sorry to hear about the political aspects of this department. If I am hearing political aspects on this in terms of somehow or another there is something wrong in the department that causes this kind of amendment, then I am saddened.

This is not politics to me. I know of no allegation that has been made to date that warrants any inference that the political side of the Department of Defense has been in any way responsible for the events that have led to the Department of Justice investigation.

To the contrary, I think Secretary Carlucci and the people involved over there deserve our great respect in the manner in which they handled that investigation, in the manner in which it was permitted to go ahead, in which they encouraged it and fostered it and have done everything possible to see to it that those who may have violated our laws are brought to justice.

But this is not politics. If anyone believes it is politics, then I think they are missing the boat. To me, we have a need to establish some requirements for consultants.

I remind everyone here that the consultants who are involved, as far as I know, in that investigation would not be covered by this bill. They were hired by the defense industry itself; they were not hired by the Government. This bill does not affect the hiring of consultants by the industry; it affects the hiring of consultant services, advisory services, assistance services for the Government itself. Those are not the people being prosecuted.

The people who are being prosecuted, being investigated now—should be prosecuted—are those who were hired by the industry. Query: Should we cover those? Should we say that any part of the industry that is reimbursed by the Federal Government that hires anybody to help get a contract or help get a procurement service agreement ought to be subject to this? I do not know. But this does not.

The momentum in the country comes from the revulsion of the country with what happened when the industrial consultants bribed some employees of the Federal Government.

So now we have something that is going to be a restriction upon the Department of Defense in procuring consultant and advisory services.

My staff advises me again that I should use the word "allegedly." Allegedly all those things took place. I personally visited with the U.S. Attorney. Where there is that much smoke, there has to be a hell of a fire.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I will take only a very short period to respond because I know the Senator from Alaska has brought up a very good point about who might be covered under the amendment about to be offered.

Mr. President, January 4, 1988, the Office of Management and Budget published to all the heads of executive departments and establishments, including the Department of Defense, the new one definitive, final definition of consultants and consulting services. Four broad categories.

Mr. President, under these four broad categories are the exact same categories I listed from the OMBA 120 circular, dated January 4, 1988, and incorporated on page 6 in this bill. So the definition of consultants totally correspond and corresponds directly with the definition of this Government, the Executive Office of the President, OMB.

Finally, Mr. President, let me also ask unanimous consent that Senator Grassley of Iowa and Senator Bingaman of New Mexico be added on as original cosponsors of the amendment. I am just about to send the amendment to the desk in a few moments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2851

(Purpose: To establish certain Department of Defense contracting prohibitions and requirements relating to the registration of consultants)

Mr. PRYOR. Mr. President, I send on behalf of Senator Levin, Senator Conrad, Senator Gore, Senator Grassley, and Senator Bingaman an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. Pryor] for himself, Mr. Levin, Mr. Conrad, Mr. Gore, Mr. Grassley, and Mr. Bingaman, proposes an amendment numbered 2851.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, below line 22, add the following:

Sec. 8127. (a)(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2397c the following new section:

"§ 2397d. Registration of consultants

"(a)(1) An agency may not award a contract for the procurement of advisory and assistance services to a consultant unless—

"(A) such consultant complies with the registration requirements of this section; and

"(B) the contracting officer responsible for such contract has reviewed the information provided by such consultant in its registration and such other information as may be available to the contracting officer and determined, with the approval of his supervisor, that, with respect to such contract, the consultant does not have a conflict of interest that could be prejudicial to the interests of the United States.

"(2) An agency may not award a contract to any person submitting a bid or proposal to such agency unless such person certifies that, to the best of such person's knowledge and belief, each consultant that has furnished advice, information, direction, or assistance to such person in support of the preparation or submission of the bid or proposal has complied with the registration requirements of this section.

"(b)(1) A consultant submitting a bid or proposal for a contract referred to in subsection (a)(1) shall, within such time after submitting the bid or proposal as the Secretary of Defense shall prescribe in regulations, register with the Office of Standards of Conduct of the Department of Defense and provide a copy of such registration to the contracting officer responsible for such contract.

"(2) A consultant retained by a person in connection with the preparation or submission of a bid or proposal for a Department of Defense contract shall register with the Office of Standards of Conduct of the Department of Defense within such time after the retention of such consultant as the Secretary of Defense shall prescribe in regulations.

"(3) A consultant who is registered with the Office of Standards of Conduct under this subsection with respect to one contract, bid, or proposal shall update the registered information whenever the consultant submits a bid or proposal for another Department of Defense contract (if such contract is for the procurement of advisory and assistance services) and whenever the consultant is retained by a person in connection with the preparation or submission of a bid or proposal for another Department of Defense contract. The consultant shall update such information within such time as the Secretary of Defense shall prescribe in regulations.

"(c) A person registering as a consultant under this section shall include in its registration the following information:

"(1) The name and address of the consultant.

"(2) A description of the nature of the services furnished by the consultant in the normal course of the consultant's business and a description of the nature of the clients (public and private, foreign and domestic) for which the consultant has furnished such services.

"(3) A list of all clients for which the consultant has furnished related advisory and assistance services within three years before the date of the registration and a description of the related advisory and assistance services furnished each such client by the consultant.

"(4) A statement of whether the consultant has ever been convicted of a felony and whether, at the time of the registration, there is pending any indictment or information charging the consultant with a felony.

"(5) A statement of whether, at the time of the registration, the consultant is ineligible, by reason of suspension or debarment, to be awarded a contract by the Federal Government.

"(6) A certification that, to the best of the consultant's knowledge and belief at the time of the registration, such consultant and all employees of the consultant are not in violation of any applicable requirement set out in, and are not engaged in any conduct prohibited by, sections 2397, 2397a, 2397b, and 2397c of this title and any contract term required by such section 2397c.

"(d) The Inspector General of the Department of Defense shall monitor the compliance of consultants with the registration requirements of this section and shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report containing a discussion of the extent of such compliance.

"(e) Each consultant who intentionally fails to comply with the registration requirements of this section shall be subject to suspension and debarment proceedings.

"(f) This section shall not apply to a contract for advisory and assistance services which, as determined by the Secretary of Defense, involves—

"(1) sensitive foreign intelligence or foreign counterintelligence activities; or

"(2) sensitive law enforcement investigations.

"(g) In this section:

"(1) The term 'agency' means those agencies listed in paragraphs (1), (2), (3), and (4) of section 2303(a) of this title.

"(2) The term 'consultant' means any person (including, in the case of a business organization, any affiliate of such organization) that—

"(A) furnishes or offers to furnish advisory and assistance services; or

"(B) pursuant to a contract, furnishes advice, information, direction, or assistance to any other person in support of the preparation or submission of a bid or proposal for a Department of Defense contract by such other person.

"(3)(A) The term 'advisory and assistance services' means those services acquired by an agency from any nongovernmental source, by contract, to support or improve agency policy development, decisionmaking, management, and administration, or to support or improve the operation of management systems.

"(B) Such term includes—

"(i) management and professional services;

"(ii) the conduct and preparation of studies, analyses, and evaluations; and

"(iii) engineering and technical services.

"(4) The term 'management and professional services' means professional services relating to the management and control of programs, including—

(A) management data collection services;

(B) policy review and development services;

(C) program evaluation services;

(D) program management support services;

(E) program review and development services;

(F) systems engineering services; and

(G) other management and professional services of a similar nature which are not related to any specific program.

"(5) The term 'studies, analyses, and evaluations' includes the following:

"(A) Any analysis or other examination of a subject which—

"(i) is undertaken to provide greater understanding of relevant issues and alternatives regarding organizations, policies, procedures, systems, programs, and resources; and

"(ii) leads to conclusions or recommendations with respect to planning, programming, budgeting, decisionmaking, or policy development.

"(B) With respect to a program of an agency, any study initiated by or for the program management office of the agency.

"(C) A cost-benefit analysis, a data analysis (other than a scientific analysis), an economic study or analysis, an environmental assessment or impact study, a legal or litigation study, a legislative study, a regulatory study, a socioeconomic study, and a feasibility study which does not relate to construction.

"(D) A geological study, a natural resource study, a scientific data study, a soil study, a water quality study, a wildlife study, and a general health study.

"(E) Any similar study or analysis.

"(6) The term 'engineering and technical services' means the furnishing of advice, training, or direct assistance to personnel in order to ensure the efficient and effective operation or maintenance of existing platforms, weapon systems, related systems, and associated software by such personnel.

"(7) The term 'related advisory and assistance services' means advisory and assistance services provided to any person or to the Department of Defense regarding a contract, subcontract, or prospective contract or subcontract awarded or to be awarded by the Department of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397c the following:

"2397d. Registration of consultants.".

(b) The first report required by section 2397d(d) of title 10, United States Code, as added by subsection (a), shall be submitted not later than one year after the date of the enactment of this Act.

Mr. PRYOR. Mr. President, let me also inform my colleagues that the two provisions advocated by Senator Warner of Virginia are included in the original amendment. Therefore, I think this would preclude any necessity of having to have a second-degree amendment.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment offered by Senators Pryor, Levin, and Conrad.

We are all too familiar with the revelations that have surfaced during the past several months about the abuses in the defense procurement process.

Many of those abuses have centered around the practices of consultants.

Too frequently we have heard the refrain that all consultants and contractors pass inside information and that everyone is doing it.

And we have heard from the Defense Department that they have no control over consultants or their activities.

Mr. President, we need to send a signal that this type of activity will not be tolerated.

That it will no longer be business as usual.

This amendment is a positive step in that direction.

The effect of this amendment will be to require that the dealings of consultants must be made public, their activities past and present will be on record, and that the public will know who is doing what.

My distinguished colleague Senator Pryor has held two hearings in his Subcommittee on Federal Services that highlighted the problem.

The Judiciary Subcommittee of which I am the ranking member has also held hearings on the problem of consultants peddling insider information, and revealed what a widespread practice this has become.

But this is not new as I uncovered the problem back in 1985 in hearings before my Judiciary Subcommittee.

The scope of the problem is immense and has gotten worse.

It is unconscionable that anyone would claim that this amendment would place an administrative burden on the Department of Defense when the current practice of insider trading of information places such a severe and detrimental burden on the procurement process.

We require lobbyists to register, why are we unreasonable in requiring the same type of disclosure by defense consultants.

To say we do not need this type of information is to say we do not need the information required by the Truth and Negotiations Act.

It is time that we exerted some control over this practice and put an end to the business as usual mentality in the procurement process.

This amendment is a positive step in the right direction.

I commend the efforts of Senator Pryor in proposing this amendment.

And I urge my colleagues to support it.

Mr. HEINZ. Mr. President, I join with the Senator from Arkansas in urging the Senate to take steps, now, to enact a registration requirement for defense consultants. By and large, those consultants employed by the Department of Defense are law-abiding and provide genuine assistance of great value to our security. I know of several such firms, particularly in the engineering field, in my own State. Let me emphasize that they and others have nothing to fear from this amendment, indeed, they may benefit from it. The purpose of the amendment is not to penalize consultants, but to protect the honest businessman, the taxpayer, and our national security from those who would make a fast buck on the backs of American servicemen and women.

The amendment of the Senator from Arkansas requires only that consultants provide the most basic information about their services and their business to the Department of Defense. The amendment would not only require registration of those consultants who are themselves defense contractors, but also those who prepare bids and solicitations. In this way, the Department of Defense, its inspector general, and the public may know with whom we are dealing.

Mr. President, we are all aware of the circumstances which make this legislation necessary. There are those who were all too willing to use their consulting firms as a front—in order to cover the tracks which illegal activities might leave behind. Because they did not themselves hold a contract, but instead acted as a surrogate for those who did, they could not be monitored, and—for a time—were answerable to no one. Senator PRYOR has moved against just this kind of activity; the amendment we propose would uncover those tracks, and put a little sunshine in an area of Government that has been too long in the dark.

Some may say that we should not attach this legislation to the DOD appropriations—that it is legislation on appropriation. Given that much of the Defense authorization may ultimately prove to be a part of this bill, that argument holds far less weight. Moreover, we need to look at what the amendment does. It requires consultants to register their name and their address; a description of the services provided by the consultant; a list of clients; a statement of whether the consultant has ever been convicted of a felony; a statement of whether, at the time of registration, there is an indictment pending against the consultant; a statement of whether the consultant has been suspended or disbarred from Federal contracts. Mr. President—shouldn't we know all this?

So, the Senator from Arkansas has offered a solid amendment. In my view, it may not go far enough. I could support additional requirements for consultants representing foreign governments, and other limitations which—at the appropriate time—I may introduce in bill form. But there is no question that the amendment before us will help to reduce the likelihood of further procurement abuse, and will help us to put those who would sell out our security right where they belong: namely, behind bars.

I commend Senator PRYOR for his initiative, and I urge the adoption of the amendment.

Mr. BINGAMAN. Mr. President, I am pleased to join as a cosponsor of Senator PRYOR's amendment and I commend him for his long-time effort to deal with the issue of possible conflicts of interest among those who consult for the Defense Department.

Essentially what the Senator from Arkansas is trying to achieve is a much broader disclosure of such potential conflicts. And I strongly support such disclosure.

Our hearings in the Senate Armed Services Committee over the past month have identified serious deficiencies in the system by which DOD identifies potential conflicts of interest by consultants. This amendment goes a long way toward correcting those deficiencies.

My view, based on the testimony we have heard thus far, is that we are asking for problems when we allow Government consultants, providing advice and technical assistance on procurement matters, to simultaneously consult for firms with a potential interest in such procurements.

We need a system in place where those who work for the Government are responsible and accountable to the Government, and those who work for industry are responsible and accountable to the industry.

Let me conclude my brief remarks by once again commending the Senator from Arkansas and the Senator from Michigan for their amendment. I am pleased that the floor manager, the Senator from Louisiana, has agreed to accept the amendment and take it to conference. I am also pleased that he has agreed that primary responsibility for the amendment will lie with the authorization conferees. As chairman of the Defense Industry and Technology Subcommittee, I look forward to taking on that responsibility in the conference.

Mr. CONRAD. Mr. President, I rise in support of the amendment by my distinguished colleague from Arkansas, which requires registration of all consultants working with the Department of Defense. I am pleased to have been an original cosponsor of the amendment.

Under this amendment, any consultant who works on defense contracts, either directly through DOD or through a prime contractor, would be required to register with the Defense Department Office of Standards of Conduct. The amendment also requires certain pertinent information from consultants, including a complete listing of their clients—public and private, domestic and foreign. Consultants would also have to indicate if they have ever been convicted of a felony or are currently under Federal indictment or suspended or debarred from Government contracting.

Agency heads may not enter into contracts with consultants unless compliance with these registration requirements is achieved. The agency's General Counsel must review the information submitted by the consultants and determine that no conflict of interest exists. Standards of conduct currently used by the Defense Department to determine conflicts of interest would be utilized in these consultant reviews.

The Inspector General of the Defense Department will monitor compliance of consultants with these registration requirements and will submit an annual report on compliance to the House and Senate Armed Services Committees.

Mr. President, this amendment establishes an important information base which is not currently in existence. It will let the public know who these consultants are; who they are working for, and what they are doing. The Defense Department today is unable to identify or cross-reference all of the consultants currently under contract with the Department. This is a serious shortcoming the Pryor amendment will rectify.

The value of consultants with the Defense Department has been estimated at more than $2 billion. I use the word "estimated," Mr. President, because there is no full accounting of who has contracted with the Department as a consultant and why. The Pryor amendment should help address this problem.

I am also concerned that potential conflicts of interest exist when consultants who advise DOD about the technical merits of a proposed weapons system then share the Department's concerns with a private company which could use that information for commercial gain outside established contracting channels. This type of action by unscrupulous defense consultants "working both sides of the street" is one of the fundamental causes of the defense procurement scandal. If the kind of information required by the Pryor amendment had been available for review during the last several years, the widespread corruption in defense consultant/procurement activities that has recently surfaced might never have occurred.

Mr. President, I am convinced that this amendment will provide the tools needed to screen out potential defense consultants whose other business relationships may pose conflicts with consulting activity of DOD. I join my fellow sponsors of this amendment in urging our colleagues to support this important piece of legislation.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2851) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, congratulations to the distinguished Senator from Arkansas and the Senator from Michigan for a really seminal amendment. We will work with them between here and conference. I urge them to get the process started right away.

Mr. WARNER. Mr. President, I wish to commend the Senator from Arkansas and the distinguished Senator from Michigan and the two managers of the bill, who together have worked out what appears to be an acceptable format for the consideration of this piece of legislation. I will actively involve myself, as will the chairman of the Senate Armed Services Committee, the senior Senator from Georgia, in conference to try to fashion this piece of legislation in a manner that will achieve the objectives sought by the proponents of this legislation.

I wish the Record to reflect that, with some accommodation of concern I have noted, had the vote been a recorded vote, I would have voted "yea," in favor of the legislation.

AMENDMENT NO. 2852

(Purpose: To define and clarify the fiscal year 1988 appropriation for the procurement and installation of a supercomputer for the Army)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston], for Mr. Byrd (for himself, Mr. Domenici, and Mr. Bingaman) proposes an amendment numbered 2852.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80, line 10, after ". . . manufacturers", insert the following: ": *Provided further,* That of the funds appropriated for "Other Procurement, Army" for fiscal year 1988, those funds provided for a supercomputer may only be obligated to purchase a system to be installed at a competitively selected independent academic institution.

Mr. JOHNSTON. Mr. President, this amendment on behalf of Senator Byrd deals with procurement of supercomputers. It has been cleared on both sides. It requires the Department of Defense to install supercomputers only in competitively selected independent academic institutions. I believe it is a good amendment and urge its acceptance.

Mr. BYRD. Mr. President, the fiscal year 1988 President's budget and defense authorization and appropriations bills for fiscal year 1988 included $27.4 million for acquisition of a supercomputer system for the Department of the Army.

The Budget justification documents submitted to the Committees on Appropriations included the following passage:

The fiscal year 1988 acquisition will be a purchased system installed at a competitively selected independent academic institution, and is scheduled for operations May 1989.

Mr. President, as recently as a month ago, my staff met with representatives of the Department of the Army and received assurances that the funds appropriated for the supercomputer in fiscal year 1988 would be used for the purposes for which they were appropriated; that is, to purchase a system to be installed at a competitively selected independent academic institution.

Nevertheless, the Appropriations Committee staff continues to receive disquieting reports that the Department of the Army may attempt to use the $27.4 million appropriated for the supercomputer in a manner other than that for which the funds were justified and appropriated.

Consequently, I am offering an amendment which would confine the use of the $27.4 million to the purposes for which the funds were appropriated; that is, to purchase a system to be installed at a competitively selected independent academic institution.

Mr. President, I understand that this amendment is agreeable to both sides and I urge its adoption.

I thank the able and distinguished majority floor manager [Mr. Johnston] and the distinguished ranking minority Member [Mr. Stevens] for their consideration and support in this matter.

Mr. DOMENICI. Mr. President, I rise to express my support for this amendment.

The amendment is addressed to a plan for a very important and worthwhile Army proposal to establish a joint Army/Academic Supercomputing Center.

The Army received funds in the fiscal year 1988 Defense appropriations bill for a supercomputer which was to be the centerpiece of the proposed supercomputing center.

Early this year the Army issued a draft request for proposal outlining their plan for creating this center at an academic institution to be selected by an open competition.

This plan would have located the supercomputer at the center once this competition was held.

Mr. President, I know that a number of academic institutions have expressed an interest in this proposal, and New Mexico State University, a fine school in my State, is one of those institutions.

These academic institutions have been working very hard to respond to the Army's draft proposal, hoping to be able to compete for this center and the supercomputer which was to be the most important part of it.

But the Army is apparently dragging its feet on this proposal and making substantial changes in the scope of its original plan for this center.

The Army is more than 3 months behind schedule in issuing a final request for proposal for the joint Army/Academic Supercomputing Center.

And the Army is considering putting the supercomputer one place and the center which will use it someplace else.

This leaves schools such as New Mexico State University and all the other schools which responded to the original Army request for proposal holding the bag.

I think that there are going to be some serious problems if the Army breaks up the original package of supercomputer and center.

The amendment tells the Army to use the money we approved to buy a supercomputer only as part of the Army's original plan for colocating the machine and the center.

That's what the Army asked for when it requested this money originally and that's how it ought to be used.

This amendment doesn't favor any school. Instead it mandates a competition for the center and puts the supercomputer at the school which wins that competition.

I support the amendment, and I urge my colleagues to vote for it. And I hope that it sends the Army a strong signal that they should complete their plan for this facility and begin the competition as quickly as possible.

Mr. BINGAMAN. Mr. President, I rise in support of the amendment offered by Senator Byrd.

Earlier this year, in February, the Army issued a draft request for proposals on a joint Army/Academic Supercomuter Center.

That draft RFP sparked wide interest in academia, and I understand a host of institutions submitted comments and asked to be placed on the bidder's mailing list for the final RFP, which according to the Army documents at the time was expected to be released in April.

New Mexico State University was among the institutions which expended a great deal of effort commenting on the draft RFP and preparing for the competition on the final RFP. In doing so, they and the team they put together spent several hundred thousand dollars.

But while they and other academic institutions around the country were doing this, the date for issue of the final RFP kept slipping, and it was clear that something had gone wrong within the Army bureaucracy. As we now understand it, there was a growing desire to deny the supercomputer to an academic institution and instead retain it at an Army lab. The excuse cooked up was that there might be a security problem at an academic institution, since the computer was to be used in part for classified research. This was not a very persuasive argument since many universities around the country have facilities where classified research has long been carried out, institutions like New Mexico State, Georgia Tech, Johns Hopkins, Colorado State, Utah State, Carnegie Mellon, and the University of West Virginia.

I will not mind if New Mexico State loses this project in a fair competition. But I strongly object to the university never being given a chance to compete because of Army bureaucratic politics. Perhaps it is a sign of the ills of our DOD procurement process when the Army feels free to issue a draft RFP, ask for comments, get a lot of people to spend a lot of money, and then does nothing for months as consideration is given to totally switching signals.

So I commend the Senator from West Virginia for offering this amendment. It is needed to get this program back on the track the Army briefed to all of us last year when they were seeking money for this project. I am glad to be a cosponsor of the amendment. I know that the University of West Virginia and its team will be a very powerful competitor for the joint Army/Academic Supercomputer Center. I would urge my colleagues to support this amendment, and may the best qualified academic institution obtain this supercomputer center in a fair competition.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STEVENS. We have no objection to the amendment.

The amendment (No. 2852 was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank both managers.

DOD PRODUCTIVITY INITIATIVES

Mr. CHILES. Mr. President, I would like to pose a question to the managers of the bill. I noted in the committee markup of the Defense appropriations bill, the reduction of funds for DOD productivity enhancement programs in some of the procurement accounts. I understand the fiscal pressures on the committee this year, and appreciate the scrutiny that was applied to all defense activities. Could I ask the managers their views on DOD productivity initiatives?

Mr. JOHNSTON. Mr. President, if I may respond to my distinguished colleague, the Senator from Florida, who is a valued member of our subcommittee, I appreciate the concern of the Senator from Florida regarding these productivity programs. These are important activities and often provide a substantial return for our investment. The committee remains concerned as to how such savings or accomplishments from such initiatives are realized and accounted for, and how such savings are reapplied to the defense budget. To justify the considerable investment that the Department of Defense proposes the Congress make in productivity programs for fiscal year 1989, the committee believes that a more effective means of displaying and demonstrating savings and accomplishments must be created. Simply claiming large cost avoidances, that the Congress in all likelihood would not have funded in any case, is not sufficient rationale for these investments. The Department of Defense need to hold a greater stake in the return from such programs, rather than simply requesting additional appropriations.

Mr. STEVENS. Mr. President, if I may join the acting manager of the bill on this subject. The Senator from Louisiana has correctly stated the committee position on this issue. We have not opposed in principle these initiatives, but have been at a loss to verify the savings and merit of much of the money dedicated to this purpose. One alternative to the current means of managing these programs would be to shift the responsibility for funding these programs back to the Department of Defense, either through apportioning costs to ongoing programs or through a revolving fund, where programs that have received productivity enhancement funds contribute back a portion of their return on investment, to support other productivity initiatives.

Mr. CHILES. If the Senator from Alaska will yield, I believe that an alternative approach to funding these projects, taking them out of the budget, has considerable merit. I concur that the Department of Defense needs to better make its case on this issue, and recycling real savings into other productivity initiatives could provide even greater incentives than periodic appropriations to support this program. I hope that as this bill proceeds to conference with the House, and as the difference in the two bills on this subject are resolved, that some effort can be make to have DOD look at such an alternative funding approach.

Mr. JOHNSTON. I appreciate the thoughts and comments of the Senator from Florida, and as he will be a participant in the conference on this bill with the House, I assure him that this subject will be considered.

Mr. CHILES. I thank the manager of the bill for his response to my inquiry.

NEW THREAT UPGRADES FOR EAST COAST SHIPS

Mr. LAUTENBERG. Mr. President, I am pleased to be joined by a number of my distinguished colleagues to discuss our strong concern over the Navy's postponement of the three new threat upgrade [NTU] overhauls for east coast ships it had planned to begin during fiscal year 1990.

The NTU program is designed to make existing cruisers and destroyers more survivable and somewhat comparable to our new Aegis cruisers and destroyers. At the end of fiscal year 1989, the Philadelphia Naval Shipyard will have completed NTU overhauls for four east coast ships, and Ingalls Shipyard in Mississippi will have become the first private shipyard to complete an east coast NTU. Because the Navy did not plan to begin any NTU overhauls for east coast ships during fiscal year 1989, and recently postponed the three scheduled to begin fiscal year 1990, there will be a gap which will cause the loss of the skilled and experienced work force necessary to perform NTU when this work is rescheduled after fiscal year 1990. In fact, because of this gap, hundreds of workers at the Philadelphia Naval Shipyard, many of whom live in my State, may lose their jobs.

May I ask the distinguished chairman of our Appropriations Committee, the Senator from Mississippi, if he shares my concern over this discontinuity in the NTU program?

Mr. STENNIS. Mr. President, I am pleased to respond, and I do share the distinguished Senator's concern. The NTU program includes the installation of new combat systems to correct the vulnerability of cruisers and destroyers to advances made by potential adversaries. Although the Navy had indicated that it made its decision to postpone the three fiscal year 1990 east coast NTU overhauls due to budgetary constraints, I join my colleagues in the hope that the Navy will reconsider this decision. Clearly, Atlantic Fleet combatants also need to be upgraded to meet current threats.

I am proud to note that Ingalls in Pascagoula, MI, was the first private shipyard to perform a new threat upgrade overhaul. The NTU workload complements the shipyard's construction of new Aegis cruisers and destroyers.

Mr. SPECTER. Mr. President, I appreciate the response made by our distinguished chairman. It is my understanding that NTU overhauls may ultimately be performed for more than 70 of our cruisers and destroyers. The Philadelphia Naval Shipyard performed the very first NTU overhaul, for the U.S.S. *Biddle*. The *Biddle* is performing well for the first ship to undergo a program as complex as NTU.

By the end of fiscal year 1989, the Philadelphia Naval Shipyard will have completed three more NTU overhauls—U.S.S. *Dale*, U.S.S. *Scott*, and U.S.S. *Kidd*. However, because of the Navy's decision to postpone the three east coast NTU overhauls it had scheduled to begin during fiscal year 1990, the Philadelphia Yard may lose hundreds of skilled workers experienced in the NTU program.

Mr. President, this scheduling gap raises serious questions regarding the Navy's NTU overhaul program.

Mr. HEINZ. Mr. President, I thank my distinguished colleagues for their expressions of concern over the Navy's decision to postpone the three NTU overhauls it had scheduled to begin during fiscal year 1990. Although the gap in this program that the postponement will create is an obvious concern for the shipyards which have been performing this work on east coast ships, the paramount issue is the adverse consequences of the gap on the Navy's highest priority—combat preparedness of the fleet—for which NTU program continuity is essential.

However, Mr. President, discontinuity in NTU overhauls for east coast ships will also have ancillary but important adverse consequences for the Navy and the shipyards involved thus far in the program. At the Philadelphia Naval Shipyard, NTU is an excellent complement to performance of the Service Life Extension Program, which has been widely praised as a cost effective means to extend the lives of our nonnuclear carriers. The gap in NTU work and the resultant loss of hundreds of skilled workers at Philadelphia will diminish our capability to perform SLEP itself.

Mr. BRADLEY. Mr. President, I commend my distinguished colleagues for the discussion we are having today over the importance of continuity in the scheduling of NTU overhauls for east coast ships. If the gap does occur in fiscal year 1990, hundreds of skilled workers will be lost and the capability to perform NTU for east coast ships will be diminished.

Because the Philadelphia Naval Shipyard has been the Navy's leader for the NTU program, I am deeply concerned that this gap will cause hundreds of workers who live in my State to lose their jobs. However, Mr. President, since the Navy was planning to begin three NTU overhauls for east coast ships during fiscal year 1990 and has indicated that their postponement is attributable to budgetary constraints, the gap is clearly inconsistent with the Navy's own determination in terms of national defense policy. The question is not whether to perform this work, but when. May I ask the distinguished majority manager to comment on this matter.

Mr. JOHNSTON. Mr. President, I am pleased to respond. I agree completely that continuity in the NTU program is a critical matter. The pending gap in NTU overhauls for east coast ships is against everyone's best interests, and I join my distinguished colleagues in the hope that the Navy will reconsider its postponement decision and restore, at least in part, its former fiscal year 1990 east coast NTU overhaul schedule.

Mr. STEVENS. Mr. President, I believe that this has been an important discussion on what is clearly a critical Navy modernization program. Scheduling of the new threat upgrade work has been complicated by the budget reductions imposed on the Navy, and as we look at this issue in the conference with the House, we will take careful note of the entire NTU program, and the impact of changes on both public and private shipyards on both coasts engaged in this work.

AMENDMENT NO. 2853

(*Purpose:* To provide for a $12 million appropriation for a new National Defense Science and Engineering Graduate Fellowship Program)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Alaska.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATFIELD, proposes an amendment numbered 2853.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . (a) Of the amounts available for the University Research Initiative Program in 'Research, Development, Test and Evaluation, Defense Agencies', no more than $12,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

Mr. HATFIELD. Mr. President, demand for scientists, engineers, and other technical personnel is rising. Much of this increased demand can be traced to the technological developments crucial for our national security. Since 1976 employment of scientists and engineers is up 85 percent and this trend is expected to continue. Clearly, the demand is outrunning supply.

Further, demographic trends show the number of 22-year-olds—the near-term source of future Ph.D.'s—to be declining. We must persuade a greater proportion of this age group to go into science and engineering if we are to provide the technical personnel needed to address national security concerns, as well as to maintain our competitive position in the global economic marketplace.

But as this age group declines, science and engineering are competing with other professions—law, medicine, business, and so forth—for this shrinking pool of candidates. As such, the number of Ph.D.'s in science and engineering going to U.S. citizens is declining. At the same time, however, foreign born Ph.D.'s are increasing rapidly. Therefore we must make it more attractive to pursue a career in science and engineering.

This can partially be accomplished by enhancing the DOD investment in basic research centers at colleges and universities while also investing more adequately in our future graduate students. Given that DOD requirements are contributing a substantial portion of the increasing demand for technical manpower and that a more adequate manpower base is important for national security, the Department should be playing a more significant role in its support of university basic research and training programs.

Mr. President, our failure to educate and train sufficient numbers of scientists and engineers has been of concern to me for some time. In the last few years, however, we have been deluged with statistical studies and analyses which all call for concerted and aggressive action. I have discussed this matter with a number of educators and with the Senator from Georgia [Mr. NUNN], who as chairman of the Armed Services Committee, has been leading a comprehensive review of our Nation's security requirements.

We both reached the same conclusion: That our national security over the long term is critically dependent on the continued development of superior technology and that we need to reverse the alarming trends in the quantity and quality of students in our educational system pursuing careers in science and engineering.

It is for that reason I am proposing this amendment which provides for a National Defense Science and Engineering Fellowship Program. Beginning in fiscal year 1989, DOD would be directed to allocate $12 million to support a substantial increase in the number of nationally available science and engineering graduate fellowships. This program will make a modest but needed step in the right direction to address the shortage of American graduates in science and technology areas which are so critical in securing our national security into the future. This program will make an important start in reversing the alarming trends in our output of qualified scientists and engineers.

Given the experience and expertise of the National Science Foundation in the administration of its ongoing Science and Engineering Education Fellowship Program, it is not only logical but also more effective that these two closely related national programs be well coordinated. The Department of Defense should draw upon the assistance of the Foundation to allow for a consolidated application and review process, if possible. This will assure that awards will be made to the most deserving students nationwide and will avoid unnecessary administrative duplication, cost, and delay in implementation.

The national defense science and engineering graduate fellowships would be for the purpose of encouraging and attracting the most promising students to pursue advanced degrees in science and engineering. It would consist of a stipend to the awardee and a cost of education allowance to the institution. This fellowship program would be modeled after the NSF Graduate Fellowship Program.

Mr. President, one critical aspect of our Nation's recent performance in educating and training scientists and engineers, is our failure to encourage and stimulate minority participation. In fact, our record in terms of doctoral degrees conferred on members of ethnic minorities is nothing short of abysmal and alarming. For example, while blacks and Hispanics represent about 20 percent of the total population, they account for less than 2 percent of the doctoral degrees in the physical sciences and engineering.

I had originally intended to include a specific set-aside for fellowships to members of minority groups underrepresented in science and technology, similar to the 10-percent minimum included in the National Science Foundation Program. I have been persuaded, however, that we not include such a specific minimum at this time. A study initiated by the committee is already underway to determine factors which cause this problem, and to assess strategies to correct the substantial disparity in minority representation in this area. Upon the completion of that study, remedial measures, including establishment of a statutory minimum on minority participation, will be considered.

In the interim, I strongly urge the Secretary of Defense to be especially sensitive and mindful of the need to increase minority participation in the implementation of this new program. In any event, I am hopeful that the significant increase in the availability of these fellowships, provided by this initiative, will enable an increased number of promising students from minority groups to continue their graduate studies in the sciences and engineering.

Mr. JOHNSTON. Mr. President, the Senator from Oregon is proposing an amendment to substantially increase the amount of Defense Department funding allocated to support graduate education fellowships in defense-related science and engineering fields.

As the Senate knows, America's military posture rests on a foundation of superior technology to offset the quantitative military advantages of the Soviet Union and its allies.

The key to maintaining and improving our defense technology is to ensure that the science and engineering technology base of the country is creative and strong.

This amendment promotes this strength and creativity by allocating $12 million within the Pentagon's university research initiative for national defense science and engineering graduate fellowships. These fellowships will be awarded on a competitive basis and without restrictions on a geographical basis in the United States.

Mr. President, a similar fellowship effort is administered by the National Science Foundation, and the committee urges the Defense Department to pattern the new fellowship effort funded by this amendment after that successful program.

This amendment will contribute to our national security technology base, Mr. President, and the distinguished ranking minority member of our full committee is to be commended for his initiative in this area.

The committee is pleased to accept this amendment.

Mr. STEVENS. This is an amendment that deals with the whole question of scientists, engineers, and technical graduate fellowships. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alaska.

The amendment (No. 2853) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2854

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. GARN, proposes an amendment numbered 2854.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place at the end of the bill, insert the following new section—

SEC. . Of the amounts available for obligation for research, development, test, and evaluation, no more than $2,500,000 shall be made available in equal amounts to the Army and the Air Force for the testing and evaluation of low-profile antenna systems for ground level communications: *Provided*, That whatever total amount made available by this section shall only be available if it is matched on an equal basis by any industrial participant in the testing and evaluation: *Provided further*, That the Secretary of the Army and the Secretary of the Air Force shall report the results of these tests and evaluation to the Committees on Appropriations of the Senate and House of Representatives by June 30, 1989.

Mr. GARN. Mr. President, I appreciate the support and effort of Chairman STENNIS, ranking member Stevens and Senator JOHNSTON on the buried and low profile antenna systems project.

This amendment places into the appropriations bill an amount of $2.5 million that was approved by this body on May 16 in the debate on the Department of Defense authorization bill. The purpose of the appropriation is to allow the Department of Defense to proceed with the testing and evaluation of certain proven communications technologies which have the potential to provide significant savings in both procurement and maintenance costs. Field testing of the low profile antenna system has produced encouraging results thus far, however, more testing is needed. This funding is designed to further that necessary testing.

The discretion for the use of the funds is left with the Department and the Service Secretaries. A number of field military commands have requested the ability to test and purchase several products that are not presently available on the Military Procurement Register. These items have been field tested at the manufacturer's expense and have been demonstrated to provide significant logistical and technological advantages at a lower acquisition and maintenance cost than similar items now in the military inventory. This program makes it possible for the Department to take advantage of existing technologies, rather than start research and development programs from scratch. This program encourages manufacturers to take the initiative and spend their own money instead of the taxpayers' in developing new technologies.

Mr. JOHNSTON. Mr. President, this amendment proposes to allocate no more than $2.5 million from within available research funds to permit the Army and Air Force to test and evaluate low-profile antenna systems for ground-level communications.

These funds will be available only when they are matched by an equal amount from the industrial participant in the test and evaluation effort.

The antenna systems to be tested and evaluated represent a promising new technology that may provide a means for more survivable and enduring military communication capability.

We support the amendment, Mr. President.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. STEVENS. We have reviewed and support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2854) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2855

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. INOUYE, proposes an amendment numbered 2855.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, at the end of line 15, before the period, add: *: Provided further*, than any and all funds derived from contracts or subcontracts issued pursuant to this Solicitation shall not be subject to any Hawaii State or local sales, general excise, or similar taxes imposed upon gross sales, gross income or gross receipts, except to the extent that such taxes are uniformly imposed upon physicians, hospitals and all similar direct providers of health care services.

Mr. INOUYE. Mr. President, the amendment I am proposing today is quite technical in nature. Last year, after considerable study, the Congress agreed with the administration that in an effort to curtail the ever escalating cost of the CHAMPUS program that a special "managed care" demonstration initiative should proceed in the states of Hawaii and California. This is perhaps best known as the CHAMPUS Reform Initiative. It has recently come to my attention that due to the particular corporate structure of the successful bidder, the State of Hawaii will probably seek to impose its 4 percent State excise tax upon the Federal funds involved, even though this tax was not levied upon what was essentially the same funds, under the previous fiscal intermediary. It is my further understanding that this situation was not considered by either party during the contract negotiations and that the funds involved are approximately $750,000 to $1,250,000 for each of the years of the contract. This amendment would preclude the State of Hawaii from imposing a tax and would not affect any other provision of the contract. It would also give the committee time between now and conference to ensure that the situation is, in fact, what I have described.

Mr. JOHNSTON. In an effort to bring down the ever-escalating costs of the Civilian Health and Medical Program of the Uniformed Services, better known as "CHAMPUS," the Department of Defense, with the concurrence of the Congress, initiated a demonstration project called the CHAMPUS reform initiative. This demonstration project is taking place in two States, Hawaii and California.

It now appears that the State of Hawaii may seek to impose its 4 percent excise tax on the Federal funds involved in the initiative in the State of Hawaii. This tax was not levied under the previous fiscal intermediary.

Senator INOUYE's amendment would prevent the State of Hawaii from levying this tax. During contract negotiations between the Department of Defense and the fiscal intermediary, the tax, amounting to between $570,000 and $1,250,000 for each year of the contract, was not considered. No one knew that Hawaii would propose levying such a tax since it had not done so previously.

The amendment does not affect any other provision of the contract and affects only Hawaii.

I hope my colleagues will see fit to accept this amendment. If the State of Hawaii should decide not to levy this excise tax, then we could consider receding to the House in conference on the Defense appropriations bill.

The PRESIDING OFFICER. Is there further discussion on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2855) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2856

(Purpose: To eliminate funds for certain programs not requested by the Department of Defense for fiscal year 1989)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 2856.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, after line 22, insert the following new section:

SEC. 8127. (a) Notwithstanding any other provision of this Act, the amount appropriated by this Act—

(1) for operation and maintenance for the Navy is reduced by $2,000,000;

(2) for operations and maintenance for the Air Force is reduced by $2,200,000;

(3) for operations and maintenance for the Defense Agencies is reduced by $16,000,000;

(4) for procurement of ammunition for the Army is reduced by $110,906,000;

(5) for other procurement for the Army is reduced by $20,000,000;

(6) for procurement of weapons for the Navy is reduced by $40,000,000;

(7) for procurement for the Marine Corps is reduced by $9,970,000;

(8) for procurement of missiles for the Air Force is reduced by $15,000,000;

(9) for other procurement for the Air Force is reduced by $21,200,000;

(10) for classified programs for the Defense Agencies is reduced by $4,500,000;

(11) for National Guard and Reserve equipment is reduced by $703,500,000;

(12) for research, development, test, and evaluation for the Army is reduced by $36,000,000;

(13) for research, development, test, and evaluation for the Navy is reduced by $9,000,000;

(14) for research, development, test, and evaluation for the Air Force is reduced by $215,000,000; and

(15) for research, development, test, and evaluation for the Defense Agencies is reduced by $474,500,000.

(b) None of the funds appropriated by this Act may be obligated or expended for—

(1) repairs to SEAL training facilities, Amphibious Base, San Diego, California;

(2) United States Air Force Academy hospital repairs;

(3) the conduct of any study on the cause of the shortage of women and persons belonging to minority groups in the fields of science, engineering, and other technologies;

(4) nonlethal supplies for refugees;

(5) procurement of Improved Depleted Uranium Penetrator ammunition for the M-60 or M-1 tank;

(6) construction of the RDX facility;

(7) procurement of the simulation network for the Army;

(8) procurement of AIM-7 Sparrow missiles;

(9) procurement of MK-19, 40mm gun;

(10) procurement of the Lightweight Early Warning Detection System;

(11) procurement of the Shrike (G-Bias Modifications);

(12) procurement of the MK-82 Inert/BDU-50 bomb;

(13) procurement of Civil Air Patrol vehicles;

(14) procurement of Civil Air Patrol communication facilities;

(15) procurement of two KC-130T aircraft for the Marine Corps Reserve;

(16) procurement of unspecified equipment for two aircraft for the Marine Corps Reserve;

(17) procurement of six MH-60 helicopters for the 304th Aerospace and Rescue Squadron (Air Force Reserve);

(18) modification of six KC-135 aircraft for the Air Force Reserve;

(19) procurement of 300 M-113 armored personnel carriers for the Army National Guard;

(20) procurement of 58 M-1A1 tanks for the Army National Guard;

[S](21) procurement of the Small Unit Support Vehicle (SUSV) for the Army National Guard;

(22) procurement of 16 C-130 aircraft for the Air National Guard;

(23) the F-15 Multi-Stage Improvement program for the Air National Guard;

(24) procurement of ACMI Tier fighter trainer PH II for the Air National Guard;

(25) the electronic warfare advanced technology program of the Army;

(26) the electronic warfare engineering development program of the Army;

(27) the M-1A1 tank Block III Improvement Program of the Army;

(28) the Navy Oceanography program;

(29) oceanographic instrumentation activities at Woods Hole, Massachusetts;

(30) the surface ship point defense integration program of the Navy;

(31) investigation of alternatives for the electronic countermeasure system of the B1-B Bomber aircraft;

(32) research and development activities in connection with national security-related activities of the National Aeronautics and Space Administration;

(33) the establishment of an optoelectronics materials center at a major university or associated optoelectronics materials facilities; and

(34) research and development in connection with the threat simulator development program of the Defense Agencies.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that Bill Jenkins, a GAO fellow who has been helpful to me in formulating this amendment, be allowed privileges of the floor during consideration of this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, several weeks ago I spoke in the Senate about the unfolding Pentagon scandal. I said then that there can be no excuse for those who tamper with national security for personal profit. I reiterate that statement today. Those found guilty should be held accountable in our courts and to the American people.

However, I also spoke to the opportunity the scandal presents to address some of the fundamental and underlying problems in the Pentagon, particularly those caused by congressional overmanagement and micromanagement of our national defense.

We have helped to make the procurement process so complex that contractors are virtually compelled to use outside consultants. Even the Pentagon has to hire consultants to manage the procurement process!

In addition, much of that micromanagement is done for the sake of old-fashioned pork and it is this wasteful spending that I will address today.

President Reagan's veto of the fiscal year 1989 Defense authorization bill makes it all the more urgent that we consider these issues. The President decided to veto the many items Congress added, billions of dollars in defense spending for which the Pentagon did not ask. In his veto message, the President pointed out that "the bill trades vitally needed defense muscle for the parochial interests of those in Congress." The amendment I am offering this morning is directed at those very parochial interests. The amendment would strike all funding in the Defense appropriations bill for items which were not requested by the Pentagon, about $1,700,000,000. That is the essence of the amendment, Mr. President.

I exclude only those items in the bill that allow the Pentagon broad discretion. For instance, a general increase in Navy funding for Persian Gulf operations or the funding for drug interdiction approved by the Senate last May. Neither can really be considered pork. The rest of the provisions—provisions that force the Department of Defense to fund specific items that it did not request—would be reduced to zero.

Another amendment I am prepared to offer would strike appropriations that exceed those requested by the Pentagon, about $4 billion.

The amount of unrequested spending in the Defense Appropriations bill and the resulting cuts in DOD requests demand such an approach. Interestingly, some of the spending comes at the insistence of Members of Congress who complain about overspending on defense; so I think it is time to put the ax to those pork barrel projects. Those who complain about defense spending, certainly should not add items to the defense budget.

The implications of this special interest spending spree is especially serious at a time when we are struggling to hold down overall spending.

The recent scandal has focused attention on the complexity of the procurement process, which creates a vulnerability to fraud, influence peddling, and collusion. Our current acquisition system is so complicated that it has spawned armies of so-called beltway bandits to guide contractors through the process. Moreover, the system offers many points of intervention where the unscrupulous few can circumvent honest competition.

Let us be frank with ourselves as well—we undermine genuine competition when we here in Congress put political considerations above sound management practices. While we must decry any illegal actions being uncovered by the ongoing investigation, we must recognize that the magnitude of waste caused year in and year out by congressional pork barreling rivals—in fact dwarfs—the costs of fraud that is now being unearthed.

MAGNITUDE OF PORK

How large is the problem of the defense pork barrel? The Defense appropriations bill now before us includes $6.5 billion in spending that the Pentagon did not request, and Congress offsets that amount with cuts in programs the Pentagon did request.

This chart illustrates just how much in additional spending that represents. The column on the left side of this chart illustrates congressional increases to the defense budget. The top portion represents $2.5 billion of add-ons, items that the Pentagon did not request. The amendment at the desk cuts $1.7 billion of this spending—much of which directs the Pentagon as to what to buy and where to buy it.

The bottom portion of the column shows 4 billion dollars' worth of plus-ups, items where the Congress provides more money than the Pentagon asks for. I am prepared to offer a second amendment which would strike these items.

Let me offer some examples of the add-ons covered by this amendment.

For instance, $14.5 million to establish an optoelectronics materials center at a major (un-named) university. The committee report directs the funds to go toward a university with "demonstrated capabilities for pursuing optoelectronics and photonics research." This is a not very subtle example of pork; presumably the pool of such universities is not very large. In fact, some of my colleagues might have a very good idea of which university would best fit this description.

But when we tried to find out we were not able to get any answers from the Appropriations Committee.

A $3 million study by the American Scientists Engineers & Technologists to examine the cause of limited supply of minority and women scientists, engineers, and technologists. Here the pork is used not only to favor a specific firm, but to appeal to special interest groups. While the study may well be needed in general, why include it in the defense budget?

Also, $60 million for unspecified threat simulator development. This is no discussion or explanation of this in the report. This is a good example of the behind-the-scenes nature of add-on's and plus-ups. Here, the committee is asking the Senate to accept $60 million in unrequested spending without any explanation. In fact, I have a copy of a page from the committee report which lists threat simulator development in a table—this is the only mention of this expensive item. Thus, while some will argue that the items included in add-ons and plus-up's are necessary for defense, there is no way to tell from the report language.

Mr. President, I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In thousands of dollars]

	Budget estimate	House allowance	Committee recommendation	Senate compared to—	
				Budget estimate	House allowance
	(1)	(2)	(3)	(4)	(5)
Industrial preparedness	10,800	10,800	10,800		
Technology security functions	441	441	441		
Total, defensewide mission support	426,829	353,964	423,589	− 3,240	+ 69,625
Undistributed reduction—studies and analysis					
Civilian hq reductions					
Civilian personnel overhead savings					
X-Ray lithography					
General reduction					
High temperature superconducting program					
FERS adjustment					
Center for compound semiconductor tech					
Center for adv. compound semiconductor tech					
Simulation and training technology					
Plasma arc/ferrochromium technology					
OSD close air support					
Extended air defense					
Threat simulator development			60,000	+ 60,000	+ 60,000
Product evaluation act					
DARPA mantech					
Optoelectronic materials					
Center for Advanced Technologies					
National security-related space activities			400,000	+ 400,000	+ 400,000
General increase					
Undistributed reduction					
Total, research development test and eval. def. ag	8,667,800	7,468,757	8,423,698	− 244,102	+ 954,941

Mr. BOSCHWITZ. Mr. President, let us not forget plus-ups—items for which Congress provided more money, $4 billion more, than the Pentagon requested.

There is an $18.1 million increase for basic research by the Army on a cure for AIDS. This is a 200-percent increase over the Army's modest $8.8 million request. While AIDS research is obviously important, it seems to me that such research is more properly done at the National Institutes of Health and other Federal agencies. Given the need for a comprehensive, coordinated AIDS policy, is the Defense budget the most appropriate place to fund this research?

An $8.4 million increase for the maintenance of two inactive Army ammunition plants in Illinois and Wisconsin. The rationale for maintaining these plants is to protect our surge capability in time of war. But did the Army really underestimate the cost of maintaining inactive plants by over $8 million?

A $240-million increase for Navy fleet modernization/overhauls. The rationale for the increase is to help bring the Navy modernization and repair program back on schedule and avoid "wasteful and costly storage of components already procured." Sounds fine, but $155 million of this increase is specifically earmarked for work at east coast shipyards. My question is: Is this the most economical way to do this work, or a means of providing jobs for east coast shipyards where Members have been most influential in supporting this bill? If it is the most economical way, why does the Navy have to be told to direct almost two-thirds of the increase to these shipyards?

A $25 million increase for 6,000 rather than 5,000 laser Hellfire missiles. The committee contends that this provides for a more efficient rate of production. But there is no explanation as to why we need 1,000 more Hellfire missiles. Achieving a more efficient rate of production is only justified if we need the extra missiles. Otherwise, we are just spending more money for unnecessary missiles.

In all, this column represents $6.5 billion in unrequested spending. How much defense can you get for $6.5 billion?

The other side of the graph shows funding for some major weapon systems in the Defense appropriations bill. The $6.5 billion of add-ons and plus-ups would fund the entirety of the Strategic Defense Initiative and the MX Missile Program as they appear in this bill. In addition, it would pay for the Midgetman missile development, another Trident submarine, and 12 additional F-14's.

Consider the criticism that has been heaped on these weapon systems, as prime examples of Pentagon waste. Even put together, these systems do not equal the spending that Congress imposes on the Pentagon.

The amendment at the desk, along with another one I have ready, would strike all spending initiatives in the $6.5 billion column except those that leave the DOD discretion as to how to spend the money. Together, the two amendments would strike close to $5.2 billion in add-ons and plus-ups. We need to take such a blanket approach when so much spending has been added—not in debate in the Senate but in the confines of committee.

I point out to those who favor cuts in defense spending the effect of this amendment. For those who complain of reckless defense spending, this is their chance to do something. The amendment will cut almost $1.7 billion in defense spending—spending the Pentagon does not even want.

Pointing to fraud at the Pentagon is no excuse for the intervention targeted by my amendment. As former Deputy Secretary of Defense David Packard recently said, "How can the Congress expect ethical behavior from the DOD and the defense industry when it sets such a bad example of ethical behavior at the top?"

Mr. President, I am a realist. I have been for 10 years and I know that pork is part of life in the Congress. No realist would expect to eliminate it entirely. After all, we do have important responsibilities to guard the interests of our constituents. But in defense, the stakes are much higher than the contracts to be awarded. Those contracts add up to make our national security. To fulfill our military strategy, we owe it to our Armed Forces to supply them with the most appropriate equipment for the tasks at hand. You can bet that the Soviet war planners do not have to contend with 535 different purchasing agents.

We must get to the bottom of the scandal and make sure that Pentagon officials and consultants cannot subvert the system so readily. But much more fundamentally, we must make sure that Congress is not undermining competition through excessive intervention in the procurement process. In the long term, we must take steps to strengthen and simplify competitive bidding, to ensure that we are getting the best available product for the lowest possible price.

The amendment I have offered makes a strong statement about such intervention. The amendment does not outlaw congressional add-ons but forces us to face up to their enormity. When we are presented with a defense bill which appropriates more than $6 billion in unrequested spending, I think our colleagues should explain this spending before the full Senate. I have never claimed that the Pentagon is infallible, but I would like to know why it has underfunded its own programs by more than $6 billion.

Mr. President, I ask unanimous consent that a list of all the items which DOD did not request and, further, a list of items where the bill provides more than DOD requested be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

Fiscal Year 1989 Senate DOD appropriations bill: items for which DOD did not request funds (Senate Rept. 100-402)

All page numbers refer to Senate Report 100-402.

Operational and Maintenance:	
Navy O&M: Repairs to SEAL training facilities, Amphibious Base, San Diego (p. 62)	$2,000,000
Air Force O&M: Air Force Academy Hospital Repairs (p. 64)	2,200,000
Defense Agencies O&M: Study by Center for American Scientists, Engineers and Technologists (CASET) to examine cause of limited supply of minority/women scientists, engineers, technologists (p. 67)	3,000,000
Humanitarian Assistance: Nonlethal supplies for refugees (p. 72)	13,000,000
Total O&M initiatives	20,200,000
Procurement:	
Army Ammunition:	
105mm, APFSDS-5 (XM900E1) (p. 98, 101) Improved depleted uranium penetrator round for M-60 and M-1 tanks	30,906,000
RDX Facility for Army explosives (p. 100, 102)	80,000,000
Total Army procurement initiatives	110,906,000
Other Procurement—Army: Simulation Network Trainers (p. 116; 119)	20,000,000
Weapons Procurement—Navy: AIM-7 Sparrow missiles (p. 134) Minimum of 300 air-to-air missiles	40,000,000
Procurement—Marine Corps:	
MK-19, 40mm machine gun (p. 176)	4,970,000
Lightweight Early Warning Detection System (p. 176)	5,000,000
Total procurement Marine Corps	9,970,000
Missile Procurement—Air Force: Shrike (G-Bias Modifications) (p. 192)	15,000,000
Total Missile Procurement Air Force	15,000,000
Other Procurement—Air Force:	
MK-82 Inert/BDU-50 bomb (p. 197, 208) Additional 72,000 bombs	19,800,000
Civil Air Patrol vehicles (p. 208)	800,000
Civil Air Patrol communication (p. 208)	600,000
Total other procurement Air Force	21,200,000
Procurement—Defense Agencies: Classified program (p. 215)	4,500,000
National Guard and Reserve Equipment:	
Marine Corps Reserve:	
2 KC-130T planes (p. 219)	45,000,000
Unspecified equipment for these 2 planes	10,000,000
Air Force Reserve:	
6 MH-60 helicopters for the 304th Aerospace and Rescue Squadron (p. 219)	42,000,000
6 KC-135 modifications for aircraft transitioning to Reserve (p. 219)	21,000,000
Army National Guard:	
For new Army National Guard roundout battalion of 6th Light Infantry Division: (p. 219)	
300, M-113 armored personnel carriers (p. 219)	75,000,000
58 M-1A1 tanks (p. 219)	130,000,000
Small unit support vehicles (SUSV) (p. 219)	8,000,000
Air National Guard:	
16 C-130 planes (p. 219)	326,000,000
F-15 multistage improvement program	30,000,000
AMCI Tier fighter trainer PH II	16,500,000
Total National Guard and Reserve	703,500,000
Total procurement initiatives	925,076,000
Research Development Test and Evaluation:	
Army RDT&E:	
Electronic Warfare advanced technoloy (p. 229)	4,000,000
Electronic warfare Engineering Devel. (p. 229)	2,000,000
Block III M1 tank improvement program (p. 223; 229-30)	30,000,000
Total Army RDT&E Initiatives	36,000,000
Navy RDTE&E:	
Navy Oceanography program (p. 252)	3,000,000
Oceanographic instrumentation activities (p. 252)	2,000,000
Surface ship Point defense integration (p. 243)	4,000,000
Total Navy RDT&E Initiatives	9,000,000
Air Force RDT&E:	
B1-B Bomber electronic countermeasure investigation (p. 257)	15,000,000
National security-related space activities (p. 261, 268) Air Force to transfer these funds to NASA	200,000,000
Total Air Force RDT&E initiatives	215,000,000
Defense Agencies RDT&E:	
Optoelectronic Materials R&D (p. 272, 280) For establishment of optoelectronics materials center at a major university	14,500,000
Threat simulator development (p. 282)	60,000,000

National security-related space activities (p. 282)	400,000,000
Total Defense Agencies RDT&E initiatives	474,500,000
Total RDT&E initiatives	734,500,000
Total initiatives	1,679,776,000

General spending initiatives that leave DOD managerial discretion in their use

New Appropriation Category: Drug interdiction (pp. 15; 288)	$199,060,000
Navy O&M: Persian Gulf operations (p. 58)	120,000,000
Other Procurement—Navy: Outfitting equipment, ship modernization (pp. 59, 163). Money moved from O&M to Procurement	360,000,000
Army Reserve: Miscellaneous equipment (p. 219)	30,000,000
Navy Reserve:	
Miscellaneous equipment (p. 219)	10,000,000
Seabees—Miscellaneous equipment (p. 219)	20,000,000
Marine Corps Reserve: Miscellaneous equipment (p. 219)	10,000,000
Air Force Reserve: Miscellaneous equipment (p. 219)	10,000,000
Army National Guard: Miscellaneous equipment (p. 219)	50,000,000
Air National Guard: Miscellaneous equipment (p. 219)	20,000,000
Total general spending increases	829,060,000

FISCAL YEAR 1989 SENATE DOD APPROPRIATIONS BILL: ITEMS WHERE BILL PROVIDES MORE DOLLARS THAN DOD REQUESTED (S. REPT. 100–402)

SPECIAL OPERATION FORCES INITIATIVE (NEW ACCOUNT)

[In millions of dollars]

	Army	Navy	Air Force
Operations and Maintenance	$45	$30	
Procurement:			
Miscellaneous equipment	150	100	
MH–47E modifications	100		
Patrol boats		0	
AC–130U aircraft (5)			$242.5
MC–130H (2)			101.0
Total procurement	250	200.0	343.5
Total initiative (pp. 15; 288–89) [1]	295	230.0	343.5

[1] All page numbers refer to S. Rept. 100–402.

Military Personnel

Guard and Reserve personnel: Reinstate following force reductions (p. 29):	
Reserve personnel, Air Force: 399 Selected Reservists	$2,664,000
National Guard Personnel, Air Force: 290 selected reservists	3,286,000
National Guard, Army	7,000,000
National Guard, Air Force	3,000,000
Total Guard/Reserve/personnel increases	15,950,000
Total military personnel increases	15,950,000
Operations and maintenance:	
Army O&M: Maintenance, inactive army ammunition plants:	
Joliet Army Ammunition Plant	5,865,000
Badger Army Ammunition Plan	2,600,000
Army defense standard ammunition computer system (p. 56)	1,200,000
Army ground training operating tempo (p. 56)	50,000,000
Total Army O&M increases	59,665,000
Navy O&M	
Repair of U.S.S. *Samuel Roberts* (p. 60)	96,500,000
Fleet modernization/ship maintenance (p. 60) $155,000,000 of increase to be used for modernization/overhauls on east coast	240,000,000
Total Navy O&M increases	336,500,000
Air Force O&M:	
Civil Air Patrol (p. 63)	1,700,000
SR-71 maintenance (p. 63)	20,491,000
Classified programs (p. 63)	6,000,000
Search and rescue (p. 63)	7,000,000
Total Air Force O&M increases	35,191,00
Defense agencies O&M:	
Office of Economic Adjustment (p. 66) economic adjustment grants	500,000
Office of Secretary of Defense—for tracking cost of stationing U.S. forces overseas (p. 67)	1,000,000
Total defense agencies O&M increases	1,500,000
Air Force Reserve O&M: Force structure restoration (p. 29; 70)	5,400,000
Air National Guard O&M: Force structure restoration (p. 29; 70)	5,600,000
Total O&M increases	443,856,000
Procurement:	
Aircraft procurement—Army: AH-64 attack helicopter (p. 80):	
Procurement	61,400,000
Advanced procurement	40,000,000
Army Helicopter Improvement Program: Provides for 36, an increase of 12 (p. 70)	29,600,000
Advance procurement for 36 again in 1990	12,000,000
Total Army aircraft increases	143,000,000
Missile procurement—Army:	
TOW missile modifications new warhead initiative (p. 87)	15,200,000
LASER Hellfire system (p. 83) 6,000 rather than 5,000 missiles	25,000,000
Total missile Army increases	40,200,000
Army weapons, tracked combat vehicles: Advanced procurement M-1 tank (p. 89)	44,100,000
Other procurement—Army: Night vision goggles (p. 111)	83,000,000
Aircraft procurement—Navy:	
EA-6B (electronic warfare) Prowler (p. 121; 126) increase from 9 to 12 planes	Transfer dollars
Advanced procurement for 12 EA-6B planes 1990	6,000,000
F/A-18 Hornet, 84 rather than 72 planes (p. 121; 126)	207,000,000
Common electronic countermeasure equipment. $35,000,000 earmarked for ALQ-126B purchases. (pp. 127–28)	50,000,000
Total aircraft Navy increases	263,000,000
Weapons procurement—Navy:	
Hellfire missile (p. 135) minimum of 1,000 missiles	26,042,000
Weapons industrial facilities (p. 131) no discussion in report	3,000,000
Total weapons Navy increases	29,042,000
Shipbuilding and Conversion—Navy:	
2 additional fleet oilers (p. 143)	284,900,000
6 more LCAC landing craft (p. 143)	114,000,000
Total Navy shipbuilding increases	398,900,000
Other procurement—Navy:	
General increase, sonobouys (p. 162)	30,000,000
General purpose bombs (p. 161)	25,000,000
Practice bombs (p. 162)	10,000,000
Amphibious equipment (p. 163)	15,000,000

Ship system trainers (p. 159)	11,900,000
Total other procurement Navy increases	91,900,000
Procurement—Marine Corps: M-1 tanks increased from 14 to 66 (p. 176)	104,600,000
Aircraft procurement—Air Force:	
Civil Air Patrol (p. 186)	1,300,000
C-135 aircraft modifications (p. 184)	63,000,000
Total aircraft procurement, Air Force	64,300,000
Total procurement increases	1,262,042,000
Research, Development, Test & Evaluation	
Army RDT&E:	
Advanced antitank hypervelocity missile (p. 223; 229-30)	$30,000,000
Fully fund block II combat vehicle improvements for FY 89 (p. 223; 229-30)	13,900,000
Classified anti-armor initiative (p. 223; 234)	20,000,000
Terminally guided submunition antiarmor warhead for Army Tactical Missile System (p. 223)	10,000,000
TOW, Hellfire antitank missile improvements (p. 223; 229-30)	8,800,000
Anti-tactical missile system for Patriot surface-to-air missile (p. 223)	31,514,000
Night vision technology (p. 229)	2,500,000
155mm self-propelled howitzer (p. 229)	4,500,000
Forward area defense system improvements (p. 229)	20,000,000
AIDS research for vaccines/cures (p. 231)	18,177,000
Joint surveillance/target attack radar system (p. 233)	4,600,000
Total Army RDT&E increases	163,991,000
Navy RDT&E:	
Adjustments to industrially funded activities at 3 Navy Aviation Engineering Centers:	
Marine Corps landing force technology (p. 246)	400,000
Mission support technology (p. 246)	2,100,000
Systems support technology (p. 246)	400,000
Antisubmarine warfare signal processing (Beartrap—WO490) (p. 246)	2,100,000
Physicial security (SO812) (p. 246)	800,000
Facilities Improvement:	
Naval facilities system (YO0995) (p. 246)	2,100,000
Improved methods/materials (Y1316)	800,000
Naval construction forces technology/tools (Y1606)	800,000
Joint Services standard avionics development (WO572)	700,000
Consolidated automated support system (WO852) (p. 246)	1,800,000
Air Control (W1680) multimode receiver (p. 247)	1,400,000
Physical security (S1769) nuclear weapons security (p. 247)	600,000
Initial acquisition F-14D trainer (p. 247)	4,900,000
Marine Corps combat services support engineering (C70079)	400,000
F-14 upgrade (W1408)	2,600,000
Pollution abatement ashore (YO817) (p. 247)	400,000
Industrial preparedness (R1050) Mantech	200,000
Subtotal: Industrially funded activities.	22,500,000
Advanced Tactical Fighter Development (p. 223; 244)	65,000,000
Bomb fuze improvements (p. 240) follows authorization	8,400,000
Joint Advanced Systems (classified program) (p. 245)	15,400,000
Retract Maple (classified system, p. 245)	30,000,000
Generic logistics R&D technology demonstrations (p. 242, 249)	7,000,000
Fiber-optic skipper enhancements (p. 241, 250).	10,000,000
Satellite laser communications (p. 243, 251)	20,000,000
Sea lance antisubmarine rocket (p. 243, 251)	30,287,000
Total Navy RDT&E increases	208,587,000
Air Force RDT&E:	
Classified intelligence & communications programs (p. 268)	161,000,000
PACCS/WWABNCP system EC-135 Class V modifications (Command, Control, Communication System) (p. 258)	7,500,000
Spacetrack (classified program) (p. 262)	3,000,000
Classified tactical programs (p. 262)	22,000,000
Total Air Force RDT&E increases	193,500,000
Defense Agencies RDT&E:	
Joint DOD-DOE Munitions Technology Development (p. 269)	12,284,000
Strategic technology increases (p. 270):	
DARPA concurrent engineering projects	20,000,000
High temperature superconductor manufacturing technology	21,000,000
Smart skin radar manufacturing technology	5,000,000
Single-pulse excimer laser research	15,000,000
Advanced semiconductor materials technology	15,000,000
Simulation/training technology activities.	5,000,000
Plasma arc/ferrochromium technology activities	3,500,000
Classified program	40,000,000
Subtotal strategic technology increases	124,500,000
Research into bioenvironmental impacts of defense activities. (p. 272)	16,500,000
Balanced technology initiative (p. 275)	63,100,000
DOD Consolidated Software Initiatives (p. 275) For DOD software institute.	8,200,000
Joint standoff weapons programs (p. 275) (8 separate programs)	56,904,000
Critical technology analysis (p. 277)	24,700,000
Total increases Defense Agencies RDT&E	306,188,000
Total all RDT&E increases	872,266,000
Chemical Agents & Munitions Destruction, Defense:	
Operation & Maintenance (p. 286)	29,100,000
Research & Development (p. 286)	17,200,000
Total increases chemical agent destruction	46,300,000
Total increases, all DOD accounts	3,508,914,000
General Increases That Leave DOD Managerial Flexibility	
Army O&M: Medical care (p. 48)	$141,000,000
Navy O&M:	
Medical Care (p. 48)	72,500,000
Aviation Depot Level Repairable Components (p. 59)	150,000,000
Air Force O&M: Depot Maintenance (p. 64)	63,800,000
Army National Guard O&M: Flying Hours (p. 71)	4,200,000
Aircraft Procurement—Navy: Aircraft industrial facilities (p. 127)	50,000,000
Total general increase	481,500,000

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the following amendments be the only remaining amendments to the DOD bill: One amendment by Mr. HUMPHREY on Nicaragua, one by Mr. MCCLURE on INF compliance, one by Mr. HELMS on Poseidon submarines, one by Mr. HELMS on the GWEN system.

I ask unanimous consent that there be no more than 30 minutes, equally divided, in accordance with the usual form, on any of these amendments, if offered.

Also, one amendment by Mr. DECONCINI. I do not want to place a time limitation on it at the moment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT 2856

Mr. JOHNSTON. Mr. President, there is a great deal that can be said on the amendment of the distinguished Senator from Minnesota. It seems to me that it violates the summit agreement between the White House and the Congress because it does not spend up to the full amounts as agreed to in the summit agreement. In other words, we had both a floor and a ceiling on BA of $299.5 billion and outlays, if I recall the figure, of $294 billion, and we agreed to have both a ceiling and a floor.

By disallowing many of these expenditures as proposed, because our bill as presented to the Senate was right at the summit agreement, and by cutting, I forget what the total amount is, but it is in the billions that I think that the Senator has cut, we would be seriously violating that agreement.

The amendment would take away 58 M-1 tanks, 300 M-13 armored personnel carriers, 16 C-130 aircraft, AIM-7 Sparrow missiles, operation and maintenance money, Army ammunition money, NASA money, National Guard equipment, et cetera. In doing so, it would violate the summit agreement.

I wonder if the Senator, in light of this information, might consider that he has made a very strong message here? I wonder if he might consider withdrawing the amendment because of the violation of the summit agreement?

Mr. BOSCHWITZ. Mr. President, I would say to my friend from Louisiana, that the Defense Department's budget request indeed met the budget summit amounts agreed upon by the administration and ourselves. These are adjustments made to DOD's request. So I would not wish to withdraw the amendment and will ask for a recorded vote on it.

Mr. JOHNSTON. Mr. President, in its original form what this amendment does is simply to make the Congress of the United States superfluous. He would substitute the judgment of the Pentagon as being the first and last word and would prohibit the Congress, in effect, from making any changes whatever. If any money is saved in the meantime—for example, we saved $500 million in shipbuilding alone, in contract award and schedule slippage—what are we supposed to do? Are we supposed not to spend the money or just what are we supposed to do?

The only way to obey the summit agreement is to spend that money on other things up to the limit of $299.5 billion in budget authority. That is what we agreed to do, and that is what we did do.

Or should we continue to waste the money that we have received? The answer to that is obvious.

We also have some different priorities. We have a different priority in SDI. The Pentagon, if they had their way, would have spent probably $20 billion over the life of SDI more than the Congress has. You can debate that, and we have debated that here over a period of years at some length.

But this one amendment, not considered by the committee, changes line items right across the board, knocking out 58 M-1 tanks—what is the basis for knocking out 58 M-1 tanks, Mr. President? There is no record for that. We have an extensive record in the Defense Appropriations Subcommittee. We have had extensive hearings. The Army needs the tanks. The Marines need the tanks. The National Guard needs the tanks. In fact, we really need more tanks than this. But this was as much as we figured we could justify under this budget. It is all that we had the savings to finance.

The same thing for the M-113 armored personnel carriers and the C-130 aircraft, one of the highest priorities of the Department of Defense.

Mr. President, not all of these represent items on which the Department of Defense has a different priority. They are changing priorities. It is a dynamic situation, and many of these are not objected to but strongly approved and strongly supported by the Pentagon.

It is interesting, Mr. President, that much of what we did was accepted. The Senator does not change, for example, our drug interdiction initiative. He leaves that in. Apparently, the Congress has sense enough to do some things right, but not others.

The initiative which we have on special operations—almost $1 billion—which is one of the most sensitive, most needed areas and most neglected over the years, funded as an initiative out of our committee, out of savings made, that is allowed. But a whole range of other things are not.

So, Mr. President, I guess the Senator is serious in his amendment, although I submit it is not a terribly serious amendment. If we pass this, you would simply be saying to the Pentagon, "Propose your budget. If you would like to pass it by the Congress, we would rubberstamp it, but do not worry about our critical analysis, do not worry about our amendments to your Pentagon requests because you are the first and last word."

I do not think we are going to allow that to happen, Mr. President, so I am prepared to move to table unless my friend from Alaska would like to say something.

Mr. STEVENS. Mr. President, I would ask that the Senator withhold that for a minute.

I understand what my friend from Minnesota has done in presenting this position. It is the position basically that I would call the OMB-Miller position, the same as was presented against the authorization bill to a certain extent; however, it comes at this bill in a different way.

We have a considerable congressional disagreement with the Department of Defense over the emphasis to be placed upon the Guard and Reserve, for instance. The distinguished Senator from Mississippi and I now for many years have moved moneys that were requested for the Air Force or the Army to the Guard and Reserve. We have seen to it that we have first-line equipment going to the Guard and Reserve. That is what you call a congressional add-on on the chart that is presented by Senator BOSCHWITZ, because we deleted money that was requested in the budget and added it on to another area. It is not an add-on in addition to the budget.

I want to make certain everyone understands this bill is within the budget request by the President, it is within the summit agreement that was presented by the President, it is within the congressional budget resolution. And it is within the authorization.

So this is not something where we are spending money that should not be spent. We are arguing over how it should be spent, when it should be spent, and what it should be spent for.

In my judgment, we are entitled to make that distinction between the requests of the President or the Department of Defense and to justify it. We have justified those changes in every instance.

I might say that I have in my hand here the requests that I personally received, not received by the committee, but I personally received as the manager for my side of the aisle, the Republican side of the aisle, for this bill from individual Members of the Senate. These are not requests for add-ons. They are requests for identification to determine whether or not systems and items that were of importance to individual Members were covered by our bill.

We have requests for specific moneys for Air Force tankers. We have moneys for the attack radar, for combat submarine systems, for the Patriot missile, for the howitzer system, for the strategic relocatable targets, for the vertical launch systems, for Hawkeyes, for S-3-A aircraft, for the Seahawk, for LAMPS airborne data terminal systems, for the various interests that are advanced by individual Members.

Some of them are parochial; most of them are philosophical. Most of them deal with a difference in emphasis that is desired by Members of the Senate within the same sysems for the expenditures of money.

We examined each one of these individually and we responded yes or no. I might say there are lots of noes here, and I wish that the Senator from Minnesota would have the task sometimes of saying yes or no to our colleagues, because we do say no quite often. We say no when we think it would add money to defense that should not be spent and we say no when we think it would shift money from one place to another.

The Senator mentioned the Optoelectronics Material Center. There is only one center in the country that I know of that is capable of doing that. We do not need to put in the identification of that university, because there is only one. We do believe that it is a necessity to have that center for the advancement of our research and that it ought to be in an established university rather than going out and building one in the Department of Defense to compete with that university. I think that is a legitimate decision by the Senate and it will save money in the long run.

It is my opinion that Mr. Miller has contributed to the lexicon of the Department of Defense and we will remember it. We have plus ups. I wonder if we should have minus downs. We have reduced this budget, in the time I have served on the committee, and he has been in the Office of Management and Budget, probably more than we have increased it. We have not added any money on, but we have added on items after we deleted some that had been requested by the Department of Defense.

I would venture to say that there is not a Member of the Senate that has not contacted either Senator JOHNSTON or me during this session concerning this bill. And I say that advisedly—not one single one, Mr. President.

Under those circumstances, I would have hoped that my friend, having made his point, might consider withdrawing this and letting us go to conference.

The final point I would make it to my friend is that there are some moneys here that have been shifted around to try to get the attention of the House of Representatives to some of the requests that were made by the administration that they deleted. If the Senator's amendment were to carry, the net effect would be to delete all of the Senate's interests, all of the items that we have readjusted, and to leave us in the position of being some $4.5 billion under the agreement with the President as to the maximum amount of money that would be supplied.

Mr. JOHNSTON. Will the Senator yield?

Mr. STEVENS. I yield to my friend.

Mr. JOHNSTON. I just want to point out that some 59 Senators have contacted us on this side of the aisle; 132 letters. Some Senators feel that they have some opinions to make about this bill that did not originate with the Pentagon.

Mr. STEVENS. Mr. President, I have been reading to my young daughter "Charlotte's Web." I would say to my friend, if this is pork, it is some pig.

Mr. JOHNSTON. Mr. President, I was going to move to table now because I know the blackened redfish is getting ready to be served down in New Orleans. I know the Senator from Minnesota will be going down there; I hope he will. They have Dixieland jazz and all kinds of great things in what we call the Cresent City, the city that care forgot.

So I wonder if the Senator is ready for me to move to table his amendment.

Mr. BOSCHWITZ. Will the Senator yield?

Mr. JOHNSTON. If I may yield on my time.

Mr. BOSCHWITZ. If the Senator would withhold, I will not carry forward very long, but I would like to respond.

Mr. JOHNSTON. I will withhold, Mr. President.

Mr. BOSCHWITZ. Mr. President, first, I would say to my friend from Louisiana that, indeed, I am going down his way, but I am not leaving until Sunday, so I have plenty of time.

In speaking about the amendment, my friend spoke about the drug interdiction money. I would repeat to my friend from Louisiana and also my friend from Alaska that this amendment covers only the add-ons that have been made with great specificity, not the add-ons that have been made in a more general way. Excluded are items where the Pentagon has some discretion—for instance, funds allotted for the Persian Gulf or the drug interdiction money my friend from Louisiana spoke about, and which has already been voted on here in the Senate.

Thus, the amendment covers only those add-ons that have been put into the bill, basically, without explanation.

The Senator from Alaska is entirely correct. I know he was alluding to the fact that, indeed, I wrote, on behalf of one of my constituents, to have moneys put into this bill. We all do.

But what I wish to point out with this amendment is that the money could have been saved. When the savings are applied elsewhere in the bill, very often they are put into the bill without any explanation—and most of the add-ons fall into that category. Items put in without any explanation are often put in by various Members who are seeking to develop a particular benefit for their district or for their State. As we criticize the Pentagon and the so-called beltway bandits, we ought to consider what David Packard said: When it comes from the top, when we impose on the Defense Department our own wishes to the benefit of our States and constituencies—often without explanation, often because it is just out-and-out pork—we should consider that we, too, are a part of the problem that exists at the Pentagon.

When I spoke several days ago, I spoke with this chart, Mr. President. This chart shows the number of regulations, case laws, and legislative history that apply to procurement in the Pentagon. If stacked up, they would be 1,152 feet high, twice the height of the Washington Monument.

So the point I wish to make is the fact that we, too, are part of the problem. We have legislated with great detail on how the procurement process should operate. Through our micromanagement, we have almost mandated, the necessity of these so-called beltway bandits. In so doing, we have increased the probability that the kind of problems that we are not seeing would arise.

The primary purpose of introducing this amendment is to show that we too are part of the problem. The complexities of the procurement process are exacerbated by the add-ons that we make for our constituencies.

And, if that is correct, then, indeed, we should consider some type of reform to make the procurement process simple and better.

That is the point I wanted to make.

I also agree with the point made by my friend from Louisiana. Of course the Senate has to have its impact on this bill.

But, whatever reductions are made by the Senate or by the House, somehow there always seem to be add-ons to take their place. It might be that for once we could simply choose to save the money which the Pentagon had requested, but we felt they did not need.

Mr. President, perhaps there is a mischievous aspect to the amendment to highlight in a pointed way the problems involved in procurement. Because I am not in total disagreement with my friend from Louisiana, I withdraw the amendment.

The PRESIDING OFFICER. The Senator has withdrawn his amendment. Who seeks recognition?

The Senator from Idaho.

AMENDMENT NO. 2876

(Purpose: To enforce compliance with the INF Treaty)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho [Mr. McClure] proposes an amendment numbered 2876.

Mr. McCLURE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, after line 22, add the following new section:

Sec. 8127. (a) None of the funds appropriated by this Act shall be obligated or expended for the purpose of dismantling, eliminating, or withdrawing from deployment or storage sites any missiles, launchers, support equipment, or any other equipment scheduled to be eliminated under the INF Treaty if the President finds that the Soviet Union is in violation of its obligations under such Treaty, including violations resulting from incomplete or untimely performance of Soviet obligations under the protocols on elimination and inspection, or discrepancies between the National Intelligence Estimate current at that time of the numbers of systems the Soviet Union possesses and the Memorandum of Understanding Regarding the Establishment of the Data Base.

(b) Such finding shall be reported to the appropriate congressional committees within 15 days and shall include steps the President has taken to halt the elimination of United States systems as required by subsection (a) and any additional steps the President has taken to bring the Soviet Union back into compliance with the Treaty.

(c) Funds withheld from obligation or expenditure under subsection (a) may be used to resume the elimination of United States INF systems only after the President certifies to the appropriate congressional committees that the Soviet Union has returned to compliance with its obligations under the Treaty.

(d) The requirements of this section may be waived if the President finds, and so reports to the appropriate congressional committees, that a Soviet violation would not affect or delay the complete and timely elimination of Soviet systems covered by the Treaty as provided under the protocol on elimination.

(e) For purposes of this section—

(1) the term "appropriate congressional committees" means the Committee on Appropriations, the Committees on Armed Services and Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Appropriations, the Committees on Armed Services and Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987.

Mr. McCLURE. Mr. President, I know my colleagues are tired of hearing me talk about MFN, so I am going to talk about another acronym today, INF, and how we can encourage Soviet compliance with that treaty.

I supported the INF Treaty, in part because of the unprecedented verification measures that it contained. But these procedures are worthless if the Soviets do not believe that we will respond to violations that verification procedures may turn up. We all know the Soviet record on treaty compliance. Yet we—and by "we" I mean the Congress and the administration—are still groping for an appropriate response to clear-cut, well-documented Soviet violations of the SALT II and ABM Treaties. If we are to deter the Soviets from violating new treaties, such as INF and a possible START Treaty, we must demonstrate our willingness to respond before a violation occurs. Only then can be expect to deter the Soviets from violating the treaty in the first place.

During the INF ratification debate, a compliance amendment was rejected by the Senate. A majority of my colleagues were worried about attaching such an amendment to the treaty proper. Now that the treaty is safely ratified, I hope they will be willing to take another look at the issue of compliance.

My amendment is a very modest amendment. It would prohibit the use of appropriated funds to eliminate U.S. INF systems if the President finds the Soviets are violating the treaty. This would include violations where they are not eliminating their INF systems in a complete and timely fashion as spelled out under the treaty, or where the intelligence community believes that the Soviets have more INF systems than they have admitted in the MOU on data exchange. The United States could resume eliminating its INF systems if the President certified that the Soviets were back in compliance.

Let me make it clear that I am not trying to refight the battle on SS-20 numbers, which we debated at length on the treaty. What the amendment says is that if any future national intelligence estimate does not jibe with the numbers the Soviets have provided us, that would be cause for the United States to hold up on eliminating our missiles.

Mr. President, whenever we talk about establishing an arms control compliance policy, we are told that we are tying the President's hands or limiting his flexibility in responding to possible Soviet violations. So I have designed this amendment to allow the President consideration leeway. For example, it is up to the President and the President alone to find a violation. Furthermore, there is a "kick-out clause" which allows the President to waive the requirement if the violation is a marginal one which does not affect or delay the timely elimination of systems covered under the treaty.

Now some of my colleagues might ask, "If this amendment is as toothless as you say it is, what's the point of offering it?" Well, I would like to offer a tougher amendment, one that made it tougher for an administration to just pretend that a violation hadn't happened. As this amendment is written, there is nothing to stop an administration from simply ignoring a Soviet violation. However, I know what the mood of the Senate is on this issue. Only 30 Senators voted for the compliance amendment that was offered to the INF Treaty.

I believe it is important to develop a compliance policy that the majority of the Senate will support, to put the Senate on record as willing to take concrete action in the face of a Soviet violation. The most important part of a compliance policy is that it be credible: If you cheat, we will take actions to protect our interests and ensure that you do not gain by cheating. A tough amendment that is rejected by the Senate sends the wrong message and I want to send the right message.

Therefore I deliberately drafted an amendment which I thought would be easy for the Senate to accept, difficult to reject, because I do not want to send the wrong message to the Soviet Union. I do want them to understand that this country expects them to comply with the treaties that they have entered into.

I would urge the adoption of the amendment.

The PRESIDING OFFICER (Ms. Mikulski). The Senator from Alaska.

Mr. STEVENS. Madam President, I reluctantly have the task of explaining the position that has been presented to us by the administration, having been very much involved in the INF process and having reviewed this amendment with the Senator from Idaho. I think there is room for the kind of authority that he seeks.

However, I am informed that the administration would ask us to oppose this. This comes from those who have been involved in the treaty process, I might say, because it is their opinion that international law already provides the right for either party to suspend compliance with this treaty in whole or in part in the event of a violation of the agreement by either party. The amendment, really, is not necessary to have the substantive right that is involved in the event that there is a violation of the treaty by the Soviet Union.

The administration believes that procedures are in place for dealing with compliance and the concerns over compliance with regard to the INF Treaty. Those procedures, in the opinion expressed to me, maximize the flexibility of the President and the Congress to respond to any Soviet noncompliance.

The Arms Control Verification Committee, which is chaired by the Assistant to the President for National Security Affairs, is charged with overseeing the preparation of the reports on verification and compliance, and those are for the National Security Council and the President.

The President is required to submit, in response to congressional requests as set forth in Public Law 99-145, classified and unclassified versions of the administration's report to Congress on Soviet compliance with arms control agreements, and various administration officials do brief Members of the Congress regularly to try to keep them up to date with regard to information that may be contained in these reports.

If, in the context of these reports, the President would find that the Soviets were in noncompliance, he has the power to consider the U.S. response, whether it is diplomatic, military, suspension of U.S. compliance, or withdrawal from the treaty, and determine which is the most effective option.

I believe that Senator McClure has stated a problem with regard to the funding and whether or not, under existing law, the President has the authority to impound funds that have been provided for this purpose. However, the position taken is that as Commander in Chief, the President has the right to suspend the expenditure of funds that would be involved in the dismantling or withdrawing from deployment, any of the missiles or standing down of any of the sites for those missiles that we have obligated ourselves to eliminate pursuant to the treaty.

So my real point to my good friend is that I believe that the issue he raises is an appropriate one.

The means of addressing the issue is one that has merit but, under the circumstances, in view of the relationship that exists now as we start to comply with this treaty, I have been requested to ask the Senator if he would consider withdrawing this and to deal with the question of a potential issue of noncompliance at the time that might be presented by the President.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Madam President, I could not help but smile as my good friend from Alaska was presenting the administration's position because I was listening with some care to the colloquy he just had with the Senator from Minnesota in which the Senator from Minnesota was saying we ought to do exactly what the administration wants, and the Senator from Alaska said we ought to exercise our own will.

Here we are saying, no, no, the administration does not want to do it, so we cannot do it. I smile as I say that because we have a long history of this whole relationship between the administration and the Congress on questions of treaty compliance.

The Congress has not proven to be great heroes on this issue. We have not always been stalwart. I will say this. If we left it to the State Department to give us advice on treaty violation reports, we never would have had one. If we left it to the State Department to have any teeth with respect to forcing compliance or any responses by the United States for noncompliance, we would never have had either.

The State Department, to their credit, believed that diplomacy solves everything and all you have to do is talk long enough and you will solve any problem. That is their business. They are good at it. They believe in it, and they do not want us to mess around in their business. So they would rather have us allow them to talk endlessly and do nothing because they believe that the talking endlessly will achieve something.

To the President's credit, the President has not always accepted that advice. He has sometimes believed that it is better for us to move forcefully and assertively, and he has listened to advice from the people in the Pentagon, from his Secretary of Defense and others, who said the best way to negotiate is from strength; the best way to achieve results in negotiations is to be tough enough and strong enough to be willing to respond if you have to respond. It is with that combination of force and determination and strength that the President has been able to fortify the State Department and our diplomats in the diplomatic endeavors that have yielded results.

I hope that it does not pass the attention of anyone in this country that we have made some gains in the areas in the world where we have exerted strength, when we have been willing to exert strength. We have suffered losses, historically, when we have displayed weakness or vacillation or inability to react.

Grenada was no diplomatic achievement. Afghanistan was accomplished because of our willingness to take affirmative actions. We are making headway in southern Africa today, primarily in Angola and Namibia, because we have been willing to involve ourselves in more than just diplomatic overtures.

I think we make the same mistake when we rely too much in Central America on the efficacy of talk and talk alone against a despot who is willing to crush people under his heel. I think, again, in this instance, if we expect the Russians to comply with the INF Treaty, we have to be willing to take some actions if they do not.

Do not leave it to the men in suits at Foggy Bottom. Let us say what we mean, and let us mean what we say. That is an old and trite phrase perhaps, but it is well tested, and it is true. If we send a message to the Soviet Union, "Oh, yeah, we had a lot of debate about this INF Treaty. We insist upon tough verification," but if the United States manages to find some kind of a violation on the part of the Soviet Union, we will just turn it over to talk. All we do is talk about their violation.

Well, they play that game better than we do, I hate to tell our friends down in the State Department. The State Department has not won a talking contest with the Soviets yet. If it is talk only, the Soviets win because the Soviets understand that; we had better understand that. It seems to me it would be a tragic error on our part to signal to the Soviet Union, yes, we negotiated this treaty; yes, indeed, it has tough verification problems, but do not worry about compliance, go ahead and violate them. We will talk with you about it; we will fuss a little; we will not do anything.

So I hope, Madam President, this administration and, indeed, the managers of this bill, will find it wise to accept the amendment and go forward in terms of a tough regime with respect to compliance rather than signal to the Soviet Union, there is still plenty of room for diplomats. They will just hire more people to talk and, after all, they have most of their people on public payroll over there. They will find some people to talk with, all the ones we are willing to hire and they will talk forever while they violate. Madam President, I do not believe that is the way for us to achieve what we ought to achieve under these treaties.

I hope that the managers of the bill would, rather than simply read the communications of the Department of Defense, agree with me that indeed we must move forward on some kind of a compliance program that means something to the Russians as well as to the people of this country.

Mr. STEVENS. Madam President, I cannot emphasize too greatly that I share the concerns of the Senator from Idaho. I believe the gentleman in the White House has the ultimate power for compliance, and that is the power to announce the treaty and take the United States out from underneath it if he finds that the Soviets have not complied with the terms of the INF agreement.

It is that power, really, not the power to suspend expenditure of funds, not the power to have talks by a committee that is appointed by the President with the consent of the Senate; it is the power of the President of the United States to denounce the treaty and to indicate to the world that we no longer are bound because the party who entered into the treaty failed to live up to its agreement under the treaty.

Again, I share the feelings expressed by the Senator from Idaho. I shared them in the committee when we were marking up this bill. I think it is inappropriate to, at this stage of the process, force a process on the administration that it does not support in view of the authority that already exists in the President.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I share with the Senator from Idaho his commitment to assuring that the INF Treaty with the Soviet Union is adequately monitored, adequately verified. This discussion, I hope, will highlight to the executive branch the deep concern which we feel in the Senate about the Soviets and their compliance with the INF Treaty. I hope it will underline the priority concern that we give to that. I think his bringing up this amendment has highlighted and called that attention to the White House. I congratulate him for bringing it up. As I say, I share with him his concern.

I hope he would not press it to a vote because we have agreed on this bill not to go into treaty matters. It could provoke, I think, some extended debate if we did. I hope the message which he has sent to the White House will be respected and adhered to.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Madam President, I thank the Senator from Louisiana and the Senator from Alaska for their attention to this matter. Let me just remind my friends that do hear and are concerned. I have the utmost respect for the inhabitant of the White House today. He is strong; he is resilient; he is determined; and he has been effective. But I also remind my colleagues that we did not get violation reports from this President or any other until the Congress mandated them.

We have not had any response on treaty violations until the Congress forced them. Unless we are willing to step forward and say we expect the administration, this one and the next one, whoever it may be, to insist upon adherence to the INF Treaty, I will guarantee you that it will not happen because of the initiative of the administration. It just does not happen that way. The diplomats at the State Department dominate that process, and in dominating that process they reduce it to absurd dimensions of constant talk and no action. The fact that we wrote into the INF Treaty a verification process in the Special Verification Commission—and you will be hearing over the next few months and years something about SVC, so get ready for that acronym, the Special Verification Commission—the SVC will do exactly what the SCC has done, and that is talk endlessly and do nothing. The SCC has already spent some 600 or 700 hours, 600 or 700 hours of discussions with the Russians on the violations of the treaties that it monitors with no, no, substantive action—none, zero.

Now, this is not the Senator from Idaho dreaming something. This is something that is a matter of fact. So to expect the SVC to do what the SCC has not done is to expect the impossible. The SVC will follow the same pattern that the SCC does. Members of these Commissions undertake a lifetime tenure when they enter upon the first of the discussions because they know it will last until they are ready to retire, and that is the history.

So I expect unless the Congress is willing to stand up and insist upon some actions by the administration, it will not happen. It has not even happened under this President, and if it will not happen under this President tell me when it will.

Now, Mr. President, I might just add that we are at this moment debating with the administration the question of finding the Krasnoyarsk radar to be a material breach. The President has said so upon three occasions officially, and numerous occasions in a more informal setting, in special reports to the Congress of the United States that is a breach, it is a serious breach, it is an absolute breach, and yet they cannot bring themselves to add that it is a material breach. Why? Because something would happen. Goodness sakes, we do not want anything to happen. The Russians might be offended if something happened. So our diplomats again control the process until the Congress forces the issue.

I appreciate what my friend from Alaska and my friend from Louisiana have said, that the administration should hear, should be prepared, should take action, and I would ask only one thing further of my friends, the managers of this bill. I ask the Senator from Louisiana and the Senator from Alaska to join with me in the expression of determination that if we do not do it this time on this vehicle today, we will soon take action to express the will of the Congress of the United States that the administration take action if there are breaches by the Soviet Union in compliance with the INF Treaty.

That is what I understand the Senator from Louisiana to have implied in his statement, and I wonder if the Senator from Louisiana would go further and express that determination, which I think we must express, less the administration misread us and certainly, at least as importantly, lest the Russians misread our actions today.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. If the Senator from Louisiana will withhold, the Chair wishes to advise Senators we are in a time agreement. The opposition has 7 minutes and 42 seconds. However, for the proponents, all time has just about expired.

Mr. JOHNSTON. Madam President, I yield myself such time as I may require. I think it would be not only appropriate but absolutely essential that the Senate express itself on the subject of those violations should they occur. Not only that, but the monitoring of those violations should be done very carefully so that we could have full and timely information so we would be prepared to act. I think the Senator from Idaho bringing this to our attention and his vigilance in overseeing that will ensure the Senate does act appropriately in the face of evidence of any such violations should they occur. The mere fact we are bringing this up for discussion will perhaps prevent violations and ensure that the Soviets are aware of our vigilance.

Mr. McCLURE. Madam President, will the Senator yield very briefly?

Mr. JOHNSTON. Yes.

Mr. McCLURE. I want to thank the Senator from Alaska for pointing out the possible problem of the Budget Impoundment and Control Act. I think there is at least an ambiguity and perhaps we will want at some time to illustrate the congressional intention that that will stand as any possible barrier to any executive action in response.

Madam President, I thank both Senators and I withdraw my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment was withdrawn.

Mr. JOHNSTON. Madam President, I thank the Senator from Idaho for his usual cooperation. He is always a pleasure to do business with.

UNANIMOUS CONSENT REQUEST

Mr. BYRD. Madam President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed to the immediate consideration of a concurrent resolution to be introduced by Senator

DECONCINI, expressing the sense of Congress that the President should award the Presidential Medal of Freedom to three U.S. citizens who were killed in Afghanistan, and that the resolution be considered under a 10-minute time limitation, equally divided between Senator DECONCINI and the minority leader or his designee, with no amendments or motions to commit in order.

Mr. STEVENS. No objection.

Mr. KENNEDY. Mr. President, reserving the right to object, I will have to object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 2877

(Purpose: To limit obligation of ammunition procurement funds until release of funds for the BDX facility)

Mr. JOHNSTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator for Louisiana (Mr. JOHNSTON) PROPOSES AN AMENDMENT NUMBERED 2877.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 18, add the following: "*Provided:* That 30 days after enactment of this Act, none of the funds available for procurement of ammunition for the Army may be obligated unless funds appropriated in the fiscal year 1988 Defense Appropriation Act, and in this Act, for an Army RDX production facility are made available for obligation, and a request for proposal is issued for the design, construction, and installation of such a facility."

Mr. JOHNSTON. Madam President, RDX is a sensitive high explosive which is used in a vast array of weapons used by the Department of Defense. The committee has felt over a period of years and legislated on the subject of the need for an additional site for manufacturing RDX. This amendment puts in priority and underlines the concern and determination of the committee that those provisions of law previously enacted by us be carried out to the end that those facilities be placed under contract promptly, so that the needs of the Department of Defense may be promptly met for RDX. It puts in priority that project over other ammunition projects.

Mr. STEVENS. We have no objection to this amendment going to conference, Madam President.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. STEVENS. There is not.

The PRESIDING OFFICER. If not the question is on agreeing to the amendment.

The amendment (No. 2877) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HELMS AMENDMENTS

Mr. STEVENS. Madam President, I have been informed by Senator HELMS that he does not seek to offer the amendments that I had cleared under the previous time agreement. I ask that those amendments be deleted from the time period.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, I say for the edification of my colleagues that there are only two amendments remaining, a Humphrey amendment, which is a sense-of-the-Senate resolution on Nicaragua which would take very little time, because all it does is urge that Nicaragua live up to its commitments. It ends up with: The Congress hereby reminds the Sandinista regime of its promises, and cautions the regime against any interference at any time of the rights of free speech, freedom of press, and freedom of assembly, and cautions the Sandinista regime that it expects the regime to honor its numerous human rights promises in connection with the opposition rally in September, and at all other times.

This seems to me to be at least "motherhood and apple pie," and I urge that we take that sense-of-the-Senate.

There is also a sense-of-the-Senate amendment by the Senator from Arizona [Mr. DECONCINI] urging that we have a medal presented to the news media reporters who covered the war in Afghanistan.

I hope that both of those Senators will come to the floor promptly, and I hope record votes will not be required. But if they are, perhaps we could have them back to back.

Those are all the amendments we have remaining, Madam President. We have the unanimous-consent agreement locking that in.

So I say that Senators who have a wallet full of money and are ready to go south to New Orleans should start revving up their engines, because things look good for you. The fish are hopping in the skillets. The jazz bands are breaking out. We are not going to have a discouraging word from the Democratic side when the Republicans arrive. We are going to welcome them, put them in a good mood, and hope they will spend freely, because our economy really needs a lift.

There is nothing like free spending, rich Republicans—I guess that is redundant—to help lift your economy. [Laughter.]

I hope the Senator from Alaska will go down there, because we have some special things planned for him.

Mr. STEVENS. Madam President, I think my good friend from Louisiana must be referring to the great sternwheelers that plied the Mississippi. I can hear him now. It is too bad I do not have a hat to put on him so that he can give us a good routine.

He has encouraged Republicans to come down there. I assure my friend that these are God-fearing Republicans who are going down there to attend the convention. I do not think they are going to spend much money.

I think New Orleans may be in for a little bit of a problem next week, unless he gets down there and really starts giving the same sort of presentation to our delegates, urging them to come to the places of luxury and live society. It may be difficult to get some of our people to attend those functions.

Mr. JOHNSTON. Madam President, the Senator said God-fearing Republicans were going to go to New Orleans. That is not redundant. [Laughter.]

There are some who will be in that category, undoubtedly, but their candidate did not get many votes in the last election.

Nevertheless, we welcome them, too, although I suspect he is right, that that one section of the party, small though it may be, fits in the category described. While they may not spend much money, I know the rest will, because the lure of the Crescent City will be irrestible.

Mr. STEVENS. I might say that it is obvious that we are occupying time and space and providing a great deal of hot air because we are waiting for a couple of our colleagues to show up. We are finished with this bill, except for two amendments.

The Senate should be on notice that unless those Senators arrive, we are going to ask for a third reading soon; because, as the Senator from Louisiana has said, New Orleans is calling for some of our colleagues, and it is time for us to wind up this bill, if at all possible.

I urge those who have those amendments to come and assist us to do that.

So far as this Senator going to New Orleans is concerned, I am proud and pleased to say that I shall go down as a delegate, and I shall accept the invitations of my good friend. I know that he would show an Alaskan the kind of time we would show him and have shown him in Alaska. So I intend to accept his hospitality.

I look forward to seeing him and all his friends at Lake Pontchartrain and all those beautiful places in New Orleans, and to visit once again the French Quarter and hear some of that Dixieland jazz down there.

It is a delight to us that our party has seen fit to go south this year and to once again visit Louisiana.

I believe that we will come back at least 10 pounds heavier than we are not, and I look forward to that so I can return to Alaska and eat some salmon and recover my health. [Laughter.]

Mr. JOHNSTON. I am delighted that the Senator is going to New Orleans. I know his conduct will be exemplary, as usual. But if he should run into any problem with the law, let us know. We know those things happen to Republicans sometimes, and we do not want there to be any problem at all, any adverse word or difficulty.

If you run into trouble, my office will be available to you for whatever help you need.

Mr. STEVENS. I tell my friend that I will be thoroughly chaperoned: My wife and my daughter Lily and my mother-in-law will accompany me.

Mr. JOHNSTON. I think all three will be necessary. [Laughter.]

Mr. STEVENS. Madam President, I suggest the absence of a quorum. I am losing this. [Laughter.]

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I ask unanimous consent to set aside the pending business and talk as if in morning business for a period not to exceed 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Senator ROBERT C. BYRD. Senator BYRD will be stepping down as majority leader at the close of this session of Congress. However, I expect that the good people of West Virginia will elect him to a sixth term so we can look forward to his continued service to the Nation, to the U.S. Senate, and, of course, to his beloved State.

When he returns for his sixth term in the Senate, I expect that he will again be joined by a Democratic majority and that Senator BYRD will assume the chairmanship of the Appropriations Committee. I look forward to serving with him on that committee in that capacity.

He will be succeeding our esteemed colleague from Mississippi in the important post. It involves committing our Nation's resources to its priorities. It is the one responsibility that will require great leadership of the kind that we are accustomed to seeing from Senator BYRD as we saw last night when he stood up for his principles for freedom and a commitment by our country to uphold the obligations that he saw as being necessary.

All of us were very proud of Senator BYRD last night as he stood up in the face of the contradiction by the White House from a viewpoint that they had held before that they had committed to. Senator BYRD made the case very eloquently and very clearly and provided inspirational example of the kind of leadership we have seen from him.

He has led the Senate well. When I began my service in this body, Senator BYRD led us in the minority, and he was there to assure that our Democratic voices were heard. After we returned to the majority, Senator BYRD returned as well to lead the Senate and to pursue an agenda that meets the people's needs, the needs of the average person, the average man and woman, the need to educate our children, to prepare for the future, to rebuild our infrastructure, our roads and water systems, to protect the civil rights of all Americans, and to protect the jobs and the rights of American working men and women with fair and tough trade laws.

We have had our disagreements with the administration about matters of great principle. the Bork nomination is one that comes to mind.

But ROBERT C. BYRD has stood firm to let the Senate and the Senators work their will, and that has always been his goal. If there is one thing that stands out in my mind when I think of Senator BYRD, it is his reverence for this institution, his dedication to its tradition and its very special role in our Government.

He is a scholar, a student of the Senate's history. He is a master of its procedures, and he is a defender of its place in our Constitution and our Government.

He has worked to conserve and to protect those procedures, privileges, and the rules that make the Senate what it is and what it has always been—the world's most deliberative body. But he has also worked to make the Senate adapt to the modern demands that are placed on it and all the Senators who serve here, demands that would have been outside the imagination of the framers.

Madam President, Senator BYRD has won respect for the leadership he has given the U.S. Senate. He has also won our respect for the kind of person that he is. He is a scholar, a student of the Senate's history. He is a master of its procedures, and he is a defender of its place in our Constitution and our Government.

He has worked to conserve and to protect those procedures, privileges, and the rules that make the Senate what it is and what it has always been—the world's most deliberative body. But he has also worked to make the Senate adapt to the modern demands that are placed on it and all the Senators who serve here, demands that would have been outside the imagination of the framers.

Madam President, Senator BYRD has won respect for the leadership he has given the U.S. Senate. He has also won our respect for the kind of person that he is. He is a man who has endured moments of great personal hardship, but he has continued to prevail. He has never let obstacles stand in the way of his duty, his obligation to his country, and to the U.S. Senate.

He is a perfect example for Americans, for people around the world to follow. He came from the humblest beginnings, but he showed what hard work, diligence, and perseverance can bring.

He has achieved great power, but he always remembers the common man and the people of the State who have sent him here to serve them.

I have enjoyed serving with the distinguished Senator from West Virginia, our leader, and I look forward to serving with him in the future, and I wish him all the best in health and success.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I also ask unanimous consent that I might proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

SENATOR ROBERT C. BYRD

Mr. DANFORTH. Madam President, with less than 2 months remaining in the 100th Congress, I would indeed be remiss not to take note of Senator ROBERT BYRD's retirement as Senate majority leader. I can think of no man for whom it is more truly said, "he is a man of the Senate," than ROBERT BYRD. No one has cared more deeply, or given of himself more freely, for the institution of the Senate than ROBERT C. BYRD. No one has worked more tirelessly to preserve the rights of individual Senators so necessary for reasoned legislative performance.

There were many skeptics at the beginning of this Congress who saw the Senate as an increasingly politicized body, incapable of advancing the interests of the Nation. Yet, under Mr. BYRD, Republicans and Democrats, working together, enacted major reforms in the trade policy of the United States.

Madam President, I believe that Mr. BYRD's decision to retire as majority leader of the U.S. Senate, to become the chairman of the Senate Appropriations Committee, is an act of great selflessness on behalf of the people of West Virginia. West Virginians are known to be a proud people. In ROBERT BYRD—they indeed have someone of whom to be proud.

It has been an honor and a privilege to serve in the Senate with ROBERT BYRD. His patience, his civility, and his purposefulness as majority leader will be missed.

DRUG AND ALCOHOL ABUSE

Mr. DANFORTH. Madam President, the House Energy and Commerce Committee has reported legislation to require random drug and alcohol testing for safety-sensitive railroad employees.

However, the House of Representatives will not act on this measure before it recesses at the end of the week. Nor will it take action on random drug and alcohol testing for the aviation and motor carrier industries before it recesses. Similarly, the Senate will not act on random testing provisions of omnibus antidrug abuse legislation before it departs.

Thus, action on this lifesaving legislation is again being postponed. In the meantime, drug and alcohol abuse in transportation industries will continue unchecked. In all likelihood, innocent people will continue to die.

The fact is that death, injury, and property damage related to substance abuse on the railroads, in the air, and on our highways will continue unchecked unless Congress acts.

The evidence keeps coming in. Last week the Federal Railroad Administration reported another rail accident with a positive result for drug use. On June 29, a Burlington Northern train derailed near Norway, NE, causing $925,000 in damages. The brakeman tested positive for cocaine.

In 1987 and 1988, there have been 51 major rail accidents where drug or alcohol use has been discovered. Thirty-one people died in these accidents; 353 were injured. Property damages exceeded $36 million.

This year alone, 7 have died, 35 have been injured and nearly $14 million in property has been destroyed in rail accidents where there has been drug or alcohol use.

The Senate acted on October 29, 1987, to stem the tide of death, injury and destruction, by voting 83 to 7 in favor of the Hollings-Danforth random testing amendment to H.R. 3051, the Air Passenger Protection Act. If given a chance, I believe it is clear the House would take similar action. On June 15, the House voted 377 to 27 to instruct House conferees to concur with the Hollings-Danforth amendment.

Madam President, the Senate legislation is a balanced measure. It protects employees from unfair treatment and harassment. It ensures privacy. It provides for confidentiality. It calls for strict chain of custody practices to guarantee the integrity of specimens. It requires laboratories to meet rigorous HHS certification and accreditations standards. It ensures that those who seek help can get rehabilitation.

When we return from recess, we will have 1 month in which to finish all what we have begun during this Congress. I would urge the House to match words with action. Lives are at stake. It is incumbent on Congress to take prompt and effective action to assure the American people that our transportation systems are as free of substance abuse as we can make them.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2878

(Purpose: Expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan)

Mr. JOHNSTON. Madam President, on behalf of Mr. DeConcini, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], on behalf of Mr. DECONCINI, proposes an amendment numbered 2878.

Mr. JOHNSTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114 of the bill, after line 22, insert the following new section:

SEC. . (a) The Congress finds that—

(1) the armed forces of the Soviet Union have waged a brutal war of conquest against the people of Afghanistan for 8 years;

(2) foreign correspondents attempting to cover the war in Afghanistan have always been subject to extreme danger;

(3) the danger to foreign correspondents became even greater in 1984 when the Soviet Ambassador to Pakistan explicitly threatened foreign journalists entering Afghanistan in the company of the Afghan resistance, known as the mujaheddin;

(4) on September 19, 1985, Charles E. Thornton, a medical reporter for the Arizona Republic, was killed by Soviet troops while preparing a story about volunteer doctors in Afghanistan;

(5) on October 9, 1987, Lee Shapiro, of North Bergen, New Jersey, and Jim Lindelof, of California, were ambushed and murdered by Soviet troops while filming a documentary on the war in Afghanistan;

(6) the statements of Abdul Malik, the Afghan interpreter and guide who accompanied Lee Shapiro and Jim Lindelof and who witnessed their deaths, demonstrate that the 2 Americans were strafed by helicopter gunships of the Soviet Union and shot by Soviet soldiers who then confiscated their equipment and film; and

(7) Charles E. Thornton, Lee Shapiro, and Jim Lindelof displayed great courage by facing the perils of war and the lethal threat directed against correspondents and ultimately gave their lives to inform the world of the struggle for liberty taking place in Afghanistan.

(b) It is the sense of the Congress that the President should posthumously award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof in honor of their brave efforts to document the Afghan struggle for freedom.

Mr. JOHNSTON. Madam President, this sense-of-the-Congress amendment simply urges the President to award the Presidential Medal of Freedom to three American journalists who were killed in Afghanistan. These journalists deserve this recognition and award. The House of Representatives has already passed a similar resolution. This particular sense-of-the-Congress amendment has 52 cosponsors and is bipartisan in its support.

Mr. DECONCINI. Madam President, this sense-of-the-Congress amendment is simple yet very important. The amendment urges the President to award the Presidential Medal of Freedom to three American journalists who were killed in Afghanistan. These journalists deserve this recognition and award. The House of Representatives has already passed a similar resolution. This particular sense-of-Congress amendment has 52 cosponsors and is bipartisan in its support.

The three journalists, Charles Thorton of the Arizona Republic, Lee Shapiro, and Jim Lindelof, were bravely attempting to report the Soviet atrocities associated with this conflict. The Soviet Union marched into Afghanistan in 1979 and the United States press quickly covered their actions. Our American press deserves this acclaim. Since the 1930's, 231 correspondents have lost their lives covering armed conflicts for the U.S. media. America has not forgotten its war correspondents who have died in combat assignment. We should not forget these three individuals.

Madam President, before President Reagan leaves office he will announce the recipients of the Medal of Freedom. This sense-of-Congress amendment, appropriately attached to the DOD bill, urges him to recognize three Americans killed while covering a conflict critically important to U.S. geopolitical interests. I urge my colleagues to support this amendment.

Mr. JOHNSTON. Mr. President, I say to my colleagues that Senator HUMPHREY has stated he will not press his amendment. So, upon passage of the amendment now pending, the DeConcini sense-of-the-Congress amendment, we are ready for third reading and final passage, which should take place immediately. So I would urge all Senators that, as soon as Senator KENNEDY is able to come to the floor and speak on the DeConcini amendment, we would then vote on the DeConcini amendment, if that requires a record vote—it does not, as far as the managers of the bill are concerned—and we would then go to third reading and final passage immediately.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DeCONCINI. Mr. President, I would like to clarify a colloquy that I had with the distinguished chairman of the Armed Services Committee [Mr. NUNN], during Senate consideration of the conference report on the fiscal year 1989 National Defense Authorization Act. That statement identified a major gap in radar coverage along the Nation's southern border, from Brownsville, TX, to northern Florida, that is increasingly being exploited by narcotics smugglers entering the United States. In a colloquy on the Department of Defense authorization conference report, Chairman NUNN and I discussed the need to fill this gap. At that time, I indicated that the statement of the managers included language urging the accelerated deployment of the system of aerostat radars in order to reduce the need for expensive radar platforms. The distinguished chairman of the Armed Services Committee [Mr. NUNN] indicated in our discussion that he would not be opposed to the procurement of new equipment, such as aerostats for the purpose of drug interdiction. He further indicated that, ". . . The conferees view aerostats as a viable option for providing low-flying detection and surveillance of airborne and seaborne drug smugglers." The chairman indicated further that, "the bill does not preclude use of these funds for procurement or research and development."

I want to reiterate the need to do whatever we can to close the gap in radar coverage along the southern border. The authorization conference report gave the Department of Defense the responsibility for being the lead agency for surveillance in the war against drugs. I urge that the Senate conferees on the appropriations bill earmark specific funding which would allow the completion of radar coverage of the southern border through deployment of cost-effective equipment, such as aerostats and Coast Guard C-130 aircraft. The Customs Service recently awarded a procurement of nine aerostats to be deployed along the southern border; however, it only has funds to purchase five of those aerostats, leaving a serious gap in radar coverage. The Department of Defense must play a major role in the fight against drugs, but it must be given the tools it requires to win the war against drugs; therefore, I again urge that the Senate conferees on the Defense appropriations bill work to secure funding for the remaining four aerostats.

Mr. BYRD. Mr. President, I would like to commend the efforts of the senior Senator from Arizona. He has been an effective leader in the war against drug abuse. I agree that there is a need to protect the vulnerable southern border against narcotics smugglers and that some additional equipment which has proven to be cost effective, such as aerostat systems as well as Coast Guard C-130 radar aircraft, may be necessary to provide complete radar coverage along our borders.

The aerostat, I understand, has very low relative procurement, and operation and maintenance costs and is able to provide extremely effective 24-hour surveillance. The installation of a 360-degree radar on an existing Coast Guard C-130 aircraft also would provide cost-effective advantages relative to other airborne detection systems. Using the aerostat and Coast Guard C-130 radar aircraft would prevent the expenditure of hundreds of millions of scarce dollars on more expensive surveillance equipment. I would, therefore, urge the use of such systems to counter narcotics smuggling along the gulf coast border.

I should also point out that the aerostat is stationary and is limited to operations conducted in fair weather. In contrast, a Coast guard C-130 with a 360-degree radar would have the mobility and flexibility to operate over long distances, from many different bases, in poor weather as well as fair weather. Such an aircraft would give the Coast Guard the ability to operate in international waters not covered by aerostats. It would give the Coast Guard the mobility to range deep into the choke points off the northern tier of South America and provide early identification of the aircraft and boats of suspected smugglers and assure the long lead time necessary for tracker aircraft and helicopters to be in position to apprehend the drug smugglers when they land in the United States. Furthermore, the C-130 aircraft is already in the Coast Guard inventory and one of those aircraft is currently available for modification with a 360-degree radar. Consequently, I strongly urge the managers of the bill to give this matter careful consideration in conference and to include funding for such effective, low-cost assets as the Coast Guard C-130 aircraft with a 360-degree radar and additional aerostat systems.

Mr. JOHNSTON. Mr. President, I agree with my two colleagues, the distinguished majority leader and the senior Senator from Arizona. The conferees on the Defense authorization bill did identify a gap in surveillance along the southern border, including Louisiana. This gap must be closed. The conferees and Senator NUNN agree that aerostats are an efficient and effective mechanism to monitor our borders. The distinguished majority leader has pointed out the value of high endurance radar surveillance aircraft in the effort to range deep into international waters, not covered by aerostats, and provide early identification of airborne and seaborne drug smugglers so that tracker aircraft and helicopters can be positioned to apprehend the drug smugglers when they land in the United States. Effective interdiction of drug smugglers is a critical aspect of our national security. As the Defense appropriations bill goes to conference, we will continue to look for effective, low-cost ways to fight and win the drug war, through the most-effective mix of new and existing assets, including aerostat radar systems and development of a 360-degree radar on Coast Guard C-130 aircraft.

Mr. BYRD. I thank the acting Democratic floor manager, Mr. JOHNSTON, for his cooperation and assurances.

Mr. DeCONCINI. I thank the distinguished Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, first of all, I want to commend the Senator from Arizona for sponsoring this well-deserved recognition of the three courageous American journalists who lost their lives in Afghanistan. My only concern is that many other courageous journalists have lost their lives in various conflicts in other parts of the world. I think, for example, of Bill Stewart, a distinguished correspondent for ABC television was killed by Somoza guardsmen at a roadblock in Nicaragua in 1978. He was shot in cold blood while his camera crew was filming the confrontation, and the image of that atrocity was burned into the soul of the American people.

I think of Dial Torgerson, the veteran reporter for the Los Angeles Times, who was killed in 1983 while covering the Contra war on the border between Honduras and Nicaragua.

I think of John Hoaglan, the photographer from Newsweek, who was killed in a crossfire between Government forces and guerrillas in El Salvador in 1984.

And what about the brave Terry Anderson, the Associated Press bureau chief in the Mideast, who has suffered cruelly as a hostage in Lebanon since 1985?

My concern is that the DeConcini amendment, worthy as it is, may not be as representative as it should be. I do not object to its passage, but I hope that the managers will take it to the conference and, to the extent that they can, make it a tribute to all of the courageous journalists who have given their lives under extraordinarily difficult circumstances in far distant lands.

I would be pleased to work with the Senator from Arizona and the managers of the bill in developing an appropriate way to include others who have given this last full measure of devotion to the first amendment, and who were trying to communicate to the American people what is happening in the most troubled and dangerous parts of the world. They too are part of American newspaper and journalistic industry, and they deserve to be recognized.

I wish I had been able to offer an amendment to the amendment, but I have talked to the floor manager. He understands where we are on this issue.

I had hoped that we could work out this matter in the Judiciary Committee. But with the assurances of the floor manager, I do not object to favorable consideration of the amendment now. I know that we are nearing the end of the session, and I know that the Senator from Arizona wants action on his proposal. He deserves it, and I commend him for his initiative.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I thank the Senator from Massachusetts very much for his comments. His comments were well taken, and I would appreciate it on behalf of the committee, including the conference committee, if we could work out with the distinguished Senator from Massachusetts an agreed-to amendment. Because I think he is very correct in pointing out that there are many other members of the news media who in similar circumstances, in other countries at other times, have given their lives in pursuit of information for the American people. They pursue the great first amendment values.

We would welcome his advice in the conference and look to him and Senator DeConcini for help in that.

Mr. KENNEDY. I appreciate both the comments and the spirit of the Senator from Louisiana. I hope the amendment will be accepted and I will certainly look forward to working with the committee to reflect those sentiments.

The PRESIDING OFFICER. The question is on agreeing to the amendment introduced by the Senator from Louisiana on behalf of the Senator from Arizona.

The amendment (No. 2878) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

"SIDEKICK"

Mr. STEVENS. Mr. President, the Navy's mission to ensure free passage of the Persian Gulf to commercial maritime shipping has been conducted at considerable risk to our forces deployed in this action. I know I speak for my colleagues when I express my admiration for the conduct and professionalism of our military personnel in the gulf.

The Navy has found this action to be a profound learning experience. Some of the lessons have been tragic. The best minds have been applied to ensure that those tragedies are not repeated.

One development in response to the attack on the U.S.S. *Stark* has been an upgrade to the SLQ-32 defensive system, a modification called "Sidekick". This program provides a capability to FFG-7 class ships to counter advanced antiship missiles, such as the Exocet or the Chinese Silkworm. These missiles pose a serious threat to these vessels, which currently have limited means to defend themselves.

This upgrade provides further flexibility to the ship commander, and recent test results made available to the committee subsequent to the markup of the Defense Appropriations bill indicate that the system is ready for deployment.

I would ask the acting manager of the bill, the distinguished Senator from Louisiana, if he is familiar with these developments.

Mr. JOHNSTON. I thank the Senator from Alaska. The committee has followed the development of the Sidekick upgrade, and I agree with my colleague that this system will provide an important additional capability to ships operating in the dangerous environment of the Persian Gulf.

Mr. STEVENS. I hope that as the Defense appropriations bill proceeds to conference with the House, the committee can make some allowance to ensure that delivery of these critical systems will continue without interruption through fiscal year 1989, so that all such ships deployed to the gulf will have this capability.

Mr. JOHNSTON. I share the concern of the ranking minority member of the Defense Subcommittee, and I concur that to the extent possible, the Congress should provide a means for the Navy to continue production and installation of Sidekick systems through fiscal year 1989.

EMRLD LASER

Mr. RUDMAN. Mr. President, the strategic defense initiative research program has yielded abundant information about several innovative technologies and their potential applicability to identified military functions. Among these technologies is the short wavelength, repetitive-pulse excimer laser. The potential operational suitability of this type of laser for the ground-based laser component of an ASAT system has been acknowledged by the Defense Department.

The Air Force is currently managing the technology development portion of this program called EMRLD—for excimer, moderate-power, Raman-shifted, laser device. It is my understanding that progress has been achieved in the installation and operation of the first element of the EMRLD technology demonstrator, the master oscillator, at the White Sands Missile Test Range in New Mexico. In addition, recently reported advances in EMRLD atmospheric compensation techniques may help to address issues about the possible cost effectiveness of the short wavelength, repetitive-pulse excimer laser for designated missions.

The fiscal year 1988 Air Force and SDIO budget requests indicated an intent to jointly fund the EMRLD technology demonstrator in fiscal year 1989 in order to permit system level completion in fiscal year 1990. Currently planned funding is insufficient to support this objective.

Accordingly, Mr. President, if the Air Force and SDIO are indeed committed to realizing the goal of demonstrating the feasibility and effectiveness of the short wavelength, repetitive-pulse excimer laser, I would hope that such a commitment would be reflected in the funding levels included in future budget requests. As such, development efforts should be maintained in a manner which would preclude the premature foreclosure of this technology for military applications. An EMRLD master oscillator, power amplifier propagation demonstration may potentially benefit the entire spectrum of ground-based laser programs within the Air Force and SDIO. Failure to adopt a prudent funding profile could jeopardize continuation of this program, and I would suggest that the Air Force and SDIO consider the appropriate exercise of discretionary reprogramming authority, if necessary, in fiscal year 1989.

Mr. President, I would ask the distinguished floor manager of this bill to consider these views during the conference with the House.

Mr. JOHNSTON. I appreciate the comments of our distinguished colleague from New Hampshire, and I can assure him we will review this matter during our conference with the House on this legislation.

Mr. STEVENS. The Senator from New Hampshire has, as usual, made a thoughtful statement on a topical defense matter. I can, likewise, assure him that his views will receive every consideration during conference on this bill.

Mr. HOLLINGS. Mr. President, I would like to raise a question with the manager of the bill about the Combined Effects Munitions [CEM] Program. The CEM bomb is funded in the bill at $252.9 million under the Other Procurement, Air Force account. For the past several years, the Air Force has dual-sourced the program, and there has been a drop in its unit cost from $120,000 in 1982 to $20,000 today.

The dual-sourcing came about because Congress and the DOD have seen the advantages of competition. The program is reaching a point where a single source could be considered. If so, I think fiscal year 1990 would be the year to look at such a requirement since the Congress has not had the opportunity to analyze this possibility for fiscal year 1989. Although both the Senate and House bills are silent on this matter, I would hope the conferees would discuss it—with a view that dual-sourcing continue through 1989.

Mr. JOHNSTON. I believe the Senator is correct about the advantages of dual-sourcing. If the Air Force decides to change this arrangement—and it may very well be necessary—I agree with my colleague that it will be prudent for us to look at that. Hopefully it can be during fiscal year 1990, and we can discuss this in conference.

Mr. HOLLINGS. I appreciate my colleague's remarks and support on this issue and look forward to working with him in this regard during conference.

Mr. NICKLES. Mr. President, I wish to compliment Senator JOHNSTON and Senator STEVENS for their leadership during the consideration of the Defense appropriations bill. I wish to add my compliments to Senator BYRD and Senator DOLE for the work they have done in coming up, in my opinion, with a very fine package.

I also might make note of the fact that many items in this package are not supported by Mr. Dukakis, who seeks to be not only President, but Commander in Chief.

The bill provides funding for several programs which he opposes such as the MX missile. The bill before us includes $732 million for 12 MX missiles which he would eliminate.

We have funding for the Midgetman missile which, again, Mr. Dukakis opposes. This bill provides $50 million for this system. The authorization bill has $250 million for this same program.

Mr. Dukakis has stated in the past that he opposes the B-1 bomber. We have included R&D funding in this bill for the B-1 bomber as well. This bill also provides $3.95 billion for SDI, and Mr. Dukakis says he opposes this initiative. He said he would support it at the 1983 level, which is about a billion dollars. Again, this bill has nearly $4 billion for SDI.

He has also stated that he would scrap two planned supercarriers which were funded by Congress in fiscal year 1988. The Senate earlier this year turned back an effort to force the Navy to retire two carriers now in operation.

Mr. Dukakis stated that he supports a comprehensive test ban treaty. We do not have that in the Senate authorization bill, which has been added by reference to this appropriations bill.

Mr. Dukakis stated that he supports a moratorium on flight tests of ballistic missiles. We do not have that in the Senate authorization bill, either.

Mr. Dukakis has stated that he would not support 1 cent of funding for the Contras. Most all of the Republicans voted for a package by the minority leader, Senator DOLE, to provide funding for the Contras, including military funding. We also considered a package supported by Senator BYRD which provided for humanitarian aid for the Contras. That is in contradiction to what Mr. Dukakis called for when he said not 1 cent would go for the Contras.

Whether you are talking about strategic systems, conventional systems, or arms control provisions, there are several provisions in this bill relating to these programs which are in direct contradiction to Mr. Dukakis' position. I think that is important to note because I see his position being well outside that of the majority in the House and in the Senate.

I believe the bill we are passing today is a good bill. Both the authorization bill and the appropriations bill repudiate Mr. Dukakis' positions on national defense.

Mr. President, I yield the floor.

AH-64 APACHE ATTACK HELICOPTER

Mr. DECONCINI. Mr. President, during all of the adverse publicity being generated these days about our Nation's defense programs—bribery and corruption scandals, statements about cost overruns and weapons that don't work, and so forth and so on—I would like to bring to the attention of my colleagues a success story in the Pentagon's recent history, that of the Army's AH-64 Apache Attack Helicopter Program. Here is a weapons system that meets and even exceeds the operational and performance specifications that were set for it when R&D began way back in the 1970's. Here is a combat helicopter that the troops in the field are ecstatic to be flying and operating, one that they say is revolutionizing fighting tactics that they are practicing with the combat maneuvers such as in the European Reforger exercises. Also, here is a helicopter whose costs have come down, rather than go up, since the production program was approved by the Congress back in fiscal year 1981. I think we can all take comfort in this program, which has been strongly supported by the troops in the field that use these helicopters and has been strongly supported by the Congress that has provided the funds to produce it. I am happy to say that finally the Army and the Defense Department have also strongly supported this helicopter program in requesting a Multiyear Procurement [MYP] Program for it, and I commend the Defense Subcommittee and its distinguished chairman for their inclusion of that MYP in the fiscal year 1989 appropriations bill.

Mr. President, I would like to remind my colleagues that the latest aviation plan that the Army has put together would buy at least 975 of these AH-64 Apaches, which is coming close to the Army's procurement requirement of 1,031. The Army has had about 377 of these helicopters delivered to it by now and production is rolling along at 10 aircraft per month at this time. However, and this is a big "however," I am disturbed to learn that the Army has been taking funds that were appropriated for the Apache Program and redirecting them over into other programs. This has not been a major problem yet; it is still "below threshold" as the budgeteers term it, but it is a disturbing trend and one which should not continue or the Army will not be able to buy all of the Apache helicopters which the Congress funded and also will not be able to continue on a realistic schedule with the combat improvement developments that the Army has planned.

I would note that our counterparts on the House side also are cognizant of this general problem and their report on the Defense appropriations bill includes a prohibition on more than one below threshold reprogramming in a single fiscal year.

The Apache Program has been beset throughout its procurement history by "a long history of inaccurate cost estimating" as the Defense Subcommittee's report on this bill stated, and I commend the subcommittee and its distinguished chairman for increasing the underfunded budget request for fiscal year 1989 in order to be able to buy all of the 72 helicopters requested. Reviewing that procurement history from fiscal year 1982 when the first production was programmed up through last year, one finds that a total of 673 Apaches have been in the budget requests submitted to the Congress. Because of a combination of underfunded budget requests submitted by the Defense Department, and also budget reductions made here in the Congress, funding has been provided to buy only 603 Apache helicopters, a total reduction of 70 of these attack helicopters. The point is that there could have been a lot more of them funded and in the current production pipeline if the budgets had been tinkered with along the way, and this certainly is not the time for the Army to be siphoning off procurement or R&D funds from this high priority program which already is some 70 helicopters behind the original procurement schedule.

I would ask my good friend and distinguished colleague who is managing the bill, Mr. JOHNSTON, if he would concur that this is an important, successful, and high priority program that the Army should not be using as a source of funds for other programs.

Mr. JOHNSTON. I thank my distinguished colleague, Mr. DECONCINI, for his observations about the Apache Program. As he has said, it is a very successful weapons system and it certainly will be at the forefront of our antiarmor defenses in any future combat situation. It consistently has been the committee's position that we need all of the Apaches the Army has requested each year, and we need them operational as soon as we can get them. I do concur that this program should not become a source of funds to bail out other programs, and the Army should keep the funds in the Apache Program just as the Congress intended.

NAVAL SEALIFT SUPPORT EQUIPMENT

Mr. DIXON. Mr. President, just a few days ago my good friend the senior Senator from Nebraska, Senator EXON, spoke on the floor regarding the funding for naval sealift support equipment in the House appropriations bill, contrasting that funding with the funding in the Senate appropriations bill. My friend pointed out that a specific item "sea sheds" in the sealift support equipment line had been increased by the House and implied that this would be over purchasing this item according to the Navy.

Mr. President, my staff had a meeting with the Navy on this report. The Navy report said that its requirements for the equipment necessary to modify container ships to handle heavy troop equipment has been cut in half. This preliminary report and I stress that it is only a preliminary report stated that only 47 container ships will be available for mobilization purposes by the year 2000. Thus according to this preliminary report the Navy is considering reducing its acquisition targets for sea sheds from 2,000 to 1,000.

Mr. President, over that last few years both the Armed Services Committee and my good friends on the Appropriations Committee have called for more input from the unified commands. Now last year before my Subcommittee on Readiness, Sustainability and Support, Gen. Thomas C. Richards, Deputy Commander in Chief, U.S. European Command, stated "* * * insufficient strategic sea lift exists to execute a major deployment in support of contingency operations. * * * We urge your continued support for such programs as the Navy's seashed/flatrack equipment enhancements for container ships * * *."

Mr. President, I asked my staff to contact Gen. Duane Cassidy, Commander in Chief, U.S. Transportation Command, to see if his command knew of this changed requirement. Their answer was no and they have at my request contacted the Navy to review their information.

Mr. President, this program is not being overfunded, the reasons given to support this reduction do not strike me as sufficient. I am distressed that the Navy only be reluctant to buy equipment which will be used for another service.

Mr. President, I ask unanimous consent that my letter to General Cassidy be printed in the RECORD, and I urge my colleagues in conference to agree to the House funding figure for the Sea Shed Program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 26, 1988.

Gen. DUANE H. CASSIDY, USAF,
Commander in Chief, U.S. Transportation Command, Scott Air Force Base, IL.

DEAR GENERAL CASSIDY: I am writing to you regarding the strategic Sea Lift program and its likely direction in the future. As you know, the Joint Chiefs are now in the midst of a revised InterTheater Mobility study. I am concerned about this reevaluation of the mobilization lift requirements.

Charles Smith of my staff was recently given a short brief by the Navy on the impact of the study of the Sea Lift program. The Navy said that its requirements for the equipment necessary to modify container ships to handle heavy troop equipment (tanks, self propelled artillery, etc.) has been cut in half. The Navy stated that only 47 container ships from all sources will be available for mobilization purposes by the year 2000.

Furthermore, container ship cell guides must be strengthened before sea sheds and adapters are placed in the ships. This strengthening will take so long that other vessels will have been loaded, travel to Europe, unloaded and return to the states in time to be loaded again. Thus the Navy has reduced its acquisition target for sea sheds and adapters from 2000 sea sheds to 1000 and from 600 adapters (CCSA's) to 350.

Because I am aware of the mobilization requirements of 10 divisions in 10 days, I find this reasoning difficult to accept. The fastest crossing to Europe was 3.5 days by a passenger ship so I do not understand how a fully loaded vessel can make better time? I realize that the unloading of vessels has greatly improved, but is the operation now so speedy that this kind of load/unload turnaround is possible?

In testimony before the Subcommittee on Readiness, Sustainability and Support which I chair, General Thomas Richards stated: ". . . insufficient strategic sea lift exists to execute a major deployment in support of contingency operations. Continued shortfalls in air lift are also well documented. We must continue to alleviate this problem of insufficient lift by increasing the levels of prepositioned equipment and supplies and by enhancing lift capabilities."

Our mobilization requirement for one theater is great, and I am very concerned that underfunding this requirement will severly hurt our mobilization capability. The reasons given to support this reduction do not strike me as sufficient. I am distressed that the Navy may only be reluctant to buy equipment which will be used only by the Army.

I would greatly appreciate it if you would carefully review this matter and advise me of your findings and views.

Thank you for your time and cooperation.

Kindest personal regards.

Sincerely,

ALAN J. DIXON.

Mr. CONRAD. Mr. President, I will vote against the fiscal year 1989 appropriations bill for the Department of Defense because I believe that it provides more spending for defense than this country can afford.

Since the beginning of the current administration over 7 years ago, our national debt has nearly tripled and our trade deficit has reached unprecedented levels. In fiscal year 1981, the total Federal budget deficit was $79 billion. The most recent estimates by the Congressional Budget Office show the Federal deficit rising from $150 billion in fiscal year 1987 to $161 billion in fiscal year 1988 and to $165 billion in fiscal year 1989. Despite the actions taken at the budget summit last winter, the deficit is still moving in the wrong direction.

One of the reasons the deficit is still growing is that our overall level of defense spending has increased significantly. This particular Defense appropriation of $282.6 billion in new obligation authority represents an increase of over $3 billion from fiscal year 1988. I believe that more can and must be done to restrain the growth of the Pentagon's budget.

The United States currently spends over 6 percent of its gross national product on defense, including our alliance obligations. Our European Allies spend on average about half this amount, or about 3.4 percent, while Japan spends about 1 percent. I believe this disparity in defense spending shows that the United States spends more than its fair share to support these alliances.

Mr. President, I have been a vocal proponent of greater allied burdensharing for quite some time. Even though I rise in opposition to this appropriations bill because I believe we must do more to reduce the Federal deficit, I welcome the provisions which focus on increasing the contributions of our allies in support of our mutual defense alliances. Secretary Carlucci and Deputy Secretary Taft have been discussing burdensharing concerns with our allies in Europe and the Pacific. Our European Allies have begun discussing ways to increase their support of our mutual defense requirements. The Japanese are increasing their support of United States troops stationed in Japan. It is apparent that congressional efforts to pursue a more equitable distribution of the cost of defending our alliances are beginning to be taken seriously.

I believe it is most important to continue these efforts. Burdensharing provisions in this appropriations bill demonstrate congressional seriousness in addressing various areas where our allies can and should do more. I will continue to encourage actions to insist our allies assume a fairer share of the common defense burden, and hope that the next administration will move quickly to advance and expand these efforts.

I support a strong national defense. However, a strong defense is based on a strong economy. Mr. President, I do not characterize our economy as strong. The combination of huge budget deficits and tight money puts this country's economy under enormous pressure. High real interest rates—which led to unfavorable exchange rates and, in large part, the trade deficit—won't come down sufficiently until we make progress getting the deficit under control. Interest payments on the debt—which will total about $166 billion in fiscal 1988—have grown more rapidly since 1980 than any other category of the budget. All of our programs, including defense, suffer because of the inability to make serious progress in reducing the deficit.

I believe that we can maintain a strong defense, and reduce defense costs, if we begin to prioritize. I believe that efforts to improve the efficiency of our overall defense must continue. We must also make tough choices over selection of future weapons systems as well as how to deploy the weapons systems we have. These choices will only become more difficult in the future. We must accept the fact that we simply cannot afford to build and deploy every weapons system that is proposed.

Mr. President, my vote in opposition to final passage is based on budgetary considerations. I do not believe that enough restraint has been exercised in selecting our defense priorities. In my judgement, greater restraint in defense spending is warranted and crucial to any serious effort to bring the Federal budget deficit under control.

Mr. QUAYLE. I would like to engage the distinguished floor manager of the Defense Appropriations Act, and the Senator from Virginia [Mr. WARNER] in a brief colloquy.

Mr. President, this will only take a few moments. It concerns a very important subject, the continued funding of the Lightsat Program in the Defense Advanced Research Projects Agency, better known as DARPA. This program is designed to provide responsive, relatively inexpensive, spaceborne support to our battlefield commanders in conflicts where the use of our national space assets might be denied due to Soviet attacks against our satellites or our key ground-based satellite support facilities.

As Secretary Carlucci noted in his annual report to Congress this year, DARPA was directed by Congress to push the Lightsat Program "owing to the critical nature" of the potential vulnerability of our existing space assets in war. Mr. Carlucci, in fact, listed Lightsat as one of his three major DARPA initiatives.

Congress appropriated $35 million in fiscal year 1988 for the Lightsat Program and $34 million was recommended by both the House and Senate Appropriation Committees for fiscal year 1989.

Mr. President, as these facts make clear, the Lightsat Program enjoys congressional support. It is a critical effort and it deserves to be continued.

I would ask my colleagues if they agree with that position.

Mr. JOHNSTON. Mr. President, our committee and its defense subcommittee are strong supporters of pursuing the operational and technological potential of the Lightsat Program. I would agree with the Senator from Indiana.

Mr. WARNER. Mr. President, I agree with the facts as stated by the Senator from Indiana and would add that the thrust of the Advanced Space Technology Program, of which the Lightsat Program is the principal component, also enjoys the support of the Army, Navy, the Defense Department's Secretariat for Policy, the Commander in Chiefs for Europe, the Pacific, Space, the Atlantic and for special operations forces, and the Defense Policy Board.

Mr. QUAYLE. Mr. President, I thank the Senator from Virginia, and appreciate him making this point clear. Given the sums of money involved in the Lightsat Program and the very critical problem it is designed to address, it would be a mistake to allow any of its fiscal year 1988 or fiscal year 1989 funding to be redirected or reprogrammed to other programs.

This is particularly true during the transition to a new administration that will have to look at feasible and affordable levels of space-borne support for our operational commanders. We should protect the options afforded by the Lightsat Program. Certainly, all the moneys Congress has appropriated for fiscal years 1988 and 1989 for the Lightsat Program should be set aside for this purpose.

I would ask my colleagues from Louisiana and Virginia if they concur.

Mr. JOHNSTON. I do. The committee and subcommittee expect that the Lightsat funding appropriated for fiscal years 1988 and 1989 will be used for the purposes for which it was appropriated.

Mr. WARNER. Mr. President, I do concur with the Senator from Indiana. We should preserve options for the next President to improve space-borne support of our operational forces.

Mr. QUAYLE. Mr. President, I thank the Senators.

Mr. QUAYLE. Mr. President, I would like to engage the Senator from Louisiana, Mr. JOHNSTON, in a brief colloquy.

Mr. President, this colloquy concerns funding for the Follow-on to Lance [FOTL], a threater nuclear modernization effort that General Galvin, our SACEUR commander, has stated is one of his highest priority concerns.

Mr. President, General Galvin has made it clear that the timely development of a follow-on to the Lance missile is critical not just to deter Soviet first use of nuclear weapons, but to keep conventional Warsaw Pact forces from concentrating their fire power against NATO ground and air units.

The current missile assigned this mission is the aging, inaccurate, vulnerable short-range Lance, which will be taken out of service by the late 1990's.

Mr. President, the Defense Department requested $15 million for the FOTL effort. The Senate Appropriations Committee, however, cut this figure to $7.5 million. This figure is higher than the $5 million the House Appropriations Committee appropriated for the program and is the clear preference of the Defense Department since it would delay the FOTL effort by 6 months rather than a full year.

Mr. President, I initially supported the entire $15 million requested for the FOTL effort to assure that we can meet the SACEUR's requirement for an initial deployment of a follow-on to Lance by 1995. Certainly, I believe any cuts made below the Senate Appropriation Committee's mark of $7.5 million would seriously undermine our efforts to persuade other NATO nations that we are serious about meeting SACEUR's nuclear modernization requirements. More important, I believe that this, in turn, might only undermine our ability to secure the cost sharing and codevelopment agreements with European NATO members that the Senate Appropriations Committee is seeking.

For these reasons, I believe it is essential that the Senate Appropriations Committee conferees resist any efforts in conference to reduce their $7.5 million figure over the House figure of $5 million.

I would ask my colleague if he agrees with that postition?

Mr. JOHNSTON. Mr. President, I do agree with the position offered by the Senator from Indiana. Our committee supports the appropriate modernization of NATO's ground-based, short-range nuclear deterrent forces.

Mr. QUAYLE. Mr. President, I thank the Senator from Louisiana.

LONG-RANGE CRUISE MISSILE

Mr. QUAYLE. Mr. President, I would like to engage the Senator from Louisiana, Mr. JOHNSTON, in a brief discussion.

Mr. President, this will only take a few minutes, but it is a very important subject. It concerns the administration's fiscal year 1989 request for the development of a long-range conventional cruise missile which the President's bipartisan commission on integrated long-term strategy identified as being critical to our security future. The Committee on Appropriations has consolidated this effort, and seven other Air Force and Defense Agency projects, into the Joint Standoff Weapons [JSOW] Program.

Three of these projects, the long-range conventional cruise missile, the cruise missile advanced guidance project, and the advanced cruise missile technology propfan engine have been identified by the Pentagon as being critical to a flight demonstration of a long-range conventional cruise missile by 1991. The consolidation of these projects and the other projects into the Joint Standoff Weapons Program was intended to facilitate development by eliminating duplication and improving the coordination of standoff weapon programs.

To keep the long-range conventional cruise missile effort on schedule, and to take full advantage of critical technology demonstrations that lend themselves to the next generation of cruise missiles, though, it is essential that we keep these three projects under unified management with the prime object of developing a long-range conventional cruise missile. They should be considered to be one effort along with one other project, the engine model derivative project, and be managed as if one program once they are transferred to the Joint Standoff Weapons Program Office. If possible, one other closely related project, the tactical laser radar seeker [TLS], also should be more closely integrated into the effort to develop a long-range conventional cruise missile as long as the TLS's tactical applications are not compromised.

I would ask my colleague if he agrees with that position.

Mr. JOHNSTON. Mr. President, I agree with the Senator's suggestions.

Mr. QUAYLE. Mr. President, I thank the Senator from Louisiana, and appreciate his support on this important issue. I understand that the administration requested substantially more funding for the long-range conventional cruise missile than was appropriated by the Senate committee or than was authorized. I trust when the appropriations bill goes to conference that the Senate conferees will resist efforts to reduce the funding levels it has recommended in the JSOW Program, especially for the long-range conventional cruise missile project.

Mr. JOHNSTON. Mr. President, I concur with the Senator from Indiana.

1 PERCENT FOR PEACE

Mr. LEAHY. Mr. President, our Government is now spending $300 billion each year on defense—and we will soon approach $1 billion a day. Some 15 to 20 percent of the Defense budget, about $50 billion, goes for weapons of mass destruction. It is a sad irony that with all the remarkable advances of modern civilization the world is a more dangerous place today than at any time in history. We live just 30 minutes away from total annihilation. We can destroy much of the Earth in a matter of hours, and yet every day we spend another $150 million to add to that destructive nuclear arsenal.

The American people deeply long for an end to the arms race, on Earth and in space. They do not want a wasteful, economically useless, hideously expensive buildup of more and more deadly weapons that only put our childrens' future in greater jeopardy. Our national character is to find solutions to problems, to build for the future, to overcome barriers. In many elections and public opinion polls, the American people have shown over and over again that they have no interest in international power politics. What they want are arms control agreements, a stable international order, the negotiated resolution of conflicts, and the ability to live in peace and security.

During the past 8 years, rather than define defense more comprehensively than in the past, to include a vibrant, competitive economy, better schools, health care, and jobs for all Americans, the Reagan administration has opted for a massive increase in military spending. To pay for more weapons, the administration has run up staggering Federal deficits, slashed vital domestic programs, and exposed our financial house to ruin. Rather than meeting the needs of a rapidly changing world where awakening peoples no longer accept oppression, injustice, and poverty unquestioningly, it has chosen to put its faith in the old instruments of power and prestige, supporting wars, insurgencies, and covert actions aimed at governments it does not like.

Many, many Vermonters have opposed these huge increases in military spending. Literally thousands have appealed to me personally and to other members of the Vermont delegation for more worthy policies than this outdated and counterproductive reliance on military power. They have written letters, signed petitions, held vigils, written articles, sat on buses overnight to join marches in Washington and lobby Congress, and exercised their right of peaceful protest. Throughout this period they have never given up trying to resign in what President Eisenhower so aptly called the military-industrial complex.

I am pleased to call to the Senate's attention a new effort by Vermonters to find an escape from this dilemma where more and more spending on weapons makes us less and less safe.

Ben & Jerry's, a Vermont company famous for its delicious ice cream, has joined a nationwide campaign to reorder our national priorities, to make them more in keeping with the realities and needs of the coming century. This campaign, called 1 percent for peach, is dedicated to persuading Congress to set aside 1 percent of the defense budget to support citizen and cultural exchanges and cooperative international ventures in science, business, the arts, education, and other fields to promote international understanding and cooperation.

This nationwide campaign was founded in the belief that a peaceful and secure future depends on a growing cooperation and understanding between ourselves and other nations and cultures, in addition to a healthy economy and environment, full employment, an adequate national defense, and full participation in democracy. Ben & Jerry's is one of a growing number of private companies that are setting an example for the U.S. Government by pledging to donate 1 percent of their yearly profits to private organizations that are working toward these goals.

Obviously, redirecting 1 percent of the defense budget to promote "international understanding" is a lofty goal, at this stage perhaps more a motivating ideal than a practical action plan. Indeed, many people would dismiss it out of hand as hopelessly naive and idealistic.

Others might ask, what does the military budget have to do with promoting international understanding? Ben Cohen, one of the founders of Ben & Jerry's explains it this way: "Think of it as R&D for the military. If we spend more to improve understanding between us and the Soviet Union we don't need to spend so much on ways to destroy each other."

Of course, we are a long way from seeing legislation that shifts even a tiny fraction of the military budget to private organizations to support programs aimed at expanding international understanding and conflict resolution. Proponents of 1 percent for peace would be among the first to agree that there are many difficult problems to be solved about how such funds could be controlled, allocated, used effectively, monitored, and evaluated. There are complex technical and legal issues to be addressed before 1 percent for peace can evolve from an inspiring idea to a practical action program. But, 1 percent for peace is hard at work on these problems.

But even at the outset, 1 percent for peace can help focus public attention on perhaps the greatest problem of our time—how to get away from war as an accepted way to solve international disputes and to increase efforts to solve the underlying causes of conflict. I support that goal as I know milions of Americans do, and I applaud Ben & Jerry's and other citizens and businesses that are trying to do something positive to achieve it.

SIXTH INFANTRY DIVISION

Mr. STEVENS. Mr. President, Alaskans, perhaps more than other Americans, are aware that our State is closer to the world's potential hot spots than most places in the lower 48 States.

Anyone familiar with the polar projection of the globe understands Alaskans' concerns in that regard.

For that reason, the people of my State welcomed the Army's decision to station the Sixth Light Infantry Division in Alaska.

The forces of the Army's light units are capable of short notice deployment, with specialized equipment to operate from the tropics to the arctic.

The Alaska division can respond to emergencies in the Far East more quickly than the division in California, and to the NATO theater faster than the division in New York.

In the initial crash to meet the budget summit targets for fiscal year 1989 there was some consideration given to limiting the full deployment of the Sixth Light Infantry Division.

However, the Secretary of Defense, after meetings with the Alaska congressional delegation, reached the conclusion that the Sixth Light Infantry Division must achieve full operational capability.

As a result of these meetings, the Sixth Division will now include a new Alaska National Guard battalion, to complement the active Army at Fort Richardson near Anchorage and Fort Wainwright near Fairbanks.

The Alaska National Guard battalion testifies to the success of the total force concept adopted by our Armed Forces. The reserve component, made up of all Alaskans, is a full partner in our Nation's defense.

Funding in this Defense appropriations bill is included to meet the initial personnel and equipment requirements for our Alaska National Guard battalion.

As scheduled, the headquarters of the Sixth Division will move next year to Fort Wainwright. The activation of one battalion at Fort Wainwright, deferred for 1 year, will take place in 1990.

The military construction funds to provide facilities and housing at Fort Wainwright are on track. The Sixth Light will be able to meet its commitments on schedule.

Alaskans have always honored and supported our national defense forces. With the intensity of Soviet ground forces in the eastern reaches of the U.S.S.R. at an historical high, the Sixth Light Infantry Division is a particulary welcome presence in our State.

It is also vital to the defense of our Nation.

Thank you, Mr. President.

DEFENSE PROJECTS IN ALASKA

Mr. STEVENS. Mr. President, the strategic importance of Alaska in our Nation's defense has been understood by Alaskans and by our military leaders for a very long time.

Our potential adversaries also recognize Alaska's military significance. They, too, are aware of the truth of Gen. Billy Mitchell's words, spoken early in this century, that whoever controls Alaska controls the world.

Almost every week, F-15 pilots from the Alaskan Air Command intercept Soviet Bear aircraft on practice attack runs near Alaska. The incidence of those interceptions has increased dramatically this year.

The Defense appropriations bill we consider today provides for sophisticated technology that will pay dividends in continuing and improving our early warning capability. That is good news for Alaskans and for all Americans.

The Alaska site for the over-the-horizon Backscatter radar system is the lynchpin in a nationwide network of early warning radars to protect our Nation from an advanced cruise missile threat.

The Backscatter network of long-range radars is equally important in providing the early warning critical to intercepting Soviet bombers headed toward the United States.

This bill contains the funding for the radar hardware for Alaska over-the-horizon Backscatter site. Military construction funds for the operational control center in Alaska have already been approved.

The Air Force's plans to install an air combat maneuver instrumentation range in interior Alaska is another development in maintaining top cover for our Nation. Pilots from all branches of the service, not just the Alaskan Air Command, will utilize its advanced technology.

The defense of Alaska is of fundamental importance to the strategic defense of our country. There's no question about that.

I support these programs—the over-the-horizon Backscatter radar and the air combat maneuver training range—wholeheartedly. I believe these programs are important factors in our national security. Our investment in them will pay dividends far into the future.

Thank you, Mr. President.

Mr. DeCONCINI. Mr. President, last week, President Reagan vetoed the 1989 Defense authorization bill which the House and the Senate had agreed upon after long hours of negotiations and compromise with the President's own team. His national security adviser, Colin Powell, his Secretary of Defense, Frank Carlucci, and the ranking Republican on the Senate Armed Services Committee, Senator WARNER, all urged him to sign the bill. I am convinced that this politically astute President was the recipient of bad advice from the Republican pollsters. Unfortunately, the President has sacrificed our national security on the altar of election year politics. He has chosen to weaken our defense policy in order to defend the candidacy of GEORGE BUSH.

For the first time in his administration, the Congress fully funded the President's defense budget request. As a result of last year's 11th hour budget summit, funding levels for defense spending were agreed upon in a bipartisan manner. Congress has held up its end of the bargain and acted in good faith.

President Reagan requested and the Congress authorized a $299.5 billion defense budget for fiscal year 1989. In the previous 7 years, the President's Department of Defense budget request was cut by amounts as high as $20 to $30 billion a year. For instance, in 1986, the President requested $322 billion for defense and Congress agreed to $289 billion, a $33 billion cut. Still, President Reagan did not veto that bill nor any of the other authorization bills during his term. In fact, as one of my colleagues noted last week, Congress only made $4 billion in changes in the fiscal year 1989 $299.5 billion defense bill. In fact, the President asked for $299.529 billion and Congress approved $299.590 billion—an increase.

This year, however, things are differnt. This year, 1988, is an election year. This year President Reagan achieved full funding of his defense budget request and yet he vetoed the bill. We should be dealing with our Nation's security for the coming decade, not which party will gain a few points in public opinion polls in the coming months. Defense and national security are serious and substantive policy concerns. They should not be sacrificed to election year politicking.

Consider the names of those who opposed the veto. The President's Secretary of Defense, the President's national security adviser, and the President's Joint Chiefs of Staff. The leading defense experts in the Republican Party in the Senate, my friends Senator WARNER and Senator STEVENS and Senator THURMOND, did not want this bill vetoed. But, I guess Vice President BUSH asked for a veto. I guess political pollsters and campaign managers dictate defense decisions rather than the Secretary of Defense and the national security adviser. Sadly, the President's veto is election year politics at its very worst.

Mr. President, the veto message to Congress specifically mentioned three items upon which the veto was based. Those three areas are a cutback in the funding for the President's strategic defense initiative, or SDI; a redirection toward conventional arms rather than strategic weapons; and accusing Congress of micromanaging the defense budget. Let us examine these three accusations.

The conference report provided $4.1 billion in funding for SDI. This is an increase of nearly $200 million over the funding for SDI approved by Congress for the current fiscal year. Last year, however, the President requested a 60-percent increase in SDI funding. Congress did not approve the President's request for a 60-percent increase or $5.8 billion for SDI. Yet, the President did not veto the defense bill. Since 1983, Congress has steadily increased the strategic defense initiative's budget. Research has progressed at a respectable and reasonable rate. I strongly support that research. I cannot think of any program which should be drastically increased by 60 percent in a single year.

The President expressed additional SDI concerns about the type of research allowed with these funds. The President would like to see further spending on space-based interceptor [SBI] missiles. Recent reports on SDI, including internal Pentagon reports, raised serious questions about the near-term feasibility of the SBI system. Therefore the conference instead focused SDI research on more achievable and cost-effective goals. It includes full funding of the President's request on ground-based interceptor rockets and a free-electron laser. These ground- launched missiles could intercept weapons launched against the United States by accident. This is a more rational goal for SDI which balances our overall defense requirements.

The President accused the Congress of diverting money from strategic programs to conventional programs. It is precisely in conventional weapons—tanks, helicopters ammunition, antitank missiles—that we fall far behind the Soviets and the Warsaw Pact nations. NATO studies indicate that the Warsaw Pact has 2 to 1 and 3 to 1 ratio advantages over NATO in helicopters, tanks, and artillery. Accordingly, Congress added $120 million to the Apache, Blackhawk, and AHIP helicopter programs that the administration wanted to sharply reduce. Congress added $100 million for an antitank initiative, where the Soviets are trying to maintain an edge. Congress also added $280 million to buy 110 more tanks, since the request was the lowest number of tanks ever requested by this administration. Congress also added money to increase the rate of production and lower the unit cost to taxpayers of some of our key weapons systems, such as the Navy's F-18 fighter and the Army's Apache helicopter. Does this sound like a Congress weak on defense? Vice President GEORGE BUSH, his campaign manager, and political pollster would like us to think so, but it just isn't true.

In the conference report, the other strategic missile systems receive nearly full funding for modernization and improvements. Consider these figures: the Trident II missile is fully funded with $1.63 billion for 66 missiles, $1.23 billion for the Trident submarine, $732 million for continued procurement of 12 MX missiles, and $8.1 billion for the Department of Energy's nuclear weapons budget. When all the strategic programs are added together, only $1.5 billion has been cut from the President's $50 billion strategic weapons request. That represents a mere 3-percent change in funding of these crucial programs. The political process is one of give and take. No one should expect to get everything he wants. Yet, even in this area, the President was very successful yet GEORGE BUSH urged a veto.

With regard to the controversial ICBM modernization, this bill provides $250 million for the Rail Mobile MX, $250 million for Midgetman, and $250 million that the next President can apply to either system or some other plan. The bill does not select one system over the other. It is only fair to let the next President decide the direction this country should pursue on the modernization of our missile systems.

Finally, the President said that the Congress has micromanaged the Defense authorization bill. Congress has provided $300 million for an innovative and creative drug interdiction effort. This would designate the Department of Defense as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. A veto postpones this new role to fight drugs. A veto says that fighting drugs is not as important as fighting for points in the polls.

If creating a drug interdiction program is micromanaging and deserving of a veto, when we in Congress should do more micromanaging. Congress also added $840 million for increased equipment and installations for our National Guard and Reserve Forces, which the Defense Department underfunds every year knowing full well that Congress will add the money back. Arizona's Guard and Reserve Forces vitally need this support and use it in a very cost-effective manner. Again, if this is micromanaging, so be it. It is the type of micromanagement that strengthens and improves our national defense.

This Defense authorization bill actually exceeds the President's budget request. This bill improves our conventional weapons readiness, especially in light of the recent INF Treaty which decreases emphasis on the strategic weapons. This bill helps in the war on drugs. This bill ensures a strong defense for our country. And this bill was supported by Democrats and Republicans, the Defense Secretary, and the National Security Adviser, and a majority of the House and Senate. Yet the President heeded the advice of Vice President BUSH and his pollsters.

This administration should be more concerned about the defense contractor scandal in Arlington than the Gallup polls in America. Unfortunately, the defense and security of our country have become political pawns in election year politics.

Mr. PELL. Mr. President, I decided to cast a vote of conscience against the Defense appropriation bill out of a sense of pity for the taxpayer. As I stood on the Senate floor, I thought about the needs of this country, the needs of our citizens, which are unmet and even unaddressed because our priorities are wrong.

As I reflected, it simply struck me that we are spending too much on defense, that the appropriation bill was just too big. So my vote was a vote against the inordinate size of the total military establishment.

I believe in a strong defense and favor greater reliance on the stabilizing force of our submarine fleet, as well as expansion of our conventional, nonnuclear forces.

But much of this bill is devoted to other complicated machines of dubious worth, at a time when the integrity of the procurement system is being seriously questioned. So when it appeared that the measure was going to be shouted through by an overwhelming majority, I just felt that someone should speak up for the opposition. So I decided to follow my conscience and vote no.

Mr. JOHNSTON. Mr. President, I believe we are ready for third reading at this time.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

JOHN STENNIS

Mr. JOHNSTON. Mr. President, before we finally pass the bill, I would note that this is the last defense appropriations bill to be passed under the leadership of the distinguished Senator from Mississippi, Mr. STENNIS. His contributions to the national defense of this country are without parallel in the history of the country. He has led our committee. He has led the country in national defense issues.

He has stood like a beacon to the whole Congress in his leadership. He has been an inspiration to us. He has led us through good times and bad times and easy times and tough times.

Mr. President, I think that this moment should not go by without the Senators noting the significance of it and realizing the tremendous vacuum that will be left when Senator STENNIS is no longer in the leadership of this committee.

His leadership will be missed. His warm companionship will be missed. He is irreplaceable as a friend, as a Senator, and as a national leader. I very much regret that he will not be with us for as long as any of us are in the Senate. We will miss him very much.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, just one note, and that is that this is the 13th and the final appropriations bill to clear the Senate. It will be possible with a little luck and a lot of hard work to get all 13 of these bills through conference committees and on the President's desk. It will be possible to avoid a continuing resolution, which is a great event, indeed.

Mr. President, just briefly, I think we should also take note of the staff work. We have a very lean and mean staff on the Defense Appropriations Subcommittee, and they have done a monumental job. Our lead on the staff is Frank Sullivan; Charley Houy; Ed Swoboda; Jay Kimmitt; Peter Lennon; Steve Cortese; Jane McMullan; Scott Gudes; Mary Marshall; Karen Cook, and Terry Davis on the majority side. Sean O'Keefe and Penny German and others on the minority side have done a really outstanding job.

To those who say that we are overstaffed and underworked, I would invite them to come see the staff of the Defense Appropriations Subcommittee. They would know that those comments at least are not correct with respect to that committee and that staff.

I think we are ready for final vote, Mr. President.

Mr. STENNIS. Mr. President, may I be recognized for half a minute?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I appreciate very much the remarks of the Senator from Louisiana. I want to respond briefly but will not do it now. I thank the Chair.

The PRESIDING OFFICER. The question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN] and the Senator from Connecticut [Mr. WEICKER] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—90

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—4

Conrad
Hatfield
Pell
Proxmire

NOT VOTING—6

Biden
Cochran
Exon
Kasten
Pressler
Weicker

So the bill (H.R. 4781) was passed.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill (H.R. 4781), as amended, was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. SANFORD) appointed Mr. STENNIS, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. CHILES, Mr. JOHNSTON, Mr. BYRD, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. STEVENS, Mr. WEICKER, Mr. GARN, Mr. MCCLURE, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. COCHRAN, and Mr. HATFIELD conferees on the part of the Senate.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the platform committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of H.R. 4781, the Fiscal Year 1989 Department of Defense Appropriations bill. I desire the Record to show that, were I present, I would vote "aye" on final passage of H.R. 4781.●

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Senators will take their seats and clear the well.

The majority leader.

Mr. BYRD. Mr. President, I want to compliment our managers, Senator Stennis, Senator Johnston, and Senator Hatfield on the skill with which they managed the 13th regular appropriations bill; the biggest of them all, the DOD appropriations bill. They have demonstrated the kind of teamwork that the Senate is known for. And they conducted their hearings, the markup on the bill, and they have managed the bill on the floor with the kind of expertise that should make us all want to emulate them.

I am very proud of the work they have done, the cooperation between them, and I want also to compliment Senator Nunn, Senator Warner, who are the chairman and ranking member of the Armed Services Committee, who had a great deal of input into this bill. It was with their help, and the help of the Republican leader that we were able to move through this DOD appropriations bill, a mammoth bill, and dispose of it in really short order.

There were a great number of amendments that were adopted or disposed of one way or another—and Senator Stevens. I almost overlooked him. I would not want to do that. Senator Stevens. It was with his skillful management also that I think this Senate has done a week's work in 2 days.

So, I compliment them, I state that I am very proud of them. And I thank them for my part personally, and on behalf of the Senate.

Mr. STEVENS. Mr. President, would the distinguished majority leader yield to me for just one observation?

Mr. BYRD. Yes; I am glad to.

SENATOR JOHN C. STENNIS

Mr. STEVENS. Mr. President, I previously said that I hope the time my good friend from Mississippi made his last statement on this bill that we would all be here. He chose not to make that statement which is in his control. He has that way. I remember when I wanted to make a motion when he was the chairman of the Appropriations Committee. He just did not recognize me, Mr. President. He has his own way of deciding when he will receive public acclaim and when he will not.

But I would point out to my good friend from West Virginia this is the final time that the distinguished President pro tempore, and the chairman of the Appropriations Committee, will present to the Senate a defense appropriations bill.

I think we ought to mention that, and we ought to ask that we sort of suspend tradition a bit and give my good friend the recognition he deserves for the long service he has given to the Appropriations Committee.

I served there with him now for almost 20 years, and I know the distinguished Senator from West Virginia has been there longer, serving on the Appropriations Committee with him. I am indebted to him for what he has taught me, and I think he has presented to a series of Senators who served on the committee a standard of excellence in public service that all of us hope to achieve, although many of us realize we can never come close to.

So I would ask that the leader allow us to recognize our chairman and his role today in this historic moment for us.

Mr. BYRD. Mr. President, I have served 30 years on that committee with Senator Stennis. I served on the Armed Services Committee for a good many years with Senator Stennis. And I have always found him to be a pillar of strength in support of the leadership, and a man of the highest integrity, a man who has demonstrated the kind of character that every man would want and should try to achieve.

Mr. President, I will lose from this Senate a good friend, and a great chairman, and a splendid colleague when Senator John Stennis retires.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes so that Senators may personally thank Senator Stennis today, but before the Chair puts that question I hope we will all demonstrate our affection and fondness by giving Senator Stennis a standing ovation.

(Applause—Senators rising.)

There being no objection, the Senate, at 2:49 p.m., recessed until 2:51 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Sanford].

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business, not to extend beyond 45 minutes, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, there will be other rollcall votes today. There is a resolution that has been introduced by Senator Lautenberg, and there will be a very brief period for debate on that resolution. There will be a rollcall vote on that resolution.

There will be a rollcall vote on the nomination of the new Attorney General, Mr. Thornburg.

There will be a rollcall vote or rollcall votes, probably—there could be rollcall votes—in relation to the conference report on the supplemental appropriations bill. There could be a vote or votes on that, depending on what happens.

I yield to Mr. Dole.

Mr. DOLE. Mr. President, I appreciate the majority leader yielding.

We have a number of people on this side who hoped they might not be here today, but we would like to get out as early as we can.

So far as the supplemental is concerned, we know of no problems on this side and do not even have a request for a vote on that. There would not be one with respect to the Attorney General. I do not know when the majority leader would like to bring that up.

On the resolution, we are prepared to do that immediately.

What I am looking for is some indication so that I can tell Members on this side of the aisle—and, I assume, the other side has an interest, too—when we might complete our work today.

Mr. WARNER. There is also the subject of a freestanding Armed Services authorization bill—that has been discussed—to which might be coupled legislation which would be in the minds of the two leaders.

Mr. DOLE. If that can be done, I hope we can do it by unanimous consent and not have votes. We are willing to cooperate with the leadership on that and with the chairman of the committee.

Mr. BYRD. I thank the distinguished Republican leader. Let me get back to him shortly on the question he poses.

I yield to Mr. Stevens.

Mr. STEVENS. Mr. President, this Senator has not had lunch yet, but I intended to make statements before the bill was passed, and I wonder if it would be in order that I have the last 7 minutes of that 45 minutes.

Mr. BYRD. Absolutely—and beyond that, if the Senator wishes.

Mr. STEVENS. I would like to have the last 7 minutes of the 45 minutes reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wonder if Mr. Lautenberg is prepared to proceed with his measure immediately.

Mr. LAUTENBERG. In 2 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote occur on the adoption of Senate Resolution 461 at 3:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that there be 10 minutes of debate, beginning at 3:20 p.m. today, the debate to be equally divided between Mr. Lautenberg and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, have the yeas and nays been ordered on this resolution?

The PRESIDING OFFICER. No; they have not.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on Senate Resolution 461.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays on Senate Resolution 461.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, until 3:20 p.m., I ask unanimous consent that morning business continue and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT C. BYRD, MAJORITY LEADER

Mr. BREAUX. Mr. President, over the years, I have known quite a number of outstanding teachers, educators, coaches, and leaders from all walks of life. Great leaders have a lot in common, but two characteristics, I think, stand out in all of them.

First, great leaders all know their professions exceedingly well. Second, great leaders all have an abiding love for their professions.

Bob Byrd is such a leader; a man who knows the job of majority leader of the U.S. Senate probably better than any previous leader by whom this position has been held.

As a new Member of this body, I have had the opportunity to preside over the Senate for many hours. From this position I have had the chance to observe our majority leader in action, and he is without equal in his knowledge of the Senate. When Bob Byrd asks the presiding officer, "Mr. President, what is the pending business of the Senate?" Is there any doubt by anyone that he does not already know the answer to his own question?

I have personally seen the majority leader pose complicated parliamentary inquiries to the chair, who must then wait for advice from the parliamentarian before he can respond, while the majority leader already knows what the answer will be.

When Bob Byrd raises his eyes to the clock in the Senate, he sees much more than the time of day. He sees complicated parliamentary situations where a few more minutes of morning business can allow motions to proceed without debate which would normally be foreclosed. He looks at the clock and sees the hours and minutes into which he must guide days and weeks of legislative work. As accurately as the clock in the Senate ticks off the seconds and minutes is the accuracy of Bob Byrd as he navigates through the legislative process.

As essential as knowledge of the job is, a leader cannot be a great leader without possessing a love for the U.S. Senate.

I will never forget the detail with which Bob Byrd explained the rules and customs of the U.S. Senate to our group of freshmen Senators. My memory of his explanation to me that I had stood on the wrong step in presenting the Chaplain of the Senate to offer the morning prayer will always be remembered and appreciated.

Love of the Senate may be an intangible thing, but it manifests itself in very tangible ways: respect for individual rights, patience, when patience is required although impatience may be the normal route. These are all examples of his love for this body.

Leadership requires understanding, understanding of a new Member's position in leadership elections when he first enters the Senate.

Leadership requires toughness, toughness to speak when words need to be spoken in clear and direct messages that no one can misunderstand. Bob Byrd does not mince words when leadership is required to get things back on track.

So, I salute today a man who has been and is still a great leader by any measurement. A great leader who I have been honored to call my teacher, my educator, my coach, and my friend.

The PRESIDING OFFICER. The Senator from Ohio.

SENATOR ROBERT C. BYRD

Mr. METZENBAUM. Mr. President, I would like to say a few words in behalf of our Democratic leader, Senator Robert C. Byrd. In addition to being our leader and a true gentleman in every sense of the word, he is the personification of the American dream.

Robert Byrd, through dedication, determination, and just plain hard work, has risen to the top—from valedictorian of his high school class, to Majority Leader of the Senate. His career of public service is long and illustrious. He served his country building the liberty and victory ships of World War II.

At the young age of 30 the voters of West Virginia elected Robert Byrd to the West Virginia House of Delegates, and thus began his lifelong work as an elected official.

In Senator Byrd's 30 years in this chamber he has, without question, risen to every challenge. He has served in the Democratic leadership for 22 years.

As Secretary of the Democratic Conference, majority whip, Chairman of the Senate Democratic Policy Committee, Chairman of the Senate Democratic Steering Committee, minority leader, and majority leader.

Even though he is a national leader, he always remembers his roots back home. He serves the people of West Virginia well. When they need him, he is there.

But there is more to this man from Sophia, West Virginia. He challenges not only those around him, but also himself. While a Member of Congress, he pursued a law degree at night. He spent 10 years serving his constituents while attending night classes—an indication of his fortitude and perseverance.

And, as a matter of fact, Mr. President, it is he who is on this floor night after night, when all the rest of us have gone home, seeing to it that this body operates in an orderly and appropriate manner.

Perhaps, however, our leader's greatest accomplishment is his marriage of 51 years. That is certainly a tribute to the fact that Erma and Robert Byrd are a remarkable couple.

I will miss having my colleague as Democratic leader. But, I feel very fortunate to have been able to learn from his wonderful knowledge of the history of this institution. And his knowledge of our rules is legendary. He is unquestionably the expert.

I feel fortunate to have benefited from his gift of poetry, and I am glad to have worked with my colleague on such key issues as bringing television to the Senate.

I look forward to working with my friend, Robert Byrd, in his new role as President pro tem and as Chairman of the Appropriations Committee. I am certain he will bring distinction to these posts, just as he has to every challenge he has accepted.

I yield the floor.

The PRESIDING OFFICER (Mr. Adams). The Senator from Mississippi.

Mr. STENNIS. I thank the Chair.

Mr. President, I endorse the words, every one of them which the Senator said, and testify to it, too. Senator

Byrd, this fine man, in a very delicate place, has rendered great service. Senator Metzenbaum, also, renders fine service here.

Mr. METZENBAUM. I very much appreciate the comments of our distinguished President pro tempore and certainly the most distinguished Member of this body. I thank him.

Mr. WILSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROMANIA HUMAN RIGHTS ABUSES

Mr. LAUTENBERG. Mr. President, I ask that the Senate proceed to the consideration of S. Res. 461.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 461) condemning Romania for its human rights abuses, particularly its plan to raze agricultural villages in traditionally Hungarian areas.

The Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise to urge my colleagues to support Senate Resolution 461 concerning Romanian human rights abuses. It expresses the Senate's opposition to President Ceausescu's plans to destroy more than half of Romania's villages, greatly damaging the Hungarian and German minorities who largely populate such villages.

A bipartisan group of 25 Senators, including Senators Metzenbaum, Pressler, Dodd, Durenberger, D'Amato, Bradley, Dole, Kerry, Kassebaum, DeConcini, Mitchell, Inouye, Grassley, Symms, Bumpers, Boren, Dixon, Levin, Riegle, Domenici, Lugar, Karnes, Gore, Sarbanes, Glenn, and Wilson are all cosponsors of this resolution. I want to thank the distinguished chairman of the Foreign Relations Committee, Senator Pell, for his help in crafting this resolution, and the distinguished majority leader for his help in scheduling this vote.

Mr. President, Senate Resolution 461 puts the Senate on record in strong opposition to President Ceausescu's newly announced plans, already underway, to destroy more than half of Romania's traditional folk villages. Such action violates the human rights, minority cultural rights, and property rights of the affected Romanians, and also dilutes the cultural identity of the two major ethnic minorities in Romania—Hungarians and Germans.

The resolution expresses the Senate's outrage over what Ceausescu is doing, and urges the President and Secretary of State to protest it to the Romanian Government in the strongest possible terms. The resolution also takes note of Romania's continuing abysmal record on human rights in general, and urges the President and the Secretary of State to continue to press the Romanian Government for meaningful reforms.

Mr. President, the focus of this resolution is President Ceausescu's plans to raze roughly half of Romania's folk villages, cutting off the traditional roots of their population. Under this new and massive agricultural collectivization program, Romania will bulldoze 7,000 of its 13,000 traditional villages to make way for government-owned agricultural-industrial complexes. Then, the displaced people will be herded into state-owned, standardized housing units to be built in centuries old town centers, and forcing them to work as state employees on state farms.

This program has been going on on a small scale since 1978, but in its new and more ambitious incarnation, will be completed by the year 2000. It is our understanding that this policy is already being implemented in some villages of the Transylvanian Plains, where Transylvanian Hungarian families have been moved from those villages to Moldavian towns.

Although President Ceausescu claims this plan is necessary to gain more tillable land for the production of food, the facts belie this claim. Romania suffers no shortage of tillable land. With 90 people for each 247 acres, it already enjoys Europe's lowest population density. In fact, this plan will deprive people of the small plots of land surrounding their homes where extra food is often grown.

President Ceausescu's true goals become clearer when we consider that his plans will not only have a devastating impact on Romanian society in general but on its ethnic Hungarian and German minorities in particular. This plan will wipe out a substantial part of the traditional settlement pattern, folk architecture, and way of life of the villages that are largely populated by ethnic Hungarians and Germans. Execution of this plan would summarily eliminate a vibrant folk life and culture which the Hungarian minority has nurtured in these villages for 11 centuries. Croatian, Serbian, Ukrainian, and other ethnic minorities will also be affected.

The razing of these villages will erase monuments, historical buildings, and cemeteries that have stood for generations. It will tear down the churches where psalms are sung in the Hungarian language. It will also further, diminish the number of schools and classes using the Hungarian language.

Unfortunately, this plan is not surprising in Ceausescu's Romania, which already suppresses the study and teaching of the Hungarian language, limits Hungarian language publications, and has institutionalized widespread discrimination against ethnic Hungarians, all in violation of its obligations under the Helsinki Accords and other international human rights agreements.

This latest move is only one part of an overall pattern in which the Romanian Government continues to violate the human rights of all of its citizens. It has a sad history of denying ethnic minorities, among them 2.5 million Hungarians, Germans, Serbs, Croatians, Saxons, and Ukrainians, the right to preserve their unique cultural heritage and native language, and the right of their children to be educated in their native tongue.

The Romanian Government also continues to interfere with freedom of religion, harassing, intimidating, and arresting religious believers for as little as the possession of bibles, and destroying places of worship. Romania's human rights policies have not shown improvement even after last year's congressional votes to strip Romania of its most favored nation trading status.

In fact, the U.S. Department of State has determined in its country report on human rights practices for 1987 that "(t)he poor human rights picture in Romania in 1987 showed no improvement" and "* * * its human rights abuses remained pervasive."

Mr. President, last summer both houses of Congress passed amendments to the trade bill suspending the most favored nation status of Romania because of a persistent pattern of human rights violations by the Government of that country. Although this particular provision was not enacted into law, the Ceausescu regime's repressive conduct since that time, and especially its heightened persecution of national minorities, only reinforce our conviction that we made the right decision 12 months ago. This latest Ceausescu plan is one more piece of an overall pattern of disregard for the rights of its citizens.

The consequences of Ceausescu's actions have been increased emigration from Romania and a deterioration of relations between its closest neighbor and Warsaw Pact ally, Hungary. Because of President Ceausescu's actions in this matter, and because of his other abuses of the Hungarian minority, some 30,000 Romanian citizens, roughly 10 percent of whom are reportedly ethnic Romanians, have fled that country and sought refuge in neighboring Hungary since last summer. This is an exodus of unprecedented magnitude.

The reaction in Hungary has been striking, and caused a widening rift between Hungary and Romania, military allies in the Warsaw Pact. In June, between 50,000 and 100,000 Hungarians in Budapest staged a public protest of Romania's actions. Romania ordered the immediate closure of a Hungarian consulate, expelling its consular staff. Hungary has launched a formal protest of the action, and Romania ordered the closure of the Hungarian cultural center in Bucharest, indicating a further deterioration in relations between the two countries.

Mr. President, the purpose of this resolution is to express the Senate's horror at President Ceausescu's latest plan, and the overall state of human rights in that country. Moreover, it is to urge the President to communicate our concerns to the Romanian Government immediately, and to press this issue strongly with the Romanians in every possible forum, including the Helsinki review followup conference in Vienna, Austria, and any other negotiations or discussions.

I ask unanimous consent that a letter sent last week to Secretary Shultz on this matter, as well as several newspaper articles, and an excerpt from the State Department's country reports on human rights practices for 1987 on Romania be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 5, 1988.

Hon. GEORGE SHUTZ,
Secretary of State,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: We are writing to express our opposition to President Ceausescu's announced plans to destroy 7,000, or more than half, of Romania's villages, and reports that he plans to accelerate that effort, which is already under way. This destruction will have a devastating impact on Romanian society in general and its ethnic Hungarian and German minorities. We are extremely concerned about damage to the ethnically Hungarian region known as Transylvania.

We urge you to vigorously protest this action to the Romanian Govenment in every possible forum, including the Helsinki Review Follow-Up Conference in Vienna, Austria, and any other negotiations or discussions. We also urge you to make clear that the United States will not consider reinstating Most Favored Nation status for Romania, which expired on July 3, 1988.

The announced policy of the Romanian Government calls for the destruction of homes, depriving people of the small plots of land surrounding their homes where extra food is often grown. The plan then calls for moving the people into state owned apartment houses and having them work as state employees on state farms. It is our understanding that this policy is already being implemented in some villages of the Transylvania Plains, where Transylvania Hungarian families have been moved from those villages to Moldavian towns.

The Ceausescu government has already begun to destroy some of the 13,000 villages in Romania by converting them into state farms. Implementation of this Stalinist agricultural collectivization program will violate Romania's obligations under the Final Act of the Conference on Security and Cooperation in Europe, better known as the Helsinki Accords. It will do untold harm to the human and cultural rights of the Romanian people, including the ethnic Hungarian and German minorities in Romania.

Many of the villages slated for destruction, and some that have already been destroyed, are populated by Hungarian majorities. Execution of this plan would summarily eliminate a vibrant folk life and culture which the Hungarian minority has nurtured in these villages for eleven centuries.

In addition, the razing of these villages will erase monuments, historical buildings, and cemeteries that have stood for generations. It will tear down the churches where psalms are sung in the Hungarian language. It will also further diminish the number of schools and classes using the Hungarian language.

Because of President Ceausescu's actions in this matter, and because of his other abuses of the Hungarian minority, roughly 30,000 Romanian citizens, roughly 10% of whom are reportedly ethnic Romanians, have fled that country and sought refuge in neighboring Hungary since last summer. This is an exodus of unprecedented magnitude.

Last summer both Houses of Congress passed amendments to the Trade Bill suspending the Most Favored Nation status of Romania because of a persistent pattern of human rights violations by the government of that country. Although this particular provision was not enacted into law, the Ceausescu regime's repressive conduct since that time, and especially its heightened persecution of national minorities, only reinforce our conviction that we made the right decision twelve months ago.

In keeping with this decision and our strong concern over human rights violations in Romania, we again urge you to communicate our concerns to the Romanian government immediately, and to press this issue strongly with the Romanians until it is satisfactorily resolved.

Thank you for your help in this urgent matter.

Sincerely,

Frank P. Lautenberg, Christopher J. Dodd, Alfonse M. D'Amato, Larry Pressler, Dave Durenberger, Howard M. Metzenbaum, Bill Bradley, Nancy L. Kassebaum, George J. Mitchell, Charles E. Grassley, Dale Bumpers, Alan J. Dixon, Donald W. Riegle, Jr., Robert Dole, David K. Karnes, Paul S. Sarbanes, John F. Kerry, Dennis DeConcini, Daniel K. Inouye, Steve Symms, David L. Boren, Carl Levin, Pete V. Domenici, Richard G. Lugar, and Albert Gore, Jr.,

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[From the New York Times, July 2, 1988]

RAZING ROMANIA

Even as Stalinism's disastrous legacies come under attack in Moscow, the old tyrannical style flourishes in Romania. Nicolae Ceausescu's harsh 20-year rule has turned one of Europe's traditional breadbaskets into a land of legendary deprivation. He has razed acres of ancient houses and churches in Bucharest, its once-elegant capital, to make a parade ground. Now he pushes a program to destroy half the nation's villages and move their inhabitants into new "agro-industrial" centers.

Mr. Ceausescu is unmoved by the pleas of those whose carved fences, ancestral cemeteries and family homes will be plowed under. He touts the gain in food production promised by converting the land now occupied by 6,000 to 7,000 "nonviable" small villages to agriculture. Yet Romania already has Europe's lowest population density; it suffers no shortage of tillable land.

Even so, Romanians *are* hungry. They're also cold in winter, thanks to severe fuel rationing. They are grateful even for 30-watt light bulbs. And they are brutally repressed day to day. This state of affairs is the direct result of Mr. Ceausescu's corrupt, nepotistic, megalomaniac rule. First, his grandiose projects piled up unsupportable levels of foreign debt. Then he managed to halve the indebtedness by imposing unimaginably severe austerity. Now, he wants to tighten his iron control more by destroying the villages.

Mr. Ceausescu used to win plaudits in the West for his occasional departures from Moscow's foreign-policy dictates. No more. His brutalities have broken even the steely unanimity among East bloc nations, where he is now openly criticized.

Late last year, when he again tightened fuel rationing, thousands took to the streets in Brasov, Romania's second-largest city. Even some among the Communist Party elite assayed tentative criticism. But the rioters were met with tanks, dogs and tear gas. Romanians, beaten down by years of repression, have been mostly quiet since.

Quiet is just what others shouldn't be. Mr. Ceausescu has now headed off likely American trade sanctions—but only by ending Romania's favored trade status himself. Other forms of leverage are needed too. Mr. Ceausescu's Stalin-style contempt for human rights, cultural legacies and foreign opinion have no place in today's Europe, East or West.

[From the Economist, July 2-8, 1988]

HUNGARY AND ROMANIA—WAR, ALMOST

In an earlier age, troops might have started moving into positions along the border, guns been heaved into place, hospital trains been shunted into convenient sidings. Such is the level of bitterness between Hungary and Romania.

Their argument is over Romania's treatment of the 1.7m Hungarian inhabitants of its Transylvania region. Since both countries belong to the Warsaw pact, their armies move only when the Soviet Union says so. Indignant Hungarians have therefore had to content themselves with a large demonstration in Budapest on June 27th, including a march to the Romanian embassy. President Nicolae Ceausescu of Romania promptly accused Hungary's rulers of having supported this "chauvinistic, nationalistic, anti-Romanian and anti-socialist" action, and retaliated by closing the Hungarian consulate in Cluj, the chief city of Transylvania.

This new vehemence in an old quarrel has been caused by the Romanian government's plan to bulldoze more than 7,000 villages in Transylvania, to rehouse their inhabitants in tower blocks (not necessarily in the same area), and to put them to work in large "agro-industrial complexes". The government claims that the aim is better use of land and more efficient agriculture.

The Hungarians say that Romania has plenty of land and can find better ways to make farming more efficient. They say Mr. Ceausescu's real intention is to disperse Transylvania's Hungarian population. A charge of genocide was included among the slogans used by the demonstrators in Budapest: in their view, the Romanian plan means the destruction of the Hungarian presence in Transylvania (which was part of Hungary before 1918). The anger in Hungary has been further inflamed by the arrival of a large number of refugees from Romania, most of them from its Hungarian minority.

Unfortunately for Hungary, there is not much it can do to put pressure on Romania. The Romanians have relinquished most-favoured-nation treatment for their trade with the United States, in the well-founded belief that the Americans would anyway soon stop thinking of Romania as deserving of favour. It has also paid off a large part of its foreign debt, so it is not particularly vulnerable to financial pressure. At the Vienna conference on European security and co-operation, part of the process started at Helsinki in 1975, the Hungarians have raised the plight of their minority in Romania as a human-rights issue. Romania retaliated by preventing the conference from adopting a final declaration, which required the agreement of all the 35 participating states.

Will Mr. Mikhail Gorbachev urge Mr. Ceausescu to call off his bulldozers? Probably not. The Soviet Union has less influence in Romania than in any other East European country except Albania. Besides, Mr. Gorbachev has enough trouble trying to sort out his own Armenians and Azeris.

[From the Christian Science Monitor, June 27, 1988]

HUNGARIANS PROTEST ROMANIAN PLAN TO DESTROY VILLAGES

(By William Echikson)

PARIS.—As Soviet leader Mikhail Gorbachev prepares for his all-important party conference tomorrow, he may be distracted by a mounting dispute between two of his communist allies, Romania and Hungary.

A spectacular, unofficial, anti-Romania demonstration is scheduled for today in Budapest. Organizers expect tens of thousands of marchers to protest Romanian treatment of its ethnic Hungarian minority of 1.8 million.

Hungary's leaders probably will not intervene. They support the protesters' demands, if not their way of expressing them. Early this year, the Hungarian authorities began giving asylum to thousands of Hungarian refugees fleeing persecution in Romania.

Two new developments are behind today's planned demonstration.

First, refugees in Hungary have heard that Romanian police are intimidating their families, threatening them with the loss of their jobs in an effort to discourage others from emigrating.

Second, Romanian leader Nicolae Ceausescu unveiled plans late last month to "modernize" 7,000 villages. Hungarian villages would be destroyed, Mr. Ceausescu announced, in order to increase the amount of arable land and "eliminate essential differences between villages and towns."

"What a barbaric notion, calling it progress to destroy peoples' homes," complains Rev. Attilla Komlos, director of a refugee center for the Romanian refugees in Budapest. "When they bulldoze cemeteries and churches, they will bulldoze the entire Hungarian historical heritage."

Hungarian officials lodged a protest by letter about the Romanian village plan. Romanian authorities replied in a letter accusing the Hungarians of "deforming Romanian policies towards its minorities."

These verbal fireworks must not be pleasing to Gorbachev, who is preocuppied with his own nationality problems in Armenia and the Baltic States.

Karoly Grosz, the Gorbachev disciple who became Hungary's leader last month, has proposed to visit Romania within two months in an effort to diffuse the situation.

Top-level Hungarian officials interviewed last month in Budapest were pessimistic about resolving the problem. They see little Romanian willingness to improve treatment of its Hungarians—and ironically blame Gorbachev for part of the problem.

"In the past, we could count on our Big Brother to impose a solution," one Hungarian diplomat said. "Now with *glasnost* (openness) and *perestroika* (restructuring), all the different socialist countries are on their own."

[From the New York Times, June 29, 1988]

HUNGARIANS MARCH TO PROTEST ROMANIAN PLAN

BUDAPEST, June 28.—Tens of thousands of Hungarians marched to the Romanian Embassy on Monday to protest plans by President Nicolae Ceausescu to destroy more than half of the villages in Romania, many populated by ethnic Hungarians.

The crowd was estimated by the official Hungarian news agency at 30,000 and by Westerners who watched it at about 50,000. It was by far the biggest unofficial demonstration in Hungary since the 1956 uprising against the Communist leadership, which was suppressed by Soviet troops.

"It is unprecedented," a Western diplomat said. "Never in Eastern Europe has one country been able to demonstrate against another member of the Warsaw Pact."

President Ceausescu announced his intention this year to level 8,000 of Romania's 13,000 villages and replace them with 500 large agricultural-industrial complexes.

TROUBLE IN TRANSYLVANIA

Many of the villages populated by ethnic Hungarians are in Transylvania, which belonged to Hungary before World War I.

Hungary announced it had formally complained to Romania this month against the "unjustified measure", which it said was aimed at weakening the identity of national minorities. Romania has denied that.

The march on Monday was preceded by a rally in Heroes' Square, where demonstrators waved banners bearing the names of threatened Romanian villages and slogans including "S.O.S. Transylvania", "Europe Without Dictators" and "Adolf Ceausescu".

"Formally, Romania is our ally—in practice, it is our enemy," a Hungarian playwright, Istvan Csurka, said in a speech read by an actor in the National Theater, Istvan Bubik. The speech accused the Romanian leader of "cultural genocide".

Members of the crowd lit torches to march from the square along the wide May Day parade ground to the Romanian Embassy, which was guarded by policemen in helmets and carrying riot shields.

WAITING AT THE EMBASSY DOOR

A delegation of organizers waited at the door for five minutes to deliver a memorandum calling on Romania to fulfill human-rights obligations to minority groups that are guaranteed in various international forums. They were not allowed to deliver the memorandum.

The demonstrators then returned to Heroes' Square without incident for more speeches and songs, including a traditional Romanian anthem.

Hungary's official press had hinted that a "foreign hand", apparently a reference to Romania, had sought to discredit the demonstration by publishing leaflets calling for the return of Transylvania to Hungary.

"We don't want Romania back," Mr. Csurka told journalists earlier. "We just want human rights for minorities in Romania."

AN "IRRECOVERABLE LOSS"

Transylvania is the home of most of Romania's ethnic-Hungarian minority, estimated by Romania at 1.7 million and by Hungarians at up to 2.5 million.

Prime Minister Karoly Grosz of Hungary said at a meeting this month that liquidation of the villages would represent an "irrecoverable loss not only for Romania and the Hungarian nationality, but for the whole of mankind".

More than 15,000 Romanians have entered Hungary in the last two years to escape the Ceausescu regime.

[From the New York Times, May 29, 1988]

HUNGARY ASSAILS ROMANIA ON VILLAGE RAZINGS

(By Henry Y. Kamm)

BUDAPEST, May 28.—Hungary has charged that a vast program in Romania to consolidate villages is intended to erase the Hungarian heritage in areas of Transylvania that were severed from Hungary after World War I.

The Hungarian Foreign Ministry, which has not made a formal statement on the matter to the Romanian Government, has given foreign reporters translations of articles from Hungary's Government-controlled press. The articles protest the program.

The articles charge that President Nicolae Ceausescu has decided to accelerate a program to reduce the number of villages in Romania from 13,000 to 6,000 and to convert the land where the villages stood to agriculture. Rural populations are to be consolidated in small agricultural towns.

Western diplomats confirmed that Romania has been consolidating villages on a small scale since the program was adopted in 1978. The fear now is that the project will be stepped up. Romania acknowledges the program but denies that its intention is to decrease the rights of minorities.

Diplomats assume that the program is a personal project of Mr. Ceausescu, similar to his destruction of much of central Bucharest, Romania's capital, to replace traditional homes and historic churches with a grand avenue. With one of the lowest population densities in Europe—90 people for each 247 acres—Romania is not thought to suffer from a shortage of tillable land.

Hungarian newspapers said Mr. Ceausescu has ordered all the agricultural towns to the under way by 1995 and to be completed by the year 2000.

The Western diplomats agreed with Hungarian charges that the mass relocation of villagers would dilute the cultural identity of the two major ethnic minorities in Romania—Hungarians and Germans. Hungary says the number of ethnic Hungarians in Romania exceeds 2 million, while Romania puts the number at 1.7 milion. There are 350,000 ethnic Germans. Romania has a population of 23 million. Hungary's population is 10.5 million.

Villages in Transylvania, in northwest Romania, have historically been distinctly Romanian, Hungarian or German in character, with only small representations of the other ethnic groups. Hungarians fear that the consolidation of population will further diminish the number of schools and classes using the Hungarian language.

Magyar Ifjusag, the newspaper of Hungary's Communist Party youth organization, has accused Romania of threatening to erase the Hungarian heritage. It lamented the expected loss of "the native villages of grandparents, the monuments, the cemeteries where tombstones speak the ancestral language, the churches, where psalms are sung in the Hungarian language."

Hungary admits Romanians seeking asylum, 80 to 90 percent of them ethnic Hungarians. A Hungarian official said 4,000 Romanians were registered as "temporary settlers" this year.

The Hungarian official said ethnic Germans and Romanians among the refugees are quietly sent to Austria, marking the first time a Warsaw Pact country has helped citizens of a member nation go to the West.

The Hungarian press has reported that since last month, Romanian minority-language publications have been forbidden to use minority place names. Most Transylvanian villages have three names—Romanian, Hungarian and German—and only the Romanian names are now permitted.

[From the Wall Street Journal, July 12, 1988]

CHRONICLING OPPRESSION IN TRANSYLVANIA

(By Peter Keresztes)

The unofficial Hungarian Democratic Forum issued earlier this year a "Summary Report on the Situation of the Hungarian Minority in Romania." Here are some of the main points:

Resettlements. To disperse Hungarians while making Romanians a majority in all areas, Moldavian and Wallachian Romanians have been moved into Transylvania towns since the 1910s. The process, often involving shifting factories and work forces, accelerated in 1948 and, radically, in 1975. Romanian intellectuals moving into Hungarian areas earn relocation allowances, while Hungarian university graduates are compelled to work in distant, pure-Romanian regions. To break the traditionally heavy minority concentration in some Transylvanian cities a numerus clausus was decreed to restrict minority presence in a work force to 10%. Some towns are designated as "closed to Hungarians."

Seeming concessions are often traps. In 1952 the Autonomous Hungarian Region, containing a third of Romania's Hungarians, was decreed. At the same time official use of Hungarian was banned outside the region. Eight years later, the area was redrawn to increase Romanian presence and renamed the Mures-Maghiar Autonomous Region, and after another eight years dissolved in favor of a new county system. The official language ban now was virtually universal. Earlier this year even the mention in a newspaper of the Hungarian name of a locality was forbidden.

Politics. Between 1949 and 1951, Stalinist-style show trials were used to disband the Hungarian People's Front. Minority presence in the party and in central and local administrative positions was progressively and drastically reduced. There are no ethnic Hungarian ministers and only three Hungarian deputy ministers. Karoly Kiraly, a Hungarian named to the Central Committee in the early 1970s, wrote a series of letters that were released to the 1977 Belgrade conference of the Helsinki process, expressing concern about the under-representation of minorities in the National Assembly. He was promptly arrested and sent into internal exile. What remains of the minority's political role are a shrinking number of lower-level officials, a network of agents and informers, and the collaborationist Hungarian Nationality Worker's Council, formed in 1968. It has no constitution, no local membership or bodies and conducts its infrequent meetings in Romanian. Its function is to disseminate the official nationalistic line in the name of Romanian Hungarians—as it has in the most recent disputes.

Education. In this critical area the strategy has been to consolidate Romanian and Hungarian schools and progressively eliminate Hungarian language instruction. Hungarian primary schools, essentially the only level remaining where teaching takes place in Hungarian, were merged with Romanian ones in 1956. In 1958 the last Csango-Hungarian school in Moldavia was shut, and in 1959 the Hungarian and Romanian Universities in Kolozsvar/Cluj were merged. In 1973 a decree stipulated that in "communities where education in the language of cohabiting minorities" is carried out, Romanian language classes must be organized independently of the number of pupils present. But for classes to be formed in the minority language, there must be at least 25 pupils at the primary level and 36 at the secondary level. Teacher appointments have been similarly discriminatory. In Hargita county, where as of 1982 still 86% of the pupils were attending Hungarian sections, out of 223 new-teacher appointments in 1985 only eight were Hungarian speakers and 191 teachers knowing no Hungarian were assigned to Hungarian sections.

As a result, between 1976 and 1986 the number of students taught in Hungarian shrank to 61,000, or 2% of the total, from 172,000, or 5.6%, in the primary level. The shrinkage was to 16,000, or 1.3%, from 26,000, or 3%, at the secondary level. At the university level, the proportion of Hungarians graduating in 1966 was 5.3%, compared with 9.1% for Romanians, 8.8% for the country as a whole. By the mid-1980s the proportion of Hungarians in higher-education institutions had withered to 2%.

Culture. Hungarian language newspapers, periodicals, school publications have been severely reduced in circulation or eliminated. The weekly Hungarian-language 2- to 2½-hour television program was ended in the mid-1980s and the seven-hour daily Hungarian radio programs on three stations have been cut to 30-minute propaganda-laden transmissions. Book publishing in Hungarian has been essentially centralized at Bucharest's Kriterion publisher from the 19 houses that published such works in the 1970s. There has been a sharp reduction in titles and copies, and restrictions placed on topics. Historical exhibits and archives, churches' birth, baptismal, marriage and death records and other vestiges of minority heritage have been carted away. Similarly, many historic churches, mansions, forts, sections of towns and architectural monuments have been bulldozed into oblivion. A once-renowned theater culture has been curtailed into near-extinction, and many theater professionals have joined writers, artists and other intellectuals in emigration.

[From the Star-Ledger, Apr. 21, 1988]

HUNGARY WALKS TIGHTROPE ON ROMANIA REFUGEES

BUDAPEST, HUNGARY.—Every Friday, hundreds of refugees from Romania converge on a suburban church, seeking food, work, money or advice on how to rejoin loved ones they abandoned in a desperate escape for a better life.

They are among thousands who have become the first in history to flee one Soviet bloc nation for another. Hungary took the unprecedented step in January of refusing to send these people back to their homeland.

Most refugees are ethnic Hungarians from Transylvania, a region of mountains and forests disputed for centuries between Hungary and Romania and ruled by Romania since 1918.

Hungary's decision to let the refugees stay has unleashed a charity effort unseen in Soviet bloc history. Budapest firms have offered at least 7,000 jobs. Clothing pours into churches and Red Cross offices, even from abroad.

As refugees sift through old clothes and wait for work or small cash handouts, many tell dramatic tales.

A young father who abandoned his child in Romania beseeches a Western reporter for help. He spends hours, he says; peering across the border from eastern Hungary and contemplating a mad dash to get his 18-month baby.

A teacher sobs as she realizes that her pupils will wait in vain for her to return from what was supposed to be a short trip to Hungary.

On Hungarian TV, a couple touch the nation with their account of fleeing from Romania by wading through marshes under cover of darkness.

Hungary claims that under Romanian President Nicolae Ceausescu, the culture of Transylvania's estimated 2 million Hungarians, Europe's largest ethnic minority, is systematically being squeezed out of existence.

This alleged oppression and the hardships of day-to-day life in shortage-plagued Romania have pushed as many as 20,000 to use short visits to stay in Hungary.

A few hundred ethnic Romanians have also made the dash through Hungary's open door, driven by what they describe as extreme privation.

"For a family of four, I got 200 grams (7 ounces) of butter a month," said Cornel Rosca, an economist from Timisoara. "My dream in Romania was to eat a roast chicken, which I didn't have for nine months."

Ethnic Hungarians interviewed charged they were increasingly discriminated against in housing, jobs and education in the last few years.

The plight of the ethnic Hungarians has touched a nerve in Hungary, which is accused by Romania of whipping up sentiment over Transylvania in order to reclaim the region.

Budapest students tell of groups of women who marry ethnic Hungarians in Romania to get them out. Other youngsters journey to Romania with foodstuffs for relatives or acquaintances.

A fund set up in March to aid refugees amassed $24,000 in less than a month despite Hungary's economic crisis.

For ethnic Romanians it is harder to obtain the work and residence permits given to ethnic Hungarians to settle. Most of them want to move on to the West, seeing countries like visa-free Sweden as an initial goal.

Even if they have tickets, however, like engineers Maria Chiorean and Teodor Petrus, they find themselves stopped at the Hungarian border.

This shows Hungary's delicate position as a refuge for people from another Warsaw Pact nation. As dissident critic Sandor Szilagyi puts it, "It is unimaginable for the comrades that there exist refugees from a Socialist society."

His unofficial group helping refugees has urged that a United Nations' office be set up in Budapest to handle the refugees, organize emigration to the West and reunite parents with spouses and children still in Romania.

So far Hungary has rejected the idea of foreign aid and refuses officially even to use the word "refugee" to describe the new arrivals.

"The best solution would be for them to stay at home, even if they have temporary difficulties," said Interior Ministry official Laszlo Albrecht.

If more refugees do come, however, Hungary's policy may have to change, and the popular welcome may run out.

Hungary may also be forced to seek international help in reuniting an estimated 2,000 children with parents. The Hungarian Red Cross says it will write to its Romanian counterpart about the children this month.

But pastor Geza Nemeth, a main mover behind church aid for refugees, bluntly tells refugee parents who leave children behind to return to Romania.

"No pastor is going to help a mother who abandons her child," he said.

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1987

(Report Submitted to the Committee on Foreign Affairs, House of Representatives, and the Committee on Foreign Relations, U.S. Senate by the Department of State)

ROMANIA

Romania is a highly centralized Communist state. The Constitution describes the Romanian Communist Party as "the leading political force in the whole of society." Nicolae Ceausescu, Secretary General of the party, is also President of the Republic, Chairman of the Council of State, and Chairman of the Romanian Defense Council. Through the Government, the party seeks to control every significant aspect of the country's life.

The Ministry of Internal Affairs administers the powerful Department of State Security, among whose major functions are providing security for the leadership and suppressing dissent and opposition of any kind.

Pursuing President Ceausescu's policy of repaying Romania's foreign debt obligations as soon as possible, the Government in 1987 continued to make drastic efforts to increase exports and reduce imports. A program of harsh austerity was enforced domestically, causing great hardship for the population. Shortages of food and consumer items were widespread and particularly severe during the winter months. Basic foodstuffs continued to be rationed but were frequently unavailable. Electricity was rationed, and stiff surcharges were assessed if usage exceeded prescribed limits, while cooking gas and heating facilities often ceased to function at all in many areas. Austerity on this scale, combined with wage reductions when industrial production targets are not met, appears to be causing serious damage to the physical and psychological health and welfare of the population.

The poor human rights picture in Romania in 1987 showed no improvement. Although the Constitution provides for freedom of speech, assembly, and the press, it states that these freedoms may not be used "against the Socialist order or the workers' interests." Vigorous use of these open-ended limitations by the authorities together with constant harassment by security forces have stifled formation of any opposition or dissident groups which might take issue with or question party policy.

Religious practice, although widespread and growing, is controlled and circumscribed by the enforcement of regulations governing the licensing of pastors, the importation and distribution of religious materials, and the granting of church building permits. The Government approved some applications, albeit after a lengthy and difficult process, for the construction of new churches or the renovation of old ones, while withholding approval in other cases. It also permitted, as promised, the delivery of 5,000 Cornilescu Bibles to the Baptist General Union.

Members of the Hungarian ethnic minority in Transylvania continued in 1987 to object to government policies designed, in their view, to promote the minority's assimilation. The Government countered that it does not discriminate against members of the Hungary minority.

The Government permitted 16,543 Romanian citizens to emigrate to the United States, Israel, and the Federal Republic of Germany in 1987, an increase over the 15,222 who emigrated to these three countries in 1986. At the same time, Romania continued to be granted Most-Favored-Nation (MFN) tariff treatment for its exports to the United States under the terms of the Jackson-Vanik amendment (1974 Trade Act) which ties MFN to the country's performance on emigration. A special case was that of Ioan Ruta who, in the opinion of outside observers, was convicted unfairly of accepting bribes and imprisoned in 1986 after applying to emigrate. Released in July 1987, he was permitted to join his wife and daughter in the United States. The Government's October 1987 amnesty may benefit some persons imprisoned on political grounds.

On the whole, despite Romania's adherence to various international accords related to human rights, its human rights abuses remained pervasive.

RESPECT FOR HUMAN RIGHTS

Section 1.—Respect for the Integrity of the Person, including Freedom from:

a. Political Killing

There were no substantiated claims of political killings during 1987. However, allegations continue to be made that prisoners are mistreated, sometimes to the point of causing their death.

b. Disappearance

There have been some unconfirmed reports of politically motivated disappearances. Family and friends of persons arrested on political charges are frequently left unaware of their arrest, their circumstances, and their location for long periods of time.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were numerous reports that persons are mistreated while in Romanian prisons or police custody and that police authorities act brutally to obtain information. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long periods without sleep, food, or access to toilet facilities. Those caught attempting to leave the country illegally, for example, are reportedly subject to physical and mental harassment, often prior to being given only relatively light sentences if they are first offenders. Reliable witnesses also report incidents in which police administered severe beatings to persons being arrested for minor infractions.

The most common complaints about mistreatment cite long periods of isolation, excessive use of force by guards, cells which are badly ventilated and poorly heated, bad food in small quantities, difficult working conditions, and segregation of prisoners deemed "dangerous to the State" because of their religious beliefs or for other reasons.

Political prisoners who do not cooperate with their jailers reportedly are treated with great cruelty. They are generally kept apart from other offenders and restricted to their cells. Prison guards are said to engage in abusive behavior and allow, and in some cases even encourage, favored prisoners to punish those less favored. While most political prisoners are reportedly kept in local jails and released when authorities believe their behavior has been corrected, those who are not cooperative are kept for longer periods of time.

Amnesty International reported ('Romania—Human Rights Violations in the Eighties," July 1987) that there has been a decline in the abuse of psychiatric treatment as a form of punishment in recent years. Other sources, however, note that the practice continues, in particular through administration of drugs to prisoners. Some prisoners claim that they have been denied needed medical treatment; the evidence suggests that medical care in prisons is poor at best.

d. Arbitrary Arrest, Detention, Exile, or Forced Labor

Romanian law provides for either a judge or a prosecutor to issue an arrest warrant. Once arrested, a person may be held without trial for up to 1 month before a hearing, but the prosecutor may obtain an extension for an additional 3 months. After this, the court may order further extensions in 30-day increments. There is no limit set by law on the cumulative length of time a person may be held prior to trial. There is no provision for bail.

The law also provides for preventive detention. Persons detained for investigation often are held incommunicado. They are detained for varying periods of time, usually a matter of hours, and then released without charge. Such arbitrary detention may be repeated several times, and subjects may be called back for additional lengthy interrogation and threatened with further harassment or punishment. This treatment is particularly common for religious activists. Among those detained in December were Radu Filipescu and Doina Cornea, reportedly for having spoken out concerning the state of human rights in Romania on a French television program.

Romanian citizens are required to perform involuntary labor, but for the most part this seems to fall within the area of "civic obligations." For example, a 1971 law, amended in 1985, required up to 6 days' unpaid labor per year from each citizen, although an additional tax may be substituted for labor. Some men have reportedly been called up to work in undesirable industrial or agricultural jobs for periods of from 4 to 6 months, apparently in connection with each male citizen's duty to serve in the military and remain in the reserves.

e. Denial of Fair Public Trial

Most trials are held in public, though secret trials are common where state security is involved and may also be permitted in certain other cases. The law states that a trial may be held in secret if a public trial would be contrary to the interests of the State, Socialist morals, or the dignity of the individual. Some former prisoners have reported they were tried in secret by military courts on essentially political charges.

The ability of an accused individual to defend himself effectively can be severely limited, especially in politically sensitive cases. Acquittals in such cases are extremely rare. Defendants are often represented by state-appointed attorneys whose role appears to be that of apologizing for defendants' offenses. The law requires in most cases that a defendant be represented by counsel, although some sources claim that defendants do not always have an opportunity to consult with their attorneys before trial. The court may appoint an attorney to represent a defendant. The defendant has the right, in theory, to choose another attorney, but in practice this right is severely restricted. When defendants pursue their right to appeal, they sometimes receive longer prison terms from the higer courts, thus discouraging defendants from exercising this right. In the past, Western observers have also reported cases of suborning and intimidating witnesses by prosecuting attorneys, although no such cases were reported in 1987.

In 1987 one case reflecting apparent abuse of the right to a fair trial was that of Victor Opris. Opris, a Pentecostal pastor from Satu Mare, was initially imprisoned in 1985 on charges of bribery after he allegedly assisted four members of his congregation who were attempting to leave the country illegally. Sentenced to 5 years' imprisonment, Opris benefited from the June 1986 amnesty and was released from prison. However, in January 1987, he was retried on the same charge, reportedly by a military court, and was sentenced to 9 years' imprisonment. His case has been appealed to the Supreme court. Many who are familiar with the case maintain that Opris was retried and given a harsh sentence because he was a popular, active pastor, suspected by the Government of involvement in smuggling Bibles and other unauthorized activities.

A number of Romanian criminal laws are open-ended enough to insure that persons coming under official scrutiny may be charged with some offense. Examples of typical charges are "defaming the socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal" assembly for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense; or "distributing literature without a license"—a felony—if caught attempting to transport or hand out free Bibles. Although a June 1986 presidential decree, which granted amnesty for certain offenses to most Romanians sentenced to prison terms of less than 5 years, freed a number of persons imprisoned on relatively minor charges related to their religous activities, some of those released have reportedly been retried and again imprisoned.

It is impossible to estimate accurately the number of political prisoners, in Romania. Some former prisoners have estimated the number at several hundred. If the estimate includes those tried with apparent political motivation for common crimes and those convicted of attempting to leave the country illegally, the number could be several thousand.

On October 26, 1987, a new amnesty was announced, in honor of the 40th anniversary of the proclamation of the Republic. Those sentenced to less than 3 years' imprisonment, or a fine, were amnestied, and those sentenced to up to 5 years had their sentences remitted. Other sentences were shortened. Certain categories of violent and economic crimes were excluded, such as deadly assault, robbery, influence peddling, and giving or receiving bribes. It is not yet clear how many prisoners may be affected by this amnesty, or if it will affect people who could be considered "political prisoners."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Romanian laws and regulations governing the security apparatus sanction a high degree of interference with the individual and the family. The interference is somewhat mitigated by the limitations on the resources of state security forces, by uneven application of regulations, and by official corruption.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. The authorities occasionally enter homes on the pretext of looking for building code violations, excessive consumption of electricity, illegal use of electrical appliances, etc. These searches facilitate the discovery of other items, such as forbidden books and publications, religous materials, or any other evidence of "wrongdoing." Militiamen at checkpoints located on most roads leading out of the cities and at major highway intersections in the countryside randomly stop and search vehicles as a matter of course.

Violation of privacy of the person also arises from the antiabortion campaign. Regular pregnancy tests and physical examinations are mandatory every 2 months for many female workers in order to insure that pregnancies are discovered and carried to term.

Complaints about interference with both domestic and international correspondence continue. Letters to or from persons of interest to the authorities often never arrive at their destination. People have reportedly been questioned by the security police about topics discussed in letters which were delivered seemingly unopened. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addressees.

The Government has the capability to monitor domestic and international telephone calls and appears to do so frequently.

Section 2.—Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are severely restricted. Public expression of viewpoints at variance with offical policy is almost always severely punished. While the Constitution provides for freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system and the interests of the working people," as defined by the State and party. Similarly, the penal code prohibits "propaganda with a Fascist (as defined by the State) character delivered in public by any means . . . (or) . . . the undertaking of any action for the changing of the Socialist system. . . ." It also prohibits acts "which would result in a danger to state security." These offenses are punishable by prison terms of up to 15 years.

The Government seeks to control the domestic dissemination of information in a variety of ways. Although official censorship was abolished some years ago, all media are state owned, rigidly controlled, and used primarily as vehicles for government and party propaganda. Publications from the West or from other Communist countries are not generally available, although foreign cultural centers and libraries are open to the public and are allowed to distribute limited quantities of Western periodicals with government approval. The unauthorized importation or distribution of foreign publications is forbidden. In 1987 there were frequent reports of confiscations of foreign-source materials, especially religious materials, at the border. Tourists from the West regularly report that customs officials have confiscated video and audio cassettes. Romanian libraries carefully control access to "restricted" materials such as prewar historical texts. For live theater, officials boards must approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters must be registered with the authorities, and the use of duplicating machines is strictly regulated. On the positive side, Western radio broadcasts in the Romanian language are not jammed and are a major source of both foreign and domestic news for the Romanian people.

b. Freedom of Peaceful Assembly and Association

The Government attempts to control all group activity. No organization independent of government or party influence is permitted to exist. Peaceful assembly and association without permission are usually short-lived and may bring severe penalties to those involved. Citizens are required to obtain permission in advance to attend functions held by non-Romanians. Secret decrees promulgated late in 1985 (never officially published and often not obeyed) further discourage contacts with foreigners and strengthen the requirement that all such contacts be reported to the authorities within 24 hours. In particular, Romanian writers, scientists, and professionals are reportedly forbidden to speak with their foreign counterpart without government permission.

The Constitution stipulates the right to join a union. As noted earlier, however, it also enshrines the Communist party as "the leading political force in the whole of society," which applies with respect to unions and other "mass and public organizations." Trade unions independent of the party are thus prohibited, and workers do not have the right to form their own associations, elect representatives, or affiliate with international organizations except through the official unions.

Workers do not have the right to organize or bargain collectively. While they nominally have a direct voice in the management of the workplace through the unions that all must join, in most factories the union's chief executive is also the senior party official, and a primary function of the unions is to channel party doctrine and directives to the workers. Unions also dispense social benefits, such as vacations at union-owned hotels (for which the member pays only a fraction of the real cost), low-interest loans, and access to cultural, educational, and other leisure activities.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts when the dispute cannot be settled. In practice, sanctions available to the party and the union make it unlikely that such disputes will reach the courts. In the past, the Government's reaction to actual strikes, or advocacy of the worker's right to strike, has been harsh repression.

Brutal suppression of miners' strikes in the late 1970's led to an investigation by the International Labor Organization (ILO). Inadequate responses, failure to respond further to charges, and refusal to accept a direct-contact mission led the ILO to find Romania substantially in violation of generally accepted labor standards.

In 1987 Romania lost its eligibility for the U.S. Generalized System of Preferences (GSP) tariff treatment after the U.S. Government found under the standards of revised legislation that Romania was not taking steps to afford its workers internationally recognized workers' rights.

The institution of unrealistic production and sales quotas and penalties in the form of salary deductions for failure to meet them has increased worker dissatisfaction. In November several thousands people, led by industrial workers in Brasov, demonstrated in the main square in protest against sharp pay cuts as a result of production shortfalls and stiff new restrictions on the use of gas and electricity. With frustrations high because of the harsh austerities enforced by the Government, the demonstration turned violent. Scores of workers were reportedly detained after the demonstrators were dispersed. More minor incidents were reported in other Romanian cities.

c. Freedom of Religion

The Constitution provides for freedom of conscience, and the penal code prescribes a penalty of up to 6 months' imprisonment or a fine for anyone who impedes or disrupts any recognized religious sect. However, the Communist Party officially promotes atheism, and the Government exercises broad control over religious practice. Although many Romanians fear that open exercise of their beliefs would inhibit chances of social or professional advancement, religious practice remains very active throughout the country and at all levels of society. There are 14 recognized religions, of which by far the largest is the Romanian Orthodox Church, to which about 80 percent of the population belongs. The Government subsidizes clerical salaries (which some denominations do not accept), issues licenses to preach, controls permits for church construction or renovation, severely limits the number of new admissions to seminaries, and controls the importation and printing of religious materials, including Bibles. These powers are often used arbitrarily, especially against groups that arouse official concern.

Government restrictions are applied more severely to groups whose beliefs, in the Government's view, inspire "antisocial" or "anti-government" behavior. Several of these are unrecognized religious groups, such as the Nazarenes and Jehovah's Witnesses. In 1987, however, there were no reports of significant restrictions on meetings held by these groups. But local and national newspapers carried articles criticizing these groups and alleging that, outside Romania, some of these sects are involved in intelligence-gathering for foreign intelligence agencies or in drug trafficking.

The Government does not recognize the United Church, also known as the Catholic Church of the Byzantine Rite. This branch of the Catholic Church was outlawed in 1948, and many of its leaders were imprisoned. Despite its unrecognized status, there remain adherents to this faith throughout the country. The Government also has taken active measures to suppress a revival movement within the Romanian Orthodox Church known as "The Lord's Army." Members of this group often meet in small gatherings for prayer and Bible study, and they report being fined for holding illegal assemblies. They also report being subject to other harassment, such as loss of jobs or surveillance.

The Government remains in disagreement with the Roman Catholic Church, most of whose members are ethnic Hungarians, on a number of issues, and the church technically remains without a government-approved charter. However, the church enjoys de facto recognition and operates as if it were fully recognized.

The rapid growth of evangelical denominations has led to pressures for more religious training, more printing of religious materials, and the expansion and construction of more churches. Conflicts between evangelical groups and the authorities have arisen frequently, and the Government's response has at times been harsh. Activists who are vocal are kept under surveillance and often are subject to loss of jobs and social benefits, police intimidation or arrests, and in some cases beatings. In December, Nelu Prodan, a Baptist lawyer who had defended those accused of illegally distributing Bibles and had helped church groups obtain building permits or avoid demolition of their churches, was arrested and held for about 2 weeks before being released. He remains under threat of being charged with accepting bribes. Prodan and his wife had been repeatedly warned by officials to stop involving themselves in the legal problems of church members.

The 1986 amnesty led to the release of a number of religious activists from prison, and some of them have been allowed to emigrate. Others, like Victor Opris, however, reportedly have been retried and imprisoned again. Still others, like Ilie Neamtu, an elder of the Ploiesti Evangelical Brethren Church, are still awaiting permission to emigrate.

Five thousand Protestant Bibles were printed for the Baptist General Union, the first such printing since 1921. Negotiations have begun regarding another printing. The shortage of religious materials overall has led some Romanians to risk severe penalties for smuggling Bibles and other religious literature.

Many religious denominations are able to publish a newspaper or newsletter on a regular basis. They are also permitted from time to time to publish other religious materials, although usually in small quantities.

All religious groups continue to be concerned over issues of maintenance, repair, and construction of church buildings. Extensive urban renewal projects undertaken in Bucharest and other cities, have resulted in demolition of a number of churches of various faiths. Several noted Romanian Orthodox churches in Bucharest of historic and cultural significance were demolished, including Sfintu Vineri and the 18th century Sfintu Spiridon. Members of the congregation and other citizens protested these actions.

The Government has often been slow to approve the purchase or construction of replacement buildings for the affected congregations. A large Seventh-Day Adventist congregation in Bucharest, whose church was demolished in August 1986, has still not received approval for a new site and has had to meet in a temporary, tent-like structure inadequate to its needs. The Government claims the church leaders have not yet proposed a suitable new site, although in fact over a dozen suitable alternatives have been proposed. The Government's Department of Religious Affairs gave oral approval for one site in April but has not followed through on its commitment.

The country's largest Baptist church, in Oradea, was not demolished, as had earlier been threatened, but approval previously granted for construction of a new church on land purchased by the congregation was revoked, leaving the several-thousand-member congregation in an overcrowded building with a decaying foundation.

Any repair or addition to a church building requires a building permit approved by both the local city council and the Government's Department of Religious Affairs. Church members state there are unreasonable delays in obtaining these approvals. A church may be demolished, or the congregation fined large sums, for infractions of the building codes. In past years, churches of various denominations have been demolished or threatened with demolition under these regulations.

Reconstruction of the Baptist church in Bistrita was started. The authorities did not proceed with demolitions begun or approved in the cases of the Pentecostal church in Bistrita or the Baptist church in Hlipiceni, thus giving the congregations time to negotiate a more moderate solution. A Baptist congregation in Timisoara was given permission to purchase a new and larger replacement for its current church, and a new Baptist church to serve ethnic Hungarian members opened in Tirgu Mures. Another Baptist church, in Baia Mare, underwent significant renovation and enlargement. The congregation of a Hungarian Reformed church in Oradea, which had faced destruction as a result of urban renewal, was allowed to "trade" its old building for a new and larger one.

Seminary admissions remain extremely limited. In 1987 the Baptists were allowed only four new students. Admissions for the Seventh-Day Adventists and Pentacostals are similarly restricted. By comparison, the Baptists were permitted an average of 40 per year in the late 1970's. Their current needs are estimated at over 100 new seminarians each year.

There is an active Jewish community organization which provides religious education to its members and enjoys relatively unrestricted freedom of emigration. Jewish leaders also continue to be able to travel freely outside Romania. Jewish leaders, emphasize that, due to the level of emigration to Israel permitted by the Romanian Government, their numbers are declining, and they are permitted to maintain enough synagogues to meet their needs.

Leaders of religious denominations generally receive permission to travel abroad on official business without difficulty, and most visitors to Romanian churches in 1987 were able to travel around the country without interference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Except for certain very limited military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Most foreigners, including Western diplomats, are permitted to travel freely but often are kept under surveillance.

The right of a citizen to change his place of residence is restricted. All citizens are required to have residence permits and may not legally move from one town to another, or between districts within a city, without official permission. Implementation of residence permit regulations and antiunemployment laws has had the effect of diluting the ethnic mixture of the population in parts of the country with a heavy concentration of ethnic minorities, especially Hungarians. Workers are technically free to change jobs, although antiunemployment laws and governmental controls limit this freedom in practice.

Travel outside Romania is treated as a privilege, frequently arbitrarily withheld, even for those who can "guarantee" their return by leaving a close family member behind. Older persons wishing to visit their children residing abroad generally have few problems.

In principle, the Government continues to oppose emigration for any purpose but family reunification and seeks to discourage those wishing to emigrate. The waiting period for Romanian emigration approval is still long: successful applications generally take between 1 and 5 years. The authorities sometimes refuse arbitrarily to accept emigration applications from some Romanians. However, the Government has permitted significant numbers of citizens to emigrate to the United States, Israel, and the Federal Republic of Germany. In 1987 emigration from Romania to these three countries increased to 16,543, as compared to 15,222 in 1986.

Section 3.—Respect for Political Rights: The Right of Citizens to Change Their Government

Though the Constitution assures the right of Romanians to change their government and leaders, in practice the individual citizen has virtually no voice in shaping public policy or choosing public officials. The Romania Communist Party, led by the President and a few advisers, rules the country. No actual or potential alternatives to this present rigidly centralized control are apparent, and no meaningful opposition exists or would be tolerated. Public criticism of the President, the Government, the party, and the state leadership is forcefully suppressed.

The Communist Part comprises about 13.5 percent of the total population of the country. Women officially represent 52 percent of the general membership, and minorities are reportedly represented in proportion to their numbers within the general population but they are underrepresented at the middle and higher levels.

National parliamentary elections by secret ballot are held every 5 years. For about 60 percent of the positions, there are two candidates, both of whom are chosen by the Front for Democracy and Social Unity, a large organization whose president is Nicolae Ceausescu. Over 75 percent of its officers are members of the Communist Party's Central Committee. The Parliament approves the President's decisions by unanimous vote.

In Romania, the chief party executive for each city, county, or enterprise is also the chief civil executive. Internal party elections were held for the new Communist Party leadership late in 1984. Though these preceded the national general election by several months, those chosen for senior party posts the previous fall were universally "elected" to the corresponding government or enterprise posts the following spring.

In November, elections for city councils were held throughout the country; 80 percent of the seats being sought were contested by two or more candidates. However, actual differences on policy among the candidates were negligible.

In 1987 there was at least one attempt to revive one of Romania's historical political parties. A former leader of the outlawed National Peasant Party, Ion Puiu, wrote to President Ceausescu and to Western media, urging that the National Peasant Party be allowed to reemerge as a loyal and democratic opposition to the Communist Party. Puiu has been arrested twice within the past year, most recently immediately before the visit of Soviet General Secretary Mikhail Gorbachev in May. The purpose of his arrest was reportedly to prevent him from communicating with the Soviet leader. Puiu was released after about 1 month, but he has been prevented from contacting foreigners since then.

Section 4.—Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no human rights monitoring organizations operating in Romania. The Government has not commented officially on reports issued by governmental or nongovernmental organizations such as the Council of Europe, Amnesty International, or Freedom House, all of which have been critical. Romania continues officially to proclaim that discussion and examination of its human rights situation is "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and the Final Act of the Conference on Security and Cooperation in Europe (CSCE). At the same time, discussion of human rights issues is a regular feature of diplomatic exchanges between the U.S. and Romanian Governments. In August Romania received a delegation from the U.S. Congress' CSCE Commission, which was invited to certain areas with high concentrations of ethnic minorities and which met with national and local officials, as well as with individuals concerned with human rights issues.

Section 5.—Discrimination Based on Race, Sex, Religion, Language, or Social Status

According to official figures, about 12 percent of the country's population of nearly 23 million are members of ethnic minorities, including Hungarians, Germans, Gypsies (Csangos), and many smaller groups. These total about 2.7 million, with Hungarians, according to the Government, comprising the largest group at 1.7 million. The Government takes its figures from a 1977 census based on self-declaration. Various Hungarian sources claim that the true figure for the Hungarian minority is actually between 2 and 2½ million.

Most minority groups are concentrated in Transylvania, the central and northwestern part of Romania. In recent years, opportunities for minorities to have periodicals, theaters, and schools in their native language have been eroding. The ability of members of the minority groups to visit friends and relatives in nearby countries is limited. Minority groups protest that government controls and restrictions constitute discrimination. Many observers maintain that the Government is pursuing a program of "Romanianization" in order gradually to absorb the minority groups into one unified Romanian culture, although the Government denies this.

While the economic situation of the Hungarian minority in Romania is difficult, especially by comparison with that of Hungarians in Hungary, a pattern of economic discrimination against ethnic Hungarians as a group is not evident.

There are no longer any television or radio broadcasts in the Hungarian language. Most Hungarian-language theaters now have Romanian-language sections, and some ethnic Hungarians claim that Romania eventually will replace Hungarian completely.

In the field of education, primary schooling remains available in Hungarian and German, and even in the native language of tiny minorities, such as the Czechs in western Romania, although opportunities are shrinking. The number of ethnic Hungarian children being educated in the Hungarian language has declined significantly. Several German-language schools still operate, although declining enrollment due to emigration may soon compel a change in their language of instruction. Several sources indicate that Hungarian-language sections in Romanian high schools have largely replaced entirely Hungarian-language high schools. Students can no longer take university entrance examinations in minority languages, except in a few faculties, and the opportunities for university study in Hungarian have also gradually decreased. Babes-Balyai University in Cluj, formerly a Hungarian-language institution, has increased its intake of ethnic Romanian students over the years and made Romanian the language of instruction in most subjects.

Members of the Hungarian minority claim that the Government uses its controls over residence permits, employment, and study opportunities to dilute the concentraton of the Hungarian population in its traditional centers. The Government maintains that demographic changes in Transylvania are natural and result in part from increased industrialization which has drawn ethnic Romanian workers into urban areas formerly inhabited predominatly by ethnic Hungarians.

The Government recently released from prison several ethnic Hungarians, including Erno Borbely, Laszlo Buzas, and Bela Pal, who were reportedly imprisoned for promoting minority rights. On the other hand, the authorities in 1987 prevented foreign diplomats from making any contact with Karoly Kiraly, a former senior party official and leading defender of Hungarian minority rights.

Women are constitutionally accorded the same rights and privileges as men. The Government seeks to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority, they appear in far smaller numbers. The higher ranks of the party are occupied predominantly by male Romanians.

CONDITION OF LABOR

The Constitution stipulates the right to work. Unemployment is a crime ("social parasitism"). The Government closely controls the labor market, sets the wage rates for different occupations, and claims that there is no unemployment. A number of sources note, however, that economic dislocations and shifts may require transferring workers from one factory or region to another, with attendant long periods of inactivity among large numbers of workers.

The Constitution provides for an 8-hour workday (or a 6-hour day for ardous occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." Labor law elaborates these programs but allows employers to override them "if conditions warrant." In 1987 there were widespread reports of workers required to perform extra, uncompensated labor to make up for lagging production or for official holidays. During two important national holidays (May 1-2 and August 23-24), many were required to report to work as factories and stores were kept open. Workers also reported that wages and salaries were cut when an enterprise failed to meet its production quota, even though production shortfalls were often due to the lack of raw materials or insufficient electrical energy.

There is no specific minimum employment, although Romanian law requires schooling to the age of 16. Exceptions, however, are allowed for youths 14 years of age in temporary jobs and for youths of 15 employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition," of the employee. In such cases, the law limits work to 6 hours a day. Children from age 11 may work in the fields or in other "patriotic work," usually as part of a school or other group activity.

The labor code ensures Romanian workers a safe environment. The Ministry of Labor has established safety standards for most industries and is responsible for enforcing these standards. In practice, however, observers report that conditions in many factories present substantial health and safety hazards. Although management is reportedly aware of these deficiencies in most cases, government emphasis on meeting production goals clearly takes precedence over safety and health factors in light of the party leadership's insistence on rapidly paying off the foreign debt and on pursuing industrial and economic development at all cost.

Mr. LAUTENBERG. Mr. President, it is important that the Senate be heard on this issue. I urge my colleagues to support this resolution and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ROMANIA DISREGARDS HUNGARIAN RIGHTS

Mr. DOLE. Mr. President, I am proud to join Senator LAUTENBERG as a sponsor and supporter of this resolution, which censures the Romanian Government for its continued practice of abusing its citizens' human rights. The most recent evidence was President Ceausecu's decision to push ahead with a program to destroy 8,000 villages—villages where the people are overwhelmingly of Hungarian descent.

This is hardly the first time that the Romanian Government has singled out a group to punish. But if this plan is carried out, the Hungarian community in Romania will lose much, much more than land. Churches, cemeteries, monuments, birthplaces—a whole history will be gone forever. Human rights include holding on to your culture and heritage.

The destruction of these villages is in direct violation of the final act of the Conference on Security and Cooperation in Europe—better known as the Helsinki accords.

I believe it is our obligation, as a nation whose cultural, ethnic, religious diversity, is one of its great strengths, to strenuously protest this action by the Romanian Government.

Therefore, I urge the adoption of this resolution; and hope that President Ceausecu heeds our message.

Mr. DODD. Mr. President, I rise in support of this resolution that I cosponsor with my friend from New Jersey and other Senators. I have followed the human rights situation in Romania ever since I am a Member of Congress and, unfortunately, I witnessed nothing but a steady decline in that Government's respect for fundamental rights and liberties.

Last year, together with Senator ARMSTRONG, I authored a bill which we offered as an amendment to the trade bill to suspend the MFN status of Romania because of these abuses. We prevailed in three separate votes on this issue, and although our particular legislation did not become law, Romania has lost its MFN status just over a month ago.

What makes us return to this issue is the latest element of the attack the Romanian Government conducts against its own citizens, particularly against the millions belonging to ethnic minorities in that country, among them 2.5 million Hungarians. These groups have been subjected for many years to a relentless campaign of forced assimilation, cultural deprivation and often physical terror. The opportunity for minority children to study in their mother tongue has almost been eliminated. Ethnic newspapers have been curtailed or closed, museums, theaters shut down, ethnic churches intimidated, contacts with fellow nationals abroad severed.

Having witnessed the perverse perfection of the interwoven web of restrictions, the almost airtight seal placed around the minority cultures to insulate and suffocate them, it was hard to imagine that the Romanian Government can come up with anything new against these besieged groups. Those who thought so, however, underestimated President Ceausecu and his government.

Earlier this year the Romanian Government announced a plan for the bulldozing of more than half of Romania's villages, about 8,000 of them, including ancient settlements of the country's Hungarian minority.

A whole treasure of traditional folk architecture is destined to be destroyed, together with mother tongue schools, centuries old cemeteries and churches and, indeed, a whole way of life. The displaced residents would be herded into government owned, drab, pre-fabricated colonies, not necessarily in the same region, with minimal comforts and certainly with no churches. Although this program also includes a large number of ethnic Romanian villages, it is clear that its effect would mostly devastate the ethnic minority communities as it would destroy the material foundation of their culture and dissolve the minority population into faceless mass colonies of the majority.

Mr. President, the campaign against Romania's minorities is particularly odious for us, Americans, as our country's culture was built on the contributions of dozens of diverse groups, as our Government has no right to interfere with the social and cultural activities of Americans, and as we regard America's cultural pluralism a source of strength rather than a threat to our unity.

After ignoring the problem of its fellow nationals for many years, even the Government of Hungary had to change its attitude in recent years and it is increasingly seeking support in the West to save the Hungarian minority in Romania, constituting about one sixth of all Hungarians of the world. Hungary joined Western countries at the Vienna Review Conference of the Helsinki agreement in seeking strengthened international protection for ethnic minorities. In an unprecedented move it tolerated a peaceful demonstration of over 100,000 Hungarians in Budapest on June 27, protesting the destruction unleashed on their culture in Romania. Those of us who met the new leader of Hungary, Karoly Grosz, 2 weeks ago in Washington received further indications of the graveness of this threat to the culture of the Hungarian people. It is significant, that after the President met Mr. Grosz in the White House, our own Government urged the Romanian regime to reconsider the village destruction plan.

In Europe, the protest movement against the Romanian Government's destructive designs is not restricted to the Hungarian Government and public. Almost the entire East European dissident movement has condemned the Romanian regime. The leaders of the Polish solidarity movement sent messages of support to the participants of the June 27 demonstration in Budapest. In a personal message Lech Walesa said the following:

> Every nation has the right to defend its religious and national security. I admire and support your struggle to achieve these goals.

Among those who raised their voices in protest in Western Europe are the European parliament, several organs of the European Economic Community, the governments and legislations of West Germany and Austria, the British junior foreign minister, and numerous academic, artistic, cultural and humanitarian organizations.

Mr. President, this cultural barbarism, the planned destruction of one of the most important cradles of European culture, Transylvania, is not a European issue exclusively. Just a few weeks ago the remains of one of the greatest composers of the 20th century, Bela Bartok, were exhumed in Hartsdale, NY and returned to his final resting place in Budapest, Hungary. Bartok was born in Transylvania, and his magnificent works, played in the concert halls of the world every day, were based on the folklore of that region, not only Hungarian, but also Romanian and German folk melodies. If Bartok were alive today in Transylvania, he would probably be in prison for trying to preserve the Hungarian folklore of the region, the same fate that actually befell today's famous folklorist Zoltan Kallos.

It is time for us to join the governments and public opinion in Europe and protest this intended attack on the cultural heritage of mankind. While the Romanian Government is lining up its bulldozers, other elements of the anti-minority campaign, the closing of the minority schools, theaters, newspapers and magazines, the restrictions on the use of the native languages and on the minority churches, and the intimidation, beatings and imprisonment of ethnic leaders, priests, intellectuals, and activists continue unabated.

Although our foreign policy favored this Stalinist dictatorship for far too long, the President made a wise decision to terminate Romania's most-favored-nation status. He was, no doubt, influenced by the action of both houses of Congress last year suspending that status for Romania because of the atrocious human rights record of that country's government. Continuing congressional vigilance in this matter is well justified. Congress should insist that no serious discussion on restoring MFN status to Romania should take place without the actual reversal of Romania's human rights policies and the institution of meaningful reforms, including the cancellation of the village-razing plan, the restoration of the previously existing cultural institutions of the minorities, and granting them the full opportunity to preserve and develop their own culture, use their language, and profess and practice their religion.

Beyond the issue of the MFN status, our Government ought to heed the demand of close to 2 million Hungarian-Americans, a loyal, patriotic and productive part of our Nation, and use every international forum as well as bilateral contacts to protest the actual and planned destruction of Romania's minority cultures and demand the full restoration of the institutions they were deprived of.

Mr. President, in Tuesday's Washington Post an excellent column was published by Jim Hoagland with the title "Romania: A Modern Horror Story." I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks. Also, a few weeks ago I received a letter from Hungary, written by leaders of the democratic forum, an independent organization of nonconformist intellectuals. One of the leaders of the forum is the outstanding writer, poet and essayist Sandor Csoori, a man I admire and regard as a friend. The letter is a plea for the sympathy and support of the international community in defense of human values in Romania. It is accompanied by a lengthy factual survey and report on the situation of the Hungarian minority in Romania. With regard to the report's length, I ask unanimous consent that only the cover letter be printed in the RECORD, I intend to forward a copy of the report itself to our State Department. Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 9, 1988]

ROMANIA: A MODERN HORROR STORY

(By Jim Hoagland)

BUDAPEST.—A frown creased the face of Karoly Grosz, prime minister and Communist Party boss of Hungary, at the mention of neighboring Romania. "Do you know what the people in Romania used to light their houses before candles?" Grosz asked, his eyes narrowing another two millimeters.

I confessed that I had no idea. "Electricity," the prime minister said. A Soviet bloc leader telling a joke at the expense of another Communist country during an interview is a rare moment in history. But Romania's continuing descent into economic disaster and social disintegration cannot be ignored here, as it can elsewhere. Geography and ethnic ties compel Hungarians to take direct interest in the forced march toward the Middle Ages that Romania has started.

The rest of Europe and both superpowers watch the unfolding of third modern tragedy with varying degrees of indifference and impotence. Their policy toward Romania has become an unspoken wish for the country's feudalistic ruler, Nicolae Ceausescu, to step aside or to die. Only then, Washington and Moscow seem to believe, can change come.

Ceausescu, age 70, shows no signs of obliging on either score. He has installed his wife Elena and a score of other relatives in top party posts and ruthlessly eliminated any other possible successors in the government. He runs Eastern Europe's most repressive security apparatus, which has co-opted up to one-third of the population to report any political dissent by their fellow citizens.

Severe food and fuel shortages pushed workers into the streets last winter in protests that were put down brutally in the towns of Brasov, Timosoara and elsewhere. Ceausescu has responded by refusing to change his economic priorities, which amount to spending the nation's money only on prestige projects that feed his megalomania. He obsessively repays the outstanding $6 billion of foreign debt, often in advance.

The result has been the impoverishment of a country that once was the region's breadbasket. Hungarians with relatives in Romania speak of children there, age 5 or older, who have never tasted chocolate, and who do not know what fresh fruit is.

An estimated 10,000 to 20,000 refugees have fled into Hungary from Romania as conditions have worsened. Many more will come pouring across the frontier if Ceausescu pushes ahead with a campaign announced in March to raze half of his country's 14,000 villages by the year 2000. Ceausescu asserts that the peasants have to be moved into apartment buildings and agriculture more fully "systematized" by eliminating individual farms.

This campaign would in fact destroy the homes and cultural identity of many of Romania's nearly 2 million ethnic Hungarians and 250,000 Germans, whose lands were incorporated into Romania as the price for being on the losing side in World War I.

The horror show next door also has indirect consequences for Hungary and the other Warsaw Pact nations. "How can we tell young people that socialism is worth striving for if what is happening in Romania is done in the name of socialism?" one Hungarian official asked.

In Ceausescu, the Soviet Union faces many of the dilemmas that the United States faced when Ferdinand Marcos appeared determined to drag the Philippines down with him rather than surrender power. But Moscow shows no signs of exerting the kind of influence or pressure that the United States used to cut short the Marcos syndrome.

It is ironic that in the one case where many abroad would welcome Soviet intervention in Eastern Europe, Mikhail Gorbachev appears to have no policy except to outwait Ceausescu and to hope for a palace coup after his death. Gorbachev appears to feel that any action that smacks of intervention will damage his credibility.

Hungarians, as concerned as they are about the growing instability on their border, draw back when the subject of intervention is raised. They clearly want to avoid encouraging Moscow to think that intervention in Eastern Europe is still an option. They have too much invested in perestroika to see it undone by Gorbachev's becoming bogged down in trying to resolve the Romanian crisis.

Ceausescu has been willing to isolate his country in order to reduce the pressure that can be brought to bear on him to step down. But the Soviets do have leverage, in the form of energy supplies and other trade, to stop or moderate Ceausescu's excesses against his own people. It would be a sophisticated diplomatic exercise worthy of the claims Moscow makes for its style of New Thinking in foreign policy. The alternative can only be more suffering for the Romanian people and a stain on Gorbachev's record of leadership.

Hon. CHRISTOPHER J. DODD,
U.S. Senator, Washington, DC.

DEAR SIR: The organizers of the Hungarian Democratic Forum are fully aware of the work you have performed in the cause of safeguarding basic human rights, as well as the rights of national, ethnic and religious minorities all over the world. That prompted us to take the liberty of sending you this letter.

The Hungarian Democratic Forum was formed in the autumn of 1987. At its meetings intellectuals and members of other social groups discuss specific, current problems concerning Hungary and Hungarian society, giving expression to their independent, personal opinions. Following the exchange of views, the participants usually agree on a collective standpoint and draw up a set of recommendations. These are then presented to the relevant Hungarian institutions and to the general public.

On the 6th of March, 1988, the Forum met to discuss, for the first time in its history, an issue of foreign policy, but one that affects the Hungarian nation closely and directly, viz. the deteriorating situation of ethnic Hungarians who live in the neighbouring state of Rumania. This was also the first time that the Forum decided to address the international community, too, and to request its support for the Hungarians and other minority groups in Rumania. Dramatic developments have prompted the Hungarian Democratic Forum to take this step.

The policies pursued by Rumania flagrantly disregard the human and civil rights of all the citizens, but they have created an especially grave situation for the ethnic and religious minorities within the country. In addition to the deprivations affecting everyone the discriminatory and forcefully assimilationist policy of an exceedingly nationalistic government is particularly harmful to the minorities. Rumania is carrying out a policy of cultural genocide, and since the beginning of the 1980's its methods have become more open and increasingly evident. This policy is directed primarily at the more than two million individuals comprising the Hungarian minority. A large European community, which is known to have lived in its homeland for more than a thousand years, is now facing the untenable alternative of unwilling emigration bordering upon expulsion or forced assimilation. Due both to its size and its strong national consciousness the members of this community are neither able nor willing to do either. Instead, they wish to remain in their native land as Hungarians and to exercise their individual and collective rights in full equality with other individuals and communities.

The forceful deprivation of the language, culture, and historical traditions of an entire people is a violation of basic human rights. In the case of the Hungarian minority in Rumania the sensitivity and concern of Hungary is understandably great, since, in a historical and cultural sense, Hungarians living on either side of the border belong to one nation, possess a common history as well as identical traditions and values, reinforced by natural ties of family and friendship that bind them together.

The anti-minority policy of the Rumanian government has created enormous tensions, both inside the country and in Rumanian-Hungarian bilateral relations, which have done immeasurable harm to the interests of both peoples. Together with other political issues they threaten the peace and security of an entire region, or even that of a whole continent. Consequently, checking the worsening of this situation is not only in the interest of a minority, whose national existence is in danger, but it is also a task that vitally concerns both Hungarians and Rumanians, and the broader international community, too. One must bear in mind that the cultural harassment and annihilation of the Hungarians of Rumania is a deliberate trampling under foot of everything which has been amassed over centuries in universal human values. In such a case responsibility rests with mankind as a whole, and, as the tragic examples of the 20th century show, it cannot be declined by referring to the internal competency of the state concerned.

The Hungarian minority in Rumania is a completely defenceless peple, who are in no way, shape and form masters of their own fate. Their only hope lines in help from external sources: from the state of Hungary, from Hungarian society, and from all democratic forces, whether social, governmental or intellectual, who are ready and able to take action on their behalf.

The enclosed report was prepared by Hungarian scholars and writers who are considered to be reliable authorities on Rumanian ethnic minority issues. For practical reasons the report has been drawn up in two versions. The enclosed shorter one is a kind of summary, and there is a longer version which includes primary documents like the most important decrees and legal regulations affecting the Hungarian minority, and also a list of sources, both unpublished and published. Both versions aim at providing factual information to all who do not want to remain indifferent when basic human and civil rights and the cultural identity of a whole people are being violated, whether in Europe or in other parts of the world; when people are discriminated against on the basis of their language, traditions, and national origin; and when deliberate and concerted efforts are being made to fan the flames of prejudice and national intolerance.

The Hungarian Democratic Forum requests the sympathy and active support of international public opinion in the defence of democratic ideals and the protection of a group whose very existence has become seriously endangered.

Yours sincerely,

The organizers of the Hungarian Democratic Forum, the following writers, scholars and professors: Zoltan Biro, Istvan Csurka, Rudolf Joo, Denes Csengey, Gyula Fekete, Csaba Gy. Kiss, Sandor Csoori, Lajos Fur, and Sandor Lezsak.

Budapest, April 25, 1988.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I rise to support the pending resolution 461.

This measure calls on Romania to accept the civilized world's standards of basic human rights. It tells the Rumanian Government that its ethnically diverse population must be allowed to fulfill their cultural, linguistic, and religious aspirations. It tells the ethnic communities in Romania that we in the United States stand with them.

Mr. President, a considerable body of evidence has been amassed which points to catastrophic destruction in ethnic Hungarian areas of Romania. It seems that, as part of an agricultural collectivization plan, the Romanian Government intends to "erase" some 7,000 farming villages from the face of the Earth. The burden has fallen most heavily on people living in the Transylvania region—a primarily Hungarian area. But this policy is also targeted at ethnic Germans, Ukranians, Serbs, Croats, and many, many Romanians whose families have lived in these villages for generations.

Mr. President, the case against the Ceausescu government is unquestioned:

Romania has failed to live up to its commitments as a party to the Helsinki accords;

Romania has failed to allow freedom of movement to its citizens who have attempted to emigrate;

Romania has failed to respond responsibly to Congress' 1987 vote to suspend most-favored-nation status;

And now Romania has undertaken a program of forced collectivization reminiscent of the terrors experienced in Stalin's Russia.

Mr. President, the commissars in Bucharest are bringing disaster to the rural peoples of Romania. I can think of few things done in the name of modernization that are as heinous as forcing whole communities—communities that have existed for hundreds of years—to pack up and move at gunpoint.

All the peoples of Romania are threatened by the fate which is befalling the ethnic Hungarians in Transylvania. Romanians have proven themselves to be fiercely independent and resilient in the past. However, no community can be expected to survive the brutal new strategy of Ceausescu government.

Mr. President, out of all the nations on Earth, we in the United States realize and appreciate the value of ethnic diversity. The crimes being committed in Romania are not only against one's person and property, but are also against race and heritage. They are crimes against innocent people which we must not allow to continue.

Mr. President, I urge my colleagues to support this resolution and send a strong message to the Ceausescu government.

COSPONSORSHIP STATEMENT

Mr. D'AMATO. Mr. President, I rise today as a cosponsor of this resolution. Romania has singled itself out as the worst violator of human rights in Europe. Not only is its current record bad, but the destruction of agricultural villages planned by the Ceausescu regime marks a significant additional violation of its international obligations. Accordingly, I strongly urge my colleagues to join with me in support of this resolution.

Just as glasnost and perestroika are breaking out all over Eastern Europe, Nicolai Ceausescu's Romania is taking Stalinist measures against its agricultural population. The Romanian Government plans to tear down the majority of Romania's 13,000 agricultural villages and move their inhabitants to new agro-industrial centers.

This policy will impact most severely on Romania's ethnic minorities. In particular, the approximately 2.5 million Romanians of Hungarian descent stand to suffer the loss of their cultural and ethnic identities as this program advances in Transylvania, the historically Hungarian region of Romania. Villages, schools, churches, and historical monuments will be ground to dust under the tracks of Ceausescu's bulldozers.

Romania is a signatory of the Final Act of the Conference on Security and Cooperation in Europe, better known as the Helsinki accords. One of the objectives of the accords was to protect ethnic minorities and their cultures. The implementation of this village destruction plan is a clear violation of Romania's obligations under the Final Act.

Romania appears not to care about the rest of the world's opinion of its actions. Indeed, when the Congress expressed our accumulated anger and frustration with Romania by supporting a 6-month suspension of most-favored-nation trade status, Romania unilaterally renounced that status.

Having followed closely developments at the Vienna followup meeting of the Conference on Security and Cooperation in Europe, I am not surprised by recent reports that it is the Romanian delegation, not the Soviet delegation, that is blocking proposals to expand the human rights and humanitarian affairs coverage of the Helsinki process.

I understand that the hard line delegation among the Warsaw Pact states is no longer the Soviet Union. Instead, Romania has taken over the Soviet's traditional role as the nay sayers when the West and the neutral and nonaligned states seek compliance with past human rights promises and expansion of those principles.

This resolution is necessary, Mr. President, as an expression of this body's continued concern about developments in the Socialist Republic of Romania. It is a clear statement that we do not intend to turn a blind eye to the Romanian people in their time of need.

In particular, the Hungarian and other minorities in Romania will know, when this resolution is adopted, that the United States will not allow the curtain of Ceausescu's belated Stalinism to be drawn in front of their rights. We will protest and act in every forum available to us to ensure that Romania's violations of its human rights promises are prominently highlighted before the world community.

Mr. President, I urge adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. KARNES], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska [Mr. KARNES], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Wyoming [Mr. WALLOP] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—7

Biden
Cochran
Exon
Karnes
Kasten
Pressler
Wallop

So the resolution (S. Res. 461) was agreed to.

The preamble was agreed to.

The resolution and the preamble are as follows:

S. RES. 461

Whereas in recent years the U.S. Congress has received a substantial body of evidence establishing a persistent pattern of severe human rights violations in the Socialist Republic of Romania;

Whereas among these violations is the denial of the right of free emigration for Jews and other Romanians and the systematic manipulation of emigration figures;

Whereas the Romanian government continues to deny ethnic minorities, among them 2.5 million Hungarians, Germans, Serbs, Croatians, Saxons and Ukrainians, the basic right of preserving opportunity for their children to be educated in their native tongue;

Whereas the Romanian government continues to interfere with freedom of religion, harassing, intimidating; and arresting religious believers for as little as the possession of Bibles; and destroying places of worship;

Whereas the U.S. Congress in recent years has repeatedly condemned the Romanian government for these violations and urged it to observe basic human rights as set forth out in the Helsinki Accords and other agreements; to which the Socialist Republic of Romania is a party;

Whereas in 1987 both Houses of Congress voted by substantial margins to suspend Romania's Most Favored Nation status in response to human rights violations by the government of that country;

Whereas Romania's MFN status expired on July 3, 1988,

Whereas Romania's human rights policies have not shown improvement even after last year's Congressional action, and the U.S. Department of State has determined in its Country Report on Human Rights practices for 1987 that "(t)he poor human rights picture in Romania in 1987 showed no improvement" and "* * * its human rights abuses remained pervasive.";

Whereas Romania is about to undertake a new and massive agricultural collectivization program, bulldozing 7,000 traditional villages to make way for government owned agricultural-industrial complexes, a program whose implementation will result in new, gross abuses of human rights;

Whereas this program; if implemented, would eradicate a substantial part of the traditional settlement pattern, folk architecture, and way of life of the Romanian people and the Hungarian, German, Saxon, Croation, Serbian, Ukrainian and other ethnic minorities;

Whereas this program would force the displaced population into government-owned, standardized housing units to be built in centuries-old centers, Now, therefore be it

Resolved, That the Senate:

(1) condemns the Romanian government's continued practice of systematically violating a whole range of internationally recognized human rights of its citizens;

(2) strongly protests the planned program of wholesale destruction of traditional settlements in violation of the human rights, minority cultural rights and property rights of their inhabitants;

(3) urges the Romanian government to revise its human rights policies and institute meaningful reforms to comply with international agreements that are binding on Romania;

(4) urges the President and the Secretary of State to continue to call the above violations to the attention of Romanian officials and demand meaningful reforms;

(5) urges the President to make clear to the Romanian government that restoration of Romania's Most Favored Nation status or any extension of other favorable trading privileges to Romania should not be considered by the United States until that country implements a thorough reform in its human rights practices, including substantial improvement in the observance of the right of emigration, the rights of national minorities, and freedom of religion.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD):

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of Senate Resolution 471. I desire the RECORD to show that, were I present, I would vote "aye" on Senate Resolution 461.●

The PRESIDING OFFICER. The Senate will be in order so the Chair can hear the Senators.

Under the previous order of the Senate, the Senator from Alaska is recognized.

Mr. STEVENS. I yield back my time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I wonder if at this time I may ask unanimous consent to proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. The Senate will be in order so the Senators may hear the request of the Senator.

Mr. HEINZ. Mr. President, reserving the right to object, Mr. President, might I inquire if my understanding is correct that the majority leader's present intention is not take up the Thornburgh nomination until later?

Mr. BYRD. Until later, yes. Mr. President, will the Senator yield?

Reserving the right to object, and I will not object, will the Senator allow me to make a request?

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business for not to exceed 45 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I thank the distinguished majority leader.

LIMIT THE USE OF BROKERED DEPOSITS

Mr. MURKOWSKI. Mr. President, yesterday I introduced a bill to limit the use of federally insured brokered deposits. A "brokered deposit" is a federally insured certificate of deposit [CD] that is marketed nationwide by a financial institution to investors through the use of a broker. It is presently federally insured up to $100,000 per depositor, per institution.

My bill would limit the total amount of insured deposits that could be placed by a broker to $100,000 per financial institution that does not meet the minimum capital requirements of the FSLIC or FDIC. This would mean that a single broker or firm could place no more than a total of $100,000 of federally insured brokered deposits in any one undercapitalized—financially troubled—institution. Presently, there is no limit on the total amount of insured brokered deposit business that can be done in any institution. Roughly 1,500 of our 17,000 banks and thrifts are financially troubled.

Advances in technology and recent legislative and regulatory advances have given rise to a CD brokerage industry. Ceilings on interest rates were removed; and issuance of CD's in negotiable form were permitted along with fees to pay brokers for obtaining the CD's.

Deposit brokers assist large institutional customers and smaller individual investors in placing their funds in CD's, none of which, in any financial institution, exceed the value of $100,000—the limit on Federal deposit insurance.

Investors like the insured CD's because of their safety and competitive yields; financial institutions find them a cost effective way to ease liquidity problems; and, brokers enjoy the fees that insured CD's generate. But we can no longer afford to subsidize investors, brokers, and unhealthy banks and thrifts. It is being done at the expense of taxpayers, healthy financial institutions, and the safety of Federal deposit insurance funds.

Brokered deposits have some extremely harmful side effects. They drain FSLIC and FDIC deposit insurance funds, inflate banking costs, take money away from local communities, encourage funds to flow to poorly managed and financially troubled institutions, and conflict with the intended purpose of Federal Deposit Insurance.

Federal Deposit Insurance was originally set up to provide depositors with a safe place for their savings. It is also a way for the Federal Government to direct money into areas it deemed worthwhile—namely, affordable home loans. The depositor, in return for safety, would receive a lower rate of interest which in turn would lower the rate of interest charged by a bank or thrift on a home loan.

Federally insured brokered funds have distorted the intended purpose and use of Federal Deposit Insurance. They give investors a no-risk higher than average rate of return, and force financial institutions into speculative ventures.

When financial institutions use brokered deposits they do so at a very high price, quite often at the expense of the FSLIC and FDIC funds. With the help of brokers they enter national markets by offering insured CD's at rates that are normally higher than local market rates. As the CD's are insured, investors look to the high rate of return, not the soundness of the institution, when purchasing the CD's. This causes substantial sums of insured deposits to flow into poorly financially managed institutions. While this may initially prolong failure, it greatly increases the exposure of and ultimate loss to the FDIC or FSLIC funds, and our Federal Treasury.

In addition to our Federal deficit, next Congress we will have to find a way to help FSLIC find the funds to enable it to close insolvent thrifts. It is estimated to cost anywhere from $50 to $100 billion. That's roughly one-third to more than one-half of our deficit.

Mr. President, the significance of this particular bill is to draw attention to the reality that we have facing us—a problem with a shortfall in FSLIC expected to reach approximately $50 billion. The significance of that is evidence that this Congress is going to have to address this shortfall. Some have suggested it may be closer to $100 billion. I think this legislation will initiate corrective action to address this in advance of the day of reckoning that is clearly coming.

Some have suggested that merging our FDIC and FSLIC funds could help solve the problem, but it will not. FDIC is in the black by roughly $18 billion and FSLIC is in the red by $50 billion plus. In fact, the FDIC is scheduled to face a drop in its reserves this year—the first time in its history. It is going to take other measures and that is why I am introducing this bill.

Nearly $1.5 billion in insured brokered deposits were part of FDIC insurance payoffs or assistance payments over the past 4½ years. the potential for further losses is even greater. Roughly $2 billion of the $11 billion in FDIC brokered funds presently sit in FDIC problem banks. Problem banks use brokered funds more extensively than well-rated institutions. FDIC numbers show that the percentage of brokered funds of total deposits in problem banks is 2½ times greater than that in healthy banks. The FSLIC has no current numbers, but in its June 1985 hearing before the Senate Banking Committee it stated that over 50 percent of its most troublesome thrifts had high levels of brokered funds.

The use of brokered deposits can unduly harm local competitor institutions. When a bank brokers its CD's nationwide it typically prices its regular local CD's at a higher than market rate, but below its nationwide brokered rate. Other local banks are then forced to raise their own rates or experience a deposit decline. This leads to lower profitability which in turn increases the number of troubled banks and added costs to the insurance funds.

Mr. President, today I join with other respected leaders in government and the financial community to halt the imprudent growth of deposits at undercapitalized institutions. Perhaps Treasury Under Secretary George Gould summed it up best at a recent Senate Banking Committee hearing—"growth without capital should be stopped. It doesn't usually work."

The bill will restore a similar 1984 FDIC and Federal Home Loan Bank Board regulation that was later overruled in a Federal court case as an invalid exercise of statutory authority.

It is a modest effort that will help the taxpayer, preserve FSLIC and FDIC insurance funds and keep banking and thrift costs down. FSLIC regulators do not have the funds to close poorly managed insolvent thrifts. The FSLIC fund is already insolvent and many of our Nation's thrifts and banks continue to deteriorate and fail at a record pace.

My bill will help the insurance funds adjust to some of the unforeseen problems caused to it by advanced technology and recent deregulation. Federal insured deposit funds were never intended to be used to attract no-risk investment opportunities, especially in unsound institutions. Rather, they were created after the "crash" of 1929 and the Great Depression of the 1930's to insure depositor safety, primarily in local banks.

Mr. President, I ask that this body support my bill. It will help enhance the security of our Federal deposit insurance system and bring us closer to basic free market principles that encourage the flow of capital to institutions that inspire investor confidence. While it may not please investors, brokers, and unsound institutions, it will get us back on track in helping depositors, financially credible banks and thrifts, and the Federal taxpayer.

CREATING AN INDIVIDUAL EDUCATION/RETIREMENT SAVINGS ACCOUNT FOR INDIVIDUALS UNDER AGE 21

Mr. MURKOWSKI. Mr. President, I would like to speak very briefly on legislation which I have introduced which will address a need to provide an incentive for college educations. As we all know, Mr. President, we have inflation hitting our colleges at the rate of 7 and 8 percent a year. The significance of that means that we have to look toward some encouragement for savings, and the legislation which I have introduced would provide a regular individual retirement account. It would have to be opened before the individual turns 21, contributions would be limited to $1,000 per year, tax deferred, and prohibited after age 21.

So the significance of this, Mr. President, is that instead of penalizing our savers, we would encourage savings that would provide an ideal opportunity for parents to save for a child's education by allowing $1,000 deductibility.

Mr. President, yesterday, I introduced the bill that will allow individuals under the age of 21 to set up an individual education/retirement savings account. The bill's primary purpose is to encourage and help children and families save for college.

The bill would be like a regular individual retirement account [IRA] with some twists. It would have to be opened before the individual turns age 21. Contributions would be limited to $1,000 per year, tax deferred, prohibited after age 21, tax deductible against the individual's unearned or earned income, and tax free if used to pay for the individual's higher education or vocational training. Any unused excess in the account after age 27 would be distributed, taxed, and penalized if not rolled over into a regular IRA.

This country's personal savings rates are at historically low levels. Last year's personal savings rate of 3.7 percent of gross national product was at its lowest point in 30 years. A recent February 1988 Congressional Budget Office study on family income found that significant numbers of families with children are losing economic ground. For almost a decade the costs of college have risen by twice the rate of inflation, sometimes by more than 10 percent a year. What is more, the costs of public and private colleges are expected to increase 18 percent and 13 percent over the next 2 years. A recent poll reveals that most families believe that the price of a college education—the second biggest investment most families make will soon be beyond the average family's means.

Today's annual costs of tuition, room and board, and other expenses at a public, private, or Ivy League school average $5,800, $12,000, and $18,500 respectively. Those costs are expected to rise at an average of 6 percent per year over the next several years. This would mean that a newborn child would have to put aside $143 per month to pay for a future B.A. degree at a public college; $296 per month at a private college; and $457 per month at an Ivy League school.

Our tax laws penalize those who save and reward those who incur debt. We have it backward. We need to encourage people to save. Increased savings rates help bring interest rates down making investment for growth affordable. The Tax Reform Act of 1986 has made it more difficult for families and children to save. By severely restricting the means of a tax dependent to offset unearned income, the act penalizes children who work and save, or simply save.

Mr. President, I ask that this body join me in this effort to help children and families save for college. It will offer a tax incentive to children and families to save for college; add to and lock in long-term savings that are needed for our country's economic growth; and make the family's and Federal Government's share of education costs less burdensome.

Mr. President, I would like at this time to thank my staff member, Randall Moen—who is departing from my midst—for the efforts that he has made in developing and drafting this legislation. We wish him well as he departs for graduate school—in the northeast part of the country—in the divinity area.

I thank the Chair. I thank my colleagues for allowing me this opportunity.

Mr. STEVENS. Mr. President, I am pleased to join today with my colleague from Alaska, Senator MURKOWSKI, as an original cosponsor of a bill to provide for the establishment of education savings accounts.

As Senator MURKOWSKI explained, the bill would allow children and young adults under the age of 21 to set up special education savings accounts. Tax deductible contributions of up to $1,000 of the individual's earned or unearned income could be made to an education savings account each year. Withdrawals from these accounts would then be tax free, provided the money is used to pay for the individual's higher education or vocational training expenses.

I strongly support the concept of this bill. I have long been concerned about the rapidly escalating costs of higher education in the United States. We are moving toward a situation, where many institutions of higher learning will be accessible only to the very wealthy and to those who can qualify for Federal grants and loans, thereby freezing out much of the middle class. At a time when we are focusing our Nation's attention on competitiveness, we need to ensure that a college education or vocational training is accessible to every American who desires it.

This bill would make a good beginning. By making contributions to the education savings accounts tax deductible, and the distributions from those accounts tax free, the bill would establish our Government's commitment to helping Americans save for their children's education.

Moreover, this bill allevates an unfair burden placed on children by our tax laws. Under current law, if a child earns more than $500 of unearned income, he or she must pay tax on that amount. This situation affects all the children in my State of Alaska, due to annual distributions from the Alaska permanent fund. Many of my constitutents have written to me asking why their children should be paying tax on these distributions when the Government ought to be encouraging them to put the money away for college.

Under this bill, Alaskans would be encouraged to save their children's permanent fund dividends for college expenses by sheltering the money saved from taxation. In this way, families in Alaska, as well as all over the country, will have an incentive to save for their children's education.

I want to add that I am not unmindful of our current budgetary constraints. I have supported, and will continue to support, the Gramm-Rudman-Hollings deficit-reduction targets. However, as we assemble our budgets in the next few years, we must work hard to find room—within the Gramm-Rudman limits—for programs which are vital to our Nation's future. Securing for our Nation's children the accessibility of a quality education is unquestionably one of those vital needs.

Mr. President, I am pleased to cosponsor this bill and I commend my colleague from Alaska for his work on this important issue.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

URGING PRESIDENT REAGAN TO ACT ON THE UNITED NATIONS DEBT

Mr. KENNEDY. Mr. President, I urge the administration to act without further delay to release the $44 million in funds being withheld from our current assessment to the United Nations budget.

While this amount may seem small in comparison with the overall half billion dollar back debt that the United States owes, our current arrears have assumed highly symbolic proportions at the U.N., and our refusal to pay the assessment is tarnishing the good name of the United States in the world.

The budget impasse is undermining the relationship between the United States and the United Nations. Even worse, it is putting us in an especially embarrassing light, at the very time when the U.N. is demonstrating its effective role in world peace from Afghanistan to the Persian Gulf.

Article 17 of the United Nations Charter states that "the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." When the United States signed the Charter in 1945, we accepted that obligation. Now, as a result of our refusal to pay our assessment, Congress and the administration have abandoned our commitment and damaged our credibility, at a time when the United Nations is near the brink of financial disaster.

The problem began in 1985, when our distinguished colleague from Kansas, Senator KASSEBAUM, introduced legislation to withhold part of our assessment unless the U.N. adopted a voting system proportionate to each member's contribution to the U.N. budget. Senator KASSEBAUM's legislation was harsh medicine, but it did provide the impetus for signficant U.N. reforms now being undertaken.

Unfortunately, the law has been outrun by the reforms. The rule now in effect requires that 40 percent of our annual assessment must be withheld unless the President certifies that certain reforms have been made in the U.N. budget process and two other specified areas. So far, the President has declined to certify that these reforms are occurring.

At the time Senator KASSEBAUM introduced her legislation in 1985, there was growing concern that excessive increases in the U.N. budget were being adopted on the floor of the General Assembly, and that the countries paying the smallest shares were reaping the largest benefits and ignoring the views of the United States and other nations who bear the financial burden.

In the past 3 years, important reforms in the U.N. budget-making process have been achieved. For the first time, the current budget shows a decrease in real terms over the previous year. Budgets are now formulated in the Committee for Programme and Coordination, which operates by consensus, and which gives the United States a veto over the budget. The reform has recently been characterized by the Senate Foreign Relations Committee as "protection comparable to the system of weighted voting" recommended in the Kassebaum amendment.

The growing importance of the CPC has led to its recent expansion from 21 to 34 members. Last December, every country in the General Assembly voted to expand the committee—except the United States. But the expansion hardly means that the worthwhile budget reforms are coming unglued. The United States can still veto the budget, even though the CPC is now larger.

To release the funds being withheld, the President must certify that progress is also being made toward a 15 percent reduction in the staff of the Secretariat. The United Nations currently has an overall staff vacancy rate of 16 percent and the Secretariat has identified 12 percent of the posts to be eliminated. This recommendation has been accepted in the CPC and will be submitted to the General Assembly this fall. By any fair measure, this aspect of the needed reforms is well on its way to achievement.

Finally, the President must certify that progress is being made toward a 50-percent cutback in so-called "seconded" employees of the Secretariat.

Secondment is the technical term for a practice that dates back to the days of the League of Nations. It refers to the detailing of nationals to serve at the United Nations on a temporary basis. The practice has been controversial, because the Soviet Union uses it to keep tight control over their citizens employed in the Secretariat. Obviously, these employees are temporary workers and not international civil servants, as called for in article 100 of the Charter.

In May 1988, however, the Soviet Union announced its intention to permit some of its nationals to serve in the Secretariat on a permanent basis. The United Nations recently sent a team to Moscow to work out the details of this concession.

At the same time, there is a certain amount of hypocrisy in the United States position. More than 300 Americans are "seconded" throughout the U.N. system. Many nations of the Third World "second" their best people to the United Nations on a short-term basis, because they cannot afford the brain drain that accompanies the permanent loss of potential leaders.

The primary complaint about secondment is the Soviet abuse of the practice. But even if secondment is eliminated, Soviet nationals on permanent assignment to the Secretariat will not stop reporting to Moscow. And, as Ambassador Walters said at a Foreign Relations Committee hearing last week, he is more worried about Soviets who are at the United Nations for 10 years than those who are only there for 2.

Nevertheless, the Soviet shift on secondment is a significant change. Ambassador Walters said that this was something he never expected to see in his lifetime.

In sum, there has been real reform at the United Nations in each of the three areas specified in United States law. The problem is that the administration refuses to acknowledge this progress. As Ed Luck, President of the United Nations Association wrote in "Foreign Affairs" in 1984: "One reason for the administration failures is that carrot-and-stick tactics do not work unless both carrots and sticks are offered." We have been using our sticks on the U.N., but offering no carrots.

It is essential for the President to end the current impasse and make his certification as soon as possible. On August 17, the Secretary General will meet with the Permanent Representatives of 21 nations to discuss ways for the U.N. to address the threat of insolvency.

If the United States has agreed to pay the $44 million by that date, this high-level group may well conclude that the financial crisis can be dealt with during the next regular session of the General Assembly beginning at the end of September. But if the Secretary General cannot report that payment from the United States will be forthcoming, the group may decide to call an emergency session of the U.N. to deal with the crisis.

Inevitably, an emergency session would be acrimonious—and the United States would be the target of much of the acrimony. The members of the United Nations have made good faith efforts at reform, and the United States will be condemned by many countries, including our friends, for failing to carry out our part of the bargain.

Two other options are apparently also being considered, but both are unsatisfactory. The Committee for Programme and Coordination is scheduled to meet on September 9. Some of our colleagues in the Senate, and many in the administration, believe that the President should hold off on certification until we know the results of that meeting. But by continuing to withhold a significant portion of the U.S. assessment, the President may be assuring that the meeting will fail.

There is also speculation that the President may be delaying certification now, in order to make a dramatic announcement when he addresses the General Assembly at the end of September. But by the time President Reagan arrives in New York, an emergency session may have been held, and the CPC meeting may have turned against the United States. We should not risk our stature at the U.N. by brinkmanship such as this.

The United Nations is composed of 159 member states. It is no—nor was it ever intended to be—a branch of the U.S. Government, and we should not attempt to treat it as such. Isolationism is not a policy for the United States in the world. The U.N. is essential to many of our foreign policy objectives, and it has been indispensable in its major recent contributions to the search for peace in Afghanistan and the Persian Gulf. Instead of stubbornly withholding United States funds, we should recognize these achievements by doing our share to resolve the U.N.'s fiscal crisis.

Our current short-sighted position is short-changing the United Nations and undercutting our own essential foreign policy objectives. I urge the President to issue his certification now, before any more damage is done. The legal criteria for certification have been met, and met generously. We have rarely had so much at stake for so little cost. Uncle Sam should pay up at the U.N., and stop acting like the deadbeat of the Western World.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Senator from Virginia and am pleased that he was able to bring that to our attention.

NOMINATIONS

Mr. SIMPSON. Mr. President, I take a few minutes to review a bit of the bidding regarding nominations, not just a single name, but it is endemic of the problems we are going to have—and indeed we will—with regard to judges, if I may address that subject.

We have the nomination of Richard Voorhees to take a seat on the U.S. District Court for the Western District of North Carolina. This nomination has been awaiting final Senate confirmation since July 31, 1987.

I do not misspeak. That is when the nomination was received from the President.

Over a year ago this man—and you may not like his sponsor or sponsors; we may not like whatever it is that he particularly has done in life—but the man has been through the entire process. This man has been waiting for over a year for the Senate to act. The delay has not been caused by any particular controversy or question about Mr. Voorhees and his ability to fulfill this important position. He is very well qualified for the job. He has been a fine lawyer.

He has, however, been caught up in a morass of partisan bickering and debate on matters which are totally unrelated to his nomination.

Mr. Voorhees' nomination was noncontroversial and received bipartisan support in the Senate and from his own State and both his home State Senators returned the blue slip supporting his nomination. That is something. That means something to some of us here. Senator HELMS and Senator SANFORD both let the blue slip go forward.

Still he was not provided a hearing by the Judiciary Committee until June 29, 1988, 11 months after his nomination.

Now things have moved very slowly in the Judiciary Committee with regard to judges.

Senator LEAHY, at least to me, has kept his promises. He serves as the "ad hoc representative" of his party, apparently, in screening judges. I guess that is the title. I do not know what the rest of that title is. But that is his job and he has kept his promises to me and to many others on this side of the aisle, and there are many who have appreciated his assistance.

But after they come through that screen, then they go into a bigger screen, and then it goes to the full committee. And there are some very interesting land mines that detonate only after the rest of them have left the forest, and they bring them down from vantage points up on the sides of the hills, apparently.

So here we have this gentleman, voted out of the Judiciary Committee by a voice vote on July 14, along with three other judicial nominees, and on July 25 those other three nominees were confirmed by a voice vote, a voice vote, but the other one, Mr. Voorhees, had another hold placed on him in the process.

Mr. President, the Senate is not treating this man fairly. I do not know him. I have never met him. It is not discharging its duty with regard to the Federal judicial nomination process.

This man is not just twisting in the wind; he has the garrote at his neck. It is not an attractive thing to witness, solely because of political reasons, the negotiations on totally unrelated issues here. In the meantime, and I hope that we hear this in the process, the court for which he has been nominated has a status of the sixth biggest criminal court docket in the Nation. This court has been ranked number one within the circuit for the number of trials completed and has been number two in the Nation for the number of trials completed throughout the United States.

Now, that court is not able to maintain that glittering record because of this, and that is an injustice caused not only to the Western District of

North Carolina, but to the people of America by the Senate's delay.

How do you try drug cases when you do not have judges to hear them? And there are 28 of them waiting to get up in the U.S. Judiciary Committee.

Let me return particularly to this injustice to this one man. Richard Voorhees has been a sole practitioner since 1980. Because the Senate has put his practice in limbo for over a year, his secretary of 5 years has left for a new job, forcing him to rely on temporary help. The landlord agreed to let another law firm take over his office as of September 1. He faces the real dilemma of deciding whether to find temporary space and retain these cases that are scheduled for trial in August and September or to get another attorney to take them over.

All of this, Mr. President, is because of the inactivity of the Senate on this matter and, sure, we have all been here and we know how the levers work and how the holds work. I have done them. I can play the holds like an orchestra, but I can tell you in this situation when we are dealing with one defined human being, this is a cruel project, it is nasty, and it is vindictive, and it is coming apparently because of Senator Helms.

I do not know what reason there really is.

That is unfortunate. We all know about our friend from North Carolina. He is a formidable man. I have had my interesting differences with him, but I have come away from that over the 9 years in which I have been with him with a great deal of respect and admiration for him.

So who knows better than all of us? So if someone does a number on you then a number will be done on someone else.

So we get into this terrible situation, and the people of North Carolina want this man. It is not a very kind thing to do. The people of North Carolina need it. The people of the country need it. And, more importantly, what is happening here is that we are finding these things used only as leverage for other matters, nothing more, nothing less.

Objections to this nomination are being raised totally in an effort to leverage, so that leaves the leveragee to do whatever he or she has within their power to do with a result that a large number of nominees are being delayed for reasons totally unrelated to the merits of their qualifications.

How many nominees are you going to hold up in this place? How long must these fine individuals who are on the calendar hang there? 70

Here we have a letter today which has just been delivered to our leader, Senator Dole, on our side of the aisle from George Schultz, our Secretary of State, just moments ago, delivered saying:

> The Secretary of State,
> *Washington, August 11, 1988.*
>
> Dear Senator Dole: As I conclude my trip to Central and South America, I want to express my concern to you about a problem we have to ask your help in resolving: the need to move rapidly to confirm all those ambassadorial candidates now awaiting floor action.

And there are some 12 hung up in this process as we are playing this game.

> In Central and South America, as well as other areas, our interests are being harmed by the prolonged absence of ambassadorial representation.

These are the remarks of our Secretary of State:

> If these nominations are not confirmed before Congress adjourns, the situation will grow worse.
>
> Bolivia serves as a vivid example of the problem. My day there convinced me that this government against formidable economic odds, threatened by narcotics traffickers, and with very limited resources, is an effective democracy that is working with us to advance important U.S. interests.
>
> Against this backdrop, it was particularly striking that the first item President Paz brought up with me was the absence of an American Ambassador in La Paz. He said to me, "We deserve a person of ambassadorial rank." In Central America yesterday I visited El Salvador. It was Ambassador Corr's last day there and that Embassy, critical to U.S. interests in Central America and in a difficult security environment, now faces a period of unknown duration without a resident ambassador.
>
> There are presently 13 nominees awaiting Senate floor confirmation. Seven other nominees are awaiting committee action in the Senate Foreign Relations Committee. We simply cannot let these important posts be vacant. Even if the next administration decides to put new people in, that process could take until next summer.
>
> The President needs representatives abroad, not only to carry out our foreign policy objectives, but to provide for an orderly transition into a new administration.

Regardless of party. That is my comment.

> You understand our national security concerns and I urge you to move these nominations now.
>
> Sincerely yours,
>
> George P. Shultz.

That was just delivered.

Mr. President, more nominees are being held up—and we all know how this works, but we also know where the central focus point of this one is, and I remember a promise made. The majority leader was present, and he has kept his promise. There were two others in that room and they may have a doubtful recollection of it, but I have a perfect recollection of it.

Mr. Voorhees was to come forward and he was to be processed. Now we have surrogates doing the hatchet work on Voorhees as others pop up and drop back. It is not a very becoming thing to watch. And it will be a focal point of some disruption in the month of September, as will some other things with regard to judges.

This is not some mumbled threat in the vapors. I do not spend much time going through that process. But I tell you, it comes from frustration.

In every other election year in the past 8 cycles, the most that have ever been left at the hitching rack were 15 nominees who never got through the process. This year, there are 28.

We had a hearing in February, Mr. President. There was a bit of wretched excess. They trotted in people from all over the place saying that this administration was cruel and inhuman and never paid any attention to minorities or women or lawyers who lived in this District who go on these important courts within the District.

And they really, obviously, do not care about that, because we have a nominee named Judy Hope, who is a superb woman, a superb lawyer, graduate magna cum laude, practicing attorney, lives in the District. And where are her papers? Lord knows. We will find them one day. At least they have promised or say that they will produce a hearing for her in September. It does not leave much time.

Another remarkable lady has been nominated in the 9th Circuit, Pamela Rymer—superb; a lawyer's lawyer; just as Judy Hope is a lawyer's lawyer.

Someone the other day publicly made mention that these were "the dregs"; that only "the dregs" could be left now to be presented to the Judiciary Committee in the country or "A bunch of baby Borks." A truly offensive statement, not only as it relates to the fine judge who suffered—and that is the word I want to use—at the hands of total partisanship in this Senate, but, indeed, an offensive remark by those who would use such a phrase to bring up some type of opprobrious and ridicule. How absurd that is. Offensive, that is the word.

So, for me, as a member of the Judiciary Committee, the more nominees that are held up, we will see the more likely the administration might feel it necessary to resort to the method of recess appointments—who wants that—a procedure that no one here in the Senate likes to see. The majority leader has been especially clear in his feelings about recess appointments. Our leader does not enjoy those.

But it certainly is not going to be in the best interests of the Senate's advise and consent function if, by our own actions, we force the administration into the tactic of recess appointments.

So I hope that we will begin to start dealing with these nominations—the ambassadorial nominations, the judge nominations—individually on their merits, instead of building these interconnected networks or houses of intrigue and cards where large numbers of nominations are apparently inextricably linked in some ways that none of us really understand—linked to a wilderness bill in North Carolina; linked to the Genocide Treaty; linked here, linked there. We have to break the linkage and get to some action.

No one is well served by the present state of affairs—not the Senate, not the nominees, and assuredly not the American public. We can and we should and we must do better. We either do that or this great calendar of September is going to have a great deal of slippage. And it will not be coming from me or our leader. It will be coming from irate members of our party and others; Democrats testifed for some of these judges, and we do not want to forget that. To just let it slip and kind of shrug is not acceptable, will not be acceptable, and I will not be part of it at any future time.

I want to thank the Chair for the excess time I consumed. I appreciate that.

SENATOR ROBERT C. BYRD

Mrs. KASSEBAUM. Mr. President I rise to add my voice to those of my colleagues in marking the closing of a chapter in the history of this body. When the 100th Congress adjourns sine die later this year, ROBERT C. BYRD will step down as Senate majority leader. I have had the privilege of serving in the Senate for 10 of the 12 years in which Senator BYRD has served as Democratic leader, and I have developed great admiration for him during that time.

Although ROBERT BYRD's sights will undoubtedly be fixed upon the challenges which await him as chairman of the Senate Committee on Appropriations, he is too much the historian not to reflect as well upon his tenure as the leader of his party. He has every right to take great pride in these reflections, as his work has earned him the respect of all Members on both sides of the aisle.

The majority leader, has approached his leadership responsibilities with grace, fairness, and patience. Even in the midst of the chaos which the clash of 100 independent wills can create, Senator BYRD has drawn from a deep reservoir of faith, in democratic processes and institutions, in moving forward our deliberations.

One of Senator BYRD's great strengths is his knowledge of the rules which have brought strength and stability to the Senate and to the Government we have all sworn to uphold. Ralph Waldo Emerson once observed that, "the use of history is to give value to the present hour and its duty." I can think of no one who better understands and practices the wisdom of these words than ROBERT BYRD.

His knowledge of Senate rules and procedures is legendary. But more importantly, his mastery of these processes reflects the profound understanding that they are the foundation of the integrity of this institution. They provide the continuity which assures that Members of the 100th Congress, like those of the 99th before it, are able to work the will of the people in an orderly and deliberate fashion.

There is no more devoted champion of the Senate as an institution and no more knowledgeable devotee of its traditions. The perspective which Senator BYRD has lent to this body has enriched us all. I commend him for all he has done and look forward to working with him as he makes the transition from Mr. Leader to Mr. Chairman.

THE APPROPRIATIONS COMMITTEE

Mr. STENNIS. Mr. President, I am extremely pleased that the Senate has today concluded action on the last of the regular annual appropriations bills for fiscal year 1989. I think all Senators should take pride in the tremendous work which has been accomplished this year by this body in passing the 13 appropriations bills in a timely and comprehensive fashion. Not since 1959—29 years ago—has the Senate concluded action on all 13 appropriations bills before the August recess.

Mr. President, I believe a special debt is owed by this body to all the members of the Appropriations Committee who have worked so long and so hard to fashion a defense appropriations bill which, I truly believe, is one of the best defense bills I have seen in all my years in the Senate. In particular, I wish to acknowledge the special debt which I owe to Senators JOHNSTON and STEVENS for providing such outstanding leadership to our committee on this bipartisan defense bill.

Mr. President, it has been my great good fortune to have served with over 400 Senators during the course of my career in the Senate. During this time, I have learned much from them. The late great Senator from Arizona, Senator Carl Hayden, was chairman of the Appropriations Committee when I first became a member of the committee on January 5, 1955. Over the course of the next 30 years, I came to learn and benefit from the wisdom of such other great committee chairmen as Senator Richard Russell, Senator John McClellan and, of course, my good friend, Senator MARK HATFIELD. All of these great committee chairmen have carried on the important task of ensuring that our national defense needs are met in the best possible fashion.

Mr. President, it was also my good fortune to have served as chairman of the Armed Services Committee. That experience gave me a real appreciation for the critical role which the authorizing committees play in the legislative process. And that role, Mr. President, has been well-served this year under the wise leadership of two of our most able Members—the chairman and ranking member of the Senate Armed Services Committee—Senators NUNN and WARNER. We on the Appropriations Committee have worked closely with them over the course of this year in crafting a defense appropriations bill which, I will say again, is the best defense bill I believe to have come out of the Senate in the past 40 years.

Mr. President, the defense appropriations bill which the Senate has today concluded is the result of the tremendous work and able efforts of all our committee members. It is a defense bill which has been fashioned and fine-tuned to meet the defense needs of our Nation as we enter the last decade of this 20th century.

Mr. President, during the years I have been a committee chairman, and before, we have had many excellent and outstanding staff members who have worked day and night in doing excellent and effective service of the highest order for this committee staff. These staff members added greatly in finding solutions to the problems that arise and help find solutions thereto.

SENATOR JOHN C. STENNIS

Mr. DOLE. Mr. President, I want to add my congratulations to that of many of my colleagues and pay tribute to our good friend, Senator STENNIS, who is still here on the floor, as he has been doing for a long, long time in this Chamber.

I have said many times that when I first came to this body, my predecessor, Senator Frank Carlson, who was a close friend of Senator STENNIS, said, "Just keep your eye on Senator STENNIS and do what he does and you won't get in any trouble." And I did that. I got in a little trouble, though. But I kept my eye on Senator STENNIS.

He has been a model to many of us who came here 10, 20 years ago. We certainly appreciate his friendship, his leadership, his bipartisanship, and, above all, his patriotism and what he has done for America in that very important role he has played.

Today, of course, was sort of the last chapter in that stage. But the Defense appropriations bills are vitally important to everyone in America. They are not partisan. They are what makes us the strongest Nation on the face of the Earth.

So we will all take a little pride in having known Senator STENNIS. I wish to add my congratulations to him.

NOMINATIONS

Mr. DOLE. Mr. President, I wanted to just comment briefly on the statement by Senator SIMPSON. I think sometimes in this body we forget there are real people involved. These nominees who are waiting to go to 13 foreign countries are real people. I do not know any of them. I do not know their politics. But they are being held because somebody else is being held because somebody else is being held.

I do not know if anybody even thought about who they are and their families and how they are going to carry their obligations while they are sort of in limbo waiting for someone who has put an arbitrary hold on their nominations. I do not know why there is not more press interest in how we sometimes treat individuals when we say: Well, I will put a hold on them.

I must say I have never done that. I do not take any joy in trying to hold somebody. It seems to me, I know the majority leader tried, I tried when I was majority leader—sometimes you just cannot do it. Unless you can find the time to bring up the nominations one at a time and say, OK, if you have a hold on this nomination, you come to the floor and you start talking. But it is so easy to call over and just say: Well, just put a hold on Mr. Voorhees. Then Senator HELMS is forced to say, well, put a hold on Mr. Gelbard. And then somebody else says put a hold on all of them.

Secretary Shultz, I think, has done a pretty good job as Secretary of State. He never asked very much of us, as far as I know. He was always willing to come up here and talk to us. He does not demand anything.

But I think in the letter that he sent to me today, and it has been referred to by Senator SIMPSON, you know, there are 13 nominees waiting. I do not have a list of the countries, but they are available there on the calendar. They are not big countries. They are important countries. Bolivia is an important country.

There was an attack on Secretary Shultz. The car in which his wife was riding was damaged. We do not have an Ambassador there. Why? Well, because there is a hold, some arbitrary, nameless, faceless hold on the person who is supposed to be working in Bolivia.

El Salvador, we pumped hundreds of millions of dollars into El Salvador trying to prop up that Government and we are not going to have an Ambassador there for 30 days, why? Or maybe longer, maybe 6 months. Because somebody has put a hold, some Senator, a powerful Senator, denying the person the right to go to work for his country.

So, I would hope in the next couple of hours around here everybody might come to their senses and put away all their little selfish ideas about how they ought to run the world and let these people go. They have not done anything. They have been cleared by the FBI, they have been cleared by the committee, they have gotten all the way to the Senator floor. But they cannot get on the airplane and they cannot pack their bags and they cannot tell their children to get out of school until we do something in the Congress; in the Senate.

So, I would just make the case. It has already been made very well by my friend, Senator SIMPSON. Otherwise there will be all kinds of chaos breaking out here one of these days for no good reason.

So, we are working on this side trying to break the logjam. We do not believe that 13 countries ought to wait for another 30, 40 days before they get somebody confirmed. And I share the views expressed by Secretary Shultz and I would hope before the day is out, those who have a hold on A will take it off so that B can be turned loose so C, D, E, F, G, H, I, J, K, L, M—can be turned loose. Just to walk away today and say, well, it is only 30 more days? Thirty more days for their families. Thirty more days for the countries they want to represent. Thirty more days of uncertainty for their wives and children. Thirty more days that they do not know how they are going to survive, I assume in some cases. Maybe they are not worried about money. But I assume in some cases they are.

So, I would urge my colleagues, if anything on this side, and we have a couple of holds on this side, I would be willing to stay here all night to make them come over and debate. If they want to put a hold on the Ambassador to Lebanon, that is fine, or the Ambassador to Algeria, that is fine, or the Ambassador to Bolivia, that is fine. But they ought to have to come over here and do it.

The majority leader said yesterday, let them come over and object. Let them come over and say I want to debate this nomination.

So I would urge my colleagues on this side and on the other side—I think one thing we have been doing this week is cooperating. The majority leader has amassed a remarkable record. I cannot recall any time we have gone out of here in August with as much work behind us, as long as I have been here, and I bet Senator STENNIS cannot, either.

They used to do it more quickly. But the mountain of work that has been done through the efforts of the majority leader, at least in small part, has been because we have been able to cooperate with him because we know it is the people's business. It is not our business, it is their business. And there are only 13 individuals involved as Ambassadors; there are a couple more involved as judges. There are many more involved in other things.

I would hope before the day is out that if anyone on this side has a hold, they will notify me personally or through staff that they are going to lift it. That is all we can do, is do our best.

BICENTENNIAL MINUTE

AUGUST 12, 1790: SENATE CONDUCTS FINAL SESSION IN NEW YORK

Mr. DOLE. Mr. President, 198 years ago tomorrow, on August 12, 1790, the Senate met for the last time at Federal Hall in New York City. The next day, clerks began packing up the Senate's records for the move to Philadelphia where Congress would meet for the next 10 years while the new Federal Capital in the District of Columbia was made ready.

Federal Hall was the Senate's first home. It was there in its ornate second-floor Chamber, that the Senate achieved its first quorum on April 6, 1789, established its first rules of conduct, elected its first officers, and tried out its various constitutional powers. In these quarters, the Senate took the major initiative in shaping the vitally significant Judiciary Act of 1789 that created the third branch of government. With the House, it crafted legislation putting the executive branch into operation with the creation of three cabinet agencies: the Departments of State, War, and Treasury.

Crusty senior William Maclay, a major figure in all of these early debates, anticipated the move to Philadelphia with loathing. Though a Senator from Pennsylvania, he lost no love on its principal city. New York's "allurements," he grumbled,

> Are more than 10 to 2 compared with Philadelphia. To tell the truth I know no so unsocial a city as Philadelphia. The gloomy severity of the Quakers has proscribed all fashionable dress and amusement. While at the same time there are not in the world more scornful nor insolent characters than the wealthy among them.

Maclay was in the minority. Most Senators looked forward to the move to Philadelphia, many remembering fondly the handsome city where they had met as members of the Continental Congress and the Constitutional Convention. On August 12, after thanking the city of New York for the "elegant and convenient accommodations," the Senators set off to their homes prepared to reassemble in December at the Senate's new Philadelphia quarters.

THE DEATH PENALTY

Mr. SIMON. Mr. President, whenever we deal with the death penalty, we deal with the lives of people, often the most unfortunate in our society.

Recently I received a letter from the president-elect of the American Association on Mental Retardation, James W. Ellis, professor of law at the University of New Mexico.

Because what he has to say may have an influence on the course of either this legislation or future legislation, I ask unanimous consent that his letter be put in the RECORD.

I urge my colleagues to weigh carefully what he has to say so that we do not become the cause of injustice.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR SIMON: I am writing to you about an issue of crucial importance that is likely to be addressed in the Congress in the next few weeks: imposition of the death penalty on individuals with mental retardation. Your outstanding service on the Subcommittee on the Handicapped has given evidence of your deep concern for people with mental disabilities. We ask for your support on this literally life-and-death issue.

As you know, the Senate passed S. 2455 earlier this summer, providing for a Federal death penalty in drug cases. Without addressing the overall merits of that legislation, its language would do serious harm to the law affecting people with mental retardation. I know this result was not intended, but the harmful effect of such legislation would be substantial. Since the Senate passed that bill, the U.S. Supreme Court has decided to hear the case of *Penry* v. *Lynaugh*, No. 87-6177, on the issue of the death penalty for mentally retarded persons. The Justices look to congressional action as evidence of "evolving standards of decency" in death penalty cases. The Supreme Court's action in this case makes congressional consideration of this issue even more crucial.

Mental retardation concerns arise in three ways concerning this legislation: competence, mitigation, and a ban on executing people with mental retardation.

Competence. The first issue is competence to be executed. The bill in its current form provides that "[a] sentence of death shall not be carried out upon a person who, by reason of mental disease or defect, is unable to understand his impending death or the reason for it." (All quotations from the legislation are taken from the daily CONGRESSIONAL RECORD for June 10, 1988 at page S7580.)

If this language cannot be improved, it should be deleted. Having no provision on this subject would be preferable to this language. At most, the bill's provision merely codifies a portion of the holding of *Ford* v. *Wainwright*, 106 S.Ct. 2595 (1986). In that sense, it adds nothing to the current state of the law, since any Federal court would be bound, as are the states, by the Supreme Court's constitutional decision in Ford.

But the bill's language also addresses an issue that the Supreme Court declined to address in Ford, which is the definition of incompetence to be executed. (Only one member of the Court, former Justice Powell, addressed the issue of a definition in his separate opinion.) The bill adopts the narrowest possible definition of incompetence. Statutes and court decisions in a number of states provide a much more expansive (and realistic) definition of incompetence, including not only inability to understand the death penalty, but also inability to assist counsel and to recall and communicate facts that might make the execution unlawful.

It would be a major step backward for the Congress to ratify the most limited possible definition of incompetence. Such congressional action would give powerful support to those who will argue against a more generous definition in courts and state legislatures. Since Ford will require many states to re-write their laws governing incompetence to be executed, it is a particularly inopportune time for Congress to be appearing to support a crabbed definition.

The best course of action would be for Congress to re-write this provision of the bill to endorse a more complete definition. The American Bar Association, in response to Ford, officially adopted a more complete definition in August of 1987. The new A.B.A. Standard provides:

"A convict is incompetent to be executed if, as a result of mental illness or mental retardation, the convict cannot understand the nature of the pending proceedings, what he or she was tried for, the reason for the punishment, or the nature of the punishment. A convict is also incompetent if, as a result of mental illness or mental retardation, the convict lacks sufficient capacity to recognize or understand any fact which might exist which would make the punishment unjust or unlawful, or lacks the ability to convey such information to counsel or to the court."

American Bar Association, "Standards for Criminal Justice," Standard 7-5.6(b). (A complete copy of the A.B.A. Standards on Competence and Capital Punishment, for which I served as Law Reporter, are enclosed.)

If something like the A.B.A. language cannot be adopted, it would be better for Congress to remain silent on this subject, rather than appearing to endorse the most limited (and possibly unconstitutional) definition of incompetence. But I believe that it is unlikely that the Senate would reject the A.B.A. position if it were presented as an amendment.

Mitigation. The bill includes among its list of mitigating factors at sentencing the following: "(1) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so significantly impaired as to constitute a defense to the charge."

This is a good and useful provision. It makes clear that the impact of mental illness or mental retardation should be considered in mitigation even where it does not rise to the level of a successful defense. The wording of the provision as it stands is particularly important. Since Congress eliminated the so-called volitional prong ("capacity to conform conduct to the requirements of law") from the Federal insanity defense in 1984, there has been no clear guidance about whether such volitional impairment should continue to be considered in mitigation. For example, the United States Sentencing Commission, in its new Sentencing Guidelines for noncapital cases, fails to make clear that volitional impairment is to be considered as a mitigating circumstance, and an earlier draft of the Commission's guidelines explicitly precluded such consideration.

For Congress to clarify that its 1984 decision to omit the volitional prong from the insanity defense did not mean that it barred consideration of such facts at the sentencing phase would be most helpful, particularly for cases involving defendants with mental retardation.

Banning the execution of people with mental retardation. The bill, in its current form, does not speak at all to the question of whether people with mental retardation can be sentenced to death or executed. Even if it included the broader A.B.A. definition of incompetence, some defendants with mental retardation would be found to be "competent to be executed." And our experience in the decade since Gregg makes clear that including mental disability in the list of mitigating circumstances for consideration at sentencing will not prevent the execution of people with mental retardation. Several people with mental retardation are now on the various Death Rows around the nation, and at least half a dozen have been executed in recent years.

The execution of persons whose intelligence and ability are so limited that they fall within the accepted definition of mental retardation (which is to say I.Q. below 70) is a barbarous practice which is unacceptable in any civilized country. The legislature of Georgia has recently banned any such executions, and the bill was signed into law by the Governor. Similar legislation is receiving serious consideration in Texas and Kentucky. Polling data indicate that a majority of people who favor the death penalty do not favor its use for defendants who are mentally retarded. The execution of people with mental retardation has been opposed in an official position of the American Association on Mental Retardation, the principal professional organization in the field of mental retardation. (A copy of the AAMR resolution is enclosed.)

Therefore, any Federal death penalty legislation must include a clear and explicit ban on any such execution. Its terms should match and parallel the bill's current ban on the execution of minors: "A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed." Such a provision should state:

"No person with mental retardation shall be sentenced to death or executed."

It is only with such an explicit ban that we can be assured that no mentally retarded person will find himself on Death Row.

This is an issue of the greatest importance. It is clear that few (if any) of the defendants who fall within the scope of the D'Amato bill will be mentally retarded. But whatever the Congress enacts on this topic will become the model for any future death penalty provisions which may be considered by Congress in the future. In addition, anything enacted by Congress in this area will surely be considered as a model for state death penalty provisions, which is where the problem of people with mental retardation on Death Row is truly ominous. In addition, if Congress were to enact a provision banning the execution of any person with mental retardation, it would serve as powerful evidence in cases under state death penalty laws without such a provision that the "evolving standards of decency" that are at the heart of the Eighth Amendment preclude the execution of persons with mental retardation.

I am enclosing suggestions for language amending any death penalty legislation that may come before the Senate. I have also included "commentary" language to explain each provision. (In addition, I have included commentary on the provision regarding mitigation that is already in the D'Amato bill, as passed by the Senate. This explains its relationship to the other amendments, and may also prove useful if a future version does not contain it.)

We urge you to support these changes, particularly a ban on the execution of any person with mental retardation.

Once again, many thanks for your attention and sensitivity to this important issue. When AAMR or I can be of further assistance, please do not hesitate to call.

Sincerely,

JAMES W. ELLIS,
President-Elect, American Association on Mental Retardation, Professor of Law, University of New Mexico.

FOUNDERS DAY, KEYSER, WV

Mr. ROCKEFELLER. Mr. President, on September 10, 1988, the city of Keyser, WV, will celebrate its Founders Day. I am pleased to inform my colleagues of the wonderful, rich history that has made Keyser a truly remarkable city.

Keyser was carved out of the wilderness by American pioneers in the 1700's. It was the spirit of these early pioneers that built this community on the banks of New Creek. They overcame the harshness of nature and hostile Indian attacks to establish their homes and their community. That same spirit of perseverance gives the town its character today.

Many milestones have passed over the course of Keyser's history. A post office was established in 1811, linking the community, then known as Paddytown, with the rest of the growing Nation. In 1815, the McCarty family built a large stone home known as the Old Stone House. The house, which was confiscated during the Civil War by Union soldiers for use as a hospital and prison, still stands today.

The coming of the railroad in 1852 brought new excitement and development to the area. In fact, the town was incorporated and named Keyser in 1874 in honor of William Keyser, the first vice president of the B&O Railroad.

After the Civil War, the town became the main line or railhead for the commercial interests of Grant, Hardy, Pendleton, and most of Hampshire Counties.

Between 1885 and 1900, Keyser made great strides. In 1892, the town built its own water works by bringing water from a spring on a mountain southeast of the town to the city—a luxury at the time. That same year a telephone company built a line from Keyser to Burlington, and the city installed a public drinking fountain with three levels—one for people, one for horses, and one for dogs—in front of the courthouse. An electric light company opened in 1895. Between 1900 and 1911, the downtown streets in this growing community were bricked.

The people of Keyser have always understood the importance of education. A high school was added to the grammar school in 1885. The State in 1904 established a preparatory school linked to West Virginia University, and it is now Potomac State College.

Today, Keyser's friendly charm, unbridled spirit and energetic civic pride are making new gains in West Virginia's eastern panhandle. The events commencing on Founders Day remind each of us of the importance of civic duty and community involvement. I am honored to pay tribute to Keyser—a shining city in the heart of West Virginia and all of America.

TRIBUTE TO SENATOR BYRD

Mr. KERRY. Mr. President, I would like to take this occasion to express my great respect and appreciation for the majority leader of the U.S. Senate, ROBERT C. BYRD. Senator BYRD has been a remarkable leader of our party and of this institution. While he will be stepping down from the position of majority leader at the end of this year, he has set a standard of leadership that will be hard, if not impossible, to equal. I know that he will continue to make a great contribution to the Senate and the Nation as the next chairman of the Senate Appropriations Committee.

I have been privileged to be able to work closely with Senator BYRD in my current position as chairman of the Democratic Senate Campaign Committee over the past 2 years. I am deeply grateful to ROBERT BYRD for his confidence in entrusting me with these responsibilities. It has given me an opportunity to gain a deeper understanding and respect for ROBERT BYRD the man, and to appreciate his unique qualities of leadership. I know that I will be a better Senator for having had the opportunity to work together and associate with this leader. He has set a standard which other Senators and I can only aspire to meet.

Senator BYRD is an inspiration to all of us in the Senate because of his true devotion to an love for the U.S. Senate as an institution. He has been not only a leader but a teacher to all of us, as he has brought the history of the Senate alive and made it relevant to the present day. I have no doubt that history will rank ROBERT C. BYRD along side such giants of the Senate as Daniel Webster and John C. Calhoun, whose great tradition he has preserved and sustained. ROBERT BYRD represents the best of the U.S. Senate, that which truly makes it the world's greatest deliberative body.

It has been said that "in West Virginia, there are four things people believe in—God Almighty, Sears Roebuck, Carter's Little Liver Pills, and ROBERT C. BYRD." The reasons for that are very understandable. ROBERT BYRD is a true son of West Virginia, born in the hard coal country of southern West Virginia and raised in its hills. He graduated first in his class in high school, and he knows the meaning of hard work. Before he could afford to go to college, ROBERT BYRD worked for 12 years as a gas station attendant, a grocery store clerk, a shipyard welder, and a butcher.

First elected to the West Virginia Legislature in 1946, ROBERT BYRD has devoted his life to public service. In his three terms in the House of Representatives, and his 30 years in the U.S. Senate, he has compiled an outstanding record of accomplishment and service. His mastery of Senate rules and parliamentary procedure is legendary. His devotion to his colleagues and to this institution is unequalled. And his contributions to his State and to the Nation have been unending.

ROBERT BYRD is known to all of us as a historian of the Senate, as a lover of poetry, and as an accomplished and outstanding fiddler. While we will miss his contributions as majority leader, I am very pleased that we will still be able to enjoy his renditions of "Rye Whiskey" and "Cripple Creek" on his beloved fiddle. I am honored to count ROBERT C. BYRD as a colleague and a friend, and I look forward to his continuing leadership in this institution for many years to come.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The time for morning business has elapsed.

Mr. SIMPSON. Mr. President, I would ask for an additional 3 minutes to speak very briefly on my friend, Mr. JOHN STENNIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN STENNIS

Mr. SIMPSON. Mr. President, many tributes have been paid today to this grand man who sits here on the floor as he does so extraordinarily courageously, through many physical ailments which would have levelled many of us. His spirit alone would buoy us all up.

But I do want to say that my father served with JOHN STENNIS and when I came to the Senate he said something very similar to what was said by Senator DOLE. My father, who is 90 years old, will be with us for many more years, God willing, who suffers some very serious physical ailments said: When you get to the Senate, indeed watch how JOHN STENNIS operates, how he does his business with fairness and ultimate courtesy. And, indeed I watched that because I was really quite awed by his demeanor and his presence when I came here.

I remain so. It has been a great personal privilege of mine to learn under his tutelage and under his hand, to have gained by his love and affection for the Senate and in his wonderful wit. That is the superb part of him, that great laugh and humor.

One day he took me aside and said: "Alan, I have been here many years and I have seen many Senators come and go." And he said, "The best way to describe it is that some grow and some swell." He said, "I've been watching you. I would put you among the former," at which I took a heavy sigh and said, "Thank you."

So, indeed, if I have grown, it is because of the leadership and the counsel and the support that John Stennis has given me. He is just such a superb man. An inspiration to us all. God bless him and sustain him as he goes now, soon after the conclusion of this legislative session in September or October, to new and interesting things in his life, connected with people and education and doing things for others and almost always those who are less fortunate. That is what makes him unique. He is a real model for all of us. It is a great privilege to know him, and I shall continue to enjoy that privilege.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

JOHN C. STENNIS—A REVERED COLLEAGUE

Mr. CHILES. Mr. President, I listened with great interest to the remarks of my distinguished colleague from Wyoming speaking about our revered colleague from Mississippi. I just want to say that I have so many fond memories of the Senator from Mississippi.

When I arrived in the Senate some 18 years ago, I was a little bit brash and prone to take on the establishment a little bit. The Senator from Mississippi, I know, patiently watched me go through some of that. I was frustrated as a freshman Senator seeing some of the other Senators who agreed to give back part of their office allowance every year and say how much money they had saved the taxpayer.

Of course, they had a lot of staff tucked away in all kinds of subcommittes, and some of us freshmen did not have all that. We could hardly answer our mail. Our secretaries had to stay late hours. We did not have much office space either. If you had a subcommittee, then you got all the additional office space. So in our office we had people who were sitting on top of each other.

All of that frustrated the Senator from Florida at the time. I was going to make some great changes and propose a lot of things, most of which did not work.

But also I come from the Sunshine State, and I felt that the sunshine was good, and I wanted to open up the system here.

These were things that troubled a number of people, including the distinguished Senator from Mississippi who has been here so many years. But he tolerated me through all of those years and also was of great assistance to me. He helped me get a seat on the Appropriations Committee when I know a lot of Members were saying, "Don't let that fellow on the Appropriations Committee; he will be a troublemaker there." He then assisted me so much through the Appropriations Committee and through all of the endeavors that I have gone through.

I can remember with great pleasure the times when I received one of those handwritten notes. It seemed like there was never a time when I went through a trial or a tough proposition that I did not receive one of those very kind handwritten notes. He was always saying that you needed to be careful that you did not work too hard, and yet at the same time he worked harder than anybody in the Senate. Nobody could slow him down. Not even gunshot wounds. It reminds me a little bit, I say to my friend from Wyoming, of Paul; he was lashed, he was whipped and everything else. Senator Stennis was shot; he was assaulted. None of those things made any difference. He kept doing the duty for himself and several others.

It has been such a joy and a pleasure for all of us to serve with him. He was always there with that encouraging word.

I know that the Senator from Florida was not the only young freshman Senator who he helped. Every young Senator who came through this place received that same kind of tutelage and encouragement from the Senator from Mississippi. If any of us did grow, it was because we were nurtured and watered and given the kind of nourishment we needed by our distinguished colleague who himself has been such a great giant in the Senate. I know the Senate is going to miss him.

I will be leaving the Senate the same time he does, but I know his Nation is so proud of him. He has served so well. I note that we do all look forward to seeing his continued service, as he will now be serving in another capacity.

Mr. STENNIS. If the Senator will yield, I certainly warmly thank the Senator. You were not a backward young man, though, when you got here. You had not been here long, and you made us unlock all the doors. I thank you very much.

The PRESIDING OFFICER. The Senator from Illinois.

JOHN STENNIS—AN INSPIRATION

Mr. SIMON. Mr. President, I was in my office and I heard a couple of people paying tribute to the retiring chairman of the Appropriations Committee. I want to join in everything they have had to say and point out one other thing.

John Stennis has been through his share of difficulties. He has experienced tragedy in his life. He was shot by people robbing him. This must have been 10 years ago or so. He has lost a leg to cancer. But I have never heard John Stennis complain once.

He is an inspiration, not only by what he has done in governmental leadership, but by his own personal attitude. Each of us, I do not care whether you are a Senator from Florida or a majority leader, or a junior Senator from Illinois, we can all profit by the example of John Stennis.

I simply wanted to come over to the floor and say what an honor it has been to serve with him. I think all of us are grateful to have had this opportunity and, Senator Stennis, I do not have any grandchildren yet—this is a hint to my own children if they happen to be watching—but someday I want to tell my grandchildren with great pride I served with John Stennis in the U.S. Senate.

Mr. STENNIS. Thank you so much.

THANKS TO STAFF OF SENATE AGRICULTURE COMMITTEE

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Nebraska, and I wish to commend him for the amount of time he spent with us and the help and advice he gave us throughout this drought legislation.

Mr. President, I would like to take the opportunity today to bring to the attention of the Senate the outstanding work of the staff of the Senate Committee on Agriculture, Nutrition, and Forestry during the past few months. The Agriculture Committee has one of the smallest staffs among the major committees in the Senate but its professionalism and dedication rank as high as any that I have been associated with in my 14 years in the Senate.

Today, the Senate will pass the drought assistance conference report—the most generous disaster relief bill for American agriculture in history. Less than 2 weeks ago the Senate passed overwhelmingly the Hunger Prevention Act of 1988, the first major increase in nutrition programs in 8 years. The quick work on both of these pieces of legislation in the Senate would not have been possible without the diligent and professional effort of the Agriculture Committee staff.

I particularly would like to commend senior counsel Bill Gillon and chief economist Bob Young for their superb work on the drought legislation. Their professional competence coupled with many hours of hard work on all of the major aspects of the bill added immeasurably to the final product of the committee. Senior counsel Carolyn Brickey also pitched in on a number of difficult issues in outstanding fashion.

The drought assistance legislation was truly a team effort with virtually all of the staff working on various components of the bill. Janet Breslin, Fran Hunt, Ken Ackerman, Kathleen Merrigan, Mary Dunbar, and David Werner from the majority staff also contributed to the superlative work on the legislation.

I also would like to commend deputy staff director Janet Breslin and deputy chief counsel Ed Barron for their superb effort in spearheading the staff work on the Hunger Prevention Act. They, along with Laura Madden, have spent many long hours since early this year developing this comprehensive and compassionate legislation.

Chief clerk Chris Sarcone, along with Betsy Paul and Cynthia Molina, organized the many hours of committee and subcommittee hearings and markups that have gone smoothly as a result of their outstanding efforts. Administrative clerk Bob Sturm with the help of Patricia Coates, Mary Kinzer, John Phillips, Tracey Roberts, and Shannon Shinn have provided the superlative staff support necessary to complete this legislation within tight deadlines. Patrick Collins performed admirably under the pressure of numerous press and public inquiries at every juncture as this legislation moved through the committee and Congress.

Gary Endicott, of the Senate Office of Legislative Counsel has provided invaluable assistance to the committee.

In the midst of the committee efforts on drought and nutrition, the agriculture appropriations bill was also completed. Jim Phippard, Kathleen Merrigan, Ed Barron, and Janet Breslin worked tirelessly in a highly professional manner on amendments to this legislation in the areas of agricultural research and nutrition even though this was legislation that came from the Appropriations Committee.

I would like to commend chief counsel Jim Cubie and staff director Chuck Riemenschneider, who are here on the floor, for their excellent efforts throughout the consideration of this legislation. Jim has handled a variety of difficult issues in a truly professional manner. His legal and procedural expertise drawn from his wide ranging experience including his service on my behalf on the Senate Appropriations Committee, in the Senate have been invaluable to the committee. Chuck has worked with me to put together the outstanding staff of the committee. He has guided the staff during the often trying deliberations necessary to complete the committee's complex legislation. His broad understanding of agricultural issues, drawn from his extensive experience on the Hill and in the private sector, has helped the committee make many tough policy decisions. Jim and Chuck's experience has been so helpful to me.

Of course—and this is really the rock bed foundation of this committee—this is a bipartisan committee with an excellent minority staff. Chuck Connor, and many others whom I am sure the distinguished Senator from Indiana will mention, did an outstanding job on this complex legislation, and one that again, showed expertise that I have not seen in my 14 years here in the Senate.

The distinguished Senator from Alabama spoke of one report coming out at 6:05 in the morning. Just last night Bill Gillon and Bob Young were here until 3:30 a.m. There were many times the staff worked until the middle of the night and through weekends as well. It was almost like cramming for final exams in college. But the life and livelihood of so many Americans were at stake in this legislation, and the staff did their duty.

Since early last year, the Senate Agriculture Committee has been remarkably productive. We have produced two major disaster relief bills, enacted the most sweeping reform of the farm credit system in 30 years, adopted a major budget reconciliation package, reported a sweeping reform of our pesticide laws, developed a major title of the trade bill, and adopted the first major increase in nutrition programs in 8 years.

We have proven that the Senate Agriculture Committee is a committee that can address problems, develop consensus, and get good legislation through the Senate and signed by the President.

This is a record of which I am very proud. I am especially proud of the excellent staff which has helped the committee achieve this record of success and without which we never would have had the record.

I yield the floor.

Mr. BYRD. Mr. President, I suggest, before I make a request, that Senators who have statements in connection with the Thornburgh nomination come over and make those statements now. That much will be done at a point when we are ready to vote on the nomination. If Senators would come over and get the debate behind us on that while we are waiting on the emergency supplemental, then in the long run of the day it will save some time.

NOMINATIONS

Mr. BYRD. Mr. President, may I say to the distinguished Republican leader also, I came into the Chamber a little while ago when he was addressing some remarks to items on the Executive Calendar. I, too, have a letter from Secretary of State Shultz. He mentions the problem, and he specifically mentioned Bolivia, in the second paragraph of his letter to me.

> Bolivia serves as a vivid example of the problem. My day there convinced me that this government against formidable economic odds, threatened by narcotics traffickers, and with very limited resources, is an effective democracy that is working with us to advance important U.S. interests.

The hold on that nomination is on the other side of the aisle, on the Republican side of the aisle. If Secretary of State Shultz can get that nomination freed, the hold on the other side of the aisle—if the hold on that can be lifted without any conditions, that nomination can be cleared as far as I am concerned to do today.

That nomination in turn then would free five other nominations under Department of State.

Mr. DOLE. If the majority leader will yield.

Mr. BYRD. Yes, I will be happy to yield.

Mr. DOLE. As I understand the puzzle, it is that somebody is holding up Richard L. Voorhees, to be a U.S. district judge in North Carolina, because of the Great Smokey wilderness bill, and, therefore, Senator HELMS placed a hold on one State Department nominee, Mr. Gelbard, and that happens to be Bolivia. But that has led to holds from the other side on 10 other nominations.

Mr. BYRD. That is true. The Secretary of State did not write about Mr. Voorhees, who is the nominee to be U.S. district judge for the western district of North Carolina. The Secretary of State wrote, as I am sure the distinguished Republican leader knows, about certain ambassadorial candidates. I am just saying for the record if Mr. Shultz wants to free Mr. Gelbard, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia, if he can get that hold lifted from the other side of the aisle, that then will free Mr. Ross, Calendar Order No. 796, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria; it will free Mr. William Graham Walker to be Ambassador to the Republic of El Salvador; Mr. John Thomas McCarthy to be Ambassador to the Republic of Lebanon; Mr. Edward Peter Djerejian—that is Calendar Order No. 781—to be Ambassador to the Syrian Arab Republic. Those are the items under Department of State which I say could be readily freed. And Mr. Thomas Edmund McNamara, to be Ambassador to the Republic of Colombia, Department of State, yes. Here are five additional ones: Mr. John Florian Kordek, to be Ambassador to the Republic of Botswana; Carl Copeland Cundiff, to be Ambassador to the Republic of Niger; Mr. John Andrew Burroughs, Jr., to be Ambassador to the Republic of Uganda; Mr. Robert L. Pugh, to be Ambassador to the Republic of Chad; and Mr. William H. Twaddell, to be Ambassador to the Islamic Republic of Mauritania. So therein seems to lie the bottleneck of one nominee.

Mr. DOLE. Therein lies Secretary Shultz' problem, but Senator HELMS has a different problem.

Mr. BYRD. Yes.

Mr. DOLE. And he also mentioned specifically El Salvador where we have poured hundreds of millions of dollars into that country. My only point is, is it necessary to hold 10 hostages for 1? Why can we not pare off one apiece or something? But El Salvador is a fairly important country to us; the leader of that country is quite ill. Secretary Shultz pointed out our present Ambassador served his last day there this week.

But I made the statement to impress Members on this side that we are dealing with real people. They are not just names on a sheet. They are people. They have families and they have obligations. So I would hope that before we leave I will have some response on this side and maybe some response on that side on Judge Voorhees.

Mr. BYRD. Mr. President, these are all administration nominees and I feel that if the administration needs these so badly, the administration ought to get busy to lift the hold on the Republican side of the aisle that will free any one or more of these several Ambassadors whose names I have called.

I have upon different occasions tried to fight the administration's battle because being the majority leader I felt a responsibility to try to move items on the Executive Calendar. In some instances I have had to make motions to do that, but the administration has not been very concerned about helping the majority leader as of yesterday when I tried to do something to help the Contras, help them to survive. The administration is always talking about the survival of the Contras, yet it gave not the lifting of its little finger to help this majority leader on yesterday.

Now we get a letter from the Secretary of State wanting some help from the majority leader in connection with nominees that are the administration's nominees. The hold that will turn all of these loose is on the Republican side of the aisle. I cannot get that hold lifted. I am not sure the Republican leader can. But I think the administration ought to know where its problem is. So if the administration wants some help from this majority leader, let the administration get the hold lifted on the other side of the aisle on Mr. Robert Gelbard, who is the nominee to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

I will be very happy to get these nominations all cleared. As far as I am concerned, I would be happy to move right now to take up Mr. Gelbard. I could do that. There is no debate on that motion. I can move to take that up. It might create some problems for Senators. I do not mean to say these things and I am not directing them to the Republican leader. But I am just saying to the administration that wants a quick response to its letter that would be one way of getting it.

Mr. SIMON. Will the majority leader yield?

Mr. BYRD. Yes, beyond that, let me renew my suggestion to Senators that if they want to come over now and speak on the nomination of Mr. Thornburgh, they can do so once we get the supplemental disposed of. We can vote on that nomination and have the debate on it. Would the Republican leader have any objection to my putting the Senate into executive session so that Senators could come over and speak on that nomination now?

Mr. DOLE. No; in fact, we have notified the two Pennsylvania Senators to head for the floor for that purpose.

Mr. SIMON. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. SIMON. Both leaders and Senator JOHNSTON are here. I know some of our colleagues are anxious to go. We mentioned the Thornburgh nomination. I wonder if it is possible to have kind of an informal understanding that there could be a voice vote on that, and on the supplemental. But I understand there may be problems with that but it would facilitate our colleagues, some of whom would like to be going and planning on that.

Mr. BYRD. I have no problem with a voice vote on the supplemental. There are Senators who insist, on Cabinet officers of the level of the Attorney General, that there ought to be rollcall votes.

Mr. SIMON. Let me ask the leader. If that is the case, is there any reason he could not move immediately?

Mr. BYRD. Yes; there is. Two Senators on our side of the aisle want the supplemental adopted before they go to the Attorney General. We are going to get that Attorney General confirmed today one way or the other.

Mr. DOLE. If the majority leader will yield, I think if we had the agreement on the supplemental we would not have to wait on the supplemental. Is that correct?

Mr. BYRD. I believe that would be correct.

Mr. DOLE. I have cleared that with the two Senators on this side. We are waiting for Senator DOMENICI to call in. We have cleared it up with Senators STEVENS and GRAMM, and we are waiting for Senator BENTSEN. I do not believe he has a problem. So we would be in a position to make that agreement. That would tie that one up. Then maybe that would permit the majority leader to proceed with the nomination.

Mr. BYRD. I would hope so.

Mr. DOLE. I have just heard from Senator DOMENICI. We are ready to make whatever agreement the distinguished Senator from Louisiana had in mind.

Mr. BYRD. All right. Mr. President, the distinguished Senator from Louisiana is managing the dire emergency supplemental appropriations bill. I suggest that he lay out the parameters of the request, and if agreed to, and I will see if I cannot get clearance to proceed immediately or in a short time certainly to vote on the Thornburgh nomination. If we can get this agreement, then we will know the supplemental will be disposed of.

UNANIMOUS CONSENT AGREEMENT

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I think we now have an agreement with our counterparts on the House side, the distinguished chairman of the Appropriations Committee, Mr. WHITTEN, along with the Speaker and the majority leader of the House.

The proposal is this: That we take the dire emergency as passed by the Senate, that we strip out the language with respect to FSLIC, that we add the sum of $15 million for unemployment, that we add back in $24 million for refugees, that we strip out the sense-of-the-Senate language with respect to pay raise—that has actually been enacted into law in the defense appropriations bill so that is unnecessary; and that otherwise, we take the Senate bill which we considered to be a very reasonable deal, especially considering that Mr. WHITTEN was hanging very solid for $50 or $60 million in unemployment. So for $15 million we consider that to be very reasonable.

What we would like to do is get unanimous consent to waive the Budget Act with respect to those two items, and I am prepared to make that request at this time.

I would also ask the Chair with respect to the veterans' benefits which were previously waived by waiver here on the floor, do we need to rewaive that for the purpose of the Budget Act.

The PRESIDING OFFICER. I believe we do.

Mr. JOHNSTON. For the conference report.

The PRESIDING OFFICER. Yes.

Mr. JOHNSTON. That has already been waived by vote on the Senate floor, but we would include that on the request as well. Shall I go ahead and make that request?

Mr. BYRD. I suggest the Senator make the request.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that when the conference report and the amendments in disagreement on H.R. 5026, the dire supplemental bill is received from the House, that all points of order under the Budget Act, especially section 302 and section 311 with respect to $15 million for unemployment, $24 million for the refugees, as well as the language and the amounts of money with respect to the veterans included in the Senate bill for which a waiver was already secured in the Senate for passage in the Senate—I ask that those points of order be considered to be waived.

I also ask unanimous consent to waive the Budget Act with points of order with respect to final enactment of H.R. 5026.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, as I indicated earlier, I will do so again for the RECORD, this matter has been discussed with Senator DOMENICI and the ranking Republican on the Budget Committee, Senator GRAMM, who has a standing order to be notified whenever there is a waiver of the Budget Act or any points or order thereunder, and Senator STEVENS, the second ranking Republican on the appropriations representing that committee, and Senator HATFIELD, who had to depart about 30 minutes ago.

Mr. JOHNSTON. Mr. President, I stated that H.R. 5026 would be a conference report with amendments in disagreement. I think the actual vehicle will be an amendment to H.R. 5026 so that the unanimous consent request would be for waiving those points of order on H.R. 5026 when received from the House.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that when H.R. 5026 and the message comes over to the Senate that the Senate proceed to it immediately, and that there be a time limitation on that of 10 minutes equally divided between the managers, Mr. JOHNSTON and Mr. DOLE or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That being the overall time limitation.

As I understand it, there is no request for a rollcall vote.

Mr. DOLE. There is no request for a vote on this side. In fact, if there is a request we do not have one—from several.

Mr. BYRD. And that there be no amendments to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, I have been clearing this on behalf of Senator HATFIELD on our side on this, and there is one Senator who had to be notified about one amendment in that bill.

Mr. BYRD. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request of the majority leader is temporarily withdrawn.

Mr. STEVENS. Mr. President, I remove the objection, and I thank the majority leader for his courtesy.

Mr. BYRD. I thank my friend.

Mr. DOLE. Mr. President, the reference was to the FSLIC provision. It is Mr. GARN's amendment, and it is my understanding that he would not hold up the supplemental because of that. I think that is what Senator STEVENS was concerned about. It was my understanding that Senator GARN would not hold up the supplemental because of that, and I will take that responsibility.

Mr. BYRD. I thank the distinguished Republican leader.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the majority leader is agreed to.

NOMINATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Thornburgh to be Attorney General and that there be a time limitation of debate thereon of——

Mr. SYMMS. Mr. President, reserving the right to object, I just want to ask a question of the majority leader.

Will there be a chance for morning business before it is over? I have a speech of about 10 minutes that I would like to give.

Mr. BYRD. Yes, there will be time for morning business.

Mr. President, there are a few Senators on my side of the aisle who want the supplemental adopted before the Thornburgh nomination is confirmed.

May I state to those two Senators, wherever they are, that the President will not be notified of the confirmation of the nomination until the supplemental is adopted. The nomination will stay right here.

So I hope we will not have a hold that will keep us here and not allow Senators to vote on the Thornburgh nomination. I will not even move to reconsider until that is done, if that is agreeable to the distinguished leader on the other side. That gives them their protection.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Thornburgh to be Attorney General; that there be a 30-minute time limitation, equally divided between the two leaders or their designees.

Mr. HELMS. Mr. President, reserving the right to object, I was in my office preparing a little statement and I heard my name—not taken in vain, but perhaps vainly—with respect to who is holding up what around this place.

Mr. BYRD. I did not hear the Senator's name mentioned.

Mr. HELMS. It was mentioned.

Mr. BYRD. Not on this side.

Mr. HELMS. It is quite all right. I like people calling my name occasionally.

May we revisit this for about 5 minutes, so that I can set the record straight?

Mr. BYRD. Yes.

Mr. HELMS. And tell the majority leader what I am willing to do, in good faith.

According to my notes, there are about 15 nominees on the calendar—most of them Ambassadors, but not all of them—reported from the Foreign Relations Committee.

I will say that I placed a hold on only 1 of the 15, Mr. Robert S. Gelbard, and it had nothing to do with any leverage. It had to do with a legitimate and substantive concern that I have been working on with the State Department for at least 6 or 8 months.

This running controversy with the State Department is outlined in my additional views on the Gelbard nomination. It has to do with State Department reports on a trip made to Chile in 1986 by the Senator from North Carolina and staff and alleging the leaking of classified information. Such allegations are, and were, without foundation—as substantiated by an FBI investigation.

I had been seeking State Department documents relating to this issue. The Department provided some, but withheld two key documents which it refused to provide.

The State Department declined to furnish the information, but late yesterday afternoon it was finally delivered to me, albeit in modified form.

I am perfectly willing, in good faith, to let Mr. Gelbard go. I am, of course, interested in Mr. Voorhees, and I second what Senator DOLE said about the travesty of this fine young man, admired and supported by Democrats and Republicans alike, being held up and almost driven out of the law business, through no fault of his own.

I did put a hold on Mr. Gelbard, but it was based on a substantive objection. There still remains one unresolved aspect which involves a lot of Foreign Service officers. They use a ruse to avoid paying income tax. I have talked to the majority leader in the past about at least one or two other such nominees.

What they do is that they own residences right here in the District of Columbia, but they claim residence in some State, like Florida, which has no income tax. I have been asking the State Department to draw a line on that, and they do not want to do that.

I have also been working with the District of Columbia about it, and they are about to send up a ruling on it, I say to the majority leader, with respect to Mr. Gelbard. I do not think that people who deliberately avoid paying taxes ought to be confirmed. That is my point.

Mr. BYRD. I agree with the Senator on that point, and I join him in his expression of indignation with respect to those who may deliberately do that.

Mr. HELMS. I know that the Senator has been most helpful, and I thank him.

If the Senate wants to send an Ambassador anywhere—to Timbuktu or wherever—who has deliberately avoided paying his taxes, I am perfectly willing now, under the circumstances, to do so, although I do not think it a good practice or precedent.

In at least one case, for example, an ambassadorial nominee—not Mr. Gelbard—signed an affidavit that his residence was the District of Columbia, in order to get a divorce from his wife. Yet, at the same time he claimed residence in another State—which had no State income tax—so he would not have to pay a State income tax.

I have a duty, as a Senator and as the ranking member on the Foreign Relations Committee, to put an end to such conduct as that.

I say to the majority leader that I am going to withdraw my objection to Mr. Gelbard and proceed in the hope that we will proceed with the other Ambassadors. At the same time, I plead with Senators on the other side to set Mr. Voorhees free. He is a man of impeccable ability and character, greatly admired by Democrats and Republicans alike; and we will work out the Great Smoky Mountain wilderness bill.

All I am asking of those Senators who are trying to push this through is that they go down there, as I have done, as MALCOLM WALLOP has done, and sit down with the people in western North Carolina. The proponents have not held a hearing. They do not know what is involved. They do not know how the people feel.

I have petitions and/or letters from vastly more than half of the voting-age population of Swain County, totally objecting to the Sanford-Sasser wilderness bill. They say, "We know how people feel." They do not know how people feel, apparently.

So I want to say formally, on this floor, right now, that I withdraw any objection I have to the nominee to Bolivia, Mr. Gelbard, and we can proceed with his nomination and the other State Department nominees being held up on the other side. But I hope that, in equally good faith, we can proceed to Mr. Voorhees.

I thank the distinguished majority leader.

Mr. DOLE. Mr. President, if I can just say one word.

The PRESIDING OFFICER. Pending is the request of the majority leader for the body to go into executive session and examine the Thornburgh matter. That has not been agreed to.

Mr. SYMMS. Mr. President, further reserving the right to object.

Mr. DOLE. Mr. President, I reserve the right to object. I say one word. I want first of all to thank the Senator from North Carolina for his usual and customary courtesy, and I must also say that the RECORD should be corrected even in my remarks because I remember discussing the very problems the Senator raised today with reference to Mr. Gelbard, and he is right. It should not be tolerated. It should not be permitted.

I now recall that the Senator from North Carolina asked for documents weeks and weeks ago. He got a few that were not particularly—

Mr. HELMS. Relevant.

Mr. DOLE. Relevant.

Finally, I guess yesterday he received the documents he had been trying to obtain for some time from the State Department officials.

I thank the Senator from North Carolina. I think he has made the record, and I would hope the State Department and maybe the appropriate committee in this body would see if it is happening in other areas, if in fact some of these ambassadors are trying to avoid payment of U.S. taxes.

The majority leader does not agree with that. I do not agree with that. There is not a Senator here who would agree with that.

They are paid quite well. I hope we pursue the recommendation of the Senator from North Carolina.

Mr. HELMS. Mr. President, if you will let me reserve the right to object further, one further sentence: this could have been resolved months ago, if the State Department had simply done then what they finally were dragged, kicking and screaming into doing yesterday afternoon.

As long as they persist in trying to deny the Senate information to which I think the Senate is entitled I am going to have to place holds again.

But I hope I will not have to do that. I hope all of us have learned a lesson.

I thank the majority leader.

Mr. BYRD. I thank the Senator.

Mr. SYMMS. Mr. President, reserving the right to object, I thank the majority leader.

I congratulate Senator HELMS first for the effort he put in on this effort.

I state further to the majority leader, and I see that Senator THURMOND is on the floor, we have several very fine judicial appointments that have been nominated and are pending action.

I know we have a fine nominee that the President has nominated just this week for the Ninth Circuit Court of Appeals that I see no reason why this Senate should not be able to act on before the 100th Congress adjourns.

I would like to state this to the majority leader. I know we will have his support and cooperation, and I hope we can get some expeditious movement in September and prior to the October adjournment to confirm some of these fine appointments to the Federal bench that have been made by President Reagan prior to the time that he leaves office. Otherwise, the only conclusion one can draw is that it is just pure dilatory tactics that are going to force some of us to start using those same tactics on the floor to slow down the course of business here.

I hope we can have cooperation with the leadership on this and I am sure we will.

I withdraw any objections.

The PRESIDING OFFICER. Hearing no objection to the request of the majority leader, I will check it with the majority leader. Will the majority leader advise the Chair? The Chair's understanding is that the request is for 30 minutes equally divided on the Thornburgh nomination.

Mr. BYRD. Yes; the Chair is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I allot the 15 minutes on this side to the ranking member on the Judiciary Committee, Senator THURMOND.

Mr. BYRD. Mr. President, Senator KENNEDY is on his way to the floor. I designate Senator KENNEDY on this side.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Richard L. Thornburgh, of Pennsylvania, to be Attorney General.

Mr. BYRD. Mr. President, I suggest the absence of a quorum and I ask that it be charged evenly to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand we have a time limitation.

The PRESIDING OFFICER. Fifteen minutes on each side.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

The Attorney General of the United States is the personification of American justice. He holds one of the highest positions of public trust in the land.

His responsibility to enforce the Nation's laws and protect the liberties of the people has never been more important. He is the chief lawyer for the Government, and in a very real sense, the chief counsel to the President. Above all, his performance must inspire the confidence of all Americans in our system of justice and our commitment to the rule of law.

In this sense, he is not only the President's attorney general, he is also the people's attorney general—especially those who are the least powerful in our society, who have the least access to private counsel of their own, and who must rely on the competence and the commitment of the Attorney General for the fair enforcement of their Federal rights.

The stewardship of Attorney General Meese has failed this trust. By attempting to roll back decades of progress in civil rights, and by giving favored treatment to friends, Mr. Meese tarnished his high office. He made the Department of Justice a symbol of injustice for millions of Americans.

I know Gov. Richard Thornburgh, and I am impressed by his qualifications. He will be an Attorney General of a different and better mold, and I support his confirmation. I am confident that he will do as much as he can to repair the damage and injustice of the Meese regime, and restore the confidence of the American people in his high office, so that the Department of Justice will once again live up to its proud name.

Governor Thornburgh has a long and distinguished record of public service—as U.S. attorney for the Western District of Pennsylvania, as Assistant Attorney General for the Criminal Division of the Department of Justice, and as Governor of Pennsylvania. In recent months, he has been the director of the Institute of Politics at the Kennedy School of Government at Harvard. I have been privileged to work closely with him in that capacity, and I am impressed by his commitment to excellence in public policy and encouraging able young men and women to enter careers in public service.

I urge my colleagues to support his confirmation, and I look forward to working with him as Attorney General.

I reserve the remainder of my time.

Mr. THURMOND. Mr. President, this afternoon we will vote on Richard L. Thornburgh, President Reagan's nominee to be the Attorney General of the United States

In recent weeks there has been a great deal of discussion regarding the role of the Attorney General. There are some who have said that a prerequisite for this position is an individual's loyalty to the President who nominated him. There are others who believe that the most important requirement to be Attorney General is an individual's commitment to the fair and equitable administration of justice for all Americans. In my opinion, both points of view have merit. I would just add one other criterion, and that is that an individual must perform the duties of his office in an independent and uncompromising manner.

I feel that in Governor Thornburgh we have a nominee who will demonstrate all of the fine characteristics an attorney general must possess, namely, integrity, good judgment, competence, professionalism, and independence. Moreover, I am certain that Governor Thornburgh is an individual who understands the importance of this position, and will do nothing that in any way will reflect poorly on the office.

Governor Thornburgh's background and experience have prepared him well for this position. He received his bachelor's degree from Yale University in 1954, and in 1957, graduated from the University of Pittsburgh School of Law. From 1957-59, he was staff counsel for a large corporation, and from 1959-69, he was in the private practice of law. In 1967, Mr. Thornburgh began a long and distinguished period of public service; that year he was elected delegate to the Pennsylvania Constitutional Convention. From 1969-75, he served as the U.S. attorney for the western district of Pennsylvania. In 1975, Mr. Thornburgh was appointed as the Assistant Attorney General for the Criminal Division, and held that position until 1977. He then practiced law for 2 years. In 1979, Mr. Thornburgh was elected Governor of the Commonwealth of Pennsylvania, where he served until 1987. Governor Thornburgh is now in the private practice of law, and in addition serves as director of the Institute of Politics, John F. Kennedy School of Government at Harvard University.

Governor Thornburgh has written a number of impressive legal articles and is widely regarded as one of this Nation's most able attorneys. His experience as a practicing attorney, prosecutor and as Governor of his State will be beneficial to him as this country's chief law enforcement officer. He is an individual who has a thorough understanding of our system of Government and realizes the importance of the role of Attorney General. I feel that he will give competent advice and fair opinions to the President on all issues which may arise, and more importantly, that he will uphold the trust and confidence reposed in him.

Governor Thornburgh will be an outstanding Attorney General and I urge my colleagues to vote for his confirmation.

Mr. President, I yield 3 minutes to the distinguished senior Senator from Pennsylvania, Senator HEINZ.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. HEINZ], is recognized for 3 minutes.

Mr. HEINZ. Mr. President, I thank the distinguished acting chairman of the Judiciary Committee, Senator KENNEDY, and the equally distinguished ranking minority member, Senator THURMOND, for bringing to this body the nomination of Richard L. Thornburgh to be Attorney General of the United States.

Senator THURMOND has more than thoroughly explained Governor Thornburgh's qualifications and background. I would like to make a couple of personal commitments, inasmuch as I have been privileged to know Dick Thornburgh, a fellow resident of my hometown of Pittsburgh, for the better part of 24 years.

He is a man of great energy and integrity. He is quite a family man. He and his family have been through a lot together. He has always kept his family commitments in proportion to his commitments to public service, and his commitments to public service have been estimable and, indeed, unusual.

What I commend to our colleagues today in particular, Mr. President, is Dick Thornburgh's unusually keen sense of what public service and public responsibility is all about. In the position of Attorney General, it is necessary that the incumbent that holds that position has a particularly sharp view of public service and public responsibility.

And the fact, that when Dick Thornburgh stepped down as Governor of our State, after 8 years, he chose to go to teach young people at the Kennedy School, to teach, above all, at the Institute of Politics, in this diverse society, where there are necessarily conflicting views over everything, that a democracy takes those views, weighs them, composes them, resolves those differences into public policies for the best of our people and for the betterment of our Nation.

The Attorney General of the United States is this Nation's chief legal officer. He has solemn responsibilities and obligations. He is subject, just like anybody else, to conflicting views and pressures.

It will serve this country very well, indeed, when we are able to notify the President that Dick Thornburgh has been confirmed by this body as Attorney General of the United States, because there are few people in memory, Mr. President, who will be better able to not only understand or withstand those pressures, but to take them, to take the best of them, to reconcile conflicting points of view, and to do so with the public interest steadfastly in mind.

So I commend to our colleagues the nomination of Dick Thornburgh as Attorney General of the United States.

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Illinois may desire.

The PRESIDING OFFICER. The Senator from Illinois, Mr. SIMON, is recognized.

Mr. SIMON. Mr. President, I rise in support of this nomination. I, frankly, had only minimal contact with Governor Thornburgh before the nomination.

I felt he did a good job before the committee, but I took the liberty of making two phone calls. One to the former Attorney General of the United States, Ed Levi, under whom he served, who was Attorney General when Gerald Ford was President. Ed Levi gave him high marks.

Then I called Bill Batoff, a Philadelphia business leader, who happens to be a Democrat. I asked him, "Bill, what kind of an Attorney General would Dick Thornburgh make?" He said, "He would be superb." He gave him very high marks.

Clearly, we have a superior nominee here.

Let me just add one other word. Our colleague from Pennsylvania, Senator HEINZ, used the words "public service." Real candidly, you can look at his financial statements and see that public service has been his aim. He would not be serving as the director of the Kennedy Institute of Politics at Harvard if his aim was to do anything other than serve the public and do it well.

I think we have a good nominee. I commend the President for sending Dick Thornburgh's nomination to us. I am pleased to support it.

Mr. DOLE. Mr. President, it's a pleasure to speak today on behalf of the nomination of Dick Thornburgh as Attorney General.

As I am sure you all know, Governor Thornburgh was approved unanimously by the Senate Judiciary Committee yesterday. That vote of confidence is a telling indication of the esteem in which he is held by Members of this body—on both sides of the aisle. And I have no doubt that the full Senate will mirror their approval.

Throughout his career, most recently at Harvard's Kennedy School of Government, during his two terms as Governor of Pennsylvania; as U.S. attorney for western Pennsylvania; and as head of the Justice Department's Criminal Division; Dick Thornburgh has combined his considerable intellectual skills with the utmost integrity and dedication to the public good.

Even though the remainder of the Reagan administration can be counted in months, the Justice Department has some very important work to do—work that requires the kind of steady, thoughtful leadership that Dick Thornburgh can and will provide. There is the continued battle against drugs, against organized crime and the crackdown on corporate, white-collar crime. With Dick Thornburgh at the helm of the Justice Department, there is no question that these issues will be pressed.

Mr. President, I can think of no better choice for the job of Attorney General than Dick Thornburgh. And I sincerely hope that the Senate follows the guidance of the Judiciary Committee and unanimously approves his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield such time as he may require to the able Senator from Pennsylvania, who is a member of the Judiciary Committee, a very prominent member.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the chairman of the Judiciary Committee, Mr. President.

Mr. President, aside from the position of the President of the United States, there is no post in our Government more important than Attorney General of the United States. That position as the chief law enforcement officer of the country is really the symbol of justice, and has the responsibility for enforcement of criminal laws, civil laws, antitrust laws, and the entire administration of justice.

Mr. President, the fact that the U.S. Senate is proceeding on an unusually fast track on Governor Thornburgh's nomination is a sign that there is some substantial urgency to completing this nomination so that Governor Thornburgh may take over as Attorney General of the United States. I thank my colleagues for taking up this nomination this afternoon as we are preparing to depart for the Republican Convention and for a brief recess before Labor Day. I think it is worth noting the fast timing of this entire process, perhaps setting a new record for confirmation of Attorney General or perhaps for any Cabinet position of this importance.

Mr. President, the announcement by President Reagan of Governor Thornburgh's nomination for Attorney General occurred on July 12 of this year. Last Friday, August 5, we had a hearing on Governor Thornburgh. Yesterday the Judiciary Committee voted out Governor Thornburgh's nomination. And today, on August 11, we are proceeding to vote on this confirmation process, in less than 1 month, which is a very extraordinary posture for such a position.

There had been some talk earlier that there might be some objection to taking up Governor Thornburgh's nomination, perhaps tying it to some other matters. I am glad to see that that has not occurred because of the importance of moving ahead to fill this critical position with this very well-qualifed man.

There has already been some substantial comment about Governor Thornburgh's resume. Suffice it for me to say that my knowledge of Dick Thornburgh began in earnest in the late 1960's and early 1970's. He was U.S. Attorney for the Western District of Pennsylvania and I handled the prosecutor's job in the eastern area, in Philadelphia, as district attorney there. I worked closely with U.S. Attorney Thornburgh at that time and saw that he was a man of resoluteness, determination and insistence on strong law enforcement and insistence on tough sentences for tough criminals.

He comes to this job at a time when drugs constitute an enormous problem in this country. While there is a relatively brief period of time during this administration, there is sufficient time for a man of his capability to make a significant imprint on the important responsibilities of the Attorney General. So I am delighted to see the process move forward.

Others of my colleagues have come to the floor so at this time I yield the floor with my strong recommendation that we give Dick Thornburgh unanimous confirmation in this body today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield the distinguished Senator from Utah such time as he requires.

The PRESIDING OFFICER. The Senator from Utah, Mr. HATCH, is recognized.

Mr. HATCH. I thank my colleague from South Carolina and I thank the other members of the Judiciary Committee who have taken the time to come over and speak on this nomination.

Mr. President, I have known Richard Thornburgh, Dick Thornburgh, for many, many years. Actually it has been close to 30 years now.

Of all the things that I have known about Dick Thornburgh, all of them have been favorable. Not only was he a great law student, but he has had a distinguished career in everything he has tried to do. I think one of the distinctive features of President Ronald Reagan's administration has been the presence of ability to find exceptional individuals who have been willing to accept the grave trust of our Nation's laws, and Dick is one of those. I think Dick would undoubtedly be remembered as a brilliant choice to serve as Attorney General. He will carry on his record of outstanding service, established by his predecessors in office, all of whom for the most part have been outstanding.

We have already heard a great deal about his background and qualifications. Perhaps the most important observation about those qualifications is that his legal career has exposed him to almost every facet of the legal profession. He served for 2 years as counsel to a major American business, for 10 years as an associate in an important Pittsburgh law firm, for 2 years as delegate to the Pennsylvania Constitutional Convention, for 6 years as a U.S. Attorney, for 2 years as an assistant attorney general in the Department of Justice, for 4 years as a partner in a major law firm, for nearly 8 years as the chief executive of his State. It would be hard to imagine a finer set of credentials for a nominee for Attorney General.

Moreover, in all of these significant positions, Governor Thornburgh served with remarkable distinction. One publication had this to say about his service as Governor: "When Thornburgh took office, Pennsylvania State Government was awash in corruption and red ink, while the State's economy was hopelessly dependent on heavy industry, reeling toward depression. Today Pennsylvanians praise Thornburgh as the Governor who brought efficiency and integrity to State government, balanced the budget, brought unemployment below the national average, and reoriented the State's economy from past to future."

I have no doubt that Governor Thornburgh will bring a similar high standard of "efficiency and integrity" to the Justice Department.

One thing is certain. He will not need to spend time learning his job, because he already knows it.

He will not need to learn the intricacies of prosecutorial discretion. He made prosecuting choices for 6 years as a U.S. Attorney.

He will not need to inquire about Justice Department procedures. He was an assistant attorney general for 2 years and even served as Acting Deputy Attorney General, the second highest post in the Department.

He will not need to study applications of the rules of criminal procedure. He has applied those rules in important criminal trials.

He will not need to acquire the skills of enforcing our drug laws. He has enforced those laws during crucial periods.

He will not need to gain an understanding of the need for full and fair civil rights protections. He has already enforced those principles of fairness.

He will not need to learn the value of working closely with Congress to win the war on drugs and violent crime. He has worked with Congress and his State legislature on the same issues.

He will not need to be reminded of the appropriate balance between fair competition and monopolistic force in antitrust policies. Nor will he need to learn the importance of selecting judicial candidates with a full grasp of our system of laws and a high degree of judicial temperament. Nor will he need to learn the importance of budgetary priorities in times of fiscal constraints. These duties and much more he has already done.

I would also like to note that Governor Thornburgh acquitted himself masterfully during questioning by the Senate Judiciary Committee. He gave firm, fair, and sensitive answers, while not compromising his principles or the President's on subjects as diverse as court reform, abortion litigation, civil rights, criminal law enforcement, selection of judges who interpret rather than make the law, and much more. The Judiciary Committee was clearly impressed with his candor and ability.

President Reagan and the entire Nation is fortunate to have an individual of Governor Thornburgh's merit and stature to take over the vital duties of the Department of Justice.

Mr. SIMPSON. Mr. President, I rise today in strong support of the nomination of Richard Thornburgh to be Attorney General of the United States. Governor Thornburgh has enthusiastically engaged in public service throughout his adult life. Whether as Governor of Pennsylvania or as board member of the Association of Retarded Citizens of Allegheny County, Dick Thornburgh has always been right there, serving the public.

With the resignation of Attorney General Ed Meese, the President swiftly went to work in search of another well-qualified nominee for this important post. President Reagan certainly met and exceeded many of the expectations which we in the Senate had for the next Attorney General when he submitted the Thornburgh nomination.

Attorney General Meese left the department with a strong record of accomplishments. By almost any measurable criteria, the Department of Justice exceeded past performance in both civil and criminal matters. I certainly believe that Governor Thornburgh will continue this fine record and the country will be well served through the balance of President Reagan's term with Dick Thornburgh at the helm.

I first met Dick Thornburgh in the adversity of Three Mile Island. That was a "baptism by fire" for both of us—he as the new Governor of Pennsylvania and me as the freshman Senator charged with the responsibilities as the ranking member on the Nuclear Regulations Subcommittee in the Senate. I watched him handle that situation with great wisdom, judgment, and skill. He deservedly won wide praise and support for handling the Three Mile Island situation and I have been very impressed with his work ever since.

Dick Thornburgh's previous terms in the Department of Justice will serve him well as Attorney General. As former Assistant Attorney General for the Criminal Division and U.S. attorney, he worked hard to enforce public integrity statutes against elected officials who violated the confidence of their office and the laws of the land. He established the Public Integrity Section in the Department of Justice. He will no doubt continue this fine record and forge his own mark on the Justice Department.

During the confirmation hearings before the Senate Judiciary Committee, Governor Thornburgh was asked what his priorities would be as Attorney General. He stated his No. 1 concern would be the war on drugs, and second, he would attack organized crime and third, he would work to enforce laws against public corruption.

Mr. President, I am confident that he will excel at achieving all three goals. I strongly support the nomination and look forward to working with Dick Thornburgh as the next Attorney General. Thank you, Mr. President. I yield the floor.

Mr. PRESSLER. Mr. President, unfortunately I will be necessarily absent at the Senate vote today on Attorney General nominee Richard Thornburgh. However, I strongly support his nomination to be Attorney General of the United States. Richard Thornburgh is a man of great integrity and strength of character. His deep commitment to the law of this country and his dedication to law enforcement are necessary qualifications for this position. I believe that Richard Thornburgh would ensure fair and equitable administration of the Department of Justice.

Richard Thornburgh's public service record is a testimony to his experience and qualification for this position. He served as U.S. attorney for Pennsylvania from 1969-75. He then served as Assistant Attorney General of the United States in charge of the Criminal Division. He served two terms as Governor of the Commonwealth of Pennsylvania and is currently a partner in the Kirkpatrick & Lockhart law firm. He also shows a dedication to education and youth as the director of the Institute of Political Science of Harvard's John F. Kennedy School of Government.

In a recent meeting with Attorney General nominee Thornburgh, we discussed the services of the Department of Justice in South Dakota. I was impressed with his concern for the needs of the people of our State. I feel that he truly has a keen understanding of the meaning of responsible and responsive public service.

I believe that Richard Thornburgh is a highly qualified and worthy nominee. I strongly support him and look forward to working with him in his position as the Nation's top law enforcement official.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, unless there is some Senator that I do not know about who wants to speak, I yield back the remainder of my time.

Mr. SIMON. We yield back the remainder of our time over here, too.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard Thornburgh to be Attorney General of the United States. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. Bentsen], the Senator from Oklahoma [Mr. Boren], the Senator from Florida [Mr. Chiles], the Senator from Nebraska [Mr. Exon], and the Senator from Nevada [Mr. Reid], are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON announced that the Senator from Mississippi [Mr. Cochran], the Senator from Minnesota [Mr. Durenberger], the Senator from Utah [Mr. Garn], the Senator from Oregon [Mr. Hatfield], the Senator from Nevada [Mr. Hecht], the Senator from Wisconsin [Mr. Kasten], the Senator from South Dakota [Mr. Pressler], the Senator from Wyoming [Mr. Wallop], and the Senator from Arizona [Mr. McCain], are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. Durenberger], the Senator from Wisconsin [Mr. Kasten], and the Senator from Wyoming [Mr. Wallop], would each vote "yea."

The PRESIDING OFFICER (Mr. Levin). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 0, as follows:

[Rollcall Vote No. 310 Ex.]

YEAS—85

Adams
Armstrong
Baucus
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Ford
Fowler
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NOT VOTING—15

Bentsen
Biden
Boren
Chiles
Cochran
Durenberger
Exon
Garn
Hatfield
Hecht
Kasten
McCain
Pressler
Reid
Wallop

So the nomination was confirmed.

(At the request of Mr. Dole, the following statement was ordered to be printed in the Record:)

● Mr. KASTEN. Mr. President, my duties as cochairman of the Platform Committee of the 1988 Republican National Convention make it necessary for me to be outside of Washington during Senate consideration of the nomination of Richard Thornburgh of Pennsylvania to be Attorney General of the United States. I desire the Record to show that, were I present, I would vote "aye" on this nomination.●

LEGISLATION SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 20 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEPARTURE OF DR. FREDRICK F. CHIEN

Mr. CRANSTON. Mr. President, I am pleased today to congratulate Dr. Fredrick F. Chien, the distinguished representative of Taiwan's CCNAA office in Washington, and to add my own best wishes to Dr. Chien upon his return to Taipei after 6 years of difficult, but extremely successful, work in Washington.

The qualities we look for in those who deserve the title of diplomat are a rare mix found in few individuals. A diplomat must be friendly, charming, tactful, intelligent, and sensitive to the concerns and interests of those with whom he deals. While sympathetic to the problems and needs of the foreign countries to which he is posted, he must at the same time function as an effective and forceful advocate of his own country's interests. All the while, he must display an even temper and a sure knowledge of practical limitations on his ability to resolve all situations in the most ideal manner.

Both the United States and Taiwan have been fortunate in that Dr. Chien has displayed more than an average share of these qualities during his watch in Washington. When Dr. Chien took up his duties as representative of the CCNAA office, the unofficial relations between the American people and the people of Taiwan were in a period of great uncertainty. Difficult issues in areas such as trade, human rights, and military sales were creating new levels of pressures on relations and threatening to upset the balance of those relations. As Dr. Chien came on the scene, the prospects for carrying out the goal of the Taiwan Relations Act for continuing strong and close relations between Taiwan and the United States were at question.

As the current Washington phase of Dr. Chien's career comes to a close, I am happy to report that the situation is vastly better than it was in 1983. While problems remain, the basic relationship between the United States and the people of Taiwan has been put on a sound and stable basis. In the unique world of unofficial international relations created by the TRA, Dr. Chien's skill and professionalism have made substantial contributions to making the new framework of relations an effective and workable proposition. Dr. Chien has made good use of his American experience and education in repeatedly demonstrating his knowledge and understanding of U.S. concerns and interests. For example, he has addressed complex bilateral trade issues in an instructive and practical manner. At his urging, Taiwan has begun finally to take modest steps to liberalize United States access to its market. While much more remains to be done, the trends are pointing in the right direction, and much of the credit deserves to go to Dr. Chien.

Dr. Chien's labors in Washington have also constructed a firm foundation upon which he will be able to continue building strong United States-Taiwanese relations in his new position in Taipei as Minister of State and Chairman of the Council for Economic Planning and Development.

Mr. President, I thank Fred Chien for a job well done and express my very best wishes to him, and his wife, Julie, as they take up their new duties in Taipei.

IN HONOR OF TED STEVENSON

Mr. STEVENS. Mr. President, today I rise to recognize a career civil servant who has served this Nation well. Ted Stevenson of the Alaska Programs Office in the Bureau of Land Management here in Washington, DC, is a caring, intelligent individual who works long hours to achieve the objectives of the administration and the Congress. He is extremely adept at problem-solving and can always be counted on to find the middle ground in a conflict.

Ted has served in the Federal Government for 17 years with 5 of those years in the Alaska Programs Office. He earned my respect during consideration of the Alaska lands bill. His quick wit and frank and open manner endeared him to many. I was particularly impressed with his willingness to respond in a timely manner to every request for information. Ted is literally a library of information about land law as it affects Alaska and other Western States.

Ted was born and educated in Wyoming and has never lost the values he learned in his youth. His friends acknowledge that he can always be found "riding for the brand." Ted is now returning to the West to assume new duties with the Bureau of Land Management's Utah State Office. I am sure Senators GARN and HATCH will benefit from his wise counsel and advice in his new capacity. We shall miss Ted both in Alaska and here in Washington, but we shall never forget the contributions he made to our State.

I would like to express my personal thanks to Ted for a job well done. Alaska owes him a debt of gratitude. We wish him good luck and best wishes as he heads down a new trail.

A RECORD OF ACCOMPLISHMENT AND COMMITMENT

Mr. WIRTH. Mr. President, when the 100th Congress adjourns sine die in late September or early October of this year, we will be witnessing the end of several important eras. We will be seeing the conclusion of 200 years of the U.S. Congress and the beginning of the third century of this institution so important to our democratic process.

We will be seeing the conclusion of the interaction between the Congress and the two-term Reagan administration, an interaction which for most of the last decade has determined public policy and law in our Nation. We will be moving toward a new President and administration, to be determined when the American people once again go to the polls in November in exercise of their precious right to vote to determine who will lead them into the 21st century.

The conclusion of this Congress also will be a momentous occasion—surely for this body and its Members, but just as surely for all who are touched by what the U.S. Senate does—as Senator ROBERT C. BYRD departs the office of Democratic leader, by virtue of which he has served as the Senate majority leader for the past 2 years. In previous years, he has served as majority leader from 1976 to 1980, and as minority leader from 1981 to 1986. In 1989, ROBERT BYRD will assume a new position of important leadership and authority when he becomes chairman of the Senate Appropriations Committee if Democrats continue to compose a majority of the Senate.

For those who are unfamiliar with it, ROBERT BYRD's life story is one of inspiration, demonstrating vividly how self-initiative and hard work can produce unbounded success.

Raised as a coal miner's son in the hills of Appalachia, ROBERT BYRD began his life with little in the way of material or situational advantages. But his spirit and his ambition were undaunted, and he set himself upon a course of self-improvement and self-advancement that has taken him to the highest reaches of responsibility and public service.

Having worked as a meatcutter and as a welder in the shipyards during World War II, he won election to the West Virginia House of Representatives in 1946, while still in his 20's. He applied himself diligently to the work of his office, and to the task of coming to know better, and becoming known to, the citizens of his portion of that State. When the seat of his Congressman became vacant in 1952, ROBERT BYRD sought and gained election to the U.S. House of Representatives. Additional hard work was rewarded when one of West Virginia's U.S. Senate seats became available in 1958, and he won election to it.

For many of those who serve in the Senate, the responsibilities of serving one's constituents and caring for the normal senatorial duties is more than a consuming occupation. But ROBERT BYRD was not satisfied and did not stop there. At the same time he worked tirelessly for the people of West Virginia, and effectively advanced their cause in the Congress, he also worked tirelessly on behalf of and in the service of his colleagues in the Senate. In 1971, he was elected Democratic whip, and then, in 1976, when majority leader Mike Mansfield retired, he was elected Democratic leader by his colleagues.

ROBERT BYRD looked beyond even these challenges, however. During his service in the Senate, he successfully completed law school at American University here in Washington, and proudly received his juris doctor degree from President John F. Kennedy in 1963.

During his 12 years as Democratic leader, ROBERT BYRD arguably has seen more political ups-and-downs than any other Senator ever to hold that post—exemplified by the fact that he is the only Senator in the Senate's 100 years ever to hold the job of Senate majority leader, lose it, and regain it. Not surprisingly, his tenacity and devotion to hard work—both in terms of the time he invests in that work and the intensity with which he tackles it—have taken on mythical proportions.

During his congressional career, he has served during the terms of seven Presidents. He has known all of them. All of them, regardless of their party affiliation, have worked with him and he with them in pursuit of the Nation's well-being. While he has never been afraid to state clearly his beliefs and opinions, even when they differed markedly from those of the Presidents whom he served or those of his colleagues in the Congress, and while he has been a leading Democrat, he has always sought to work cooperatively on issues of major importance to the nation, without regard to party allegiance.

ROBERT BYRD's energy, tenacity, and determination are well known to his constituents and to those who have had occasion to work with him or observe him in Washington. One of the products of these characteristics has been his widely known mastery of the procedures and rules of the Senate. There have been those who have disparaged the knowledge and ability he has acquired in this respect and the time and effort he has devoted to acquiring them. Those who do so show their ignorance of the central role its rules and procedures play in the functioning of the Senate, and of the fact that the great and famous features of the Senate as a deliberative body simply could not exist in the absence of those rules and procedures and the presence of leaders who know them well and can use them effectively.

But while these capabilities of ROBERT BYRD are quite well known, it is my belief that far fewer people are familiar with another and very noteworthy aspect of his character. I refer to the deep, complete, profound dedication of himself to the institution of the U.S. Senate.

It is my great privilege, and a humbling experience in many ways, to serve the people of Colorado as well as all citizens of our great Nation as a member of this body. One thing that makes it such a privilege is the opportunity to work with the other 99 Senators, so many of whom are exemplary in their dedication to public service as their consciences guide them. Not infrequently I am surprised at the personal sacrifices so many of them make—not just in the service of their country as Members of the Senate, but also through expenditure of energy and effort to maintain the strength and efficacy of the Senate, and of its ability as an institution to continue to execute the responsibilities placed upon it by our Founding Fathers.

This ceaseless work of making the Senate work—and of protecting, preserving, and enhancing it as a central and indispensable feature of our representative democracy—generally is neither seen nor recognized by the public. Consequently, in political terms, it is largely a thankless task.

But it is a vital task. Any of us who ever have been elected to serve in this body should know that it has not been accidental that the Senate has been able to withstand all manner of centrifugal forces working to tear it apart, notably including misuse and abuse at the hands of those who look no further ahead than the question of immediate victory or defeat on the issue in question at any given moment. The extraordinary efforts of individual Senators have enabled the Senate to survive and continue to function.

I dare say that in its 200-year history, no one has devoted more of his life and energy to this mission than ROBERT BYRD.

Life demonstrates again and again that there are few constants. Circumstances change. People grow. Events occur, followed by others. When January of next year arrives, an era will have passed, as ROBERT BYRD moves on to his next assignment of responsibility and another place where he can invest himself in public service.

Unquestionably, his absence as leader will be noticeable. But I strongly expect that we will be too busy noticing his efforts in his new positions to focus on the past. I expect that ROBERT BYRD will be too busy performing his new duties to do so. Our good fortune, as Senators, is that when the people of West Virginia return him to this chamber next year, as I am confident they will have the good sense to do, the incredible reservoir of knowledge about this institution and the way it works will be easily accessible to all of us—albeit at a new phone number.

Mr. Leader, we gratefully acknowledge the sacrifices you have made in service of this body, and your commitment to it and the role it was given by our Constitution. We look forward to many additional years of working with you as your colleagues here. Wren and I extend our congratulations and very best wishes to you and Erma as you complete your service as our party's leader in the Senate, and usher in the next era of ROBERT BYRD in the Senate.

VETERANS' ADMINISTRATION APPOINTMENT OF GARY HICKMAN

Mr. DASCHLE. Mr. President, yesterday the Veterans' Administration filled the vacancy of the Director of Compensation and Pension Service by appointing J. Gary Hickman to that position. I find the Veterans' Administration's judgment highly questionable, and I want to voice my dissatisfaction with their actions.

My concern over Mr. Hickman's appointment stems from his involvement in the discovery process in a district court case in which the VA destroyed and failed to produce documentation relevant to the processing of veterans' claims. This information was pertinent to the case involving the National Association of Radiation Survivors and the Veterans' Administration.

During that discovery process, Mr. Hickman was responsible for coordinating compliance with court efforts to locate necessary data on relevant claims. His efforts to comply with the requests were not only highlighted as insufficient by the courts, but even the VA's own chief counsel reportedly suggested that the VA might have made a mistake in giving Mr. Hickman this degree of responsibility.

Judge J. Patel of the Federal district court described Mr. Hickman's efforts this way:

> * * * the procedure described by Mr. Hickman to manage discovery bordered on anarchic. The VA's reckless abrogation of its responsibility to assure full compliance with discovery requests cannot be tolerated or excused * * *

Further, Judge Patel wrote:

> Hickman's wholly unpersuasive attempts to explain the VA's inadequate responses to various document requests are equally troubling, and point in the same direction: either he made no effort to understand and then to respond to the request in good faith, or he concealed responsive documents and now vainly attempts to sanitize the omissions.

Not only did Mr. Hickman not fully comply with discovery, he reportedly tried to use threats to keep other employees from complying with their obligations.

This record raises serious questions about Mr. Hickman's fitness for the job of Director of the VA's Compensation and Pensions Service. The decision of the VA to appoint Mr. Hickman to this position reflects very poorly on the VA's commitment to all veterans. I hope my colleagues will join me in expressing disappointment over this decision.

Mr. President, I ask unanimous consent that the opinion of the United States District Court on the case of the National Association of Radiation Survivors versus Thomas K. Turnage, et al. be included with my statement in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF RADIATION SURVIVORS, ET AL., PLAINTIFFS, v. THOMAS K. TURNAGE, ET AL., DEFENDANTS. NO. C-83-1861 MHP, UNITED STATES DISTRICT COURT, N.D. CALIFORNIA APRIL 29, 1987.

Plaintiffs in action against Veterans Administration sought imposition of sanctions for destruction of discoverable documents and other discovery abuses. The District Court, Patel, J., held that: (1) destruction of potentially discoverable documents were santionable under Rule 26 and Rule 11; (2) court would require Veterans Administration to pay plaintiffs' costs and fees and to pay $15,000 to clerk of court to compensate court for unnecessary consumption of court's time and resources; (3) court would impose additional discovery obligations on VA; (4) court would appoint special master to supervise discovery; and (5) sovereign immunity did not preclude court from requiring Veterans Administration to pay all costs of special master.

Ordered accordingly.

1. Federal Civil Procedure 🔑 1636, 2721

Failure to provide documentary evidence clearly responsive to multiple requests made by plaintiffs during course of discovery was sanctionable under Rules 11 and 26 insofar as the discovery responses, as well as subsequent motions and papers based on those responses, did not reflect reasonable inquiry on part of defendant and its counsel. Fed.RulesCiv.Proc.Rules 11, 26(g), 28 U.S.C.A.

2. Federal Civil Procedure 🔑 1636

Sanctions for destruction of potentially discoverable documents, regardless of whether they were specifically responsive to outstanding discovery requests, are authorized exercise of court's inherent power to preserve and protect its jurisdiction and integrity of proceedings before it.

3. Federal Civil Procedure 🔑 2736

Plaintiffs costs in bringing motion for temporary and permanent protective order to preclude defendant's destruction of discoverable documents were recoverable as expenses incurred to compel discovery. Fed. Rules Civ.Proc.Rule 37(a)(4), 28 U.S.C.A.

4. Federal Civil Procedure 🔑 1636, 2721

Evidence that defendant acted willfully or recklessly in thwarting discovery was neither required to sanction defendant's conduct under Rules 11 and 26 nor grounds for additional sanctions but it was nonetheless relevant to determination of particular measures to be imposed to deal with defendant's various transgressions. Fed. Rules Civ.Proc.Rule 11 26(g), 28 U.S.C.A.

5. Federal Civil Procedure 🔑 2721

Even if counsel relies on investigation of preceding counsel or of party, duty imposed by Rule 11 remains a duty to acquire knowledge of facts sufficient to enable him to certify that the paper is well grounded and fact. Fed.Rules Civ.Proc.Rule 11, 28 U.S.C.A.

6. Federal Civil Procedure 🔑 2721

Although language of Rule 11 speaks directly to obligations of certifying attorneys who sign the papers, parties may also be sanctioned under its provisions. Fed.Rules Civ.Proc.Rule 11, 28 U.S.C.A.

7. Federal Civil Procedure 🔑 1278, 2721

Primary distinctions between sanctions under Rule 11 and under Rule 26 is that Rule 26 applies exclusively to discovery requests and responses while Rule 11 applies to any paper, pleading, or motion. Fed. Rules Civ.Proc.Rule 11, 26(g) U.S.C.A.

8. Federal Civil Procedure 🔑 2721

Rule 11 is reserved for those papers, pleadings, and motions for which there are not other applicable sanction provisions and thus cannot be used to preempt the application of Rules 26 to discovery responses and requests. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A.

9. Federal Civil Procedure 🔑 1636, 2721

Failure of defendant to produce clearly responsive documentary evidence over course of discovery in litigation reflected consistent failure of defendant and its counsel to conduct reasonable factual inquiries prior to filing various discovery responses and other pleading, papers, and motions and was sanctionable under Rule 26 where the omitted information should have been disclosed in particular discovery responses and was sanctionable under Rule 11 where the undisclosed documents and information refuted the asserted factual basis for other motions, pleadings, or papers subsequently filed by defendant. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A

10. Federal Civil Procedure 🔑 1636, 2721

Defendant's failure to conduct any reasonable inquiries into factual basis of discovery responses and factual basis of other pleadings and motions and failure to adopt reasonable procedure to distribute discovery requests to all employees and agents of defendant potentially possessing responsive information violated requirements of Rules 11 and 26 and required imposition of sanctions. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A

11. Federal Civil Procedure 🔑 1636

Court has inherent authority to sanction litigant for destruction of relevant and potentially discoverable documents.

12. Evidence 🔑 78

Where one party wrongfully denies another the evidence necessary to establish a fact in dispute, court must draw strongest allowable inference in favor of aggrieved party.

13. Federal Civil Procedure 🔑 1636, 2721

Defendant's reckless and irresponsible abrogation of its responsibilities to assure full compliance with discovery request was sanctionable where it resulted in wholesale destruction of potentially relevant material. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A.

14. Federal Civil Procedure 🔑 1637

Defendant which had destroyed potentially discoverable material would be required to reimburse plaintiffs for all fees and costs incurred in depositions, discovery, preparation, hearing, and other matters related to motion for sanctions and earlier motions for temporary and permanent protective orders and would be required to reimburse plaintiffs for all fees and costs incurred in ascertaining the documents destroyed and in reconstructing them and for all fees and costs incurred as result of defendant's failure to produce the documents and information relative to various discovery requests. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A.

15. Federal Civil Procedure 🔑 1637, 2721

Defendant which had destroyed potentially discoverable information would be required to pay, in addition to fees and costs to plaintiff, additional sum of $15,000 for clerk of court for unnecessary consumption of court's time and resources. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A.

16. Federal Civil Procedure 🔑 1636, 2721

Court imposing sanction on defendant for unnecessary consumption of court's time and resources resulting from destruction of potentially discoverable material could not order the defendant to pay sum into extern fund used to compensate unpaid law students who assist work of courts of the district but, rather, could only require defendant to pay funds to clerk of court. 28 U.S.C.A. § 751(e); Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A.

17. Federal Civil Procedure 🔑 1636

To insure compliance and complete discovery following destruction of certain potentially discoverable material, court would require defendant Veterans Administration to designate attorney within the VA who would be responsible at all times for receiving discovery requests, coordinating and preparing responses, and signing responses and would require that all discovery responses be signed by the designated attorney and the general counsel of the Veterans Administration. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A.

18. Federal Civil Procedure 🔑 1636

Court imposing sanctions on defendant for destruction of potentially discoverable documents would require that attorney designated to be responsible for receiving discovery requests and general counsel of the defendant present to court proposed plan to insure proper and orderly circulation of and compliance with future discovery requests and a proposed notice for posting and circulating to all employees advising them of the pendency and nature of the action and setting forth the obligations of attorneys and litigants, including employees, for preservation of evidence. Fed.Rules Civ.Proc.Rules 11, 26(g), 28 U.S.C.A.

19. Federal Civil Procedure 🔑 1877

In view of discovery abuses including destruction of documents, incorrect or false responses to discovery requests, and failure to divulge information and produce documents by the Veterans Administration, court would appoint special master to supervise all further discovery and require that costs be paid by the Veterans Administration. Fed.Rules Civ.Proc.Rules 11, 26(g), 53, 28 U.S.C.A.

20. Federal Civil Procedure 🔑 2735

Sovereign immunity of the United States and its various agencies did not preclude court from imposing upon Veterans Administration the entire costs of special master appointed to supervise discovery following disclosure of discovery abuses and destruction of documents by Veterans Administration. Fed.Rules Civ.Proc.Rules 11, 26(g), 53, 28 U.S.C.A.

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OPINION

PATEL, District Judge.

Plaintiff class is comprised of veterans exposed to ionizing radiation during their service with the United States armed forces, who now allege that the Veterans Administration's claims adjudication procedure violates due process. The matter is currently before the court on plaintiffs' motion for an award of sanctions following the V.A.'s alleged destruction and nonproduction of documentary evidence responsive to various discovery requests.

After a series of hearings on plaintiffs' earlier motions for restraining orders and sanctions, the court determined that an evidentiary hearing was required to establish whether defendant's conduct was sanctionable. On December 3, 4, and 5, 1986, the court heard testimony from a number of the defendant's employees involved in discovery compliance and document destruction. On the basis of the testimonial and documentary evidence presented at that hearing, the court issued a bench order on January 8, 1987, granting plaintiffs' motion for sanctions. This written order memorializes the court's ruling from the bench.

I. BACKGROUND

As set froth in the court's order dated November 26, 1986, plaintiffs' counsel received an anonymous letter on July 11, 1986, indicating that the Compensation and Pension Service ("CPS") of the Veterans Administration was in the process of destroying a significant number of documents relevant to this action. Plaintiffs subsequently sought a temporary restraining order enjoining further document destruction, and an order to show cause why the restraining order should not be made permanent. On July 18, 1986, the court granted plaintiffs' application.

After hearing on the order to show cause, the court entered a permanent protective order on September 26, 1986. The order issued upon plaintiffs' undisputed showing that during June and July 1986, the CPS destroyed numerous discoverable documents relating to the processing of veterans' benefits claims, and had planned to destroy additional documents specifically relating to the claims of ionizing radiation victims. Only the entry of the temporary protective order saved these clearly relevant materials from destruction. Counsel for the defendant explicitly conceded that the document purge reached relevant and discoverable material; he stated before the court on September 26, 1986, that "all sorts of documents, some of which could have been considered relevant and discoverable, have been and are being destroyed." R.T. at 5.

It remained to be determined whether the defendant's document destruction was willful, reckless, or merely the inadvertent result of office housecleaning. At the hearing on the permanent protective order, the parties submitted conflicting deposition testimony regarding the motivation for the document destruction. Defendant claimed that the document destruction was part of an innocent filekeeping process, completed prior to the receipt of plaintiffs' Eighth Request to Produce Documents (which sought a number of the purged documents). Plaintiffs countered with evidence suggesting that the document purge took place after the receipt of the discovery request, and was either an attempt to evade discovery or a reckless abrogation of the defendant's pretrial responsibilities.

The court determined that the extent and motivation of defendant's document purge could not be established without an evidentiary hearing. Accordingly, the court ordered that the employees of the CPS who participated in the document destruction appear at a hearing to testify before the court.[1] Pursuant to that evidentiary hearing the court now enters findings of fact, conclusions of law, and sanctions.

II. FINDINGS OF FACT

There are three primary allegations made by the plaintiffs class: (1) that discoverable documents were destroyed or never produced;[2] (2) that the destruction of documents postdated defendant's receipt of the eighth document request; and (3) that defendant's overall failure to comply with discovery requests was intentional or reckless, and was concealed in part by threats of retaliation. The court enters findings of fact with respect to each.

A. *Discoverability of the Destroyed or Unproduced Documents*

Destroyed Documents in the Field Operations General Files

1. The first category of documents destroyed during the summer of 1986 were the general files of the Compensation and Pension Service's Field Operations Staff. Vivian Drake, secretary to the CPS's Assistant Director for Field Operations, Michael Dunlap, maintained these files and conducted the purge of their contents. She stated that she "glanced through" the files and cleaned them out on the basis of age, using a V.A. publication providing guidelines for document retention. R.T. at 18, 19. While Drake could not identify the specific time frame utilized, she suggested that she had destroyed documents over two years old. R.T. at 21. Drake stated that everything she threw out had first been approved by Dunlap. R.T. at 20.

2. Ms. Drake testified that the general files contained interstaff correspondence within the V.A., internal memoranda generated by the Compensation and Pension Service, and staff analyses of field stations. R.T. at 18-19. The originals of the staff analyses are kept in the Field Operations general files, while additional copies are maintained in the Field Operations operating files and the regional offices. R.T. at 28. Dunlap stated that the staff analyses in the general files date back to the late 1970s and early 1980s. R.T. at 175. Drake testified that she destroyed none of these. R.T. at 28. Dunlap concurred. R.T. at 157. Dunlap testified that the general files also contain various blank forms and a "history" file. *Id.* The specific content of the forms and the history files was not established.

Drake averred that she recalls absolutely nothing about the specific documents which were destroyed, and would state only that no staff analyses were thrown out. Dunlap, who reviewed each document prior to its destruction, evinced a similar absence of memory. Drake's virtually complete lack of any specific recollection regarding the nature of the documents she destroyed only a few months earlier, and her highly nervous and recalcitrant demeanor on the stand, cast serious doubt upon the credibility of her testimony. Unfortunately, Drake and Dunlap are the only individuals competent to testify to the specific documents destroyed, and their refusal or incapacity to do so precludes a determination of the specific relevance of the documents destroyed in the Field Operations general files.

Destroyed Documents in the Field Operations Operating Files

4. The Field Operations operating files were purged by consultants Stephen Tomasek, Doug Bissell and Allen Zinn. Bissell estimated that he purged approximately half the contents of the files for which he was responsible—enough to fill approximately three to four government-issue garbage cans. R.T. at 311, 316-17. Zinn and Tomasek both testified that they used a 1980 cutoff date for purging documents, although both also testified that pre-1980 documents were saved if the consultants considered them particularly significant. R.T. at 219, 482. The documents destroyed were up to twenty years old; the permanent files apparently had not been purged in at least a decade. R.T. at 217, 310.

5. The operating files are maintained on a station-by-station basis for each of the 58 regional offices of the Veterans Administration. R.T. at 49. For each station, the operating file contains a permanent and temporary file. Of the three consultants purging these files, only Bissell purged the temporary files; the other two consultants focused exclusively on the permanent files. R.T. at 293, 309, 473.

6. The temporary files contain the raw data for the summary documents contained in the permanent files. This raw data includes a variety of documents. Exception sheets, generated by the CSP's Quality Review staff through random reviews of claim files in regional offices, R.T. at 137-38, contain analyses of processing errors found in individual cases. R.T. at 137. Each contains a claim number, the claimant's name, and "end product" indicating the agency action, the error made, and a notation of what would have been done. *Id.* By the terminal digit of the "end product" code, exception sheets can be linked to radiation claims. R.T. at 193. Three copies of these sheets exist: one in Quality Review, one in the Field Operations temporary operating file, and one in the regional office claim file. R.T. at 97-98. While two of the consultants did not purge the temporary files, the files are nonetheless maintained by CPS staff for only one year. Since Quality Review also retains its copies of exception sheets for no more than a year, R.T. at 189, the only available copies, if any, of exception sheets older than one year are contained in the various regional offices. It is doubtful that these copies are practically obtainable.

7. The temporary files also contain local "Systematic Quality Control" information and reports of corrective actions taken by regional offices in response to inquiries from the CPS central office. R.T. at 310. This data is also destroyed on a yearly basis, and is not otherwise practically obtainable.

8. The permanent files contain a variety of documents which are assembled from the raw data contained in the temporary files. These include staff analyses and site surveys of regional offices. R.T. at 46-47, 136. The permanent files also contain general correspondence between regional offices and the Field Operations central office staff. R.T. at 26. Staff analyses are prepared twice a year at the central office on the basis of information submitted from the regional offices. An analysis includes a "review of the end product timeliness, average delay time to establish target claims, quality review, . . . and assessment of the station's productivity statistics." R.T. at 136. Of the consultants, Tomasek purged the permanent files of all staff analyses more than one year old, while Zinn threw out none. R.T. at 221, 482. The original copies of the analyses are kept in the Field Operations general files. Dunlap testified that these originals were not purged, so the information remains available.

9. Site surveys differ from staff analyses insofar as they represent the findings of an actual visit to a regional office. R.T. at 46. Site surveys review a regional office's adherence to V.A. regulations governing the adjudication of benefit claims, and comment on due process violations. R.T. at 46-47. Copies of the site surveys are kept only in the permanent operating files. R.T. at 295. Zinn and Bissell testified that they preserved all site surveys. R.T. at 313, 482. Tomasek threw out all but the last two site surveys, which are prepared from once a year to once every eight years. R.T. at 295-96. The site surveys purged by Tomasek, some possibly only two years old, are thus irretrievably lost.

10. Other information in the permanent files includes inspector general reports and correspondence between the central and regional offices regarding corrective actions. Additional copies of this correspondence are found only in the files of the particular regional office which generated or received it. R.T. at 168. Tomasek testified that he generally did not throw out any corrective action correspondence, though he "might" have. R.T. at 219-20. Tomasek admitted destroying an anonymous letter in a permanent file critical of Mr. Thomas Verrill, an adjudication officer in Philadelphia and later in San Francisco. R.T. at 224. Tomasek threw out inspector general reports, claiming that they are now maintained elsewhere in the Compensation and Pension Service; Bissell stated that he threw none away. R.T. at 246, 313. While Zinn and Bissell both stated that they threw out only mundane and outdated correspondence and forms, R.T. at 325, 483, and while Tomasek asserted to others within the CPS that he purged nothing of importance, R.T. at 102, Bissell admitted that there "may have been some quality control issues regarding due process that may have been destroyed." R.T. at 338. It is thus highly probable that relevant documentary evidence, including agency correspondence, was destroyed by the consultants. Copies, if any, exist only in the files of the various regional offices, and in all likelihood are not practically obtainable.

Nearly-Destroyed Ionizing Claim Documents.

11. Twelve boxes of ionizing claim documents located in the Advisory Review offices of the Compensation and Pension

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[1] In the period preceding the evidentiary hearing it became apparent that the issue of document destruction was only one aspect of a larger pattern of potentially sanctionable pretrial behavior on the part of the defendant, including its repeated failure to produce documents clearly responsive to plaintiffs' various discovery requests. The court therefore took additional testimony at the hearing on the issue of discovery compliance.

[2] As observed above, defendant's counsel has already conceded that the document purge destroyed relevant and discoverable material. Thus, plaintiffs' showing with respect to the purge of relevant documents goes only to the extent, rather than the fact, of such impermissible destruction.

Service were spared from destruction in July 1986 by this court's temporary restraining order. R.T. at 166. The boxes allegedly were to be destroyed to create more office space. R.T. at 185. The boxes contained requests made to the Defense Nuclear Agency, the Department of the Navy, and the Department of the Army regarding the radiation exposure of particular veterans. R.T. at 162. The documents contained the names of the veterans, their service numbers, the V.A. claim file numbers, and the responses from the various agencies regarding the claimants' radiation exposure. *Id.* Some of the documents contained dose estimates. R.T. at 184.

12. These documents are located together only in the offices of the Advisory Review staff; the only other copies are contained in individual veterans' claim files maintained by the various regional offices of the V.A. R.T. at 164. Thus had the destruction taken place, the remaining copies would have been practically unobtainable.

Unproduced Documents: SIRS and PIF

13. The Special Issue Rating system ("SIRS") and the Pending Issue File ("PIF") are two V.A. computer systems capable of segregating and identifying the claims of ionizing radiation victims. The existence and capabilities of neither was revealed to plaintiffs until late 1986, though both have existed for a number of years.

14. Gary Hickman, a CPS Assistant Director, testified that SIRS has been used for several years. R.T. at 608. Dunlap knew of SIRS when he worked in the Washington, D.C. regional office of the V.A. in 1985, and testified that PIF has been in effect "a long time. Several Years." R.T. at 200-01. Plaintiffs produced a recently-acquired document entitled "DVB Circular 20-82-39," which indicates that the PIF system has been capable of segregating ionizing radiation claims since 1982. R.T. at 553-59.

15. The SIRS field includes the claimant's file number and name, the date of the claim, and the agency disposition. R.T. at 199. Included among SIRS claims are those involving ionizing radiation. R.T. at 200. SIRS is presently capable of segregating ionizing radiation claimants by specific disease. R.T. at 567. Hickman acknowledged that SIRS can readily identify all radiation claimants in whose case a ratings decision has been entered. R.T. at 570.

16. The PIF field includes a file number, end product code, the claimant's "stub" name, the date of filing of the claim, and information regarding the claim's disposition. PIF segregates ionizing radiation claims by the terminal digit of the end product code, and thus can identify all such pending claims. R.T. at 200.

17. Defendant has indicated throughout this litigation that it was incapable of identifying ionizing radiation claimants. *See, e.g.,* Declaration of Jack Nagan, dated May 16, 1983, at 2-3; Defendant's Answers to Plaintiffs' First Set of Interrogatories, dated June 17, 1983, at 1, 11, 13; Defendant's Authorities in Opposition to Plaintiffs' Motion for Class Certification, dated April 1, 1986, at 10 ("no one knows the size of the proposed class [of ionizing radiation claimants]—not plaintiffs, not the Court, and certainly not this Agency.")

18. Defendant's purported inability to provide information regarding ionizing radiation claimants has substantially mutiplied the litigation in this matter. Significant among the resulting disputes is defendant's tenacious opposition to plaintiffs' motion for class certification, based in large part on plaintiffs' alleged failure to establish numerosity. *See* Defendant's Authorities in Opposition to Plaintiffs' Motion for Class Certification, dated April 1, 1986.

Other Unproduced Documents

19. During the course of the hearing, a number of specific unproduced documents were brought to the court's attention by the plaintiffs. Since it is unclear from which file or office within the CPS they originated, the documents are listed individually. These include, in part: (a) correspondence between the central office and the St. Petersburg regional office regarding hearings and due process; (b) various papers on due process trends, problems, and policies, prepared by CPS legal consultant Ronald Abrams, R.T. at 409-10; (c) a manual form change altering "the error call for failure to provide due process," triggered by extensive correspondence from regional offices regarding difficulties they had experienced in evaluating this problem, R.T. at 412; (d) a CPS file dealing with "end product abuse," apparently containing a memorandum revealing 47,995 extra end products entered by at least fifteen regional offices, R.T. at 413, 449; (e) a CPS file entitled "Due Process," R.T. at 549; (f) DVB Circular 20-82-39, discussed above with reference to PIF; (g) a letter from Gerald Moore, the Director of the CPS, to regional offices regarding the process of adjudicating ionizing radiation claims and the implications of 38 C.F.R. 3.311B, governing such adjudication, R.T. at 576; (h) a number of circulars describing SIRS and its various capabilities, R.T. at 563 *passim;* and (i) a series of three training letters from Mr. Moore to regional offices, discussing various procedural shortcomings in claims processing, R.T. at 617.

B. *Timing of the Document Destruction Vis-a-Vis Receipt of the Eighth Document Request*

20. Plaintiffs served defendant with their eighth document request on June 25, 1986. Plaintiffs allege that this request specifically sought a number of the destroyed documents. *See, e.g.,* Plaintiffs' Eighth Request to Produce Documents, Request Nos. 3, 6.

21. Vivian Drake testified that soon after being hired, she discussed with Dunlap the possibility of cleaning out and organizing the Field Operations general files. This conversation took place somewhere between October 1985 and April 1986; Drake could offer no greater specificity. R.T. at 27. Dunlap stated that he told her to work on cleaning out the files on a "time available basis" when he hired her. R.T. at 181. Though Drake had nearly no recollection regarding the date of the second conversation with Dunlap that specifically led to the document destruction, Drake's affidavit dated August 4, 1986, places the conversation in June 1986.

22. Drake demonstrated a similar failure of recollection with respect to the time period during which she actually conducted the purge of the general files. R.T. at 22. She left for another job on July 11, 1986, and stated that she could not remember whether she continued to work on the files until her departure. R.T. at 21. In her earlier deposition, she indicated that she worked on the file purge until she left. Drake Dep. at 55. Dunlap recalls that Drake worked on the purge up until the time she transferred, and recalls that she worked on it while he was gone in early July. R.T. at 156, 195. Drake's purge of the general files thus can be reasonably placed after defendant's receipt of the eighth document request.

23. The date of the consultant's purge of the operating files is the subject of contradictory testimony. The consultants testified that the purge of the operating files was initiated by Vivian Drake, who had received authorization from Dunlap. They testified that Drake wanted to have the operating files thinned out because of their increasingly unwieldy bulk. R.T. at 242-43. Drake passed Dunlap's authorization along to Tomasek, who testified that the conversation took place in mid-June. R.T. at 238.

24. Tomasek, Zinn, Bissell, and Dunlap all related nearly identical stories placing the subsequent document destruction during a short period in the middle of June, well before the receipt of the eighth document request. All testified that the document destruction began during the absence of Dunlap and Fay Norred, a supervisor in Field Operations, who was on vacation from June 10 through June 25. This apparently was her only absence. R.T. at 509. Dunlap was in Los Angeles from June 11 through June 13. R.T. at 160. They claimed that the operating file purge was conducted during a fairly short period of time, and was finished well before June 25. R.T. at 175, 236.

25. The evidence suggesting a later starting date, possibly after receipt of the eighth request, stems largely from the testimony of Barry Boskovich, a consultant working on the Adjudication Procedures staff of the CPS. Boskovich testified that he had two conversations with Tomasek about the purge—one in late June and another on July 7. R.T. at 49-50. The second conversation, which took place with Bissell present, occurred after Boskovich has seen portions of the eighth document request. He teased Tomasek, who had worked in Baltimore, about the inclusion of the Baltimore office in the discovery request, and got the "impression" over the course of the conversation that the purge was continuing. R.T. at 52. In earlier deposition testimony, Boskovich was far more direct in his description of Tomasek's admission that documents had been destroyed after receipt of the request. *See* Boskovich Dep. at 14, 58, 65. Boskovich subsequently corrected these deposition statements and rendered them far more guardedly. He explained the changes as clarifications of those statements which he "didn't know for a fact," and which resulted from the confusion of his two conversations with Tomasek. R.T. at 108-09. The court observes that significant evidence exists of employee intimidation and harassment. *See infra* paragraphs 43 through 45. Boskovich's shifting testimony must be considered in light of this intimidation.

26. In the second conversation, Boskovich raised the question of the propriety of the purge in light of the request, and Tomasek reportedly indicated that he had not seen the request, that he had done nothing wrong, and that the documents that he had thrown out were unimportant. R.T. at 69-70. Larry Nicholson, a supervisor within the CPS who had been present for some of the conversations, confirmed in his testimony that Tomasek stated he had done nothing wrong. R.T. at 347. There is agreement that Tomasek never denied that the purge of documents continued after receipt of the eighth document request. R.T. at 56-57, 346-47. Nicholson concluded, as did Boskovich, that on the basis of Tomasek's comments during various discussions, destruction of documents proceeded after receipt of the eighth request. R.T. at 370-71.

27. Two other considerations cast doubt on Tomasek's rendition of the events. In his

deposition on August 25, Tomasek stated that the purge began two to three weeks prior to the date when he gave his initial affidavit, which was conducted on August 1, 1986. R.T. at 238. This deposition testimony placed the purge during the first few weeks of July. Tomasek subsequently testified that this was an "anomaly" in light of his testimony placing the purge in mid-June. *Id.* Second, the initial affidavits given by the three consultants were drawn up only after they had consulted among themselves regarding the date of the document purge. R.T. at 229, 319-20. The resulting affidavits are essentially identical, and wholly exculpatory.

28. While the date of the document purge cannot be identified with a high degree of specificity, and while there is substantial contradictory testimony regarding its occurrence, there is significant circumstantial evidence that the document purge continued after defendant's receipt of the Eighth Request for Documents.

29. Dunlap approved the shredding of the twelve boxes of ionizing claim documents in mid-July, well after receipt of the eighth request and following extensive discussion of this litigation within the Compensation and Pension Service. R.T. at 165. Only Dunlap's conversation with a number of CPS officials on July 21 or 22, in which he was instructed to save the documents pursuant to this court's temporary restraining order, halted the plans for destruction from proceeding. R.T. at 166. These events occurred indisputably after Dunlap and others in the CPS had significant knowledge of this lawsuit.

C. *Evidence of Culpable Intent in the Destruction and Nonproduction of Documents*

30. Plaintiffs have offered significant evidence of the defendant's culpable intent in its pattern of noncompliance with discovery requests. This intent is reflected in two areas: evidence of CPS officials' failure to establish any systematic process to comply with plaintiffs' discovery requests, and evidence of the officials' affirmative attempts to stifle full compliance with discovery requests and disclosure to the court of past inadequacies.

Absence of a Systematic Compliance Procedure

31. Gary Hickman was the individual responsible within the Compensation and Pension Service for coordinating discovery compliance. R.T. at 611. He is a lawyer and testified to possessing a full understanding of the issues involved in the litigation. R.T. at 516, 612.

32. Despite his knowledge and his background, Hickman did nothing to systematically assure compliance with plainiffs' discovery requests. He has no recollection of giving any instructions to his staff regarding discovery compliance. R.T. at 613. His procedure was to send a portion of a particular discovery request to the head of a particular department within the CPS, and leave it to the supervisor to interpret the request and provide the information. R.T. at 614. Hickman has never instructed his staff to contact each department head within the CPS regarding each discovery request. R.T. at 530. This procedure apparently has not yet been changed. R.T. at 458.

33. Ronald Abrams testified that because of this process, a number of individuals possessing information responsive to the document requests have never seen the requests. R.T. at 452-53.

34. After a supervisor prepared a response, Hickman simply would read it, along with the request. He did nothing to verify the sufficiency of the response. R.T. at 614-15. Hickman admitted that his level of knowledge regarding the contents of the various departmental files was inadequate to determine whether the response was complete. R.T. at 614.

35. Hickman has maintained no records of the discovery produced, so he is incapable of verifying whether or not any particular documents have been provided to the plaintiffs. R.T. at 615.

36. Either as a result of their misrepresentation or Hickman's failure to inform the personnel in Field Operations of the substance of this litigation, Drake, Dunlap, Bissell, and Zinn all testified to varying degrees of ignorance about the lawsuit. R.T. at 26, 142-43, 326, 489. While most claimed that they knew the case involved radiation claims and the statutory ten dollar attorneys' fee limit, none testified to any familiarity with the due process claims made in the litigation.

37. Tomasek testified to a greater understanding of the lawsuit. He stated that he knew the litigation dealt with due process issues, since Abrams constantly "harps" on the subject and brought it to Tomasek's attention when he worked in a regional office during 1984. R.T. at 288-89. Larry Nicholson, to whom Dunlap delegated his portion of the response to the eighth document request, R.T. at 145-46, also testified to a more extensive understanding of the litigation. In 1984 he had participated in document collection pursuant to an earlier discovery request. R.T. at 341-42.

38. Dunlap and Drake testified to remarkable levels of ignorance. Drake claimed never to have heard of the case. R.T. at 26. Dunlap stated that he first learned of the case this year, and did not know in June 1986 that the lawsuit involved the ten dollar fee limitation or benefits claims by atomic bomb test survivors. R.T. at 143-44, 171. These and other claims of ignorance regarding the litigation must be considered in light of Tomasek's observation that "the NARS case is felt throughout the V.A. Everyone knows about the NARS case." R.T. at 288. Additionally, Hickman testified that he knew both Dunlap and Ted Spindle—another assistant director within the CPS—were well aware of the issues in the NARS litigation. R.T. at 519; Hickman Dep. at 56.

39. Once informed of the substance of the lawsuit, the Field Operations supervisors exhibited the same kind of disregard for the sufficiency of their staff's particular responses as Hickman exhibited for the overall response of the Compensation and Pension Service. Nicholson, a lawyer who was responsible for the Field Operations' response to the eighth request, made no attempt after learning of the purge to determine if the documents destroyed in the operating files were responsive to it. He suggested that it was not his problem and declined to investigate after consultants Boskovich, Abrams, and Thomas Kenny all specifically expressed concern to him about the document destruction and its implications for the discovery request. R.T. at 79 350, 353-54.

40. Dunlap also made no attempt to investigate the responsiveness of the destroyed documents after receiving the eighth request. R.T. at 161. Neither did he initially provide the consultants with any criteria for their purge of the files, or check to see if there existed copies of the destroyed documents in other files. R.T. at 215-16. This lack of inquiry followed distribution within the CPS of copies of the anonymous "deep throat" letter to plaintiffs' counsel, which specifically suggested that the document destruction was an attempt to thwart discovery requests. R.T. at 146-47. When Boskovich went to Spindle, supervisor of the adjudication procedures staff, he similarly refused to do any follow-up, stating that it was a field operations problem. R.T. at 66.

41. Perhaps the most striking disregard of the discovery process was Dunlap's approval of the distruction of twelve boxes of ionizing radiation claims data in mid-July. After testifying that he "may have assumed" prior to June 1986 that this lawsuit dealt with the adjudication of ionizing radiation claims, R.T. at 143, after testifying that extensive discussions regarding the litigation occurred within the CPS in early July 1986, R.T. at 147, and after testifying that as of July he knew that documents contained within the boxes slated for destruction were crucial to the adjudication of ionizing radiation claimants, R.T. at 163, Dunlap weakly asserted that he did not think the boxed documents had any relation to the issues involved in the litigation. R.T. at 186. This demonstrates either a complete and reckless disregard of discovery obligations or a very poor attempt to disguise the intentional destruction of relevant documents.

42. Hickman's wholly unpersuasive attempts to explain the V.A.'s inadequate responses to various document requests are equally troubling, and point in the same direction: either he made no effort to understand and then to respond to the requests in good faith, or he concealed responsive documents and now vainly attempts to sanitize the omissions. *See* R.T. at 538-46.

Encouragement and Concealment of Noncompliance and Destruction

43. Even more troubling than evidence of the defendant's disregard of its obligations to fully comply with discovery requests is evidence of its affirmative attempts to stifle such compliance and its employees' subsequent cooperation with this court's inquiry into discovery violations. A number of individuals testified to efforts made by various CPS officials to restrain full disclosure of information—efforts which included threats of retaliation.

44. When Thomas Kenny went to Ted Spindle with his concerns that documents were being destroyed which were responsive to discovery requests, he was told to "keep his nose out of it." R.T. at 379. In Boskovich's first deposition, he stated that Spindle had similarly told him to "stay out of it" after Boskovich went to him with his concerns. Boskovich Dep. at 49. Boskovich later deleted this statement—but left in its repetition only a few lines later. Boskovich later repeated in testimony that Spindle had told him to "stay out of it," not to put anything in writing, to come to him if he discovered additional information, and not to talk with anyone else. R.T. at 112. In a transparent threat of retaliation, Spindle indicated that Boskovich should focus his attention and concerns not on the agency, but on himself and his family. *Id.*

45. Similarly, Ronald Abrams was told by Deputy Director Herbert Mars, Hickman, and Spindle not to put anything in writing after the expressed concerns about discovery noncompliance. R.T. at 411-12. Abrams presently fears retaliation from Dunlap for his role in exposing due process violations within the V.A. R.T. at 395. Dunlap tore apart and discarded one of Abrams' previous memoranda on due process violations, contending that it was inappropriately critical

of regional offices; he was known to Abrams as having little concern for "documentation of due process and providing full notice." R.T. at 402, 404.

46. Finally, Tomasek has now stopped attending the coffee-break discussion group of which he previously was a part, because "he feared someone he might talk to would give information away," according to Boskovich. R.T. at 64. Tomasek claimed that he stopped going simply to comply with the court's sealing order. R.T. at 241.

47. Boskovich offered testimony suggesting that individuals in positions of greater authority within the V.A. were aware of attempts to thwart discovery and this court's investigation. In a conversation between Boskovich and his immediate supervisor, Dale Rice, Boskovich reported the document destruction and his concerns about its relation to the outstanding discovery request. Rice replied that "the third floor knows." R.T. at 66. Abrams indicated that the "third floor" suggests the offices of the Chief Benefits Director and his staff. R.T. at 424.

48. While it remains unclear how extensive or coordinated was the attempt among the supervisorial staff of the V.A. to stifle disclosure of discovery violations, there is convincing evidence that a number of individuals in positions of authority willfully attempted to thwart this court's investigation of possible improprieties relating to the CPS's destruction and nonproduction of relevant evidence. An inference of conscious intent in the first instance to destroy responsive documents, though, is inconsistent with the haphazard and essentially uncoordinated nature of the document purge.

III. CONCLUSIONS OF LAW

[1-3] Given this factual record, the court concludes that the Veterans Administration has acted in a sanctionable manner in a variety of respects. First, its failure to provide documentary evidence clearly responsive to multiple requests made by plaintiffs during the course of discovery is sanctionable under Fed.R.Civ.P. 11 and 26(g) insofar as the discovery responses, as well as subsequent motions and papers based on those responses, did not reflect a reasonable inquiry on the part of defendant and its counsel. Second, sanctions for the destruction of potentially discoverable documents, regardless of whether they were specifically responsive to outstanding discovery requests, are an authorized exercise of the court's inherent power to preserve and protect its jurisdiction and the integrity of proceedings before it. Third, plaintiff's costs in bringing motions for temporary and permanent protective orders to spare discoverable documents from destruction are recoverable under Fed.R.Civ.P. 37(a)(4) as expenses incurred to compel discovery.

[4] While evidence that the defendant acted willfully or recklessly in thwarting discovery and this court's subsequent investigation into alleged improprieties is neither required to sanction the defendant's conduct under Rules 11 and 26 nor grounds for additional sanctions apart from those outlined above, it nonetheless is relevant to the determination of the particular measures imposed to deal with the defendant's various transgressions.

A. *Sanctions for the Nonproduction of Responsive Documents Under Rules 11 and 26*

[5] Under Fed.R.Civ.P. 11, an attorney who signs any pleading, motion, or other paper certifies that he or she has established, after reasonable inquiry, that it is "well grounded in fact." The rule

> was designed to create an affirmative duty of investigation as to law and as to fact before motions are filed. It creates an objective standard of "reasonableness under the circumstances." This was intended to be a standard "more stringent than the original good faith formula" so "that a greater range of circumstances will trigger its violation."

Golden Eagle Distrib. Corp. v. *Burroughs Corp.*, 801 F.2d 1531, 1536 (9th Cir. 1986) (citations omitted). If counsel relies on the investigation of proceeding counsel or a party, the duty remains to "acquire[ ] knowledge of facts sufficient to enable him to certify that the paper is well-grounded in fact." Schwarzer, *Sanctions Under the New Federal Rule 11—A Closer Look*, 104 F.R.D. 181, 187 (1985).

[6] While the rule's language speaks directly to the obligations of certifying attorneys who sign the papers, parties may also be sanctioned under its provisions. As the Advisory Committee observed.

> [e]ven though it is the attorney whose signature violates the rule, it may be appropriate under the circumstances of the case to impose a sanction on the client. This modification brings Rule 11 in line with practice under Rule 37, which allows sanctions for abuses during discovery to be imposed upon the party, the attorney, or both.

Fed.R.Civ.P. 11 Advisory Committee's Note (citations omitted).

[7.8] Fed.R.Civ.P. 26(g) contains sanction provisions parallel to those found in Rule 11. The primary distinction is that Rule 26 applies exclusively to discovery requests and responses, while Rule 11 applies to any paper, pleading, or motion. Rule 26(g) thus requires a signing attorney to certify that a reasonable inquiry has been made with respect to the factual and legal basis for any discovery request or response. Fed.R.Civ.p. 26(g) Advisory Committee's Note. The reasonableness of the inquiry is measured by an objective standard; there is no required showing of bad faith. *Id.* While Rule 11 is reserved for those papers, pleadings, and motions for which there are no other applicable sanction provisions, and thus cannot be used to preempt the application of Rule 26(g) to discovery responses and requests, *Zaldivar* v. *City of Los Angeles*, 780 F.2d 823, 830 (9th Cir. 1986), its interpretation nonetheless guides the application of Rule 26(g).

[9] Plaintiffs have established that the defendant failed to produce clearly responsive documentary evidence over the course of discovery in this litigation. These omissions reflect the consistent failure of defendant and its counsel to conduct reasonable factual inquiries prior to filing various discovery responses and other pleadings, papers, and motions. The omissions are sanctionable under Rule 26(g) where the omitted documents and information should have been disclosed in particular discovery responses, and under Rule 11 where the undisclosed documents and information refuted the asserted factual basis for other motions, pleadings, or papers subsequently filed by defendant.

Defendant's most egregious discovery omission was its failure to produce the SIRS and PIF computer data, which was clearly responsive to numerous requests made by the plaintiffs. Plaintiffs' first request for documents and first set of interrogatories required the production of data within the fields of SIRs and PIF. *See* Plaintiffs' First Set of Interrogatories, Interrogatory Nos. 1, 8, 9; Plaintiffs' First Request to Produce Documents, Request No. 6. The defendant's initial and subsequent responses to these and other discovery requests falsely asserted that data available in the SIRS and PIF systems was only obtainable through a manual review of the virtually millions of individual claim files in the various regional offices of the Veterans Administration. *See, e.g.*, Declaration of Jack Nagan in Response to Plaintiff's First Request to Produce Documents, dated May 16, 1983 at ¶ 4(a):

> Because of the size of the Agency . . ., the nature of our record-keeping activities, and the huge number of records involved, it is literally impossible to produce *all* documents in the VA's possession concerning subject matters as broad as those involved in plaintiff's Request. For example, both the material already provided and that which will be provided for the most part, does not include documents prepared locally at a VA Regional Office. These documents could only be obtained by a manual review of all VA records, including but not limited to the approximately 34 million claims folders located at the 58 field stations, Records Processing Centers and Federal Archive Record Centers."

The defendant asserted as recently as October 28, 1986, that it could not identify the pending ionizing radiation claims before the Veterans Administration—a statement that the V.A. retracted as false on November 18, 1986, after the finally acknowledge the capabilities of the PIF database.

Plaintiffs have brought to the court's attention a number of additional unproduced documents which were responsive to various discovery requests. Based upon defendant's conduct in this litigation, the court must presume that these particular documents, obtained by plaintiffs despite the defendant's noncompliance, represent but a fraction of the responsive materials which defendant controls but has not produced. These documents are enumerated, in part, in paragraph 19 of the Findings of Fact, *supra*. They include analyses and documentation of due process problems prepared by CPS employees, correspondence between regional offices and the CPS central office regarding various due process issues, and circulars describing the capabilities of SIRS and PIF. These documents are responsive to a variety of plaintiffs' discovery requests, including Requests 3 and 6 of the Plaintiffs' Eighth Request to Produce Documents.

The V.A.'s various discovery omissions are directly attributable to the failure of defendant and its counsel to establish a coherent and effective system to faithfully and effectively respond to discovery requests. As detailed in paragraphs 31 through 42 of the Findings of Fact, *supra*, the defendant employed an unconscionably careless procedure to handle discovery matters, suggesting a callous disregard for its obligations as a litigant. As detailed in paragraphs 43 through 48 of the Findings of Fact, *supra*, the attempts of various supervisors to stifle disclosure of potentially nondisclosed and destroyed documents, rather than to vigorously investigate possible noncompliance, accentuates the defendant's profound disrespect for its responsibilities in this litigation.

[10] The court concludes that the defendant and its counsel failed in a variety of instances to conduct any reasonable inquiry into the factual basis of its discovery responses as well as the factual basis of subse-

quent pleadings, papers, and motions based on those responses. Such an inquiry would have required, at a minimum a reasonable procedure to distribute discovery requests to all employees and agents of the defendant potentially possessing responsive information, and to account for the collection and subsequent production of the information to plaintiffs. The defendant's failure to institute such a procedure, its attendant failure to produce clearly responsive documents and information, and its subsequent submission of papers, pleadings, and motions based on asserted facts directly refuted by the nonproduced material violate the requirements of Rules 26(g) and 11 and require the imposition of sanctions.

B. *Sanctions for the Destruction of Relevant and Discoverable Documents Under the Court's Inherent Powers*

[11] The court has the inherent authority to sanction a litigant for the destruction of relevant and potentially discoverable documents. As the court in *Wm. T. Thompson Co.* v. *General Nutrition Corp.*, 593 F.Supp. 1443 (C.D.Cal.1984), observed,

> [s]anctions may be imposed against a litigant who is on notice that documents and information in its possession are relevant to litigation, or potential litigation, or are reasonably calculated to lead to the discovery of admissable evidence, and destroys such documents and information. While a litigant is under no duty to keep or retain every document in its possession once a complaint is filed, it is under a duty to preserve what it knows, or reasonably should know, is relevant in the action, is reasonably calculated to lead to the discovery of admissible evidence, is reasonably likely to be requested during discovery, and/or is the subject of a pending discovery request.

Id. at 1455; *see Graham* v. *Teledyne-Continental Motors*, 805 F.2d 1386, 1390 n. 9 (9th Cir. 1986) ("sanctions available to punish those who alter or destroy evidence"); *Struthers Patent Corp.* v. *Nestle Co.*, 558 F.Supp. 747, 765-66 (D.N.J. 1981) (the destruction of documents which the party knew or should have known would be relevant to a lawsuit soon to be filed is sanctionable): *Bowmar Instrument Corp.* v. *Texas Instruments, Inc.* 25 Fed.R.Serv.2d (Callaghan) 423, 426-27 (N.D.Ind. 1977) (same).

There is no question that relevant documents were destroyed and are now permanently lost; defendant's counsel conceded this in open court. Among the destroyed documents were exception sheets, statistical quality control data, and other information contained in the CPS temporary files; the CPS site surveys thrown out by Tomasek; and certain pieces of agency correspondence, including the letter critical of Thomas Verrill. By the very fact of their destruction, though, the vast majority of the purged documents cannot now be identified. A striking absence of recollection regarding the content and nature of the destroyed documents characterized the testimony of Drake, Dunlap, and the consultants who conducted the purge, and makes the specific identification of the discarded materials even more difficult than it would be otherwise.

[12] Needless to say, plaintiffs should not suffer because of this. Where one party wrongfully denies another the evidence necessary to establish a fact in dispute, the court must draw the strongest allowable inferences in favor of the aggrieved party. *Cecil Corley Motor Co.* v. *General Motors Corp.*, 380 F.Supp. 819, 859 (M.D.Tenn.1974). As the court in *Alexander* v. *National Farmers Org.*, 687 F.2d 1173 (8th Cir.1982), *cert. denied*, 461 U.S. 937, 938, 103 S.Ct. 2108, 2110, 77 L.Ed.2d 313, 314 (183), observed,

> [o]bviously, the relevance of and resulting prejudice from destruction of documents cannot be clearly ascertained because the documents no longer exist. Under the circumstances, [the culpable party] can hardly assert any presumption of irrelevance as to the destroyed documents. On this record, the district court properly could have imposed the most severe sanctions upon [the culpable party]—dismissal of its claims and default judgment. . . . Nonetheless, we cannot say it was an abuse of discretion not to do so. It was error, however, not to draw factual inferences adverse to [the culpable party] on matters undertaken in or through offices and individuals involved in the destruction of documents.

Id. at 1205-06 (citations and footnote omitted). The court therefore infers and concludes that a significant proportion of those materials purged from the CPS general and operating files which now cannot be identified were either "relevant in the action. . . . reasonably calculated to lead to the discovery of admissible evidence, . . . reasonably likely to be requested during discovery, and/or . . . the subject of a pending discovery request." *Wm. T. Thompson*, 593 F.Supp. at 1455.

[13] The court further concludes that the defendant knew or should have known that these destroyed materials were relevant and discoverable. After more than three years of litigation, the V.A. can hardly assert that it was not on notice of the issues involved in this lawsuit. It is no defense to suggest, as the defendant attempts, that particular employees were not on notice. To hold otherwise would permit an agency, corporate officer, or legal department to shield itself from discovery obligations by keeping its employees ignorant.[3] The obligation to retain discoverable materials is an affirmative one; it requires that the agency or corporate officers having notice of discovery obliations communicate those obligations to employees in possession of discoverable materials. Certainly at this late stage in these proceedings, the resonsibility lies with the Veterans Administration to inform its employees and agents of the substance of the litigation and to assure that relevant and discoverable materials are not destroyed. Far from achieving this objective, the procedure described by Mr. Hickman to manage discovery bordered on the anarchic. The V.A.'s reckless and irresponsible abrogation of its responsibility to assure full compliance with discovery requests cannot be tolerated or excused, and is most assuredly sanctionable where it results in the wholesale destruction of potentially relevant material.[3] [4]

C. *Fees and Costs Under Rule 37(a)(4)*

Finally, a prevailing party may recover its fees and costs in bringing motions to compel discovery under Fed.R.Civ.P. 37(a)(4). Plaintiffs' motions for temporary and permanent protective orders to spare discoverable and responsive documents from destruction were brought to compel discovery, and all costs and fees incurred to do so are thus recoverable.

IV. SANCTIONS

By its bench order dated January 9, 1987, this court imposed a variety of measures to sanction the defendant's multiple transgressions and to protect the court's jurisdiction and the integrity of these proceedings. These measures included the reimbursement of plaintiffs and the court for various expenses incurred as a result of defendant's sanctionable actions, the imposition of a number of requirements for the conduct of further discovery, and the appointment of a special master at defendant's expense to supervise all further discovery. Under the circumstances, the court determined that it was appropriate to direct the sanctions to both the defendant and its counsel, since responsibility for the conduct of the litigation was shared and since culpability could not be accurately apportioned between the two.

The court here details the sanctions ordered from the bench. These measures are without prejudice to subsequent requests by plaintiffs for the imposition of additional sanctions in the form of the exclusion of evidence or the admission of facts.

A. *Monetary Sanctions*

[14] 1. Defendant shall reimburse plaintiffs for all fees and costs incurred in depositions, discovery, preparation, the hearing, and other matters related to the bringing on of this motion for sanctions and of the plaintiffs' earlier motions for temporary and permanent protective orders. Defendant shall reimburse plaintiffs for all fees and costs incurred in ascertaining the documents destroyed during the defendant's purge and in reconstructing them, if possible. Defendant shall reimburse plaintiffs for all fees and costs incurred as a result of the defendant's failure to produce documents and information responsive to various discovery requests, as outlined in paragraphs 13 through 19 of the Findings Fact, *supra*. This includes but is not limited to the fees and costs incurred as a result of supplemental discovery requests and as a result of the defendant's opposition to the motion for class certification based upon the plaintiffs' alleged failure to establish numerosity and impracticability of joinder.

2. On February 23, 1987, the parties stipulated that the fees and costs imposed by the January 9, 1987 bench order shall be satisfied by defendant's payment to the plaintiffs of the sum of $105,000.00. Further inquiry into the actual amount of the monetary sanctions therefore is unnecessary. The matter need not be referred to a magistrate and plaintiffs need not submit any further accounting of fees and expenses.

[15.16] 3. The defendant shall pay an additional sum of $15,000.00 to the clerk of this court for the unnecessary consumption of the court's time and resources. *Olga's Kitchen of Hayward, Inc.* v. *Papo.* 108 F.R.D. 695, 711 (E.D. Mich. 1985); *Itel Containers Int'l Corp.* v. *Puerto Rico Marine Management, Inc.*, 108 F.R.D. 96, 106 (D.N.J. 1985). In its bench ruling, the court ordered the defendant to pay the money into an external fund used to compensate unpaid law students who assist in the work of the courts of this district. Defendant moved for reconsideration of that aspect of the ruling, arguing that the provisions of 28 U.S.C. § 751(e) (1982) require all funds received by the clerks of the courts to be paid into the Treasury of the United States. After review of the applicable statutory authority, the court concludes that its prior bench ruling was inconsistent with the requirements of the law and thus modifies the ruling to require that payment be made to the clerk of the court for deposition as required by law.

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[3] As noted above in paragraph 38 of the Findings of Fact, there is substantial reason to doubt that the CPS employees were as ignorant of the substance of this litigation at the time of the document purge as they now claim. Furthermore, it is beyond dispute that the supervisorial staff of the CPS understood the basis of the litigation by mid-July 1986, when plans to destroy twelve boxes of clearly relevant ionizing radiation claim data were halted only by this court's temporary restraining order. The defendant's protestations of its employees' innocence are thus less than credible.

[4] To the extent that the documents destroyed were specifically responsive to outstanding discovery requests, sanctions are also appropriate under Rule 11 insofar as the destroyed documents contradicted the facts asserted in applicable pleadings, papers, or motions, and Rule 26(g) insofar as particular discovery responses failed to include the documents. The destruction of responsive documents is only the most egregious variant of nonproduction, and a reasonable inquiry would have led to their preservation and inclusion in defendant's discovery responses.

B. *Additional Discovery Oblications*

[17] 4. To insure compliance and complete discovery, the defendant shall designate an attorney within the V.A. who shall be responsible at all times for receiving discovery requests, coordinating and preparing their responses, and signing the responses. By submission filed January 21, 1987, in response to the court's January 9, 1987 bench order, the Veterans Administration designated Donald E. Zeglin, Esq., Deputy Assistant Attorney General, Office of the General Counsel, to serve this function.

5. All discovery responses shall hereafter be signed by the designated attorney and by the General Counsel of the Veterans Administration, whose signatures shall certify not only the matters required by Rules 11 and 26(g) but shall also constitute a certification that the attorneys have made an inquiry of all documents and files, including computer files, which may contain discoverable material in this action; that they are familiar with the contents of those files; that they have fully distributed all discovery requests so that any employee, unit, or department which may have material relevant to the discovery requests in this case have been apprised; and that the requested discovery has been obtained.

[18] 6. The two attorneys shall present to the court a proposed plan to insure the proper and orderly circulation of and compliance with future discovery requests, the maintenance of a record of discovery and documents provided, and the establishment of a system to supervise the response of employees who are asked to obtain or compile discovery. The court, having received and reviewed the defendant's proposed discovery plan and plaintiffs' objectives to it, approves the modified plan as set forth in Appendix I, subject to such further modifications as may be recommended by the special master appointed below.

7. The two attorneys shall also present to the court a proposed notice for posting and circulating to all employees of the Veterans Administration, advising them of the pendency and the nature of this action and, with specificity, notifying them of the issue involved. The court, having received and reviewed the defendant's proposed notice and plaintiffs' objections to it, approves the notice, as modified, as set forth in Appendix II. Within ten days of this written order, the defendant shall post and circulate the notice to all employees.

8. The defendant shall prepare a notice setting forth the obligations of attorneys and litigants, including employees of litigants, in the preservation of evidence, the giving of testimony, and cooperation in pending litigation, so as to avoid unnecessary delay or expense and prevent harassment and other improper conduct eschewed by the Federal Rules of Civil Procedure. The notice shall further advise that adverse action of any kind related to an employee's giving of testimony, evidence, or assistance in this litigation is actionable and may constitute a federal offense, and is further in violation of the orders of this court and may be punished by contempt. The magistrate already assigned to this action, Magistrate Claudia Wilken, is hereby appointed to hear matters related to any complaints arising out of this order. Magistrate Wilken's name and FTS number shall be included in the notice. The court, having received and reviewed the defendant's proposed notice and plaintiffs' objections to it, approves the notice, as modified, as set forth in Appendix III. Within ten days of this written order, the defendant shall post and circulate the notice to all employees.

9. The magistrate is empowered to receive complaints of any violation of this aspect of the order, determine whether any contemptuous conduct has occurred, and make her findings to this court. She is also authorized to determine whether the matter should be referred to an appropriate body for further investigation.

C. *The Appointment of a Special Master*

[19] 10. The discovery abuses found by the court include destruction of documents, incorrect or false responses to discovery requests, and a failure to divulge information and produce documents. Internal procedures for handling discovery and compiling responses were haphazard, making discovery failures inevitable. In addition, there were willful or grossly neglectful efforts that resulted in the destruction of documents. The Veterans Administration has demonstrated that it is either incapable or unwilling to provide discovery in accordance with the federal rules governing discovery. Hence, the court appoints Charles A. Horsky of Washington, D.C., to serve as special master to supervise all further discovery in this matter.

11. While this appointment arises under the sanctions provisions of Rules 11 and 26(g) and the court's inherent powers, the court nonetheless is guided by the provisions of Fed.R.Civ.P. 53. Rule 53(b) provides for the appointment of a special master in those matters where "some exceptional condition requires it". The court is mindful of the admonition of *La Buy* v. *Howes Leather Co.*, 352 U.S. 249, 259, 77 S.Ct. 309, 315, 1 L.Ed.2d 290, *reh'g denied,* 352 U.S. 1019, 77 S.Ct. 553, 1 L.ED.2d 560 (1957), that special masters are to be used sparingly and only where the use of the court's time is not justified. Nevertheless, in a post-*La Buy* case, the use of special masters in certain pretrial and discovery proceedings has been upheld. *In re Armco, Inc.*, 770 F.2d 103 (8th Cir. 1985). In *Armco* the special master was given "broad authority to supervise and conduct pretrial matters, including discovery activity, the production and arrangement of exhibits and stipulations of fact, the power to hear motions for summary judgment or dismissal and to make recommendations with respect thereto". *Id.* at 105. In this case the powers the court intends to confer are much more limited.

12. Numerous other cases after *La Buy* have approved the appointment of special masters where parties have failed to comply with court orders, displayed intransigence in the litigation, or required close supervison. *See Ruiz* v. *Estelle*, 679 F.2d 1115, 1159-63 (5th Cir.), *modified on other grounds*, 688 F.2d 266 (5th Cir. 1982), *cert. denied*, 460 U.S. 1042, 103 S.Ct. 1438, 75 L.Ed.2d 795 (1983); *Gary W.* v. *Louisiana*, 601 F.2d 240, 244-45 (5th Cir. 1979). Discovery is an area where special masters are frequently appointed either because the problems are complicated or the parties are recalcitrant. *See United States* v. *American Tel. & Tel. Co.*, 461 F.Supp. 1314, 1348-49 (D.D.C. 1978); *Fisher* v. *Harris Upham & Co.*, 61 F.R.D. 447, 449 (S.D.N.Y. 1973), *appeal dismissed mem.*, 516 F.2d 896 (2d Cir. 1975). Defendant's egregiously sanctionable conduct during the course of discovery in this matter presents a clear case of the exceptional circumstances contemplated by Rule 53 as justifying the appointment of a special master.[5]

13. The special master is appointed for the purpose of monitoring defendant's compliance with its internal plan for meeting discovery requests, as approved by the court above in paragraph 6. He shall review the plan and advise the court in writing if modification is appropriate and necessary at any point during the pretrial proceedings to assure that discovery requests are promptly and accurately satisfied. He shall review periodic reports of internal compliance with the plan and notify the court of any material violations.

14. The special master shall hear and resolve all discovery disputes and submit his findings and conclusions to the court with copies to the parties. He is authorized to meet and confer with the parties to informally resolve discovery disputes. In furtherance of these duties, the special master is empowered to hold conferences, conduct hearings, make a record of such hearings or conferences, and require the parties to submit such papers as are necessary to aid in the resolution of any dispute, including internal documents, manuals, and papers that will assist in reviewing the internal discovery plan.

15. The findings, conclusions, and reports of the special master will be reviewed by the

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[5] Further evidence of the need for supervision has recently come to the court's attention by way of an order of the magistrate assigned to this case. The magistrate has found that the defendant virtually ignored for three months its order denying the defendant's motion to limit party discovery and instructing the defendant to produce requested documents from other governmental agencies. The order was issued August 8, 1986, and defendant's motion for reconsideration was denied on September 2, 1986. Plaintiffs brought a motion for contempt and to compel discovery on November 21, 1986. Defendant responded that it had made a good faith effort to respond, asserting that "defendants' counsel did act to provide the agencies identified . . . with plaintiffs' document requests in order to comply as quickly as possible with the August 8 order." Defendants' Response Memorandum of January 7, 1987, at 20-21. The magistrate's order states that "[t]he Court is now apprised, and defendants' counsel concede, that no steps were taken by defendants' counsel to initiate compliance with the Court's order until early December. . . . In light of this fact it is clear that this was a case of intentional noncompliance with this Court's order on the part of defendant's counsel, as opposed to a good faith but tardy compliance, as counsel had argued to the Court. . . . Counsel have compounded their error by providing false and misleading statements to the Court in their memorandum in response to plaintiffs' contempt motion." Order re Plaintiffs' Motion for Reconsideration and Magistrate's Certificate of Facts Pursuant to 28 U.S.C. § 636(e), filed April 15, 1987, at 3-4 (emphasis in the original).

court under the "clearly erroneous" standard set forth in Fed.R.Civ.P. 53(e)(2).

16. The special master shall continue to serve until further order of the court. He shall be allowed his necessary expenses and reasonable fees, as determined by the court, upon submission of a detailed statement setting forth the expenses and hours. Defendant Veterans Administration shall pay such amounts as are approved by the court.

D. *Motion for Reconsideration of the Requirement that Defendant Pay All Fees and Expenses of the Special Master*

[20] The defendant has moved the court to reconsider its bench ruling that the Veterans Administration pay the entirety of the fees and expenses of the special master, arguing that the sovereign immunity of the United States and its various agencies shields the defendant from the payment of litigation costs absent an express congressional waiver. *See Ruckelshaus* v. *Sierra Club,* 463 U.S. 680, 684, 103 S.Ct. 3274, 3277, 77 L.Ed.2d 938 (1983); *United States* v. *Chemical Found, Inc.,* 272 U.S. 1, 20-21, 47 S.Ct. 1, 8, 71 L.Ed. 131 (1926). The V.A. argues that the fees and expenses of a special master are litigation costs, that Congress has not waived sovereign immunity with respect to such costs, and therefore that it cannot be ordered to remunerate the special master for his work. Defendant asserts that Fed.R.Civ.P. 54(d), which states that "costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law," requires "some source other than Rule 53 . . . to justify an award of the expenses of a master. No such source has been identified in the plaintiffs' request for the appointment and compensation of such a master, nor by the Court in its order." Defendant's Response to the Court's January 8, 1987 Oral Order, at 7.

Defendant's argument ignores both the clear legal basis of the court's order and the applicable case authority interpreting the government's immunity with respect to the fees and expenses of a special master. The court has appointed the special master at defendant's expense specifically as a sanction under Rules 11 and 26(g), and under the court's inherent powers to make all necessary orders in protection of its jurisdiction and the integrity of proceedings before it. Under these sanction provisions, the court "has discretion to tailor sanctions to the particular facts of the case." Fed.R.Civ.P. 11 Advisory Committee's Note; *see* Fed.R.Civ.P. 26(g) Advisory Committee's Note ("The nature of the sanction is a matter of judicial discretion to be exercised in light of the particular circumstances.") Afer considering the V.A.'s repeatedly reckless pretrial conduct and the extraordinary difficulties involved in monitoring such a vast and demonstrably uncooperative agency, the court determined that the most effective and appropriate means to sanction the defendant's ongoing abuses was the appointment of a special master, at defendant's expense, to supervise further discovery and assure future compliance.

Far from challenging the court's authority to impose sanctions under Rule 11 against the government, the Veterans Administration has expressly declined to assert its immunity from such sanctions in this proceeding. In the context of its objections to the initial bench order's requirement that the V.A. pay $15,000.00 into a law student extern fund, the defendant stated that "[a]lthough the government does not concede that it can be sanctioned pursuant to Fed.R.Civ.P. 11, plaintiffs correctly note that the government has not contended in this specific proceeding that sovereign immunity prohibits the imposition of Rule 11 sanctions." Defendant's Response to Plaintiff's Memorandum in Support of Court's Ruling on Rule 11 Sanctions, at n. 2. While the court need not look beyond the V.A.'s waiver of immunity objections to the imposition of Rule 11 sanctions, it is significant to note that other courts have, in fact, found government counsel sanctionable under the provisions of Rule 11. *See, e.g., Larkin* v. *Heckler,* 584 F.Supp. 512 (N.D.Cal.1984)[6]

Even if the court had assessed the fees and expenses of the special master on grounds other than the sanction provisions to which the defendant has conceded exposure, its argument would remain without merit. The V.A. has not acknowledged or distinguished the significant case authority specifically establishing the court's ability, outside the context of sanctions, to impose the fees and expenses of a special master upon the government. The Veterans Administration asserts that although the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (1982 & Supp. III 1985), authorizes costs to be awarded against the United States when it fails to prevail in a civil action, sovereign immunity is waived only for those litigation costs specifically enumerated in 28 U.S.C. § 1920 (1982). Since section 1920 does not mention the fees and expenses of a special master, the defendant argues that no express waiver of immunity exists with respect to such costs and thus that the government cannot be ordered to pay them. The defendant cites no authority specifically barring the imposition of special masters' fees and expenses on the government, and the only cases directly on point hold otherwise.

In *Century Inv. Corp.* v. *United States,* 277 F.2d 247, 254 (9th Cir.1960), this circuit held that the fees and expenses of a special master appointed to compute damages could be charged to the government even though the defendants "engaged in conduct which made it necessary for the government to sue," since the government "misconceived the proper measure of damages" and thus made the master's report unusable. The court specifically held that such fees and expenses were not costs within the meaning of section 2412(a), which at the time excluded the taxing of any cost against the United States.[7] Since the fees and expenses of a special master thus are not "costs" within the meaning of section 2412, at least where the government is culpably responsible for their imposition, charging such expenses to the government need not be considered in light of immunity limitations possibly raised by section 1920.

Even if the court were to analyze the fees and expenses as costs awarded to a prevailing party under the EAJA, though, the result would be no different. As Chief Judge Justice observed in *Young* v. *Pierce,* 640 F.Supp. 1476 (E.D.Tex.1986) "the government has been ordered to pay the costs of a special master in a variety of circumstances without an express reference in 28 U.S.C. § 1920." *See, e.g., United States* v. *Cline,* 388 F.2d 294, 296 (4th Cir.1968) (government ordered to pay half of the costs of a special master appointed in a boundary dispute against the United States); *United States* v. *American Tel. & Tel. Co.,* 461 F.Supp. at 1348 n. 112 (government ordered to pay half of the costs of a special master appointed to supervise discovery).[8] The court in *Young* observed that the 1966 amendment of the EAJA deleting a provision which exempted the government from liability for costs was intended "to correct the disparity of treatment between parties 'by putting the private litigant and the United States on an equal footing as regards the award of court costs to the prevailing party in litigation involving the government.'" *Young,* at 1491 (citations omitted). In light of this statutory intent, the court rejected the government's sovereign immunity defense based on the provisions of 28 U.S.C. § 1920 and accordingly imposed on the government half the fees and expenses of a special master appointed to supervise discovery and monitor the remedy phase of desegregation litigation. *Young,* at 1495.

In light of the case authority rejecting the defendant's contention that sovereign immunity shields it from the payment of the fees and expenses of a special master when it fails to prevail, as it has here, and given the defendant's failure to identify and object to the specific legal basis underlying the court's assessment of fees and expenses against it, the court declines to reconsider its ruling that all reasonable fees and expenses of the special master be charged to the defendant.

ACCORDINGLY, plaintiff's motion for sanctions is granted and sanctions are imposed pursuant to the terms of this order.

IT IS SO ORDERED.

APPENDIX I

DISCOVERY PLAN OF VETERANS ADMINISTRATION

Pursuant to the court's order of January 8, 1987, Donald E. Zeglin, Esq., and Veterans

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[6] The Ninth Circuit has also relied on other provisions of the Federal Rules of Civil Procedure to levy fees and costs against the government for dilatory conduct. In *Schanen* v. *United States Dept. of Justice,* 798 F.2d 348 (9th Cir. 1986), a Freedom of Information Act case in which the Department of Justice waited until its petition for reconsideration to argue that the release of the disputed information would endanger the lives of its agents and informants, the circuit court reluctantly modified its earlier decision and exempted the information from release. *Id.* at 349. Nonetheless, the court observed that "[i]f the government attorneys had defended this action diligently, much controversy and expense could have been avoided. Rule 60(b) provides that the court may relieve a party from a final judgment 'upon such terms as are just.' Since it was the government's lack of diligence that prolonged these proceedings, justice demands that [the plaintiff and his counsel] be compensated for their expenses occasioned by the additional proceedings. Therefore, on remand, the district court shall order the government to recompense [plaintiff and his counsel] for their actual and reasonable costs and attorneys' fees attributable to all proceedings following the grant of summary judgment, including proceedings before this court." *Id.* at 350. There is no reason to conclude that immunity objections would have any greater force with respect to Rule 11 than Rule 60, which evidently is sufficient authorization under *Schanen* for the imposition of fees and costs against the government.

[7] Significantly, 28 U.S.C. § 2412(a) was amended in 1966 to delete the provision exempting the government from liability for all costs. *See Young* v. *Pierce,* 640 F.Supp. 1476 (E.D.Tex. 1986) (LEXIS, Genfed library, Newer file). If the Ninth Circuit held that the fees and expenses of a special master were chargeable to the government prior to the legislative expansion of the United States' liability for litigation costs, the defendant can hardly assert that there is now reason for this court to view the government's immunity more expansively.

[8] The fact that the government was ordered to pay half, rather than all, of the special master's fees and expenses in these matters is of no relevance to defendant's sovereign immunity argument. If there is immunity, the court cannot impose any costs; if there is no immunity, the court can impose the entirety of the costs. *See Studiengesellschft Kohle mbH v. Eastman Kodak* Co. 713 F.2d 128, 134 (5th Cir. 1983).

Administration General Counsel Donald L. Ivers hereby submit their "plan for ensuring that discovery requests will be properly circulated and complied with in an orderly manner and a record of discovery provided and documents provided, and a system for doublechecking on employees who are asked to obtain or compile discovery." Transcript of January 8, 1987 Hearing, at 59.

Upon receipt of a discovery request, Mr. Zeglin will distribute a copy of the discovery request to all discovery coordinators designated by the heads of each V.A. department, staff office, and regional office (for those requests specifically designated as applying to regional offices). Each discovery coordinator is to be chosen on the basis of his or her extensive familiarity with and knowledge of the department, staff or regional office's activities, recordkeeping capabilities, information-gathering functions, and the physical location of the office's personnel and files, including computer files. The following individuals have been designated as discovery coordinators:

1. David A. Laprade, Department of Veterans Benefits;
2. Jan Stefan J. Donsback, Special Assistant to the Chairman, BVA;
3. Mansell G. Piper, Director of Administration, DM & S;
4. Dean W. Holt, Department of Memorial Affairs;
5. Peter Mulhern, Budget and Finance;
6. Joel Biederman, Personnel and Labor Relations;
7. Raymond E. Hooper, Congressional and Intergovernmental Affairs;
8. Pamela E. Taylor, Public and Consumer Affairs;
9. Frank J. McGuire, Management;
10. Enar H. Sanders, Program Analysis and Evaluation;
11. Allan L. Gohrband, Information Systems and Telecommunications;
12. David M. O'Brien, Information Management and Statistics;
13. Arlyce Dubbin, Logistics;
14. Loretta A. Gray, Administration;
15. Rozetta E. Henderson, Facilities;
16. Jay J. Joerger, Procurement and Supply;
17. Rufus Johnson, Equal Opportunity;
18. Arthur Kyle, Inspector General;
19. Deborah S. Bittinger, Board of Contract Appeals.
20. [add names of regional office coordinators]

Each discovery coordinator is to assist Mr. Zeglin by supervising an orderly search throughout his or her department, regional office or staff office for all discoverable material, by submitting the material to him and by preparing a record of discovery and documents provided. This record will include an index of all material provided, including notations as to which material is provided in response to which requests, the identities of all employees contacted, and a description of all locations and files searched. This record will be signed by the discovery coordinator and the head of the department, regional office or staff office (or his or her deputy), certifying that all discoverable material has been provided. The record will be forwarded with the discoverable material directly to Mr. Zeglin.

Mr. Zeglin and his staff will examine the documents to determine the adequacy of the discovery production. In addition, the record of discovery will be reviewed by Mrs. Lynn Covington, Director, Paperwork Management and Regulations Service, Office of Information Management and Statistics, with the assistance of her staff, to assist Mr. Zeglin in determining whether all employees, units, and departments that may have material responsive to the discovery requests have been apprised and that requested discovery has been obtained.

As soon as Mr. Zeglin has determined that all discoverable material has been collected, he will prepare and sign the V.A.'s response and present it to Mr. Donald L. Ivers, General Counsel, for his signature. Once signed by Mr. Ivers, the response, indices, and discoverable materials will be forwarded to the Department of Justice for production to the plaintiffs along with the materials collected from other federal agencies, as outlined below.

Mr. Zeglin will forward copies of discovery requests, upon receipt, to other federal agencies when such agencies are specifically designated in the plaintiffs' request. Mr. Zeglin will work with the designated attorney or attorneys responsible for certifying those agencies' discovery responses so as to effect interagency discovery in a timely and coordinated manner. Mr. Zeglin and his staff will collect the discovery responses from the certifying attorneys of other federal agencies and will forward those responses along with the response of the V.A. to the Department of Justice for production to the plaintiffs.

APPENDIX II

NOTICE OF PENDING COURT ACTION

The Veterans Administration is a defendant in pending litigation entitled, *National Association of Radiation Survivors v. Turnage, et al.* The District Court for the Northern District of California, which is hearing the case, has directed the Veterans Administration to circulate a notice to all employees advising them of the pendency and nature of this action and of the specific issues involved.

The plaintiffs in the litigation claim that they were exposed to ionizing radiation from the atomic bomb tests in the Western United States and the Pacific, or from the atomic bombing of Hiroshima and Nagasaki. These "ionizing radiation claimants" challenge the constitutionality of the $10.00 statutory limitation on the amount of money veterans can pay attorneys for representation in claims against the V.A. for service-connected death and disability benefits. The plaintiffs allege that the statute prevents them from receiving due process and prevents the redress of their grievances under the First Amendment by infringing upon their constitutional right to retain counsel at their own expense.

The court has already certified a class of "Ionizing Radiation Claimants" as plaintiffs in this case. In its decision certifying the class, the court described this litigation as involving one fundamental issue: "whether the fee limitation, as applied to ionizing radiation claimants, violates the due process clause and the First Amendment by precluding them from retaining counsel in connection with their [Service Connected Death and Disability] claims." In addition, the court found several other factual issues to be important for trial.

"(1) the factual complexity of the underlying Ionizing Radiation Claims; (2) the VA's lack of resources to develop or refusal to develop the facts necessary to establish Ionizing Radiation Claims; (3) the legal complexity of the VA's ionizing radiation regulations and the considerable judgment involved in applying the law to the facts; (4) the radiogenic nature of the diseases and the lengthy latency periods associated with such diseases; (5) the difficulty of locating and obtaining complete medical records for the claimant's period of service; (6) the almost universal need for expert testimony; (7) the need to refute Defense Nuclear Agency dose reconstructions with testimony from qualified health experts; (8) the inability of service representatives to adequately represent Ionizing Radiation Claimants and claimants' dissatisfaction with the services performed by service representatives; (9) the difficulty of placing veterans at exposure sites due to inadequate DOD recordkeeping; (10) obstacles placed by DOD/DNA to make the claims process more difficult, such as the necessity of submitting a FOIA request to obtain a government dose reconstruction; and (11) the existence of physical disabilities that prevent claimants from prosecuting their claims."

The Veterans Administration and the Department of Justice are defending this lawsuit. In the course of preparing for trial, defendants are required to provide to the plaintiffs information and documents concerning these issues of fact in a process called discovery. The court issued a protective order requiring the V.A. to maintain any documents that are relevant to this action, notice of which has already been distributed to you. This notice identifying the issues in this lawsuit should be read in conjunction with the Notice of Discovery Obligations, which sets out the responsibilities of V.A. employees to comply with their discovery obligations, the court order and other orders of the court. If you have any questions concerning how to comply with the court's orders, do not hesitate to contact your supervisor. Your cooperation is essential in ensuring that the Veterans Administration complies with the orders issued by the court. For further information contact [list name and phone number of contact person(s)].

DONALD L. IVERS,
V.A. General Counsel.

APPENDIX III

NOTICE OF DISCOVERY OBLIGATIONS

(NARS v. TURNAGE)

In connection with a lawsuit entitled *National Association of Radiation Survivors v. Turnage, et al.*, No. C-83-1861 MHP, the District Court for the Northern District of California has ordered the Veterans Administration to circulate a notice to all employees of the Veterans Administration "setting forth the obligations of attorneys and litigants, including employees of litigants, in the preservation of evidence, the giving of testimony and cooperation in pending litigation, so as to avoid unnecessary delay or expense and prevent harassment and other improper conduct." This order was necessitated by the V.A.'s past failure to comply with its discovery obligations.

DISCOVERY OBLIGATIONS

This notice should be read in conjunction with the Notice of Pending Court Action, which notifies you of the pendency of litigation concerning V.A. adjudication of service-connected death and disability claims based on alleged exposure to ionizing radiation and the $10.00 attorney fee limitation. If you have custody of any papers that concern this litigation, you should not throw them out until the court has expressly permitted destruction. We will advise you in writing when that occurs. If you have any questions whether papers in your custody or other papers of which you are aware are covered by these instructions, you should seek guidance from your supervisors. They will be able to contact discovery coordinators in their departments or our attorneys to determine the answer to your questions.

The court has ruled that any destruction of papers relevant to this litigation violates the V.A.'s discovery obligations and would subject both the V.A. and you to sanctions, fines or other penalties. You may be asked to provide papers in order to enable the V.A. to comply with requests from the plaintiffs for such documents. If you are asked to provide such documents, or if you are aware of any request of plaintiffs for papers you have, you should provide them promptly to your supervisor or to the discovery coordinator for your department. You should try to provide your supervisors and the discovery coordinators with as much information as possible so that they can comply with all lawful requests for information. The V.A. attorneys assigned to this case will be required to circulate such requests to ensure that papers called for in the requests are sought from the employees who have the papers, and to institute a system for double-checking to ensure that the papers are received and forwarded to the plaintiffs where appropriate. Compliance with these instructions is therefore important to prevent the V.A. from being held responsible for the destruction and nonproduction of potential evidence.

RELATED OBLIGATIONS

You are advised that this agency will not tolerate any adverse employment action taken against any person for testifying, participating, or otherwise cooperating in any court proceeding, including this case. This includes demotion, reassignment, transfer, change in responsibilities, verbal or other harassment, and all other adverse actions. The court has ordred the V.A. to inform you that "adverse action of any kind related to an employee's giving of testimony, evidence, or assistance in the litigation is actionable, may constitute a federal offense, and is further in violation of the orders of this court and may be punished by contempt." The court further ordered that this notice advise you that the U.S. Magistrate assigned to this litigation "is empowered to receive complaints of any violation of this aspect of the order." the U.S. Magistrate assigned to this case is Magistrate Claudia Wilkin, U.S. District Court, Northern District of California, 450 Golden Gate Avenue, San Francisco, California, FTS 556-5964.

CONVENTION REMARKS

Mr. MOYNIHAN. Mr. President, as my colleagues on the other side of the aisle prepare to depart for New Orleans for their party convention, I should like to draw their attention to two items from our party's convention.

Many will recall the discussion in Atlanta concerning our policy in the Middle East. But some may have forgotten the eloquence of two speakers: my great friend and colleague, the Senator from Hawaii, Senator INOUYE, and my equally great friend, the distinguished Representative from the 10th District of New York, CHARLES E. SCHUMER.

Their remarks should be read, and they should be studied. Mr. President, I ask unanimous consent that those remarks be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

ADDRESS OF SENATOR DANIEL K. INOUYE

Forty years ago, on May 14, 1948, President Harry Truman's heroic recognition of the reborn state of Israel marked the beginning of an alliance and friendship that has benefitted both our nations.

Since that day we have stood by that struggling nation in her time of need, and she has responded by becoming our most reliable and consistent friend and ally in that part of the world, if not the entire world.

We can take pride in Israel's growth and productivity. Israelis have built a full-fledged democracy—with all the blessing of freedom—where none existed before. As it was promised by her prophets, they have made the desert bloom and produced a modern miracle blending together an ancient heritage and 20th century technology.

Israel is the traditional home of three major religions and, unlike previous stewards of the holy sites, guarantees full rights and privileges for the followers of all faiths.

The state of Israel is the only democracy in the Middle East, and this democracy has uniquely survived half a dozen wars and countless terrorist attacks.

She has survived the brutality of those who repeatedly have sought to drive her into the sea and the intransigence of those who even to this day refuse to recognize her right to exist. She has survived the unrelenting hostility of a score of hostile states who have accumulated and continue rapidly to accumulate the largest military arsenal in the world outside the two superpowers.

Israel has proven her friendship by providing us with invaluable intelligence. It was Israel that showed us how to knock out Soviet SAM missiles. Our own defense has been strengthened by Israel's suffering and sacrifices in her wars for survival.

This minority plank before us may sound innocuous, but for those who know the nuances of Middle East diplomacy and the language of terrorism and violence, the words of this plank amount to a vicious kick in the teeth of America's interests in that part of the world.

By adopting this minority plank, we could well sow the seeds of destruction of America's only reliable and dependable ally in the region.

Make no mistake. By adopting this minority plank we would establish in the very heart of Israel a hostile state whose leaders and citizens would be committed to Israel's ultimate destruction and we would establish a state that refuses to renounce terrorism.

Israel has demonstrated time and again that her people want to live in peace with her neighbors and the Palestinian people.

She demonstrated that for all the world to see at Camp David. She demonstrates that in the fact that Israel's Arab citizens enjoy more rights and freedoms than any residents of any Arab state. In fact, the Consul General of the State of Israel here in Atlanta today is a Palestinian Arab.

Time and again Israel has opened her doors to negotiations. With the exception of Egypt, the answer has been the bombing of school buses, the massacres of children and Olympic athletes, the firing of katyusha rockets and the murders of innocent victims at airports around the world.

It is not for this convention, or for this platform, or for this nation to impose a peace settlement or dictate the terms. Peace will only come when Israel's neighbors decide to give up war and terrorism and their dreams of driving her into the sea. Peace will only come when Israel's Arab neighbors sit down with her face-to-face to talk peace.

My fellow Democrats, our national interest demands that we keep alive the legacy of Harry Truman and every Democratic administration since 1948, and fellow Democrats, our national interest demands that we reject this minority plank.

STATEMENT OF THE HONORABLE CHARLES E. SCHUMER

My fellow Democrats. We've heard a lot about the need for peace in the Middle East in the last few minutes. Who wants peace more than a mother who lost her son in a war meant to obliterate the State of Israel? Who wants peace more than a grandmother who survived the holocaust only to see her grandchild lose both arms to a P.L.O. bomb? Who wants peace more than Israeli teenagers—young men and young women who must sacrifice at least three years of their lives defending their homes from an enemy committed to pushing them and all their fellow citizens into the sea? No one in the world wants peace more than the Israelis.

When I hear Mr. Zogby speak, I see history stood on its head. We are having Orwell's 1984, four years later. After all, it wasn't Israel that in 1947, after the United Nations declared that there ought to be two states, that launched a war and renounced those states. It wasn't Israel that for 40 years has resisted every entreaty for peace. It hasn't been Israel that vilified Anwar Sadat when he reached out with an olive branch of peace.

Let me say that the arguments made by Mr. Zogby are clever, but fundamentally duplicitous, when he says this is a victory for his platform. Let me say, ladies and gentlemen, that we as legislators know one rule and we know it well. When you've got the votes, you call for a vote. When you don't have the votes you withdraw your plank. The minority plank does not have the votes, and we all know that very well. That's why we are not voting on it today.

I say, ladies and gentlemen, it is a shame that the speaker for the minority plank did not call on the P.L.O. to renounce terrorism, did not call on the P.L.O. to recognize Israel's right to exist. We all know that there is one reason and one reason alone why there is not peace in the Middle East—the intransigence of Israel's Arab neighbors and the Palestinian organizations, their unwillingness to follow the example of Anwar Sadat, and extend the hand of peace, and recognize Israel's right to exist once and for all.

The minority plank speaks of "self-determination." My friends, those are exactly the same words that appear in the Palestinian National Covenant, which a few paragraphs later, in Article 19, calls explicitly for the destruction of the "Zionist entity." They can't bring themselves to say the word "Israel." It calls for the extermination of Israel.

The minority plank speaks of "mutual recognition." It calls, in other words, for the sovereign state of Israel to recognize the P.L.O., the very organization whose whole existence has been devoted to destroying the state of Israel.

The platform plank approved by our Committee, and supported by Governor Dukakis, has embraced the formula for peace that has worked—the only formula for peace that has worked—the camp David Accords. Camp David is simple. It says that when the

Arabs are ready to sit down and recognize Israel's right to exist, then, with the United States acting as an honest broker, they can decide for themselves what would comprise a just settlement and a permanent peace. And Camp David does indeed, recognize "the legitimate rights of the Palestinian people and their just requirements."

My colleagues, let me say to you that we must never, never, never, as Democrats, as believers in human rights, we must never place one group's right to self-determination over another group's right to physical survival. The minority plank simply does this. It is well-intentioned, but it would bring us further away from peace. It rewards intransigence and terrorism. It says, if you keep on with your terrorism and violence, we will eventually move closer to your position.

My colleagues, my friends, my fellow Americans, indeed we do have a dream. The dream is that one day Israeli children and Palestinian children will live together in peace and in friendship and in brotherhood. That will come when the Arab nations finally recognize Israel's right to exist. The Camp David Accords bring us there. I urge support for the plank that is in the platform. Thank you very much.

THE DROUGHT

Mr. DASCHLE. Mr. President, the Senate recently approved and sent to President Reagan a comprehensive drought assistance package. He is expected to sign this important legislation as soon as it reaches his desk. I applaud him for his decision.

The manner in which the Department of Agriculture has implemented the disaster payment program from 1984 flooding has created a great deal of unnecessary concern. Given their experiences, many farmers in South Dakota are understandably suspicious as to whether the Reagan administration will be more forthcoming with disaster assistance for the drought as they were with disaster assistance for the serious flooding in 1984.

After 4 long years of legal and bureaucratic battles, I am encouraged that the administration has finally taken steps to implement the 1984 disaster payment as required by law.

In 1984, 38,000 farmers in 23 South Dakota counties suffered from one of the worst flooding situations in history. Literally 3.7 million acres were either totally submerged or too wet to plant. This is 35 percent of the total acres in South Dakota.

Under the provisions of the 1981 farm bill, the Secretary was required to pay prevented planting disaster payments to farmers in flood areas if Federal crop insurance was not available. The type of crop insurance—prevented planting crop insurance—that these farmers needed to have purchased to indemnify themselves against the flood loss was not available in South Dakota.

In 1984, I met with then-Agriculture Secretary John Block to press for disaster payments. He refused to make these payments because general Federal crop insurance was available to producers. Obviously, South Dakota's producers were caught in a dilemma. While they could purchase Federal crop insurance, they couldn't purchase the type of crop insurance that would have insured them against the flooding loss. Thus, even if they had purchased the crop insurance available to them, the policy would not have insured against the loss caused by the flooding.

When it became clear that Secretary Block would not make disaster payments as required by the law, our only recourse was to take the Secretary of Agriculture to court to force the law to be implemented as Congress intended.

I encouraged five South Dakota producers, Richard McBrayer, Allan Haag, Ray Strunk, James Adamson, and Rodney Hall, to take the Secretary of Agriculture to court. They secured the legal services of Lincoln County attorney Jeff Masten and began the lengthy legal battle to force the Secretary of Agriculture to follow the legal requirements of the 1981 farm bill.

The farmers lost the first level of the court battle, in the U.S. District Court for the District of South Dakota in Sioux Falls. However, not to be deterred, attorney Masten and the farmers appealed the lower court's decision to the Eighth Circuit Court of Appeals in Missouri. This legal battle occurred over a period of 3 years.

On February 17, 1988 the appeals court ruled in favor of the South Dakota farmers and against the Secretary of Agriculture. The Department was directed to make available these disaster payments. On March 3, 1988, the Department of Agriculture decided not to appeal and indicated they would comply with the court decision.

Unfortunately, it appeared that those within the Department of Agriculture in Washington who were responsible for writing the initial regulations to implement the court decision had not received the message that South Dakota farmers had won the legal battle. It was clear that the regulations were written in such as manner as to disqualify eligible farmers and not make the payments as required by the law and court decision.

In fact, the original checks issued to farmers in July under the initial set of regulations were an insult to producers. One plaintiff in the court suit who would have been eligible in 1984 for nearly $25,000 received a check for less than $200.

It was during this time that Congressman TIM JOHNSON, a member of the drought assistance task force in the House of Representatives, and I continued to press the Department to change their regulations to properly reflect the payments that should have been paid under the law.

Feeling that the 1984 disaster payment situation was every bit as important as the 1988 drought, I was prepared to offer an amendment to the 1988 drought bill in the Senate Agriculture Committee to force the Department to change its regulations. Congressman JOHNSON was prepared to do the same in the House Agriculture Committee.

I was pleased that Deputy Secretary Peter Myers met with me in the Agriculture Committee and agreed to both review and change the regulations. He agreed that a farmer who lost his first crop and attempted to plant a second crop should not be denied prevented planting disaster payments. Those farmers who lost their second crop were to be made eligible for prevented planting disaster payments.

It was after this meeting that the ASCS offices issued the first disaster payment checks calculated on the initial regulations without taking into account the changes that Secretary Myers agreed to make. It was also apparent that the regulations still did not treat South Dakota's producers in a fair and equitable manner.

As a result of the issuance of these first checks, Congressman TIM JOHNSON called a meeting in his office to seek additional changes in the USDA regulations. I was pleased to join Congressman JOHNSON, Secretary Myers, and ASCS Administrator Milton Hertz in this discussion.

We were very pleased with the cooperation and willingness that Secretary Myers and Administrator Hertz showed in agreeing to changes in the program. The most significant change was one which permitted the counting of 1983 PIK acres in determining the eligibility for 1984 disaster payments. Prior to this change, idled PIK acres were not permitted to be counted in the total acreage upon which disaster payments would be calculated.

In addition, for those producers who attempted to plant a second crop, Administrator Hertz agreed that producers who totally lost that crop would receive prevented planting payments and the producer who harvested a minimal second crop would receive low yield disaster payments.

I will ask unanimous consent that an August 5, 1988 letter jointly sent to Secretary Myers by Congressman JOHNSON and I be printed in the RECORD. This letter summarizes the items of agreement in our August 5 meeting.

Just yesterday, we received word that USDA has issued regulations implementing the changes agreed to in our meeting with the Department. Because unanswered questions remain, we have written another letter to Secretary Myers seeking further clarification. I will ask unanimous consent that Congressman JOHNSON and my letter of August 11, 1988 be included in the Record.

In the past 8 weeks, we have realized more progress in having these disaster payments paid than we have seen in many years. I am encouraged by the willingness of Secretary Myers and Administrator Hertz to put this long festering problem to rest once and for all. They have shown a willingness to hear of the problems with the Department's regulations. More importantly, perhaps, they continue to show a desire to make certain that the regulations issued from Washington accurately reflect the items discussed and agreed to in our meetings. For that, I commend the Department.

To producers in South Dakota, I can only say that we are seeing movement and we are finally seeing change from Department policymakers in Washington. It is regrettable that the Department must be taken to court to be forced to obey the law, but in this case, the system worked.

South Dakota's ASCS offices have been dealing with a constant stream of changes in this program to say nothing about preparation for the 1988 drought assistance package. Without a doubt, the flood disaster payments, coupled with the drought payments, will create an extremely heavy workload on our county ASCS offices. I will be working with our State's ASCS offices and their counterparts in Washington to have these payments made as soon as possible.

I ask unanimous consent that the letters to which I referred be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, August 11, 1988.

Hon. Peter C. Myers,
Deputy Secretary of Agriculture, Administration Building, Washington, DC.

Dear Peter: It is our understanding that the regulations implementing our agreement on the manner in which the 1984 disaster payments will be made have been finalized and distributed to the state offices. We appreciate your prompt implementation of the points we discussed, and agreed to, in our meeting last Friday.

It is our interpretation that the regulations rectify the inequity of making 1983 PIK acres ineligible for 1984 disaster payments. As a result of the change you agreed to in our meeting, PIK acres will be deemed eligible for 1984 disaster payments. This will be a very important and fair change in the program's regulation.

After reviewing the points we agreed to in our meeting, there may be one problem with the manner in which these regulations will treat farmers planting the second crop. As you will remember, we discussed two particular situations—one in which the producer totally lost his second crop and a second situation in which the producer planted, and harvested, a low yield second crop.

As you may recall, Milt indicated that ASCS regulations would be written in such a manner as to make the farmer who completely lost both the first and second crops eligible for prevented planting payments. There does not appear to be a problem with the regulations for the producers eligible under this criteria.

However, there may be a question of eligibility for producers harvesting a minimal second crop (for example, a 10 to 20 percent harvest). Milt indicated in our meeting that those producers would be eligible for low yield disaster payments, with the value of the harvested crop reflected in the amount of low yield disaster payments paid to the producer. As you may remember, both of us indicated that procedure would be proper and would only be fair.

We are not certain that the newly-issued regulations accurately reflect that part of our discussion. It appears that the producer who harvested a minimal second crop may not be eligible for low yield disaster payments, contrary to our discussion. We would appreciate clarification on this matter.

In addition, we are not clear which crops will be considered as a non-conserving crop for the second planting. Since the announcement specifically identifies a number of non-conserving crops, and does not name other non-conserving crops we are requesting clarification on the exact definition. It is our understanding that generally sunflowers, buckwheat and safflower are considered non-conserving crops and should continue to be treated in the same manner.

We are very encouraged by the changes reflected in these regulations. With the exception of the clarification we outlined above, they accurately reflect our discussion and represent a willingness on your part to put this situation behind us, once and for all. We look forward to working with you to make certain this program is implemented in the fairest and most equitable manner possible and that producers receive their payments as promptly as feasible.

Sincerely,

Tom Dashcle.
Tim Johnson.

House of Representatives,
Washington, DC, August 5, 1988.

Hon. Peter C. Myers,
Deputy Secretary of Agriculture, Administration Building, Washington, DC.

Dear Peter: We appreciate your willingness to help solve the situation involving the 1984 flood payments. With your commitment, we are confident that the Department will act to ensure that all producers are treated equitably as we agreed, and that our agreement reached today will meet the needs of the 1984 disaster victims.

As we discussed in our meeting, because of the heightened awareness of this issue in South Dakota, it would be very important for the Department to send notification that a commitment has been made to address the problems that producers brought to our attention. We appreciate and encourage your desire to make certain adequate information is promptly made available on the state and county level to answer the barrage of questions that are being asked.

We want to reiterate the main issues we discussed and the agreements reached with you and Milt.

(1) USDA will reopen the sign-up in a limited area surrounding South Dakota. We encourage you to take all feasible steps in order to ensure that all 1983 producers are notified about the changes you will be making in the regulations governing this program.

(2) We appreciate your willingness to change the procedures to reflect the planting of PIK acres in 1983. We are in total agreement with you that a producer should not have his or her acreage eligibility reduced because that producer participated in the 1983 farm program and entered acres in the PIK program. Those acres are considered as planted for all other aspects of the farmer's base, and should be so considered for acreage eligibility for 1984 disaster payments.

(3) Your clarification of the loss of the second crop was very helpful. Farmers who planted and harvested a minimal second crop will be eligible for low yield disaster payments, which means that payments would be reduced by the value of the harvested second crop. This is only fair and this change is consistent with our previous agreement whereby farmers who planted the second crop and failed to make a harvest would be eligible for prevented planting disaster payments.

We also appreciated your concerns about implementing this disaster payment program simultaneously with the 1988 drought disaster payment program. As we indicated in the meeting, even if the funds will not be immediately forthcoming, we would encourage you to make certain the county ASCS offices are able to determine the amount the producer will be receiving as a result of the regulation changes you agreed to make today.

In conclusion, we appreciated your willingness to work with us in seeking a solution to this problem. We would appreciate your staff keeping us advised as the Department makes progress in revising these regulations to reflect the above outlined changes.

Thank you very much for your work on this effort and for your solid commitment to implement this plan to address the conditions and concerns raised during our meeting.

Sincerely,

Tim Johnson.
Tom Daschle.

IN HONOR OF THE MAJORITY LEADER OF THE SENATE ROBERT C. BYRD

Mr. MOYNIHAN. Mr. President, majority leaders of the Senate are very special people who occupy a unique place in American history. To wit, there have been 40 Presidents of the United States but only 14 majority leaders. To be chosen as majority leader is a singular tribute. Presidents are chosen by vast electorates, based usually upon matters of policy. Majority leaders are chosen by a small group of intimates and the outcomes are preeminently a judgment of character.

In the history of the Senate there has been no one who has greater deserved or better understood the role of majority leader than Robert C. Byrd. Robert C. Byrd was born in the bleak years of the century, apprenticed to adversity, hardened by experience, strengthened by faith, enlarged by learning, and in the end, ennobled by a life of service to his people and his Nation.

Robert C. Byrd has been the longest serving among the 30 persons who have represented West Virginia in the U.S. Senate. He is the only West Virginian to have served in both houses of the State legislature and both Houses of the U.S. Congress. He is the only public officer of his State to have won a contested general election in all of its 55 counties and the only West Virginian elected without opposition in a general election. At the close of the 100th Congress Robert C. Byrd will have served longer than all but 27 of the Senators elected since 1789.

Senator Byrd's mastery of the rules of the Senate affirms the shining truth that law gives liberty, and that out of order comes freedom. In the 1980's he led his party in the long march back to majority status, and in so doing changed the course of American political history. His service has been unequalled, both on behalf of the people of West Virginia and those of the United States. It is with great pride that I have served with such a man, and it is a tribute to the Senate that such a man should be its leader.

IN SUPPORT OF McCAIN AMENDMENT

Mr. THURMOND. Mr. President, I supported the amendment by my good friend from Arizona, Senator McCain. Placing a ceiling on the number of military dependents overseas will cause an unnecessary burden on our young military personnel.

It is an established fact that a higher percentage of our young soldiers today are married than in the past. Forcing the separation of young families just to save money is unfair to these people who are serving their country overseas.

Mr. President, it is also known that in the past, when the Department of Defense attempted to restrict the numbers of dependents overseas, the policy failed because young men and women would go deeply into debt to pay for their families to join them overseas.

During that time, many soldiers were living in poverty because they could not get government quarters for their families. I for one do not want to again force that sort of hardship on the young men and women who serve our Nation.

Mr. President, we have the highest quality of personnel in the military today that we have ever had. Had this amendment failed, we will adversely impact morale and retention in the armed forces. Military service places enough hardship on families without the Congress adding to it. I thank all of my colleagues for their support of the amendment by Senator McCain.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3679) to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes.

The message also announced that the House has passed the bill (S. 2560) to amend the Temporary Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to make available additional types of commodities, to improve child nutrition and food stamp programs, to provide other hunger relief and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the bill (S. 908) to amend the Inspector General Act of 1978, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Brooks, Mr. Conyers, Mr. Synar, Mr. Wise, Mr. Erdreich, Mr. Horton, Mr. Walker, and Mr. Clinger as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3471) to establish the Veterans' Administration as an executive department; it asks a conference with the Senate on the disagreeing vote of the two Houses thereon, and appoints Mr. Brooks, Mr. Conyers, Mr. Weiss, Mr. Neal, Mr. Frank, Mr. Montgomery, Mr. Edwards of California, Mr. Horton, Mr. Walker, Mr. Lightfoot, and Mr. Solomon as managers of the conference on the part of the House.

The message further announces that the House disagrees to the amendments of the Senate to the bill (H.R. 4585) to extend the authorization of appropriations for the Taft Institute through fiscal year 1991; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Hawkins, Mr. Ford of Michigan, Mr. Gaydos, Mr. Williams, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Perkins, Mr. Jeffords, Mr. Goodling, Mr. Coleman of Missouri, and Mrs. Roukema as managers of the conference on the part of the House.

The message also announced that the Speaker appoints Mr. Rahall as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3051) entitled "An Act to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes", vice Mr. Howard, deceased.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4200. An act to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission;

H.R. 4526. An act to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park; and

H.J. Res. 583. Joint resolution designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Surgery Week."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 356. A concurrent resolution providing for an adjournment of the House from August 11, 1988 to September 7, 1988 and a recess or adjournment of the Senate from August 12, 1988 to September 7, 1988.

The message further announced that pursuant to section 8002 of the Internal Revenue Code, the chairman of the Committee on Ways and Means appoints Mr. Vander Jagt, a member of the Joint Committee on Taxation, vice Mr. Duncan, deceased.

The message also announced that pursuant to the provisions of section 403 of Public Law 100-360, the Speaker appoints as members of the U.S. Bipartisan Commission on Comprehensive Health Care the following Members on the part of the House: Mr. Pepper, Mr. Stark, Mr. Waxman, Ms. Oakar, Mr. Gradison, and Mr. Tauke.

The message further announced that pursuant to the provisions of Public Law 453 of the 96th Congress, the chairman of the Committee on Merchant Marine and Fisheries appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy for the year 1988: Mr. Dyson, Mr. Hochbrueckner, Mr. Lent, and Mr. Jones of North Carolina, ex officio.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 4:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 3431. An act to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL;

H.R. 3880. An act to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years;

H.R. 4676. An act to amend the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 to extend through the fiscal year 1989 the authorities contained in such act;

H.J. Res. 138. Joint resolution to authorize and request the President to issue a proclamation designating the third Sunday of August 1988 as "National Senior Citizens Day";

H.J. Res. 417. Joint resolution designating May 1989 as Neurofibromatosis Awareness Month; and

H.J. Res. 525. Joint resolution to designate the month of November 1988 as "National Hospice Month."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. STENNIS).

At 8:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5143. An act to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds.

At 9:14 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate numbered 1 through 24 to the bill (H.R. 5026) making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes; and that the House recedes from its disagreement to the amendment of the Senate numbered 25 to the bill, and agrees thereto, with an amendment, in which it requests the concurrence of the Senate.

At 9:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2561. An act to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes; and

H.R. 4754. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes.

Under the authority of the order of the Senate of August 11, 1988, the enrolled bills were signed on August 11, 1988, subsequent to the adjournment of the Senate, by the majority leader (Mr. BYRD).

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4200. An act to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission; to the Committee on Commerce, Science, and Transportation.

H.R. 4526. An act to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park; to the Committee on Energy and Natural Resources.

H.R. Res. 583. Joint resolution designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Surgery Week"; to the Committee on the Judiciary.

The following joint resolutions, previously received from the House of Representatives for concurrence, were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 342. Joint resolution to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day"; to the Committee on the Judiciary.

H.J. Res. 580. Joint resolution to designate the Month of September 1988 as "National Sewing Month"; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3763. An act to amend title 28, United States Code, relating to foreign sovereign immunity, with respect to certain activities of foreign governments, and for other purposes;

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 900. A bill to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes (Rept. No. 100-481).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2742. An original bill to reauthorize certain social services for the homeless, and for other purposes (Rept. No. 100-482).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 2073. A bill entitled the "Thrift Charter Enhancement Act of 1988" (Rept. No. 100-483).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1885. A bill to provide for a Federal program for the improvement of child care, and for other purposes (Rept. No. 100-484).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2701. A bill to amend the Natural Gas Policy Act of 1978 to remove certain contract duration and right of first refusal requirements (Rept. No. 100-485).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 2884. A bill to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes (Rept. No. 100-486).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2647. A bill to amend the Higher Education Act of 1965 to reduce the default rate on student loans under that Act, and for other purposes (Rept. No. 100-487).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Martha O. Hesse, of Illinois, to be a Member of the Federal Energy Regulatory Commission for a term expiring October 20, 1991.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

The following named officer to be placed on the retired list in the grade indicated under the provisions of Article II, Section 2, Clause 2, United States Constitution.

To be vice admiral

Rear Adm. John D. Bulkeley, 136-32-3090/1113, U.S. Navy, (Retired) (Recall).

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James D. Williams, 242-50-2818/1120, U.S. Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 2731. A bill to amend the Internal Revenue Code of 1986 to allow the penalty-free withdrawal of section 401(k) plan funds for post-secondary educational expenses; to the Committee on Finance.

S. 2732. A bill to amend title 10, United States Code, to provide for centralized acquisition of property and services for the Department of Defense, to establish in the Department of Defense a Defense Acquisition Agency, and for other purposes; to the Committee on Armed Services.

By Mr. THURMOND (for himself and Mr. Stevens):

S. 2733. A bill to amend title 18, United States Code to prohibit any person who is being compensated for lobbying the Federal government from being paid on a contingency fee basis; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. Hecht, Mr. Ford, Mr. Inouye, Mr. DeConcini, Mr. Murkowski, Mr. Matsunaga, Mr. Pell, Mr. Cranston, Mr. Bingaman, Mr. Dole, Mr. Cochran, and Mr. Stafford):

S. 2734. A bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI:

S. 2735. A bill to amend the Small Business Act to establish programs and initiate efforts to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. HEFLIN:

S. 2736. A bill to urge negotiations with the Government of Mexico for the preservation and study of the wreck of the USS *Somers*, and for other purposes; to the Committee on Foreign Relations.

By Mr. WILSON:

S. 2737. A bill entitled the "California Marine Sanctuary Act of 1988."; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI (for himself and Mr. Cranston):

S. 2738. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide grant assistance for the establishment, expansion, and improvement of veterans' cemeteries owned by Indian tribes; to the Committee on Veterans Affairs.

By Mr. BENTSEN (for himself, Mr. Sanford, Mr. Johnston, Mr. Breaux, Mr. Chiles, and Mr. Graham):

S. 2739. A bill to amend the professional and graduate institution program under part B of title III of the Higher Education Act of 1965 to add certain additional institutions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG (for himself and Mr. McCain):

S. 2740. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Finance.

By Mr. HEINZ:

S. 2741. A bill to amend the Social Security Act to provide for the improvement of child care, to amend the Internal Revenue Code of 1986 to improve the child care tax credit, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

S. 2742. An original bill to reauthorize certain social services for the homeless, and for other purposes; placed on the calendar.

By Mr. PRYOR:

S. 2743. A bill to provide duty-free treatment for certain polyvinyl chloride film, strips, and sheets; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. Hatch):

S. 2744. A bill to amend title 35, United States Code, to permit separate patent extensions for each product under a patent which is subject to full regulatory review and approval; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 2745. A bill to provide a separate tariff classification for, and to suspend temporarily the duty on, certain opal borosilicate glassware; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself and Mr. Ford):

S. 2746. A bill to amend the Federal Aviation Act of 1958 relating to aviation research; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 2747. A bill to provide federal court authority to enforce rights secured by the Indian Civil Rights Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. ARMSTRONG (for himself and Mr. Wirth):

S. 2748. A bill to extend the authorization in Public Law 96-309 to design and construct a gunite lining on certain reaches of the Bessemer Ditch in the vicinity of Pueblo, CO; to the Committee on Energy and Natural Resources.

By Mr. NUNN (for Mr. Stennis (for himself, Mr. Nunn, and Mr. Warner)):

S. 2749. A bill to authorize appropriations for fiscal years 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; considered and passed.

By Mr. DOMENICI:

S. 2750. A bill to authorize a study on wetlands to commemorate the nationally significant contributions of Georgia O'Keeffe; to the Committee on Energy and Natural Resources.

By Mr. MELCHER:

S. 2751. A bill to designate certain lands in Montana as wilderness, to release other forest lands for multiple use management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EVANS:

S. 2752. A bill to declare that certain lands be held in trust for the Quinault Indian Nation, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. SANFORD (for himself and Mr. Thurmond):

S.J. Res. 367. A joint resolution to give the Consent of congress to the compact entered into between the State of North Carolina and the State of South Carolina establishing the Lake Wylie Marine Commission; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. Gore):

S.J. Res. 368. A joint resolution to establish a National Commission on Human Resources; to the Committee on Labor and Human Resources.

By Mr. KERRY (for himself, Mr. Hollings, Mr. Adams, Mr. Stevens, and Mr. Kennedy):

S.J. Res. 369. A joint resolution to designate the period of September 17 through October 10, 1988, as "Coastweeks '88."; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. McCain, Mr. Lugar, Mr. Kennedy, Mrs. Kassebaum, Mr. Graham, Mr. Durenberger, and Mr. Dodd):

S.J. Res. 370. A joint resolution to express the support of the United States for the restoration of full and genuine democracy in Chile and calling upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Ms. Mikulski):

S.J. Res. 371. A joint resolution designating October 1988 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Res. 463. A resolution expressing the sense of the Congress that Federal laws regarding the taxation of State and local government bonds should not be changed in order to increase revenue; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. Pell, Mr. Helms, Mr. Cranston, Mr. Murkowski, Mr. Kennedy, Mr. Boschwitz, Mr. Kerry, Mr. Dole, Mr. Simon, Mr. Rockefeller, Mr. Graham, Mr. Specter, Mr. Inouye, Mr. Simpson, Mr. Symms, Mr. Stennis, Mr. Sarbanes, Mr. Burdick, Mr. Cohen, Mr. Mitchell, Mr. Sasser, Mr. Harkin, Mr. Bradley, Mr. Lautenberg, Mr. Glenn, Mr. Nunn, Mr. Dixon, Mr. Warner, and Mr. Byrd):

S. Res. 464. A resolution to express the opposition of the Senate to the mass killings, mass arrests, and denial of human rights in the Socialist Republic of Burma; to the Committee on Foreign Relations.

By Mr. ROTH (for himself, Mr. Byrd, Mr. Dole, Mr. Adams, Mr. Armstrong, Mr. Baucus, Mr. Bentsen, Mr. Bingaman, Mr. Bond, Mr. Boren, Mr. Boschwitz Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Hecht, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Johnston, Mr. Karnes, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. Matsunaga, Mr. McCain, Mr. McClure, Mr. McConnell, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr.

Mitchell, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Proxmire, Mr. Pryor, Mr. Quayle, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Specter, Mr. Stafford, Mr. Stennis, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Trible, Mr. Wallop, Mr. Warner, Mr. Weicker, Mr. Wilson, and Mr. Wirth):

S. Res. 465. A resolution concerning the return of Senator Joe Biden; ordered held at the desk.

By Mr. BYRD (for himself and Mr. Dole):

S. Res. 466. A resolution amending Senate Resolution 30 of the One Hundredth Congress; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. Durenberger, Mr. Kerry, and Mr. D'Amato):

S. Con. Res. 140. A concurrent resolution calling for the restoration of democracy in Panama and pledging economic assistance; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2731. A bill to amend the Internal Revenue Code of 1986 to allow the penalty-free early withdrawal of section 401(k) plan funds for postsecondary educational expenses; to the Committee on Finance.

PENALTY-FREE WITHDRAWAL OF 401(K) FUNDS FOR POSTSECONDARY EDUCATION

Mr. ROTH. Mr. President, my colleagues may recall that on April 13 I introduced legislation, S. 2278, which would permit penalty-free withdrawals of IRA funds when the proceeds are used for postsecondary education. This approach promotes both savings and education—two good investments in our future.

On May 10 I received a letter from the National Association of State Scholarship and Grant Programs strongly endorsing S. 2278. Mr. R.R. Erbschloe, the president of the National Association of State Scholarship and Grant Programs, suggested that allowing participants in 401(k) deferred compensation plans to make penalty-free early withdrawals in a manner consistent with S. 2278 would be a valuable addition in our effort to promote savings and education.

The bill I am introducing today removes the early withdrawal penalty for 401(k) plans when the proceeds are used for postsecondary education. Mr. President, I ask unanimous consent that the letter I have received from the National Association of State Scholarship and Grant Programs be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Association of State
Scholarship and Grant Programs,
May 10, 1988.

Hon. William V. Roth, Jr.,
U.S. Senator, SH-104 Hart and Senate Office Building, Washington, DC.

Dear Senator Roth: As President of the National Association of State Scholarship and Grant Programs (NASSGP) I would like to comment on a bill you recently introduced, S. 2278.

Our Association consists of the financial aid agencies of 52 states and territories which provide postsecondary students with nearly $2 billion in state-sponsored financial assistance each year. We have gone on record as supporting federal efforts to encourage parental savings for postsecondary education. With that we have recommended that Congress initiate programs which supplement, not supplant, fully-funded Title IV student aid programs within the Higher Education Act.

We encourage Congress to develop a comprehensive national program which includes an expanded use of IRAs such as you propose in S. 2278. We would also suggest that you expand your bill to include participants in "401(K)" deferred compensation plans. These plans, similar to IRAs, have become much more popular since tax reform limited IRA participation. Such an expansion of your proposal should have minimal federal cost impact as it builds upon a tax vehicle already in place. However, it would add to parental flexibility in meeting college costs.

In summary, we think S. 2278 is a good bill, worthy of enactment by Congress. We particularly appreciate its inclusion of reasonable living expenses, a feature missing in some of the other college savings program proposals before the Congress.

Best of luck with your bill. Please contact me if you would like additional comments.

Sincerely,

R.R. Erbschloe,
President.

Mr. ROTH. Mr. President, like the IRA, 401(k) Plans have become a popular vehicle for savings. According to the Office of Pension and Welfare Benefit Administration of the Department of Labor in 1985, the most recent year for which data is available, there were 31,660 plans with 10.7 million participants and $147 billion in assets.

I have checked with a number of companies with 401(k) plans in Delaware to ascertain the administrative feasibility of allowing for the penalty free early withdrawal of 401(k) contributions. Without exception all indicated the feasibility of this approach.

In fact companies I contacted had existing plan amendments which allowed for hardship withdrawals from 401(k) funds for expenses associated with education, medical needs, or a primary residence.

One concern which was expressed was that by specifically allowing a penalty free withdrawal for education by statute, existing plan amendments which allow for hardship withdrawals for medical expenses or a primary resident might be jeopardized.

I would like to emphasize that no such inference should be drawn by the Internal Revenue Service with respect to the allowance of hardship withdrawals allowed for other purposes. Rather the bill I am introducing today is a logical companion to S. 2278, as suggested by the National Association of State Scholarship and Grant Programs.

I do not think that anyone disputes the notion that benefits derive from savings and investment. In responding to my request for a revenue cost estimate on my bill S. 2278, the Joint Committee on Taxation suggested that this legislation "should result in IRA contributions that would not otherwise have been made".

I think that is a positive element to this legislative approach. It would be my hope that allowing similar treatment for 401(k) funds would also encourage additional savings and simultaneously provide the future investment benefit which accrues when individuals are able to realize their potential through education.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENALTY-FREE EARLY WITHDRAWAL OF SECTION 401(k) PLAN FUNDS FOR POST-SECONDARY EDUCATIONAL EXPENSES ALLOWED.

(a) In General.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(E) Qualified post-secondary educational expenses.—

"(i) In general.—Distributions made to the employee from a qualified cash or deferred arrangement (within the meaning of section 401(k)(2)) for qualified post-secondary educational expenses.

"(ii) Qualified post-secondary educational expenses.—For purposes of this subparagraph—

"(I) In general.—The term 'qualified postsecondary educational expenses' means qualified tuition and related expenses of the employee, his spouse, or a dependent for attendance at an eligible educational institution.

"(II) Qualified tuition and related expenses.—The term 'qualified tuition and related expenses' has the meaning given such term by section 117(b), except that such term shall include any reasonable living expenses while away from home.

"(III) Eligible educational institution.—The term 'eligible educational institution' means an institution of higher education or a vocational school.

"(IV) Institution of higher education.—The term 'institution of higher education' means any institution described in section 1201(a) or 481(a) of the Higher Education Act of 1965.

"(V) Vocational school.—The term 'vocational school' means an area vocational education school as defined in subparagraph

(C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act which is in any State (as defined in section 521(27) of such Act).

"(VI) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

By Mr. ROTH:

S. 2732. A bill to amend title 10, United States Code, to provide for centralized acquisition of property and services for the Department of Defense, to establish in the Department of Defense a Defense Acquisition Agency, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE ACQUISITION REORGANIZATION ACT

Mr. ROTH. Mr. President, I am pleased to introduce today legislation to create a civilian acquisition agency in the Department of Defense. This proposal would amend title 10, of the United States Code, to establish a defense acquisition agency to perform all weapons acquisition functions within DOD. This agency, staffed by well-trained, experienced, career experts, would assume responsibility for the management of weapons acquisition programs from the military services. I firm believe that this approach will result in more effectively managed and less costly weapons programs.

When I first proposed this idea 4 years ago it received little attention because it was considered too radical a concept. But the continuing problems in the DOD procurement process and the public outrage over the recent Pentagon procurement scandal point to the need for a basic system overhaul. Clearly defense experts are coming around to support my proposal for a civilian acquisition agency.

For example, during a July 8, 1988, Federal Services Subcommittee hearing on DOD consultants, Dr. Lawrence Korb and Mr. James Falk, both former high ranking DOD officials, stated that my proposal for a civilian acquisition agency was on the right track and that such a concept could only be beneficial. Dr. Korb went on to state that the time was right to take a hard new look at a radically different approach to the way we go about procuring our weapon systems.

Mr. President, the Under Secretary of Defense for acquisition will be the director of the agency. Under this concept, the military will continue to perform the military functions of identifying threats, developing requirements for weaponry to fight those threats and commanding combat units. Only the management of the actual acquisition of weapons would be changed. The acquisition workforce will be selected by the Under Secretary for Acquisition from among the best qualified civilian applicants. The agency is intended to encourage a career service of acquisition experts much like the Foreign Service. The personnel of the new acquisition agency will be highly professional, with required degrees in science, engineering, business, financial management, or other related disciplines. I envision a corp of procurement professionals who are also professional career arms designers and buyers trained to understand both the mechanics of weapons systems and the politics of the Armed Services.

Mr. President, I would point out that in creating such an agency, we should be fully prepared to adequately compensate the procurement professionals employed there. That is why my bill would set up a special salary scale and bonus system based on achievement, to recruit and retain the professional workforce that the agency will attract. Personnel in the agency would be eligible for higher compensation and agency managers would be granted greater flexibility in personnel matters. This bill would also require agency members to continue training and development in their assigned fields.

Mr. President, the current investigation into the DOD procurement process is one more example of the massive problem that we face as we attempt to clean up the defense procurement system. I believe that current Federal laws are already on the books to address the problems of bribery, fraud and influence peddling. What my bill is designed to do, is to focus on the problem of weapons acquisition on a long term basis; to fundamentally reform the defense acquisition process to ensure that we begin to make some of the critically needed changes in how we go about producing and purchasing the weapons that are used to defend this country.

The concept of a civilian acquisition agency, which will assume responsibility for the procurement function, will help to alleviate many of the problems that the procurement process is experiencing. I think that it would be appropriate here to mention that the agency will not take over the common supply procurement function from the Defense Logistics Agency. The CAA, will be strictly limited to procuring weapon systems for DOD.

Mr. President, I would be the first to acknowledge that it is no simple task to develop, produce and manage complex weapons systems and to hold down the cost growth which routinely affects them. If it were, the dozens and dozens of acquisition improvement efforts which have been initiated by virtually every administration would certainly by now have given us a more efficient and well managed acquisition process.

The reform goals have not been achieved, however. In fact, the problems in the acquisition process are as serious today as they have ever been and the public has the perception that the United States really doesn't know how to build dependable, reasonably priced weapon systems. David Packard former chairman of the Blue Ribbon Procurement Commission better known as the Packard Commission, was quoted recently as saying that "the system for buying weapons is Mickey Mouse and that contracts might as well be awarded by throwing darts." Packard went on to say that the Department of Defense, the administration, and Congress together have created an environment in which honest and efficient military acquisition is impossible to implement.

The current procurement process is frustrating not only the procurement experts, but the public is beginning to believe that the entire system is rife with corruption. The fact is, that the public's view of defense matters is greatly influenced by their perceptions of the way in which weapon programs and spare parts purchases are managed. I am concerned, as I know are other Senators, that the public is becoming convinced the Defense Department cannot effectively and honestly manage the defense acquisition process and hold down program costs. The public's growing disillusionment with the management of the acquisition process is a serious matter and one that I, as a strong proponent of a revitalized defense, am anxious to see reversed. The job of buying weapons and equipment not only must be done well, the public must truly believe it is being done well and honestly.

Mr. President, the acquisition process has been examined repeatedly over the years and we are all familiar with the many problems cited at one time or another as major factors in cost growth and mismanagement: poor or overly optimistic cost estimates, gold-plating, poor testing, lack of competition in contracting and so on. Whether these are, in fact, the real causes of cost growth, or just symptoms of the problem, there is little doubt in my mind that the acquisition process is plagued with waste, fraud and mismanagement.

In outlining the serious problems we face in improving the management of acquisition programs, it becomes apparent to me that the solutions of the past are no longer adequate. I believe we should consider more comprehensive, and far reaching changes which may threaten the status quo, but could help set the stage for real and lasting improvements.

Our current military-service-dominated acquisition system results in a confusing morass of different procurement organizations and policies, high turnover of procurement personnel, poor training and experience for the

Government's work force and almost no accountability for the success or failure of weapons programs. For military officers, managing an acquisition program is not often a career goal and few officers want to stay for a long period of time as a program manager or other procurement official.

A centralized civilian weapons acquisition management agency in DOD would help ensure the continuity of key personnel, reduce duplication and ultimately result in greater economies. Further, procurement is a business function, not a military one. Taking it out of the hands of the services would free up valuable military personnel to be concentrated on true military functions, such as military strategy formulation and contingency planning.

The acquisition agency that I am proposing, will be staffed by civilian professionals, trained and prepared to devote their careers to acquisition management. They would direct the acquisition of a weapon system and would be assigned to manage the program for many years, remaining fully accountable for its success or failure.

Such problems as interservice rivalries and military service domination of acquisition also makes it difficult if not impossible to implement uniform departmentwide policies for procurement or to pursue potentially money-saving acquisition strategies such as joint service purchasing of weapons. The morass of different procurement organizations and policies, the high turnover of procurement personnel, the poor training and experience that characterizes the Government's work force, and the lack of accountability for the success or failure of weapons programs are problems my bill seeks to address.

I urge my colleagues to review this proposal, to weigh it against our current procurement system in DOD and to join with me as the debate begins on how best to create a more effective, less costly approach to securing the weapons to defend our Nation.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Department of Defense Acquisition Reorganization Act of 1988".

SEC. 2. CENTRALIZATION OF PROCUREMENT AUTHORITY IN THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Section 133 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out clause (1) and inserting in lieu thereof the following:

"(1) subject to section 2303a of this title, conducting all Department of Defense acquisitions, including construction;"; and

(2) by adding at the end the following new subsections:

"(f)(1) In planning and conducting a program for the acquisition of a weapon system, the Under Secretary—

"(A) shall consult with and receive information, evaluations, analyses, and advice from the Secretaries of the military departments and the heads of appropriate Defense Agencies with regard to the need and justification for such system;

"(B) shall have final decisionmaking authority for selection of (i) the weapon system for which research and development is to be conducted for the Department of Defense, and (ii) the weapon system to be acquired for the Department of Defense;

"(C) shall carry out functions, consistent with the provisions of this title and applicable acquisition regulations, relating to the research for, development of, and production of the weapon system, including—

"(i) determining the feasibility of conducting research for, development of, or production of such weapon system for two or more military departments;

"(ii) preparing bid proposals;

"(iii) evaluating bid proposals;

"(iv) selecting contractors;

"(v) managing the acquisition of the weapon system;

"(vi) establishing and improving programs and methods that foster maximum cost control and enhance productivity and manufacturing operations;

"(vii) establishing schedule goals and determining compliance with such goals;

"(viii) making contract payments;

"(ix) making contract changes;

"(x) modifying the weapon system acquisition program; and

"(xi) terminating contracts;

"(D) during the conduct of the weapon system acquisition program for a military department, shall consult on a continuing basis with the Secretary of such department and shall request the advice and comments of such Secretary on the conduct of the acquisition; and

"(E) shall be the sole representative of the Department of Defense in negotiating with representatives of the private sector in the acquisition of the weapon system.

"(2) In this section, the term 'weapon system' includes a subsystem and any component related to the weapon system.

"(g) The Under Secretary shall—

"(1) determine funding priorities for acquisitions of weapon systems for the Department of Defense; and

"(2) in connection with the preparation of each request for an appropriation for weapon systems acquisitions for the Department of Defense under section 1108 of title 31, submit to the Secretary of Defense a proposed appropriation request reflecting the priorities determined pursuant to clause (1).".

SEC. 3. DEFENSE ACQUISITION AGENCY

(a) ESTABLISHMENT.—(1) Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 135 the following new chapter:

"CHAPTER 136—DEFENSE ACQUISITION AGENCY

"Sec.
"2281. Establishment.
"2282. Duties.
"2283. Civilian personnel.
"2284. Members of the armed forces.

"§ 2281. Establishment

"There is a Defense Acquisition Agency in the Department of Defense. The Under Secretary of Defense for Acquisition is the head of the Defense Acquisition Agency.

"§ 2282. Duties

"The Under Secretary of Defense for Acquisition shall conduct weapon system acquisition programs through the Defense Acquisitions Agency.

"§ 2283. Civilian personnel

"(a) CIVILIAN PERSONNEL SYSTEM.—(1) The Secretary of Defense shall establish by regulation a special personnel system for civilian employees of the Defense Acquisition Agency. The regulations establishing such system shall—

"(A) establish the rates of pay for employees of the Defense Acquisition Agency not to exceed the maximum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5;

"(B) provide for removal of an employee of the Defense Acquisition Agency to a position outside the Defense Acquisition Agency consistent with the terms, conditions, and procedures provided in section 3592 of such title for removal of a career appointee in the Senior Executive Service to a position outside the Senior Executive Service, except that any hearing or appeal to which an employee of the Defense Acquisition Agency is entitled shall be held and decided pursuant to procedures prescribed by the Secretary of Defense in such regulations;

"(C) provide for removal or suspension (for a period of more than 14 days) of an employee of the Defense Acquisition Agency consistent with the procedures provided in subsections (a), (b), and (c) of section 7543 of title 5 for removal or suspension (for such a period) of a career appointee in the Senior Executive Service, except that any hearing or appeal to which an employee of the Defense Acquisition Agency is entitled shall be held and decided pursuant to procedures prescribed by the Secretary of Defense in such regulations;

"(D) permit the payment of performance awards to employees of the Defense Acquisition Agency consistent with the provisions applicable to performance awards under section 5384 of title 5; and

"(E) establish career recruiting and training (including high-technology training) programs for the Defense Acquisition Agency that promote (i) the recruitment of personnel capable of attaining expertise in a broad range of acquisition functions, (ii) the attainment of such expertise by each acquisition employee of the agency, and (iii) the retention of employees who attain such expertise.

"(2) Subject to paragraph (1), the Secretary of Defense may—

"(A) make applicable to employees of the Defense Acquisition Agency any of the provisions of title 5 that are applicable to applicants for or members of the Senior Executive Service; and

"(B) appoint, promote, and assign individuals to acquisition positions in the Defense Acquisition Agency without regard to the provisions of such title governing appointment, promotions, and assignments for personnel in the competitive service.

"(3) A personnel system established for civilian employees of the Defense Acquisition Agency under this subsection shall apply to such employees in lieu of the personnel system that, except for this subsection, would otherwise apply to such employees.

"(b) QUALIFICATIONS FOR APPOINTMENT.—The Secretary of Defense shall make appointments to acquisition positions in the Defense Acquisition Agency from among applicants who, by reason of education, experience, training, and performance on relevant examinations, are best qualified to perform the duties of that agency.

"(c) Merit Pay.—The Secretary of Defense may establish and administer a merit pay system for such employees of the Defense Acquisition Agency as the Secretary considers appropriate. Such system shall be consistent with the purposes set out in section 5401(a) of title 5.

"(d) Assignments.—The Secretary of Defense may assign and reassign an employee of the Defense Acquisition Agency to any position in that agency in which such employee is qualified to serve, as determined by the Secretary taking into consideration the needs of the agency.

"§ 2284. Members of the armed forces

"A member of the armed forces may be detailed to the Defense Acquisition Agency to participate in the conduct of a weapon system acquisition program.".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 135 the following new item:

"136. Defense Acquisition Agency...... 2281".

(b) Termination of Procurement Authority of Military Departments.—(1) Section 2302(1) of title 10, United States Code, is amended by striking out "the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force,".

(2) Section 2303(a) of such title is amended—

(A) by striking out paragraphs (2), (3), and (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively.

(c) Transition Provision.—To the extent practicable, the Secretary of Defense shall make appointments to acquisition positions in the Defense Acquisition Agency under section 2283 of title 10, United States Code (as added by subsection (a)) from among the best qualified civilians serving in acquisition positions in the Department of Defense during the implementation of the provisions of this Act and the amendments made by this Act.

SEC. 4. RESPONSIBILITY FOR DETERMINING PROCUREMENT NEEDS

(a) In General.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2303 the following new section:

"§ 2303a. Determinations of procurement needs

"(a) Military Departments.—The Secretary of each military department shall determine and define the procurement needs of that department and report such needs to the Under Secretary of Defense for Acquisition.

"(b) Defense Agencies.—The head of each Defense Agency shall determine and define the procurement needs of that agency and report such needs to the Under Secretary of Defense for Acquisition.

"(c) Finality of Determinations.—The procurement needs reported to the Under Secretary of Defense pursuant to subsections (a) and (b) may not be revised by the Secretary of Defense or the Under Secretary of Defense for Acquisition.".

(b) Technical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2303 the following:

"2303a. Determinations of procurement needs.".

SEC. 5. REVIEW OF MAJOR DEFENSE ACQUISITION PROGRAMS

(a) In General.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2439. Approval of program stages

"(a)(1) The Under Secretary of Defense for Acquisition shall review each major defense acquisition program before such program proceeds into each of the following stages:

"(A) Concept exploration.

"(B) Demonstration and validation.

"(C) Full-scale development.

"(D) Production.

"(2) The review of each major defense acquisition program required by paragraph (1) shall include an evaluation of each of the following:

"(A) The plans and requirements for such program.

"(B) The need for the system to be acquired under such program.

"(C) In the case of a program for the acquisition of a weapon system for two or more military departments, the extent to which there is a commonality of parts and components among the systems to be acquired for such military departments.

"(D) The complexity and practicality of such program.

"(b) Funds may not be obligated or expended with respect to a stage of a major defense acquisition program specified in clauses (A)-(D) of subsection (a)(1) unless the Under Secretary of Defense for Acquisition has reviewed the program for such stage as required by subsection (a) and, based on such review, approved the program for such stage.

"(c) The Under Secretary of Defense for Acquisition may not delegate any duty under this section to the Secretary of a military department.".

(b) Technical Amendment.—The table of sections at the beginning of chapter 144 of title 10, United States Code, is amended by adding at the end the following new item:

"2439. Approval of program stages.".

SEC. 6. SAVINGS PROVISIONS

(a) All contracts, orders, determinations, rules, regulations, permits, grants, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Secretary or other officer or employee of a military department, or by a court of competent jurisdiction, in connection with any acquisition activity of a military department, and

(2) which are in effect on the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense, the Under Secretary of Defense for Acquisition, or another authorized official, by a court of competent jurisdiction, or by operation of law.

(b) Proceedings and Applications.—(1)(A) The provisions of this Act shall not affect any proceeding, including any proceeding involving a claim or application, in connection with any acquisition activity of a military department that is pending before any military department on the effective date of this Act.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Defense or the Under Secretary of Defense for Acquisition, by a court of competent jurisdiction, or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Defense may prescribed regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Secretary of Defense or to the Under Secretary of Defense for Acquisition.

SEC. 7. CONFORMING AMENDMENTS

Title 10, United States Code, is amended as follows:

(1) Section 1584 is amended—

(A) by striking out "of a military department" and inserting in lieu thereof "of the Department of Defense"; and

(B) by striking out "the Secretary of that department" and inserting in lieu thereof "the Secretary of Defense".

(2) Section 1621(1) is amended by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense".

(3) Section 1622 is amended—

(A) in subsection (a)—

(i) by striking out "The Secretary of each military department" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out the last sentence; and

(B) in subsection (d), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(4) Section 1623 is amended—

(A) in subsection (a)—

(i) by striking out "The Secretary of each military department" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out the last sentence; and

(B) in subsection (c), by striking out "The Secretary concerned" and inserting in lieu thereof "The Secretary of Defense".

(5) Section 2305(d) is amended—

(A) in the first sentence of paragraph (1)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a development contract for a major system, shall";

(B) in the first sentence of paragraph (2)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a production contract for a major system, shall";

(C) by striking out "the head of the agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(D) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary of Defense".

(6) Section 2306(h) is amended—

(A) in paragraph (1), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(B) in paragraph (2)(D), by striking out "agencies in";

(C) in paragraph (3) by striking out "the head of the agency concerned" and inserting in lieu thereof "the Secretary of Defense";

(D) by striking out paragraph (7); and

(E) by redesignating paragraph (8) as paragraph (7).

(7) Section 2311 is amended—

(A) by striking out "Except as provided in" and inserting in lieu thereof "(a) Except as provided in subsection (b) and"; and

(B) by adding at the end the following new subsection:

"(b) The Secretary of Defense may delegate any authority of the Secretary under this chapter only to—

"(1) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition;

"(2) the Under Secretary of Defense for Acquisition; or

"(3) any employee of the Defense Acquisition Agency or the Defense Logistics Agency.".

(8) Section 2324(h)(2) is amended by striking out "or the Secretary of the military department concerned".

(9) Section 2326 is amended—

(A) in subsection (a)—

(i) by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out "the head of an agency" and inserting in lieu thereof "the Secretary";

(B) in subsection (e), by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense";

(C) by striking out subsection (f);

(D) by redesignating subsection (g) as subsection (f); and

(E) in subsection (f)(1) (as redesignated by subparagraph (D)), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense".

(10) Section 2327 is amended—

(A) in subsection (a), by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense";

(B) in subsection (b), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(C) in subsection (c)(1)—

(i) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(ii) by striking out "such head of an agency" each place it appears and inserting in lieu thereof "the Secretary";

(D) in subsection (c)(2), by striking out "Upon the request of the head of an agency, the" and inserting in lieu thereof "The"; and

(E) in subsection (d)—

(i) by striking out "(1)"; and

(ii) by striking out paragraph (2).

(11) Section 2329 is amended—

(A) in subsection (b), by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense";

(B) in subsection (c)—

(i) by striking out "the Secretary concerned" each place it appears and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out the last sentence of paragraph (3).

(12) Section 2352 is amended by striking out "a military department" and inserting in lieu thereof "the Department of Defense".

(13) Section 2353 is amended—

(A) in the first sentence of subsection (a)—

(i) by striking out "a military department" and inserting in lieu thereof "the Department of Defense"; and

(ii) by striking out "the Secretary of the military department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b)(3), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(14) Section 2354 is amended—

(A) in subsection (a), by striking out "the Secretary of the military department concerned, any contract of a military department" and inserting in lieu thereof "the Secretary of Defense, any contract of the Department of Defense";

(B) in subsection (c)—

(i) by striking out "the Secretary of the department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "of his department"; and

(C) in subsection (d), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(15) Section 2355 is amended—

(A) by striking out "Secretary of each military department" and all that follows through "Comptroller General," and inserting in lieu thereof "Secretary of Defense, with the approval of the Comptroller General, may"; and

(B) by striking out "his department" and inserting in lieu thereof "the Department of Defense".

(16) Section 2356(a) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), the Secretary of Defense may delegate any authority under section 1584, 2353, 2354, 2355, or 2358 of this title to—

"(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition;

"(B) the Under Secretary of Defense for Acquisition; or

"(C) any employee of the Defense Acquisition Agency or the Defense Logistics Agency.

"(2) The authority of the Secretary under section 2353(b)(3) of this title may not be delegated to a person described in paragraph (1)(C).".

(17) Section 2357 is amended by striking out "The Secretary of each military department" and inserting in lieu thereof "The Secretary of Defense".

(18) Section 2358 is amended by striking out "or his designee" each place it appears.

(19) Section 2381 is amended—

(A) in subsection (a)—

(i) by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out "that department" in clause (1) and inserting in lieu thereof "the Department of Defense"; and

(B) in subsection (b), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(20) Section 2388 is amended—

(A) in subsection (a), by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense"; and

(B) in subsection (d), by striking out "The Secretary concerned" and inserting in lieu thereof "The Secretary of Defense".

(21) Section 2393 is amended—

(A) in subsection (a)—

(i) by striking out "the Secretary of a military department" in paragraph (1) and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "the Secretary concerned" in paragraph (2) and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(22) Section 2394 is amended—

(A) in subsection (a), by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) A contract may be made under subsection (a) only after the Committees on Armed Services and on Appropriations of the Senate and House of Representatives have been notified of the terms of the proposed contract, including the dollar amount of the contract and the amount of energy or fuel to be delivered to the Government under the contract.".

(23) Section 2401(a) is amended by striking out "The Secretary of a military department" both places it appears and inserting in lieu thereof "The Secretary of Defense".

(24) Section 2403 is amended—

(A) in subsection (a), by striking out paragraph (8);

(B) in subsection (b), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(C) in subsections (c), (f), and (g), by striking out "head of the agency concerned" each place it appears and inserting in lieu thereof "Secretary of Defense";

(D) in subsection (d)—

(i) by inserting "(1)" after the subsection designation;

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(iii) by striking out the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may delegate authority under this subsection only to the Under Secretary of Defense for Acquisition."; and

(E) in subsection (h)—

(i) by striking out "(1)"; and

(ii) by striking out paragraph (2).

(25) Section 2405(a) is amended by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense".

(26) Section 2406 is amended—

(A) in subsection (a)—

(i) by striking out "head of an agency" and inserting in lieu thereof "Secretary of Defense" each place it appears; and

(ii) by striking out "that agency" and inserting in lieu thereof "the Department of Defense"; and

(B) in subsection (f)—

(i) by striking out paragraph (1);

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iii) by striking out "2432(a)" and inserting in lieu thereof "2430" in paragraph (1) (as redesignated by clause (ii)); and

(iv) by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense" in paragraph (3) (as redesignated by clause (ii)).

(27) Section 2411(3) is amended by striking out "Director of the Defense Logistics Agency" and inserting in lieu thereof "Under Secretary of Defense for Acquisition".

SEC. 8. EFFECTIVE DATE

This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

By Mr. THURMOND (for himself and Mr. STEVENS):

S. 2733. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

LEGISLATION TO BAN CONTINGENCY FEES FOR LOBBYING ACTIVITIES

Mr. THURMOND. Mr. President, a people can have no higher public interest, except the preservation of their liberties, than integrity in the administration of their government in all its departments. This has become even more important now that we have entered the era of the $1 trillion Federal budget. Vast sums of taxpayer moneys are appropriated by Congress for projects. Contracts worth enormous amounts of money are regularly let by Federal agencies.

Competition for these funds and contracts is intense. Recent events at the Pentagon have demonstrated the extent to which individuals will go to secure these contracts.

It is not realistic to assume that a legislative remedy to prevent greed can be fashioned. However, we can, legislatively, make efforts to remove certain incentives to enter into contracts which, in my view, are clearly contrary to the best fiscal and ethical interest of our Nation. Accordingly, I rise to introduce legislation which would prohibit payment for lobbying on a contingency fee basis.

Mr. President, I have heard reports of certain lobbying activities which greatly disturb me. Specifically, I was informed that one lobbyist approached an institution and inquired as to how much Federal money was needed to fund a particular project. When the respone was $12 million, the lobbyist responded that he would ask Congress for $14 million. If successful, he would be paid $2 million. If not, only a base fee would be charged. When our Nation is bridled with such a huge debt, we certainly cannot afford to borrow more money to provide incentive payments only to further increase the deficit.

At this time, I do not know the prevalence of these types of contracts or activities. Therefore, hearings on these issues would be enlightening. However, even if it is determined that such arrangements are rare—I take the view that even one is too much. Such arrangments are clearly wrong, and should not be tolerated. Congress should follow the lead of most States by enacting this legislation which would prohibit such arrangements.

Mr. President, the question of the propriety of contingency fees in lobbying activities is not a novel one. The common law has held such contracts unenforceable. *Noonan* v. *Gilbert*, 68 F2d 775 (1934), 17 C.J.S. Section 212. In fact, as far back as 1916, the U.S. Supreme Court spoke on the character of such financial arrangements in these circumstances.

Quoting from a prior case, the court, in *Crocker* v. *United States*, 240 U.S. 74, 60 Led 533, 36 S. Ct. 245 (1916), had this to say about contingency fees for lobbying:

> All contracts for supplies should be made with those, and with those only, who will execute them most faithfully, and at the least expense to the Government. Considerations as to the most efficient and economical mode of in this respect, the action of every department of the Government. No other consideration can lawfully enter into the transaction, so far as the Government is concerned. Such is the rule of public policy; and whatever tends to introduce any other elements into the transaction, is against public policy. That agreements, like the one under consideration, have this tendency, is manifest. They tend to introduce personal solicitation, and personal influence, as elements in the procurement of contracts; and thus directly lead to inefficiency in the public service, and to unnecessary expenditures of the public funds * * *. Agreements for compensation contingent upon success, suggest the use of sinister and corrupt means for the accomplishment of the end desired. The law meets the suggestion of evil, and strikes down the contract from its inception. There is no real difference in principle between agreements to procure favors from legislative bodies, and agreements to procure favors in the shape of contracts from the heads of departments. The introduction of improper elements to control the action of both, is the direct and inevitable result of all such arrangements.

Mr. President, recognizing the improper incentives contingency fees for lobbyists inject into government, other levels of government have acted. Thirty-five states have laws on the books which prohbit payment for lobbying on a contingent fee basis. For instance, South Carolina has had the following law since 1935:

> No person shall be employed as a legislative counsel or agent for a compensation dependent in any manner upon the passage or defeat of any proposed legislation or upon any other contingency connected with the action of the General Assembly or either branch or committee thereof. Section 2-17-30, S.C. Code of Laws (1976).

Mr. President, on the Federal level contingency fee arrangements are addressed to some extent in the executive branch. Two laws covering contracts awarded by executive departments—41 U.S.C. 254(a) and 10 U.S.C. 2306(b)—restrict the use of "commission, percentage, brokerage or contingent fee" arrangments to secure these contracts. However, the scope of these statutes is deficient in two respects. First, the violation of these provisions carries little penalty. The Government can only annual the contract secured by a contingency fee arrangement, or deduct from the contract the full amount of the contingency fee. They carry no criminal penalties. Second, these statutes only apply to the executive branch and not to activities involving Congress.

Mr. President, this legislation would make contingency fee arrangements to influence Government action a crime under Federal law. Any person who violates the provisions of this section shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

Moreover, the Attorney General is empowered to bring a civil action to recover twice the amount of proceeds obtained by that person due to such conduct. This act is prospective in nature and would only apply to contracts entered into after enactment.

Mr. President, lobbyists certainly have a role in our system. Often they can provide expertise and information not otherwise available. I want to be clear on this point. I am not opposed to lobbyist. I am opposed to contractual arrangements which impugn the integrity of our system. One should be entitled to reasonable fees for legitimate services in presenting officials of the Government with information as may apprise them of the character and value of the project or service offered, and thus enable those officers to act for the best interest of the Nation. However, the law has long recognized that contingency fees are appropriate in some areas and not in others. For instance, contingency fees in tort actions provide the poor with access to the courts and are viewed favorably. In other areas such as criminal and domestic law, such fees are inappropriate because they introduce improper incentives into the system. Similar principles apply to contingency fees for lobbying.

Mr. President, this legislation may require further modification and refinement. I intend to listen closely to those who have an opinion in this area.

However, I urge my colleagues to move expeditiously on this important legislation. The public deserves it.

Mr. President, I ask unanimous consent that this bill, and a legal analysis prepared by the Library of Congress addressing constitutional isues in this area, be printed in full following these remarks.

S. 2733

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying

"(a)(1) It shall be unlawful for any person to be employed as an agent or attorney for or otherwise represent any person other than the United States, or with intent to influence, to be employed to make any oral or written communication on behalf of any other person other than the United States to any department, agency, court, or commission of the United States, or any officer or employee for compensation if such compensation is dependent in any way—

"(A) upon the passage or defeat of any proposed legislation or other action of Congress,

"(B) upon the securing of an award of a contract or grant by establishment of the Federal Government, or

"(C) upon the securing of any Federal financial assistance or any other Federal contract or grant.

"(2) The provisions of paragraph (1) shall not apply in any case involving the collection of any amount owed on a debt or on a contract claim owed to a person by the Federal Government.

"(b) Any person who violates the provisions of this section shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

"(c) The Attorney General may bring a civil action in any United States district court, on behalf of the United States, against any person who engages in conduct prohibited by this section in lieu of or in addition to an action taken pursuant to subsection (b), and, upon proof of such conduct by a preponderance of the evidence, may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within 6 years after the later of (1) the date on which the prohibited conduct occurred, or (2) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred."; and

(2) amending the table of sections by striking out the item between the item relating to section 219 and the item relating to section 224 and inserting in lieu thereof the following:

"220. Contingency fees in lobbying.".

Sec. 2. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply to any contract entered into on or after such date of enactment.

[From the Library of Congress, Congressional Research Service; Washington, DC]

Constitutionality of Prohibition on Contingent Fee Contracts With Respect to Lobbying Representations Before Congress

This report discusses the constitutionality of a provision which prohibits payments, or agreements or contracts for payments to agents, representatives, or others which are based on, or contingent upon, the defeat, enactment, or outcome of any legislation proposed or pending before Congress. Issues have been raised as to whether such a prohibition on contingent arrangements violates a constitutional right to freedom to contract, or constitutes a taking of property without due process of law. It would appear, however, that strong arguments exist to support the constitutionality of such prohibition enacted by Congress.

It should be noted that Federal law presently prohibits, except in specified circumstances, agreements for payments to agents or other persons which are contingent upon the securing of a Federal Government contract, at 41 U.S.C. sec. 254(a). As noted in the Federal Procurement Regulations implementing the provisions of this statute, at 41 C.F.R. sec. 1-1.500: "The requirements of this subpart have as their objective the prevention of improper influence in connection with the obtaining Government contracts. . . ." No cases concerning a constitutional challenge to this restriction appear in the annotations to the statutory prohibition on contingent fee arrangements for procuring Federal contracts.

Numerous state statutory provisions presently prohibit contingent fee arrangements with respect to the success or outcome of lobbying efforts. Although not intended to represent an exhaustive compilation, the following States, for example, prohibit payment for lobbying activities on a contingent fee bass: Alabama (Act 130, sec. 18(b)(6), '75 Laws); Alaska (sec. 24.45.121(a)(6), A.S.); Arizona (sec. 41-1233, A.R.S.); California (Gov't Code sec. 86205(f)); Colorado (sec. 24-6-308, C.R.S.); Georgia (sec. 47-1003, C.G.A.); Hawaii (Act 160, sec. 5, '75 Laws); Idaho (sec. 67-6621(b)(6), I.C.); Illinois (Ch. 7½, sec. 28; Ch. 63, sec. 178, I.A.S.); Indiana (sec. 2-4-3-5, I.S.A.); Kansas (sec. 46-267, K.S.A.); Kentucky (sec. 6.260, K.R.S.); Louisiana (Ch. 24, sec. 73, L.S.A.); Maine (Title 3, sec. 318, M.R.S.A.); Maryland (Art. 40, sec. 9, A.C.M.); Massachusetts (Ch. 3, sec. 42, M.G.L.A.); Minnesota (sec. 10A.06, M.S.A.); Mississippi (sec. 5-7-9, M.C.A.); Montana (sec. 43-806, R.C.M.); Nebraska (sec. 50-316, **R.S.N.); Nevada (sec. 218.942(b)(4), N.R.S.);** New Mexico (sec. 2-12-87, N.M.S.); New York (Book 31, sec. 66, sec. 66-b(4), C.L.N.Y.); North Carolina (sec. 120-40.4, G.S.N.C.); North Dakota (54-05.1-06, N.D.C.C.A.); Ohio (sec. 101.77, O.R.C.A.); Oregon (sec. 171.756(3), (O.R.S.); Pennsylvania (Title 46, sec. 148.7a, P.S.A.); Rhode Island (sec. 22-10-4, G.L.R.I.); South Carolina (sec. 30-153, C.L.S.C.); South Dakota (sec. 2-12-6, S.D.C.L.); Texas (Art. 6252-9c, sec. 11, T.C.S.); Utah (sec. 36-11-3, U.C.A.); Vermont (Title 2, sec. 254, V.S.A.); Virginia (sec. 30-28-6, C.V.); Wisconsin (sec. 13.66(1), W.S.A.). No cases have been found under the state provisions which have invalidated a state prohibition on contingent fee arrangements because of an alleged unconstitutional infringement upon a claimed right to freedom of contract. It should be noted that a contingent fee prohibition was held invalid on a technical issue in the case of *State* v. *Crites*, 209 S.W. 863 (1919), because the statute violated a Missouri requirement "that no law should embrace or relate to more than one subject to be expressed in the title" of an act (see: 42 ALR 3d 1054), but the issue of a possible violation of individual constitutional rights was not raised in that case.

As noted, the questions raised as to this restriction have concerned whether such a prohibition would violate a claimed constitutional right to freedom of contract, or be a deprivation of "property", i.e. income, without due process of law. As to these contentions, it should be noted that Federal and state regulatory provisions concerning rates, prices, fees or other economic regulations in the private sector which have been challenged under the due process clause of the Fifth or Fourteenth Amendments as deprivations of property have generally been upheld by the Supreme Court since the 1930's as long as the economic regulation was not found to be "arbitrary, discriminatory, or demonstrably irrelevant to the policy the legislature is free to adopt" *Nebbia* v. *New York*, 291 U.S. 502 (1934).

By the end of the 1930's the Supreme Court had generally found that legislation affecting or regulating economic rights, rather than fundamental liberties such as speech, press and religion, may be upheld if the legislation has a "rational basis" (see: *Constitution of the United States of America, Analysis and Interpretation*, U.S. Government Printing Office, 1973, Senate Document No. 92-82, pp. 1170-1177, 1310-1335). In the case of *United States* v. *Carolene Products Co.*, 304 U.S. 144, 152 (1938) the Court in answering the Fifth Amendment due process challenge to an economic regulation, stated: ". . . [R]egulatory legislation affecting ordinary commercial transactions is not to be pronounced unconstitutional unless in light of the facts made known or generally assumed it is of such a character as to preclude the assumption that it rests upon some *rational basis within the knowledge and experience of legislators*" (emphasis added). As noted by the Court in *Nebbia* v. *New York*, supra at 527-528:

"The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases. Certain kinds of business may be prohibited; and the right to conduct a business, or to pursue a calling, may be conditioned . . . And statutes prescribing the terms upon which those conducting businesses may contract, or imposing terms if they do enter into agreements, are within the state's competency."

The due process clause also prohibits the deprivation of liberty, as well as property, without the requisite due process of law. As far as regulating economic activities, the potential restriction on "liberty of contract" has been argued. As early as the 1930's, however, the Supreme Court has noted that any existing "freedom of contract" is a limited freedom, subject to reasonable restrictions by the legislature, and this concept of freedom of contract, along with the laissez faire theory of government regulation, has been on the demise as an instrument for invalidating governmental economic regulations. In 1936 the Supreme Court discussed the prevalent theory of "freedom of contract" in the case of *West Coast Hotel Co.* v. *Parrish*, 300 U.S. 379, 391:

"The principle which must control our decision is not in doubt. The constitutional provision invoked is the due process clause of the Fourteenth Amendment governing the States, as the due process clause invoked in the Adkins case governed Congress. In each case the violation alleged by those attacking minimum wage regulation for women is deprivation of freedom of contract. What is this freedom? The Constitution does not speak of freedom of contract. It speaks of liberty and prohibits the deprivation of liberty without due process of law. In prohibiting that deprivation the Constitution does not recognize an absolute and uncontrollable liberty. Liberty in each of its phases has its history and connotation. But the liberty safeguarded is liberty in a social organization which requires the protection of law against the evils which menace the health, safety, morals and welfare of the people. Liberty under the Constitution is thus necessarily subject to the restraints of due process, and regulation which is reasonable in relation to its subject and is adopted in the interests of the community is due process."

As to the public interest in and the "reasonableness" of a prohibition on contingent fee arrangements for lobbyists, it is noted in the legal Encyclopedia Corpus Juris Secondum that, even absent a statutory prohibition, contingent fee contracts for lobbying the legislature concerning matters of general public welfare, or on a matter where there is no existing legal claim, are "void as against public policy" (Corpus Juris Secondum, Contracts sec. 213, Vol. 17, pp. 1031-1032). The purpose of prohibiting contingent fee contracts for general lobbying was noted in C.J.S., supra, note at pp. 1031-1032: "The policy of the law which prohibits contingent fees for services rendered in securing favor legislation is not concerned with the moral or ethical standards of clients serviced; the purpose of the law is to prevent improper pressure on legislative action." The discussion appearing the Corpus Juris Secondum of the issue of contingent fees for influencing legislative action is reproduced below:

"Contingent fees. Although in a number of cases general statements have been made to the effect that the fact that payment is contingent on success will prevent the agreement from being enforced, in general this fact alone is not sufficient to avoid the agreement. A distinction is made between contingent-fee contracts for the prosecution of claims against the government which are in the nature of debts of contract claims, and contingent contracts for procuring favors through the procuring of general remedial or favor legislation, authorizing a contract or granting advantages or benefits to which, prior to the enactment, the contractor had no existing legal claim. Contracts for contingent compensation for the prosecution of a debt, or of individual contract claims, against the government, or obligations founded on violation of a generally recognized legal right or based on an equitable or moral foundation, which require legislation and appropriation, and the procuring of legislation granting benefits, where no other remedy existed for the enforcement of the claim, are generally valid except in so far as express statutory provisions prohibit such contracts.

On the other hand, contingent-fee contracts for procuring general remedial or favorable legislation authorizing a contract or granting advantages or benefits to which, prior to the enactment, the contractor has no existing legal claim or legislative action which affects the public welfare and in which the rights of the public are substantially involved, are void as against public policy, regardless of whether corrupt practices are resorted to or contemplated. Also, although there is some authority to the contrary, contracts under which the compensation to be received by the promisee is contingent on his success in obtaining necessary legislation for the levying of special assessments for public improvements and securing contracts consequent thereupon are against public policy and void."

Thus, strong arguments exist that a statutory prohibition on contingent fee arrangements for lobbying activities would be upheld against a challenge of a violation of freedom to contract or taking of property without due process of law, since such a provision appears to have a rational basis and to be relevant to the public's and Congress' recognized important interest in preventing undue and improper influences in the legislative process (See: *United States.* v. *Harriss,* 347 U.S. 612 [1954]).

By Mr. THURMOND (for himself, Mr. Hecht, Mr. Ford, Mr. Inouye, Mr. DeConcini, Mr. Murkowski, Mr. Matsunaga, Mr. Pell, Mr. Cranston, Mr. Bingaman, Mr. Dole, Mr. Cochran, and Mr. Stafford):

S. 2734. A bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict; to the Committee on Energy and Natural Resources.

WORLD WAR II VETERANS MEMORIAL

Mr. THURMOND. Mr. President, as a veteran of World War II, it is a pleasure to rise today to introduce legislation which would establish a memorial to our World War II veterans. Though it has been over 40 years since the end of this war, it is never too late to honor those who have given their lives for freedom.

World War II was one of the most significant wars in our history as a nation. Involving more than 16 million Americans, it was the war which preserved freedom for the Western World. Yet it was not without a heavy toll. The damage and the human suffering were extreme. More than 670,000 Americans were wounded and over 400,000 made the ultimate sacrifice by giving their lives. A tribute to these Americans is richly deserved.

World War II memorials are located all over the world. However, there is no single monument that honors the American veterans of World War II as a group. Our Nation's Capital would be an especially fitting location for such a monument, and the legislation I am proposing would provide for such a location.

In addition, Mr. President, this monument would be constructed solely with private contributions. I want to emphasize this point—no Federal tax dollars would be used for construction of the memorial. The only cost to the taxpayer would be for the maintenance and care of the memorial, once it is constructed.

Mr. President, I would now like to briefly explain the provisions of this bill.

Section 1 of this legislation authorizes the American Battle Monuments Commission to build a World War II Memorial on Federal land in the District of Columbia.

Section 2 provides for the establishment of a World War II Memorial Advisory Board. This board will consist of 12 members including World War II veterans, historians, representatives of veterans organizations and other historical associations knowledgeable on the subject. Their responsibilities will include encouraging the donation of private funds for construction, recommending a site for the memorial, and assisting the Battle Monuments Commission in selecting a design for the memorial.

Section 3 of the bill specifies the responsibilities of the Commission. As distinguished from the board, the Commission will be the actual entity which solicits and accepts the private contributions for construction of the memorial.

Section 4 of the bill authorizes other Federal entities to offer their administrative services and support to the Commission in carrying out its functions.

Section 5 specifies that the maintenance and care of the memorial be the responsibility of the Secretary of the Interior.

Section 6 makes the bill subject to Public Law 99-652, which specifies the procedures for approving commemorative works such as this monument, and section 7 provides a reasonable timetable for the commencement of construction.

Mr. President, this monument pays tribute to the men and women who have given of themselves to make our lives, and the lives of all Americans, better today. It is fitting that there be a memorial in Washington to which they can bring their children and their grandchildren and say "This is why I fought and this is how my country now honors me." This memorial is long overdue.

Mr. President, we have constructed a Vietnam Veterans Memorial, and have passed legislation approving the construction of the Korean Veterans Memorial and the Women's Vietnam Memorial. The veterans of World War II deserve no less. I urge my colleagues to join me in support of this bill.

By Ms. MIKULSKI:

S. 2735. A bill to amend the Small Business Act to establish programs and initiate efforts to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

WOMEN'S BUSINESS OWNERSHIP ACT

● Ms. MIKULSKI. Mr. President, I am introducing today the Women's Business Ownership Act of 1988, a measure that is intended to knock down some of the roadblocks for the fastest growing sector of the American business community: women-owned businesses.

Although women entrepreneurs are building successful and healthy businesses, they are not doing it with the help of the present system. They're doing it in spite of the system.

The House Small Business Committee conducted six hearings earlier this year on the issue of women in business, and those hearings demonstrated that the business community still has several barriers to women business owners.

One of the major barriers is the inequality of access to commercial credit. Many women have faced the problem of having a loan application turned down, but not being able to find out the reasons for that rejection.

This bill amends the Equal Credit Opportunity Act of 1974 to add business loans to the types of loans covered by the act. It also says that financial institutions must let applicants know they have the right to be told the reasons they've been rejected for a loan.

The second obstacle to female entrepreneurship is the lack of management training and technical assistance. This Nation has a growing nucleus of female MBA's, but graduate business schools produce people oriented to corporate life. They don't train anyone—male or female—for the unique demands of setting up a business on your own.

My measure will set up a 3-year, $10 million program to finance demonstration projects that give that type of training and assistance.

The third obstacle to women who want to start a business is, ironically, the fact that many of these enterprises don't need much money to get off the ground. The present guaranteed loan structure has a tendency to overlook the very small loans that some businesses need for seed money.

This bill established a guaranteed "mini-loan" program within the SBA: the loans can't exceed $50,000.

Testimony at the House hearings showed that women now own around 30 percent of all American businesses. But those businesses have only 1 percent of Federal contracts. That situation needs to be addressed.

This legislation requires Federal agencies to set numerical procurement goals for women-owned and women-controlled businesses. These goals would be in conjunction with the goals already set for small businesses in general, and small disadvantaged businesses in particular.

In focusing on the plight of women in business, we're constrained by the lack of pertinent statistics.

My legislation lists several ways in which statistical information compiled by the Federal government will be improved.

And lastly, the hearings brought to light one key fact: we're just in the initial stages of grappling with this problem. We are flying in the dark with few navigational aids.

So this bill establishes a National Women's Business Council. The Council will bring together high-level policy-makers and successful business people, who will then put together a multi-year plan of attack. That plan will recommend both legislative and structural changes, and will be presented by the end of 1989.

Mr. President, the Omnibus Women's Business Ownership Act [H.R. 505] has received bipartisan support in the House, and now has almost 100 cosponsors. It has been endorsed by the National Federation of Independent Business and other groups representing the small business community. This measure is identical. It deserves our endorsement, support, and speedy consideration.●

By Mr. HEFLIN:

S. 2736. A bill to urge negotiations with the Government of Mexico for the preservation and study of the wreck of the U.S.S. *Somers*, and for other purposes; to the Committee on Foreign Relations.

PRESERVATION AND STUDY OF THE WRECK OF THE "U.S.S. SOMERS"

Mr. HEFLIN. Mr. President, I rise today to introduce a bill which seeks to preserve a valuable part of American history.

On April 16, 1842, the U.S.S. brig *Somers* was launched by the New York Naval Yard. On that day, she began her career as one of the most famed sailing ships in the history of the U.S. Navy. She was not a very large vessel, only 102 feet overall, weighing 259 tons. Although she was trim and very fast for her size, she was very much overrigged, with a mainmast that towered 130 feet above the deck. This was one of the factors that led to her eventual capsizing and floundering off of the coast of Veracruz, Mexico, on December 8, 1846.

On September 13, 1842, the *Somers* left New York under the command of Alexander Slidell MacKenzie for a training cruise to the Atlantic coast of Africa. The events which occurred onboard the *Somers* during this journey ensured her place in U.S. naval history. On this training cruise, the *Somers* was the scene of an attempted mutiny. The leader of the mutiny was Philip Spencer, the 18-year-old son of U.S. Secretary of War John Canfield Spencer. As a result of his mutinous activities, Philip Spencer was hanged, along with two other accused mutineers. Upon returning to New York, the mutiny and the hangings became the great controversial topic of the day.

In fact, Herman Melville, whose cousin was second-in-command of the *Somers*, became obsessed with the attempted mutiny. These events went on to inspire Melville's classic tale of brutality and injustice, "Billy Budd," In "Billy Budd", Melville writes:

> Not unlikely they were brought to something more or less akin to that harassed frame of mind which in the year 1842 actuated the commander of the U.S.S. Brig-of-war *Somers* to resolve, under the so-called Articles of War, Articles modeled upon the English Mutiny Act, to resolve upon the execution at sea of a midshipman and two petty officers as mutineers designing the seizure of the brig.

Although the *Somers* continued her service in the U.S. Navy, the mutiny and hangings would never be forgotten. According to published reports and memoirs of her crew members, up until 2 weeks before she sank in Mexican waters, there were traditions aboard the ship concerning ghosts of the mutineers seen in the rigging, most often on dark, stormy nights.

The *Somers* ended her illustrious career in 1846, after the outbreak of the United States-Mexican War during which she had been assigned the responsibility of blockading the port of Veracruz. Lt. Comdr. Raphael Semmes—a famous Alabamian who would later become a naval hero for his service during the War Between the States—was the Captain of the *Somers*. On December 8, 1846, while chasing a Mexican ship attempting to run the blockade, the *Somers* capsized and sank within 10 minutes. Two days later, on December 10, 1846, Captain Semmes filed the following report:

> Sir—It becomes my painful duty to inform you of the loss of the U.S.S. brig *Somers*, late under my command, and of the drowning of more than half her crew. The details of this sad catastrophe are briefly, as follows: After having been 45 days maintaining the blockage of Veracruz, I anchored, on the evening of the 7th inst., under Verde Island; where it had been my practice to take shelter from the northwest gales, that blow with such frequency and violence along this coast, at this season of the year * * *

Semmes continued to describe how rescue efforts were made but only 37 of the 76 crew members managed to survive. Semmes was later acquitted from any responsibility he might have had in the loss of the U.S.S. *Somers* and half of her crew.

The Somers was located deep in the waters off Veracruz, Mexico, in June 1986. This ship is believed to be the best and one of the only shipwrecks found of its historical period—the 1840's. Given the fact that this wreck is an important archaeological site and a war grave, it is imperative that the United States work with the Government of Mexico to prevent plundering and to ensure the proper salvaging of artifacts and the proper burial of drowned sailors.

This bill specifies that the State Department should enter into negotiations with the Government of Mexico for appropriate study and salvaging efforts. I believe that Congress has an obligation to preserve this wreck and her place in our Nations' history and I urge my colleagues to support this important legislation.

By Mr. WILSON:

S. 2737. A bill entitled the "California Marine Sanctuary Act of 1988"; to the Committee on Commerce, Science, and Transportation.

CALIFORNIA MARINE SANCTUARY ACT

Mr. WILSON. Mr. President, today I am introducing legislation that will serve to protect sensitive marine areas in the coastal waters of California. Entitled the "California Marine Sanctuaries Act of 1988," this bill would designate two new marine sanctuaries—

the Cordell Banks and Monterey Bay—and would authorize NOAA to study Santa Monica Bay for possible inclusion in the National Marine Sanctuary Program.

My reasons for introducing this bill are twofold: First, the Commerce Committee—on which I serve—will soon consider legislation to reauthorize the National Marine Sanctuary Program. As the committee prepares to act on this issue, I want to be sure that we focus on the specific need to protect these particularly sensitive areas of the California coastline. By introducing this bill today, it is my intent to have all issues fully aired by the time the committee is ready to markup a marine sanctuary reauthorization bill.

Second, with this bill, it is my intent to send a strong message to the administration that it has not been acting swiftly enough to designate new marine sanctuaries under the authority granted to it in the Marine Protection, Research, and Sanctuaries Act of 1972. Since then, only seven marine sanctuaries have been designated, even though as many as 32 sites were being considered by this administration alone. The proposed Monterey Bay Marine Sanctuary, for example, was under active consideration for a full 6 years before NOAA made what I believe to be an ill-advised decision to remove it from the candidate list.

The intent of Congress has been made clear—sensitive marine habitat such as can be found off the coast of California should be protected as a marine sanctuary. If the administration won't take the initiative, then this responsibility falls to Congress.

The sanctuaries designated by this bill are widely recognized as some of the most critical and important marine habitat off all of California. The Cordell Bank is a large underwater island outside of the San Francisco Bay. It reaches up to within 100 feet of the ocean's surface at some points and is home to a wide variety of corals and rare marine plant and animal life.

In contrast to these shallow waters, the largest known underwater canyon on the North American coast is located in the proposed Monterey Bay Marine Sanctuary. These deep ocean waters give rise to a wide variety of unique ocean life forms. Indeed, even Secretary Hodel recognized the importance of this area when he decided to exclude Monterey Bay from the Interior Department's 5-year offshore drilling program.

The Santa Monica Bay is similarly deserving of our attention. Famous for its popular beaches and the Santa Monica pier, the bay has also known its share of problems that comes from serving one of the largest metropolitan areas in the world. Fortunately, steps are being taken to cleanup the Bay and prevent any further pollution. Now is the time to study it for possible inclusion in the Marine Sanctuary Program and thereby help to preserve this fabulous resource for future generations.

Mr. President, with all the public attention that has recently been focused on our oceans and coastlines, now is the time to capture the moment and move to protect our coastal resources before they are damaged irreparably. We can justifiably be proud of the work that we have done to protect our wilderness areas, parks and wild rivers, but we cannot and should not overlook the need for similar types of protection for our marine environment.

I commend this bill to my colleagues for prompt and favorable action and look forward to committee action before we adjourn this 100th Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Marine Sanctuary Act of 1988".

SEC. 2. DEFINITION OF ACT.

For purposes of this title, the term "Act" means title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431-1439).

SEC. 3. DESIGNATION OF NEW SANCTUARIES.

(a) ISSUANCE OF NOTICE OF DESIGNATION.—The Secretary of Commerce shall issue a notice of designation under section 304(b)(1) of the Act (16 U.S.C. 1434(b)(1)—

(1) with respect to the proposed Cordell Banks National Marine Sanctuary as generally described in the Federal Register notice of June 30, 1983, not later than December 31, 1988;

(2) with respect to the Monterey Bay National Marine Sanctuary as generally described in the Federal Register notice of December 31, 1979, not later than December 31, 1989.

SEC. 4. STUDY OF SANTA MONICA BAY FOR DESIGNATION AS OR INCLUSION IN NATIONAL MARINE SANCTUARIES.

(a) STUDY—

(1) IN GENERAL.—The Secretary shall conduct a study of the area described in subsection (c) for purposes of making determinations and findings in accordance with section 303(a) of the Act (16 U.S.C. 1433(a)) regarding whether or not all or any part of such area is appropriate for designation as a national marine sanctuary in accordance with title III of the Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Congress which sets forth the determinations and findings referred to in paragraph (1).

(b) DESIGNATION OR EXPANSION OF MARINE SANCTUARIES.—If as a result of a study conducted pursuant to subsection (a) the Secretary makes the determination and findings set forth in section 303(a) of the Act (16 U.S.C. 1433(a)) with respect to all or any part of the area described in subsection (c), the Secretary, in accordance with the procedures for the designation of national marine sanctuaries set forth in section 304 of the Act (16 U.S.C. 1434) shall designate such area or parts of such area as a national marine sanctuary as the Secretary considers appropriate.

(c) AREA DESCRIBED.—The area referred to in subsections (a) and (b) is the following:

(1) SANTA MONICA BAY.—The portion of the marine environment off the coast of California commonly referred to as Santa Monica Bay, consisting of an area described generally as follows: Beginning at the point known as Point Dume near the western extent of Santa Monica Bay, proceed generally southeast along the shoreline to the point known as Point Vincente near the southern extent of Santa Monica Bay; then west to the 900 meter bathymetric contour; then generally northwest along the 900 meter bathymetric contour to a point due west of Point Dume; then east to Point Dume at the point of beginning.

(d) DEFINITIONS.—For the purposes of this section—

(1) MARINE ENVIRONMENT.—The term "marine environment" has the meaning such term has in section 302(3) of the Act (16 U.S.C. 1432(b)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

By Mr. BENTSEN (for himself, Mr. SANFORD, Mr. JOHNSTON, Mr. BREAUX, Mr. CHILES, and Mr. GRAHAM):

S. 2739. A bill to amend the professional and graduate institution program under part B of title III of the Higher Education Act of 1965 to add certain additional institutions, and for other purposes; to the Committee on Labor and Human Resources.

AMENDMENTS TO HIGHER EDUCATION ACT

● Mr. BENTSEN. Mr. President, today I am introducing legislation that will provide vital assistance to a select group of graduate schools that play a crucial role in the higher education system in this country. By providing advanced education and professional training to large numbers of blacks, Hispanics and members of other economically disadvantaged groups, these four schools—the Thurgood Marshall School of Law at Texas Southern University, North Carolina Central University School of Law, Southern University School of Law, and the Florida A&M College of Pharmacy and Pharmaceutical Sciences—are making tremendous contributions to the effort to achieve true equal opportunity in education in this country. And they deserve our help.

Here in Congress we have already made the policy judgment that it is appropriate to provide special aid to higher education institutions contributing to this effort. We made that judgment when we passed the Higher Education Act of 1986 and created the title III program to support historically black colleges around the country.

But we went even further in the Higher Education Act of 1986, and decided that it was also appropriate to create a smaller and better targeted pool of funding to improve graduate educational opportunities for black and other low-income students. We created a distinct source of funding for five independent and historically black graduate schools—Morehouse School of Medicine, Atlanta University, Meharry Medical School, Tuskegee School of Veterinary Medicine, and the Charles R. Drew Postgraduate Medical School—all of which we recognize as doing a fine job in opening the door to greater educational and economic opportunity for black Americans.

While I wholeheartedly support the graduate school set-aside in section 326(e) of the Higher Education Act for these distinguished institutions and in no way intend to detract from their accomplishments, I firmly believe that the program should be expanded. Other schools are making important contributions to the effort as well, and also merit our assistance.

For example, the mission and purpose of the Thurgood Marshall School of Law, indeed the primary thrust of the school, is to provide advanced educational opportunity to persons of diverse ethnic, academic and economic backgrounds. Sixty percent of the students at the school are black and another nineteen percent are Hispanic. In 1986, almost one of every two black law school graduates in Texas came from the Thurgood Marshall School of Law, and the school graduated almost as many Hispanics as the other five Texas law schools, save the University of Texas, combined. That demonstrates quite clearly that the Thurgood Marshall School of Law is making an invaluable contribution to professional opportunity for blacks and Hispanics in Texas.

And I know that Southern University Law School, North Carolina Central University School of Law and the Florida A&M College of Pharmacy are making similar contributions in their states. Like the five schools currently listed in the statute, the four schools covered by my bill are opening new doors for blacks, Hispanics and other disadvantaged groups. And these four schools are the only historically black graduate schools in the country, other than the five schools currently listed in the statute, that offer professional degree or PhD training in the health and legal professions.

It is unquestioned that blacks and other minorities are underrepresented in these fields, and that is why I want to make the assistance of section 326 available to these four schools.

I realize that the five schools currently receiving assistance under this program have strong funding needs of their own, and that the current level of funding may not be sufficient to accommodate the needs of the current schools plus the schools to be added by this legislation. Let me say to the friends and supporters of the currently-listed schools, and to those of my colleagues whom I know are deeply interested in this program, that I do not intend to rob Peter to pay Paul. I realize that appropriate adjustments in funding levels will be necessary to meet the needs of all the schools involved, and I am committed to that effort.

Mr. President, I am pleased to be joined in introducing this legislation by my colleague from North Carolina, Mr. SANFORD, my colleagues from Louisiana, Mr. JOHNSTON and Mr. BREAUX, and my colleagues from Florida, Mr. CHILES and Mr. GRAHAM. We all recongize the fact that much work remains to be done before true educational and economic opportunity exists in this country, and we are prepared to roll up our sleeves to achieve that objective. With this legislation, I believe we are taking a small, but significant, step in that direction.●

● Mr. GRAHAM. Mr. President, I am pleased to join as a cosponsor of Senator BENTSEN's bill to expand the list of historically black colleges that educate and train minority students on the graduate level.

Under Senator BENTSEN's bill, Florida A&M's School of Pharmacology, Thurgood Marshall School of Law at Texas Southern University, Southern University School of Law and North Carolina A&T School of Law would be added to the list of professional or graduate programs eligible for assistance under Part B of Title III of the Higher Education Act for historically black colleges. Florida A&M's Pharmacology School and the other programs qualifying under part B make significant contributions to the legal, medical, dental, veterinary and other professional fields that still have poor minority representation.

Congress has recognized the great progress historically black colleges have made towards improving access to graduate educational opportunities. Those students who benefit the most from that access—the economically and academically disadvantaged—are the very students who would "fall through the cracks" were the chance for higher education unavailable.

Demographics indicate that, by the year 2000, one-third of the United States will be what we now think of as "minorities." Yet current statistics on the rate of minority participation in post-secondary education are alarming. In 1986, 20.1 percent of whites over the age of 25 had completed four years of college or more. The rate for blacks was only 10.9 percent—for Hispanics: 8.4 percent.

The American Council on Education formed the Commission on Minority Participation in Education and American Life, to study the faltering pace of minority enrollment in higher education. Their report, "One-Third Of A Nation", illustrates the potentially devastating effect the lack of minority participation could have on our country:

Nationally we will have a lower standard of living; social conflicts will intensify; U.S. ability to compete in world markets will decline; our national security will be endangered.

The Commission concluded that we must rededicate our efforts to the advancement of all minorities. We must work together towards expanding the role and status of our minority population not only in education, but throughout society. To fail to do this is to condemn one-third of the American people to a substandard life.

The bill introduced today by Senator BENTSEN, myself and others is one step—but it's an important one. It will improve the opportunities for minority students seeking a professional career. Strengthening historically black colleges ensures their participation in fulfilling the Federal Government's objective—of equality of education opportunity for all citizens.●

By Mr. ARMSTRONG (for himself and Mr. MCCAIN):

S. 2740. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Finance.

TAX TREATMENT OF CERTAIN REIMBURSED FLIGHT TRAINING EXPENSES

● Mr. ARMSTRONG. Mr. President, I have recently been made aware of a situation where a group of veterans who, when challenged by the Internal Revenue Service concerning deductions taken for flight training expenses reimbursed to them tax-free by the Veterans' Administration, decided to settle and pay all penalties and interest. Another group which challenged the IRS through court proceedings were able to settle the dispute on a much more favorable basis when the IRS declined to pursue the cases.

This anomalous result occurred apparently because the IRS decision not to pursue the cases after the time period in which the veterans that settled with the IRS had to file for a refund. The Internal Revenue Code generally limits to 3 years from the time that a tax return is filed—or 2 years from the time the tax was paid—the opportunity to file for a return of an overpayment.

Considering that a group of taxpayers, for the same set of tax years, received a substantially different tax treatment under the same set of circumstances, it would appear that equity may not have been served in this case. This is especially so, if information provided to me is correct, that

IRS documents providing taxpayers with directions on how to fill out tax returns expressly permitted the positions taken by the taxpayers on their returns.

This legislation would permit those veterans—about 200 according to their counsel—who settled with the IRS on less favorable terms and were precluded from having IRS consider their claims because of the time limits in the law, a one-time opportunity to file for a refund. This would permit them to negotiate with the IRS to determine what compensation would be justified.

Similar legislation has been introduced in the House of Representatives and I hope that this matter can be considered by the Finance Committee in the near future.●

● Mr. McCAIN. Mr. President, I support the efforts by my distinguished colleague from Colorado to undo the inequity he has just described. The pilots who have been fighting this battle for the past few years are justifiably frustrated by the outcome of their case, and it is time to bring this case to a happy and fair ending.

There are times when a retroactive ruling by the IRS, or retroactive legislation by Congress, for that matter, is more than simply justifiable—it is necessary. In this situation, however, it seems that a decision to apply a revenue ruling retroactively to the detriment of taxpayers who took a deduction as instructed is unfair. The Eleventh Circuit Court of Appeals, in Baker versus United States, agreed with this viewpoint when it considered the case of veterans who took deductions for flight training expenses only to find that the IRS decided ex post that these expenses shall not, after all, be deductible. The Service did not appeal the court's ruling, and consequently, the taxpayers who fought the battle in the Eleventh Circuit Court of Appeals received refunds of the tax they had been required to pay.

At the same time, however, veterans who were affected by the exact same ruling but who fell outside the purview of that court decision have not similarly been given refunds. In fact, they are still fighting the fight.

I agree with my friend from Colorado that equity appears not to have been served in this case, and it is for this reason that I am cosponsoring this legislation. It would give the remaining 200 veterans and the Service a chance to come to a much more satisfactory—and equitable—settlement by allowing the veterans to file for refunds. I think this bill makes a great deal of sense, and I hope my colleagues will agree.●

By Mr. HEINZ:

S. 2741. A bill to amend the Social Security Act to provide for the improvement of child care, to amend the Internal Revenue Code of 1986 to improve the child care tax credit, and for other purposes; referred to the Committee on Finance.

PARTNERSHIPS IN CHILD CARE ACT

● Mr. HEINZ. Mr. President, we are a nation revolutionized by the emergence of the working woman and the two-worker family. The traditional "Leave It to Beaver" household of the 1950's, where Dad works and Mom stays home with the kids, applies to approximately 1 in 10 families today. What once was a given—the family as child caregiver—now is an exception. Child care ranks with rent, food and utilities as an unavoidable cost of living for the vast majority of American families.

We have several proposals before us addressing the needs created by this changing family structure, Mr. President. Today I rise with what I believe is a reasonable compromise—the Partnerships in Child Care Act of 1988. Although there are many differences overall, sections of the act are similar to a bill being introduced by my colleague from Oregon, Senator PACKWOOD. I look forward to working with him on this issue on the Finance Committee and commend him for his farsighted pursuit of a workable solution to the specific dilemma of day-care costs.

The Partnerships Act is consistent with the established principle of job-related tax breaks for working parents. Congress has acknowledged the now ordinary need for child care as a potentially extraordinary job-related expense. The Child and Dependent Care Tax Credit and the Social Services Grant Program—title XX—of the Social Security Act currently channel financial relief to millions of working parents. But to extend this principle of child care support to its logical conclusion, we need to widen the pool and increase the flow to help millions more. Two undisputed trends fuel this need.

First, the reality of the 1980's is the working mother; 6 in 10 women with young children work outside their homes today, compared to 1 in 10 in 1950. Many of these women head single-parent households, with average incomes just over $10,000. Studies show most mothers who seek employment do so out of sheer economic necessity—to make ends meet for their families.

Second, child care is expensive. With average annual per child costs topping $3,000, it is easy to understand how options become limited and sacrifices made. A constituent from Harrisburg summarized the problem when she wrote:

> For most families, finding affordable, quality day care is difficult, if not impossible. Out of desperation, too many parents are forced to leave their children in situations they realize are far less than satisfactory.

The Partnerships in Child Care Act builds on existing programs and further clarifies the Federal Government's proper role as a facilitator of affordable, quality day care for America's working patents. The act assumes freedom of parental choice in selecting a child-care setting. It assures more working parents receive the help they need. It assigns maximum responsibility for access and quality to the community, where it belongs. It acknowledges a Federal role in developing a consensus on what constitutes appropriate quality for each type of day care setting.

The Partnerships Act does not give up on the American working family, Mr President, but shores it up. It recognizes that a pluralistic society needs pluralistic child care settings.

Mr. President, I believe our Partnerships Act addresses the major flaws in both the ABC bill introduced by my colleague from Connecticut, Senator DODD, and the Vice President BUSH's recently announced initiative.

Senator DODD's proposal essentially federalizes child care by funneling dollars to a prescribed range of institutional settings. These settings are defined by a bureaucracy's assumption of what constitutes "appropriate" care.

The Vice President's initiative has merit as a Federal policy to help low-income families with children. But his tax credit for homemakers does not target those facing the real crisis: families paying the additional costs of child care outside the home.

Mr. President, to briefly highlight the major provisions of the Partnerships Act, it first addresses the issue of day care costs by increasing the child and dependent care tax credit from 30 to 40 percent for low-income families and the credit will be made refundable. A refundable credit is paid even when there is no tax liability, as would be the case for many working poor families. Costs up to $4,800 for two or more children could be counted toward the credit.

Under this proposal, parents may elect to receive the refundable credit throughout the year to meet the costs of care each month. The IRS will be required to notify workers of this option. Current law will be retained for families with incomes above $32,000 per year.

An additional $300 million each year in title XX funds will be targeted for use in recruiting and training day-care workers, establishing informational and referral networks, promoting public/private partnerships, and establishing loan programs to help child care providers meet state quality standards.

The act addresses the issue of access through as many as 10 HHS demonstration programs to create a continuum of services for infant through adolescence.

Mr. President, it is not enough to target resources at child care. We should examine the quality of care provided, as well.

For this reason, the Partnerships Act creates a coordinator of child care within HHS, to collect and publish State child care standards and implement a national child care data collection system.

In addition, the Secretary will establish a National Commission on Child Care to conduct a nationwide quality assessment of day care and make recommendations for model child care standards. The Commission will further report on the impact of these model standards on the costs and availability of day care and recommend strategies for recruiting, training, and retaining quality child-care personnel.

A third critical task for the Commission will be a report on alternatives for Federal, State, and local governments and the private sector to expand day-care initiatives in the workplace. Addressing the needs of children and families makes good business sense, yet only 3,000 U.S. employers provide some child-care support for their employees—less than one-half of 1 percent of our Nation's 6 million employers.

Mr. President, overall, this bill is a modest investment in a sound Federal partnership with the American family and the American business community. The estimated $2.5 billion price tag should help upwards of 6 million additional families. The ABC bill, in contrast, would help less than 1 million additional children for the same cost. The Partnerships Act is an investment in this Nation's most precious resource—our children—and a commitment to their safe and productive future.

I ask that the bill and article be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partnerships in Child Care Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) dramatic changes in the American workforce have profoundly affected children and families;

(2) women have entered the workforce because of economic necessity, and now provide the sole support or critical economic support for a great number of families;

(3) over one-half of all women in the labor force have children under the age of 6, and nearly two-thirds of women with children under the age of 14 work either full or part-time;

(4) American families require a range of child care options to meet individual needs, and the availability of such child care options often falls short of such need;

(5) low salaries paid to child care workers contribute to high staff turnover, limit the availability of day care providers, and affect the quality of care; and

(6) although there is great concern among parents and within Congress about the quality of care provided through various day care arrangements, there is no national system for monitoring the quality of day care provided, and there is no Federal informational base on which to build such a system.

(b) Purpose.—It is the purpose of this Act to—

(1) enhance the availability and accessability of child day care;

(2) assist American families in meeting the high costs of child day care; and

(3) assess and improve the quality of day care in the United States.

SEC. 3. CHILD CARE GRANT PROGRAM.

Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(1) by inserting before the heading of section 2001 the following:

"Subtitle A—Social Services Grant Program"; and

(2) by adding at the end thereof the following new subtitle:

"Subtitle B—Child Care Grant Program

"SEC. 2010. DEFINITIONS.

"As used in this subtitle:

"(1) Eligible child care provider.—The term "eligible child care provider" means a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that—

"(A) is licensed or regulated under State law;

"(B) satisfies—

"(i) the Federal requirements, except as provided in subparagraph (C); and

"(ii) the State and local requirements; applicable to the child care services it provides; and

"(C) complies with any standards that are applicable to the child care services it provides.

"(2) Family child care provider.—The term "family child care provider" means 1 individual who provides child care services for fewer than 24 hours per day, as the sole caregiver, and in the private residence of such individual.

"(3) Group child care provider.—The term "group child care provider" means 2 or more individuals who jointly provide child care services for fewer than 24 hours per day and in a private residence.

"(4) Lead agency.—The term "lead agency" means the agency designated under section 2013(a).

"(5) Parent.—The term "parent" includes a legal guardian or other person standing in loco parentis.

"(6) Poverty line.—The term "poverty line" has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and includes any revision required by such section.

"(7) Secretary.—The term "Secretary" means the Secretary of Health and Human Services unless the context specifies otherwise.

"(8) Sliding fee scale.—The term "sliding fee scale" means a system of cost sharing between the State and a family based on income and size of the family with the very low income families having to pay no cost.

"(9) State.—The term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.

"SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this subtitle, there are authorized to be appropriated $300,000,000 for each of the fiscal years 1989 through 1991.

"SEC. 2012. ALLOTMENTS.

"(a) In General.—The Secretary shall allot to each State an amount equal to the sum of the amount that bears the same ratio to the amount appropriated under section 2011 as the number of children under the age of 15 residing with families residing in the State bears to the total number of children below the age of 15 residing with families in all States.

"(b) Data and Information.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (a).

"(c) Reallotments.—

"(1) In general.—Any portion of the allotment under subsection (a) made to a State that is not used in the period for which the allotment is made available, shall be reallotted by the Secretary to other States in proportion to the original allotments to the other States.

"(2) Limitations.—

"(A) Reduction.—The amount of any reallotment to which a State is entitled to under paragraph (1) shall be reduced to the extent that it exceeds the amount that the Secretary estimates will be used in the State.

"(B) Reallotments.—The amount of such reduction shall be similarly reallotted among States for which no reduction in an allotment or reallotment is required by this subsection.

"(3) Amounts reallotted.—For purposes of any other section of this subtitle, any amount reallotted to a State under this subsection shall be deemed to be part of the allotment made under subsection (a) to the State.

"SEC. 2013. LEAD AGENCY.

"(a) Designation.—The chief executive officer of a State desiring to participate in the program authorized by this subtitle shall designate, in an application submitted to the Secretary under section 2014(a), an appropriate State agency that meets the requirements of subsection (b) to act as the lead agency.

"(b) Requirements.—

"(1) Administration of funds.—The lead agency shall have the capacity to administer the funds provided under this subtitle to support programs and services authorized under this subtitle.

"(2) Coordination.—The lead agency shall have the capacity to coordinate the services for which assistance is provided under this subtitle with the services of other State and local agencies involved in providing services to children.

"(3) Establishment of policies.—The lead agency shall have the authority to establish policies and procedures for developing and implementing interagency agreements with other agencies of the State to carry out the purposes of this subtitle.

"SEC. 2014. APPLICATION.

"(a) Application.—To be eligible to receive assistance under this subtitle, a State shall submit an application to the Secretary that complies with the requirements of subsection (b).

"(b) Requirements.—The application submitted under subsection (a) shall—

"(1) identify the lead agency designated in accordance with section 2013(a).

"(2) describe the activities that the State will carry out with funds received under this subtitle;

"(3) provide assurances that the State will offer technical assistance to eligible child care providers;

"(4) provide assurances that funds provided under this subtitle will be used to supplement, not supplant resources applied to child care activities by the State during fiscal year 1988;

"(5) provide assurances that the State will not expend more than 10 percent of its allocation under this subtitle each year for administrative expenses;

"(6) establish procedures that the State will use to enable eligible child care providers to submit applications to the State for assistance under this subtitle, including appropriate procedures to assure the State agency will not disapprove an application without providing the provider with notice and an opportunity for a hearing;

"(7) provide assurances that the State will establish procedures to ensure that the purposes of this subtitle are carried out within the State and to ensure that all eligible child care providers are registered or licensed in conformance with State and local regulatory standards;

"(8) provide assurances that the lead agency will coordinate the use of funds provided under this subtitle with other Federal or State child care and preschool programs operated within the State, including the program authorized under the Head Start Act, the programs authorized under section 619 and part H of the Education of the Handicapped Act, and the programs authorized under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

"(9) provide for the establishment of fiscal control and accountability procedures as may be necessary to—

"(A) insure a proper accounting of Federal funds received by the State under this subtitle; and

"(B) ensure the proper verification of reports submitted by the State under paragraph (12);

"(10) provide assurances that the State will report annually to the Secretary on the number, type, and distribution of services and programs made available with funds provided under this subtitle;

"(11) provide assurances that the State will give priority to programs that serve low-income areas; and

"(12) provide any additional assurances that the Secretary may require.

"SEC. 2015. USE OF ALLOTMENTS.

"(a) In General.—States receiving an allotment under this subtitle shall use the funds received under such allotment to carry out programs and activities, directly or through grants or contracts with public or private entities, that will result in the creation of new child care services programs and the expansion and improvement of existing child care services, including programs addressing high priority areas, as described in subsection (b).

"(b) Specific Uses.—Amounts expended under subsection (a) may be used to promote public partnerships with private entities for the purpose of enabling such entities to provide child care services, including the establishment of—

"(1) programs for the recruitment and training of day care workers;

"(2) after-school programs for the children of working parents;

"(3) day care services for infants and handicapped children;

"(4) grant and loan programs to enable child care providers to meet licensing standards prescribed by the State;

"(5) programs that involve the use of older Americans as child care workers;

"(6) programs that address the problems of caring for special needs children;

"(7) child care informational, resource, and referral; and

"(8) other programs that are consistent with the purpose of this subtitle.

"(c) Eligible Entities.—Entities eligible to receive assistance under this section shall include—

"(1) units of local governments;

"(2) local educational agencies;

"(3) nonprofit organizations under subsection (c) and (d) of section 501 of the Internal Revenue Code of 1986;

"(4) professional or employee associations;

"(5) consortia's of small businesses;

"(6) institutions of higher education;

"(7) hospitals or health care facilities;

"(8) family care providers;

"(9) community based organizations; and

"(10) any other entities that the State determines appropriate.

"(d) Planning and Implementation.—States receiving funds under this subtitle shall, to the extent practicable, involve child care providers, parents, experts in the field of child development, and members of the child advocacy community in the planning and implementation of programs receiving funds under this subtitle.

"SEC. 2016. PAYMENTS.

"(a) In General.—

"(1) Amount of payment.—Each State that—

"(A) has an application approved by the Secretary under section 2014; and

"(B) demonstrates to the satisfaction of the Secretary that it will provide from non-Federal sources the State share of the aggregate amount to be expended by the State for the fiscal year for which it requests a grant;

shall receive a payment under this section for such fiscal year in an amount (not to exceed its allotment under section 2012 for such fiscal year) equal to the Federal share of the aggregate amount to be expended by the State.

"(2) Federal share.—Except as provided in subparagraph (B), the Federal share for each fiscal year shall be 75 percent.

"(3) State share.—The State share equals 100 percent minus the Federal share.

"(4) Limitation.—A State may not require any private provider of child care services that receives or seeks funds made available under this subtitle to contribute in cash or in kind to the State contribution required by this subsection.

"(b) Method of Payment.—The Secretary may make payments to a State, in cash or in-kind, in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"(c) Spending of Funds by State.—Payments to a State from the allotment under section 2012 for any fiscal year may be expended by the State in that fiscal year or in the succeeding fiscal year."

SEC. 4. MODIFICATIONS OF CHILD CARE TAX CREDIT.

(a) Increase in Credit.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(2) Applicable percentage defined.—For purposes of paragraph (1), the term 'applicable percentage' means 40 percent reduced (but not below 20 percent) by 2 percentage points for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $12,000."

(b) Portion of Credit Made Refundable.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services necessary for gainful employment) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Portion of Credit to be Refundable.—

"(1) In general.—For purposes of this chapter, in the case of an applicable taxpayer, 75 percent of the amount of the credit allowable under this section for the taxable year shall be treated as a credit allowable under subpart C of this part (relating to refundable credits) for such taxable year.

"(2) Applicable taxpayer.—For purposes of paragraph (1), the term 'applicable taxpayer' means a taxpayer with an adjusted gross income for the taxable year not greater than $32,000.

"(3) Credit to be refundable in advance.—

"(A) In general.—Advance payments of the credit made refundable under paragraph (1) shall be made in the same manner as under section 3507.

"(B) Special rules.— For purposes of section 3507—

"(i) if any portion of the credit allowable under this section is treated as a refundable credit by reason of this subsection, the taxpayer shall certify on the eligibility certificate that the taxpayer is so eligible for such credit, the amount of estimated employment-related expenses, and the amount of estimated tax liability, and

"(ii) the advanced amount with respect to such portion of the credit allowable under this subsection for any payroll period shall be equal to—

"(I) the estimated amount of the credit which is refundable under this subsection (based on the estimated amounts under clause (i)) for the calendar year in which such payroll period occurs, divided by

"(II) the number of payroll periods in such calendar year."

(c) State and Local Requirements Must be Met.—Paragraph (2) of section 21(b) of the Internal Revenue Code of 1986 is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof:

"(C) State and local requirements.—Employment-related expenses described in subparagraph (A) which are incurred for services provided outside the taxpayer's household shall be taken into account only if the provider of the services complies with all applicable laws and regulations of a State or local government."

(d) No Credit for Certain Subsidized Expenses.—Section 21(b)(2) of the Internal

Revenue Code of 1986, as amended by subsection (c), is amended by adding at the end thereof the following new subparagraph:

"(D) EXCEPTION FOR CERTAIN SUBSIDIZED EXPENSES.—Employment-related expenses described in subparagraph (A) shall not be taken into account if such expenses (or services to which such expenses relate) are paid, reimbursed, or subsidized by the Federal Government."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 5. FEDERAL COORDINATION OF CHILD CARE.

(a) COORDINATOR OF CHILD CARE.—There is hereby established in the Department of Health and Human Services the position of Coordinator of Child Care (hereinafter in this section referred to as the "Coordinator"). The Secretary of Health and Human Services shall appoint an individual to serve as the Coordinator at the pleasure of the Secretary.

(b) DUTIES.—The Coordinator shall—

(1) coordinate all activities of the Department by Health and Human Services relating to child care, and coordinate such activities with similar activities of other Federal entities;

(2) collect and publish State child care standards, including periodic modifications to such standards;

(3) evaluate activities carried out with funds provided under this Act, or an amendment made by this Act;

(4) act as a national resource for the provision of public information on child care;

(5) design and implement a national child care date collection system that shall collect and disseminate materials that relate to—

(A) various State child care programs implemented with funds provided under this Act, or an amendment made by this Act;

(B) the quality and safety of the programs referred to in subparagraph (A);

(C) State child care standards; and

(D) any other areas that the Secretary considers important; and

(6) have the authority to conduct studies on special issues of concern in the area of child care, including the training and education of child care providers, the requirements and limitations of various child care arrangements, and any other issues that the Coordinator considers important; and

(7) provide technical assistance to assist States to carry out this Act, and the amendments made by this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. NATIONAL COMMISSION ON CHILD CARE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—To improve the quality of child care services, the Secretary of Health and Human Services shall establish, not later than 90 days after the date of the enactment of this Act, a National Commission on Child Care (hereinafter in this section referred to as the "Commission"), the members of which shall be appointed from among representatives of—

(A) persons who carry out different types of child care programs;

(B) child care and early childhood development specialists;

(C) early childhood education specialists;

(D) individuals who have expertise in pediatric health care and related fields;

(E) organizations representing child care employees;

(F) individuals who have experience in the regulation of child care services;

(G) the business community;

(H) State and local governments; and

(I) parents involved in community child care programs.

(2) APPOINTMENT OF MEMBERS.—The Commission shall be composed of 15 members of which—

(A) 5 members shall be appointed by the President;

(B) 3 members shall be appointed by the majority leader of the Senate;

(C) 2 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the Speaker of the House of Representatives; and

(E) 2 members shall be appointed by the minority leader of the House of Representatives.

(3) CHAIRMAN.—The Commission shall appoint a chairman from among the members of the Commission.

(4) VACANCIES.—A vacancy occurring on the Commission shall be filled in the same manner as that in which the original appointment was made.

(b) PERSONNEL, REIMBURSEMENT, AND OVERSIGHT.—

(1) PERSONNEL.—The Secretary of Health and Human Services shall make available to the Commission office facilities, personnel who are familiar with child development and with developing and implementing regulatory requirements, technical assistance, and funds as are necessary to enable the Commission to carry out its functions effectively.

(2) REIMBURSEMENT.—

(A) COMPENSATION.—Members of the Commission who are not regular full-time employees of the United States Government shall, while attending meetings and conferences of the Commission or otherwise engaged in the business of the Commission (including traveltime), be entitled to receive compensation at a rate fixed by the Secretary of Health and Human Services, but not exceeding the rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5, United States Code.

(B) EXPENSES.—While away from their homes or regular places of business on the business of the Commission, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(3) OVERSIGHT.—The Secretary of Health and Human Services shall ensure that the Commission is established and operated in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(c) FUNCTIONS.—The Committee shall—

(1) conduct a national assessment of the quality of day care provided in a range of settings including day care centers and family day care homes; and

(2) not later than 3 years after that date of enactment of this Act, prepare and submit, after a review by the Secretary of Health and Human Services, to the appropriate Committees of Congress, a report containing the information described in subsection (d).

(d) CONTENTS OF REPORT.—

(1) MODEL CHILD CARE STANDARDS.—The report submitted under subsection (c)(2) shall include specific recommendations on the establishment of model child care standards that shall include—

(A) recommendations on—

(i) the proper group size and ages of children in group child care settings;

(ii) the maximum appropriate staff-child ratios in group child care settings;

(iii) the appropriate qualifications and amounts of training needed by child care personnel, including requirements for meeting the continuing educational needs of child care providers;

(iv) the necessary health and safety requirements for children and personnel in child care setting; and

(v) parental involvement in programs funded and assisted under this Act; and

(B) an assessment of the impact that such model standards will have on the costs and availability of day care to families.

(2) RECRUITMENT, RETENTION, AND TRAINING STRATEGY.—The report submitted under subsection (c)(2) shall include a strategy for the recruitment, retention, and training of qualified child care personnel, and shall include appropriate studies of salaries and qualifications among such workers.

(3) EXPANDING AVAILABILITY.—The report submitted under subsection (c)(2) shall include recommendations for expanding child care availability through the private sector, including the establishment of public and private partnerships, and examples of various innovative local and State programs that have been successful in increasing the availability and affordability of child care to working parents.

SEC. 7. CONTINUOUS CARE DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a program under which the Secretary shall enter into agreements with not less than 5, and not more than 10 States, in order to establish models for a continuum of child care services for children of ages of infancy through adolescence.

(b) APPLICATION.—States desiring to receive assistance under this section shall submit an application to the Secretary of Health and Human Services in such form, and containing such information as the Secretary shall require.

(c) PRIORITY.—The Secretary of Health and Human Services shall give priority to State applications that contain child care proposals that utilize and coordinate existing State resources and facilities through public partnerships with the private sector and the business community.

(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $25,000,000 in each of the fiscal years 1990 through 1991.

(e) REPORT.—Not later than December 31, 1993, the Secretary of Health and Human Services shall prepare and submit, to the appropriate Committees of Congress, a report describing the results of the programs and activities conducted under this section by the States.

SEC. 8. STUDIES AND REPORTS.

(a) NATIONAL INVENTORY OF CHILD CARE SERVICES STUDY.—Not later than 18 months after the date of enactment of this Act, the Coordinator of Child Care appointed under section 4 shall prepare and submit, to the appropriate Committees of Congress, a report that contains the results of a study conducted by the Secretary of Health and Human Services of the availability, accessability, and quality of child care services available to American families, and shall include an inventory of State child care standards.

(b) FEDERAL POLICY STUDY.—The Secretary of Health and Human Services, in cooperation with the Secretary of Labor, shall review Federal policies regarding leave, alternative work schedules, and other programs and policies that assist working parents, and prepare and submit, to the appropriate Committees of Congress and the President, a report on the results of such study.

SEC. 9. SENSE OF THE SENATE REGARDING CHILD CARE MODELS.

It is the sense of the Senate that—

(1) Federal, State, and local governments, as employers of a substantial portion of the population of the United States, should serve as models for private businesses in providing child care benefits to employees; and

(2) State and local governments should review their child care policies regarding leave, alternative work schedules, and other programs and policies that assist working parents.

SAY NO TO PAID HOMEMAKING

The idea of a tax break for child care has rested on a sound principle: When the second parent or a single parent takes a job, child care is as mandatory as union dues for a Teamster or gasoline for a cabbie. Thus child care can be deemed an ordinary business expense for a working parent, but an expense whose average cost ($3,000 a year) is extraordinary.

Vice President Bush has slid away from this sturdy rationale with his new child-care plan for low-income families. It not only would do what's overdue—enhancing the current child-care tax credit—but also would provide a new, $1,000-per-child tax break to a parent who stays home and personally takes care of the kids.

This policy, which amounts to partial pay for homemaking, hardly ranks as a priority reason to increase the federal deficit. In light of its $10,000 income limit for full credit in its first year, with a smaller credit for households earning between $10,000 and $12,500, this proposed federal aid for homemakers resembles a welfare program—which is ironic at a time when Congress is trying to reform the system so that welfare mothers, with adequate job training and child care, can get out of the house and into paid jobs.

By including unpaid homemakers in his proposed child-care tax credit, Mr. Bush seems to have bought the claim that a tax break for paid child care, and only paid child care, is fundamentally unfair and even anti-family. It isn't. Rather, it is consistent with the basic notion of job-related tax breaks. If, for example, a chef needs to wear a particular uniform on the job and the employer doesn't pay for it, that's a tax-deductible expense. At home, where there's no paycheck for cooking, there's no tax break for it either.

In promoting his child-care initiative (which is solid overall), Mr. Bush has spouted nonsense about how giving child-care money to homemakers too would leave women free to decide whether to stay home with young children or to take a paid job. That made it sound as if working women somehow were flourishing, with a sweet tax credit making their paid work too lucrative to resist.

In reality, most women rush back to work within weeks of giving birth because the average household, even one with the luxury of two parents, can't make it without that money. While that reality might be depressing, it's something that the federal government lacks the money to undo—even under the popular banners of child care and equality.●

By Mr. DeCONCINI (for himself and Mr. HATCH):

S. 2744. A bill to amend title 35, United States Code, to permit separate patent extensions for each product under a patent which is subject to full regulatory review and approval; to the Committee on the Judiciary.

PATENT EXTENSIONS

● Mr. DeCONCINI. Mr. President, I am pleased to be joined today by the Senior Senator from Utah [Mr. HATCH], in introducing legislation to correct an oversight in the Hatch-Waxman Act (Drug Price Competition and Patent Term Restoration Act of 1984). Title II of that act provides an incentive to pharmaceutical research and development by allowing for a limited extension of the life of a patent to compensate for some of the time lost while the product is awaiting premarket approval by FDA.

Under the present law [35 U.S.C. 156(a)], in order to be eligible for extension, the patent must claim a product, method of using a product, or method of manufacturing a product and must—

First, not have expired; second, not have been previously extended; third, be properly submitted for extension; fourth, apply to a product which has been subject to a regulatory review period prior to its commercial marketing; and fifth, it must be the product's first approval for commercial use.

I agree with Senator HATCH that for the most part these incentives are working. However, in our attempt in 1984 to provide those incentives, I fear we overlooked one problem. That is where more than one separate chemical entity, requiring its own regulatory review period prior to commercial marketing, is covered by the same patent. It has now come to my attention that this situation is occurring and investment in the development of potentially important new drugs is suffering.

This problem appears to be most prevalent with universities, medical research organizations, and other nonprofit research centers. Much research at these types of institutions frequently is very basic in nature. Thus, the patents issuing to them tend to be general. It is only after additional research and development that the scope of the inventions become more apparent. If we fail to enact the legislation I am introducing today, many of the important aspects of those basic discoveries will not become available to the public because of an inability to obtain financial backing to further develop the specific drugs.

One way to get around this problem of unknown specifics would be to not apply for a patent until you know all the individual drugs that eventually result from the research. But obviously, that is not practical. It runs totally contrary to the purpose of getting information available to the public at its earliest time; and it is contrary to the philosophy of university research, where investigators have both a desire and responsibility to publish research results rather than to be concerned with the commercial development of products made possible by their research.

Therefore, I am introducing a narrow amendment to the 1984 Act to allow patent extension for each drug (new chemical entity) included within a patent which has been subjected to a separate regulatory review prior to commercialization.

Normally, a patent contains one general claim and a number of specific ones. A patent can only be extended once, and the rights in the extended term are based on the approved product. Thus, under the present law, the patent term has been extended based on the approval of one product within the scope of the general claim, it cannot be extended for any period based on the approval of other products that fall within the scope of the general claim. Further, the patent owner does not have and cannot obtain rights in the extended term other than those based on the first approved product.

As I have already indicated, this situation makes it extremely difficult to obtain financing to develop additional drugs covered by the patent, some of which can be much more important and require much greater testing and studying before FDA can approve them. And, most of them probably were not even specifically contemplated when the patent was applied for. My amendment addresses this problem. It would allow extension of the patent to cover the additional products, but only within the original 14-year maximum. With the 14 year maximum limitation, a requirement that it be a new chemical entity, and a preclusion of salts or esters, this amendment has been narrowly crafted to cover this one important oversight.

I urge my colleagues to support this legislation. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 156 of title 35, United States Code, is amended—

(1) in paragraph (2) of subsection (a), by inserting ", except as otherwise provided in subsection (1)", after "extended";

(2) in subsection (a), by inserting ", and in subsection (i)", after "and (5)" in the matter following paragraph (5)(B); and

(3) by adding at the end thereof the following:

"(i)(1) Notwithstanding the provisions of subsection (a)(2), if a claim or claims of a patent cover more than one product or a method of using or manufacturing more than one product that is subject to a regulatory review period before its commercial marketing or use, such claim or claims may be separately extended as to each such product pursuant to this section.

"(2) In no event may any extensions granted under this subsection extend the term of a patent claim in respect of a product other than a product for which extension is sought.".●

● Mr. HATCH. Mr. President, as ranking Republican on the Judiciary Subcommittee on Patents, Copyrights and Trademarks, I am pleased to cosponsor legislation with Chairman DECONCINI to address an oversight in the 1984 Hatch-Waxman Act.

First, I want to tell you what this correction does not do. It does not "evergreen" pharmaceutical patents; that is, it does not allow subsequent minor changes in an invention to extend patent protection for the basic invention.

As was clear during consideration of Hatch-Waxman, too much of a patent's incentive was being dissipated by the long and arduous journey in getting a drug product approved for commercial marketing. Without that patent protection incentive and the accompanying ability to recoup one's investment and make a profit, I had a real concern that costly-but-life-saving expenditures would be deferred or abandoned. The 1984 act changed that and provided for limited extensions of patents when the claimed drug was subject to a regulatory review period prior to commercial marketing.

I understand that there have been 98 extensions requested to date; that 50 have been granted, 26 denied, and the rest pending. There has been no public or competitor opposition to any of the extension requests. To me, this is an indication that the incentives are working, and working fairly.

Unfortunately, we did not contemplate the possibility that one patent could cover more than one unique active ingredient product, each requiring a full regulatory review period prior to approval for commercial marketing. That oversight now threatens the potential development of a number of important drugs.

The bill which Senator DECONCINI and I are cosponsoring addresses this one problem by allowing limited patent extensions for each separate product that is subject to regulatory review. Safeguards against evergreening are inherent in this bill—If FDA does not consider a product a new chemical entity, medical device, food or color additive subject to its approval, then no extension is possible. Conversely, if FDA determines that its approval is necessary prior to commercial marketing, then a regulatory review period ensues and it is the length of that period for the specific product that determines the eligibility and extent of the patent term restoration.

I believe that this bill is imminently fair and urge my colleagues to join as cosponsors.●

By Mr. BENTSEN:

S. 2745. A bill to provide for a separate tariff classification for opal borosilicate glassware and to suspend temporarily the duty on certain opal borosilicate glassware; to the Committee on Finance.

TARIFF CLASSIFICATION AND DUTY SUSPENSION FOR CERTAIN GLASSWARE

Mr. BENTSEN. Mr. President, today I introduce a bill that would provide for a separate tariff classification for opal borosilicate glassware and suspend temporarily the duty on glassware of that kind.

Mr. President, a similar bill, H.R. 3992, has been introduced in the House of Representatives by my colleague from Texas, Congressman BUSTAMANTE. My hope in introducing this bill, like that of my colleague, is that its enactment would benefit a company located in Laredo, TX and its employees. I recognize, Mr. President, that some controversy has arisen concerning H.R. 3992, relating, for example, to whether or not products competitive with the products that would be affected by that bill are produced in the United States. The bill I introduce today differs from H.R. 3992 in some respects. Nevertheless, as a result of the controversy surrounding that bill and the busy schedule that the Senate faces during the remainder of this session, I frankly do not expect that the bill I introduce today will be enacted this year. I introduce the bill, however, in order to provide a basis for discussion, with the hope that the controversy can be resolved and the bill enacted at some future date. At the very least, my constituents who would be benefited by the bill deserve an opportunity to make their case. My purpose in introducing the bill is to afford them that opportunity.

By Mrs. KASSEBAUM (for herself and Mr. FORD):

S. 2746. A bill to amend the Federal Aviation Act of 1958 relating to aviation research; to the Committee on Commerce, Science, and Transportation.

AVIATION SAFETY RESEARCH ACT

● Mrs. KASSEBAUM. Mr. President, last month, the Office of Technology Assessment, in response to requests from the Senate Commerce Committee and the House Public Works Committee, issued its report on the effect of existing safety policies, regulations, and technologies in meeting the Government's responsibility for ensuring safety in commercial aviation. That report, "Safe Skies for Tomorrow", is one of the best, and most useful, reports that has been produced on aviation safety during my 10 years in the Senate.

The OTA report makes a number of recommendations for institutional and procedural changes that Congress, and agencies charged with promoting aviation safety, should consider. Recommendations for institutional changes are primarily directed at the structure and mandate of the FAA, the autonomy and accountability of the FAA Administrator, and the need for allocating stable and adequate funding resources to the FAA.

The Aviation Subcommittee has held extensive hearings on the need for institutional change in the governments approach to promoting aviation safety. Senator FORD, chairman of the subcommittee, has produced what I believe is a most constructive legislative initiative that addresses many of the OTA concerns including (1) establishing the preeminence of the safety function in FAA's mandate, (2) streamlining the structure of FAA, and (3) increasing the Administrator's length of tenure to a fixed term. Senator FORD's bill, S. 1600 has been reported out of the Commerce Committee and is awaiting floor action. I am one of almost 60 cosponsors of that measure.

The need for adequate and stable funding for the FAA is also an issue which has greatly concerned the Aviation Subcommittee. For a number of years, both as chairman, and now as ranking member of that subcommittee, I have attempted to move legislation to eliminate congressional and administration pressure to hold Aviation Trust Fund resources hostage to deficit reduction. That effort is far from complete, but thanks to an increasing public awareness of the problem, I believe progress is being made.

That brings me to the structural change recommendations of the OTA report. This is where I believe OTA has done a superb job of identifying aviation safety efforts that need upgrading and in recommending specific approaches to improvement. Paramount among the OTA findings in this area is the need improved efforts to address the problems of human error in aviation safety. Quoting from the report:

"OTA concludes that long-term improvements in aviation safety will come primarily through systematic operational human factor solutions and that such solutions will be found only with consistent, long-term support for research and development. Furthermore, without Federal backing, human factors research and applications will languish for proprietary reasons."

Mr. President, human error is a factor in over 65 percent of commercial aviation accidents. Most of those errors are flight crew errors. However, even in the case of mechanical failure, OTA found that most mechanical failures involved human error. We must, and I believe we can, do more to address the human element in aviation safety. Doing so, however, will require a concerted long-term effort.

Human factors are not conducive to the type of regulatory response that guides Federal efforts to regulate technological factors in aviation safety. Aircraft design, production, maintenance, and operation, as the OTA report points out, are based on "hard" sciences such as aerodynamics, propulsion, and structures. Because data on human factors cannot be quantified and qualified under universal scientific principles, they tend to receive less attention in aviation system design and certification. That is a problem that must be addressed.

For that reason, I am today joining with Senator Ford in introducing legislation, the "Aviation Safety Research Act of 1988", designed to increase the long-term research efforts of the FAA in the area of human factors in aviation safety. The bill we are introducing is a companion bill to H.R. 4648, introduced in the House by Congressman Lewis of Florida.

The bill amends the Airport and Airway Improvement Act of 1982 to provide that 15 percent of the funds authorized for research, development, and engineering will be used for long-term research in the relationship between human factors and air safety, including research in aircraft maintenance and fire safety. The bill also provides for the development of dynamic simulation modeling in human factors and aviation safety.

The legislation requires the FAA Administrator to submit to Congress a long-term national aviation research plan, and to update the plan annually. The plan will include a detailed accounting of research efforts for the immediate years covered, with more general descriptive language covering efforts for up to 15 years into the future.

Mr. President, this is legislation that can contribute significantly to the long-term safety of commercial aviation in this country. It will compliment the excellent work that the FAA is currently performing in technical fields of aviation safety.

In closing, I want to compliment Congressman Lewis for his early attention to the need for enhanced human factor research, and for his efforts at crafting legislation in this area. I also want to commend the Office of Technology Assessment for their work in this area. Safe Skies for Tomorrow should become an important aviation safety planning document.

I ask unanimous consent that the full text of the "Aviation Safety Research Act of 1988" be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Aviation Safety Research Act of 1988."

SEC. 2. AVIATION MAINTENANCE AND FIRE SAFETY RESEARCH.

Section 312(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353(b)) is amended by inserting after the first sentence the following: "The Administrator shall undertake or supervise research to develop technologies and to conduct data analyses for predicting the effects of aircraft design, maintenance, testing, wear, and fatigue on the life of aircraft and on air safety, to develop methods of analyzing and improving aircraft maintenance technology and practices (including nondestructive evaluation of aircraft structures), to assess the fire and smoke resistance of aircraft materials, to develop improved fire and smoke resistant materials for aircraft interiors, to develop and improve fire and smoke containment systems for in-flight aircraft fires, and to develop advanced aircraft fuels with low flammability and technologies for containment of aircraft fuels for the purpose of minimizing post-crash fire hazards."

SEC. 3. RESEARCH ON RELATIONSHIP BETWEEN HUMAN FACTORS AND AIR SAFETY AND ON DYNAMIC SIMULATION MODELING.

Section 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353(c)) is amended by inserting after the first sentence the following: "The Administrator shall undertake or supervise research to develop a better understanding of the relationship between human factors and aviation accidents and between human factors and air safety, to enhance air traffic controller and mechanic and flight crew performance, to develop a human-factor analysis of the hazards associated with new technologies to be used by air traffic controllers, mechanics, and flight crews, and to identify innovative and effective corrective measures for human errors which adversely affect air safety. The Administrator shall undertake or supervise a research program to develop dynamic simulation models of the air traffic control system which will provide analytical technology for predicting air traffic control safety and capacity problems, for evaluating planned research projects, and for testing proposed revisions in operations programs."

SEC. 4. RESEARCH PLAN AND REPORTS.

(a) In General.—Section 312 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353) is amended by adding at the end thereof the following new subsection:

"(d) Research Plan and Reports.—

"(1) Plan.—The Administrator shall prepare and transmit to Congress a national aviation research plan. The Administrator shall review, revise, publish, and transmit the plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date of the submission of the President's budget for fiscal year 1990, and for each fiscal year thereafter. The plan shall describe, for a 15-year period, the research, engineering, and development considered by the Administrator necessary to ensure the continued capacity, safety, and efficiency of aviation in the United States, considering emerging technologies, forecasted needs of civil aeronautics, and provide the highest degree of safety in air travel. The plan shall cover all research conducted under this section and section 316 of this act and shall identify complementary and coordinated research efforts conducted by the National Aeronautics and Space Administration with funds specifically appropriated to such administration. In addition, for projects for which the Administrator anticipates requesting funding, such plan shall set forth—

"(A) for the first 2 years of the plan, detailed annual estimates of the schedule, cost, and manpower levels for each research project, including a description of the scope and content of each major contract, grant, or interagency agreement;

"(B) for the 3rd, 4th, and 5th years of the plan, estimates of the total cost of each major project for such year and any additional major research projects which may be required to meet long-term objectives and which may have significant impact on future funding requirements; and

"(C) for the 6th and subsequent years of the plan, the long-term objectives which the Administrator considers to be necessary to ensure that aviation safety will be given highest priority.

"(2) Reports.—Subject to section 316d(2) of this act and the regulations issued to carry out such subsection, the Administrator shall report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the accomplishments of the research completed during the preceding fiscal year. The report shall be transmitted together with each transmittal under paragraph (1) and shall be organized so as to allow comparison with the plan in effect for such year under this subsection."

(b) Conforming Amendment.—That portion of the table of contents contained in the first section of such act which appears under the heading: "Sec. 312. Development planning." is amended by adding at the end the following:

"(d) Research plan and reports.

"(e) Civil aeromedical research.

"(f) Research advisory committee."

SEC. 5. CIVIL AEROMEDICAL RESEARCH.

(a) Establishment of Civil Aeromedical Institute.—Section 106 of title 49, United States Code, relating to the Federal Aviation Administration, is amended by adding at the end thereof the following new subsection:

"(j) Civil Aeromedical Institute.—There is established within the Federal Aviation Administration an institute to conduct civil aeromedical research under section 312(e) of the Federal Aviation Act of 1958. Such institute shall be known as the 'Civil Aeromedical Institute.' "

(b) Civil Aeromedical Research.—Section 312 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353) is amended by adding at the end thereof the following new subsection:

"(e) Civil Aeromedical Research.—The Civil Aeromedical Institute established by section 106(j) of title 49, United States Code, is authorized to conduct civil aeromedical research, including, but not limited to, research related to—

"(1) protection and survival of aircraft occupants;

"(2) medical accident investigation and airman medical certification;

"(3) toxicology and the effects of drugs on human performance;

"(4) the impact of disease and disability on human performance;

"(5) vision and its relationship to human performance and equipment design;

"(6) human factors of flight crews, air traffic controllers, mechanics, inspectors, and airway facility technicians; and

"(7) agency work force optimization, including training, equipment design, reduction of errors, and identification of candidate tasks for automation."

SEC. 6. ADVISORY COMMITTEE.

Section 312 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353) is further amended by adding at the end thereof the following new subsection:

"(f) Research Advisory Committee.—

"(1) Establishment.—Not later than 180 days after the date of the enactment of this subsection, the Administrator shall establish in the Federal Aviation Administration a research advisory committee.

"(2) Functions.—The advisory committee shall provide advice and recommendations to the Administrator regarding needs, objectives, plans, approaches, content, and accomplishments with respect to the aviation research program carried out under this section and section 316. The committee shall also assist in assuring that such research is coordinated with similar research being conducted outside of the Federal Aviation Administration.

"(3) Members.—The advisory committee shall be composed of not more than 20 members appointed by the Administrator from among persons who are not employees of the Federal Aviation Administration and who are specially qualified to serve on the committee by virtue of their education, training, or experience. The Administrator in appointing the members of the committee shall ensure that universities, corporations, associations, consumers, and other government agencies are represented.

"(4) Chairman.—The chairman of the advisory committee shall be designated by the Administrator.

"(5) Pay and expenses.—Members of the advisory committee shall serve without pay; except that the Administrator may allow any member, while attending meetings of the advisory committee or a subordinate committee, travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

"(6) Support staff.—The Administrator shall provide support staff for the advisory committee. The Administrator may establish subordinate committees to the advisory committee to provide advice on specific areas of research conducted under this section and section 316.

"(7) Information and administrative services.—Upon request of the advisory committee, the Administrator shall provide such information, administrative services, and supplies as the Administrator determines are necessary for the advisory committee to carry out its functions.

"(8) Termination date inapplicable.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this subsection.

"(9) Funding.—

"(A) Sources.—Not more than 1/10 of 1 percent of the funds made available to carry out research under this section and section 316 for fiscal years beginning after September 30, 1988, may be used by the Administrator to carry out this subsection.

"(B) Application of certain limitations.—No limitation on the amount of funds available for obligation by or for the advisory committee shall be applicable with respect to the funds made available to carry out this subsection."

SEC. 7. FUNDING.

Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is amended by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) for fiscal year 1989—

"(i) $92,100,000 solely for air traffic control projects and activities and $16,250,000 solely for long-term research projects;

"(ii) $14,350,000 solely for air traffic control advanced computer projects and activities and $1,350,000 solely for long-term research projects;

"(iii) $9,686,000 solely for navigation projects and activities and $1,709,000 solely for long-term research projects;

"(iv) $18,527,000 solely for aviation weather projects and activities and $3,270,000 solely for long-term research projects;

"(v) $6,600,000 solely for aviation medicine projects and activities and $6,600,000 solely for long-term research projects;

"(vi) $21,000,000 solely for aircraft safety projects and activities and $21,000,000 solely for long-term research projects; and

"(vii) $2,200,000 solely for environmental projects and activities and $400,000 solely for long-term research projects;

"(C) for fiscal year 1990, $222,000,000. Not less than 15 percent of the appropriated amount shall be for long-term research projects.

As used in this paragraph, the term 'long-term research project' means a research project which is identified as a discrete project in the aviation research plan required by section 312(d)(1) of the Federal Aviation Act of 1958 and which is unlikely to result in a final rulemaking action within 5 years, or in initial installation of operational equipment within 10 years, after the date of the commencement of such project."●

● Mr. FORD. Mr. President, I am pleased to join with my colleague, Senator Kassebaum, in introducing the "Aviation Safety Research Act of 1988." Senator Kassebaum is correct in expressing the need for research and development in the area of human factors in air safety and the necessity of Federal Government involvement and funding.

Recently, the Office of Technology and Assessment released an excellent report which highlighted the need for Federal research on human factors. the report suggests that in over 65 percent of commercial aviation accidents, the cause of the accident is human factors. We can go a long way in making the skies safe for the traveling public if we ascertain the causes of human error. Human errors have always received less attention than design and certification issues on the Federal level. This legislation will guarantee long-term research in the relationship between human factors and air safety.

I would also like to commend Congressman Lewis for his efforts in preparing H.R. 4648, the companion legislation in the House of Representatives. I look forward to working with Congressman Lewis and Senator Kassebaum to make a Federal commitment to long-term research on human factors and air safety.●

By Mr HATCH:

S. 2747. A bill to provide Federal court authority to enforce rights secured by the Indian Civil Rights Act of 1968, and for other purposes; to the Committee on the Judiciary.

INDIAN CIVIL RIGHTS ACT AMENDMENTS

Mr. HATCH. Mr. President, I rise today to introduce the Indian Civil Rights Act Amendments of 1988.

TRIBAL GOVERNMENTS AND SOVEREIGNTY

In the 1800's Congress began establishing Indian reservations on which Indian tribal governments could exercise their sovereign powers. Native Americans, who are members of those tribal governments as well as United States and State citizens, are unique among racial minorities. Their actions may be restricted by tribal as well as State and Federal authority.

In that capacity, tribal governments exercise broad criminal and civil jurisdiction over both their members and their territory. They retain all of the powers not specifically denied them and which are consistent with their status as quasi-sovereign governments While criminal jurisdication is limited to tribal members, and perhaps nonmember Indians, tribes exercise broad civil, regulatory, and taxing authority over both Indians and non-Indians who reside within the reservations or who do business with tribal organizations.

While the decisions of these tribal governments reflect the history, culture, religious convictions, and shared values of the tribal leaders and members, the process of tribal government is largely based on a constitutional model. Most tribes, for example, are constitutional in nature and organized pursuant to the Indian Reorganization Act (Wheeler-Howard Act) of 1934. Very few, the southwest Pueblos are the notable exception, have religious or other traditional forms of Indian governments.

Constitutionally, tribal governments differ from most State and Federal governments. Some of the fundamental checks and balances existing within the Federal and state constitutional framework, for example, are not present at the tribal level. Real power in many tribal governments rests with the tribal council or legislative branch. Tribal councils pass the ordinances, resolutions, and other processes which create tribal law. Through standing committees in such areas as social welfare, law enforcement, or the judiciary, tribal councils then perform executive, management, and implementation functions as well. The tribal councils often micro-manage tribal programs and their function is substantially different from the more general oversight role performed by non-Indian legislative bodies.

Separation of powers into coequal branches of government in order that one may check the potential abuse of another is not a concept well established in tribal governments. As a result, tribal governments may lack pluralism, respond more to majority concerns, and ignore minority interests.

In that context, tribal courts exist in only about one-half of the tribal governments. Where courts do exist, they are often a creation of the tribal council and therefore subject to and dependant on the council. Rarely do tribal courts exist constitutionally as a separate coequal branch of the tribal government. As a consequence, tribal courts may lack the powers to review tribal council actions, may be otherwise limited jurisdictionally, and may lack independence from the tribal council or tribal chairman.

Tribal governments, because they are neither Federal nor State instruments and because they pre-date the Constitution, are not restricted by Federal or State Constitutional authority. Similarly, tribal governments are not bound by many Federal civil rights statutes including, for example, civil actions for deprivations of statutory or constitutional rights, 42 U.S.C. section 1983, the Voting Rights Act, 42 U.S.C. Section 1973, and laws prohibiting discrimination in employment, 42 U.S.C. section 2000E-1.

THE 1968 INDIAN CIVIL RIGHTS ACT

However, Congress has "plenary" power over Indian matters. This exceptionally broad congressional authority is found in article I, section 8, clause 3 of the Constitution which gives Congress the power to "regulate commerce * * * with Indian tribes." In an exercise of its plenary power, the Senate Judiciary Subcommittee on Civil and Constitutional Rights heard complaints of civil rights violations by tribal governments. The subcommittee held hearings from 1960-67 and documented widespread civil rights abuses on the part of tribal governments generally.

This record of civil rights abuses by tribes led to the enactment, over objection by tribes, of the Indian Civil Rights Act, as title II of the Civil Rights Act of 1968. The act applies substantial portions of the Constitution's Bill of Rights and the 14th amendment to tribal government in much the same way that the Federal Bill of Rights restricts the Federal Government. As set out in title II, section 202 of the Indian Civil Rights Act: No Indian tribe in exercising powers of self-government shall—

First, make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

Second, violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

Third, subject any person for the same offense to be twice put in jeopardy;

Fourth, compel any person in any criminal case to be a witness against himself;

Fifth, taken any private property for a public use without just compensation;

Sixth, deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

Seventh, require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of 6 months or a fine of $500, or both;

Eighth, deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

Ninth, pass any bill of attainder or ex post facto law; or

Tenth, deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

In deference to Indian tribal values, however, certain constitutional provisions, including the first amendment's prohibition against establishing religions, were omitted. Other concessions were made to Indian tribal governments and values. Tribes, for example, need not provide indigent criminal defendants with counsel. Much of the concern, and the ultimate concessions, centered on the financial impact of granting broad rights to individuals who come in contact with tribal governments.

EARLY ENFORCEMENT

For 10 years, from 1968 to 1978, the Indian Civil Rights Act was routinely enforced in both tribal and Federal courts. Each Federal appellate court which considered the Indian Civil Rights Act, that is, the fourth, eighth, ninth, and tenth circuit courts, found the act within Congress' power and inferred a private right of action in Federal court to enforce the act's provisions.

The number of reported Federal district court cases between 1968 and 1978 was substantially less than 100 or roughly 10 per year nationwide. One way to read such a statistic is to see the positive impact or value that possible Federal civil rights enforcement has on encouraging tribal compliance with the act. Others may argue such low numbers show few violations and, therefore, little need for the law. It is more likely, however, that cost, distance and similar factors artificially reduced Federal court Indian Civil Rights Act enforcement cases during that time period. Certainly the tribal exhaustion requirement which Federal courts routinely read into the act tended to resolve many issues at the tribal level without the need for Federal court action.

To be sure, the is little, if any, evidence that between 1968 and 1978 tribal governments suffered substantially as a result of the limited Federal court Indian Civil Rights Act enforcement. For example, there is no evidence that any tribe was forced to terminate its tribal government functions or became insolvent as a result of the act. In fact, there is some evidence that the act had a "salutary" affect on tribal government by, among other things, checking tribal abuse, providing for a more pluralistic tribal government, and encouraging nonreservation capital investment.

For the most part, pre-1973 Indian Civil Rights Act decisions enforced the act within the context or framework of existing tribal traditions, customs, and values. In due process cases, for example, Federal courts looked to tribal law or customs for a definition of what process was due. Tribal defense in equal protection litigation often relied on tribal "rational basis", that is, tribal law or custom, not available to non-Indian governments.

TERMINATION OF FEDERAL COURT REVIEW OF INDIAN CIVIL RIGHTS ACT ABUSES

Federal court review came to an end in 1978 with the Supreme Court's decision in *Santa Clara Pueblo* v. *Martinez,* 436 U.S. 49 (1978). There, the Supreme Court said the Indian Civil Rights Act does not provide for a waiver of sovereign immunity and, further, the act fails to provide a private right of action for individuals in Federal court. The court found two distinct and "competing" purposes in the act: (1) to protect individuals from tribal abuse of power and (2) to promote Indian self-government. Although the Court found that Congress has the power to provide a Federal forum, it said to do so may limit tribal court power and thereby lessen or infringe on tribal sovereignty or self-government. Accordingly, the Court refused to read in the Indian Civil Rights Act a right of action in Federal court which was not explicitly contained in the Act. The Court went on to warn the tribes, however, that if they were "deficient" in applying and enforcing the act, Congress may in the future provide for Federal relief.

CRITICISM OF THE LACK OF FEDERAL COURT REVIEW

Over the last few years, substantial criticism has been raised over the burden often placed on plaintiffs by the Martinez decision. While many tribal governments have gone to great lengths to ensure enforcement of the Indian Civil Rights Act guarantees, such is not the case with some tribes. In a 1984 report by the Presidential Commission on Indian Reservation Economies, the Commission attacked the fairness of some tribal government proceedings. In its report, the Commission states:

> [F]ailure to adhere to a constitutional principle separating executive, legislative and judicial powers has had a detrimental effect on governmental functioning. For example, the failure to establish a clear separation of powers between the tribal council and the tribal judiciary has resulted in political interference with tribal courts, weakening their independence, and raising doubts about fairness and the rule of law. * * * Both Indians and non-Indians complain of political discrimination against them by tribal governments and tribal courts which are arms of tribal governments. Access to tribal physical resources, to the benefits of tribally manged programs, and to tribal employment is considered to be unfair by many Indians. Decisions rendered by tribal courts, which are controlled by tribal councils, are also preceived to be unfair by Indians and non-Indians.

Similar criticism has also been raised by the Federal courts. In the case of *Shortbull* v. *Looking Elk*, 677 F.2d 645 (8th Cir. 1982), the Eighth Circuit Court of Appeals reviewed a case in which the plaintiff claimed that he was wrongfully refused permission to run for tribal office by an action of the tribal council. In addressing the lack of protection for the plaintiff's rights under the Indian Civil Rights Act, the court stated:

> We must, however, express serious concern that Shortbull's rights under [Sec.] 1302 of the Indian Civil Rights Act (ICRA) may never be vindicated. Shortbull alleges that the tribal court, Chief Judge Red Shirt, ruled that he was entitled to run in the primary election because of the Tribal Council's January 24 resolution. It appears that because of this ruling, Judge Red Shirt was removed from office and was replaced by a judge more sympathetic to the Tribal Executive Committee, who quashed Judge Red Shirt's orders. Such actions raise serious questions under the Indian Civil Rights Act, but because the Supreme Court determined in Martinez that there is no private right of action under the ICRA, Shortbull has no remedy. * * *
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> We are thus presented with a situation in which Shortbull has no remedy within the tribal machinery nor with the tribal officials in whose election he cannot participate, [citations omitted] unless and until Congress provides otherwise. [citing Martinez]. We question whether such a result is justified on the grounds of maintaining tribal autonomy and self-government: it frustrates the ICRA's purpose of "protect[ing] individual Indians for the arbitrary and unjust actions of tribal governments," and in this case it renders the rights provided by ICRA meaningless.

The Tenth Circuit Court of Appeals also attacked the current enforcement situation in the case of *Dry Creek Lodge, Inc.* v. *Arapahoe and Shoshone Tribes*, 623 F.2d 682 (10th Cir. 1980). In deciding to provide a Federal forum by narrowly construing the Martinez decision, the court provides some useful insights with reference to the facts and the resulting lack of fairness in that case:

> Plaintiffs Cook, who are non-Indians, had owned the 160-acre tract for about ten years and had lived there. They decided to build a guest lodge for hunting, and consulted the superintendent of the reservation about the matter. He advised them that projects of this type were encouraged to provide employment. He also stated that there would be no access problem. A license to plaintiffs Cook was issued for the business. The individuals then formed Dry Creek Lodge, Inc. to build the facilities. This was done with an SBA loan. The lodge was completed and opened, but the next day the Tribes closed the road at the request of a nearby Indian family. * * *
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> The [Tribal Joint Business] Council directed that access to the Dry Creek Lodge be prevented by the federal officers, and the [Indian family] were apparently to erect the barricade. With the road blocked the persons on the Dry Creek land could not get out and were for all practical purposes confined there until a federal court issued a temporary restraining order. Thereafter the plaintiffs sought a remedy with the tribal court, but were refused access to it. The judge indicated he could not incur the displeasure of the Council and that consent of the Council would be needed. 25 C.F.R. Sec. 11.22. The consent was not given. The state court cases were removed to the federal court. In the federal court the defendants urged that there was no remedy—no jurisdiction. * * * The Tribal Business Council, according to the minutes, directed that the differences between the [Indian] family and the plantiffs be settled by self-help, and this was done. The plaintiffs, however, did not respond the same way. The defendants argue here, as they did in the trial court, that the plaintiffs have no remedy. There is no forum where the dispute can be resolved and the personal and property rights asserted by plaintiffs be considered. * * *
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> The plaintiffs alleged that their personal and property rights under the Constitution had been violated by the defendants. A jury so found and awarded damages. There must exist a remedy for parties in the position of plaintiffs to have the dispute resolved in an orderly manner. To hold that they have access to no court is to hold that they have constitutional rights but have no remedy. The self-help which was suggested to shut down plaintiffs' "business," according to the Council minutes, and which was carried out with the help of the federal police, does not appear to be a suitable device to determine constitutional rights.

In that case, even the dissenting judge acknowledged this dilemma when he stated:

> To me this is a most disturbing case because of the result I feel compelled to reach. The jury found a violation of the plaintiffs' civil rights recognized by [section] 1302 of the Indian Civil Rights Act, under the most distressing circumstances. And yet it seems we must say that the doors are closed against any orderly redress for the wrongs. State and federal courts are barred by the immunity doctrine from hearing the claims and access was denied to the tribal court, as the majority opinion points out. * * *
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> [T]hese damage claims are * * * barred * * * unless and until Congress provides otherwise.

Only last month, this criticism by the Federal courts of the status quo was reaffirmed by the United States District Court for the District of Montana in the case of Little Horn State Bank against Crow Tribal Court. After a lengthy review of the facts in which the plaintiff was repeatedly denied its rights by the defendant, the Judge went on to state:

> This Court is well aware of the continued promotion of tribal self-government and self-determination. In *National Farmers Union Ins. Co.* v. *Crow Tribe*, [citation omitted], the Supreme Court directed the federal district court to give tribal legal institutions the "proper respect" by staying its hand in order to allow the Tribal Court a "full opportunity to consider the issues before them." [Citation omitted]. This Court, in keeping with its obligation to uphold the law, will honor that directive.
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> However, it has become extremely difficult to do so in the face of such decidedly egregious facts as are presented herein. Plaintiff has recognized the sovereignty of the Tribe and has valiantly tried to Operate within the Tribal Court system, seeking its approval of a valid judgment entered in the courts of the State of Montana, and assistance in enforcing the same. The Crow Tribal Court, acting as a sort of "Kangaroo Court", has made no pretense of due process or judicial entegrity. Plaintiff was met not only with bias and uncooperativeness, but with a blatantly arbitrary denial of any semblance of due process. The tribal judge's conduct makes a mockery of any orderly system of justice, and renders any attempt to deal with the Tribe in a professional and competent manner a farce. The Court seriously questions whether the conduct of the Tribal Court is befitting the title of a sovereign, and the respect and deference customarily accorded along with that status.
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> It would appear that the Crow Tribal government changes judges at a whim, to the detriment of non-Indian litigants, and of the Tribe. As a result, the Tribal Court lacks any continuity and uniform precedent which is the foundation of our judical system. While the tribal members enjoy the protection of their rights under both the United States Constitution and the ICRA, depending on the forum, it appears that non-Indians are not granted the same privilege of dual citizenship in Tribal Court. If the Crow Tribe wishes to earn the respect and cooperation of its non-Indian neighbors, it must do more to engender that respect

and cooperation, not abuse those neighbors who attempt to work within its system.

Let me reiterate that these abuses that are cited by the courts are not necessarily occurring in all or even a majority of the tribal governments. Nevertheless, the situation was serious enough to warrant congressional action in 1968, and it appears that at least with some tribes such is still the case.

THE NEED FOR LEGISLATION

The concerns of the courts that I have been quoting, are further supported by an extensive record of Indian Civil Rights Act enforcement that is currently being compiled by the U.S. Civil Rights Commission. For the last couple of years, The Commission has been holding a series of hearings on this issue. While further hearings have still been scheduled, the record contains many statements that further support the allegations of failure by some tribal governments to adequately enforce the civil rights guaranteed to both tribal and non-tribal reservation resident alike.

Because of the enforcement problems that have occurred since the Martinez case, time has now come to follow the Supreme Court's dictum and legislate a Federal court remedy. A review of post Martinez Federal and tribal caselaw, existing Federal studies, news reports and other available information, makes clear that rights secured by the Indian Civil Rights Act have been less than fully enforce.

In earlier testimony before the U.S. Civil Rights Commission, the Department of Justice provided some interesting statistics and background with respect to its involvement and monitoring of Indian Civil Rights Act enforcement. I would like to share some of that testimony with my colleagues at this point:

> In the 7 years prior to Santa Clara, the Department of Justice received about 280 complaints of ICRA violations on the part of tribal governments. ICRA complaints during this period accounted for just over 18 percent of all civil rights complaints involving Indians. Several of these matters were settled by informal discussion between the Department and the Affected tribes. Others were not pursued because of non-ICRA commitments on our part. The Department did, however, participate in six federal civil lawsuits which raised ICRA issues, including two brought solely on ICRA claims. No cases have been brought subsequent to Santa Clara. Most complaints brought to the Department's attention pre-Santa Clara involved allegations of tribal election irregularities. Other alleged violations occurred in the area of tribal employment, law enforcement. that is, police and court irregularities, and housing assignment policies.
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> Since the Court's 1978 decision in Santa Clara, the Justice Department has received about 45 ICRA complaints alleging violations of the civil rights of Indians by tribal governments. No action has been taken on any complaint and no effort has been made, post Santa Clara, to invoke the jurisdiction of the federal courts. Seventeen complaints allege tribal court irregularities including a failure to allow retained attorneys to appear in tribal court, a failure to permit defendants an opportunity to be heard and the failure to afford cirminal defendants a trial by jury. Thirteen complaints allege flaws in the tribal election process including improper interference by the tribal council, fraud and malapportioned election districts. Six complaints allege improper tribal hiring practices including political interference and nepotism. Four complaints allege housing violations including noncompliance with tribal housing assignment policies, favoritism and improper interference by the tribal council. The remaining miscellaneous complaints range from an alleged failure to provide tribal benefits equally to all members (similar to the Santa Clara facts) to an allegation of unsanitary and inadequate tribal jail conditions.
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> The following incidents are representative of the more serious complaints received by the Department since Santa Clara and, to our knowledge, which have gone unreviewed by federal courts. On March 13, 1979, a tribal member was arrested for disorderly conduct by tribal officials. An investigation of the circumstances surrounding his arrest, trial and punishment revealed the following information. The victim was held without bail in pretrial confinement for 5 days. On March 18, 1979, he was transported from the jail and taken to a room containing tribal officials. All other persons were removed from the room. The victim was forced to kneel in front of the tribal officials. He was told that he was charged with disorderly conduct and asked several questions concerning his arrest on March 13th. He was never informed of the statutory rights set out in the ICRA. After a time, a tribal official asked that a rawhide whip about 2 feet long be brought in the room. When it arrived, the official instructed a subordinate to whip the victim four times, which was done. The victim was sentenced to 30 additional days in jail and returned to jail without medical attention. Other information confirms that the victim's account is an accurate description of how trials are conducted at the tribe. Non-public proceedings, no representation by counsel, no notification of procedural rights and whipping are all customary in criminal proceedings.
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> A southwest tribe is districted into several separate council districts. Federal courts have held that the due process clause of the ICRA requires that tribal council districts comply with one person, one vote requirements. However, the 1982 election districts exceed the maximum permissible derivation by approximately 200 to 400 percent depending upon population base used. A recent redistricting has reduced that deviation to approximately 70 percent.
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> In a 1982 complaint, an attorney wrote our office alleging that a tribe refused to permit him to represent his client. The attorney alleged that his client was required to present a case in tribal court while the attorney was present "But only as an observer". According to the attorney's account, when he spoke up on behalf of his client, members of the tribal council tried to have him "Removed from the courtroom altogether." He concludes his letter with the observation that "[T]he tribal court system is a total mockery of justice at best and more realistically a fraud" on the tribal members. Subsequently the attorney was "removed" for the reservation by tribal law enforcement authorities. In a February 20, 1985, letter, a tribal member wrote to complain that she and others "Have been cheated in tribal elections". She also complained that tribal members are "coerced into compliance thru [sic] fear of losing their jobs and our civil rights have been flagrantly violated." She told us that she "cannot be identified for fear of job reprisal". Finally, we received a September 6, 1985, letter from an Indian who requested our "help in protecting [tribal members] from our government". Following the submission of a recall petition, the tribal council went through the signatures systematically "giving people the choice of being suspended from employment or publicly apologizing for signing the Petition". The letter continues with the allegation that the "Council is threatening US * * * all we want is the right to vote and elect our leaders. We understand this is supposed to be a real right, but so far there is no avenue for enforcement."

While abuse of rights by individual tribal officials has surfaced since Martinez, for example, allegations that tribal judges fail to insist on proper standards prior to issuing search warrants, systemic or institutional problems are also present and, arguably, more important.

Examples of systemic or institutional Indian Civil Rights Act problems include the failure of tribal governments to insist on independent judicial review or an equally effective compliance procedure. Some tribal governments fail to create tribal courts or, where they do exist, extend to them the power of judicial review.

Efforts have been made to increase federal funding and provide effective training programs for tribal court systems. However, while appropriate funding and training levels are important, they will not resolve the Indian Civil Rights Act enforcement problems that do exist. The remedy lies with federal court enforcement. Federal court enforcement, coupled with a requirement of exhaustion of tribal remedies and limited to equitable relief, will achieve the goal of providing an effective Indian Civil Rights Act compliance program without unnecessarily limting other legitimate tribal goals.

The bill that I am introducing today does just that. It provides for federal court review and enforcement after an individual has exhausted his or her tribal remedies. The bill will also prohibit the defense of sovereign immunity in civil rights cases. It is a fair and balanced solution to ensure that all citizens, both Indian and non-Indian, enjoy basic civil rights.

SECTION-BY-SECTION ANALYSIS OF THE BILL

Section 1 provides that the Act may be cited as the "Indian Civil Rights Act Amendments of 1988."

Section 2 adds a new compliance section of the Indian Civil Rights Act, section 204, following the existing three sections: section 201 [25 U.S.C. section 1301], "Definitions"; section 202 [section 1302], "Constitutional rights"; and section 203 [section 1303], "Habeas corpus".

Section 204(a) grants Federal district courts jurisdiction of civil actions alleging a denial of rights enumerated in section 202 of the act. The subsection also prohibits the defense of sovereign immunity in civil actions brought to enforce compliance with section 202.

Subsection 204(B) requires as a prerequisite to an aggrieved individual's filing suit, the exhaustion of tribal remedies. The tribal remedies, however, must be timely and reasonable under the circumstances so that an individual is protected from dilatory governmental decisionmaking. The Attorney General is not subject to the exhaustion requirement of this subsection. Relief is strictly limited by subsection 204(b), whether the plaintiff is an aggrieved individual or the Attorney General, to equitable relief, such as a declaratory judgment, an injunction, or other nonmonetary equitable remedies. The equitable relief may be granted against an Indian tribe, tribal organization, or tribal official.

Subsection 204(c) compels Federal district courts to adopt the findings of fact of tribal courts when such findings have been made, unless the Federal district court makes a determination that one of eight listed irregularities occurred respecting the tribal court's procedures. Only in the event of one of the specific irregularities, will the Federal court conduct a de novo review of the case.

As used in subsection 204(c)(1), "fully independent from the tribal legislative or executive authority" means a separate and autonomous tribal judiciary which (as in the case of the federal and state governments) is free from the control of other branches of government. In deciding questions of judicial independence, the language quoted above is meant to apply standards no more rigorous than those applicable to State court judges, for example, see American Bar Association, Code of Judicial Conduct, Canon 1 "A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved." Nothing in this subsection is meant to restrict the appropriate discipline of judges who violate established canons of judicial ethics or published standards of judicial conduct. Evidence of judicial misconduct, such as improper ex-parte communications with counsel for a litigating party, may under appropriate circumstances also serve as the basis for a finding of a lack of judicial independence.

As used in subsection 204(c)(2), "authorized" refers to authorization by tribal constitution, statute, or ordinance.

Subsection 204(d) requires the Federal courts to accord due deference to the interpretation of the tribal court of tribal laws and customs whenever a question of tribal law is at issue.

Mr. President, the bill that I am introducing today strikes a legitimate balance between the interests of the tribal governments in exercising their powers of self government and the rights which Congress extended to individuals through the 1968 Indian Civil Rights Act. I would encourage my colleagues to carefully examine this issue and support this effort to protect the rights of all Americans. I ask unanimous consent that the text of the bill be included in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Civil Rights Act Amendments of 1988".

SEC. 2. Title II of the Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes (Public Law 90-284, 25 U.S.C. 1301, et seq.), commonly called the Indian Civil Rights Act or the Indian Bill of Rights, is amended by adding at the end thereof the following new section:

"CIVIL ACTIONS

"SEC. 204. Compliance with Section 202.

"(a) Federal district courts shall have jurisdiction of civil rights actions alleging a failure to comply with rights secured by this Act. Sovereign immunity shall not constitute a defense to such an action.

"(b) Any aggrieved individual, following the exhaustion of such tribal remedies as may be both timely and reasonable under the circumstances, or the Attorney General on behalf of the United States, may initiate an action in federal district court for declaratory, injunctive or other equitable relief against an Indian tribe, tribal organization, or official thereof, alleging a failure to comply with rights secured by this Act.

"(c) In any civil action brought by an aggrieved individual, or by the Attorney General, the federal district court shall adopt the findings of fact of the tribal court, if such findings have been made, unless the district court determines that:

"(1) the tribal court was not fully independent from the tribal legislative or executive authority;

"(2) the tribal court was not authorized to or did not finally determine matters of law and fact;

"(3) the tribal court permitted those subject to the Act, on issues of declaratory, injunctive or other equitable relief, to interpose a defense of immunity;

"(4) the tribal court failed to resolve the merits of the factual dispute;

"(5) the tribal court employed a factfinding procedure not adequate to afford a full and fair hearing;

"(6) the tribal court did not adequately develop material facts;

"(7) the tribal court failed to provide a full, fair and adequate hearing; or

"(8) the factual determinations of the tribal court are not fairly supported by the record, in which event the district court shall conduct a *de novo* review of the allegations contained in the complaint.

"(d) In any civil action brought under this Act the federal court shall, whenever a question of tribal law is at issue, accord due deference to the interpretation of the tribal court of tribal laws and customs.".

By Mr. ARMSTRONG:

S. 2748. A bill to extend the authorization in Public Law 96-309 to design and construct a gunite lining on certain reaches of the Bessemer Ditch in the vicinity of Pueblo, CO; to the Committee on Energy and Natural Resources.

BESSEMER DITCH

● Mr. ARMSTRONG. Mr. President, today, in Pueblo, CO, a church is sinking and suffering structural damage from rising water levels because of water seeping from the Bessemer Irrigation Ditch. This water seepage is a direct result of a changed water source for the Bessemer Ditch since completion of the federally built Pueblo Dam and Reservoir. The water seepage problem is identical to one Congress resolved 8 years ago when homes in Pueblo were threatened, and I ask Congress to act again.

The Bessemer Ditch was built in 1883 to bring irrigation water from the Arkansas River west of Pueblo to farms east of Pueblo. It is a 40-mile unlined ditch, of which 9 miles winds through Pueblo. Water seepage was not traditionally a major problem, since the Arkansas River is muddy and, thus, the silt from the river provided a natural liner for the ditch.

In 1974, the Pueblo Dam and Reservoir was completed by the U.S. Bureau of Reclamation. The dam and reservoir covered the Bessemer Ditch outlet on the Arkansas River and, thus, the Bessemer Ditch was provided a new outlet directly from the reservoir. The water is "clean" without the silt that previously provided a "self-lining" for the Bessemer Ditch.

Water loss along the Bessemer Ditch since completion of the Pueblo Dam and Reservoir increased quickly from its historical loss rate of 18 percent in 1974 to a 40% water loss rate by 1979. As result, water seepage from the ditch raised ground water levels and posed a severe threat to the homes of low-income and elderly persons along the ditch.

In 1979, I appointed a task force in Pueblo to develop a solution. The task force decided to line only those areas of the ditch where seepage was immediately threatening homes. Also, gunite, an easily applied cement, was chosen as the best and quickest lining.

The Federal Government quickly recognized the urgent need to stop the seepage. Congress passed and the President signed legislation that authorized $1.5 million for a gunite lining on approximately half the length of the ditch as it runs through

Pueblo. The gunite lining was quickly completed and has been a success.

I think I should point out why there is a Federal responsibility for water seepage from the Bessemer Ditch. Prior to construction of the Pueblo Dam and Reservoir, no one knew the beneficial lining aspects of the silty water. If the benefits had been known, the legislation authorizing the Pueblo Dam and Reservoir would likely have included a remedy for the Bessemer Ditch. The change from silty to clean water is a direct result of the Bureau of Reclamation's Pueblo Dam and Reservoir covering the Bessemer Ditch's outlet on the Arkansas River. Legislation helps provide reasonable Federal and non-Federal contribution to line the Bessemer Ditch and reduce water loss caused by the completion of the Pueblo Dam and Reservoir.

Water is now seeping through the areas not previously lined. Already a church and nearby businesses are threatened, and the water seepage is likely to endanger a community college and steel mill.

I have again tasked Puebloans on this problem, and the Southeast Colorado Water Conservancy District recommends gunite lining for the remainder of the Bessemer Ditch as it flows through Pueblo. If authorization can be provided and funding approved, lining of the ditch can begin this November.

Mr. President, I introduce legislation to extend Public Law 96-309 that authorized the previous lining of the Bessemer Ditch. The bill does the following:

Extends the authorization.

Increases the authorized funding from $1.5 million to $3 million.

Provides 35 percent cost share through cash or in-kind contribution from State, local, public, or private entities. This is consistent with the 35 percent cost-share requirement for irrigation projects in Public Law 99-662, the Water Resources, Conservation Development, and Infrastructure Development Act.

This legislation will help conserve water from the Pueblo Dam and Reservoir, stop water seepage that is damaging buildings near the Bessemer Ditch, and finish the gunite lining started in 1980. I urge swift congressional action.

Mr. President, I ask that copies of letters from Pueblo be entered in the RECORD along with a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S-2748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION.

Section 3 of Public Law 96-309, relating to the Bessemer Ditch near Pueblo, Colorado, is amended by striking "for fiscal year 1981".

SEC. 2. INCREASE OF FUNDING.

Section 3 of Public Law 96-309 is amended by striking "$1,500,000" and inserting "$3,000,000".

SEC. 3. REQUIREMENT OF LOCAL COST SHARING.

Section 3 of Public Law 96-309 is amended by adding at the end thereof the following: "The non-Federal share of the costs of construction authorized by this Act shall be 35 percent. The non-Federal share may include cash and in-kind contributions from State and local and public and private entities."

PUEBLO, CO, *July 19, 1988.*

Hon. WILLIAM L. ARMSTRONG,
First National Bank Building,
Pueblo, CO.

DEAR SENATOR ARMSTRONG: As chairman of the Council on Ministries of Faith United Methodist Church (located at the corner of Quincy and Adams), I am greatly concerned about the condition of our church building. We are experiencing a settling problem causing the structure to crack. It is our belief that the condition is directly related to the water seeping out of the Bessemer Ditch. We believe that lining the ditch will abate the problem.

A brief history of our church might help in your understanding of the problem. The building was built in 1929 and basically there were no problems with the structure until the Pueblo Dam was constructed. As you are aware, the ditch now has no (or very little) silt. This lack of silt allows for the water to seep out of the ditch causing the water table to rise. We commissioned a study by C&C Design and their letter of July 8, 1988 clearly shows the rise of the water table since the ditch water was released from the reservoir. Our building is very beautiful and an asset to the community. It would be a disgrace to loose it when it could be prevented. The ditch has been partially lined and the problem solved in those areas.

This letter is to ask for your support in securing the necessary funds to complete the lining of the Bessemer Ditch. In so doing, we believe that the problem will be solved and our church building salvaged.

Please consider giving this your full attention.

Sincerely,

KENNETH W. PRICE.

FAITH UNITED METHODIST CHURCH,
Pueblo, CO, July 8, 1988.

Hon. WILLIAM ARMSTRONG,
First National Bank Building,
Pueblo, CO.

DEAR SENATOR: It is with great concern that I am notifying you of our circumstance concerning the rapid deterioration of our Faith United Methodist Church structure.

I have been the maintenance man for over 18 years and have been fully aware of all the flaws and cracks that have developed in the church structure since the irrigation ditch (Bessemer Ditch) water has had its source from the Pueblo Dam.

The entire neighborhood property is being drastically deteriorated from this cause; and if need be, we will draw up a petition of these property owners to prove our dilemma.

What also concerns me is that some years ago funds were obtained to line the ditch using the Gunite process; but due to some unknown cause, approximately one mile of ditch bank adjoining our area was never completed.

I therefore, urge you to look into this matter and help us to save this church and its surrounding property from its rapidly developing decay.

Sincerely,

ROBERT E. JAMES, *Maintenance,*
Faith United Methodist Church.●

By Mr. DOMENICI:

S. 2750. A bill to authorize a study on methods to commemorate the nationally significant contributions of Georgia O'Keeffe; to the Committee on Energy and Natural Resources.

CONTRIBUTIONS OF GEORGIA O'KEEFFE

● Mr. DOMENICI. Mr. President, I rise today to introduce legislation to direct the National Park Service to conduct a feasibility study on the alternatives for recognizing and commemorating the life and art of Georgia O'Keeffe.

Georgia O'Keeffe was one of the most important and acclaimed American artists of the 20th century. Her paintings of flowers, desert landscapes, bleached animal bones, and flowing abstractions grace museums throughout the Nation.

Many of her paintings were of the landscape of New Mexico. Ms. O'Keeffe first came to New Mexico in 1929 and moved there permanently in 1946. She lived in the little village of Abiquiu until her death at age 98 in 1986.

Ms. O'Keeffe's art is a testament to her love of New Mexico. The hills near Alcalde, the Ranchos Church at Taos, Taos Pueblo, Bear Lake, the Chama River, the cliffs at Abiquiu, and of course, Ms. O'Keeffe beloved Cerro Pedernal were all captured on her canvases.

For the past year, I have been working with a group of art lovers and the heirs of Ms. O'Keeffe to develop a proposal to recognize and commemorate the contributions that Ms. O'Keeffe made to American art. The group came up with a number of ideas, the most exciting of which was to create a "landscape museum."

A landscape museum, as opposed to the usual museum created of bricks and mortar, would consist of the physical terrain and features from which Ms. O'Keeffe drew much of her inspiration for her works. The features of the landscape would be pointed out to visitors, their significance described, and their relationship to Ms. O'Keeffe's works explained. There would be observation points from which travellers could observe the scenes that Ms. O'Keeffe painted.

The bill that I am introducing today would direct the National Park Service to undertake a study to determine the most appropriate way for the Federal Government to commemorate the contributions that Georgia O'Keeffe made to the world of art. In particular, it would direct the National Park Service to evaluate the feasibility of creating a landscape museum to present the

New Mexico that Ms. O'Keeffe painted to the public.

Mr. President, I am very excited about the effort to recognize one of New Mexico's most famous residents. I look forward to hearings on this bill and action by the Senate this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record immediately following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in recognition of the significant impact Georgia O'Keeffe had on the world of art, the Secretary of the Interior is authorized and directed to conduct a study of the most appropriate way to interpret these nationally significant contributions. The study shall include but not be limited to an evaluation of the feasibility of establishing a living landscape museum consisting of the scenes and physical features from which Georgia O'Keeffe drew much of her inspiration.

(b) The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within one year of the date on which funds are appropriated for the study.

Sec. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.●

By Mr. MELCHER:

S. 2751. A bill to designate certain lands in Montana as wilderness, to release other forest lands for multiple use management, and for other purposes; to the Committee on Energy and Natural Resources.

MONTANA NATURAL RESOURCES PROTECTION AND UTILIZATION ACT

Mr. MELCHER. Mr. President, I am going to introduce in a few moments the Montana wilderness bill that will reflect what I believe to be the needs of Montana in resolving the question of wilderness lands. Six point four million acres of Montana national forest system lands have been reviewed for their wilderness potential and recommendations made for wilderness by the Forest Service. For the past three Congresses the Montana congressional delegation has been attempting to come to an agreement on the final package and pass it in Congress so that those areas to be designated as wilderness will become wilderness and other areas for various uses such as national recreation areas and wilderness studies will be so designated. Unfortunately, in the past two Congresses we have not reached final agreement, each time coming closer but never quite finalizing an agreement on a bill that satisfied all the various interests of the delegation which reflects all the various interests of Montana people.

For there are conflicts in how we use our national forest lands, and those conflicts come right into focus when a delegation of the Western States attempts to put a package together to resolve those conflicts, and pass a wilderness bill. Such has been our experience for Montana's wilderness bill.

Earlier in this Congress, Congressman Pat Williams over in the House and my colleague, Senator Baucus, each introduced a bill designating the areas they thought would be most suited for wilderness, providing for some national recreation areas and some wilderness study areas. Both of those bills are now in the Senate Committee on Energy and Natural Resources, and what has been necessary and needed is a bill, just one bill that could be agreed to by the delegation. And that has not been forthcoming, and this bill I am introducing today is a step in that direction.

The bill has 1.4 million acres of wilderness designation involving some 43 different areas. There are 8 national recreation areas, 3 wilderness study areas, 1 line consolidation study area, and a special area where the Blackfoot Tribe has by treaty rights some vested interests, some property interests, and what is known as the Badger Two Medicine area is treated separately. A request for Forest Service consultation and negotiation with the Blackfoot Tribe is made part of the bill. And on that particular area, while there is a time limit of 3 years set for negotiations between the Forest Service and the Blackfoot Tribe, during that period of time there would be no further oil or gas development.

All in all, this bill represents almost complete agreement between myself, Senator Baucus, and Congressman Williams. There are about six areas where there is not yet complete agreement. These areas of disagreement are not very large, and the areas could be easily resolved and quickly resolved after the 3½ weeks that we are off between now and the end of this recess period.

It is my hope that the people in Montana will have an opportunity to review the bill very thoroughly over the coming 3½ weeks; that they will freely pass on their suggestions, their either agreement or disagreement with this or that area; that Congressman Williams, Senator Baucus, and myself will be in a position to respond to those comments and make a final stab at coming to a complete agreement on the entire package very early in September; so it can be moved out of the committee with approval of the committee and moved on to the Senate floor and approved here; approved finally over in the House; and have it on the President's desk during this Congress.

It is very important that the areas that are going to be released will be released. After all, we designate so much wilderness, so much for special recreation, national recreation areas, so much for a special study of this or that, but the balance of it, over 4 million acres, will be released under the National Forest Management Act to the clients, to the forest clients. It is particularly vital to the forest products industry that they have available to them that timber that will be released.

Many of the mills operating in Montana are operating in very short supply of logs. They have a fear that there will not be enough timber available to keep the mill in operation. And if it cannot be kept in operation, naturally the mill workers are very concerned. Where is their job going to be? That also applies to loggers. There are some mining interests that are interested in making some mining operations in Montana. We have paid special attention to those mining interests that we were aware of, and their concerns if they were anywhere near one of these wilderness areas.

To the extent that it has been possible to find out about their intentions and what their concerns are, I believe we have done a pretty fair job of taking care of their interests, and not putting them in the wilderness areas so they can go ahead with their mining ventures.

Recreationists also have some great concern about how much we designate wilderness—the recreational types that use cycles, bicycles, snowmobiles, or just drive into an area in their pickups or cars and want to camp, or fish, or hunt. To the extent that we thought we are using the land for its highest and best use, we have tried to carefully sort out what these recreational interests are that would be prevented from engaging in those particular activities if it becomes wilderness in a certain area.

I am not sure that we found everybody's particular interest in this. In fact, I suspect there are many areas that we have overlooked, and that we will later on find out we cut off some recreational interests that are very dear to a lot of people.

Again, over the next 3½ weeks it permits the public to look at the bill, and to see whether or not they are taken care of or they are thwarted, or for some reason their concerns are not met.

A bill like this does not mean a whole lot unless there are maps available. We have been working off maps. We have designated maps now, and we will try to make reproduction of those maps as quickly as possible. The Forest Service is always very good to us, very thorough, and helpful in providing us with copies of maps. As soon as those are available we will see that they are distributed to all the various communities in Montana that are near any of these areas where there is a Forest Service office. People, the public at large, know where to come to get the maps, look at them, review them, check out their own areas, and see whether the bill is drafted the way the would like to have it drafted according to the map.

Mr. President, we have had unusually great cooperation from the Forest Service in putting together this bill. In fact, not only do we have current Forest Service employees giving us able assistance, but in the very generous manner that makes me very grateful we have had assistance from the former chief of the Forest Service, devoted friend of mine and a friend of so many people in Montana, in the West and indeed throughout the country, former chief for the Forest Service, Max Peterson.

The help that has been given to us by the committee staff of the Energy and Natural Resources Committee has been outstanding. A lot of work goes into a bill of this nature. A lot of work goes into finding out whether the maps are accurate, and making adjustments to make them accurate. In particular, the outstanding public servant in the committee on matters of this kind, Tom Williams, is faithful, and has indeed gone overboard to make sure that this bill was ready to be introduced tonight, and meet this particular deadline that we have established so our people in Montana can properly review the bill.

Mr. President, I want to say that my colleagues, Senator Baucus, and Congressman Pat Williams, extended themselves with a great deal of effort over the past year and a half—first of all developing their own bills, Pat Williams working his bill through the House, and Senator Baucus going to a great deal of effort to find out what Montanans want. I believe that I have been the beneficiary of their fine work, and I very much appreciate it.

The bill, I repeat, was not a complete agreement. Still, it is the type of bill that lends itself to "Let's find out what we have to do yet"; and we can make adjustments and perhaps have a final version of the bill ready for action by the Committee on Energy and Natural Resources very shortly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2751

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Montana Natural Resources Protection and Utilization Act of 1988".

FINDINGS AND PURPOSES

Sec. 2. (a) The Congress finds that—

(1) many areas of undeveloped National Forest System lands in the State of Montana possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's Land and Resource Management Plans and other studies of National Forest System lands in the State of Montana and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System;

(3) the Department of Agriculture's Land and Resource Management Plans and other studies of National Forest System lands in the State of Montana and the related congressional review of such lands have identified certain National Forest System lands in the State of Montana which should not now be designated as components of the National Wilderness Preservation System but which possess exceptional scenic, fish and wildlife, and recreational values and should be specially managed to protect those exceptional values; and

(4) the Department of Agriculture's Land and Resource Management Plans and other studies of National Forest System lands in the State of Montana and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation, and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for non-wilderness multiple uses under the land management planning process and other applicable law.

(b) The purposes of this Act are to—

(1) designate certain National Forest System lands in the State of Montana as components of the National Wilderness Preservation System, in furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890), in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude and physical and mental challenge;

(2) designate certain National Forest System lands in the State of Montana for special management and special study in order to promote, and conserve their exceptional scenic, wildlife and fish, and recreational values; and

(3) ensure that certain other National Forest System lands in the State of Montana be available for nonwilderness uses.

WILDERNESS DESIGNATION

Sec. 3. (a) In furtherance of the purposes of the Wilderness Act of 1964 the following lands in the State of Montana are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Beaverhead, Bitterroot, and Deerlodge National Forests, Montana, which comprise approximately 29,100 acres, as generally depicted on a map entitled "Anaconda-Pintler Wilderness Additions-Proposed" (North Big Hole, Storm Lake, Upper East Fork), dated August 1988, and which are hereby incorporated in and shall be deemed to be a part of the Anaconda-Pintler Wilderness.

(2) Certain lands in the Beaverhead National Forest, Montana, which comprise approximately 25,000 acres, as generally depicted on a map entitled "Italian Peaks Wilderness-Proposed", dated September 1987, and which shall be known as the Italian Peaks Wilderness.

(3) Certain lands in the Beaverhead National Forest, Montana, which comprise approximately 79,500 acres, as generally depicted on a map entitled "East Pioneer Wilderness-Proposed", dated September 1987, and which shall be known as the East Pioneer Wilderness.

(4) Certain lands in the Beaverhead National Forest, Montana, comprising approximately 76,600 acres, as generally depicted on map entitled "West Big Hole Wilderness-Proposed", dated August 1988, and which shall be known as the West Big Hole Wilderness.

(5) Certain lands in the Beaverhead National Forest, Montana, comprising approximately 33,700 acres, as generally depicted on a map entitled "West Pioneer Wilderness-Proposed", dated August 1988, and which shall be known as the West Pioneer Wilderness.

(6) Certain lands in the Bitterroot, Deerlodge, and Lolo National Forests, Montana, which comprise approximately 64,800 acres, as generally depicted on a map entitled "Stony Mountain Wilderness-Proposed", dated August 1988, and which shall be known as the Stony Mountain Wilderness.

(7) Certain lands in the Bitterroot and Lolo National Forests, Montana, which comprise approximately 55,600 acres, as generally depicted on maps entitled "Selway-Bitterroot Wilderness Additions-Proposed", dated September 1987, and which are hereby incorporated in and shall be deemed to be a part of the Selway-Bitterroot Wilderness.

(8) Certain lands in the Bitterroot National Forest, Montana, which comprise approximately 28,500 acres, as generally depicted on a map entitled "Frank Church-River of No Return Wilderness Additions-Proposed" (Bluejoint), dated September 1987, and which are hereby incorporated in and shall be deemed to be part of the Frank Church-River of No Return Wilderness.

(9) Certain lands in the Custer National Forest, Montana, which comprise approximately 5,800 acres, as generally depicted on a map entitled "Lost Water Canyon Wilderness-Proposed", dated August 1988, and which shall be known as the Lost Water Canyon Wilderness.

(10) Certain lands in the Custer National Forest, Montana, which comprise approximately 2,100 acres, as generally depicted on a map entitled "Absaroka Beartooth Wilderness Additions-Proposed" (Timberline Creek, Stateline, and Mystic Lake), dated August 1988, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(11) Certain lands in the Deerlodge and Helena National Forests, Montana, which comprise approximately 19,000 acres, as generally depicted on a map entitled "Electric Peak Wilderness-Proposed", dated September 1987, and which shall be known as the Blackfoot Meadows Wilderness.

(12) Certain lands in the Deerlodge National Forest, Montana, which comprise approximately 40,300 acres, as generally depicted on a map entitled "Flint Creek Range Wilderness-Proposed", dated August 1988, and which shall be known as the Flint Creek Range Wilderness.

(13) Certain lands in the Deerlodge and Bitterroot National Forests, Montana,

which comprise approximately 52,600 acres, as generally depicted on a map entitled "Sapphires Wilderness-Proposed", dated August 1988, and which shall be known as the Sapphires Wilderness.

(14) Certain lands in the Flathead National Forest, Montana, which comprise approximately 68,800 acres, as generally depicted on a map entitled "North Fork Wilderness-Proposed (Tuchuck, Mount Hefty, Thompson-Seton)", dated August 1988, and which shall be known as the North Fork Wilderness.

(15) Certain lands in the Flathead, Lolo, and Lewis and Clark National Forests, Montana, which comprise approximately 215,200 acres, as generally depicted on maps entitled "Bob Marshall Wilderness Additions-Proposed" (Limestone Cave, Slippery Bill, Rocky Mountain Front, Clearwater-Monture, Silver King-Falls Creek), dated August 1988, and which shall be deemed to be part of the Bob Marshall Wilderness.

(16) Certain lands in the Flathead National Forest, Montana, which comprise approximately 960 acres, as generally depicted on a map entitled "North Mission Mountain Wilderness Additions-Proposed", dated September 1987, and which are hereby incorporated in and shall be deemed to be a part of the North Mission Mountain Wilderness.

(17) Certain lands in the Flathead National Forest, Montana, comprising approximately 129,500 acres, as generally depicted on maps entitled "Jewel Basin/Swan Wilderness-Proposed", dated September 1987, and those lands comprising the west slope of the Bob Marshall Wilderness shall be deemed to be a part of the Bob Marshall Wilderness and the remaining lands shall be known as the Swan Crest Wilderness.

(18) Certain lands in the Gallatin National Forest, Montana, which comprise approximately 64,100 acres, generally depicted on a map entitled "Gallatin Wilderness-Proposed", dated August 1988, and which shall be known as the Gallatin Wilderness.

(19) Certain lands in the Gallatin National Forest, Montana, which comprise approximately 500 acres, as generally depicted on a map entitled "North Absaroka Wilderness Additions-Proposed" (Republic Mountain), dated September 1987, and which are hereby incorporated in and shall be deemed to be a part of the North Absaroka Wilderness.

(20) Certain lands in the Gallatin National Forest, Montana, which comprise approximately 17,400 acres, as generally depicted on a map entitled "Lee Metcalf Cowboys Heaven Addition-Proposed", dated August 1988, and which are hereby incorporated in and shall be considered part of the Lee Metcalf Wilderness.

(21) Certain lands in the Gallatin National Forest, Montana, which comprise approximately 22,000 acres, as generally depicted on a map entitled "Earthquake Wilderness-Proposed", dated September 1987, and which shall be known as the Earthquake Wilderness.

(22) Certain lands in the Helena National Forest, Montana, which comprise approximately 26,000 acres, as generally depicted on a map entitled "Camas Creek Wilderness-Proposed", dated September 1987, which shall be known as the Camas Creek Wilderness.

(23) Certain lands in the Helena National Forest, Montana, which comprise approximately 15,000 acres, as generally depicted on a map entitled "Mount Baldy Wilderness-Proposed", dated September 1987, and which shall be known as the Mount Baldy Wilderness.

(24) Certain lands in the Helena National Forest, Montana, which comprise approximately 10,500 acres, as generally depicted on a map entitled "Gates of the Mountain Wilderness Additions-Proposed" (Big Log), dated September 1987, and which are hereby incorporated in and shall be deemed to be part of the Gates of the Mountain Wilderness.

(25) Certain lands in the Helena National Forest, Montana, which comprise approximately 8,500 acres, as generally depicted on a map entitled "Black Mountain Wilderness-Proposed", dated September 1987, and which shall be known as the Black Mountain Wilderness. It is the intent of Congress that the Secretary utilizing existing statutory authority, give special attention to the acquisition of non-federally owned lands within the Black Mountain Wilderness.

(26) Certain lands in the Helena National Forest, Montana, which comprise approximately 18,000 acres, as generally depicted on a map entitled "Nevada Mountain Wilderness-Proposed", dated August 1988, which shall be known as the Nevada Mountain Wilderness.

(27) Certain lands in the Kootenai National Forest, Montana, which comprise approximately 47,000 acres, generally depicted on a map entitled "Scotchman Peaks Wilderness-Proposed", dated August 1988, and which shall be known as the Scotchman Peaks Wilderness.

(28) Certain lands in the Kootenai National Forest, Montana, which comprise approximately 33,000 acres, as generally depicted on a map entitled "Ten Lakes Wilderness-Proposed", dated September 1987, and which shall be known as the Ten Lakes Wilderness.

(29) Certain lands in the Kootenai National Forest, Montana, which comprise approximately 31,600 acres, as generally depicted on a map entitled "Cabinet Mountains Wilderness Additions-Proposed", dated August 1988, and which are hereby incorporated in the shall be a part of the Cabinet Mountains Wilderness.

(30) Certain lands in the Kootenai and Lolo National Forests, Montana, which comprise approximately 18,100 acres, as generally depicted on a map entitled "Cube Iron-Silcox Wilderness-proposed", dated August 1988, and which shall be known as the Cube Iron-Silcox Wilderness.

(31) Certain lands in the Lewis and Clark National Forest, Montana, which comprise approximately 18,000 acres, as generally depicted on a map entitled "Big Snowies Wilderness Area-Proposed", dated August 1988, and which shall be known as the Big Snowies Wilderness.

(32) Certain lands in the Lolo National Forest, Montana, which comprise approximately 80,800 acres, as generally depicted on map entitled "Great Burn Wilderness-Proposed", dated August 1988, and which shall be known as the Great Burn-Hoodoo Wilderness.

(33) Certain lands in the Lolo National Forest, Montana, which comprise approximately 49,000 acres, as generally depicted on a map entitled "Quigg Wilderness-Proposed", dated September 1987, and which shall be known as the Quigg Wilderness.

(b) The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file the maps referred to in section 3 of this Act and legal descriptions of each wilderness area designated by section 3 of this Act with the Committee on Energy and Natural Resources of the United States Senate, and the Committee on Interior and Insular Affairs of the House of Representatives. Each map and legal description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) Subject to valid existing rights, each wilderness area designated by section 3 of this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by the Act as wilderness areas, except that, with respect to any area designated in section 3 of this Act, any reference to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SCAPEGOAT AND GREAT BEAR WILDERNESS NAMES

SEC. 4. In order to consolidate existing contiguous wilderness areas, those lands comprising the Great Bear Wilderness Area designated by Public Law 95-946 and any amendments thereto and the Scapegoat Wilderness Area designated by Public Law 92-395 and any amendments thereto are hereby incorporated in and deemed to be a part of the Bob Marshall Wilderness. The designation of the Great Bear Wilderness and Scapegoat Wilderness will refer to units within the Bob Marshall Wilderness.

RELEASE TO NONWILDERNESS USES

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has adequately met the wilderness study requirements of Public Law 94-557 and Public Law 95-150;

(2) the Land and Resource Management Plans and associated Environmental Impact Statements (hereinafter Land and Resource Management Plans) for all the National Forests in the State of Montana have been completed as required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(4) the Congress has made its own examination of National Forest System roadless areas in the State of Montana and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the questions of the legal and factual sufficiency of the Land and Resource Management Plans identified above, the wilderness evaluation and environmental disclosure regarding wilderness evaluation for roadless lands in Land and Resources Management Plans identified above shall not be subject to judicial review.

(2) with respect to the National Forest System lands in the State of Montana which were reviewed by the Department of Agriculture in wilderness studies conducted pursuant to Public Law 94-557 and Public Law 95-150, the 1978 Forest plan for the Beaverhead National Forest, and the Land and Resource Management Plans, that such reviews shall be deemed for the purposes of the initial Land and Resource Management Plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of

such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary finds that conditions in a unit have significantly changed;

(3) except as may be specifically provided in sections 8, 9, 10, and 11 of this Act, those areas in the State of Montana referred in subparagraph (2) of this subsection which were not designated wilderness shall be managed for multiple use in accordance with Land Management Plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: Provided, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial Land and Resource Management Plant;

(4) in the event that revised Land and Resource Management Plans in the State of Montana are approved pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation unless otherwise designated by this Act need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Montana for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in secion 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to those National Forest System roadless lands in the State of Montana which are less than five thousand acres in size.

ADJACENT MANAGEMENT

SEC. 6. Congress does not intend that designation of wilderness areas in the State of Montana lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

WATER RIGHTS

SEC. 7. Nothing in this Act shall be construed to limit the exercise of valid water rights as provided under Montana state law. Nothing in this Act is intended to detract from or add to any expressed or implied reserved water rights.

SPECIAL MANAGEMENT AREAS

SEC. 8. (a) For the purposes of conserving and protecting the exceptional scenic, fish and wildlife, biological, educational and recreational values of certain National Forest System lands in the State of Montana, the following designations are made:

(1) The West Pioneers National Recreational Area located in the Beaverhead National Forest, Montana, and comprising approximately 90,600 acres, as generally depicted on a map entitled "West Pioneers National Recreation Area—Proposed", dated August 1988.

(2) The Mount Helena National Education and Recreation Area located in the Helena National Forest, Montana, and comprising approximately 5,000 acres as generally depicted on a map entitled "Mount Helena Education and Recreation Area—Proposed", dated August 1988.

(3) The Hyalite National Education and Recreation Area located in the Gallatin National Forest, Montana, and comprising approximately 18,900 acres, as generally depicted on a map entitled "Hyalite National Recreation Area—Proposed", dated August 1988.

(4) The Ross Creek Cedars National Recreation Area located in the Kootenai National Forest, Montana, and comprising approximately 700 acres, as generally depicted on a map entitled "Ross Creek Cedars Biological Area—Proposed", dated September 1987.

(5) The Gibson Reservoir National Recreation Area located in the Lewis and Clark National Forest, Montana, and comprising approximately 25,000 acres, as generally depicted on a map entitled "Gibson Reservoir National Recreation Area—Proposed", dated August 1988.

(6) The Cottonwood Lake National Recreation Area located in the Deerlodge National Forest, and comprising approximately 8,300 acres, as generally depicted on a map entitled "Cottonwood Lake National Recreation Area—Proposed", dated September 1987.

(7) The Tenderfoot-Deep Creek National Recreation Area located in the Lewis and Clark National Forest, Montana, and comprising approximately 78,000 acres, as generally depicted on a map entitled "Tenderfoot-Deep Creek National Recreation Area—Proposed", dated August 1988.

(b) The Secretary shall file the maps referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such maps may be made. Each map shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c)(1) Except as otherwise may be provided in this subsection, the Secretary shall administer the areas designated in subsection (a) of this section so as to achieve the purposes of their designations as National Recreation Areas in accordance with the laws and regulations applicable to the National Forest System.

(2) Subject to valid existing rights, all federally owned lands within the areas are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(3) Management activities may be permitted by the Secretary of Agriculture if compatible with the purposes for which the areas were designated: Provided, That nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

(4) The use of motorized equipment may be allowed if compatible with the purposes for which the areas are designated.

(5) The grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to applicable law and regulations of the Secretary.

(d) The Forest Service shall manage the Mt. Helena and the Hyalite National Education and Recreation Areas with a focus on education. All management activities shall be conducted in a way that provides the public with an education on natural resources protection and management.

(e) Those areas established pursuant to this section shall be administered as components of the National Forests wherein they are located. Land and resource management plans for the affected National Forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, shall emphasize achieving the purposes for which the areas are designated.

ELKHORNS NATIONAL RECREATION AND WILDLIFE AREA

SEC. 9. (a) The area of the Helena and Deerlodge National Forests comprising approximately 175,700 acres, as generally depicted on a map entitled "Elkhorns National Recreation and Wildlife Area-Proposed", dated September 1987, shall hereafter be managed generally as a national recreation area that emphasizes enhancement of big game habitat. Where compatible with such emphasis, management also shall provide for recreational opportunities and the maintenance and enhancement of habitat for non-game species. Those lands within the Elkhorns National Recreation and Wildlife Area designated as "Elkhorns-2" and as shown on the above map shall remain roadless, except that motorized equipment may be used by the Secretary after hearings and a finding that such use is required for habitat improvement for fish and wildlife. Any area distributed by such motorized equipment shall be restored to contour and revegetated with appropriate native plant species as expeditiously as possible.

(b) The Secretary shall file the map referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and the map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in the map may be made. The map shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) Subject to valid existing rights, all federally owned lands within the area designated as "Elkhorns-2" are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

SPECIAL STUDY AREAS

SEC. 10. (a) The Crazy Mountains Wilderness Study Area in the Gallatin and Lewis and Clark National Forests comprising approximately 114,200 acres, as generally depicted on a map entitled "Gallatin and Lewis and Clark Land Consolidation Study", dated August 1988, shall, notwithstanding any other provision of this Act, be managed in accordance with the provisions of Public Law 95-150. The Forest Service shall complete a study of public and private land consolidation alternatives for this area which shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no later than January 1, 1991.

(b)(1) The Porcupine-Buffalo Horn Study Area in the Gallatin National Forest comprising approximately 50,600 acres as generally depicted on a map entitled "Gallatin Wilderness and Wilderness Study Area-Proposed", dated August 1988, shall be reviewed by the Secretary to evaluate the wilderness potential of the area; to analyze the motorized and non-motorized dispersed recreation use in the area; to evaluate the amount and distribution of recreation use including trail use; and to evaluate potential conflicts between various uses. This study shall be completed and submitted to the Committee on Interior and Insular Affairs of the U.S. House of Representatives and the Committee on Energy and Natural Resources of the U.S. Senate no later than January 1, 1991. The area shall be managed in accordance with the provisions of 95-150.

(2) The Sawtooth Mountain Study Area in the Gallatin National Forest, Montana, comprising approximately 22,000 acres, as generally depicted on a map entitled "Gallatin Wilderness and Wilderness Study Areas-Proposed", dated August 1988, shall be reviewed by the Secretary to evaluate the wilderness potential of the area and alternatives of providing public access to federal lands in the area including acquisition of rights-of-way by purchase, exchange, or otherwise. The study shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives no later than January 1, 1991. During the period of the study, and for two years thereafter, the Secretary shall administer the area to protect its potential for inclusion in the Wilderness System. Established uses will be allowed to continue. At the end of such two year period, unless Congress determines otherwise, the lands shall be managed by the Secretary in accordance with the study prepared pursuant to this subsection: *Provided,* That nothing in this paragraph shall be construed as expanding or diminishing the existing authority of the Secretary of Agriculture regarding the management of the national forests.

(c)(1) The Burnt Mountain Wilderness Study Area in the Custer National Forest, Montana, comprising approximately 4,100 acres, as generally depicted on a map entitled "Burnt Mountain Wilderness Study Area-Proposed", dated August 1988, shall be reviewed by the Secretary to determine its suitability for inclusion in the wilderness system.

(2) The Secretary shall submit a report containing his recommendations regarding wilderness designation for this area to the appropriate Committees of Congress not later than five years after the date of enactment of this Act.

(3) Subject to valid existing rights, the area shall be managed to protect its suitability for inclusion in the National Wilderness Preservation System for a period of seven years from the date of enactment of this Act. At the end of such seven year period, the area shall be managed subject to valid existing rights, in accordance with the applicable land and resource management plan for the Custer National Forest.

(d) The Secretary shall file the maps referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in these maps may be made. Each map shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

BADGER-TWO MEDICINE AREA

SEC. 11. (a) Subject to valid existing rights, all federally owned lands depicted on a map entitled "Badger-Two Medicine Area", comprising approximately 110,000 acres, are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws for three years from the date of enactment of this Act.

(b) The Forest Service and the Blackfeet Tribe are urged to cooperate in the preparation of a joint land management plan for the area depicted on the map referenced in subsection (a). Such plan shall consider a range of management options.

(c) Any such plan shall be consistent with applicable existing law and shall be incorporated into the Land and Resource Management Plan for the Lewis and Clark National Forest.

(d) Any plan prepared and incorporated into the applicable forest plan shall not be considered a significant amendment or revision of the plan.

(e) The Forest Service and the Tribe are encouraged to complete such plan no later than three years from the date of enactment of this Act. The completed plan shall be transmitted to the Congress.

(f) Nothing in this section shall be construed to affect valid existing treaty rights.

PLUM CREEK LAND EXCHANGE—PORCUPINE AREA

SEC. 12. The Secretary of Agriculture (hereinafter "Secretary") shall, notwithstanding any other provisions of law, exchange lands and interests in lands with Plum Creek Timber Company, Inc. (hereinafter "PCTC") in accordance with the following provisions:

(a) Subject to the provisions of this section, if PCTC offers to the United States the fee title to approximately 8,130.67 acres of land of PCTC which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber Company and Forest Service Proposed Porcupine Land Exchange", dated May 20, 1988, the Secretary of the Interior is authorized and directed to accept a warranty deed to such lands and, in exchange therefore, and subject to valid existing rights, convey by Patent the fee title to approximately 9,181.74 acres of National Forest System lands available for exchange to PCTC as depicted on such map. The National Forest System lands depicted on such map shall be conveyed subject to the following specific reservations and exceptions:

(1) Existing ditches and canals as authorized by the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

(2) Federal oil and gas leases Numbers 49432, 32843 and 55325 are reserved in the United States. Upon termination or relinquishment of the said leases under applicable law, all the rights and interests therein in the National Forest System lands described in subsection (a) and included in said leases shall immediately vest in PCTC, its successors and assigns. Upon such termination or relinquishment, the United States will give notice of said event by a document suitable for recording in the county wherein the above described leased lands are situated.

(3) Such other terms and conditions, reservations or exceptions as may be agreed upon by the Secretary of Agriculture and PCTC.

(b) At closing on the conveyances authorized by this section:

(1) For and in consideration of the easements conveyed by PCTC as provided in paragraph (b)(2), the Secretary of Agriculture shall cause to be executed and delivered to PCTC easements over federally owned lands for such existing or future roads as needed to provide PCTC, its successors and assigns, access to PCTC owned lands.

(2) For and in consideration of the easements conveyed by the United States as provided in paragraph (b)(1), PCTC shall execute and deliver to the United States easements over PCTC lands for such existing or future roads as needed to provide the United States and its assigns, access to federally owned lands.

(3) Road easements conveyed pursuant to this section shall be in the same form as that customarily used by the Forest Service and cooperators for cost shared roads in Road Right-of-Way Construction And Use Agreements.

(c) The following order of withdrawal, as it applies to the lands conveyed by the United States and involved in the transactions authorized by this section, is hereby revoked: Executive Order Numbered 30-Montana 7-Phosphate Reserve October 9, 1917 (nine hundred sixty acres, more or less).

(d) The maps referred to in subsection (a) are subject to such minor corrections as the Secretary of Agriculture and PCTC may agree to.

(e) It is the sense of Congress that the conveyances authorized and directed pursuant to this section should be completed within ninety days after the date of the enactment of the Act.

(f) All lands conveyed to the United States pursuant to this section shall be national forest lands administered by the Secretary of Agriculture.

PLUM CREEK LAND EXCHANGE—GALLATIN AREA

SEC. 13. The Secretary of Agriculture shall, notwithstanding any other provision of law, acquire certain lands and interests of Plum Creek Timber Company, Inc. (hereinafter "PCTC") in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area and additional lands in the Gallatin National Forest in accordance with the following provisions:

(a) The acquisition shall be by exchange and cash equalization as hereinafter provided, and it is the sense of Congress that the acquisition authorized pursuant to this section should be completed within 90 days after the date of enactment of this Act.

(b) Subject to the provisions of this section, if PCTC offers to the United States the fee title to approximately 37,752.15 acres of land of PCTC which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber Company and Forest Service Proposed Gallatin Land Exchange", dated May 20, 1988, the Secretary of the Interior is authorized and directed to accept a warranty deed to such lands and, in exchange therefore, and subject to valid existing rights, convey by Patent the fee title to approximately 12,414.06 acres of National Forest System lands available for exchange to PCTC as depicted on such map. The National Forest System lands depicted on such map shall be conveyed subject to the following specific reservations and exceptions:

(1) Existing ditches and canals as authorized by the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

(2) Federal Oil and Gas Lease Numbered 49739, 55610, 23290, 29230, 40389, 53670, 40215, 38678, 33385, 53736, and 38684 are reserved in the United States. Upon termination or relinquishment of the said leases under applicable law, all the rights and interests in said leases shall immediately vest in PCTC, its successors and assigns. Upon such termination or relinquishment, the United States will give notice of said event by a document suitable for recording in the county wherein the above described leased lands are situated.

(3) Such other terms and conditions, reservations or exceptions as may be agreed upon by the Secretary of Agriculture and PCTC.

(c) At closing on the conveyances authorized by this section:

(1) For and in consideration of the easements conveyed by PCTC as provided in paragraph (c)(2) the Secretary of Agriculture shall cause to be executed and delivered to PCTC easements over federally owned lands and any federally assignable rights to easements for such existing or future roads as needed to provide PCTC, its successors and assigns, access to PCTC owned lands.

(2) For and in consideration of the easements conveyed by the United States as provided in paragraph (c)(1), PCTC shall execute and deliver to the United States easements over PCTC lands for such existing or future rights-of-way as needed to provide the United States and its assigns, access to federally owned lands.

(3) Road easements conveyed pursuant to this section shall be in the same form as that customarily used by the Forest Service and cooperators for cost shared roads in Road Right-of-Way Construction and Use Agreements.

(d) The maps referred to in this section are subject to such minor corrections as the Secretary of Agriculture and PCTC may agree to.

(e) All lands conveyed to the United States pursuant to this section shall be national forest lands administered by the Secretary of Agriculture.

(f) There is hereby authorized to be appropriated to carry out the provisions of this section of this act, the sum of three million four hundred thousand dollars ($3,400,000), which amount the Secretary of Agriculture shall, when appropriated, pay to PCTC to equalize the value of the exchange.

SEVERED MINERALS EXCHANGE

SEC. 14. (a) Congress finds that:

(1) Underlying certain areas in Montana designated by this Act are mineral rights owned by the Burlington Northern Railroad Company or its affiliates (hereafter "Company");

(2) There are federally owned minerals underlying lands of the Company lying outside such areas;

(3) The Company has agreed in principle with the Department of Agriculture as to the potential exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas;

(4) It is desirable to authorize and facilitate such an exchange or exchanges, and that it is desirable that any such exchanges be completed within two years of the date of enactment of this Act.

(b) Pursuant to an exchange agreement which may be made by the Secretary and the Company, the Secretary may acquire by exchange any mineral interest owned by the Burlington Northern Railroad Company or any affiliate thereof underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Bob Marshall Wilderness Additions-Proposed" (Clearwater-Monture area) and "Gallatin Wilderness Area-Proposed", dated September 1987, or in any fractional sections adjacent to such areas. In exchange for such mineral interests owned by the Company, the Secretary of the Interior shall convey, subject to valid existing rights, federally owned mineral interests which are specifically identified in an exchange agreement.

(c) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information. To assure that the wilderness or other natural values of the areas are not affected, a formal appraisal shall not be required for any mineral interest proposed for exchange: Provided, That the Secretary and the Company will fully share all available information on the quality and quantity of mineral interests. In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and the Company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) Any mineral interests conveyed by the United States pursuant to this Act shall underlie lands the surface of which are owned by the Company. In the event that there are not sufficient federally owned mineral interests of approximately equal value underlying Company lands, then the Secretary and the Bureau of Land Management may identify for exchange any other federally owned mineral interest in Montana for which the surface state is in private ownership.

(e) Any exchange agreement and the inclusion in such agreement of any federally owned mineral interests lying outside the boundaries of any National Forest shall be made in consultation with the Bureau of Land Management. Notwithstanding any provision of law, the Secretary of the Interior shall convey the federally owned mineral interests identified in any final exchange agreement.

(f) For purposes of this section, "mineral interests" shall include all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

(g) Any exchange agreement and implementing actions made pursuant to this section shall not be deemed a major Federal action significantly affecting the quality of the environment under section 102 of the National Environmental Policy Act (42 U.S.C. 4332) nor require the preparation of an environmental assessment in accordance with that Act.

PUBLIC ACCESS

SEC. 15. It is the policy of Congress that the Forest Service acquire and maintain reasonable public access to National Forest System lands in the State of Montana.

MISCELLANEOUS PROVISIONS

SEC. 16. (a) The Secretary is directed to conduct a study for a potential horse trail in the Swan Range west of the Jewel Basin on the Flathead National Forest, Montana. The study shall be completed within two years and submitted to the Committee on Energy and Natural Resources of the United States Senate, and the Committee on Interior and Insular Affairs of the House of Representatives. No action to construct any such horse trail shall be initiated until at least ninety days after the study has been received by such Committees.

(b) Those lands comprising the Rattlesnake National Recreation Area and Wilderness as designated in Public Law 96-476 are hereby redesignated as the "Rattlesnake National Education and Recreation Area and Wilderness".

(c) The acreages cited in the Act are approximate and in the event of discrepancies between cited acreage and the lands depicted on referenced maps, the maps shall control.

(d) The Congress has sufficiently reviewed the suitability of the Bitter Creek Wilderness Study Area (MT-064-356, BLM Wilderness Study Area Number) and Axolotl Lakes Wilderness Study Area (MT-076-069, BLM Wilderness Study Area Number) for wilderness designation and finds that these lands have been sufficiently studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act, as amended, and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(e) The Secretary is directed to conduct a study for a potential Alpine Running and Bicycle Trail on the Gallatin National Forest, Montana, within two years and report the findings to the Committee on Energy and Natural Resources, United States Senate and the Committee on Interior and Insular Affairs, United States House of Representatives.

(f) The Secretary shall make provisions for reasonable access to private property located within the Absaroka-Beartooth Wilderness, near Goose Lake in Township 8 South, Range 15 East, Principal Montana Meridian.

(g) The Congress expects the Forest Service to proceed with an orderly timber sale program on the Three Rivers Ranger District of the Kootenai National Forest in Fiscal Years 88 and 89. Sales awarded prior to March 1, 1988, shall not be subject to further administrative or judicial review.

AUTHORIZATION OF APPROPRIATION

SEC. 17. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) No funds shall be made available pursuant to this Act except to the extent that such funds are provided in advance in Appropriation Acts.

By Mr. EVANS:

S. 2752. A bill to declare that certain lands be held in trust for the Quinault Indian Nation, and for other purposes; to the Select Committee on Indian Affairs.

EXPANSION OF QUINAULT INDIAN RESERVATION

Mr. EVANS. Mr. President, many times is our history the majority had imposed its will on minorities. In the case of Indian tribes, this has been the rule more often than the exception. Sadly, the courts and Congress have fashioned theories and passed laws to rationalize the actions of the majority and to attempt to reconcile them with the tenets of our democratic traditions.

It is often left to this distinguished body to correct what we now perceive to be the injustices of our Nation's past. Recently, the Congress passed and the President signed a bill to provide redress to our citizens of Japanese ancestry who were interned during World War II. We took this action notwithstanding the fact that, at the time, the Supreme Court in *Korematsu* versus *United States* held that the Federal Government's actions were proper. Simply put, we passed this law because we feel now that the actions taken by our Government were wrong.

As vice-chairman of the Select Committee on Indian Affairs, I have had the opportunity to help restore to Indian tribes some of the land and other rights taken from them. These actions often are taken long after the injustices occurred, and in many instances even after the courts and prior Congresses have fashioned theories to deny recovery.

Today I am introducing legislation to correct an inequity wrought upon the people of the Quinault Indian Reservation of Washington State. This inequity resulted from a surveying error dating back to 1892 that excluded 15,000 acres of land from the Quinault Indian Reservation. The legislation authorizes the return of a portion of the land—that now is administered by National Forest Service—to the Quinault Indian Nation.

Mr. President, the genesis of this controversy goes back nearly 150 years. In 1855, the Quinault Indians and several other tribes signed a treaty with the U.S. Government. Under article II of the treaty with the Quinault, (12 Stat. 971), also known as the Treaty of Olympia, the signatory tribes reserved from their aboriginal homelands, "land sufficient for their wants within the territory of Washington, to be selected by the President of the United States, and hereafter surveyed or located and set apart for their exclusive use * * * ." As a result, the Superintendent of Indian Affairs for the Washington territory established the Quinault, Hoh, and Quileute Indian Reservations along the Washington coast.

Originally, 10,000 acres were set aside for use by the Quinault Indians, and aboriginal people who have occupied that area for centuries. In response to an 1872 recommendation, President Grant set aside an additional 180,000 acres of land. The Executive order included a description of the new reservation boundary, which ran in part northerly around the east shore of Quinault Lake "to the northwest point thereof; thence in a direct line to a point a half mile north of the Queetshe River and 3 miles above its mouth."

When the reservation was first surveyed in the 1890's an error was made in defining the orientation of the lake's axis referred to in the boundary description. There was also uncertainty over where the northwest corner of the lake actually was located. Contemporary correspondence indicates that two points were identified as possibilities for the northwest corner of the lake. The local Indian agent and the Commissioner of Indian Affairs both recognized that the more northern corner of the two points was the proper northwest corner of the lake under the Executive order. However, these two men recommended that a more southern point be used to establish the reservation boundary to avoid inconveniencing a number of non-Indian settlers who had taken up claims along the shore of the lake between 1873 and 1892.

These series of events resulting in establishing an incorrect northern boundary line for the Quinault Reservation. As a result, the Quinault Indians were denied the enjoyment and benefits of approximately 15,000 acres that we now know should have been included in their reservation.

In 1897, President Cleveland reserved a large tract of forest land adjacent to the Quinault Reservation which later became the Olympic National Forest. The boundary of the Olympic National Forest is defined as the "North boundary of the Quinault Reservation." President Cleveland's Executive Order did not indicate any intent to impinge upon the Quinault Reservation or, for that matter, to clarify the location of its northern boundary.

Following passage of the Indian Claims Act in 1925, the Quinault Nation filed a claim for the north boundary lands erroneously excluded by the 1892 reservation survey. The Court of Claims in two decisions, *Quinaielt (sic) Tribe of Indians* v. *United States,* 102 Ct.Cl. 822 (1945), and 118 Ct.Cl. 220 (1951), reviewed the history of the boundary dispute. In both cases, the Court agreed with the Quinault people that their reservation boundary was erroneously surveyed in 1892. In retrospect, it is hard to avoid the conclusion that the Court of Claims was determined to deny recovery for the erroneous survey.

An initial appeal by the United States from the first Court of Claims' decision questioned the Quinault Tribe's right to recover because the Executive Order language specified the reservation for the use of the Quileute, Hoh, Queets, and "other tribes." To clarify the situation, Congress enacted a statute that declared the Quinault Tribe, "on behalf of all Indians having an interest in the Quinault Reservation," the proper party to pursue the claim for the excluded north boundary lands. That done, the tribe continued to pursue its claim.

In its second decision, the Court of Claims reasoned that the land was inaccessible at the time of the boundary survey, and therefore the timber growing on the land had no value. The court found that the raw land, some 15,928 acres at the time of taking, had a value of $25,000 or a little over $1.50 per acre.

Adding insult to injury, the Court of Claims held that damages for the tribe resulting from the loss of the land was offset by "payments and gratuities" provided by the United States to the Quinault Tribe since the treaties were signed. Therefore, the case was dismissed without any recovery. Tragically for the Quinault people, Congress later repealed the law requiring consideration of payments and gratuities.

Mr. President, another law passed by Congress has had a devastating effect on tribes and reservations throughout Indian country. The General Allotment Act of 1887, also known as the Dawes Act, granted allotments to individual Indians with excess lands opened for sale to non-Indians—resulting in further losses of land by the tribes. Later, the General Allotment Act was amended to prohibit further sale of Indian land. As a result, individual Indians could inherit fractionalized interests in allotments but could not sell them. Over time, the continued division of ownership as a result of inheritance has made ownership practically meaningless.

The Quinault Tribe suffered greatly under the Dawes Act. Today, the 190,000 acre Quinault Reservation is a patchwork of individual Indian, tribal, and non-Indian ownership. Less than 4 percent of the reservation is owned by or held in trust for the Quinault Nation. This pattern has fostered controversy and conflict while precluding the effective management of forest resources on the reservation by the Bureau of Indian Affairs.

Economic development opportunities have been splintered much like the land parcels of the reservation are now splintered. Based on 1980 census data, the average annual per capita income of the Indian residents of the

Quinault Reservation is $3,182. Many owners of allotments receive quarterly checks from the BIA of less than $1. According to Bureau of Indian Affairs' labor force statistics, unemployment runs almost 30 percent. The Quinault's land base and their ability to provide a strong economy has been harshly eroded, and with it the integrity of the Federal Government's trust responsibility to these native Americans has been undermined.

Mr. President, Congress often considers the claims of Indian tribes that date back to an earlier time. When we do so, however, we must also be cognizant of the rights and settled expectations of those non-Indians who relied upon earlier court decisions and congressional acts. I believe that this bill does that. The legislation is carefully crafted to minimize and in most cases to avoid altogether any adverse impacts upon those who have relied on this land for their economic livelihood. Timber harvest will continue under the same rules as in the past, and will not disrupt the proportionate share of revenues the counties of the Olympic Peninsula receive from Federal timber harvest activities.

The timber production potential of the Quinault Reservation and the accompanying economic development opportunities that are so desperately needed cannot be realized under current conditions. If the lands of the reservation can be effectively managed in a coordinated fashion—and I am confident the Quinault Nation has the intent and the expertise to do just that—the tribal economy should prosper and will likely have positive impacts on the local timber supply and regional economy.

I believe another long-term objective will also be realized. A strong tribal economy will curtail the escalating costs of federally administering the fractionalized land. Passage of this bill will provide the Quinault Tribe with badly needed financial resources, consolidate its land base, and restore the reservation's depleted and mismanaged forest resources.

I have received letters in recent weeks from the Port of Grays Harbor, WA, Grays Harbor County, and public timber purchasers testifying to the fact that they will not oppose this legislation. These letters are a testament to the heightened sensitivity of the people of Washington State toward the concerns of their Indian neighbors. I am pleased by their response to the initiative of the Quinault people, and I am proud to represent a State where such a spirit of cooperation exists.

Mr. President, I have heard it said that the essence of what we do here in Congress is to put words around our emotions and call them laws. These laws, both legislative and court-made, often reflect the spirit of the times. As our emotions change and our understanding of what is morally and fundamentally right evolves, so must our laws reflect this heightened understanding.●

By Mr. PELL (for himself and Mr. GORE):

S.J. Res. 368. Joint resolution to establish a National Commission on Human Resources; to the Committee on Labor and Human Resources.

NATIONAL COMMISSION ON HUMAN RESOURCES ACT

● Mr. PELL. Mr. President, today I introduce in behalf of myself and Senator GORE a joint resolution to establish a National Commission on Human Resources. The purpose of this Commission is straightforward and in my view highly important. The health and wealth of the Nation is in the realized potential of its citizens. I believe that the tools and techniques for attaining a fuller development of individuals can be identified. Moreover, it is a shared responsibility of the individual, the family, the community and the Nation to provide knowledge, opportunity, and discipline to increase personal excellence and to develop fuller human potential.

The Commission I propose would be composed of citizens with specific training and experiences. The 23 Commissioners to be appointed by the President and the Congress span in age from high school students to the retired community, and as far as practicable would reflect the ratio of men and women and the diversity of the population of the Nation.

The life of the Commission will be 2 years. During this time the Commission will hold regional meetings, solicit views from the public on the role of the individual, family, community, and government in researching, educating, and implementing techniques designed to increase human potential in body, mind, and spirit.

The Commission will seek out practical, proven techniques to improve human capacities, and with expert scientific advice, recommend a research agenda to investigate promising but unproven techniques.

The findings of the Commission should express a critical consensus within our Nation on what the citizenry is willing to do in order to function at the upper limits of the capability that is each individual's by birthright. This should have a profound impact on an eventual increase in productivity and a continued leading role the Nation will play in the world.

Other nations are encouraged to establish counterpart commissions and be prepared to meet and share findings that may be unique to their culture, but still of potential value to other countries.

The findings and recommendations of the Commission would be of potential great value to the growth and strength of the economy. The Commission will seek funding for its operation from foundations and the private sector.

I ask unanimous consent that the full text of the resolution be printed in the RECORD along with my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 368

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "National Commission on Human Resources Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the health and wealth of the nation is in the realized potential of its citizens;

(2) it is a normal aspiration of each citizen to achieve fuller potential in body, mind, and spirit;

(3) the tools and techniques for attaining fuller potential of individuals can be identified;

(4) it is a shared responsibility of the individual, the family, the community and the nation to provide knowledge, opportunity, and discipline to promote personal excellence and to develop fuller human potential;

(5) issues of compulsive, addictive behavior, low self-esteem, high teenage pregnancy, suicide rates and a weakened family structure share in arrested or stunted development of human potential;

(6) considerations of health maintenance are at least as important as current medical practices that treat symptoms and disease, and the role of the individual in health maintenance and healing that compliments current medical practices has yet to be fully developed;

(7) teaching methods that inculcate a sense of enthusiasm, challenge and accomplishment are not only highly desirable, but achievable;

(8) the will of the citizenry to take responsibility for their lives, to push leadership to higher levels of performance, and to serve their community and nation are all directly related to a state of self-confidence that is achieved by development of personal excellence and human resources;

(9) there is a role for government to assist in research and education on techniques that promote the development of personal excellence and fuller human potential in body, mind, and spirit; and

(10) the ultimate impact of increased personal excellence and human potential will be a greater impulse to contribute and live in harmony within a transformed family, community, nation and universe.

SEC. 3. ESTABLISHMENT.

There is established a Commission on Human Resources.

SEC. 4. DUTIES OF THE COMMISSION.

The Commission shall—

(1) advise the Congress, the President and the American public on policies and programs designed to facilitate the attainment of fuller human potential;

(2) solicit views from the public on the role of the individual, family, community and government in researching, educating, and implementing techniques designed to

increase human potential in body, mind, and spirit;

(3) identify private and foundation financial resources to fund the operation of the Commission;

(4) establish a scientific advisory panel to assist in the evaluation of technologies and procedures calculated to develop fuller human potential; and

(5) communicate with foreign governments and international organizations, after consultation with the Secretary of State, on the establishment of counterpart Commissions and prepare for an international meeting of such Commissions prior to the preparation of the final report required under section 5.

Members of the scientific advisory panel established pursuant to paragraph (4) shall serve without financial remuneration.

SEC. 5. REPORT AND PROPOSAL.

(a) REPORT.—The Commission shall prepare and transmit a report to the President and the Congress within 18 months after funding for the operation of the Commission has been secured. The report shall describe the activities of the Commission and contain such recommendations as the Commission considers appropriate for individual, family, community and government action to achieve fuller human potential in body, mind, and spirit.

(b) PROPOSAL.—The Commission shall prepare and transmit to the President and the Congress a proposal for implementation of the recommendations of the Commission within 24 months after funding for the operation of the Commission has been secured.

SEC. 6. MEMBERSHIP OF THE COMMISSION.

(a) COMMISSION MEMBERSHIP.—The Commission shall consist of—

(1) 11 members appointed by the President, of which—

(A) 1 member shall be an individual with training and experience in extraordinary human performance research;

(B) 1 member shall be an individual with training and experience in the delivery of health care services as a physician;

(C) 1 member shall be an individual with training and experience in the field of higher education;

(D) 1 member shall be an individual with training and experience in the clergy;

(E) 1 member shall be an individual with experience in organized labor;

(F) 1 member shall be an individual with experience at the management level of business;

(G) 1 member shall be an individual who is retired;

(H) 3 members from the general public; and

(I) 1 member from an appropriate executive department; and

(2) 12 members appointed jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, of which—

(A) 1 member shall be an individual with training and experience in extraordinary human performance research;

(B) 1 member shall be an individual with training and experience in the delivery of health care services as a nurse;

(C) 1 member shall be an individual with training and experience in the field of education as a teacher at the pre-college level;

(D) 1 member shall be an individual with training and experience in the clergy;

(E) 1 member shall be an individual with experience in organized labor;

(F) 1 member shall be an individual with experience at the management level of business;

(G) 2 members shall be individuals with student high school status when appointed to the Commission;

(H) 2 members from the general public.

(I) 1 member of the Senate; and

(J) 1 member of the House of Representatives.

(b) REPRESENTATION.—Insofar as practicable the Commissioners appointed by the President and the Congress shall reflect the diversity of the population in the United States.

(c) APPOINTMENTS.—The President and the Congress shall appoint the members of the Commission not later than 30 days after the date of the enactment of this resolution.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect the powers of the Commission.

(e) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission.

(f) QUORUM.—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) ORGANIZATIONAL MEETING.—The Commission shall hold an organizational meeting to establish the rules and procedures of the Commission not later than 30 days after all members are first appointed to the Commission.

SEC. 7. COMPENSATION AND TRAVEL.

(a) COMPENSATION.—Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate established by the Commission not to exceed the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation.

(b) TRAVEL.—While away from their homes or regular places of business in the performance of duties for the Commission, all members of the Commission and nongovernment members of the Scientific Advisory Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at a rate established by the Commission not to exceed the rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 8. COMMISSION STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall appoint an Executive Director who shall be compensated at a rate established by the Commission not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) ADDITIONAL PERSONNEL.—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(c) EXPERTS AND CONSULTANTS.—Subject to such rules as may be issued by the Commission, the chairperson may procure temporary and intermittent services of experts and consultants.

(d) PERSONNEL DETAIL AUTHORIZED.—Upon request of the chairperson, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 9. POWERS OF COMMISSION.

(a) HEARINGS.—For the purpose of carrying out this resolution, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(b) ADMINISTRATIVE PROVISION.—Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this Act. Upon request of the Chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts, grants or donations of money, services or property.

SEC. 10. DEFINITIONS.

For purposes of this Act—

(1) The term "Commission" means the National Commission on Human Resources established by section 3.

(2) The term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code.

SEC. 11. TERMINATION.

The Commission shall terminate 30 days after submitting the final report required by section 5 unless other provisions are made.●

By Mr. KERRY (for himself, Mr. HOLLINGS, Mr. ADAMS, Mr. STEVENS, and Mr. KENNEDY):

S.J. Res. 369. Joint resolution to designate the period of September 17 through October 10, 1988, as "Coastweeks '88"; referred to the Committee on the Judiciary.

COASTWEEKS '88

● Mr. KERRY. Mr. President, I rise with a number of my colleagues to introduce a resolution in support of Coastweeks '88. Our coasts are among this Nation's most precious resources. This summer America's beaches have been sadly marred by medical waste, plastic pollution, sewage waste, and other debris which has littered our beautiful shores and closed many of our beaches. To educate our citizens on the valuable coastal resources we possess and the problems they face, I am offering a Senate resolution designating the 3 weeks of September 17 through October 10, 1988 as Coastweeks '88".

Coastweeks '88 is the seventh year of this unique annual event. Its purpose is to educate the public about our precious coastal resources, and to work together to determine what all of us can do to preserve and clean up our Nation's shores.

Our oceans are literally being swamped by garbage, fouled by sewage sludge, choked by nutrients from acid rain, littered with plastic debris, and contaminated by medical waste. Unfortunately, history has shown that mankind often refuses to act on a situation until it becomes a dire emergency. We must do all we can to enlist the support of our citizens in reversing the situation. Coastweeks '88 will serve as an opportunity to foster enjoyment of our coasts, to call attention to the problems, to find out what is being done, and what individuals can do to help.

Last year 27 States and territories participated in Coastweeks events including seafood banquets, lectures and conferences, nature walks, cruises, photo contests, and museum exhibits. Coastal cleanups were among the most notable events, with thousands pitching in from Cape Cod to the rocky coast of Oregon. In Massachusetts alone, volunteers collected 170 pounds of trash per mile along our beautiful beaches.

This year the Coastal States Organization will serve as national coordinator for over 250 sponsors, including the League of Women Voters, Sea Grant, the Sierra Club, and the Coast Alliance. Coastweeks brings fishermen, scientists, teachers, elected officials, environmental organizations, local groups, families and individuals together to work for a common goal. The emphasis is on activities that foster public awareness of our Nation's valuable salt and fresh water shores, the great diversity of their uses, the increasing pressure of conflicting activities, and the urgent need for improved planning and management.

The Coastweeks '88 resolution creates an opportunity for the Senate to strengthen and support the efforts of the thousands who will lend their time and efforts to this year's celebration of our Nation's rich coastal resources. I ask my colleagues to join with me in cosponsoring this resolution.●

By Mr. HARKIN (for himself, Mr. McCain, Mr. Lugar, Mr. Kennedy, Mrs. Kassebaum, Mr. Gramm, Mr. Durenberger, and Mr. Dodd):

S.J. Res. 370. Joint resolution to express the support of the United States for the restoration of full and genuine democracy in Chile and calling upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite; to the Committee on Foreign Relations.

RESTORATION OF DEMOCRACY AND FREE ELECTIONS IN CHILE

Mr. HARKIN. Mr. President, along with the Senator from Arizona [Mr. McCain], I am introducing today a resolution calling for the restoration of full and genuine democracy in Chile. Joining Senator McCain and myself are a bipartisan group of Senators, including Senators Lugar, Kassebaum, Durenberger, Graham, Kennedy, and Dodd.

Our resolution, which is a straightforward and noncontroversial statement, expresses the support of the United States for the restoration of full and genuine democracy in Chile and calls upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully, and accurately expressed in the upcoming plebiscite.

A similar resolution, House Joint Resolution 620 introduced by Congressman Yatron, was unanimously approved by the House of Representatives on Monday, August 8. It is also my understanding that this resolution has been approved by the administration, which for the past 2 years has helped work to shape a truly bipartisan policy with respect to Chile.

Let me briefly explain what this resolution calls for.

It expresses support of the Congress for the restoration of full and genuine democracy in Chile.

It condemns acts of violence from any source—from either the left or the right—as contrary to the democratic aspirations of the Chilean people.

It urges the Government of Chile to insure a climate of freedom and fair competition months before the upcoming plebiscite to assure that the will of the Chilean people is freely, fully, and accurately expressed.

And it declares that insuring such a climate of freedom demands that the Chilean Government terminate the state of exception now in effect; guarantee equitable access of the democratic opposition to the mass media, including television; and provide access to international observers at the polling places and vote count centers on the day of the presidential plebiscite in Chile.

Mr. President, this resolution is a statement of policy which echoes views shared by the Reagan administration. On December 17, 1987, the Department of State, speaking for the President of the United States, stated:

> The people and government of the United States share the aspiration of the Chilean people to have full democracy restored in their country. * * * The fuller the observance of basic and civil rights in the period leading up to and during the election, the greater will be the legitimacy of its outcome.

But, the statement continues:

> For the ideal of popular sovereignty to become reality in Chile, the United States believes that a climate of freedom and fair competition must be established many months before the actual balloting takes place. This atmosphere must be marked by easy and equitable access to the mass media, especially television, by unrestricted discussion of political issues, broad freedom of assembly, * * * facilitation of registration of prospective voters, and freedom for citizens and political groups to campaign peacefully in favor of their ideas.

This is a statement approved by the President of the United States. Surely, the U.S. Senate on behalf of all Americans who support democracy in Latin America should reaffirm President Reagan's message.

Currently, some 6 million Chileans—out of an eligible voting population of 7.5 million—have registered to vote in this year's presidential plebiscite. Despite government harassment, an unfair set of registration procedures, and resistance from the violent left, the Chilean people have demonstrated through their feet, their courage, and their labor that democracy is still alive in Chile.

I recognize that a plebiscite, where Chileans are only permitted to cast their ballots either for or against the candidate selected by the military junta, is not a democratic election in the truest sense. Yet, the Chilean people, who have suffered 15 years of repression of the regime of General Pinochet, have decided to accept the rules of the game, and to win on Pinochet's terms.

The Chilean people, the true forces of democracy in Chile, the real freedom fighters in Latin America, are risking their lives for freedom and democracy. The least we can do is to call for the fairest outcome in the plebiscite, one where the Government cannot manipulate the media by denying the opposition access to television, and one where the Government cannot control assembly and speech through states of emergency and possibly through a state of seige.

This resolution supports democracy and freedom in its truest sense. It puts the Senate on record in alignment with the democratic hopes and aspirations of the Chilean people.

I urge quick adoption by the Senate of this resolution. I ask unanimous consent that the resolution be printed in the *Record.*

S.J. Res. 370

Whereas Chile has the longest democratic tradition in Latin America;

Whereas Chile has been ruled by a military government for nearly 15 years;

Whereas sometime in the coming months, the Chilean people will be called on to vote in a plebiscite to approve or reject a candidate, nominated by Chile's military commanders, for an 8-year term as president;

Whereas Chile's major democratic parties are participating in the plebiscite in the hopes that the plebiscite will initate a return to Chile's century-and-a-half tradition of democratic government;

Whereas that process will be initiated only if the results of the plebiscite are judged legitimate by the Chilean people;

Whereas commendable efforts are being made to register eligible voters;

Whereas a fair electoral exercise requires that the rights of freedom of expression, association, and assembly be respected to allow political organizing and campaigning and to inform citizens about the issues; and

Whereas the Chilean Government provides the democratic opposition limited access to television, continues to arbitrarily arrest and detain journalists, and limit freedom of expression, association, and assembly.: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the United States—

(1) expresses its support for the restoration of full and genuine democracy in Chile at the earliest possible moment;

(2) condemns acts of violence from any source as contrary to the democratic aspirations of the Chilean people;

(3) urges the Government of Chile to create a climate of freedom and fair competition months before the upcoming plebiscite in order to assure that the will of the Chilean people is freely, fully, and accurately expressed by guaranteeing—

(A) the immediate termination of states of exception;

(B) that every effort is made to register the remaining eligible voters;

(C) easy and equitable access to the mass media, especially television;

(D) broad freedom of assembly and association for Chilean citizens and political groups to campaign peacefully in favor of their ideas;

(E) access, according to established procedures, by international visitors to Chile to the polling places and vote count centers on the day of the plebiscite; and

(F) the public tabulation of ballots in the presence of representatives of both sides in the plebiscite.

Mr. McCAIN. Mr. President, last night highlighted disagreements between Democrats and Republicans on efforts to bring democracy to Nicaragua. I sincerely hope that, in the future, both sides of the aisle will be able to join together on this and other issues of foreign policy.

Thousands of miles to the south of Nicaragua is another nation struggling for democracy. Chile will this fall hold a plebiscite designed as the first step in that nation's return to full political pluralism. The plebiscite will ask the people of Chile to approve or reject a candidate nominated by Chile's military commanders for an eight year term as President.

I am pleased to be able to join in a bipartisan effort to put the Senate on record as favoring the return of democracy to Chile. Senator TOM HARKIN and I are today sponsoring a resolution expressing the support of the United States for the restoration of democracy in Chile. The resolution also calls upon the Government of Chile to take the steps necessary to assure that the will of the Chilean people is freely, fully and accurately expressed in the plebiscite. Joining with us as cosponsors in this effort are Senators KENNEDY, DODD, KASSEBAUM, LUGAR, DURENBERGER, AND GRAHAM.

Chile has a long tradition of freely elected governments in competitions generally absent of corruption and fraud. The plebiscite, expected to be held early this fall, will provide the opportunity for Chile to return to that democratic tradition.

In passing this resolution, we will also be making clear to Chileans that the United States maintains great interest in the process culminating in the plebiscite. The legitimacy of the plebiscite's outcome will be judged largely by the fairness of the competition between the Government and the opposition. Essential to that competition are equitable access to mass media, particularly television, an end to states of exception, freedom of assembly and association, and access by international visitors to Chile to polling places and vote count centers on the day of the plebiscite.

Mr. President, I know many of my colleagues share my interest in restoring the foreign policy consensus between the executive and legislative branches of government, and between the Republican and Democratic Party. I have been impressed by the wide, bipartisan support for a return of democracy to Chile. Not since recent events in the Philippines have I seen such broad agreement on a foreign policy issue. This resolution has been written in a bipartisan spirit with the administration, the House, and Senators from both sides of the aisle. Passage by the Senate would add the united voice of Congress to that of the administration. I urge my colleagues to join me in approving the resolution.

By Mr. SPECTER (for himself and Ms. MIKULSKI):

S.J. Res. 371. Joint resolution designating October 1988 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. SPECTER. Mr. President, today I join Senator MIKULSKI in introducing a joint resolution to designate October 1988, as "National Domestic Violence Awareness Month." This is a companion resolution to House Joint Resolution 619 introduced by Congresswoman SLAUGHTER on July 14, 1988.

According to the U.S. Department of Justice, 95 percent of all assaults on spouses or ex-spouses from 1973 to 1977 were committed by males. In 1984, U.S. Surgeon General C. Everett Koop reported that domestic violence is the single largest cause of injury to women in the United States.

Domestic violence affects urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles. Therefore, it is fitting that we focus attention on the growing national tragedy of domestic violence, and demonstrate our support for those individuals and organizations working to address it.

Mr. President, the incidence of domestic violence nationwide is staggering. According to the National Coalition Against Domestic Violence, over 50 percent of all married womem experience some form of physical abuse in their relationships. But the violence does not end there. A 1984 independent study by Ms. Lenore Walker, author of "The Battered Woman Syndrome," found that 53 percent of abusive husbands beat their children as well as their wives, and that this violence is frequently repeated. During 1986, the National Coalition members provided shelter to more than 311,000 women and children from their unsafe homes.

In my own State of Pennsylvania, the incidence of domestic violence is especially acute. Hotlines throughout the Commonwealth handled 111,026 abuse-related calls. The Pennsylvania Coalition Against Domestic Violence, headquarterd in Harrisburg, PA, operates 36 shelters, 8 counseling centers and safehomes, and 11 hotlines throughout the Commonwealth. The Pennsylvania Coalition reports that between July 1, 1986, and June 30, 1987, these facilities provided shelter for 58,560 persons, 47,396 of whom were victims of domestic abuse. The coalition members also provided 361,540 hours of counseling to new victims, defined as first-time callers, and 134,523 shelter days to 15,669 battered individuals.

Statistics show that there is a growing need for such facilities. The Pennsylvania coalition reported a 15.08-percent increase in the number of shelter and counseling recipients between its 1985-86 and 1986-87 fiscal years. Already this year, the total number of victims seeking aid is expected to increase by another 12.5 percent. To address this need, the coalition plans to open eight new shelters within the year. These shelters will service 10 Pennsylvania counties: Allegheny, Butler, Elk, Huntingdon, Juniata, Mercer, Mifflin, Schuylkill, Warren, and Westmorland.

Unfortunately, despite these extensive efforts, shelters are as yet unable to meet the needs of all the victims. The Pennsylvania coalition reported that last year shelters were forced to turn away 7,228 women and children—an increase of 11.1 percent over the previous year's rejection rate. According to national statistics provided by the National Coalition Against Domestic Violence, for every woman sheltered, two women in need of shelter must be turned away due to lack of space.

Mr. President, I long have been concerned about the devasting effects of domestic violence on American families. As the former district attorney of Philadelphia, I have witnessed first hand the tragic consequences of domestic abuse cases. Accordingly, I commend the efforts of the Pennsylvania Coalition Against Domestic Violence, the National Coalition Against Domestic Violence, and similiar organizations that take such an active role in combating domestic abuse.

In light of the national tragedy of domestic violence, I urge my colleagues to join us in supporting this important resolution to focus attention on the pressing needs of these victims and to recognize the vital services provided by shelters and domestic violence prevention programs.

Mr. President, I ask unanimous consent that the resolution and a letter from the National Coalition Against Domestic Violence in support of the resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 371

Whereas it is estimated that a woman is battered every 15 seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting 3,000,000 to 4,000,000 women;

Whereas urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles are affected by domestic violence;

Whereas 30 percent of female homicide victims in 1986 were killed by their husbands or boyfriends;

Whereas one-third of the domestic violence incidents involve felonies, specifically, rape, robbery, and aggravated assault;

Whereas in 50 percent of families where the wife is being abused, the children of that family are also abused;

Whereas some individuals in our law enforcement and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1986, over 311,000 women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes and the number of women and children that were sheltered by domestic violence programs increased by nearly 100,000 between 1983 and 1986;

Whereas for every one woman sheltered nationwide, two women in need of shelter may be turned away due to a lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1988 is designated as "National Domestic Violence Awareness Month." The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.

NATIONAL COALITION AGAINST
DOMESTIC VIOLENCE,
Washington, DC.

DEAR SENATOR: I am writing to urge your support of the Specter/Mikulski resolution that designates October 1988 as "National Domestic Violence Awareness Month."

Statistically, women run the greatest risk of assault, physical injury and murder in their own homes, by members of their own families. Every 15 seconds a woman is beaten in her home; every day at least four women are killed by their batterers. An estimated 3 to 4 million women are beaten in their homes each year by their husbands, ex-husbands or lovers.

Battering is a pattern of behavior with the effect of establishing power and control over another person through fear and intimidation, often including the threat or use of violence. Not all battering is physicial: it includes emotional abuse, sexual abuse and economic abuse. Battered women may experience shame, embarrassment, isolation, repression of feelings, and can be prevented by control and fear from planning on their own behalf. But at the same time, many battered women have shown incredible courage and strength in surviving the abuse in their lives.

Twenty years ago, little if any support for battered women existed. Domestic violence was not even a phrase commonly used. There was no such thing as a shelter for battered women; and wife abuse was strictly a "private," family affair. The battered women's movement has worked hard to change this situation through public education, awareness and the creation of shelters and other crisis intervention services for battered women and their children. Through this movement, the National Coalition Against Domestic Violence (NCADV) was created.

NCADV remains the only national organization of shelters and support services for battered women and their children. Today, the Coalition respresents a network of over 1,200 shelters, safehomes and counseling programs for battered women and their families. NCADV works to create a nationwide communication link between domestic violence service providers and a unified voice on issues of concern to battered women.

By naming October "National Domestic Violence Awareness Month," Congress can help to draw attention to the needs of battered women and their children; recognize the strength of the survivors of domestic violence; and recognize the critical services provided by domestic violence shelters and programs nationwide. Please help us build support for the crucial work that still needs to be done to end domestic violence.

Sincerely,

JANET NUDELMAN,
Public Policy Coordinator.

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 684

At the request of Mr. HEINZ, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 684, a bill to amend the Internal Revenue Code of 1986 to make permanent the targeted jobs credit.

S. 1882

At the request of Mr. GORE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1882, a bill to authorize appropriations for the Consumer Product Safety Commission, and for other purposes.

S. 2199

At the request of Mr. CHAFEE, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2215

At the request of Mr. CHILES, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2215, a bill to amend the Office of Federal Procurement Policy Act to authorize appropriations for an additional 4 years, and for other purposes.

S. 2350

At the request of Mr. RUDMAN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2350, a bill to clarify the investigatory powers of the United States Senate.

S. 2379

At the request of Mr. SASSER, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 2379, a bill to authorize the insurance of certain mortgages for first-time homebuyers, and for other purposes.

S. 2450

At the request of Mr. CHILES, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2450, a bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools.

S. 2569

At the request of Mr. BRADLEY, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2569, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish and support prevention and treatment programs relating to juvenile gangs.

S. 2599

At the request of Mr. GORE, the name of the Senator from Rhode

Island [Mr. PELL] was added as a cosponsor of S. 2599, a bill to require the Consumer Product Safety Commission to complete rulemaking proceedings regarding all-terrain vehicles in order to promote the safety of consumers.

S. 2608

At the request of Mr. SYMMS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2608, a bill to repeal the requirement that taxpayers include on an income return a tax identification number for claimed dependents who have attained the age of 5 years.

S. 2647

At the request of Mr. PELL, the names of the Senator from Washington [Mr. ADAMS], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 2647, a bill to amend the Higher Education Act of 1965 to reduce the default rate on student loans under that act, and for other purposes.

S. 2682

At the request of Mr. PRESSLER, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 2682, a bill to provide that Members of Congress shall vote on any increase in the rates of pay of Members of Congress.

S. 2689

At the request of Mr. LEVIN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2689, a bill to establish the Calumet National Historical Park in the State of Michigan, and for other purposes.

S. 2698

At the request of Mr. DODD, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2698, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 2718

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2718, a bill to amend the Federal Water Pollution Control Act to include Massachusetts Bay, MA, in the National Estuary Program.

SENATE JOINT RESOLUTION 271

At the request of Mr. QUAYLE, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 271, a joint resolution to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day."

SENATE JOINT RESOLUTION 343

At the request of Mr. ADAMS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 343, a joint resolution to designate the period commencing November 13, 1988, and ending on November 19, 1988, as "Filipino American National History Week."

SENATE JOINT RESOLUTION 350

At the request of Mr. SIMON, the names of the Senator from California [Mr. CRANSTON], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Washington [Mr. EVANS] were added as cosponsors of Senate Joint Resolution 350, a joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

SENATE JOINT RESOLUTION 355

At the request of Mr. HEFLIN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Florida [Mr. CHILES], the Senator from Oklahoma [Mr. BOREN], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. STAFFORD], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Colorado [Mr. WIRTH], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 355, a joint resolution designating October 7, 1988, as "National Teacher Appreciation Day."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 140—RELATING TO THE RESTORATION OF DEMOCRACY IN PANAMA

Mr. KENNEDY (for himself, Mr. DURENBERGER, Mr. KERRY, and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 140

Whereas since June 1987, all elements of Panamanian society have been united in their effort and desire to restore genuine democracy and civilian constitutional government to the Panamanian nation;

Whereas General Manuel Antonio Noriega is a corrupt and ruthless military dictator;

Whereas General Noriega's continued and systematic repression of the Panamanian people, his involvement in narcotics trafficking, and his consistent and willful disregard of fundamental human rights have led to a profound and unresolved crisis in the national life of Panama;

Whereas the situation in Panama constitutes a threat to the national security interests of the United States;

Whereas it is in the national security interests of the United States to achieve a restoration of democracy and respect for human rights in Panama; and

Whereas it is also in the national security interests of the United States, after democracy has returned to Panama, to revive the economy of the country and to promote political stability: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should work with President Eric DelValle and the members of his government, with the democratic forces inside Panama, and with the other governments in the region—

(A) to achieve the early departure of General Manuel Antonio Noriega from office and from Panama;

(B) to promote the creation of a transitional government of national reconciliation and the restoration of civilian constitutional government;

(C) to restore press and political freedom to the people of Panama; and

(D) to guarantee free and fair elections to be held in 1989 as provided in the Constitution of Panama; and

(2) in the event that democracy is restored to Panama, the United States should work with the people of Panama to revive their economy; and

(3) the United States should consider taking the following steps—

(A) provide economic support fund assistance for Panama under chapter 4 of part II of the Foreign Assistance Act of 1961;

(B) provide emergency food assistance to the people of Panama under the provisions of the Agricultural Trade Development and Assistance Act of 1954;

(C) provide development assistance to Panama under chapter 1 of part I of the Foreign Assistance Act of 1961;

(D) provide housing guarantees for Panama under title III of chapter 2 of part I of the Foreign Assistance Act of 1961;

(E) use the resources of the exchange stabilization fund, as authorized by section 5302 of title 31, United States Code, for the purpose of assisting the private banks of Panama in meeting their short-term liquidity needs; and

(F) provide foreign military sales credits for Panama under section 23 of the Arms Export Control Act.

Mr. KENNEDY. Mr. President, today with Senators DURENBERGER, KERRY, and D'AMATO, I am submitting a concurrent resolution calling for the restoration of democracy in Panama and pledging economic assistance to Panama when and if that objective is finally achieved. This concurrent resolution deserves the support of all Senators who support freedom in Panama and who understand that democracy inside Panama, when it is finally achieved, can only survive and prosper if economic growth and political stability can be restored to that sad and troubled land.

Mr. President, this Nation's longstanding relationship with General Manuel Antonio Noriega has not been a proud moment in the history of our country. Most Americans have known for years that General Noriega is a corrupt and ruthless and bloody military dictator. The rumors of his personal involvement in money laundering and drug running have been widespread and widely known, not just for months but for years. But, knowing full well that General Noriega and his henchmen have no respect for fundamental liberties, that they close down opposition newspapers, that they routinely deny freedom of association and systematically abuse the human rights of the citizens of Panama, knowing full well about the evidence that implicates General Noriega in the electoral fraud of 1984 and the brutal murder of Hugo Spadaforo in 1985, and knowing full well of General Noriega's personal involvement in money laundering and drug running, this Nation continued to work with, worse yet, to support General Noriega and his government. This has been a sad and shameful story.

But since June of last year when the people of Panama flooded into the streets of their cities to protest General Noriega's military dictatorship, the Senate can take pride in its role of support for freedom and democracy inside Panama. The Senate has led the American people in responding to the pleas of the people of Panama—from the workers, the students, the churches, the business community, the political parties, from all elements of Panamanian society. It was the Senate who, in June 1987, called for Noriega to step down until an independent investigative commission could determine whether there was any truth to the allegations—made by his deputy commander—that he had committed serious crimes against the people of Panama. It was the Senate who first concluded that the United States should no longer provide economic and military assistance to Noriega's government so long as Noriega continued to repress the people of Panama. It was the Senate who rushed to the defense of President Eric Arturo Delvalle when he made the courageous effort to assert civilian control over the Government of Panama by ordering that General Noriega be relieved of his duties as commander-in-chief of the Panama Defense Forces. And it was the Senate who reflected the outrage of the American people when it voted to approve a resolution that condemned this administration's efforts to strike a plea bargain with General Noriega that would have defeated the ends of American justice.

Now it is time for the Senate to act again. Now it is time for the Senate to tell the people of Panama that they are not forgotten. Now it is time for the Senate to restate its continuing commitment to work for democracy—to work with President Delvalle, with the forces of democracy inside Panama and with the other governments in the region to restore democratic government and the rule of law to Panama. Now it is time for the Senate to do something that is has never done to date—and that is to tell the people of Panama that, once democracy has returned to Panama, so will American aid and support. Once democracy has been restored to Panama, the United States will consider moving on all fronts to make sure that the economy of Panama not only survives but succeeds, that the banking system will function again, that foreign investment will be safe and secure again, that credit will be forthcoming, that the days of economic depression and stagnation are over and that the days of economic growth and stability are once again at hand.

This resolution is important to the people of Panama for these two reasons: It tells them that their cause has not been forgotten or surrendered. It tells them that we will be with them in the darkest nights of their struggle, and also that we will be with them as they emerge into the bright sunshine of freedom and justice.

This resolution tells all the people of Panama that America is not just big talk and a big stick. We are also a caring and concerned society that wants to help those in need. So when the moment comes that freedom has returned, we will stand ready to make that freedom really work, for all the people of Panama.

I urge my fellow Senators to support this concurrent resolution.

Mr. DURENBERGER. Mr. President, I rise today as an original sponsor of this resolution concerning the restoration of democracy in Panama.

The resolution, unlike the situation in Panama, is straightforward. As my colleagues are aware, I have been privileged to work with a bipartisan coalition of Senators concerned with Panama for more than a year. We have worked to keep the Senate's attention on a nation that has so many historic, strategic, and political ties with the United States.

My colleagues are also aware of the course of events inside Panama over the last year. The Senate has repeatedly gone on the record in support of Panama's democratic opposition. With one exception, we have spoken with a near unanimous voice on United States policy toward Panama. Despite our best efforts and the best efforts of the administration, General Noriega remains firmly ensconsed in power.

Today, Mr. President, Panama's future is bleak. A determined tyrant without legitimacy subjugates a nation filled with yearning for democracy. U.S. policy seems to lack creativity. And some observers speculate that even if Noriega were to leave Panama and the conditions for a democratic restoration were established, the United States would not be willing to act to help repair the damage done by Noriega's rule. U.S. economic sanctions have exacted a heavy price on what was once the most prosperous state in the region. The damage will not be easy to repair—in the short-term or over the long haul.

We must let Panama—and the world—know that the United States is ready, willing and able to help Panama regain its freedom and its wealth from Noriega. Our conflict is with Noriega and his cronies—not the people of Panama. But it is the people who are suffering the economic costs and it is the people who will continue to suffer if the United States does not aid post-Noriega Panama. I need not remind my colleagues that democracy can hardly flourish in an atmosphere of economic despair and poverty.

This resolution is designed to achieve that end—stating clearly that in addition to the stick of economic and diplomatic pressure, the Senate supports a carrot: a broad package of economic assistance to rebuild Panama. The resolution restates the premises of U.S. policy: That continuation of Noriega's rule is a threat to U.S. interests and a transgression against democrats everywhere.

The resolution also restates the basic tenet of our policy: work with President Delvalle, the Panamanian democratic opposition, and other governments in the region to rid Panama of Noriega and promote democracy in Panama. Finally, and most important, the resolution lays out concrete steps I believe the U.S. should take in the event democracy is restored in Panama, including emergency food assistance, economic support funds, development and housing assistance, support for Panama's banking system, and military credits.

Mr. President, the sponsors of this resolution are under no illusion about the difficulty of restoring democracy in Panama. We know this is a small step—but it is an important step. It is important because the freedom fighters in Panama need to know they are not forgotten. It is important because the administration needs to know this body remains committed to a bipartisan policy of support for democracy in Panama. And it is important because the American people need to know that despite the recent partisan rancor about our policy toward Panama—past and present—that democracy in Panama is more important than domestic politics in America.

Mr. President, I congratulate the senior Senator from Massachusetts for his tireless work on this issue and I hope the Senate can act upon this resolution before the end of the 100th Congress. I yield the floor.

Mr. KERRY. Mr. President, this sense of the Senate resolution is an important signal to the people of

Panama that we have not abandoned them in their struggle to rid their country of the narcodictator, Gen. Manuel Antonio Noriega.

I am pleased to join with my distinguished colleagues, Senator KENNEDY, Senator DURENBERGER, and Senator D'AMATO, in sponsoring this resolution which details what we believe should be United States policy toward Panama.

We believe it is important to keep the issue of General Noriega in the forefront of our foreign policy consideration. It is equally important that while we focus on forcing Noriega from power, that we make it very clear to the people of Panama that we are prepared to provide much needed economic assistance to revitalize the economy once this task is achieved.

The resolution stipulates that the U.S. Government should continue to work with President Eric Delvalle and the members of his government, with the democratic forces inside Panama, and with the other government in the regions to: Achieve the early departure of General Noriega from office and from Panama. Promote the creation of a transitional government of national reconciliation and the restoration of civilian constitutional government. Restore press and political freedom to the people of Panama. Guarantee free and fair elections to be held in 1989 as provided in the Constitution of Panama.

To promote these goals, we would support the following economic measures to assist in revitalizing the economy: The provision of economic support funds. The provision of emergency food assistance to the people of Panama. The provision of development assistance to Panama. The provision of housing guarantees for Panama. The provision of resources from the exchange stabilization fund for the purpose of assisting the private banks of Panama in meeting their short-term liquidity needs. The provision of foreign military sales credits for Panama.

We believe it is important for the Congress to act on this resolution as expeditiously as possible as a means of sending a signal to the people of Panama that we are still working on their behalf to insure a free, democratic and prosperous Panama.

Mr. D'AMATO. Mr. President, the people of Panama began an odyssey 14 months ago to restore democracy in their nation. Instead of freedom, they found a drug-dealing dictator willing to destroy Panama to prolong his illegitimate rule. Panamanians have sacrificed their careers, their safety, and in some cases, their lives, and yet are no closer to their goal of democracy than they were in June 1987.

This resolution I am cosponsoring today with Senators KENNEDY, KERRY, and DURENBERGER offers a glimmer of hope to those Panamanians who have suffered not only from the excesses of General Noriega, but from the floundering policy of the U.S. Government.

This resolution states that it is the sense of Congress that the United States should help revive the economy of Panama when democracy is restored. In other words, Mr. President, when General Noriega and his cronies put aside their insatiable greed and relinquish power for the good of Panama, the United States should be prepared to provide timely economic assistance.

The Panamanian problem, however, continues to defy an immediate resolution. A combination of United States policy failures and an expected willingness by General Noriega to allow the destruction of Panama has conspired to bring us to the political impasse Panama is now enduring.

In 1 year with many stunning foreign policy successes, Panama stands out like green hair. Some in the administration would like to see the Panama problem just disappear. We all know it will not.

Panama recently has slipped from the front pages and, regrettably, from the attention of our policymakers. This impasse, this stalemate, only benefits Noriega. The longer the international pressure stays off Noriega, the easier it is for him to remain in power.

It is interesting to note, Mr. President, that even with the limited economic sanctions we have applied, some banks in Panama, the industry most hurt by our sanctions, are once again laundering money for the drug cartels.

The United States has used almost all peaceful methods to try to convince General Noriega to leave Panama. In the process, Panama has been economically destroyed.

Could this have been prevented? Is there something that can still be done to get Noriega to leave?

The answer to both questions is yes.

When the U.S. Government precluded, from the very beginning, the use of force, General Noriega had little to fear from the gringos.

Although many believed Noriega was a fighter, few realized he would gladly watch his nation disintegrate just so he could hold on to power.

Even fewer people expected him to turn to Fidel Castro for support.

The U.S. Government actively pursued General Noriega; we indicted him, imposed economic sanctions, and prompted the civilian president to call for his ouster.

But when the dust settled, Noriega was still firmly in control, and the U.S. Government suddenly realized it had no backup plan.

Our State Department had no idea what to do if these efforts failed.

Even worse, when the State Department finally realized that only stronger measures could be taken, such action was rejected out of hand by the Defense Department and the CIA.

That is how the strongest nation in the world has been laid prostrate by a tin-pot dictator of a nation in which we have several military bases, over 10,000 soldiers, and the Panama Canal.

Is our tailspin Panama policy irreversible?

Without any doubt, U.S. ability to act effectively against Noriega has decreased with the passing of time. But the United States is still able to act decisively.

First and foremost, the President must focus on Panama and ensure that any plan or action he endorses is enthusiastically supported by the State Department, the Defense Department, and the CIA. We can no longer afford separate agency policies on Panama.

Second, the United States must work closely with the Panamanian opposition. The amendment we are considering is important because it demonstrates to the opposition that Congress, which has played a major role in policy toward Panama, has not forgotten their plight.

Third, the United States cannot rule out the possible use of force against Noriega, particularly if the safety of 50,000 Americans or the Panama Canal is threatened.

If the President determines that negotiations could be productive, then send down a voice of the administration, one who also speaks Spanish, who can deliver the strong message of the President—not a Deputy Assistant Secretary of State.

This ostrich Panama policy is particularly dangerous while the Cubans continue to make inroads, and the middle class of Panama, the backbone of any future democracy, is fleeing the country.

Six months ago, a Cuban-backed Communist takeover of Panama would have been inconceivable. Today, it is a distinct possibility—unless we act.

We cannot forget that there are large caches of Cuban supplied arms hidden in the hills of Panama.

We cannot forget that some of Noriega's closest advisers are experienced Cuban activists, handpicked by Castro.

We cannot forget that the relatively few leftists in Panama hold powerful government positions.

Mr. President, it is no coincidence that Daniel Ortega is in Panama this week.

Mr. President, this resolution in and of itself will not resolve the Panama problem. It will, however, send a long-awaited signal to President Delvalle and the opposition that the U.S. continues to stand by them.

In absence of decisive U.S. action, Mr. President, we should do all we can to help the Panamanians help themselves. Democracy in a country gone bankrupt would be a hollow victory for the once economically vibrant Panama. If Panamanians believe that we stand ready to help, then they may be ready to risk more for a democratic Panama.

Mr. President, I urge quick passage of this resolution. Thank you, Mr. President.

SENATE RESOLUTION 463—RELATING TO TAXATION OF STATE AND LOCAL GOVERNMENT BONDS

Mr. ROTH submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 463

Whereas, in *South Carolina* v. *Baker,* the Supreme Court of the United States ruled that Congress may tax interest on State and local government bonds;

Whereas these bonds are an important source of revenue for State and local governments in order to finance public projects, such as new roads, bridges, and schools;

Whereas the taxation of interest of State and local government bonds would severely impair the ability of these governments to finance such projects; and

Whereas, historically, Congress has respected the important role of these bonds in funding public projects by refraining from taxing the interest on such bonds: Now, therefore, be it

Resolved, That it is the sense of the Senate that Federal laws regarding the taxation of State and local government bonds should not be changed in order to increase Federal revenues.

PROMOTING FEDERALISM

Mr. ROTH. Mr. President, I rise today to submit a resolution to express the sense of the Senate that Congress should refrain from making further changes in the tax treatment of State and local bonds for the purpose of increasing Federal revenues.

An identical resolution, House Resolution 487, was introduced in the House on June 30 by Congressman COMBEST. On April 20 of this year the Supreme Court ruled in South Carolina versus Baker that Congress may tax interest on State and local government bonds.

This ruling went well beyond the issue before the court, which was the much narrower question of whether or not the Federal Government could impose a registration requirement on State and local bond issues, and has left State and local governments at the mercy of the political processes of Congress.

Our partners in government are justifiably concerned that their ability to finance essential public services in the future could be jeopardized by this situation in the endless search for Federal revenue.

Our network of State and local governments is an enormous enterprise, raising in excess of $600 billion in annual revenues, administering more than $100 billion in Federal programs and employing nearly 14 million people.

We expect and demand that our State and local governments will provide us with an educational system to provide opportunities for all of our citizens and we impose mandates from clean air and water to quality control in the delivery of our social service programs.

Public finance and specifically the ability to issue tax exempt bonds to finance public projects has been and is an important tool for our State and local governments to meet the demands placed upon them without unduly burdening the citizens who derive benefits from these essential services.

This resolution simply states that the taxation of State and local bonds should not be changed in order to increase Federal revenues. I am not attempting to address the larger and important question of the issue of reciprocal immunity at this time. I do feel, however, that we need to address this vital issue and intend to do so at an early date.

At present, I would hope that the majority of my colleagues would join with me in cosponsoring this resolution as an indication of their support for the premise that the integrity of the system of public finance for State and local governments should be preserved as should be the balance between our system of Federal, State, and local governments which we have valued for 200 years.

SENATE RESOLUTION 464—RELATING TO MASS KILLINGS AND ARRESTS, AND DENIAL OF HUMAN RIGHTS IN BURMA

Mr. MOYNIHAN (for himself, Mr. BYRD, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. CRANSTON, Mr. MURKOWSKI, Mr. KENNEDY, Mr. BOSCHWITZ, Mr. KERRY, Mr. SIMON, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. SPECTER, Mr. INOUYE, Mr. SIMPSON, Mr. SYMMS, Mr. STENNIS, Mr. SARBANES, Mr. BURDICK, Mr. COHEN, Mr. MITCHELL, Mr. SASSER, Mr. HARKIN, Mr. BRADLEY, Mr. LAUTENBERG, Mr. GLENN, Mr. NUNN, Mr. DIXON and Mr. WARNER) submitted the following resolution; which was considered and agreed to.

S. RES. 464

Whereas General Ne Win overthrew a democratically-elected government in 1962, and established the Burma Socialist Program Party which has ruled Burma since;

Whereas the Government of Burma has followed the "Burmese Road to Socialism," a policy which has resulted in the indiscriminate seizure of private property, the demonetization of currency, and strict control over private economic activity;

Where in September 1987, demonstrations against the Government of Burma resulted in mass arrests and the death of numerous protesters, followed in March 1988, with further demonstrations and the deaths of as many as 100 persons;

Whereas General Ne Win, on July 23, 1988, stepped down as Chairman of the Burma Socialist Program Party, after calling for a transition to a multi-party system;

Whereas on July 26, 1988, General Sein Lwin succeeded General Ne Win as Chairman of the Burma Socialist Program Party, and was selected President of the Socialist Republic of Burma on July 27, 1988;

Whereas on July 30, 1988, General Sein Lwin ordered the arrest of U Aung Gyi and as many as 25 other critics of the Government of Burma, including an Associated Press correspondent, U Sein Win;

Whereas popular demonstrations erupted throughout the country in protest of General Sein Lwin's assumption of power and rejection of a referendum on a multiparty system which had been suggested by Ne Win;

Whereas on August 3, 1988, General Sein Lwin declared martial law in Rangoon, the capital of Burma;

Whereas peaceful demonstrations are being held almost daily by students and monks at the Shwedagon Pagoda, Burma's holiest shrine;

Whereas on August 9, 1988, over 100,000 Burmese in 28 cities protested the leadership of General Sein Lwin and the Burma Socialist Program Party;

Whereas the Burmese Army opened fire on the demonstrators causing the deaths of over 100 persons;

Whereas the Burmese Army has arrested more than 1,000 persons; and

Whereas nationwide protests continue in the Socialist Republic of Burma, as does the shooting and the mass arrests by the Burmese Army: Now, therefore, be it

Resolved by the Senate, That in recognition of the violence and denial of human rights in the Socialist Republic of Burma and of the need for national reconciliation, the Senate—

(1) condemns the killings and mass arrests by the Burmese Army;

(2) expresses support for an end to one-party rule in Burma and for a return to democracy;

(3) voices its support for the people of Burma and their effort to restore human rights in Burma; and

(4) calls upon the President, the Secretary of State, the United States Ambassador to Burma and the United States Permanent Representative to the United Nations to—

(i) publicly condemn the killings and mass arrests by the Burmese Army;

(ii) encourage the restoration of democracy in Burma and an end to one-party rule;

(iii) raise the issue of human rights and national reconciliation in their meetings with Burmese officials.

SENATE RESOLUTION 465—CONCERNING THE RETURN OF JOE BIDEN

Mr. ROTH (for himself, Mr. BYRD, Mr. DOLE, Mr. ADAMS, Mr. ARMSTRONG, Mr. BAUCUS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BREAUX, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. EXON, Mr. FORD, Mr.

Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Hecht, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Johnston, Mr. Karnes, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. Matsunaga, Mr. McCain, Mr. McClure, Mr. McConnell, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Proxmire, Mr. Pryor, Mr. Quayle, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Specter, Mr. Stafford, Mr. Stennis, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Trible, Mr. Wallop, Mr. Warner, Mr. Weicker, Mr. Wilson, and Mr. Wirth), submitted the following resolution; which was ordered held at the desk:

S. Res. 465

Resolved, That as Joseph Biden returns to the United States Senate, after a 6-month absence to recuperate from surgery, his fellow Members in the Senate of the United States extend their warmest welcome and personal happiness as well as their very best wishes for his continued good health.

Mr. ROTH. Mr. President, today I am introducing a sense of the Senate resolution to officially welcome back Senator Joe Biden. As we all know, Senator Biden is recovering from two life-threatening aneurysms, following successful surgery at Walter Reed Medical Center.

Senator Biden is expected to return to his Senate duties after the August recess. It is my hope—and I have discussed this with the majority leader and the Republican leader—that this resolution can be considered the day of his return.

I am introducing the resolution today so that all of my colleagues will have an opportunity to join me in sponsoring it and welcoming back Senator Biden to this Chamber.

SENATE RESOLUTION 466—AMENDING SENATE RESOLUTION 30 OF THE 100TH CONGRESS

Mr. BYRD (for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 466

Resolved, That (a) the first section of Senate Resolution 30 of the One Hundredth Congress (agreed to on January 6, 1987) is amended—

(1) by redesignating the second paragraphs as subsection (b);

(2) by striking out the quotation marks and the second period at the end of subsection (b), as redesignated by paragraph (1); and

(3) by amending the first undesignated paragraph to read as follows:

"That (a)(1) the bipartisan group of Senators designated pursuant to clause (5) of the first section of Senate Resolution 19 of the Ninety-ninth Congress (agreed to on January 3, 1985), as reconstituted and reauthorized by Senate Resolution 86 of the Ninety-ninth Congress (agreed to on February 28, 1985), is further reconstituted and reauthorized in accordance with this resolution. Such group may be referred to as the 'Senate Arms Control Observer Group'.

"(2) The members of the Senate Arms Control Observer Group shall act as official observers on the United States delegation to any formal negotiations to which the United States is a party on the reduction of nuclear, conventional, or chemical arms.

"(3) The Senate Arms Control Observer Group shall be composed of 16 members, as follows:

"(A) Five Cochairmen, who shall head the Group, as follows:

"(i) the President pro tempore of the Senate;

"(ii) two Members of the Senate from the majority party in the Senate, appointed by the President pro tempore after consultation with the Majority Leader; and

"(iii) two Members of the Senate from the minority party in the Senate, appointed by the Minority Leader.

"(B) The Majority Leader and the Minority Leader of the Senate, who shall serve as ex officio members of the Group.

"(C) Three Members of the Senate from the majority party in the Senate, appointed by the President pro tempore after consultation with the Majority Leader.

"(D) Four Members of the Senate from the minority party in the Senate, appointed by the Minority Leader.

"(4) The President pro tempore of the Senate shall serve as the Majority Administrative Cochairman, and the Minority Leader shall designate one of the cochairman from the minority party to serve as the Minority Administrative Cochairman.

"(5) The President pro tempore and the Minority Leader of the Senate shall make their respective appointments under this subsection in writing and shall cause their appointments to be printed in the Congressional Record.".

(b) Section 3(a) of Senate Resolution 30 of the One Hundredth Congress is amended by striking out "Chairmen for Administrative purposes" and inserting in lieu thereof "Administrative Cochairmen".

(c) Any reference in Senate Resolution 30 of the One Hundredth Congress, or in any other resolution of the Senate, to the Senate Observer Group shall be considered to be a reference, beginning on the effective date of the amendments made by subsections (a) and (b), to the Senate Arms Control Observer Group.

(d) The second sentence of Section 2(b) of Senate Resolution 30 of the One Hundredth Congress is deleted and the following sentence shall be inserted in lieu thereof: "The Designated Group staff shall also included, one staff person selected by, and responsible to, the Majority, and two staff persons selected by, and responsible to, the Minority."

(e) The amendments made by subsections (a), (b) and (d) shall take effect with the beginning of the first session of the One Hundredth-first Congress.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1989

STEVENS AMENDMENT NO. 2844

Mr. STEVENS proposed an amendment to the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes; as follows:

On page 113, line 8, strike all after "Sec. 8123." through line 17 and insert in lieu thereof the following:

None of the funds authorized and appropriated may be administratively withheld from obligation unless in compliance with Section 1012 of the Congressional Budget and Impoundment Control Act of 1974, as amended in Public Law 99-177: *Provided*, That the Secretary shall provided a report to Committees on Appropriations and Armed Services within 45 days after enactment of the act which presents a plan for orderly obligation of funds, projects a quarterly expenditure rate for all funds available, and presents a rationale for any delayed obligations relative to the budget plan or intent expressed in the applicable joint explanatory statements of managers.

PROXMIRE AMENDMENT NO. 2845

Mr. JOHNSTON (for Mr. Proxmire) proposed an amendment to the bill H.R. 4781, supra; as follows:

At the appropriate place at the end of the bill, add the following new section:

Sec. . Of the funds appropriated by this act, not more than $5,842,474,000 of the costs incurred by Department of Defense contractors for independent research and development and bid and proposal costs may be considered as allowable costs allocable to Government and commercial work under cost-reimbursement type contracts for procurement and research, development, test, and evaluation awarded by the Department of Defense for fiscal year 1989 for purposes of reimbursement under those contracts.

DIXON AMENDMENT NO. 2846

Mr. JOHNSTON (for Mr. Dixon) proposed an amendment to the bill H.R. 4781, supra; as follows:

At the appropriate place at the end of the bill, insert the following new section:

Sec. . (a) The Secretary of Defense shall conduct an independent assessment of Air Force and Army analyses and studies of close air support aircraft alternatives for meeting military requirements for an interim period, and after the year 2000, including both new aircraft and modifications of existing aircraft, and, as a minimum, the A-7 Plus Strikefighter, the F/A-16, the AV-8B, and the A-10 aircraft models in current or modified forms; the Secretary's assessment shall address the issues of costs, schedules, technical risks, manpower, force structure, five-year funding profiles, and cost- and military-effectiveness;

(b) The director of Defense Operational Test and Evaluation, after consultation with the Air Force Test and Evaluation Center, the Army Operational Testing and Evaluation Activity, and the Marine Corps Operational Test and Evaluation Activity, shall develop, no later than March 31, 1989, an operational test plan for a competitive fly-off of close air support alternatives;

(c) The Secretary of Defense shall assess the feasibility of transferring, from the Air Force to the Army, the close air support mission beginning no later than FY 1992, including the costs, schedules, five-year funding profiles, manpower, and force structure implications;

(d) The Secretary of Defense shall provide the Committees on Appropriations and Armed Services of the Senate and House of Representatives, no later than March 31, 1989, an interim report containing information required in the above-mentioned subsections (a)-(c), and a final report no later than December 31, 1989; such reports shall be in both classified and unclassified versions.

SYMMS AMENDMENT NO. 2847

Mr. JOHNSTON (for Mr. SYMMS) proposed an amendment to the bill H.R. 4781, supra; as follows:

At the appropriate place in the bill insert:

SEC. . Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged. *Provided*, That reimbursements which are not received within one hundred eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred eighty first day following submission of an appropriate request for payment.

COHEN (AND LEVIN) AMENDMENT NO. 2848

Mr. JOHNSTON (for Mr. COHEN, for himself and Mr. LEVIN) proposed an amendment to the bill H.R. 4781, supra; as follows:

At the appropriate place in the bill, insert:

SEC. . Section 3554 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking out "unless the Comptroller General determines and states in writing the reasons that the specific circumstances of the protest require a longer period";

(2) in subsection (c)—

(A) by striking out "may declare an appropriate interested party to be entitled to the costs of—" in paragraph (1) and inserting in lieu thereof "may recommend to the Federal agency issuing the solicitation, proposing the contract award, or awarding the contract, as the case may be, that such agency pay to the appropriate interested party reimbursement for the costs of—"; and

(B) by striking out "Monetary awards to which a party is declared to be entitled under paragraph (1) of this subsection shall be paid promptly" in paragraph (2) and inserting in lieu thereof "A payment of costs recommended by the Comptroller General under paragraph (1) of this subsection may be paid"; and

(3) in subsection (e)(1), by striking out "those recommendations within 60 days of the receipt of the Comptroller General's recommendations under subsection (b) of this section." and inserting in lieu thereof "the recommendations of the Comptroller General under subsection (b) or (c) of this section within 60 days after the head of such procuring activity receives those recommendations.".

JOHNSTON AMENDMENT NO. 2849

Mr. JOHNSTON proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 9, beginning on line 20, strike ":" through "*Provided further*, That", on line 21; and on page 10, line 1, immediately preceding "of the amount", insert ": *Provided further*, That".

On page 21, line 8, restore ";" and on line 14 delete ";".

On page 34, line 1, strike ": *Provided*," and on line 8, immediately preceding the word "That" insert ": *Provided*,".

On page 35, line 14, strike ": *Provided*,".

On page 36, line 16, strike ":", and on page 37, line 12, insert ":" immediately preceding "*Provided*,".

On page 113, line 1, delete ";" and insert in lieu thereof ":".

BUMPERS AMENDMENT NO. 2850

Mr. JOHNSTON (for Mr. BUMPERS) proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 114, after line 22, insert the following new section:

SEC. 8127. Section 2345 of the Military Construction Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1230), is amended to read as follows:

"SEC. 2345. USE OF SEWAGE FACILITIES AT FORT CHAFFEE, ARKANSAS

"(a) IN GENERAL.—The Secretary of the Army shall permit the City of Barling, Arkansas, to use the sewage treatment facilities at Fort Chaffee under an agreement that would require the city to pay a reasonable cost for the use of such facilities and to pay any reasonable costs incurred by the Army in increasing the capacity of the sewage treatment facilities at Fort Chaffee in order to accommodate the use of such facilities by the city. An agreement entered into under this section shall be for such period, not less than 20 years, as may be agreed upon by the Secretary and the city.

"(b) REQUIREMENT FOR COMPLETION OF ALL ASSESSMENTS, STUDIES, AND REPORTS.—(1) The Secretary of the Army shall complete all necessary environmental assessments, studies, and reports and all baseline studies that may be required in connection with the increased use and expansion of the sewage treatment facilities at Fort Chaffee as a result of the enactment of this section not later than 120 days after the date of the enactment of this Act.

"(2) The city shall be required to reimburse the United States for all costs incurred by the Secretary in carrying out such assessments, studies, and reports. Such costs shall be amortized over the period of the agreement entered into by the Secretary and the city pursuant to subsection (a).

"(c) DEADLINE FOR AGREEMENT.—The Secretary shall enter into negotiations with the City of Barling at the earliest practicable date after the date of the enactment of this Act regarding the use of the sewage treatment facilities at Fort Chaffee and shall make every effort to conclude negotiations and sign an agreement with the city not later than 150 days after the date of the enactment of this Act.

"ADDITIONAL TERMS AND CONDITIONS.—Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary of the Army determines necessary or appropriate to protect the interests of the United States.".

PRYOR (AND OTHERS) AMENDMENT NO. 2851

Mr. PRYOR (for himself, Mr. LEVIN, Mr. CONRAD, Mr. GORE, Mr. GRASSLEY, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 114, below line 22, add the following:

SEC. 8127. (a)(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2397c the following new section:

"§ 2397d. Registration of consultants

"(a)(1) An agency may not award a contract for the procurement of advisory and assistance services to a consultant unless—

"(A) such consultant complies with the registration requirements of this section; and

"(B) the contracting officer responsible for such contract has reviewed the information provided by such consultant in its registration and such other information as may be available to the contracting officer and determined, with the approval of his supervisor, that, with respect to such contract, the consultant does not have a conflict of interest that could be prejudicial to the interests of the United States.

"(2) An agency may not award a contract to any person submitting a bid or proposal to such agency unless such person certifies that, to the best of such person's knowledge and belief, each consultant that has furnished advice, information, direction, or assistance to such person in support of the preparation or submission of the bid or proposal has complied with the registration requirements of this section.

"(b)(1) A consultant submitting a bid or proposal for a contract referred to in subsection (a)(1) shall, within such time after submitting the bid or proposal as the Secretary of Defense shall prescribe in regulations, register with the Office of Standards of Conduct of the Department of Defense and provide a copy of such registration to the contracting officer responsible for such contract.

"(2) A consultant retained by a person in connection with the preparation or submission of a bid or proposal for a Department of Defense contract shall register with the Office of Standards of Conduct of the Department of Defense within such time after the retention of such consultant as the Secretary of Defense shall prescribe in regulations.

"(3) A consultant who is registered with the Office of Standards of Conduct under this subsection with respect to one contract, bid, or proposal shall update the registered information whenever the consultant submits a bid or proposal for another Department of Defense contract (if such contract is for the procurement of advisory and assistance services) and whenever the consultant is retained by a person in connection with the preparation or submission of a bid or proposal for another Department of Defense contract. The consultant shall update such information within such time as the Secretary of Defense shall prescribe in regulations.

"(c) A person registering as a consultant under this section shall include in its registration the following information:

"(1) The name and address of the consultant.

"(2) A description of the nature of the services furnished by the consultant in the normal course of the consultant's business and a description of the nature of the clients (public and private, foreign and domestic) for which the consultant has furnished such services.

"(3) A list of all clients for which the consultant has furnished related advisory and assistance services within three years before the date of the registration and a description of the related advisory and assistance services furnished each such client by the consultant.

"(4) A statement of whether the consultant has ever been convicted of a felony and whether, at the time of the registration, there is pending any indictment or information charging the consultant with a felony.

"(5) A statement of whether, at the time of the registration, the consultant is ineligible, by reason of suspension or debarment, to be awarded a contract by the Federal Government.

"(6) A certification that, to the best of the consultant's knowledge and belief at the time of the registration, such consultant and all employees of the consultant are not in violation of any applicable requirement set out in, and are not engaged in any conduct prohibited by, sections 2397, 2397a, 2397b, and 2397c of this title and any contract term required by such section 2397c.

"(d) The Inspector General of the Department of Defense shall monitor the compliance of consultants with the registration requirements of this section and shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report containing a discussion of the extent of such compliance.

"(e) Each consultant who intentionally fails to comply with the registration requirements of this section shall be subject to suspension and debarment proceedings.

"(f) This section shall not apply to a contract for advisory and assistance services which, as determined by the Secretary of Defense, involves—

"(1) sensitive foreign intelligence or foreign counterintelligence activities; or

"(2) sensitive law enforcement investigations.

"(g) In this section:

"(1) The term 'agency' means those agencies listed in paragraphs (1), (2), (3), and (4) of section 2303(a) of this title.

"(2) The term 'consultant' means any person (including, in the case of a business organization, any affiliate of such organization) that—

"(A) furnishes or offers to furnish advisory and assistance services; or

"(B) pursuant to a contract, furnishes advice, information, direction, or assistance to any other person in support of the preparation or submission of a bid or proposal for a Department of Defense contract by such other person.

"(3)(A) The term 'advisory and assistance services' means those services acquired by an agency from any nongovernmental source, by contract, to support or improve agency policy development, decisionmaking, management, and administration, or to support or improve the operation of management systems.

"(B) Such term includes—

"(i) management and professional services;

"(ii) the conduct and preparation of studies, analyses, and evaluations; and

"(iii) engineering and technical services.

"(4) The term 'management and professional services' means professional services relating to the management and control of programs, including—

(A) management data collection services;

(B) policy review and development services;

(C) program evaluation services;

(D) program management support services;

(E) program review and development services;

(F) systems engineering services; and

(G) other management and professional services of a similar nature which are not related to any specific program.

"(5) The term 'studies, analyses, and evaluations' includes the following:

"(A) Any analysis or other examination of a subject which—

"(i) is undertaken to provide greater understanding of relevant issues and alternatives regarding organizations, policies, procedures, systems, programs, and resources; and

"(ii) leads to conclusions or recommendations with respect to planning, programming, budgeting, decisionmaking, or policy development.

"(B) With respect to a program of an agency, any study initiated by or for the program management office of the agency.

"(C) A cost-benefit analysis, a data analysis (other than a scientific analysis), an economic study or analysis, an environmental assessment or impact study, a legal or litigation study, a legislative study, a regulatory study, a socioeconomic study, and a feasibility study which does not relate to construction.

"(D) A geological study, a natural resource study, a scientific data study, a soil study, a water quality study, a wildlife study, and a general health study.

"(E) Any similar study or analysis.

"(6) The term 'engineering and technical services' means the furnishing of advice, training, or direct assistance to personnel in order to ensure the efficient and effective operation or maintenance of existing platforms, weapon systems, related systems, and associated software by such personnel.

"(7) The term 'related advisory and assistance services' means advisory and assistance services provided to any person or to the Department of Defense regarding a contract, subcontract, or prospective contract or subcontract awarded or to be awarded by the Department of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397c the following:

"2397d. Registration of consultants.".

(b) The first report required by section 2397d(d) of title 10, United States Code, as added by subsection (a), shall be submitted not later than one year after the date of the enactment of this Act.

BYRD (AND OTHERS) AMENDMENT NO. 2852

Mr. JOHNSTON (for Mr. Byrd, for himself, Mr. Domenici, and Mr. Bingaman) proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 80, line 10, after ". . . manufacturers", insert the following: ": *Provided further,* That of the funds appropriated for "Other Procurement, Army" for fiscal year 1988, those funds provided for a supercomputer may only be obligated to purchase a system to be installed at a competitively selected independent academic institution."

HATFIELD AMENDMENT NO. 2853

Mr. STEVENS (for Mr. Hatfield) proposed an amendment to the bill H.R. 4781, supra; as follows:

At an appropriate place in the bill, insert the following new section:

Sec. . (a) Of the amounts available for the University Research Initiative Program in 'Research, Development, Test and Evaluation, Defense Agencies', no more than $12,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

GARN AMENDMENT NO. 2854

Mr. JOHNSTON (for Mr. Garn) proposed an amendment to the bill H.R. 4781, supra; as follows:

At an appropriate place at the end of the bill, insert the following new section:

Sec. . Of the amounts available for obligation for research, development, test, and evaluation, no more than $2,500,000 shall be made available in equal amounts to the Army and the Air Force for the testing and evaluation of low-profile antenna systems for ground level communications: *Provided,* That whatever total amount made available by this section shall only be available if it is matched on an equal basis by any industrial participant in the testing and evaluation: *Provided further,* That the Secretary of the Army and the Secretary of the Air Force shall report the results of these tests and evaluation to the Committees on Appropriations of the Senate and House of Representatives by June 30, 1989.

INOUYE AMENDMENT NO. 2855

Mr. JOHNSTON (for Mr. Inouye) proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 78, at the end of line 15, before the period, add: ": *Provided further,* that any and all funds derived from contracts or subcontracts issued pursuant to this Solicitation shall not be subject to any Hawaii State or local sales, general excise, or similar taxes imposed upon gross sales, gross income or gross receipts, except to the extent that such taxes are uniformly imposed upon physicians, hospitals and all similar direct providers of health care services"

BOSCHWITZ AMENDMENT NO. 2856

Mr. BOSCHWITZ proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 114, after line 22, insert the following new section:

SEC. 8127. (a) Notwithstanding any other provision of this Act, the amount appropriated by this Act—

(1) for operation and maintenance for the Navy is reduced by $2,000,000;

(2) for operations and maintenance for the Air Force is reduced by $2,200,000;

(3) for operations and maintenance for the Defense Agencies is reduced by $16,000,000;

(4) for procurement of ammunition for the Army is reduced by $110,906,000;

(5) for other procurement for the Army is reduced by $20,000,000;

(6) for procurement of weapons for the Navy is reduced by $40,000,000;

(7) for procurement for the Marine Corps is reduced by $9,970,000;

(8) for procurement of missiles for the Air Force is reduced by $15,000,000;

(9) for other procurement for the Air Force is reduced by $21,200,000;

(10) for classified programs for the Defense Agencies is reduced by $4,500,000;

(11) for National Guard and Reserve equipment is reduced by $703,500,000;

(12) for research, development, test, and evaluation for the Army is reduced by $36,000,000;

(13) for research, development, test, and evaluation for the Navy is reduced by $9,000,000;

(14) for research, development, test, and evaluation for the Air Force is reduced by $215,000,000; and

(15) for research, development, test, and evaluation for the Defense Agencies is reduced by $474,500,000.

(b) None of the funds appropriated by this Act may be obligated or expended for—

(1) repairs to SEAL training facilities, Amphibious Base, San Diego, California;

(2) United States Air Force Academy hospital repairs;

(3) the conduct of any study on the cause of the shortage of women and persons belonging to minority groups in the fields of science, engineering, and other technologies;

(4) nonlethal supplies for refugees;

(5) procurement of Improved Depleted Uranium Penetrator ammunition for the M-60 or M-1 tank;

(6) construction of the RDX facility;

(7) procurement of the simulation network for the Army;

(8) procurement of AIM-7 Sparrow missiles;

(9) procurement of MK-19, 40mm gun;

(10) procurement of the Lightweight Early Warning Detection System;

(11) procurement of the Shrike (G-Bias Modifications);

(12) procurement of the MK-82 Inert/BDU-50 bomb;

(13) procurement of Civil Air Patrol vehicles;

(14) procurement of Civil Air Patrol communication facilities;

(15) procurement of two KC-130T aircraft for the Marine Corps Reserve;

(16) procurement of unspecified equipment for two aircraft for the Marine Corps Reserve;

(17) procurement of six MH-60 helicopters for the 304th Aerospace and Rescue Squadron (Air Force Reserve);

(18) modification of six KC-135 aircraft for the Air Force Reserve;

(19) procurement of 300 M-113 armored personnel carriers for the Army National Guard;

(20) procurement of 58 M-1A1 tanks for the Army National Guard;

(21) procurement of the Small Unit Support Vehicle (SUSV) for the Army National Guard;

(22) procurement of 16 C-130 aircraft for the Air National Guard;

(23) the F-15 Multi-Stage Improvement program for the Air National Guard;

(24) procurement of ACMI Tier fighter trainer PH II for the Air National Guard;

(25) the electronic warfare advanced technology program of the Army;

(26) the electronic warfare engineering development program of the Army;

(27) the M-1A1 tank Block III Improvement Program of the Army;

(28) the Navy Oceanography program;

(29) oceanographic instrumentation activities at Woods Hole, Massachusetts;

(30) the surface ship point defense integration program of the Navy;

(31) investigation of alternatives for the electronic countermeasure system of the B1-B Bomber aircraft;

(32) research and development activities in connection with national security-related activities of the National Aeronautics and Space Administration;

(33) the establishment of an optoelectronics materials center at a major university or associated optoelectronics materials facilities; and

(34) research and development in connection with the threat simulator development program of the Defense Agencies.

CHAFEE AMENDMENT NO. 2857

Mr. CHAFEE proposed an amendment to the bill H.R. 5141, supra; as follows:

Section 1 is amended by striking "September 30, 1988" and inserting in lieu thereof "September 17, 1988".

OFFICE OF FEDERAL PROCUREMENT POLICY AUTHORIZATION ACT

CHILES AMENDMENT NO. 2858

Mr. BYRD (for Mr. CHILES) proposed an amendment to the bill (S. 2215) to amend the Office of Federal Procurement Policy Act to authorize appropriations for an additional 4 years, and for other purposes; as follows:

At the end of the bill add the following new section:

ELEVATION OF PRESIDENTIAL APPOINTEES WITHIN THE OFFICE OF MANAGEMENT AND BUDGET

SEC. 7. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof "The Director of the Office of Management and Budget.".

(b) Section 5313 of title 5, United States Code, is amended—

(1) by adding at the end thereof "Deputy Director of the Office of Management and Budget."; and

(2) by striking out "The Director of the Office of Management and Budget.".

(c) Section 5314 of title 5, United States Code, is amended by—

(1) adding at the end thereof "Administrator for Federal Procurement Policy" and "Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget."; and

(2) strike out "Deputy Director of the Office of Management and Budget.".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Administrator for Federal Procurement Policy."; and

(2) by striking out "Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.".

(e) The amendments made by this section shall be effective on January 20, 1989.

At the end of the bill add the following new section:

TRAVEL EXPENSES UNDER CERTAIN GOVERNMENT CONTRACTS

SEC. 7. Section 24 of the Office of Federal Procurement Policy Act (41 U.S.C. 420) is amended—

(1) by redesignating such section as subsection (a) of section 24; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The provisions of subsection (a) shall not apply to any agreement between an executive agency and a State institution, or an executive agency and a nonprofit institution, entered into for the purpose for conducting federally sponsored research and related activities.

"(2) Under any agreement described under paragraph (1), costs incurred by personnel for travel, including costs of lodging, other subsistence, and incidental expenses, shall be considered reasonable and allowable only to the extent that such costs do not exceed—

"(A) charges normally allowed by the respective institution in its regular operations as a result of an institutional policy; and

"(B) the limits and principles as are provided for by government-wide regulation of such costs established by the Director of the Office of Management and Budget.

"(3) The regulation under paragraph (2)(B) shall specifically provide that in the absence of an institutional policy regarding travel costs, the rates and amounts established under subchapter I of chapter 57 of title 5, United States Code, or by the Administrator of General Services or the President (or his designee) pursuant to any provisions of such subchapter shall apply to agreements between an executive agency and a State institution, or an executive agency and a nonprofit institution, entered into for the purpose of conducting federally sponsored research and related activities.".

On page 10, strike out lines 20 through 22, and insert in lieu thereof: "all prime contracts with the United States in excess of $500,000 entered into using procedures other than sealed bid procedures, and subcontracts in excess of $500,000 thereunder, other than contracts or subcontracts in which the price is based on—

"(A) established catalog or market prices of commercial items sold in substantial quantities to the general public;

"(B) prices set by statute or regulation; or

"(C) fixed price contracts entered into based on adequate price competition.

TEXTILE AND APPAREL INDUSTRY ASSISTANCE

ADAMS AMENDMENT NO. 2859

(Ordered to lie on the table.)

Mr. ADAMS submitted an amendment intended to be proposed by him to the bill (S. 2662) to remedy injury to the United States textile and apparel industries caused by increased imports; as follows:

On page 14, beginning with line 22, strike out all through line 6 on page 17;

On page 17, line 7, strike out "SEC. 9" and insert in lieu thereof "SEC. 8"; and

On page 20, line 19, strike out "SEC. 10" and insert in lieu thereof "SEC. 9".

EVANS AMENDMENT NO. 2860

(Ordered to lie on the table.)

Mr. EVANS submitted an amendment intended to be proposed by him to the bill S. 2662, supra; as follows:

On page 18, beginning on line 17, strike all through line 20.

On page 18, beginning on line 3, strike all through line 11.

On page 18, beginning on line 12, strike all through line 16.

On page 12, line 10, insert the following subsection (f):

"The quantitative limitations on the aggregate quantity of textiles and textile products proscribed under the subsections (a) through (d) shall not apply to those countries that are signatories to the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, and as extended by the Protocol of July 31, 1986., and any such succeeding international arrangement after July 31, 1991.

On page 12, line 10, insert the following subsection (f):

"The quantitative limitations on the aggregate quantity of textiles and textile products proscribed under subsections (a) through (d) shall not apply to any country during any calendar year which has signed an agreement with the United States Government, or the American Institute in Taiwan, that limits the importation of categories of textile and textile products (called "bilateral agreements"), as long as such agreement remains in effect and both countries adhere to its provisions."

"The quantitative limitations on the aggregate quantity of textiles and textile products proscribed under subsections (a) through (d) shall not apply to any country that has signed an agreement with the United States for the establishment of a Free Trade Area after January 1, 1988."

On page 9, line 16, strike "an amount equal to 1 per centum" and insert: "at least an amount equal to 6 per centum"

On page 9, line 16, strike "an amount equal to 1 per centum" and insert: "at least an amount equal to 6 per centum"

On page 9, line 16, strike "an amount equal to 1 per centum" and insert: "at least an amount equal to 8 per centum"

On page 9, line 16, strike "an amount equal to 1 per centum" and insert: "at least an amount equal to 9 per centum"

On page 9, line 16, strike "an amount equal to 1 per centum" and insert: "at least an amount equal to 10 per centum"

On page 12, line 10, insert a new subsection (f):

"The limitations on the importation on the aggregate quantity of textiles and textile products proscribed under subsections (a) through (f) shall not apply to any country that, in calendar 1987, purchased more textiles and textile products produced in the United States than it exported such products to the United States."

On page 12, line 10, insert a new subsection (f):

"The limitations on the importation on the aggregate quantity of textiles and textile products proscribed under subsections (a) through (f) shall not apply to any such product that incorporates at least 50 per centum by weight of materials of fiber produced or grown in the United States and exported to such country."

On page 12, line 3, insert the following subsection (2) are renumbered subsection (2) as subsection (3):

"(2) and amount of limitation imposed by this section, and referred to under subsection (1), is allocated to such products of each country to which the exportation of aircraft, spacecraft, and aircraft parts produces in the United States during the calendar years preceding the applicable year exceeds the amount of exportation of such products during the calendar year before the calendar year preceding the applicable year, on either a unit basis or a value basis in United States currency."

On page 12, line 3, insert the following subsection (2) and renumber subsection (2) as subsection (3):

"(2) an amount of the limitation imposed by this section and referred to under subsection (1), is allocated to such products of each country to which the exportation of mineral fuels, lubricants, and related material, including bituminous, anthracite, and lignite coal mined or extracted in the United States during the calendar year preceding the applicable year exceeds the amount of exportation of such products during the calendar year before the calendar year preceding the applicable year, on either a volume basis or a value basis in United States currency."

On page 9, line 23, insert the following:

"Furthermore, that the cumulative total, on a value basis computed in United States currency, of machinery for the manufacturing or fabrication textiles and textile products that are built in foreign countries, during calendar 1988 and each succeeding applicable year, shall not be increased by more than 1 per centum of the value of such product entered into the United States during the preceding calendar year, for which calendar year 1987 shall be used as the base year for the purposes of determining such limitations."

On page 18, line 20, insert the following subsection (E):

"except that, notwithstanding subsections (A) through (D), any category shall not include any textiles or textile products which is not produced, or is in short supply, in the United States; further, that the International Trade Commission shall make a determination of whether or not such product is in short supply in the United States."

PACKWOOD AMENDMENT NO. 2861

(Ordered to lie on the table.)

Mr. PACKWOOD submitted an amendment intended to be proposed by him to the bill S. 2662, supra; as follows:

At the appropriate place insert the following:

SEC.   . EXEMPTION OF ATHLETIC FOOTWEAR FROM QUOTA.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, any provision of this Act (other than an amendment made by this Act to another Act) which imposes a limitation on the quantity of footwear that may be entered shall not apply with respect to athletic footwear.

(b) DEFINITIONS.—For purposes of this section—

(1) The term "athletic footwear" means—

(A) nonrubber footwear of special construction for specific sports, including baseball, softball, football, soccer, golf, track and field, skating, wrestling, boxing, weightlifting, gymnastics, cycling, bobsledding, parachuting, or skiing, and

(B) nonrubber footwear not dedicated to a specific sport that is designed and constructed for—

(i) playing tennis, basketball, racquetball, volleyball, handball, squash, or any other court game, or

(ii) physical conditioning activities including, but not limited to, running, jogging, training, or aerobics,

whether or not used for such purpose.

(2) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

GRAMM AMENDMENTS NOS. 2862 THROUGH 2875

(Ordered to lie on the table.)

Mr. GRAMM submitted fourteen amendments intended to be proposed by him to the bill S. 2662, supra; as follows:

AMENDMENT No. 2862

On page 20, strike line 24 and insert in lieu thereof the following:

"enactment of this Act, except that the President may suspend the application of the provisions of this Act if he determines that application of the provisions of this Act would impose an economic burden on the poor proportionately greater than that imposed on the population of the United States as a whole.".

AMENDMENT No. 2863

On page 20, line 24, insert before the period the following:

", except that the President may suspend the application of the provisions of this Act if he determines that application of the provisions of this Act would result in an economic burden on United States agriculture with regard to exports, employment, or income proportionately greater than that imposed on the population of the United States as a whole".

AMENDMENT No. 2864

At the end of the bill insert the following new subsection:

"(d) Exemption for Less Protectionist Countries.—"Notwithstanding any other provision of this Act, any limitation imposed by this Act on the quantity of any article that may be entered, or withdrawn from warehouse, for consumption in the customs territory of the United States shall not apply to such articles of a country if—

"(1) the President, after consulting with the United States Trade Representative, determines that the tariffs and quotas that such country imposes on United States exports to such country (based on the weighted average of the value of such exports) are lower than tariffs and quotas the United States imposes on exports of such country to the United States (based on the weighted average of the value of such foreign exports), and

"(2) the President submits to the Congress a written statement certifying such determination within 90 days after the date of enactment of this Act.".

Amendment No. 2865

On page 20, line 24, insert before the period the following:

", except that the provisions of this Act shall not apply to items imported from Israel.".

Amendment No. 2866

At the end of the bill insert the following new subsection:

"( ) Exemption for Free Trade Agreements.—"Notwithstanding any other provision of this Act, the application of limitations under this Act may be permanently suspended with regard to the products of a country pursuant to a free trade or expanded trade agreement with such country.".

Amendment No. 2867

On page 14, line 7, insert after the period the following:

"Such report shall also include an estimate of the impact of the provisions of the Act on United States consumers, estimated in terms of aggregate costs for the population as a whole, as well as for various segments of the population, including the poor.".

Amendment No. 2868

At the end of the bill insert the following new section:

"SEC. . IMPACT ON UNITED STATES TREATY OBLIGATIONS.

The Congress does not intend that any provision of this act supersede, violate, or suspend any treaties or treaty obligations of the United States.".

Amendment No. 2869

On page 20, line 24, insert before the period the following:

", except that no provision of this Act shall apply to children's or infants' clothing or footware".

Amendment No. 2870

On page 20, line 24, insert before the period the following:

", except that no provision of this Act shall apply to clothing or footware for persons 65 years of age or older".

Amendment No. 2871

On page 20, line 24, insert before the period the following:

", except that no provision of this Act shall apply to workers' coveralls, uniforms, workshoes, or workboots.".

Amendment No. 2872

On page 14, line 7, insert after the period the following:

"Such report shall also include an assessment of the employment impact of this Act, estimating the number of jobs lost and the number of jobs gained. The President may suspend the provisions of this act if such report demonstrates that the number of jobs lost is 110 per centum of the number of jobs gained.".

Amendment No. 2873

At the end of the bill insert the following new section:

"SEC. . GATT LEGALITY.

"The provisions of this Act shall be repealed if the President certifies to the Congress in writing that, in accordance with the procedures of the General Agreement on Tariffs and Trade, the provisions of the Act are determined to be a violation of the General Agreement on Tariffs and Trade.".

Amendment No. 2874

On page 15, starting on line 20, strike all through line 2 of page 14.

Amendment No. 2875

On page 4, strike lines 16 through 25.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1989

McCLURE AMENDMENT NO. 2876

Mr. McCLURE proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 114, after line 22, add the following new section:

Sec. 8127. (a) None of the funds appropriated by this Act shall be obligated or expended for the purpose of dismantling, eliminating, or withdrawing from deployment or storage sites any missiles, launchers, support equipment, or any other equipment scheduled to be eliminated under the INF Treaty if the President finds that the Soviet Union is in violation of its obligations under such Treaty, including violations resulting from incomplete or untimely performance of Soviet obligations under the protocols on elimination and inspection, or discrepancies between the National Intelligence Estimate current at the time of the numbers of systems the Soviet Union possesses and the Memorandum of Understanding Regarding the Establishment of the Data Base.

(b) Such finding shall be reported to the appropriate congressional committees within 15 days and shall include steps the President has taken to halt the elimination of United States systems as required by subsection (a) and any additional steps the President has taken to bring the Soviet Union back into compliance with the Treaty.

(c) Funds withheld from obligation or expenditure under subsection (a) may be used to resume the elimination of United States INF systems only after the President certifies to the appropriate congressional committees that the Soviet Union has returned to compliance with its obligations under the Treaty.

(d) The requirements of this section may be waived if the President finds, and so reports to the appropriate congressional committees, that a Soviet violation would not affect or delay the complete and timely elimination of Soviet systems covered by the Treaty as provided under the protocol on elimination.

(e) For purposes of this section—

(1) the term "appropriate congressional committees" means the Committee on Appropriations, the Committees on Armed Services and Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Appropriations, the Committees on Armed Services and Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987.

JOHNSTON AMENDMENT NO. 2877

Mr. JOHNSTON proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 20, line 18, add the following: "Provided: That 30 days after enactment of this Act, none of the funds available for procurement of ammunition for the Army may be obligated unless funds appropriated in the fiscal year 1988 Defense Appropriation Act, and in this Act, for an Army RDX production facility are made available for obligation, and a request for proposal is issued for the design, construction, and installation of such a facility.".

DeCONCINI AMENDMENT NO. 2878

Mr. JOHNSTON (for Mr. DeConcini) proposed an amendment to the bill H.R. 4781, supra; as follows:

On page 114 of the bill, after line 22, insert the following new section:

Sec. (a) The Congress finds that—

(1) the armed forces of the Soviet Union have waged a brutal war of conquest against the people of Afghanistan for 8 years;

(2) foreign correspondents attempting to cover the war in Afghanistan have always been subject to extreme danger;

(3) the danger to foreign correspondents became even greater in 1984 when the Soviet Ambassador to Pakistan explicitly threatened foreign journalists entering Afghanistan in the company of the Afghan resistance, known as the mujaheddin;

(4) on September 19, 1985, Charles E. Thornton, a medical reporter for the Arizona Republic, was killed by Soviet troops while preparing a story about volunteer doctors in Afghanistan;

(5) on October 9, 1987, Lee Shapiro, of North Bergen, New Jersey, and Jim Lindelof, of California, were ambushed and murdered by Soviet troops while filming a documentary on the war in Afghanistan;

(6) the statements of Abdul Malik, the Afghan interpreter and guide who accompanied Lee Shapiro and Jim Lindelof and who witnessed their deaths, demonstrate that the 2 Americans were strafed by helicopter gunships of the Soviet Union and shot by Soviet soldiers who then confiscated their equipment and film; and

(7) Charles E. Thornton, Lee Shapiro, and Jim Lindelof displayed great courage by

facing the perils of war and the lethal threat directed against correspondents and ultimately gave their lives to inform the world of the struggle for liberty taking place in Afghanistan.

(b) It is the sense of the Congress that the President should posthumously award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof in honor of their brave efforts to document the Afghan struggle for freedom.

TEXTILE AND APPAREL TRADE ACT

CHAFEE AMENDMENT NO. 2879

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 2662) to remedy injury to the United States textile and apparel industries caused by increased imports; as follows:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Textile and Apparel Trade Act of 1988".

SEC. 2. POLICY.

The policy of this Act is to relate the growth of textile and clothing imports to the growth of the domestic market in order to prevent further disruption of the United States textiles and textile products markets, damage to United States textile and clothing manufacturers, and loss of job opportunities for United States textile and clothing workers.

SEC. 3. FINDINGS AND DETERMINATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the current level of imports of textiles and textile products from all sources, more than one hundred and sixty-five countries, reached nearly 12.7 billion square yard equivalents in 1986, an increase of 17 per centum over 1985 imports; this level of imports is 2.5 times the level of imports in 1980, a rate of increase that was not foreseen when the United States granted trade concessions benefiting foreign suppliers of textiles and textile products, and represents over 1.2 million job opportunities lost to United States workers;

(2) imported textiles and textile products contain four million bales of cotton which is equivalent to 39 per centum of annual cotton production in the United States; eight out of every ten bales of cotton contained in imported textiles and clothing are foreign grown cotton; sustained massive increases in imports of cotton textile and clothing products are causing a declining market share for domestic cotton producers, depressed prices, and an average annual market revenue loss of over $1,000,000,000; another result is that a market development program voluntarily funded by United States cotton producers actually benefits foreign growers; finally, as imports of textiles and clothing increase, domestic cotton acreage is shifted to produce other agricultural products which are already in oversupply thereby adding to the problems of United States agriculture;

(3) imports of textiles and textile products made of wool have doubled since 1980, creating major disruptions among domestic wool products producers and seriously depressing the price of United States produced raw wool; because import penetration in the domestic wool textile and clothing market is nearly 70 per centum, it is critical that action be taken to halt further erosion of the domestic industry's market share;

(4) imports of textiles and textile products made of manmade fiber and competing fibers, other than cotton or wool, have more than doubled since 1980 resulting in substantial reductions in domestic manmade fiber production capacity and job losses;

(5) the textile and clothing trade deficit of the United States exceeded $21,000,000,000 in 1986, an increase of 18 per centum over 1985, and accounted for 12 per centum of the Nation's overall merchandise trade deficit;

(6) import growth of clothing and clothing fabrics has averaged 8 per centum annually since 1973; over that same period, the domestic market for clothing and clothing fabrics has grown only 1 per centum annually; import growth has recently accelerated and, since 1982, has averaged 21 per centum annually; the result is that import penetration in the domestic clothing and clothing fabric market has nearly doubled in the last six years, reaching a level of 52 per centum in 1986;

(7) as a result of this increased penetration and the very limited growth of the domestic market, the United States companies producing textiles and textile products competitive with those imported have been seriously damaged, many of them have been forced out of business, many have closed plants or curtailed operations, workers in such companies have lost employment and have been otherwise materially and adversely affected, and serious hardship has been inflicted on hundreds of impacted communities causing a substantial reduction in economic activity and lost revenues to the Federal and local governments;

(8) the factors described above are causing serious damage, or the actual threat thereof, to domestic producers of textiles and textile products; as a result, market disruption exists in the United States requiring new measures;

(9) unless the import growth rate of textiles and textile products is slowed to the long term rate of growth of the United States market, plant closings and job losses will continue to accelerate, leaving the United States with reduced competition benefiting domestic consumers and leaving the Nation in a less competitive international position;

(10) a strong, viable and efficient domestic textiles and textile products industry is essential in order to avoid impairment of the national security of the United States; and

(11) actions taken by the United States under the Arrangement Regarding International Trade in Textiles of December 20, 1973, as extended (commonly referred to as the "Multi Fiber Arrangement" or "MFA") have failed to avoid disruptive effects in the textiles and textile products markets in the United States.

(b) DETERMINATIONS.—Congress determines that, for the foregoing reasons, textiles and textile products are being imported into the United States in such increased quantities and under such conditions as to cause or threaten serious injury to producers of textiles and textile products in the United States, within the meaning of article XIX of the General Agreement on Tariffs and Trade.

SEC. 4. LIMITS ON IMPORTS.

(a) CALENDAR YEAR 1987.—Notwithstanding any other provision of law, the aggregate quantity of textiles and textile products, from all countries, classified under a category that is entered during calendar year 1987 shall not exceed an amount equal to 101 per centum of the aggregate quantity of such products classified under such category, from all countries, that entered during calendar year 1986.

(b) GROWTH ADJUSTMENT.—For calendar years after 1987, the aggregate quantity of textiles and textile products, from all countries, classified under each category that may be entered during each such calendar year shall be increased by an amount equal to 1 per centum of the aggregate quantity that could be entered under such category during the preceding calendar year. If the aggregate quantity that could be entered under a category for a calendar year after 1987 is reduced under section 9(b), then, in the first calendar year in which there is no such reduction, this subsection shall be applied as if there had been no reduction under section 9(b) in previous calendar years.

(c) EXCEPTIONS.—

(1) The limitations in this Act on the aggregate quantity of articles of textiles and textile products that may be entered during any calendar year do not apply to articles of that kind that are the product of any insular possession of the United States if the articles are—

(A) exempt from duty under general headnote 3(a) of the Tariff Schedules of the United States (19 U.S.C. 1202); and

(B) manufactured or produced in such possession by individuals who are either—

(i) United States citizens;

(ii) United States nationals; or

(iii) permanent residents of such possession in accordance with its laws.

(2) Notwithstanding any other provision of law, the aggregate quantity of sweaters that are—

(A) made of cotton, wool, or manmade fibers; and

(B) assembled in Guam from otherwise completed knit-to-shape component parts; and that may be entered—

(i) during calendar year 1987, may not exceed 163,216 dozen; and

(ii) during any calendar year after 1987, may not exceed the aggregate quantity that is authorized to be entered under this paragraph during the preceding calendar year, increased by 1 per centum.

(d) ENFORCEMENT.—The Secretary of Commerce shall prescribe such regulations as may be necessary or appropriate for the efficient and fair administration of the provisions of this Act, including regulations governing entry, or withdrawal from warehouse, for consumption of the products covered by this Act. Such regulations shall provide for reasonable spacing of imports over the calendar year.

SEC. 5. TARIFF COMPENSATION.

(a) COMPENSATION.—

(1) The President may (A) enter into trade agreements with foreign countries or instrumentalities to grant new concessions as compensation, to the extent required under international trade agreements of the United States, for the import limits imposed under section 4 of this Act to maintain the general level of reciprocal and mutually advantageous concessions under such agreements; and (B) proclaim such modification or continuance of any existing duty on textiles and textile products as he determines to be required or appropriate to carry out such agreements.

(2) No proclamation shall be made under paragraph (1) decreasing any rate of duty to

a rate of duty which is less than 90 per centum of the existing rate of duty.

(3) Before entering into any trade agreement under this subsection with any foreign country or instrumentality, the President shall consider whether such country or instrumentality has violated trade concessions of benefit to the United States and such violation has not been adequately offset by the action of the United States or by such country or instrumentality.

(b) STAGING REQUIREMENTS.—The aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to subsection (a) shall not exceed the aggregate reduction which would have been in effect on such day if a reduction of one-fifth of the total reduction under subsection (a) had taken effect on the effective date of the first reduction proclaimed to carry out such trade agreement, and at one-year intervals after such effective date.

(c) PROHIBITION.—Except as provided in subsection (a) and notwithstanding any other provision of law, the President may not enter into trade negotiations with any foreign country or instrumentality with respect to duties on textiles and textile products and may not decrease, or propose a decrease, in any such duty by any means, including an implementing bill under section 151 of the Trade Act of 1974 or a proclamation.

SEC. 6. ANNUAL REPORT.

Not later than March 15, 1988, and March 15 of each calendar year thereafter, the President shall submit to the Congress a report on the administration of this Act during the preceding calendar year. Such report shall include detailed information about the implementation and operation of the limitations established under section 4. All departments and agencies shall cooperate in preparation of this report, as requested by the President.

SEC. 7. REVIEW.

The Secretary of Commerce shall commence ten years after the date of enactment of this Act a review of the operation of this Act. The Secretary shall consult representatives of workers and companies in the textile and textile products industries, the United States Trade Representative, the Secretary of Labor, and other appropriate government officials. Within six months after the commencement of the study, the Secretary shall submit to Congress his findings.

SEC. 8. DEFINITIONS.

For purposes of this Act—

(1) The term "textiles and textile products" includes, but is not limited to, all articles covered by a category.

(2) The term "category" means each of the following—

(A) each category identified by a three-digit number in the Department of Commerce publication "Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated", dated January 1987, and in any amendments to such publication correcting clerical errors or omissions;

(B) each subdivision of a category described in subparagraph (A) with respect to which the United States has (i) an agreement with any country on the date of enactment of this Act limiting exports of textiles and textile products to the United States that includes a specific limit on such subdivision, or (ii) taken unilateral action to limit products from any country entered under such subdivision; and

(C) a category consisting of the manmade fiber products not covered by a category described in subparagraph A and classified under subpart E of part 1 of schedule 3 to the Tariff Schedules of the United States. The Secretary of Commerce shall determine, after consultations with the United States Trade Representative and the United States International Trade Commission, whether comparable subdivisions described in subparagraph (B) are consistently defined; if the Secretary determines that such subdivisions are not consistently defined, then the Secretary shall prescribe by regulation an appropriate definition of the category covering such comparable subdivisions.

(3) The term "country" means a foreign country, a foreign territory, an insular possession of the United States, or any other territory, possession, colony, trusteeship, political entity or foreign trade zone, whether affiliated with the United States or not, that is outside the customs territory of the United States.

(4) The term "duty" includes the rate and form of any import duty, including but not limited to tariff-rate quotas.

(5) The term "existing" means the nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) set forth in rate column numbered 1 of Schedules 1 through 7 of the Tariff Schedules of the United States (or the comparable rate of duty set forth in any law that may supersede such Tariff Schedules) existing on the day before the date of enactment of this Act.

(6) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall apply to textiles and textile products entered, or withdrawn from warehouse, for consumption on and after the date of enactment of this Act.

(b) CALENDAR YEARS 1987 AND 1988.—The Secretary of Commerce shall prescribe by regulation the aggregate quantity, if any, of textiles and textile products that may be entered under section 4(a) under each category during the period beginning on the date of enactment of this Act and ending on December 31, 1987. Notwithstanding subsection (a), to the extent that the aggregate quantity of imports of textiles and textile products entered under a category after December 31, 1986, and before the date of enactment of this Act exceeds the quantity permitted entry for such products under such category during calendar year 1987 under section 4(a), then the limit that would otherwise apply under section 4(b) for such category for calendar year 1988 shall be reduced by the amount of such excess quantity. If such excess quantity exceeds the limit that would otherwise apply under section 4(b) for such category for calendar year 1988, then the limit for such category for calendar years after 1988 shall be reduced until such excess is accounted for.

HANDGUN VIOLENCE PREVENTION ACT

METZENBAUM AMENDMENT NO. 2880

(Ordered referred to the Committee on the Judiciary.)

Mr. METZENBAUM submitted an amendment intended to be proposed by him to the bill (S. 466) to provide for a waiting period before the sale, delivery, or transfer of a handgun; as follows:

Amendment in the nature of a substance strike out all after the enacting clause and insert the following:

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(p)(1) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923 unless—

"(A)(i)(I) before delivery of the handgun and within one day after the date the transferee proposes such transfer, such transferor has sent, by registered or certified mail (return receipt requested), a copy of a sworn statement by the transferee to the chief law enforcement officer of the place of residence of the transferee notifying such officer of the proposed transaction; or

"(II) the law of the State in which the transfer is to occur requires the transferee, before obtaining a handgun, to execute a document that contains, at a minimum, the information required to be contained in the sworn statement referred to in subclause (I), and, before delivery of the handgun, the transferee has executed such document in accordance with the law of such State, and has transmitted such document to the appropriate authority of such State; and

"(ii) 7 days have elapsed from the date the requirements imposed by subclause (I) or (II) of clause (i) have been met and such transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal law or of a State or local law of the residence of the transferee; or

"(B) the transferee has presented to the transferor a certificate from the chief law enforcement officer of the place of residence of the transferee which states that the transferee requires access to a handgun because of a threat to the life of the transferee; or

"(C)(i) the transferee has applied to the State in which the transfer is to occur for a permit allowing the transferee to possess a firearm;

"(ii) the law of such State requires such application to contain, at a minimum, the information required to be contained in the sworn statement referred to in subparagraph (A)(i)(I);

"(iii) the transferee has received such permit from the State in which the transfer is to occur;

"(iv) at least 7, but not more than 365, days have elapsed from the date the transferee applied for such permit; and

"(v) after the transferee applied for such permit and before the State granted such permit, the law enforcement authorities of the State performed a background check of the transferee (including review of the police records (if any) with respect to the transferee).

"(2) Nothing in this subsection shall be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The sworn statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid piece of the transferee's personal identification containing a photograph of the transferee and a description of the identification used;

"(B) a statement that Federal law does not prohibit the receipt of the handgun by the transferee; and

"(C) the date the sworn statement is made.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee is in violation of Federal law or of State or local law of the residence of the transferee shall immediately communicate all information such transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of—

"(i) the place of business of the transferor, in the case the transferor is a licensed importer, licensed manufacturer, or licensed dealer; or

"(ii) the place of residence of the transferor, in any other case; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except incident to the proposed transaction.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the sworn statement of the transferee with respect to the handgun transaction for at least one year after the date of the transaction is completed.

"(B) Unless the chief law enforcement officer to whom a copy of such sworn statement is sent determines that a transaction would violate Federal, State, or local law, the officer shall, within 30 days after the date the transferee made such statement, destroy such copy and any record containing information derived from such copy.

"(7)(A) Notwithstanding any other provision of this title, any licensed importer, licensed manufacturer, or licensed dealer who violates this subsection shall be fined not more than $1,000, or imprisoned for not more than one year, or both.

"(B) The penalties provided in this paragraph shall be the only penalties imposed on a licensed importer, licensed manufacturer, or licensed dealer, for a violation of this subsection.

"(8) For purposes of this subsection, 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

"(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.".

(b) Handgun Defined.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(25) The term 'handgun' means a firearm which has a short stock and is designed to be held and fired by the use of a single hand or any combination of parts from which a handgun can be assembled.".

(c) Conforming Amendment.—Section 924(a)(1) of title 18, United States Code, is amended by inserting "section 922(p)," after "section," the first place it appears.

(d) Effective Date.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

● Mr. METZENBAUM. Mr. President, today I am filing an amendment in the nature of a substitute to S. 466, the Handgun Violence Prevention Act.

Recently the National Rifle Association has commenced an inflammatory and misleading campaign against S. 466. The NRA knows these claims are false but continue to make them in an effort to distort the purpose and effect of the bill.

One of the charges made by the National Rifle Association is that S.466 would prevent a husband from loaning his wife a handgun. As I told the NRA representative at a recent hearing, the bill certainly would not prevent a wife from using her husband's handgun. The substitute I am filing today removes any question on this point. With this amendment, S. 466 would only apply to sales of handguns by federally licensed gun dealers. It would not affect or restrict in any way any other sales or transfers.

The NRA claims that S. 466 is a gun registration bill. That claim is blatantly false. As introduced, S. 466 contained safeguards to preclude the waiting period from being used for gun registration. The substitute incorporates additional language authored by Congressman Rhodes of Arizona to expand those original safeguards. The Rhodes language limits information supplied to law enforcement officials and requires that all information supplied to police on the waiting period forms be destroyed within 30 days.

In addition, the substitute picks up language authored by Congresswoman Johnson from Connecticut which provides that individuals who possess State handgun permits issued after a police record checks do not have to wait 7 days to purchase a handgun.

The NRA has claimed that the bill could cost "millions and billions" of dollars. That claim is also blatantly false. According to the Congressional Budget Office, there are no Federal costs associated with the bill. If every local jurisdiction which does not conduct checks now chose to do one, the cost would only be $5 to $10 million. The cost, spread over thousands of jurisdictions would be negligible to any one of them.

Similar legislation has been included in the omnibus drug bill reported by the House Judiciary Committee. When the Senate considers the drug bill, I intend to offer as an amendment this substitute version of S. 466.

This amendment is supported by every major national law enforcement organization in America and by Sarah Brady.●

TEXTILE AND APPAREL INDUSTRY ASSISTANCE

PACKWOOD AMENDMENT NOS. 2881 AND 2882

(Ordered to lie on the table.)

Mr. PACKWOOD submitted two amendments intended to be proposed by him to the bill S. 2662, supra; as follows:

Amendment No. 2881

On page 11, between lines 5 and 6, insert the following:

(3) Notwithstanding any other provision of this Act, the limitations imposed by this Act on the aggregate quantity of textiles and textile products that may be entered in any calendar year shall not apply if the Secretary of Commerce determines that the average return on assets of firms in the United States that manufacture textiles, or of firms in the United States that manufacture textile products, for the calendar year preceding such calendar year exceeds the national average return on assets of all manufacturing industries in the United States for the calendar year preceding such calendar year.

Amendment No. 2882

At the end of the bill, add the following:

SEC. . INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

Notwithstanding any other provision of this Act, the provisions of this Act (other than this section) shall not apply if the President determines that the provisions of this Act violate the international obligations of the United States.

ASSISTANCE FOR HEALTH MAINTENANCE ORGANIZATIONS

KENNEDY AMENDMENT NO. 2883

Mr. BYRD (for Mr. Kennedy) proposed an amendment to the bill (H.R. 3235) to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations; as follows:

On page 8, strike out lines 1 through 7, and insert in lieu thereof the following new subsection:

(a) Fiscal Operation.—

(1) In general.—Paragraph (1)(A) of section 1301(c) (42 U.S.C. 300e(c)(1)(A)) is amended to read as follows:

"(1)(A) have a fiscally sound operation, and adequate protection against the risk of insolvency, that is satisfactory to the Secretary, and".

(2) Regulations.—Section 1301(c) (42 U.S.C. 300e(c)) is amended by adding after and below paragraph (9) the following: "The Secretary shall issue regulations stating the circumstances under which the Secretary, in administering paragraph (1)(A), will consider the resources of an organization which owns or controls a health maintenance organization. Such regulations shall require as a condition to consideration of resources that an organization which owns or controls a health maintenance organization

shall provide satisfactory assurances that it will assume the financial obligations of the health maintenance organization.”.

(3) Application.—During the period prior to the effective date of regulations issued under section 1301(c)) of the Public Health Service Act (42 U.S.C. 300e(c)) (as amended by paragraph (2)), the Secretary of Health and Human Services shall consider the application for qualification under section 1301(c)(1)(A) of such Act of a health maintenance organization that—

(A) is owned or controlled by another organization; and

(B) requests that the resources of the other organization be considered in determining its qualification under such section;

if the Secretary receives satisfactory assurances from the other organization that it will assume the financial obligations of the health maintenance organization and if the Secretary determines that the other organization meets such other requirements as the secretary determines are necessary.

On page 8, line 8, insert “(b)” before “Repeal”.

HUMPHREY (AND QUAYLE) AMENDMENT NO. 2884

Mr. DOLE (for Mr. Humphrey, for himself and Mr. Quayle) proposed an amendment to bill H.R. 3235, supra; as follows:

On page 11, after line 17, add the following new sections:

SEC. . PROHIBITION ON CERTAIN POLICY CHANGES.

The Secretary of Health and Human Services shall not promulgate or issue any regulations, policy statements or interpretations concerning the performance of medically necessary procedures if such regulations, policy statements or interpretations would be inconsistent with regulations, policy statements, interpretations or practices in effect on the date of enactment of this Act.

SEC. . REPEALER.

Effective as of October 1, 1993, section 1310 of the Public Health Service Act (42 U.S.C. 300e-9) is repealed.

TEXTILE AND APPAREL INDUSTRY ASSISTANCE

GRAHAM AMENDMENT NO. 2885

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2662, supra; as follows:

At the end of the bill add the following new section: “All countries identified under the Caribbean Basin Initiative are exempted from the provisions of this act.”

REFUGEE ASSISTANCE AUTHORIZATION EXTENSION

DeCONCINI AMENDMENT NO. 2886

(Ordered to lie on the table.)

Mr. DeCONCINI submitted an amendment intended to be proposed by him to the bill (H.R. 5037) to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—GENERAL ACCOUNTING OFFICE INVESTIGATION AND REPORT

INVESTIGATION

Sec. 101. (a) Requiring GAO Investigation on Displaced Salvadorans and Nicaraguans.—Within sixty days after the date of the enactment of this Act, the Comptroller General of the United States shall begin an investigation concerning displaced nationals of El Salvador and Nicaragua.

(b) Determinations on Displaced Salvadorans and Nicaraguans in Central America.—The investigation shall determine the following with respect to displaced Salvadorans and displaced Nicaraguans who are present in either El Salvador, Honduras, Guatemala, Mexico, or Nicaragua, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador or Nicaragua (as the case may be) and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(c) Determinations on Conditions in El Salvador That Could Affect Salvadorans Who Have Returned From the United States.—The investigation shall—

(1) assess the general conditions and circumstances in El Salvador that may affect returned nationals, with particular attention to determining the reliability and use of (A) reports of any violations of fundamental human rights, and (B) reports concerning the status of Salvadorans who have returned from the United States; and

(2) make recommendations for improvements in the type of information provided by such reports.

(d) Determinations on Salvadorans Seeking Refuge in Other Countries.—The investigation shall describe the policies of all other countries in which Salvadorans have sought refuge as these policies concern the return of the Salvadorans to El Salvador.

REPORT

Sec. 102. The Comptroller General of the United States shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 101, a report on that study, including detailed findings on the items described in subsections (b), (c), and (d) of that section.

TITLE II—CONGRESSIONAL REVIEW

REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT

Sec. 201. (a) Referral.—The report, when submitted under section 102, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subjects of the report, and the report shall be printed as a document of the House of Representatives.

(b) Committee Hearings.—No later than ninety days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans or Nicaraguans who are displaced within El Salvador or Nicaragua (as the case may be) or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in title III.

(c) Committee Report.—Not later than 270 days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) Treatment of Continuity of Session.—For purposes of this Act, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than ten days to a date certain are excluded from the computation of the periods of continuous session of Congress.

TITLE III—TEMPORARY STAY OF DEPORTATION

LIMITATION ON DETENTION AND DEPORTATION

Sec. 301. (a) Limitation.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport (to El Salvador or Nicaragua, as the case may be) aliens described in subsection (b) during the period beginning on the date of enactment of this Act and ending 270 days of continuous session of Congress after the date of transmittal of the report of the Comptroller General of the United States to the Speaker of the House of Representatives under section 102.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) Salvadorans and Nicaraguans Covered by the Limitation.—The nationals referred to in subsection (a)(1) are aliens who—

(1) are nationals of El Salvador or Nicaragua,

(2) have been and are continuously present in the United States since before January 1, 1988, and

(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraph (14), (15), (20), (21), (25), or (32) of section 212(a) of such Act (8 U.S.C. 1182(a)), or

(B) under paragraph (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)).

(c) Registration.—Each individual described in paragraphs (1), (2), and (3) of subsection (b) shall register with the Attorney General anytime beginning 30 days after the date of enactment of this Act and ending 180 days after such date, as a person to whom this Act applies. Upon registering, an individual shall be granted employment authorization and shall be provided with an appropriate document which shall note on its face that the individual's employment authorization terminates at the end of the suspension of deportation period established under subsection (a) and shall indicate such date.

(d) No person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or public opinion may obtain the benefit described in subsection (a).

PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARDS OBTAINING SUSPENSION OF DEPORTATION BENEFIT

SEC. 302. With respect to an alien whose deportation is temporarily stayed under section 301 during a period, the period of stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)), unless the Attorney General determines that extreme hardship exists.

TITLE IV—MISCELLANEOUS PROVISIONS

ALIEN'S STATUS DURING PERIOD OF EXTENSION

SEC. 401. During the period in which an alien's deportation is temporarily stayed under section 301, the alien—

(1) shall not be considered to be permanently residing in the United States under color of law,

(2) shall not be eligible for any program of public assistance furnished (directly or through reimbursement) under Federal law, and

(3) may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act) or any political subdivision thereof which furnishes such assistance.

ALLOCATION FOR SALVADORAN RECEPTION AND COUNSELING PROGRAM

SEC. 402. Of the amount authorized to be appropriated for fiscal year 1988 for the "Migration and Refugee Assistance" account for the Department of State, $400,000 shall be available only for the Intergovernmental Committee on Migration for the Salvadoran Reception and Counseling Program.

REFUGEE ASSISTANCE

DECONCINI AMENDMENT NO. 2887

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (S. 2605) to amend the Immigration and Nationality Act to extend for 3 years the authorization of appropriations for refugee assistance, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—GENERAL ACCOUNTING OFFICE INVESTIGATION AND REPORT

INVESTIGATION

SEC. 101. (a) REQUIRING GAO INVESTIGATION ON DISPLACED SALVADORANS AND NICARAGUANS.—Within sixty days after the date of the enactment of this Act, the Comptroller General of the United States shall begin an investigation concerning displaced nationals of El Salvador and Nicaragua.

(b) DETERMINATIONS ON DISPLACED SALVADORANS AND NICARAGUANS IN CENTRAL AMERICA.—The investigation shall determine the following with respect to displaced Salvadorans and displaced Nicaraguans who are present in either El Salvador, Honduras, Guatemala, Mexico, or Nicaragua, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador or Nicaragua (as the case may be) and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(c) DETERMINATIONS ON CONDITIONS IN EL SALVADOR THAT COULD AFFECT SALVADORANS WHO HAVE RETURNED FROM THE UNITED STATES.—The investigation shall—

(1) assess the general conditions and circumstances in El Salvador that may affect returned nationals, with particular attention to determining the reliability and use of (A) reports of any violations of fundamental human rights, and (B) reports concerning the status of Salvadorans who have returned from the United States; and

(2) make recommendations for improvements in the type of information provided by such reports.

(d) DETERMINATIONS ON SALVADORANS SEEKING REFUGE IN OTHER COUNTRIES.—The investigation shall describe the policies of all other countries in which Salvadorans have sought refuge as these policies concern the return of the Salvadorans to El Salvador.

REPORT

SEC. 102. The Comptroller General of the United States shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 101, a report on that study, including detailed findings on the items described in subsections (b), (c), and (d) of that section.

TITLE II—CONGRESSIONAL REVIEW

REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT

SEC. 201. (a) REFERRAL.—The report, when submitted under section 102, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subjects of the report, and the report shall be printed as a document of the House of Representatives.

(b) COMMITTEE HEARINGS.—No later than ninety days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans or Nicaraguans who are displaced within El Salvador or Nicaragua (as the case may be) or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in title III.

(c) COMMITTEE REPORT.—Not later than 270 days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) TREATMENT OF CONTINUITY OF SESSION.—For purposes of this Act, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than ten days to a date certain are excluded from the computation of the periods of continuous session of Congress.

TITLE III—TEMPORARY STAY OF DEPORTATION

LIMITATION ON DETENTION AND DEPORTATION

SEC. 301. (a) LIMITATION.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport (to El Salvador or Nicaragua, as the case may be) aliens described in subsection (b) during the period beginning on the date of enactment of this Act and ending 270 days of continuous session of Congress after the date of transmittal of the report of the Comptroller General of the United States to the Speaker of the House of Representatives under section 102.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) SALVADORANS AND NICARAGUANS COVERED BY THE LIMITATION.—The nationals referred to in subsection (a)(1) are aliens who—

(1) are nationals of El Salvador or Nicaragua,

(2) have been and are continuously present in the United States since before January 1, 1988, and

(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraph (14), (15), (20), (21), (25), or (32) of section 212(a) of such Act (8 U.S.C. 1182(a)), or

(B) under paragraph (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)).

(c) REGISTRATION.—Each individual described in paragraphs (1), (2), and (3) of subsection (b) shall register with the Attorney General anytime beginning 30 days after the date of enactment of this Act and ending 180 days after such date, as a person to whom this Act applies. Upon registering, an individual shall be granted employment authorization and shall be provided with an appropriate document which shall note on its face that the individual's employment authorization terminates at the end of the suspension of deportation period established under subsection (a) and shall indicate such date.

(d) No person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or public opinion may obtain the benefit described in subsection (a).

PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARDS OBTAINING SUSPENSION OF DEPORTATION BENEFIT

Sec. 302. With respect to an alien whose deportation is temporarily stayed under section 301 during a period, the period of stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)), unless the Attorney General determines that extreme hardship exists.

TITLE IV—MISCELLANEOUS PROVISIONS

ALIEN'S STATUS DURING PERIOD OF EXTENSION

Sec. 401. During the period in which an alien's deportation is temporarily stayed under section 301, the alien—

(1) shall not be considered to be permanently residing in the United States under color of law,

(2) shall not be eligible for any program of public assistance furnished (directly or through reimbursement) under Federal law, and

(3) may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act) or any political subdivision thereof which furnishes such assistance.

ALLOCATION FOR SALVADORAN RECEPTION AND COUNSELING PROGRAM

Sec. 402. Of the amount authorized to be appropriated for fiscal year 1988 for the "Migration and Refugee Assistance" account for the Department of State, $400,000 shall be available only for the Intergovernmental Committee on Migration for the Salvadoran Reception and Counseling Program.

GENERAL ACCOUNTING OFFICE INVESTIGATION AND REPORT ON CONDITIONS OF DISPLACED SALVADORANS

DECONCINI AMENDMENT NO. 2888

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (S. 332) to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—GENERAL ACCOUNTING OFFICE INVESTIGATION AND REPORT

INVESTIGATION

Sec. 101. (a) Requiring GAO Investigation on Displaced Salvadorans and Nicaraguans.—Within sixty days after the date of the enactment of this Act, the Comptroller General of the United States shall begin an investigation concerning displaced nationals of El Salvador and Nicaragua.

(b) Determinations on Displaced Salvadorans and Nicaraguans in Central America.—The investigation shall determine the following with respect to displaced Salvadorans and displaced Nicaraguans who are present in either El Salvador, Honduras, Guatemala, Mexico, or Nicaragua, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador or Nicaragua (as the case may be) and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(c) Determinations on Conditions in El Salvador That Could Affect Salvadorans Who Have Returned From the United States.—The investigation shall—

(1) assess the general conditions and circumstances in El Salvador that may affect returned nationals, with particular attention to determining the reliability and use of (A) reports of any violations of fundamental human rights, and (B) reports concerning the status of Salvadorans who have returned from the United States; and

(2) make recommendations for improvements in the type of information provided by such reports.

(d) Determinations on Salvadorans Seeking Refuge in Other Countries.—The investigation shall describe the policies of all other countries in which Salvadorans have sought refuge as these policies concern the return of the Salvadorans to El Salvador.

REPORT

Sec. 102. The Comptroller General of the United States shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 101, a report on that study, including detailed findings on the items described in subsections (b), (c), and (d) of that section.

TITLE II—CONGRESSIONAL REVIEW

REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT

Sec. 201. (a) Referral.—The report, when submitted under section 102, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subjects of the report, and the report shall be printed as a document of the House of Representatives.

(b) Committee Hearings.—No later than ninety days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans or Nicaraguans who are displaced within El Salvador or Nicaragua (as the case may be) or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in title III.

(c) Committee Report.—Not later than 270 days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) Treatment of Continuity of Session.—For purposes of this Act, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than ten days to a date certain are excluded from the computation of the periods of continuous session of Congress.

TITLE III—TEMPORARY STAY OF DEPORTATION

LIMITATION ON DETENTION AND DEPORTATION

Sec. 301. (a) Limitation.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport (to El Salvador or Nicaragua, as the case may be) aliens described in subsection (b) during the period beginning on the date of enactment of this Act and ending 270 days of continuous session of Congress after the date of transmittal of the report of the Comptroller General of the United States to the Speaker of the House of Representatives under section 102.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) Salvadorans and Nicaraguans Covered by the Limitation.—The nationals referred to in subsection (a)(1) are aliens who—

(1) are nationals of El Salvador or Nicaragua,

(2) have been and are continuously present in the United States since before January 1, 1988, and

(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraph (14), (15), (20), (21), (25), or (32) of section 212(a) of such Act (8 U.S.C. 1182(a)), or

(B) under paragraph (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)).

(c) Registration.—Each individual described in paragraphs (1), (2), and (3) of subsection (b) shall register with the Attorney General anytime beginning 30 days after the date of enactment of this Act and ending 180 days after such date, as a person to whom this Act applies. Upon registering, an individual shall be granted employment authorization and shall be provided with an appropriate document which shall note on its face that the individual's employment authorization terminates at the end of the suspension of deportation period established under subsection (a) and shall indicate such date.

(d) No person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or public opinion may obtain the benefit described in subsection (a).

PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARDS OBTAINING SUSPENSION OF DEPORTATION BENEFIT

SEC. 302. With respect to an alien whose deportation is temporarily stayed under section 301 during a period, the period of stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)), unless the Attorney General determines that extreme hardship exists.

TITLE IV—MISCELLANEOUS PROVISIONS

ALIEN'S STATUS DURING PERIOD OF EXTENSION

SEC. 401. During the period in which an alien's deportation is temporarily stayed under section 301, the alien—

(1) shall not be considered to be permanently residing in the United States under color of law,

(2) shall not be eligible for any program of public assistance furnished (directly or through reimbursement) under Federal law, and

(3) may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act) or any political subdivision thereof which furnishes such assistance.

ALLOCATION FOR SALVADORAN RECEPTION AND COUNSELING PROGRAM

SEC. 402. Of the amount authorized to be appropriated for fiscal year 1988 for the "Migration and Refugee Assistance" account for the Department of State, $400,000 shall be available only for the Intergovernmental Committee on Migration for the Salvadoran Reception and Counseling Program.

NOTICE OF HEARING

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet on Friday, August 12, 1988, at 9:30 a.m., to hold a hearing on S. 2672, Federal recognition for the Lumbee Tribe of North Carolina.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Thursday, September 8, 1988, to examine the problems confronting the ball- and roller-bearing industry. The hearing will be held in 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Tim Osborn of the committee staff at 224-3594.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on September 14, 1988, beginning at 2:00 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measures pending in the subcommittee:

H.R. 4068, a bill to amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that act, and for other purposes;

S. 1314, a bill to amend the Archeological Resources Protection Act of 1979 to prohibit attempted excavation, removal, or defacing, and to reduce the felony threshold value of illegally removed artifacts to $500;

S. 1985, a bill to improve the protection and management of archeological resources on Federal land;

S. 2545, a bill to redesignate Salinas National Monument in the State of New Mexico, and for other purposes; and

S. 2617, a bill to revise the boundary of Aztec Ruins National Monument in the State of New Mexico, and for other purposes.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff, at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Hazardous Wastes and Toxic Substances, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, August 11, to conduct a hearing of regulation of PCB wastes.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meed during the session of the Senate on August 11, 1988, to hold an oversight hearing on computer networks and high-performance computing.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, August 11, 1988, to conduct oversight hearings of NCNB's assumption of control of the First Republic Bank of Texas.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, August 11, 1988, at 2 p.m. to receive testimony from representatives of Federal agencies concerning their response to the scientific evidence of a global warming trend, and to receive comments on S. 2667, the National Energy Policy Act of 1988.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 11 at 2 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. The Permanent Subcommittee on Investigations of the Committee on Governmental Affairs asks unanimous consent to hold hearings on August 11, 1988, at 2 p.m. in SD-342. The subject of these hearings will be the Department of Justice's objections to the taking of depositions of departmental employees by the subcommittee.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

THE CHALLENGE FOR PAKISTAN

● Mr. BRADLEY. Mr. President, since its independence, Pakistan has struggled to institutionalize political democracy. Political democracy is a shared value that we both inherited from our English colonial past. The history of Pakistan's efforts to institutionalize democracy has been one of many gains but also of many retreats. But after the retreats, the governments and peoples of Pakistan have always resumed anew the struggle. The goal has never been abandoned. For that reason the United States has generally been understanding and supportive.

But it is not being supportive to avert our glance and remain silent when the democrats of Pakistan are hobbled with arbitrary procedures that make a mockery of political democracy. Pakistani democrats deserve better than that from us.

Using extraordinary authorities contained in the constitution that he promulgated in 1985, President Zia ul Haq dismissed his Prime Minister and cabinet and dissolved the lower House of Parliament late in May. Many observers then felt that President Zia, through this action, had stretched the intent of the Constitution near the breaking point. Although concerned, we did not express our views because President Zia proclaimed that he would call for new elections. The new constitution requires that such elections be called within 90 days. Last week, President Zia called for elections November 16. He has cited various technical reasons to justify the delay. Maybe so, but again the constitution is dangerously stretched.

And then on July 21 President Zia announced that candidates will not be allowed to campaign on the basis of party affiliations. He explains his decision by asserting that George Washington once said, "America would do better without political parties." Such a sophistry cannot go unchallenged. President Zia is an educated man and a shrewd politician. I am confident that he fully understands that throughout the world political parties arose as part of the process of institutionalizing political democracy. Parties are the practical response to the problem of how to enable people in large complex societies to participate in the democratic process. And I suspect that President Zia knows that without the participation of parties in the forthcoming elections, opponents of his regime will find it difficult to coalesce.

This is especially true in a society where only 27 percent of the population is literate, as in Pakistan. The party symbol and colors are an absolutely necessary means of differentiating contending candidates. Other elections since President Zia came to power have been conducted under the same debilitating limitation. But that does not make it right, that doesn't mean that the process of institutionalizing political democracy has been furthered.

President Zia's recent decisions have brought into question whether United States-Pakistani relations are based on shared values as well as shared interests. Without such shared values the friendship will soon fray. I, therefore, urge him to reconsider his decision and permit the parties to assume their essential role in the coming elections.●

SACO DEFENSE INC.

● Mr. COHEN. Mr. President, I would like to commend the distinguished record of one of Maine's most respected companies, SACO Defense, Inc. SACO Defense has been a leader in the design and construction of defense equipment for several decades, and it is now the primary producer of machineguns for the Federal Government and the major producer of gun barrels for the Army.

SACO Defense's reputation as a quality producer of machineguns, barrels, and military spare parts is well established. Occupying nearly a half-million square feet of space and with more than 1,200 employees in its SACO facility, it is the second largest employer in York County. About 95 percent of the firm's business is defense-related and the remaining 5 percent is for private contractors whose product is used solely by the military.

The management and workers at SACO Defense realize that both precision work and sophisticated testing are needed for the fabrication of modern defense equipment. With the U.S. Government imposing stringent requirements on SACO's work, the company has made a significant investment in quality control.

Perhaps the most impressive fact about SACO Defense is the commitment of its employees to programs for the community. Since 1983 the firm has been sponsoring an annual road race to benefit Maine's Special Olympics. I have attended this event on several occasions, and I have seen firsthand the widespread involvement and dedication of SACO Defense employees to helping those around them. They understand well that their generosity benefits the company as well as the community.

While developing a special relationship with its Maine neighbors, SACO Defense, Inc., has demonstrated a long-term commitment to serve the needs of the United States and its allies. I applaud the company's outstanding record of community involvement and its many accomplishments as a vital supplier to this country's Armed Forces. I ask that the following letter to Defense News, which certainly gives credit where credit is due, be printed in the RECORD.

The letter follows:

[From Defense News, June 20, 1988]

COMMUNITY RELATIONS

Let me thank you for your May 23 editorial "A Lesson in Public Responsibility" in which you recognized the outstanding efforts of General Dynamics Chairman Stanley Pace in dealing with the news media and the public. You are on target and on time with your balanced presentation.

It is unfortunately true that some defense contractors have a defensive communications policy or "no comment" policy, and you cited several. You probably could have named others but refrained. In support of defense contractors with the "no comment" policy, however, it might be helpful to know why they are hunkered down in hull defilade. Some have been badly hurt; some are restricted by the Defense Department; some truly are unable to openly discuss sensitive or classified business. And, unfortunately, there are some who do not communicate when they should and could.

On the plus side, would you be willing to print the names of defense contractors who do their work well and communicate well? As an example, let me cite the excellent community relations and involvement of SACO Defense Inc., SACO, Maine. This company for the past six years sponsored and participated in an areawide fund-raising field day for the Maine Special Olympics. A committee of SACO Defense employees organizes and runs the event. This year, 29 companies participated. Individuals from participating companies registered and participated in two- and five-mile runs, raising thousands of dollars for the Maine Special Olympics held later this year.

In my opinion, SACO sets the example for other defense contractors in maintaining good relations with the community while at the same time observing the DoD rules regarding access.

Perhaps Defense News could initiate a sort of honor roll to identify those defense contractors with a positive public relations policy.

JAMES A. HERBERT,
Retired Brigadier General.●

UNITED STATES POLICY, TOWARD LATIN AMERICAN

● Mr. DODD. Mr. President, it comes as no suprise that, with respect to U.S. policy toward Latin America, the Reagan administration would make a variety of claims which have little, if any, basis in fact.

To underscore this point. I want to draw my colleagues' attention to the editorial page of the New York Times on August 5, 1988. William D. Rogers, former Assistant Secretary of State for Inter-America Affairs under the Ford Administration, exposes the audicity of the Reagan administration in claiming responsibility for the democratic advances in this hemisphere. In an article entitled, "Reagan Spurred Latin Democracy? Nonsense," Mr. Rogers disputes the accuracy of the administration's claim. He offers, instead, what I believe to be an insightful appaisal of the current situation in Latin America and establishes the role the United States must assume if we wish to further the advances of democracy.

Mr. Rogers' article argues that the United States' main contribution to the democratic process in countries such as Brazil, Argentina, Peru, and Ecuador has been limited to little more than that of a role model. Mr. Rogers writes,

> The recent transition to democracy in these nations have been the work of local leadership. For this country to claim credit gives offense to the truth, the principle of nonintervention and the real heroes of the struggle.

This is not to infer that the United States has an insubstantial role in hemispheric affairs, quite the contrary, the greatest contribution the United States can make to these developing democracies is yet unfulfilled. The staggering foreign debt incurred by our friends in the hemisphere has led to regional recession and sluggish economic growth.

Since 1982 the Latin debtor nations have paid out $150 billion to service their foreign debt. As a result, the essential funds necessary to institute growth are siphoned off. To quote Mr. Rogers once again:

Latin America has taken giant steps in the political arena. But it has made no progress in improving the human condition during the Reagan Era.

Now that the people have instituted democracy in their land, we in turn have the opportunity to help ensure the success of these governments by encouraging economic growth. William D. Rogers concludes that "democracy and development, in the long term, are a seamless web. For the United States to support the one, it must help to insure the other."

Mr. President, I ask that the Rogers' op-ed piece be printed in its entirety at this point in the Record.

The article follows:

[From the New York Times, Friday, Aug. 5, 1988]

REAGAN SPURRED LATIN DEMOCRACY? NONSENSE.

(By William D. Rogers)

Washington.—It will come as a big surprise in Brazil, Argentina, Uruguay, Peru and Ecuador to learn that the Reagan Administration claims leadership of the recent democratic advances in those countries. Democracy has indeed enjoyed a remarkable renaissance in the hemisphere during President Reagan's watch. But there is little to suggest that his Administration brought about these changes.

In fact, the recent transitions to democracy in these nations have been the work of local leadership. For this country to claim credit gives offense to the truth, the principle of nonintervention and the real heroes of the struggle.

As for the facts, it was the civilian politicians in the new democracies who helped persuade the armed forces to return to the barracks. It was they, not Washington, who laid down the constitutional basis for civilian rule, who organized the elections and sustained the daily, difficult business of governing with elected parliaments. They neither asked for nor received help from abroad; the United States provided none, save as a role model. Such are the facts.

As for principle, domestic electoral politics is off-limits to foreigners in Latin America. The 1948 Charter of the Organization of American States—stipulating that no American nation may intervene in the internal affairs of its neighbors—was the culmination of a half century of effort by the Latins to restrain the United States. Nonintervention is taken seriously in the hemisphere.

For Washington to seek a role in Latin politics is to ask for trouble. Take Mexico. The tradition of one-party rule by the Institutional Revolutionary Party collapsed in the election of July 6, Mexico suddenly finds itself with a multiparty system and big opposition blocs in their Congress.

What next? Mexicans across the political spectrum are struggling to find the answers. For the United States to invite itself into the game would court disaster. The political future of Mexico is for the people of Mexico to determine. They welcome no outsiders, particularly from the north.

The temptation to ignore the principle of noninterventionism, and the companion notion that the United States can or should try to determine the course of domestic political change in Latin America, has been the source of considerable mischief, and much harm, to our relations in the hemisphere.

So it is not surprising that Latin Americans have not made much of the claim that the United States has played a major role in the recent march toward democracy. But they have been clear enough that the United States does have a responsibility for its future.

The new democracies are in economic crisis. That crisis emerged as Mr. Reagan took office. It continues in the closing days of his Presidency. Developments beyond the control of Latin America contributed to the crisis and hence to the fragility of the recent political advances.

While it is hard to argue that the Reagan Administration led the recent internal political changes, it is not hard for hemispheric leaders to identify United States involvement in what has happened to Latin America's economies.

The leap in international interest rates, inspired by our monetary policy response to the Reagan fiscal revolution, made it immeasurably more difficult for the hemisphere to service its debt.

Thus, Latin America in 1987 paid 30 percent of its export receipts to international banks and institutions; in Venezuela and Argentina, the figure was 50 percent. Since 1982, the hemisphere's debtors have paid out $150 billion to service their foreign debt. These were resources desperately needed for investment in new plant and infrastructure which is essential for Latin America to resume growth.

This outflow of capital has required stringent belt-tightening throughout the hemisphere. And the consequences have been severe. Growth has virtually stopped. Inflation is way up, ravaging the savings of the middle class and reducing living standards across the board.

Carlos Andrés Pérez, former President of Venezuela, argues that "the effects of these policies of adjustment have fallen fundamentally on the poorest segments of the population . . . with very dangerous consequences for the stability of the nascent Latin American democracies."

Latin America has taken giant steps in the political arena. But it has made no progress in improving the human condition during the Reagan era. The nations of the hemisphere are about where they were eight years ago—mired in recession, with unemployment up and average income below 1981 levels.

In economic terms, the 80's have been a lost decade. That fact is ominous for the future of democracy in the hemisphere. It is here that the United States can and should be playing a leading role.

On the whole, the Reagan years have not been happy ones for United States policy in Latin America. Nicaragua has been at the top of Washington's priorities from the beginning. Yet the Sandinistas were in power in Managua when Reagan came to office and they will be there when he leaves. Ditto for Fidel Castro in Havana in spite of the early talk about "going to the source" of instability in the region.

The rebels in El Salvador are as strong and vicious today as they were in 1981. The cultivation, processing and shipment of narcotics into the United States from Latin America and the Caribbean has expanded severalfold. Illegal migrants continue to stream across our southern borders.

In fact, the Administration's record has been studded with diplomatic embarrassment. Latin America still remembers Secretary of State Alexander M. Haig Jr.'s 1982 shuttling between London and Buenos Aires in a vain effort neither side welcomed to mediate the British-Argentine war in the South Atlantic.

It remembers the usurpation of the power of the Presidency to divert Iranian arms sales proceeds to the contras in defiance of Congress. And it remembers the negotiating debacle with Gen. Manuel Antonio Noriega. Our reputation for deft, effective foreign policy has not been enhanced during this Administration.

Ronald Reagan's successor will have his work cut out for him. If the political advances of recent years are to be consolidated, Latin America must begin to grow again and to give its people some hope of progress.

Democracy and development, in the long term, are a seamless web. For the United States to support the one, it must help insure the other—by keeping its markets open, by maintaining vigorous growth in the industrialized nations, by restraining inflation and interest rates and by redoubling its efforts to help Latin America work its way out of the debt bind. It is too early to celebrate success in Latin America.●

RECENT EDITORIAL SUPPORT FOR S. 1721

● Mr. COHEN. Mr. President, in recent days editorials have appeared in the Washington Post and Boston Globe in support of S. 1721, the bill we passed several months ago by a vote of 71-19. Among other things, the bill requires that, at a minimum, Congress be advised within 48 hours of a decision of the President to undertake a covert action. The House will vote on a companion bill, H.R. 3822, shortly after the August recess.

Inasmuch as these editorials are succinct summations of the rationale which underlies the 48-hour provision, I commend them to my colleagues in both Houses.

I ask that both be reprinted in the Record following the conclusion of my remarks.

The editorials follow:

[From the Washington Post, Aug. 8, 1988]

THE WORD ON COVERT ACTIONS

There was a dispute last week when word got out that President Reagan had authorized new covert actions to oust Panama's strong man, Manuel Noriega. Legislators accused the executive of initiating or expediting the leak—ostensibly either to make it look as though the Reagan administration were making headway in its campaign against Gen. Noriega or to undermine a pending bill that would change the terms of executive notice to Congress of covert operations. The president suggested with some asperity that once again Congress had shown it can't keep a secret. It was a vivid illustration of how fragile are the understandings between the branches in this most sensitive area of the secret use of power.

Even without this latest exchange, however, there has been rising dissatisfaction in Congress with the old terms of executive notice. Since 1980 the president has been required to notify the two intelligence committees of covert operations "in a timely fashion." The purpose was to guarantee that the executive branch gave its own careful consideration to such inherently delicate activities and that it had available the presumably detached but responsible judgment of the legislature. This was the kind of notification under way in the Noriega case.

In the Iran-contra affair, however, the White House sent the required notice almost a year after the fact, claiming that this was "timely." Congress responded with a bill—sponsored by Sen. Cohen in the Senate and Rep. Stokes in the House—to require notice in advance or, "on rare occasions when time is of the essence," within 48 hours. This bill passed the Senate last March on a 71 to 19 vote and is expected to come before the full House later in this session.

The bill should be passed. It breaks no new ground; it simply clarifies the executive's obligation to consult. There is little public debate in this country now about planned covert actions: a need for them in certain circumstances is broadly accepted. An important reason why they are accepted, however, is the notice provision ensuring a timely congressional testing of their worth. President Reagan himself has said that before undertaking covert action policy makers should consider whether there would be a consensus in support of the plan if it were revealed to the public. Elected officials—evern a select group of them—can provide a president with useful information on what the general public would find acceptable. It should be welcome to a president, moreover, that properly informed legislators would also share the responsibility—and the political heat if things went wrong.

[From the Boston Globe, Aug. 2, 1988]

AN OVERSIGHT ACT OVERHAUL

The House will have a chance tomorrow to find a silver lining in the cloud of recent foreign policy disasters by voting to strengthen the Intelligence Oversight Act of 1980. That law established rules governing secret intelligence operations, but the Iran-contra fiasco proved the rules to be too vague.

The heart of the revised Oversight Act is a set of specific guidelines that mandate straightforward officials and the House and Senate Intelligence Committees, whose members are the only legislators given access to classified intelligence matters. The president will continue to have sole responsibility for ordering and carrying out secret operations, but he will not be able to do so legally without reporting his plans.

Presidential orders must be reported to the Intelligence Committees in writing, and in advance. Only in rare cases will the president be permitted to notify the committees after acting, and then he must do so within 48 hours. Retroactive orders, such as those in the Iran-contra scandal, are prohibited.

The prior-notice requirement is crucial. For legislators to be able to influence policy, they must be informed of plans while the plans are pending. Reports given after the fact are qualitatively different. Prior notice can also work to the president's advantage by building a foundation for executive-legislative cooperation. It is simply unrealistic to expect bipartisan support unless Congress has been allowed a say in policy formulation.

The new law will prohibit expenditures on any covert action without a presidential order. It also defines covert actions to include requests to other countries or citizens to carry out operations on behalf of the United States. This will block the alarming "privatization" of foreign policy revealed during the Iran-contra hearings.

In the eyes of administration officials, the 1980 law contained loopholes, and they exploited those loopholes in a way that produced a series of foreign policy disasters. The new oversight requirements can reestablish the checks and balances the framers of the Constitution intended.●

THE 20TH ANNIVERSARY OF THE INVASION OF CZECHOSLOVAKIA

● Mr. DODD. Mr. President, before we leave for the August recess I find it important to say a few words to commemorate the 20th anniversary of a tragic event of modern history, the 1968 invasion of Czechoslovakia.

On the nights of August 20 to 21, 1968, hundreds of thousands of Soviet troops, with contingents of other Warsaw Pact forces descended on Czechoslovakia to suffocate the reform movement that became known as the Prague Spring. This event, 12 years after the bloody suppression of the Hungarian Revolution, has defined anew the narrow limits of Soviet tolerance of any kind of movement toward liberty and independence within its colonial empire.

The Prague Spring started as a reform movement within the Communist Party. There was nothing extreme or radical about it. At the beginning of the year the country's crusty old dictator, Antonin Novotny was replaced by liberal reform Communist Alexander Dubcek. The new leader rejected the relics of Stalinism still prevalent in the country, and undertook to establish a new kind of system, "socialism with a human face". Dubcek was a real Communist, to be sure. But he was the kind of Communist who felt embarrassed by the brutality, inhumanity, and abject failure of Soviet type communism and was convinced that there was a better way.

Very few people in Czechoslovakia had any faith in communism by that time. Still, the people soon realized that this was a totally new type of leader, a good man, a humanist, one who was fully dedicated to the well-being and advancement of his people rather than to discredited dogmas. This realization earned him enormous popularity with the people of Czechoslovakia and Dubcek became that historically extremely rare phenomenon, a Communist leader who governs with the consent of the people, who enjoys a measure of real legitimacy.

Dubcek's reforms included the drastic reduction of the stifling party control over all walks of public life, the granting of broad freedoms to the press, the eliminating of almost all censorship over cultural and artistic creativity. Old dogmas were thrown on the scrap heap, the distorted history of the postwar era was being reviewed and brought to light, and there was even open discussion of establishing a multi-party system. The people of Czechoslovakia, a highly educated population, culturally always part of the Western world, responded by creating a tremendous social, cultural, and artistic revivial. This breaking to the surface of the long suppressed creative energy of a whole people is really what was and remains so memorable about the Prague Spring.

Alas, it was too much energy, too much independence, too much liberty for the Soviet Union of Leonid Brezhnev. The invasion trampled the flowers of the Prague Spring into the mud and restored the pall of neo-Stalinism over this unfortunate nation.

Mr. President, to remember historical events is a pointless exercise, unless we use it as an aid in shaping or influencing the future. The creativity of the Czech and Slovak peoples, their love of freedom, the yearning for independence have not changed since 1968. The Communist world is in a tremendous crisis, and some of its more enlightened representatives are boldly seeking the way to reform it, to change it. These reforms must soon reach Czechoslovakia in spite of the obduracy of the present regime there. No reform, no change will be successful, however, unless it will give a full role to the people of Czechoslovakia in running its own affairs, shaping its own future. The freedom and independence of Czechoslovakia must be restored.●

THE RESIGNATIONS OF CABINET SECRETARIES

● Mr. DURENBERGER. Mr. President, in the past week the administration has lost the services of two of the finest public servants that I have had the pleasure to work with. I am referring to the resignations of Treasury Secretary James Baker III, and Education Secretary William Bennett.

JIM BAKER

In the 3 years that Jim Baker has served as Treasury Secretary, he has performed a remarkable job in coordinating the economic policies of the major trading nations of the world. It was Jim Baker who recognized the damage that the overvalued dollar was having on the ability of our farmers and manufacturers to compete on world markets.

At the famous "Plaza Accord" meeting in September 1985, he successfully convinced the G-5 countries to begin a step-by-step coordination process that eventually brought the dollar to a more realistic valuation. As a result of that effort, our farmers and manufacturers have been gaining back a large share of export markets and our trade deficit has been coming down.

I also want to commend Secretary Baker for his success in working with the members of the Senate Finance Committee and the House Ways and

Means Committee in developing the historic 1986 Tax Reform Act. That measure brought a much needed element of fairness and equity to the Tax Code and without Jim Baker's leadership, I do not think tax reform would have occurred.

Mr. President, Jim and I have always had differences over how the United States should address the problem of Third World debt. I know Jim recognizes the dimensions of the problem, we just disagree over the means to resolve it. Nonetheless, as Hobart Rowen noted in a column in today's Washington Post, Jim Baker, is "perhaps the most influential U.S. Treasury Secretary of modern times." I would agree, and I want to wish Jim the best of luck in his new position.

WILLIAM BENNETT

Mr. President, in the 3 years that he served as Secretary of Education, William Bennett has left a legacy that will be remembered for decades. Building on the work that was started by his predecessor, T.H. Bell, Secretary Bennett openly challenged the education establishment to take a harder and more critical look at how we are teaching and training our children.

Secretary Bennett has literally tried to shake up the education establishment and demand greater accountability from educators. He has advocated merit pay at the elementary and secondary level and higher standards in the classroom. He has also been a leading supporter of greater choice in education opportunities through vouchers and tuition tax credits.

Mr. President, our Nation's educational system is the linchpin of our future. If its standard is not "excellence" than our country's future will be diminished. Secretary Bennett's advocacy for excellence in education is a voice that will be sorely missed. As the Washington Post pointed out in an editorial today:

> Mr. Bennett as critic sharpened the national debate about education in a way he could not have as traditional advocate.

I believe that Secretary Bennett's tenure demonstrates why the creation of a Federal Department of Education was a correct decision.

Mr. President, I ask that today's column by Hobart Rowen and the Washington Post editorial be included in the RECORD.

The articles follow:

[From the Washington Post, Aug. 11, 1988]

WILLIAM BENNETT STEPS DOWN

We know all the things that are wrong with William Bennett. As education secretary he has been a pop-off artist, ravenous ink hound, ambitious partisan and conservative ideologue. He has tried to send all America to school with the Jesuits, has been only distantly concerned with the true plight of the poor and has been much better at identifying obvious problems than at proposing or working toward solutions. All true—and he has also been as good a federal commissioner or secretary of education as the country has ever had.

We say that not out of any abiding sense of agreement with him. We continue to oppose his controversial views on many subjects—vouchers, for example, tuition tax credits, to some extent the proper place of religion in the schools. The administration has at times proposed and he defended fundamental cuts in college student aid that would be disastrous. In mounting criticisms of higher education particularly, he has sometimes taken advantage of an anti-intellectual streak in the country that in other contexts he is first to deplore.

The virtue that has more than compensated for all this has been a willingness, even eagerness, to poke the educational establishments with a sharp stick. They badly need it, and no predecessor has done it, certainly not with the same obvious relish. At the elementary and secondary level he advocated merit pay, the teaching of values and religion (not as doctrine but as subject matter), a freeing-up of the schools, higher standards, more accountability. He said the schools and school people, his putative clients, aren't doing the job, and too often they're not. He no more than anyone else knows how to achieve the mass leavening of public education that is necessary, but he pointed to supposed successes around the country and tried to stir the mix. His argument was that this was a more important thing for him to do than safeguard the small proportion of funds for elementary and secondary education that come from the federal government, and he is probably right (even though his posture also served the useful political purpose of diverting attention from the Reagan education budgets, never very large).

In higher education he also railed a little against quality, but mostly against cost. Partly he has been demagogic in this, skipping too easily over the seriousness of the people who run the nation's colleges and universities and the obdurate problems they face. The quality for which the secretary alternately calls is not cheap; he cannot have it both ways. But it is also true that, as a whole, the higher education community has not done enough to hold down costs, which have been rising too fast, and faster than the federal aid that is intended to defray them and open doors particularly for the poor. Sooner or later the federal government as a major payer is going to move on the cost of higher education just as it already has on the cost of health care. What the colleges won't do themselves the taxpayers will try to do for them.

Mr. Bennett as critic sharpened the national debate about education in a way he could not have as traditional advocate. That was his contribution. It will outlast a lot else done in this administration.

[From the Washington Post, Aug. 11, 1988]

BAKER'S LEGACY AT TREASURY

(By Hobart Rowen)

Last April at the World Bank and International Monetary Fund, a key finance minister of a major industrial power was fretting about the persistent Third World debt problem. "We eventually must forgive some of these debts," the official said, "But I can't say so even in the privacy of the Group of Seven meeting. If I do, I'll get in trouble with Baker."

The reference, of course, was to Treasury Secretary James A. Baker III, and to the "Baker Plan"—the debt strategy he put forward back in 1985, who next week will leave the Treasury to run the Bush-for-President campaign, opposes debt forgiveness as unnecessary. Therefore, none of his international counterparts was ready to challenge his awesome status as leader of the global economy.

Baker has been a dominant international presence, perhaps the most influential U.S. Treasury secretary of modern times. Over the 7½ years of the Reagan administration, he was untouched by scandal. And the most serious presidential miscalculation—the arms-for-hostages deal—did not happen on his watch as chief of staff in the first Reagan term.

The job switch that brought Baker into Treasury and Donald T. Regan into the White House in Baker's old job in 1985 had far-reaching consequences not envisioned at the time. As Baker conceded to Chris Wallace on "Meet the Press" last Sunday, Regan was miscast as chief of staff.

But Baker's arrival at the Treasury had a positive effect on the global economy. He dropped Regan's vendetta against Federal Reserve Board Chairman Paul A. Volcker and worked successfully with the Fed chief on domestic and international issues. A Texas lawyer with no training in economics, Baker then earned the undying gratitude of other world powers by junking Regan's policy of "benign neglect" of the dollar.

Supported by Deputy Secretary Richard Darman, who came with him from the White House, Baker quickly grasped this vital fact; an overvalued dollar—hailed by the president as showing American vitality—was in fact strangling American exports, boosting the trade deficit and making protectionist legislation a certainty.

Baker understood in mid-1985 that the dollar had to be devalued to reverse those trends and that America had to share global leadership with Japan and Europe. No longer could the United States ignore the impact of its political and economic decisions on the rest of the world.

At the famous Group of Five meeting called by Baker at New York's Plaza Hotel on Sept. 22, 1985, he began a step-by-step coordination process that boldly manipulated exchange rates. That required a meshing of fiscal and monetary policies—nipping at the edges of national sovereignty.

Baker's follow-up proposal at the 1986 Tokyo summit to move away from freely floating rates toward managed currencies institutionalized the process. It challenged not only the conventional wisdom that had prevailed since 1973 but also the dedication of Reaganites to the marketplace.

All of the major players now accept the idea that their economies are interlinked, that excessive volatility in exchange rates isn't healthy and that economic growth must be a major target. Baker and Darman recognized that no nation will completely yield sovereignty on such issues, and that progress will come in limited, incremental steps. The Germans, for example, retain a deeply imbedded fear of inflation.

Yet, as Baker leaves the Treasury job, his chief legacy is that the process he created is firmly entrenched. Japan has responded with significant stimulus to its economy. Even the British and West Germans—who from time to time have resisted following Baker's demands for adherence to technical indicators—would find it difficult to abandon the system.

Baker takes pardonable pride in this achievement. In an interview Monday, he asked rhetorically: "Suppose we hadn't held the Plaza meeting? Can you imagine where we'd be today on the trade deficit?"

He expects next month's meeting of the Group of Seven in West Berlin to conduct another "full-fledged exercise" in the development of economic indicators to guide the policies of each power. That G-7 debate, the first without Baker, will be held in conjunction with the World Bank/IMF annual session. At these meetings, Nicholas Brady will make his international debut as Treasury boss.

Offsetting his accomplishments on policy coordination, Baker leaves with the ultimate solution of the Third World debt problem up in the air. A Treasury official says that Baker never expected that the problem could be solved before the end of the Reagan era. But since 1985, Third World debt has grown, and per capita income in many poor countries has slipped. Many experts believe that unless more of the debt is wiped off the books, social problems in some Latin countries will fester beyond control.

With Baker gone, innovative ideas on debt that other leading nations have been itching to try may get a better hearing—but not until next year. In Europe and Asia, and at the World Bank and the IMF, politicians and managers are well aware that should George Bush be elected president, Baker will be back in an even more prestigious post: Secretary of State.●

FLEXIBILITY AND PROFIT SHARING

● Mr. BUMPERS. Mr. President, flexibility is often said to be a key to America's competitiveness.

Pat Choate writes convincingly of the need for America to become a "high-flex society."

The Small Business Committee has held hearings on the benefits of flexible manufacturing systems.

And last week Newsweek ran an informative article entitled, "A Glimpse of the 'Flex' Future."

STEELCASE CO.

The Newsweek article focuses on the Steelcase Co. of Grand Rapids, MI.

Steelcase manufactures office furniture and is an industry leader.

The success of Steelcase is attributed in the article to its flexible compensation systems, flexible hours, and flexible benefit packages.

As the article states, "Steelcase is one of a handful of U.S. companies in the forefront of implementing 'flex' policies—options that give employees an unprecedented say in how they're compensated for their work."

Steelcase offers bonuses to individual workers based on his or her output—a "gainsharing" bonus—and based on the company's performance—a profit-sharing bonus.

One-fifth of the employees of Steelcase work on flexible hours and 40 workers share 20 jobs.

Steelcase has a "cafeteria" benefits plan in which employees design their own benefits package.

The article concludes that "at Steelcase, flexibility has allowed management to cut costs and improve morale at the same time."

PROFIT SHARING

On April 7, 1987, I introduced S. 932, a bill to provide a modest tax incentive in favor of cash profit sharing.

In introducing this legislation I argued that profit-sharing plans can serve as a shock absorber which helps to avoid layoffs.

With most firms, when the firm's profits decline, the firm normally reduces its costs by laying off workers. The firm might try to reduce its material costs, or improve its productivity, but typically it finds that reducing its labor costs is the easiest and quickest way to proceed.

But, under a cash profit-sharing plan, the employees of the firm see their profit-sharing distribution decline. This reduces the labor costs of the firm and reduces the need for the firm to further reduce costs by laying off workers

The article notes that the employees of Steelcase typically receive a profit-sharing distribution which is 69 percent as large as their basic wage. It says that "most employees—at Steelcase—seem to accept the firm's argument that keeping fixed labor costs low makes it easier to avoid layoffs during tough times."

An employee at Steelcase is quoted as saying, "If we go into a recession and the bonuses are lower, at least I still have a job."

Steelcase did lay off 900 employees in 1983 but it rehired them all within 5 months and hired 850 new hands the following year. Annual turnover at Steelcase is a remarkably low 3 percent.

Steelcase President Frank Merlotti says in the article that "profit sharing is recession resistant."

The employees at Steelcase know that profit sharing involves risks. It may seem to be more comfortable to be paid a fixed wage. But profit sharing helps to avoid another, more threatening risk—unemployment. That makes profit sharing a risk worth taking and a risk that we should encourage employees to take. We are all hurt by layoffs and unemployment.

We should adopt policies which avoid layoffs, not simply provide notice when a layoff is about to occur.

ADDITIONAL RESOURCES

For those of my colleagues interested in S. 932 and profit sharing, I can refer them to three previous statements I have made in the RECORD, April 7, 1987 (S4732-S4738), October 8, 1987 (S13881-S13882) and December 11, 1987 (S18026-S18029). In addition, I have assembled a compendium of information on the issue which I will be happy to send to my colleagues on request.

I ask that a copy of the Newsweek article be printed at this point in the RECORD.

The article follows:

[From Newsweek, Aug. 1, 1988]

A GLIMPSE OF THE "FLEX" FUTURE

(By Bob Cohn)

Cindy and Scott Keech have seen the future. They work there. Steelcase Inc., the Grand Rapids, Mich., office-furniture company where Cindy is employed as a receptionist, allows her to split her job with another woman. Cindy earns half pay working every other week. Before she leaves the office on Fridays, she writes a detailed note briefing her partner and stashes her desktop photos in a cabinet. Scott, who upholsters chairs in a Steelcase factory, makes $8.82 an hour but more than doubles his pay with piecework and corporate profit-sharing bonuses. Every December Scott and Cindy sit down at their kitchen table and pick medical-, dental-, life-insurance and disability coverage from a range of options offered in the company's flexible-benefits package. By piggybacking on her husband's coverage, Cindy was able to bring home an extra $900 in unused benefit allowances last year.

Steelcase is one of a handful of U.S. companies in the forefront of implementing "flex" policies—options that give employees an unprecedented say in how they're compensated for their work. The No. 1 office-furniture maker allows employees to work unconventional hours, gives them a choice of benefits and offers bonuses for individual hard work and overall company performance. For management, the options save money, stimulate productivity and make unions less attractive. For workers, they afford more freedom of choice and greater ease in juggling jobs and families.

As the number of two-career families grows and competition for labor intensifies, more American companies are likely to follow Steelcase's lead. Other businesses might have trouble implementing its mix of policies; those with little growth will find profit sharing a hard sell. Small companies might not have the economies of scale to offer benefits options or the resources to manage odd-hour workers. But the Steelcase experience shows that under the right conditions, flexibility can work—and help a company prosper. Profits of the privately held firm were estimated last year at $120 million on sales of $1.6 billion. Annual turnover among its 8,000 workers is a remarkably low 3 percent. While both managers and workers have some complaints, most say the flex policies deserve a good deal of credit for the company's success.

FLEXIBLE PAY

The basic pay scale at Steelcase is relatively low; its 6,000 factory workers earn an average hourly wage of $8 to $9 (about $17,000 a year). But last year they hauled in an additional 35 percent in "piecework"—incentive pay for each slab of metal they cut or chair they upholster—and 69 percent more in profit-sharing bonuses. That brought the average salary to more than $35,000.

Unions have historically resisted profit sharing, but Steelcase workers have never unionized. Most employees seem to accept the firm's argument that keeping fixed labor costs low makes it easier to avoid layoffs during tough times. "If we go into a recession and the bonuses are lower, at least I still have a job," says John Stuba, a welder in one of the desk-building plants. The company did let go 900 employees in 1983 but rehired them all within five months and hired 850 new hands the following year.

Steelcase president Frank Merlotti swears by profit sharing. "It's recession resistant."

Piecework has also never become an organizing issue, although not all workers endorse it. "You fight the clock all day long," says Regina Weiczorek, who used to be a welder and is now a supervisor. "If I was even two parts behind [schedule], I beat my brains." Some workers complain that rates are "too tight" and worry that increased output might encourage management to cut them even further. That can undermine productivity rather than promoting it. "There's an unspoken law," says Doug Vander Meer, a fabric inspector who used to build chairs. "You don't turn in too much."

But other workers respond eagerly to the pay incentives. Larry Graw builds chairs faster than anyone in the plant. He skips breaks and takes short lunches. On a recent day Graw built 101 chairs, 41 more than average, earning an extra $60 in piecework. Though his base pay is $8.89 per hour, last year Graw made $49,000 after piecework and profit-sharing bonuses. "I guess I'm from the old school of hard work," says Graw. Profit sharing also creates peer pressure to work harder. Ty Tanis points down the assembly line at a colleague who builds chairs more slowly than the others: "We call him a bonus buster. He's soaking off my bonus."

FLEXIBLE HOURS

Roughly 400 of Steelcase's 2,000 office workers are on "flex time," and 40 of them share 20 jobs. Officials say these options have served their main purpose: reducing absenteeism among working mothers. Management also stresses that most job sharers eventually return to full-time work, eliminating the need to find and train new workers. Job sharing has been so popular that Steelcase is starting a pilot program for factory workers.

Employees say the untraditional schedules help them balance the demands of home and work. Denise Francis, a payroll administrator on flex time, works a 9 a.m. to 3 p.m. shift. She is allowed to take time out if she needs it and is otherwise free to set her own schedule, so long as she puts in 40 hours a week. "It makes my life easier," says Francis, who is divorced and cares for two daughters, 11 and 14 years old. "If one of my kids is sick and the doctor says, 'Bring her in,' I can just go."

It takes close communication among partners to make job sharing work. Marti O'Brien and Patty Konwinski share a job recruiting for the marketing department, each working two and a half days a week. On Wednesdays they meet over lunch to discuss everything from candidate interviews to the boss's mood. At the end of the week, Konwinski types a long computer note for O'Brien to review Monday morning. "We can't be bumping into each other," says O'Brien. "We have to know everything that happens when we're not here." Not every team is so successful. Job splitting has to be approved by individual managers, and a few bad experiences have made some managers wary of granting sharing requests.

FLEXIBLE BENEFITS

In 1985 Steelcase became one of the few major U.S. companies to introduce a "cafeteria style" benefits plan. Workers are allotted "benefit dollars" and allowed to select from a menu of choices. There are eight medical plans, three dental options (including no coverage at all) and various forms of long- and short-term disability and life insurance. Employees who have money left over can put it in tax-free accounts to cover out-of-pocket health care or off-site day care. Unused benefit dollars can also be salted away for retirement—or taken home in cash. Clifton Charles, manager of food services in the factories, last year put $220 of his allowance in the child-care account but this year "switched gears" and is supplementing his retirement fund. "I feel I have control," he says. "It's not just dished out to me."

Company officials like to stress those advantages for workers. "People are becoming good at choosing what they need, as opposed to us playing God," says James Soule, vice president for human resources. But the cafeteria plan will also save Steelcase a good deal of money. It stipulates that as health-care costs go up, benefit dollars will increase only 80 percent as quickly, leaving employees to fill the 20 percent gap. Steelcase has also been tough about cracking down on abuses of the plan. In the past workers have taken full dental coverage in one year, loaded up on dental work, then scaled back coverage the next year. Now the company requires workers to wait two years before changing dental plans.

As that hard-nosed policy demonstrates, employers are likely to embrace flex options ony when it helps the bottom line. Most U.S. companies still aren't convinced of that. But at Steelcase, flexibility has allowed management to cut costs and improve morale at the same time. Marti O'Brien could earn considerably more than what she takes home from her half-time recruiting job. But she'd rather spend more time at home with her two-year-old son, Peter. "This gives me time to take my son for a walk," she says. "I can still smell the flowers." O'Brien winces at the thought of leaving Peter to work full time. As long as Steelcase allows her not to, she plans to remain a loyal and grateful employee.●

FIFTIETH ANNIVERSARY OF UNITED PARCEL SERVICE IN WISCONSIN

● Mr. KASTEN. Mr. President, I rise today to honor the 50th anniversary of the Untied Parcel Service in my home State of Wisconsin. The UPS service has been a major force in keeping Wisconsin on the crest of the wave of America's communications age. In August 1938, UPS began a long history of service in Wisconsin—a history that continues today.

From its initial payroll of 150 Milwaukeeans, UPS has grown to a contingent of nearly 4,000 Wisconsinites. Through the efforts of these dedicated employees and UPSers everywhere, Wisconsin is vitally connected to the rest of America and the rest of the world.

UPS founder Jim Casey once said that "our horizon is as distant as our mind's eye wishes it to be." This is pretty close to a definition of what Wisconsin is all about, and what America itself is all about. The men and women of UPS do not just talk about his attitude, they live by it—and use it to bring people and package together.

To all these men and women of Wisconsin's UPS, I wish a happy 50th anniversary, and keep up the good work!●

CLOSING OF THE COLLEGE OF SAINT TERESA

● Mr. DURENBERGER. Mr. President, I come before you today to recognize the College of Saint Teresa for its 82 year commitment to academic excellence and service.

Since 1907, Saint Teresa has prepared young women to meet life's challenges in a socially responsible manner.

I am sad to say, however, that because of declining enrollment, Saint Teresa will be ceasing operations at the end of the 1988-89 academic year.

Saint Teresa has distinguished itself in many ways throughout the years. It has been committed to academic excellence and opening opportunities to young women. An important lesson for all of their students is to recognize the need for community service and social responsibility. Saint Teresa has a 90-percent involvement rate in volunteer activities, including the Peaceworkers Program where students give up their spring break to work with the homeless, and working with the elderly at Saint Anne's Hospis. The Global Arena Program at Saint Teresa was established to build awareness about the problem of hunger in the world by creating a soupline once a month in which only bread, soup and milk are served. Donations from this program go to community charities.

These programs and others get Saint Teresa students actively involved in serving the community and build into their education a sense of social commitment. Graduates of Saint Teresa have gone on to live productive and meaningful lives. I know, because my own mother, Isabell, graduated from Saint Teresa and went on to teach elementary school and endowed me with a lifelong commitment to public service.

The College of Saint Teresa has a long and distinguished history of serving Minnesota. We will all miss its dedication to academic excellence, its service to the community, and the key role it has played in educating thousands of young women.●

MILLENNIUM OF CHRISTIANITY IN THE UKRAINE

● Mr. LAUTENBERG. Mr. President, on September 3, 1988, Ukrainian-Americans from throughout the United States will gather at Ellenville, NY, to celebrate the Millennium of Christianity in the Ukraine. Its 1,000-year-old history is the heritage of many Americans.

The year 1988 marks the 1,000-year anniversary of the introduction of Christianity into the Ukraine by St.

Volodymyr the Great of Kiev. Since the introduction of Christianity in the Ukraine in 988, religion has played an important role in the lives of the Ukrainian people.

But the fight for religious freedom in the Soviet Union has been a long one. Today, a 1,000 years after Christianity was introduced in the Ukraine, religious freedoms in the Soviet Union are severely restricted. Despite General Secretary Gorbachev's proclamations about Glasnost and openness, religious persecution is still a stark reality in the Soviet Union, especially in the Ukraine.

Despite the fact that religious freedoms are guaranteed by the Helsinki accords, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights, severe restrictions remain.

The Ukrainian Orthodox and Ukrainian Catholic Churches are still outlawed. Religious leaders in the Ukraine and throughout the Soviet Union have been harassed, imprisoned, murdered, and even exiled for daring to practice their religion.

That the Soviets have destroyed more than 150 churches in the Ukraine in the last 2 years indicates a serious contradiction in the policy of Glasnost. If the Soviets are really serious about Glasnost and openness, they would show respect for religion. They would not talk about reform while at the same time desecrating, closing, and destroying the churches of its citizens.

All the people in the Ukraine and throughout the Soviet Union desire is the opportunity to freely and openly practice their religion. But the Soviets have denied them that right again and again, and have continually sought to crush their faith.

Mr. President, the faith of those in the Ukraine and throughout the Soviet Union is undying. And for that reason, the Soviets will never succeed in eliminating religion from the lives of its citizens.

I join the Ukrainian-American Youth Association of Ellenville in commemorating the Millennium of Christianity in the Ukraine. And I extend my best wishes to all who gather to pay homage to its legacy on September 3.●

NATIONAL DRIVE FOR LIFE WEEKEND

● Mr. D'AMATO. Mr. President, every 22 minutes, one person dies in an alcohol-related traffic crash. Mr. President, drunk driving is a senseless tragedy. Therefore, I join the Senator from Illinois in designating September 3-5, 1988, as "National Drive for Life Weekend."

This Labor Day weekend, Mothers Against Drunk Driving [MADD] and Volkswagen United States Inc. will sponsor the second annual Drive for Life campaign. Drive for Life asks each American to pledge not to drink and drive beginning September 3, this year's focus day. On last year's focus day, the drunk driving death toll was 27.5 percent below that of an average Saturday. Eventually, this increased awareness on focus days should continue during the rest of the year.

Participants in the campaign will visit local Volkswagen dealerships and pledge not to drink and drive on September 3. A red ribbon tied on their car's rear-view mirror will signify the driver's responsibility and the importance of driving sober. Other events to benefit the campaign during Labor Day weekend include bike-a-thons and walk-a-thons.

Mr. President, drunk driving is intolerable. These drivers hurt not only themselves, but also innocent people. Programs like the Drive for Life Weekend will help to create awareness of the dangers of drunk driving. MADD is essential to this effort. New York State currently has 7 local MADD chapters and the State group hopes to eventually have 61, 1 in each county.

Mr. President, I support Senate Joint Resolution 350 to designate September 3-5, 1988, as "National Drive for Life Weekend" and I salute Mothers Against Drunk Driving for all their efforts to eliminate the tragedy of drunk driving.●

TO REOPEN THE AMERICAN MIND

● Mr. ARMSTRONG. Mr. President, I would like to call to the attention of my colleagues a bold and thoughtful op-ed article by William E. Simon, which appeared on the July 9 editorial page of the Wall Street Journal, entitled "To Reopen the American Mind."

Mr. Simon, a former Secretary of the Treasury and now the president of the John M. Olin Foundation, has in recent years spoken out on issues confronting higher education in America. He has brought his unique perspective as an American business leader and a man of distinguished public service to bear on some thorny and controversial issues.

And the issue he addresses in this article is one we should all pause and reflect upon: the assault on academic freedom and free expansion on American campuses today. Recent events at universities around the country reveal a disturbing trend, which can perhaps best be summed up as the title of the recent best-selling book by Allan Bloom: "The Closing of the American Mind."

The intellectual intolerance and narrow-mindedness taking root on campus these days is, as Mr. Simon points out, "Un-American." He calls on business leaders and alumni to steer their support—both moral and financial—to institutions which respect academic freedom and the principles on which America was founded.

Mr. Simon makes a very thought-provoking observation:

> No other society in the world has given greater liberty to those who are so contemptuous of that liberty as has America. Nor has any other society reached such heights of prosperity for its citizens, and yet raised an entire, new class of people who are hostile to the very institutions that made that progress possible.

I salute Mr. Simon for his contributions on this subject, and I commend his article to my colleagues.

To Reopen the American Mind

(By William E. Simon)

Popular wisdom has it that Lenin said, "The capitalists will sell us the rope with which we will hang them." Yet, I doubt even Lenin himself dared to dream that American business would donate the funds to finance the destruction of freedom here at home.

But we are doing so. The American business community all too often goes AWOL in the struggle to defend freedom where it is under siege every day—not just in Congress, but in the academic institutions of this country.

How ironic that academic America could be transformed into a great bastion of intellectual rigidity and reaction, and that this reaction could be rooted not on the right, but the left, as encrusted elites become more belligerent—at times, hysterical—in their determination to dominate the ivory towers of our leading colleges and universities.

Intolerance is un-American—period. Men and women of enterprise must stop capitulating and insist that the great values of Western civilization receive a full and fair hearing on the campuses of their alma maters. Otherwise, we will have nobody to blame but ourselves for permitting the largesse of private enterprise to subsidize the slide into statism.

THOSE AT THE TOP

Recent events at two of America's most prestigious schools illustrate that the assault on freedom may not only be condoned by, but even directed by, those at the top.

For many years, Stanford University has waged war on the quasi-independent Hoover Institution on War, Revolution and Peace, finding its scholarly balance out of place at a school now dedicated to a narrow creed of collectivism and pacifism.

In its latest volley, Stanford voted to forcibly retire Hoover's highly successful but independent director, W. Glenn Campbell, presumably to find a replacement more amenable to Stanford's diktats.

Stanford's pattern of scholastic bias and academic standards is, by now, well-established. In 1983, the school expelled a scholar from the Ph.D. program for documenting the Chinese policy of massive coerced abortions. Earlier this year, it removed several books from its core Western civilization reading list because of the sex of their authors.

And, while Stanford's president, Donald Kennedy, campaigned openly in 1986 for Rose Bird, the leftist chief justice of the California Supreme Court who was later voted off the bench, Hoover fellows who contribute research and writing to the public debate are termed unduly "political."

Dartmouth College, not to be outdone, recently took aim at one of the most sprightly, provocative college newspapers in the country, the Dartmouth Review, expelling several of its editors when the paper reported on a music professor's classroom behavior. The Dartmouth Review's article, backed up by a transcript of the professor's class, detailed his windy political diatribes, routine use of obscenities, demeaning references to women, and characterizations of various individuals as "honkies . . . racist dogs . . . and scum of the earth."

When the paper's editors approached the professor offering him a chance to reply, he exploded in a tirade of screams and obscenities and struck one of the editors. Yet at the hearing that followed, it was the students who were accused of harassment, denied any legal counsel and summarily prejudged and expelled by Dartmouth's president, who refused even to meet with them.

Stanford and Dartmouth are not alone. In scenes reminiscent of the '60s, the colleges are, once again, becoming a battleground—and an uneven one at that—with radicals trampling the right of free expression and bullying those who do not share their zealotry to place ideology over the pursuit of truth.

In recent years, former U.N. Ambassador Jeane Kirkpatrick has been silenced at Berkeley, Smith, the University of Minnesota and Barnard. My own school, Lafayette, approved the awarding of an honorary degree to Mrs. Kirkpatrick in 1987. But, after the faculty took it upon itself to stage a vote to convey its displeasure, Mrs. Kirkpatrick, feeling unwelcome, declined the invitation.

Then-Secretary of Defense Caspar Weinberger, invited to address a Harvard Law School forum in November 1983, was repeatedly interrupted by hecklers who threw bags of red dye and screamed insults, calling him a war criminal.

Contra leaders Eden Pastora and Adolfo Calero were prevented from speaking at Columbia in November 1983 and Harvard in November 1987, respectively.

I have always believed, but never more than now, that we in the American business community have a right and a responsibility to steer our gifts to institutions committed to maintaining freedom.

This is not to suggest that business people, any more than government or anyone else, have a right to dictate what our universities teach. But we most certainly do have a right to defend freedom when the left, under the sheltering arm of tenure, is so clearly tilting many schools toward Marxist teachings, even as their model is retreating across the world in intellectual, political and economic disarray.

No other society in the world has given greater liberty to those who are so contemptuous of that liberty as has America. Nor has any other society reached such heights of prosperity for its citizens, and yet raised an entire, new class of people who are hostile to the very institutions that made that progress possible.

For too long, too many alumni have avoided facing these unpleasant facts. But the situation will not improve until more of us shed our ambivalence, renounce any posture of passivity, and wade in as aggressive participants in the great battle for the ideas that will shape our future.

NESTING PLACE FOR SCHOLARS

Alumni can work positively and constructively for their ideas and ideals. We can take the time to identify, reach out to and support scholars and intellectuals who are committed to freedom, men and women who understand the nexus between economic freedom and political freedom, the link between capitalism and democracy, and who also knew the intellectual job that needs to be done.

Today, publications like the Dartmouth Review dot dozens of campuses. One gift of $100,000 would more than triple most of their budgets.

Rather than blindly tossing $1 million into a general fund, concerned alumni can work to create a nesting place in their schools for brilliant scholars whose research and teaching would otherwise be rejected by academic chic.

There is a choice and we need to choose wisely, because too many on the left are forsaking the age-old and honorable pledge attributed to Voltaire: I disapprove of what you say, but I will defend to the death your right to say it.

Unless we wake up, America may well learn the hard truth of Thomas Jefferson's warning: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."●

THE NEED TO SAVE RURAL HOSPITALS

● Mr. BAUCUS. Mr. President, many times I have spoken here about the perilous condition of rural health care in America.

Today, I would like to share with my colleagues a recent news item that once again underlines the importance of having accessible, high-quality hospital care and health professionals in rural areas.

Last Friday, an Amtrak train ran off the tracks near Saco, MT. Saco is a town of about 250 in northeastern Montana. More than 100 people in that train were injured.

The closest hospitals to Saco, MT are in nearby Malta, a 30-bed facility, and Glasgow, which has about 70 beds. Malta only has one physician.

The events following the accident show the vital importance of health care facilities, even in isolated areas. Ambulance airplanes had to fly in. Injured train passengers were transported to cities in Montana and in other States. A hospital in Billings, MN, which is about 160 miles from Saco—as the crow flies—sent a doctor, two emergency medical technicians, and two nurses to the scene.

The train accident created a medical crisis. It seems that the people involved stepped up to the challenge and handled it skillfully and effectively. But the accident happened, and it could happen again. You just never know when something like this will take place and a small community will be tested to the limit.

Mr. President, we have to ensure that people living in rural areas—and people just passing through on trains—have access to health care. This access has been endangered in recent years. Evidence about the frail condition of rural hospitals has been pouring in lately:

A recent report by Touche Ross on the future of health care concluded that:

> Rural hospitals are headed for major financial trouble if current Medicare reimbursement policies are pursued. Three-fourths of small hospitals report that they have experienced decreases in income since the Medicare Prospective Payment System has been in place.

The inspector general at the U.S. Department of Health and Human Services said early this month that in 1987 urban hospitals made profits of 7.6 percent on their Medicare business while rural hospitals averaged less than 1 percent.

The June 1988 report to Congress by the Prospective Payment Assessment Commission said that rural hospitals are expected to face larger cost increases in the coming years than urban hospitals will.

My distinguished colleagues on the finance Committee, Senator ROCKEFELLER and Senator DASCHLE, joined me last month in introducing legislation that will help ensure access to health care in rural areas. S. 2644, the Rural Health Payment Reform Act of 1988, has five important provisions:

First, guarantees rural hospitals a reasonable minimum level of increased Medicare payments for fiscal year 1989.

Second, helps sole community hospitals by basing their updates more on actual costs and by exempting them from reductions in capital costs.

Third, increases incentive payments for physicians in health manpower shortgage areas.

Fourth, sets up telecommunications demonstration projects to link rural physicians with hospitals.

Fifth, sets up Medicaid demonstration projects to improve access to physician services by pregnant women and children.

Train accidents like the one in Saco, MT, last week may be rare. But they do happen. We have to give our rural hospitals and health care professionals the opportunity and support to manage medical crises when they arise. Of course, we also have to make sure that people who live in rural communities have access to health care on a day-to-day basis.

I urge my colleagues to support this legislation which is so important to the health of rural America.

Mr. President, I ask that an article from the Billings, MT Gazette be included in the RECORD following my statement.

The article follows:

[From The Billings Gazette, Aug. 6, 1988]

Passenger Train Derails at Saco

Saco.—A westbound Amtrak passenger train en route from Chicago to Seattle with more than 300 passengers aboard derailed near Saco Friday afternoon, scattering wreckage over a wide area and injuring more than 100 people.

Ambulances were summoned from surrounding towns to the scene just west of the northcentral Montana farming-ranching community.

Valley County Deputy Sheriff Clay Berger said there were no deaths.

The train was the westbound Empire Builder, Amtrak said the train carried about 375 passengers and a crew of 10 to 15.

Howard Kallio of BN's Seattle office said the train was traveling at 79 mph. He said the cause of the derailment wasn't immediately known but heat may have been a factor. Temperatures in the area were in the 95-degree range. R.J. Pearson, Amtrak crew chief on the train, said he was sure it was "a sun kink in the rails." BN officials have attributed some previous derailments to rails warping under excessive temperatures.

The injured were taken to Glasgow, about 45 miles east of Saco, and Malta, 20 miles to the west.

Those who were not injured stayed for several hours at the Saco High School gymnasium, then were transferred to the Glasgow Civic Center gymnasium.

Amtrak spokesmen said they intended to move all of the passengers to their destinations Saturday morning.

Deaconess Hospital of Billings sent two Lifeguard ambulance airplanes to Malta. They arrived in Malta at about 7:30 p.m. One took a victim to Billings and was expected to return to Glasgow to pick up another victim up for a flight to Minneapolis.

The other Deaconess plane took a man, his wife and their daughter to Billings.

Mercy Flight of Great Falls arrived at about 8:45 p.m. and took one person to an unknown destination.

Billings Deaconess sent Dr. Gary Mundy, director of its flight program at Deaconess, two emergency medical technicians and two nurses to the Hiline to help. Mundy stayed at the Phillips County hospital to help Malta's only doctor treat the victims.

Deaconess Medical Center in Billings admitted two people injured in the derailment, according to a hospital spokeswoman. One patient was reported in critical condition, and the other was stable. Neither were identified.

Patsy Kruse, administrative secretary at Frances Mahon Deaconness Hospital in Glasgow, said the emergency room had seen 80 of the passengers by 8:30 p.m., "but only five people have been admitted and we expect another 25 to be evaluated."

She said she did not know the full extent of the injuries of the people admitted but knew of nothing more severe than broken limbs.

Amtrak did not have a list of the injured and the hospital would not provide specifics beyond the number of injured.

An eyewitness said the train derailed just after passing through Saco.

"I saw a cloud of dust, and I thought it was a whirlwind," said Eddie O'Brien, who was sitting at a crossing in his car as the train passed. "The signals stayed down," he said, and that's when he knew something was wrong.

"They were using ladders trying to get the people out," O'Brien said.

The accident occurred on a straight stretch of track about 3:15 p.m.

At the Saco High School gymnasium, where residents of Saco, population about 250, brought sandwiches, cookies and lemonade. Minor injuries—bumps, bruises and cuts—were treated there.

Kallio said BN dispatched heavy equipment from Billings, Havre and Great Falls to rerail the train "and get the line open."

He said an eastbound Amtrak train was held at Malta and passengers may be taken by bus around the scene of the accident. Freight traffic also was held because a siding in the immediate area of the derailment was blocked.

Kallio said as many as two dozen trains use the track daily.●

IMPACT OF INFLATION ON CAPITAL GAINS

● Mr. **BOSCHWITZ.** Mr. President, I rise today to share with my colleagues a recent editorial in the Washington Post, entitled "How to Fix the Capital Gains Mess," concerning the punitive effect of inflation on capital gains under our current Tax Code. The author, Alan S. Blinder, makes a compelling argument for indexing capital gains, so that only the actual gains realized from an investment are subject to tax.

Mr. Blinder correctly notes that capital gains under the current taxing scheme are overtaxed because such gains can be illusory. That is, gains investors realize frequently are due to inflation, not real economic growth; in reality they do not increase the purchasing power of such people. Yet, such gains are taxed across the board without distinction. As Blinder puts it, "our current law treats a 1988 dollar like a 1978 dollar or, for that matter, a 1928 dollar, and so grotesquely overtaxes long-term investments."

The table accompanying Mr. Blinder's editorial dramatically depicts the comparative impact of current law, a 15-percent tax and an indexed tax on short- and long-term capital gains. Not surprisingly, current law increases by an unbelievable margin the tax bite on an investment held for up to 10 years, assuming a nominal gain of 50 percent and constant inflation of 4 percent per year. Whereas the effective tax on a gain from an asset held at least 10 years is 1049 percent under current law—yes, you heard the figure correctly—the effective tax on a similar gain under an indexed code would be the same in year ten as it would in year one: 28 percent.

Mr. President, there is little question that our current Tax Code penalizes unduly long-term investments. This policy has significant ramifications for the level of investment in entrepreneurial activity in this country. Rather than make investments in risky ventures, investors more and more will seek out investments paying a current return, but which are less likely to experience dramatic productivity gains or job growth. Such a policy is bad for our economy and bad for the well-being of the American people.

Take by way of example the owner of a small business that is built up over a period of 20 years. During that period, the owner will have sacrificed much, paid taxes on income, when there was any, employed individuals who in turn paid taxes, and contributed to the overall well-being of our economy. Yet, when it becomes time to sell the business, we in Congress are saying to the owner: "Yes, you have worked hard and sacrificed to build your business. But we are going to penalize you when you sell your business by making you pay tax on the gain, with no offset for inflation during the 20 years you owned it."

Mr. President, if you had a chance to start a business under these circumstances, would you do it? I doubt it. And who could blame you. A similar conclusion is being reached by many people across the country. Why take the risk and make the sacrifices needed to build a business if the tax you will have to pay on the sale bears no relation to the nominal increase in the value of the company?

Mr. President, it is clear this Congress is not going to act on capital gains reform this year. I do expect, however, that an opportunity will exist next year on this issue. I encourage existing members of the Capital Gains Coalition to continue speaking out on this issue, and I encourage my colleagues to consider carefully the arguments of Mr. Blinder and support capital gains reform.

Mr. President, I ask that a copy of Mr. Blinder's editorial be printed in the Record.

The article follows:

How to Fix the Capital Gains Mess

(By Alan S. Blinder)

The time may be ripening for a grand compromise on capital gains taxation. Capital gains now get no special tax treatment, so most are taxed at the 28 or 33 percent bracket rate. Vice President George Bush thinks this too harsh and proposes a preferential 15 percent rate.

It's a bad idea whose time has passed. Reestablishing the tax preference for capital gains would reopen a Pandora's boxcar of loopholes that the Tax Reform Act of 1986 successfully closed. It is also widely perceived to be unfair—only because it is. Finally, the parlous state of the federal budget makes it reckless to propose tax cuts. (Claims that a lower rate would raise, not lower, revenues are controversial, to say the least.)

There is a better approach—a two-pronged plan that would simultaneously rationalize the taxation of capital gains and make it fairer by lowering taxes on some gains while raising taxes on others.

The first step is indexing. Many so-called capital gains are overtaxed because they are mostly illusory. If an asset's dollar value grows only because of inflation, its owner gains no purchasing power and hence should pay no tax. Only real capital gain, that is, gains in excess of inflation, should be taxed. But our current law treats a 1988 dollar like a 1978 dollar or, for that matter, a 1928 dollar, and so grotesquely overtaxes long-term investments.

The accompanying table illustrates the point by showing effective tax rates on a 50 percent nominal capital gain under three different tax laws when the annual inflation rate is 4 percent. Column 1 represents current law: a 28 percent tax rate without indexing. Column 3 is a 28 percent tax rate with indexing. Column 2 is the Bush plan, a 15 percent tax rate without indexing.

EFFECTIVE TAX RATES ON REAL CAPITAL GAINS [1]

[In percent]

	Current law	Bush plan	Proposal
Holding period	[2] (28)	[2] (15)	[3] (28)
3 months	29	16	28
1 year	32	17	28
5 years	60	32	28
10 years	1049	562	28

[1] Tax as a percentage of real capital gain. Nominal capital gain is 50 percent, and inflation rate is 4 percent per year.

[2] Unindexed.

[3] Indexed.

The first line considers a "get rich quick" scheme that appreciates 50 percent in just three months. Since inflation is negligible over so short a period, indexing makes little difference. The Bush plan, with its much lower tax rate, imposes the lightest burden. In the second line, the same 50 percent capital gain accrues over a year. The tax rate on the real capital gain is now 32 percent under current law, 28 percent under indexing and just 17 percent under the Bush plan. Hence the first conclusion: short-term investors will gain more from a lower tax rate than from indexing.

But what about long-term investors? The thrid line pertains to an assest that rise 50 percent over five years, much like a typical common stock. Even through almost half of the so-called capital gains simple reflects inflation, current law taxes it all and hence imposes a stiff 60 percent tax. Bush's proposal reduces the rate to 32 percent; however, indexing would hold it at 28 percent. The last line is a very long-term investment, like real estate, which barely beats inflation. Effective tax rates under either current law or the Bush plan are stupendous because they fail to recognize that most of the gains is illusory. Indexing corrects this error and applies the 28 percent tax rate to a very small gain. Thus we reach our second conclusion: long-term investors will gain more from indexing that from the Bush plan.

I submit that it is more important to protect long-term investors from confiscatory taxation that to shower tax benefits on short-term traders. Furthermore, we can recover some of the lost revenue by ending the tax-free transfer of capital gains at death.

Under current law, appreciated assets passed on to heirs escape the capital gains tax. Thus if Ellsworth Sr., age 80, sells $100,000 worth of stock that originally cost him $20,000, he will be taxed on his $80,000 gain. If, instead, he bequeaths the shares to Ellsworth Jr., the tax liability dies with him. Should Ellsworth Jr. subsequently sell the stock for $105,000 the taxable capital gain will be just $5,000. (If Ellsworth Sr. did not have a good tax attorney, inheritance tax may also have been paid.) This glaring tax loophole discourages asset sales, invites massive tax avoidance and seriously compromises tax equity.

There are two straightforward ways to close it. One is to let the heir inherit Ellsworth Sr.'s cost basis. If Ellsworth Jr. carried the $20,000 original purchase price on his books, he would realize a $85,000 capital gain when he sold the shares. The other is to tax all assets as if they were sold at death. To avoid forced liquidations of family farms and closely held businesses, provisions would have to be made to allow heirs to pay the tax gradually over many years.

Together, indexing plus taxing capital gains at death constitute a two-pronged plan that is pro-investment, equitable and close to revenue neutral. Maybe, if Gov. Michael Dukakis wins the election, it has a chance of being enacted.●

VETO SOURS FEELINGS OF OFFICERS FOR THEIR CHIEF

● Mr. NUNN. Mr. President, today's New York Times includes an article by Richard Halloran entitled "Veto Sours Feelings of Officers for Their Chief." I ask that the article be included in the RECORD following my remarks.

Several days ago I placed in the RECORD an editorial from the widely respected defense publication Defense News entitled "Veto Merely a Political Ploy." Today's article is further confirmation of what has been clear to all—President Reagan's veto of the defense authorization bill was based on political considerations instead of on the basis of what is best for our national security.

Mr. President, the Secretary of Defense opposed the veto, the National Security Advisor opposed the veto, the Secretaries of the Services—Army, Navy, and Air Force—opposed the veto, five Republican Senators who are responsible for national security matters on committees of jurisdiction—Senators WARNER, STEVENS, GARN, THURMOND, and COHEN—opposed the veto. The Joint Chiefs of Staff were not even consulted on this fundamental national security decision. Not one single Democrat was consulted by the President on the veto—that tells us something.

Mr. President, this article provides more insights into the situation created by the veto.

Mr. President, I hope that the White House will join with those of us in Congress who are trying to put Humpty Dumpty back together. We owe this to our men and women in uniform.

The article follows:

[From the New York Times, Aug. 11, 1988]

VETO SOURS FEELINGS OF OFFICERS FOR THEIR CHIEF

(By Richard Halloran)

WASHINGTON, August 10.—The nation's military officers, who roundly applauded President Reagan for nearly eight years for rebuilding the armed forces and making military service respectable again, have become dismayed with their Commander in Chief.

The President sent shock waves through the corridors of the Pentagon last week when he vetoed military budget legislation for 1989, saying it failed to allocate funds to the right programs. The tremors have not subsided because the prospects are strong for a measure that budgets less money over all, and for what military officers say would be the wrong things. For Pentagon budget officials, it was a year's work down the drain.

"How did my group react to it?" said one Army officer. "Disbelief, a sharp intake of breath, frustration."

Officers from all four services said they were distressed not only because they view the veto as playing politics with the national defense in cutting and delaying funds in an effort to win votes. They were also upset by Mr. Reagan's attempt to get more money for his plan to build a space-based defense against attacking missiles at the expense of conventional weapons.

VETO CREATES UNCERTAINTY

Equally unsettling, they said, was the uncertainty created by the veto. For the first time in several years Congress had completed military budget legislation before the start of the fiscal year, on Oct. 1. Now that the President has rejected it, no one knows how the impasse will be resolved, or when.

Congress will recess for the Republican National Convention next week and not return until after Labor Day. Members are then scheduled to leave in early October for election campaigns, which will leave little time for serious deliberation on the budget.

"The situation on Capitol Hill," said a senior Pentagon official, "is pretty murky at this point."

A likely outcome is the approval of a resolution to continue military spending at current levels, which Pentagon offícals dislike even in the best of times. A continuing resolution for next year would give the armed services $8 billion less than the $299.6 billion ceiling voted by Congress.

DOOR COULD OPEN TO CHANGES

More than the loss of funds, which could be made up through legislation later, the officers lamented the uncertain fate of programs to buy tanks, airplanes and ships, and to pay for operations, training and maintenance. Amendments to a continuing resolution could change many programs.

Of particular interest, several officers said, was the fate of a proposed 4.1 percent pay increase. "That really affects 'Snuffy' out there in the tanks and 'Snuffy' in the ships," said one officer, using a term of affection for the enlisted men and women in the lower ranks.

Until now, Mr. Reagan has been popular with military people because he got them immense amounts of money for new weapons, more training hours and a better life. More important, many said, have been intangibles like the President's public support for those who wear uniforms.

In particular, Mr. Reagan has won repeated praise for sharing the grief of military families after violent deaths. He went to Camp Lejeune, N.C. to pay homage to the marines killed in the truck bombing in Beirut in 1983. He visited Fort Campbell, Ky., to mourn the loss of soldiers from the 101st Airborne Division killed in an airplane crash in Newfoundland in 1985. And he led the memorial service in Jacksonville, Fla., for sailors killed aboard the frigate Stark in the Persian Gulf last year.

DISENCHANTED WITH POLITICIANS

That record appears to have made the veto all the more distressing. Moreover, it has added to a spreading disenchantment among military officers with the nation's political leaders, many of whom the officers consider either dishonest, self-serving or ignorant of military mattters.

Until recently, that feeling has been focused on Congress, with a dose of distrust for the news industry. Now that uneasiness appears to have been extended to leaders in the executive branch of Government.

In recent weeks, military officers have been highly critical of civilian officials in the Pentagon because several have been implicated in the current investigation of fraud and bribery, which in their view has besmudged the entire military establishment.

Earlier, military officers spurned a State Department proposal that United States forces set up a government in Panama to rival that of Gen. Manuel Antonio Noriega, the strongman who has defied attempts to drive him from power. United States officers saw that as inviting international scorn and involvement in a guerrilla war with Panamanians resisting intervention.

Many military officers have also long been skeptical of the President's space defense plan. One officer reflected a widely held opinion when he said, "I'd rather have the conventional weapons and the readiness for the immediate threats."

Now comes the veto. An editorial in Defense News, a trade publication that often accurately reflects the views of the military establishment, called it "an unabashed political ploy" to get votes in November.

"Those knowledgeable about defense understand that this does not strengthen national security," Defense News said, "it weakens it."

A Pentagon official said Secretary of Defense Frank C. Carlucci, who urged the President to sign the measure, "didn't like the bill one damn bit, but as a pragmatist, he felt this might be the best we could do." Mr. Carlucci objected to cuts in in the space defense and nuclear missile programs.

Army officers said they were upset by the veto largely because they had made several compromises with Defense Department budget officials in which they had agreed to reduce procurement and personnel requests in return for more funds for training, maintenance and operations.

DIFFERENCE IN TRAINING FUNDS

Those compromises, they said, are now in jeopardy and, consequently, so is the Army's readiness. Where, for example, the 1988 budget provided funds for fuel and spare parts for an average of 725 miles a year of tank training, the 1989 budget would have increased it to 850 miles. Average monthly flying time for a helicopter pilot is budgeted at 14.4 hours a month; next year, it would have been 15.5.

The Navy resisted $33 billion in cuts that the White House and Congress agreed to last November. When the Navy lost the fight, James H. Webb Jr. resigned as Secretary of the Navy. That gesture appears now to have been wasted, and the Navy does not know whether its ship and operational budgets will be cut further. Nor does the Marine Corps, which is part of the Navy Department, know what is in store.

Air Force officers said they were worried about what would happen to money for operating and maintaining aircraft and missiles because those funds were cut in the 1988 budget but restored for 1989. "A continuing resolution just hamstrings you on key things," said one officer.

For all the dismay, however, a few took the veto and its potentially disruptive aftermath with an air of practiced resignation. As a veteran of duty in the Pentagon said. "That's life in Washington."●

DR. FREDRICK CHIEN

● Mr. DOMENICI. Mr. President, I would like to take a moment to offer my best wishes to an exceptional and honorable man, Dr. Fredrick Chien.

For the past 5 years Dr. Chien has served as the United States Representative of the Republic of China's Coordination Council for North American Affairs. On Friday, August 12, he will return to Taipei, Taiwan, to take on an important, new assignment as the Minister of State and Chairman of the Council of Economic Planning and Development.

I know that many of our colleagues have had the opportunity to work with Dr. Chien. Over the past 5 years, he has been a friend to many here in Congress and has proven to be an eloquent spokesman for his country.

As an outstanding scholar, an excellent speaker, and man of great vision, Dr. Chien has sought to improve relations between his government and other friendly nations of the world. He has certainly left his mark on our country.

He is extremely knowledgeable in American culture, economics, and political affairs. He received his masters and doctorate degrees from the Yale School of International Relations.

As his country's representative in the United States, Dr. Chien received a daily stream of visitors, exercised close supervision over all CCNAA offices through the United States, and kept in touch with the Chinese community leaders everywhere.

During his tenure, Dr. Chien has demonstrated great sensitivity to American concerns, while maintaining his country's high sense of dignity and position in the world. He has worked hard to promote friendship and cooperation between the United States and Taiwan.

Among his many accomplishments, Dr. Chien has fostered a strong defense relationship between our two countries. He has, however, been particularly concerned with economic matters and has focused primarily on trade issues facing the United States and Taiwan.

He has been instrumental in conveying to his government the importance of reducing Taiwan's trade barriers and foreign exchange controls.

He has assisted in difficult trade negotiations, and during the last 5 years there has been remarkable growth in United States trade with Taiwan. Since 1982, when Dr. Chien came here, total trade with Taiwan has increased from $13 billion a year to $32 billion.

He has helped expand Taiwan's purchases of United States goods and services, has repeatedly encouraged United States firms to be more aggressive in entering the Taiwanese market, and has been instrumental in getting his Government to lower tariffs on agricultural products, as was done in April.

Although there are still unresolved trade issues between Taiwan and the United States, Dr. Chien understands how important it is to our peoples to continue to improve trade relations between our countries. As the Chairman of Economic Planning and Development, he will be in a particularly good position to continue his work in this area.

I recently had the opportunity to visit Taiwan. It is a nation whose hardworking and educated people hold a deep sense of goodwill toward the U.S. Government and the American people. I am confident that the ties between our two nations will be strengthened throughout Dr. Chien's tenure in his new position.

Mr. President, I know all Members of the Senate join with me in wishing Dr. Fredrick Chien, and his wife Julie, our very best wishes for a successful and happy future.●

THE COMMISSIONING OF THE U.S.S. "LAKE CHAMPLAIN"

● Mr. MOYNIHAN. Mr. President, tomorrow the U.S.S. *Lake Champlain* will be commissioned in New York Harbor, the newest of the Ticonderoga class cruisers. Its mission; to "destroy enemy aircraft, missiles, submarines, and surface ships in order to prohibit the employment of such forces against U.S. Forces." And it is well equipped to do so. Its array of guided missiles, torpedoes, and 5-inch guns make it a formidable opponent for any threat on, below, or above the sea.

The *Lake Champlain* was built in Mississippi, and will be stationed in San Diego. But it will be commissioned in New York tomorrow to honor the battle for which it is named, the "Second Battle of Lake Champlain." On September 11, 1814, a small American force defeated a superior British force purely with skill and bravery.

The Americans had a 16-gun corvette, the *Saratoga,* 3 smaller ships and 10 gunboats. They met the British, led by the 37-gun *Confiance,* in Plattsburgh Bay. The greater range of the British guns was negated with superior tactics. They were forced to draw near. In the ensuing broadsides the *Confiance* was damaged and forced to surrender, along with three other British vessels. The others fled.

As a result of this victory the British army was forced to withdraw to Canada, and British claims to Lake Champlain were forstalled in the

Treaty of Ghent. Mr. President, two previous ships were named for this great naval victory. Both have been decommissioned. Now the Navy has again chosen to honor the men who fought so bravely 174 years ago. This ship will bear their memory with pride, and when called to it will equal their valor in the defense of this Nation.●

ON THE PRICE-ANDERSON AMENDMENTS ACT (H.R. 1414)

● Mr. McCLURE. Mr. President, I would like to extend my remarks made during the floor consideration of H.R. 1414, the Price-Anderson Amendments Act, which passed the Senate on August 5. Specifically, I would like to clarify an important point raised by the bill's resolution of the radiopharmaceutical insurance issue, which provides for a negotiated rulemaking process before the NRC. The original version of the bill passed in the Senate contained an amendment that extended Price-Anderson coverage to the radiopharmaceutical industry, and in the debate on that measure I expressed some reservations.

I believe the compromise approach in the final bill is a good one, particularly in view of the pressing need for Price-Anderson reauthorization. What- ever the situation with radiopharmacies, though, it must be remembered that there are other users of nuclear byproducts that Price-Anderson was intended to cover. It is clear to me that, without regard to whatever is ultimately decided about radiopharmaceuticals through the negotiated rulemaking process, other byproducts users, having materials produced or delivered under DOE contracts, are and should remain within the Price-Anderson indemnification scheme.

In this regard, I want to emphasize that Price-Anderson coverage for such byproducts users exists by virtue of the Act's omnibus coverage and channeling features. Under these features, Price-Anderson extends protection not only to those persons who sign indemnification agreements with NRC or DOE, but also to any person who may be liable for a nuclear incident which arises out of or in connection with a contract containing an indemnification agreement. The fact that I have questions about whether radiopharmacies should come under Price-Anderson does not mean that there is any doubt at all about the right to Price-Anderson coverage of subcontractors, suppliers, users of the Department of Energy's byproduct materials and others who deal with the unique risks which Price-Anderson was meant to address.●

THE 20TH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

● Mr. PELL. Mr. President, the night of August 20 and 21, which falls during the upcoming congressional recess, will be the 20th anniversary of the brutal Soviet invasion of Czechoslovakia. With that invasion, the Soviets snuffed out Dubcek's brief experiment in Communist liberalism and brought to power Gustav Husak, who until his retirement last December imposed strict Party control over every aspect of life, public or private.

Now, ironically, General Secretary Gorbachev is experimenting with many of the reforms that Dubchek sought to introduce when the Soviets came rolling into Prague. Indeed, while Gorbachev's policies seem to have gained only grudging acceptance from the orthodox Communist leadership in Prague, his efforts have been praised by Dubcek.

Despite Gorbachev's policies of perestroika and glasnost, however, the Soviets still fear that too much perestroika and glasnost in Eastern Europe can be a dangerous thing. More than 80,000 Soviet troops remain in Czechoslovakia with the principal mission of insuring that any future Prague springs never reach full bloom. The continued Soviet troop presence is designed to ensure that any perestroika and glasnost in Czechoslovakia will not loosen the Soviet stranglehold over the region. But until the Soviet occupation of Czechoslovakia ends, there is no realistic prospect for the Czechs and Slovaks to exercise their sovereign rights as set forth in the U.N. Charter and reiterated in the Helsinki Final Act.

I have long had an interest in Czechoslovakia. It seems only a short time ago that, as a young Foreign Service officer, I established the American Consulate General in Bratislava just before the Communist putsch of February 25, 1948. Ever since then, I have tried to stay in touch with conditions in that country. I was there just before and just after the Soviet invasion of 1968. I have always been struck by the fact that the Soviet Union did not have to use force directly to make Czechoslovakia a Communist country in 1948, but had to invade 20 years later in order to keep it Communist. That says something about the appeal of communism after two decades of exposure to it.

General Secretary Gorbachev seems to have recognized that the stale Soviet ideology has lost much of its appeal on the international scene; that the Soviet example is not one which nations seek to emulate. He also seems to have recognized that continued adherence to rigid Communist orthodoxy will condemn the Soviet Union to permanent economic stagnation. To escape that fate, he has launched a series of major reforms. However, these reforms have done little to relax the Soviet grip over Eastern Europe. The people of Czechoslovakia are denied their freedom and individual rights today, just as they were 20 years ago. On the 20th anniversary of the Soviet invasion of Czechoslovakia, it is important to remember that the people of Czechoslovakia continue to live under an unwanted system buttressed by Soviet troops.●

LAUGHNER'S CAFETERIA

● Mr. LUGAR. Mr. President, today, I would like to pay special tribute to the Laughner Cafeterias for their 100 years of food service to the people of Indiana.

Among the great cafeterias, the Laughner's chain is unique. There are eight cafeterias in Indiana and they all combine a tremendous menu and low prices in a relaxed, pleasant environment. Cafeteria dining elsewhere can seem institutional, but Laughner's provide the personal touch and attention to detail one comes to expect from a family-owned business.

Laughner's rich history is an important part of the development of Indianapolis and Indiana. Jonathon Wesley Laughner grew up on a farm in Whitestown, IN, and learned shopkeeping from his father who ran a country store. In 1888, Laughner opened a candy store in Indianapolis and later added a soda fountain. As more and more customers requested sandwiches for lunch, food was added to the menu. During this time their business expanded to include the Riverside Amusement Park Concessions, Indiana State Fair, County Fairs, and the "Indianapolis 500" racetrack. In the late 1800's, customers would select food at Laughner's from glass partitions where the food was displayed, similar to the selections of food from behind glass partitions which individuals now make four generations later. It is a business that spans the history of cafeterias in America, and is the oldest of cafeteria dynasties.

On a personal note, I must mention my fond memories of taking my family to Laughners over the years. On visits back to Indiana, I still make an extra effort to stop by one of the eight Indiana locations.

Mayor William Hudnut of Indianapolis, has proclaimed August 1–15, 1988, as "Laughner's Cafeteria Weeks." I would like my colleagues to join the citizens of Indiana in saluting the Laughner family which has continued to provide Hoosiers with good cooking and a friendly place to eat for 100 years. Mr. President, I also ask that an article on Laughner's contained in the August 1, 1988, New Yorker magazine be printed in the CONGRESSIONAL RECORD.

The article follows:

A Reporter At Large—Laughner's Cafeteria

(By Jane and Michael Stern)

To a lot of people, the word "cafeteria" conjures up visions of school lunchrooms, Army mess halls, and sad urban hash houses left over from the Depression. In the South and parts of the Midwest, however, cafeterias are excellent places to eat—the nicest restaurants in many towns and small cities. The best of them—such as Laughner's, in Indiana; Highland Park, in Dallas; the Belle Meade, in Nashville; and Bryce's, in Texarkana—are known for attention to detail and for amenities that are normally associated with linen-tablecloth establishments. While food writers have romanticized diners, drive-ins, and barbecue pits in recent years, cafeterias have received little attention; they aren't as offbeat or as deliciously vulgar. They are utterly square, which is why steady customers like them, and why they appeal as well to travellers who cherish local foodways. Many cafeterias are helping to preserve a regional cuisine that is unadulterated by faddishness. In many areas, cafeterias are the only restaurants that still serve such specialties as collard greens and black-eyed peas (at the Davis Brothers chain, in Georgia and Florida), hoppin' John and Huguenot tortes (at Robertson's, in Charleston, South Carolina), griddle-cooked corn bread (at Hap Townes, in Nashville), and Indiana farm pie (at Laughner's). But it isn't only the food that makes cafeterias interesting; in communities where they thrive, the ritual of eating in them has become an authentically American culinary experience.

Among the great cafeterias, the Laughner's chain is unique. There are five Laughner cafeterias in Indianapolis, one in Plainfield, one in Terre Haute, and one in Kokomo, and they all combine self-service a prosperous milieu, and low prices in a manner that no other restaurant equals. Cafeteria dining elsewhere can seem institutional, but Laughner's—a small business compared to national restaurant chains—has an engaging Hoosier personality. Run for four generations by the same family, it is a business that spans the history of cafeterias in America, and is the oldest of the cafeteria dynasties. The Laughners have reworked their formula many times. Their newest store, a "super cafeteria" that opened in October 1987, offers a menu of grilled fish, boutique ice cream, and French pastries alongside the classics that made Laughner's famous—sliced "steamship round" roast beef, custard pies, fruit pies, and what may well be the best fried chicken in the Midwest.

Sunday, when families come en masse to eat well, is the day cafeterias are in their glory. At a Laughner's Sunday-dinner service begins at 10:45 a.m. By noon, the parking lot at the Franklin Road Laughner's in Indianapolis is full, and the waiting line stretches out into a breezeway and thirty yards along the front of the building. The building is a Tudor-style shed of stone, brick, and wood, topped by a mansard roof with braided concrete tiles at the ridge line and an American flag flying overhead. It is next to I-465, Indianapolis' beltway, on a road thronged with fast-food establishment, great malls with acres of parking, and dozens of service stations.

In the lobby of the Franklin Road cafeteria, roadside enterprise seems far away. The décor is pubby Old English: lead-framed stained-glass windows, wood panelling, an antique grandfather clock, brass wall sconces, a pewter chandelier. Oak beams are supported by lions' heads formed from a mixture of plaster and plastic foam. Leather wing chairs and a tapestry-upholstered couch are gathered around a massive fireplace. Above the fireplace hangs an oil painting of a smiling Colonial couple—the squire in red velvet coat, white ascot, and powdered wig, the woman in a low-cut blue dress that exposes a robust cleavage.

On Sunday, many families come to Laughner's straight from church. Sometimes nearly a whole congregation will arrive in procession. One recent Sunday, a bride in a white gown led her bridegroom, in a tuxedo, and the entire wedding party along the cafeteria line, the bride's father bringing up the rear, so he could pay for everybody's tray. Because services in black churches in Indianapolis tend to run longer than services in white ones, the noontime crowd on Sunday is nearly all white. By three in the afternoon, the dining room is integrated. Small children are hoisted into a Laughner's invention—a high chair on wheels, designed to be pushed along the line by an adult. Old people with canes or walkers are a common sight. Even those too feeble to carry a tray often manage to push one along the tray rail; for them, as for pregnant women, Laughner's provides tray carriers at the end of the line.

Diverse though the customers are, they have a homogeneous look, like different-shaded pieces of a jigsaw puzzle. Many of them wear the colors of the heartland: pale-pastel dresses that never skim above the knee; high-heeled white pumps with matching purses; pearl necklaces, or small crosses on gold chains. Men's lapels sport Masonic or other fraternal pins. Children, who get their food served on special plates decorated with rabbits, toy soldiers, and jack-in-the-boxes, are as tidy as their parents and grandparents: cowlicks tamed, ears scrubbed pink, shoes shined. Clipped to boys' white shirts are stiff narrow neckties. Many girls favor hairdos of well-lacquered sausage curls. Nearly everyone is flushed with excitement.

Customers pass through a portal above which is a gold-lettered message cut into a wooden scroll: "This Way to Good Eating." They become part of what is known as the preview line. All the choices are visible from here, but in a tantalizing way: the food is intermittently blocked from view by customers moving down the food line and filling their trays.

It takes at the most ten minutes to wind through the preview line and get to the beginning of the service line. Then it's time to take a tray and set it on the rail along the steam tables. Bundles of silverware are next—knife, spoon, and two forks wrapped in a maroon cloth napkin. The tray rail travels a course of sixty-two feet and nine inches, past a ravishing inventory of a hundred different things to eat, displayed behind a glass partition open at the bottom. Regulars walk in knowing exactly what they want, but many cafeteriagoers clearly relish the thrill and anxiety of being forced to make a last-minute choice, under pressure of the line of people moving up behind them.

Behold the salads. Planted in a field of chopped ice are fresh fruit salads (seven different varieties), chef's salad, green salad, spinach salad, shrimp salad, plain yellow gelatin cubes, plain green gelatin cubes, blocks of mandarin-orange whipped gelatin with marshmallows, strawberry-cream gelatin, frosted cranberry gelatin, vinegar coleslaw, vinegar-onion coleslaw, cream slaw, carrot-and-raisin slaw, marinated cucumbers, marinated mushrooms, plain cottage cheese, pasta salad, three-bean salad, green-bean-and-pea salad, macaroni salad, sliced tomatoes, chunky cranberry sauce, ambrosia, strawberry-and-banana compote. The gelatin salads and some slaws are already portioned out in little bowls. Greens and composed salads are displayed in large bowls and parceled out when ordered.

"May I help you, Ma'am?" Every step of the way, questions are thrown at customers by Laughner's employees—uniformed, whether male or female, in white shirts, black vest-aprons, and black bow ties. "What would you like today, sir?" Like the customers, the employees are of all ages and are racially diverse. They embrace their jobs as if they were paid commissions, but they are not. They aren't rude, and they would never pressure a patron, but their patter gives each transaction a sense of speed and purpose.

"What can I get for you today, sir?" a young man behind the partition asks an elderly man in a pale-blue suit.

The man's wispy white hair seems to stand on end with alarm, and his face blushes pink in the bright lights of the serving line. He turns to his wife. "What is it I like, dear?"

"You like sausage with apple fritters and green-bean casserole."

"Sir?" the server asks again.

" 'Sausage,' you said?" the man whispers to his wife.

"I'm sorry, sir," the server explains. "We don't have the sausage today. Would you care for some pork loin? Or what about the country-fried steak? It's very popular."

Steak it is. Tongs set a crusted slab of beef upon a plate.

At no station do customers handle the food themselves. Unlike help-your-self salad bars and buffet tables, cafeterias present their food in a state of untampered-with perfection. Every step of the way, portions are measured out and presented according to house standards. Cheese sauce is drizzled precisely onto each order of cauliflower; corn chips are scattered over every taco salad in a pattern that is generous but never profligate. The food in the serving trays is never allowed to look dishevelled. Salads nestle in decorative bouquests of kale. Sprigs of parsley or slivers of red pepper highlight monochromatic vegetables. Steam-table trays are small enought to get replenished almost constantly, so the food in them is always fresh.

After the display of salads come desserts. The order of the types of food, while gastronomically strange, makes good business sense. The concept is to begin with the exciting dishes—the baroque gelatinized salads, the rich pies—and move on to sedate main courses, to homely vegetables, and, finally, to beverages.

A buxom woman catches the eye of a dessert server and points to a plate holding a slice of strawberry pie—a signature dish at Laughner's since the nineteen-sixties. A pale, fragile bottom crust supports a heap of huge whole berries encased in a luminous glaze. "I want *that* piece," she says. The server grabs its nearly identical twin. "No, no, no, not that one—*that* one," she says. "Yes, that's the one, the big one. I dieted all week for it." She makes room for it on her tray next to a salad of miniature marshmallows, pineapple chunks, pecans, and American cheese.

All of Indiana's finest restaurants flaunt their pies. At Laughner's, the daily roster includes classic double-crusters and lattice-topped fruit pies, custard pies without top crusts, cream pies, and meringue pies. Apple-walnut pie looks flamboyant next to a simple sugar-cream pie. Diet fruit pies, artificially sweetened, vie for attention with slices of New Orleans sour-cream pie (like mince pie but much richer) and millionaire's pie (coconut flakes, chocolate chips, and pecans suspended in a gooey amber filling). As a group, meringue pies are the showiest. Crowning each piece is a foam-white cloud gilded with carmelized froth. Below the meringue triangle is a lode of banana cream, butterscotch, lemon, chocolate, or coconut cream.

The bread station, which comes after desserts, is not a place to linger. "Roll, Ma'am?" the bread girl queries, sweeping a hospitable hand over her small kingdom: soft, puffy breadsticks almost a foot long, baking-powder biscuits handed out two at a time, and large pull-apart dinner rolls. "Can I interest you in some corn bread today, or a cracked-wheat loaf, or a cinnamon roll?" The server's spatula lifts a cinnamon roll from its pan. It trails syrupy hot brown filaments. When the customer decides on the roll, the server puts it on a plate and applies a spiral of white sugar glaze from a squeeze bottle.

Selecting meat is the climax of the progress down the line. The meat station is especially bright and noisy. Smells of different gravies crowd the air. Curtains of steam rise up, clouding some servers' eyeglasses. Here the servers stand elbow to elbow behind a dozen entrees, reeling off choices.

"Hot sauce or tartar?"

"Cherry sauce or yams?"

"White meat or dark meat? An extra high, perhaps?"

"How about some gravy?"

"Brown gravy or cream gravy?"

"Would you like mushrooms with your steak?"

Once the hot entrees are on the plates, people are eager to get to their tables and eat, so the vegetable station, the last significant stop, functions at double speed. A huge chunk of cauliflower vanishes beneath yellow cheese sauce. Mashed potatoes—real ones, peeled on the premises and veined with melted butter—are scooped from their tray with an ice-cream dipper.

With only a few exceptions—peas, carrot slices (hand-cut), green beans (canned)—every vegetable is embellished. The fashionable culinary virtue of simplicity does not apply at the vegetable station in a cafeteria. Vegetables are where cafeteria cooks traditionally strut their fancy stuff. Kale greens, overcooked in the Southern manner, are laced with bacon, and, in a Laughner's version of a classic convenience casserole, green beans are mixed with condensed mushroom soup, slivered almonds, and fried onion rings. Sweet potatoes are given a glaze of sugar, cinnamon, margarine, and cornstarch. Some baked potatoes are stuffed with broccoli and smothered in the same cheese sauce that is used for cauliflower. Caldrons of sauce and various gravies are available for all vegetables as well as for meats.

After vegetables are the beverages and such items as lemon wedges for fish, little paper cups of honey butter, packets of cream, pats of butter, and mini-tubs of margarine. At the end of the straight line are two cashiers. The average price of a Laughner's Sunday dinner is four dollars and fifty cents.

The dining rooms are baronial. Diners sit on broad upholstered chairs beneath tiered pewter chandeliers hanging from a plaster-and-oak-beam ceiling. Sunlight filters through panes of red, blue, and yellow leaded glass set in stately windows. The exuberant noise of a cafeteria mealtime is muted by heavy Axminster carpeting—a wine-red Oriental pattern to which Laughner's has exclusive commercial rights.

Tudor is the look for which all Laughner's dining rooms are known, but every branch has its own knick-knacks and decorative motifs, to give it an individual character. "Hope Shines From Here," says the coat of arms on the door of a Laughner's on Thirty-eighth Street in Indianapolis, where the stained-glass windows and the art on the walls have a Dutch motif. The stained-glass windows at the Southern Plaza branch, celebrating different modes of transportation, were taken from a defunct restaurant in the Indianapolis bus station. At Franklin Road, the motif is mostly eighteenth-century English.

The Tudor theme is impressive, but it is tempered with enough familiar cues to evoke the comforts of a gracious Midwestern home. Every dining room is equipped with a three-shelf hospitality hutch, from which customers take bottled condiments and refills of coffee or iced tea. The top shelf is always reserved for a display of china, model ships, or small classical busts. A glass-fronted corner cabinet in one dining room holds blue flow-ware dishes and a small collection of sugar bowls and creamers, pitchers, and leather-bound books. Another dining room may display ladies' hats from the nineteenth century, or a spray of dried flowers in a woven basket and a silver duck decoy.

The walls of every Laughner's are hung with original art, some of which was acquired at country auctions and flea markets and some of which was commissioned: oils in elaborate gilt frames, watercolors, pen-and-ink drawings. Portraits range from stern Old World aristocrats with Vandyke beards to windswept milkmaids and saucy wenches in modest dishabille. There are windmills, storms at sea, thatched-roof farmhouses, eighteenth-century European city streets, romantic visions of castle walls and cobblestone bridges. There are no contemporary or topical scenes; the art evokes earlier times and other worlds.

A hundred years ago, Laughner's was part of a restaurant revolution that no one noticed. Most accounts of gastronomy in the late nineteenth century described the period as a golden age of luxury dining. The focus is New York, where Delmonico's and Louis Sherry's restaurants were catercorner rivals at Fifth Avenue and Forty-fourth Steet. The Waldorf dining room was overseen by Oscar Tschirky, among whose contributions to food history was the use of a velvet rope to hold waiting customers at bay. The nouveaux riches staged parties such as the Swan Banquet, given by Edward Luckmeyer, at which seventy-two guests were seated around a table holding an indoor lake with trees, hills, valleys, bubbling fountains, and four live swans—the whole scene topped off with trilling canaries in gold cages built by Louis Tiffany.

In cities of the East and the Midwest, the industrial bonanza that supplied bons vivants with money to spend on lobster Newburgh was also generating a new class of workers—shopgirls, skilled tradesmen, office clerks—who thought of themselves as standing a rung above the common laborer and his lunch pail, and being too refined for free lunch in saloons (which anyway were for men only). Where were polite men and women of modest means to dine? The answer was the cafeteria—a new class of restaurant which was too mundane to have a place in any of the breathless accounts (contemporary or historical) of the era's profligacy. Cafeterias filled a need for respectable, inexpensive meals served fast.

The idea of a good, quick meal was pioneered by Fred Harvey, a freight agent for a Chicago, Burlington & Quincy line, who lived in Kansas and set up a chain of Harvey Houses in railroad stations on the Atchison, Topeka & Santa Fe route, beginning in 1876. Street diners, which were descended from horse-drawn lunch-wagons, evolved at the same time; the first one appeared in Providence, Rhode Island, in 1872, and sold boiled eggs, sliced chicken, and what was billed as a "chewed sandwich" of chopped-up cutting-board scraps to a clientele of both blue-collar and white-collar workers. These cafés were cheap and fast, and—equally important—they were reputable. In New York, the Church Temperance Society ran eight of them as alternatives to eating in saloons.

Indianapolis needed this kind of restaurant. By the end of the nineteenth century, the city was the hub of the lower Midwest, with a bigger automobile industry than Detroit and an inter-urban train-and-trolley system that made it easy for people in the surrounding area to come to town. There were few elegant places to eat (wealthy Indianapolans splurged in Chicago), but saloons, taverns (which welcomed women as well as men), and lunch counters were increasingly rapidly. "It was a treat to ride into Indianapolis if you lived in an outlying small town," Lee Scott Theisen, the executive director of the Indiana State Museum, in Indianapolis, says. "Indiana was the California of the day—a swing state politically and an important literary center as well, thanks to Dreiser and Lew Wallace. In that context, Laughner's was no small-town cafe. It was a significant restaurant, near the street-car terminal, at the center of an industrial-political vortex."

William Jonathan Wesley Laughner, the patriarch of the chain, was born in 1862; he grew up on a farm in Whitestown, Indiana, but learned about shopkeeping from his father, who ran a country store adjacent to the farm. Young Laughner accompanied his father in a horse-drawn cart to sell produce between Whitestown and Indianapolis. When he was in his teens, he sold sandwiches and fudge from his own lunchwagon at mid-Indiana fairs and in city parks; then, in 1888, he opened the Boston Confectionery in Indianapolis. The bill of fare soon expanded beyond candy to sandwiches and sodas, and around 1900 the confectionery was remodelled, and renamed Laughner's Dairy Lunch. It was a restaurant with an unusual style of service. Customers presented themselves at a counter on which stood glass cases full of pastry and pans of food kept hot on a steam table; they told the server what they wanted, and then carried their plates to wooden chairs with sidearm tables. (As more self-service restaurants adopted individual sidearm tables during the next few years, they were nicknamed "one-arm lunches.") There were no trays or tray rails yet, but Laughner had hit upon an efficient, eye-appealing style of service. His restaurant provided one of the first examples of cafeteria dining in the Midwest. No gustatory logic explains why he called his business a dairy lunch: milk was not yet considered especially nutritious, nor is it likely that Laughner, a German Luthern, would have deliberately associated his lunchroom with milchig kosher food. But the first "dairy lunchroom" had been established in 1884, in Chicago, and the term had come to imply quick food, low prices, and chairs with sidearm tables.

Laughner's Dairy Lunch was genteel. Although customers carried their own plates, they did not help themselves from the serving trays—the staff handed out the food. Valet parking was available in the person of Claude Laughner, Jonathan Wesley's son: he held the horses' reins while the riders went inside to eat. Like Schrafft's restaurants, which began opening in the East in 1906 (they were also descended from a candy business), the Dairy Lunch catered to a respectable clientele by serving wholesome food—in this case, Indiana specialties, such as chicken and dumplings, roast pork with dressing, ham and beans, and "pocketbook rolls," Laughner's flour-dusted version of folded-over Parker House rolls.

Cafeteria service suited fast-paced city life. Fifteen years before Laughner's introduced such service to the Midwest, the Exchange Buffet, in downtown New York, started selling food from a counter, but there the diners, all male, filled their own plates and ate standing up. Eight years later, the Klio Association, a Chicago social organization, started a self-service lunchroom called the Noon Day Rest, and that same year, also in Chicago, an entrepreneur named John Kruger, anticipating crowds at the Columbian Exposition, opened a self-service restaurant modelled on establishments he had seen while travelling in Sweden. Thinking the name smorgasbord too odd, he chose cafeteria, a Spanish word meaning "coffee shop." Within the next two years, the Chicago City Directory listed four cafeterias. As at the Exchange Buffet, customers took their own food. In 1904, The Restaurant Bulletin described these new restaurants as "'grab joints,' where heaven helps those who help themselves," and said, "Men and women hugging roast beef to their bosoms and balancing a toppling armful of dishes rush to an fro, on a perilous and exciting exploration for seats."

New York had its first cafeteria by 1898. The Childs brothers, already successful with a chain of nine modest-priced restaurants, transformed a lunchroom at 130 Broadway into a self-service lunch counter that featured an important innovation: trays on which customers could help themselves to many different dishes.

In 1902, two Philadelphians, Joseph Horn and Frank Hardart, imported fixtures and equipment from Germany that were meant to duplicate the success of a Swedish invention that allowed patrons to view food behind a small window, drop coins in a slot, turn a handle, and open the door of a compartment to get what they wanted. The Quisisana Company Automat, known as the waiterless restaurant, had been a great fad in Berlin, especially among women and young people—exactly the customers that America's new quick-service restaurants sought to attract. Horn and Hardart streamlined the system (the German version sent food up to the windows from basement kitchens on small elevators) and supplemented the window service with a steam table and a cafeteria line.

When a Michigan woman named Helen Mosher opened the first cafeteria on the West Coast—in Los Angeles, in 1905—the novelty of women cooks and self-service made it an immediate success. Inspired by Mrs. Mosher, four brothers, Horace, John, Cyrus, and Henry Boos, opened a cafeteria in Los Angeles in 1906. By 1920, the Boos Brothers had a chain of seven that served twenty-five thousand meals a day. Some humorists referred to Los Angeles as "the capital of Southern Cafeteria;" self-service became so closely identified with the West Coast that cafeterias were known in the East as "California-style" restaurants. A 1924 New York Times story about the cafeteria phenomenon credited Californians with inventing them.

It is easy to see why all these innovations appealed to restaurateurs: professional waiters weren't needed, and kitchen staffs were minimal. The economic logic is described by Harvey Levenstein in his book "Revolution at the Table: The Transformation of the American Diet"—an analysis of how dining and dining-out customs changed between 1880 and 1930. He has mentioned quick-lunch restaurants as examples of something that was happening "in all fields in the late 19th and early 20th century; the reduction of labor costs by adopting processes that don't require skill." He adds, "It wasn't only a matter of cost, the issue was power. A skilled chef controls your kitchen." Levenstein tells what happened at Chicago's North American Restaurant in 1920. When its employees struck, they were fired, and within ten hours the dining room had been converted into a self-service cafeteria.

Advertisements for its new way of doing things were headed "Common Sense Is on the Job," and described waiter service as "a useless luxury." At the National Hotel Exposition in New York in 1927, a new kind of waiterless system was displayed. Customers sat at tables where they filled out order blanks for themselves and dropped them in slots. A panel in each table opened and bowls of soup rose up from below. When the empty soup bowls were replaced, they descended and the next course was levitated, and so on—up to and including finger bowls. There were no waiters, no tipping, no wasted time.

Cafeterias were a boon to anyone who was paid by the hour. Neither idle rich nor indolent poor, these new restaurantgoers were people for whom time was money, and both time and money were to be budgeted. "Short lunch hours and expanding cities made going home for lunch impossible," Levenstein notes. "Office and shop employees couldn't take an hour and a half for lunch. They had one hour to punch in and out." During the First World War, expanding factory production drew even more people to the cities, and cafeterias proliferated. Laughner's Dairy Lunch served meals twenty-four hours a day through the war years.

It wasn't only speed that made cafeterias popular. They felt democratic. They embodied "the distinctly western idea of each man his own servant," wrote Guy Gundaker, of Kugler's Restaurant, in Philadelphia. "The cowboy, miner, or lumberman, returning to his habitation at night hungry, took his tin cup, plate, knife, fork, and spoon to the cook and received his meal much after the fashion of cafeterias." Even when cafeterias became elaborate and began to offer a great variety of food, they always specialized in meals stripped of folderol: no interaction with servers, no delays between courses, no tipping. All that is still true. Today, families having Sunday dinner at Laughner's occupy tables an average of forty-five minutes per seating.

And cafeterias connoted cleanliness. Newly aware of the existence of bacteria, people in the late nineteenth century were obsessed with the possibility of contamination. Fear of microbes gave self-service a health cachet, because the food was out in the open, available for inspection, away from sneezy back-room kitchen help. (The Automat went a step further by offering food that appeared to be untouched by human hands.) Levenstein points to the introduction of enamelled tabletops, electric lights, and steel utensils as other ways in which new restaurants emphasized cleanliness. The Childs chain was known less for what it served than for its immaculate tile interiors and a staff outfitted in starched white uniforms. Some time after Laughner's started serving meals, its wooden sidearm seats were given porcelain tops, and still later marble tables were added to the dining room. Photographs show all the male employees clean-shaven, and even the dishwashers wearing white aprons and neckties "Everything was clean," recalls Jonathan Wesley Laughner's grand-daughter Frances Laughner Tierney, who recently retired from the business. "When I think of the Dairy Lunch, I remember nothing but white."

Prohibition had a tremendous effect on American restaurants. There were no more corner saloons to offer free lunch. Life at the top was gloomy, too. "The Story of Louis Sherry," by Edward Hungerford, published in 1929, laments the end of a culinary era: "Twenty glorious years. . . . Then came Prohibition—that deadening statute that made good lunching and good dining so very, very difficult indeed." All across the country, elegant dining rooms—even the ninety-six-year-old Delmonico's closed.

The epicurean view of Prohibition is that it was a disaster, the end of hope that a fine cuisine might evolve from the Francophile splurge of La Belle Époque. For everyday Americans, however, who patronized restaurants of a social level between beer joints and the Waldorf, Prohibition was the dawn of an amazing era. "The most remarkable growth of the restaurant industry . . . has been since 1919," the magazine American Restaurant observed in 1932. "Up to that time, it was only in the high-class restaurants that much thought and attention was given to the quality of food served . . . However, after the enactment of the eighteenth amendment the men who had depended on liquor for their profits discovered that they had been blind to a new trend."

Cafeterias were in their heyday. "Over half a million spent here in equipment and atmosphere," said American Restaurant, showing pictures of a new cafeteria that looks like the lobby of one of the grandest nineteen-twenties movie palaces with tables and chairs set up in it. Crystal chandeliers hang from a beamed and elaborately painted ceiling. A pair of curving stairways sweep up to an arched portal in the mezzanine, which leads to a balcony rimmed by a filigreed rail. The S. & W. Cafeteria, which opened in Asheville, North Carolina, in 1929, dazzled customers with a Byzantine façade painted buff, bronze, black, green, and gold and, inside, terra-cotta walls in three shades of buff, a multi-colored terrazzo floor, and bronze and wrought-iron lighting fixtures.

"Tea Room and Cafeteria Management," a 1926 how-to book for restaurateurs, suggests old-fashioned décor as a means of attracting customers to what the author, R.N. Elliott, calls "a convincing atmosphere of by-gone cleanliness, peace and almost cloistered charm." Cautioning those proprietors who think their only duty is to furnish food, Elliott asks, "How often have we heard the expression 'I'd rather eat bread and butter in nice surroundings than a square meal where there is no refinement'?" To portray refinement, he conjures up an eating environment amazingly similar to the Laughners' Tudor look today: "Tiny lead-framed panes of glass in the windows entice the mind back to the halcyon days of 'Merrie England,' when befrilled gallants inscribed their love for 'ladyes faire' in diamond-cut protestations on window panes in ivy-covered, battlemented castles." Elliott also recommends giving restaurants the surname of their owner, citing Schraffts's, Childs, and Ritz-Carlton as successful examples.

The Boos Brothers opened a cafeteria in San Francisco, at 725 Market Street, that featured panoramic paintings on the walls. The scenes bore such titles as "Pioneers of the Golden West," "Early Days in San Francisco," and "Landing of First White Men in California." According to William Francis Ireland, the secretary of the Los Angeles Café and Restaurant Keepers' Protective Association, writing in 1920, the Boos Brothers' use of art elevated the restaurant above the status of mere eating place by "presenting to the mind of the partron historical facts," and "attracting his mind away from the commercial affairs of life."

The fanciest self-service restaurants were Horn & Hardart's Automats. Early Automats in Philadelphia and downtown New York had offered the bare, hygenically reassuring look of tile floors and marble counters. In 1912, at Broadway and Forty-sixth Street, the biggest Automat opened, with a whole new look, supplementing lunchroom simplicty with Gothic flourishes such as gargoyles, and a column in the center of the room crusted with relief carvings of vines and fruits growing up onto the ceiling. It was a great success. Automat restaurants and takeout stores opened all over New York and Philadelphia (advertised by the slogan "Less Work for Mother"). During the twenties, machine-age modernity became their trademark look: chrome; silver dolphin-headed spigots for the famous coffee; Carrara marble; and rows of bright-windowed cubbyholes.

In many of the sumptuous new cafeterias, the splendor of the edifice was accompanied by increased pomp. The most ambitious ones were still built around the efficient principle of the straight-line counter, but they supplemented it with hostesses, white tablecloths, candlelight, good china, and silver-plated utensils (rather than cheap lunchroom flatware). Even the most modest establishments ought to provide their cashier with a push button to summon busboys, advised "Tea Room and Cafeteria Management." The cashier "should make it a point to say at least 'thank you' to the customers as they pay their checks—and this not perfunctorily but sincerely." J. A. Morrison, a restaurateur in Mobile, Alabama, opening his first cafeteria, in September of 1920, overcame what he believed to be Southerner's objections to serving themselves by providing waiters to carry trays from the service counter to the table—an amenity that still prevails in the South.

By mid-1924, there were nearly a thousand cafeterias in New York. Greenwich Village had some that attracted avant-garde types by offering art exhibits, jazz recitals, and poetry readings. Midtown cafeterias featured thick rugs (the ones in the Village had bare floors), attendants to refill water glasses and sugar bowls, and even chamber groups to provide dinner music. Alice Wright Penrose, who gave a class in cafeteria management at the Y.W.C.A. observed that "the policy of pleasing the eye goes further than the mere work of beautifying food," and explained, "The room itself must be pleasing, clean, attractive, with delicate colored curtains at the windows, and perhaps candles to match on the tables. . . . In this way the cafeteria is made not only a restaurant for persons of moderate means, but an attractive luncheon, tea, and dining room for those of the most fastidious taste." Some uptown cafeterias were known for mahogany walls and crystal candelabras.

Yet even those places with linen napery never attempted to serve fancy food; nor did the Moorish, Mediterranean, or Egyptian-style ones express any culinary wanderlust in the contents of their steam tables. On the contrary. Like the Automat, which was known for such down-home victuals as baked beans, fish cakes, chowder, and pie, the mission of cafeterias—however grand they looked—was to supply customers with simple meals: chicken à la king, chipped beef, croquettes, white cake. Bland was good, for garlic and spices were still considered marks of unassimilated (and therefore inferior) immigrant cooking. "Cafeteria Recipes," a cookbook published by the Y.W.C.A. in 1925, is a paean to mildness; one recipe is for spaghetti with nothing but tomato purée, and with only salt, pepper, and sugar for seasoning.

In Indianapolis, a second generation of Laughners branched out from the Dairy Lunch to open the Central Cafeteria. Jonathan Wesley Laughner's son Claude had met his future wife, Flora, when she applied for a job as a chocolate dipper in the back of J.W.'s confectionery. So enamored was she of Claude that she serenaded him while they made candy; they married, worked together in the lunchroom and in the family concession business, and opened their cafeteria in 1920. The Central Cafeteria was up to date. It featured trays and a tray rail; and, recognizing the new fashion for eye appeal as cafeterias' strong suit, Claude installed a spectacularly big front window, in which he could display appetizing fruit. Here lay bouquets of watermelons and pineapples, and, especially, huge bunches of bananas. At the time, bananas were considered so exotic that "From the Tropics to Your Table," a pamphlet of recipes published by the Fruit Dispatch Company in 1926, began by advising readers that it was necessary to peel them before cooking. The pamphlet also revealed the connotations of health, success, and adventure in Claude's windowful of bananas: "Nature has made the ripe banana one of the most wholesome and digestible of foods. Man has put the banana within the reach of every American. The romance of banana cultivation is one of the most interesting in the history of American business."

The interior of Laughner's Central Cafeteria outdid the clean-and-white theme of the Dairy Lunch. Walls were of white ceramic tile; tabletops were of white porcelain; each bentwood chair was covered with a white slipcover. Frances Tierney recalls that Matthew, the black porter at the Central, wore starched white clothes from head to toe: jacket, shirt, pants, and apron.

Booming business during the nineteen-twenties encouraged the Laughner family to open another kind of restaurant, the Ripple Grill & Tearoom. The grill section, in front, was done in the sanitary tile-and-porcelain style, its menu was a plain one of sandwiches and plate lunch, and, for people in a hurry, car-hop service was available. To get from the grill section to the tearoom, one passed through a portal flanked by large torchères. Like cafeterias, tearooms were beneficiaries of Prohibition. Once known as ladies' places, they began appealing to men, too, with what American Restaurant called "the homelike touch of their surroundings" and "better-rounded meals." Laughner's Ripple Tearoom was homelike only in the way Laughner cafeterias are homelike today: far more thematic than most people's homes but with a distinct personal touch. The floor was carpeted. Lights were low. There were thick linens on the tables. And there were frogs' legs on the menu.

As the eating-out boom peaked in cities of the East, the Midwest, and the West Coast—the number of American restaurants tripled during the twenties—cafeterias were appearing in the Deep South. This was a turning point in cafeteria history: the South became, in the words of the magazine Institutions, "cafeteria country."

The first of the Southern cafeterias was Britling's, established in 1918 by A. W. B. Johnson I, the proprietor of a Birmingham department store. Responding to customers' complaints that there was no nice place to eat downtown, Johnson opened a cafeteria on the top floor of his store. (He chose the name Britling from a favorite H. G. Wells book, "Mr. Britling Sees It Through.") His son A. W. Boswell Johnson has recalled, "Pretty soon the escalators were so crowded carrying diners to the cafeteria that there was no room for customers. So my father opened a large cafeteria across the street."

Soon there were other cafeteria chains in the South—like Morrison's, which began in 1920, in Mobile, and quickly expanded to seven other towns and cities. These cafeterias were an immediate success, for they offered a plenitude of family fare appealing to Southerners raised on such feasts as fish fries, barbecues, community suppers, and oyster roasts. Another reason for the success of cafeterias in the South during Prohibition was their moral character. Unlike service restaurants and hotel dining rooms, where liquor had been served (and often continued to be, illegally), cafeterias had clean reputations. Just as lunch counters had reassured the germ-conscious customers of the early nineteen-hundreds, the cafeterias' brightly lit dining rooms appeared upright to abstainers in the Bible Belt. And they still have a reputation as "family restaurants," in which drinking doesn't fit. Virtually no cafeteria serves hard liquor, although recently a few have begun to offer wine.

As Prohibition tried to enforce morality throughout the country, Indianapolis went on a crusade of its own to stay racially pure and all-American. Out of fear that the growing auto industry might attract Eastern Europeans and Southern blacks, factories were denied zoning variances, but Detroit was happy to offer them, so business moved north. The temper of central Indiana was demonstrated by a 1923 Ku Klux Klan rally in Kokomo, attended by a hundred thousand Klansmen. "Indianapolis in the 1920s was anti-immigrant, anti-colored, and anti-change," Lee Scott Theisen, of the Indiana State Museum, says. "It was a city that did not want to grow."

Stunted growth shaped Indianapolis cuisine, and even today the city's restaurants offer little in the way of ethnic food; it is a meat-and-potatoes place. To some extent, its jingoistic Americanism had the same effect as the big food fad of the nineteen-twenties: the belief in vitamins. Scientific eating and a sparse diet were considered the true road to health by advocates of what Harvey Levenstein calls the Newer Nutrition. In restaurants, the widely accepted belief in prudent eating translated into a resurgence of plain and familiar American food. French cuisine, considered too rich and heavy to be healthful, vanished from all but the most pretentious hotel dining rooms. This drastic simplification was soon abetted by the forced economies of the Depression. Laughner's Rippole Tearoom was closed in 1930. The Laughner family was permanently out of the frogs'-leg end of the restaurant business.

Because most cafeterias were a relative bargain (in 1935, Morrison's offered a roast-beef-and-potato plate for eighteen cents), they survived the Depression. But their glory days were over. Few new palaces were being built. (A conspicuous exception was Horn & Hardart's monumental pink stone streamliner on West Fifty-seventh Street, which opened in 1938.) In 1932, American Restaurant noted that "other types of restaurants have begun to meet the cafeteria's price challenge," and mentioned coffee shops, luncheonettes, and soda-fountain tearooms.

Cafeteria food seemed old-fashioned by the tenets of the Newer Nutrition. "A new day has dawned. We're learning now to eat to live," declared Healthful Living, a pamphlet published by John Harvey Kellogg's Battle Creek Food Company in the nineteen-twenties. "Everybody is asking, 'What shall I eat for good health, to make rich blood, strong muscles, a clean tongue, a clear head, a sweet breath, active bowels, plenty of pep and efficiency, and the fewest doctors' bills?'" The answer was not big hot meals in a cafeteria. Vitamins were what counted, and they could be found in things as simple as bread made with graham flour, or Kellogg's bran cereal and milk—available at any lunch counter.

Yet lunch-counter efficiency wasn't always what customers wanted during the hard days of the nineteen-thirties. For people with plenty of time but little money, cafeterias—most notably the Automat—offered bargains of legendary proportions, together with the niceties of prosperity. Those with no money at all found ways to take advantage of the waiterless (and relatively unsupervised) cafeteria dining rooms: lemonade was made from sugar, ice water, and a handful of lemon wedges, and a popular recipe for Automat tomato soup was a mixture of ketchup, hot water, and a dash of pepper, all of which were free.

The Laughner family ran many cafeterias during the thirties, usually two or three at a time, in different parts of downtown Indianapolis, but what Claude and Flora's children—Lloyd, Frances, Richard, Charles, and Janet—remember best about the thirties is working the family's food concessions. Since 1912, Claude Laughner had been running stands at the State Fair, the Indianapolis Motor Speedway, and Riverside Amusement Park. "We worked the stands, we rode the rides free, and we slept on peanut sacks," Francis Tierney recalls. "We ate peanuts all day long, and we were the envy of other children." At the age of twelve, Lloyd managed his own stand at the west entrance of Riverside Park, and drove a Model T pickup truck to get soda pop to sell. "On a busy day, our hands would be numb from reaching down to get bottles from the ice tub," Frances says. There were a half-dozen stands at Riverside Park, and each had a different menu: a confectionery offered caramel corn and candied apples. Hot dogs and hamburgers could be had at the grill. One stand specialized in steins of homemade root beer, another in Claude Laughner's soft-custard pineapple whips and chocolate-dipped "polar clubs" (balls of ice cream on sticks). There were no freezers; ice and salt kept things cold. Riverside Park, incidentally, is where the first ice-shaving machines for making snow cones was installed, in 1925—invented by Frank Thomas, one of Laughner's competitors.

Charles and Frances speak fondly of another Depression-era family enterprise: house-to-house candy sales. "At the beginning of the winter, we loved to watch my father get out the candy kettle and the gloves," Frances recalls. "We kids went around to all the houses knocking on doors and taking orders, and later we took them their candy canes and candy baskets. That was our project every Christmas."

When they weren't selling candy door-to-door or manning concession stands, all five Laughner children worked in the family cafeterias as bus-boys and dishwashers. "My parents had five children, who all started in the restaurant business," Frances says. "Our children are in the business now, too. Most of us met our wives and husbands working here. Restaurants are all we knew."

The cafeteria business had grown with the cities, and as people left the cities for the suburbs after the Second World War the cafeteria business shrank. Convenience cookery made the preparation of hot meals at home easier than ever ("The Can-Opener Cookbook" was published in 1952), and by the late nineteen-fifties fast food was becoming accessible to anybody with a car. Many cafeterias, stuck downtown in unwieldy facilities, began to seem institutional and charmless. "They were stainless-steel lunch-rooms," Charles Laughner recalls with distaste. "Ordinary cafeterias. Not the kind of place where a modern family wanted to eat dinner."

"A lot of those companies up North and out West thought the cafeteria concept was dead," an executive of a Southern cafeteria chain said in a 1978 article in *Institutions* on why the self-service concept had disappeared from some regions of the country. It went on to point out that in the South the postward years were great ones for cafeterias. Piccadilly, in Baton Rouge, Wyatt's, in Dallas, and Furr's in Lubbock, Texas, expanded into multi-unit chains throughout the region.

The reason cafeterias have thrived in the South is the kind of food they serve. Southern-style vegetables such as turnip greens and yam casseroles sopped with Karo syrup are improved by long hours on a steam table. Furthermore, Southerners tradionally prefer a hot, sit-down plate lunch to a fast sandwich.

In this respect, Indianapolis is more Southern than Midwestern. Because of its history (its anti-industry stand in the nineteen-twenties), its geography (it is closer to Louisville than to Chicago), and its taste for fried chicken, embellished vegetables, and sweet pies, it seems much more like the Ohio River Valley than like the Great Lakes region.

In 1947, Morrison's, still a strictly Southern chain, wowed the restaurant industry with its remodeling of its old cafeteria in Tampa. Just as autos of the late forties proclaimed their modernity by being curvaceous, this model cafeteria was streamlined—low, lean, and slinky—and all the frills and flourishes of the twenties palaces were stripped away. The façade had no decoration except for a machined silver band that ran low (just above head level) and straight across the front, supporting a "Morrison's" in sans-serif letters. Interior columns were straight and square, without cornices; lights were recessed in the ceiling; tables were chrome-banded; and, most dashing of all, the straight line was replaced by a curving one, with customers rounding a bend of salads to get from pies to entrées, Morrison's looks back on it as "a showcase of unequalled beauty and modern technology," and others have called it "the Cafeteria of Tomorrow."

Morrison's got it right: you can still find plenty of cafeterias in the South that have the 1947 look of tomorrow. The more important postwar development, however, was not in design but in location. Small business looked to the suburbs for its future. "Look ahead with us," said "Opportunity Unlimited," a book issued by the Rexall company in 1946 and addressed "To you, Mr. Rexallite." The book predicted a new kind of place where people would soon be spending money: drive-in shopping centers. For many Southern cafeterias, including Morrison's, Piccadilly, and some of the big independents, shopping centers were where the future lay.

While Northern cafeterias were dying off and Southern ones were moving into shopping centers, Charles Laughner was looking at Win Schuler's restaurant, in Marshall, Michigan. In the nineteen-forties, Win Schuler had modernized his family's restaurant, giving it air-conditioning, a brand-new kitchen—all the amenities. But instead of going the Morrison's route, toward ultra-moderenity, Schuler created heavily thematic dining rooms, including a Tudor one with overhead beams, a big fireplace, dark wood, and bric-a-brac of pewter and china. The room was called the Dickens Hearth.

When Charles Laughner first saw it, in the late nineteen-fifties, he was inspired. He and his two brothers had formed Laughner Brothers in 1957, and had begun planning a big move away from what Charles described as "just plain cafeterias" by opening up something innovative, on the south side of Indianapolis. All their cafeterias had so far been in storefronts, and that had meant parking problems at lunch and (for the downtown cafeterias) a diminishing clientele at dinner. So the Laughners leased a piece of land and designed their own building, surrounded by parking spaces, adjacent: to the Southern Plaza shopping center.

A freestanding cafeteria was a strange way to go at a time when shopping centers seemed to represent the future; but even stranger in 1964 was the interior of the new cafeteria. All the food-service facilities were modern stainless steel, but the dining rooms were a grand-scale hommage to Win Schuler's Dickens Hearth. Charles, who was considered the artistic one of the Laughner children, had designed an environment startlingly unlike that of any cafeteria. What made it differnt wan't just wood panelling, wall tapestries, pewter chandeliers, and stained-glass windows; after all, interior decoration was not a new concept in cafeterias. The difference lay in the sense of privacy in the dinning rooms. The straight line was completely separated from the area where people ate, so that when customers took their trays to a table they left all the stainless steel and the bright lights of the service counter behind. "I thought that people eating in a cafeteria deserve the same treatment as in a fine-dining restaurant," Charles Laughner says, "Mainly, that means privacy." The traditional decor and the general atmosphere were a great success. The look and the feel of Laughner's cafeterias for the next tweny-five years were established by Charles Laughner's design for the new, freestanding building at Southern Plaza.

Charles Laughner is the chief executive officer of Laughner Brothers. He is sixty-one years old, and has fine white hair, a neatly trimmed white mustache, blue eyes, and luminous pink skin. He looks well fed but temperate; the camber of his stomach is the only hint of a lifetime of eating in the family's restaurants. Laughner's regular business attire is a navy-blue blazer, tan slacks, a rep tie, and a starched white shirt, along with brown socks and brown brogues. He wears two pieces of gold jewelry: a tiny gold lapel pin that spells out "Laughner's", with a diamond for an apostrophe, and a Scottish Rite Masonic ring.

Laughner's office is one of a tight cluster of cubicles that constitute the company headquarters, above the Dutch Oven, a pie shop and café opened by Laughner Brothers in 1971. Next door is the cafeteria at Southern Plaza, which is now the oldest of all the Laughner's restaurants. There are two ways to get up to the offices: by a showy wrought-iron spiral staircase in the Dutch Oven lobby or up back stairs past a makeshift storage area and perhaps a huddle of employees smoking cigarettes. No smoking is allowed in the office, and although Charles established a thousand-dollar reward for any employee who quits for six months, there is still a few holdouts.

He shares an office with Richard Tierney, forty-eight, who is his sister Frances's son and his second-in-command. It is the corner office, and is bigger than any of the others crowded onto the second floor, but it seems small—perhaps because of all its furniture and decoration. At opposite sides of the room are two hulking desks, and all around the desks are wing chairs upholstered in blue or maroon leather with brass studs. The walls are covered with foam-and-plaster friezes tinted to look like mahogany. A stained-glass rooster perches on the mantel above a fireplace.

Charles doesn't spend much time at his desk. If visitors arrive at 9:50 a.m. for a ten-o'clock meeting, they find him at a table down in the Dutch Oven, conferring with its manager, Howard Bostick, and drinking the usual—half a cup of coffee mixed with half a cup of hot water. Later that day, he eats lunch at the Dutch Oven, and he has dinner at a new cafeteria in Castleton. "In my whole life, I've probably eaten a total of one year at home," he says, recalling that as a child he would eat breakfast at his mother's cafeteria, go to school, take a trolley to the cafeteria for lunch, return to school, and go back to the cafeteria for dinner.

When Charles was young, he wanted no part of the food-service business. At age nineteen, he got a job as a vault setter for a crypt company in Indianapolis. "They used to call me Digger, but I didn't do that," he says. His job was delivering air-lock burial vaults. The allure of the crypt company was the money it paid—a hundred dollars a week. Working at his mother's cafeteria, Charles had been earning thirty. He didn't stay away long. "I guess restaurants are in my blood," he says, referring to his early education in mopping floors, washing dishes, busing tables, helping the cooks, and working the concessions at Riverside Park. His parents were divorced in 1939, and a year later his mother opened her own cafeteria; although he lives with his mother, he learned from both. "My father was the better businessman, and my mother was the better cook," he says. Other relatives describe his father, Claude, as whimsical and artistic, and his mother, Flora, as being obsessed with the quality of the food.

In the late nineteen-forties, Flora retired, and her oldest son, Lloyd, took over her cafeteria. In 1950, Charles was persuaded by his mother to return to the family trade, and open another cafeteria, on the west side of Indianapolis. "I took a cut from a hundred dollars a week to fifty to get back in the business," Charles says, with no explanation other than a bemused shrug and the quiet remark "That's what we Laughners do."

In 1953, Charles had an idea—one of many good ideas he has had before their time. He and a partner, William Lesher, opened a drive-in hamburger restaurant called Laughner's Drive-Inn, billed as "home of the Double-L sandwich—made as only we know how." The Double-L was a forerunner of the Big Mac—two ground-beef patties, lettuce, cheese, a special sauce, and mayonnaise on a toasted double-deck sesame-seed bun, for forty-five cents. The drive-in's menu was not as streamlined as McDonald's (which began franchising, in Des Plaines, Illinois, in 1955); entrées ranged from a "chilled pineapple and dairy-fresh cottage cheese salad" (sixty cents) to a pork-tenderloin-steak dinner with French fries, head lettuce with French dressing, and a toasted buttered bun (a dollar-fifty). There were also desserts, including ice-cream nut balls, hot-fudge cake, and Persian-nut sundaes (thirty-five cents each).

The back of the menu shows pictures of Charles Laughner and William Lesher. Both men have short hair and wear big-shouldered jackets. Between their pictures, the house policy is spelled out: "The management and personnel of this organization are interested in maintaining the highest quality food and the finest service. We constantly strive to better our service to you. If at anytime you have any suggestions or criticisms, we will be happy to hear from you." Four years after the drive-in opened, Charles sold his interest in it to his partner.

Charles Laughner feels no nostalgia for the fifties. He is puzzled by the romantic ideas that people have about the time, and by the revival of fifties-style diners, "I did not like the fifties," he says. "Maybe it's because I was struggling so much then." In 1959, a second drive-in was opened-Laughner's Steer-Inn—But it didn't last long, either. "They were contemporary restaurants," Charles explains. "I never felt comfortable with that kind of place." He tells the story of a Laughner's cafeteria that he and his brothers opened. (By the late fifties, there were four Laughner Brothers cafeterias.) It had two contemporary dining rooms and one traditional one, which was always the first to fill up with customers. "I learned a lesson there," Charles concludes. "Tradition—that is the safety zone."

Of the three Laughner brothers, Lloyd (now retired) is described by nephews as a "people person," whose forte is employee relations; Richard, the second-oldest, excels at day-to-day management, while Charles is seen as the family visionary—a kind of Renaissance man, who brought the Laughner heritage to fruition in the distinct style of today's cafeterias. In the late nineteen-fifties, after selling his share of the drive-in business, he took time to travel and get ideas by looking at other restaurants. He concluded that the Laughners had to break away from the image of cafeterias as "sterile and utilitarian," so the brothers decided to give the business a new look. The freestanding cafeteria at Southern Plaza was his opportunity. "I designed the building and found an architect to do what I wanted," he says.

Mismatched chairs in the dining rooms were Charles' idea. They provide everybody with a favorite type of seat (armchair, wooden back, upholstered back), and the variety is less institutional-looking than matched chairs would be. With his wife, Pat, Charles bought or commissioned all the art for the walls and scouted auctions every weekend to find the bric-a-brac that would give the restaurants what he calls "the fine-dining look." He chose the wallpaper, and found the carpet pattern that became a familiar part of the Laughner's design.

Charles Laughner sees himself as the idea man; he is also a fanatic about details. Barbara Hopkins, who now does public relations for Laughner's, was originally commissioned by Charles as an artist, because of her training at the Herron School of Art, in Indianapolis. She recently described some of the jobs he assigned her. "He wanted the trim on each menu blackboard in each cafeteria to be handpainted to match the Victorian wallpaper—which is a different pattern in each place," she said. "I nearly went blind painting them. He thought it would be nice for the front door at the Thirty-eighth Street location to have a stained-glass Laughner coat of arms, so I designed one with little figures on top holding plates. At one location, he didn't like the shingled roof—he thought the color was too harsh. So we sprayed the whole thing with an opaque stain to tone it down. He wanted an antique brass coatrack in one of the lobbies to be trimmed with eucalyptus, and he wanted a basket of dried flowers in every store. One time, I took it upon myself to move a vase from one shelf to another. Charles noticed. He called me the next day and asked why." Barbara's watercolors hang on many of the cafeteria walls. She likes to point out one that she painted when she was mad at Charles for being so demanding. It is a street scene that includes a tiny shop sign: "Old Laughnerhead."

No aspect of the business escapes Charles's scrutiny Last year, he outfitted all the rest rooms with Hygolets—a Swiss invention advertised as "the first major toilet seat innovation in nearly a century." A Hygolet is a sanitary device that at the push of a button sends a fresh plastic slipcover scooting around the toilet seat. Laughner's was the first company in Indiana to buy these things. Unfortunately, some children like to push the button just to see the plastic slink around the seat, which wears out the batteries, but Charles is convinced of their hygienic value. "It is our business to protect customers' health," he says. For the same reason, Laughner's has never used a help-yourself salad bar. "Too many people touch the food," Charles explains. "It's like shaking hands with a thousand people, then sitting down to eat."

Charles is rarely off duty. Pat says, "When you go out to dinner with him, he never stops looking around. Sometimes when we travel we will be in a restaurant and I'll think I'm eating a good meal. But then he tells me I'm not. This man does not turn off."

Charles Laughner spends a lot of time watching customers eat. In the nineteen-sixties, Laughner's tried using instant mashed potatoes, but went back to peeling and mashing their own after Charles watched the faces of people as they tasted the substitute. "I could see they weren't enjoying them the way mashed potatoes ought to be enjoyed," he says.

"How do you like this sugar-cream pie?" he asks a guest at a cafeteria table, referring to the Indiana farmhouse classic, which is made from a basic recipe of sugar, cream, flour, and shortening. The guest says it's fine. "On a scale of ten, I give it six," Charles says, with no frivolity in his voice. He lifts the plate close to study what most people would consider a lovely wedge of pie. "It should stand up high." He points to a slight concavity in the top of the custard-colored wedge. "If you make it right, you can almost get it to bulge." Then, like a judge at the State Fair, he begins a dissertation on what constitutes excellence in sugar-cream pie: "There is really no excuse. The difference in the look of the pie is in the way the cow eats. When she is eating grass, you cannot get the pie to rise. In the winter, when she is eating grain and corn, the cream is just right for getting that bulge." He summons the piemaker from the kitchen and hands him the sagging pie. "What happened here?" he asks, his very blue eyes focussed on the nervous employee. No excuse is offered. Charles orders sugar-cream pie removed from the day's menu.

Laughner's restaurants serve what Charles Laughner likes to eat—Midwestern square meals. "I could never see lobster," he says. "All that work. I am that way about fish, too. I don't want the whole fish out there, with its eyes looking at me. I like mine filleted." He sweeps a hand toward a section of the line where neatly cut blocks of whitefish are lined up in a row, gilded with bread crumbs and margarine, and baked.

Usually, Charles's taste coincides with his customers' but not always. One day while he was driving between cafeterias with his son Chip, he got the idea of putting on the menu old-fashioned strawberry shortcake. Chip asked what that was, and Charles explained: a biscuit covered with crushed and sugared berries and topped with cream whipped barely thick enough to hold a peak. With visions of the classic strawberry shortcake in his head, he spent weeks with the kitchen staff perfecting a proper biscuit ("flaky, but with a bit of chew") and turning his idea into reality. Then he watched as customers slid their trays right past it, choosing pie instead. To his chagrin, Laughner's discontinued serving his kind of strawberry shortcake in favor of the kind made with yellow cake.

Charles Laughner's house, a big Tudor mansion, looks astonishingly like a Laughner's cafeteria. At the top of a long, steep driveway in an area known informally as Pill Hill (because many executives from the Eli Lilly pharmaceutical company have lived there), it overlooks the city from a point that Barbara Hopkins says is "one of the two highest in Indianapolis, along with the grave of James Whitcomb Riley."

The Great Room, where guests are served cocktails, is a platonic ideal of the Laughner vision; oak-beamed ceiling, the same Axminster carpet that is used in the restaurants, Flemish art, displays of polearms, knickknacks, and heavy, dark furniture. There is a luxurious red couch with gold tassels, a huge dark-blue leather lounge chair with a double-size matching ottoman, and a window seat piled with twelve of Pat Laughner's needlepoint pillows—one for each sign of the zodiac. The shelf for videocassettes looks like a casemate that King Arthur might have bolted to his castle wall.

Many paintings in the house are the work of the late Thad Miller, who did the Colonial couple (modelled by Chip and his first wife) at the Franklin Road location and various oil paintings in the other cafeterias. "Thad was not great at likenesses," Charles observes, pointing to a portrait of Chip at age thirteen with a horse. "He tended to make females look like males. And sometimes his feet and hands were too big. But this one is very good. I like his colors. They are similar to the Old Masters'."

Charles discovered Thad Miller when he read an article about the artist in a local newspaper in 1964. When he talks about their association, which lasted twenty years, he speaks with brotherly affection. "Thad didn't have to starve," Charles says. "He came from a rich family. But he wanted to suffer for his art. When I first sought him out in his studio and told him I would like him to paint thirty paintings, he nearly fell off his chair. He always said to me, 'Laughner, you have taught me discipline. You made me paint.' "

Over the capacious fireplace in the Great Room hangs an immense Brueghelesque canvas on which Hungarian maidens wrestle with ropes of red peppers. The house is full of art and of attic-sale treasures. In the stairwell leading to the second floor are three paintings that Charles and Pat bought from an old lady for seventy-five dollars: an eighteenth-centry cameo and two landscapes, one of which is signed "Corot." Charles has been comparing the signature with those on Corots reproduced in an art book but has yet to be convinced of its authenticity. Another prize, on a balcony overlooking the Great Room, is a pastoral English scene with a cow, bought at a downtown flea market for ten dollars. Pat is still upset with Charles for his overenthusiastic cleaning of the painting, which partly erased the cow's stomach.

The Laughners' home kitchen has none of the Old World grandeur of the rest of the house. It is a bright model of suburban efficiency, seldom used for everyday meals but well equipped for those occasions when Pat makes Charles his favorite home-cooked dinner—country-fried steak and pan gravy—or when Charles develops a recipe. It was here that he created the Charlie Cheese, a popular low-cost sandwich of melted cheese, sliced onions, and green olives, and also Shrimp Charles-grilled Gulf shrimp wrapped in bacon with sweet-and-sour mustard sauce. He based this one on a dish he had eaten in a Chinese restaurant.

Pat Laughner is a slim, fashionably dressed woman. A diamond tennis bracelet dangles from one wrist. When a visitor compliments her on her outfit one day—a mid-calf-length skirt of muted paisley, a blouse with a silk ascot, and a snug-fitting jacket—she says that it was a present from Charles, and that she would never have bought anything so expensive for herself. "Pat is always complaining that Indianapolis doesn't have the expensive dresses she can get in Chicago," Charles says. "But I'll tell you something about her: she wouldn't buy them if she could." When he is asked about a large diamond in the center of his Masonic ring, he reddens, and says, "It was a gift from my stepfather. I would never buy such a ring for myself." He drives a silver Mercedes-Benz 450SL; when someone admires it, he says that he bought it used and it now has a hundred and ninety-five thousand miles on the odometer.

Pat sometimes talks wistfully about the weekend expeditions she and Charles used to make, discovering inexpensive art, furniture, and conversation pieces in flea markets for furnishing their home and the restaurants. They don't do that much anymore. Even in rural Indiana, bargains have become scarce. To the Laughners, value is a cardinal virtue. Charles says he was flabbergasted on a recent visit to New York when he saw a takeout store selling an apple pie for twelve dollars. "Can you imagine such a thing?" he asks.

Charles and Pat Laughner could well afford to pay twelve dollars for a pie; what bothers them about the price is its arrogance. Of all the qualities prized in the family and the business, humility is held in highest esteem. When asked to describe their boss, Charles's employees, from vice-presidents to potato peelers, add the words "He's so humble" to whatever else they have to say. Charles is bothered by the motto that Laughner's has used in advertising: "Nothing but the Best." It makes him uncomfortable. "I think it might intimidate customers," he says. "It sounds like we are full of ourselves. Who are we to say we are nothing but the best?"

Humility makes good business sense in Indianapolis: it is impossible to imagine an imperious ego succeeding there. "People in this city are not interested in glitter," the city's deputy mayor, John Krauss, says. "We pay for good food, value, and good service." Ten years ago, the Laughners opened a full-service restaurant called Jonathon's, which featured an all-premium brand bar, freshly squeezed juices as mixers, and an open, obviously expensive copper-clad kitchen. Business wasn't good until the bar started offering ordinary liquor and packaged juices, and the ostentatious kitchen was blocked from view by a room divider.

Another component of the Laughner formula is industry. "No one in this family inherits anything but the name and experience," he says. "We are a family company, but my brothers and I had to buy the restaurants. We worked for them. And the next generation will have to do the same thing. Our closeness works because we are separate. You have to make your own mistakes."

Rick Laughner, a twenty-eight-year-old nephew, who, like Charles, temporarily left the business (to manage an ice-skating rink), and who is now the senior manager of the newest cafeteria, in Castleton, says, "We are more tied together than any other family I have seen. The second generation all grew up together, and they are all best friends. They shared everything—work, vacations, and even their homes." Charles points out that there are nearly always some Laughners temporarily staying at his house; recently, it was Chip and his wife, whose own house was being built.

Nothing is given to Laughner children except the opportunity to begin at the bottom of the family business. Chad Laughner, Chip's twelve-year-old son, buses tables at Castleton. He likes the work, because it pays more than his allowance and brings him closer to his goal of buying a rifle, so he can go deer hunting with his father. Although Chad is new at the job, he has experience cooking. His specialty is hamburgers; at home, he has developed a recipe for sauteed cauliflower; and when he made butterscotch-coated pretzels in his home-economics class he calculated the per-unit cost to be ten cents.

"The first time I saw Chad, in his bow tie, busing tables, it was déjà vu," Chip says as he watches his son carrying loads of dishes across a dining room. "When I was eleven, I begged to work in the cafeterias, so I could buy a horn for my bicycle. By the time I was fifteen, I was starting to enjoy it. My parents told me to be a doctor or a lawyer. They warned me against the restaurant business—told me the hours were terrible. I know I should try to get my children to be doctors or lawyers, too, but I think they'll come into the business, just as I did. That's my job, as I see it: to have Laughner's here for the next generation."

In Castleton, a suburb on the northeast side of Indianapolis, a mustering of life-sized aluminum storks nest on the chimney of the new Laughner's. They were installed to announce its birth, on October 26, 1987. The cafeteria that opened that day represents a dramatic reconfiguration of the Laughner formula. Messages run sideways on the bulbs of a computer-generated sign at the front of the building: "Laughner's Super Cafeteria . . . family owned and operated since 1888 . . . temp. 78° . . . time 11:54 . . . Open Labor Day . . . order your whole pies now."

Nearly everything about this cafeteria seems different. The familiar Tudor look is gone, replaced by a style that Charles Laughner calls Country French-Southwestern American. Castleton is bright. Its roof is copper, and its walls are the color of adobe. Sun streams through skylights and etched-glass windows. No more heavy red Axminster carpet: the floors in the lobby and the serving room are quarry tile enhanced with pieces of glazed Mexican tile; wood-parquet paths lead to pastel carpeting that matches the mauve-buff-and-aqua dining rooms. Ceilings are high; some slope, ranch-house style, with exposed rough-hewn beams. Lighting is recessed or on tracks. There is no Old World pewter or china, no fusty portraits of beetle-browed gentry. Here are copper utensils, clay pots, cattle skulls, Indian rugs, and framed prints of fish and flora. "This Way to Good Eating"—this sign at the beginning of the line in every Laughner's cafeteria—is written in neon rather than carved in wood. Castleton is the paradigm for future Laughner's cafeterias, and the pattern for the remodeling of all the old ones. "We have reached the point where we were twenty-five years ago when we created a new kind of cafeteria at Southern Plaza," Charles Laughner says. "The look of 1963 is now out of date."

Instead of a single straight line, the cafeteria at Castleton has what Laughner calls a "flexible footprint," which means that food is served in a variety of places. After the preview line but before the traditional straight line, customers pass the Cookery—an open grill featuring cooked-to-order meats and fish. An exhibition bakery, lit as brightly as a stage and visible from outside the restaurant, sells whole pies, cakes, breads, and pastries. A drive-in window is available for people who don't want to get out of their cars. An inside pickup counter sells whole dinners to go. Laughner's Natural Classic Ice Cream is dished out at a fountain specializing in sodas, sundaes, and milkshakes in tall silver beakers.

Laughner's is not alone in its modernization. In the cafeterias of the South and the Southwest, similar changes are taking place. Morrison's, the biggest cafeteria chain in the country—with a hundred and sixty-three locations, including one in southern Indiana—began ten years ago to add preview lines, like Laughner's, to make the wait more tempting. It, too, has added grills to the line, where customers can watch chicken, seafood, and steak cooked to order. At the Highland Park cafeterias in Dallas, the day's menu choices are displayed on video screens.

One reason for the upgrading is competition. Cafeterias occupy a vulnerable market niche between fast-food counter service and full-service dining rooms. Low-end franchise restaurants are cheaper and speedier than cafeterias, and can be found at nearly every exit of every interstate highway. Some "tablecloth" restaurants have adopted the casual airs of New American Cuisine, and offer the informal home cooking that once lured customers into cafeterias. Between the extremes of efficiency and chic, old-fashioned steamtable food and institutional self-service can seem awfully drab. "Dining-out choices have grown enormously," Chip Laughner says. "It is no longer possible to rest on our laurels. Long John Silver's is going after the same dollars we are."

There are some seventy restaurants on the short strip of road between the Castleton Cafeteria and I-465, and in the shopping center at the next exit there is a modern MCL Cafeteria—Laughner's competitor, part of a chain begun in 1950 by a Laughner relative. MCL now has twenty-seven cafeterias, in malls and shopping centers in Ohio, Michigan, Illinois, and Indiana. Charles Laughner says he has tried to patent as many of his innovations as possible, but food-service designs are tough to protect. MCL's billboards advertise it as "The Better Cafeteria."

One area in which MCL never emulated Laughner's was interior décor. In contrast to the Engish-Dutch-Colonial motif for which Laughner's has long been known, most MCLs have a simple, bright appearance. They look new; to some people—especially those whose taste has been fashioned by the minimalist décor of fast-food shops—Laughner's looks old. Castleton's décor is supposed to overcome the image of cafeterias as places frequented by old people, and an informal study of its Sunday customers indicates that the new formula is having its planned effect. A young, casually dressed couple with a baby in a rolling high chair moved through the line on a recent Sunday. "I never wanted to go to Laughner's before," the wife said. "We thought only old people are here," the husband said. Their minds had been changed by a story in the Indianapolis News that praised Castleton's blackened red snapper.

Castleton's kitchen, like the kitchens of all other Laughner cafeterias, works from a menu planner written each Monday by Michael Fiddler, who is thirty-three years old and is not a Laughner. Fiddler started with the company as a chicken fryer fifteen years ago; now he does the buying and the menu planning for all the stores. His job is to order the groceries and then make sure they are used efficiently.

Every Monday morning, all managers call in their inventories. On the basis of those figures, Fiddler determines what will be on the menu each day that week. "Between nine and ten o'clock on Monday morning, I can establish the weekly menu planner at all levels for all stores," he says. A computer printed spread sheet for a week at Castleton lists more entrées and vegetables than the sheets for the other stores, but, like all the Laughner's menus, it is structured around a ritual that regular customers know well. Wednesday is always the day for pot roast with fresh vegetables; Thursday means chicken livers and breaded tenderloin; Swiss steak is a regular Sunday feature, with a rotating selection of gravies—vegetable, brown, or mushroom.

Fiddler is the man the food suppliers see if they want Laughner's to serve their product. Because of Castleton's expanded menu (about ten per cent new items), he has lately been inundated with things to taste. The other day, a sales representative from Portland sold him a new cheese sauce. "I was kind of amazed at that, because we switched cheese sauces just three years ago," he says. "Back then, I had become dissatisfied with the one we were using, so we got a new product, from Carnation. It was good, but we altered the recipe for our stores. When the people from Carnation came and tasted what we'd done with it, they took our version back and reformulated their product to our specifications. Now it's sold all over the country. But when the sales rep from Portland came to me with the even newer sauce I knew that it was time to change once again. Today, I've got a good lemon-pie filling in front of me." He says this with some trepidation, for he is suggesting that Laughner's tried-and-true lemon pie may be up for alteration, too.

Fiddler and Charles Laughner recently completed a two-year search for a ham they liked. "That was Mr. Laughner's idea," Fiddler says. "He said he wanted the old-type ham. I don't remember that far back, but he knew just what he wanted." Laughner was unhappy with the blubbery, processed product sold by most meat distributors, and wanted a country ham, but not a salty one. So he and Fiddler searched out ham houses throughout the lower Midwest. Dozens of hams failed their taste tests—too dry, too chewy, not porcine enough—until they came to Derwig's sugar-cured, smoked ham, in Haubstadt, Indiana. It was coral pink, faintly smoke-flavored, moist (but not too moist), tender enough to cut with firm edge-of-fork pressure, but satisfyingly resilient: almost perfect. "We asked them to ease off on the sodium and to add a bit of smoke flavor," Fiddler says. "Mr. Laughner was happy. Now they are making a ham to our specifications; we go through about a thousand pounds a week." Ham and its progeny, ham patties with sweet-and-sour sauce, are a wild-card item on all Laughner's menus, including Castleton's once or twice a week. "That is not to say someone won't come by my office tomorrow with a ham we like better," Fiddler says. "We are always tasting."

The opening of Castleton has made Fiddler's job more interesting. In addition to managing a one-month all-store shopping list that usually includes thirty-seven thousand pounds of beef, thirty-eight thousand pounds of chicken, nine thousand pounds of pork, sixteen thousand pounds of fish, and forty thousand pounds of potatoes, he now spends much more time in the kitchen testing and tasting. He is especially excited about one new dish that was developed for Castleton but is now also available at the other cafeterias in the chain. "Rotisserie chicken," he says. "It's coming on like gangbusters." He notes that the chickens are bought locally—from a plant in Corydon, Indiana, a hundred and twenty miles south of

Indianapolis, whose coops and stockrooms he inspects twice a year.

Castleton and all the other cafeterias will begin serving breakfast in the not too distant future. That presents Fiddler with a new set of decisions. "I've got an office full of pancake mixes, cold cereals, and fruit salads," he says. Laughner's has been serving breakfast successfully at the Dutch Oven for the last five years, but doing it successfully in a cafeteria is a challenge. From January to June this year, Laughner's experimented with breakfast at the Kokomo and Terre Haute locations, where customers were invited to read a free newspaper or watch the morning news on a television set in one of the dining rooms. The problem is how to present the food. "I've got to fill an eighty-foot line with breakfast," Fiddler said. "Believe me, that is a lot of eggs and pastries."

Laughner's is known as a family-run restaurant; in the weeks after Castleton opened, it was overstaffed with Laughner relatives and veteran employees who came from the other stores to study and help perfect the new foot-print. In the kitchen, on the serving line, and in the dining rooms one could spot dozens of people wearing tiny pins that spelled out "Laughner's," the jewel of the apostrophe signifying years of service. Twenty years is represented by a diamond, fifteen by an emerald, ten by a sapphire, five by a ruby. Wearers of pins are keepers of the cherished traditions. Charles and Chip and Richard and Rick Laughner and Richard Tierney and all the other relatives and loyal nonrelatives have been with the company for years, learning the business from the inside. At Castleton, for the first time, food-service professionals are being hired to supplement the experience of the family and the veteran employees. It is a radical change of strategy.

Nelson Kirk would never have come to work at an ordinary Laughner's. He is a modern man, twenty-six years old, who is a graduate of the Culinary Institute of America, in Hyde Park, New York. He suspects that he is one of the few chefs in Indianapolis who packs a knife holster. Four blades hang low in his right hip—eight-inch and ten-inch French knives, an eight-inch slicer, and a six-inch boning knife. He wears a tall white toque and, with it, a white chef's kerchief gathered into a fraternity ring he got while earning a management degree at Ball State University, in Muncie. He joined Laughner's in 1987, because the new super cafeteria offered an opportunity to experiment. "I think this unit has a lot of potential," he predicted. "We want to blend the new into the old. I myself prefer new."

Kirk was put in charge of the Castleton kitchen. He planned to offer veal Madagascar (scallops in a sauce of Pernod, cream, and shallots), shrimp with curry cream sauce (his own recipe), and grilled lamb medallions with apricot sauce (also his own recipe). Only seven months after Castleton's opening, however, Kirk left Laughner's. Not long before leaving, he said, "Sometimes I feel like an odd duck here. It is totally different from any place I've worked and all I learned at the Culinary Institute." He found that it was not so easy to change recipes and kitchen ways that are decades old.

The most conspicuously different foods at Castleton are displayed in its bakery. Alongside familiar fruit pies and freshly baked loaves of white bread is an array of breads, cakes, and pastries like those sold by food boutiques in expensive department stores. They are the work of José Mula, aged thirty-seven, who, like Kirk, arrived at Laughner's with an educated palate. "As far as bread goes, the place was a mess when I came in," says Mula, who started working at the Dutch Oven four years ago and is now in charge of the bakery at Castleton. Mula began his career as a baker's apprentice in Cannes when he was fourteen, and he was running a French bakery in Fort Myers, Florida, when he answered an advertisement that the Laughners placed in a trade paper.

Mula brought a Floridian touch to the bakery's takeout case: bread loaves baked in the shape of alligators. And he boasts that his "Tropézienne"—a sugar-topped creation of sweet dough layered with vanilla mousseline—is a great favorite with the staff, though it is not yet a big seller at the counter. When Castleton begins to serve breakfast, his pastries will be a featured attraction. It is in the look of the takeout case that his influence is strongest. Unlike the homey clutter of muffin tins and iron pans at the bread station in the Castleton cafeteria line, the bakery's takeout case is a display of professional razzle-dazzle: frosted cakes, fruit tarts, French pastries. Nonetheless, Mula feels that he has yet to show his best stuff. "I don't think they were really looking for a French-pastry chef when they hired me," he says. "I haven't done much of that since I got here."

Of all the professionals who have been hired, Peggy Rockwell, who joined the company as quality-control director early in 1987, seems to fit most comfortably into the world of Laughner's. "Why be a gourmet?" she asks. "That's not what they pay me for." Miss Rockwell, whose job it is to test and develop recipes and add them to the Laughner's menu, studied nutrition at Indiana University. She is a native Indianapolan, and she has worked as food-and-beverage director in hospitals, restaurants, and company dining rooms in Chicago and Hilton Head Island. "I am a cook, not a chef," she says. Her additions to the Castleton menu have included Parmesan chicken and Parmesan fish (for the Cookery) and several new kinds of whipped-cream gelatine; not long ago, she was working on a recipe for cherry-Coke gelatine.

It takes at least six months for Miss Rockwell to develop a recipe. Every detail must be right. Should carrots be sliced straight or on an angle, and exactly how thick? Does the parsley garnish go on top of the block of baked fish or on the side? How many ounces in a portion of linguine, and how much sausage is included in that portion? Once she is happy with the recipe, it goes to Gary Sharp, the director of data processing, who costs it out. If the price makes sense, Miss Rockwell takes it to one of the Laughner cafeteria kitchens, where she demonstrates to the staff how to make it. If customers buy it and like it, it goes into the weekly menu planner.

Gelatine molds are on the way out at Castleton, Miss Rockwell says. Cubes and squares will stay on the menu, but it has been determined that individual molds don't measure up. Gelatine—what is often referred to as Jell-O—is a subject to which she gives considerable attention. She explains that it is the "plain boring" cubes that sell best, not the elaborate nut-and-fruit-filled blocks. "And, despite what you would think, red Jell-O is not that big," she continues. "I have found that all colors are equally popular." She sends a busboy out to the Castleton kitchen for a sample of a new item she is particularly proud of—strawberry-cream gelatine. It is a perfectly square three-inch pad of pudding about an inch tall, of an unblemished opaque flamingo pink. It has been whipped to a vaporous texture; if you look closely, you can see that thousands of infinitesimal air bubbles create its bouyancy. Before anyone has a chance to slide a fork into this pink chiffon, she reaches for the plate and moves the sprig of parsley from the side to the top of the square. "There!" she says. "Now it looks as it should."

Sunday noon at Castleton's Cookery, Gary Bales stands with a spatula and a fork behind a display case in which portions of raw fish, raw meat, and raw chicken are lined up on ice. He wears a toque and a maroon chef's jacket, and solicits orders as people pass. Many of them look surprised, even shocked to see uncooked food in a cafeteria. Bales explains that if they order something here he will time its preparation so that it arrives at their tray piping hot when they reach the end of the line. Behind him is a grill where he has a salmon steak cooking; he sprinkles on lemon pepper and a ladleful of melted butter, then covers it with an inverted pie pan.

Many people, despite their curiosity, walk on past to the familiar displays of food that is ready to eat. "We've got to educate them that they can order what they like," Chip Laughner observes. The hesitancy about trying custom cooking may arise from unfamiliarity with some of the items. "When we tell them mahimahi is dolphin, we reassure them that it's a fish, not a mammal," Chip says. "They don't want to be eating Flipper." The Cookery menu board suggests many things never before seen in cafeterias: the blackened red snapper, tuna steak, the Parmesan chicken, and gourmet hamburgers (better beef than ordinary ones). And most items on the Cookery menu cost twice as much as familiar Laughner entrées. Swordfish is six dollars and fifty cents, and a bacon-wrapped filet mignon is seven ninety-nine. They are low prices compared with those in almost any full-service restaurant, but they can be shock to cafeteria-goers accustomed to paying two dollars and fifteen cents for fried chicken or two sixty-nine for roast beef.

Excited though the Laughners are about Castleton's novelty, they have been careful not to break many traditions at the outset. "Evolution, not revolution," Charles says. The shaky start of Jonathan's, ten years ago, taught them that change cannot be radical, and that Indianapolans are reluctant to pay for sizzle, even if they also get steak. To demonstrate why they feel they must move gradually in reconfiguring the formula, Charles recalls the 1971 opening of Laughner's Dutch Oven—a modest café by almost any standards. In the suggestion box one day was a card on which a customer had written, "I don't want to pay for Charles Laughner's ego." The customer was used to the apparent bargain of self-service. He considered the Dutch Oven's staff of waitresses an unnecessary frill.

"That S.O.B. Laughner won't get me again," gripes a man standing in a long line the day after Castleton's grand opening. "I'm sixty-five years old, and this is slow, slow, slow. On top of that, it's the ugliest building I ever saw."

Chip Laughner overhears him and calls out the big gun—his father. "We are new," Charles tells the man. "We are trying our best." Meeting the boss makes the man less edgy. But several customers express dismay about all the commotion. Even at five customers per minute, the waiting line backs up into the parking lot. Chip hopes to raise the speed to seven customers a minute. After eating, the complainer carefully fills out one of the cards placed on every Laughner's table and drops it in the suggestion box. Will he be back? He expects so.

"We've been eating at Laughner's for ten or twelve years," says Doris Shadle, who with her husband, Herbert, comes in from Muncie—a round trip of a hundred miles—for a Laughner's meal about once a week. "We know good from bad real quick," she goes on."We are certain type eaters. We love the same old thing. But the atmosphere here is wonderful." The Shadles were so interested in Castleton that they drove to town twice in one week. Of course, they ate the same old things—fried chicken and roast beef.

Identity is the issue at Castleton: Laughner's is trying to balance its yearning for a new one with a history nobody wants to leave behind. For many of those who have eaten at Laughner's all their lives, it is a relief when they round the corner past the neon "This Way to Good Eating" sign and see pans full of fried chicken. As for the new look of the dining rooms, one old man, on his way out with his wife after a Sunday dinner of ham and cherry sauce, says, "It's a Laughner's, all right." He puffs out his chest and adds, "You know how I know? Because the place is filled with Laughners." ●

STUDENTS FROM THE UNIVERSITY OF ILLINOIS GEAR UP FOR PARALYMPICS IN SEOUL

● Mr. **SIMON.** Mr. President, since 1947, the University of Illinois has been providing comprehensive educational opportunities for college students with disabilities. Among many quality programs, the University of Illinois on the Urbana-Champaign campus offers an outstanding wheelchair sports program which is being used as a model for other universities and colleges across the country.

Nine students and two faculty members involved in wheelchair athletics at the University of Illinois have been selected to participate in Paralympics in Seoul this fall. This is a remarkable accomplishment since the entire U.S. team numbers less than 100 wheelchair athletes.

The university can also be proud of the fact that their men's team won the national intercollegiate wheelchair basketball championship in Kansas City this April.

I would like to take this opportunity to congratulate these athletes on their fine accomplishments and commend everyone at the Universtiy of Illinois who has had a part in making this program such a success. I wish the best for those going to Seoul as they train and prepare for the competition. We will be watching with pride and high hopes for them all.●

BUDGET REPORT OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. **INOUYE.** Mr. President, today I am submitting a report from the Select Committee on Indian Affairs pursuamant to section 302(b) of the Congressional Budget Act of 1974. This report provides the allocation of budget authority and outlays for fiscal year 1989 assigned to the Select Committee on Indian Affairs.

Report of the Senate Select Committee on Indian Affairs pursuant to section 302(b) of the Congressional Budget Act—fiscal year 1989 full committee allocation

[In millions]

Budget authority	$398
Budget outlay	392
Credit	0

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UNITED STATES-CUBAN RELATIONS

● Mr. **GRAHAM.** Mr. President, I would like to introduce into the Record a recent article on Cuba written by Jaime Suchlicki, a long-time Miami resident who is a professor of history and the director of the Institute of Inter-America Studies. He has written extensively on Latin America and Cuba, and I recommend this article to my colleagues as one that offers an informed perspective on the current United States-Cuban relationship.

The article follows:

[From the Miami News, July 5, 1988]

U.S. Ties Won't Change Castro

The deepening economic crisis in Cuba, alleged friction in Soviet-Cuban relations, an aging leadership and resolution, and mild overtures from Fidel Castro toward the United States are encouraging those in this country who believe that it is time for a rapprochement with Cuba.

Closer relations with Cuba, particularly in the economic field, as their reasoning goes, will weaken Soviet influence and presence in Cuba, will moderate Castro's penchant for revolution and eventually will lead to glasnost and perestroika in the troubled island.

In the 1980s Castro has pursued a dual strategy to deal with the United States.

On the one hand, Havana has made verbal overtures seeking a reduction of tension. These pronouncements have taken concrete form in the migration treaty signed in December 1984 (in which Cuba agreed to accept undesirable marielitos in exchange for the U.S. acceptance of a number of Cuban political prisoners) and the visit of U.S. political and religious leaders to the island.

On the other hand, Castro continues to attack the Reagan administration while stepping up the militarization of the island and reaffirming Cuba's support for revolutionary movements worldwide.

Again Castro seems willing to negotiate with the United States as he has in the past.

The question, however, is not over negotiations but rather over Castro's willingness to make meaningful concessions to the United States—concessions concerning Cuba's relationship with the Soviet Union, the Soviet military arsenals and presence on the island. Cuba's fomenting of revolutionary and terrorist insurgencies in the Western Hemisphere, and the direct involvement of Cuba's military forces in Africa and elsewhere.

Castro is not ready or willing to make these concessions. It is interesting to note that Fidel's overtures to the United States are usually followed with the by now standard qualifier: "Since certain things are sacred—independence, the country's sovereignty, its revoluntionary principles—its political and social systems cannot be renounced. Whoever seeks to destroy them will have to fight us."

Yet, recurrently U.S. administrations have hoped for an accommodation with Castro. Castro has periodically extended ostensible olive branches to the United States only to retract them.

The expectation remains, however, that somehow a negotiated settlement can be found in order to contain Castro's internationalism and the accelerating currents of instability and conflict in Central America and to relieve the difficult choices that the United States confronts in responding to these developments.

Optimistic appraisals of the possibility of a "deal" with Castro have also been encouraged to a large extent by the spectacle of Cuba's deepening economic problems.

MYTH 1: ECONOMICS WILL DICTATE FIDEL CASTRO'S POLICIES

It is a measure of the strong and pervasive economic determinism in the American outlook that we still tend to assign priority to economics in trying to understand the motivations of revolutionary Marxist-Leninist regimes, like the one in Havana.

The history of the past 2½ decades offers clear proof that economic considerations have never dominated Castro's policies. On the contrary, political considerations usually dictate economic policies.

Many of the initiatives and actions that the Cuban leadership has undertaken abroad, such as involvement in Angola, Ethiopia, Grenada, and Nicaragua, as well as constant mass mobilization at home, have been costly, disruptive, and detrimental to orderly economic development.

If the economic welfare of the Cuban people had been the leitmotif of Castro's policies, we would be confronting a totally different Cuba today.

From the U.S. point of view, the re-establishment of commercial ties with Cuba would be at best problematic. It would create severe market distortion for an already precarious regional economy in the Carribean and Central America since the United States would have to shift some of these countries' sugar quotas to Cuba.

It would provide the U.S. market products that are of little value and in abundant supply. And, while some U.S. firms could benefit from a resumed trade relationship, it would not help in any significant way the overall economy of the United States, Cuba does not have the ability or resources to become an important potential client like China or the Soviet Union.

MYTH 2: CUBA WILL RENOUNCE INTERNATIONALIST ROLE

Over the past decades and particularly during elections in the United States, Castro has appeared to moderate his position vis-a-vis the United States. He now seems willing to negotiate the presence of more than 45,000 Cuban troops in Angola.

Yet, the question is not whether Castro is willing to negotiate. The question is whether he stands ready to render the kinds of meaningful concessions he had barred in the past.

If we are to understand Fidel's message, we must realize that Cuba is unwilling to exchange its international role for normalization of relations with the United States.

Under the protective umbrella of the Soviet Union. Castro has played a great power role in Africa, Latin America, and the Middle East, has led the non-aligned movement, and has supported violent revolution in three continents—a role totally out of proportion to Cuba's size and resources and at the expense of the Cuban people.

It is unlikely that a profoundly anti-American, megalomaniac and cunning leader like Fidel will abandon world center stage to become simply another friendly authoritarian caudillo relegated to an insignificant role in a small Caribbean island.

The Cuban leadership sees its support for revolution as an integral and critical part of Cuba's foreign policy. Helping leftist insurgents throughout the world is a revolutionary commitment that ensures that these allies will come to Cuba's aid in times of need.

But more importantly, worldwide revolution directed against the United States and its supporters weakens the United States, the principal enemy of the Cuban revolution, diverts its attention and resources and ultimately restrains its policies and actions against the island.

This in turn ensures the survival of the Cuban revolution and its present leadership, the most important objective of Cuba's foreign policy.

MYTH 3: CASTRO WILL MOVE AWAY FROM ALLIANCE WITH SOVIETS

Optimistic assumptions regarding Castro's willingness to strike a modus vivendi with the United States have fastened on what some observers perceive as cracks, real or impending, in the Moscow-Havana axis.

Yet, despite perestroika and glasnost in the Soviet Union and frictions between Havana and Moscow following Gorbachev's ascension to power, differences have been ironed out. Solidarity with the Soviet Union has been recently re-emphasized as one of the cornerstone of Cuba's foreign policy.

To an American journalist who visited the island and questioned Cuba's loyalty to the Soviets, Fidel replied, "I'm no Sadat."

Cuban policies and actions in the world are usually carried out with Soviet support and acquiescence and, in the case of Angola, with direct Soviet military involvement.

Yet it should be emphasized that commitment to revolutionary violence has been a Cuban policy since the beginning of the revolution. Fidel sees this commitment as his most significant contribution to modern revolutionary theory and as the policy that will provide for him a place in history.

The Soviets provide Cuba the protective umbrella that allows Castro's adventurism in the world. Fidel is a willing ally of the Soviets. He does not seem willing to weaken this alliance for an uncertain relationship with the United States.

And there are other persistent realities. A move away from the Soviets will also pose some major problems for the Kremlin. The Soviets may not be adverse to some amelioration in Cuban-U.S. tensions, especially if this results in reducing Cuba's heavy demands for Soviet aid.

Yet, a significant weakening in Cuba-Soviet could be seen as leading to the eventual subverting of the revolution and the renunciation of membership in the "Socialist camp."

Moscow would view Cuba's possible defection as a blow to its prestige and as damaging to the Soviet power posture vis-a-vis the United States.

A significant move toward the United States would be fraught with danger and uncertainties for the Cuban leadership. It would require a loosening of Cuba's military ties with the Soviet Union, the abandonment of support for violent revolutions and the withdrawal of Cuban troops from Africa and other parts of the world—three conditions Fidel is not willing to accept.

He perceives these requirements as an attempt by the United States to deny Cuba its right to play a great power role, to isolate the revolution and to strengthen anti-Castro forces within the island, thus posing a severe threat to the stability of his regime.

Fidel, therefore, does not appear able or willing to offer major concessions. Statements of intentions or meaningless tactical concessions are no substitutes for substantive policy changes.

Fidel's political style and ideology and his apprehension about U.S. motivations make him more prone to deviate to the left than to the right of the Soviet line. His awareness of Cuba's vulnerability is reinforced by the influence of Cuban-Americans in U.S. politics.

Commitment to violent revolution and solidarity with the Soviet bloc remain as cornerstones of his foreign policy. He cannot modify, let alone abandon, these cornerstones without risking his power and obscuring his personal place in history, a consideration that is perhaps uppermost in Castro's outlook.●

AMERICAN PROTESTANT HOSPITAL ASSOCIATION PROVIDES LEADERSHIP

● Mr. SIMON. Mr. President, there are so many individuals and organizations involved in the delivery of quality health care it is difficult to recognize them all. One such organization is the American Protestant Hospital Association, representing the many fine men and women providing chaplain services in many of our Nation's hospitals. This organization is currently going through its own internal review, looking to make its members even more effective in the ever expanding debate on the delivery of health care services. This process has not kept this organization from being deeply in a number of issues before Congress.

Recently, in the organization's newsletter, The Tie, there were several items I would like to bring to my colleagues attention. First, is an article written by the organization's executive vice president, Dr. Arne K. Jessen. Dr. Jessen writes of regulations proposed by the Department of Health and Human Services which would have a serious negative affect on the Clinical Pastoral Program. Dr. Jessen writes of the need to press for inclusion of this program in our allied health professions program. I urge my colleagues to read his reasonable article and ask that it be printed in full in the Record.

Also, the American Protestant Health Association is one of the key supporters of National Pastoral Care Week, which will be observed from October 23 to 29 this year. I would ask that the association's statement in support of National Pastoral Care Week also be printed in full in the Record. This statement reminds us all of the important role pastoral care givers assume within health care delivery.

I commend the American Protestant Hospital Association for their commitment to serving the needs of those who face the emotional, as well as physical, toll of illness, and hospitalization.

The articles follow:

From My View . . .

(By Arne K. Jessin)

Unreported among the many headlines describing the on-going battles over health care funding are the proposed new rules on federal funding of graduate medical education. These changes fundamentally influence the funds which hospitals may receive for their CPE programs.

I am talking about Medicare's Proposed Rules Concerning Direct Graduate Medical Education. The types of allied health programs which would be reimbursed as "approved educational activities" have not yet been clarified by the rulemakers at the Department of Health and Human Services (HHS) and by the Legislators on Capitol Hill.

Under the old Medicare program administered by the former H.E.W. (now HHS), Clinical Pastoral Education was considered one of these approved educational programs eligible for third party reimbursement. Many of our CPE programs received essential financial support through this system. Now their future is unclear. We must help to clarify that. We must work to ensure that these funds remain available to CPE programs.

While I was in Washington during the May 11-12 APHA Forum meetings, I had the opportunity to speak with some of the senators and congressmen, who will be deciding this issue. I was very impressed with their willingness to hear my concerns and they shared our concerns and they shared our interest in assuring support for CPE programs. We cannot let this slip through the legislative and regulatory cracks.

CPE is so vital to hospital chaplaincy and other ministries in specialized settings. The professional standards of the College of Chaplains encourages such graduate level training. The call to arms is that CPE must remain identified as an "approved program of allied health education funded by Medicare payments for direct graduate medical education assistance".

Unless CPE is so identified, hospitals would lose the economic basis of those federal financial payments to support CPE programs as they have done previously.

When the campaign on this issue get scheduled, we will be calling on all of you to write letters to your Members of Congress. Some of you will be asked to personally testify in Congressional hearings about this concern and other matters vital to the strengthening of our chaplaincy programs.

In the meantime, get to know your Member of Congress, find out when your Representative is back in your District, how they schedule appointments, who are in their local office staff, DC staff handle health matters or religious issues. Your hospital likely has someone on staff who tracks legislative issues. Find out!

Notice the new "State Spotlight" page in this issue of "The Tie." Unfortunately, I won't be able to attend many of your state meetings. These groups always bring to the surface those individual strategies for meeting new problems that the rest of us face. Too much time passes before a local solution gets communicated throughout the College. Often as much as two years lapses before the convention, committee and word-of-mouth process gets the word out. Use this page to shorten that time to just two months!

We would like for each state meeting to send us photographs of major speakers, new officers, copies of presentation, speeches, and reports. Perhaps the offices could appoint a reporter to prepare a journalistic article especially for "The Tie."

Let us know other features which you would like to see adapted in our new format.

NATIONAL PASTORAL CARE WEEK, 1988

"Pastoral Care: Persons for Persons" is the theme for National Pastoral Care Week to be observed from October 23-29, 1988. The observance of National Pastoral Care Week has emerged as a major emphasis among pastoral care organizations in the United States. The concept has received formal recognition by the Council on Ministry in Specialized Settings [COMISS]—a coordinating agency of religious endorsing bodies and pastoral care organizations.

"Pastoral Care: Persons for Persons" provides an important opportunity for pastoral care givers in specialized settings to highlight their contributions in the care of patients, clients, inmates, their families and staff. In addition, pastoral care givers can reflect upon their specific contributions to people in various settings and receive in return information and feedback about their ministries.

The theme for 1988 complements the objectives established for the observance by COMISS:

(1) To celebrate the growing professional development of pastoral care and to affirm its mission and purpose within specialized settings.

(2) To interpret and promote pastoral care within specialized settings and in the wider society.

(3) To recognize professional chaplains, volunteer care givers, and persons in local congregations who provide pastoral care.

(4) To express appreciation to appropriate institutions and their staff for their support of pastoral care ministries.

(5) To publicize the work and certification procedures of pastoral care organizations affiliated with COMISS.

Persons for persons is a common denominator of all the pastoral care organizations. The theme, "Pastoral Care: Persons for Persons" has been chosen with that awareness in mind. In a time in history like the current one, there is an inclination toward fragmentation which encourages "Persons" to be seen as "patients," "inmates," "employees," rather than as *persons.* The pastoral care giver is one who affirms her/his own personhood and offers that (along with talents, callings, education and skills) for others. As one adolescent boy in treatment for leukemia said recently about his pastoral care giver, "She treats me like a person while everyone else around here treats me like a patient."

For some, especially those who have been certified by a pastoral care organization and endorsed by a religious body, highlighting Persons for Persons may mean telling the story about how they performed their day-to-day responsibilities. For others, Pastoral Care Week may also serve as a vehicle for informing their communities about how pastoral care givers regularly interpret, reflect and focus the institution's mission.

The pastoral care giver crosses institutional, economic, cultural and ecclesiastical boundries to represent a God who has demonstrated a desire for wholeness in human life. Because they have access to the entire community, pastoral care givers are in a unique position to offer to take an assertive role in minimizing fragmentation by calling together individuals and groups to create a more harmonious environment for those serving and those being served. Among other things, pastoral care demonstrates a dedication to human dignity, an appreciation for individual differences, a balance of acceptance and accountability, a dedication to justice and mercy and an incarnation of love and hope.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. SIMON. Mr. President, I am pleased to participate in the Congressional Call to Conscience. I hope that our efforts in the Senate convey our Government's deep commitment to the fundamental rights of all people. As the leader of the free world, we in the United States have an obligation to all those who are being denied basic human rights. One such fundamental right is the right of an individual to choose where he or she wants to live.

Within the Soviet Union today, there are thousands of Jews who wish to emigrate. And there are countless others who would like to leave but who do not apply for fear of governmental reprisal. Recently, we have seen emigration levels increase. While I welcome this increase, I believe that the Soviet Government still has far to go. Two cases in particular illustrate the Soviet Government's inconsistency in its treatment of refuseniks: Abe Stolar and Alexander Pyatetsky.

Chicago-born Abe Stolar was 19 years old when he was brought to the Soviet Union by his family during the depths of the Depression. The family left with the dream of finding a workers' paradise. This dream soon faded as the Stalinist purges claimed the lives of Abe's father, mother, and eldest sister.

For many years, Abe has been trying to leave the Soviet Union with his family. While he and his immediate family have been given permission to leave, Abe's daughter-in-law, Julia Shurukht, has been denied permission because Julia's mother will not sign a waiver stating that she has no financial claims against Julia.

Soviet law states that a parent must be adequately provided for in times of financial need. There is no question that her mother is adequately provided for and that Julia's departure will not change her financial status. Julia's mother is a professor at the university, so her financial situation is sound and, upon retirement, her pension guarantees her a good living. Furthermore, there are guarantors in both the Soviet Union and in the United States who have vowed to provide support for Julia's mother should she ever need it. Although the Soviet courts have stated that Julia's mother is "able to work and is secure financially," the visa officials still will not grant Julia permission to leave.

Alexander Pyatetsky of Kiev has been a refusenik for more than 13 years. During this period, the only reason given for his continued denial was that he once had a security clearance while working at the Orion Institute in Kiev. This security clearance, which Alexander never used, was issued for a brief period of time over 15 years ago. Ironically, the Soviets themselves recognized his lack of access in a statement of 1979: "There is no record that you requested or got permission of any classified material to which you might have access under the clearance." It is interesting to note that the manager under whom Alexander was assigned to work was given permission to emigrate in 1979.

In 1987, after years of repeated denials, Alexander's wife and children were given permission to emigrate. At the same time, Alexander was told not to reapply until 1990. Faced with a cruel decision, Alexander's wife and children left the Soviet Union and now reside in the Chicago area with Alexander's parents and brother. Alexander's parents are not well; his father has suffered two strokes and his mother is diabetic. It is important that this family be reunited as quickly as possible.

While I am encouraged by the number of people who have been allowed to emigrate, I am concerned about the thousands who remain behind. In these times of heightened relations, we must continue to prove to the Soviets that we will not ignore the violations of basic human rights which continue to occur within the Soviet Union. The Soviets signed the Helsinki Final Act of the Conference on Security and Cooperation in Europe in 1975, ratified the International Covenants on Human Rights in 1973, and as a member of the United Nations must respect the Universal Declaration of Human Rights of 1948. I strongly urge the Soviet Union to comply with these commitments. Alexander Pyatetsky, the Stolar family, and all refuseniks have waited long enough.●

THE STEWART B. McKINNEY HOMELESS ASSISTANCE AMENDMENTS OF 1988

● Mr. GLENN. Mr. President, I rise in support of the amendment in the nature of a substitute to S. 2607, the Stewart B. McKinney Homeless Assistance Act Amendments of 1988. This legislation, reported out of the Governmental Affairs Committee on June 27, 1988, represents the Committee's reauthorization of programs under its jurisdiction as contained in the Stewart B. McKinney Homeless Assistance Act of 1987.

Before I describe this amendment in detail, I would like to note that it has been cosponsored by my distinguished colleague, Senator ROTH, the Committee's ranking Member, and by Senators HEINZ, LEVIN, NUNN, PRYOR, and SASSER. It is my understanding that the entire text of this amendment will be incorporated into the Omnibus McKinney Homeless Assistance Amendments of 1988.

Last year, for the first time, the Federal Government addressed in a comprehensive manner the problems faced by our homeless population in gaining access to life's basic necessities—food, shelter, and clothing. In addition to meeting the immediate concerns of the homeless, the McKinney Act established programs to combat the causes of homelessness by targeting assistance for housing, health services, education, and job training.

A central component in this effort was the creation of the Federal interagency council on the homeless. This body was established to coordinate homeless activities among Federal agencies on the one hand, and between Federal, State, and local levels of government on the other. The McKinney Act alone embraces some 7 funding streams and 20 different programs, whose varying regulations, requirements, and application procedures can bewilder even the most adept State administrator.

The Federal Council on the Homeless was charged with a number of specific duties to ensure that it successfully carry out its coordinating responsibilities. For example, the committee mandated that the council provide technical assistance to State and local governments, as well as to public and private nonprofit service organizations who may need guidance in walking through the maze of Federal programs.

In addition to these functions, the council was also tasked to produce an annual report that assesses the nature and extent of homelessness in the United States. I cannot overemphasize the significance of this report, scheduled to be released this October, for we still talk about homelessness in terms of estimates and generalizations. And how can we talk about the need for Federal programs, with any degree of precision, when we lack basic data documenting the numbers and types of people relying on shelters and soup kitchens to survive? Equally important, how can we discuss permanent solutions for this problem when the root causes of homelessness are still nebulous.

In the short time since becoming organized, the council has made some important strides. For example, the council has established a field network in each Federal region to help implement McKinney Act programs. Last month, the council published and disseminated its first newsletter and held a bi-regional homeless conference in St. Louis, MO.

While recognizing the progress achieved so far, more work needs to be done so that Federal assistance effectively reaches homeless people across this Nation.

The committee's amendment attempts to improve coordination and cooperation between the Federal Branch and State governments by encouraging States to establish their own interagency councils on the homeless. These entities would serve as central information and referral points for Federal and State agencies, as well as for nonprofit service organizations seeking assistance.

The committee amendment further clarifies the council's mandated duties. For example, in order to ensure that technical assistance is provided as needed, the Federal council is required to designate certain personnel as regional coordinators. These persons will assist States and local organizations by interpreting Federal regulations, helping in the application process, and organizing on-site regional workshops.

To complement this effort, the council will also prepare a bimonthly bulletin describing all available Federal assistance programs, and detailing their application criteria and funding deadlines. The council will be responsible for distributing this bulletin to the States, which, in turn, will disseminate it among service providers on the local level.

Together these changes should enhance the council's effectiveness, and maximize the resources we can provide to the homeless men, women, and children who are involved in a daily struggle to survive.

In addition to establishing the interagency council, the committee also authorized the Federal Emergency Management Agency's [FEMA] Emergency Food and Shelter Program. This program has proved quite successful through reliance on local entities for distributing grants to public and private nonprofit homeless providers. This emergency aid is used primarily to supplement the provision of food and shelter services. Since the McKinney Act was also intended to facilitate the transition from temporary shelter to permanent homes, FEMA moneys are also used for limited emergency rent and utility assistance.

During fiscal year 1988, FEMA assistance provided over 120 million meals and some 42 million nights of shelter to homeless persons across this Nation. In my home State of Ohio, FEMA local boards helped distribute $6.4 million in fiscal year 1988, helping service providers offer 5 million meals and 850,000 nights of shelter to men, women, and children without permanent homes.

Some concerns have been raised over the criteria FEMA currently uses—unemployment and poverty statistics—to allocate its funds among competing local jurisdictions. Specifically, it has been contended that unemployment rates and the numbers of people living below the poverty level do not provide an accurate index of a region's need for emergency assistance. In order to determine if a more reliable barometer can be devised, the committee is asking FEMA to propose two alternative formulas for funding eligibility.

The committee's last contribution to the McKinney Act expanded the amount of Government property made available for use by the homeless. In title V, the committee created a procedure requiring Federal agencies to identify and transfer underutilized buildings to public and private nonprofit homeless providers. Another provision explicitly stated, and elevated, the eligibility of nonprofit homeless providers to receive Federal surplus personal items.

Since this act's passage, Federal agencies have identified nine buildings available for use by the homeless, and have already transferred two of these to service providers. In addition, over $1 million dollars worth of surplus personal property, such as clothing, cots, bedding, and kitchen supplies, have been distributed to assist the homeless.

The committee's amendment makes a few technical clarifications in the categorization of property available for distribution to the homeless. These changes have been suggested by the General Services Administration [GSA], and should serve to make even more buildings and goods available.

Clearly, providing relief to this Nation's growing homeless population requires action on many fronts, from the community, local, State, and Federal levels, and from people with a variety of technical backgrounds. What we can do in Congress is to craft legislation designed both to address the vital short-term needs of our homeless population as well as to combat the causes which precipitate homelessness.

This committee brings a unique perspective to the McKinney Act since it can focus on strengthening the intergovernmental aspects of the legislation. This approach is immensely critical in the McKinney Act precisely because it invokes the participation of many different agencies, and the involvement of a wide breadth of programs. The changes proposed by the Governmental Affairs Committee in its reauthorization package ensure that Federal and State resources are used with one objective in mind—to help the homeless improve the quality of their lives.●

THE PLIGHT OF DISPLACED WORKERS

● Mr. HEINZ. Mr. President, recently a very knowledgeable Pennsylvanian wrote a compelling account of the plight of displaced workers in a letter to the editor of my hometown paper, the Pittsburgh Post-Gazette.

The letter, by Mike Stout, a former union officer of the now-closed Homestead Works of USX and a former candidate for State office, serves to remind us of the need to provide comprehensive training and adjustment services to our displaced workers. Current Worker Adjustment Programs serve only a fraction of those in need. And the human costs to those without our help can be severe, as Mr. Stout notes.

Mr. President, we in Congress must keep our promise to these workers, casualties through no fault of their own of a radiply changing national and global economy. We must appropriate the full $980 million for the new Worker Readjustment Assistance Program when it comes before the Senate. And we must ensure that trade readjustment assistance funds are never again exhausted. Imagine the desperation of those workers in training who suddenly found themselves without their only source of income support. These are hard-working, proud Americans, Mr. President, who are attempting to better themselves and reenter the work force, but they can't stay in training if they don't have enough money to put food on the table. It is a disgrace, Mr. President, that entitlement funds should ever be exhausted, as they were this past month.

Mike Stout outlines an effort to re-employ our workers. I recommend that my colleagues give it their full attention.

Mr. President, I ask that the text of Mr. Stout's letter be printed in the RECORD.

The letter follows:

DISPLACED WORKERS DESERVE A BETTER FATE

In his July 15 Perspectives article, City Councilman Mark Pollock, in the course of making a positive and passionate plea to preserve some historic South Side steel facilities, states:

"Pittsburgh is in the process of successfully making a transition from an economy based on manufacturing and heavy industry to one that is based on services, high-tech information, tourism . . ."

This trend of thought is by no means unique. Many, if not the majority in political and business circles in this area, espouse and accept this as a fact. They talk about how the transition from a manufacturing to a service-based economy was as natural as the transition from an agricultural-based to an industrial society. What no one seems to talk about, what every one seems to forget, are the hundreds of thousands of displaced workers, for whom that transition hasn't been very natural at all.

For despite all the fanfare about 15-year lows in the unemployment rate, there has been no recovery for the victims of this so-called transition.

According to a "State of the Region" study released by the University of Pittsburgh this past June: "About 125,000 residents—8 percent of this region's population between the ages of 16 and 64, are still having employment difficulties, including:

"9,000 discouraged workers who have left the work force, and are no longer counted in government statistics.

"30,000 who have been out of work longer than 15 weeks.

"16,000 employable welfare recipients.

"48,000 part-time workers who want full-time work.

"22,000 who lost their jobs to plant shutdowns and are now working full-time jobs that pay less than $4.50 an hour."

The study also reports that 62,000 displaced workers have left this area in order to find work elsewhere.

As a former union officer at the now-closed Homestead mill of USX, I have experienced this ongoing tragedy first-hand. In the past few years, four of my former co-workers have committed suicide. Countless others have lost their houses, divorced or moved out of state to find work. For those with savings enough to retrain, it has been a long, dark tunnel with no light at the end, as they are shoved into menial-service jobs that pay next to nothing.

Out of 450 former Homestead employees who responded to a recent union survey in June, 214 said they were completely unemployed, five were on welfare and 62 were working part-time or minimum-wage jobs. No doubt these statistics are duplicated at the dozens of other plants, mills and businesses that have closed in Western Pennsylvania.

The displacement and permanent impoverishment of a skilled and experienced segment of our work force is the direct result of allowing our economy to be transformed from one based on manufacturing to one based on service and high technology.

If there is to be recovery and "transition" for all segments of the population, our area needs a strategy for resurrecting our manufacturing base. A raze-all policy toward abandoned plants, mills and machinery is a waste of resources; a forget-all policy toward displaced workers is not only wasteful, but immoral.

While some abandoned buildings and facilities are certainly worthy of the wrecking ball, others can be reactivated or converted to some other manufacturing use with capital improvements and new technology, thus re-employing thousands of skilled workers. Local, plant-by-plant endeavors should be more enthusiastically supported, such as the Steel Valley Authority/United Steelworkers effort to reopen the South Side electric furnaces as a modern mini-mill, employing hundreds of former workers. At the same time, larger-scale manufacturing projects (such as liquefying coal, building hydro-electric power plants along the rivers or building high-speed train systems), which could tie together and use a number of abandoned facilities and isolated communities, have very real potential.

There also must be serious retraining (with income maintenance) for the displaced worker who can't or doesn't want to return to the manufacturing sector, with specific job-placement mechanisms.

To be sure, re-employing these people at a decent wage and revitalizing our manufacturing base is an enormous task, and an expensive proposition. But the cost of doing nothing will be even more expensive, as attested to by our bloated trade and budget deficits, and the soaring $7 trillion domestic debt we are all sinking in.

What is called for is an economic summit, in which all the players in this area sit down together and hammer out a common blueprint that benefits all sectors of the population, and all sectors of the economy.

No one can ever put into words the feelings of betrayal many of these displaced workers feel. They flew their flags, fought for their country, raised their families, worked their butts off. They did everything they were supposed to do, only to get shafted in the end, shoved under the rug and forgotten.

As someone who has worked in four different states of this great country of ours, I can attest that people in this area, especially the manufacturing workers, are among the hardest-working and most highly skilled, with a work ethic unmatched anywhere. Can we afford—economically, morally or politically—to throw away such a valuable resource? Can the body last for long when it is doing such damage to the heart? I think not.

MIKE STOUT,
Board Member, Tri-State Conference on Steel; Board Member, Steel Valley Authority.

NATIONAL QUALITY FIRST DAY

● Mr. D'AMATO. Mr. President, I rise today to lend my support to Senate Joint Resolution 316, a joint resolution designating October 1, 1988, as "National Quality First Day."

In the not so distant past the words "Made in America" symbolized the finest in quality and workmanship. America's products were the biggest and the best, and American designs were known throughout the world for their innovation and appeal. American manufacturing prowess set the standard for the world and in turn produced the highest standard of living ever achieved in human history.

Sometime, somehow, America's star dimmed. Her position in the world began to slip and the words "Made in America" became tarnished. Down but not out, America began its deliberate, steady return to the days of preeminence.

Rekindling the fires of invention, reinvigorating our work force, and renewing a relationship with an old friend named quality, the words "Made in America" began to shine anew. American was back in the hunt, once again delivering stiff competition to the Johnny-come-latelys of international commerce who had hoped to replace America as the world's supplier of goods.

Mr. President, like many things, quality made products result from paying fastidious attention to every detail, and, most important, taking pride in our work.

There is no question that America has turned the corner and is on the move again. In today's highly competitive international marketplace, the continued production of quality products requires a sustained and keen focus on quality. It is necessary and appropriate for the Congress to lend its help to the campaign for quality. I am certain that my colleagues will all agree that this joint resolution is meritorious and deserves our support.●

RELIGIOUS FREEDOM WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 361, a joint resolution designating the week of September 25, 1988, as "Religious Freedom Week."

The freedom to worship as we choose is one of our most cherished liberties. America's guarantee of religious freedom has greatly contributed to the our rich cultural diversity and serves as a model to the rest of the world. Tolerant of all faiths, America's door is open to all peoples as an invitation to join the nation of immigrants.

The Founding Fathers, deeply influenced by the experiences of America's early settlers, made religious freedom the first liberty included in the Bill of Rights. Many different formulations of the establishment clause were offered and debated; but the evil sought to be precluded was the same. James Madison, during debate of the clause which eventually prevailed, poignantly described its meaning, stating, "that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience." Simple and straightforward, Madison's remarks ably capture the essence of religious freedom.

Unfortunately, Mr. President, we continue to witness religious persecution throughout the world. Be it repression of all religious faiths in the Soviet Union, the abuse of the Catholic Church in Nicaragua, or the religious warfare in Northern Ireland, to name only a few instances, the international scene is awash in religious intolerance.

Lest our precious liberties be eroded away, we must continue our vigilant toil to protect, affirm, and strengthen that which is essential to our spiritual well-being—religious freedom. I urge my colleagues to add their voice to the chorus of support for this measure.●

SALUTING SHELLI BREED

● Mr. D'AMATO. Mr. President, I rise today to honor an outstanding woman who has demonstrated tremendous courage. I salute Shelli Breed, who has been selected as the National Multiple Sclerosis Society's Mother of the Year.

Shelli Breed is no ordinary mother; she has multiple sclerosis. No longer able to continue her nursing career, Shelli Breed, a single parent, supports herself and her family with Social Security benefits, food stamps, and Medicaid. But despite her physical limitations, she still manages to lead a full life: She coordinates her church's summer music program and also counsels troubled area youths and their parents. This year Ms. Breed even acted as spokesperson for the United Way of Greater Rochester fund appeal.

But a mother's children are the best evidence for a mother of the year award. All three of her children have demonstrated their mother's compassion for others. Her 16-year-old son Chris is assistant chief of the Ontario Firematic Explorer Post and plans to study fire science in college; 15-year-old Laura is a member of Students Against Drunk Driving [SADD] and coach of a peewee soccer team. Her younger daughter Jessica has a mature outlook on her mother's illness—it allows her to spend more time with her children and others that need her.

I admire Ms. Breed for her busy and active life in spite of her disability. She has not let this hardship stand in the way of helping others. In light of her remarkable feat of acting as both mother and father to her children, Shelli Breed is truly a "Mother of the Year."●

WEB RURAL WATER PROJECT

● Mr. PRESSLER. Mr. President, the legislation before the Senate, H.R. 4267, is needed to complete the WEB Rural Water Project in northeastern South Dakota. The bill simply increases the authorization ceiling for the WEB project. This action is necessary because the Bureau of Reclamation miscalculated the cost of the project and cost indexing several years ago. For years, the administration has estimated the cost of the project at $109 million. This was reflected in the administration's annual budget requests. Late last year, a mistake was found in the calculation of the cost indexing. As a result, the authorization ceiling was reduced to $94 million. This bill will simply raise the authorization ceiling to the level everyone always asssumed it was.

The WEB project is near completion. The project is ahead of schedule and the bids on the project have been consistently below the cost estimates. With the ceiling increase and funding in fiscal year 1990, the WEB project should be completed. Without the ceiling increase, over one-quarter of the project users would not receive water. This area desperately needs water. Northeastern South Dakota has been hit very hard by the drought. Many wells and other sources of water have dried up. This project will provide much needed water.

Mr. President, I urge the Senate to approve this bill.●

RECOGNIZING MICHIGAN'S EXEMPLARY SCHOOLS

● Mr. RIEGLE. Mr. President, I would like to recognize the accomplishments of 13 Michigan elementary schools which have been selected by the U.S. Department of Education as "Exemplary Schools of Excellence." These schools have demonstrated an uncommon commitment to a special mission: helping our children obtain skills and knowledge they will need to participate in our increasingly complex and sophisticated world.

The elementary schools named by the Department of Education are: Creative Arts Academy in Benton Harbor, Lakewood Elementary in Milford, Walter K. Bemis School in Troy, Caledonia Elementary in Caledonia, Oakley Park Elementary in Walled Lake, Bingham Farms School in Birmingham, Hickory Grove Elementary in Bloomfield Hills, Green Elementary in West Bloomfield, Sunset Lake Elementary in Vicksburg, Hornung Elementary in Brighton, Grosse Pointe Academy in Grosse Pointe Farms, St. Francis in Traverse City, and North Christian Elementary School in Kalamazoo. These schools are leading the way in preparing today's young people for the world of the future. They are providing their students with the skills and knowledge they need to take advantage of the opportunities available in America, and in turn, to keep our Nation strong and free.

I would like to congratulate the students, parents, the teachers, administrators, and other members of the community who have contributed to the attainment of this high level of achievement. Their cooperation and hard work will have an immeasurable payoff for their communities and for our Nation. The strong educational foundation they are building will help us as a society tackle current and future challenges head on, contributing to a better future for everyone.

Michigan is proud of these and all of its schools. We recognize that as long as Americans strive to provide a quality education for our children, we will remain a nation of opportunity and promise.●

THE DEPARTURE OF DR. FREDRICK F. CHIEN

● Mr. HUMPHREY. Mr. President, I wish to join with several of my colleagues in paying tribute to the talents of Dr. Fredrick F. Chien, who is leaving Washington this week to return to Taipei. For the past 5 years, Dr. Chien has very ably served as the Republic of China's representative in Washington. While there have been differences between the United States and Taiwan during that period, Dr. Chien has played a significant role in fostering greater cooperation and understanding between our two countries.

These accomplishments are not surprising, in view of Dr. Chien's impressive record as a scholar, teacher, writer, and diplomat. He received a doctorate in international relations from Yale University, and later served as President Chiang Kai-Shek's English translator for 10 years. Upon the President's death in 1975, he served as a Deputy Minister of Foreign Affairs until assuming his responsibilities as representative of the ROC Coordination Council for North American Affairs in 1983.

In recent years, my respect for Dr. Chien has grown as I have watched him confront, in a forthright manner, many thorny and complex trade issues. The number of Senators from both sides of the aisle who have offered tributes to him is a testimony to the respect he has earned in Washington over the past 5 years.

In the spring of 1987 I had the opportunity to visit Taiwan. I was struck by its beauty and by the graciousness of its people. But even more than that, I was impressed by the activity I saw all around me. The Republic of China has become a textbook example of the benefits of the free market. Its industries have boomed, propelling it into the forefront of the world's economy. This growth has raised the standard of living of all citizens, not just a privileged few.

In recent years Taiwan has changed from an impoverished, resource poor nation to one of the richest and fastest growing nations in Asia.

Politically, too, the Republic of China has made great advances. With the end of martial law came the end of restrictions on opposition parties. Native Taiwanese have moved into greater positions of authority within the Taiwanese Government. Taiwan's policies have moved Taiwan steadily toward democracy and prosperity. I think that is a record which we should applaud.

Mr. President, I congratulate Dr. Fredrick Chien on his recent appointment as Minister of State and Chairman of the Council for Economic Planning and Development in Taipei. I am confident that he will be a great asset in Taiwan's continuing drive into the future. I wish him every success. And I must add that in view of the important, and longstanding friendship between our two countries, it is not without a degree of embarrassment, that I am compelled to salute "Dr." Chien rather than "Ambassador" Chien.●

DISCRIMINATION AGAINST PEOPLE WITH AIDS

● Mr. SIMON. Mr. President, I rise today to bring to the attention of my colleagues the need to protect the rights of persons with AIDS in this Nation.

Two days ago a family in Granite City, IL, left their home in the middle of the night to seek refuge from threats of violence and harassment. At issue was the right of a 7-year-old child with AIDS to attend public school. That right, having been confirmed by a Federal judge, has been denied by those in the community who would seek to establish their own law, seek to persecute with fear, seek to impose that fear, ignorance, and hatred upon others. It is a tragedy.

The mother of the boy cannot get work. She was forced out of the church where she was raised and taught as a Sunday School teacher. The father struggles with the pressures on his family. The children are harassed. At one point, demonstrators with signs followed the boy home from school shouting, "murderer, murderer." Despite his hemophilia, he has been forced to participate in contact sports at school—an incredibly insensitive demand. Those few remaining friends have been threatened at gunpoint.

Recently, a vigilante group attempted to force the mother to make the following request to the superintendent of schools: make all children wear rubber gloves to school; provide dixie cups at school drinking fountains; make all children carry Band-Aids and their own bars of soap; and make all children bring their own thermoses in case the dixie cups run out.

Mr. President, these are needless fears. This child presents no danger to the community. This should not happen.

We need courage and leadership—courage like this family has demonstrated day after day in actions as simple as picking up the telephone, driving down the street, going to the supermarket. We need leadership to educate the people of this Nation, Mr. President.

When we return in September, I hope that this child will have found a school that welcomes him with open arms. I hope this family will be settling into a new community, a new church, a new and freer life. And yet we know, that in some other town, in some other State, people with AIDS will be suffering the pain and humility of discrimination.

When we return in September, let us recommit ourselves to the type of courage and leadership necessary to fight hatred and bigotry on all fronts. Let us address the issue of discrimination against people with AIDS.●

THE 15TH ANNIVERSARY OF ALFE, INC.

● Mr. LUGAR. Mr. President, I take this opportunity to call to the attention of the Senate the 15th anniversary of ALFE, Inc. the Association for Loan Free Education, which is an Indianapolis, IN, based not for profit community based organization committed to the ideals of equal educational opportunity.

ALFE was founded in 1972 by a group of concerned Indiana citizens committed to the cause of equal opportunity education particularly among the disadvantaged. In 1975, ALFE was designated an educational talent search agency by the U.S. Department of Education and has consistently been renewed for funding each year. Since its inception ALFE has served over 10,000 Indiana residents providing the young and adults the very critical opportunity to attend a postsecondary educational institution of their choice.

I am particularly impressed with the level of commitment and concern that the staff and directors of ALFE have demonstrated throughout the years. Their dedication to providing a variety of services and programs while maintaining a high level of respect and concern for the recipients of their services is particularly noteworthy. On numerous occasions, the staff of ALFE have extended themselves far beyond the area of education, and assisted in improving the lives of many. ALFE is an organization that invests time and effort in our Nation's most important of resources, its people.

I take great pleasure in urging my colleagues today to join me in acknowledging the fine work of this organization on its 15th anniversary. On behalf of the citizens of Indiana, I congratulate ALFE for its service to our State, and wish this organization continued success for many years to come.●

AGENT ORANGE: MYTH AND REALITY

● Mr. KERRY. Mr. President, one of my top priorities in the Senate has been to try to help Vietnam veterans who are suffering from diseases caused by exposure to agent orange. Senator TOM DASCHLE and I recently introduced legislation, S. 2675, which would provide compensation for these veterans.

Unfortunately, we have been hampered in our efforts by a myth that has been deliberately created—the myth that there is no scientific evidence to support a connection between agent orange exposure and disease in Vietnam veterans. This myth takes the form of deliberate disinformation spread by those in this administration and elsewhere who do not want to see Vietnam veterarns receive any compensation for these diseases. This administration has actively tried to cover up the truth about agent orange, and to impede or kill studies which would reveal the truth about agent orange.

One example of this is the decision by the Centers for Disease Control, 8 years after they were mandated by Congress to carry out a study on agent orange, to abandon that study. Another example is the OMB's pressure on the CDC to abandon a study on the health effects of dioxin.

The truth is that there are many studies which have shown a clear linkage between agent orange exposure and diseases. Because of the reluctance of the Federal Government to support studies which would help veterans get at the truth, many of the best studies have been done at the State level. The Massachusetts Agent Orange Commission has supported some of the finest and most revealing work on the agent orange issue. The Massachusetts studies have shown that there is a clearly higher incidence of a number of diseases, including non-Hodgkins lymphoma and soft-tissue sarcoma, among Vietnam veterans as opposed to those who did not serve in Vietnam. Other State agent orange commissions have also made important contributions.

In the interest of clearing the air on this issue, and providing full information on this subject for my colleagues, I would like to place into the RECORD a number of articles and studies pertaining to agent orange. These include abstracts of some very recent studies which have not yet been published in full, but which will be forthcoming in the near future. These very recent studies provide the strongest evidence yet of a clear linkage between agent orange and disease in Vietnam veterans.

The first is an abstract of a study by Richard Clapp of the Massachusetts Department of Public Health, on "Soft Tissue Sarcoma Incidence in Massachusetts Vietnam Veterans, 1982-1986." The study shows an increased incidence of soft-tissue sarcoma among Vietnam veterans. The full study will be published in the near future.

The second item is an abstract of a new study by Dr. Sheila Hoar Zahm of the National Cancer Institute, entitled "A Case Control Study of non-Hodgkins Lymphoma and Agricultural Factors in Eastern Nebraska". The study found that "Exposure to 2,4,D increased risk (of non-Hodgkins lymphoma) 3-fold"; 2,4,D was the ingredient contained in agent orange, as well as in agricultural herbicides.

The third item is an abstract of a new study by Dr. Lennart Hardell and Dr. Mikael Eriksson of Sweden, entitled "The Association Between Soft-Tissue Sarcomas and Exposure to Phenoxyacetic Acides: A New Case-Reference Study". The study found that "Exposure to phenoxyacetic acids gave a roughly 3-fold increased risk for STS, thereby confirming previous findings". This new study will also be published in the near future in the journal Cancer. All of these new studies confirmed that there are significant increased risks of soft-tissue sarcoma and non-Hodgkins lymphoma associated with dioxin exposure.

The fourth item is an article published in the Journal of Nervous and Mental Disease in 1988, entitled "Agent Orange Exposure and Post-Traumatic Stress Disorder," by Charles J. Levy, Ph.D., of the Department of Psychiatry at Harvard Medical School.

The fifth item is an article from the New York Times entitled "Agent Orange's Victims Find Sympathy at the Statehouses", dated June 15, 1986. The sixth item is a report from the Massachusetts Agent Orange Program, entitled "Health Survey of Massachusetts Vietnam Veterans—1986." The fifth item is a study entitled "Mortality Among Vietnam Veterans in Massachusetts, 1972-1983," by Michael D. Kogan, M.A., and Richard W. Clapp, M.P.H.

The seventh item I am including in the RECORD is a study by the West Virginia Health Department, entitled "West Virginia Vietnam-Era Veterans Mortality Study, 1968-1983." This report was issued in January 1986. The study suggested that "the risk of death from soft tissue sarcomas, Hodgkin's disease, and testicular cancer are elevated among veterans who served in Vietnam.

The final item is a report prepared at the request of Chairman JOHN DINGELL of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce in the House of Representatives. The report is entitled "OMB Review of CDC Research: Impact of the Paperwork Reduction Act," and was prepared by members of the Occupational Health Program of the Harvard School of Public Health and the director of the division of environmental and occupational medicine of the Mount Sinai School of Medicine. I have included the chairman's letter of transmittal, the executive summary, and a case study pertaining to dioxin research.

The report makes clear that—

> The White House Office of Management and Budget (OMB) has abused its authority * * * in its review of research projects of the Centers for Disease Control. In numerous cases, including proposed studies of the health effects of dioxin * * * OMB has interfered with the substance of CDC's research under the guise of paperwork control.

Chairman DINGELL concluded that—

> Rather than protecting the public against unnecessary government intrusion, OMB has delayed, impeded, and thwarted government research efforts designed to respond to public demands for answers to serious health questions.

This is just one more example of the Government coverup relating to dioxin and agent orange. As this report makes clear, this administration does not want the truth to come out about the harmful health effects of dioxin and agent orange. For this reason, it has been left to the States to do the most important work relating to research on the health effects of agent orange.

It has taken a long time, but the truth is finally starting to come out about agent orange. With each passing year, the evidence gets stronger and stronger. It took the Congress 40 years to act on giving compensation to the "atomic veterans" who were victims of ionizing radiation. Many of these veterans died of cancer before the law was finally passed this year. I hope we will learn a lesson from that experience, and act soon in a compassionate and humane spirit to provide compensation to the victims of agent orange who are now suffering.

I ask that the material listed above be printed in the RECORD.

STUDY BY THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH—SOFT TISSUE SARCOMA INCIDENCE IN MASSACHUSETTS VIETNAM VETERANS, 1982-1986

(By Richard Clapp)

This investigation followed up previously published findings of increased soft tissue sarcoma mortality in Massachusetts Vietnam Veterans in 1972-1983. A computerized veterans file, which distinguishes Massachusetts residents paid a bonus for having served in Vietnam from those who were in the service at the same time but did not go to Vietnam, was linked to the Massachusetts Cancer Registry incidence file. Initial frequencies were 113 cases of cancer of all types in Vietnam bonus recipients and 477 cases of cancer of all types in Vietnam-era veterans; of these, 13 cases were reported as soft tissue sarcoma—6 in Vietnam bonus recipients and 7 in Vietnam-era veterans. Subsequent verification of the diagnosis revealed three cases of Kaposi's Sarcoma coincident with AIDS—1 in a Vietnam bonus recipient and 2 in Vietnam-era veterans. An additional reported case of spindle cell sarcoma was determined to have been benign and not reportable. Occupational information on military discharge papers and on cancer incidence reporting forms was uninformative.

Excluding the Kaposi's Sarcoma cases, all non-Hodgkin's Lymphoma cases, and the benign sarcoma, the crude odds ratio for

Vietnam bonus recipients with the diagnosis of soft tissue sarcoma was 5.52 (95% C.I.=1.46-20.92). Further data and follow-up work will be presented.

ZAHM STUDY—NATIONAL CANCER INSTITUTE

A Case-Control Study of Non-Hodgkin's Lymphoma and Agricultural Factors in Eastern Nebraska. S. Hoar Zahm (National Cancer Institute, Bethesda, MD 20892), D.D. Weisenburger, P.A. Babbitt, R.C. Saal, K.P. Cantor, A. Blair.

A recent study conducted in Kansas reported a six-fold excess risk of non-Hodgkin's lymphoma (NHL) among farmers exposed to agricultural herbicides 20 or more days per year. To further investigate the association between NHL and agricultural factors, a population-based case-control study was conducted in Eastern Nebraska. Telephone interviews were conducted with 385 (201 men, 184 women) histologically confirmed NHL cases and 1432 (725 men, 707 women) controls. Among men, use of the herbicide 2,4-D was associated with a nonsignificant 50% increased risk of NHL (OR=1.5; 95% CI=0.9, 2.4). Exposure to 2,4-D more than 20 days/year increased risk 3-fold (OR=3.3; 95% CI=0.5, 22.1). Use of the herbicide 2,4,5-T had an OR of 1.5 (95% CI=0.7, 3.2). Risk among atrazine users (OR=1.4; 95% CI=0.8, 2.2) increased with duration with ORS of 0.9, 0.8, 2.0, and 2.0 for use of 1-5, 6-15, 16-20, and 21+ years, respectively. Several classes of insecticides were associated with increased risk: chlorinated hydrocarbons (OR=1.4; 95% CI=0.8, 2.3), carbamates (OR=1.8; 95% CI=1.0, 3.2), and organophosphates (OR=1.9; 95% CI=1.1, 3.1). Specific insecticides associated with significant excess NHL included chlordane (OR=2.1), diazinon (OR=2.0), dyfonate (OR=2.4), and malathion (OR=2.2). Risk rose with increasing duration of use of lindane and sevin. Multiple exposures will be evaluated.

THE ASSOCIATION BETWEEN SOFT-TISSUE SARCOMAS AND EXPOSURE TO PHENOXYACETIC ACIDS: A NEW CASE-REFERENT STUDY

(By Lennart Hardell MD, Ph.D., and Mikael Eriksson MD)

[From the Department of Oncology, University Hospital, S-901 85 Umea, Sweden]

ABSTRACT

A case-referent study on soft-tissue sarcomas (STS) was conducted, to see if previous findings regarding an association between exposure to phenoxyacetic acids or chlorophenols and this tumour type could be reproduced. Fifty-five male STS patients were thereby compared with 220 living and 110 deceased population-based referents. Furthermore, another referent group consisting of 190 patients with another type of malignant disease was used, in order to evaluate any influence of recall bias on the results. To obtain information about exposure to the studied chemicals, as well as about any other exposures that might be of interest, questionnaires were used, and if necessary these were completed over the phone by an interviewer who had no information regarding case/referent status. All analysis and interpretation of exposure data were done in a blinded manner. Exposure to phenoxyacetic acids gave a roughly 3-fold increased risk for STS, thereby confirming previous findings, whereas exposure to chlorophenols was not associated with STS in this study.

[From the Journal of Nervous and Mental Disease]

AGENT ORANGE EXPOSURE AND POSTTRAUMATIC STRESS DISORDER

(By Charles J. Levy, Ph.D.)

[NOTE.—Evidence of organic psychological deficits in Vietnam veterans exposed to the herbicide Agent Orange was established through a neuropsychological battery. Also, the exposed Vietnam veterans, in contrast to a matched control group of Vietnam veterans, showed a significantly higher rate of posttraumatic stress disorder and its associated features; depression, anxiety, and increased aggression. The latter was subdivided into uncontrollable pressures, verbal violence, violence against objects, assaults, and suicidal thoughts. Active cases of chloracne, a medical indicator, were used to determine Agent Orange exposure.]

Industrial workers who have been exposed to 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (TCDD) present psychological symptoms (Bauer et al., 1961; Office of Science and Technology, 1971; Oliver, 1975) that duplicate those that have been attributed to the delayed effects of combat stress in Vietnam veterans (Figley, 1978; Levy, 1974; Sonnenberg et al., 1985). The present study explores the possibility that TCDD, the exceedingly toxic component of the herbicide Agent Orange, plays a part in these symptoms when they occur in Vietnam veterans who have been exposed to it. Agent Orange was sprayed extensively in Vietnam as a means of destroying cover and crops that might otherwise be used by opposing forces.

The following disorders are symptomatic of both TCDD-exposed industrial workers and Vietnam veterans with posttraumatic stress disorder (PTSD): memory impairment, trouble concentrating, constricted effect, and sleep disturbance (American Psychiatric Association [APA], 1980). Depression, anxiety, and increased irritability, at times resulting in violence, all associated features of PTSD, are also shared by the two groups. The fundamental reported difference between these groups is the etiology of the symptoms: organic brain damage has been found in workers who were exposed to TCDD (Bauer et al., 1961).

The following will be examined in this paper: a) whether there is a psychological deficit among Vietnam veterans exposed to Agent Orange, in contrast to a control group of Vietnam veterans, and b) whether the rate of PTSD and its associated features is higher in the exposed group.

METHODS

Medical Indicator

Exposure to TCDD was determined by chloracne, "the most constant sign of [TCDD] intoxication" (Pazderova-Vejlupkova and Lukas, 1981). Chloracne is solely the result of exposure to aromatic chlorinated hydrocarbons (Crow, 1970) such as the TCDD contaminant of Agent Orange. The distinctive features of chloracne are a cyst ranging from 1 mm to 1 cm in diameter and comedones that can vary from a few to confluent sheets. In mild cases the lesions occur in the malar area, the jaws, and behind the ears; in severe cases, inflammatory papules and pustules may occur in areas in which there is friction from clothing (Crow, 1970).

Sample Selection

A population was derived from the list of veterans who received Commonwealth of Massachusetts bonuses as a result of serving in Vietnam. We concentrated on veterans living in the Greater Boston area. All of those veterans who could be located, a total of 1,957, were initially interviewed on the telephone regarding skin lesions. Of these veterans, 42 subjects reported a condition that was possibly indicative of chloracne. They were subsequently examined. Of these, six had current mild cases of chloracne in the malar and postauricular areas.

Twenty-five control subjects were then randomly selected from the same bonus list. They had no signs of chloracne, through either an active case on scarring, nor did they have any recollectioins of chloracne symptoms. (Because of the widespread use of *Agent Orange* in Vietnam, it would have been difficult for a large proportion of combatants to avoid at least a slight degree of exposure, but our focus was on exposure for which there is a medical indicator.) The control subjects were matched to the exposed subjects on age (range 36 to 42), education (grades 10 to 14), and time of service in Vietnam (between 1964 and 1970, the period of Agent Orange spraying). Also, none of the subjects had held jobs that involved working with herbicides.

In order to control for the effect of combat stress, all of the control subjects had to meet a standard that equaled or exceeded the combat experience of the exposed subjects, a minimum of two contacts with the enemy for each of four successive weeks. Reports of combat experience were verified.

Data Gathering

A neuropsychological battery, selected for sensitivity to nonfocal effects of brain dysfunction, was administered to the exposed and the control subjects: WAIS Vocabulary Subtest, Rey Auditory Verbal test (five-trial total, list A Immediate Recall, list A Recognition Score, list A Delayed Recall, List B), the Symbol Digit Modalities Test in written and oral versions, and the Word Fluency Test.

In addition, standardized interviews were administered to all subjects to determine whether they had, during the past 6 months, the symptoms of PTSD and its associated features: depression, anxiety, and aggressiveness. The interview schedule was derived from converting the DSM-III formulation of PTSD symptoms into questions. However, the DSM-III wording was altered whenever necessary so that it would be universally intelligible. For example, "exaggerated startle response" (APA, 1980) became "have you reacted quickly when encountering an unexpected noise or smell that reminded you of Vietnam?"

Given the breadth of the aggressiveness category and the variations within it that we observed during an earlier study of Vietnam veterans (Levy, 1974), we subdivided aggressiveness into five components: uncontrollable pressure, verbal violence, violence against objects, assaults, and suicidal thoughts. The frequency of these aggressive incidents during the 6-month period, as reported by the subject, appears under the relevant headings of PTSD Measures.

The testers and interviewers were blind to the chloracne diagnoses of the subjects. Also, none of the subjects was given any indication during the course of the study that they were considered exposed. In fact, no reference to Agent Orange or chloracne was made when explaining the study. However, all testing and inteview procedures were fully explained, after which informed consent of the subjects was obtained.

The means, standard deviations, and results from the one-way analysis of variance (ANOVA) were calculated comparing the average scores of the exposed subjects with those of the control subjects.

The correlations between the neuropsychological tests and the PTSD measures were computed using the Pearson's product-moment correlation.

RESULTS

Quantitative Findings

The exposed group scored significantly lower than the control group on six of the nine neuropsychological tests for brain dysfunction ($p < .05$, $df = 1.29$), four of which are highly significant ($p < .01$, $df = 1.29$). One other measure is approaching significance ($p = .08$, $df = 1.29$). These exposed subjects had significantly higher scores ($p < .01$, $df = 1.29$) than did the control subjects on **the measures for PTSD).**

Of the correlations between the neuropsychological measures (lower scores indicate greater deficits) and the PTSD measures (higher scores indicate more incidents), 92% are negative, which is as expected if there is a relationship between the measures. Of the correlation coefficients, 54% reach significance by one-tailed tests ($p < .05$, $df = 29$). (Nonparametric statistical methods produced results that in all cases parallel those of the parametric approaches).

All of the exposed subjects met the diagnostic criteria for both PTSD and the three associated features (depression, anxiety, and aggression), in contrast to the control subjects for whom the PTSD rate was 20% and the rate for the three associated features was 8%.

Qualitative Findings

There were qualitative as well as quantitative differences between the two groups in the categories that we used to define aggressive behavior. DSM-III states that the aggressive behavior associated with PTSD occurs "upon even minimal or no provocation" (APA, 1980). This characterization applies to all of the exposed veterans. Subjects who reported uncontrollable pressures were asked, "What led up to it?" The following is a representative response from the exposed group:

"The top of my head feels like it's going to come off and like I'm trying to grasp something that's not there. I get all confused. . . . Any little thing just ticks me off. . . . I get aggravated very easy. I could wake up angry. . . . I don't know that these things happen until they were already going on."

In contrast to the vague and slight provocations of the exposed subjects, four of the five control subjects reporting pressures described provocations that were precise and substantial, for example, "When I was working on my house, and I needed some material, and didn't have the money, and bills were piling up." All of the exposed subjects and none of the control subjects reported that their susceptibility to pressures during the past year was greater than at any other period since their return from Vietnam. None of the exposed subjects and two of the control subjects experienced pressures before serving in Vietnam.

DISCUSSION

Hypothesis and Null Hypothesis

The statistical evidence for organic psychological deficits in the exposed subjects is very strong, based on the results of the neuropsychological battery.

It is also clear that there is a very strong difference between the exposed subjects and control subjects on all of the PTSD measures, including the associated features and the components of aggression.

Further, there are enough significant correlations between the PTSD and neuropsychological measures to make it unlikely that this degree of association could occur by chance.

The null hypothesis that PTSD is solely responsible for the poor performance of the exposed subjects on the neuropsychological tests was rejected. One-way ANOVAs were computed for the control subjects and were grouped according to presence or absence of PTSD. This analysis was unable to detect a degree of difference between the groups on any of these nine neuropsychological measures sufficient to reach the .05 level. The average levels within the two groups were similar for most variables. Only two measures approached significant difference, and neither of these measures was among the ones that show evidence of significant relationship to the presence or absence of exposure.

Further, exposure appears to increase the prevalence of PTSD. The probability of finding six PTSD cases in six subjects in the exposed sample, based on the prevalence of PTSD among the controls (five of 25), is .000064 (*i.e.*, .20%), which also leads to rejection of the null hypothesis.

The level of combat experience cannot explain the difference in PTSD scores between the exposed and control groups. Two of the exposed subjects experienced light combat, as compared with heavy combat for all of the control subjects. Nonetheless, of the 14 possible PTSD symptons, the two exposed subjects with light combat experience had an average of nine symptoms. This was lower than the average of 11.8 symptoms for the four exposed subjects with heavy combat experience, but it exceeded the average of 7.8 symptoms for the five control subjects who had PTSD.

Minimization of Exposed Sample Size

For several reasons, the small number of exposed cases in this study may reflect a bias toward underestimation of the actual number of Vietnam veterans who were exposed:

1. As a conservative measure, only current cases of chloracne were included, but chloracne may consist of just a few comedones that clear a few months after contact. In approximately 80% of the cases, chloracne does not persist after 3 years (Crow, 1982). (The present study was conducted 16 to 22 years after potential exposure in Vietnam.)

2. Although chloracne is an indicator of TCDD exposure, the symptoms of exposure can occur without chloracne (Hoffman et al., 1986; Oliver, 1975).

3. Unless veterans acknowledged relevant skin lesions during the initial screening, they could not be considered for possible inclusion in the exposed category. There were indications of a reluctance to acknowledge skin lesions (especially comedones because of the lingering connotations they appeared to have with adolescent uncleanliness).

4. The bonus list from which those veterans are drawn is limited to those who were honorably discharged. If the exposure-induced aggression occurred before discharge, there is a greater likelihood of episodes that would result in less-than honorable discharge

5. If exposed veterans are more likely to place themselves in violent situations, and are more likely to contemplate suicide, a disproportionate number of them may have died due to violence committed by others or themselves.

6. The rate of violent behavior engaged in by exposed veterans suggests that a disproportionate number of them may be incarcerated and were therefore unavailable for the initial screening.

The low threshold for aggression among the exposed veterans has not resulted in incarceration, with one exception, at least in part because of the coping mechanisms they have developed for minimizing the danger to others from their violence (these mechanisms were not reported by the control subjects). Among their strategies is selecting jobs at which they are least likely to do violence because contact with others is minimal.

Violence against objects is another coping mechanism that appeared throughout our interviews with the exposed veterans. The following is characteristic of both the rage and the effort to redirect it:

"Whenever there's pressure on, I feel I can come close to doing anything. If somebody pisses me off and I'm getting wacky, I hit the walls and not them. I damn near went through both walls, and I was looking at somebody in the eye when I did that. I was talking to somebody then, I forgot what they said to me, but it really pissed me off, and I hit the wall. If I had hit them, I would've killed them."

The aggression of all the exposed subjects has put them close to the line of law violations. The one who crossed over it was imprisoned for stabbing two people, and he acknowledges a third stabbing. He has managed to alter the manner in which his violence is expressed: "I won't carry a weapon 'cause I know I'll use it". Veterans who were less successful in redirecting this violence would not have been in the sample.

CONCLUSION

Although we can only speculate on the actual number of exposed veterans, what we have found is that, when these subjects are identified, PTSD and its associated features could have a masking effect. That is, among the Vietnam veterans who most convincingly meet the diagnostic criteria of PTSD, there are those whose condition cannot be explained by combat stress alone. Therefore, the possibility of Agent Orange exposure should be explored when Vietnam veterans meet the diagnostic criteria of PTSD. Only in this way can the etiology of the PTSD symptoms be adequately established.

[From the New York Times, June 15, 1986]

AGENT ORANGE'S VICTIMS FIND SYMPATHY AT THE STATEHOUSES

(By Iver Peterson)

As questions about the longterm effects of exposure to Agent Orange among veterans of the Vietnam War have continued to be raised, a number of states have begun attempting to help provide some answers.

The Massachusetts Agent Orange Commission released last week the results of an informal survey it conducted among Vietnam veterans in the state who believed they had been exposed to the defoliant and one of its highly toxic elements, dioxin. The veterans reported very high incidences of birth defects, nervous disorders and other ailments.

Other states, one of them New Jersey, have undertaken more scientific research into dioxin contamination among veterans. Many state administrators say they are responding to foot-dragging in Washington. "With Gramm-Rudman at work there is a very popular anti-veteran bias in Washington," says Joseph Bangert, director of the Massachusetts program. "That may fly on the national level but it won't fly in the states where the veterans are."

Moreover, spokesmen for national veterans organizations maintain that the Government would like to derail any broad, definitive Agent Orange studies to avoid a deluge of expensive disability claims.

Some 150,000 veterans have already filed claims with the Veterans' Administration. So far, the V.A. has steadfastly refused to accept such claims as proof of service-connected disability.

Government officials insist that Washington has hardly been idle. However, a broad national study on the effects of Agent Orange exposure authorized by Congress in 1979 remains stalled.

The study, to be coordinated by the Federal Centers for Disease Control, has bogged down because, for one thing, many Government researchers now suspect that fewer people had been exposed to the herbicide than they originally thought and, for another, there have been bureaucratic disagreements over responsibilities and procedures. A Federal panel is expected to decide soon whether a way around the impasse can be found.

Last year the manufacturers of Agent Orange tried to force Washington to contribute to a $180 million fund they agreed to set up to benefit totally disabled Vietnam veterans and the families of those who have died. But a Federal judge ruled that the Government was not liable because no proof had been offered of a causal connection between the herbicide and injuries to veterans and their families. The manufacturers, which continued to deny that Agent Orange was harmful, said they agreed to the settlement, among other reasons, to avoid years of trials and appeals.

While the long-term effects of the chemical are disputed, this much is known: the Air Force sprayed upwards to ten million gallons of Agent Orange over Vietnam and Laos between 1972 and 1976 in what was said to have been an attempt to kill the canopy of jungle leaves that concealed enemy troop movements on the ground. Precautions were taken to keep G.I.'s out of sprayed areas for several days, officials say, but military records show that some troops entered contaminated areas as soon as a day later.

In addition, the defoliant was widely used by ground troops to clear base perimeters.

Altogether, 15 states have launched their own Agent Orange monitoring and advocacy efforts. For the most part, the states have concentrations of veterans large enough to apply political pressure on local legislators. Some state programs have been limited because of a shortage of money. Massachusetts and New Jersey are ranked the most active.

Some authorities say the programs aren't as objective as they should be and in fact may complicate veterans' attempts to obtain compensation. Wayne Wilson, director of the New Jersey program, defends his effort. "I think we have put together a research team that absolutely rejects the notion that our advocacy roles will somehow bias our research. Researchers are particularly sensitive to that charge and take those extra steps to make sure that doesn't happen."

Within a few weeks, he said, New Jersey will have completed a study of 150 Vietnam veterans who were exposed to the defoliant. The study involves comparing the levels of dioxin, using fat biopsies and blood samples, with the dioxin levels of other former service men and women stationed elsewhere. Once those data have been assembled, the next step will be to compare medical records to see if any correlation exists between dioxin levels and long-term health disorders.

MASSACHUSETTS AGENT ORANGE PROGRAM

[From the Office of the Commissioner of Veteran's Services, Boston, MA]

(By Joseph V. Bangert)—

HEALTH SURVEY OF MASSACHUSETTS VIETNAM VETERANS—1986

FOREWORD

The Commonwealth of Massachusetts Agent Orange Program, a program of the Office of the Commissioner of Veterans' Services, was provided funding by the 1983 Massachusetts Legislature for the purpose of conducting, "medical and scientific testing related to the possible health effects of Agent Orange on Massachusetts Vietnam Veterans."

In January, 1984, the Agent Orange Program, Office of the Commissioner of Veterans' Services (OCVS) was implemented to survey programmatic, medical and scientific options. The Agent Orange Program instituted the Agent Orange Medical/Scientific Advisory Board to provide technical recommendations, oversight and review of proposals and implemented medical and scientific programs and studies.

In January, 1985, the Massachusetts Agent Orange Program, in cooperation with the Massachusetts Department of Public Health published the "Mortality Among Massachusetts Vietnam Veterans, 1972–1983" written by Michael Kogan, M.A., and Richard Clapp, M.P.H., as the first step in the Commonwealth's attempt to find some answers to the complex questions surrounding the issue of Agent Orange. This mortality study provides a stable foundation for our continued ongoing efforts to provide scientific, technical, verifiable data regarding the effects of Agent Orange where none had been previously available.

The Massachusetts Agent Orange Program's "Health Survey of Massachusetts Vietnam Veterans, 1986" is the second step in our program's continuing efforts to determine the needs of Massachusetts Vietnam Veterans and their families. This survey utilized the "American Legion," or "Stellman questionnaire," with minor modifications. The survey results, contained within, are the result of over 2,000 Massachusetts Vietnam Veterans and their families, and dependents who took the time out to complete a rather detailed and complex form. Only 1,500 of the 2,000 questionnaires were included in the Massachusetts survey as they were chosen on the completedness of the questionnaire, and those filled out by Massachusetts veterans who had not been in the Vietnam theatre were excluded.

The analysis of the data collected by the Massachusetts Agent Orange Program was compiled and analyzed by Mr. Frank J. Bove, M.S., an epidemiologist and PhD candidate with Harvard University School of Public Health. We are indebted to the hard work of this young scientist.

The Massachusetts Agent Orange Program also acknowledges the leadership role of Governor Michael S. Dukakis of Massachusetts as well as that of Commissioner of Veterans' Services, John Halachis in their ongoing commitment to this program and its importance for the more than 50,000 Massachusetts Vietnam Veterans. We also acknowledge the General Court of the Commonwealth of Massachusetts, and in particular to Senator Fran Doris, Representative Thomas Vallely and former Representative Tom Lynch who took the leadership in bringing the Massachusetts Agent Orange Program into being. We would be remiss if we did not acknowledge the pioneering role of Mr. Christopher Gregory, the former Director of the Agent Orange Program in getting the program on line. We shall continue first and foremost to aggressively and independently survey and test Massachusetts Vietnam Veterans who bore the brunt of battle and will never be forgotten.

SUMMARY

Fifteen hundred Vietnam veterans in Massachusetts completed health questionnaires in January 1985. The respondents were those who filed a claim against the $180 million proposed out of court settlement reached by attorneys representing the seven chemical manufacturers of Agent Orange and Vietnam veterans. Although not a random sample of the more than 50,000 Massachusetts Vietnam veterans, the findings indicated a considerable amount of illness among the respondents including tumors, neurobehavioral problems, reproductive difficulties and birth defects among their offspring. These findings are consistent with the observed symptoms and disease found among those exposed to 2,4-D, 2,4,5-T and 2,3,7,8-TCDD (Dioxin) in the workplace or the environment.

INTRODUCTION

Concern about the long-term effects of exposure to Agent Orange is widespread among Vietnam veterans in the U.S. and Australia, as well as among the citizens of Vietnam. In southern Vietnam, recent studies report a variety of persistent clinical problems including recurring bouts of headaches, depression and anxiety, asthenia, loss of libido, GI disorders and adverse reproductive outcomes. Studies of workers exposed to dioxin contaminated substances have found elevated rates of lymphomas and soft tissue sarcomas. Neurologic and liver effects have also been reported. Table I lists the findings of some of these occupational studies. Table 2 lists the findings of a Massachusetts Departments of Public Health and Veterans Services study of mortality among Vietnam veterans. This study found elevated rates of soft tissue sarcomas, kidney cancer, motor vehicle accidents and suicides. Table 3 lists findings from other studies of Vietnam veterans.

This survey of the health of Massachusetts Vietnam veterans is part of an ongoing research program that was sparked by the findings of previous studies as well as the concerns raised by veterans. The results of this survey are consistent with those in the studies mentioned above.

METHODS AND SUBJECTS

In January, 1985, The Massachusetts Agent Orange Program instituted a large-scale media campaign to alert Vietnam veterans of the court-imposed deadline for filing a claim against the proposed $180 million settlement reached by attorneys for the seven manufacturers of Agent Orange and Vietnam veterans. About 2,000 veterans filed claims during a two day period at the state's Office of Veterans Services. The American Legion health questionnaire was distributed to those filing claims. In addition, some 300 questionnaires were mailed to veterans who phoned the Agent Orange Program requesting to participate in the health survey. Approximately 1800 questionnaires were returned to the Agent Orange Program. Fifteen hundred of these were selected based on the criteria of completedness and actual service in Vietnam.

Staff of the Agent Orange Program as well as trained volunteers, all of whom were Vietnam veterans, assisted respondents with any questions or difficulties they encountered with the questionnaire. Concerning the birth outcome data requested by the questionnaire, if the veterans were not sure of the information being asked, they were provided with a self-addressed envelope and permitted to take the questionnaire home to consult with their spouses.

RESULTS

Analysis of the questionnaire data was performed using DBASE III. Over a quarter of the respondents stated that they were diagnosed with tumors (cancerous, benign, fatty or other). Nine were diagnosed with Hodgkins Disease. Nearly 22 percent of the respondents indicated that one or more of their children had birth defects. Out of 1907 live births reported in the questionnaires, 462 (24 percent) had at least one birth defect and 160 had more than one defect. Thirty-seven spina bifida, other brain or spine defects were reported. Table 4 presents the data on other congenital malformations.

Nearly one-third of the respondents indicated a decrease in libido and 22 percent reported fertility difficulties (see Table 4). Nearly two-thirds of the respondents indicated persistent problems with tiredness, over half reported persistent headaches and difficulties with memory or concentration, and almost half reported nervous disorders (see Table 5).

Seventy-three percent of the respondents answered yes to the question: "Have you or your family ever noticed a personality change?" Eighty-two percent of the respondents claimed they regularly had at least one of the following problems: depression, violent rage, anxiety and irritability. Most had more than one problem. Two hundred and seventy-five respondents reported suffering from mental illness or a breakdown. Symptoms of peripheral neuropathy in the lower or upper extremities were reported in over two-thirds of the veterans. Indications of asthenia were found in over half of the questionnaires (see Table 5).

Many respondents reported GI disorders. Over a third stated they had repeated nausea without flu or other sickness. Over 25 percent reported repeated bouts with diarrhea. One-third indicated that they regularly experienced loss of appetite and 20 percent reported weight loss.

CONCLUSION

We emphasize that the questionnaires were not randomly distributed and were completed on a volunteer basis by a self-selected group of MA veterans. This means that we cannot base a valid, scientific study on the information contained in these questionnaires. However, the questionnaires clearly indicate considerable disease and suffering among a relatively young group of people (93 percent under age 45, 80 percent under age 40). The symptoms and disease found are consistent with findings from other studies of people exposed to dioxin, 2,4-D and 2,4,5,-T.

TABLE 1.—REPORTED OCCUPATIONAL EXPOSURE TO DIOXIN-CONTAMINATED SUBSTANCES RESULTING IN HUMAN ILLINESS [1]

Year, place and chemical(s)	Type of exposure and number of cases	Neurological effects	Other effects	References
1949 W. VA TCP 2,4,5–T	Explosion 117, production 111	Nervousness, irritability, insomnia, personality change, depression, headache, pain and weakness in lower extremities, peripheral neutropathy.	Fatigue, weight loss, weakness, decreased libido, impotence.	[Ashe and Suskind, 1949, 1950; Suskind, 1953; Suskind, 1977].
1949 Germany TCP	Production, industrial lab 17	Pain and weakness, paresthesia, polyneuritis in lower extremities.	Fatigue, decreased libido, impotence	[Baader and Bauer, 1951].
1952 Germany TCP	Production 31	Pain and weakness, paresthesia in lower extremities, memory and concentration deficits, sleep disturbances, apathy, dulled emotional response.	Fatigue, myocardial damage	[Suskind, 1977].
1953 Germany TCP	Explosion 55	Hearing impairment, peripheral neuropathy	Fatigue, drowsiness, myocardial damage	[Goldman, 1973].
1956 France TCP	Production 17	Peripheral neuropathy		[Dugois, et. al., 1956].
1964 USSR TCP 2,4,5–T	Production 128	Headache, memory loss, sleeplessness	Fatigue, joint pain	[Telegina and bikbulatova, 1970].
1965–68 Czechoslovakia TCP 2,4,5–T.	Production 80	Pain and weakness in lower extremities, somnolence, headache, insomnia, peripheral neuropathy, emotional and psychiatric disorder.	Fatigue, weight loss	[Pazderva-Vej-lupkov, et. al., 1980; 1981].
1969 NJ TCP 2,4,5–T 2,4–D	Production 73	Weakness in lower extremities, hypomania		[Poland, et. al. 1971].

[1] Adapted from Moses, et al., 1984.

TABLE 2.—STANDARDIZED PROPORTIONAL MORTALITY RATIOS FOR SELECTED CAUSES OF DEATH FOR VIETNAM VETERANS COMPARED WITH EITHER NON-VIETNAM VETERANS OR NON-VETERAN MALES

ICD No [1]	Cause of death	Observed Vietnam veteran deaths	Comparison group: Non-Vietnam veterans PMR	Non-Vietnam veterans 95 percent C.I.	Nonveteran males PMR	Nonveteran males 95 percent C.I.
	All causes	840				
140–239	All neoplasms	129	95	(78,115)	112	(94,134)
153–154	Colo-Rectal	8	113	(56,228)	85	(42,172)
162	Lung, bronchus	25	98	(66,146)	102	(72,145)
171	Connective tissue	9	880	(513,151)	473	(262,855)
189	Kidney	9	183	(96,348)	353	(191,651)
390–429, 439–459	Circulatory system (except cerebrovascular)	139	88	(75,103)	87	(74,102)
430–438	Cerebrovascular disease	28	111	(77,160)	138	(96,199)
571	Cirrhosis of the liver	29	94	(65,136)	90	(61,132)
E800–E999	All external causes	428	108	(98,119)	113	(103,124)
E810–E825	Motor vehicle accidents	169	110	(95,127)	127	(106,152)
E950–E958	Recorded suicides	102	93	(77,112)	118	(98,143)
799.9, E850–E869, E950–E958, E980–E982	Estimated suicides [2]	163	113	(96,132)	140	(120,163)
E960–E969	Homicides	31	80	(56,114)	66	(46,940)

[1] International Classification of Diseases, 9th Revision, code number.

[2] See reference (6) for discussion of this category. Note that there were 13 deaths in the category 799.9.

TABLE 3.—REPORTS ON THE HEALTH STATUS OF VIETNAM VETERANS

Reference	Exposed	Health effects
Stellman & Stellman, 1980.	Vietnam Veterans, 535	Congenital malformations, GI disturbances, pain in joints, sleep and psychological disturbances.
Barr, 1982; 1983.	Vietnam Veterans Australia, 120.	Peripheral neuropathy, insomnia, depression, irritability, lassitude, memory loss, headaches, attempted suicides.

TABLE 3.—REPORTS ON THE HEALTH STATUS OF VIETNAM VETERANS—Continued

Reference	Exposed	Health effects
Erickson, et al 1984.	Vietnam Veterans, 696	Congenital malformations: spina bifida, cleft lip, impaired hearing, clubfoot.

TABLE 4.—CONGENITAL MALFORMATIONS

Birth defect	Total number	Prevalence [1]	BDMP incidence rate [1]
Spina Bifida, other brain or spine defects	37	195	18.4
Clubfoot	24	126	24.5
Cleft lip/palate	17	89	13.4
Missing, deformed or extra toes/fingers	31	163	[2] 27.2
Down's Syndrome	11	58	7.9
Hip abnormalities	21	111	27.0
Heart defect	60		
Defect of the digestive system	35		
Hearing disorders	63		

TABLE 4.—CONGENITAL MALFORMATIONS—Continued

Birth defect	Total number	Prevalence [1]	BDMP incidence rate [1]
Cerebral palsy	6		
Other skeltal defects	46		
Condition requiring special education or care	122		

[1] Per 10,000 live births.
[2] Polydactyly and syndactyly.

OTHER REPRODUCTIVE PROBLEMS

Problem	Number	Percent
Loss of libido	487	32.4
Infertility	330	22.0
Infertility and saw physician	246	16.4
Low birth weight children (under 5.5 lbs.)	162	8.1

TABLE 5.—NEUROBEHAVIORAL DYSFUNCTION

Problem	Number	Percent
Persistent tiredness	957	63.7
(saw physician)	270	18.0
Persistent headaches	773	51.5
(saw physician)	338	22.5
Nervous disorders	684	45.5
(saw physician)	356	23.7
Difficulty with memory or concentration	786	52.3
(say physician)	165	11.0
Mental illness or breakdown	275	18.3
(receiving some disability)	132	8.8
Regularly depressed, get into a violent rage, anxious or irritable	1,233	82.1
(more than one behavioral problem)	1,015	67.6
Sensory symptoms of early stage peripheral neuropathy	321	21.4
Asthenia (need hands to rise from chair, can't climb stairs without holding onto railing, unable to do tasks requiring holding arms at shoulder level, difficulty grasping tools)	775	51.6

MORTALITY AMONG VIETNAM VETERANS IN MASSACHUSETTS, 1972-83

(By Michael D. Kogan, M.A., and Richard W. Clapp, M.P.H.)

SUMMARY

The patterns of death among Vietnam veterans, other veterans who did not serve in Vietnam, and non-veteran males from Massachusetts were studied by compiling death certificate information. Deaths due to motor vehicle accidents, suicides, and kidney cancer were significantly elevated among Vietnam veterans compared to non-veteran males for the study period 1972-1983. Deaths due to stroke and connective tissue cancer were significantly elevated among Vietnam veterans compared to both non-Vietnam veterans and non-veteran males. Deaths due to circulatory system diseases, other than stroke, were lower among the Vietnam veterans compared to non-Vietnam veterans. Deaths in the category of all cancers were not significantly elevated for Vietnam veterans compared to either group. Elevated risk of death due to motor vehicle accidents and suicide lends support to the hypothesis that Vietnam veterans have had a greater incidence of traumatic death since the end of the conflict than other non-veteran males. The excess cancers of connective tissue and kidney are based on only nine deaths from each type. More years of follow-up would be necessary to adequately assess these findings, and further investigation, using other sources of information, is recommended.

These results are based on the limited information available from death certificates. Information on such potential confounding factors as smoking and drinking habits, and complete histories of occupational exposures, was unavailable and therefore could not be controlled for in the analysis. Nevertheless, the results justify intensified efforts to reduce deaths due to stress-related or self-destructive behavior among Vietnam veterans.

INTRODUCTION

The Agent Orange Program in the Office of the Commissioner of Veterans Services (OCVS) requested that a mortality study be conducted comparing the causes of death among Vietnam veterans to those of non-Vietnam veterans and non-veteran Massachusetts residents. This study was motivated by a concern that Vietnam veterans may be at increased risk of dying from violent, preventable causes, such as motor vehicle accidents, homicide, and suicide.

Several studies of mortality among Vietnam veterans in the United States are currently underway. Most of these will be completed in the next one to three years. One ongoing study of Air Force personnel engaged in spraying Agent Orange (Operation Ranch Hand) has found no deaths from soft tissue cancer; however, this study is focused on 1,241 men who flew spraying missions between 1962 and 1971 and only 39 deaths have occurred which were summarized in a 1983 report.[1] A New York State Department of Health study reported no excess sarcomas of soft tissues after Vietnam service. This study looked at both incidence and mortality for this cancer in New York (excluding New York City) diagnosed from 1962 through 1980.[2] It suffers from the fact that the latency period for the development of most cancers may be longer than the observation period of the New York study. The deaths observed in the Massachusetts study included three more years of follow-up and had a mean interval between the start of military service and death due to soft tissue sarcoma of over eleven years.

An Australian study of soft tissue sarcoma in Vietnam veterans from that country reported no excess. It is not clear whether these were soldiers who were likely to have been exposed to Agent Orange, however. The other important studies of the association between phenoxy herbicides and soft tissue sarcoma cases were case-control studies done in Sweden [3,4] but these focused on workers exposed to phenoxy herbicides.

The finding of a statistically highly significant excess of soft tissue sarcoma mortality in Massachusetts Vietnam veterans is therefore an important addition to this debate. It is not the final look at this issue in this state, but it clearly supports the need to continue investigation for several more years. With the existence of a statewide Cancer Registry and a computerized file of Vietnam service bonus recipients, Massachusetts is in a good position to carry this work forward.

With regard to suicide, other investigators have noted that suicides or attempted suicides occur more frequently in Vietnam veterans who were in combat than among those who were non-combatants. [5,6] Furthermore, there is currently a large amount of interest and research into the phenomenon of Post-Traumatic Stress Disorder (PTSD) in Vietnam veterans. This has been found to increase in relation to the degree or frequency of combat experience. [7] This condition might be expected to be reflected in subsequent mortality data as suicide deaths. This study is a first step in analyzing Vietnam veterans' experience of one particular health outcome (mortality). Therefore, it can be used only to draw very general conclusions and to develop hypotheses for further studies.

METHODS

In August 1984, the study was initiated using the computerized file of Massachusetts mortality data available from the Division of Health Statistics and Research of the Massachusetts Department of Public Health (MDPH). The mortality data for Vietnam and non-Vietnam veterans was obtained by linking the statewide computerized mortality files with the computerized list of veterans who applied for a military service bonus, available from the Massachusetts Office of Veterans Services. Eligibility for the bonus was based on the following criteria: (1) veterans must have served for at least six months between July 1, 1958 and April 1, 1973; (2) they must have been Massachusetts residents for at least six months immediately prior to entering the service; (3) they must have applied for the bonus; and (4) they must have been honorably discharged. Veterans received a bonus of $300 if they went to Vietnam, or $200 if they did not. It has been estimated that 95% of all eligible Massachusetts residents received the bonus.[8]

The mortality and veterans files were linked by matching social security numbers for the years 1972-76 and 1980-83. For the years 1977-79, social security numbers were not entered on the MDPH computerized files, although they continued to be recorded on death certificates. For these three years, the computer files were linked by matching names. The resulting output was then verified by hand-checking social security numbers on death certificates with those from the veterans file.

The computer linkage provided information on age at death, sex, race, cause of death, year of death, and Vietnam service. Cause of death was classified according to the appropriate revisions of the International Classification of Diseases and converted to the Ninth Revision Codes.[9] Systematic validation procedures were used to assess the accuracy of the computerized information on cause of death and veteran status, compared to the information from the veterans bonus applications and the death certificates. The cause of death codes on the mortality file were found to be more than 99% accurate when compared to death certificates, as were the veteran status codes on the veterans file.

Because white males accounted for about 98% of the veteran decedents, cause of death data for non-whites or female veterans would be very sparse. This report, therefore, is restricted to an analysis of white male mortality patterns, although information on other groups should be pursued in further studies.[1]

The number of deaths from specific causes among Vietnam veterans was compared with the expected number of deaths based upon the actual mortality experience of both non-Vietnam veterans and all other males in Massachusetts. Veteran deaths were not included in the Massachusetts white male comparison group. These numbers were derived from calculations of age-time-cause-specific proportionate mortality within 10-year age groups. Age adjustment as done to correct for differences in age between the Vietnam veterans group and the two comparison groups. The ratios of observed to expected numbers of deaths were summarized using the standardized proportionate mortality ratio (sPMR).[10] The statistical significance of the differences was assessed using the Mantel-Haenszel Chi test with one degree of freedom.[11] For cases in which the observed number of deaths was greater than five, but the expected number of deaths was less than five, the Poisson distribution was used to determine statistical significance. SPMRs were calculated for both the entire study period (1972-83) and the last six or eight years of the study period, depending upon which time frame offered sufficient numbers for statistical stability. Also, the last half of the study period was analyzed separately to take into account the latency period for cancer.

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[1] Appendix A lists the non-white deaths by age at death, cause of death and year of death.

For causes of death for which the sPMR was statistically significant, the standarized mortality odds ratio (sMOR) was also calculated according to the method described by Miettinen.[12] The sMOR was used to confirm the results of, and to correct, for biases inherent in, the sPMR method. The sMOR compares the odds for the exposed population—the number of deaths from the cause of interest compared with the number of deaths from selected reference (auxiliary) causes—with the expected odds derived from a comparison (nonexposed) population.[13] The sMOR approach is essentially equivalent to the case-control approach, in which cases are all deaths from the disease of interest, controls are all deaths from the auxiliary causes, and the exposure of interest is Vietnam service.[14] The sMOR was also adjusted for age, sex, and year of death.

The sMOR analysis was carried out using all circulatory disease, except rheumatic heart disease (ICDA 390-459), as the auxiliary cause. All circulatory disease was chosen on the assumption that it was unrelated to the exposure of interest (Vietnam service). There were sufficient numbers of deaths due to this auxiliary cause that statistically stable results could be calculated.

Although accidents and violent deaths comprised the largest cause of death category (e800-e999), they were not chosen as the auxiliary causes of death because they had previously been found to be higher for Vietnam veterans compared to other males. Including these causes of death would have introduced bias into the sMOR analysis. The differences between the two ratios of observed and expected deaths were assessed by using the Mantel-Haenszel Chi test with one degree of freedom.

There are alternative methodolgies, such as the SMR, which, had they been possible to employ, would have been preferable to the sPMR and sMOR. The standardized mortality ratio (SMR) is another method for calculating the ratio of observed to expected deaths. It is sometimes viewed as a preferable method to the sPMR or the sMOR because the SMR is calculated by taking the ratio of the mortality rate in the exposed group to the mortality rate in the nonexposed group for a comparable follow-up period.[10] However, in this study it was not possible to calculate SMRs because neither the calendar years of Vietnam service nor the ages of the veterans were recorded on the veterans file. The ages of all the veterans, living and deceased, would have been needed to calculate an age-adjusted death rate. Without that information, it would only have been possible to calculate crude (age-unadjusted) death rates. The methodologies used in the study, the sPMR and the sMOR, are adjusted for age differences in the groups. Both the sPMR and sMOR require only that the ages of the deceased are known in order to adjust for age. This information was available from the death certificates. Date of birth was available for approximately 67% of the veterans on the veterans file. This information was added to the original veterans file by the Massachusetts Registry of Motor Vehicles, which matched the veterans files with a computerized list of Massachusetts driver's license holders in 1983. An estimated death rate using only those veterans where a date of birth was listed would have been subject to selection bias, because it would have excluded veterans who died, moved out of state, or did not hold a driver's license.

For a further discussion of the advantages and disadvantages of the proportionate mortality ratio and the mortality odds ratio relative to the standardized mortality ratio, see Technical Appendix I.

RESULTS

The numbers of deaths that occurred during the study period (1972-83) among both Vietnam veterans and non-Vietnam veterans are presented, by age group and calendar year, in Tables 1 and 2. The distribution of deaths suggests that Vietnam veterans, as a group, are probablly younger than the non-Vietnam veterans. Tables 3 and 4 present the results of the standardized proportionate mortality ratio (sPMR) analysis comparing Vietnam veterans to non-Vietnam veterans and to all other non-veteran Massachusetts white males for specified causes of death. The sPMRs and their chi values are included in the tables, and p-values are given for all statisticallly significant **findings (p ≤.05). Uncommon causes of death of Vietnam veterans are not presented because statistically stable comparisons could not be made. A minimum of seven observed Vietnam veterans deaths was used as a criterion for calculating an sPMR. Two methods of accounting for suicide deaths are used. The first method includes only those deaths that were recorded as suicides on death certificates. However, it has been estimated that the actual suicide rate is three times the reported rate.[15] Therefore, a second calculation, known as an "estimated suicide rate," was used which includes all poisonings (ICDA codes e850-e869, e980-e982), recorded suicides (ICDA codes e950-e958), and unknown cases of death (ICDA code 799.9.[16] The analyses presented were carried out on 766 deaths from specific causes out of the total 840 deaths in the Vietnam veterans group.**

Table 3 focuses on the proportionate mortality experience of Vietnam veterans compared to non-Vietnam veterans. Although the proportion of deaths from all neoplasms was not unusual, the sPMR for connective and other soft-tissue neoplasms was significantly elevated (sPMR=880). All of the nine connective tissue neoplasms were sarcomas of five different types. This finding for this cause of death had the most significant p-value in the study.

There was significantly less circulatory system disease among Vietnam veterans for the six years from 1978-1983 (sPMR=80) compared to non-Vietnam veterans. Conversely, cerebrovascular disease among Vietnam veterans was significantly elevated during the same time period (sPMR=164). The sPMR for estimated suicides was significantly higher than expected for the final six years of the study period (sPMR=124).

Table 4 displays the proportionate mortality ratios of Vietnam veterans compared to the non-veteran Massachusetts white male population. Once again, there were no significant differences in the proportion of all neoplasms. However, the sPMR for connective and other soft-tissue neoplasms was significantly elevated (sPMR=473), as was the sPMR for kidney cancer (sPMR=353).

The patterns for causes of death found in Table 4 are similar to those in Table 3. There was a greater than expected proportion of cerebrovascular disease among Vietnam veterans compared to the state's white male population as a whole during the second half of the study period (sPMR=174). All major categories of violent death were significantly elevated for Vietnam veterans, with the exception of homicides (sPMR=66). These categories included motor vehicle accidents (sPMR=127), estimated suicides (sPMR=140), and all external causes (sPMR=113). Recorded suicides were elevated for the six years of the study period (sPMR=132).

The standardized mortality odds ratio (sMOR) was computed for each cause of death for which the sPMR was statistically significant. The sMOR results are presented in Table 5. The sMOR for circulatory system disease was not computed because circulatory disease was used as the auxiliary cause of death for the sMOR analysis. The sMOR findings differed from the sPMR findings in only two instances. Homicide was not found to be significantly lower for Vietnam veterans compared to the state's white males (sMOR=.82), and estimated suicide was not significantly elevated when compared to non-Vietnam veterans (sMOR=1.46). Table 6 summarizes the causes of death for which the findings were significant using both analytic methods.

DISCUSSION

The patterns of death among Vietnam veterans, other veterans who did not serve in Vietnam, and non-veteran males from Massachusetts were studied by compiling death certificate information. Deaths due to motor vehicle accidents, suicides, and kidney cancer were significantly elevated among Vietnam veterans compared to non-veteran males for the study period 1972-1983. Deaths due to stroke and connective tissue cancer were significantly elevated among Vietnam veterans compared to both non-Vietnam veterans and non-veteran males. Deaths due to circulatory system diseases, other than stroke, were lower among the Vietnam veterans compared to non-Vietnam veterans. Deaths in the category of all cancers were not significantly elevated for Vietnam veterans compared to either group. Elevated risk of death due to motor vehicle accidents and suicide lends support to the hypothesis that Vietnam veterans have had a greater incidence of traumatic death since the end of the conflict than other non-veteran males. The excess cancers of connective tissue and kidney are based on only nine deaths from each type.

Since this is a death certificate study, which utilized record-linkage techniques to assemble the study group, there are a number of potential limitations which should be taken into account when considering the findings. Among them are:

The accuracy of cause of death information on death certificates has been about 90% compared to autopsy findings.

There is no information on death certificates concerning potential confounding factors such as smoking habits or socioeconomic status.

Computer file-linking may miss potential cases due to misclassification of information on the variable that is matched on, such as social security number.

Only honorably discharged veterans were used in the study, which limits the generalizability to that group of veterans.

The standardized proportionate mortality ratio is less easily interpretable for more common causes of death, such as circulatory system diseases.

The inability to calculate age-adjusted death rates because the ages of all the living veterans could not be obtained from the computer files.

This study was carried out using death certificates as the source of the health outcome information. There are inherent problems in relying on such information. Other studies have assessed the accuracy of death certificate information by comparing the stated cause of death on the death certificate to either clinical data or autopsy findings.[17,18] Overall, the accuracy rate of cause-of-death information on death certificates has been generally found to be about 90%. Death certificates have been estimated to be approximately 85-90% reliable for the general diagnosis of malignant neoplasms, although there may be underreporting of malignant neoplasms of about 10%.[18] This study did not attempt to confirm cause of death using hospital or other records. However, the effect of misclassifying cause of death due to inaccuracies on the death certificate would most likely be one of diluting the magnitude of the effects seen in the comparisons.

Further problems with death certificate studies involve lack of knowledge about other factors related to the cause of death. For example, there is no information on death certificates concerning potential confounding factors such as smoking, alcohol consumption, and dietary habits. In addition, death certificate studies may be biased due to differential access to good quality medical care. In this study, medical care may not have been as readily available to Vietnam veterans compared to the non-veteran males. On the other hand, the non-veteran comparison group includes some individuals who were unable to serve in the military because of health problems. This potential bias, referred to as the "healthy veteran effect," would tend to dilute the magnitude of the associations between veterans and non-veterans.[19]

The method of identifying deceased veterans by computer file-linking represents a potential source of bias. The primary item used for linking (social security number) has been found in other mortality studies to be more than 90% accurate in identifying deaths in a study population.[20] However, some studies have found a 20% false negative rate (missing deaths) when matching was done using names, as it was in this study for the years 1977-79.[21] Nevertheless, there is no reason to suspect that there is any systematic bias between the study group and the non-Vietnam veteran comparison group. However, misclassified social security numbers, names, or veterans who died out of state would only reduce the magnitude of the excess mortality seen in the Vietnam veterans compared to the Massachusetts male population.

The fact that only honorably discharged veterans were included in the study population could limit the generalizability of this study to that particular group of veterans. It is not known if Vietnam veterans were more likely to have been not honorably discharged than non-Vietnam veterans. Nor is it known if veterans who were not honorably discharged died from different causes than honorably discharged veterans.

The standardized proportionate mortality ratio (sPMR) as a method of analysis has been criticized by various authors.[10,12,22] The major criticisms of the sPMR approach concern the summary nature of the statistic. Because the sPMR for all causes must equal 100, the statistic cannot give any information about the total force of mortality.[22] Secondly, the sPMRs for two or more causes are interdependent, since the sum of the expected numbers must equal the sum of the observed numbers.[10] Therefore, any sPMR greater than the null may be an underestimate if more than one specific cause of death is estimated. It has also been pointed out that sPMRs tend to be more easily interpreted for uncommon causes of death, because they are less dependent upon how common are the other causes, relative to the cause of interest.[10,12]

The sMOR has certain advantages relative to the sPMR. When the auxiliary cause(s) of death is unrelated to the exposure, the mortality odds ratio is interpretable as the observed-to-expected ratio. When standardized for age and time, the mortality odds ratio becomes the standardized mortality odds ratio and the observed-to-expected ratio becomes the standardized mortality ratio. In contrast, the sPMR can be quantitatively interpreted as the standardized mortality ratio only when the sum of the mortality rate(s) of interest and the rate for the auxiliary cause(s) of death is the same for both the exposed and nonexposed.[13]

In this study, the sPMR analysis identified specific causes of death for which there were significant differences between Vietnam veterans and the comparison groups. The sMOR analysis was used to confirm these findings. The results of the study are strengthened by the fact that the sMOR analysis, using a specific auxiliary cause, differed from the sPMR analysis in only two instances.

In the interpretation of the findings, it is necessary to keep two other considerations in mind. First, the study group of Vietnam veterans was assembled from a list of those who received a bonus after they had presented proof of Vietnam service and honorable discharge. No information about length of service (beyond the six month required minimum), precise location of service, or specific exposures to toxic substances, such as Agent Orange, was available from these records. Furthermore, no correction was made for possible social class differences between the Vietnam veterans and the two comparison groups. However, the Vietnam veterans findings for three causes of death which are highly correlated with social class—lung cancer, colo-rectal cancer, and cirrhosis of the liver—did not, in this instance, differ significantly from those of the comparison groups.

Three significant findings presented in Table 6, specifically suicides, estimated suicides, and motor vehicle accidents, are all similar in that the causal factor may be a behavioral one. It may be that social stress, which could not be directly measured in this study, was higher for Vietnam veterans compared to non-Vietnam veterans and other non-veteran white males. There could be multiple determinants for suicide. In a death certificate study, it is impossible to ascertain either the differential impact of Vietnam veterans' war experiences and the difficulties encountered by veterans upon return from the war. One investigator has hypothesized that exposure to dioxin increases the risk of post-traumatic stress disorder.[23] Depression is a major risk factor for suicide [15], and previous studies of Vietnam veterans have documented post-traumatic stress disorder and associated depression, as well as elevated rates of suicide, among those who served in combat.[5,6,24] In regard to motor vehicle accidents, about half of fatally injured drivers had blood alcohol concentrations of .10 percent by weight or higher.[25] The conditions that lead to alcohol use and driving are difficult to measure after the fact: frustration, peer pressure, thrill-seeking. It is possible that Vietnam veterans may have been more aggressive drivers or greater alcohol users before they went to Vietnam. However, it is certainly plausible that the findings in this study may be due, at least in part, to increased stress experienced by Vietnam veterans. Other alternative environmental determinants of fatal motor vehicle accidents are excessive speed, car design, and highway design. However, there is no reason to assume these environmental factors are operating differentially in Vietnam veterans compared to either of the two groups.

No significant differeces were found between Vietnam veterans and the two comparison groups with respect to death due to malignant neoplasms as a whole (ICDA 140-239). The significant elevation of connective tissue cancer was based on only nine deaths; all of these were sarcomas of five different types. Table 7 lists the nine cases by histological type. Previous studies have reported that soft-tissue sarcomas were associated with exposure to phenoxyacetic acids such as 2,4-D and 2,4,5-T, the components of Agent Orange.[3,4] For all of the cases with the possible exception of case 9, occupational exposure as obtained from the death certificate did not seem to be significant. A more recent study of upstate New York Vietnam veterans reported no excess of soft-tissue sarcomas diagnosed through 1980.[2] The present study was not based on either adequate numbers of deaths or adequate exposure information to help resolve this important issue. Nevertheless, the highly significant excess of this rare malignancy in Vietnam veterans is important new information. The latency period for soft-tissue sarcoma in adults is probably sufficiently long that several more years of observation will be necessary before any conclusive findings can be made.

Kidney cancer is less rare than soft-tissue sarcomas and was found to be significantly elevated in Vietnam veterans compared to non-veteran white males. Possible confounding due to cigarette smoking, analgesic use or other known risk factors among veterans should be considered, but information on those risk factors was unavailable in this study. Further studies are required to confirm this finding.

Finally, the significantly lower number of deaths among Vietnam veterans due to circulatory system disease (excluding stroke) for the time period 1978-83 may be a reflection of the "health veteran effect." [19]

CONCLUSIONS

The findings in this study support the hypothesis that white male Vietnam veterans are at greater risk of death due to self-inflicted or stress-related conditions than the non-veteran white male population in Massachusetts. The results would support an effort to reduce early or untimely deaths among Vietnam veterans due to suicide or motor vehicle accidents, which are largely preventable. Although the numbers of cancer deaths are small, the finding of excess deaths due to connective tissue sarcoma and kidney cancer warrants further study using the cancer incidence records from the Massachusetts Cancer Registry, and, if available, information on possible exposures to Agent Orange, as reflected in detailed military service histories, as well as histories of other exposures to potential carcinogens.

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TABLE 1.—DISTRIBUTION OF DEATHS BY AGE AND CALENDAR YEAR FOR WHITE MALE VIETNAM VETERANS, 1972–83

	Year of death—												
	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	Total
Age at death:													
20 to 29	49	40	48	48	41	22	18	17	8	1	2	0	294
30 to 39	6	6	8	14	8	18	22	34	57	57	52	53	335
40 to 49	8	8	9	15	12	4	4	9	6	13	10	8	106
50 to 59	1	2	5	3	4	2	8	8	11	7	12	16	79
60 plus	1	0	1	1	1	3	1	2	0	3	4	9	26
Total	65	56	71	81	66	49	53	70	82	81	80	86	840

TABLE 2.—DISTRIBUTION OF DEATHS BY AGE AND CALENDAR YEAR FOR WHITE MALE NON-VIETNAM VETERANS, 1972–83

	Year of death—												
	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	Total
Age at death:													
20 to 29	52	52	42	51	60	24	14	17	20	17	7	6	362
30 to 39	37	68	73	83	94	52	70	59	77	66	64	67	810
40 to 49	19	24	24	36	40	31	26	49	75	95	105	112	636
50 to 59	26	22	40	39	34	30	29	37	43	38	36	46	420
60 plus	3	14	12	16	15	3	11	22	36	40	55	60	287
Total	137	180	191	225	243	140	150	184	251	256	267	291	2,515

TABLE 3.—OBSERVED AND EXPECTED NUMBERS, STANDARDIZED PROPORTIONATE MORTALITY RATIOS AND CHI VALUES COMPARING VIETNAM VETERANS TO NON-VIETNAM VETERANS BY SPECIFIC CAUSES OF DEATH FOR PERIODS 1972–83 AND 1976–83 OR 1978–83 [1]

	Observed deaths	Expected deaths	SPMR	CHI values
Cause of death (ICDA Codes, 9th Rev.):				
All causes	840			
All neoplasms (140–239)	129	136.15	[2] 95	−.52
	102	93.06	[3] 111	1.03
Colo-rectal (153–154)	8	7.07	[2] 113	.34
Lung, bronchus (162)	25	25.49	[2] 98	−.10
	21	22.44	[3] 94	−.30
Connective tissue (171)	9	1.02	[2] 880	7.89 (p<.0001) [4]
Kidney cancer (189)	9	4.91	[2] 183	1.84
Circulatory system (except cerebrovascular) (390–429, 439–459)	139	158.54	[2] 88	−1.55
	85	106.54	[5] 80	−2.08 (p=.03)
Cerebrovascular disease (430–438)	28	25.17	[2] 111	.56
	19	11.56	[5] 164	2.19 (p=.02)
Cirrhosis of liver (571)	29	30.81	[2] 94	−.33
	24	19.03	[3] 126	1.15
All external causes (e800–e999)	428	396.09	[2] 108	1.60
	202	181.51	[5] 111	1.52
Motor vehicle accidents (e810–e825)	169	153.17	[2] 110	1.27
	74	61.38	[5] 121	1.61
Recorded suicides (e950–e958)	102	109.92	[2] 93	−.75

TABLE 3.—OBSERVED AND EXPECTED NUMBERS, STANDARDIZED PROPORTIONATE MORTALITY RATIOS AND CHI VALUES COMPARING VIETNAM VETERANS TO NON-VIETNAM VETERANS BY SPECIFIC CAUSES OF DEATH FOR PERIODS 1972-83 AND 1976-83 OR 1978-83 [1]—Continued

	Observed deaths	Expected deaths	SPMR	CHI values
	55	55.65	[5] 99	−.09
Estimated suicides [6] (799.9, e850-e869, e950-e958, e980-e982)	163	144.75	[2] 113	1.51
	94	76.01	[5] 124	2.06 (p=.03)
Homicide (e960-e969)	31	38.73	[2] 80	−1.24
	20	18.82	[3] 106	.27

[1] See p. 6 for further explanation of study period analysis.
[2] Analysis period 1972-83.
[3] Analysis period 1976-83.
[4] Significance based on poison distribution.
[5] Analysis period 1978-83.
[6] Estimated suicides based on unknown causes of death, recorded suicides, and poisonings. (16)

TABLE 4.—OBSERVED AND EXPECTED NUMBERS, STANDARDIZED PROPORTIONATE MORTALITY RATIOS AND CHI VALUES COMPARING VIETNAM VETERANS TO THE MASSACHUSETTS WHITE MALE POPULATION BY CAUSE OF DEATH FOR PERIODS 1972-83 AND 1976-83 OR 1978-83 [1]

	Observed deaths	Expected deaths	SPMR	CHI values
Cause of death (ICDA Codes 9th Rev.):				
All causes	840			
All neoplasms (140-239)	129	115.69	[2] 112	1.24
	102	87.57	[3] 116	1.54
Colo-rectal (153-154)	8	9.38	[2] 85	−.45
Lung, bronchus (162)	25	24.44	[2] 102	.11
	21	19.79	[3] 106	.27
Connective tissue (171)	9	1.90	[2] 473	5.14(p=.0001) [4]
Kidney cancer (189)	9	2.55	[2] 353	4.04(p=.001) [4]
Circulatory system (except cerebrovascular) (390-429, 439-459)	139	159.98	[2] 87	−1.66
	85	104.43	[5] 81	−1.90
Cerebrovascular disease (430-438)	28	20.25	[2] 138	1.72
	19	10.95	[5] 174	2.43(p=.015)
Cirrhosis of liver (571)	29	32.07	[2] 90	−.54
	24	23.61	[3] 102	.08
All external causes (e800-e999)	428	377.66	[2] 113	2.59(p=.010)
	202	166.11	[5] 122	2.78(p=.005)
Motor vehicle accidents (e810-e825)	169	133.26	[2] 127	3.10(p<.003)
	67	50.98	[5] 131	2.24(p=.025)
Recorded suicides (e950-e958)	102	86.16	[2] 118	1.71
	55	41.80	[5] 132	2.04(p=.041)
Estimated suicides [6] (799.9, e850-e869, e950-e958, e980-e982)	163	116.21	[2] 140	4.34(p<.001)
	94	59.56	[5] 158	4.46(p<.001)
Homicide (e960-e969)	31	46.71	[2] 66	−2.30(p=.021)
	20	28.09	[3] 71	−1.52

[1] See p. 6 for further explanation of study period analysis.
[2] Analysis period 1972-83.
[3] Analysis period 1976-83.
[4] Significance based on poison distribution.
[5] Analysis period 1978-83.
[6] Estimated suicides based on unknown causes of death, recorded suicides, and poisonings. (16)

TABLE 5.—STANDARDIZED MORTALITY ODDS RATIOS AND CHI VALUES COMPARING VIETNAM VETERANS TO EITHER NON-VIETNAM VETERANS OR THE MASSACHUSETTS WHITE MALE POPULATION BY SPECIFIC CAUSES OF DEATH FOR 1972-83 AND 1976-83 OR 1978-83 [1]

Cause of death (ICDA Code, 9th Rev.) and comparison group	SMOR	CHI values
Connective Tissue cancer (171):		
Non-Vietnam veterans	[2] 5.16	4.18(p<.001)
Massachusetts white males	[2] 5.87	4.98(p<.001)
Kidney cancer (189): Massachusetts white males	[2] 4.04	4.27(p<.001)
All external causes (e800-e999):		
Massachusetts white males	[2] 1.44	2.52(p=.012)
Do	[3] 1.29	1.96(p=.05)
Motor vehicle accidents (e810-e825):		
Massachusetts white males	[2] 1.65	3.85(p<.001)
Do	[3] 1.39	3.10(p=.002)
Recorded suicides (e950-e958):		
Massachusetts white males	[2] 1.46	2.09(p=.037)
Do	[3] 1.40	1.50
Estimated suicides[5] (799.9, e850-e869, e950-e958, e980-e982):		
Non-Vietnam veterans	[2] 1.46	1.53
Do	[3] 1.46	1.06
Massachusetts white males	[2] 1.73	3.11(p=.002)
Do	[3] 1.69	2.43(p=.015)
Homicides (e960-e969):		
Massachusetts white males	[2] .82	−1.62
Do	[4] .78	−.75

[1] See p. 6 for further explanation of study period analysis.
[2] Analysis period 1972-83.
[3] Analysis period 1978-83.
[4] Analysis period 1976-83.
[5] Estimated suicides based on unknown causes of death, recorded suicides, and poisonings. (16)

TABLE 6.—SUMMARY TABLE FOR STATISTICALLY SIGNIFICANT CAUSES OF DEATH FOR PERIODS 1972-83 AND 1976-83 OR 1978-83 [1] STANDARDIZED MORTALITY ODDS RATIOS AND STANDARDIZED PROPORTIONATE MORTALITY RATIOS COMPARING VIETNAM VETERANS TO EITHER NON-VIETNAM VETERANS OR THE MASSACHUSETTS WHITE MALE POPULATION

Cause of death (ICDA Codes, 9th Rev.) and comparison group	SMOR (x100)	SPMR
Connective issue cancer (171)		
Non-Vietnam veterans	516	[2] 880
Massachusetts white males	587	[2] 473
Kidney cancer (189): Massachusetts white males	404	[2] 353
Circulatory system (except cerebrovascular) [4] (390-429, 439-459):		
Non-Vietnam veterans		[2] 88
Do		[3] 80
Cerebrovascular diseases[4] (430-438):		
Non-Vietnam veterans		[2] 111
Do		[3] 164
Massachusetts white males		[2] 138

TABLE 6.—SUMMARY TABLE FOR STATISTICALLY SIGNIFICANT CAUSES OF DEATH FOR PERIODS 1972-83 AND 1976-83 OR 1978-83 [1] STANDARDIZED MORTALITY ODDS RATIOS AND STANDARDIZED PROPORTIONATE MORTALITY RATIOS COMPARING VIETNAM VETERANS TO EITHER NON-VIETNAM VETERANS OR THE MASSACHUSETTS WHITE MALE POPULATION—Continued

Cause of death (ICDA Codes, 9th Rev.) and comparison group	SMOR (x100)	SPMR
Do		[3] 174
All external causes (e800-e999);		
Massachusetts white males	144	[2] 113
Do	129	[3] 122
Motor vehicle accidents (e810-e999):		
Massachusetts white males	165	[2] 127
Do	139	[3] 131
Record suicides (e950-e958);		
Massachusetts white males	146	[2] 118
Do	140	[3] 132
Estimated suicides [4] (799.9, e850-e869, e950-e958, e980-e982):		
Massachusetts white males	173	[2] 140
Do	169	[3] 158

[1] See p. 6 for further explanation of study period analysis.
[2] Analysis period 1972-83.
[3] Analysis period 1978-83.
[4] Estimated suicides based on unknown causes of death, recorded suicides, and poisonings. (16)

TABLE 7.—CASE-SPECIFIC INFORMATION FOR CONNECTIVE TISSUE CANCER DEATHS AMONG VIETNAM VETERANS BY HISTOLOGIC TYPE AND OCCUPATION

Case	Age at death	Year inducted	Year discharged	Year of death	Histologic type	Occupation on death certificate
1	30	1969	1971	1975	Fibrosarcoma	Data Processing.
2	28	1967	1970	1976	Synovial Sarcoma	Manager.
3	30	1965	1967	1976	Liposarcoma	Mental Health Assistant.

TABLE 7.—CASE-SPECIFIC INFORMATION FOR CONNECTIVE TISSUE CANCER DEATHS AMONG VIETNAM VETERANS BY HISTOLOGIC TYPE AND OCCUPATION—Continued

Case	Age at death	Year inducted	Year discharged	Year of death	Histologic type	Occupation on death certificate
4	32	1967	1972	1977	Fibrosarcoma	Manager.
5	30	1964	1967	1977	Fibrosarcoma	Engineer's Aide.
6	32	1970	1971	1978	Fibrosarcoma	Civil Engineer.
7	32	1970	1971	1982	Epithelioid Sarcoma	Graphics.
8	29	1971	1974	1982	Sarcoma, NOS	Firefighter.
9	39	1961	1966	1983	Hemangiopericytoma	Picker.

TECHNICAL APPENDIX I

The most common approach used to examine data lacking information on the underlying population-at-risk has been the standardized proportional mortality ratio. The standardized proportional mortality ratio compares the proportion of deaths due to the cause of interest in a study population with the proportion expected from the general population taking account of age and time. Recently, a number of investigators (2-4) have addressed the problems presented by the standardized proportional mortality ratio and have suggested improvements. Among these, the standardized mortality odds ratio compares the number of deaths from the cause of interest to the number of deaths from selected reference causes in the exposed population (the odds) to the expected odds derived from a comparison (unexposed) population.

The standardized mortality odds ratio has a number of advantages over the standardized proportional mortality ratio. When the cause(s) of death chosen for the reference disease(s) is unrelated to the exposure, the mortality odds ratio is interpretable as the observed-to-expected ratio, as illustrated in table 1. When standardized for age and time, the mortality odds ratio becomes the standardized mortality odds ratio and the observed-to-expected ratio becomes the standardized mortality ratio. By contrast, the standardized proportional mortality ratio can be quantitatively interpreted as the standardized mortality ratio only when an unusual condition is met, i.e., that the sum of the mortality ratio(s) of interest and the rate(s) for the reference cause(s) of death is the same for both the exposed and nonexposed. In addition, the standardized mortality odds ratio facilitates the implementation of certain study design validity principles, including comparability of populations with respect to potential cofounders and comparability in data collection procedures(5).

The deliberate selection of a comparison population among the "nonexposed" rather than using the United States general population increases control over many potential confounding factors and decreases bias, particularly differences in methods of information collection, differences in job entry and exit factors, and the "healthy worker effect."

APPENDIX A.—NON-WHITE VETERAN DEATHS BY YEAR OF DEATH, VETERAN STATUS, CAUSE OF DEATH AND AGE AT DEATH

Year of death, veteran status, and cause of death (ICDA Codes, 9th Rev.)	Age at death
1972	
Vietnam:	
Motor vehicle collision (e812.0)	31
Suicide by hanging (e953.0)	28
Non-Vietnam:	
Metastatic cancer without specifiction (199.0)	33
Disease of aortic valve (395.9)	45
Acute myocardial infarction (410)	43
Cardiomyopathy (425)	43
Fall out of building (e882)	47
Homicide by knife (e966)	32
1973	
Vietnam:	
Lymphosarcoma (200.1)	22
Accidental drowning (e910.9)	24
Non-Vietnam:	
Rectal cancer (154.1)	31
Myocardial insufficiency (428)	21
Cirrhosis of liver, unspecified (571.9)	57
Suicide by firearms (e955.4)	32
Homicide by firearms (e965.4)	25
Homicide by firearms (e965.4)	27
1974	
Vietnam: Legal intervention by firearms (e970)	27
Non-Vietnam:	
Sigmoid colon cancer (153.3)	53
Brain cancer (191)	36
Acute myocardial infarction (410)	56
Motor vehicle traffic accident (e815.0)	41
Watercraft accident (e830.0)	27
1975	
Vietnam:	
Motor vehicle collision (e812.0	29
Motor vehicle collision (e812.0)	24
Non-Vietnam:	
Acute myocardial infarction (410)	41
Noncollision traffic accident (e816.0)	31
Accident by electric current (e925.9)	36
Homicide by firearms (e965.4)	31
1976	
Non-Vietnam:	
Stomach cancer (151.9)	33
Stomach cancer (151.9)	56
Disease of mitral valve, rheumatic (394.0)	29
Acute myocardial infarction (410)	40
1977	
Vietnam: Accidental poisoning, opiates (853.0)	25
Non-Vietnam:	
Bronchus and lung cancer (162.9)	53
Essential hypertension (401)	52
Atherosclerotic heart disease (414.0)	42
Subarachnoid hemorrhage (430)	37
1978	
Vietnam:	
Chronic nephritis (582)	29
Unknown and unspecified cause of death (799.9)	27
Homicide by knife (e966)	27
Non-Vietnam: Bronchus and lung cancer (162.9)	32
1979	
Vietnam:	
Volume depletion (276.5)	52
Ischemic heart disease (414.9)	53
Non-Vietnam:	
Chronic monocytic leukemia (206.1)	40
Pneumonitis due to inhalation of food (507.0)	54
Passenger in motor vehicle collision (e812.1)	36
1980	
Vietnam:	
Colon cancer (153.9)	42
Intracerebral hemorrhage (431)	36
Motor vehicle collision (e812.0)	36
Non-Vietnam:	
Bronchus and lung cancer (162.9)	45
Diabetes mellitus (250.0)	66
Epilepsy (345.9)	46
Acute myocardial infarction (410)	45
Chronic renal failure (585)	53
1981	
Vietnam:	
Rectal cancer (154.1)	53
Acute edema of lung (518.4)	38
Motor vehicle collision (e812.0)	32
Non-Vietnam:	
Palate cancer (145.5)	43
Larynx cancer (161.9)	57
Bronchus and lung cancer (162.9)	56
Bronchus and lung cancer (162.9)	63
Alcohol dependence syndrome (303)	38
Acute myocardial infarction (410)	52
Intracerebral hemorrhage (431)	37
Accidental drowning (e910.1)	27
Suicide due to firearms (e955.4)	28
1982	
Vietnam:	
Atherosclerotic heart disease (414.0)	42
Alcohol cirrhosis of the liver (571.2)	38
Drowning, undetermined if accidental (e984)	33
Non-Vietnam:	
Bronchus and lung cancer (162.9)	64
Volume depletion (276.5)	45
Atherosclerotic heart disease (414.0)	36
Cardiomyopathy (425)	64
Acute edema of lung (518.4)	32
1983	
Vietnam:	
Cardiomyopathy (425)	33
Myocarditis (429)	35
Non-Vietnam:	
Acute myocardial infarction (410)	49
Acute myocardial infarction (410)	52
Cerebral infarction (434.9)	52
Suicide by firearms (e955.4)	32
Homicide by firearms (e965.4)	40

VIETNAM-ERA VETERANS MORTALITY STUDY; WEST VIRGINIA RESIDENTS 1968–83

While malignancies as a group accounted for similar proportions of veteran and nonveteran deaths, deaths from tumors of the respiratory system were a significantly more prominent cause of cancer death among veterans than among nonveterans. A probable explanation for this finding would be a greater prevalence of smoking among military as compared with nonmilitary personnel, but this cannot be substantiated from the limited information available on death certificates.

In general, the pattern of death among in-country veterans from all causes, and within the subcategories of "accidents, poisoning, and violence" and "cardiovascular diseases," were similar to those observed for all veterans combined, and there were no substantial differences in the mortality patterns between in-country and era veterans for these categories. Among cancer deaths, however, there was strong statistical evidence to suggest that Hodgkin's disease, cancer of the testis, and soft tissue tumors were more common among veterans who served in Vietnam than among veterans who did not. These findings must be interpreted cautiously, however, since the expected proportions of site-specific cancer deaths for in-country veterans were derived from a relatively small number (74) of cancer deaths among era veterans and would therefore be subject to considerably large random fluctuations. At the same time, the difference between the observed and expected numbers of soft tissue tumors among in-country veterans supports similar findings in a previous proportionate mortality study conducted by the Massachusetts Department of Public Health. Neither the Wisconsin study nor the New York study found significant differences between in-country and era veterans in the occurrence of soft tissue sarcomas. These studies, however, and the present one are limited by the absence of precise exposure data, unknown sizes of the candidate populations at risk, and insufficient follow-up time to account for latency from exposures that might have been unique to in-country veterans. Also, by including deaths from as early as 1968, the present study may have been biased against finding an excess occurrence of cancers with long latency periods.

This study only suggests the possibility that the risk of death from soft tissue sarcomas, Hodgkin's disease, and testicular cancer are elevated among veterans who served in Vietnam. We are currently awaiting the records of the in-counrty veterans who died from these tumors in order to speculate about possible exposure histories and to generate hypotheses that may have some biologic plausibility. To take advantage of latency periods, cancer-specific proportionate mortality studies could be repeated in several years. Also, by excluding deaths that occurred in the late-Vietnam and early post-Vietnam period, and by improving ascertainment of exposure histories, studies can focus more sharply on etiologic hypotheses relating to possible exposures in Vietnam. On the other hand, since proportionate mortality studies are more useful to explore than to confirm hypotheses, it is recommended that more precise risk-assessment studies of Vietnam cohorts be performed using national data to further test the hypothesis that Hodgkin's disease, testicular malignancies, and soft tissue tumors may be important causes of cancer mortality among veterans who served in Vietnam.

[Letter of Transmittal]

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 26, 1986

To: Members of the Committee on Energy and Commerce.

DEAR COLLEAGUE: It is my pleasure to transmit the attached report entitled "OMB Review of CDC Research: Impact of the Paperwork Reduction Act." This report was prepared, at the request of the Subcommittee, by members of the Occupational Health Program of the Harvard School of Public Health and the Director of the Division of Enviromental and Occupational Medicine of the Mount Sinai School of Medicine. Their report is based primarily upon a technical analysis of documents provided by the Centers for Disease Control.

The attached report documents how the White House Office of Management and Budget (OMB) has abused its authority under the Paperwork Reduction Act in its review of research projects of the Centers for Disease Control. In numerous cases, including proposed studies of the health effects of dioxin and of the potential (but as yet undocumented) reproductive hazards of video display terminals, OMB has interfered with the substance of CDC's research under the guise of paperwork control. In each case, scientifically untutored OMB officials sought to second-guess the professional judgments of agency scientists and the multi-disciplinary panels of outside experts.

In addition, the report discloses that OMB's Office of Information and Regulatory Affairs has implemented the Paperwork Reduction Act in a biased manner by discriminating against the collection of information for enviromental and occupational health research. The report found that OMB officials were seven times more likely to reject CDC's evniromental and occupational health research projects than research relating to infectious or other disease processes. Studies with a focus on reproductive hazards also were treated unfavorably by OMB.

The report demonstrates that OMB has exercised its paperwork clearance functions over CDC research in a manner contrary to the public interest. Rather than minimizing the costs of information collection, the paperwork review process has resulted in a significant diversion of tax dollars from productive public health research into nonproductive paper-pushing and unnecessary contracting expenses. Rather than protecting the public against unnecessary government intrusion, OMB has delayed, impeded, and thwarted governmental research efforts designed to respond to public demands for answers to serious health questions.

This report provides further evidence that OMB's Office of Information and Regulatory Affairs has flaunted Congressional intent. It will provide valuable information to the Congress as we consider the future of OMB's paperwork review office and possible changes in the Paperwork Reduction Act.

Sincerely,

JOHN D. DINGELL, *Chairman.*

HARVARD SCHOOL OF PUBLIC HEALTH, OCCUPATIONAL HEALTH PROGRAM,
Boston, MA, September 19, 1986.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: On 25 March 1986, you wrote requesting that our group submit a report to the Subcommittee concerning implementation of the Paperwork Reduction Act with respect to programs of the Centers for Disease Control. In response to your letter, the enclosed report entitled "OMB Review of CDC Research: Impact of the Paperwork Reduction Act" was prepared by the following scientists listed below. This report represents the research and views of the scientists listed below. It has not been reviewed or endorsed by Harvard University.

Barbara Boardman, M.D., M.P.H, resident in Occupational Medicine, Harvard School of Public Health.

Ian A. Greaves, M.D., Associate Professor of Occupational Health Harvard School of Public.

Charles Levenstein, Ph.D., M.S.O.H., Lecturer on Occupational Health, Harvard School of Public Health.

Philip J. Landrigan, M.D., M.Sc., Professor, Director, Division of Environmental and Occupational Medicine, Mount Sinai School of Medicine, City University of New York.

Sincerely,

IAN A. GREAVES, M.D.
Assoc. Prof. Occup. Health.

EXECUTIVE SUMMARY

In 1980, Congress enacted the Paperwork Reduction Act with the intended goal of reducing the burden of government paperwork on the general public. For the purpose of implementing the Act, review of all government information collection was consolidated into the Office of Information and Regulatory Affairs (OIRA) within the President's Office of Management and Budget (OMB). At the time of passage of the Act, Congress expressed concern that this consolidation of review power within OMB might be subject to abuse. Because of this concern, language was included in the Act specifically stating that the OMB review was not to interfere with the substantive programs and policies of agencies.

OMB is required by the Act to clear all information collection requests by Federal agencies. This requirement includes the power to review scientific and medical information collection by agencies such as the Centers for Disease Control (CDC). OMB's review is for paperwork reduction purposes only. This review should be distinguished from the extensive scientific peer review which involves numerous experts in the evaluation of CDC studies.

Given the initial legislative concern about the potential for OMB abuse of its Paperwork Reduction Act authorities, we reviewed the OMB clearance process as it has actually affected CDC studies during the period from January, 1984, to March, 1986. During this period, six major peer review studies from CDC were either significantly delayed, seriously altered in scientific design, or disapproved entirely by OMB.

We evaluated the six studies systematically; all had received a thorough and appropriate review from panels of nationally recognized experts, and all were approved by the respective peer review group.

The OMB review, which was superimposed on the peer review process, generally relied on single consultants rather than a panel of experts. The process was poorly documented and often demonstrated a dismaying ignorance of the fundamentals of science and public decisionmaking.

Three major studies (on the health effects of dioxin, video display terminals, and MBOCA) were initially disapproved and then subsequently approved by OMB following Congressional inquiries. We present a summary of each of these cases here:

(1) *Dioxin.*—Concern about dioxin is broad-based with the public and relevant to several Federal agencies. Human exposures have occurred at work sites in various communities and among Vietnam veterans exposed to Agent Orange. Those concerned with government policy decisions on dioxin exposure have argued that a clear study relating human doses to clinical outcomes is needed to evaluate the relationship of dioxin exposure and outcomes, such as birth defects, metabolic disorders, and cancer.

The White House Agent Orange Working Group and a panel of NIOSH peer reviewers agreed that the NIOSH study of dioxin-exposed workers in Newark, New Jersey and Verona, Missouri, would provide this important exposure-effect data. Notwithstanding the impressive array of scientific panels that articulated the importance of this study and who approved its design, OMB disapproved the study. Following a Senate directive that the study should go forward, OMB approved a pretest of the study methodology; the full study has not yet been approved.

Conditions imposed by OMB during its paperwork review of the dioxin study have delayed the initiation of the study substantially, have increased contracting costs by at least $270,000, and may even totally block the completion of this important study.

(2) *Video Display Terminals.*—Twelve reported clusters of abnormal birth outcomes

in women working with video display terminals have caused considerable public alarm. Industry, labor, and public health professionals all agreed on the need for a definitive study on this issue by the National Institute for Occupational Safety and Health. OMB initially disapproved the study. Following two Congressional hearings which addressed the specific need for this particular study, OMB finally gave the study partial approval, but required the removal of important questions related to fertility and stress. Numerous experts agree that OMB's tampering with the study design has significantly weakened the study to the extent that the results will be less credible.

(3) *MBOCA*.—A CDC study of 500 workers in Adrian, Michigan, exposed to this carcinogenic chemical, was initially disapproved by OMB. A more limited study was finally allowed to go forward following an inquiry from the office of Congressman John D. Dingell. OMB's paperwork review resulted in a 6-month delay in undertaking important cancer screening in a large population at risk and may have weakened the proposed study design.

Three other studies, relating to ladder falls, hazards of information processing, and reproductive outcomes of CDC workers, were totally blocked by OMB. The alteration or cancellation by OMB of approved peer reviewed CDC research is of concern. A redirection of research by an agency without public health competence has occurred in each of these six cases.

Because of our concern, we reviewed all fifty-one research projects submitted by CDC to OMB from January, 1984 to March, 1986. We assessed whether OMB's rejections fell differentially on certain types of studies. Statistically reviewing the pattern of OMB rejections, we found that OMB was seven times more likely to reject studies with an environmental or occupational health focus than to reject studies that focused on issues such as infectious diseases or other conventional diseases. Studies with a reproductive focus, such as birth defects or venereal disease, also were more likely to be rejected by OMB.

Our analysis indicated a demonstrable bias in the application of the Paperwork Reduction Act clearance process as administered by OMB's Office of Information and Regulatory Affairs. The health policy implications are serious; OMB is clearly interfering with the substance of CDC research. OMB has delayed, impeded, and thwarted governmental research efforts designed to answer public demands for information on serious public health questions. Rather than minimizing the costs of information collection, the paperwork review process has resulted in a diversion of tax dollars from productive health research into paperwork clearance activities and unnecessary contracting costs.

Reviewing the actual functioning of the Paperwork Reduction Act as administered by OMB, we find evidence that the initial legislative concern, that the administration of the Act might be subject to abuse, was indeed warranted.

APPENDIX OF CASE STUDIES—STUDY OF DIOXIN WORKER'S MORBIDITY AND REPRODUCTIVE EFFECTS

The extreme toxicity of 2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD) has been recognized for several decades. Diverse adverse health effects (morbidity), including tumorogenic and teratogenic effects have been shown in multiple animal studies. In humans, occupational exposure to TCDD-contaminated production is known to cause a skin disorder called chloracne. Human exposure also has been associated with derangements in liver metabolism, in endocrine and hematopoietic function, and in neurologic, psychological, and reproductive function.

Human exposure to dioxin has occurred in a variety of circumstances, including worksite and environmental contamination. Questions of contamination have been raised with reference to certain Superfund sites and with reference to by-products from incineration. TCDD was a contaminant of Agent Orange, a defoliant used in Vietnam, a fact which has generated interest among veterans. The concern about dioxin is broad-based with the public and is relevant to multiple Federal agencies. The White House Agent Orange Working Group (AOWG) currently functions to coordinate efforts on these issues.

Though the scientific literature contains many publications related to dioxin, the literature leaves major gaps in knowledge that limit our ability to assess its effect in significant clinical situations. Human studies related to many of the systemic effects are considered to be suggestive but not definitive. The literature is particularly lacking in data that relates human doses to clincial outcome. Data that relates human exposure to the more serious types of morbidity outcomes, such as birth defects and cancer, is considered by some to be insufficient to justify regulation or compensation. Dose-related information on morbidity incidence would be the basis of informed regulation, clinical assessment, and protective policy. Multiple Federal agencies (i.e., OSHA, EPA, the Veteran's Administration) would use this type of information in developing dioxin-related policies.

To establish and evaluate dose-related morbidity incidence in a human study, it is necessary to evaluate a well delineated population with quantifiable exposures. Exposure data in most of the exposed populations, such as agricultural workers and Vietnam veterans, is extremely imprecise. Worker populations have high, long-term exposure, and exposure information on these groups is far better and more detailed.

In response to the need for dose-related morbidity data, NIOSH proposed to evaluate two groups of workers exposed to chemicals contaminated with 2,3,7,8-TCDD. The proposal involved the evaluation of 360 individuals employed at the Diamond Shamrock Plant in Newark, New Jersey and 80 individuals employed at the NEPACCO, Hoffman Taff/Syntex plant in Verona, Missouri. Interviews and medical testing were proposed. There were to be matched controls from the surrounding neighborhoods. Because this study would address the important question of dioxin dose-related morbidity, the White House Agent Orange Working Group determined that this study was one of 11 essential studies to be completed by 1990.

The peer review to which this study was subjected must be described as extensive. Outside review started in 1983 with scrutiny by a 12-person dioxin peer review panel. There were subsequent panel reviews in 1984 and 1985. Additionally, the protocol was reviewed by the AOWG Science Panel in 1984. The AOWG panel meeting of September 25, 1984 reported:

"The Science Panel finds that both . . . the Morbidity Study [and a related Mortality Study] are well designed and carefully considered and should provide useful information on the possible long term health effects of industrial exposure to dioxin contaminated products. The Science Panel recommends that both studies procede [sic] as soon as appropriate resources can be allocated."

With regard to the adequacy of peer review of this study, the situation was well summarized in December 1984 by one of the NIOSH peer reviewers who stated:

"This study is in danger of being reviewed to death—if in fact that has not already occurred. Surely, review by both the peer review panel of NIOSH and the Science Panel of AOWG—not once, but several times—is superfluous and inefficient. The money spent would be better put into the conduct of the study itself."

The study was submitted to OMB pursuant to the Paperwork Reduction Act in July 1985. OMB responded to the proposal by raising extensive questions about the utility of the study and the study design, including the choice of the control population, the methods of quantifying exposure, and the power of the study to measure exposure effects. All of these questions about study design had been previously discussed in great detail by the various peer review panels, and the panels had concluded that these issues had been addressed adequately. Nevertheless, OMB raised these questions again, and NIOSH provided the requested information.

Notwithstanding NIOSH's attempts to satisfy OMB's concerns, OMB disapprovd the study on November 17, 1985, stating:

". . . [t]his study is unnecessary in view of the fact that workers proposed for examination are already included in NIOSH's dioxin registry study of dioxin-exposed chemical workers, and since numerous dioxin exposure in the workplace studies have been conducted, to which the proposed study would add little if any, further intelligence."

The OMB conclusions run counter to the findings of the various expert panels in several significant ways. First, OMB's conclusions show little awareness of the nature of the scientific literature on dioxin and specifically of the need for the exposure-related data that would be provided by this study. Second, OMB's assertion that the dioxin registry data should be adequate indicates a failure to understand the difference between morbidity (disease-related) and mortality (death-related). The dioxin registry information is limited to mortality data and simply could not answer questions about the incidence of non-fatal diseases in the population nor the occurrence of birth defects in offspring of exposed individuals. These gross misconstructions of the basic science involved in the study suggest serious deficiencies in the OMB review process.

NIOSH internal documents indicate that OMB had discussions prior to the disapproval with Colonel Alvin Young, Ph.D., Senior Policy Analyst for the White House Office of Science and Technology Policy (OSTP). NIOSH documents state that Colonel Young "indicated his view that the Dow and Nonsanto studies might have been enough. He said that he had not been able to justify the expenditure when compared with the need to fund randon studies." These opinions clearly run counter to the approval expressed by the NIOSH review panel and by the Science Panel of AOWG of which Colonel Young is a member. OMB gave great weight to the opinions of a dissenting member of the Science Panel rather than following the recommendations of the full group.

Both NIOSH and the involved communities elected to appeal the disapproval and presented their appeals to OMB for reconsideration through several channels. On December 6, 1985, at the behest of Senator Frank R. Lautenberg of New Jersey, the Senate Committee on Appropriations included language in its continuing appropriations measure expressing strong concern about OMB interference in the dioxin study. The report emphasized:

"The Committee is most concerned about a recent action by the Office of Management and Budget blocking further gathering of statistics on the Morbidity study of Persistent Health Effects in Chemical Herbicide Workers and Community Residents being conducted by the National Institute of Occupational Safety and Health (NIOSH). The Committee believes that the study should go forward without further interference from OMB."

On December 11, 1985, the Department of Health and Human Services (HHS) submitted an appeal of OMB's disapproval to Dr. Wendy Lee Gramm, Administrator of OMB's Office of Information and Regulatory Affairs. The appeal emphasized the importance of the study to the Public Health Service "as well as to other Federal agencies (e.g., Science Panel, a subgroup of the White House Agent Orange Working Group; the Environmental Protection Agency, which is providing funds for this project; the Veterans Administration, etc.)." The HHS appeal also included letters of support from the New Jersey Department of Health.

On December 16, NIOSH officials met with Alvin Young of OSTP and with Mark Winer of the Statistical Policy Branch of OIRA. This meeting had been arranged at the suggestion of Colonel Young shortly after the Senate report directed that the dioxin study should go forward. Dr. Fingerhut, the NIOSH Project Officer, and Colonel Young had further discussions the following day. From these discussions emerged Colonel Young's suggestion for a two-phase approach to the study, which would allow the termination of the project after the first phase.

On January 7, 1986, Robert Bedell, Deputy Administrator of OMB's Office of Information and Regulatory Affairs, wrote to John J. O'Shaughnessy of the Department of Health and Human Services and agreed "to approve a portion" of the dioxin study. According to this letter, this partial study was to include a sample size which "shall not exceed 80 and shall be drawn exclusively from the New Jersey site." The partial study only would evaluate the methodology proposed for the full study. The sample size of this pretest is far too small to provide useful information about dioxin.

Moreover, Mr. Bedell's letter underscored the conditional nature of OMB's approval. He stressed that:

"We continue to have reservations regarding the degree to which there will be adequate variation in exposure levels, appropriate selection of the control cases and the practical utility of study results. . . . Future consideration of the remainder of the study will be dependent on the demonstration that the objectives of the full study can be reasonably met. . . . Once the technical concerns are resolved, the practical utility of the study must be demonstrated."

Notwithstanding OMB's approval of a portion of the dioxin study on January 7, 1986, further delays ensued. NIOSH did 0 not receive official notice of OMB's approval of the pilot study until March 24, 1986. At this point, the pretest has not yet started. OMB will not make a determination on the full study until the pretest is complete.

The history of the dioxin study is highly instructive in evaluating the effects of the paperwork review process in the research arena. In this case, the impact of OMB's interference has been substantial. OMB's activities have not only delayed the development of important public health information; they also have diverted Federal dollars from productive research. According to official estimates, the two-stage study methodology imposed by OMB will increase contracting costs for the dioxin study by at least $27,000.

In addition, concerns have been raised that the conditions imposed by OMB may in fact weaken the study design. Pretesting among part of a population may confound results from the study of the whole group.

The public health implications of the OMB review process should be considered. Under the Paperwork Reduction Act, OMB is supposed to assess whether data has practical utility to the agency requesting the collection. In the case of the dioxin study, OMB did not find utility where numerous other scientists did. OMB's analysis ran counter to the findings of the NIOSH peer review panel and the Science Panel of the White House Agent Orange Working Group. Under the current version of the Act, the OMB determination takes precedence and the study is blocked, notwithstanding strong indications of the public health value of this study.

More than nine months after the Senate Appropriations Committee directed OMB to cease its interference in the NIOSH dioxin study, approval has been given only for a pretest. OMB's letter of January 7, 1986, makes clear that final approval is by no means assured. It is still possible that OMB will thwart the scientific recommendatioins of the professional staff of NIOSH, of the agency's peer review panel, the White House Agent Orange Working Group, and the Congress itself.●

CONDEMNATION OF THE SOCIALIST REPUBLIC OF BURMA

Mr. BYRD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 464, a resolution to express the Senate's opposition to the mass killings, mass arrests, and denial of human rights in the Socialist Republic of Burma and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 464) to express the opposition of the Senate to the mass killings, mass arrests, and denial of human rights in the Socialist Republica of Burma.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOYNIHAN. Mr. President, I rise, together with the majority leader, Senator BYRD, the minority leader, Senator DOLE, the chairman of the Foreign Relations Committee, Senator PELL, the ranking member, Senator HELMS, and other Senators to urge the immediate adoption of a Senate resolution to condemn the Government of the Socialist Republic of Burma. The Burmese Army has opened fire on unarmed civilian protesters, and mass arrests have occurred.

Indeed, the protests in Burma are so widespread and so profound that they can only be characterized as a revolution. The people of Burma are crying out for freedom and human rights after 26 years of oppression. Now is the time for the U.S. Senate to stand with them.

Yesterday, I introduced the resolution that the Senate will now vote upon. In my statement yesterday, I spoke at some length about the failures of the current Government of Burma. Burma's leader for the last 26 years, General Ne Win, has pursued the "Burmese Road to Socialism."

It is a road that has brought the country of Burma to the dead end that it faces today.

It is a road filled with economic failure. A road filled with government corruption. A road filled with tyranny, and the persecution of all opposition.

It is a road that has led Burma into becoming the world's leading opium producer. Indeed, it defies the imagination that the Government of Burma has not been profiteering in the drug trade, and, in fact, in Ne Win perhaps we have been dealing with an Asian Noriega.

It is a road without any possibility for national reconciliation for the ethnic minorities of Burma who have fought against the Ne Win government since its establishment.

In short, it is a road that offers no hope for the people of Burma. They have chosen insurrection.

The latest phase of protests appear to have been sparked by the assumption of power 2 weeks ago by Gen. Sein Lwin. Ne Win, at 77, retired as leader on July 23. At that time, Ne Win even held out the possibility for reform in Burma. He urged a referendum on the continuation of one-party rule.

However, this glimmer of hope soon faded, and the new leader, Gen. Sein Lwin, led a crackdown on dissent. Government critics were arrested and martial law declared. Nevertheless, the people of Burma refused to be intimidated. Protests, which have been building since last September, erupted.

Finally, at the beginning of this week a full scale insurrection began. Demonstrations involving over 100,000 people in more than 28 cities were unleashed.

The Government's response has been brutal. Troops opened fire, and probably hundreds have been killed. Thousands arrested. Still the protests continue.

Atrocities by Government troops against nurses and doctors at Rangoon's General Hospital have been reliably reported.

Only this morning the Defense Minister went on the Rangoon Radio to announce that if the protesters did not remove the barricades which have been errected in various sectors of the city, the Air Force would commence to bomb them.

This is the same Air Force that the United States helps to train. This year we are providing $260,000 in international military education and training funds for the Burmese Armed Forces. Perhaps it is time we reconsidered this program.

Mr. President, the Senate must condemn these actions by the Burmese Government. The violence must stop and national reconciliation implemented.

Mr. President, I know the Senate would wish to join as a body in stating that the Burmese Government's action is unacceptable, and any such regime can expect no cooperation, no support, no encouragement of any kind, nothing but condemnation from the U.S. Senate.

I ask unanimous consent that the resolution be held open for further cosponsorship for the remainder of this legislative day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I urge adoption of the resolution.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 464) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

Whereas General Ne Win overthrew a democratically-elected government in 1962, and established the Burma Socialist Program Party which has ruled Burma since;

Whereas the Government of Burma has followed the "Burmese Road to Socialism," a policy which has resulted in the indiscriminate seizure of private property, the demonetization of currency, and strict control over private economic activity;

Whereas in September 1987, demonstrations against the Government of Burma resulted in mass arrests and the death of numerous protesters, followed in March 1988, with further demonstrations and the deaths of as many as 100 persons;

Whereas General Ne Win, on July 23, 1988, stepped down as chairman of the Burma Socialist Program Party, after calling for a transition to a multi-party system;

Whereas on July 26, 1988, General Sein Lwin Succeeded General Ne Win as Chairman of the Burma Socialist Program Party, and was selected President of the Socialist Republic of Burma on July 27, 1988;

Whereas on July 30, 1988, General Sein Lwin ordered the arrest of U Aung Gyi and as many as 25 other critics of the Government of Burma, including an Associated Press correspondent, U Sein Win;

Whereas popular demonstrations erupted throughout the country in protest of General Sein Lwin's assumption of power and rejection of a referendum on a multiparty system which had been suggested by Ne Win;

Whereas on August 3, 1988, General Sein Lwin declared martial law in Rangoon, the capital of Burma;

Whereas peaceful demonstrations are being held almost daily by students and monks at the Shwedagon Pagoda, Burma's holiest shrine;

Whereas on August 9, 1988, over 100,000 Burmese in 28 cities protested the leadership of General Sein Lwin and the Burma Socialist Program Party;

Whereas the Burmese Army opened fire on the demonstrators causing the deaths of over 100 persons;

Whereas the Burmese Army has arrested more than 1,000 persons; and

Whereas nationwide protests continue in the Socialist Republic of Burma, as do the shooting and the mass arrests by the Burmese Army: Now, therefore, be it

Resolved by the Senate, That in recognition of the violence and denial of human rights in the Socialist Republic of Burma and of the need for national reconciliation, the Senate—

(1) condemns the killings and mass arrests by the Burmese army;

(2) expresses support for an end to one-party rule in Burma and for a return to democracy;

(3) voices its support for the people of Burma and their effort to restore human rights in Burma; and

(4) calls upon the President, the Secretary of State, the United States Ambassador to Burma and the United States Permanent Representative to the United Nations to—

(i) publicly condemn the killings and mass arrests by the Burmese army;

(ii) encourage the restoration of democracy in Burma and an end to one-party rule;

(iii) raise the issue of human rights and national reconciliation in their meetings with Burmese officials.

Mr. MOYNIHAN. I move to reconsider the vote by which the resolution was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. I had previously recognized the Senator from Florida, and then the majority leader intervened at that point. I will now recognize the Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

TRIBUTE TO THE MAJORITY LEADER, ROBERT C. BYRD OF WEST VIRGINIA

Mr. GRAHAM. Mr. President, Senator ROBERT BYRD will step down as majority leader at the end of this session and it is fitting we pay tribute to him for the many kindnesses and the superb leadership he has given us. I know he made my introduction to the Senate a positive and productive experience. It has been an education to watch him guide this body and we will miss having him as our leader.

Senator BYRD is a man of particular and personal talent. His evenhanded treatment of even the most controversial issues elevates Senate debate above partisan concerns. His deep respect for the institution of the Senate is infectious. In his own words: "There is not one of us who will ever outshine or outlast this unique body, the United States Senate."

But in our words, there are those few whose contribution is so notable, whose articulation is so eloquent, whose dedication is so selfless, whose sense of history is so precise, that they make a difference. These are the Senators who will be remembered. And ROBERT BYRD is such a Senator.

I am proud to have served with him in this 100th Congress, I look forward to working with him in his new position as chairman of Appropriations next year. And I wish him well in that office.

Thank you, Mr. President.

THE DEFENSE AUTHORIZATION BILL

Mr. NUNN. Mr. President, if I could get the attention of the acting minority leader, I do not want to slip up on anybody on this one. I would like to serve notice on my friend from Wyoming. We have talked about this all week, and we have never had a formal agreement. But there has been an understanding all week that we were going to take up and pass the defense authorization bill as passed by the Senate, the same defense authorization bill that we have now placed on the appropriations bill which has now passed the Senate, and that we were going to pass this separately.

So that will allow the authorizing committee, the Armed Services Committee, assuming the House passes a similar bill, to go to conference on the authorization bill that has been vetoed by the President while the Appropriations Committee is in conference on both their bill and the authorization bill.

This original procedure was suggested by Senator STEVENS. I believe Senator DOLE concurs in it. I have talked to him about it several times. But I would like to serve notice to the acting minority leader that that will be my intention in just a few minutes. I certainly defer to make sure he understands what I am suggesting and has a chance to check it out.

Mr. SIMPSON. Mr. President, I appreciate that very much. It is a particularly gracious act of the Senator from Georgia. Let me say that I am not totally personally aware of that arrangement, but Senator Dole is available. I will quickly check.

As the Senator says, we are going to deal with that in a few minutes, and I think Senator Thurmond has indicated informally that is the arrangement. But let me inquire of the floor managers.

Here is our ranking member. Let her rip.

But we will have one more clearance to make. I will get right back to the Senator.

Mr. WARNER. Mr. President, the distinguished senior Senator from Georgia and I, and the Republican leader, indeed the majority leader and others, have discussed this possibility. I think it is definitely in the interest of the Senate and the national defense that this be done. I am hopeful that we can obtain the necessary clearance very shortly.

Mr. NUNN. I thank my friend, the Senator from Virginia.

Mr. President, I yield the floor.

ROBERT C. BYRD, MAJORITY LEADER

Mr. SYMMS. Mr. President, our distinguished majority leader, Robert C. Byrd, was elected to the House of Representatives in 1952. He was first elected to the Senate in 1958. He had spent many years in the Congress of the United States before this Senator arrived on the scene.

I was first here in Congress as a Member of the House, when Mr. Albert was Speaker. That was in the 93d Congress. During the 94th, 95th, and 96th Congresses, I worked in the House with Tip O'Neill as Speaker. I was privileged in the 97th and 98th Congresses to be in the majority for the first time in the Senate, when Howard Baker was our leader.

In the 99th Congress, we had the leadership of Robert Dole, who is now our distinguished Republican leader.

I have had the privilege of working for 2 years in the 100th Congress and watching the tireless efforts of Senator Byrd as the majority leader of the Senate.

I must say that, being a conservative Republican from the West, I do not always agree with the positions that the more liberal Members of the other party often take as a party; and, of course, it is incumbent upon their leader to push those positions. But I will say that I have the utmost respect for the skill, the ability, the care, the love for the institution, and the professional efforts that he displays as a U.S. Senator in carrying out his duties.

I have had wide experience with many very great leaders who all had very good points and very great strengths in the ways they led their respective legislative bodies. I have to say that, as a Republican, I liked it better when we had Republican leaders, and I hope to be in this body when that happens again.

I have worked with Senator Byrd on issues such as the Nation's Highway Program, helping the mujaheddin—the freedom fighters in Afghanistan—and there can be no better friend, no better ally to have on your side of an issue than the leader of the Democrats in the U.S. Senate, the majority leader, Robert C. Byrd.

He has been a long, strong defender of West Virginia's coal industry. In doing so, he has recognized something that would be detrimental to West Virginia coal and American industry overall, and he has been willing to view protection of the environment from a rational and very balanced standpoint, and I commend him for that.

His learning and his leadership and his knowledge of history are characteristics that I think we all respect in the Senate. He knows the rules as well as any Senator we have on either side of the aisle. He knows the history of the institution, about which he has spoken at great length on this floor. When I was privileged to be in the majority, there were a few hours that I sat in the chair, and I must say that I enjoyed those moments when he recited some of the history of this institution, the U.S. Senate. I commend him for the lessons of history that he has given and shared with all of us and which will be used in the future for students of this institution, the U.S. Senate.

There is no question that he has used his skill to press the agenda with the precision of a surgeon. He is a very tough adversary if you happen to be on the other side of an issue, and I think most people on my side of the aisle will agree with that.

I recall one personal incident which brought me to respect him a great deal, and he may not even remember the issue. I was in a tough race in 1986, was home campaigning. There was a vote scheduled on the Senate floor, to have one vote count as six votes.

I called in and requested that they pass five of those by voice vote and have only one vote as a recorded vote. In essence, the answer I received was that if I wanted to be sure to record my presence, I should fly back from Idaho and be here and cast those votes. I had to make a decision.

I might not have been happy with the decision of the then minority leader, but he was doing his duty as the minority leader, trying to hold up Republicans who were running for election. I remember it with a great deal of respect, that when hardball needed to be played, the Democrat leader was willing to play hardball.

I think history will remember the majority leader, Robert C. Byrd, very well. He has had a great impact on this body, and he has had great care of the U.S. Senate. Whether you are a Republican or a Democrat, whether you are on the same side of the issue that Senator Byrd is on, he has a great love and respect for the body and respect for each Senator in protecting their rights as Senators on this floor.

I compliment him for the job he has done as majority leader. I think he has made the U.S. Senate his life. I look forward to working with him in the 101st Congress, if the voters of West Virginia send him back to this body.

My senior colleague, Jim McClure, has told me on many occasions that he and Senator Byrd have worked very well together on the Senate Appropriations Committee over the years, on issues they have shared a mutual interest in.

I wish Senator Byrd every sucess in any endeavors he faces in the future, whether it be in the Senate or out of the Senate. I thank him for the inspiration he has been to so may other Members of the Senate who are far less experience, far less learned in the rules of the Senate and the history of not only the Senate but also the history of the United States and conflicts around the world which we are faced.

(At the request of Mr. Dole, the following statement was ordered to be printed in the Record.)

TRIBUTE TO SENATOR ROBERT C. BYRD

● Mr. PRESSLER. Mr. President, I would like to take this moment to offer my tribute to Senate Majority Leader Robert C. Byrd. Throughout his 30 years of service in the Senate, Robert Byrd has truly represented the concerns of the citizens of this country. We will miss having him as the leader of the Democratic Party in the Senate.

As a young man, he learned the meaning of good, honest, hard work. From the coal fields of West Virginia to the U.S. Senate, Robert Byrd traveled a road of experiences which can be matched by few people. Through the Great Depression he held various jobs, including gas station attendant, grocer, and welder.

Senator Byrd served his country in World War II as a welder in the Navy shipyards of Baltimore and Tampa. After the war, he served his State in the West Virginia House of Delegates and in the State's Senate. In 1952, Robert Byrd was elected to the U.S. House of Representatives. Finally, in 1958, Robert Byrd was elected to the U.S. Senate and has repeated that victory four times.

Senator Byrd's prior experience has been an invaluable asset to the committees on which had has served. These include the Appropriations

Committee, Judiciary Committee, and Committee on Rules and Regulations. As a Democratic leader, he has held the positions of Secretary of the Democratic Conference, majority whip and, since 1976, majority leader.

During his service in the 100th Congress, he has supervised the ratification of the INF Treaty, and passage of a catastrophic health bill, emergency drought relief plans, the Civil Rights Restoration Act, and many more successful bills and resolutions.

Robert Byrd has set an excellent example of Senate leadership. His accomplishments will be difficult to equal and nearly impossible to better. I extend my admiration and best wishes to Senator Byrd. He is an excellent leader and teacher. I hope that in the next Congress and for many more years to come he enjoys his new leadership responsibilities on the Appropriations Committee. This institution is forever in your debt.●

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, at 7:12 p.m., the Senate recessed until 7:27 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Shelby).

DELAY OF CERTAIN REGULATIONS RELATING TO SEA TURTLE CONSERVATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 887, H.R. 5141.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5141) to delay temporarily certain regulations relating to sea turtle conservation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill.

AMENDMENT NO. 2857

(Purpose: to change the effective date of sea turtle conservation regulations)

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. Chafee], proposes an amendment numbered 2857.

Section 1 is amended by striking "September 30, 1988" and inserting in lieu thereof "September 17, 1988".

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island [Mr. Chafee].

The amendment (No. 2857) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 5141), as amended, was passed.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I am pleased that today by voice vote the Senate approved H.R. 5141. This legislation, introduced by our colleague in the House, Congressman Solomon Ortiz of Texas, would delay temporarily certain sea turtle conservation regulations.

Promulgated by the Secretary of Commerce on June 29, 1987, the sea turtle conservation regulations require shrimp fishing vessels in all States from North Carolina to Texas to undertake a variety of conservation measures including the use of turtle excluder devices [TED's]. TED's are devices that have been designed to prevent the incidental capture of sea turtles in shrimp tests.

A U.S. district court order rejected a legal challenge to the regulations in April of this year. However, the Court enjoined the Secretary of Commerce from enforcing the regulations until the decision could be reviewed by the U.S. Fifth Circuit Court of Appeals. On July 11, 1988, the fifth circuit sustained the district court's decision and established September 1, 1988 as the new effective date for the regulations.

Congressman Ortiz' bill, subsequently amended by Senator Chafee, will delay the effective date of the regulations in the Gulf of Mexico until September 17, 1988 pending passage of the conference report on the Endangered Species Act.

The senior Senator from the great State of Alabama took the lead during the debate on the reauthorization of the Endangered Species Act and successfully offered an amendment to the bill that would also delay the implementation of the TED's regulations by the Secretary of Commerce. Under Senator Heflin's amendment, the regulations would go into effect May 1, 1990 in inshore areas, and May 1, 1989 in offshore areas, unless the Secretary determines that other conservation measures are proving equally effective in reducing sea turtle mortality by shrimp trawling.

While the conference on the Endangered Species Act continues, I believe that it is vital that the Heflin provision not be hindered by the inability of the House and Senate conferees to complete their work on the bill prior to our August recess.

Mr. President, I applaud the swift manner in which both Chambers have dispensed with this legislation. I feel confident that with the impending passage of the conference report on the Reauthorization of the Endangered Species Act, we will be in a position to witness and examine the more careful and exact study of sea turtle mortality in the Gulf of Mexico. I feel very strongly about the preservation of all endangered species including the Kemps Ridley and other sea turtles. I do believe, however, that TED's are not the answer to our declining sea turtle population.

OFFICE OF FEDERAL PROCUREMENT POLICY AUTHORIZATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 796.

Mr. STEVENS. That has been cleared on this side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2215) to amend the Office of Federal Procurement Policy Act to authorize appropriations for an additional 4 years, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the immediate consideration of the bill (S. 2215) to amend the Office of Federal Procurement Policy Act to authorize appropriations for an additional 4 years, and for other purposes, which had been reported from the Committee on Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reauthorization of the Office of Federal Procurement Policy Act of 1988".

REAUTHORIZATION OF THE OFFICE OF FEDERAL PROCUREMENT POLICY

SEC. 2. Section 11 of the Office of Federal Procurement Policy Act (41 U.S.C. 410) is amended by striking out [“1984” and inserting in lieu thereof “1989”.] *“for the fiscal year ending September 30, 1984, and for each of the three succeeding fiscal years” and inserting in lieu thereof “for each fiscal year”.*

GOVERNMENT-WIDE PROCUREMENT REGULATIONS

SEC. 3. Section 6(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(b)) is amended by inserting after “timely manner,” the following: “including any such regulations, procedures, and forms as are necessary to implement prescribed policy initiated by the Administrator under subsection (a),”.

FEDERAL ACQUISITION REGULATORY COUNCIL

SEC. 4. The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new sections:

“FEDERAL ACQUISITION REGULATORY COUNCIL

“SEC. 25. (a) There is established a Federal Acquisition Regulatory Council (hereinafter in this section referred to as the ‘Council’) to assist in the direction and coordination of procurement regulatory activities in the Federal Government.

“(b) The members of the Council shall be the Administrator and the official assigned by statute with the responsibility for acquisition policy in each of the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration. If no official in any of such agencies is assigned by statute with the responsibility for acquisition policy for such agency, the head of such agency or any official designated by the head of such agency shall represent the agency on the Council.

“(c) Subject to the provisions of section 6 of this Act, the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration, pursuant to the respective authority of each such agency under title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), chapters 4 and 137 of title 10, United States Code, and the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), shall jointly issue and maintain a single Government-wide procurement regulation, to be known as the ‘Federal Acquisition Regulation’. An executive agency may promulgate a procurement regulation only to the extent that such regulation is appropriate to a ‘single system of Government-wide regulations’ as such term is defined under section 4(4) of this Act. The Administrator, in consultation with the Council, shall ensure that procurement regulations promulgated by executive agencies are consistent with the Federal Acquisition Regulation.

“(d) Subject to the authority, direction, and control of the head of the agency concerned, each official described or appointed under subsection (b) shall—

“(1) approve or disapprove all proposed and all final regulations of the department or agency of such official relating to procurement;

“(2) carry out the responsibilities of the department or agency set forth in chapter 35 of title 44, United States Code, for each information collection request (as defined in section 3502(11) of title 44, United States Code) that relates to procurement rules or regulations; and

“(3) eliminate or reduce the redundant or unnecessary levels of regulatory review in the procurement system of the department or agency of such official.

“(e) All actions of the Council and of members of the Council shall be in accordance with and in furtherance of the policies of sections 2 and 6(a) of this Act.

“(f) Subject to the provisions of section 6(b), the Council shall—

“(1) manage, direct, coordinate and monitor the maintenance and issuance of modifications of the Federal Acquisition Regulation;

“(2) publish a report 6 months after the date of enactment of this section and every 6 months thereafter relating to the development of procurement regulations to be issued jointly by members of the Council and to the extent appropriate, by each of the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration;

“(3) include in each report published under paragraph (2)—

“(A) the status of each such regulation;

“(B) a description of the regulations which are required by statute;

“(C) whether public comment in accordance with section 22 of this Act, and to the extent appropriate, sections 3504(h) and 3507 of title 44, United States Code, was sought with regard to each proposed regulation;

“(D) regulatory activities completed and initiated since the most recently published report;

“(E) regulations, policies, procedures, practices, and forms under consideration or review by the Office of Federal Procurement Policy;

“(F) whether the regulations have paperwork requirements;

“(G) the progress made in promulgating and implementing the Federal Acquisition Regulation; and

“(H) such other matters as the Administrator determines useful; and

“(3) within 180 days after the date of the enactment of this section, submit a report to the Congress, after consultation with the Administrator of the Office of Information and Regulatory Affairs, regarding—

“(A) the extent of the paperwork burden created by the Federal procurement process; and

“(B) the extent to which the Federal procurement system can be streamlined to reduce unnecessary paperwork while maintaining recordkeeping and reporting requirements necessary to ensure the integrity of the system.

“COST-ACCOUNTING STANDARDS BOARD

“SEC. 26. (a)(1) There is established within the Office of Federal Procurement Policy the ‘Cost-Accounting Standards Board’ (hereinafter referred to as the ‘Board’), which shall consist of 5 members, including the Administrator, who shall serve as Chairman, and 4 other members, all of whom shall have experience in Government contract cost accounting and who shall be appointed as follows:

“(A) two shall be appointed who are officers or employees of the Federal Government—

“(i) one of whom shall be an officer or an employee of the Department of Defense and shall be appointed by the Secretary of Defense; and

“(ii) one of whom shall be an officer or an employee of the General Services Administration appointed by the Administrator of General Services.

“(B) one shall be appointed by the Administrator from private industry; and

“(C) one shall be appointed by the Administrator from the accounting profession.

“(2)(A) The term of office of each of the members of the Board, other than the Administrator, shall be 4 years, except that—

“(i) any member appointed to fill a vacancy on the Board shall serve for the remainder of the term for which his predecessor was appointed; and

“(ii) no individual who is appointed under paragraph (1)(A) of this section shall continue to serve on the Board after ceasing to be an officer or employee of the agency from which appointed.

“(B) A vacancy on the Board shall be filled in the same manner in which the original appointment was made.

“(C) The initial members of the Board shall be appointed no later than 90 days after funds are appropriated under subsection (l)(1) of this section.

“(3) Each member of the Board who is not an officer or employee of the Federal Government shall receive compensation at a rate not to exceed the daily equivalent of the rate prescribed for level V of the Executive Schedule for each day (including traveltime) in which the member is properly engaged in the actual performance of duties vested by law in the Board.

“(b) The Administrator, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

“(c) The Administrator may appoint, fix the compensation, and remove additional employees of the Board under the applicable provisions of title 5, United States Code.

“(d)(1) The Board may use, without reimbursement, any personnel of a Federal agency (with the consent of the head of the agency concerned) to serve on advisory committees and task forces to assist the Board in carrying out the functions and responsibilities of the Board under this section.

“(2) The Administrator, after consultation with the Board, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, of personnel for the purpose of serving on advisory committees and task forces to assist the Board in carrying out the functions and responsibilities of the Board under this section. Any individual so hired may be paid at rates for individuals not to exceed the daily equivalent of the rate of pay payable for level V of the Executive Schedule for each day (including travel time) in which such an individual is properly engaged in the actual performance of duties under this section.

“(e) Except as otherwise provided in subsection (a), the members of the Board who are officers or employees of the Federal Government, and officers and employees of other agencies of the Federal Government who are utilized under subsection (d) shall receive no additional compensation for services, but shall continue to be compensated by the employing Department or agency of such officer or an employee. Appointees under subsection (d) from private life may receive compensation at rates fixed by the

Administrator, but not to exceed the daily equivalent of the rate prescribed for level V of the Federal Executive Salary Schedule under section 5316 of title 5, United States Code, for each day (including traveltime) in which such appointees are properly engaged in the actual performance of duties under this section. While serving away from homes or the regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f)(1) The Administrator, after consultation with the Board, shall have the exclusive authority to make, promulgate, amend, and rescind cost-accounting standards and interpretations designed to achieve uniformity and consistency in the measurement, assignment, and allocation of costs to contracts with the United States.

"(2) **[The]** *Subject to the provisions of paragraph (3) and subsection (j)(1),* the cost-accounting standards, promulgated by the Administrator after consultation with the Board, shall be used by all executive agencies and by contractors and subcontractors in estimating, accumulating, and reporting costs in connection with pricing, administration, and settlement of all negotiated prime contracts with the United States in excess of $100,000 and negotiated subcontracts in excess of $100,000 thereunder.

"(3)(A) The Administrator, after consultation with the Board, may exempt classes or categories of contractors and subcontractors from the requirements of this section;

"(B) The Administrator, after consultation with the Board, shall establish procedures and criteria for the waiver of the requirements of this section with respect to individual contracts and subcontracts; and

"(C) Under the procedures and criteria established under subparagraph (B), the head of any executive agency may waive the requirement of this section with respect to individual contracts or subcontracts if such a waiver is in the public interest.

"(g)(1) The single system of Government-wide procurement regulations shall include regulations for the implementation of cost-accounting standards promulgated under subsection (f). Such regulations shall require any contractor or subcontractor as a condition of contracting with the United States to—

"(A) disclose in writing the cost-accounting practices of such contractor or subcontractor, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs; and

"(B) agree to a contract price adjustment, with interest, for any increased costs paid to such contractor by the United States because of the failure of the contractor to comply with duly promulgated cost-accounting standards or to consistently follow the disclosed cost-accounting practices of such contractor.

"(2) The interest rate applicable to the price adjustment shall be the annual rate of interest established under section 6621 of the Internal Revenue Code of 1986 for such period. Such interest shall accrue from the time payments of the increased costs are made to the contractor or subcontractor to the time the United States receives full compensation for the price adjustment. If the parties fail to agree as to whether the contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreements shall constitute a dispute under the Contract Disputes Act (41 U.S.C. 601 et seq.).

"(h)(1) Except as provided in paragraph (3), prior to the promulgation under this section of cost-accounting standards, and modifications thereof, the Administrator, following consultation with the Board, shall—

"(A) take into account—

"(i) the probable costs of implementation including inflationary effect, if any, compared to the probable benefits;

"(ii) the advantages, disadvantages, and improvements anticipated in the pricing, administration, and settlement of contracts; and

"(iii) the scope of, and alternatives available to, the action proposed to be taken;

"(B) prepare and publish a report in the Federal Register on the issues reviewed under paragraph (1)(A);

"(C)(i) publish an advanced notice of proposed rulemaking in the Federal Register in order to solicit comments on the report prepared pursuant to paragraph (1)(B);

"(ii) provide all parties affected a period of not less than 60 days after such publication to submit views and comments;

"(iii) during such 60-day period, consult with the Comptroller General and consider any recommendation of the Comptroller General; and

"(D) publish a notice of proposed rulemaking in the Federal Register and provide all parties affected a period of not less than 60 days after such publication to submit views and comments.

"(2) Rules, regulations, cost-accounting standards, and modifications thereof shall have the full force and effect of law, and, except as provided in paragraph (3), shall become effective no sooner than 120 days after publication in the Federal Register in final form. Implementation dates for contractors and subcontractors shall be determined by agreement with the applicable Federal agency, but in no event later than the beginning of the second fiscal year of the contractor or subcontractor after a standard becomes effective. Rules, regulations, cost-accounting standards, and modifications promulgated by the Administrator shall be accompanied by prefatory comments, and by illustrations if necessary.

"(3) The requirements of paragraph (1) and the effective dates in paragraph (2) shall be waived if the Administrator determines that urgent and compelling circumstances make compliance with such requirements impracticable. A cost-accounting standard or modification of a cost-accounting standard for which the requirements of paragraphs (1) and (2) are waived shall be effective on a temporary basis provided that the Administrator—

"(A) publishes a notice of such cost-accounting standard or modification of a cost-accounting standard in the Federal Register and includes a statement that the cost-accounting standard or modification of a cost-accounting standard is temporary;

"(B) provides for a public comment period of not less than 30 days beginning on the date that the notice is published;

"(C) takes into account—

"(i) the probable costs of implementation, including inflationary effects, if any, compared to the probable benefits;

"(ii) the advantages, disadvantages, and improvements anticipated in the pricing, administration, and settlement of contracts; and

"(iii) the scope of, and alternatives available to, the action proposed to be taken; and

"(D) prepares and publishes a report in the Federal Register on the issues reviewed under paragraph (C) as part of the notice of final rulemaking.

"(4) The functions exercised under this section are excluded from the operation of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

"(i) The Administrator, after consultation with the Board, shall report to the Congress no later than 1 year after the date of enactment of this section, and annually thereafter, with respect to the activities and operations of the Board under this section, together with any appropriate recommendations.

"(j)(1) All cost-accounting standards, interpretations, modifications, rules, and regulations *(including exemptions)* promulgated by the Cost-Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) shall remain in effect unless amended, superseded, or rescinded by the Administrator pursuant to this section.

"(2) Cost-accounting standards in effect before the date of enactment of this section referred to in paragraph (1) shall be subject to the provisions of this section in the same manner as if promulgated by the Administrator under this section.

"(3) The Administrator, under the authority set forth in section 6 of this Act, shall ensure that costs which are the subject of cost-accounting standards promulgated under this section shall not be subject to regulations that are established by another executive agency that differ from such standards with respect to the measurement, assignment, and allocation of such costs.

"(k) For purposes of determining whether a contractor or subcontractor has complied with cost-accounting standards and has followed consistently the disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the offices of inspector general established pursuant to the Inspector General Act of 1978, or of the Comptroller General of the United States may examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to, and solely for the purpose of ensuring compliance with such cost-accounting standards.

"(l)(1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"(2) Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) is repealed.".

PROFIT METHODOLOGY STUDY

SEC. 5. (a) The Administrator shall conduct a study to develop a consistent methodology which executive agencies **[shall]** *may* use for measuring the profits earned by Government contractors on procurements, other than procurements where the price is based on adequate price competition or on established catalog or market prices of commercial items sold in substantial quantities to the general public.

(b) The methodology developed under subsection (a) shall include adequate procedures for verifying and maintaining the confidentiality of financial data of contractors.

STUDY AND REPORT BY THE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY

SEC. 6. No later than April 1, 1989, the Administrator for Federal Procurement Policy, in consultation with the Comptroller General, shall conduct a study and submit a report to the Committee on Governmental

Affairs of the Senate and the Committee on Government Operations of the House of Representatives—

(1) on the extent to which the data collected by the Federal Procurement Data System is adequate for the management, oversight and evaluation of Federal procurement; and

(2) which shall include any appropriate recommendations for improvements of such system.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHILES. Mr. President, today the Senate will pass S. 2215, the Reauthorization of the Office of Federal Procurement Policy Act of 1988.

Senators NUNN, LEVIN, BINGAMAN, PRIOR, GLENN, ROTH, and COHEN join me as sponsors to this legislation. I want to take this occasion to thank them for their support.

Mr. President, this bill represents the fourth time the Senate and the House has formally addressed the question of whether there is a need for an Office of Federal Procurement Policy within the Executive Office of the President with responsibilities for governmentwide procurement policy. In each instance, the Senate has concluded that there is a need for a strong central manager. The purpose of this bill is to provide permanent authorization for appropriations to the Office of Federal Procurement Policy and to further strengthen the management of procurement processes by amending the Office of Federal Procurement Policy Act.

During my first term in the Senate I had the fortune to sponsor the original 1974 act. Senator Ervin, then chairman of the Governmental Affairs Committee asked me to take Scoop Jackson's place on the Commission on Government Procurement. That was a panel that Scoop had encouraged Congress to create by statute to comprehensively examine the issues surrounding Government procurement. The Commission was established in 1970 largely as a result of growing attention to procurement scandals and problems that incidents such as the C-5 cost overruns had created.

The Commission's number one recommendation in 1972 was for Congress and the President to establish a strong central manager for governmentwide procurement policy. With the 1974 OFPP Policy Act, we did just that.

In 1974, Federal procurement policy was a $60 billion issue. Today it is over a $200 billion issue. Each time we have visited the need for this office we have concluded there is even a greater need for the leadership and governmentwide management of procurement practices that a strong office can provide.

The bill we have today represents the same conclusion. The performance of the Office during the past 14 years has been checkered. Much depends on the interest the incumbent administration places on its importance. The biggest problem has been that the Office has been vacant some 20 percent of the time.

Clearly, the bill we pass today is legislation designed for the next administration. Given the national attention on procurement problems, I think what we do today to strengthen the tool the Office represents, and what we will do when we match up with the House companion bill, will be an important contribution to how the next administration, and the next Congress will be able to deal with reforming Government contracting.

I see this Office, and this legislation, as an important opportunity for the next administration and Congress to seize upon. I invite my colleagues to join in supporting this legislation.

Briefly, the bill: First, provides permanent authority for appropriations; second, clarifies the role of the OFPP to initiate policy and prescribe regulations relating to procurement; third, establishes a Federal Acquisition Regulatory Council to help manage a Governmentwide procurement regulation; fourth, re-establishes a Cost Accounting Standards Board within OFPP to be chaired by the Administrator; fifth, requires OFPP to conduct a study to develop a consistent methodology which executive agencies may use for measuring the profits earned by certain contractors; and sixth, requires OFPP to conduct a study and report on the extent to which the Federal Procurement Data System is adequate for the management, oversight, and evaluation of Federal procurement.

Let me add, I have sponsored a consensus amendment to the Committee passed bill which does three things. First, at the recommendation of the Secretary of Defense, language relating to the scope of the Cost Accounting Standards Board has been added. Second, the Executive level of the Administrator of OFPP, the Administrator of the Office of Information and Regulatory Affairs, the Deputy of OMB, and the Director of OMB were each raised one level. Third, the applicability of the Contractor Travel Expenses Act, now section 24 of the OFPP Act, to State institutions and nonprofit institutions was clarified. State institutions and nonprofits will not be covered by the same rules as commercial for-profit contractors on cost reimburseable procurement contracts when the Federal Government enters an agreement for sponsored research and related activities with the states and nonprofits.

Mr. ROTH. Mr. President, I rise today to express my support for S.2215 the Office of Federal Procurement Policy Authorization Act of 1988. I believe that OFPP is a vital component of our acquisition process and should be permanently reauthorized.

In 1974, I joined Senator CHILES in calling for the creation of a Central Procurement Policy Office in the executive branch in the form of the Office of Federal Procurement Policy [OFPP]. We took this initiative in response to the increasing criticism of the complexity and poor management of Federal procurement, and in response to the 1972 report by the Commission on Government Procurement citing the need for the creation of OFPP.

I believe that OFPP has lived up to it's responsibility to provide executive branch procurement policy leadership, and to coordinate Federal procurement policies and practices. OFPP has been instrumental in providing leadership in attempting to simplify and bring consistency to Federal procurement.

I know of no one in the procurement community who believes that a central procurement policy office is not needed and that OFPP is not the organization to perform this function.

I realize that there have been some legitimate concerns raised in regard to the OFPP, one being the amount of time that the Administrator's position has been left vacant. Long periods of vacancy indicate a lack of commitment and support for the Office and its functions. I believe that the current legislation addresses this serious problem by permanently reauthorizing OFPP. This will lead to a more effective and better managed agency.

Mr. President, the Office of Federal Procurement Policy is needed to oversee the Government's procurement system. Effective management of the procurement process requires a high degree of direction and control of basic policy. Without a central procurement policy office, there is a void in policy leadership. OFPP has acted to fill the void that was present prior to its enactment in 1974.

The need for a central procurement policy office in the executive branch, as recommended by the Commission on Government Procurement over 14-years ago, is needed as much today as it was in 1974. Although, OFPP has done an admirable job in improving Federal procurement policy practices, much still needs to be done. In it's 14 year history, the Office of Federal Procurement Policy has performed its statutory function responsibly, fostering significant improvements in Federal procurement practices.

Mr. President, the OFPP legislation provides for:

First, permanent authority for appropriations.

Second, clarification of the role of the Administrator or OFPP to initiate policy and prescribe regulations, procedures, and forms relating to procurement.

Third, establishment of a Federal acquisition regulatory council to help manage a government-wide procurement regulation; and

Fourth, reestablishment of a cost accounting standards board within OFPP to be chaired by the Administrator.

Mr. President, I believe that these changes will strengthen the role and authority of OFPP and assist it in performing government-wide program functions originally envisioned by Congress.

Mr. President, I believe that in light of the ongoing criminal investigation into the procurement process at the Defense Department and the historic problem of waste and fraud in Government, that a stronger more effectively managed Office of Federal Procurement Policy is needed. The legislation to reauthorize the Office of Federal Procurement Policy now before the Senate will help to realize these goals. I urge the support of my colleagues for it.

Mr. GLENN. Mr. President, as chairman of the Governmental Affairs Committee, I strongly recommend Senate passage of the Office of Federal Procurement Policy Act of 1988, a bill to amend and permanently reauthorize the Office of Federal Procurement Policy and to make other improvements in the management of the Federal procurement process.

This bill will advance more efficient management and oversight of Federal procurement—a goal that recent events, including the "ill-wind" investigation of defense contract fraud indicates may actually be receding. I would like to take this opportunity to commend the excellent work of Senator Chiles, who sponsored the original OFPP legislation. Throughout his career he has always led the way toward the betterment of government operations and has championed the creation and continuation of OFPP and the simplified Federal acquisition regulations.

The need for OFPP was recognized in 1972 when the Commission on Government Procurement stated that "effective management of the procurement process requires a high degree of direction and control of basic policy." In response to this recommendation, OFPP was created within the Office of Management and Budget. OFPP has taken the lead in prescribing a regulation to assure there is a single, uniform system of government-wide regulations.

The role OFPP should play in procurement reform has always been controversial at the Department of Defense, and elsewhere in the Government. The authority granted to the Administrator of the OFPP has become a quadrennial focal point of that concern during periodic reauthorization debates. The fundamental question in this debate is whether the Administrator is to initiate procurement reform, or merely be a processor of reforms developed by DOD, NASA, and GSA. Once again, I would like to commend Senator Chiles for his valuable work drafting clarifying language, in cooperation with Senator Nunn and others, which identifies the role of the Administrator as one who has the authority to initiate as well as direct changes in procurement policy. This reauthorized OFPP clearly defines the role of the Administrator as one who initiates procurement policy and prescribes any regulations, procedures, and forms necessary to implement procurement policy. The Administrator must be an active leader of government-wide procurement reform.

This legislation also establishes a Federal Acquisition Regulatory [FAR] Council composed of the Administrator, and one official from each of the three agencies. The Federal acquisition regulations began in 1978 as an attempt to consolidate agency procurement regulations into one document which reduced unnecessary complexity and redundancy. In April 1984 the FAR was implemented. It has reduced the number of pages needed for procurement regulations by half, or approximately 32,000 pages. This achievement is subject to the persistent tension of agency managers who are inclined to formulate their own interpretive regulations, which on occasion may violate the spirit of the FAR system. The purpose of the FAR Council is to create a high-level structural link between the Administrator and the appointed procurement executive of NASA, DOD, and GSA to require high-level decision making covering procurement issues, thereby insuring more effective maintenance of the FAR. In addition, the council will also provide a forum in which agency differences can be worked out, and procurement reform can be expedited. The FAR council will go a long way to giving executive direction to the FAR, and assistance to simplified procurement processes.

Another important provision of this bill is the reestablishment of a cost accounting standards board, this time in the OFPP. The purpose of the board is to continue to apply uniform cost-accounting standards for use in all negotiated contracts and subcontracts as it did before it ceased functioning in 1980 after issuing 19 basic cost accounting standards. Those standards are still in effect today, although some have become outdated, necessitating the resurrected CAS Board.

In addition, this bill requires completion of a profit methodology study to develop a consistent means by which profits earned from contracts which lack adequate competition or established market prices can be measured. In the past there have been various studies utilizing various methodologies for dealing with this problem This legislation calls for a single methodology to be developed and utilized by the executive branch agencies and the GAO.

A further study is mandated by this bill on the Federal Procurement Data System. This system, originally established in 1978, has been improved during the 10 years it has been in use. It is felt that further improvements could be made especially with regard to amounts of information collected on larger contracts, multiyear contracts, and summary contract, action reports.

In light of the recent contract scandals at the Pentagon, at the GSA in the telecommunications area, I urge my colleagues to give this bill their full support.

AMENDMENT NO. 2858

(Purpose: To elevate the positions of Presidential appointees within the Office of Management and Budget)

Mr. BYRD. Mr. President, I ask unanimous consent to offer three amendments en bloc in behalf of Mr. Chiles.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. Byrd], for Mr. Chiles, proposes an amendment numbered 2858.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

At the end of the bill add the following new section:

ELEVATION OF PRESIDENTIAL APPOINTEES WITHIN THE OFFICE OF MANAGEMENT AND BUDGET

Sec. 7. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof "The Director of the Office of Management and Budget.".

(b) Section 5313 of title 5, United States Code, is amended—

(1) by adding at the end thereof "Deputy Director of the Office of Management and Budget."; and

(2) by striking out "The Director of the Office of Management and Budget.".

(c) Section 5314 of title 5, United States Code, is amended by—

(1) adding at the end thereof "Administrator for Federal Procurement Policy" and "Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget."; and

(2) striking out "Deputy Director of the Office of Management and Budget.".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Administrator for Federal Procurement Policy."; and

(2) by striking out "Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.".

(e) The amendments made by this section shall be effective on January 20, 1989.

(Purpose: To provide certain criteria for determining reasonable and allowable travel expenses under certain government contracts.)

At the end of the bill add the following new section:

TRAVEL EXPENSES UNDER CERTAIN GOVERNMENT CONTRACTS

Sec. 7. Section 24 of the Office of Federal Procurement Policy Act (41 U.S.C. 420) is amended—

(1) by redesignating such section as subsection (a) of section 24; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The provisions of subsection (a) shall not apply to any agreement between an executive agency and a State institution, or an executive agency and a nonprofit institution, entered into for the purpose for conducting federally sponsored research and related activities.

"(2) Under any agreement described under paragraph (1), costs incurred by personnel for travel, including costs of lodging, other subsistence, and incidental expenses, shall be considered reasonable and allowable only to the extent that such costs do not exceed—

"(A) charges normally allowed by the respective institution in its regular operations as a result of an institutional policy; and

"(B) the limits and principles as are provided for by governmentwide regulation of such costs established by the Director of the Office of Management and Budget.

"(3) The regulation under paragraph (2)(B) shall specifically provide that in the absence of an institutional policy regarding travel costs, the rates and amounts established under subchapter I of chapter 57 of title 5, United States Code, or by the Administrator of General Services or the President (or his designee) pursuant to any provisions of such subchapter shall apply to agreements between an executive agency and a State institution, or an executive agency and a nonprofit institution, entered into for the purpose of conducting federally sponsored research and related activities.".

On page 10, strike out lines 20 through 22, and insert in lieu thereof:

all prime contracts with the United States in excess of $500,000 entered into using procedures other than sealed bid procedures, and subcontracts in excess of $500,000 thereunder, other than contracts or subcontracts in which the price is based on—

"(A) established catalog or market prices of commercial items sold in substantial quantities to the general public;

"(B) prices set by statute or regulation; or

"(C) fixed price contracts entered into based on adequate price competition.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments be adopted en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 2858 was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2215) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reauthorization of the Office of Federal Procurement Policy Act of 1988".

REAUTHORIZATION OF THE OFFICE OF FEDERAL PROCUREMENT POLICY

Sec. 2. Section 11 of the Office of Federal Procurement Policy Act (41 U.S.C. 410) is amended by striking out "for the fiscal year ending September 30, 1984, and for each of the three succeeding fiscal years" and inserting in lieu thereof "for each fiscal year".

GOVERNMENT-WIDE PROCUREMENT REGULATIONS

Sec. 3. Section 6(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(b)) is amended by inserting after "timely manner," the following: "including any such regulations, procedures, and forms as are necessary to implement prescribed policy initiated by the Administrator under subsection (a),".

FEDERAL ACQUISITION REGULATORY COUNCIL

Sec. 4. The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new sections:

"FEDERAL ACQUISITION REGULATORY COUNCIL

"Sec. 25. (a) There is established a Federal Acquisition Regulatory Council (hereinafter in this section referred to as the 'Council') to assist in the direction and coordination of procurement regulatory activities in the Federal Government.

"(b) The members of the Council shall be the Administrator and the official assigned by statute with the responsibility for acquisition policy in each of the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration. If no official in any of such agencies is assigned by statute with the responsibility for acquisition policy for such agency, the head of such agency or any official designated by the head of such agency shall represent the agency on the Council.

"(c) Subject to the provisions of section 6 of this Act, the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration, pursuant to the respective authority of each such agency under title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), chapters 4 and 137 of title 10, United States Code, and the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), shall jointly issue and maintain a single Government-wide procurement regulation, to be known as the 'Federal Acquisition Regulation'. An executive agency may promulgate a procurement regulation only to the extent that such regulation is appropriate to a 'single system of Government-wide regulations' as such term is defined under section 4(4) of this Act. The Administrator, in consultation with the Council, shall ensure that procurement regulations promulgated by executive agencies are consistent with the Federal Acquisition Regulation.

"(d) Subject to the authority, direction, and control of the head of the agency concerned, each official described or appointed under subsection (b) shall—

"(1) approve or disapprove all proposed and all final regulations of the department or agency of such official relating to procurement;

"(2) carry out the responsibilities of the department or agency set forth in chapter 35 of title 44, United States Code, for each information collection request (as defined in section 3502(11) of title 44, United States Code) that relates to procurement rules or regulations; and

"(3) eliminate or reduce the redundant or unnecessary levels of regulatory review in the procurement system of the department or agency of such official.

"(e) All actions of the Council and of members of the Council shall be in accordance with and in furtherance of the policies of sections 2 and 6(a) of this Act.

"(f) Subject to the provisions of section 6(b), the Council shall—

"(1) manage, direct, coordinate and monitor the maintenance and issuance of modifications of the Federal Acquisition Regulation;

"(2) publish a report 6 months after the date of enactment of this section and every 6 months thereafter relating to the development of procurement regulations to be issued jointly by members of the Council and to the extent appropriate, by each of the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration;

"(3) include in each report published under paragraph (2)—

"(A) the status of each such regulation;

"(B) a description of the regulations which are required by statute;

"(C) whether public comment in accordance with section 22 of this Act, and to the extent appropriate, sections 3504(h) and 3507 of title 44, United States Code, was sought with regard to each proposed regulation;

"(D) regulatory activities completed and initiated since the most recently published report;

"(E) regulations, policies, procedures, practices, and forms under consideration or review by the Office of Federal Procurement Policy;

"(F) whether the regulations have paperwork requirements;

"(G) the progress made in promulgating and implementing the Federal Acquisition Regulation; and

"(H) such other matters as the Administrator determines useful; and

"(3) within 180 days after the date of the enactment of this section, submit a report to the Congress, after consultation with the Administrator of the Office of Information and Regulatory Affairs, regarding—

"(A) the extent of the paperwork burden created by the Federal procurement process; and

"(B) the extent to which the Federal procurement system can be streamlined to reduce unnecessary paperwork while maintaining recordkeeping and reporting requirements necessary to ensure the integrity of the system.

"COST-ACCOUNTING STANDARDS BOARD

"Sec. 26. (a)(1) There is established within the Office of Federal Procurement Policy the 'Cost-Accounting Standards Board' (hereinafter referred to as the 'Board'), which shall consist of 5 members, including the Administrator, who shall serve as Chairman, and 4 other members, all of whom shall have experience in Government contract cost accounting and who shall be appointed as follows:

"(A) two shall be appointed who are officers or employees of the Federal Government—

"(i) one of whom shall be an officer or an employee of the Department of Defense and shall be appointed by the Secretary of Defense; and

"(ii) one of whom shall be an officer or an employee of the General Services Administration appointed by the Administrator of General Services.

"(B) one shall be appointed by the Administrator from private industry; and

"(C) one shall be appointed by the Administrator from the accounting profession.

"(2)(A) The term of office of each of the members of the Board, other than the Administrator, shall be 4 years, except that—

"(i) any member appointed to fill a vacancy on the Board shall serve for the remainder of the term for which his predecessor was appointed; and

"(ii) no individual who is appointed under paragraph (1)(A) of this section shall continue to serve on the Board after ceasing to be an officer or employee of the agency from which appointed.

"(B) A vacancy on the Board shall be filled in the same manner in which the original appointment was made.

"(C) The initial members of the Board shall be appointed no later than 90 days after funds are appropriated under subsection (l)(1) of this section.

"(3) Each member of the Board who is not an officer or employee of the Federal Government shall receive compensation at a rate not to exceed the daily equivalent of the rate prescribed for level V of the Executive Schedule for each day (including traveltime) in which the member is properly engaged in the actual performance of duties vested by law in the Board.

"(b) The Administrator, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

"(c) The Administrator may appoint, fix the compensation, and remove additional employees of the Board under the applicable provisions of title 5, United States Code.

"(d)(1) The Board may use, without reimbursement, any personnel of a Federal agency (with the consent of the head of the agency concerned) to serve on advisory committees and task forces to assist the Board in carrying out the functions and responsibilities of the Board under this section.

"(2) The Administrator, after consultation with the Board, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, of personnel for the purpose of serving on advisory committees and task forces to assist the Board in carrying out the functions and responsibilities of the Board under this section. Any individual so hired may be paid at rates for individuals not to exceed the daily equivalent of the rate of pay payable for level V of the Executive Schedule for each day (including travel time) in which such an individual is properly engaged in the actual performance of duties under this section.

"(e) Except as otherwise provided in subsection (a), the members of the Board who are officers or employees of the Federal Government, and officers and employees of other agencies of the Federal Government who are utilized under subsection (d) shall receive no additional compensation for services, but shall continue to be compensated by the employing Department or agency of such officer or an employee. Appointees under subsection (d) from private life may receive compensation at rates fixed by the Administrator, but not to exceed the daily equivalent of the rate prescribed for level V of the Federal Executive Salary Schedule under section 5316 of title 5, United States Code, for each day (including traveltime) in which such appointees are properly engaged in the actual performance of duties under this section. While serving away from homes or the regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f)(1) The Administrator, after consultation with the Board, shall have the exclusive authority to make, promulgate, amend, and rescind cost-accounting standards and interpretations designed to achieve uniformity and consistency in the measurement, assignment, and allocation of costs to contracts with the United States.

"(2) Subject to the provisions of paragraph (3) and subsection (j)(1), the cost-accounting standards, promulgated by the Administrator after consultation with the Board, shall be used by all executive agencies and by contractors and subcontractors in estimating, accumulating, and reporting costs in connection with pricing, administration, and settlement of all prime contracts with the United States in excess of $500,000 entered into using procedures other than sealed bid procedures, and subcontracts in excess of $500,000 thereunder, other than contracts or subcontracts in which the price is based on—

"(A) established catalog or market prices of commercial items sold in substantial quantities to the general public;

"(B) prices set by statute or regulation; or

"(C) fixed price contracts entered into based on adequate price competition.

"(3)(A) The Administrator, after consultation with the Board, may exempt classes or categories of contractors and subcontractors from the requirements of this section;

"(B) The Administrator, after consultation with the Board, shall establish procedures and criteria for the waiver of the requirements of this section with respect to individual contracts and subcontracts; and

"(C) Under the procedures and criteria established under subparagraph (B), the head of any executive agency may waive the requirement of this section with respect to individual contracts or subcontracts if such a waiver is in the public interest.

"(g)(1) The single system of Government-wide procurement regulations shall include regulations for the implementation of cost-accounting standards promulgated under subsection (f). Such regulations shall require any contractor or subcontractor as a condition of contracting with the United States to—

"(A) disclose in writing the cost-accounting practices of such contractor or subcontractor, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs; and

"(B) agree to a contract price adjustment, with interest, for any increased costs paid to such contractor by the United States because of the failure of the contractor to comply with duly promulgated cost-accounting standards or to consistently follow the disclosed cost-accounting practices of such contractor.

"(2) The interest rate applicable to the price adjustment shall be the annual rate of interest established under section 6621 of the Internal Revenue Code of 1986 for such period. Such interest shall accrue from the time payments of the increased costs are made to the contractor or subcontractor to the time the United States receives full compensation for the price adjustment. If the parties fail to agree as to whether the contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreements shall constitute a dispute under the Contract Disputes Act (41 U.S.C. 601 et seq.).

"(h)(1) Except as provided in paragraph (3), prior to the promulgation under this section of cost-accounting standards, and modifications thereof, the Administrator, following consultation with the Board, shall—

"(A) take into account—

"(i) the probable costs of implementation including inflationary effect, if any, compared to the probable benefits;

"(ii) the advantages, disadvantages, and improvements anticipated in the pricing, administration, and settlement of contracts; and

"(iii) the scope of, and alternatives available to, the action proposed to be taken;

"(B) prepare and publish a report in the Federal Register on the issues reviewed under paragraph (1)(A);

"(C)(i) publish an advanced notice of proposed rulemaking in the Federal Register in order to solicit comments on the report prepared pursuant to paragraph (1)(B);

"(ii) provide all parties affected a period of not less than 60 days after such publication to submit views and comments;

"(iii) during such 60-day period, consult with the Comptroller General and consider any recommendation of the Comptroller General; and

"(D) publish a notice of proposed rulemaking in the Federal Register and provide all parties affected a period of not less than 60 days after such publication to submit views and comments.

"(2) Rules, regulations, cost-accounting standards, and modifications thereof shall have the full force and effect of law, and, except as provided in paragraph (3), shall become effective no sooner than 120 days after publication in the Federal Register in final form. Implementation dates for contractors and subcontractors shall be determined by agreement with the applicable Federal agency, but in no event later than the beginning of the second fiscal year of the contractor or subcontractor after a standard becomes effective. Rules, regulations, cost-accounting standards, and modifications promulgated by the Administrator shall be accompanied by prefatory comments, and by illustrations if necessary.

"(3) The requirements of paragraph (1) and the effective dates in paragraph (2) shall be waived if the Administrator determines that urgent and compelling circumstances make compliance with such requirements impracticable. A cost-accounting standard or modification of a cost-accounting standard for which the requirements of paragraphs (1) and (2) are waived shall be effective on a temporary basis provided that the Administrator—

"(A) publishes a notice of such cost-accounting standard or modification of a cost-accounting standard in the Federal Register and includes a statement that the cost-accounting standard or modification of a cost-accounting standard is temporary;

"(B) provides for a public comment period of not less than 30 days beginning on the date that the notice is published;

"(C) takes into account—

"(i) the probable costs of implementation, including inflationary effects, if any, compared to the probable benefits;

"(ii) the advantages, disadvantages, and improvements anticipated in the pricing, administration, and settlement of contracts; and

"(iii) the scope of, and alternatives available to, the action proposed to be taken; and

"(D) prepares and publishes a report in the Federal Register on the issues reviewed under paragraph (C) as part of the notice of final rulemaking.

"(4) The functions exercised under this section are excluded from the operation of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

"(i) The Administrator, after consultation with the Board, shall report to the Congress no later than 1 year after the date of enactment of this section, and annually thereafter, with respect to the activities and operations of the Board under this section, together with any appropriate recommendations.

"(j)(1) All cost-accounting standards, interpretations, modifications, rules, and regulations (including exemptions) promulgated by the Cost-Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) shall remain in effect unless amended, superseded, or rescinded by the Administrator pursuant to this section.

"(2) Cost-accounting standards in effect before the date of enactment of this section referred to in paragraph (1) shall be subject to the provisions of this section in the same manner as if promulgated by the Administrator under this section.

"(3) The Administrator, under the authority set forth in section 6 of this Act, shall ensure that costs which are the subject of cost-accounting standards promulgated under this section shall not be subject to regulations that are established by another executive agency that differ from such standards with respect to the measurement, assignment, and allocation of such costs.

"(k) For purposes of determining whether a contractor or subcontractor has complied with cost-accounting standards and has followed consistently the disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the offices of inspector general established pursuant to the Inspector General Act of 1978, or of the Comptroller General of the United States may examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to, and solely for the purpose of ensuring compliance with such cost-accounting standards.

"(l)(1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"(2) Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) is repealed.".

PROFIT METHODOLOGY STUDY

SEC. 5. (a) The Administrator shall conduct a study to develop a consistent methodology which executive agencies may use for measuring the profits earned by Government contractors on procurements, other than procurements where the price is based on adequate price competition or on established catalog or market prices of commercial items sold in substantial quantities to the general public.

(b) The methodology developed under subsection (a) shall include adequate procedures for verifying and maintaining the confidentiality of financial data of contractors.

STUDY AND REPORT BY THE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY

SEC. 6. No later than April 1, 1989, the Administrator for Federal Procurement Policy, in consultation with the Comptroller General, shall conduct a study and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives—

(1) on the extent to which the data collected by the Federal Procurement Data System is adequate for the management, oversight and evaluation of Federal procurement; and

(2) which shall include any appropriate recommendations for improvements of such system.

ELEVATION OF PRESIDENTIAL APPOINTEES WITHIN THE OFFICE OF MANAGEMENT AND BUDGET

SEC. 7. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof "The Director of the Office of Management and Budget.".

(b) Section 5313 of title 5, United States Code, is amended—

(1) by adding at the end thereof "Deputy Director of the Office of Management and Budget."; and

(2) by striking out "The Director of the Office of Management and Budget.".

(c) Section 5314 of title 5, United States Code, is amended by—

(1) adding at the end thereof "Administrator for Federal Procurement Policy" and "Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget."; and

(2) striking out "Deputy Director of the Office of Management and Budget.".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Administrator for Federal Procurement Policy."; and

(2) by striking out "Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.".

(e) The amendments made by this section shall be effective on January 20, 1989.

TRAVEL EXPENSES UNDER CERTAIN GOVERNMENT CONTRACTS

SEC. 8. Section 24 of the Office of Federal Procurement Policy Act (41 U.S.C. 420) is amended—

(1) by redesignating such section as subsection (a) of section 24; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The provisions of subsection (a) shall not apply to any agreement between an executive agency and a State institution, or an executive agency and a nonprofit institution, entered into for the purpose for conducting federally sponsored research and related activities.

"(2) Under any agreement described under paragraph (1), costs incurred by personnel for travel, including costs of lodging, other subsistence, and incidental expenses, shall be considered reasonable and allowable only to the extent that such costs do not exceed—

"(A) charges normally allowed by the respective institution in its regular operations as a result of an institutional policy; and

"(B) the limits and principles as are provided for by government-wide regulation of such costs established by the Director of the Office of Management and Budget.

"(3) The regulation under paragraph (2)(B) shall specifically provide that in the absence of an institutional policy regarding travel costs, the rates and amounts established under subchapter I of chapter 57 of title 5, United States Code, or by the Administrator of General Services or the President (or his designee) pursuant to any provisions of such subchapter shall apply to agreements between an executive agency and a State institution, or an executive agency and a nonprofit institution, entered into for the purpose of conducting federally sponsored research and related activities.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE LEGISLATIVE CALENDAR

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I inquire of the distinguished Republican leader if the following calendar orders on the Calendar of Business have been cleared on his side. Calendar Orders Nos. 879, 884, 889, 890, 891, 892, 893, 896, 897, and 898.

Mr. DOLE. They have been cleared on this side.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the foregoing calendar orders; that they be considered en bloc; that amendments where shown be adopted; that where Senators have statements that they wish to have appear appropriately in the RECORD as though read such statements so appear; and that the bills and resolutions be agreed to en bloc; that any amendments to titles or to preambles be agreed to; and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION OF PERSONNEL SYSTEMS IN THE GENERAL ACCOUNTING OFFICE

The bill (H.R. 4318) to improve the administration of the personnel systems of the General Accounting Office, was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROHIBITION AGAINST LICENSING OF CERTAIN FACILITIES ON THE SALMON AND SNAKE RIVERS, IDAHO

The Senate proceeded to consider the bill (S. 2102) to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Energy Regulatory Commission shall not **[license]** *issue any preliminary permit, license, or exemption from licensing for* the construction of any dam, *diversion or bypass* under the Federal Power Act (41 Stat. 1063), as amended, on—

(a) The Salmon River, Idaho, from Long Tom Bar to the confluence of the Snake River or

(b) the Snake River, Idaho, from the eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette Meridian to the pool formed behind *Lower* Granite Dam.

Sec. 2. In order to further the purposes of the Wild and Scenic Rivers Act (82 Stat. 906) as amended and to protect the values for which certain portions of the Salmon River, Idaho and the Snake River, Idaho were designated as components of the system, no dam may be constructed on the segments of the Salmon or Snake Rivers referred to in section 1.

The amendments were agreed to.

The bill was ordered to be engrosed for a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS TO MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

The bill (S. 2349) to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article II of the "Middle Atlantic Interstate Forest Fire Protection Compact" in the Act entitled "An Act granting the consent and approval of Congress to the Middle Atlantic Interstate Forest Fire Protection Compact", approved July 25, 1956 (70 Stat. 636; Public Law 790) is amended by inserting "Ohio," after "New Jersey,".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

The bill (S. 2436) to reauthorize the Sleeping Bear Dunes National Lakeshore Advisory Commission, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of Public Law 91-479, relating to the establishment of Sleeping Bear Dunes National Lakeshore, is amended—

(1) in subsection (a) striking "ten" and inserting "twenty"; and

(2) by amending subsection (e) to read as follows:

"(e) The Secretary or his designee shall consult with the Commission with respect to—

"(1) matters relating to the development of the lakeshore and with respect to the provisions of sections 9, 12, and 13 of this Act; and

"(2) matters relating to the implementation of the General Management Plan provided for in section 6(b).".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MINING AND MINERAL RESOURCES RESEARCH INSTITUTE ACT AUTHORIZATION

The Senate proceeded to consider the bill (H.R. 3977) to authorize appropriations for the Mining and Minerals Resources Research Institute Act for fiscal years 1990 through 1993, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That any reference in this Act to the "Act of August 29, 1984", is a reference to the Act of August 29, 1984, entitled "An Act to establish a State Mining and Mineral Resources Research Institute Program, and for other purposes" (30 U.S.C. 1221-1230; 98 Stat. 1536-1542).

Sec. 2. (a) Section 1(a)(1) of the Act of August 29, 1984 (30 U.S.C. 1221(a)(1)), is amended by striking "$300,000 for the fiscal year ending September 30, 1985, and" and "to each participating state" and inserting after "$400,000" the following: "for the fiscal year ending September 30, 1990, and".

(b) Section 1(a)(2)(A) of the Act of August 29, 1984 (30 U.S.C. 1221(a)(2)(A)), is amended to read as follows:

"(2)(A) Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than two non-Federal dollars for each Federal dollar.".

(c) The second sentence of section 1(b) of the Act of August 29, 1984 (30 U.S.C. 1221(b)), is amended by deleting the phrase "production of mineral resources;" and inserting in lieu thereof "production of fuel and nonfuel mineral resources;".

Sec. 3. Subsection 2(a) is amended by deleting the second sentence and amending the first sentence to read as follows: "There is authorized to be appropriated to the Secretary $15,000,000 for the fiscal year ending September 30, 1990, and for each fiscal year thereafter for four additional years, which shall remain available until expended.".

Sec. 4. Section 6(d) of the Act of August 29, 1984 (30 U.S.C. 1226(d)), is amended by striking "after September 30, 1984,".

Sec. 5. (a) Section 9(a)(7) of the Act of August 29, 1984 (30 U.S.C. 1229(a)(7)), is amended to read as follows:

"(7) seven other persons who are knowledgeable in the fields of mining and mineral resources research, including two university administrators involved in the conduct of programs authorized by this Act, three representatives from the mining industry, a working miner, and a representative from the conservation community. In making these seven appointments, the Secretary shall consult with interested groups.".

(b) Section 9(e) of the Act of August 29, 1984 (30 U.S.C. 1229(e)), is amended by deleting the second sentence and inserting in lieu thereof the following: "The Committee shall submit such plan to the Secretary, the President, and the Congress on or before March 1, 1986, and shall submit an annual update of such plan by January 15 of each calendar year.".

Sec. 6. Section 10(b) of the Act of August 29, 1984 (30 U.S.C. 1230(b)), is amended to read as follows:

"(b) Notwithstanding the provisions of subsection (a), those colleges or universities which, on the date of enactment of this Act, have a mining or mineral resources research institute program which has been found to be eligible pursuant to this Act shall continue to be eligible pursuant to this Act subject to review at least once during the period authorized by this Act, under the provisions of section 10(a) of this Act.".

Sec. 7. The Committee on Mining and Mineral Resources Research established under Section 9 of the Act of August 29, 1984 (30 U.S.C. 1229) shall submit a proposal to establish a Generic Mineral Technology Center on Strategic and Critical Minerals to the Congress by January 15, 1990. Such proposal may be submitted in conjunction with the annual plan update required by section 9(e) of the Act of August 29, 1984 (30 U.S.C. 1229(e)).

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WATER RESOURCES DEVELOPMENT

The Senate proceeded to consider the bill (H.R. 4267) to authorize additional appropriations for the WEB Rural Water Development Project, South Dakota, authorize the use of Pick-Sloan Missouri Basin Electric Power by the Lower Brule Sioux Indian Tribe, and to rename certain facilities of the Central Valley Project, California, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

On page 2, line 10, strike "Burle" and insert "Brule, including the Clark Ranch irrigation development,"

So as to make the bill read:

H.R. 4267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WEB PIPELINE PROJECT, SOUTH DAKOTA

SEC. 101. INCREASE IN AUTHORIZATION OF APPROPRIATIONS.

In addition to the funds authorized to be appropriated for the construction of the WEB Rural Water Development project authorized by section 9 of the Rural Development Policy Act of 1980 (Public Law 96-355, 94 Stat. 1175), as amended by section 2 of Public Law 97-273 (96 Stat. 1181), there are authorized to be appropriated therefor an additional sum of $18,500,000 (March 1988 price levels), plus or minus such amounts, if any, as may be required by engineering cost indices applicable to such construction.

SEC. 102. USE OF PICK-SLOAN POWER.

Section 5 of Public Law 97-273 (96 Stat. 1182) is amended by inserting: (1) after "Omaha" the phrase [Lower Brule,] *Brule, including the Clark Ranch irrigation development,*" and (2) a period after the phrase "irrigation developments" and deleting the remainder of the sentence.

TITLE II—NAME CHANGE

SEC. 201. B.F. SISK SAN LUIS DAM.

(a) The San Luis Dam of the San Luis Unit, Central Valley project, California, constructed, operated, and maintained under the Act of June 3, 1960 (Public Law 86-488, 74 Stat. 156), hereafter shall be known and designated as the "B.F. Sisk San Luis Dam".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the dam referred to in subsection (a) is hereby deemed to be a reference to the "B.F. Sisk San Luis Dam".

SEC. 202. WILLIAM R. GIANELLI PUMPING-GENERATING PLANT.

(a) The San Luis Pumping-Generating Plant of the San Luis Unit. Central Valley project, California, constructed, operated, and maintained under the Act of June 3, 1960 (Public Law 86-488, 74 Stat. 156), hereafter shall be known and designated as the "William R. Gianelli Pumping-Generating Plant".

(b) Any reference in any law, regulation, document, record, man, or other paper of the United States to the plant referred to in subsection (a) is hereby deemed to be a reference to the "William R. Gianelli Pumping-Generating Plant".

SEC. 203. CLAIR A. HILL WHISKEYTOWN DAM.

(a) The Whiskeytown Dam of Central Valley project, California, constructed, operated, and maintained under the Act of August 26, 1937 (50 Stat. 850), and Acts supplementary and amendatory thereto, hereafter shall be known and designated as the "Clair A. Hill Whiskeytown Dam".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the plant referred to in subsection (a) is hereby deemed to be a reference to the "Clair A. Hill Whiskeytown Dam".

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEVELOPMENT OF GROUND WATER POLICY

The Senate proceeded to consider the bill (S. 1992) to promote intergovernmental and interagency cooperation in the development of ground water policy, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. FINDINGS.

The Congress finds that—

(1) ground water is a valuable natural resource that provides drinking water to more than half of the general population and over 95 percent of the rural population of the United States;

(2) ground water is highly susceptible to contamination from many sources, natural and man-made;

(3) once contaminated, ground water is difficult, expensive, and often impossible to clean up;

(4) the value and complexity of ground water demand that Federal Government management and protection programs focus and coordinate their efforts to prevent contamination of ground water;

(5) the Federal Government has substantial expertise and vast resources of information on the nature of ground water and on methods for managing and protecting it;

(6) State and local governments should be the first line of protection for ground water, complemented by Federal expertise and information;

(7) the public can voluntarily do much to help provide practical protection of ground water, if properly informed; and

(8) the Federal Government should play a leadership role in providing expertise and information to State and local governments and the public to facilitate their efforts to prevent ground water contamination.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Federal agency" means any department, agency, or other instrumentality of the Federal Government, including any government corporation;

(2) the term "groundwater" means water below the land surface in a zone of saturation;

(3) the term "local government" means any city, town, borough, county, parish, district, or other public body which is a political subdivision of a State and which is created pursuant to State law;

(4) the term "State" means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands; and

(5) the term "practical ground water information" means nontechnical guidance on preventative measures that can be taken to protect ground water that do not require sophisticated expertise or equipment to accomplish.

SEC. 3. INTERAGENCY COORDINATION OF FEDERAL GROUNDWATER MANAGEMENT AND PROTECTION.

(a) IN GENERAL.—The President shall coordinate activities conducted by the agencies of the United States Government to characterize, classify, manage, protect, and remediate ground water resources; to prevent ground water contamination; and to design ground water monitoring programs. The President shall also coordinate activities conducted by the agencies to assist State and local government efforts in these areas and shall disseminate information concerning all agency activities to the appropriate Federal agencies, State and local governments, and the public.

(b) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT OF INTERAGENCY COMMITTEE.—In carrying out his responsibilities to coordinate Federal activities under this Act, the President shall establish an Interagency Committee on Groundwater Management and Protection (hereinafter referred to as or the "Interagency Committee"). The Interagency Committee shall be established within 90 days from the enactment of this Act. The membership of the Interagency Committee shall include each Federal agency involved in ground water related activities. The Interagency Committee shall be chaired by the Administrator of the Environmental Protection Agency. The Director of the United States Geological Survey and the Secretary of the Department of Agriculture shall act as Vice-Chairpersons of the Interagency Committee. A Vice-Chair may act as Chair in the absence of the Chair. Any dissenting views of a Vice-Chair from a decision of the Chair may be described in the Annual Report required under paragraph (2), if desired by the dissenting Vice-Chair. The Chair shall consult with the Vice-Chairs as to the dates and agendas of meetings.

(2) DUTIES.—The Interagency Committee shall—

(A) define and review the activities of each member agency to ensure coordination among such agencies;

(B) identify and make recommendations for eliminating conflicts and unnecessary duplications and inconsistencies between or among programs of member agencies;

(C) identify major State and local technical assistance, information, and research needs;

(D) develop overall priorities and a coordinated plan for addressing State and local technical assistance, information, and research needs identified in subparagraph (C);

(E) review ground water information and data collected by member agencies and make recommendations to maximize the value of information collected for programs conducted by the Federal agencies, by State, and local governments, and the public;

(F) otherwise facilitate interagency communication on technical assistance, information, and research and development programs which support State and local ground water protection and management programs;

(G) facilitate the development of memoranda of understanding among Interagency Committee members; and

(H) facilitate the dissemination of practical ground water information to the public.

(3) Annual report.—The Interagency Committee shall prepare an annual report that details conflicts, inconsistencies, and unnecessary duplication in existing Federal laws, regulations, policies, and programs having an effect on ground water and recommends changes to eliminate these problems. The report shall also summarize the ground water technical assistance, information, and research needs of State and local governments, and practical ground water information needs of the public, take into account reports of the Advisory Committee established under subsection (c) and evaluate the extent to which member agencies are addressing those needs. The annual report shall be submitted to the Congress not later than January 15 of each calendar year beginning in 1989 and shall be made available to the public.

(4) Meetings.—The Interagency Committee shall hold no less than 2 public meetings a year.

(c) Advisory Committee.—

(1) Establishment of committee.—The President shall establish within 90 days after the date of enactment of this Act, the Advisory Committee on Groundwater Management and Protection (hereinafter referred to as the "Advisory Committee"). The Advisory Committee shall be composed of not more than 15 individuals. Each member shall be selected from among State and local government officials, environmental organizations, scientific and professional organizations, industry, and the general public, who possess a knowledge of ground water issues, with a view toward achieving a regional balance as well as hydrogeological diversity.

(2) Purpose of the committee.—The purpose of the Advisory Committee is to ensure that the programs and policies carried out by the member agencies of the Interagency Committee are familiar to and meet the needs of State and local government agencies and the public.

(3) Consultations.—The Interagency Committee shall meet on a regular basis with the Advisory Committee, but no less often than every 6 months to discuss the progress in carrying out this Act. The Advisory Committee shall submit reports, at least once per year, to the Interagency Committee.

(4) Access to information.—In the spirit of professional cooperation, the Interagency Committee shall make every effort to share information needed, requested, and or of potential use by the Advisory Committee, except where the provision of such information might be construed to be against the best interests of the Nation.

SEC. 4. AUTHORIZATION.

There are authorized to be appropriated $2,000,000 in each of fiscal years 1988-1992, inclusive, to carry out this Act.

Mr. HEINZ. Mr. President, I am pleased to bring to the floor S. 1992, legislation which Senators Sasser, Roth, and I introduced in December to promote intergovernmental and interagency cooperation in ground water protection.

The Governmental Affairs Committee reported S. 1992 by unanimous vote on July 14. The committee's Subcommittee on Government Efficiency, of which I am ranking minority member, held two hearings on S. 1992, at which representatives of State governments, interstate ground water management groups, as well as industrial, agricultural and environmental organizations, testified resoundingly in favor of the legislation. The only opposition to the bill was voiced by the administration, which maintained that current interagency and intergovernmental coordinative efforts are adequate. Privately, however, a number of administration officials quietly will admit that there is no reason to oppose this particularly effective bill.

Heard throughout the subcommittee's hearings on S. 1992—and demonstrating the need for such legislation—was the sentiment that there is no comprehensive national policy for ground water management and protection. Indeed, many witnesses described current Federal efforts as contradictory and uncoordinated. Witnesses attested to the frustration they experience when the general lack of appropriate information from the Federal Government prevents them from being able to adequately implement programs at the State level. Given that the primary responsibility for ground water management and protection resides with the States, for them to be so left in the dark—without adequate Federal leadership—is unacceptable.

S. 1992, through the creation of interagency and advisory committees, will help to ensure careful policy planning and clarification and thus aid in preventing future ground water problems. The bill will promote interagency and intergovernmental cooperation in the development of ground water policy, and facilitate the dissemination of ground water-related research and data to the States and localities, those who need it most.

Conflicting intents, policy gaps, and duplication of efforts among the more than two dozen Federal agencies and offices with ground water concerns have muddled the management and protection of this vital natural resource. In addition, at least 16 major statutes involve ground water. Mr. President, it is a wonder that the States and localities are able to even identify whom they should be contacting at the Federal level for information, let alone actually gaining access to it, which we know through the subcommittee's hearing record is all too rare.

S. 1992 seeks to eliminate the miscommunication between Federal agencies, and to open the lines for greater communication with the States and localities. This would be accomplished through the establishment of the interagency and advisory committees. The former would be comprised of one representative of each of the Federal agencies with ground water concerns, and would be chaired by the Environmental Protection Agency and vice chaired by the U.S. Geological Survey and the Department of Agriculture. The advisory committee, in turn, would be made up of no more than 15 representatives from State and local governments, the public, and various other concerned groups. This advisory committee—of which no equivalent currently exists in any other so-called coordinative body—would ensure that those at the Federal level are continually aware of State and local ground water management and protection needs, and that the States and localities are ensured a voice in the formulation and implementation of related policies.

Mr. President, the continued preservation and protection of the Nation's ground water depends upon concerted efforts and resources. S. 1992 would help to accomplish that goal. I urge the speedy enactment of this legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to promote intergovernmental and interagency cooperation on ground water management and protection and to facilitate the dissemination of practical information on ground water protection to the public.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECONOMIC DEVELOPMENT PLAN FOR NORTHWESTERN BAND OF THE SHOSHONE NATION

The bill (H.R. 2370) to provide for the establishment of an economic development plan for, and Federal services and assistance to, the Northwestern Band of the Shoshone Nation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

COUSHATTA TRIBE OF LOUISIANA SETTLEMENT ACT

The Senate proceeded to consider the bill (H.R. 3617) to settle certain land claims of the Coushatta Tribe of Louisiana against the United States, to authorize the use and distribution of the settlement funds, and for other purposes.

Mr. BREAUX. Mr. President, I am proud and happy and relieved that the Senate is approving this legislation today. I have been working with the Coushatta Tribe of Louisiana on this matter since 1979, when I was a Member of the House of Representatives. We held subcommittee hearings in 1982 on a bill and an accompanying congressional reference to the U.S. Claims Court. That congressional reference was approved on September 27, 1983. Since that time, the Department of Justice and the Coushatta Tribe of Louisiana have come to an agreement on the amount of the settlement and the form that settlement will take.

H.R. 3617 would authorize an appropriation of $1.3 million to settle a dispute over the uncompensated taking by the United States of land owned or occupied by the Coushatta Tribe of Louisiana in the 19th century. It provides that the Secretary of the Interior will hold the $1.3 million in trust for the tribe for use under a plan to be developed by the leadership of the tribe and approved by the Secretary. This agreement constitutes a final settlement of the tribe's claims against the United States in regard to these lands.

After working on this matter for nearly 40 years, it is gratifying to see that a just solution has been reached and that the Coushatta Tribe will be compensated for the lands that their ancestors lost so long ago. I would like to take this chance, Mr. President, to thank the distinguished chairman of the Indian Affairs Committee and senior Senator from Hawaii, for extending such rapid and fair consideration to the Coushatta Indian Tribe of Louisiana here in the Senate, and to all of my colleagues for their support today.

The bill (H.R. 3617) was ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON RESERVATION ACT

The Senate proceeded to consider the bill (H.R. 4143) to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes.

Mr. HATFIELD. Mr. President, the pending measure, H.R. 4143, seeks to transfer 9,811 acres of Federal land to the Department of the Interior to be held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon. This bill, however, does more than change the designation of a block of forest land. This bill returns to an economically disadvantaged group the opportunity for self-determination. It provides the means for housing, education, and medical care to a people in need of those essentials. It affords a new catalyst for social and economic activity for an underdeveloped region in Oregon. Most important, this bill returns a homeland to a dispossessed people.

H.R. 4143 is the House version of a bill that I introduced in the Senate last April. During my remarks at that time, I quoted some statistics that describe the post-termination condition of the Grand Ronde Tribes. Let me repeat those figures. Currently, 40 percent of tribal families live below the poverty level as compared to 7.7 percent of the rest of Oregon. Unemployment among tribal members is 23 percent—over three times the State average; 42 percent of all tribal adults age 19 and older have not completed high school; 50 percent of tribal homes are in need of rehabilitation; and 40 percent of tribal families are not receiving adequate health care because they cannot afford it.

For those of us who are familiar with the effects of the termination acts of 1954, these statistics are not surprising. I have stood on this floor many times and talked about how proud, often prosperous tribes were stripped of their Federal recognition. Many citizens of our country and of my State do not fully realize the disastrous implications of that policy. Indians were not equipped to deal with the white man's world. This does not mean they were inferior to the white man—just different. Unfortunately, they paid for this difference by losing their land, their livelihood, and their heritage.

Fortunately, many tribes have maintained a sense of unity and cultural identification. In many instances this has led to the restoration of their federally recognized status. I am proud to have played a role in this process for several Oregon tribes. The Grand Ronde Tribes were among the first to have Federal recognition restored, receiving congressional approval in 1983. Included in the tribes' restoration bill was a section requiring that they undertake research and prepare a proposal that would lead to the establishment of a reservation.

Accordingly, the tribes prepared a lengthy report examining in detail their history and socioeconomic status as well as the planning objectives and the impacts of establishing a reservation. The report delved into these subjects through scrupulous questioning of tribal members, public viewpoint, and dialogue with public officials in the area.

While that proposal formed the starting point for the bill that is before us, the tribes continued to work to pave the way for this day. They participated in community forums, negotiated with local economic leaders, and helped provide both myself and Representative Les AuCoin with the information we needed to craft this piece of legislation. Along the way, the Grand Ronde Tribes made several compromises which indicate their willingness to be responsive to local concerns regarding the reservation.

In order to demonstrate this point, let me explain those concessions. The tribes entered into a memorandum of agreement with the Department of the Interior that would put constraints on their ability to freely use its timber resources. They have agreed not to set up their own mill or export whole logs for a period of 20 years. These measures are designed to assure the surrounding communities that the Grand Ronde Tribes will not constrict the supply of timber reaching local mills. In addition, the tribe insisted on adding bill language mandating that it put 30 percent of the tribes' receipts into an account dedicated for economic development purposes. This provision should be viewed as an indication of the level of commitment the tribe has to ensuring that the local region benefits from the presence of a Grand Ronde reservation.

Mr. President, to allow a tribe to be self-governing without giving it the means to provide for itself would be to sentence them to dependency on often-inadequate Government programs. I urge my colleagues to help the Grand Ronde Tribes to avoid this trap by passing this legislation.

The bill (H.R. 4143) was ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOLUNTEERS AND THE IMPORTANCE OF VOLUNTEERISM

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 61.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 61) entitled "Volunteers and the Importance of Volunteerism."

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. Mr. President, I rise in strong support of the concurrent resolution before us entitled "Volunteers are the Importance of Volunteerism."

I commend Representative HAWKINS for his leadership on this legislation in the House of Representatives. I, along with Senator DECONCINI, have sponsored companion legislation in the Senate in both the 99th and 100th Congresses.

The purpose of this legislation is to recognize the important contributions that volunteers make to our Nation, and to encourage employers in Government and the private sector to recognize the valuable experience gained through volunteer work in their hiring practices. The resolution expresses the sense of the Congress that experience in volunteer work should be taken into account by employers in the consideration of applications for employment, and that provision should be made for a listing and description of volunteer work on employment application forms.

At present, over 35 States and a number of local governments accept volunteer experience on applications for State and local jobs. The Federal Government considers the volunteer experience of applicants for Federal civil service jobs. In addition, about 100 major companies recognize volunteer experience in their hiring practices.

For those who have served as volunteers and gained valuable experience, consideration of their volunteer experience can be a determining factor in whether they land a job. One of the main impediments to young people entering the work force is lack of job experience. When employers take volunteer experience into account, this impediment is at least partially removed. A number of young people also use volunteer experience to try out a new career field. Volunteer experience is also a useful tool for women who would like to enter or reenter the labor force.

Mr. President, this resolution will not cost employers or the Government any money. It will not require businesses to hire anyone, or even to take volunteer experience into account. It does, however, recognize the role that volunteer experience plays in our communities and the job market.

I urge the Senate to act quickly and approve this important concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHING THE VETERAN'S ADMINISTRATION AS AN EXECUTIVE DEPARTMENT

Mr. BYRD. Mr. President, on behalf of Mr. GLENN, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3471.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 3471) entitled "An Act to establish the Veterans' Administration as an executive department", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. BROOKS, Mr. CONYERS, Mr. WEISS, Mr. NEAL, Mr. FRANK, Mr. MONTGOMERY, Mr. EDWARDS of California, Mr. HORTON, Mr. WALKER, Mr. LIGHTFOOT, and Mr. SOLOMON be the managers of the conference on the part of the House.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments, disagree to the House amendments, agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed the following conferees on the part of the Senate: Senators GLENN, SASSER, LEVIN, MITCHELL, ROTH, STEVENS, and HEINZ; and from the Committee on Veterans Affairs, Senators CRANSTON and MURKOWSKI.

FOREIGN SOVEREIGN IMMUNITIES ACT

Mr. BYRD. Mr. President, on behalf on Mr. Kennedy, I ask that the Chair lay before the Senate H.R. 3763, the Foreign Sovereign Immunities Act, which has been received from the House, and that there be the first reading thereof.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3763) to amend title 28, United State Code, relating to foreign sovereign immunity with respect to certain activities of foreign governments, and for other purposes.

Mr. BYRD. Mr. President, I now ask for the second reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard, and the bill will remain at the desk.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5090, UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that the Finance Committee be authorized to compile the reports and other material of the several committees to which H.R. 5090 was jointly referred; provided, that if any of these committees have not ordered reported the bill by the close of business on September 15, that such committees be discharged and that the Finance Committee be authorized to file forthwith the jointly reported bill and the accompanying joint report.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE MATTERS ON THURSDAY, AUGUST 25, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that committees may file legislative or executive business on Thursday, August 25, between the hours of 10 a.m. and 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUNGER RELIEF

Mr. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2560.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2560) entitled "An Act to amend the Temporary Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to make available additional types of commodities, to improve child nutrition and food stamp programs, to provide other hunger relief, and for other purposes".

(The amendment of the House is printed in the RECORD of August 11, 1988.)

Mr. LEAHY. Mr. President, I am pleased to recommend that the Senate approve these amendments between the Houses with respect to S. 2560, the Hunger Prevention Act of 1988.

This agreement reflects a truly bipartisan approach to meeting the needs of America's hungry. This is a balanced bill, providing food to the Temporary Emergency Food Assistance Program [TEFAP] and to soup kitchens. It increases basic food stamp benefit levels as well as improving the operation of the Food Stamp Program.

Finally, it adds to our vital child nutrition programs.

The Senate passed the Hunger Prevention Act of 1988 by a vote of 90-7 on July 26, 1988. The House passed their emergency hunger relief bill on Monday. The final bill, "The Hunger Prevention Act of 1988," with amendments between the Houses, is before us now. This quick resolution would not have been possible had it not been for all of the hard work and long hours put in by the staff from the Senate and the House Agriculture Committees, and by Bill Baird with the Office of the Senate Legislative Counsel. We could not have completed this without the cooperation and attention of legislative counsel in drafting the revisions required by the compromise agreement.

I would like to especially thank the members of my staff on the Senate Agriculture Committee—Janet Breslin, Ed Barron, Chuck Riemenschneider, Jim Cubie, Laura Madden, Chris Sarcone, Bob Young, Mary Kinzer, Bob Sturm, Tricia Coates, Betsy Paul, Cynthia Molina, Shannon Shinn, John Phillips, Tracey Roberts—and Senator LUGAR's staff, Dave Johnson and Chuck Conner. Senator HARKIN's staff—Mark Halverson and Bob Andros; Terri Nintemann for Senator BOSCHWITZ and Chris Bolton for Senator DOLE all provided valuable advice and hard work to make this legislation both a bipartisan and a balanced effort to feed needy Americans.

Mr. President, this bill also makes major reforms to the Food Stamp Quality Control Program which will improve both the management by the States and the service to recipients.

I have always held that meeting the hunger challenge is a moral question as much as a policy issue. The Congress has decided to take action to meet a need. In recent action on the drought bill, the Congress provided our farmers with needed protection to keep food on our tables. In this bill, we make sure that those of our most vulnerable citizens share in the bounty that we have protected.

As Socrates said, "no one is qualified to become a statesman who is ignorant of the problem of wheat." In the past few weeks, the Congress has acted with wisdom and compassion to meet this basic human need.

While I support this final House/Senate agreement, I want to clarify a specific provision that was added by the House on the issue of sequestration. The agreement before us includes language which would require, in the cause of a sequester, that the sequester reduction apply to the funds for the Food Stamp Program as well as for commodity purchases for TEFAP and soup kitchens.

According to the Gramm-Rudman-Hollings rules, food stamps is one of the special safety net programs that is exempt from the across-the-board sequester cuts. The House language would, for the first time, subject funds for food stamps to an across-the-board cut, if a final sequester is ordered for fiscal year 1989.

I want to make clear that this language reflects unique concerns this year about the potential of a sequester and does not reflect congressional intention to change the exempt status of the overall Food Stamp Program from the yearly Gramm-Rudman sequester procedure. It is our intention to clearly state that food stamps remains a vital safety net program and, as such, continues to be exempt from the Gramm-Rudman sequester requirements.

Mr. President, I do not believe that there will be a sequester this year. The drought bill, which we just completed, came in under $4 billion, and I certainly believe that there will be room for this vital nutrition bill which conforms to the congressional budget resolution funding levels.

While this sequestration language gives me great concern, I do strongly support the remaining provisions of this bill.

Mr. President, I would like to go into some of the details of the bill.

The legislation requires the purchase in each of fiscal years 1989 and 1990 of $120 million in commodity purchases for distribution through the Temporary Emergency Food Assistance Program and $40 million in commodity purchases for distribution to soup kitchens and food banks. The legislation also provides $32 million in commodity purchases for soup kitchens and food banks in fiscal year 1991. These commodity purchases must be in addition to the amounts and types of commodities that would otherwise be distributed to the TEFAP program and to soup kitchens and food banks through USDA's donation of commodities to charitable institutions. The commodities purchased under this bill supplement, rather than replace, these other commodity donations.

Because this point is so fundamental to this legislation I want to dwell on it for just another minute. The bill explicitly states that the commodity purchases it requires shall not be made in such a manner as to cause any reduction in the value of the nonentitlement commodities that would otherwise be distributed (in the absence of these purchases) to TEFAP, charitable institutions, the school lunch program, or other food assistance programs. This means that USDA could not, for example, use funds under this act to purchase commodities that the Commodity Credit Corporation would otherwise have had to purchase anyway under price support legislation, if such CCC purchases would then have been donated to a Food Assistance Program. If we allowed this, then the commodities purchased under this legislation would, in part or in whole, be in lieu of bonus commodities that would otherwise have been provided to the School Lunch Program, TEFAP, charitable institutions, or another food assistance program. This would be directly contrary to the intent of this bill.

Similarly the commodities we require to be purchased for soup kitchens and food banks must be in addition to the commodities such institutions and other charitable institutions would receive, in the absence of these purchases, under the USDA program of donations to charitable institutions.

In addition to these commodity purchases, we also provide for increases in basic food stamp benefits. The legislation raises food stamp benefits for each fiscal year—starting in fiscal year 1991—to 103 percent of the cost of the Thrifty Food Plan in June of the previous fiscal year. To remain within cost limitations, this policy is phased in over 3 years, and somewhat smaller increments are provided for fiscal year 1989 and 1990. A study by the House Agriculture Committee in 1985 found that because food stamp benefits are based on the value of the thrifty food plan in June of the prior year, benefits generally fall short of the current value of the thrifty plan. On average, food stamp benefits fall several percentage points below the current cost of the thrifty plan. The legislation helps to respond to this issue. Under the bill, food stamp benefits during a fiscal year will be closer to the actual average cost of the thrifty food plan during that fiscal year. Thus, food stamp benefits will be a much better reflection of actual thrifty food plan costs than they have been in the past.

A number of other important food stamp provisions also are included. The bill gives States the flexibility to conduct food stamp outreach programs and receive Federal matching funds for these programs. Until fiscal year 1982, States were required to operate food stamp outreach programs. Since then, States have been precluded from operating such programs unless the programs are funded entirely with State funds. This legislation takes a middle ground: it allows, but does not require, States to operate outreach programs—as they did through fiscal year 1981—and to receive matching funds for these programs as they would for any other allowable food stamp administrative activity. In my State of Vermont, an outreach program funded under the McKinney Act done outstanding work helping homeless people receive food stamps. This legislation should make it possible to strengthen that sort of partnership.

The bill also contains provisions to improve and simplify application forms, including a provision directing the Secretary, in consultation with the Secretary of HHS, to assist States requesting help in developing a simply-written common application form for food stamps, AFDC, and Medicaid. The bill also requires that each food stamp application (including such common application forms) contain spaces where applicants can write their names, addresses, and signatures, along with information on the right to file an application immediately.

The provision about simplified applications reflects the importance of making the program accessible to people of limited education and reading levels. Some States include only the minimum of information necessary in their application forms and leave it to eligible workers to complete detailed workbooks with the background data necessary to determine households' eligibility. Other States include all of the information households are required to submit in the application itself, with the result, we are told, that some applications are as long as 20, 30, or even 40 pages. Even if some parts of these pages are not for applicants to fill out, the effect of forms of this length can be intimidating for some low-income people.

The bill contains a series of provisions to improve access to the program for low income farm households and other poor rural households. For example, the bill exempts from consideration as resources farm property a family owns that was used in farming operations for 1 year after a family ceases to farm. Of course, certain other resources, such as a farm family's home and surrounding property are always exempt, and these exemptions would remain in effect.

Among the significant food stamp provisions of the bill are provisions relating to the food stamp employment and training program. The bill makes clear that educational programs or activities to improve basic skills or employability are allowable food stamp employment and training activities. Such activities were enumerated in some detail in legislation the Senate passed last month, but we decided here that broad language encompassing a range of educational activities was more appropriate for inclusion in the statute than a long list of specific educational activities. It is intended that the activities listed in the original Senate legislation—including high school or equivalent educational programs, remedial education programs, and instructional programs in English as a second language—be allowable activities under the broad language included here.

The legislation also incorporates a provision requiring the Secretary to issue regulations under which States must establish a conciliation procedure to resolve disputes involving participation in the employment and training program. Resolving a dispute so that a recipient participates in an employment, education, or training program is a superior outcome to sanctioning a participant for noncompliance—thus, the goal of this procedure is to bring more people into compliance so that we increase the number of recipients who can work their way off food stamps.

It is our intention regarding this conciliation procedure for States simply to conform food stamp procedure to long-standing AFDC practice. We expect that some States may already informally do this. Where State agencies find there has been apparent noncompliance in meeting a work or employment and training requirement or where there otherwise is a dispute relating to a household member's participation in E&T, the State agency would attempt to contact the non-complying household member and to arrange a meeting in an effort to work with the member to obtain compliance or otherwise resolve the dispute.

We understand that in some State AFDC programs, conciliation has resulted in a number of recipients who initially were failing to comply coming into compliance. If, however, the conciliation process is unsuccessful—and the household member is not found to have good cause—the State agency would then proceed to send a notice of adverse action and institute the procedures to terminate benefits. The household would retain the normal rights to appeal—or to cure the violation.

The legislation also provides reimbursement for the dependent care costs that are necessary for a mother or other household member to participate in an employment, education, or training program, except for AFDC recipients who reside in a local area where an AFDC employment and training program is in operation or was in operation on the date of enactment of this Act.

I will note that due to a technical drafting error, a closed parenthesis regarding this issue appears in the wrong place in the bill language. The clear intent here is that the dependent care reimbursement provision apply to non-AFDC recipients in all areas and to AFDC recipients in areas where an AFDC E&T Program is not currently in operation and was not in operation on the date of enactment of this legislation.

The reimbursement in the bill would be for actual costs up to a maximum of $160 per dependent per month. If an individual's dependent care costs would exceed the $160 maximum, the individual is to be exempted from the work requirements.

The legislation does not raise the current $25 a month limit on reimbursements for transportation and other costs—other than dependent care costs—of participants in an employment or training program. The original Senate legislation raised this limit to $100. To reduce costs, we have kept the maximum at $25. The Department advises us that States routinely exempt individuals with higher costs from the work requirements. Some States cover these additional costs with State funds.

During discussions of this legislation, USDA informed us that they allow States to exempt from employment and training programs all people who would have expenses that exceed those paid by the States. It is our intention that this practice now become Federal policy and be extended to all States. It would be highly inequitable to sanction a low-income recipient for noncompliance with a work requirement in cases in which compliance would entail expenditures for work-related costs that are not reimbursed. For this exemption to be meaningful, of course, households must be informed of it.

The food stamp employment and training provisions also require USDA to establish new performance standards that should make the program more effective than the current participation standards. The requirements under current law that the Secretary set participation standards would remain in effect until the new performance standards are implemented, which could be no later than April 1, 1991. Until that time, the Secretary would continue to determine the percentages to be used for the participation standards for any fiscal year—as the Secretary does under current law—which percentages could not exceed 50 percent.

When the new performance standards are implemented, the participation standards would cease to apply and the Secretary's authority to set participation standards would expire. The legislation requires that proposed regulations be published on the new performance standards, public comment be taken, and final regulations be issued in time so that with a reasonable period for implementation, the standards are implemented by the April 1, 1991 date. We plan to oversee closely the Department's work in this area.

The bill also contains a major revamping of the Food Stamp Quality Control System. The legislation includes a much more realistic system which, for most elements of the system, would apply to quality control periods from fiscal year 1986 onward. The legislation sets more realistic tolerance levels for States to achieve and reduces the number of States potentially subject to fiscal sanctions. At the same time, the bill streamlines the appeals process for adjudicating claims against States for error rates exceeding the tolerance. For example, the new quality control system would replace the current USDA appeals board with an administrative law judge [ALJ] as authorized under the Administrative Procedures Act. The ALJ would preside at the taking of evidence, certify the record, and render the decision based on the record, which decision would be final. As with other proceedings before administrative law judges, both parties would have a right to discovery and the ALJ would have the power to issue orders to compel discovery as set forth in the Perishable Agriculture Commodities Act. The State and Federal governments would have the right to call witnesses, present written and oral evidence, and cross-examine witnesses. Ex parte communications between either a State or the Department and the ALJ would not be permissable. We also agreed that in these proceedings the Department would have the burden of proof.

The legislation also changes litigation procedures. Currently, if a State loses a part or all of its administrative appeal and seeks judicial review, the State is entitled to trial de novo, which can be a lengthy process. The legislation provides that judicial review of quality control sanctions—as distinguished from other food stamp claims—should be a review based on the record rather than a de novo review. This is expected to speed up the process.

In addition, when a State applies to the Secretary for a waiver of part or all of the sanction for good cause, the Secretary's determination would not be appealable. The Secretary would retain broad discretion as to the basis for granting good cause waivers, and the legislation does not restrict or infringe on this discretion. This legislation is not intended to imply any congressional intent there be a narrowing of the criteria or bases the Secretary uses to evaluate or grant good cause waivers. Whatever decision the Secretary renders in a waiver request is final however, and not subject to appeal. We would also note that we do not intend to otherwise restrict the bases on which States may appeal claims. We do not intend to suggest that some States may not, under the new system, have valid basis for waiver requests and appeals. These are issues for the Secretary—with regard to waivers—and the administrative law judges and the courts—with regard to appeals—to decide.

The legislation does not address sanctions based on quality control periods through fiscal year 1985. We do not intend the legislation to affect the consideration of waivers, administrative appeals, or litigation of potential liabilities for quality control periods through fiscal year 1985. In particular, I would note that sanctions for a number of these periods are in litigation. It is our intention that nothing in this legislation, or the legislative history thereto, affect such pending litigation. This legislation should not be construed as either strengthening or weakening the basis for such litigation.

A series of other food stamp provisions are also included. The bill makes monthly reporting optional for the States. Some States have found monthly reporting helpful; others have found that requiring numerous reports from households whose circumstances are unchanged is an unproductive use of staff time and resources. This provision leaves the decision on whether to use monthly reporting up to States—each State would have to independently decide which approach is best for the State.

Moreover, given research findings showing that there is no evidence monthly reporting reduces error rates, the corrective action section in the quality reform section of the bill is not intended as a vehicle for USDA to push States to increase use of monthly reporting.

A provision is included on correcting improper denials and underissuances; the provision is designed to remedy a problem that has been the subject of several GAO reports as well past testimony before this committee. Where a State has information that households have been underissued benefits, whether from a complaint, an investigation, a court decision, or any other source, it should not delay in restoring benefits to the households involved—unless the 1 year limitations period in the act has expired. In addition, the provision emphasizes the responsibility of States, as well as USDA, for assuring that correct policy is applied to all households. Where there is a problem extending beyond isolated cases, the State must undertake appropriate corrective action.

Another provision of the bill modifies the definition of disability in the Food Stamp Act and reflects our longstanding concern that the disabled among us be fully protected. It covers people receiving State interim assistance pending the Social Security Administration's consideration of their SSI applications and people getting disability-based Medicaid coverage. The provision also relies on State and local disability determinations made in connection with general assistance programs, where those programs apply a disability standard comparable to that used for SSI benefits. This could be either a disability standard used to establish eligibility for a GA program or a standard used to determine whether an individual is exempt from program work requirements, so long as the disability standard is at least as stringent as that used in SSI.

Such programs may have their own procedures to determine disability. If the procedures establish that individuals meet a disability standard at least as stringent as the SSI standard, they would be considered "disabled" for food stamp purposes.

We have also been concerned about excessive paperwork burdens on disabled and elderly persons with high medical expenses. Accordingly, the bill contains a procedure which we hope will greately simplify the procedures such persons must follow with regard to the food stamp medical deduction. The provision states that if such persons have initially verified medical expenses that are recurring expenses rather than one-time expenses, they need not submit information or verification of these expenses on a monthly basis. I should note that in designing this provision, it is not the intention to adversely affect quality control error rates by having a State that correctly follows this provision charged with an error if an elderly person's actual medical expenses in a given month are not exactly at the estimated recurring level. Simplification usually involves some loss of exactitude. I would urge the Department that if correct information was provided by a household and the State processed it correctly, the State not be assessed with an error if the actual expenses differ modestly from the recurring amount that has been estimated.

Mr. DOLE. Mr. President, the passage of this conference report on S. 2560, the Hunger Prevention Act of 1988, represents a significant increase in food assistance benefits for many low-income Americans. This bill is one of the fastest-moving pieces of legislation that I have witnessed during my involvement on the Nutrition Subcommittee. I commend the leadership of the chairmen of both the Senate and House Agriculture Committees, as well as Senators LUGAR and BOSCHWITZ who did a lot of the work on our side of the aisle. Also the gentleman from Indiana, Mr. MADIGAN, and Mr. EMERSON, from my neighboring State of Missouri, have made many contributions to this effort which will have a lasting impact on the lives of people living in poverty.

The Hunger Prevention Act provides about $1.5 billion in additional resources to a variety of Federal food programs over the next 3 years to help alleviate nutrition problems in local communities. We are increasing the Federal investment in food programs by $284 million in fiscal year 1989, $557 million in fiscal year 1990, and $590 million in fiscal year 1991.

I am very pleased with the quick progress my collegues have made on this important legislation. We passed the Senate version in late July, and the House has just passed its bill on Monday. After a quick meeting of the conferees yesterday, the conference report is ready today and passed the House already this morning. Much of this progress is due to weeks of work by the staff, resolving issues and dealing with details that have saved members a lot of valuable time.

FOOD STAMP PROVISIONS

Mr. President, over the past 3 days, a bipartisan compromise was reached which I believe represents a fair and balanced nutrition package. In addition, there are many administrative improvements which will facilitate the removal of barriers of participation to many people who may not previously have had access to food assistance. I believe these improvements are particularly helpful in encouraging the participation of the rural poor.

The Hunger Prevention Act of 1988 would raise food stamp benefits across the board by $110 million in fiscal year 1989, $345 million in fiscal year 1990, and $525 million in fiscal year 1991, by increasing the thrifty food plan, which is the basis upon which food stamp benefits are calculated. This could mean an increase of about $9 per month for a family of four. Rather than making incremental increases in food stamp benefits by tampering with deductions, et cetera, it is much more constructive to help program participants across-the-board. The Hunger Prevention Act provides a substantial increase in basic food stamp benefits—$980 million over the next 3 years. The Food Stamp Program has always been the foundation for all of our nutrition assistance efforts. Out of more than 10 different Federal Food Programs in which we invest more than $20 billion, we spend about $13 billion on food stamps alone.

This simplified approach to increasing benefits will help keep error rates down and target resources in an equitable way. Along these same lines, it is significant to draw attention to the long-awaited reforms in the quality control system, which this bill contains. These provisions have been worked out with the agreement of the States, the Department of Agriculture, and other interested parties. It was a long process, and those parties who participated in the negotiations should be commended on their patience in dealing with the complex, tedious issues involved.

At this time, I might also mention that there are some improvements in the work provisions of the Food Stamp Program, which will be adapted to the unique needs of the food stamp population, while attempting to coordinate with the welfare reform changes in AFDC, which the Congress expects to act upon soon.

TEFAP PROGRAM

Mr. President, the original impetus of this legislation was to deal with the problem facing the Temporary Emergency Food Assistance Program, which has come to be known as "TEFAP". Due to the success of our Agricultural Price Support Programs, as implemented by the 1985 farm bill, our massive stocks of surplus commodities have decreased to the point where we no longer have enough to distribute to soup kitchens, food bands, churches, and other nonprofit organizations which provide food assistance to unemployed and other needy individuals.

This legislation would continue that program by mandating the purchase of $120 million worth of a variety of High-protein commodities and extending the program for 2 years.

CHILD NUTRITION PROVISIONS

Mr. President, I would also like to commend the distinguished Senator from Minnesota, Mr. BOSCHWITZ for his major contributions in the child nutrition area. Largely because of his efforts, the School Breakfast and Child Care Food Programs will be expanded to provide additional nutrition benefits. Children who remain in day care centers for more than 8 hours will receive an extra meal or snack. The Breakfast Program, which mostly serves low-income students, will receive an additional 3 cents reimbursement. Everybody knows that children need a jump-start to begin their day and help them be attentive in the classroom so that they can benefit from the learning experience. This modest increase in the Breakfast Program also applies to the Child Care Food Program.

CONCLUDING REMARKS

It is with great satisfaction that I support this conference report on the Hunger Prevention Act of 1988. Passage of this legislation will result in some fine-tuning of Federal food programs that will provide valuable assistance in well-targeted ways to the less fortunate in our society. Also, the provisions of this bill are well within the budgetary constraints outlined in this year's resolution. I commend my colleagues on the exemplary bipartisan cooperation which went into the negotiations of this legislation.

Mr. HARKIN. Mr. President, while I support the inclusion of a 1-year, five-State demonstration project which restores limited eligibility to certain private nonprofit sponsors of the Summer Food Service Program for Children, I am very disappointed that the original provision that the Senate passed as part of S. 2560 is not contained in the House version passed this morning. The original provision would have allowed all States to restore certain private nonprofit sponsors to the program. A nearly identical provision passed the House in April of 1984 as part of the Goodling amendment to H.R. 7.

As the chairman knows, the Summer Food Program has the same nutrition requirements as the School Lunch Program. We know that low-income children receive anywhere from one-third to one-half of their total daily nutrient intake from school lunch, yet only 2 million of the 12 million who receive a free or reduced-price school lunch participate in the Summer Food Program. How can we as a nation decide to feed poor kids for 9 months rather than 12?

The principal reason for the lack of participation is that children can not be served without a sponsor. Private nonprofit sponsors can fill in the gap where current sponsors are either unwilling or unable to sponsor a program. Why should the Boy Scouts and Girl Scouts and our churches be prohibited by law from feeding poor kids in the summer?

Complaints arose in the late seventies concerning program abuse by certain unscrupulous parties. In 1981, a far too sweeping provision eliminated all private nonprofit sponsors from the Summer Food Service Program no matter how well a program they ran. Thousands of fraud-free, impeccably run programs were eliminated, resulting in the loss of meals for 500,000 needy children.

We designed the Senate provision on private nonprofits to meet the accountability concerns that prompted the 1981 change. Such sponsors must have a demonstrated track record in administering similar programs; serve only 2,500 children or less at no more than five sites; and, provide on-going, year-round activities for children.

A five-State demonstration project which allows all eligible private nonprofits in those States to participate is a step in the right direction, but it is too limited and I fully intend to revisit this issue in next year's reauthorization. Certainly, groups in my own State of Iowa and the chairman's State of Vermont have expressed interest in allowing such sponsors in the program. Frankly, picking five States will be difficult since groups in Alabama, California, Florida, Massachusetts, Michigan, New York, Pennsylvania, and Texas have all expressed a strong interest in this provision, and I am sure there are other States where interest is also high.

Mr. LEAHY. Mr. President, I agree that this demonstration project is too limited, particularly with the protections we have included. Private nonprofit sponsors who run well managed programs should be allowed to participate in the Summer Food Program. I appreciate the Senator's comments and I agree that we should look for funding in the reauthorization process to ensure that this demonstration project goes nationwide next year.

Mr. BOSCHWITZ. It has come to my attention that several food shelves and agencies in Minnesota have concerns about the information they are required to collect to account for the federally owned commodities they receive and distribute through the Temporary Emergency Food Assistance Program [TEFAP]. I am told that requiring the food shelf to record the amount and type of commodity received by each individual person visiting the food shelf creates a burden for the many volunteers who are integral for the operation of these food shelves.

Mr. LEAHY. I am also aware of these concerns and am pleased to have the opportunity to discuss this issue with the Senator from Minnesota.

Mr. BOSCHWITZ. I thank the Senator. It is my understanding that regulations issued by the Department of Agriculture do not specifically require the food shelves or agencies to provide this type of information. I certainly do not want to diminish the necessity of accountability for the distribution of federally owned commodities to guard against fraud and abuse of nutrition programs. Indeed, the School Lunch Program requires States and schools participating in the program to account for all commodities received and to ensure that the commodities are consumed by the students through the School Lunch Program.

I have long been concerned about excessive paperwork and record keeping requirements of the Federal nutrition programs. It seems to me that it would be reasonable and prudent to require that food shelves and agencies receiving TEFAP commodities account for the total amount of commodities received and distributed to those in need. Certainly if individual food shelves or agencies desire to keep more detailed records they should not be precluded from doing this. I am hopeful that this discussion between the distinguished chairman of the Agriculture Committee and me will be helpful in resolving the concerns raised by these food shelves and agencies in Minnesota.

Mr. LEAHY. I understand and share the concerns expressed by the Senator from Minnesota about the paperwork burden placed on food shelves and agencies.

Mr. BOSCHWITZ. Again, I thank the chairman. We have worked together in a bipartisan fashion on nutrition legislation for quite some time now. I appreciate his spirit of cooperation and dedication to nutrition issues and look forward to working with him in the future.

Mr. LUGAR. Mr. President, I thank the distinguished chairman of the Agriculture Committee, Senator LEAHY, for the bipartisan spirit he has shown during the negotiations for the Hunger Prevention Act of 1988.

My remarks will be brief, because we have all been before the Senate recently to express our support for these improvements to our nutrition and commodity assistance programs. This bill addresses the needs of the poorest Americans, and targets much of its aid to women, children, and the homeless in our country. These intentions have been stated clearly throughout the debate on this bill.

Throughout our discussions with the House, we were very conscious of the budget restrictions before the Congress in the coming years. We made a commitment to keep this bill within the allocations provided under the congressional budget resolution, and we have met that commitment.

In this agreement before us now, the Senate agreed to accept a modified version of the sequester provision included in the House bill, H.R. 4060. This compromise states that if a final sequester is ordered for the next fiscal year, the cost provisions of this bill for the increase in basic benefits for the Food Stamp Program, funding for commodity purchases for the temporary emergency food assistance program, and for soup kitchens and food banks, will be subject to sequester on an equal basis with any other sequestered program in the Federal Government. The provisions of the bill that affect procedural changes for the Food Stamp Program would be delayed for 1 year under this compromise agreement, again, if there were to be a sequester.

I believe it is necessary to emphasize a clear understanding by all Members, both from the Senate and from the House, that this was a unique and sensitive budget negotiation process facing us this year. We are all aware of the need to remain within budget limitations set by Gramm-Rudman-Hollings. We do not intend to set a new precedent in this legislation to subject food stamps to sequester under Gramm-Rudman-Hollings in future years.

Briefly, I will discuss the employment and training provision in the bill. The final compromise institutes a requirement for an established procedure for resolving disputes about participation in an employment and training program. My understanding is that this requirement formalizes current procedures when State agencies find that there has been noncompliance in meeting a required E&T component. The State agency will attempt to contact the noncomplying household member to work with that person to obtain compliance or to determine if there is good cause for the noncompliance. Only if no good cause is found or if the person does not comply with the requirement would a notice of adverse action be sent. Nothing in this provision is to be construed as allowing for a delay in sending the notice or otherwise lengthening the adverse action process.

Mr. President, once again I would like to thank my friend, the chairman of the Agricultural Committee, for his hard work and cooperation. Also, I would like to thank the leadership of the Nutrition Subcommittee, Senators DOLE and HARKIN, and Senator BOSCHWITZ for their work on these issues. Finally, I would like to thank the staff of Members in both the House and the Senate for their hard work and long hours in completing this compromise.

Mr. President, this bill is a compromise. If I alone could have written the bill, it would have had a different focus in some areas. However, in total, this is a good bill which meets the targets found in the budget resolution. I urge my colleagues to support its passage.

Mr. HARKIN. Mr. President, I am very pleased to see the Senate giving final passage to the Hunger Prevention Act of 1988 today. This legislation will provide an important step forward in our ongoing fight against hunger in America. We should be under no illusions that this bill by itself will end hunger in America. Our current budgetary situation prevents us from enacting legislation on that scale all at once. Instead, we tried to do as much as we could within the current budgetary limitations. I believe that this bill is a fiscally responsible bill, and I thank the distinguished chairman, Mr. LEAHY, and the ranking minority member of our committee, Mr. LUGAR, for working with our subcommittee to develop the most cost-effective method possible of providing this needed assistance.

I would also like to commend the leadership on both sides, as well as our colleagues in the other body, for making it possible to bring this measure up so quickly in response to this very real emergency. We have thus been able to dispense with the usual formality of a conference and conference report and follow this extraordinary procedure for setting forth and enacting the terms of our agreement. Additional details are set forth in Senator LEAHY's floor statement in lieu of a conference report.

The bill does include one unusual feature that deserves special mention. Because of the lateness in the legislative season, the likelihood that Congress will have adjourned before the President issues his October 15 Gramm-Rudman order, and because of the uncertainties arising from the drought and the drought relief legislation, it was felt necessary to include, on a one-time-only basis, a provision dealing with the possibility of a sequestration. We wish to make clear that we in no event intend to tamper with the principles that low-income programs are exempt from Gramm-Rudman cuts or that new spending be treated on an equal footing with existing programs for sequestration purposes. The provision would not affect any child nutrition programs or any food stamp provisions which have no cost implications. If sequestration does occur, however, the increase in the basic food stamp benefit level will be scaled back by the same percentage as the Gramm-Rudman reductions in other programs and a few other cost provisions in this bill will be postponed so that they do not go into effect until the beginning of the next fiscal year.

I should add that when the sequestration provision of the bill speaks of a final order, it means an order issued on October 15 imposing across-the-board reductions in spending in domestic and military programs: that is, a final order sequestering funds. Only if an order is issued that sequesters funds would any reduction or postponement of the provisions of this bill occur.

It is our very clear intention that this one-time extraordinary provision on sequestration should not be a precedent for future legislation or for the implementation of the Gramm-Rudman process. I would not expect to see it in any future hunger legislation, and I will oppose any efforts to append it to such legislation.

I take special pride in the employment and training provisions of the bill. They are all designed to encourage self-sufficiency by getting recipients involved in education, employment, and training programs that will make a significant difference in their employability. One of the cornerstones of this humane approach is the requirement of conciliation. Unlike current procedure, in which States must only contact the household to determine if they are exempt or have good cause, the conciliation requirement incorporates the longstanding AFDC practice of emphasizing efforts to secure compliance. The food stamp office must give any noncomplying household member an appointment to discuss ways of bringing the household into compliance. The household would have the right to be represented at this appointment. If arrangements can be made that bring the household into compliance, no sanction will be imposed. Where the food stamp office cannot persuade the household to comply, a sanction would be imposed. While this might well result in some additional time before sanction notices are issued, the payoff will be that more recipients comply with work requirements, enroll in employment and training programs, and hopefully secure jobs that result in their households' no longer needing food stamps. If, despite conciliation, the household member remains out of compliance, a termination notice would then be issued. Households then would retain the normal right to appeal and have a fair hearing before benefits are cut off.

I am pleased that the final bill includes a provision making monthly reporting optional for the States. Some States apparently have found monthly reporting helpful; some have found that requiring numerous reports from households whose circumstances are unchanged is an unproductive use of staff time and resources. For this provision to have its intended effect, it is vital that USDA should not seek to influence States' decisions about whether to require monthly reporting and, if so, how much to require. In particular, the corrective action section in the quality reform section of the bill is not intended as a vehicle for USDA to press States to increase their use of monthly reporting.

The provision on statements or required verification is also very important. Since current regulations already require States to screen all applicants immediately to determine their eligibility for expedited issuance, food stamp offices should generally have sufficient information to know what verification will be required from each applicant household. At the close of the screening they can simply provide the household with the list of things that the household must do. This provision also recognizes that an applicant can ask a third party for verification, but that the third party could decline to provide it. If the applicant has made the effort to secure verification that the food stamp office requested, his or her benefits should not be denied—or delayed beyond the normal 30-day period—because, for example, an absentee landlord or an estranged spouse refused to give them a note verifying some piece of information. The list should identify alternative ways of providing verification, such as a note from an employer in lieu of a lost pay stub.

This section also requires food stamp offices to assist households obtain verification. This should be done, of course, in full compliance with the privacy guarantees in the act. To me, it is difficult to imagine how staff of the State or local food stamp agency can initiate a collateral contact with a neighbor, employer, or landlord, without disclosing privileged information: at a minimum, that the household has applied for food stamps. No disclosures of this kind should be allowed without voluntary waivers by the household. It seems to me inconsistent with the act's emphasis on assisting households to achieve self-sufficiency to permit employees of a State food stamp agency to contact an employer directly without the household's permission since the stigma of having applied for food stamps might cause the household difficulties on the job.

The section precluding food stamp offices from requiring duplicative verification should ensure that households are not required to produce multiple forms of verification of the same factor of eligibility unless the initial form of verification the household provides is inconsistent or otherwise questionable. The State can ask for some kind of verification. If upon inspecting what the household submits the State has specific reason for finding that verification inconsistent or unreliable, the State should give the household the chance to produce something better. No universal State or local policy requiring multiple pieces or forms of verification of single eligibility factors from all applicants would be permissible: some households simply may not have ready access to more than one form of verification, and to require all households to come up with multiple verification is likely to create unnecessary burdens.

We believe it is vital that the program be accessible to people of limited education and reading levels. Some States have been able to shorten their applications to four pages. Others have forms that are much longer. The legislation would require USDA to exercise its power of approval to limit the length of applications to the minimum necessary and to ensure that the forms do not require a reading level exceeding that of the average low-income person. Applications should be short and simple, not booklets.

The provision on correcting improper denials and underissuances is designed to remedy a problem GAO has identified. Where an investigation, a complaint, or a court decision tells a State that households ave been improperly denied or underissued benefits, the State should not delay in getting restored benefits to the households involved. We feel strongly about the importance of providing restored benefits where they are due, with the only limitation that benefits would not be restored for periods of more than 1 year before the food stamp office first has reason to believe that an underissuance or improper denial may be occurring. Where the error springs from an erroneous policy or practice, the State should take corrective action for all households affected.

The final bill does not explicitly exempt housholds from employment and training programs where they have expenses other than child care in excess of those reimbursed by the State agency. This is because USDA has indicated to us that it would implement this exemption administratively. It has been almost 10 years now since we stopped requiring poor households to pay to participate in the Food Stamp Program. The elimination of the purchase requirement was a great success in making nutrition assistance available to needy Americans. It would reverse that important principle for us to require households to pay out their own moneys to participate in mandatory employment and training programs. Some food stamp households cannot afford to do so and could simply drop out.

For this exemption to be effective, it is essential that households be informed of it. States will also need to establish appropriate policies for identifying and exempting those households with expenses in excess of the reimbursements the State will provide. USDA should ensure that no State is adversely affected—in terms of meeting the Department's performance standards—because of its efforts to protect these housholds.

The expanded definition of disability covers individuals receiving State interim assistance pending the Social Security Administration's consideration of their SSI applications and individuals getting Medicaid based on disability. These people are likely to get SSI eventually but can receive recognition for their actual conditions more promptly under this amendment. The provision also relies on State and local disability determinations made in connection with general assistance programs. The decision could be made for the purpose of establishing eligibility in a program limited to the disabled or for the purpose of exempting an individual for work requirements or durational limits in broader programs. This would apply only to those programs applying a statutory or regulatory disability standard comparable to that for SSI benefits.

As an example of the kind of program this section would address, Pennsylvania's general assistance law copies the test in the SSI statute almost verbatim. Oregon's general assistance program would appear to exceed this test since its grants benefits only to those whose disabilities prevent them from "engaging in any type of gainful employment"—in contrast to SSI's focus on substantial gainful activity—and it does not consider medical-vocational factors in most cases.

Another important provision of the act allows State food stamp agencies to work with other agencies and nonprofit organizations to help potentially eligible households learn about and obtain their entitlements under the Food Stamp Program. States should have the discretion to assist whatever community action, social services, legal services, or antihunger groups that they believe can best assist eligible households. States should also have wide discretion about the form of direct or indirect assistance they provide.

The act requires that all households have the opportunity to telephone food stamp offices to obtain information or report changes without paying for a toll call. The intent is to prevent incorrect issuances—either overissuances or underissuances—by ensuring that households do not have difficulty reporting changes or asking questions about their eligibility and benefits. It is implicit in this requirement, and essential to the achievement of its purposes, that households be able to freely get through on these telephone lines. A line that is generally busy, or one that is staffed by eligibility workers only a few hours a day, would not serve this purpose. Congress takes seriously the obligation of households to report changes promptly, and Congress expects States to take this process just as seriously. A State that makes reporting changes unnecessarily difficult discourages conscientious households and will likely be responsible for preventable errors. We expect USDA to monitor this issue and to take appropriate corrective action.

The act includes a provision protecting recipients of benefits under other programs that have been cashed out. Although the examples we heard most about were demonstration projects, this term should not be construed too narrowly. The point is to protect households from losing food stamps when only the form of benefits changes. Most or all of these households already should presumably be protected by the exclusion for reimbursements—or for payments to go to third parties—but we wanted to make that protection more explicit in light of the increased interest in converting in-kind benefits to cash that has been gathering over the last decade. It should not matter how large a program is, how long the program has been running the cash-out, or what percentage of recipients are or are not receiving the benefit in the form of cash.

I would also like to mention the bill's provision about the excess medical deduction. The medical expense deduction in the law before 1977 was widely used by households whose health-related expenses restricted their ability to purchase food. The importance of that deduction was pointed out to Congress and it was preserved for elderly and disabled households. Yet this deduction is now claimed by only a small fraction of those who appear eligible to take it. This amendment is intended to greatly simplify procedures for claiming the deduction. We do not intend an unreasonably narrow definition of a "recurring expense." USDA, in writing rules, and the States, in implementing them, should require that the fact that a bill may not come exactly every week or every month should not prevent it from being treated as a recurring expense and fairly evaluated as such.

The act exempts from consideration as resources any property a farm family owns that it has used in farming operations for at least the first year after it ceases to farm. USDA's current policy already excludes certain of these resources beyond one year; it is our intention that any such policy would continue in force. For example, a family's house and surrounding property are always exempt. We have heard reports that in at least one area, households were being denied this exemption if they had a chicken coop, a barn, or a mobile home on part of the property contiguous with their home. This runs contrary to the traditional position of USDA and the Congress, but the matter has since been corrected through the courts. Because of this favorable resolution of the issue before we could act, I did not raise this issue in connection with this legislation.

Mr. BOSCHWITZ. I rise today as a strong supporter of the Hunger Prevention Act of 1988.

Ever since I was elected to the Senate, I have been actively involved in hunger and nutrition programs. That is why I joined the Senate Agriculture's Nutrition Subcommittee. I am now the second-ranking Republican on the subcommittee and have worked hard to help shape the role of the Federal Government in alleviating hunger and malnutrition in America. The nutrition programs have a very bipartisan tradition here in the Senate, starting with Hubert Humphrey and BOB DOLE, and I am pleased that we are continuing in that tradition.

While is is true that a number of people in this country struggle to get enough to eat, it's also true that the Federal Government spends a large amount of money getting food to the hungry and improving the nutritional status of large segments of the population. Indeed, the Hunger Prevention Act which we are debating now provides nearly $1.5 billion over the next 3 years for the expansion of several vital nutrition and hunger programs.

I am very pleased with the quick progress we have made on this important nutrition legislation. We passed this bill in late July here in the Senate and the House just passed its version of this bill on Monday. Over the past 3 days, we have worked out a compromise bill that I believe is a fair and balanced nutrition package.

I am very pleased with the quick progress we have made on this important nutrition legislation. We passed this bill in late July here in the Senate and the House just passed its version of this bill on Monday. Over the past 3 days, we have worked out a compromise bill that I believe is a fair and balanced nutrition package.

Let me mention the major provisions of the Hunger Prevention Act of 1988.

We are requiring a purchase of $120 million worth of commodities for each of the next 2 years to extend the Temporary Emergency Food Assistance Program [TEFAP]. TEFAP was begun by an Executive order of President Reagan and distributed surplus commodities like cheese, butter, rice, and nonfat dry milk to the needy. Through TEFAP we not only raised the nutrition level of many but also worked down the huge commodity surpluses and eliminated storage costs. Now the surplus is virtually gone and by requiring a purchase of commodities we are ensuring the continuation of TEFAP.

I have a provision in this bill that provides commodities for soup kitchens and food banks that serve the homeless. We will provide $112 million over the next 3 years. It's the most reasonable and direct way to get to the homeless. These facilities really provide a valuable service. I recently spent some time with Pastor Paul Arnopoulus on the north side of Minneapolis. He really gets food to those in need and does just a wonderful job.

The Hunger Prevention Act provides a substantial increase, totaling $980 million over the next 3 years, in basic food stamp benefits. When fully phased in, a food stamp household of four would receive about $9 more each month in food stamp benefits. This increase is important in our attack against hunger since the food stamp program is our biggest nutrition program—nearly $13 billion a year—and the first line of defense against hunger in our country.

We also increase the dependent care deduction, which will enable parents receiving food stamps to work. Previously, recipients were only able to deduct $160 per month. This change now allows them to deduct $160 per month for each child.

Another of my provisions ensures that the Commodity Supplemental Food Program [CSFP] continues to receive cheese. This program is similar to the WIC program and provides a package of foods such as infant formula, cereal, juice, and canned fruits and vegetables to low-income women and their children as well as the elderly. We just got two CSFP sites started up in Olmsted and Ramsey counties in Minnesota this year, and I have always believed that the CSFP is one of our most effective and efficient nutrition programs.

The Hunger Prevention Act of 1988 also reforms the food stamp quality control system. This change has involved a great deal of time and effort by many individuals. I have long believed that we need to have an effective and workable system to monitor the Food Stamp Program, and I believe we have achieved that through this reform. Again, I must stress I am glad that we were able to come to an agreement so quickly with our colleagues on the House Agriculture Committee, so that we could bring the Hunger Prevention Act of 1988 to the Senate floor today.

As I have said before the Senate on other occasions, I believe it is imperative that this nutrition legislation include a child nutrition title. I am very pleased that my colleagues on the House Education and Labor Committee have accepted most of our child nutrition provisions. We will provide an increase of three cents in reimbursement for the school breakfast program. I've been a long-time supporter of the school breakfast program and have been strongly encouraging more schools to offer breakfast for their students. Any school teacher can tell you how difficult it is to teach hungry pupils. This modest increase also goes to breakfast meals served in child-care centers and day-care homes participating in the Child Care Food Program.

Child care legislation has been a priority for me, and I am very concerned about the availability of affordable, high quality child care in our country. In fact, my child care bill was one of two child care bills introduced in Congress that also addressed the Child Care Food Program. This bill accomplishes most of the nutrition objectives I laid out in my child care bill. I am pleased that the Hunger Prevention Act provides reimbursement for an additional meal or snack for children cared for 8 hours or longer in child care centers. Again, I must register my disappointment that this additional reimbursement applies only to child care centers and not day-care homes. I will continue to push for the reimbursement for an additional meal or snack for day care homes as well.

In late July, during floor debate on the Hunger Prevention Act, an amendment of mine was accepted in a package of amendments offered by Senator LEAHY. This amendment assisted migrant farm workers who received emergency assistance. For example, under current law, if a migrant household receives emergency assistance for housing and that payment is made to a landlord, that payment is still counted as income for food stamp purposes. My amendment stated that emergency assistance provided as a vendor payment to benefit a migrant household would not be counted as income.

The House version of the drought bill included a similar income exclusion for migrants. That bill also provided that migrant households, instead of having their food stamp benefits prorated when they must reapply, would receive the full month's benefits as long as they were still eligible. As a conferee on the drought bill, I am pleased that those two provisions, which will provide immediate assistance to migrants, were included in the final version of the drought bill signed into law today. Therefore, these provisions are not included in the final version of the Hunger Prevention Act.

Again, I am pleased we are taking swift action on the Hunger Prevention Act of 1988 today and I urge my colleagues to support this important nutrition legislation.

Mr. CHILES. Mr. President, I am proud to have played a role this year in ensuring that Congress pass a meaningful and effective antihunger bill. We were motivated by the imminent depletion of cheese and other surplus food commodities distributed to low-income households through the Temporary Emergency Food Assistance Program [TEFAP]. When we drafted this year's budget resolution, I felt it was imperative that we provide room to continue the TEFAP program and target other nutrition programs for funding increases.

This nutrition bill, which we are about to approve, meets the terms of the conference agreement on the 1989 budget resolution. By passing this bill, we are making a statement that the budget crisis not serve as an impediment to critical legislative initiatives. The hardships of the neediest in our society can be addressed by the Government while staying within our budgetary strictures. Through TEFAP, the Food Stamp Program, soup kitchens and child nutrition programs, the funding in this bill will target the neediest and help us fulfill our moral obligations to them.

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

HEALTH MAINTENANCE ORGANIZATION AMENDMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 594, H.R. 3235, a bill to revise the program of assistance for health maintenance organizations.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3235) to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE, REFERENCE.

(a) Short Title.—This Act may be cited as the "Health Maintenance Organization Amendments of 1987".

(b) Reference.—Whenever in this Act (other than in section 6(a)) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. ORGANIZATIONAL STRUCTURE.

Section 1301(a) (42 U.S.C. 300e(a)) is amended by striking out "legal entity" and inserting in lieu thereof "public or private entity which is organized under the laws of any State and".

SEC. 3. DEDUCTIBLES.

Section 1301(b)(1) (42 U.S.C. 300e(b)(1)) is amended by adding after the second sentence the following: "If a health maintenance organization offers to its members the opportunity to obtain basic health services through a physician not described in subsection (b)(3)(A), the organization may require, in addition to payments described in clause (D) of this paragraph, a reasonable deductible to be paid by a member when obtaining a basic health service from such a physician.".

SEC. 4. PHYSICIAN SERVICES.

(a) General Rule.—Section 1301(b)(3)(A) (42 U.S.C. 300e(b)(3)(A)) is amended by striking out "the services of a physician which are provided as basic health services shall be provided" and insert in lieu thereof "at least 90 percent of the services of a physician which are provided as basic health services shall be provided".

(b) Dual-Choice.—Section 1310(b) (42 U.S.C. 300e-9(b)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: "and provides at least 90 percent of such services through physicians described in section 1301(b)(3)(A)", and

(2) in paragraph (2), by inserting before the comma at the end the following: "and provides no more than 10 percent of such services through physicians who are not described in section 1301(b)(3)(A)".

SEC. 5. ORGANIZATION.

(a) Risk of Insolvency.—Section 1301(c)(1)(A) (42 U.S.C. 300e(c)(1)(A)) is amended by inserting after the words "fiscally sound operation" the following: "which, taking into consideration the fiscal soundness of an affiliated organization, if any, which owns such health maintenance organization, is satisfactory to the Secretary,".

(b) Repeal.—Paragraph (5) of section 1301(c) (42 U.S.C. 300e(c)) is repealed and paragraphs (6) through (9) are redesignated as paragraphs (5) through (8), respectively.

SEC. 6. DEFINITIONS.

(a) Organ Transplants.—Subsection (b) of section 812 of the Health Maintenance Organization Amendments of 1986 (42 U.S.C. 300e-1 note) is repealed.

(b) Community Rating.—

(1) The third sentence of section 1302(8)(C) (42 U.S.C. 300e-1(8)(C)) is amended to read as follows: "If a health maintenance organization is to fix rates of payment for individuals and families by groups, it shall—

"(i)(I) classify all of the members of the organization into classes based on factors which the health maintenance organization determines predict the differences in the use of health services by the individuals or families in each class and which have not been disapproved by the Secretary,

"(II) determine its revenue requirements for providing services to the members of each class established under subclause (I), and

"(III) fix the rates of payments for the individuals and families of a group on the basis of a composite of the organization's revenue requirements determined under subclause (II) for providing services to them as members of the classes established under subclause (I), or

"(ii) fix the rates of payments for the individuals and families of a group on the basis of the organization's revenue requirements for providing services to the group, except that the rates of payments for the individuals and families of a group of less than 100 persons may not be fixed at rates greater than 110 percent of the rate that would be fixed for such individuals and families under subparagraph (B) or clause (i) of this subparagraph.".

(2) Section 1302(8)(C) (42 U.S.C. 300e-1(8)(C)) is amended by adding at the end thereof the following new sentence: "If a health maintenance organization is to fix rates of payment for a group under clause (ii), it shall, on request of the entity with which it contracts to provide services to such group, disclose to that entity the method and data used in calculating the rates of payment".

SEC. 7. EMPLOYEES' HEALTH BENEFIT PLANS.

(a) States and Political Subdivisions.—

(1) Section 1310(b) (42 U.S.C. 300e-9(b)) is amended (A) by striking out "subject to subsection (a)" and inserting in lieu thereof "or a State or political subdivision", and (B) by striking out "employer pursuant" and inserting in lieu thereof "employer or State or political subdivision pursuant".

(2) Section 1310(c) (42 U.S.C. 300e-9(c)) is amended by inserting "or State or political subdivision" after "employer" each place it occurs.

(b) Discrimination.—Section 1310(c) (42 U.S.C. 300e-9(c)) is amended by adding at the end the following: "If a health benefits plan offered by an employer or a State or political subdivision under subsection (a) includes contributions for services offered under the plan, the employer or State or political subdivision shall make a contribution under the plan for services offered by a qualified health maintenance organization in an amount which does not financially discriminate against an employee who enrolls in such organization. For purposes of the preceding sentence, an employer's contribution does not financially discriminate if the employer's method of determining the contributions on behalf of all employees is reasonable and is designed to assure employees a fair choice among health benefits plans.".

(c) Application.—Nothing in section 1310 of the Public Health Service Act (42 U.S.C. 300e-9) shall be construed to supersede any provision of a collective bargaining agreement in effect on the date of enactment of this Act.

SEC. 8. RESTRICTIVE STATE LAWS.

Section 1311(a)(1) (42 U.S.C. 300e-10(a)(1)) is amended by striking out "or" at the end of subparagraph (C), by striking out ", and" at the end of subparagraph (D) and inserting in lieu thereof ", or", and by adding at the end the following:

"(E) imposes requirements which would prohibit the entity from complying with the requirements of this title, and".

Mr. KENNEDY. Mr. President, I rise to offer H.R. 3235, the Health Maintenance Organization Amendments of 1987, as reported by the Labor Committee on March 22. In addition, I will offer a technical amendment that will further clarify the standards for fiscal soundness applied to HMOs that are subsidiaries of larger corporations.

This legislation is the product of a long and arduous process of negotiation and compromise between all the affected parties—business, labor, the insurance industry, and the HMO industry. The product of this long process is a consensus proposal in which all the involved parties can take pride. The bill we are considering today preserves the essential elements of the legal authority which has resulted in a dramatic growth in prepaid systems of health care and has made this cost-effective insurance alternative available to millions of Americans. At the same time, it reforms those aspects of the law which have proved unduly burdensome in the current health care environment.

The bill makes a number of important changes. Insurance companies and others will be allowed to sponsor HMOs without, as required under current law, establishing the HMO as a separate legal entity. Moreover, HMOs will be allowed to offer a more diverse set of health insurance products than is currently permitted. The rules on out-of-plan utilization of services by HMO members will be made more flexible and realistic. Most important, the rules on community rating of premiums and equal contribution of employers to premiums will be revised to more closely reflect the actual cost of serving employees who choose to enroll in an HMO. This modification will benefit HMOs by allowing them to compete more effectively in the health insurance marketplace, and it will benefit employers by allowing them to pay an HMO premium that more closely reflects the characteristics of the employer group that chooses to enroll with the HMO.

The technical amendment I am offering modifies section 5(a) of the bill in order to further clarify the Secretary's responsibilities in applying the fiscal soundness test of section 1301(c)(1)(A) of the act. Section 5(a) of the bill, as reported, makes it clear that the Secretary has the authority to consider the financial condition of affiliated organizations in determining whether individual HMOs meet the fiscal soundness test. Since the Secretary has been reluctant to exercise his authority in this regard, I have concluded that a more precise directive spelling out his responsibilities is advisable. The amendment, therefore, specifically requires the Secretary to issue regulations implementing the new policy and further requires that he immediately begin ruling on requests by individual organizations which are prepared to assume the financial obligations of individual HMO's pending the completion of the regulation drafting process.

This last provision has been included to ensure that very large, well capitalized firms which are prepared to pledge their credit will have their requests acted upon expeditiously once this legislation is enacted. The Secretary should give special attention to requests by organizations which have already been held to satisfy the insolvency requirement.

Although the Secretary retains wide discretion in applying the new standards to particular circumstances, expect the final regulations, as well as the interim practice, to implement the intended policy in a meaningful way. In general, the Secretary should not unreasonably deny requests where the asset base of the parent organization exceeds any possible financial exposure of the health maintenance organization in question by such an order of magnitude that it is virtually impossible to envision circumstances in which the larger entity would not have the wherewithal to make good on its financial guarantees.

Prompt action on this legislation is essential. HMO's and employers have already begun the process of writing contracts and establishing rates for next year, and they need the flexibility that this bill will provide.

Mr. President, I urge my colleagues to support this bill.

AMENDMENT NO. 2883

(Purpose: To require the Secretary of Health and Human Services to issue regulations concerning the resources of an organization that owns or controls a health maintenance organization)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. KENNEDY.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. KENNEDY, proposes an amendment numbered 2883.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, strike out lines 1 through 7, and insert in lieu thereof the following new subsection:

(a) FISCAL OPERATION.—

(1) IN GENERAL.—Paragraph (1)(A) of section 1301(c) (42 U.S.C. 300e(c)(1)(A)) is amended to read as follows:

"(1)(A) have a fiscally sound operation, and adequate protection against the risk of insolvency, that is satisfactory to the Secretary, and".

(2) REGULATIONS.—Section 1301(c) (42 U.S.C. 300e(c)) is amended by adding after and below paragraph (9) the following:

"The Secretary shall issue regulations stating the circumstances under which the Secretary, in administering paragraph (1)(A), will consider the resources of an organization which owns or controls a health maintenance organization. Such regulations shall require as a condition to consideration of resources that an organization which owns or controls a health maintenance organization shall provide satisfactory assurances that it will assume the financial obligations of the health maintenance organization."

(3) APPLICATION.—During the period prior to the effective date of regulations issued under section 1301(c) of the Public Health Service Act (42 U.S.C. 300e(c)) (as amended by paragraph (2)), the Secretary of Health and Human Services shall consider the application for qualification under section 1301(c)(1)(A) of such Act of a health maintenance organization that—

(A) is owned or controlled by another organization; and

(B) requests that the resources of the other organization be considered in determining its qualification under such section;

if the Secretary receives satisfactory assurances from the other organization that it will assume the financial obligations of the health maintenance organization and if the Secretary determines that the other organization meets such other requirements as the secretary determines are necessary.

On page 8, line 8, insert "(b)" before "REPEAL".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2883) was agreed to.

Mr. HATCH. Mr. President, I would like to ask the Senator from Massachusetts a few questions about H.R. 3235, passed by the House on November 3, 1987. First, would you please explain the effect of enactment of section 2 on legal requirements pertaining to an HMO's corporate structure?

Mr. KENNEDY. Under the legislation, section 1301(a) is amended by deleting the requirement that an HMO be organized as a separate "legal entity." Instead, an HMO must be a "public or private entity which is organized under the laws of any State." The purpose of this change is to expand permissible corporate structures and business activities of HMO's.

Until enactment of this amendment, an HMO could not be part of a larger corporation or operate any other business, such as a different health care model, an insurance company or alternate line of business as part of the HMO. Employers have had to confront separate legal entities even if they wished to deal with a single corporation that could offer benefit options such as an HMO, a PPO, an indemnity plan and/or self-insurance coverage. As a result, both HMOs and employers have complained about the confusion, costliness and inefficiency that this historical provision created. The legislation provides new organizational flexibility to federally qualified HMO's and clearly provides HMO's with the ability to operate other businesses.

Mr. HATCH. I would like further clarification of that last point. My understanding is that HMO's now will be able to offer new services in addition to traditional coverage. For example, a federally qualified HMO will be able to offer mental health, substance abuse, vision or dental plans of coverage on a stand-alone basis.

Mr. KENNEDY. That is correct. This amendment, coupled with the lifting of other restrictive provisions, should boost the ability of HMO's to compete effectively in the marketplace. We should anticipate that this legislative amendment provides the impetus for HMO's to design prepaid capitated coverage options that will be packaged in a way to enable increased availability of quality, managed care for population groups currently served on a fee-for-service basis.

In addition to the traditional HMO package of benefits, an HMO may want to approach employers, self-insurers and even other HMO's, and offer selected benefit options, such as dental, mental health or substance abuse treatment programs. Employers may wish to deal with the HMO only for limited types of services. This HMO activity and these new relationships would neither be prohibited by the act nor by Federal regulations, and should not impair the continuing ability of an HMO to comply with Federal qualification rquirements.

Of course, an HMO would not be allowed to use this new flexibility as a cloak for avoiding other requirements of the HMO statute. Thus, while a federally qualified HMO may provide more limited benefit options through the HMO entity, it could not, however, offer a comprehensive, nonfederally qualifed HMO plan through the same legal entity as the federally qualified plan. The advantages provided to HMOs under Federal law will only be available when HMO's operate in accordance with Federal law.

Mr. HATCH. I think it is important also to note that section 4 of the bill amends 42 U.S.C. 300e(b)(3)(A) to permit an HMO to develop and offer a health benefits package permitting up to 10 percent of basic physician services to be provided by physicians not affiliated with the HMO. As we indicated in our committee report, this allows an HMO to develop a health benefits package which permits its members to go "out-of-plan" for certain services and still be reimbursed for the services, and also permits HMO's to establish a reasonable deductible to be applied to "out of plan" services provided by physicians who are not affiliated with the HMO. We expect that section 4, combined with the change in section 2, will foster creative and innovative forms of delivering and financing managed care arrangements.

Mr. KENNEDY. Your comments correctly imply that historical managed care arrangements may change. For example, assumption of some degree of financial risk is something that will probably be increasingly negotiated between HMO's and providers, depending upon specific arrangements for HMO services. What we must keep in mind is that we fully expect that incentives for providing high quality, cost-effective managed care will be enhanced by the enactment of these HMO amendments. HMO's, employers, self-insured plans and providers all benefit from passage of these legislative refinements.

Mr. HATCH. Mr. President, I rise in support of the Senate version of H.R. 3235 and the amendments offered by Senators KENNEDY, QUAYLE, and HUMPHREY. This legislation modifies our Federal HMO laws to provide greater flexibility in the way HMOs are operated.

This legislation brought together various interests: the insurance industry, the business community, and the group health association. They all echoed one common hope: the Federal ties to HMO certification must be loosened so that they can continue providing quality services to thousands of Americans.

For example, the FHP health care services to over 85,000 Utahns. It is the largest HMO in Utah and has been operating over 15 years. There are other successful HMOs in Utah, and they have all contacted me in support of this legislation. Yet, this legislation is important to them as the health care marketplace continues to change.

I want to especially acknowledge my support for Senator QUAYLE's amendment which would sunset the mandatory dual choice requirement in current law. I applaud his efforts and appreciate his diligence in seeing this provision passed. Further, I support Senator HUMPHREY's amendment which codifies existing requirements in defining medically necessary services.

H.R. 3235, as amended, enjoys bipartisan support, and I urge my Senate colleagues to approve this legislation.

Mr. QUAYLE. Mr. President, I would like to indicate that I am very pleased that the distinguished chairman of the Committee on Labor and Human Resources, my friend from Massachusetts, and I have worked out an agreement on H.R. 3235, and I now stand ready to fully support this legislation. The HMO amendments of 1987 make what I have always felt to be necessary changes to the 1973 HMO law by adding flexibility for an evolving, expanding, and certainly exciting area of the private health insurance industry.

But it is because of this evolution and expansion that we are including in this bill today my amendment which would sunset section 1310 of the HMO law—the employer mandate provisions—after 5 years.

I think it is clear that the HMO industry is now fully competitive, at least in most areas of the country. In fact, due to the seemingly ceaseless inflation in health care costs, more and more employers are turning to managed health care plans as a way to constrain their employee health benefit costs.

In reflecting this and the fact that there has been a vast increase in HMO enrollment, why then should HMO's be given federally sponsored advantages over other types of health insurance? And more specifically with respect to mandatory "dual choice" and equal contributions, why should employers still be compelled to offer federally qualified HMO coverage over other innovative options, such as preferred provider arrangements and even nonfederally qualified HMO's?

THE HMO INDUSTRY IS NOW FULLY COMPETITIVE

The HMO Act of 1973 (P.L. 93-222) was passed to encourage the development of HMO's both through marketing leverage and financial support. When this bill was first considered, the private health insurance marketplace was dominated by indemnity plans, offering fee-for-service reimbursement. The 1973 Senate report 93-129, stated that "the intent of this bill is simply to increase the degree of pluralism in a highly homogneous industry."

Since enactment of the HMO act, the industry has grown tremendously. When the act was passed, there were only 72 plans with 3.5 million members. In 1987, according to the Group Health Association of America (the principal trade association for HMO's), there were more than 700 HMO's serving a total of 29 million members nationwide. Also according to the GHAA, over the past 5 years alone, the number of HMO's has grown by nearly 240 percent and HMO enrollment has grown an average of 20 percent a year. In 1970, HMO participants numbered only 1.8 percent of all privately insured individuals, compared to around 15 percent today.

This is very impressive growth indeed, and it has been very healthy for the insurance marketplace and for the consumer. But clearly the Federal Government no longer needs to give this industry special treatment.

THE "DUAL CHOICE" REQUIREMENT IS OVERLY REGULATORY

Mr. President, I regret that the sunset which I am proposing today does not apply to the entire HMO act; I think that this industry should be allowed to evolve and compete with other health insurers free from Government intrusion. But political realities make it necessary for me to ask only for a sunset of what I feel to be the most objectionable of the HMO law provisions—the mandate on employers to provide a federally qualified HMO option to employees and the non-discriminatory contribution provision.

Section 1310 of the HMO act requires most employers who provide health benefits to offer their employees the option of membership in a federally qualified HMO. Later this section of the law was interpreted through regulation to require that employers make an equal, dollar-for-dollar, premium contribution on behalf of their employees participating in an HMO as they would for employees participating in an indemnity plan.

Although H.R. 3235 would repeal this "equal contribution" requirement, it still requires employees to make "non-discriminatory" contributions to HMO's. And although these new requirements are supposed to enhance employers' flexibility in determining their contributions to HMO's, there are five examples of non-discrimination methods from which an employer may choose, all of which are sufficiently vague to require time-consuming regulatory clarifications from HHS.

I feel that this is another example of a burdensome mandate on employer-provided health insurance with which Congress has recently been so preoccupied. Like mandatory benefit coverages and mandatory continuation of coverage, these HMO requirements simply limit employers' flexibility in providing basic health benefits to their workers. HMO mandates, like other mandates, also make it more complicated and thus more costly for the employer, particularly the small marginal employer, to provide health benefits at all.

Congress is familiar with the fact that there are 37 million uninsured; therefore we should be searching for ways to increase employer-provided health benefits, not decrease them.

Finally, I would like to point out the legislative history of H.R. 3235 to date fails to provide any justification for continuing the dual choice requirement. Both the House and Senate committee reports justify keeping the HMO Act on the books by simply pointing to the need for continued Federal qualification of HMOs. Even this justification is dubious. Current data on the HMO industry shows that a viable non-federally qualified HMO market exits. According to interstudy, a leading HMO think tank, the largest growth in the HMO industry has been in this area. In the first 6 months of 1987, enrollment in non-federally qualified HMO's increased 14.7 percent compared to a 10.3 percent increase for federally qualified HMOs.

It is clear that HMO's can thrive without the section 1310 mandate and without Federal qualification. In fact, federally qualified HMO's may have an anti-competitive advantage over the non-federally qualified sector of this market—this would be truly ironic considering that one of the principal reasons for the 1973 act was to promote competition in the health care marketplace.

SUNSET OF SECTION 1310 IS SOUND FEDERAL POLICY

Many have criticized my sunset proposal as politically motivated and unnecessary. On the contrary, for the reasons I have just discussed, I feel that a 5-year sunset of the most regulatory provisions of the HMO Act is reasonable and sound Federal policy which should be supported by Senators from both sides of the aisle. In fact, one of the largest and well-established HMO's in the country, Kaiser Permanente, indicated in a recent letter to Representative HENRY WAXMAN that "the evolution of the HMO industry is likely to lead to substantial changes in or repeal of the HMO Act within 5 years."

Mr. President, the representatives from the insurance industry, employer groups, and even many in the HMO industry who worked on putting together this legislation we are voting on today have indicated that the HMO law should eventually be repealed.

Mr. President, I know of no other way to assure that this important public health policy issue will be considered than through the implementation of a sunset.

In fact, I think that mine is a very moderate sunset amendment. Rather than try to repeal the law outright at this point in time, or repeal the Federal qualification requirements and risk hurting the development of HMO's in underserved areas, I feel that a 5-year sunset of the section 1310 employer mandate provisions is more appropriate. I also feel that HMO's and employers should be given the time to develop the new flexibilities in structure and payment afforded by H.R. 3235.

A sunset requirement is a mechanism which places the burden on the beneficiary of a given law to prove the continued need for that law. If the need is not proven, then the law is repealed. This should be the case with the HMO Act. A 5-year sunset of the section 1310 mandates will set a time certain for review and repeal of these requirements, rather than allowing them to continue indefinately.

I would like to thank the distinguished chairman of the Labor and Human Resources Committee for once again accommodating my interests in this important legislation, and I urge the adoption of H.R. 3235 with my perfecting amendment.

AMENDMENT NO. 2884

(Purpose: To prohibit the issuance of regulations, policy statements, or interpretations by the Secretary of Health and Human Services concerning the performance of medically necessary procedures inconsistent with regulations, policy statements, or interpretations already in effect)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senators HUMPHREY and QUAYLE and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. HUMPHREY (for himself and Mr. QUAYLE), proposes an amended numbered 2884.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, after line 17, add the following new sections:

SEC. . PROHIBITION ON CERTAIN POLICY CHANGES.

The Secretary of Health and Human Services shall not promulgate or issue any regulations, policy statements or interpretations concerning the performance of medically necessary procedures if such regulations, policy statements or interpretations would be inconsistent with regulations, policy statements, interpretations or practices in effect on the date of enactment of this Act.

SEC. . REPEALER.

Effective of October 1, 1993, section 1310 of the Public Health Service Act (42 U.S.C. 300e-9) is repealed.

Mr. HUMPHREY. Mr. President, the Department of Health and Human Services has federally qualified an HMO that does not and will not provide for the performance of abortions as a medically necessary service. My amendment would statutorily protect this HMO, the HMO's that are currently federally qualified, and future HMO's that seek to be federally qualified but choose not to provide for the performance of abortions as a medically necessary service. Is that the Senator's understanding of the amendment?

Mr. HATCH. Yes, I agree with the Senator's interpretation.

Mr. KENNEDY. I thank the Senator for his explanation. My understanding is that this amendment protects the definition of medically necessary services as currently defined in regulations, and policy statements, and as applied by current Department practices and interpretations. The Senator's amendment protects HMO's from any efforts by this and future administrations to force HMO's to provide unreasonable or anticompetitive new services. His amendment would require Congress to legislate any changes in the required benefits package.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2884) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3235) was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. SHELBY], appointed Mr. KENNEDY, Mr. SIMON, Mr. ADAMS, Mr. MATSUNAGA, Mr. HATCH, Mr. QUAYLE, and Mr. HUMPHREY conferees on the part of the Senate.

THE COMMERCIAL FISHING VESSEL ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 1841, the Commercial Fishing Vessel Act, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1841) to provide for the establishment of additional safety requirements for fishing industry vessels, and for other purposes.

The Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I rise in support of passage of the pending bill, H.R. 1841, the Commercial Fishing Industry Vessel Safety Act. On March 26 of last year Senator CHAFEE and I introduced a companion bill, S. 849 a fishing vessel safety and compensation bill. That legislation was designed to address the safety and insurance problems plaguing our fishing industry.

On September 11, I chaired a hearing on this legislation before the National Ocean Policy Studies Subcommittee of the Commerce Committee. At that hearing I heard testimony from a myriad of interests, including the Coast Guard, NOAA officials, the National Transportation Safety Board, a mother who lost her son at sea in a tragic, needless accident, fishing vessel owners, insurance representatives and the American Trial Lawyers Association. Needless to say the testimony was diverse, in particular there was tremendous controversy on the compensation title of the bill. However, there was overwhelming agreement that the issue of safety aboard our Nation's fishing vessels should improve, in fact must improve. In regard to title I, the liability title, after numerous discussions with both House and Senate Members as well as an array of interested parties, I am sorry to say no agreement was reached on how to address the insurance problem. Many may recall during the 99th Congress, liability language in a similar House bill killed the legislation on the House floor. Consequently this year the House decided to delete title I. Although I agree that it appears unlikely that the bill would pass with this section, despite its need, be assured this Senator will not permit the issue to drop and will continue to fight for a fair and equitable liability system for our fishing industry.

I am quite pleased, however, that today we will adopt—for the first time in history—comprehensive fishing vessel safety standards designed to save the lives of dedicated men and women employed in one of the Nation's oldest industries—fishing.

Fishing is a difficult and dangerous job. By establishing safety standards that protect the lives of fishermen, Congress will be offering fishermen the same safe working conditions that they mandate for other citizens who work in dangerous labor intensive jobs. Nationally, fishing accidents occur seven times more often than they do in other crew occupations; and the number of fishermen who perish at sea because their vessels are not seaworthy is shocking. This is not the 16th or the 17th century, that we are talking about, this is the 20th century, a time when sophisticated, modern equipment is available to save the lives of our seamen and women. It is for this reason that the legislation that we will pass today establishes safety guidelines that fishing vessels must follow.

This legislation establishes a comprehensive set of safety standards for all fishing industry vessels. Such as, small inshore day boats, larger documented vessels fishing in Federal waters, and new larger vessels built after December 31, 1988. The legislation requires all vessels to carry appropriate safety equipment contingent on their size. Requirements include, emergency position indicating radio beacons, lifeboats, exposure suits, emergency radio equipment, and other lifesaving equipment such as proper radars, fire fighting equipment, ventilation, and electrical system alarms and bilge pumps as well as precise regulations for the operation stability of the vessels.

In addition to these requirements the legislation sets up a 17-member Commercial Fishing Industry Advisory Committee designed to assist the Coast Guard in preparing regulations implementing the safety standards required in this bill. The advisory committee is also directed to assist the Coast Guard in preparing a plan for licensing of operators of documented fishing industry vessels. This bill further requires a comprehensive study by the National Academy of Engineering of the safety problems of the fishing industry and a report to Congress on the potential and need for a vessel inspection program.

These actions and a dedicated interest on the part of those involved with fishing vessel safety will save many lives. This is sound legislation. It is a responsible approach to a chronic safety problem that has too long been neglected. I urge my colleagues to support this bill and provide the means to our Nation's fishing industry to save many needlessly lost lives.

Mr. ADAMS. Mr. President, I am very pleased that today the Senate is considering passage of H.R. 1841, the Commercial Fishing Industry Vessel Safety Act of 1988. I am a cosponsor and strong supporter of the companion legislation introduced in the Senate on this issue last year, S. 849, and have participated in hearings on this subject held before the Senate Commerce Committee. In this instance, the House has sent us a good bill that meets our mutual goals on this important legislation. I hope my colleagues will join me in accepting this House bill without changes so that this important legislation can be signed into law as soon as possible.

Fishing vessel safety is something with which I have first hand experience. When I was a young man, I worked in the Alaskan fishery at Alatak, on Kodiak Island. The rich fishing areas of the Bering Sea and the Gulf of Alaska are also the home of some of the worst weather in the world. Even the safest skipper piloting the soundest vessel is at risk of losing his boat; and once you lose a boat and are in that frigid water, you will die very quickly unless you have the proper equipment.

Unfortunately, not all fishing vessels are in safe condition, or carry proper safety equipment. Accounts of recent incidents involved loss of life on fishing vessels at sea include truly shocking details about the condition of some of these boats, and the lack of basic safety equipment like life preservers or fire extinguishers.

This bill will require all uninspected fishing, fish processing, and fish tender vessels to meet certain safety standards. All vessels will be required to carry such basic equipment as fire extinguishers, one life jacket for each person on board, flame and backfire devices for inboard gasoline engines, visual distress signals, and buoyant apparatus on those vessels that the Secretary determines should have them. These are really quite minimal requirements, and I would frankly question the good sense of any fishing vessel operator currently operating without such equipment on board.

The bill further requires vessels operating beyond the Boundary Line, or having more than 16 persons on board to comply with additional regulations, including lifeboats, survival suits for each person on board, emergency positioning indicating equipment, radio equipment sufficient to communicate with the shore, navigation equipment, nautical charts, and first aid equipment. Vessels built after December 31, 1988, are subject to even further requirements. Other provisions in the bill deal with issues such as operating stability of new or significantly modified vessels, a requirement that all fish processing vessels meet all the survey and classification standards prescribed by the American Bureau of Shipping or similarly qualified organizations, and establishment of a Commercial Fishing Industry Vessel Advisory Committee to work with the Secretary of Transportation on fishing vessel safety issues.

Mr. President, working at sea has always been a dangerous way to make a living. To some extent, that danger will always be beyond man's ability to control. We owe it, however, to the men and women who make their living in this industry, to the young men and women who raise money for college by spending a summer or two on a fishing vessel, and to all of their families, to ensure that safety equipment that does save lives is on each and every fishing vessel, and that we do all we can to make sure those vessels are properly built, and maintained in good working order. I am proud to have been a supporter of this legislation, and I encourage my colleagues to send this bill as it is back to the House so that it can be quickly signed into law.

THE SURVEY AND CLASSIFICATION REQUIREMENTS OF H.R. 1841

Mr. CHAFEE. Mr. President, there has been some concern expressed about the survey and classification requirements of H.R. 1841.

Section 2 of the bill amends chapter 45 of title 46, United States Code. New section 4503 would require evidence of compliance with the survey and classification requirements prescribed by the nonprofit American Bureau of Shipping [ABS] "or another similarly qualified organization approved by the Secretary".

The concern, is that the Secretary of Transportation should not exercise the authority to approve organizations other than ABS unless they are truly "similarly qualified". I would like to ask my distinguished colleague from Massachusetts, Senator Kerry, to express his views on this matter.

Mr. KERRY. Obviously, I would not expect the Secretary to approve a fly-by-night outfit, and thereby vitiate the safety purposes of this legislation. On the contrary, I would fully expect and intend that in exercising the authority, the Secretary will develop criteria of the sort developed for similar purposes regarding measurement of vessels and that such criteria will require, among other things, that: First, the organization be a member in good standing of the International Association of Classification Societies, to ensure that equivalent qualifications and regulations will be employed in surveying and classifying vessels; second, that sufficient resources of the alternative organization be accessible to citizens of the United States for purposes of satisfying contractual, tort, or other claims against it by our citizens; and third, that there be reciprocity so that American nonprofit classification societies have the same opportunity to perform services in the Nation in which the alternative entity or an affiliated classification society is organized.

Mr. CHAFEE. I concur with my distinguished colleague and support the legislation based upon this understanding.

Mr. STEVENS. Mr. President, I am pleased to add my support for H.R. 1841, the Commercial Fishing Industry Vessel Safety Act of 1988. This legislation provides minimum safety requirements for fishing and fish processing vessels, and I believe that these standards are sorely needed.

I have a son who fishes in the Bering Sea off Alaska, and each year he returns to port without the company of some of the boats and friends he sailed forth with. Since January of this year, 22 lives have been lost off Alaska, and 16 vessels worth $7.4 million have sunk beneath the waves.

Commercial fishing is the most dangerous profession in the United States today. This legislation may help bring more of our fishermen safely back to their families.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1841) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I applaud my colleagues for passing the Fishing Vessel Safety Act, a bill which will undoubtedly make our Nation's fishing fleet a safer place to work. This bill, which has already been approved by the House of Representatives, will require the Nation's 33,000 commercial fishing vessels to carry basic life-saving equipment.

When I first became involved in this issue, more than 3 years ago, the fishing industry had an abysmal safety record, in fact it is the worst safety record of any industry in the United States. I am delighted that Congress is taking action today to put into place basic safety requirements for fishing vessels. Fishermen who might otherwise perish as a result of unsafe or ill-equipped fishing boats, will survive as a result of this legislation.

As appalling as it may sound, over 90 percent of the Nation's commercial fishing fleet is virtually exempt from safety regulations. Every day, fishing vessels that are unstable and unseaworthy are going to sea. Some of these vessels have no life rafts, no survival suits, no emergency position-indicating devices, no bilge alarms or power-driven bilge pumps. The captains who operate these boats and endanger their crews are not violating even one single regulation.

It is no wonder that commercial fishing is the most dangerous occupation in the United States. According to U.S. Coast Guard figures, an average of 250 fishing boats sink each year. The death rate for fishermen is seven times the national average for all industry groups and twice that of mining, the next most hazardous occupation.

In March 1987, I, along with Senators KERRY and ADAMS, reintroduced the Commercial Fishing Industry Vessel Safety and Compensation Act, S. 849. The safety provisions of this bill are virtually identical to H.R. 1841, the bill the Senate has just approved. This legislation requires the Secretary of Transportation to develop regulations for the installation, maintenance, and proper use of emergency "position-indicating" beacons, lifeboats, exposure suits, and signaling devices.

Mr. President, it is worth noting that the National Transportation Safety Board, in a report released last year, states unequivocally that the safety elements in both the Senate and House legislation will reduce fishing vessel casualties and loss of life.

The Senate has held two hearings on this legislation, one under the able leadership of Senator KERRY in the national ocean policy study of the Commerce Committee, and one which I chaired in Rhode Island. At both hearings we heard riveting testimony from families whose loves ones were lost in preventable fishing accidents at sea. These families have become convinced that the lost fishermen were not so much victims of the sea, as victims of negligence.

The average fishing vessel today is, plain and simple, an unsafe workplace—a workplace accepted by a government which demands adherence to safety regulations in every other industry, but not in commercial fishing, the most dangerous industry.

The legislation we have passed today will change this. It contains minimal improvements in safety which will save so many lives at so little cost. It will mandate common sense survival equipment which will give the crew of a sinking vessel at least a chance to live.

I would like to make special mention of Mrs. Peggy Barry, who lost her son in a tragic and preventable fishing accident. Mrs. Barry and her husband, Ambassador Barry, deserve a great deal of credit for keeping the fishing vessel safety issue high on Congress's agenda. I know they, and many of the parents and families of fishermen, are rejoicing that this legislation is finally on its way to becoming law.

Finally Mr. President, let me point out that when this bill was first introduced it contained a title dealing with insurance and compensation issues. This section would have created a workman's compensation type of system for fishing vessel crewmen, which would have replaced the current inefficient, inequitable system of litigation we have today in the fishing industry. However, due to a successful lobbying effort by the Trial Lawyers Association, who managed to defeat this bill on the floor of the House last year, and the inability of the lawyers and the fishermen to agree on an acceptable scheme, this section has been removed.

I want to especially thank my colleague, Senator KERRY, for his strong support of this legislation. Also Senators ADAMS and KENNEDY have been cosponsors and strong advocates for enhanced safety on fishing vessels. Senator HOLLINGS, chairman of the Commerce Committee, and Senator DANFORTH, who has an outstanding record of promoting safety in all areas of transportation, were instrumental in the passage of this measure.

I thank my colleagues for their support of this life-saving legislation.

AMENDMENTS TO S. 2662

Mr. BYRD. Mr. President, I ask unanimous consent that those amendments that have already been filed by Senators PACKWOOD and CHAFEE to S. 2662 today and one amendment which will be filed prior to 8 o'clock by Mr. GRAMM to S. 2662 be considered as having qualified for purposes of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING SENATE RESOLUTION 30 OF THE 100TH CONGRESS

Mr. BYRD. Mr. President, on behalf of Mr. DOLE and myself, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 466) amending Senate Resolution 30 of the 100th Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I would just say I think this is an excellent idea that Senator BYRD is bringing to the Senate. I commend him again, as I have in the past, for originating in the Senate the arms control observer group. I think it was demonstrated, in consideration of INF Treaty, the value of this group. I know that every Member on each side values the experience they have had. I know many Senators, including the Senator from Georgia and the Senator from Virginia and others have made a number of trips—the Senator from Alaska just left—to Geneva in an effort to participate, and there a number of Members who would desire that opportunity. This will give at least one on each side that opportunity.

Mr. BYRD. Mr. President, I thank the Republican leader. Those Members to whom he has referred have indeed been diligent in their responsibilities and have kept the faith and justify the confidence that has been placed in them. They have rendered a great service.

I join with the Republican leader in expressing strong support for the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 466) was agreed to, as follows:

Resolved, That (a) the first section of Senate Resolution 30 of the One Hundredth Congress (agreed to on January 6, 1987) is amended—

(1) by redesignating the second paragraph as subsection (b);

(2) by striking out the quotation marks and the second period at the end of subsection (b), as redesignated by paragraph (1); and

(3) by amending the first undesignated paragraph to read as follows:

"That (a)(1) the bipartisan group of Senators designated pursuant to clause (5) of the first section of Senate Resolution 19 of the Ninety-ninth Congress (agreed to on January 3, 1985), as reconstituted and reauthorized by Senate Resolution 86 of the Ninety-ninth Congress (agreed to on February 28, 1985), is further reconstituted and reauthorized in accordance with this resolution. Such group may be referred to as the 'Senate Arms Control Observer Group'.

"(2) The members of the Senate Arms Control Observer Group shall act as official observers on the United States delegation to any formal negotiations to which the United States is a party on the reduction of nuclear, conventional, or chemical arms.

"(3) The Senate Arms Control Observer Group shall be composed of 16 members, as follows:

"(A) Five Cochairmen, who shall head the Group, as follows:

"(i) the President pro tempore of the Senate;

"(ii) two Members of the Senate from the majority party in the Senate, appointed by the President pro tempore after consultation with the Majority Leader; and

"(iii) two Members of the Senate from the minority party in the Senate, appointed by the Minority Leader.

"(B) The Majority Leader and the Minority Leader of the Senate, who shall serve as ex officio members of the Group.

"(C) Three Members of the Senate from the majority party in the Senate, appointed by the President pro tempore after consultation with the Majority Leader.

"(D) Four Members of the Senate from the minority party in the Senate, appointed by the Minority Leader.

"(4) The President pro tempore of the Senate shall serve as the Majority Administrative Cochairman, and the Minority Leader shall designate one of the cochairman from the minority party to serve as the Minority Administrative Cochairman.

"(5) The President pro tempore and the Minority Leader of the Senate shall make their respective appointments under this subsection in writing and shall cause their appointments to be printed in the Congressional record.".

(b) Section 3(a) of Senate Resolution 30 of the One Hundredth Congress is amended by striking out "Chairmen for Administrative purposes" and inserting in lieu thereof "Administrative Cochairmen".

(c) Any reference in Senate Resolution 30 of the One Hundredth Congress, or in any other resolution of the Senate, to the Senate Observer Group shall be considered to be a reference, beginning on the effective date of the amendments made by subsections (a) and (b), to the Senate Arms Control Observer Group.

(d) The second sentence of Section 2(b) of Senate Resolution 30 of the One Hundredth Congress is deleted and the following sentence shall be inserted in lieu thereof: "The Designated Group staff shall also include, one staff person selected by, and responsible to, the Majority, and two staff persons selected by, and responsible to, the Minority."

(e) The amendments made by subsections (a), (b) and (d) shall take effect with the beginning of the first session of the One Hundredth-first Congress.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Will the Senator from West Virginia yield just for a question?

Mr. BYRD. Yes, yes, I yield.

Mr. NUNN. Mr. President, I would like to pose a question to the Senator from West Virginia and the Senator from Kansas; whether we would proceed to pass the defense authorization bill as it has passed the Senate now on two occasions, the first being the bill that went to conference, the conference report the President vetoed; and the second time we passed it, it was on the appropriations bill.

It was suggested by Senator STEVENS this would facilitate the conference, I think, since Senator STEVENS and Senator HATFIELD, both, preferred we have a normal bill in conference between the authorizing committees so that it would be clear we have two conferences going on rather than one.

I frankly can proceed either way. I am not—since we have already passed it on the appropriations bill, it is not something that means a great deal to me but I think their point is valid and it would facilitate a conference that we would have, the authorizing conference meeting and the appropriating conference meeting.

If it is of interest to the minority leader and majority leader, I would like to proceed to go ahead and pass it this evening. If not, then we can forget the idea and proceed strictly on the appropriations bill or decide when we come back. But I would like to inquire of the minority leader whether that would be a satisfactory way to proceed; and of the majority leader?

Mr. BYRD. Mr. President, I certainly have no objection to the proposal by the distinguished Senator.

Mr. DOLE. Would the Senator yield?

Mr. NUNN. I do not have the floor.

Mr. BYRD. Excuse me. I yield.

Mr. DOLE. I discussed this as recently as 45 minutes ago with the Senator from Virginia, Senator WARNER. As I had indicated earlier in a meeting in the majority leader's office, myself and Senator STEVENS, I think, may have raised the idea that we do it both ways.

I had hoped, and I know we had a lot of bitter debate yesterday, but I had hoped we could add to the separately passed defense authorization bill, the Senate-passed Contra aid amendment. The majority leader has indicated he would not wish to do that.

It is not a request from the White House, I assure the majority leader. It is something I thought might facilitate action. I still think there is a lot of bipartisanship to be spread around in that area, and I do not want to kill it. I thought that would give us another opportunity.

But if the majority leader prefers not to do that, I am not going to stand in the way. I think the chairman of the committee has worked hard. Senator WARNER has worked hard. The President, as I have indicated, praised the authorization bill in his veto message and I do not suggest it is perfect. It is like every other bill we passed. I assume somebody could pick it to pieces or find fault with it. I have had a few of those myself.

But in any event, it is a good bill. It is a product of a lot of work. The only caution flag I would raise is obviously if it comes back like it was, I assume the President is going to be almost compelled to veto it.

But, having said that, I am not going to object. I commend both the chairman and ranking member, all the members of that committee, for their diligence and their good work and their interest in defense policy.

So I have no objection. I would hope we might add the Contra amendment. But if the majority leader would prefer we do not do that, that is his call and I would be happy to do it either way. I assume that is the wish of my leader on the committee——

Mr. WARNER. Mr. President, I share the distinguished Republican leader's words here. And, indeed, the chairman of the Armed Services Committee, the senior Senator from Georgia, Mr. NUNN and I have talked about this.

It would enable us to have a vehicle by which we can conference this bill on two tracks, in the appropriations track and in the normal authorization track. And it is in the interests of national defense and I know all Senators are highly desirous of having the differences resolved between the House and the Senate and, hopefully, resolved in a manner as the distinguished Republican leader said, that the President can accept it.

The President has made very clear those points in this bill which he feels are not in the interests of the United States and, therefore, long-term security policy; and, therefore let us hope we can work this out.

Mr. BYRD. Mr. President, at the time the able leader on the other side and Senator NUNN, Senator STEVENS, Senator WARNER, and Senator JOHNSTON, were discussing this in my office, it was the hope, certainly my hope at that time, and the feeling, that we might have a good opportunity of having the White House support the Contra aid amendment that I proposed. Certainly I did not expect the White House to oppose the Dole amendment. I fully expected the White House to support that amendment.

But, in the event that amendment went down, I expected the White House to be willing to support my amendment, although I had no promise to that extent.

At that time I fully agreed that it would be all right to add the Contra aid amendment to the authorization bill. However, and I say this—I know the Republican leader will not feel I am trying to be abrasive. But, in view of the fact that, like the little red hen who wanted to bake a cake, she asked the cow and pig and a couple of other barnyard friends to join her in baking the cake. She asked them to help her harvest the grain, help her cut the wood, and help her bake the cake; and none of them would help her. They were all busy so they would not help her. So she said OK, I will just bake my cake myself.

Then after she baked the cake, they all came up and said: I would like to help eat the cake. So the little red hen said no, I had to bake the cake myself, so I will just eat the cake myself.

That is not the whole story, but I feel that we had no help from the White House yesterday. If the White House was interested in that Contra amendment, they should have given us some help yesterday.

So I am opposed to adding the Contra aid amendment to the authorization bill. I prefer to just leave it on the appropriation bill where it went by virtue of the fact that we on this side of the aisle had to carry the load.

I say that with the greatest of respect to both my friends. I assure them that any time I bake a cake, if I could bake the cake, they would be welcome to more than two-thirds of it.

Mr. DOLE. I just say respectfully, I think a lot of us helped bake the cake, but before it came out of the oven we disappeared.

Mr. NUNN. If I could get unanimous consent from the little red hen and all the other barnyard animals, I could get this bill passed.

Mr. DOLE. Go right ahead.

Mr. STENNIS. Before you closed down, Mr. Chairman, I want to thank all of you for the great job you have done, over weeks and months even. This is a great moment, I think. It sets a new precedent. People, as they learn about this, will be most grateful that we get results.

Mr. BYRD. Mr. President, I thank the chairman, Mr. STENNIS.

I have no objection to the authorization bill.

Mr. NUNN. On a serious note, I thank the Senator from Kansas, the Senator from Virginia, and the Senator from West Virginia for permitting us to move in this direction. I would, before sending this bill to the desk, inform everyone, this is the bill identical to the bill that passed the Senate the first time.

This is not identical to what we passed on the appropriations bill, but it is identical except for two technical amendments that were deleted on the appropriation bill amendment, because of funding restrictions on the Budget Act.

Other than that, it is the same exact bill.

Mr. WARNER. Mr. President, I join my distinguished colleague and I ask he add me as a cosponsor.

Mr. NUNN. Mr. President, if the Senator from West Virginia would yield to me for this?

Mr. BYRD. Yes; I yield for that purpose.

Mr. NUNN. Mr. President, I will send to the desk bill on behalf of myself and Senator WARNER from Virginia.

Mr. NUNN. Mr. President, I ask unanimous consent the bill I am sending to the desk be read three times, passed without any intervening action, motion, or debate and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before the bill is reported, I wonder if the distinguished Senator from Mississippi, the former chairman of this committee, would like to add his name as a cosponsor in view of the fact this will be the last authorization bill of the Armed Services Committee.

Mr. STENNIS. Yes; I really would. It is satisfactory.

Mr. WARNER. I wonder if the Senator from Georgia would allow his name to be first on the list.

Mr. NUNN. I will be delighted. That is a good suggestion.

DEFENSE AUTHORIZATION BILL S. 2749

Mr. NUNN. Mr. President, I send a bill to the desk on behalf of Senator STENNIS, which I will coauthor with Senator WARNER. I ask for its immediate consideration, and I ask it be read three times, passed without any intervening action, motions, or debate and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislature clerk read as follows:

A bill (S. 2749) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. DIXON). Is there objection to the immediate consideration of the bill?

Mr. DOLE. Mr. President, I am not going to object. As I understand, this bill also has the two technical changes.

Mr. NUNN. This bill is identical to what we passed in the Senate the first time. Last night, we took two technical amendments, and we deleted two technical amendments from the originally passed bill in order to comply with the Budget Act.

This is identical to the bill passed the first time, but not identical to the one we passed last night. It is almost identical, with those two exceptions.

Mr. DOLE. Mr. President, I think the Senator from Virginia will confirm this. We did discuss this on our side. I think every Republican on the Armed Services Committee supports it. There was a lot of effort, a lot of work that went into this operation. Anything that will accommodate the Senator from Georgia and the Senator from Virginia certainly we need to do.

I think this may be of some help, and I congratulate both Senators.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, before the question is put, let me say I looked back in the Record and found the number of hours and days the Senator from Mississippi spent on this floor managing bills, particularly during the Vietnam war. He spent weeks and weeks standing here, sometimes almost alone, managing bills that were vital to the defense of our Nation during a period of time when the defense was very controversial.

I say he set the record for tenacity, persistence, longevity, and also dedication to our Nation's security.

I think it is only appropriate that this bill, which will probably be the fastest we ever passed a defense authorization bill—[laughter]—also be sponsored by the Senator from Mississippi. We are going to set a record here tonight for the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. DOLE. Mr. President, only to observe the distinguished Presiding Officer is also a distinguished member of the committee.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2749) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I congratulate Mr. Stennis and Mr. Warner, and Mr. Nunn.

ACTION VITIATED ON S. 1992

Mr. BYRD. Mr. President, I ask unanimous consent that the previous action taken on Calendar Order No. 893, S. 1992, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARIMUTUEL LICENSE APPLICATIONS—H.R. 4458

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4458.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4458) to simplify the process of obtaining licensing by States for participation in parimutuel wagering by allowing consolidated requests to be made to the Federal Government for identification and criminal history records relating to the applicant for such licensing.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4458) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CIVIL RIGHTS DAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 140 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 140) to designate August 12 as "National Civil Rights Day".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 140) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL OUTPATIENT AMBULATORY SURGERY WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 583 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 583) to designate the week of September 11 as "National Outpatient Ambulatory Surgery Week".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 583) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY MEDICAL SERVICES WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 539 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 539) to designate the week of September 18 as "Emergency Medical Services Week".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 539) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may proceed as in executive session to the consideration en bloc of Executive Calendar Order No. 11, Conventions on Early Notification of a Nuclear Accident; Executive Calendar Order No. 12, Amendment to the Statute of the International Atomic Agency; and Executive Calendar Order No. 13, International Natural Rubber Agreement, 1987; and that there be 20 minutes, overall, equally divided, between the chairman and ranking member of the Committee on Foreign Relations, or their designees; and that no amendments or motions to recommit be in order.

Provided further that following the using or yielding back of time, a vote occur immediately and that the vote count as three votes, and the Senate return to legislative session following the vote.

Let me add to this request that the three amendments be considered as having passed through the various parliamentary stages up to and including the presentation of the resolutions of ratification.

Mr. DOLE. Mr. President, I will have no objection but I want to address a question to the majority leader. Could he give us some indication—as I understand this vote will occur the first day we are back from the recess.

Mr. BYRD. Yes.

Mr. DOLE. Does the Senator have any idea at this time about what time that would be so everybody would be on notice?

Mr. BYRD. Yes. I say to the leader that the Senate will come in at 10 o'clock on the morning of that day. The first vote under rule XXII will occur on the motion to invoke cloture. I suggest to the Republican leader, if it is agreeable with him, that during the hour preceding the cloture vote the Senate vote just immediately before the cloture vote. That would serve as the automatic quorum. Just immediately before the cloture vote, vote on the three treaties en bloc, that one vote be counted for three, and then that we waive the automatic quorum and immediately proceed to vote on cloture.

Mr. DOLE. That would be about 11 o'clock more or less?

Mr. BYRD. Yes. That would be at 11 o'clock. Eleven o'clock the vote would occur on the three treaties.

Mr. DOLE. So Members should be on notice that at 11 o'clock the first day we are back one vote will count as three votes and that will be followed by a cloture vote.

Mr. BYRD. It would. I think it only fair to Members to allow more than 15 minutes on that one vote because it is going to count for three. It will be the first vote following the recess.

What would the distinguished Republican leader like, 30 mintues or 20 minutes?

Mr. DOLE. Thirty minutes I think is fair.

Mr. BYRD. Mr. President, I also ask unanimous consent that on the rollcall vote on the three treaties en bloc there be 30 minutes allotted to that vote and that the regular order be automatic at the conclusion of 30 minutes. I hope that Senators will not all flow into the Chamber 29½ minutes after the vote starts. So there will be 30 minutes.

The PRESIDING OFFICER. Is there any objection to the unanimous-consent request?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That means, then, Mr. President, at 11 o'clock the Senate will go into executive session under the order previously entered—and the two leaders have hereby consulted on the matter, and that—no. That means that 20 minutes prior to the hour of 11 o'clock—in other words, at 10:40 a.m.—the Senate will go into executive session to consider the three treaties en bloc. There would be 20 minutes overall equally divided on the treaties. The 20 minutes would expire at 11 o'clock. The one vote on the trilogy of treaties would occur at 11 o'clock. That would be a 30-minute vote. At 11:30 the vote would occur on the motion to invoke cloture.

The PRESIDING OFFICER. I believe that has been agreed to.

Mr. DOLE. It has been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I would just indicate that all Members are on notice—it will be in the RECORD and, of course, their offices will be notified—so Members with 3 weeks' notice ought to be able to prepare for it.

Mr. BYRD. Yes, they get a good running start on their rollcalls.

MEASURE HELD AT DESK—S. RES. 465

Mr. BYRD. Now, Mr. President, I ask unanimous consent that Senate Resolution 465 be held at the desk. That is the resolution about Senator BIDEN.

Mr. DOLE. I ask unanimous consent, if it had not been done, that all Republicans be made cosponsors of that resolution.

Mr. BYRD. That is an excellent idea.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I make the same request on behalf of all Democratic Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I compliment the Republican leader on his very fine gesture.

Mr. President, that resolution then will be held at the desk until further——

Mr. STENNIS. May I ask a question right there?

Mr. BYRD. Yes.

Mr. STENNIS. Is the Senate continuing tomorrow?

Mr. BYRD. No. This is a resolution that will be taken up following the recess, on the day that Senator BIDEN returns.

Mr. STENNIS. I thank the Senator.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business for 15 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, the state of things is as follows:

The Senate is awaiting a message from the House on the dire urgent supplemental appropriations bill. I understand that it will probably be 30 minutes before that message can get over here.

In order to give the distinguished Presiding Officer and the other officers of the Senate and the pages and the press and the employees of the Senate an opportunity to get a breath of fresh air and get out, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate recessed at 8:27 p.m. until 8:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROCKEFELLER).

HOUSE CONCURRENT RESOLUTION 356

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM AUGUST 11, 1988 TO SEPTEMBER 7, 1988 AND A RECESS OR ADJOURNMENT OF THE SENATE FROM AUGUST 11 OR AUGUST 12, 1988 TO SEPTEMBER 7, 1988

Mr. BYRD. Mr. President, I ask unanimous consent, with the approval of the distinguished Republican leader, that the Senate proceed to the consideration of House Concurrent Resolution 356.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 356) providing for an adjournment of the House from August 11, 1988 to September 7, 1988 and a recess or adjournment of the Senate from August 11 or August 12, 1988 to September 7, 1988.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to, as follows:

H. CON. RES. 356

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, August 11, 1988, it stand adjourned until 12 o'clock meridian on Wednesday, September 7, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the Senate recesses or adjourns on Thursday, August 11, 1988, or Friday, August 12, 1988, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand in recess or stand adjourned until 10 o'clock ante meridiem on Wednesday, September 7, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

THE GOOD WORK OF THE CONGRESS

Mr. BYRD. Mr. President, the Congress is about to take its annual August recess.

We are about three-quarters of the way through the 100th Congress.

When we return in September we will have more work to do but it is appropriate to sum up where we are today.

We have shaped a new legislative agenda for the Nation.

We have done what the people wanted when they put us back in the majority.

The people voted for change, for progress, for getting the Government back on track going down the middle of the road; to helping the average American family.

Occasionally we have gotten the White House to agree with us.

More often than not the Congress has had to go its own way.

The partisan fire and smoke of the last 2 weeks should not obscure the reality that this Congress has resisted the ideological sideshow.

We have been moderating the extremes: Checking and balancing the administration; acting as a healthy counterweight.

Members of both sides of the aisle have worked hard to achieve our legislative successes.

The trade bill, the overrides of the President's veto of the clean water bill and the highway bill, Gramm-Rudman, our approval of the INF Treaty, plant closing, the Endangered Species Act, Senator MOYNIHAN's Family Security Act, the Older Americans Act, small business development, continuation of the new GI bill—all these legislative accomplishments and more have ultimately gained the support of a bipartisan majority.

This Congress has not been afraid to work its will on national problems that have resisted a legislative remedy for years if not decades: catastrophic health insurance is the first expansion of Medicare since 965; we have enacted the first fair housing bill in 20 years; Grove City; Glass-Steagall banking reform, giving the Veterans Administration cabinet rank, the first new housing bill in 7 years, and the trade bill that the President will sign—all these are important, if not historic, accomplishments.

The 100th Congress of the United States has also been a "'fast track" Congress, quick to respond to the immediate problems of the American people. Aid to the homeless, drought assistance for our farmers, increased funding for AIDS research, airline safety, ocean dumping legislation, polygraph protection, insuring the solvency of the savings and loan industry—these are all statements that this Congress is quick to meet the people's needs.

The 100th Congress has made the effort to protect the integrity of our political process: the debate on campaign finance reform has advanced the effort to halt the money chase; reauthorization of the Independent Counsel Act assures propriety at the highest level of our Government.

When we return after Labor Day the 100th Congress will not be idle.

The Senate will be asked to work its will on four major legislative items: a drug bill, the textile bill, child care legislation, and a minimum wage bill.

Landmark welfare reform legislation will come out of conference as will the remainder of the appropriations bills.

The Senate today passed the 13th of the 13 regular appropriations bills. Two appropriations bills have passed through conference. The conference reports have been agreed to by both Houses and the bills have been sent to the President, one of which bills the President has signed into law, the energy-water appropriations bill.

Other appropriations bills have advanced far in the conference action and, upon the Senate's return from the recess, two or three of those appropriations bills will be waiting final Senate action once the conference reports have been adopted by the House.

The United States-Canadian Free Trade Agreement will also command our attention.

Mr. President, I feel very proud of the work that the 100th Congress has done. As majority leader, I appreciate the work of Senators on both sides of the aisle. Senators have kept their sleeves rolled up during this Congress and they have done their jobs. A good example is the work of the chairmen of the appropriations subcommittees to keep the appropriations process moving, and the work of the distinguished Senator from Mississippi, Mr. STENNIS, the chairman of the committee in keeping the process moving. We have stayed ahead of schedule and we are making good progress.

I take this opportunity to thank the Republican leader and the assistant Republican leader for the fine support that they have rendered and the excellent cooperation that they have given. The good record of this Senate and of the 100th Congress as a whole could not have been written without the kind of cooperation that I received from Mr. DOLE and Mr. SIMPSON when he acts as leader. And the same good record could not have been written without the support of other colleagues on both sides of the aisle.

I want to say at this point that I take great pride in serving with my colleague from the State of West Virginia, Mr. ROCKEFELLER, who presently presides over the Senate. I am proud to be his colleague. The spirit of cooperation and support which he has consistently rendered has given me strength and encouragement, and I need both in this job.

So, Mr. President, I wish every Senator a good recess. I hope that my colleagues on the other side of the aisle will enjoy the warm hospitality of the good people of New Orleans.

And although I have no voice in the decision, I extend my good wishes to my able counterpart across the aisle, Mr. DOLE. He certainly is a man whom the Republican White House can be proud of and should be thankful for as a leader of the Republicans.

I do not know whether he gets any expressions of appreciation or not from the White House. I refer to the White House as the White House that is all take and no give, as I recently found. I hope that the White House understands that Mr. DOLE is a leader who really tries to act in a bipartisan way and does. I can only say that he has the respect of Senators on this side and has respect for this Senator; and I hope that he and others of his colleagues on the other side will have an enjoyble and interesting convention.

The two-party process is a great system and the American people are fortunate in that they have two great political parties; fortunate that there is not a splintering of parties, a multitude of parties, as we see in some countries; fortunate that there is not just one party as we also see in some countries, one party which presents one slate of candidates and no choice for those who vote.

Mr. President, while I am on the floor and have the floor, I thank the officers of the Senate, the pages without whose help we would not be able to get our work done, the Official Reporters of Debates who take down our words, the security personnel, doorkeepers, the fourth estate to which Edmund Burke referred, and to all our staffs. They are all working in the service of the Nation, a service that goes unseen, perhaps, to the eyes of the general public; nevertheless a service that is felt.

And, lastly, let me thank my colleagues on my side of the aisle for their labors in presiding over the Senate and attending our weekly conferences and in rallying to the unification of this party to the highest degree that I have seen in the 30 years that I have been in the Senate.

We have to remember that we only have 54 of us on this side. One of our number has been seriously ill for many months. We look forward to his return in September. Two of our number were out campaigning for the Presidency, and we admire them for that. That only left us with 51 and now and then one had to go to the hospital or had to be absent so that only left us with 50. That is a pretty thin majority.

Mr. President, I extend my best wishes to all for a safe and happy and well-earned recess and I look forward to our rejoining in September and tackling the workload anew. And I pray that God's blessings will be on all.

Mr. President, I ask unanimous consent that certain memoranda titled "Senate Accomplishments to Date in the 100th Congress" appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE ACCOMPLISHMENTS TO DATE IN THE 100TH CONGRESS (SECOND SESSION)

BILLS IN CONFERENCE

S. 677, FTC Authorization, FY 1988-90.

H.R. 3051, Airline Passenger Protection.

H.R. 2342, Coast Guard Authorization.

H.R. 4524, Increase to DOD Transfer Authority (House conferees not yet appointed).

H.R. 4586, Military Construction Appropriations, FY 1989.

H.R. 4587, Legislative Branch Appropriations, FY 1989.

S. 1508, Federal Lands in Nevada (Senate conferees not yet appointed).

H.R. 1720, Family Security Act (Welfare Reform).

H.R. 4775, Treasury-Postal Service Appropriations, FY 1989.

S. 1518, Alternative Motor Fuels Policy.

H.R. 1807, Small Business Development.

H.R. 4637, Foreign Operations Appropriations, FY 1989 (House conferees not yet appointed).

H.R. 4776, D.C. Appropriations, FY 1989 (House conferees not yet appointed).

H.R. 4794, Department of Transportation Appropriations, FY 1989.

S. 1630, Bankruptcy Judges and Magistrates Retirement (Senate conferees not yet appointed).

H.R. 4867, Interior Appropriations.

H.R. 4174, Small Business Administation Amendments (House conferees not yet appointed).

H.R. 4782, Commerce, Justice, State, Judiciary Appropriations (House conferees not yet appointed).

H.R. 4783, Labor, HHS, and Education Appropriations.

H.R. 1467, Endangered Species Act Authorization.

H.R. 4784, Agriculture Appropriations (House conferees not yet appointed).

H.R. 1226, Food and Drug Administration (Senate conferees not yet appointed).

H.R. 3361, Public Health Service Act Amendments (House conferees not yet appointed).

S. 908, Inspector General Act (House conferees not yet appointed).

H.R. 4387, Intelligence Authorizations, FY 1989 (House conferees not yet appointed).

S. 1579, Preventive Health Block Grants (House conferees not yet appointed).

BILLS PASSED BY BOTH HOUSES

H.R. 431, Garn-St Germain Depository Institutions Act Extension.

H.R. 3, Omnibus Trade and Competitiveness Act (Senate sustained veto, June 8, Vote No. 169; motion to reconsider pending).

S. 742, Fairness in Broadcasting Doctrine (veto message referred to Senate Commerce Committee, 6/23/87).

H.R. 4445 (S. 2180), Firearms Protection Act (message on Senate action sent to House, 5/26/88).

H.R. 4418, National Science Foundation Authorization (message on Senate action sent to House, 6/21/88).

H.R. 3097, Organ Transplant Amendments (message on Senate action sent to House, 6/21/88).

H.R. 3471, Cabinet Level for the Veterans' Administration (message on Senate action sent to House, 7/26/88).

S. 328, Prompt Payment Act Amendments (message on House action received in Senate and held at desk, 8/2/88: House amendment to Senate bill).

H.R. 4585, Taft Institute Authorizations (Message on Senate action sent to House, 8/2/88).

H.R. 4264, Defense Authorization, FY 1989 (vetoed, 8/3/88; referred to House Committee on Armed Services).

S. 1544, National Trails Systems Improvements (message on House action received in Senate and held at desk, 8/4/88: House amendments to Senate bill).

H.R. 1315, Nuclear Regulatory Commission Authorization.

SIGNIFICANT BILLS PASSED BY SENATE

S. 341, Emergency Agricultural Assistance.

S.J. Res. 34, Federal Pay Increase Disapproval.

S.J. Res. 42, Federal Pay Increase Rescision.

S. 477, Homeless Veterans Assistance.

S. 514, Jobs for Employable Dependent Individuals.

S. 659, Agricultural Aid and Trade Missions.

S. 778, Star Schools Program.

S. 853, National Highway Safety Administration Authorization, FY 1988-89.

S. 836, Strategic Petroleum Reserve Protection.

S. 744, Exposure to Radon Health Threat.

S. 548, Retiree Benefits Bankruptcy Protections.

S. 938, Department of Justice Authorization, FY 1988-89.

S. 945, Abandoned Infants Assistance.

S. 1402, Nursing Shortage Reduction.

S. 1196, Marine Science, Technology, and Resources Development.

S. 1441, Infant Mortality Amendments.

S. 1748, Prohibition of Imports of Products from Iran.

S.J. Res. 194, Persian Gulf War.

S. 2104, Immigration Preferences Reform.

S. 1721, Intelligence Oversight.

S. 2097, Uranium Enrichment.

S. 1886, Glass-Steagall Banking Amendments.

S. 237, Integrity in Post Employment.

S. 721, Indian Development Finance Corporation.

S.J. Res. 285, Haiti—Designation as a Major Drug Transit Nation.

S.J. Res. 268, Mexico Anti-Drug Effort Certification Disapproval.

S. 2100, U.S. Army Corps of Engineers Authorization.

S. 1220, AIDS Research and Information Act.

S. 2049, Veterans' Home Loan Program Improvements.

S. 1883, Trademark Law Revision Act.

S. 1986, Plastic Pollution Control Act.

S. 2370, Military Construction Authorizations, FY 1989.

S. 2371, Doe National Security and Military Applications of Nuclear Energy Authorizations, FY 1989.

S. 2372, Federal Civil Defense Authorizations, FY 1989.

S. 2373, DOD Supplemental Authorizations, FY 1988.

S. 2455, Death Penalty for Drug-Related Killings.

S. 2042, Vietnam Women Veterans Memorial.

S. 1966, Biotechnology Competitiveness.

S. 2344, Office of Government Ethics Reauthorization.

S. 2595, Trade Representative, USITC and Customs Service Authorization, FY 1989.

S. 11, VA Adjudication Procedure and Judicial Review Act.

S. 2560, Hunger Prevention Act.

S. 508, Whistleblower Protection Act.

S. 2680, Medical Waste Tracking Act.

S. 2030, Ocean Dumping Reform Act.

S. 2209, NASA Authorizations.

OTHER MAJOR ITEMS PASSED BY THE SENATE (NOT REQUIRING PRESIDENT'S SIGNATURE):

S. Res. 23, Senate Select Committee on Iran/Contra Affair.

S. Res. 94, Soviet/U.S. Arms Control Resolution.

S. Con. Res. 24, Central America Initiative Support.

S. Res. 190, Acquired Immune Deficiency Syndrome Research.

S. Res. 31, Soviet Occupation of Afghanistan.

H. Con. Res. 27, Veterans' Administration Health Care Funding.

S. Res. 255, Missing in Action Negotiations.

S. Con. Res. 29, American Relatives in the Soviet Union.

S. Res. 261, Site of the Soviet Embassy in Washington.

S. Res. 279, Conduct of Senate Political Committees.

S. Res. 282, Support for the Philippines.

S. Con. Res. 88, Silver Haired Congress.

S. Res. 408, Condemning the Use of Chemical Weapons by Iraq.

S. Con. Res. 63, Central America Economic Development and Recovery Program.

SIGNIFICANT PUBLIC LAWS ENACTED

H.R. 1, Clean Water (veto overriden), PL 100-4, without approval.

H.J. Res. 102, Emergency Food and Shelter Supplemental/ Federal Pay Disapproval, PL 100-6.

H.J. Res. 153, Asbestos School Hazard Abatement, PL 100-11.

S. 83, Energy Standards for Appliances, PL 100-12.

H.R. 2, Federal Aid Highway Authorization, FY 1987-91 (veto overriden), PL 100-17, without approval.

H.R. 1963, Surface Mining Control and Reclamation, PL 100-34.

H.R. 1941 (S. 85), Power Plant and Industrial Fuel Use, PL 100-42.

S. 1177, Federal Employee's Thrift Savings Fund Investment Procedures, PL 100-43.

H.R. 1157, Wheat Acreage Diversion and Disaster Assistance, PL 100-45.

H.R. 1085, New GI Bill Continuation, PL 100-48.

H.R. 1827, Supplemental Appropriations, FY 1987, PL 100-71.

H.R.558, Homeless Relief, PL 100-77.

H.R. 27 (S. 790), Federal Savings and Loan Insurance Corporation Recapitalization, PL 100-86.

H.R. 1444, Medicare and Medicaid Patient and Program Protection, PL 100-93.

S. 769, Minority Health Education and Care, PL 100-97.

S. 1596, Child Abuse and Neglect Assistance Extension, PL 100-117.

H.J. Res. 324, Public Debt Limit Increase, PL 100-119.

H.R. 1744, Historic Preservation Fund Three-year Extension, PL 100-127.

S. 1417, Developmental Disabilities Assistance, PL 100-146.

H.R. 2782, NASA Authorization, PL 100-147.

S. 1628, Aviation Insurance Program, PL 100-148.

H.R. 317, Wild and Scenic Rivers, PL 100-149.

H.R. 1451, Older Americans Act Amendments, PL 100-175.

H.R. 2112, Intelligence Authorization, FY 1988-89, PL 100-178.

H.R. 1748, DOD Authorization, FY 1988-89, PL 100-180.

H.R. 2939, Independent Counsel Reauthorization, PL 100-191.

H.J. Res. 425, Further Continuing Appropriations, PL 100-193.

H.R. 1777, State Department Authorization, FY 1988-89, PL 100-204.

H.R. 2689, Arms Control and Disarmament Agency Authorization, FY 1988-89, PL 100-213.

H.R. 2310, Airport and Airway Capacity Expansion, PL 100-223.

H.R. 2974, Military Retirement Reform Amendments, PL 100-224.

H.R. 2945, Veterans' Compensation COLA Adjustment, PL 100-227.

S. 825, Housing and Community Development Programs Authorization, FY 1989, PL 100-242.

H.R. 1340, Commodity Distribution Reform, PL 100-237.

S. 557, Civil Rights Restoration (Grove City), PL 100-259 (without approval).

H.J. Res. 253, Contra Humanitarian Aid, PL 100-276.

H.R. 5, Elementary and Secondary Education, PL 100-297.

H.R. 3971, Convention on the Civil Aspects of International Child Abduction Implementing Legislation, PL 100-300.

H.J. Res. 552, Emergency Veterans Supplemental Appropriations, PL 100-304.

H.R. 1811, Atomic Veterans Compensation, PL 100-321.

H.R. 2616, Veterans' Benefits and Services, PL 100-322.

S. 999, Veterans Employment and Training, PL 100-323.

S. 1989, South Pacific Tuna Act, PL 100-330.

H.R. 2210, Organotin-Based Antifouling Paint Control, PL 100-333.

S. 1539, Federal Railroad Safety, PL 100-342.

S. 794, Criminal Penalties for Damage to Religious Property, PL 100-346.

H.R. 1212, Polygraph Protection, PL 100-347.

S. 2167, National Appliance Energy Conservation Amendments, PL 100-357.

H.R. 2470, Medicare Catastrophic Loss Prevention, PL 100-360.

H.R. 4731, Work Incentive Demonstration Program, PL 100-364.

H.R. 4567, Energy and Water Development Appropriations, FY 1989, PL 100-371.

S. 623, Independent Safety Board Authorization, FY 1988-90, PL 100-372.

H.R. 3251, Bicentennial Coin/FSLIC Moratorium, PL 100-378.

S. 2527, Plant Closing Notification, PL 100-379.

H.J. Res. 90, White House Conference on Library and Information Services, PL 100- .

H.R. 2213, Hearing Aid Compatibility Act, PL 100- .

H.R. 442, Wartime Reparations for Japanese-Americans, PL 100- .

S. 2385, Community Health Centers, PL 100- .

H.R. 3932 (S. 2037), Presidential Transition, PL 100- .

H.R. 5015, Drought Assistance, PL 100- .

H.R. 1158, Fair Housing Amendments, PL 100- .

H.R. 1414, Price Anderson Act Amendments, PL 100- .

H.R. 4848, Omnibus Trade Bill, PL 100- .

H.R. 4800, HUD and Independent Agencies Appropriations, FY 1989, PL 100- .

H. Con. Res. 93, Congressional Budget Resolution, FY 1988. Action completed, does not require President's signature.

H. Con. Res. 268, Congressional Budget Resolution, FY 1989. Action completed, does not require President's signature.

INF Treaty, Resolution of Ratification adopted (Treaty Doc. No. 100-11).

Mr. DOLE. Mr. President, will the majority leader yield just very briefly?

Mr. BYRD. Yes.

Mr. DOLE. I listened with interest to the majority leader's statement and I appreciate very much the kind words the majority leader had to say about the bipartisanship we had in this body this year.

There is no question about it. The majority leader has a remarkable record going into the home stretch when we come back here in September and it should permit us, the House willing, to get out by the end of September, before the beginning of the fiscal year.

I would say to my colleagues on both sides of the aisle, I do believe that in almost every instance we have had some partisan differences. That is the way the system works. But in nearly every instance we have been able to reconcile our difference at least long enough to get the work done.

I find the items the majority leader mentioned, whether it is trade or whether it is endangered species or whatever it may have been, the majority leader listed a number of items where there has been cooperation on both sides. All the appropriations bills were passed in the Senate, which is almost unheard of, a tribute to the majority leader and his diligence and his insistence that we do the work that we are asked to do when we come to the Senate.

So I would just say on behalf of all of us on this side we appreciate the cooperation we have had from all of our friends on the other side. We look forward to coming back after Labor Day, completing our business as quickly as we can, hopefully before the beginning of the fiscal year, if not shortly thereafter.

For those of us on this side, we watched with great interest our Democratic friends in Atlanta. We will now go to New Orleans and see what we can cook up and see if we can engender some excitement and get people to tune in because the election is a very important thing and if there is anything that all of us need do, we need to encourage people to participate.

It is discouraging in the freest country on the face of the Earth only about half the people even care enough to vote, only about half. Maybe that is our fault. Maybe it is

the way the system works. Maybe it is the day of the election. Maybe it is a combination of a lot of things.

But, hopefully, this year the American voter, regardless of party, will participate in the process. It is not a spectator sport. It is important to all of us, our children, our grandchildren, our labor organizations, our business, our farms, whatever it may be, and that is the way the process works.

It is going to be a close, tough election. Somebody will win; somebody will lose. But if we all vote, we all win, at least we all had a chance to win.

I again thank the majority leader and thank the Presiding Officer, who I assume at 10 o'clock at night probably would like to be on a plane heading West, halfway across the country, maybe to see the night game at Wrigley Field or wherever.

So I thank the majority leader and if I will not see you on television this week maybe you will be able to see me on television.

Mr. BYRD. Mr. President, I shall be watching Senator DOLE on television, and in the midst of his speech when he raises his finger and points out there to that television camera, he is going to be pointing right at me, and for his sake, I hope that following the recess he will be making more speeches out in the country and be on the floor less. But for my sake, I hope he will be on the floor making his speeches and continuing his work here and not traveling throughout the country.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, FISCAL YEAR 1989

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5026.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate numbered 25 to the bill (H.R. 5026) entitled "An Act making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes", with the following amendment:

In lieu of the matter inserted by said amendment, strike out all after the enacting clause of the aforesaid bill, and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes, namely:

TITLE I—DIRE EMERGENCY PROGRAM SUPPLEMENTALS

To meet dire emergencies created by needs for State Unemployment Insurance and Employment Service Operations, the Black Lung Disability Trust Fund, Trade Adjustment Assistance and Small Business Disaster Assistance and for personnel, operations, and capital required to meet dire emergencies caused by the drought, disaster, and financial conditions:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", $15,000,000 which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund activities under section 6 of the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202(a)(1)(E)), including the cost of penalty mail made available to States in lieu of allotments for such purpose: *Provided,* That such amount shall be available for obligation for the period July 1, 1988, through June 30, 1989.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(TRANSFER OF FUNDS)

In order to provide for the Black Lung Disability Trust Fund and for Trade Adjustment Assistance, such amounts for necessary advances for the fiscal year ending September 30, 1988, that exceed those provided in appropriations, may be derived from balances in the revolving fund established by 42 U.S.C. 1101(e).

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $10,300,000, to be derived by transfer from the "Business Loan and Investment Fund".

BUSINESS LOAN AND INVESTMENT FUND

Outlays in fiscal year 1988 resulting from the use of funds appropriated under this heading may not exceed $204,105,000, not including transactions originated by the Federal Financing Bank.

To meet the dire emergency which requires increased drug interdiction activities and the enhancement of protection of life and property:

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFERS OF FUNDS)

For an additional amount for "Operating expenses", not to exceed $60,000,000, of which $69,467 shall be derived from unobligated balances of "Territorial highways"; $2,460,000 shall be derived from unobligated balances of "Motor carrier safety grants"; $129,000 shall be derived from unobligated balances of "Conrail labor protection"; $654,014 shall be derived from unobligated balances of "Facilities, engineering, and development"; not to exceed $22,000,000 shall be derived from funds recovered under sections 5, 9, and 18 of the Urban Mass Transportation Act of 1964, as amended, that would otherwise be reapportioned on or after October 1, 1988; $2,000,000 shall be derived from unobligated balances of "Research, training, and human resources" other than funding for the cold weather transit technology program and the phosphoric acid fuel cell bus technology program; not to exceed $6,000,000 shall be derived from unobligated balances of "Acquisition, construction, and improvements"; $5,000,000 shall be derived from unobligated balances of "Research, development, test, and evaluation"; $6,687,519 shall be derived from unobligated balances of "Pollution fund"; $1,600,000 shall be derived from unobligated balances of "Offshore oil pollution compensation fund"; and $1,400,000 shall be derived from unobligated balances of "Deepwater port liability fund".

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The sum of $12,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982, as amended, is hereby rescinded.

To meet the dire emergency created by the Mariel Cuban prisoner riots in Federal prisons and a deficiency in the United States Marshals Service:

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, United States Marshals Service", $3,500,000 to remain available until expended to be derived by transfer from "Immigration and Naturalization Service, Salaries and expenses".

SUPPORT OF UNITED STATES PRISONERS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Support of Prisoners", $23,300,000, to remain available until expended of which $8,300,000 shall be derived by transfer from the Immigration and Naturalization Service salaries and expenses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For an additional amount for "Salaries and expenses, Community Relations Service", $6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $42,609,000, to remain available until expended.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

EMERGENCY DROUGHT AUTHORITY

To meet the problems of the Mississippi River Basin, where the water is the lowest in history, with the River flowing north at New Orleans, with water systems endangered, and similar conditions elsewhere, the Secretary of the Army, acting through the Chief of Engineers, within existing law and within available funds, is directed to—

(a) conduct emergency drought relief activities for domestic, municipal, industrial, aquacultural and agricultural purposes in and adjacent to the Mississippi River and its tributaries. Such activities may include but shall not be limited to, dredging of shoals impeding navigation; construction and operation of salt water intrusion barriers and associated facilities; transportation (by barge or other means) of potable water; and construction of water wells and necessary treatment and distribution facilities;

(b) as provided by existing law, in cooperation with local authorities, utilize water in any reservoir operated by the Secretary for emergency water supply purposes: *Provided,* That no additional authority to change the existing situation in regard to the Great Lakes or reservoirs at the headwaters of the Mississippi is provided by this language;

(c) provide technical assistance to State and local governments and public water agencies engaged in water conservation and drought management activities; and

(d) prepare regional drought management plans.

DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE PROVISION

Because of the effects of the drought, financial, and other problems, the Department of Agriculture is urged to use all authority in existing law in addition to such additional authority as may be provided by the Congress, to enable those engaged in agriculture to stay in business and to prevent foreclosure and make their normal and essential contribution to the general economy.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Not to exceed an additional $45,427,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund to meet the increased workload in the county offices as a result of the 1988 drought, *and the portion thereof made available to county committees shall remain available until expended.*

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount of emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), $10,000,000, to remain available until expended, to be derived by transfer from the unobligated balances in emergency insured loans, Agricultural Credit Insurance Fund.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Food and Drug Administration for product emergencies and AIDS, $5,500,000, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

UNITED STATES EMERGENCY MIGRATION AND REFUGEE ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended, $24,000,000 to remain available until expended: *Provided,* That not less than $6,000,000 shall be made available for Soviet and other Eastern European Refugees.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

The amount made available in the appropriation under this heading in the Department of Commerce Appropriation Act, 1988, shall remain available until expended.

DEPARTMENT OF DEFENSE—MILITARY

ADMINISTRATIVE PROVISION

Of the funds available to the Department of Defense during the current fiscal year, not more than $14,000,000 may be transferred to "Federal Bureau of Investigation, Salaries and Expenses" to fund increased workload requirements due to INF treaty implementation: *Provided,* That such funds may be expended pursuant to authorities available to the Federal Bureau of Investigation: *Provided further,* That of this amount, $8,000,000 shall remain available until expended.

DEPARTMENT OF STATE

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, funds appropriated to the Department of State in fiscal year 1988 may be used without reimbursement to carry out the provisions of section 6 of the Arms Control and Disarmament Amendments Act of 1987 (Public Law 100-213).

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS

The 30-day notice period for the review of the sale of the Great Plains gasification plant by Congress shall not commence earlier than August 25, 1988.

OTHER INDEPENDENT AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

In appropriation language under this heading in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1988, delete the word "for"; add the following phrase at the beginning of the paragraph: "Notwithstanding section 501(b) of title V of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, for"; and delete the phrase "of which $20,000,000, to remain available until expended, shall become available for expenditure on October 1, 1988, and ", *Provided,* That for purposes of section 202 of Public Law 100-119 (H.J. Res. 324, 100th Congress), this action is a necessary (but secondary) result of a significant policy change.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFER OF FUNDS)

For an additional amount for "Research and program management", up to $19,600,000, which shall be derived by transfer from "Research and development" and "Space flight, control and data communications".

VETERANS' ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $498,100,000, to remain available until expended, and for an additional amount for "Medical care," $31,730,000, of which $21,730,000 is derived by transfer from the Veterans' Administration Loan Guaranty Revolving Fund: *Provided,* That the penultimate proviso in the appropriation language under the head "MEDICAL CARE" in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (H.R. 2783), as enacted in section 101(f) of Public Law 100-202 is deleted.

TITLE II—GENERAL PROVISION

No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1988".

Resolved, That the House disagree to the amendments, of the Senate numbered 1-24 to the aforesaid bill.

Mr. BYRD. Mr. President, if the distinguished Republican leader is ready to proceed, I wish to address the Senate on the House message on H.R. 5026, the dire emergency supplemental appropriations bill as passed by the House earlier this evening.

I want to speak in behalf of Mr. JOHNSTON, who has so ably managed the bill in the Senate.

This dire emergency supplemental is identical to the one passed by this body yesterday with only five exceptions. Let me briefly describe these five changes to the Senate-passed bill.

First, this dire emergency supplemental now includes $15 million for State unemployment insurance and unemployment service operations. This amount is included to cover these unemployment offices through September 30, 1988. The Senate expects this appropriation will keep local unemployment offices open and that the Department of Labor will ensure these offices do not shut down.

Second, $24 million is being provided for the U.S. Emergency Migration and Refugee Assistance Fund. This provision for emergency assistance to refugees in the Soviet Union, Africa, and Asia is needed immediately.

Third, as requested by the President, the Senate now includes a provision which allows the transfer of not more than $14 million to the FBI for increased workload due to the INF Treaty implementation.

Fourth, the general provision relating to the ability of the Federal Savings and Load Insurance Corporation to issue promissory notes exceeding $11 billion has been dropped.

And finally, the general provision regarding the sense of the Senate on the need to enact legislation authorizing military pay raises for fiscal year 1989 is no longer necessary.

Mr. President, other than these five changes, the bill before the Senate is the same one which was passed yesterday. For that reason, Mr. President, I firmly support this dire emergency supplemental appropriations bill and ask that it be adopted so that we can provide the necessary funding for the essential, high priority programs, which are so desperately needed.

The PRESIDING OFFICER. The majority leader. The Republican leader.

The leaders are advised that there is 10 minutes to be evenly divided if they want to use it.

Mr. BYRD. Does the Republican leader wish to speak?

Mr. President, I ask unanimous consent that it be in order to consider amendments Nos. 1 through 24 en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the amendments.

Mr. BYRD. Mr. President, I move that the Senate recede from its amendments 1 through 24.

The motion was agreed to.

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 25.

The motion was agreed to.

Mr. LEVIN. Mr. President, I want to start out by thanking the majority leader for the passage of this legislation. We are adopting this conference report today largely because of his constant pressure and his timely willingness to bring the Senate back from the August recess to pass this legislation if that is what it would have taken to get the job done. I think we can agree that it was pretty strong and necessary medicine. And it worked.

The passage of this dire emergency supplemental appropriations bill is important to this Senate and to this Nation. It showed that this Senate, in the midst of controversy and contention, can draw together and pass urgently needed legislation. It is the kind of spirit that will be necessary if we are to meet the challenges ahead.

But the passage of this bill is even more important to the thousands of people throughout the country who were depending on it to make ends meet. During the past days I have heard from many of the 5,000 people in Michigan who are eligible for and rely upon trade adjustment assistance, but for whom there has been no check in the mail as promised. Believe me, for them the need for this legislation was dire and for them the emergency was real. All of them would prefer to be back to work, and that is precisely our goal. But in the meantime, it is important that we extend a helping hand and that is what the passage of this legislation will do.

Again, I applaud Senator Byrd for his leadership on this legislation and thank all Members for their cooperation.

Mr. CHILES. Mr. President, I rise to discuss the scorekeeping on the conference report of dire emergency supplemental appropriations bill. I commend the distinguished chairman of the committee, Senator Stennis, and the ranking Republican member, Senator Hatfield, for their commitment to keep the sum total of the regular appropriations bills and this bill under the relevant allocations under section 302(b) of the Congressional Budget Act of 1974.

I must point out, however, that by accepting higher levels of spending included in this conference agreement, there will be less room for spending in the regular appropriation bills. The allocations under section 302(a) and 302(b) of the Budget Act will continue to bind spending decisions when the regular appropriations bills come back from conference. When we add up the spending effects of this bill and those regular appropriations bills, the totals will still have to come in under the relevant allocations. If they don't, points of order will lie at that time against the conference reports on those appropriations bills. In my own bill, the Labor-HHS appropriation, we will have to increase the across-the-board cut to make room for the 1989 spending effects of the supplemental.

There can be no ignoring the 1989 implications of this supplemental, as the summit agreement and rules for accounting under Gramm-Rudman-Hollings require us to reflect these additional outlays in scoring fiscal 1989 bills.

I must also note that, because of the mandatory spending for the veterans compensation program, the conference report on the dire supplemental uses up the remaining 1988 budget authority allowed for in the budget resolution. Any subsequent bill that would increase budget authority in 1988 will be subject to a point of order.

So, once again I thank the leadership of the Appropriations Committee and express my appreciation for their cooperation in this matter.

Mr. BYRD. Now, Mr. President, I want to speak very briefly on behalf of my own support of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I am pleased that we could finally reach agreement on the dire emergency supplemental appropriations bill. It is unfortunate that the measure has been delayed so long.

Mr. President, I ask unanimous consent that various tables be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SUPPLEMENTAL APPROPRIATIONS

	Supplemental request	House floor action	Senate floor action	Final disposition	Final disposition compared with—		
					Request	House action	Senate action
TITLE I—DIRE EMERGENCY PROGRAM SUPPLEMENTALS							
DEPARTMENT OF LABOR							
Employment and Training Administration							
State unemployment insurance and employment service operations (limitation on trust fund transfer)		(50,000,000)		(15,000,000)	(+15,000,000)	(−35,000,000)	(+15,000,000)
SMALL BUSINESS ADMINISTRATION							
Salaries and expenses (by transfer)	(13,000,000)	(15,300,000)	(10,300,000)	(10,300,000)	(−2,700,000)	(−5,000,000)	
DEPARTMENT OF TRANSPORTATION							
Coast Guard							
Operating expenses			12,000,000	12,000,000	+12,000,000	+12,000,000	
(By transfer)	(60,000,000)	(60,000,000)	(48,000,000)	(48,000,000)	(−12,000,0000)	(−12,000,000)	
Federal Aviation Administration							
Grants-in-aid for airports (Airport and Airway Trust Fund) rescission of contract authority			−12,000,000	−12,000,000	−12,000,000	−12,000,000	
DEPARTMENT OF JUSTICE							
Legal Activities							
Salaries and expenses, United States Marshals Service (by transfer)	(3,500,000)		(3,500,000)	(3,500,000)		(+3,500,000)	
Support of United States Prisoners		15,000,000	15,000,000	15,000,000	+15,000,000		
(By transfer)	(15,000,000)		(8,300,000)	(8,300,0000)	(−6,700,000)	(+8,300,000)	
Salaries and expenses, Community Relations Service		6,000,000	6,000,000	6,000,000	+6,000,000		
(By transfer)	(6,000,000)				(−6,000,000)		
Federal Prison Systsem							
Salaries and expenses		42,609,000	42,609,000	42,609,000	+42,609,000		
(By transfer)	(42,609,000)				(−42,609,000)		
Buildings and facilities		46,050,000				−46,050,000	
Total, Department of Justice		109,659,000	63,609,000	63,609,000	+63,609,000	−46,050,000	
(By transfer)	(67,109,000)		(11,800,000)	(11,800,000)	(−55,309,000)	(+11,800,000)	

SUPPLEMENTAL APPROPRIATIONS—Continued

	Supplemental request	House floor action	Senate floor action	Final disposition	Final disposition compared with—		
					Request	House action	Senate action
DEPARTMENT OF AGRICULTURAL							
Agricultural Stabilization and Conservation Service							
Salaries and expenses (transfer from Commodity Credit Corporation)		(45,427,000)	(45,427,000)	(45,427,000)	(+45,427,000)		
Soil Conservation Service							
Watershed and flood prevention operations (by transfer)		(10,000,000)	(10,000,000)	(10,000,000)	(+10,000,000)		
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
Food and Drug Administration							
Salaries and expenses			5,500,000	5,500,000	+5,500,000	+5,500,000	
FUNDS APPROPRIATED TO THE PRESIDENT							
Department of State							
United States Emergency Migration and Refugee Assistance Fund		24,000,000		24,000,000	+24,000,000		+24,000,000
DEPARTMENT OF DEFENSE—MILITARY							
Administrative Provision							
Salaries and expenses, Federal Bureau of Investigation (transfer to Department of Justice)	(22,600,000)		(22,600,000)	(14,000,000)	(−8,600,000)	(+14,000,000)	(−8,600,000)
OTHER INDEPENDENT AGENCIES							
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and Program amendment (by transfer)	(42,000,000)		(19,600,000)	(19,600,000)	(−22,400,000)	(+19,600,000)	
VETERANS' ADMINISTRATION							
Compensation and pensions	498,100,000		498,100,000	498,100,000		+498,100,000	
Medical care			10,000,000	10,000,000	+10,000,000	+10,000,000	
(By transfer)			(21,730,000)	(21,730,000)	(+21,730,000)	(+21,730,000)	
Grand total:							
New budget (obligational) authority (net)	498,100,000	133,659,000	577,209,000	601,209,000	+103,109,000	+467,550,000	+24,000,000
Appropriations	(540,100,000)	(133,659,000)	(608,809,000)	(632,809,000)	(+92,709,000)	(+499,150,000)	(+24,000,000)
Rescission of contract authority			(−12,000,000)	(−12,000,000)	(−12,000,000)	(−12,000,000)	
(By transfer)	(162,709,000)	(130,727,000)	(169,857,000)	(161,257,000)	(−1,452,000)	(+30,530,000)	(−8,600,000)

Mr. BYRD. This bill provides funds for the payment of trade adjustment assistance benefits.

In my State of West Virginia, 1,200 West Virginia workers have not received benefits since July 15; 534 of those workers are from Anchor Hocking.

The Black Lung Benefits Program is also experiencing a shortfall in the funding. Because of the shortfall, retroactive benefits have not been paid since May 31. Many individuals affected by the shortfall have waited years for a final determination of their claims, only to be informed that even though their claims for black lung benefits have been approved, there is no money to pay the retroactive benefits. This supplemental appropriations bill provides the funding necessary to continue both of those programs. I hope the President will sign the bill quickly.

I thank Mr. JOHNSTON and Mr. CHILES for going with me this afternoon to discuss with the Speaker and Mr. FOLEY and Mr. WHITTEN the supplemental bill. I believe that as a result of those discussions that we held, which were held with the knowledge of the able Republican leader, with his support, I believe that the way was smoothed and paved for quick passage in the House and for quick adoption in the Senate. I thank the Republican leader, and I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I only wish to acknowledge the efforts of the distinguished ranking member on the Appropriations Committee, Senator HATFIELD, who has been working on both sides of the aisle and also with Members of the House on both sides of the aisle, in an effort to resolve some of the differences. I congratulate him for his efforts, as well as Senator STEVENS and members of their respective staffs and others on this side who have been cooperating with the majority in an effort to get this supplemental passed. We have now reached that point. I am happy that we have.

Mr. BYRD. Mr. President, I share in the thanks and the recognition of those Members that have been expressed by the able Republican leader. My reference to the two on my side of the aisle a moment ago was merely to recognize their having accompanied me to the House side this afternoon. Otherwise, I did not mean to overlook the fine services of our friend across the aisle.

Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFICATION TO THE PRESIDENT OF THE CONFIRMATION OF NOMINEE

Mr. BYRD. Mr. President, I ask unanimous consent, as in executive session, that the President be immediately notified of the confirmation of Mr. Thornburgh, and I move to reconsider the vote by which the nomination was confirmed, as in executive session.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished Republican leader if the following calendar orders have been cleared on his side. On the Executive Calendar, Calendar Orders Nos. 776, 778, 780, 781, 782, 785, 786, 788, 789, 795, 796, 798, 800, 802, 803, 804, 805, 806, 807, 808, 813, 814, 815 through 825, 826 through 835, and nominations placed on the Secretary's desk in the Foreign Service appearing on page 12.

Mr. DOLE. If the majority leader will yield.

Mr. BYRD. Yes.

Mr. DOLE. As far as this Senator is concerned, they are cleared, but I have one Senator who I hope comes to the floor who has a hold on Christopher W.S. Ross, Calendar No. 798. We have indicated that he has requested the State Department, which I understand has been fulfilled, and hope he would not jeopardize confirmation of 45 Ambassadors and other nominees of various agencies of the Government.

If we can complete action on these nominations, that will leave only 12 nominees—some are being held for good and sufficient reason—12 nominees on the calendar. So I would hope if Senator HUMPHREY from New Hampshire has a problem, he would come to the floor and see if we can accommodate it. I know his interest in Afghanistan. I know he has been joined in letters signed by both me and the majority leader expressing our concern about Afghanistan and requesting a special envoy be appointed which I think is a good idea. Certainly Senator HUMPHREY deserves great credit for his work in that area.

I have received a handwritten note this afternoon from Deputy Secretary of State John Whitehead which states, "In order to solve GORDON HUMPHREY's problem, I am willing to agree that we will find an appropriate person and appoint him as special envoy for Afghanistan." I hope that resolves the problem. I do not know who it will be. I am not certain the State Department knows who it will be at this point. But I would hope that we might——

Mr. BYRD. Maybe Senator HUMPHREY.

Mr. DOLE. Maybe. Maybe that is why he has not come down.

Mr. BYRD. Mr. President, I share the distinguished leader's hopes. These several nominations can be confirmed quickly en bloc. I think I should indicate that any effort to hold up any one of them might result in the delay on all of the nominations.

Mr. President, is the Senate in executive session?

The PRESIDING OFFICER. The Senate is still in legislative session.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Rear Admiral Williams, reported today by the Armed Services Committee, and also the nomination of Rear Admiral Bulkeley, reported today by the Armed Services Committee. These two are in response to the inquiry and request of the Republican leader just now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NAVY

The PRESIDING OFFICER. The legislative clerk read the nomination of Rear Adm. James D. Williams to be a vice admiral.

The nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Rear Adm. John D. Bulkeley to be vice admiral.

Mr. NUNN. Mr. President, late yesterday, the Senate received the President's nomination of Rear Admiral Bulkeley to be placed on the retired list in the grade of vice admiral. This nomination was received in the Armed Services Committee today. The committee met today and unanimously reported this nomination to the Senate.

Rear Admiral Bulkeley has had a distinguished military career, Mr. President—distinguished in the length of time he has served his country in uniform and distinguished in the extent of his accomplishments during his military career.

Rear Admiral Bulkeley has been on active duty since June 1934—over 54 years. During World War II, then Lieutenant Commander Bulkeley received the Congressional Medal of Honor for his service as commander of Motor Torpedo Boat Squadron 3 in Philippine waters during 1941 and 1942. To quote from the citation accompanying Admiral Bulkeley's Medal of Honor:

> The remarkable achievement of Lieutenant Commander Bulkeley's command in damaging or destroying a notable number of Japanese enemy planes, surface combatants and merchant ships, and in dispersing landing parties and land-based enemy forces, during the 4 months and 8 days of operation without benefit of repairs, overhaul or maintenance facilities for his operation, is believed to be without precedent in this type of warfare.

Admiral Bulkeley continued his distinguished career of service in the Navy after World War II, culminating in his appointment as President of the Navy Board of Inspection and Survey in 1967. This Board is responsible for maintaining the combat-fighting, technical standards for ships of the U.S. Navy. Admiral Bulkeley has served in this position continuously since 1967.

In 1974 Admiral Bulkeley was transferred to the retired list and retained on active duty.

Admiral Bulkeley will retire from the Navy for good at the end of this month. With the approval of this nomination, Admiral Bulkeley will be advanced on the retired list at the grade of vice admiral—a fitting tribute for a very distinguished military career.

I am pleased that the committee was able to expedite our action on the nomination of this distinguished military officer. I want to extend my congratulations and best wishes to Admiral Bulkeley and his family.

Mr. WARNER. Mr. President, Secretary of Defense Carlucci has announced that President Reagan has nominated Rear Adm. John P. Bulkeley, after more than 55 years of active naval service, to be placed on the retired list in the grade of vice admiral on August 31, 1988. Admiral Bulkeley's distinguished career spans five decades and includes exemplary service in both the Pacific and Atlantic theaters during World War II.

Following his graduation from the U.S. Naval Academy in 1933, Admiral Bulkeley held successive junior officer positions with the U.S.S. *Indianapolis*, U.S.S. *Sacramento*, and U.S.S. *Saratoga*.

In August 1941, he assumed command of Motor Torpedo Boat Squadron 3. One of the most spectacular chapters of the Philippine campaign records the actions of this squadron.

Admiral Bulkeley helped break through Japanese lines for the transportation of Gen. Douglas MacArthur and his staff from Corregidor and Bataan to Mindanao Island, the general's departure point for Australia where he assumed command of the Armed Forces in the Southwest Pacific.

Shortly thereafter, then Lieutenant Bulkeley returned to Negros Island where he located and transported President Quezon, his staff, and family through the Japanese lines to Mindanao to be flown to Australia. He remained in the Philippines to fight guerilla actions until the collapse of all American resistance to the Japanese.

For his extraordinary heroism and conspicuous gallantry during this period, December 7, 1941 to April 10, 1942, Lieutenant Bulkeley was awarded the Congressional Medal of Honor by President Franklin D. Roosevelt.

For his service in defense in the Philippines, in addition to the Medal of Honor, he was awarded the Navy Cross, the Army Distinguished Service Cross with Oak Leaf Cluster, the Army Silver Star, the Purple Heart, the Army Distinguished Unit Badge, and the Republic of the Philippines Distinguished Conduct Star.

In 1944, Lieutenant Bulkeley commanded a motor torpedo boat squadron during the Normandy invasion with orders to "proceed with utmost determination regardless of losses." For his actions he was awarded the Combat Legion of Merit as well as the French Croix de Guerre, personally presented by General Charles de Gaulle.

For the past 21 years, Admiral Bulkeley has served as President of the Board of Inspection and Survey. It was during that period, while I was Secretary of the Navy, that I had the opportunity of first meeting and working with Admiral Bulkeley. His superb leadership has revitalized the Board of Inspection and Survey which was established in 1868 by Admiral David Farragut to conduct material inspections of all naval vessels.

During his tenure as President, Admiral Bulkeley established survivability standards for all types of vessels. He participated in the design of all major ships both by his direct input and by issuance of Board design principles. He personally inspected over 40 ships a year. But of equal importance, during the past 21 years, Admiral Bulkeley mentored the flag officers of the Navy by direct contact, and I include in this mentorship Secretaries of the Navy. Admiral Bulkeley also represented and spoke up for captains, officers, and crews when they were not given material to fight ships and to defend themselves. His accomplishments as President of the Board of Inspection and survey will have a lasting impact on the fleet's material condition for many years to come.

Admiral Bulkeley is a true American hero. I am privileged to have had the opportunity to work with him. His inspiring leadership and dedicated efforts will be sorely missed by all of us.

The PRESIDING OFFICER. The question is on the confirmation of the nomination.

The nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of both nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE

Mr. BYRD. Mr. President, I move that the Senate proceed to the consideration of Calendar Order No. 796.

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Christopher W.S. Ross, of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

Mr. DOLE. Mr. President, let me indicate that this is the nomination on which there was a hold by the Senator from New Hampshire [Mr. HUMPHREY]. We have been unable to locate Senator HUMPHREY. We thought he was in his office, thought he might be at home.

In order to make the RECORD, this is a nomination being considered separately.

I want to note in the RECORD that I have talked to the Deputy Secretary of State again, and I could not reach Senator HUMPHREY to make certain I understood his note, which I received earlier, indicating that he had a discussion with Senator HUMPHREY and could not go quite so far as Senator HUMPHREY would have liked him to go in naming a special envoy with the power that a special envoy to Afghanistan would have; but Secretary Whitehead knew of the majority leader's interest in the matter and the Republican leader's interest in the matter, as well as that of Senator HUMPHREY.

So I believe that Mr. Whitehead understands the importance of this. He understands that Senator HUMPHREY's interest is genuine, that he has spent a lot of time working on Afghanistan, that he feels strongly about it, and he has had the support of the leadership.

Since I cannot make personal contact with Senator HUMPHREY, and since we have had an indication for some hours that this might come up, I feel justified, because of holding up 45 nominations, to move in this fashion and to act separately on it and make a separate record, so that Senator HUMPHREY will understand that we did not consider it lightly, that every effort was made to contact him, to contact his staff. The staff has not returned the call, which we thought would be forthcoming.

Therefore, I think we should move ahead on the nomination.

The PRESIDING OFFICER. The question is on the confirmation of the nomination.

The nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed to the following nominations en bloc, which have been cleared by the distinguished Republican leader earlier: Calendar orders numbered 776, 778, 780, 781, 782, 785, 786, 788, 789, 795, 798, 800, 802, 803, 804, 805, 806, 807, 808, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 835, and the nominations placed on the Secretary's desk in the Foreign Service, appearing on page 12; that the nominations be agreed to en bloc; that the motion to reconsider en bloc be laid on the table; that the President be immediatley notified of the confirmation of all the nominees; and that the Senate return to executive session.

Provided, further, that, as in executive session, if any Senator has a statement he wishes to appear in the RECORD today in support of any nominee, he may have such statement so placed.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

The nominations considered and confirmed en bloc are as follows:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

James B. Werson, of California, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships.

DEPARTMENT OF STATE

William Graham Walker, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

John Thomas McCarthy, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Edward Peter Djerejian, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

Thomas Edmund McNamara, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mark T. Cox, IV, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development, for a term of two years.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

William H. Fite, of Pennsylvania, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

UNITED NATIONS AND INTERNATIONAL ATOMIC ENERGY AGENCY

Michael H. Newlin, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Representative of the United States of America to the Vienna Office of the United Nations and Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

AMBASSADOR

C. Paul Robinson, of New Jersey, for the rank of Ambassador while serving as the United States Negotiator for the Nuclear Testing Talks.

DEPARTMENT OF STATE

Robert S. Gelbard, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

DEPARTMENT OF ENERGY

Robert O. Hunter, Jr., of California, to be Director of the Office of Energy Research.

Donna R. Fitzpatrick, of the District of Columbia, to be Under Secretary of Energy.

DEPARTMENT OF STATE

John Florian Kordek, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Carl Copeland Cundiff, of Nevada, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

John Andrew Burroughs, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Robert L. Pugh, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

William H. Twaddell, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counseler, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

National Corporation for Housing Partnerships

James B. Coles, of California, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1990.

Securities Investor Protection Corporation

James G. Stearns, of Nevada, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1991. (Reappointment)

Department of Justice

Stanley J. Glod, of Virginia, to be Chairman of the Foreign Claims Settlement Commission of the United States for the remainder of the term expiring September 30, 1988.

The Judiciary

Randall R. Rader, of Virginia, to be a Judge of the United States Claims Court for the term of fifteen years.

Simeon Timothy Lake III, of Texas, to be United States District Judge for the Southern District of Texas.

Herbert J. Hutton, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Department of the Treasury

Salvatore R. Martoche, of New York, to be an Assistant Secretary of the Treasury.

United States International Trade Commission

Ronald A. Cass, of Massachusetts, to be a Member of the United States International Trade Commission for the term expiring June 16, 1996.

Don E. Newquist, of Texas, to be a Member of the United States International Trade Commission for the term expiring December 16, 1997. (Reappointment)

[NEW REPORTS]

Barry Goldwater Scholarship & Excellence in Education Foundation

R. James Woolsey, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of two years. (New Position)

Sam E. Keith, Jr., of Texas, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of four years. (New Position)

Harry S Truman Scholarship Foundation

The following-named person to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1993: Margaret Truman Daniel, of New York. (Reappointment)

National Council on the Handicapped

The following-named person to be a Member of the National Council on the Handicapped for the term indicated: For a term expiring September 17, 1990: Justin W. Dart, Jr., of Texas.

Robert S. Muller, of Michigan, to be a Member of the National Council on the Handicapped for a term expiring September 17, 1991. (Reappointment)

James Madison Memorial Fellowship Foundation

The following-named person to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term of six years: Betty Southard Murphy, of Virginia. (New Position)

National Science Foundation

The following-named person to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 1994: Daniel C. Drucker, of Florida, vice William F. Miller, term expired.

National Foundation on the Arts and the Humanities

The following-named person to be a Member of the National Council on the Arts for a term expiring September 3, 1994: Phyllis Curtin, of Massachusetts.

The following-named person to be a Member of the National Council on the Arts for a term expiring September 3, 1994: Mel Harris, of California.

The following-named person to be a Member of the National Council on the Arts for a term expiring September 3, 1994: Wendy W. Luers, of New York.

The following-named person to be a Member of the National Council on the Arts for a term expiring September 3, 1994: Kevin Rocke, of Connecticut.

The following-named person to be a Member of the National Council on the Arts for a term expiring September 3, 1994: Jocelyn Levi Straus, of Texas.

Marvin Hamlisch, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 1994.

Department of Labor

Robert T. Jones, of Virginia, to be an Assistant Secretary of Labor.

United States International Trade Commission

Don E. Newquist, of Texas, to be a Member of the United States International Trade Commission for the remainder of the term expiring December 16, 1988.

Nominations Placed on the Secretary's Desk in the Foreign Service

Foreign Service nominations beginning Kenneth P. Moorfield, and ending Philip S. Kaplan, which nominations were received by the State and appeared in the Congressional Record of June 24, 1988.

NOMINATION OF ROBERT S. GELBARD

Mr. HELMS. Mr. President, I remain opposed to the nomination of Mr. Robert S. Gelbard for reasons I shall detail shortly. Nevertheless, I am willing to allow his nomination to proceed to debate at the present time. The State Department has backed down in its refusal to provide relevant information to the Senate. After lengthy discussions with me, Deputy Secretary of State John Whitehead has made available to me on a classified basis the substantive information which I felt was well within the constitutional prerogative of the Senate in exercising its advice and consent function.

Of course, such information cannot be discussed on the floor, but it is absolutely necessary that the Senate have access to all information about a nominee's action which may bear upon his integrity and past performance. I bear no ill will either to Mr. Whitehead or to Mr. Gelbard, and I am pleased that the information was finally supplied.

Mr. President, the nomination of Mr. Gelbard has raised two substantive issues with regard to his fitness to serve in the post of ambassador. The first regarded his role, if any, in the attempt by the Bureau of Inter-American Affairs to make false accusations of security violations against a U.S. Senator—the senior Senator from North Carolina—who was critical of the Bureau's conduct of policy, and in the subsequent refusal of the Department of State to supply two specific documents which apparently bear on the Bureau's action in this regard.

Since Mr. Gelbard was in the thick of the Bureau's operations at the time the slanderous charges were being concocted, I am still not completely satisfied that he was not a party to this deed, but at least the material I requested has been supplied.

The second issue concerns whether Mr. Gelbard's claim of legal domicile in Washington State is fictitious, and whether his non-payment of income taxes to the District of Columbia, where he resides, is a violation of law. This issue is far from decided. Mr. Gelbard has submitted forms to the District of Columbia requesting a determination as to whether he owes taxes. I understand that the District is in the process of making such a determination. I believe that it is a mistake to confirm Mr. Gelbard in a position which will take him out of the District of Columbia at a time when the District may very well need to bring legal action against him.

I. STATE DEPARTMENT REFUSAL TO PROVIDE DOCUMENTS TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. President, since July 1986, I have been seeking the assistance of the Department of State in obtaining all written communications of the Department dealing with my trip to Chile in that month, as well as with events in Chile at that time. My interest in these communications stems from the fact that shortly upon my return, high State Department officials issued a false statement to the press that I, or members of my staff, had leaked critical security information to the Chilean Government, thus undermining United States policy in that region. Subsequently, the Department requested the Senate Intelligence Committee to seek an investigation of this supposed "leak."

The allegation was totally false and demeaning to the elected representatives of the American people. On November 6, 1987—almost a year and a half later—the distinguished chairman of the Select Committee on Intelligence wrote to me as follows:

> On November 4, 1987, we received a letter reporting back from the Department of Justice which states that the FBI has conducted a thorough investigation and the Department of Justice has concluded the allegations lack substance. The letter indicates that on the basis of the FBI investigation, the Department of Justice has determined that no classified information was revealed as a result of the briefing to your staff member. The Department of Justice has reported to us that, accordingly, the investigation has been closed.

Mr. President, because I had sharply criticized the policy of the Department in this region, it is clear that the allegation was not only an attempt at character assassination, but an attempt by the Department to intimidate its critics through slander.

At the time of these incidents, Mr. Gelbard was the Deputy Assistant Secretary of State in the Bureau of Inter-American Affairs with responsibilities for Chile. Almost immediately after my visit, Mr. Gelbard also visited Chile; his visit came about the time the false accusations emerged in the press. I felt therefore I had a right to examine the cables and correspondence surrounding these incidents to determine the extent, if any, to which Mr. Gelbard, or other officals, were involved in these incidents.

After many weeks of informal inquiries, which came to no avail, I wrote to Secretary of State George Shultz on September 15, 1986, officially requesting the correspondence. In October 1986, Mr. J. Edward Fox, Assistant Secretary of State for Legislative Affairs, responded that unclassified material was being sent to me directly, and that classified information would be provided through the committee. The unclassified material consisted of translations of newspaper articles, but the classified material was never sent. Indeed, the Department later admitted that "through error" the classified material had not been sent.

When Mr. Gelbard's nomination came to the committee, I asked the Department once again for the material. Once again, I received only a few unclassified summaries of newspaper reports, and one "confidential" memorandum. Department officials stated that there were no other documents.

On April 29, 1988, I wrote to Mr. Shultz as follows:

> I once again renew my request to make available to me and to my properly cleared staff all written communications in which my name or the name of any member of my staff is mentioned, at whatever level of classification.

Mr. President, on the evening before Mr. Gelbard was scheduled to be heard by the committee on his nomination, the Department delivered 142 pages of material, stating that other cables were being reviewed by the NSC and the CIA for clearance. Of the 142 pages, 27 pages were illegible, 36 pages were unclassified, 62 pages were classified confidential, 15 pagers were "Limited Use Only," and two pages were classified secret. The remainder appeared to be irrelevant.

However, the State Department said that two other communications could not be released because they were "highly sensitive documents." Although on the one hand the Department had contended that the documents are too sensitive to disclose to the Department's Constitutional oversight body—that is, the Senate—on the other hand, the Department offered to provide copies of these documents to me if I would promise that I would not oppose the Gelbard nomination after reading the documents. This offer convinced me that the documents State was refusing to provide are being withheld for inappropriate reasons and perhaps are evidence of misconduct by the nominee or others in his Department.

After much discussion with Secretary Whitehead, I received classified materials yesterday pertaining to my request. They have not satisfied my objections against Mr. Gelbard's nomination, but I am satisfied that the State Department has at last been forthcoming.

II. NON-PAYMENT OF STATE INCOME TAXES

Mr. President, I do not believe that Mr. Gelbard should be given a Foreign Service assignment outside of the District of Columbia, until the District of Columbia determines whether he has fulfilled his tax obligations to the District.

According to information provided the committee by the nominee, Mr. Gelbard has never paid State or local income taxes on his income since his appointment in the Foreign Service.

He claims that his legal residence and domicile is in the State of Washington, a State which levies no income tax. However, Mr. Gelbard physically resides in the District of Columbia, where he owns and maintains his home.

Mr. Gelbard's claim of legal residence in the State of Washington is valid only if he can demonstrate that he has had a bona fide domicile in that State, while intending to remain or return. Unfortunately, he has yet to demonstrate that he has ever remained in the State of Washington for more than a few days.

Two years ago I was told by knowledgeable officials that, according to their estimates, approximately 65 percent of the Foreign Service does not pay State or local income taxes. A portion of this group may have established legitimate, bona fide residences in the handful of States which do not level State income taxes.

However, most States tax the income of U.S. Government employees stationed overseas who are legal residents and domiciliaries of their State. It is difficult to understand how 65 percent of the Foreign Service officers could manage to establish legal domicile in the very few nontax States. I am deeply concerned that some of our diplomatic personnel may be abusing their employment in the Foreign Service to evade the legitimate obligation to pay State and local income taxes.

After making specific inquiries in a number of cases, I discovered that some Foreign Service officers are shopping around to find the home of a friend or relative in States which do not levy an income tax and are fraudulently claiming that address as their legal residence. They fly down to Florida or out to California and Washington, stay a few days and register to vote, and then claim to be exempt from income tax.

Mr. President, I believe this to be unethical. It is a violation of the voting laws in the States where they register to vote since they are not genuine residents of the States and therefore the affidavits of residence are untruthful. Obviously, it is also a violation of the income tax laws in the State of their true legal residence and domicile.

I have, therefore, adopted a policy of scrutinizing the nominations of foreign service officers who claim a legal residence in a State where they have never lived and made a home. If the nominee's records, as submitted to the committee, do not reflect his or her ever having lived, worked, or gone to school in a State, I have asked for further information concerning the claim that the State is his or her legal residence.

The absolutely fundamental legal requirement for the establishment of a bona fide legal residence and domicile in a State is that one have physically resided and maintained a home in the State while intending to remain indefinitely or permanently in that State. There is a great consistency in the legal decisions of the courts of every State as to this requirement.

The information provided to the committee by Mr. Gelbard indicates that he has never met that requirement to establish his claimed legal residence in the State of Washington. He states that he visited his in-laws' house in Seattle, WA, for a short visit, while he and his wife were traveling to an assignment at the American Embassy in Manila. While he may have used this as an opportunity to go to the local library, firehouse, community center or some other voter registration facility, his claim that his in-laws' house was where he physically resided and maintained his place of abode—which is part of the sworn statement required of registrants—was not true. He was not "residing" and maintaining that address as a place of abode; he was a visiting guest.

Mr. Gelbard asserts that at some indeterminate date in the future, he intends to move to Seattle, WA and make his home there. The courts of the State of Washington have repeatedly found that to establish legal residence in that State requires more than a mere intention to move there at some future date. These issues frequently arise in family law and inheritance litigation and have been the subject of numerous court decisions. The Washington courts have consistently found that an intention to make a home in the future is inadequate to establish legal residence. These findings are found in a 1938 decision *In Re Olson's Estate,* 77 P.2d 781; a 1949 decision *In Re Lassin's Estate,* 204 P.2d 1071; a 1952 decision, *Sasse* v. *Sasse,* 249 P.2d 380; a 1956 decision *Fiske* v. *Fiske,* 290 P.2d 725; a 1961 decision *Thomas* v. *Thomas,* 363 P.2d 725; a 1975 decision *Freund* v. *Hastle,* 537 P.2d 804; and a 1983 decision *In re Marriage of Strohmaier,* 659 P.2d 534.

I believe that Mr. Gelbard's claimed legal residence in the State of Washington is not legally correct and that he owes taxes to the District of Columbia, where he physically resides and maintains his place of abode and owns a house. His responses to the questions I submitted to him reflect no genuine residence in the State of Washington.

I have asked the tax authorities of the District of Columbia to examine the claimed legal residence and determine whether he is a bona fide resident of the State of Washington. If he is not, I believe he should be required to straighten out his tax liability to the government of the District of Columbia prior to his appointment to a position outside the territory of the United States. I do not believe it appropriate for the Senate to confirm nominees to overseas assignments and thereby complicate the task of the District of Columbia tax collection officials.

Mr. President, the Department of State has circulated a memorandum which purports to exonerate Mr. Gelbard on the tax problem. A close scrutiny demonstrates that it does not exonerate him at all. Let me read the claims of this memo, and then give the fact:

Claim: "Gelbard has been a legal resident of Washington State (Seattle) for 20 years, since his marriage to a Seattle native and shortly after joining the Foreign Service."

Fact: Gelbard registered to vote 20 years ago in Seattle, Washington but did not in fact reside there when he registered and has never lived in Seattle, Washington, at any time in his life. He has visited Seattle from time to time to visit his wife's family, but temporary visits to a state for the purpose of visiting relatives or friends do not establish legal residence/domicile.

Claim: "He has voted in Seattle since 1968 on nine separate occasions. He has never voted in another jurisdiction."

Fact: The Supreme Court in a 1941 decision, District of Columbia v. Murphy, held that where one votes is "highly relevant but by no means controlling. . . . A vote cast without challenge and adjudication may indicate only laxity of the state officials. . . ." Voter registration officials in Washington rely upon the registrants sworn affidavit and do not demand proof other than the affidavit. Mr. Gelbard's sworn statement that he resided at his wife's parents' home was simply untrue.

Claim: "According to Washington State law, legal residency is automatically conferred for an adult when a county auditor accepts an application for voter registration (per Senator Evans' office).

Fact: This is a misstatement of Washington State law. According to the Washington Secretary of State's office, Mr. Gelbard's legal residency could be challenged, and would probably be challenged if he ever filed for public office since that would require him to be a bona fide legal resident of the state. Washington law is "that a person asserting domicile in this state registered to vote in this state may be considered in determining the intention of the person claiming domicile, but such fact is not essential or conclusive . . ." *(Sasse* v. *Sasse, 249 P.2d.380 [1952]).*

Claim: "Gelbard has made 15 trips to Washington State during this 20-year period. It has been his Foreign Service home leave location during this entire period and he intends to retire in Washington State. He and his wife also expect to inherit (and maintain) the house owned by his in-laws."

Fact: Washington Courts have ruled that an intention to make a home in the future does not qualify someone as a legal resident or domiciliary. (*In re Lassin's Estate,* 204 P.2nd.1071 [1952] and Freund v. Hastle, 537 P.2nd. 804 [1975]).

Claim: "The District of Columbia does not consider that Gelbard owes any taxes. He responded to four D.C. Tax Compliance Surveys (covering tax years 1977, 1982, 1985, 1986) by noting exemption from filing based on his status as a Presidential appointee/Foreign Service officer and citing the appropriate U.S. Code reference. . . . The District has never contested this."

Fact: That the District did not contest Mr. Gelbard's representation that he was domiciled in Washington State does not make that representation true. Mr. Gelbard has recently submitted a "Non-resident Request for Refund or Ruling" to the D.C. tax authorities. They will make a formal determination. A D.C. tax court ruling concerning another Foreign Service officer, *D.C.* v. *Ronald E. Woods,* D.C. Superior Court, Tax Division, Docket No. 82-411, August 4, 1983) held that an FSO's temporary visits to another state do not meet the required presence and intent.

NOMINATION OF ROBERT O. HUNTER

Mr. McCLURE. Mr. President, on July 27, 1988, the Committee on Energy and Natural Resources favorably reported the nomination of Robert O. Hunter to be the Director of the Office of Energy Research at the Department of Energy by a vote of 19-0.

Dr. Hunter is the founder of Western Research Corp., a company devoted to defense research and development. He served as president and chairman of the board of that corporation until early this year.

Dr. Hunter received his Ph.D. in physics from the University of California, Irvine in 1981. He has an extensive background in research and energy applications, having worked as a nuclear research officer and a laser physicist with the Air Force and a staff scientist with Maxwell Laboratories in San Diego.

Mr. President, I believe Dr. Hunter is well-qualified for this position, and I urge my colleagues to join me in supporting his confirmation.

NOMINATION OF DONNA R. FITZPATRICK

Mr. McCLURE. Mr. President, on July 27, 1988, the Committee on Energy and Natural Resources, by a vote of 19-0, favorably reported the nomination of Donna R. Fitzpatrick to be Under Secretary of Energy.

Miss Fitzpatrick has served as Assistant Secretary of Energy for Conservation and Renewable Energy since March of 1985, first in an acting capacity, and then after her confirmation by the Senate on December 19, 1985. She has appeared before the Energy and Natural Resources Committee on numerous occasions in conjunction with her duties as Assistant Secretary, and has always been cooperative and responsive to our members.

As one of the principal officers of the Department of Energy, Miss Fitzpatrick will carry out the duties delegated by the Secretary, and she will also have primary responsibility for energy conservation in accordance with requirements of the Department of Energy organization act. Her experience at the Department has prepared her well for this position, and I urge my colleagues to join me in enthusiastically supporting her confirmation.

NOMINATION OF RANDALL R. RADER

Mr. HATCH. Mr. President, I rise today in support of the nomination of Mr. Randall to fill a vacancy on the U.S. Claims Court. I have known Mr. Rader for a long time and can confidently state that he is highly qualified by his background, experience, and temperament for this position.

This is another of those rare occasions where the Senate receives a nomination for a person whose character, judicial temperament, and intellectual ability are known firsthand by the

Members. Mr. Rader has ably served the Judiciary Committee as chief counsel and staff director for the Subcommittee on the Constitution and as the chief counsel and staff director for the Minority on the Subcommittee on Patents, Copyrights, and Trademarks.

In these positions, and as a member of the Judiciary committee staff in general, Mr. Rader has used his intellectual ability and skills in crafting and shaping much of what we as a committee have accomplished during the last 8 years. In his capacity on the committee he has exhibited tremendous expertise with respect to many of the issues within the jurisdictional subject matter of the Claims Court. His knowledge and technical background in these areas will be a valuable asset to the court as will be his ability to quickly and carefully analyze problems.

Throughout his service to the Senate, Mr. Rader has been fair in his dealings and has exhibited a strong commitment to public service.

Mr. Rader is a recognized legal scholar and has published several works on a broad range of legal subjects from criminal law and bail reform to administrative and constitutional law. He has been an active member of the D.C. and Federal Bar Associations, and has held several leadership positions in the latter organization. He won the Federal Bar Association's Outstanding Younger Federal Lawyer Award in 1983.

I believe that Mr. Rader will serve on the Claims Court with great distinction, and I strongly recommend his confirmation by the Senate.

Finally, on a more personal note, Randy Rader has been one of my most loyal and competent staff members. We have accomplished a lot together. However, I attribute a great deal of our success on Judiciary Committee matters to him. He is like a son to me and wherever he goes; whatever he accomplishes, and whatever he does, this Senator will be watching with a great deal of interest and respect.

Randy, I wish you well. I know you will be a great judge and will make us all very proud.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the majority leader may be authorized to sign all duly enrolled bills and joint resolutions during the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 7, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions come over under the rule on the day the Senate reconvenes and the call of the calendar be waived under rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that that mandatory quorum under rule XXII be waived on the day the Senate returns.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the time following the two leaders on that day under rule XXII will be controlled by Mr. HOLLINGS and Mr. EVANS and that time will run until 10:40 a.m. at which time the Senate will discuss the three treaties or rather the debate will occur on the three treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, were the yeas and nays ordered on the single vote of the three treaties?

The PRESIDING OFFICER. They have not been ordered.

Mr. BYRD. Mr. President, I ask unanimous consent, as in executive session, that it be in order to order the yeas and nays on the rollcall vote that will occur on the three treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the treaties.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, for the benefit of Senators, the three treaties on which one rollcall vote will be cast and will count for three votes are Calendar Order No. 11 on the Executive Calendar, Conventions on Early Notification of a Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency, with Declarations on the part of the United States; Calendar Order No. 12, Amendment to the Statute of the International Atomic Energy Agency; Calendar Order No. 13, International Natural Rubber Agreement, 1987.

PROGRAM

Mr. BYRD. Mr. President, when the Senate comes in on that day, it will convene at 10 o'clock a.m. There will be morning business following the recognition of the two leaders.

Mr. President, the time following the two leaders on that day under rule XXII will be controlled by unanimous consent by Mr. HOLLINGS and Mr. EVANS and that time will run until 10:40 a.m. at which time the Senate will discuss the three treaties or rather the debate will occur on the three treaties. That debate will ensue for 20 minutes.

At 11 o'clock a.m., the Senate will vote, under the previous order, by rollcall on the three treaties just enumerated. That one rollcall vote will count for three rollcall votes.

Immediately, and without the mandatory quorum following the vote on those three treaties, which vote will run for 30 minutes, with the call for the regular order automatic at the conclusion of 30 minutes or before if all Senators complete voting before the 30 minutes, the Senate will then proceed to vote on the motion to invoke cloture on the textile bill, S. 2662.

If cloture is invoked, then that will be before the Senate to the exclusion of all other business until action on that bill has been completed. If cloture is not invoked, the Senate will proceed to other business or will continue on that business for a while. So there will be at least four rollcall votes on the day the Senate returns.

Mr. DOLE. Mr. President, will the majority leader yield for one inquiry?

Mr. BYRD. Yes.

Mr. DOLE. I believe I know the answer. We have confirmed a number of nominees. I believe all the agencies were tuned in, one being the Department of Justice concerned about Francis Keating, Harold Christensen, and Edward Dennis. I believe we almost worked out something on those nominations but, apparently, at the last moment, we were unsuccessful.

Mr. BYRD. Mr. President, I have to respond in the following manner: there are several Senators who want an agreement on the legislation implementing the Genocide Treaty before they release holds on those three nominations, Calendar Orders numbered 810, 811, and 812.

Mr. DOLE. I thank the majority leader. I know there were discussions throughout the day and every effort was made on both sides to reach some agreement.

I would say to the nominees that we hope we can act on these shortly after our return in September.

I thank the majority leader.

THE HOUSE BY THE SIDE OF THE ROAD

Mr. BYRD. Mr. President, I was just sitting here thinking about that little house of mine over in the hills of West Virginia. And I was thinking about a traveler who, many years ago, was walking down a country road on a hot summer afternoon—the same kind of afternoon that we have been experiencing here in Washington many days out of this year.

He was a stranger in the locality, and as he pressed on through the long afternoon, he became tired, thirsty, and hungry. He saw no friendly farmhouse nearby where he could pause for refreshment. Presently he came to a curve in the country road. He saw a path winding its way over into a sylvan spot.

So he followed it, and in the little grove of trees he came upon a spring of cool, water. And a spot had been cleared around the spring. He saw on a little bench and table nearby a bowl filled with fruit, and a cup with which to dip the water from the spring. After the traveler had eaten of the fruit and rested himself, he decided to follow a little path on over through the trees to see if he could find the person who was his benefactor.

He came to a little hut. And he knocked upon the door, and the occupant of the house answered the door. The occupant was an old man bent with the weight of many years. The traveler spoke of the fruit, the spring, and the little grassy spot that had been kept so clean and attractive. And he wondered who the person was that provided this refreshment.

The old man was happy to say that it was he who daily kept the area clean, the fruit fresh, the spring water clear. But he would not give his name. He would not identify himself. He was content just to be the unnamed person who made the day a little better for travelers who passed that way.

We will never know the name of the old gentleman who lived in the hut. But his kind deed inspired the writing of a poem by the stranger, the traveler that day, whose name was Sam Walter Foss. And his poem was a poem that has been upon the tongues of millions of every race around the world across the years.

There are hermit souls that live withdrawn
 In the place of their self-content;
There are souls like stars, that dwell apart,
 In a fellowless firmament;
There are pioneer souls that blaze their paths
 Where highways never ran—
But let me live by the side of the road
 And be a friend to man.
Let me live in a house by the side of the road
 Where the race of men go by—
The men who are good and the men who are bad,
 As good and as bad as I.
I would not sit in the scorner's seat
 Or hurl the cynic's ban—
Let me live in a house by the side of the road
And be a friend to man.
I see from my house by the side of the road,
 By the side of the highway of life,
The men who press with the ardor of hope,
 The men who are faint with the strife,
But I turn not away from their smiles nor their tears,
 Both parts of an infinite plan—
Let me live in a house by the side of the road
 And be a friend to man.
I know there are brook-gladdened meadows ahead,
 And mountains of wearisome height,
That the road passes on through the long afternoon
 And stretches away to the night.
But still I rejoice when the travelers rejoice,
 And weep with the strangers that moan,
Nor live in my house by the side of the road
 Like a man who dwells alone.
Let me live in my house by the side of the road
 Where the race of men go by—
They are good, they are bad, they are weak, they are strong,
 Wise, foolish—so am I.
Then why should I sit in the scorner's seat
 Or hurl the cynic's ban?—
Let me live in my house by the side of the road
 And be a friend to man.

I look forward, Mr. President, to being in that little house by the side of the road, back in the West Virginia mountains, just my wife, Erma, and my little Maltese puppy, Billy, and I.

He gets me out of bed, at about 5 o'clock every morning, 5:30, and he is not satisfied until I walk him for about a half-mile.

Every night when I go home, it is a real show to observe. He is so glad to see me.

Someone has said, that the more we come to know human beings, the more we admire dogs. That little dog has come and has seen and has conquered ROBERT BYRD. I never thought, when I saw that little, shaggy fellow, ears down his side, hairs all over his eyes, that I would ever come to be so fond of him. But I like to just go to that little hut, shut the world out, with Erma and that little dog of mine, and let the race of men go by.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 7, 1988, AT 10 A.M.

Mr. BYRD. Mr. President, with thanks to the distinguished Presiding Officer, the senior Senator from the State of Illinois, for his patience and expertise in presiding over the Senate at this late hour of 10:15 p.m., I move, in accordance with the previous order, and in accordance with the provisions of House Concurrent Resolution 356, the Senate stand in adjournment until the hour of 10 o'clock ante-meridien on Wednesday, September 7, the year of Our Lord 1988.

The motion was agreed to; and, at 10:14 p.m., the Senate adjourned until Wednesday, September 7, 1988, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 11, 1988:

INTERNATIONAL ATOMIC ENERGY AGENCY

THE FOLLOWING-NAMED PERSONS TO BE ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE 32D SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY:

BRUCE K. CHAPMAN, OF WASHINGTON.
RICHARD T. KENNEDY, OF THE DISTRICT OF COLUMBLA.

THE JUDICIARY

GUY G. HURLBUIT, OF IDAHO, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE J. BLAINE ANDERSON, DECEASED.

FEDERAL LABOR RELATIONS AUTHORITY

J. JOSEPH LYDON, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1990, VICE HENRY BOWEN FRAZIER III, RESIGNED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

ELINOR H. SWAIM, OF NORTH CAROLINA TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR THE REMAINDER OF THE TERM EXPIRING JULY 19, 1989, VICE PATRICIA BARBOUR, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEANNE J. SMOOT, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1984, VICE ELLIS SANDOZ, TERM EXPIRED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

ARNOLD L. STEINBERG, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1991 (REAPPOINTMENT).

NATIONAL SCIENCE FOUNDATION

ARDEN L. BEMENT, JR., OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1994, VICE ROBERT F. GILKESON, TERM EXPIRED.

NUCLEAR REGULATORY COMMISSION

JAMES R. CURTISS, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR TERM OF 5 YEARS EXPIRING JUNE 30, 1993, VICE FREDERICK M. BERNTHAL, RESIGNED.

STATE JUSTICE INSTITUTE

JOHN F. DAFFRON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1991 (REAPPOINTMENT).

PEACE CORPS NATIONAL ADVISORY COUNCIL

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL FOR THE TERMS INDICATED:

FOR TERMS OF 1 YEAR EXPIRING OCTOBER 6, 1988 (NEW POSITIONS):

JOHN BIGELOW, OF IDAHO.
MARC L. HOLTZMAN, OF PENNSYLVANIA.
MAUREEN O'HARA, OF FLORIDA.
JOSEPHINE K. OLSEN, OF MARYLAND.
SUE WAGNER, OF NEVADA.

FOR TERMS OF 2 YEARS EXPIRING OCTOBER 6, 1990 (REAPPOINTMENTS):

JOHN BIGELOW, OF IDAHO.
MARC L. HOLTZMAN, OF PENNSYLVANIA.
MAUREEN O'HARA, OF FLORIDA.
JOSEPHINE K. OLSEN, OF MARYLAND.
SUE WAGNER, OF NEVADA.

FOR TERMS OF 2 YEARS EXPIRING OCTOBER 6, 1989 (NEW POSITIONS):

PETER L. BOYNTON, OF VIRGINIA.
ROBERT W. HAZLETT, OF THE DISTRICT OF COLUMBIA.
CREIGHTON E. MERSHON, SR., OF KENTUCKY.
JOHN J. PETILLO, OF NEW JERSEY.
ALICE ROXANA THOMPSON, OF VIRGINIA.
COLLEEN TOY WHITE, OF CALIFORNIA.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate August 11, 1988:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

JAMES B. WERSON, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1991

DEPARTMENT OF STATE

WILLIAM GRAHAM WALKER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

JOHN THOMAS MCCARTHY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

EDWARD PETER DJEREJIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF

THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

THOMAS EDMUND MCNAMARA, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

MARK T. COX IV, OF FLORIDA, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 2 YEARS.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

WILLIAM H. FITE, OF PENNSYLVANIA, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

UNITED NATIONS AND INTERNATIONAL ATOMIC ENERGY AGENCY

MICHAEL H. NEWLIN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS AND DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

AMBASSADOR

C. PAUL ROBINSON, OF NEW JERSEY, FOR THE RANK OF AMBASSADOR WHILE SERVING AS THE U.S. NEGOTIATOR FOR THE NUCLEAR TESTING TALKS.

DEPARTMENT OF STATE

ROBERT S. GELBARD, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

CHRISTOPHER W.S. ROSS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

DEPARTMENT OF ENERGY

ROBERT O. HUNTER, JR., OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH.

DONNA R. FITZPATRICK, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF ENERGY.

DEPARTMENT OF STATE

JOHN FLORIAN KORDEK, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

CARL COPELAND CUNDIFF, OF NEVADA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

JOHN ANDREW BURROUGHS, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

ROBERT L. PUGH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

WILLIAM H. TWADDELL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

JAMES B.COLES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1990.

SECURITIES INVESTOR PROTECTION CORPORATION

JAMES G. STEARNS, OF NEVADA, TO BE DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1991.

DEPARTMENT OF THE TREASURY

SALVATORE R. MARTOCHE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

U.S. INTERNATIONAL TRADE COMMISSION

RONALD A. CASS, OF MASSACHUSETTS, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 1996.

DON E. NEWQUIST, OF TEXAS, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1988.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

R. JAMES WOOLSEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 2 YEARS.

SAM E. KEITH, JR., OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 4 YEARS.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1993:

MARGARET TRUMAN DANIEL, OF NEW YORK.

NATIONAL COUNCIL ON THE HANDICAPPED

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HANDICAPPED FOR THE TERM INDICATED:

FOR A TERM EXPIRING SEPTEMBER 17, 1990:

JUSTIN W. DART, JR., OF TEXAS.

ROBERT S. MULLER, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HANDICAPPED FOR A TERM EXPIRING SEPTEMBER 17, 1991.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF 6 YEARS:

BETTY SOUTHARD MURPHY, OF VIRGINIA.

NATIONAL SCIENCE FOUNDATION

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 1994:

DANIEL C. DRUCKER, OF FLORIDA.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994:

PHYLLIS CURTIN, OF MASSACHUSETTS.

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994:

MEL HARRIS, OF CALIFORNIA.

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994:

WENDY W. LUERS, OF NEW YORK.

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994:

KEVIN ROCHE, OF CONNECTICUT.

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994:

JOCELYN LEVI STRAUS, OF TEXAS.

MARVIN HAMLISCH, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994:

DEPARTMENT OF LABOR

ROBERTS T. JONES, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

ENVIRONMENTAL PROTECTION AGENCY

LAWRENCE J. JENSEN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

U.S. INTERNATIONAL TRADE COMMISSION

DON E. NEWQUIST, OF TEXAS, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 1997.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

RICHARD L. THORNBURGH, OF PENNSYLVANIA, TO BE ATTORNEY GENERAL.

DEPARTMENT OF JUSTICE

STANLEY J. GLOD, OF VIRGINIA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 30, 1988.

THE JUDICIARY

RANDALL R. RADAR, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES CLAIMS COURT FOR THE TERM OF FIFTEEN YEARS.

SIMEON TIMOTHY LAKE III, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

HERBERT J. HUTTON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

NAVY

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JAMES D. WILLIAMS, [redacted]1120, U.S. NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF ARTICLES II, SECTION 2, CLAUSE 2, UNITED STATES CONSTITUTION.

To be vice admiral

REAR ADM. JOHN D. BULKELEY, [redacted]/1113, U.S. NAVY (RETIRED) (RECALL).

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING KENNETH P. MOOREFIELD, AND ENDING PHILIP S. KAPLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 1988.

HOUSE OF REPRESENTATIVES—*Thursday, August 11, 1988*

The House met at 10 a.m.

The SPEAKER. Our guest chaplain today is an old friend, the Reverend Dr. Ronald F. Christian, assistant to the bishop, Washington, DC, Metro Synod Evangelical Lutheran Church in America.

Dr. Christian offered the following prayer:

O God, our Father in Heaven, look with favor upon Your people on this Earth as we begin another day's work, we pray:

Grace us with Your presence in our daily tasks; challenge us to find creative means to seek peace with one another; fill us with Your joy in our living; curb us with discipline in our relationships; guide us with Your wisdom in our decisions, bridle our pride with humility wherever we go and whatever we do; and shield us all from danger under Your almighty wings.

And so, in Your mercy, dispose of our days and our deeds that Your will might be accomplished among us and Your name glorified because of us.

Hear our petition O God, for we all say. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 456

Resolved, That a summons shall be used which commands Alcee L. Hastings to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1988, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 23, 1988.

SEC. 5. The Secretary shall notify counsel for Alcee L. Hastings of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3960. An act to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; and

H.R. 4694. An act to amend the Perishable Agricultural Commodities Act to increase the statutory ceilings on license fees.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1939. An act to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes; and

H.R. 5026. An act making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5026) "An act making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. BYRD, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. CHILES, Mr. JOHNSTON, Mr. BURDICK, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. RUDMAN, Mr. DOMENICI, and Mr. D'AMATO to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2018. An act to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 543, HOUSE JOINT RESOLUTION 564, AND HOUSE JOINT RESOLUTION 360

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Joint Resolution 543, House Joint Resolution 564, and House Joint Resolution 360. My name was added to those joint resolutions in error.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will accept no more than five 1-minute speeches from each side.

CHINA'S INSULT TO THE UNITED STATES CONGRESS IS INTOLERABLE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as cochairman of the congressional human rights caucus, it is my duty to advise the House that our distinguished colleague, Congressman ROSE of North Carolina, was denied a visa by the Government of the People's Republic of China because of his effective and eloquent advocacy of human rights for the persecuted and suppressed people of Tibet. At a time when the American Government is diligently and properly pursing the improvement of relations between the United States and China, this slap in the face aimed not only at Congressman ROSE but also at the entire Congress and the American people is unacceptable.

I am introducing today legislation calling for the immediate cessation of the issuance of visas to all official representatives of the People's Republic of China until Congressman ROSE is issued his proper visa.

The Congress simply will not stand for discriminatory and humiliating treatment against its Members because they are fighters for human rights—the noblest and most important American tradition.

☐ **This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.**

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

FAMILY EQUITY ACT OF 1988

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, today I am introducing the Family Equity Act of 1988 to strengthen the most fundamentally important unit of our society, the American family.

Over the last few decades we have witnessed increased strains on the American family as economic forces, our tax system, and other factors have challenged our traditional stability. The Family Equity Act of 1988 would put our families on firmer ground in very, very important ways.

It would reinstate retirement accounts.

It will allow Americans to withdraw IRA funds early to help pay for long-term health care or to purchase their first home.

It would provide our young people with the ability to open educational savings accounts at vocational schools and institutions of higher learning.

The Family Equity Act of 1988 takes a stand for the future of the American family, for young families and single parent families to older Americans.

HEALTH CARE PROVIDERS RESPONSIBILITY ACT OF 1988

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today, along with the chairman of the Health Subcommittee, Congressman STARK, which is designed to insure that hospitals which receive benefits from the taxpayers of this country remain responsible for the people in communities which they serve.

Mr. Speaker, the Health Care Providers Responsibility Act of 1988 is based on one overriding principle: hospitals should care for the sick. That is their primary purpose. Hospitals should not be set up solely to make money. They should care for sick people.

Studies have found that 15 percent of for-profit hospitals, 5 percent of private nonprofit hospitals, and 3 percent of public hospitals "discouraged admission of Medicaid patients." An even greater number of hospitals discouraged admission of uninsured patients.

Quite frankly, this is an outrage. If a hospital receives benefits from the taxpayers of this country, then they have a responsibility to the community in which they operate. Under our bill, a health care facility would be unable to use proceeds from tax exempt bonds if it refused to accept Medicaid patients. In addition, a health care facility would be ineligible for Medicare benefits if it refused to accept Medicaid patients.

No person in America should be denied access to quality health care because of their financial status or because they are on Medicaid. And no health care facility receiving tax-supported benefits should be able to avoid its responsibility to these people. Our bill goes a long way toward achieving that goal.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4783, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, August 11, 1988, to file a conference report on the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

Mr. Speaker, we want to thank the leadership for assisting us in this matter and, Mr. Speaker, this will not be called up today.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ORTEGA ENDORSES DUKAKIS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, in the August issue of Forbes Magazine, Sandinista dictator, Daniel Ortega endorses the Governor of Massachusetts, Michael Dukakis, for President.

Ortega is quoted as saying, "I think that with Dukakis we could have better conditions to work for a new dialog."

A new dialog? For over a year, since the signing of the peace accords, the Marxist Sandinista regime has been engaged in a "dialog" with the Nicaraguan opposition. However, without the Contras to put pressure on the Sandinistas, the negotiations have been all talk and no action.

The Sandinistas continue to imprison and persecute the opposition leadership, denying the people of Nicaragua freedom and democracy. Human rights violations occur daily. Independent newspapers are censored or shut down entirely. In a Dukakis Presidency, this situation would no doubt continue.

Mike Dukakis is a product of the far left, out of touch with the people of our country. He would allow a totalitarian state to continue to exist and to suppress its people without lifting a finger to aid the opposition.

The Marxist leader of Nicaragua and the liberal Governor of Massachusetts would no doubt get along splendidly.

SANCTIONS AGAINST SOUTH AFRICA

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, Archbishop Desmond Tutu tells us that sanctions represent a "risk with a chance." Short of war, comprehensive economic sanctions apparently are the only way to force the white minority government in South Africa to end its apartheid policies.

For as long as we continue to pump money into the South African economy in the form of short-term loans and investments, we are safeguarding the future of apartheid and the iron hold of a white minority government over 26 million nonwhite South Africans.

By enacting H.R. 1580, a bill which has been marked up and passed out of five committees of this body, we can illustrate America's true commitment to racial justice and equality.

Martin Luther King stated over two decades ago that:

> The tragedy of South Africa is not simply in its own policy; it is in the fact that the racist Government of South Africa is virtually made possible by the economic policies of the United States and Great Britain, two countries which profess to be the moral bastions of the world.

It is time for the U.S. Congress to take that Tutu "risk with a chance."

SOUTH AFRICAN SANCTIONS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, since the collapse of Nazi Germany, South Africa has been the only country on Earth whose legal and political system is based on explicit, systematic and all-encompassing racial discrimination.

And how has the Reagan administration responded to this racist, repressive regime? It clung to the policy of constructive engagement until Congress asserted the will of the American people and enacted sanctions legislation in 1986. Since then, the President has brazenly ignored the continued deterioration of the situation in South Africa and refused to recommend additional sanctions as required by the 1986 law.

The South African Government has realized that this administration is not serious about ending apartheid. It has continued its brutal repression, imprisoning and torturing tens of thousands of people over the last 18 months.

Mr. Speaker, it is time for the U.S. Government to truly commit itself to the struggle against apartheid. The United States should not be contributing, economically or politically, to the preservation of the apartheid system. A majority of black leaders in South Africa have called for further sanctions. We should listen to them. I urge my colleagues to vote in favor of H.R. 1580, the South African sanction bill, when it is considered later today.

U.S. TRADE PICTURE

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, this week, hopefully, the President will sign the trade bill. This is landmark legislation, a comprehensive strategy to bring down our escalating trade deficit and restore America's competitiveness.

The trade picture has improved slightly in recent months, Mr. Speaker, but we still have a long way to go. On Monday the Department of Commerce will post the trade figures for the preceding month. However, since March, the figures that have been reported on a monthly basis have been somewhat distorted by what is now called seasonally adjusted figures. I hope that in this election year economy that these are not politically adjusted figures, for in March it was reported that the trade deficit had dropped from $12.5 billion to $9.7 billion, but then 3 weeks later it was quietly adjusted back up to $11 billion.

☐ 1015

Mr. Speaker, I hope that the Department will be honest and straight on these trade figures on a monthly basis so that we have an accurate portrayal of this country's trade position.

THIRD ANNUAL INTERNATIONAL FOLK DANCE FESTIVAL IN REXBURG, ID

(Mr. STALLINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STALLINGS. Mr. Speaker, I rise today to speak on behalf of a small town doing a very big job. My hometown of Rexburg, ID, has just completed hosting its Third Annual International Folk Dance Festival.

This year, there were 10 foreign teams visiting the United States for the festival, including: the Beijing Folk Art Performing Troupe of China, Trachtengruppe Rankwell and Schuhplattergruppe Zwischerwasser of Austria, Eastjutland Folk Dancers of Denmark, Le Cordon Camarguals of France, "Kek-Duna" of Hungary, "Krida Budaya" of Indonesia, Zespol Tanca Ludowego of Poland, Istanbul Bahcelievber Folklor of Turkey, "Ritsa" of the Union of Soviet Socialist Republics, and Trachtenvereln "Wolfstoaner Baum" of West Germany.

These dance teams joined the Ricks College American Folk Dancers of the United States of America in a performance that will long be remembered by their audiences.

Perhaps the most impressive aspect was the atmosphere between the people of Rexburg and their international visitors. The guests were housed in private homes with families in the Rexburg area, and together, many expressed their desires and feelings about world peace.

It was an inspiration to see the permanent bonds of love and lasting friendship that developed. As I watched the finale of the international dance festival, dance teams from the various nations came together, locking their arms. Tears were in their eyes. Clearly, the bonds of love and friendship transcended international borders.

Our Nation should encourage this type of cultural exchange. I commend the volunteers from the Rexburg area who spent many hours turning the Third Annual International Dance Festival into a reality. It is an excellent conduit to friendship and international understanding. And I am proud of my hometown for taking this significant step in making this a better world.

ANOTHER HORROR STORY OUT OF NICARAGUA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker on the front page of today's Washington Times there is yet another horror story coming out of Nicaragua. One thousand people, a thousand, that is quite a crowd, marched 45 days through the jungle to reach freedom in neighboring Honduras. The Communist government in Managua has used the peace process for over a year, the so-called Arias peace plan as you put it, "giving peace a chance," to persecute people, to round up people with midnight arrests in the dead of night, and to put into prison anybody that is even remotely suspected of opposing the Sandinista Communists.

Mr. Speaker there was a close vote, 49 to 47, in the other body, the Senate, last night in favor of another watered-down version of aid to the beseiged Nicaraguan resistance. I only hope when all of the dust and horror has settled during this election year and we have a new President, whether it is Mr. Bush or Mr. Dukakis, that we do not have another Western Hemisphere Soviet colony locked in on the Central American isthmus between us and that Panama Canal that we built. If that is the case, we know where to put the blame. All those people who kept parroting the expression "give peace a chance," when all we were doing was giving communism time to lock a police state will have to be held accountable for their efforts to undercut the only credible pressure on the Sandinista Communists, the Nicaraguan resistance.

HUNGER PREVENTION ACT OF 1988

Mr. PANETTA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2560) to amend the Temporary Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to make available additional types of commodities, to improve child nutrition and food stamp programs, to provide other hunger relief, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hunger Prevention Act of 1988".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY HUNGER PREVENTION

Subtitle A—Temporary Emergency Food Assistance Program

Sec. 101. Domestic use as a higher priority than foreign sales.
Sec. 102. Supplementation of commodities.
Sec. 103. Extension of TEFAP.
Sec. 104. Additional commodities program.
Sec. 105. Distribution costs and regulations.
Sec. 106. Extension of dairy export incentive program.
Sec. 107. Extension of export sales of dairy products.

Subtitle B—Soup Kitchens and Other Emergency Food Aid

Sec. 110. Soup Kitchens and Other Congregate Meal Sites and Food Pantries.

Subtitle C—Basic Food Stamp Benefit Levels

Sec. 120. Low cost food plan.

Subtitle D—Commodity Supplemental Food Program

Sec. 130. Continuation of cheese supplies.

TITLE II—NUTRITION IMPROVEMENTS

Subtitle A—Food Stamp Act of 1977

Sec. 201. Relatives living together.
Sec. 202. Categorical eligibility.
Sec. 203. Income standards of eligibility.
Sec. 204. Reporting requirements and calculation of household income.
Sec. 205. Emergency assistance payments to migrant farmworker households.
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Sec. 330. Transportation difficulties in rural areas.
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Sec. 340. Continuation of food stamps to participants in cash-outs of other benefit programs.
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Sec. 350. Disabled persons receiving benefits under standards at least as stringent as those in the Social Security Act.
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TITLE IV—FAMILY SELF-SUFFICIENCY

Sec. 401. References to the Food Stamp Act of 1977.
Sec. 402. Exclusion for advance payment of earned income credit.
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TITLE V—DEMONSTRATION PROJECTS

Sec. 501. Farmers' market coupons demonstration project.
Sec. 502. Food bank demonstration project.
Sec. 503. Day care home demonstration project.
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Sec. 505. Study of effectiveness of the food stamp employment and training program.

TITLE VI—IMPLEMENTATION

Sec. 601. Implementation.

TITLE I—EMERGENCY HUNGER PREVENTION

Subtitle A—Temporary Emergency Food Assistance Program

SEC. 101. DOMESTIC USE AS A HIGHER PRIORITY THAN FOREIGN SALES.

Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law, the programs authorized by sections 153 and 1163 of the Food Security Act of 1985 (15 U.S.C. 713a-14 and 7 U.S.C. 1731 note) shall not be operated in a manner that will, in any way, reduce the quantities of dairy products that traditionally are made available to carry out this Act or any other domestic feeding program.".

SEC. 102. SUPPLEMENTATION OF COMMODITIES.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding after section 203C, the following new section:

"SEC. 203D. STATE AND LOCAL SUPPLEMENTATION OF COMMODITIES.

"(a) AUTHORIZATION.—The Secretary shall establish procedures under which State and local agencies, charitable institutions, or any other persons may supplement the commodities distributed under the program authorized by this Act for use by emergency feeding organizations with nutritious and wholesome commodities that such entities or persons donate to State agencies and emergency feeding organizations for distribution, in all or part of the State, in addition to the commodities otherwise made available under this Act.

"(b) USE OF FUNDS AND FACILITIES.—States and emergency feeding organizations may use the funds appropriated under this Act and equipment, structures, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this Act, and the personnel, both paid or volunteer, involved in such storage, handling, or distribution, to store, handle or distribute commodities donated for the use of emergency feeding organizations under subsection (a).

"(c) INFORMATION PROGRAM.—Not to exceed 3 percent of the funds allocated to each state for the costs associated with the distribution of commodities under this Act may be used for the costs of conducting a program, unless all or a portion of such 3 percent is not approved by the Secretary, that provides information to persons receiving commodities under this Act concerning the availability of other food assistance programs such as the food stamp program authorized by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and the Special Supplemental Food Program for Women, Infants, and Children authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and that provides information to such persons concerning the appropriate storage and preparation of such commodities.

"(d) VOLUNTEER WORKERS.—State and eligible recipient agencies shall continue, to the maximum extent practicable, to use volunteer workers and commodities donated by charitable and other organizations in the operation of the program authorized by this Act.

"(e) DROUGHT RELIEF AND OTHER DISASTER ASSISTANCE.—The Secretary may temporarily waive the provisions of this Act, except for the provisions of sections 213 and 214, to the extent necessary in order to better facilitate the delivery of food assistance to persons adversely affected by a drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish.".

SEC. 103. EXTENSION OF TEFAP.

(a) AUTHORIZATION.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended—

(1) by striking out "through September 30, 1988" and inserting in lieu thereof "through September 30, 1990"; and

(2) by inserting before the period at the end thereof the following: "and for the distribution of commodities under section 110 of the Hunger Prevention Act of 1988".

(b) LOCAL SUPPORT.—The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "20" and inserting in lieu thereof "40".

(c) NOTICE OF AVAILABILITY OF COMMODITIES.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "fiscal year ending September 30, 1988" and inserting "fiscal years 1989 and 1990".

(d) PROGRAM DATES.—

(1) IN GENERAL.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1988" and inserting "1990".

(2) CONFORMING AMENDMENT.—Subsections (a)(1), (a)(2), (b), and (c) of section 202A of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) are amended by striking out "fiscal year 1988" each place such appears and inserting in lieu thereof "fiscal years 1988 through 1990".

SEC. 104. ADDITIONAL COMMODITIES PROGRAM.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sections:

"SEC. 213. INCORPORATION OF ADDITIONAL COMMODITIES.

"(a) IN GENERAL.—The Secretary shall administer the program authorized under this Act in a manner that incorporates into the program additional commodities purchased by the Secretary under section 214 to be distributed to States for use in such States by emergency feeding organizations, as defined in section 201A(1). Such additional commodities, to the extent practicable and appropriate, shall include commodities purchased within a given State for distribution within such State.

"(b) Supplement Commodities Available.—The Secretary shall supplement the commodities made available to emergency feeding organizations under sections 202, 202A and 203D(a) with nutritious and useful commodities purchased by the Secretary under section 214.

"SEC. 214. REQUIRED PURCHASES OF COMMODITIES.

"(a) Purpose.—It is the purpose of this section to establish a formula so that the amount, measured by their value, of additional commodities that are to be allocated to each State can be precisely calculated for fiscal years 1989 and 1990. The share of commodities, as measured by their value, to be allocated to each State shall be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State.

"(b) Definitions.—As used in this section—

"(1) Additional commodities.—The term 'additional commodities' means commodities purchased under this section in addition to the commodities otherwise made available under sections 202, 202A, and 203D(a).

"(2) Average monthly number of unemployed persons.—The term 'average monthly number of unemployed persons' refers to the average monthly number of unemployed persons within each State in the most recent fiscal year for which such information is available as determined by the Bureau of Labor Statistics of the Department of Labor.

"(3) Poverty line.—The term 'poverty line' has the same meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(4) Total value of additional commodities.—The term 'total value of additional commodities' means the actual cost (including the distribution and processing costs incurred by the Secretary), as paid by the Secretary, for all additional commodities purchased under subsection (e).

"(5) Value of additional commodities allocated to each State.—The term 'value of additional commodities allocated to each State' means the actual cost for additional commodities (including the distribution and processing costs incurred by the Secretary) as paid by the Secretary, under this section and allocated to such State.

"(c) Purchase of Commodities.—The Secretary shall purchase a variety of nutritious and useful commodities to supplement the commodities otherwise provided under the program authorized by this Act.

"(d) Types and Varieties.—In determining the types and varieties of commodities to purchase under subsection (c), the Secretary shall, to the extent practicable and appropriate, purchase commodities—

"(1) with high protein and nutrient content per calorie;

"(2) that are easily and safely stored;

"(3) that are convenient to use and consume;

"(4) that are desired by the needy individuals who are likely to be the recipients of such commodities; and

"(5) in certain cases, that do not require any cooking.

"(e) Amounts.—During each of the fiscal years 1989 and 1990, the Secretary shall spend $145,000,000 to purchase, process, and distribute additional commodities under this section.

"(f) Mandatory Allotments.—In each fiscal year, the Secretary shall allot—

"(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

"(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

"(g) Reallocation.—The Secretary shall notify each State of the amount of the additional commodities that such State is allotted to receive under subsection (f), and each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute the amount such State was to receive under the formula prescribed in subsection (f). The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allocation. In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities to which each such unaffected State is entitled to States containing areas adversely affected by the disaster.

"(h) Administration.—Subject to subsections (e) and (f), purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (f) or reallocated under subsection (g) before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.

"(i) Maintenance of Effort.—If a State uses its own funds to provide commodities or services to organizations receiving funds or services under this section, such State shall not diminish the level of support it provides to such organizations or reduce the amount of funds available for other nutrition programs in the State in each fiscal year.

"(j) New Formula.—Notwithstanding the provisions of this section that set forth the specific formula for allocating additional commodities to each State, the Secretary is authorized to promulgate a different precise formula, after prior notice and comment as required by section 553 of title 5, United States Code, only to the extent that—

(1) any such formula is effective at the outset of, and throughout any given fiscal year;

(2) any such formula can be used to precisely calculate the amount of commodities to be made available to each State by the Secretary for each fiscal year; and

"(3) such formula provides that each State is entitled to receive that value of additional commodities which results from the application of such formula to the total value of additional commodities.

"(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 105. DISTRIBUTION COSTS AND REGULATIONS.

(a) Distribution Costs.—Section 204(c)(1) of the Temporary Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sentence: "Also States may use funds provided under this paragraph to pay for the costs associated with the distribution of commodities to emergency feeding organizations such as soup kitchens and other congregate meal sites, food pantries, food banks, and similar charitable institutions within a given State under the program authorized under section 110 of the Hunger Prevention Act of 1988, and to pay for the costs associated with the distribution of additional commodities provided pursuant to section 214.".

(b) Regulations.—Section 210 of the Temporary Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is authorized to issue final regulations without first issuing proposed regulations (except as otherwise provided for in section 214(g)) for public comment in order to carry out the provisions of sections 213 through 215. If final regulations are issued without such prior public comment the Secretary shall permit public comment on such regulations, shall consider pertinent comments, and shall make such modifications of such regulations not later than 1 year after the date of enactment of this subsection. Such final and modified regulations shall be accompanied by a statement of the basis and purpose for such regulations.".

SEC. 106. EXTENSION OF DAIRY EXPORT INCENTIVE PROGRAM.

Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14) is amended by striking out "1989" and inserting in lieu thereof "1991".

SEC. 107. EXTENSION OF EXPORT SALES OF DAIRY PRODUCTS.

Section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) is amended—

(1) in subsection (a), by striking out "fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988" and inserting in lieu thereof "each of the fiscal years 1986 through 1991"; and

(2) in subsection (c), by striking out "1988" and inserting in lieu thereof "1991".

Subtitle B—Soup Kitchens and Other Emergency Food Aid

SEC. 110. SOUP KITCHENS AND OTHER CONGREGATE MEAL SITES AND FOOD PANTRIES.

(a) Purpose.—It is the purpose of this section to establish a formula so that the amount, measured by their value, of additional commodities that are to be delivered to each State can be precisely calculated for fiscal years 1989 through 1991. The share of commodities, as measured by their value, to be delivered to each State shall be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State.

(b) Definitions.—As used in this section—

(1) Additional commodities.—The term "additional commodities" means commodities purchased under this section in addition to the commodities traditionally made available to soup kitchens and other congregate meal sites, food pantries, food banks, and similar nonprofit charitable institutions providing nutrition assistance to relieve situations of emergency and distress through the provision of food and meals to needy persons by the Commodity Credit Corporation or the Secretary of Agriculture.

(2) Average monthly number of unemployed persons.—The term "average monthly number of unemployed persons" refers to the average monthly number of unemployed persons within each State in the most recent fiscal year for which such information is available as determined by the Bureau of Labor Statistics of the Department of Labor.

(3) Food banks.—The term "food bank" refers to public and private nonprofit institutions that maintain an established operation involving the provision of food or edible commodities, or the products thereof, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that provide meals or food to needy persons on a regular basis as an integral part of their normal activities.

(4) Food pantries.—The term "food pantries" refers to public and private nonprofit institutions that maintain an established operation of donating foods to needy persons on a regular basis as an integral part of their normal activities.

(5) Poverty line.—The term "poverty line" has the same meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(6) Soup kitchens and other congregate meal sites.—The term "soup kitchens and other congregate meal sites" refers to charitable institutions that maintain an established feeding operation to provide food assistance to needy persons in situations of emergency and distress on a regular basis as an integral part of their normal activities.

(7) Total value of additional commodities.—The term "total value of additional commodities" means the actual cost (including the processing and distribution costs of the Secretary), as paid by the Secretary, for all additional commodities purchased under subsection (c).

(8) Value of additional commodities allocated to a state.—The term "value of additional commodities allocated to a State" means the actual cost for additional commodities (including the processing and distribution costs of the Secretary) as paid by the Secretary, for commodities purchased under this section and allocated to such State.

(c) Amounts.—During each of the fiscal years 1989 through 1991, the Secretary shall spend $40,000,000 to purchase, process, and distribute additional commodities to States that will enable such States to distribute such commodities purchased under this section to soup kitchens and other congregate meal sites, food pantries, food banks, and similar charitable institutions that provide nutrition assistance to relieve situations of emergency and distress through the provision of food and meals to needy persons. The Secretary shall issue regulations that give a preference to soup kitchens and other congregate meal sites regarding the commodities distributed under this section.

(d) Mandatory Allotments.—In each fiscal year, the Secretary shall allot—

(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

(e) Reallocation.—The Secretary shall notify each State of the amount of the additional commodities that such State is allotted to receive under subsection (d), and each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation because such allocation is in excess of the State's needs. On such a notification by a State, the Secretary shall reallocate and distribute the amount such State was to receive under the formula prescribed in subsection (d). The Secretary shall further establish procedures to allow States to decline to receive portions of such allocations during the fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allotments. In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities to which each such unaffected State is entitled to States containing areas adversely affected by the disaster.

(f) Administration.—Subject to subsections (c) and (d), purchases under this section shall be made by the Secretary of Agriculture at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased in each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (d) or reallocated under subsection (e) before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.

(g) Increased Commodity Levels.—Commodities provided under this section shall be in addition to the commodities otherwise provided (through commodity donations traditionally provided by the Secretary or the Commodity Credit Corporation to charitable institutions) to soup kitchens and other congregate meal sites, food pantries, food banks, and similar institutions as defined in subsection (b). The value of the commodity donations traditionally provided to such institutions may not be diminished as a result of the purchases required under this section or under section 214 of the Temporary Emergency Food Assistance Act of 1983, and shall not be less, in any fiscal year, than the value of such commodity donations made in fiscal year 1987.

(h) Maintenance of Effort.—

(1) Federal maintenance.—The purchase of commodities required under sections 104 and 110 of the Hunger Prevention Act of 1988, shall not be made in such a manner as to cause any reduction in the value of the bonus commodities that would otherwise be distributed, in the absence of sections 104 and 110, to the Temporary Emergency Food Assistance Program, to charitable institutions, or to any other domestic food assistance program, such as the programs authorized under the National School Lunch Act, the Child Nutrition Act of 1966, the Food Stamp Act of 1977, or sections 4 and 5 of the Agriculture and Consumer Protection Act of 1973.

(2) Other maintenance.—Local agencies receiving commodities purchased under this section shall provide an assurance to the State that donations of foodstuffs from other sources shall not be diminished as a result of the receipt of commodities under this section.

(i) New Formula.—Notwithstanding the provisions of this section that set forth the specific formula for allocating additional commodities to each State, the Secretary is authorized to establish a different precise formula, after prior notice and comment as required by section 553 of title 5, United States Code, only to the extent that—

"(1) any such formula is effective at the outset of, and throughout any given fiscal year;

"(2) any such formula can be used to precisely calculate the amount of commodities to be made available to each State by the Secretary for each fiscal year; and

(3) such formula provides that each State is entitled to receive that value of additional commodities which results from the application of such formula to the total value of additional commodities.

(j) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(k) Coordination.—In distributing foods purchased under this section, each State shall consult, coordinate, and secure recommendations for such distribution from State and local boards, where such boards exist, established to oversee the distribution of foods under the emergency food and shelter program, and from national and State food bank organizations, and shall take such recommendations into account.

Subtitle C—Basic Food Stamp Benefit Levels

SEC. 120. LOW COST FOOD PLAN.

(a) Food Plan Definition.—Section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) by striking out "Thrifty" and inserting in lieu thereof "Low cost";

(2) by striking out "thrifty" each place it appears and inserting in lieu thereof "low cost"; and

(3) by striking out "(4)" and all that follows through the period at the end thereof and inserting in lieu thereof the following: "(4) on January 1, 1989, adjust the cost of such diet to reflect the cost of the low cost food plan in the preceding June, and (5) on October 1, 1989, and on each October 1 thereafter, adjust the cost of such diet to reflect the cost of such diet in the preceding June.".

(b) Value of Allotment.—Section 8(a) of the Food Stamp Act of 1977 (7 U.S.C. 2017(a)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, 79.5 percent of the low cost food plan during fiscal year 1990, and 80 percent of the low cost food plan during fiscal year 1991 and each fiscal year thereafter, to be rounded to the nearest lower dollar increment for each household size during each such period,".

(c) Conforming Amendment.—Section 21(b)(2)(C)(ii) of the Food Stamp Act of 1977 (7 U.S.C. 2030(b)(2)(C)(ii)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, 79.5 percent of the low cost food plan during fiscal year 1990, and 80 percent of the low cost food plan during fiscal year 1991 and each fiscal year thereafter, to be rounded to the nearest lower dollar increment for each household size during each such period,".

Subtitle D—Commodity Supplemental Food Program

SEC. 130. CONTINUATION OF CHEESE.

Notwithstanding any other provision of law, the Commodity Credit Corporation shall provide 7,000,000 pounds of cheese in each of the fiscal years 1989 and 1990 to the Secretary of Agriculture and the Secretary shall provide such amounts of cheese to the Commodity Supplemental Food Program authorized under section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) before the end of each fiscal year.

TITLE II—NUTRITION IMPROVEMENTS

Subtitle A—Food Stamp Act of 1977

SEC. 201. RELATIVES LIVING TOGETHER.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out ", (2)" and inserting in lieu thereof "or (2)";

(2) by striking out ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings," and inserting in lieu thereof ". Parents and their minor children"; and

(3) by striking out "one of the parents or siblings" and inserting in lieu thereof "one of the parents".

SEC. 202. CATEGORICAL ELIGIBILITY.

The second sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended—

(1) by striking out "during the period"; and

(2) by striking out "and ending on September 30, 1989".

SEC. 203. INCOME STANDARDS OF ELIGIBILITY.

Section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)) is amended by inserting after the paragraph designation the following: "in the case of a household that includes an elderly or disabled member,".

SEC. 204. REPORTING REQUIREMENTS AND CALCULATION OF HOUSEHOLD INCOME.

(a) Calculation of Household Income.—Section 5(f) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)) is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Households not required to submit monthly reports of their income and household circumstances under section 6(c)(1) shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

"(B) Households required to submit monthly reports of their income and household circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B), except that in the case of the first month, or at the option of the State the first and second months, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month.".

(b) Optional Monthly Reporting.—Section 6(c) of such Act (7 U.S.C. 2015(c)) is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1)(A) A State agency may require certain categories of households to file periodic reports of income and household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting by—

"(i) households in which all adult members, who are not elderly or disabled, are migrant or seasonal farm workers;

"(ii) households in which all members are homeless individuals; or

"(iii) households that have no earned income and in which all adult members are elderly or disabled.

"(B) Each household that is not required to file such periodic reports on a monthly basis shall be required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to assure accurate eligibility and benefit determinations.".

(c) Monthly Notice.—Section 6(c)(2) of such Act (7 U.S.C. 2015(c)(2)) is amended—

(1) by striking out "and (D)" and inserting "(D)"; and

(2) by inserting before the period the following: ", and (E) be provided each month (or other applicable period) with an appropriate, simple form for making the required reports of the household together with clear instructions explaining how to complete the form and the rights and responsibilities of the household under any periodic reporting system".

SEC. 205. EMERGENCY ASSISTANCE PAYMENTS TO MIGRANT FARMWORKER HOUSEHOLDS.

Section 5(k)(2) (7 U.S.C. 2014(k)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H) respectively; and

(2) by inserting after subparagraph (D) the following new subparagraphs:

"(E) emergency assistance for migrant or seasonal farmworker households;

"(F) temporary emergency assistance for victims of a natural disaster such as a drought, flood or hurricane;".

SEC. 206. VALUE OF ALLOTMENT.

Clause (2) of the last sentence of section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by striking out "following any period" and inserting in lieu thereof "that applies following any period of more than 30 days in".

SEC. 207. BENEFITS FOR HOUSEHOLDS SUBJECT TO PRORATING.

(a) In General.—Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) (as amended by section 206 of this Act) is further amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (2) (as so redesignated), by redesignating clauses (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(3) An eligible household applying after the 15th day of the month shall receive, in lieu of its initial allotment and its regular allotment for the following month, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with paragraphs (3) and (9) of section 11(e).".

(b) Conforming Amendment.—Section 7(h) is amended—

(1) by striking out "(1)"; and

(2) by repealing paragraph (2).

SEC. 208. OPTIONAL FOOD STAMP INFORMATION ACTIVITIES.

(a) Optional Information Activities.—Subparagraph (A) of section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended to read as follows: "(A) at the option of the State agency, inform low-income households about the availability, eligibility requirements, application procedures, and benefits of the food stamp program; and".

(b) Administrative Costs.—Section 16(a)(4) of such Act (7 U.S.C. 2025(a)(4)) is amended by striking out "permitted" and inserting in lieu thereof "including those undertaken.".

SEC. 209. EXTENSION OF HOMELESS AMENDMENTS.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (7 U.S.C. 2012 note) is amended by inserting ", except those amendments made by subsection (b)," after "this section".

Subtitle B—Child Nutrition Act of 1966, and National School Lunch Act

SEC. 210. IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM.

The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by striking out "3 cents" and inserting in lieu thereof "6 cents".

SEC. 211. ADDITION OF ONE SNACK OR ONE MEAL TO THE CHILD CARE FOOD PROGRAM.

Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by inserting before the period the following: ", or in the case of an institution (but not in the case of a family or group day care home sponsoring organization), two meals and two supplements or three meals and one supplement per day per child, for children that are maintained in a child care setting for eight or more hours per day.".

SEC. 212. ACCESS OF HOMELESS WOMEN, INFANTS, AND CHILDREN TO THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) DEFINITIONS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end thereof the following new paragraph:

"(15) 'Homeless individual' means—

"(A) an individual who lacks a fixed and regular nighttime residence; or

"(B) an individual whose primary nighttime residence is—

"(i) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(ii) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(iii) a temporary accommodation in the residence of another individual; or

"(iv) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.".

(b) GENERAL AUTHORITY.—The last sentence of section 17(c)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)(1)) is amended to read as follows: "The program shall be supplementary to—

"(A) the food stamp program;

"(B) any program under which foods are distributed to needy families in lieu of food stamps; and

"(C) receipt of meals from soup kitchen, shelters, or other emergency food assistance programs.".

(c) STATE ADMINISTRATION.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended—

(1) in paragraph (1)(C)(iv), by striking out "migrants" and inserting in lieu thereof "migrants, homeless individuals,";

(2) in paragraph (8)(A), by inserting "organizations and agencies serving homeless individuals," after "Indian tribal organizations,";

(3) in paragraph (13), by striking out "cultural eating patterns." and inserting in lieu thereof the following: "cultural eating patterns, and, in the case of homeless individuals, the special needs and problems of such individuals."; and

(4) by adding at the end thereof the following new paragraph:

"(17) The State agency may adopt methods of delivering benefits to accommodate the special needs and problems of homeless individuals.".

SEC. 213. SUMMER FEEDING PROGRAM.

(a) ELIGIBLE SERVICE INSTITUTIONS.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended—

(1) in subparagraph (B), by inserting ", public or private nonprofit higher education institutions participating in the National Youth Sports Program, private nonprofit organizations," after "county governments";

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by striking out "and" at the end of subparagraph (D); and

(4) by inserting after subparagraph (D) the following new subparagraph: "(E) 'private nonprofit organizations' means only such organizations (not including private nonprofit school food authorities or summer camps) that (i) serve no more than 2,500 children per day and operate at not more than 5 sites, and (ii) use self-preparation facilities to prepare meals or obtain meals from a public facility (such as a school district, public hospital, or State university); and".

(b) ELIGIBLE PRIVATE NONPROFIT ORGANIZATIONS.—Section 13 of the Act is amended by inserting after subsection (h) the following new subsection:

"(i) In addition to the requirements of subsection (a)(3), eligible private nonprofit organizations (excluding summer camps and private non-profit school food authorities) entitled to participate in the program as service institutions shall be limited to those that—

"(1) operate in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of any year that such authority or unit of local government will operate a program under this section in such year;

"(2) exercise full control and authority over the operation of the program at all sites under their sponsorship;

"(3) provide ongoing year-round activities for children;

"(4) demonstrate adequate management and fiscal capacity to operate a program under this section; and

"(5) meet applicable State and local health, safety, and sanitation standards.".

SEC. 214. DEPARTMENT OF DEFENSE CHILD CARE FEEDING PROGRAM.

Section 17(h) of the National School Lunch Act (42 U.S.C. 1766(h)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary is authorized to provide agricultural commodities obtained by the Secretary under the provisions of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and donated under the provisions of section 416 of such Act, to the Department of Defense for use by institutions providing child care services to the dependents of such Department, when such commodities are in excess of the quantities needed to meet the needs of all other child nutrition programs, domestic and foreign food assistance and export enhancement programs, if the Secretary finds such appropriate. The Secretary may require reimbursement from the Department of Defense for the costs, or some portion thereof, of delivering such commodities to overseas locations.".

Subtitle C—Food Processing and Distribution

SEC. 220. ENCOURAGEMENT OF FOOD PROCESSING AND DISTRIBUTION BY ELIGIBLE RECIPIENT AGENCIES.

(a) SOLICITATION OF APPLICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall, to the extent that inventory levels permit, solicit applications in accordance with paragraph (2) for surplus commodities available for distribution under section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note).

(2) REQUIREMENTS.—The solicitation by the Secretary of Agriculture under paragraph (1) shall be in the form of a request that any eligible recipient agency (as defined in section 201A of the Temporary Emergency Food Assistance Act of 1983) submit an application to the Secretary that shall include an assurance that the agency will—

(A) process any agricultural commodity received in response to such application into end-use products suitable for distribution through the Temporary Emergency Food Assistance Program;

(B) package such products for use by individual households; and

(C) distribute such products to State agencies responsible for the administration of the Temporary Emergency Food Assistance Program, at no cost to the State agency, for distribution through the Temporary Emergency Food Assistance Program.

(3) PROHIBITION ON PAYMENT OF PROCESSING COSTS.—Funds made available under section 204 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) or funds of the Commodity Credit Corporation shall not be used to pay any costs incurred for the processing, storage, transportation or distribution of the commodities or end-use products provided to entities submitting applications under this section prior to the delivery of such commodities or products to the State agency.

(b) REVIEW OF APPLICATIONS.—

(1) TIME OF REVIEW.—Not later than 60 days after the Secretary of Agriculture receives an application solicited under subsection (a), the Secretary shall approve or disapprove of such application.

(2) NOTICE OF DISAPPROVAL.—If the Secretary disapproves of the application submitted under subsection (a), the Secretary shall inform the applicant of the reasons for such disapproval.

(c) IMPLEMENTATION.—The solicitation required under subsection (a) shall be in addition to any other action the Secretary of Agriculture is authorized or required to take under any provision of law to provide information regarding the availability of agriculture commodities for distribution under the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) or any other law.

TITLE III—ADMINISTRATIVE IMPROVEMENTS AND SIMPLIFICATION

SEC. 301. REFERENCES TO THE FOOD STAMP ACT OF 1977.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

Subtitle A—Reducing Unnecessary Paperwork

SEC. 310. EARLY RESOLUTION OF DISPUTES.

Section 6(a) (7 U.S.C. 2015(a)) is amended by adding at the end thereof the following: "Before terminating or disqualifying any person or household from participation in such program the State agency shall, where appropriate under regulations established by the Secretary, attempt to conciliate (by telephone, mail, or otherwise) the basis of the intended termination or disqualification with the person or household, except that conciliation need not be pursued if a recipient is found ineligible—

"(1) after having been found guilty of an intentional program violation as described in section 6(b);

"(2) for being an ineligible student under section 6(e), an ineligible alien under section 6(f), or a recipient of supplemental security income benefits in a State providing supplementary payments as described in section 6(g);

"(3) for having income in excess of the income eligibility limits established under section 5(b), or resources in excess of the resource eligibility limits established under section 5(g);

"(4) for knowingly transferring assets in a manner prohibited by section 6(h); or

"(5) under conditions as set forth in section 6(d)(3) for being on strike.".

SEC. 311. SIMPLIFIED APPLICATION FORMS.

Section 11(e)(2) (7 U.S.C. 2020(e)(2)), is amended by inserting after "exigencies as determined by the Secretary" the following: ", and in approving such deviation, the Secretary takes into account whether such State forms are easy to use, brief and readable. In consultation with the Secretary of Health and Human Services, the Secretary shall develop a program to provide assistance to States that request assistance in the development of brief, simply-written and readable application forms including application forms that cover the food stamp program, the aid to families with dependent children program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and medical assistance programs administered by the Secretary of Health and Human Services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). Each application form shall contain, in plain and prominent language on its front cover, a place where applicants can write their names, addresses, and signatures, and instructions in understandable terms informing households of their right to file the application without immediately completing additional sections, describing the expedited processing requirements of section 11(e)(9) and informing households that benefits are provided only from the date of application.".

SEC. 312. STATEMENT OF REQUIRED VERIFICATION.

Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended by inserting before the semicolon at the end thereof the following: ", and that the State agency shall—

"(A) provide each applicant household, at the time of application, a clear written statement explaining what acts the household must perform to cooperate in obtaining verification and otherwise completing the application process;

"(B) assist each applicant household in obtaining appropriate verification and completing the application process;

"(C) not require any household to submit additional proof of a matter on which the State agency already has current verification as determined under regulations issued by the Secretary, unless the State agency has reason to believe that the information possessed by the agency is inaccurate, incomplete, or inconsistent;

"(D) subject to subparagraph (E), not deny any application for participation under this program solely because of the failure of a person outside the household to cooperate (other than an individual failing to cooperate who would otherwise be a household member but for the operation of any of the individual disqualification provisions of subsections (b), (d), (e), (f), and (g) of section (6)); and

"(E) process applications, by taking appropriate steps to verify information otherwise required to be verified under this Act;".

SEC. 313. OPPORTUNITIES TO MAKE REPORTS TO FOOD STAMP OFFICES.

Section 11(e)(5) (7 U.S.C. 2020(e)(5)) is amended by inserting after "agency" the following: "and the standards that permit applicants and recipients to have reasonable access to State agency employees who undertake the certification of such households, in person and by telephone, so that applicants and recipients are readily able to contact appropriate employees at the certification office or have an opportunity to report changes in circumstances that shall be promptly acted on by the appropriate State agency employees.".

Subtitle B—Assuring Accurate Issuance of Benefits

SEC. 320. CORRECTING IMPROPER DENIALS AND UNDERISSUANCES.

Section 11 (7 U.S.C. 2020) is amended by adding at the end thereof the following new subsection:

"(p) When a State agency learns, through its own reviews under section 16 or through other reviews, through reviews conducted by the Secretary, or through other sources, that it has improperly denied, terminated, or underissued benefits to an eligible household, the State agency shall promptly restore any improperly denied benefits to the extent required by sections 11(e)(11) and 14(b), and shall take other steps to prevent a recurrence of such errors where such error was caused by the application of State agency practices, rules or procedures inconsistent with the requirements of this Act or with regulations or policies of the Secretary issued under the authority of this Act.".

SEC. 321. SPECIAL TRAINING OF STATE PERSONNEL INVOLVED IN CERTIFYING CERTAIN HOUSEHOLDS.

(a) TRAINING.—Section 11(e)(6) (7 U.S.C. 2020(e)(6)) is amended—

(1) by striking out "and (C)" at the end of subparagraph (B) and inserting in lieu thereof "(C)"; and

(2) by inserting at the end thereof the following: "(D) the State agency, at its option, may undertake intensive training to ensure that State agency personnel who undertake the certification of households that include a member who is self-employed or who engages in farming are qualified to perform such certification;".

(b) TRAINING MATERIALS.—Section 16 (7 U.S.C. 2025) is amended by adding at the end thereof the following new subsection:

"(k) Not later than 180 days after the date of the enactment of the Hunger Prevention Act of 1988, and annually thereafter, the Secretary shall publish instructional materials specifically designed to be used by the State agency to provide intensive training to State agency personnel who undertake the certification of households that include a member who is self-employed or who engages in farming.".

(c) TECHNICAL CORRECTIONS.—Section 16 (7 U.S.C. 2025) is amended by redesignating subsection (h), as added by section 121(b)(5) of the Immigration Reform and Control Act of 1986, as subsection (j).

SEC. 322. TRAINING OF CERTIFICATION WORKERS AND COMMUNITY RESOURCES.

(a) TRAINING CERTIFICATION WORKERS.—Section 11(e)(6)(C) (7 U.S.C. 2020(e)(6)(C)) is amended—

(1) by striking out "undertake to"; and

(2) by inserting "so that eligible households are promptly and accurately certified to receive the allotments to which they are entitled under this Act" after "such certification".

(b) COMMUNITY RESOURCES.—Section 11(e)(6) (7 U.S.C. 2020(e)(6)) (as amended by sections 321(a) and 322(a) of this Act) is further amended by adding at the end thereof the following new subparagraph: "; and (E) the State agency, at its option, may provide, or contract for the provision of, training and assistance to persons working with volunteer or non-profit organizations that provide program information activities and eligibility screening to persons potentially eligible for food stamps.".

SEC. 323. PREVENTING INCORRECT ISSUANCES.

Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 312) is further amended by inserting before the semicolon at the end of paragraph (3), the following: ", and that the State agency shall provide the household, at the time of each certification and recertification, with a statement describing the reporting responsibilities of the household under this Act, and provide a toll-free or local telephone number, or a telephone number at which collect calls will be accepted by the State agency, with which the household may reach an appropriate representative of the State agency for a reasonable period of time each business day to report changes in circumstances or to obtain program information, and inform the household of the hours such telephone number is available".

Subtitle C—Reducing Barriers in Rural America

SEC. 330. TRANSPORTATION DIFFICULTIES IN RURAL AREAS.

Section 11 (7 U.S.C. 2020) (as amended by section 320), is further amended by adding at the end thereof the following new subsection:

"(q) The State plan of operation described in subsection (d) shall include a procedure for designating project areas or parts of project areas that are rural and in which low-income persons face substantial difficulties in obtaining transportation. Each State shall designate such areas according to its approved procedures, and in each area so designated:

"(1) All persons contacting certification offices serving those areas during regular business hours shall be informed that the household may be certified to receive food stamps without an in-office interview if appearing for such an interview would create a hardship. In cases in which an in-office interview would create a hardship, the State agency shall interview the household by telephone, in its home, or at another location convenient to the household.

"(2) The State agency shall issue coupons by mail or otherwise directly deliver benefits to all eligible households in any such area, except that any household with mail losses exceeding levels established by the Secretary shall not be entitled to such a mailing and the State agency shall not issue coupons by mail in those localities within such area where the mail loss rates exceed standards set by the Secretary.".

SEC. 331. OUTSTATIONING ELIGIBILITY WORKERS.

Section 11(e) (7 U.S.C. 2020(e)) is amended—

(1) by striking out "and" at the end of paragraphs (21) and (23);

(2) by redesignating paragraph (24) as paragraph (25); and

(3) by inserting after paragraph (23) the following new paragraph:

"(24) that each town or community of more than 5,000 persons that is more than 30 miles away from the certification office designated to serve such town or community shall be visited on a regularly scheduled basis (but in no event less often than twice a month, with the time and place of such visits to be publicized in the affected areas) by a certification worker who shall accept applications for participation, conduct interviews, accept verification, and provide other client services that can be performed conveniently outside the office, unless such town or community is served by the State agency in some other manner designed to provide reasonable access to the food stamp program, including compliance with subsection (q); and".

SEC. 332. STANDARDS FOR CLOSING OR RELOCATING FOOD STAMP OFFICES.

Section 16(b) (7 U.S.C. 2025(b)) is amended by inserting after "including standards for" in clause (1) the following: "State agency review (including consultation with the public and appropriate public officials) of plans for the closing or relocation of offices of the State agency so that potential adverse effects of such plans on the access of eligible persons to the food stamp program are examined (with special emphasis on the needs of low-income people in rural areas, the elderly, the disabled, and the homeless) and adequate plans for minimizing any adverse impact before offices are moved or relocated are prepared and implemented, and standards for".

Subtitle D—Eliminating Inequities for Farmers and Others

SEC. 340. CONTINUATION OF FOOD STAMPS TO PARTICIPANTS IN CASH-OUTS OF OTHER BENEFIT PROGRAMS.

Section 5(d)(1) (7 U.S.C. 2014(d)(1)) is amended by striking out "to a household, except as provided in subsection (k)," and inserting in lieu thereof the following: "to a household (except that any such gain or benefit that customarily is not in the form of money payable directly to the household (such as in-kind assistance or vendor payments) shall be excluded notwithstanding its conversion in whole or in part to direct payments to households pursuant to any demonstration project carried out or authorized under Federal law including demonstration projects created by the waiver of provisions of Federal law),".

SEC. 341. ANNUALIZING SELF-EMPLOYMENT INCOME AND EXPENSES FROM FARMING.

Section 5(f)(1)(A) (7 U.S.C. 2014(f)(1)(A)) is amended—

(1) in the second sentence by striking out "preceding" and inserting in lieu thereof "first"; and

(2) by inserting after the first sentence the following new sentence: "Notwithstanding the preceding sentence, household income resulting from the self-employment of a member in a farming operation, who derives income from such farming operation, and who has irregular expenses to produce such income may, at the option of the household, be calculated by averaging such income and expenses over a 12-month period.".

SEC. 342. HOUSEHOLDS IN TRANSITION.

Section 5(g) (7 U.S.C. 2014(g)) is amended by adding at the end thereof the following new sentence: "In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the Secretary shall exclude from financial resources the value of such property until the expiration of the 1-year period beginning on the date such member ceases to be self-employed in farming.".

SEC. 343. TECHNICAL CORRECTION TO EXCLUSION OF ENERGY ASSISTANCE FROM FOOD STAMP INCOME.

Section 5(d)(11) (7 U.S.C. 2014(d)(11)) is amended—

(1) in the matter preceding subparagraph (A), by striking out "under" and inserting in lieu thereof "for the purpose of providing energy assistance";

(2) in subparagraph (A), to read as follows: "(A) under any Federal law, or"; and

(3) in subparagraph (B)—

(A) by striking out "any" and inserting in lieu thereof "under any"; and

(B) by striking out "for the purpose of providing energy assistance".

SEC. 344. TREATMENT OF RESOURCES THAT MAY NOT LAWFULLY BE CONVERTED TO CASH.

Section 5(g) (7 U.S.C. 2014(g)) (as amended by section 342 of this Act), is further amended by adding at the end thereof the following new sentence: "No household shall be rendered ineligible under this subsection by its failure to dispose of a resource used in farming operations whose liquidation would produce no funds in excess of any liens, mortgages, or other security interests or where the household's liquidation of the resource would be contrary to a legal duty.".

Subtitle E—Reducing Barriers for the Elderly and Disabled

SEC. 350. DISABLED PERSONS RECEIVING BENEFITS UNDER STANDARDS AT LEAST AS STRINGENT AS THOSE IN THE SOCIAL SECURITY ACT.

Paragraph (2) of section 3(r) (7 U.S.C. 2012(r)) is amended to read as follows:

"(2)(A) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or Federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note); or

"(B) receives Federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act (42 U.S.C. 1382e(a)), interim assistance pending receipt of supplemental security income, disability-related medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or disability-based State general assistance benefits, if the Secretary determines that such benefits are conditioned on meeting disability or blindness criteria at least as stringent as those used under title XVI of the Social Security Act,".

SEC. 351. SIMPLIFIED PROCEDURE FOR CLAIMING EXCESS MEDICAL DEDUCTION.

Section 5(e) (7 U.S.C. 2014(e)) is amended by adding at the end thereof the following new sentences: "State agencies shall offer eligible households a method of claiming a deduction for recurring medical expenses, that are initially verified, under the excess medical expense deduction provided for in subparagraph (A) in lieu of submitting information or verification on actual expenses on a monthly basis. The method described in the preceding sentence shall be designed to minimize the administrative burden for eligible elderly and disabled household members choosing to deduct their recurrent medical expenses pursuant to such method.".

SEC. 352. COORDINATED APPLICATION.

The second sentence of section 11(i) (7 U.S.C. 2020(i)) is amended to read as follows: "In addition to implementing paragraphs (1) through (4), the State agency shall inform applicants for benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that such applicants may file, along with their application for such benefits, and based on a joint interview for food stamps and for benefits under part A of title IV of the Social Security Act, an application for benefits under this Act.".

TITLE IV—FAMILY SELF-SUFFICIENCY

SEC. 401. REFERENCES TO THE FOOD STAMP ACT OF 1977.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 402. EXCLUSION FOR ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Section 5(d) (7 U.S.C. 2014(d)) is amended—

(1) by striking out "and (13)" and inserting in lieu thereof "(13)"; and

(2) by inserting before the period at the end thereof the following: ", (14) any payment made to the household under section 3507 of the Internal Revenue Code of 1986 (relating to advance payment of earned income credit)".

SEC. 403. DEDUCTION FOR DEPENDENT CARE.

(a) In General.—Section 5(d) (7 U.S.C. 2014(d)) (as amended by section 402) is further amended by inserting before the period at the end thereof the following: ", and (15) any payment made to the household under section 6(d)(4)(I) for work related expenses or for dependent care".

(b) Deduction.—Section 5(e) (7 U.S.C. 2014(e)) is amended—

(1) in the matter preceding paragraph (1) of the fourth sentence by inserting "and expenses that are paid under section 6(d)(4)(I) for dependent care" after "third party"; and

(2) in paragraph (1) of the fourth sentence, by inserting after "$160 a month" the following: "for each dependent".

SEC. 404. LIMITATION ON RESOURCES.

The second sentence of section 5(g) (7 U.S.C. 2014(g)) is amended by inserting after "$4,500" the following: "through fiscal year 1988, $4,700 in fiscal year 1989, $4,900 in fiscal year 1990, $5,150 in fiscal year 1991, $5,400 in fiscal year 1992, and $5,500 in fiscal year 1993 and thereafter".

SEC. 405. EMPLOYMENT AND TRAINING.

(a) Components of Employment and Training Programs.—Section 6(d)(4)(B) (7 U.S.C. 2015(d)(4)(B)) is amended—

(1) in clause (i), by striking out "have no obligation" through "State agency shall";

(2) in clause (v)—

(A) by inserting "or the State under regulations issued by the Secretary," after "the Secretary"; and

(B) by inserting "employment educational and training activity" after "other";

(3) by redesignating clause (v) as clause (x); and

(4) by inserting after clause (iv), the following new clauses:

"(v) High school or equivalent educational (combined with training when appropriate) programs.

"(vi) Remedial educational programs directed towards the achievement of a basic literacy level.

"(vii) Instructional programs in English as a second language.

"(viii) On-the-job-training programs.

"(ix) Job readiness activity programs to help prepare participants for employment.".

(b) Employment Assignments and Conciliation.—Section 6(d)(4) (7 U.S.C. 2015(d)(4)) is amended—

(1) by redesignating subparagraphs (H), (I), (J), (K), and (L) as subparagraphs (I), (J), (K), (L) and (M) respectively; and

(2) by inserting after subparagraph (G), the following new subparagraph:

"(H)(i) The State agency may make an initial assessment of the educational and employment skills of each participant in the program and may conduct a review of such participant's circumstances. On the basis of such assessment and review, such agency may develop an employability plan for each such participant.

"(ii) In assigning participants to any program activity the State agency shall take into account the physical capacity, skills, experience, health and safety, family responsibilities, and place of residence of such participant, and shall not require the participant, without the consent of such participant, to travel an unreasonable distance from the home of such participant or remain away from such home overnight. The State agency may base the assignment on available resources, the participant's circumstances, and local employment opportunities.

"(iii) The Secretary shall issue regulations under which each State agency shall establish a conciliation procedure for the resolution of disputes involving the participation of an individual in the program and (if such a dispute is not resolved through conciliation) provide an opportunity for a hearing concerning such dispute. Such a hearing may be provided through a hearing process established for purposes of resolving disputes with respect to the program established under this subsection.

"(iv) Federal funds made available to a State agency for purposes of the program authorized under this subsection shall not be used to supplant non-Federal funds used for existing services and activities that promote the purposes of this section. State or local funds expended for such purposes shall be maintained at least at the level of such expenditures for fiscal year 1987.".

(c) CHILD CARE EXPENSES.—Section 6(d)(4)(I) (7 U.S.C. 2015(d)(4)(I)) (as redesignated by subsection (b) of this section), is amended to read as follows:

"(I)(i) The State agency shall provide payments or reimbursements to participants in programs carried out under this paragraph, including individuals participating under subparagraph (G), for—

"(I) the actual costs of transportation and other actual costs (other than dependent care costs), up to a maximum of $100 per participant per month, that the State agency determines are necessary to enable such individual to participate in the program; and

"(II) the actual costs of such dependent care expenses that are determined by the State agency to be necessary for the participation of an individual in the program (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of such Act is in operation), but in no event shall such payment or reimbursements exceed $160 per dependent per month, except that the State agency may raise such maximum level to the maximum level set by the State agency under title IV of the Social Security Act for reimbursement of child care expenses for individuals participating in an employment, education or training program under such title.

"(ii) In lieu of providing reimbursements or payments for dependent care expenses under clause (i), a State agency may, at its option, arrange for dependent care through providers by the use of purchase of service contracts or vouchers or by providing vouchers to the household.

"(iii) The value of any dependent care services provided for or arranged under clause (ii), or any amount received as a payment or reimbursement under clause (i), shall—

"(I) not be treated as income for the purposes of any other Federal or Federally-assisted program that bases eligibility for, or the amount of benefits on, need; and

"(II) not be claimed as an employment-related expense for the purposes of the credit provided under section 21 of the Internal Revenue Code of 1986.".

(d) PARTICIPATION AND PERFORMANCE STANDARDS.—

(1) PARTICIPATION STANDARDS.—Section 6(d)(4)(K) (7 U.S.C. 2015(d)(4)(J)) (as redesignated by subsection (b) of this section), is amended—

(A) in clause (i)—

(i) by striking out "any fiscal year" and inserting in lieu thereof "fiscal years 1989 and 1990; and

(ii) by striking out "minimum percentages (not to exceed 50 percent through September 30, 1989)" and inserting in lieu thereof "minimum annual percentages (not to exceed 35 percent)"; and

(B) by striking out clause (iv).

(2) PERFORMANCE STANDARDS.—Section 6(d)(4) (7 U.S.C. 2015(d)(4)) is amended by inserting after subparagraph (K) (as redesignated by subsection (b)) the following new subparagraph:

"(L)(i) The Secretary shall establish, in accordance with this subparagraph, performance standards that are applicable to employment and training programs carried out under this paragraph.

"(ii) The performance standards referred to in clause (i) shall be developed by the Secretary after consultation with the Secretary of Labor, the Secretary of Health and Human Services, appropriate State officials designated for purposes of this clause by the chief executive officers of the States, other appropriate experts, and representatives of households participating in the food stamp program. Such performance standards (which shall be coordinated with the corresponding performance standards under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the performance standards under title IV of the Social Security Act (42 U.S.C. 601 et seq.), taking into consideration the differing characteristics of such households)—

"(I) shall be measured by employment outcomes and shall be based on the degree of success that may reasonably be expected of States (in carrying out employment and training programs) in helping individuals to achieve self-sufficiency;

"(II) shall take into account the extent to which persons have elected to participate in employment and training programs under this paragraph, job placement rates, wage rates, job retention rates, households ceasing to need benefits under this Act, improvements in household members' educational levels, and the extent to which household members are able to obtain jobs for which they receive health benefits;

"(III) shall encourage States to serve those individuals who have greater barriers to employment and thus have greater difficulties in achieving self-sufficiency; and

"(IV) shall include guidelines permitting appropriate variations that take into account the differing conditions (including unemployment rates and rates of elective participation under subparagraph (G) in employment and training programs under this paragraph) that may exist in different States.

"(iii) Proposed measures for the performance standards referred to in clause (i) shall be published by the Secretary not later than 1 year after the date of the enactment of the Hunger Prevention Act of 1988. The performance standards shall be established and implemented not later than October 1, 1990.

"(iv) The performance standards developed and issued under clause (ii) shall be varied in any State, to the extent permitted under clause (ii)(IV), to the extent necessary to take into account specific economic, geographic, and demographic factors in the State, the characteristics of the population to be served, and the types of services to be provided.".

(e) INDIAN TRIBAL PARTICIPATION.—Section 6(d)(4) (7 U.S.C. 2015(d)(4)) (as amended in section 405(b)) is further amended by adding at the end thereof the following new subparagraph to read as follows:

"(O)(i) Upon the application and approval by the Secretary of a tribal organization, that exercises governmental jurisdiction over a Federally recognized Indian reservation, to conduct an employment and training program to carry out the purpose of this section, the maximum amount that may be paid by the Secretary under section 16(h)(1) for purposes of the program authorized by this subsection to the State in which the reservation of such tribe is located shall be reduced by the Secretary in accordance with clause (ii) and an amount equal to the amount of such reduction shall be paid directly to such tribal organization (without the requirement of any non-Federal share) for the operation of its employment and training program on or near the Federally recognized Indian reservation.

"(ii) The maximum amount of the reduction under clause (i) with respect to any State in which a tribal organization is located with an application approved under such clause shall be an amount equal to the amount that bears the same ratio to the maximum amount that could be paid under this subsection to the State as the average monthly number of the adult members of Indian tribes represented by such tribal organization, who live on such Federally recognized Indian reservation over which the tribal organization exercises governmental jurisdiction, bears to the number of all adult individuals in the State receiving food stamps.

"(iii) The employment and training program set forth in the application of a Tribe or organization under clause (i) need not meet any requirement of the program under this section that the Secretary determines is inappropriate with respect to the application of such employment and training program on the reservation.

"(iv) The employment and training program of any tribal organization may be terminated voluntarily by such organization or may be terminated by the Secretary on a finding that the tribe is not conducting such program in substantial conformity with the terms of the application approved by the Secretary, and the maximum amount that may be paid under this subsection to the State within which the tribal organization is located (as reduced pursuant to clause (i)) shall be increased by any portion of the amount retained by the Secretary with respect to such program (and not payable to such tribal organization for obligations already incurred). The reduction under clause (i) shall in no event apply to a State for any fiscal year beginning after such program is terminated if no other such program remains in operation in the State.

"(v) For purposes of this subsection, the term 'tribal organization' shall have the same meaning given such term in section 3(p) and shall include any organized group of Alaska Natives (Alaska Natives organization) eligible to operate a Federal program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or such group's designee, and tribal organizations in the State of Oklahoma recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(vi) For purposes of this subsection, the term 'Federally recognized Indian reservation' includes former Indian reservations in Oklahoma and includes the 12 geographical regions, established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a)), within which an Alaska Native organization is located without regard to the ownership of the land within the boundaries.

"(vii) Notwithstanding any other provisions of this section, the Secretary shall issue procedures to authorize employment, training and education programs for Alaska Natives, in which not more than one Alaska Native organization in each of the 12 geographical regions established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a)), can administer such program.

"(viii) Any Alaska Native, otherwise eligible or required to participate in a work, education, and training program, residing within the boundaries of one of such 12 geographic regions containing an Alaska Native organization whose application has been approved by the Secretary, shall be eligible to participate in the work, education, and training program administered by such Alaska Native organization.

"(ix) Nothing in this subsection shall be construed to grant or defer any status or powers other than those expressly granted in this subsection or to validate or invalidate any claim by Alaska Natives of sovereign authority over lands or people.

"(x) If the Secretary approves an Alaska Native organization's application, the maximum amount that may be paid under section 16(h)(1) to the State in which such Alaska Native organization is located shall be reduced by the Secretary in accordance with clause (xi) and an amount equal to the amount of such reduction shall be paid directly to such Alaska Native organization (without the requirement of any non-Federal share) for the operation of its work, training, and education program. In determining whether to approve an application from an Alaska Native organization, the Secretary shall consider whether approval of the application would promote the efficient and nonduplicative administration of work, education, and training programs in the State.

"(xi) The amount of the reduction under clause (x) with respect to any State in which an Alaska Native organization with an application approved under such clause is located shall be an amount equal to the amount that bears the same ratio to the maximum amount that could be paid under section 16(h)(1) to the State as the number of adult Alaska Natives receiving food stamps who reside within the boundaries of one of the 12 geographical regions described in clause (vi) containing such Alaska Native organization bears to the number of all such adult recipients in the State of Alaska.

"(xii) The work, training, and education program set forth in the application of an Alaska Native organization under clause (x) need not meet any requirement of the program under this section that the Secretary determines is inappropriate with respect to such work, training, and education program.

"(xiii) The work, education, and training program of any Alaska Native organization may be terminated voluntarily by such Alaska Native organization or may be terminated by the Secretary upon a finding that the Alaska Native organization is not conducting such program in substantial conformity with the terms of the application approved by the Secretary, and the maximum amount that may be paid under section 16(h)(1) to the State within which the Alaska Native organization is located (as reduced pursuant to clause (x)) shall be increased by any portion of the amount retained by the Secretary with respect to such program (and not payable to such Alaska Native organization for obligations already incurred). The reduction under clause (x) shall in no event apply to a State for any fiscal year beginning after such program is terminated if no other such program remains in operation in the State.".

(f) INCENTIVE PAYMENTS.—Section 16(h) (7 U.S.C. 2025(h)) is amended by adding at the end thereof the following new paragraph:

"(6) The Secretary shall develop, and transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a proposal for modifying the rate of Federal payments under this subsection so as to reflect the relative effectiveness of the various States in carrying out employment and training programs under section 6(d)(4).".

(g) HOUSEHOLDS.—Section 5(d)(5) (7 U.S.C. 2014(d)(5)) is amended by inserting after "child care expenses" the following: "(except for payments or reimbursements for such expenses made under an employment, education, or training program initiated under such title after the date of enactment of the Hunger Prevention Act of 1988)".

(h) TRANSPORTATION COSTS.—Section 16(h)(3) (7 U.S.C. 2025) is amended by striking out "in connection with" and all that follows through "per month" and inserting in lieu thereof "under section 6(d)(4)(I)".

(i) CONFORMING AMENDMENTS.—Section 5 (7 U.S.C. 2014) is amended—

(1) in subsection (d)(15), by striking out "6(d)(4)(H)" and inserting in lieu thereof "6(d)(4)(I)"; and

(2) in the matter preceding paragraph (1) of the fourth sentence of subsection (e), by striking out "6(d)(4)(H)" and inserting in lieu thereof "6(d)(4)(I)".

TITLE V—DEMONSTRATION PROJECTS

SEC. 501. FARMERS' MARKET COUPONS DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to authorize the establishment of a grant program to encourage State demonstration projects designed to—

(1) provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods (such as fruits and vegetables), from farmers' markets; and

(2) expand the awareness and use of farmers' markets and increase sales at such markets.

(b) GENERAL AUTHORITY.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end thereof the following new subsection:

"(m)(1) Subject to the availability of funds appropriated for purposes of this subsection, the Secretary shall award a 3-year grant to each of 10 States that submit applications that are approved for the establishment of demonstration projects designed to provide recipients of assistance under subsection (c) with coupons that may be exchanged for foods at farmers' markets.

"(2) A grant provided to any State under this subsection shall be provided to the chief executive officer of the State, who shall—

"(A) designate the appropriate State agency or agencies to administer the program in conjunction with the appropriate nonprofit organizations; and

"(B) assure coordination of the program among the appropriate agencies and organizations.

"(3) The Secretary shall not make a grant to any State under this subsection unless such State agrees to provide State funds for the demonstration project in an amount that is equal to not less than 30 percent of the total cost of the demonstration project.

"(4)(A) The Secretary shall establish a formula for determining the amount of the grant to be awarded under this subsection to each State for which an application is approved under paragraph (6), according to the number of recipients proposed to participate as specified in the application of the State.

"(B) If the sums appropriated for any fiscal year pursuant to the authorization contained in paragraph (10) for grants under this subsection are not sufficient to pay to each State for which an application is approved under paragraph (6) the amount which the Secretary determines each such State is entitled to under this subsection, each State's grant shall be ratably reduced.

"(5) Each State that receives a grant under this subsection shall ensure that the demonstration project for which the grant is received complies with the following requirements:

"(A) Persons who are eligible to receive Federal benefits under the project shall only be persons who are receiving assistance under subsection (c).

"(B) Construction or operation of a farmers' market may not be carried out using funds—

"(i) provided under the grant; or

"(ii) required to be provided by the State under paragraph (3).

"(C) The value of the Federal share of the benefit received by any recipient under the project may not be—

"(i) less than $10 per year; or

"(ii) more than $20 per year.

"(D) The coupon issuance process under the project shall be designed to ensure that coupons target areas with—

"(i) the highest concentration of eligible persons;

"(ii) the greatest access to farmers' markets; and

"(iii) certain characteristics, in addition to those described in clauses (i) and (ii), that are determined to be relevant by the Secretary that maximize the availability of benefits to eligible persons.

"(E) The coupon redemption process under the project shall be designed to ensure that coupons may be redeemed—

"(i) only by producers authorized by the State to participate in the project; and

"(ii) only to purchase unprepared food for human consumption.

"(F)(i) Except as provided in clause (ii), the State may not use for administration of the project for any fiscal year more than 15 percent of the total amount of funds available for the project from the Secretary in such fiscal year.

"(ii) In the first full year of a State's grant for the demonstration project, the State may use for administration of the project not more than 15 percent of the total amount of funds available for the project from any source in such fiscal year.

"(G) The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the project.

"(6)(A) A State that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(B)(i) Each application submitted under this paragraph shall contain—

"(I) the estimated cost of the program and the estimated number of individuals to be served by such program;

"(II) a description of the State plan for complying with the requirements established in paragraph (5); and

"(III) criteria developed by the State with respect to authorization of producers to participate in the program.

"(ii) The criteria developed by the State as required by clause (i)(III) shall require any authorized producer to sell fresh nutritious unprepared foods (such as fruits and vegetables) to recipients, in exchange for coupons distributed under the project.

"(C) The Secretary shall establish objective criteria for the approval of applications submitted under this paragraph.

"(D) In approving applications submitted under this paragraph, the Secretary shall—

"(i) give preference to applications from States that are operating a similar project with State or local funds;

"(ii) ensure that at least five of the States selected have existing programs as of the date of enactment of this subsection similar to those authorized under this subsection;

"(iii) give preference to States that intend to operate such program on a Statewide basis;

"(iv) give preference to applications from States that propose projects that are determined by the Secretary to—

"(I) have possible national significance; or

"(II) show unusual promise in promoting similar projects;

"(iv) give preference to applications that show promise of continued operation of the project for which the grant is requested after the grant expires;

"(v) require that if a State receives a grant under this section and that State is operating a similar project with State or local funds, that State shall not reduce the amount of State and local funds available to the project after receiving funds for the project under this subsection; and

"(vi) give preference to applications for projects that would serve areas in the State that have—

"(I) the highest concentration of eligible persons;

"(II) the greatest access to farmers' markets; and

"(III) any other characteristics, as determined appropriate by the Secretary, that maximize the availability of benefits to eligible persons.

"(7)(A) The value of the benefit received by any recipient under any project for which a grant is received under this subsection may not affect the eligibility or benefit levels for assistance under any other State or Federal program.

"(B) Any projects for which a grant is received under this subsection shall be supplementary to the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and to any other Federal or State program under which foods are distributed to needy families in lieu of food stamps.

"(8) Each State that receives a grant under this subsection shall submit a report to the Secretary for each year of the grant period. Each such report shall include—

"(A) the number of recipients served under the project for which the grant is received;

"(B) the rate of redemption of coupons distributed under the project;

"(C) the types of foods purchased with the coupons;

"(D) the average amount distributed in coupons to each recipient;

"(E) any change in the amount of food purchased at farmers' markets after the establishment of the project;

"(F) any change in the number of farmers participating in farmers' markets after the establishment of the project;

"(G) a description of how coupons were distributed to and redeemed by recipients in the State project; and

"(H) any other information determined to be necessary by the Secretary.

"(9)(A) The Secretary shall evaluate the projects for which grants are received under this subsection and submit to the Committee on Agriculture of the House of Representatives, the Committee on Education and Labor of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on such evaluations.

"(B) Such report shall be submitted before the end of the 2-year period beginning on the date that the last grant is awarded under this subsection.

"(10) There are authorized to be appropriated to carry out this subsection $2,000,000 for fiscal year 1989, $2,800,000 for fiscal year 1990, and $3,500,000 for fiscal year 1991.

"(11) For purposes of this subsection:

"(A) The term 'recipient' means a person who is chosen by a State to receive benefits under a project.

"(B) The term 'State agency' has the meaning provided in subsection (b)(13), except that such term also includes the agriculture department of each State.".

SEC. 502. FOOD BANK DEMONSTRATION PROJECTS.

(a) In General.—The Secretary of Agriculture may carry out demonstration projects to provide and redistribute to needy individuals and families through community food banks and other charitable food banks—

(1) agricultural commodities or the products thereof made available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); and

(2) to the extent practicable, agricultural commodities or the products thereof made available under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c).

(b) Food Types.—The Secretary shall determine the quantities, varieties, and types of agricultural commodities and products thereof to be made available to community food banks under this section.

(c) Report.—Not later than January 3, 1990, the Secretary shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report describing any demonstration projects carried out under this section. The report shall include an analysis and evaluation of the distribution and redistribution of food under the demonstration projects and the feasibility of expanding the projects to other community food banks.

(e) Termination.—The authority provided under this section shall terminate on September 30, 1991.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $400,000 for each of the fiscal years 1989 through 1991.

SEC. 503. FAMILY OR GROUP DAY CARE HOME DEMONSTRATION.

(a) In General.—The Secretary of Agriculture shall conduct a demonstration project to begin 30 days after enactment of this Act, but in no event earlier than October 1, 1988, in one State regarding the Child Care Food Program authorized under section 17 of the National School Lunch Act (42 U.S.C. 1766) in which day care institutions and family or group day care sponsoring organizations shall receive a reimbursement (in addition to that received under subsections (d) and (f) of section 17) for providing one additional meal or supplement for children that are maintained in a day care institution or in a family or group day care home setting for eight or more hours per day.

(b) Location.—The Secretary of Agriculture shall select one State in which to conduct the demonstration project established under subsection (a). The State shall have a large number of children served by family or group day care homes and shall have a large proportion of its Child Care Food Program meals served under such program in homes rather than in day care centers.

(c) Purpose of Demonstration.—The demonstration project established under subsection (a) shall be structured in a manner that will enable the Secretary of Agriculture to determine—

(1) if the additional meal or supplement for children staying in day care homes longer than eight hours would increase participation in the Child Care Food Program by family and group day care homes;

(2) the extent to which meal service increases at such homes; and

(3) the nutritional impact of the additional meal or supplement.

(d) Report.—Not later than August 1, 1989, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Senate Committee on Agriculture, Nutrition, and Forestry, a preliminary report that describes the results of the project conducted under this section. As expeditiously as possible after the conclusion of such project, the Secretary shall prepare and submit to such Committees a final report on concerning the project.

(e) Termination.—The demonstration project required by this section shall terminate not later than 12 months after the date on which the project was fully initiated.

SECTION 504. DEMONSTRATION PROJECTS FOR DEVELOPMENT AND USE OF INTELLIGENT COMPUTER BENEFIT CARDS TO PAY FOOD STAMP BENEFITS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding at the end thereof the following new subsection:

"(f)(1) In order to encourage States to plan, design, develop, and implement a system for making food stamp benefits available through the use of intelligent benefit cards or other automated or electric benefit delivery systems, the Secretary may conduct one or more pilot or experimental projects, subject to the restrictions imposed by subsection (b)(1), designed to test whether the use of such cards or systems can enhance the efficiency and effectiveness of program operations while ensuring that individuals receive correct benefit amounts on a timely basis. Any intelligent benefit cards developed under such a demonstration project shall contain information, encoded on a computer chip embedded in a credit card medium, including the eligibility of the individual and the amount of benefits to which such individual is entitled.".

SECTION 505. STUDY OF THE EFFECTIVENESS OF THE FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) (as amended by section 504), is further amended by adding at the end thereof the following new subsection:

"(g)(1) In order to assess the effectiveness of the employment and training programs established under section 6(d) in placing individuals into the work force and withdrawing such individuals from the food stamp program, the Secretary is authorized to carry out studies comparing the pre- and post-program labor force participation, wage rates, family income, level of receipt of food stamp and other transfer payments, and other relevant information, for samples of participants in such employment and training programs as compared to the appropriate control or comparison groups that did not participate in such programs. Any such studies shall, to the maximum extent possible—

"(A) collect such data for up to 3 years after the individual has completed the employment and training program; and

"(B) yield results that can be generalized to the national program as a whole.

The results of such studies and reports shall be considered in developing or updating the performance standards required under section 6.

"(2) There are authorized to be appropriated to carry out the purposes of paragraph (1), in addition to amounts otherwise authorized for such purpose, $3,000,000 for each of fiscal years 1990 and 1991.".

TITLE VI—IMPLEMENTATION

SEC. 601. EFFECTIVE DATES.

(a) In General.—Except as otherwise provided for in subsection (b), this Act and the amendments made by this Act shall become effective and be implemented on October 1, 1988.

(b) Special Rules.—

(1) The amendments made by sections 101, 103, 301, 321(c), and 343 shall become effective and be implemented on the date of enactment of this Act.

(2) The amendments made by sections 120, 201, 207, and 402 shall become effective and be implemented on January 1, 1989.

(3) The amendments made by sections 208, 210, 211, subsections (a)(1), (c), (f), and (i) of section 405, and sections 310 through 352 shall become effective and implemented on July 1, 1989.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Panetta: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Hunger Prevention Act of 1988".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY HUNGER PREVENTION

Subtitle A—Temporary Emergency Food Assistance Program

Sec. 101. Domestic use as a higher priority than foreign sales.
Sec. 102. Supplementation of commodities.
Sec. 103. Extension of TEFAP.
Sec. 104. Additional commodities program.
Sec. 105. Distribution costs and regulations.
Sec. 106. Extension of dairy export incentive program.
Sec. 107. Extension of export sales of dairy products.

Subtitle B—Soup Kitchens and Other Emergency Food Aid

Sec. 110. Soup kitchens and food banks.
Sec. 111. Gleaning technical assistance.

Subtitle C—Basic Food Stamp Benefit Levels

Sec. 120. Thrifty food plan.

Subtitle D—Commodity Supplemental Food Program

Sec. 130. Continuation of provision of cheese supplies.

TITLE II—NUTRITION IMPROVEMENTS

Subtitle A—Food Stamp Act of 1977

Sec. 201. Categorical eligibility.
Sec. 202. Reporting requirements and calculation of household income.
Sec. 203. Benefits for households subject to prorating.
Sec. 204. Optional food stamp information activities.
Sec. 205. Extension of homeless amendments.

Subtitle B—Child Nutrition Act of 1966 and National School Lunch Act

Sec. 210. Improvement of school breakfast program.
Sec. 211. Addition of one snack or one meal to the Child Care Food Program.
Sec. 212. Access of homeless women, infants, and children to the special supplemental food program.
Sec. 213. Summer feeding program.
Sec. 214. Department of Defense child care feeding program.

Subtitle C—Food Processing and Distribution

Sec. 220. Encouragement of food processing and distribution by eligible recipient agencies.

TITLE III—ADMINISTRATIVE IMPROVEMENTS AND SIMPLIFICATION

Sec. 301. References to the Food Stamp Act of 1977.

Subtitle A—Reducing Unnecessary Paperwork

Sec. 310. Simplified application forms.
Sec. 311. Statement of required verification.

Subtitle B—Assuring Accurate Issuance of Benefits

Sec. 320. Correcting improper denials and underissuances.
Sec. 321. Special training of State personnel involved in certifying farm households.
Sec. 322. Training of certification workers and community resources.
Sec. 323. Preventing incorrect issuances.

Subtitle C—Reducing Barriers in Rural America

Sec. 330. Transportation difficulties in rural areas.

Subtitle D—Eliminating Inequities for Farmers and Others

Sec. 340. Continuation of food stamps to participants in cash-outs of other benefit programs.
Sec. 341. Annualizing self-employment income and expenses from farming.
Sec. 342. Households in transition.
Sec. 343. Technical correction to exclusion of energy assistance from food stamp income.
Sec. 344. Civil money penalties and disqualification of retail food stores and wholesale food concerns.

Subtitle E—Reducing Barriers for the Elderly and Disabled

Sec. 350. Disabled persons receiving benefits under standards at least as stringent as those in the Social Security Act.
Sec. 351. Simplified procedure for claiming excess medical deduction.
Sec. 352. Coordinated application.

TITLE IV—FAMILY SELF-SUFFICIENCY

Sec. 401. References to the Food Stamp Act of 1977.
Sec. 402. Exclusion for advance payment of earned income credit.
Sec. 403. Deduction for dependent care.
Sec. 404. Employment and training.

TITLE V—DEMONSTRATION PROJECTS

Sec. 501. Farmers' market coupons demonstration project.
Sec. 502. Food bank demonstration project.
Sec. 503. Family or group day care home demonstration project.
Sec. 504. Demonstration projects for development and use of intelligent computer benefit cards to pay food stamp benefits.
Sec. 505. Study of effectiveness of the food stamp employment and training program.

TITLE VI—IMPROVING PAYMENT ACCURACY

Sec. 601. Review of State program investment when settling claims.
Sec. 602. Interest on claims against State agencies.
Sec. 603. Administrative and judicial review.
Sec. 604. Payment accuracy improvement system.

TITLE VII—IMPLEMENTATION

Sec. 701. Implementation.

TITLE I—EMERGENCY HUNGER PREVENTION

Subtitle A—Temporary Emergency Food Assistance Program

SEC. 101. DOMESTIC USE AS A HIGHER PRIORITY THAN FOREIGN SALES.

Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law, the programs authorized by sections 153 and 1163 of the Food Security Act of 1985 (15 U.S.C. 713a-14 and 7 U.S.C. 1731 note) shall not be operated in a manner that will, in any way, reduce the quantities of dairy products that traditionally are made available to carry out this Act or any other domestic feeding program.".

SEC. 102. SUPPLEMENTATION OF COMMODITIES.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding after section 203C the following new section:

"SEC. 203D. STATE AND LOCAL SUPPLEMENTATION OF COMMODITIES.

"(a) Authorization.—The Secretary shall establish procedures under which State and local agencies, charitable institutions, or any other persons may supplement the commodities distributed under the program authorized by this Act for use by emergency feeding organizations with nutritious and wholesome commodities that such entities or persons donate to State agencies and emergency feeding organizations for distribution, in all or part of the State, in addition to the commodities otherwise made available under this Act.

"(b) Use of Funds and Facilities.—States and emergency feeding organizations may use the funds appropriated under this Act and equipment, structures, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this Act, and the personnel, both paid or volunteer, involved in such storage, handling, or distribution, to store, handle or distribute commodities donated for the use of emergency feeding organizations under subsection (a).

"(c) Volunteer Workers.—State and emergency feeding organizations shall continue, to the maximum extent practicable, to use volunteer workers and commodities and other foodstuffs donated by charitable and other organizations in the operation of the program authorized by this section.".

SEC. 103. EXTENSION OF TEFAP.

(a) Authorization.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "through September 30, 1988" and inserting in lieu thereof "through September 30, 1990".

(b) Local Support.—The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "20" and inserting in lieu thereof "40".

(c) Storage and Preparation.—The second sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after "documentation;" the following: "costs of providing information to persons receiving commodities under this Act concerning the appropriate storage and preparation of such commodities;".

(d) Notice of Availability of Commodities.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "the fiscal year ending September 30, 1988" and inserting "each of the fiscal years 1989 and 1990".

(e) Program Dates.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1988" and inserting in lieu thereof "1990".

SEC. 104. ADDITIONAL COMMODITIES PROGRAM.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sections:

"SEC. 213. INCORPORATION OF ADDITIONAL COMMODITIES.

"(a) In General.—The Secretary shall administer the program authorized under this Act in a manner that incorporates into the program additional commodities purchased by the Secretary under section 214 to be distributed to States for use in such States by emergency feeding organizations, as defined in section 201A(1). Such additional commodities, to the extent practicable and appropriate, shall include commodities purchased within a given State for distribution within such State.

"(b) Supplement Commodities Available.—The Secretary shall supplement the commodities made available to emergency feeding organizations under sections 202 and 203D(a) with nutritious and useful commodities purchased by the Secretary under section 214.

"SEC. 214. REQUIRED PURCHASES OF COMMODITIES.

"(a) Purpose.—It is the purpose of this section to establish a formula so that the amount, measured by their value, of additional commodities that are to be allocated to each State can be precisely calculated for fiscal years 1989 and 1990. The share of commodities, as measured by their value, to be allocated to each State shall be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State.

"(b) Definitions.—As used in this section—

"(1) Additional commodities.—The term 'additional commodities' means commodities purchased under this section in addition to the commodities otherwise made available under sections 202 and 203D(a).

"(2) Average monthly number of unemployed persons.—The term 'average monthly number of unemployed persons' refers to the average monthly number of unemployed persons within each State in the most recent fiscal year for which such information is available as determined by the Bureau of Labor Statistics of the Department of Labor.

"(3) Poverty line.—The term 'poverty line' has the same meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(4) Total value of additional commodities.—The term 'total value of additional commodities' means the actual cost (including the distribution and processing costs incurred by the Secretary), as paid by the Secretary, for all additional commodities purchased under subsection (e).

"(5) Value of additional commodities allocated to each state.—The term 'value of additional commodities allocated to each State' means the actual cost for additional commodities (including the distribution and processing costs incurred by the Secretary) as paid by the Secretary under this section and allocated to such State.

"(c) Purchase of Commodities.—The Secretary shall purchase a variety of nutritious and useful commodities of the types that the Secretary has the authority to acquire through the Commodity Credit Corporation or under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c note), to supplement the commodities otherwise provided under the program authorized by this Act.

"(d) Types and Varieties.—The Secretary shall, to the extent practicable and appropriate, purchase types and varieties of commodities—

"(1) with high nutrient density per calorie;

"(2) that are easily and safely stored;

"(3) that are convenient to use and consume;

"(4) that are desired by recipient agencies; and

"(5) that meet the requirement imposed by section 203C(a).

"(e) Amounts.—During each of the fiscal years 1989 and 1990, the Secretary shall spend $120,000,000 to purchase, process, and distribute additional commodities under this section.

"(f) Mandatory Allotments.—In each fiscal year, the Secretary shall allot—

"(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

"(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

"(g) Reallocation.—The Secretary shall notify each State of the amount of the additional commodities that such State is allotted to receive under subsection (f) or subsection (j) if applicable, and each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute the amount the State was allocated to receive under the formula prescribed in subsection (f) but declined to accept. The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allocation. In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities to which each such unaffected State is entitled to States containing areas adversely affected by the disaster.

"(h) Administration.—Subject to subsections (e) and (f), or subsection (j) if applicable, purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (f), or reallocated under subsection (g), or calculated under subsection (j) if applicable, before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.

"(i) Maintenance of Effort.—If a State uses its own funds to provide commodities or services to organizations receiving funds or services under this section, such State shall not diminish the level of support it provides to such organizations or reduce the amount of funds available for other nutrition programs in the State in each fiscal year.

"(j) New Formula.—Notwithstanding the provisions of this section that set forth the specific formula for allocating additional commodities to each State, the Secretary is authorized to promulgate a different precise formula, after prior notice and comment as required by section 553 of title 5, United States Code, only to the extent that—

"(1) any such formula is effective at the outset of, and throughout any given fiscal year;

"(2) any such formula can be used to precisely calculate the amount of commodities to be made available to each State by the Secretary for each fiscal year; and

"(3) such formula provides that each State is entitled to receive that value of additional commodities which results from the application of such formula to the total value of additional commodities.

"(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 105. DISTRIBUTION COSTS AND REGULATIONS.

(a) Distribution Costs.—Section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sentence: "States may also use funds provided under this paragraph to pay for the costs associated with the distribution of commodities under the program authorized under section 110 of the Hunger Prevention Act of 1988, and to pay for the costs associated with the distribution of additional commodities provided pursuant to section 214.".

(b) Regulations.—Section 210 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is authorized to issue final regulations without first issuing proposed regulations (except as otherwise provided for in section 214(j)) for public comment in order to carry out the provisions of sections 213 and 214. If final regulations are issued without such prior public comment the Secretary shall permit public comment on such regulations, consider pertinent comments, and make modifications of such regulations as appropriate not later than 1 year after the date of enactment of this subsection. Such final and modified regulations shall be accompanied by a statement of the basis and purpose for such regulations.".

(c) State Optional Priority.—Section 203B(a) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act, in the distribution of commodities under this Act, each State agency shall have the option to give priority to existing food bank networks and other organizations whose ongoing primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department of Agriculture.".

SEC. 106. EXTENSION OF DAIRY EXPORT INCENTIVE PROGRAM.

Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14(a)) is amended by striking out "1989" and inserting in lieu thereof "1990".

SEC. 107. EXTENSION OF EXPORT SALES OF DAIRY PRODUCTS.

Section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) is amended—

(1) in subsection (a), by striking out "fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988" and inserting in lieu thereof "fiscal years 1986 through 1990"; and

(2) in subsection (c), by striking out "1988" and inserting in lieu thereof "1990".

Subtitle B—Soup Kitchens and Other Emergency Food Aid

SEC. 110. SOUP KITCHENS AND FOOD BANKS.

(a) Purpose.—It is the purpose of this section to establish a formula so that the amount, measured by their value, of additional commodities that are to be provided to each State for redistribution to soup kitchens and food banks can be precisely calculated for fiscal years 1989 through 1991. The share of commodities, as measured by their value, to be provided to each State shall be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State.

(b) Definitions.—As used in this section—

(1) Additional commodities.—The term "additional commodities" means commodities purchased under this section in addition to the commodities otherwise made available to soup kitchens and food banks providing nutrition assistance to relieve situations of emergency and distress.

(2) Average monthly number of unemployed persons.—The term "average monthly number of unemployed persons" refers to the average monthly number of unemployed persons within each State in the most recent fiscal year for which such information is available as determined by the Bureau of Labor Statistics of the Department of Labor.

(3) Food banks.—The term "food bank" refers to public and charitable institutions that maintain an established operation involving the provision of food or edible commodities, or the products thereof, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that provide meals or food to needy persons on a regular basis as an integral part of their normal activities.

(4) Poverty line.—The term "poverty line" has the same meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(5) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(6) Soup kitchens.—The term "soup kitchens" refers to public and charitable institutions that maintain an established feeding operation to provide food to needy homeless persons on a regular basis as an integral part of their normal activities.

(7) Total value of additional commodities.—The term "total value of additional commodities" means the actual cost (including the processing and distribution costs of the Secretary), as paid by the Secretary, for all additional commodities purchased under subsection (c).

(8) Value of additional commodities allocated to a state.—The term "value of additional commodities allocated to a State" means the actual cost for additional commodities (including the processing and distribution costs of the Secretary) as paid by the Secretary for commodities purchased under this section and allocated to such State.

(c) Amounts.—During each of the fiscal years 1989 and 1990, the Secretary shall spend $40,000,000, and in fiscal year 1991, the Secretary shall spend $32,000,000, to purchase, process, and distribute additional commodities to States for distribution to soup kitchens and food banks within a given State that provide nutrition assistance to relieve situations of emergency and distress through the provision of food and meals to needy persons.

(d) Mandatory Allotments.—In each fiscal year, the Secretary shall allot—

(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

(e) Allocation and Reallocation.—

(1) Notification by Secretary.—The Secretary shall notify each State of the amount of the allocation that the State is entitled to receive under subsection (d).

(2) Notification by State.—

(A) Acceptance amount.—A State shall promptly notify the Secretary of the amount of commodities that will be accepted by soup kitchens or food banks. In determining such amount, the State shall give priority to institutions that provide meals to homeless individuals.

(B) Less than full amount accepted.—A State shall promptly notify the Secretary if the State determines that it will not accept the full amount of the allocation under subsection (d) (or a portion thereof).

(3) Reallocation.—Whenever the Secretary receives a notification under paragraph (2)(B), the Secretary shall reallocate and distribute the amount of such allocation (or any portion thereof) not accepted, in a fair and equitable manner among the States that accept the full amount of their respective allocations under subsection (d) and that have requested receipt of additional allocations.

(f) Administration.—Subject to subsection (c), purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines to be appropriate within each fiscal year. All commodities purchased under subsection (c) within each fiscal year shall be provided to States prior to the end of each such fiscal year.

(g) Maintenance of Effort.—If a State uses its own funds to provide commodities or services under this section, such State funds shall not be obtained from existing Federal or State programs.

(h) INCREASED COMMODITY LEVELS AND MAINTENANCE OF EFFORT.—

(1) INCREASED COMMODITY LEVELS.—Commodities provided under the amendments made by section 104 and under this section shall be in addition to the commodities otherwise provided (through commodity donations traditionally provided by the Secretary or the Commodity Credit Corporation) to emergency feeding organizations. The value of the commodity donations traditionally provided to such organizations shall not be diminished as a result of the purchases required by the amendments made by section 104 and this section.

(2) FEDERAL MAINTENANCE.—The purchase of commodities required under the amendments made by section 104 and under this section, shall not be made in such a manner as to cause any reduction in the value of the bonus commodities that would otherwise be distributed, in the absence of sections 104 and this section, to charitable institutions, or to any other domestic food assistance program, such as the programs authorized under the National School Lunch Act, the Child Nutrition Act of 1966, the Food Stamp Act of 1977, or sections 4 and 5 of the Agriculture and Consumer Protection Act of 1973.

(3) OTHER MAINTENANCE.—Local agencies receiving commodities purchased under this section shall provide an assurance to the State that donations of foodstuffs from other sources shall not be diminished as a result of the receipt of commodities under this section.

(i) NEW FORMULA.—Notwithstanding the provisions of this section that set forth the specific formula for allocating additional commodities to each State, the Secretary is authorized to establish a different precise formula, after prior notice and comment as required by section 553 of title 5, United States Code, only to the extent that—

(1) any such formula is effective at the outset of, and throughout any given fiscal year;

(2) any such formula can be used to precisely calculate the amount of commodities to be made available to each State by the Secretary for each fiscal year; and

(3) such formula provides that each State is entitled to receive that value of additional commodities which results from the application of such formula to the total value of additional commodities.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 111. GLEANING TECHNICAL ASSISTANCE.

(a) GLEANING DEFINED.—As used in this section, the term "gleaning" means—

(1) obtaining harvested or unharvested agricultural products from farmers, processors, or retailers; or

(2) obtaining food or meals donated by public or private entities (where State and local health and food safety regulations permit such donations);

in order to facilitate the distribution of such products or such food or meals to needy individuals, but only if such products or such food or meals, and the access to such, are obtained with the permission of the owner and without charge therefor.

(b) DUTIES.—The Secretary of Agriculture shall provide technical assistance to State and local agencies to—

(1) assist such agencies in encouraging public and private nonprofit organizations to initiate and carry out gleaning activities and in providing technical assistance to organizations and individuals involved in gleaning; and

(2) assist such agencies in collecting information on the kinds, amounts, and geographical location of agricultural products and food or meals available for gleaning.

(c) ADMINISTRATION.—The Secretary of Agriculture may use Department of Agriculture employees and volunteers, as may be necessary, to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $500,000 for each of fiscal years 1989 and 1990.

Subtitle C—Basic Food Stamp Benefit Levels

SEC. 120. THRIFTY FOOD PLAN.

Section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) in clause (7), by striking out "and" at the end thereof;

(2) in clause (8), by inserting "through October 1, 1987" after "thereafter"; and

(3) by striking out the colon and all that follows through the period at the end thereof and inserting in lieu thereof the following: ", (9) on October 1, 1988, adjust the cost of such diet to reflect 100.65 percent of the cost of the thrifty food plan in the preceding June, and round the result to the nearest lower dollar increment for each household size, (10) on October 1, 1989, adjust the cost of such diet to reflect 102.05 percent of the cost, in the preceding June (without regard to the adjustment made under clause (9)), of the then most recent thrifty food plan as determined by the Secretary or the cost of the thrifty food plan in effect on the date of enactment of the Hunger Prevention Act of 1988, whichever is greater, and round the result to the nearest lower dollar increment for each household size, and (11) on October 1, 1990, and each October 1 thereafter, adjust the cost of such diet to reflect 103 percent of the cost, in the preceding June (without regard to any previous adjustment made under clause (9), (10), or this clause), of the then most recent thrifty food plan as determined by the Secretary or the cost of the thrifty food plan in effect on the date of enactment of the Hunger Prevention Act of 1988, whichever is greater, and round the result to the nearest lower dollar increment for each household size.".

Subtitle D—Commodity Supplemental Food Program

SEC. 130. CONTINUATION OF PROVISION OF CHEESE SUPPLIES.

Notwithstanding any other provision of law, the Commodity Credit Corporation shall, to the extent that the Commodity Credit Corporation's inventory levels permit, provide 7,000,000 pounds of cheese in each of the fiscal years 1989 and 1990 to the Secretary of Agriculture and the Secretary shall provide such amounts of cheese to the Commodity Supplemental Food Program authorized under section 4(a) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note) before the end of each fiscal year.

TITLE II—NUTRITION IMPROVEMENTS

Subtitle A—Food Stamp Act of 1977

SEC. 201. CATEGORICAL ELIGIBILITY.

The second sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended—

(1) by striking out "during the period"; and

(2) by striking out "and ending on September 30, 1989".

SEC. 202. REPORTING REQUIREMENTS AND CALCULATION OF HOUSEHOLD INCOME.

(a) CALCULATION OF HOUSEHOLD INCOME.—Section 5(f) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)) is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Households not required to submit monthly reports of their income and household circumstances under section 6(c)(1) shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

"(B) Households required to submit monthly reports of their income and household circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B), except that in the case of the first month, or at the option of the State the first and second months, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month.".

(b) OPTIONAL MONTHLY REPORTING.—Section 6(c) of such Act (7 U.S.C. 2015(c)) is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1)(A) A State agency may require certain categories of households to file periodic reports of income and household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting by—

"(i) migrant or seasonal farmworker households;

"(ii) households in which all members are homeless individuals; or

"(iii) households that have no earned income and in which all adult members are elderly or disabled.

"(B) Each household that is not required to file such periodic reports on a monthly basis shall be required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to assure accurate eligibility and benefit determinations.".

(c) MONTHLY NOTICE.—Section 6(c)(2) of such Act (7 U.S.C. 2015(c)(2)) is amended—

(1) by striking out "and (D)" and inserting "(D)"; and

(2) by inserting before the period the following: ", and (E) be provided each month (or other applicable period) with an appropriate, simple form for making the required reports of the household together with clear instructions explaining how to complete the form and the rights and responsibilities of the household under any periodic reporting system".

SEC. 203. BENEFITS FOR HOUSEHOLDS SUBJECT TO PRORATING.

(a) IN GENERAL.—Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (2) (as so redesignated), by redesignating clauses (1), (2), and (3) as subparagraphs (A), (B), and (C) respectively; and

(3) by adding at the end thereof the following new paragraph:

"(3) An eligible household applying after the 15th day of the month shall receive, in lieu of its initial allotment and its regular allotment for the following month, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with paragraphs (3) and (9) of section 11(e).".

(b) CONFORMING AMENDMENT.—Section 7(h) is amended—

(1) by striking out "(1)"; and

(2) by repealing paragraph (2).

SEC. 204. OPTIONAL FOOD STAMP INFORMATION ACTIVITIES.

(a) OPTIONAL INFORMATION ACTIVITIES.—Subparagraph (A) of section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended to read as follows: "(A) at the option of the State agency, inform low-income households about the availability, eligibility requirements, application procedures, and benefits of the food stamp program; and".

(b) ADMINISTRATIVE COSTS.—Section 16(a)(4) of such Act (7 U.S.C. 2025(a)(4)) is amended by striking out "permitted" and inserting in lieu thereof ", including those undertaken".

SEC. 205. EXTENSION OF HOMELESS AMENDMENTS.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (7 U.S.C. 2012 note) is amended by inserting ", except those amendments made by subsection (b)," after "this section".

Subtitle B—Child Nutrition Act of 1966, and National School Lunch Act

SEC. 210. IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM.

The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by striking out "3 cents" and inserting in lieu thereof "6 cents".

SEC. 211. ADDITION OF ONE SNACK OR ONE MEAL TO THE CHILD CARE FOOD PROGRAM.

Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by inserting before the period the following: ", or in the case of an institution (but not in the case of a family or group day care home sponsoring organization), two meals and two supplements or three meals and one supplement per day per child, for children that are maintained in a child care setting for eight or more hours per day.".

SEC. 212. ACCESS OF HOMELESS WOMEN, INFANTS, AND CHILDREN TO THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) DEFINITIONS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end thereof the following new paragraph:

"(15) 'Homeless individual' means—

"(A) an individual who lacks a fixed and regular nighttime residence; or

"(B) an individual whose primary nighttime residence is—

"(i) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(ii) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(iii) a temporary accommodation in the residence of another individual; or

"(iv) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.".

(b) GENERAL AUTHORITY.—The last sentence of section 17(c)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)(1)) is amended to read as follows: "The program shall be supplementary to—

"(A) the food stamp program;

"(B) any program under which foods are distributed to needy families in lieu of food stamps; and

"(C) receipt of food or meals from soup kitchens, or shelters, or other forms of emergency food assistance.".

(c) STATE ADMINISTRATION.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended—

(1) in paragraph (1)(C)(iv), by striking out "migrants" and inserting in lieu thereof "migrants, homeless individuals,";

(2) in paragraph (8)(A), by inserting "organizations and agencies serving homeless individuals and shelters for victims of domestic violence," after "Indian tribal organizations,";

(3) in paragraph (13), by striking out "cultural eating patterns." and inserting in lieu thereof the following: "cultural eating patterns, and, in the case of homeless individuals, the special needs and problems of such individuals."; and

(4) by adding at the end thereof the following new paragraph:

"(17) The State agency may adopt methods of delivering benefits to accommodate the special needs and problems of homeless individuals.".

SEC. 213. SUMMER FEEDING PROGRAM.

(a) ELIGIBLE SERVICE INSTITUTIONS.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended in subparagraph (B), by inserting ", public or private nonprofit higher education institutions participating in the National Youth Sports Program," after "county governments".

(b) ELIGIBLE PRIVATE NONPROFIT ORGANIZATIONS.—Section 13(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) Not later than May 1, 1989, the Secretary shall institute Statewide demonstration projects in five States in which private nonprofit organizations, as defined in subparagraph (B) (other than organizations already eligible under section 13(a)(1)), shall be eligible for the program under the same terms and conditions as other service institutions.

"(B) As used in this paragraph, the term 'private nonprofit organizations' means those organizations that—

"(i) serve no more than 2,500 children per day and operate at not more than 5 sites;

"(ii) use self-preparation facilities to prepare meals, or obtain meals from a public facility (such as a school district, public hospital, or State university);

"(iii) operate in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of any year that such authority or unit of local government will operate a program under this section in such year;

"(iv) exercise full control and authority over the operation of the program at all sites under their sponsorship;

"(v) provide ongoing year-around activities for children;

"(vi) demonstrate that such organizations have adequate management and the fiscal capacity to operate a program under this section; and

"(vii) meet applicable State and local health, safety, and sanitation standards.".

SEC. 214. DEPARTMENT OF DEFENSE CHILD CARE FEEDING PROGRAM.

Section 17(h) of the National School Lunch Act (42 U.S.C. 1766(h)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary is authorized to provide agricultural commodities obtained by the Secretary under the provisions of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and donated under the provisions of section 416 of such Act, to the Department of Defense for use by its institutions providing child care services, when such commodities are in excess of the quantities needed to meet the needs of all other child nutrition programs, domestic and foreign food assistance and export enhancement programs. The Secretary shall require reimbursement from the Department of Defense for the costs, or some portion thereof, of delivering such commodities to overseas locations, unless the Secretary determines that it is in the best interest of the program that the Department of Agriculture shall assume such costs.".

Subtitle C—Food Processing and Distribution

SEC. 220. ENCOURAGEMENT OF FOOD PROCESSING AND DISTRIBUTION BY ELIGIBLE RECIPIENT AGENCIES.

(a) SOLICITATION OF APPLICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall, to the extent that the Commodity Credit Corporation's inventory levels permit, solicit applications, in accordance with paragraph (2), for surplus commodities available for distribution under section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note).

(2) REQUIREMENTS.—The solicitation by the Secretary of Agriculture under paragraph (1) shall be in the form of a request that any eligible recipient agency (as defined in section 201A of the Temporary Emergency Food Assistance Act of 1983) submit an application to the Secretary that shall include an assurance that such agency will—

(A) process any agricultural commodity received in response to such application into end-use products suitable for distribution through the Temporary Emergency Food Assistance Program;

(B) package such products for use by individual households; and

(C) distribute such products to State agencies responsible for the administration of the Temporary Emergency Food Assistance Program, at no cost to the State agency, for distribution through the Temporary Emergency Food Assistance Program.

(3) PROHIBITION ON PAYMENT OF PROCESSING COSTS.—Funds made available under section 204 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) or funds of the Commodity Credit Corporation shall not be used to pay any costs incurred for the processing, storage, transportation or distribution of the commodities or end-use products prior to their delivery to the State agency.

(b) REVIEW OF APPLICATIONS.—

(1) TIME OF REVIEW.—Not later than 60 days after the Secretary of Agriculture receives an application solicited under subsection (a), the Secretary shall approve or disapprove such application.

(2) NOTICE OF DISAPPROVAL.—If the Secretary disapproves the application submitted under subsection (a), the Secretary shall inform the applicant of the reasons for such disapproval.

TITLE III—ADMINISTRATIVE IMPROVEMENTS AND SIMPLIFICATION

SEC. 301. REFERENCES TO THE FOOD STAMP ACT OF 1977.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

Subtitle A—Reducing Unnecessary Paperwork

SEC. 310. SIMPLIFIED APPLICATION FORMS.

Section 11(e)(2) (7 U.S.C. 2020(e)(2)), is amended by inserting after "exigencies as determined by the Secretary" the following: ", and in approving such deviation, the Secretary takes into account whether such State forms are easy to use, brief and readable. In consultation with the Secretary of Health and Human Services, the Secretary shall develop a program to provide assistance to States that request assistance in the development of brief, simply-written and readable application forms including application forms that cover the food stamp program, the aid to families with dependent children program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and medical assistance programs administered by the Secretary of Health and Human Services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). Each food stamp application form shall contain, in plain and prominent language on its front cover, a place where applicants can write their names, addresses, and signatures, and instructions in understandable terms informing households of their right to file the application without immediately completing additional sections, describing the expedited processing requirements of section 11(e)(9) and informing households that benefits are provided only from the date of application".

SEC. 311. STATEMENT OF REQUIRED VERIFICATION.

Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended by inserting before the semicolon at the end thereof the following: ", and that the State agency shall—

"(A) provide each applicant household, at the time of application, a clear written statement explaining what acts the household must perform to cooperate in obtaining verification and otherwise completing the application process;

"(B) assist each applicant household in obtaining appropriate verification and completing the application process;

"(C) not require any household to submit additional proof of a matter on which the State agency already has current verification as determined under regulations issued by the Secretary, unless the State agency has reason to believe that the information possessed by the agency is inaccurate, incomplete, or inconsistent;

"(D) subject to subparagraph (E), not deny any application for participation under this program solely because of the failure of a person outside the household to cooperate (other than an individual failing to cooperate who would otherwise be a household member but for the operation of any of the individual disqualification provisions of subsections (b), (d), (e), (f), and (g) of section 6; and

"(E) process applications if a household complies with the requirements of the first sentence of section 6(c), by taking appropriate steps to verify information otherwise required to be verified under this Act".

Subtitle B—Assuring Accurate Issuance of Benefits

SEC. 320. CORRECTING IMPROPER DENIALS AND UNDERISSUANCES.

Section 11 (7 U.S.C. 2020) is amended by adding at the end thereof the following new subsection:

"(p) When a State agency learns, through its own reviews under section 16 or other reviews, or through other sources, that it has improperly denied, terminated, or underissued benefits to an eligible household, the State agency shall promptly restore any improperly denied benefits to the extent required by sections 11(e)(11) and 14(b), and shall take other steps to prevent a recurrence of such errors where such error was caused by the application of State agency practices, rules or procedures inconsistent with the requirements of this Act or with regulations or policies of the Secretary issued under the authority of this Act.".

SEC. 321. SPECIAL TRAINING OF STATE PERSONNEL INVOLVED IN CERTIFYING FARM HOUSEHOLDS.

(a) TRAINING.—Section 11(e)(6) (7 U.S.C. 2020(e)(6)) is amended—

(1) by striking out "and (C)" at the end of subparagraph (B) and inserting in lieu thereof "(C)"; and

(2) by inserting at the end thereof the following: "(D) the State agency, at its option, may undertake intensive training to ensure that State agency personnel who undertake the certification of households that include a member who engages in farming are qualified to perform such certification;".

(b) TRAINING MATERIALS.—Section 16 (7 U.S.C. 2025) is amended by adding at the end thereof the following new subsection:

"(k) Not later than 180 days after the date of the enactment of the Hunger Prevention Act of 1988, and annually thereafter, the Secretary shall publish instructional materials specifically designed to be used by the State agency to provide intensive training to State agency personnel who undertake the certification of households that include a member who engages in farming.".

(c) TECHNICAL CORRECTIONS.—Section 16 (7 U.S.C. 2025) is amended by redesignating subsection (h), as added by section 121(b)(5) of the Immigration Reform and Control Act of 1986, as subsection (j).

SEC. 322. TRAINING OF CERTIFICATION WORKERS AND COMMUNITY RESOURCES.

(a) TRAINING CERTIFICATION WORKERS.—Section 11(e)(6)(C) (7 U.S.C. 2020(e)(6)(C)) is amended—

(1) by striking out "undertake to"; and

(2) by inserting "so that eligible households are promptly and accurately certified to receive the allotments for which they are eligible under this Act" after "such certification".

(b) COMMUNITY RESOURCES.—Section 11(e)(6) (7 U.S.C. 2020(e)(6)) (as amended by section 321(a) and subsection (a)) is further amended by adding at the end thereof the following new subparagraph: "and (E) at its option, the State agency may provide, or contract for the provision of, training and assistance to persons working with volunteer or nonprofit organizations that provide program information activities or eligibility screening to persons potentially eligible for food stamps;".

SEC. 323. PREVENTING INCORRECT ISSUANCES.

Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 311) is further amended by inserting before the semicolon at the end of paragraph (3), the following: ", and that the State agency shall provide the household, at the time of each certification and recertification, with a statement describing the reporting responsibilities of the household under this Act, and provide a toll-free or local telephone number, or a telephone number at which collect calls will be accepted by the State agency, at which the household may reach an appropriate representative of the State agency".

Subtitle C—Reducing Barriers in Rural America

SEC. 330. TRANSPORTATION DIFFICULTIES IN RURAL AREAS.

Section 11(e)(2) (7 U.S.C. 2020(e)(2)) (as amended by section 310), is further amended by striking out "The State Agency shall comply" and all that follows through "certified properly;" and inserting in lieu thereof the following new sentences: "The State agency shall waive in-office interviews, on a household's request, if a household is unable to appoint an authorized representative pursuant to paragraph (7) and has no adult household members able to come to the appropriate State agency office because such members are elderly, are mentally or physically handicapped, live in a location not served by a certification office, or have transportation difficulties or similar hardships as determined by the State agency (including hardships due to residing in a rural area, illness, care of a household member, prolonged severe weather, or work or training hours). If an in-office interview is waived, the State agency may conduct a telephone interview or a home visit. The State agency shall provide for telephone contact by, mail delivery of forms to, and mail return of forms by, households that have transportation difficulties or similar hardships.".

Subtitle D—Eliminating Inequities for Farmers and Others

SEC. 340. CONTINUATION OF FOOD STAMPS TO PARTICIPANTS IN CASH-OUTS OF OTHER BENEFIT PROGRAMS.

Section 5(d)(1) (7 U.S.C. 2014(d)(1)) is amended—

(1) by striking out "and except as provided in subsection (k),"; and

(2) by inserting after "to a household" the following: "(notwithstanding its conversion in whole or in part to direct payments to households pursuant to any demonstration project carried out or authorized under Federal law including demonstration projects created by the waiver of provisions of Federal law)".

SEC. 341. ANNUALIZING SELF-EMPLOYMENT INCOME AND EXPENSES FROM FARMING.

Section 5(f)(1)(A) (7 U.S.C. 2014(f)(1)(A)) is amended—

(1) in the second sentence by striking out "preceding" and inserting in lieu thereof "first"; and

(2) by inserting after the first sentence the following new sentence: "Notwithstanding the preceding sentence, household income resulting from the self-employment of a member in a farming operation, who derives income from such farming operation and who has irregular expenses to produce such income, may, at the option of the household, be calculated by averaging such income and expenses over a 12-month period.".

SEC. 342. HOUSEHOLDS IN TRANSITION.

Section 5(g) (7 U.S.C. 2014(g)) is amended by adding at the end thereof the following new sentence: "In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the Secretary shall exclude from financial resources the value of such property until the expiration of the 1-year period beginning on the date such member ceases to be self-employed in farming.".

SEC. 343. TECHNICAL CORRECTION TO EXCLUSION OF ENERGY ASSISTANCE FROM FOOD STAMP INCOME.

Section 5(d)(11) (7 U.S.C. 2014(d)(11)) is amended—

(1) in the matter preceding subparagraph (A), by striking out "under" and inserting in lieu thereof "for the purpose of providing energy assistance";

(2) in subparagraph (A), to read as follows: "(A) under any Federal law, or"; and

(3) in subparagraph (B)—

(A) by striking out "any" and inserting in lieu thereof "under any"; and

(B) by striking out "for the purpose of providing energy assistance".

SEC. 344. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12(b)(3) (7 U.S.C. 2021(b)(3)) is amended to read as follows:

"(3) permanent upon—

"(A) the third occasion of disqualification; or

"(B) the first occasion or any subsequent occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern, except that the Secretary shall have the discretion to impose a civil money penalty of up to $20,000 in lieu of disqualification under this subparagraph, for such purchase of coupons or trafficking in coupons or cards that constitutes a violation of the provisions of this Act or the regulations issued pursuant to this Act, if the Secretary determines that there is substantial evidence that such store or food concern had an effective policy and program in effect to prevent violations of the Act and the regulations.".

Subtitle E—Reducing Barriers for the Elderly and Disabled

SEC. 350. DISABLED PERSONS RECEIVING BENEFITS UNDER STANDARDS AT LEAST AS STRINGENT AS THOSE IN THE SOCIAL SECURITY ACT.

Paragraph (2) of section 3(r) (7 U.S.C. 2012(r)) is amended to read as follows:

"(2)(A) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or Federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note), or

"(B) receives Federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act (42 U.S.C. 1382e(a)), interim assistance pending receipt of supplemental security income, disability-related medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or disability-based State general assistance benefits, if the Secretary determines that such benefits are conditioned on meeting disability or blindness criteria at least as stringent as those used under title XVI of the Social Security Act;".

SEC. 351. SIMPLIFIED PROCEDURE FOR CLAIMING EXCESS MEDICAL DEDUCTION.

Section 5(e) (7 U.S.C. 2014(e)) is amended by adding at the end thereof the following new sentences: "State agencies shall offer eligible households a method of claiming a deduction for recurring medical expenses that are initially verified under the excess medical expense deduction provided for in subparagraph (A), in lieu of submitting information or verification on actual expenses on a monthly basis. The method described in the preceding sentence shall be designed to minimize the administrative burden for eligible elderly and disabled household members choosing to deduct their recurrent medical expenses pursuant to such method.".

SEC. 352. COORDINATED APPLICATION.

The second sentence of section 11(i) (7 U.S.C. 2020(i)) is amended to read as follows: "In addition to implementing paragraphs (1) through (4), the State agency shall inform applicants for benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that such applicants may file, along with their application for such benefits, an application for benefits under this Act, and that if such applicants file, they shall have a single interview for food stamps and for benefits under part A of title IV of the Social Security Act.".

TITLE IV—FAMILY SELF-SUFFICIENCY

SEC. 401. REFERENCES TO THE FOOD STAMP ACT OF 1977.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 402. EXCLUSION FOR ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Section 5(d) (7 U.S.C. 2014(d)) is amended—

(1) by striking out "and (13)" and inserting in lieu thereof "(13)"; and

(2) by inserting before the period at the end thereof the following: ", (14) any payment made to the household under section 3507 of the Internal Revenue Code of 1986 (relating to advance payment of earned income credit)".

SEC. 403. DEDUCTION FOR DEPENDENT CARE.

(a) IN GENERAL.—Section 5(d) (7 U.S.C. 2014(d)) (as amended by section 402) is further amended by inserting before the period at the end thereof the following: ", and (15) any payment made to the household under section 6(d)(4)(I) for work related expenses or for dependent care".

(b) DEDUCTION.—Section 5(e) (7 U.S.C. 2014(e)) is amended—

(1) in the matter preceding paragraph (1) of the fourth sentence by inserting "and expenses that are paid under section 6(d)(4)(I) for dependent care" after "third party"; and

(2) in paragraph (1) of the fourth sentence, by inserting after "$160 a month" the following: "for each dependent".

SEC. 404. EMPLOYMENT AND TRAINING.

(a) COMPONENTS OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 6(d)(4)(B) (7 U.S.C. 2015(d)(4)(B)) is amended—

(1) in clause (i), by striking out "have no obligation" through "State agency shall";

(2) in clause (v)—

(A) by inserting "or the State under regulations issued by the Secretary," after "the Secretary"; and

(B) by inserting "employment, educational and training" after "other";

(3) by redesignating clause (v) (as amended by paragraph (2)) as clause (vi) ; and

(4) by inserting after clause (iv), the following new clause:

"(v) Educational programs or activities to improve basic skills or otherwise improve employability, including educational programs determined by the State agency to expand the job search abilities or employability of those subject to the program under this paragraph.".

(b) EMPLOYMENT ASSIGNMENTS AND CONCILIATION.—Section 6(d)(4) (7 U.S.C. 2015(d)(4)) is amended—

(1) by redesignating subparagraphs (H), (I), (J), (K), and (L) as subparagraphs (I), (J), (K), (M) and (N), respectively; and

(2) by inserting after subparagraph (G), the following new subparagraph:

"(H)(i) The Secretary shall issue regulations under which each State agency shall establish a conciliation procedure for the resolution of disputes involving the participation of an individual in the program.

"(ii) Federal funds made available to a State agency for purposes of the component authorized under subparagraph (B)(v) shall not be used to supplant non-Federal funds used for existing services and activities that promote the purposes of this component.".

(c) PARTICIPANTS' EXPENSES.—Section 6(d)(4)(I) (as redesignated by subsection (b) of this section), is amended to read as follows:

"(I)(i) The State agency shall provide payments or reimbursements to participants in programs carried out under this paragraph, including individuals participating under subparagraph (G), for—

"(I) the actual costs of transportation and other actual costs (other than dependent care costs), that are reasonably necessary and directly related to participation in the program, except that the State agency may limit such reimbursement to each participant to $25 per month; and

"(II) the actual costs of such dependent care expenses that are determined by the State agency to be necessary for the participation of an individual in the program (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) in a local area where an employment, training, or education program under title IV of such Act is in operation or was in operation, on the date of enactment of the Hunger Prevention Act of 1988, but in no event shall such payment or reimbursements exceed $160 per dependent per month. Individuals subject to the program under this paragraph may not be required to participate if dependent care costs exceed $160 per dependent per month.

"(ii) In lieu of providing reimbursements or payments for dependent care expenses under clause (i), a State agency may, at its option, arrange for dependent care through providers by the use of purchase of service contracts or vouchers or by providing vouchers to the household.

"(iii) The value of any dependent care services provided for or arranged under clause (ii), or any amount received as a payment or reimbursement under clause (i), shall—

"(I) not be treated as income for the purposes of any other Federal or Federally-assisted program that bases eligibility for, or the amount of benefits on, need; and

"(II) not be claimed as an employment-related expense for the purposes of the credit provided under section 21 of the Internal Revenue Code of 1986.".

(d) PERFORMANCE STANDARDS AND PARTICIPATION STANDARDS.—Section 6(d)(4) (7 U.S.C. 2015(d)(4)) is amended by inserting after subparagraph (K) (as redesignated by subsection (b)) the following new subparagraph:

"(L)(i) The Secretary shall establish, in accordance with this subparagraph, performance standards that are applicable to employment and training programs carried out under this paragraph.

"(ii) The performance standards referred to in clause (i) shall be developed by the Secretary after consultation with the Office of Technology Assessment, the Secretary of Labor, the Secretary of Health and Human Services, appropriate State officials designated for purposes of this clause by the chief executive officers of the States, other appropriate experts, and representatives of households participating in the food stamp program. Such performance standards (which shall be coordinated with the corresponding performance standards under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the performance standards under title IV of the Social Security Act (42 U.S.C. 601 et seq.), taking into consideration the differing characteristics of such households)—

"(I) shall be measured by employment outcomes and shall be based on the degree of success that may reasonably be expected of States (in carrying out employment and training programs) in helping individuals to achieve self-sufficiency;

"(II) shall take into account the extent to which persons have elected to participate in employment and training programs under this paragraph, job placement rates, wage rates, job retention rates, households ceasing to need benefits under this Act, and improvements in household members' educational levels;

"(III) shall encourage States to serve those individuals who have greater barriers to employment and thus have greater difficulties in achieving self-sufficiency; and

"(IV) shall include guidelines permitting appropriate variations that take into account the differing conditions (including unemployment rates and rates of elective participation under subparagraph (G) in employment and training programs under this paragraph) that may exist in different States.

"(iii) Final measures for the performance standards referred to in clause (i) shall be published by the Secretary, after the consideration of public comments concerning the proposed measures for such performance standards, and implemented by the States not later than April 1, 1991.

"(iv) The performance standards developed and issued under clause (ii) shall be varied in any State, to the extent permitted under clause (ii)(IV), to the extent necessary to take into account specific economic, geographic, and demographic factors in the State, the characteristics of the population to be served, and the types of services to be provided.

"(v) The performance standards in effect under subparagraph (K) shall remain in effect during the period beginning on October 1, 1988, and ending on the date the Secretary implements the performance standards required to be issued under this subparagraph on which date the authority to issue such standards shall expire.

"(vi) Not later than 180 days after the Secretary publishes the proposed measures for the performance standards under this subparagraph, the Office of Technology Assessment shall—

"(I) develop model performance standards suitable for application to employment and training programs carried out under this subsection and that satisfy the criteria specified in this subparagraph;

"(II) compare the standards developed under subclause (I) with the performance standards established under this subparagraph by the Secretary, and

"(III) submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Secretary of Agriculture a report describing the results of the comparison required under subclause (II).".

(e) Incentive Payments.—Section 16(h) (7 U.S.C. 2025(h)) is amended by adding at the end thereof the following new paragraph:

"(6) The Secretary shall develop, and transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a proposal for modifying the rate of Federal payments under this subsection so as to reflect the relative effectiveness of the various States in carrying out employment and training programs under section 6(d)(4).".

(f) Households.—Section 5(d)(5) (7 U.S.C. 2014(d)(5)) is amended by inserting after "child care expenses" the following: "(except for payments or reimbursements for such expenses made under an employment, education, or training program initiated under such title after the date of enactment of the Hunger Prevention Act of 1988)".

(g) Reimbursable Costs.—Section 16(h)(3) (7 U.S.C. 2025) is amended by inserting after "month" the following: "for costs of transportation and other actual costs (other than dependent care costs) and an amount representing $160 per month per dependent".

TITLE V—DEMONSTRATION PROJECTS

SEC. 501. FARMERS' MARKET COUPONS DEMONSTRATION PROJECT.

(a) Purpose.—The purpose of this section is to authorize the establishment of a grant program to encourage State demonstration projects designed to—

(1) provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods (such as fruits and vegetables), from farmers' markets; and

(2) expand the awareness and use of farmers' markets and increase sales at such markets.

(b) General Authority.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end thereof the following new subsection:

"(m)(1) Subject to the availability of funds appropriated for purposes of this subsection, the Secretary shall award a 3-year grant to up to 10 States that submit applications that are approved for the establishment of demonstration projects designed to provide recipients of assistance under subsection (c) with coupons that may be exchanged for foods at farmers' markets.

"(2) A grant provided to any State under this subsection shall be provided to the chief executive officer of the State, who shall—

"(A) designate the appropriate State agency or agencies to administer the program in conjunction with the appropriate nonprofit organizations; and

"(B) assure coordination of the program among the appropriate agencies and organizations.

"(3) The Secretary shall not make a grant to any State under this subsection unless such State agrees to provide State funds for the demonstration project in an amount that is equal to not less than 30 percent of the total cost of the demonstration project which may be satisfied from State contributions that are made for similar projects.

"(4)(A) The Secretary shall establish a formula for determining the amount of the grant to be awarded under this subsection to each State for which an application is approved under paragraph (6), according to the number of recipients proposed to participate as specified in the application of the State.

"(B) If the sums appropriated for any fiscal year pursuant to the authorization contained in paragraph (10) for grants under this subsection are not sufficient to pay to each State for which an application is approved under paragraph (6) the amount which the Secretary determines each such State is entitled to under this subsection, each State's grant shall be ratably reduced.

"(5) Each State that receives a grant under this subsection shall ensure that the demonstration project for which the grant is received complies with the following requirements:

"(A) Persons who are eligible to receive Federal benefits under the project shall only be persons who are receiving assistance under subsection (c).

"(B) Construction or operation of a farmers' market may not be carried out using funds—

"(i) provided under the grant; or

"(ii) required to be provided by the State under paragraph (3).

"(C) The value of the Federal share of the benefit received by any recipient under the project may not be—

"(i) less than $10 per year; or

"(ii) more than $20 per year.

"(D) The coupon issuance process under the project shall be designed to ensure that coupons target areas with—

"(i) the highest concentration of eligible persons;

"(ii) the greatest access to farmers' markets; and

"(iii) certain characteristics, in addition to those described in clauses (i) and (ii), that are determined to be relevant by the Secretary that maximize the availability of benefits to eligible persons.

"(E) The coupon redemption process under the project shall be designed to ensure that coupons may be—

"(i) redeemed only by producers authorized by the State to participate in the project; and

"(ii) redeemed only to purchase unprepared food for human consumption.

"(F)(i) Except as provided in clauses (ii) and (iii), the State may not use for administration of such project for any fiscal year more than 10 percent of the total amount of project funds.

"(ii) On the showing by the State of substantial need, the Secretary may permit a State to use up to an additional two percent of the total project funds for administration of such project for any fiscal year.

"(iii) The provisions of clauses (i) and (ii) with respect to the use of project funds for the administration of the project shall not apply to any funds that a State may contribute in excess of the funds used by the State to meet the requirements under subparagraph (B).

"(G) The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the project.

"(6)(A) A State that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(B)(i) Each application submitted under this paragraph shall contain—

"(I) the estimated cost of the program and the estimated number of individuals to be served by such program;

"(II) a description of the State plan for complying with the requirements established in paragraph (5); and

"(III) criteria developed by the State with respect to authorization of producers to participate in the program.

"(ii) The criteria developed by the State as required by clause (i)(III) shall require any authorized producer to sell fresh nutritious unprepared foods (such as fruits and vegetables) to recipients, in exchange for coupons distributed under the project.

"(C) The Secretary shall establish objective criteria for the approval of applications submitted under this paragraph.

"(D) In approving applications submitted under this paragraph, the Secretary shall—

"(i) favorably consider a State's prior experiences with programs in existence as of the date of enactment of the Hunger Prevention Act of 1988;

"(ii) favorably consider a State's operation of a similar project with State or local funds that can present data concerning the value of such project, and such data can be of assistance to other States interested in developing such farmers' market coupons projects;

"(iii) award a grant to at least one applicant that proposes to operate the program on a Statewide basis;

"(iv) give preference to applications from States that propose projects that are determined by the Secretary to—

"(I) have possible national significance; or

"(II) show unusual promise in promoting similar projects;

"(v) give preference to applications that show promise of continued operation of the project for which the grant is requested after the grant expires;

"(vi) require that if a State receives a grant under this section and that State is operating a similar project with State or local funds, that State shall not reduce in any fiscal year the amount of State and local funds available to the project in the preceding fiscal year after receiving funds for the project under this subsection; and

"(vii) give preference to applications for projects that would serve areas in the State that have—

"(I) the highest concentration of eligible persons;

"(II) the greatest access to farmers' markets;

"(III) broad geographical area;

"(IV) the greatest number of participants in the broadest geographical area within the State; and

"(V) any other characteristics, as determined appropriate by the Secretary, that maximize the availability of benefits to eligible persons.

"(7)(A) The value of the benefit received by any recipient under any project for which a grant is received under this subsection may not affect the eligibility or benefit levels for assistance under any other State or Federal program.

"(B) Any projects for which a grant is received under this subsection shall be supplementary to the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and to any other Federal or State program under which foods are distributed to needy families in lieu of food stamps.

"(8) Each State that receives a grant under this subsection shall submit a report to the Secretary for each year of the grant period. Each such report shall include—

"(A) the number of recipients served under the project for which the grant is received;

"(B) the rate of redemption of coupons distributed under the project;

"(C) the types of foods purchased with the coupons;

"(D) the average amount distributed in coupons to each recipient;

"(E) any change in the amount of food purchased at farmers' markets after the establishment of the project;

"(F) any change in the number of farmers participating in farmers' markets after the establishment of the project;

"(G) a description of how coupons were distributed to and redeemed by recipients in the State project; and

"(H) any other information determined to be necessary by the Secretary.

"(9)(A) The Secretary shall evaluate the projects for which grants are received under this subsection and submit to the Committee on Agriculture of the House of Representatives, the Committee on Education and Labor of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on such evaluations.

"(B) Such report shall be submitted before the end of the 2-year period beginning on the date that the last grant is awarded under this subsection.

"(10) There are authorized to be appropriated to carry out this subsection $2,000,000 for fiscal year 1989, $2,800,000 for fiscal year 1990, and $3,500,000 for fiscal year 1991.

"(11) For purposes of this subsection:

"(A) The term 'recipient' means a person who is chosen by a State to receive benefits under a project.

"(B) The term 'State agency' has the meaning provided in subsection (b)(13), except that such term also includes the agriculture department of each State.".

SEC. 502. FOOD BANK DEMONSTRATION PROJECTS.

(a) In General.—The Secretary of Agriculture may carry out demonstration projects to provide and redistribute to needy individuals and families through community food banks and other charitable food banks—

(1) agricultural commodities or the products thereof made available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); and

(2) to the extent practicable, agricultural commodities or the products thereof made available under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c).

(b) Food Types.—The Secretary shall determine the quantities, varieties, and types of agricultural commodities and products thereof to be made available to community food banks under this section.

(c) Report.—Not later than July 1, 1990, the Secretary shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report describing any demonstration projects carried out under this section. The report shall include an analysis and evaluation of the distribution and redistribution of food under the demonstration projects and the feasibility of expanding the projects to other community food banks.

(d) Termination.—The authority provided under this section shall terminate on September 30, 1990.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $400,000 for each of the fiscal years 1989 through 1990.

SEC. 503. FAMILY OR GROUP DAY CARE HOME DEMONSTRATION PROJECT.

(a) In General.—The Secretary of Agriculture shall conduct a demonstration project to begin 30 days after enactment of this Act, but in no event earlier than October 1, 1988, in one State regarding the Child Care Food Program authorized under section 17 of the National School Lunch Act (42 U.S.C. 1766) in which day care institutions and family or group day care sponsoring organizations shall receive a reimbursement (in addition to that received under subsections (d) and (f) of section 17 for providing one additional meal or supplement for children that are maintained in a day care institution or in a family or group day care home setting for eight or more hours per day.

(b) Location.—The Secretary of Agriculture shall select one State in which to conduct the demonstration project established under subsection (a). The State shall have a large number of children served by family or group day care homes and shall have a large proportion of its Child Care Food Program meals served under such program in homes rather than in day care centers.

(c) Purpose of Demonstration.—The demonstration project established under subsection (a) shall be structured in a manner that will enable the Secretary of Agriculture to determine—

(1) if the additional meal or supplement for children staying in day care homes longer than eight hours would increase participation in the Child Care Food Program by family and group day care homes;

(2) the extent to which meal service increases at such homes; and

(3) the nutritional impact of the additional meal or supplement.

(d) Report.—Not later than August 1, 1989, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Senate Committee on Agriculture, Nutrition, and Forestry, a preliminary report that describes the results of the project conducted under this section. As expeditiously as possible after the conclusion of such project, the Secretary shall prepare and submit to such Committees a final report concerning the project.

(e) Termination.—The demonstration project required by this section shall terminate not later than 12 months after the date on which the project was fully initiated.

SECTION 504. DEMONSTRATION PROJECTS FOR DEVELOPMENT AND USE OF INTELLIGENT COMPUTER BENEFIT CARDS TO PAY FOOD STAMP BENEFITS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding at the end thereof the following new subsection:

"(f)(1) In order to encourage States to plan, design, develop, and implement a system for making food stamp benefits available through the use of intelligent benefit cards or other automated or electronic benefit delivery systems, the Secretary may conduct one or more pilot or experimental projects, subject to the restrictions imposed by subsection (b)(1) and section 7(g)(2), designed to test whether the use of such cards or systems can enhance the efficiency and effectiveness of program operations while ensuring that individuals receive correct benefit amounts on a timely basis. Intelligent benefit cards developed under such a demonstration project shall contain information, encoded on a computer chip embedded in a credit card medium, including the eligibility of the individual and the amount of benefits to which such individual is entitled. Any other automated or electronic benefit delivery system developed under such a demonstration project shall be able to use a plastic card to access such information from a data file.".

SECTION 505. STUDY OF THE EFFECTIVENESS OF THE FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) (as amended by section 504), is further amended by adding at the end thereof the following new subsection:

"(g) In order to assess the effectiveness of the employment and training programs established under section 6(d) in placing individuals into the work force and withdrawing such individuals from the food stamp program, the Secretary is authorized to carry out studies comparing the pre- and post-program labor force participation, wage rates, family income, level of receipt of food stamp and other transfer payments, and other relevant information, for samples of participants in such employment and training programs as compared to the appropriate control or comparison groups that did not participate in such programs. Such studies shall, to the maximum extent possible—

"(1) collect such data for up to 3 years after the individual has completed the employment and training program; and

"(2) yield results that can be generalized to the national program as a whole.

The results of such studies and reports shall be considered in developing or updating the performance standards required under section 6.".

TITLE VI—IMPROVING PAYMENT ACCURACY

SEC. 601. REVIEW OF STATE PROGRAM INVESTMENT WHEN SETTLING CLAIMS.

Section 13(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2022(a)(1)) is amended by inserting at the end thereof the following new sentence: "In determining whether to settle, adjust, compromise, or waive a claim arising against a State agency pursuant to section 16(c), the Secretary shall review a State agency's plans for new dollar investment in activities to improve program administration in order to reduce payment error, and shall take the State agency's plans for new dollar investment in such activities into consideration as the Secretary considers appropriate.".

SEC. 602. INTEREST ON CLAIMS AGAINST STATE AGENCIES.

Section 13(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2022(a)(1)), as amended by section 601, is further amended by adding at the end thereof the following new sentences: "To the extent that a State agency does not pay a claim established under section 16(c)(1)(C), including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding, within 30 days from the date on which the bill for collection (after a determination on any request for a waiver for good cause related to the claim has been made by the Secretary) is received by the State agency, the State agency shall be liable for interest on any unpaid portion of such claim accruing from the date on which the bill for collection was received by the State agency, unless the State agency appeals the claim under section 16(c)(7). If the State agency appeals such claim (in whole or in part), the interest on any unpaid portion of the claim shall accrue from the date of the decision on the administrative appeal, or from a date that is 2 years after the date the bill is received, whichever is earlier, until the date the unpaid portion of the payment is received. If the State agency pays such claim (in whole or in part, including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding) and the claim is subsequently overturned through administrative or judicial appeal, any amounts paid by the State agency shall be promptly returned with interest, accruing from the date the payment is received until the date the payment is returned. Any interest assessed under this paragraph shall be computed at a rate determined by the Secretary based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during the period such interest accrues.".

SEC. 603. ADMINISTRATIVE AND JUDICIAL REVIEW.

Section 14(a) of the Food Stamp Act of 1977 (7 U.S.C. 2023(a)) is amended—

(1) by inserting immediately after the fifth sentence the following new sentences: "Determinations regarding claims made pursuant to section 16(c) shall be made on the record after opportunity for an agency hearing in accordance with section 556 and 557 of title 5, United States Code, in which one or more administrative law judges appointed pursuant to section 3105 of such title shall preside over the taking of evidence. Such judges shall have authority to issue and enforce subpoenas in the manner prescribed in sections 13(c) and (d) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499m(c) and (d)) and to appoint expert witnesses under the provisions of Rule 706 of the Federal Rules of Evidence. The Secretary may not limit the authority of such judges presiding over determinations regarding claims made pursuant to section 16(c). The Secretary shall provide a summary procedure for determinations regarding claims made pursuant to section 16(c) in amounts less than $50,000. Such summary procedure need not include an oral hearing. On a petition by the State agency or sua sponte, the Secretary may permit the full administrative review procedure to be used in lieu of such summary review procedure for a claim of less than $50,000. Subject to the right of judicial review hereinafter provided, a determination made by an administrative law judge regarding a claim made pursuant to section 16(c) shall be final and shall take effect thirty days after the date of the delivery or service of final notice of such determination.";

(2) by inserting before the period at the end of the eighth sentence (as it existed before the amendment made by paragraph (1)) ", except that judicial review of determinations regarding claims made pursuant to section 16(c) shall be a review on the administrative record"; and

(3) by adding at the end thereof the following new sentence: "Notwithstanding the administrative or judicial review procedures set forth in this subsection, determinations by the Secretary concerning whether a State agency had good cause for its failure to meet error rate tolerance levels established under section 16(c) are final.".

SEC. 604. PAYMENT ACCURACY IMPROVEMENT SYSTEM.

Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c)(1) The program authorized under this Act shall include a system that enhances payment accuracy by establishing fiscal incentives that require State agencies with high error rates to share in the cost of payment error and provide enhanced administrative funding to States with the lowest error rates. Under such system—

"(A) the Secretary shall adjust a State agency's federally funded share of administrative costs pursuant to subsection (a), other than the costs already shared in excess of 50 percent under the proviso in the first sentence of subsection (a) or under subsection (g), by increasing such share of all such administrative costs by one percentage point to a maximum of 60 percent of all such administrative costs for each full one-tenth of a percentage point by which the payment error rate is less than 6 percent, except that only States whose rate of invalid decisions in denying eligibility is less than a nationwide percentage that the Secretary determines to be reasonable shall be entitled to the adjustment prescribed in this subsection;

"(B) the Secretary shall foster management improvements by the States pursuant to subsection (b) by requiring State agencies other than those receiving adjustments under subparagraph (A) to develop and implement corrective action plans to reduce payment errors; and

"(C) for any fiscal year in which a State agency's payment error rate exceeds the payment error tolerance level for payment error rates announced under paragraph (6), other than for good cause shown, the State agency shall pay to the Secretary an amount equal to its payment error rate less such tolerance level times the total value of allotments issued in such a fiscal year by such State agency. The amount of liability shall not be affected by corrective action under subparagraph (B).

"(2) As used in this section—

"(A) the term 'payment error rate' means the sum of the point estimates of an overpayment error rate and an underpayment error rate determined by the Secretary from data collected in a probability sample of participating households;

"(B) the term 'overpayment error rate' means the percentage of the value of all allotments issued in a fiscal year by a State agency that are either—

"(i) issued to households that fail to meet basic program eligibility requirements; or

"(ii) overissued to eligible households; and

"(C) the term 'underpayment error rate' means the ratio of the value of allotments underissued to recipient households to the total value of allotments issued in a fiscal year by a State agency.

"(3) The following errors may be measured for management purposes but shall not be included in the payment error rate:

"(A) Any errors resulting in the application of new regulations promulgated under this Act during the first 60 days (or 90 days at the discretion of the Secretary) from the required implementation date for such regulations.

"(B) Errors resulting from the use by a State agency of correctly processed information concerning households or individuals received from Federal agencies or from actions based on policy information approved or disseminated, in writing, by the Secretary or the Secretary's designee.

"(4) The Secretary may require a State agency to report any factors that the Secretary considers necessary to determine a State agency's payment error rate, enhanced administrative funding, or claim for payment error, under this subsection. If a State agency fails to meet the reporting requirements established by the Secretary, the Secretary shall base the determination on all pertinent information available to the Secretary.

"(5) To facilitate the implementation of this subsection each State agency shall submit to the Secretary expeditiously data regarding its operations in each fiscal year sufficient for the Secretary to establish the payment error rate for the State agency for such fiscal year and determine the amount of either incentive payments under paragraph (1)(A) or claims under paragraph (1)(C). The Secretary shall make a determination for a fiscal year, and notify the State agency of such determination, within nine months following the end of each fiscal year. The Secretary shall initiate efforts to collect the amount owed by the State agency as a claim established under paragraph (1)(C) for a fiscal year, subject to the conclusion of any formal or informal appeal procedure and administrative or judicial review under section 14 (as provided for in paragraph (7)), before the end of the fiscal year following such fiscal year.

"(6) At the time the Secretary makes the notification to State agencies of their error rates and incentive payments or claims pursuant to paragraphs (1)(A) and (1)(C), the Secretary shall also announce a national performance measure that shall be the sum of the products of each State agency's error rate as developed for the notifications under paragraph (5) times that State agency's proportion of the total value of national allotments issued for the fiscal year using the most recent issuance data available at the time of the notifications issued pursuant to paragraph (5). Where a State fails to meet reporting requirements pursuant to paragraph (4), the Secretary may use another measure of a State's error developed pursuant to paragraph (5), to develop the national performance measure. The announced national performance measure shall be used to establish a payment-error tolerance level. Such tolerance level for any fiscal year will be one percentage point added to the lowest national performance measure ever announced up to and including such fiscal year under this section. The payment-error tolerance level shall be used in determining the State share of the cost of payment error under paragraph (1)(C) for the fiscal year whose error rates are being announced under paragraph (5).

"(7) If the Secretary asserts a financial claim against a State agency under paragraph (1)(C), the State may seek administrative and judicial review of the action pursuant to section 14."; and

(2) by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d) The Secretary shall undertake the following studies of the payment error improvement system established under subsection (c):

"(1) An assessment of the feasibility of measuring payment errors due to improper denials and terminations of benefits or otherwise developing performance standards with financial consequences for improper denials and terminations, including incorporation in subsection (c). The Secretary shall report the results of such study and the recommendations of the Secretary to the Congress by July 1, 1990.

"(2) An evaluation of the effectiveness of the system of program improvement initiated under this section that shall be reported to the Congress along with the Secretary's recommendations no later than 3 years from the date of enactment of this section.".

TITLE VII—IMPLEMENTATION

SEC. 701. EFFECTIVE DATES.

(a) In General.—Except as otherwise provided for in section 503 and in subsection (b) of this section, this Act and the amendments made by this Act shall become effective and be implemented on October 1, 1988.

(b) Special Rules.—

(1) The amendments made by sections 101, 103, 301, 321(c), 343, and 401 shall become effective and be implemented on the date of enactment of this Act.

(2) The amendments made by section 402 shall become effective and be implemented on January 1, 1989.

(3)(A) The amendments made by section 203(a) shall become effective on January 1, 1989, and the States shall implement such section by January 1, 1990.

(B) The amendments made by section 203(b) shall become effective on January 1, 1989, except with regards to those States not implementing section 203(a).

(4) The amendments made by sections 204, 210, 211, subsections (a)(1), (c), and (e) of section 404, and sections 310 through 352 shall become effective and implemented on July 1, 1989.

(5) The amendments made by title VI shall be effective as follows:

(A) Except as provided in subparagraph (D), the provisions of section 16(c) of the Food Stamp Act of 1977, as amended by section 604, shall become effective on October 1, 1985, with respect to claims under section 16(c) for quality control review periods after such date, except that—

(i) the provisions of section 16(c)(1)(A), as amended, shall become effective on October 1, 1988, with respect to payment error rates for quality control review periods after such date; and

(ii) the provisions of section 16(c)(3), as amended, shall become effective on October 1, 1988, with respect to payment error rates for quality control review periods after such date.

(B) The amendments made by sections 601 and 602 shall become effective on October 1, 1985, with respect to claims under section 16(c) for quality control review periods after such date.

(C) Except as provided in subparagraph (D), the amendments made to section 14 of the Food Stamp Act of 1977 by section 603 shall become effective on October 1, 1985, with respect to claims under section 16(c) for quality control review periods after such date.

(D)(i) The provisions of sections 13, 14, and 16 of the Food Stamp Act of 1977 that relate to claims against State agencies and that were in effect for any quality control review period or periods through fiscal year 1985 shall remain in effect for claims arising with respect to such period or periods.

(ii) The provisions of sections 14 and 16(c) of the Food Stamp Act of 1977 that relate to enhanced administrative funding for State agencies and that were in effect for any quality control review period or periods through fiscal year 1988 shall remain in effect for such funding with respect to such period or periods.

(c) Sequestration.—

(1) In general.—Notwithstanding any other provision of law, if a final order is issued for fiscal year 1989 under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(b)), the amount made available to carry out the food stamp program under section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) shall be reduced by an amount equal to $110,000,000 multiplied by the amount of the percentage reduction for domestic programs required under such order. The reduction required by the preceding sentence shall be achieved by reducing the amount of the adjustment to the cost of the thrifty food plan for fiscal year 1989 under section 3(o)(9) of the Food Stamp Act of 1977 (as added by section 120 of this Act).

(2) Effective dates if sequestration occurs.—Notwithstanding subsections (a) and (b), if a final order is issued under section 252(b) of the Emergency Deficit Control Act of 1985 (2 U.S.C. 902(b)) for fiscal year 1989 to make reductions and sequestrations specified in the report required under section 251(a)(3)(A) of such Act, sections 111, 201, 204, 310, 311, 321, 322, 323, 341, 342, 350, 351, 352, 402, 403, 404, 502, 504, and 505 shall become effective and be implemented on October 1, 1989.

Mr. PANETTA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. EMERSON. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from California [Mr. Panetta] to explain the amendment.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we bring before you today a bipartisan amendment which we propose as a substitute to the Emergency Hunger Relief Act (H.R. 4060) which the House approved on Monday. We have worked out our differences with the Senate bill and are proposing an amendment to the Senate-passed nutrition initiative (S. 2560) as a way to expedite final congressional action on an urgently needed nutrition initiative. This bipartisan amendment which we have developed retains the basic approach in the House legislation—to get nutrition assistance to low-income Americans who depend on the food stamp and temporary emergency food assistance [TEFAP] programs as quickly as possible without increasing the administrative complexity of the programs. The major provisions of the proposed amendment will—

First, extend for 2 years the Temporary Emergency Food Assistance Program [TEFAP];

Second, require the U.S. Department of Agriculture to purchase 120 million dollars' worth of commodities in both fiscal years 1989 and 1990 to distribute to the needy to compensate for the reduced availability of cheese and other commodities in recent months;

Third, require the U.S. Department of Agriculture to purchase 112 million dollars' worth of commodities over the next 3 years which are earmarked specifically for food banks and soup kitchens which serve the homeless.

Fourth, increase basic food stamp benefits for each recipient above the normal inflation adjustment by an average of 1.5 cents a day in fiscal year 1989, 5 cents a day in fiscal year 1990, and 8 cents a day in fiscal year 1991;

Fifth, provide additional information to the needy about food stamps and reduce unnecessary paperwork for applicants;

Sixth, reduce barriers to participation in the Food Stamp Program for farmers, migrants and seasonal farm workers, the elderly, and the disabled;

Seventh, improve the efficiency of the Food Stamp Program by reforming the quality control system so that judicial and administrative appeals are expedited and the number of States and the amount of claims levied on each State is substantially reduced;

Eighth, improve nutrition assistance to our Nation's children by increasing the reimbursement rate for the School Breakfast Program, allowing an extra meal or snack in child care programs, and ensuring that low-income homeless children and mothers have access to the WIC program;

Ninth, increase the reimbursement for day care expenses in the Food Stamp Employment and Training Program and the deduction for day care expenses in the Food Stamp Program to better reflect actual costs.

This is a good compromise. It retains the essence of the House approach which was to increase food stamp benefits across the board. The amendment raises food stamp benefits to 103 percent of the thrifty food plan as approved by the House. To stay within budget limits, the increase is phased in over 3 years. The amendment responds to the fact that food stamp benefit adjustments are made each October based on food prices the previous June. This means that the purchasing power of food stamp recipients always lags behind food price increases. This problem will be exacerbated because of the food price inflation we can expect from the drought.

While the amount of commodities which would be purchased for TEFAP is higher than the House bill, the compromise includes the House priority for food banks and soup kitchens which aid the homeless. The House provisions to reduce barriers to participation in the Food Stamp Program were retained, and a number of Senate provisions to reduce barriers to participation, which have little or no cost were picked up.

We were able to obtain significant work incentives similar to what the House had included last year in the food stamp title of welfare reform (H.R. 1720), and the Senate included in its nutrition initiative. These include an increase in the dependent care deduction to $160 a month for each dependent. Current law allows only $160, regardless of the number of dependents. We also direct the Department of Agriculture to develop outcome-based performance standards for the Food Stamp Employment and Training Program. The compromise allows food stamp employment and training funds to be used to improve basic skills or otherwise improve employability, including educational programs determined by the State agency to expand the job search abilities or employability of those participating in food stamp employment and training activities. The compromise requires that funds made available for this purpose may not be used to supplant non-Federal funds used for existing services and activities of this type.

The compromise also institutes a requirement for a conciliation procedure to resolve disputes about participation in the Food Stamp Employment and Training Program. This provision formalizes the current procedures; that is, when State agencies find that there has been noncompliance in meeting a required employment and training component, the State agency will attempt to contact the noncomplying household member to determine if there is good cause for the noncompliance. Only if no good cause is found would a notice of adverse action be sent. Nothing in this provision is to be construed as enabling a delay in sending the notice or otherwise lengthening the adverse action process.

The compromise retains two important commodity provisions included in the House bill. First, the amendment requires that the Secretary solicit applications from eligible agencies for donation of excess section 416 commodities held in USDA inventories. These commodities would be over and above normal quantities allocated to TEFAP and would be processed by the receiving agency into usable end products suitable for distribution with regular TEFAP foods.

The amendment also authorizes the U.S. Department of Agriculture through the Extension Service to give technical assistance to States that desire to establish gleaning clearinghouses. These clearinghouses would collect and distribute information about the kinds, amounts and locations of agricultural products, foods, and meals so that these items can be distributed to needy families and individuals. The House bill had authorized a national gleaning clearinghouse. The Department of Agriculture opposed this approach as administratively infeasible so the compromise agreed to was for the Federal Government to provide technical assistance to States that desire to establish such gleaning clearinghouses.

The House bill included a contingency clause so that if budget sequestration takes place, the cost provisions of this bill will not be implemented. The Senate negotiators were adamantly opposed to this provision. The compromise reached was to make the provisions which have a significant cost in fiscal year 1989 subject to the sequestration provisions of the Deficit Control Act of 1985. These provisions include the increase in the food stamp thrifty food plan in fiscal year 1989, the purchase of commodities for TEFAP required by section 110 of the amendment, and the purchase of commodities for food banks and soup kitchens in fiscal year 1989 required by section 120 of the amendment. In addition, the other fiscal year 1989 cost provisions relating to TEFAP, commodities, and food stamps would not be implemented until October 1, 1989, if a sequestration order were to be issued this October.

I want to emphasize that this provision is not intended to establish in any way a precedent that the basic ongoing Food Stamp Program should be subject to sequestration. Only the increase above current law would be subject to sequestration, and this only for 1 year. This is a one-time emergency provision designed to allow us to deal with the hunger emergency, while sending a signal that increased spending over current law should not be immune if other ongoing programs are being cut as a result of sequestration.

The amendment is consistent with the budget resolution. The food stamp and TEFAP mandatory spending provisions are $274 million in fiscal year 1989, $521 million in fiscal year 1990, and $549 million in fiscal year 1991. For each year, these costs are below the allocation in the budget resolution to function 600: Income security for a nutrition initiative. In addition, the Budget Committee will allocate from function 950: Allowances sufficient funding to cover the child nutrition provisions in this amendment. These costs are $10 million in fiscal year 1989, $36 million in fiscal year 1990, and $41 million in fiscal year 1991.

This amendment is a balanced and responsible effort to meet the hunger emergency in America. I urge your support of this amendment.

Mr. EMERSON. Mr. Speaker, further reserving the right to object, I would ask the chairman if he concurs in the statement that in fact there is no precedent set in this bill by inclusion of the contingency clause within the bill before us today on the Food Stamp Program.

Mr. PANETA. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Missouri [Mr. EMERSON] is correct.

Mr. EMERSON. I believe we do have to take care that we meet the budget target set by Congress and the administration to avoid sequestration. I trust the gentleman concurs with me that we have the mechanism in place in this bill to do that.

Mr. PANETTA. If the gentleman will yield further, the gentleman is correct.

And if the gentleman would yield further, I want to thank him for his cooperation in this effort. I think it is unique that we have been able to put this bill together, have it passed unanimously by the House and today bring back virtually an agreement between the House and the Senate and move it as quickly as possible in these remaining days of this session.

Mr. EMERSON. Mr. Speaker, I rise in strong support of the bill before us today, H.R. 4060, as amended. Just this past Monday the House passed the Committee on Agriculture bill providing for emergency hunger relief for needy individuals and families. That bill provided additional benefits to needy people without further complicating already complicated programs. That was the goal of the committee and I believe we have met that goal. Today we are asking the House to pass a bill that represents a compromise between the House-passed bill and the Senate-passed bill. This compromise adheres to the goals in the House-passed bill. In the compromise we:

Reauthorize the Temporary Emergency Food Assistance Program for 2 years and provide a total of $112 million, over a 3-year period, for the purchase of commodities for soup kitchens and food banks. States are allowed to give food banks a high priority in determining the allocation of commodities through TEFAP.

Basic food stamp benefits are increased. The bulk of the additional funding is provided in 1990 and 1991 is for this benefit increase.

States may institute an outreach program in which individuals are advised about the benefits of the Food Stamp Program.

There are several changes aimed at the simplification and coordination of the Food Stamp Program with other programs.

States are authorized to provide additional training for employees involved in determining eligibility for farmers applying for food stamps.

The food stamp quality control/fiscal sanction system is reformed. We are proposing a system that is impartial, efficient and one, I hope, that will have the confidence of all involved that a fair decision will be reached.

The dependent care deduction is increased to $160 per dependent.

The Food Stamp Employment and Training Program, which was designed in 1985 and was a part of the farm bill, is improved by instituting outcome based performance standards. These standards are to be developed in close consultation with experts and will keep the emphasis developed in the farm bill so that the standards will consider the variations within a State and the design of the Employment and Training Program which is developed by each State. It is important to continue the emphasis on State developed employment and training programs since those persons responsible for the program are best able to design it. We should not substitute others judgment for that of the persons on the firing line who know the most effective and efficient programs to help participants get and keep a job.

We intend that by instituting a requirement for a conciliation procedure within the employment and training program that the current procedure be formalized. When States find that there has not been compliance with the elements of the Employment and Training Program, the State representatives will attempt to contact the person to determine if there is good cause for failure to comply. Only if no good cause is found would there be action taken to terminate eligibility. Nothing in this provision is to be construed as enabling a delay in sending the notice by otherwise lengthening the adverse action process.

A contingency clause is included that provides that if a sequestration occurs, the provisions of this bill having a cost above the CBO baseline will either be reduced by the percentage of the sequestration order or implementation will be delayed until October 1989. I believe that it is important to keep in mind the importance of deficit reduction and the impact deficit spending has on all people. We cannot conduct business as usual in time of deficits. Programs exempt from sequestration under the Gramm-Rudman-Hollings Act—such as the Food Stamp Program—remain exempt. In fact there is no precedent set by inclusion of the contingency clause within the bill before us today on the Food Stamp Program. I believe that we must take care that we meet the budget targets set by the Congress and the administration and avoid sequestration. We must set priorities and stick by them.

I urge Members to support the bill before the House. This is a good bill and one that meets the targets set in the 1989 budget resolution, in which additional funding was provided for programs within the Agriculture Committee.

All of you familar with the Food Stamp Program know that the quality control/fiscal sanction system has been the subject of a lot of controversy and debate.

In May 1986, the Nutrition Subcommittee held a hearing on the proposed regulations of the USDA concerning the quality control administrative appeal and arbitration process. It was following that hearing that the subcommittee chairman, Mr. PANETTA and I met with Mr. John Bode, Assistant Secretary of Agriculture, to take a look at the entire quality control/fiscal sanction process for the Food Stamp Program. I believe that there was total agreement by all parties—USDA, States, and by us—that the current system was not working properly. Management improvement was suffering and too much time was spent on arguing about the system. It was then that we decided to work to attempt a reform of the quality control/fiscal sanction system so that it could become an effective, efficient, and fair system.

We have come a long way in developing the effective, efficient, and fair system we all hoped for. I congratulate all parties involved—I know that this was a difficult process, with long and arduous discussions. I believe that we have an opportunity before us to accomplish our goal of reform of the quality control/fiscal sanction system.

This compromise was crafted very carefully, with negotiations and concessions made by all parties. It must be viewed as a balance between reform of the system so that only those States not operating efficient Food Stamp Programs are required to repay Federal funds to the Federal Government and those operating especially efficient programs are rewarded and reform of the appeal procedure to streamline that process so that a fair decision can be reached on the amount to be repaid.

There are three major features of the redesign of the food stamp quality control system. The first major change is that the new system will provide a balance between rewards and penalties for State performance. In each year since the error rate target became 5 percent in 1985, more than 40 States have been subject to claims because of excessive errors. It is our view that the error rate tolerance level has been set too low and therefore the committee redesigns the system to levy reduced fiscal claims against a much smaller number of States. Preliminary estimates indicate that the number of States subject to quality control claims are reduced from 44 to 13 and the amount of the liabilities is reduced from $201 million to $44 million.

The second change is an increased emphasis on overall payment accuracy. Both overpayments and underpayments are important in the Food Stamp Program; however, the system contained in the bill before us today provides a more balanced emphasis by combining both into one overall measure of payment accuracy for which States are held accountable. Underpayments to food stamp participants are included in the payment error rate. In addition, the committee continued the current practice of granting enhanced funding to those States achieving very low rates of error in order to encourage payment accuracy.

The third major change speeds up the resolution of financial claims against States for excessive error by streamlining the administrative appeal process and providing for payment of interest.

The new tolerance level beyond which States will face claims for excessive errors is the equivalent of the lowest national average error rate ever attained plus 1 percentage point. Changing the tolerance level for errors in this way we recognize the differences among and within States as to the administration of the Food Stamp Program and the different situations in which the food stamp participants within the States are.

Our goal throughout the process of redesigning the food stamp payment accuracy system was to focus on the definition of food stamp error, the tolerance level against which claims will be levied, and the adjustments that are available to the claims that are levied. The new food stamp payment accuracy system redefines error as the total of underpayments and overpayments; certain errors are removed from the error rate; tolerance levels for enhanced funding are adjusted and the tolerance level has been substantially increased; claims are related to the value of the excessive errors; the Secretary is given the discretionary authority to waive claims for good cause and may take into account the dollar value of additional financial investments made by States in achieving error reduction.

Our goal is continued management improvement in the Food Stamp Program so that the program is administered well and in compliance with national standards in which both the measures of performance and the consequence of performance are simple and clearly understood.

The quality control system is but one part of the overall management and accountability system within the Food Stamp Program. Others include management evaluation reviews, which monitor compliance of State and local offices with a wide array of Food Stamp Program requirements—timeliness of certification and issuance, availability of materials and accessibility of food stamp offices. In addition, audits by both the Office of the Inspector General and the GAO are periodically conducted.

The purpose of quality control is to measure the accuracy of States' determination of eligibility and level of benefits for food stamp participants. It provides a basis for a system of accountability of financial liability and incentives.

We in Congress have a responsibility to ensure that tax revenue collected is not wasted—in the Food Stamp Program or any other program authorized by the Congress. A cooperative arrangement must exist between the Federal Government and the States to ensure that these programs operate in an efficient and effective manner keeping in mind Government's responsibility to the taxpayers who provide the revenue for these programs. This cooperative arrangement is a two-way street.

The Federal Government must ensure that the process used to calculate error rate sanctions is based on the act and that any action to reduce that sanction is based on a procedure that ensures fairness and equity. This process to review the claims charged against States must be impartial and have the confidence of State administrators. On the other hand, States must discharge their responsibilities to operate an effective Food Stamp Program and cooperate in the review process once claims against them are established.

The Federal Government provides 100 percent of the food stamp benefit—States do not contribute any funds for this type of assistance. States do pay one-half of the administrative cost of running the Food Stamp Program.

Nevertheless, we know the present system has its problems. The chairman and I recognized this and have identified quality control as an area to be reformed. I believe we have accomplished this goal.

I believe that any system established to review the performance of States should meet four tests: it must be impartial; it must be efficient; decisions must reflect applicable law and regulations; and it must have the confidence of all participants that a fair decision can be reached. I am confident that we have met those tests and congratulate all parties that worked on this issue on a fine job.

FOOD STAMP QUALITY CONTROL FISCAL SANCTIONS REFORM

The statutory objective would be to achieve a national error rate of no more than 6 percent.

The quality control system would include overpayments, as under current law, as well as underpayments.

States with an error rate below 6 percent would be eligible for the higher Federal matching rate of their administrative funds.

The Department of Agriculture would be directed to report to the Congress by July 1, 1990, on how to incorporate improper denials of benefits and terminations into the quality control system.

The threshold at which sanctions would be levied for overpayments and underpayments would be error rates in excess of the national average. Because individual State error rates are subject to variation because of the statistical uncertainties associated with the sampling techniques and for other reasons, the effective threshold against which sanctions would be measured would be 1 percent above the national average.

To prevent error rates from rising over time, the threshold would be the lowest national error rate achieved in any year.

The fiscal sanctions would be based on benefit dollars issued in error, rather than a percentage of administrative costs as under current law.

States would not be liable for fiscal sanctions due to erroneous payments made within 2 months after a Federal policy change was implemented in final regulations which was not correctly followed in calculating benefits for a household. The Secretary of Agriculture would have the authority to extend this grace period for an additional 30 days. This grace period would not apply for mass benefit changes, such as annual adjustments in deductions and benefit levels.

The appeals process would be streamlined to substitute procedures under the Administrative Procedures Act for the current informal arbitration procedures. In addition, States would no longer have the right to a trial de novo in Federal courts.

To encourage prompt resolution of disputes, States would be liable for interest on outstanding sanctions if the administrative appeals process takes more than 2 years. If the State pays a disputed sanction to avoid an interest charge and its position is subsequently upheld either in part or completely, the State would be repaid the fiscal sanction with interest.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of the conference report on the Emergency Hunger Relief Act of 1988. I am pleased that the final conference report includes language to promote gleaning through the Department of Agriculture. Earlier in the year, I introduced a bill to require the Department of Agriculture to provide information and assistance on gleaning. Provisions of this measure were incorporated into the larger piece of legislation before us today.

Mr. Speaker, section 111 of the conference report requires the Department of Agriculture to help private nonprofit organizations run gleaning projects in which leftover food that would otherwise be wasted can be gathered and donated to hungry people. The measure requires USDA to provide technical assistance to States and localities to initiate and carry out gleaning activities. We must help stimulate private low-cost projects like gleaning to find food for those who are still hungry.

Gleaning is the practice of gathering crops that are left over from the fields after harvesting for donation to people in need. Gleaning can also be done from producers, processors, and retailers of agriculture commodities who reject perfectly edible products that cannot be used. The General Accounting Office [GAO] estimates that 60 million tons of food worth $5 billion rot in the fields, unpicked and uneaten.

Right now individuals and food bank personnel are gleaning to help feed hungry people in their communities all over the country. In my own congressional district of Dayton, OH, we gleaned over 52 tons of food with the help of volunteers from schools, churches, businesses, and community groups. Congressional testimony has pointed to the need for more USDA assistance to help these groups flourish.

Mr. Speaker, this is a simple way for the public and private sectors to work together to feed needy individuals, including low income and unemployed people. I urge my colleagues to vote for this measure.

Mr. de la GARZA. Mr. Speaker, on Monday of this week, the House approved H.R. 4060, the Hunger Relief Act of 1988, by voice vote. Since that time, House and Senate Members have met to discuss differences in this bill and S. 2560, the Hunger Prevention Act of 1988, which was passed by the Senate on July 26 and sent to the House on August 2.

These differences have now been reconciled through informal meetings of the House and Senate Committees on Agriculture, and in an effort to expedite action on the legislation, the Senate bill is being taken up today amended with the language agreed to by the House and Senate Agriculture Committees and the House Committee on Education and Labor.

Subcommittee Chairman LEON PANETTA, of the Committee on Agriculture, Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, will detail the provisions of this agreement following my comments, so I will not discuss them at this point.

I do want to comment on two provisions of the bill, however.

First, this compromise language contains an amendment which subjects section 120—increases in the Food Stamp Program thrifty food plan—to sequestration if an order is issued under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1989.

In particular, I want to emphasize that the intent of the members of the Agriculture Committee by subjecting the increases in the thrifty food plan in this bill to budget sequestration does not set a precedent for future like actions nor does it change in any way the current exemption of the Food Stamp Program in the Gramm-Rudman-Hollings Act.

Second, the bill also contains a very important provision revamping the quality control procedures in the Food Stamp Program for quality control review periods beginning in fiscal year 1986. The Committee on Agriculture worked diligently to address the inequities of the current quality control program and while this language is not perfect, our Members appreciate the assistance of the administration and the States in arriving at this compromise. It is the intent of the committee to monitor the new quality control program very carefully, particularly the good cause waiver process.

I urge my colleagues support for this balanced bipartisan legislation.

Mr. JEFFORDS. Mr. Speaker, I am pleased that we have been able to move so quickly on this much needed legislation. In the face of lessening supplies of surplus food products for the poor, it is essential that we bolster our core antihunger programs.

This bill would increase the basic monthly food stamp benefit by $110 million in fiscal year 1989 and $344 million in 1990. Food Stamp Program participants would be allowed a higher deduction for child care expenses. The bill would also remove administrative barriers to participation by people in rural areas, the elderly and disabled. Finally, the bill would allow State outreach activities and would provide categorical eligibility for food stamps for some persons.

These improvements are necessary to offset the reductions in surplus food products. However, it is also essential that we maintain a structure for distributing surplus food products until we have a better understanding of future agricultural production levels. This bill would require the purchase and distribution of 120 million dollars' worth of agricultural commodities for each of the next 2 years. These products would be distributed through the Temporary Emergency Food Assistance Program [TEFAP].

In addition to the current domestic situation, recent news reports tell of worldwide shortfalls in agricultural production and predict higher food prices, at least for the short term. I am pleased that we have recognized these trends and are moving quickly to strengthen our antihunger efforts.

Mr. HAWKINS. Mr. Speaker, today, I am pleased that the House is considering an amendment which will significantly expand the Federal child nutrition programs, to help alleviate the problem of hunger in this country.

At the outset, I would like to commend Senator LEAHY, Senator HARKIN, and Senator BOSCHWITZ for their inclusion of child nutrition provisions in the other body's version of the Hunger Prevention Act. They devoted great time and energy to developing a sound set of amendments improving child nutrition programs.

I would also like to commend Chairman DE LA GARZA and Mr. PANETTA for their cooperation in this effort. The bulk of the hunger prevention bill deals with programs within the jurisdiction of the Committee on Agriculture. Mr. DE LA GARZA and Mr. PANETTA not only provided great leadership in guiding this legislation through the House, but they also were very cooperative with me and the staff of our committee in working out the provisions affecting child nutrition.

The major child nutrition provisions included in this bill are:

First, an extra 3 cents will be provided for each breakfast. This amendment is intended to make the Breakfast Program more attractive to schools, child care centers, and other institutions so that it can be offered much more comprehensively than it is currently.

On the average, 24 million children receive lunch in our schools every day, but only 3.6 million children receive a school breakfast. Not every child needs to have a breakfast in school; but for many children these breakfasts are not only essential for their health, but they are essential for their educational attainment. Recent studies show that children who receive food supplements learn more during school because they are more attentive, handle more complex tasks, and exhibit increased class participation. Increasingly, more and more studies are showing a clear connection between the school breakfast program and an improvement in academic performance. This amendment, hopefully, will lead to an expansion of the program so that many more children can participate.

Schools do not offer the Breakfast Program solely because of financial considerations. It is my understanding that there are many other reasons why administrators shy away from the Breakfast Program. I hope that we will be able to investigate these reasons and provide some inducements for more schools to participate. We plan to do this next year when we reauthorize expiring child nutrition programs.

The second major provision changes the Child Care Food Program in order to permit the offering of an additional snack or meal to children who attend child care centers for more than 8 hours a day. Quality child care is one of the major issues discussed on the national level today. We hope that by making this change in the Child Care Food Program we will help in some way to further the opportunities for more child care of high quality.

Currently, Child Care Centers and family day care programs are treated the same way in the child care program. This amendment would provide this extra snack or meal only to children in child care centers. We are not including family day care homes solely because of the extra cost involved. We hope that in the future, we will be able to find the money to provide the extra meal or snack in family day care programs, and thereby restore the equity and treatment between such programs and child care centers.

We have authorized a demonstration program in one State of providing a snack or meal to family day care programs. Eligibility for this grant should be made available to all States and the Secretary of Agriculture should pick a State which shows the most promise of operating the demonstration program efficiently and effectively. This demonstration should show whether benefits can be properly provided to such homes.

The third provision clarifies that homeless women be treated fairly in the special supplemental food program for women, infants, and children [WIC]. The committee has received reports about local WIC programs refusing to serve homeless women. We have changed the law to clarify the requirement that women must be eligible for WIC benefits.

The fourth amendment expands the summer feeding program in order to include institutions of higher education participating in the National Youth Sports Program. This educational sports program is widely acclaimed, very effective, and is an invaluable way to encourage economically disadvantaged students to seek further educational opportunities.

We have also amended the Summer Feeding Program to again permit eligible private, nonprofit organizations to participate in a 1-year demonstration in five States. In the past, such sponsors were eligible for participating in this program. However, audit reports and criminal investigations found that there had been abuses. The Congress, therefore, eliminated such sponsors from participation in the Summer Feeding Program.

This amendment would restore eligibility for a limited number of private, nonprofit sponsors for a period of 1 year in five States. The purpose of our cautious approach in restoring eligibility to these sponsors is to review their activities next summer and to assure ourselves that these programs can be administered effectively. Hopefully, in the future we will be able to further expand the program if we find through this demonstration that good administration of the program is possible by such sponsors.

The sixth amendment authorizes another demonstration program. This program would encourage the use of farmers' markets to provide fresh produce to WIC recipients. We have authorized a maximum of 10 States to participate in this program and we have opened participation to all States. The Secretary should favorably consider the experiences of the four States which are currently operating farmers' market programs; but these four States are not assured of funding. The Secretary should review the worth of all the applications which are submitted and approve those which show promise of providing the greatest benefits.

The seventh amendment permits the provision of bonus commodities to child care programs operated by the Department of Defense overseas. The Secretary of Defense would be expected to pay for the shipment of such commodities.

In summary, this set of amendments strengthens the Federal Child Nutrition Programs so that they can better respond to the problem of hunger in this country. These programs suffered severe cut backs during the early 1980's and it will take a long time to return them to their former effectiveness level. This bill is a solid step in that direction.

Mr. GOODLING. Mr. Speaker, I support the provisions amending programs within the jurisdiction of the Committee on Education and Labor which have been included in S. 2560, the Hunger Prevention Act of 1988. Even though the bulk of this bill amends programs outside our committee's jurisdiction, it does contain some important changes in our programs.

The bill amends the Breakfast Program by adding an additional 3 cents per meal. Breakfast plays a significant role in improving a child's ability to learn. Over the last few years we have added additional cash and designated additional commodity support for this program. However, even with these additions, we have not seen a significant expansion of the program. I commend Chairman HAWKINS for his foresight in recognizing that there are other factors which influence local school officials' decisions regarding the availability of breakfast at school. I look forward to working with him during the coming reauthorization and taking a close look at possible changes which might address local concerns about the need for and feasibility of the School Breakfast Program.

As to the Summer Feeding Program, not too many years ago we fought a long, hard, yet, successful battle to save this program. I feel it is very important that we not jeopardize this program by expanding eligibility to categories of sponsors who, in the past, were guilty of such shoddy program operations that, in some instances, resulted in criminal activity. In a word, the taxpayers were "ripped off," but more importantly so were the children they were supposed to serve. I hope that we will carefully scrutinize any changes we make in this area.

Finally, I am pleased that the amendments regarding the homeless in the WIC Program were included. Working with the Committee on Banking, Finance and Urban Affairs, we agreed to include these same provisions in H.R. 4351, the McKinney Housing and Shelter for the Homeless Reauthorization Act of 1988. I am pleased that they have been included in this bill.

Mr. EMERSON. Mr. Speaker, I thank the gentleman from California [Mr. PANETTA], and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. PANETTA].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4060) was laid on the table.

CONSIDERATION OF THE VETO MESSAGE OF THE PRESIDENT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, at least my copy of the Constitution makes something quite clear: When the President vetoes a bill, we are supposed to, according to the Constitution, proceed to reconsider it, and that is the end of the quote.

Yesterday the Committee on Armed Services met. The Committee on Armed Services had its first chance to consider the veto of the President that had been sent to it by this House.

It is my understanding that the Committee on Armed Services treated that very important constitutional obligation yesterday as a joke. I do not think it is a joking matter. I think we are sworn to uphold and defend the Constitution of the United States and I think it is wrong that we have sent a veto message of the President of the United States to that committee to die and everyone knows it.

I think it is time we bring that veto message back to the floor. It is time to discharge that committee from its responsibilities. It is now apparent, based upon the meeting of yesterday, the Committee on Armed Services has absolutely no intention at all of acting on the veto message of the President.

MOTION TO DISCHARGE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. WALKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. WALKER moves to discharge the Armed Services Committee from further consideration of H.R. 4264.

Mr. FOLEY. Mr. Speaker, I move to lay on the table the motion to discharge the Committee on Armed Services.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY] to lay on the table the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 234, nays 160, not voting 36, as follows:

[Roll No. 280]

YEAS—234

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
Barnard
Bates
Beilenson
Bennett
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Ray
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wolpe
Wyden
Yates
Yatron

NAYS—160

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lott
Lujan
Lukens, Donald
Lungren
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCrery
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes

Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—36

Aspin
AuCoin
Badham
Berman
Boulter
de la Garza
Dowdy
Fields
Gingrich
Guarini
Hatcher
Johnson (CT)
Kaptur
Kemp
Kolter
Konnyu
Leath (TX)
Lewis (CA)
Livingston
Lowery (CA)
Mack
MacKay
Madigan
McCollum
McGrath
Meyers
Mica
Mineta
Molinari
Nichols
Owens (NY)
Savage
Skelton
Spence
Stratton
Wise

□ 1044

The Clerk announced the following pair:

On this vote:

Mr. Mineta for, with Mr. Boulter against.

Messrs. BALLENGER, HORTON, DICKINSON, and CONTE changed their vote from "yea" to "nay."

Mr. McCURDY changed his vote from "nay" to "yea."

So the motion to lay the motion on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1045

APPOINTMENT AS MEMBERS OF THE U.S. BIPARTISAN COMMISSION ON COMPREHENSIVE HEALTH CARE

The SPEAKER. Pursuant to the provisions of section 403 of public law 100-360, the Chair appoints to the U.S. Bipartisan Commission on Comprehensive Health Care the following Members on the part of the House: Messrs. PEPPER, STARK, and WAXMAN, Ms. OAKAR, Mr. GRADISON, and Mr. TAUKE.

NATIONAL CHALLENGER CENTER DAY

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, today I am introducing legislation to designate January 28, 1989 as "National Challenger Center Day."

The National Challenger Center was conceived by the families of the seven brave Americans who lost their lives in an effort to enrich our understanding of space science and education. The Challenger Center, which will be privately funded through contributions, will serve as an education center intended to offer children and teachers activities and information derived from American space research.

This legislation allows the House to recognize the efforts of these families to establish this memorial to the brave men and women lost in the *Challenger* accident on that fateful day of January 28, 1986. It will also allow us, as a nation, to help in the creation of a lasting, working tribute to their ideals and sacrifices. I urge my colleagues to support the resolution.

PROVIDING FOR CONSIDERATION OF A BILL RELATING TO THE OMNIBUS DRUG INITIATIVE

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of a bill relating to the omnibus drug initiative if introduced by Representative Foley of Washington and Representative Michel of Illinois, and the first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed three hours, to be equally divided and controlled by the majority and minority leaders, or their designees, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the amendments specified in the report of the Committee on Rules accompanying this resolution, or those amendments offered by the majority leader in the manner specified herein. The amendments printed in the report of the Committee on Rules shall be considered only in the order and in the manner specified in the report and shall be considered as having been read when offered. Each amendment may only be offered by the Member designated for such amendment in the report of the Committee on Rules, or his designee. The proponents of each amendment shall have permission to make conforming changes (page, line and section numbers) in their amendments to reflect the introduction of the omnibus drug initiative bill. Debate on each of said amendments shall not exceed the time specified in this resolution or in the report of the Committee on Rules, to be equally divided and controlled by the proponent and a Member opposed thereto. All points of order are waived against the amendments contained in the report. No amendment shall be subject to amendment, except as specified in the report of the Committee on Rules, or to a demand for a division of the question in the House or in the Committee of the Whole. If both of the amendments to be offered to title VI by Representative Rangel of New York and Representative Gekas of Pennsylvania are adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. If both of the amendments to title VI relating to the subject of drug enforcement coordinator offered by Representative Oxley of Ohio and Representative Brooks of Texas are adopted, only the last amendment which is adopted shall be considered as finally adopted and reported back to the House. Notwithstanding any provision of this resolution or any rule of the House, it shall be in order at any time for the majority leader, after consultation with the minority leader, to offer amendments to the bill. Said amendments shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority leader and the minority leader, and shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 521 is the rule providing for the consideration of the omnibus drug initiative. The rule makes in order the consideration of a bill introduced in the House by the majority leader and the minority leader. It is a modified open rule which waives all points of order against the bill and against its consideration. Under the rule, general debate will last for 3 hours, the time being equally divided between the majority and minority leaders. The only amendments which are to be in order during the bill's consideration are the 35 amendments printed in the report which accompanies this rule. Debate time on each amendment is set forth in the report. All together, over 12 hours of debate time is allotted for consideration of amendments in the Committee of the Whole.

Mr. Speaker, the amendments made in order by the rule are not to be subject to amendment except as specified in the report, nor are any of the amendments to be subject to a demand for a division of the question. All points of order are waived against the amendments. The rule affords proponents of printed amendments the opportunity to make technical modifications in their amendments so that they are properly offered to the bill. This provision of the rule is necessary since page and line numbers may vary between the Rules Committee print to which amendments were initially drafted and the bill introduced today by Representatives Foley and Michel

The rule also sets up two "king-of-the-mountain" procedures with respect to amendments which may be offered during the bill's consideration. The rule makes in order an amendment to be offered by the chairman of the Select Committee on Narcotics Abuse and Control, Mr. Rangel, which would impose a mandatory sentence of life imprisonment for certain drug-related offenses. Immediately following consideration of the Rangel amendment, an amendment to be offered by Representative Gekas of Pennsylvania is in order which would allow for the imposition of the death penalty as a sentence for certain drug-related offenses. If both of said amendments are adopted, only the Gekas amendment shall be considered to have been finally adopted.

The second "king-of-the-mountain" procedure made in order under the rule provides for the consideration of an amendment to be offered by Representative Oxley, which would provide for the appointment of a "drug enforcement coordinator" who would hold a Cabinet-level position. Following the consideration of the Oxley amendment it will be in order to consider an amendment to be offered by the chairman of the Committee on Government Operations, Mr. Brooks, establishing an Office of Drug Enforcement Coordination within the Executive Office of the President. If both the Oxley and Brooks amendments are adopted, only the Brooks amendment shall be considered to have been finally adopted.

Mr. Speaker, the rule also authorizes the majority leader—in consultation with the minority leader—to offer amendments to the bill at any time.

Finally, Mr. Speaker, the rule provides for one motion to recommit.

Mr. Speaker, the Rules Committee has given a great deal of thought to the content of the legislation and the amendments which have been made in order. In my opinion, the Rules Committee was successful in working with the other committees to resolve the major jurisdictional conflicts and to select amendments that will allow the major points of controversy to be debated by Members on the floor. In the spirit of bipartisanship we have worked closely with the leadership on both sides of the aisle to craft a rule which deserves bipartisan support. While the rule makes in order a wide variety of amendments representing the philosophies of Members across the ideological spectrum, I believe that the spirit of cooperation exhibited in the development of this rule will lead to enactment of a bill which goes a long way toward solving our Nation's illicit drug problem.

The Omnibus Drug Initiative Act of 1988 is a comprehensive congressional response to the deteriorating illegal drug situation in our Nation. Today, record amounts of illegal drugs are flowing across our borders, the purity of drugs is at an all time high and the prices people pay for drugs is at an all time low. With the endless supply of illegal narcotics it is no wonder that drug-related crimes are skyrocketing and treatment centers can only help one-tenth of the people who need assistance. This legislation is urgently needed to provide the resources and the revisions in statutes required to address this national problem.

This legislation is divided into 10 titles and makes very important contributions to our national efforts to bring the illegal drug problem under control. It includes, among other important provisions, one which makes it much more difficult for drug kingpins to launder money; establishes several new drug awareness and education initiatives; institutes a waiting period for the purchase of a handgun; enacts stricter penalties for drug-related offenses; authorizes higher funding levels for grants to State and local law enforcement agencies; and reauthorizes two important block grants to provide drug treatment services.

Mr. Speaker, this rule is a fair one and allows the consideration of a very vital and critical piece of legislation. I urge my colleagues to adopt the rule.

□ 1100

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the able gentleman from Florida, the chairman of the Rules Committee, has explained the rule and some provisions of the bill.

Mr. Speaker, the Rules Committee was in session up until 11 p.m. last evening to hammer out this rule. I congratulate the members of the Rules Committee for their patience and for their endeavor to bring this rule to the House floor today. It is a compromise, Mr. Speaker, hammered out by both parties. When it comes to the floor after the recess, some 3 hours of debate on the bill and a total of another 12½ hours on the specified amendments, not counting the votes, will take place. It will take, in my opinion, almost a full week of discussion to pass this legislation.

Mr. Speaker, the amendments are comprehensive. One is on gun control, another is on increasing penalties, many of them are controversial.

Mr. Speaker, we know that the drug problem is one of the major, if not the greatest problem, facing this Nation today. We must put a curb on it. We must put a stop to it. We must get a handle on it.

Mr. Speaker, the drug dealers must be taken to task. There is an amendment on the death penalty for drug kingpins. I applaud that effort. Look at the lives that have been lost because of the profiteers in drugs who make money on the unsuspecting people who are taught to use those drugs.

Mr. Speaker, this is not the rule for which we had hoped, but it is a compromise rule. I support the rule and I urge its adoption.

Mr. Speaker, I yield 3 minutes to our minority leader, the gentleman from Illinois [Mr. Michel].

Mr. MICHEL. Mr. Speaker, I am delighted to rise in support of the rule before us. No issue is more crucial to the health of this Nation or more important to its citizens than the plague of drug abuse. The crime oozing from this national crisis touches everyone.

Our streets are not safe. Our children are at risk. Our national security is threatened. We have to respond quickly, efficiently, and effectively. We have to continue to strike at the heart of drug smuggling. Pushers should be removed from this society; but we must also, as a society, reject drug use. Drug users fund the drug traffickers and they ought to be held accountable for their role in the drug problem. There are amendments in this measure to do just that.

For the last 4 months, our Republican Task Force has been meeting to address this crisis. Fifty-five Members on our side have served on that task force and have created a comprehensive drug bill, H.R. 4842, which I am very proud to cosponsor, in combination with the distinguished majority leader.

Many of the ideas in the task force bill are incorporated in the 10 committee products that make up the bill before us today. Other key Republican proposals will be offered on the floor under the rule we are now considering.

As I recall, in all the deliberations the night before last with the distinguished minority leader and last night on the Rules Committee, 35 amendments were made in order, 19 on our side, 16 on the Democratic side.

I am happy to see that while it is not a pure open rule, like all of us would countenance here in considering comprehensive legislation of this type, at least we have broken the logjam to give Members an opportunity here to have their say.

We are seeing the results of the hard work and dedication of the task force members, led by the gentleman from California, Mr. Jerry Lewis, the gentleman from Oklahoma, Mr. Mickey Edwards, on our side, the gentleman from Florida, Mr. Bill McCollum, two of the three are down on our convention on the platform currently.

Countless hours of dedicated work by Members and staff created this opportunity to pass quality legislation. While I cannot list the names of all these people, I think they know I mean them, when I express the gratitude of this side of the aisle for their hard work.

As I said, Mr. Speaker, I would have preferred an open rule, but I must add that the bipartisan spirit that has permeated this process is very much evident in the rule today. As a result of the cooperative spirit evidenced by our Speaker and majority leader and the Rules Committee, the content of the bill is not only comprehensive, but it is of high quality.

Surely we do not agree on everything in the bill, nor do we agree on all of the amendments, but we have enabled Members to address and debate these key issues when we resume in September.

So, Mr. Speaker, I want to again thank the Speaker and the majority leader and the distinguished chairman of the committee for his cooperation here, that when we do come back from our recess there will be probably three or more days involved in amending this comprehensive drug bill.

I urge the adoption of the rule, and thank the gentleman for yielding this time.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Arkansas [Mr. Alexander].

Mr. ALEXANDER. Mr. Speaker, I rise in support of the rule and to explain my amendment made in order under the rule.

Mr. Speaker, I first conducted a forum on drug abuse 16 years ago in order to attack a dilemma that was just beginning to invade some areas of my home State of Arkansas. Today, with Arkansas as well as the rest of the country seemingly no closer to solving the problem of drug abuse than in 1972, the question arises as to why America has been unable to deal with the scourge of drug abuse.

As we debate the rule on the omnibus antidrug bill today, we should recognize that there is no one simple answer to this question, but a major obstacle in attacking drug use is the absence of a clearly defined, unmistakable policy. In the void left by the lack of a clear policy, confusion reigns among the agencies that are charged with drug enforcement.

As a remedy to this situation, in September I plan to offer an antistonewalling amendment to the antidrug bill, which would require the sharing of information among certain Federal agencies about illegal foreign drug activities. My amendment would require that any executive branch official having information about such activities would transmit it to the heads of agencies involved in formulating U.S. foreign policy or enforcing Federal drug laws. The antistonewalling amendment would also require that such information be shared, when requested, with committees of Congress and the General Accounting Office.

A classic example of the difficulties that arise from the national policy vacuum in drug abuse occurred on July 12 when John Lawn, the head of the Drug Enforcement Administration, testified to a congressional subcommittee that he had written letters praising the alleged drug interdiction efforts of Gen. Manuel Noriega and the Panama Defense Forces. The DEA Administrator testified that at the time the letters were written he had not known about the criminal investigation into General Noriega's involvement with illegal importation of foreign drugs into the United States, because he was "left out of the loop" by U.S. intelligence agencies and never given hard evidence tying Noriega to narcotics traffickers.

That criminal investigation eventually led to Noriega's indictment, and was conducted by the Miami U.S. attorney general's office, which is a part of the Department of Justice. We must prevent this kind of confusion among agencies charged with drug laws enforcement in which the left hand of the Justice Department clearly didn't know what the right hand was doing.

A second example concerns an ongoing investigation by the General Accounting Office, undertaken at my request, which would examine how information about drug trafficking by high-level Government officials of other countries affects U.S. foreign policy decisions, using as a case study information concerning the drug trafficking activities of General Noriega of Panama.

GAO indicated in an August 9 letter to me that "since May 11, 1988 we have been formally trying to gain access to personnel and records at the Departments of State, Justice, and Defense." In late May, GAO was informed that the National Security Council would handle this assignment for the administration, and the Departments of State, Justice, and Defense were instructed by the NSC to cease cooperation in the investigation until NSC issued guidelines for GAO access to information. Repeated GAO requests for information were refused by State, Justice, and Defense, with each refusal being accompanied by a reference to the NSC stonewalling policy.

While it is perfectly justifiable to withhold certain types of information that would jeopardize law enforcement or intelligence activities, the GAO told me that "most of the information we need to examine should be considered to be releasable." GAO officials met with NSC officials and told them of "our previous experience on other successful assignments involving similarly sensitive information." There is no reason why the executive should not provide information on the basic objective of the GAO investigation, which is the organization and decision process for foreign policymaking when information is available on foreign officials' drug trafficking.

A series of questions remain unanswered about illegal drug trafficking in Central America. For example, in Arkansas serious questions continue to surface about allegations concerning Adler Berriman (Barry) Seal's gun running and drug smuggling. Seal, a DEA informant who was slain in Louisiana in 1986, was allegedly involved in an operation in which a plane loaded with guns to aid the Nicaraguan Contras flew from Mena, AR, down to Central America and then returned loaded with drugs. One of Seal's planes, a C-123K that had been serviced and parked at the Mena airport during much of 1984 and 1985, was shot down over Nicaragua in October 1986, while carrying supplies to the Contras, and an Arkansan, Wallace (Buzz) Sawyer, was killed in the crash. There have been local, State, and Federal investigations into the Mena operation, but many questions persist. A vital goal of the antistonewalling amendment is to ensure that all agencies are cooperating in giving and receiving the information they need to do their job.

One question that arises is whether Federal agencies were working at cross purposes during the period of Seal's activities as an informant. There is evidence that the CIA and the NSC both wanted to divulge Seal's involvement in a massive undercover drug investigation because of those agencies' interest in influencing the Contra aid debate that was taking place in Congress shortly before Seal's murder in February 1986; simultaneously, the DEA's primary interest was apparently the undercover effort to break up the Colombian drug cartel. A news leak by an unknown U.S. Government official resulted in articles alleging that the Sandinista government was involved in drug trafficking, and it blew the investigation. According to our distinguished colleague, Chairman Bill Hughes of the House Judiciary Subcommittee on Crime, the politically motivated leak cost Seal his life.

While everyone respects the need to avoid disclosing information about the criminal investigation of Noriega, there are many other questions the executive should be able to give the GAO, including:

First, what procedures are there for law enforcement agencies to communicate their intelligence needs to the intelligence community?

Second, how are law enforcement and/or foreign policymaking officials further up the chain of command provided intelligence information—what procedures are involved, what kind of information is provided?

Third, were any specific instructions or directives prepared requesting information on illegal drug-related activities in Panama or on Noriega's involvement in illegal activities?

Fourth, who received the raw information, what did they do with it, what studies, reports, or analyses were prepared on illegal activities in Panama or on Noriega?

Fifth, who were these reports sent to—especially, were any recipients in the law enforcement community or in foreign policymaking positions?

Sixth, how did the law enforcement recipients use the reports—did they do further analysis, did they use the intelligence as input to build or develop any criminal cases?

Seventh, how did the foreign policymaking recipients use the reports—did they discuss them, did they do further analyses, did they summarize for higher level recipients?

Mr. Speaker, there is no reason why the executive branch should withhold information on the primary focus of the GAO inquiry, which is the organization and decision process for foreign policymaking when information is available on foreign officials' drug trafficking. The antistonewalling amendment would focus only on information such as that involved in the GAO's investigation of Noriega and other officials, which legitimately can be provided; it would not require disclosure under three conditions:

First, when it would jeopardize a U.S. foreign intelligence or counterintelligence activity;

Second, when it would endanger a law enforcement investigation; and

Finally, when it may adversely affect U.S. defense or national security.

A decision not to share information could be made only by the head of an agency. If the President decided to withhold the information from a committee of Congress, he would have to provide the committee the reasons for such action. In the event that the information involved U.S. foreign intelligence or counterintelligence, the President would be required to promptly inform the chairman and ranking minority members of the House and Senate committees on intelligence.

Mr. Speaker, drug abuse is the most devastating plague confronting America today. In battling this evil, we cannot any longer tolerate the policy void in which agencies operate in ignorance of each other and occasionally even pursue contradictory objectives. We must replace the current vacuum with a clearly defined, unmistakable policy in which all agencies cooperate fully with each other in sharing information about illegal drug trafficking.

I further submit various copies of various letters from the GAO, the Department of State, the Department of Justice, the Department of Defense, and the National Security Council which further explains the need for the antistonewalling amendment.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, August 9, 1988.

Hon. Bill Alexander,
Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations, House of Representatives.

Dear Mr. Alexander: In May 1988 you asked us to review how information about drug trafficking by high-level government officials of nations friendly to the United States affects U.S. foreign policy decisions. Because the information required to successfully undertake this assignment would potentially involve information related to intelligence gathering and on-going law enforcement investigations which is difficult to obtain, we suggested, and you agreed, that we would explore the issue using as a case study the information concerning the drug trafficking activities of General Noriega of Panama. The following is a summary of the experience we have had so far in satisfying your request.

Since May 11, 1988, we have been formally trying to gain access to personnel and records at the Departments of State, Justice, and Defense. We were successful in gaining access to the Department of Defense and in fact performed a limited amount of audit work at that agency. In late May, we were advised that the National Security Council (NSC) would serve as the administration's focal point on this assignment. Concurrently, we were advised that the Departments of Justice and State had been instructed not to meet with the GAO staff or provide any information to GAO on this assignment until NSC issued guidelines concerning GAO access to information. The Department of Defense notified us on July 12, 1988, that it also was instructed by the NSC to cease cooperation with GAO until such guidelines are available. We have by letter and telephone discussions continued to try to obtain information and schedule meetings with the Departments of State, Defense, and Justice but these efforts have been refused, with each agency citing the NSC's direction as the reason for refusal.

We have been working with the NSC to facilitate access to agency personnel and records. We met with them on June 6, 1988 and June 22, 1988, and discussed at some length our approach to the work, our views about our access to information, and our previous experience on other successful assignments involving similarly sensitive information. On June 23, 1988, at NSC's request, we delivered a detailed letter to them giving further detail on the kinds of information we would be seeking. Although that letter identified some information which ultimately may not be made available, the information related to the primary focus of our work, that is, the organization and decision process for foreign policymaking when information is available on foreign officials' drug trafficking, would not uniformly be expected to raise similar concerns. Our normal procedures in such situations are to consider access questions on a case-by-case basis, following discussions with agency officials and examination of otherwise available records. NSC's actions to prohibit such preliminary discussions until after guidelines concerning access are established has foreclosed that approach.

On July 13, 1988, the NSC wrote in response to our June 23, 1988, letter that our request "seeks access to sensitive law enforcement and intelligence files covering a substantial period of time" and "raises important statutory and constitutional issues." The letter advised that the administration is analyzing those issues and would reply when its deliberations were completed. We have on several occasions, most recently yesterday, asked the NSC about the status of the operating guidelines. We continue to be told the issues are being analyzed and guidelines will be issued when the review is completed. NSC officials say they cannot provide a specific date when guidelines will be available.

We are now into the fifth month of our effort to address the issue you asked us to review, and it is difficult to predict how much further delay is likely. Although we have assembled some information available from public records, we have made essentially no progress on the audit itself. We believe it should be possible to reach agreement with the agencies involved, as we pursue our audit questions, that much of the information we need to examine should be considered to be releasable, and to discuss special arrangements for security of the information if such arrangements are warranted. In fact, we were successful in such an approach with the Department of Defense prior to July 12.

We will continue to keep you informed of the status of our efforts, and will discuss further steps which we believe may be appropriate, if any, after we have reviewed any guidelines issued by NSC.

Sincerely yours,

Nancy R. Kingsbury,
Associate Director.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, August 3, 1988.

Hon. Bill Alexander,
House of Representatives.

Dear Mr. Alexander: In May 1988, you asked us to review how information about drug trafficking by high-level government officials of nations friendly to the United States affects U.S. foreign policy decisions. Because the information required to successfully undertake this assignment would potentially involve information related to intelligence gathering and on-going law enforcement investigations which is difficult for the General Accounting Office to obtain under our access-to-records authorities, we suggested, and you agreed, that we would explore the issue using as a case study the information concerning the drug trafficking activities of General Noriega of Panama. As you requested at our meeting on August 2, 1988, we are providing a detailed summary on the experience we have had so far in attempting to obtain information on this assignment.

In summary, although we were able to perform a limited amount of audit work at the Department of Defense in June, the National Security Council (NSC) has directed the other Executive Branch agencies involved not to meet with GAO staff or provide any information to GAO on this assignment until NSC issues guidelines concerning GAO access to information on the assignment. The NSC has informed us that it considers our request for information concerning General Noriega's drug trafficking and other activities as raising "important statutory and constitutional issues."

As of August 1, 1988, the representative of NSC who has been our contact said that he could not tell us when the guidelines would be forthcoming, but he said that he expected them to be issued within, perhaps, a couple of weeks (that is, not within days, and not after months). We have made several attempts, by letter and through telephone discussions, to obtain information and schedule meetings with the Departments of State, Justice, and Defense, but these efforts have been refused, with each agency citing the NSC's direction as the reason for their refusal. We have also contracted the Central Intelligence Agency, where our request for information was also declined.

A detailed chronology of our efforts to meet with NSC and agency officials, and to obtain information, is provided in Enclosure I. Copies of the letters we sent to NSC and to the agencies are provided in Enclosure II. The NSC has provided one written interim response to our letters (Enclosure III); of the agencies, only the Central Intelligence Agency has responded in writing (Enclosure IV).

We are currently awaiting the NSC guidelines. We will continue to keep you informed of the status of our efforts, and will discuss further steps which we believe may be appropriate, if any, after we have reviewed any guidelines issued by NSC.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

ENCLOSURE I

CHRONOLOGICAL SUMMARY OF GAO CONTACTS WITH EXECUTIVE BRANCH AGENCIES AND OFFICIALS

May 11-16, 1988: We sent routine notification letters to the Departments of State, Justice, and Defense, and the National Security Council advising them of our review and identifying the subject and scope of our work. Letters were sent specifically within the Department of Justice to the Drug Enforcement Agency (DEA), the Executive Office for U.S. Attorneys, and Justice's Criminal Division.

May 23, 1988: We received our first response from the NSC. Mr. Nicolas Rostow, Special Assistant to the President and Legal Advisor, told us by telephone that he wanted to "think about it" before scheduling a meeting with us.

May 24, 1988: We sent a notification letter to the Central Intelligence agency asking for a meeting to discuss the issues.

May 30-June 1, 1988: We began contacting personnel at State and Justice to arrange for initial meetings to discuss the scope and depth of our audit. Mr. Manuel Rodriquez, U.S. Attorneys Office liaison who was coordinating the Justice Department components, declined to set up a meeting stating that NSC was coordinating the Administration's response to our notification and he was going to wait until he heard from NSC before proceeding. Mr. Bob Harris, from the Department of State, advised us that State would not deal with us on this assignment until we had discussed our work with the NSC.

June 1: We conducted our initial meeting with the Department of Defense. We performed work at the Defense Intelligence Agency (DIA) and the military departments until July 12, 1988.

June 6, 1988: We had our first meeting with Mr. Dan Levin, Deputy Legal Advisor, NSC. Mr. Levin stated he understood the purpose of our review, but wasn't sure we could have access to sensitive intelligence or law enforcement files. He promised to discuss access with the agencies involved and would get back to us quickly. We were officially notified that NSC would be our focal point on this assignment. We advised Mr. Levin that we preferred to deal with the agencies directly without having to clear everything with the NSC—our normal practice. Mr. Levin stated we are free to deal with each agency directly and that NSC would not be a bottleneck.

June 8-9, 1988: We again contacted the Departments of State and Justice to arrange for initial meetings. Despite Mr. Levin's statement that we could deal directly with the agencies, both Mr. Harris at State and Mr. Rodriquez at Justice advised us the NSC instructed them not to deal with us until NSC had developed operational guidelines on what to do and what not to do on this assignment.

June 13, 1988: Mr. John L. Helgerson, Director of Congressional Affairs, CIA, responded to our notification letter. He stated that all agency activities in Central America and information it gathers is under close and continuing scrutiny by the House and Senate Intelligence Committees. Furthermore, the CIA advised all policy-related questions should be directed to the appropriate components of the Executive Branch. It stated that therefore it could not be of help to us.

June 15-16, 1988: We began efforts to contact Mr. Levin, NSC, to determine when the NSC guidance would be issued and we could continue our review. Mr. Levin requested another meeting to learn more about the review.

June 16, 1988: We conducted an initial meeting with representatives of the Customs Service. Mr. Bill Rosenblatt, Assistant Commissioner for Enforcement, did not provide any information and said he wanted first for the U.S. Attorneys Office to establish ground rules as to how much of the information Customs has is covered by grand jury secrecy provisions and what information they can provide to us.

June 22, 1988: We held a second meeting with the NSC and White House staff personnel. Attending for the Executive Branch were Mr. Nicolas Rostow, Special Assistant to the President and Legal Advisor; Mr. Dan Levin, Deputy Legal Advisor, NSC; Mr. Jonathan Scharfman, Assistant Legal Advisor, NSC; Mr. Dan McGrath, Legal Counsel, White House Staff; Mr. Bob Harris, Department of State; and another official from the Department of Justice.

We reiterated our purpose, and our requirements in terms of access to personnel and documentation to the extent that we could. We explained that we needed to conduct initial meetings to more fully determine our documentation needs. We discussed the availability of documents used in the deliberative process, grand jury and other enforcement actions, foreign intelligence, and other types of documentation. Some were considered to fall under executive privilege and not available to GAO, according to the administration officials. We discussed in general terms our access experiences in other kinds of highly sensitive assignments and pointed out that special security arrangements could be agreed upon if circumstances warrant.

At the request of Mr. Levin, we agreed to submit in writing a more detailed explanation of the specific types of documents and information we wanted access to so they could more fully consider our request. They promised a prompt response. We asked for a response within one or two weeks. Mr. Levin was not willing to commit to a specific time period.

June 23, 1988: GAO hand delivered the explanatory letter to the NSC. The document explained that in order to accomplish our objectives, we planned to

(1) obtain agency briefings that describe the general organizational structure and the operational procedures related to the agency's data collection, analysis, and dissemination systems;

(2) interview relevant agency personnel who are responsible for defining agency information needs with regard to General Noriega and Panama, implementing the information collection process, collecting and reporting raw data, and analyzing and disseminating data on Panama and General Noriega;

(3) review documents to include specific directives, instructions, or taskings to collect data on General Noriega or alleged illegal activities involving General Noriega, cables and reports from field offices regarding General Noriega's involvement in or toleration of illegal activities, analyses or summaries of field reporting on General Noriega, and geographic/subject-area studies discussing the role or suspected role of General Noriega in illegal activities; and

(4) examine the use of information about General Noriega in the foreign policy process by identifying the agencies, organizations, and individuals who play a role in deciding national security and foreign policy issues with regard to Panama and interview each and review documents to determine whether information about General Noriega reached them and how that information was used in making decisions.

June 27, 1988: We contacted Mr. Levin at NSC on the status of its response to our June 23 letter. He said they were preparing a response and it would be provided "promptly."

July 1, 1988: We called Mr. Levin again at NSC. He said they hoped to have a response soon. We inquired about who in the White House or the NSC is making the decisions and what the specific problems or objections are, and Mr. Levin declined to provide any information.

July 5, 1988: We again called Mr. Levin at NSC. He advised us that a letter was "in for signature," but he declined to predict when it would be signed. He also would not say what position the response would take or who it was with for signature. He said he would not "sit on" a signed response and that he would call us when it is signed.

July 7, 1988: We called Mr. Bob Harris, State Department, in another attempt to gain cooperation and were told State would not meet with us until it hears from NSC. We advised Mr. Harris that we planned to send a second letter to them specifically asking for an initial meeting and access to documents.

July 8, 1988: We called Mr. Paul Prise, DEA, asking to meet. He told us that NSC gave instructions not to meet with us until NSC gives the "go ahead." We advised a second letter was coming.

July 12, 1988: We sent a second letter, more detailed in what we requested in the way of cooperation to the Departments of State and Justice (DEA, Criminal Division and the U.S. Attorneys Office), and the NSC.

July 12, 1988: We attempted to continue our work at the Department of Defense. Up to this point, we had conducted a series of interviews with personnel involved in intelligence gathering and analysis in Latin America. We had identified and requested about 100 documents, files, reports, cables, etc., that we felt were relevant to our review. We had some additional meetings scheduled with agency personnel. We were advised by Mr. Nacho Morales, Army Intelligence and Security Command, that NSC directed DOD to postpone any meetings with us on the assignment. Mr. Craig Campbell, a GAO liaison official with the DOD/IG, confirmed that DOD was told to withhold contacts with us. Mr. Martin Sheina, DIA, told us he could not provide documents we had requested until NSC provides guidance.

July 13, 1988: We sent a letter to the Department of Defense, similar to those sent to State and Justice on July 12, 1988, asking for a resumption of cooperation—i.e., to provide the requested documents and to continue meeting with us.

July 13, 1988: Mr. Don Schramak, Justice liaison, said that the Justice General Counsel staff had been working with NSC to develop a response, and indicated that it would be sent within a day or so.

July 18, 1988: We received a letter from Mr. Nicolas Rostow, NSC, dated July 13, 1988 which expressed his disappointment that we had not narrowed the scope of the information we wanted and stated that the administration is still considering our request.

August 1, 1988: We telephoned Mr. Levin at NSC asking for the status of the response. He said it was being reviewed at the Department of Justice and there was no definite date it would be issued. He hoped it would be issued by the week of August 8, 1988.

August 2, 1988: We advised Mr. Levin, NSC, that Senator Kerry's staff had informed us that Senator Kerry is prepared to hold a press conference about the lack of cooperation with GAO. I advised Mr. Levin that the Senator's staff had stated that if we did not have guidelines by 9 o'clock a.m., August 8, 1988, or at least a definite delivery date, Senator Kerry would hold a press conference.

General Accounting Office,
General Government Division,
Washington, DC, May 11, 1988.

Mr. Peter F. Gruden,
Assistant Administrator, Planning and Inspection Division, Drug Enforcement Administration, Department of Justice.

Dear Mr. Gruden: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group, National Security and International Affairs Division.

The work will be conducted in Washington at the Drug Enforcement Administration, the Department of State, the Department of Defense, the Department of the Treasury, and other federal agencies. We will advise you of any need to visit facilities outside the Washington area.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

Arnold P. Jones,
Senior Associate Director.

General Accounting Office, National Security and International Affairs Divsion,
Washingon, DC, May 12, 1988.

Hon. Frank C. Carlucci,
The Secretary of Defense.

Attention: DOD Office of the Inspector General, Deputy Assistant Inspector General for GAO Report Analysis.

Dear Mr. Secretary: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noreiga's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group.

The work will be conducted in Washington at the Department of Defense, the Department of State, the Department of Justice, and other federal agencies. We will advise you of any need to visit Department facilities outside the Washington area.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

Nancy R. Kingsbury,
Associate Director.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, May 13, 1988.

Mr. Paul Schott Stevens,
Executive Secretary, National Security Council, Old Executive Office Bldg., Washington, DC.

Dear Mr. Stevens: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law-enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group.

The work will be conducted at the National Security Council, the Department of State, the Department of Defense, the Department of Justice, and other federal agencies.

We appreciate any assistance you can provide to our staff. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

Joseph E. Kelly,
Associate Director.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, May 13, 1988.

Hon. George P. Shultz,
The Secretary of State.

(Attention: GAO Liaison, Office of the Comptroller.)

Dear Mr. Secretary: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law-enforcement agencies, (3) the extent to which this information reached foreign policy decisionmakers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group.

The work will be conducted in Washington at the Department of State, the Department of Defense, the Department of Justice, and other federal agencies. We will advise you of any need to visit State Department facilities outside the Washington area.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

Joseph E. Kelly,
Associate Director.

General Accounting Office,
General Government Division,
Washington, DC, May 16, 1988.

Mr. John C. Keeney,
Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

Dear Mr. Keeney: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law-enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group, National Security and International Affairs Division.

We would like to meet with knowledgeable Criminal Division officials. We also plan to conduct work at other Department of Justice offices, the Department of Defense, the

Department of State, and other federal agencies.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

Arnold P. Jones,
Senior Associate Director.

General Accounting Office,
General Government Division,
Washington, DC, May 16, 1988.

Mr. Manuel Rodriquez,
Legal Counsel, Executive Office for U.S. Attorneys, Department of Justice.

Dear Mr. Rodriquez: The General Accouting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law-enforcement agencies, (3) the extent to which this information reached foreign policy decisionmakers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group, National Security and International Affairs Division.

We would like to meet with the U.S. Attorneys in both Miami and Tampa, Florida, who have brought indictments against Gen. Noriega to discuss the genesis of the indictments, identify other people that we should talk with, and obtain information about the cases. We also plan to conduct work at other Department of Justice offices, the Department of Defense, the Department of State, and other federal agencies.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

John Anderson,
Arnold P. Jones,
Senior Associate Director.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, May 24, 1988.

Hon. William H. Webster,
Director, Central Intelligence Agency.

Attention: Director, Office of Legislative Liaison.

Dear Mr. Webster: The General Accouting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) selected aspects of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law-enforcement agencies, (3) the extent to which this information reached foreign policy decisionmakers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed under the direction of Nancy R. Kingsbury, Associate Director by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group.

The work will be conducted in Washington at the Department of State, the Department of Defense, the Department of Justice, and other federal agencies.

We would like to meet with Agency representatives to discuss these issues and obtain the Agency's perspective on them. We appreciate any assistance you can provide to our staff in this regard. If you have any questions, please contact Mr. Patton or Mr. Benone at 275-5790.

Sincerely yours,

Frank C. Conahan,
Assistant Comptroller General.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, June 23, 1988.

Mr. C. Nicholas Rostow,
Special Assistant to the President and Legal Advisor, National Security Council.

Dear Mr. Rostow: As you are aware, Senator John Kerry, Chairman of the Subcommittee on Terrorism, Narcotics, and International Operations and Representative Bill Alexander, are concerned that information about illegal activities by high-level officials of other nations may not be adequately considered in U.S. foreign policy decisions. At their request, the General Accounting Office is undertaking an initial case study of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama.

To satisfy this request, we will:

(1) Obtain an agency overview. At each agency that develops relevant information on General Noriega or his possible involvement in illegal activities, we will receive a briefing that outlines the general organizational structure and the operational procedures related to the agency's data collection, analysis, and dissemination systems.

(2) Interview relevant personnel. Once we understand the basic organizational structure, we will then interview key personnel responsible for (1) defining agency information needs with regard to Noriega and Panama, (2) implementing the information collection process, (3) collecting and reporting raw data, and (4) analyzing and disseminating data on Panama and Noriega.

(3) Review documents. As we learn more about each agency's collection and reporting processes, we will request relevant documents. We anticipate that these will include: specific directives, instructions, or taskings to collect data on Noriega or alleged illegal activities involving Noriega, cables and reports from field offices regarding Noriega's involvement in or toleration of illegal activities, analyses or summaries of field reporting on Noriega, and geographic/subject-area studies discussing the role or suspected role of Noriega in illegal activities.

(4) Examine the use of information about Noriega in the foreign policy process. After completing a systematic review at each agency, we will attempt to determine how agency reporting on Noriega may have influenced foreign policy decisions on Panama. We will first identify the agencies, organizations, and individuals who play a role in deciding national security and foreign policy issues with regard to Panama. Through interviews and a review of relevant documents, we will determine whether information about Noriega reached them, and how that information was used in making decisions.

As part of our review, we will contact appropriate officials of the National Security Council who are now or were in the past involved in policy decisions regarding Panama. We intend to discuss their knowledge and utilization of information concerning General Noriega's illegal activities.

We understand that this review will involve potentially sensitive material that may require special controls and safeguards. We are willing to discuss this issue with you and take appropriate precautions.

Mr. Levin indicated that you would handle this request expeditiously, and I look forward to hearing from you early next week. If you have any additional questions about our review, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

Nancy R. Kingsbury,
Associate Director.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, July 12, 1988.

Mr. Lawrence S. McWhorter,
Director, Executive Office for U.S. Attorneys, Department of Justice, Washington, DC.

Dear Mr. McWhorter: As we informed your staff in our letter of May 16, 1988, the General Accounting Office is undertaking a case study of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. As agreed with your staff, we initially postponed audit work at the Justice Department until we had met with National Security Council officials to more fully explain our review objectives and give them an opportunity to coordinate agency participation in our review. However, because the National Security Council has not acted, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that you provide us with the following:

1. Documents outlining the organizational components involved in, and the operational procedures related to the U.S. Attorney requests for and analysis of foreign intelligence data.

2. Documents relating to the investigations of alleged drug trafficking by General Noriega conducted by the U.S. Attorneys in Miami and Tampa.

3. Any memos, reports, analyses, studies, briefing papers, meeting records, or other documents generated by the office of the U.S. Attorneys which discuss allegations of illegal activities by General Noriega, and interagency communications on these matters.

We anticipate that as our review progresses, we will make additional requests for documentation.

To facilitate our review, we request that appropriate officials meet with us at an opening conference no later than July 20. At that time, we will establish a schedule for obtaining the needed documents.

With the input and cooperation of U.S. Attorney officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald

L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

Mr. EDWARD S. DENNIS,
Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

DEAR MR. DENNIS: As we informed your staff in our letter of May 16, 1988, the General Accounting Office is undertaking a case study of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. We initially postponed audit work at the Justice Department and several other government agencies until we had met with National Security Council officials to more fully explain our review objectives and had given them an opportunity to coordinate agency participation in our review. However, because the National Security Council has not acted, and because of the high level congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that you provide us with the following:

1. Documents outlining the organizational components involved in, and the operational procedures related to, the Criminal Division's development of law enforcement information and its requests for and analysis of foreign intelligence data provided by the various collection agencies.

2. Any memos, reports, analyses, studies, briefing papers, meeting records, or other documents generated by the Division which discuss allegations of illegal activities by General Noriega or the possible impact of such activities on U.S. relations with Panama.

We anticipate that as our review progresses, we will make additional requests for documentation.

To facilitate our review, we request that appropriate officials meet with us at an opening conference no later than July 20. At that time, we will establish a schedule for obtaining the needed documents.

With the input and cooperation of Criminal Division officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

Mr. JOHN C. LAWN,
Drug Enforcement Administration, Washington, DC.

DEAR MR. LAWN: As we informed your staff in our letter of May 11, 1988, the General Accounting Office is undertaking a case study, under code 472165, of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. At the request of your staff, we initially postponed audit work at the Drug Enforcement Administration until we had explained our review objectives to the National Security Council and had given them an opportunity to coordinate the executive agency participation in our review. However, because the National Security Council has not acted, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that DEA provide us with:

1. Documents outlining the organizational structure and the operational procedures related to DEA's development of law enforcement information and its foreign intelligence data collection analysis, and dissemination systems.

2. Documents which establish DEA's procedures for (a) defining foreign intelligence information needs with regard to General Noriega and Panama, (b) implementing the information collection, process, (c) collecting and reporting raw data, and (d) analyzing and disseminating data on Panama and General Noriega.

3. Specific directives, instructions, or taskings to collect data on General Noriega or his alleged illegal activities, cables and reports from field offices regarding his involvement in or toleration of illegal activities, analyses or summaries of field reporting on him, and geographic/subject-area studies discussing his role or suspected role in illegal activities.

To facilitate our review, we are requesting an opening conference with appropriate officials no later than July 20. At that time, we will more fully discuss the specific parameters of our audit work and establish a schedule for obtaining the needed documents.

With the input and cooperation of DEA officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

Mr. PAUL SCHOTT STEVENS,
Executive Secretary, National Security Council, Old Executive Office Building, Washington, DC.

DEAR MR. STEVENS: As we informed you in our letter of May 13, 1988, and Mr. Rostow in our letter of June 23, the General Accounting Office is undertaking a case study of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. At the request of the National Security Council staff, we initially postponed audit work at the Council and several other government agencies until we had met with them to more fully explain our review objectives and had given them an opportunity to coordinate agency participation in our review. However, because we have not received a response to our letter of June 23, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We have sent requests to each agency, asking that appropriate officials meet with us to establish a timetable for collecting and reviewing relevant documents. We ask that the National Security Council provide us with:

1. Documents outlining the organizational structure and the operational procedures related to the National Security Council's requests for and analysis of foreign intelligence data provided by the various collection agencies.

2. Any memos, reports, analyses, studies, briefing papers, meeting records, or other documents generated by the National Security Council staff which discuss allegations of illegal activities by General Noriega and the possible impact of such activities on U.S. relations with Panama.

We anticipate that as our review progresses, we will make additional requests for documentation.

To facilitate our review, we request that appropriate officials meet with us at an opening conference no later than July 20. At that time, we will establish a schedule for obtaining the needed documents.

With the input and cooperation of National Security Council officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVSION,
Washington, DC, July 12, 1988.

Hon. GEORGE P. SHULTZ,
The Secretary of State.
(Attention: GAO Liaison, Office of the Comptroller.)

DEAR MR. SECRETARY: As we informed you in our letter of May 13, 1988, the General Accounting Office is undertaking a case study, under code 472165, of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. At the request of your staff, we initially postponed audit work at the State Department until we had explained our review objectives to the National Security Council and had given them an opportunity to coordinate the executive agency participation in our review. However, because the National Security Council has not acted, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that the State Department provide us with:

1. Documents outlining the organizational structure and the operational procedures related to the State Department's foreign intelligence data collection, analysis, and dissemination systems.

2. Documents which establish the State Department's procedures for (a) defining foreign intelligence information needs with regard to General Noriega and Panama, (b) implemening the information collection process, (c) collecting and reporting raw data, and (d) analyzing and disseminating data on Panama and General Noriega.

3. Specific directives, instructions, or taskings to collect data on General Noriega or his alleged illegal activities, cables and reports from embassies regarding his involvement in or toleration of illegal activities, analyses or summaries of field reporting on

him, and geographic/subject-area studies discussing his role or suspected role in illegal activities.

We anticipate that many of these documents are available within the Offices of the Assistant Secretary of State for Inter-American Affairs, the Assistant Secretary for Intelligence and Research, and the Assistant Secretary for Narcotics Matters.

To facilitate our review, we are requesting an opening conference with appropriate officials no later than July 20. At that time, we will more fully discuss the specific parameters of our audit work and establish a schedule for obtaining the needed documents.

With the input and cooperation of State Department officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

Nancy R. Kingsbury,
Associate Director.

General Accounting Office, National Security and International Affairs Division,
Washington, DC, July 13, 1988.

Hon. Frank C. Carlucci,
The Secretary of Defense.
(Attention: DOD Office of the Inspector General, Deputy Assistant Inspector General for GAO Report Analysis).

Dear Mr. Secretary: As we informed you in our letter of May 12, 1988, the General Accounting Office is undertaking a case study, under code 472165, of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. With the cooperation of Department of Defense officials, including those from the military services and other Defense agencies, we have already made substantial progress toward achieving our review objectives. However, we were advised on July 12, 1988, that these officials have been directed to postpone meeting with us and providing us with documents until the National Security Council provides guidance on the extent that the Department should participate in our review.

Since initiating this review, we have fully briefed the National Security Council staff on our review objectives and methodology and allowed them time to provide guidance to executive branch agencies. However, because the Council has not issued such guidance and because of the high level of congressional interest in this assignment, we have advised the Council that we must now implement our review independently at each agency.

We are therefore requesting that the Department resume cooperating with us on this assignment and provide us with documents we need to accomplish our review objectives. In addition to the documents that we already have requested, we need to obtain:

1. Cables and intelligence reports generated by, or in the possession of, the Department of Defense and its various components which discuss General Noriega and his alleged illegal activities.

2. Any other memos, reports, analyses, studies, briefing papers, meeting records, other documents, or recorded information generated by, or in the possession of, the Department or its components which discuss allegations of illegal activities by General Noriega and the possible impact of such activities on U.S. relations with Panama.

To facilitate our review, we would appreciate being advised in writing no later than July 20, 1988, of your intended action on this matter.

With the Department's renewed cooperation, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

Nancy R. Kingsbury,
Associate Director.

Enclosure III

National Security Council,
Washington, DC, July 13, 1988.

Ms. Nancy R. Kingsbury,
Associate Director, National Security and International Affairs Division, General Accounting Office, Washington, DC.

Dear Ms. Kingsbury: I am writing in response to your request concerning a study of the alleged drug activities of Manuel Noriega, and the role information about such activities played in decisions about U.S. foreign policy (Study #472165).

As described in Mr. Kelly's May 13, 1988, letter to Paul Stevens and your June 23, 1988, letter to me, your request seeks access to sensitive law enforcement and intelligence files covering a substantial period of time. In our meeting, your staff confirmed that your three areas of interest were intelligence files, law enforcement files, and the deliberative process of the Executive branch, including internal communications and deliberations leading to Executive branch actions taken pursuant to the President's constitutional authority. I was disappointed that your letter did not contain any narrowing of the request. The request raises important statutory and constitutional issues. The Administration is anlayzing them now, and when its deliberation is complete, I shall reply further to your letter of June 23, 1988.

Sincerely,

Nicholas Rostow,
Special Assistant to the President and Legal Adviser.

Enclosure IV

Central Intelligence Agency,
Washington, DC, June 13, 1988.

Mr. Frank C. Conahan,
Assistant Comptroller General, National Security and International Affairs Divisions, General Accounting Office, Washington, DC.

Dear Mr. Conahan: The Director has asked me to respond to your letter of 24 May 1988 that described the General Accounting Office's investigation of allegations made against General Noriega of Panama.

All Agency activities in central America, as well as information we receive concerning other U.S. Government activities in the region, are subject to close and continuing scrutiny by the House and Senate Intelligence Committees. Furthermore, any assessment of policy-related questions should be directed to the appropriate components of the Executive Branch, such as the Departments of State and Defense.

I am sorry that we cannot be more helpful in this case.

Sincerely,

John L. Helgerson,
Director of Congressional Affairs.

Department of State,
Washington, DC, August 2, 1988.

Nancy Kingsbury,
Associate Director, General Accounting Office, National Security and International Affairs Division.

Dear Ms. Kingsbury: I am pleased to respond to your July 12 letter on the proposed care study your office is undertaking about how U.S. government agencies used information about General Noriega in its policy decisions regarding Panama.

As you are aware, the National Security Council staff and the Office of White House counsel have been working closely with your office on this investigation. All executive branch agencies have been instructed by the White House not to take any action on your request until various legal issues have been analyzed by the Administration. Accordingly, at the present time it will not be possible for the Department to meet with your staff or produce information until this examination is completed. For the time being, Nicholas Rostow, Legal Adviser to the National Security Council, is acting as the administration's point of contact on this matter.

Sincerely,

Roger B. Feldman,
Comptroller.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Dornan].

Mr. DORNAN of California. Mr. Speaker, I passed an amendment in the Crime Subcommittee and in the full Judiciary Committee that was bipartisan, and noncontroversial, about these clandestine drug labs, which are a particular problem in my beautifull State of California. Due to California's size and its ability to grow almost anything, the domestic growing of illegal crops has become a real problem. More ominous though are the hidden drug labs that sometimes are defended with booby traps, including high explosives. It is a tragic situation, recognized by all to the extent that everybody on the subcommittee and on the major committee said that my legislation on clandestine labs was fine and desparately needed.

Because of a jurisdictional dispute, and only because of that, my language was taken out of the final bill produced by the Rules Committee.

Last night, however, in the Rules Committee they agreed to allow me to offer my language again as an amendent, when we take this bill up again in September. I am still put at a disadvantage by these actions, however, as it will appear that I am trying to alter the original language of the bill. This is always an uphill battle.

I would just like to read a statement that I put out to the Rules Committee yesterday explaining my point of view.

□ 1115

This was hand delivered last night to Hon. CLAUDE PEPPER:

> DEAR MR. CHAIRMAN: Only moments ago, I became aware that the Rules Committee will drop my language regarding Clandestine Drug Laboratories, in Subtitle B of title VI. This language was accepted by the majority staff of the Crime Subcommittee even before subcommittee markup occurred. This language then survived markup before the full Judiciary Committee without amendment. In short, Mr. Chairman, this provision to establish a Task Force on Clandestine Drug Laboratories has always enjoyed a significant bipartisan support in Congress and within the Drug Enforcement Agency.

Let me add that the DEA is anxious, very anxious to get this language in the legislation, since they are the major repository of the chemicals used in these drug labs:

> I am disappointed, to say the least, that the Rules Committee would circumvent the committee process which I have followed so diligently.

I am grateful to the Rules Committee that this was corrected:

> It is my understanding that the language will be allowed as an amendment to the drug bill during floor debate. I would certainly hope that I would at least be granted this opportunity.
>
> Mr. Chairman, I certainly hope that you can see your way clear to either reinstating my language. * * *

And he did that. I would like to thank him for it. I look forward to offering it on the floor in September.

At that time I will bring back some firsthand testimony about what is happening in my State, with the clandestine laboratories and how the chemicals they use have become a major health hazard.

I think the drug issue is becoming more bipartisan in the Presidential campaign, I hope so, from Jessie Jackson on the left all the way up to the Libertarian Party on the right. Well, maybe they are hopeless.

Vote for the Dornan amendment on clandestine drug labs in September.

I include for the RECORD my full letter to the chairman of the Rules Committee along with my amendment, as follows:

> HOUSE OF REPRESENTATIVES,
> *August 10, 1988.*
>
> Hon. CLAUDE PEPPER,
> *Chairman, Rules Committee, H-312, The Capitol.*
>
> DEAR MR. CHAIRMAN: Only moments ago, I became aware that the Rules Committee will drop my language regarding Clandestine Drug Laboratories, in Subtitle B of Title VI. This language was accepted by the majority staff of the Crime Subcommittee even before subcommittee markup occurred. This language then survived markup before the full Judiciary Committee without amendment. In short Mr. Chairman, this provison to establish a Task Force on Clandestine Drug Laboratories has always enjoyed significant bipartisan support in Congress and within the Drug Enforcement Agency.
>
> I am disappointed, to say the least, that the Rules Committee would circumvent the committee process which I have followed so diligently. This action by the Rules Committee has put me at a significant disadvantage. During the amendment procedure it will appear as if I am trying to amend the original language of this bill, when in fact, mine is the original language of the bill.
>
> It is my understanding that my language will be allowed as a amendment to the Drug bill during floor debate. I would certainly hope that I would at least be granted this opportunity.
>
> Mr. Chairman, I certainly hope that you can see your way clear to either reinstating my language into the original text as reported or permit me to offer this provision on the House floor during debate in September.
>
> I appreciate in advance your consideration.
>
> Sincerely,
> ROBERT K. DORNAN,
> *U.S. Congressman.*

Mr. Speaker, my amendment as a bill was entitled, "Joint Federal Task Force on Clandestine Drug Laboratories Establishment Act of 1988." It combined the expertise of both the Drug Enforcement Agency and the Environmental Protection Agency to formulate and implement a program for the cleanup and disposal of hazardous waste produced by clandestine drug labs nationwide.

Mr. Speaker, I became aware of the tremendous increase in the number of seizures of clandestine drug labs by way of an Orange County register article which detailed some of the problems encountered by the Buena Park City Police Department.

The register article made it abundantly clear that our local police departments do not have the budget or the equipment to handle the disposal and cleanup of poisonous and highly flammable chemicals recovered in speed labs. Under current law our police departments are the victims of their own successes. They get stuck with the bill for disposal and cleanup.

The DEA has confirmed a tripling of the number of drug labs in the last 2 years, which are most heavily concentrated in San Diego and Sacramento counties. Methamphetamine or PCP labs produce extremely hazardous substances which have been found in apartment buildings, motor homes, and other densely populated urban environments.

My legislation is environmentally oriented in the sense that it draws particular attention to the long-term health hazards caused by the residual chemicals which frequently find their way into local water supplies and livestock.

Until today, the issue of cleanup and disposal of clandestine drug lab waste has been a political football. Federal, State, and local authorities have all been arguing over jurisdiction, to the detriment of overall policy. My amendment if adopted in September should bring this needless squabbling to a screeching halt.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the able gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the rule makes in order an amendment establishing a federal death penalty. I think this is a tragic mistake. Members know that death rows are disproportionately black and they know that a black who kills a white is 4 to 10 times more likely to receive the death sentence than a white who kills a black.

Despite these very disturbing facts, many Members feel they cannot vote against an antidrug measure in an election year.

Mr. Speaker, the death penalty is not an effective antidrug measure. Indeed, the death penalty would be counterproductive.

Many States with the death penalty have higher murder rates and worse drug problems than States without it.

The death penalty will hurt our international efforts to fight drugs. The countries we are trying to work with will not extradite a person to the United States if the death sentence can be imposed. Let me quote the chief assistant U.S. attorney in Miami. Last month he said, "If we imposed the death penalty, we wouldn't be able to get any of the true drug lords. It would be self-defeating."

Third, the cost of executing a person is enormous. In Florida, the full cost of an execution is nearly $3.2 million. **It is insane to sink $3.2 million into executing a single person when we are struggling to find adequate resources for measures that have been proven effective like drug treatment and putting more agents on the street.**

I urge my colleagues to reject the rhetoric that the death penalty is tough on drugs. I urge my colleagues to resist the claim that it is politically dangerous to vote against the death penalty.

Mr. Speaker, aside from these problems, the death penalty amendment that will be brought to the floor suffers many flaws that make it particularly unfair. Other Members and I have introduced a series of amendments intended to mitigate some of these flaws.

An amendment has been made in order ensuring that defendants facing the death penalty will have adequate, experienced legal representation. Another important amendment ensures that the jury's sentencing discretion is properly guided by a complete listing of the mitigating factors they can consider.

A third issue involves the preservation of appeal rights.

A total of eight procedural amendments have been made in order. If the death penalty is offered, I ask my colleagues to support these amendments. If the Federal Government is going to be given the power to intentionally kill certain convicts, the procedures should be as scrupulous and fair as we can make them.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this rule to the Omnibus Antidrug Initiative Act of 1988. I commend my colleagues on the Rules Committee for fashioning a rule that would permit this comprehensive drug measure to be brought to the floor for consideration at this time and I commend the leadership on both sides of the aisle for their support of this critically needed legislation.

While I regret that this rule did not allow consideration of my amendment which would have provided sorely needed antidrug resources, this measure—omnibus drug bill II—does build on the Antidrug Abuse Act of 1986 and will provide desperately needed resources for drug crop eradication, for interdiction, local law enforcement, treatment, and most importantly, for education.

The 1986 Antidrug Act did not win the war against drugs and this act alone cannot win this war. We are engaged in a long-term struggle against the curse of drugs. The soul of our Nation is at stake. The American people, in poll after poll, indicate that drug trafficking and drug abuse is the most important issue facing our Nation. And with good reason.

Illegal drugs have infected our entire Nation. No neighborhood town, city, or State is immune from its evil effects. Drug-related crime and violence have made bloody shoot-outs an everyday event in some neighborhoods. Millions of Americans have lost control of their lives and have become addicted to drugs.

This legislation will help us put into place a national strategy both to combat drug production and trafficking abroad and drug abuse at home. The drug traffickers, whose only purpose is to export their poison for profit, have almost unlimited resources at their disposal. Their ruthlessness is well known, but their recent attack on Secretary of State Shultz in Bolivia is another blatant reminder. Our Nation can not and will not be intimidated by these merchants of death. We must work with the many courageous leaders and enforcement officers in Latin America and elsewhere who are putting their lives and the lives of their loved ones in jeopardy by going after the drug dealers.

At home and in our schools we must teach our children to reject drugs and to choose life over despair. We must ensure that all those who have fallen victim to drugs, but wish to break free from their grip, are provided with the appropriate treatment and rehabilitation they need to reclaim their lives.

The war against drugs has many battle fronts. We must fight on all of them simultaneously. If our efforts are supported and sustained over an extended period of time, we can and will make a difference. This legislation is an important step in the right direction. Accordingly, I urge my colleagues on both sides of the aisle to support the adoption of this rule.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the able gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Washington [Mr. FOLEY], the majority leader, on the use of the military in drug interdiction.

As the majority leader is well aware, the President vetoed the DOD authorization bill, which included the Hunter-Robinson-Davis amendment mandating the use of the military. The purpose of the colloquy is to ask what assurances we will have, since the Rules Committee turned down our amendment, that there will be another vehicle to attach the Hunter-Robinson-Davis amendment mandating the use of the Armed Forces in drug interdiction?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman from Washington, the majority leader.

Mr. FOLEY. Mr. Speaker, I think the best assurance I can give the gentleman is that both Houses in a bipartisan vote adopted the provisions relating to drug enforcement responsibilities by the Department of Defense, and that is part of, as the gentleman noted, the Department of Defense authorization bill vetoed by the President.

I think there will undoubtedly be further consideration of a Department of Defense authorization bill together with the Department of Defense appropriation bill, and I am satisfied that these provisions will remain in any future legislation presented to the President. So I think there is a high probability that the amendment which the gentleman cosponsored will find its way into the law.

Mr. ROBINSON. I thank the gentleman for his explanation, and I will support the rule, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, the war on drugs requires us as a society to place in our arsenal the ultimate weapons; namely, the death penalty for those who would kill, who would stop at nothing in the furtherance of their enterprise which poisons our youth and stoops to murder, murder in the first degree, to the execution of judges, of witnesses for the prosecution, of police officers, of anybody who would stand in the way of their motive of profit and their criminal enterprise.

This rule permits consideration of that ultimate weapon. Thrice now the House of Representatives has passed almost overwhelmingly, in fact overwhelmingly and almost unanimously in conjunction with the comprehensive bill we passed in 1986 an amendment to allow the death penalty to be imposed on those proper cases which would be outlined in connection with a felony in narcotics cases. So it is not a new vote that is to be undertaken by this Chamber when the crime comes. I urge the Members to support the amendment when it is offered.

A word of caution so that we can place it in the proper scheme of things as we proceed. The resolution which is in question now and on which we will be voting very shortly reads, so that we can put it in its proper place in our thinking as we prepare for this, that there will be two amendments offered involving the punishment for drug traffickers, one by our good friend, the gentleman from New York [Mr. RANGEL] and one by myself. The rule states on page 3, lines 3 and 4 the following: "If both of the amendments to be offered to title VI by Representative RANGEL of New York and Representative GEKAS of Pennsylvania are adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House."

So we will have a full airing of debate on life imprisonment and the death penalty as alternatives and as possibilities for a jury to inflict in the question of a violation of the Narcotics Act. So I ask my colleagues to watch that very carefully. It appears that we can support the Rangel amendment, which would be followed then by the Gekas amendment, and if that is adopted; namely, the death penalty, the Gekas amendment will be the one to be finally adopted in the bill.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I support the rule and will vote for it. But I would like to call Members' attention to the provisions of title I of this bill which relates to the Banking Secrecy Act and the right to financial privacy.

This amendment, considered by the Committee on Banking, Finance and Urban Affairs, which would revisit the money laundering issue, represents a significant strengthening of the legislation enacted in 1986, and these are excellent provisions, and these amendments will strengthen the Treasury Department's hand in dealing with money laundering and were supported by the Treasury Department. May I also say they are of special importance to the chairman of the full committee, the gentleman from Rhode Island [Mr. ST GERMAIN], who has worked very hard to develop a bipartisan approach on this issue.

One significant section will allow the Department of Treasury to target certain banks or certain regions of the country for stricter enforcement measures, a much better approach, in my opinion, than blanket reporting requirements for all banks.

□ 1130

This title also provides for additional civil penalties for recordkeeping violations and a requirement that banks report all cases of transactions of $3,000 or more.

These measures should improve efforts to gain additional convictions for money laundering crimes.

Mr. Speaker, the war on drugs has to be fought on many fronts and money laundering is the life blood, the life blood of these criminal enterprises. Our role should be to give the regulators and the Justice Department the necessary tools to fight this war. I believe the enhancements contained in title I do just that.

Mr. Speaker, I urge adoption of the rule and support the bill.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the able gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, the bill and the rule incorporate two provisions that are of enormous importance to the West.

Last week I was delivered a report by the Forest Service that indicated despite the fact that they had eradicated a record amount of marijuana last year, over 1 billion dollars' worth specifically, we now have 800,000 acres of our precious forest land out of commission because of these marijuana plantations. The evidence shows that the criminals who run these plantations are sophisticated, and they get more creative and more imaginative every year.

One of the things that concerns me is that, unfortunately, we have tied the Forest Service's hand in dealing with these drug criminals. The bill incorporates language that I drafted that allows the Forest Service to finally go after these drug dealers.

When a drug crime originates on Forest Service land, the Forest Service would be able to go in hot pursuit after these drug runners. I think this is critical. It is a low-budget matter. It is a measure that the Forest Service is very interested in pursuing and I think it is an immediate step that we can take to get these drug dealers out of the forests and make sure that the Federal Government is not one of our big drug landlords.

The other provision that particularly is important to the West deals with the drug labs. We now find in these drug labs they leave toxic chemicals as dangerous as what we have to cleanup under the Superfund. Unfortunately, there are no guidelines for the cleanup. The bill also incorporates legislation that I authored that requires the Environmental Protection Agency, within 180 days, to put into place guidelines for the cleanup of these facilities.

Also as part of my legislation, $5 million would be authorized for the cleanup of these drug labs. I think it is critical that we deal with this problem because I fear that these drug labs are going to be as dangerous as the toxic waste sites we are dealing with in the Superfund.

Mr. Speaker, I thank the chairman of the Committee on Rules.

Mr. WYDEN. Mr. Speaker, I rise in support of the rule and this legislation.

The Omnibus Anti-Drug Initiative Act incorporates two provisions that are of enormous importance to the West.

Last week, I received a report from the Forest Service that indicated despite the fact that they had eradicated over 1 billion dollars' worth of marijuana last year, we still have 800,000 acres of our precious forest land out of commission because of these marijuana plantations.

The evidence shows that the criminals who grow this marijuana are a tough, sophisticated breed with extensive criminal histories. They are violent and readily employ the use of semiautomatic weapons and booby traps to protect their cash crop. Moreover, they are getting more creative and imaginative in their efforts to avoid prosecution.

The Forest Service report revealed that much of the marijuana grown in the top-producing regions of the country is controlled by brokers who subcontract the actual production of marijuana. The brokers finance the operation and get the subcontractors to set up and run the operation for a share of the profits. The subcontractors hire local people and illegal aliens to do the dirty work of the cultivating the cash crop. This way, the brokers and subcontractors don't have to set foot in the marijuana garden and reduce their exposure to arrest and prosecution.

As these drug lords are exploiting our national forests, they know that it's virtually impossible for the Forest Service to catch them because we've tied the Forest Service's hands in dealing with drug criminals. This restriction means that the Forest Service can only perform drug enforcement activities while actually within the national forest boundary.

The drug lords are well aware of this restriction and they gear their criminal activity accordingly. The drug lords know that the Forest Service doesn't have the power of hot pursuit in a chase. They also know that the Forest Service can't arrest them if they're 1 inch off of the national forest boundary. They know that the Forest Service can't investigate them. They know that the Forest Service can't seize any property that isn't on the national forest—even if this property is essential evidence for the prosecution.

It seems ridiculous that the Forest Service should have to contend with this kind of restriction for drug crimes when it has broad law enforcement authority for other crimes such as timber theft, arson, and destruction of Federal property.

I am pleased that this legislation incorporates language that I drafted which will put an end to this absurd situation by lifting these restrictions.

When this legislation is enacted, the Forest Service will be able to go after the criminals who commit drug crimes on the national forest. This is not going to cost the U.S. Treasury billions of dollars—in fact, it's a very low-budget, high-efficiency proposal. The Forest service is ready, willing, and able to do this job. They know the national forest better than any other agency and they are trained in drug-enforcement techniques. So this is an immediate step that we can take to get these drug dealers out of the forests and make sure that the Federal Government stops being a drug landlord.

The other provision that is particularly important to the West will take the first steps in getting Federal help to communities which are saturated with illegal drug laboratories. These drug labs specialize in the manufacture of methamphetamine—a very dangerous, highly addictive narcotic.

The manufacturing process produces byproducts which are deadly toxic chemicals. Some of the chemicals are so volatile that the flick of a light switch can torch a building. These poisons are hauled out of these illegal drug operations by the truckload in communities throughout the West—and law enforcement officials are at a loss over how to safely dispose of them because there are no guidelines for cleanup. This presents costly, high-risk threat to public health and safety.

The Omnibus Anti-Drug Initiative Act incorporates legislation that I authored which will take an important first step in reducing the risk of this threat. First, my provision will require the Environmental Protection Agency to quickly establish guidelines for the cleanup of these dangerous drug labs. Second, it requires the Drug Enforcement Administration to establish demonstration projects that will assist law enforcement groups in the safe cleanup of these toxics and authorizes $5 million in funding for the projects. Third, my provision requires the DEA and the EPA to provide the Congress with an evaluation of the problem and to report back with recommendations if further action is needed.

It's critical that we deal with this problem now because I fear these illegal drug labs are quickly becoming as dangerous as the toxic waste sites that we deal with in the Superfund.

I am pleased that this landmark legislation includes these provisions which are of vital importance to the West and I look forward to working with my colleagues in the days ahead. I thank the chairman of the Committee on Rules.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Hunter].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, my colleagues, in the next 24 hours between 10 and 27 drug planes will fly north from Central America unimpeded across the southern borders of the United States delivering cocaine to the major market that has been built among America's children. We had a major narcotics interdiction package using the only agency that has the wherewithal to stop these drug planes, and that is the U.S. military which has the radarcraft, the chase planes, and the Blackhawk helicopters, and the personnel necessary to stop these narcotics planes from coming across our border.

We had that drug package put together. It had been attached to the Defense authorization bill that, for arms control purposes, was vetoed. And in the last debate we had an assurance from the chairman of the Committee on Rules, Mr. Pepper, that we would have a chance to vote on this interdiction package on the omnibus drug bill.

Now if I am not mistaken, this is the omnibus drug bill and we have crafted a rule that although we testified—and when I say we I speak of myself, Mr. Hopkins, Mr. Robinson—we testified and asked that this drug interdiction package using the military be allowed a vote on the omnibus drug package. It was stripped off by the Democratic leadership. That means that until we have another vehicle and maybe that is going to be the Defense appropriations bill or something else down the line, we are going to continue to see drug planes flying across the border with Customs and Coast Guard only able to stop about 2 percent of those drug planes because we have held this major interdiction package a hostage to politics.

I am going to vote against this rule and I urge my colleagues to do the same.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. Hopkins].

Mr. HOPKINS. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I rise in reluctant support of this rule, simply because I, like most of my colleagues, want to do something about the drug menace that we have in this country. But I must tell you that as this rule arrived on the floor today, no one here in my view has had time to read it, much less study it.

Unfortunately it leaves out a very important element that ought to be contained within this omnibus drug bill.

I traveled with some of my colleagues down to the district of our beloved chairman, the gentleman from Miami, FL, Mr. Pepper, an individual whom we all admire and respect. Many of his officials there told us over and over again that they felt that the military needed to be involved in conquering the menace of drugs.

The amendment that I sought before the Rules Committee, along with other Members of the House, simply lifted the language that had already been approved by this House and by the Senate in the Department of Defense authorization bill as it relates to the interdiction of drugs into this country, allowing the Department of Defense, National Guard, and the Civil Air Patrol to become more involved.

I report to this House that, unfortunately, those amendments which have already been passed by the House and the Senate and the conference committee are not going to be considered. Hopefully they can be. We were told on April 28 that all amendments relating to drugs could be considered on this floor. Now we learn that they cannot be. I think that is unfortunate, because this would have perfected the omnibus drug bill.

I appreciate my colleague yielding me the time.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman from Florida.

Mr. PEPPER. I thank the gentleman for yielding.

Mr. Speaker, we did not put the provisions relative to the action of the Defense Department in relation to drugs in this bill because they were in the bill that was vetoed and the majority leader and minority leader understood that the Committee on Defense, the Committee on Armed Services was going to take care of that in subsequent legislation. It should be covered and I hope it will be covered adequately.

Mr. HOPKINS. I appreciate the gentleman's views on that and I respect his views, but I am not here to argue the politics of a veto of the Department of Defense bill. What I am saying is, that bill is somewhere between the Speaker's desk and the Committee on Armed Services. What is before us now is the rule on the omnibus drug bill, that is here and now. As we debate that, drugs continue to flow into this country.

This amendment in my view would have helped to stop that.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the able gentleman from New Jersey [Mr. Hughes].

Mr. HUGHES. I thank the gentleman from Florida, the distinguished chairman of the Committee on Rules, and also the ranking member.

I think it is a good package. Frankly, I do not think there is an issue that Americans care more about than this whole subject of substance abuse. It has become a national malaise. It is unfortunate it has gotten caught up once again in election year politics, because the drug problem is not a Democratic, or a Republican problem, it is an American problem. It needs sustained commitment year in and year out, something we have not always given it.

Frankly in this drug package there are a number of different initiatives that came out of the Subcommittee on Crime of the Committee on the Judiciary which I have the privilege to chair which I think will provide effective new tools to the law enforcement community to deal with the problem.

Among those tools is a brand new chemical tracking program, to try to identify those that are traffficking in essential and precursor chemicals.

You know, we go to other countries and we talk to them about creating chemical-free zones. Yet we have not tried to do the job in this country to try to identify precursor and essential chemicals that are going into the manufacture of the poison in this country that is on our streets and on our neighborhoods and in our schools.

Also, much of the acetone and ether that is ending up in Colombia and in Bolivia and Peru to make cocaine hydrochloride, are coming from our country, we are exporting it. We really have not made an effort to do anything about tracking those chemicals.

This will for the first time give the Drug Enforcement Administration the tools that they need to do a much better job.

If I had to single any one thing out on the enforcement side of the budget that would make a difference it is the chemical provisions.

Mr. Speaker, I am not satisfied with the rule. Unfortunately, the rule does not make in order a number of amendments that we in the Judiciary Committee asked to be made in order. I understand the gentleman from Florida, the chairman of the Committee on Rules is going to work with me and I understand the minority is, to make in order about four different amendments that we requested that in fact come out of our committee of jurisdiction that deals with the drug czar, an important provision; user accountability; that 7-day waiting period.

I understand the chairman will work with me in making those in order.

Mr. Speaker, do I understand the Committee on Rules will work with me in making in order those four areas?

Mr. PEPPER. I cannot commit the Rules Committee as to what it will do. We have been working with the majority and the minority leaders. I will do what I can and what the Rules Committee thinks we should do to correct any faults that the rule possesses in the opinion of the able gentleman. We respect his authority in this area. If we have made a mistake we will try to correct it if we can.

Mr. HUGHES. I thank the gentleman. The law enforcement side of the drug package came out of the Judiciary Committee 35 to zero, 35 to zero. Every member of the Committee on the Judiciary voted for it. We had the full ideological spectrum in that committee.

I noticed a number of amendments that, as the committee of jurisdiction, should have been made in order and I look forward to working with the gentleman so that we can make, in fact, this a good drug package, one that I can proudly stand here before the House and strongly support.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I would like to compliment the chairman and ranking minority member of the Committee on Rules for the fashioning of the rule on this omnibus drug initiative. I say this because I think for the first time the rule focuses attention where it ought to be, on the criminal and the criminal element of this country instead of the tools of the criminal.

We have a frightened populace in this country because over the years we have simply not allowed the law enforcement community to go at and after the criminal and treat them accordingly.

We have in essence been so flexible in the judiciary that the criminals now walk the streets today.

We have been allowed in this rule on amendment, a substitute on an area that I think directly focuses attention on the criminal instead of the tool of the criminal.

I am talking about the 7-day waiting period and the ability of rapid identification. This is a valuable rule and I hope Members will support it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to compliment the leadership on both sides of the House, the leadership from the Rules Committee in crafting what is not a perfect rule but certainly a fair rule. And in this House we cannot ask for anything more than that.

I would also like to point out to the 140 cosponsors of H.R. 4446 which I filed some time ago that much of what was in that bill that they cosponsored has been included in the bill that is before the House and in its amendments.

□ 1145

I would like to speak for one moment about a particular provision of this bill if I may: About a year ago, the gentleman from New York [Mr. RANGEL], the gentleman from New York [Mr. GILMAN], and members of the Select Committee on Narcotics Abuse and Control, traveled to Broward County, FL, and visited the neonatal unit, and there they saw the suffering of cocaine babies, and they heard the testimony of mothers addicted to cocaine who fund they could get no help from their addiction because of the tremendous amount of liability involved.

Mr. Speaker, last Monday, August 8, 1988, my wife Emilie and I were given the gift of a beautiful 8-pound, 11-ounce grandson, healthy because he was born to a mother who knew how to take care of herself. The mother, our daughter, never has touched and never would use any type of illegal drug. But I could not help, while looking through the nursery window at this beautiful baby Charles Wyatt Carter, but think back to about 1½ years or 2 years ago when I stood in the neonatal unit of Broward County Hospital and saw a baby weighing barely over a pound die, and he died because of the addiction of his mother to cocaine.

We have got to do more. The problem is way ahead of us. We are lagging sadly behind in legislation, but we are doing much with this bill to bring ourselves in line with the problem. For once we are looking toward conquering the drug problem and not simply chasing it.

There are several amendments I will be offering which I am sure the House will embrace. One is on user accountability. My amendment would provide greater penalties for those who would use crack cocaine. One amendment that was not made in order, one which I would hope the Banking Committee would take a very good look at, is the question of money laundering with electronic transfers from outside this country which are never reported and are not required to be reported.

Mr. Speaker, in all, I would like to again commend the gentleman from California [Mr. EDWARDS], the gentleman from Florida [Mr. MCCOLLUM] and, of course, the gentleman from Illinois [Mr. MICHEL], for drafting a tremendous bill which also is included as part of the underlying provisions in this particular bill. I think this is the landmark legislation of the 100th Congress.

Again, Mr. Speaker, I am very pleased to be part of this, and I look forward to coming back after the recess to debate this bill and to actually improve it by adopting many of the fine amendments that have been made in order by the Committee on Rules.

Mr. PEPPER. Mr. Speaker, for the purpose of debate only, I yield 1 minute to the able gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, ordinarily I do not get directly involved in floor debate on gun control. The issue is not that critical, one way or the other, in my congressional district.

Today I make an exception because I am so offended, so deeply disgusted, by the tactics of the National Rifle Association.

In the past 10 days, many constituents have phoned or written to me in panic and rage about what they believed the Metzenbaum bill or the Feighan bill or the Brady amendment would do to legitimate gun owners.

It hardly seemed possible to me that the proposed legislation could be as restrictive as my constituents thought it was. So I did some research. I read every word of the Metzenbaum bill, the Feighan bill, and the Brady amendment. I compared what I read with a National Rifle Association letter which one of my constituents sent me.

Mr. Speaker, I was astonished by the difference between the proposed legislation and what the NRA letter craftily led NRA members to believe.

The NRA has delivered the ultimate insult to its members. The NRA believes its members are stupid. The NRA believes its members are unintelligent and gullible. The NRA thinks its members will believe anything—no matter how false or misleading—which the NRA dishes out.

Well, Mr. Speaker, I do not believe my constituents—those who belong to the NRA and those who don't—are stupid. I believe they can read and understand legislation. I believe they can read the actual wording of the Metzenbaum-Feighan-Brady proposal and understand that it does only one thing—it requires a 7-day waiting period before purchase of a handgun.

For that reason, I reprint below the actual language of the Metzenbaum-Feighan bills and the Brady amendment and the NRA letter so that my constituents and all readers of the CONGRESSIONAL RECORD can reach their own conclusions.

Mr. Speaker, the Feighan bill (H.R. 975) and the Metzenbaum bill (S. 466) are virtually identical. Here is the wording of those two bills:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handgun Violence Prevention Act of 1987".

SEC. 2 (a) Section 922 of title 18, United States Code, is amended by adding at the end thereof the following:

"(p)(1) It shall be unlawful for any person to sell, deliver, or transfer a handgun, otherwise permitted by law, to an individual who is not licensed under section 923 unless—

"(A)(i) such transferor, before delivery of the handgun and within one day after the date the transferee proposes; such transfer, has sent, by registered or certified mail (return receipt requested), a copy of a sworn statement by the transferee to the chief law enforcement officer of the place of residence of the transferee notifying such officer of the proposed transaction; and

"(ii) seven days have elapsed from the date such sworn statement was sent and such transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal law or of a State or local law of the residence of the transferee; or

"(B) the transferee has presented to the transferor a certificate from the chief law enforcement officer of the place of residence of the transferee which states that the transferee requires access to a handgun because of a threat to the life of the transferee.

"(2) Nothing in this subsection shall be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The sworn statement referred to in paragraph (1) shall contain only—

"(A) an accurate description of the handgun which is the subject of the proposed transaction;

"(B) the serial number of the handgun;

"(C) the name, address, and date of birth appearing on a valid piece of the transferee's personal identification containing a photograph of the transferee and a description of the identification used;

"(D) a statement that Federal law does not prohibit the receipt of the handgun by the transferee; and

"(E) the date sworn statement is made.

"(4) Any transferor who receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee is in violation of Federal law or of State or local law of the residence of the transferee, after a handgun has been transferred to the transferee, shall immediately communicate all information such transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of—

"(i) the place of business of the transferor, in the case the transferor is a licensed importer, licensed manufacturer, or licensed dealer; or

"(ii) the place of residence of the transferor, in any other case; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except incident to the proposed transaction.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the sworn statement of the transferee with respect to the handgun transaction for at least one year after the date the transaction is completed.

"(B) Unless the chief law enforcement officer to whom a copy of such sworn statement is sent determines that a transaction would violate Federal, State, or local law, the officer shall destroy such copy within 60 days after the date the transferee made such statement.

"(7)(A) Notwithstanding any other provision of this title—

"(i) Any dealer who violates the provisions of this subsection shall be fined not more than $1,000, or imprisoned for not more than one year, or both; and

"(ii) any individual who willfully violates the provisions of this subsection shall be fined not more than $500.

"(B) The penalties provided in this paragraph shall be the only penalties imposed for a violation of this subsection.

"(8) For purposes of this subsection, 'chief law enforcement officer' means the Chief of Police, the Sheriff or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.".

(b) This section and the amendments made by this section shall not apply to dealers until 90 days after the date of enactment of this Act and shall not apply to individuals other than dealers, until 6 months after such date of enactment.

SEC. 3. Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"(25) The term 'handgun' means a firearm which has a short stock and is designed to be held and fired by the use of a single hand or any combination of parts from which a handgun can be assembled.".

SEC. 4. Section 924(a)(1) of title 18, United States Code, is amended by inserting section 922(p), after "section," the first place it appears.

SEC. 5. Section 927 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "No"; and

(2) adding at the end thereof the following:

"(b) A provision of State law is not in direct and positive conflict with section 922(p) if such provision provides—

"(l) for a waiting period of at least 7 days before the transfer of a handgun; or

"(2) that, before a handgun transfer is completed, a law enforcement officer shall determine that the transferee is qualified under law to receive a handgun."

Mr. Speaker, the Brady amendment is named for Sarah Brady and her husband James Brady, former White House press secretary who was shot by a handgun while with President Reagan. The Brady amendment is almost the same as the Metzenbaum-Feighan bills except that it applies only to licensed importers, manufacturers and dealers. It does not apply to individual sales by one person to another.

The Brady amendment is part of the omnibus drug initiative which the House will debate in September. A vote will occur on the Brady amendment shortly after Labor Day.

The exact wording of the Brady amendment is as follows:

SEC. 6503. WAITING PERIOD REQUIRED BEFORE PURCHASE OF HANDGUN.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(p)(1) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923 unless—

"(A)(i) such transferor, before delivery of the handgun and within one day after the date the transferee proposes such transfer, has sent, by registered or certified mail (return receipt requested), a copy of a sworn statement by the transferee to the chief law enforcement officer of the place of residence of the transferee notifying such officer of the proposed transaction; and

"(ii) 7 days have elapsed from the date such sworn statement was sent and such transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal law or of a State or local law of the residence of the transferee; or

"(B) the transferee has presented to the transferor a certificate from the chief law enforcement officer of the place of residence of the transferee which states that the transferee requires access to a handgun because of a threat to the life of the transferee.

"(2) Nothing in this subsection shall be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The sworn statement referred to in paragraph (1) shall contain only—

"(A) an accurate description of the handgun which is the subject of the proposed transaction;

"(B) the serial number of the handgun;

"(C) the name, address, and date of birth appearing on a valid piece of the transferee's personal identification containing a photograph of the transferee and a description of the identification used;

"(D) a statement that Federal law does not prohibit the receipt of the handgun by the transferee; and

"(E) the date the sworn statement is made.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee is in violation of Federal law or of State or local law of the residence of the transferee shall immediately communicate all information such transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of—

"(i) the place of business of the transferor, in the case the transferor is a licensed importer, licensed manufacturer, or licensed dealer; or

"(ii) the place of residence of the transferor, in any other case; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except incident to the proposed transaction.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the sworn statement of the transferee with respect to the handgun transaction for at least one year after the date the transaction is completed.

"(B) Unless the chief law enforcement officer to whom a copy of such sworn statement is sent determines that a transaction would violate Federal, State, or local law, the officer shall destroy such copy within 60 days after the date the transferee made such statement.

"(7)(A) Notwithstanding any other provision of this title, any licensed importer, licensed manufacturer, or licensed dealer who violates this subsecton shall be fined not more than $1,000, or imprisoned for not more than one year, or both.

"(B) The penalties provided in this paragraph shall be the only penalties imposed for a violation of this subsection.

"(8) For purposes of this subsection, 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

"(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.".

(b) HANDGUN DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(25) The term 'handgun' means a firearm which has a short stock and is designed to be held and fired by the use of a single hand or any combination of parts from which a handgun can be assembled.".

(c) EFFECT ON STATE LAW.—Section 927 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "No"; and

(2) adding at the end the following:

"(b) A provision of State law is not in direct and positive conflict with section 922(p) if such provision provides—

"(1) for a waiting period of at least 7 days before the transfer of a handgun; or

"(2) that, before a handgun transfer is completed, a law enforcement officer shall determine that the transferee is qualified under law to receive a handgun.".

(d) CONFORMING AMENDMENT.—Section 924(a)(1) of title 18, United States Code, is amended by inserting "section 922(p)," after "section," the first place it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(f) DESIGNATION OF SECTION.—This section may be cited as the "Brady Amendment".

Finally, Mr. Speaker, here is the exact wording of the NRA letter to its members:

DEAR NRA MEMBER: Your firearm rights may be taken away from you unless you call your Congressman immediately and ask him to oppose H.R. 975, The Feighan Gun Control Bill!

Between August 2 and 12, the most important vote on the Gun Issue to ever come before the U.S. Congress will take place.

I urgently need you to call your Congressman at the telephone number that I have put on the response document that is included in this mailing.

The vote on this bill will determine whether your state and all of America is forced to accept New Jersey style Gun Control legislation that routinely denies honest citizens the right to own firearms while armed criminals remain untouched.

This is the way anti-gun New Jersey runs their gun control law and that is the law their Congressman, Peter Rodino, wants to impose on all Americans.

That is why Rodino has joined forces with Sarah Brady and Handgun Control, Inc., to pass the Metzenbaum/Feighan Gun Control Bill. If they succeed, all America will be living under a system where gun ownership is no longer a guaranteed right but one controlled by a government bureaucrat who has dictatorial powers and you have no right of appeal on his decision.

The anti-gun crowd is going to great extremes on this one. Because Metzenbaum and Feighan are in the front of the Gun Ban movement, they've renamed their legislation the "Brady Bill" in order to fool the general public and to help the anti-gun press in their attempt to railroad this bill through Congress.

They can call this bill whatever they want to, but it sets up a system that will eventually take away all your firearm rights and ban gun ownership in America.

In addition to renaming the bill, Feighan and Rodino have attached this anti-gun scam to a drug and crime control bill moving its way through Congress on a fast track.

As you know, the anti-gunners in Congress have consistently voted against the death penalty, tough parole laws and harsh penalties for scum that use guns to rape, rob or murder Americans. Now the anti-gunners are trying to use the drug and crime problem as an excuse to ban your guns by claiming that guns are responsible for drugs.

The people who will suffer most from the Metzenbaum/Feighan Gun Control Bill are the potential victims of crime, people like you and your neighbors, who often live in fear and buy a handgun for self-protection. Criminals and drug dealers will always be able to steal a gun.

Let me give you the specifics of the Feighan Gun Control Bill that you must call your Congressman about before he votes on it sometime in August. Remember, I have given you his name and telephone number on the enclosed response document. The Feighan Gun Control Bill:

Puts the Federal Government on the back of every law-abiding gun owner.

Imposes strict Federal controls on whether or not you are permitted to own a gun. It not only makes you wait, it offers you no right of appeal if you are denied ownership by anti-gun Government officials.

Imposes back door nationwide firearms registration.

Gives the Government control over the sale, transfer, trade, loan or gift of a firearm.

Makes possible a bureaucracy with the power to deny firearms ownership. This bureaucracy will tie up scarce police resources investigating honest citizens while criminals and violent repeat offenders roam free, untouched and laughing at this monumental waste of tax dollars.

Impose on the entire country a law that has been repeatedly rejected by a majority of the States, including Metzenbaum's and Feighan's home State of Ohio.

Will force the cancellation of most gun shows as we traditionally know them.

Will make it difficult if not impossible for potential victims of crime to buy a handgun for self-protection.

The Feighan bill is not a crime control proposal, it is a gun control proposal. The truth is criminals operate outside a system like this.

Criminals won't wait, won't register, won't apply to be investigated by the government. Criminals are criminals, and that's what Peter Rodino, Howard Metzenbaum, Ed Feighan, and Sarah Brady can never get through their heads. Under the Metzenbaum/Feighan/Brady Gun Bill, only honest citizens are harassed and lose their firearms rights.

So, please—even if you have helped a dozen times before, we need your help again. If you have never called or written your Congressman before, now is the time to do it.

Our firearms freedoms can not be protected unless you are willing to write or call and let your Congressman know you won't stand for a bad bill. The Metzenbaum/Feighan Bill, the Brady Bill or the drug/gun control bill, whatever phony name it may be operating under on the day you call.

Remember, after you call your Congressman at the telephone number I've put on the response document, followup with a letter, telegram or mailgram.

If your Congressman votes for this anti-gun proposal, you and I and all Americans will have lost our constitutional right to gun ownership in America.

You must call or write your Congressman immediately and ask him to oppose the Feighan Gun Control Proposal!

Sincerely,

WAYNE LAPIERRE,
Executive Director.

P.S.—Nothing is more important than the immediate call to your Congressman—followed by a telegram, mailgram or letter. But please remember your NRA Institute for Legislative Action is urgently in need of funds. This alert alone is costing us $500,000 and we're buying voter-alert radio spots and newspaper ads across America to get the word out on the importance of this vote.

After you call your Congressman, please send a check to the NRA Institute for Legislative Action to give us the funds to defeat this Feighan gun control scam. Your help keeps us going and protects your right to own guns.

P.P.S.—As the letter you just received was being printed, the NRA Institute was hard at work in the U.S. House Judiciary Committee and successfully made changes to the original proposal.

It is still a horrendous proposal, and we have no idea what amendments may be added on the House floor. We also have no idea what the Senate will propose.

We urgently need your help to kill the whole Metzenbaum/Feighan gun control scheme.

Please, call, write and send your contribution today.

Mr. Speaker, I will rely on the good sense of my constituents and the American people to recognize how far off base the NRA is in its description of the Metzenbaum-Feighan-Brady legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased that we are here debating the merits of the omnibus drug bill. It illustrates to many Americans that we in Congress believe that it is time to set in motion a comprehensive policy and program to deal with the drug problem in our country.

In 1986, 1987 and again in 1988, I proposed a four-legged program known as PIER—punishment, interdiction, education, and rehabilitation.

I think that the bill we are considering under this rule is strong in the areas of education and rehabilitation. Unfortunately, it is not so strong on punishment and completely lacking on interdiction.

I will offer two amendments which go hand in hand to add strength in the punishment area. One of the amendments strikes a provision which spends $22 million on an unnecessary center to train prison officals to conduct drug rehabilitation programs. And the other adds $22 million to the Department of Justice for the Offices of U.S. attorneys, an area where the money is desperately needed.

In effect, the result of my two amendments will be to replace pork with prosecutors.

The Department of Justice already has a Federal law enforcement training center in two locations and is building a third. Plus, they have a 5-year training plan currently under way and would not support a facility being established which was not first coordinated with them.

In the meantime, Congress has consistently cut the President's budget requests for the U.S. attorneys while giving more money to investigators.

This is causing a terrible backlog in the system. We need to make an effort to free the log jam at the courts and get our judicial system back into balance. My amendments are a small, but significant step toward that end.

The need we have in this country for Federal prosecutors is no secret. I am sure that every Member could check with the U.S. attorney's office in their State and hear first hand the problems and frustrations they face.

In fact, in my home State of Illinois I know of two pending cases in which one of the U.S. Attorney's offices could indict 100 more people on drug charges if they had more prosecutors.

The best studies show that in order to have an effective drug law enforcement system, the Federal investigator to Federal prosecutor ratio should be 4.5 to 1. That ratio is currently 19 to 1 and that does not take into account the fact that most investigations are coordinated Federal, State and local efforts!

Mr. Speaker, I am very disappointed that the Rules Committee did not accept my amendment to add the military interdiction language adopted by the House-Senate conference on the fiscal year 1989 defense authorization bill.

In my opinion we are passing a fatally flawed drug bill by letting partisan politics get in the way of passing responsible, comprehensive policy to fight the war on drugs.

In effect, we will be letting 150 tons of cocaine, 12 tons of heroin, up to 60,000 tons of marijuana, and 200 tons of hashish cross our borders unchallenged.

I understand that the majority leader worked with the minority leader for many hours and many compromises where reached and I commend both of them for all of their hard work. In general, the rule we have before us today is good and fair.

But I can not help but express my disappointment in the fact that no military interdiction measure was included in the omnibus drug bill.

Partisan politics has gotten in the way all along with regard to this issue and both parties are guilty of being too partisan at times. But I think that this is the time to put the political in-fighting aside and do what is right for all Americans.

Mr. MARLENEE. Mr. Speaker. There is one section of this bill which, if it remains, will force me to vote against the bill.

I'm referring to section 6503 which subjects every sale of a handgun by a licensed dealer, importer or manufacturer to a 7-day waiting period.

Backers of the amendment hope that law enforcement authorities will use the waiting period to conduct a background check, but the bill does not require it.

Now, I have to admit that sounds innocent. After all, who could oppose a simple 7-day waiting period? Well, millions of decent, law-abiding gun owners and, as you'll see when the vote is taken, so do a majority of your colleagues. Let me tell you why.

First, we all know that only law-abiding citizens will be filling out forms and waiting to receive their guns because criminals already get their firemans illegally on the streets or by stealing them. Those criminals who do buy their handguns "legally" will do so with phony, illegal ID's which a background check will not catch.

Practically speaking, background check means "name check." But a name check can't determine whether or not a person is eligible to possess a gun because of the use of phony ID's which cover up criminal histories.

On top of that, a national waiting period will rekindle the days when the Bureau of Alcohol, Tobacco and Firearms raided gun shows and dealers' shops to catch otherwise law-abiding people in technical violations of the complicated 1968 Gun Control Act regulations.

That was a major reason we passed the Volkmer-McClure bill in 1985 by a 292–130 margin—to get BATF off the backs of legitimate firearms dealers!

Do you remember your constituents who were harassed, fined, and sometimes jailed by BATF because they collected, sold or traded firearms as a hobby? Well now many of those constituents have obtained a Federal firearms license just to make sure they avoided BATF entanglements. This bill will now penalize those who put in the extra effort to obtain a license, because it only covers those who are licensed.

And while the bill requires law enforcement agencies to destroy the forms submitted to them, there is nothing prohibiting them from copying that information. That's gun registration—something that even this body has rejected in the past. Further, contrary to what some police organizations are saying, there are no penalties for not destroying the form.

Since the bill provides no administrative appeal for someone who is improperly denied the right to purchase a firearm, the only alternative is going to court. Supporters suggest title 18 provides for such appeals, but the Federal Government can't prescribe administrative procedures for county and city governments.

Two-thirds of the States don't have a waiting period and many have already rejected such a scheme. In fact, in the last 4 years no State has enacted a waiting period law, and over 30 States have passed pre-emption laws which have taken dozens of local waiting period laws off the books.

Finally, this is a State issue, not a Federal issue. With so many States having already rejected a waiting period or reducing it (such as Florida), Congress should not be shoving a national waiting period down their throats.

When this bill comes up for amendment in September, I strongly urge my colleagues to vote to strike this section from the bill.

Mr. DAVIS of Michigan. Mr. Speaker, I rise in support for the rule under consideration for the Omnibus Drug Initiative Act of 1988. This rule makes in order my amendment to establish a system to identify the owners of all U.S. vessels.

I am pleased that we are moving toward enactment of the Omnibus Drug Initiative Act of 1988. This bill includes many valuable tools to improve the effectiveness for our efforts to stop illegal drug use. The Merchant Marine and Fisheries title of this bill contains provisions to aid the Coast Guard in interdicting illegal drugs, including a section to facilitate drug interdiction on the Great Lakes. I support prompt passage of these provisions.

Since the late 1970's, the Merchant Marine and Fisheries Committee, of which I am the ranking minority member, has received testimony on the need to quickly and accurately identify the owners of commercial and recreational vessels in this country. A major benefit of this system is to aid law enforcement officers in tracking the identity of vessels, much as they currently do with automobiles and airplanes. Literally thousands of vessels are stolen annually in this country. Yet there exists no effective way to identify the true owner of vessels or to return them to their rightful owners. The FAA currently maintains a system to identify owners of aircraft and the Committee on Public Works and Transportation has reported legislation contained in their title of this omnibus bill to strengthen that system's ability to identify the owners of aircraft. We have learned that similar problems to those experienced with aircraft exist with vessels, and in fact, are complicated because of the ease of transferring vessel registrations from State to State without ownership certification.

This is a purely voluntary system for the States as I have found that States do not want the Federal Government imposing a mandatory requirement of this type on them. However, I also believe that participation will require minimum effort by the State. Participation in the system will merely require most active boating States to network electronically with the Secretary of Transportation to supply information they already collect through titling or boating safety programs. In this day of advanced computer technology, there should be no reason why the Government cannot handle this information with ease and efficiency.

As an added incentive for States to participate in this system, this amendment would give mortgages or other financing on boats recorded in States the preferred status that commercial vessels enjoy under Federal law. Accordingly, the amendment includes a codification of the Ship Mortgage Act recently ordered reported by the Merchant Marine and Fisheries Committee and contains procedures to support the preferred status for State recorded financing. As such, it is a necessary part of the overall vessel identification system. The report of the Committee on Merchant Marine and Fisheries on H.R. 3105 will provide a more extensive legislative history.

The codification recognizes the prevalence of revolving credit loans in modern financing and allows their use in vessel financing. It eliminates a number of useless formalities such as requiring that a mortgage be endorsed on a vessel's document or the needless requirement that the Coast Guard be notified when a partial payment is made on a mortgage.

With respect to encouraging the financing of vessels, the codification establishes a nationwide indexing system which will allow a preferred ship mortgage to be valid from the date of filing. This will eliminate the current 8-month wait before a mortgage actually grants the security interest important to consumers and banks. While it will take some time to get this program operating, I am convinced that the new system will be a vast improvement over current labor intensive and time consuming procedures in use today. Again, modern computer technology can easily handle these tasks.

I want to commend several organizations which have worked so closely with the committee and have been such a help in the development of this codification—most particularly the Maritime Law Association, the American Bar Association, and the National Marine Bankers Association.

The vessel identification system would be self-supporting through a one-time charge of $1 per vessel and fees charged for data dissemination. Participating States would be allowed to keep half of the amount collected by them on vessels in their State to help defray expenses. The balance would be paid over to the Federal Government for system maintenance. With the growth of recreational boating in the United States the way it is, this arrangement should finance the establishment of the system and then provide the means to maintain the system as new boats are recorded in the information system.

I am pleased to say that this system has many other applications besides drug law enforcement. It would aid State and local law enforcement officials in recovering stolen boats, permit State boating officials to check boat registration when they are moved from one jurisdiction to another, allow financial institutions to protect their security interests in vessels, aid insurers in tracking and recovering stolen boats, and perhaps most of all, provide consumers a reliable way to trace vessel ownership on boat purchases. Thus, we will gain a cost-effective, multipurpose system rather than an inflexible, single-purpose one.

Our Committee on Merchant Marine and Fisheries has had extensive hearings on both the Ship Mortgage Act codification and drug enforcement in this Congress. In the past we have received testimony on vessel identification and ownership problems.

I recognize also that the administration and others have not yet had an opportunity to fully review this amendment. Under my amendment, this system could be combined with other DOT systems such as the aircraft registration system, or contracted out to a private concern. It is my position that if minor adjustments need to be made in the amendment I am open to that. I intend to work with all interested parties in the House and Senate as well as the States, the administration, and the maritime community to satisfy their concerns before this amendment is finally enacted.

I believe that if this amendment is not adopted, once again the drug smuggler will by default have the upper hand in concealing his illegal activities and the maritime community will have lost a valuable opportunity for improvement.

For this reason, I ask my colleagues to vote in favor of this rule to allow me to offer this important amendment and for their support during consideration of the amendment itself.

Mrs. COLLINS. Mr. Speaker, some problems conveniently disappear over time. By the looks of the morning paper—in almost any major city—it is obvious that drug abuse is not one of those. On a regular basis, I read and hear reports of another teenager killed over a drug deal; reports of school test scores falling and dropout rates rising, with drug usage as a major factor; reports of chronic unemployment, again with a correlation to narcotics abuse.

How many American lives must be lost before we recognize a national emergency? How many of our youth must become slow and maladjusted before we realize that our Nation's future may be impaired? How much crime and other social distress must we witness before we address one of the main sources of the problem?

When we speak of drug abuse we speak not of some isolated instances devoid of impact. To the contrary, drug abuse today assures us of problems tomorrow. A child or adolescent who uses drugs—and the numbers of those who do are staggering—is impaired in ways which are irreversible. Spirit is dampened; attitude becomes dour; enthusiasm becomes apathetic; the nervous system becomes distorted; interests become diverted. This later translates to social problems, economic problems, family problems, personal problems, and possibly even physiological problems, such as the incapacity to produce a healthy child. Not only are these circumstances unacceptable on an individual level, they spell bad news for society and for all the country as a whole. In a period where the word "competitiveness" is on everyone's lips, how can the country expect to be competitive if our citizens can't see straight?

Without question, drug trafficking and abuse has led to a massive increase in crime. It has become so bad that senior citizens often hesitate to leave their homes for fear of being caught helpless amidst such an atmosphere. When our cities become unlivable for many of their denizens, remedial action is long overdue.

With problems as extreme as these, one might think that the American Government would be leading the fight against this evil. Instead, Nancy Reagan tells us to "Say No" to drugs while President Reagan says no to developing an effective policy which will lead to the rapid eradication of the blight on America. Substance abuse is much more deep-rooted than to be solved by a mere slogan. Drug use has almost become a custom institutionalized in numerous sectors of our society and customs aren't shattered with lipservice.

Thus, it has become the responsibility of Congress to begin to try to combat this evil by passing the Omnibus Drug Initiative Act. Some of the causes are too comprehensive to rectify in the short term. For example, in the Reagan years where people with material means were helped to increase it while the people without sufficient means were forgotten, the division between rich and poor has grown. Unfortunately, many such people see drug trafficking as a ticket to big money and their road to glory. But once again, this is far too deep a problem to be solved today.

Today, we must turn our attention to more feasible solutions such as community-sponsored after-school activities, drug abuse education, addiction-cure centers, mass-media efforts, family-bond enhancement, and after-school jobs. There are important measures which can decrease the demand for drugs among the young.

Now no antidrug effort can be complete without addressing the supply side of the drug equation. The drug bill which we are presently considering makes a solid, serious attempt to reinforce law enforcement efforts to eradicate the production of illegal substances and interdict any shipment of them aimed at the United States. In so doing, this bill intelligently provides avenues for tackling our country's drug problems.

However, one such avenue which many of you mistakenly believe will assist in our efforts is the imposition of the death penalty in cases where drugs lead to murder. This may seem, at first glance, like a good idea, but when one considers the details of when it would be used and for whom it should be used, serious misgivings begin to take place. A death penalty provision—should any be deemed the least bit appropriate—must be very narrowly conscribed and specifically tailored so as not to be indiscriminately applied, nor applied discriminatorily.

Mr. Speaker, on the whole, this bill is a very solid, comprehensive attack on drugs. America needs it badly. Therefore, I believe it is our duty to support the rule which will allow it to be considered by the House.

Mr. QUILLEN. Mr. Speaker, I would like to advise the gentleman from Florida [Mr. PEPPER] that I have one other request for time, but first I yield myself such time as I may consume.

Mr. Speaker, the use of illegal drugs is a horror to the people who use them. The drug traffickers should be severely penalized. This is a growing national and international problem. This bill tackles that problem, and I recommend that this rule be adopted. I also recommend that we get serious when we return from the recess, and that we go over the bill carefully and pass it so we can produce some mechanism for dealing with this problem.

Mr. Speaker, I yield 2 minutes, the balance of our time, to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, we are embarking on a bipartisan journey to conclude with a major antidrug piece of legislation. This rule is not everything that all of us would like, but it does go a long way toward allowing a full ranging debate on a number of important amendments about which there may be controversy but upon which I think in most cases we can reach a consensus.

We tried over the last 8 to 10 years to do various things to take a real bite out of the organized crime effort in this country promoting drugs. We have made progress in terms of legislation, but no one would suggest that we came anywhere close to winning the war. The legislation before us, however, will help us in that regard in significant ways.

One of the amendments to be offered on our side which I think is a particularly important one deals with the notion of user accountability. That is one thing that perhaps has been absent in our approaches in the past. We have had, if you will, some dual standards where we have suggested that we would take care of the problem by going after the trafficker and in some ways implicitly or explicitly suggesting that the user is to be excused and is not part of the problem.

The user accountability amendments to be offered will, I think, change that. They will say that, as important as it is to go after the trafficker, we will never solve the problem of the drug situation in this country until we say that the user is responsible for his or her actions. And, yes, we should make sure that we have treatment. Yes, we should make sure that we have rehabilitation. But we also must present sanctions so that people will recognize the importance of the decisions they make when they take drugs. As long as people in Beverly Hills and in Florida and in other places think that they can use drugs recreationally and be excused in our society, we are going to continue to have a problem in this country. As long as we condemn the lowly city kid for using drugs but excuse the professional who uses drugs recreationally, we are going to have a problem in this country, and the message to our young people is going to ring hollow.

The user accountability amendments to be considered while we consider this bill are absolutely important. I think we ought to look at them not only in terms of what they do by their very terms but also what they do in terms of sending a message to our society that we are not going to defeat the drug problem until we change the culture of our country, and that means zero tolerance on the use of drugs.

Mr. PEPPER. Mr. Speaker, I have one further request for time, but first I yield myself such time as I may consume.

Mr. Speaker, 17 years ago the gentleman from New York [Mr. RANGEL] was a member of the Crime Subcommittee of which I was the chairman, and we did an extensive study of the drug problem in the country at that time. Since that time the gentleman has distinguished himself as chairman of the Select Committee on Narcotics Abuse and Control and has done a magnificent job for the Congress and for the country.

Mr. Speaker, I am pleased to yield 2 minutes to the able gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, certainly a lot of people have forgotten, because of the fame the gentleman from Florida [Mr. PEPPER] has gained in protecting the rights of our senior citizens, the leadership that he provided over the years, even before I was privileged to become a Member of this body, and recognizing the serious problem that has hit our Nation and now the world. The gentleman and the gentleman from Tennessee [Mr. QUILLEN] should be proud of themselves in giving this Congress the opportunity to pass, before returning to our constituents, one of the most meaningful omnibus bills to fight this terrible problem.

It is unfortunate that the leadership on this issue has to come from the legislative body. Certainly, the crisis we face as a nation and indeed in the free world should warrant a comprehensive national and international plan, one that should be coming to us originally from the executive branch, of which we would be supportive. Instead, thanks to the leadership of the gentleman from Illinois [Mr. MICHEL] and the gentleman from Washington [Mr. FOLEY], under the direction of the Speaker, it is the committees and the committee chairmen who have attempted on the eve of our election to put together the resources so that we will be able to provide something in terms of our State Department to deal with the question of eradication and give us something to help our law enforcement to try to control crime, and, yes, to try to deal with prevention and education.

Would it not be a wonderful thing if somewhere during these 8 years it would have been the administration asking us to support its policies instead of us in our way establishing and planning a strategy to deal with this terrible crisis that has hit our Nation?

In any event, I hope that we do not get so political with this that we believe we can resolve this problem by just talking about the death penalty. I know it sounds great to say that we are tough on drug traffickers, but I hope that somewhere in the debate we will start to remember that our extradition treaties will go down the drain if countries will not send those criminals to us because they have provisions there against the death penalty.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, but I will yield myself such time as I may consume to make a brief observation before we close.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Speaker, I rise in strong support of the rule. The Rules Committee worked hard and long on coming to a good compromise on one of the most important pieces of legislation we have faced in this Congress. Although it would have been nice to have a purely open rule, the Rules Committee has made many positive amendments, from both sides of the aisle, in order.

One of these amendments is a bipartisan amendment, offered by Mr. ANNUNZIO and myself. This amendment would waive the notice requirement to the subject of a money laundering investigation when his records are transferred from one Federal agency to the Attorney General.

Currently, the Attorney General cannot learn from various Federal agencies and departments of possible money laundering criminal activity without giving notice to the subject of the investigation. By allowing a possible money launderer—often a drug dealer—the luxury of knowing he is being investigated, he is given an unwarranted opportunity to flee or obstruct the investigation in other ways. All too often, we have heard of drug criminals fleeing the country before they can be fully investigated and brought to justice by the Department of Justice. This is because the Department of Justice cannot fully investigate without informing the suspect.

It is important to note that a Federal agency, for example the Comptroller of the Currency, can already obtain relevant data on a suspected drug dealer from a financial institution without notifying the suspect. However, if those records are transferred to the Justice Department—this is a transfer from one Federal agency to another—the subject must then be notified. We should not be limiting the Justice Department's attempts at investigating and prosecuting these unscrupulous money launderers. Allowing the simple transfer of record without notification would greatly help in those efforts, and would undoubtedly help prosecute many more drug dealers.

I urge my colleagues to support this rule.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to have the Members know that 10 committees of this House collaborated in the preparation of this bill. It was also directly produced through the cooperation of the majority leader and the minority leader, if you will, trying to work out a fair distribution of amendments and producing a fair bill for all the Members of the House.

In addition to that, of course, it was all done under the supervision of our distinguished Speaker. So this is a concerted effort of many, many committees and Members of this House to produce a drug bill that will tend to relieve the country of the grievous problem of drug traffic that we now bear upon our shoulders and upon our House. Many Members have been disappointed that their amendments were not approved, but we will find, I believe, that the amendments that have been approved out of the 155 amendments, I believe, that were offered, will present to the House a fair opportunity to produce a good drug bill. Certainly all of us have done the best we could to give the House that kind of legislation.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. COYNE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PEPPER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 41, not voting 26, as follows:

[Roll No. 281]

YEAS—363

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
Baker
Ballenger
Barnard
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Dannemeyer
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hutto
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stokes
Stratton
Studds
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weiss
Weldon
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—41

Armey
Bartlett
Barton
Beilenson
Buechner
Bunning
Burton
Combest
Crane
Davis (IL)
DeLay
Dreier
Feighan
Gregg
Hammerschmidt
Hansen
Hastert
Hefley
Holloway
Hughes
Hunter
Hyde
Kasich
Kyl
Lukens, Donald
Marlenee
Nielson
Penny
Rhodes
Shumway
Smith, Denny (OR)
Smith, Robert (NH)
Stangeland
Stark
Stenholm
Stump
Sweeney
Upton
Vucanovich
Weber
Wheat

NOT VOTING—26

Aspin
AuCoin
Badham
Boulter
Conte
Dowdy
Ford (TN)
Hatcher
Jones (TN)
Kemp
Kolter
Konnyu
Lewis (CA)
Livingston
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Mineta
Molinari
Nichols
Savage
Skelton
Spence

☐ 1217

Mr. Hammerschmidt changed her vote from "aye" to "no".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION OF PROVISIONS OF HOUSE RESOLUTION 521, PROVIDING FOR CONSIDERATION OF A BILL RELATING TO THE OMNIBUS DRUG INITIATIVE, AND PERMISSION TO FILE SUPPLEMENTAL REPORT TO ACCOMPANY THE RESOLUTION

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that Mr. HUGHES of New Jersey be permitted to offer a substitute amendment to be printed in today's CONGRESSIONAL RECORD relating to drug enforcement coordinator in title VI and that his substitute amendment follow consideration of the amendment offered by Representative BROOKS of Texas and that only the last amendment which is adopted shall be considered as finally adopted and reported back to the House. Further that Representative HUGHES be added as an offeror of the McCollum amendment on user accountability in title VI. Finally, that Representative DIOGUARDI of New York be added as an offeror to the Shaw of Florida amendment relating to testing as condition of probation.

I ask unanimous consent that the Committee on Rules have until September 7, 1988, to file a supplemental report to accompany House Resolution 521 consisting of conforming changes in the amendments made in order by House Resolution 521 to reflect the introduction of the omnibus drug initiative, and that the supplemental report be deemed the report of the Committee on Rules for purposes of House Resolution 521, as well as reflect the changes authorized in the previously granted unanimous-consent request.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GONZALEZ. Reserving the right to object, Mr. Speaker, I wanted to ask some questions. I do not understand the request.

I did not understand if this was a request on the rule or if it was amending the rule.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Washington.

Mr. FOLEY. The gentleman from Florida [Mr. Pepper], the distinguished chairman of the Committee on Rules, has unanimous consent to amend the rule with respect to an amendment to be offered by the gentleman from New Jersey [Mr. Hughes] which was intended to be part of the rule and was inadvertently not added. That amendment allows the gentleman from New Jersey [Mr. Hughes] to offer an alternative to the so-called drug czar proposal.

Second, it associates the name of the gentleman from New Jersey [Mr. Hughes] with the amendment printed in the Record with reference to user accountability. That is just to add his name and the name of the gentleman from New York [Mr. DioGuardi] to a similar amendment offered on the Republican side.

Mr. PEPPER. It has to do with technical changes about numbers of pages and all.

Mr. FOLEY. Enumeration.

Mr. GONZALEZ. I could not hear very well, and that is the only reason I am asking. I thought there was mention of another amendment.

□ 1230

Mr. FOLEY. The unanimous-consent request, Mr. Speaker, provides for the consideration of one additional amendment to be offered by Mr. Hughes, and that amendment is with relation to the so-called drug czar. It also changes the name of the sponsorship of two other amendments already adopted in the rule, and finally makes certain technical changes with reference to numeration.

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC,
August 10, 1988.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: I have the honor to transmit herewith a letter from Mr. Kelvin Hudson, Associate Director of the State Board of Elections, State of Illinois, advising that, based upon the unofficial returns, the apparent winner of the special election for the Twenty-first District of the State of Illinois held on August 9, 1988, was the Honorable Jerry F. Costello.

The State Board of Elections will officially canvas on August 22, 1988, and a certificate of election will be issued at that time.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

State Board of Elections,
State of Illinois,
August 10, 1988.

Hon. Donnald K. Anderson,
Clerk of the House, H-105 Capitol Building, Washington, DC.

Dear Mr. Anderson: This letter is intended to inform you that a special congressional election was held in the 21st Congressional District, State of Illinois, on August 9, 1988. The unofficial totals are as follows:

Democratic: Jerry F. Costello, 33,144.

Republican: Robert H. (Bob) Gaffner, 31,257.

Our Board will officially canvass on August 22, 1988, and we will send copy of the official canvass at that time. In addition, we will also send a Certificate of Election at that time.

If you need additional information, please contact me.

Sincerely,
Kelvin Hudson,
Associate Director.

SWEARING IN OF THE HONORABLE JERRY F. COSTELLO OF ILLINOIS AS A MEMBER OF THE HOUSE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, Mr. Jerry F. Costello, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. COSTELLO appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman from Illinois [Mr. Costello] is now a Member of the U.S. House of Representatives.

RECOGNITION OF HON. JERRY F. COSTELLO AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

Mr. YATES. Mr. Speaker, upon the death of our former beloved colleague, Mel Price, who served in this body so ably for 44 years, I became the dean of the Illinois delegation, and in that capacity it is my proud honor to present to this body the successor to the office of Member of Congress from the district so ably represented by Mel Price—our new colleague, Jerry Costello, who has just been sworn in.

Mr. COSTELLO. Mr. Speaker, Members of the Illinois delegation, and Members of the House of Representatives, it is truly an honor to stand before you as a Member of this House today. I take that honor and that distinction, and I will go forward and try to serve the people of the 21st Congressional District of Illinois and the people of this Nation in the same tradition that they have been served so ably by Congressman Mel Price for the past 43 years.

In December of last year, I made a commitment to the people of the 21st District of Illinois and to the people of Illinois that I would work very hard and that I would try to accomplish the goals that Mel Price set out to accomplish and carry on the tradition of service to the people of the district and the people of this Nation. I take that pledge very seriously, and I renew that pledge to the Members of this House today.

I stand ready to go to work to fulfill that pledge. Thank you very much.

PROVIDING FOR CONSIDERATION OF H.R. 1580, ANTI-APARTHEID ACT AMENDMENTS OF 1988

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 519 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 519

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1480) to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 5175 as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provision of clause 5(a) of rule XXI are hereby waived. No amendment to said substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution, said amendments may only be offered by the Member designated, or his designee, and shall be considered as having been read. Each of said amendments shall be debated for the time specified in the report of the Committee on Rules, equally divided and controlled by the proponent and a Member opposed thereto. Each of said amendments shall not be subject to amendment except as specified in the report of the Committee on Rules or to a demand for a division of the question in the House or in the Committee of the Whole, and all points of order against the amendments are hereby waived. At the conclusion of the consideration of the bill for amendment, the

Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BROWN of California). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. HALL of Ohio. Mr. Speaker, House Resolution 519 is a modified open rule providing for the consideration of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

The rule provides for 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

The rule makes in order an amendment in the nature of a substitute consisting of the text of the bill H.R. 5175 as an original bill for the purpose of amendment under the 5-minute rule. The substitute is considered as having been read.

All points of order against the substitute for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. This is the rule which prohibits appropriations in a legislative bill.

No amendment to the substitute is in order except for the amendments printed in the report of the Rules Committee accompanying this resolution. The amendments may be offered by the Member designated, or his designee, and shall be considered as having been read.

Each of the amendments shall be debatable for the time specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. The report designated 30 minutes of debate time each for the amendments of the gentleman from Indiana [Mr. BURTON] and of the gentleman from Michigan [Mr. BROOMFIELD]. The report also provides 15 minutes of debate time for the amendment of the gentleman from Arizona [Mr. KYL].

Each of the amendments made in order by the rule shall not be subject to amendment except as specified in the report, or to a demand for a division of the question in the House or in the Committee of the Whole. Further, all points of order are waived against the amendments.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Anti-Apartheid Act amendments are a response to the human rights violations of the South African Government. The 1986 law, which this legislation amends, banned only new investments in South Africa. In view of the failure of the South African Government to make significant changes in the apartheid system, it is necessary to increase the economic pressure on that government. Therefore, this legislation requires the divestiture or withdrawal of current United States investments in South Africa and imposes a comprehensive ban on United States trade with that country.

In addition, this anti-apartheid measure requires the President to work for multilateral sanctions against South Africa. To put teeth in the multilateral approach, the legislation directs the President to take action against foreign companies that seek to take commercial advantage of United States sanctions against South Africa.

There is also an earmarking of foreign assistance funds for South Africans disadvantaged by apartheid.

The steps provided in this legislation against the South African Government are tough and strict. There are those who will endure hardships both in South Africa and in the United States as a result of these measures. Nevertheless, it is important for the United States to make it clear to the South African Government that its system of apartheid can no longer be tolerated by the nations of the world that profess to respect basic human rights and civil rights.

It is further essential that the people of South Africa who are the victims of apartheid understand that the people of the United States are in solidarity with them in their suffering and in their struggle.

Mr. Speaker, I would urge my colleagues to adopt this rule so that the House can move on to the consideration of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we all share the goal of ending the policy of apartheid in South Africa. However, it is not so easy to agree on the specific provisions of legislation which will achieve that goal.

There are those who very much want to move toward equality in South Africa who do not favor the provisions of this bill. For example, the administration contends that this bill will impede rather than advance the goal of promoting further change in South Africa. They point out that if the measures called for in H.R. 1580 are enacted, they would lead to increased unemployment of black South Africans and have a significant impact on the United States economy and American jobs without hastening the end of apartheid. It is argued that this proposed legislation would: First, cut off United States exports to South Africa worth $1.13 billion in 1987; second, force American businesses to sell their nearly $1 billion of direct investment in South Africa at fire-sale prices; and third, cost the United States industry about $250 million.

Mr. Speaker, these are major changes in American foreign policy which we are being asked to enact here today. If we are going to make such an important policy change, then Members of this House should be able to consider a wide range of alternatives. This rule before us now falls short of that goal. Only three amendments are allowed to the bill. In the Rules Committee, I tried to amend the rule so as to allow at least a few additional amendments to be considered, but my efforts were turned down by those on the other side of the aisle.

Mr. Speaker, there are a number of serious well-thoughtout proposals which this House will never have the opportunity to consider under this rule. It is a mistake to deny this body the opportunity to at least consider a reasonable number of alternatives.

Mr. Speaker, I cannot support a rule which provides such restrictions on the rights of the individual Members of this House.

Mr. Speaker, a number of Members from our side of the aisle are now in New Orleans. During the Rules Committee meeting I made a point at the suggestion of the gentleman from Illinois [Mr. HYDE] that this bill should be held over until after the recess so that all of our troops could be here, but that was denied. It seems to be a rush, rush, rush proposition, and when we get into that situation, nothing worthwhile ever results.

Mr. Speaker, we know that sanctions are not going to cure the ills of South Africa and the problems within the borders of that country. It has been proven that South Africans have not solved the problems as a result of the sanctions imposed. Recently great harm has come about and nothing has been achieved, and I predict that that is what will happen under the provisions of this measure.

Mr. Speaker, I urge the rule be defeated.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, here we go again. The political campaign is on. The Democrats don't have a foreign policy platform and they are trying to construct the Dukakis-Jackson platform right here on the House floor—plank by plank—but the lumber is rotten.

It is a shame that the timing and consideration of such an important foreign policy issue is fraught with such political overtones. Many of us have to wonder if the principal motivation to act on this bill is concern for the plight of black South Africans or an attempt to be responsive to the Dukakis-Jackson foreign policy.

Let there be no misunderstanding. Republicans find the racist system of apartheid an affront to human dignity. It is a policy that stands in direct contrast to the democratic values and human rights principles cherished by all Americans.

The U.S. Government must continue to clearly and categorically oppose apartheid and do all it can to encourage the elimination of this abhorrent system.

With that said, Mr. Speaker, I oppose this closed rule which prevents the House from having a full debate on this important issue.

People ought to know that the Dellums economic warfare bill mandates complete and total United States disinvestment—further diminishing United States influence in South Africa.

People ought to know that if the bill is enacted, foreign interests—including the Japanese, Europeans, and even white South Africans—will reap an economic bonanza, because of our own stupidity.

The rule providing for consideration of this measure is highly restrictive, preventing many of our colleagues from offering important amendments to the bill, and continues a trend in this House to restrict fair and open debate of controversial issues.

We may disagree on the method the United States should use to fight racism in South Africa, but we should not support a rule that prevents Members from offering competing ideas.

But more than anything it is the matter of timing that calls for defeat of this rule.

In recent days, the administration has gotten to the edge of a major diplomatic breakthrough. Cuba, Angola, and South Africa—negotiating under the auspices of the United States—have announced agreement on principles governing South African withdrawal from Namibia and the departure of Cuban troops from Angola.

The Angolan-Namibian peace plan would represent a major foreign policy success for the United States. Namibia would be decolonized and its 1½ million residents freed from apartheid. Soviet and Cuban adventurism would be further restrained.

But the Democrat leadership of the House pay no heed to these crucial and sensitive developments.

Instead, it would prefer to snatch defeat from the jaws of victory in southern Africa and spoil a major foreign policy triumph for the administration.

All over the world, in recent months the Reagan-Bush administration has scored one major success after another in foreign policy—in Afghanistan, the Iran-Iraq war, and Cambodia as well as southern Africa. Only in Central America, due to congressional interference, has there not been a major turn around.

It is obvious that the Democrat leadership will do anything to prevent another major success for the Reagan-Bush administration and that is the real reason we are debating this rule at the 11th hour before our Republican Convention.

I urge rejection of the rule to allow the House to debate this issue fully in September.

□ 1245

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to my fellow colleague on the Rules Committee, the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Speaker, I rise in support of the rule and H.R. 5175, the Anti-Apartheid Amendments Act of 1988.

Mr. Speaker, for over a decade the citizens of this country have attempted to appeal to the moral conscience of South Africa's Government officials to urge them to discontinue the racist and oppressive practice of apartheid. Our appeals have been ignored. Basic civil and human freedoms have been denied. Freedom for the majority of South Africans is nonexistent. Instead, Mr. Botha and his cohorts have become more firmly entrenched in their resistance to human rights.

Two years ago, the Members of this body took a bold and unprecedented stand to end so-called constructive engagement, the modern-day version of appeasement. We voted to override the President's veto and impose economic sanctions against South Africa. We recognized that we could no longer support a government that was aggressively waging war against 72 percent of its citizenry, and so we began our economic counteroffensive for freedom.

Two years have passed, Mr. Speaker, and Botha has not relented. Apartheid is still the order of the day in South Africa.

But, Mr. Speaker, another thing has not changed. We too are steadfast, and as we have always been in our commitment to oppose oppression, whatever its name, whether we call it slavery, communism, or apartheid. America will not stand idly by and watch human rights in South Africa erode further. America will not watch from afar as the majority of the South Africans are prohibited from participating in their government. America will not idly watch as a terrorist nation oppresses its citizenry.

This rule gives us the opportunity to face this test of our leadership of the free world by making it crystal clear that the United States Government will not stand with the racist regime in South Africa. There is no compromise on this matter, Mr. Speaker. We either rise to the moral challenge of supporting the rule and the bill in its present form, or sink to the position of a disinterested, silent observer of a terrorist, oppressive system.

Mr. QUILLEN. Mr. Speaker, I yield 6 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, we know what this rule is about and what this bill is about. It is not about finding the best way to fight apartheid, because if we seriously wanted to devise an effective policy for fighting apartheid, we would not be spending a piddling 30 minutes debating a substitute bill which we have worked on for over a year. We would not be ramming this through the last day before the Republican Convention, and a lot of our Members, I might add, have already left to go to that convention and will not be able to be here to vote on this very important piece of legislation. We would not be limiting the debate to three amendments.

Now we know, if there ever was a doubt, that this is not really about fighting apartheid, but about domestic politics.

We all know this is politics. But as vice chairman of the Africa Subcommittee, I am amazed at how little this bill has to do with fighting apartheid.

If we are really interested in fighting apartheid, we would be helping South African blacks build their economic power, not putting them out of work.

In the Rules Committee yesterday a senior Member testified in favor of the bill, saying this is as close to economic warfare as we can get. It is economic warfare, all right, but against whom? Not the Afrikaners, most of whom work for the Government and can well protect themselves from further sanctions. Not the big white corporations that are just waiting to buy out U.S. subsidiaries at fire sale prices. Not the big South African mining houses which produce 70 percent of South Africa's export income and are not even covered by this bill.

It is economic warfare on South African blacks who will have to pay the price for our political games with their livelihoods and maybe their lives.

I have reluctantly come to the conclusion that the proponents of further sanctions really could care less about the actual impact of this bill on South African blacks. How can anyone in good conscience work to put 2 million blacks out of work and 10 million black people to bed hungry in South Africa?

Creating unemployment is not just wrong, it will actually prolong the life of apartheid.

On June 6 this year a million South African blacks went out on a 3-day strike to protest new restrictions on antiapartheid groups. How can blacks strike if they are out of work?

Even if this is politics, does not anyone care about putting blacks out of work against their will? Does not anyone care that poll after poll shows that the overwhelming majority of South African blacks are against further sanctions and disinvestment? Does not anyone care that Bishop Lekganyane, the leader of the largest black church in South Africa with 5 million members is against further sanctions?

I wrote to Bishop Lekganyane and sent him a copy of the Dellums bill and our substitute and I asked for his opinions and advice. This is what a black South African who can get 2 million people out to a rally says and thinks, and I think we ought to listen to him. Here is what he wrote:

> You state in your letter that proponents of [further U.S. sanctions] contend that they have the support of the majority of South African blacks. They do not have such support and if they honestly believe they do, they have been misled. They never had such support and I cannot foresee that they will have it.

The bishop's letter continues:

> Only economic development, more jobs, social upliftment, improved housing, better education for all, increased and equal opportunities will help us destroy apartheid. Just as the stroke of a pen abolished slavery but failed to destroy racism, the stroke of a pen would help in ending apartheid, but will not destroy it. We ourselves are the only ones who can eradicate it. You can certainly help if you associate yourselves, by visibly and tangibly extending your assistance, knowhow, by creating jobs, by expanding the capacity of the economy to offer prosperity. Sanctions have done just the opposite.
>
> Your proposals, the Burton substitute, the Bishop continued, constitute a real and meaningful support for blacks in South Africa. It preserves our faith in your intentions and strengthens our hope in the future.

I really don't think we have the right, as Members of Congress, sitting in a comfortable Chamber in Washington, to say to this man: We're going to make your people suffer, but not to worry, its for your own good.

I keep hearing that we impose sanctions on Libya and Nicaragua and so on and nobody talks about jobs or suffering, so why not South Africa?

Libyans and Nicaraguans can't use their economic power to gain political rights. They can't walk out of work by the millions to make their voice heard in Nicaragua.

The black empowerment strategy was created—not in Washington—but in South Africa's black townships. A black assembly line inspector in South Africa told the Washington Post:

> The sooner we blacks realize the strength of our labor and our pocketbooks, the closer we will be to liberation.

The sooner we in the U.S. Congress realize that blacks want economic power, the sooner we can begin to really help fight apartheid rather than scoring domestic political points like you are trying to do here today. I urge a "no" vote on the rule and an aye vote on the Burton substitute, which helps South African blacks fight apartheid by working to build black economic power, not by putting blacks out of work and black children to bed hungry at night.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I would hope the Members would vote against this rule and ultimately against the bill unless it is substantially modified. This is a gag rule. It is designed to choke off opposition, not to allow opposition.

I am somewhat shocked and somewhat troubled that we are proceeding under this kind of process. I am somewhat surprised even that the gentleman whose name appears at the top of this bill who has often said in this House that we ought to have full debate on these issues would be in favor of a process like this one which is aimed at really undermining the ability for opposition to have their say.

This bill and this process is a complete break of faith with those of us who 2 years ago attempted to reach out and build a working coalition toward a bipartisan policy to bring out activism against apartheid in South Africa. I will tell the Members of this body that there is no one action I have taken in Congress that has caused me more problems with my base political constituency than my attempts a couple of years ago to work with the people here to come up with a policy that conservatives and liberals could support against apartheid. We tried to help build, and in all honesty, even during that process we were frustrated. But we stuck with you, and in the final analysis many conservatives voted for that anti-apartheid action.

What did we get for it? Were we consulted about this bill this time? No. No, there was no consultation with us. We were out of the process.

Did our attempts 2 years ago to try to build a bipartisan policy toward something to really help the people in South Africa mean anything? Obviously not. This bill, in fact, moves us away from that which conservatives were trying to achieve 2 years ago. It moves us away from an activist policy within South Africa to end apartheid and substitutes instead a policy of washing our hands of the situation and walking out on South Africa.

The gentleman from Missouri a couple of moments ago said America will not watch from afar. Pass the Dellums bill and we will watch from afar. We will not have any more involvement in South Africa. We will be out. We will have to watch the process from afar and the tragedy that comes after it.

We are not talking now about policy here. As some of the Members have said before me, we are talking about politics.

I am sad to say that I have learned the hard way that there are politicians in America more interested in pursuing domestic political agenda than in really helping oppressed people.

I intend to vote for the substitute offered here so that we can really begin to work toward helping oppressed people again. I intend to reject the idea that America should have no voice at all in the future of South African blacks. I think that the question that will be raised if we pass the Dellums bill is whether America has not washed its hands, like Pontius Pilate of the plight of the people who deserve much better.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague for yielding time to me.

Mr. Speaker, we will debate the merits of this issue in a few moments. But I would like to in the time that I have available to me address several comments that have been made, prefacing my remarks by making this comment to all of my colleagues here: In 1986, 2 years ago, this body passed a bill similar to the so-called Dellums bill. I brought this bill 2 years ago in the nature of a substitute, challenging the regular order of things, going against the grain. But to my shock and to the shock and surprise of many people in this body and around the country, we passed the Dellums bill 2 years ago.

So this notion about the Dellums bill being some incredible monster is absurd. We did it 2 years ago with the acquiesence of both sides of this aisle, Democrat and Republican.

Mr. Speaker, to the question of political motivation, I rarely, if ever, rise to challenge anyone here on a personal level, because I know that when we walk into these Chambers we cease to be individuals but must lift ourselves much larger than that and become responsible Representatives of the people's will. So to the gentleman from Michigan [Mr. BROOMFIELD] I choose not to challenge him personally; to the gentleman from Indiana [Mr. BURTON] I choose not to challenge him personally; to my distinguished colleague, the gentleman from Pennsylvania [Mr. WALKER], I choose not to challenge him personally, and I assume that they do not challenge me personally when they talk about political motivation.

This black American human being brought the first sanction bill in the history of this country in 1971. I have been in this body nearly 18 years. This has been no quick fix.

A great part of my adult life has been spent struggling to see America championing the cause of freedom and dignity and equal rights for human beings. I know what it means to be black in a society racist, and I understand what it means to be black in a world that cannot deal with human beings because of the color of their skin.

I challenge any of my colleagues to challenge me on a personal level, as if in some way we have reduced ourselves to petty, mundane, earthbound and pedestrian notions of political motivation. I am here because I believe as a human being that my responsibility is not only to be a citizen of California, a citizen of the United States, but to be a citizen of the world and to see to it, Mr. Speaker, that we speak to the highest and the best that we can.

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To the question of this being a Dellums warfare bill, that is absurd. I came here 18 years ago to raise my voice in the name of peace. So this opportunity may be the last opportunity, Mr. Speaker, to move away from bloodshed that may be the undeniable future of South Africa unless we are prepared to act.

One of my colleagues said that we sit here in the comfort of the Chambers of the Congress of the United States and bring discomfort on human beings in South Africa. Two responses: Sanctions hurt, Mr. Burton, but apartheid kills, Mr. Burton.

I would also say that there have been Members sitting in the comfort of this Chamber who sent our young people to fight and die in Vietnam. They sat in the comfort of these Chambers and allowed 57,000 American people to be returned to America in body bags, ostensibly fighting for freedom and dignity in the Democratic way.

Well, I am not asking you to declare war on South Africa. I am a voice of peace. I am simply saying in a nonviolent way, let us try to preclude that death and destruction.

Mr. Broomfield, with respect to timing, the gentleman said this bill comes up at the wrong time. Let me say to you on the record in the public, we are not here bringing this bill to attempt to embarrass the Republicans. That is absurd. We are here to try to free South Africa. The fact of the matter is, as you know it, we are talking about getting out of here October 5 because Members' self-interests join on October 5. That is to get out of here to go get their jobs back.

So we are talking about coming back after Labor Day with less than 30 days' opportunity to get the other body to move, to get to a conference, to get a bill to the President who may veto it and then come back with a veto override. So we asked the leadership to put this bill on before the break because we knew that time was running out.

Second point on timing: Mr. Speaker, you suggest the issue, maybe, in Angola that is being worked out by the Assistant Secretary, Mr. Crocker.

I met with Secretary Crocker and the National Security Adviser, Mr. Colin Powell yesterday at 4 p.m. They said to us, "Go forward and debate the issue. Vote on the amendment. Hold final vote until after the break. If you would hold off on the vote until after the break so we can tie the knot on the package." Mr. Broomfield, the gentleman, know what our response was? We said, "We are reasonable people. You have not raised political considerations, we will not. You choose to achieve a foreign policy objective, so do we. So we are prepared to be reasonable. We will hold final vote on this sanction bill until after the break if you are prepared to come to the table, equally prepared to bargain." They said, "What is your offer?" I said, "Get the President to agree not to veto the bill and if the President agrees that he will not veto—I am not asking him to sign it, just do not veto it, otherwise you are asking us to kill our effort and we refuse to do that." They said they could not deliver. So we are here going forward because that is our responsibility.

Now with respect to Members leaving here.

Our responsibility, we are being paid to be here. We are being paid to take off 3 days early to a convention or 3 days early to a weekend; we are being paid to stand on the floor of Congress, Mr. Speaker, with all due respect, until hell freezes over, for us to do our jobs. Our responsibility is to be here to vote. So do not give me that flimsy argument.

Finally, Mr. Speaker, this notion of convenience, the gentleman, Mr. Burton could have argued that during slavery. "You are going to cause black people to lose their jobs." That did not make any sense during slavery and it does not make any sense in 1988.

Mr. Speaker, I would yield to my distinguished colleague for a moment to speak and then let me respond.

Mr. BURTON of Indiana. I just want to ask one question of my learned colleague and that is: He is very concerned about the plight of the blacks in South Africa.

Mr. DELLUMS. More than I can ever tell you, brother.

Mr. BURTON of Indiana. I think that is very good. But why is it I never hear the gentleman make any comment about the 1½ million people being starved to death by the black Communist Government of Ethiopia just north of there?

Mr. DELLUMS. Let me tell you, I have spoken on this floor on numerous occasions. I think that is a cheap shot because this gentleman has said, perhaps more often than any other person on this floor, that the struggle for human rights should take us beyond the narrow confines of our ideological position or our relative party. A commitment to human rights should not be a commitment simply to the left challenging right wing governments or the right challenging left wing governments. We ought to have a human rights commitment, a standard of human rights that we can apply to all nations in the world. I have said that publicly on this floor. Challenge me to it and then you and I go forward, both, in the 101st Congress to see to it that we put that together. If you mean what you say, I mean what I say.

Mr. QUILLEN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. Broomfield].

Mr. BROOMFIELD. Mr. Speaker, I would like to make this observation: I have always had the highest respect for the gentleman from California [Mr. Dellums]. We spoke before the callup of this bill and I told him I was going to hit it hard and there are a lot of reasons for it. We both share the same feeling about apartheid. I do not think there is a Member in this House who is not opposed to the racism that goes on in South Africa.

The real question here is how do we approach it? The other thing that really bothered me in the timing. You have to admit your Presidential candidate has already come out in opposition. He is for full and complete disinvestment, just as the gentleman is advocating right here. So that was quite an ironic thing, considering the fact that the platform adopted at your convention was quite vague. I think I have a legitimate reason to point that out here on the floor.

One final comment: I think you will have to admit that the alternative that will offer today is a serious effort to improve the bill. It is a different approach than the one the gentleman is offering. It brings into play our allies who have been benefitting from the act that we passed 2 years ago.

I have to let you know this: I resent the way in which this was handled in the Committee on Rules. The Rules Committee has given me a total of 15 minutes on my side to explain my important amendment, and that is the reason for the tone of the speeches I have been giving.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. You had better believe it, I do yield to the gentleman.

Mr. DELLUMS. I thank the gentleman for yielding.

First of all, I appreciate the sentiment of that. I have no control over the Rules Committee. Look, I have been struggling against the grain in this body for 18 years and you know that. I have not ascended to the lofty levels of the leadership of this body. Maybe some day, maybe we can talk about how that changes if you guys want to support me for Speaker. At any rate, let me just say to you that I appreciate the sentiment of your comment. But rest assured I will say to my friend that my desire to bring this bill to the floor and many other Members had nothing to do with Presidential politics here. If the Presidential election were not going forward, I would continue to be coming forward because my objective here is not simply to pass a bill. I want to end apartheid, I want to see Nelson Mandela free and I will not stop until I do.

Mr. QUILLEN. Mr. Speaker, I yield 30 additional seconds to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I really believe the gentleman from California is in a position to negotiate and he recognizes the importance of this matter.

Why will you not go along with me and put off consideration of this matter until we come back in September? At that time, all the Members will be here to participate in this debate. I will do everything to expedite consideration of the bill at that time and work with the gentleman on that matter.

Mr. DELLUMS. Get the President to agree not to veto this bill and you and I have a deal and we can shake hands right now.

Mr. BROOMFIELD. Well, will you get Mr. Dukakis to back off on his position on South Africa?

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I rise in strong opposition to this gag rule and the South Africa sanctions bill.

To believe that the United States can end apartheid in South Africa by invoking sanctions is naive at best and deadly for black South Africans and Americans at worst.

Apartheid is wrong. But, to worsen the economic condition of black South Africans while weakening the economic condition of the United States, which this bill does, is dangerous and foolhardy for both South Africa and the United States.

As the vice chairman of the Mining and Natural Resources Subcommittee of the Interior and Insular Committee I wish to point out two sections of this bill that are particularly dangerous domestic policy.

Section 9 of H.R. 1580 deals with strategic minerals. If an embargo were placed on these materials, the industrial sector of the United States would be dangerously weakened. Many of the metals that our industries depend upon can come from only two sources, South Africa and the Soviet Union. If an embargo were invoked, the Bureau of Mines estimates that in 3 years the direct and indirect losses to our gross national product, resulting from the unavailability of only one metal (rhodium), would be $61 billion. There would be a corresponding loss of 1,000,000 U.S. jobs. These losses all result from impacts on the automobile industry, as rhodium is used in catalytic converters. There are no known substitutes for rhodium. There are many other critical minerals that come from South Africa, and the loss of these materials to our Nation would multiple the impacts on our economy many fold.

Another section of this bill would forbid the Secretary of the Interior from issuing any Federal energy leases to any company that has any relationship with South Africa. This plain and simply is holding this country's energy capabilities hostage. This is a dangerous road that we must not walk down.

If you can go home and explain to your constituents why you have weakened this countries energy and industrial strength, while increasing energy costs, automobile costs, and the cost of numerous other industrial products while at the same time worsened the cause of black South Africans, then you should vote for this bill. If you do not want to weaken this Nation and at the same time wipe out the economic strides that black South Africans have made, then you should vote to defeat this sanctions bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Speaker, I rise in support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988. I commend the principal author of this legislation, the gentleman from California [Mr. DELLUMS] for his tireless work and eloquent advocacy in bringing this legislation to the floor of the House. However, while I agree completely with the moral statement this bill makes to the Government of South Africa, I offer my support with certain reservations.

There can be little doubt that a majority of this country finds repugnant the racist policies that blacks in South Africa have endured for decades. Apartheid has deprived black South Africans of their basic human and political rights, kept them in a state of poverty, and left their country in turmoil. This body, on a number of occasions, has made clear its vehement opposition to the domestic policies pursued by the South African Government. The most recent case was in 1986 when we passed the punitive economic sanctions against South Africa that are presently in force. These sanctions sent a message to the South African Government that it could not expect normal economic and political relations with the United States as long as it refused to negotiate political reforms with responsible black South Africans.

Several cosmetic reforms have since been introduced by the South African Government, but the fact is that the aspirations of the black majority in South Africa have not been realized. Apartheid remains at the core of South Africa's social, political, and economic systems. It is clear that merely encouraging reform through limited sanctions or through the administration's policy of "constructive engagement" is not enough.

My concern with this legislation is that it will be seen as a substitute for a coherent policy toward southern Africa as a whole. If the United States is to play a productive role in regional politics and in the process of reform in South Africa, we must do more than pack our bags and leave. Sanctions can play an effective part in a regional policy, but alone they will have little impact. We have seen this most recently in Panama.

Now is the time for us to lay the ground work for cooperation between the legislative and executive branches to develop a new and broader approach toward South Africa. We should establish realistic objectives that can be achieved in a reasonable period of time, and that reflect the values and expectations inherent in our foreign policy.

We should focus on ways to enhance the power of responsible blacks in South Africa so that they may challenge the state more effectively. For too long, our policy has concentrated on efforts to wring concessions from whites in South Africa. By supporting trade unions, church organizations, and other democratic forces within South Africa, we can reinforce internal pressures for meaningful change.

At the same time, we must ensure that the opposition groups we support pay more than lip service to the idea of bringing democracy to South Africa. There are a number of organizations that would merely replace one form of tyranny with another.

By following this approach we can emphasize the fact that the main battle against apartheid must occur inside South Africa, not on the floor of the House of Representatives. As Nelson Mandela said in 1962, "it would be fatal to create the illusion that external pressures render it unnecessary for us to tackle the enemy from within. The center and cornerstone of the struggle for freedom and democracy in South Africa lies inside South Africa itself."

Mr. Speaker, H.R. 1580 can represent an important component in a responsible foreign policy toward South Africa. This policy must convey to the South African Government that continued intransigence is not in its interest if it wishes to prevent a bloody civil war; that a resolution to the conflict in South Africa must be broadly acceptable to all South Africans, regardless of their race.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, when I was a member of my State's senate, I voted to memorialize Congress to pass the Anti-Apartheid Act of 1986. Some of us thought it would do some good, others were not too sure; but then, why not? With our State's population being a third black, it was good politics, and so we passed the measure.

As a result of congressional action in 1986 and the U.N.-sponsored arms embargo imposed 9 years before, it's timely now to examine what has occurred.

Have the South African Armed Forces been weakened by the denial of foreign arms? Absolutely not. They are stronger than ever, being supplied with superb equipment domestically produced by an arms industry that is now the world's tenth largest and growing and South Africa's largest exporter of manufactured goods. Do they have atomic weapons? There are reasons to believe they do.

Have our 1986 sanctions caused South Africa to move to dismantle apartheid? Not at all. Unhappily the opposite has occurred. All positive progress toward ending apartheid has ceased. As Americans and American companies leave, so do our windows for encouraging progress.

Have the sanctions damaged the South African economy? Definitely not. Business there is booming. The American firms being sold are being bought for fractions of their values by delighted South Africans convinced that America has lost its mind. Everything denied they immediately begin producing, profitably exporting the surplus.

How has all this helped the black population of South Africa? It has not. It has hurt them grieviously, costing them jobs by the thousands, the job security and enlightened working conditions of American firms, as well as the positive influences we once had with the white South African people, business community, and government.

The sanctions we have imposed against South Africa have set back the end of apartheid for the foreseeable future.

How wrong can a nation be? As wrong as these United States, in thinking that it can cause a modern, militarily and industrially secure country, possessing most of the free world's precious metals and critical minerals, to change its government by imposing unilateral economic sanctions against it. Then why do we do it? Why do we injure and retard so our black brethern of South Africa? The answer is as simple as it is tragic. We do it because there are votes to be harvested by some here at home by voting to impose these nonproductive sanctions against South Africa and yelling about it to the skies.

Count me out of this cruelty. When the vote is taken to sacrifice the blacks of South Africa on the altar of American politics, my vote will be "no."

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Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Speaker, we come once again to the question of South Africa. In 1985 this body passed the Anti-Apartheid Act which has a limited set of sanctions which I helped to offer, along with some others.

In 1986, after the 1985 act was stalled in the other body, we once again came forward with a set of limited sanctions. That passed this body. In fact, it was substituted with the bill we are now considering, and as a result of that substitution, what was finally passed was the override of a Presidential veto that had no new investment, a prohibition against bank loans and Krugerrand sales, along with several other sanctions which were a part of the original bill which I, along with others, offered in 1986.

I want to remind all of my colleagues that that bill had certain words in it, because I remember it was overwhelmingly and bipartisanly approved by Democrats and Republicans in the House and the Senate historically overriding the Presidential veto. It said this:

> It shall be the policy of the United States to legislate additional measures against the Government of South Africa if substantial progress has not been made within 12 months of the date of enactment and ending the system of apartheid and establishing a multiracial society.

In other words, when we overrode the President's veto in 1986, we made a commitment. The commitment was that if apartheid was not dismantled within 12 months, we would be back in this body to deliberate and to apply additional sanctions.

I say to my friends, if they voted in 1986 to override the President's veto, then they are also obligated to continue the effort. And the effort is to do what? Not bringing down the Botha government. No one in this body believes that something we do is going to end overnight miraculously the apartheid system. No, as one of the authors, I never thought the 1986 bill would do that. We never used that as the criteria for effective sanctions, because if we did, we would have to remove the sanctions in Iran, we would have to remove the sanctions on Libya, and we would have to remove the sanctions that we had on Poland. We would have to remove the sanctions on 15 countries around the world, because many of those governments are still there. Yet we keep the sanctions there, not because Qadhafi has been brought down but because those sanctions make two important statements: No. 1, that we will not provide economic fuel for oppression; and, second, that we want to disassociate ourselves from the odious behavior of governments. That is why we have sanctions.

So if we want to measure where the sanctions are effective, we should ask ourselves, have we disassociated ourselves from the apartheid government as a result of our actions in 1986? And the answer around the world is, yes. Has it led to a decline in the economic fuel for apartheid and the P.W. Botha regime? The answer is "Yes."

A GAO study has been submitted to Congress that says that it has cost them almost half a billion dollars. So when Members say that sanctions do not work, what criteria are they using? Are they prepared to use that same criteria on Cuba, Nicaragua, Iran, and Libya? Of course not.

Most of the Members here who argue that sanctions do not work and some of whom who would even argue that they are the cause of the problem would never think of using that same argument when it comes to Cuba, Nicaragua, Libya, or Iran. Why? Because we know that sanctions are designed to cut the economic fuel of oppression, and second, sanctions are also designed for us to withdraw ourselves from odious behavior, as we have done in Iran, Libya, and in over 15 other nations of the world.

They talk about the loss of jobs in the United States. Well, I find it interesting that the UAW supports the Dellums bill. I find it interesting that the Mineworkers who would supposedly lose so many jobs have endorsed this legislation.

Who is this going to hurt? Let me tell the Members who it will hurt primarily. It will hurt the standard of living of the racist minority government that continues to oppress the majority.

Then we hear the same argument we heard in 1986 and 1985: "You would hurt the black majority if you impose sanctons." Well, we have heard that before. And what does Desmond Tutu say? What do the labor unions say?

The SPEAKER pro tempre (Mr. GIBBONS). The time of the gentleman from Pennsylvania [Mr. GRAY] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Speaker, I would ask, what does the black majority in South Africa say? Overwhelmingly, the vast majority of credible leaders have said that they want continued pressure.

Some have said, "Well, we applied sanctions, and no other nation has joined us." There is a simple answer for that. It is because we have not had a President who followed the law. The law we passed in 1986 said that the President of the United States of America would try to get other Western nations to join us. This President and this Secretary of State have not asked other Western nations to join us in applying sanctions, even limited sanctions.

We must decide here today, what will America's position be toward State-sponsored terrorism and institutional racism? I say to my friends that that is our decision, not dependent on what England does, not on what France does, not on what West Germany, or not on what Japan does.

Mr. Speaker, I hope we will stand up for what we preach: Freedom and democracy. Let us cut off the economic fuel for an odious political system.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I rise in opposition to this rule.

No matter what we think about the main bill that will be coming later, the vote now before us is not a vote on the bill; it is a vote on the rule, and I urge the House to oppose this rule and turn it down. No matter what our position may be on South African sanctions or the Anti-Apartheid Act itself, this rule is unfair. It does not allow for even a limited debate of the major issues in this bill before this body. It does not permit those amendments that were adopted by committees of jurisdiction to be made in order or even to be considered on this House floor.

The Anti-Apartheid Act, H.R. 5175, was referred jointly and marked up by several standing committees of this House. One committee in particular, the Banking Committee, after some considerable and extensive debate and consideration, adopted on a rollcall vote the McCollum amendment, which would make these sanctions effective to raw materials coming from South Africa. That amendment was adopted by the Banking Committee on a rollcall vote, and the rule before us does not even permit that amendment to be made in order, and it first strips from the bill the McCollum amendment.

The McCollum amendment would make the sanctions effective. It says that if we are going to have sanctions—and many of us oppose those sanctions—we should make sure that those sanctions apply to raw materials that are produced in South Africa, transshipped to other third countries, and then made into manufactured products to be sold in the United States.

The McCollum amendment, purely and simply, which is not in this bill and which is not permitted to be considered on this floor, would say that if the raw materials are coming from South Africa, then a third country could not use those raw materials and make them into manufactured goods and sell them in United States markets. It would prohibit the importation of products manufactured in countries other than South Africa whose components and constituent parts were made in South Africa.

Mr. Speaker, I urge a "no" vote on the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to respond just very briefly to the concerns that have been raised by my distinguished colleague and friend, the gentleman from Michigan [Mr. BROOMFIELD], and others with respect to the timing of the legislation today and also with respect to the amount of time permitted for general debate.

I want to be the first to say that I wish there were more time. I think this is an issue that deserves the longest possible debate so that we can understand clearly the issues that are at stake here. I think some vital American national interests are involved, and some vital issues are at stake in terms of developments in South Africa itself.

But the gentleman knows that this issue did not just surface today. We began to move this legislation many, many weeks ago. There was a jurisdictional problem, and there were no less than seven committees in this Congress that had a piece of the jurisdiction. In those committees at least there was substantial, significant debate along the way. The fact of the matter is that we come to the stage now, having gone through the elaborate committee process, where to delay this debate any further is simply to kill the legislation.

While the gentleman has concerns about the time running out on our debate here, I happen to have even more deep concerns about the time running out on South Africa. I happen to believe that the dangers of the struggle that is taking place are escalating every day, and the failure of the United States and the Western World to comprehend fully what is at stake in that struggle is compounding the risks to American and Western interests substantially every day.

So I hope that this rule be adopted and that this body, on a bipartisan basis, will recognize the urgency of the enactment of this legislation today as a means both of advancing the process of change inside South Africa and as a means of protecting American national interests not only in South Africa but throughout the African Continent.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say to the gentleman that I am sure there are lot of problems in terms of legislative scheduling, and those may be beyond the gentleman's control in some instances. But I will tell the gentleman that we are somewhat disturbed about the fact that you have picked one day when the Republican Party was certain to be substantially weakened because our people were at our convention. That may not have been the gentleman's choice, but it was certainly the choice of his leadership to pick that one day when we were going to be short 20 or 30 votes on the House floor. I think that is something that suggests a reasonable complaint on our side.

Mr. WOLPE. Mr. Speaker, if I may reclaim my time, I would simply make two observations: One is that every Member of this body has known long in advance, for the first time in many years, I might say, precisely what days votes were scheduled to occur on.

□ 1330

The Republican Convention does not begin today or tomorrow. It begins next week.

Second, I would make the further observation that there are Members on my side of the aisle, as well as those on the gentleman's side of the aisle, that are equally discomforted, and there will be absences on both sides of the aisle as the consequence of the lateness of this debate.

The SPEAKER pro tempore (Mr. GIBBONS). The time of the gentleman from Ohio [Mr. HALL] has expired.

The gentleman from Tennessee [Mr. QUILLEN] has 4 minutes remaining.

Mr. QUILLEN. Mr. Speaker, I urge defeat of the rule. I think that bringing it up today, in a rushed atmosphere accomplishes nothing. I think we all should be concerned about the pain and suffering of the people in South Africa. In a calmer atmosphere we should try to resolve some of the problems and hammer out legislation.

That would solve the problem. This will not solve the problem.

Mr. Speaker, we should definitely defeat this rule and then come back after the recess with a clear mind to do whatever is necessary to be helpful to the black populace of South Africa.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding to me.

In response to the previous speaker on the other side, the difficulty, as the gentleman knows, with this rule is that the committees of jurisdiction had the opportunity to have a committee markup, but then their work was disregarded either by this bill or by amendments that are allowed to be offered to this bill.

So, if we are going to have committees of jurisdiction to have a part of the process, they have no part in the process, and their work was disregarded.

Mr. BROOMFILED. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I would like to make one final appeal to the Democrats and particularly to the Democratic leadership.

Mr. Speaker, I think this has been a useful discussion of the problem. We all have the same thing in mind. It is a matter of different approaches. I agree with my colleagues that this is a major foreign policy issue. I ask them to consider what is developing in southern Africa right now as a result of discussions concerning the future of Angola and Namibia. Why should we do anything that might jeopardize that? Could not my colleagues have consideration for the scheduling of our convention and the fact that we have got probably 35 or 40 Members away?

Mr. Speaker, the Democrats are going to win. They have got the majority. In fact, they have had the majority for the 32 years I have been here. They have never had to worry because, if they are all together, they can pass anything. Why can they not give us a chance, give the negotiations a chance by voting against this rule and bringing the bill up right after we come back in September?

Mr. Speaker, in September they are going to have my cooperation in moving this legislation forward. I am pleading with them to vote that way.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 3 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I came here to talk about the substance, but I want to say just a word or two about the procedure here.

There is no more urgent issue, and among those who have been working on this, many, many of us, this was not scheduled in timing with any convention. The gentleman from Michigan [Mr. BROOMFIELD], my distinguished colleague, says we on this side are going to win anyway, so I do not see why the charge that we are scheduling it because people are away. It does not hold water.

Mr. Speaker, this is an issue for which time cannot wait. People are losing their lives. It is right to take it up and to take it up today.

And I want to get back to the substance that the gentleman from Tennessee [Mr. QUILLEN] was discussing, whether this sanctions bill will work. I support the sanctions bill for the same reason that the racist Government of South Africa hates it, and that is that sanctions can work.

Evidence of the impact of sanctions comes from white South Africans themselves. The managing director of the Trust Bank of Africa, Ltd., said in a speech reported by the Wall Street Journal that "we cannot ignore what sanctions and disinvestment have done." As the Wall Street Journal put it, that gentleman then "flouted the taboo of talking about the costs of sanctions and added them up." By 1990 capital outflows through disinvestment and debt repayment will amount to about $10.4 billion. The accumulated loss of export earnings through trade sanctions will exceed $4 billion. The South African economy will grow little more than 2 percent a year rather than the 5 percent that could have been achieved without them.

Mr. Speaker, facing this prospect, South Africa's business establishment has renewed its pressure on the white government for major reforms. This pressure for change from within South Africa is a direct consequence of United States sanctions. Economic sanctions can work. We have a provision in this bill that covers the possibility that other countries will step into the gap, into the opening, that might be created by our sanctions.

Opponents of the bill keep telling us that sanctions cannot work because they never have worked anywhere. They are wrong about that, too. United States sanctions against the Governments of Poland, Afghanistan, and other Soviet dominated countries have had their intended effect.

In the case of South Africa, as was in the case of Ian Smith's Rhodesia, sanctions do not lead away from diplomacy; they reinforce it. What is lacking now in South Africa's white regime is the willingness to negotiate. Economic sanctions can work, and the more, the better in this case, if what we seek is a nonviolent road to freedom for all South Africa.

Mr. MARLENEE. Mr. Speaker, today we will be voting on punitive, comprehensive sanctions against South Africa. I strongly oppose this legislation, I believe that we should have the opportunity to insure that sanctions do not overreach or violate U.S. law. I believe that in an effort to totally ostracize South Africa, other important United States policy goals have been overlooked.

For example, I am concerned about the need for platinum metal groups for automobile catalytic converters. I am also alarmed at the extent this legislation would impose extraterritorial constraints on our friends and allies in an effort to punish South Africa.

I also have serious concerns about the impact of section 3 of this bill on my district, regarding oil and gas leases. Montana will lose over 100 oil jobs to sanctions, and the oil company which produces six times as much as the nearest competitor in Montana—Shell Western—will be forced to end operations. It's stupid to penalize Shell and British Petroleum operations in the United States when they do so much good work to help blacks inside South Africa.

In addition, I attempted to introduce a common sense amendment to preserve wildlife conservation efforts in South Africa. Unfortunately, it was defeated yesterday in the Rules Committee.

South Africa has a unique wildlife conservation policy, which utilizes the private sector and public national parks. Over 10,000 private landowners have opened 18.7 million acres—4 percent of land in South Africa—to sport hunters, using the hunting fees for conservation efforts.

H.R. 5175 would prohibit all products "grown, produced, extracted, or manufactured in South Africa," which includes imports of sport hunted trophies and wildlife imported for breeding purposes.

In 1987, 85 percent of the sport hunters came from the United States. The sanctions bill would prevent sport hunters from bringing back their game trophies. As a result, they will not go to South Africa to hunt, and the profit motive for this unique wildlife conservation effort will evaporate.

Also, several zoos have found it impossible to import endangered species from South Africa under the last round of sanctions, which decreases the chances for survival of that species. Zoos are finding it difficult to vary the gene pool among several important endangered species. In fact, for certain animals, like a subspecies of the black rhino, the only source is South Africa. it is a good bet that the black rhino may become extinct if sanctions are enacted.

Support wildlife conservation in southern Africa by defeating the rule.

Mr. WOLPE. Mr. Chairman, the following language concerning the South Africa sanctions legislation, H.R. 1580, is offered to further clarify the congressional intent of the bill:

Sec. 301(c) Relating to South African emigres.

The intent of this provision is to enable the South African emigres to continue to hold their assets in South Africa which are blocked under South African Exchange Control laws, and receive the generated interest and dividents permitted under South African law. Compliance with this provision is not to be construed as requiring the emigres to relinquish their holdings.

The rationale for the amendment is that the group of South African emigres currently here, were unwittingly caught in the squeeze between South African Exchange Control laws, and the new U.S. sanctions legislation. There is no mechanism by which the current emigres can legally divest themselves of their blocked assets, other than by merely relinquishing them. Under South African law, they cannot legally sell their assets to anyone. Furthermore, when they emigrated, they had to prove to U.S. officials that they had sufficient income on which to support themselves. Many of the emigres are retirees whose income is solely dependent on proceeds from the assets blocked in South Africa. If forced to divest, the alternative for many would be indigence, and possibly an increased burden on the U.S. taxpayer.

The provision applies to South African emigres who have come by the date of enactment. Eligibility would be extended not only to those South African emigres who are citizens or permanent residents of the United States, but to those lawfully admitted to the U.S. and who are in the process of establishing, but who have not yet achieved, permanent residency or citizenship status. In essence, the provision would "grandfather-in" all those who are either now, or about to become, U.S. citizens or permanent residents, thereby enabling them to retain their South African assets as they remain blocked.

Mr. SHAW. Mr. Chairman, I rise in opposition to this bill. Despite its obvious drawbacks, this bill would be worthy of consideration if it were likely to achieve its stated goal of ending Apartheid. Unfortunately, past experience indicates that trade sanctions imposed on South Africa have had the opposite effect. Following the imposition of limited sanctions 2 years ago; the Anti-Apartheid Progressive Federal Party collapsed and was replaced by the Pro-Apartheid Conservative Party, American businesses which had operated under the Sullivan principles were replaced by South African businesses which do not, black fishermen and miners became unable to market South African lobster and coal in the United States and an estimated 10,000 of them became unemployed, and housing, educational, and training facilities sponsored by American-owned businesses were closed. Black South Africans are worse off today as a result of United States sanctions than they were 2 years ago.

We should not be rewarding South African investors for racist activity by allowing them to purchase American investments at fire-sale prices. Rather then forcing American investors to sell their equity in South Africa to Japan, the Mideast and others, we should be encouraging American companies to compete in the South African economy and demonstrate that integration and respect for racial equality is more profitable then bigotry and discrimination. Financial and educational progress among South African blacks will be a more powerful force for change then ineffective sanctions. United States investment in South Africa has been one of the few means of enhancing such progress; it is senseless to remove it.

The SPEAKER pro tempore. All time has expired.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 159, not voting 26, as follows:

[Roll No. 282]

YEAS—246

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Costello
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Ray
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Scheuer
Schroeder
Schuette
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—159

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCrery
McDade
McEwen
McMillan (NC)
Miller (OH)
Miller (WA)
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—26

Aspin
Badham
Boulter
Conte
Dowdy
Frost
Hatcher
Jones (TN)
Kaptur
Kolter
Lewis (CA)
Livingston
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Michel
Mineta
Molinari
Nichols
Savage
Skelton
Spence
Williams

□ 1356

The Clerk announced the following pair:

On this note:

Mr. Conte for, with Mr. Boulter against.

Mrs. ROUKEMA, Mrs. JOHNSON of Connecticut, and Mr. COURTER changed their vote from "yea" to "nay."

Messrs. LEHMAN of Florida, UDALL, and SCHUETTE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5141. An act to delay temporarily certain regulations relating to sea turtle conservation.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1889) entitled "An Act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes," with an amendment.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1294. An act to promote the development of technologies which will enable fuel cells to use alternate fuel sources;

S. 1295. An act to develop a national policy for the utilization of fuel cell technology;

S. 2215. An act to amend the Office of Federal Procurement Policy Act to authorize appropriations for an additional four years, and for other purposes;

S. 2350. An act to clarify the investigatory powers of the U.S. Congress;

S. 2353. An act to amend the Federal Laboratory Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; and

S. 2393. An act to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize such act, and for other purposes.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF COMMITTEE ON THE JUDICIARY TO MEET TODAY DURING 5-MINUTE RULE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to meet while the House is reading today under the 5-minute rule.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from Michigan?

Mr. LOTT. Reserving the right to object, Mr. Speaker, I really did not hear the gentleman's request, and second, to make the usual inquiry, I would ask, Is our ranking member familiar with this and in agreement with this request?

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, yes; first of all, the ranking member, the gentleman from Pennsylvania [Mr. GEKAS], has indicated he may not be able to attend the subcommittee, but he is aware of it. The ranking member of the full committee, the gentleman from New York [Mr. FISH], is aware of it and will be present.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4417, NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1989

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 100-865) on the resolution (H. Res. 522) providing for the consideration of the bill (H.R. 4417) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1989, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4986, STUDENT DEFAULT INITIATIVE ACT OF 1988

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 100-866) on the resolution (H. Res. 523) providing for the consideration of the bill (H.R. 4986) to amend the Higher Education Act of 1965 to reduce the default rate on student loans under that act, and for other purposes which was referred to the House Calendar and ordered to be printed.

REQUEST TO CONSIDER ON TODAY CONFERENCE REPORT AND MOTIONS TO DISPOSE OF AMENDMENTS IN DISAGREEMENT TO H.R. 4867, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. YATES. Mr. Speaker, I ask unanimous consent that it shall be in order at any time today to consider the conference report and motions to dispose of amendments in disagreement to the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, and that the conference report and amendments in disagreement be considered as read when called up, and that clause 2(l)(6) of rule XI and section 302(f) of Public Law 93-344 (as amended) be waived against consideration of the conference report and motions to dispose of amendments in disagreement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Reserving the right to object, Mr. Speaker, the Public Law section to which the gentleman referred, section 302(L), is in fact a Budget Act waiver which is technically needed for the bill. Is that correct?

Mr. YATES. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. WALKER. On that basis, Mr. Speaker, I object.

Mr. YATES. Mr. Speaker, I hope the gentleman will defer for just a moment.

Mr. WALKER. Mr. Speaker, I withdraw my objection, and reserving the right to object, I yield to the gentleman from Illinois?

Mr. YATES. Mr. Speaker, I would hope the gentleman would not object to consideration of the conference report. If the gentleman objects, of course, we will have no alternative except to wait until the House returns after its vacation. There will be only 17 or 18 legislative days left at that time and we are trying desperately to avoid getting in a CR situation again.

The reason the Appropriations Committee has not met to consider the so-called violation of the 302 provision is that we are in constant conferences on each of the appropriation bills.

The chairman has not been able to really call a meeting of the Appropriations Committee. The conferences are still taking place. We have completed ours. We do not want to be caught in a last-minute situation following the vacation.

Incidentally, in this bill we are below our level for outlays. We are below our level for budget authority.

There is no objection. All Members signed the conference report. There is no objection and I anticipate we will be through with this conference report within a half hour at the most.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, let me say to the gentleman that I think there are several problems.

First of all, in order to consider this appropriation bill, we are having to waiver the 3-day rule, a rule which is designed to give Members a chance to study this legislation and figure out whether or not there are problems on it.

The first question I asked about the bill when I was told that we were attempting to take it on an expedited process was whether or not it had any Budget Act problems. I found out that technically indeed it does have Budget Act problems. That gives me pause about the bill.

Second, I have been informed by people within the Interior Committee that there are at least two provisions authorizing items within the bill that would otherwise be in the area of the Interior Committee that they would have no objections to if it came to the floor where points of order would exist against those.

Given that kind of situation, it seems to me that we do not want to have an expedited procedure right here on the floor on the bill. It is a bill that would have come to us in a timely manner so that it could be taken up before the recess. I regret that is not the case, that we have to wait now until after the recess is over in order to take up the bill, but if it is as noncontroversial as the gentleman describes it, then there should be no problem taking it up immediately upon coming back from the recess.

So it seems to me that it is in the best interests of the House to take a look at the legislation, rather than moving hastily toward consideration here of a bill that none of us have had a chance to look at in any kind of a close manner.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am very glad to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, No. 1, I was under the impression that there had been sort of a leadership understanding that this was not going to come up. We have got several things to do or try to do today, several votes. We would like to be able to finish up at a reasonable hour so Members that have commitments can leave, including going to the convention in New Orleans. So rather than trying to sandwich five or six things here into the last minute, I hope we can go over today's schedule and everybody can understand what we are going to do and get on with the business that is on the schedule.

□ 1400

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, before I made this unanimous consent request, I did check with the leader of the Republicans, the gentleman from Illinois [Mr. MICHEL]. He had no objection to my bringing the bill up, and the ranking member of my committee has also checked with Members of the leadership. They, too, expressed no objection. That is the reason I went forward.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I also checked with the Republican leader. He was not aware there had been a need for a budget waiver when I talked to him. I think there is some concern about that.

Mr. Speaker, I do object.

The SPEAKER pro tempore. The gentleman from Pennsylvania is unmoved and, therefore, the request is not agreed to.

Objection is heard.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4387, INTELLIGENCE AUTHORIZATION ACT, 1989

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HYDE. Mr. Speaker, reserving the right to object, I just want to ask my good friend, the gentleman from Ohio [Mr. STOKES], did he assent to this rule that gives us 15 minutes to debate the empowerment theory on South Africa. I am only kidding.

I just thought the gentleman was too fair a man to agree to the rule we are going to labor under.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, in order that the Members may understand what the schedule is going to be for the balance of the day, I would like to inquire of the distinguished majority leader whether he can advise the Members what they can expect for the balance of the day and when we get back right after the recess.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, we intend to complete the legislation on South African sanctions today which will take the House, I assume, to approximately 6 o'clock this evening, 6 or 7 o'clock this evening, and we also have scheduled but may not consider, and I will make an announcement later in the afternoon, the Coast Guard Authorization Act. It is possible that that will also be considered.

Mr. LOTT. The last part, the gentleman said that we may or may not be able to take up the Coast Guard authorization rule? Is that correct? Or the bill, too, perhaps?

Mr. FOLEY. The rule and the bill, the conference report.

Mr. LOTT. Does the gentleman have any intention, or is it even being remotely considered at this point, to bring up the so-called dire emergency supplemental appropriations? Is that now scheduled in any way, the conference report?

Mr. FOLEY. If we were to reach a conference conclusion on that, we would bring it up, yes, but that would be a matter that we would assume would be disposed of very quickly. It would be very important to bring it up if we could reach agreement on that.

Mr. LOTT. Mr. Speaker, I understand the conferees have not yet even been appointed? Is that correct?

Mr. FOLEY. The have not been appointed. There has been discussion, I think.

Mr. LOTT. Is there any intention whatsoever to bring up the DOD appropriations bill?

Mr. FOLEY. No. The DOD appropriation bill?

Mr. LOTT. With possible Contra aid language.

Mr. FOLEY. No.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

I would like to just insert at this point that upon request from one of the colleagues on the gentleman's side of the aisle that there has been a request that we ask unanimous consent to discharge the District of Columbia Committee for the purposes of immediately considering a bill dealing with binding issues raised by one of the distinguished Members from Virginia, and we are prepared to acquiesce in that, and we think that once the unanimous-consent request is achieved that we could dispense with this matter within 5 minutes.

Mr. LOTT. I thank the gentleman for that information.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, may I inquire of the gentleman from Washington now when he will let us know about the Coast Guard?

Mr. FOLEY. We will let the Members know within a matter of 2 hours. The bill before the Members is going to require another 4 hours, I can assure the gentleman.

Mr. YOUNG of Alaska. Why do we not just drop the Coast Guard until we come back?

Mr. FOLEY. I will discuss it with the gentleman later in the afternoon whether we take up the other bill or not. I understand his feelings. He does not want to take up the bill.

Mr. YOUNG of Alaska. I want to take up the bill. We are going to be here until 7 o'clock, and some people are going down to New Orleans, and some people are going back to their district, 5,400 miles away, and we are sitting here.

Mr. FOLEY. I cannot give the gentleman any more assurance than I have already given him. I will advise him in 2 hours.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, the last time we were in a week like this going to Atlanta, I encouraged all of the Members to go down and have a good time, and we rose at 3:45 on the last day; the last time we were in doing this when it was the Democrats who wanted to leave, we left at a time that was reasonable.

Many of us want to go and visit the gentlewoman from Louisiana [Mrs. Boggs] and see her fair city and enjoy the Republican opportunity to have a national convention. I just think occasionally when our Democratic friends wonder about comity and wonder about the reasonableness, to be playing these kinds of games on the last day as we are trying to get to the reservations we have made, because it is hard to get into New Orleans, and if we lose our plane today who knows which day we can get in. I think, as a matter of comity, I share the interest of the gentleman from California. We ought to handle this bill and then rise.

Mr. LOTT. If the gentleman would allow this further inquiry: We do expect to be in session, as I understand it, on September 7, 8, and 9, Wednesday, Thursday, and Friday?

Mr. FOLEY. The gentleman is correct. Members should have in their offices by this time a complete schedule for September and October up to the adjournment of October 7.

Mr. LOTT. I would like to emphasize that point. Members should be aware that the leadership on both sides now have provided the Members with a calendar showing the dates that we can now expect to have votes or not have votes in September and early October. Rather than go over all of that, if they will, just check that so that they will have that information.

On September 7, 8, and 9, the only thing that I see that the gentleman has now on the schedule is the omnibus drug abuse bill and, of course, any conference reports. Is that all that is planned for that week that we get back, September 7, 8, and 9?

Mr. FOLEY. No. The conference report expected on Treasury, Post Office, and the conference report on Health and Human Services, and a conference report on Interior. All of them will be taken up the week we get back. We expect that.

Mr. LOTT. I thank the gentleman for that information.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 7, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 7, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 7, 1988, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, AUGUST 11, 1988, TO WEDNESDAY, SEPTEMBER 7, 1988, AND OF THE SENATE FROM THURSDAY, AUGUST 11, 1988, OR FRIDAY, AUGUST 12, 1988, TO WEDNESDAY, SEPTEMBER 7, 1988

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 356) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 356

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, August 11, 1988, it stand adjourned until 12 o'clock meridian on Wednesday, September 7, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the Senate recesses or adjourns on Thursday, August 11, 1988, or Friday, August 12, 1988, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand in recess or stand adjourned until 10 o'clock ante meridian on Wednesday, September 7, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO HAVE UNTIL MIDNIGHT, AUGUST 12, 1988, TO FILE CONFERENCE REPORT ON H.R. 4775, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1989

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, August 12, 1988, to file a conference report on the bill (H.R. 4775) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANTIAPARTHEID ACT AMENDMENTS OF 1988

The SPEAKER pro tempore. Pursuant to House Resolution 519 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1580.

□ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1580), to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes, with Mr. Traxler in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. WOLPE] will be recognized for 1 hour and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for one hour.

The Chair recognizes the gentleman from Michigan [Mr. WOLPE].

□ 1415

Mr. WOLPE. Mr. Chairman, I yield myself such time as I may consume.

There is a terrible tragedy in the making in South Africa. A bloodbath looms—and all of us are threatened by its consequences. The human costs of a prolonged and violent struggle in South Africa are incalculable both in terms of treasure and of lives—black and white—that it will consume. And the struggle for liberation in South Africa will increasingly affect the United States and the Western World. We cannot run and we cannot hide from the struggle or its consequences. All of our rationalizations for inaction will ring increasingly hollow and will only fuel racial division and conflict in America and throughout the world. For it is the doctrine of white supremacy—of racism—that provides the only reason and justification for the apartheid regime. People of color understand that very clearly—whether they live in America, in Africa, or elsewhere. And they also see through—just as clearly—all of the subterfuges that are devised to rationalize the accommodation that the United States, the Western World, and—in its cartel-like relationship with the south African diamond industry—even the Soviet Union has made with the apartheid regime.

The simple truth of the matter is that apartheid exists because it is enormouly profitable to South Africa's ruling white minority. All of the elements of the apartheid system contribute to one objective: the preservation of white minority privilege. In an important sense, South African society operates as one vaste slave plantation. Blacks have little control over their own destinies. They cannot freely determine neither where they live nor the conditions under which they work. they have no importance to the white minority except as a pool of cheap labor required to keep South African mines and economy going and the white minority prospering.

That is why antisanctions advertisements such as the one sponsored by the South African Business Council that appeared recently in the Washington Post—in which a picture of a zebra was presented with a caption that read, "Shoot it in the White and the Black dies with it,"—can only be characterized as obscene. What that ad reveals is that some of the principal beneficiaries of apartheid, the white South African business interests for whom apartheid has been so enormously profitable, are hiding behind the victims of apartheid in their effort to resist stronger economic sanctions and to preserve their profits.

Those who call for new sanctions against South Africa are not unaware that such measures as a trade embargo and disinvestment will affect South Africa's black majority. Clearly increased economic pressure against apartheid will mean economic costs for the black population. But, as Bishop Tutu, Reverend Boesak, and key South African trade union leaders have repeatedly stated, the short-term costs of economic sanctions will be far less than the long-term costs—in terms not only of economic hardship but of loss of lives—of a protracted violent liberation struggle. And the only way that this kind of struggle can be averted is by a decision of the white minority to abandon apartheid and to negotiate with the black majority the transition to a new and democratic political order.

Whatever the costs of sanctions to the black majority, the costs to the privileged white minority will be far greater—and it is precisely for this reason that the South African Government and business community are so determined to defeat this effort to impose new sanctions. The harsh reality is that no regime—in the history of the world—has ever voluntarily relinquished power, and there is no reason to believe that the white minority of South Africa is somehow unique in this respect. The current regime will give up its monopoly of power—will abandon apartheid and sit down to negotiate a new democratic political system with the country's black majority—only when it concludes it has more to lose than to gain by trying to hold on to the apartheid system. Anything we in the United States or the international community do that signals to the white minority that it can continue to operate as a totalitarian, repressive state without fundamental economic costs and deepening international isolation will only prolong the struggle. That, in turn, will mean increased polarization inside South Africa, much greater violence and bloodshed, and far greater risks for the United States and the Western World. We have vital interests in southern Africa, and widening regional conflict and instability will imperil those interests. That is why we need now, rather than later, to do everything we can to help create the conditions for regional peace and stability.

One argument that is often advanced by the opponents of sanctions is that there is no certainty that the end of apartheid will mean the beginning of democracy in South Africa, that it could just as easily herald the emergence of a radical and equally repressive black regime. To this it must be said that there are no guarantees as to the future. A new dictatorship could in fact succeed the current dictatorship. But surely that possibility does not justify our accommodation to the tyranny of the moment. Moreover, it is clear that the more prolonged the struggle to topple the apartheid regime the more violent and polarized the conflict will become, and the less likely it will be that we will see the emergence, in a postapartheid South Africa, of a multiracial and democratic political system. We simply cannot have it both ways: We cannot bemoan the spread of Communist or other radical influences within the liberation movements of southern Africa and then be unwilling to identify the United States, unambiguously, with these liberation struggles.

It is not that sanctions will in and of themselves bring down apartheid—they will not, and we ought to have no illusions on that score—but they will increase significantly the costs the white minority regime must bear for its repression and its inhumanity. And those external costs will reinforce the internal pressures that have been building within South Africa for many years. As a group of British Commonwealth leaders observed not long ago, the failure to enforce much tougher sanctions will only bolster the apartheid regime in its determination to hold on to its monopoly of power indefinitely.

There are elements of America's corporate community that have come together this year to aggressively resist the imposition of new sanctions. Clearly, American business opposition to sanctions has a variety of motivations. For some it is a matter simply of dollars and cents. After all, American investment in South Africa, while exceedingly small in dollar amount and as a percentage of overall American foreign investment, has at times been enormously profitable. Indeed, from 1970 to 1980, foreign companies averaged a 15-percent per year return on their investment in South Africa.

It is not easy to ask America's business leaders to forego this kind of profitability and to make the economic sacrifices that would be enforced under a trade embargo and disinvestment. And we would not be making this imposition were it not clear that American national interests required it. We all wish there were a way to raise the costs to the South African regime that did not also involve costs for the American business community, just as we wish it were possible to avoid collateral costs for South Africa's black majority. But there is simply no cost-free means of adding to the pressure on the South Africa regime—anymore than there was a cost-free means of bringing pressure to bear on the Soviet Union, or Poland, or Libya, or—most recently—Panama. It should be noted, however, that the costs to American business of disinvestment and a South African trade embargo will be relatively quite small. This is, very simply, because direct American investment in South Africa has already declined from a high of $2.6 billion in 1984 to little more than $1 billion. Since 1983, 160 American companies have withdrawn from South Africa and more corporate withdrawals are anticipated. Likewise, the volume of American-South African trade has declined almost 50 percent since 1984: United States exports to South Africa in 1987 totaled $1.25 billion while imports from South Africa amounted to $1.35 billion.

But there are other corporate leaders whose opposition to sanctions is motivated not by profit consideration but by their genuine conviction that their presence in South Africa represents a constructive force for change. These corporate leaders feel a deep sense of loyalty to their South African employees, and fear that disinvestment will cause great hardship—particularly to their black workers. They argue that the increased repression in South Africa is evidence of the failure of economic sanctions, that the United States and the international community should back off, and that the American business community should stay involved in South Africa and seek to work for change from within.

The arguments made by this latter group of sanctions opponents cannot be casually dismissed. There is no question that several—though by no means all—American firms have had exemplary records of corporate behavior in South Africa. They have provided South Africa with a new and positive model of labor-management relations. They have desegregated their workplaces. They have instituted aggressive management training programs for blacks. They have made significant social investments in such areas as education and housing. They have, in short, improved the lives of their South African black employees.

The plain truth, however, is that very few blacks have actually been beneficiaries of these benefits. Indeed, in 1986, no more than 48,000 nonwhites—blacks, coloreds, and Asians together—less than one-half of 1 percent of the South African nonwhite labor force—were employed by all American firms combined. The overwhelming majority of black South Africans face a very different and much harsher reality—a reality that has 3.3 million unemployed black workers and a 30-percent-plus unemployment rate; that denies citizenship to 7 million residents of so-called independent homelands; that involves daily confrontations with a brutal and dehumanizing totalitarian police state; that tolerates forced removals of so-called black spots from white residential areas and the routine separation of families; that has produced violent deaths in the thousands; and that accepts rates of infant mortality that exceed those in many much poorer African states.

Moreover, even the benefits that flow to the few workers in American firms will be for naught if the South African regime cannot be brought very quickly to abandon apartheid and to seek a negotiated political settlement. Not only will the jobs of the black employees be placed in jeopardy by the widening conflict and violence, but so will their lives.

Unhappily, American business investment in South Africa, at the same time that it conveys significant benefits to black employees, provides far greater rewards to the privileged white minority. The continuation of this investment—and of normal trading relations—helps to keep the white minority-dominated economy afloat—17 percent of South African investment is of foreign origin, and 53 percent of South Africa's gross national product is trade-dependent), and thereby reinforces the Afrikaaner regime's fantasy that their monopoly of power can be sustained indefinitely without serious cost. Again, that is why so many of South Africa's black leaders have concluded that continued Western investment in, and trade with, South Africa is only making a bad situation far worse and far more dangerous.

Many American corporations have withdrawn in recent years, some because the profitability of their companies in South Africa declined precipitously, others because of their concern about the domestic consequences of their continued involvement in South Africa, and still others because they concluded that their presence in South Africa was doing more to sustain than to end apartheid. This voluntary disinvestment, together with the limited economic sanctions that have been imposed, has had a real impact on the South African economy and political system. Lest this be in doubt, listen to these words of Gerhart deKock, Governor of the South Africa Reserve Bank, who on September 11, 1987 stated:

> The basic underlying problems that threaten to isolate us from the rest of the world have not yet been solved. The outflow of capital, the emigration of skilled people, the large discount on the financial land, and the decline in fixed and inventory investment, are all sending us messages that we should heed.
>
> They are telling us that, whatever improvements we bring about in our short and long-term economic strategies, we must first and foremost convince both the outside world and ourselves that we are continuing on the road of peaceful and constitutional reform.

Indeed, South African leaders have repeatedly acknowledged the potential impact of any withdrawal of Western economic support. Thus, on April 21, 1986, President Botha criticized a Conservative Party parliamentarian, saying:

> He and his party will not buy our farmers products if we cannot export. Nor will they buy our minerals or our manufactured goods if a general boycott against us succeeds. And they will be powerless if this country's imports of a variety of goods is halted.

And there have been other ramifications as well. Who, for example, doubts that the recently opened dialogue between leading Afrikaaners and the ANC would have occurred were it not for the rapidly intensifying combination of internal and external pressures on the regime?

Finally, there has been the impact of American sanctions on black perceptions of the United States not only in South Africa, but throughout the African continent. Our own Ambassador to South Africa has made clear the value in this regard of the congressionally mandated sanctions effort. Before enactment of this law, most blacks had come to perceive the United States as an active accomplice of the South African regime. But with passage of the Comprehensive Anti-Apartheid Act, over the President's veto, American credibility within South Africa's black community was substantially enhanced.

In short, even the limited sanctions currently in place have had a major positive impact. The intensified repression witnessed in recent months is the product not of a regime consolidating but of a regime unravelling. Increasingly unable to cope with rising dissent and protest, it is increasingly desperate, flailing about trying to find the means of restoring the regime's authority and control. One moment, it becomes even more violent and coercive. The next, it offers up a so-called reform proposal, hoping to coopt some of its black population and to seduce an international community that desperately wants to believe that the regime is committed to a process of fundamental change that will eventually see the voluntary end of white minority rule.

America's historic resistance to the application of sanctions against South Africa has been very costly. It is this resistance that has led so many to conclude that the United States is willing to accommodate itself to apartheid. This resistance to sanctions may therefore have unintentionally added substantially to the pain and hardship inflicted by apartheid on South Africa's black majority. At the same time, it has produced a widespread perception that America has a racial double standard in its foreign policy—a perception that has undermined America's moral authority and political influence throughout that part of the world which is not white—which just happens to be most of the world.

People of color—whether in Africa, Asia, or in Latin America—ask themselves, as should we, whether America would have resisted the application of sanctions for so long if the racial composition in South Africa had been reversed, and it had been a black minority imposing the horrendously dehumanizing apartheid system over a white majority. They note our enthusiasm for sanctions elsewhere in the world—such as those imposed against the Soviet Union, Cuba, Nicaragua, Libya, and most recently, Panama—and they find America's approach to South Africa terribly inconsistent. And they note how even our language is altered to describe the South African situation: for example, we see the frequent characterization of the ANC as comprised of terrorists instead of freedom fighters. And they are bemused by the sudden emergence of Americans as the apostles of nonviolence, when the United States has been hardly reluctant to support a military response in Afghanistan, in Nicaragua, or in Libya. But perhaps the most telling commentary, in the eyes of these observers, is the frequent use by American opponents of sanctions of the argument that "sanctions will hurt the very people we seek to help"—as if the earlier applications of sanctions didn't hurt the Nicaraguans or the Panamanians or the Libyans. Indeed, what is startling is how unaware we Americans often are of our inconsistency, or of the unconscious biases that impair our objectivity and result in flawed policy, policy that does violence to both American values and American national interests.

Nowhere is the loss of objectivity more apparent then in our failure to recognize the extent to which the conflict and instability generated by apartheid threatens American interests not only in South Africa itself but throughout the region of southern Africa. For the desperately insecure Afrikaaner regime, refusing to come to terms with the need for fundamental internal reform, seeks to protect itself by waging unremitting war against what it perceives to be an external threat. This has led South Africa to become a rogue terrorist state, operating with callous disregard for international law or international opinion: South Africa continues to defy the United Nations, and the United States in maintaining its illegal occupation of Namibia; it has invaded Angola with a force of several thousand; it has launched brutal raids into Botswana, Lesotho, Swaziland, and Mozambique; it has attempted to destabilize Zimbabwe and to overthrow the government of the Seychelles; and it has armed and supported brutal dissident groups in Mozambique and Angola. South Africa has, in short, become the principal source of regional conflict and instability, thereby imperiling vital Western economic and political interests and raising the dangers of continuing superpower rivalry and confrontation within southern Africa.

The last argument frequently advanced by sanctions opponents is that, if sanctions are imposed unilaterally by the United States, the Europeans and Japanese will move into the breach created by the departure of American firms from South Africa and by the closing down of American-South African trade. Clearly, multilateral sanctions are preferable to unilaterally imposed sanctions and should be our ulitimate policy objective. But to create that possibility, we need first to demonstrate the will to act on our own. Unless we are willing to do so, we are scarcely able to lead the rest of the Western World in a concerted multilateral sanctions effort. In fact, in the last 3 years, American leadership has played a major part in the decisions of several countries to impose limited sanctions against South Africa.

Finally, it must be emphasized that American action, even if taken alone, can have major impact on South Africa. This is because the apartheid regime continues to look to the United States and Great Britain as the ultimate guarantors of apartheid, as the two countries most likely to resist effective action against the apartheid minority regime. That may not have been our intention these past several years. But that has been the clear consequence of the continuing contradiction between our rhetorical condemnation of apartheid and our acceptance of a business as usual posture toward South Africa. It is time to bring our rhetoric and our policy into synch. It is time that America truly commit itself to the struggle against apartheid. It is not only American values that are at stake. It is also a question of American national interests in all of Africa.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield for one intervention by my distinguished colleague, the gentleman from Michigan.

Mr. PURSELL. Mr. Chairman, we have the Kellogg Corp. in Michigan, and they have a big plant in South Africa. If they were to close down, many of their employees are black. My question is intellectually to all of us, not just to the gentleman in the well, how do the blacks gain economic and political power if they are unemployed?

Mr. WOLPE. Let me say to my distinguished colleague from Michigan, if I may reclaim my time, there are a number of American corporations, I have two in my district, and Kellogg is among them and others that have made significant contributions to the South African economy, that are Sullivan cosignatories, that have established desegregated workplaces, and that they have launched affirmative action campaigns to upgrade management skills of African black employees. They have, in short, improved the quality of life of their employees very substantially.

The problem is twofold. There are only a total of 48,000 nonwhites employed in all of the American firms combined. There are 28 million nonwhites in South Africa, and the vast majority of that nonwhite population have been totally excluded from the kinds of benefits that the gentleman has described as flowing from those American firms that in fact have been exemplary employers.

The second problem is that the struggle against apartheid is no longer a struggle, if it ever was, for desegregated workplaces or for economic opportunity. It is a struggle for power, and the tragedy of the current situation is that American investment and economic activity in South Africa, are doing far more to bolster the Afrikaner regime in its fantasy that somehow it can maintain the system in place without fundamental costs.

It is that analysis that has led me to conclude that we must ask American businesses, even if we wish it were otherwise, to accept some sacrifice in this instance, just as we have asked those same businesses to accept sacrifices when we were trying to make the case for sanctions when the Polish State Government came down on the backs of the Polish labor movement, when the Soviet Union invaded Afghanistan, and when we debated the policies in Nicaragua and Libya and around the world. There is simply no cost-free means of applying the kind of pressure to this regime that must be applied.

Let me make one more brief observation in closing. There is a very dangerous and I think unintended consequence of the economic empowerment argument that we hear all of the time. When we start arguing the key to the end of apartheid is empowering blacks economically, we subtley blame the victims. Let me say to the gentleman that blacks in South Africa today do not lack the vote, are not subjugated, are not being shot in the back at the hands of the South African police because they lack economic power. The fact of the matter is it is a regime that exists in South Africa today and that white regime is in power because it has the guns. And every time blacks have sought to make use of their economic power as such through the trade union movement, the apartheid system makes that impossible by closing down those trade unions and by imprisoning trade union leaders.

Mr. PURSELL. If the gentleman will yield, I do not disagree on apartheid. We are all opposed to that and what the government is doing to the black community is intolerable. The right to vote is essential. But we have to have a combination of economic power in order to gain political power.

So if we shut down the industrial, the United States plants, and the South African Government does not allow them to grow and develop economically, where are the blacks going to go?

They have nobody to turn to in terms of economic prosperity, and therefore the opportunity to gain political power through the process of having a good job and a chance to have dignity and a chance to gain political power.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to my distinguished colleague, the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, is it not true that the President of the United States appointed a commission to study this question of apartheid and this question of economic power? The commission, the President's commission, President Reagan's commission itself said outside intervention would be required to bring about the end of apartheid. The President just ignored that recommendation as he does so many things.

Mr. WOLPE. The gentleman from Florida makes a very important observation.

I do not want to yield more time because of constraints on debate, but let me say in closing that the other observation that needs to be made is that of black trade union leaders themselves involved in the struggle and of such leaders as Bishop Tutu. Bishop Tutu made the observation when he was here some weeks ago that there are three ways of affecting governments that are engaged in repressive actions. One of them is by the vote. But in South Africa, he made the observation that 72 percent of the population does not have that vote.

The second way is violence, but we all agree that we ought to try to avert violence and try to minimize the bloodshed.

What then is the alternative to violence or to the vote is economic and political and diplomatic pressure, economic and political pressure from both inside that country and outside the country.

If one now forecloses the ability to apply international sanctions to reinforce those internal pressures, what we are in fact saying at that we want the status quo, we want to continue the apartheid system.

That is unacceptable. I urge support for the legislation that the distinguished gentleman from California [Mr. DELLUMS] has brought before us today and who has provided the leadership on this issue for so many years.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] has consumed 13 minutes.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, less than 2 years ago, we stood in this Chamber and overrode the President's veto of the Comprehensive Anti-Apartheid Act of 1986.

Throughout 1987 there were persistent reports that our sanctions have led to substantial black unemployment in South Africa. We have succeeded in hurting the very people that need our help.

Here in the United States, sanctions have already taken their toll. According to the Wall Street Journal the hard pressed coal export industry has lost about $250 million as a result of sanctions. The energy leasing provision in the bill we are now considering will result in thousands of lost jobs in Louisiana and Texas, alone.

Since enactment of the Comprehensive Anti-Apartheid Act the South African Government has taken a dramatic turn to the right. The major opposition political party which is relatively left wing in its policy orientation was replaced by the Conservative Party which favors backing away from reforms the government had previously been undertaking.

In short, the South African Government has put a stop to reform efforts.

So, after the troubling legacy of the past 2 years, the House is now considering a bill that would make matters worse—both for black South Africans and for Americans.

Why is this bill being considered at this time? The answer is simple: this is the Dukakis-Jackson foreign policy initiative. Consideration of this bill is timed to provide a boost to his candidacy on the eve of the Republican National Convention. It is clear that sound foreign policy considerations are not the Dukakis strong suit.

The Reagan-Bush administration has an impressive and growing list of foreign policy successes.

The Soviets are withdrawing their military forces from Afghanistan.

Iran has agreed to a cease-fire in its war with Iraq as a result of a determined United States Persian Gulf policy.

And to add to these achievements, the Administration is mediating negotiations between Angola, Cuba and South Africa.

We are now poised to achieve dramatic results. South Africa has agreed to withdraw from Namibia in tandem with the removal of all Cuban troops from Angola—an accomplishment that has been pursued by Republican and Democratic Administrations over the last 12 years.

Can you imagine that at this delicate moment, the House Democratic leadership has decided to ignore the importance of these negotiations to United States interests and to peace in southern Africa. Instead they have decided to charge ahead like a bull in a china shop scheduling the South Africa sanctions bill today.

Now is the worst time for congressional meddling. It can only jeopardize South Africa's continued participation in the negotiations.

But, after all I suppose another foreign policy victory by the Reagan-Bush administration would endanger the electoral prospects of the Democrats. A domestic political victory may be sought here, but at the cost of inflicting serious damage on our country and our national security interests.

I think it is clear that total disinvestment will prove ineffective in the struggle to end apartheid. In fact, such an approach will certainly lead to substantial hardship and suffering for the nonwhite victims of racism.

I will be offering a perfecting amendment to the bill that would have the effect of moderating the extreme provisions of this legislation.

I would bet that if we were not in the midst of the Presidential campaign even Michael Dukakis—in his heart of hearts—would want my amendment to prevail.

If my amendment does not prevail, the next President might well find himself asking Congress to undo the damage we may do here today.

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Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this legislation which I believe is counterproductive to the goals we all share of equal rights in South Africa and very harmful to the best interests of our own country, the United States.

Mr. Chairman, I rise in opposition to this legislation, which I believe adopts a counterproductive approach toward a goal we all share—the dismantling of the system of apartheid in South Africa.

I wish to comment specifically on section 3 of the bill. This section concerns our Nation's energy policy and would institute actions that would have a damaging effect upon our domestic fossil fuels production.

Section 3 contains two parts. The first part would prohibit the transport by U.S. flag vessels of crude oil and petroleum products to South Africa. We debated the merits of this provision in the Committee on Energy and Commerce just last week. All members agreed that this prohibition would have little or no practical impact. At this time there is simply no transportation of petroleum to South Africa on United States vessels.

Whether or not one agrees with the imposition sanctions as a means of encouraging the elimination of apartheid, it should be clear that enactment of sanctions that have no impact will accomplish nothing. Enactment of this essentially meaningless provision would therefore be, at best, an empty gesture.

The other part of section 3 is even more bothersome. This provision would strike directly at our domestic oil and gas production by prohibiting the issuance of leases to drill on Federal lands to any U.S. company that is affiliated with a foreign company that does business in South Africa.

Mr. Chairman, this provision would do much more harm to domestic energy production than it would do to South Africa. It would end future oil and gas exploration in promising but hard to reach areas by companies that are leaders in advanced technology. This would also result in the loss of over 3,000 American jobs in the oil production sector.

All of these negative consequences would come at a particularly inopportune time. As we all know, domestic oil production has been on the decline. But oil consumption is increasing and the growing gap between domestic production and consumption is being filled by imports. This not only jeopardizes our energy and national security, it is a very significant contribution to our trade deficit.

I will close by repeating my support for the goal of moving the South African Government toward a more humane and just treatment of the black majority. We all want to see an end to apartheid. But we need not, and should not, implement inappropriate sanctions that will not work, and will cause harm to our own economy.

I urge my colleagues to vote no on H.R. 1580.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky, [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to H.R. 1580, and in support of the Broomfield-Burton amendment.

Mr. Chairman, I rise in opposition to H.R. 1580, the so-called Anti-Apartheid Act Amendments of 1988. It's just crazy.

We have already demonstrated that economic sanctions will hurt rather than help the blacks in South Africa as they try to shake free from the chains of apartheid. We imposed limited economic sanctions on South Africa nearly 2 years ago and what has happened? The Pro-Apartheid Conservative Party has strengthened its position. The Government has cracked down on opposition groups. Soviet influence is increasing while the United States has lost virtually all of its influence with the Government. That is what our sanctions have done.

If we pass this bill today, we can pat ourselves on our sanctimonious little backs and go home pretending that we have done a wise and noble thing. But we will also know it is hogwash. Tightening the sanctions on South Africa can only hurt the blacks it is supposed to help.

If we are serious about helping the victims of apartheid we would accept the Broomfield or the Burton Substitutes to H.R. 1580 which do something positive for blacks by bolstering the economic power of the black community. With this bill, as it stands, we just tear them down a little more and put millions more of the victims of apartheid out of work.

I urge my colleagues to support the Broomfield and particularly the Burton substitute to this bill. The Anti-Apartheid Act, in itself, is nasty, mean-tempered, counterproductive, showboat morality and nothing more. It deserves defeat.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. WOLPE] for his outstanding work on this bill as well as the gentleman from California [Mr. DELLUMS] and all the others who have worked so diligently to bring this bill to the floor.

Let me say on the matter of timing in bringing the bill to the floor that the Committee on Foreign Affairs considered this bill very thoroughly with full and complete hearings over a long period of time after the bill was finally agreed to in our committee it made in the normal course of events, its trip through the Committee on Banking, Finance and Urban Affairs, the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Ways and Means and the Committee on Interior and Insular Affairs.

So it seems to me that one cannot argue, very well, that consideration in depth has not been given to this bill. It has been given consideration. And it arrived here today following the normal processes.

If one is opposed to a bill, there is never a good time to bring it up. But the fact is that this bill has proceeded apace in the normal course of events and comes to the floor in due course.

The only argument that could be made other than that would be: Why not wait until after the recess? The answer to that is obvious: When we return there will be only 18 legislative days remaining and we have a lot of legislation to consider.

This is an important matter. It has been under consideration since the last sanctions bill was passed in 1986. The only thing that has changed is that the situation has gotten worse in South Africa, not better. And there was an opportunity to do something, there were years and years and years of time within which to take the opportunity to make things better, whether it had to do with the South African trusteeship in Namibia or a settlement in Angola.

The fact is what is being done has finally come around at this late time. If one wanted to be purely political, and I do not want to be, one could say the flurry of activity was in an effort to stem the tide around the world with the disgust over what is going on in South Africa.

The truth of the matter is it will not make a whit of difference when you act on this bill but we ought to act on it now. Not that I have any illusions, Mr. Chairman, that we really are going to be able to dictate to anybody what they do in their own country. If we are saying anything at all, we are saying it to our own people and we are saying it to them because they are insisting that we say it. They are insisting that we say it in this country.

So we are making a moral statement. We have expressed our outrage and disgust. That is what we are doing. But what this does is put teeth into that moral statement for our own people, not for the Government of South Africa.

The South Africans have in their own hands the ability, the capability to solve all their problems, but they will do what they want to do. It is sheer illusory to think that in some way, because we act on this bill, that we are going to disturb their thoughts or their political actions or their desire to solve the problem. Now if they want to use it for an excuse, so be it; if you want to use it for an excuse, so be it. But the fact is that the American people, with this legislation, are saying, we have spoken out time after time after time about the moral disgrace of the situation in South Africa and we are not going to put up with it anymore.

We are now connecting economics with our moral stand for our people and the people of South Africa. It has nothing to do with that Government.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this effort to force South Africa into the Mozambique-Ethiopia model.

Mr. LAGOMARSINO. Mr. Chairman, the tensions and bloodshed in South Africa are a direct result of the immoral, discriminatory apartheid system. I strongly object to and oppose this inhuman, prejudicial system which totally disregards man's inherent rights to freedom, liberty and equality. I, too, hope that South Africa will soon become a truly Democratic nation based on majority rule and protection of minority rights. Simply put, apartheid is wrong and must be abolished. I strongly support positive, constructive efforts to eliminate apartheid. However in its present form, H.R. 1580, the legislation before us today, bans trade with South Africa and requires United States companies to shut down operations in South Africa and is an ill conceived, poorly focused economic embargo which will hurt the very people of South Africa we want to help. This embargo would impair, not enhance, the type of societal and political restructuring in South Africa that would peacefully bring about democracy and equality.

I believe we should target the South Africa Government, not the South African people, especially not the nonwhite people. In 1986, Congress passed the Comprehensive Anti-Apartheid Act, legislation that made attempts to tailor sanctions to particular sectors, like the white majority government, while encouraging American businesses to support black development and self-help projects. I voted for these sanctions and voted to override President Reagan's veto. However, H.R. 1580 is not as carefully designed as this previous measure and takes a total "scorched earth" approach.

I am deeply disturbed by the very negative impact of H.R. 1580 could have on the United States and the black South Africans we are trying to help. This legislation is an example of short-term election year political expediency overshadowing long-term national and human interests. This legislation would dramatically effect blacks and the American companies which employ these people. American Cyanamid Co., currently employs 6,000 black workers. Should this bill be passed, the education and housing programs this company has adopted for its employees would stop in 180 days. That means the blacks employed by this company have no jobs, no opportunity for furthering their cause through education, and even no housing.

In this country the effects of this legislation would also be dramatic. The Dellums bill, while claiming to target South African businesses and apartheid, in reality strikes at the heart of the United States energy industry. Over an 11-year period, 11,000 U.S. jobs may be lost—many of which could be in my district comprised of Santa Barbara and Ventura Counties. Revenues to the U.S. Government could decrease by $2.1 billion, further increasing the Federal deficit, and U.S. energy development would at best be delayed, if not seriously impaired, by section 3 of this bill.

The Dellums bill also targets American retirees! The provisions of this bill will have a serious, negative impact on the California State Teachers Retirement System. According to STRS chief executive officer, having to divest $3.8 billion, 17.8 percent of the retirement fund, "in a matter of a few months will have a detrimental impact on the fund." Other pension programs could be ruined by this bill. I cannot support this irresponsible treatment of the welfare of America's retirees and their benefits.

The trade and investment ramifications of H.R. 1580 go far beyond the boundaries of United States-South African trade and economic ties. By prohibiting all investment, all imports—except strategic minerals and publications—and all exports—except disaster relief. This bill, in reality, sanctions America, not South Africa. Its effect on American businesses and jobs is immediate and direct. South African businesses and our foreign competitors will benefit. For example, the Japanese could buy raw material imports from South Africa—at lower prices because of the drop in United States demand—and then export them as finished goods to the United States. Our competitors get a boost, and we end up buying the same South African raw materials—from Japan at a higher cost, further increasing our trade deficit.

Black South African businesses will also suffer. In the 1986 Comprehensive Anti-Apartheid Act, there are provisions applauding U.S. efforts to help black businesses. Urbanization and increasing black economic power have been the major factors in the substantial and continuing erosion of apartheid. As Helen Suzman, who has been fighting apartheid for 25 years in the South African Parliament, wrote to the foreign affairs committee:

> These two factors, black economic muscle and black urbanization, with the levers, the pressures and the new bases for mobilization which they provide, are the most potent weapons which black South Africans have * * * [these factors] have been the most important and decisive factors in producing changes, such as repeal of the pass laws and influx control, the granting of full trade union rights to black workers, the scrapping of racially based job reservations, the recognition of the permanence of blacks in urban areas and with that, the right to home ownership, etc.

H.R. 1580's total sanctions provisions undermine all of these actions. Only after lengthy debate in the Foreign Affairs Committee was H.R. 1580 amended to exempt products from 100 percent black-owned businesses from the import ban; 99 percent or less black-owned businesses do not count. H.R. 1580's sanction could cause significant black unemployment, further undermining the gains blacks have already made. A 1987 study commissioned by COSATU, the largest black labor union, estimated that 2 million additional South Africans would be put out of work by the year 2000 if further "low intensity sanctions, gradually escalating over an extended period" were imposed. This legislation does far more than that. This same concern was echoed by the South African Council of Bishops in a similar report.

While H.R. 1580 could have serious negative effects on United States and black South African businesses, big business in South Africa could benefit! In 1983, four white South African corporations controlled 70 percent of the Johannesburg Stock Market. By 1987, that share had risen to 83 percent of total capitalization. These big, white South African corporations and/or Japanese concerns are now looking forward to snapping up American subsidiaries that will have to be sold for a fraction of their value. This legislation disregrards that American companies have been a vital instrument for change in South Africa. They have taken the lead in challenging the South African Government's discriminatory laws and practices in and out of the workplace while improving the standard of living for the blacks. I doubt that the South African big businesses and/or the Japanese which will buy out these will continue these important antiapartheid programs.

In addition, over 60 percent of South Africa's export income is from gold, diamonds, and platinum. These exports are almost impossible to embargo, though sanctions may contribute to a rise in prices, actually increasing South Africa's export income. Last year, South Africa enjoyed a record trade surplus, and the Washington Post reported recently that trade with the rest of Africa is on the rise. While these black African neighbors are unquestionably opposed to apartheid, they have not embargoed trade. South Africa's real growth rate rose from under 1 percent in 1986 to about 2 percent in 1987, and is projected to reach 2.5 percent to 3 perent in 1988. Hence, this legislation could hurt the blacks and help the apartheid government.

H.R. 1580 makes no real exceptions for humanitarian, educational, religious, or vocational activities or investments. While the bill presently contains an exemption to permit continued operation by the U.S. Agency for International Development [AID] to assist disadvantaged South Africans, it adds little new authority and, in fact, contains additional restrictions. Therefore, if this bill became law, Bishop Desmond Tutu's much heralded Get Ahead Program could face possible termination—it is primarily funded by U.S. corporations.

The special restrictions on energy transactions could be in violation of the new United States-Canada Free Trade Agreement and other trading agreements with Western European Allies. H.R. 1580, as amended by the Foreign Affairs Committee, requires divesting American companies to negotiate with its employees regarding the terms of divestment. These required negotiations "shall include discussion and *agreements*" (emphasis added). The U.S. Government is compelling firms to reach an agreement. This is a dangerous precedent to be setting. I am opposed to the Federal Government mandating internal business management practices on the private sector at home and abroad.

I also deeply care about environmental and wildlife issues. The effects of H.R. 1580 on animals and their conservation in South Africa could be devastating. As has happened in Uganda, Angola, Sudan and other countries, we could annihilate game for, in effect, political reasons. Endangered wildlife do not know apartheid. Restrictions in H.R. 1580, such as bans on the importation of hunting trophies which are an important source of revenue for conservation and restocking programs, will force endangered species to pay the price for our political maneuvering. They pay with their lives. South Africa's Game Conservation Program is one of the world's most advanced and one of the few in Africa. This program is responsible for bringing the white rhino and bontebok back from the verge of extinction. Extinction is forever, I cannot turn my back on this important environmental issue.

Sanctions and disinvestment measures like those in H.R. 1580 could cripple, add even a greater economic burden on its weakest members; namely, the blacks. This obviously, leads to greater frustration, anger and violence. The radical, uncaring elements on both the right and left feed upon this resentment promoting further death destruction and tyranny. A strict embargo like this one only serves the interests of groups like the South African Conservative party, which favors backing away from reforms, on the right and the Communist African National Congress [ANC] on the left. This pro-Soviet group is opposed to peaceful, moderate change and is responsible for the indiscriminate terrorist bombings that have killed both blacks and whites. It is in the best interests of our own national security as well as in the interests of all South Africans to prevent extremists like the ANC from gaining control. The last thing Africa needs is another desperately poor, totalitarian, anti-Western nation.

The South African Government has stated that it will enforce sanctions of its own against its African neighbors should an embargo occur. This countersanctions strategy would wreak economic havoc on these black-ruled neighbors and, in some cases, destabilize them politically. For example, Zimbabwe is 90 percent economically dependent on South Africa and its collapse would be swift, dramatic, and highly visible. The enclosed map provides a more detailed account of these formidable retaliations.

I believe our goal is to assist the South Africans in building a stronger, more equal and more democratic nation, not to destroy their economy and increase tensions, violence, and black suffering. Therefore, rather than support H.R. 1580, which has many flaws and appears to me to hinder efforts to find a peaceful, constructive solution, I support the Broomfield amendment which calls for employment of blacks and multilateral sanctions and also support the Republican substitute to this measure and voted for it in the Foreign Affairs Committee. Instead of broadly applying additional sanctions against all South Africans, this approach sets forth positive measures to assist the victims of apartheid and strengthen their ability to promote change.

For example, the substitute and the Broomfield amendment authorizes loan guarantee assistance for disadvantaged South Africans. It would support the expansion of economic opportunity for disadvantaged South Africans and target efforts on black private enterprise development through education, training, and legal assistance. It would establish U.S. policy that the Export-Import Bank and the overseas private investment corporation be used to assist the black business sector. It would establish an advisory group for the coordination of assistance to disadvantaged South Africans from the United States public and private sectors. It would require a Presidential certification that U.S. aid recipients adhere to a strict set of antiapartheid principles. The substitute does not repeal the sanctions in existing law, the Comprehensive Anti-Apartheid Act of 1986. I believe this substitute offers a better, constructive way to abolish apartheid peacefully. I am also very concerned about the prohibitions on intelligence cooperation with South Africa a nation with the potential to build atomic weapons, this is not in our interest. I strongly urge my colleagues to oppose H.R. 1580 and support the Broomfield amendment and the substitute.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. BONKER], a member of the committee.

Mr. BONKER. Mr. Chairman, the bill before the House today, H.R. 1580, provides for further economic sanctions against South Africa, including disinvestment by United States firms doing business there. The legislation represents the work of six committees, and strengthens action taken by the Congress in 1986 in passing the Comprehensive Anti-Apartheid Act over the President's veto. As chairman of one of the subcommittees responsible for crafting this measure, I believe H.R. 1580 is the next important step we should take to help bring an end to apartheid in South Africa.

The South African Government's response to passage of the 1986 act has been to detain without charge some 30,000 people—including some 10,000 children—in conditions where physical assault and torture are not uncommon. The Government has also banned virtually all nonviolent political organizations and imposed a near-total press blackout on opposition activity. Hundreds have been killed recently in apartheid-related violence.

The history of unilateral trade sanctions confirms my belief that they rarely bring about the desired change in the behavior of a foreign nation. However, sanctions can carry great symbolic importance. Pertoria's apartheid policies are so repugnant to our Nation's democratic values and are such an egregious affront to fundamental human decency that I believe we must unequivocally disassociate the United States from South Africa, regardless of the policies and actions of other nations. That is the purpose of H.R. 1580.

The Subcommittee on International Economic Policy and Trade oversees legislation relating to economic embargoes. In the 6 years I have served as chairman of the subcommittee I have watched both the executive and legislative branches attempt to influence or punish foreign governments by flexing America's economic muscle. In the context of our debate today, I wish to offer a few observations on the use of economic sanctions to achieve foreign policy goals.

Trade embargoes are a favorite tool of foreign policymakers and politicians. They are hailed as a means of expressing U.S. displeasure with another nation's behavior without having to resort to the use of military force. For State Department bureaucrats they can send a louder signal than mundane diplomatic demarches. Trade protectionists can sometimes turn embargoes to their advantage by using import restrictions to close America's market to unwanted foreign products. More often than not, however, they offer a quick and seemingly low-cost way to avoid unpredictable military interventions or more politically unpalatable options.

Their advocates know no ideological or partisan boundaries. Political liberals call for trade prohibitions against high-wing dictatorships; political conservatives target Communist and left-wing regimes for trade bans. Despite their appeal, economic sanctions usually fail miserably as an instrument of foreign policy. Their repeated use has hurt our domestic economy, tarnished our reputation as a reliable supplier, and generally damaged America's competitive position overseas.

Since the Second World War, the United States has resorted to economic sanctions in dozens of situations, against dozens of countries. Among the best known cases are two involving the Soviet Union.

In response to the invasion of Afghanistan in December 1980, President Carter slapped a partial embargo on future grain sales to the Soviets. Without the cooperation of such other leading grain exporters as Argentina and Canada, the Russians were readily able to find substitute supplies elsewhere. Candidate Reagan denounced the grain embargo, and promised farmers "never again." But when faced with the need to respond to the imposition of martial law in Poland in December of 1981, he turned to economic sanctions to stop the Soviets' construction of the Yamal pipeline. This time the victims were American petroleum equipment manufacturers and related service industries. The President's extraterritorial extension of the embargo to cover U.S. subsidiaries in Europe fueled transatlantic trade tensions, created a deep rift between the United States and its NATO allies over security issues, and led to the revocation of the sanctions barely 1 year later.

Full or partial financial and/or trade controls or embargoes remain in place today on Cuba, Kampuchea, North Korea, South Yemen, Vietnam, Iran, Iraq, Libya, Syria, Nicaragua, and Panama, as well as on the Soviet Union and Warsaw Pact countries. Yet, Fidel Castro, Muammar Qadhafi, Panamanian strongman Manuel Noriega and others retain their hold on the reins of power. American businesses closed down and went home, only to watch Japanese, French, British, and other firms fill the vacuum left by their departure.

The price tag of economic sanctions to the American economy runs to the billions of dollars. Lost exports mean lost job opportunities for American workers. It is time to consider whether we as a nation can afford to continue paying such a high price.

In 1985 the President's Commission on Industrial Competitiveness—known as the Young Commission—estimated that foreign policy export controls alone cost our economy $4.7 billion annually in lost sales. National security export controls add another $7 billion to the total.

The National Corn Growers calculated the 1980 U.S.S.R. grain embargo cost Americans more than $11 billion in lost national output, plus a loss of 310,000 jobs and $3.1 billion in personal income. The American Soybean Association totaled the loss of potential sales at 1.5 million tons of soybeans, oil, and meal in 1980 alone.

In 1986 the Commerce Department conservatively estimated that if United States petroleum equipment and service firms had been able to maintain their traditional share of the Soviet market in the early 1980's, they would have won some $2 billion in orders rather than the $170 million they actually obtained. Based on the standard Commerce Department formula, this translates into 46,000 lost jobs for American workers.

A May 1987 GAO report devoted to sanctions on Libya concluded: "The departure of United States oil companies from Libya has had little effect because the oil previously produced and sold by these companies is now produced and marketed by the Libyans, providing them with additional revenues."

Finally, a July 1987 GAO report on U.S. foreign policy export controls found that: "the costs—of such controls—are borne by American businesses through the loss of export sales to firms in other countries."

In most cases the questionable foreign policy benefit of sanctions does not justify the enormous economic cost to our farms and industries. As Western economies become increasingly intertwined, the United States' ability unilaterally to influence the actions of foreign, sovereign nations through economic leverage diminishes. Without parallel support from our allies or that target country's major trading partners and without our ability to cutoff alternate sources of supply, unilateral economic sanctions impose little or no economic or foreign policy cost on the targeted nation. Indeed, sanctions often serve the interests of the very regime we seek to punish by enabling the leadership to stir up anti-American sentiment. As Costa Rica's President Oscar Arias observed in May: United States sanctions against Panama were hurting the Panamanian people, not General Noriega.

To paraphrase Secretary Shultz, our foreign competitors also capitalize on our "light switch" trade embargoes to dissuade potential customers from using American suppliers, parts and components, and to encourage customers to avoid multiyear relationships with U.S. companies. Former Commerce Secretary Baldrige labelled this phenomenon part of the "de-Americanization" of the international marketplace.

In an attempt to avoid repeating the mistakes of the past, my subcommittee led the congressional effort in 1985 to revise the criteria and procedures for imposing foreign policy export controls under the Export Administration Act—the President's principal statutory authority to regulate exports. The intent was that diplomacy precede sanctions; that sanctions not be used unless and until a thorough cost-benefit anlaysis has been prepared. Ideally, the process weighs the likelihood of the controls achieving the stated foreign policy purpose against the availablility of comparable goods from other sources, the possibility that other countries will adopt complementary sanctions, and the probable impact of the sanctions on the U.S. economy and competitiveness. Before imposing sanctions, the President is required to consult with Congress, industry and appropriate foreign nations, and to submit a report to Congress setting forth the cost-benefit assessment.

How has the President complied with the new requirements? Largely by bypassing the Export Administration Act authority altogether and making the International Emergency Economic Powers Act [IEEPA] the weapon of first resort. IEEPA, as its title implies, is intended for use in times of national emergency, when foreign events pose "an unusual or extraordinary threat" to the United States. From the President's perspective, IEEPA contains neither a cumbersome cost-benefit analysis nor a lengthy prior consultation requirement. The President turned to IEEPA to impose sanctions against Libya, Nicaragua, and Panama. By contrast, the Reagan administration has carefully followed the criteria and procedures of the EAA—to argue against sanctions—has been in the case of South Africa.

For South Africa, the President and his deputies have repeatedly pointed out that they have prepared a detailed cost-benefit analysis, and have "consulted intensively with South Africa's main trading partners, all of whom are major allies of the United States * * * for the most part they are strongly disinclined to follow the American lead or act unilaterally in adopting further punitive sanctions." It is not surprising the administration's assessment concludes that sanctions will not achieve the foreign policy goal set forth in the 1986 Anti-Apartheid Act: dismantling apartheid and moving to a peaceful transition to majority rule in South Africa.

According to press reports, however, the sanctions adopted by the United States and certain other nations in recent years have affected South Africa's economy. A June 28, 1988 Journal of Commerce story reported that: "Three years of growing external economic pressure have drained the South African economy of its vigor, capped its growth potential at less than 3 percent a year and put a clamp on foreign trade. * * * thanks to trade sanctions * * * there was no real growth in exports last year and none is expected in 1988. And thanks to a worldwide bar on investment and foreign loans—exacerbated by the need to repay more than $20 billion in outstanding foreign debt—its balance of payments have become an absolute constraint on growth."

Foreign commerce contributes one-half of South Africa's GDP. Clearly, the present sanctions would have had an even greater impact if three of the world's largest trade surplus nations—Japan, Germany and Taiwan—had not dramatically increased their trade with South Africa last year.

H.R. 1580 will enhance the effectiveness of the sanctions by encouraging their "multilateralization." The bill directs the President to negotiate with other industrialized democracies agreements imposing sanctions comparable to those contained in H.R. 1580. A foreign company that takes significant commercial advantage of the withdrawal of United States firms from South Africa will face reductions in its United States imports and/or will be denied United States Government procurement opportunities, unless its government has a comparable sanctions agreement in place with the United States.

But this provision is a double-edged sword. Its unwise use could promote protectionism. It also has the potential to ignite trade wars. For example, H.R. 1580 would prohibit further sales to South Africa of United States aircraft and parts, and deny servicing of aircraft already sold to South Africa. Should the European Airbus consortium take advantage of this situation without having a United States-European Community sanctions agreement in place, the President would be forced to take actions that might erupt into a full-blown trade war between the European Community and the United States. Hopefully, the United States and European Community will conclude an agreement on parallel sanctions.

Unlike the damaging effect sanctions had on American firms in Libya and Panama, the incremental approach reflected in the 1986 act and in this bill will have a negligible effect on most United States companies that continue to do business in South Africa. Many United States firms have severed or significantly curtailed their South Africa operations in recent years. South Africa comprises only 0.4 percent of all American direct investment overseas, 0.3 percent of United States imports, and 0.5 percent of United States exports. Only three American firms derive more than 3 percent of their total sales from South Africa; for these three, their South African sales represent less than 8 percent of their total annual revenue.

We should bear in mind that the success of economic sanctions—apart from their symbolic value—relates directly to the degree of economic pain they can inflict on the target nation. We should not delude ourselves: U.S. sanctions alone will not inflict enough pain to eliminate apartheid. Only in concert with other like-minded nations will we succeed in bringing sufficient economic pressure to bear on South Africa. But in the process we must not permit South Africa to fuel potentially explosive trade wars.

The mounting human cost of apartheid makes it unconscionable for the United States to maintain a "business as usual" relationship with Pretoria. We must press South Africa's other major economic partners—and particularly Japan, Germany, and Taiwan—to join us in imposing complementary trade and financial controls. But morally, the failure of any other nation to act is no excuse for United States inaction.

I urge my colleagues to vote today for H.R. 1580, and to renew our efforts tomorrow to encourage other nations to take an equally strong stand squarely against apartheid.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE], the ranking member of the Permanent Committee on Intelligence.

Mr. HYDE. Mr. Chairman, I hate to harken back to the rule, but I just cannot avoid commenting that this rule that we are operating under today certainly is an affirmation of Lord action. You got the power; I should think you would wield it with a little more grace than you have.

There are two major amendments. One which Mr. BROOMFIELD will offer, an entirely different theory, and a major amendment by Mr. BURTON, entirely different theory. Respectable? Well, you do not have to agree.

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So what have you done? You have given a half hour to his amendment. You have given a half hour to that one amendment. That means 15 minutes on a side. How tolerant of you. How nice of you. That is the arrogance of power. You are intolerant of debate. I suppose we are lucky you are going to let us vote on it.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Oh, yes, I yield to my friend. If you will get me some time, I will yield.

Mr. GIBBONS. Mr. Chairman, I have studied both of the amendments, and they are both just a form of appeasement. We have practiced appeasement for 2 years. It does not work; it never has worked. We could dispose of these amendments in 5 minutes.

Mr. HYDE. If I could take back my time, I listened to your lecture in the Rules Committee about how France won our Revolutionary War.

I will not yield. I will not yield.

Mr. GIBBONS. Look to your right. Look at the picture of that man over on the wall. He is a Frenchman.

Mr. HYDE. Thank you, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] yields back the balance of his time.

Is the distinguished gentleman from Michigan [Mr. WOLPE] seeking recognition?

Mr. WOLPE. Mr. Chairman, may I ask, how much time has been consumed on this side?

Mr. BURTON of Indiana. Mr. Chairman, a point of order.

We had one of the most eloquent speakers on our side of the aisle giving a speech, and I think it was very important. It was a very important one. I, personally, wanted to hear it. And he was interrupted, even though the Chair had granted that he had control of the time.

I think that is wrong. I think we should not allow that to happen, whether it is on the Democratic side or on the Republican side.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, how much time is remaining on each side?

Mr. BROOMFIELD. Mr. Chairman, could the Chair tell us what amount of time was charged against the gentleman from Illinois [Mr. HYDE]?

The CHAIRMAN. Two minutes.

Let the Chair make the statement as to how much time remains on each side. The gentleman from Michigan [Mr. BROOMFIELD] has 50 minutes remaining and the gentleman from Michigan [Mr. WOLPE] has 39 minutes remaining.

Mr. WOLPE. Mr. Chairman, let me defer to my distinguished colleague, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, the gentleman from Illinois [Mr. HYDE] talked about the arrogance of power, and then you will not even let the guy talk. You stand up on his time and start pointing to pictures over here. With all due respect, we do have rules around here, and they are supposed to apply equally.

The other thing I want to talk about just for a second is that we are not going to get out of here until 7 or 8 tonight, and that is really intolerant of the minority because we have plane schedules to meet to get to our convention. We have a guy we want to nominate for President as well, and you are not being fair. There is an arrogance of power that transcends this issue. I am going to talk about this issue, but you guys ought to be fair because it is not right.

I heard my colleague on the African Subcommittee say that there is going to be a bloodbath over there if we do not impose these sanctions. I believe just the opposite is true. If we impose these sanctions, we have sowed the seeds for a violent, blood revolution that the blacks will not be able to win because they do not have the military power to do so.

There is none so blind as those who will not see. If we put 2 million blacks out of work and put 10 million kids to bed hungry at night because they are not going to be able to be fed, we are going to sow the seeds of dissent that will lead to a bloody revolution. They will be ripe for the revolutionary rhetoric of the African National Congress. The African National Congress is controlled by the South African Communist Party, and we know it. They have been receiving millions of dollars in aid from the Soviet Union in military supplies.

Mr. Chairman, if members are asking me to yield, I will not yield.

I want to say, if you really are as concerned about the plight of the blacks in South Africa as you say you are, you ought to do something to enhance their ability economically to deal with the problems over there. You ought to create more jobs, better housing, and better education, and that is exactly what our black empowerment bill does.

Let me tell the Members what the blacks are saying about your bill and about my bill. First of all, we had Mr. James Negoya, the head of the South African Black Taxi Association, come before our committee. The chairman of the subcommittee did not even pay any attention to him, but here is what he said:

> I sat in this room yesterday and heard people say that if sanctions make black people in Africa suffer more, that does not matter because they are suffering already and won't mind suffering some more. I even heard them say that whether more sanctions will help bring down apartheid doesn't matter, because imposing sanctions puts America on the right side of history.* * * Does that mean you really do not care what the black people of South Africa want? * * * I ask you to listen to our voices * * * before you decide what is good for us. Before you decide that black children must go hungry so you can be on the right side of history.

That is a black leader who represents 100,000 black taxi owners in South Africa. Why do we not listen to him? Does he not matter? Only being "on the right side of history" seems to matter.

Then we have Bishop Lekganyane. Listen to what he said. He leads 5 million in his church. He had 2 million at one rally. He is referring here to my letter, and he said this:

> You state in you letter that proponents of (further U.S. sanctions) contend that they have the support of the majority of South African blacks. They do not have such support, and if they honestly believe they do, they have been misled. They never had such support and I cannot foresee that they will have it.

I want the Members to listen to this. He went on to say the following:

> Only economic development, more jobs, social upliftment, improved housing, better education for all, increased and equal opportunities will help us destroy apartheid. Just as the stroke of a pen abolished slavery but failed to destroy racism, the stroke of a pen would help in ending apartheid, but will not destroy it. We ourselves are the only ones who can eradicate it. You can certainly help if you associate yourselves, by visibly and tangibly extending your assistance, know-how, by creating jobs, by expanding the capacity of the economy to offer prosperity.

That is the answer, to help them economically, so that inside the country they can have the power to strike, so they can have the power to boycott products, to put pressure on that government, and their economic power will be political power and it will bring about positive change. For you to ignore that is to sow the seeds of a violent revolution and the bloodbath you say you do not want.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me simply say this: Two years ago I came to the well of this House, and it was one of the first times as a freshman and as a member of the Republican Party that I vigorously and strongly objected to my President's handling of this issue. I still fault him in many respects on this issue. That has not changed.

But I must say that this bill has serious problems. I object, first of all, to taking it up at this point in time when a very delicate breakthrough is occurring relative to Angola and Namibia.

I talked to my colleague, the gentleman from Michigan, this morning on the telephone and asked him why at this point in time, rather than in September, we are taking it up. I view it as a very counterproductive to the people in the southern half of the African Continent, if we are concerned about their safety and about an end to violence and creating an environment that would be conducive to human rights.

But there are inconsistencies in the committee bill that perhaps my colleague, the gentleman from Michigan, can explain to me. Why, for example, do we distinguish between the importation of raw materials as opposed to refined products made out of those raw materials? We know, for example, that one of the major sources of outside income to that regime is the diamond trade. Diamonds largely mined in Namibia, a land occupied illegally by that regime, are exported to the Netherlands and Israel and polished and sent here as a major source of foreign export earnings for that regime. Why do we put such a loophole in here so those diamonds can continue to come in here without barrier because they are a manufactured derivative of a raw material?

Let me simply say this: I fully support any effort to impose sanctions or economic pressure on this regime if it is based relatively to the behavior of the government or the business community or social agencies or civil law in that regime. But why do we prohibit the import of manufactured or raw South African product into our country if it is from a white-owned firm but not if it is from a wholly owned black firm? The criteria now in the bill before us makes the distinction or prohibition on the basis of race, not the character of the conduct of the business.

If we want to talk about Sullivan principles or strengthen Sullivan principles, that is appropriate. Nor am I averse to economic pressure. In fact, I find it terribly inconsistent that the bill, on something like this, imposes sanctions, imposes them when they do not work, allowing us to get caught up with these misunderstandings.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I believe my time has expired.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Congressional Black Caucus, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, to my friend, the gentleman from Michigan, who just asked the question, why do we debate the sanctions bill now, I ask him, why do we send Contra aid now? We cannot have it both ways. We cannot send arms to Nicaragua and ask for peace and then want to send bread to South Africa.

The administration cannot have it both ways. If we want to have peace in Nicaragua, then we should withdraw military aid and give peace a chance.

Mr. Chairman, I am hopeful that the historic proceedings in this House today will take us a step closer in bringing an immediate end to apartheid. I make a special appeal for passage of this sanctions bill. For those who argue that we must respect the sensibilities of P.W. Botha for the resolution of the question of Apartheid—I bring before you the images of five men and one woman—known throughout the world as the Sharpeville Six. For any one of us who holds out hope that the Botha regime will ever suspend the practice of apartheid of their own free will, let me remind you that these individuals sit this day on death row—awaiting execution for the crime of common purpose. The Pretoria government has indicted and proposes to kill these people for an act of a crowd for which there is no proof that any of them were present. Every effort and every appeal for clemency has been ignored or rejected—an ominous signal, an overt sign that this is a battle that will require the continuous involvement of people of conscience throughout the world. Left to their own devices—the Botha regime will assassinate the Sharpeville Six. Left to their own devices—apartheid will never end.

In the name of these and others who will die senseless deaths without our direct intervention—let us vote for passage of H.R. 1580.

Mr. Chairman, I rise in support of H.R. 1580, the Anti-Apartheid Act Amendment of 1988.

My support is based upon a simple premise—the majority of South Africans and Namibians—black, Asian, and white, have called on us to take the moral and political leadership of the international antiapartheid struggle and sever all ties which would benefit the racist South African regime.

I think it is important to stress the fact that our efforts here are in response to the majority of South Africans and Namibians who are bearing the brunt of the brutal repression of the Botha government. It is they who, through their leaders, have pleaded with us to use our economic leverage to minimize further bloodshed and structural damage.

The decision, on their part, to call for sanctions, was not made in ignorance of the costs to be borne. Rather, it was made with heavy hearts, because of an understanding that the Botha regime could not be moved by peaceful internal protest nor by a willingness to die for justice.

This understanding is given emphasis by the continuing imprisonment of Nelson Mandela, who recently celebrated his 70th anniversary in prison. Mr. Mandela has expressed his willingness to give his life for the freedom of his people. Mr. Botha and his cronies seem eager to take it.

The intransigence of the Botha regime has been shown equally by its continued illegal occupation of Namibia. A solution for South Africa therefore necessarily requires one first for Namibia.

A refusal to accede to the pleas of the South African people, made after lengthy deliberation and much loss of lives, must brand us as cowards or as racists.

Mr. Chairman, we do not fool anyone by the subterfuges which we have devised to rationalize our accommodation with South Africa. The bitter truth is that the Reagan administration has aligned itself with the white minority regime and has openly defied the will of the U.S. Congress.

The administration's response to the passage of the 1986 Comprehensive Anti-Apartheid Act has been to publicly declare its opposition to the imposition of sanctions and to privately seek every means to prevent the full implementation of the act.

It has therefore sent a clear message to the Botha government that it can continue to operate as a totalitarian, repressive state.

Mr. Chairman, today we send a different message. We are here to pass H.R. 1580, a strengthened version of the 1986 bill. We know that sanctions alone cannot dismantle apartheid but it will increase the cost to the South African Government. We also hope that this bill is a precursor to multilateral sanctions, which will offer a strong reinforcement to the internal pressures created by the South African and Namibian people.

Mr. Chairman, I want to commend Representative DELLUMS, the author of the bill, for his leadership on this issue.

I urge passage of H.R. 1580.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], a member of the Committee on Foreign Affairs as well as the Committee on Banking, Finance and Urban Affairs.

Mr. BEREUTER. Mr. Chairman, I believe that every Member of the House of Representatives finds the principle of apartheid morally reprehensible. Further, I believe we all seek to condemn the South African Government for its institutionalized practice of apartheid and for the deprivation and injustice suffered by South African blacks through systematic Government denial of access to economic, political, and social opportunities. We all want to exercise some form of pressure on the South African Government that would cause it to abandon apartheid.

The issue before us with this legislation is not one of support for or condemnation of apartheid. The issue we are debating today is whether or not almost total unilateral economic sanctions will be an effective political and economic instrument in bringing an end to apartheid in South Africa. I believe that, as now constructed, H.R. 1580 will not effect an end to apartheid and will, in fact, be detrimental to the interests of the black majority that we are trying to assist. Economic sanctions can only be effective when levied in concert with South Africa's—and our own—major trading partners. And they can only be effective when accompanied by measures that empower, not debilitate, the black majority. The Broomfield amendment, which will be offered later today, closes these gaps in the bill, actually giving the U.S. greater leverage, flexibility, and potential impact on the Government of South Africa as a foreign policy instrument.

This Member, like the majority of my colleagues, voted both in support of the 1986 South African Sanctions bill and in favor of overriding the Presidential veto. I did so in the belief that the time was ripe for some urgent action on the part of the United States to effect a breakthrough by the South African Government. I also had some faint hope that United States sanctions would lead to sanctions by other nations—at least from the nations of the British Commonwealth.

Neither occurred. In 1987, South Africa's economic growth rate increased to 2.6 percent from 0.5 percent in 1985. Its exports increased substantially during the same time period despite a reduction in exports to the United States by almost half. Annual United States exports to South Africa are down by well over $1 billion while Japanese exports have increased almost two-thirds to $4.3 billion. Taiwanese exports have tripled and now approach $1 billion per year. At the same time, South African blacks have disproportionately borne the burdens of the United States sanctions. According to an article in the Washington Post in late 1987, some 5,800 black workers lost their jobs as a result of the withdrawal or sale of U.S. corporate holdings. Another 22,000 layoffs of primarily black workers were directly attributed to reductions-in-force as a result of the sanctions.

H.R. 1580 is not just antiapartheid, it is despite the best of intentions, anti-South African. The effects of the bill will be least felt by the ruling white elite and most felt by the black majority we are trying to assist. It will lead to further deprivation of blacks. It is a policy of total abandonment and relinquishment of the political and economic leverage we might otherwise be able to exercise.

For example, United States companies in South Africa pay nonwhites significantly higher wages than they earn in the general economy. They have policies of nonsegregation and fair and equal employment practices. They conduct extensive training and education programs for their workers. They recognize and encourage black trades unions. They work to improve the quality of life of blacks through housing, education, transportation, health, and other programs. And they work to eliminate social and political inequities and injustices. The U.S. corporate presence and their enabling programs will be ended under H.R. 1580 and with it, a day-to-day, nuts-and-bolts program of economic growth and development for blacks that could establish the basis for black political growth and development in that country.

H.R. 1580 requires the selling off of U.S. assets within 3 to 6 months of passage of the bill. This sale would represent a gift to the ruling white elite who would acquire these assets at well below market value and who would not pursue the programs and policies for nonwhites currently conducted by U.S. firms. U.S. divestment would subject black workers to policies we despise.

United States imports of strategic minerals from South Africa are exempted by H.R. 1580. However, 65 percent of South Africa's exports are bulk minerals such as gold, diamonds, and strategic minerals. Gold and diamonds can be processed in third countries and then imported into the United States. This exemption limits even further the potential effectiveness of sanctions.

On the political level, we have made important advances in negotiations in Namibia and Angola which would be jeopardized by the passage of this bill. United States mediation has led to an arrangement whereby Cuban troops will be withdrawn from Angola in exchange for the decolonization of Nimibia by South Africa—the last vestige of colonialism on the African continent. This agreement will end Fidel Castro's dream of an African empire, and will reduce Soviet influence in Africa. H.R. 1580 could not come at a more inopportune time in terms of the recent successes we have had at the negotiating table. These successes are still very fragile and are yet to be implemented. South Africa's willingness to withdraw troops from Nimibia is critical to the settlement. Sanctions would seriously jeopardize the South African Governments willingness to move forward with the troop withdrawal and may, in fact, serve to further rigidify its policies both internally and in the region.

For these and many other reasons, I ask my colleagues to make this legislation effective by supporting the Broomfield amendment. Otherwise the bill should be rejected as a step which would severely hurt black South Africans.

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Mr. WOLPE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I have so much to say that I could talk for hours on this subject, but I will try to be brief.

Mr. Chairman, this is not a black and white issue. This is not a unilateral issue. This bill is a tough bill, and anyone who complains that it is not tough has not read title II of the bill inserted by the Committee on Ways and Means.

Mr. Chairman, this is a tough bill. This bill comes as close to economic warfare as you can put two nations. I will explain that in just a minute, but let me answer the argument about why we are here today.

Two years ago, after a long delay, this Congress, over the President's veto, passed a trade sanctions bill and a disinvestment bill. The President, as most President's do when they have a problem, appointed a commission. That commission studied the whole question of whether constructive appeasement—I guess I might as well call it appeasement because that is what it is—was a path to follow or whether confrontation on a unified basis was the path to follow. That commission, his commission, brought in the recommendation that outside intervention was the only way to bring about an end to apartheid; that real hard hitting at the Government of South Africa and at the people of South Africa was the only way to bring about a solution. And what did the President do? He just ignored the commission's and the Congress' recommendation, despite the fact that he had vetoed the bill and the Congress had by two-thirds vote overridden his veto.

Just recently, all of the nations of the former British Empire met in Toronto. They considered this subject, and studied this subject, and what did they recommend? They recommended outside intervention, not continued appeasement.

Mr. Chairman, appeasement has gone too far. Appeasement has gotten this country and this world in terrible shape once before, in the 1930's. The same debate that we are having today echos the same words spoken then between those who would intervene and those who would appease. Unfortunately, the Japanese decided that question for us on December 7, and we intervened.

But we appeased for a long time. We appeased in Spain, we appeased in Europe, we appeased in Japan. We got an awful lot of casualties out of that appeasement, and the world got millions of casualties out of it.

Let us go back to how tough this bill is. Here is what this bill will do when it becomes law:

It says:

> Mr. President, you've got 6 months to go out and negotiate with the other industrialized nations of the world and get an agreement out of them that they will impose sanctions as strict as ours.

And, Mr. Chairman, ours are strict. They let nothing in this country, nothing in this country; I repeat: nothing in this country from South Africa except some strategic minerals, if the President approves those strategic minerals and says we have to have them. So, it is a total embargo. It is a total embargo.

Now let me go on from there.

If the President has negotiated for 6 months and he cannot get the other industrialized countries to go ahead with an embargo like ours, he is required, not permitted—he has had 2 years of permissiveness and appeasement and he has done nothing—but this bill requires him to take action against those countries who have exploited our embargo. By that I mean the Asian countries, Japan, Taiwan, and the others, and I mean the European Community. I will name them all, if my colleagues want me to, but it requires him to take action against those countries to offset in our market the amount of trade that they have taken up with South Africa where we left it off; not just trade from the date of enactment of this bill, but trade since 1986.

My colleagues know what those countries are going to do. They do not want to give up the U.S. market. They are going to come and say, "Mr. President, thank you for your leadership. We've been waiting for that leadership, and we go along with you. We'll put an end to this kind of appeasement that we've been practicing."

Mr. Chairman, all of my colleagues know the history of appeasement in this world. That is what we have been practicing, and now we have got to put an end to it.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me.

Mr. Chairman, we all recognize that the Iranian and Iraqi war is coming to an end, and it is going to be a matter of time until OPEC picks itself up and puts itself back together again, and there is surely another energy crisis coming in the United States, and what I want to do is to briefly address section 3, the energy section, in this bill.

Section 3 says that any company whose parent is a foreign company and they do business in South Africa, then that company can no longer lease American lands. It gets to keep all of its existing production, its existing facilities, but it cannot lease in the future.

Now I would like to refer specifically to my State of Louisiana and to Shell Oil Co., one of the three companies impacted by this legislation.

Mr. Chairman, Shell is the largest leaser off the coast of Louisiana. Shell has technology whereby they drill in waters 1½ miles in depth. No other company in the world can drill in waters more than a mile in depth. They do not have the technology. Shell is on the leading edge of this technology.

We are telling Shell they are going to have to take a choice, and they very well could take these two superrigs that they have and move them to the North Sea. If they did that, we in Louisiana would lose 700 jobs immediately, 10,000 jobs, as estimated, over the next 11 years.

Now let me point out that the British Embassy has indicated that they will be under pressure to retaliate if we should do this to Shell Oil, and to British Petroleum and other major companies such as Exxon which is very active in the North Sea. And certainly we do not want to get into this type of a war with our close ally.

In addition to that there are other exceptions besides minerals: agriculture. The big Belgian company, Bunge, can continue to do business in South Africa as well as the United States. The French company, Deryfus, can continue to do business in South Africa as well as the United States. So, we have made exceptions.

Now what kind of citizen is Shell Oil Co. in South Africa? For the last 2 years they have been running advertisements in the newspaper throughout South Africa saying that Shell supports the right of all people to live where they choose. Who next? A free press is the cornerstone of democracy. Shell Oil Co.; Shell supports freedom of association. They have been one of the leading spokesmen opposed to apartheid. The Botha government has publicly condemned Shell Oil for its stand there, and here we are telling this company who is on the leading edge, operating there, trying to change the system, that they can no longer do that.

Mr. Chairman, this energy provision is bad policy for the United States, is bad policy for what we are trying to accomplish in South Africa.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. WYLIE], the ranking member on the Committee on Banking, Finance and Urban Affairs.

Mr. WYLIE. Mr. Chairman, as I stated 2 years ago when the House was debating H.R. 1460, the first sanctions bill, there is no room in the world today for officially sanctioned racial discrimination. Apartheid is abhorrent, and I agree that the United States should not stand by and ignore the continuation of this policy. Although I have always been a strong proponent of sanctions legislation and fully understand that South Africa has made no visible progress in ending apartheid, despite passage of previous sanctions legislation, I have some serious reservations about this bill, H.R. 1580.

As the ranking Republican on the Banking Committee, let me address one problem in this bill with respect to bank loans. Under this bill, banks will not be able to reschedule existing loans with South Africa. Because of the debt moratorium that South Africa imposed after the first sanctions bill, no payments are being made under original loan terms, thus, United States banks will have no other alternative then to sell the loans because they will become uncollectible under original terms. The bottom line impact is that United States banks stand to lose over $1 billion, and our banks' loss will become the South African Government's gain. It is inconceivable to me that the authors of this legislation would want to confer such a windfall on the South African Government.

I should make the point that no new lending has occured since the last sanctions bill, the only new money flowing into South Africa has been short-term trade financing which will be prevented under this bill. Additionally, no new investment has been allowed either. The first sanctions bill was a positive step forward which banned new banks loans, but to allow the South African's to excuse their debt now is, in my opinion, not a sanction.

Other provisions of the bill are also troublesome, for instance, U.S. investors, big and small, may lose over $1 billion because of the mandated disinvestment. Also, the breaking of all intelligence ties between our two nations is mandated by this bill, despite the strategic location of South Africa.

I encourage my colleagues to support the Broomfield alternative as a more sensible in their approach to this problem. We should seek allied strength if these sanctions are to be effective, as the Broomfield alternative suggests. Moreover, the Burton substitute would specifically attempt to improve black economic power in South Africa while maintaining the existing sanctions. Both of these objectives are laudable—and notably lacking in H.R. 1580.

H.R. 1580, in its present form, is a solo effort, because we do not have indications that other nations plan to follow our lead in the sanctions effort. Will blacks have more economic power if we pass this bill? Most likely not—and, therefore, their leverage for change will diminish.

In the final analysis what we are doing here is simply sending a signal that we will have nothing to do with South Africa. It is a symbolic move, and I can understand that approach, but with respect to real economic harm to the South African Government and economy, I really don't believe that there will be any significant impact from the sanctions contained in H.R. 1580.

As I mentioned, I have supported sanctions in the past on every occasion. I favor more punitive action against South Africa, but I believe that this legislation needs to be improved. As it stands, U.S. banks and investors will be injured, with no corresponding benefit or gain to the black majority in South Africa. Moreover, this legislation will provide a significant financial windfall for the South African Government, and I fail to understand how that is a sanction. I am hopeful that the authors of this bill will set politics aside and support an improved, meaningful sanctions bill.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES], the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. STOKES. Mr. Chairman, as chairman of the Intelligence Committee I rise in strong support of this bill. First, I want to address section 104. It would prohibit any intelligence cooperation with South Africa except that it would permit the exchange of information about Cuban, Soviet, and Angolan military activities and equipment in Angola. Section 104 would also repeal the provision of existing law, which now permits intelligence liaison relationships with South Africa.

Section 104 would also urge the President not to assign defense attachés to our diplomatic mission in South Africa or accredit South African attachés in this country to the extent that such action would be consistent with the continued ability of the United States to exchange information about the war in Angola and with intelligence collection activities not involving cooperation with the Government of South Africa.

Mr. Chairman, to understand the approach of section 104, it is necessary to understand that current law only prohibits the sharing of intelligence with South Africa that relates to the South African internal opposition, including the ANC. However, even in that case, intelligence sharing is permitted as long as the provision of such information is reported in advance to the Intelligence Committees of the Congress.

While I cannot discuss the actual details of U.S. intelligence liaison activities with respect to South Africa, I think I can and should say in fairness that U.S. intelligence cooperation is certainly less than what would be permitted by current law. Nonetheless, the image presented to the outside world—and particularly to the other nations of southern Africa and to the oppressed black majority population of South Africa—is that the United States has entered into a long-term cozy relationship with the very agencies responsible for the war in Angola, support to the Renamo movement in Mozambique, assassination raids into neighboring countries, and most egregiously, the brutal enforcement of apartheid in South Africa. This is a relationship which says to the black population of southern Africa that the United States may mouth opposition to apartheid, but when it comes right down to it, is not willing to sever its relationship with the most feared and repressive organs of white minority oppression in South Africa.

Mr. Chairman, the Intelligence Committee examined the question of intelligence relationships with South Africa during two hearings. What we learned was that there is, as you would expect, some trepidation within the U.S. intelligence community and within the State Department and the Department of Defense about curtailing an intelligence liaison relationship. The Intelligence Committee gave their concern careful consideration.

What it came down to in the end, in my view and I believe that of the majority of the committee, was a determination that there would be no serious impact on the national security if the United States prohibited an intelligence relationship with South Africa.

Let me repeat, however, that this prohibition does not affect the exchange of information about Cuban, Soviet, or Angolan military activities or equipment in Angola nor does it affect in any way the conduct of diplomatic activities.

Mr. Chairman, it is unusual for the Intelligence Committee to recommend against the collection of intelligence abroad. We have not done it with respect to any other region or country. We do not recommend it lightly in this case. We make it only with respect to a Government which seeks to point to its relationship with the United States to show other nations and its white minority supporters that it is not an outlaw nation. That it is simply fighting communism in southern Africa, that it is our friend and ally.

Mr. Chairman, South Africa is not our friend and ally. It uses the specter of international communism to repress and destroy black nationalism and to deny the most basic human rights to the vast majority of its people. The essence of section 104 is to deny South Africa the respectability that an intelligence relationship can connote, and to remove the impression among frontline states and black South African opposition groups that the United States condones the activities of the South African intelligence and security services. It will remove once and for all the nagging doubt among black South Africans that the United States is working against them. Rather, it will show in the clearest possible way that the United States refuses to deal with the most visible and dreaded organs of white South African repression.

I also want to urge the rejection of amendments that would permit waivers of its limitations on intelligence cooperation. In this category fall the Broomfield and Burton amendments.

Even more harmful, however, is the KYL amendment, which would permit the waiver of any restriction on cooperation with the South African military, even those in current law. This is because section 104 of the bill repeals existing law relative to intelligence cooperation with South Africa. The Kyl amendment retains these repealers and it would give the President the ability to waive the bill's restrictions on military cooperation. Thus, the President could remove any restriction on cooperation with South African military intelligence, which is responsible for assassinations and destabilization throughout the neighboring states of southern Africa.

Mr. Chairman, the Kyl amendment doesn't even preserve the status quo. It would set back U.S. antiapartheid policy and increase the fears of other African states about U.S. intentions in that region. It would make bad, even disastrous law.

□ 1515

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, let me state first and unequivocally that in our fight against apartheid in the Republic of South Africa, I am for the use of sanction, but at the right time only, and as a result I oppose H.R. 1580.

As someone who has traveled and worked through South Africa for many years and met the church and the opposition leaders, let me explain what I mean. This is, of course, a judgment call, but the sanction route now primarily in the extractive industries is in my opinion the wrong move at the wrong time.

The reason is simple. This is the last card we have to play short of war. At times we feel omnipotent as an economic power with the ability to sway nations at will, but in this case not South Africa, and if we play our last card I feel the game is over and we then wait and see. As we know, the waiting game with a tough defiant Afrikan Government does not work. And why should it work now?

There is another option and that is proposed by the gentleman from Michigan [Mr. BROOMFIELD]. Stick by our guns on the elimination of apartheid. That is a given, but make one change. Accept the fact that we cannot alter the present South African Government nor its policies on our own. We do not have the power, period. The only way we can eliminate apartheid is in concert with others. Let us use that power and multiply it, linking ourselves with the two critical allies, that is Japan and England, and if that fails, let us then go the sanction route; but absent that, England and Japan right now, the sanction card really must be played very, very carefully. We can play it now so low and I believe we lose the fight.

If we are serious long term about the elimination of apartheid and we are willing to take the longer route, then the Broomfield amendment is the right and the practical and the wise approach.

Mr. Chairman, today we play the game of power economics. Let us play it smartly.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the ranking member of the Ways and Means Committee, the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I rise in opposition to H.R. 1580 because I believe it serves a strident political purpose rather than establishing an effective policy against the apartheid practices of the South African Government. Even in the face of such abhorrent practices, we cannot afford to be unthinking and therefore, ineffective, in our efforts to bring it to an end. This bill would cause severe injury and economic dislocation to the group it is designed to benefit—the blacks and other victims of apartheid in South Africa. It goes far beyond the bounds of being a constructive approach.

Since H.R. 1580 will not bring us any closer to our goal of gaining full civil and political rights for the majority population of South Africa, the bill's costs—large scale job losses among both blacks in South Africa and American workers; damage to the competitiveness of numerous United States industries; increased reliance on the Soviet bloc for strategic minerals; and the patently unfair forced divestiture of South African stock holdings by thousands of individual Americans—are costs we cannot afford and should not accept.

I will direct my specific comments on the bill to sections considered by the Committee on Ways and Means. Among these trade-related provisions is a requirement that forces the President to deny entry into the United States market to any foreign entity that takes "significant commercial advantage" of any sanction or prohibition imposed against South Africa under this act. The bill provides that these third country sanctions are allegedly to "offset the value of the commercial advantage obtained by the foreign person."

Proponents of H.R. 1580 have a difficult problem in that our major trading partners do not necessarily share the view that expanded sanctions would be more useful in bringing about an end to apartheid. While understandable in light of this frustration, a requirement to discipline the whole world is an unworkable, extra-territorial application of U.S. power which will be deeply resented by our trading partners. They view it, correctly I think, as prejudicial to their sovereignty.

The third country penalty provisions in H.R. 1580 are directly contrary to United States law, which has strong restrictions against complying with international boycotts against countries such as Israel. Indeed, Israel as well as the frontline states of Africa could easily be among the countries injured by this provision.

The result of punishing other countries for not complying with our sanctions will be retaliation by our trading partners against unsuspecting U.S. exporters, an undermining of U.S. leadership in the GATT and other multilateral organizations and, most assuredly, reduced international cooperation to end apartheid.

I will support a motion to recommit which includes instructions to strike this section.

Another provision, which was added in the Foreign Affairs Committee and accepted by Ways and Means, would remove the President's ability to waive U.S. sanctions where they would have the effect of increasing the reliance of U.S. businesses and industries on imports from Communist countries. This is an unwise measure which eliminates an essential protection of U.S. security interests that is written into current law. Increased dependence on the Soviet Union for strategic minerals and other products is a serious consequence that must not be ignored.

Other costs associated with this bill include those that fall upon United States businesses, especially small businesses, which import from South Africa essential minerals and other substances that are not available from alternative, reliable suppliers. I offered an amendment in the Ways and Means Committee to give the President authority to allow the importation of essential substances where they are not available from other alternative, reliable suppliers. This was unfortunately not adopted and, as a result, industries in my State which produce such items as cresylic acids, napthenic acids, soda chemical products, hydraulic fluids and resins important in the manufacture of semiconductor microchips, will face economic hardship and decreased competitiveness.

In areas outside my committee's jurisdiction, the bill remains seriously flawed and counterproductive. For example, we will be forcing many pension funds into absorbing large losses which will fall disproportionately on senior citizens. Section 102, aimed at several large oil companies, would deny United States drilling leases to United States-based companies which are subsidiaries of foreign firms that do business in South Africa. Even though a subsidiary may have cooperated with existing United States sanctions and does no business with South Africa, it will be forced out of the United States, causing heavy job losses in this country. One region that would feel the impact spans Texas and Louisiana. Furthermore, our closest ally, Great Britain, has indicated that, if this provision becomes law, it will retaliate in kind against United States interests in the North Sea.

Finally, Mr. Chairman, a few comments about the timing of this bill. We are all aware that very recent substantial breakthroughs have been made in negotiations between Cuba and South Africa toward achieving an end to the war in southern Africa and the independence of Namibia. In a letter urging the leadership to delay a vote on H.R. 1580 because of the adverse effect consideration will have on the negotiations, Secretary of State George Shultz says the following:

> This is clearly not the time to signal an intention to bring about a fundmental change in our relationship with one of the parties of the negotiations. Both the U.S. mediating role and the prospects for Namibian independence emerging from the negotiations could be jeopardized. A House vote now to impose harsh new sanctions would be a significant disincentive for the South African Government to continue talks which are clearly at a crucial stage.

Forcing a vote on H.R. 1580 today, in light of the Secretary of State's request to support crucial negotiations, disturbs me. It is time we put foreign policy and trade relations back on a more constructive track, in coordination with the President and our important allies around the world. I cannot condone broadscale economic warfare against South Africa in the absence of any evidence that such sanctions are effective in improving the situation for South African blacks.

I urge my colleagues to vote "no" on this sanctions bill.

Mr. WOLPE. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from Texas [Mr. Leland].

Mr. LELAND. Mr. Chairman, I want to thank the gentleman from Michigan for giving me this opportunity.

Let me just paint a picture. A few hundred years ago black people in this country were fully employed on the plantations throughout the southern regions of this country. We were fully employed and a lot of people felt at that time that we were better off by working than be being free.

We have heard so much about jobs in South Africa today, but we have forgotten the very humanity that we are targeting through this legislation. It is time now for us to bring to bear the reality in very clear terms that we are talking about freeing the people of South Africa, the 25 million black people who have not the opportunity to serve in a body like this, the Congress of the United States. We in the people's House of the United States recognize that fully, those of us who are from African heritage. There are 23 of us, and just think in your deliberations today that if in fact we were in South Africa your colleagues, the gentleman from California, Mr. Ron Dellums, the gentleman from Georgia, Mr. John Lewis, the gentleman from Ohio, Mr. Lou Stokes, the gentleman from New York, Mr. Charles Rangel, and I could go on and on, would not be here.

Now, let me clear up one fact, too, in the short time I have and that is that the leadership did not engage in some kind of insidious plot to try to undermine the Republicans on this matter. It was the Congressional Black Caucus that went to the leadership and asked the leadership to put this bill on the agenda for this day because we felt that if we had waited one more month when we go into recess that we would not have the time to deliberate on the opportunity to pass the bill in the Senate and thus ultimately pass the legislation.

We are very, very concerned here, that indeed what we have to do is to free black people. What happened to the phrase, "Given me liberty or give me death," that thing that we hold so highly and regard so much in this body when we fight for those freedoms for our people in this country? We must be empathetic freedom fighters in this body on behalf of the people of South Africa.

Mr. Chairman, I would like also to talk about the differentiation between those who advocate that we not impose sanctions who are black in South Africa and those who are freedom fighters and those who are freedom lovers, who are peaceful freedom lovers, like Bishop Tutu, who advocate for us to impose sanctions on South Africa.

Many years ago when the black people in the South on those plantations who were working in the fields were advocating that they be free, but the black man in the house who was protected and had certain confidence, he too was saying, "Hey, everything is all right on the plantation. We don't need these freedoms that these people out here in the field are talking about."

That is the best illustration that I can give about those people who have come to this Congress and asked our Congress not to impose sanctions on South Africa, on this cruel, insensitive, evil, destructive and murderous apartheid regime in South Africa.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. Crane].

Mr. CRANE. Mr. Chairman, as Members of Congress, it is clear that we are all in agreement in that the official policy of apartheid practiced in South Africa in appalling, and the United States should do everything in its power to see that it is dismantled. Unfortunately, we are not in accordance on the most effective method in which to achieve our mutally desired goal. The solution laid out in H.R. 5175 maximizes the destruction of the South African economy, which will increase black unrest, and ultimately lead to civil war. A more effective method, which may take a little longer but will not lead to bloodshed, would be to increase the power of blacks economically, as the Burton substitute provides, and eventually the Government of South Africa will be forced to recognize blacks politically.

By imposing sanctions against South Africa, Americans are in effect, stating their opposition to the injustice of apartheid. However, beyond this policy statement, the benefits of sanctions are few and the potential negative ramifications many.

Although well intended, sanctions will never have the opposite effect of what is generally believed. While the white ruling class is likely to be inconvenienced slightly, blacks can expect to suffer severe economic hardships. As a result of the Anti-Apartheid Act of 1986, the economic might of whites has increased significantly, primarily due to the disinvestment of over half of the established American firms. The new owners, most of whom are white South Africans, have laid off many of the black employees, abolished the many progressive work rules, educational programs, and fair pay which blacks had come to expect from their American employers. The total disinvestment required in the new sanctions bill, which Congress is currently considering, certainly guarantees more of the same results.

It is widely believed that the elimination of trade between the United States and South Africa will pose a serious threat to the economic well-being of the strategically located nation. However, in anticipation of further sanctions, the South African Government along with private businesses has been actively stockpiling many of the products which will no longer be available to them through the United States for the most part. South Africa is confident that the material which has thus far been accumulated will be sufficient until alternate sources of supply are uncovered.

In the 2 years since Congress passed the Comprehensive Anti-Apartheid Act of 1986, whites have become less willing to negotiate rather than more so, as was anticipated at the time of passage. Sanctions have given the most reactionary parties ammunition to argue that South Africa's security is threatened. In their view, the Government must respond to this threat by curtailing any thought of allowing further liberalization.

The far right-wing parties have gained a significant number of seats in parliament at the expense of the Liberal Progressive Federal Party. It is instructive to note that the current government is considered moderate within the South Africa political system.

Should this government be defeated by its more reactionary opponents, black South Africans could well conclude that overthrowing the Government is their only remaining alternative.

Many Members are unaware of the effects sanctions will have here at home. It is estimated that sanctions will cost our Nation's businesses over $1.2 billion in annual exports. The United States coal industry alone has lost $250 million in 1986 and 1987 due to the United States embargo on imports of South African coal. Furthermore, the National Coal Association has stated that between 3,000 and 7,000 United States miners have lost their jobs as a direct result of sanctions against South Africa. Additionally, a report released in April by the U.S. Department of Commerce concluded that current sanctions could potentially cause a loss, in sales and canceled contracts, of up to $300 million annually to the U.S. uranium industry.

An additional threat of sanctions will be our increased dependency on the Soviet bloc for essential metals such as platinum, rhodium, and palladim. Even with the Soviet supply, in addition to other available world sources, the amount will only satisfy approximately half of the United States industrial demand. Although the bill allows the continuation of some strategic minerals deemed irreplaceable by the President, some analysts have said South Africa could forbid the shipment of the metals as a form of retaliation.

By increasing the economic contacts between our two countries, we will increase our ability to support the reformers within the South African Government who seek to moderate and eventually dismantle apartheid. There is every reason to believe that our presence in South Africa and our adherence to the Sullivan principles will indeed influence South African policy in a favorable manner. Such a gradual evolution toward a just society is far better than continuing a policy of sanctions which will only help fan the fire of revolution.

Let us move away from well intended but misdirected efforts which could well further incite violence in South Africa. We must adopt a policy which will enable South Africa to evolve into a more just society. We must not forget that it took us decades to resolve the many racial tensions which have plagued our own communities for years. Similar evolution toward complete democracy in South Africa will also take time.

I urge my colleagues to oppose the Anti-Apartheid Act Amendments of 1988.

□ 1530

Mr. WOLFE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, I thank the gentleman for yielding time to me. As a cosponsor, I rise in strong support of the South African bill.

Mr. Chairman, I rise today in support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

When we debate this bill, we are not debating a subject foreign to the American experience. We are debating the issues of justice, dignity, and respect for the rights of men and women to be treated as human beings.

We are deciding today whether we, as a nation, should stand tall as leaders of the free world, or instead give up the fight against racism and indignity and allow the South African Government to dictate further repression against its majority black population.

The legislation before us today encourages nothing radical or different from what all of us, rich and poor, black and white, expect in our everyday lives.

Sanctions provide one of the last chances to avoid all-out war in South Africa. Since June 1986, the South African Government has detained over 30,000 opponents of apartheid without warrant and without trial, including 10,000 children. The government has blacked-out all reporting of anti-apartheid activity. Even Walter Cronkite, America's most respected journalist, was threatened after he broadcast a report on the effects of apartheid.

In February of this year, the South African Government banned the 17 major groups advocating peaceful change in South Africa. These groups included the Major Democratic Trade Union Federation [COSATU] and religious organizations. Even the Detainees Parents Support Committee, a grassroots organization formed by parents of young people detained by the South African defense forces, was closed down. The sole mission of the DPSC was to try to keep track of the people detained by the government and to press for their release. Since the South African Government does not release information on the people it detains, parents, friends and other relatives of missing people have no way of knowing whether a loved one has been detained.

I was encouraged last week when the Commonwealth Committee of Foreign Ministers on Southern Africa noted that trade sanctions are having a discernible impact on South Africa. I have little doubt that these commonwealth countries, and others around the world, will join with the United States in working toward more comprehensive sanctions.

The sanctions contained in today's bill will give renewed hope to the people of South Africa working for freedom. It will serve as a sign that we Americans care about them, and will support them as they engage in peaceful struggle.

In addition, this legislation rewards the South African Government should it repeal the hated apartheid laws and regulations and begin the transition to majority rule. All it has to do is reform—release political prisoners and detainees, make progress toward dismantling apartheid, repeal the state of emergency, work for true democracy in South Africa and Namibia—and the sanctions will be lifted.

Robert Kennedy, speaking to students in Capetown, South Africa, 22 years ago, issued a call which continues to ring true.

> Only earthbound man still clings to the dark and poisoning superstition that his world is bounded by the nearest hill, his universe ended at river shore, his common humanity enclosed in the tight circle of those who share his town and views and the color of his skin. It is your job, the task of the young people of this world to strip the last remnants of that ancient, cruel belief from the civilization of man.

Tragically, the cruel belief Robert Kennedy talked about still exists in South Africa. That is why we are here today.

Let us work for justice, for equality, for democracy, for the dignity of all men and women. Let us join together to stamp out apartheid.

I urge you to support H.R. 1580.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to talk about energy in this bill. I support the South African sanctions bill strongly. There has been a lot of concern expressed about energy provisions, a lot of questions raised. This bill has tough provisions on energy. There is no doubt about that. The language that many of us were able to agree on and insert says specifically that no energy company will be able to be involved in the refining, distribution or transportation of oil in South Africa.

Mr. Chairman, exactly what does that mean? What is the understanding? This sanction says this, that if one of the six companies that predominately supplies about two-thirds of South Africa's oil engages in these practices that they have 6 months to divest, and then they have, again, another 6-month one-time grace period permitted by the President. If they continue to engage in this practice they will not be permitted to be involved in bidding on future, emphasize future, Federal oil, coal, or gas leases in the United States. I wanted to point that out, that it deals with the same provisions or requirements for divestiture and only applies to future leasing in the United States. It does not affect the present leases they hold.

As I said, there were six companies. Three of those are totally American companies, and those companies are included by the general provisions of the bill, but there are three other companies that supply about half of the oil, half of that amount going to South Africa. Those companies are Shell, British Petroleum, and another company is Total. What this would say to those foreign-based companies with a large American subsidiary that if the foreign company engages in selling or engages in these practices in South Africa, then the American subsidiary would not be able to bid on future, emphasize future again, Federal oil, coal, and gas leases.

What is the energy picture in South Africa? Basically, about 18 percent of South Africa's needs are supplied by oil, but we cannot tell exactly, because oil is classified as a munition of war under South Africa law, and we cannot tell how much is supplied, but 18 percent, half of that comes from the three companies I mentioned.

Oil is the jugular of South Africa. Some might say, "Eighteen percent? Why are we concerned about that small amount?"

The South African energy distribution, energy use picture is such that oil is vital, so we are actually going to a jugular vein of South Africa.

Concerning the economic hardship that has been raised, particularly regarding Shell, Shell has about 400 million dollars' worth of assets in South Africa, and it has almost 27 billion dollars' worth of assets in the United States. In one leasing transaction alone in this country, it bid a fourth, 25 percent, of all of its South Africa holdings. Where do you think they are going to make the choice, between South Africa or the United States?

Let us assume that Royal Dutch Shell chooses not to. Can they cause economic damage projected in the United States?

First of all, they are assuming that no one else will bid on the leases they are passing up. That is not a fair assumption.

Second, they are not mentioning that many of their leases are already working, and this only affects future leases.

Mr. Chairman, I urge the Members to support this bill with a strong energy sanction. It is good business, and it is good sanctions.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, when the Congress last debated South Africa in 1986, I voted for the limited sanctions resolution. I also voted to override the President's veto.

It is legitimate that we debate this issue and seek a foreign policy that will hopefully contribute to the end of this terrible evil. However, I am uncomfortable with what we are doing today.

I want to raise a serious question. I am going to vote against this bill. I believe there is a likelihood that, assuming imposition of drastic economic sanctions, there will be considerable violence. We could create as many as 2 million unemployed, desperate, angry people, the kind of people who resort to revolution. If that were the old South, the situation would be entirely different. But this is South Africa.

Within 24 hours, South Africa can call up 180,000 heavily armed troops, and within 48 hours, or within a week, they can call up another 180,000. If internal turmoil began to threaten the white rulers in South Africa would those rulers act to crush the rebellion? Of course they would and they are equipped to do so.

My fear is that while I even question whether we have any power to influence apartheid in South Africa, what may actually result from our efforts is far more violence, far more bloodshed, far more misery than would result from a less ambitious, less aggressive, less confrontational approach.

We are all against apartheid. What I would ask is that we respect one another on that basis and question whether this proposal is really the best approach.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, H.R. 1580—the Anti-Apartheid Act Amendments of 1988—contains provisions which were considered and reported by the Committee on Ways and Means. Those provisions substantially broaden the existing sanctions against South Africa by prohibiting the importation of all products from South Africa, with certain limited exceptions. The bill retains the current exemption for strategic minerals and publications. It adds an exemption for imports from businesses that are wholly owned by persons economically and politically disadvantaged by apartheid. The intent of that provision is to minimize the impact of United States sanctions on those persons in South Africa whom we are trying to help with this bill.

The other major change made to current law by the Committee on Ways and Means strengthens the provisions calling for multilateral sanctions. The bill before us today requires the President to negotiate with other industrialized democracies to reach agreements to impose multilateral sanctions against South Africa. As an incentive to negotiate, the President may waive countries which impose their own sanctions from a separate penalty provision of the bill. Under that penalty provision, the President must either limit imports from or restrict U.S. Government contracting with foreign persons that take significant commercial advantage of U.S. sanctions. Any industrialized country not imposing sanctions similar to our own opens the way for U.S. action against its companies which take advantage of U.S. sanctions. The intent of this provision is to increase United States leverage for negotiating multilateral sanctions against South Africa.

Mr. WOLPE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

When we passed the Comprehensive Anti-Apartheid Act of 1986, we answered the question, Should we impose sanctions in South Africa? We answered that question "yes," and we were right.

In passing that historic South Africa sanctions legislation however, we kindled a number of new questions which continue to plague the antiapartheid effort. These new questions are a problem for the antiapartheid effort because some of them raise genuine issues, issues about which persons of good will may differ. And while these questions seem to be raised most frequently by those who are apologists for apartheid and who are clearly raising them as a means to frustrate the efforts of those who oppose apartheid, the questions nonetheless demand honest answers.

Today, we seek again to answer the questions. Foremost among these questions are two: First, do sanctions work? And second, do sanctions hurt the very blacks we are trying to help?

I wish to address these two questions because a clear understanding of them goes to the heart of the antiapartheid struggle.

The purpose of the sanctions legislation is to apply pressure to the South African Government by raising the cost of apartheid so high that it will eventually decide it is not worthwhile to continue that system. Sanctions, of course, are not expected to achieve this result by themselves: Diplomatic isolation, the passive and active resistance of the people within South Africa; the expanding clout of the black labor movement; the externally led campaigns being waged by the African National Congress—all contribute to this pressure being placed upon the apartheid government. Nor is the sanctions campaign to be viewed as a unilateral American effort. The legislation which we pass here must be supplemented by a vigorous effort by our Government to enlist the cooperation of our allies so that the implementation of sanctions by the United States does not merely provide an opportunity for our trading partners to have a field day in South Africa.

If our sanctions legislation is both seriously implemented and thoroughly coordinated with our trading partners, there is little doubt that it can be extremely effective in dramatically raising the cost of apartheid. Indeed, sanctions have already demonstrated their effectiveness despite the fact that they are less than 2 years old, that their implementation can hardly be classified as having been rigorous, and that the 1986 sanctions bill is woefully deficient in its comprehensiveness.

Apologists for apartheid are quick to point out the difficulty of attributing cause to effect, a difficulty which I readily recognize. It is hardly likely that the South African Government will ever publicly admit that any steps which it has taken are as a result of the sanctions effort or the disinvestment campaign. But sanctions and disinvestment have clearly hurt the economy. A report released by our own State Department documents that "just over one-half of the United States companies with direct investments in South Africa have withdrawn since 1984, reducing United States direct investment in that country from about $3.2 billion in 1984 to about $1 billion at the end of 1987." To be sure, many of these disinvestments have been more in form than in substance and have too often been executed in a way which conferred unwarranted benefits upon a favored group of South African whites. But according to Fortune magazine, the rate of economic expansion has clearly been slowed and foreign lending has virtually dried up. The State Department report further details the effects of the 1986 sanctions bill, estimating, for example, that coal, iron, and steel exports are down 21.9 percent from 1986 and textile exports are down 4.3 percent. Overall United States-South African bilateral trade has dropped to 7.5 percent of South Africa's total trade, from a peak of 17.2 percent a decade earlier.

Have these economic consequences been translated into concrete political actions on the part of South Africa? Cause and effect is difficult to prove, as we indicated earlier, but there can be little denying that change is taking place. On the one hand, the extreme right wing elements in the population have made some marginal gains and the neo-Nazi elements are being heard from with greater frequency. On the other hand, one of this week's front page stories has been about South Africa's recent turnabout in its overtly aggressive policy toward Angola and its promise to terminate its illegal occupation of Namibia. While these are merely works at this stage, and we must wait some months to see if the appropriate actions follow the works, it is undeniable that there is at least the appearance of some growing flexibility on the part of South Africa in its relations with its subject populations as well as with Angola, whose territory it has long been occupying. Although the proposed easing of South Africa's policy in Angola and Namibia would not signal the ending of apartheid, it would constitute a giant step along this path for it would clear away some of the major diversions which have confused and delayed a more direct attack on apartheid.

It is useless to argue as to whether or not this apparent modification of South Africa's policy was influenced by the sanctions campaign and by the prospect of an even more severe sanctions campaign in the future. Those who oppose sanctions will probably continue to argue that there is no connection. However, those of us who support South Africa will be delighted to see the change which is taking place.

With regard to the second question: Do sanctions hurt the very blacks we are trying to help? The answer quite honestly is "yes." In the short run the sanctions do indeed hurt the black population, perhaps far more than they hurt the white population. But the willingness of the blacks to accept this pain in hopes of a better future has been documented many times over. Although considerable fuss has been made over the fact that a few polls have produced results which seem to contradict this conclusion, further analysis has revealed that those polls were generally defective, often posing the sanctions question in ways which would elicit the desired response. In addition to the poll results, most of the major recognzed leaders of the black community in South Africa have articulated support for sanctions despite the costs which they will impose on their constituents, and the major black labor federation, which stands to lose heavily from sanctions in the short run, has given strong support to the program. This outpouring of support is made even more remarkable in view of the climate within South Africa where it has generally been deemed a criminal act to voice support for programs such as the disinvestment campaign. The bias which such a climate introduces into public opinion polls is self-evident.

In view of this overwhleming support for sanctions coming from within the South African black community, I am remarkably unmoved by the crocodile tears being shed for the poor blacks of South Africa by persons who were nowhere to be found during the past 25 years of the antiapartheid struggle. I am not necessarily challenging the sincerity of such persons, but I am suggesting that a minimum they need to familarize themselves much more thoroughly with the marvelous history of the antiapartheid struggle, for perhaps only then can they genuinely understand why people as beleagured as these are prepared to subject themselves to even further pain as the price of bringing about a successful conclusion to their struggle.

The answer to the question in 1988 is H.R. 1580. Let us move forward promptly to pass this historic legislation.

Mr. BROONFIELD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mr. BLILEY. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, over 125 years ago our Nation was nearly consumed by the flames of civil war over slavery. Today in South Africa, 75 percent of all South Africans suffer under another form of slavery called apartheid. These black South Africans have been denied by the racist, minority government their personal freedom, equal opportunity, and political self-determination in the land of their birth. Thousands of blacks have been killed, hundreds of thousands have been jailed, and millions more have been relocated to desolate homelands.

In 1986 I joined a great majority of my colleagues in the Congress and passed the Comprehensive Anti-Apartheid Act as a symbol to the world that the United States could not tolerate this injustice; and as a message to the racist South African Government that from now on there was going to be a great cost for their enslavement of their own people. Unfortunately the South African Government has not heard our message.

Since then the South African Government has only increased its repression of the populace. The government has detained an estimated 30,000 people without charge, including up to 10,000 children, in conditions where physical assault and torture are routine. It has banned virtually all nonviolent political organizations, imposed a near-total press blackout on reporting of opposition political activities and asked the South African Parliament to end United States funding of opposition political activities.

Today, we must make our message stronger, we must make our message louder so that the South African Government will realize that apartheid must end. They must realize that apartheid can no longer be supported morally or economically.

South Africa is heavily dependent upon the Western World. Approximately 17 percent of South African capital comes from abroad; foreign trade brings in 50 percent of South African GDP. United States firms and investments alone provide the South African Government with billions of dollars with which to run their racist state apparatus. The Anti-Apartheid Act of 1988 will deny the engines of the South African economy the fuel it needs to continue to oppress its black countrymen. As Dr. Martin Luther King, Jr., stated: "The racist Government of South Africa is virtually made possible by the economic policies of the United States and Great Britain, two countries that profess to be the moral bastions of our Western world."

I am aware that some opponents of the Anti-Apartheid Act argue that these measures hurt instead of help the blacks of South Africa by eliminating comparatively high-paying jobs provided by United States firms. Yet I respond that what is hurting black South Africans is apartheid. Today, blacks suffer from 30 percent unemployment, loss of citizenship, and a totalitarian police state. Most South African blacks have stated that they are willing to undergo the increased suffering now if it will provide increased pressure on the South African Government to dismantle apartheid. The largest political organizations in South Africa, the largest labor and trade unions, the largest religious organizations and recognized leaders such as Bishop Tutu have all endorsed increased sanctions.

Mr. Chairman, the United States must exert its leadership of the Western world by forcing the South African Government to realize that only true reform today will prevent a violent upheaval that will be ripe for Communist opportunism. Also, the United States must exert its leadership of the free world by doing everything in its power to bring an end to this repugnant system of apartheid. I urge my colleagues to support this measure.

Mrs. VUCANOVICH. Mr. Chairman, today we are facing an issue which threatens not only the blacks in South Africa, whom we are trying to help, but also the citizens of the United States. Not more than 2 years ago, the Congress imposed punitive sanctions on South Africa overriding a veto by President Reagan, and the results have been mixed. Reform in South Africa has slowed, and thousands of black workers have been thrown out of work as United States companies are presssured to pull out of that country. This bill will tell blacks in South Africa that the Congress cares more about making political gains in this country than helping them overcome a brutal political system.

One major area of this legislation would require that United States citizens divest themselves of all holdings in South Africa within 180 days. It defines investment as "every type of capital or commitment which is intended to bring a profit."

To better understand this provision, one needs only to look at the effects that it would have on U.S. gold investors. According to a report recently published by Wharton Econometrics, approximately 500,000 United States citizens hold nearly 14 percent of all South African mining shares outstanding with a value of $44.5 billion. Gold mine shares alone are valued at over $3.2 billion.

With the forced sale by U.S. investors mandated by this measure, the market would be flooded and prices would drop dramatically. The report indicates that United States owners of South African gold shares are likely to suffer a one-time loss at $1.2 billion.

To make matters worse, this measure would help the very people that the bill is ostensibly trying to hurt. With the market depressed, and United States investors blocked from participation, South African investors would be able to step in and purchase large blocks of the shares. Is this really what we want to do in South Africa? Do we want to send a message to South African blacks that we are only interested in making a political statement, and then allow white South Africans to make millions of dollars as a result of this legislation?

The answer to both of these questions is a resounding No. It is clear that pressure must be exerted in order to bring about change in the South African political system. This radical legislation is not the correct answer. Our goal should be to encourage a multiracial economy, which could serve as the basis for a new egalitarian society in postapartheid South Africa. The bottom line is that this legislation hurts South African blacks, as well as American citizens who have made good faith investments and, most of all, does nothing to correct the existing injustices in South Africa.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, 96 score and 13 years ago, the Apostle Paul counseled the Corinthians on the advent of a mystery: We shall all be changed, in a moment, in the twinkling of an eye, at the last trumpet; for the trumpet shall sound, and the dead shall be raised incorruptible.

Now this legislation was obviously written with a twinkle in someone's eye. And when the final trumpet sounds, those departed colleagues consigned to the infernal regions may well attest to the fact that the parkways to perdition are indeed paved with the best of intentions. But the road leads to infamy nonetheless.

Intentions notwithstanding—and I am not convinced that those behind H.R. 1580 are particularly benign—this is dreadful legislation. It is a blatant political statement of the most hypocritical order. Never mind that it will hurt those most who it purports to help. Never mind that it will cost jobs both in South Africa and the United States. Never mind that it sends an unmistakable signal to South African blacks that peaceful change is undesirable and that violence is acceptable. Never mind that it throws South African blacks out of work as it benefits workers in other nations from where we must try to obtain minerals. And never mind that it will hurt Americans more through higher prices than it will the government in Pretoria. And for what? So Uncle Sam can once more prostrate himself before the purveyors of a radical political agenda whose goal is the elimination of freedom under the yoke of their empowered ruling elite. It is incontrovertible that the slightest abatement of tyranny by virulently anti-American regimes, no matter how short-lived or superficial, will be met with unrestrained praise by the political left positively gushing with effusive accolades.

It is equally guaranteed that no amount of reform by pro-American governments, should they fail to meet the standards of that same radical elite, is sufficient, and instead garners scorn and condemnation. Heads you win, tails I lose. Let's open the door to Moscow, Beijing, Hanoi, Phnom Penh, Managua, Pyongyang, Vientiane, and why not Teheran, Tripoli, and Havana while we're at it. But slam it shut on Pretoria.

Aside from the outrageous concept of the bill in general, H.R. 1580 takes aim at and inflicts particular damage on the U.S. energy industry. Section 304(a), which is before the purview of this committee, is totally superfluous. It would prohibit the United States from exporting oil to South Africa. Since we don't export any oil to South Africa, this section is a meaningless gesture. Its import, however, is to draw attention to the following section, 304(b), one which is not under the jurisdiction of the committee but which severely impacts energy policy.

Section 304(b) would deny Federal mineral leases—both onshore and offshore—to United States companies controlled by companies having investments in South Africa. This would be particularly devastating to three America firms: BP America [SOHIO], Total—CSX oil operations—and Shell. Shell's position is especially untenable. Shell Oil Co. [UJA] has no South African investments but its parent, Royal Dutch Shell, does. Ironically, Royal Dutch Shell is also a vocal opponent to both apartheid and the Botha regime. There are some 500 Shell companies in 150 countries. To penalize Shell for the technical indiscretion of its parent company is ludicrous and destructive. Eighty-five percent of Shell's reserves are in the United States. The denial of mineral leases to these three companies alone would result in a loss of billions of dollars in revenue, an increase in the trade deficit of about $3.5 billion, and the loss of 11,000 jobs—including those of independent contractors. Whose ox are we goring anyway?

This legislation is terrible. It is the wrong solution to an admittedly offensive problem. H.R. 1580 ought to be defeated on its lack of merits. At the very least, we ought to strike section 304(a) as being irrelevant, and hope that section 304(b) meets a similar fate.

□ 1545

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I am a cosponsor of the Anti-Apartheid Act Amendments of 1988 and I rise in strong support of the bill before us.

We face a stark choice today, whether to go along with the racist rulers of South Africa and allow tainted profits to be made off of apartheid, or rather instead whether or not we are going to stand with the South African black majority in the struggle for basic human rights. It is as simple as that.

I have heard Members on the other side say that economic growth in South Africa will give the black majority economic clout which they can use to end apartheid and win their rights. How sweet that would be. This sounds like an argument we have heard in our own country over the last 8 years, that we can grow our way out of deficits.

South Africa's blacks are supposed to grow their way out of apartheid, even though black unemployment in South Africa is 25 percent and rising, and even though the economy is controlled by those who wield the guns and the whips. It is preposterous.

Voodoo economics does not work in the United States, and voodoo human rights does not work in South Africa.

Pass this bill.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry. It is now 3:45 and we had our last vote before the Democratic Convention at 4:47. Would it be in order for me to move to adjourn now?

The CHAIRMAN. To answer the parliamentary inquiry of the gentleman from Indiana, the Chair will state that a motion to adjourn is not in order in the Committee of the Whole.

Mr. BURTON of Indiana. I thank the Chair and I hope that this will be noted in the CONGRESSIONAL RECORD, nevertheless.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I am shocked—shocked at attempts of the liberal left to destabilize, militarize, and communize another section of the world, a peaceful section of the world at that.

We are about to vote on legislation that we would only use against a nation that was a threat to the peace and security of the United States of America. We are about to vote on legislation that is intended to destabilize another area of the world, advocating a scorched earth policy against a Christian, and I emphasize a very Christian nation that has been a friend to the United States of America and wants to continue to be a friend and a trading partner of this country.

This is economic sanctions by label, but actually it is self-imposed embargoes on the United States of America, on our producers, on our farmers, on those who trade in South Africa, on those who have investments in South Africa. This is, have no doubt about it, another liberal left self-imposed embargo, and every labor union and every worker and every farmer and every producer in the United States of America ought to take it as such.

Mr. Chairman, I have received an unusual number of calls, a surprising number of calls and letters regarding this issue. As a matter of fact, the people of the United States of America do understand what this kind of legislation is doing to us. It is making the United States of America the ugly American, with intervention in areas where we have no business intervening, ugly Americans.

Mr. Chairman, if sanctions legislation passes, let it be known that we are preparing for an undeclared war against South Africa. Let's be honest—let's call a spade a spade. Today, we are voting on legislation that was once only consider used against a nation that was a threat to the peace and security of the United States. And, now we will vote comprehensive sanctions against a friend, a Christian nation and anti-Communist bulkwark in southern Africa—just at the time when delicate peace negotiations could resolve the Angola situation.

Despite an avalanche of facts that show previous South African sanctions have miserably failed, the radical far-left plans another round of scorched-earth policy with regard to South Africa. We haven't gone far enough, proponents of sanctions claim. However, they are so blind that they don't see that forcing our views on them has only turned back the clock on reform reconciliation in that troubled land.

Lest there be any misunderstanding, let me make this absolutely clear. As a proud American, I share in the moral repugnance of apartheid and racial discrimination. Apartheid is morally evil and should be eliminated as soon as possible.

However, when outsiders, like us, attempt to place our own vision of the future on South Africa, we slow down the pace of internal reform and any possibility for that country to resolve its complex problems.

The United States will become the "ugly American"—an unreliable partner in economic and diplomatic affairs. With the bully tactics of Joe McCarthy, advocates of sanctions use the politics of hate and divisiveness to sow discord among blacks and whites in South Africa and the United States.

Who has benefited from the last round of economic sanctions? Only the extremist groups, who call for a battle to the finish while men and women of good will find themselves necklaced or blown away by terrorist bombs of the African National Congress. Also, in recent byelections, the ultraright proapartheid Conservative Party won additional seats and has replaced the moderate Progressive Party as the official opposition party in the white South African Parliament. Should this be the policy of the U.S. Government?

Regrettably, many Members of Congress may vote for this destabilizing bill in order to satisfy misguided domestic constituencies. They believe that by waiving a magic sanctions wand, the South African Government will all of a sudden realize the error of their ways and turn over the keys of Government to the Communist African National Congress.

We must realize that if this legislation passes about the only thing it will do is throw 2 million blacks out of work and withdraw $29 million in assistance from United States companies operating in South Africa to promote black empowerment. This is indeed ugly-American legislation.

In addition, sanctions could cost up to 37,000 American oil and gas workers their jobs, and force 500,000 United States citizens to sell $1.2 billion of their shares of South African gold mining companies at fire-sale prices.

In my State alone, Montana will lose $10 million in taxes to the State and local governments, which pay for teachers, fire, and police protection. The largest oil producer in Montana—Shell Western—would have to give up its cutting-edge wildcat oil exploration activities to satisfy the partisan agenda of the radical left.

Does Congress really believe that blacks will be better off unemployed, on the streets, with no source of income? I heard from my colleagues across the aisle that these sanctions are short-term pain for long-term gain. However, they never define how long is "short-term." When pinned down in cross examination in congressional testimony, Mr. Randall Robinson, lobbyist for TransAfrica, which receives part of its funding from Libya and Cuba, admitted that he expects this process to take more than 10 years.

Ten years, Mr. Chairman! Ten years of pain, heartache, and misery for the blacks of South Africa. Ten years of frustration, rejection, and isolation. And for what? To be on the right side of history? Is it morally right to kick blacks out of work? Is it correct to make South Africa ripe for revolution? Is it in the best interest of the Christian community in South Africa to pave the way for the atheistic, Marxist-dominated African National Congress to take over South Africa?

How much hate will this policy generate against the United States of America?

This is the result of comprehensive sanctions. This is the legacy of sanctions as applied to a friendly country, an ally who has stood by us in World War II, and Korean and Vietnam conflicts. Now we are preparing to show our moral superiority and punch South Africa below the belt because of the feel-good political agenda of the looney-left. I urge my colleagues to defeat this ugly-American legislation.

Mr. WOLPE. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to my distinguished colleague, the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I rise in support of the Anti-Apartheid Act of 1988. I know some of my colleagues believe that additional sanctions are not useful and worth the necessary costs to abolish apartheid. But they are wrong.

Black South Africans—and virtually all their genuine, respected leaders—have called for sanctions, and have declared their willingness to endure the resulting hardships. The largest labor unions in the country—COSATU, the National Association of Credit Trade Unions, the National Union of Mineworkers, and others—have called for sanctions.

When some of my colleagues protest that sanctions hurt blacks, I wonder why they did not also protest the difficulties faced by so many people in Poland, Libya, Nicaragua, Cuba, Vietnam, and Iran when we applied tough sanctions on these national populations.

When some of my colleagues insist that the solution to apartheid is to pour investments in South Africa, I must ask them if they therefore advocate increased investment as a way to change the behavior of Libya, Ethiopia, or Iran?

"Power concedes nothing without a demand." Frederick Douglass said it in 1857 about ending slavery in the British West Indies, but the same is true of the South African Government today. Pretoria has been ignoring the demands of 28 million black South Africans to end apartheid, so external pressure is needed. We must remove the economic underpinning of apartheid before South Africa and all her people erupt in a catastrophic civil war.

Apartheid will end. How soon and how peacefully will in large part be determined by whether the United States will continue to lead the world in pressuring the South African Government to eliminate apartheid through economic sanctions.

Mr. MFUME. Mr. Chairman, I rise to give my strong support for H.R. 1580, the Anti-Apartheid Act Amendments of 1988, and to stand up for justice in southern Africa.

Following 6 years of the Reagan administration's ineffective policy of "constructive engagement," Congress enacted the Anti-Apartheid Act of 1986. This law banned all new public and private sector loans and investments, all U.S. exports of crude oil, petroleum products, and munitions. In addition, the new sanctions law prohibited the importation of specific South African products including agricultural products, uranium, and steel.

The 1986 law stipulated that if substantial progress had not been made within a year toward dismantling the apartheid system—mainly revoking the state of emergency, releasing political prisoners, negotiating a peaceful solution with the black majority, and ending military and economic destabilization efforts against the front line states—U.S. policymakers would be forced to impose comprehensive sanctions.

One year later, the Reagan administration's own report to Congress revealed that the South African Government has not made any significant steps toward achieving the goals mandated by the 1986 sanctions law. Nevertheless, the President insists that more sanctions should not be imposed against the Republic of South Africa, while at the same time his administration has failed to bring other diplomatic actions or solutions to the table for discussion.

Mr. Chairman, something is definitely wrong with the President's reasoning, and I say that the time is now to break the legs that prop up this demonic and abhorring system of legalized racial separation. America needs to part company with the South African Government and stop sending mixed messages. America needs to deliver comprehensive economic sanctions against South Africa to demonstrate to the entire free world that we are ready, willing, and able to combat inhumanity wherever it may rear its ugly head.

In the 2 years since the first sanctions law went into effect, the entire world has been exposed to the wretched violence that South Africa deems as necessary to maintain the status quo. During the last 18 months, 30,000 persons have been arrested without charge, including 10,000 children aged 16 and under. The ongoing state of emergency gives the South African security forces unlimited authority to arrest and detain anyone. The government's banning of all major nonviolent political organizations, peaceful demonstrations, and total news blackout has sent a clear signal that unless something is done to curb the deteriorating situation, South Africa will be propelled into a bloody and costly civil war.

Additionally, South Africa's draconian tentacles stretch well beyond her borders. Namibia has been held illegally by South Africa for the last 20 years despite U.N. Security Resolution 435, which calls upon South Africa to end its occupation and let the Namibian people rule themselves. In Mozambique and Zimbabwe, South Africa has tried to economically destabilize these two countries by using insurgency agents to knock out vital rail and pipeline links that would reduce both countries' dependence on South African transport facilities. Other nations in the region—namely, Botswana and Zambia, have been subjected to cross border raids by the security forces creating greater regional instability.

Ever since my friend and respected colleague, Mr. DELLUMS introduced this bill, it has been met with heavy opposition primarily from the Republican Party who argue that sanctions do not work; that sanctions will hurt blacks through the hardening of the regime and loss of jobs; and that America will lose many of her strategic minerals.

First, sanctions were never meant to be a panacea for apartheid. Sanctions are imposed to make the maintenance of apartheid more costly for Pretoria. If the Reagan administration had willfully imposed sanctions against South Africa with the same zeal wielded against Panama, Poland, Nicaragua, and Libya, then America would see the positive results of sanctions. Second, the apartheid system exploits the abundant and cheap labor base of black South Africans and it is absurd to argue that sanctions will cause a tremendous loss of jobs. If American companies pull out, an estimated 48,000 jobs will be in jeopardy; this amounts to a mere one-half of 1 percent of South Africa's total labor force. Finally, South Africa's economy depends very heavily on foreign currency which it derives from its mineral exports. If South Africa should end mineral exports to the United States, America should be able to compensate for these losses through conservation and the exploitation of other sources.

Americans are well aware that the price of freedom is very high. However, I remain confident that South Africa will one day be free. The principles of freedom, justice, and democracy upon which the liberation struggle stands are far greater than the wicked mindset that uses apartheid to preserve the white minorities comfortable way of life. I personally wish that there were another way to convince the South African Government that their apartheid system is bankrupt. Unfortunately, from what I have seen, there is no other possible option for our country to take but to finish the job Congress started in 1986.

In closing, I urge all of my colleagues to cast a vote for freedom and justice for the sake of the people in southern Africa.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. SOLOMON], a member of the Committee on Foreign Affairs.

Mr. SOLOMON. Mr. Chairman, I have some prepared remarks here which would take more time than 4 minutes. But let me just speak extemporaneously for a minute to my good friend, the gentleman from Michigan [Mr. WOLPE], my good friend, the gentleman from California [Mr. DELLUMS], the gentleman from Texas [Mr. LELAND], and you all are good friends, but several years ago I headed the debate against sanctions that we debated in this House because I was afraid of what was going to happen.

Then 2 years later I took a trip to South Africa after I had already been all over southern Africa with my good friend, the gentleman from Michigan, Mr. HOWARD WOLPE, and others, and I saw something that hurt me because I felt that even though I voted against the sanctions that I was a part of what we did. That was disenfranchise America from any kind of input at all into what we all want, and that is to do away with the thing we hate the most, and that is apartheid.

I saw, after talking with people from all political persuasions, blacks and whites, I found practically no one other than those who feel that we have to set a symbol, I found no one who had supported the sanctions that we put in, because what it did was drive American business and industry out of South Africa, and for those industries that were abiding by the Sullivan principles, those industries that were living up to American standards, whether it was for medical benefits, whether it was salary, housing benefits, they were all gone. In their place were Japanese and European companies, and I could not believe what I saw, because the standard of living had dropped so much.

And black ministers, white ministers told me that their people were being hurt, that what was happening to them was the same thing that Buthelezi told me, the titular head of the Zulu people in South Africa, 6 million, one-third of all of the blacks, and it was an awful thing.

When I traveled from one city to the other on the airplane there was not one American businessman. But ladies and gentlemen, that plane was loaded with European businessmen, with Japanese, all picking up the pieces, and what we did was drive those Afrikaners into a corner so that they will never give up apartheid.

If we want to solve the problems of the black South Africans, let me tell my colleagues what we have to do, and if we are sincere and really believe we want to do something about apartheid, we will pump millions of dollars from the private sector into South Africa, we will have a massive infusion of capital that is going to provide housing and jobs and education for all South Africans. That is going to raise the standard of living of those people, and they will do what has been done in other countries that have been oppressed by their Government, like South Korea, like Taiwan, you raise that standard of living, you develop a 95-percent literacy rate in South Africa, and those people will automatically throw off the bonds of apartheid, and people will not die and suffer the way they are now.

So it is hard to stand up here and take this imposition because some will say he is really on their side, he is for apartheid, and that hurts me as much as anything that anybody could ever say, because I really do want to do what is right for the black South Africans.

Mr. Chairman, at this stage in the debate, I would like to offer several observations.

The legislation that we are amending today is known as The Comprehensive Anti-Apartheid Act. I would suggest that a more realistic analysis of the impact of this legislation should lead us to give it a more appropriate description: The Unilateral Economic Disarmament Act.

Because, Mr. Chairman, this bill represents more than an abdication of America's role in supporting peaceful changes in Southern Africa, it also represents one more step in America's abdication of global economic leadership.

I visited South Africa 1 year ago this month. In my travels throughout that country, I asked every person I met the same question: What has been the practical effect of United States sanctions against South Africa? And I can tell you this: every answer was the same. Not one person that I spoke with believed that U.S. sanctions contributed in any way to the ending of apartheid.

On the contrary, the practical dilemmas and difficulties that confront non-white South Africans every day of their lives have intensified as a result of United States sanctions.

We often hear talk about the struggle in South Africa, and I have no doubt that the people of that country want to be free. I am equally as convinced that they deserve to be free, and the apartheid system must be ended. But this isn't the only struggle in South Africa.

There is also the struggle that people face every day—in every country. This is the struggle to put bread on the table, to work at a decent job, and to improve one's prospects for the future. I have yet to meet the South African of any race who believes that the struggle for freedom is mutually exclusive from the struggle for survival.

We should not address the one and leave the other undone. But I believe that a sanctions approach which is rooted in hostility and motivated by a desire to punish will not advance the cause of freedom—any more than a fire can be extinguished by throwing gasoline onto it.

Conversely, let me agree with the proposition that economic development alone will not advance the cause of freedom. But I can also assure you that economic disarray is guaranteed to defeat the process that proponents of sanctions profess to believe in.

No, Mr. Chairman, this is not an anti-apartheid bill. At best, it represents a philosophy of abstract humanitarianism that I hope is something more than merely the stimulation that comes from observing the calamities of other people from a safe distance away.

At worst, this bill represents unilateral economic disarmament, as I have already suggested. But the follies in this bill don't stop with disarmament. This bill would have us disarm and then go to war! Let me explain.

Section 6 of the bill requires the President to enter into negotiations with other industrial countries to reach agreement on multilateral sanctions against South Africa. This is after we have already imposed such sanctions. After we cut and run, then we are supposed to sign up others to do the same thing.

I have a question: If the major countries of Western Europe could stand by and watch Solidarity get crushed in Poland—if they could watch martial law be imposed in that country and not bring themselves to impose any kind of sanctions—what makes you thing they are about to sanction a country that is 5,000 miles away!

And I would remind you that Europe—not to even mention Japan—is more dependent on South Africa as a source of essential raw materials than we are. So don't hold your breath waiting for them to impose sanctions.

While I am on the subject of Japan, let me say one more thing. Ever since my trip to South Africa last year, I have told the House about my having seen Japanese businessmen on every flight I took. Well, now the results are in.

In 1987 alone, South African exports to Japan increased by 44%. And during the first 6 months of this year, Japanese exports to South Africa increased by 45% over the same period last year. I stood in the well of the House 5 years ago and predicted that Japan would rush to fill the vacuum if America pulled out. And as I say now the results are in.

Last year also witnessed significant increases in South African exports to such NATO allies as West Germany, Spain, Italy, and Turkey. Given the difficulties of enlisting our NATO allies in support of policies that have a direct and immediate bearing on their own security, I wonder what negotiating strategies the proponents of South African sanctions can recommend in dealing with NATO.

I trust it is something more than what this bill contains. As I mentioned a moment ago, this bill would have us disarm and then go to war. After we impose sanctions unilaterally, we are then supposed to penalize foreigners according to section 6, who supposedly take advance of the sanction.

This is a mind-boggling provision that is unenforceable, a violation of GATT, and of dubious constitutionality. It would also entail setting up a surveillance apparatus in our own country as well as others.

One could go on and on, Mr. Chairman, about the problems that are contained in this bill. Mr. BROOMFIELD's amendment addresses the most serious of them, and I am hopeful that his amendment will get the thoughtful consideration it deserves.

Suffice to say, the rationale behind this bill in its present form would have us believe that the way to deal with political tyranny is to wield the weapon of economic idiocy. This is an approach that is doomed to fail—it has failed already, and it has nothing to do with ending apartheid.

Mr. WOLPE. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, this is a nonpartisan issue, but I would like to make several partisan observations.

My political party was founded more than a century ago to end apartheid in the United States. The first Republican President led us in the bloodiest conflict in our history to preserve a union of, by, and for the people.

Uniquely in world history we have a society where our philosophy has been coincident with our history.

We don't have a system of government that produced an ideological justification; rather, our forefathers developed a political philosophy that produced a governmental system.

At the heart of our Declaration of Independence is an enunciation of a theory of revolution, the right of a people with the God-given right to life, liberty, and the pursuit of happiness to determine their own destiny.

The fundamental distinction between the American system of government and Marxism is our approach to this principle of revolution. Marxism stipulates that people are tools; that they are subject to class-oriented historical movements culminating in a dictatorship of the proletariat. Our system, by contrast, is riveted in individual rights, in the idea that governmental legitimacy springs from the people, not by historical accident. Ruling classes don't legitimize government; people, as individuals, by choice, do.

Because in this bill we are addressing a profound element of American foreign policy, the standard we ought to refer to is American history and American philosophy. The Declaration of Independence proclaims we hold as self-evident the truth that all men are created equal. Facing a society in which all men are not judged to have been created equal, this country has every right to identify with the majority of the people against their illegitimate government. Change rather than stability should be our goal.

Strategically, some have implied that our Government shouldn't stand up for abstract moral points because moral posturing tends to undercut our national security. Actually, the problem in South Africa is the obverse. Failure to stand up for moral principles jeopardizes U.S. national interests. After all, whatever the rest of the world might do, I have no doubt that sometime in the not-too-distant future there will be majority rule in South Africa.

If South Africa is as important to our military or commercial security as some proclaim, the question realists must ask is whether we can afford to be perceived in the 21st century as the principal country in the world which walked to the grave with the black glove of white racism.

It is the moral issue, though, which must be our dominant concer. Ending apartheid in this century is as great a moral imperative as ending slavery was in the last.

Simply put, the case of business as usual today implies prejudice as usual tomorrow. We have no choice but to put principle before profit and, at a recognizable sacrifice to American economic interests, embrace the sanctions contained in this bill. To refuse to reflect in our foreign policy our political heritage is an historical sacrilege.

With regard to the specifics of the bill, I would like to comment on two amendments I introduced—the first during Foreign Affairs Committee markup and the second during Banking Committee consideration—that are now part of the legislation before us.

Section 302(c) exempts from the ban on imports from South Africa products from those enterprises which are wholly owned by black or other nonwhite South Africans. By way of legislative history, it should be clear that this amendment is designed to build up those enterprises controlled by victims of apartheid which are of a productive and manufacturing nature. Shell trading companies utilized by either white South African companes or officials of the South African or homelands administration are not to be entitled to the trading benefits implied by this amendment. The Secretary of the Treasury would be expected to ensure by general regulation or, on a case by case basis, that dummy or front corporations are denied the capacity to circumvent the impact of U.S. sanctions.

In a parallel fashion, section 301(b) exempts from the ban on investments in South Africa, any investment in a business enterprise owned and controlled by South Africans economically and politically disadvantaged by apartheid. Those business, after the investments are made, must be at least 90 percent owned by and under control of disadvantaged black South Africans.

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This provision is intended to assist only those who have been economic and political victims of the apartheid system. It is not to be utilized as a loophole to benefit white South African nor homelands administrations. Shell trading companies that white South African companies may wish to utilize to circumvent the sanctions proscription on investments shall not be entitled to the investment benefits implied in this provision. Furthermore, if there is any reason to believe that investments are being made by firms which might be dummy or front corporations, the Secretary of the Treasury shall have the authority to deny, on a case-by-case basis, any investments in such firms.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. FRENZEL], a senior member of the Committee on Ways and Means.

Mr. FRENZEL. MR. Chairman, H.R. 1580, the Anti-Apartheid Act Amendment of 1988, is a political statement. To me it is not responsible legislation, nor is it the best way to help blacks in South Africa.

I find apartheid policies in any country repugnant. Despite my opposition to embargoes of all kinds, I voted for the last antiapartheid bill. However, a bill as drastic as this one will cause significant injury to the blacks in South Africa and it does not offer much hope of changing apartheid.

H.R. 1580 is an attempt to isolate South Africa from the world economy and inflict the hoped-for damage that many believe will force massive reforms, or even a new majority government. But it is more likely to result in a total polarization of interests that could lead to a bloody revolution. It is difficult for me to see how blacks could profit from a revolution.

It is evident that the sanctions imposed by the Congress in 1986 have not been effective. They have slowed the South African economy to some extent, but the most significant effect has been to limit the number of jobs for young South African blacks. The Government has not budged on its repressive policies.

The solution, in the opinion of many of the sponsors of H.R. 1580, has been to cut off nearly all trade with South Africa as well as to require total disinvestment by United States citizens. In my judgment, this will only further hurt black South Africans and cause the minority government to become more repressive.

Several surveys of South African blacks have shown that 60 percent would oppose sanctions if there is an affect on employment. I can understand the frustration of many of my colleagues who cannot think of other ways to achieve progress. I share that concern, but the answer is not to force disinvestment by U.S. companies, which have been in the forefront of living up to the Sullivan principles. South African buyers of United States companies, obtained at bargain prices, are now selling at will to the police and the military and discriminating against blacks as well.

While the entire bill is significantly flawed, I will restrict my comments to the section of the bill considered by the Ways and Means Committee relating to an import ban and penalties on third world countries which do not adopt our sanctions.

The bill exempts imports of certain strategic minerals that cannot be obtained from other countries, but it does not take into consideration other kinds of hardship situations. These are companies in the United States which rely on certain imports from South Africa and believe that alternatives do not exist domestically or from other countries. Exemptions were not even considered for those companies.

The Ways and Means and Foreign Affairs versions would exempt imports from black-owned businesses or persons disadvantaged by apartheid, but it is unlikely that the language would exempt everyone who refuses to adopt apartheid policies. I applaud the efforts of my colleague, HANK BROWN, to remedy this situation.

The bill would also apply sanctions for the first time to Namibia, which is illegally occupied by the Government of South Africa. There is no reason to punish the Namibians for a situation beyond their control. Efforts by Mr. CRANE to exempt Namibia were ignored.

By far the worst feature of the bill is the multilateral sanctions imposed by the Committees on Ways and Means and Foreign Affairs. This language was not in the Dellums bill, where Presidential discretion to impose sanctions was retained as in current law.

For the first time, the United States would be forced to impose sanction on any country which did not adopt its own equally severe sanctions against South Africa, or which refused to adhere to our own sanctions. The Foreign Affairs version would go so far as to impose penalties on third parties which violate sanctions of other countries, which presumably could be more extreme than our own. That's about the ultimate when it comes to extraterritorial application of U.S. law when we also grant ourselves authority to police laws of other nations.

The President would be forced to retaliate against countries which do not impose similar sanctions by either an import ban or a ban on Government contracts in an amount equal to the "violation." While it is legitimate to impose sanctions of our own through a majority vote in the Congress, it is absurd to force other nations to accept our solution to the problem when they might have a better one, or if they choose not to interfere with a country's internal policies, no matter how repugnant they may be.

Imposition of third country penalties would not be consistent with our GATT agreement. In other words, those countries would retaliate against U.S. exports, thus causing further possible American job losses.

This is an extremely dangerous section of the bill that must be stricken if we have a sanctions bill.

I wish we could find a way to end the apartheid policies of the South African Government. I wish this legislation would accomplish that. It won't. It will only injure many United States interests as well as the South African black majority.

If this bill is being used to send a strong message to the South African Government, it has not accomplished that purpose. The problem with that kind of tactic is that bad bills that send messages can easily become law. I'm not sure that any of us are ready to suffer the consequences. Let's look for other ways to aid the black majority in South Africa, such as those recommended by Mr. BURTON and Mr. BROOMFIELD.

Very few boycotts or embargoes that have been employed in the world's history have ever worked very well. Certainly ours have not.

We have only to recall the Rhodesian chrome and our other embargoes, the Russian grain embargo, our embargoes of Cuba and Nicaragua; none of them had the desired effects.

But I think what is missing in this case is that no proponent of the embargoes has told us what wonderful things the last embargo accomplished. Nor is there any promise nor any shred of evidence spread on the record that these particular embargoes are going to be successful in getting rid of apartheid.

There is not anyone here who likes it better than anybody else.

To assume that because you like this bill you are more against apartheid than those who do not, I think, is a rash, an unproved, and silly assumption.

What we have to do is look for ways to eliminate apartheid rather than to make more innocent victims through ineffective symbols like H.R. 1580. I think some of our Members have provided, at least, improvements in this bill which are more likely the achieve relief.

Some of the innocent victims are blacks in South Africa. Some of them are American job holders. Some of them are immigrants from South Africa whose only assets are frozen there. They will be jailed for not selling them. Often we are more heroic than we ought to be when we offer to sacrifice the assets and tears of people we don't know in useless gestures.

I think the amendment of the gentleman from Michigan [Mr. BROOMFIELD] gives us a chance to try to make some of these things work. I think the amendment by the gentleman from Indiana [Mr. BURTON] gives us a chance. But in the meantime for us to shoot ourselves in the foot, for us to shoot black aspirations and economics in the foot in South Africa by passing another embargo as a symbol to show how repugnant we find apartheid is a futile gesture and one in which this House should not be engaged.

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, today could mark a turning point in our history. We are engaged in a debate that will help set the tone of American foreign policy for years to come.

The United States House of Representatives has voted to impose sanctions against the Republic of South Africa in the past, I am confident we will do so again today.

It is my hope, however, that this debate will be marked by a maturity and breadth of vision that has been lacking in years past.

We are coming, Mr. Chairman, to the end of an era. The confidence and exuberance of 40 years ago gave rise to a period of robust growth and experimentation. That euphoria was dampened by failures and misfortune at home and abroad. It has all culminated in the last 8 years of national retrenchment and reappraisal.

The American people, and we their elected Representatives, are finally looking ahead to a new century and another generation of leadership. There is uncertainty, but there is also realism and a determination to confront challenges with steadiness and competence.

The challenges we confront in South Africa and the question of the official American response to apartheid is an issue that requires that new maturity and sense of purpose.

No matter on which side of the aisle you sit, no matter what your political stripe or ideology, I strongly encourage you to listen carefully to this debate.

I am a strong proponent of the sanctions contained in H.R. 1580. I firmly believe: The prohibition on American trade and investment; the required retaliation against those who attempt to profit from the United States exit from South Africa, and; the $40 million in aid for disadvantaged South Africans will quicken the pace of change.

Passage and enactment of this bill is the appropriate path for American policy because the facts, previous experience with international sanctions, and the March of History lead us to that conclusion.

In the 19th century America fought a bloody Civil War over a raw issue of economic and political power enfused with a racism that dehumanized both master and slave.

It is imperative that we acknowledge the awful truth about power, tyranny, and oppression, regardless of the time or place.

A nation of 25 million human beings on the southern tip of Africa is beginning to face the same realities. The choices open to the South Africans and their government are difficult.

But the consequences of failed leadership in South Africa are difficult to contemplate. We see the specter of such a failure on the horizon, and the results could be disastrous.

What happens in South Africa if change comes too late?

Will there be another Lebanon where religious strife saps the spirit, and violence and death shadow the most ordinary and mundane tasks of every day life;

Will there be another Poland where an independent trade union movement flourished and was then crushed under the weight of a frightened and oppressive government;

Will there be another Afghanistan where children are not only the most innocent of victims, but are also on the frontlines of the struggle;

Will there be another Central America where death squads and vigilantes are the scourge of every day life stifling dissent as the "surrogate" protectors of the status quo?

My friends, the truth is that these infamous examples of national self immolation have already taken root in the fertile soil of Southern Africa—in soil that has been sown with seeds of injustice, inhumanity, and intolerance by the apartheid regime.

Every Member who rises to speak today will condemn apartheid, just as most of us would have done 20 years ago.

But if your child is in a South African jail; if you were born in South Africa, but your passport identifies you as a citizen of a mythical state called the Ciskei; if you are forced to watch as your school and your church are bulldozed because the land is designated for whites only, then the unanimous judgment by the United States Congress that apartheid is not simply bad, but is very bad, doesn't mean much.

Admittedly, no Member of this body feels that the fate of 20 million human beings in South Africa rests entirely in our hands. Each of us understands the limits of our power. But our choices are none-the-less critically important.

The unavoidable fact is that through misguided economic and political support for the apartheid regime, through inattention and delay, and yes, through short-sighted economic self interest, we have helped delay the inevitable accommodation that the minority government in South Africa must make with the nation it has suppressed.

There will be other questions asked on the floor of this Chamber today:

What is the likely course of events in South Africa?

What is the likely outcome?

What are our interests in South Africa?

How are they to be protected?

How important is the humanitarian impulse in U.S. policy?

Is morality in foreign policy a luxury?

Ultimately, will U.S. policy make a difference?

The answers to these questions are critical, and I believe they will lead us to approve H.R. 1580.

Enjoying uninterrupted rule, since 1948, the nationalist party in South Africa has designed and built a political social and economic system of racial separation that is unparalleled on this planet.

Webster's New Collegiate Dictionary defines the apartheid regime as: "racial segregation; a policy of segregation and political and economic discrimination against non-European groups in the Republic of South Africa."

Curiously, South Africa is one of the few places in the world where the essence of all cultural political, social and economic life and consciousness is defined by one word, apartheid.

Here is how I explain apartheid:

The apartheid regime is one that would, and did, ban the activities of 17 legal and moderate anti-apartheid organizations.

The apartheid regime is one that would, and did, prohibit all political activity by the nation's largest trade union federation, the Congress of South Africa trade unions.

The apartheid regime is one that would, and did, deny a South African passport to a celebrated churchman and Nobel Laureate, simply because his skin is black (Desmond Tutu).

The apartheid regime is one that would, and did, strip its most moderate opposition of its leadership and inflame a polarized nation, all in the name of mollifying the right wing of the nationalist party.

A more succinct definition may have been offered by an attorney who spoke at the symposium on the detention of children on June 25, 1987. He said it is, "* * * an attempt to enforce order without law, to exercise power in its most naked form * * * official terror."

I spoke earlier of a true definition of apartheid. I now offer you a borrowed definition of true freedom:

A brave man once said, "I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and achieve. But if needs be, it is an ideal for which I am prepared to die."

It could have been Franklin, Patrick Henry, Jefferson, perhaps Washington. What ever else, it is clearly the voice of a freedom fighter. His enemy is oppression, his commitment to liberty and his determination to achieve it are evident.

But he was not speaking of British rule in America. He was speaking about apartheid, and his name is Nelson Mandela.

I believe, however, that it is not the eloquence of Frank Chikane, Govan Mbeki, Beyers, Naude, Alan Boesak, Desmond Tutu, or even Nelson Mandela that the apartheid regime should fear.

It is the cry of anguish that too many of us, but especially the Government in South Africa, cannot hear. It is the pain given voice by the mothers of detained and tortured children. A pain that will continue to polarize that nation and stir the fires of violence.

These ordinary people, like your friends, relatives and the people who sent you here, do not debate whether some over arching principle can be weighed against the life of a son or daughter.

These people are the parents of young men and women like: Patrick Makhoba, Pule Nape, Sicelo Dhlomo, and Maureen Kaoa.

They know the terror of having a missing or detained child—of simply not knowing whether the body of a murdered son or daughter lies in a distant empty field.

Since 1984: 312 children have been killed in the streets by police gunfire; 1,000 have been wounded; 11,000 have been detained without trial; 18,000 have been arrested on charges arising from protests; and 173,000 have been denied bail for political offenses.

The pain of the parents and their families is bitter.

More importantly, the outrage of the children, of the next generation, is long lived and acute. The children are the future. They represent the force for change.

If South Africa does not begin the revolutionary process of dismantling apartheid, which will not happen if we fail to impose a heavy burden on that regime by enacting sanctions like those contained in H.R. 1580, this force for revolutionary change will become a force for violent revolution.

The stroke and counter stroke of political violence that has become so familiar in other parts of the world is inevitable in South Africa if fundamental change is not forthcoming.

The question before us, is now to make such fundamental, indeed revolutionary change, more likely. The sanctions bill is part of the solution.

After 40 years of United States-South African friendship we have proof that continued political and material support does not encourage the dismantling of apartheid. After 8 years of "constructive engagement," it is equally clear that apartheid will not be dismantled through artful persuasion.

Sanctions should not be, and H.R. 1580 clearly is not, a first step. They are a last hope to which we resort while there is still time for effective action.

International economic pressure that deprives white South Africans of the prosperity they now expect is our most effective tool. Those who benefit from apartheid will become agents for change when apartheid extracts a cost rather pays dividends.

Although not immediate, the long-term impact of international economic sanctions can be effective. The United

States has imposed sanctions against: Rhodesia, Uganda, Cuba, Iran, Vietnam, North Korea, Cambodia, Libya, the Soviet Union, Poland, Afghanistan, Nicaragua, Panama, and Chile.

Our reasons for imposing sanctions against these nations were many, including the violation of human rights and civil liberties. Threats to the peace, and more narrow threats to American or allied interests.

There is no need to belabor the hypocrisy of American policy toward South Africa on this particular score. If it is not clear to all of us, it is most assuredly plain for the black majority in South Africa to see.

But more to the point, the growing internal anti-apartheid movement, and the internal stresses associated with existing sanctions are taking a toll: South Africa's security forces are experiencing mutinies, desertions are increasing; draft evasion is becoming a very visible problem; white emigration is increasing, and; white South African university students who protest apartheid are experiencing the brutality of a police state.

In closing, let me express a very simple, but crucial notion that underlies the argument for strong strict sanctions.

As William Winter recently wrote in Foreign Affairs, the apartheid regime will eventually negotiate. But only after the regime is weakened will this firmly entrenched and powerful minority accept the risks of associated with meaningful change.

I share Winter's opinion that a bargain will be essential at some point. I am also convinced that the sanctions in H.R. 1580 will help bring it about while there is yet time to establish a nonracial democratic government in South Africa.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, today we are considering one of the most important measures to be considered by this Chamber during the 100th Congress. The bill before us, H.R. 1580, the Anti-Apartheid Act Amendments of 1988, would strengthen the economic sanctions imposed on South Africa as a means to end the reprehensible apartheid regime in that country. I share the goal of this bill and the goal of its author, our distinguished and committed colleagues from California [Mr. DELLUMS]. I too am appalled by the oppression and brutalization of the black majority by the white minority government in power, and will support any effective means to eradicate apartheid and enhance black political power. However, the most effective United States policy for ending apartheid in South Africa is subject to intense debate, conflicting evidence, and considerable conjecture.

I only reach my position on H.R. 1580 after very careful consideration of the opposing positions and with the understanding that reasonable people can differ. I originally voted to impose certain sanctions on South Africa in 1986; however, I find that I cannot justify more comprehensive sanctions as the most effective and appropriate choice for empowering blacks at this time. It is most frustrating and even disturbing to be unequivocally opposed to the existence of apartheid and yet oppose this bill. But, I am convinced that additional sanctions taken without the cooperation of our allies will not be effective, could be counterproductive for South African blacks, and ignores other promising possibilities for advancing change within South Africa.

The imposition of sanctions makes an important statement about the American people's extreme aversion to apartheid—one that must be clearly conveyed to the South African Government. Although sanctions are one way to convey this message, the sanctions currently in effect have not achieved other intended results. Rather, they appear to have entrenched the repressive practices of the South African Government. Also, if tougher sanctions are imposed and the action fails to bring an end to apartheid, it could mean a devastating setback for the black population. Further brutality and unemployment would likely occur and any hope of increased political power for the black majority may become increasingly remote.

There seems to be general agreement that the sanctions and disinvestment provisions in place now have not significantly reduced the strength and determination of the South African Government, but have reduced United States influence there. Some believe that the failure of the current provisions calls for stricter sanctions. I am not convinced that adopting this approach would be fruitful at this time. I see no evidence that economic sanctions imposed by the United States in other countries, such as Cuba, Libya, Poland, and Nicaragua, have, in any instance, achieved the intended social or political results.

It is significant that the October 2, 1987, report to Congress on South African progress toward ending apartheid, which was required by the 1986 act, said the goal of ending apartheid was not accomplished. The report recommended against additional sanctions. Instead it recommended that the United States work with its allies and friends in Africa to support meaningful negotiations in South Africa.

I know that several recognized leaders of the black majority have expressed their support for harsher sanctions. However, even in the South African Parliament and among the black people, there is not unanimity on the issue. As an ardent opponent of apartheid, Helen Suzman, a member of Parliament, has expressed strong opposition to sanctions: "I'm only opposed to sanctions because I think they won't work. If I thought they'd work and bring the Government down and change South Africa to a nonracial democracy in a short time—without destroying the economic basis of the country—I'd be all for sanctions." Similarly, in a poll of South African blacks conducted by liberal sociologist Mark Orkin of the Community Agency for Social Enquiry, 60 percent of those interviewed were opposed to sanctions if substantial unemployment would result, 26 percent would support sanctions that produced some but not many job losses, and only 14 support sanctions regardless of the number of black jobs lost. These figures gain credibility from the fact that black leaders, including Chief Buthelezi, Bishop Lokanyani, and Bishop Mokina, who are against further sanctions, represent about two-thirds of the blacks in South Africa.

Those who favor disinvestment and stronger sanctions claim that the current sanctions have not been adequately enforced. As a result, it is impossible to say with any certainty that sanctions are ineffective in ending apartheid. Further, they alleged that the administration has not tried to persuade other countries that do business with South Africa to impose similar sanctions. On the first point, if sanctions alone will not achieve the end of apartheid, it does not matter how strictly they were enforced.

Regarding the United States effort to get Western European nations to support sanctions, I would agree that not enough has been done, not enough pressure brought to bear, to gain the cooperation of our allies on sanctions. This ignores the intent of Congress and is a valid excuse for the failure of sanctions to date. However, the solution lies in a more committed diplomatic effort to gain cooperation on existing sanctions, not in a further extension of an ineffective policy of unilateral sanctions. The administration and our allies do, however, favor certain trade restrictions, such as an arms embargo. Certain sanctions against South Africa are good policy and should continue.

As an alternative to stronger sanctions, I favor encouraging a continued United States presence in South Africa and a sustained, concerted effort to assist the black population in meeting its needs in areas such as housing, education, job training, and private enterprise development, and to nurture the labor movement among South Africa blacks. Much of this assistance could be provided by United States employers in South Africa, the labor movement, and American churches and social service agencies. These are the types of alternatives that should be explored and soon. The distinguished gentlemen from Indiana [Mr. BURTON] will offer an amendment with such an approach and I support his amendment.

Although some progress has been made, much more must be done by American industry and our Government to provide better economic empowerment for blacks living under this oppressive government. We should seize on any such opportunities during the remainder of this Congress and rededicate ourselves to this approach beginning immediately in the 101st Congress.

Additionally, the U.S. Government could assist human rights groups and encourage political debate to end apartheid. Also, I believe maintaining a United States presence will help to restore fading United States influence with the South African Government.

At this time, stronger sanctions and complete disinvestment do not appear to be the clear solution for ending apartheid in South Africa. Rather, I would support further U.S. efforts to improve the economic strength of the black majority and to encourage its allies to adopt sanctions comparable to those we adopted in 1986. This approach may need reconsideration at a later date, but I do not think that we should abandon support for black empowerment unless we have convincing evidence that black economic power is not important in achieving the goal of political power.

It is very difficult to resist any opportunity to strike any blow, even the least effective, to the system of apartheid. But, I am not at all convinced that additional sanctions now is the right choice at the right time.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this bill and especially compliment my fellow colleague from California [Mr. DELLUMS] for his wonderful leadership since 1970 on this issue.

Mr. Chairman, I rise today to express my strong support for H.R. 1580, the Anti-Apartheid Amendments of 1988. This legislation provides us with an excellent opportunity to demonstrate once and for all our intolerance for the continuation of the racist policies of the South African Government.

I wish to take a moment to complement my distinguished fellow colleague from California, RON DELLUMS, for his moral leadership and hard work on this issue. Mr. DELLUMS first introduced comprehensive sanctions legislation back in 1971, and since that time he has played a crucial role in keeping congressional attention focused on the injustice of apartheid.

The free world looks to the United States to provide leadership on the issue of human rights. With this leadership role comes a great responsibility not only to speak out, but also to act against the inhumane practices of foreign governments. By enacting comprehensive economic sanctions, we send one of the strongest possible signals to the South African Government that its continued denial of basic human rights for the majority of its citizens must come to an end.

There are those who tell us that enacting sanctions at this time will only harm the chances for improvements in Pretoria's treatment of its black citizens. Yet, the policy of constructive engagement pursued by this administration has yielded no progress on this issue.

In fact, we are discouraged by recent incidents indicating the Botha government's movement in exactly the opposite direction. We have seen crackdowns on political activity, restrictions on union organization, and the censorship of the anti-apartheid film, "Cry Freedom." These do not sound like the actions of a government included to make reforms in its policies any time soon.

Critics of this legislation argue that United States sanctions alone are not likely to bring an end to apartheid, and that only multilateral sanctions will bring significant pressure on the South Africa Government. This criticism misses the point.

United States trade with South Africa amounts to support for, and approval of, the apartheid regime. We should implement sanctions simply because it is the correct thing to do, regardless of which nations join us in the effort. Our leadership on this matter may encourage other nations to enact their own sanctions. Indeed, many of them are perhaps waiting for the United States to take the first step.

Finally, there are also those critics who maintain that sanctions will only hurt those whom this legislation is intended to benefit, and that the only way to ensure full equality for black South Africans is through economic empowerment. This argument puts the cart before the horse. The promise of economic empowerment remains a myth as long as government-sanctioned barriers to such fundamental necessities as education, unrestricted travel, and the right to organize unions remain in effect.

It is inevitable that someday South Africa will have a majority-rule government. Our job today is to make certain that black South Africans see the United States as an ally in the peaceful struggle for this change, rather than as an impediment. Nothing could send this message more forcefully than the passage of H.R. 1580.

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I rise to express my strong support for the South African sanctions bill being considered today. As an original cosponsor of H.R. 1580, I firmly believe that additional sanctions are necessary in light of the current situation in South Africa. The measure before us imposes comprehensive, multilateral, and well-monitored sanctions against the South African Government including a prohibition of all United States investments in South Africa and an almost total trade ban between the two countries.

Since the defeat of Nazi Germany, South Africa has been the only country on Earth whose legal and political system is based on explicit, systematic, and all-encompassing racial discrimination. It is the only country that occupies a United Nations trust territory, Namibia, in violation of international law. It has an unparalleled record of aggression against its neighbors, and actively attempts to destabilize other countries in the region.

And how has the Reagan administration responded to this racist, repressive regime? It clung to the policy of constructive engagement until Congress asserted the will of the American people and enacted sanctions legislation in 1986. In overriding the veto, we recognized that the constructive engagement policy pursued by the Reagan administration compromised not only American values, but our political and strategic interests as well. The 1986 sanctions bill adopted over President Reagan's veto sent a clear signal to both black and white South Africans that the American people were united in their efforts to end apartheid.

Since then, the President has brazenly ignored the continued deterioration of the situation in South Africa, and refused to recommend additional sanctions as the law requires.

Conditions inside South Africa clearly have worsened. Over the last year and a half, the South African Government has detained an estimated 30,000 people, including up to 10,000 children, in conditions where murder, torture, and physical assault are all too common. It has banned virtually all nonviolent political organizations and imposed an almost complete press blackout on reporting opposition political activity.

The Botha government has chosen to ignore the firm yet subtle message we sent with the 1986 sanctions law. It is now time for us to speak louder. It is now time for the United States to truly commit itself to the struggle against apartheid. The white minority government must realize that it has more to lose than to gain by continuing the apartheid system. It is the moral responsibility of the United States and the other nations of the free world to attempt to convince the South African Government that it cannot continue its brutal repression of the black majority without facing greater and greater economic costs.

Leaders of the South African church and the principal black trade unions have all called for additional sanctions. Despite the fact that increased sanctions will have some economic costs for the black population, Bishop Tutu and others have convincingly argued that the short-term costs of economic sanctions will be far less than the long-term costs—not only economic costs but the loss in terms of human lives—of a violent liberation struggle. And the only way to avoid that struggle is to negotiate an end to the apartheid system.

American corporate leaders who oppose further sanctions have argued that their presence in South Africa represents a constructive force for change, and that disinvestment will cause great hardship to their black workers. Although several American firms have had exemplary records of corporate behavior in South Africa, the fact remains that very few blacks have actually benefited from those firms. In 1986, no more than 48,000 nonwhites—blacks, coloreds, and Asians together—less than one-half of 1 percent of the South Africa nonwhite labor force—were employed by all American firms combined.

The majority of black South Africans, who represent over 21 million of the total population of 29 million people in the country, lead very different lives. They face an unemployment rate of over 30 percent in South Africa, the denial of citizenship to 7 million residents of the so-called independent homelands, the routine separation of black families due to forced removals of blacks by the Government.

Mr. Chairman, the United States should not be contributing, economically or politically, to the preservation of the apartheid system. In passing the bill before us today, Congress will reject institutional racism, and take a meaningful step toward restoring integrity and credibility in American foreign policy.

I would like to take this opportunity to express my appreciation to Chairman HOWARD WOLPE and his staff for their work on resolving the issue of South African emigrees. These individuals have their assets frozen when they leave by the South Africa Government, and therefore would have been placed in an impossible and unjust situation by the prohibition on investment contained in the legislation.

Mr. Chairman, I urge my colleagues to support this bill. Time is running short, we must take the necessary action to bring about progressive and peaceful change in South Africa now, before it is too late.

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise to urge my colleagues to support the Anti-Apartheid Act amendments.

Twenty-five years ago this month, Dr. Martin Luther King and tens of thousands of Americans "Marched on Washington" so that all races would be treated equally. As a result of this civil rights crusade, the United States now has laws to provide equal access to education, employment, and the courts for minorities. We take pride in our efforts to make America a place of equal opportunity for all people.

The United States has a moral obligation to encourage racial equality throughout the world. While economic sanctions may hurt some people in this country, we cannot allow the circumstances of a few to blind us to the fact that investment in and trade with South Africa encourages apartheid.

The Government of South Africa operates under a system of oppression, rejecting the principles of racial equality and democracy. It openly denies voting privileges and economic parity to the majority of its people—solely because of race. It rejects suggestions by the international community to negotiate a democratic powersharing arrangement with the black majority. It chooses instead to deny blacks any voice in the affairs of the state and, instead, to rule through tyranny.

In 1986, President Reagan said, "apartheid is morally wrong and politically unacceptable. Americans are united in this conviction." He failed, however, to match these words with deeds. He vetoed the Anti-Apartheid Act of 1986 and continued his failed policy of quiet diplomacy, or "constructive engagement"—a policy which has not resulted in any significant political reform in South Africa.

Despite "constructive engagement" and harsh public criticism, the South African Government has intensified its war on the opponents of apartheid. Under the state of emergency which has been in force since June 1986, the South African security forces have detained over 30,000 people, many of them children as young as 11 or 12 years old. Reports of torture while in detention have increased and political executions are common. Extensive press restrictions have been imposed to deny both South Africans and the international community information on the extent of black dissent within the country and the magnitude of the Government's repressive measures.

Despite South African Government claims that forced removal of South Africans to other cities or to homelands was discontinued in 1985, the Government admittedly assisted 60,000 blacks in moving to new locations in 1986 against their will and continues to forcibly move blacks from their homes.

The fact is, Mr. Chairman, that constructive engagement has not discouraged the Government of South Africa from continuing the policy of apartheid. On the contrary, the Government has made meaningless reforms while moving decisively to crush dissent. It has imprisoned journalists, union and religious leaders and has banned nearly all political activity aimed at establishing a powersharing structure which includes the black majority.

This Government intransigence has undercut those opposition leaders who have called for nonviolent negotiations and has strengthened those leaders who call for violence. The only hope of avoiding full-scale civil war is to apply strong pressure on the Botha government to accept a powersharing arrangement.

The bill we are debating today would apply this necessary pressure. It bans all United States investments in South Africa and requires United States firms to divest their South African holdings. It bars nearly all trade between the United States and South Africa. It bans nearly all United States African military cooperation and it provides sanctions against all United States firms whose foreign parent companies export oil to South Africa.

Opponents of this bill claim that sanctions will do little to affect decisions of the South African Government. The fact is, however, that United States investment in South Africa is concentrated in critical high-technology sectors of the economy. The effect of United States divestment will be significant in these vital sectors. The bill's provisions would provide incentives for foreign corporations to divest, which would cause disruption in South African natural resource industries. Provisions prohibiting the purchase of South African Krugerrands will place downward pressure on the price of gold, which has already begun to plummet, further damaging South Africa's standing with international creditors.

Most importantly, this bill would provide support for moderate opposition leaders such as Archbishop Desmond Tutu and Rev. Allan Boesak who are struggling to maintain control of an increasingly restless following.

The bill also contains provisions to lift sanctions if the South African Government takes action to dismantle apartheid. Some of the steps which would be required are: The release of Nelson Mandela and detainees held under state of emergency provisions, the repeal of laws regulating where blacks can live, and the incorporation of all South African political parties into the political process.

To those opponents of this bill who claim that sanctions will hurt the black South Africans they are intended to help, I would point to the willingness of black workers to strike to improve working conditions as evidence of a commitment to change, even at the risk of economic hardship. I would also remind them of repeated calls by nearly every South African black leader for sanctions. We should not second guess these leaders who know oppression firsthand.

Malcolm Fraser, cochair of the Commonwealth's Emminent Persons group which studied the South African situation in 1986, said:

> We in the West need to sometimes remember that when the fires of liberty burn fiercely in men's hearts, they will pursue their objective at any cost. We will miscalculate gravely if we believe such feelings burn less strongly in the hearts of (South African) blacks.

We cannot afford to miscalculate, and we must not hesitate. I urge my colleagues to send a strong bipartisan message to Africa that the United States will no longer tolerate South African intransigence by voting for H.R. 1580, the Anti-Apartheid Amendments Act.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, while I am in accord with the concerns of the proponents of H.R. 1580, I rise in opposition to the bill and in support of the substitute offered by the gentleman from Michigan [Mr. BROOMFIELD]. It is time we took positive actions toward ending apartheid in South Africa, and I support the Broomfield substitute because it is positive, multilateral, and activist.

In choosing today which course our policy should take, we should let experience be our guide. Since Congress passed the Comprehensive Anti-Apartheid Act of 1986, concerned U.S. companies have been faced with a difficult decision: Could they better serve the goal of ending apartheid by selling out and leaving South Africa, or staying to help make a change from within? After 2 years, the evidence is clear: The firms who have left South Africa have created economic hardship for the very people U.S. policy should be helping and have allowed South Africian government policies to harden. Meanwhile, those who chose to stay have provided an ever stronger and more positive voice for black empowerment. If we vote today to cut off that voice, we also cut ourselves out of a chance for the United States to play a positive, meaningful role in building a new South Africa.

Since 1984, about 160 United States companies have pulled out of South Africa, yet the effect on the South African economy as a whole has been negligible. The economy is strong, growing nearly 3 percent last year, and exports continue to increase, as they have every year since 1984. Meanwhile, the plants and machinery left behind by United States companies have not disappeared; they have simply been transferred to the hands of others—white South Africans and other foreign nationals—who are not guided by the same code of conduct as Americans. As one liberal member of Parliament related, after General Motors pulled out, the new white South African managers of the former GM stated with relief, "At last we can sell armored trucks to the army again." When new non-American management takes over, workers lose jobs, those who remain lose opportunity, and the South African Government wins.

How has that helped end apartheid? Contrast that experience with the actions of the 150 firms which have made the decision to remain in South Africa. Since the 1986 legislation, which I supported, those firms have had to comply with a tough code of conduct prescribing how United States firms will help empower nonwhites in South Africa. Studies have shown that nonwhites employed by U.S. firms are significantly better paid and better trained than their counterparts working for non-U.S. firms, and the number of nonwhites in supervisory jobs at U.S. firms continues to increase dramatically. Meanwhile, many U.S. firms have taken seriously their responsibility to improve the lives of nonwhite workers and their families outside the workplace, starting programs to assist workers with education, housing, medical care, and small business assistance. This is a subject in which I have taken a particular interest, and I hope to address it further when we consider the Broomfield substitute. In short, it is clear that, by accepting the risk and responsibility of their presence in South Africa, these firms have done more to advance the United States goal of ending apartheid than those who have left.

If the United States unilaterally cuts all economic ties to South Africa, we will lose any opportuntiy to help the forces of reform from the inside. Once divestment occurs, there is no turning back, yet no guarantee that divestment will help end apartheid.

Accordingly, I supported economic pressure only if it is multilateral and so offers a real possibility of creating change. Isolating ourselves will not end apartheid. Isolating South Africa, might. By passing the Broomfield substitute, we take a new, solid step toward our real goal, ending apartheid in South Africa. Today, do something positive for South Africa—support the Broomfield substitute.

The CHAIRMAN. The Chair would state that the gentleman from Michigan [Mr. BROOMFIELD] has 6 minutes remaining and the gentleman from Michigan [Mr. WOLPE] has 8½ minutes remaining.

Mr. WOLPE. Mr. Chairman, I only have one speaker to close debate. So I would reserve the balance of my time for the purpose of closing debate.

Mr. BROOMFIELD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 283]

ANSWERED "PRESENT"—374

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conyers
Cooper
Costello
Coughlin
Courter
Coyne
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)

Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal
Nielson
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

□ 1635

The CHAIRMAN. Three hundred seventy-four Members have answered to their name, a quorum is present, and the Committee will resume its business.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Chairman, in accordance with my previous statement to the House and in conversation and discussion with the distinguished Republican whip, I said that I would announce at 4:30 whether we would proceed with the Coast Guard authorization rule and bill or conference report, and it is my intention to move that bill, that conference report, to schedule following our return in September to minimize the burden of today's schedule.

But in doing so I would like to advise the Members that there is still a possibility of the consideration of the urgent supplemental bill, which is now being worked out between members of the other body and Members on our side, and, in order to accommodate that without having business intervene, I would like to have recess authority so that we would be able to recess rather than continue legislation.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Mississippi.

Mr. LOTT. So, we can make sure that we understand it, the gentleman from Washington [Mr. FOLEY] is dropping the Coast Guard conference report. At the proper time he is going to ask for recess authority so that we can await, I guess, the adjournment resolution for one thing, and we have not gotten that back, on the assumption that there might be a possibility for a bipartisan agreement on this dire supplemental.

Mr. FOLEY. The gentleman from Mississippi is correct.

Mr. LOTT. Now I guess the question that all the Members have in mind would be: would that mean that there could be after a recess then later on tonight the possibility of a vote on that dire supplemental?

Mr. FOLEY. Well, we would anticipate no votes, and the expectation would be that the agreement on the supplemental would be bipartisan.

The problem I have, very frankly we have an aside, and I am not anxious to fill in a schedule with the rule and consideration of the conference report on Coast Guard. I want to take that off the calendar so we do not have Members on your side required to be here for missing votes. But in order to do that I have to have some recess authority or we have to continue business.

Mr. LOTT. Let me try to help the gentleman to this extent.

First, I do think we need to clear up whether it is your intent to proceed with this bill that we have been considering to its completion. Is that correct?

Mr. FOLEY. The gentleman is correct.

Mr. LOTT. And the recess authority which you asked for would strictly be so that the Members would not have to stay or so we would fill in and that your only intent would be to, in case there was a possibility, we could bring up the dire supplemental under such set of circumstances where there would not be a recorded vote. If it should look like that cannot be worked out, cannot have an agreement or there is going to be a recorded vote, then it would not be brought up.

Is that my understanding? Is that correct?

Mr. FOLEY. I cannot tell the gentleman from Mississippi [Mr. LOTT] that we would not require someone to object. I am not saying that, if we have notice that there would be objection, we would not bring it up. We intend to bring it up by unanimous consent.

Mr. LOTT. But I would like for us to have the opportunity, if the gentleman from Washington [Mr. FOLEY] will yield further, to try to work it out, if they did work it out where nobody would object.

Mr. FOLEY. That is the intent.

Mr. LOTT. And then with that source of understanding, then I think the gentleman's request for a recess with that understanding is a legitimate request.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, there is an aspect of the dire emergency supplemental that this House has not looked at, and in the other body some very tricky language was introduced on what are called net worth certificates for thrifts that could cost literally $11 billion.

Mr. FOLEY. Mr. Chairman, it is my understanding we are working to eliminate that language.

Mr. LEACH of Iowa. If that is eliminated, I think there would be less objection on this side.

Mr. FOLEY. I think the gentleman need have no concern.

Mr. Chairman, I cannot ask for unanimous recess authority in the committee, but I will when we return to the House.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I cannot hear the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. I was just stating to the Chair that, since I am not able to request recess authority in the Committee, I will defer until the House resumes its sitting to make such a request. I hope it will be granted because again the decision on legislation, not to proceed with the Coast Guard legislation, is dependent on the granting of recess authority.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, when Frederick Douglass and Abraham Lincoln called for the abolition of slavery, they were told to wait, and that they were moving too fast. When Susan B. Anthony called for women's suffrage, she was told to wait, and that we were moving too fast. When Martin Luther King marched in Selma and Birmingham for the end of racial segregation, he was told to wait and that he was moving too fast.

Now black South Africans, who have no political rights or economic power to speak of, are being told to wait, and that they are moving too fast. Instead of using sanctions to pressure the apartheid regime in Pretoria to negotiate with the black majority, to bring true democracy to that oppressive country, to allow freedom of the press, and to end racial segregation in all public facilities, we are being told to wait. But what is there to wait for?

Please stop telling us that sanctions are ineffective. The Members who are saying that sanctions don't work are the same people who supported sanctions against Nicaragua, Poland, Cuba, Vietnam, Libya, and other countries. None of these countries have anything on South Africa when it comes to imprisoning dissenters, censoring the press, or denying the masses of their citizens the right to have a choice in their government. So if sanctions are appropriate in those cases, they are more than appropriate here.

Please stop telling us that sanctions will only hurt South Africans, and that constructive engagement will empower black South Africans. United States firms employ less than 1 percent—70,000 out of 26 million—of the entire black South Africa population. And the way South African companies have broken strikes, particularly the strike led by the predominantly black Coalition of South African Trade Unions, shows that constructive engagement has done nothing to empower black South Africans. In fact, constructive engagement has done little more than enrich South Africans while black South Africans continue to work and live in subhuman conditions.

Please stop telling us that black South Africans don't want the U.S. to impose sanctions. We all know that all the major black leaders in that country—except one—have been calling for sanctions, despite the threats of prison and violent reprisal. And instead of constantly citing polls about what black South Africans really want, the South African Government should finally give everyone in that country the right to vote, so that they can truly express their views.

Please stop saying that the 1986 sanctions bill entrenched white South African resistance. The truth is that the bulk of Afrikaaners are desperate to hold onto their power, fearing that they will not have control of the country in a true democracy.

The apartheid regime had been tightening its grip on free speech, freedom of the press and the majority of its citizens even before 1986.

And please stop saying that sanctions will leave America with no influence in South Africa. What has been done with all this influence that we have over the South African Government? Do black South Africans have the right to vote? Don't black South Africans still earn only a fraction of what their white counterparts earn for the same work? Have the Afrikaaners ever offered any arrangement that would give the majority of South Africans a true voice in their Government? Since American influence has yielded little more than token concessions over the past four decades of apartheid, why should we continue on that path?

Let's stop stalling. I urge all of my colleagues to vote in favor of H.R. 1580 today.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in strong support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

While there is obviously a difference of opinion as to whether additional sanctions will be helpful or harmful to the black majority of South Africa, there should be no discrepancy over the tragic effect that the racist system of apartheid has had. Apartheid not only dehumanizes its victims through destruction of their families, through forced labor at little or no pay, through incarceration without charge or trial, it also kills. In the 40 years of the Pretoria apartheid regime, almost 75 percent of the population in South Africa has been denied basic human rights and freedoms. Untold thousands of them have lost their lives, and continue to lose their lives as we speak, simply because they want the freedom to live like human beings.

While opponents argue that sanctions will hurt the black majority more than the white minority, the facts do not support that argument. Opponents also argue that the limited sanctions enacted in October 1986 are sufficient and negate the need for additional sanctions. Again, the facts do not support that argument. The fact is that from the perspective of its victims, it is apartheid, not sanctions, that is the major cause of black suffering in South Africa.

Of the 24 million black and mixed race majority population of South Africa, less than 1 percent are employed by American corporations. Today, more than 3.3 million black workers are listed as officially unemployed, and that figure does not include unemployment in the so-called homelands, where countless thousands are without work. The loss of citizenship by over 7 million people, forced removals, separated families, infant mortality rates that exceed those in many poorer African states, and a totalitarian police state, are not manifested by sanctions—they are the direct results of apartheid.

For those who argue against the imposition of additional sanctions against the racist Pretoria apartheid regime, I ask, why are they acceptable against countries such as Cuba, Poland, Panama, Nicaragua, Uganda, Libya, Vietnam, and others—but not against South Africa?

Opponents say that the key to helping black South Africans is to help them economically. With that I agree. H.R. 1580 calls for economic assistance for victims of apartheid. However, economic assistance is not enough. What black South Africans need most is political empowerment to enable them to take control of their destiny and move toward freedom and independence.

How will sanctions help them achieve that goal? Let me quote from Winnie Mandela, "The multinational companies, as far as we are concerned, are political criminals in this country. One doesn't dream for one minute that sanctions alone would bring the government down or disinvestment alone. But it is part of a tool one can use and in fact, tools of this nature which are instruments of liberation would lessen the bloodbath we are headed for.* * *"

Mr. Chairman, I believe the comprehensive sanctions contained in H.R. 1580, are a tool to be used for the long term, to amplify internal pressures from the majority for a negotiated end to apartheid.

The essence of the problem for the black majority population in South Africa is that they do not have any political rights. What are they supposed to do—buy political rights from the Botha regime? The fact is that they have never benefited from a South African economy that has been bolstered by years of United States investment and trade. During periods of strong economic growth in South Africa, in the early 1960's and 1970's, blacks suffered some of the worst repression in South African and Namibian history.

Apartheid does not need to be reformed, nor does it need to be fine tuned. Apartheid needs to be abolished. Sanctions will foster apartheid's demise by denying the very lifeblood which sustains it—massive infusions of U.S. currency.

Mr. Chairman, I urge my colleagues to support passage of H.R. 1580 and send the message to the Botha apartheid regime and the black majority in South Africa, that we in the U.S. Congress, will no longer tolerate the deliberate, sustained repression of human rights and basic freedoms that are taking place in that country.

Sanctions can be effective—if they are used in a consistent and forceful manner. H.R. 1580 provides the mechanism for such implementation and it should be overwhelmingly accepted.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I appreciate the opportunity to rise and express my strong support for H.R. 1580, the Anti-Apartheid Act Amendments. The apartheid form of government is much akin to slavery and is repulsive in the light of true democratic ideals. There are indeed serious economic, political, social, and moral concerns that will reverberate from this bill; just as there is human degradation in an apartheid society. As an American, enjoying the hopes and dreams of a free society, I am further dedicated to justice and human rights for all the people of this world, and I stand on this firmly in support of H.R. 1580. I support this bill after having weighed the strategic concerns of this Nation, after having discussed the economic repercussions for black South Africa, and after having given deep thought to past United States policies affecting South Africa that have failed miserably, I know it is just and proper that the United States Congress pass H.R. 1580, and that it become law.

Mr. Chairman, on July 12 of this year I spoke to an audience at the annual dinner of the Americans Against Apartheid at Howard University. I would like to enter into the RECORD at this point a copy of the remarks I made that evening:

Americans Against Apartheid Annual Dinner, July 12, 1988, Howard University

Not that long ago, race relations in the United States were in a violent turmoil. Local sheriffs and police officers jailed and beat black people who only wanted to have a voice in government through their votes. Many blacks died because they believed they had a right to eat in the same restaurants, shop in the same stores, live in the same neighborhoods, and work in the same companies as white people.

Blacks picketed the streets of not just small towns in the Deep South, like Yazoo City, Mississippi, my hometown, but in large cities across this country demanding equal protection, equal rights under the law. They boycotted businesses, protested separate but equal, and organized themselves into powerful, important community groups.

Black mothers and fathers fed and clothed their families on little more than a hope and a prayer from that week's meager wages, and they educated their children as well as they could, given the limited resources they had. Their houses were not warm in the winter or cool in the summer, but they somehow made a home for their families with love, struggle, perseverance, and struggle.

And, it was through struggle, perseverance, and love that these same people convinced a nation that hearts needed to be opened, long-held beliefs needed to be challenged, and laws needed to be passed. During the past 25 years, civil rights laws, fair housing laws, equal education laws, and wage protection laws have been passed. Hearts have been opened, and long-held beliefs have been challanged, even in states like Mississippi, where at one time no one would have ever thought a black man like myself would be elected to the U.S. Congress.

It happened. It happened because we live in a country, that despite its many weaknesses and failings, is based in the belief that all men and women have rights: life, liberty, and the pursuit of happiness. Though this country's leaders tried for decades to justify the denial of these rights to black people, they have to finally give it up, because you, your parents, my parents, our grandparents said no more.

Though certainly our struggle here at home is not over, we now face an even greater battle with our brothers and sisters in southern Africa. The racial strife I just described in this country is only an echo of the pain and suffering in southern Africa which has been part of the history of those countries for centuries.

For more than a hundred years, black South Africans have been repressed by the racist government of South Africa. Twenty-five million blacks, Asians, and mixed races are under the control of only 4 million whites. They can not move about as whites do; they are banished to poverty-striken areas; they can not vote; and they are beaten, tortured, and jailed. This sounds all too familiar.

But, just like blacks in this country, these methods of terror have not been enough to keep blacks down in South Africa. They have stood up to protest apartheid. Blacks and whites in this country had stood up as well to protest apartheid. In 1986 Congress passed legislation requiring South Africa to end its system of apartheid. But, none of the conditions outlined in the legislation have been met, and the Administration ignores the law and threatens to veto the new sanctions bill. We know that weak economic sanctions can be circumvented and have been circumvented.

We must give full support to the sanctions bill being considered by Congress because it represents a means to dismantle the South African apartheid system. Clearly, the Administration's policy of constructive engagement has failed because the South African government has not met any of the criteria for significant progress toward ending apartheid. In fact, the situation has worsened.

South Africa has increased its destabilization of the entire area with its illegal occupation of Namibia, its support for insurgencies in Mozambique, Zimbabwe, and Angola, and its raids into Botswana, Swaziland, and Zambia. The U.S. government can no longer cast a passing glance at South Africa while its government continues its systematic supression of blacks and minorities. We must prove that America's opposition to South Africa's racism is not superficial, but real. Passage of H.R. 1580 is a beginning.

Recently, I participated in a press conference here in Washington, D.C. to denounce a decision to give Angolan rebel leader, Jonas Savimbi, a humanitarian award in the name of Medger Evers, the slain civil rights leader of Mississippi. As you may know, Savimbi visited three cities in Mississippi, two in my District. I am happy, but not surprised, to report that he did not accomplish much while he was there.

Savimbi was met with more protesters than supporters at every stop. The people of Mississippi can not be duped into believing that UNITA, with the help of the South African government, has not planted land mines along roads and farmlands in Angola in a direct effort to cause suffering and permanent disfigurement to the people of Angola. UNITA is creating a country of amputees who will have to be supported and treated with the meager resources of Angola. More than 20,000 Angolans have lost limbs as a result of UNITA mines.

We can not be duped into believing the people of Angola are not dying from malnutrition as a result of the destruction caused by UNITA. More than 100,000 people died because of malnutrition between 1980 and 1985 in areas once described as the "breadbasket of southern Africa."

Angolans live in constant fear of attacks as they try to farm and mine. They are separated from their families. They know they are not safe anywhere, given that rebels are willing to kill even hospital patients.

And, I can not understand why the children are always the ones to suffer the most. The children of Angola, South Africa, and Mozambique are dying at rates higher than in any other country. Angola now has the highest mortality rates for children under five in the world. This is a direct result of the destabilization and atrocities of the South African-backed resistance groups. UNICEF reports that a small child dies every 4 minutes in Mozambique and Angola as a result of the war.

In South Africa, thousands of children have been caught in the web of mass arrests under Pretoria's so-called martial law justice system. Nearly one third of the total number of blacks detained by the police during the 3-year-old state of emergency were children. The number of children arbitrarily jailed remains outrageously high.

We have been appalled by the violence, by the extension of the state of emergency which has hidden much of the brutality, but we have been most appalled by the treatment of the children: of 30,000 people detained since 1985 alone, more than 8,000 are children.

In an effort to show solidarity with the children of South Africa and to show solidarity with courageous people of all races in South Africa, Congressman Charles Hayes of Illinois recently introduced a resolution declaring June 16, 1988, as "Seweto Rememberance Day" to call on American citizens to participate in local activities designed to commemorate the martyrs of Soweto and to work toward ending support for the system of apartheid.

I co-sponsored this resolution, along with many other Members of Congress, so we will not forget the day in 1976 when more than 1,000 children were brutally murdered by the South African police in the township of Soweto. These children committed no crime. They simply wanted to be educated in their native language in their native land.

Twelve years later, South African parents continue to agonize over the problems of raising children in a deeply divided and violent racist society. According to the Rev. Frank Chikane, general secretary of the South African Council of Churches, "They find themselves either confronting the system or running away from tear gas and bullets. For these children, violence has become a lifestyle, leaving still undetermined emotional scars."

This is no way to live. Clearly, the aim of the rebels and the government of South Africa is to create a weakened and dispirited people in all of southern Africa. South Africa must do away with any threats from its neighbors, so they export their terrorism into the countries of southern Africa.

We know about the horrors of these wars. It is sad and frustrating to me that campaigns to garner support for UNITA are underway in the black community in my state. Blacks in Mississippi oppose apartheid, and they oppose Savimbi.

The apartheid system and its continued denial of basic human rights and freedoms to the 25 million black majority population of South Africa offends the sensibilities of freedom loving people everywhere. It is repugnant to the ideals which our Nation's founders embraced in our Declaration of Independence, Constitution, and Bill of Rights. If we in this country embrace such treatment of other citizens, we as well should be condemned.

It is imperative that stronger measures from the Administration and the next Administration are undertaken to show to the world that the racist actions of South Africa will not be tolerated by what is the strongest democracy in the world.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. Rodino].

Mr. RODINO. Mr. Chairman, I rise as an original cosponsor of H.R. 1580, the Anti-Apartheid Act Amendments of 1988, to express my deeply felt belief in the necessity of this legislation and the urgency with which we must act upon it.

I am dismayed that we must once again confront this issue. But the fact is that the limited sanctions currently in place have not been effectively enforced and American investment in South Africa continues because of exemptions and inexact wording. Although the experience of the past 2 years has demonstrated that even limited sanctions have had an economic impact on South Africa, we cannot expect dramatic results until we impose the strong comprehensive sanctions contained in H.R. 1580 that will stop all trade and investment in South Africa.

By approving this important legislation, the Congress will send a clear and strong message: That America will no longer subsidize apartheid and that we are prepared to do whatever is necessary to encourage the negotiations that will lead to the establishment of a just system by peaceful means. We must act before it is too late—as Bishop Desmond Tutu has said, "there is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk with a chance."

Mr. Chairman, our Government is founded upon an enduring principle guaranteed by the Constitution—that everyone is equal before the law. With brutal force and repression, this principle is subverted every day in South Africa in order to preserve the system of apartheid. As Americans, we have a special responsibility to reaffirm our commitment to this principle by working to end the inequality and injustice in South Africa. As human beings, we have a moral obligation to proclaim—both in words and in deeds—our vehement opposition to the brutality inflicted upon blacks in South Africa apartheid. Now is the time to act. I urge the passage of H.R. 1850.

Mr. WOLPE. Mr. Chairman, I have only one speaker to conclude the debate, and so I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. DONALD E. "BUZ" LUKENS).

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I appreciate the gentleman from Michigan [Mr. BROOMFIELD] yielding me this time.

Let me say very briefly that I rise to oppose the bill strenuously. There are many aspects to South Africa. The problem of apartheid personally repels me, and no one objects to it more than I do. There is a political aspect, a military aspect and an economic aspect. This bill unfortunately addresses an emotional issue rather than the heart of it.

Mr. Chairman, what we have done is drive South Africa into a military arms sales stance. Five years ago it was seventeenth in the world, hardly a factor. Today it is No. 5. Because of our short-sighted policies of noninvolvement economically we have allowed them to become a military giant and a regional superpower on the continent of Africa. Politically speaking, what really turns South Africans on black and white is the economy.

Mr. Chairman, it deeply concerns me to see us addressing a further deterioration of the United States-South African relations when the answer really lies in helping those black underprivileged and economically and politically deprived citizens of South Africa to achieve a full voting status by economic means, and it is absolutely doable.

What we have heard about South Africa that is bad is probably all true. But what we have also heard about South Africa that is good is also all true. The bad part is political, and the good part, by and large, is economic.

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Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Chairman, I would hope that all Members of this body can agree that all of us abhor the practice of apartheid and oppose discrimination wherever it may exist.

While I also hope that every Member in this Chamber is well informed about the issue which we are considering today, I would like to offer an explanation of the repercussions which this bill, if enacted would have on the U.S. economy.

This bill calls for the unilateral disinvestment of all United States holdings in South Africa and the unilateral forfeit of all United States trade with South Africa. The experience of the last 2 years has shown conclusively that everything United States investors are forced to sell at a loss will be bought by a foreigner at a profit, and every product that the United States stops exporting to South Africa will be replaced by a Japanese, German or British product.

The sponsors of this bill recently sent a letter to all Members boldly proclaiming that the benefits of sanctions outweigh the economic costs. I wonder if these Members have really taken a look at what this bill means to the U.S. economy?

If enacted this bill would force, through threat of criminal penalties, the disinvestment of millions of dollars of retirement funds, pension plans, and individual investments.

The number of jobs that this action would cost the U.S. economy is conservatively estimated at 50,000. Who in this Chamber can support the sacrifice of 50,000 American jobs for any reason.

The result of economic sanctions against a developed country such as South Africa are exemplified by the situation in the coal and steel industries. After United States sanctions on South African coal and steel, the South Africans simply knocked a few cents off the price and put their product on the world market. They found ready buyers in Turkey, the Netherlands, Japan, and Thailand among others.

The United States steel industry found itself suddenly competing against new, lower priced world producers and the United States coal industry lost $250 million in exports because of South African price cuts. In the end the South Africans lost a few cents on the ton of coal, and the United States lost 3,000 to 7,000 jobs—directly related to the sanctions. I hope that this is understood in the vast coal producing regions of the United States. I assure you it is in these areas of Virginia.

An incomplete survey of the immediate economic impact of this bill on the U.S. economy shows that we will be sacrificing $1.2 billion in exports, $1.2 billion in gold mine investments, and $35 to $100 million in oil lease revenues. Add this to the already accumulated losses of the U.S. coal and uranium industries—$500 million—and you come up with at least $3 billion in U.S. losses within a year of this bills enactment.

In sum, the United States stands to lose a bare minimum of 50,000 jobs and $3 billion due to this bill, while other nations have shown an eagerness to replace our market position. Some Members have indeed stated that the benefits of sanctions outweigh the costs. I wonder if the retirees who suffered great losses in their pension funds, the steel producers who are rapidly losing markets, and the unemployed coal miners would agree.

This legislation, however well intentioned, is simply contrary to the best interests of the United States. I hope it will be rejected.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of H.R. 1580 and I am proud to be a cosponsor of the pending Anti-Apartheid Act. I support the pending legislation and will vote against the amendments that will be offered by the gentleman from Indiana [Mr. BURTON] and the gentleman from Michigan [Mr. BROOMFIELD].

Mr. Chairman, I supported the 1986 sanctions bill and voted for it, overriding the President's veto. It is time to send a clear message, once again, because evidently the message that was sent in the earlier bill has not been received by the South African Government.

Among the first indications that the message was not received was the crack-down on dissent within South Africa. It is inconceivable that the Government there can be interested in dialog when vigorous but peaceful advocates of change are silenced.

Mr. Chairman, the message that the South African Government should understand that we are conveying is that the time has come for the end of apartheid in South Africa. The American people stand with the majority of the people of South Africa who want self-rule; the current system is morally repugnant, and the American people will have nothing to do with it.

We need strong, mandatory sanctions at the earliest possible moment. As it has been said; "sanctions hurt * * * apartheid kills." Accordingly, I urge support of H.R. 1580.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, when we deal with the repressive, totalitarian regime in the Soviet Union, we are told it is important to maintain the dialog, even if we abhor their policies.

When we deal with the repressive, totalitarian, Communist regime in Mozambique, we are told that it is important to maintain the dialog, even if we abhor their policies.

When we deal with the repressive, totalitarian regime of Communist Cuba, we are told that we should open a dialog, even if we abhor their policies.

Today we are told that the best policy is to close the dialog with South Africa, take ourselves out of the solution to the problems of that country, leave black South Africans to fend for themselves, close off avenues of opportunity to that violence is the only solution.

What we are being told today may be good politics for some, but it is bad policy for us all.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, today others will discuss the foreign policy implications of this legislation and whether sanctions are the most effective way to promote changes in South Africa. I, however, will focus my remarks on the impact this legislation could have on U.S. jobs and industry—particularly manufacturing-based jobs—and our national security. Specifically, I will discuss the effects of the proposed embargo of critical mineral imports from South Africa.

The field of strategic minerals is close to my heart. Before coming to Congress, I was an industry consultant in the field of materials in manufacturing, and have been a faculty member in the field of metallurgy. I hold master's and doctorate degrees in physical metallurgy from the Massachusetts Institute of Technology.

As we consider how to bring about the end of apartheid in South Africa, we must also consider our own needs. It would be irresponsible to proceed with this legislation without considering the potential consequences to our own economy. If passed, this bill would prohibit the United States from purchasing products or materials from South Africa. Yet, South Africa is our major supplier of many critical minerals that are largely unavailable anywhere else except the Soviet Union.

This bill's supporters recognized this, and added language which allows the President to certify that we can't get these materials elsewhere. Then we can resume buying them from South Africa.

First, there is a great danger that our next President, especially if that President turns out to be a liberal Democrat, might not waive this restriction on strategic minerals and allow us to purchase what we need from South Africa.

Second, in the event that the "reliable alternative" is viewed as the Soviet Union, I do not think it appropriate or more morally correct to rely on them rather than South Africa for our critical mineral needs. Nor do the Soviets have the production capacity to meet our needs.

Third, we may antagonize the South Africans into deciding, in the face of disinvestment and a trade embargo, not to sell us the very materials we need most.

And, fourth, those minerals could well end up in imported finished products, made outside the United States.

In sum, this bill leads down the path of dependency to the Soviet Union and could greatly hurt United States industry by denying us the minerals we need to produce our products.

I would like to support my arguments in greater detail. Before doing so, I will discuss the uses and sources of the minerals affected by this legislation.

Platinum is essential for reducing automotive exhaust emissions, refining petroleum, and producing nitric acid for fertilizers, explosives, and other chemicals. It is also used in electrical and electronic equipment for contacts and electrodes.

Chromium is essential to stainless steel and superalloy production, and to processes in the defense, aerospace, chemical, power generation, and transportation industries where oxidation and corrosion-resistant materials are needed. It is one of the most important engineering materials.

Manganese is necessary for steel and cast iron production primarily because of its desulfurizing, deoxidizing and alloying functions.

Vanadium is used principally as an alloying element in steelmaking. Vanadium-aluminum master alloy is a vital component of titanium alloys used in aircraft to provide increased strength and workability. Vanadium compounds are also used as catalysts in the chemical industry.

Cobalt is necessary in critical, so-called super alloys, particularly in jet aircraft engines, tools, mining and drilling equipment, wear-resistant alloys, magnets, and catalysts.

Andalusite is important in making high-quality refractories used in critical areas of the iron and steel industries, including blast furnace stoves. The United States imported 100 percent of its consumption from South Africa in 1984-85.

Where do we get these materials? You have often heard that the United States is seriously dependent upon imports for many of these minerals. A closer look at the world picture conveys a real sense of dependency.

Ninety percent of the world's present platinum group metals mine capacity is in South Africa, 64 percent and the Soviet bloc, 26 percent. Virtually all new U.S. supplies of platinum-group metals—platinum, palladium, rhodium, and iridium—come from imports. Last year South Africa supplied over half of our imports.

Sixty-seven percent of the world's present chromium mine capacity is in South Africa, 36 percent, and the Soviet bloc, 31 percent. All new U.S. supplies of manganese come from imports. Last year South Africa supplied just about half of these imports.

Fifty-five percent of the world's present manganese mine capacity is in South Africa, 25 percent, and the Soviet bloc, 30 percent. All new U.S. supplies of manganese come from imports. Last year South Africa supplied over one-fourth of our imports.

Fifty-eight percent of the world's present vanadium mine capacity is in South Africa, 36 percent, and the Soviet bloc, 22 percent. Almost half of United States new supplies of vanadium come from imports. Last year South Africa supplied about half of our imports.

Seventy-two percent of the world's cobalt mine capacity is in Zaire, 45 percent, Zambia, 14 percent, and the Soviet bloc, 13 percent. All new U.S. cobalt supplies are imported. Zaire and Zambia account for about one-half of our imports.

Disturbances to the South African transportation infrastructure would adversely affect cobalt shipments. Despite the assertions made by supporters of this legislation that mineral production from Zimbabwe, Zaire, and Zambia could be transported through non-South African routes and shipped from non-South African ports, or "simply flown out as it has been in the past," this is simply not ture.

The promise of adequate rail service through non-South African countries is long standing, but over the last 25 years there has been little progress. Portions of the cobalt production have been flown out of Zaire, but it would be folly to think the vanadium tonnage required by the United States could be airlifted out of Zaire or Zambia at a competitive cost when a sale could be made to a third-party nation for reshipment under a new nationality to the United States. It will be some time before adequate alternative rail and port facilities will be available to replace existing South African facilities.

To minimize the potential for disruption to our economy due to the embargo of imports, an exemption for strategic minerals was included in this legislation. However, for this exemption to go into effect, the President must certify that "the quantities of such minerals which are essential for the economy or the defense of the United States are not available from alternative reliable suppliers."

In a highly charged, politicized atmosphere over South Africa, I take issue with the effectiveness of this exemption to provide for our needs. This language is subjective; it is open to interpretation based on politics. Then there is the question of deciding which "quantities" are "essential." Just what constitutes "essential," or "reliable?" It is reasonable to assume that a Michael Dukakis administration would be far less likely to allow purchases from South Africa than a George Bush administration.

We are dealing with a situation which could place a massive economic burden on the United States. According to a United States Bureau of Mines technical report, a fully effective embargo, whether self-imposed or as a result of an action by South Africa, would have a direct cost of $1.85 billion per year.

The indirect impacts, of which we are intimately aware, include impacts on industrial production, GNP, and employment. The Bureau of Mines, in response to a request by Congressman JOHN DINGELL, has in a "draft" report analyzed these impacts and determined that estimated GNP losses resulting from expected declines in automobile production—due to the inability to conform to the Clean Air Act because of a lack of catalytic conversion material—would be $34 billion in the second year of the embargo, and $27 billion during the third year of the embargo. Estimated U.S. employment losses associated with the GNP losses would be approximately 572,000 jobs in the second year of the embargo and 458,000 in the third year—in motor vehicle manufacturing, 16 percent, other manufacturing industries, 24 percent, and in other sectors, primarily transportation and retailing, 60 percent. I personally believe that such figures overstate the case, but nevertheless call attention to the importance of these materials to our economy and jobs. We haven't even begun to analyze the impact of our largest employer, the electronics industry.

Allow me to include for the Record two tables contained in testimony of Robert Dale Wilson, then Director of the National Critical Material Council, before the Committee on Interior and Insular Affairs on December 10, 1987. The tables show the tremendous increase in imports of these minerals from the Soviet Union and East bloc since the sanctions bill went into effect.

Even in this much touted era of glasnost, are we ready to turn to the Soviet Union for our vital material needs? Should we allow the Soviet Union control over the price and availability of these materials, essential for the production of nuclear submarines, fighter aircraft, and other defense products—not to mention domestic critical economic uses? I would hope not.

Supporters of this bill have stated that "At higher prices, additional supplies could be obtained domestically and from Canada." I question whether we could obtain additional supplies from Canada. Let's take the case of platinum from Canada. Canada recently announced its plan to mint 450,000 ounces of platinum coins per year, and further announced that it will purchase approximately 200,000 ounces of platinum on the open market to satisfy its requirements.

Also, I want to point out that this bill does not prohibit the importation of goods manufactured using South African minerals. Because of this, United States industries, particularly the steel industry and the manufacturing goods industry, will pay with higher costs for raw materials than our competitors, such as the Japanese, when the South Africans reduce prices to maintain market shares. There will always be customers and South African minerals will get to the world market. Only we'll purchase them indirectly at higher prices.

A proponent of this bill has further suggested that the United States could depend on its strategic stockpiles if critical minerals were embargoed. This is fallacious reasoning based on a total misunderstanding of the purposes and management of these stockpiles. The Stockpiling Act (50 U.S.C. 98 et seq.) clearly states that the stockpile is intended to "* * * Retain stocks * * * of strategic and critical materials * * * to decrease and to preclude * * * a dangerous and costly dependence by the United States upon foreign sources * * * in times of national emergency." The act goes on to specify that the term national emergency means one * * * with respect to the national defense * * *." Further, the act also clearly states that "the purpose of the stockpile is to serve the interest of national defense only and is not be used for economic * * * purposes."

Then there's the response of South Africa to our actions. Already members of the antireform opposition in South Africa are calling for a ban on mineral sales from South Africa to the United States. Is it possible that this bill could provoke the South African Government into negotiating a critical minerals cartel? Let us not forget DeBeers which already has a defacto diamond cartel with the Soviets.

As a member of the Helsinki Commission, I find it ironic that this bill has the potential to transfer United States mineral purchases from South Africa—a country whose Government denies blacks many civil rights and many freedoms—to the Soviet Union—a country that denies its people at least those rights and freedoms. I don't see that it is more morally correct to trade with the Soviet Union than it is to trade with South Africa.

In closing, I do not support this legislation. Aside from the problems it poses for national security and U.S. industry, I do not believe we can force the end of all apartheid and racism in South Africa by withdrawing our presense. I would strongly advocate increasing the American presence in South Africa. A look at the success of sanctions since 1986 shows that our sanctions have made things worse and hurt the people we are trying to help. It created over a hundred new white South African millionaires. It's backward policy. It's pointedly counterproductive. This bill will not only fail to achieve its stated purpose, but it will hurt us. It will hurt us as well. It is a sad chapter in our history.

TABLE 1.—MINERAL ENDOWMENTS OF SOUTH AFRICA AND THE SOVIET UNION FOR KEY CRITICAL MATERIALS

[Percent of total estimated for 1986]

	Republic of South Africa			Soviet Union		
	World reserve base	World production	U.S. imports	World reserve base	World production	U.S. imports
ELEMENTS						
PGM[1]	90	49	60	9	46	12
Mn	71	15	30	21	41	0
Cr	84	34	[2]70	2	[3]30	[4](?)
V	47	46	31	25	35	0
Co[5]	32	68	56	3	9	0

[1] Direct South African imports are 43 percent, an additional 17 percent are indirect.

[2] Includes imports from Zimbabwe of about 11 percent shipped through South Africa.

[3] Albania produces an additional 10 percent of world chromite.

[4] Some imports from Yugoslavia originate in the Soviet Union.

[5] Cobalt from Zaire and Zambia is transhipped though South Africa to the United States.

Source: U.S. Department of the Interior, Bureau of Mines, and the National Critical Materials Council, Executive Office of the President. Import percentages are based on an average 1982–85.

TABLE 2.—CHANGES IN IMPORTS OF SELECTED METALS FROM COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE COUNTRIES FOLLOWING THE ANTIAPARTHIED ACT

Commodity units	Base period (1981–85)	12-month period	Percent increase
Antimony (pound)	1,281	62,551	4,783
Chrome ore (refrac.) (gross ton)	1,252	3,220	157
Industrial diamonds (carat)	2	100	4,900
Ferrosilicon (gross pound, U.S.S.R.)	692,970	3,302,975	377
Platinum bars (Troy once)	491	2,066	321
Rhodium (Troy ounce)	620	3,012	386
Platinum sponge (Troy ounce)	874	1,510	73

[1] October 1986 to September 1987.

Source: Bureau of Census and Office of Strategic Resources, U.S. Department of Commerce.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. Ravenel].

Mr. RAVENEL. Mr. Chairman, sanctions already imposed against South Africa have set back the end of apartheid for the foreseeable future.

How wrong can a nation be? As wrong as these United States in thinking that it can cause a modern military and industrially secure country, possessing most of the free world's precious metals and critical minerals, to change its government by imposing unilateral economic sanctions against it.

Then why do we do it? Why do we injure and retard our black brethren in South Africa? The answer is as simple as it is tragic. We do it because there are votes to be harvested by some here at home by voting to impose these nonproductive sanctions against South Africa and yelling about it to the skies.

Count me out of this cruelty. When the vote is taken to sacrifice the blacks of South Africa on the altar of American politics, my vote will be no.

Mr. BROOMFIELD. Mr. Chairman, I yield the balance of my time, which is 2 minutes, to the gentleman from Arizona [Mr. Kyl], who was allocated only 7½ minutes to consider his amendment by the Committee on Rules.

Mr. KYL. Mr. Chairman, I thank the ranking member of the committee for yielding this time to me.

We are going to begin consideration in just a moment of three separate amendments to this bill. My amendment will be the second amendment considered, and as the gentleman from Michigan [Mr. Broomfield] pointed out, we only have 7½ minutes to present our side.

My amendment was adopted by the House Armed Services Committee. It is one of two provisionis that were adopted by committees, but were stripped from the bill. Therefore, I wanted to take this 2 minutes to at least explain to my colleagues why I believe they should support this amendment.

It does not deal with the sanctions section of the bill, but rather the intelligence provisions. It has nothing to do with apartheid.

Our U.S. Government, our military, our intelligence, provide absolutely no assistance, military or intelligence assistance, to South Africa.

As a matter of fact, existing law provides that we cannot cooperate directly or indirectly with the armed services of South Africa, except to gather intelligence.

Mr. Chairman, this bill as presented to the floor wiped out that exception. We would even be prohibited from gathering intelligence through any means of cooperation with the armed services of South Africa.

Now, as I said in the Armed Services Committee, an amendment that essentially restored that exception was adopted, but it has been taken out of the bill.

My amendment in slightly different language simply says that we could corporate with the armed services of South Africa, but only if the President of the United States certified to the U.S. Congress that it was in the best interest of the United States, not South Africa.

Mr. Chairman, my amendment only would allow cooperation with their armed forces if the President certifies to the Congress that it is in our best interests. Now, what possible harm could that do? What is wrong with that? How could it foster apartheid?

We are only interested here in protecting the intelligence and the interests of the United States, and my amendment will insure that we do not have to be blind and deaf. We do not have to be blind to intelligence that is in our best interests.

Without my amendment, South Africa will be the only country in the world in which we would be totally prohibited from any cooperation whatsoever, and cooperation obviously means permission to be there. It means conversation back and forth.

Every Communist country in the world has a system that we object to, and yet we talk to them, even to their armed services. As a matter of fact, we are talking to armed services people in Vietnam. Our Secretary of Defense was just in the Soviet Union talking to their armed services personnel.

I believe that mine is an amendment that can be supported even if you like everything else in the bill, and I urge you to support the armed services version of this bill, which includes the amendment that I will be proposing in a few minutes.

Mr. JEFFORDS. Mr. Chairman. I regret very much that we find ourselves here today, faced with a worsening situation in South Africa and with few ways in which to productively influence the situation. Many of us hoped in 1986 that passage of limited sanctions would send the message to South Africa that America had lost tolerance with the slow pace of reform in that country, and that apartheid must go—immediately.

Unfortunately, South Africa has continued to isolate itself from much of the world and ignore international calls for an end to apartheid. The level of violence in South Africa has escalated and blacks are crying out for support in their struggle against racism. While there is some division within the black community over the effects and nature of sanctions, the majority of blacks believe that broad, internationally supported sanctions will aid them in their fight to force the Botha government to reverse a century of history and allow majority rule.

I am frustrated over the lack of tools Congress has at its disposal to affect either the situation in South Africa or United States policy. In theory, I do not find unilateral sanctions to be an effective policy. Sanctions can accomplish their goal only when supported by our major tranding allies and when buttressed by other tools of policy—including diplomatic, economic, and military policy. Unfortunately, that does not seem to be the case here. We have little support from our allies for sanctions against South Africa. There is little enthusiasm in the administration for bringing greater diplomatic pressures to bear on South Africa. And we are currently providing military support to one of South Africa's most notorious military allies—UNITA's Jonas Savimbi. Without a coherent, multinational, multipronged policy, no single policy angle is likely to succeed.

Today, Congress is able to effect only one aspect of U.S. policy, and that is sanctions. We should not miss this opportunity to strengthen our stand against apartheid. Yet we must not then sit back and claim that this legislation is the perfect solution; that sanctions will end apartheid.

Today's bill comes to the House floor following thorough review by eight committees of the House. Several of my concerns have been addressed by these changes. For example, this bill allows the President to exempt certain strategic minerals from the import ban providing that they are critical to U.S. national security or the economy and cannot be obtained from another source. This important flexibility was not contained in the original bill. In addition, today's legislation would allow a 6-month extension for companies that are making progress at divestment and have good cause for requesting an extension. This is a reasonable allowance for businesses acting in good faith to comply with divestment. Today's bill also exempts businesses wholly owned by blacks and nonwhite South Africans from the investment and import ban. This provision was not contained in the original legislation, but is supported by the bill's sponsors. Very few South African businesses are owned and controlled by South African blacks. We should be helping them fight against apartheid, not sanctioning them.

I am pleased that this bill now contains requirements that the President consult with our trading partners and work to develop multilateral sanctions similar to those in this legislation. The bill also requires the United States to seek United Nations Security Council support for South African sanctions measures—similar to the Security Council resolution vetoed by the United States in 1987. If this bill becomes law, I urge the administration to make strenuous efforts to gain international support for sanctions. Going it alone will hurt United States industry and diminish the effect of sanctions upon South Africa.

I wish that I could say in good conscience that adherence to the Sullivan principles and commitment to doing some social good were sufficient requirements for United States companies to continue operating in South Africa. Five or ten years ago, such a commitment to push for change might have yielded fruit in South Africa. Today, the situation in that country has moved beyond slow, constructive pressures. Black South Africans need a strong statement of our support. The Botha government must be shown that we are unwilling to drag on indefinitely our involvement in the current situation. Time is running out. Too much violence has occurred already, and further polarization of the situation will only result in greater distress, chaos, and loss of life. It is high time for South Africans of all colors and races to sit down together and decide the future course of their country. I cast my vote in the hope that our actions today will encourage such an event.

Mr. DAVIS of Illinois. Mr. Chairman, I would like to take this opportunity to remark upon H.R. 1580, the current legislation for sanctions against South Africa. These sanctions are a glaring example of election year politics gone awry. The continuance of apartheid is at odds with democracy; it is at odds with human rights; it is at odds with the broader ideas of justice. The foundation for the U.S. Constitution is built with those famous words that "All men are created equal. * * * Yet, we have seen these words challenged in the United States as well as in other places. I think that we have done a good job in trying to meet those challenges. South Africa has not. Our goal in whatever action we may take on South Africa is clear: South Africa must take steps to equalize the treatment of its black majority with the ruling white minority. It is an issue of human rights.

The goal made clear, the issue becomes one of means. How best can we lead South Africa to become a country of greater equality? Enter politics stage left. Those who favor H.R. 1580 argue that it is a moral imperative. But what will further sanctions really achieve? Present sanctions have been less than successful. How does more of a failed strategy become a productive strategy? I'm afraid the mathematical rule of two negatives adding up to a positive doesn't hold water in the realm of diplomacy.

What does carry weight is how good it all sounds. It sounds good to say that we are going to hold our head up high and turn away all trade with South Africa except for what is absolutely necessary, to say that we are going to revoke all intelligence sharing except in matters of internal Communist rumblings in South Africa, to say that we are going to require complete disinvestment. Ah, but all that glitters is not gold. What I question is what will really be achieved by all this pomp and circumstance. The traditional Liberal failure is that of being overly Kantian, looking so closely at the rectitude of the means that one loses touch with the ends. I argue that what is happening with H.R. 1580 is a disinvestment in the real goal of ending apartheid inflicted by too much attention to a flashy approach and its voter appeal.

What is in order is a more practical approach toward ending apartheid. A little shot of realism can be a good thing. It is especially a good thing in the case of South Africa where millions of lives depend upon action, and not upon utopian statements of moral indignation.

H.R. 1580 will cost black workers 2 million jobs by the year 2000; it will cost U.S. investors more than $1 billion just this year; it will cost an uncalculable amount of jobs in the U.S. oil and oil-related industries—a portion of U.S. industry that has already been hit very hard; it will reduce customs receipts this year by $5 million. I could go on. Why, I ask, are we initiating this expense, causing hardship for our own economy and our own workers, only to worsen the conditions for blacks in South Africa? The only answer I can find is politics.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

This bill imposes a complete ban on investment in and imports from South Africa. It also provides $40 million in foreign assistance funds to be used for scholarships, promotion of trade unions, alternative education, and community development programs.

Mr. Speaker, from the perspective of its victims, it is apartheid, and not current or future sanctions, which by far produces the greatest human suffering in South Africa. As the leaders of the two largest South African trade unions, COSATU and NACTU, antiapartheid political organizations in South Africa, and the South African Council of Churches have repeatedly stated, the costs of comprehensive sanctions will be far less than the costs—in terms of economic hardship and loss of lives—of the increasingly violent struggle for freedom there.

My colleagues on the other side of the aisle state that U.S. investors will be harmed by the proposed legislation. I have seen no evidence that disinvestment will significantly harm U.S. investors. But in any event, we should be more concerned with ending South Africa's violent and inhuman system of legalized racism. In addition, political factors have already decreased the value of United States holdings in South Africa and will continue to do so regardless of whether new sanctions are imposed.

In contrast to the passive approach exemplified by the proponents of economic growth for South Africa, the comprehensive sanctions included in H.R. 1580 would represent an active policy. The mild selective sanctions enacted in 1986 have increased slightly the costs of maintaining apartheid. Adoption of H.R. 1580, plus vigorous Presidental leadership which is currently lacking, would encourage other industrial democracies to forge a common policy and impose significant strains on the South African economy. These strains, in addition to the resistance of apartheid in the black communities, would generate the best opportunity for a democratic system based on political, social, and economic justice.

Mr. Chairman, we have the opportunity to restore integrity and credibility to United States foreign policy in Africa, and there could not be a more important issue to stand strong and hard for—the inevitable abolition of apartheid. If rhetoric and nonaction could change the situation, South Africa's white government would have long since folded, and there would be no apartheid today. Unfortunately, that has not happened. I urge my colleagues to vote for H.R. 1580.

Mr. CONTE. Mr. Chairman, it has been 29 years since I traveled to South Africa and witnessed with my own eyes the utter horror of apartheid. I saw racism at it's worst: An institutionalized economic and political supremacy of white Afrikaners over blacks and "coloreds" and Indians. The Africkaners were patronizing, and they rationalized the existence of apartheid as something for the good of the blacks in South Africa. I became outraged at such blatant disregard for the lives of their fellow human beings, and the anger that I felt then has not diminished over the years.

I am angry today. I am angry because South Africa has not changed. I am angry because the nations of the West have not made a concerted effort to pressure South Africa to end apartheid. I am angry because South Africa has met our overtures of concern with outright rejection, and has circled the wagons in response to our small actions to pressure them to change. I am angry because South Africa has not listened to the voices of its own people, the cry of distress, the cry of anguish, the cry for justice, the cry for freedom.

We must not allow ourselves to turn a deaf ear on the cries. We listen to them even while South Africa ignores them. We respond, as we did 2 years ago, with economic sanctions, only this time, the sanctions are going to be more than a minor irritation to South Africa. They are doing to sting.

South Africa will not be able to ignore the sting. The sanctions require complete disinvestment from South Africa. They are tough, uncompromising measures that are meant to have an impact. And believe me, they will. Economic pressure is the best, most legitimate lever we have to move South Africa. It is a long lever, and I hope it will be long enough. The bill mandates that the President seek multilateral economic action against apartheid, and I know that a unified, international front to isolate South Africa will ensure that the lever is long enough.

I am proud to be an original cosponsor of the bill, and I want to recognize the prime author, RON DELLUMS. I know and understand his impassioned, tireless crusade for equality and freedom, and I commend him for it. When I spoke in support of his amendment on the antiapartheid bill 2 years ago, I said it was time to get to the jugular vein. Well, 2 years ago we hit a nerve, but missed the vein. Today we can hit the vein, and everything our country stands for requires that we do so. I urge all my colleagues to cast their votes for this bill.

Mr. ST GERMAIN. Mr. Chairman, the Committee on Banking, Finance and Urban Affairs has long been involved in legislation concerning apartheid. In 1986, the committee held hearings on legislation which ultimately was enacted as the "Comprehensive Anti-Apartheid Act of 1986."

In June 1988, the committee held hearings on "The Anti-Apartheid Act Amendments of 1988." The committee amended the bill and the legislation as reported by the committee was basically in accords with that we consider today.

H.R. 1580 enacts six new sanctions against South Africa, two of which are of particular concern to the Banking Committee: the ban of all United States investment in South Africa, and the ban on most imports.

The existing law bans all loans to the South African Government or to any organization owned or controlled by the government. The bill before us today would extend this prohibition to a business enterprise located in South Africa or one owned or controlled by South Africa nationals. The existing law prohibits United States citizens or entities from making any new investment in South Africa, while the amendments prohibit these groups from making or holding any investment in South Africa. These investments must be divested. Two exceptions are granted: loans to and investments in black and other non-white-owned businesses are permitted and South African expatriates who are now United States citizens may continue to own investments that are subject to exchange controls regulations of the Government of South Africa.

The consensus bill also redefines loan to include letters of credit or similar short-term trade financing, sales on open account, and rescheduling of existing loans.

While the importation of Krugerrands was prohibited by the 1986 law, the consensus bill expands the prohibition to cover all other imports except for strategic minerals, publications, and imports from black or nonwhite businesses. H.R. 1580 retains the provisio in the 1986 law requiring the Export-Import Bank to encourage the use of its facilities by nonwhite-owned businesses in South Africa.

Mr. Chairman, the Anti-Apartheid Act amendments are a necessary step to strengthen the existing economic and political sanctions imposed under the Comprehensive Anti-Apartheid Act of 1986.

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988. I want to congratulate the gentleman from California [Mr. DELLUMS] whose efforts have produced the legislation which is before the House today. Without his good work and that of the chairmen and members of the seven committees which considered this bill, we would not be considering this measure on the floor today.

Two years ago, this House overwhelmingly passed legislation which provided for the implementation of limited economic sanctions against the Government of South Africa. It was our hope that this significant action would convince the South African Government to move expeditiously to abolish apartheid and to implement truly meaningful democratic political reforms which would recognize the rights of that nation's black majority population. Unfortunately, before we were able to convince the South African Government of our resolve, we first had to convince the Reagan administration. My colleagues will recall that the President, against the best advice of many Members of his own party, chose to veto that measure. Both the House and Senate promptly overrode that unjustified and unwise veto by President Reagan.

Now we are at a crossroads in our policy. We can either ignore the stubborn intransigence of the South African authorities or we can send an even stronger message. I hope today that we opt for sending the stronger message; it is necessary.

H.R. 1580 would prohibit all United States investment in South Africa and would require those holding investments to divest their holdings. This investment ban would not apply to any business that is 90 percent or more owned by South African blacks. The President is given flexibility to permit any person or company a waiver of up to 180 days if there is good cause for not complying with the divestiture requirement in the bill.

This legislation also prohibits all imports into the United States from South Africa with three exceptions: First, strategic minerals certified by the President as essential for our economy, public health, or defense needs; second, publications; and third, imports from businesses wholly owned by black and other nonwhite South Africans.

H.R. 1580 also prohibits any United States Government agency from cooperating directly or indirectly with the South African military and intelligence agencies, with the exception of the activities of Cuban troops operating in southern Africa.

American companies are prohibited, directly or indirectly, from transporting or refining crude oil destined for South Africa. The bill retains a provision which prohibits the Interior Department from issuing any new mineral leases for exploration or extraction of oil, coal, or gas on Federal lands or offshore sites to any United States subsidiary of a foreign company if that company holds investments in South Africa, or exports petroleum products to South Africa.

H.R. 1580 authorizes $40 million in foreign assistance funds for fiscal year 1989 and in years after for South Africans who have been disadvantaged by apartheid. The bill also directs the President to seek the adoption of multilateral sanctions in the U.N. Security Council.

Finally, the bill contains a mechanism for the termination of economic sanctions when the South African Government takes certain specified steps, such as freeing Nelson Mandela, repealing the continuing state of emergency, and releasing all prisoners detained under the state of emergency decree.

Mr. Chairman, my constituents in Minnesota have recently and vividly learned about the cruelty and inhumanity of apartheid. The city of St. Paul is a "sister city" to the town of Lawaaikamp in South Africa. Recently, the 2,000 remaining residents of Lawaaikamp were ordered by the government to leave their homes and resettle in another town. The government planned to raze their homes and build new housing for white South Africans. The government has already evicted several thousand residents of Lawaaikamp and is planning to remove the remaining citizens as soon as possible. I, along with members of the Minnesota congressional delegation, wrote to South African Ambassador Koornhof to express our outrage about the Lawaaikamp evictions. Those evictions have been postponed, but it is my understanding that it is the government's strategy to eventually evict all of the remaining black residents of Lawaaikamp individually rather than through well-publicized mass evictions.

The uprooting of an entire established community in Lawaaikamp is a striking example of the nature of apartheid. None of us would permit our Government to arbitrarily evict us from our homes because we were of a particular racial or ethnic background. Yet there are some here today who suggest that what is needed is more time and patience for South Africa's political leadership. Mr. Chairman, what is needed today is action. The passage of H.R. 1580 will give hope to the majority of South Africa that the United States will not sit by complacently while the South African Government searches for still more excuses to delay political reform and the abolishment of apartheid.

Today, the United States, a nation with one of the world's largest black populations, must lead the fight to abolish apartheid and to send an unmistakably clear message that we will not continue to do business as usual with a regime which routinely imprisons, tortures, and murders its citizens with impunity. I urge my colleagues to join me in voting for the passage of H.R. 1580 to stop apartheid now.

Mr. CONYERS. Mr. Chairman, when Frederick Douglass and Abraham Lincoln called for the abolition of slavery, they were told to wait, and that they were moving too fast. When Susna B. Anthony called for women's suffrage, she was told to wait, and that we were moving too fast. When Martin Luther King marched in Selma and Birmingham for the end of racial segregation, he was told to wait and that he was moving too fast.

Now black South Africans, who have no political rights or economic power to speak of, are being told to wait, and that they are moving too fast. Instead of using sanctions to pressure the apartheid regime in Pretoria to negotiate with the black majority, to bring true democracy to that oppressive country, to allow freedom of the press, and to end racial segregation in all public facilities, we are being told to wait. But what is there to wait for?

Please stop telling us that sanctions are ineffective. The members who are saying that sanctions don't work are the same people who supported sanctions against Nicaragua, Poland, Cuba, Vietnam, Libya, and other countries. None of these countries have anything on South Africa when it comes to imprisoning dissenters, censoring the press, or denying the masses of their citizens the right to have a voice in their government. So if sanctions are appropriate in those cases, they are more than appropriate here.

Please stop telling us that sanctions will only hurt black South Africans, and that constructive engagement will empower black South Africans. U.S. firms employ less than 1 percent (70,000 out of 26 million) of the entire black South Africa population. And the way South African companies have broken strikes, particularly the strike led by the predominantly black Coalition of South African Trade Unions, shows that constructive engagement has done nothing to empower black South Africans. In fact, constructive engagement has done little more than enrich white South Africans while black South Africans continue to work and live in subhuman conditions.

Please stop telling us that black South Africans don't want the United States to impose sanctions. We all know that all the major black leaders in that country—except one—have been calling for sanctions, despite the threats of prison and violent reprisal. And instead of constantly citing polls about what black South Africans really want, the South African Government should finally give everyone in that country the right to vote, so that they can truly express their views.

Please stop saying that the 1986 sanctions bill entrenched white South African resistance. The truth is that the bulk of Afrikaaners are desperate to hold onto their power, fearing that they will not have control of the country in a true democracy. The apartheid regime had been tightening its grip on free speech, freedom of the press and the majority of its citizens even before 1986.

And please stop saying that sanctions will leave America with no influence in South Africa. What has been done with all this influence that we have over the South African Government? Do black South Africans have the right to vote? Don't black South Africans still earn only a fraction of what their white counterparts earn for the same work? Have the Afrikaaners ever offered any arrangement that would give the majority of South Africans a true voice in their Government? Since American influence has yielded little more than token concessions over the past four decades of apartheid, why should we continue on that path?

Let's stop stalling. I urge all of my colleagues to vote in favor of H.R. 1580 today.

Mr. LEVINE of California. Mr. Chairman, I am pleased that we will have the opportunity today to vote for tough new sanctions against the abhorrent apartheid regime in South Africa. The continued deterioration of human rights conditions there, the renewed state of emergency and the press ban make our speedy approval of this legislation ever more urgent and appropriate.

It has been nearly 2 years since Congress last addressed this issue. In 1986 we approved—over a Presidential veto—very limited sanctions in an effort to make clear to the white minority regime in South Africa that the American people would no longer underwrite the repugnant policy of apartheid. For decades, the South African regime had tried to characterize itself as being among the family of Western democratic nations. The racist leaders in South Africa tried to make the world believe they shared our goals and our values, that they were our allies. In passing the Anti-Apartheid Act of 1986, the United States repudiated that view. In doing so, we simultaneously rejected a United States administration policy that insisted quiet diplomacy was the best means of effecting change in South Africa.

The 1986 law was our first significant step in the right direction; it was the first strong indication that we were committed to aiding the majority of South Africans in their struggle for the most basic of human freedoms. But those limited sanctions, and the Reagan administration's less-than-rigorous enforcement of those sanctions, hardly represents an adequate response to the grotesque human rights violations in South Africa.

Moreover, the situation has only become worse. No notable progress has been made in dismantling apartheid. Thousands of political prisoners continue to be detained without charge—many of them only children. The terrorist South African regime continues to seek to undermine neighboring states and murder its opponents abroad. Meanwhile, tight press restrictions keep events in South Africa off the nightly news and out of the world's papers.

The Anti-Apartheid Act Amendments of 1988 being considered today will take the next logical steps to isolate the racist government in Pretoria. We must not let inaction or a weak response on our part lead that regime to believe we are unwilling to enact the tough sanctions—the sanctions that will be felt in Pretoria.

Unfortunately, I cannot say that even the toughest possible United States sanctions will bring justice and freedom to black South Africans. Only South Africans themselves can determine the future of their country. Their struggle is bound to be long and difficult, no matter what we in the United States may do. But we have a moral obligation to do all we can to assist those fighting for freedom in that country. We have a duty to deny their oppressors the legitimacy they gain from being a regular business and trading partner of the United States. We have an imperative to uphold our own Nation's values of freedom and democracy by expressing our abhorrence of apartheid in the firmest possible fashion.

Frankly, Mr. Speaker, I find it astonishing that we have taken so long to act decisively on this matter. The Reagan administration hasn't shrunk from using sanctions to express United States displeasure with governments in Nicaragua, Poland, Afghanistan, Libya, Cuba, or Panama. But somehow the administration has found it reasonable to argue that the routine and statutory, fundamental human rights violations that are official government policy in South Africa do not constitute a sufficient cause for the application of U.S. sanctions.

Passage of this legislation will help remedy this deplorable double standard in U.S. foreign policy. I strongly urge my colleagues to support this bill today without amendment.

Mr. TRAFICANT. Mr. Chairman, as a cosponsor of H.R. 1580, the Anti-Apartheid Act Amendments of 1988, I rise in strong support of this important piece of legislation.

H.R. 1580 requires United States companies, institutions, and individuals to withdraw all their investments in South Africa and imposes a comprehensive ban on United States trade with South Africa. The bill also prohibits cooperation between the United States and South Africa on intelligence or military matters—except those involving Cuban troop movements in Angola.

Mr. Chairman, this legislation is a morally correct and urgently needed response to the South Africa Government's blatant refusal to move to dismantle the ugly and repugnant system of apartheid.

Since coming to Congress I have strongly supported stiff economic sanctions against the Government of South Africa. The policy of constructive engagement used by the Reagan administration in past years has been a dismal failure in changing the attitude of South Africa's white minority government.

In 1986, Congress passed a package of stiff economic sanctions against the South African Government. This measure was vetoed by the President, but both the House and Senate overrode the President's veto. I strongly supported this sanctions bill and was pleased to see it enacted into law. Under that bill, the President has certified that the South African Government has made no progress toward eliminating apartheid and providing basic freedoms to all South Africans.

The ongoing violence and civil strife in South Africa deeply saddens and alarms me. The root cause of this tragic violence is apartheid. The sooner apartheid is dismantled and a truly democratic form of government is installed, the sooner South Africa can begin to embark on a new and constructive course.

The arguments against this legislation that it would hurt black South Africans and hurt some United States companies do not hold up. We have upheld, time and time again, sanctions and embargoes against countries such as Libya, Vietnam, Nicaragua, North Korea and Chile. The United States stands for something and I believe that we can never equivocate our principles. Apartheid is morally wrong and all Americans should condemn its continuance in South Africa. As a nation dedicated to the principles of freedom and civil rights we can no longer afford to associate with the South African Government.

H.R. 1580 is the only way to show the South African Government and the world that the United States has waited long enough for the South African Government to end apartheid. This bill also instructs the President to work with our allies to get them to also impose similar sanctions on South Africa. The United States should be the leader in this moral effort to free South African blacks from the shackles of apartheid.

I urge all of my colleagues to strongly support H.R. 1580—let us once again stand for freedom and justice in the world.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988. In all of the debate over this legislation, I believe a central argument in favor of sanctions has been overlooked.

Our colleagues on the other side of the aisle contend that the best way to help black South Africans is to reform the economy and assist them in gaining economic power and financial equality. These Members support U.S. initiatives that provide education, training, and private enterprise assistance for the black population. While these sort of programs are well intentioned, they ignore the primary evil of apartheid: there are 26 million blacks and nonwhites in South Africa that have no political power. They have no say in their future. Their lives are run by a tiny white minority.

Even if the United States was able to provide economic opportunity in South Africa, the essential political nature of apartheid would not change and blacks would still remain in their unacceptable state of political powerlessness. Until there is a one-person, one-vote democracy in South Africa, the black majority of that nation will not have freedom, justice or equality. Apartheid cannot be reformed. Apartheid cannot be diluted. Apartheid cannot be masked to disguise its inherent evil. Apartheid must be abolished.

By way of example, let's look at the dismal failure of the Reagan administration's reform efforts over the last 8 years. After nearly a decade of constructive engagement and corporate training programs, black South Africans still own less than 1 percent of the nation's wealth and earn an average of one-third of whites' salaries. Structural unemployment before sanctions was already between 25 and 30 percent. These figures demonstrate that even during periods of economic growth in South Africa, the fruits of the economy do not trickle down to the black majority. The reason is clear: Until blacks have real and meaningful political power, they cannot have economic equality. Once again it is clear that apartheid cannot be reformed; it must be abolished.

The question is, How can we help the black population obtain the political involvement they so rightfully deserve? Of course, we cannot dictate the internal policies of South Africa by demanding the removal of apartheid. We must instead take the strongest actions possible to demonstrate our distaste for the abhorrent regime in Pretoria. Our most powerful action would be to withdraw our economic support and involvement—that is why I support comprehensive sanctions.

These sanctions will send a clear message that the American people demand a new political order in South Africa. We will not tinker with the economic system as the Republicans propose, but we will take the most comprehensive step possible to help the black majority obtain meaningful political power.

When the history of the South African struggle is written, will we be viewed as passive accomplices of the apartheid regime because we did not take the strongest possible action when we had the chance, because we tried to reform apartheid rather than abolish it? If your answer is no, vote for H.R. 1580, the Anti-Apartheid Act of 1988.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988. This is a good bill and I urge my colleagues to support its passage.

Mr. Chairman, this bill calls for comprehensive, multilateral, and well-monitored sanctions against the white minority South African Government. Only through the imposition of such sanctions can we help dismantle the inhumane and racist system of apartheid. As Bishop Tutu has warned, we must act now to avert a tragic descent into all-out violence in South Africa.

Contrary to the arguments of some here today, the South African Government's escalating repression is not the result of the partial sanctions that have been applied by the United States and the international community. The truth is that the Government's resistance to change and the brutal repression of blacks in South Africa has occurred for more than four decades, long before even limited sanctions were imposed.

The escalation of repression in South Africa has resulted in the detention of some 30,000 people without charge, including 10,000 children. Black workers and black trade unions have faced efforts by the state and employers to crush their efforts for decent working conditions and economic justice. The black majority population of South Africa is suffering more than ever under the oppression of apartheid.

While I understand the concerns of the opponents of this measure, it is my firm belief that economic sanctions, combined with the other actions called for in this bill, can help bring about change in South Africa over time.

According to the most comprehensive academic study of economic sanctions conducted by the Institute for International Economics, economic sanctions have helped achieve policy successes. For example, sanctions were effective in speeding the end to white-minority rule in Rhodesia. And, even the limited sanctions enacted 2 years ago, along with other international pressures, have prodded the Government of South Africa to make positive changes including the abolishment of the pass system that made blacks virtual foreigners in their own country.

The bill not only imposes new, stronger sanctions against the racist regime in South Africa, but also provides for retaliation against countries that take advantage of United States sanctions. This legislation asserts United States leadership in the effort to pull South Africa away from the destructive course of apartheid; it does not, as some would argue, wait for other countries to act before the United States does what morality and national self-interest dictate.

Furthermore, despite claims to the contrary, while there will be short-term economic costs from the imposition of these sanctions, such costs will be far outweighed by the long-term benefits to the repressed black majority of South Africa. Moreover, it is clear that a majority of the blacks in South Africa support the imposition of sanctions. In fact, Bishop Tutu, among other black leaders, has repeatedly appealed to Western nations to impose sanctions and has stated that more than 70 percent of the blacks in South Africa support such sanctions.

Finally, the black majority cannot be "empowered" through economic incentives or assistance as long as the current system of aparthied remains in place. The South African Government controls the resources—black-owned businesses account for only 1 percent of the gross domestic product, and blacks own less than 2 percent of the capital stock. The South African Government controls where blacks work and live, and it has already started taking away the limited union gains blacks have made. The major black trade unions are urging more economic sanctions, not opposing them.

The sanctions bill before us today amends the Anti-Apartheid Act of 1986, which banned most forms of new American investment in South Africa and American importation of certain South African agricultural and industrial materials. The bill goes well beyond those sanctions and takes the following steps:

Ends most American exports to South Africa within 1 year. Exceptions are made for agricultural commodities, publications, humanitarian donations, equipment for American media and U.S. aid programs for nonwhite South Africans.

Ends virtually all South African exports to the United States within 1 year. Exceptions are made for strategic minerals that the president certifies are not available from other "reliable suppliers." The Soviet Union and South Africa are in some cases the primary sources of such minerals. Exports by businesses 90 percent owned by nonwhite South Africans area also exempted.

Ends virtually all American investment in South Africa within 1 year. Exceptions are made for businesses 90 percent owned by nonwhite South Africans.

Bans new United States energy leases to foreign-owned companies continuing to invest in or export oil to South Africa.

Bans transportation of oil to South Africa on American-owned, controlled or registered ships.

Bans most military and intelligence cooperation with South Africa. Existing law bars United States military and intelligence cooperation with South Africa, except for activities to "facilitate the collection of necessary intelligence." This bill would bar cooperation by United States personnel with all entities of the South African Government, except for exchanges of intelligence on Cuban or Soviet military activities and equipment.

In addition, the bill mandates that the president pursue multilateral sanctions against South Africa, and permits the president to retaliate against foreign firms which take "significant" advantage of commercial opportunities created by the American sanctions, by restricting their exports to the United States and their access to U.S. Government contracts. Finally, it permits the use of $40 million in foreign aid annually for scholarships, community development and other programs for nonwhite South Africans.

It is time for us to reassert the importance of integrity and credibility in American foreign policy. Comprehensive sanctions are a strong step, but the extreme and violent actions of the South African government have shown us that such action is needed. We must enact comprehensive sanctions now, in time to avoid the violent outbreak of civil war in South Africa and protect United States national interests in the region.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

I want to commend the distinguished gentleman from California [Mr. DELLUMS] for his courageous and inspiring leadership in developing an effective, workable legislative package that will signal to South Africa and to the international community America's opposition to the immoral system of apartheid.

The oppression South Africa's black majority suffers under apartheid is a matter of critical concern for the American people. The racist South African Government's unrelenting commitment to its exploitative system of apartheid is reflected in the deteriorating human rights situation in that country and in the escalating violence between the Government and peaceful protestors. During the past 2 years, thousands of protestors, including many children, and key antiapartheid leaders have been arrested and held without charge or opportunity to post bond. Strict press censorship and a sweeping state of emergency have prompted Members of this House to question the effectiveness of the Reagan administration's policy in South Africa.

The United States cannot dictate South Africa's internal laws, but we do have an obligation to reshape our policies toward the South African Government so as to affirm in a formal and official manner our opposition to apartheid. I have long believed that Congress must act decisively to change United States policy toward South Africa, and thereby push that Government to dismantle its oppressive apartheid system.

The 1986 sanctions have not been effective. The problem, however, is less with the sanctions themselves than with the lack of enforcement by the Reagan administration.

The Lawyers Committee for Civil Rights Under Law has issued an extensive study focusing on the failure of this administration to implement and enforce the provisions contained in the 1986 South Africa sanctions bill. The study found that the administration had failed to stop an estimated $61 million of new private sector investment in South Africa, and that the Department of the Treasury and the Nuclear Regulatory Commission had allowed the importation of significant quantities of South African and Namibian uranium despite the congressional embargo.

If sanctions are to be effective, we need an administration that will vigorously implement the law. Section 401 of 1986 law expressed the "sense of Congress" that the administration seek multilateral sanctions against South Africa. Not only has the administration refused to seek a coordinated strategy with other industrialized countries with respect to sanctions, but the United States also vetoed a U.N. Security Council resolution that would have imposed sanctions modeled on the provisions of the 1986 sanctions law.

Economic sanctions have been an effective tool in the implementation of U.S. foreign policy, and the Reagan administration has not hesitated to use them elsewhere in the past. In the past two decades, the United States has imposed sanctions against Rhodesia, Uganda, Cuba, Iran, Vietnam, North Korea, Cambodia, Libya, the U.S.S.R., Poland, Afghanistan, Nicaragua, and most recently, the regime of General Noriega in Panama. Economic sanctions have worked in the past, and they will be effective against South Africa only when the sanctions are vigorously enforced and there is multilateral cooperation. The present legislation permits the President to retaliate against foreign firms who take "significant" advantage of commercial opportunities created by the American sanctions, by restricting their exports to the United States and their access to U.S. Government contracts.

A large number of the leading opposition groups have called for sanctions. These include the two major democratic labor unions with a total membership of over 1.2 million, COSATU and NACTU; the United Democratic Front which is the largest political organization in South Africa; the African National Congress; the Pan-African Congress; and the South African Council of Churches, the largest religious organization in that nation.

South African Bishop Desmond Tuto stated eloquently the case for sanctions when he remarked,

> Our children are dying. Our land is burning and bleeding, and so I call on the international community to apply punitive sanctions against this Government to help us establish a new South Africa—nonracial, democratic, participatory, and just.

Today we must continue the process of building that "new South Africa" and I strongly urge my colleagues to vote for the Anti-Apartheid Act Amendments of 1988.

Mr. SHUMWAY. Mr. Chairman, I rise in strong opposition to the sadly misguided policy we are considering here today not because of the stated goal of promoting democratic reform in South Africa but because of the unintended consequences referred to by Helen Suzman, a member of the Progressive Federal Party who serves in the South African Parliament and is an outspoken critic of apartheid:

> Isolation and a wrecked economy may give moral satisfication to some of those who oppose apartheid, but this course of action should surely be weighed against the unin-

tended consequences that are likely to result.

I agree with James Ngcoya, president of the 100,000-member South African Black Taxi Association that we must carefully weigh the consequences of our actions here today on the people of South Africa:

> I've heard people say that if sanctions make black people suffer more, that does not matter because they're suffering already and won't mind suffering some more. I've even heard them say that whether sanctions will help to bring down apartheid doesn't matter because imposing sanctions puts America on the right side of history. Does that mean you really do not care what the black people of South Africa want? You really do not care about what will help us? I ask you to listen to our voices before you decide what is good for us, before you decide that black children must go hungry so you can be on the right side of history.

I oppose sanctions against South Africa because of the unintended consequences—the rising unemployment, the loss of economic opportunities and economic power as an impetus for reforms, and the loss of United States influence and programs sponsored by United States corporations.

Economic sanctions will not bring equality, respect, and democracy to black South Africans. They will bring unemployment and hunger. In the words of Chief Mangosuthu Buthelezi, the leader of the 6 million-strong Zulu tribe, South Africa's largest:

> When you try to destroy an economy that has achieved a vibrancy that has not been achieved anywhere else in Africa, you are sentencing us to starvation.

Existing sanctions have already resulted in thousands of layoffs. Sanctions deprive South Africa of any hope of achieving a real growth of 5 to 6 percent per year needed to create jobs for the 35,000 new workers entering the labor force every year; 90 percent of now-unemployed workers are black South Africans who will continue to be hit hardest by sanctions as population growth continues to outstrip economic growth.

Sanctions threaten to reverse the rise in new skilled job opportunities for blacks and undermine black economic power as an important vehicle for peaceful democratic reform. Black workers have successfully challenged racial barriers as they moved to the cities to fill the need for new skilled workers created by South Africa's growing economy. The pass laws restricting the movement of blacks and the job reservation law reserving skilled jobs for whites have been repealed. Today, there are independent black trade unions in South Africa which can provide a powerful engine for political and economic change.

To quote Helen Suzman again,

> It is surely senseless to blunt the only weapon with which blacks can improve their position at the work place, and beyond the work place, through their economic muscle, mobilized in trade union structures, and through their consumer power in the market.

So far disinvestment has resulted in a decline in the housing, health care, education, training and employment opportunities sponsored by U.S. corporations. Fortune magazine estimates that about 140 South African business people have become millionaires by buying United States companies at greatly undervalued prices. These white-owned South African companies are not required to follow the United States Code of Conduct inspired by Reverend Sullivan or to continue to fund the social programs in which United States companies have invested over $200 million over the past decade.

Proponents of this bill continue to refer to South African clergy like Bishop Tutu and Reverend Boesak who say that black South Africans want sanctions and are prepared to suffer for them.

Yet they ignore the American clergyman, Reverend Sullivan, who has had such a positive impact in South Africa, and I am certain that he will continue to do so. He has announced that he is retiring and moving to Arizona. He plans to spend his time building schools in South Africa to educate the black underclass.

In my view, this is a much better step and so clearly calculated to do what should be done morally, politically, diplomatically or by any standard of measurement that it should set the tone for United States policy in South Africa.

I am convinced that the way to help is to not cancel out the American presence in South Africa. This American presence is not the seed of the problem—owning businesses which do not discriminate in hiring or promotions, buying and selling materials which provide job opportunities. Why then do we focus our punitive measures on our presence there? The U.S. companies that applied the Sullivan principles indeed threatened the status quo and provided important business and leadership training and a model for change.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 1580, a bill to impose unilateral United States sanctions against South Africa which would not succeed in ending apartheid.

Opposition to apartheid is not the issue here today. I am strongly and unequivocally opposed to the policy of apartheid in South Africa, and I believe that virtually every other Member of this House joins me in my abhorrence of the institutionalized racial discrimination which apartheid entails.

I also join with many other Members in condemning the minority Government of South Africa, which is a cynical and repressive regime that has repeatedly violated the most basic political and human rights of its citizens.

As such, the South African Government is anathema to everything we stand for as representatives of the American people, and I am committed to United States policies that will effectively pressure the Botha Government into making fundamental political and legal reforms in South Africa.

Furthermore, I supported the 1986 Comprehensive Anti-Apartheid Act because I believed that it would take a first step in applying United States pressure against South Africa's Government, and I jointed in the vote to override the President's veto.

I also recognize that repression in South Africa has worsened since 1986, and I am willing to support further steps to restrict United States trade and banking with South Africa, including even total disinvestment, if such measures would bring us realistically closer to our goal of ending apartheid.

I don't believe that any Member of this House wants to vote against a bill that would really bring about further change in South Africa. The question is how best to go about that objective, in the recognition that the 1986 sanctions law hasn't proved sufficient, and how best to bring the full force of American leadership into play to bring about a more rapid end to apartheid.

I didn't reach the decision to oppose H.R. 1580 lightly, but I have made a careful analysis of this bill. I have decided, as its own authors acknowledge, that unilateral American action would not, in and of itself, accomplish its objective. Multilateral action against South Africa is essential if real economic pressure is to be brought to bear against the South African Government.

I am concerned that the sweeping measures in this bill would have little effect on the South African Government unless they are supported by South Africa's other major trading partners among the industrial democracies, whose trade and investments in South Africa are far more extensive than America's.

On this point, the chief sponsor of this bill, the gentleman from California [Mr. DELLUMS], has stated it well: "The historical record on sanctions indicates that they are most effective when applied multilaterally and comprehensively." Not only the historical record, but current news bears out this point.

According to a recent article in the Washington Post based on a new Commonwealth report, "Japan and five other nations have dramatically increased their purchases of South African products during the past 2 years, effectively undermining the economic sanctions imposed by the United States and other countries."

Last year, while United States imports from South Africa declined by $1.2 billion, Japan increased its imports from South Africa by $748 million—a 44-percent rise—and Japan replaced the United States as South Africa's leading trade partner.

Other figures indicate that while the total merchandise trade of the United States with South Africa decreased by $895 million in 1987, Japan's total merchandise trade increased $777 million, Germany's increased $455 million, Britain's increased $46 million, Israel's increased $36 million and the Netherlands' increased $32 million.

Although the President is required by H.R. 1580 to confer with the industrialized democracies and the U.N. Security Council to negotiate multilateral sanctions, there is no guarantee whatsoever that these discussions would bear fruit.

To address this major deficiency in the bill, I offered an amendment in the Foreign Affairs Committee to suspend comprehensive new U.S. sanctions until the United States has at least reached agreements with the other major Western nations not to undercut new American sanctions by taking commercial advantage of them.

My amendment was defeated in the committee, however, because the majority decided that there would be no room for compromise.

H.R. 1580 itself recognizes the danger of American actions being undercut by other nations. But its only remedy is wholly ineffective, requiring the President to retaliate against any foreign companies that take advantage of U.S. sanctions.

Do any of my colleagues seriously think that the United States would ever retaliate in such a manner against companies from Japan, Great Britain, France, Germany, or Israel, to mention only a few of South Africa's other major trading partners?

In closing, I believe it is the solemn responsibility of every Member of this House to assess the real impact of our actions on the majority of oppressed South Africans we are seeking, ultimately, to help, rather than engaging in self-satisfying symbolism that amounts to "sending a message" to a country whose government is illiterate in the language of human rights.

We must instead examine what actions the United States can take that are responsible and effective. And no one has yet answered the question of what America should do next, once it disengages itself completely from South Africa in a headlong rush toward the mystical "moral highground" that will leave apartheid in place.

If this bill will not alone end apartheid, as its sponsors acknowledge, is it worth the uncertain consequences for black South Africans of complete and unilateral U.S. disengagement?

Each Member must weigh this question and decide for him- or herself, but I have decided that this bill is not worth the potential cost, and I prefer to take effective joint action.

I'm prepared to accept U.S. losses and hardship to put an end to apartheid, but I am not prepared just to act for the sake of taking action as an exercise in "feeling good".

I do hope, however, that I will soon have the opportunity to join with my colleagues in passing other legislation to fight apartheid in South Africa.

Mr. CROCKETT. Mr. Chairman, I rise today in strong opposition to the Burton substitute because I believe that it is a "red herring." Let's look at what the substitute provides.

First, it would strike all of the new sanctions proposed in the committee's bill but retain the sanctions in existing law: the same sanctions that were so strenuously opposed by the gentleman from Indiana 2 years ago.

Why would one who fought so tenaciously against the current sanctions bill now want to retain its provisions? Has there been a genuine conversion; a real recognition that sanctions do and can work if conscientiously applied as mandated by present law?

Second, the Burton substitute would exempt black-majority-owned firms from import restrictions. This is a meaningless sop since such firms account for only 1 percent of the country's wealth.

Mr. Chairman, I think that we ought to give black South Africans what they say they want; not the selected sops that the Burton substitute assumes they want.

The president of the 350,000-member National Council of Trade Unions, in a hearing before our Africa Subcommittee last fall, told the Congress, and I quote, "Full comprehensive sanctions are what we want from the United States." The president of the 750,000-member South African Miners Union fully agreed with that position.

Indeed, almost all those whom black South Africans have indicated they regard as representative political leaders—from Archbishop Tutu of the South African Council of Churches and Rev. Alan Boesak of the United Democratic Front, to the two major trade union federations, the Congress of South African Trade Unions and the National Council of Trade Unions—have repeatedly and consistently called for well-monitored, comprehensive economic sanctions, like those contained in H.R. 1580.

The Burton substitute proposes that we help black South Africans get better housing, establish a program to fight AIDS more effectively and underwrite black private enterprise ventures—all of which is most commendable. But black South Africans don't just want a better house and better health programs. They don't just want economic advances for the few. They want what they are now denied under the apartheid system: the freedom to vote, to live and work where they choose, to move freely, and to purchase land in any area within their means.

What the Burton substitute ignores is that the core features of apartheid—the denial of the rights of citizenship to Africans and their forcible removal from their homes to the 10 barren bantustans—remain unchanged. The South African Government controls the resources and black-owned businesses account for only 1 percent of the country's wealth.

Black South Africans are fighting for an end to apartheid because they want what you and I want. They want one person, one vote. They want the fundamental rights that most Americans take for granted—freedom of speech and assembly, equal protection under law, freedom of association, and due process of law.

Yes, we all want "black empowerment," both politically and economically, in South Africa, but true black empowerment will be possible only when apartheid in all its deadly forms has been abolished.

Mr. Chairman, I urge my colleagues to vote "no" on the Burton amendment.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of H.R. 1580, the Anti-Apartheid Act Amendments Act of 1988. By approving this legislation, we seek to reinforce the efforts, begun with the Comprehensive Anti-Apartheid Act of 1986, to promote a process of reform in South Africa. That we must extend the sanctions initiated against South Africa in 1986 is not an admission of defeat, but a logical continuation of the commitment we hold as a nation to actively oppose the apartheid system in South Africa.

Approving this legislation will make it clear to the white minority in South Africa that the American people, and their representatives in Congress, remain unrelenting in their demand that apartheid be mismantled. The Government of South Africa must know that our opposition to apartheid cannot be deflected or outwaited. They must know that banning opposition movements, closing newspapers, and censoring the international media will lead not to complacency, but to a renewed resolve to act against the injustice of apartheid. South Africa must know, quite simply, that apartheid must go.

The Comprehensive Anti-Apartheid Act of 1986 was an important beginning to our Nation's official efforts, to promote reform in South Africa. It was only a beginning, however—a modest first step in the right direction. The 1986 legislation banned new public and private loans and investment in South Africa, prohibited the import of specific South African products, and banned United States exports of crude oil, petroleum products, and munitions. Current United States and Western sanctions are relatively weak and uncoordinated, and cover only 8 percent of imports from South Africa. Unfortunately, these limitations have been strengthened by the Reagan administration's continued preference for the failed policy of constructive engagement as a means of promoting reform in South Africa. The Administration has not, as urged in the 1986 sanctions bill, sought multilateral sanctions against the South African Government, and in February 1987 went so far as to veto a United Nations Security Council resolution that would have imposed sanctions modeled on the provisions of the 1986 United States sanctions law. Thus, if the 1986 sanctions have been less effective than expected, then the Reagan administration is partly to blame.

It would, indeed, be difficult to conclude that the 1986 sanctions bill has succeeded in spawning a sincere reform process in South Africa. On the contrary, the South African Government is more repressive than ever, and remains committed to the preservation of apartheid—in form, if not in name. Over the past 18 months the government has arrested and jailed an estimated 30,000 people without charge, including up to 10,000 children. Physical abuse and torture while in detention is alleged to be virtually routine. The government has extended the state of emergency for a third year, and has banned nearly all nonviolent political organizations and imposed a near-total press blackout on reporting of opposition political activity.

Moreover, despite its alleged commitment to reform, South Africa has retained the basic structures of apartheid: The displacement of nearly 8 million blacks to remote and desolate "homelands," migratory labor and the resulting separation of over 1 million families, segregated housing and education, and forced removals. Active South African destabilization of its neighboring black-ruled states in southern Africa has also proceeded apace. Colin Eglin, leader of the Progressive Federal Party has pointed out that the reforms implemented thus far by the government have "avoided the cardinal issue of our politics: the participation of blacks in the sovereign central parliament in South Africa."

The Reagan administration has not been oblivious to the deteriorating situation in South Africa. In his October 1987 report to Congress, the President acknowledged that the South African Government had not made significant progress toward achieving any of the goals set forth in the 1986 sanctions bill. The President's own Advisory Committee on South Africa recommended in January 1987 that if the South African Government remained intransigent and committed to apartheid, "the international community would have to address the adoption of additional diplomatic and economic steps—including—a comprehensive multilateral trade embargo." This recommendation is consistent with the 1986 sanctions bill, which declared that if substantial progress had not been made within a year toward dismantling apartheid—including repealing the state of emergency, releasing political prisoners, negotiating with the black majority, and ending military and political activities against neighboring states—United States policy would be to impose additional sanctions on South Africa.

There can be little doubt, therefore, that the continued oppressiveness of the South African Government, combined with the limitations of the 1986 sanctions bill—and the Reagan administration's refusal to adequately enforce it—cry out for a broader set of sanctions against South Africa. H.R. 1580 provides the added "teeth" needed to pressure the South African Government to sincerely pursue reform. The bill imposes six new economic and military sanctions against South Africa: ban on all United States investments in South Africa, requiring United States firms with investments in South Africa to divest their holdings; a ban on all South African imports, except strategic minerals and publications; a prohibition on all United States exports to South Africa except for agricultural goods, publications, and United States public and private aid; a prohibition on the Interior Department from issuing new Federal coal, gas, and oil leases to United States subsidiaries of foreign firms that hold investments in South Africa or export oil to South Africa; a ban on United States-owned, controlled, or registered ships transporting oil to South Africa; and a ban on United States intelligence and military cooperation with South Africa. The bill also earmarks $40 million a year in aid for South Africans disadvantaged by apartheid. Finally, the bill requires the President to reach agreements with other nations on multilateral measures to end apartheid and to seek the adoption of multilateral sanctions against South Africa in the United Nations Security Council. The President would also be directed to take retaliatory measures against foreign companies that take commercial advantages of United States sanctions.

This is a strong and, in many ways, extreme policy. It is only commensurate, however, with the magnitude of the repression and injustice taking place under apartheid. And while it may be extreme, it is also well balanced. No fewer than eight different committees in the House of Representatives have reviewed the bill and contributed to its provisions. If implemented in good faith, this legislation has the potential to make a significant impact on the thinking of white South Africans who might otherwise remain confident of their nation's ability to retain apartheid without serious political and economic retribution from the international community. The white minority in South Africa must realize that this retribution will entail costs which will ultimately threaten their social stability and economic prosperity. Once this message is driven home, it will become apparent that building a just and humane political system in South Africa is in the interests of all South Africans, including the white minority. The sanctions we are debating today will send this message, and will weaken the political foundation upon which apartheid rests.

Despite the clear need for more concerted action against South Africa, the Reagan administration and its allies remain opposed to implementing more comprehensive sanctions. Some of the arguments made against sanctions stem from a lack of information on the situation in South Africa. Others represent a disturbing double standard in the conservative approach to world affairs. The Reagan administration has been an enthusiastic supporter of armed resistance against what it has viewed as repression and injustice abroad. In South Africa, however, where the repression is brutal, the injustice institutionalized, and regional terrorism unquestioned, what policy has this administration pursued? Not a policy supporting freedom fighters, but constructive engagement with a racist government intent upon repressing and exploiting 85 percent of the population for the benefit of a minority of less than 15 percent. It is difficult to conceive of any other situation of comparable repression and regional aggression where this administration would not act forcibly. Indeed, if the racial equation in South Africa were reversed, or if the issue involved communist repression, the administration would have most likely funded armed opposition to the government. Instead, the United States stands naked before the court of world opinion, shamed by the ineffective and morally reprehensible policy of constructive engagement.

Despite the administration's intransigence, however, the 1986 sanctions have not been a total failure. A General Accounting Office study found that in the first three quarters of 1987, South Africa suffered a trade reduction in goods under sanctions of $624 million. The managing director of a major South African bank recently predicted that by 1990 capital outflows through disinvestment and debt repayment will amount to $10.4 billion and the accumulated loss of export earnings through trade sanctions will reach $4.4 billion. Unemployment would increase by 200,000 people a year, he predicted, and the average South African would be 5 to 10 percent poorer by 1990. In a rare acknowledgement of the threat sanctions pose to South Africa's economic viability, Gerhard de Kock, Governor of the South African Reserve Bank, said on September 11, 1987 that:

> The basic underlying problems that threaten to isolate us from the rest of the world have not yet been solved. The outflow of capital, the emigration of skilled people, the large discount on the financial rand, and the decline in fixed and inventory investment, are all sending us messages that we should heed. They are telling us that . . . we must first and foremost convince both the outside world and ourselves that we are continuing on the road of peaceful and constitutional reform.

Reflecting upon these gloomy statistics, the bank director commented that "we can't ignore what sanctions and disinvestment have done." And, indeed, the South African business community has not ignored the impact sanctions could have on the South African economy. Henri de Villiers, chairman of South Africa's Standard Bank Investment Corp., said recently that "countries that turn away from the world have remained economic backwaters. South Africa needs the world. It needs skills, it needs technology and above all it needs capital." South African businesses are beginning to pressure the government to move more swiftly toward social and political reform. This pressure is coming from a broader coalition of chief executives that are, according to the Wall Street Journal, "smitten by a strong dose of future shock, which, they hope, will also shake Pretoria from its bunker." This is an encouraging development, and is precisely the type of impact sanctions are designed to have. But it is unrealistic to expect sanctions to produce concrete results less than 2 years after their implementation. Approving comprehensive sanctions will promote more introspection among white South Africans, and will increase their motivation to press for change.

Another argument often heard against sanctions is that they are not supported by the black community in South Africa. To prove this point, opponents of sanctions have desperately sought polls which allegedly show black opposition to sanctions. An equal number of polls can be found, however, which show black support for comprehensive sanctions. In fact, virtually all individuals regarded as representative political leaders in the black community support sanctions. These include Archbishop Desmond Tutu and Reverend Allen Boesak, as well as the South African Council of Churches, the South African Catholic Bishops Conference, the United Democratic Front, and South Africa's two largest trade unions, the Congress of South African Trade Unions [COSATU] and the National Council of Trade Unions [NACTU]. Together, these organizations represent well over half of South Africa's 24 million blacks, and show clear support among South African blacks for comprehensive sanctions.

Some opponents of sanctions also persist in believing that the positive influence of United States companies in South Africa outweighs the impact that their withdrawal would have on the South African Government. These individuals point to the $13 million which U.S. corporations spend each year on black advancement, and the progressive policies followed by these corporations toward their black workers. Whatever positive impact United States corporations may have in South Africa, however, is far outweighed by the financial support they provide for the apartheid regime. This support includes $200 million a year in taxes, 15 times what the corporations spend on social programs for their black workers. Finally, Leon Sullivan, author of the widely respected "Sullivan Principles," a code of conduct for United States businesses in South Africa, admitted in June 1987 that United States businesses had failed to bring about meaningful change in the apartheid system, and called for disinvestment and a trade embargo. Since 1983, 160—or nearly half—of the United States businesses in South Africa have left. Thus, the disinvestment provisions of H.R. 1580 would merely expedite a process which is already well under way, while placing the United States firmly on the side of justice and equality.

The final, and most notorious, argument against sanctions is that they merely hurt the black majority in South Africa. Rather than causing economic hardship for blacks, it is argued, the United States should work for black empowerment through economic development within the black community. Proponents of this view contend that enhancing the economic power of blacks in South Africa will somehow translate into political power, and that the United States should adopt such a strategy.

Opposing sanctions because thay will hurt the black majority represents the most disturbing double standard in the debate over South Africa. The United States has imposed sanctions over 75 times since World War II. Not once during this time have we heard a conservative outcry against the hardships that sanctions would cause for the people of Poland, Uganda, or Libya. Most recently, United States sanctions against Panama have devastated that nation's economy, and inflicted immense hardships on the Panamanian people. However, the Reagan administration has expressed little concern over this unfortunate side effect, due in part to the importance it attaches to removing from power an embarrassing, drug-dealing military dictator with whom it had intimate relations for many years. It seems fair to expect a similar level of concern for removing a system of racial oppression against 24 million blacks in South Africa.

The black majority in South Africa is already suffering and is willing to accept additional, short-term hardships to be free from the oppression of apartheid. Indeed, it is apartheid, and not sanctions, which is the primary cause of suffering among South African blacks. Unemployment among blacks was as high as 30 percent before sanctions. Child mortality rates in some of the homelands is reported to have risen to almost 50 percent, and 78 percent of the people living in rural villages face chronic malnutrition. Millions of blacks have been forcibly removed from their homes, tens of thousands have been detained without charge or trial, and thousands have died at the hands of security forces during the past decade. The black majority in South Africa is, quite simply, already suffering horribly. The concern of conservatives here in the United States would be more appropriately focused on this suffering—and how to alleviate it—rather than on the marginal hardships which comprehensive sanctions would cause.

Finally, it is worth noting that the withdrawal of United States businesses from South Africa would directly affect less than 1 percent of the black labor force. It is inconceivable that our Nation's foreign policy would be influenced by considerations for 1 percent of the population of any nation, whether it be South Africa, the Soviet Union, or Nicaragua.

Discussions of black empowerment through economic advancement are meaningless unless in the context of dismantling apartheid and guaranteeing the legitimate political rights of all South Africans. Political and economic power are two separate issues, and one does not automatically lead to the other. Enjoying economic affluence does not automatically translate into political rights. In addition, significantly raising the living standard of South Africa's blacks would take decades, during which time violent revolution will become more inevitable as the repression of Apartheid continues. Finally, to eschew sanctions in favor of a strategy of black empowerment would ally the United States with the South African Government, which hopes to placate the black majority with limited economic gains, as opposed to the legitimate political rights which the black majority demands. Those who advocate black economic development as opposed to sanctions would do well to ponder the statement of Archbishop Desmond Tutu that "we don't want apartheid made comfortable and acceptable. We don't want apartheid reformed. We want to be rid of apartheid."

In conclusion, it is in the moral, political, and economic interests of the United States to impose comprehensive sanctions against South Africa. Doing so would asset United States leadership in the effort to pull South Africa away from the destructive course of apartheid. Despite the blindness of the Reagan administration, the moral issue is clear: South Africa is the only nation on Earth which maintains a social and political system organized along racial lines. It is the clearest example of brutal and pervasive repression of a majority by a minority which has monopolized political and economic power. Our Nation's economic interests in adopting comprehensive sanction are perhaps less obvious, but no less compelling. The important economic interests we have in South Africa will be destroyed if that nation is engulfed by a violent civil war. Each day that the status quo of apartheid is maintained, and each day that our complacency supports the Afrikaner fantasy of sustaining apartheid, such a violent conflict becomes more inevitable.

Our political interests in comprehensive sanctions are also compelling, and center on a basic fact which virtually all observers of South Arican affairs accept: The black majority will eventually play its legitimate role in the governing of South Africa. This may come sooner, through peaceful reform, or later, through a more violent and destructive process. The longer the United States remains detached from this process, however, the more we will alienate ourselves from the black majority in South Africa. The course preferred by the Reagan administration will simply render the United States irrelevant to the struggle in South Africa. If we do not stake out the moral high ground and ally ourselves with the black majority, then the black community will turn elsewhere for help, to sources whose involvement in South Africa may not be in our interest. Those who fear Communist encroachments in South Africa would do well to consider whether sanctions are more of a threat in this regard than the complete radicalization of the black majority, which the continuation of apartheid could cause.

Thus, morality and self-interest dictate that the United States take the lead in an international effort to end the destructive course of apartheid. It is distrubing that the Reagan administration refuses to translate its belief in a strong and self-righteous foreign policy into support for the black majority in South Africa. An active United States role in coordinating and monitoring comprehensive sanctions can play a vital role in ending apartheid and promoting reform in South Africa. If President Reagan will not adopt this role, then it is incumbent upon Congress to take the lead in this important cause. I therefore urge my colleagues to support H.R. 1580, and place our Nation on the side of justice and equality in South Africa.

Mrs. KENNELLY. Mr. Chairman, I stand before you today, as I stood before you 2 years ago, to urge my colleagues to join me in opposing apartheid. I told you then that apartheid is an affront to human dignity. This is still true. I told you it permits the Government of South Africa to deny its citizens the fundamental rights of social justice that Americans so cherish. This is still true. I told you it deprives black men and women the right to speak and write freely, to make a living and to live where they choose. Such a government is the enemy of not only those it oppresses, but of freedom-loving people everywhere. Well, Mr. Chairman, here I stand 2 years later. These things are all still true, and apartheid is still a stark reality for the people of South Africa.

In 1986 we passed limited sanctions, thinking we had the answer. We didn't. These sanctions are not working. And every day we allow an ineffective policy to govern our actions in South Africa, millions of black South Africans continue to live under oppression. Violence is increasing. More and more people are suffering. Some people argue that as long as the United States invests in South Africa business, we can provide jobs to black South Africans; with jobs they can gain economic power and ultimately, freedom. However, the cold, hard truth remains that as long as a white minority controls the majority, this minority will always allow only limited freedom. In real terms, this is not much.

And, Mr. Chairman, not much is not enough for me. Not much should not be enough for the people of the United States—people who know and appreciate real freedom. Real freedom is not merely a token job; real freedom is the ability to work under decent conditions, earning a reasonable wage. Real freedom is not merely freedom from physical violence. But rather, freedom from economic violence and political suppression. We must strengthen our South African policy in hopes that someday soon these South Africans will come to know real freedom. Economic and political pressure by the United States is vital to forcing the South African regime to dismantle apartheid.

We as a nation have made the decision to disassociate ourselves from the South African Government's racial policies. We have allied ourselves with the struggle for racial and civil equality in South Africa. We have made black South African's struggle for justice our struggle. No one ever claimed that standing up for basic human rights was painless or easy. We must increase the pressure. We must pass H.R. 1580.

Mrs. LLOYD. Mr. Chairman, I rise today in support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988. This legislation would implement comprehensive economic and political sanctions against the repressive and repugnant apartheid regime of South Africa.

After 2 years of limited United States pressure, through limited United States sanctions, the Government of South Africa has failed to make substantive progress toward the creation of a nonracial democracy in South Africa. Since 1986 Pretoria has extended South Africa's state of emergency legislation, tightened censorship, curtailed political activity by the Black Labor Federation, and detained an estimated 30,000 people without charge, including 10,000 children. The obstinate and morally unjustifiable position of the South African Government demands that the United States move beyond limited pressure and limited sanctions, and impose the comprehensive sanctions against South Africa called for in H.R. 1580.

Limited sanctions and weak executive implementation of these sanctions have encouraged the South African Government to believe that it can hold onto its monopoly of power indefinitely, free of economic costs and deepening international isolation. The South African Government must be convinced that it cannot continue its abhorrent, racist policies without cost. The Government must come to understand that the future of South Africa as a prosperous member of the international community depends upon the establishment within that country of a nonracial democracy which respects and upholds the economic and political rights of the minority and the majority.

Mr. Chairman, I am not suggesting that sanctions alone are a quick-fix solution to the problem of apartheid; however strong sanctions are a critical part of the long-term process of removing the existing layers of strategic economic and political support which the international community continues to provide to the apartheid regime.

Mr. MILLER of California. Mr. Chairman, House bill H.R. 1580, the Anti-Apartheid Act Amendments of 1988, is more than just a good bill—it is a bill whose passage is necessary to display to South Africa and the rest of the world that the United States is serious about demanding substantive structural changes to democratize the South African Government. This Congress, and the American people, will not tolerate the glaring atrocities continually committed by the apartheid regime.

The sanctions mandated by H.R. 1580 will apply severe pressure, both economic and political, on South Africa to dismantle the apartheid system and include the dispossessed black majority in the political process.

The Congress initiated limited economic sanctions against South Africa in 1986, despite the President's attempt to veto the legislation. Those sanctions were designed to bring economic pressure to compel the South African Government to end its racist apartheid policy. The sanctions banned all new public and private investments by United States' firms, and placed export and import embargoes on South Africa. The 1986 law also urged the President to work with the Western European nations and Japan to impose multilateral sanctions on South Africa.

Further, the law declared that unless substantial progress toward dismantling the apartheid regime was made within 1 year, U.S. policy would be to impose additional sanctions.

Clearly, we have seen no such progress on the part of the South African Government. It continues to crack down on the domestic anti-apartheid movement, and has banned the activities of groups such as Bishop Desmond Tutu's Committee for the Defence of Democracy; it has clamped down on domestic and foreign press coverage of dissent and protest activities in South Africa, imposing press blackouts and censorship. On March 3, 1988, the Government closed the antiapartheid journal, New Nation, and jailed its editor. On July 28, 1988, South African forces raided a home in Gabarine, Botswana, and killed four people—an act which Botswana President Masine described as a "dastardly attack and murder of innocent people in Botswana."

Since 1986 there have been an estimated 1,700 anti-apartheid-related deaths and over 32,000 detentions, including large numbers of children and teenagers. At the end of 1987 over 2,000 people remained in detention, many of them never having had a trial. In addition, the Government has proposed legislation that would subject millions of blacks to eviction from their homes in areas designated for "whites only."

This listing could easily be expanded to include hundreds of examples of racist, undemocratic activity sponsored or sanctioned by the South African Government. In no form does it constitute the "substantial progress" toward eliminating apartheid which Congress mandated in 1986. These inhumane policies and activities, as well as the 1986 law, demand a clear and strong response from the United States and its allies.

H.R. 1580 provides such a response. Its provisions are tougher than our last law: ban all United States investment in South Africa (except in businesses that are 90 percent owned or controlled by blacks or other nonwhite South Africans) and require United States firms to divest from South Africa; bar all South African imports, except strategic minerals and publications; prohibit all United States exports to South Africa, except agricultural goods, publications, and United States aid to the victims of apartheid; cease issuance of new United States coal, gas, and oil leases to foreign companies and United States subsidiaries of foreign companies which fail to divest or that export oil to South Africa; and prohibit United States intelligence and military cooperation with South Africa, except for that relating to Cuban troops in Southern Africa.

These additional sanctions will bring great economic and political pressure on the South African Government to dismantle the apartheid regime. In addition, the bill earmarks a badly-needed $40 million in assistance funds for the victims of apartheid in South Africa.

The pressures placed on the South African economy by the bill's provisions will be reinforced by the bill's requirement that President Reagan seek the adoption of multilateral sanctions against South Africa in the United Nations Security Council, something he has refused to do despite his own Advisory Committee on South Africa's recommendation in January 1987, that if South Africa retained the apartheid regime, "the international community would have to address the adoption of additional diplomatic and economic steps [including] a comprehensive multilateral trade embargo." Japan and our Western allies have indicated a full willingness to follow the United States' lead in implementing stiffer sanctions to prompt the dismantling of the apartheid regime; they are merely awaiting an initiative from Washington such as H.R. 1580.

Despite the charges of this bill's critics, H.R. 1580 does not neglect United States economic interests. In fact, the bill directs the President to take retaliatory measures against foreign firms that take significant advantage of the United States sanctions.

Of course, no policy effort taken by the United States to end apartheid in South Africa, including imposing economic sanctions, will comprise the perfect or only answer. But with the administration's unwillingness to confront the racist South African Government, congressionally mandated sanctions are the most effective weapon we have to combat the South African apartheid regime.

Through H.R. 1580, the Congress will align United States policy with the appeals for multilateral economic sanctions called for by the Congress of South African Trade Unions, the largest Black Labor Federation in South Africa's history, and with the leadership of South Africa's religious and democratic political leaders.

South Africa and its apartheid system are an anachronism in 1988, and are repugnant to the political traditions of this Nation. It is incumbent upon this Congress, and the administration, to act decisively however we can to hasten the dismantling of apartheid and the dawning of a new day of democracy for all the people of South Africa.

Mr. EMERSON. Mr. Chairman, Yogi Berra was right—its deja vu all over again. Just 2 years ago this body debated sanctions against South Africa, and now we are hearing the same old arguments in favor of yet another sanctions bill.

I am still trying to understand the purpose of this exercise. It is pretty obvious that the 1986 sanctions have not had the intended results. We were told then that sanctions would hasten the end of apartheid. If that's true, why are we here now? If the old sanctions didn't work, what makes us think these sanctions will?

Last time we were told that Congress must pass sanctions now in order to prevent a bloody revolution later. If anything, however, we have just made things worse. Sanctions have polarized the political community in South Africa and only strengthened those who either want violent revolution or forceful repression. If a little of this medicine has made South Africa sick, I fail to see how a lot of it is going to make it well.

The simple truth is that the ultimate benefactors of sanctions are those who are quite willing to destroy South Africa so they can rule over the ruins. It makes no difference to the Communists in the African National Congress if black workers would be most hurt by sanctions. The communist International is quite accustomed to exploiting workers in its pursuit of power. As bad as life is for blacks in South Africa (and I have no doubt that apartheid is terrible) you should see what life under communism is like in Ethiopia or Angola.

I agree with those who say it is in America's interest to see apartheid abolished in South Africa. I only maintain that the way we promote this goal will affect what replaces apartheid. It is not in the interest of the United States to replace one form of repression with an even worse kind. With our economy already heavily dependent on imported strategic minerals, we should not pursue a course of action that places South Africa in the hands of the Soviet Union.

Finally, Mr. Chairman, I would urge my colleagues to consider the effect this legislation could have on the delicate state of United States diplomacy in southern Africa. One of the demands of this legislation is that South Africa relinquish its occupation of Namibia. Assistant Secretary of State Chester Crocker is currently in the middle of sensitive negotiations that would achieve this goal plus the withdrawal of Cuban troops from Angola. If this House adopts this resolution, we could very well scuttle those negotiations. Unless you want to keep Cuban troops in Angola and bring revolution in South Africa, adoption of this bill is a bad idea.

I urge my colleagues to vote against the resolution.

Mr. BLAZ. Mr. Chairman, let me say at the outset that I find apartheid and racism repulsive. I have been a victim of it myself. Let me also state that there are few Members of this body whom I admire more than the author of this bill—the distinguished gentleman from California, Mr. DELLUMS. He is a friend and has been most helpful to me and my constituents as my chairman in the Military Installations and Facilities Subcommittee of the House Armed Services Committee. The primary reason I respect him so much is because he fights so tenaciously for his beliefs. For that reason, I am certain that he will understand why I am standing here today for my belief.

That belief is predicated on my experience during a 2-week stay in South Africa last year. As a member of the Africa Subcommittee of the Foreign Affairs Committee, I took advantage of the opportunity to visit South Africa. At the time I was absolutely convinced that economic sanction was the only way to force that country to solve its problems. I had a big chip on my shoulder and was there essentially to find justification for my position.

After visiting throughout the country and speaking with dozens of citizens, most of whom were black, I came back firmly persuaded that with our sanctions, we are perpetrating upon that nation, willingly or otherwise, economic destruction rather than economic development. To my utter amazement, it was the black leadership there who was most critical of economic sanctions—because of its devastating impact on the working poor.

Mr. Chairman, if I may digress, the United States was terribly disappointed in 1961 when a military junta took control of the Republic of Korea. Some said it was the end of the beginning of democracy in that nation. But in 1961, Korea had only two political pressure groups. Students and soldiers.

But look at Korea today. What has made Korea's transition to a democracy possible? I would call it an "economic revolution." Korea now has a strong middle class. It's people have an interest and a future in their government.

In those countries that do not have a tradition of democracy, there will never be political freedom until after they have gotten economic freedom. The economic revolution comes from economic opportunity. As the private sector prospers, so do the people.

It would be very naive to think that a country like South Africa will or could keep apartheid alive under economic prosperity. There are less than 5 million white Afrikaners in a total population of almost 29 million people. The ratio is almost 6 to 1 and increasing.

I urge my colleagues to consider seriously before voting, the long-term impact further economic sanctions would have on those we are intending to help—the black people of South Africa. If we really want to help the majority in that country, if we want to speed up full political participation for all, we should be talking about American investments, not disinvestments.

Instead of reducing that country to ashes on the mistaken belief that we can build a better one upon the rubble, we should instead look seriously at positive, constructive, responsible alternatives aimed specifically on empowering and uplifting the black majority in South Africa.

Mr. MACKAY. Mr. Chairman, I rise today in support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988 which I have cosponsored. This legislation sends a clear message to the Government of South Africa and the rest of the free world that the United States will not do business with a racist state. We must go beyond rhetoric and take decisive action to puncture the ruling white minority's fantasy that it can hold onto its monopoly of power indefinitely.

This legislation is necessary because the executive branch has carried out a failed policy of "constructive engagement" and the South African Government has continued oppression. Rather than moving toward improved human rights, the South African Government has detained an estimated 30,000 people without charge, including up to 10,000 children, in conditions where physical assault and torture are routine. We must do everything in our power to force the South African Government to release all persons detained unduly without trial and immediately free Nelson Mandela.

This legislation strengthens existing economic and political sanctions by invoking a comprehensive ban on trade with South Africa. Additionally, the bill enlists Presidential leadership for an international campaign to end apartheid and funds programs for disadvantaged South Africans.

I believe we may be nearing the last chance to avoid a tragic descent into all-out violence in South Africa. The United States and other Western countries must use all of their influence now to try to prevent this eventuality. Passage of this legislation today will mark a new milestone in our effort to end discrimination around the world.

Mrs. BOXER. Mr. Chairman, supporting tougher sanctions against a country that is undemocratic, cruel, and inhumane is morally right.

We have seen inhumanity and cruelty many times in our history and if there's one thing we learned—it is to stand up to tyranny—to bigotry, to terrorism.

I strongly support the toughest possible economic sanctions for South Africa in order to bring them to their senses and in order to stand up for America. I support a yes vote on this legislation without weakening amendments.

Mr. NEAL. Mr. Chairman, the Comprehensive Anti-Apartheid Act of 1986 prohibits new loans to South African entities. It does not prohibit the rescheduling of existing loans so long as no new funds or credits are thereby provided. H.R. 1580 is considerably more restrictive. It would prohibit rescheduling of existing loans and prohibit loans to be outstanding except on terms provided for by an agreement entered into before April 20, 1988. Thus, no further changes in the terms of outstanding credit to South African entities could be agreed to.

It is not the intent of the foregoing provisions to take away or alter preexisting contract rights. These include rights which were obtained by United States creditors under the present rescheduling arrangements with South Africa—the so-called second interim arrangements. Therefore, during the remaining life of these arrangements, U.S. creditors can exercise any of the repayment options provided for in those arrangements in order to assure that commitments are in place for full repayment of the debt.

Mr. BILBRAY. Mr. Chairman, I rise in support of H.R. 1580, a measure to strengthen existing economic and political sanctions against South Africa.

I would intially like to recognize the work of the chairman of my subcommittee, HOWARD WOLPE, for his hard work and diligence in putting together this piece of legislation.

I would especially like to commend Representative DELLUMS for his diligent work on this issue and his legislation, H.R. 1580.

While not being a Member of Congress in the 99th Congress, I believe that Congress took a dramatic and positive step in approving the Comprehensive Anti-Apartheid Act. By expressing its firm opposition to the system of apartheid, the sanctions legislation of 1986 was a commendable step forward.

Mr. Chairman, in October of last year, the Subcommittee on Africa held a hearing on the President's report to Congress on the Anti-Apartheid Act. The report concluded that there was no sign of significant progress toward ending apartheid in South Africa and the President refused to recommend the imposition of additional economic sanctions.

What greatly concerned me about the President's report was the conclusion that a "period of active and creative diplomacy" is needed. To me this sounds like going back to the administration's policy of "constructive engagement" which has done nothing to ease the plight of South Africa's 22 million blacks.

Just as Congress did nothing in the 1930's while Nazi Germany began its campaign to exterminate what they considered inferior human beings, will the citizens of the United States in the 21st century look at Members of Congress of the 1980's as legislators who preferred the status quo instead of action.

To let the South African Government, the people of South Africa and the world know that we will not stand by again as we did in the 1930's, and that this Congress' motto is "never again."

Mr. Chairman, we are at a crossroads today. We have the opportunity to take a positive step that will demonstrate the seriousness of our Nation's commitment to help end the South African system of apartheid.

I urge the Members to support H.R. 1580.

Mr. BOULTER. Mr. Chairman, I support the Burton "South African black empowerment" substitute to the punitive Dellums/Wolpe South African divestment bill. The Burton substitute would assist black private enterprises and the efforts of blacks to overcome apartheid. It is interesting to note that the idea of black empowerment did not originate in the United States, but in South Africa's black townships. Why not listen to the blacks we want to help in South Africa and support black empowerment?

On the contrary, the Dellums/Wolpe sanctions against South Africa will create a tumultuous "get-out-of-South Africa" economic environment where American businesses sell their factories and assets at fire-sale prices to the benefit of the white South Africans who the bill is meant to punish. Mr. DELLUMS has said more than once that his disinvestment bill will hurt the blacks. Why not help the blacks and retain American interests through the Burton substitute?

South Africa's population is estimated to be between 26 and 30 million people. I did not take lightly a letter from Bishop Mizilikazi Masiya last year when he wrote to Congress and asked us to repeal the "Comprehensive Anti-Apartheid Act of 1986" because of the deleterious affect it has had on the black people it was intended to help. Bishop Masiya was writing on behalf of the more than 2 million black South Africans, and stated the following:

> It seems to me and other Black South Africans that some Senators and Congressmen do not care at all for the millions of black people when they vote for laws that affect us. It seems that some of the honorable members, even though they are aware that sanctions and divestment might hurt blacks more, vote for sanctions in order to appease the African National Congress lobbyists and to cultivate the votes of black Americans. This is not a very moral policy for America to follow.
>
> I, as a black South African, believe that our government under P.W. Botha has done a great deal in moving away from apartheid and making preparations for a truly nonracial, democratic South Africa.
>
> * * * it is our earnest prayer to God, in view of the fact that sanctions and disinvestment cause mass unemployment and poverty especially amongst Black people, that you will . . . reject with contempt any suggestions for future sanctions that would deepen the suffering of my people.

Mongasutho Buthelezi, the Zulu leader of over 5 million blacks, has time and time again concluded that sanctions will undermine the growth of black economic and political power. Neither the nonwhites in South Africa nor United States' citizens have anything to gain from disinvestment and further sanctions. We do have a good deal to lose, though, when disinvestment inflicts the radical damage which is inherent in the Dellums/Wolpe disinvestment bill.

The many constituents who have written and called me have outlined the deleterious effects on their investments in South Africa and oppose the sanctions for those, as well as other, reasons. Members of the Banking, Finance, and Urban Affairs Committee have estimated that $3 billion in South African securities are owned by more than 150,000 individual United States investors. Not only will the nonwhite South Africans suffer, but United States' citizens will also suffer the casualties of H.R. 1580, which has aptly been called a "declaration of economic war" against South Africa.

Mr. Speaker, why doesn't the United States Congress hold out a helping hand to the nonwhites of South Africa with the Burton substitute? Or, are we going to give them the back of our hand through disinvestment? Further, what assurances do we have that the South African Government will not retaliate by withholding strategic materials even if the President would certify those minerals as essential for the economy or defense of the United States?

In conclusion, disinvestment will hurt the nonwhites in South Africa and United States' citizens while dealing a damaging blow to the President's ability to conduct foreign policy affairs with South Africa. The Burton black empowerment substitute would have a positive influence in the dismantling of apartheid in South Africa, and it will give the nonwhite South Africans economic and political power to empower them to fight apartheid with strength through peaceful methods.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in support of the Anti-Apartheid Act Amendments of 1988.

Our Government needs to make a clear, aggressive, and unequivocal statement about the deteriorating situation in South Africa. The comprehensive sanctions contained in this legislation make clear our position not only to the American people, but also to the people of South Africa and the rest of the world. If the United States is to stand for freedom and democratic principles abroad, we cannot stand for business as usual with the Government of a country that for more than 40 years has denied 75 percent of the population freedom, equal opportunity, and political self-determination.

I believe that economic sanctions, in conjunction with similar concerted efforts by our allies, can make a difference and be effective in bringing about change in South Africa. Sanctions are the strongest peaceful support foreign countries can offer to the antiapartheid movement.

One may ask why we need additional sanctions? Congress did mandate economic sanctions against South Africa in 1986. Congress banned all new public and private sector loans and investments, prohibited the importation of products such as uranium and steel, and banned all United States exports of crude oil, petroleum products and munitions to South Africa.

Unfortunately, the Comprehensive Anti-Apartheid Act of 1986 has been poorly enforced. In fact, last year the General Accounting Office issued a report criticizing the administration's enforcement record. While the President has stated that South Africa has not made any progress toward dismantling apartheid he has yet to recommend any additional sanctions.

At this point I would like to address a few of the most commonly heard arguments against comprehensive sanctions. First, it is argued that additional sanctions will only hurt blacks by causing many to lose their jobs. Yet, black trade unions in South Africa have repeatedly stated their willingness to suffer for long-term gain and have urged more economic sanctions. Moreover, South African churches, antiapartheid leaders and organizations all view sanctions as part of the larger struggle for freedom. In addition, the effect of a total U.S. divestment would directly affect less than 1 percent of the black labor force.

Second, opponents contend that sanctions will jeopardize our military defense capability since it will deny the United States access to strategic mineral resources. This legislation exempts from the ban strategic minerals the President certifies are essential to our economy or defense. It does not seem likely that the South African Government would restrict such exports, particularly in an environment where sanctions already constrain foreign exchange earnings. The South African Government relies heavily on the payments from mineral production and any embargo would have a disastrous effect on South Africa's economy.

Furthermore, we already have sufficient stockpiles of chromium, manganese and platium in this country to offset any countersanctions by South Africa. By adapting new technologies and processes and developing other sources we could ensure that we are not dependent on any one country. In this regard, I point out that in the Anti-Apartheid Act amendments legislation, the President is required to come up with a program to reduce dependence on South African minerals. This language was mandated in the 1986 act, yet over a year and a half later there has been no firm date for the completion of this program.

I recognize that sanctions by our country alone will only have a limited impact and we need all of South Africa's trading partners working together. U.S. sanctions by themselves will never bring about an end to apartheid. Historically, sanctions are only effective when applied multilaterally and comprehensively. Our Government needs to take the lead on this initiative. Contingent on this first step, the Anti-Apartheid Act amendments require the President pursue international agreements to coordinate multilateral sanctions against Pretoria.

In closing, comprehensive sanctions can have a significant impact upon the South African Government and economy, if forcefully implemented. While sanctions may not produce immediate results they will send a message to blacks in South Africa, the Government of South Africa and the world that we are determined to do our part in hastening the end of apartheid in a nonviolent context.

Mr. FEIGHAN. Mr. Chairman, I want to urge my colleagues in the House to support H.R. 1580, the Anti-Apartheid Act of 1988, which would impose full sanctions against South Africa until it ends apartheid.

In a recent interview, Desmond Tutu, the archbishop of Cape Town who was awarded the Nobel Peace Prize in 1984, posed an important question. He asked those who claim that life is getting better for blacks in South Africa if they would like to change places with them for 24 hours. The answer to the archbishop's question is painfully obvious: no one would want to change places, even for a day.

In the past year, the South African Government has imprisoned 30,000 people without pressing charges. One-third of those imprisoned have been children. Torture is almost routine. Over 3 million blacks have been removed by force to the "homelands." Migratory labor policies have separated over 1 million families. Nearly one-third of all black South Africans are unemployed. Thousands of black South Africans have died violent deaths.

Most black South African leaders agree that blacks will be hurt by sanctions. But they argue that blacks will be hurt even more if apartheid is not ended and revolution comes to South Africa. According to most nongovernmental polls, the majority of urban blacks—those people who would lose the most from sanctions—overwhelmingly support economic sanctions. Archbishop Tutu himself called for full economic sanctions against South Africa when he said: "I have no hope of change from this Government unless they are forced. We face a catastrophe in the land and only the action of the international community * * * can save us. Our children are dying. Our land is burning and bleeding, and so I call on the international community to apply punitive sanctions against this government to help us establish a new South Africa—nonracial, democratic, participatory and just."

Two years ago, the Congress passed limited sanctions against South Africa. It's now time for the Congress to approve stronger sanctions, ending all trade with and investments in South Africa. The United States stands for certain principles throughout the world—principles such as justice, democracy, and freedom. It's crucial that the United States shows that we value human rights in South Africa. That we oppose South Africa's white supremacist system of apartheid. That we oppose its imprisonment and torture of children. That we oppose its totalitarianism. And that until the South African Government brings an end to apartheid, we will in no way support that wretched system.

Mr. RAHALL. Mr. Chairman, I wish to speak for a few moments on H.R. 1580, the Anti-Apartheid Act Amendments of 1988, strong and forceful legislation aimed at undermining the abhorrent system of apartheid in South Africa by strengthening existing economic sanctions.

The plight of black South African mine workers is not lost on this Member from the southern West Virginia coal fields, or the people I represent. In my congressional district, we have had experiences similar to those now being experienced by South African miners.

In the early part of this century, the oppressive conditions mine workers faced led to efforts by the United Mine Workers of America to organize West Virginia's southern coalfields. "No matter what the punishment, stick to your principlies," Mary Mother Jones had admonished.

And those principles cost dearly during labor disturbances at places with names like Paint Creek, Cabin Creek, Matewan, and the battle of Blair Mountain, where over 10,000 miners faced off with Baldwin Felts agents and Federal troops sent in by President Harding.

The similarities between our past and South Africa's present are quite evident to us in southern West Virginia, and this is one of the reasons why there is a great deal of support in my congressional district not only for the existing sanctions, but for the stronger measures against South Africa as embodied in this comprehensive legislation.

Because of these parallels, I would like to particularly take note of section 304(b) of H.R. 1580, which states that if affected multinational oil companies do not divest or continue to export petroleum products to South Africa after a specified period, they would be prohibited from bidding on Federal mineral leases located mainly in the western States and on the Outer Continental Shelf.

However, I will hasten to emphasize that these sanctions proposed by this legislation would not affect these companies' operations on private lands.

Because of South Africa's dependency on imported oil, this provision would strike at the apartheid regime's jugular vein and would provide a very strong incentive for the Botha government to come to the bargaining table to seek a peaceful end to the system of apartheid and establish a true democracy for all South Africans.

Affected multinational oil companies would have to determine whether they want to continue to be eligible for new Federal oil and gas leases on the Outer Continental Shelf as well as Federal mineral leases on public lands in the western States, or continue their operations in South Africa.

One of the potentially affected multinational's overall investment in the United States is around $25 billion while in South Africa this figure is only about $400 million. Common business sense would indicate that this company would divest its smaller holdings in South Africa in order to preserve its ability to develop western United States public mineral lands and Federal offshore waters.

In my view, the question posed by this section is whether it is a right and just policy to use federally owned mineral resources as a vehicle to achieve social goals.

I am inclined to answer that question in the affirmative. These are, after all, the peoples' coal, oil and natural gas. These resources are in the public domain, and as such, it is appropriate for policies which govern their disposition to take into account the public interest and the socioeconomic goals of this society.

Racism is certainly not a goal of our society, and it is certainly not something we as a people promote at home or abroad. This legislation, then, says that it is wrong to award public resources to companies which through their investments or trading practices wittingly or unwittingly aid and abet a governmental system grounded in apartheid.

Mr. McCANDLESS. Mr. Chairman, the issue before us is not apartheid. I would suggest that every Member of Congress finds apartheid abhorrent and would vote to abolish it this instant, if it were within our power. But such a vote is not within our power, so we must find an alternative which will eradicate apartheid. The legislation before us, H.R. 1580, will not put an end to apartheid, but it will increase the suffering of the very people we are trying to help. Therefore, I must oppose H.R. 1580, legislation to impose more stringent trade sanctions against South Africa, not because its intentions are wrong, but because its effects are not in the best interests of the people—of all races—of South Africa and the United States.

The legislation would prohibit all imports from South Africa with the exception of strategic materials. It would prohibit all exports to South Africa except publications, certain "humanitarian" items designed to relieve human suffering, sales of agricultural commodities, and economic assistance for blacks.

It would ban all loans, all other types of investments, and those multinational companies that invest in South Africa would not be allowed to have U.S. Federal oil, coal, and natural gas leases or permits. The bill would also ban all U.S. intelligence and military cooperation with South Africa.

The proponents of strict economic sanctions are misguided in their efforts to end the strategic apartheid laws. Economic sanctions hurt the black population of South Africa. If we want to help those people, we should do everything possible to help build up their economic status.

The American firms that have been doing business in South Africa in the past have helped greatly by applying equal employment opportunity principles and by helping black employees with job-related education.

Unfortunately, under the sanctions already imposed, thousands of black workers have lost their jobs. The fresh fruit growers have laid off at least 12,000 seasonal workers. Some small textile firms that sold only to the U.S. market have laid off several thousand black employees. The iron and steel industry has had approximately 1,300 layoffs. The coal industry has announced that 3,000 workers had to be let go because of sanctions.

In all these industries, almost 90 percent of those who lost their jobs were black workers.

Mr. Chairman, the best way to encourage South Africa to end apartheid is to build up the economic power of the black population. Taking away jobs is not the answer.

Let me quote a short passage from an article in the July 18, 1988 issue of Fortune magazine entitled "What the U.S. Must Do in South Africa," by Marshall Loeb:

Listen to James Ngcoya, President of the 100,000-member South African black taxi association: "I've heard people say that if sanctions make black people suffer more, that does not matter because they're suffering already and won't mind suffering some more. I've even heard them say that whether more sanctions will help to bring down apartheid doesn't matter because imposing sanctions puts Americans on the right side of history. Does that mean you really do not care what the black people of South Africa want? You really do not care about what will help us? I ask you to listen to our voices before you decide what is good for us, before you decide that black children must go hungry so you can be on the right of history."

Mr. Chairman, the Burton substitute would give us a way to promote economic advancement and better living conditions for blacks in South Africa. Building up black economic strength is the best way to end apartheid. I urge my colleagues to support the Burton substitute and, if it fails, to vote no on H.R. 1580.

Mr. DOWNEY of New York. Mr. Chairman, I rise in the strong support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

Seldom does this House have before it an issue that is so clearly defined. We have before us today a bill that is good and a regime that is bad. It really is that simple. And those who will try endlessly to cloud this debate with arguments of constructive engagement and the like will have missed the essential point in all of this, and their arguments will fail. The American people do not want to do business with a government that systematically and continuously oppresses an entire people, and we, the Members of "the People's House," are now given the opportunity to ensure that we carry out the will of the American people. So you see, in a very real way, this bill is as much a promise to the American people as it is a promise to the blacks of South Africa.

Mr. Speaker, it seems to me that the House can and should do nothing but support this measure for comprehensive and enforceable sanctions against the Government of South Africa. It is time that this Nation exercised its considerable might as a force for good and positive change in South Africa. It is time that America said, once and for all, that any deal with the racist regime of P.W. Botha is no deal at all. It is time to make a change. We have seen the past and it has not taken us in freedom's direction. Now we have a decision to make about the future. I urge my colleagues to make the right decision, and to support this bill.

Mr. COUGHLIN. Mr. Chairman, I rise today to voice my opposition to the bill pending before the House today.

Mr. Chairman, in 1985 I supported legislation, later forestalled by the President's Executive order, to impose economic sanctions against South Africa. In 1986, I cosponsored legislation that was more far-reaching than the 1985 package. At that time I also wrote to the President urging him not to veto the sanctions package agreed to by the Congress, and in fact voted to override the President's veto of the measure.

And today, when I cast my vote on this measure, let no one think that I consider the current racist regime in South Africa to be anything but utterly reprehensible, wicked, and repugnant.

There have been some changes in the South African Government's treatment of its disenfranchised citizens in recent years. These changes have been wholly inadequate. The Population Registration Act, the Group Areas Act, the Land Acts, the contemptible and unjustifiable state of emergency—all remain in effect.

I am voting against this measure, however, for two reasons. First, it will not put additional pressure on the government of South Africa. American businesses will be forced to sell out and their interests will be bought by white South Africans, the people we seek to punish, at fire sale prices. U.S. firms—and United States citizens who are investors in those firms, including many of our senior Americans—will bear the brunt of this requirement. It seems to me that we will only be shooting ourselves in the foot, especially since the majority of South Africa's exports to the United States will be exempt from sanctions under the strategic minerals provisions of the bill.

In addition, and even more important, I am simply not convinced that it will bring anything but further travail to those it purports to help. It will jeopardize the jobs of some 50,000 nonwhites now working for U.S. subsidiaries. It will eliminate such positive influence as U.S. firms have had in helping to eliminate apartheid. Blacks will feel the pain of a constricting economy in South Africa long before whites will.

In fact, I would be willing to support a bill that would more exactly punish the racist apartheid regime or one that would target white economic interests more carefully. But the measure before us uses a shotgun approach that destroys everything in proximity. The measures we have taken against Iran and Nicaragua are not as stringent as those we are contemplating today.

Mr. Chairman, I hope that United States policy toward South Africa brings about a dramatic positive change in that country in the soonest possible time. But I do not believe this measure is the answer to the grievous plight of South Africa's disenfranchised.

Mr. LEHMAN of California. Mr. Chairman. I join my colleagues in strong support of H.R. 1580, the Anti-Apartheid Act Amendments of 1988.

The purpose of this bill is one we all agree on—it is to end the official system of apartheid in South Africa, a horrible system of political and economic discrimination against the blacks of that region in the name of white supremacy. This system is anathema to our American principles of equality and justice for all regardless of one's heritage or skin color. Thus, as one of the most powerful nations in the world, we cannot stand by and let apartheid continue.

Our policy of limited engagement of the past 8 years has failed to weaken the South African Government's resolve to continue apartheid. And while the 1986 Comprehensive Anti-Apartheid Act was an important step toward increasing the cost of maintaining apartheid, its provisions are limited and circumventable. This is why, in the face of South Africa's increasing repression of its black majority, the United States must impose total sanctions. We can use our position of economic leverage to lead and work with other nations to end racial segregation, denial of voting rights, and unfair labor practices.

Apartheid is not a minor violation of human rights—it is the most vicious institutionalization of racism in the world. Our vote in favor of comprehensive sanctions will send a message to South Africa as well as our allies that we will not tolerate apartheid, and that we do believe in democracy everywhere.

Mr. Chairman, official business in my district will force me to miss the remainder of today's proceedings, and it is with regret that I am unable to join my colleagues and cast a vote on the amendments to H.R. 1580 and on final passage of this important legislation. Nonetheless, I strongly support H.R. 1580 and urge its approval.

Mr. BORSKI. Mr. Chairman, I rise in favor of H.R. 1580, the Anti-Apartheid Act. In 1986, we in Congress mandated a new policy by enacting economic sanctions against South Africa. The 1986 law set a 1 year limit within which substantial progress had to be made toward dismantling apartheid or our policy would be to impose additional sanctions on the South African Government.

Since that time South Africa has not repealed the state of emergency, released political prisoners, negotiated with the black majority or ended political and military activities against neighboring states.

So it seems that instead of discouraging the Pretoria government from promoting its unjust apartheid practices, the relatively limited U.S. sanctions covering no more than a third of imports, few exports and no current investment, have only prompted the Pretoria government to inaction.

The new economic and military sanctions included in H.R. 1580 are not immediate cure-alls but are a far reaching, medium-to-long-term approach to end apartheid by democratic means.

The bill enacts six new economic and military provisions: bans all United States investments in South Africa; bars all South African imports and all U.S. exports, with few exceptions; prohibits the Interior Department from issuance of energy leases to United States subsidiaries of foreign firms that hold investments in South Africa or export oil to South Africa; bars United States-owned, controlled, or registered ships from transporting oil to South Africa; and, bans United States intelligence and military cooperation with South Africa, except for intelligence relating to Cuban troops in southern Africa or any other Communist country assisting Cuban troops.

There are some Americans who are concerned that sanctions harden the Botha regime.

I submit that the Pretoria regime had hardened their hearts against removing the yoke of apartheid long before we instituted the much needed sanctions.

Since 1984, we have seen the "Pass Laws" removed and replaced by even tighter "squatter laws". We have seen the Mixed Marriages Act removed and replaced with the more rigidly enforced residential segregation. It has also been verified that more prisoners now reside on death row than ever. And the more violent and brutal the police become in repressing union activity, the more widespread the strikes become.

There are many more of us Americans, however, who believe that the administration's "constructive engagement"—which means quiet diplomatic steps to encourage change—response to South Africa's racist apartheid and aggression against its neighbors, is not enough and that the new economic and military sanctions provided in H.R. 1580 can and will work.

Mr. WOLPE. Mr. Chairman, for purposes of closing the debate, I yield the balance of our time to the principal author of the legislation before us, the distinguished gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, it is with a great deal of pride and sense of privilege and honor that I have the opportunity to close this debate. Two decades ago people said, "Take your anger, your frustration, your pain, your hopes, and your dreams and your aspirations, inside the political process. Come inside off the street of protest and demonstration, challenge people in the Halls of Congress, legitimate the ideas you choose to espouse."

Well, in that process, Mr. Chairman, you folks taught me humility. I am an activist, but you taught me patience. I am a fighter, but you taught me discipline, because it was nearly 18 years ago, Mr. Chairman, that this gentleman and the distinguished gentleman from Michigan [Mr. CONYERS], we embarked upon this long journey to bring us to this moment, because it was at that time that we brought the first effort to bring sanctions against South Africa, not only because we saw ourselves as citizens of the United States, black human beings as well, but also citizens of the world.

Second, I would point out to my colleagues, Mr. Chairman, to challenge the cruelty and the oppression of apartheid in South Africa is not a liberal issue. It is not a conservative issue. It is not a moderate issue. It is not a democratic issue. It is not a Republican issue. It is an American issue, as American as apple pie, because we are ostensibly a Nation committed to democratic principles, the rule of law and constitutional government. We would be living in a world of contradiction, Mr. Chairman, if we did not stand and oppose this.

Mr. Chairman, someone said in the early part of the general debate that this approach is a little heavy. Let me tell you, Mr. Chairman, what heavy is. Beating, torture, rape, murder by South African security forces and prison officials is more than a little heavy.

What is heavy is detainment without trial of thousands of human beings, 40 percent of them children, many of them 8 to 10 years of age. That is heavy.

Repression of the press is heavy. Banning opposition groups, even nonviolent antiapartheid groups in South Africa, is heavy.

Denial to a majority population of any political rights or power on the insane and absurd notion of racial supremacy, I would say to my colleagues, is what is heavy.

Denying the opportunity of people to live a life where we embrace the principle that all human beings, black, brown, red, yellow, and white, are equal human beings, that all human beings have control of their destiny, that is heavy if we are not prepared to deal with it.

We are a great Nation, Mr. Chairman, a great Nation. You and I at this moment must rise above our petty differences, irrespective of where we stand in the political spectrum, Democrat or Republican. Some of my colleagues even said to me in the back of the aisle, "I have been with you, but I'm down on this rule so bad, I'm so upset with the leadership that I can't vote with you."

Let me tell you something. Do not underestimate the power of this issue. Each of us will have to go home and talk about it.

Yes, South Africa is over there, but this issue is as much about the United States as it is about South Africa. Every single one of your constituents, if they see you are not prepared to challenge this madness and they say, "What happens when it comes to me? If you are not prepared to stand up for black people and people of color in South Africa in this great bastion of democracy, what will happen when they come for me?"

So let us rise above this difference. Whatever the rule was, I did not create it, but I came here to fight to see that this world is a dignified world. I want to turn over to my children and my children's children a world without racism and terrorism, violence, death, and destruction.

I place my body, my life, and my energy on the line. I have come here struggling. You made me learn discipline. You made me struggle for 18 years, but it is time for the world to wake up. We cannot continue to harm and kill and maim and torture people because their skin happens to be black. There is something wrong with that.

Mr. Chairman, let me tell you in a few brief moments a little story. On Wednesday at the convention I met a delightful, marvelous, thin, almost fragile young South African. I met him a couple nights before. He was very pleased to meet me because of my efforts on the part of South Africa. I was not to know that the second time I would meet him, I would feel great pain, because he sought me out in the lobby of the Hilton Hotel in Atlanta. I saw in his face that he was quite troubled.

He said, "I want to help you pass this bill."

I said, "What is wrong?"

He said, "I just received a call from my mother in Johannesburg. There had been a bombing. My two brothers have been killed."

He struggled to fight back the tears, and I reached out to him because he was young enough to be my son. He looked me in the eyes, a look that I will never forget, and he said, "There must be a better way. I have lost my wife and my child and now my two brothers," and he fell into my arms.

I will say to you, Mr. Chairman, he and I hugged and embraced in brotherhood and camaraderie and a sense of compassion and we cried unabashed and unashamed.

I decided that I would renew my effort, come hell or high water, and we will continue to struggle until South Africa is free, and he is right. There must be a better way.

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Mr. Chairman, I listened to all the debates here that it is going to hurt blacks, it is going to hurt corporations, it might jeopardize the national security. Some of those things are maybes, but I tell the Members what is an inevitable fact and that is that human beings who languish in repression will struggle for their freedom, in peace if they can, in violence if they must.

That pales every single argument that they have raised because the technology of death in 1988, the Members and I know, means that thousands of human beings will die beyond any human beings' ability to comprehend. Those of the Members who think imposing sanctions will bring violence, I come to a different conclusion. It works for those people in power. They are not going to change until we make it not work. Do not live in such an absurd, mundane, pedestrian, and naive world. This is reality here.

I do not wish to see violence and bloodshed. Let us rise above these differences here, rise above all of these different rules and concerns.

I am now asking the Members, as a black American, as a black Earthbound citizen, we must end the madness of apartheid. Let us turn over to our children a world without this insanity, without this cruelty, and, yes, sanctions hurt, and I have said a thousand times, and I will say it again, that sanctions hurt, but apartheid kills and it kills violently, whether it kills officially from the Government or whether it kills by denying hope from people so that they feel so desperately that they must engage in violence that ends up in the death of human beings. That is violence.

I came here not a warlike person. I came here to channel my anger and to channel my energy. I am an advocate of peace and I am struggling hard to be a peaceful person, and that is not always easy in these Chambers. Members know that; Members know that.

Mr. Chairman, Members of this body, we must get beyond this. We must become civilized human beings. America says it is committed to freedom and dignity.

Mr. Chairman, I ask the Chair and Members of this body to rise above all of our petty differences. This is an American issue, and as Americans let us rise up and join those people in South Africa struggling for their freedom and dignity.

It will be a great moment in American history. I thank all of the Members.

The CHAIRMAN. All time has expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 5175 is considered as an original bill for the purpose of amendment under the 5-minute rule in lieu of the committee amendments now printed in the reported bill and shall be considered as having been read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Anti-Apartheid Act Amendments of 1988".

(b) REFERENCES.—References in this Act to "the Act" are to the Comprehensive Anti-Apartheid Act of 1986.

(c) TABLE OF CONTENTS.—

TITLE I—SANCTIONS AGAINST INVESTMENT IN, AND EXPORTS TO, SOUTH AFRICA AND OTHER MEASURES (EXCEPT IMPORT RESTRICTIONS) TO END APARTHEID

Sec. 101. Prohibitions on investment in, and exports to, South Africa.
Sec. 102. Prohibition regarding involvement in the South African energy sector.
Sec. 103. Prohibition on nuclear assistance to South Africa.
Sec. 104. Prohibition on United States intelligence and military cooperation with South Africa.
Sec. 105. Coordinator of South Africa sanctions; inter-agency coordinating committee on South Africa.
Sec. 106. Independence of Namibia.
Sec. 107. Penalties.
Sec. 108. Assistance for disadvantaged South Africans.
Sec. 109. Sense of Congress regarding antitrust investigation of South African diamond cartel, study of diamond origins, and enforcement of prohibition on importation of South African diamonds into the United States.
Sec. 110. Study of measures to reduce South Africa's foreign exchange earnings from gold.
Sec. 111. Sense of Congress regarding South African consulates and approval of visas.
Sec. 112. Report on South Africa's involvement in international terrorism.
Sec. 113. Technical and conforming amendments.

TITLE II—SANCTIONS AGAINST SOUTH AFRICAN IMPORTS INTO THE UNITED STATES

Sec. 201. Prohibitions on imports from South Africa.
Sec. 202. Multilateral measures, including import restrictions, to dismantle apartheid.
Sec. 203. Referral in the House of joint resolutions pertaining to import restrictions.
Sec. 204. Reports on United States imports from member states of the Council for Mutual Economic Assistance.
Sec. 205. Program to reduce dependence upon importation of strategic minerals from South Africa.
Sec. 206. Preventing circumvention of United States import restrictions.

TITLE III—GENERAL PROVISIONS

Sec. 301. Effective date.

TITLE I—SANCTIONS AGAINST INVESTMENT IN, AND EXPORTS TO, SOUTH AFRICA AND OTHER MEASURES (EXCEPT IMPORT RESTRICTIONS) TO END APARTHEID

SEC. 101. PROHIBITIONS ON INVESTMENT IN, AND EXPORTS TO, SOUTH AFRICA.

(a) PROHIBITIONS ON INVESTMENT.—Effective 180 days after the date of the enactment of this Act, section 301 of the Comprehensive Anti-Apartheid Act of 1986 (hereafter in this Act referred to as the "Act") is amended to read as follows:

"PROHIBITION ON INVESTMENT IN SOUTH AFRICA

"SEC. 301. (a) Subject to subsections (b) and (c), a United States person may not purchase, acquire, own, or hold any investment in South Africa.

"(b) The prohibition under subsection (a) shall not apply to any investment in a business enterprise owned and controlled by South Africans economically and politically disadvantaged by apartheid where after the investment such business enterprise is not less than 90 percent owned by, and is under the control of, South Africans economically and politically disadvantaged by apartheid.

"(c)(1) Notwithstanding subsection (a), any individual described in paragraph (2), may continue to own and hold investments in South Africa during any period and to the extent that such investments are considered South African emigrant non-resident assets and subject to restrictions on their transfer or disposition under the exchange control regulations of the Government of South Africa (promulgated pursuant to the Currency and Exchange Act of 1933 and as in effect on June 2, 1988) which limit the ability of such an individual to comply with such prohibitions under subsection (a).

"(2) An individual, for purposes of paragraph (1), is an individual who, on the date of the enactment of the Anti-Apartheid Act Amendments of 1988, is—

"(A) a former citizen or resident of South Africa; and

"(B)(i) a citizen of the United States; or

"(ii) an alien lawfully admitted for permanent residence in the United States.".

(b) PROHIBITION ON EXPORTS TO SOUTH AFRICA.—Effective 180 days after the date of the enactment of this Act, section 303 of the Act is amended to read as follows:

"PROHIBITION OF EXPORTS TO SOUTH AFRICA FROM THE UNITED STATES

"SEC. 303. (a) No goods or technology subject to the jurisdiction of the United States may be exported, or re-exported, to South Africa. No goods or technology may be exported, or re-exported, to South Africa by any person subject to the jurisdiction of the United States.

"(b) The prohibitions under subsection (a) shall not apply to—

"(1) publications, including books, newspapers, magazines, films, television programming, phonograph records, video and audio tape recordings, photographs, microfilm, microfiche, posters, and similar materials;

"(2) donations of articles intended to relieve human suffering, such as food, clothing, and medicine and medical supplies intended strictly for medical purposes;

"(3) commercial sales of agricultural commodities and products; and

"(4) goods and technology for use in the gathering or dissemination of information by news media organizations subject to the jurisidiction of the United States which provide an assurance to the Secretary of State that such goods and technology will not be used, leased, sold, or transferred to any South African entity.

"(c) The prohibitions under subsection (a) shall not apply to any goods that are the direct product of technology of United States origin under a written agreement entered into on or before April 20, 1988, and that are exported prior to the date which is one year after the date of the enactment of the Anti-Apartheid Act Amendments of 1988.

"(d) The prohibitions under subsection (a) shall not apply to—

"(1) economic assistance or human rights programs for disadvantaged South Africans, South African blacks or other nonwhite South Africans, or victims of apartheid in South Africa pursuant to the Foreign Assistance Act of 1961, the Export-Import Bank Act of 1945, or any other provision of law authorizing economic or human rights assistance programs; and

"(2) contributions to charitable organizations engaged in social welfare, public health, religious, educational, and emergency relief activities in South Africa.".

(c) WAIVER.—A person affected by the prohibition under section 301 of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)) may apply to the President for a one-time waiver of the prohibition. With respect to any applicant, the President may waive the application of section 301 for not more than 180 days after such section takes effect. Such waiver may be granted only for good cause. During any period of waiver under this subparagraph, the provisions of the Comprehensive Anti-Apartheid Act of 1986 as in effect before the date of the enactment of the Anti-Apartheid Act Amendments of 1988 shall apply and the President may not waive any such provision.

(d) REPEAL OF CERTAIN PROVISIONS OF THE ACT.—Effective 180 days after the date of the enactment of this Act, the Comprehensive Anti-Apartheid Act of 1986 is amended by striking sections 212, 304, 309, 310, 317, 318, 319, 320, 321, and 323.

(e) DEFINITIONS.—

(1) Paragraphs (3) and (4) of section 3 of the Act are amended to read as follows:

"(3) the term 'investment in South Africa' means—

"(A) a commitment of funds or other assets (in order to earn a financial return) to a South African entity, including—

"(i) a loan or other extension of credit made to a South African entity, or security given for the debts of an entity;

"(ii) the beneficial ownership or control of a share or interest in a South African entity, or of a bond or other debt instrument issued by such an entity; or

"(iii) capital contributions in money or other assets to a South African entity; or

"(B) the control of a South African entity in cases in which subparagraph (A) does not apply;

"(4) the term 'loan'—

"(A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including—

"(i) overdrafts;

"(ii) currency swaps;

"(iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act;

"(iv) the purchase of a loan made by another person;

"(v) the sale of financial assets subject to an agreement to repurchase;

"(vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity;

"(vii) short-term trade financing, as by letters of credit or similar trade credits;

"(viii) sales on open account in cases where such sales are normal business practice; and

"(ix) rescheduling of existing loans; and

"(B) does not include, a loan for which an agreement was entered into before April 20, 1988, so long as such a loan is maintained under the terms in effect on such date;".

(2) Section 3 of the Act is further amended by—

(A) striking "and" after the semicolon in paragraph (8)(B);

(B) striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) adding at the end of such section the following:

"(10) the terms 'United States person' and 'person subject to the jurisdiction of the United States' mean—

"(A) any person, wherever located, who is a citizen or resident of the United States;

"(B) any person actually within the United States;

"(C) any corporation organized under the laws of the United States or of any State, territory, possession, or district of the United States; and

"(D) any partnership, association, corporation, or other organization, wherever organized or doing business, that is owned or controlled by persons specified in subparagraphs (A), (B), or (C) of this paragraph;

"(11) the terms 'goods' and 'technology' have the meanings given such terms by section 16 of the Export Administration Act of 1979;

"(12) the term 'goods subject to the jurisdiction of the United States' includes goods that are the direct product of technology of United States origin; and

"(13) the term 'foreign person'—

"(A) means any person who is not a United States person or subject to the jurisdiction of the United States, and

"(B) does not include any government or any agency or other entity or instrumentality thereof (including a government-sponsored agency) unless any such agency, entity, or instrumentality is a business enterprise.".

(3) The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

(f) NEGOTIATIONS WITH EMPLOYEE ORGANIZATIONS REGARDING TERMINATION OF INVESTMENT.—A controlled South African entity, subject to the investment prohibition under section 301 of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)), that employs more than 24 South Africans—

(1) shall notify all South African employees and their employee organizations of such termination of investment not less than 90 days prior to such termination; and

(2) shall enter into good faith negotiations with representative trade unions, particularly those representing disadvantaged South Africans, (or with other representative worker organizations if there are no such unions) regarding the terms of a termination.

Negotiations shall include discussions and agreements concerning pension benefits; relocation of employees; continuation of existing union recognition agreements; severance pay; and acquisition of the terminated business or the business assets by representative trade unions, union-sponsored workers' trusts, other representative worker organizations, or employees.

SEC. 102. PROHIBITION REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR.

(a) RESTRICTIONS REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR.—The Act is amended by adding after section 303 (as amended by section 101 of this Act) the following new section 304:

"RESTRICTIONS REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR

"SEC. 304. (a) A United States person may not, directly or through an affiliate, provide transport to South Africa of a commercial quantity of crude oil or refined petroleum products. The prohibition under this subsection includes transport on a vessel of United States registry and transport on a vessel owned, directly or indirectly, by a United States person.

"(b)(1) Effective 180 days after the date of the enactment of this subsection, the Secretary of the Interior may not issue any lease pursuant to the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands, the Outer Continental Shelf Lands Act, or the Geothermal Steam Act of 1970 to any national of the United States which is controlled by, or under common control with, any foreign person who—

"(A) purchases, acquires, owns, or holds any investment in South Africa; or

"(B) exports to South Africa, directly or indirectly, any crude oil or refined petroleum products.

"(2) Prior to issuing any lease referred to in paragraph (1), the Secretary of the Interior shall require an applicant for such a lease to certify that the applicant is not subject to the provisions of paragraph (1).".

(b) WAIVER OF PROHIBITION ON ISSUANCE OF LEASES.—A person affected by the prohibition under section 304(b) of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)) may apply to the President for a one-time waiver of the prohibition. With respect to any applicant, the President may waive the application of section 304(b) for not more than 180 days after such subsection takes effect. Such waiver may be granted only for good cause.

SEC. 103. PROHIBITION ON NUCLEAR ASSISTANCE TO SOUTH AFRICA.

Section 307 of the Act is amended to read as follows:

"PROHIBITION ON NUCLEAR ASSISTANCE TO SOUTH AFRICA

"SEC. 307. Notwithstanding any other provision of law, the Secretary of Energy shall not, under section 57 b. (2) of the Atomic Energy Act of 1954, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa.".

SEC. 104. PROHIBITION ON UNITED STATES INTELLIGENCE AND MILITARY COOPERATION WITH SOUTH AFRICA.

(a) AMENDMENT TO COMPREHENSIVE ANTI-APARTHEID ACT OF 1986.—The Act is amended by striking section 322 and adding after section 308 the following new section:

"PROHIBITION ON UNITED STATES INTELLIGENCE AND MILITARY COOPERATION WITH SOUTH AFRICA

"SEC. 309. (a)(1) No agency or entity of the United States involved in intelligence activities may engage in any form of cooperation, direct or indirect, with the Government of South Africa (specifically including the authorities administering Namibia so long as Namibia is illegally occupied).

"(2) The prohibition under paragraph (1) may not be construed to affect the collection of intelligence under any circumstances which do not involve any form of cooperation, direct or indirect, with the Government of South Africa.

"(b) No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa.

"(c) The prohibitions of this section shall not apply to the conduct of diplomatic activities or to intelligence information concerning the military activities or equipment in southern Africa of Cuban military forces or of another Communist country acting in concert with Cuban military forces.

"(d) Funds authorized to be appropriated or otherwise made available by the Congress (including funds specified in a classified schedule of authorizations or appropriations) may not be obligated or expended by any agency or entity of the United States for any expenses related to any cooperation prohibited by this section.

"(e) Consistent with the objectives of this section it is the sense of the Congress that the President should not—

"(1) assign or detail any member of the United States Armed Forces to serve as, or otherwise perform the functions of, a defense (or military) attache in South Africa; or

"(2) accredit any individual to serve as, or otherwise perform the functions of, a defense (or military) attache at a South African diplomatic mission in the United States.".

(b) AMENDMENT TO INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1987.—Section 107 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569) is hereby repealed.

SEC. 105. COORDINATOR OF SOUTH AFRICA SANCTIONS; INTERAGENCY COORDINATING COMMITTEE ON SOUTH AFRICA.

The Act is amended by adding after section 606 the following new sections:

"COORDINATOR OF SOUTH AFRICA SANCTIONS

"SEC. 607. (a) There is established within the Department of State a coordinator of South Africa sanctions who shall be responsible to the Secretary of State for matters pertaining to the implementation of sanctions against South Africa, in accordance with the provisions of this subsection.

"(b) The Secretary of State, through the coordinator of South Africa sanctions, shall—

"(1) lead and coordinate all executive agency activities concerning monitoring of compliance with, and enforcement of, this Act;

"(2) lead and coordinate monitoring by appropriate executive agencies of other countries' trade and financial flows with South Africa (including economic relations which may undermine the effects of United States sanctions);

"(3) assist the Department of Commerce, the Department of the Treasury, and appropriate intelligence and other agencies in carrying out the functions of such agencies under paragraphs (1) and (2); and

"(4) annually prepare and submit, on February 1 of each year after 1989, a comprehensive report to the Congress which—

"(A) describes specific actions taken during the preceding year by each affected executive agency to monitor compliance with, and enforce, the provisions of this Act;

"(B) describes the trade and financial flows (by commodity, activity, total volume, and value) during the preceding year between South Africa and each of its trading and financial partners, including economic relations which may be subject to penalties under section 402;

"(C) includes the information required under section 402(b)(3);

"(D) describes the resources utilized by the coordinator, the Department of State, and other executive agencies in carrying out their functions under this Act in the preceding year, including an evaluation of whether such resources were adequate; and

"(E) provides any recommendations of the Secretary of State for improving the effectiveness of the coordinator.

"(c) In carrying out the functions under subsection (b), the coordinator shall place particular emphasis on activities related to strategically important trade in oil, coal, computers, specialized machinery and arms, and to financial credits.

"INTERAGENCY COORDINATING COMMITTEE ON SOUTH AFRICA

"SEC. 608. (a) There is established an Interagency Coordinating Committee on South Africa. The Committee shall coordinate and monitor implementation of this Act.

"(b) The committee shall be composed of—

"(1) the Secretary of State,

"(2) the Secretary of the Treasury,

"(3) the Secretary of Defense,

"(4) the Secretary of Commerce,

"(5) the Secretary of Agriculture,

"(6) the Attorney General,

"(7) the United States Trade Representative, and

"(8) such other heads of executive agencies with functions under this Act as the President considers appropriate.

The Secretary of State shall be the chairperson of the Committee.".

SEC. 106. INDEPENDENCE OF NAMIBIA.

(a) ADDITIONAL MEASURE FOR TERMINATION OF CERTAIN PROVISIONS OF THE ACT.—Section 311 of the Act is amended—

(1) in subsection (a)—

(A) by inserting "402(a)," before "501(c)" in the matter preceding paragraph (1),

(B) in paragraph (4) by striking "and" after the semicolon,

(C) in paragraph (5) by striking the period and inserting "; and", and

(D) by adding after paragraph (5) the following new paragraph:

"(6) ends the illegal occupation of Namibia and implements United Nations Resolution 435 which calls for the independence of Namibia."; and

(2) in subsection (b)—

(A) by inserting "402(a)," before "501(c)", and

(B) by amending paragraph (2) to read as follows:

"(2) taken four of the five actions listed in paragraphs (2) through (6) of subsection (a), and".

(b) POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA.—Section 101(b) is amended—

(1) in paragraph (5) by striking "and" after the semicolon;

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding after paragraph (6) the following new paragraph (7):

"(7) end South Africa's illegal occupation of Namibia and implement United Nations Resolution 435 which calls for the establishment of an independent Namibia."

SEC. 107. PENALTIES.

Effective 180 days after the date of the enactment of this Act, section 603(b) of the Act is amended—

(1) in paragraph (2)—

(A) by inserting "(A)" after "(2)";

(B) by adding at the end of subparagraph (A) (as so designated by subparagraph (A) of this paragraph) "and"; and

(C) by adding at the end the following new subparagraph:

"(B) any person, other than an individual that knowingly violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than $500,000; and"; and

(2) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B) any individual who knowingly violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.".

SEC. 108. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.

(a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—Section 535(a) of the Foreign Assistance Act of 1961 is amended—

(1) by amending paragraph (1) to read as follows:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a)(1) Up to $40,000,000 of the funds authorized to be appropriated to carry out this chapter and any other economic development assistance activities under the Foreign Assistance Act of 1961, for the fiscal year 1989 and each fiscal year thereafter, shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on nonracial principles. Such activities may include scholarships (including scholarships for study in the health care professions and the health sciences), assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs, and training and other assistance (including legal aid in challenging government media restrictions) for South African journalists.".

(2) in paragraph (2) by striking "programs for South Africa's trade unionists." and inserting "and other support programs (including legal assistance) for trade unions in South Africa and Namibia, including COSATU (Congress of South African Trade Unions), NACTU (National Council of Trade Unions), and NUNW (National Union of Namibian Workers), their affiliates, and other viable unions in order to develop a balanced assistance program which is representative of the trade union movement."; and

(3) by adding after paragraph (2) the following new paragraph:

"(3)(A) Not less than $4,000,000 of the amounts provided for each fiscal year pursuant to this subsection shall be available for programs of refugee education and assistance for South Africans and Namibians.

"(B)(i) Except as provided in clause (ii), funds provided pursuant to this paragraph—

"(I) may not be used for assistance to individuals who are residing in areas under the control of or administered by the South West Africa People's Organization (hereinafter referred to as 'SWAPO') or the African National Congress (hereinafter referred to as 'ANC'); and

"(II) may not be administered through SWAPO, the ANC, or any other group or individual affiliated with SWAPO or the ANC.

"(ii) The President may waive any limitation concerning the African National Congress (ANC) under clause (i) if the President determines that the ANC has provided assurances that it does not support any form of violence against individuals who are not members of the South African military or security services actually engaged in military or paramilitary operations against the ANC or other resistance organizations or if the President determines that it is in the national security interests of the United States.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1988.

SEC. 109. SENSE OF CONGRESS REGARDING ANTITRUST INVESTIGATION OF SOUTH AFRICAN DIAMOND CARTEL, STUDY OF DIAMOND ORIGINS, AND ENFORCEMENT OF PROHIBITION ON IMPORTATION OF SOUTH AFRICAN DIAMONDS INTO THE UNITED STATES.

It is the sense of the Congress that—

(1) the President should direct the Attorney General of the United States to conduct an investigation of the South African-controlled international diamond cartel in order to ascertain if any enforcement action is appropriate under the antitrust laws of the United States;

(2) the President should direct the Secretary of Commerce and the Commissioner of Customs to conduct a study to determine the feasibility of identifying at port of entry, without harm to producers and processors of diamonds outside of South Africa, the national origin of diamonds entering the United States; and

(3) the President should—

(A) ensure effective and rigorous enforcement of a prohibition on the importation into the United States of uncut diamonds of South African origin by—

(i) applying direct pressure on the Central Selling Organization in London to identify and segregate diamonds by country of origin and encouraging other nations (including diamond-producing nations) to take appropriate measures to achieve that result; and

(ii) entering into negotiations for agreements with the principal exporting nations of uncut diamonds to the United States (particularly the United Kingdom and Switzerland) to ensure that uncut South African diamonds will not be exported to the United States;

(B) pursue effective enforcement and undertake appropriate actions to obtain the identification and segregation of uncut diamonds of South African origin, provided such enforcement and other actions do not interfere with the ability of United States importers to import uncut diamonds of other countries of origin despite any unknowing importation of unidentified uncut South African diamonds which may occur; and

(C) direct the Secretary of the Treasury to submit a report on the status of the effort to identify and segregate uncut South African diamonds to the Speaker of the House of Representatives and the President of the Senate 180 days after the date of the enactment of this Act and every 180 days thereafter.

SEC. 110. STUDY OF MEASURES TO REDUCE SOUTH AFRICA'S FOREIGN EXCHANGE EARNINGS FROM GOLD.

(a) STUDY.—In consultation with other industrialized nations and international financial institutions, the President shall conduct a study of possible actions by the United States to reduce the foreign exchange earnings of South Africa which accrue through sales of gold. The President shall consider possible international and domestic consequences of any course of action and shall evaluate mechanisms to avoid or minimize any adverse effects on the United States gold mining industry.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report of the findings of such study.

SEC. 111. SENSE OF CONGRESS REGARDING SOUTH AFRICAN CONSULATES AND APPROVAL OF VISAS.

It is the sense of the Congress that—

(1) South Africa has effectively banned 19 major anti-apartheid organizations, forbade the major trade union federation, COSATU, from engaging in political activities, and denied permission for travel to the United States to numerous South Africans;

(2) the repression by South Africa of domestic and foreign media has prevented the free flow of information essential to the advance of any national dialogue between the government and the nonwhite majority which actively opposes apartheid, and has restricted the ability of the foreign press to report developments in South Africa;

(3) the President should immediately close two of South Africa's consulates general, eliminate all honorary consuls which South Africa has in the United States, and forbid South Africa to expand the staffing of its embassy beyond the level of January 1, 1988; and

(4) approval of temporary United States visas, especially to South African government personnel, should be granted on a case-by-case basis only after close scrutiny of the South African Government's record of allowing South African citizens, particularly those who are members of anti-apartheid organizations, to travel to the United States.

SEC. 112. REPORT ON SOUTH AFRICA'S INVOLVEMENT IN INTERNATIONAL TERRORISM.

Not less than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit a detailed report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate concerning the extent to which, if at all, the Government of South Africa has been involved in or has provided support for acts of international terrorism.

SEC. 113. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO THE TABLE OF CONTENTS.—

(1) The table of contents in section 2 of the Act is amended by amending the items relating to title III to read as follows:

"TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

"Sec. 301. Prohibition on investment in South Africa.
"Sec. 302. Prohibition on imports into the United States from South Africa.
"Sec. 303. Prohibition of exports to South Africa from the United States.
"Sec. 304. Restrictions regarding involvement in the South African energy sector.
"Sec. 305. Prohibitions on loans to the Government of South Africa.
"Sec. 306. Prohibition on air transportation with South Africa.
"Sec. 307. Prohibition on nuclear trade with South Africa.
"Sec. 308. Government of South Africa bank accounts.
"Sec. 309. Prohibition on United States intelligence and military cooperation with South Africa.
"Sec. 311. Termination of certain provisions.
"Sec. 312. Policy toward violence or terrorism.
"Sec. 313. Termination of tax treaty and protocol.
"Sec. 314. Prohibition of United States Government procurement from South Africa.
"Sec. 315. Prohibition on the promotion of United States tourism in South Africa.
"Sec. 316. Prohibition on United States Government assistance to, involvement in, or subsidy for trade with, South Africa.".

(2) The table of contents in section 2 of the Act is further amended—

(A) by striking the item relating to section 212;

(B) by amending the items relating to sections 402 and 502, respectively, to read as follows:

"Sec. 402. Limitation on imports from and contracting with certain foreign persons.
"Sec. 502. Reports on United States imports from member states of the Council for Mutual Economic Assistance."; and

(C) by adding after the items relating to section 606 the following items:

"Sec. 607. Coordinator of South Africa sanctions.
"Sec. 608. Interagency coordinating committee on South Africa.".

(b) CONFORMING AMENDMENTS TO THE ACT.—

(1) Section 602(a)(1) and 602(b)(1) of the Act are amended by striking "318(b),".

(2) Section 602(c) is amended by striking paragraph (2) and redesignating paragraphs "(3)" and "(4)" as paragraphs "(2)" and "(3)", respectively.

(3) Section 603(b) of the Act is amended by striking paragraph (4).

(4) Section 603(c) of the Act is amended by striking paragraph (2) and by redesignating paragraph "(3)" as paragraph "(2)".

(5) Section 501(c) of the Act is amended—

(A) by inserting "or other measures" after "additional measures"; and

(B)(i) by striking paragraphs (2) and (4);

(ii) by inserting "and" at the end of paragraph (1);

(iii) by striking "; and" and inserting in lieu thereof a period at the end of paragraph (3); and

(iv) by redesignating paragraph (3) as paragraph "(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

TITLE II—SANCTIONS AGAINST SOUTH AFRICAN IMPORTS INTO THE UNITED STATES

SEC. 201. PROHIBITIONS ON IMPORTS FROM SOUTH AFRICA.

(a) PROHIBITION ON IMPORTS—Effective 180 days after the date of the enactment of this Act, section 302 of the Act is amended to read as follows:

"PROHIBITION ON IMPORTS INTO THE UNITED STATES FROM SOUTH AFRICA

"SEC. 302. (a) No article which is grown, produced, extracted, or manufactured in South Africa may be imported into the United States.

"(b) The prohibition of subsection (a) shall not apply to the import of—

"(1) any strategic mineral (including any ferroalloy thereof) with respect to which the President certifies to the Congress for purposes of this Act that the quantities of such mineral which are essential for the economy, public health, or defense of the United States are not available from alternative reliable suppliers; and

"(2) publications, including books, newspapers, magazines, films, television programming, phonograph records, video and audio tape recordings, photographs, microfilm, microfiche, posters, and similar materials.

"(c) The prohibition under subsection (a) shall not apply to imports from business enterprises in South Africa that are wholly-owned by persons economically and politically disadvantaged by apartheid.

"(d) The prohibition under subsection (a) includes—

"(1) uranium hexafluoride that has been manufactured from South African uranium or uranium oxide; and

"(2) fish or seafood—

"(A) purchased from a ship owned by a South African or of South African registry,

"(B) purchased from a South African,

"(C) processed in whole or part by a South African ship or person, or

"(D) stored in or shipped from South Africa.".

(b) CERTIFICATION.—The certification of the President with respect to any strategic mineral under section 303(a)(2) of the Comprehensive Anti-Apartheid Act of 1986 (as in effect prior to the date of the enactment of this Act) shall be effective for purposes of section 302(b)(1) of such Act as amended by this Act, unless the President rescinds or modifies such a certification.

SEC. 202. MULTILATERAL MEASURES, INCLUDING IMPORT RESTRICTIONS, TO DISMANTLE APARTHEID.

(a) NEGOTIATING AUTHORITY.—

(1) Section 401(b) of the Act is amended to read as follows:

"(b)(1) The President, or at his direction, the Secretary of State (in consultation with the United States Trade Representative), shall, consistent with the policy under subsection (a), confer with the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

"(2) Before the 180th day after the date of the enactment of the Anti-Apartheid Act Amendments of 1988, the President shall submit a report to the Congress containing—

"(A) a description of United States efforts under paragraph (1) to implement multilateral measures to bring about the complete dismantling of apartheid;

"(B) his evaluation regarding whether the efforts described in subparagraph (A) have been successful in achieving multilateral measures to bring about the complete dismantling of apartheid; and

"(C) if the efforts described in subparagraph (A) have been successful, a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.".

(b) UNITED NATIONS SANCTIONS.—Section 401(e) of the Act is amended by striking "It is the sense of the Congress that the President should" and inserting "The President shall".

(c) LIMITATION ON IMPORTS FROM AND CONTRACTING WITH CERTAIN FOREIGN PERSONS.—Section 402 of the Act is amended to read as follows:

"LIMITATION ON IMPORTS FROM AND CONTRACTING WITH CERTAIN FOREIGN PERSONS

"SEC. 402. (a)(1) Subject to subsection (b), effective on and after the 180th-day after the date of the enactment of the Anti-Apartheid Act Amendments of 1988 (or the 360th day after such date if the evaluation of the President under section 401(b)(2)(B) is affirmative), to the extent that a foreign person takes significant commercial advantage of any sanction or prohibition imposed by or under this Act, the President shall impose not less than one of the penalties under paragraph (2).

"(2) The President may impose one or both of the following penalties under paragraph (1):

"(A) Limit the importation into the United States of any product or service of the foreign person.

"(B) Restrict the foreign person from contracting with departments, agencies, and instrumentalities of the United States Government.

"(3) For purposes of applying this subsection—

"(A) the European Community shall be treated as being a single industrialized democracy; and

"(B) any limitation imposed under paragraph (2)(A) shall, to the extent possible, offset the value of the significant commercial advantage obtained by the foreign person.

"(b)(1) The President may waive the application of subsection (a) with respect to foreign persons of an industrialized democracy that is party to an agreement that has entered into force with respect to the United States under section 401.

"(2) The President shall revoke, for such time and subject to such conditions as he considers appropriate, a waiver made under paragraph (1) if the President finds that the industrialized democracy that is party to the agreement in force under section 401 is not adequately enforcing the measures provided for under the agreement.

"(3) The annual report required under section 607(b)(4) shall include, with respect to the period covered by the report—

"(A) an evaluation of the extent to which the import restrictions, if any, provided for under each agreement in force under section 401 are being enforced by the industrialized democracy concerned and the effect of such enforcement; and

"(B) the reasons for each waiver and revocation made under paragraphs (1) and (2).".

SEC. 203. REFERRAL IN THE HOUSE OF JOINT RESOLUTIONS PERTAINING TO IMPORT RESTRICTIONS.

Section 602(a)(2) of the Act is amended to read as follows:

"(2)(A) A joint resolution, other than a joint resolution referred to in subparagraph (B), shall, upon introduction, be referred to the Committee on Foreign Affairs of the House of Representatives.

"(B) A joint resolution under—

"(i) section 311(b), if the joint resolution suspends or modifies any import restriction in effect under title III, section 402(a), 501(c), or 504(b);

"(ii) section 401(d), if the joint resolution approves an agreement encompassing any import restriction measure; or

"(iii) section 501(d), if the joint resolution would enact any import restriction under section 501(c);

shall, upon introduction, be jointly referred to the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.".

SEC. 204. REPORTS ON UNITED STATES IMPORTS FROM MEMBER STATES OF THE COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE.

Section 502 of the Act is amended to read as follows:

"REPORTS ON UNITED STATES IMPORTS FROM MEMBER STATES OF THE COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE

"SEC. 502. Beginning 30 days after the date of the enactment of the Anti-Apartheid Act Amendments of 1988, and every 30 days thereafter, the President, through the Secretary of Commerce, shall prepare and transmit to the Congress a report setting forth the average amounts of imports of coal or any strategic and critical material entering the United States from each member country and observer country of the Council for Mutual Economic Assistance (C.M.E.A.).".

SEC. 205. PROGRAM TO REDUCE DEPENDENCE UPON IMPORTATION OF STRATEGIC MINERALS FROM SOUTH AFRICA.

Section 504(b) of the Act is amended to read as follows:

"(b)(1) The President shall develop a program to reduce the dependence, if any, of the United States on the importation from South Africa of the materials identified in the report submitted under subsection (a). In the development of such program, the President shall determine (in consultation with knowledgeable individuals in industry, government, and academia) whether, to what extent, and in what time period, adequate quantities of such materials could reasonably be obtained from (A) alternative reliable domestic and foreign sources, and (B) improved and effective methods of manufacturing, substitution, conservation, recovery, and recycling. Such determination shall include consideration of the quality and cost of such materials.

"(2) Not more than 270 days after the date of the enactment of the Anti-Apartheid Act Amendments of 1988, the President shall submit a report to the Congress concerning the program under paragraph (1), particularly the respective roles in the implementation of such program of the Federal Government, users of such materials, and other affected persons. On February 1, 1990, and on February 1 of each subsequent year until the termination of sanctions under this Act, the President shall submit a report to the Congress concerning progress in implementing such program.".

SEC. 206. PREVENTING CIRCUMVENTION OF UNITED STATES IMPORT RESTRICTIONS.

Within 180 days after the date of the enactment of this Act and at such times thereafter as are appropriate, the President, or the designee of the President, shall confer with the governments of the African "frontline" states regarding the content and implementation of appropriate measures to prevent the circumvention by South Africa of the import restrictions on South African products placed in effect by the United States under the authority of this Act.

TITLE III—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The CHAIRMAN. No amendments to said substitute shall be in order except the amendments printed in House Report 100-857, which shall be considered as having been read. Said amendments are not subject to amendment or to a demand for a division of the question, and debate time shall be equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOMFIELD:

Before section 301 add the following sections (and redesignate section 301 as section 305):

SEC. 301. INTERNATIONAL EFFECTIVENESS OF SANCTIONS.

(a) FINDINGS.—The Congress finds that—

(1) since the imposition of United States economic sanctions against South Africa pursuant to the Comprehensive Anti-Apartheid Act of 1986, foreign commercial interests, particularly from the other industrialized democracies, have moved speedily to take advantage of the trade and investment opportunities prohibited for United States businesses;

(2) further economic sanctions against South Africa will not be effective unless adopted on a multilateral basis, or until the other industrialized democracies have adopted and are enforcing sanctions which are comparable to those of the United States;

(3) adoption of further economic sanctions by the United States in the absence of multilateral action could substantially harm the international economic competitiveness of the United States, resulting in the loss of a significant number of jobs;

(4) ineffective, unilateral sanctions against South Africa by the United States could continue to have the counterproductive effect of causing South African Government policies affecting nonwhite South Africans to grow more repressive and white attitudes toward economic, social, and political reforms to harden further; and

(5) partial economic sanctions against South Africa, particularly if adopted in a nonuniform manner by its trading and investment partners, are likely to lead only to diminished overall economic growth in South Africa and the loss of opportunities and jobs there, particularly by black and other nonwhite South Africans, but not to sufficient economic pressure on the government to compel it to adopt necessary reforms.

(b) Presidential Determination and Waiver.—

(1) Waiver.—Subject to paragraphs (2) and (3), the President may waive, in whole or in part, any of the restrictions, limitations, or prohibitions pursuant to sections 101 and 201 of this Act (relating to prohibitions on investment and trade) and section 103 of this Act (relating to prohibition regarding involvement in the South African energy sector) if the President determines that a comparable restriction, limitation, or prohibition has not been adopted by at least one of the following industrialized democracies, which are the major investment and trade partners of South Africa: The Federal Republic of Germany, Japan, the United Kingdom, France, and Italy.

(2) Limitation.—If the President applies a waiver under paragraph (12) any applicable restriction, limitation, or prohibition under the Comprehensive Anti-Apartheid Act of 1986, as in effect on the day before the date of the enactment of this Act, shall be effective with respect to any activity which would be permitted as a result. The President may not waive any applicable provision of such Act.

(3) Congressional Notification.—A waiver under paragraph (1) shall take effect not less than 30 legislative days after the President submits a notification to the Congress of a determination and intention to apply a waiver under such paragraph. For the purposes of this paragraph the term "legislative day" means any day on which either House is in session.

(c) Presidential Certification.—If the President makes the determination described in subsection (b)(1) of this section (relating to the absence of comparable action by the other industrialized democracies), the President shall certify to Congress that he has complied with section 401(b)(1) of the Comprehensive Anti-Apartheid Act of 1986, as amended by this Act (with respect to conferring with the other industrialized democracies to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid) concerning the restriction, limitation, or prohibition in question.

(d) Reports to Congress.—

(1) Multilateral action toward dismantling apartheid.—Not later than 180 days after the date of enactment of this Act and every 180 days thereafter, the President shall submit to Congress the report (concerning United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid and economic and other measures adopted by the other industrialized countries for this purpose, including the stringency of enforcement of such measures by those countries) described in section 401(b)(2) of the Comprehensive Anti-Apartheid Act of 1986.

(2) Ineffectiveness of sanctions.—If the President notifies the Congress of a determination pursuant to subsection (b)—

(A) the Secretary of State, after consultation with the Secretary of Commerce and the Secretary of the Treasury, shall submit to the Congress a comprehensive report detailing the basis of the President's determination described in subsection (b) of this section, that a comparable restriction, limitation, or prohibition had not been adopted by the other industrialized democracies; and

(B) the Secretary of Commerce and the Secretary of the Treasury shall submit to the Congress a comprehensive report concerning whether unilateral application of the restriction or limitation in question would substantially harm the international economic competitiveness of the United States, including whether a substantial number of United States jobs would be lost as a result.

SEC. 302. EXEMPTIONS FROM PROHIBITIONS ON INVESTMENT AND TRADE.

(a) Findings.—The Congress finds that—

(1) one of the most potent forces for political change in South Africa is the growing participation of black and other nonwhite South Africans in the South African economy, in particular through the development of businesses which are majority owned and controlled by blacks;

(2) United States business has been and should continue to be a constructive force in South African society by providing a model for the successful incorporation of black and other nonwhite South Africans into the workforce on terms which are fair and equal to those of whites, through concrete measures to provide equitable treatment for nonwhite employees, and through programs to provide assistance to their nonwhite employees and other nonwhite South Africans to ameliorate the socioeconomic effects of apartheid;

(3) economic sanctions imposed by the United States in order to put pressure on the South African Government to dismantle apartheid should not also be applied to majority black and other nonwhite owned and controlled firms, which provide an important avenue for nonwhite South Africans to improve their social and economic status as well as their political leverage; and

(4) economic sanctions imposed by the United States against South Africa should not be applied to American businesses which follow the Code of Conduct for United States business in South Africa which, among other things, requires them to provide equal employment opportunity to all South Africans regardless of race or ethnic origin, assure that pay rates and benefits are awarded on a nonracial basis, establish a mininum wage and salary structure appropriate for local conditions, take steps to improve workers' lives outside the work environment through social welfare measures, and follow fair labor practices.

(b) Investment and Trade Prohibitions Not Applicable in Certain Cases.—The restrictions, limitations, and prohibitions on investment and trade pursuant to the amendments to the Comprehensive Anti-Apartheid Act of 1986 in sections 101 and 201 of this Act shall not apply to the extent specified in the following paragraphs:

(1) A person subject to the jurisdiction of the United States may continue to hold investments or make new investments in South African companies which are majority-owned and controlled by nonwhite South Africans.

(2) Articles grown, produced, extracted, or manufactured by South African companies which are majority-owned and controlled by nonwhite South Africans may continue to be imported into the United States.

(3) A person subject to the jurisdiction of the United States may continue to hold investments in South Africa or export to South Africa such articles and technology as are necessary for the conduct of a business organized or operating in South Africa on the date of enactment of this Act if the business operated by that person in South Africa—

(A) complies with the Code of Conduct for United States companies doing business in South Africa as defined in section 208(a) of the Comprehensive Anti-Apartheid Act of 1986; and

(B) devotes an amount which is not less than 15 percent of the total payroll of such business for employees in South Africa to purposes which are intended to provide assistance to its nonwhite employees or other nonwhite South Africans in overcoming the economic and social hardships and detriments resulting from Apartheid.

(4) A national of the United States which is controlled by or under common control with a foreign person shall continue to be eligible to acquire leases under the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands, the Outer Continental Shelf Lands Act, or the Geothermal Steam Act of 1970 provided that in conducting any business in South Africa the foreign person—

(A) complies with the Code of Conduct for United States companies doing business in South Africa under section 108(a) of the Comprehensive Anti-Apartheid Act of 1986; and

(B) devotes an amount which is not less than 15 percent of total payroll of such business for employees in South Africa for purposes which are intended to provide assistance to its nonwhite employees or other nonwhite South Africans in overcoming the economic and social hardships and detriments resulting from apartheid.

(c) Private Funds for Assistance to Victims of Apartheid.—

(1) For purposes of complying with the requirements of paragraphs (3)(B) and (4)(B) of subsection (b), any such business that employs more than 25 persons in South Africa shall establish a separate fund for assistance to blacks and other nonwhite South Africans for—

(A) college or vocations training scholarships for employees and members of their immediate families;

(B) grants to primary and secondary schools to improve teaching and resources;

(C) grants to health clinics;

(D) subsidized housing loans and counseling to assist employees in purchasing homes;

(E) assistance to businesses;

(F) development of recreational facilities; and

(G) other purposes to assist black and other nonwhite South Africans overcome the economic and social detriments imposed on them by the system of apartheid.

(2) Any fund under this subsection shall be administered by an independent board of directors including representatives of management, labor, and the community (particularly black and other nonwhite South Africans). Funds established by businesses pursuant to this subsection may be pooled and administered collectively, provided they meet the requirements of this subsection.

(d) Relation to Comprehensive Anti-Apartheid Act of 1986.—All applicable restrictions, limitations, or prohibitions contained in the Comprehensive Anti-Apartheid Act of 1986 as in effect on the day before the date of the enactment of this Act, shall be effective with respect to any activity which is exempt from any prohibition, limitation, or restriction pursuant to subsection (b).

(e) Rulemaking.—

(1) The Secretary of State, after consultation with the Secretary of the Treasury, shall promptly promulgate such rules and regulations as necessary to implement the provisions of this section.

(2) The rules issued by the Secretary pursuant to this subsection shall contain standards and procedures to define the applicability of the term "majority-owned and controlled by nonwhite South Africans" for purposes of paragraphs (1) and (2) of subsection (b), the meaning of the phrase "adhere to the Code of Conduct" in paragraph (3) of that subsection, and determination of the percentage of "the total payroll of such business for employees in South Africa" for purposes of that paragraph. The rules and regulations promulgated by the Secretary pursuant to this paragraph shall include detailed provisions to assess eligibility for the exemptions under subsection (b), including such recordkeeping and certification requirements as are necessary for that purpose.

(3) The purpose of the rules issued by the Secretary pursuant to this subsection shall be to ensure that the exemptions under subsection (b), related to South African companies which are majority-owned and controlled by nonwhite South Africans, are not used by the South African Government or white owned or controlled South African commercial interests to circumvent the prohibitions pursuant to the amendments made by sections 101 and 201 of this Act, and to ensure that United States persons who are permitted to continue doing business in South Africa as a result of the exemption under subsection (a)(3) conform to the highest standards of corporate accountability and social responsibility with respect to their treatment of their nonwhite South African employees and other nonwhite South Africans.

(f) Reports to Congress.—Not later than 180 days after the effective date of this Act and every 180 days thereafter, the Secretary of State shall submit to the President of the Senate and the Speaker of the House of Representatives a report concerning the extent to which the provisions contained in this section have aided nonwhite-owned and controlled private enterprise in South Africa and improved the condition of nonwhite employees of businesses in South Africa and other victims of apartheid in South Africa.

SEC. 303. ADDITIONAL ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.

(a) Findings.—The Congress finds that—

(1) improved social and economic conditions for black and other nonwhite South Africans increases their ability to challenge the institutions of apartheid through economic pressure and social activism;

(2) official United States assistance to black and other nonwhite South Africans plays an important role in demonstrating United States resolve to assist them in their struggle against apartheid, and in maintaining the influence of American values and ideals among the majority of South Africans;

(3) official United States assistance to the victims of apartheid should continue to be applied broadly through the black community and in ways which tend to provide black and other nonwhite South Africans increased ability to oppose apartheid through peaceful economic, social, and political means; and

(4) the United States must not lessen its commitment toward assisting the victims of apartheid in South Africa and should continue to develop new programs, including those which involve the private sector, to assist black and other nonwhite South Africans in their struggle to obtain decent living standards and equal treatment under law.

(b) Housing Assistance to Undermine the Group Areas Act.—

(1) Housing assistance.—Title II of the Comprehensive Anti-Apartheid Act of 1986 is amended by adding at the end thereof the following new section:

"HOUSING ASSISTANCE TO UNDERMINE THE GROUP AREAS ACT

"Sec. 213. (a) The Congress makes the following findings:

"(1) There is a serious and growing housing shortage for blacks in South Africa.

"(2) The shortage has been exacerbated by discriminatory laws such as the Group Areas Act and other regulations which carry out the official policies of apartheid through housing and residence restrictions based on race or ethnic origin.

"(3) South African blacks and other nonwhite South Africans are challenging the Group Areas Act by moving into areas designated for residence by white South Africans.

"(4) There is an increasing need for access to affordable land for the purpose of establishing rights to oppose ownership.

"(b) It is the policy of the United States to provide financial and advisory assistance to those whose are challenging the Group Areas Act through financing guaranties of housing (including the acquisition of land) for disadvantaged South Africans in all areas, without regard to discriminatory race classifications.

"(c) Not later than February 1, 1989, the Secretary of State shall report to the Congress on the implementation of section 222(e) of the Foreign Assistance Act of 1961.".

(2) Housing guaranty program (HIG).—(A) Section 222 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(e) To carry out the policy of section 221, the President is authorized to issue guaranties under this section for programs in South Africa for South African blacks and other nonwhite South Africans. Such programs shall be carried out in all geographic areas of South Africa, without regard to discriminatory race classifications. No such guaranty may be issued for an entity controlled by the Government of South Africa. Guaranties may be issued pursuant to this subsection without regard to any requirement that the Government of South Africa also be a guarantor. The authorization provided by this subsection shall have effect only to such extent and in such amounts as are provided in advance in appropriation acts.".

(3) The amendment made by paragraph (1) shall take effect October 1, 1988.

(c) Assistance to Black Private Enterprise.—

(1) Assistance to black private enterprise.—Title II of the Comprehensive Anti-Apartheid Act of 1986 is amended by adding at the end the following new section:

"ASSISTANCE TO BLACK PRIVATE ENTERPRISE

"Sec. 214. (a) Findings.—The Congress makes the following findings:

"(1) The Pass Laws and other discriminatory restrictions in South Africa have been rendered inoperative largely through the force of black economic and labor power.

"(2) Black trade union activities have been permitted as an inevitable result of a rapidly expanding South African economy.

"(3) Many central business districts and other areas in South Africa have been exempted from discriminatory legislation.

"(4) Blacks have demonstrated their economic power through a vastly increased percentage of total consumption in South Africa and have gained political leverage through work stoppages and consumer boycotts.

"(5) Black business groups in South Africa have achieved the adoption of nondiscriminatory policies in several sectors and continue to press for other relief.

"(b) Policy.—It is the policy of the United States to support the expansion of economic opportunity for nonwhite South Africans and to assist in strengthening their ability to petition the South African Government for removal of apartheid laws by—

"(1) encouraging the establishment of business trusts to finance education, training, and small business development;

"(2) encouraging the establishment of business, trade, and other voluntary associations representing various economic sectors;

"(3) advising and training black entrepreneurs in all aspects of business creation and management;

"(4) providing legal assistance to black business groups and associations; and

"(5) identifying all organizations in South Africa that have as their primary function the provision of financial or advisory services to the black and nonwhite community.

"(c) Report.—(1) The Secretary of State shall compile a list of the organizations described in subsection (b)(5) not later than 60 days after the date of the enactment of the Anti-Apartheid Act Amendments of 1988 and shall periodically revise such list as necessary thereafter.

"(2) Not later than 180 days after the date of enactment of the Anti-Apartheid Act Amendments of 1988, the Secretary of State shall submit a report to the Congress concerning implementation of section 535 of the Foreign Assistance Act of 1961.".

(2) Business assistance for disadvantaged south africans.—Section 535(a) of the Foreign Assistance Act of 1961 is amended by adding after paragraph (2) the following new paragraph:

"(3)(A) For any fiscal year beginning after the date of the enactment of this paragraph, not less than $4,000,000 of the funds made available for the purposes of this section shall be available for—

"(i) the support and establishment of business trusts to finance education, training, and small business development;

"(ii) the support and establishment of business associations and associated institutions such as trade associations representing business in various economic sectors;

"(iii) advising and training black entrepeneurs in all aspects of business creation and management; and

"(iv) providing legal assistance to black business groups and associations.

"(B) In addition to the criteria under section 117 for priority consideration, such consideration in providing assistance under this paragraph shall be given to the Urban Foundation, Rural Foundation, Operation Hunger, NAFCOC, Law Review Project, SABTA Development Trust, Small Business Advisory Services, Job Creation, PROTEC, Foundation for Entrepreneurship Development, Leadership Education and Advancement Foundation School, Rotunda/Rotary, and Junior Achievement.".

"(d) Bipartisan Commission on Assistance to Disadvantaged South Africans.—Title V of the Comprehensive Anti-Apartheid Act of 1986 is amended by adding at the end thereof the following new section:

"SEC. 513. BIPARTISAN COMMISSION ON ASSISTANCE TO DISADVANTAGED SOUTH AFRICANS.

"(a) The President shall appoint a commission comprised of private persons who are experienced in the establishment and management of programs, services, and institutions which have proven effective in empowering disadvantaged and disenfranchised individuals and groups to participate fully and freely in national economic and political life.

"(b) The Commission shall—

"(1) advise the President concerning the coordination of public and private assistance to disadvantaged South Africans, including—

"(A) assistance from departments and agencies of the United States Government;

"(B) assistance from United States private sector groups, such as the United States Chambers of Commerce, trade associations, and SCORE (Service Corps of Retired Executives); and

"(2) annually report to the President on the needs of disadvantaged South Africans, the progress of United States initiatives on their behalf under this Act and other acts, and how assistance to disadvantaged South Africans authorized under this Act and other Acts should be formulated and directed.

"(c) The Commission shall be comprised of seven individuals, who shall be selected as follows:

"(1) Three by the President, of whom not more than two may be of the same political party.

"(2) One each from lists of individuals nominated by the majority and minority leaders of the Senate.

"(3) One each from lists of individuals nominated by the Speaker and minority leaders of the House of Representatives.

"(d) Members of the Commission shall not be eligible to receive compensation for their services on the Commission but may be paid travel and per diem expenses, as well as other reasonable expenses. Staff and other services may be provided to the commission by the Department of State or other agencies of the United States on a nonreimbursable basis, as necessary to assist its work.".

(e) Export-Import Bank.—Section 204 of the Comprehensive Anti-Apartheid Act of 1986 is amended—

(1) by inserting "(a)" after "204."; and

(2) by adding at the end the following new subsection:

"(b) Findings and Policy.—(1) The Congress finds that there is a crucial need among the black business sector to access to credit and credit guarantees, bridge finance, and access to foreign capital.

"(2) It is the policy of the United States to provide a full range of normal and specialized services to support the groups listed in the report submitted pursuant to section 214 and the organizations listed in section 535(a)(3)(C) of the Foreign Assistance Act of 1961 through the Export-Import Bank.

"(c) Report.—Not later than 90 days after the date of the enactment of the Anti-Apartheid Act of 1988, the Chairman of the Board of Directors of the Export-Import Bank shall submit a report to the Congress concerning implementation of section 204 of this Act.".

SEC. 304. UNITED STATES GOVERNMENT ACTIVITIES IN SOUTH AFRICA

(a) Assistance to Victims of Apartheid.—Section 316 of the Comprehensive Anti-Apartheid Act of 1986 is amended—

(1) by inserting "(a)" after 316.'; and

(2) by adding at the end the following new subsection:

"(b) The prohibition under subsection (a) shall not apply to assistance authorized under this Act or any other Act for South African blacks and other nonwhite South Africans, victims of apartheid in South Africa, or disadvantaged South Africans.".

(b) Intelligence Activities.—

(1) Subject to paragraph (2), the President may waive any restriction, limitation, or prohibition on intelligence activities in South Africa under the Comprehensive Anti-Apartheid Act of 1986 as amended by this Act if the President determines that such a waiver is necessary in the interests of national security. Before the effective date of any waiver under this subsection, the President shall provide notice of such determination to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) If the President waives any restriction, limitation, or prohibition on intelligence activities in South Africa under paragraph (1), any applicable provisions of section 322 of the Comprehensive Anti-Apartheid Act of 1986 and section 107 of the Intelligence Authorization Act for Fiscal Year 1987 (as such provisions were in effect on the day before the date of the enactment of this Act) shall be effective. The President may not waive any provision of such sections of such Acts.

Mr. WOLPE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. Broomfield] will be recognized for 15 minutes and the gentleman from Michigan [Mr. Wolpe] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. Broomfield].

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer my amendment which has been made in order by the rule.

I believe my amendment is the "better way" my colleague across the aisle referred to—I emplore you to read it.

The Broomfield amendment would permit Congress to go on the record with the strongest possible statement of United States policy against the apartheid policies of the South African Government.

At the same time, the amendment would give the next administration—which will inherit this problem—the flexibility needed to address it.

My amendment provides that if the other major trading partners of South Africa (Japan, England, Germany, France, and Italy) do not go along, the President may waive any of the additional economic sanctions imposed by this bill.

In addition, the amendment provides four exemptions to the sanctions in the bill. These would benefit black-owned businesses in South Africa and United States companies which adhere to the Sullivan principles and also make a major economic commitment to black welfare and empowerment.

The amendment also contains numerous provisions to strengthen United States Government assistance programs to aid black South Africans and assist in their economic and social empowerment.

Finally, the amendment would permit the President to waive the additional restrictions on intelligence collection for national security reasons, provided current restrictions would remain in effect.

This amendment would relieve us from committing ourselves to fruitless unilateral action. Not only is such an approach ineffective in South Africa, but it is counterproductive here at home.

Why should we continue to stand by while Japan and the other countries reap huge profits from unilateral United States sanctions against South Africa?

By permitting the President to waive those sanctions which have not been agreed to by the other industrial countries, my amendment would also eliminate the possibility of severe conflict between the United States and our allies. The unenforceable provision included in the bill by the Ways and Means Committee, which requires retaliation against foreign companies which take advantage of United States sanctions, could lead to economic warfare—not between the United States and South Africa but between us and our allies in Europe and the Far East.

My amendment will give the next President the authority to impose those sanctions which would be effective and appropriate.

The Broomfield amendment is also an endorsement of the black empowerment approach. Not only would it expand Government programs to aid nonwhite South Africans, it would also permit United States companies to continue to operate under high standards, and allow continued trade and investment with black-owned South African firms.

Mr. Chairman, the Broomfield amendment gives us a way out of the self-defeating urge to adopt a hasty, ill-considered and unilateral approach to the problems in southern Africa.

I encourage my colleagues to support this reasonable alternative to the extreme provisions of the bill.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in absolute opposition to this well-intentioned but nonetheless follow-the-leader amendment.

Mr. Chairman, I rise to vehemently oppose the Broomfield amendment. I believe that this amendment does nothing to distinguish America as the leading voice for freedom in South Africa as indeed she should be. Mr. BROOMFIELD's "follow the leader" amendment permits the President to waive provisions of the sanctions bill if Germany, France, Japan, Britain, and Italy do not adopt comparable sanctions.

We in the antiapartheid community believe that we now possess a bill that can be used as a fundamental blue-print by other Western democracies to construct their own sanctions against the racist system of apartheid. Mr. BROOMFIELD's amendment only sustains the status quo, and makes America look like a nation that cannot take any independent initiatives toward dismantling apartheid.

The amendment's provision that permits investment and the importation of products from South African companies that are majority owned or controlled by nonwhites is commendable. But does not go far enough to advance the just cause of the indigenous South African people, and still gives the minority Pretoria regime the go ahead to continue its repressive practices.

In closing, I wish to state that America has never followed anyone's lead in determining her own foreign policy initiatives. Why then, on such a crucial and important international human rights issue, must we begin to do so now.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I rise today in strong support of H.R. 1580, the Anti-Apartheid Amendments Act of 1988.

This bill calls for immediate divestment and a total embargo against the Government of South Africa. A step which is in no way extreme, but a step which represents a forthright, meaningful, and nonviolent advance toward ending the nightmare of apartheid.

What this legislation says is that South Africa is an abomination on the face of the Earth, and therefore every means necessary other than forceful intervention must be taken to pressure South Africa into joining the civilized world.

What this legislation says is that as a leader and moral bastion of the Western world, the economic power of America must be utilized to end an evil which represses, enslaves, and demeans millions of our fellow human beings.

What this legislation says is as a superpower, the United States can establish a precedent of democracy for all others to follow. By enacting this legislation into law, we stand fast on American principles of human rights and civil rights congruent with human dignity and personal freedom for all, regardless of race, gender, or economic status. This legislation offers us an opportunity to strike a decisive blow for freedom without the use of guns or bombs. This legislation allows us to initiate a new kind of nonviolent warfare.

It was in the name of freedom that American troops invaded Grenada. In my opinion this was an unnecessary show of force and a clear violation of international law. It was also in the name of freedom that the present administration imposed an economic embargo on Nicaragua and continually seeks aid to support the rebels in an attempt to overthrow the Nicaraguan Government. I am firmly opposed to these threats of violent intervention under any circumstances.

Violence should be ruled obsolete as a productive means of achieving justice. This bill proposes an intensified program of nonviolence. This bill proposes to use the economic power of America against the racist Government of South Africa. This bill proposes a show of massive nonviolent power to achieve freedom for the overwhelming majority of the people of South Africa. This bill does not represent a violation of international law or any interference in the domestic affairs of another country. This bill is directed toward other Americans and calls upon them to cease and desist actions which give aid to a government which is hostile toward the ideals of the American way of life.

Not a single shot will be fired as a result of this piece of legislation. But total divestment and embargo signals the beginning of the end for apartheid. There is no need to wait. The use of our total American moral force is long overdue. I urge all of my colleagues to vote for the Dellums bill, H.R. 1580, the Anti-Apartheid Amendments Act of 1988. This Congress must provide leadership for the rest of the free world.

Mr. WOLPE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I have great respect and great affection for my very good friend, the gentleman from Michigan, the author of this amendment. It pains me considerably to have to take to the well of the House this afternoon in order to urge my colleagues to reject this.

The adoption of the Broomfield amendment would gut the bill, pure and simple. What the Broomfield amendment would do is to give the President of the United States the ability to waive the comprehensive sanctions imposed by this legislation, if only one of the other five major industrial democracies in the world failed to enact sanctions comparable to our own. It means, for example, that if Britain, France, Germany, and Italy all enacted exactly the same sanctions, that we hope to enact today, but Japan failed to do so the President would be entitled to waive all of the sanctions in the bill. It means that if the President were to sign this bill at 1 p.m. on October 1 after it was passed by the conference committee, and if by noon of that day four of the five other industrial democracies in the world had followed our lead, he would still be able to waive all of the sanctions at 1:05 p.m., 5 minutes after signing the bill, because one of them had not. Consequently, this amendment would gut the bill.

I fully agree with my friend, the gentleman from Michigan, that if sanctions are going to be effective they need to be multilateral rather than unilateral, but it is one thing to encourage other countries to join with us in imposing sanctions, and it is quite another to give other countries, even one country, the ability to veto American policy.

What the Broomfield amendment does, therefore, is to put before the committee the fundamental question about how we deal with the problem in South Africa. We all agree, as my friend, the gentleman said, that apartheid is bad and that it needs to be eliminated, but we disagree over how best to go about removing it.

One approach embodied by this amendment has been characterized as constructive engagement by the administration. It is premised on the notion that if we cotton up to South Africa, if we coddle South Africa, if we sweet talk South Africa, if we continue to do business as usual with South Africa, we can then use our ensuing influence with South Africa to encourage them to abandon the apartheid system. That approach was tried for 6 years. It totally failed. It was a monument to moral myopia and to wishful thinking. It created the worst of all possible worlds. It did nothing to produce the abolition of apartheid. It created the impression that we were somehow in sympathy with it.

If the Members believe in that approach, if they want to restore the failed policies of this administration, then vote for this amendment, but there is an alternative. I call it the policy of constructive enragement. It is what the Dellums bill is all about. It is based on the notion that throughout the course of history there have been very few ruling elites or establishments that have ever been willing to voluntarily relinquish their power or prerequisites. It assumes the abolition of apartheid is not going to require sweet talk but a combination of increasing international and internal pressure.

To be sure, we cannot bring the end of apartheid by ourselves. The abolition of apartheid will primarily have to result from internal pressures within South Africa itself, but we do have a role to play together with other countries around the globe, the pressures against South Africa, in other words, to induce the Government of that country to abandon apartheid.

It is not too late to act. Now is the time and the amendment before us very starkly poses the question of how we want to go about attempting to bring about the abolition of apartheid.

I am all in favor of encouraging other countries to join with us, but I am against giving other countries the veto over American policy. And if this amendment is adopted, the Members can be sure that it will result in gutting the bill in terms of what it is attempting to do.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I rise in support of the very excellent Broomfield amendment.

Mr. Chairman, we have the opportunity to avoid a monstrous blunder by supporting the sound amendment offered by my distinguished colleague from Michigan. I appreciate his leadership on this issue.

Since the implementation of the 1986 sanctions against South Africa, other nations have taken commercial advantage of our moral posturing. In the Foreign Affairs Committee report prepared by the Democrat majority, it is stated that during the last year, Hong Kong's exports to South Africa have doubled; Japanese exports have increased by 18 percent making it South Africa's No. 1 trading partner; West German banks have extended new credits to South African companies; and a number of foreign companies have made new investments in special "decentralized" areas.

In addition, Mr. Chairman, four white South African corporations currently own 83 percent of the capital on the Johannesburg Stock Exchange. If sanctions become law, United States companies operating in South Africa will be forced to divest at fire sale prices to these foreign and white South African interests.

The estimated $200 million in taxes paid to South Africa by United States subsidiaries will still be paid to the white minority government by Japanese or white South African businessmen but the $29 million in black empowerment will vanish. Is this what we want? Is this the strong moral stand against apartheid?

It only makes sense to make sure that if we impose comprehensive sanctions, other nations should not be able to fill the gap of a unilateral American bug out. The devastating and warlike nature of these sanctions would have little effect on the South African Government unless they are supported by South Africa's other major trading partners.

How many times do we have to relearn the lessons of history? I am often amazed at the loss of historical perspective in this August body.

President Jimmy Carter prohibited the export of wheat to the Soviet Union in response to the Soviet invasion of Afghanistan. Did this action make any impact on Soviet actions? No—in fact, they turned to our competitors and purchased wheat from Australia, Argentina, and Canada. Who bore the brunt of these sanctions? The American farmer.

Remember when President Reagan attempted to impose sanctions against our Western European allies for constructing a pipeline that would bring Siberian gas to Europe. Who was burdened with these ill-conceived sanctions? The American factory worker.

It appears that we are heading down the road of sanctions that will only make us look like fools before the rest of the world and will hurt the American worker. If the oil, gas, and coal leases provision of the sanctions bill is enforced, it is estimated that close to 37,000 workers in these industries will lose their jobs. In Montana alone, 65 full-time and 70 contract employees at Shell Western would have their jobs at risk if this bill passes.

Also, in section 402, this legislation vainly tries to solve this problem by extending our extraterritorial reach into the affairs of other sovereign nations by imposing penalties and restrictions on foreign persons who take advantage of our sanctions.

It doesn't seem too long ago that I heard all the liberals criticize the Reagan administration for the pipeline sanctions. Where are they now to condemn these sanctions for violating international law and the General Agreement on Tariffs and Trade?

If we really want to put the screws on South Africa, Mr. Chairman, we should wait until we act in concert with our allies to impose multilateral, comprehensive sanctions. If we approve sanctions today, all we'll be doing is removing our influence for peaceful change in South Africa and leaving the Japanese, Taiwanese, West Germans, and British the opportunity to buy up American enterprises at bargain basement prices.

Mr. Chairman, that's not the way to stop apartheid. All sanctions will do is hurt the American worker and make the United States the laughing stock in boardrooms all over the world. I urge the adoption of the Broomfield perfecting amendments.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in support of the Broomfield amendment.

Mr. Chairman, I rise in opposition to H.R. 5175 as it has been reported to the floor for our consideration.

Mr. Chairman, I was a supporter of the sanctions this body passed in 1986. I won't be the first person on this floor today to say that apartheid is wrong—it is a policy that is abhorrent to any fair-minded person. However, I believe the sanctions contained in this bill will do nothing to bring an end to apartheid. But they will harm—grievously harm—those people they are supposed to help.

The banning of all United States investments in South Africa will have unknown effects on our economy. One study suggests that the negative economic impact on the American economy will be over $10 billion, and the loss of several thousand jobs. However, this is not the real reason to oppose this legislation. The most important factor we should be considering is the impact this legislation will have on the very people we are trying to help.

The bottom line is this: blacks in South Africa are treated best when they are employed by American corporations. Not only do they receive a fair wage, they are treated with dignity. They hold supervisory positions in many American firms doing business in South Africa. To remove these corporations will cost thousands of jobs, forcing these people back onto the apartheid driven economy. What chance have they to be treated as well working for a South African company?

Add to this the point the gentleman from Indiana is making with his substitute—that black economic power in South Africa must be nurtured—and you quickly realize that H.R. 5175 will not get the job done. As blackowned businesses and trade unions have gained strength they have become increasingly vocal. If we leave, and take their jobs with us, how quickly will these fledgling organizations fall apart?

Mr. BURTON's substitute would retain the sanctions we voted on in 1986 as well as exempting black-majority owned firms from import restrictions. It would earmark funds to be administered through the Agency for International Development to develop black private enterprises and small businesses in South Africa. This is the type of thing the United States Congress should be promoting in South Africa—helping the blacks and minorities in South Africa to grow in economic strength to the point where their government must listen to their concerns.

This is the kind of program I can support—constructive help for the blacks in South Africa. Not overkill legislation—with the best of good intentions at heart—that will end up harming the very people we seek to help.

Similarly, the Broomfield amendment says that if we are going to impose these sanctions, let's not shoot ourselves in the foot by giving our competitors all our business in South Africa. At least, let's make sure they are on board, too. We shouldn't impose these sanctions unilaterally and let others fill the gap we leave behind. That won't coerce South Africa to change its repugnant policy of apartheid, but will only hurt our own struggling foreign trade at our expense.

I urge my colleagues to support the Broomfield and Burton substitutes and to vote against the reported version of H.R. 1580.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, let me begin by saying that it pains me greatly to stand up here in constrasting opinions to my good friend and colleague, the gentleman from California [Mr. DELLUMS], but let me talk to the Members, my colleagues on the other side for just a second.

Mr. Chairman, I voted with the Members on the other side to override Ronald Reagan's veto of that sanctions bill 2 years ago, and I am proud to say I took the lead in securing the release of Rev. Simon Farisani from prison in South Africa a year ago.

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We joined 2 years ago because we wanted to make the moral statement that apartheid was wrong, and this country did that. But there is a serious debate here today, because the question is now where do we go.

As the gentleman from California said, we did not write the rule either. We did not write the issue either. But I will tell my colleagues there seems to be a major difference because we do not want to walk away from the problem either.

The gentleman from California has spent 18 years here in this Congress trying to deal with this issue. I am afraid we are going to have to spend some time in South Africa trying to deal with this issue, because the alternative is walking away.

We can practice the rhetoric of withdrawal. It is strong rhetoric of condemnation, it sounds good, but when all is said and done we have withdrawn from the problem and we are not there to help solve it.

What we are trying to do in the Broomfield substitute is maintain that moral commitment with the sanctions which passed 2 years ago, and second what we are trying to do is empower the black community with twice as much economic, education, social aid as they have in the alternative.

Third, and most important, we are trying to learn the lesson that Congress has learned over the last few years: Unilateral action does not work.

I voted with the Democrats in 1981 and 1982 for a nuclear moratorium, and do my colleagues know what? We were all wrong. We found out that unilateral action in arms control does not work. And we tried it in trade and we found out that it does not work. Now my colleagues are going to try it in foreign policy, and despite the best of intentions, it is not going to work.

Mr. WOLPE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are going to try to shorten the debate as best we can to accommodate our colleagues.

Mr. Chairman, there is no question that the amendment that is before us today, offered by my distinguished colleague, the gentleman from Michigan [Mr. BROOMFIELD], is a gutting amendment. I have enormous respect for my colleague and we fight a lot of battles on the same side, but on this issue I really find the amendment that has been offered to be rather an extraordinary one. What it represents is a continuation of the kind of double standard in our approach to South Africa that has gotten us in great difficulty all around the world.

I recall, for example, the debate that took place in this body on the question of the Soviet Union's invasion of Afghanistan. I likewise recall congressional reaction to state-sponsored Libyan terrorism. I do not recall any Member of this body standing up to say that the American national policy response either to the invasion of Afghanistan or to the terrorism of the Government of Libya should be conditioned by the response of our major trading partners. Had a Member tried to suggest that we would allow other countries to exercise a veto over American national policy, he or she would have been hooted from the Halls of this Chamber, and legitimately.

We have one issue before us right now. If my colleagues think that it is in the American national interest to accommodate ourselves to apartheid and to adopt the different standard in our approach to that state terrorist regime, then support the Broomfield amendment. But if they think that does not serve American interests well, I would ask for opposition to that amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GIBBONS] to close the debate on this side.

Mr. GIBBONS. Mr. Chairman, the Broomfield amendment is a retreat back to the status quo. There is nothing in the Broomfield amendment that cannot be done under the law today, so it adds nothing to the success of this effort to end apartheid.

An important provision in this bill will require that the United States negotiate to obtain sanctions by other countries. It will require that we take action in coordination with other nations. It will not be a unilateral shot in the foot—the type of process that has been alleged here. But it will not give to the Japanese or to the Germans or to the Taiwanese or to anybody else the power to veto an American action, as the Broomfield amendment would do. When those countries see our leadership in this matter, I have no doubt in my mind that when they compare the advantages of access to the American versus their advantages in the South African market, they are going to be here negotiating so quickly that we will run out of hotel space in this town.

Vote against the Broomfield amendment. Vote against the Burton amendment and vote for this bill on final passage.

Mr. BROOMFIELD. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Minnesota, [Mr. PENNY].

Mr. PENNY. Mr. Chairman, my vote in opposition to H.R. 1580 will be one of the toughest votes I have ever cast, because I abhor apartheid and believe we have a moral imperative to act against governments whose policies are in violation of basic human rights and the principles of justice and freedom to which we in the United States are dedicated.

I believe that the U.S. Government has a role to play in attempting to influence the Botha regime in order to bring an end to their repressive practices.

Among the reasons I oppose this legislation are that it requires the President only to negotiate with our allies toward multilateral sanctions. Therefore, it will still be the United States acting alone in imposing sanctions. Other countries, especially West Germany, Japan, and Great Britain have been quick to fill the void left in our trade with South Africa. No unilateral sanction policy can be effective, and for that reason I would support the Broomfield amendment.

But, in any event, whether we adopt Broomfield or whether we adopt this legislation, I do not think it is going to go anywhere this year. And I do not believe that even if it does pass there is any way we can pressure the Reagan administration to do more to eliminate apartheid policies in South Africa. They just won't do it. I think this is one of those issues, regardless of how one votes today, that is going to be left to the next administration. And I believe the next administration will be more willing to work with Congress in developing a bipartisan program to combat apartheid, and one that will enlist multilateral support from our allies. And that is the best approach if we really want to be serious about dismantling apartheid in South Africa.

Mr. Chairman, my vote in opposition to H.R. 1580, the South African sanctions legislation, will be one of the toughest votes I have ever cast because I abhor apartheid and believe that we have a moral imperative to act against governments whose policies are in violation of basic human rights and the principles of freedom and justice to which we in the United States are dedicated. I believe that the United States Government has a role to play in attempting to influence the Botha regime to bring an immediate end to their repressive practices, to grant freedom to black South Africans and to the Namibian people who have been denied their independence for years.

To this end, in 1986, I voted not once, but twice, including a vote to override a Presidential veto of the legislation, to impose sanctions on the South African Government. I strongly supported the Comprehensive Anti-Apartheid Act of 1986 because it imposed meaningful sanctions and forced a recalcitrant Reagan administration to take direct action against the Botha regime.

It is obvious from our recent experience that sanctions alone do not change policy and the relative failure of the 1986 legislation points that out. The effectiveness or ineffectiveness of that legislation depended not on the will or intent of the U.S. Congress to bring about an end to apartheid but on the determination of the Reagan administration to enforce the bill's provisions.

Why then, would I object to legislation which would impose stronger sanctions and require the administration to go further in its action?

My main objection to H.R. 1580 is that the legislation is not being brought before the House in good faith. There has been no attempt to develop the kind of bipartisan support necessary to pass an effective sanctions bill such as occurred during the crafting of the 1986 bill. We cannot realistically expect this bill to become law, nor even have any impact on the Reagan administration's policies toward South Africa. In short, this bill may be good politics, but it is not necessarily good policy.

I voted for sanctions in the past because I believed they were right and necessary and I would be open to voting for them in the future as we reassess our foreign policy with the advent of a new administration. By passing stricter sanctions now we could preclude our new President from making the current legislation into a workable policy or from devising a more effective strategy of his own. In either case, those options should belong to the next President who can work with Congress to develop comprehensive legislation for enforcing those policies.

I am also opposed to H.R. 1580 because, while it requires the President to negotiate with our Allies toward multilateral sanctions, it is still the United States alone which is imposing sanctions. Other countries, especially West Germany, Japan and Great Britain, have been quick to fill the void left in our trade with South Africa. No unilateral sanction policy can be effective.

The disinvestment required by H.R. 1580 would remove the presence of the few remaining companies which routinely employ blacks or that provide leadership for social change. Our opportunity to monitor South African policies or to attempt to empower blacks through economic means would be immediately eleiminated. We would also be eliminating future U.S. economic options should we see the need for further sanctions.

I don't believe there is any way we can force the Reagan administration to do more to pressure the South African Government to eliminate its apartheid policies. However, I do believe that we can work with the next administration to move toward a meaningful South African policy that can enjoy bipartisan support in Congress, and that will enlist multilateral support from our allies. It is in this manner that we stand the best chance of dismantling apartheid in South Africa.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I rise in support of the Broomfield amendment.

Mr. Chairman, I congratulate Mr. BROOMFIELD for offering this substitute to the committee bill. I voted for sanctions when they were offered in the 99th Congress. I will not do so today.

If sanctions were effective in improving the lot of people in South Africa, I would continue my support. Unfortunately such is not the case. Since the Congress imposed sanctions the last time, the Government of South Africa has suffered not at all. Our own domestic investors and companies active in South Africa have suffered. Prohibitions against American firms has merely provided opportunities to foreign firms without any national policy of sanction.

One nation alone Japan, is reliabily reported to have profited by the incredible amount of $1 billion from business lost by our domestic firms. A policy of shooting our own interests in the foot to show our commitment to solidarity with the aspirations to freedom of other peoples makes no sense.

Existing sanctions, enacted so recently, have proved an abject failure. Can we not expect bigger sanctions will produce yet bigger failures?

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in support of the Dellums bill.

Mr. Chairman, I rise today in support of the Anti-Apartheid Act of 1988. By supporting this bill I join those who have called for mandatory, comprehensive sanctions against South Africa, such as the majority of South African urban blacks who represent 60 percent of the work force. I also join LOSATU and NACTU, the two major democratic trade unions. Others in support of the action outlined in this bill include Bishop Tutu, Reverend Boesak, the ANC, the Pan-African Congress and the South African Council of Churches.

I know that there is no easy way to dismantle apartheid. Some investors could lose money while redoing their portfolios. I realize that some jobs could be put in jeopardy, but apartheid is far worse than any present or future sanctions will ever be. Sanctions are a medium to long term strategy, and if applied on a multilateral basis could back internal pressure to bring about a change. The United States as a world leader and protector of democracy should be the first to call for sanctions. It should be the first nation to publicly acknowledge that profit gained through apartheid is unethical and bad business, especially if the United States hopes to establish business connections with the future leaders of South Africa.

Blacks will become empowered through sanctions because they will be able to acquire a political base denied to them presently by their government. Presently, black businesses account for only 1 percent of the gross domestic product of South Africa. Blacks own less than 2 percent of the nation's capital stock. The unemployment rate for blacks is at 25 percent and increasing as 300,000 people enter the work force annually to fill 22,000 new jobs a year. Opponents of sanctions say that the more prosperous South Africa, the better off black laborers and their unions will be. Prosperity might trickle down in any other nation where apartheid was not in effect. But in the case of South Africa, unions don't have the same power as they do here. Strikers can't picket, if they do the Government disperses them with guns, whips, and dogs. For a black South African, economic advantage will not come without political advantage. Apartheid is not just segregation, nor separation, it is a profitable, efficient system for a minority of whites who would not so loudly support it, rename it and fight for its continuance if it weren't to their political, social, and economic advantage to do so. Economic sanctions, as part of a larger effort to destroy apartheid and leave the people of South Africa intact, will make apartheid politically more costly for the South African Government.

Finally I support this bill because I want the United States to defy racism and to defy political and economic advantage based on the color of a person's skin. I want the United States to treat South Africa as it has Libya, Cuba, Vietnam, Poland, and Nicaragua, where tough sanctions have been applied with a noted lack of controversy regarding the impact of sanctions on the population. Rev. Jesse Jackson made certain that the Democratic Party's platform included a statement about the fact that South Africa is a terrorist state. He's absolutely right. Apartheid dehumanizes, destroys families, and erodes hopes and aspirations. Plain and simple, apartheid kills. Let's do a death defying act and pass this bill.

Mr. WOLPE. Mr. Chairman, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from the State of Washington, [Mr. JOHN MILLER].

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the Broomfield amendment to H.R. 1580. In 1986, I joined a bi-partisan majority in this House to pass the "Anti-Apartheid Act of 1986." It was crucial then, and it is crucial now, that the most powerful democracy in the world, support the democratic aspirations of the South African people, and condemn, in unequivocal terms, the barbarism of apartheid.

As a result of the painstaking and effective work of my esteemed colleague from Pennsylvania, Mr. GRAY, we had an appropriate vehicle for that condemnation. The Anti-Apartheid Act was the beginning of our efforts to help the South African people join the community of democratic nations.

To make sure we continue that effort, I have applied three criteria to the legislation before us today.

First, the legislation we pass today should continue our moral stance against apartheid. By keeping in place existing sanctions, all three proposals before us do just that.

Second, the legislation should increase the pressure on the public and private sector power structure in South Africa to end apartheid. But do we increase this pressure simply by adding more sanctions? I don't think so. A plane won't fly just because you add more wings.

I believe we can increase the pressure to end apartheid by increasing the effectiveness of sanctions. And one of the ways we increase their effectiveness is to internationalize the economic sanctions.

Right now, South Africa's biggest trading partners and investors are the large industrialized democracies including West Germany, Japan, England, and France. As the United States has pulled out of South Africa, these and other nations have simply increased their activities—rendering our economic sanctions, morally correct but economically meaningless.

But it is time to progress beyond moral statements. By including strong mechanisms to "internationalize" these sanctions, the Broomfield amendment passes the effectiveness test. With it's lesser emphasis on cooperative action, the Dellums bill receives a lesser grade. And with the absence of any effort to make sanctions more effective, the Burton amendment fails this test.

The third criteria I've applied is potentially the most important. The legislation we pass today, should—must—contribute to the empowerment of Black South Africans seeking democratic change. The mantle of power will pass in South Africa—of that there can be no doubt. It is morally right and strategically vital that the mantle of power be inherited by those South Africans who share our political and economic values.

There are groups in South Africa today—trade unions, business people, educators, journalists, community leaders—whose political and economic aspirations are vital to achieving a free and fair South Africa. The legislation we pass today should establish a linkage with these groups and should contribute to their empowerment.

While all three proposals before us today would contribute to this linkage and empowerment, the Burton amendment makes the most comprehensive and therefore, best effort. The Broomfield alternative does almost as well but the Dellums measure is much weaker.

Applying the three criteria, moral condemnation, increased effectiveness and Black empowerment, I find that parts of the legislation before us today, are greater than whole. In a perfect world we would combine the strong moral statement of the Dellums bill and the increased effectiveness of Mr. Broomfield's proposal with the more comprehensive empowerment measures put forth by Mr. Burton.

But this is not a perfect world, so I will vote for the Broomfield amendment to perfect the Dellums proposal. The Broomfield amendment is the best overall proposal. And I will continue to work with my colleagues here and in the Senate for legislation that passes all three tests with flying colors.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. We all oppose apartheid. We are united on that. There is not anything that the gentleman from California [Mr. DELLUMS] said that I would not agree with in terms of the outrageous abrogation of all that is decent that apartheid represents.

But unilateral sanctions have failed. That is why we are proposing multilateral sanctions, pressure by all nations together.

And what is it we mean when we talk about black empowerment? Let us get real. After we passed the 1986 legislation, one of my companies went to its black employees and they voted 92 percent for Union Carbide to stay in South Africa. The president met with 200 black leaders individually and personally and they begged him to stay. As a result, Union Carbide dedicates every bit of its dividends raised in South Africa to investment in South Africa on the behalf of blacks, and those investments are determined by a board of black South Africans. They have provided scholarships, education, health clinics, black small business investment capital. They have invested $3.5 million just in the last year.

And look what Caterpillar did just recently. The Botha Government wanted to require employers to garnish wages of blacks who participated in the rent boycott. Caterpillar went to the government, argued with them, stood up for their black employees and prevented passage of that initiative.

By being on-site we can be part of the action for change. By putting pressure on our companies, as we do in this amendment, by requiring them to invest their profits earned in South Africa on behalf of education, health, housing, economic development in black areas for black people, by forcing those investments to be driven by black decision, we empower black South Africans and we do that in a nation that provides no other avenue for black pride, black development, and black power.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], a member of the Foreign Affairs Committee as well as the Committee on Banking, Finance and Urban Affairs.

Mr. BEREUTER. Mr. Chairman, contrary to what my colleagues heard a few minutes ago, the Broomfield amendment is not a retreat. It does have black empowerment provisions in it. It helps in housing assistance to black and colored South Africans, it assists minority small businesses, it provides for Exim assistance to nonwhites in South Africa and it keeps in place the existing sanctions. But without multilateral sanctions, other trading nations and nations with whom we are competing fiercely for international markets will continue to fill the gap. The message of economic and political condemnation is hollow if it is only unilateral.

The Broomfield amendment provides for waivers of additional, and I stress, it covers additional sanctions, if Japan, the United Kingdom, Germany, France, and Italy do not enact similar sanctions. It also provides for exemptions to the sanctions for United States investment in and imports from black-owned firms and for continued operation in South Africa by United States companies adhering to the Sullivan principles and conducting programs which assist blacks. Moreover, it authorizes additional United States assistance to victims of apartheid. Because of the multilateral sanctions provisions and for many other reasons, the Broomfield amendment provides for the empowerment of blacks.

If this sanction bill is unsuccessful in ending apartheid, and it will be, it makes us look weak and ineffectual before the rest of the world.

□ 1730

The President needs discretion in coordinating and fine tuning United States policy. This bill requires a negotiating pressure and a certification report back to the Congress. So we would work for multilateral sanctions with the other major trading countries of the world; we are demanding that they bring the same kind of economic sanctions to bear on South Africa.

We all want to end apartheid in South Africa because the practice is so outrageous to moral, democratic peoples; however, we must avoid the pitfall of taking action that satisfies our passions but has no effect on actually ending apartheid.

We can abandon South Africa and the blacks through the enactment of H.R. 1580 and then try to feel self-satisfied in our act of condemnation or we can pass the Broomfield amendment and make it a truly effective lever for change in South Africa.

For these reasons, for the sanction it keeps in place, because of black empowerment provisions, because of assistance it would provide to blacks and nonwhite businesses and housing, I urge my colleagues to support the Broomfield amendment. It is a rational and responsible approach.

Mr. BROOMFIELD. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has one-half minute remaining.

Ms. SNOWE. Mr. Chairman, I rise in opposition to the amendment to H.R. 1580 offered by the gentleman from Michigan [Mr. BROOMFIELD].

I am reluctant to oppose this amendment, because I believe it contains many positive elements that would improve on the majority's bill.

Most importantly, the Broomfield amendment stresses the necessity of multilateral action being taken against South Africa by the governments of the Western industrialized democracies, who together account for the vast majority of South Africa's trade and foreign investment. I am convinced that without joint measures being taken by the West to impose sanctions and to require disinvestment by Western companies, on unilateral measures taken by the United States could possibly undermine the South African economy and pressure the government in Pretoria.

In making this point, the Broomfield amendment would allow the President to waive further United States sanctions against South Africa if at least one of South Africa's five other major Western trading partners had not adopted comparable actions. I also offered an amendment to this bill in the Foreign Affairs Committee, which would have suspended the implementation of new U.S. sanctions until the President had reached agreement with the other Western democracies not to undercut America's actions.

Nevertheless, the Broomfield amendment includes an exemption to the bill's trade sanctions and compulsory disinvestment for any United States company operating in South Africa that complies with the Sullivan principles, requiring nondiscriminatory business practices. At this time, 89 of the 149 United States companies with direct investment in South Africa do comply with the Sullivan principles, and the remaining American firms which do not would have 6 months after enactment of the bill to enter into compliance with these principles, and thus to avoid compulsory divestment from South Africa. This exemption would also allow further United States exports to South Africa necessary to continue the operations of these United States companies.

I believe that this exemption is inconsistent with the broader aim of the bill to impose comprehensive United States economic sanctions against South Africa. In effect, it would reduce the bill from a comprehensive anti-apartheid measure to one that merely requires United States businesses to comply with the Sullivan principles, and imposes some further restrictions on selected South African exports to the United States.

The exemption would furthermore undermine the concept of tough and effective multilateral action by Western democracies against South Africa, since it would reduce the "comparable actions" necessary by the other Western trading partners with South Africa to merely requiring their firms in South Africa to comply with the Sullivan principles.

In such a manner, no Western pullout from South Africa would occur, the South African economy would hardly be disrupted, and no real cost or pressure whatsoever would be imposed against the South African Government, which is after all the whole purpose of this legislation.

In the interest of promoting tough and effective Western sanctions against South Africa, and accepting the possible cost to American businesses of imposing such sanctions, I must therefore oppose the Broomfield amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in summation I wish to say that my amendment is the last chance that the House of Representatives will have to act responsibly on South Africa.

Vote for a position you will not regret next year.

The Broomfield amendment would give the next President the flexibility he will need to bring effective pressure to bear on South Africa to end apartheid.

I urge you to go beyond partisanship and support this workable approach.

The CHAIRMAN. All time has expired on the Broomfield amendment.

The question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 236, not voting 40, as follows:

[Roll No. 284]

AYES—155

Applegate
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Boehlert
Broomfield
Brown (CO)
Buechner
Callahan
Chandler
Chapman
Clement
Clinger
Coats
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Crane
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCrery
McDade
McEwen
McMillan (NC)
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Penny
Petri
Porter
Pursell
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Taylor
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—236

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barton
Bates
Bennett
Berman
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Burton
Bustamante
Byron
Campbell
Cardin
Carper
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Costello
Coyne
Crockett
Dannemeyer
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Kyl
LaFalce
Lantos
Leach (IA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (NH)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—40

Akaka
Badham
Beilenson
Bevill
Boulter
Boxer
Bunning
Carr
Cheney
Conte
Craig
Dickinson
Dorgan (ND)
Dowdy
Hatcher
Jones (TN)
Kolter
Lehman (CA)
Lewis (CA)
Livingston
Lott
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Michel
Mineta
Molinari
Murphy
Nichols
Quillen
Roybal
Skelton
Spence
Tauke
Walgren
Waxman
Young (AK)

□ 1751

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Mineta against.
Mr. Quillen for, with Mr. Craig against.
Mr. Cheney for, with Mr. Conte against.

Mr. DERRICK changed his vote from "aye" to "no."

Mr. CHAPMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Kyl: Page 14, line 21, before the period insert the following: ", unless the President certifies to the Congress that such cooperation is in the best interests of the United States".

The CHAIRMAN. Under the rule, the gentleman from Arizona [Mr. Kyl] will be recognized for 7½ minutes and the gentleman from Michigan [Mr. Wolpe] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Arizona [Mr. Kyl].

Mr. KYL. Mr. Chairman, this is an important amendment, but it is a very short one, a very small amendment, and it will only take a brief moment to explain.

This is not another substitute for the bill. As a matter of fact this amendment only deals with 19 words. It adds 19 words to the section on intelligence, and it will make the bill better without in any way detracting from the provisions of the bill which are designed to put pressure on South Africa.

As a matter of fact, Mr. Chairman, the amendment is so simple that I would like to begin by reading the existing law which deals with cooperation with the armed forces of South Africa. The existing law provides that no agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa except for activities which are reasonably designed to facilitate the collection of necessary intelligence.

In other words, Mr. Chairman, it is only cooperation that is in our best interest, that serves our best needs, never that serves the needs of the South African Government. To that extent, we never provide information to South Africa. We will never do that under existing law.

Now, the problem with this bill is that it drops the exception that permits us to gather intelligence. I have asked the question, why would we want to drop the exception to the current law that permits us to gather intelligence? The only answer I have heard is that we do not want to do anything that would help this repressive Government of South Africa, to which I say, "Fine."

All my amendment does is to restore the opportunity for the President of the United States to certify to this body, to the Congress, to the House and the Senate, that it is in our best interest to have this cooperation, and then under those limited circumstances we would be able to cooperate with the armed services of South Africa.

My amendment only provides for cooperation, in other words, that helps us, never cooperation that would help South Africa, and only if the President certifies to the Congress that it is in our best interest.

The Committee on Armed Services approved this amendment. Members may ask, then, why is it not in the bill? The sponsors of the bill oppose this amendment, and they stripped it out, and I am able to present it here because they supported a rule which would at least permit me to offer the amendment again. But the point is that I will not have the opportunity to close debate or to respond to questions that may be posed, so I am going to have to anticipate what might be said in opposition to this amendment.

Mr. Chairman, let me cite just a couple of examples of what may occur if my amendment is not adopted. Let us suppose that a South African intelligence officer comes to the Embassy or to an American official and says, "I have it on good authority that there is a terrorist planning to drive a truckload of dynamite into one of your buildings."

At that point, Mr. Chairman, our officials cannot cooperate in any way. They would have to say, "Don't talk to us. We can't hear you. We can't listen to you. We can't cooperate with you, and we didn't hear what you just said."

That is ridiculous, but that would be the law. I do not think the sponsors of the amendment intend that to be the case, and that is why I prefer to call my amendment a perfecting amendment.

Let us suppose an intelligence officer in South Africa learns of the diversion of weapons grade uranium to a government that is hostile to the United States. Let us suppose they wanted to present a report to that effect to us. That would be prohibited. We could not talk to them, we could not listen to them.

Mr. Chairman, again the purpose of the amendment is simply to make the bill better so that it does not hurt the United States in a way that has absolutely no effect on apartheid. My amendment does not advance the cause of apartheid one iota, and it does not inhibit our ability to oppose, through the other provisions of the bill, that situation that exists in South Africa.

The bill is inconsistent if my amendment is not adopted because it does permit us to gather intelligence in one situation, and that relates to Namibia. But we would not have the people there to do it because our military attache would be prohibited from cooperating in any way, directly or indirectly. Presumably, they would be gone.

Mr. Chairman, the United States has military attachés in 94 countries, including every Communist country, and we cooperate with the armed services in these countries for our benefit. Our Secretary of Defense just went to the Soviet Union and cooperated with their armed services. Under this bill we could not do anything like that with the armed services of South Africa. Of course, we do not want to do that, but we do want to talk to them and listen to them. Why? There is a very important reason, and that is because the Government of South Africa plays a very disproportionate role in their Government, as I am sure some of my colleagues may attest.

□ 1800

That makes it all the more important that we talk to them, that, more importantly, we listen to them and that we understand what kind of information might be important to the United States. And we cannot listen to them unless my amendment is adopted.

Now, I understand one argument here is that perhaps my amendment is too broad. Again, all my amendment says, and I will quote it in full, is, "unless the President certifies to the Congress that such cooperation is in the best interest of the United States," which is pretty simple, pretty direct. But some of my colleagues say the existing language is better, and I would be happy to accede to a unanimous-consent request to change my amendment to the existing law. I offered that in the Rules Committee yesterday. So, either way we can solve the problem.

The other suggestion is that we could still gather intelligence somehow. Well, the intelligence that we need in South Africa cannot be gotten by satellite. That is not what we are interested in. We are interested in listening to people.

South Africa is a nation which has some capability with respect to nuclear power, and we need to know what is going on in that country. If we do not need to know, then my amendment has no effect.

Again, it is only if the President certifies to the Congress that it is in our best interest to engage in this kind of activity.

Finally in conclusion, Mr. Chairman, I would reiterate that this amendment of mine absolutely in no way detracts from the provisions of the bill that are designed to end apartheid in South Africa. It does not deal with the statement that we would be making here today.

Let me summarize in the 1 minute that is remaining. It is very important for the United States try to understand what is going on in dangerous parts of the world. Everyone understands that there is information that could be very useful to the United States that we could acquire in South Africa. That is the reason for the one exception in this bill which permits us to gather intelligence in this one exception, but we are not even going to have the capability of doing that if our military attaches are not going to be in the country.

It is important, therefore, that we have the ability to gather intelligence strictly for the benefit of the United States of America, and it is for that reason that I urge my colleagues, my colleagues who may support this legislation, to think about the ability to improve this bill in one small way, in a way that does not detract from the other purposes of the bill, but which will not harm, which will permit us to gather intelligence that is strictly in our best interest.

For that reason, Mr. Chairman, I ask all of my colleagues to support this amendment regardless of their position on the passage of the final bill.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. Moody].

Mr. MOODY. Mr. Chairman, I rise in strong support for this legislation, H.R. 1580, partly developed in the Ways and Means Committee on which I serve.

For the past 7 years, the United States Government has basically turned its back on the black majority of South Africa. It has refused to use the tools Congress provided in the 1986 sanctions law, and this administration has actually vetoed similar sanctions in the United Nations.

Despite congressional action, the Reagan policy of constructive engagement continues. This policy, unfortunately, provides economic fuel to the odious policy of apartheid.

By passing this legislation today, we can put the past 7 years behind us. We must do everything in our power to pressure the South African Government to change its policy so that the majority race in that country can achieve its rights. Widespread violence and bloodshed in South Africa may still be avoided by a timely change in policy.

Critics of this bill have argued that it hurts the very people we seek to assist. I would make three points.

First, we must never lose sight of the fact that the systematic oppression of apartheid, with all its economic, political and social deprivation, is what hurts black South Africans—not foreign economic sanctions.

Second, blacks in South Africa have benefited only marginally from a strong South African economy. According to the Washington Office on Africa, periods of robust economic growth in South Africa coincide with periods of some of the worst economic deprivation for black South Africans. Trickle down economics doesn't work very well in this country; it would work even less under the South African system of institutionalized racism.

Third, those who argue that sanctions will have tremendous negative consequences for blacks in South Africa usually deny that they will bring significant pressure to bear on the South African regime. Both cannot be true. Former Prime Minister John Voerster repeatedly called foreign investments "the bricks and mortar on which South Africa is built."

Mr. Chairman, in a 1941 address to the U.S. Congress, President Franklin Delano Roosevelt argued that all countries around the world—not just this country—deserved to live in freedom. He called for four essential freedoms throughout the world. "The first," he said, "is freedom of speech and expression—everywhere in the world. The second is freedom of every person to worship God in his own way—everywhere in the world. The third is freedom from want * * * The fourth is freedom from fear."

These sanctions will hurt the United States somewhat; there can be no doubt about that. Still we Americans remain committed to essential freedoms for people of all nations. We will have met that obligation when black South Africans are free, including free to speak and free from want. And—above all—when they are free from fear.

We must pass this sanctions bill.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. Stokes], the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. RICHARDSON, Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, if we pass this amendment, we are sending a powerful signal to the South African Government that we are willing to hedge our opposition to apartheid in order to continue collecting intelligence—and in the long run, are we not risking the hostility of the majority government that will inevitably rule South Africa—the intelligence agencies of South Africa are deeply involved in domestic repression and in regional destabilization.

The care of the Kyl amendment, an intelligence waiver could mean the end of any statutory restrictions on military intelligence cooperation. This is not the status quo—it is regression. It would permit the passing of information about South African opposition activities to the white South African Government.

Current law was adopted with the best of intentions but it has not served to reassure frontier states and black South Africans that United States intelligence activities fully opposes apartheid. The impression has been created that the United States works hand in glove with South African intelligence services, organizations responsible for the heinous murder of innocent people in Mozambique, assassination in Botswana and Zimbabwe, and repression and murders in South Africa.

Adoption of this substitute would say to the world that current law is more than adequate and that we want and will continue a cozy relationship with the agencies of apartheid, assassination, and destabilization.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, I rise to urge all of my colleagues to vote against the Kyl amendment. Our distinguished colleague Mr. Kyl, has introduced a measure which would permit the President to allow military and intelligence cooperation with the South African Government if he deems that such coordination is in the best interest of America. The proposal also calls for increased intelligence cooperation with Pretoria than presently exists under law.

I believe that this amendment is ludicrous. Make no mistake about it, South Africa is not a friendly ally and, thereby, does not warrant such accommodations. South Africa continues to destabilize its southern African neighbors, while using the guise of global communism to undermine regional unity and African nationalism.

America must deny South Africa the respectability that such an intimate intelligence can represent. South Africa has never wanted to live in peace with its independent neighbors and has done everything within its power to maintain its economic, political, and military stranglehold over the southern African region.

I, for one, Mr. Chairman, do not want to see my country take any part in South Africa's bloodthirsty quest to control the lives and futures of the millions of people who inhabit southern Africa. America must once and for all send a clear message to the front line states that we are not working against them in their desperate struggle to survive.

In closing, I hope that all of my colleagues will see through South Africa's veil of deceit and vote "no" to an amendment that seeks to bolster South Africa's terrorist ambitions.

Mr. STOKES. Mr. Chairman, I rise in opposition to the Kyl amendment. This amendment would permit the President to waive the bill's restriction on cooperation with the South African military and even the modest restriction in current law. Section 104 of the bill repeals existing law and imposes new, stronger limitations on intelligence cooperation with South Africa. It is important to appreciate that the Kyl amendment also repeals existing law and gives the President the ability to waive the bill's restrictions on military cooperation. Thus, the President could remove any restriction on cooperation with South African military intelligence.

Mr. Chairman, the Kyl amendment is a step backward. It would discredit

United States antiapartheid policy in southern Africa. It should be rejected.

Mr. WOLPE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 214, not voting 48, as follows:

[Roll No. 285]

AYES—169

Archer
Aspin
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Boehlert
Broomfield
Brown (CO)
Buechner
Burton
Callahan
Chandler
Chappell
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Crane
Dannemeyer
Darden
Daub
Davis (IL)
DeLay
Derrick
DeWine
DioGuardi
Dornan (CA)
Dreier
Dyson
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gilman
Gingrich
Goodling
Gordon
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Lloyd
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCrery
McDade
McEwen
McMillan (NC)
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Petri
Porter
Pursell
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—214

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bates
Bennett
Berman
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Chapman
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Costello
Coyne
Crockett
Davis (MI)
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Payne
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—48

Akaka
Armey
Badham
Baker
Beilenson
Bevill
Boulter
Boxer
Bunning
Carr
Cheney
Conte
Craig
Dickinson
Dorgan (ND)
Dowdy
Ford (TN)
Gekas
Hatcher
Jones (TN)
Kemp
Kolter
Lehman (CA)
Lewis (CA)
Lipinski
Livingston
Lott
Mack
MacKay
McCandless
McCollum
McGrath
Meyers
Mica
Michel
Mineta
Molinari
Murphy
Nichols
Pepper
Quillen
Roybal
Skelton
Spence
Tauke
Walgren
Waxman
Young (AK)

□ 1822

The Clerk announced the following pairs:

On this vote:

Mr. Armey for, with Mr. Mineta against.

Mr. McCandless for, with Mr. Akaka against.

Mr. Quillen for, with Mr. Roybal against.

Mr. Craig for, with Mr. Ford of Tennessee against.

Mr. Boulter for, with Mr. Conte against.

Mr. MATSUI changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BURTON of Indiana: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; FINDINGS; STATEMENT OF POLICY.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Anti-Apartheid and Black Empowerment in South Africa Act of 1988".

(b) FINDINGS.—The Congress makes the following findings:

(1) The body of racially discriminatory legislation in South Africa, known as apartheid, violates all internationally recognized standards of human rights and is an affront to the American values of equality and human dignity enshrined in the United States Constitution and Bill of Rights.

(2) Since the enactment of the Comprehensive Anti-Apartheid Act of 1986 the South African government has extended the state of emergency in South Africa, has severely restricted the activities of anti-apartheid groups, continues to detain political dissidents without trial, and has increased press censorship.

(3) The Congress has demonstrated its unalterable opposition to apartheid through the passage of the Comprehensive Anti-Apartheid Act of 1986 and continues to seek effective measures to assist disenfranchised South Africans to expand democracy and freedom to all South Africans, regardless of race or ethnic origin.

(4) Black South Africans are increasingly organizing to fight apartheid by economic means, such as strikes, stayaways, and consumer boycotts.

(5) Black economic leverage against apartheid would be undermined by the withdrawal of American corporations (which have contributed $330,000,000 to black development) or by increases in black unemployment caused by further economic sanctions.

(6) Black economic and urbanization pressures have been major factors in producing significant advances against apartheid, including repeal of the pass laws and influx controls, the establishment of black trade unions, the elimination of racially based job reservation, and the granting of home ownership rights.

(7) The economic tools that are being used by black South Africans to undermine and eliminate apartheid can be used to bring about negotiations among representatives of all South Africans to establish a truly representative, post-apartheid political order.

(8) The most effective way to help black and other disenfranchised South Africans to win their freedom and build a post-apartheid society is by contributing to the black

economic and urbanization pressures within South Africa, while maintaining the moral isolation embodied by the sanctions in existing law.

(c) Statement of Policy.—It is the policy of the United States to assist South Africans disadvantaged by the system of apartheid in building their power to use economic and political leverage in order to attain full political and civil rights and in building a post-apartheid society based on democratic principles and free of racial discrimination.

SEC. 2. HOUSING ASSISTANCE TO UNDERMINE THE GROUP AREAS ACT.

(a) Housing Assistance.—Title II of the Comprehensive Anti-Apartheid Act of 1986 (hereafter in this Act referred to as "the Act") is amended by adding at the end thereof the following new section:

"HOUSING ASSISTANCE TO UNDERMINE THE GROUP AREAS ACT

"Sec. 213. (a) The Congress makes the following findings:

"(1) There is a serious and growing housing shortage for blacks in South Africa.

"(2) The shortage has been exacerbated by discriminatory laws such as the Group Areas Act and other regulations which carry out the official policies of apartheid through housing and residence restrictions based on race or ethnic origin.

"(3) South African blacks and other nonwhite South Africans are challenging the Group Areas Act by moving into areas designated for residence by white South Africans.

"(4) There is an increasing need for access to affordable land for the purpose of establishing rights to property ownership.

"(b) It is the policy of the United States to provide financial and advisory assistance to those who are challenging the Group Areas Act through financing guaranties of housing (including the acquisition of land) for disadvantaged South Africans in all areas, without regard to discriminatory race classifications.

"(c) Not later than February 1, 1989, the Secretary of State shall report to the Congress on the implementation of section 222(e) of the Foreign Assistance Act of 1961.".

(b) Housing Guaranty Program (HIG).—(1) Section 222 of the Foreign Assistance Act of 1961 is amended by adding at the end of the following new subsection:

"(e) To carry out the policy of section 221, the President is authorized to issue guaranties under this section, in such amounts as are provided in appropriations acts, for programs in South Africa for South African blacks and other nonwhite South Africans. Such programs shall be carried out in all geographic areas of South Africa, without regard to discriminatory race classifications. No such guaranty may be issued for an entity controlled by the Government of South Africa. Guaranties may be issued pursuant to this subsection without regard to any requirement that the Government of South Africa also be a guarantor.".

(2) The amendment made by paragraph (1) shall take effect October 1, 1988.

SEC. 3. ASSISTANCE TO BLACK PRIVATE ENTERPRISE.

(a) Assistance to Black Private Enterprise.—Title II of the Act is amended by adding at the end the following new section:

"ASSISTANCE TO BLACK PRIVATE ENTERPRISE.

"(a) Sec. 214. The Congress makes the following findings:

"(1) The Pass Laws and other discriminatory restrictions in South Africa have been rendered inoperative through the force of black economic and labor power.

"(2) Black trade unions have been permitted as a result of a rapidly expanding South African economy.

"(3) Many central business districts and other areas have been exempted from discriminatory legislation.

"(4) Blacks have demonstrated their economic power through a vastly increased percentage of total consumption in South Africa and have gained political leverage through work stoppages and consumer boycotts.

"(5) Black business groups have successfully crafted nondiscriminatory legislation in a wide range of sectors and continue to press for other relief.

"(b) It is the policy of the United States to support the expansion of economic opportunity for disadvantaged South Africans and to assist in strengthening their ability to petition the South African government for removal of apartheid laws by—

"(1) encouraging the establishment of business trusts to finance education, training, and small business development;

"(2) encouraging the establishment of business, trade, and other voluntary associations representing various economic sectors;

"(3) advising and training black entrepreneurs in all aspects of business creation and management;

"(4) providing legal assistance to black business groups and association; and

"(5) identifying all organizations in South Africa that have as their primary function the provision of financial or advisory services to the black and nonwhite community.

"(c) Report.—(1) The Secretary of State shall compile, and periodically revise, a list of such organizations described in subsection (b)(5) not later than 60 days after the date of the enactment of this Act.

"(2) Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress concerning implementation of section 535 of the Foreign Assistance Act of 1961.".

(b) Assistance for Disadvantaged South Africans.—Section 535(a) of the Foreign Assiatance Act of 1961 is amended by adding after paragraph (2) the following new paragraph:

"(3)(A) Not less than $8,000,000 of the funds made available for the purposes of this section after October 1, 1988, shall be available for—

"(i) the support and establishment of business trusts to finance education, training, and small business development;

"(ii) the support and establishment of business associations and associated institutions such as trade associations and voluntary associations representing business in various economic sectors;

"(iii) advising and training black entrepreneurs in all aspects of business creation and management; and

"(iv) providing legal assistance to black business groups and associations.

"(B)(i) In order to qualify for assistance under this paragraph a South African entity shall ascribe to the statement of principles in clause (ii).

"(ii) Statement of Principles.—

"(I) Does not discriminate on the basis of race.

"(II) Embraces and promotes democratic principles.

"(III) Opposes the use of and does not engage in violence in its efforts to dismantle apartheid.

"(IV) Is independent of and does not receive funds from the South African Government.

"(C) In addition to the criteria under section 117 for priority consideration, such consideration in providing assistance under this paragraph shall be given to the Urban Foundation, Rural Foundation, Operation Hunger, NAFCOC, Law Review Project, SABTA Development Trust, Small Business Advisory Services, Job Creation, PROTEC, Foundation for Entrepreneurship Development, Leadership Education and Advancement Foundation School, Rotunda-Rotary, and Junior Achievement.".

SEC. 4. SENSE OF CONGRESS REGARDING NATIONALS OF THE UNITED STATES IN SOUTH AFRICA.

Section 208 of the Act is amended by adding after subsection (e) the following new subsection (f):

"(f) It is the sense of the Congress that in complying with the provisions of this section nationals of the United States should in accordance with section 535(a)(B) of the Foreign Assistance Act of 1961, contribute a sum which is not less than 15 percent of total payroll costs of such entity for activities under subsections (a)(6) and (b) of this section and assistance to black private enterprise as provided under section 214 of this Act.".

SAEC. 5. PRESIDENT'S ADVISORY GROUP FOR THE COORDINATION OF ASSISTANCE TO DISADVANTAGED SOUTH AFRICANS FROM THE UNITED STATES PRIVATE AND PUBLIC SECTORS.

Title V of the Act is amended by adding at the end the following new section:

"SEC. 513. PRESIDENT'S ADVISORY GROUP FOR THE COORDINATION OF ASSISTANCE TO DISADVANTAGED SOUTH AFRICANS FROM THE UNITED STATES PRIVATE AND PUBLIC SECTORS.

"(a) The President shall establish an advisory group comprised of United States officials and private persons who are experienced in the establishement and management of programs, services, and institutions which have proven effective, in the American experience, in empowering disadvantaged and disenfranchised individuals and groups to participate fully and freely in the economic and political life of the country.

(b) The advisory group shall—

"(1) advise the President concerning the coordination of public and private assistance to disadvantaged South Africans, including—

"(A) assistance from departments of the United States Government;

"(B) assistance from United States private sector groups, such as the United States Chambers of Commerce, trade associations, and SCORE (Service Corps of Retired Executives);

"(2) annually report to the President on the needs of the black business sector in South Africa and the progress of United States initiatives under this Act.".

SEC. 6. EXPORT-IMPORT BANK.

(a) Section 204 of the Act is amended—

(1) inserting "(a)" after "204."; and

(2) by adding at the end the following new subsections:

"(b) Findings and Policy.—

"(1) The Congress finds that there is a crucial need among the black business sector for access to credit and credit guarantees, bridge finance, and access to foreign capital.

"(2) It is the policy of the United States to provide a full range of normal and specialized services to support the groups listed in the report submitted pursuant to section 214 of the Comprehensive Anti-Apartheid Act of 1986 and the organizations listed in section 535(a)(3)(C) of the Foreign Assistance Act of 1961 through the Export-Import Bank and OPIC (Overseas Private Investment Corporation).

"(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Board of Directors of the Export-Import Bank shall submit a report to the Congress concerning implementation of section 204 of the Comprehensive Anti-Apartheid Act of 1986.".

SEC. 7. EXEMPTIONS FROM AND CLARIFICATION OF CERTAIN PROHIBITIONS UNDER THE COMPREHENSIVE ANTI-APARTHEID ACT OF 1986 CONCERNING SOUTH AFRICAN BLACKS OR OTHER NONWHITE SOUTH AFRICANS.

(a) SUGAR IMPORTS.—Section 323 of the Act is amended by adding at the end thereof the following:

"(c)(1) Notwithstanding subsections (a) and (b), the prohibitions and limitations of this section shall not apply to imports into the United States which are the export of business enterprises that are owned by South African blacks or other nonwhite South Africans.

"(2) Notwithstanding subsections (a) and (b), the United States Trade Representative may adjust the percentage allocation to the Philippines and may make an allocation to the Republic of South Africa in carrying out the provisions of paragraph (1).".

(b) SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD.—Section 319 of the Act is amended—

(1) by adding "(a)" after "319."; and

(2) by adding at the end the following new subsection:

"(b) The prohibition under subsection (a) shall not apply to imports into the United States which are the export of business enterprises that are majority-owned by South African blacks or other nonwhite South Africans.".

(c) IMPORTS OF URANIUM, COAL, AND TEXTILES.—Section 309 of the Act is amended by adding at the end the following new subsection:

"(d) The prohibition under subsection (a) shall not apply to imports into the United States which are the export of business enterprises that are majority-owned by South African blacks or other nonwhite South Africans.".

(d) NEW INVESTMENT.—Section 310(c) of the Act is amended by striking "owned by black South Africans" and inserting "majority-owned by black South Africans or other nonwhite South Africans".

(e) UNITED STATES GOVERNMENT ASSISTANCE TO SOUTH AFRICA.—Section 316 of the Comprehensive Anti-Apartheid Act of 1986 is amended—

(1) by inserting "(a)" after "316."; and

(2) by adding at the end the following new subsection:

"(b) The prohibition under subsection (a) shall not apply to assistance authorized under this Act or any other Act for South African blacks and other nonwhite South Africans, victims of apartheid in South Africa, or disadvantaged South Africans.".

(f) REGULATIONS.—Regulations shall be promulgated pursuant to the amendments made by this section to ensure that exemptions or assistance under such provisions of law are available only to bona fide business enterprises, organizations, or other entities of South African blacks and other nonwhite South Africans who are the victims of apartheid in South Africa and which are not controlled by the Government of South Africa.

SEC. 8. ADHERENCE TO STATEMENT OF PRINCIPLES.

(a) LIMITATION.—Notwithstanding any other provision of law, agencies and departments of the United States may not provide financial or other assistance to South African entities which do not adhere to the statement of principles under subsection (b).

(b) STATEMENT OF PRINCIPLES.—

(I) Does not discriminate on the basis of race.

(II) Embraces and promotes democratic principles.

(III) Opposes the use of and does not engage in violence in its efforts to dismantle apartheid.

(IV) Is independent of and does not receive funds from the Government of South Africa.

(c) PRESIDENTIAL CERTIFICATION.—Not more than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit a certification to the Congress that each South African entity receiving assistance from the United States Government adheres to the statement of principles under subsection (b).

SEC. 9. MICRO-ENTERPRISE DEVELOPMENT.

(a) ASSISTANCE FOR MICRO-ENTERPRISE DEVELOPMENT.—For any fiscal year for which funds are appropriated or otherwise made available for programs of credit and other assistance for micro-enterprises in developing countries, not less than $2,000,000 of such funds shall be available only for carrying out such a program in South Africa.

(b) LIMITATION OF ASSISTANCE TO CERTAIN ORGANIZATIONS.—Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Assistance provided pursuant to this section shall not be used to provide support to organizations or groups which are controlled by the Government of South Africa.

The CHAIRMAN. Under the rule, the gentleman from Indiana [Mr. BURTON] will be recognized for 15 minutes and the gentleman from Michigan [Mr. WOLPE] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been a long day. I will try to summarize my substitute amendment as quickly as possible, if I can have your attention. I know everybody wants to catch a plane and get home and a lot of us want to get to the Republican National Convention, so if you just bear with us for a minute.

Mr. Chairman, this substitute maintains the sanctions in existing law that were passed 2 years ago, which are already the most extensive of any major democracy.

The purpose of the substitute amendment is to move beyond what many consider a symbolic gesture in 1986 and on to a more effective policy to combat apartheid.

We started with the fact that the strategy South African blacks themselves have chosen to fight apartheid is economic.

According to the Washington Post, June 16, 1988:

> South Africa's black townships are undergoing a collective metamorphosis, one that seeks to supplant the street battle against overwhelming military might with a new revolutionary strategy of denying whites the vast black majority's most valuable commodities—its labor and its enormous purchasing power.

The Dellums bill is a complete slap in the face to black economic power. First, it kicks out American corporations that have spent $330 million toward black private enterprise, development, housing, and education.

Second, it would put 2 million blacks out of work by the year 2000, or sooner, by slowing South Africa's economic growth, according to a study commissioned by the largest black trade union in South Africa.

You cannot have it both ways. You cannot launch economic warfare and increase black economic power.

The Burton substitute would provide up to $87 million for black empowerment, more than twice the amount in the Dellums bill. Most of the increase will be provided by United States firms in South Africa, which will increase their contributions to 15 percent of total payroll, or $45 million per year.

We authorize the Housing Guarantee Program, which helps squatters in poor countries around the world to finance basic housing and buy land, to operate in South Africa.

There are 1½ million squatters in South Africa. These people are living in cardboard and tin shacks outside the cities. By helping them build housing, we are not only doing the right thing, we are increasing the urbanization pressure which is necessary to break down apartheid. There are already so-called white areas with a majority of blacks living in them.

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This is a process we want to promote.

Next, we earmarked $8 million within the existing $25 million AID Program directly toward building black private enterprise. We want to help build organizations like SABTA, the South African Black Taxi Association. They have 100,000 drivers who collectively purchase 1 billion dollars' worth of goods each year. The last year the Government tried to put them out of business by rewriting the transportation law. Instead, SABRA forced the Government to accept a completely nonracial law that increased their rights.

That is black economic power. It does work. The street hawkers, the street vendors, the builders and other sectors of the economy want to do the same thing. Our substitute tries to help them.

Mr. Chairman, the substitute also earmarks $2 million in microenterprise loans for South Africa, out of $75 million appropriated worldwide. These are small loans, up to about $200 for the poorest of the poor to start a small black business of their own. It is perfect for South Africa where there are both viable markets and poor people who need credit.

The substitute sets up a Presidential advisory committee to coordinate the public and private assistance to South Africans disadvantaged by apartheid.

The substitute also exempts firms that are majority owned by disadvantaged South Africans from the trade and investment restrictions. We make clear that the regulations are to be written to make sure that we are helping real black-owned firms rather than fronts.

I would like to ask the Members a few questions in summary. The first question is: Is it right, is it morally right to cost 2 million blacks in South Africa their jobs, to cause them to lose their livelihood and put 10 million black children to bed hungry at night? Chief Buthelezi and Bishop Lekganyane, Bishop Mokoena, who represent the vast majority of blacks in South Africa say no, there is a better way. Is it right to take away the only effective tool blacks have to bring about positive change, their ability to boycott businesses and products and to strike? In June of this year, there was a 3-day strike involving a million blacks, and it was effective. There is a better way.

Is it right to cost American auto workers and steel workers and those in related industries over a million jobs over the next 3 years if this goes into effect, if we end up with South Africa imposing an embargo of their products themselves on us on their minerals which they very well might do? They might not sell them to us. Should that take place, over a million Americans will lose their jobs. The Department of the Interior and the Bureau of Mines confirmed this, and it is confirmed by the auto industry and the steel industry as well. There is a better way.

Is it right to cause our gross national product to decrease by $61 billion over the next 3 years should a war develop between us and South Africa as far as the minerals that we want are concerned? I am talking about a trade war. This would hurt every single American family and our entire economy. We do not want that. There is a better way. We do not want a million people out of work in this country because of this legislation. We do not want a $61 billion deficit in our GNP because of this. It will hurt us all. There is a better way.

Is it right to make America more dependent on the Soviet Union for strategic minerals? That is what is going to happen if we do not get them from the South African Government, the South African people. The only other place to get these minerals in quantity and in large amounts is from the Soviet Union. Do we want to become dependent on them, our chief adversary in the world? I think not. There is a better way.

Is it right to cut off our intelligence gathering capability? We just voted on that, but that is what we are doing. It is wrong. What are we going to do? How are we going to track what the Cubans are doing in southern Africa, and what the Soviet Union who sent $2 billion into Angola, $2 billion into Mozambique, who are supporting the Communist-backed ANC? How are we going to track what they are doing in southern Africa?

The minerals we are getting from southern Africa are vital to our economic health and to our military security. The sealanes around the southern tier of Africa are vital to us, as well, as far as oil supplies are concerned. What are we going to do if that falls into Soviet hands? How are we going to track what they are doing if we have no intelligence capability? There is a better way.

Is it right to cost United States investors in South African gold stocks $1.2 billion by forcing them to sell their stocks? What is it going to do to a lot of retirement programs that depend on those stocks as a part of their portfolio? Senior citizens are going to be hurt, because when they disinvest or are forced to disinvest, it is going to cut down on the value of their portfolio and ultimately their retirement benefit as well.

Is it right to start a trade war with our free-world partner, a trade war that could make the 1930's Smoot-Hawley depression look like a Sunday school picnic? I think not.

There are so many problems with the Dellums-Wolpe approach that it is not funny. It could hurt our economy. It could hurt the worldwide economy. It could start a trade war that would cause a major depression. We ought to think about that, and it could cause over 1 million Americans to lose their jobs, not to mention the 2 million black South Africans who might as well lose their jobs because of this terrible, onerous bill, and to hurt our economy with a $61 billion decrease in our GNP over a 3-year period. Think about that before the Members vote for the Dellums-Wolpe bill.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the gentleman is well aware that in Northern Ireland there are very grave economic conditions; there are bombings over there where innocent people get killed; the Catholics are persecuted and are unable to get jobs or get promoted where they do have jobs. However, this body has a solution; we have a legislative solution for religious apartheid that exists today, tonight, in Northern Ireland. Does the gentleman know what that is? It is the McBride principles, a version of the Sullivan principles, legislation that many people who sponsored this Draconian impoverishment scorched-Earth policy, that is the heart and soul of the solution here to apartheid believe in the McBride principles in Northern Ireland.

Can the gentleman tell me why the religious apartheid, persecution and bombings in Northern Ireland are to be treated with affirmative action and goals and timetables, but in Africa we are to have scorched Earth? Could the gentleman explain that to me?

Mr. BURTON of Indiana. It is beyond my comprehension.

I thank the gentleman for his contribution.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I thank my distinguished colleague for yielding.

Mr. Chairman, this debate on black empowerment reminds me a little bit of an example of, say a town drunk in a small community, a member of the church, and the rumors circulate that he is beating his wife and his children and so they kick him out of the church. Everybody isolates him and walks away from that problem.

We would not treat friends and neighbors and relatives that way, and I think we should think twice about what we are doing to the blacks in South Africa due to this policy. There was a great article that appeared on the op-ed page of the Washington Post on June 15 written by Helen Suzman. Helen is a member of the Progressive Federal Party there, and if the gentleman would not mind, I would like to read just a few quotes from it.

She says, "In the unfounded hope of the rapid demise of the apartheid regime, it is surely senseless to blunt the only weapon with which blacks can improve their position at the workplace, and beyond the workplace, through their economic muscle, mobilized in trade union structures, and through their consumer power in the market.

"The acceptance, at long last, of the permanence of blacks in the urban areas came about because of economic forces motivated by the push factor of poverty in the black areas and the pull factor of job opportunities in the white urban areas. This irrestible force led finally to the impossibility of implementing effectively the hated pass laws and influx control which restricted the mobility of blacks, and to their repeal 2 years ago." She goes on to point out that, "In the past 8 years, United States corporations in South Africa spent more than $210 million on education, training and housing of their black employees and their families, on health facilities and on legal aid. Withdrawal of these firms has inevitably meant reduction or even curtailment of these programs, to the detriment of future black leadership and its participation in the post-apartheid era, and once gone, the influence such firms exercised on the local scene is gone, too."

Mr. Chairman, Ben Franklin said that example is the best sermon. I think the gentleman from Indiana is to be commended for his approach to take positive action to help blacks to take an active and involved approach to dealing with those problems rather than trying to turn our back on them and hope they will go away. That may give a lot of folks in this body a lot of moral satisfaction that we are really going after the bad guys, but the tragic and sad fact, as Mrs. Suzman brings forth, is the people who are going to suffer most are the ones we are trying to help.

Mr. BURTON of Indiana. Mr. Chairman, I reserve the balance of my time.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I oppose the Burton amendment.

Mr. Chairman, I rise in opposition to the substitute offered by the gentleman from Indiana. Too often, we have been the victims of friendly fire—and while the notion of black economic and political empowerment in South Africa has a noble sound—the reality of this measure is quite to the contrary.

By passage of these provisions, we become active participants in the undermining of our own efforts to isolate entities which prop up apartheid. To allow companies to remain in South Africa, under the guise of support for black private enterprise is a cruel fraud.

The issues in South Africa are ones of life and death. Ask, if you could, the innocent children whose lives have been snuffed out as they sit in their classrooms. Ask the mothers and brothers whose loved ones leave for work, never to be seen again. The housing guaranty and assistance program that our colleague would have us adopt—cannot exist if the law of the land will not allow parent or spouse to live with their families. It is a fiction which does not entertain.

Whether through friend or foe, economic activity which supports the tax base of the Government in Pretoria serves only to extend violent conflict in southern Africa and specfically the annihilation of black Africans in that region.

The time for conciliatory gestures has passed. The will of the majority population is embodied in their commitment to support a strategy of sanctions that will isolate the Government of South Africa for the terrorist regime that it is.

As we listen to those who would search for options to sanctions, there is a distinct irony that allows us to bring fire power to peace tables around the globe—and offer insipid affirmative action programs to South Africa.

The vehicles through which the initiatives offered in the Burton substitute must pass—remain the economic institutions of the Botha regime—or in the alternative, American companies resisting the very tenets of the Anti-Apartheid Act. We cannot be both advocate and adversary.

It is ludicrous to argue for assistance for selected disadvantaged South Africans—all black South Africans are disadvantaged, for they are not free.

I ask my colleagues in this body to join me in opposing this substitute.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in support of the legislation of the gentleman from California and in opposition to the Burton amendment.

Mr. Chairman, I am proud to join my colleagues, and speak for the people of the Virgin Islands, in support of this legislation to put some real muscle into our opposition to apartheid.

This bill calls for strong, wide-ranging economic sanctions that will severely restrict United States companies from trading with, investing in, or lending money to South Africa. The 1986 Anti-Apartheid Act was a first step, but we have to close the loopholes in that bill, which have allowed many companies to do business as usual with South Africa. Despite the 1986 law, for instance, United States companies have continued to supply South Africa with 35 percent of its oil.

That has to stop, and this legislation will ensure that it does stop. We can no longer tolerate U.S. participation in the economic relations that support apartheid.

Mr. Chairman, I had the honor of meeting South African Archbishop Desmond Tutu when he visited Capitol Hill this spring. While the Archbishop steered clear of directly endorsing any legislation, he used all his moral authority to endorse economic sanctions as the best tool to use against apartheid.

As Archbishop Tutu has said many times: We do not want to reform apartheid. We do not want to make apartheid comfortable. We want to get rid of apartheid.

This bill is intended to do just that, to force the Government of South Africa to dismantle this deplorable system of apartheid and allow all of its people to enjoy freedom and equality.

I want to commend my colleague from California, RON DELLUMS, and the chairman of the subcommitte, Mr. WOLPE of Michigan, for their dedicated work on this legislation and for the cause of freedom for the people of South Africa. I urge all my colleagues to support this excellent bill and make clear that we are united in our determination to bring an end to apartheid.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in opposition to the Burton amendment. I understand, I think, at least what he means by the provision to waive the existing or future sanctions which is a problem for me, and, therefore, I rise in opposition.

Mr. Chairman, on the surface, Mr. BURTON's amendment appears to have the South African majority's interests well in mind. Mr. BURTON has carefully constructed this amendment to assist the indigenous people to develop their own small businesses, schools, and communities.

Mr. BURTON's amendment gives the indigenous South Africans exactly what they have been requesting for decades—economic aid. However, I remain suspect as to why Mr. BURTON has waited until H.R. 1580 to come to the floor and offer these concessions. Additionally, the Burton amendment waives all comprehensive sanctions and retains the existing sanctions law. In my opinion, the only thing that the Burton amendment does is to perpetuate the Reagan administration's business as usual approach.

Mr. Chairman, last spring, I had the unique opportunity to meet with several black mayors from South Africa. All of these gentlemen unanimously agreed that apartheid is a very harsh sociopolitical reality and the imposition of sanctions would only be part of their normal way of life.

These gentlemen further explained their desperate desire to have equal access to AID funds, so that they can develop their own communities, businesses, farms, and schools, and, prevent the further dependence on the central government, who in the past has only provided inferior living conditions, Bantu education, and discontent for businessmen.

Mr. Chairman, I can only wonder where Mr. BURTON and the rest of the opposition were when the cries for economic and developmental assistance were first heard from the oppressed people of South Africa.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of Anti-Apartheid Act Amendments of 1988 and ask unanimous consent to revise and extend my remarks.

The time has come for the United States to sever its remaining trade and economic ties with the racist apartheid government of South Africa and say our last good-byes to the failed Reagan-Bush policy of constructive engagement.

It's time for us to face facts: blacks in South Africa have gotten about as much out of constructive engagement as poor people in America have gotten out of trickle down economics.

In 1986 Congress recognized the moral bankruptcy of constructive engagement when it adopted limited sanctions. But the Reagan-Bush administration has done its best to undermine these limited sanctions and it has continued to give a wink and a nod to the apartheid regime.

The present sanctions cover no more than a third of imports, a few exports, and no current investment. Provisions in the law requiring the President to seek allied support and recommend additional sanctions haven't been followed. We have failed to do what is necessary to isolate the apartheid regime and force it to change its ways.

Former South African Prime Minister John Vorster once said that, "Every foreign investment is another brick in the wall of apartheid."

Mr. Chairman, it is time that we tore down that wall, brick by brick, until the 75 percent of people in South Africa who are black are accorded the same fundamental human rights as the 25 percent who are white.

Some who oppose this legislation have been shedding crocodile tears that comprehensive sanctions will hurt black South Africans. Sanctions may indeed hurt—but apartheid kills.

Apartheid is the primary cause of unemployment and suffering among South African blacks. Apartheid has killed thousands, jailed hundreds of thousands, and displaced and dispossessed millions.

Black South Africans support sanctions. Black trade unions have called for sanctions. Bishop Desmond Tutu has called for sanctions. So let us have no crocodile tears about sanctions hurting blacks when we know that apartheid is killing and terrorizing blacks.

Some who oppose this legislation say that we shouldn't enact sanctions unless our allies enact similar sanctions.

I agree that our allies should adopt sanctions, but I find it highly peculiar that the very same people who embrace a lone-wolf, go-it-alone policy in the rest of the world suddenly become champions of multilaterism when it comes to South Africa.

It seems that when it comes to fighting dirty wars in Central America it's OK to go it alone, and when it comes to enacting sanctions on Qadhafi and the Ayatollah it's OK to go it alone, but when it comes to fighting racism and injustice in South Africa we're not supposed to do anything until the allies act.

I say let us not hide behind the avarice of Japanese and European businesses that are willing to turn their heads to the abuses of apartheid. Let's take the initiative and show some leadership. We should work with our allies to have effective global sanctions, but we should not use foot-dragging abroad to justify inaction at home.

All of us know that some day apartheid will end—that is inevitable. Regardless of how we vote today, black South Africans will not remain forever in a state of political and economic subjugation. Change will come—be it 2 years, 5 years, or 10 years from now. I hope that when that time comes, and the final chapter is written in the history of apartheid, it will be recorded that the United States was on the right side, and that we did what we could do to hasten, not delay the end of racism and injustice in South Africa.

Mrs. COLLINS. Mr. Chairman, apartheid is one of the most baneful disasters of the 20th Century. The United States must, as expeditiously as possible, do everything within its power to help dismantle that institutionalized form of social injustice. The steps taken by H.R. 1580 are sure to have a substantial effect toward this goal. H.R. 1580 is a wonderful example of legislation which lives up to the high expectations set by our principles. I applaud everyone who has contributed to this positive campaign.

The bill which we are considering today is very sensitive in many ways. One aspect that makes this such an important bill is that it involves the question of using American economic leverage to achieve desirable political results. Normally, we should not force our philosophy on other countries, and especially not by wielding our economic might. But this situation is different. First, it not only crosses over the threshold of human decency and moral acceptability, it pulverizes the concept. Second, it is not as though the United States were alone in this perception; South Africa is recognized the world over as living by legalized injustice and oppression.

Third, it is not just the right but the responsibility of other countries to come to the assistance of repressed peoples when the evidence of oppression and of internal obstacles is recognized as manifest by the world community. Putting this all together, the United States has no choice but to act decisively to end apartheid.

The Reagan administration has consistently opposed any meaningful sanctions, even bending over backward to accommodate the South African regime. It is not only ironic, but utterly offensive, that the administration propounds worldwide democracy while supporting a cadre that allows only a small fraction of its citizens to participate in its so-called democratic process. The administration's true values are reflected in numerous day-to-day operations. For example, the Fish and Wildlife Service illogically continues to grant permits for importing into the United States the mounted heads of various endangered species, thus defying our own policy of preserving endangered species. This misguided practice is aimed at helping boost South Africa's safari and tourist industries at a time when the United States as a whole is inclined to pull away from South Africa. Fortunately, it is also one of the many practices that will be prohibited under H.R. 1580.

The essence of H.R. 1580 is, appropriately, economic coercion. When the rhetoric ceases to flow, when the threats and promises evaporate into the air that spawned them, one heavy hammer remains: money. If South Africa's Government will respond only to the power of the purse, and this seems likely because all else has failed, we here in Congress can today insure that they will feel the economic pinch they evidently require. H.R. 1580 gets to the heart—or should I say the wallet—of the matter.

The next major step which must be undertaken is to strengthen the economies of South Africa's neighbors in southern Africa. Presently, many of these countries rely heavily on South Africa for numerous commodities and are dependent upon South Africa's infrastructure for the receipt of goods from South Africa and from most other countries. The revenue received by South Africa from this commerce and from use of its ports, railroads, and trucks is very substantial and should be part of any effort to put an economic pinch on South Africa. However, this cannot be done until neighboring countries in southern Africa are assisted with their infrastructures and production capacities to a great enough extent that they will not suffer for evils in which they take no part.

I remain very hopeful that the withdrawal of billions of dollars of investments from South Africa will work like a bucket of ice water on their slumbering government. They simply cannot go on arrogantly ignoring the human rights of others forever. They must act now to restore rights to persons who have suffered in that country as a consequence of their birth. The United States must join with the rest of the world in expressing disapproval and applying financial pressure to do what common sense and fundamental morality could not lead South Africa to do.

Mr. Chairman, as we are united behind this effort to disassociate ourselves from apartheid, so too, should we be united behind this effort to eliminate what bolsters it. I urge all my colleagues to support this legislation.

Mr. FIELDS. Mr. Chairman, if the supporters of H.R. 1580 had evaluated the effect of those sanctions already in place, there would be no reason to be again debating this issue today. This debate is little more than a "feel good" exercise for the proponents of the "Anti-Apartheid Act of 1987."

Historically, sanctions and embargoes have rarely worked and this case has been no exception. The sanctions enacted against South Africa almost 2 years ago have not forced the Government to relax its discriminatory apartheid laws, nor have the sanctions increased United States influence with the Government of South Africa. Sanctions, in fact, have only brought more hardship for the citizens of South Africa.

The economic impact of sanctions has been disastrous for the country's black population. More than 170 U.S. firms, which had devoted hundreds of millions of dollars to improve black education, housing and health care, have pulled out of South Africa. These sanctions hurt blacks almost exclusively, with whites shielded from the economic fallout. At least 25,000 black workers already have lost their jobs, and the Council for South African Trade Unions, the largest black trade union in South Africa, estimates that with new sanctions this figure will reach 7.8 million by the year 2000. In contrast, white South African businessmen have picked up the plants and assets of U.S. corporations for bargain prices as Americans have withdrawn under disinvestment and have often abandoned social programs for black employees that U.S. companies initiated.

Unilateral sanctions imposed by the United States will not help disadvantaged South Africans. They will serve to slow the process of peaceful change in South Africa and will delight our competitors in the arena of world trade. Japan has replaced the United States as South Africa's leading trading partner. Taiwan, West Germany, Italy, Spain, and Turkey have dramatically increased their purchases of South African products during the past 2 years. The South African economy has grown by 2.5 percent annually, enough to shield the whole population from the impact of sanctions, but not enough to provide the housing, schools, and new jobs needed by the country's blacks. South Africa's active participation in the world market place has effectively undermined the economic sanctions imposed by the United States.

There is strong evidence that sanctions are largely counterproductive and that black empowerment is the most potent weapon against the apartheid system. My good friend from Indiana's substitute seeks to accomplish this goal. His alternative would help rather than hinder the economic and political progress of black South Africans. The Burton substitute provides up to $87 million for job training, entrepreneurship development, housing, and legal assistance for South African blacks.

There is no debate over whether economic power is the most effective means for blacks to gain political power in South Africa. Further sanctions and disinvestment will cost blacks jobs, reducing their ability to fight apartheid with strikes and consumer boycotts. Polling of black South Africa opinion over the last 3 years has consistently shown a majority opposing actions imposed from outside their country that would threaten jobs. This underlies the argument against sanctions that Helen Suzman, a South African parliamentarian and apartheid opponent, makes when she said, "It is surely senseless to blunt—by sanctions—the only weapon with which blacks can improve their position at the workplace, and beyond the workplace." The Congress can more effectively fight apartheid by helping to build black economic power than by putting blacks out of work.

Mr. Chairman, while I am opposed to this bill in its entirety, I particularly object to section III. This section strikes at the heart of the U.S. energy industry. It imposes a leasing ban on any U.S. firm which is a subsidiary of a foreign company that holds investments in South Africa. This prohibition would affect three companies: Shell, BP, and Total. This legislation would remove Shell Oil, one of the largest and most active participants in offshore oil drilling, from leasing on the Outer Continental Shelf and could result in forgone exploration and development of the U.S. resource base. This section could be devastating to the domestic energy industry. Over an 11-year period, 11,000 U.S. jobs may be lost, revenues to the U.S. Government could decrease by $2.1 billion and the trade deficit could increase by $3.5 billion due to the increase in imports from lost production. Imposing a leasing ban on U.S. companies which have no control over South African companies makes little sense and is fundamentally unfair. Clearly, this legislation will have minimal impact on the South African economy, but could have a devastating impact on our own economy.

Mr. Chairman, I share my colleagues hatred of apartheid and their impatience with its slow dismantling. Nonetheless, I cannot accept the arguments of those who would escalate sanctions. Closing the door to South Africa simply is not the answer to ending the abomination called apartheid. The best chance for a peaceful transition to a multiracial South African democracy is for the United States to restore the leverage that it once had with the South African Government. The policy of the U.S. Government must be one which goes beyond symbolic gestures and in fact actually contributes to the goal of ending the apartheid system.

Mr. WOLPE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not use my full time in responding at this point to the Burton amendment. I will be brief, because I believe that elements of the amendment actually have been debated in earlier portions of today's activities.

Mr. Chairman, this substitute should be defeated, because it would eliminate all of the new sanctions that are embraced in the legislation. It would eliminate the tightening of loopholes and existing sanctions that are part of the legislation. It would eliminate all of the expressions of outrage about heightened political repression in South Africa that are found in this bill.

If we want to send a strong signal to South Africa that its violent domestic and regional policies will incur no international cost, then I suppose one should vote for the substitute. I do not think that will serve the American national interest well.

Mr. Chairman, the gentleman from Indiana [Mr. BURTON] and those who are supporting this amendment make the seductive argument that economic empowerment of South Africa's blacks is essential to their political empowerment; the sanctions harm black economic progress, and the sanctions are, therefore, counterproductive in terms of transforming South African society. That argument is a myth. In fact, it is an ugly distortion of South African reality.

Mr. Chairman, the truth of the matter is that South African economic growth of the part three decades was accompanied by evermore forceful repression of South African blacks. Indeed, apartheid was institutionalized in South Africa in the boom years of the 1960's. Black economic empowerment in the context of apartheid is an impossibility. What it has produced is simply black-owned businesses that are responsible for no more than 1 percent of the country's gross domestic product, with ownership of less than 2 percent of the capital market, with an unemployment rate around 30 percent, along with labor unions that are impotent in winning significant concessions from the white management, no matter how forceful the protests and the boycotts.

What the economic empowerment argument does is to hold the victims of apartheid responsible for their own subjugation. The focus of the arguments is on blacks, their lack of resources, their lack of power, and the need to do nothing that could cause further economic harm to them.

The real focus should be on the white minority who oppress and exploit that black majority, who are responsible for black economic and political disenfranchisement and who perpetuate these disparities with impunity because of one stark fact. The one stark fact is that the whites have the guns and they control that country. Black economic power will not overturn apartheid because black economic empowerment cannot be achieved under apartheid.

Let us stop blaming the victim. Let us reject this Burton substitute and embrace the legislation that is before the House.

REBUTTALS TO CRITICISMS OF H.R. 1580

1. "Surveys show that a majority of blacks do not support comprehensive sanctions".

Rebuttal: While there is some conflicting poll data, the most respected and sophisticated recent polls (CASE and Markinor) report overwhelming support for broad sanctions by blacks. The director of the 1987 CASE poll has stated that while blacks are anxious about possible job losses, the overall results "illuminate the policy decisions on sanctions of the unions, the churches, and popular political tendencies. They are calling for sanctions to be comprehensive rather than voluntary, in the hope that this way sanctions will achieve the greatest political impact, while causing unavoidable economic hardship for the shortest possible time". Virtually all non-government polls show that blacks endorse overwhelmingly the political leadership that is calling for mandatory comprehensive sanctions. The two major democratic trade union federations in South Africa, COSATU and NACTU, with more than 1.1 million paid up members, have also endorsed such sanctions.

2. "Sanctions only harden the attitude of the Government and white electorate, and promote the right-wing Conservative Party".

Rebuttal: Despite the naturally defense reaction of white South Africans to foreign pressures, there is little doubt that the recently opened dialogue between leading Afrikaners and the African National Congress, the new critical ferment in the Afrikaner Church and Broederbond secret society, and the abolition of the hated pass system would not have occurred were it not for the rapidly intensifying combination of internal and external pressures. Last September, the Central Bank Governor noted the effects of even limited sanctions on Government thinking: "The outflow of capital, the emigration of skilled people, the large discount on the financial rand, and the decline in . . . investment are all sending us messages that we should heed. They are telling us that we must first and foremost convince both the outside world and ourselves that we are continuing on the road of peaceful and constitutional reform". Privileged South Africans are vulnerable to comprehensive sanctions against the foreign oil that provides two-thirds of liquid fuel needs, the foreign trade that constitutes half of GDP, and the foreign investment that has been historically necessary for real per capita growth.

3. "Economic sanctions are almost always ineffective. Panama is but the latest example".

Rebuttal: There is no absolute certainty that sanctions will contribute to fundamental change, but the overwhelming majority of anti-apartheid groups in South Africa believe sanctions have a real potential to avoid a tragic bloodbath. According to the most comprehensive academic study of the impact of economic sanctions (by Hufbauer and Schott), sanctions imposed to effect a regime change or to address human rights abuses have, in many cases, contributed to these goals. For example, the study concluded that sanctions contributed about 50% of the time to regime change (e.g. Chile, Uganda, Nicaragua and Rhodesia). Most relevant to South Africa is the case of white-ruled Rhodesia where sanctions imposed by the U.S., Great Britain and the U.N. contributed to a transition to democratic majority rule in 1979. U.S. sanctions against South Korea, Chile and others have also help to bring about human rights improvements.

The failure of Panamanian sanctions to achieve their goal reflects circumstances different from those concerning South Africa. The internal Panamanian opposition is not strong and U.S. sanctions against Panama are much weaker than those contained in H.R. 1580. A unilateral approach is being utilized in Panama, unlike the multilateral one envisioned in the legislation. Panamanian sanctions have been sold as a "quick fix"; but H.R. 1580 represents a short or medium-to-long-term strategy to complement growing internal pressures.

4. "Since sanctions won't be very effective unless they are multilateral, we should not impose ours before everyone else agrees to act".

Rebuttal: This is a recipe for inaction. Historically, South Africa's major trading partners have shown they are willing to act only when the U.S., as the leader of the West, has demonstrated the political will to lead. For example, a month after President Reagan's 1985 Executive orders prohibiting the purchase of krugerrands, banning new bank loans to the Government, banning certain computer exports, and prohibiting nuclear transfers to South Africa, Japan, and the European community largely followed suit. A month after the U.S. adopted, in 1986, legislation to strengthen sanctions, the EEC banned new investment, iron and steel imports, and krugerrands. Three days later, Japan banned iron and steel imports, promotion of tourism, and air links.

5. "Economic sanctions will help prevent the black majority from building an economic base to improve their political position".

Rebuttal: History shows that in South Africa, as in Nazi Germany and the Soviet Union, economic expansion has been compatible with totalitarianism. Indeed, the Afrikaner regime institutionalized its police state during the high growth 1960s. The vision of "black empowerment" through purely economic advance is a mirage. Black-owned business, accounting for 1% of GNP, is too weak and dependent on the state bureaucracy to ever constitute an effective force against apartheid. Black trade unions cannot hold onto their economic gains while the state sponsors new anti-trade union legislation, bans all political activities by the largest trade union federation, and sends its security forces into labor disputes with guns and whips. It is precisely out of recognition of the need to acquire a political base for economic power that the major South African trade unions are appealing vehemently for comprehensive economic sanctions against the South African state. If we truly want to strengthen black muscle we will heed these pleas.

6. "Studies have shown that current sanctions have cost the U.S. coal industry $250 million. H.R. 1580 will cost U.S. investors in South African gold mines an additional $1.2 billion, and deprive 11,000 people in the U.S. oil industry of their jobs in the next eleven years".

Rebuttal: All economic sanctions regrettably incur short-term costs in order to avoid greater long-run costs to our economic, security and humanitarian interests. However, these studies offer highly exaggerated estimates of the actual costs of sanctions—not surprising since each study was financed by a business lobbying against sanctions. For example, an editorial in the Journal of Commerce described the South African Chamber of Mine-sponsored WEFA study of coal industry losses as "voodoo econometrics using a methodology that lacks by a wide margin the validity required for an intelligent assessment". Another WEFA study, for the largest U.S. gold mining investment firm, arrives at an inflated estimate of investor losses from H.R. 1580 by ignoring the trendline of substantial and continuing losses from market and political developments without legislation. Finally, Shell Oil's estimates of U.S. job losses, due to H.R. 1580, are based on: 1) the extremely dubious assumption, contradicted by statements of its own executives and other oil industry sources, that its European parent company would choose to forego its lucrative oil leasing program in the U.S. rather than abandon its less significant investment in South Africa; and 2) the false assumption, contradicted by a Congressional Budget Office analysis, that if Shell withdrew from U.S. oil leasing, it would not be replaced by other companies who could provide employment opportunities for displaced Shell workers and suppliers.

7. "Although strategic minerals are exempted from the import sanctions, South Africa could retaliate by denying the West these minerals, resulting in a dangerous dependence upon the Soviets".

Rebuttal: A South African scheme to deny strategic minerals to the West is exceedingly improbable. Minerals production alone comprises nearly a fifth of South Africa's total GDP. And, were it to embargo strategic minerals, it would also risk devastating retaliation against gold and other foreign exchange-earning commodities and complete political isolation. As the South African newspaper Business Day recently warned, "The U.S. will not fold meekly in the face of a South African ban on minerals sales". Furthermore, the West would hardly be driven to its knees by a strategic minerals embargo. Over the short-term, public and private stockpiles would cushion the blow. There would be problems of industrial adaption and some added inflation. But over time, experts agree, these problems could be substantially overcome through the exploitation of domestic and non-Soviet foreign resources, and the use of existing and new technologies permitting substitution and conservation. Finally, without effective pressure against apartheid, including sanctions, escalating violence in Southern Africa, may, itself, cause interruptions in the supply of strategic minerals. Indeed, apartheid itself is the greatest threat to our access to these minerals, and our long-term access to them depends upon a relatively peaceful transition to a non-racial society.

8. "Now is not the time for new sanctions when progress seems possible in sensitive diplomatic negotiations for a South African withdrawal from Namibia in conjunction with the departure of Cuban troops from Angola".

Rebuttal: It remains to be seen whether South Africa, which has "agreed" many times to end its illegal occupation of Namibia, will actually do so. If there is any new seriousness in these decade-long negotiations on the part of South Africa, it is because of foreign pressures, mainly the movement of Cuban troops to the Namibia border and imminent House passage of sanctions legislation. A refusal to pass sanctions now would only encourage further South African procrastination. And, to "reward" South Africa for meeting only one of five conditions in H.R. 1580 for lifting sanctions—freeing Namibia—by postponing new measures, would only encourage increased domestic repression and regional aggression against neighboring countries.

South Africa Facing a No-Growth Future—Tighting Sanctions Portend Economic Bloodletting

(By Roger Thurow)

Johannesburg, South Africa.—Since the initial blast of economic sanctions three years ago, frantic South African businessmen have been beating a path to the office of Fred Bell, the country's sanctions-busting guru. To each of them he has given this less-than-mystical advice: "You just gotta survive."

So far, so good. New technologies are emerging locally to beat international bans. Home grown products are replacing hard-to-get imports. New export markets seem to open up as fast as old ones close. Discounts are offered and premiums are paid, but the goods keep moving. A wink here, a nod there, another deal is done. South Africa and its businessmen may be bowed by the sanctions millstone, but they are indeed surviving.

"At the moment, a lot of good is coming from this. We're becoming more innovative and independent," says Mr. Bell, the retired-chief of Armscor, the South African weapons maker that has grown to become a giant in reponse to the decades-old arms embargo against Pretoria. "We have the ability to do what it takes to survive, in the short and medium term."

But, as another round of tougher punitive measures moves through the U.S. Congress and the Europeans and Japanese continue to rattle their sanctions sabres, more and more South African businessmen are looking with horror to the long term, beyond the initial burst of benefits from a siege economy. And they are beginning to question the guru's wisdom, asking, "Survive to what?"

DIRE ASSESSMENTS

The conspiracy of bravado that has surrounded the business community's sanctions-busting efforts is being shattered by dire assessments of what lies ahead if the sanctions noose continues to tighten: little growth, steeply rising unemployment, Third World-type economic controls, escalating social unrest and political violence. The doomsayers have been warning of these consequences since international creditors first called in their loans in 1985. But most businessmen, mimicking the government's defiant go-it-alone attitude, didn't want to listen.

Now, after glimpsing a sanctions-filled future, some leading businessmen are acknowledging that merely surviving is no longer good enough. The emerging slogan in corporate boardrooms is sanction-containment, not sanction-busting.

"In this day and age there is no such thing as economic self-sufficiency and we delude ourselves if we think we are different," Henri de Villiers, chairman of the Standard Bank Investment Corp., said in a recent speech. "It is imperative that we do not adopt poses of defiance and bluster."

Instead, business is once-again cranking up its long-ineffective lobbying pressure on the apartheid government to move more swiftly toward social and political reform. This time, though, pressure isn't coming from only the usual cabal of liberal English-speaking businessmen; rather, it's a broader coalition of chief executives smitten by a strong dose of future shock, which, they hope, will also shake Pretoria from its bunker.

AVOIDING ISOLATION

The "signal" sanctions of the past three years—intended to send a message of international impatience to Pretoria—need to be heeded, the businessmen say, to prevent the imposition of "savage" sanctions that could in effect amount to an economic blockade. If more-punitive measures from the U.S. are inevitable, then efforts must be made to keep Britain and West Germany from following suit, they say. The slide into international isolation needs to be checked, they insist, and perhaps reversed.

"Those countries that turn away from the world have remained economic backwaters," Mr. de Villiers warns. "South Africa needs the world. It needs markets, it needs skills, it needs technology and above all it needs capital."

In recent weeks, there have been indications the government may be listening. Quiet pressure from top businessmen combined with British and German threats of more sanctions to convince Pretoria to soften legislation that would cut off overseas funding of opposition groups, and to indefinitely postpone the hanging of the Sharpeville six, a group of blacks sentenced to die for the mob killing of a black town councilor. Business prodding also was a factor motivating the government to pursue peace talks to end the costly war in Angola.

But this doesn't mean Pretoria is about to cave in to the demands of sanctioneers that it scrap apartheid and move toward genuine power sharing with the disenfranchised black majority. The government's inclination toward reform has been curbed by the threat of the pro-apartheid Conservative Party on the right of the white electorate. And, buoyed by the belief that two-thirds of the economy, the precious metals sector, is sanctions-proof, the government still responds to the new sanctions threats with its trademark arrogance.

THE OFFICIAL VIEW

When asked about the measures moving through the U.S. Congress, which, in the hardest version, call for mandatory U.S. disinvestment from South Africa and a halt to all trade, a spokesman in the Department of Trade and Industry says, "Officially, sanctions don't exist. Therefore, I can't comment, *C'est la vie.*

Chris van Wyk, the managing director of the Trust Bank of Africa Ltd., cringes when he hears this. "I'm fed up with the feeling that we can go it alone," he says. "We can't ignore what sanctions and disinvestment have done."

In a record speech, which the bank is widely circulating, Mr. van Wyk flouted the taboo of talking about the costs of sanctions and added them up.

By 1990, capital outflows through disinvestment and debt repayment will amount to about 25 billion rands ($10.4 billion), and the accumulated loss of export earnings through trade sanctions will reach 10 billion rands. The economy will grow little more than 2% a year (less than the rate of population increase), rather than the 5% that could have been achieved without sanctions. As a result, Mr. van Wyk says, the average South African will be 5%-10% poorer by 1990, with unemployment increasing by about 200,000 a year.

"Some South Africans are saying we dare not grow faster than 2.5% because the balance of payments can't take it," Mr. van Wyk says. "that may be true for the short term. But I say South Africa dare not grow 2.5% for the long term. It is too ghastly to contemplate."

In a new book, "Economics in a Revolutionary Society," Ronald Bethlehem, an economist at JCI, a Johannesburg-based mining and industrial company, describes a sanctions-filled future. He reckons that by the turn of the century, with sanctions holding the economy to zero growth, 55% of the overwhelmingly black work force would be unemployed, which could push the revolutionary temperature beyond the boiling point.

"It would not be necessary for sanctions to cause a collapse of the South African economy in order to ensure a disaster in 12 to 20 years time," he writes. "All that they would need to do would be to bring the growth of the economy to a stop."

Even the sanctions-buster's guru concedes that is a possibility. "In the long term, we can't become totally isolated by sanctions," says Mr. Bell. "If we get to the stage of total deprivation, we'll develop like a three-legged spider."

REBUTTALS

SANCTIONS HURT BLACKS

"Blacks in South Africa who are struggling for change will be hurt by tougher economic sanctions"

Rebuttal: The most credible and representative black leaders and organizations in South Africa argue that the short-term economic costs of sanctions would amount to much less than the long-term gains of increasing pressures for political negotiations to end apartheid and to avoid a tragic bloodbath. James Modawenni, President of NACTU, the second largest trade union federation in South Africa with over 400,000 members testified before Congress last November:

"3.3 million black workers are unemployed today in South Africa. Unemployment in so-called homelands is not included in that figure . . . Our argument is that if comprehensive sanctions are applied by the U.S. and all other countries, our suffering will be shortened (aiding) our destiny towards freedom and independence. To end this repugnant system of apartheid, as well as the suffering of the oppressed and exploited masses, comprehensive sanctions must be applied".

From the perspective of its victims, it is apartheid, not current or future sanctions, which produces by far the greatest human suffering in South Africa: 30% plus unemployment, loss of citizenship by seven million people, a totalitarian police state, forced removals, separated families, violent deaths in the thousands and rates of infant mortality that exceed those in many poorer African states. Sanctions represent one nonviolent means of pressuring for an end to the unique and overwhelming suffering occasioned by the racist system of apartheid.

While there is conflicting poll data on overall black support of comprehensive sanctions (partly due to the way questions are posed and the history of restrictions on discussion of disinvestment), the most recent non-Government polls (Markinor and CASE) indicate overwhelming support for sanctions by urban blacks who would stand to lose the most economically. In a recent CASE poll, most of a nationwide sample supported sanctions, but, when asked, they conditioned their support on avoidance of job losses. CASE concluded that blacks would therefore support comprehensive and mandatory sanctions to achieve the greatest political impact while causing unavoidable economic hardship for the shortest time. Most important, virtually all non-government polls show that blacks endorse overwhelmingly the political leadership that is calling for comprehensive, mandatory sanctions by the West. For example, in the CASE poll, less than one-fifth of the respondents supported the Government or Chief Buthelezi, while about twice as many endorsed the ANC or Nelson Mandela, the UDF or other pro-sanctions groupings, and Bishop Tutu. Among urban blacks (60% of the work force) Buthelezi and his Inkatha organization received only 8% support. These results are consistent with other polls as well. It should also be noted that the two major democratic trade union federations in South Africa, COSATU and NACTU, with more than 1.1 million paid up members, have endorsed comprehensive and mandatory economic sanctions.

Expressions about the need to protect blacks from the consequences of economic sanctions against apartheid, despite the pro-sanctions view of credible black leaders, suggest that there is a racial double standard working in U.S. foreign policy. In other instances of gross human rights abuses in the world—Poland, Nicaragua, Panama, Uganda, Libya, Cuba, Vietnam, etc.—we have applied tough sanctions without any significant controversy about their impact on the suffering populations. Our extended debate on South Africa (and previously on Rhodesia) contributes to a perception in the world that we are applying a very different standard to a white minority regime. We need to ask ourselves how we would have responded in the past several years if the racial composition of South Africa were reversed and a black minority was imposing the horrendous and dehumanizing system of apartheid on a white majority!

BLACKS DO BACK SANCTIONS WARNS SURVEY

(By Phillip Van Niekerk

As the international sanctions movement struggles to maintain its momentum, a major nationwide survey released yesterday has revealed that two thirds of black South Africans support sanctions.

The survey was conducted during August and September by the Community Agency for Social Enquiry. This was the same group which compiled a similar, controversial report two years ago showing that most blacks supported disinvestment by foreign companies.

The survey—which for the first time included people in the rural areas—also revealed that African National Congress leader Nelson Mandela and the ANC are the country's most popular political actors for blacks.

Mark Orkin, a director of Case, said yesterday that the repression of three successive States of Emergency had shown blacks that it was "essential that the full range of pressures should be brought to bear to help end apartheid".

Out of the sample of 800 respondents, 46 percent said sanctions should be applied until the South African government lifted the Emergency, freed political prisoners, unbanned political organizations and abandoned apartheid.

Orkin said 21 percent supported "an even more adamant view"—that sanctions should be enforced unconditionally until the government surrendered power.

Only 26 percent of blacks in the cities and in the rural areas were opposed to sanctions, fearing that it would stunt economic growth.

The results are similar to the 1985 questionnaire when about a quarter of respondents supported hard-line disinvestment, a quarter opposed disinvestment and one half favoured conditional disinvestment.

However, the 1985 poll was conducted only in the citied where 59 percent of the respondents in the latest survey were from the rural areas, 14 percent from small towns and 27 percent metropolitan.

In the metropolitan areas, support for sanctions was more widespread. A total of 29 percent favoured hard-line sanctions, 52 percent backed conditional sanctions while 14 percent were opposed to sanctions.

Orkin pointed out that compared to the 1985 figures, the support for economic pressures had increased among blacks in the cities.

A new question—on whether respondents were prepared to continue supporting sanctions if these resulted in job losses for blacks—also produced some surprising results.

The number of hard-liners, who stood by the sanctions position whatever the unemployment costs, declined to 14 percent overall. A second intermediate group who were prepared to see some but not many blacks unemployed as a result of sanctions dropped to 26 percent while 60 percent were not willing to support any job losses.

"The pressure to use economic measures is increasing at the same time as the growth in unemployment is worrying people," said Orkin. "Taken together, the results illuminate the policy decisions on sanctions of the unions, the churches and popular political tendencies.

"They are calling for sanctions to be comprehensive rather than partial, and mandatory rather than voluntary, in the hope that this way sanctions will achieve the greatest possible political impact, while causing unavoidable economic hardship for the shortest possible time."

The survey on political leadership revealed that nationally 24 percent supported the ANC, seven percent the United Democratic Front, six percent Archbishop Desmond Tutu and 11 percent Inkatha while 10 percent supported the government.

Within the metropolitan areas, the ANC received 35 percent, the UDF 13 percent, Tutu nine percent and Inkatha eight percent.

"The leadership figures display a close continuity with the earlier survey," said Orkin. "This confirms the reliability of the study and indicates the steady evolution of black opinion responding to political events.

"Since 1985 the only appreciable change is that support for the ANC has risen a few percent and that Tutu has lost support (from 16 percent in 1985) as he has moved residence away from the Witwatersrand."

The questions were framed so that each position was explained alongside the political groups which support it. For instance, the question for those opposing sanctions, read: "This view is supported by PW Boths, and the Nationalist government, by the PFP, by businessmen like Harry Oppenheimer and by homeland leaders like Chief Buthelezi."

Doubt was cast on the findings yesterday by Professor Lawrence Schlemmer, director of the Centre for Policy Studies at Wits University, who was himself criticised for a survey he did two years ago into black attitudes on disinvestment.

Schlemmer said that given that the options on sanctions were linked to political leadership, the question was not about sanctions but a mixture involving both sanctions and support for leaders.

"I am surprised that as many as 26 percent of people oppose sanctions given that to do so would be to associate with the government. That this has been done biases the response against rejection of sanctions.

"This is not comparable with other surveys and the respondent is faced with the critical dilemma to support sanctions or his political leadership."

Orkin said yesterday that as with the earlier study, it was important not only to mention the policy positions but also as background to give the important party political tendencies associated with each position.

REBUTTALS

SECOND THOUGHTS: U.S. SANCTIONS

"Blacks and others have had second thoughts on sanctions. The evidence includes a anti-disinvestment remark on T.V. by COSATU Vice-President Chris Dhlomini, a draft study by a COSATU working group around the same time that warned of unemployment resulting from sanctions, 10 polls since 1984 showing blacks oppose sanctions by 3-1, and a South Africa Council of Bishops report in January 1987 that sanctions were economically hurtful and politically counterproductive".

Rebuttal: Union leader Chris Dhlomini's statement, "Some people are confusing divestiment and disinvestment. We have never called for companies to pull out" simply underlines the position that he, COSATU and its predecessor FOSATU always held: That foreign investors should leave, but the physical facilities should remain in South Africa. Since both his statement and the draft COSATU study, COSATU and NACTU, in democratic meetings, have clearly endorsed comprehensive sanctions, including disinvestment, as the best means to shorten black suffering. Their leaders testified to this before Congress last November. The AFL-CIO has in turn supported this stand.

Several of the 10 polls mentioned were administered by the South African Government's Human Sciences Research Council or Bureau of Information. The most recent and objective polls, taken in 1986 by Gallup-Markinor and in 1987 by the Community Agency for Social Enquiry (CASE) concluded that:

First, the overwhelming majority of urban blacks (who comprise 60% of black workers and would be most affected by sanctions) favors economic sanctions or disinvestment to pressure the government to end apartheid.

Second, nationally, most blacks favor economic sanctions until the Government abandons apartheid or surrenders power, but 60% are not prepared to continue supporting sanctions if these resulted in job losses. According to CASE Director Mark Orkin: "They, therefore, have to contemplate a painful trade-off. But this does not automatically place them in the anti-sanctions comp. . . . Rather, they wonder if and how sanctions might best be applied to maximize the political impact, while minimizing the burden of unemployment extra to that caused by the practices of business and the state".

The Catholic Bishops report mentioned was a report to the Bishops by a lay group, which was not adopted by the Bishops. Moreover, it also said that the long-run effect on white opinions of sanctions was unpredictable, that sanctions have a constructive effect on business attitudes, and that informed blacks favored sanctions. Recently, the Acting President of the Southern African Catholic Bishops Conference reiterated that the Bishops' stand in favor of economic pressures was exactly as it was in the pastoral letter of May 1, 1986: "There were all sorts of misinformation given to the public last year about the bishops having reversed their decision. This was absolutely incorrect".

SANCTIONS HARDEN THE REGIME

"Economic sanctions have driven the South African regime and white politics to the right, as evidenced by the rightward drift in recent white elections and the Government's growing repressiveness. Therefore, sanctions are counterproductive".

Rebuttal: It would be astonishing if the immediate reaction of any Government—from Cuba to Iran to South Africa—to increased internal and external pressure were anything but defensive. However, sanctions are a medium-to-long term strategy designed to complement internal pressures that are eroding support for apartheid.

Even the limited sanctions already imposed (covering only 8% of South Africa's exports and little of its imports and foreign investment) have had some constructive effects. These include:

First, political benefits for the U.S. among the black majority which will eventually rule South Africa,

Second, increasing concern in the South African Government about the accumulating costs of trade and capital sanctions. For example, Gerhard de Kock, Governor of the South African Reserve Bank, stated on September 11, 1987 that, "The basic underlying problems that threaten to isolate us from the rest of the world have not yet been solved. The outflow of capital, the emigration of skilled people, the large discount on the financial rand, and the decline in fixed and inventory investment, are all sending us messages that we should heed. They are telling us that . . . we must first and foremost convince both the outside world and ourselves that we are continuing on the road of peaceful and constitutional reform", and

Third, growing critical ferment in such key Afrikaner institutions as the Broederbond secret society, the Dutch Reformed Church, the "New Nats" wing of the National Party, and universities, as well as within the new independent political movement.

Truly comprehensive sanctions would significantly amplify internal pressures from the majority for a negotiated end to apartheid. The South African economy has historically been dependent upon 10-20% foreign investment for real per capita economic growth. Foreign trade, financed largely from abroad, accounts for half of Gross Domestic Product. Foreign oil supplies two-thirds of South African's needs for liquid fuel. Foreign arms supply at least 15% of military needs. And foreign computers meet the preponderence of government and industrial needs. Comprehensive sanctions would also signal a loss of political support, threatening to leave the Government politically isolated in a hostile region and world. An illustration of the potential impact of strong sanctions was the Government's and business community's stunned reactions and reformist moves (e.g. abolition of influx control) following the withdrawal of Western credit in 1985 (since modified by a rescheduling agreement and the resumption of some lending).

South African leaders have repeatedly acknowledged the potential impact of any withdrawal of Western economic support. On April 21, 1986, President Botha criticized a Conservative Party parliamentarian, saying:

"He and his party will not buy our farmers products if we cannot export. Nor will they buy our minerals or our manufactured goods if a general boycott against us succeeds. And they will be powerless if this country's imports of a variety of goods is halted".

Economic sanctions are often successful. In a recent study of worldwide sanctions by the institute of International Economics, it was concluded that tough economic sanctions succeeded in achieving their objectives in half of those cases (e.g., Rhodesia, Uganda, Chile, Nicaragua under Somoza). Panama is another candidate right now.

SANCTIONS WEAKEN BLACK POWER

"Sanctions are counter-productive since, in slowing economic growth, they seriously weaken growing black economic muscle which results in political power. For example, in recent years we have seen black urbanization and the rise of the black trade union movement. As a result, key features of the apartheid system—influx control, segregated education and housing, the regime's political ideology—have been eroded. If additional sanctions are imposed, these advances will be stalled."

Rebuttal: Recent black economic advances, while important in certain limited respects, have not translated into political power that genuinely alters the structural basis of the apartheid regime. Economic growth alone will not move South Africa beyond totalitarianism anymore than it did in Nazi Germany or the Soviet Union.

It is important to realize that despite some economic gains in recent years by urban blacks, rural poverty has worsened as 3.5 milion people have been forcibly removed to the homelands, black unemployment has increased over the last two decades, and black per capita income remains today a mere ⅑th of that earned by whites.

Though economic growth did contribute to the rise of the black trade union movement, so did urban political protest and the beginnings of international economic sanctions. But in the current atmosphere of political repression, the state is taking away union gains, despite some improved economic growth. It has sponsored legislation to significantly weaken the unions. It collaborated with the mining companies in breaking the August, 1987 mineworkers strike in which 40,000 workers were fired. It has barred COSATU, the largest trade union federation, from engaging in any political activities. It is out of recognition of the need to acquire a genuine political basis to economic power that COSATU and NACTU, with a paid membership of over 1.1 million, are now appealing for increased external pressure upon the apartheid regime through comprehensive international sanctions. If we want to strengthen black economic muscle, we must listen—and respond effectively to—these pleas from the black trade union movement.

Economic growth and local black political and economic action have threatened but failed to erode the fundamental structures of apartheid. Only forms of so-called "petty apartheid" have been eliminated. Though the pass laws have been repealed, a variety of local measures, in combination with the continued existence of the Group Areas Act and the homeland states, continue to systematically control the movement of the vast majority of South Africa's black population. Only 1.5 million of the 7-8 million blacks who were involuntarily made so-called "citizens" of homeland states have actually had their South Africa citizenship restored. In the critical areas of housing and education, there has been no significant movement away from apartheid. The Botha government has been forced to try to coopt black opposition but it has hardened in its commitment to using extensive state repression to maintain a system of racial domination. Given the threat of widespread violence, we cannot wait for the hoped-for effects of economic growth.

It is mistaken to believe that groups like the South African Black Taxi Association can erode apartheid's structures. Indeed, SABTA functions as part of the apartheid system—not as an instrument to challenge that system. SABTA transports workers who are forced to live in distant homelands or segregated townships to and from their workplace in the white urban areas. It arose to fill the void created when workers began boycotting the previous bus transport system operated by PATCO. In testimony before the Africa Subcommittee on March 23rd, a SABTA spokesman admitted SABTA's impotence and vulnerability. Mr. James Ngoya, President of SABTA, stated:

"SABTA is not a political organization. . . . The Government knows how to control political groups it does not like. It burns them; it silence[s] them; it cuts off their foreign funding."

A concern for black economic well-being, while valid, cannot be allowed to obscure comprehending that economic growth simultaneously strengthens the power of the South African state.

The public sector directly accounted for 38% of South Africa's GDP in 1985-86, the state exercises some form of control over sixty percent of South Africa's economy, it employs 1.4 million (the largest employer in South Africa) and accounts for the employment of 3 out of 5 Afrikanas-speakers (according to a Market Research Africa survey). The state's growth in recent years has far outstripped the growth of the general economy: its budget has risen 300%, from 15.7 billion rand in 80/81 to 46.3 billion Rand in 1987/88. In the same period, police expenditure rose by 500%, from R309,000 to R1.5 billion, while the defense budget rose 350%, from R1.9 billion to R6.7 billion.

Tough comprehensive international sanctions can draw into question that regime's base viability. If applied effectively, these sanctions will shorten the transition to a post-apartheid South Africa and thereby lessen the economic strains which the black majority already feels as a result of South Africa's inevitable and continuing internal turmoil.

[From the New York Times, July 25, 1988]

SQUEEZE PRETORIA

(By John Douglas)

WASHINGTON—In portraying economic growth as the key to future democracy in South Africa, opponents of comprehensive sanctions misread the history of apartheid. South Africa's experience indicates that economic expansion can be compatible with a sophisticated police state.

Since World War II, every Nationalist Party administration has blocked political participation by blacks and suppressed their protests with naked force. This was true in the 1960's, when the economy grew at a rapid 6 percent; in the 70's, when the rate was 3 to 4 percent, and in the 80's when, until recently, there has been stagnation.

Indeed, it was in the high-growth 60's that the Afrikaner regime enacted the statutes, including the so-called Terrorism Act, that institutionalized the classic elements of a police state. They included arrests without warrants, indefinite detentions without trial and removal of judicial control over detentions.

Critics of sanctions point to the economic gains in the 80's for some blacks, particularly for small-businessmen, as heralding decisive political influence to come. But this vision of "black empowerment" is a mirage. Black entrepreneurs are too few in number and too dependent on the state bureaucracy to ever constitute an effective force against apartheid. Today, black-owned businesses account for only 1 percent of the gross domestic product.

For the black population as a whole, the economy remains a disaster. Blacks own less than 2 percent of the nation's capital stock. The average income of black households has lagged far behind inflation. The unemployment rate for blacks stands at 25 percent and is increasing. New jobs average 22,000 a year whereas the work force grows by more than 300,000 annually. Small wonder, then, that the economic advances of some blacks have added nothing to black political power.

Opponents of comprehensive sanctions similarly misconstrue the role of black labor unions. Their theory is that, with national prosperity, the unions will inexorably accumulate economic power and can then transfer that power to the political arena.

But this formulation views black unions in isolation, wholly removed from everyday apartheid. It assumes erroneously that the economic aspirations of black workers can be divorced from their political aspirations. The two strands are inseparable, as witness the recent three-day "stay away," called by the largest labor federation, to demonstrate grassroots opposition to apartheid.

The rationale of economic growth also ignores the severity of the constraints under which black unions function. The high black unemployment rate assures a large pool of potential replacements for striking workers. Strikers cannot picket. Most important, union members are no match for the Government's guns, whips and dogs, all of which are at the ready in major labor disputes.

Last year's strike by 340,000 black miners was instructive. Its three-week duration was a remarkable achievement, but in the end the National Union of Mine Workers capitulated. Before the strike, the union asked for a one year pay increase of 30 percent. After management fired 40,000 strikers, the union accepted the owners' pre-strike offer of 23 percent. The raise was impressive on its face but actually modest, given the 3 to 1 disparity between white and black pay, the average monthly wage of $245 and a 15 percent inflation rate.

During that strike, the security forces of management and the state went on a rampage. Shootings of strikers, assaults and beatings were commonplace. Hundreds of strikers were injured. More were arrested. Nine were killed.

The pattern of white domination has characterized all of South Africa's labor-management relations. In the 50's, the Government collaborated with industry to smash the fledgling black unions. Two decades later, the Government acceded to industry's entreaties and legalized limited types of union activity.

Management made this about face in the interests of efficiency and stability: It was less costly to deal with union representatives than to cope with the large number of individual workers who were becoming increasingly restive. But then, as now, the black unions operated at the sufferance of the Government.

In contrast to the passive approach exemplified by the champions of economic growth for South Africa, comprehensive sanctions would represent affirmative policy.

Mild selective sanctions, enacted in 1986, have increased slightly the costs of maintaining apartheid. Adoption comprehensive sanctions plus vigorous Presidential leadership would encourage other industrial democracies to forge a common policy and impose significant strains on the economy—primarily, albeit not exclusively, on its white sector. Those strains would resonate with the resistance to apartheid in the black communities and thereby generate the best opportunity for a non-racial democracy.

Rebuttals

SANCTIONS JEOPARDIZE STRATEGIC MINERALS

"Sanctions against South Africa, though exempting strategic minerals, have created an atmosphere in which U.S. importers are depending increasingly on Soviet supplies for strategic minerals. Further sanctions could result in South African retaliation which would force us to depend entirely upon the Soviets".

Rebuttal: In testimony before the Subcommittee on Mining and Natural Resources last December, Administration officials indicated:

(1) "We do not know exactly what is causing" an increase in the past year of imports of certain Soviet-origin strategic minerals, though possible explanations include, "Soviet needs for hard currency in light of lower oil prices, increased minerals production in the Soviet Union, and rapidly rising demand here in the United States. The latter may be particularly significant. . . . (Considering) four (key) minerals, U.S. imports from South Africa (of three) have also risen in the last year", and

(2) "We are in the process of having the Census Bureau and the Commerce Department do a market share analysis to see what part of total U.S. consumption is shifting. We think for some it is negligible".

It is extremely unlikely that South Africa would attempt to deny strategic minerals to the West, particularly in an environment where sanctions already constrain foreign exchange earnings. Mineral production alone comprises nearly a fifth of South Africa's GDP. A 1983 study by the South African Foreign Affairs Association concluded that, "Any attempts to place an embargo on the export of minerals and their processed products from South Africa would have a disastrous effect on South Africa's balance of payments and indeed on the whole economy". In testimony last December before the Mining and Natural Resources Subcommittee, a State Department witness stated, "The current Government of South Africa has said that it will not interrupt mineral exports. And, indeed, they have laid a great deal of emphasis on what they regard as their quality as a reliable supplier of these minerals".

Were South Africa to embargo strategic mineratls to the West, it could experience devastating retaliation: For example, U.S. and/or Western sales from gold stocks or bans on gold imports could devastate South Africa's foreign exchange earnings. As the South African newspaper Business Day recently commented about a rightist academic's proposal to play the strategic minerals card: "His call is as ludicrous as it is dangerous. Blackmail will not work. . . . The U.S. will not fold meekly in the fact of a South African ban on mineral sales". Similarly, the Afrikaner newspaper Die Vaderland editorialized, "Sanctions by us will have less chance of success than sanctions against us.".

Even if South Africa were to cut off strategic minerals, it would not necessitate a dangerous U.S. dependence on the Soviets. First, in the short-term, public and private stockpiles would cushion the blow. The U.S., for example, has, in Government stockpiles alone, supplies equal to 50 months of total imports from all countries of chromium, 58 months of manganese, and 5–18 months of platinum. Secondly, a lengthier interruption (3–7 years) would result in major problems of industrial adaptation, and some added inflation, but over time these problems could be substantially overcome through exploitation of domestic and foreign resources, and use of existing or new technologies of substitution, or recycling and conservation. For example, according to recent Congressional testimony by Administration officials and analyses by the Bureau of Mines, the U.S. National Materials Advisory Board and the Office of Technology Assessment:

(1) More than two-thirds of South African supplies of chromium to the world could be offset over time by full utilization of current production capacity elsewhere. Zimbabwe alone (whose chromium could be transported through non-South African routes being improved by SADCC) has known reserves equal to forty-two (42) years of total world consumption. About 30 percent of U.S. consumption could be conserved within 5 years, and up to 65 percent in 5–10 years.

(2) With regard to manganese, withdrawal of South African supplies could be met through tapping underulitized capacity in non-Soviet Bloc countries and expansion of ore capacity in Australia. And conservation and substitution could quickly save 10–25 percent of current consumption.

(3) Regarding platinum-group metals, substitution and conservation could lower consumption in the short-term by 15–35 percent. Perhaps 50 percent of automobile consumption could be salvaged simply through recycling of obsolete catalytic converters. Furthermore, a major OTA study in 1985 concluded that, "In a supply disruption lasting 1 to 3 years, recalibration of new vehicles for lower emissions without catalyst use would be feasible. With an intensive program of research and development . . . alternative emission control systems that do not use Platinum-Group Metals but would approach current emissions and fuel economy standards could probably be developed. However, this would require at least 5 years. . . ." At higher prices, additional supplies could be obtained domestically and from Canada. In the event of a total South Africa embargo to the West, Japan, which uses 28 percent of world platinum production for jewelry, could be expected to curtail demand, releasing supplies for other needs.

(4) Finally, there is sufficient non-Soviet mine capacity to make-up for a cut-off of South African vanadium; And cobalt (which is shipped from Zaire and Zambia through South Africa) could be shipped via alternative SADCC routes or simply flown out as it has been in the past.

Without effective pressure against apartheid through sanctions, violence in South Africa and the region may itself cause interruptions in the production, transport and supply of strategic minerals.

Whatever problems might result from a cut-off of strategic minerals by the apartheid regime, these could also occur when a black majority regime takes over, especially after a bloody conflict in which the West did not take a clear anti-apartheid stand. Such problems would obviously be more enduring. The solution then is: (1) to make our position on apartheid clear as we do in this bill and (2) provide, as we also so, a date certain for the President to come up with the program to reduce dependence on South African minerals that was mandated in the 1986 Act, so that we can counter the minimal risk of retaliation by the South African regime. A year and a half after the passage of the CAAA, there is no firm date for the completion of this program.

[From the Los Angeles Times, May 13, 1988]

Raw Mineral Cartel Threat Is Buncombe From Botha

(By Jonathan Power)

South Africa's President Pieter W. Botha has decided that he just might play hardball with the United States. This is nothing new; it is the nature of the man. But usually Botha strikes out domestically or with his near neighbors, suppressing dissent and intimidating the opposition. Now, however, he's thinking of turning his tough skin outward and preparing to threaten the United States with a boycott of the strategic minerals that America needs for its aircraft and other high-performance industries—chromium, vanadium, platinum, nickel, titanium and antimony, for which South Africa has about one-third of the world's output.

The planning for such a step by the South African government has been sparked by the U.S. Congress' sudden move toward adopting a new tough sanctions bill that would impose a near-total trade embargo on South Africa. The reason: Pretoria's refusal to give independence to its illegally occupied territory of Namibia and to undertake significant reforms of its system of racial oppression.

But South Africa is in danger of miscalculating its power. Perhaps it has listened to the American right wing for too long and has fallen for its old line about how the Soviets must never be allowed to close in on South Africa because then they would strangle the West by denying it crucial raw materials. Former Secretary of State Alexander M. Haig, Jr., during his bid for the presidency, used to say that the United States was entering "an era of resource wars" and that South Africa was the "primary theater."

Ironically, fervent anti-leftist Botha now wants to do for himself what he and the American right have said was the Soviet master plan—deny the Western world access to South Africa's strategic raw materials.

Such thinking is even more buncombe than the supposed power of the Organization of Petroleum Exporting Countries, which at least momentarily had its day before panic subsided and reason began to reassert itself.

South Africa is not the "Persian Gulf of minerals," and there is no likelihood based on present evidence that the Soviet Union, the world's other major producer of rare metals, could join South Africa in an attempt to make it so. Yet without the Soviet Union as a partner its effort would be stillborn.

And even on the assumption that the Soviet Union would jump at any chance to hurt the West, the argument fails. The West itself has many alternative sources of supply—in Canada, Australia and the United States itself. A rising price, brought about by a Soviet-South African cartel, would encourage present uneconomical mines to come on line again. Substitutes would become available, and the West's substantial stockpiles would help bridge initial shortfalls.

The most important detailed study made of this subject was commissioned by the Congressional Research Service in 1980. It concluded: "South African minerals are of significant, but not critical, importance to the West. It is fortunate in the case of each of the critical minerals imported from South Africa [that] means are available for dealing with an interruption without depending on the Soviet Union as an alternative supplier."

REBUTTALS

SANCTIONS HURT SMALL UNITED STATES INVESTORS IN SOUTH AFRICAN MINING COMPANIES (SUCH AS ASA)

"Disinvestment from South African gold mining and other securities ('American Depositary Receipts') will severely harm small U.S. investors while enabling white South Africans to purchase stock at fire sale prices. According to one study, H.R. 1580 could cost American investors over $1.2 billion".

Rebuttal. There is no convincing evidence that H.R. 1580's requirement for disinvestment of these securities (which amount, according to the most recent South African estimates, to approximately $3 billion) will significantly harm a large number of Americans. The largest gold mining fund in the U.S., International Investors, testified on June 24, 1988 to the Senate Foreign Relations Committee that the average shareholder account was currently valued at just $6,800. And many of these investors are believed to be long-term holders who purchased their securities at much lower prices many years ago.

Rebuttal. A study financed by International Investors concludes that passage of H.R. 1580 will result in a financial loss to U.S. investors in South African gold mines of $1.2 billion below current values, or about $2000 per investor on average. However this study is based on mistaken assumptions that significantly exaggerate potential losses from enactment of the legislation. First, it largely ignores other factors that have caused a 40 percent loss in value of these securities since July 1987 and would be likely to continue to generate losses without new legislation, namely: increasing costs due to depleted high grade reserves and rising wage bills, declining labor productivity because of strikes and unrest, falling exchange rates, political instability, and state and local divestiture laws. Secondly, it incorrectly assumes investors would have to dispose of their assets within six months although the legislation allows up to 12 months if the President determines there is "good cause".

Rebuttal. Disinvestment of these securities will, however, significantly hurt South Africa's economy. Disinvestment will lower the price of South African mining securities just as gold mines need to raise additional capital to assure their future. According to a recent study published in Leadership magazine, gold production has plunged 40 percent since 1981, and the industry needs to discover and prove 108 million tons of reserves yearly simply to maintain current production. But, "The major factor inhibiting exploration is financial. South African investors are grossly underinvested in exploration . . . Only $30 million ($15 million) was raised last year from the investing public on the Johannesburg Stock Exchange . . . Quite simply far more money needs to be channeled into exploration by the mining houses, institutions and investors". The sale of 13 percent of total mining shares in South Africa—the American portion affected by H.R. 1580—would deal a serious blow to South Africa's efforts to raise more capital to support the mining of gold, its largest foreign exchange-earning commodity.

Rebuttal. U.S. investments in the South African mining industry support one of the most dehumanizing institutions of apartheid—migratory labor. Almost all of the more than 600,000 black miners in South Africa are forced to leave their families for 11 months/year and dwell in single-sex hotels, while wives and children try to live on remittances and what they can grow on the 13 percent of relatively poor land allocated to the black majority. This institution, which lies at the heart of apartheid, literally destroys family life.

Rebuttal. In the end, there will be some relatively small costs to these U.S. investors as there will be to other Americans. We all wish there were a way to raise the costs to the South African regime that did not also involve costs for Americans, just as we wish it were possible to avoid collateral costs for South Africa's black majority. But, there is simply no cost-free means of adding to the pressure on the South African regime—anymore than there was a cost-free means of bringing pressure to bear on the Soviet Union, Poland, Libya, Cuba, and Iran. The bottom line is that it will be less costly to our considerable economic, political and humanitarian interests in Southern Africa if we exert pressure now for peaceful, non-violent change. The Comprehensive Anti-Apartheid Act already forbids investments in South African securities marketed after October 1986, so the holders of these securities have been "on notice" about Congressional concerns for almost 2 years.

Mr. Chairman, I yield back the balance of my time.

□ 1845

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I rise in strong support of the only legislation that will seriously address the problems facing nonwhites in South Africa.

As typical Americans, we look to quick-fix solutions to complex problems. Advocates of sanctions want instant results to the intractable problems in South Africa, and anyone who questions their methods is branded as insensitive and racist.

William Rasberry, a leading black columnist from the Washington Post, posed the right question regarding the how to change the system in South Africa—sanctions or strikes? In other words, will the U.S. Government help blacks gain economic power to overturn apartheid?

I am reluctant to question the motives of my fellow colleagues. However, I am compelled to doubt the noble sounding words of supporters of sanctions when most astute observers of South Africa conclude that sanctions will do nothing to end white-minority rule but would devastate black economic power.

Estimates of job loss among black South Africans range as high as 2 million. Because 6 to 8 persons depend on the salary of one wage earner, over 12 million black South Africans will become inbittered and hardened against their homeland. Do advocates of sanctions want these people as recruits for the Marxist-dominated African National Congress? Are they really paving the way for a South African Government run by the Communist African National Congress? What the Dellums-Wolpe bill does it set the stage for international conflict. And some of that conflict comes home to roost in the United States. I salute the commonsense and perservance of my good friend and colleague from Indiana for proposing another way to convey America's rejection of the apartheid problem in South Africa and helping those most impacted by this policy—nonwhite South Africans.

This substitute embodies many of the goals I hope will all share in this body regarding South Africa. We should be reinforcing policies that empower blacks to overcome apartheid, not throw them out of work.

Former Deputy Secretary of State, Alan Keyes said, "The question for Americans . . . is not with what well-intentioned gestures can we show our hatred of apartheid and our sympathy with the suffering of its black victims but rather how, with concrete acts, we can support the expansion and use of their positive power."

The Burton substitute does exactly that. It puts action behind our noble words, rather than passing ineffective "ugly American" sanctions to make a hypocritical, feel-good moral statement.

Mr. Chairman, I submit for the RECORD an opinion piece by Helen Suzman, long-time foe of apartheid and a member of the Progressive Federal Party. This article summarizes my feelings regarding the South African debate. The way to end apartheid is empower blacks—not by tearing down one of the most productive economies in all of Africa. It may take some time and patience. But to be on the right side of history, I encourage my colleagues to support the Burton substitute.

[From The Washington Post, June 15, 1988]

A WRECKED ECONOMY WON'T END APARTHEID

(By Helen Suzman)

At his enthronement in Cape Town in September 1986, Archbishop Desmond Tuto stated that "the onus is on those who do not want sanctions to provide us with a viable, nonviolent strategy to force the dismantling of apartheid." He has repeated his challenge several times since then.

While I disagree with the underlying premise of this remark—i.e., that sanctions do provide such a strategy—he is certainly justified in asking what the alternative is. And the question is particularly relevant when it comes from a man who does not have a vote, despite the fact, as he has often pointed out, that he is a South African by birth, the head of the Anglican Church in southern Africa and a Nobel laureate.

Short of getting rid of this government and replacing it with a nonracial democracy—which is highly unlikely in the foreseeable future, sanctions notwithstanding—the sad truth is that there is no instant solution that will transform the South African scene. There are, in fact, only the long-term effects of economic expansion within the country itself—that is, the same factors responsible for those noncosmetic changes that have already taken place.

The repeal of job reservation—the law that reserved skilled work for whites—was a result of the increased demand for skilled labor to meet the growing requirements of the economy.

The recognition of black trade unions came about as a result of "wildcat" strikes, no one with whom to negotiate and the need therefore to bring the emerging black labor movement within the purview of the industrial conciliation machinery. The acceptance, at long last, of the permanence of blacks in the urban areas came about because of economic forces motivated by the "push factor" of poverty in the black rural areas and the "pull factor" of job opportunities in the"white urban areas." This irresistible force led finally to the impossibility of implementing effectively the hated Pass Laws and Influx Control, which restricted the mobility of blacks, and to their repeal two years ago.

None of these changes, however, has heralded the removal of such fundamental cornerstones of apartheid as the Race Classification Act or the Group Areas Act and the Land Acts, which designate ownership and occupation of land and property on a racial basis. Nor has the crux issue of political rights for blacks been addressed. But given the obduracy and military strength of the present government, it must be conceded that any prospect of a transfer of power by the National Party government is just not on the agenda. Survival is now the issue, and a siege economy is preferable, according to National Party thinking.

In the unfounded hope, therefore, of the rapid demise of the apartheid regime, it is surely senseless to blunt the only weapon with which blacks can improve their position at the work place, and beyond the work place, through their economic muscle, mobilized in trade union structures, and through their consumer power in the market.

Restriction of the economy through sanctions must inevitably result in a decrease in the demand for labor and widespread unemployment. Why then are sanctions and disinvestment advocated by people who are working for black advancement, thereby undermining the major power base that blacks can obtain? Some, like the archbishop, sincerely believe that this strategy will expedite the dismantling of apartheid. Others hope it will bring down the capitalist system, which they identify with apartheid.

The archbishop encourages disinvestment as well as sanctions, as evidenced by his refusal recently to accept an honorary degree at Tulane University because the trustees of the university had not divested of stocks in companies operating in South Africa.

Surely foreign firms should, instead, be encouraged to continue with their very extensive programs to help lay the foundation for a stable postapartheid society. In the past eight years U.S. corporations in South Africa, for example, spent more than $210 million on education, training and housing of their black employees and their families, on health facilities and on legal aid. Withdrawal of these firms has inevitably meant reduction or even curtailment of these programs, to the detriment of future black leadership and its participation in the post-apartheid era. And once gone, the influence such firms exercised on the local scene is gone too.

Power takes many forms, and in South Africa today, blacks are slowly but surely accumulating economic power as they are drawn into the national economy, not only in ever-increasing numbers but at rising levels of skills. Economic muscle can be used, as has been shown in all industrialized countries, to redress imbalances in wealth, privilege and power.

I do not believe that South Africa will be the exception, though the solution offered is long term, and there is no doubt that blacks are impatient, as one can well understand, for change—fundamental change—now.

The archbishop has stated that if certain demands are met, he will call for the withdrawal of sanctions and presumably of disinvestment. However, once sanctions have been imposed, and once established enterprises have withdrawn, it will take more than the green light from the archbishop to restore normal trade and industrial activity, as the Rhodesian/Zimbabwean example demonstrated: few firms returned after liberation.

Moreover, if the United Nations imposes mandatory sanctions against South Africa, one veto at the Security Council will prevent those sanctions from being lifted.

An expanded economy is the mechanism that creates jobs and wealth in which all must share. Contact and a diplomatic presence within South Africa exercise significant influence. Isolation and a wrecked economy may give moral satisfaction to some of those who oppose apartheid, but this course of action should surely be weighed against the unintended consequences that are likely to result.

BRITISH EMBASSY,
Washington, DC, August 2, 1988.

Hon. MORRIS UDALL,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN UDALL: 1. I understand that the house Interior Committee is holding hearings on 3 August on the Anti-Apartheid Amendments Act of 1988.

2. The EC and the UK have already made clear to the Department of State their objections to the extraterritorial aspects of the draft legislation. These are unacceptable to the British Government as a matter of law and policy. The EC Commission and Member States made an oral demarche to the Department of State on 8 June. We supported these representations in a Diplomatic Note which was delivered to the State Department on the same day. My Ambassador subsequently wrote to draw attention to our concerns to the chairmen and ranking minority members of the committees of the House of Representatives then considering the legislation. I enclose a copy of that letter.

3. I am writing to you now about one other aspect of the draft legislation, namely the provision which would deny the issue of leases or permits for exploration or development of oil, gas or coal in the US to any foreign person who has an investment in South Africa or breaches the prohibition on oil transportation. From the UK's point of view, this would be a very serious prohibition which would hit two major British companies (BP and Shell) with inevitable consequences for Anglo-American relations.

4. The award of oil licenses in the UK is generally conducted on a discretionary basis. When a foreign-owned company applies for a license one of the factors taken into account is the extent to which UK companies are afforded equitable treatment when applying for licenses in the foreign country concerned. As you may know, there is a similar reciprocity provision in the US, in the Mineral Leasing Act of 1920.

5. If the US introduced legislation which resulted in BP and Shell no longer receiving equitable treatment when applying for US licenses, then the British Government would certainly come under strong domestic pressure to retaliate against US oil companies operating, or wishing to operate, in the UK. Given the very substantial participation of US oil companies in the North Sea as well as the importance of the North Sea for their operations this is a situation which we very much hope will not arise.

I am sending a copy of this letter to Congressman Young and also to Congressman Huckaby who I understand intends to offer an amendment on this subject.

Sincerely,

B.L. CROWE,
Chargé d'Affaires.

Mr. BURTON of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, this substitute increases the economic prospects for non-white South Africans. I strongly support it.

Mr. DREIER of California. Mr. Chairman, I rise in support of the Burton substitute to H.R. 1580, the Anti-Apartheid Act Amendments of 1988. While H.R. 1580 attempts to further undermine the political system of South Africa, Mr. BURTON's proposal seeks to strengthen the economic prospects of South Africa's nonwhite population. As a solid opponent of apartheid, I believe that the best hope for South African blacks to gain political power is to gain still greater economic power. United States direct investment in South Africa has played an important role in the development and expansion of the black majority's role in South Africa's economy. As a result, this investment must be encouraged and not prohibited.

In 1986, Congress once again placed political interest over the welfare of the black majority in South Africa with the enactment of the Comprehensive Anti-Apartheid Act. Since the sanctions under this act were imposed, there have been persistent reports that United States sanctions have contributed to black unemployment in South Africa, particularly in the agriculture, textile, coal, and iron and steel industries. Another substantial loss to black workers in South Africa has been the withdrawal of at least 160 United States companies. Such disinvestment has accelerated the concentration of wealth in South Africa's economy hand has reduced spending on education and training programs which the United States Code of Conduct requires for United States companies operating in South Africa. During the past decade, United States companies have spent $200 million on these so-called social responsibility programs. The new management of many of these firms are unwilling to talk about either the prospects for spending on such programs or future levels of employment. Should H.R. 1580 be enacted, South African workers would lose the benefits of, for example, Johnson & Johnson which currently provides doctors and clinics with free medical supplies as well as pays the bills to educate many black doctors. Is it any wonder that most black South Africans do not favor withdrawal of United States businesses?

These are just a few of the most important reasons for supporting a new and active role for our Government and American business in South Africa. The approach we need is embodied in the Burton Substitute. While retaining the existing, failed economic sanctions, the Burton substitute provides an aid package—targeted to reach the victims of apartheid—of up to $87 million, more than double the assistance in H.R. 1580. The substitute would allow American companies to continue operating in South Africa but would increase the standard for the contribution of these firms toward black development projects; 15 percent of their payroll would be spent on education, training, and private enterprise development. In addition, the substitute earmarks $2 million for microenterprise loans and provides critically needed access to credit, credit guarantees and foreign capital for the black business sector through the Export-Import Bank. Further, financing for basic housing for the approximately 1.5 million black squatters in South Africa would be extended through the United States Housing Investment Guarantee Program. This project would further strengthen the important steps already taken in the area of black urbanization. A Presidential Coordination Advisory Group would be set up to coordinate efforts of both private and Government groups. Mr. Chairman, increased United States investment is needed to help the current nonwhite workers in South Africa and to create jobs for the 350,000 new workers entering the labor force each year. South African blacks understand that black empowerment is the key to ending apartheid. Why is this concept so difficult for Congress to grasp?

Based on our experience with United States unilateral economic sanctions over the past 2 years, I believe that passage of H.R. 1580 will hasten the violent racial struggle which proponents of sanctions purportedly seek to avoid. The only beneficiaries of comprehensive sanctions will be South African business and our foreign competitors. Instead of attempting to bring down the white minority government in South Africa, the United States should target our efforts to building up the power that black South Africans have now. We need to invest in the black trade unions, black educational efforts, and black private sector initiatives. This will restore our leverage with the South African Government and our ability to influence a peaceful transition to a multiracial South African democracy. A goal which all Americans should work toward.

Mr. BURTON of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of the Burton amendment and in opposition to the bill.

Some wise person said if you do not study history you are going to repeat it.

Mr. Chairman, I appreciate this opportunity to voice my deep concerns over the legislation we are debating today. There is no debate among us today in the immorality of the apartheid system in South Africa. Apartheid is a horrible system that we would all like to see put to an end. What we are debating today is how best to bring about the end of apartheid.

In 1986, I voted to apply sanctions to the South African Government. Today, we are back debating this issue again because it has become painfully obvious that the sanctions we imposed in 1986 have not had the intended result. To the contrary, the sanctions we imposed have further entrenched the ruling minority, have not helped black South Africans, and may have hurt us in the United States more than the South African Government.

I have two overriding concerns with the legislation we are considering today—its effectiveness and its ultimate impact.

The proponents of the legislation before us, H.R. 1580, believe that stronger sanctions will work, even though previous sanctions did not. They believe that forcing the South African Government to its knees will help South African blacks.

To the contrary, the South African Catholic Bishops' Conference has reversed its position on sanctions, and in its January 1987 report came to the conclusion that the current sanctions were not only ineffective but were actually counter-productive. Chief Buthelezi, leader of the 6 million members of the Zulu Tribe in South Africa said, "Sanctions and disinvestment worsen our position and set the clock back. They are madness!"

According to the U.S. State Department, 90 percent of those people unemployed in South Africa since the 1986 imposition of sanctions, including 12,000 seasonal fruitworkers; several thousand textile workers; 1,300 iron and steelworkers; and 8,000 coal industry workers, are black. The coal industry attributes almost half of its layoffs to sanctions.

Many people, in their zeal to appear to be doing what is "morally right", fail to give consideration to what black South Africans lose under the imposition of stronger sanctions. During the past 8 years, American companies have pumped over $210 million into economic development projects for South African blacks. These programs have included: housing loans and grants; education and training; college scholarships, clinics, legal aid, and other programs.

Since the United States imposed economic sanctions after passage of the 1986 legislation, the South African Government has become even more repressive and less intent upon dismantling apartheid. It has banned activities by seven leading opposition groups; it has introduced legislation banning political parties and organizations from receiving foreign funding; its rightwing white minority gained more power in the recent elections making it even more difficult for the government in power to take more steps toward dismantling apartheid; it has become less dependent, by necessity, on U.S. economic activity—its exports were up 1.3 percent in 1987 according to the State Department—and, it has moved closer to the Soviet Union in announcing intentions to negotiate with the Soviets toward a settlement in Angola.

As well, the question must be raised about the future of the South African Government. By worsening the economic conditions of hundreds of thousands of blacks in South Africa, we push them toward violent overthrow. We cannot help but be concerned about the influence of the Communist African National Congress [ANC] in southern Africa and what government would replace the current South African regime if it were overthrown.

Also of concern must be the effect of sanctions on the United States. We want to do what is morally correct, but we cannot disregard the national security interest of the United States. South Africa supplies 66 percent of our platinum, 45 percent of our vanadium, 61 percent of our cobalt, 39 percent of our maganese, 50 percent of our palladium, and 55 percent of our chromium. These minerals are all vital for our military and heavy industry, and the only other major world supplier of most of these minerals is the Soviet Union.

Although this legislation allows the President to exempt strategic minerals from the boycott if he certifies to Congress the mineral is vital to national security, that does not mean South Africa will sell it to us. South Africa has easily found other markets for the products it sold us before the 1986 sanctions. We may end up paying a far higher price for these vital minerals if we have to buy it secondarily through another country. As national leaders, we must take this security matter into consideration, as well as the bill's ban on military and intelligence cooperation.

In summary, I believe apartheid is wrong. I simply do not believe the legislation before us will eliminate apartheid, nor will the measure be in the best interest of black South Africans or the United States.

Mr. BURTON of Indiana. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. Burton].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 125, noes 259, not voting 47, as follows:

[Roll No. 286]

AYES—125

Archer
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Broomfield
Brown (CO)
Buechner
Burton
Callahan
Clinger
Coats
Coble
Coleman (MO)
Combest
Courter
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kemp
Kolbe
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (FL)
Lightfoot
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCrery
McEwen
McMillan (NC)
Miller (OH)
Montgomery
Moorhead
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Ravenel
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Saxton
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Whittaker
Wolf
Wortley
Young (FL)

NOES—259

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Bennett
Berman
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lantos
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Price
Pursell
Rahall
Rangel
Ray
Regula
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NOT VOTING—47

Akaka
Armey
Badham
Baker
Beilenson
Bevill
Boulter
Boxer
Bunning
Carr
Cheney
Conte
Craig
DeLay
Dickinson
Dorgan (ND)
Dowdy
Hatcher
Horton
Jones (TN)
Kolter
Lehman (CA)
Lewis (CA)
Lipinski
Livingston
Lott
Mack
MacKay
McCandless
McCollum
McGrath
Meyers
Mica
Michel
Mineta
Molinari
Murphy
Myers
Nichols
Pepper
Quillen
Roybal
Skelton
Spence
Tauke
Walgren
Young (AK)

□ 1904

The Clerk announced the following pairs:

On this vote:

Mr. Armey for, with Mr. Mineta against.

Mr. McCandless for, with Mr. Roybal against.

Mr. Craig for, with Mr. Akaka against.

Mr. Cheney for, with Mrs. Boxer against.

Mr. Boulter for, with Mr. Conte against.

Mr. KENNEDY changed his vote from "aye" to "no."

Mr. LENT changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute made in order under the rule.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Foley] having assumed the chair, Mr. Traxler, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 1580) to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes, pursuant to House Resolution 519, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROOMFIELD. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROOMFIELD moves to recommit the bill, H.R. 1580, to the Committee on Foreign Affairs with instructions to report the same back forthwith with the following amendment:

At the end of the bill, add the following new section:

"SEC. 302. NATIONAL SECURITY INTERESTS.

"Notwithstanding section 301 or any other provision of this Act, no provision of this Act shall go into effect until the President certifies that the timing or contents of this Act will not undermine the peace negotiations among Angola, Cuba and South Africa currently being mediated by the United States, or otherwise undermine United States national security interests in southern Africa."

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes in support of his motion to recommit.

Mr. BROOMFIELD. Mr. Speaker, the amendment contained in this motion would prevent the sanctions in the bill from taking effect until the next President, whether it be BUSH or Dukakis, certifies that they would not undermine the southwestern Africa peace talks or other United States national security interests in southern Africa.

In the current peace talks, we are on the verge of freeing Namibia from the South African apartheid system. In addition, the talks could lead to the withdrawal of troops from Angola.

I am informed by the White House that they wholeheartedly support this language as a necessary addition to the bill.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I rise in support of the motion to recommit. By sending the bill back to the Foreign Affairs Committee with instructions, protections will be added that safeguard the peace negotiation process between Angola, South Africa, and Cuba.

The motion will not derail the bill but will guarantee that the delicate agreement that brings about the freedom of Namibia and the end to the interventionist civil war in Angola will be protected from partisan politics.

Let me venture to construct a situation that is not acceptable to any Member of the House of Representatives. Without this motion, the success of the uneasy peace in Angola, slowing down a civil war that has taken such a toll on southern Africa, could be jeopardized. War between the Cuban, South African, and the Angolan factions could erupt again in deadly fashion.

Without this motion, the slavery that 1.5 million Namibians face may not be ended, the occupation of the estimated 50,000 Cuban troops may continue and the South African security forces will remain in Angola and Namibia.

We have a chance today to preserve a worthy foreign policy objective. We have a chance to gain the independence of the country of Namibia and we have a chance today to save the lives of Angolans who have been fighting since 1974 for some sense of freedom.

Mr. Speaker I would hope that the House would take into consideration the peace negotiations in Angola and the independence of the 1.5 million people of Namibia. Support the motion to recommit.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I hope the House listened to the content of the Broomfield motion because one of the things that we have to be concerned about in the bill that we have before us is that it does run the risk of violence; it does not necessarily mandate violence, but it runs the risk of violence.

The choice that the Broomfield motion gives you is a choice between risking violence and pursuing peace.

There is an ongoing peace process in southern Africa; it is a peace process which is working.

Colin Powell, the President's National Security adviser, has warned that action on the bill that we have before us today could jeopardize the peace process. Secretary Shultz in a letter to the minority leader has written:

> It would be unfortunate to take any action that would let either the South African or Cuban Governments off the hook regarding Namibian independence under UNSCR 78/435 or the withdrawal of the only extracontinental expeditionary force in Africa.

We were told when we debated the issue of Central America that those fighting for freedom should be abandoned in the pursuit of peace. I did not believe that then, I do not believe it now. But neither do I believe that we should go out and do something which undermines the peace process. We have successful negotiations underway toward peace. This motion to the bill essentially what it is is an amendment, says that the President, the next President should be able to pursue peace without restraints.

Earlier in the debate one speaker made what I thought was an unfortunate statement when he said that only apologists for apartheid oppose the Dellums bill.

I think that statement was unfortunate because it certainly is untrue.

But I think that those who are truly committed to peace have a choice at this juncture. A vote for the Broomfield motion is a vote for keeping the flame of peace alive in southern Africa.

I would urge a "yes" vote.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. WOLPE] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. WOLPE. Mr. Speaker, the clear intent and effect of the motion to recommit would be to put the sanctions decision squarely and exclusively in the hands of the President and thereby kill this legislation. If you like constructive engagement, you will love this motion to recommit.

□ 1915

I submit that that is not in America's national interest.

Mr. Speaker, I urge a "no" vote on the recommital motion.

REBUTTAL TO MOTION AND RECOMMIT

"Now is not the time to vote new sanctions when progress seems possible in sensitive diplomatic negotiations for a South African withdrawal from Namibia in conjunction with the departure of Cuban troops from Angola."

Rebuttal. It remains to be seen whether South Africa, which has "agreed" many times to end its illegal occupation of Namibia, will actually do so. Congress can hardly accept the recent incremental changes in South Africa's behavior as grounds for postponing action on additional sanctions, given the sound reasons for questioning South Africa's true intentions.

Rebuttal. Whatever seriousness we have seen recently on the part of South Africa in the talks stems largely from mounting foreign pressures, especially the placement of Cuban forces at the Namibian border and the imminent passage of sanctions legislation. Congressional pressures must continue to be imposed on South Africa if there is to be any hope that South Africa will compromise with the Cubans and Angolans on a reasonable coordinated timetable for the withdrawal of Cuban forces and the implementation of U.N. Security Council Res. 435. A refusal to pass sanctions now will jeopardize the ability of the Senate to take action before Congress adjourns in October and thereby encourage further South African procrastination.

Rebuttal. Most importantly, to "reward" South Africa for the possibility that it might meet one of the six conditions in H.R. 1580 for lifting sanctions—freeing Namibia—by postponing the new sanctions contained in H.R. 5175 is ridiculous. The purpose of sanctions is to raise costs to South Africa of its horrendous apartheid policy which oppresses 28 million people and violently disrupts the entire southern African region. Killing sanctions legislation because of progress on Namibia will only encourage increased South African domestic repression and regional aggression against neighboring countries.

Rebuttal. Sanctions will not derail the negotiations; the insincerity of South Africa will derail negotiations. As in the past, South Africa can make use of any number of pretexts, including sanctions, in order to delay committing to a genuine regional settlement. Indeed, South Africa has already indicated several in the recent talks: the finances of the Namibian administration, the 'partiality' of the U.N., the possibility of 'internal' elections prior to the national elections mandated in U.N. Security Council Resolution 435.

Rebuttal. It is odd and rather disengenuous that the Adminisration feels that pressure on the most intractable party to these talks should be eased, when one considers that:

(i) the Administration imposes major parties to the talks;

(ii) the Administration provides reportedly rising levels of covert aid to UNITA and refuses to bargain that assistance away as part of a regional settlement, and;

(iii) the Administration has taken harsh diplomatic, economic and military steps against Nicaragua in the name of inducing reform and regional stability.

The SPEAKER pro tempore. (Mr. FOLEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule XV, the Chair will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device, if ordered, may be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 137, noes 240, not voting 54, as follows:

[Roll No. 287]

AYES—137

Archer
Ballenger
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Boehlert
Broomfield
Brown (CO)
Buechner
Burton
Callahan
Chandler
Clinger
Coats
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Marlenee
Martin (IL)
Martin (NY)
McCrery
McDade
McEwen
McMillan (NC)
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Roukema
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stratton
Stump
Sundquist
Sweeney
Swindall
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Whittaker
Wilson
Wolf
Wortley
Young (FL)

NOES—240

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Bennett
Berman
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Costello
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Ray
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NOT VOTING—54

Akaka
Armey
Badham
Baker
Barton
Beilenson
Bevill
Boulter
Boxer
Bunning
Carr
Cheney
Conte
Craig
DeLay
Derrick
Dickinson
Dorgan (ND)
Dowdy
Gephardt
Gingrich
Hatcher
Horton
Hunter
Jones (TN)
Kolter
Lehman (CA)
Lewis (CA)
Lipinski
Livingston
Lott
Mack
MacKay
Madigan
McCandless
McCollum
McGrath
Meyers
Mica
Michel
Mineta
Moakley
Molinari
Murphy
Nichols
Pepper
Quillen
Roybal
Skelton
Spence
Stenholm
Tauke
Walgren
Young (AK)

□ 1930

The Clerk announced the following pairs:

On this vote:

Mr. McCandless for, with Mr. Pepper against.

Mr. Craig for, with Mr. Akaka against.

Mr. FRANK and Mr. ROWLAND of Connecticut changed their vote from "aye" to "no."

Mr. STANGELAND changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. In accordance with the previous announcement of the Chair, this vote will be limited to 5 minutes.

The vote was taken by electronic device, and there were—ayes 244, noes 132, not voting 55, as follows:

[Roll No. 288]

AYES—244

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Bennett
Berman
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Costello
Coyne
Crockett
Darden

Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Ray
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NOES—132

Archer
Ballenger
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Boehlert
Broomfield
Brown (CO)
Buechner
Burton
Byron
Callahan
Chandler
Chapman
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lewis (FL)
Lightfoot
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Marlenee
Martin (IL)
Martin (NY)
McCrery
McEwen
McMillan (NC)
Miller (OH)
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Penny
Petri
Porter
Pursell
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Saxton
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stallings
Stangeland
Stump
Sweeney
Swindall
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Young (FL)

NOT VOTING—55

Akaka
Armey
Badham
Baker
Barton
Beilenson
Bevill
Boulter
Boxer
Bunning
Carr
Cheney
Conte
Craig
DeLay
Dickinson
Dorgan (ND)
Dowdy
Gephardt
Gingrich
Hatcher
Horton
Hunter
Jones (TN)
Kemp
Kolter
Lehman (CA)
Lewis (CA)
Lipinski
Livingston
Lott
Mack
MacKay
Madigan
Mazzoli
McCandless
McCollum
McGrath
Meyers
Mica
Michel
Mineta
Molinari
Murphy
Nichols
Pepper
Quillen
Roybal
Skelton
Spence
Stenholm
Sundquist
Tauke
Walgren
Young (AK)

□ 1938

The clerk announced the following pairs:

On this vote:

Mr. Dorgan of North Dakota for, with Mr. Kemp against.

Mr. Pepper for, with Mr. McCandless against.

Mr. Lehman of California for, with Mr. Nichols against.

Mr. Akaka for, with Mr. Quillen against.

Mrs. Boxer for, with Mr. Armey against.

Mr. Mineta for, with Mr. Barton of Texas against.

Mr. Roybal for, with Mr. Cheney against.

Mr. Carr for, with Mr. DeLay against.

Mr. Gephardt for, with Mr. Craig against.

Mr. Jones of Tennessee for, with Mr. Boulter against.

Mr. Conte for, with Mr. Sundquist against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSION OF APPRECIATION FOR SUPPORT OF SOUTH AFRICA SANCTIONS BILL

(Mr. WOLPE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WOLPE. Mr. Speaker, I wish to express my deep thanks and appreciation for the efforts of several key committee and subcommittee chairmen who made passage of this bill possible: Congressmen FASCELL, BONKER, ASPIN, NICHOLS, ROSTENKOWSKI, GIBBONS, STOKES, ST GERMAIN, and DINGELL. I also wish to acknowledge the contribution made by the respective staffs of Congressman RON DELLUMS' office and the Foreign Affairs Subcommittee on Africa.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the Burton amendment, and that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, because of my work on the Republican Party platform, I was unable to cast my vote on the following rollcalls and ask unanimous consent that my explanations appear at the appropriate place after each vote in the permanent RECORD:

Rollcall 267, H.R. 5090, United States-Canada Free-Trade Agreement, "aye."

Rollcall 268, H.R. 4800, conference report on HUD-independent agencies appropriations, "aye."

Rollcall 269, to table a motion to discharge the Armed Services Committee from further consideration of H.R. 4264, "nay."

Rollcall 270, H.R. 5015, conference report on emergency drought assistance, "aye."

Rollcall 271, H.R. 3661, to forgive a loan for the Thomas P. O'Neill Library in Boston, MA, "nay."

Rollcall 272, to approve the Journal of August 9, 1988, "nay."

Rollcall 273, to table a motion to discharge the Armed Services Committee from further consideration of H.R. 4264, "nay."

Rollcall 274, House Resolution 500, supplemental funding for the House Committee on Standards of Official Conduct, "aye."

Rollcall 275, House Resolution 515, the rule on H.R. 4526, Manassas Battlefield Park addition, "aye."

Rollcall 277, the Marlenee amendment to H.R. 4526, "nay."

Rollcall 278, the Marlenee amendment to H.R. 4526, "nay."

Rollcall 279, final passage of H.R. 4526, "aye."

Rollcall 280, to table a motion to discharge the Armed Services Committee from further consideration of H.R. 4264, "nay."

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR DISPOSITION OF SENATE AMENDMENTS TO H.R. 5026 DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1988

Mr. DERRICK, from the Committee on Rules submitted a privileged report (Rept. No. 100-877) on the resolution (H. Res. 524) providing for the disposition of the Senate amendments to the bill (H.R. 5026) making dire emergency supplemental appropriations for the fiscal year 1988, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. MARTIN of Illinois. Mr. Speaker, I asked for this 1 minute for the purpose of determining the remainder of the evening.

Mr. FOLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. Mr. Speaker, I am happy to yield to the majority leader.

Mr. FOLEY. The Committee on Rules has just filed a rule calling for consideration of legislation providing for dire emergency supplemental appropriations, and under the rules of the House consideration of such a rule would require a two-thirds vote, and we would anticipate that being considered by the House very shortly following which, if consideration is permitted and the rule is granted, we will proceed to consideration of the legislation. This legislation has been widely discussed with members of the Committee on Appropriations on both sides of the aisle and with the other body, and I believe it represents a very stringently conceived bill that is absolutely required for the continuation of many essential services. If we consider that legislation tonight, that would be the end of the legislative program.

Mrs. MARTIN of Illinois. And to the majority leader I also say that that legislation does enjoy the support of the administration in its current form so that there would be time for explanation.

Could I then ask the majority leader if Members would expect other votes or if we could then look forward to adjournment, as much as we enjoy each other's company?

Mr. FOLEY. With the exception of the unanimous-consent requests there would be no other legislative business which we anticipate. There are several unanimous-consent requests, but they are, of course, subject to unanimous consent and not to votes.

Mrs. MARTIN of Illinois. I am aware of two such requests. Is the majority leader aware of any others that should be cleared on this side?

Mr. FOLEY. There will be a late filing, I believe, from perhaps two committees.

Mrs. MARTIN of Illinois. We would just ask from this side of the aisle, Mr. Leader, that these be cleared. There is no desire to put detours in the road, but we would ask that any such be cleared first so that we can move.

Mr. FOLEY. I agree with the gentlewoman from Illinois [Mrs. MARTIN] and would certainly comply with that request.

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the majority leader.

DISTRICT OF COLUMBIA REVENUE BOND ACT OF 1988

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (H.R. 5143) to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman give us an explanation of the bill?

□ 1945

Mr. DELLUMS. Mr. Speaker, if the gentleman will yield, the purpose of H.R. 5143 is to permit three revenue bond acts already adopted by the Council of the District of Columbia to become law without waiting for the 30-day congressional layover period, and to permit three other revenue bond bills now pending in the Council to become law when passed by the Council and signed by the Mayor, without waiting for a 30-day congressional layover period, because of the early October target date for adjournment of Congress.

A similar bill waiving the 30-day period for revenue bonds for hospitals and universities in the District of Columbia passed Congress in 1985. It passed the House by voice vote and after amendment by the Senate was cleared for the President on a rollcall vote in the House of 344 to 3.

Congress is not being asked to vote on the merits of the bond issues or the construction projects that these nonprofit organizations will undertake. This bill would permit the issuance of these bonds to proceed as is the case with any other jurisdiction. We are only allowing the local laws to take effect.

Mr. BLILEY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 5143, the District of Columbia Revenue Bond Act of 1988.

Chairman DELLUMS has explained the substance of the bill. The goal of this legislation is to remove special congressional hurdles from the District's bond enactment path. This legislation is for a limited purpose and is aimed at ensuring that the October adjournment of the Congress does not place undue burdens and impediments on certain District of Columbia bond acts due to the 30-day congressional review period mandated by the District of Columbia Home Rule Act. The 30-day period relates to legislative days and typically converts to 90 calendar days. In a Presidential election year, such as this, the 30-day period can stretch to far more calendar days.

In the absence of this legislation, the bond acts currently pending in the District of Columbia will not become law before Congress adjourns, will have to be resubmitted in the next Congress, and the bond revenues provided for will not be available to the nonprofit institutions that will benefit from them until well into next year.

The bill is directed at six proposed bond issues. Three have already passed the council and have been submitted to the Congress, and the other three have been filed in the council and await final action. Each of the six is for a nonprofit hospital or educational institution.

This legislation has been requested by the Mayor of the District, and the need for it is emphasized in letters from the chairman of the District of Columbia Council and from bond counsel for the respective institutions. According to the Congressional Budget Office, the bill, if passed, will have no effect on the Federal Treasury.

In short, this bill simply puts the District of Columbia on equal footing with any other State or local government.

Mr. BLILEY. Mr. Speaker, further reserving the right to object, I want to thank the committee chairman and the chairman of the subcommittee, the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. BLILEY. Mr. Speaker, as the chief sponsor of H.R. 5143, I want to express my appreciation to the chairman of the full committee, Mr. DELLUMS, the chairman of the Subcommittee on Fiscal Affairs and Health, Mr. FAUNTROY, and the ranking member of the District of Columbia Committee, Mr. PARRIS, for their cooperation in bringing this important piece of legislation to the floor under an expedited procedure.

As the gentleman has noted, this legislation is technical in nature. It adds no spending for the Federal Government or for the District of Columbia government. It merely waives the normal 30-day review period for 6 bond issues. This legislation is necessary because of Congress' early adjournment for the November elections. It will enable the worthy organizations contained in the bill to move forward with their issues in an expeditious manner.

I urge my colleagues to support this important piece of legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Revenue Bond Act of 1988".

SEC. 2. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS AUTHORIZING THE ISSUANCE OF REVENUE BONDS.

(a) Waiver.—Section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganziation Act shall not apply to certain acts of the District of Columbia described in subsection (c) authorizing the issuance, sale, and delivery of revenue bonds.

(b) Effective Date of Acts.—Notwithstanding section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act and any provision in any District of Columbia act described in subsection (c), the District of Columbia acts described in paragraphs (1), (2), and (3) of subsection (c) shall take effect on the date of the enactment of this Act.

(c) Certain Acts of the District of Columbia Authorizing the Issuance of Revenue Bonds.—The District of Columbia acts authorizing the issuance, sale, and delivery of revenue bonds referred to in subsections (a) and (b) are as follows:

(1) The St. Johns Child Development Center Revenue Bond Act of 1988, District of Columbia act 7-205, transmitted to the Speaker of the House and the President of the Senate July 25, 1988.

(2) The Columbia Hospital for Women Revenue Bond Act of 1988, District of Columbia act 7-208, transmitted to the Speaker of the House and the President of the Senate July 25, 1988.

(3) The Providence Hospital Revenue Bond Act of 1988, District of Columbia act 7-206, trannsmitted to the Speaker of the House and the President of the Senate July 25, 1988.

(4) The District of Columbia Hospital Association Revenue Bond Act of 1988 (District of Columbia bill 7-553, introduced in the Council of the District of Columbia July 14, 1988) in such form as such act may be enacted by the Council of the District of Columbia, except that the authorization for issuance of bonds under such act may not exceed $200,000,000.

(5) The Georgetown University Revenue Bond Act of 1988 (District of Columbia bill 7-551, introduced in the Council of the District of Columbia July 14, 1988) in such form as such act may be enacted by the Council of the District of Columbia, except that the authorization for issuance of bonds under such act may not exceed $237,000,000.

(6) The Children's Hospital National Medical Center Bond Act of 1988 (District of Columbia bill 7-552, introduced in the Council of the District of Columbia July 14, 1988) in such form as such act may be enacted by the Council of the District of Columbia, except that the authorization for issuance of bonds under such act may not exceed $55,000,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST TO CONSIDER SENATE AMENDMENT TO H.R. 5141, DELAYING TEMPORARILY CERTAIN REGULATIONS RELATING TO SEA TURTLE CONSERVATION

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5141) to delay temporarily certain regulations relating to sea turtle conservation, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 1, line 8, strike out "30, 1988" and insert "17, 1988".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. FIELDS. Mr. Speaker, reserving the right to object, I do not intend to object, but I ask the distinguished committee chairman to explain what this Senate amendment means.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I am happy to yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, earlier this week the House passed H.R. 5141 to delay the effective date of certain Federal rules on sea turtle conservation until the end of September.

The purpose for the short delay was to allow more time for the conference on the Endangered Species Act Reauthorization to reach agreement on the sea turtle question.

The Senate has returned H.R. 5141 to us with an amendment delaying the date of enforcement of the rules until September 16.

I urge the House to accept the language returned from the Senate.

Mr. FIELDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. STUDDS. Mr. Speaker, reserving the right to object, I apoligize to my distinguished chairman, but it was my understanding that there were some matters to be discussed prior to this request being made, and I would ask the chairman if he would withdraw the request at this time until we have a chance to discuss those matters.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. STUDDS. I am happy to yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, is the gentleman objecting?

Mr. STUDDS. Mr. Speaker, I do not want to object, but I would be constrained to do so if we do not have an opportunity to discuss this.

Mr. JONES of North Carolina. Mr. Speaker, then I withdraw my request.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. Jones] withdraws his request.

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, I was unavoidably detained in the office just a few moments ago. I was forced to miss the vote on final passage of the bill, and I would like the Record to reflect that were I here I would have voted "aye" on behalf of that bill.

PROVIDING FOR THE DISPOSITION OF SENATE AMENDMENTS TO H.R. 5026, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1988

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 524 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. Res. 524

Resolved, That upon the adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 5026) making dire emergency supplemental appropriations for the fiscal year 1988, with Senate amendments thereto, and to consider, any rule of the House to the contrary notwithstanding, the following motion: that the House disagrees to Senate amendments numbered 1 through 24 and concurs in Senate amendment number 25 with an amendment to be offered by Representative Whitten of Mississippi. Said motion shall be considered as having been read, shall be debatable for not to exceed one hour, and shall not be subject to a demand for a division of the question, and the provision question shall be considered as having been ordered on said motion to final adoption without intervening motion.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 524?

The question was taken.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 52, not voting 105, as follows:

[Roll No. 289]

AYES—274

Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
Ballenger
Barnard

Bartlett
Bateman
Bates
Bennett
Bereuter
Bilbray
Bliley
Boggs
Boland
Bonior
Borski
Boucher
Brennan
Brooks
Broomfield
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (TX)
Collins
Combest
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flippo
Foley
Ford (MI)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Hall (OH)
Hall (TX)
Hamilton

Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Inhofe
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mazzoli
McCloskey
McDade
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pashayan
Patterson
Payne
Pease
Pelosi
Penny

Perkins
Pickett
Pickle
Porter
Price
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rose
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Watkins
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NOES—52

Archer
Bentley
Brown (CO)
Buechner

Burton
Callahan
Courter
Crane

Dannemeyer
Daub
DeWine
Dornan (CA)

Dreier
Fawell
Fields
Frenzel
Gallegly
Gradison
Gunderson
Hansen
Hastert
Hefley
Henry
Holloway
Hyde
Ireland

Kyl
Lewis (FL)
Lukens, Donald
Lungren
McCrery
McEwen
Moorhead
Oxley
Packard
Parris
Petri
Roth
Schuette
Shumway

Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Sweeney
Swindall
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Wortley

NOT VOTING—105

Ackerman
Akaka
Applegate
Armey
AuCoin
Badham
Baker
Barton
Beilenson
Berman
Bevill
Bilirakis
Boehlert
Bonker
Bosco
Boulter
Boxer
Brown (CA)
Bunning
Carr
Cheney
Coleman (MO)
Conte
Conyers
Craig
Davis (IL)
DeLay
Dickinson
Dorgan (ND)
Dowdy
Early
Edwards (CA)
Fish
Flake
Florio

Foglietta
Ford (TN)
Gephardt
Gilman
Gingrich
Gregg
Guarini
Hatcher
Hawkins
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Jones (TN)
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Leath (TX)
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Lewis (CA)
Lipinski
Livingston
Lott
Luken, Thomas
Mack
MacKay
Madigan
Manton
Martinez
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McCandless
McCollum
McCurdy

McGrath
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Michel
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Murphy
Nelson
Nichols
Panetta
Pepper
Pursell
Quillen
Rodino
Roe
Rostenkowski
Roybal
Savage
Sensenbrenner
Shaw
Shuster
Skelton
Smith (FL)
Spence
Stenholm
Stump
Sundquist
Tauke
Udall
Walgren
Waxman
Whittaker
Young (AK)
Young (FL)

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So, two-thirds having voted in favor thereof, the House agreed to consider House Resolution 524.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], and pending that, I yield myself such time as I may consume.

Mr. DERRICK. Mr. Speaker, the rule provides procedures that allow the two houses to come to final agreement on the dire emergency supplemental appropriation, enabling the President to sign this vitally important measure promptly.

The resolution provides that, upon its adoption it shall be in order to consider a motion to take the bill, H.R. 5026 with amendments thereto, to disagree to the first 24 Senate amendments and to concur in Senate amendment numbered 25 with an amendment offered by Representative WHITTEN. The motion is to be debatable for 1 hour. The motion is not to be subject to a demand for a division of the question and the previous question shall be considered as ordered on the motion.

The committee is advised that the Committee on Appropriations has reached an agreement with the Senate that is fiscally prudent, and that the bill is a relatively clean supplemental.

The urgency of the bill is well understood and I urge the adoption of the rule to permit the House to take final action on this measure.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides for the consideration of the dire emergency supplemental appropriations bill, H.R. 5026, this evening.

Under the terms of this rule, the gentleman from Mississippi [Mr. WHITTEN] the chairman of the Committee on Appropriations, will move that the House disagree with the Senate on a list of 24 Senate amendments, and that the House send the Senate an amendment which represents an unofficial conference agreement.

According to the Office of Management and Budget, the agreement represents about $180 million in new spending for fiscal 1988 and some $40 to $50 million in new spending for fiscal 1989. The OMB supports the bill.

Mr. Speaker, the Committee on Rules recommends this rule so that the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Pennsylvania [Mr. MCDADE] may explain their agreement with the Senate and need for this unusually hasty action.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, the dire emergency supplemental was a bill which whisked through the House not long ago. Many Members will remember it because, of course, it came under a closed rule. We were not allowed to amend, and given precious little time to debate.

The bill comes back to us still a dire emergency. We have had 11 months to consider the dire emergencies, but it must be considered tonight.

In going through the items that are included in H.R. 5026, the dire emergency items, I note that more than half of them were not even in the House dire emergency bill, which tells Members what we thought of all of these wonderful emergencies.

It is true that there are items in here that are necessary, and the reason that they are necessary is because this House and this Congress cannot manage its business in the normal course of affairs. We have underfunded items which are not surprising. Trade adjustment assistance, not a surprise. No high unemployment, in fact the highest employment in the history of our country, and yet we ran out of money? Why, because we underfunded that account, of course. One can probably run through everything in here.

This is no emergency. This is a calculated supplemental.

Despite the fact that there are many good items in here, I urge a no vote on the rule. I see no reason why the House should be operating under this two-thirds rule at this time of night when none of us has seen the bill. All we have is a list of what is in it. All we can do is hope that the Appropriations Committee in its infinite mercy has not wreaked too heavy a price on the taxpayer.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I think we can take a couple of minutes to discuss something that is not in this bill. One of the things that both of the presidential candidates agree upon and all of the Members of the House pretend that they agree upon is that one of the dire emergencies in this country is the war on drugs.

We cannot sentence some of the drug dealers to prison because there is not enough prison space. The Mariel Cubans ruined two prisons, one at Atlanta and one at Oakdale, LA, in riots last year. We had the money in the bill when it passed the House to start to rebuild those two prisons, but it has been taken out.

In addition to that, the drug bill that we brought up today for general debate has a provision in it, believe it or not, that takes the $88 million unobligated balance in the assets forfeiture fund that was available for building badly needed prisons and puts it into the general fund of the Treasury.

Now are we serious about the war on drugs or not? We cannot sentence these people to prison because the Federal Prison System does not have prison space. If there is ever a dire emergency, this is it, but the badly needed funds are not in this bill.

I rise to inform Members of this fact and to protest it, and to protest the provision that is in the drug bill that takes away $88 million badly needed for prisons, and I say to my colleagues that if this House is serious, it is about time we show it in these appropriation bills.

The funds for these two prisons are not in H.R. 5096, the second supplemental appropriations bill that our committee reported to the House. The money was only in this one emergency supplemental, and so the money will not be available to rebuild Atlanta and Oakdale.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I thank the gentleman from Missouri for yielding time to me. I do not intend to take the full 2 minutes, nor do I intend to oppose the rule or the supplemental.

I just wish to bring to Members attention a potential problem in SBA disaster loan operations which I hope can be adjusted regulatorily as opposed to with legislation. It is specifically this, and this is important I think to Members who are representing drought infested areas. This bill will provide the Farmers Home Relief for low-interest money in those disaster, primary disaster designated counties. It will in turn provide economic relief, SBA loans in the same counties.

For contigous counties, counties right next door, they will get Farmers Home relief, but they will not get SBA relief.

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Why? This question has not been answered either by the people at the Small Business Administration whom I have talked to or the people from OMB that I have contacted.

I am awaiting their rationale for this. But the problem, of course, is immediate. If you have a grain elevator or a chemical dealer or any agriculture-related business in the county next door to a drought county, you have got a drought but cannot get relief.

I thank the gentleman from Missouri for just allowing me to bring this to the Members' attention, because I think this is something that we must consider to be part of a dire emergency and it needs rectification.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DENNY SMITH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the resolution was agreed to.

A motion to reconsider is laid upon the table.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, pursuant to House Resolution 524 I offer a motion.

The SPEAKER. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. WHITTEN moves to take from the Speaker's table the bill (H.R. 5026) making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, with Senate amendments thereto, disagree to the Senate amendments numbered 1 through 24 and concur in Senate amendment No. 25 with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes, namely:

TITLE I—DIRE EMERGENCY PROGRAM SUPPLEMENTALS

To meet dire emergencies created by needs for State Unemployment Insurance and Employment Service Operations, the Black Lung Disability Trust Fund, Trade Adjustment Assistance and Small Business Disaster Assistance and for personnel, operations, and capital required to meet dire emergencies caused by the drought, disaster, and financial conditions:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", $15,000,000 which shall be extended from the Employment Security Administration account in the Unemployment Trust Fund, to fund activities under section 6 of the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202 (a)(1)(E)), including the cost of penalty mail made available to States in lieu of allotments for such purpose: *Provided*, That such amount shall be available for obligation for the period of July 1, 1988, through June 30, 1989.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(TRANSFER OF FUNDS)

In order to provide for the Black Lung Disability Trust Fund and for Trade Adjustment Assistance, such amounts for necessary advances for the fiscal year ending September 30, 1988, that exceed those provided in appropriations, may be derived from balances in the revolving fund established by 42 U.S.C. 1101(e).

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $10,300,000, to be derived by transfer from the "Business Loan and Investment Fund".

BUSINESS LOAN AND INVESTMENT FUND

Outlays in fiscal year 1988 resulting from the use of funds appropriated under this heading may not exceed $204,105,000, not including transactions originated by the Federal Financing Bank.

To meet the dire emergency which requires increased drug interdiction activities and the enhancement of protection of life and property:

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFERS OF FUNDS)

For an additional amount for "Operating expenses", not to exceed $60,000,000, of which $69,467 shall be derived from unobligated balances of "Territorial highways"; $2,460,000 shall be derived from unobligated balances of "Motor carrier safety grants"; $129,000 shall be derived from unobligated balances of "Conrail labor protection"; $654,014 shall be derived from unobligated balances of "Facilities, engineering, and development"; not to exceed $22,000,000 shall be derived from funds received under sections 5, 9, and 18 of the Urban Mass Transportation Act of 1964, as amended, that would otherwise be reapportioned on or after October 1, 1988; $2,000,000 shall be derived from unobligated balances of "Research, training, and human resources" other than funding for the cold weather transit technology program and the phosphoric acid fuel cell bus technology program; not to exceed $6,000,000 shall be derived from unobligated balances of "Acquisition, construction, and improvements"; $5,000,000 shall be derived from unobligated balances of "Research, development, test, and evaluation"; $6,687,519 shall be derived from unobligated balances of "Pollution fund"; $1,600,000 shall be derived from unobligated balances of "Offshore oil pollution compensation fund"; and $1,400,000 shall be derived from unobligated balances of "Deepwater port liability fund".

FEDERAL AVIATION ADMINISTRATION

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The sum of $12,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982, as amended, is hereby rescinded.

To meet the dire emergency created by the Mariel Cuban prisoner riots in Federal prisons and a deficiency in the United States Marshals Service:

DEPARTMENT OF JUSTICE

Legal Activities

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, United States Marshals Service", $3,500,000 to remain available until expended to be derived by transfer from "Immigration and Naturalization Service, Salaries and expenses".

SUPPORT OF UNITED STATES PRISONERS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Support of Prisoners", $23,300,000, to remain available until expended of which $8,300,000 shall be derived by transfer from the Immigration and Naturalization Service salaries and expenses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For an additional amount for "Salaries and expenses, Community Relations Service", $6,000,000, to remain available until expended.

Federal Prison System

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $42,609,000, to remain available until expended.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

EMERGENCY DROUGHT AUTHORITY

To meet the problems of the Mississippi River Basin, where the water is the lowest in history, with the River flowing north at New Orleans, with water systems endangered, and similar conditions elsewhere, the Secretary of the Army, acting through the Chief of Engineers, within existing law and within available funds, is directed to—

(a) conduct emergency drought relief activities for domestic, municipal, industrial, aquacultural and agricultural purposes in and adjacent to the Mississippi River and its tributaries. Such activities may include, but shall not be limited to, dredging of shoals impeding navigation; construction and operation of salt water intrusion barriers and associated facilities; transportation (by barge or other means) of potable water; and construction of water wells and necessary treatment and distribution facilities;

(b) as provided by existing law, in cooperation with local authorities, utilize water in any reservoir operated by the Secretary for emergency water supply purposes: Provided, that no additional authority to change the existing situation in regard to the Great Lakes or reservoirs at the headwaters of the Mississippi is provided by this language.

(c) provide technical assistance to State and local governments and public water agencies engated in water conservation and drought management activities; and

(d) prepare regional drought management plans.

DEPARTMENT OF AGRICULTURE

Administrative Provision

Because of the effects of the drought, financial, and other problems, the Department of Agriculture is urged to use all authority in existing law in addition to such additional authority as may be provided by the Congress, to enable those engaged in agriculture to stay in business and to prevent foreclosure and make their normal and essential contribution to the general economy.

Agricultural Stabilization and Conservation Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Not to exceed an additional $45,427,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation funds to meet the increased workload in the county offices as a result of the 1988 drought, and the portion thereof made available to county committees shall remain available until expended.

Soil Conservation Service

Watershed and Flood Prevention Operations

(INCLUDING TRANSFER OF FUNDS)

For an additional amount of emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), $10,000,000, to remain available until expended, to be derived by transfer from the unobligated balances in emergency insured loans, Agricultural Credit Insurance Fund.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Food and Drug Administration for product emergencies and AIDS, $5,500,000, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

United States Emergency Migration and Refugee Assistance Fund

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended, $24,000,000 to remain available until expended: Provided, That not less than $6,000,000 shall be made available for Soviet and other Eastern European Refugees.

DEPARTMENT OF COMMERCE

Bureau of the Census

PERIODIC CENSUSES AND PROGRAMS

The amount made available in the appropriation under this heading in the Department of Commerce Appropriation Act, 1988, shall remain available until expended.

DEPARTMENT OF DEFENSE—MILITARY

Administrative Provision

Of the funds available to the Department of Defense during the current fiscal year, not more than $14,000,000 may be transferred to "Federal Bureau of Investigation, Salaries and Expenses" to fund increased workload requirements due to INF treaty implementation: *Provided,* That such funds may be expended pursuant to authorities available to the Federal Bureau of Investigation: *Provided further,* That of this amount, $8,000,000 shall remain available until expended.

DEPARTMENT OF STATE

Administrative Provisions

Notwithstanding any other provision of law, funds appropriated to the Department of State in fiscal year 1988 may be used without reimbursement to carry out the provisions of section 6 of the Arms Control and Disarmamament Amendments Act of 1987, (Public Law 100-213).

DEPARTMENT OF ENERGY

Administrative Provision

The 30-day notice period for the review of the sale of the Great Plains gasification plant by Congress shall not commence earlier than August 25, 1988.

OTHER INDEPENDENT AGENCIES

Board for International Broadcasting

GRANTS AND EXPENSES

In appropriation language under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, delete the word "for"; add the following phrase at the beginning of the paragraph: "Notwithstanding section 501(b) of title V of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, for"; and delete the phrase "of which $20,000,000, to remain available until expended, shall become available for expenditure on October 1, 1988, and ", Provided, That for purposes of section 202 of Public Law 100-119 (H.J. Res. 324, 100th Congress), this action is a necessary (but secondary) result of a significant policy change.

National Aeronautics and Space Administration

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFER OF FUNDS)

For an additional amount for "Research and program management", up to $19,600,000, which shall be derived by transfer from "Research and development" and "Space flight, control and data communications".

Veterans Administration

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $498,100,000, to remain available until expended, and for an additional amount for "Medical care", $31,730,000, of which $21,730,000 is derived by transfer from the Veterans' Administration Loan Guaranty Revolving Fund: *Provided,* That the penultimate proviso in the appropriation language under the head "MEDICAL CARE" in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (H.R. 2783), as enacted in section 101(f) of Public Law 100-202 is deleted.

TITLE II—GENERAL PROVISION

No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1988".

The SPEAKER. Pursuant to the rule, the gentleman from Mississippi is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Pennsylvania [Mr. McDADE].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the disposition of the Senate amendments to H.R. 5026, and that I may enclose tabular and extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, no one here is more unhappy with the situation which we have than I am. I would like to review with you what our Committee on Appropriations has been up against.

Since our colleagues on the other side could not agree on a budget resolution, we had to report bills the budget resolution adopted by the House. We did that. Fifty-three days late, the Senate finally agreed to a budget resolution which required us to meet again and cut $1.9 billion from what we had worked out to start with since they had not acted.

The bill we have before you, the dire emergency supplemental was developed when, from the supplemental requests pending, our committee met and selected those things that were truly urgent—to provide funds for programs that would close down otherwise. I want to thank all my colleagues for that cooperation in helping us to hold the line here and to provide for another Emergency Supplemental Act (H.R. 5026) which was reported on July 26 and is eligible for consideration in the House at any time.

The need for this dire emergency supplemental was so evident that we brought it up in the House by unanimous consent—everybody agreed that we had to do that.

Mr. Speaker, the House passed H.R. 5026, the dire emergency supplemental on July 27. It included funds to continue operating vital programs—

State unemployment Offices;

Black lung assistance;

Trade adjustment assistance;

Small Business Administration disaster assistance; Coast Guard drug interdiction and health and safety;

Migration and refugee assistance fund for Soviet and Eastern European refugees; and

Drought assistance.

We passed this bill on July 27. Only today were we able to get an agreement. Where the Senate had twenty-five amendments. Deleted was State unemployment assistance and refugee assistance. Savings and loan language was added which is strongly opposed by leaders of the Banking Committee. We have been working since this morning in an effort to reach an agreement so as to prevent the further delay in making funds available for these vital programs. Termed urgent by the House on July 27.

None of us like this delay, but this should not cause us to further delay these funds which are essential in many areas.

Now it takes two to tango; it takes us and the Senate to agree.

We spent all day today trying to save these programs that would have to go for 4 weeks if we do not act tonight.

I say to you we did the very best we could.

The argument on the other side was the old argument that regardless of the need, they have an outlay limitation over there that they stood by and we had to do the best we could.

What do we have before us? Let me tell you what we were able to do and not touch those things that we were unable to get them to agree to.

The agreement provides: $15,000,000 in State unemployment service State grants; $43,000,000 for black lung assistance for 135,000 beneficiaries; $49,000,000 for trade adjustment assistance for 26,000 beneficiaries; $10,300,000 for Small Business Administration disaster assistance; $60,000,000 for Coast Guard drug interdiction and protection of life and property; and $45,427,000 for USDA drought assistance administration.

Now that bill passed the House the other day with only 30 votes against it. The money to carry it out is in the bill before you.

The sum of $5,500,000 to Food and Drug Administration for AIDS blood testing; $24,000,000 for migration and refugee assistance; $14,000,000 for the FBI for increased responsibilities under the INF Treaty; and $498,100,000 for VA compensation and pensions.

Mr. Speaker, the Senate dropped the Federal Savings and Loan Insurance Corporation relief language that was not acceptable to the committee of legislative jurisdiction.

The level provided for the State employment service agencies is needed because some have already announced local office closings and staff reductions, along with other kinds of service reductions. It has reached the point where basic labor exchange services are being reduced beyond what the committee believes is desirable for our economy. Of particular concern is the proposed closings of small local service points in rural areas of the country. Reports received by the committee raise the question of fairness in some States. These closings would force unemployed citizens to drive long distances to receive basic employment services. With the additional funds provided in this bill there should be no necessity to close these offices and the committee fully expects the Department and the States to maintain the operation of these offices.

Mr. Speaker, that is what is in here and if we do not agree tonight, you will have to close down or hold back these vital programs for another 4 weeks.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Speaker, would the gentleman enlighten the Members as to how much we are scheduled to borrow in this fiscal year in order to fund this spending he is talking about, plus all the other spending we voted on this year?

Mr. WHITTEN. I will answer the gentleman this way: Your Committee on Appropriations has stayed under the recommendations of your President.

Mr. DANNEMEYER. Would the gentleman say that the amount we are going to borrow is $243 billion?

Mr. WHITTEN. It is entitlements and contracts that they entered into so we have to pay.

But may I say again we are not happy with what we do here. But it is the best you can do.

May I say now they have waited 12 or 14 days and if we do not act tonight there are 4 more weeks that they will do without this money which is required.

So we have done the best we can. We would like to be appreciated on that. But we would also like for you to be supportive and do what we have to do and that is to pass this bill. Otherwise some of these programs will just have to close tomorrow.

Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to make a couple of points for my colleagues.

Mr. Speaker, I want to emphasize that there are some very important provisions in this bill that we do need to act on.

For those concerned about the farmers back home, there is $45 million to pay for all the employees needed to process the drought assistance.

For those concerned with the workers back home who have lost their jobs due to foreign competition, there is $49 million for trade adjustment assistance, to provide payments to the unemployed.

For those concerned with our coal miners who are due payments for black lung, there is $43 million, in compensation payments for those who have paid the price of their health.

For our small businesses that have been hit by disasters, there is $10 million for the employees to take their applications. No new applications have been processed since April.

To keep our Coast Guard on patrol to keep out the drugs that are invading our country, there is $60 million by transfer.

To keep our veterans receiving the compensation and benefits to which they are entitled, there is $529.8 million.

To keep Radio Free Europe and Radio Liberty broadcasting, there is $20 million.

To pay for the FBI for the costs of implementing the Intermediate Range Nuclear Forces Treaty, there is $14 million by transfer.

Listen to just how much these items are needed:

For trade adjustment assistance, 36 States are out of money now, and the rest will be out next week.

For the small business disaster loans, 18 States are now out of business, including those States affected by the drought.

For black lung, 1,000 retroactive claims are not now being paid, and by September 1, the number of people affected by the lack of funding mushrooms into the tens of thousands.

Mr. Speaker, I want to remind the Members that this is a dire emergency supplemental that we passed on July 27, 1988, by a vote of 357-54. The Senate has held that bill ever since that time, passing it only last night.

It is true that there has been little time to deal with the differences between the House and the Senate, to iron out every little nook and cranny. But by and large, the items are in here because they are dire and because they are necessary.

If anyone deserves criticism over how this bill was handled, it is the other body, which put us in this position of trying to finish up a bill involving many items with only 1 day to go. It is the other body which put us in the position of deciding whether to try to deal with this bill in such short order, or abandoning those people with legitimate needs and providing the funds to keep them going.

We can just walk away, as it is tempting to do, or we can work it through. Mr. Speaker, as painful as it is, I for one think we have got to work our way through and pass this bill, as soon as we can.

If we had the time to examine this bill, you'd find it was a very good bill, a bill so pared down to the essentials that OMB is saying it's one of the best supplementals in 20 years.

This is a Republican supplemental, to meet urgent needs, it's even better than when it left the House, fiscally speaking. OMB was concerned that some of the funds were not offset, and the bill adopts all the Senate offsets. There is $35 million less in State unemployment funds, one of the main things OMB objected to, and $37 million less in Department of Justice funds, for reconstruction of prisons destroyed in the Cuban prisoner riots.

There are less discretionary funds in this bill than when it left the House.

For that reason, OMB supports the bill. I met just a few minutes ago with the Director of Management and Budget, who would like to see this bill enacted.

The administration supports this bill.

So you might be angry at the time of day, and how we've been kept here. I am too.

You might be disturbed at how little time there's been to examine the bill. I am too.

But just remember, we didn't get the bill from the Senate until last night, and they held it for 2 weeks.

Don't make a mistake and vote against the bill. These are essential items that your constituents and my constituents need. As rough as it is to take what we've been asked to take, there is only one right move to make, and that is to meet the needs of our people. That is our responsibility, whether it is at 1 o'clock in the afternoon or 3 o'clock in the morning.

Let's do the right thing.

Vote for this bill.

Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. If I might ask the distinguished chairman of the full committee a question. I know of the gentleman's great love for the river Mississippi and I obviously am very aware of the seriousness of the drought which has affected most of the country. I note that there is money in the bill for emergency drought authority to go to the Corps of Engineers. Coming from the Great Lakes Basin, I would like to receive the chairman's assurance that none of this money in here will be used to divert more water from the Great Lakes Basin.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield.

Mr. UPTON. I yield to the chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Speaker, the gentleman is correct. You will see in the bill: "provided that no additional authority to change the existing situation in regard to the Great Lakes or reservoirs at the head of the Mississippi is provided by this language."

Mr. UPTON. I thank the chairman for the clarification.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I am particularly interested in the provisions of this bill which reprograms $60 million from other transportation accounts to the Coast Guard.

These funds are essential to keep the Coast Guard's search and rescue operations available to all parts of the country, including the extremely important Chicago Air Rescue station which provides outstanding protection to people using the southern half of Lake Michigan.

Just last week personnel of the station performed another heroic rescue. Had we been dependent upon the next nearest Coast Guard air rescue station in Traverse City, MI, 400 miles north, the individuals rescued would not be alive today.

Mr. Speaker, Admiral Yost tells me this reprogrammed money is essential to search and rescue operations today. We send this bill, emergency supplemental appropriation, to the President and urge him to sign it. Admiral Yost also claims the need for full funding for fiscal year 1989 in accordance with the President's request and we are doing everything possible to provide it.

But at the same time Congress is sending a strong signal to the Coast Guard: Search and rescue and the protection of lives is the highest mission of the Coast Guard and we want these operations to continue.

We are doing everything we can, Admiral Yost, to give you all the resources you say you need to carry out your job. For your part we expect your best efforts to see to it that search and rescue operations receive the high priority that the Congress—representing the American people—places upon it.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I can understand why some people do not want to know what is really in the bill. But there are a few things in this bill which are not dire emergencies, I would say to my colleagues, and I think we ought to understand that, that this is a supplemental bill, not a dire emergency supplemental bill.

I deal all the time with NASA. There is $19 million in this bill for NASA which is not a dire emergency. It may be a need that would be nice, but it is not a dire emergency.

There is in fact Veterans' Administration money in this particular bill where what we have done is transferred money out of an entitlement and put it into discretionary and thereby breaking the budget summit.

So with this supplemental bill you are in fact violating the budget summit flatly in what we do here.

The chairman a moment ago said that your Appropriations Committee spends less than the President's request. I will tell you that that is just not the case and this bill is a pretty good example of it.

Because the President has been sending up recisions to cover the spending that he asks for. In this bill, we get $12 million worth of recisions and $180 million in spending. That does not exactly do the job.

So, yes, you can add up the President's spending and say you spend less but you never count the recisions in on those figures, because we never do enough recisions to cover the spending. This bill is a good example of it. This bill deserves a "no" vote even though there are some things in there which are needed. This bill is a bill which is also covering items which are not needed at this time.

Mr. Speaker, I would urge a "no" vote and yield back the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Let me say that I asked the Director of the Office of Management and Budget, for the benefit of my colleagues for what they think it is worth: "Would you vote for this bill?" And his answer was "Yes." I asked him if the Veterans account violates the summit and he said no.

I urge the adoption of the bill and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say the bill itself is a dire emergency. We must pass it.

I yield back the balance of my time.

Mr. KOSTMAYER. Mr. Speaker, I rise this evening on behalf of the people of Perkasie, PA.

Last June 26 major portions of the central business district in this historic borough were destroyed in a terrible fire which drew fire companies from surrounding communities throughout southeastern Pennsylvania. The fire destroyed small businesses and homes alike.

Early the next morning, after touring the borough with Mayor Jay Godshall, Council President Donald Q. Sprole, and Borough Manager Paul A. Leonard, I called upon Gov. Bob Casey to dispatch a team from the Pennsylvania Emergency Management Agency. The Governor complied, and the team arrived on the scene within hours of the fire having been brought under control.

To no one's surprise Perkasie qualified for both State and Federal assistance.

The legislation we are considering this evening contains that Federal assistance. Federal aid will take the form of low interest loans from the Small Business Administration to both homeowners and businesses. Homeowners will qualify for loans of up to $100,000 to repair or replace their homes, and business will qualify for up to $500,000. Furthermore, Mr. Speaker, residents may receive loans up to $20,000 to recover lost or damaged possessions.

Mr. Speaker, there are a great many people who acted promptly and courageously in the face of this terrible destruction. Countless local volunteer fire and rescue personnel as well as law enforcement officers led by Perkasie Borough Police Chief Claude Nace deserve the thanks of the people of this community.

Governor Casey's prompt action, and the speedy work of the Pennsylvania Emergency Management Agency in assessing the damage and qualifying Perkasie for Federal aid have helped countless citizens.

Mr. Speaker, on three separate occasions I have spoken with the Administrator of the Small Business Administration, James Abnor, to assure that these funds will promptly flow to residential and business owners in Perkasie.

On behalf of the people of Perkasie I thank the House for its approval of these funds in the emergency supplemental appropriations bill we consider this evening.

Mr. BOLAND. Mr. Speaker, a number of Members have expressed interest in the Senate amendment to back FSLIC promissory notes with the full faith and credit of the United States. I have spoken to Chairman Wall of the Federal Home Loan Bank Board—I understand the importance of full faith and credit for FSLIC notes—and I would support the provision.

However, this bill does not include any language dealing with the Bank Board or the FSLIC. This issue falls within the jurisdiction of the Committee on Banking, Finance and Urban Affairs—and Chairman St Germain has requested that consideration be delayed to give the Banking Committee an opportunity to take a careful look at this.

Chairman St Germain has indicated his committee will hold hearings on this issue immediately after the August district work period—and I fully expect that this issue will be resolved in September.

The SPEAKER. Pursuant to the rule, the previous question is ordered.

The question is on the motion offered by the gentleman from Mississippi [Mr. Whitten].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 270, nays 32, answered "present" not voting 129, as follows:

[Roll No. 290]

YEAS—270

Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
Ballenger
Barnard
Bateman
Bates
Bennett
Bentley
Bereuter
Bilbray
Bliley
Boggs
Bonior
Borski
Brennan
Brooks
Broomfield
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (TX)
Collins
Cooper
Costello
Coughlin
Coyne
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fazio
Feighan
Flippo
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Gaydos
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kildee
Kleczka
Kolbe
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mazzoli
McDade
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moody
Morella
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal
Nielson
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Price
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Towns
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Watkins
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron

NAYS—32

Archer
Buechner
Burton
Chandler
Combest
Courter
Crane
Dannemeyer
Daub
DeWine
Dornan (CA)
Dreier
Fawell
Fields
Frenzel
Gekas
Gradison
Henry
Hyde
Kyl
Leach (IA)
Lungren
McEwen
Moorhead
Olin
Petri
Shumway
Smith, Robert (NH)
Swindall
Thomas (CA)
Vucanovich
Walker

NOT VOTING—129

Ackerman
Akaka
Applegate
Armey
AuCoin
Badham
Baker
Bartlett
Barton
Beilenson
Berman
Bevill
Bilirakis
Boehlert
Boland
Bonker
Bosco
Boucher
Boulter
Boxer
Brown (CA)
Brown (CO)
Bunning
Carr
Cheney
Coleman (MO)
Conte
Conyers
Craig
Crockett
Davis (IL)
DeLay
Dellums
Dickinson
Dorgan (ND)
Dowdy
Early
Edwards (CA)
Espy
Fish
Flake
Florio
Foglietta
Garcia
Gejdenson
Gephardt
Gilman
Gingrich
Gregg
Guarini
Hall (OH)
Hatcher
Hawkins
Holloway
Hopkins
Horton
Hunter
Hutto
Jeffords
Jones (TN)
Kemp
Kennelly
Kolter
Konnyu
Latta
Leath (TX)
Lehman (CA)
Lewis (CA)
Lipinski
Livingston
Lott
Mack
MacKay
Madigan
Manton
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McGrath
Meyers
Mica
Michel
Miller (CA)
Mineta
Moakley
Molinari
Morrison (CT)
Mrazek
Murphy
Nelson
Nichols
Nowak
Oakar
Panetta
Pepper
Pursell
Quillen
Ray
Rodino
Roe
Rostenkowski
Roybal
Russo
Savage
Sensenbrenner
Shaw
Shuster
Skelton
Smith (FL)
Solomon
Spence
Stenholm
Stratton
Stump
Sundquist
Tauke
Torricelli
Udall
Walgren
Waxman
Whittaker
Wilson
Wylie
Young (AK)
Young (FL)

□ 2046

The Clerk announced the following pairs:

On this vote:

Mr. AuCoin for, with Mr. Barton of Texas against.

Mr. Savage for, with Mr. Craig against.

Mr. Whittaker for, with Mr. Stump against.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 3680, OMNIBUS PUBLIC LANDS AND NATIONAL FORESTS ADJUSTMENTS ACT OF 1988

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight, August 11, 1988, to file the report on H.R. 3680, the Omnibus Public Lands and National Forests Adjustments Act of 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. EDWARDS of Oklahoma. Reserving the right to object, Mr. Speaker, has this been cleared on this side?

Mr. de la GARZA. Mr. Speaker, if the gentleman will yield, we always do everything together on my committee.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman from Texas [Mr. de la Garza], and I certainly will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., FRIDAY, AUGUST 12, 1988, TO FILE REPORT ON H.R. 4427, EXCLUSIONS BILL

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m. Friday, August 12, 1988, to file its report on H.R. 4427, the bill on exclusions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. Mr. Speaker, reserving the right to object, I just wonder whether or not the gentleman from Massachusetts [Mr. Frank] has cleared that parliamentary procedure with the proper authority.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I hesitate to answer because I know the gentleman from Pennsylvania considers the proper authority to include himself.

Mr. WALKER. No, no. The gentleman from Massachusetts did not check with me.

Mr. FRANK. I did check with everybody else.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO HAVE UNTIL 5 P.M., FRIDAY, AUGUST 12, 1988, TO FILE REPORTS ON H.R. 5073, AVIATION WHISTLEBLOWER PROTECTION ACT OF 1988, AND S. 1934, JUDICIARY OFFICE BUILDING DEVELOPMENT ACT

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until 5 p.m. Friday, August 12, 1988, to file the committee reports on H.R. 5073, the Aviation Whistleblower Protection Act of 1988, and S. 1934, the Judiciary Office Building Development Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DELAYING TEMPORARILY CERTAIN REGULATIONS RELATING TO SEA TURTLE CONSERVATION

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5141) to delay temporarily certain regulations relating to sea turtle conservation with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 1, line 8, strike out "30, 1988" and insert "17, 1988".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. FIELDS. Mr. Speaker, reserving the right to object, and I do not intend to object, I assume, Mr. Speaker, this is the piece of legislation we discussed earlier.

Mr. JONES of North Carolina. Mr. Speaker, if the gentleman will yield, the gentleman from Texas is correct.

Mr. FIELDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4598

Mr. DYSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 4598.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Owens] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, as we recess until shortly after Labor Day, both parties, the Republicans and the Democrats, are in agreement on at least one major item on our agenda for future legislation. While the Democratic convention will endorse this piece of legislation, both candidates are on record for having endorsed it also.

So, Mr. Speaker, I am here to talk about moving the agenda. Let us not let it get lost. The Americans with Disabilities Act, H.R. 4498, a bill which I cosponsored along with the gentleman from California [Mr. Coelho] and a few others, this act is on everybody's agenda. Everybody approves, so we would like for it not to get lost.

Mr. Speaker, this act represents the next giant step in the American civil rights movement. This legislation grants full rights to Americans with disabilities. This legislation moves our great Nation from a respectable position of official compassion for those with disabilities to a more laudable position of empowerment for Americans with disabilities.

Beyond basic concern for persons with disabilities, this bill places the moral indignation of our just society and the authority of our Government squarely behind persons with disabilities who are seeking their full rights. While we take great pride in existing Federal legislation which does provide assistance to persons with disabilities, we are nevertheless anxiously awaiting this great leap forward into full empowerment.

The journey toward full empowerment for disabled Americans began on April 29 with the introduction in Congress of the Americans with Disabilities Act of 1988. The measure, also known as H.R. 4498, prohibits discrimination on the basis of disability in such areas as employment, housing, public accommodations, travel, communications, and activities of State and local governments.

The act covers employers engaged in commerce who have 15 or more employees; housing providers covered by Federal fair housing laws; transportation companies; those engaged in broadcasting or communications; and State and local governments.

The act will not repeal sections 503 and 504 of the Rehabilitation Act of 1973 and all regulations issued under those sections will remain in full force and effect.

Enforcement procedure includes administrative remedies, a private right of action in Federal court, monetary damages, injunctive relief, attorney's fees, and cutoffs of Federal funds.

To guide the journey toward full empowerment for Americans with disabilities begun by the introduction of this measure. In my capacity, I have created a task force on the rights and empowerment of Americans with disabilities, and we have appointed Justin Dart, a former Rehabilitation Services Administration Commissioner, to chair the task force. Mr. Dart is one of the most committed advocates for Americans with disabilities in this Nation, and he has made several unique contributions in the field of disability rights.

The task force is gathering evidence of discrimination against Americans with disabilities, is seeking examples of successful local, State, national, and international efforts to overcome barriers to self-realization of people with disabilities, and recommending options for short- and long-term actions relating to Congress, the executive branch, and the public.

The information collected by the task force will be invaluable to the House Subcommittee on Select Education, and to the Congress as a whole, as we consider H.R. 4498 and subsequent legislation to implement the integration of people with disabilities into the productive mainstream of society.

The demonstrations of outrage which took place at Gallaudet University this spring exposed a long-neglected cesspool of discrimination against Americans with disabilities. That cesspool is full of misguided notions, patronizing policies, and hostility toward democratic participation by disabled persons in the decisions that control their lives.

That explosion of outrage is a graphic example of what can happen as a result of decades of tolerance of such discrimination, and of the refusal to accept the empowerment of people with disabilities. Nationwide there is a ferment within the ranks of Americans with disabilities. What happened at Gallaudet is merely one highly visible manifestation.

In other words, Mr. Speaker, since we all agree, all parties, both Houses, the next great step forward for civil rights should not be a difficult one. Remember the message of Gallaudet. That message is empowerment for people with disabilities.

□ 2100

APPROVAL OF INDIVIDUAL RESIDENTIAL WATER PURIFICATION OR TREATMENT UNITS

The **SPEAKER** pro tempore (Mr. Clement). Under a previous order of the House, the gentleman from Nebraska [Mr. Bereuter] is recognized for 5 minutes.

Mr. **BEREUTER.** Mr. Speaker, section 424 of the Housing and Community Development Act of 1987 permits the use of approved individual residential water purification or treatment units if the existing water supply does not meet the HUD minimum property standards. This was the amendment to the act that this Member offered to address the situation when a State health department determines the water supply to a rural home to be unsafe and the dwelling has no other feasible alternative water supply. Many of these rural houses simply will not qualify for HUD's mortgage insurance program. The amendment was adopted to give these homeowners an opportunity to qualify for this HUD program.

A question has arisen with respect to the use of the term "approved residential water treatment equipment or a water purification unit." It was my intent when this amendment was offered and adopted that the use of this term be defined as treating water at a single faucet, unless a contaminant poses a significant health risk from dermal or inhalation exposure; then whole-house treatment is necessary.

The treatment of water at a single faucet or "point-of-use" devices should be the in-home water treatment application of first choice in reducing contaminant levels in drinking water. Point-of-entry devices or whole-house treatment should only be required instead of point-of-use devices when it has been determined, that in addition to ingestion, other routes of contaminant exposure, including dermal and inhalation, pose a significant health risk.

I offer this clarification to HUD as it finalizes their regulations on this subject.

THE LAST TEMPTATION OF CHRIST

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. Hubbard] is recognized for 5 minutes.

Mr. **HUBBARD.** Mr. Speaker, the carefully modulated publicity campaign for the controversial movie "The Last Temptation of Christ" is at its peak and the film is being rushed into theaters beginning tomorrow.

In an attempt to make multimillions of dollars, the producers are running two full page advertisements in major newspapers about the movie in eight cities across America and emphasize how angry many Christians are about the film's portraying Jesus Christ as a bad man and Judas as a hero.

Quoting this week's Time magazine about the film:

> Jesus has brief onscreen sex with his first wife Mary Magdalene and later commits adultery. Judas is a hero, the strongest and best of the apostles. Paul is a hypocrite and liar. Jesus is so dazed that, even on the eve of his Crucifixion, he is still not quite sure whether to preach love or murder Romans.

The film's director, Martin Scorsese, boasts:

> Ninety-nine percent of the people complaining have not seen the picture.

What a shrewd marketing ploy.

Time magazine describes Martin Scorsese as "a former altar boy who once wanted to be a priest."

Those who have reviewed the movie, including Time magazine, as I mentioned earlier, say Scorsese portrays Judas as "a hero, the strongest and best of the apostles."

I don't plan to see the movie. I don't want to see the movie. Universal Studios and Martin Scorsese will make multimillions of dollars in this blasphemy against Jesus Christ, but my money won't be spent to see the movie.

One difference between Judas Iscariot and Martin Scorsese is that Mr. Scorsese will earn more than 30 pieces of silver for his betraying Jesus Christ.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, I was unavoidably absent during the vote on final passage of H.R. 5026, emergency supplemental appropriations for fiscal year 1988, rollcall No. 290. Had I been present, I would have voted "yea."

H.R. 4951, THE MANDATED HEALTH INSURANCE BILL, WILL SAVE BILLIONS BY PROVIDING PREGNANCY HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I have introduced legislation, H.R. 4951, which will require employers to offer major medical health insurance for all their employees. This will provide protection to some 25 million workers who currently have no health insurance.

One of the most important parts of this bill is the requirement that it cover the costs of pregnancy and baby wellness programs in the first year of the baby's life.

This section of the bill will help solve two major problems in American society:

The immorality of high baby death rates, particularly in minority communities; and

The staggering costs of lifetime treatment of babies born with handicaps and low birth weights due to society's failure to provide prenatal care.

Access to health care is essential for the physical well-being of every American, but for the unborn, it is even more critical. Without proper prenatal care, the chances of a child being born stillborn, undeweight, or with physical and mental defects or stillborn increase significantly. In a nation as wealthy as ours, this is a tragedy which simply must end.

Almost 15 million women of childbearing age have no health insurance covering maternity. Approximately 500,000 women give birth every year without any health insurance protection whatsoever. We are asking these mothers to leave the safety of their children not in the hands of hospitals, nurses, and doctors, but on luck and the spin of the roulette wheel.

This situation is especially tragic for minority groups. Black infant mortality rates are nearly twice that for whites, 20 per thousand versus 10.5. Hispanics rates are 140 percent that of whites at 14.3 per thousand. Even more directly related to the lack of prenatal care is the number of low-birthrate babies. Although only 7 percent of all births fall into this category, they contribute to two-thirds of infant deaths in the first month of life and 60 percent of all infant deaths. Among white babies, 6.5 percent are born at low-birth rates, opposed to a rate of 12.4 percent for blacks, almost double that of whites. My own county, Alameda County, has the highest number of low-birth rate babies in the State of California, and its black and Hispanic mothers and infants are at the highest risk.

It is shameful enough that infant mortality rates are lower in the Scandinavian countries, Japan, most of Western Europe, Canada, and Australia than in the United States. But a child born in Hong Kong or Singapore has a better chance of reaching its first birthday than one born in the United States. Overall, the United States is ranked 18th in the world for infant mortality, a far cry from its superpower status. In one year, about 40,000 American children do not live past the age of 1.

Aside from the emotional costs to the families involved, the financial costs of these statistics are substantial. Low-birthrate babies require expensive and intensive medical care. And while thousands of these children do survive, many of them have permanent mental and physical problems which require continuing care and special education programs for the rest of their lives. By denying care, we are engaging in the perfect example of being pennywise and pound foolish.

Some may feel that prenatal care is one more expensive program which can be little afforded in our budget-cutting era, but this is one proposal which will actually save money. According to the Institute of Medicine, for every dollar spent on prenatal care, $3.38 is saved in hospitalization costs of premature, sickly infants. Even more is saved when the cost of lifelong care for handicapped children is included. The commission's recent report stated,

> We spend vast amounts—of money—on a compassionate effort to save sick children, when we could spend far less to assure they are born healthy.

With clear-cut statistics like these, I ask why so little has been done to improve an obviously inadequate system?

In June 1988, I introduced H.R. 4951, which would require employers to provide health benefits plans to employees. Included in this is coverage for maternal and infant care. Children would be covered until the age of 1, the most crucial year in determining the child's future health. This would go a long way toward improving the statistics I have mentioned. The inclusion of prenatal coverage actually reduces the long-term medical costs to the Nation.

I feel this type of program must be started as soon as possible because the status quo is unconscionable. Babies are dying because of our refusal to provide prenatal coverage, and minority groups in particular are bearing the brunt of it. Parts of our country are below the level of third world nations for infant mortality rates, a fact which should outrage every American. Let us not delay this any longer—prenatal care is a right crucial to mothers and their children and will pass the scrutiny of the economist as well as the moralist.

THE BIENNIAL BUDGETING ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Califonia [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today Ralph Regula and I are reintroducing our 2-year budget bill, H.R. 22, with some basic changes which we believe considerably strengthen the legislation.

The schedule proposed by the legislation by calendar year is as follows:

1989: Pass a budget resolution containing binding numbers for 2 fiscal years, pass a multiyear reconciliation bill and 1-year appropriation bills—for fiscal year 1991;

1990: Work on multiyear authorization bills, passage of 1-year appropriation bills, for fiscal year 1991, based on blinding numbers in the budget resolution;

1991: Pass a budget resolution containing binding numbers for 2 fiscal years, a multiyear reconciliation bill, if necessary, and 2-year appropriation bills;

1992: Work on multiyear authorization bills; and

1993 and beyond: Repeat process as described in 1991 and 1992.

H.R. 22, which I introduced originally back in 1977, envisioned oversight in the first year of each Congress and work on a budget resolution and appropriation bills in the second session. The argument for moving the bulk of action on the budget to the first year of each Congress was improved considerably by the budget summit agreement reached between the Congress and the White House last November. Also, the U.S. Senate Committee on Governmental Affairs has also approved a 2-year budget bill sponsored by Senator FORD which requires basic budget decisions to be made in the first year of each Congress, similar to the legislation being introduced today.

The summit agreement was actually an experiment in 2-year budgeting. We believe it has worked well. The budget process this year has been less time consuming and contentious because of the 2-year plan. For the first time in 24 years the House had passed its appropriations bills before the July recess, and we do not have a reconciliation bill to worry about, having passed reconciliation in the first year of this Congress. Finally, Congress enters the remaining months of an election year with an opportunity to complete its work without a last minute, multithousand page continuing resolution and the threat of a Government shutdown, both of which have become commonplace in the last decade.

Last year was a long, tough and difficult session, but I think Members realize that it was important to get that work behind us so that issues besides the budget could be addressed during the second session. I also believe that once a 2-year process is in place Congress will look forward to an "off-year" which can be devoted to oversight of Federal operations, work on ways to improve programs, and looking ahead to future needs and priorities. A 2-year budget would also provide greater stability in funding for Federal, State, and local agencies, helping them do a better job of planning.

We realize that perhaps the most difficult challenge will be to move to a 2-year appropriations cycle. This change in the process is delayed until the 102d Congress to give the House, Senate and the executive branch time to experiment with and adapt to biennial appropriations.

Support has been increasing steadily for a 2-year process. The most notable recent convert has been President Reagan, who announced his support for a 2-year budget process in a message accompanying his State of the Union speech. The President's view is that "the current budget process consumes too much time and energy. A 2-year budget cycle offers several advantages—among them, a reduction in repetitive annual budget tasks, more time for congressional oversight and consideration of key spending decisions in reconciliation, and fewer gimmicks, such as shifting spending from 1 year to the next."

Also, in a recent poll of Members of Congress conducted by the Center for Responsive Policy 86 percent of those responding favored a 2-year budget process. The National Economic Commission is reportedly considering a 2-year cycle in their study of the budget process and the deficit problem.

We realize that time is short in this session of Congress, but with movement in the Senate on Senator FORD's bill and increased interest in the House of Representatives we believe it is time to reconsider the basic 2-year budget schedule. We hope this updated version of a 2-year budget will spur debate on needed process changes before work begins on the substance of the fiscal year 1990 budget in the 101st Congress.

MILLENNIUM OF CHRISTIANITY IN BIELARUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives that this year marks the millennium of Christianity in Bielarus.

The beginning of Christianity in Bielarus came with the baptism of Grand Duke Iziaslau, ruler of the Northern Bielarus principality of Polack, along with his mother Princess Rahnieda (St. Anastasia). During the 1,000 year history of Christianity in Bielarus, the church has experienced periods of persecution and oppression. However, it has survived through the centuries, and is still a vibrant force in the lives of the Bielarusian people.

Today, under the domination of the Communists, the Bielarusian people have experienced ruthless oppression. Those who attempt to practice their religious beliefs can expect incarcerations, strict regime camps, or internal exile. Although the Soviets have been brutal in their attempts to wipe out their religious and cultural heritage, the religious commitment of the Bielarusian people remains strong.

From June 4 through June 12, Christ the Redeemer Bielarusian-Byzantine Catholic Church in Chicago sponsored a festival of activities in celebration of this millennium. An exhibition, highlighting the spiritual and cultural contributions of Bielarus, was on display, including art work of a historical, liturgical, and religious nature. Folk art was demonstrated, musical performances were given, and films were shown. A millennium banquet was held, and the week of festivities concluded with a performance of operatic excerpts by members of the Chicago Symphony Chorus.

In international law, religious freedom has been acknowledged as a fundamental human right, recognized in the U.N. Charter, the Universal Declaration of Human Rights, the Helsinki Final Act, the International Covenant on Civil and Political Rights, the International Covenant of Social, Economic, and Cultural Rights, the Convention Against Discrimination in Education, and the U.N. Declaration Against All Forms of Religious Intolerance. The Soviet Union is a signator of all of these international agreements. Yet, the Communists still choose to disregard their international obligations, and persecution of individuals for practicing their religious beliefs is a daily occurrence.

Mr. Speaker, on the occasion of the millennium of Christianity in Bielarus, we must urge the Soviet Union to free imprisoned Christians. We must continue to press the Soviets at every opportunity to comply with their international human rights commitments, and also to allow all persons the free exercise of religious practices.

MIGRANT AND COMMUNITY HEALTH CENTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSE] is recognized for 5 minutes.

Mr. ROSE. Mr. Speaker, I rise to share with my colleagues some information about the accomplishments of our migrant and community health centers in the more than 20 years since their initial funding by the Congress of the United States. There are two such programs in the Seventh Congressional District, and 18 programs in the State of North Carolina providing care through 34 practice sites in medically underserved areas of our State.

Nationally, this network of nearly 800 primary health care centers has meant that, for the first time, citizens living in low income or medically underserved areas have been able to go to the doctor to seek medical attention when it is needed, and to receive that care in a dignified and efficient manner. A large, and rapidly increasing number of Americans have no health insurance. This figure includes many who are among the working poor. These people cannot purchase the medical care they need on an out-of-pocket basis. The community and migrant health centers provide a place where these individuals and families can receive the care they need at a cost they can afford. While Medicaid has been an important aid in supporting the costs of medical care, its benefits have not been extended to all those families with incomes below the Federal poverty level. Only one in four people served by community and migrant health centers are covered by Medicaid. The others, although they are poor and without health insurance, must depend on the health centers as their safety net.

In addition to dramatically improving access to care, the community and migrant health centers have consistently provided care which is comprehensive, both in concept, and in the actual delivery of services. There has been a strong commitment to preventive care, that is, the most economical kind of care. Early childhood health screenings, infant and child immunization programs, community health education programs, high blood pressure screenings are all essential ingredients of the health centers' total services. These preventive services are integrated with the acute and episodic care that families require when confronted with illness or injury. These services are further enriched by the provision of ongoing management of chronic conditions such as high blood pressure and diabetes-conditions which affect very large numbers of the adult and elderly populations. Responding to the mandate to provide comprehensive care, the health centers often include onsite pharmacies, or agreements with community pharmacists to ensure that the medicines needed to treat or control these chronic conditions are available.

In seeking to establish comprehensive networks of care, the community and migrant health centers have demonstrated great skills and determination in linking their services to those already provided in the community by other agencies. Sharing of space, coordinated referral networks, formal interagency agreements all result in improved access and more comprehensive care, and not incidentally, reduce the total cost of care by all agencies involved.

Comprehensive care also means a program of health care services that is responsive to the expressed needs of the community. The migrant and community health centers differ from other health care providers in this important respect—they are anchored in the community, governed by boards of local residents, responsive to the schedules of the local population; they offer night and weekend clinic hours for working families, and as a result, are especially well supported by the communities they serve. Studies have established that among the users of these health centers, from 67 to 89 percent consider the health center as their primary source of medical care.

But far more important than improved access to care, and the comprehensiveness of care, the impressive record of cost containment underscores the success of this important Federal program. In an environment of rapidly increasing health care costs, and growing pressure on the Federal budget, and on State budgets, our support for community and migrant health centers has resulted in a net savings to the Federal budget.

How has this been accomplished? First, the health centers have been extremely efficient providers of care. Between 1974 and 1983 the health centers increased the population they served by more than 300 percent even though their grant funding levels grew by only 65 percent. Some of this remarkable growth has been the result of increased productivity.

In that same timeframe, productivity rose by 43 percent, and administrative costs, already low by comparison with other federally funded programs, fell by the same percentage—minus 43 percent. The increased productivity also meant that the cost per patient visit fell by 21 percent—and by 60 percent when inflation is taken into account—during the same period.

Health centers encourage more appropriate use of health services. The emphasis in preventive services, and on the continuing management of chronic conditions means patients tend to have fewer episodes of acute illness. Non-health-center patients use emergency room services nearly 60 percent more frequently than health center patients.

The case for our support of these important programs has never been stronger than it is today. Not only because they save us money through reduced Medicaid expenditures, and through efficient delivery of clinical services, but because they reach out to underserved populations, do they deserve our support. It has been well documented that minority citizens suffer serious health disadvantages. They are less healthy, and they have much less access to health care services. It is these populations that are the special focus of the community and migrant health centers. Nearly 70 percent of their total users are members of minority groups—groups where the greatest gains can be made by providing health care which is accessible and cost effective. Over 60 percent of the users of the health centers have family incomes that fall below the Federal poverty level. Without access to the health centers these families would face serious financial barriers to needed health care services.

It is a deeply disturbing reality that children represent the largest segment of our population living in poverty. But among the users of migrant and community health centers, over one-third of the patients are children. The health centers are responding to the special needs of this population with early childhood screening, immunization programs, parenting instructions, and access to acute care.

In a time of widespread need, and a time of severe fiscal constraint, support for community and migrant health centers makes great sense. These programs are extremely effective providers of health care for low income and medically underserved citizens. They have earned the support of the local communities they serve, and have provided net savings to the Federal health care budget. Simply put, we cannot afford not to invest in these important programs.

AMENDMENT TO DRUG LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ANDERSON] is recognized for 5 minutes.

Mr. ANDERSON. Mr. Speaker, Pursuant to House Resolution 521 (and accompanying Report No. 100-861), I am inserting into today's RECORD an amendment in the nature of a substitute which I may offer to Congressman McCOLLUM's amendment.

The McCollum amendment requires States to enact and enforce laws that provide for the revocation or suspension of a person's driver's license upon conviction of a drug related offense. If the States don't do this, Federal-aid highway funds would be withheld.

While my amendment supports the deterrent feature of the McCollum amendment, it does, I believe, make two major improvements in the approach:

First, it provides incentive funding to the States to enact these laws rather than punishing them for failing to do so by taking away much-needed highway funding; and

Second, it permits the issuance of a restrictive license in certain cases, such as for those in a drug rehabilitation program.

I believe rehabilitation is a more effective way of addressing the drug problem.

I urge your support for the substitute.

POSTAL SAVINGS CERTIFICATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, I am introducing a private bill for the relief of a constituent, Alice Koshian. She and her husband John Koshian have been unable to redeem their two postal savings certificates purchased in 1958, each with a face value of $2,500, due to the termination of the postal savings certificate program on July 13, 1985.

The law terminating the program did not provide for an extension of this deadline. Furthermore, legislation to waive or extend the 1985 termination date would have virtually no chance of enactment. Due to these circumstances, and the size of the claim ($5,000), I am introducing a bill to require the Department of the Treasury to pay directly to Alice Koshian and her husband John Koshian a total of $5,000 (reflecting the principle amount of two separate postal savings certificates of $2,500 each) plus the interest accrued from the date of purchase through 1966, the last year one could purchase a postal savings certificate.

The Postal Savings System was established in 1911, in the aftermath of the 1907 banking panic, to provide safe, convenient instruments for public investment. Individuals were allowed one account with a maximum balance of $2,500 which paid 2 percent interest. However, with the dramatic increase in the number of banks and the innovation of Government insurance of private bank deposits, the need for an attractiveness of the Postal Savings System diminished.

As the popularity of the system declined, Congress made the decision to phase out its operation. Authority to accept additional deposits into the system was terminated in 1966, and the responsibility for administering the payment of claims on remaining accounts was transferred from the Postal Service to the Department of the Treasury in 1967. According to the 1966 legislation, the final date when holders of postal savings certificates could be redeemed was July 13, 1985. According to 1983 figures, of the 460,097 accounts which remained open, half were estimated to be worth $2 or less, with the other half valued at an average of $24.

Given the large amount of the claim—$5,000—I believe that Mr. and Mrs. Koshian should be able to redeem the postal savings certificates they purchased 30 years ago. This bill is intended to make that possible.

DIRECTED REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 15 minutes.

Mr. COYNE. Mr. Speaker, today I am introducing the Directed Revenue Sharing Act, which will establish a federal program of revenue sharing to assist those local governments that are encountering increasing difficulties in providing adequate services for their communities.

This bill creates two programs for providing assistance to local governments. The Targeted Fiscal Assistance [TFA] Program provides aid to local governments on the basis of a 3-year average number of unemployed persons residing in the State. The Directed Revenue Sharing [DRS] Program provides aid to local governments on the basis of population plus a 3-year average number of individuals with incomes below poverty level. Local communities may receive money from both the TFA and the DRS Programs. The amount of funds allocated to the TFA Program fluctuates with the the level of unemployment in the Nation. At present, with the number of unemployed persons equal to just over 6½ million, the TFA Program would receive approximately $1.2 billion. If the number of unemployed were to increase to 7 million, the TFA Program would receive an additional $70 million from the $3 billion allocated to the total bill. This shifting of funds allows the system to respond automatically to changing economic conditions. The remainder of the funds are allocated to the DRS Program to provide aid for local governments which serve a large number of poor persons.

This bill targets aid to needy communities by comparing local per capita income to national average per capita income, adjusted for interstate differences in costs of living. Communities with per capita incomes above 115 percent of the adjusted national average would not be eligible for funds from the TFA Program; communities with incomes above 125 percent of the adjusted national average would not be eligible for any funds. A study by the General Accounting Office indicates that these levels of targeting will reduce income disparities among communities by 20 to 25 percent.

Recently, it has been suggested that local communities should be responsible for paying their own way, that they should just increase taxes if they need to provide more services or if new problems arise which create an increased demand on their resources.

I agree that fiscal accountability and fiscal responsibility are desirable at all levels of government. I believe that a community is responsible for determining the type and level of public goods its residents want supported through public funds. The residents should be expected to pay for the goods and services that they have chosen to consume. If they choose to support a higher standard of living, then they should be expected to finance that choice through higher taxes.

This program is not directed at assisting those communities that have voluntarily chosen to increase the goods and services they are providing. The Directed Revenue Sharing Programs will help those communities that are experiencing difficulties in providing essential services.

One of the criticisms of the general revenue sharing program was that it provided assistance to each of the 38,800 local governments in the country. According to a report of the General Accounting Office, the decision to provide assistance to every local government significantly reduced the efficiency of the program in reducing income disparities. GAO recommended targeting assistance and providing aid only to the poorest local governments.

The Directed Revenue Sharing Act incorporates this suggestion for targeting. Communities are eligible for funds from the DRS Program only if local per capita income falls below 125 percent of adjusted State per capita income. Communities are eligible for funds from the TFA Program only if local per capita income falls below 115 percent of adjusted State per capita income. Targeting assistance in this way insures that the funds appropriated to these programs are going to the communities that need them the most. The Directed Revenue Sharing Act does more to reduce income disparities than general revenue sharing did and it does it for less money.

While much of the Nation is experiencing relief from the high unemployment rates of 1970's and 1980's, there are still 11 States with unemployment rates above 8 percent, some of which are at or near double-digit unemployment.

The average unemployment rate in the 10 largest cities in the United States is 20 percent higher than the national unemployment rate.

The number of poor people residing in central cities has increased 59 percent since 1975. The proportion of households in the Nation's 10 largest cities that have incomes below poverty level is 22 percent higher than the national proportion.

The improvements in the national economy have not reached these local governments. There has been no "trickle down" to these governments. Many of them cannot raise taxes again and they are being forced to cut back on services that are an essential part of a community's health.

Fifty-six percent of the cities surveyed by the National League of Cities in 1987 have had to cut spending on public safety because they lost their General Revenue Sharing funds.

Fifty-seven percent of these cities have had to reduce their spending on public works because of economic problems.

Nineteen percent of the cities reported that their States are actually providing a lower level of assistance in 1987 than they did in the past.

It is not only the largest cities that are experiencing problems. According to the 1987 report of the National League of Cities, among cities and towns with populations under 50,000, 51 percent have had to reduce their services for streets and roads.

Twenty-four percent have reduced police service.

Twenty percent have reduced fire service.

While overall economic conditions improved in 37 percent of the cities and towns surveyed, they stayed the same or worsened in 58 percent of these small cities.

Mr. Speaker, the problems of local governments have not decreased since 1975. On the contrary, they have increased. The demands placed on local governments in 1988 are more numerous and more critical than at any time in our history. And local governments have responded as best they can.

Local governments are doing more and doing so with more creativity and compassion than they ever have in the history of our country. They deserve thanks for all their efforts.

Instead of thanks, we have cut their funding drastically just at the time when they need our assistance more than ever. Real Federal expenditures on nondefense programs, including funds for State and local governments, have been cut in every year but one since 1981. Federal spending on programs for local governments has been slashed nearly in half during the same period. During the Reagan administration, Federal aid to State and local governments in support of transportation has been cut by 25 percent; economic development assistance has been cut by more than 40 percent; health care services have been cut by one-third; grants to rural communities for water, waste disposal and fire protection are only one-half their 1981 level. While Government expenditures on all Federal programs increased by over 60 percent, real grants to State and local governments declined 37 percent between 1980 and 1987.

We need to recognize the economic realities facing this nation. We need to reduce the Federal debt and work toward creating a healthier economic climate for corporations and private citizens. But we should not sacrifice our commitment to local governments at the time when they need our help the most.

I believe that it is the responsibility of the Federal Government to help those communities which are struggling to provide essential services to their residents in the face of economic adversity.

The Directed Revenue Sharing Act will give assistance to the communities that need it most. I urge you to support this bill. I would like to include at this time a copy of the section-by-section analysis of this bill.

SECTION-BY-SECTION SUMMARY OF THE DIRECTED REVENUE SHARING ACT OF 1988

(Prepared with the assistance of the Congressional Research Service of the Library of Congress)

The purpose of this bill is to help governments provide for public needs by making financial assistance available to local governments which are unable to meet local public needs with their own resources. The bill would amend Chapter 67 of title 31, United States Code. Each proposed section is summarized.

SECTION 6701

This section requires the Secretary of the Treasury to pay to a unit of local government (hereafter referred to as the unit) an amount equal to its allocation determined elsewhere in the bill. This amount must be estimated by the first day of the third month before the entitlement period, and paid in installments at least once a quarter by the 5th day after the end of the quarter. Any mistakes made in the amount to be paid may be corrected upon a request of the Secretary of the unit that is made within a year of the end of the entitlement period.

SECTION 6702

A Local Government Directed Revenues Trust Fund is created. The amount of $3 billion is to be appropriated to this end for each of fiscal years 1989, 1990, and 1991. The appropriation is divided into three parts. Section 6704 creates and allocates a "special allocation amount" for Indian tribes, Alaskan villages and the District of Columbia. The allocation of this special allocation amount is described below under Section 6704.

The second part is calculated as $175 multiplied by the average number of persons unemployed in the U.S. (as determined by the Bureau of Labor Statistics) during the 3 full calendar years preceding the entitlement period. Section 6705(a)(2) is to allocate this part of the appropriation. The remainder of the appropriation is allocated by Section 6705(a)(1).

Each State's share of the remainder, net of the first two parts, is determined by multiplying the need factor of the State times its relative fiscal capacity and dividing the result by the sum of this calculation for each of the States. The second part of the entitlement is also allocated by calculating each State's share of the alternative need/relative fiscal capacity measure.

This section also authorizes appropriations of $700,000 for each of the fiscal years 1989, 1990, and 1991 to be made to the Department of Commerce for the purpose of making the determinations required for allocating the moneys.

SECTION 6703

This section establishes the qualifications for a unit of government to be eligible to receive payment. The unit must: establish a trust fund for the money received; expend the money, in accordance with laws regarding their spending, to provide for public needs and to undertake projects and activities that are designed to have a direct and significant impact on maintaining or improving the economic health of the unit; spend the money during a period provided in the regulations; compensate any public employee occupations whose salary is at least 25 percent funded from this fund with a wage at least equal to the rate of pay for individuals employed by the unit of government in similar public employee occupations; compensate laborers and mechanics employed by contractors and subcontractors with a wage at least equal to the prevailing pay rate for similar construction in the locality if at least 25 percent of the cost of a construction project is paid from the trust fund; use prescribed accounting, audit, and fiscal procedures; agree to comply with requests for review of compliance; make all required reports; and comply with sections 6709 and 6717. In addition, the unit of government must allow the governor of the State to review and comment on compliance.

The Secretary may withhold payments for the current entitlement periods if the unit does not take corrective action within 60 days of receipt of a notice of noncompliance. The Secretary must warn the unit of its possible noncompliance and allow an opportunity for a proceeding prior to issuing a notice of noncompliance.

SECTION 6704

An amount is set aside for each entitlement period for Indian tribes, Alaskan native villages, and the District of Columbia. This "special allocation" amount is equal to 1.5 multiplied by the total population of the three categories of recipients multiplied by the ratio of the program entitlement to total U.S. population. Each unit's share of this special allocation amount is determined by its share of the population of special allocation recipients.

SECTION 6705

The allocation among the States of two of the three components of the entitlement is described in this section of the bill. See also discussion in section 6702 above.

The remainder of section 6705 describes the measurement of the need and fiscal capacity factors used in making allocations. Need is defined differently depending upon which part of the entitlement is being allocated. The Section 6705(a)(1) need measure is the sum of the State population and the three-year average of the number of low-income individuals in the State. The Section 6705(a)(2) need measure is the three-year average of the number of unemployed individuals in the State. "Low income" is defined as individuals or families who have a family income which is less than 150 percent of the poverty level.

Relative fiscal capacity is defined as 1.5 times the adjusted total taxable resources of all the States, minus the total taxable resources of such State, divided by the need factor of the State. Total taxable resources incorporates all economic activity in the State and the State's ability to tax economic activity in other States. Adjusted total taxable resources corrects the total taxable resources for a State's need factor.

SECTION 6706

This section describes the allocation of each State's payment to the unit of local government. Allocations to units are based on potential shares of the State's payment. This share of the State payment under section 6705(a)(1) is determined as the product of the unit's population, general tax effort factor, and income factor, divided by the sum of these products for all units. This share of the State payment under section 6705(a)(2) is determined as the product of its population, general tax effort factor, and income factor, divided by the sum of these products for all units which are eligible to receive allocations under section 6705(a)(1).

The section goes on to define the measurement of all of these factors.

SECTION 6707

This section places a cap on the allocation a unit of general government can receive. The payment may not exceed more than 300 percent of the per capita amount determined by divided either of the non-"special allotment" State payments by the State population. It includes waivers in the case of small payments. Any amounts not paid to units shall be allocated to other units in the State.

SECTION 6708

This section specifies the information the Secretary of the Treasury must use in calculating the formulas. It prohibits changes in the information used for a unit and for States under certain conditions.

SECTION 6709

This section requires the units of local government to hold hearings on their proposed use of the funds and to provide specific types of information prior to the hearing and after adoption of the budget.

SECTION 6710

This section prohibits discrimination because of race, color, national origin, or sex.

SECTION 6711

This section describes the procedures which apply when the Secretary makes a finding of discrimination.

SECTION 6712

This section describes procedures for the suspension and termination of payments during discrimination findings, as well as for the resumption of payments upon compliance.

SECTIONS 6713 THROUGH 6716

These sections describe the type of compliance agreements which are acceptable, the duties of the Attorney General in enforcing these discrimination prohibitions, the rights of a person to civil action when he has been injured by a unit of government or its officer, and the opportunities of units of government for a judicial review.

SECTIONS 6717 AND 6718

These sections specify required audits, investigations, and review of the program. An annual report to the Congress is required of the Secretary of the Treasury.

SECTION 6719

This section requires the Comptroller General to undertake a series of studies on methods to identify local governments that have low capacities to raise revenue from their own sources for their essential public service needs.

SECTION 6720

This section defines some of the terminology used in the bill.

REMINISCENCES

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, since we have a short break, it gave me an opportunity to maybe say a few good words about the great State of Tennessee as well as being a new Member of Congress.

Mr. Speaker, I noticed we have a new Congressmen on board which I am pleased about because I remember coming here in January as No. 435. I referred to myself at that particular time as the least most powerful Member of Congress, but now with a little seniority, not much, it is a different type of feeling.

This is a great deliberative body. As a matter fact, it is the greatest deliberative body in the history of the world. We discuss and debate the various issues of our time, whether it pertains to foreign policy or national defense or education or health care, transportation, many of the problems, Mr. Speaker, that we face in Tennessee and Kentucky. I will never forget those years back in the 1950's when my father had the opportunity to serve as Governor of Tennessee, and I will never forget, since we had just come back from the Democratic National Convention, and we were getting ready to have the Republican National Convention; my father, Frank Clement, who was the Governor in 1956, giving the keynote speech at the Democratic National Convention. He said, "How long, oh, how long," and his speech lasted for 55 minutes. The Republicans said it seemed like a heck of a lot longer than that, but we have a new day politically, and we have two candidates, one who has already been nominated, and the other one who will be nominated shortly.

Is it not great to live in a land where we can all speak up and speak out? We can have a difference of opinion without having a difference of principle.

I have had a number of other jobs, but I have never had any position where I have had more voluminous mail than I have had as a Member of Congress, because as a Member of Congress, we are faced with all kinds of issues from every different point of view, whereby whether I was a public service commission, TVA Director, or president of a college, it was a specific issue, but now it is a broad range of issue.

Mr. Speaker, we have the message now, and I thank the Chair for giving me the opportunity to say a few words.

[Pursuant to the order of the House on Aug. 11, 1988, the following Conference Report was filed on Aug. 12, 1988]

CONFERENCE REPORT ON H.R. 4775

Mr. ROYBAL submitted the following conference report and statement on the bill (H.R. 4775) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-881)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4775) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 13, 14, 29, 32, 48, 51, 52, 54, 57, 59, 70, 79, 82, 83, 84, 86, 87, 94, 95, 96, 108, 109, 110, 111, 112, 115, 118, 119, 120, 126, 130 136, 139, 140, 147, 148, 150, 151, and 155.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 17, 18, 20, 21, 22, 23, 36, 37, 38, 40, 55, 58, 64, 65, 66, 67, 69, 73, 78, 99, 101, 103, 104, 105, 107, 114, 123, 124, 125, 127, 128, 129, 131, 132, 133, 134, and 135.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $573,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $59,618,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the office of the Secretary; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $22,000,000.

And the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$277,230,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$13,237,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$234,000,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,025,411,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the number proposed by said amendment insert *16,739*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$47,000,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,740,353,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,800,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,800,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,434,921,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$357,500,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$16,850,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$225,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$119,820,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$532,865,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment, insert *$11,000,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$200,000,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$108,000,000*; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named, insert *509A*; and the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named, insert *619*; and the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named, insert *624*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 10, 11, 16, 25, 31, 35, 39, 41, 42, 44, 45, 46, 47, 49, 53, 60, 62, 63, 68, 71, 72, 74, 75, 76, 77, 80, 81, 85, 88, 89, 90, 91, 92, 93, 98, 100, 102, 113, 116, 117, 121, 122, 138, 141, 142, 143, 145, 146, 149, 152, 153, and 154.

EDWARD R. ROYBAL,
DANIEL K. AKAKA,
STENY H. HOYER,
RONALD D. COLEMAN,
EDWARD P. BOLAND,
SIDNEY R. YATES.
(except 92),
JAMIE L. WHITTEN,
JOE SKEEN,
BILL LOWERY,
FRANK R. WOLF,
SILVIO O. CONTE,
Managers on the Part of the House.

DENNIS DECONCINI,
WILLIAM PROXMIRE,
B.A. MIKULSKI,
JOHN C. STENNIS,
PETE DOMENICI,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4775) making appropriations for the Treasury Department, the United States Postal

Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Amendment No. 1: Establishes separate appropriation accounts for the Office of the Secretary and International Affairs as proposed by the House instead of consolidating those accounts into one account as proposed by the Senate. Appropriates $59,618,000 for salaries and expenses of the Office of the Secretary as proposed by the House and appropriates $22,000,000 for international affairs. The Senate proposed total funding of $83,000,000 for both accounts combined.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and instead by said amendment, insert the following:

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifteen for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $5,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: Provided, That the Center is authorized the acceptance of gifts: Provided further, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: Provided further, That the Federal Law Enforcement Training Center shall hire up to and maintain an average of not less than 425 direct full-time equivalent positions for fiscal year 1989; $34,664,000: Provided further, That none of the funds appropriated under this heading shall be used to reduce the level of advanced training or other training activities of the Federal Law Enforcement Training Center at Marana, Arizona.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition, construction, improvements, and related expenses (to include design, equipment, furnishing, and other such costs) for the Federal Law Enforcement Training Center, $20,000,000 to remain available until expended: Provided, That of this amount, $7,000,000 shall remain available for the acquisition, renovation, and adaptation of the former Artesia Christian College campus in Artesia, New Mexico, as a facility of the Federal Law Enforcement Training Center: Provided further, That $13,000,000 shall be available for the first phase of implementation of the Master Plan for the expansion of the Federal Law Enforcement Training Center at Glynco, Georgia, and for on-going maintenance, facility improvements, and related equipment: Provided further, That the Master Plan for the Federal Law Enforcement Training Center shall make provision for construction of an advanced firearms training range for participating agencies with specialized firearms training requirements.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates funds for salaries and expenses and for construction at the Federal Law Enforcement Training Center at Glynco, Georgia. It also appropriates $7,000,000 for acquisition, renovation and adaptation of the former Artesia Christian College campus in Artesia, New Mexico.

FINANCIAL MANAGEMENT SERVICE

Amendment No. 3: Appropriates $277,230,000 for salaries and expenses instead of $280,461,000 as proposed by the House and $276,000,000 as proposed by the Senate.

Amendment No. 4: Makes available $13,237,000 for systems modernization initiatives instead of $11,737,000 as proposed by the House and $14,737,000 as proposed by the Senate.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Amendment No. 5: Deletes appropriation language proposed by the House. This exact language is included in Amendment No. 22.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Amendment No. 6: Deletes language proposed by the Senate which would have exempted the bureau from the general purchase price limitation on police-type vehicles.

Amendment No. 7: Appropriates $234,000,000 for salaries and expenses instead of $231,003,000 as proposed by the House and $240,000,000 as proposed by the Senate.

Amendment No. 8: Makes available $15,000,000 for the Federal Alcohol Administration Act as proposed by the House instead of $20,000,000 as proposed by the Senate.

Amendment No. 9: Establishes a base level of 3,701 full-time equivalent positions as proposed by the Senate instead of 3,451 as proposed by the House.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allocates 543 full-time equivalent positions to the Armed Career Criminal Apprehension Program.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making funds available for the purchase of certain equipment.

U.S. CUSTOMS SERVICE

Amendment No. 12: Appropriates $1,025,411,000 for salaries and expenses instead of $1,004,821,000 as proposed by the House and $1,046,000,000 as proposed by the Senate.

CUSTOMS COOPERATION COUNCIL

The Conferees agree that the Commissioner of Customs is authorized to fund the 1989 Customs Cooperation Council annual meeting in 1989. Such funding is to come from monies appropriated in this Act for the Customs Service for Fiscal Year 1989.

The Customs Cooperation Council is a worldwide Customs group of 103 member nations, responsible for multi-national efforts to coordinate and make consistent the various Customs practices of member countries. The forum includes development of the Harmonized System of classification and numerous initiatives directed at facilitating world trade.

The Conferees note that U.S. participation in the Convention is an important component in overall world trading arrangements. It is in recognition of this factor that the Conferees authorize the Commissioner to fund the 1989 Customs Cooperation Council Convention.

OAKLAND AND SAN FRANCISCO SELECTION PROCESSING SITE

The Conferees direct the Customs Service not to take any action which would result in the consolidation of the Oakland and San Francisco Selection Processing Site functions at San Francisco airport. Nor may any steps be taken to reduce the staff or mission of the two facilities until such time as the Department holds public hearings to determine the impact of such actions and reports to the Committee on the results of those meetings and the need to consolidate these functions.

U.S. CUSTOMS SERVICE: EXPORT CLEARANCE

The Conferees note that the Kenai Peninsula in Alaska has experienced an increase in exports from Alaska going to overseas destinations. Vessels coming from overseas to pick up such exports must be cleared by the United States Customs Service when they arrive to pick up cargo destined for foreign markets.

Given that such trade authority is on the increase, the Conferees direct the United States Customs Service to study the feasibility of providing reimbursable services to the ports along the Kenai Peninsula with specific emphasis on in-place presence. The United States Customs Service shall submit a report of its analysis to the Senate and House Committees on Appropriations no later than February 1, 1989.

DELAYS AT U.S.-MEXICO PORTS OF ENTRY

The Conferees are encouraged by recent action taken by the U.S. Customs Service to reduce delays at U.S.-Mexico Ports of Entry. Nevertheless, traffic at the border continues to grow and the problem of delays will exist for the foreseeable future.

The Customs Service has testified that it is increasing personnel at the Southwest border and it now has the capability to staff all allotted inspection positions. The Conferees direct Customs to report on the effectiveness of the personnel increases and other steps being taken to reduce delays at commercial and passenger crossings.

As part of this report, the Conferees would like the Customs Service to evaluate the cooperation between Federal agencies with border responsibilities. Specifically, Customs should address the success of the Customs agreement with the Immigration and Naturalization Service to divide lane staffing duties on a fifty-fifty basis. Customs should evaluate its relationship with INS on the entire Southwest border and discuss particular successes and problems at these locations. The Customs Service should state its views on what steps need to be taken regarding current and potential problems that contribute to delays at the U.S.-Mexico Ports of Entry. This report should be provided to the House and Senate Committees on Appropriations no later than March 1, 1989.

Amendment No. 13: Restores a provision regarding the Customs User Fee account as proposed by the House.

Amendment No. 14: Restores a provision proposed by the House and deleted by the Senate which prohibits the redirection of the Equal Employment Opportunity Program.

Amendment No. 15: Establishes a base of 16,739 full-time equivalent positions instead of 16,599 as proposed by the House and 16,799 as proposed by the Senate.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that all additional Customs positions will be allocated only for commercial operations.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

Amendment No. 17: Appropriates $142,262,000 for operations and maintenance as proposed by the Senate instead of $132,262,000 as proposed by the House.

Amendment No. 18: Deletes language as proposed by the Senate which prohibits the transfer of certain equipment on a permanent basis.

U.S. MINT

Amendment No. 19: Appropriates $47,000,000 for salaries and expenses instead of $47,869,000 as proposed by the House and $46,000,000 as proposed by the Senate.

BUREAU OF THE PUBLIC DEBT

Amendment No. 20: Appropriates $219,430,000 for salaries and expenses as proposed by the Senate instead of $242,840,000 as proposed by the House.

Amendment No. 21: Inserts the phrase "shall be available" as proposed by the Senate.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Amendment No. 22: Inserts a provision appropriating $960,000 as proposed by the Senate.

INTERNAL REVENUE SERVICE

Amendment No. 23: Appropriations $87,165,000 for salaries and expenses as proposed by the Senate instead of $94,547,000 as proposed by the House.

IRS PAYROLL

The Conferees are aware of the efforts that IRS has made to correct the problems associated with the IRS payroll system.

The Conferees understand that the Department of the Treasury is considering abolishing the Office of Fiscal Operations and the Resources Systems Development Division of the Detroit Data Center and transferring its payroll/personnel functions to the Department of Agriculture.

The Conferees are convinced that the IRS, at the Senate Committee's request, has made significant progress in rectifying the deficiencies cited in the Committee's FY 1988 report.

Accordingly, the Conferees direct the Secretary of the Treasury to continue the current payroll system throughout FY 1989.

Amendment No. 24: Appropriates $1,740,353,000 for processing tax returns instead of $1,850,134,000 as proposed by the House and $1,691,076,000 as proposed by the Senate.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum striken and inserted by said amendment, insert the following: *$1,932,441,000.*

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $1,932,441,000 for examinations and appeals.

Amendment No. 26: Makes available $2,800,000 for the Tax Counseling for the Elderly program instead of $2,850,000 as proposed by the Senate and $2,650,000 as proposed by the House.

Amendment No. 27: Makes available $2,800,000 for the Tax Counseling for the Elderly program instead of $2,850,000 as proposed by the Senate and $2,650,000 as proposed by the House.

Amendment No. 28: Appropriates $1,434,921,000 for investigation, collection and taxpayer service instead of $1,490,225,000 as proposed by the House and $1,431,058,000 as proposed by the Senate.

U.S. SECRET SERVICE

Amendment No. 29: Deletes a provision proposed by the Senate which would have exempted the Service from the general purchase price limitation for police-type vehicles.

Amendment No. 30: Appropriates $357,500,000 for salaries and expenses instead of $362,000,000 as proposed by the House and $354,500,000 as proposed by the Senate.

TITLE II—U.S. POSTAL SERVICE

SENSE OF SENATE PROVISION

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that it is the Sense of the Senate that a certain contract entered into between the Postal Service and Perot Systems not be implemented until certain conditions are met.

U.S. POSTAL SERVICE: SUN CITY, ARIZONA

The Conferees are concerned about the unfortunate situation of mail theft from curbside mail boxes in Sun City, Arizona, primarily a retirement community. Under Postal Service regulations, residential developments constructed after 1978 will not receive door mail delivery, but will only be able to receive either curbside mail delivery or delivery to local area "cluster" boxes. The purpose of these regulations is to contain costs involved in delivering the mail.

In light of the mail security problems recently experienced by the elderly residents of Sun City, Arizona, the Conferees direct the United States Postal Service to study the economic feasibility of amending Postal Service regulations to provide door mail delivery to retirement communities constructed after 1978 nationwide if a majority of the residents favor such a change in their mail delivery. The Conferees further direct the USPS to report the conclusions of their study to the House and Senate Appropriations Committees by no later than June 1, 1989.

POSTAL FACILITY FOR THE TIERRASANTA AREA OF SAN DIEGO, CALIFORNIA

The Conferees continued to be concerned over the lack of a Postal Service facility for the Tierrasanta area of San Diego. This project is on the Postal Service's five year construction plan and was originally scheduled to be completed by 1989. The Conferees believed that this facility should continue to be a priority for the Postal Service.

The Postal Service has stated that it has been unable to obtain a suitable site for a permanent facility for Tierrasanta. To address the problem in the short-term, the Postal Service plans to establish a Temporary Carrier Annex to serve the Tierrasanta, Sierra Mesa and Grantville areas of San Diego. The Committee supports this plan, but believes the Postal Service should address the lack of planned walk-up window service for Tierrasanta.

The Conferees urge the Postal Service to continue seeking a site for a permanent full service postal facility for Tierrasanta and requests that the Postal Service keep it informed of its effort to address the mail service problem for these areas of San Diego.

PALATINE, ILLINOIS POSTAL FACILITY

The Conferees are concerned about a situation occurring between the Village of Palatine, Illinois and the United States Postal Service. The Conferees understand that the Village of Palatine has been attempting in good faith to find an alternative site for a Postal Service distribution facility. The Conferees understand that failure to find an alternative to the site being proposed by the Postal Service could have a devastating effect on the tax base of Palatine and on the schools and parks districts. Therefore, the Conferees direct the Postal Service to work with the Village of Palatine to find an alternative site that would meet postal needs, before expending any funds for design and/or construction work on the Postal Service's preferred site.

ADMINISTRATIVE PROVISION

Amendment No. 32: Restores a provision inserted by the House and stricken by the Senate which mandates certain services to the people of Holly Springs, Mississippi.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

Amendment No. 33: Appropriates $16,850,000 for salaries and expenses instead of $16,900,000 as proposed by the House and $16,800,000 as proposed by the Senate

NATIONAL CRITICAL MATERIALS COUNCIL

Amendment No. 34: Appropriates $225,000 for salaries and expenses instead of $178,000 as proposed by the House and $300,000 as proposed by the Senate.

OFFICE OF MANAGEMENT AND BUDGET

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$39,640,000, of which not to exceed $1,000,000 may be available for a consolidated Federal budget and financial information system to improve the management of Executive agencies.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $39,640,000 for salaries and expenses and authorizes not to exceed $1,000,000 for a Federal budget and financial information system.

Amendment No. 36: Inserts the word "altering" as proposed by the Senate and deletes the word "review" proposed by the House. This provision prohibits OMB from altering the transcripts of certain testimony under certain conditions as proposed by the Senate instead of prohibiting OMB from reviewing the testimony as proposed by the House.

Amendment No. 37: Deletes a provision proposed by the House. The Conferees emphasize their position on this issue by inserting the following statement on determination and compliance with Congressional intent:

DETERMINATION AND COMPLIANCE WITH CONGRESSIONAL INTENT

The Conferees take strong exception to action by the Director of the Office of Management and Budget in his Memorandum for Cabinet Officers and Agency Heads dated March 15, 1988. That memorandum reminded them, and all employees of their agencies, that Congressional reports have no force of law and claiming the right of the Executive Branch to substitute its judgment as to which projects to fund.

APPROPRIATIONS CAN BE USED ONLY FOR THE PURPOSES FOR WHICH MADE

Title 31 of the United States Code makes clear that appropriations can be used only for the purposes for which they were appropriated, as follows:

Section 1301. Application:

(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

STATEMENT OF INTENT INCLUDED IN CONTINUING RESOLUTION

Section 107 of Public Law 100-202, the Continuing Resolution for fiscal year 1988, says:

Amounts and authorities provided by this resolution shall be in accordance with the reports accompanying the bills as passed by or reported to the House and the Senate and in the Joint Resolution.

Executive Branch wishes cannot substitute for Congress' own statements as to the best evidence of Congressional intentions—that is, the official reports of the Congress.

UNANTICIPATED NEEDS

Amendment No. 38: Inserts center head proposed by the Senate and deletes a center head proposed by the House.

EXPENSES OF MANAGEMENT IMPROVEMENT

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to provide a comprehensive office automation system, including equipment and software, for the Office of Management and Budget, $1,000,000, to remain available until expended.

The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $1,000,000 to provide a comprehensive office automation system for the Office of Management and Budget.

TITLE IV—INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Amendment No. 40: Appropriates $1,040,000 for salaries and expenses as proposed by the Senate instead of $1,275,000 as proposed by the House.

ADVISORY COMMITTEE ON FEDERAL PAY

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $205,000: Provided, That the annual report of the Advisory Committee on Federal Pay shall be submitted to the Appropriations Committees of the House and Senate and other appropriate Committees of the Congress at the same time the report is submitted to the President.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $205,000 for the Advisory Committee on Federal Pay. The Conferees are concerned that the report of the Advisory Committee on Federal Pay is not available in a timely fashion for review by the Congress and have included language to require that the report be submitted to the Congress at the same time the report is submitted to the President.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND LIMITATIONS ON AVAILABILITY OF REVENUE

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$3,024,217,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a total limitation on the availability of funds in the Federal Buildings Fund.

Amendment No. 43: Establishes a limitation of $119,820,000 on construction instead of $92,139,000 as proposed by the House and $137,147,000 as proposed by the Senate.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: *$14,000,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $14,000,000 for construction of the Lakeland, Florida Federal Building.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $16,758,000 for construction of a Federal Building, Courthouse in Baton Rouge, Louisiana.

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $250,000 for site and design of a parking facility in Newark, New Jersey.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $5,000,000 for a grant to the University of New Mexico.

Amendment No. 48: Deletes a provision proposed by the Senate which would have made $7,000,000 available for the Martha Graham Center of Contemporary Dance.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: *$500,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment makes available $500,000 for other selected purchases.

Amendment No. 50: Establishes a limitation of $532,865,000 for repairs and alterations instead of $550,673,000 as proposed by the House and $517,424,000 as proposed by the Senate.

FEDERAL USE OF POST OFFICE BUILDING IN JAMESTOWN, NORTH DAKOTA

The Conferees direct the Administrator of General Services, by no later than September 15, 1988, to submit a written report to the House and Senate Committes on Appropriations outlining in detail the potential uses of the former United States Postal Service building located on First Avenue and Third Street S.W. in Jamestown, North Dakota for Federal Office space. The report shall include, but not be limited to the following information regarding the potential Federal utilization of this Postal Service facility:

utilization of no less than 60 percent of the total square feet in such building;

utilization of such building for storage or as a depository for Government records, documents, or other materials;

which Federal agenceis are potential tenants of such building;

the cost of renovation of the building to accommodate any and all Federal uses;

the timetable for relocating Federal agency personnel and equipment to the building; and

possible financing options to cover the cost of renovating, purchasing, or otherwise preparing the postal service building for occupancy by Federal agencies.

The Conferees believe that the Administrator of General Services should make every possible effort to explore all potential Federal uses for this facility in Jamestown.

JOHNSTOWN, PENNSYLVANIA FEDERAL COURT

The Conferees understand that pursuant to 28 U.S.C. 118, Johnstown, Pennsylvania is designated as a seat for a Federal court for the Western District of Pennsylvania. The Conferees are concerned about the need for the establishment of a satellite court facility in Johnstown to accommodate residents of the surrounding counties. Therefore, the Conferees direct the General Services Administration to establish and maintain a satellite court facility for the Western District of Pennsylvania in Johnstown.

Amendment No. 51: Restores a provision proposed by the House and deleted by the Senate which makes available $1,000,000 for a grant to the County of Los Angeles.

Amendment No. 52: Restores a provision proposed by the House and deleted by the Senate which makes available $800,000 for a grant to California State University.

Amendment No. 53. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: *$5,000,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $5,000,000 for the repair and alteration of a Federal Building, Courthouse in San Francisco, California.

Amendment No. 54: Restores a provision proposed by the House and deleted by the Senate which makes available $29,000,000 for the Ariel Rios Federal Building, New Post Office in Washington, D.C.

ATF HEADQUARTERS

The Conferees are determined that the proposed renovation of the Ariel Rios Federal Building will be effected in such a manner so as not to unduly disrupt the vital law enforcement and excise tax collection functions of the Bureau of Alcohol, Tobacco and Firearms, which is the principal occupant of the Rios Building. It should be noted that it was by action of this Committee that the building was named in memory of Ariel Rios, an ATF agent murdered in an undercover narcotics operation in South Florida.

To avoid undue disruption, the Conferees direct that ATF will not be required to temporarily relocate its Headquarters activity during the renovation in any space deemed unacceptable by the Director of ATF. Further, appropriation of funds for renovation of the Rios building is made with the clear understanding that ATF will re-occupy the Rios building immediately upon completion of the renovation.

Amendment No. 55: Deletes a provision proposed by the House and deleted by the Senate which would have made available $12,000,000 for General Accounting Office in Washington, D.C.

Amendment No. 56: Restores a provision proposed by the House and deleted by the Senate and makes available $11,000,000 for the GSA Headquarters in Washington, D.C. instead of $23,000,000 as proposed by the House.

Amendment No. 57: Restores a provision proposed by the House and deleted by the Senate which makes available $19,970,000 for the James V. Forrestal Building in Washington, D.C.

Amendment No. 58: Makes available $6,500,000 for the Interior Department at Avondale, Maryland as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 59: Deletes a provision proposed by the Senate which would have made available $2,900,000 for the Grove Arcade Federal Building in Asheville, North Carolina.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

Capital Improvements of United States-Mexico Border Facilities, $42,150,000 as follows:

Arizona:

Douglas, AZ: New facility/R&A/Safety, $820,700

Lukeville, AZ: R&A/Safety, $229,100

Naco, AZ:

New facility/R&A/Safety, $320,900

Nogales, AZ:

Grande Ave./Morley Gate, New Station/R&A/Safety, $2,420,900

Mariposa, R&A, $746,800

Sasabe, AZ: New facility/R&A/Safety, $355,300

San Luis, AZ: R&A/Safety, $499,300

California:

Andrade, CA: New station/R&A/Safety, $454,300

Calexico, CA: New station/R&A/Safety, $4,830,900

San Ysidro/Otay Mesa, CA:

New facility/Otay Mesa $721,700

Safety/San Ysidro/Otay Mesa, $2,673,900

R&A/Signs/Security/Commercial lot improvements, $4,956,200

Tecate, CA: New station/R&A, $861,800

New Mexico:

Antelope Wells, NM: Security/Housing, $158,500

Columbus, NM: Security, $236,300

Santa Teresa, NM: New station, $1,668,000

Texas:

Amastad Dam, TX: R&A, $83,400

Brownsville, TX:

Gateway Bridge, Security/R&A/Lane expansion/New Bridge, $5,783,600

B&M Bridge, Replace station, $1,794,300

Los Indios, Replace station, $105,700

Del Rio, TX: Security/Lane expansion, $597,700

Eagle Pass, TX: Security/R&A, $2,251,800

El Paso, TX:

Bridge of the Americas, Design/R&A/Import Lot Paving, $1,700,300

Paso del Norte, Extension/R&A, $639,400

Ysleta, Design/Construction, $1,501,200

Fabens, TX: Site acquisition/Security, $444,800

Falcon Dam, TX: R&A, $172,400

Hidalgo, TX: Safety/Design/R&A, $617,200

Laredo, TX:

Juarez-Lincoln Bridge, Site/Design/R&A, $1,668,000

New bridge, $278,000

Convent Street, Design upgrade, $1,473,400

Presidio, TX: Security/Housing, $556,000

Progresso, TX: Security/R&A, $222,400

Roma, TX: Safety, $305,800

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $42,150,000 for capital improvements of United States-Mexico Border Facilities.

Amendment No. 61: Establishes a limitation of $200,000,000 for minor repairs and alterations instead of $212,780,000 as proposed by the House and $194,780,000 as proposed by the Senate.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $2,000,000 to fund a pilot project establishing safe areas of refuge from fire for the disabled in six existing Federal buildings as proposed by the Senate.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $10,000,000 as proposed by the Senate to provide additional funding for United States-Mexico Border Facility projects under certain circumstances.

Amendment No. 64: Establishes a limitation of $133,000,000 for payment on purchases contracts as proposed by the Senate instead of $142,450,000 as proposed by the House.

Amendment No. 65: Establishes a limitation of $1,177,532,000 for rental of space as proposed by the Senate instead of $1,200,000,000 as proposed by the House.

Amendment No. 66: Establishes a limitation of $882,000,000 for real property operations as proposed by the Senate instead of $881,703,000 as proposed by the House.

Amendment No. 67: Establishes a limitation of $49,000,000 for program direction and centralized services as proposed by the Senate instead of $49,740,000 as proposed by the House.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$130,000,000, of which $2,200,000 shall be made available for a grant to the Marine Biological Laboratory at Woods Hole, Massachusetts and of which $127,800,000 shall be available.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a limitation of $130,000,000 for design and construction services and provides a grant to a Marine Biological Laboratory.

Amendment No. 69: Deletes a citation proposed by the House and inserts a citation proposed by the Senate.

Amendment No. 70: Restores a provision proposed by the House and deleted by the Senate which excepts the Memphis, Tennessee Internal Revenue Service Center from certain requirements.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which exempts the Baton Rouge Louisiana Federal Building, Courthouse and the Lakeland, Florida building from certain requirements.

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$3,024,217,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a total limitation on the availability of funds in the Federal Buildings Fund.

Federal Supply Service

Amendment No. 73: Appropriates $47,000,000 for operating expenses as proposed by the Senate instead of $47,829,000 as proposed by the House.

Federal Property Resources Service

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$10,800,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $10,800,000 for the Federal Property Resources Service.

REAL PROPERTY RELOCATION

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$4,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $4,000,000 for real property relocation.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $1,500,000 for certain relocation costs associated with the facility at Loran Station, Island of Kauai, Hawaii.

INFORMATION RESOURCES MANAGEMENT SERVICE

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$31,875,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $31,875,000 for the Information Resources Management Service.

OFFICE OF INSPECTOR GENERAL

Amendment No. 78: Appropriates $25,000,000 for the Office of Inspector General as proposed by the Senate instead of $25,400,000 as proposed by the House.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

Amendment No. 79: Appropriates $1,431,000 as proposed by the House instead of $1,400,000 as proposed by the Senate.

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$30,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $30,000,000 for the National Defense Stockpile Transaction Fund.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

University of Texas at El Paso pursuant to 50 U.S.C. 98a and 98g for a grant to study and facilitate the development, transfer, and installation of strategic materials technologies among American industries; $3,000,000;

University of Hawaii at Manoa pursuant to 50 U.S.C 98a and 98g(a), for a grant to construct and equip a strategic materials research facility, $14,000,000;

Loyola College in Maryland pursuant to 50 U.S.C. 98a and 98g(a), for a grant to pay the Federal share of the cost of construction and equipment, including approaches and appurtenances and costs already incurred, of a Center for Advanced Information and Resource Management Studies, $3,000,000;

University of Idaho pursuant to 50 U.S.C. 98a and 98g(a) for a grant to construct and equip a Strategic Research and Environmental Laboratory, $3,000,000; and

University of Utah pursuant to 50 U.S.C. 98a and 98g(a)(2)(C) for a grant to pay the Federal share of the cost of construction and equipment for a Center for Biomedical Polymers, $7,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $30,000,000 for projects under the National Defense Stockpile Transaction Fund.

The Conference agreement provides $14,000,000 for a grant to construct a strategic materials research facility at the University of Hawaii. Although this is less than the amount recommended by the House, the managers intend to complete this project by providing the balance of the funds for this facility at a later date.

Amendment No. 82: Restores a provision proposed by the House and deleted by the Senate which authorizes funds to be made available for the payment of rent under certain circumstances.

Amendment No. 83: Restores a section number as proposed by the House.

Amendment No. 84: Restores a section number as proposed by the House.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes and directs the General Services Administration to charge the Department of the Interior for the design of the Avondale, Maryland property as proposed by the Senate.

Amendment No. 86: Restores a provision proposed by the House and deleted by the Senate which authorizes the acquisition of a building in Memphis, Tennessee for the Internal Revenue Service.

Amendment No. 87: Restores a provision proposed by the House and deleted by the Senate which authorizes construction at the Center for Disease Control campus in Chamble, Georgia.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number proposed by said amendment, insert the following: *10*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Administrator of General Services to hire and maintain an annual average of not less than 1,000 full-time equivalent positions not later than fiscal year 1992 for the Federal Protective Service.

The Committee directs GSA to conduct a study on salary comparability of members of the Federal Protective Service with other law enforcement agencies and submit a report to the Committees on Appropriations by January 31, 1989.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 11. Notwithstanding any other provision of law, the Administrator of General Services is hereafter authorized to transfer from the available resources of the Federal Buildings Fund, in accordance with such rules and procedures as may be established by the Office of Management and Budget and the Department of the Treasury, such amounts as are necessary to repay the principal amount of General Services Administration borrowings from the Federal Financing Bank when such borrowings are legal obligations of the Fund.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Administrator of General Services to transfer from the available resources in the Federal Buildings Fund to repay certain borrowings.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *12*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the General Services Administration to sell, at competitive bid, a Federal building in Lakeland, Florida.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *13*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the sale and certain other methods of disposal of certain lands in the vicinity of Bull Shoals Lake, Arkansas without the specific approval of Congress.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 14. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfork Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 15. Notwithstanding any other provision of this Act the amount appropriated for General Management and Administration, Salaries and Expenses of the General Services Administration is $120,774,000 for fiscal year 1989.

SEC. 16. The Administrator of General Services shall transfer, without consideration, to the Secretary of the Army the approximately 24 acres located in Laurel, Maryland, and classified as surplus property under the title "FDA—Beltsville Research Facility". Such property shall be used in connection with the Maryland National Guard.

SEC. 17. The Secretary of the Interior, within 30 days of enactment of this Act shall designate a consolidated agency of no less than 400 people within the Department of the Interior for relocation to Avondale, *Maryland. The Administrator of General Services shall relocate the designee to the Avondale facility no later than 90 days after the Administrator determines design and alteration of the facility is completed.*

SEC. 18. Notwithstanding any other provision of this Act, no funds made available from the Federal Buildings Fund for new construction for fiscal year 1989 may be used to fund the St. Croix Federal Building, Courthouse located in the Virgin Islands.

SEC. 19. None of the funds appropriated by this or any other Act in any fiscal year may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplusing, or disposal of any portion of land identified as a portion of the Middle River Federal Depot located in Baltimore County, Maryland before October 1, 1989: Provided, That such land may be sold before that time if the General Services Administration enters into a mutually agreed upon sale agreement with the State of Maryland and/or Baltimore County, Maryland.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Section 14 of this amendment prohibits the sale and certain other methods of disposal of lands in the vicinity of Norfork Lake, Arkansas without the specific approval of Congress.

Section 15 of this amendment provides that the total amount appropriated to the General Management and Administration account is $120,774,000.

Section 16 of this amendment concerns property located in Laurel, Maryland. The Conferees have included this provision to provide for a transfer of surplus property in Laurel, Maryland to the Secretary of the Army without consideration for use by the Maryland National Guard.

Section 17 of this amendment concerns a facility at Avondale, Maryland. The Conferees have included this provision to insure that within 30 days after enactment the Secretary of the Interior shall designate to the Administrator of General Services a consolidated agency of no less than 400 people which will be relocated to the Avondale property. The Administrator is expected to move quickly to renovate the Avondale property for the designated agency and relocate the designated agency no later than 90 days after the renovation is completed.

Section 18 of this amendment deletes all funding in this Act for the new construction of the St. Croix Federal Building, Courthouse located in the Virgin Islands.

Section 19 of the amendment concerns the Middle River Federal Depot. The Conferees have included this provision which prevents GSA from selling, or in any way disposing of, the Middle River Federal Depot located in Baltimore County, Maryland before October 1, 1989. The provision further provides that GSA may sell this property before that time if it enters into a mutually agreed upon sale agreement with the State of Maryland and/or Baltimore County, Maryland.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$121,900,000, of which $125,000 shall be made available directly to the Forbes Library, Northampton, Massachusetts for such expenses as are necessary for the proper preservation, restoration, and display of the Presidential papers of Calvin Coolidge, and*

The managers of the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $121,900,000 for the National Archives and makes available $125,000 for the Presidential papers of Calvin Coolidge.

Amendment No. 94: Deletes a phrase proposed by the Senate which would make a technical change in the sentence structure.

Amendment No. 95: Deletes a word proposed by the Senate which would make a technical change in the sentence structure.

Amendment No. 96: Restores a provision proposed by the House and stricken by the Senate which makes available $4,100,000 for construction at the John F. Kennedy Library in Boston, Massachusetts.

OFFICE OF PERSONNEL MANAGEMENT

Amendment No. 97: Appropriates $108,000,000 for salaries and expenses instead of $107,477,000 as proposed by the House and $108,977,000 as proposed by the Senate.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *not to exceed $1,000,000 may be made available for establishment of Federal health promotion and disease prevention programs for Federal employees;*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that OPM may use up to $1,000,000 for certain programs.

Amendment No. 99: Inserts the word "and" proposed by the Senate.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as folllows:

In lieu of the matter proposed by said amendment, insert the following: *not to exceed $500,000 may be made available for implementation of the Combined Federal Campaign in fiscal year 1989;*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that OPM may use up to $500,000 for the CFC.

OFFICE OF SPECIAL COUNSEL

Amendment No. 101: Appropriates $5,000,000 for salaries and expenses as proposed by the Senate instead of $4,761,000 as proposed by the House.

TITLE V

GENERAL PROVISIONS—THIS ACT

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the procurement of hand and measuring tools not produced in the United States unless certain conditions are met.

Amendment No. 103: Inserts new section number proposed by the Senate.

Amendment No. 104: Inserts new section number proposed by the Senate.

Amendment No. 105: Inserts new section number proposed by the Senate.

Amendment No. 106: Restores a provision proposed by the House and deleted by the Senate which prohibits the closing of a Federal Information Center of the General Services Administration located in Sacramento, California, and changes the section number.

Amendment No. 107: Inserts a phrase proposed by the Senate which prohibits the transfer of the Federal Law Enforcement Training Center located at Marana, Arizona out of the Treasury Department.

Amendment No. 108: Restores a provision proposed by the House and deleted by the Senate.

Amendment No. 109: Restores section number proposed by the House.

Amendment No. 110: Restores section number proposed by the House.

Amendment No. 111: Restores section number proposed by the House.

Amendment No. 112: Restores a provision proposed by the House and stricken by the Senate which provides that funds shall be used to evaluate, test, relocate, upgrade or purchase stockpile materials to meet certain National Defense Stockpile goals and specifications.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *519*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the procurement of stainless steel flatware not produced in the United States except under certain circumstances.

Amendment No. 114: Deletes a provision proposed by the House and deleted by the Senate regarding the "port of arrival immediate release and enforcement determination" program.

Amendment No. 115: Restores a section number proposed by the House.

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 521. Not later than October 1, 1989, of the amounts obtained from the sale, transfer, or disposition of silver from the National Defense Stockpile, not less than $1,000,000 shall be obligated for a pilot project to upgrade cobalt deposited in the National Defense Stockpile to the highest purity levels required for critical military applications. The funds used in this section for upgrading shall not exceed $2,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes funds available in the National Defense Stockpile for upgrading cobalt deposited in said Stockpile. Conferees note the serious deficit of high purity cobalt in the Stockpile and consequently direct that these funds be obligated by October 1, 1989 to commence a pilot project to upgrade cobalt deposited in the National Defense Stockpile to the highest purity levels required for critical military applications.

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 522. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to 30 years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides authority to the Administrator of General Services to acquire space for the United States Courts in Tacoma, Washington.

Amendment No. 118: Restores a section number proposed by the House.

Amendment No. 119: Restores a section number proposed by the House.

Amendment No. 120: Restores a section number proposed by the House.

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *526*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that sums for the 1989 pay raises authorized by this Act shall be absorbed within the levels appropriated.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 527. (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) The term "consulting services" shall be defined consistent with the provision of OMB Circular A-120 dated January 4, 1988.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) All savings to any department, agency, or instrumentality which result from the application of subsection (a), shall be used for the 4.1 percent increase in rates of pay in such department, agency, or instrumentality made under this Act.

SEC. 528. Section 509 of this Act shall have no force or effect.

SEC. 529. The Office of Personnel Management may, during the fiscal year ending September 30, 1989, accept donations of supplies and equipment for the Federal Executive Institute for the enhancement of the morale and educational experience of attendees at the Institute.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Section 527 of this amendment limits expenditures for certain consulting services.

Section 528 of this amendment nullifies Section 509 of the general provisions in this Act. The Conferees have included a provision which nullifies and thereby gives no meaning, force or effect to section 509 of the bill. This approach is necessary because technical factors which relate solely to the rules and procedures of Congress prevent the Conferees from simply deleting the text of section 509. It is the intent of Congress that section 528 operate to nullify section 509 and have the same result as if section 509 did not appear as part of the text of the Treasury, Postal Service and General Government Appropriations Act, 1989. Section 509 has been rendered unnecessary by the enactment of a provision of law (Section 8093 of the Department of Defense Appropriations Act, 1988, P.L. 100-202) which the General Accounting Office has correctly determined to be permanent and government-wide. (See the April 11, 1988 letter opinion of the Comptroller General.)

Section 529 of this amendment authorizes the Office of Personnel Management to accept certain donations.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES AND CORPORATIONS

Amendment No. 123: Deletes a provision proposed by the House and stricken by the Senate which would have prohibited certain purchase contract projects.

Amendment No. 124: Inserts a section number proposed by the Senate.

Amendment No. 125: Inserts a section number proposed by the Senate.

Amendment No. 126: Deletes a provision proposed by the Senate which would adjust space and service levels based on amounts appropriated. The Conferees are aware that some Standard Level User Charge (SLUC) requests are reduced with the expectation that the level of service provided by the GSA not be reduced. The Conferees are also aware that those reductions are made because SLUC estimates are not reviewed but simply included in an agency request. Since such reductions have the effect of reducing revenues in the Federal Buildings Fund, the Conferees recommend that the problems that could be caused by such reductions be reviewed.

Amendment No. 127: Inserts a section number proposed by the Senate.

Amendment No. 128: Inserts a section number proposed by the Senate.

Amendment No. 129: Inserts a section number proposed by the Senate.

Amendment No. 130: Restores language proposed by the House and deletes a phrase proposed by the Senate which prohibits renovating, remodeling, or making other changes in offices under certain conditions unless notice is given to the Committees on Appropriations. The Conferees agree that approval by (not notice to) the Committees on Appropriations is required.

Amendment No. 131: Deletes a provision proposed by the House related to child care services. The Conferees agree that this provision is not necessary because it is permanent law.

Amendment No. 132: Inserts a section number proposed by the Senate.

Amendment No. 133: Inserts a section number proposed by the Senate.

Amendment No. 134: Inserts a section number proposed by the Senate.

Amendment No. 135: Inserts a section number proposed by the Senate.

Amendment No. 136: Restores a center heading proposed by the House and deleted by the Senate.

Amendment No. 137: Restores a provision proposed by the House and deleted by the Senate which prohibits the government from interfering with Federal employees disclosure of information under certain circumstances.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 620. (a)(1) Notwithstanding any other provision of law, in the case of fiscal year 1989, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 4.1 percent.

(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1989.

(b)(1) Notwithstanding any other provision of this Act or any other law, no adjustment in rates of pay under section 5305 of title 5, United States Code, which becomes effective on or after October 1, 1988, and before October 1, 1989, shall have the effect of increasing the rate of salary or basic pay for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia—

(A) if the rate of salary or basic pay payable for that office or position as of September 30, 1988, was equal to or greater than the rate of basic pay then payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; or

(B) to a rate exceeding the rate of basic pay payable for level III of the Executive Schedule under such section 5314 as of September 30, 1988, if, as of that date, the rate of salary or basic pay payable for that office or position was less than the rate of basic pay then payable for such level III.

(2) For purposes of paragraph (1), the rate of salary or basic pay payable as of September 30, 1988, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date, as determined under regulations prescribed—

(A) by the President, the case of any office or position within the executive branch or in the government of the District of Columbia;

(B) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or

(C) by the Chief Justice of the United States, in the case of any office or position within the judicial branch.

The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment provides a pay increase for Federal employees. The Conferees strongly support parity for civilian and military employees in adjustments of compensation. The Conferees have provided for a 4.1% adjustment for civilian workers as was provided in the Defense Authorization Bill approved by both Houses of Congress. The Conferees have remained silent on the military adjustment, however, military employees are protected under section 1009 of Title 37 of the United States Code which provides that military employees shall receive no less of an adjustment than civilian employees. The Conferees have excluded Members of Congress from the pay adjustment along with any employee whose basic rate of salary is equal to or greater than level III of the Executive Schedule ($82,500).

Amendment No. 139: Deletes a provision proposed by the Senate which would provide for a 4% pay increase for all Federal employees except Members of Congress.

Amendment No. 140: Deletes a provision proposed by the Senate which would require that no pay increase for Members of Congress can be enacted unless certain procedures are followed.

Amendment No. 141: Reported in technical disagreement. The mangers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 621. Effective October 1, 1988, the Secretary shall sell, within fiscal year 1989, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment mandates the sale of silver subject to certain conditions.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment insert the following:

SEC. 622. Effective October 1, 1989, the Secretary shall sell, within fiscal year 1990, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment mandates the sale of silver under certain conditions.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 623. Effective October 1, 1990, the Secretary shall sell, within fiscal year 1991, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment mandates the sale of silver under certain conditions.

Amendment No. 144: Restores a provision proposed by the House and stricken by the Senate and changes the section number. This amendment allows the Secretary of the Treasury to reduce the amount of silver sold if he submits a written determination to Congress that such a sale severely disrupts the domestic market for silver. The Committee understands that silver sales in a declining market shall be considered severely disruptive to the domestic market for silver.

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *625*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the purchase, construction, or lease of space under certain conditions for law enforcement training.

Amendment No. 146: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *626*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides certain benefits to certain employees of the Federal Property Resources Service of the General Services Administration.

Amendment No. 147: Deletes a provision proposed by the Senate which would allow funds to be used for one year contracts which are to be performed in two fiscal years under certain circumstances.

Amendment No. 148: Restores a section number proposed by the House.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 628. (a) No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1989, or under any other Act appropriating funds for fiscal year 1989, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its work places are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

(b) No funds so appropriated to any such department, agency, or instrumentality shall be available for payment in connection with any grant, contract, or other agreement, unless the recipient of such grant, contractor, or party to such agreement, as the case may be, has in place and will continue to administer in good faith a written policy, adopted by such recipient, contractor, or party's board of directors or other governing authority, satisfactory to the head of the department, agency, or instrumentality making such payment, designed to ensure that all of the workplace of such recipient, contractor, or party are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such recipient, contractor, or party.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides authority which will help to achieve a drug free workplace.

Amendment No. 150: Deletes a provision proposed by the Senate regarding interagency funding.

Amendment No. 151: Deletes a provision proposed by the Senate which would have eliminated a requirement for an analysis to be done by the Office of Management and Budget.

Amendment No. 152. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 629. (a) Section 5724(a) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) upon the separation of a career appointee (as defined in section 3132(a)(4) of this title), the travel expenses of that individual, the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of 18,000 pounds net weight, to the place where the individual will reside within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979 (or, if the individual dies before the travel, transportation, and moving is completed, to the place where the family will reside) if such individual—

"(A) during the five years preceding eligibility to receive an annuity under subchapter III of chapter 83, or of chapter 84 of this title, and thereafter, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service; and

"(B) is eligible to receive an annuity upon such separation under the provisions of subchapter III of chapter 83 or chapter 84 of this title.".

(b) The amendments made by subsection (a) shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums otherwise authorized to be appropriated for such agencies.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes certain payments related to certain relocation expenses for Senior Executive Service personnel.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *630*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes technical and conforming changes to existing law related to the transfer of the William Langer Jewel

Bearing Plant from General Services Administration to the National Defense Stockpile.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *631*

The managers on the part of the Senate will move to concur in the amendment on the House to the amendment of the Senate.

This amendment provides that a certain hospital is deemed to be located in Franklin County, Missouri retroactively effective for discharges beginning on or after December 22, 1987.

Amendment No. 155: Deletes a provision proposed by the Senate which would provide that none of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which that foreign country denies certain market opportunities for products and services of the United States.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 1989, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Treasury, Postal Service, and General Government Subcommittee. The term "program, project, and activity" shall include the most specific level of budget items identified as a dollar amount in the Treasury, Postal Service, and General Government Appropriations Act, 1989 (H.R. 4775), the House and Senate committee reports (H. Rept. 100-679) and S. Rept. 100-387), and the conference report and accompanying joint explanatory statement of the managers of the committee of conference (Under the above definition, the Federal Buildings Fund, the Bureau of Engraving and Printing Fund, and other intragovernmental funds are among the accounts exempt from sequestration altogether.).

In implementing a Presidential Order, departments and agencies shall apply the percentage reduction required for fiscal year 1989 pursuant to the provisions of Public Law 99-177, as amended, to each budget item that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations acts (including joint resolutions providing continuing appropriations), and accompanying House and Senate Committee reports, conference reports, or joint explanatory statements of the committee of conference.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988	$15,115,699,000
Budget estimates of new (obligational) authority, fiscal year 1989	16,163,725,000
House bill, fiscal year 1989	16,113,771,000
Senate bill, fiscal year 1989	15,917,514,000
Conference agreement, fiscal year 1989	16,019,910,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988	+904,211,000
Budget estimates of new (obligational) authority, fiscal year 1989	−143,815,000
House bill, fiscal year 1989	−93,861,000
Senate bill, fiscal year 1989	+102,396,000

EDWARD R. ROYBAL,
DANIEL K. AKAKA,
STENY H. HOYER,
RONALD D. COLEMAN,
EDWARD P. BOLAND,
SIDNEY R. YATES
(except 92),
JAMIE L. WHITTEN,
JOE SKEEN,
BILL LOWERY,
FRANK R. WOLF,
SILVIO O. CONTE,
Managers on the Part of the House.

DENNIS DECONCINI,
WILLIAM PROXMIRE,
B.A. MIKULSKI,
JOHN C. STENNIS,
PETE DOMENICI,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4387

Mr. STOKES submitted the following conference report and statement on the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-879)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1989."

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1989 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(b) None of the funds authorized to be appropriated by this Act may be used to procure more than three GUARDRAIL RC-12K aircraft and sensor suites until the Department of the Army has submitted to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and to the Committee on Armed Services of the Senate a report detailing the long-range plans and budgetary commitments to meet the future requirements for tactical airborne reconnaissance in support of the United States Army. The report should include, but not be limited to, the contribution of remotely piloted vehicles and other reconnaissance assets.

(c) Of the funds authorized to be appropriated in this Act for the Defense Intelligence Agency, the Secretary of Defense may transfer not to exceed $15,100,000 to appropriations for the foreign counterintelligence activities for the Federal Bureau of Investigation.

(d) The expiration date provided for in section 803(b) of the Intelligence Authorization Act for Fiscal Year 1986 (Public Law 99-169) shall be exended until December 31, 1989.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. (2) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1989, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 4387 of the One Hundredth Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committee on Appropriations of the Senate and of the House of Representatives and to the President. The President shall provide for suitable distibution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

PERSONNEL CEILING ADJUSTMENTS

SEC. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1989 under sections 102 and 202 of this Act when he determines that such action is necesssary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1989 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1989 the sum of $23,745,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized 244 full-time personnel as of September 30, 1989. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During Fiscal Year 1987, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During Fiscal Year 1989, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During Fiscal Year 1989, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for Fiscal Year 1989 the sum of $144,500,000.

COMPARABILITY OF CERTAIN SPOUSE PROVISIONS WITH CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM

SEC. 302. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new section:

"SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES AND SECOND CHANCE TO ELECT SURVIVOR ANNUITY FOR CERTAIN SPOUSES

"SEC. 226 (a) The Director shall prescribe regulations under which any previous spouse (including former spouses who are also previous spouses), divorced after the effective date of this section from a participant, former participant, or annuitant whose retirement or disability or FECA (chapter 81 of title 5, United States Code) annuity commences after the effective date of this section, shall be eligible for a survivor annuity to the same extent, and, to the greatest extent practicable, under the same conditions (including reductions to be made in the annuity of the participant) applicable to spouses of participants in the Civil Service Retirement and Disability System (CSRS) married for at least 9 months with service creditable under section 8332 of title 5, United States Code.

"(b) The Director shall prescribe regulations under which participants, retired participants, and former participants who have separated from service with a deferred annuity may make an election within two years after the effective date of this section (or, if later, at the time of retirement) to receive a reduced annuity, pay a deposit, and provide a survivor annuity for any spouse for whom survivor benefits were not elected at the time of retirement, or (if the marriage occurred after retirement) were not elected in a timely manner, and for any previous spouse (including former spouses who are also previous spouses) who is not eligible for a survivor annuity under subsection (a) of this section, under, to the greatest extent practicable, the same terms and conditions as those prescribed for participants in the Civil Service Retirement and Disability System (CSRS) by the Civil Service Retirement Spouse Equity Act of 1984.

"(c) As used in this section, the term 'previous spouse' means a former wife or husband who was married for at least nine months to a participant or former participant who had at least 18 months of service which are creditable under sections 251, 252, and 253 of this Act.

"(d) This section shall take effect on the date of enactment of the Intelligence Authorization Act Fiscal Year 1989.".

(b)(1) Section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(A) in subsection (a)(2), by inserting "an amount equal to any survivor annuity payments made to the former spouse under section 223 and also by" after "shall be reduced by"; and

(B) in subsection (b), by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) The amendments made by paragraph (1) shall take effect as of October 1, 1986.

(c)(1) Section 225(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "and any former spouse divorced after November 15, 1982, from a participant or former participant who retired before November 15, 1982," after "1982.".

(2) The amendment made by paragraph (1) shall take effect as of December 2, 1987.

(d)(1) The third sentence of section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out "one year" and inserting in lieu thereof "nine months after the date of remarriage.".

(2) Section 221 of title II of such Act is amended by adding at the end thereof the following new subsection:

"(p) The election of a survivor annuity and the reduction of an annuity under subsection (f)(2) or (n) of this section shall take effect on the first day of the first month beginning 9 months after the date of marriage. For the purposes of this subsection, the 9-month period shall be deemed to be satisfied in any case in which—

"(1) the annuitant dies within such period;

"(2) the surviving spouse of the annuitant had been previously married to the annuitant and subsequently divorced; and

"(3) the aggregate time married is at least 9 months.".

(3) The amendment made by this subsection shall apply to marriages which occur on or after May 7, 1985.

(e) Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Acts.

TITLE IV—GENERAL PROVISIONS

RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 401. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 402. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

SEC. 403. Ninety days after enactment of this Act, the Director of Central Intelligence and the Secretary of Defense shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report setting forth an analysis of each equal employment opportunity group's representation in the Central Intelligence Agency and the National Security Agency respectively and proposing a plan for rectifying any underrepresentation of any such equal employment opportunity group by September 30, 1991.

(b) The Director of Central Intelligence and the Secretary of Defense shall each submit interim reports on February 1, 1989, 1990, and 1991 concerning the Central Intelligence Agency and the National Security Agency respectively detailing the efforts made, and the progress realized, by each such agency in achieving the objectives of each such plan, including, but not limited to, the number of applications from, and the hiring, promotion, and training of, members of each equal employment opportunity group.

(c) For purpose of this section, the term "equal employment opportunity group" means—

(A) white women,

(B) black men,

(C) black women,

(D) Hispanic men,

(E) Hispanic women,

(F) Asian American and Pacific Islander men,

(G) Asian American and Pacific Islander women,

(H) Native American and Alaskan Native men, or

(I) Native American and Alaskan Native women.

DISCLOSURE OF INFORMATION CONCERNING AMERICAN PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR IN SOUTHEAST ASIA

SEC. 404. (a) This section is enacted to ensure that current disclosure policy is incorporated into law.

(b) Except as provided in subsection (c), the head of each department or agency—

(1) with respect to which funds are authorized under this Act, and

(2) which holds or receives live sighting reports of any United States citizen reported missing in action, prisoner of war, or unaccounted for from the Vietnam Conflict,

shall make available to the next-of-kin of that United States citizen all reports, or portions thereof, held by that department or agency which have been correlated or possibly correlated to that citizen.

(c) Subsection (b) does not apply with respect to—

(1) information that would reveal or compromise sources and methods of intelligence collection; or

(2) specific information that previously has been made available to the next-of-kin.

(d) The head of each department or agency covered by subsection (a) shall make information available under this section in a timely manner.

TITLE V—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS

ONE-TIME PERSONNEL AUTHORITY

SEC. 501. (a) Whenever the Director of Central Intelligence finds during fiscal year 1989 that a former employee of the Central Intelligence Agency has unfairly had his career with the Agency adversely affected as a result of allegations concerning the loyalty to the United States of such former employee, the Director may grant such former employee such monetary or other relief (including reinstatement and promotion) as the Director considers appropriate in the interest of fairness.

(b) Any action of the Director under this section is not reviewable in any other forum or in any court.

(c) The authority of the Director to make payments under subsection (a) is effective only to the extent that appropriated funds are available for that purpose.

(d) The Director shall report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives any use of the authority granted by this section in advance of such use.

FERS-CIARDS SPECIAL ELECTION AUTHORITY

SEC. 502. (a) Subsection (d) of section 301 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, is redesignated as subsection (e); and

(b) A new subsection (d) is added after subsection (c) as follows:

"(d) An employee who has been designated as a participant in the Central Intelligence Agency Retirement System after December 31, 1987, pursuant to section 203 of this Act, may elect to become subject to chapter 84 of title 5, United States Code. An election under this paragraph—

"(1) shall not be effective unless it is made during the six-month period after the enactment of this section, or during the six-month period beginning on the date on which the employee is so designated, whichever comes later;

"(2) shall take effect beginning with the first pay period beginning after the date of the election; and

"(3) shall be irrevocable.".

AUTHORITY TO COMPENSATE RETIRED MILITARY PERSONNEL SERVING ON DCI ADVISORY COMMITTEES

SEC. 503. Subsection (a) of section 303 of the National Security Act of 1947 (50 U.S.C. 405) is amended by adding at the beginning of the last sentence "Retired members of the uniformed services employed by the Director of Central Intelligence who hold no other office or position under the United States for which they receive compensation,"; and by changing the word immediately thereafter from "Other" to "other."

REPORTS CONCERNING INSPECTOR GENERAL ACTIVITIES

SEC. 504. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding after section 16 of the following new section:

"REPORTS OF INSPECTOR GENERAL ACTIVITIES

"SEC. 17. The Director of Central Intelligence shall furnish to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the following reports relating to the activities of the Inspector General at the Central Intelligence Agency.

"(a) A report made at the time any Inspector General is selected by the Director of Central Intelligence, specifying the name of the person selected, and certifying that such selection was made without regard to political affiliation. Such report shall also include a certification that the person selected meets Central Intelligence Agency security requirements and has had prior senior experience in the foreign intelligence field. It should also describe the background of such person as it relates to his or her experience in accounting, law, financial analysis, management analysis, public administration, or other field directly relevant to the performance of functions assigned the Inspector General.

"(b) A report made at the time any Inspector General is removed by the Director of Central Intelligence, specifying the basis for such removal.

"(c) Semiannual reports, to be furnished not later than June 30 and December 31 of each year, summarizing the activities of the Office of Inspector General for the preceding six-month period. Such reports shall include: (i) a certification that such activities have been carried out in accordance with accepted Federal standards for inspections, investigations, and audits; (ii) a certification that the Inspector General has had full and direct access to all information relevant to his activities; (iii) a description of any violation of law or willful violation of regulations, or any evidence of serious fraud, waste and abuse, identified during the reporting period; and (iv) the status of corrective actions taken during the reporting period in response to Inspector General recommendations.

"(d) A report of any decision made by the Director of Central Intelligence to prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation within the Central Intelligence Agency, to be made within seven days of such decision.

"(e) A report of any other decision made by the Director of Central Intelligence which would substantially affect the ability of the Inspector General to carry out his duties and responsibilities. Such report shall include the position of the Inspector General with respect to such decision, and be transmitted within seven days to the committees.".

TITLE VI—FBI ENHANCED COUNTERINTELLIGENCE AUTHORITIES

DEMONSTRATION PROJECT ON MOBILITY AND RETENTION FOR THE NEW YORK FIELD DIVISION

SEC. 601. (a) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall conduct a demonstration project to ascertain the effects on the recruitment and retention of personnel, and on field operations in the New York Field Division of the Federal Bureau of Investigation of providing—

(1) lump sum payments to personnel upon directed assignment to the New York Field Division from another geographical location who enter into an agreement to complete a specified minimum period of service, not to exceed three years, in the New York Field Division, except that no lump-sum payment under this paragraph may exceed $20,000, and no employee shall be eligible to receive more than one lump-sum payment under this paragraph in connection with each such assignment; and

(2) periodic payments to New York Field Division employees who are subject by policy and practice to directed geographical transfer or reassignment, except that the amounts paid under this paragraph to an employee for any period may not be less than 20 per centum nor greater than 25 per centum of the basic pay paid or payable to such employee for service performed during such period.

Any lump-sum payment under paragraph (1) and any periodic payment under paragraph (2) shall be in addition to basic pay. Any authority to make payments under this section shall be effective only to the extent of available appropriations.

(b) Such demonstration project shall commence not later than ninety days after the date of enactment of this Act and shall terminate five years after such date, unless extended by law.

(c) The Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall jointly provide to the President and the Congress annual interim reports and, at the conclusion of the 5 year period, a final evaluation concerning the result of the demonstration project.

TITLE VII—DEPARTMENT OF DEFENSE

INTELLIGENCE PROVISIONS

SEC. 701. (a) Section 421 of Title 10, United States Code, is amended to read as follows:

"SEC. 421. FUNDS FOR FOREIGN CRYPTOLOGIC SUPPORT.

"(a) The Secretary of Defense may use appropriated funds available to the Department of Defense for intelligence and communications purposes to pay for the expenses of arrangements with foreign countries for cryptologic support.

"(b) the Secretary of Defense may use funds other than appropriated funds to pay for the expenses of arrangements with foreign countries for cryptologic support without regard for the provisions of law relating to the expenditure of United States Government funds, except that—

"(1) no such funds may be expended, in whole or in part, by or for the benefit of the Department of Defense for a purpose for *which Congress had previously denied funds, and*

"(2) proceeds from the sale of cryptologic items may be used only to purchase replacement items similar to the items that are sold; and

"(3) the authority provided by this subsection may not be used to acquire items or services for the principal benefit of the United States.

"(c) Any funds expended under the authority of subsection (a) shall be reported to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House pursuant to the provisions of Title V of the National Security Act of 1947, as amended, and funds expended under the authority of subsection (b) shall be reported pursuant to procedures jointly agreed upon by such committees and the Secretary of Defense."

(b) The reference to Section 421 in the section at the beginning of Chapter 21 of such title is amended to read "Funds for Foreign Cryptologic Support."

AUTHORITY TO ESTABLISH POSITION OF ASSISTANT SECRETARY OF DEFENSE FOR INTELLIGENCE

SEC. 702. Paragraph (3) of section 136(b) of title 10, United States Code, is amended to read as follows:

"(3)(A) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. He shall have as his principal duty the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense.

"(B) Notwithstanding subparagraph (A), one of the Assistant Secretaries established by the Secretary of Defense may be an Assistant Secretary of Defense for Intelligence, who shall have as his principal duty the overall supervision of intelligence affairs of the Department of Defense.

"(C) If the Secretary of Defense establishes an Assistant Secretary of Defense for Intelligence, the Assistant Secretary provided for under subparagraph (A) shall be the Assistant Secretary of Defense for Command, Control, and Communications and shall have as his principal duty the overall supervision of command, control, and communications affairs of the Department of Defense.".

REQUIREMENTS TO DISCLOSE DEFENSE INTELLIGENCE AGENCY ORGANIZATIONAL AND PERSONNEL INFORMATION

SEC. 703. (a) Section 1607 of title 10, United States Code (as added by section 603 of Public Law 100-178), is transferred to the end of chapter 21, redesignated as section 424, and amended to read as follows:

"§ 424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency

"(a) Except as required by the President or as provided in subsection (b), the Secretary of Defense may not be required to disclose information with respect to—

"(1) the organization or any function of the Defense Intelligence Agency; or

"(2) the number of persons employed by or assigned or detailed to such Agency or the name, official title, occupational series, grade, or salary of any such person.

"(b) This section does not apply—

"(1) with respect to the provision of information to Congress; or

"(2) with respect to information required to be disclosed by section 552 or 552a of title 5.".

(b) The table of sections at the beginning of chapter 21 of such title is amended by adding at the end the following new item:

"424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency.".

DEFENSE ATTACHE DEATH GRATUITY

SEC. 704. (a) During FY 1989, the Secretary of Defense may pay a death gratuity identical to that payable under Section 1489(b) of title 10, United States Code, to the surviving dependents of a member of the armed forces who, while serving on active duty assigned to a Defense Attache office outside the United States, died as a result of hostile or terrorist activities.

(b) The death gratuity referred to in subsection (a) may be paid with respect to an individual who died on or after June 15, 1988.

(c) The Secretary of Defense shall submit to Congress no later than March 1, 1989 a report concerning the advisability of permanent law permitting the payment of death gratuities to the survivors of any member of the armed services who, while on active duty assigned to a Defense Attache office outside the United States, dies as a result of hostile or terrorist activities.

And the Senate agree to the same.

Louis Stokes,
Anthony C. Beilenson,
Robert A. Roe,
Matthew F. McHugh,
Bernard J. Dwyer,
Charles Wilson,
Barbara B. Kennelly,
Dan Glickman,
Nick Mavroules,
Bill Richardson,
Henry J. Hyde,
Dick Cheney,
Bob McEwen,
Dan Lungren,

For matters within the jurisdiction of the Committee on Armed Services:

Les Aspin,
Samuel S. Stratton,
Wm. L. Dickinson,

Managers on the Part of the House.

David L. Boren,
Bill Cohen,
Lloyd Bentsen,
Sam Nunn,
Ernest F. Hollings,
Bill Bradley,
Alan Cranston,
Howard M. Metzenbaum,
Bill Roth,
Orrin G. Hatch,
Frank H. Murkowski,
Arlen Specter,
Chic Hecht,
John Warner,

For matters within the jurisdiction of the Committee on Armed Services:

J. James Exon,
Strom Thurmond,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DOD Intelligence Related Activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committee of the House and the Senate. The special conference group consisted of members of the House and Senate Committees on Armed-Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act, 1989. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation category of Military Pay.

TITLE I—INTELLIGENCE ACTIVITIES

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1989 and establish personnel ceiling applicable to such activities.

Subsections 101(a) and (b) are identical to subsections 101(a) and (b) of the House bill.

Subsection 101(c) is identical to subsection 101(c)(3) of the House bill except that the decision to transfer $15.1 million from the Defense Intelligence Agency to the Federal Bureau of Investigation is left to the Secretary of Defense. The conferees expect the Secretary to make this transfer if the funds in question are appropriated to the Department of Defense. If these funds are appropriated directly to the FBI, he need not do so.

Subsection 101(d) is identical to subsection 101(d) of the House bill, except that the expiration date of Section 803(b) of the Intelligence Authorization Act for Fiscal Year 1986 (Public Law 99-169) is extended until December 31, 1989.

Section 803 permits the Department of Defense, the Office of Personnel Management and the Central Intelligence Agency (and, by later amendment, the Federal Bureau of Investigation) to obtain state and local criminal history record information for use in security checks. Section 803 required these Federal agencies to enter into agreements to indemnify states or localities for claims against them arising from the disclosure or use of the criminal history record information obtained by means of this statute. The requirement for such indemnification agreements expires three years after enactment of the statute. Section 803(b) of the 1986 Act, however, required a report from the Department of Justice (in consultation with the affected Federal agencies) concerning the effect or requiring such indemnification agreements. That report, which was due in December, 1987, was not submitted by the Department until May 24, 1988. Failure to provide this report has frustrated the plan of Congress, which was to have a full year before expiration of the indemnification requirement to review the report and consider whether the indemnification requirement should continue, lapse, or be modified.

Section 101(d) of the House bill extended the expiration date for the indemnification requirement until one year after the submission of the required report. The conferees adopted the House provision, with an amendment changing the expiration date until December 31, 1989. The additional time will permit the underlying issues to be fully addressed during consideration of the FY 90 intelligence authorization bill.

The conferees note that the regulations issued to implement section 803 of the FY 86 Intelligence Authorization Act and the indemnification agreement drawn up by the Department of Justice appear to contravene the intent of section 803. As a result, only three states have agreed to enter into such an agreement. The conferees expect the Department to take the necessary steps to insure that section 803 is implemented as the Congress intended.

Subsection 102(c) of the House bill would have exempted the Defense Intelligence Agency and the Defense Mapping Agency from reductions in non-headquarters personnel reductions by the Secretary of Defense mandated by the Department of Defense Reorganization Act of 1986. Since the House Committee's action, the Secretary has made sufficient defense personnel reductions to satisfy the requirements of that Act, making subsection 102(c) of the House bill unnecessary.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances. Section 103 of the conference report is identical to Section 103 of the House bill and Section 103 of the Senate amendment.

The conferees emphasize that the authority conveyed by Section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the House bill provided that funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1989 to provide funds, materiel, or other assistance to the Nicaraguan resistance to support military or paramilitary operations in Nicaragua only as authorized pursuant to Section 101 and as specified in the Classified Schedule of Authorizations referred to in Section 102, Section 502 of the National Security Act of 1947, or any provision of law specifically providing such funds, materiel or assistance, such as is contained in H.J. Res. 523 of the 100th Congress, a joint resolution providing assistance and support for peace, democracy and reconciliation in Central America (Public Law 100-276).

The Senate amendment contained no comparable provision but authorized funds for the provision of intelligence information and advice.

Section 104 of the conference agreement is identical to Section 104 of the House bill.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SECTIONS 201, 202, AND 203

Title II of the conference report authorizes appropriations and personnel endstrengths for fiscal year 1989 for the Intelligence Community Staff and provides for administration of the Staff during fiscal year 1989 in the same manner as the Central Intelligence Agency. Both the House bill and the Senate amendment authorized $23,745,000 and 244 personnel.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND RELATED MATTERS

SECTION 301

Section 301 of the conference report authorizes appropriations for fiscal year 1989 of $144,500,000 for the CIA Retirement and Disability Fund. Both Section 301 of the House bill and Section 301 of the Senate amendment authorized $144,500,000 for the Fund.

Section 302 of the House bill contained a number of technical amendments to the Central Intelligence Agency Retirement Act of 1964 for Certain Employees affecting certain former spouses of CIA employees. The Senate amendment had no comparable provision. Section 302 of the conference agreement is identical to section 302 of the House bill.

TTILE IV—GENERAL PROVISIONS

SECTION 401

Section 401 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 401 of the conference report is identical to Section 401 of the House bill and of the Senate amendment.

SECTION 402

Section 402 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation of benefits authorized by law. Section 402 of the conference report is identical to Section 402 of the House bill and of the Senate amendment.

SECTION 403

Section 403 of the House bill would require the Director of Central Intelligence and the Secretary of Defense to submit 90 days after enactment a report setting forth an analysis of the representation of each minority group at the CIA and NSA respectively, and proposing a plan for each agency that would address any underrepresentation of any such group by September 30, 1991. Section 403 of the conference report is identical to Section 403 of the House bill.

Section 404 of the House bill would require the disclosure of all live sighting reports or portions thereof correlated or possibly correlated to any United States citizen reported missing in action, prisoner of war or unaccounted for from the Vietnam conflict to the next-of-kin of that United States citizen. This provision in effect codified current disclosure policy employed by the Defense Intelligence Agency which has responsibility for collecting and analyzing such live sighting reports.

The Senate amendment contained no comparable provision.

Section 404 of the conference agreement is identical to section 404 of the House bill.

TITLE V—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS

SECTION 501

Section 501 of the conference report would grant the Director of Central Intelligence the authority during fiscal year 1989 to grant monetary or other relief (including reinstatement or promotion) to a former employee of the Central Intelligence Agency that the Director determines had had his career with the Agency adversely affected as a result of allegations concerning the loyalty to the United States of such former employee.

Section 501 of the conference report is identical to Section 501 of the House bill and of the Senate amendment.

SECTION 502

Section 502 of the Senate amendment would permit a small class of Central intelligence Agency employees a second opportunity to elect coverage under the new Federal Employees Retirement System.

The House bill contained no comparable provision.

Section 502 of the conference report is identical to Section 502 of the House bill and of the Senate amendment except for a technical amendment to new subsection 301(d)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees as amended.

SECTION 503

Section 503 of the Senate amendment would permit the Director of Central Intelligence to compensate retired military officers who serve as members of advisory committees to the DCI notwithstanding the provision of law which precludes compensation to "persons holding other offices or positions under the United States for which they receive compensation."

The House bill contained no comparable provision.

Section 503 of the conference report is identical to Section 503 of the House bill and of the Senate amendment.

SECTION 504

Section 504 of the Senate amendment would require the Director of Central Intelligence to provide reports to the Intelligence Committees of the Congress concerning the Inspector General at the CIA.

The House bill contained no comparable provision.

Section 504 of the conference report is identical to Section 504 of the House bill and of the Senate amendment.

TITLE VI—FBI ENHANCED COUNTERINTELLIGENCE AUTHORITIES

SECTION 601

Section 601 of the House bill would establish a demonstration project to ascertain the effects on recruitment and retention of personnel and on field investigations in the New York Field Division of the Federal Bureau of Investigation by providing lump-sum payments not to exceed $20,000 and periodic payments between 20 and 25 percent of basic pay to employees of the New York Field Division of the FBI.

Section 601 of Senate amendment contained a comparable provision without dollar specific ceilings for lump-sum payments and floors and ceilings on or for periodic payments.

Section 601 of the conference agreement is identical to section 601 of the House bill

TITLE VII—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

SECTION 701

Sections 701 of the House bill and the Senate amendment would revise section 421 of Title 10, United States Code, to provide authority to the Secretary of Defense to use both appropriated and non-appropriated funds for the expenses of arrangements with foreign countries for cryptologic support.

Section 701 of the conference agreement is identical to section 701 of the Senate amendment except that non-appropriated funds may not be used to acquire items or services for the principal benefit of the United States and must be reported to the Intelligence Committees pursuant to procedures jointly agreed upon by such committees and the Secretary of Defense. The purpose of the first change with respect to the items and services acquired for the principal benefit of the United States is to ensure that funds acquired in the context of cooperative cryptologic support arrangements not supplant the requirement that the Department of Defense seek appropriations for items and services which will be redound to the principal benefit of the United States. In such cooperative arrangements, it is anticipated that an equitable sharing of expenses will control each party's contribution to cooperative projects. With respect to the procedures for reporting the use of non-appropriated funds, they have been worked out in advance between the Committees and the Department of Defense and provide for detailed reporting of such expenditures.

SECTION 702

Section 702 of the House bill would have created a new Assistant of Secretary of Defense for Intelligence in lieu of the existing position of the Assistant Secretary of Defense for Command, Control Communications, and Intelligence and would have added an additional undesignated Assistant Secretary of Defense position.

The Senate amendment contained no comparable provision.

Section 702 of the conference agreement contains a provision identical to section 701 of the Conference Report to accompany H.R. 4264, the National Defense Authorization Act, Fiscal Year 1989, which would permit the Secretary of Defense to designate an Assistant Secretary of Defense for Intelligence in which case the Assistant Secretary of Defense for Command, Control, Communications and Intelligence would be redesignated as the Assistant Secretary of Defense for Command, Control and Communications.

For more than a decade, the Intelligence Committees, often in concert with the Committees on Armed Services, have worked to rebuild Department of Defense intelligence capabilities following the draw down of the mid-1970's. The Committees have also authorized substantial additional resources to ensure that accurate and timely intelligence continues to be available to the Secretary of Defense and operational commanders despite the severe challenges posed by new requirements, the changing nature and sophistication of the target, and the increased hostile intelligence threat. These challenges will continue to pose problems for Defense intelligence in the foreseeable future and will likely be compounded by arms control agreements and continued fiscal constraints.

To better utilize available intelligence resources and cope with these challenges, the Congress has also attempted to strengthen the management of intelligence and related activities within the Department of Defense. Intelligence is widely recognized as a unique area within DoD. The unusual security requirements for compartmented intelligence information, the extensive cross-service nature of intelligence activities, and the need for inter-agency coordination of Defense intelligence, operational, programmatic, analytic and production activities pose special management problems. Moreover, because intelligence plays such a decisive role in supporting military operations and in the defense policy, planning and weapon acquisition processes, the adequacy of organizational structures and mechanisms to ensure that necessary intelligence is made available to Defense officials and military commanders may well determine the success or failure of Defense programs and operations.

The conferees are concerned that the current organization and management of Defense intelligence and counterintelligence activities is not optimized to meet current needs and projected challenges. The conferees continue to find intelligence functions and responsibilities fragmented within the Office of the Secretary of Defense. This fragmentation appears to inhibit the coordination of Defense intelligence activities and to reduce the effectiveness of DoD representation in the national intelligence community. Moreover, the fragmentation denies Congress a single focal point who can articulate the intelligence needs of the Department and recommend initiatives to overcome intelligence shortfalls and denies the Secretary of Defense policy level intelligence advice to support critical decisions. For example, the Department still does not have a senior, full-time, civilian official who is responsible for advising the Secretary, Deputy Secretary and Under Secretaries regarding intelligence matters and who participates in the resource allocation process and in the production and evaluation of intelligence estimates. Even the Department of State, with only a fraction of the intelligence resources of DoD, delegates these responsibilities to an Assistant Secretary of State.

The conferees recognize many factors contribute to the Department's apparent intelligence deficiencies but believe organization and management improvements could substantially enhance programs to counter the hostile intelligence threat to Defense activities, to provide needed intelligence to combat drugs and terrorism, and to ensure that the latest intelligence is made available to support major policy decisions as well as research, development and acquisition decisions for major weapon systems.

The fiscal year 1989 DoD Authorization Conference also recognized shortfalls in two of these areas. The Conference required submission of an annual Net Assessment which would include an in-depth analysis of Soviet capabilities and establishment of an independent "red team" to look at the Strategic Defense Initiative. The DoD conferees also emphasized the key role intelligence plays in drug interdiction and directed the Secretary of Defense to work with the Director of Central Intelligence to ensure that the collection of drug interdiction information is established as a high priority for the intelligence community.

In addition to the Congressional concerns, DoD internal observations and recommendations regarding current Defense intelligence management were highlighted in recently completed reports required by the Goldwater-Nichols DoD Reorganization Act of 1986. In two reports published by the Office of the Secretary of Defense staff and in the report of the Chairman of the Joint Chiefs of Staff, recommendations were advanced for consideration by the Secretary of Defense and the Congress concerning the separation of C^3 and Intelligence and establishing an Assistant Secretary of Defense for Intelligence to centrally coordinate and focus on U.S. intelligence issues. For example, the Reassessment of Defense Agencies and DoD Field Activities, dated October 1987, included the following conclusions: "Oversight of the Defense Intelligence Community, at large, is fragmented, causing program disconnects for the U.S. Commands and their components, the Military Departments, and other Defense Agencies."

This report goes on to recommend "That oversight of all DoD intelligence be assigned to a single senior OSD official responsible for intelligence policy, plans, programs, and budgets." Other reports recommended that consideration be given to establishment of an Assistant Secretary of Defense for Intelligence.

The conferees are usually reluctant to legislate how the Department of Defense organizes itself, but remain concerned about the apparent deficiencies in Defense intelligence organization and management and the resulting potential for intelligence failures or shortfalls. The conferees believe, as a minimum, management of Defense intelligence and counterintelligence activities within the Office of the Secretary of Defense must be reexamined by the Secretary in light of the concerns addressed above as well as the observations/recommendations contained in DoD management studies. Further, since only five months remain in the current Administration, the conferees believe the new administration should also consider changes in current practices to strengthen management of Defense intelligence including the establishment of an Assistant Secretary of Defense for Intelligence.

Accordingly, the conferees direct the Secretary of Defense after February 1, 1989 and prior to March 1, 1989, to review the management of Defense intelligence and counterintelligence activities within the Department and report his views regarding the adequacy of current management arrangements and establishment of the position of Assistant Secretary of Defense for Intelligence.

SECTION 703

Section 703 of the House bill redesignated and made technical corrections to section 1607 of Title 10, United States Code, which pertained to the disclosure of organizational and personnel information by the Defense Intelligence Agency.

The Senate amendment had no comparable provision.

Section 703 of the conference agreement is identical to section 703 of the House bill.

SECTION 704

The Senate amendment contained a provision authorizing the payment of a death gratuity to survivors of any member of the armed forces on active duty assignment to a Defense Attaché Office outside the United States who died as a result of hostile or terrorist action. The death gratuity was to be the same as those payable under section 1489(b) of Title 10, United States Code, to members of the armed forces and civilian employees of the Department of Defense who died from hostile or terrorist action while they were assigned to an intelligence component of the Department of Defense under cover or otherwise engaged in clandestine intelligence activities.

The House bill contained no comparable provision.

Section 704 of the conference agreement would authorize the Secretary of Defense to pay a death gratuity identical to that payable under section 1489(b) to the surviving dependents of any member of the armed forces who, while serving on active duty assigned to a Defense Attaché Office outside the United States, died as a result of hostile or terrorist activities. The authority to make such death gratuity payments would apply only during fiscal year 1989, although it would apply with respect to any member of the armed forces who died on or after June 15, 1988. Finally, the Secretary of Defense is directed to submit to Congress no later than March 1, 1989, a report concerning the advisability of a permanent law permitting the payment of death gratuities to survivors of any members of the armed forces who, on active duty assigned to a Defense Attaché Office outside the United States, died as a result of hostile or terrorist activities.

The conferees agree that Defense Attachés are put at particular risk by virtue of their being publicly identified as U.S. military representatives abroad. They were also fully sympathetic with ensuring that the survivors of Navy Captain William Nordeen, the Defense Attaché recently assassinated in Athens, be provided for in the same manner as other DoD members placed at special risk.

Nevertheless, the conferees were reluctant to enact the provision into permanent law in the absence of a formal assessment of such action from the Department of Defense. Obviously, military personnel are often placed at peculiar risks while serving abroad either in statutory posts or in operational task forces. On the other hand, Defense Attachés perhaps should be considered unique and that they are readily and personally identifiable targets for hostile or terrorist actions.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Intelligence Support to Drug Interdiction

The conferees endorse the actions taken in the National Defense Authorization Act, Fiscal Year 1989, with respect to Drug Interdiction and Law Enforcement Support.

The conferees agree that it is appropriate for Defense intelligence activities, both national and tactical, to aid the target development and drug interdiction processes by providing reconnaissance and intelligence support. The unique information requirements to support drug interdiction could be met, in part, with tailored intelligence products.

The DoD Authorization Bill requires the President to report on the plan for the integration of command, control, communications and technical intelligence assets of the United States. The conferees believe the reporting requirement is a first step in understanding and applying the U.S. intelligence apparatus to the drug interdiction challenge.

The conferees take note of and applaud the initial efforts of the national intelligence community to support law enforcement agencies, but detect that working agreements previously reached have been made on an agency-by-agency basis. The conferees believe that a comprehensive and coordinated effort must be established to ensure that the total capabilities of the DoD and national intelligence communities are exploited without a duplication of effort among services, agencies and activities. The ability to refine the target development requirements and manage the tasking of assets provides a challenge to both the law enforcement agencies and the DoD intelligence community. The conferees expect the challenge will be met with a well-managed program for intelligence support.

The conferees request that the Secretary of Defense and the Director of Central Intelligence, in concert with the law enforcement agencies, provide to the Congress no later that March 1, 1989 an assessment of the drug intelligence and target development information requirements, the impact on the intelligence community elements for supporting such requirements, and, a management plan for the tasking, collecting, exploiting and rapidly dissemination information in support of the target development and drug interdiction processes.

Counterintelligence and Security

The classified annexes to both the House and Senate bills included provisions with regard to counterintelligence and security. The conferees believe a public statement of their concerns and actions in this area is also desirable.

Since their inception, the House and Senate Intelligence Committees have closely monitored the threat to the U.S. intelligence and other national security activities posed by foreign intelligence services, as well as counterintelligence and security programs of the intelligence community established to deal with this threat. Both committees have conducted extensive hearings, have undertaken comprehensive staff reviews and investigations of counterintelligence and security problems, and have asked for and received from the Administration studies and reports addressing various counterintelligence and security topics. The House and Senate Intelligence Committees have highlighted serious deficiencies in current counterintelligence and security programs and have highlighted serious deficiencies in current counterintelligence and security programs and have authorized significantly increased funding to deal with many of these deficiencies.

The Senate Intelligence Committee is following up on its 1986 report on "Meeting the Espionage Challenge" and its 1987 report on "Security at the United States Missions in Moscow and other Areas of High Risk" through the annual budget authorization hearing process and subsequent oversight hearings. The House Intelligence Committee continues to review progress made in implementing the recommendations in its 1987 report, "United States Counterintelligence and Security Concerns—1986" and its Subcommittee on Oversight is conducting a series of hearings on personnel security and counterintelligence issues.

While some improvements have been instituted during the past ten years, and especially in the past two years, the conferees do not believe counterintelligence and security issues yet receive the priority treatment warranted by past problems and the continuing threat from foreign intelligence services. Despite a number of devastating espionage operations against the United States, the Marine Guard scandal, the discovery of technical penetration of the Moscow Embassy, and Soviet installation of a highly sophisticated surveillance system integral to the new Moscow Embassy building, the conferees believe that basic flaws in the government's security organizations remain and that the intelligence community is still poorly organized, staffed, trained, and equipped to deal with continuing counterintelligence challenges.

The conferees also remain concerned about the slow progress of the State Department in dealing effectively with counterintelligence and security issues. While a number of positive steps have been taken, including the creation of an expanded and upgraded Counterintelligence Staff, the Department of State needs to continue its efforts to improve management of security programs at overseas missions, including both personnel and physical security. Continued enhancements to the State Department Counterintelligence Staff are essential for this purpose. The conferees endorse the Senate Committee recommendation that consideration be given to amending Executive Order 12333 to include the State Department CI Staff within the Intelligence Community.

Although recognizing that the State Department's principal focus is diplomacy, the conferees believe that the emphasis accorded security programs must increase. Further, the conferees believe that such improvements are essential if overseas facilities are to receive and retain classified intelligence information. Accordingly, the conferees request that the Secretary of State continue to keep the House and Senate Intelligence Committees informed regarding his security-related initiatives and that the DCI or his Director, Security Evaluation Office, report by December 31, 1988, on the SEO's charter and other functions related to protection against foreign intelligence threats to U.S. missions abroad. Development of an independent DCI capability to evaluate security at U.S. missions implements a recommendation in the Senate Intelligence Committee's 1987 report on "Security at the United States Missions in Moscow and Other Areas of High Risk." It is especially important in light of inaction on another recommendation in that report for assigning diplomatic security responsibilities to a number of Under Secretary-level officials.

Concerning intelligence community counterintelligence and security programs, the House and Senate Intelligence Committees have supported the DCI's initiative creating the CIA Counterintelligence Center and the DCI's Security Evaluation Office. While these are positive steps, the conferees remain concerned about the organization and focus of the intelligence community's foreign counterintelligence and security efforts and the need for the development of a comprehensive, interagency counterintelligence and security program. While interagency groups have made a contribution, they appear to operate more to address ad hoc policy initiatives than in a true coordinating role. Moreover, intelligence community security activities often operate in isolation from counterintelligence activities and programs focusing on human agents, with insufficient attention paid to technical counterintelligence and basic physical, personnel, and information security. No agency has implemented a comprehensive counterintelligence personnel career development program.

Many of these problems were addressed in the comprehensive reports issued by the House and Senate Intelligence Committees in 1986-87 and in the President's report to the Intelligence Committees, pursuant to the Intelligence Authorization Act of 1986. The Committees are monitoring compliance with those recommendations through ongoing hearings and staff inquiries, and the DCI has submitted follow-up reports at the direction of the President. Accordingly, to take stock of progress and outstanding needs, the conferees request that the DCI conduct a comprehensive review of the current organization and effectiveness of U.S. counterintelligence and security efforts in light of the foregoing comments and suggestions, and report to the House and Senate Committees with the fiscal year 1990 budget describing his views regarding the current U.S. counterintelligence and security effort, what changes have been instituted and what changes he proposes.

The conferees expect that the Intelligence Committees will give high priority next year to working with officials of the new Administration on improvements in U.S. counterintelligence and security programs.

Army National Guard Intelligence Units

The conferees understand that subsequent to a resolution of a dispute between the National Security Agency and the Army National Guard, a decision was made in the Office of the Secretary of Defense to provide a Combat Electronic Warfare and Intelligence (CEWI) capability to the National Guard.

The conferees continue to endorse the total force policy and recognize the contributions National Guard components could make upon mobilization. For this reason, any proposal to provide a signals intelligence (SIGINT) capability to the National Guard should consider the wartime mission of the unit, the efficiency of the units, the availability of linguists and equipment, and adequacy of training and control mechanisms.

The conferees direct that, prior to the transfer of any SIGINT equipment to the National Guard, the Secretary of Defense submit a report to the Armed Services and Intelligence Committees of the Senate and House of Representatives that identifies the National Guard units scheduled to receive the equipment and describes:

(1) the amount, type and cost of the equipment to be provided,

(2) the safeguards agreed to by the Army and the National Security Agency to ensure proper use and security of the equipment,

(3) the training and linguist support plan, and

(4) the wartime missions and planned contributions to be made by these units.

Louis Stokes,
Anthony C. Beilenson,
Robert A. Roe,
Matthew F. McHugh,
Bernard J. Dwyer,
Charles Wilson,
Barbara B. Kennelly,
Dan Glickman,
Nick Mavroules,
Bill Richardson,
Henry J. Hyde,
Dick Cheney,
Bob McEwen,
Dan Lungren,

For matters within the jurisdiction of the Committee on Armed Services:

Les Aspin,
Samuel S. Stratton,
Wm. L. Dickinson,
Managers on the Part of the House.

David L. Boren,
Bill Cohen,
Lloyd Bentsen,
Sam Nunn,
Ernest F. Hollings,
Bill Bradley,
Alan Cranston,
Howard M. Metzenbaum,
Bill Roth,
Orrin G. Hatch,
Frank H. Murkowski,
Arlen Specter,
Chic Hecht,
John Warner,

For matters within the jurisdiction of the Committee on Armed Services:

J. James Exon,
Strom Thurmond,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4783

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes:

Conference Report (H. Rept. 100-880)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 16, 21, 26, 27, 34, 35, 52, 54, 56, 76, 81, 83, 86, 111, 122, 123, 128, 132, 133, 135, 136, 138, 139, 150, 169, 207, 211, 221, 229, 230, 234, 237, 239, 241, 251, 252, 253, 254, and 255.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 17, 29, 38, 39, 77, 92, 93, 94, 96, 97, 98, 101, 102, 114, 116, 141, 142, 144, 146, 147, 148, 149, 154, 156, 158, 159, 167, 179, 182, 183, 184, 187, 190, 194, 195, 212, 216, 219, 224, 226, 235, 238, 240, 243, and 247, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$48,906,000;* and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,709,800,000;* and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$69,372,000;* and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,000,000;* and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert *$6,000,000;* and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert *$63,916,000;* and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$271,440,000;* and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$76,560,000;* and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,479,714,000;* and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$690,757,000;* and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,597,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$117,839,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$159,406,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$39,997,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

SEC. 103. None of the funds appropriated in this Act shall be obligated or expended for the purpose of closing any Job Corps Center operating under part B of title IV of the Job Training Partnership Act prior to July 1, 1989.

And the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$900,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert *$4,000,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,950,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,868,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,082,000*; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,825,219,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,795,661,000*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,400,000,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$20,500,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,062,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,984,000*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$6,750,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,555,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,447,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: , *of which $12,000,000 shall be made available to carry out the State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.)*; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$7,946,000*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,000,000*; and the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

In lieu of the section designation of said amendment, insert *215*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the section designation of said amendment, insert *217*; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,625,755,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,613,755,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$20,000,000 shall be available for the purposes of section 1017(d), $15,000,000 shall be available for the purposes of part B;* and the Senate agree to the same.

Amendment numbered 160:

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *sections 4601, 4604, and 4605;* and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *part B of title III and title IV*; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$497,700,000*; and the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$468,600,000*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert *$8,000,000*; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert *$500,000*; and the Senate agree to the same.

Amendment numbered 171:

That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,893,000*; and the Senate agree to the same.

Amendment numbered 174:

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$199,791,000*; and the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$30,782,000*; and the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,493,369,000*; and the Senate agree to the same.

Amendment numbered 180:

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$70,679,000*; and the Senate agree to the same.

Amendment numbered 181:

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,667,570,000*; and the Senate agree to the same.

Amendment numbered 185:

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,900,000;* and the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,086,504,000;* and the Senate agree to the same.

Amendment numbered 189:

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,321,000;* and the Senate agree to the same.

Amendment numbered 191:

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,556,000;* and the Senate agree to the same.

Amendment numbered 192:

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert *$215,000;* and the Senate agree to the same.

Amendment numbered 193:

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,500,000;* and the Senate agree to the same.

Amendment numbered 196:

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$33,520,000;* and the Senate agree to the same.

Amendment numbered 197:

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,817,000;* and the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,884,671,000;* and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,850,000;* and the Senate agree to the same.

Amendment numbered 205:

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$388,257,000*; and the Senate agree to the same.

Amendment numbered 206:

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$1,500,000 of the amount provided herein for subpart 4 of part A*; and the Senate agree to the same.

Amendment numbered 210:

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert *$30,000,000*; and the Senate agree to the same.

Amendment numbered 213:

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$47,651,000*; and the Senate agree to the same.

Amendment numbered 214:

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$5,200,000 of the sums appropriated shall be used to continue*; and the Senate agree to the same.

Amendment numbered 215:

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert *$22,000,000*; and the Senate agree to the same.

Amendment numbered 217:

That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$138,866,000*; and the Senate agree to the same.

Amendment numbered 223:

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$258,600,000, of which $500,000 shall be available until expended for carrying out the National Summit Conference on Education Act of 1984, $5,200,000 shall be available only for additional staff and related expenses necessary to increase the number of on-site student aid program reviews*; and the Senate agree to the same.

Amendment numbered 227:

That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$170,465,000*; and the Senate agree to the same.

Amendment numbered 236:

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,916,000*; and the Senate agree to the same.

Amendment numbered 242:

That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,100,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 8, 10, 12, 20, 28, 30, 33, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 ,74, 75, 78, 79, 80, 82, 84, 85, 87, 88, 100, 104, 105, 106, 115, 117, 118, 120, 121, 126, 127, 130, 134, 137, 151, 152, 153, 155, 157, 162, 165, 166, 172, 173, 176, 177, 186, 199, 200, 201, 203, 204, 208, 209, 218, 220, 222, 225, 228, 231, 232, 233, 244, 245, 246, 248, 249, 250, and 256.

William H. Natcher,
Neal Smith,
David R. Obey,
Edward R. Roybal,
Louis Stokes,
Joseph D. Early,
Bernard J. Dwyer,
Steny H. Hoyer,
Jamie L. Whitten,
Silvio O. Conte,
Carl D. Pursell,
John Edward Porter,
C.W. Bill Young,
Vin Weber,
Managers on the Part of the House.

Lawton Chiles,
Robert C. Byrd,
Ernest F. Hollings,
Quentin N. Burdick,
Daniel K. Inouye,
Tom Harkin,
Dale Bumpers,
John C. Stennis,
Lowell P. Weicker, Jr.,
Mark O. Hatfield,
Ted Stevens,
Warren B. Rudman,
James A. McClure,
Pete V. Domenici,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4783) making appropriations for the Departments, Labor, Health and Human Services, and Education, and related Agencies for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

PROGRAM ADMINISTRATION

Amendment No. 1: Appropriates $71,638,000 as proposed by the Senate instead of $72,289,000 as proposed by the House. The conference agreement includes an additional two full-time equivalent staff for the Bureau of Apprenticeship and Training.

Amendment No. 2: Makes available $48,906,000 from the Unemployment Trust Fund instead of $46,606,000 as proposed by the House and $50,406,000 as proposed by the Senate. The conference agreement includes an additional 20 full-time equivalent staff for employment security activities, including the Immigration Reform and Control Act.

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 3: Appropriates $3,709,800,000 instead of $3,705,129,000 as proposed by the House and $3,769,316,000 as proposed by the Senate.

The conference agreement includes $686,919,000 for Job Corps operating costs (excluding capital), $4,934,000 for labor market information and $2,500,000 for service delivery areas with high concentrations of American Samoans. The conferees direct the Secretary of Labor to make the latter amount available for service delivery areas under the Job Training Partnership Act with high concentrations of American Samoans, in addition to amounts otherwise provided under section 202 of the Act.

Amendment No. 4: Earmarks $69,372,000 for migrants and seasonal farmworkers instead of $70,572,000 as proposed by the House and $68,172,000 as proposed by the Senate.

Amendment No. 5: Earmarks $9,633,000 for veteran's employment training as proposed by the Senate instead of $9,966,000 as proposed by the House.

Amendment No. 6: Earmarks $4,000,000 for activities conducted by and through the National Occupational Information Coordinating Committee instead of $3,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Amendment No. 7: Restores language proposed by the House and stricken by the Senate setting aside funds for rural concentrated employment programs but makes available $6,000,000 instead of $7,000,000 as proposed by the House.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment amended to read as follows:

In lieu of the matter inserted by said amendment, insert the following: *and $36,000,000 shall be used to continue acquisition, rehabilitation, and construction of six new Job Corps centers; and, in addition, $9,500,000 is appropriated for activities authorized by title VII subtitle C of the Stewart B. McKinney Homeless Assistance Act, of which $1,900,000 shall be for carrying out section 738 of the Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 9: Restores separate appropriation for Job Corps capital costs proposed by the House and stricken by the Senate modified to appropriate $63,916,000 instead of $80,916,000 as proposed by the House. The Senate bill included $39,916,000 for capital costs under amendment number three. The conference agreement contains the following for Job Corps capital costs:

New centers (6)	$36,000,000
Repairs and improvements	27,916,000

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$47,870,000, in accordance with section 1424 of H.R. 4848 as passed the Senate on August 3, 1988*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees recognize that training activities under section 236 of the Trade Act become an entitlement upon the enactment into law of H.R. 4848, the Omnibus Trade and Competitiveness Act of 1988.

Amendment No. 11: Restores language proposed by the House and stricken by the Senate that will allow the Job Corps to maintain existing centers and the current capacity level of 40,544 in program year 1988 by permitting the use of up to $30,000,000 for basic operations from funds that had been specifically earmarked in the enacted 1988 appropriation for construction, rehabilitation, and acquisition.

The conferees direct the Department to expend the balance of the 1988 capital funds as follows: $12,000,000 to begin construction of six new centers, $16,400,000 to begin relocation of existing centers and up to $33,000,000 for repairs, improvements and rehabilitation of existing centers.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language that directs the Secretary of Labor to give priority to funding programs to upgrade the job skills of American workers and requires the funding of research and development projects using interactive laser-videodisc technology course materials. The House bill contained no similar provision.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Amendment No. 13: Appropriates $271,440,000 for national grants or contracts instead of $269,880,000 as proposed by the House and $273,000,000 as proposed by the Senate.

Amendment No. 14: Appropriates $76,560,000 for grants to States instead of $76,120,000 as proposed by the House and $77,000,000 as proposed by the Senate.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 15: Makes available $2,479,714,000 from the Unemployment Trust Fund instead of $2,472,714,000 as proposed by the House and $2,484,890,000 as proposed by the Senate. The conference agreement includes $14,324,000 to administer the Targeted Jobs Tax Credit.

Pension Benefit Guaranty Corporation

PENSION BENEFIT GUARANTY CORPORATION FUND

Amendment No. 16: Deletes language proposed by the Senate expressing the sense of the Senate that pension plan asset reversions by employers should be temporarily discouraged, that Congress should enact a 60 percent penalty on asset reversions that will extend until May 1, 1989, and that during the period that the 60 percent penalty is in effect, the appropriate authorizing committees should draft legislation that addresses policy questions raised by employer terminations of pension plans and asset reversions.

Employment Standards Administration

SPECIAL BENEFITS

Amendment No. 17: Appropriates $255,000,000 as proposed by the Senate instead of $292,000,000 as proposed by the House.

BLACK LUNG DISABILITY TRUST FUND

Amendment No. 18: Makes available $690,757,000 from the Black Lung Disability Trust Fund instead of $688,214,000 as proposed by the House and $691,394,000 as proposed by the Senate.

Amendment No. 19: Earmarks $26,597,000 for transfer to Departmental Management, Salaries and Expenses instead of $24,054,000 as proposed by the House and $27,234,000 as proposed by the Senate. The conference agreement is an increase of $2,543,000 over the House bill, including $1,500,000 and 24 full-time equivalent staff for the Office of Administrative Law Judges, $459,000 and 11 full-time equivalent staff for the Benefits Review Board and $584,000 and 13 full-time equivalent staff for the Solicitor's Office. These resources are to be used for reduction of the black lung appeals backlog.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which appropriates $247,517,000 instead of $246,517,000 as proposed by the House and $246,851,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conference agreement includes an additional 12 full-time equivalent staff for Federal enforcement.

Amendment No. 21: Earmarks $43,000,000 for State operational grants as proposed by the House instead of $42,334,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 22: Appropriates $117,839,000 instead of $117,339,000 as proposed by the House and $118,839,000 as proposed by the Senate.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Amendment No. 23: Makes available $159,406,000 from the Unemployment Trust Fund instead of $148,887,000 as proposed by the House and $160,006,000 as proposed by the Senate. The conference agreement includes $67,812,000 for the Local Veterans Employment Representative Program and an increase of $2,600,000 for the National Veterans Employment and Training Institute.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 24: Appropriates $39,997,000 instead of $39,497,000 as proposed by the House and $40,222,000 as proposed by the Senate. The conference agreement includes five additional full-time equivalent staff for the Office of Labor Racketeering over the House bill.

GENERAL PROVISIONS

Amendment No. 25: Restores language proposed by the House and stricken by the Senate modified to extend the prohibition of Job Corps Center closings until July 1, 1989, instead of January 1, 1990 as proposed by the House.

Amendment Nos. 26 and 27: Restore section numbers as proposed by the House.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 29: Inserts legal citation for the Health Care Quality Improvement Data Bank as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $1,632,584,000 instead of $769,554,000 as proposed by the House and $1,642,685,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $15,000,000 for health care of the homeless authorized by the Stewart B. McKinney Homeless Assistance Act. The conferees acknowledge that the amount agreed to does not necessarily reflect the annual operating level but reflects, together with carryover balances from funds appropriated in Fiscal Year 1987 and Fiscal Year 1988 the amount necessary to maintain current services through Fiscal Year 1989.

The conference agreement also provides $8,002,000 for National Health Service Corps loan repayments of which not less than $3,000,000 shall be for nurses including nurse midwives and nurse pediatric practitioners.

The Senate report accompanying this bill identifies obstetrical providers as a high priority both within the National Health Service Corps field and loan repayment activities. This term includes a range of health care professionals, including obstetrician-gynecologists, family practitioners, obstetrical nurse practitioners, pediatric nurse practitioners, and nurse-midwives.

The conference agreement includes $561,000,000 for the Maternal and Child Health Block Grant. This amount includes increased funds, as proposed by the House, for strengthening and expanding the hemophilia treatment centers program. The conferees also encourage, within these funds, that the Department place special emphasis on outreach programs to educate and improve the prenatal health of expectant mothers.

The conference agreement includes $140,000,000 for family planning activities. The conferees are agreed that $136,767,000 of this amount is for program grants and contracts and $3,233,000 is for program management/program support costs.

The conferees recognize the burden uncompensated care poses to the economic viability of trauma care centers, particularly those located in border states or serving a disproportionately high percentage of undocumented patients. Congress did address this problem in part with the enactment of the Omnibus Reconciliation Act of 1986 and the Immigration Reform and Control Act of 1986. However, the conferees agree that this issue warrants increased attention. The conferees urge the Department and the appropriate committees of jurisdiction to give careful consideration to addressing this problem in order to ensure that the critical care provided by trauma care centers continues.

In the Fiscal Year 1987 Supplemental Appropriations Bill, P.L. 100-71, the Congress appropriated $30 million to insure that those who were medically eligible for azidothymidine (AZT) would not be precluded from receiving the drug simply because they could not afford to pay for it. The funds were included in the bill on an emergency basis with the expectation that the appropriate authorizing committees and the individual states would take further action to address this problem. The Conferees are concerned that the authorizing committees have taken no action, to date, and that there are still some states that do not cover the cost of AZT under their Medicaid Programs. The result is that there will be people who are medically eligible to receive the drug but will not have the funds to pay for it. Therefore, the conferees strongly urge the authorizing committees and the states to act as quickly as possible to establish programs that will insure that the necessary funds be provided to those who need them.

Amendment No. 31: Earmarks $900,000 for repairs and renovations at the National Hansen's Disease Center instead of $800,000 as proposed by the House and $1,000,000 as proposed by the Senate.

Amendment No. 32: Earmarks $4,000,000 for construction of outpatient and long term care facilities relating to AIDS instead of $5,000,000 as proposed by the House. The Senate bill did not include funds for this activity.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $20,800,000 for the infant mortality initiative. The House bill contained $20,000,000 for this purpose but did not earmark funds in the bill.

Amendment No. 34: Restores language proposed by the House but deleted by the Senate which requires that federal occupational health activities be funded on a reimbursable basis.

Deletes language proposed by the Senate which would have allowed certain fees to be credited to this appropriation.

Amendment No. 35: Deletes language proposed by the Senate related to the nursing and HEAL loan programs.

CENTERS FOR DISEASE CONTROL, RESEARCH, AND TRAINING

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which appropriates $993,830,000 instead of $819,941,000 as proposed by the House and $979,356,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $386,919,000 for activities associated with acquired immune deficiency syndrome (AIDS) as follows:

Public information	$36,040,000
School and college-aged youth	36,450,000

State and local health education/risk reduction	28,492,000
Counseling and testing	102,376,000
Minority projects	30,656,000
Hemophilia projects	7,300,000
Perinatal AIDS	6,434,000
TB/AIDS	7,000,000
Other prevention activities	5,042,000
Health workers	4,079,000
Surveillance	78,460,000
Epidemiology/laboratory studies	44,590,000
Total	386,919,000

The conferees have agreed to defer consideration of funding of a nationwide household AIDS seroprevalence survey pending the outcome of pilot projects that are currently being conducted.

Within the amount provided for immunization grants, the conferees have included a minimum of $3,000,000 for the increased cost associated with the production of vaccine by the states.

The conferees clarify that the conference agreement earmarks $1,182,000 and 8 FTE's for activities of the CDC related to Chronic Fatigue Syndrome (CFS).

The conferees are concerned with the CDC establishment of a vessel sanitation program advisory committee whose membership will exceed the scope of vessels' sanitation issues. If such a committee is to be established, the conferees direct that its membership should be limited to the CDC, the cruise industry and inspection authorities.

Within the increases provided to combat AIDS, the conferees have included an additional $1 million over the current level of funding to expand the collaborative CDC/MCH program, involving the national hemophilia organization, working in concert with its regional treatment centers to address the problem of HIV/AIDS in the hemophilia community.

The conferees are deeply concerned with the escalating incidence of hepatitis B in the U.S. The conferees urge CDC to move quickly toward determining what resources are available to institute an effective vaccination program for populations at risk and to report to the Appropriations Committee by January 31 on the steps that can be taken to institute such a program within present resources and also, what additional activities are required to control this disease.

Amendment No. 38: Inserts clarifying language proposed by the Senate concerning training costs.

Amendment No. 39: Deletes language proposed by the House which would have provided specific authorization to allow charging for the full cost of proficiency testing of private clinical laboratories.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language specifying that certain CDC employees assigned to States and municipalities shall be treated as non-Federal employees for reporting purposes only. The House bill contained no similar provision.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language to correct language included in the 1988 appropriations act requiring the General Services Administration to construct under its lease-purchase authority an office building at the Centers for Disease Control's main site in Atlanta, Georgia and a laboratory facility to replace the present facility at Chamblee, Georgia. The House bill contained no similar provision.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,593,536,000 instead of $1,489,897,000 as proposed by the House and $1,591,036,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *; of which at least $75,000,000 shall be available only for cancer prevention and control and $2,500,000, to remain available until expended, shall be available only for the Frederick Cancer Research Facility*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement retains the earmark of $75,000,000 for cancer prevention and control programs as proposed by the Senate and adds a new earmark of $2,500,000 for repairs and renovations of federal facilities at the Frederick Cancer Center. These funds were included under the Buildings and Facilities account in the Senate amendments. The House bill did not include funds for either purpose.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,059,303,000 instead of $1,018,983,000 as proposed by the House and $1,056,003,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that the amount provided includes funds for new magnetic resonance imaging equipment at the cardiac energetics lab as well as "up to" $1,500,000 for increased support to the National Bone Marrow Registry. This registry is currently funded by the Department of the Navy which has had discussions with the National Institutes of Health concerning the future transfer of the registry to the National Heart, Lung, and Blood Institute. The Conferees believe this is the appropriate Institute to assume responsibility for the registry and have included for fiscal year 1989 up to $1.5 million to facilitate its transfer from the Navy to ensure a smooth transition and operation of the program and transfer of funds between the Departments.

NATIONAL INSTITUTE OF DENTAL RESEARCH

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $132,578,000 instead of $127,315,000 as proposed by the House and $130,578,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

GENERAL PROVISION—SECTION 200

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *Sec. 200. None of the funds contained in this Act shall be used to compel any action in violation of section 401(b) and (c) of Public Law 93-45.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment added a new general provision setting restrictions on the use of funds to require persons or entities to perform or facilitate in the performance of an abortion. The conference agreement conforms this restriction to provisions of current law commonly called the Church Amendment.

NATIONAL INSTITUTE OF DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $567,158,000 instead of $546,902,000 as proposed by the House and $565,908,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE, AND NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

Amendment No. 52: Restores heading as proposed by the House.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 54: Restores language proposed by the House but stricken by the Senate.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter striken and inserted by said amendment insert the following: *$573,978,000 of which up to $96,100,000, as the Secretary may determine to be appropriate, shall be transferred to the National Institute on Deafness and Other Communica-*

tions Disorders upon being enacted into law.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 56: Deletes language proposed by the Senate which would have established a separate appropriation account for the National Institute on Deafness and Other Communication Disorders.

The Conference agreement provides for a single combined appropriation of $573,978,000 for research activities of both the existing National Institute of Neurological and Communicative Disorders and Stroke and the proposed new National Institute on Deafness and Other Communication Disorders. The amount agreed to is the same amount included by the Senate under amendments numbered 55 and 56. The House bill included $557,046,000 for these activities.

The conference agreement includes language which directs the Secretary to transfer up to $96,100,000 to the new National Institute on Deafness and Other Communication Disorders once authorizing legislation is enacted. In making this determination it is the conferees' clear intent: (1) that all ongoing research concerning deafness and other communication disorders which will be transferred to the new Institute must continue to receive funding at levels included in current grants, contracts, and cooperative agreements; and (2) that the new Institute receive funds necessary to effectively and efficiently administer the programs transferred to it. An increase of $3 million over the President's budget has been provided to cover these administrative expenses. It is also the conferees' intent that the Secretary provide all documentation used to make his or her determination concerning the allocation level for the new Institute to the Committees and that the Secretary consult with the Congress prior to making this determination. It is the conferees' intent that the Secretary report to the Congress on a quarterly basis during FY 1989 concerning the establishment and operation of the new Institute beginning on December 31, 1988.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $754,084,000 instead of $732,453,000 as proposed by the House and $758,352,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Conferees recognize the significant costs associated with conducting AIDS clinical trials and have therefore appropriated $8,732,000 more than the President's budget request to conduct these trials. The additional funds are provided to ensure maximum participation of patients in trials in a diversity of geographic locations across the country and to allow for the expansion of pediatric trials.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $690,653,000 as proposed by the Senate instead of $623,087,000 as proposed by the House.

The conferees concur in the establishment of a new biotechnology-based research training program focused on the applications of engineering, physics, chemistry, mathematics, and biology to the interdisciplinary research needs of the emerging U.S. biotechnology industry. Furthermore the conferees direct the establishment of advisory panels on the human genome and biotechnology.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $431,388,000 instead of $407,650,000 as proposed by the House.

The conference agreement includes funds to support at least 46 centers at the Institute. This includes the existing program of 44 centers including those focusing on mental retardation and population/demographics as well as $1,500,000 for at least two new centers focusing on the problem of learning disabilities.

The conference agreement also includes the full amounts identified in the Senate report for research on premature labor and for a clinical trial on infant apnea.

NATIONAL EYE INSTITUTE

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $234,218,000 instead of $228,235,000 as proposed by the House.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $226,168,000 instead of $216,985,000 as proposed by the House and $223,168,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL INSTITUTE ON AGING

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $225,578,000 instead of $202,096,000 as proposed by the House. The conferees are agreed that this amount provides sufficient funding for the National Alzheimer's Education Program which serves as the umbrella for the NIA's education center and clearinghouse efforts and coordinates and assists public and private research, education and training activities.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $161,931,000 instead of $156,174,000 as proposed by the House. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

RESEARCH RESOURCES

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $362,987,000 instead of $355,767,000 as proposed by the House and $367,987,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$5,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language proposed by the Senate to earmark $5,000,000 for repair, renovation, modernization, and expansion of existing facilities and purchase of associated equipment, and to make grants and contracts for such purposes. The amount agreed to is for research programs related to Acquired Immune Deficiency Syndrome (AIDS). The Senate bill included $10 million of which $5 million was for AIDS and $5 million was for general construction. The House bill contained no similar provision. The conferees are agreed that these funds can be used for projects such as those described in Senate Report 100-399 if competitively awarded.

NATIONAL CENTER FOR NURSING RESEARCH

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $29,500,000 instead of $27,417,000 as proposed by the House and $28,107,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees are agreed that this amount includes $3,000,000 for research training and $1,000,000 for a new centers program.

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 76: Appropriates $16,074,000 as proposed by the House instead of $16,474,000 as proposed by the Senate

Amendment No. 77: Inserts language proposed by the Senate making a technical change to allow funds to be awarded to the Gorgas Memorial Laboratory. The House and Senate bills both included $1,852,000 for this purpose.

NATIONAL LIBRARY OF MEDICINE

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $74,626,000 instead of $64,836,000 as proposed by the House and $70,626,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees are agreed that $8,000,000 of the funds provided are to be allocated to the National Center on Biotechnology Information.

OFFICE OF THE DIRECTOR

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which appropriates $73,078,000 instead of $71,578,000 as proposed by the House and $65,578,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $14,010,000 for Research Centers in Minority Institutions (RCMI's), $6,000,000 for support of additional staff related to Acquired Immune Deficiency Syndrome (AIDS) and $4,500,000 for non-AIDS staff.

Nutrition activities.—The conferees are agreed that there shall be no change in the respective roles of the USDA and the DHHS with respect to nutrition information services and research. These roles are based on current law (Public Law 95-113, as amended) which indicates that the USDA is the lead agency for human nutrition research and dissemination except for biomedical aspects of human nutrition concerned with prevention, diagnosis or treatment of disease.

Amendment No. 81: Deletes language proposed by the Senate related to employment levels at the National Institutes of Health. The conferees are agreed, however, that funding provided in this bill, including an additional $10,500,000 in the Office of the Director, is to support a total of no less than 13,252 full-time equivalent positions including an additional 200 FTE's for AIDS research and an additional 150 FTE's for non-AIDS activities.

BUILDINGS AND FACILITIES

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $39,000,000 instead of $20,000,000 as proposed by the House and $12,500,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $14,000,000 for the next phase of the new Child Health/Neuroscience facility, $5,000,000 for repairs and renovations related to AIDS research, and $15,000,000 for initial plans and specifications, including architectural drawings and site preparations for a new consolidated office building to be located on the main campus in Bethesda, Maryland. The Committee will expect a full report on progress with this new building including a firm estimate of total cost-to-completion prior to the fiscal year 1990 hearings.

Both the House and Senate reports expressed concern about the use of program funds for repair and renovation projects which might more appropriately be budgeted for under the "Buildings and Facilities" account. The House language flatly banned this practice while the Senate language required the individual projects with a cost of over $400,000 be reported to the Committees. Subsequent to the release of these reports, the Committees were informed that the Public Health Service will issue new guidelines by September 30, 1988 which will establish formal restrictions on this practice. The conferees expect that these new guidelines will correct problems in this area and have therefore decided that no additional limitations should be imposed by the Committees during fiscal year 1989.

Amendment No. 83: Deletes language proposed by the Senate earmarking funds for repairs at the Frederick Cancer Research Facility. This matter is covered under amendment number 44.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which restricts funds for certain AIDS education programs funded under this bill. The House bill contained no similar provision.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, $1,581,691,000 of which $4,787,000 shall be available, on a pro rata basis, for grants to the States for State comprehensive mental health services plans pursuant to title V of Public Law 99-660 (100 Stat. 3794-3797),*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $342,565,000 for programs of the National Institute of Mental Health. The conferees are supportive of the Institute's priority to give emphasis to prevention activities under both the clinical training and research activities.

The Conferees are also agreed that the NIMH should produce a report, similar to its recent report entitled "Toward Independence—A Community-Based Model for the Mentally Ill", but addressed to the needs of survivors of traumatic brain injury. This report on care and treatment should be supplemented with an additional report addressing the needs for basic research specific to the neuro-psychological, behavorial and cognitive deficits caused by traumatic brain injury.

Native Hawaiians.—The Conferees reiterate their support for mental health research and training programs directed at the pressing problems of Native Hawaiians. The conference agreement includes $750,000 for a Research and Training Center targeted at this population. The conferees are agreed, however, that this grant must meet all appropriate quality standards and that it should be awarded competitively.

Amendment No. 86: Deletes language proposed by the Senate which would have earmarked $250,000 for "advisory services relating to alcohol". The conferees are agreed, however, that $250,000 should be allocated towards this purpose from funds included for the National Institute on Alcoholism and Alcohol Abuse.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH SERVICE MANAGEMENT

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts legal citations.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which appropriates $70,167,000 instead of $67,144,000 as proposed by the House and $69,903,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $13,598,000 for activities associated with acquired immune deficiency syndrome (AIDS).

Amendment No. 89: Makes available $5,950,000 from the Medicare trust funds for patient outcome assessment research instead of $3,950,000 as proposed by the House and $7,500,000 as proposed by the Senate.

Amendment No. 90: Specifies that $3,868,000 for patient outcome assessment research shall be derived from the Federal Hospital Insurance Trust Fund, instead of $2,568,000 as proposed by the House and $4,875,000 as proposed by the Senate.

Amendment No. 91: Specifies that $2,082,000 for patient outcome assessment research shall be derived from the Federal Supplementary Medical Insurance Trust Fund, instead of $1,382,000 as proposed by the House and $2,625,000 as proposed by the Senate.

VACCINE INJURY COMPENSATION TRUST FUND

Amendment No. 92: Deletes language proposed by the House that would have provided for reimbursement from the trust fund of the Department's administrative expenses under the National Childhood Vaccine Injury Act of 1986. These costs have been provided for under the Centers for Disease Control appropriation, including up to $6,200,000 for patient/parent notification requirements and $2,600,000 for the reporting of adverse events relating to vaccines.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

Amendment No. 93: Appropriates $26,236,000,000 as proposed by the Senate, instead of $24,732,589,000 as proposed by the House.

PROGRAM MANAGEMENT

Amendment No. 94: Appropriates $94,417,000 as proposed by the Senate instead of $93,817,000 as proposed by the House.

Amendment No. 95: Provides for a limitation on trust funds of $1,825,219,000 instead of $1,769,919,000 as proposed by the House and $1,835,519,000 as proposed by the Senate.

The conference agreement includes $1,391,000,000 for Medicare claims processing costs. The conferees are agreed that in allocating these funds, first priority should be given to maintaining basic claims processing activities.

The conferees have provided an additional $2,300,000 for the Medicare state certification program. Of this amount, at least $600,000 will provide contract support for surveyor training requirements and the remainder will be used to procure laptop computers.

Amendment No. 96: Earmarks $100,000,000 for the contingency reserve as proposed by the Senate instead of $212,400,000 as proposed by the House.

Amendment No. 97: Inserts language proposed by the Senate related to the contingency reserve.

Amendment No. 98: Deletes language proposed by the House related to the contingency reserve.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 99: Provides for a limitation on trust funds of $3,795,661,000 instead of $3,705,000,000 as proposed by the House and $3,820,000,000 as proposed by the Senate.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *Provided further, That not to exceed $170,000,000 shall be available for automatic data processing and telecommunication activities*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate which would have established a statutory employment floor at the Social Security Administration. The conferees are agreed, however, that the amounts in the bill should be used to support 66,045 full-time equivalent positions in fiscal year 1989. This is 1,000 FTE's more than requested by the President.

The conference agreement adds language not included in either bill which limits the amount of funds to be spent on computers and telecommunications to $170,000,000. The President's budget had proposed a ceiling of $220,000,000 on these costs.

FAMILY SUPPORT ADMINISTRATION

FAMILY SUPPORT PAYMENTS TO STATES

Amendment No. 101: Appropriates $8,204,337,000 as proposed by the Senate instead of $7,855,137,000 as proposed by the House.

Amendment No. 102: Appropriates $2,700,000,000 as proposed by the Senate instead of $2,644,000,000 as proposed by the House.

LOW INCOME HOME ENERGY ASSISTANCE

Amendment No. 103: Appropriates $1,400,000,000 instead of $1,187,000,000 as proposed by the Senate and $1,567,000,000 as proposed by the House.

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert: *$387,000,000*

The managers on the part of the Senate will move to concur in the amendments of the House to the amendment of the Senate.

The Senate bill included $400,000,000 for refugee activities which were not considered by the House due to a lack of authorizing legislation. The conference agreement includes $387,000,000 for these programs. This amount is expected to maintain current services, including at least 24 months of special welfare eligibility, for an increased number of refugees over and above the number assumed in the President's Budget. The amount agreed to includes $10,531,000 for 12 months of additional special targeted assistance to Dade County schools and Jackson Memorial Hospital. For other targeted assistance grantees the conference agreement provides funding at the current rate of operations through fiscal year 1989.

The conference agreement also includes $16,000,000 for voluntary agency matching grants including up to $5,000,000 to reimburse agencies for costs incurred in fiscal year 1988 which exceed the amounts currently available.

WORK INCENTIVES

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $92,551,000 for the Work Incentives program. The House deferred consideration of this appropriation in their deliberations on H.R. 4783 because of uncertainty regarding welfare reform legislation.

COMMUNITY SERVICES BLOCK GRANT

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *and the Stewart B. McKinney Homeless Assistance Act, $382,185,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 107: Earmarks $20,500,000 for community economic development grants instead of $20,000,000 as proposed by the House and $21,000,000 as proposed by the Senate.

Amendment No. 108: Earmarks $4,062,000 for rural housing programs instead of $3,925,000 as proposed by the House and $4,200,000 as proposed by the Senate.

Amendment No. 109: Earmarks $2,984,000 for farmworker assistance programs instead of $2,968,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Amendment No. 110: Earmarks $6,750,000 for the National Youth Sports Program instead of $7,000,000 as proposed by the House and $6,500,000 as proposed by the Senate.

Amendment No. 111: Earmarks $239,000 for technical assistance activities as proposed by the House. The Senate bill did not include funds for this purpose.

Amendment No. 112: Earmarks $3,555,000 for community partnership activities instead of $2,872,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Amendment No. 113: Earmarks $2,447,000 for community food and nutrition activities instead of $2,394,000 as proposed by the House and $2,500,000 as proposed by the Senate.

PROGRAM ADMINISTRATION

Amendment No. 114: Appropriates $82,464,000 as proposed by the Senate instead of $79,533,000 as proposed by the House.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

HUMAN DEVELOPMENT SERVICES

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts a legal citation.

Amendment No. 116: Changes legal citation as proposed by the Senate.

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts a legal citation.

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts a legal citation.

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $2,574,808,000 instead of $2,531,808,000 as proposed by the House and $2,575,465,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees direct the Administration for Native Americans to allocate $1 million this year to continue the Native Hawaiian demonstration revolving loan program.

It is the intention of the conferees that of the $6,100,000 provided for adoption opportunities, $1,000,000 shall be divided equally between two new initiatives: post-legal adoption services and minority placements.

Amendment No. 119: Earmarks $12,000,000 to carry out the State Dependent Care Development Grants Act instead of $8,377,000 as proposed by the House and $8,750,000 as proposed by the Senate.

Deletes language proposed by the Senate making available an additional $3,250,000 for the State Dependent Care Development Grants Act. The House bill contained no similar provision.

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate relating to the Comprehensive Child Development Program, which sets aside a funding restriction contained in the authorizing legislation.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $1,119,907,000 instead of $1,074,907,000 as proposed by the House.

DEPARTMENT MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 122: Appropriates $68,160,000 as proposed by the House instead of $64,860,000 as proposed by the Senate.

Amendment No. 123: Deletes language proposed by the Senate earmarking not to exceed $350,000 for the establishment of a cancer registry in the metropolitan Cleveland area.

The conferees urge that NIH give every consideration for the establishment of a high quality, populations based cancer registry in the Metropolitan Cleveland, Ohio area.

POLICY RESEARCH

Amendment No. 124: Appropriates $7,946,000 instead of $8,373,000 as proposed by the House and $7,519,000 as proposed by the Senate.

Amendment No. 125: Earmarks $3,000,000 for the Institute for Research on Poverty instead of $3,500,000 as proposed by the House and $2,500,000 as proposed by the Senate.

GENERAL PROVISIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Amendment No. 126: Reported in disagreement.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will move to recede and concur with the Senate amendment which clarifies language related to rates of pay of clinical personnel at the National Institutes of Health.

Amendment No. 128: Deletes language proposed by the Senate. This amendment dealt with construction of a consolidated office building at the National Institutes of Health and has been addressed under amendment number 82.

Amendment No. 129: Changes section number and inserts language proposed by the Senate which reduces appropriations to the National Institutes of Health by $6,765,000 based on implementation of procurement reforms recommended by the Inspector General of the Department of Health and Human Services. The House bill contained no similar provision.

Amendment No. 130: Reported in technical disagreement. The Managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section designation in said amendment, insert: *216*

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment names Building #31 at the National Institutes of Health after Claude Denson Pepper.

Amendment No. 131: Changes section number and inserts language which provides for physician comparability pay within the Public Health Service.

Amendment No. 132: Deletes language proposed by the Senate. This language dealt with the availability of materials at the National Library of Medicine which is already provided for under current law.

Amendment No. 133: Deletes language proposed by the Senate related to employment levels at the Public Health Service. The language proposed by the Senate would have directed that all PHS programs included in this bill be exempt from having any personnel ceiling imposed, or any other action which would restrict the FTE levels for PHS programs, projects, and activities funded in this or any other Act. The House bill contained no similar provision. The conferees have expressed their concerns about employment levels in the Public Health Service for a number of years. The conferees have not agreed to statutory language limiting the executive branch's authority in this matter. However, if Congressional intent continues to be ignored, and if employment levels are reduced as responsibilities increase, the conferees will need to reconsider this matter.

Amendment No. 134: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section designation of said amendment, insert: *218*

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This language ensures that federal agencies and grantees funded in the bill are in compliance with federal laws and treaties which protect chimpanzees in the wild.

Amendment No. 135: Deletes language proposed by the Senate related to restrictions on health education materials issued by agencies or grantees funded in the bill.

Amendment No. 136: Deletes language proposed by the Senate related to abortion referrals and abortion counseling.

Amendment No. 137: Reported in technical disagreement. The Managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the section designation in said amendment, insert: *219*

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment inserts language which establishes a one year moratorium on the assessment of penalties under federal foster care programs.

Amendment No. 138: Deletes language proposed by the Senate. This language expressed the sense of the Senate related to energy assistance programs.

Amendment No. 139: Deletes language proposed by the Senate. This language related to limitations on fetal research which are addressed in other legislation currently pending before the Congress.

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

Amendment No. 140: Appropriates $4,625,755,000 for Chapter 1 of title I of the Elementary and Secondary Education Act, instead of $4,663,719,000 as proposed by the House and $4,589,800,000 as proposed by the Senate.

Amendment Nos. 141 and 142: Insert language proposed by the Senate earmarking $4,000,000 for rural educational opportunities. The House bill contained no similar provision.

Amendment No. 143: Earmarks $4,613,755,000 to become available on July 1, 1989 and remain available until September 30, 1990, instead of $4,655,719,000 as proposed by the House and $4,577,800,000 as proposed by the Senate.

Amendment No. 144: Earmarks $175,000,000 for concentration grants as proposed by the Senate instead of $200,000,000 as proposed by the House.

Amendment No. 145: Earmarks $20,000,000 for capital expenses and $15,000,000 for Even Start instead of $30,000,000 and $25,000,000 respectively as proposed by the House. The Senate bill proposed to eliminate these provisions.

Amendment No. 146: Earmarks $275,000,000 for the State agency migrant grant programs as proposed by the Senate, instead of $269,029,000 as proposed by the House.

Amendment No. 147: Earmarks $150,000,000 for State agency handicapped programs as proposed by the Senate instead of $151,269,000 as proposed by the House.

Amendment No. 148: Earmarks $32,000,000 for State agency neglected and delinquent programs as proposed by the Senate instead of $32,616,000 as proposed by the House.

Amendment No. 149: Earmarks $41,000,000 for State administration as proposed by the Senate instead of $42,050,000 as proposed by the House.

Amendment No. 150: Earmarks $5,755,000 for State program improvement as proposed by the House instead of $4,800,000 as proposed by the Senate.

Amendment No. 151: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language modifying the statutory minimum that each State would receive for concentration grants. The House bill contained no similar provision.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $9,000,000 for migrant education instead of $8,900,000 as proposed by the House and $8,776,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

IMPACT AID

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $717,000,000 for carrying out title I of the Act of September 30, 1950, as amended instead of $715,000,000 as proposed by the House and $714,036,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 154: Deletes language proposed by the House earmarking $10,000,000 for payments under section 7 of the Act.

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which earmarks $702,000,000 for entitlements under section 3 of the Act of September 30, 1950 instead of $690,000,000 as proposed by the House and $699,036,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 156: Earmarks $565,000,000 for entitlements under section 3(a) of the Act of September 30, 1950 as proposed by the Senate instead of $553,000,000 as proposed by the House.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *; Provided, That any school district that received an overpayment under section 2 in fiscal year 1984 funds and also received, through administrative offset, 30.13 per centum of such sum in an overpayment of the subsequent fiscal year's funds, is relieved of the liability to repay those sums, together with interest on such sums*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SCHOOL IMPROVEMENT PROGRAMS

Amendment Nos. 158 and 159: Insert legal citations as proposed by the Senate.

Amendment No. 160: Restores legal citations for the Secretary's discretionary fund (Section 4601) and the School health education program (Section 4605) as proposed by the House and deleted by the Senate.

Insert legal citation proposed by the Senate for computer based education (Section 4604). The House bill contained no similar provisions.

Amendment No. 161: Restores legal citation proposed by the House and inserts legal citation proposed by the Senate.

Amendment No. 162: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $1,123,075,000 for school improvement programs instead of $1,118,538,000 as proposed by the House and $1,088,180,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees direct that within the total of $5,000,000 made available for education programs for native Hawaiians, $400,000 shall be for the model curriculum implementation project, $1,800,000 shall be for family-based education centers, $1,500,000 shall be for the higher education demonstration program, $800,000 shall be for the gifted and talented demonstration program and $500,000 shall be for the special education program.

The conferees are agreed that the amounts made available for programs within the fund for innovation in Education are as follows:

Computer-based Education (section 4604)	$5,000,000
Comprehensive School health education (section 4605)	3,000,000
Discretionary activities (section 4601)	2,285,000

Amendment No. 163: Earmarks $497,700,000 for chapter 2 of title I of the Elementary and Secondary Education Act instead of $517,430,000 as proposed by the House and $476,000,000 as proposed by the Senate.

Amendment No. 164: Earmarks $468,600,000 for the chapter 2 State block grant program to become available on July 1, 1989 and remain available until September 30, 1990 instead of $489,500,000 as proposed by the House and $447,700,000 as proposed by the Senate.

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $29,100,000 for national programs instead of $27,930,000 as proposed by the House and $28,300,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 166: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which earmarks $1,000,000 for national school volunteer programs as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 167: Earmarks $130,000,000 for mathematics and science education grants to States and outlying areas as proposed by the Senate and $114,888,000 as proposed by the House.

Amendment No. 168: Earmarks $8,000,000 for the Javits gifted and talented education program instead of $10,000,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 169: Earmarks $3,000,000 for Ellender fellowships as proposed by the House instead of $2,500,000 as proposed by the Senate.

Amendment No. 170: Earmarks $500,000 for Older Americans and recent immigrants instead of $1,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees are agreed that $200,000 of these funds shall be available on October 1, 1988.

Amendment No. 171: Earmarks $4,893,000 for the Stewart B. McKinney Homeless Assistance Act instead of $4,787,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Amendment No. 172: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which earmarks $9,000,000 for mathematics and science education national programs. The House bill contained no similar provision.

Within the amount made available for national programs for science and math education, the conferees expect that not less than $5,000,000 shall be used for the secondary school initiative described in the Senate report accompanying the bill. While the Secretary may not have the statutory authority to require matching contributions for the competitive grants awarded through this initiative, the conferees urge that priority be given to applicants with significant levels of non-federal support.

Amendment No. 173: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language earmarking $1,000,000 of the reappropriation for the Fund for Innovation in Education to be used for technology education (section 4603). The House bill contained no similar provision.

The conferees expect that at least $2,000,000 of the amount provided for discretionary activities shall be used to continue the studies on early intervention programs begun in fiscal year 1988. The conferees further direct that $250,000 shall be made available for the purpose of administering a program to make grants available to eligible secondary school students from across the nation to participate in Congressional and Diplomatic seminars in the Nation's capital. The grants shall be made available to students who are hearing impaired or otherwise disadvantaged or disabled with special needs.

BILINGUAL, IMMIGRANT, AND REFUGEE EDUCATION

Amendment No. 174: Appropriates $199,791,000 instead of $201,782,000 as proposed by the House and $197,009,000 as proposed by the Senate.

Amendment No. 175: Earmarks $30,782,000 for Part C of title VII of the Elementary and Secondary Education Act (Training grants) instead of $33,564,000 as proposed by the House and $28,000,000 as proposed by the Senate.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *, except that no funds shall be used for activities authorized by section 7043 until an interim report is submitted to the House and Senate Appropriations Committees which the Secretary shall submit no later than eight months following the enactment of this Appropriations Act in partial compliance with section 6212 of Public Law 100-297 and such sums are released under further statutory act of Congress,*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

EDUCATION FOR THE HANDICAPPED

Amendment No. 177: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$1,990,321,000 of which $5,213,000 shall be for carrying out title I of S.2561, as enacted, and*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that $850,000 of the amount provided for Media and Captioning Services be used for a grant to Recordings for the Blind, Inc.

Amendment No. 178: Earmarks $1,493,369,000 for section 611 of the Education of the Handicapped Act (State grant program) instead of $1,478,539,000 as proposed by the House and $1,508,200,000 as proposed by the Senate.

Amendment No. 179: Earmarks $250,000,000 for section 619 of the Education of the Handicapped Act (Preschool grants) as proposed by the Senate instead of $205,075,000 as proposed by the House.

Amendment No. 180: Earmarks $70,679,000 for section 685 of the Education of the Handicapped Act (Grants for infants and families) instead of $68,358,000 as proposed by the House and $73,000,000 as proposed by the Senate.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

Amendment No. 181: Appropriates $1,667,570,000 instead of $1,656,592,000 as proposed by the House and $1,669,395,000 as proposed by the Senate.

Amendment No. 182: Earmarks $1,450,000,000 for sections 100(b)(1) of the Rehabilitation Act (Vocational rehabilitation State grants) as proposed by the Senate instead of $1,441,577,000 as proposed by the House.

Amendment No. 183: Earmarks $17,200,000 for special demonstration programs as proposed by the Senate instead of $16,590,000 as proposed by the House.

Amendment No. 184: Inserts language proposed by the Senate earmarking $750,000 for a grant to an institution of higher education for the establishment of a pediatric research center, under section 202(j)(1) of the Rehabilitation Act. The House bill contained no similar provision.

Amendment No. 185: Earmarks $4,900,000 for the Helen Keller National Center instead of $5,000,000 as proposed by the House and $4,800,000 as proposed by the Senate.

Amendment No. 186: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language reappropriating $500,000 of FY 1987 funds to the State of Montana.

VOCATIONAL AND ADULT EDUCATION

Amendment No. 187: Inserts legal citation as proposed by the Senate.

Amendment No. 188: Appropriates $1,086,504,000 instead of $1,091,966,000 as proposed by the House and $1,084,130,000 as proposed by the Senate.

Amendment No. 189: Earmarks $26,321,000 for title IV of the Carl D. Perkins Vocational Education Act (National Programs) instead of $25,658,000 as proposed by the House and $26,800,000 as proposed by the Senate.

Amendment No. 190: Earmarks $7,050,000 for vocational education research as proposed by the Senate instead of $7,276,000 as proposed by the House.

Amendment No. 191: Earmarks $14,556,000 for high tech projects and dropout prevention instead of $14,361,000 as proposed by the House and $14,750,000 as proposed by the Senate.

Amendment No. 192: Earmarks $215,000 for displaced workers instead of $431,000 as proposed by the House. The Senate bill deleted this provision.

Amendment No. 193: Earmarks $4,500,000 for the National Occupational Information Data Systems instead of $3,590,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Amendment No. 194: Earmarks $8,000,000 for State councils as proposed by the Senate instead of $7,851,000 as proposed by the House.

Amendment No. 195: Earmarks $9,000,000 for community based organizations as proposed by the Senate instead of $6,845,000 as proposed by the House.

Amendment No. 196: Earmarks $33,520,000 for Consumer and homemaking education instead of $32,791,000 as proposed by the House and $34,250,000 as proposed by the Senate.

Amendment No. 197: Earmarks $3,817,000 for Bilingual vocational training instead of $3,734,000 as proposed by the House and $3,900,000 as proposed by the Senate.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 198: Appropriates $5,884,671,000 instead of $5,907,736,000 as proposed by the House and $5,833,845,000 as proposed by the Senate.

Amendment No. 199: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language restricting the authority of financial aid officers to alter a student's grant award by changing the expected family contribution or cost of education amount. The Senate bill also inserts language giving the Secretary of Education authority to prescribe criteria for determining expected family contribution for purposes of student aid. The House bill contained no similar provision.

Amendment No. 200: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language stating that in order for a student to be eligible to receive a grant, loan or work assistance, the student shall be required to have earned a high school diploma or its recognized equivalent when studying toward careers that require a high school diploma or its recognized equivalent by licensing bodies. The House bill contained no similar provision.

HIGHER EDUCATION

Amendment No. 201: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which appropriates $176,697,000 for title III of the Higher Education Act instead of $180,000,000 as proposed by the House and $169,978,000 as proposed by the Senate. The conferees are agreed that the amount provided is distributed as follows:

Strengthening Institutions (Part A)	$78,400,000
Historically Black Colleges and Universities (Part B)	74,447,000
Black Graduate Institutions (Part B)	11,000,000
Challenge Grants (Part C)	12,850,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 202: Earmarks $12,850,000 for Challenge grants instead of $18,000,000 as proposed by the House and $7,700,000 as proposed by the Senate.

Amendment No. 203: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $85,447,000 for historically black colleges instead of $82,500,000 as proposed by the House and $84,978,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 204: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *, of which $4,500,000 is available until expended for the cost of construction and related costs for a Health and Human Resources Center at Voorhees College in Denmark, South Carolina, when an authorization for such Center is enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 205: Appropriates $388,257,000 for higher education programs instead of $397,368,000 as proposed by the House and $373,530,000 as proposed by the Senate.

The conferees encourage the Department to use the additional funds provided above the 1988 level for the school, college and university partnerships program to support a demonstration project that would link secondary schools, a community college, and a university offering a doctoral program in industrial technology. The project would identify low-income students who would begin their preparation during their junior year in high school, continue their training at the community college, and complete the degree program at the university.

Amendment No. 206: Earmarks $1,500,000 for the Ronald E. McNair Post-Baccalaureate Achievement Program, instead of $2,000,000 as proposed by the House and $1,000,000 as proposed by the Senate.

Amendment No. 207: Deletes language proposed by the Senate providing $239,000 of the amount provided for the Patricia Roberts Harris Graduate Fellowships, be competitively allocated to a consortium of historically black colleges and Ph.D granting institutions. The House bill contained no similar provision.

Amendment No. 208: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language directing the Secretary of Education to give special consideration in the cooperative education grant competition to applications from private urban institutions with minority student enrollments of 66 percent of total student enrollment and with plans to convert to a universal cooperative education curriculum. The House bill contained no similar provision.

Amendment No. 209: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That an additional amount of $5,750,000 shall be made available, of which $5,000,000 shall be made available for part D of title I of the Higher Education Act of 1965, relating to the student literacy corps program, to become available on July 1, 1989, and remain available until September 30, 1990, and $750,000 shall be made available for section 6261 of the Omnibus Trade and Competitiveness Act of 1988, relating to international business education centers*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Amendment No. 210: Specifies $30,000,000 as the gross commitments for the principal amount of direct loans during fiscal year 1989 instead of $62,231,000 as proposed by the House. The Senate bill deleted this provision.

Amendment No. 211: Deletes language proposed by the Senate which stated that notwithstanding section 761(e) of the Higher Education Act no new commitments for loans shall be made. The House bill contained no similar provision.

The conferees direct the Secretary to make awards for college housing and academic facilities loans in a proportion equal to the applications for each program.

EDUCATION RESEARCH AND STATISTICS

Amendment No. 212: Deletes heading proposed by the Senate.

Amendment No. 213: Appropriates $47,651,000 instead of $50,343,000 as proposed by the House and $44,960,000 as proposed by the Senate.

The conferees are concerned that with the recent establishment of several national educational research centers and regional educational laboratories, the area of research examining the performance level of the classroom teacher has been neglected. During the fiscal year 1989 hearings several members of the Congress became aware of this critical void in educational research. The conferees understand that the purpose of the additional $2 million, requested by the Administration for Fiscal Year 1989, has been provided to establish two new centers of research at a cost of $1 million per year. The conferees intend this funding to create a center on disadvantaged students and a center on the performance evaluation of teachers.

Amendment No. 214: Earmarks $5,200,000 to continue a rural education program instead of $5,500,000 as proposed by the House. The Senate bill contained $4,000,000 for this purpose but specified that the funds were to be used to complete the program.

Amendment No. 215: Earmarks $22,000,000 for the National Center for Education Statistics. The House bill contained $23,669,000 and earmarked $300,000 of that amount for the Fellows program. The Senate bill contained $20,000,000 for this program but deleted the earmark.

Amendment No. 216: Deletes language proposed by the House which transferred $6,630,000 from the Program Administration account to the National Center for Education Statistics.

It is the intent of the conferees that a transfer of funds from the Program Administration account to the National Center for Education Statistics be carried out, as authorized by law.

LIBRARIES

Amendment No. 217: Appropriates $138,866,000 instead of $142,644,000 as proposed by the House and $135,089,000 as proposed by the Senate.

Amendment No. 218: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language relieving the State of Illinois from all liability to repay the United States funds received under the Library Services and Construction Act. The House bill contained no similar provision.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 219: Appropriates $5,400,000 as proposed by the Senate instead of $5,381,000 as proposed by the House.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 220: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate wih an amendment appropriating $33,731,000 instead of $33,231,000 as proposed by the House and $33,031,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

GALLAUDET UNIVERSITY

Amendment No. 221: Appropriates $66,800,000 as proposed by the House instead of $65,000,000 as proposed by the Senate.

HOWARD UNIVERSITY

Amendment No. 222: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$180,647,000: Provided, That of the funds appropriated under this head in the Department of Education Appropriations Act, 1988, not to exceed $500,000 together with $1,500,000 provided herein*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

Amendment No. 223: Appropriates $258,600,000 as proposed by the Senate instead of $249,849,000 as proposed by the House, and includes an earmark of $5,200,000 to increase on-site student aid program reviews as proposed by the Senate.

Inserts language proposed by the House earmarking $500,000 for the National Summit Conference on Education. The Senate proposed to eliminate this provision.

Amendment No. 224: Inserts the word "and" as proposed by the Senate.

Amendment No. 225: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which earmarks $5,600,000 for the National Student Loan Data System, upon enactment of authorizing legislation. The House bill contained no similar provision.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 226: Appropriates $18,400,000 as proposed by the Senate instead of $17,911,000 as proposed by the House.

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

Amendment No. 227: Appropriates $170,465,000 instead of $168,863,000 as proposed by the House and $171,897,000 as proposed by the Senate.

It is the intention of the conferees that funds provided over the level provided by the House for the Foster Grandparents program shall be used to enhance volunteer services within current projects. The conferees continue to expect that $1,717,000 of the amount provided over the 1988 comparable level for the Senior Companions program shall be used to fully fund the new senior companions projects begun in fiscal year 1988. Funds provided for the Senior Companions program in excess of this level shall be used to enhance volunteer services in current projects.

CORPORATION FOR PUBLIC BROADCASTING

Amendment No. 228: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $392,500,000 for fiscal year 1991, pending the enactment of authorizing legislation, including $57,500,000 for the public broadcasting satellite interconnection fund and provides that no funds shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees and that no funds shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion or sex.

The House deferred consideration of this agency.

COMMISSION ON RAILROAD RETIREMENT REFORM

Amendment No. 229: Restores appropriation of $1,000,000 to remain available until expended as proposed by the House. The Senate deleted the House provision.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

Amendment No. 230: Appropriates $26,127,000 as proposed by the House instead of $24,937,000 as proposed by the Senate.

NATIONAL COMMISSION ON CHILDREN

Amendment No. 231: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $800,000 to remain available until expended. The House bill contained no appropriation for this agency.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

Amendment No. 232: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $500,000 to remain available until expended and provides that the Commission shall be composed of 16 members, including 7 at-large members, that the Commission has the power to accept voluntary and uncompensated services and that it shall continue operating, notwithstanding sections 208 and 209 of Public Law 99-660. The conferees are agreed that the Commission shall continue to operate until all funds are expended. The House bill contained no funds for this agency.

NATIONAL COMMISSION ON MIGRANT EDUCATION

Amendment No. 233: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$2,000,000 to become available on April 1, 1989 and*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL COMMISSION ON RESPONSIBILITIES FOR FINANCING POSTSECONDARY EDUCATION

Amendment No. 234: Restores appropriation of $800,000 to remain available until expended as proposed by the House. The Senate deleted the House provision.

NATIONAL COUNCIL ON THE HANDICAPPED

SALARIES AND EXPENSES

Amendment No. 235: Appropriates $1,174,000 as proposed by the Senate instead of $974,000 as proposed by the House.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

Amendment No. 236: Appropriates $5,916,000 instead of $6,002,000 as proposed by the House and $5,831,000 as proposed by the Senate.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

Amendment No. 237: Restores language proposed by the House and deletes language inserted by the Senate related to tax receipts available pursuant to section 224(c)(1)(B) of Public Law 98-76.

LIMITATION ON ADMINISTRATION

Amendment No. 238: Makes available $60,350,000 from the railroad retirement accounts as proposed by the Senate instead of $59,312,000 as proposed by the House.

Amendment No. 239: Deletes language proposed by the Senate that would have mandated a minimum number of personnel to be financed from this account. The conferees are agreed that the Railroad Retirement Board shall have 1,600 full-time equivalent staff during fiscal year 1989 to be financed from this account and the Limitation on Railroad Unemployment Insurance Administration Fund.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

Amendment No. 240: Provides that not less than $13,950,000 shall be apportioned for fiscal year 1989 as proposed by the Senate instead of $13,678,000 as proposed by the House.

Amendment No. 241: Deletes language proposed by the Senate that would have mandated a minimum number of personnel to be financed from this account.

LIMITATION ON REVIEW ACTIVITY

Amendment No. 242: Makes available $3,100,000 from the railroad retirement and unemployment insurance accounts instead of $2,700,000 as proposed by the House and $3,500,000 as proposed by the Senate. The conferees are agreed that this account will finance 55 full-time equivalent staff in fiscal year 1989.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

Amendment No. 243: Appropriates $37,700,000 from the Soldiers' and Airmen's Home permanent fund as proposed by the Senate instead of $37,657,000 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 244: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that capital funds appropriated in this bill and $15,000,000 appropriated in the 1988 appropriations act shall be made available for the construction of a 200-bed intermediate care facility at the Home.

UNITED STATES BIPARTISAN COMMISSION ON COMPREHENSIVE HEALTH CARE

Amendment No. 245: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment amended to read as follows:

In lieu of the matter proposed by said amendment insert the following:

UNITED STATES BIPARTISAN COMMISSION ON COMPREHENSIVE HEALTH CARE

For necessary expenses of the United States Bipartisan Commission on Comprehensive Health Care established by section 401 of the Medicare Catastrophic Coverage Act of 1988, $1,046,000, which shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The House bill contained no funds for this agency.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

Amendment No. 246: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment amended to read as follows:

In lieu of the sum named in said amendment, insert the following: *$7,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House deferred consideration of this agency.

TITLE V—GENERAL PROVISIONS

Amendment No. 247: Deletes House language stricken by the Senate dealing with the funding of a workplace free of illegal controlled substances.

The conferees strongly agree with the intent of the provision included by the House. The conferees agree that this issue should be addressed on a Government-wide basis and understand that this matter will be addressed in another appropriation bill in such a manner that it applies to all Federal Government agencies.

Amendment No. 248: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act. The House bill contained no similar provision.

Amendment No. 249: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which prohibits the Secretary of Labor from withdrawing Federal approval of the California State occupational safety and health plan and from exercising exclusive Federal safety and health authority in the State of California until the California Supreme Court has rendered a final disposition in the case of Ixta v. Rinaldi (Case No. 3 Civil C 002805). The House bill included no similar provision.

Amendment No. 250: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment amended to read as follows:

In lieu of the matter inserted by said amendment insert the following:

SEC. 515. (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training, quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

(d) All savings to any department, agency, or instrumentality which result from the application of subsection (a), shall be used for the increase in rates of pay in such department, agency, or instrumentality made under this Act.

(e) The limitations contained in subsection (a) shall not apply to the Offices of Inspector General of the departments, agencies, and instrumentalities of the United States Government receiving appropriated funds under this Act. Neither shall the limitations in subsection (a) apply to routine, on-going activities which departments, agencies and instrumentalities provide through contract as part of their regular mission.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 251: Deletes language proposed by the Senate expressing the sense of the Senate that the Senate conferees on this Act should in the conference report on this Act appropriate and make available amounts equal to $39,800,000,000 in discretionary budget authority.

Amendment No. 252: Deletes language proposed by the Senate providing that none of the funds appropriated under this Act shall be used to perform an abortion on a woman for the sole purpose of providing fetal organs or tissue for medical transplantation to any animal or person.

Amendment No. 253: Deletes language proposed by the Senate providing that none of the funds appropriated under this Act shall be used to knowingly acquire, receive or otherwise transfer any human (including that derived from a fetus) organ or organ subpart for valuable consideration for use in human or animal transplantation and that none of the funds shall be used to knowingly acquire, receive or otherwise transfer any human organ or organ subpart derived from a fetus that has been aborted for the sole purpose of medically transplanting such organs or organ subparts to any animal or person.

Amendment No. 254: Deletes language proposed by the Senate providing that none of the funds appropriated under this Act shall be used to offer any inducement, monetary or otherwise, for a woman to have an abortion for purposes of providing fetal organs or tissue for medical transplantation to any animal or person.

Amendment No. 255: Deletes language proposed by the Senate providing that none of the funds made available under this Act shall be used to waive the minimal risk standard for fetal research.

Amendment No. 256: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment amended to read as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 516. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

SEC. 517. Notwithstanding any other provision of this Act, funds appropriated or otherwise made available which are not mandated by law for programs, projects or activities funded by this Act shall be reduced by 1.2 per centum.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DEFINITION OF PROGRAM, PROJECT AND ACTIVITY

During fiscal year 1989, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the committee of conference and the tables inserted in the Congressional Record on the days when the bill or conference report is considered in the House.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons.

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CONFERENCE AGREEMENT: H.R. 4783 - FY 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES 17:47 8/11/88 PAGE 52

	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
SUMMARY									
Title I - Department of Labor:									
Federal Funds:									
Authorized activities	6,262,432,000	6,143,812,000	6,562,032,000	6,515,261,000	6,516,465,000	6,453,295,000	-108,737,000	-61,966,000	
Unauthorized, not considered by House	9,574,000	846,000,000	DEFER	---	9,500,000	9,386,000	+9,386,000	+9,386,000	
Total, authorized and unauthorized	6,272,006,000	6,989,812,000	6,562,032,000	6,515,261,000	6,525,965,000	6,462,681,000	-99,351,000	-52,580,000	
Trust Funds	(2,689,239,000)	(2,668,274,000)	(2,775,275,000)	(2,802,369,000)	(2,795,093,000)	(2,761,552,000)	(-13,723,000)	(-40,817,000)	
Title II - Department of Health and Human Services:									
Federal Funds (all years), authorized	98,929,970,000	106,763,880,000	106,517,505,000	108,139,832,000	108,385,739,000	108,220,429,000	+1,702,924,000	+80,597,000	
Current year	(85,179,970,000)	(91,972,880,000)	(91,726,505,000)	(93,292,832,000)	(93,538,739,000)	(93,373,429,000)	(+1,646,924,000)	(+80,597,000)	
1990 advance	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(14,847,000,000)	(14,847,000,000)	(14,847,000,000)	(+56,000,000)	---	
Unauthorized, not considered by House	2,758,532,000	2,807,494,000	DEFER	2,967,291,000	2,962,436,000	2,927,428,000	+2,927,428,000	-39,863,000	
Total, authorized and unauthorized	101,688,502,000	109,571,374,000	106,517,505,000	111,107,123,000	111,348,175,000	111,147,857,000	+4,630,352,000	+40,734,000	
Trust Funds	(4,949,447,000)	(5,603,267,000)	(5,530,919,000)	(5,715,069,000)	(5,678,880,000)	(5,610,734,000)	(+79,815,000)	(-104,335,000)	
Title III - Department of Education:									
Federal Funds	20,240,691,000	21,084,423,000	21,948,605,000	21,756,345,000	21,929,402,000	21,724,362,000	-224,243,000	-31,983,000	
Title IV - Related Agencies:									
Federal Funds (all years), authorized	745,844,000	738,079,000	766,550,000	740,012,000	742,655,000	733,443,000	-33,107,000	-6,569,000	
Unauthorized, not considered by House	236,956,000	217,376,000	DEFER	310,500,000	309,500,000	305,786,000	+305,786,000	-4,714,000	
Total, authorized and unauthorized	982,800,000	955,455,000	766,550,000	1,050,512,000	1,052,155,000	1,039,229,000	+272,679,000	-11,283,000	
Trust Funds	(66,661,000)	(69,935,000)	(68,735,000)	(70,573,000)	(70,173,000)	(69,331,000)	(+596,000)	(-1,242,000)	
Total, all titles:									
Federal Funds (all years), authorized	126,178,937,000	134,730,194,000	135,794,692,000	137,151,450,000	137,574,261,000	137,131,529,000	+1,336,837,000	-19,921,000	
Current year	(112,428,937,000)	(119,939,194,000)	(121,003,692,000)	(122,304,450,000)	(122,727,261,000)	(122,284,529,000)	(+1,280,837,000)	(-19,921,000)	
1990 advance	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(14,847,000,000)	(14,847,000,000)	(14,847,000,000)	(+56,000,000)	---	
Unauthorized, not considered by House	3,005,062,000	3,870,870,000	DEFER	3,277,791,000	3,281,436,000	3,242,600,000	+3,242,600,000	-35,191,000	
Grand total, authorized and unauthorized	129,183,999,000	138,601,064,000	135,794,692,000	140,429,241,000	140,855,697,000	140,374,129,000	+4,579,437,000	-55,112,000	
Trust Funds	(7,705,347,000)	(8,341,476,000)	(8,374,929,000)	(8,588,011,000)	(8,544,146,000)	(8,441,617,000)	(+66,688,000)	(-146,394,000)	

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
SECTION 302B RECAP									
Federal Funds (all years)	126,178,937,000	134,730,194,000	135,794,692,000	137,151,450,000	137,574,261,000	137,131,529,000	+1,336,837,000	-19,921,000	
Unauthorized, considered by Senate only	3,005,062,000	3,870,870,000	DEFER	3,277,791,000	3,281,436,000	3,242,600,000	+3,242,600,000	-35,191,000	
Bill total	129,183,999,000	138,601,064,000	135,794,692,000	140,429,241,000	140,855,697,000	140,374,129,000	+4,579,437,000	-55,112,000	
Discretionary, total in bill	34,941,398,000	35,691,006,000	36,970,545,000	36,441,339,000	36,866,612,000	36,423,880,000	-546,665,000	-17,459,000	
Unauthorized, considered by Senate only	2,727,414,000	3,288,870,000	DEFER	2,930,291,000	2,933,936,000	2,898,730,000	+2,898,730,000	-31,561,000	
Total, discretionary	37,668,812,000	38,979,876,000	36,970,545,000	39,371,630,000	39,800,548,000	39,322,610,000	+2,352,065,000	-49,020,000	
Mandatory, total in bill	91,470,187,000	99,253,188,000	98,824,147,000	101,012,611,000	101,010,149,000	101,006,519,000	+2,182,372,000	-6,092,000	
Unauthorized, considered by Senate only	45,000,000	368,000,000	DEFER	45,000,000	45,000,000	45,000,000	+45,000,000	---	
Less advances for subsequent years	-13,982,648,000	-15,005,000,000	-14,791,000,000	-15,149,500,000	-15,149,500,000	-15,145,870,000	-354,870,000	+3,630,000	
Plus advances provided in prior years	12,812,065,000	13,978,000,000	13,978,000,000	13,978,000,000	13,978,000,000	13,978,000,000	---	---	
Total, Mandatory, current appropriations	90,344,604,000	98,594,188,000	98,011,147,000	99,886,111,000	99,883,649,000	99,883,649,000	+1,872,502,000	-2,462,000	
Grand total, current year	128,013,416,000	137,574,064,000	134,981,692,000	139,257,741,000	139,684,197,000	139,206,259,000	+4,224,567,000	-51,482,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	----------- Conference ----------		----- Conference Final vs ------		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
TITLE I -- DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
PROGRAM ADMINISTRATION									
Job training programs..................................	17,192,000	17,522,000	17,522,000	17,522,000	17,522,000	17,312,000	-210,000	-210,000	D
Employment security....................................	3,199,000	3,506,000	3,506,000	3,506,000	3,506,000	3,464,000	-42,000	-42,000	D
Trust funds..	(14,658,000)	(14,760,000)	(14,760,000)	(14,760,000)	(14,760,000)	(14,583,000)	(-177,000)	(-177,000)	TF
Financial control and management systems.............	16,666,000	16,694,000	16,694,000	16,694,000	16,694,000	16,494,000	-200,000	-200,000	D
Trust funds..	(9,783,000)	(9,246,000)	(9,246,000)	(9,246,000)	(9,246,000)	(9,135,000)	(-111,000)	(-111,000)	TF
Executive direction and administration...............	3,314,000	3,391,000	3,391,000	3,391,000	3,391,000	3,350,000	-41,000	-41,000	D
Trust funds..	(2,598,000)	(2,704,000)	(2,704,000)	(2,704,000)	(2,704,000)	(2,672,000)	(-32,000)	(-32,000)	TF
Regional operations....................................	16,976,000	17,799,000	17,799,000	17,000,000	17,000,000	16,796,000	-1,003,000	-204,000	D
Trust funds..	(17,341,000)	(19,897,000)	(19,897,000)	(23,696,000)	(22,196,000)	(21,930,000)	(+2,033,000)	(-1,766,000)	TF
Apprenticeship services................................	13,525,000	13,377,000	13,377,000	13,525,000	13,525,000	13,363,000	-14,000	-162,000	D
Total, Program Administration....................	115,252,000	118,896,000	118,896,000	122,044,000	120,544,000	119,099,000	+203,000	-2,945,000	
Federal funds..................................	70,872,000	72,289,000	72,289,000	71,638,000	71,638,000	70,779,000	-1,510,000	-859,000	
Trust funds....................................	(44,380,000)	(46,607,000)	(46,607,000)	(50,406,000)	(48,906,000)	(48,320,000)	(+1,713,000)	(-2,086,000)	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
TRAINING AND EMPLOYMENT SERVICES									
Grants to States:									
Block grant	1,809,486,000	1,809,486,000	1,809,486,000	1,821,486,000	1,809,486,000	1,787,772,000	-21,714,000	-33,714,000	D
Summer youth employment and training program:									
Summer 1989 and 1990	718,050,000	718,050,000	718,050,000	718,050,000	718,050,000	709,433,000	-8,617,000	-8,617,000	D
Dislocated worker assistance	287,220,000	---	287,220,000	287,220,000	287,220,000	283,773,000	-3,447,000	-3,447,000	D
Federally administered programs:									
Native Americans	59,713,000	59,713,000	59,713,000	59,713,000	59,713,000	58,996,000	-717,000	-717,000	D
Migrants and seasonal farmworkers	65,572,000	57,904,000	70,572,000	68,172,000	69,372,000	68,540,000	-2,032,000	+368,000	D
Job Corps	716,135,000	710,631,000	763,631,000	736,135,000	750,835,000	741,825,000	-21,806,000	+5,690,000	D
Veterans' employment	9,966,000	9,633,000	9,966,000	9,633,000	9,633,000	9,517,000	-449,000	-116,000	D
National activities:									
Pilots and demonstrations	38,964,000	31,620,000	31,620,000	29,620,000	30,620,000	30,253,000	-1,367,000	+633,000	D
Research, demonstration and evaluation	18,227,000	18,592,000	13,592,000	18,592,000	13,592,000	13,429,000	-163,000	-5,163,000	D
Other	24,356,000	15,195,000	22,195,000	20,695,000	25,195,000	24,893,000	+2,698,000	+4,198,000	D
Subtotal, National activities	81,547,000	65,407,000	67,407,000	68,907,000	69,407,000	68,575,000	+1,168,000	-332,000	
Subtotal, Federal activities	932,933,000	903,288,000	971,289,000	942,560,000	958,960,000	947,453,000	-23,836,000	+4,893,000	
Total, Job Training Partnership Act	3,747,689,000	3,430,824,000	3,786,045,000	3,769,316,000	3,773,716,000	3,728,431,000	-57,614,000	-40,885,000	
Trade adjustment program activities	47,870,000	---	50,000,000	47,870,000	47,870,000	47,870,000	-2,130,000	---	M
Job training for the homeless	9,574,000	---	DEFER	---	9,500,000	9,386,000	+9,386,000	+9,386,000	D
Total, Training and Employment Services	3,795,559,000	3,430,824,000	3,836,045,000	3,817,186,000	3,821,586,000	3,776,301,000	-59,744,000	-40,885,000	
Unauthorized, not considered by House	9,574,000	---	DEFER	---	9,500,000	9,386,000	+9,386,000	+9,386,000	
Total, authorized and unauthorized	3,805,133,000	3,430,824,000	3,836,045,000	3,817,186,000	3,831,086,000	3,785,687,000	-50,358,000	-31,499,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS......	331,260,000	336,000,000	346,000,000	350,000,000	348,000,000	343,824,000	-2,176,000	-6,176,000	D
WORKER READJUSTMENT									
Current activities: 1/									
Trade adjustment assistance......................	---	132,000,000	---	---	---	---	---	---	D
Unemployment assistance and payments under other Federal unemployment programs............	---	2,000,000	---	---	---	---	---	---	D
Subtotal..	---	134,000,000	---	---	---	---	---	---	
New activities: 2/									
Trade adjustment assistance savings............	---	-102,000,000	DEFER	---	---	---	---	---	D
Worker readjustment assistance, new..............	---	948,000,000	DEFER	---	---	---	---	---	D
Subtotal..	---	846,000,000	DEFER	---	---	---	---	---	
Total, Worker readjustment, current request.....	---	134,000,000	---	---	---	---	---	---	
Unauthorized, not considered by House.........	---	846,000,000	DEFER	---	---	---	---	---	
Total, authorized and unauthorized..............	---	980,000,000	---	---	---	---	---	---	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES 1/.......	141,000,000	---	134,000,000	134,000,000	134,000,000	134,000,000	---	---	M

1/ President's budget proposes to replace FUBA, dislocated worker and trade adjustment under TES with a new Worker Readjustment account.

2/ Proposed for later transmittal in President's request.

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation (Trust Funds):									
State Operations	(1,230,966,000)	(1,255,883,000)	(1,255,883,000)	(1,255,883,000)	(1,255,883,000)	(1,240,812,000)	(-15,071,000)	(-15,071,000)	TF
State integrity activities	(244,931,000)	(254,587,000)	(254,587,000)	(254,587,000)	(254,587,000)	(251,532,000)	(-3,055,000)	(-3,055,000)	TF
National Activities	(9,751,000)	(10,151,000)	(10,151,000)	(10,151,000)	(10,151,000)	(10,029,000)	(-122,000)	(-122,000)	TF
Contingency	(175,076,000)	(157,479,000)	(157,479,000)	(157,479,000)	(157,479,000)	(155,589,000)	(-1,890,000)	(-1,890,000)	TF
Subtotal, Unemployment Compensation(trust funds)	(1,660,724,000)	(1,678,100,000)	(1,678,100,000)	(1,678,100,000)	(1,678,100,000)	(1,657,962,000)	(-20,138,000)	(-20,138,000)	
Employment Service:									
Allotments to States:									
Federal funds	21,733,000	20,400,000	21,733,000	21,733,000	21,733,000	21,472,000	-261,000	-261,000	D
Trust funds	(701,296,000)	(658,100,000)	(751,296,000)	(751,296,000)	(751,296,000)	(742,280,000)	(-9,016,000)	(-9,016,000)	TF
Subtotal	723,029,000	678,500,000	773,029,000	773,029,000	773,029,000	763,752,000	-9,277,000	-9,277,000	
National Activities:									
Federal funds	670,000	1,100,000	1,100,000	1,100,000	1,100,000	1,087,000	-13,000	-13,000	D
Trust funds	(56,385,000)	(35,994,000)	(43,318,000)	(55,494,000)	(50,318,000)	(49,714,000)	(+6,396,000)	(-5,780,000)	TF
Subtotal, Employment Service	780,084,000	715,594,000	817,447,000	829,623,000	824,447,000	814,553,000	-2,894,000	-15,070,000	
Federal funds	22,403,000	21,500,000	22,833,000	22,833,000	22,833,000	22,559,000	-274,000	-274,000	
Trust funds	(757,681,000)	(694,094,000)	(794,614,000)	(806,790,000)	(801,614,000)	(791,994,000)	(-2,620,000)	(-14,796,000)	
Total, State Unempl. Ins. and Empl. Ser. Opers.	2,440,808,000	2,393,694,000	2,495,547,000	2,507,723,000	2,502,547,000	2,472,515,000	-23,032,000	-35,208,000	
Federal Funds	22,403,000	21,500,000	22,833,000	22,833,000	22,833,000	22,559,000	-274,000	-274,000	
Trust Funds	(2,418,405,000)	(2,372,194,000)	(2,472,714,000)	(2,484,890,000)	(2,479,714,000)	(2,449,956,000)	(-22,758,000)	(-34,934,000)	
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	30,000,000	124,000,000	124,000,000	124,000,000	124,000,000	124,000,000	---	---	M
Total, Employment & Training Administration	6,853,879,000	6,537,414,000	7,054,488,000	7,054,953,000	7,050,677,000	6,969,739,000	-84,749,000	-85,214,000	
Federal funds	4,391,094,000	4,118,613,000	4,535,167,000	4,519,657,000	4,522,057,000	4,471,463,000	-63,704,000	-48,194,000	
Unauthorized, not considered by House	9,574,000	846,000,000	DEFER	---	9,500,000	9,386,000	+9,386,000	+9,386,000	
Trust funds	(2,462,785,000)	(2,418,801,000)	(2,519,321,000)	(2,535,296,000)	(2,528,620,000)	(2,498,276,000)	(-21,045,000)	(-37,020,000)	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
LABOR - MANAGEMENT SERVICES									
SALARIES AND EXPENSES									
Labor-management relations service	5,639,000	5,793,000	5,793,000	5,793,000	5,793,000	5,723,000	-70,000	-70,000	D
Labor-management standards enforcement	24,547,000	25,333,000	25,333,000	25,333,000	25,333,000	25,029,000	-304,000	-304,000	D
Pension and welfare benefit programs	46,590,000	41,933,000	41,933,000	41,933,000	41,933,000	41,430,000	-503,000	-503,000	D
Total, LMS	76,776,000	73,059,000	73,059,000	73,059,000	73,059,000	72,182,000	-877,000	-877,000	
PENSION BENEFIT GUARANTY CORPORATION									
Program Administration (Trust Funds)	(38,329,000)	(54,232,000)	(54,232,000)	(54,232,000)	(54,232,000)	(53,581,000)	(-651,000)	(-651,000)	TF
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of wage and hour standards	82,359,000	90,035,000	90,035,000	90,035,000	90,035,000	88,955,000	-1,080,000	-1,080,000	D
Federal contractor EEO standards enforcement	50,725,000	52,493,000	52,493,000	52,493,000	52,493,000	51,863,000	-630,000	-630,000	D
Federal programs for workers' compensation	61,321,000	57,886,000	57,886,000	57,886,000	57,886,000	57,191,000	-695,000	-695,000	D
Trust funds	(467,000)	(526,000)	(526,000)	(526,000)	(526,000)	(520,000)	(-6,000)	(-6,000)	TF
Executive direction and support services	13,304,000	14,075,000	14,075,000	14,075,000	14,075,000	13,906,000	-169,000	-169,000	D
Total, salaries and expenses	208,176,000	215,015,000	215,015,000	215,015,000	215,015,000	212,435,000	-2,580,000	-2,580,000	
Federal funds	207,709,000	214,489,000	214,489,000	214,489,000	214,489,000	211,915,000	-2,574,000	-2,574,000	
Trust funds	(467,000)	(526,000)	(526,000)	(526,000)	(526,000)	(520,000)	(-6,000)	(-6,000)	
SPECIAL BENEFITS									
Federal employees compensation act benefits 1/	170,000,000	288,000,000	288,000,000	251,000,000	251,000,000	251,000,000	-37,000,000	---	M
Longshore and harbor workers' benefits	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	---	---	M
Total, Special Benefits	174,000,000	292,000,000	292,000,000	255,000,000	255,000,000	255,000,000	-37,000,000	---	

1/ FY 1989 request includes $35 million to liquidate FY 1988 requirements financed through subsequent year borrowing.

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
BLACK LUNG DISABILITY TRUST FUND									
Benefit payments and interest on advances 1/..........	594,522,000	633,435,000	633,435,000	633,435,000	633,435,000	633,435,000	---	---	M
Employment Standards Admin., salaries & expenses......	28,217,000	30,210,000	30,210,000	30,210,000	30,210,000	30,210,000	---	---	M
Departmental Management, salaries and expenses........	25,924,000	24,054,000	24,054,000	27,234,000	26,597,000	26,597,000	+2,543,000	-637,000	M
Departmental Management, inspector general............	506,000	515,000	515,000	515,000	515,000	515,000	---	---	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	649,169,000	688,214,000	688,214,000	691,394,000	690,757,000	690,757,000	+2,543,000	-637,000	
Treasury administrative costs (indefinite)............	756,000	756,000	756,000	756,000	756,000	756,000	---	---	M
Repayment of Advances (indefinite)....................	38,800,000	---	---	---	---	---	---	---	M
Total, Black Lung Disability Trust Fund.........	688,725,000	688,970,000	688,970,000	692,150,000	691,513,000	691,513,000	+2,543,000	-637,000	
Total, Employment Standards Administration......	1,070,901,000	1,195,985,000	1,195,985,000	1,162,165,000	1,161,528,000	1,158,948,000	-37,037,000	-3,217,000	
Federal funds................................	1,070,434,000	1,195,459,000	1,195,459,000	1,161,639,000	1,161,002,000	1,158,428,000	-37,031,000	-3,211,000	
Trust funds..................................	(467,000)	(526,000)	(526,000)	(526,000)	(526,000)	(520,000)	(-6,000)	(-6,000)	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and health standards...........................	6,484,000	6,751,000	6,751,000	6,751,000	6,751,000	6,670,000	-81,000	-81,000	D
Enforcement:									
Federal Enforcement..............................	111,178,000	116,969,000	116,969,000	117,969,000	117,969,000	116,553,000	-416,000	-1,416,000	D
State programs...................................	40,524,000	41,334,000	43,000,000	42,334,000	43,000,000	42,484,000	-516,000	+150,000	D
Technical Support.....................................	16,558,000	17,486,000	17,486,000	17,486,000	17,486,000	17,276,000	-210,000	-210,000	D
Compliance Assistance.................................	35,279,000	36,078,000	36,078,000	36,078,000	36,078,000	35,645,000	-433,000	-433,000	D
Safety and health statistics..........................	19,654,000	20,241,000	20,241,000	20,241,000	20,241,000	19,998,000	-243,000	-243,000	D
Executive direction and administration................	5,797,000	5,992,000	5,992,000	5,992,000	5,992,000	5,920,000	-72,000	-72,000	D
Total, OSHA.....................................	235,474,000	244,851,000	246,517,000	246,851,000	247,517,000	244,546,000	-1,971,000	-2,305,000	

1/ FY 1989 request includes $13,970,000 to liquidate FY 1988 requirements financed through subsequent year borrowing.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference		Conference Final vs		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement:									
Coal	82,748,000	82,879,000	82,879,000	82,879,000	82,879,000	81,884,000	-995,000	-995,000	D
Metal/nonmetal	31,611,000	32,498,000	32,498,000	32,498,000	32,498,000	32,108,000	-390,000	-390,000	D
Standards development	1,141,000	1,920,000	1,920,000	1,920,000	1,920,000	1,897,000	-23,000	-23,000	D
Assessments	2,035,000	2,164,000	2,164,000	2,164,000	2,164,000	2,138,000	-26,000	-26,000	D
Educational policy and development	11,605,000	12,070,000	12,070,000	12,070,000	12,070,000	11,925,000	-145,000	-145,000	D
Technical support	20,126,000	20,833,000	20,833,000	20,833,000	20,833,000	20,583,000	-250,000	-250,000	D
Program administration	10,927,000	12,233,000	12,233,000	12,233,000	12,233,000	12,086,000	-147,000	-147,000	D
Total, Mine Safety and Health Administration	160,193,000	164,597,000	164,597,000	164,597,000	164,597,000	162,621,000	-1,976,000	-1,976,000	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	60,008,000	64,955,000	64,955,000	64,955,000	64,955,000	64,176,000	-779,000	-779,000	D
Labor Market Information (Trust Funds)	(41,569,000)	(46,323,000)	(46,323,000)	(46,323,000)	(46,323,000)	(45,767,000)	(-556,000)	(-556,000)	TF
Prices and cost of living	57,108,000	72,098,000	72,098,000	72,098,000	72,098,000	71,233,000	-865,000	-865,000	D
Wages and industrial relations	20,963,000	22,028,000	22,028,000	22,028,000	22,028,000	21,764,000	-264,000	-264,000	D
Productivity and technology	5,180,000	5,457,000	5,457,000	5,457,000	5,457,000	5,392,000	-65,000	-65,000	D
Economic growth and employment projections	3,198,000	3,347,000	3,347,000	3,347,000	3,347,000	3,307,000	-40,000	-40,000	D
Executive direction and staff services	21,231,000	22,512,000	22,512,000	22,512,000	22,512,000	22,242,000	-270,000	-270,000	D
Consumer Price Index Revision	8,793,000	---	---	---	---	---	---	---	D
Total, Bureau of Labor Statistics	218,050,000	236,720,000	236,720,000	236,720,000	236,720,000	233,881,000	-2,839,000	-2,839,000	
Federal Funds	176,481,000	190,397,000	190,397,000	190,397,000	190,397,000	188,114,000	-2,283,000	-2,283,000	
Trust Funds	(41,569,000)	(46,323,000)	(46,323,000)	(46,323,000)	(46,323,000)	(45,767,000)	(-556,000)	(-556,000)	

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive direction	15,089,000	16,556,000	16,556,000	16,556,000	16,556,000	16,357,000	-199,000	-199,000	D
Legal services	45,529,000	45,959,000	45,959,000	45,959,000	45,959,000	45,407,000	-552,000	-552,000	D
Trust funds	(274,000)	(285,000)	(285,000)	(285,000)	(285,000)	(282,000)	(-3,000)	(-3,000)	TF
International labor affairs	5,887,000	6,243,000	6,243,000	6,243,000	6,243,000	6,168,000	-75,000	-75,000	D
Administration and management	24,635,000	24,776,000	24,776,000	25,776,000	24,776,000	24,479,000	-297,000	-1,297,000	D
Adjudication	11,703,000	11,522,000	11,522,000	11,522,000	11,522,000	11,384,000	-138,000	-138,000	D
Promoting employment of the handicapped	2,434,000	2,468,000	2,468,000	2,468,000	2,468,000	2,438,000	-30,000	-30,000	D
Women's Bureau	5,982,000	6,083,000	6,583,000	6,583,000	6,583,000	6,504,000	-79,000	-79,000	D
Civil Rights Activities	3,670,000	3,732,000	3,732,000	3,732,000	3,732,000	3,687,000	-45,000	-45,000	D
Undistributed reduction	---	---	-500,000	---	---	---	+500,000	---	D
Total, Salaries and expenses	115,203,000	117,624,000	117,624,000	119,124,000	118,124,000	116,706,000	-918,000	-2,418,000	
Federal funds	114,929,000	117,339,000	117,339,000	118,839,000	117,839,000	116,424,000	-915,000	-2,415,000	
Trust funds	(274,000)	(285,000)	(285,000)	(285,000)	(285,000)	(282,000)	(-3,000)	(-3,000)	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	(72,400,000)	(73,848,000)	(73,848,000)	(73,848,000)	(73,848,000)	(72,962,000)	(-886,000)	(-886,000)	TF
Local Veterans Employment Program	(52,365,000)	(53,412,000)	(59,893,000)	(67,812,000)	(67,812,000)	(66,998,000)	(+7,105,000)	(-814,000)	TF
Subtotal, State Administration	(124,765,000)	(127,260,000)	(133,741,000)	(141,660,000)	(141,660,000)	(139,960,000)	(+6,219,000)	(-1,700,000)	
Federal Administration	(14,849,000)	(15,146,000)	(15,146,000)	(18,346,000)	(17,746,000)	(17,533,000)	(+2,387,000)	(-813,000)	TF
Total, Trust Funds	(139,614,000)	(142,406,000)	(148,887,000)	(160,006,000)	(159,406,000)	(157,493,000)	(+8,606,000)	(-2,513,000)	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
OFFICE OF THE INSPECTOR GENERAL									
Audit:									
Federal funds	19,756,000	20,420,000	20,420,000	20,420,000	20,420,000	20,175,000	-245,000	-245,000	D
Trust funds	(5,092,000)	(4,526,000)	(4,526,000)	(4,526,000)	(4,526,000)	(4,472,000)	(-54,000)	(-54,000)	TF
Investigation:									
Federal funds	5,989,000	6,038,000	6,038,000	6,038,000	6,038,000	5,966,000	-72,000	-72,000	D
Trust funds	(1,109,000)	(1,175,000)	(1,175,000)	(1,175,000)	(1,175,000)	(1,161,000)	(-14,000)	(-14,000)	TF
Office of Labor Racketeering	7,452,000	8,395,000	8,395,000	9,120,000	8,895,000	8,788,000	+393,000	-332,000	D
Executive Direction and Administration	3,854,000	4,644,000	4,644,000	4,644,000	4,644,000	4,588,000	-56,000	-56,000	D
Total, Office of the Inspector General	43,252,000	45,198,000	45,198,000	45,923,000	45,698,000	45,150,000	-48,000	-773,000	
Federal funds	37,051,000	39,497,000	39,497,000	40,222,000	39,997,000	39,517,000	+20,000	-705,000	
Trust funds	(6,201,000)	(5,701,000)	(5,701,000)	(5,701,000)	(5,701,000)	(5,633,000)	(-68,000)	(-68,000)	
Total, Departmental Management	298,069,000	305,228,000	311,709,000	325,053,000	323,228,000	319,349,000	+7,640,000	-5,704,000	
Federal funds	151,980,000	156,836,000	156,836,000	159,061,000	157,836,000	155,941,000	-895,000	-3,120,000	
Trust funds	(146,089,000)	(148,392,000)	(154,873,000)	(165,992,000)	(165,392,000)	(163,408,000)	(+8,535,000)	(-2,584,000)	
Total, Labor Department	8,951,671,000	8,812,086,000	9,337,307,000	9,317,630,000	9,311,558,000	9,214,847,000	-122,460,000	-102,783,000	
Federal funds	6,262,432,000	6,143,812,000	6,562,032,000	6,515,261,000	6,516,465,000	6,453,295,000	-108,737,000	-61,966,000	
Unauthorized, not considered by House	9,574,000	846,000,000	DEFER	---	9,500,000	9,386,000	+9,386,000	+9,386,000	
Total, authorized and unauthorized	6,272,006,000	6,989,812,000	6,562,032,000	6,515,261,000	6,525,965,000	6,462,681,000	-99,351,000	-52,580,000	
Trust funds	(2,689,239,000)	(2,668,274,000)	(2,775,275,000)	(2,802,369,000)	(2,795,093,000)	(2,761,552,000)	(-13,723,000)	(-40,817,000)	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference		Conference Final vs		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
TITLE II--DEPARTMENT OF HEALTH AND HUMAN SERVICES									
PRIORITY DISEASE CONTROL AND RESEARCH ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) 1/ (NON-ADD)									
Health Resorces and Services Administration:									
Training of health personnel	(11,106,000)	(23,000,000)	(15,000,000)	(24,260,000)	(15,000,000)	(14,820,000)	(-180,000)	(-9,440,000)	D
Facilities renovation grants (1610 (b))	(6,702,000)	---	(5,000,000)	---	(4,000,000)	(3,952,000)	(-1,048,000)	(+3,952,000)	D
Pediatric health care demonstrations	(4,787,000)	(5,000,000)	(8,000,000)	(7,000,000)	(8,000,000)	(7,904,000)	(-96,000)	(+904,000)	D
Adult health care demonstrations	(14,361,000)	(10,567,000)	(10,567,000)	(15,056,000)	(15,056,000)	(14,875,000)	(+4,308,000)	(-181,000)	D
Adult health care planning grants	---	---	---	(4,000,000)	(4,000,000)	(3,952,000)	(+3,952,000)	(-48,000)	D
Program support, HRSA	---	(1,449,000)	(1,449,000)	---	---	---	(-1,449,000)	---	D
Subtotal, HRSA	(36,956,000)	(40,016,000)	(40,016,000)	(50,316,000)	(46,056,000)	(45,503,000)	(+5,487,000)	(-4,813,000)	
Centers for Disease Control	(304,942,000)	(400,719,000)	(408,219,000)	(384,419,000)	(386,919,000)	(382,276,000)	(-25,943,000)	(-2,143,000)	D
National Institutes of Health:									
National Cancer Institute	(89,944,000)	(125,280,000)	(125,280,000)	(125,280,000)	(125,280,000)	(123,777,000)	(-1,503,000)	(-1,503,000)	D
National Heart, Lung, and Blood Institute	(24,738,000)	(39,032,000)	(39,032,000)	(39,032,000)	(39,032,000)	(38,564,000)	(-468,000)	(-468,000)	D
National Institute of Dental Research	(3,169,000)	(3,526,000)	(3,526,000)	(3,526,000)	(3,526,000)	(3,484,000)	(-42,000)	(-42,000)	D
National Institute of Diabetes, Digestive, and Kidney Diseases	(3,351,000)	(3,650,000)	(3,650,000)	(3,650,000)	(3,650,000)	(3,606,000)	(-44,000)	(-44,000)	D
National Institute of Neurological and Communicative Disorders and Stroke	(12,212,000)	(13,393,000)	(13,393,000)	(13,393,000)	(13,393,000)	(13,232,000)	(-161,000)	(-161,000)	D
National Institue of Allergy and Infectious Diseases	(223,728,000)	(310,268,000)	(310,268,000)	(323,268,000)	(319,000,000)	(315,172,000)	(+4,904,000)	(-8,096,000)	D
National Institute of General Medical Sciences	(2,394,000)	(11,100,000)	(11,100,000)	(11,100,000)	(11,100,000)	(10,967,000)	(-133,000)	(-133,000)	D

1/ President's budget proposes a consolidated account for AIDS shown here for comparison purposes. The funds are appropriated to each agency or institute separately.

	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
National Institute of Child Health and Human Development	(14,292,000)	(20,443,000)	(20,443,000)	(22,443,000)	(22,443,000)	(22,174,000)	(+1,731,000)	(-269,000)	D
National Eye Institute	(3,830,000)	(4,947,000)	(4,947,000)	(4,947,000)	(4,947,000)	(4,888,000)	(-59,000)	(-59,000)	D
National Institute of Environmental Health Sciences	(3,917,000)	(4,234,000)	(4,234,000)	(4,234,000)	(4,234,000)	(4,183,000)	(-51,000)	(-51,000)	D
National Institute on Aging	(361,000)	(452,000)	(452,000)	(452,000)	(452,000)	(447,000)	(-5,000)	(-5,000)	D
National Institute of Arthritis and Musculoskeletal and Skin Diseases	(660,000)	(687,000)	(687,000)	(687,000)	(687,000)	(679,000)	(-8,000)	(-8,000)	D
Research Resources	(50,418,000)	(38,010,000)	(38,010,000)	(43,010,000)	(43,010,000)	(42,494,000)	(+4,484,000)	(-516,000)	D
National Center for Nursing Research	(510,000)	(707,000)	(707,000)	(707,000)	(707,000)	(699,000)	(-8,000)	(-8,000)	D
John E. Fogarty International Center	(4,500,000)	(4,736,000)	(4,736,000)	(4,736,000)	(4,736,000)	(4,679,000)	(-57,000)	(-57,000)	D
Office of the Director	(10,632,000)	(7,165,000)	(11,665,000)	(13,165,000)	(13,165,000)	(13,007,000)	(+1,342,000)	(-158,000)	D
Buildings and facilities	(19,150,000)	---	---	(5,000,000)	(5,000,000)	(4,940,000)	(+4,940,000)	(-60,000)	D
Subtotal, NIH	(467,806,000)	(587,630,000)	(592,130,000)	(618,630,000)	(614,362,000)	(606,992,000)	(+14,862,000)	(-11,638,000)	
Alcohol, Drug Abuse & Mental Health Administration:									
Mental Health	(31,129,000)	(49,364,000)	(49,364,000)	(49,364,000)	(49,364,000)	(48,772,000)	(-592,000)	(-592,000)	D
Drug Abuse	(76,335,000)	(121,998,000)	(121,998,000)	(121,998,000)	(121,998,000)	(120,534,000)	(-1,464,000)	(-1,464,000)	D
Alcoholism	(4,793,000)	(6,255,000)	(6,255,000)	(6,255,000)	(6,255,000)	(6,180,000)	(-75,000)	(-75,000)	D
Subtotal, ADAMHA	(112,257,000)	(177,617,000)	(177,617,000)	(177,617,000)	(177,617,000)	(175,486,000)	(-2,131,000)	(-2,131,000)	
Office of the Assistant Secretary for Health	(4,308,000)	(13,598,000)	(13,598,000)	(13,598,000)	(13,598,000)	(13,435,000)	(-163,000)	(-163,000)	D
Contingency Reserve	---	(15,000,000)	(7,500,000)	---	---	---	(-7,500,000)	---	D
Total Priority disease control and research (AIDS)	(926,269,000)	(1,234,580,000)	(1,239,080,000)	(1,244,580,000)	(1,238,552,000)	(1,223,692,000)	(-15,388,000)	(-20,888,000)	
Acquired Immune Deficiency Syndrome (AIDS)	(-926,269,000)	(-1,234,580,000)	(-1,239,080,000)	(-1,244,580,000)	(-1,238,552,000)	(-1,223,692,000)	(+15,388,000)	(+20,888,000)	D

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	----------- Conference ----------		----- Conference Final vs ------		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Health Care Delivery and Assistance:									
Community health centers	395,210,000	400,000,000	DEFER	419,850,000	419,850,000	414,812,000	+414,812,000	-5,038,000	D
Migrant health	43,466,000	44,423,000	DEFER	46,200,000	46,200,000	45,646,000	+45,646,000	-554,000	D
Infant mortality initiative	20,105,000	20,000,000	20,000,000	20,800,000	20,800,000	20,550,000	+550,000	-250,000	D
Black lung clinics	3,255,000	3,255,000	3,255,000	3,255,000	3,255,000	3,216,000	-39,000	-39,000	D
Health care for the homeless	14,361,000	15,000,000	DEFER	15,000,000	15,000,000	14,820,000	+14,820,000	-180,000	D
Family planning 2/	139,663,000	140,000,000	DEFER	140,000,000	140,000,000	138,320,000	+138,320,000	-1,680,000	D
National Health Service Corps: 1/									
Field placements	40,407,000	35,000,000	35,000,000	40,350,000	40,350,000	39,866,000	+4,866,000	-484,000	D
(Limitation on direct loans)	(957,000)	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)	---	---	NA
Recruitment:									
Scholarships	2,202,000	---	2,000,000	---	---	---	-2,000,000	---	D
Loan repayments, general and nursing	---	2,202,000	8,000,000	8,002,000	8,002,000	7,906,000	-94,000	-96,000	D
Subtotal, Natl Health Service Corps	42,609,000	37,202,000	45,000,000	48,352,000	48,352,000	47,772,000	+2,772,000	-580,000	
Hansen's Disease services (Carville)	18,245,000	18,245,000	18,750,000	18,245,000	18,498,000	18,276,000	-474,000	+31,000	D
Payment to Hawaii, treatment of Hansen's Disease	3,159,000	3,159,000	3,159,000	3,300,000	3,300,000	3,260,000	+101,000	-40,000	D
Rural health research centers	1,436,000	1,500,000	1,500,000	1,500,000	1,500,000	1,482,000	-18,000	-18,000	D
Home health demonstration grants	4,787,000	---	---	4,787,000	2,500,000	2,470,000	+2,470,000	-2,317,000	D
Total, Health Care Delivery & Assistance	93,596,000	83,361,000	91,664,000	100,239,000	98,205,000	97,026,000	+5,362,000	-3,213,000	

1/ Excludes legislative savings of $390,000 proposed for later transmittal.

2/ President's FY 1989 budget requests family planning funds under "Public Health Service Management" account.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	----------- Conference ----------		----- Conference Final vs ------		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
Health Professions:									
Consolidated health professions grants............	---	40,000,000	DEFER	---	---	---	---	---	D
Exceptional need scholarships....................	6,702,000	---	DEFER	6,702,000	6,702,000	6,622,000	+6,622,000	-80,000	D
Excellence in minority health education grants	9,574,000	---	9,574,000	9,574,000	9,574,000	9,459,000	-115,000	-115,000	D
Public health/health administration:									
Public Health capitation.......................	4,787,000	---	DEFER	4,787,000	4,787,000	4,730,000	+4,730,000	-57,000	D
Health Administration grants..................	1,436,000	---	DEFER	1,436,000	1,436,000	1,419,000	+1,419,000	-17,000	D
Public Health traineeships....................	2,872,000	---	DEFER	2,872,000	2,872,000	2,838,000	+2,838,000	-34,000	D
Health Administration traineeships...........	479,000	---	DEFER	479,000	479,000	473,000	+473,000	-6,000	D
Preventive medicine residencies..............	1,532,000	---	DEFER	1,532,000	1,532,000	1,514,000	+1,514,000	-18,000	D
Family Medicine/General dentistry res & trng......	35,405,000	---	DEFER	35,405,000	35,405,000	34,980,000	+34,980,000	-425,000	D
General Internal Medicine and Pediatrics..........	17,712,000	---	DEFER	17,712,000	17,712,000	17,499,000	+17,499,000	-213,000	D
Family medicine departments.......................	6,702,000	---	DEFER	6,702,000	6,702,000	6,622,000	+6,622,000	-80,000	D
Physician assistants..............................	4,596,000	---	DEFER	4,596,000	4,596,000	4,541,000	+4,541,000	-55,000	D
Area health education centers.....................	17,233,000	---	DEFER	17,233,000	17,233,000	17,026,000	+17,026,000	-207,000	D
Health professions data analysis..................	1,915,000	---	DEFER	1,915,000	1,915,000	1,892,000	+1,892,000	-23,000	D
Disadvantaged Assistance..........................	27,406,000	---	DEFER	27,406,000	27,406,000	27,077,000	+27,077,000	-329,000	D
Special Projects: (sections 788 and 301)									
Health professions spec ed initiatives........	2,394,000	---	DEFER	2,394,000	2,394,000	2,365,000	+2,365,000	-29,000	D
Geriatric training and research..............	12,446,000	---	DEFER	14,000,000	14,000,000	13,832,000	+13,832,000	-168,000	D
Two year medical schools.....................	479,000	---	DEFER	479,000	---	---	---	-479,000	D
Pediatric emergency care..........................	1,915,000	---	DEFER	3,000,000	3,000,000	2,964,000	+2,964,000	-36,000	D
Pacific Basin activities (including Medical Officer training)..............................	2,326,000	---	DEFER	2,500,000	1,500,000	1,482,000	+1,482,000	-1,018,000	D

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
Nurse training:									
Advanced nurse training	16,755,000	---	DEFER	17,500,000	17,500,000	17,290,000	+17,290,000	-210,000	D
Nurse practitioner	11,489,000	---	DEFER	12,000,000	12,000,000	11,856,000	+11,856,000	-144,000	D
Special projects (includes sec. 820 (d)(2))	11,680,000	---	DEFER	12,200,000	12,200,000	12,054,000	+12,054,000	-146,000	D
Traineeships	12,446,000	---	DEFER	13,000,000	13,000,000	12,844,000	+12,844,000	-156,000	D
Nurse Anesthetists	766,000	---	DEFER	800,000	800,000	790,000	+790,000	-10,000	D
Faculty fellowships	910,000	---	DEFER	1,100,000	1,100,000	1,087,000	+1,087,000	-13,000	D
Subtotal, Nurse training	54,046,000	---	DEFER	56,600,000	56,600,000	55,921,000	+55,921,000	-679,000	
Less transfers from loan revolving funds	---	---	-10,000,000	-10,000,000	-10,000,000	-9,880,000	+120,000	+120,000	D
Total, Health professions, authorized and unauthorized	211,957,000	40,000,000	-426,000	207,324,000	205,845,000	203,376,000	+203,802,000	-3,948,000	
MCH and Resources Development:									
Maternal & child health block grant	526,570,000	561,000,000	550,000,000	561,000,000	561,000,000	554,268,000	+4,268,000	-6,732,000	D
Organ transplantation	6,032,000	4,000,000	DEFER	5,000,000	5,000,000	4,940,000	+4,940,000	-60,000	D
Health teaching facilities interest subsidies	96,000	500,000	500,000	500,000	500,000	494,000	-6,000	-6,000	D
Total, Resources Development	526,666,000	561,500,000	550,500,000	561,500,000	561,500,000	554,762,000	+4,262,000	-6,738,000	

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	FY 1988	FY 1989	FY 1989	FY 1989	---------- Conference ----------		----- Conference Final vs ------		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
Buildings and facilities..............................	718,000	400,000	800,000	1,000,000	900,000	889,000	+89,000	-111,000	D
National practitioner data bank 2/....................	---	2,800,000	---	2,800,000	2,800,000	2,766,000	+2,766,000	-34,000	D
Program management/Program support, HRSA..............	81,309,000	76,573,000	87,000,000	93,456,000	91,228,000	90,133,000	+3,133,000	-3,323,000	D
Acquired Immune Deficiency Syndrome (AIDS) 1/.........	36,956,000	40,016,000	40,016,000	50,316,000	46,056,000	45,503,000	+5,487,000	-4,813,000	D
Total, Health resources and services:									
Authorized activities.......................	748,819,000	764,650,000	769,554,000	808,885,000	800,263,000	790,658,000	+21,104,000	-18,227,000	
Unauthorized, not considered by House.......	801,115,000	643,423,000	DEFER	833,800,000	832,321,000	822,335,000	+822,335,000	-11,465,000	
Total, authorized and unauthorized..........	1,549,934,000	1,408,073,000	769,554,000	1,642,685,000	1,632,584,000	1,612,993,000	+843,439,000	-29,692,000	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND...........	22,000,000	21,600,000	21,600,000	21,600,000	21,600,000	21,600,000	---	---	M
HEALTH CARE IMPROVEMENT..............................	---	15,000,000	---	---	---	---	---	---	D
Total, Health Resources and Services Admin:									
Authorized activities.......................	770,819,000	801,250,000	791,154,000	830,485,000	821,863,000	812,258,000	+21,104,000	-18,227,000	
Unauthorized, not considered by House.......	801,115,000	643,423,000	DEFER	833,800,000	832,321,000	822,335,000	+822,335,000	-11,465,000	
Total, authorized and unauthorized..........	1,571,934,000	1,444,673,000	791,154,000	1,664,285,000	1,654,184,000	1,634,593,000	+843,439,000	-29,692,000	

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

2/ President requested as a separate account.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	----------- Conference ---------- Initial	 Final -1.2%	----- Conference Final vs ------ House Bill	 Senate Bill	Mand Disc
CENTERS FOR DISEASE CONTROL									
DISEASE CONTROL									
Preventive Health Services Block Grant................	85,733,000	85,659,000	DEFER	85,733,000	85,733,000	84,704,000	+84,704,000	-1,029,000	D
Prevention centers....................................	1,915,000	2,000,000	DEFER	2,000,000	2,000,000	1,976,000	+1,976,000	-24,000	D
Sexually transmitted diseases:									
Grants..	54,572,000	54,791,000	DEFER	60,291,000	69,000,000	68,172,000	+68,172,000	+7,881,000	D
Direct operations...................................	10,589,000	10,656,000	DEFER	10,656,000	10,656,000	10,528,000	+10,528,000	-128,000	D
Subtotal, Sexually transmitted diseases.........	65,161,000	65,447,000	DEFER	70,947,000	79,656,000	78,700,000	+78,700,000	+7,753,000	
Immunization:									
Grants..	86,166,000	92,837,000	108,337,000	148,137,000	128,337,000	126,797,000	+18,460,000	-21,340,000	D
Direct operations...................................	8,202,000	8,251,000	8,251,000	8,251,000	8,251,000	8,152,000	-99,000	-99,000	D
Vaccine stockpile...................................	3,830,000	---	---	4,000,000	4,000,000	3,952,000	+3,952,000	-48,000	D
National vaccine program coordination.............	---	500,000	500,000	3,100,000	3,100,000	3,063,000	+2,563,000	-37,000	D
Subtotal, Immunization programs................	98,198,000	101,588,000	117,088,000	163,488,000	143,688,000	141,964,000	+24,876,000	-21,524,000	
Infectious disease excluding AIDS/TB.................	37,065,000	41,958,000	41,958,000	41,958,000	41,958,000	41,455,000	-503,000	-503,000	D
Tuberculosis grants..................................	6,702,000	6,702,000	6,702,000	6,702,000	6,702,000	6,622,000	-80,000	-80,000	D
Chronic & environmental disease prevention...........	43,158,000	43,415,000	66,479,000	43,415,000	66,479,000	65,681,000	-798,000	+22,266,000	D
Occupational Safety and Health (NIOSH):									
Research..	59,950,000	60,292,000	60,292,000	60,992,000	60,992,000	60,260,000	-32,000	-732,000	D
Training..	9,718,000	6,600,000	9,718,000	10,218,000	10,218,000	10,095,000	+377,000	-123,000	D
Subtotal, NIOSH................................	69,668,000	66,892,000	70,010,000	71,210,000	71,210,000	70,355,000	+345,000	-855,000	

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
National Center for Health Statistics:									
Program operations	45,432,000	45,735,000	45,735,000	45,735,000	45,735,000	45,186,000	-549,000	-549,000	D
Program support	3,172,000	3,203,000	3,203,000	3,203,000	3,203,000	3,165,000	-38,000	-38,000	D
Subtotal, health statistics	48,604,000	48,938,000	48,938,000	48,938,000	48,938,000	48,351,000	-587,000	-587,000	
Epidemic services	54,249,000	55,452,000	55,452,000	55,452,000	55,452,000	54,787,000	-665,000	-665,000	D
Buildings and facilities	1,915,000	2,000,000	2,000,000	2,000,000	2,000,000	1,976,000	-24,000	-24,000	D
Program management	3,066,000	3,095,000	3,095,000	3,095,000	3,095,000	3,058,000	-37,000	-37,000	D
Acquired Immune Deficiency Syndrome (AIDS) 1/	304,942,000	400,719,000	408,219,000	384,419,000	386,919,000	382,276,000	-25,943,000	-2,143,000	D
Total, Disease Control, current action	667,567,000	770,759,000	819,941,000	820,677,000	826,441,000	816,525,000	-3,416,000	-4,152,000	
Unauthorized, not considered by House	152,809,000	153,106,000	DEFER	158,680,000	167,389,000	165,380,000	+165,380,000	+6,700,000	
Total, authorized and unauthorized	820,376,000	923,865,000	819,941,000	979,357,000	993,830,000	981,905,000	+161,964,000	+2,548,000	

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	----------- Conference ---------- Initial	Final -1.2%	----- Conference Final vs ------ House Bill	Senate Bill	Mand Disc
NATIONAL INSTITUTES OF HEALTH 1/									
National Cancer Institute:									
General appropriation	1,277,877,000	1,364,617,000	1,364,617,000	1,358,395,000	1,358,395,000	1,342,094,000	-22,523,000	-16,301,000	D
Frederick Center, construction 2/	---	---	DEFER	---	2,500,000	2,470,000	+2,470,000	+2,470,000	D
Cancer prevention and control	69,778,000	71,278,000	DEFER	75,000,000	75,000,000	74,100,000	+74,100,000	-900,000	D
Research training	31,728,000	32,361,000	DEFER	32,361,000	32,361,000	31,973,000	+31,973,000	-388,000	D
AIDS funding	89,944,000	125,280,000	125,280,000	125,280,000	125,280,000	123,777,000	-1,503,000	-1,503,000	D
Subtotal, authorized and unauthorized	1,469,327,000	1,593,536,000	1,489,897,000	1,591,036,000	1,593,536,000	1,574,414,000	+84,517,000	-16,622,000	
National Heart, Lung, and Blood Institute:									
General appropriation	901,269,000	975,151,000	979,951,000	976,651,000	979,951,000	968,192,000	-11,759,000	-8,459,000	D
Research training	39,529,000	40,320,000	DEFER	40,320,000	40,320,000	39,836,000	+39,836,000	-484,000	D
AIDS funding	24,738,000	39,032,000	39,032,000	39,032,000	39,032,000	38,564,000	-468,000	-468,000	D
Subtotal, authorized and unauthorized	965,536,000	1,054,503,000	1,018,983,000	1,056,003,000	1,059,303,000	1,046,592,000	+27,609,000	-9,411,000	
National Institute of Dental Research:									
General appropriation	117,865,000	121,789,000	123,789,000	119,789,000	123,684,000	122,200,000	-1,589,000	+2,411,000	D
Research training	5,263,000	5,368,000	DEFER	7,263,000	5,368,000	5,304,000	+5,304,000	-1,959,000	D
AIDS funding	3,169,000	3,526,000	3,526,000	3,526,000	3,526,000	3,484,000	-42,000	-42,000	D
Subtotal, authorized and unauthorized	126,297,000	130,683,000	127,315,000	130,578,000	132,578,000	130,988,000	+3,673,000	+410,000	
National Institute of Diabetes, Digestive, and Kidney Diseases:									
General appropriation	510,298,000	540,752,000	543,252,000	540,752,000	542,002,000	535,498,000	-7,754,000	-5,254,000	D
Research training	21,084,000	21,506,000	DEFER	21,506,000	21,506,000	21,248,000	+21,248,000	-258,000	D
AIDS funding	3,351,000	3,650,000	3,650,000	3,650,000	3,650,000	3,606,000	-44,000	-44,000	D
Subtotal, authorized and unauthorized	534,733,000	565,908,000	546,902,000	565,908,000	567,158,000	560,352,000	+13,450,000	-5,556,000	

1/ President's budget requests AIDS funding for FY 1989 under consolidated account, not approved by the House or Senate.

2/ Senate bill includes under Buildings & Facilities.

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	FY 1988	FY 1989	FY 1989	FY 1989	----------- Conference ----------		----- Conference Final vs ------		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
National Institute of Neurological and Communicative Disorders and Stroke and National Institute on Deafness and Other Communication Disorders:									
General appropriation	508,548,000	543,653,000	543,653,000	450,553,000	546,653,000	540,093,000	-3,560,000	+89,540,000	D
Research training	13,932,000	13,932,000	DEFER	13,932,000	13,932,000	13,765,000	+13,765,000	-167,000	D
AIDS funding	12,212,000	13,393,000	13,393,000	13,393,000	13,393,000	13,232,000	-161,000	-161,000	D
Subtotal, authorized and unauthorized 1/	534,692,000	570,978,000	557,046,000	477,878,000	573,978,000	567,090,000	+10,044,000	+89,212,000	
National Institute on Deafness and Other Communication Disorders	---	---	---	96,100,000	---	---	---	-96,100,000	D
National Institute of Allergy and Infectious Diseases:									
General appropriation	402,426,000	422,185,000	422,185,000	422,185,000	422,185,000	417,119,000	-5,066,000	-5,066,000	D
Research training	12,646,000	12,899,000	DEFER	12,899,000	12,899,000	12,744,000	+12,744,000	-155,000	D
AIDS funding	223,728,000	310,268,000	310,268,000	323,268,000	319,000,000	315,172,000	+4,904,000	-8,096,000	D
Subtotal, authorized and unauthorized	638,800,000	745,352,000	732,453,000	758,352,000	754,084,000	745,035,000	+12,582,000	-13,317,000	
National Institute of General Medical Sciences:									
General appropriation	566,811,000	611,987,000	611,987,000	611,987,000	611,987,000	604,643,000	-7,344,000	-7,344,000	D
Research training	63,471,000	64,741,000	DEFER	67,566,000	67,566,000	66,755,000	+66,755,000	-811,000	D
AIDS funding	2,394,000	11,100,000	11,100,000	11,100,000	11,100,000	10,967,000	-133,000	-133,000	D
Subtotal, authorized and unauthorized	632,676,000	687,828,000	623,087,000	690,653,000	690,653,000	682,365,000	+59,278,000	-8,288,000	
National Institute of Child Health and Human Development:									
General appropriation	368,070,000	383,207,000	387,207,000	394,207,000	394,207,000	389,477,000	+2,270,000	-4,730,000	D
Research training	14,449,000	14,738,000	DEFER	14,738,000	14,738,000	14,561,000	+14,561,000	-177,000	D
AIDS funding	14,292,000	20,443,000	20,443,000	22,443,000	22,443,000	22,174,000	+1,731,000	-269,000	D
Subtotal, authorized and unauthorized	396,811,000	418,388,000	407,650,000	431,388,000	431,388,000	426,212,000	+18,562,000	-5,176,000	

1/ Conference agreement includes funds for the Deafness Institute "if enacted into law".

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
National Eye Institute:									
General appropriation	215,497,000	223,288,000	223,288,000	223,538,000	223,538,000	220,856,000	-2,432,000	-2,682,000	D
Research training	5,620,000	5,733,000	DEFER	5,733,000	5,733,000	5,664,000	+5,664,000	-69,000	D
AIDS funding	3,830,000	4,947,000	4,947,000	4,947,000	4,947,000	4,888,000	-59,000	-59,000	D
Subtotal, authorized and unauthorized	224,947,000	233,968,000	228,235,000	234,218,000	234,218,000	231,408,000	+3,173,000	-2,810,000	
National Institute of Environmental Health Sciences:									
General appropriation	202,746,000	209,751,000	212,751,000	209,751,000	212,751,000	210,198,000	-2,553,000	+447,000	D
Research training	9,003,000	9,183,000	DEFER	9,183,000	9,183,000	9,073,000	+9,073,000	-110,000	D
AIDS funding	3,917,000	4,234,000	4,234,000	4,234,000	4,234,000	4,183,000	-51,000	-51,000	D
Subtotal, authorized and unauthorized	215,666,000	223,168,000	216,985,000	223,168,000	226,168,000	223,454,000	+6,469,000	+286,000	
National Institute on Aging:									
General appropriation	186,419,000	196,644,000	201,644,000	217,000,000	217,000,000	214,396,000	+12,752,000	-2,604,000	D
Research training	7,966,000	8,126,000	DEFER	8,126,000	8,126,000	8,028,000	+8,028,000	-98,000	D
AIDS funding	361,000	452,000	452,000	452,000	452,000	447,000	-5,000	-5,000	D
Subtotal, authorized and unauthorized	194,746,000	205,222,000	202,096,000	225,578,000	225,578,000	222,871,000	+20,775,000	-2,707,000	
National Institute of Arthritis and Musculoskeletal and Skin Diseases:									
General appropriation	141,277,000	152,387,000	155,487,000	155,387,000	155,387,000	153,522,000	-1,965,000	-1,865,000	D
Research training	5,742,000	5,857,000	DEFER	5,857,000	5,857,000	5,787,000	+5,787,000	-70,000	D
AIDS funding	660,000	687,000	687,000	687,000	687,000	679,000	-8,000	-8,000	D
Subtotal, authorized and unauthorized	147,679,000	158,931,000	156,174,000	161,931,000	161,931,000	159,988,000	+3,814,000	-1,943,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
Research Resources:									
General appropriation	315,558,000	317,757,000	317,757,000	322,757,000	317,757,000	313,944,000	-3,813,000	-8,813,000	D
Research training	2,177,000	2,220,000	DEFER	2,220,000	2,220,000	2,193,000	+2,193,000	-27,000	D
AIDS funding	50,418,000	38,010,000	38,010,000	43,010,000	43,010,000	42,494,000	+4,484,000	-516,000	D
Subtotal, authorized and unauthorized	368,153,000	357,987,000	355,767,000	367,987,000	362,987,000	358,631,000	+2,864,000	-9,356,000	
National Center for Nursing Research:									
General appropriation	20,233,000	21,710,000	26,710,000	24,710,000	25,793,000	25,483,000	-1,227,000	+773,000	D
Research training	2,637,000	2,690,000	DEFER	2,690,000	3,000,000	2,964,000	+2,964,000	+274,000	D
AIDS funding	510,000	707,000	707,000	707,000	707,000	699,000	-8,000	-8,000	D
Subtotal, authorized and unauthorized	23,380,000	25,107,000	27,417,000	28,107,000	29,500,000	29,146,000	+1,729,000	+1,039,000	
John E. Fogarty International Center	11,151,000	11,338,000	11,338,000	11,738,000	11,338,000	11,202,000	-136,000	-536,000	D
AIDS funding	4,500,000	4,736,000	4,736,000	4,736,000	4,736,000	4,679,000	-57,000	-57,000	D
Subtotal	15,651,000	16,074,000	16,074,000	16,474,000	16,074,000	15,881,000	-193,000	-593,000	
National Library of Medicine:									
General appropriation	58,496,000	60,836,000	64,836,000	60,836,000	64,836,000	64,058,000	-778,000	+3,222,000	D
Medical library assistance	9,414,000	9,790,000	DEFER	9,790,000	9,790,000	9,673,000	+9,673,000	-117,000	D
Subtotal, authorized and unauthorized	67,910,000	70,626,000	64,836,000	70,626,000	74,626,000	73,731,000	+8,895,000	+3,105,000	
Office of the Director:									
General appropriation 1/	51,187,000	52,413,000	59,913,000	52,413,000	59,913,000	59,194,000	-719,000	+6,781,000	D
AIDS funding including staff	10,632,000	7,165,000	11,665,000	13,165,000	13,165,000	13,007,000	+1,342,000	-158,000	D
Subtotal	61,819,000	59,578,000	71,578,000	65,578,000	73,078,000	72,201,000	+623,000	+6,623,000	

1/ House allowance includes $4.5 million for AIDS and non-AIDS staffing.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
Buildings and facilities:									
General	28,720,000	5,000,000	20,000,000	7,500,000	34,000,000	33,592,000	+13,592,000	+26,092,000	D
AIDS facilities	19,150,000	---	---	5,000,000	5,000,000	4,940,000	+4,940,000	-60,000	D
Subtotal, buildings and facilities	47,870,000	5,000,000	20,000,000	12,500,000	39,000,000	38,532,000	+18,532,000	+26,032,000	
Procurement reforms	---	---	---	-6,765,000	-6,765,000	-6,684,000	-6,684,000	+81,000	D
Subtotal, authorized activities excluding AIDS	5,884,448,000	6,214,465,000	6,270,365,000	6,249,484,000	6,294,612,000	6,219,077,000	-51,288,000	-30,407,000	
Subtotal, unauthorized, not considered by House	314,439,000	320,742,000	DEFER	329,184,000	330,099,000	326,138,000	+326,138,000	-3,046,000	
Total, non-AIDS	6,198,887,000	6,535,207,000	6,270,365,000	6,578,668,000	6,624,711,000	6,545,215,000	+274,850,000	-33,453,000	
Acquired Immune Deficiency Syndrome 1/	467,806,000	587,630,000	592,130,000	618,630,000	614,362,000	606,992,000	+14,862,000	-11,638,000	
Total, N.I.H. funding, authorized & unauthorized	6,666,693,000	7,122,837,000	6,862,495,000	7,197,298,000	7,239,073,000	7,152,207,000	+289,712,000	-45,091,000	

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

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	FY 1988	FY 1989	FY 1989	FY 1989	----------- Conference ----------		----- Conference Final vs ------		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION									
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH									
Grants to States:									
Alcohol, Drug Abuse and Mental Health Block Grant.	487,317,000	508,860,000	DEFER	508,860,000	508,860,000	502,754,000	+502,754,000	-6,106,000	D
Substance Abuse Grants to States..................	155,917,000	165,917,000	DEFER	180,000,000	180,000,000	177,840,000	+177,840,000	-2,160,000	D
Grants to States for the homeless.................	11,489,000	14,300,000	DEFER	14,300,000	14,300,000	14,128,000	+14,128,000	-172,000	D
Mental health state planning grants...............	4,787,000	---	---	4,787,000	4,787,000	4,730,000	+4,730,000	-57,000	D
Mental Health:									
Research..	253,665,000	271,767,000	276,767,000	297,044,000	297,044,000	293,479,000	+16,712,000	-3,565,000	D
Research training.................................	19,099,000	19,949,000	DEFER	19,949,000	19,949,000	19,710,000	+19,710,000	-239,000	D
Clinical training.................................	16,755,000	10,000,000	10,000,000	14,500,000	13,000,000	12,844,000	+2,844,000	-1,656,000	D
Community Support Demonstrations..................	19,148,000	26,235,000	DEFER	26,235,000	26,235,000	25,920,000	+25,920,000	-315,000	D
Homeless Services Demonstrations..................	---	4,650,000	DEFER	4,650,000	4,650,000	4,594,000	+4,594,000	-56,000	D
Protection and advocacy...........................	10,555,000	8,000,000	DEFER	13,000,000	13,000,000	12,844,000	+12,844,000	-156,000	D
Direct operations.................................	32,521,000	32,521,000	33,521,000	32,521,000	32,521,000	32,131,000	-1,390,000	-390,000	D
Subtotal, mental health.........................	302,941,000	314,288,000	320,288,000	344,065,000	342,565,000	338,454,000	+18,166,000	-5,611,000	
Drug Abuse:									
Research..	107,904,000	103,895,000	DEFER	116,602,000	116,602,000	115,203,000	+115,203,000	-1,399,000	D
Research training.................................	2,298,000	2,400,000	DEFER	2,400,000	2,400,000	2,371,000	+2,371,000	-29,000	D
Direct operations 1/..............................	11,992,000	12,429,000	DEFER	15,229,000	15,229,000	15,046,000	+15,046,000	-183,000	D
Subtotal, drug abuse............................	122,194,000	118,724,000	DEFER	134,231,000	134,231,000	132,620,000	+132;620,000	-1,611,000	

1/ Senate allowance includes $2.8 million for workplace initiative.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
Alcoholism and Alcohol Abuse:									
Research	74,298,000	83,081,000	DEFER	92,705,000	92,705,000	91,593,000	+91,593,000	-1,112,000	D
Alcohol services demonstrations for the homeless	---	4,600,000	DEFER	4,600,000	4,600,000	4,545,000	+4,545,000	-55,000	D
Research training	2,538,000	2,651,000	DEFER	2,651,000	2,651,000	2,619,000	+2,619,000	-32,000	D
Direct operations	9,278,000	9,278,000	DEFER	9,278,000	9,278,000	9,167,000	+9,167,000	-111,000	D
Subtotal, alcoholism	86,114,000	99,610,000	DEFER	109,234,000	109,234,000	107,924,000	+107,924,000	-1,310,000	
Substance abuse prevention initiatives:									
Demonstrations	23,733,000	19,663,000	DEFER	21,000,000	21,000,000	20,748,000	+20,748,000	-252,000	D
Direct operations	10,465,000	14,601,000	DEFER	13,264,000	13,264,000	13,105,000	+13,105,000	-159,000	D
Subtotal, prevention	34,198,000	34,264,000	DEFER	34,264,000	34,264,000	33,853,000	+33,853,000	-411,000	
Treatment outcome evaluations	---	2,310,000	DEFER	2,310,000	2,310,000	2,282,000	+2,282,000	-28,000	D
Buildings and facilities	191,000	200,000	200,000	200,000	200,000	198,000	-2,000	-2,000	D
Program management, ADAMHA	7,520,000	9,489,000	9,489,000	9,489,000	9,489,000	9,375,000	-114,000	-114,000	D
Acquired Immune Deficiency Syndrome (AIDS) 1/	112,257,000	177,617,000	177,617,000	177,617,000	177,617,000	175,486,000	-2,131,000	-2,131,000	D
Total, Alcohol, Drug Abuse & Mental Health: Authorized activities	427,696,000	501,594,000	507,594,000	536,158,000	534,658,000	528,243,000	+20,649,000	-7,915,000	
Unauthorized, not considered by House	946,031,000	1,002,819,000	DEFER	1,047,033,000	1,047,033,000	1,034,469,000	+1,034,469,000	-12,564,000	
Total, authorized and unauthorized	1,373,727,000	1,504,413,000	507,594,000	1,583,191,000	1,581,691,000	1,562,712,000	+1,055,118,000	-20,479,000	
ST. ELIZABETHS HOSPITAL	65,402,000	24,000,000	24,000,000	24,000,000	24,000,000	23,712,000	-288,000	-288,000	D

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	----------- Conference ----------		----- Conference Final vs ------		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH									
PUBLIC HEALTH SERVICE MANAGEMENT 1/									
Health Services Research and Technology Assessment:									
Research	16,624,000	16,820,000	16,820,000	17,820,000	17,320,000	17,112,000	+292,000	-708,000	D
Trust funds	(2,920,000)	(1,050,000)	(5,000,000)	(8,550,000)	(7,000,000)	(6,916,000)	(+1,916,000)	(-1,634,000)	TF
Program support	1,632,000	1,680,000	1,680,000	1,680,000	1,680,000	1,660,000	-20,000	-20,000	D
Subtotal including trust funds	21,176,000	19,550,000	23,500,000	28,050,000	26,000,000	25,688,000	+2,188,000	-2,362,000	
Adolescent family life	9,630,000	9,645,000	DEFER	9,645,000	9,645,000	9,529,000	+9,529,000	-116,000	D
Health Initiatives :									
Office of Disease Prevention and Health Promotion	3,486,000	3,000,000	4,500,000	3,486,000	4,500,000	4,446,000	-54,000	+960,000	D
Physical fitness and sports	1,389,000	1,499,000	1,499,000	1,499,000	1,499,000	1,481,000	-18,000	-18,000	D
Minority health	2,872,000	2,872,000	2,872,000	3,000,000	3,000,000	2,964,000	+92,000	-36,000	D
Health Service Management	18,339,000	18,675,000	18,675,000	19,175,000	18,925,000	18,698,000	+23,000	-477,000	D
Acquired Immune Deficiency Syndrome (AIDS) 1/	4,308,000	28,598,000	21,098,000	13,598,000	13,598,000	13,435,000	-7,663,000	-163,000	D
Total, PHS managment, authorized	48,650,000	73,144,000	67,144,000	60,258,000	60,522,000	59,796,000	-7,348,000	-462,000	
Unauthorized, not considered by House	9,630,000	9,645,000	DEFER	9,645,000	9,645,000	9,529,000	+9,529,000	-116,000	
Total, authorized and unauthorized	58,280,000	82,789,000	67,144,000	69,903,000	70,167,000	69,325,000	+2,181,000	-578,000	

1/ President's budget requests AIDS funding for FY 1989 under consolidated account.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
RETIREMENT PAY AND MED. BENEFITS FOR COMM. OFFICERS									
Retirement payments	73,703,000	78,455,000	78,455,000	78,455,000	78,455,000	78,455,000	---	---	M
Survivors benefits	4,467,000	5,136,000	5,136,000	5,136,000	5,136,000	5,136,000	---	---	M
Dependent's medical care	11,689,000	12,402,000	12,402,000	12,402,000	12,402,000	12,402,000	---	---	M
Contingency	---	5,000,000	---	---	---	---	---	---	M
Military Services Credits	---	6,694,000	6,694,000	6,694,000	6,694,000	6,694,000	---	---	M
Total, Retirement pay and medical benefits	89,859,000	107,687,000	102,687,000	102,687,000	102,687,000	102,687,000	---	---	
Total, Public Health Service:									
Authorized activities	8,422,247,000	9,080,529,000	9,175,015,000	9,242,379,000	9,279,145,000	9,169,290,000	-5,725,000	-73,089,000	
Unauthorized, not considered by House	2,224,024,000	2,129,735,000	DEFER	2,378,342,000	2,386,487,000	2,357,851,000	+2,357,851,000	-20,491,000	
Total, authorized and unauthorized	10,646,271,000	11,210,264,000	9,175,015,000	11,620,721,000	11,665,632,000	11,527,141,000	+2,352,126,000	-93,580,000	
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID 1/									
Medicaid current law benefits	29,204,744,000	31,068,237,000	31,068,237,000	32,707,000,000	32,707,000,000	32,707,000,000	+1,638,763,000	---	M
State and local administration	1,452,188,000	1,664,352,000	1,664,352,000	1,529,000,000	1,529,000,000	1,529,000,000	-135,352,000	---	M
Subtotal, medicaid program level, FY 1989	30,656,932,000	32,732,589,000	32,732,589,000	34,236,000,000	34,236,000,000	34,236,000,000	+1,503,411,000	---	
Less funds advanced in prior year	-7,100,000,000	-8,000,000,000	-8,000,000,000	-8,000,000,000	-8,000,000,000	-8,000,000,000	---	---	M
Total, current request, FY 1989	23,556,932,000	24,732,589,000	24,732,589,000	26,236,000,000	26,236,000,000	26,236,000,000	+1,503,411,000	---	
New advance, 1st quarter, FY 1990	8,000,000,000	9,000,000,000	9,000,000,000	9,000,000,000	9,000,000,000	9,000,000,000	---	---	M

1/ Budget requests related to FY 1990 & FY 1991 biennial budget not considered.

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
PAYMENTS TO HEALTH CARE TRUST FUNDS 1/									
Supplemental medical insurance	25,418,000,000	31,585,000,000	30,712,000,000	30,712,000,000	30,712,000,000	30,712,000,000	---	---	M
Hospital insurance for uninsured	461,000,000	493,000,000	493,000,000	493,000,000	493,000,000	493,000,000	---	---	M
Federal uninsured payment	14,000,000	22,000,000	22,000,000	22,000,000	22,000,000	22,000,000	---	---	M
Total, Payment to Trust Funds	25,893,000,000	32,100,000,000	31,227,000,000	31,227,000,000	31,227,000,000	31,227,000,000	---	---	
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation:									
Federal funds	9,574,000	11,429,000	10,000,000	10,000,000	10,000,000	9,880,000	-120,000	-120,000	D
Trust funds	(17,233,000)	(20,571,000)	(20,000,000)	(22,000,000)	(20,000,000)	(19,760,000)	(-240,000)	(-2,240,000)	TF
Subtotal, research, demonstration, & evaluation	26,807,000	32,000,000	30,000,000	32,000,000	30,000,000	29,640,000	-360,000	-2,360,000	
Rural hospital transition demonstrations, trust funds	---	---	(3,000,000)	(15,000,000)	(9,000,000)	(8,892,000)	(+5,892,000)	(-6,108,000)	TF
Medicare Contractors (Trust Funds):									
Operating funds, current 2/	(1,126,546,000)	(1,391,000,000)	(1,291,000,000)	(1,291,000,000)	(1,291,000,000)	(1,275,508,000)	(-15,492,000)	(-15,492,000)	TF
Contingency fund, general	(57,444,000)	---	(100,000,000)	(100,000,000)	(100,000,000)	(98,800,000)	(-1,200,000)	(-1,200,000)	TF
Subtotal, contingency	(57,444,000)	---	(100,000,000)	(100,000,000)	(100,000,000)	(98,800,000)	(-1,200,000)	(-1,200,000)	
Subtotal, Contractors	(1,183,990,000)	(1,391,000,000)	(1,391,000,000)	(1,391,000,000)	(1,391,000,000)	(1,374,308,000)	(-16,692,000)	(-16,692,000)	
Less P.L. 99-272 funds (COBRA)	(-105,000,000)	---	---	---	---	---	---	---	TF
Catastrophic insurance, administrative costs 2/	(47,870,000)	(112,400,000)	(112,400,000)	(160,000,000)	(160,000,000)	(158,080,000)	(+45,680,000)	(-1,920,000)	TF

1/ Budget requests related to FY 1990 & FY 1991 biennial budget not considered.

2/ Proposed for later transmittal in Pres. Budget.

CONFERENCE AGREEMENT: H.R. 4783 - FY 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1988	FY 1989	FY 1989	FY 1989	----------- Conference ----------		----- Conference Final vs ------		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
State Certification:									
Medicare certification, trust funds..............	(57,922,000)	(62,235,000)	(62,235,000)	(66,235,000)	(63,935,000)	(63,168,000)	(+933,000)	(-3,067,000)	TF
General program support, federal funds...........	7,937,000	3,624,000	3,624,000	4,224,000	4,224,000	4,173,000	+549,000	-51,000	D
Subtotal, State certification..................	(65,859,000)	(65,859,000)	(65,859,000)	(70,459,000)	(68,159,000)	(67,341,000)	(+1,482,000)	(-3,118,000)	
Federal Administration:									
Federal funds..................................	82,257,000	81,750,000	81,750,000	81,750,000	81,750,000	80,769,000	-981,000	-981,000	D
Less user fees.............................	-1,557,000	-1,557,000	-1,557,000	-1,557,000	-1,557,000	-1,538,000	+19,000	+19,000	D
Trust funds....................................	(171,570,000)	(189,350,000)	(181,284,000)	(181,284,000)	(181,284,000)	(179,109,000)	(-2,175,000)	(-2,175,000)	TF
Subtotal, Federal Administration...............	252,270,000	269,543,000	261,477,000	261,477,000	261,477,000	258,340,000	-3,137,000	-3,137,000	
Total, Program management.......................	1,471,796,000	1,870,802,000	1,863,736,000	1,929,936,000	1,919,636,000	1,896,601,000	+32,865,000	-33,335,000	
Federal funds...............................	98,211,000	95,246,000	93,817,000	94,417,000	94,417,000	93,284,000	-533,000	-1,133,000	
Trust funds.................................	(1,373,585,000)	(1,775,556,000)	(1,769,919,000)	(1,835,519,000)	(1,825,219,000)	(1,803,317,000)	(+33,398,000)	(-32,202,000)	
Total, Health Care Financing Administration:									
Federal funds..................................	57,548,143,000	65,927,835,000	65,053,406,000	66,557,417,000	66,557,417,000	66,556,284,000	+1,502,878,000	-1,133,000	
Current year, FY 1989......................	(49,548,143,000)	(56,927,835,000)	(56,053,406,000)	(57,557,417,000)	(57,557,417,000)	(57,556,284,000)	(+1,502,878,000)	(-1,133,000)	
New advance, 1st quarter, FY 1990.........	(8,000,000,000)	(9,000,000,000)	(9,000,000,000)	(9,000,000,000)	(9,000,000,000)	(9,000,000,000)	---	---	
Trust funds....................................	(1,373,585,000)	(1,775,556,000)	(1,769,919,000)	(1,835,519,000)	(1,825,219,000)	(1,803,317,000)	(+33,398,000)	(-32,202,000)	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	----------- Conference ----------		----- Conference Final vs ------		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
SOCIAL SECURITY ADMINISTRATION									
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS 1/............	105,298,000	93,631,000	93,631,000	93,631,000	93,631,000	93,631,000	---	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS 1/									
Benefit payments..	909,416,000	871,901,000	871,901,000	871,901,000	871,901,000	871,901,000	---	---	M
Administration..	6,486,000	6,680,000	6,680,000	6,680,000	6,680,000	6,680,000	---	---	M
Subtotal, Black Lung, FY 1989 program level.....	915,902,000	878,581,000	878,581,000	878,581,000	878,581,000	878,581,000	---	---	
Less funds advanced in prior year...............	-252,450,000	-250,000,000	-250,000,000	-250,000,000	-250,000,000	-250,000,000	---	---	M
Total, Black Lung, current request, FY 1989.....	663,452,000	628,581,000	628,581,000	628,581,000	628,581,000	628,581,000	---	---	
New advance, 1st quarter, FY 1990...............	250,000,000	211,000,000	211,000,000	211,000,000	211,000,000	211,000,000	---	---	M
SUPPLEMENTAL SECURITY INCOME 1/									
Federal benefit payments..................................	11,378,956,000	11,368,000,000	11,368,000,000	11,368,000,000	11,368,000,000	11,368,000,000	---	---	M
Beneficiary services......................................	12,474,000	13,547,000	13,547,000	13,547,000	13,547,000	13,547,000	---	---	M
Research demonstration....................................	275,000	2,275,000	2,275,000	2,275,000	2,275,000	2,275,000	---	---	M
Administration..	1,080,184,000	1,090,131,000	1,090,131,000	1,090,131,000	1,090,131,000	1,090,131,000	---	---	M
FY 1986 & 1987 shortfall, federal administrative costs	99,451,000	---	---	---	---	---	---	---	M
Subtotal, SSI FY 1989 program level.............	12,571,340,000	12,473,953,000	12,473,953,000	12,473,953,000	12,473,953,000	12,473,953,000	---	---	
Less funds advanced in prior year...............	-2,765,000,000	-3,000,000,000	-3,000,000,000	-3,000,000,000	-3,000,000,000	-3,000,000,000	---	---	M
Total, SSI, current request, FY 1989............	9,806,340,000	9,473,953,000	9,473,953,000	9,473,953,000	9,473,953,000	9,473,953,000	---	---	
New advance, 1st quarter, FY 1990............	3,000,000,000	2,936,000,000	2,936,000,000	2,936,000,000	2,936,000,000	2,936,000,000	---	---	M
LIMITATION ON ADMINISTRATIVE EXPENSES (Trust Funds)...	(3,524,114,000)	(3,775,661,000)	(3,705,000,000)	(3,820,000,000)	(3,795,661,000)	(3,750,113,000)	(+45,113,000)	(-69,887,000)	TF
Contingency reserve (non-add).....................	(47,870,000)	(47,870,000)	(97,870,000)	(97,870,000)	(97,870,000)	(97,870,000)	---	---	
Total, Social Security Administration:									
Federal funds................................	13,825,090,000	13,343,165,000	13,343,165,000	13,343,165,000	13,343,165,000	13,343,165,000	---	---	
Current year FY 1989....................	(10,575,090,000)	(10,196,165,000)	(10,196,165,000)	(10,196,165,000)	(10,196,165,000)	(10,196,165,000)	---	---	
New advances, 1st quarter FY 1990.......	(3,250,000,000)	(3,147,000,000)	(3,147,000,000)	(3,147,000,000)	(3,147,000,000)	(3,147,000,000)	---	---	
Trust funds..................................	(3,524,114,000)	(3,775,661,000)	(3,705,000,000)	(3,820,000,000)	(3,795,661,000)	(3,750,113,000)	(+45,113,000)	(-69,887,000)	

1/ Budget request related to FY 1990 & FY 1991
biennial budget not considered.

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
FAMILY SUPPORT ADMINISTRATION									
FAMILY SUPPORT PAYMENTS TO STATES 3/									
Aid to Families with Dependent Children (AFDC) 2/.....	9,624,132,000	8,618,569,000	8,618,569,000	8,967,769,000	8,967,769,000	8,967,769,000	+349,200,000	---	M
Payments to territories..............................	13,368,000	13,368,000	13,368,000	13,368,000	13,368,000	13,368,000	---	---	M
Emergency assistance and repatriation................	100,000,000	124,000,000	124,000,000	124,000,000	124,000,000	124,000,000	---	---	M
State and local welfare administration...............	1,045,500,000	1,186,200,000	1,186,200,000	1,186,200,000	1,186,200,000	1,186,200,000	---	---	M
Legislative savings (proposed for later transmittal):									
Recipient training.................................	---	505,000,000	DEFER	---	---	---	---	---	M
Offsetting savings.................................	---	-137,000,000	DEFER	---	---	---	---	---	M
Subtotal, legislation 1/.........................	---	368,000,000	DEFER	---	---	---	---	---	
Subtotal, Welfare payments.......................	10,783,000,000	10,310,137,000	9,942,137,000	10,291,337,000	10,291,337,000	10,291,337,000	+349,200,000	---	
Child Support Enforcement:									
State and local administration.....................	772,000,000	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000	---	---	M
Federal incentive payments.........................	216,000,000	270,000,000	270,000,000	270,000,000	270,000,000	270,000,000	---	---	M
Less federal share collections.....................	-646,000,000	-757,000,000	-757,000,000	-757,000,000	-757,000,000	-757,000,000	---	---	M
Subtotal, Child support..........................	342,000,000	413,000,000	413,000,000	413,000,000	413,000,000	413,000,000	---	---	
Total, Payments, FY 1989 program level..........	11,125,000,000	10,723,137,000	10,355,137,000	10,704,337,000	10,704,337,000	10,704,337,000	+349,200,000	---	
Less funds advanced in previous years.........	-2,480,615,000	-2,500,000,000	-2,500,000,000	-2,500,000,000	-2,500,000,000	-2,500,000,000	---	---	M
Total, Payments, current request, FY 1989.......	8,644,385,000	8,223,137,000	7,855,137,000	8,204,337,000	8,204,337,000	8,204,337,000	+349,200,000	---	
New advance, 1st quarter, FY 1990...........	2,500,000,000	2,644,000,000	2,644,000,000	2,700,000,000	2,700,000,000	2,700,000,000	+56,000,000	---	M

1/ President's budget treats as discretionary.

2/ President's budget assumes $349.2 savings from quality control.

3/ Budget request related to FY 1990 & FY 1991 biennial budget not considered.

	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
LOW INCOME HOME ENERGY ASSISTANCE									
Energy Assistance Block Grant	1,531,840,000	1,187,000,000	1,567,000,000	1,187,000,000	1,400,000,000	1,383,200,000	-183,800,000	+196,200,000	D
REFUGEE AND ENTRANT ASSISTANCE									
Cash and medical assistance 1/	233,274,000	203,758,000	DEFER	283,000,000	265,000,000	261,820,000	+261,820,000	-21,180,000	D
Social services	65,694,000	30,000,000	DEFER	67,000,000	65,694,000	64,906,000	+64,906,000	-2,094,000	D
Voluntary agency program	7,659,000	7,659,000	DEFER	8,000,000	16,000,000	15,808,000	+15,808,000	+7,808,000	D
Preventive health	5,840,000	3,000,000	DEFER	6,000,000	5,840,000	5,770,000	+5,770,000	-230,000	D
Targeted assistance	34,466,000	34,466,000	DEFER	36,000,000	34,466,000	34,052,000	+34,052,000	-1,948,000	D
Total, Refugee Resettlement, unauthorized, not considered by House	346,933,000	278,883,000	DEFER	400,000,000	387,000,000	382,356,000	+382,356,000	-17,644,000	
WORK INCENTIVES									
Grants to States	92,551,000	---	DEFER	92,551,000	92,551,000	91,440,000	+91,440,000	-1,111,000	D

1/ Includes State administrative costs.

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
COMMUNITY SERVICES BLOCK GRANT									
Grants to States for Community Services	325,516,000	282,100,000	315,000,000	325,516,000	322,500,000	318,630,000	+3,630,000	-6,886,000	D
Grants to States for service to the homeless 1/	19,148,000	---	DEFER	19,148,000	19,148,000	18,918,000	+18,918,000	-230,000	D
Discretionary funds:									
Consolidated request	---	27,900,000	---	---	---	---	---	---	D
Community economic development	18,909,000	---	20,000,000	21,000,000	20,500,000	20,254,000	+254,000	-746,000	D
Rural housing	3,925,000	---	3,925,000	4,200,000	4,062,000	4,013,000	+88,000	-187,000	D
Farmworker assistance	2,968,000	---	2,968,000	3,000,000	2,984,000	2,948,000	-20,000	-52,000	D
National youth sports	6,319,000	---	7,000,000	6,500,000	6,750,000	6,669,000	-331,000	+169,000	D
Technical assistance	239,000	---	239,000	---	239,000	236,000	-3,000	+236,000	D
Subtotal, discretionary funds	32,360,000	27,900,000	34,132,000	34,700,000	34,535,000	34,120,000	-12,000	-580,000	
Community Partnerships	2,872,000	---	2,872,000	4,000,000	3,555,000	3,512,000	+640,000	-488,000	D
Community Food and Nutrition	2,394,000	---	2,394,000	2,500,000	2,447,000	2,418,000	+24,000	-82,000	D
Total, Community services, authorized	363,142,000	310,000,000	354,398,000	366,716,000	363,037,000	358,680,000	+4,282,000	-8,036,000	
Unauthorized, not considered by House	19,148,000	---	DEFER	19,148,000	19,148,000	18,918,000	+18,918,000	-230,000	
Total, authorized and unauthorized	382,290,000	310,000,000	354,398,000	385,864,000	382,185,000	377,598,000	+23,200,000	-8,266,000	
PROGRAM ADMINISTRATION									
Federal Administration	79,464,000	79,533,000	79,533,000	82,464,000	82,464,000	81,474,000	+1,941,000	-990,000	D
Total, Family Support Administration	13,118,831,000	12,075,670,000	12,500,068,000	12,540,517,000	12,749,838,000	12,727,691,000	+227,623,000	+187,174,000	
Current year FY 1989	(10,618,831,000)	(9,431,670,000)	(9,856,068,000)	(9,840,517,000)	(10,049,838,000)	(10,027,691,000)	(+171,623,000)	(+187,174,000)	
New advance, 1st quarter, FY 1990	(2,500,000,000)	(2,644,000,000)	(2,644,000,000)	(2,700,000,000)	(2,700,000,000)	(2,700,000,000)	(+56,000,000)	---	
Unauthorized, not considered by House	458,632,000	646,883,000	DEFER	511,699,000	498,699,000	492,714,000	+492,714,000	-18,985,000	
Total, authorized and unauthorized	13,577,463,000	12,722,553,000	12,500,068,000	13,052,216,000	13,248,537,000	13,220,405,000	+720,337,000	+168,189,000	

1/ Senate bill includes homeless in Grants to States.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES									
SOCIAL SERVICES BLOCK GRANT (TITLE XX)................	2,700,000,000	2,700,000,000	2,700,000,000	2,700,000,000	2,700,000,000	2,700,000,000	---	---	M
HUMAN DEVELOPMENT SERVICES									
Programs for Children, Youth, and Families:									
Head start..	1,206,324,000	1,206,324,000	1,250,000,000	1,250,000,000	1,250,000,000	1,235,000,000	-15,000,000	-15,000,000	D
Comprehensive child development centers...........	---	---	20,000,000	20,000,000	20,000,000	19,760,000	-240,000	-240,000	D
Child abuse :									
State grants..................................	11,489,000	11,489,000	12,000,000	12,000,000	12,000,000	11,856,000	-144,000	-144,000	D
Discretionary activities......................	13,306,000	13,306,000	13,306,000	13,898,000	13,602,000	13,439,000	+133,000	-459,000	D
Challenge grants..............................	4,787,000	4,787,000	4,787,000	5,000,000	4,893,000	4,834,000	+47,000	-166,000	D
Subtotal, child abuse.........................	29,582,000	29,582,000	30,093,000	30,898,000	30,495,000	30,129,000	+36,000	-769,000	
Child development associate scholarships..........	1,436,000	1,436,000	1,436,000	1,500,000	1,468,000	1,450,000	+14,000	-50,000	D
Runaway youth.....................................	26,089,000	26,089,000	DEFER	27,250,000	27,250,000	26,923,000	+26,923,000	-327,000	D
Dependent Care Planning and Development...........	8,377,000	8,377,000	8,377,000	12,000,000	12,000,000	11,856,000	+3,479,000	-144,000	D
Family violence...................................	8,138,000	8,138,000	8,138,000	8,500,000	8,319,000	8,219,000	+81,000	-281,000	D
Temporary childcare/crisis nurseries..............	4,787,000	4,787,000	DEFER	5,000,000	5,000,000	4,940,000	+4,940,000	-60,000	D
Child welfare assistance..........................	239,350,000	239,350,000	249,350,000	250,000,000	249,675,000	246,679,000	-2,671,000	-3,321,000	D
Child welfare training............................	3,660,000	3,660,000	3,660,000	3,823,000	3,741,000	3,696,000	+36,000	-127,000	D
Adoption opportunities............................	4,787,000	4,787,000	4,787,000	7,000,000	6,100,000	6,027,000	+1,240,000	-973,000	D
Child welfare research............................	10,857,000	10,857,000	10,857,000	11,340,000	11,098,000	10,965,000	+108,000	-375,000	D
Subtotal, Children, Youth & Families...........	1,512,511,000	1,512,511,000	1,586,698,000	1,595,061,000	1,592,896,000	1,573,781,000	-12,917,000	-21,280,000	
Unauthorized, not considered by House.........	30,876,000	30,876,000	DEFER	32,250,000	32,250,000	31,863,000	+31,863,000	-387,000	

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	FY 1988	FY 1989	FY 1989	FY 1989	----------- Conference ----------		----- Conference Final vs ------		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
Programs for the Aging:									
Grants to States:									
Supportive Services and Centers..............	268,072,000	268,072,000	278,000,000	280,000,000	279,000,000	275,652,000	-2,348,000	-4,348,000	D
Ombudsman activities.........................	957,000	957,000	957,000	1,000,000	1,000,000	988,000	+31,000	-12,000	D
Nutrition:									
Congregate meals............................	344,664,000	344,664,000	362,000,000	360,000,000	361,000,000	356,668,000	-5,332,000	-3,332,000	D
Home-delivered meals........................	75,635,000	75,635,000	80,000,000	79,000,000	79,500,000	78,546,000	-1,454,000	-454,000	D
Research, training, and special projects..........	23,935,000	23,935,000	23,935,000	25,000,000	24,467,000	24,173,000	+238,000	-827,000	D
Federal Council on Aging..........................	191,000	180,000	180,000	200,000	190,000	188,000	+8,000	-12,000	D
Grants to Indians.................................	7,181,000	7,181,000	7,181,000	7,500,000	7,500,000	7,410,000	+229,000	-90,000	D
Frail elderly in-home services....................	4,787,000	4,787,000	4,787,000	5,000,000	4,893,000	4,834,000	+47,000	-166,000	D
Subtotal, Aging programs........................	725,422,000	725,411,000	757,040,000	757,700,000	757,550,000	748,459,000	-8,581,000	-9,241,000	
Developmental disabilities program:									
State grants......................................	58,401,000	58,401,000	58,401,000	61,000,000	60,500,000	59,774,000	+1,373,000	-1,226,000	D
Protection and advocacy...........................	19,148,000	19,148,000	19,148,000	20,000,000	20,000,000	19,760,000	+612,000	-240,000	D
Developmental disabilities special projects.......	2,872,000	2,872,000	2,872,000	3,000,000	2,936,000	2,901,000	+29,000	-99,000	D
University affiliated facilities..................	12,446,000	12,446,000	12,446,000	13,000,000	12,723,000	12,570,000	+124,000	-430,000	D
Subtotal, Developmental disabilities...........	92,867,000	92,867,000	92,867,000	97,000,000	96,159,000	95,005,000	+2,138,000	-1,995,000	
Native American Programs..........................	29,679,000	29,679,000	29,679,000	31,000,000	30,339,000	29,975,000	+296,000	-1,025,000	D
Human services research, training & demonstration:									
New consolidated request (non-add)................	---	(76,650,000)	---	---	---	---	---	---	
Program direction.................................	64,177,000	65,524,000	65,524,000	65,704,000	65,614,000	64,827,000	-697,000	-877,000	D
Total, Human Development Services, authorized...	2,424,656,000	2,425,992,000	2,531,808,000	2,546,465,000	2,542,558,000	2,512,047,000	-19,761,000	-34,418,000	
Unauthorized, not considered by House.........	30,876,000	30,876,000	DEFER	32,250,000	32,250,000	31,863,000	+31,863,000	-387,000	
Total, authorized and unauthorized.............	2,455,532,000	2,456,868,000	2,531,808,000	2,578,715,000	2,574,808,000	2,543,910,000	+12,102,000	-34,805,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
FAMILY SOCIAL SERVICES									
Foster care 1/	658,178,000	940,971,000	940,971,000	940,971,000	940,971,000	940,971,000	---	---	M
Adoption assistance 1/	108,000,000	133,936,000	133,936,000	133,936,000	133,936,000	133,936,000	---	---	M
Independent living	45,000,000	---	DEFER	45,000,000	45,000,000	45,000,000	+45,000,000	---	M
Total, Family Social Services, authorized and unauthorized	811,178,000	1,074,907,000	1,074,907,000	1,119,907,000	1,119,907,000	1,119,907,000	+45,000,000	---	
Total, Asst. Sec. for Human Development	5,890,834,000	6,200,899,000	6,306,715,000	6,321,372,000	6,317,465,000	6,286,954,000	-19,761,000	-34,418,000	
Unauthorized, not considered by House	75,876,000	30,876,000	DEFER	77,250,000	77,250,000	76,863,000	+76,863,000	-387,000	
Total, authorized and unauthorized	5,966,710,000	6,231,775,000	6,306,715,000	6,398,622,000	6,394,715,000	6,363,817,000	+57,102,000	-34,805,000	

1/ FY 1989 request includes funds for prior year claims.

	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	---------- Conference ----------		----- Conference Final vs ------		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
DEPARTMENTAL MANAGEMENT									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal funds	63,532,000	68,160,000	68,160,000	64,860,000	68,160,000	67,342,000	-818,000	+2,482,000	D
Cancer center construction	4,308,000	---	---	---	---	---	---	---	D
Trust funds	(6,702,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(6,916,000)	(-84,000)	(-84,000)	TF
Total, Departmental management	74,542,000	75,160,000	75,160,000	71,860,000	75,160,000	74,258,000	-902,000	+2,398,000	
OFFICE OF THE INSPECTOR GENERAL:									
Federal funds	35,769,000	46,430,000	46,430,000	46,430,000	46,430,000	45,873,000	-557,000	-557,000	D
Trust funds	(38,296,000)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(39,520,000)	(-480,000)	(-480,000)	TF
Total, Inspector General	74,065,000	86,430,000	86,430,000	86,430,000	86,430,000	85,393,000	-1,037,000	-1,037,000	
OFFICE FOR CIVIL RIGHTS:									
Federal funds	16,343,000	16,173,000	16,173,000	16,173,000	16,173,000	15,979,000	-194,000	-194,000	D
Trust funds	(3,830,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(3,952,000)	(-48,000)	(-48,000)	TF
Total, Civil Rights	20,173,000	20,173,000	20,173,000	20,173,000	20,173,000	19,931,000	-242,000	-242,000	
POLICY RESEARCH	4,873,000	5,019,000	8,373,000	7,519,000	7,946,000	7,851,000	-522,000	+332,000	D
Total, Departmental management:									
Federal funds	124,825,000	135,782,000	139,136,000	134,982,000	138,709,000	137,045,000	-2,091,000	+2,063,000	
Trust funds	(48,828,000)	(51,000,000)	(51,000,000)	(51,000,000)	(51,000,000)	(50,388,000)	(-612,000)	(-612,000)	
Total, Department of Health and Human Services:									
Federal Funds (all years), authorized	98,929,970,000	106,763,880,000	106,517,505,000	108,139,832,000	108,385,739,000	108,220,429,000	+1,702,924,000	+80,597,000	
Current year FY 1989	(85,179,970,000)	(91,972,880,000)	(91,726,505,000)	(93,292,832,000)	(93,538,739,000)	(93,373,429,000)	(+1,646,924,000)	(+80,597,000)	
New advances, 1st quarter, FY 1990	(13,750,000,000)	(14,791,000,000)	(14,791,000,000)	(14,847,000,000)	(14,847,000,000)	(14,847,000,000)	(+56,000,000)	---	
Unauthorized, not considered by House	2,758,532,000	2,807,494,000	DEFER	2,967,291,000	2,962,436,000	2,927,428,000	+2,927,428,000	-39,863,000	
Total, authorized and unauthorized	101,688,502,000	109,571,374,000	106,517,505,000	111,107,123,000	111,348,175,000	111,147,857,000	+4,630,352,000	+40,734,000	
Trust funds	(4,949,447,000)	(5,603,267,000)	(5,530,919,000)	(5,715,069,000)	(5,678,880,000)	(5,610,734,000)	(+79,815,000)	(-104,335,000)	

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TITLE III--DEPARTMENT OF EDUCATION									
COMPENSATORY EDUCATION FOR THE DISADVANTAGED									
Grants for the Disadvantaged (Chapter 1):									
Grants to local educational agencies:									
Basic grants	3,829,600,000	3,900,000,000	3,900,000,000	3,900,000,000	3,900,000,000	3,853,200,000	-46,800,000	-46,800,000	D
Concentration grants	---	158,365,000	200,000,000	175,000,000	175,000,000	172,900,000	-27,100,000	-2,100,000	D
Capital expenses	---	---	30,000,000	---	20,000,000	19,760,000	-10,240,000	+19,760,000	D
Even start	---	---	25,000,000	---	15,000,000	14,820,000	-10,180,000	+14,820,000	D
State agency programs:									
Migrant	269,029,000	269,029,000	269,029,000	275,000,000	275,000,000	271,700,000	+2,671,000	-3,300,000	D
Handicapped	151,269,000	151,269,000	151,269,000	150,000,000	150,000,000	148,200,000	-3,069,000	-1,800,000	D
Neglected and delinquent	32,552,000	32,616,000	32,616,000	32,000,000	32,000,000	31,616,000	-1,000 000	-384,000	D
State administration	38,296,000	42,050,000	42,050,000	41,000,000	41,000,000	40,508,000	-1,542,000	-492,000	D
State program improvement	---	4,755,000	5,755,000	4,800,000	5,755,000	5,686,000	-69,000	+886,000	D
Evaluation and technical assistance	7,181,000	8,000,000	8,000,000	8,000,000	8,000,000	7,904,000	-96,000	-96,000	D
Rural Educational opportunities	---	---	---	4,000,000	4,000,000	3,952,000	+3,952,000	-48,000	D
Total, Chapter 1	4,327,927,000	4,566,084,000	4,663,719,000	4,589,800,000	4,625,755,000	4,570,246,000	-93,473,000	-19,554,000	
Migrant education:									
High school equivalency program	7,276,000	---	7,500,000	7,276,000	7,500,000	7,410,000	-90,000	+134,000	D
College assistance migrant program	1,340,000	---	1,400,000	1,500,000	1,500,000	1,482,000	+82,000	-18,000	D
Total, Compensatory Education programs	4,336,543,000	4,566,084,000	4,672,619,000	4,598,576,000	4,634,755,000	4,579,138,000	-93,481,000	-19,438,000	

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IMPACT AID									
Maintenance and operations:									
Payments for "a" children	536,144,000	547,000,000	553,000,000	565,000,000	565,000,000	558,220,000	+5,220,000	-6,780,000	D
Payments for "b" children	134,036,000	---	137,000,000	134,036,000	137,000,000	135,356,000	-1,644,000	+1,320,000	D
Payments for Federal property (Section 2)	15,318,000	10,000,000	15,000,000	15,000,000	15,000,000	14,820,000	-180,000	-180,000	D
Subtotal	685,498,000	557,000,000	705,000,000	714,036,000	717,000,000	708,396,000	+3,396,000	-5,640,000	
Disaster assistance (Section 7)	---	10,000,000	10,000,000	---	---	---	-10,000,000	---	D
Construction	22,978,000	25,000,000	25,000,000	25,000,000	25,000,000	24,700,000	-300,000	-300,000	D
Total, Impact aid	708,476,000	592,000,000	740,000,000	739,036,000	742,000,000	733,096,000	-6,904,000	-5,940,000	
SCHOOL IMPROVEMENT PROGRAMS									
Educational improvement partnerships (Chapter 2):									
State Block Grants	478,700,000	540,500,000	489,500,000	447,700,000	468,600,000	462,977,000	-26,523,000	+15,277,000	D
National programs:									
Inexpensive book distribution (including RIF)	7,659,000	8,200,000	8,500,000	8,500,000	8,500,000	8,398,000	-102,000	-102,000	D
Arts in education	3,315,000	3,500,000	3,500,000	3,500,000	3,500,000	3,458,000	-42,000	-42,000	D
Law - related education	3,830,000	3,200,000	3,830,000	3,200,000	4,000,000	3,952,000	+122,000	+752,000	D
National school volunteer program	383,000	---	---	1,000,000	1,000,000	988,000	+988,000	-12,000	D
National Diffusion Network	10,244,000	11,200,000	11,200,000	11,200,000	11,200,000	11,066,000	-134,000	-134,000	D
Blue ribbon schools	---	900,000	900,000	900,000	900,000	889,000	-11,000	-11,000	D
Subtotal, National programs	25,431,000	27,000,000	27,930,000	28,300,000	29,100,000	28,751,000	+821,000	+451,000	
Total, Chapter 2	504,131,000	567,500,000	517,430,000	476,000,000	497,700,000	491,728,000	-25,702,000	+15,728,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
Fund for innovation in education......................	4,308,000	4,570,000	8,570,000	5,000,000	10,285,000	10,162,000	+1,592,000	+5,162,000	D
(Transfer of funds) (non-add)......................	---	---	(4,520,000)	(4,520,000)	(4,520,000)	(4,520,000)	---	---	NA
Technology education (non-add)........................	---	---	---	(1,000,000)	(1,000,000)	(1,000,000)	(+1,000,000)	---	NA
Drug - free schools and communities:									
State grants..	191,480,000	207,000,000	207,000,000	207,000,000	207,000,000	204,516,000	-2,484,000	-2,484,000	D
National programs.....................................	38,296,000	43,000,000	43,000,000	43,000,000	43,000,000	42,484,000	-516,000	-516,000	D
Subtotal, Drug - free schools & communities.....	229,776,000	250,000,000	250,000,000	250,000,000	250,000,000	247,000,000	-3,000,000	-3,000,000	
Other school improvement programs:									
Christa McAuliffe fellowships.....................	1,915,000	1,915,000	1,915,000	1,915,000	1,915,000	1,892,000	-23,000	-23,000	D
Mathematics and science education.................	119,675,000	119,675,000	119,675,000	139,000,000	139,000,000	137,332,000	+17,657,000	-1,668,000	D
Training and advisory services (Civil Rights IV-A)	23,456,000	23,456,000	23,456,000	24,000,000	23,728,000	23,443,000	-13,000	-557,000	D
Follow through....................................	7,133,000	---	7,700,000	7,000,000	7,350,000	7,262,000	-438,000	+262,000	D
Territorial teacher training......................	1,915,000	1,915,000	1,915,000	2,000,000	2,000,000	1,976,000	+61,000	-24,000	D
General assistance to the Virgin Islands..........	4,787,000	---	4,787,000	4,787,000	4,787,000	4,730,000	-57,000	-57,000	D
Ellender fellowships..............................	2,394,000	---	3,000,000	2,500,000	3,000,000	2,964,000	-36,000	+464,000	D
Older Americans and Recent Immigrants...........	---	---	---	1,000,000	500,000	494,000	+494,000	-506,000	D
Women's educational equity........................	3,351,000	---	3,351,000	2,620,000	2,985,000	2,949,000	-402,000	+329,000	D
Magnet schools assistance.........................	71,805,000	115,000,000	115,000,000	115,000,000	115,000,000	113,620,000	-1,380,000	-1,380,000	D
Leadership in Educational Administration (LEAD)...	8,222,000	4,358,000	4,358,000	4,358,000	4,358,000	4,306,000	-52,000	-52,000	D
Dropout prevention demonstrations.................	23,935,000	21,446,000	21,446,000	22,000,000	22,000,000	21,736,000	+290,000	-264,000	D
Native Hawaiian Education Act.....................	---	---	---	6,000,000	5,000,000	4,940,000	+4,940,000	-1,060,000	D
Education of homeless children & youth............	4,787,000	---	4,787,000	5,000,000	4,893,000	4,834,000	+47,000	-166,000	D
Star schools......................................	19,148,000	---	19,148,000	10,000,000	14,574,000	14,399,000	-4,749,000	+4,399,000	D
Javits Gifted and Talented education..............	---	---	---	10,000,000	8,000,000	7,904,000	+7,904,000	-2,096,000	D

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
Fund for the improvement and reform of schools and teaching:									
Grants for schools and teachers	---	8,000,000	8,000,000	---	4,000,000	3,952,000	-4,048,000	+3,952,000	D
Family-school partnerships	---	4,000,000	4,000,000	---	2,000,000	1,976,000	-2,024,000	+1,976,000	D
Subtotal	---	12,000,000	12,000,000	---	6,000,000	5,928,000	-6,072,000	+5,928,000	
Alternative curriculum schools	---	5,000,000	---	---	---	---	---	---	D
Total, School improvement programs	1,030,738,000	1,126,835,000	1,118,538,000	1,088,180,000	1,123,075,000	1,109,599,000	-8,939,000	+21,419,000	
BILINGUAL, IMMIGRANT, & REFUGEE EDUCATION									
Bilingual programs	101,198,000	112,106,000	112,106,000	112,106,000	112,106,000	110,761,000	-1,345,000	-1,345,000	D
Support services	9,928,000	10,903,000	10,903,000	10,903,000	10,903,000	10,772,000	-131,000	-131,000	D
Training grants	35,447,000	33,564,000	33,564,000	28,000,000	30,782,000	30,413,000	-3,151,000	+2,413,000	D
Immigrant education	28,722,000	28,722,000	30,000,000	30,000,000	30,000,000	29,640,000	-360,000	-360,000	D
Reappropriation	1,247,000	---	---	---	---	---	---	---	D
Refugee education	15,209,000	15,209,000	15,209,000	16,000,000	16,000,000	15,808,000	+599,000	-192,000	D
Total	191,751,000	200,504,000	201,782,000	197,009,000	199,791,000	197,394,000	-4,388,000	+385,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
EDUCATION FOR THE HANDICAPPED									
Education for the handicapped:									
State grants:									
Grants to States, general	1,431,737,000	1,474,239,000	1,478,539,000	1,508,200,000	1,493,369,000	1,475,449,000	-3,090,000	-32,751,000	D
Preschool grants	201,054,000	205,075,000	205,075,000	250,000,000	250,000,000	247,000,000	+41,925,000	-3,000,000	D
Grants for infants and families	67,018,000	68,358,000	68,358,000	73,000,000	70,679,000	69,831,000	+1,473,000	-3,169,000	D
Special purpose funds:									
Deaf-blind and other severely handicapped projects	---	19,722,000	---	---	---	---	---	---	D
Deaf-blind projects	14,361,000	---	14,361,000	14,361,000	14,361,000	14,189,000	-172,000	-172,000	D
Severely handicapped projects	5,361,000	---	5,361,000	5,361,000	5,361,000	5,297,000	-64,000	-64,000	D
Early childhood education	23,428,000	23,428,000	23,428,000	23,428,000	23,428,000	23,147,000	-281,000	-281,000	D
Special education technology	4,787,000	4,787,000	4,787,000	10,000,000	10,000,000	9,880,000	+5,093,000	-120,000	D
Secondary and transitional services	7,372,000	7,372,000	7,372,000	7,372,000	7,372,000	7,284,000	-88,000	-88,000	D
Postsecondary programs	5,840,000	5,840,000	5,840,000	5,840,000	5,840,000	5,770,000	-70,000	-70,000	D
Innovation and development	17,233,000	17,233,000	17,233,000	17,233,000	17,233,000	17,026,000	-207,000	-207,000	D
Media and captioning services	13,216,000	13,216,000	13,916,000	13,216,000	13,566,000	13,403,000	-513,000	+187,000	D
Regional resource centers	6,415,000	6,415,000	6,415,000	6,415,000	6,415,000	6,338,000	-77,000	-77,000	D
Recruitment and information clearinghouses	1,149,000	1,149,000	1,149,000	1,149,000	1,149,000	1,135,000	-14,000	-14,000	D
Special education personnel development	66,410,000	66,410,000	66,410,000	69,410,000	67,910,000	67,095,000	+685,000	-2,315,000	D
Special studies	3,638,000	3,638,000	3,638,000	3,638,000	3,638,000	3,594,000	-44,000	-44,000	D
Total, Education for the handicapped	1,869,019,000	1,916,882,000	1,921,882,000	2,008,623,000	1,990,321,000	1,966,438,000	+44,556,000	-42,185,000	

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
REHABILITATION SERVICES AND HANDICAPPED RESEARCH									
Rehabilitation services State grants:									
Vocational rehabilitation State grants..........	1,379,500,000	1,407,090,000	1,441,577,000	1,450,000,000	1,450,000,000	1,450,000,000	+8,423,000	---	M
Reappropriation..................................	---	---	---	500,000	500,000	500,000	+500,000	---	M
Supported employment State grants.................	25,935,000	26,454,000	26,454,000	28,000,000	27,227,000	27,227,000	+773,000	-773,000	M
Client assistance.................................	7,500,000	7,650,000	7,650,000	7,900,000	7,775,000	7,775,000	+125,000	-125,000	M
Service and demonstration projects:									
Special demonstration programs....................	16,590,000	16,590,000	16,590,000	17,200,000	17,200,000	17,200,000	+610,000	---	M
Supported employment projects.....................	9,520,000	9,520,000	9,520,000	9,520,000	9,520,000	9,520,000	---	---	M
Model transition grants...........................	475,000	475,000	475,000	475,000	475,000	475,000	---	---	M
Recreational programs.............................	2,470,000	---	2,620,000	2,500,000	2,620,000	2,620,000	---	+120,000	M
Migratory workers.................................	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	---	---	M
Projects with industry............................	17,000,000	17,000,000	17,000,000	17,700,000	17,350,000	17,350,000	+350,000	-350,000	M
Subtotal, Service and demonstration projects....	47,155,000	44,685,000	47,305,000	48,495,000	48,265,000	48,265,000	+960,000	-230,000	
Helen Keller National Center..........................	4,800,000	4,800,000	5,000,000	4,800,000	4,900,000	4,900,000	-100,000	+100,000	M
Independent living:									
Comprehensive services............................	12,310,000	12,556,000	12,556,000	12,800,000	12,678,000	12,678,000	+122,000	-122,000	M
Centers...	25,500,000	25,500,000	25,500,000	26,500,000	26,000,000	26,000,000	+500,000	-500,000	M
Services for older blind	5,600,000	5,600,000	5,600,000	5,800,000	5,700,000	5,700,000	+100,000	-100,000	M
Subtotal, Independent living......................	43,410,000	43,656,000	43,656,000	45,100,000	44,378,000	44,378,000	+722,000	-722,000	
Training..	30,000,000	30,000,000	30,000,000	31,000,000	30,500,000	30,500,000	+500,000	-500,000	M
National Institute on Disability and Rehab Research...	51,100,000	51,100,000	53,950,000	53,100,000	53,525,000	53,525,000	-425,000	+425,000	M
Evaluation..	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	---	---	M
Total, Rehabilitation services & handicapped res	1,590,400,000	1,616,435,000	1,656,592,000	1,669,895,000	1,668,070,000	1,668,070,000	+11,478,000	-1,825,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
VOCATIONAL AND ADULT EDUCATION									
Vocational education:									
Basic grants	804,216,000	848,333,000	848,333,000	835,000,000	841,666,000	831,566,000	-16,767,000	-3,434,000	D
National programs	25,658,000	24,911,000	25,658,000	26,800,000	26,321,000	26,005,000	+347,000	-795,000	D
Consumer and homemaking education	32,791,000	---	32,791,000	34,250,000	33,520,000	33,118,000	+327,000	-1,132,000	D
State councils	7,851,000	7,851,000	7,851,000	8,000,000	8,000,000	7,904,000	+53,000	-96,000	D
Community - based organizations	6,845,000	---	6,845,000	9,000,000	9,000,000	8,892,000	+2,047,000	-108,000	D
Bilingual vocational training	3,734,000	---	3,734,000	3,900,000	3,817,000	3,771,000	+37,000	-129,000	D
Subtotal, Vocational education	881,095,000	881,095,000	925,212,000	916,950,000	922,324,000	911,256,000	-13,956,000	-5,694,000	
Adult education: 1/									
Grants to States	115,367,000	148,000,000	148,000,000	138,000,000	138,000,000	136,344,000	-11,656,000	-1,656,000	D
National programs	1,915,000	2,000,000	2,000,000	2,000,000	2,000,000	1,976,000	-24,000	-24,000	D
Literacy training for homeless adults	7,180,000	---	7,180,000	7,180,000	7,180,000	7,094,000	-86,000	-86,000	D
Workplace literacy partnerships	9,574,000	---	9,574,000	12,000,000	12,000,000	11,856,000	+2,282,000	-144,000	D
English literacy grants	---	---	---	8,000,000	5,000,000	4,940,000	+4,940,000	-3,060,000	D
Subtotal, adult education	134,036,000	150,000,000	166,754,000	167,180,000	164,180,000	162,210,000	-4,544,000	-4,970,000	
Total, Vocational & adult education	1,015,131,000	1,031,095,000	1,091,966,000	1,084,130,000	1,086,504,000	1,073,466,000	-18,500,000	-10,664,000	

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
STUDENT FINANCIAL ASSISTANCE									
Pell Grants 2/	4,260,430,000	5,011,000,000	4,522,000,000	4,564,750,000	4,538,375,000	4,483,915,000	-38,085,000	-80,835,000	D
Supplemental educational opportunity grants	408,415,000	416,583,000	460,000,000	416,583,000	443,291,000	437,972,000	-22,028,000	+21,389,000	D
Work-study	588,249,000	600,014,000	635,000,000	600,014,000	617,507,000	610,097,000	-24,903,000	+10,083,000	D
Perkins loans:									
Federal capital contributions	185,736,000	---	185,736,000	182,736,000	185,736,000	183,507,000	-2,229,000	+771,000	D
Loan cancellations	24,892,000	22,000,000	22,000,000	22,000,000	22,000,000	21,736,000	-264,000	-264,000	D
Income contingent loans	4,308,000	50,000,000	5,000,000	5,000,000	5,000,000	4,940,000	-60,000	-60,000	D
State student incentive grants	72,762,000	---	78,000,000	42,762,000	72,762,000	71,889,000	-6,111,000	+29,127,000	D
Total, Student Financial Assistance	5,544,792,000	6,099,597,000	5,907,736,000	5,833,845,000	5,884,671,000	5,814,056,000	-93,680,000	-19,789,000	
GUARANTEED STUDENT LOANS									
Guaranteed student loans 3/	2,565,000,000	2,735,598,000	3,174,400,000	3,174,400,000	3,174,400,000	3,174,400,000	---	---	M

1/ Includes workplace literacy partnerships new FY88.

2/ FY 1989 request includes $79,000,000 proposed for transmittal based on the net effect of two legislative proposals.

3/ Credit reform legislation proposed in budget would require an additional $3,094,482,000.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference		Conference Final vs		Mand Disc
					Initial	Final -1.2%	House Bill	Senate Bill	
HIGHER EDUCATION									
Aid for institutional development	152,370,000	136,978,000	180,000,000	169,978,000	176,697,000	174,577,000	-5,423,000	+4,599,000	D
Program development:									
Minority science improvement	5,266,000	5,371,000	5,371,000	5,371,000	5,371,000	5,307,000	-64,000	-64,000	D
International education and foreign language studies:									
Domestic programs	25,419,000	25,419,000	25,419,000	25,419,000	25,419,000	25,114,000	-305,000	-305,000	D
Overseas programs	5,266,000	5,266,000	5,266,000	5,266,000	5,266,000	5,203,000	-63,000	-63,000	D
International business education	---	---	---	---	750,000	741,000	+741,000	+741,000	D
Fund for the Improvement of Postsec. Education	11,645,000	13,645,000	13,645,000	11,645,000	12,000,000	11,856,000	-1,789,000	+211,000	D
Innovative projects for community services	1,472,000	---	1,472,000	1,472,000	1,472,000	1,454,000	-18,000	-18,000	D
Cooperative education	13,787,000	---	13,787,000	13,787,000	13,787,000	13,622,000	-165,000	-165,000	D
Literacy Corps	---	---	---	10,000,000	5,000,000	4,940,000	+4,940,000	-5,060,000	D
Law school clinical experience	3,830,000	---	4,000,000	3,830,000	4,000,000	3,952,000	-48,000	+122,000	D
Subtotal, Program development	219,055,000	186,679,000	248,960,000	246,768,000	249,762,000	246,766,000	-2,194,000	-2,000	
Special programs for disadvantaged	205,841,000	205,841,000	228,000,000	215,841,000	221,920,000	219,257,000	-8,743,000	+3,416,000	D
Support services:									
Veterans' education outreach	2,872,000	---	2,872,000	2,872,000	2,872,000	2,838,000	-34,000	-34,000	D
Legal training for the disadvantaged	1,915,000	1,915,000	1,915,000	1,915,000	1,915,000	1,892,000	-23,000	-23,000	D
School, college & university partnerships	2,394,000	---	2,394,000	2,794,000	2,794,000	2,760,000	+366,000	-34,000	D
Academic facilities:									
Interest subsidy grants	21,878,000	22,744,000	22,744,000	22,744,000	22,744,000	22,471,000	-273,000	-273,000	D
Academic facilities construction grants	6,366,000	---	---	---	---	---	---	---	D
Subtotal, Academic facilities	28,244,000	22,744,000	22,744,000	22,744,000	22,744,000	22,471,000	-273,000	-273,000	

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CONFERENCE AGREEMENT: H.R. 4783 - FY 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
Scholarships and fellowships:									
Patricia Roberts Harris Fellows:									
Graduate fellowships..........................	15,304,000	15,304,000	16,500,000	15,304,000	15,902,000	15,711,000	-789,000	+407,000	D
Public service fellowships....................	3,221,000	---	3,500,000	3,221,000	3,360,000	3,320,000	-180,000	+99,000	D
Jacob K. Javits Fellowships.......................	6,702,000	6,702,000	8,300,000	6,702,000	8,000,000	7,904,000	-396,000	+1,202,000	D
Graduate assistance in areas of national need.....	7,659,000	---	13,000,000	7,659,000	13,000,000	12,844,000	-156,000	+5,185,000	D
Minority participation in graduate education......	3,351,000	3,351,000	3,686,000	3,351,000	3,518,000	3,476,000	-210,000	+125,000	D
Paul Douglas Teacher Scholarships.................	14,840,000	---	16,000,000	14,840,000	15,420,000	15,235,000	-765,000	+395,000	D
Robert C. Byrd honors scholarships................	7,659,000	7,659,000	8,300,000	8,300,000	8,300,000	8,200,000	-100,000	-100,000	D
Subtotal, Scholarships and fellowships..........	58,736,000	33,016,000	69,286,000	59,377,000	67,500,000	66,690,000	-2,596,000	+7,313,000	
Special grants:									
Assistance to Guam................................	479,000	---	479,000	479,000	479,000	473,000	-6,000	-6,000	D
Robert A. Taft Institute of Government............	718,000	---	718,000	718,000	718,000	709,000	-9,000	-9,000	D
Special higher education projects.................	14,217,000	---	---	---	---	---	---	---	D
Subtotal, Special grants........................	15,414,000	---	1,197,000	1,197,000	1,197,000	1,182,000	-15,000	-15,000	
Total, Higher education.........................	534,471,000	450,195,000	577,368,000	553,508,000	570,704,000	563,856,000	-13,512,000	+10,348,000	
COLLEGE CONSTRUCTION LOAN INSURANCE...................	19,148,000	---	---	---	---	---	---	---	D
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS									
LOAN LIMITATION:									
Borrowing authority...............................	62,231,000	---	62,231,000	---	30,000,000	29,640,000	-32,591,000	+29,640,000	D
Interest subsidy payments.........................	---	1,675,000	1,675,000	1,675,000	1,675,000	1,655,000	-20,000	-20,000	D

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PS08AGPO CONFERENCE AGREEMENT: H.R. 4783 - FY 1989 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES 17:47 8/11/88 PAGE 47

	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
EDUCATION RESEARCH AND STATISTICS									
Education research	46,573,000	51,531,000	50,343,000	44,960,000	47,651,000	47,079,000	-3,264,000	+2,119,000	D
Statistics	20,953,000	32,869,000	33,169,000	29,500,000	31,500,000	31,122,000	-2,047,000	+1,622,000	D
Total, Education research and statistics	67,526,000	84,400,000	83,512,000	74,460,000	79,151,000	78,201,000	-5,311,000	+3,741,000	
LIBRARIES									
Public libraries:									
Proposed legislation:									
Services to the disadvantaged	---	45,000,000	---	---	---	---	---	---	D
Resource sharing	---	30,000,000	---	---	---	---	---	---	D
Research and assessment	---	1,000,000	---	---	---	---	---	---	D
Services	78,986,000	---	85,000,000	78,986,000	81,993,000	81,009,000	-3,991,000	+2,023,000	D
Construction	22,595,000	---	22,595,000	22,595,000	22,595,000	22,324,000	-271,000	-271,000	D
Interlibrary cooperation	18,669,000	---	20,000,000	18,669,000	19,334,000	19,102,000	-898,000	+433,000	D
Training and demonstrations	718,000	---	718,000	718,000	718,000	709,000	-9,000	-9,000	D
Research libraries	5,744,000	---	5,744,000	5,744,000	5,744,000	5,675,000	-69,000	-69,000	D
Library literacy programs	4,787,000	---	4,787,000	4,787,000	4,787,000	4,730,000	-57,000	-57,000	D
College library technology	3,590,000	---	3,800,000	3,590,000	3,695,000	3,651,000	-149,000	+61,000	D
Total, Libraries	135,089,000	76,000,000	142,644,000	135,089,000	138,866,000	137,200,000	-5,444,000	+2,111,000	

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
PAYMENTS TO SPECIAL INSTITUTIONS									
AMERICAN PRINTING HOUSE FOR THE BLIND..................	5,266,000	5,381,000	5,381,000	5,400,000	5,400,000	5,335,000	-46,000	-65,000	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.............	31,594,000	33,031,000	33,231,000	33,031,000	33,731,000	33,326,000	+95,000	+295,000	D
GALLAUDET UNIVERSITY..................................	62,195,000	63,463,000	66,800,000	65,000,000	66,800,000	65,998,000	-802,000	+998,000	D
Subtotal, Handicapped Institutions.............	99,055,000	101,875,000	105,412,000	103,431,000	105,931,000	104,659,000	-753,000	+1,228,000	
HOWARD UNIVERSITY.....................................	172,203,000	175,647,000	180,647,000	176,147,000	180,647,000	178,479,000	-2,168,000	+2,332,000	D
Reappropriation..................................	---	500,000	500,000	---	500,000	494,000	-6,000	+494,000	D
Total, Payments to Special Institutions.........	271,258,000	278,022,000	286,559,000	279,578,000	287,078,000	283,632,000	-2,927,000	+4,054,000	
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION 1/.............................	241,028,000	249,849,000	249,849,000	258,600,000	258,600,000	255,497,000	+5,648,000	-3,103,000	D
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES........	40,530,000	41,341,000	41,341,000	41,341,000	41,341,000	40,845,000	-496,000	-496,000	D
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	17,560,000	17,911,000	17,911,000	18,400,000	18,400,000	18,179,000	+268,000	-221,000	D
Total, Departmental management..................	299,118,000	309,101,000	309,101,000	318,341,000	318,341,000	314,521,000	+5,420,000	-3,820,000	
Total, Department of Education..................	20,240,691,000	21,084,423,000	21,948,605,000	21,756,345,000	21,929,402,000	21,724,362,000	-224,243,000	-31,983,000	

1/ FY 1989 request excludes $5,600,000 proposed for later transmittal associated with the National Student Loan Data System.

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
TITLE IV - RELATED AGENCIES									
Action (Domestic Programs):									
Volunteers in Service to America:									
VISTA operations	19,828,000	21,910,000	21,910,000	21,910,000	21,910,000	21,647,000	-263,000	-263,000	D
VISTA Literacy Corps	2,872,000	---	2,872,000	2,872,000	2,872,000	2,838,000	-34,000	-34,000	D
Service learning	1,310,000	1,368,000	1,368,000	1,368,000	1,368,000	1,352,000	-16,000	-16,000	D
Subtotal	24,010,000	23,278,000	26,150,000	26,150,000	26,150,000	25,837,000	-313,000	-313,000	
Citizen Participation and Volunteer Demonstration Programs	2,682,000	3,401,000	2,682,000	3,401,000	2,682,000	2,650,000	-32,000	-751,000	D
Older Americans Volunteer Programs:									
Foster Grandparents Program	57,444,000	58,644,000	58,644,000	60,246,000	59,644,000	58,928,000	+284,000	-1,318,000	D
Senior Companion Program	23,121,000	23,119,000	24,838,000	24,838,000	25,440,000	25,135,000	+297,000	+297,000	D
Retired Senior Volunteer Program	30,637,000	31,237,000	31,237,000	31,237,000	31,237,000	30,862,000	-375,000	-375,000	D
Subtotal, Older Volunteers	111,202,000	113,000,000	114,719,000	116,321,000	116,321,000	114,925,000	+206,000	-1,396,000	
Program Support	25,191,000	26,312,000	25,312,000	26,025,000	25,312,000	25,008,000	-304,000	-1,017,000	D
Total, Action	163,085,000	165,991,000	168,863,000	171,897,000	170,465,000	168,420,000	-443,000	-3,477,000	
Commission on Railroad Retirement Reform	---	---	1,000,000	---	1,000,000	988,000	-12,000	+988,000	D

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	FY 1988 Comparable	FY 1989 Budget Request	FY 1989 House Bill	FY 1989 Senate Bill	Conference Initial	Conference Final -1.2%	Conference Final vs House Bill	Conference Final vs Senate Bill	Mand Disc
Corporation for Public Broadcasting: 1/									
FY 1990	232,648,000	---	DEFER	---	---	---	---	---	M
FY 1991 (current request) 2/	---	214,000,000	DEFER	302,500,000	302,500,000	298,870,000	+298,870,000	-3,630,000	M
Subtotal, Corporation for Public Broadcasting	232,648,000	214,000,000	DEFER	302,500,000	302,500,000	298,870,000	+298,870,000	-3,630,000	
Federal Mediation and Conciliation Service	24,510,000	24,937,000	26,127,000	24,937,000	26,127,000	25,813,000	-314,000	+876,000	D
Federal Mine Safety and Health Review Commission	3,906,000	4,079,000	4,079,000	4,079,000	4,079,000	4,030,000	-49,000	-49,000	D
National Commission on Children	---	---	---	800,000	800,000	790,000	+790,000	-10,000	D
National Commission on Libraries and Information Science	718,000	755,000	750,000	750,000	750,000	741,000	-9,000	-9,000	D
National Council on the Handicapped	892,000	974,000	974,000	1,174,000	1,174,000	1,160,000	+186,000	-14,000	D
National Commission on Migrant Education	---	1,000,000	2,000,000	1,000,000	2,000,000	1,976,000	-24,000	+976,000	D
National Commission on Financing Postsecondary Education	---	---	800,000	---	800,000	790,000	-10,000	+790,000	D
National Commission to Prevent Infant Mortality	---	---	---	500,000	500,000	494,000	+494,000	-6,000	D
National Labor Relations Board	133,097,000	138,647,000	138,647,000	138,647,000	138,647,000	136,983,000	-1,664,000	-1,664,000	D
National Mediation Board	7,004,000	6,551,000	6,551,000	6,551,000	6,551,000	6,472,000	-79,000	-79,000	D
Occupational Safety and Health Review Commission	5,885,000	6,002,000	6,002,000	5,831,000	5,916,000	5,845,000	-157,000	+14,000	D
Physician Payment Review Commission (trust funds)	(2,997,000)	(3,059,000)	(3,059,000)	(3,059,000)	(3,059,000)	(3,022,000)	(-37,000)	(-37,000)	TF
Prospective Payment Assessment Commission (trust funds)	(3,592,000)	(3,664,000)	(3,664,000)	(3,664,000)	(3,664,000)	(3,620,000)	(-44,000)	(-44,000)	TF

1/ FY 1988 approp. adv. in FY86 is $214 million.
FY 1989 approp. adv. in FY87 is $228 million.
FY 1990 approp. adv. in FY88 is $232,648,000.

2/ FY 1991 proposed to be derived by reappropriating $32,600,000 from FY89-FY90. Senate bill includes $57,500,000 for satellite replacement.

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	FY 1988	FY 1989	FY 1989	FY 1989	Conference		Conference Final vs		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -1.2%	House Bill	Senate Bill	Disc
Railroad Retirement Board:									
Dual benefits payments account 1/	352,323,000	336,185,000	355,000,000	355,000,000	355,000,000	350,740,000	-4,260,000	-4,260,000	D
Less income tax receipts on dual benefits	---	---	---	-28,000,000	-28,000,000	-28,000,000	-28,000,000	---	D
Subtotal, dual benefits	352,323,000	336,185,000	355,000,000	327,000,000	327,000,000	322,740,000	-32,260,000	-4,260,000	
Federal payment to the Railroad Retirement Account	3,100,000	3,100,000	3,100,000	3,100,000	3,100,000	3,100,000	---	---	M
(Limitation on administration, retirement)	(57,860,000)	(58,012,000)	(59,312,000)	(60,350,000)	(60,350,000)	(59,626,000)	(+314,000)	(-724,000)	TF
(Limitation on administration, unemployment) (non-add)	(13,830,000)	(13,678,000)	(13,678,000)	(13,950,000)	(13,950,000)	(13,950,000)	(+272,000)	---	NA
(Limitation on administration, review activity)	(2,212,000)	(5,200,000)	(2,700,000)	(3,500,000)	(3,100,000)	(3,063,000)	(+363,000)	(-437,000)	TF
Soldiers' and Airmen's Home (trust fund limitation):									
Operation and maintenance	35,879,000	36,643,000	37,657,000	37,700,000	37,700,000	37,248,000	-409,000	-452,000	D
Capital outlay	15,445,000	13,215,000	15,000,000	15,000,000	15,000,000	14,820,000	-180,000	-180,000	D
United States Bipartisan Commission on Comprehensive Health care	---	---	---	1,046,000	1,046,000	1,033,000	+1,033,000	-13,000	D
United States Institute of Peace	4,308,000	3,376,000	DEFER	8,000,000	7,000,000	6,916,000	+6,916,000	-1,084,000	D
Total, title IV, Related Agencies: Federal Funds (all years), authorized	745,844,000	738,079,000	766,550,000	740,012,000	742,655,000	733,443,000	-33,107,000	-6,569,000	
Unauthorized, not considered by House	236,956,000	217,376,000	DEFER	310,500,000	309,500,000	305,786,000	+305,786,000	-4,714,000	
Total, authorized and unauthorized	982,800,000	955,455,000	766,550,000	1,050,512,000	1,052,155,000	1,039,229,000	+272,679,000	-11,283,000	
Trust funds	(66,661,000)	(69,935,000)	(68,735,000)	(70,573,000)	(70,173,000)	(69,331,000)	(+596,000)	(-1,242,000)	

1/ President's budget proposes $289,000,000 to be transferred from permanent account. FY 1988 amount does not include $9,700,000 contained in pending 1988 supplemental bill.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988	$129,183,999,000
Budget estimates of new (obligational) authority, fiscal year 1989	138,601,064,000
House bill, fiscal year 1989	135,794,692,000
Senate bill, fiscal year 1989	140,429,241,000
Conference agreement, fiscal year 1989	140,374,129,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988	+11,190,130,000
Budget estimates of new (obligational) authority, fiscal year 1989	+1,773,065,000
House bill, fiscal year 1989	+4,579,437,000
Senate bill, fiscal year 1989	−55,112,000

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
BERNARD J. DWYER,
STENY H. HOYER,
JAMIE L. WHITTEN,
SILVIO O. CONTE,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
VIN WEBER,
Managers on the Part of the House.

LAWTON CHILES,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
QUENTIN N. BURDICK,
DANIEL K. INOUYE,
TOM HARKIN,
DALE BUMPERS,
JOHN C. STENNIS,
LOWELL P. WEICKER, Jr.,
MARK O. HATFIELD,
TED STEVENS,
WARREN B. RUDMAN,
JAMES A. MCCLURE,
PETE V. DOMENICI,
Managers on the Part of the Senate.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Stewart, Secretary of the Senate, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 356. Concurrent resolution providing for an adjournment of the House from August 11, 1988 to September 7, 1988 and a recess or adjournment of the Senate from August 11 or August 12, 1988 to September 7, 1988.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. FOLEY) after 7:30 p.m. today on account of official business.

Mr. AUCOIN (at the request of Mr. FOLEY) after 7:30 p.m. on August 11 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. ANDERSON, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. COYNE, for 15 minutes, today.

Mr. GONZALEZ, for 60 minutes, on September 7, 8, 12, and 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KOSTMAYER, immediately preceding the vote on H.R. 5026 in the House today.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. LENT.

Mr. BUECHNER.

Mr. JEFFORDS.

Mr. DAUB.

Mr. DAVIS of Illinois in four instances.

Mr. SOLOMON.

Mr. ARCHER.

Mr. GUNDERSON.

Mr. RITTER in three instances.

Mr. LAGOMARSINO in two instances.

Mr. UPTON.

Mr. CRANE in four instances.

Mr. DORNAN of California.

Mr. FISH.

Mr. TAUKE.

Mr. SHAW.

Mr. MADIGAN.

Mrs. BENTLEY in three instances.

Mr. BLAZ.

Mr. SMITH of New Jersey.

Mr. HOUGHTON.

Mr. HORTON in two instances.

Mr. HYDE.

Mr. PORTER in two instances.

Mr. MCEWEN in 10 instances.

Mrs. JOHNSON of Connecticut in two instances.

Mr. DANNEMEYER.

Mr. MYERS of Indiana.

Mr. SCHUETTE.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. MFUME.

Mr. LIPINSKI.

Mr. ATKINS.

Mr. PANETTA in two instances.

Mr. MORRISON of Connecticut.

Mr. BONKER.

Mr. HALL of Ohio.

Mr. VENTO.

Mr. FASCELL in four instances.

Mr. SOLARZ.

Mr. LAFALCE.

Mr. TALLON in two instances.

Mr. STUDDS.

Mr. MILLER of California in two instances.

Mr. HAMILTON.

Mr. LEHMAN of California.

Mr. ASPIN.

Mr. TORRICELLI.

Mrs. COLLINS.

Mr. LEWIS of Georgia.

Mr. DONNELLY.

Mr. HALL of Texas.

Mr. RODINO.

Mr. STOKES.

Mr. ANTHONY.

Mr. HAWKINS.

Mr. WALGREN.

Mr. LEVINE of California in two instances.

Mr. DINGELL.

Mr. DOWNEY of New York.

Mr. HOYER in two instances.

Mr. GAYDOS.

Mr. HARRIS in two instances.

Mr. CARR.

Mr. FLIPPO.

Mr. SPRATT.

Mr. ESPY.

Mr. LELAND.

Mr. STARK.

Mr. GARCIA.

Mr. RANGEL.

Mr. FAZIO.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1294. An act to promote the development of technologies which will enable fuel cells to use alternative fuel sources; to the Committee on Science, Space, and Technology.

S. 1295. An act to develop a national policy for the utilization of fuel cell technology; to the Committee on Energy and Commerce.

S. 2018. An act to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2350. An act to clarify the investigatory powers of the United States Congress; to the Committee on the Judiciary.

S. 2353. An act to amend the Federal Laboratory Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3431. An act to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL;

H.R. 3880. An act to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years;

H.R. 4676. An act to amend the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 to extend through the fiscal year 1989 the authorities contained in such act;

H.R. 4754. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes;

H.J. Res. 138. Joint resolution to authorize and request the President to issue a proclamation designating the third Sunday of August 1988 as "National Senior Citizens Day;"

H.J. Res. 417. Joint resolution designating May 1989 as Neurofibromatosis Awareness Month;" and

H.J. Res. 525. Joint resolution to designate the month of November 1988 as "National Hospice Month."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2561. An act to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 1414. An act to amend Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents;

H.R. 4800. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes;

H.R. 4848. An act to enhance the competitiveness of American industry, and for other purposes; and

H.R. 5015. An act to provide drought assistance to agricultural producers, and for other purposes.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 7, 1988

Mr. CLEMENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HUBBARD). Pursuant to the provisions of House Concurrent Resolution 356 of the 100th Congress, the House stands adjourned until 12 noon, Wednesday, September 7, 1988.

Thereupon (at 9 o'clock and 15 minutes p.m.) pursuant to House Concurrent Resoltuion 356, the House adjourned until Wednesday, September 7, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4165. A letter from the Secretary of Education transmitting a copy of Final Regulations—Regional Educational Laboratories and Research and Development Centers Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4166. A letter from the Secretary of Education transmitting a copy of final regulations for the College Work-Study Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4167. A letter from the Acting Secretary of State transmitting President Reagan's determination that the Board of the International Fund is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland and distribution will be made in accordance with the principles of equal opportunity and nondiscrimination, pursuant to Public Law 99-415, section 5(c) (100 Stat. 948); to the Committee on Foreign Affairs.

4168. A letter from the Director of Management Improvement, Office of the Secretary of the Interior, transmitting notice of a new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4169. A letter from the Director of Administration and Management, Office of the Secretary of Defense, transmitting notification of a new continuing computer matching program between the Department and the New York City Human Resources Administration, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4170. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1988, to June 30, 1988, pursuant to 2 U.S.C. 104a (H. Doc. No. 100-222); to the Committee on House Administration and ordered to be printed.

4171. A letter from the LeBoeuf, Lamb, Leiby and MacRae, transmitting the 1987 annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, a federally chartered corporation, pursuant to Public Law 88-376, section 14(b) (78 Stat. 323); to the Committee on the Judiciary.

4172. A letter from the Administrator, Federal Aviation Administration, transmitting the agency's June report of progress on rulemaking proceedings, pursuant to 49 U.S.C. app. 1421 nt.; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3680. A bill to revoke certain public land orders, transfer certain public lands, and for other purposes; with amendments (Rept. 100-717, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. Report on the Small Business Committee allocation of budget totals to subcommittees for fiscal year 1989 (Rept. 100-863). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4994. A bill to amend title 18, United States Code, to permit Federal Prison Industries to borrow from the Treasury, and for other purposes (Rept. 100-864). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. H. Res. 522. A bill to authorize appropriatiions to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1989, and for other purposes (Rept. 100-865). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 523. A resolution providing for the consideration of H.R. 4986. A bill to amend the Higher Education Act of 1965 to reduce the default rate on student loans under that Act, and for other purposes (Rept. 100-866). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2504. A bill to withdraw certain public lands in Eddy County, New Mexico; with an amendment (Rept. 100-867, Pt. 1.). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4102. A bill to provide for the settlement of the water rights claims of the Salt River Pima-Maricopa Indian Community in Maricopa County, Arizona, and for other purposes; with an amendment (Rept. 100-868). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4689. A bill to amend the Nuclear Waste Policy Act of 1982 with respect to the Office of the Nuclear Waste Negotiator (Rept. 100-869, Pt. 1). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 524. A resolution providing for the disposition of the Senate amendments to H.R. 5026, a bill making dire emergency supplemental appropriations for the fiscal year 1988 (Rept. 100-877). Referred to the House Calendar.

Mr. STOKES: Committee of conference. Conference report on H.R. 4387 (Rept. 100-879). Ordered to be printed.

Mr. NATCHER: Committee of conference. Conference report on H.R. 4783 (Rept. 100-880). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on the Judiciary. H.R. 1474. A bill for the relief of Oscar H. McCormack (Rept. 100-870). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 2857. A bill for the relief of Christy Carl Hallien of Arlington, TX (Rept. 100-871). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 4538. A bill to permit reimbursement of relocation expenses of William D. Morger (Rept. No. 100-872). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 4566. A bill for the relief of Charlotte S. Neal (Rept. No. 100-873). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 4634. A bill for the relief of Merrill L. Johnson-Lannen (Rept. No. 100-874). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. House Resolution 61. Resolution to refer H.R. 816 to the Chief Commissioner of the U.S. Court of Claims (Rept. No. 100-875). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. House Resolution 200. Resolution referring the bill (H.R. 2098) for the relief of Frederick Paul of Seattle, WA, to the chief judge of the U.S. Claims Court (Rept. No. 100-876). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4140. A bill to require an Office of Investigations within the Nuclear Regulatory Commission; referred to the Committee on Energy and Commerce for a period ending not later than September 9, 1988, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. (Rept. No.100-878, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 4064. The Committee on Appropriations discharged from further consideration of H.R. 4064; H.R. 4064 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT:

H.R. 5203. A bill to declare that certain lands be held in trust for the Quinault Indian Nation, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. CONYERS:

H.R. 5204. A bill to promote efficiency, reduce Federal expenditures, and provide for accountability when contracting for Government support services; to the Committee on Government Operations.

By Mr. PANETTA (for himself and Mr. REGULA):

H.R. 5205. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year budgeting cycle, to provide for separate and timely consideration of authorizing legislation, budget resolutions, and appropriations, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. LELAND (for himself, Mrs. JOHNSON of Connecticut, and Mr. WAXMAN):

H.R. 5206. A bill to amend the Public Health Service Act to provide for certain services to pregnant adolescents and adolescent parents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PEPPER:

H.R. 5207. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Education and Labor.

By Mr. ACKERMAN:

H.R. 5208. A bill to amend the Food Stamp Act of 1977 to repeal the limitation on the eligibility of, and benefits available to, households that include a member who is on strike; to the Committee on Agriculture.

By Mr. ARCHER:

H.R. 5209. A bill to reduce temporarily the duty on 1,6-hexamethylene diisocyanate upon the effective date of the adoption of the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. FOLEY (For himself and Mr. MICHEL):

H.R. 5210. A bill to prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; Education and Labor; foreign Affairs; Government Operations; Interior and Insular Affairs; the Judiciary; Merchant Marine and Fisheries; Public Works and Transportation; Ways and Means; and Energy and Commerce.

By Mr. COOPER:

H.R. 5211. A bill to amend the Clean Air Act to provide further controls of certain stationary sources of sulfur dioxides and nitrogen oxides to reduce acid deposition, to provide for the commercialization of clean coal technologies for existing stationary sources, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COYNE:

H.R. 5212. A bill to amend chapter 67 of title 31, United States Code, to assist certain local governments in meeting public needs, and for other purposes; to the Committee on Government Operations.

By Mr. CRAIG:

H.R. 5213. A bill to amend the Internal Revenue Code of 1986 to provide assistance to families; to the Committee on Ways and Means.

By Mr. DIXON:

H.R. 5214. A bill to amend the Internal Revenue Code of 1986 to promote the development and preservation of rental housing for low- and moderate-income families; to the Committee on Ways and Means.

By Mr. DONNELLY (for himself and Mr. STARK):

H.R. 5215. A bill to amend the Internal Revenue Code of 1986 to provide that tax exempt bonds may be used to provide a hospital or other inpatient health care facility only if the facility accepts Medicaid patients and to amend title XVIII of the Social Security Act to require Medicare hospitals and skilled nursing facilities to accept Medicaid patients; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FRANK (for himself, Mr. STUDDS, and Mr. MOAKLEY):

H.R. 5216. A bill to amend title XVIII of the Social Security Act to provide for consolidated treatment of certain New England county metropolitan areas for purposes of applying the area hospital wage index; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GRANT:

H.R. 5217. A bill to reform procedures for collateral review of criminal judgments; to the Committee on the Judiciary.

By Mr. GUNDERSON (by request):

H.R. 5218. A bill to amend the Job Training Partnership Act to add an enriched program option of employment and training for at-risk youth to the title II-B Summer Youth Employment and Training Program, to revise the method for allocating funds under that program, and for other purposes; to the Committee on Education and Labor.

By Mr. HOUGHTON:

H.R. 5219. A bill to extend the temporary suspension of duty on certain television picture tubes; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 5220. A bill to amend the Immigration and Nationality Act with respect to the naturalization of certain aliens through service in the Armed Forces of the United States for at least 3 years; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 5221. A bill to amend title 38, United States Code, with respect to the housing loan program carried out under chapter 37 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McCANDLESS:

H.R. 5222. A bill to amend section 324 of title 32, United States Code, to permit the Secretary of the Army and the Secretary of the Air Force to defer the discharge of an officer of the National Guard when such officer becomes 64 years of age to the Committee on Armed Services.

By Mr. MORRISON of Connecticut (for himself, Mr. GEJDENSON, Mr. SHAYS, and Mr. ROWLAND of Connecticut)

H.R. 5223. A bill to amend the Solid Waste Disposal Act to provide for the control of medical waste in order to protect human health and the environment: to the Committee on Energy and Commerce.

By Mr. NIELSON of Utah:

H.R. 5224. A bill entitled "The Camp W. G. Williams Land Exchange Act of 1988" to the Committee on Interior and Insular Affairs.

By Mr. HUGHES (for himself, Mr. RODINO, Mr. MAZZOLI, Mr. CROCKETT, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. STAGGERS, Mr. MCCOLLUM, Mr. SMITH of Texas, Mr. LUNGREN, Mr. GEKAS, Mr. SAXTON, Miss SCHNEIDER, Mr. JONES of North Carolina, Mr. ROE, Mr. LENT, Mr. STUDDS, Mr. MANTON, Mr. GILMAN, Mr. HORTON, Mr. STRATTON, Mr. DIOGUARDI, Mr. RANGEL, Mr. MORRISON of Connecticut, Mr. CARPER, and Mr. SOLARZ):

H.R. 5225. A bill to amend title 18, United States Code, to provide penalties for the dumpling of hospital wastes in the high seas, and for other purposes; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 5226. A bill to require that the National League of Families POW/MIA flag be displayed at each U.S. diplomatic or consular post; to the Committee on Foreign Affairs.

By Mr. PORTER:

H.R. 5227. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to exclude receipts and disbursements of the Social Security trust funds when calculating maximum budget deficit amounts, and to provide for a study to develop information and recommendations to the Congress relating to redirection of FICA and SECA taxes to individual retirement accounts or annuities or other retirement income arrangements; jointly, to the Committees on Government Operations and Ways and Means.

By Mr. ROE (for himself and Mr. BILBRAY):

H.R. 5228. A bill to authorize the appropriation of funds to reimburse persons whose property was damaged by an explosion in Clark County, NV, for certain uninsured expenses in connection with such damage; to the Committee on Science, Space, and Technology.

By Ms. SLAUGHTER of New York:

H.R. 5229. A bill to revise certain Government procurement procedures with respect to contracts for the procurement of spare parts in order to reduce Federal procurement costs and to improve the ability of small businesses to compete for such contracts; jointly, to the Committee on Government Operations, Armed Services, the Judiciary, and Small Business.

By Mr. STANGELAND:

H.R. 5230. A bill to restrict the payment of any funds appropriated for compensation to Iran for the downing of Iran air flight 655 on July 3, 1988; to the Committee on Foreign Affairs.

By Mr. STUDDS:

H.R. 5231. A bill to amend the Marine Protection, Research, and Control Act of 1972 to strengthen prohibitions on dumping into ocean waters, to provide for recovery of damages associated with dumping which affects ocean waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL:

H.R. 5232. A bill to grant the consent of the Congress to the Southwestern Low-Level Radioactive Waste Disposal Compact; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. WAXMAN:

H.R. 5233. A bill to amend title XIX of the Social Security Act to improve the provision and quality of services to mentally retarded and individuals; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. LEVIN of Michigan, Mr. TAUKE, and Mr. SYNAR):

H.R. 5234. A bill to amend title XVIII of the Social Security Act to provide for coverage of social worker services in rural health clinics under the Medicare Program; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. APPLEGATE:

H.R. 5235. A bill to amend title 38, United States Code, to remove a limitation relating to the payment of pension to veterans furnished hospital care by the Veterans' Administration on a long-term basis; to the Committee on Veterans' Affairs.

By Mr. BONKER:

H.R. 5236. A bill to amend title XVIII of the Social Security Act to provide grants to States for long-term care assistance programs, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HALL of Texas:

H.R. 5237. A bill to provide that no amount shall be includible in gross income under section 83 of the Internal Revenue Code of 1986 by reason of the receipt of certain stock; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 5238. A bill to amend the Food and Security Act of 1985 to authorize and direct the Secretary of Agriculture to establish a strategic forage reserve comprised of multiyear set-aside acreage; to the Committee on Agriculture.

By Mr. NIELSON of Utah (for himself, Mr. CAMPBELL, and Mr. HANSEN):

H.R. 5239. A bill to declare that certain land formerly used as a site for a school for the Ute Mountain Ute Indian Tribe is held in trust by the United States for the benefit of such Indian tribe and is part of the Ute Mountain Ute Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. OBEY:

H.R. 5240. A bill to amend section 313 of the Federal Election Campaign Act of 1971 to eliminate an exception that permits certain Members of Congress to use amounts from excess campaign funds for personal purposes; to the Committee on House Administration.

By Mr. OWENS of Utah:

H.R. 5241. A bill to require that all Federal research, development, testing, and evaluation of the use of biological agents in the development of defenses against biological warfare be conducted by the Director of the National Institutes of Health, and for other purposes; jointly, to the Committees on Energy and Commerce and Armed Services.

By Mr. PASHAYAN (for himself, Mr. THOMAS of California, Mr. PANETTA, and Mr. BOSCO):

H.R. 5242. A bill to amend 23 U.S.C. 131(c); to the Committee on Public Works and Transportation.

By Mr. STALLINGS (for himself, Mr. CHENEY, Mr. OWENS of Utah, and Mr. WILLIAMS):

H.R. 5243. A bill relating to the treatment of a certain project for purposes of the energy tax credit; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself and Mr. RICHARDSON):

H.R. 5244. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the establishment of an occupational safety and health standard applicable to boxing, and for other purposes; to the Committee on Education and Labor.

By Mr. BROOKS:

H.J. Res. 639. Joint resolution commemorating January 29, 1989, as "National Challenger Center Day" in honor of the crew of the space shuttle *Challenger*; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.J. Res. 640. Joint resolution to designate the last full week of October, October 23 through October 29, 1988, as "National Adult Immunization Awarenesss Week"; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Colorado:

H.J. Res. 641. Joint resolution designating the month of May 1989, as "National Stroke Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. BUECHNER (for himself, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BLAZ, Mr. BOULTER, Mr. COATS, Mr. HEFLEY, Mr. KONNYU, Mr. DONALD E. LUKENS, Mr. MADIGAN, Mr. MCDADE, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. PACKARD, Mr. SCHAEFER, Mr. SOLOMON, Mr. SWINDALL, Mrs. VUCANOVICH, Mr. WEBER, Mr. WELDON, and Mr. WOLF):

H.J. Res. 642. Joint resolution proposing an amendment to the Constitution of the United States, to be known as the "Fair Committee Representation Amendment," to require that the voting strength of political parties on committees of Congress be reflective of the relative voting strength of the political parties represented in each House of Congress; to the Committee on the Judiciary.

By Mr. LIGHTFOOT:

H.J. Res. 643. Joint resolution designating September 21, 1988, as "National Farm Safety Day for Kids"; to the Committee on Post Office and Civil Service.

By Mr. SPRATT:

H.J. Res. 644. Joint resolution granting the consent of Congress to the compact entered into between the State of North Carolina and the State of South Carolina establishing the Lake Wylic Marine Commission; to the Committee on the Judiciary.

By Mr. LEVINE of California:

H.J. Res. 645. Joint resolution to designate September 24, 1988, as "National Integrity Day"; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN (for himself, Mr. LEVINE of California, and Miss SCHNEIDER):

H.J. Res. 646. Joint resolution establishing the National Commission on Human Resources; jointly, to the Committees on Education and Labor; Energy and Commerce; Science, Space, and Technology; and Foreign Affairs.

By Mr. FOLEY:

H. Con. Res. 356. Concurrent resolution providing for an adjournment of the House from August 11, 1988 to September 7, 1988 and a recess or adjournment of the Senate from August 11 or 12, 1988 to September 7, 1988; considered and agreed to.

By Mr. ANDERSON (for himself, Mr. HAMMERSCHMIDT, Mr. BOSCO, and Mr. MOLINARI):

H. Con. Res. 357. Concurrent resolution expressing the sense of the Congress regarding the reopening of Washington Union Station; to the Committee on Public Works and Transportation.

By Mr. ATKINS (for himself, Mr. Bonker, Mr. Conyers, Mr. Florio, Miss. Schneider, Mr. Udall, and Mr. Wolpe):

H. Con. Res. 358. Concurrent resolution providing that the U.S. delegation to the meetings of the U.N. Environment Program working group to draft a global convention on the transboundary movement of hazardous waste should promote and support the inclusion in such a convention of certain provisions; to the Committee on Foreign Affairs.

By Mr. COUGHLIN (for himself and Mr. Montgomery):

H. Con. Res. 359. Concurrent resolution to reaffirm U.S. security interests in the Persian Gulf and to recognize the vital contribution that U.S. Armed Forces personnel have made to promoting those interests; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. HUNTER:

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress concerning the role of the United States in ensuring the safety of the Vietnamese boat people; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:

H. Res. 522. Resolution providing for the consideration of the bill (H.R. 4417) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1989, and for other purposes; House Calendar No. 203. House report No. 100-865.

By Mr. DERRICK:

H. Res. 523. Resolution providing for the consideration of the bill (H.R. 4986) to amend the Higher Education Act of 1965 to reduce the default rate on student loans under that act, and for other purposes; House Calendar 204. House report No. 100-866.

H. Res. 524. Resolution providing for the disposition of the Senate amendments to the bill (H.R. 5026) making dire emergency supplemental appropriations for the fiscal year 1988; House Calendar No. 205. House report No. 100-877.

By Mr. DioGUARDI:

H. Res. 525. Resolution urging that Congress adopt the "Freedom" song written by composer and lyricist Donna Cribari of Port Chester, NY, as the official Constitutional Bicentennial Song of the United States; to the Committee on Post Office and Civil Service.

By Mr. DioGUARDI (for himself and Mr. Frank):

H. Res. 526. Resolution to amend the rules of the House of Representatives to establish a Public Review Board and an inspector general, and for other purposes; to the Committee on Rules.

By Mr. MURPHY:

H. Res. 527. Resolution to extend coverage under certain Federal labor laws to employees of the House of Representatives, to provide for the enforcement of such coverage by the establishment of a personnel review board, and for other purposes; jointly, to the Committees on Education and Labor, House Administration, and Rules.

By Mr. LANTOS (for himself and Mr. Porter):

H. Res. 528. Resolution expressing the sense of the House of Representatives regarding the denial of a visa to a Member of Congress by the People's Republic of China; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LaFALCE:

H.R. 5245. A bill for the relief of Alice Koshian; to the Committee on the Judiciary.

By Mr. McCANDLESS:

H.R. 5246. A bill for the relief of Richard P. Parkinson, M.D., to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Ford of Michigan and Mr. Buechner.

H.R. 81: Mr. Jeffords, Mr. Sikorski, Mr. Jontz, Mr. Dannemeyer, Mr. Miller of Washington, and Mr. Campbell.

H.R. 122: Mr. DeWine.

H.R. 387: Mr. McEwen.

H.R. 469: Mr. McCrery.

H.R. 754: Mr. Sharp.

H.R. 988: Mrs. Vucanovich.

H.R. 1028: Mr. Hammerschmidt.

H.R. 1076: Mr. Ortiz, Mr. Kolter, Mr. Kastenmeier, and Ms. Pelosi.

H.R. 1597: Mr. Wise.

H.R. 1638: Mr. Coelho, Mr. McHugh, Mr. Kleczka, Mr. Hopkins, Mr. Schaefer, Mr. Beilenson, Mr. Derrick, Mr. Matsui, and Mrs. Boxer.

H.R. 1770: Mr. Rahall.

H.R. 1885: Mr. McCurdy.

H.R. 1973: Mr. Swindall.

H.R. 1990: Mr. Lipinski.

H.R. 2051: Mr. McCrery.

H.R. 2521: Mr. Fascell.

H.R. 2532: Mr. Smith of New Jersey.

H.R. 2793: Mr. McCollum.

H.R. 2925: Mr. Badham and Mr. Jontz.

H.R. 2964: Mr. Eckart.

H.R. 3241: Mr. Rahall.

H.R. 3314: Mr. Gejdenson, Mr. DeFazio, Mr. Miller of Washington, Mr. Ballenger, Mr. DeWine, Mr. Wise, Mr. McCloskey, and Mr. Traficant.

H.R. 3470: Mr. Lipinski, Mr. Lantos, Mr. Hunter, Mr. Alexander, Mr. Rowland of Georgia, Mr. Konnyu, Mr. Hamilton, Mrs. Morella, Mr. Rodino, Mrs. Roukema, Mr. Bliley, Mr. Levine of California, Mr. Olin, Mr. Gejdenson, Ms. Snowe, Mr. Packard, Mr. Slaughter of Virginia, Mr. Atkins, and Mr. McCrery.

H.R. 3478: Mr. Brennan.

H.R. 3486: Mr. Obey.

H.R. 3654: Mr. Mack, Mr. Vander Jagt, Mr. Holloway, Mr. Michel, Mr. Skeen, Mr. McGrath, Mr. Hawkins, Mr. Weber, Mr. Ravenel, Miss Schneider, Mr. Sundquist, Mr. Bliley, Mr. Gallo, Mr. Coyne, Mr. Parris, Mr. Thomas of California, Mr. Marlenee, Mr. Carr, Mr. Davis of Michigan, Mr. Fazio, Mr. Valentine, Mr. Hefner, Mr. Jontz, Mr. Dellums, Mr. Montgomery, Mr. Coleman of Texas, Mr. Lightfoot, Mr. Andrews, Mr. Leath of Texas, Mr. Bonior of Michigan, Mr. Taylor, Mr. Weiss, Ms. Slaughter of New York, Mr. Glickman, Mr. Nagle, Mr. Moody, Mr. Kennedy, Mr. Bruce, Mr. Stallings, Mr. Richardson, Mr. English, Mr. Staggers, Mr. Synar, Mr. Gephardt, Mr. Manton, Mr. Mrazek, Mr. Schumer, Mr. Olin, Mr. Miller of California, Mr. Gibbons, Mr. Pickle, Mr. Harris, Mr. Volkmer, Mr. Foley, Mrs. Lloyd, Mr. Cooper, Mr. Bunning, Mr. Stenholm, Mr. Russo, Mr. Hefley, Mr. Denny Smith, Mr. Schaefer, Mr. DioGuardi, Mr. Davis of Illinois, Mr. Barton of Texas, Mr. Hopkins, Mr. Skelton, Mr. Frenzel, Mr. Houghton, Mr. Brooks, Mr. Smith of New Hampshire, Mr. Gallegly, Mr. Quillen, Mr. Dingell, Mr. Hunter, Mr. Smith of Iowa, Mr. Natcher, Mr. Gejdenson, Mr. Dickinson, Mr. Craig, Mr. Gray of Pennsylvania, Mr. AuCoin, Mr. Konnyu, Mr. Hammerschmidt, Mr. Kolbe, Mrs. Johnson of Connecticut, Mr. Anthony, Mr. Brown of California, Mr. Callahan, Mr. Chapman, Mr. Coelho, Mr. Combest, Mr. Crockett, Mr. Darden, Mr. Dorgan of North Dakota, Mr. Early, Mr. Gonzalez, Mr. Gray of Illinois, Mr. Gregg, Mr. Hubbard, Mr. Jacobs, Mr. Jenkins, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Lantos, Mr. Lehman of California, Mr. Levin of Michigan, Mr. Lewis of Georgia, Mr. Lipinski, Mr. McCandless, Mr. McCloskey, Mr. Mavroules, Mr. Mfume, Mr. Morrison of Washington, Mr. Ray, Mr. Rodino, Mr. Rowland of Georgia, Mr. Savage, Mr. Scheuer, Mr. Sensenbrenner, Mr. Sharp, Mr. Sisisky, Mrs. Smith of Nebraska, Mr. Spratt, Mr. Traficant, Mr. Waxman, Mr. Whitten, Mr. Wyden, Mrs. Saiki, Mr. Durbin, Mr. Bennett, Mr. Perkins, Mr. Rose, and Mr. Kasich.

H.R. 3726: Mr. Valentine and Mr. Buechner.

H.R. 3781: Mr. Slattery and Mr. Richardson.

H.R. 3788: Mrs. Morella, Mr. Roth, and Mr. Sharp.

H.R. 3794: Mr. Cheney, Mr. Smith of Texas, and Mr. Grandy.

H.R. 3874: Mrs. Lloyd, Mr. Towns, Mr. Torricelli, Mr. Gray of Illinois, Mrs. Johnson of Connecticut, Mr. Dwyer of New Jersey, Mr. Hamilton, Mr. Kildee, Mr. Holloway, Mr. Wolpe, and Mr. Sikorski.

H.R. 3883: Mr. Kennedy and Mr. Stark.

H.R. 3889: Mr. Kleczka, Ms. Slaughter of New York, Mr. Tauzin, and Mr. Hawkins.

H.R. 3892: Mr. Wortley.

H.R. 3900: Mr. Johnson of South Dakota.

H.R. 3907: Mr. Rogers.

H.R. 3944: Mr. Parris.

H.R. 3950: Mr. Vento, Mr. Yates, Mr. Gilman, Mr. Kolter, Mr. McMillen of Maryland, Mrs. Boxer, Mr. Coleman of Texas, Mr. Martinez, Mr. Matsui, Mr. Dixon, Mr. Bates, Mr. Borski, Mr. Tallon, Mr. Carper, Mr. Dwyer of New Jersey, Mr. AuCoin, and Mr. Spratt.

H.R. 4011: Ms. Snowe.

H.R. 4015: Mr. Moakley.

H.R. 4036: Mr. Lantos.

H.R. 4111: Mr. Tauzin, Mr. Stratton, Mr. Markey, Mr. Rahall, Mr. Richardson, Ms. Slaughter of New York, Mr. Bonior of Michigan, Mr. Gregg, Mr. Guarini, and Mr. Bryant.

H.R. 4127: Mr. Coleman of Missouri.

H.R. 4134: Mr. Armey.

H.R. 4141: Mr. Emerson, Mr. Lancaster, and Mr. Lagomarsino.

H.R. 4152: Mr. Moakley, Mr. Matsui, Mr. Gonzalez, and Mr. Flake.

H.R. 4189: Mr. Kildee.

H.R. 4190: Ms. Oakar, Mr. Martinez, and Ms. Pelosi.

H.R. 4193: Ms. Oakar and Mr. Kennedy.

H.R. 4221: Mr. Lott and Mr. Walgren.

H.R. 4231: Mr. Rodino, Mr. Levine of California, Mr. Gonzalez, Mr. Hertel, Mr. Miller of California, Ms. Snowe, Mr. Morrison of Connecticut, Mr. Dellums, and Mr. Hochbrueckner.

H.R. 4277: Mr. Bevill and Ms. Slaughter of New York.

H.R. 4289: Mr. Holloway.

H.R. 4335: Mr. Price of North Carolina.

H.R. 4396: Mr. Grandy.

H.R. 4437: Mr. Stallings.

H.R. 4451: Mr. Ackerman and Mr. Sabo.

H.R. 4468: Mr. Rinaldo, Mr. Lehman of California, Mr. Roe, Mr. Owens of New York, Mr. Burton of Indiana, Mr. Ritter, Mr. Leath of Texas, Mr. Lantos, and Mr. Atkins.

H.R. 4479: Mr. McHugh.

H.R. 4493: Mr. Frenzel, Mr. Crane, and Mr. Matsui.

H.R. 4498: Mr. Mavroules, Mr. Markey, Mr. Lipinski, Mr. Torricelli, Mr. Bonior of Michigan, Ms. Slaughter of New York, Mr. Cardin, Mr. Gray of Pennsylvania, and Mr. Bilbray.

H.R. 4542: Mr. Dyson, Mr. Bunning, and Mr. DeFazio.

H.R. 4543: Mr. Sharp and Mr. Vento.

H.R. 4547: Mr. Nagle, Mr. Dorgan of North Dakota, Mr. Smith of New Jersey, Mr. Mollohan, and Mr. Grandy.

H.R. 4575: Mr. Jacobs, Mr. Jeffords, Mr. Morrison of Connecticut, and Mr. Dicks.

H.R. 4603: Mr. de Lugo, Mr. Jacobs, Mrs. Lloyd, Mr. Bilirakis, and Mr. Lantos.

H.R. 4632: Mr. Wise and Mr. Shays.

H.R. 4649: Mr. Moorhead, Mr. Dornan of California, Mr. Lungren, Mr. Packard, and Mr. Stark.

H.R. 4680: Mr. Ravenel, Mr. Vento, Mr. Ritter, and Mr. Miller of Washington.

H.R. 4690: Mr. Stangeland, Mr. Gingrich, Mrs. Bentley, Mr. Buechner, and Mr. Burton of Indiana.

H.R. 4708: Mr. Florio, Mr. Hubbard, Mr. Martinez, Mr. Miller of Washington, and Mr. Owens of New York.

H.R. 4756: Mr. Manton, Mr. DioGuardi, Mrs. Roukema, Mrs. Meyers of Kansas, Mr. Dwyer of New Jersey, Mr. Buechner, and Mr. Atkins.

H.R. 4768: Mr. Bereuter, Mr. Boehlert, and Mr. Shumway.

H.R. 4817: Mr. Torricelli, Mr. Dreier of California, Mr. Dyson, Mr. Rahall, Mr. Owens of New York, Mr. Wilson, Mr. Bevill, Mr. Solomon, Mrs. Bentley, Mr. Hefner, Mr. Murphy, Mr. Robinson, Mr. Hastert, Mrs. Lloyd, Mr. Lancaster, Mr. Hughes, Mr. Fazio, Mr. Rangel, Mr. Bryant, Mrs. Boxer, and Mr. Lipinski.

H.R. 4829: Mr. Wolpe.

H.R. 4866: Mr. Martinez and Mr. Eckart.

H.R. 4881: Mr. Shaw, Mr. Dannemeyer, Mr. Hyde, and Mr. Horton.

H.R. 4894: Mr. Grandy.

H.R. 4898: Mr. Armey.

H.R. 4913: Mr. Dornan of California, Mr. Erdreich, and Mr. Ravenel.

H.R. 4916: Mrs. Morella.

H.R. 4921: Mr. McEwen.

H.R. 4930: Mr. Skeen.

H.R. 4935: Mr. Boulter, Mr. Neal, Mr. DeLay, Mr. Lewis of California, Mr. McEwen, Mr. Inhofe, and Mr. Dannemeyer.

H.R. 4969: Mr. Dwyer of New Jersey, Mrs. Boxer, Mr. Kennedy, Mrs. Meyers of Kansas, and Mr. Slattery.

H.R. 4975: Mr. Callahan, Mr. Tauzin, and Mr. Murphy.

H.R. 4977: Mr. Lott.

H.R. 4987: Mr. Boehlert and Mr. de la Garza.

H.R. 4991: Mr. Ravenel.

H.R. 4992: Mr. Hochbrueckner, Mr. Lagomarsino, Mr. Lent, and Mr. Horton.

H.R. 5000: Mr. Brown of California.

H.R. 5009: Mr. Neal, Mr. Fauntroy, and Mr. Chandler.

H.R. 5019: Mr. Whitten, Mr. Bevill, Mr. Jones of Tennessee, Mr. Natcher, Mr. Derrick, Mr. Boulter, Mr. Espy, Mr. Jones of North Carolina, Mr. Chapman, Mr. Stangeland, Mr. Wise, Mr. Rose, Mr. Spratt, Mr. Staggers, Mr. Skeen, Mr. Perkins, Mr. Jenkins, Mr. Penny, Mr. Gordon, Mr. Weber, Mr. Emerson, Mr. Hatcher, Mrs. Patterson, Mr. Jontz, Mr. Solomon, Mr. Durbin, Mr. Watkins, Mr. Gunderson, Mr. Traxler, Mr. Jeffords, Mr. Roberts, and Mr. English.

H.R. 5020: Mr. St Germain, Mr. Cheney, Mr. Lightfoot, Mr. Gaydos, Mr. Dreier of California, and Mr. McEwen.

H.R. 5036: Mrs. Boxer.

H.R. 5041: Mr. Wilson, Mr. Bateman, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Moody, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Kolter, Mr. Dyson, Mr. Rahall, Mr. Gephardt, Miss Schneider, Mr. McCloskey, Mrs. Boxer, Mr. Price of North Carolina, Mr. Murphy, and Mr. Clarke.

H.R. 5048: Mr. Stark, Mr. Donnelly, Mr. Campbell, Mrs. Collins, Mr. Smith of Florida, Mr. Fauntroy, Mr. Dellums, Mr. Kolter, and Mr. Brown of California.

H.R. 5050: Mr. Jontz, Mr. Crockett, Mr. Kildee, and Mr. Gordon.

H.R. 5051: Mr. Leland, Mr. Ritter, Mr. Tallon, and Mr. Torricelli.

H.R. 5068: Mr. Kildee.

H.R. 5075: Mr. Miller of Washington, Mr. Hiler, Mr. McCollum, Mr. St Germain, Mr. Ballenger, Mr. Nichols, and Mr. Penny.

H.R. 5081: Mr. Miller of Washington.

H.R. 5117: Mr. Jacobs.

H.R. 5119: Mr. Courter, Mr. Studds Mr. St Germain, Mr. Solarz, Mr. Morrison of Connecticut, and Mr. Ritter.

H.R. 5150: Mr. Eckart.

H.R. 5167: Mrs. Bentley, Mr. Dannemeyer, and Mrs. Kennelly.

H.R. 5186: Mr. Conte, Mr. Quillen, Mr. Gordon, Mr. McMillen of Maryland, Mr. Jones of North Carolina, Mr. Chappell, Mr. Hefner, Mr. Penny, Mr. Erdreich, Mr. Cooper, Mr. Alexander, Mr. Lightfoot, Mr. Tallon, Mr. Harris, Mr. Stenholm, Mr. Hawkins, Mr. Kastenmeier, Mr. Gunderson, Mr. Annunzio, Mr. Horton, Mr. Thomas of Georgia, Mr. Grandy, Mrs. Collins, Mr. Atkins, and Ms. Pelosi.

H.R. 5200: Mr. Edwards of California.

H.J. Res. 330: Mr. Boland, Mr. Borski, Mr. Lungren, Mr. Mazzoli, Mr. DioGuardi, Mr. Bryant, and Mr. Pickle.

H.J. Res. 344: Mr. Gallegly, Mr. Blaz, Mr. DeFazio, Mr. Hubbard, Mr. Lewis of Florida, Mr. Anthony, Mrs. Bentley, Ms. Kaptur, Mr. McDade, Mr. Bustamante, and Mr. Hammerschmidt.

H.J. Res. 354: Mr. Florio, Mr. Jones of North Carolina, Mr. Tauzin, Mr. Thomas A. Luken, Mr. Miller of Washington, and Mr. McDade.

H.J. Res. 390: Mr. Ballenger.

H.J. Res. 501: Mr. Nelson of Florida, Ms. Slaughter of New York, and Mr. Thomas of Georgia.

H.J. Res. 515: Mr. Emerson, Ms. Kaptur, Mr. Kasich, Mr. Young of Florida, Ms. Slaughter of New York, Mr. Brennan, Mr. Synar, Mr. Grant, Mr. Rowland of Connecticut, Mr. Walgren, Mr. Shays, Mr. Stump, Mr. Annunzio, Mr. Tauzin, Mr. Rhodes, Mr. Holloway, Mr. Udall, Mr. Harris, and Mr. Darden,

H.J. Res. 520: Mr. Coelho, Ms. Kaptur, Mr. Kasich, Mr. Erdreich, Mr. Bevill, Mr. Levine of California, Mr. Conyers, Mr. Rahall, Mr. McCloskey, Mr. Kolter, Mrs. Lloyd, Mr. Lancaster, Mrs. Patterson, Mr. Mack, Mr. Moakley, Mr. Murphy, Mr. Nielson of Utah, Mr. Ravenel, and Mr. Evans,

H.J. Res. 522: Mr. Crane, Mr. Holloway, Mr. Jenkins, Mr. Smith of Florida, Mr. Huckaby, Mr. Jontz, Mr. Lipinski, Mr. Roberts, Mr. Hochbrueckner, and Mr. Grandy.

H.J. Res. 529: Mr. Young of Florida.

H.J. Res. 540: Mr. Pickett, Mr. Richardson, Mr. Crockett, Mrs. Kennelly, Mr. Price of North Carolina, Mr. McEwen, Mr. Kildee, Mr. Nichols, Mr. Montgomery, Mr. Tauzin, Mr. Alexander, Mr. Russo, Mr. Crane, Mr. Bennett, Mr. Lehman of California, Mrs. Vucanovich, Mr. Hoyer, and Mr. Bilirakis.

H.J. Res. 543: Mr. Rahall, Mr. Chandler, Mr. Ballenger, Mr. Udall, and Mr. Bilirakis.

H.J. Res. 557: Mr. Goodling, Mr. Hefner, Mr. Bates, Mr. Tauzin, Mr. Thomas of California, Mr. Akaka, Mr. Brown of Colorado, Mr. Pickett, Mr. Stratton, Mrs. Collins, Mr. Shays, Mr. Bonior of Michigan, Mr. Gejdenson, Mr. Coelho, Mr. Bliley, Mr. Spratt, Mr. Bevill, Mr. Hastert, Mr. Thomas A. Luken, Mr. Cheney, Mr. Young of Florida, Mr. Lent, Mr. Vento, and Mr. Bunning.

H.J. Res. 564: Mr. Kemp, Mr. Volkmer, Mr. McGrath, Mr. DioGuardi, Mr. Mavroules, Mr. Ravenel, Mr. Tallon, Mr. Solarz, Mr. Moakley, Mr. Wortley, Mrs. Lloyd, Mr. Anderson, Mr. Garcia, Mr. Yates, Mr. Fuster, and Mr. Bevill.

H.J. Res. 565: Mr. Rahall, Mr. Thoms A. Luken, Mr. Tauzin, and Mrs. Kennelly.

H.J. Res. 566: Mr. Flippo, Mr. Rowland of Georgia, Mr. Slattery, Mr. Mavroules, Ms. Kaptur, Mr. Matsui, Mr. Carper, Mr. de Lugo, Mr. Lancaster, Mr. Rinaldo, Mr. Weldon, Mrs. Vucanovich, Mr. Young of Florida, and Mr. Weber.

H.J. Res. 570: Mr. Clarke, Mr. Florio, Mr. Foley, Mr. Gregg, Mr. Hammerschmidt, Mr. Lehman of California, Mr. Lott, Mr. Manton, Mr. Mrazek, Mr. Panetta, Mr. Ray, Ms. Slaughter of New York, Mr. Vento, and Mr. Yates.

H.J. Res. 574: Mr. Brown of California, Mr. DioGuardi, Mrs. Martin of Illinois, Mr. Rahall, and Mr. Chapman.

H.J. Res. 576: Mr. Baker, Mr. Boucher, Mr. Carr, Mr. Clinger, Mr. Dickinson, Mr. Fawell, Mr. Gallegly, Mr. Gallo, Mr. Garcia, Mr. Gephardt, Mr. Green, Mr. Gregg, Mr. Hammerschmidt, Mr. Hyde, Mr. Ireland, Mr. Kastenmeier, Mr. Kildee, Mr. Kleczka, Mr. Mavroules, Mr. Nichols, Mr. Russo, Mr. Savage, Mr. Skelton, Mr. Walgren, Mr. Wyden, Mr. Wylie, and Mr. Yates.

H.J. Res. 578: Mr. Young of Florida, Mr. Holloway, Mr. Chandler, and Mr. Pepper.

H.J. Res. 591: Mr. Tauke, Mr. Buechner, Mr. Hastert, Mr. Rahall, Mr. Hertel, Mr. Boucher, Mr. Dwyer of New Jersey, Mr. Rose, Mr. Oxley, Mr. Pickle, Mrs. Lloyd, Mr. Yatron, Mr. Vander Jagt, Mr. Mollohan, Mr. DeWine, Mr. Badham, Mr. Valentine, Mr. Sikorski, Mr. Ford of Tennessee, Mr. Crockett, Mr. McMillen of Maryland, Mr. Gephardt, Mr. Levine of California, and Mr. Kildee.

H.J. Res. 596: Mrs. Bentley, Mr. Stokes, Mr. Tauzin, Mr. Leland, Mr. Young of Florida, Mr. Lewis of California, Mr. Hammerschmidt, and Ms. Slaughter of New York.

H.J. Res. 597: Mr. Espy and Mr. Torres.

H.J. Res. 598: Mr. Darden, Mrs. Boxer, Mr. Volkmer, Mr. Chappell, Mr. Bates, and Mr. Bevill.

H.J. Res. 599: Mr. Bates, Mr. Chandler, Mr. Moorhead, Ms. Pelosi, Mr. Roe, Ms. Slaughter of New York, Mr. Conte, Mrs. Boxer, Mr. Kolter, and Mrs. Collins.

H.J. Res. 603: Mr. Boulter, Mr. Gordon, Mr. Donnelly, Mr. Lancaster, Mr. Yatron, Mrs. Boxer, Mr. Dingell, Mr. Vento, and Mr. Frenzel.

H.J. Res. 611: Mr. Horton, Mr. Hunter, Mr. Emerson, Mr. Campbell, Mrs. Johnson of Connecticut, and Mrs. Bentley.

H.J. Res. 613: Mr. Lehman of Florida, Mr. Bartlett, Mr. Kildee, and Mr. Hammerschmidt.

H.J. Res. 615: Mr. Mack, Mr. Harris, Mr. Shaw, Mr. Bevill, Mr. Hoyer, Mr. Lagomarsino, Mr. Atkins, Mr. Hughes, Mr. Horton, Mr. Fazio, and Mr. Upton.

H.J. Res. 616: Mr. Tauzin, Mr. Stark, Mr. Fauntroy, Mr. Kanjorski, Mr. Davis of Illinois, Mr. Waxman, Mr. Hawkins, Mr. Udall, Mr. Stokes, Mr. Holloway, Mr. Rahall, Mr. Vento, Mr. Frost, and Mr. Miller of Washington.

H.J. Res. 622: Mr. Shumway, Mr. Bates, Mrs. Boxer, Ms. Pelosi, Mr. Anderson, Mr. Lantos, Mr. Vento, Mr. Matsui, Mr. Roe, Mr. Lagomarsino, Mr. Thomas of California, Mr. Stark, and Mr. Badham.

H.J. Res. 623: Mr. Blaz, Mr. Tallon, Mr. Martin of New York, Mr. Dicks, Mr. Fawell, Mr. Hansen, Mr. Wolf, Mr. Burton of Indiana, Mr. Horton, Mr. Perkins, Mr. Bilbray, Mr. Smith of Florida, Mr. McDade, Mr. Hayes of Louisiana, Mr. DeFazio, Mr. Fauntroy, Mr. Pepper, Mr. Espy, Mr. Quillen, Mr. Vento, Mr. Barnard, Mr. Mazzoli, Mr. Inhofe, Mr. Rahall, Mr. de Lugo, Mr. de la Garza, Mr. Moorhead, Mr. Saxton, Mr. Lagomarsino, Mr. Bryant, Mr. Hammerschmidt, Mr. Owens of New York, Mr. Fazio, Mr. Roe, Mr. Chappell, Mr. Neal, Mr. Clement, Mr. Hastert, Mrs. Lloyd, Mr. Thomas A. Luken, Mr. Bustamante, Mrs. Boxer, Mr. McEwen, Mr. Mack, Mr. Bonior of Michigan, and Mr. Lancaster.

H.J. Res. 625: Mr. Gallegly, Mr. Ireland, Mr. Porter, Mr. Oxley, Mr. Clinger, Mr. Stratton, Mr. Konnyu, and Mr. Chappell.

H.J. Res. 626: Mr. DioGuardi, Mr. Flake, Mr. Garcia, Mr. Gilman, Mr. Green, Mr. Horton, Mr. Houghton, Mr. Lent, Mr. Manton, Mr. Martin of New York, Mr. Rangel, Mr. Scheuer, Mr. Schumer, Mr. Solomon, Mr. Weiss, Mr. Boehlert, Mr. McGrath, Mr. McHugh, Mr. Molinari, Mr. Owens of New York, Ms. Slaughter of New York, Mr. Nowak, Mr. Ackerman, Mr. Kemp, Mr. Hochbrueckner, Mr. Solarz, Mr. Towns, and Mr. Wortley.

H.J. Res. 627: Mr. Montgomery, Mr. Harris, Mr. Ridge, Mr. Stump, Mr. Donald E. Lukens, Mr. Ballenger, Mr. Davis of Illinois, Mr. Robert F. Smith, Mr. Hefner, Mr. Coble, Mr. McEwen, and Mr. Murtha.

H.J. Res. 629: Mr. Miller of Washington, Mr. Towns, Mr. Ackerman, Mr. Quillen, Mrs. Patterson, Mr. Roberts, Mr. Anderson, Mr. Weiss, Mr. Schumer, Mr. Jontz, Mr. Sawyer, Mr. Darden, Mr. Gallo, Mr. Grant, Mr. Porter, Mr. Hochbrueckner, Mr. Bilbray, Mr. Brennan, Mr. Campbell, Mr. Cardin, Mr. Chapman, Mr. Espy, Mr. Flake, Mr. Harris, Mr. Johnson of South Dakota, Mr. Kennedy, Mr. Lewis of Georgia, Mr. Mfume, Mr. Owens of Utah, Ms. Pelosi, Mr. Pickett, Mr. Skaggs, Mr. Price of North Carolina, Mr. Owens of New York, Mr. Roe, Mr. Boehlert, Mr. Houghton, Mr. Lancaster, Mr. Sikorski, Mr. Fauntroy, Mr. Conte, and Mr. Clarke.

H. Con. Res. 258: Ms. Slaughter of New York, Mr. Hammerschmidt, Mr. Levine of California, Mr. Darden, Mr. Boucher, and Mr. Florio.

H. Con. Res. 277: Mr. Oberstar, Mr. St Germain, and Mr. Jontz.

H. Con. Res. 284: Mr. Solomon and Mr. Porter.

H. Con. Res. 302: Mr. Chandler.

H. Con. Res. 330: Mr. Kleczka.

H. Con. Res. 339: Mr. Lewis of California, Mrs. Martin of Illinois, Mr. Kleczka, Mr. Erdreich, Mr. Kyl, Mr. Mollohan, Mr. Hayes of Louisiana, Mr. McCollum, Mr. Dickinson, Mr. Rhodes, Mrs. Patterson, Mr. Lewis of Florida, Mr. Ray, Mr. Rogers, Mr. Grant, Mr. Lowry of Washington, Mr. Dicks, Mr. Lewis of Georgia, Mr. Nelson of Florida, Mrs. Boggs, Mr. Smith of Texas, Mr. Barton of Texas, Mr. Latta, Mr. Burton of Indiana, Mr. Konnyu, Mr. Hastert, Mr. Bosco, Mr. Ireland, Mr. Hefner, Mr. Fascell, Mr. Hunter, Mr. Nichols, Mr. Bennett, Mr. Hubbard, Mr. Jones of North Carolina, Mr. Chappell, Mr. Morrison of Washington, Mr. Sisisky, Mr. Hutto, Mr. Jenkins, Mr. Bilirakis, Mr. Hiler, Mr. Livingston, Mr. Dymally, Mr. MacKay, Mr. Gibbons, Mr. Mack, Mr. Lehman of Florida, Mr. Ackerman, Mr. Derrick, Mr. Coelho, Mr. Badham, Mr. Dannemeyer, Mr. Dornan of California, Mr. Herger, Mr. Lagomarsino, and Mr. Richardson.

H. Con. Res. 342: Mr. Ritter, Mr. Miller of Ohio, Mr. Swindall, Mr. Huckaby, Mr. Rowland of Connecticut, Mrs. Boxer, Mr. Solomon, Mr. Daub, Mr. Lagomarsino, Mr. Donald E. Lukens, Mr. Konnyu, Mr. Whittaker, Mr. Goodling, Mr. Shays, and Mr. Boulter.

H. Con. Res. 348: Ms. Slaughter of New York, Mr. Archer, Mr. Watkins, Mr. Conyers, Mr. Blaz, Mr. Badham, Mr. Dyson, Mr. Wortley.

H. Con. Res. 349: Mr. Ackerman, Mr. Skeen, and Mr. Atkins.

H. Res. 439: Mr. Lott.

H. Res. 445: Mr. Bates, Mr. Mazzoli, Mr. Sikorski, Mr. DeFazio, Mr. Garcia, Mrs. Martin of Illinois, Mr. McHugh, Mr. Campbell, and Mr. Wolpe.

H. Res. 471: Mr. Chandler, Mr. McCloskey, Mr. Foglietta, Mr. Morrison of Connecticut, Mrs. Roukema, Mr. Wyden, Mr. Moody, Mr. Konnyu, Mr. Durbin, Mr. Beilenson, Mr. Frank, Mr. Dellums, Mr. Miller of Washington, Mr. Sikorski, Mr. Kastenmeier, Mr. Fauntroy, Mr. Jontz, Mr. Bates, and Mr. Gray of Pennsylvania.

H. Res. 472: Mr. Foglietta, Mr. Owens of New York, Mrs. Collins, Mr. Smith of Florida, and Mr. Vento.

H. Res. 487: Mr. Hutto, Mr. Lagomarsino, Mr. Packard, Mrs. Vucanovich, Miss Schneider, and Mr. Wortley.

H. Res. 516: Mr. Solomon, Mr. Miller of Washington, Mr. Sundquist, Mr. Frenzel, Mr. Wortley, and Mr. Fawell.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4598: Mr. Dyson.

H.J. Res. 360: Mr. Barton of Texas.

H.J. Res. 543: Mr. Barton of Texas.

H.J. Res. 564: Mr. Barton of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5210

By Mr. ANDERSON:

—Page 274, after line 14, insert the following new section:

SEC. 8014. DRUG ENFORCEMENT PROGRAMS.

(a) General Authority.—Subject to the provisions of this section, the Secretary of Transportation shall make grants to those States which adopt and implement drug enforcement programs which include measures described in this section to improve the effectiveness of drug enforcement laws. Such grants may only be used by recipient States to implement such programs.

(b) Maintenance of Effort.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for drug enforcement programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this Act.

(c) Federal Share.—No State may receive grants under this section in more than 3 fiscal years. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year a State received a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the drug enforcement program adopted by the State pursuant to subsection (a) of this section;

(2) in the second fiscal year the State received a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third fiscal year the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

(d) Maximum Amount of Grants.—Subject to subsection (c) of this section, the amount of a grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) of this section shall not exceed 50 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of title 23, United States Code.

(e) Eligibility for Grants.—A State is eligible for a grant under this section if such State—

(1) provides for suspension or revocation for a period of not less than 6 months of the driver's license of a person who—

(A) is convicted after the date of the enactment of this Act of a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), or

(B) is convicted after such date of enactment for any drug or narcotic offense chargeable under the law of such State or any other State;

(2) provides for suspension or revocation for a period of not less than 1 year of the driver's license of a person who, in a 5-year period, is convicted of more than one of the offenses described in paragraph (1); and

(3) establishes and implements a program which permits the issuance, under such terms and conditions (including drug rehabilitation) as such State establishes, of a restrictive driver's license to a person whose driver's license has been suspended or revoked as a result of a conviction described in paragraph (1).

(f) Authorizations of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1989 and $50,000,000 per fiscal year for each of fiscal years 1990 and 1991. Such sums shall remain available until expended.

(g) Definitions.—As used in this section—

(1) Driver's license.—The term "driver's license" means a license issued by a State to any individual which authorizes the individual to operate a motor vehicle on highways.

(2) DRUG.—The term "drug" means any substance the possession of which is prohibited under the Controlled Substance Act.

(3) DRUG OF NARCOTICS OFFENSE.—The term "drug or narcotic offense" means any offense which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any drug.

(4) STATE.—The term "State" has the meaning such term has when it is used in section 402 of title 23, United States Code.

By Mr. HUGHES:

—On page 195, insert the following after line 4:

Subtitle G—Drug Enforcement Director

SECTION 1. This subtitle may be cited as the "Drug Enforcement Policy Act of 1988".

NATIONAL POLICY

SEC. 2. The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal government and bring them to bear against all aspects of illicit drug production and trafficking and to develop and assure the implementation of a comprehensive, coordinated, long-term Federal strategy to combat all aspects of such drug production and trafficking. To reach these goals, the Congress further declares that it is the policy of the United States and the purpose of this Act to meet the problems of illicit drug production and trafficking through—

(1) coordination of drug enforcement efforts of all Federal law enforcement agencies and agencies with resources, capabilities, and responsibilities that can complement or assist law enforcement agencies;

(2) cooperation with and sharing of drug enforcement intelligence with State and local law enforcement agencies;

(3) coordination of all international, multinational, and bilateral efforts to suppress drug trafficking, to control cultivation of crops that are, or are the raw materials for, controlled substances, and to control precursor chemical and other chemicals essential for the manufacture and processing of controlled substances.

(4) increased cooperation among nations in carrying out international efforts to control the trafficking and abuse of controlled substances.

DEFINITIONS

SEC. 3. For the purposes of this Act:

(1) The term "drug enforcement" means—

(A) any of the following law enforcement activities:

(i) the investigation and prosecution of drug offenses and other investigations and prosecutions of individuals involved in drug offenses,

(ii) programs or activities involving international narcotics control,

(iii) the detection and suppression of illicit drug production and trafficking;

(B) the interdiction of the illicit commerce in controlled substances wherever it may occur;

(C) the suppression and eradication of the cultivation of crops that are, or are the raw materials for, controlled substances;

(D) any activity or program by any Federal agency which can complement or assist any of the law enforcement activities described in subparagraphs (A), (B), and (C).

(2) The term "drug" means a controlled substance as that term is defined by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

OFFICE OF DRUG ENFORCEMENT POLICY

SEC. 4. (a)(1) There is established in the Executive Office of the President the Office of Drug Enforcement Coordination which shall be headed by a Director appointed by the President with the advice and consent of the Senate.

(2) The Director shall be compensated at the rate of pay in effect for level I of the Executive Schedule.

(3) The Director shall serve at the pleasure of the President. No person may serve as Director for a period of more than 4 years, unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person shall serve as Director while serving in any other position in the Federal Government.

(b) In carrying out Section 5 the Director may:

(1) employ and prescribe the functions of such officers and employees as are necessary to perform the functions vested in him by such section;

(2) following consultation with the Secretary of a department or head of an agency employing such personnel, direct the temporary reassignment of personnel with the Federal Government on a reimbursable basis;

(3) monitor policy implementation, including—

(i) conducting program and performance audits and evaluations; and

(ii) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations.

(c) The location of the Office in the Executive Office of the President shall not be construed to limit in any manner access by the Congress or committees of either House (1) to information, documents, and studies in the possession of, or conducted by or at the direction of the Director, or (2) to Office personnel.

DUTIES OF THE DIRECTOR

SEC. 5. (a) The Director shall—

(1) establish policies, objectives, and priorities for Federal drug enforcement;

(2) annually promulgate a strategy, in accordance with section 6, for coordinated Federal drug enforcement;

(3) coordinate and oversee the performance of drug enforcement functions by Federal departments and agencies to insure the implementation of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of their responsibilities under the strategy promulated under paragraph (2):

(4) make such recommendations to the President respecting—

(A) changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement, and

(B) the allocation of personnel to and within such departments and agencies.

as the Director determines are appropriate to implement the policies, priorities, and objectives established under paragraph (1) and the strategy promulgated under paragraph (2);

(5) consult with and assist State and local governments respecting their relations with Federal departments and agencies in the performance of drug enforcement, including the review of State and local drug control strategies;

(6) submit to Congress a report, no later than 180 days after the first Director is confirmed by the Senate, and in each fiscal year thereafter, which shall specify the objectives, nature, and results of the drug enforcement activities undertaken by the Director in the preceding fiscal year, include the current strategy required under Section (5)(a)(2), and account for the funds expended under this Act.

(b) To carry out subsection (a), the Director shall—

(1) review the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of drug enforcement;

(2) conduct, or provide for, evaluations of (A) the performance of drug enforcement by Federal departments and agencies, and (B) the results achieved by such departments and agencies in the performance of such enforcement;

(3) review the annual budgets submitted to the Office of Management and Budget for the Federal departments and agencies engaged in drug enforcement and make recommendations to the President respecting such budgets before they are submitted to the Congress; and

(4) review the allocation of personnel to and by such departments and agencies.

(c) Federal departments and agencies engaged in drug enforcement shall submit to the Director such information and reports as may be required to carry out this section.

STRATEGY

SEC. 6. (a) The strategy promulgated under section (5)(a)(2) shall—

(1) be a comprehensive, long-range plan for the Nation to follow in reducing drug abuse in the United States;

(2) include a complete list of goals, policies, programs, and objectives in:

(i) drug investigations;

(ii) drug prosecutions and incarceration;

(ii) drug interdiction;

(iv) international drug enforcement efforts;

(v) drug law enforcement intelligence; and,

(vi) any other drug law enforcement efforts deemed necessary by the Director;

(3) include a complete list of resources required to implement the strategy for each category of drug law enforcement efforts included in (6)(a)(2), for the following 5 fiscal years;

(4) include a complete list of milestones and target dates for each cateogry of drug law enforcement efforts included in (6)(a)(2) to assess the progress of the strategy;

(5) include recommendations of any legislative or regulatory changes which may be needed to implement the strategy; and

(6) include an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug enforcement functions.

(b) To facilitate the preparation of the strategy under Section (5)(a)(2), the Director shall—

(1) engage in the planning necessary to develop the objectives for a comprehensive, coordinated long-term strategy, including examination of the overall Federal investment to combat illicit drug production and trafficking;

(2) require departments and agencies engaged in Federal drug enforcement to submit such information and reports and to conduct such studies, audits, and surveys as are necessary to carry out the purposes of this Act, and the departments and agencies shall submit to the Director the informa-

tion, reports, studies, and surveys so required; and

(3) evaluate the performance and results achieved by Federal drug enforcement and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered.

TERMINATION OF THE NATIONAL DRUG ENFORCEMENT POLICY BOARD AND THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM

SEC. 7. (a)(1) The National Drug Enforcement Policy Board is terminated 90 days after the date on which the first Director appointed under this Act is confirmed by the Senate. Upon such termination, all records and property of the National Drug Enforcement Policy Board shall be transferred to the Director.

(2) No later than 30 days after the first Director appointed under this Act is confirmed by the Senate, the Director shall determine which audits, studies, reviews, or other efforts in progress on behalf of the National Drug Enforcement Policy Board shall be continued and completed for the use of the Director. Any National Drug Enforcement Policy Board staff personnel required to complete those efforts may be retained for that purpose by the Director on a reimbursable basis.

(3) The National Narcotics Act of 1984 (21 U.S.C. 1201 et seq.) is repealed effective 90 days after the date on which the first Director appointed under this Act is confirmed by the Senate.

(b) Within 90 days after the date on which the first Director is confirmed by the Senate, the Director shall submit to Congress a recommendation on whether to terminate the National Narcotics Border Interdiction System.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. For the purposes of carrying out this Act, there are authorized to be appropriated $2,500,000 for fiscal year 1989 and such sums as may be necessary for each fiscal year thereafter.

EFFECTIVE DATE

SEC. 9. This Act shall be effective on January 21, 1989.

By Mr. RANGEL:

—At the appropriate place in the bill, insert the following:

"SEC. INELIGIBILITY FOR FEDERAL BENEFITS.

"(a) IN GENERAL.—Any individual, other than a person who has not attained the age of 18 years—

"(1) who is—

"(A) convicted of a drug or narcotics offense that consists of the distribution of a controlled substance; and

"(B) sentenced to a term of imprisonment that is not suspended or made probationary and exceeds 1 year; or

"(2) who is convicted of 2 or more drug or narcotic offenses within a 10-year period;

shall be ineligible for any Federal benefit during the period described in subsection (b).

(b) PERIOD OF INELIGIBILITY.—The period of ineligibility referred to in subsection (a) begins on the date of the conviction creating the ineligibility and ends—

(1) 10 years thereafter if the ineligibility is under subsection (a)(1);

"(2) 5 years thereafter if the ineligibility is under subsection (a)(2); or

"(3) the date (not later than the date otherwise provided in paragraph (1) or (2)) when the individual completes a drug treatment program or has otherwise been rehabilitated.

"(c) SUSPENSION OF PERIOD OF INELIGIBILITY.—The period of ineligibility referred to in subsection (a) shall be suspended during any period in which the individual is participating in a drug treatment program or seeking admission to a drug treatment program the completion of which would qualify such individual for termination of ineligibility under subsection (b).

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'Federal benefit'—

"(A) means any grant, contract, loan, or license provided by an agency of the United States; but

"(B) does not include any retirement, welfare, social security, health, disability, veterans, housing, education or training, or other similar benefit;

"(2) the term 'drug treatment program' means any drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, local or tribal health, law enforcement, or other appropriate agency; and

"(3) the term 'drug or narcotic offense' means an offense defined as a drug or narcotic offense in section 404(c) of the Controlled Substances Act committed after this section takes effect.

"(e) PROTECTION OF DEPENDENTS.—The denial of a Federal benefit to an individual under this section shall not, because of the relationship of an individual made ineligible by subsection (a) to any other individual, have the effect of denying such benefit to such other individual.

"(f) RULES.—The Secretary of Health and Human Services shall make rules to carry out this section.

(g) NOTICE.—The Secretary of Health and Human Services and the Attorney General shall take steps to assure that the provisions of this section are disseminated to the public, to courts, prosecutors, and the criminal defense bar.

"(h) DELAYED EFFECTIVE DATE FOR SUBSECTION (a).—Subsection (a) shall take effect on the same date as the rules of the Secretary of Health and Human Services implementing this section take effect.".

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Aug. 11, 1988, the following report was filed on Aug. 12, 1988]

Mr. ROYBAL: Committee of Conference. Conference Report on H.R. 4775 (Rept. 100-881). Ordered to be printed.

EXTENSIONS OF REMARKS

OFFICIALS ASSERT UNITED STATES IS TRYING TO WEAKEN COSTA RICA CHIEF

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. LOWRY of Washington. Mr. Speaker, last October 20, our colleague from Florida, Mr. FASCELL, the chairman of the Foreign Affairs Committee, brought before us a resolution congratulating President Oscar Arias on his receipt of the Nobel Peace Prize. In the House, there were only 18 votes in opposition to the resolution. Apparently, there were more votes against it downtown.

Stephen Kinzer's article in Sunday's New York Times, August 7, 1988, gives disturbing evidence of the extent to which some U.S. officials have worked to undermine President Arias. The complete text of Mr. Kinzer's article follows:

OFFICIALS ASSERT UNITED STATES IS TRYING TO WEAKEN COSTA RICA CHIEF

(By Stephen Kinzer with Robert Pear)

SAN JOSE, COSTA RICA, August 4.—Publicly, the United States has praised President Oscar Arias Sanchez of Costa Rica for leading the quest for peace in Central America. But privately, Reagan Administration officials have taken steps to embarrass and undermine him, and have derisively referred to him as "the laureate," according to political leaders here and in Washington.

Reagan Administration officials say the Costa Rican President has been naive in his assessment of the Sandinista Government of Nicaragua and has formed a working alliance with Democrats in Congress to halt shipments of weapons to the Nicaraguan rebels.

A PRIZE FOR DEFIANCE?

Mr. Arias won the Nobel Peace Prize last October for his efforts to end the fighting in Central America. A top State Department official said this week: "He won the prize for de-funding the contras and taking an anti-American stance. It was largely a prize for defying the United States."

Officials in Washington and San José said friction between the two countries had shown itself in several ways:

The Costa Rican Ambassador to the United States, Guido Fernández, was replaced after Administration officials and Republican members of Congress complained that he had lobbied against President Reagan's proposals to send weapons to the contras. Mr. Arias asked Congress to halt such assistance and "give peace a chance" when he visited Washington last September.

Mr. Arias has ordered his border guards and police officers to arrest contras operating from Costa Rican territory. In 1986, he ordered the closure of an airstrip built secretly in Costa Rica by associates of Oliver L. North, who was then on the staff of the National Security Council. The airstrip was to have become part of the United States' clandestine network for supplying the contras. Mr. Arias also upset American officials this year when he ordered senior contra leaders living in Costa Rica to leave the country or drop out of the contra leadership.

The United States successfully demanded that Mr. Arias's closest confidant, John Biehl, be dismissed from his position with the United Nations Development Program. American officials say he violated the rules for international civil servants by lobbying in Washington against aid to the contras.

American officials provided information that led to the arrest of one of Mr. Arias's campaign supporters on charges of laundering drug money. And American officials helped publicize an audit charging that millions of dollars of American aid had been mismanaged in Costa Rica.

Jose S. Sorzano, who worked on the staff of the National Security Council until June of this year, described the view of many White House officials. "Publicly, the Reagan Administration refers to Arias in a cordial, friendly fashion," he said. "but actually, privately, they have a low opinion of him that borders on despising him. And Arias reciprocates. He has a low opinion of the Reagan Administration."

The tension between the two countries dramatizes the Reagan Administraion's difficulty in winning support for its policies in Central America. Costa Rica, the region's oldest, most stable democracy, and Guatemala rebuffed the United States this week when Secretary of State George P. Shultz asked them to join in a strong denunciation of Nicaragua.

When Mr. Shultz visited Costa Rica on July 1, he praised Mr. Arias as a man "admired throughout the world for his noble efforts on behalf of peace."

But Robert W. Kagan, a former aide to Elliott Abrams, the Assistant Secretary of State for Inter-American Affairs, said, "Arias, more than any other Latin leader, single-handedly undid U.S. policy in Nicaragua."

Mr. Kagan said that when Mr. Arias won the Nobel Prize, "all of us who thought it was important to get aid for the contras reacted with disgust, unbridled disgust."

Though Mr. Arias has enemies in Washington, he also has important friends and admirers, including Jim Wright, the Speaker of the House, and Senator Christopher J. Dodd, Democrat of Connecticut and chairman of the Foreign Relations subcommittee on the Western Hemisphere.

AN ANTI-ARIAS DRIVE: PERCEPTION OR REALITY?

Mr. Arias is extremely circumspect when publicly discussing his relations with the United States. But friends and associates of the Costa Rican President say he believes the United States is waging a campaign against him.

"I don't think there is a real conspiracy against Oscar by the top Reagan Administration people," said Daniel Oduber, who was President of Costa Rica from 1974 to 1978. "But some lower-ranking American officials, both in Washington and in Central America, are making his life difficult. They want to impose their will on him. They want him to act in support of their strategic goals in Central America, rather than in the best interests of Costa Rica."

Fernando Zumbado, Costa Rica's Minister of Housing, said: "It's obvious that there are people, Americans as well as Costa Ricans, who have set out to weaken Oscar. I have the very strong feeling that efforts are being made to undermine him."

American officials said the United States Government had no plans to provide money to opponents of Mr. Arias, and the American Ambassador to Costa Rica, Deane R. Hinton, said he was "horrified" by disclosure of a United States Government audit showing Costa Rican mismanagement of American aid because it was "filled with inaccuracies." He denied that the United States had been working to weaken Mr. Arias.

"We don't agree with everything he does by a long shot," Mr. Hinton said in an interview. "I encourage him to do or not to do things. That's my job. But a systematic campaign? Certainly not."

"QUARRELS WITH BROTHERS TEND TO BE MORE BITTER"

"Costa Rica and the United States are both genuine and successful democracies, but their leaders don't see eye to eye," said a European ambassador in San José. "We're seeing that quarrels with brothers tend to be more bitter than those with distant relations."

Mr. Arias was elected in February 1986 and had his first conflict with Washington even before he was inaugurated. He turned down a State Department request that he grant asylum to Ferdinand E. Marcos, the President of the Philippines, who was later granted asylum in Hawaii.

Soon after taking office in May 1986, Mr. Arias began working on a regional peace plan designed to end armed conflicts and encourage democracy in Central America. On Aug. 7, 1987, a version of the plan was signed by Mr. Arias and the Presidents of Nicaragua, Honduras, El Salvador and Guatemala.

One of the most important provisions was a ban on the use of territory in Central America by "irregular forces" seeking to overthrow other regimes in the area. If observed, this provision would have crippled President Reagan's policy toward Nicaragua by ending the use of Honduran and Salvadoran bases to aid the contras. Neither Honduras nor El Salvador actually stopped aiding the guerrillas, but after the Arias plan was signed, they came under more criticism for doing so.

The Arias plan also provided an argument for members of Congress opposed to the contras. Many said they were voting against contra aid bills backed by the Administration because such aid would subvert the plan.

"The Arias plan," Mr. Sorzano said, "gave liberal Democrats in the House an opportunity to kill the Reagan program by chanting, 'Give peace a chance.'"

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE BIEHL CASE: VICTIM OR MEDDLER?

Those who support Mr. Reagan's position on aid to the contras were infuriated when they heard that Mr. Biehl, one of Mr. Arias's top advisers, was lobbying against it.

Mr. Biehl wrote many of Mr. Arias's speeches and helped formulate many of his policies, including the regional peace plan. He also directed the quiet campaign that helped Mr. Arias win the Nobel Prize.

In June 1987, Senator Robert W. Kasten, Jr. of Wisconsin, the ranking Republican on the foreign operations panel of the Appropriations Committee, wrote a letter to the United Nations Development Program complaining about Mr. Biehl's activities and suggesting that his continued employment might endanger United States contributions to the program.

Mr. Kasten's letter was published in La Nación, the leading Costa Rican newspaper, and Mr. Biehl was forced to quit the program. Costa Rican officials assert that the letter was made available by the State Department to embarrass Mr. Arias. State Department officials neither confirm nor deny the suggestion.

After leaving his United Nations post, Mr. Biehl continued to advise Mr. Arias and remained critical of the contras and the Reagan Administration. American officials pressed Mr. Arias to dismiss him, and in June, Mr. Biehl announced that he was leaving Costa Rica to return to his native Chile.

"President Arias has had the courage, or perhaps the arrogance, to confront Reagan, to tell him, 'I know Central America better than you and your advisers,'" Mr. Biehl said.

Aides to Mr. Arias said he was distressed to lose the man widely viewed as his alter ego.

Mr. Biehl is not the only member of the Arias inner circle to have come under attack from Washington. Ambassador Fernández was recalled to Costa Rica in March after Mr. Abrams and other Administration officials said he had been lobbying against aid to the contras.

Mr. Fernández, now Costa Rica's Minister of Information, denied the assertions. He said he had visited Capitol Hill only at the request of members of Congress to transmit Mr. Arias's views regarding Central America.

ARIAS'S GOAL: "FRIENDSHIP, NOT SLAVERY"

Several leaders of the National Liberation Party, to which Mr. Arias belongs, suggested in interviews that the United States was waging a campaign against him.

"The political reality is that Oscar Arias believes the United States is after him," said a former Cabinet minister. "In the party, the belief exists that there is a strong United States effort directed against Arias."

Although Mr. Arias would make no direct comment, friends said a newspaper column be published July 4 was intended as a message to the United States.

"My opposition to Washington's policy has surprised some people," he wrote. "I propose to show the entire world that a well-founded friendship between two brother peoples allows us to agree at times but also to differ; that when the small one always does what the big one wants, that is not friendship, but slavery.

"I propose to show the world that, small and poor as my Costa Rica may be, we can have our own ideas, independent judgment, autonomy and dignity."

BALLISTIC MISSILE PROLIFERATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. MARKEY. Mr. Speaker, in recent months there has been increasing recognition of the threat posed to global security by ballistic missile proliferation.

While this threat alone is great, we must recognize that it is linked to a larger problem—the quest by many Third World nations for nuclear weapons. The stakes are higher than ever before, and nowhere is the risk of future disaster greater than in South Asia.

Both Pakistan and India have ballistic missile development programs. In late April, it was reported that Pakistan test-fired a short-range missile capable of carrying nuclear weapons. India is far ahead of Pakistan in its ballistic missile program, possessing missiles with ranges which cover the whole of Pakistan.

There has been far too little attention paid to the consequences of these dangerous trends. The introduction into South Asia of nuclear-capable ballistic missiles by two rival nations which have fought three wars in the last 41 years and continue to have tense relations would be disastrous. Ballistic nuclear missiles in either country would allow virtually no warning time of an attack, creating enormous pressures for a preemptive strike during a crisis. And yet this scenario could become reality in the not-so-distant future.

Our half-hearted efforts have failed to stop Pakistan from obtaining the technology and the materials to make a nuclear bomb. That has had a predictable effect on previously quiescent nuclear weapons-related aspects of India's nuclear program. The issue now arises as to whether we will work to contain this next phase of nuclear armament by nations like Pakistan and India.

The Missile Technology Control Regime established last year by the United States, Canada, France, England, Italy, West Germany, and Japan was a good first step; but it falls far short of providing a solution to the problem. We must expand our efforts to control ballistic missile proliferation.

First, we must address the fact that the regime has been undermined by the continued unrestricted sale of ballistic missiles by the Soviet Union and China. China's actions have been particularly troublesome. Many of us argued in 1985 against the United States-China Agreement for Nuclear Cooperation because of China's history of irresponsible nuclear material and nuclear technology exports. Now the problem has entered a new dimension as Chinese ballistic missile exports have increased in many regions of the world. China's reported assistance to Pakistan's nuclear program has apparently carried over to Pakistan's missile program. We must convince the Chinese and the Soviets to comply with and join the ballistic missile control regime.

Second, we have to practice what we preach. We must adhere strictly to ballistic technology controls and not place short-term policy concerns above our long-term interests. For example, pursuing closer ties with India through expanded technology agreements is a good policy, but we must be careful not to indirectly help any ballistic missile development efforts in the process.

Third, there needs to be greater emphasis on the link between the nuclear nonproliferation regime and the ballistic missile proliferation regime. We must recognize that the pursuit of the capability to produce nuclear bombs will be complemented by the desire for ballistic missiles to deliver those bombs. Given this, our policies must be comprehensive if they are to be effective.

Fourth, and most important, we must have a renewed commitment to halting the spread of nuclear weapons and addressing the damage already done. Over the past 8 years, an issue which should have been at the top of our foreign policy agenda has been pushed aside in the pursuit of narrow, short-term objectives.

But this problem won't go away. If we ignore the ballistic missile dimension of nuclear proliferation as we have ignored the spread of nuclear bomb technology, we risk seeing the advent of first-strike nuclear weapons in already tense areas of the Third World.

Our objective should be to foster an end to the development of nuclear weapons and delivery vehicles, to reduce existing stockpiles of ballistic missiles in the Third World, and to gain worldwide adherence to full-scope safeguards on all nuclear facilities. This objective should be clearly stated and energetically pursued; other, shorter term objectives should be weighed with an eye to how they affect this overriding priority, and not vice versa.

It would be a tragic irony if, at the same time that the United States and the Soviet Union inaugurate a regime eliminating intermediate-range nuclear missiles in Europe, a nuclear arms race involving similar weapons in the Third World is begun due to our own inaction.

DETROIT CITY COUNCIL PRESIDENT HENDERSON ON DRUGS IN DETROIT

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. CROCKETT. Mr. Speaker, yesterday Detroit City Council President Erma Henderson testified at a Subcommittee on Criminal Justice field hearing on drug abuse.

I would like to commend Ms. Henderson's testimony to my colleagues' attention. While Detroit has a very severe drug problem, it is no more severe than the problems in many large cities of this Nation. The violence, crime, and social upheavals caused by drug abuse is tearing apart the fabric of our urban lives. The city of Detroit is addressing the problem the best that it can, but, as Ms. Henderson testifies, it cannot solve it alone. Our cities need strong Federal assistance. We in Congress can provide this assistance, if we can gain the cooperation of the executive branch. Tomorrow when we vote on the Omnibus Drug Initiative Act, we will have the opportunity to provide this much-needed leadership. It is my sincere hope that we will have the courage to rise to the challenge.

The statement follows:

TESTIMONY OF DETROIT CITY COUNCIL PRESIDENT ERMA HENDERSON

As we all know, the rise in the abuse of cocaine, its derivative known as crack, heroin, and prescription drugs is rampant in the City of Detroit and the nation as a whole, with cocaine continuing to be the number one illegal drug of abuse in both the Detroit metropolitan area and statewide.

As stated by Congressman James H. Scheuer, N.Y., during the hearings of the House Select Committee on Narcotics Abuse and Control, "The current administration has not shown the leadership needed to combat the Nation's drug abuse problem." To "Just Say No" is not good enough! It has been documented time and time again through testimony that the same drugs that are killing and incapacitating our citizenry are being, effortlessly, brought into this country by the administration in order to accomodate international schemes and bartering. In conjunction, the amounts of money cut from the federal budget that could have been used to fight this so called "war on drugs"; can lead one to believe that there is an overt conspiracy to foster the incapacitation of our American citizenry. These events, whether real or imagined, have wrecked havoc upon the City of Detroit and other urban areas.

The costs of directly countering this epidemic through treatment, education, and law enforcement, is staggering; as are the related costs, involving the violent deaths, robberies, burglaries, youth shooting, muggings, shoplifting, car thefts, and rising insurance rates; to name a few.

Recent reported estimates from the Detroit Police Department indicate that 50,000 people from Detroit and the adjacent suburbs are hooked on crack cocaine alone. Because the drug is cheap it has become an entrepreneurial drug, with hundreds of small time dealers getting into the business. It has been stated that a pre-teen through high school age dropout can earn $200-$400 a day in profits from sales, where a high school student working full-time at a fast food operation won't take home that much in a week. These numbers alone place Detroit's illegal drug business at close to $1,000,000,000 (one billion) a year in sales, ahead of the majority of retail sales outlets in the area.

In contrast, the City of Detriot spend only $12.6 million (FY 87-88) in the areas of treatment and prevention, with approximately $8.8 million of that figure coming from Federal coffers through the State of Michigan grant processes. It is estimated that there are more than 1000 "crack houses" within the City of Detroit. The City of Detroit does not have the additional revenues needed to combat the growing increase of these operations. I will not begin to elaborate on the increased revenues needed for the jail space that this epidemic has generated, but as we know, it costs more to incarcerate than to treat and educate!

Death, jail or recovery are the only options for drug addicts; the latter is the least likely. Recovery from drug addiction requires professional treatment. For individuals fortunate enough to have the benefit of private medical insurance, treatment is available. An indigent seeking treatment in our city is in trouble. Access to the appropriate treatment is pitifully restricted due to the lack of revenues and appropriate facilities. And as you well know, the trickle down theory has not worked very well in Detroit.

A 1986 study conducted by Wayne State University's Addiction Research Institute estimated total 1985 expenditures for the treatment of substance abuse-related disorders among Detroit residents at a minimum value of $144 million. Of that total, approximately $14 million was State funded.

Concurrently, emergency room admissions and deaths attributed to cocaine, its derivatives, and other narcotics have increased. The Detroit Health Department's Central Diagnostic and Referral Service Unit reported that in the October-December 1986 quarter, substance abuse treatment programs handled 786 patients, with cocaine the primary drug in 12% of the cases and crack cocaine the primary drug in 35%. During the next quarter, the Service Unit reported 1,114 patients, with 2% primarily abusing cocaine and 40% abusing crack. The number of persons requesting treatment have increased steadily. It is now reported that it takes the Service Unit anywhere from four to six weeks to locate a treatment facility for abusers. The Service unit saw a projection of 375 treatment patients exceeded by 68%. Of the 547 requests for service, only 334 were processed—and just 325 were actually referred to treatment. In 1987 there were approximately 4,770 requests for service, a 34% increase from the previous year. The cause being the lack of revenues to support the number and quality of treatment and prevention programs. The line of drug addicts waiting for treatment in Detroit is long and getting longer.

There is not one publicly funded treatment facility in the City of Detroit for youth! Documentation and national media reports have substantiated the fact that the ages of addicts and first time users have been increasingly dropping. Our preteenage youth are now targets and victims of this vile epidemic. The one facility that did exist for youth closed its doors because the levels of funding did not keep up with the increased demand for in-house treatment services. The need for money earmarked for this area is evident.

The Wayne County Medical Examiner's Office reported that cocaine and its derivatives is now found in over 38% of all cases processed. Similarly, the local press has continually cited the increased numbers of drug related homicides, especially among our teenage citizens and I do not consider it coincidental that the number of homicides increased steadily, from 618 to 815 per year in Wayne County from 1984 to 1987, while the population of the County is decreasing. I am drawn to the conclusion that in Wayne County those who use cocaine are more likely, than those who do not, to become Medical Examiner's cases!

Another statistic that illustrates the rising cost of substance abuse control in Detroit, reported from the National Institute of Justice (March/April, 1988; No. 208), is that 66% of those persons incarcerated for criminal activities tested positive for drug usage at least 24 hours prior to their arrest.

The rapidly increasing proportion of AIDS cases in Detroit are due to IV drug abuse. Although heroin has been replaced by cocaine as the primary drug of choice, there are scores of persons who were treated in the 70's that now are suffering from AIDS. We now know the infection can lay dormant for years. Blacks are particularly affected, now, by this development because of the availability of the heroin, during those times, and becoming the predominant users and subsequent victims of IV drug use.

I can go on and on about the problems affecting Detroit, and I can presume, every other major urban area; however, I think that the need for increased federal revenues in this area is evident. The money will not take the place of changing community values and attitudes, better law enforcement, or the alleviation of the conditions that perpetuate the environments that foster and abet substance abuse; but will enable Detroit and other cities facing this dilemma to wage the necessary war against those who would destroy our communities. Increased federal spending in this area will enable this community, and others, to assist those who seek and want the type of treatment that the best medically equipped country in the world can provide; and to educate our youth.

Detroit and its citizens are not sitting idly by as this war wages on. Two new judgeships have been created to address the increased demand on the judicial system. The Police Department has stepped up its arrests and prosecution of those selling and using illegal drugs. Legislation have been adopted by city government to address issues such as AIDS, parental control of youth, drug paraphernalia sales, etc. The community has mobilized to form neighborhood watch programs, hold intervention and prevention programs, and assist the Detroit school system in the implementation of various State mandated awareness and intervention programs for youth. As President of the Detroit City Council, I have witnessed an increased request for Detroit Block Grant Funds from community based organizations to begin to tackle the problems of and created by substance abuse in neighborhoods. Millages have been passed by the voters in support of upgrading the corrections systems. However, this is not enough!! A strong federal policy, with a commitment to uphold and deliver, is necessary in support of these efforts.

The federal budget cuts of the current administration have assisted the growth of abuse problems faced by municipalities. The influx of drugs into the United States, bound for Michigan, and sold in Detroit must be stopped through Federal interdiction and enforcement. Our youth are dying!

If an effective Anti-Drug bill is to be implemented, it must provide the necessary mechanisms and revenues to enable municipalities to educate, treat, and if necessary; to prosecute to the fullest extent of the law. I must reiterate, and cannot emphasize strongly enough, that the administration must review the manner in which it wages the "war on drugs" with a view toward achieving stronger leadership over the agencies involved in the effort and effective implementation of a federal drug strategy. It is absolutely necessary to have the assistance of all branches of government and the necessary arms that are needed to fight this or any other war in order to protect the life, liberty, and quality of living of the citizenry.

CLOSING THE DOOR ON CRIMINAL ELEMENTS IN THE PCB DISPOSAL BUSINESS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. CLINGER. Mr. Speaker, on Thursday, I will join with subcommittee Chairman MIKE SYNAR in testifying before the Senate Environment Committee in support of legislation to close various loopholes in the regulation of PCB's. The bill which we introduced along with Representatives IKE SKELTON and ALAN WHEAT last year, and which was approved by the House last month, addresses the failure of existing legislation to regulate the activities of PCB brokers.

With quick Senate action, we can close the door on what at least one law enforcement official has termed a perfect point of infiltration into the PCB business for criminal elements and organized crime.

Earlier today, I participated in an investigative hearing convened by the Subcommittee on Environment, Energy and Natural Resources, on which I serve as the ranking minority member. The hearing was particularly timely, with testimony presented which revealed that criminal elements have in fact infiltrated the hazardous waste and PCB disposal business. Intelligence files have been discovered that are filled with information alleging the involvement in narcotics, prostitution, pornography and illegal gambling of certain individuals who have been directly associated with companies handling toxic PCB material.

Federal, State and local enforcement agencies have compiled information linking various hazardous waste and PCB firms with a cast of characters whom none of us would like to meet in a dark alley.

With many of the firms associated with these individuals racking up numerous regulatory compliance violations, it is important to review how EPA is addressing the growing problem of criminal involvement in the waste business.

Based on testimony received today, it is apparent that EPA has become increasingly aware of the problem and has taken steps to tighten permitting standards and strengthen compliance enforcement.

However, I remain concerned that the lines of communication between EPA's National Enforcement Investigations Center and EPA program officials are seriously inadequate. There have been instances when NEIC had information indicating that individuals directly involved in the handling of PCB's were believed to be tied to criminal activities, yet the enforcement center failed to inform those EPA officials responsible for overseeing PCB permits. Steps must be taken to ensure that program officials have the information necessary to an effective and efficient compliance program.

The environmental stakes are too high and the public health risks too great to allow unsavory criminal elements to become responsible for this Nation's disposal of hazardous waste. Today's hearing not only established the fact that criminal elements have made inroads into the PCB business, but also served to highlight the many challenges facing the PCB regulatory program. Tomorrow, we have an opportunity to take another step forward in successfully meeting those challenges. Thank you.

SETTING INCREASED UNITED STATES AGRICULTURAL EXPORT TRADE TARGETS FOR SOUTH KOREA, JAPAN, AND THE EUROPEAN ECONOMIC COMMUNITY

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing a resolution which expresses the sense of Congress that South Korea, Japan, and the European Economic Community have a responsibility to reduce their trade surpluses with the United States and that the administration should set a minimum $4 billion agricultural export trade target when negotiating these reductions.

Our trading partners have been able to build much of their economic prosperity in recent years on our relatively open market and our appetite for imports. Last year our trade deficit with South Korea reached $10 billion, with Japan $60 billion, and with th EC $24 billion.

What these nations appear to have forgotten in this $94 billion trade surplus relationship is that they have a responsibility to try to reduce these large surpluses. They have an obligation to import more of our products and to provide us a fair market share. The resolution I am introducing today is meant to remind our trading partners of this basic responsibility.

In negotiating for trade surplus reductions with South Korea, Japan, and the EC, the administration should set specific export targets. I suggest a minimum $4 billion agricultural target made up of increased beef and wheat exports. The minimum target should be $1.4 billion for Japan, $0.6 billion for South Korea, and $2 billion for the EC.

EXPORT TARGETS TO JAPAN

The United States has been a recipient of billions of dollars in Japanese goods—from autos to electronics. Indeed the Japanese have been very successful at resurrecting their economy over the years based on exports. But, Japan appears to be unconcerned about its responsibilities as a world economic leader. Its current economic structure is placing a strain on the world economy and especially that of the United States. The current trade deficit with Japan threatens the harmony of this vital relationship.

In negotiating with the Japanese to reduce the $60 billion trade imbalance, specific export goals should be offered to offset our trade deficit with them. In the agricultural sector there are many opportunities for enhancing our exports to Japan.

The United States should set an agricultural trade export target to Japan of approximately $1.4 billion which would come from increased beef and wheat exports. This figure represents a $1 billion increase in beef and $400 million increase in wheat exports. Accepting these targets would be a sign of good faith on the part of the Japanese.

EXPORT TARGETS TO SOUTH KOREA

South Korea has performed something close to a trade miracle in recent years. In the last 5 years the United States has increased its imports from Korea by 127 percent, and in return, the United States has found no reciprocity to stop a snowballing surplus which stood at $10 billion last year.

What is it we are asking of the South Koreans? Simply put, it's fairness. If the United States is to continue providing open markets for South Korean Hyundais and other imports, then the Koreans have an obligation to allow us to gain a share of their market.

The United States should set a beef export target of about $0.4 billion. Currently, the South Koreans have a ban on beef imports, but there is growing demand for beef in Korea, and the United States should be given the opportunity to fill that demand. Moreover, the United States should anticipate exporting about $2 billion of wheat over last year's levels. Thus, the United States should begin negotiating for a total of $0.6 billion more in agricultural exports for these items.

EXPORT TRADE TARGETS TO THE EUROPEAN ECONOMIC COMMUNITY

The EC, too, is running a trade surplus with the United States and competing with us for agricultural markets all over the world. This does not excuse the EC from its obligation as a trading partner. We have the same expectations, that is, import more in order to address the EC's 1987 trade surplus of $24 billion.

One agricultural target that could easily be met is in our beef exports. In 1986–87 the United States exported a mere 6,400 metric tons of beef and veal to the EC. The United States should expect to gain a portion of the market that now exists in the EC. The United States should expect to export about $2 billion of beef.

SETTING THE 4 BILLION DOLLAR EXPORT TARGET

The United States cannot export its way out of its trade deficit. To do so would require us to double our total market share in the world. That's impossible. But, the United States can expect to increase its exports to nations with substantial trade surpluses.

I urge the administration to sit down with our trading partners and set a minimum United States agricultural export target of $4 billion. This represents a mere 4% offset in our $90-plus billion trade deficit with South Korea, Japan, and the EC.

I request that my colleagues cosponsor this concurrent resolution.

Text follows:

H. CON. RES. —

Concurrent resolution expressing the sense of the Congress that South Korea, Japan, and the European Economic Community have a responsibility to reduce their trade surpluses with the United States, and that the President should set a minimum target for increases in agricultural exports of the United States when negotiating trade surplus reductions

Whereas the economic system of the United States is the largest and most open market in the world;

Whereas the total merchandise trade surplus of South Korea, Japan, and the European Economic Community with the United States was approximately $90,000,000,000 last year; and

Whereas South Korea, Japan, and the European Economic Community have a responsibility as trading partners of the United States to reduce the trade surpluses: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) South Korea, Japan, and the European Economic Community have a responsibility to reduce their trade surpluses with the United States;

(2) the President should enter into bilateral trade negotiations with South Korea, Japan, and the European Economic Community to reduce their trade surpluses with the United States;

(3) the President should set a minimum target for increases in agricultural exports of the United States of $4,000,000,000 when negotiating trade surplus reductions; and

(4) in reaching the minimum target for increases in agricultural exports, the United States should increase beef and wheat exports to South Korea by $600,000,000, beef and wheat exports to Japan by $1,400,000,000, and beef exports to the European Economic Community by $2,000,000,000.

UNITED STATES DOWNPLAYS CARIBBEAN ENVIRONMENTAL PROGRAM

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. DE LUGO. Mr. Speaker, the threat of water pollution knows no boundaries. The people of the U.S. Virgin Islands, who share magnificent clean waters with their Caribbean neighbors, understand that well. I wish the U.S. Department of State shared that understanding.

In the U.S. Virgin Islands, we have been alarmed by recent reports that a company from Philadelphia was considering a plan to ship stateside garbage for disposal off of the nearby island of Saba in the Netherlands Antilles. Thanks to a strong public reaction in Saba and other islands, we managed to shoot down that plan. But we still have to ask what are we doing, what is the United States doing, to prevent anyone else from considering a similar scheme that would mean big money for a few pockets and fouled beaches for the rest of us.

In recent months, this Congress has been actively examining a host of problems related to water pollution. We are discovering that our regulations and our international agreements are not strong enough to control these threats. It is evident that we have to intensify our efforts to work internationally to control a problem that crosses national boundaries.

Unfortunately, when it comes to the Caribbean, our own State Department is reluctant to join in the international effort. It offers only trivial support for U.N. programs that are working to protect the environment in our region and that have the support of the island nations in the region. Some of these small islands are making a major financial commitment to support these programs, but the United States will not join in doing so. Instead, our State Department picks and chooses, offering limited support for a few select projects.

I am submitting my most recent letter to the State Department on this subject for the RECORD. I believe our country should be leading the way in protecting the waters that are crucial to our neighbors in the Caribbean and crucial to our own southern coastal States. We cannot protect that environment by offering limited support to a few selective projects. It is time for our country to join the islands of the Caribbean as a full partner, rather than a half-hearted participant, in regional efforts to protect the environment that we all share.

I urge my colleagues to join with me in seeing that the United States works closely with the islands of the Caribbean as we develop new ideas and new programs to protect our oceans.

The letter to the Secretary of State follows.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 1988.

Hon. GEORGE P. SHULTZ,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: I have been alarmed by recent reports of a new threat to the marine environment in the Virgin Islands and the apparent inability of the United States to respond to this threat. I am speaking of the prospect of stateside and foreign companies turning to the Caribbean as a convenient place to dump their garbage.

When I checked into the ominous plan by Waste Central Inc. of Philadelphia to create a new, supposedly clean, island of garbage off of the island of Saba, I was dismayed to learn that neither U.S. laws nor international treaties would directly outlaw such an outrage. Our inability to control this threat stems, in part, from our country's reluctance to participate fully in the regional environmental programs in the Caribbean, which could be used to prevent such an environmental atrocity.

I wrote to you about this general subject on January 6, 1988, and appreciate the response from your Department. Nevertheless, I feel it is necessary to reiterate my conviction that it is long past time for the United States to get directly and actively involved in the Caribbean Action Plan and Cartagena Convention, the environmental programs administered by the United Nations. Fortunately, in this case, Waste Central's plans fell through. But we cannot afford to wait until another mainland company announces plans to create a "garbage coral reef" in the Caribbean to wake up and realize that we do not have the ability to prevent such a disaster.

The threat of pollution in the Caribbean crosses all international and jurisdictional boundaries. It can only be controlled through much closer international cooperation than now exists. The United States—by virtue of its size and technical expertise—is in the position to lead that cooperation, instead of resisting it or only participating half-heartedly. The United States—by virtue of its interest in protecting the fisheries and coastline of its southern states—should have the motivation to lead in this effort. Finally, the United States—by virtue of its role as the largest producer of garbage and industrial pollutants in the hemisphere—should feel obligated to lead in this international effort. The Caribbean islands are not endangering our internal waters with their pollutants but, when you get right down to it, we are endangering their waters with ours.

I realize, as Assistant Secretary Fox said in his earlier letter to me, that the United States is taking steps to increase its participation in the Caribbean Action Plan, such as sending a NOAA scientist to the Regional Coordinating Unit in Jamaica and making plans for a conference on specially protected areas and wildlife. While I applaud such efforts, I must say they appear highly selective and inadequate. We are only giving token support to these programs that will help protect the shores of the United States and its territories, as well as those of our Caribbean. I don't see how selective projects and selective bilateral agreements will give us the international cooperation we need to prevent the sort of ecological disasters that Waste Management Inc. had in mind.

Again, I want to urge the State Department to lead the United States toward closer involvement in, and leadership of, the United Nations regional environmental programs in the Caribbean. The United States should be a full partner, instead of a half-hearted participant, in these regional efforts to protect the environment that we all share.

Thank you for your attention to this matter.

Sincerely,

RON DE LUGO,
Member of Congress.

UNITED STATES-MEXICAN PROJECT FOR PLANES TO WIPE OUT DRUG CROPS IS FALTERING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. RANGEL. Mr. Speaker, as the chairman of the House Select Committee on Narcotics, I have for some time been concerned about the effectiveness of the Bureau of International Narcotics Matters Crop Eradication Program in Mexico. The Wall Street Journal of Wednesday, August 3, contains a front page story describing some of the problems effecting the program, including inadequate pay for Mexican pilots compared to their American counterparts, inadequate supplies of spare parts, delays in obtaining spare parts, and restrictions on the ability of American pilots to overfly areas where opium poppy and cannabis are grown to verify the results of the spraying.

While I realize that crop eradication is not an easy task, the article makes clear that there are still obstacles preventing the program from being successful. I have previously indicated to the Department of State that we, in the Congress, stand ready to assist in any reasonable way to make crop eradication programs successful.

Mr. Speaker, I ask that the article from the Wall street Journal entitled "U.S.-Mexican Project For Planes to Wipe Out Drug Crops is Faltering" be printed in the CONGRESSIONAL RECORD at this point.

The article follows:

[From the Wall Street Journal, Aug. 3, 1988]

United States-Mexican Project for Planes To Wipe Out Drug Crops Is Faltering: Illicit Narcotics Keep Flowing as Problems With Pilots, Aircraft and Parts Pile Up: Many Acres of Dead Poppies

(By Stanley Penn)

Culiacan, Mexico.—The five Bell 206 helicopters begin threading their way through narrow 7,500-foot mountain passes. Suddenly, a tell-tale hint of scarlet in the underbrush ahead betrays a target.

One chopper eases in at tree-top level. Pilots have learned to be wary: They sometimes find wire mesh waiting to snare them. And occasionally gunfire. Today there is neither. An empty tin-roofed hut and some hastily abandoned tools, blankets and a ratty cowhide below indicate no one stuck around. The pilot opens fire—with a herbicide spray—and the airborne armada then whirls back to base.

The kill: a garden-sized plot of flowering poppies.

This is the Sierra Madre, still hiding a treasure that corrupts. Only these days the treasure is the opium-bearing poppy, the raw material of Mexico's burgeoning heroin trade. For peasants tending tiny, secret mountain plots, the showy red flowers are a cash crop. But as far as U.S. policy makers are concerned, they are a primary target in the war against illicit drugs.

PRE-EMPTIVE STRIKES

Federal strategists some time ago decided that destroying so-called narcotics crops—poppies and marijuana—while they are still in the ground would be more efficient than chasing smugglers. Today, the U.S. backs joint crop-eradication ventures with governments of a dozen drug-supplying countries. This is the biggest.

It is also one of the most troubled. The program is hobbled by mismanagement, red tape, and the whiff of corruption. Finger-pointing between U.S. and Mexican officials over blame strains relations between the countries. Meanwhile, poppy and marijuana growers continue to produce bumper crops. And Mexico continues to be America's chief heroin and marijuana supplier, raising questions about just how workable such foreign eradication programs really are.

At bottom is the question of who is in charge. Most of Mexico's 92 drug-fighting aircraft were purchased with U.S. money. And last year alone, the U.S. spent $14.5 million here for maintenance, parts and pilot training. But Mexico runs the program, on the ground and in the air.

A TENSE ALLIANCE

"The whole thing has turned into a shambles," asserts Rep. Lawrence J. Smith, head of the House Foreign Affairs Committee's anti-drug task force. "Cajoling, pleading, begging, diplomatic inquiries—none of them work."

The Reagan administration and the Democratic-controlled Congress both are reluctant to push a key ally like Mexico too hard. The Senate last April voted to sanction Mexico for failing to do enough, but the measure died in the House after Mexico promised to try harder to destroy opium-yielding poppy fields.

Top Mexican officials bristle at that kind of U.S. pressure. "The U.S. attitude is, father knows best. We're not little kids who need tutors," says Mexico Deputy Attorney General Jose Maria Ortega-Padilla.

A prickly attitude is somewhat understandable, too. The State Department's drug-eradication agency in Mexico had had seven different bosses in the past seven years. "How do you establish rapport with Mexicans and gain their respect with so much turnover?" asks one American with close ties to Mexican drug fighters.

A DAUNTING TASK

Under the best conditions, aerial crop destruction is difficult. Expensive modern machines, chemicals and trained pilots are used to find and annihilate obscure plots of plants one at a time. But under conditions existing here, the job is daunting.

U.S. and Mexico officials have squabbled over just about every aspect of the program—right down to the choice of aircraft.

At one point, the U.S. pushed a fixed-wing plane called the Turbo Thrush, used for narcotics-crop eradication elsewhere in Latin America and Asia. The Thrush is fast; a poor target for snipers. It carries 400 gallons of herbicide—six times the payload of a Bell 206 helicopter.

But Mexican authorities complain the Thrush is too fast. "It overshot the poppy fields," and would accidentally spray legtimate crops such as corn, says Deputy Attorney General Ortega. By contrast, they rave about the Bell's maneuverability and even spent nearly $6 million of Mexico's own funds a while ago for a dozen of them. A fatal Thrush crash early last year settled the issue—four remaining ones and their American pilots were withdrawn from service. The Bell helicopter is now the fleet's workhorse.

The plane issue pales, however, next to other problems. A big headache is poor pay for pilots and mechanics, and the low morale and the turnover that it causes. Mexican government spray pilots currently earn $809 per month—a better-than-average Mexican wage, but less than what they could make in private industry. American pilots on the State Department's payroll who were flying here until last year say their salaries—including expenses—were $9,500 a month, or more than 10 times what the Mexican pilots made.

"The Mexicans took the same risks as us, but they got paid this cornbread living," observes one U.S. flier. A State Department offer to supplement the Mexican's pay only irritated Mexican officials. "The pilots cannot have two bosses," declares Deputy Attorney General Ortega.

In the view of one former U.S. adviser, the wage disparity influences the pilots' work habits. Americans took off at daybreak and flew two missions by lunchtime. "The Mexicans," he says, "wouldn't take off till 9. When they got back, that was it for the day." (No one flies in the afternoon, when stiff, hazardous winds rattle through the mountains.)

Mechanics aren't much happier. An investigation of the program's U.S.-funded aircraft maintenance last year showed a mechanics' work slowdown because of poor pay, says Robert Fox, a senior vice president of Evergreen Helicopters Inc., the Portland, Ore., concern hired to do the State Department study. The slowdown was keeping some aircraft grounded unusually long for repairs.

TURNING THE CORNER?

Mexican authorities now claim they are turning the corner with pilots and mechanics. After pilot pay was increased 120% last year to the current $800-a-month, the pilot roster, which had fallen to 100 last autumn from 159 in 1985, rebounded to 141. Mechanics also got 120% more, and officials are promoting some to higher-paying jobs as inspectors to keep them.

But the raises have barely kept up with Mexico's inflation rate. And Mr. Fox says that government mechanics, at least, still can readily double their pay by moving to private industry.

In addition to personnel troubles, shortages of repair parts hamper the program. "A plane would sit for weeks because it couldn't get replacement parts," recalls Marvin Foster, until last January a paid aviation adviser to the State Department's narcotics assistance unit here.

At a big Mexico City hangar where spray planes are maintained, the problem is quite evident. Mechanics have stripped one airworthy helicopter down to its skeleton for parts to fix three others.

Shortages occur even though stockpiles are bulging, because many items on hand are obsolete or nonessential. Overall, inventories in 1986 were about twice the $7 million typical for a fleet this size, according to a recent report by the U.S. General Accounting Office.

Pinpointing the cause is another matter. Rafael Garcia Delgado, Mexico's director of aviation services, blames poor U.S. workmanship. "Parts are sent to the U.S., but aren't repaired properly, so we have to send them back," he says.

Deputy Attorney General Ortega criticizes E-Systems Inc., the Dallas electronics and defense company that, until recently, advised Mexico on maintenance and parts procurement. "In '86 and '87, I never got spare parts in timely fashion, or I didn't get the right amounts," Mr. Ortega says.

E-Systems doesn't argue, but says it isn't to blame. "On a number of occasions during 1986 and 1987, we stopped procurement of parts because funding wasn't available," a company official says. The State Department, in turn, denies any financing problems. Mexico replaced E-Systems with Bell Helicopter Textron Inc., a Textron Inc. subsidiary, when E-Systems' contract expired May 31.

Parts can even be a problem for ground vehicles. One American recalls seeing inoperable fuel trucks at the base at Culiacan and being told various components had been stolen. "They'd tell us there was no battery, or no generator, or no tire, or it needs spark plugs," he says. Mexican authorities won't discuss such allegations.

Hints of corruption dog the spray program, though proven incidents are scarce. "They wouldn't let us work in certain sectors," says one American formerly employed in drug eradication. "Our pilots would fly over these fields. After they got back, they'd check with the zone coordinator, who said he'd have them sprayed by helicopter. He never did." The American suspects those crops were off-limits, though he hasn't any proof.

Mexico concedes some low-level corruption. In the past year, two Mexican pilots were jailed for accepting payments in return for not destroying drug-crop fields. But Deputy Attorney General Ortega denies that crops are regularly protected. "Pilots have the freedom to fumigate whatever fields they might find. They have an obligation to report fields they might find," he says.

In a war where victories are measured by the quarter-acre, assessing progress is slippery business. Last year Mexico claimed that the equivalent of 6,200 acres of poppies were destroyed, up from 5,900 acres the previous year. But more than 15,000 acres of poppies remained under cultivation, and Mexico's 1987 opium production actually increased over 1986, according to U.S. estimates.

MARIJUANA CROP GROWS

Mexico reported destroying the equivalent of 9,300 acres of marijuana last year, up from 7,350 acres in 1986, Still, the U.S. estimates that the 1987 crop rose to as high as 7,130 tons from 6,000 tons in 1986.

Mexico verifies crop destruction by flying over sprayed sites; it calls on-ground inspections too risky. But the U.S. is pushing for more thorough, on-ground inspections, using helicopters capable of landing in small clearings.

As a step in that direction, Americans here two years ago asked to borrow a Mexican helicopter. The Mexicans said they couldn't spare one. After a year of U.S. badgering, they relented. There was a catch: The proffered helicopter had to be pried off the side of a mountain where it had crashed. It took a year to rebuild.

The incident still irritates Mexican officials. "We have fixed-wing planes for verification, but, no, the Americans want a helicopter," one snaps. "We gave them a helicopter. Soon they'll want ten helicopters. Then 50."

CAMERA CONFUSION

To refine the guesswork on results, the State Department has talked for more than a year of equipping a Mexican plane with a powerful camera. So far, that's only produced more hassles.

First, the Americans dickered among themselves. "The question was, how sophisticated a camera was needed? Should we spend $50,000, or $100,000?" recalls a State Department official. Then, an East German model was rejected because "we weren't prepared to buy from them," the official says. Finally, last September, the Americans settled on a camera.

It still hasn't been purchased. Mexico hasn't yet produced a plane to carry it. "When that will be is up to the Mexicans," the official says.

A TRIBUTE TO DR. WAYNE DUDLEY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. MOAKLEY. Mr. Speaker, I rise today to recognize an outstanding leader in the minority community. Dr. Wayne Dudley has served as the chief minority recruiter for the University of Lowell since 1985. Since that time he has more than quadrupled the number of black graduate students at the university. Dr. Dudley has made these great strides in minority enrollment at the graduate level by reaching out to the minority students and acting as the liaison between the university and the student. His excellent and resourceful leadership has made it possible for hundreds of minority students to further their education at the graduate level. I applaud the efforts of Dr. Dudley who has worked so diligently for the improvement of our society by opening up the doors of higher education to minority students, many of whom previously would not have been able to pursue an education at the graduate level.

LOWELL RECRUITER CAMPAIGNS FOR MORE BLACK ENROLLMENT

(By Portia Scott)

When Dr. Wayne Dudley came to the University of Lowell in 1985, there were seven black graduate students. Now there are over 100.

Established just 13 years ago, the school has more than quadrupled its minority undergraduate enrollment.

Dudley's job is to recruit qualified minority students for the university as well as coordinate cultural and social events.

Dudley stresses the importance of supporting the black community in guiding its youth to a brighter future through education.

"If we have poor leadership in our communities, then we'll have poor leadership in our country. I am personally committed to our future, the future of the black community."

Dudley's hours normally extend beyond the regular work day. Some parents, for example, ask him to transport their kids to school, or make temporary loans. High school counselors call him at night to inform him of interested students.

"I am the resource person, I'm the liaison between the people and the university," says Dudley.

And he loves it. He often gives his number out to students interested in attending ULowell, regardless of whether or not they can afford to go.

Black graduate and undergraduate students who attend the school come primarily from the Boston area.

The school has also increased its Cape Verdean, Native American, Asian and Hispanic student enrollment.

After graduating from Morris Brown University in Atlanta, Dudley received a Ph.D in American History from the University of Cincinnati in 1979. In addition to master's degrees from Atlanta University in 1969 and Harvard University in 1985, he later did post-doctoral work at Harvard.

Dudley was offered positions from prestigious universities across the states, but decided on ULowell because of its youth and potential for growth.

"My contribution to ULowell is to upgrade future education as well as make a solid contribution to the black community," he explained.

ULowell has made some strides in attracting more minority students because of its moderate tuition and high technology curriculum—but black graduate students still find it hard to continue their education.

According to Dudley, "The black enrollment has dropped sharply, 22 percent over the last ten years . . . College graduates can't afford graduate training because they are still paying off debts. Graduates are still looking for work, people have families to take care of.

"Within the last seven years some colleges aren't actively seeking black graduate students—racism has manifested itself on college campuses."

In addition, Dudley attributes the pattern of declining minority enrollment in graduate programs to feelings of isolation experienced by black students on predominantly white campuses. Financial aid is not always readily available, furthering their sense of hopelessness."

Dudley adds, "After graduating, students think everything is hunkydory—but they find themselves obligated financially."

To close this gap of despair Dudley has proposed a "Mentor Program Assistance Plan" that would help students regain their hope for continuing their education.

"The program gives minority professionals the opportunity to work full-time at his/her job site and start graduate studies on a part-time basis.

"This plan of action has the clear element which allows the minority professional to work and make a contribution to the community, by bringing more of the student population into higher education."

Killing three birds with one stone, Dudley sees the program making a dent in the attrition rate of aspiring black graduate students.

"The university must continue to make the necessary changes to accommodate to the presence of the students—these new non-traditional students, which includes blacks, Latinos, Southeast Asians, Cape Verdeans—to cope successfully and meet their new academic needs.

"The university is good for everyone, it can prove to have a positive impact in the society—and I'd like to be a part of that."

HONORING THREE WESTERN STARS AND THE WESTERN WALK OF FAME

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. GALLEGLY. Mr. Speaker, three of America's greatest heroes of western movies and television will be honored on Saturday, August 20, in Santa Clarita, CA.

Doug McClure, Dale Robertson, and the late Edmund "Hoot" Gibson will join 23 other stars of this particularly American art form on the Western Walk of Fame on San Fernando Road. Like Hollywood Boulevard, the 7-year-old Walk of Fame honors the greats of the entertainment industry. What makes the Western Walk of Fame unique is that it pays tribute to only western stars.

And this year's inductees—who join such legends as John Wayne, Gene Autry, and Tom Mix—truly have star credentials.

Doug McClure was born in 1935 in Glendale, CA, and studied drama at Santa Monica City College and UCLA before beginning his successful stage, TV and film career. Fans perhaps remember him best from his many years on NBC's "The Virginian" series, and its followup, "The Men from Shiloh." He also had a minor role in the historic "Roots" TV miniseries. His films include "Shenandoah" with Jimmy Stewart, "The Enemy Below" with Robert Mitchum and "The Unforgiven" with Burt Lancaster. He also is a champion roper, having won the Ben Johnson Pro-Celebrity Team Roping Competition in Oklahoma in 1986.

Dale Robertson, born in Oklahoma in 1923, was a member of the horse cavalry and later an engineering battalion during World War II. He was discharged with honor because of combat injuries after participating in all major invasions of Africa, Italy, and France. He began making films in California almost immediately, commencing a long and fruitful career that has included 63 major motion pictures and more than 430 television episodes. He is perhaps best known for his long-running series "Tales of Wells Fargo," "The Iron Horse" and "Death Valley Days." Most recently, he has been starring in the TV show "J.J. Starbuck." Robertson also breeds and raises horses on his farm in Yukon, OK.

The late Edmund "Hoot" Gibson (1892–1962) was one of America's most durable and earliest western stars. A native of Nebraska, Gibson was a circus and rodeo performer as well as an actor. From his first western in 1915 "Shotgun Jones," through several silent features directed by the great John Ford to dozens of classic two-reel westerns and B-western features, Gibson kept his slow, bantering style. Gibson's movies were known for their good guy-bad guy storylines and for their dynamic finishes, featuring his famed riding expertise.

Mr. Speaker, we honor these men not just for their work and their contributions to American film art. We also honor them because for decades they have reminded us of the classic pioneer, rough-and-ready spirit that made America great. By telling stories of the old West, they have told us much about ourselves.

THE FIRST ANNIVERSARY OF THE ARIAS PEACE PLAN

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. SENSENBRENNER. Mr. Speaker, during this past weekend, while we were all home in our districts busily meeting constituents, holding town hall meetings to air grievances, solving problems, and laying groundwork for the upcoming congressional elections, the Nicaraguan people quietly marked the first anniversary of the Arias peace plan.

Unfortunately, they have not felt the promised benefits of that plan. President Arias of Costa Rica, an idealistic and talented man, received his Nobel Peace Prize. The Sandinistas got much-needed breathing room from the Congress. But the Nicaraguan people have gotten nothing—no town hall meetings, no free expression, no elections, no Congress, no freedom and no democracy.

Several weeks ago the Sandinistas, who proclaim they are still trying to comply with the Arias plan, showed the real substance of their revolution. In 7 days they hit every impetus for democracy in Nicaragua. They attacked the United States by expelling our Ambassador, the Catholic Church by stopping its radio broadcasts, the free press by shutting down La Prensa, free assembly by crushing the peaceful protest in Nandiame, and free enterprise by seizing the largest privately held manufacturing firm in the country and the only one still turning a profit. This is merely the latest phase in the long pattern of Sandinista oppression which has consistently occurred despite what Comandante Ortega signed. The Sandinistas have not improved in 9 years and the Arias peace plan has changed nothing.

Unfortunately, this Congress has cut off the only force for democracy the Sandinistas cannot shut down: the Contras. Ambassador Melton meeting with members of my staff after his unceremonious expulsion said: "To a man, everyone I met with among the Nicaraguan political opposition, whether Conservative, Christian Democrat, Social Democrats, moderate independents, or trade unionists, whether he supported a military solution or not, believes any freedom they have, any breathing room they get, is a result of the pressure brought by the Contras."

Over and over again, the Communists break their word and we give them another chance. No Member of Congress would tolerate that kind of treatment in this country. I will continue to support the Contras until the Sandinistas comply with the terms of the many international agreements they have signed, keep the years of promises they have made and bring democracy and free elections to the Nicaraguan people.

CARIBBEAN SCHOLARSHIPS PROGRAM DESCRIBED

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. FUSTER. Mr. Speaker, I rise today to point out to my colleagues a bill sponsored by me and by the gentleman from New Jersey [Mr. GUARINI] that would accomplish something unique in the area of foreign affairs. Our bill, H.R. 3806, would establish the Caribbean Basin Scholarship Program—and would do it in a way that would be cost-effective for the United States, for Puerto Rico, and for the Caribbean, which region, as we know, is of considerable strategic importance to the Nation.

With that in mind, I would like to share with my colleagues extracts from my statement which I delivered on August 10 at hearings before the Western Hemisphere Subcommittee of the House Committee on Foreign Affairs, of which I am a member.

As I said at the hearings, H.R. 3806 would authorize the creation of up to 1,000 scholarships for students from Caribbean Basin countries to help them obtain associate degrees or undergraduate degrees in institutions of higher education in the Commonwealth of Puerto Rico.

These hearings, we hope, will be the beginning of a more extended examination of the role that educational institutions in Puerto Rico can and should play in the overall development of the Caribbean region.

As my colleagues already know, because of our location and because of our Hispanic and non-Hispanic heritage, Puerto Rico shares many fundamental characteristics with most of the other countries in the region. In particular, we share a strong bond of solidarity with the Caribbean nations' aspirations for progress in economic, social and political terms. Strong linkages indeed have been forged by many years of varied and intense inter-relationships stemming out of our common circumstances, our similar past and our shared vision of the future.

Those interrelationships date back several centuries. However, they have been particularly strong in the last four decades, when Operation Bootstrap began in Puerto Rico, transforming our island community from the poorest society in the region to the one that currently has the highest income per capita and the highest standards of living in Latin America. Forging new economic development strategies and new forms of association between countries, the Commonwealth of Puerto Rico has also been playing a significant role in U.S.-Caribbean relations while serving as a catalyst for economic and political development in the region.

An important role played by Puerto Rico has been precisely in the area of regional education and training. Since 1950, more than 40,000 men and women from nations and territories throughout the world, but mostly from the region, have been trained in Puerto Rico in a wide variety of areas, which run the gamut from agriculture, industrial and economic development to public administration and health sciences.

An example of the pioneering role the Commonwealth has played was an agreement entered with the U.S. International Cooperation Administration in the 1960's to make use of Puerto Rico's resources as a center for training and as a source of special technical competence and experience. As a result of that agreement, engineered by then Governor Luis Muñoz Marin and ICA Director Rollin S. Atwood, 7,000 international students participated in educational and training programs in Puerto Rico between 1960 and 1970 alone.

Another example is to be found in the unique institutions founded by Jaime Benitez, then President of the University of Puerto Rico, later a Member of Congress. I refer to the Union of Caribbean Universities known as UNICA, and to the Center for Caribbean Studies at the University of Puerto Rico, both of which helped to provide nongovernmental linkages to strengthen the Caribbean institutions participating in them. Those were also enterprising and pathfinding years for Inter-American University, a private institution in Puerto Rico, where thousands of West Indian students came to study and then went back to their own countries well equipped to promote their own economic development. One graduate of these efforts is well known to some members of this subcommittee. I refer to the Honorable Ambassador of St. Lucia to the United States, Mr. Joseph Edmunds, who studied in Puerto Rico. The success of these efforts is also reflected in the positive commentaries about Puerto Rico's universities made by Mr. Atherton Martin when he testified before this committee last week.

Both the private and public institutions in Puerto Rico have continued strengthening their ties with Caribbean institutions. The Center for Caribbean Studies continues to conduct important work in this regard, as well as the new Center for Advanced Studies of Puerto Rico and the Caribbean, established by the well-known Puerto Rican historian Arturo Morales Carrión, a former U.S. Deputy Assistant Secretary of State for Latin American Affairs in the Kennedy administration and who was also a high ranking official of the Organization of the American States. Currently, the University of Puerto Rico and Inter-American

University are linked in exchange programs with the Universidad Católica Madre y Maestra in the Dominican Republic.

The Medical Sciences Campus of the University of Puerto Rico continues to play a key role in the improvement of health conditions in the Caribbean, training medical technicians and doctors from practically all the countries of the region.

Puerto Rico's contribution to the development of the region, of course, has not been limited to educational functions. During the 1960's Puerto Rico played a leading role in the development of the Alliance for Progress. The architect of Puerto Rico's industrialization program, Teodoro Moscoso, was appointed to head the Alliance for Progress by President Kennedy and he later was named U.S. Ambassador to Venezuela. Now, a full two decades after the Alliance for Progress, when the United States has established the Caribbean Basin Initiative Program, Puerto Rico once again has geared itself to help in any way it can to make this new plan for inter-American collaboration and development a success.

The Commonwealh of Puerto Rico has been working hard to assist the United States to achieve the CBI's main objective of assuring political stability through economic prosperity in the region. Specifically we have helped the attainment of this goal by establishing a plan for direct economic development, known as the "Twin Plants Program," which calls for part of a manufacturing process to be done in one of the countries of the region while the finishing process is undertaken in Puerto Rico. Fifty-one new plants have been established in the region generating close to 9,000 new jobs for our neighbors just in the last couple of years.

In another aspect of Puerto Rico's contribution to the CBI just last week the Governor of Puerto Rico announced the names of the first 10 university students from the region to benefit from the newly created Caribbean Scholarship Program, sponsored by Puerto Rico's Economic Development Administration and with donations from companies and factories in the island that benefit from section 936 of the U.S. Internal Revenue Code.

Mr. Speaker, we in Puerto Rico have already begun to do our share in the task of helping promote the development of the region. However, in order to assure the further success of the economic development of the Caribbean it is necessary to strengthen the regional workforce through education and training programs. There is still a substantial unmet need for scholarships in the potential beneficiary countries.

Moreover, the need for these types of programs has become even more urgent in light of the increased Soviet and Cuban influence in the educational area. This problem has been recognized since 1984 when the National Bipartisan Commission on Central America—known as the Kissinger Commission—included as one of its major recommendations the increase of educational and training programs in the region as a major tool to promote economic prosperity and political stability. The Commission concluded specifically that the greatest need is the training of university students, especially in light of increased Soviet influence reflected in the numbers of scholarships awarded in the region.

Although some new programs have been authorized as a result of the Commission's recommendations, much still remains to be done in this area. The latest figures show that in 1988 the Soviet bloc sponsored over 10,000 university scholarships for Central American students from primarily disadvantaged background. In contrast, only 3,600 scholarships were sponsored by the United States this year.

In view of these needs and because the Commonwealth believes in the importance of the helping to foster the institutional capabilities and human capital of its neighboring countries, Puerto Rico is committed to expand its role in the education and training of the regional workforce in partnership with the Federal Government.

Specifically, the Caribbean Basin Scholarships Program as envisioned in H.R. 3806 would identify skill shortages in the region and provide up to 1,000 educational and vocational training scholarships primarily for economically disadvantaged students. The program authorizes scholarships for study in Puerto Rican institutions because we are in an ideal position to provide training that is very adequate to the needs of the Caribbean and Central American students. First, we have an educational system and technical expertise that is on comparable quality to that offered by common educational institutions in the mainland United States. Second, we can offer training and higher cost for tuition, room and board for a student in a private or public university in Puerto Rico was $6,000 per year in contrast to twice or three times that amount in a mainland institution.

Third, as an integral part of the Caribbean, Puerto Rico offers a unique opportunity for students in the region to pursue their education in a climate and cultural atmosphere similar to that of their country of origin while having the opportunity to develop their bilingual skills, in a jurisdiction which is part of the U.S. system. Moreover, by centering this program in the region, H.R. 3806 addresses the concerns of many regional leaders about the brain problem created by U.S. scholarship programs.

Fourth, our strong political structure, firmly rooted in our respect for democratic values provides a living demonstration of how a Caribbean community with limited resources to meet its development needs has achieved political stability and adopted the free enterprise system.

Finally, Puerto Rico is an ongoing laboratory of economic development strategies. We are experts in that field. We have tried many policies. We know which ones work, when and where. We also know which ones have failed, why and how. This is an experience that can scarcely be found so systematically conceptualized in any other place in the continent.

In summary, Mr. Speaker, the authorization of the Caribbean Basin Scholarship Program would be mutually beneficial to the United States, Puerto Rico, and the Caribbean Region. For the United States it offers the opportunity to fulfill its leadership role in the region in a fiscally responsible manner. For Puerto Rico, this program would help develop closer ties with its Caribbean neighbors through its excellent educational institutions.

For the countries and students in the Caribbean it represents a unique opportunity to provide relevant educational skills and nurture the work force and economic capability of regional institutions, while retaining talent in the region. For these reasons and the ones advanced by Mr. Guarini, I commend to you the Caribbean Basin Scholarship Act.

A TRIBUTE TO BILL KOLENDER

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. LOWERY of California. Mr. Speaker, it is my pleasure and privilege to call to my colleagues' attention a fellow San Diegan and commend him for 32 years of public service to the citizens of our city and Nation.

Bill Kolender, who rose from a 21-year-old patrolman to become the youngest chief of police in San Diego Police Department history, has resigned his position to become an executive for the Union-Tribune Publishing Co.

Kolender served as chief of police for 13 years, the longest tenure of any currently serving chief in a major city.

Kolender is a native of Chicago. He joined the San Diego Police Department in 1956 as a patrolman in southeast San Diego, Old Town and other areas of the city before becoming the department's first community relations officer.

And throughout his police career Kolender was a highly motivated, very active man in community affairs. He was president of the California College Board of Governors and a member of the board of the National Conference of Christians and Jews.

The list of awards he has been given is a page and a half long and he has been involved with many, many charitable organizations and has been a leader in the Boy Scouts of America and the San Diego Boys Clubs.

He was one of the founders of the police department's community oriented policing program, which stressed a service role for officers; and his ability to keep in close touch with the public set an example for all the officers under his command.

Being chief of police of the seventh largest city in the Nation was not without its trials and tribulations. Kolender said:

> As long as you have tremendous growth, socioeconomic conditions such as we have, the increased use of drugs, the proliferation of handguns, and the inability of the courts to cope with the criminals accused and convicted of crimes you will have violence. You're going to have conflicts and problems.

But even Kolender's critics speak well of his achievements.

Vernon Sukumu, executive director of the Black Federation said:

> Certainly we have had some disagreements about certain issues. At the same time he was the first police chief to be accessible to all of the community, the black community, the brown community. He's

overseen the hiring of women and minorities.

Like Sukumu, most San Diegans acclaimed Kolender for improving communication and exchange between all elements of San Diego and the police department.

"God bless him, he's a good chief," said Bill Cowling II, president of the San Diego Crime Commission.

I would like for those words to echo here in this House and express our deep gratitude for his distinguished career of public service and wish him well in the future.

CAPITAL PUNISHMENT IS NO DETERRENT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. CLAY. Mr. Speaker, I am bewildered by those who, espousing an abhorrence to drugs and drug pushers insist that a death penalty amendment be included in the Omnibus Drug Initiative. This controversial provision will do nothing to help enable law enforcement authorities abolish the illegal narcotics trade.

At the very least, those who argue that capital punishment deters capital crime should produce facts to substantiate this outrageous claim. Decisionmaking based on speculation instead of the facts in evidence, is hardly prudent.

What is necessary to establish that the death penalty is a deterrent? First and foremost, it is necessary to demonstrate that those States which impose capital punishment have a significantly lower rate of murder than those States which have abolished it. However, the facts show that this simply is not the case. Second, there should be evidence of an appreciable murder decrease in those communities where a highly publicized execution occurs in connection with a notorious crime. Proponents of capital punishment cannot point to one such occurrence. Third, States which have imposed the death penalty ought to experience a sharp decline in crimes which carry this penalty, while those which have abolished it ought to show a sharp increase in the same crimes. This is not the case in a single instance where States have imposed or abolished the death penalty. Fourth, the residents of States which authorize the death penalty should feel safer on their streets than do the citizens of those States which have repealed the dealth penalty. But again, this simply is not the case. Florida, Texas and California have 25 percent of the total number of persons awaiting execution in the United States. Their residents do not feel any safer than those in Michigan, Massachusetts, and South Dakota. Placing the mass murderers of California, the drug-dealer murderers of Florida and the cowboy killers of Texas on death row has not made Los Angeles' Sunset Boulevard or Miami's Flager Street or Houston's Main Street any safer than King Street in Honolulu, Hawaii.

Clearly, if the death penalty were any kind of effective deterrent, those States which apply it would have fewer incidents of major crime. At a minimum there ought to be an established relationship between the threat of capital punishment and the fear of criminals to practice those crimes which carry a capital punishment. There is no known correlation.

In contrast to this and many other studies, those who claim the deterrence effect of capital punishment have failed to advance this argument beyond conjecture. They have not substantiated the requirements necessary to establish that capital punishment deters criminal activity. First, they should demonstrate that criminals pause, think and make judgments about the consequences of being caught before they commit capital crimes. Second, within this decisionmaking process, do individuals weigh the possibility of death or some lesser sentence before committing criminal acts? Third, if the aforementioned process occurs, how often does the threat of capital punishment prevent an act of murder? To the contrary, the evidence indicates that most murderers give little, if any, thought to being apprehended, and no thought to being executed. These individuals usually find themselves in a state of total disbelief when confronted with the reality of a prosecution demanding the death penalty.

In addition to the empirical evidence produced in this country, European studies also show the failure of capital punishment as a deterrent. Mr. Robert Badinter, Minister of Justice of the French Republic, in a 1983 speech before Amnesty International, USA, cited such evidence. He said:

> Specifically, from 1888 to 1897, the various Presidents of France made only sparing use of their powers of commutation and the guillotine was in steady operation. The number of murders during that 10 year period was 3,066. On the otherhand, from 1898 to 1907, the Presidents of France, who happened to be abolitionists, systematically commuted all death sentences. If the proponents of the death penalty as a means of deterrence are to be believed, this period of announced clemency should have brought about a striking increase in violent crime. What in fact happened? Exactly the opposite, while the guillotine was idle, the number of murders fell by 50-percent.

Here is further concrete evidence. In Massachusetts, New Hampshire, and Washington, the average murder rate for the years when the death penalty was in effect are higher than when it was not in effect. Capital crimes in States such as Alaska, Iowa, Maine, Michigan, and Minnesota, which have no capital punishment, are no higher than States which impose it. In fact, the five States which lead in the number of murders per 100,000 population (Georgia, South Carolina, Florida, Alabama, and Texas) all use the death penalty. On the otherhand, the five States with the lowest murder rates per 100,000 population (Minnesota, Wisconsin, Iowa, New Hampshire and North Dakota) have abolished the death penalty. Factors other than the death penalty are important in affecting the changes in murder rates in these States.

Mr. Speaker, if we have any genuine intention of enacting responsible legislation to help law enforcement officials fight drug related criminal activity we will reject all irrelevant amendments to the Omnibus Drug Initiative and enact an effective law. A capital punishment amendment may be emotionally appealing to some but it is irrelevant to our cause. We cannot pretend that this amendment will protect the innocent citizens of our Nation from the drug related crimes running rampant in our streets. The empirical evidence is all to the contrary. A capital punishment law will not stop a single mugging, a single burglary or a single murder and we must not fool ourselves into thinking that it might help stop illegal drug use.

SMALL BUSINESS AND HEALTH CARE

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. IRELAND. Mr. Speaker, I want to call the attention of my colleagues to an important study recently completed for the National Association For the Self-Employed [NASE] on the availability and cost of health insurance in small-business concerns. This study sheds new light on a subject that has been the focus of a great deal of attention in the Congress this year—one that holds great significance for my constituents and for those of my colleagues.

Highlights of this study reveal that:

First, the cost of mandated health benefits could add between $1,000 and $1,500 a year for each full-time employee to the operating costs of small employers. This cost is two to three times greater than the $529 that the average uninsured firm currently contributes in FICA—Social Security—taxes for each employee;

Second, the cost of insuring all employees, regardless of other coverage, could reduce a small firm's profits or owner's salary by between 19 and 30 percent or could increase a firm's losses by those amounts;

Third, the average profit or owner's salary for firms not offering insurance was $32,000. Eight percent earned a profit or owner's salary of less than $10,000, and another 8 percent had suffered a loss in the previous year;

Fourth, interestingly enough, 18 percent of those firms that 2 years ago did not offer employees health benefits now provide those benefits;

Fifth, average revenues for firms offering insurance is $845,000, compared to $232,000 for firms not offering insurance; and finally,

Sixth, employees in more than one-third of the firms surveyed are already covered by other sources.

The NASE study proves what many of us who oppose mandated health benefits have long felt—that the cost of such mandates could be fatal to many small firms and could severely curtail the productivity of many others. This study provides a strong argument against federally mandated health benefits, and I recommend the study to each of my colleagues. This data should receive our very serious consideration as we continue the debate over mandated health benefits.

The study, entitled "Increases in Health Insurance Coverage Among Small Firms 1986–1988," was commissioned by NASE. Organized 7 years ago, NASE is the fastest growing small business association in the Nation, with more than 100,000 members. Its rapid growth reflects the excellence of its leadership, and the association has become a most effective advocate for its members and for small-business interests in general. NASE's Washington advocate is long-time small-business activist Jere Glover.

The study was conducted by the highly respected research firm, Lewin/ICF, a division of Health and Sciences Research, Inc., of Washington, DC. This firm also conducted the initial health insurance survey of small businesses for the U.S. Small Business Administration in 1986. That study found that 65 percent of workers employed by businesses not offering insurance worked in firms with fewer than 10 employees. Mandated health insurance legislation was introduced in Congress soon after the release of that 1986 study.

In order to ensure the reliability of the data in its new study, NASE chose the same research firm and directed that the same firms surveyed in 1986 be surveyed again. The new study is an important document, in that it provides for the first time factually supported data on the adverse economic impact that such legislation could have on small businesses. Small businesses are the primary source of job creation in this country and serve as the primary stabilizing force in our economy. What hurts small business hampers our economic growth.

I continue to oppose legislation that would require all employers to provide health insurance for full-time employees and their families regardless of other coverage they may hold. One reason for my opposition has been the lack of sufficient factual data on the costs such legislation might actually impose on businesses, and the effect that those costs might have on small businesses in particular.

Proponents of mandated health coverage estimate the cost of such mandates to be $80 a month for each full-time employee—a figure many of us believe to be extremely conservative. In order to provide a range of potential costs to employers, the NASE study used both the $80 figure and an alternative figure of $125 a month for each employee. The study proves that, whether the cost is $80 or $125 for each employee, the effects could be fatal to many small firms and could severely curtail the productivity of many others. All of these firms are important to our economy.

Furthermore, this study reveals that employees in more than one-third—34 percent—of the firms surveyed were covered elsewhere, which leads to the conclusion that the need for federally mandated health benefits may be vastly overstated.

The information contained in the NASE study sheds new light on the debate over mandated health benefits and provides a strong argument against the imposition of federally mandated health benefits. I want to publicly commend the National Association For the Self-Employed for its resourcefulness in commissioning the study and Lewin/ICF for its professionalism in conducting it. Their work has provided important new data that had been lacking from our debates on this vital issue.

It is my understanding that a copy of the study is being made available to every Member of Congress. I commend it to your reading and suggest that the data contained in the study be given our very serious consideration as we pursue the discussion of the feasibility of mandated health benefits.

AMERICAN POLITICAL SCIENCE ASSOCIATION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. GRADISON. Mr. Speaker, I would like to take this opportunity to congratulate the American Political Science Association on the 35th anniversary of its congressional fellowship program. Begun in 1953 with only 6 fellows, the program has grown to the point where nearly 50 fellows were placed in congressional offices during the 2d session of the 100th Congress.

I believe that the caliber of the APSA Program is reflected in the diversity of experience that its participants bring to the Hill. This year's class of fellows included Federal executives, journalists, health professionals, political scientists, anthropologists, and foreign professionals. Competition for acceptance into the program is keen.

I have had a number of fellows serve all or part of their 9-month tour in the program as a fully integrated member of my staff. This has truly been a mutually beneficial experience, as the fellows have brought fresh and welcome insight into a variety of issues. Conversely, I believe the fellows have returned to their parent organizations with a better understanding and appreciation of the realities of congressional life.

I congratulate the American Political Science Association for its achievements in expanding this extremely worthwhile program from its meager beginnings 35 years ago. It is with great pleasure that I look forward to welcoming the next class of fellows.

FLORENCE PARLETT—FLYING ACE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, it is my honor and privilege to bring this House's attention to a truly remarkable resident of my district. Last week, 82-year-old Florence Parlett of Edgewater, MD, was recognized by the Federal Aviation Administration for its Aviation Pioneer Award, honoring her lifetime commitment to flying.

Florence has spent 31 years as a flyer and teacher of young pilots, and operator of Lee Airport near Annapolis. When she took to the skies in the 1950's propellers still ruled the day and women in a cockpit was an oddity. Florence has not only contributed to the profession through training young pilots, she's fought for the rights of small airports to stay in business. Recently she was instrumental in reaching a compromise with local officials and residents to keep our Lee airport open to small aircraft.

In an era where youth is glorified, it's inspiring to have an octogenarian among us to show Americans that life doesn't end at 40 or 60—or even 80. I commend the FAA for recognizing Florence's contribution to aviation, and wish her many more happy years in the air.

MAKE PERMANENT THE GREAT LAKES SET-ASIDE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. LIPINSKI. Mr. Speaker, I would like to call attention to a bill I introduced last week that would extend into perpetuity the Great Lakes set-aside for Public Law 480 title II cargo. My bill, H.R. 5162, would ensure permanently that Great Lakes ports receive their fair share of the "Food for Peace" shipments by not allowing the set-aside to expire as it is scheduled to do at the end of 1989.

Originally included in the Food Security Act of 1985, the Great Lakes set-aside was a thoughtful compromise to guarantee the Great Lakes a portion of a huge Federal program. The Food Security Act mandated that 50 percent of the export shipping under this legislation must be carried on U.S.-flag vessels with that percentage increasing to 75 percent in the spring of this year. Because no U.S.-flag lines are based in the Great Lakes, it was deemed necessary to create the guaranteed set-aside. The Great Lakes set-aside was a good idea then and it is an even more necessary step now that the percentage has raised.

The success of the Great Lakes set-aside provision is easily measured throughout the region. Today, the distribution of Public Law 480 cargo in the Great Lakes ports is probably more even than it has been in many years. The ports in that region are undergoing a resurgence of activity that means more jobs at good wages for laborers and increased prosperity for businesses. The Great Lakes set-aside is a shining example of successful legislative compromise.

I think that it is a worthwhile goal to assist U.S. shipyards by requiring that the majority of Public Law 480 cargo be carried on U.S.-flag vessels. There is no doubt that American shipbuilding is an industry that has been allowed to decline far too long. It is also our responsibility to see that as many regions of the country as possible enjoy the benefits of huge Federal programs. Allowing the Great Lakes set-aside to expire would effectively prohibit Great Lakes ports from receiving any Public Law 480 cargo as only foreign-flag vessels call on their ports. I urge my colleagues to join me in support of my bill to make permanent the Great Lakes set-aside because it is, in the broadest sense, legislation in the national interest.

A CONGRESSIONAL SALUTE TO JOYCE AND HARRY CHRISTENSEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding couple in my district, Joyce and Harry Christensen. Joyce and Harry will be given the 1988 Humanitarian Award by the Long Beach Lung Association on September 9, 1988, at the Seventh Annual Humanitiarian Award presentation. I am pleased to have an opportunity to say a few words about these two wonderful people.

Joyce Christensen was born in San Pedro, graduated from San Pedro High School, and fortuitiously fell into a position on the staff of the San Pedro News-Pilot, a piece of luck that was to influence the rest of her career. Displaying her usual verve and comptence, 2 weeks after she started, Joyce was given the job of the society editor of the News-Pilot. When her children were young, Joyce worked part time for the Long Beach Independent in the Women's Section. Eventually, the Independent and the Press-Telegram merged, and Joyce took on the position of assistant editor of the Women's Section. Joyce presided over the section as it changed from "Women's" to "Life", a turning point in the history of the paper. After 10 years as its editor, she became the food editor and the social columnist for the paper.

In her 40-year span as a newspaperwoman, Joyce has found the time to get involved with many civic organizations. She is a member of the board of directors of the chamber of commerce, and the Long Beach Heart Association, and is the past president of both the Women's Council of the Chamber of Commerce and the Soroptomist International of Long Beach. She is a charter member of the Pacific Coast Press Club and a former member of its board, and the founder of International Hostesses. In thanks for her generous contributions of time to the community, Joyce was honored with a Long Beach City Council commendation. She is a pillar of the Long Beach community.

Harry Christensen grew up in nearby Venice, CA, graduated from Huntington Park High School and later, California College of Mortuary Science. In 1946, Harry arrived in Long Beach to establish Christensen-Pino Mortuary. After his business was established, Harry threw himself into community affairs. He joined the Kiwanis and became its president in 1948, and in 1988, he was awarded honorary member status in recognition of his 48 years of service. He is an honorary member of the Long Beach Mounted Police, and rode in several Tournament of Roses parades in the mid-1950's. He was the president of the Long Beach Civic League in the late 1940's and is a life member and former board member of the Long Beach Yacht Club. He is also a charter member of the Pacific Coast Press Club.

Harry's love and obsession, however, is music. Early on in his Kiwanis career, Harry met three other new members and formed a barbershop quartet. They cut a record, and in their 40-year affiliation have made thousands of public appearances, and given all their proceeds to Kiwanis charities. In addition Harry also directed a 100-voice boys choir in Huntington Park, and is a strong supporter of the Long Beach Symphony. From his love of music stemmed his involvement with the Long Beach Civic Light Opera, an organization that has been Harry's influence in every facet of its operation. He began as a singer in early productions of the Civic Light Opera, and until 2 years ago, was a member of the board of directors. Harry and Joyce founded the Diamond Terrace of the Long Beach Civic Light Opera together, and have seen it become a valued part of the organization.

In choosing to give Joyce and Harry the Humanitarian Award jointly, the Long Beach Lung Association has recognized the fact that in every one of their endeavors, Harry and Joyce have supported one another. The key to their success is their commitment not only to the community but to each other. My wife, Lee, joins me in extending our warmest congratulations to Harry and Joyce on this auspicious occasion. We wish them all the best in the years to come.

BETTER CHILD CARE SERVICES

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. EVANS. Mr. Speaker, I rise today in support of the Act for Better Child Care Services—the ABC bill. I would first like to commend Representative DALE KILDEE for his strong leadership on this legislation.

No one denies that our current patchwork system of child care facilities and arrangements is grossly inadequate. The debate today is over how to improve it and how to provide working parents, particularly those with low incomes, a range of viable options for securing decent child care for their young children.

My constituents in the 17th District of Illinois believe that investing in quality child care is neither a luxury nor a choice, but a national necessity. They realize that any successful child care policy must address these three issues: availability, affordability, and quality.

The ABC bill is the only proposal that realistically responds to all three. ABC would increase both the supply and the diversity of child care arrangements so that parents will have real choices while helping low- and moderate-income families pay for its cost. ABC would complement the child care systems already in use by States and communities, thus building a workable system from the ground up rather than from Washington down. Most importantly, ABC establishes minimum health and safety protections for all children in child care.

Mr. Speaker, I ask that the attached article from the Daily Dispatch in Moline, IL, be printed in the RECORD. It describes the child care problems that face working parents in my district and throughout the entire State.

[From the Moline (IL) Daily Dispatch, Apr. 13, 1988]

DAY CARE FUNDING INCREASE TRIMS WELFARE ROLLS

(By Jackie Chesser)

Sometimes, you have to spend money to make money, says Illinois Sen. Dennis Jacobs, D-East Moline, when he talks about funding day care programs for low-income families.

For him, it's a matter of simple logistics. In order to decrease the public aid rolls, you must provide aid recipients with the means to "better" themselves so they can get jobs and enter the mainstream. "Increased funding for day care is one of the biggest steps to take in welfare reform."

Sen. Jacobs says more and more legislators are backing increased funding for day care because they realize it can help trim the welfare rolls.

"They (welfare recipients) want to go back to work," says state Rep. Joel Brunsvold, D-Milan. If they can't afford to pay for child care they must stay home with the children themselves.

Day care centers also are crucial in providing quality care for children so they make a smoother transition into the education system, he said. If they succeed in school they are less likely to solicit public aid when they get older.

Laurel Walker, executive director of Skip-A-Long Day Care Center in East Moline and Rainbow Skip-A-Long in Rock Island agrees that day care can make or break a child's attitude toward learning. But, like Jacobs and Brunsvold, she's concerned that there isn't enough money available to provide care for all the children who need it.

STAGNANT SPENDING

Sue Howell, of the Department of Children and Family Services, said Illinois receives about $130 million a year in federal Title XX block grant monies to use for social services.

Ms. Howell said she couldn't say how much federal monies are used for day care funding because the state adds two to three times that amount to the fund. "Illinois is among the few states that spends so much on social service programs," she said.

However, the Children's Defense Fund, Washington, D.C., says federal Title XX monies have been "stagnant" since 1981 which has forced states to add monies. Nationwide, the 1987 federal Title XX budget of $2.7 billion, if adjusted for inflation, is approximately 75 percent less than the 1981 levels and worth less than half the $2.5 billion available in 1976, the defense fund states.

In Illinois, total federal-state expenditures for child care actually dropped 0.5 percent from $55,966,100 in 1981 to $50,622,900 in 1987, the defense fund states.

Ms. Howell said the state pays for about 18,000 day care slots annually for low-income families. Of those, 15,000 are at "site administered" day care centers like Skip-A-Long. The remaining 2,000 are for regional administered day cares—which don't have to be licensed—authorized in areas where there are no state-funded care centers or for people who need child care services for their children while they work second or third shift.

Also available, she said, is an additional $182,000 a year for training child care workers. Interested child care workers in Illinois would receive training at Northern Illinois University in DeKalb, or at one of Northern's satellite sites—in this area, Skip-A-Long.

NEEDS WILL INCREASE

Altogether, 935,000 children under 14 will need day care by 1990 in Illinois, which is about 80,000 more children than were in need in 1986, according to the University of Chicago.

But, only one in seven Illinois children who needs low-income child care gets it now. About 100,000 children under the age of six need the service.

Illinois gives child care dollars to families through the Illinois Department of Public Aid and Department of Children and Family Services.

Public Aid this year has allocated $23 million for child care for public aid recipients in job training programs and continue to pay it for six months to former recipients now working full-time.

Public Aid will reimburse child care expenses up to $160 per month per child, says Randy Valenti, public aid administrator for employment and social services.

Without subsidy, full-time child care for one year costs about $3,000 per child, or one-third of the poverty level for a family of three, according to the Defense Fund.

A family of four, living on poverty-level wages, with two children in child care, would have to spend more than half its income on child care.

Q-C PUBLIC-FUNDED CARE

Rainbow and Skip-A-Long receive funds from the Department of Children and Family Services, United Way, the Child Care Food Program—an outgrowth of the Illinois State Board of Education—parent fees and private donations.

Rainbow also receives some funds from the city of Rock Island through federal Community Development Block Grant monies.

Skip-A-Long's budget is $500,000 per year, while Rainbow's is $425,000. Of that, government funds cover 63 percent, said Ms. Walker.

But that fluctuates, she said, depending on division of the fee between the state and the aid recipient. Based on income, the recipient receives a certain percentage of child care services free and are responsible themselves for a portion of the fees. Those with incomes less than $7,000 a year receive completely subsidized child care.

Typically, a single mother with two kids, making $10,000 a year, pays $8 a week for child care at centers like Skip-A-Long with the state paying the rest. Say she gets a raise to $13,000 a year, then she pays $16 a week.

Full-time, year-round work at the minimum wage of $3.35 per hour now yields annual earnings that are less than three quarters of what is needed to lift a family of three out of the poverty level of $9,300 a year.

The federal minimum wage today is worth only about 70 percent of its 1979 value. It has not been raised to compensate for inflation since 1981.

From 1979 to 1985 the number of people in this income bracket jumped from 2.8 million to more than 10.6 million nationwide, the Defense Fund has found.

Regardless of income or government subsidies, Skip-A-Long fees remain the same, said Ms. Walker. $55.50 per week for preschool children, $60.50 for toddlers and $66.50 for infants.

Low-income family day care fees are paid through the Department of Children and Family Services, a maximum of $11.45 per day for full-time preschool care; $15.78 for infants and toddlers; and $7.89 for school-age.

Sometimes, like this year, the state gets behind on what they owe, said Ms. Walker. But she hopes it will catch up if the department receives a requested five percent increase.

Irregularities in state payments force cuts in personnel, equipment purchase or something not mandated by the state, she said.

State aid helps Skip-A-Long and centers like it, but there still are not enough slots for low-income children. Many centers aren't willing to undertake the paperwork, restrictions and regulations required to provide low-income care.

LONG WAITING LIST

Ms. Walker says that of the 143 child care slots available at Rainbow, 103 are geared to low-income children, with 50 people waiting for an open slot. Skip-A-Long has 188 slots, 84 geared to low income, with a waiting list of 250 people.

Because the state requires low-income participants be prioritized into one of eight categories, some people have to wait as much as two to three years to get their children into a program, while others are considered top priority and get in immediately.

Receiving highest priority are teen parents enrolled in high school. Next are families where the parents are employed full-time but who are still at or below 50 percent of the state median income.

Day care centers interested in providing state contracted low-income care make an application to DCFS, said Ms. Howell. DCFS will not fund too many programs in the same area.

Ms. Howell said centers are evaluated based on programs, administrative structure and capability, and parent involvement. "We try to look at administrative and structural capabilities and programmatic response."

Once accepted, day cares must continue to meet state requirements about staff qualifications, in-service training and type and quality of programs offered.

More money allocated to child care would solve a lot of the problems, lawmakers and child care experts agree. By year's end, legislation may be adopted that will give tax incentives to companies that establish child care centers for employees and grants to help cities and states set up centers.

ALLIANCE WANTS $2.5 BILLION

The nationwide Alliance for Better Child Care has drafted legislation, called the Act for Better Child Care Services, which would authorize $2.5 billion in new grants during fiscal year 1989. Of that, approximately $94 million would be allocated to Illinois. Seventy-five percent of the state's allocation would be to help low-income families purchase child care.

In their report, A Children's Agenda, 1988, Voices for Illinois Children states it would like to see the day care appropriation increased to $30 million in fiscal year 1989.

But lawmakers and child care experts agree that day care is a high priority item right now.

"Day care is a vital, instrumental portion of welfare reform. Sometimes it takes a lot of money to save money," said Sen. Jacobs.

THE PRESIDENTIAL SIGNING OF H.R. 442

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. AKAKA. Mr. Speaker, today, President Reagan signed H.R. 442, the Civil Liberties Act of 1987. Passage of this bill will reiterate America's belief in its Constitution and reaffirm our commitment to provide "liberty and justice for all."

In 1942, President Roosevelt signed Executive Order 9066, which began the relocation of over 120,000 Americans of Japanese ancestry, including over 1,000 from Hawaii. Today, we have come full circle in this story of America's reprehensible denial of constitutional rights to Americans of Japanese ancestry. After 46 years of hindsight and a decade of debate, America has finally recognized its act of grave injustice committed against Japanese Americans.

I am extremely pleased that we have favorably concluded this chapter in history. This law will help to ensure that future generations, regardless of race, color or creed, are not denied their inalienable rights in times of peace or times of crisis.

CONCERN REGARDING ROMANIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. FAZIO. Mr. Speaker, I rise today to applaud the initiatives of my colleagues, particularly Representatives LANTOS and DORNAN, who have sought to highlight this Chamber's concern regarding the systematic abuse of the human rights of the Hungarian minority in Romania. I also rise to join my colleagues in their strong condemnation of President Nicolae Ceausescu's regime of ethnic persecution and police terror. As one who is proud of our country's cultural diversity, I am outraged by the Romanian Government's policy of systematically destroying Hungarian heritage and culture. Such a policy clearly violates such international agreements as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act.

For the past 20 years, President Ceausescu has headed a government characterized by the abuse of human rights. His regime has attempted to eliminate the cultural identity of the Hungarian people of Romania. He is destroying all forms of expression and publication in the Hungarian language. For example, in January 1985, Romanian authorities banned television and radio broadcasting in the minority languages of Hungarian and German. Also in 1985, all university entrance examinations given in minority languages were eliminated. On July 13, 1987, the government shut down the Hungarian language textbook firm. Today, all Hungarian schools are closed.

Ceausescu's latest offense to human rights comes with his decision to bulldoze 8,000 of Romania's 13,000 villages. Many of these villages lie in Transylvania, a region ceded to Romania by Hungary after World War I. Traditionally, Transylvania has been the cradle of Hungarian history and culture. Now, the homes, churches, and graveyards of Hungarian villagers will be leveled, breaking traditional ties with the past. The resettlement of the villagers into government-owned apartment buildings termed "agro-industrial complexes,' attempts to denationalize and disperse the Hungarian population. This forced assimilation is masked by government claims that, in fact, the goal is to gain more farmland for more efficient collectivized agriculture.

The Romanian Government's persecution has spurred an increasing number of Hungarians to flee Romania. Recent estimates place the number of Hungarian refugees at approximately 20,000. The significance of this number was illustrated on June 27, when Hungary tolerated a peaceful demonstration in Budapest by over 10,000 Hungarians protesting abuses to Hungarians in Romania.

Mr. Speaker, the abuses of human rights to Hungarians in Romania must end. As a first measure to stop these abuses, I encourage the President to withhold most-favored-nation trading status from Romania until reforms are undertaken. I also urge my colleagues to support House Resolution 505. We must join to preserve the human rights and cultural identity of Hungarians in Romania.

THE INTRODUCTION OF THE ETHICS IN PATIENT REFERRALS ACT OF 1988

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. STARK. Mr. Speaker, today, I am pleased to introduce H.R. 5198, the Ethics in Patient Referrals Act of 1988. This bill squarely addresses one of the most pressing problems confronting the Medicare Program today: conflicts of interest arising from physician ownership of facilities to which they make referrals.

Over 10 years ago, Congress enacted a sweeping law prohibiting payment of kickbacks for patient referrals under Medicare. The law is clear on its face: payment of any remuneration directly or indirectly overtly or covertly in return for patient referrals is prohibited subject to criminal and civil penalties.

In spite of this law, providers of medical services have developed and promoted a variety of new forms of business organization specificaly intended to secure patient referrals from physicians. These ventures have been vigorously marketed as lucrative investment opportunities for physicians, and there can be little doubt from the terms of the arrangements that physicians are being paid substantial bonuses to secure referrals.

The services most commonly involved include diagnostic and therapeutic radiology, clinical labs, durable medical equipment, home health care, and home infusion therapy, including intravenous feeding.

One approach involves the establishment of a partnership. Referring physicians typically hold limited partnership shares and are not actively involved in management. The provider serves as general partner and is responsible for organizing and managing the business.

An alternative structure involves the formation of a franchise corporation wholly-owned by physician investors. The promoter is an ancillary service provider which organizes and manages the corporation for the physicians. The physician-owned corporation serves primarily as a passive billing entity and depends heavily on contractual arrangements with the promoter for actual service delivery.

Because of the resulting economic alliance between referring physicians and providers, physicians are unlikely to exercise unbiased judgment in making referral decisions. As a result, patients may not be referred to the highest quality provider available.

Based on these and other considerations, a committee of the Institute of Medicine [IOM] concluded in 1986 that "it should be regarded as unethical and unacceptable for physicians to have ownership interests in health care facilities to which they make referrals or to receive payments for making referrals." The IOM panel was composed of a group of 22 of the most distinguished leaders of American health care represented a broad range of interests and perspectives.

Physician ownership also creates a substantial risk of overutilization. This potential, in the case of lab testing, was well documented in studies by Blue Cross/Blue Shield of Michigan in 1981 and HCFA's region V in 1983.

Finally, legitimate competition is undermined by these arrangements. To maintain market share, suppliers will be forced to compete—not on the basis of price or quality—but on the basis of the size of the cut they are willing to give to referring physicians.

Lawyers advising health care clients have recognized that joint ventures with physicians are potentially within the scope of Medicare's antikickback law, but have argued that such ventures are nonetheless permissible if (i) there is no explicit requirement that physician investors make referrals and (ii) dividend payments do not vary in proportion to the number of referrals made by the physician investor.

These claims are unsubstantiated by any court decision.

The terms of many partnership arrangements strongly suggest an intent to induce referrals. Physician investors have a clear understanding that the enterprise is likely to a commercial success if all referrals are directed to the partnership. Moreover, each physician clearly understands that profits and dividends will increase if more referrals are made.

Some partnerships explicitly restrict investment opportunities to physicians likely to make referrals. Others nominally allow participation by nonphysicians. But, of critical importance, in almost all cases, investments are rarely, if ever, solicited from nonphysicians.

Returns of over 100 percent a year are frequently projected in prospectuses accompanying partnership offerings. Dividends of this magnitude can only be explained from an economic perspective as a payment for a referral.

Nonphysician investors are not able to participate in these extraordinary dividends on equal terms with physician investors because what the promoter really wants is an assured referral base. In other words, the formation of the partnership or corporation serves as camouflage for indirect payment of a referral fee.

Perhaps the most serious shortcoming of current law is the enormous difficulty involved in proving to the satisfaction of a judge in a criminal or civil enforcement action that a particular arrangement is deliberately structured to induce referrals. A successful prosecution requires a lengthy investigation of the business records to prove unequivocally that dividend payments to physicians were intended as the disguised payment of a referral fee.

The enforcement resources simply aren't there. There is no way that the inspector general—with fewer than 500 investigators nationwide—can adequately police the complex business arrangements that underpin the $100 billion a year Medicare Program.

What is needed is what lawyers call a bright line rule to give providers and physicians unequivocal guidance as to the types of arrangements that are permissible and the types that are prohibited. If the law is clear and the penalties are severe, we can rely on self-enforcement in the great majority of the cases.

H.R. 5198 provides this bright-line rule. Providers of Medicare-covered services generally would be prohibited from accepting patient referrals from physicians with an ownership interest.

Exceptions are made for services typically provided as an integral part of the physician's own professional service. Thus, physicians could be part owners of hospitals or ambulatory surgery centers [ASC's] since these facilities often serve as a work-place for physicians. In addition, a physician or physician group practice could provide in-office lab testing and x rays. Furthermore, consulting physicians, such as radiologists and pathologists could own their own facilities since they generally do not make patient referrals.

Sole community rural providers would be excepted to address possible concerns about access. Ownership of publicly traded stock would be excepted since such ownership cannot involve covert payment of a referral fee. Finally, HMOs with Medicare risk contracts would be excepted because such HMO's have no incentive to encourage overutilization of referral services.

H.R. 5198 also addresses contractual arrangements for professional services or for rent or purchase of facilities, supplies, or equipment. The bill sets forth a number of strict tests to ensure that any payments made are for legitimate purposes.

Intentional violations by physicians or providers would be subject to civil penalties of up to $15,000, assessments equal to two times the dollar value of any improper referrals, and/or exclusion from participation in Medicare.

Providers and physicians would have 1 year after enactment to bring existing ownership or compensation arrangements into compliance. A physician can easily avoid prosecution simply by selling his or her ownership interest or by referring patients to another provider.

I am introducing H.R. 5198 at this time to serve notice of my expectation that the bill be seriously considered by the Health Subcommittee next year. Congress will receive reports on this issue from the General Accounting Office and the Inspector General by May 1989. The subcommittee will review these reports and any public comments received to develop possible modifications to the bill, including possible modifications or limitations of the exceptions currently provided.

As a final note, I would like to express my hope that the bill will be fully supported by the leadership of the medical profession. This legislation is as important to the medical profession as it is to the Medicare program.

Just 6 weeks ago, in an article in the Journal of the American Medical Association, Dr. Robert Blendon reported on opinion polls which showed a significant decrease in the public's confidence in the medical profession. Dr. Blendon speculated that this decline in confidence could be the direct result of the growing "commercialization of health care."

Further proliferation of joint ventures involving providers and physicians is bound to accelerate this trend. The public will not have confidence in the medical profession if a substantial fraction of the Nation's physicians are profiting from a web of hidden commercial arrangements with health care providers to which they make referrals. The public will see little difference between these arrangements and the types of conflicts of interest which have been the focus of recent scandals involving high Government officials.

Trust is crucial to the physician-patient relationship. Ethical standards must guard against the fact and the appearance of impropriety.

The medical profession should join with us to draw the line and to demand that all who serve the public be held to the highest ethical standards.

SUMMARY OF THE BILL

In General

Subject to exceptions described below, the bill prohibits a provider of any Medicare-covered service from accepting patients from a referring physician who (i) has a direct ownership or other indirect ownership or financial interest (as defined by the Secretary) in the provider or (ii) receives compensation from the provider. The prohibition also applies in the case of arrangements involving the referring physician's immediate family.

A "referring physician" is the physician who prescribes or establishes the plan of care for a service or, in the case of a referral for a physician service, such as an X-ray examination, the physician who initiates a request for a consultation. Consulting physicians, such as radiologists or pathologists, who do not make patient referrals would not be covered by the bill.

General Exceptions

(a) *Physicians' Services and Incidental Services.*—An exception would apply to physician services and incidental services (as defined in Section 1861(s)(2)(A) of the Social Security Act) provided directly by the referring physician or by another physician in the same group practice as the referring physician. A similar exception would apply to services provided by a physician assistant, nurse midwife, psychologist, or nurse anesthetist employed by the referring physician or group practice.

A physician group practice is defined as (i) a group of two or more physicians legally organized as a partnership, professional corporation, or other similar entity, (ii) in which each physician provides substantially the full range of services which the physician routinely provides, including medical care, consultation, diagnosis, or treatment, (iii) through the joint use of equipment and personnel, (iv) with the income from the practice distributed in accordance with methods previously determined by members of the group, and (v) meeting such other requirements as the Secretary may impose. An entity which provides a narrow range of services when the individual physician members routinely provide a broader range would not be considered to be a group practice for purposes of this provision.

(b) *Prepaid Plans.*—An exception would apply to services provided by an HMO with a Medicare risk contract under Section 1876 of the Social Security Act.

(c) *Other Exceptions.*—The Secretary would be authorized to establish other exceptions by regulation for ownership or compensation arrangements that the Secretary determines do not pose risk of program or patient abuse.

Exceptions Relating to Ownership

(a) *Ownership of Publicly-Traded Securities.*—An exception would apply to ownership of investment securities (including shares, bonds, debentures, notes, or other debt instruments) traded over a publicly regulated exchange and purchased on terms generally available to the public because such ownership cannot serve as the means for covert payment of a referral fee.

(b) *Sole Rural Providers.*—Services provided by a sole community rural provider (as defined by the Secretary) would be exempted because of possible concerns about access.

(c) *Hospital and Ambulatory Surgery Center Services.*—An exception would apply to services provided by a hospital or ambulatory surgery center (ASC) with which the referring physician has a medical staff appointment provided that the ownership interest is in the hospital of ASC as a whole. This exception is provided because hospital and ASC services typically are closely integrated with the referring physician's own professional services and because physicians commonly view these facilities as part of their work environment.

(d) *Other Services Provided as an Integral Part of the Referring Physician's Service.*—An exception would be available for referrals of "medical and other health services" (as defined in Section 1861(s) of the Social Security Act) that meet the following requirements.

The service (i) must be furnished directly either by the referring physician or by employees under the direct supervision of the referring physician, (ii) in the same building in which the physician practices, (iii) using facilities, equipment, and supplies purchased or leased by the physician in an arms-length transaction at fair market value, and (iv) must not be made available to individuals not under the care of the referring physician.

Because of the potential for abuse, if the physician makes use of management services in conjunction with providing the service, the physician may not make any referrals directly or indirectly to the entity providing the management services.

No exception would be made for referrals involving durable medical equipment, ambulance services, parenteral and enteral nutrition, and home TV drug therapy since these items generally are not provided as an integral part of a physician's own professional services.

The exception would also apply to services provided by the physician group practice of which the referring physician is a member.

Exceptions for Compensation Arrangements

(a) *Fair Market Arrangements.*—An exception would apply to compensation arrangements which satisfy all of the following requirements: (i) the compensation must be for specific identifiable facilities or services, (ii) may not exceed fair market value or $10,000 a year (except in the case of purchase or rental of facilities), (iii) may not vary based on the number of referrals made, (iv) must be made pursuant to an agreement which would be commercially reasonable even if the transaction did not involve the potential for referrals between the physician, and (v) the physician discloses to all patients referred to the provider the existence of the financial relationship and information concerning alternative sources of care.

The exception would not apply to compensation paid for professional and related services provided to individual patients by the referring physician because payment for such services is normally covered by Medicare.

The Secretary would be authorized to add additional conditions by regulation or to prohibit categories of compensation arrangements as needed to protect against potential program or patient abuse.

(b) *Physician Recruitment.*—An exception would be available for compensation provided by a hospital to a physician as an inducement for the physician to relocate in the geographic area served by the hospital and to become a member of the medical staff of the hospital so long as there is no requirement that the physician refer patients to the hospital and the compensation does not vary in proportion to the number of referrals made.

Enforcement

Payment would be denied for services provided pursuant to a prohibited referral. Knowing violations by the referring physician or provider would be subject to civil monetary penalties of up to $15,000 for each improper referral, assessments equal to twice the dollar value of the improper referrals made, and/or exclusion from participation in Medicare.

Effective Date

The provision would be effective for referrals made on or after December 31, 1988, except that the effective date would be January 1, 1990, in the case of ownership or compensation arrangements in effect as of the date of enactment.

CELEBRATING THE ENACTMENT OF THE CIVIL LIBERTIES ACT OF 1987

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. MINETA. Mr. Speaker, today we are celebrating the bicentennial of our great Constitution in a most fitting fashion. Today President Reagan signed into law H.R. 442, introduced as the Civil Liberties Act of 1987, and in so doing reaffirmed this vital document.

H.R. 442 may not deal with events either as distant or as proud as those in Philadelphia 200 years ago, but the bill does address events just as central and just as fundamental to our rights and to our laws.

Beginning in 1942, the Federal Government ordered and forcibly removed 120,000 Americans of Japanese ancestry to isolated camps scattered throughout the Western United States. Those who were interned and evacuated had but days—sometimes only hours—to dispose of their property and set their affairs in order. And then, carrying only what their arms could hold, these Americans were summarily shipped off to parts unknown for up to 3 years.

This legislation has been carefully drafted, after many years of debate, discussion, and hearings. In resolving the differences between the House and Senate versions of H.R. 442, the members of the conference committee further refined and strengthened an already well-crafted bill.

The major points remain, unweakened, in this legislation: an apology from the U.S. Government, compensation for survivors, an education fund to assure that such a violation of civil rights never again occurs, and review of administrative decisions and criminal convictions influenced by the hysteria of the time.

In addition, H.R. 442 now also contains redress for the Aleuts who suffered so during their evacuation and relocation.

One night in early 1942, when we did not know what events were to come, my father called the family together. He said that he did not know what the war would bring to my mother and to him, since they were prohibited by racial exclusion laws from becoming citizens. However, he was confident that his beloved country would guarantee and protect the rights of his children, American citizens all.

His confidence, as it turned out, was misplaced.

I was born in this country—as were most of those who were interned. Yet, at that time, even citizenship was not enough if your parents or grandparents had come from Japan. Without a trial, accused only because of our ancestry, we were all to be sent away from our home, first to live in horse stables at the Santa Anita racetrack, then to one small room in a tarpaper barracks in Heart Mountain, WY. I was 10½ at the time.

So, on May 29, 1942, under armed guard, my father loaded his family onto the train which was taking us from our home in San Jose to an unknown, distant barracks. He wrote to friends later that as the train pulled out of the station:

> I looked at Santa Clara Street from the train over the subway. I thought, this might be the last look at my loved home city. My heart almost broke and suddenly hot tears just came pouring out. The whole family cried out and could not stop until we were out of our loved country.

We lost our homes, our businesses, our farms. But, worst of all, we lost our most basic rights. Our own Government had branded us with the unwarranted stigma of disloyalty, which clings to us still.

The burden has fallen upon us to right the wrongs of 46 years ago. Great nations demonstrate their greatness by admitting and redressing the wrongs they commit. I am proud that this Congress and this President have recognized this wrong, and have acted accordingly.

Injustice does not dim with time. We cannot wait it out; we cannot ignore it; we cannot shrug our shoulders at the past. Our only recourse is to shoulder our responsibility of refuting the shame of the internment so that such a tragedy will never recur. By enacting H.R. 442 into law we are embracing this vital responsibility.

This bill is certainly about the specific injuries suffered by a small group of Americans. But the bill's impact reaches much deeper, into the very soul of our democracy. Those of us who support this bill want not just to close the books on the sad events of 1942: we want to make certain that such blatant constitutional violations never again occur!

Does our Constitution indeed protect all of us, regardless of race or culture? Do our rights truly remain inalienable, even in times of stress; and especially in times of stress?

The enactment of this legislation answers these questions with a resounding yes.

Today is a moment of great emotion for me, a day when hopes and dreams have become reality. Today the unjust burden of shame which 120,000 loyal Americans have carried for 46 painful years has at long last been lifted.

I commend my many dear colleagues for their support of this vital legislation, and I commend the President for his wisdom in signing this bill.

My heart is full, with joy, with healing, and with pride in this great Nation, and in our great Constitution. Today the Constitution is reaffirmed as the vibrant foundation for justice and for a society which seeks equality, justice, and freedom for all.

CHILDREN'S DAY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. KENNEDY. Mr. Speaker, today I am introducing a resolution that will celebrate the first Sunday of October as National Children's Day. How many times have we referred to our children as our Nation's most valuable asset? Yet we celebrate Mother's Day and Father's Day and fail to recognize our children who play such a vital role in our families. Our children represent the future, the hope, and the inspiration of our Nation. All to often we stifle our children's dreams simply because we fail to recognize and support their achievements and aspirations. Allowing our children to fall victim to this kind of futility would be witnessing our country's dreams slip through our fingers.

Children's Day would serve as national recognition of the importance of keeping the flame alive in our children that enables them to change what is wrong, to keep what is right, and to distance themselves from the improprieties of the world. Children's Day is not intended to represent another commercial extravaganza for the local toy stores. It is a day which would elevate the role of family life, education, and spiritualism in shaping our children's future. By encouraging schools and communities to hold appropriate celebrations and events, Children's Day would focus our Nation's attention on the positive possibilities open to our youth. When our youth believe that their contributions are valued, they will continue to follow their dreams. Children's Day is also a time for adults to reminisce about their youth or search a child's wide eyes in an effort to recapture some of the innocence and dreams that we may have lost through the years.

I hope my colleagues will join me by supporting this resolution which will provide this Nation with a golden opportunity to instill hope and pride in the youth of America.

INTRODUCING LEGISLATION FOR THE SAN JUAN COUNTY NURSING HOME IN BLANDING, UT

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. NIELSON of Utah. Mr. Speaker, I rise to ask all of my colleagues for support in assisting a small town nursing home in Blanding, UT. The nursing home, located in a rural area of Utah, has experienced increasingly difficult and complex financial and legal problems. In an attempt to resolve these problems I present this bill before this distinguished body for your consideration and approval.

In coordination with Senator HATCH, the Department of Human and Health Services, the Health Resources Service Administration [HRSA], and Mr. WAXMAN, I seek to both improve the economic state of this rural community nursing home and provide quality and efficient medical care for its deserving patrons.

The history of the nursing home's problems reveals the need for the legislation. The San Juan Nursing Home's problems resulted from complications with the Hill-Burton Program. In 1966 and 1968 the nursing home accepted Hill-Burton grants which provided funds to assist the county in constructing the nursing home and obligated them to provide a certain percentage of uncompensated health care for a period of 20 years.

During the next 20 years the long-term care facility continued to expand to meet the country's needs while the country's tax base was shrinking due to the demise of the uranium industry and the falling prices in the oil and gas market. As a result of these and other problems, the facility experienced financing challenges and, subsequently, it began to operate in the red.

Attempting to resolve the financial difficulties, the county set up a bid process and sold the nursing home to a profit-oriented organization. The amount collected from the transaction was used to pay off existing nursing home debts with the remainder to be transferred into a trust account for the San Juan Hospital in an attempt to continue serving Hill-Burton clients. These decisions and transactions were made with the full awareness of the Denver Office of the HHS.

Presently, the Department of Health and Human Services is taking action to fine the county for the full amount of the obligation. This, I believe, will undermine the economic stability of the nursing home and the quality of health services for this community.

It is with these considerations in mind that I introduce this bill. The bill does not relinquish the county and nursing home of its Hill-Burton obligations, but rather, it mandates the county commissioner to establish a trust account in the San Juan Hospital, in an amount that will be negotiated by the HHS, that will fulfill the Hill-Burton obligation in providing community health service in the nursing home and uncompensated health care in the hospital for county residents who cannot afford the proper health care.

The honorable Senator from South Carolina, Mr. THURMOND, recently enacted a similar bill to assist a medical institution in his State. With this in mind I ask for the support of all of my distinguished colleagues in passing this legislation to improve the economic stability of this rural county in my State and more importantly to improve the health care for our Nation's senior citizens.

IN COMMEMORATION OF THE 65TH ANNIVERSARY OF C.S. MOTT COMMUNITY COLLEGE IN FLINT, MI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation an event that will occur September 1, 1988, in Flint, MI, commemorating the establishment of the Charles Stewart Mott Community College. On this day, Mott College will celebrate its 65th anniversary.

The service this fine school has given to the Flint community can be traced back to a meeting held by the Board of Trustees of the Union School District of Flint on May 2, 1923. That day, the teachers' committee recommended that a junior college be started in September 1923, provided that at least 50 qualified freshmen applied. The motion was carried, the school was approved, and the Flint Junior college was established.

That fall, however, not 50, but 114 students enrolled at the college, attending a selection of liberal arts classes at Flint High School, now Flint Central High. Soon, young men and women, who had never even thought about attending college, had an opportunity to gain an excellent education. Consequently, the enrollment of the school quickly grew, and the Flint Junior College soon outgrew its humble location. It moved to the picturesque Oak Grove Sanitorium, its home until 1955, when the present campus was created on 54 acres generously donated by the late Charles Stewart Mott.

In 1975, responding to the needs of the community, the college expanded its campus to inner-city Flint, where a vocational skills training and job placement center was established to assist even more residents in obtaining needed tools for good employment. Today, the college has an enrollment of over 10,000 students, with a campus of 12 buildings and more than 130 career and transfer programs.

Throughout its 65-year history, the college has gone through several name changes, starting with Flint Junior College and then Flint Community Junior College in 1960. When the college split from the Flint Board of Education in 1970, its name became Genesee Community College until finally, after the death of Mr. Mott in 1973, its name became Charles Stewart Mott Community College. Regardless of the different names and expansion of the school, one thing has remained constant: a dedication to a quality, affordable, and accessible education for the residents of Genesee County and surrounding communities.

Mr. Speaker and my fellow representatives: The seal of C.S. Mott Community College is an oak tree, an apt symbol. For like a tree, the school started very small and is ever growing and expanding, branching off into the varied subjects of modern education and constantly serving people. I ask that you all join with me in commemorating the 65th anniversary of Mott College and its contribution to the Flint community. I am proud today to rise and pay tribute to this fine college.

CORONA CHURCH OF SEVENTH-DAY ADVENTISTS PLANS RE-OPENING CEREMONY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to praise the outstanding work of the Corona Church of Seventh-day Adventists. The Corona Church recently celebrated its 25 years of religious service to the Queens County, NY, community of Corona-East Elmhurst. It has also just recently completed an extensive renovation project that will enhance its ability to further serve its parishioners and the entire community.

The church, located at 35–30 103d Street in Corona, Queens, has a membership of 420 persons including more than 70 young people between the ages of 16 to 30. The church preaches love and obedience to God, love and respect of one's neighbors, and honor, loyalty, and obedience to the laws of State and country.

Mr. Speaker, the church places special emphasis on moral and healthy living. Its members abstain from alcohol, tobacco, narcotics, and all harmful substances. The church sponsors ongoing feeding for the homeless and needy persons and "family enrichment" and youth development programs for the community.

Based on the belief that God should be worshipped in a place of beauty, the church began an extensive renovation project in September 1985. After much hard work and sacrifice by members of the church community, and after 3 years of patient toiling, the congregants' dreams have become a reality. The reopening ceremony of the new building will take place on Saturday, August 20, 1988. The church will continue to be a guiding light for the community, and a place of refuge for all in need.

Mr. Speaker, I wish to ask all my colleagues in the House of Representatives to join me in commending the Corona Church of Seventh-day Adventists for its fine work in promoting positive values to its young people and both spiritual and physical sustenance for those who seek it. It is my honor to recognize the religious leaders Pastor Roy L. Hoyte and First Elder LeRoy Thomas. These dedicated individuals have helped make the church a vibrant spiritual center in the Corona-East Elmhurst Community.

CHIEF GERALD M. NEWCOMBE RETIRES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. LEWIS of California. Mr. Speaker, it gives me great pleasure to set aside this time to recognize Chief Gerald (Gerry) M. Newcombe of San Bernardino, CA. Chief Newcombe will be honored on Friday, August 26, 1988, on the occasion of his retirement from the San Bernardino City Fire Department. I would like to recognize him today by saying a few words about the many accomplishments he has achieved throughout his distinguished career.

Mr. Newcombe was born in San Bernardino, CA on August 29, 1933. After graduating from Colton Union High School in 1951, he entered San Bernardino Valley College in the same year. Gerry was called to duty on April 15, 1953 where he entered the U.S. Army to serve his country in Korea.

After his discharge from the service in 1955, Mr. Newcombe worked full time for the Edison Co., while he attended college in the evening. He received his A.A. degree in 1959, and it was in 1960 that Gerry began dedicating himself to the San Bernardino Fire Department.

Gerry was promoted to engineer in February 1969 and in 1970 became captain of the department. His climb in rank commenced when he became the designated assistant training officer. In 1973, Captain Newcombe was appointed to the position of department administrative assistant by the chief.

As Gerry's career in the fire department remained successful, his education became equally notable. In 1976, Gerry graduated from California State University, San Bernardino, with a bachelor of arts degree in public administration upon which he took over the duties of deputy chief. A few years later, in 1980, Gerry assumed the role of the 17th chief of the San Bernardino Fire Department, and in 1982 he earned his masters degree in public administration from California State University, San Bernardino.

Mr. Newcombe has been extremely active and has received many awards which illustrate his dedication and loyalty to the community. Gerry is a past president of the San Bernardino Fire Chief's Association, was a Governor appointee to the California State Board of Fire Service, is a past chairman of the California Fire Chiefs' Association, Southern Section—Public Education Committee, and a member of the International Association of Fire Chiefs as well as the National Fire Protection Association.

Gerry's involvement in the community has gone beyond just working for the Fire Department. He sat as chairman of the board of directors of the San Bernardino Community against Drugs and also assumed a position on the board of directors for the Kiwanis Club of San Bernardino. His commitment continues as he is a current member of Native Sons of the Golden West and the U.S.C. Trojan Club.

The San Bernardino community has awarded Gerry greatly for his community involvement. In 1984, he was given the We-Tip Fire Chief of the Year Award, and in 1986 he received the Fire Chief of the Year Award by the Professional Insurance Agents of California and Nevada. Other honors include Gerry's being listed in the Who's Who of the West, and his being selected as Manager of the Year in 1987 by the San Bernardino City Management Association.

I have to say, and I think Gerry would agree, that he would not have been able to complete this success without the love and support of his wife, Barbara, and their four children, Gerry, Lynn, Janet, and Mary.

Mr. Speaker, I ask that you join me in saluting Chief Gerald M. Newcombe. He serves as an exceptional example to us all for his commitment to the operation and improvement of the San Bernardino Fire Department and its surrounding community. It is with great pride and respect that I pay tribute to him today.

HONORING JUDGE MORRIS TURK

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. CARDIN. Mr. Speaker, I rise today to honor an exemplary citizen of Maryland. Judge Morris Turk retired from the Fifth Judicial Circuit Court of Maryland at the end of July.

Judge Turk has been a public servant for nearly 30 years. He was appointed chief judge of the fifth Circuit in 1975. Prior to that Judge Turk served his State and country in many capacities including as a member of the U.S. Armed Forces.

As a past director and vice-president of the Annapolis Symphony Orchestra and as a member of the Advisory Board of the Annapolis Fine Arts Foundation, Judge Turk has made important contributions to the cultural community as well.

Judge Turk's involvement in our community has been recognized by many. Among his honors are the Governor's Citation for Outstanding Service, Frontiers International Human Relations Award, and the Ambassador for Peace Award from the Jewish National Foundation.

With his wife Irene at his side, Judge Turk has made important contributions to the lives of many Marylanders. I urge my colleagues to join me in saluting an honored member of the Maryland Circuit Court and an outstanding citizen, Judge Morris Turk. We all wish him the best for the future.

THE CHILD-CARE DEBATE

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. HEFLEY. Mr. Speaker, "health care," "drugs," "social security," "family values," "education," "child care"—all catch phrases of election year politics. They sound good and pull at the heart strings of the American voter.

Thus, it's not surprising that child care has become one of the leading issues of the year. Not surprisingly, all our Presidential candidates are being seen on the evening news at day care centers.

Both BUSH and Dukakis have stated that they are profamily advocates; more than 100 bills have been introduced; hundreds of articles, reports, and studies have been published, and the Department of Labor has named child care the No. 1 labor issue. With 57 percent of mothers with young children at work today, there is no question about the seriousness of the need for available and affordable child care.

If the Government does dig deeper into child care, how far should it go? The best way to approach this problem would be to provide assistance directly to families with young children. For this reason I am supporting legislation that provides child care tax credits to all taxpayers with a dependent child under mandatory school age. While providing maximum benefits to those families with the greatest need, the legislation does not establish any new Federal spending programs.

I believe this bill is an equitable and practical approach to helping American families obtain child care. Parents should be allowed to choose the form of child care they prefer for their children, and mothers who are able or who choose to care for their children should not be penalized—this legislation achieves both of these goals.

Additionally, this child care bill provides tax incentives to businesses that operate child-care services for their employees without imposing burdensome regulations on the growing industry.

Child care will continue to be an issue of much debate not only because it is a campaign year, but because it involves a subject that is of importance to all of us—our children. Some type of program will be adopted to combat the problem and provide the best options for parents of young children. In doing so, let's hope Congress doesn't follow its normal pattern and develop a gigantic child care bureaucracy. We need child care, not more government.

THE FRANK ANNUNZIO CENTER—A FITTING TRIBUTE TO A GREAT AMERICAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. RODINO. Mr. Speaker, last month a very special event took place in Chicago to honor my good friend and respected colleague FRANK ANNUNZIO. On July 2, the Joint Civic Committee of Italian Americans, a civic and charitable organization founded in 1952, held the grand opening of its new headquarters which is officially named the Frank Annunzio Center.

The new Annunzio Center is located on Michigan Avenue in the same building that houses the Italian Consulate in Chicago. It will be used to carry out the work of the Joint Civic Committee of Italian Americans which includes the issuing of grants and scholarships, the organizing of the annual Columbus Day Parade and the promotion of Italian culture and heritage.

This designation is a very fitting tribute to FRANK ANNUNZIO. He has served as a principal benefactor of this organization both in helping to raise funds and in sharing his knowledge and expertise. FRANK has devoted his life to highlighting the important role that Italo-Americans have played in the history of our Nation. By his example, FRANK has deepened this pride in our common heritage which is a part of the rich tapestry of American life.

In a larger sense, the Annunzio Center will also be an enduring reminder of FRANK'S dedication to the people of the 11th Congressional District and his outstanding contributions to this Nation. As a member of the Banking Committee and the distinguished chairman of the House Administration Committee, he has been an effective leader who has earned the respect and the genuine affection of his colleagues. By working diligently to improve the quality of life for all Americans, FRANK has made a difference.

Mr. Speaker, the Frank Annunzio Center will stand as a testimony to the dedication and commitment of an outstanding public servant. I want to join with FRANK'S many friends in Illinois and across the Nation in congratulating him on this special honor.

TREAD CORP. TO EXPORT TO CHINA

HON. JIM OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. OLIN. Mr. Speaker, as a member of the Small Business Committee, I would like to make the Members of this body aware of growing opportunities for small businesses to export their products overseas. In my district in Virginia there are many fine small businesses, entrepreneurial in spirit and farsighted in vision. One such business is the Tread Corp.

In business for more than 30 years, Tread has become the largest manufacturer in the United States of bulk delivery, pump and blend trucks for the explosives industry. These trucks have been found to be particularly effective in surface mining.

The Tread Corp. has discovered the possibilities of establishing a business relationship with the People's Republic of China. Second only to the United States in coal production, the People's Republic of China is increasing its use of surface mining. Representatives of Tread Corp. have made trips to China and have begun the process of creating a business partnership that will provide economic opportunities for the Sixth District of Virginia and beyond.

Businesses from around the Nation manufacture and supply parts and materials to the Tread Corp. These businesses also stand to gain from the export opportunities created by Tread Corp., who plans to establish a team of industry representatives interested in joining Tread in doing business with China. The market for the goods and services of Tread and its suppliers is very strong in China and a business partnership will be mutually beneficial.

Based on the research they have already conducted, Tread sees the necessity to conduct further feasibility efforts. As part of their ability to finance this work, the company is making application to the Trade and Development Program of the U.S. International Development Cooperation Agency for grant funds. These moneys will provide background for Tread products and technology in China by providing a training program in the use of explosives and explosive equipment potential for Chinese officials. It will also support a delegation of U.S. explosive industry personnel to China for purposes of establishing a joint marketing effort.

I strongly urge the Trade and Development Program to support the efforts of these small businesses entering the international marketplace by providing a favorable response to the application of the Tread Corp. I also urge my colleagues to encourage small businesses in their districts to explore similar opportunities to export U.S. goods and services overseas.

NATIONAL INDUSTRIES FOR THE BLIND TECHNICAL CENTER

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to recognize the excellent work of some of my fellow Missourians who work at the National Industries for the Blind Technical Center in St. Louis County, MO.

This center, established in 1967, has as its sole purpose the provision of technical assistance to workshops for the blind participating in the Javits-Wagner-O'Day [JWOD] Act Program. The JWOD Act, now in its 50th year, is one of the most effective employment programs ever passed by Congress and provides meaningful and remunerative employment to thousands of blind Americans nationally.

The employment of blind people in this program is made possible by Federal Government purchases of blind-made products from the workshops associated with National Industries for the Blind. These blind-made products have an impact on all Federal Government employees from the ball point pens they use to military gear for the combat soldier.

Government employees expect quality products to be provided to them so that they can accomplish their jobs in the most efficient and productive manner. Blind-made products are noted for their quality. Maintaining this high standard of quality in Government-use products is no simple task. The engineers and technicians at the NIB Technical Center provide to workshops for the blind valuable assistance in establishing and maintaining these quality programs.

I hope that all of my colleagues will share in the admiration I feel for the accomplishments of these dedicated individuals. They are helping to assure that the Federal Government is buying value for the tax dollars spent while at the same time assuring continued employment for our Nation's blind citizens.

EDWARDS AND WILKIE: CALIFORNIA'S PEACE TICKET

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. STARK. Mr. Speaker, I would like to share with all our colleagues, and the Nation, an excellent article from the August 1988 issue of "The Golden State Report: The Magazine of Politics and Public Policy in California."

The article, entitled "Edwards and Wilkie: California's Peace Ticket," describes one of Washington's most talented couples, Congressman DON EDWARDS and Edith Wilkie, Director of the Arms Control and Foreign Policy Caucus.

As the article describes, DON EDWARDS has brought a great deal of harmony and cooperation to the largest State delegation in the House of Representatives, while Edie Wilkie has provided extraordinary staff leadership to one of the most important research and policy caucuses on Capitol Hill.

The article follows:

EDWARDS AND WILKIE, CALIFORNIA'S PEACE TICKET

(As head of the California congressional delegation, Don Edwards is replacing discord with harmony. As director of a think tank, his wife, Edith Wilkie, is promoting bipartisan support for arms control.)

(By Steven Pressman)

In an age of conservatism, Don Edwards has remained an unabashed liberal. During the Reagan era, he has stood guard over a congressional graveyard where some of the president's cherished legislative dreams have remained buried for years.

Among his colleagues in the fractious California House delegation, he has tried to be something of a peacekeeper. That's not easy, because the political Cold War that divides the state's Democratic and Republican lawmakers has proven to be an imposing obstacle to legislative *detente*.

Politics is much more harmonious in Edwards' own household. While he has long focused his energies on domestic liberal causes, Edwards' wife, Edith Wilkie, concentrates on more global matters. For the last several years, she has been the executive director of Congress' Arms Control and Foreign Policy Caucus, a liberal-tinged bipartisan group of senators and House members.

And after 25 years in Congress, Edwards—one of three most senior members of the largest state congressional delegation—is still ready to fight new political battles. At the age of 73, he shows no signs of slowing down.

"I played four sets of tennis and 18 holes of golf the other week, and I didn't even get tired," he said recently during an interview in his Washington office with a commanding view of the Capitol. "So the old bones are still pretty active."

A glance at the rating scores that various interest groups tally up for members of Congress explains why the San Jose Democrat enjoys his reputation as a tireless fighter for liberal causes. Throughout the Reagan years, he has racked up six straight years of perfect 100 percent scores from Americans for Democratic Action, one of the bellwether tests of true liberalism. (During Ronald Reagan's first year in office, Edwards somehow slipped to a 95 percent ADA score.)

To complete the symmetry, his report card from the American Conservative Union has remained steady at zero during Reagan's two terms in the White House. Edwards probably considers the flunking mark from the conservative group as a badge of honor.

In California, Edwards represents a solidly Democratic district, to be sure. It is not, however, the kind of district that necessarily shares all of Edwards' political views. He has been an outspoken foe of just about everything that Reagan has stood for as president, and yet in his district Reagan edged out Walter Mondale in presidential balloting four years ago, largely with the help of a lot of blue-collar votes in Fremont.

Over the years, Edwards' political opponents have tried to exploit his liberalism to their advantage, but he always has managed to disarm them when balloting time comes around. He won re-election with 62 percent of the vote the same year that Reagan was carrying the district in the 1984 presidential race. Two years later, Edwards upped his total to 71 percent.

He is among the relatively few members of Congress who define their political roles beyond the boundaries of their own districts. "We're not here in Congress just to represent 550,000 people, although that's an important part of it," he says. "But we're here to help create a national and an international agenda."

During Reagan's presidency, Edwards has been spending much of his time stymying White House initiatives, while battling to enact social legislation over administration resistance. The Subcommittee on Civil and Constitutional Rights, which he chairs—along with the full Judiciary Committee headed by retiring Rep. Peter Rodini, D-N.J.—has become the graveyard for cherished Reaganite goals such as a balanced budget amendment and anti-abortion measures.

Edwards and the committee also have been in the forefront of other legislative fights with the White House over issues such as reauthorization of the Voting Rights Act and a controversial civil rights measure passed over Reagan's veto. The civil rights bill reversed a Supreme Court decision that had narrowed the scope of earlier civil rights legislation.

While Edwards' philosophical allies have cheered him on, his opponents have decried the tactics he has used to undermine some of the cornerstones of Reagan's agenda. "Your aggravation level reaches a certain point to where it becomes total frustration," says Rep. Dan Lungren, the Long Beach Republican who is leaving the House this year. A member of the Judiciary Committee, Lungren resigned from Edwards' subcommittee a few years ago over the Democrat's handling of legislation to extend the 1965 Voting Rights Act.

The flap revolved around aborted efforts to work out a compromise between Edwards and Rep. Henry Hyde of Illinois, who was the senior Republican on the panel at the time. Lungren and Hyde accused Edwards of sneaking behind their backs by negotiating with other Republicans instead. Edwards ended up apologizing to Hyde over the incident, and says the two have since patched over the bruised feelings. But Hyde, like Lundgren, left the subcommittee because of what happened.

Edwards makes no apologies, however, for using his powers as a senior Democrat and subcommittee chairman to achieve or to block legislation. "You are elected to use whatever appropriate machinery there is to do what you think is best for the country and for your constituents," he says.

As chairman of the 27-member contingent of House Democrats from California, Edwards has a slightly different role to play. Not only must he try to maintain unity among the state's Democratic lawmakers, but he also must attempt whenever possible to find common cause with the 18 Republican House members on some issues affecting California. A deep political chasm between the two sides has made the bridge-building efforts nearly an impossible task.

Traditionally, the state's senior House member from each party chairs that party's delegation. Among California Democrats, Edwards shares the same seniority with Edward Roybal and Augustus Hawkins, both from Los Angeles. But neither has shown an interest in leading the delegation, so the task has fallen to Edwards ever since Rep. Harold (Bizz) Johnson was defeated in 1980.

In the years since, the Democratic delegation has hired its own staff with computer-equipped offices near the Capitol. Edwards and other delegation members say the Democratic group is more unified now, particularly when it comes to important statewide issues such as offshore oil drilling and agricultural interests.

The unification process also has been made a little easier by some changes in the internal workings of the California Democratic delegation. Gone is the domineering personality of the late Philip Burton. Another kingpin in the delegation, Tony Coelho, is busy these days climbing up the ladder that leads to the top of the overall House Democratic leadership structure.

"There used to be a lot of little power structures floating around in the delegation," says Rep. Robert Matsui, D-Sacramento. He says Edwards has managed to work effectively with the delegation as a whole, without appearing to compete individually with members on their own favorite turf. "He's got an ego," says Matsui, "but it's a very benign ego."

Relations with California's Republican House members, however, are much more strained, particularly since the bitter fight that erupted over the 1982 reapportionment engineered by Burton. Orange County Republican Bill Dannemeyer refers scornfully to the "absolute raping" of GOP districts that took place in the 1982 remapping of political boundaries. "That raping . . . has colored the whole relationship of the two sides here in the House," he says.

Edwards, for his part, is aware that the reapportionment fight has driven a deep wedge between Democratic and Republican House members. Still, he maintains a good working relationship with Rep. Carlos Moorhead of Glendale, the dean of California House Republicans. "He (Moorhead) gets criticized by some of them for being too friendly with me. But he can accept that, and so can I." says Edwards.

The two are working on a plan to develop a bipartisan institute that would be based in Washington, where it would serve as a California-oriented think tank to promote the interests of the state. Edwards says such an operation would allow California to compete more effectively for federally funded projects that have ended up elsewhere in the past. He lists the loss of an earthquake center to Buffalo and high-technology projects to other parts of the country as evidence of the need for a better California promotional effort in Washington.

"'ABC'—anything but California—is an expression around here," says Edwards, explaining the zeal with which other members of Congress challenge the flow of federal dollars to the nation's most populous state.

Strained relations within the congressional delegation obviously don't help, but Edwards also points an accusing finger at Gov. George Deukmejian, who he says doesn't seem to focus much attention on the state's affairs in Washington. "He doesn't put a hard-hitting team together, work with the Legislature and get into the national competition," Edwards says.

For those who agree with Edwards' assessment of Deukmejian, that makes two California governors in a row who have had their problems deciding how to connect the worlds of Sacramento and Washington. Jerry Brown was constantly frustrating the state's congressional delegation by appearing aloof and uncaring about state-related issues. At other times, he would journey to Washington without bothering to tell anyone that he was coming.

Edwards' own journey into the world of liberal causes began years ago in a rather unlikely fashion, when he was state chairman of the California Young Republicans.

An FBI agent in his younger days, Edwards was a business-minded member of the GOP until the age of 35. He became wealthy as the owner of a title insurance company in San Jose.

After the close of World War II, however, Edwards joined the United World Federalists, a world government group, partly in response to his growing fears about the spread of nuclear weapons.

Elected to his statewide GOP post around the same time, Edwards quickly discovered that his sympathetic views toward the United Nations and world peace issues were out of sync with most of his fellow Republicans. He severed his ties with the party and quickly became active with liberal groups such as the American Civil Liberties Union and Americans for Democratic Action.

His 1962 race for Congress marked Edwards' first foray into elective politics. He narrowly edged out two other opponents in the Democratic primary, moving on to an easy win in November in the heavily Democratic district. Once in Washington, he continued his education as a liberal by associating with the likes of civil rights lawyer Joseph Rauh and U.S. Supreme Court Justice William Douglas and his wife Cathy.

In Congress, meanwhile, Edwards wasted no time in boldly declaring his own allegiance to political liberalism. His maiden opportunity to do so came when the House was asked to vote on a routine measure to fund the House Committee on Un-American Activities. At the time, House members voted individually by voice, as opposed to today's electronic balloting.

When the clerk called for Edwards' vote, the new congressman voted against the bill. "The clerk stopped and looked at me—and I felt every eye in the chamber on me," recalls Edwards.

"He looked and again said, 'Mr. Edwards of California?' And I said, 'Nooooo,' I think there were only about a dozen or so votes against it."

The infamous Un-American Activities Committee—which, years earlier, had helped to propel another California congressman, Richard Nixon, into the national spotlight—was not officially mothballed by the House until the early 1970s. Ironically, some of the committee's jurisdiction transferred to the Judiciary subcommittee that Edwards has chaired for years. "So I've been chairman of the Un-American Activities Committee ever since," he jokes.

He met his wife (it is Edwards' second marriage) several years ago, when she was working on another House member's staff. She later was administrative assistant to Rep. Fortney (Pete) Stark, the Alameda County Democrat, before she become executive director of the Arms Control and Foreign Policy Caucus in 1978.

Ask some otherwise knowledgeable Capitol Hill observers about the couple's relationship, and you're likely to get some quizzical glances. "Most people don't know we're married," admits Edwards. "She's a very independent person."

As for Edwards, he says he is not getting tired of serving in Congress. Four years younger than Ronald Reagan, he is already looking forward to politics in the post-Reagan era. "I hope my friends and relatives will tell me when it's time to quit. But I think it's very important to have some older people here . . . And the older I get, the more liberal I become."

CAN A WILKIE BE BIPARTISAN?

As the wife of one of the most liberal Democrats in Congress, Edith Wilkie could be expected to share naturally her husband's partisan leanings. But Wilkie—married to San Jose's Don Edwards—has her own professional responsibilities on Capitol Hill, and they require her to be more bipartisan than her political spouse.

For the past ten years, Wilkie has served as executive director of the congressional Arms Control and Foreign Policy Caucus, a group of 135 senators and House members, that conducts research and analyzes legislation for the benefit of its members.

The fact that the current caucus chairman, Sen. Mark Hatfield of Oregon, is a Republican underscores Wilkie's point about the need for her to avoid a partisan label. "A couple of my best friends often assume that I'm a Democrat, and they assume that because I'm married to one," says Wilkie. "But I assure them that I'm bipartisan."

In fact, she blames both political parties for having avoided strong arms control positions in the past. "I think that both parties have failed to address issues in a way that a lot of people in this country and a lot of members of Congress would want them to," she says. Wilkie thinks the Democratic House leadership has become more visible recently on arms control matters, but she says the Democratic-controlled Senate "still has a way to go" on the subject.

Wilkie may prefer avoiding a Democratic label for herself, but she doesn't hesitate describing the arms control caucus as a liberally tinged group of lawmakers. (About 80 percent of members are Democratic senators and House members.) But sprinkled throughout the caucus are liberal and moderate Republicans like Hatfield and Sen. John Danforth of Missouri.

Lately, however, it has been the conservative in the White House, Ronald Reagan, who has won plaudits from arms control advocates for his administration's progress in negotiating weapons treaties with the Soviet Union.

Wilkie's own career on Capitol Hill began in 1969, when she joined the staff of Rep. Ogden Reid of New York, a Republican who later switched parties. She also worked for a few years for Rep. Fortney (Pete) Stark, an Oakland Democrat who shares Edwards' unabashed political lieralism.

From there, Wilkie moved to her current job at the arms control caucus, a group which started meeting in 1959 at informal breakfast discussions and later blossomed into a more organized operation during the Vietnam War.

Most congressional spouses play background and supporting roles when it comes to politics. But Don Edwards and Edith Wilkie enjoy going their own ways, and neither thinks the marriage poses any conflicts or difficulties with their own positions.

"We aren't really working on a day-to-day basis in the same legislative vineyards," says Wilkie, noting Edwards' focus on domestic civil rights issues.

"I may be very naive, but I truly believe there is no association here professionally there is no association here professionally (between her and her husband)," says Wilkie. "We don't even bounce around at the same parties and receptions on the Hill."

THE DEATH PENALTY DOES NOT WORK

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. OWENS of New York. Mr. Speaker, the Reagan administration's so-called war on drugs has been rhetoric without resources and symbolism without substance. It has exhorted our youth to "Just Say No" to drug abuse, while cutting the education and job training programs which enable our children to not only say no to drugs, but to say yes to a healthy and fulfilling life. It has combed every inch of the pleasure palace yachts of the rich for marijuana seeds to demonstrate its alleged "zero tolerance," but has sought to cut off the Federal aid our local police need to shut down the proliferation of crack houses in poor neighborhoods. Drug rehab programs have been starved of funds, forced to actually turn away those desperate to free themselves of their addictions. Interdiction efforts have been chaotic and all too frequently rendered farcical by the administration's fawning over Panama's General Noriega, Haiti's Colonel Paul, and other members of the Elliot Abrams' Drug-Peddling Dictator-of-the-Month Club. Instead of actually getting tough on drugs, this administration has been content to just sound tough—and hope no one notices the difference.

But the American people have noticed and, as every opinion poll taken in the last year has discovered, they're fed up with the smoke and mirrors drug policy of the last 8 years. They want action. Both Jesse Jackson and Michael Dukakis have made the call for a coherent and tough drug policy a prominent part of their campaigns for the Presidency. Silent for 8 years, GEORGE BUSH has been scrambling to play catchup and concoct some semblance of an alternative drug policy of his own. But, unfortunately, like his boss, Mr. BUSH has turned not to law enforcement officers and other professionals battling the drug epidemic for help in fashioning his proposals, but to the same public relations hacks who are responsible for our current mess. And hence, instead of real solutions, Mr. BUSH and his party have seized on the tired, time-honored favorite of demagogic politicians everywhere who either don't know how or don't want to effectively confront crime: the death penalty. Americans who have been looking and waiting for more cops on the beat, more raids against PCP factories and crack houses, an end to foreign aid to nations that flood our streets with cocaine, and a strong coherent interdiction initiative to stop drugs at the border will have to keep waiting. The GEORGE BUSH answer to the drug crisis is a pathetic "Don't just do something—kill someone."

Beyond the barbarism and immorality of State-sponsored murder, beyond the inevitably racist and arbitrary manner in which the death penalty is applied by courts and juries in this Nation, a Federal death penalty for drug kingpins should be rejected by all Americans who are honestly concerned about mounting a real war on drugs for one simple reason: It doesn't work. As the following article from the National Law Journal of February 15, 1988, makes clear, in those States in which the death penalty is legal and aggressively pursued by prosecutors, it does not deter or reduce the incidence of crime; what it does do is create a morass of endless litigation and confusion which diverts vital Government resources away from the full enforcement of our drug laws and the prosecution of drug traffickers. The drug kingpin death penalty proposal is not an effective antidrug policy—it is a substitute for one.

[From the National Law Journal, Feb. 15, 1988]

CAPITAL PUNISHMENT AT THE CROSSROADS

(By David A. Kaplan)

At the silent sunrise, on a cold January morning, Gary Mark Gilmore walked into an abandoned cinder block prison shed, calmly took a seat in a black chair, and the state of Utah pumped four rounds of rifle fire into his heart.

So it was in 1977 that capital punishment resumed in the United States, inaugurated by the fusillade of a volunteer firing squad near Point of the Mountain, Utah. Before that dawn, there had not been an American execution since Aaron Mitchell was put to death in California 10 years earlier—a gridlock caused by intense litigation and legislative warfare.

Since Gilmore, 93 other inmates have gone the way of the electric chair, gas chamber, lethal needle or rifleman. In 1987 alone, 25 were executed—a total last reached in 1962. It is a significant number, for it troubles death penalty opponents and supporters alike.

"Even I am getting used to them," says Henry Schwarzschild, director of the American Civil Liberties Union's Capital Punishment Project. "But the killings are just as revolting the 25th or 90th time. Our culture seems to be in a very bad mood."

"It's a pittance," counters an assistant attorney general from one Southern state, emphasizing that the national death row population stands at just below 2,000.

U.S. Chief Justice William H. Rehnquist himself has taken note. Several years ago, while still an associate justice, he penned a dissent that skewered his Supreme Court colleagues for allowing a capital "stalemate" to develop. "The existence of the death penalty in this country is largely an illusion," Justice Rehnquist wrote. While hundreds and hundreds had been sentenced to death since the court reinstated capital punishment in 1976, he said, "virtually nothing happens except endlessly drawn-out legal proceedings."

True enough, acknowledges Richard H. Burr III of the NAACP Legal Defense and Educational Fund Inc. (LDF) in New York, but he takes none of the blame. "A crazy system inevitably produces its own contradictions," he says.

TUMBRELS' HEYDAY

Each side has a point. While the annual number of executions in the United States is far from the tumbrels' heyday during the Depression (199 in 1935 was the peak), it nonetheless represents a figure unheard of in contemporary Western society. Indeed, according to London-based Amnesty International, the only major countries left in the world that regularly execute are China, South Africa, Iran and the Soviet Union. Canada, Mexico and all of Western Europe have abolished the death penalty.

But if the American system is notable for the fact that it has capital punishment at all, it is unique for the way it does not use the penalty. At the end of 1987, the national death row population stood at 1,980. That is 150 more than a year ago, twice as many as in 1982, and more than any nation in the annals of criminal justice.

Florida alone has 282 capital prisoners, tops among the country's 34 separate death rows and the largest state collection of the condemned in American history. (See accompanying charts.) Texas, despite a leading 26 lethal injections since the Gilmore execution ended the modern moratorium, is next with 258 inmates, followed by California with 211 and Illinois with 111. Louisiana, first in executions during 1987 with eight, has 46 more to go. Some inmates, on their fifth or sixth appeal, have been waiting since the mid-1970s.

In Texas, death row is a growth industry. There is enough condemned manpower to run a garment factory annexed to the row. The plant manager boasts that his workers are better than the general prison population. "I wish I had more of them," he told the Associated Press. Juries and judges will likely oblige him; Texas officials talk of a 1,000-inmate death row within the next decade.

Creative minds have a field day with those kinds of numbers. According to Amnesty International, the American backlog of death exceeds by a factor of five the total executions in the United States and Western Europe in the last quarter-century. David I. Bruck, a Columbia, S.C., lawyer who has represented several condemned inmates, puts it more sarcastically.

Given the annual additions, he recently said, "you could execute someone every day of the week—including Sundays, Christmas, New Year's Day and Easter—and you still couldn't do it by the end of the century."

Prison officials and state attorneys downplay the significance of the figure of so many warehoused inmates. They say it's a function of all the litigation of the past 10 years and the legal safeguards that ensure fair procedures. Now that the U.S. Supreme Court has thrown out the last of the broad constitutional challenges to capital punishment—based on such issues as race and jury selection procedure—they say the pace of executions should pick up.

Even if that's true—and the experience of just the past year suggests it isn't—the backlog is remarkable. And it's intractable, unless there is a momentous surge in executions or drop in death sentences.

The choice, as Prof. Franklin E. Zimring of the University of California at Berkeley School of Law wrote in a recent book, "is between a permanent Reign of Terror or an execution policy that makes [a] mockery of the legal standards governing the use of the death penalty."

Which it will be—an unprecedented bloodbath or the institutionalizing of a grisly charade—may very well pivot on the experience of the next few years, as capital punishment, American-style, reaches a key crossroad.

ACROSS MASON-DIXON LINE

Since 1976, executions have been almost exclusively a Southern event. Indeed, four states—Texas, Florida, Georgia and Louisiana—are responsible for more than 75 percent of all U.S. executions since 1976, though those states constitute only 16 percent of the nation's population.

The Southern monopoly partially explains why the national debate over state-administered death has not been more acrimonious; that may change when and if the executioner moves north. As lethal injections and electrocutions lose their abstract quality in California, Illinois, Ohio and Pennsylvania (whose death rows make up one-quarter of the nation's condemned), something will likely give.

Hugo Adam Bedau, a professor of philosophy at Tufts University and the leading chronicler of the death penalty for a quarter-century, says American capital punishment historically has been a regional phenomenon.

He explains that "you've got the states that always execute (typically in the South); the states that never execute, whatever their laws provide (typically in New England and the populist Upper Midwest); and then the rest of the states. What happens in places like California and Pennsylvania over the next few years will determine whether we break out of that historical pattern."

"I believe the Southern states are operating at full power," says Mr. Burr of the NAACP Legal Defense Fund. "California will be a turning point."

When will the executioner's song begin to include some Northern and Western stanzas? Though the California Supreme Court stalled most death cases under the now-deposed Chief Justice Rose E. Bird, convicted murderer Bobby Harris lost all his state challenges and is facing his final federal appeal. If he loses—a decision is expected roughly by summertime—San Quentin's gas chamber will go into service for the first time in 21 years.

Illinois, Ohio and Pennsylvania are somewhat behind in having their capital statutes cleared for action, but lawyers on both sides of the emotional aisle expect executions in those states by 1990.

While Professor Zimring acknowledges the significance of the Northern states, he expresses serious doubt any momentous change is in the works. "No one can tell you we won't have 200 executions a year in this country," he says. "We've been hearing every year this decade that the bloodbath is just months away. It isn't happening, and the number of states actually doing the executing is dropping. That is no accident."

At least in California, officials don't agree. Steve White, chief of the criminal division in the attorney general's office, says there will be three or four executions over the next two years, a hiatus as a bunch of cases reach federal court, and then "about 30 a year."

DEREGULATION OF DEATH

Beyond the regional phenomenon, of course, is the continuing legal struggle that gave rise in the first place to the modern era of capital punishment. Twenty years ago, as Professor Bedau points out, "the Supreme Court really hadn't heard of the death penalty."

Back then, the civil rights crusade was in full stride, in part due to the litigation efforts of the NACCP Legal Defense Fund. The LDF's civil rights work led to its interest in capital punishment, and that involvement culminated in *Furman* v. *Georgia*, 408 U.S. 238 (1972), when the Supreme Court, 5-4, ruled the death penalty, as then administered in an "arbitrary and freakish" way, constituted "cruel and unusual punishment" in violation of the Eighth and 14th Amendments.

Most scholars viewed *Furman* as the executioner's death-knell, especially in light of a decade's momentum toward abolition. But such prophecies ignored the public and legislative frenzy that accompanied the court's decision. By 1976, 35 states had enacted new statutes that attempted to correct the constitutional flaws in pre-*Furman* statutes; and that year, the justices, 7-2, upheld death penalty laws as long as they provided "guided discretion" to judges and juries *Gregg* v. *Georgia*, 428 U.S. 153.

The big question, never fully answered in *Furman*, was thus resolved. For the next decade, particularly the first half of it, the Supreme Court fine-tuned capital statutes—and largely in a way that further reduced the penalty's scope. Mandatory death sentences were struck down. Non-homicidal crimes, such as rape, could not be capital. (Crimes against the state, such as treason, may be an exception.) Defendants were given special procedural protections on the ground that death was different.

Such strictures, however, seemed to mean that nobody got executed. One figure in the early 1980s showed three-quarters of the capital cases before the 5th U.S. Circuit Court of Appeals (based in the South) went the defendants' way.

In the last few years—whether because of increasingly permissive jurisprudence or better-prepared prosecutors and attorneys general—the tide has turned. And the Supreme Court itself has shown impatience at the seemingly interminable delays.

"Death was different," Professor Bedau says, "but it's not very different any more."

JUSTICES AGAINST THEMSELVES

Virtually every major capital case to come before the justices in the last decade has been won by the state. That is especially ironic, given that the court seems more divided now than at any point since *Gregg*. Gone for the most part are the 7-2 votes, with Justices William J. Brennan Jr. and Thurgood Marshall filing lonely dissents. Key decisions last spring—on race and on whether a non-triggerman can nonetheless be sentenced to death—both went 5-4 against the defendants.

Justices Harry A. Blackmun and John Paul Stevens are not abolitionists, but they are far closer on the capital spectrum to the Brennan-Marshall end than to that led by Chief Justice Rehnquist. Whoever takes the currently vacant seat on the court will likely determine death doctrine in close cases; 9th Circuit Judge Anthony M. Kennedy appears to be a capital moderate.

One of the decisions last spring, *McCleskey* v. *Kemp*, indicates the court has come full circle. *Furman*, at its core, was a race case. *Gregg* said capital punishment had cleansed itself of such taint.

McCleskey showed the race issue persists. It isn't that of earlier decades—the *Furman* variety—in which discriminatory imposition of the death penalty against blacks was plain; in fact, of those executed since 1976, 57 percent have been white. It's more subtle, based on the race of the victim rather than that of the defendant. Of the murders resulting in all the executions of the last 11 years, 90 percent have involved white victims. And no white person who killed a black has been executed. In *McCleskey*, the court ruled such a statistical pattern of discrimination was constitutionally allowable. 107 S. Ct. 1756.

"The Supreme Court has neither the ability nor the will to face up consistently to what it has created," says the LDF's Mr. Burr.

The McCleskey theory, conceived by the LDF, represented the last global constitutional attack on capital punishment. So with its defeat went the viability of a 20-year strategy. The LDF, the vanguard of anti-death-penalty efforts, can no longer handle it all because there are few cases anymore that raise issues applicable to a large class of condemned inmates. With essentially individual appeals, the work falls to a decentralized and fragmented regiment of government-appointed counsel, public-interest groups and pro bono lawyers.

"It's not that we're cutting back," says the LDF's John Charles Boger, responding to what has become a popular perception. "But we obviously can't provide the comprehensive coverage we used to. Three of us here can't handle 2,000 cases."

STATE-SUPPORTED DEFENSE

Some states notably California and Florida, have taken up the shortfall—and now, in effect, fund fights against themselves. They guarantee a prisoner counsel for every round of appeals (at a total cost in the millions of dollars). In Tallahassee, for example, the Office of the capital Collateral Representative was established several years ago—not out of altruism, but because the bar pressed for it and, more important, the Florida Supreme Court wouldn't tolerate getting emergency petitions for stays of execution from unrepresented inmates.

Whether because of CCR or because of some novel legal questions that have arisen, Florida's pace of putting inmates in "Old Sparky" has dropped, to only one execution in 1987. "Nobody wants to see cases that are 10 years old," says Richard E. Doran, an assistant attorney general. "We do want to see cases speeded up."

They've tried. Last summer when the Louisiana electric chair was humming, Mr. Doran says the attorney general's office called its counterpart in Louisiana to ask why there had been so many executions. The answer was the pendency of *McCleskey* at the Supreme court, which had temporarily spared a whole class of prisoners.

In San Francisco, the California Appellate Project, funded by the state Supreme Court, finds lawyers for capital cases. Established in 1984, the group pays attorneys $60 an hour. The average appeal, says Executive Director Michael G. Millman, takes between 800 and 1,000 hours.

A former public defender, Mr. Millman applauds the state for the project. "There is a crisis in representation, which the American Bar Association and the bars of many states have recognized," he says. "California is to be commended for creating CAP."

MILLIONS FOR DEATH

States providing lawyers for defendants throughout the appeals process obviously also continue to run up costs on the other side. Richard Moran, a sociologist at Mount Holyoke College, has estimated it costs prosecutors between $500,000 and $1.8 million to win a death sentence.

In Texas, the counsel crisis for the condemned is acute. There is no state support for appellate counsel beyond the first round of appeals, and critics there say the day is approaching when an inmate will be executed because he had no lawyer.

Tanya Coke, LDF research director, calls Texas "the vision of disaster and chaos." Lone Star Attorney General Jim Mattox calls that "nonsense."

Whatever the status quo, it isn't likely to change soon. "There's lots of publicity about how few lawyers there are on the defense side in capital cases," Mr. Mattox notes. "But what about how few we've got handling cases for the prosecution? Our entire staff for appellate work is 2½ lawyers.

"I am convinced," Mr. Mattox adds, "that the individuals we've put to death have had superior representation, at least on the appellate level. There is no rush to justice in Texas, just a crawl."

Nonetheless, the attorney general says he expects his state to pare its death row by the 1990s. "You could see 200 executions within a five-year period," he predicts, "though 100 is more likely."

And things could get interesting on Texas television, if the attorney general has his way: He wants cameras in the death chamber so citizens can see what the state is doing in their name and to maximize the punishment's deterrent impact.

"I've always thought that having executions in the dead of night in some secluded place is wrong," says Mr. Mattox, a strong supporter of capital punishment.

SYSTEM ON THE BRINK

Demands on the legal system go beyond lawyers. From the U.S. Supreme Court down to the state appeals courts, judges increasingly complain about their capital burdens. Late last month, Chief Justice Rehnquist criticized the "chaotic conditions that often develop within a day or two before an execution is scheduled."

"The practical result of this," he explained, "is that judges . . . are called upon to make important constitutional decisions, often without as much time as would be ideal for making them."

Judges of federal appeals courts in the South and the supreme courts of such states as Florida say death cases take up an oppressive amount of their time and are pushing the appellate system to the brink. The courts are experimenting with different streamlining procedures to cope.

So, it seems, no one is happy with the system of capital punishment. Not the condemned. Not the advocates of the penalty. And not the lawyers and judges who are charged with making the system run. Where does this mean death is headed?

If last year is any indication, there are mixed signals.

In June, Louisiana electrocuted four men in just over a week. On a single day in August, America had its first triple execution in a generation, as Florida, Alabama and Utah all participated.

But before the run of executions, the Kansas Legislature—despite overwhelming popular support and an aggressive, new law-and-order governor—voted down a bill reinstating the death penalty.

It is a strange time.

RETIREMENT OF PARK SERVICE REGIONAL DIRECTOR MANUS J. FISH

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. VENTO. Mr. Speaker, the Nation's parks protect some of the most valuable parts of our heritage. Here in Washington, DC, Manus J. Fish, the regional director of the National Capital Region, has shown great leadership and perseverance in protecting the national parks and the national image they project. He has consistently inspired those who work for him and with him. Jack Fish—as he is known to everybody who knows him—has worked to make sure that the parks of this Capital City complement the very reason for having a Capital City. Jack Fish, regional director since 1973, has decided to retire. I know he will be genuinely missed, and that he has set a high standard indeed for that position. It has been a pleasure working with him.

He has hosted innumerable inaugurals, parades, demonstrations, softball games, historic site tours, and visits of dignitaries from the Pope to Prime Ministers, from Presidents to the thousands and thousands of American tourists. Parks in his region include everything from the major national monuments—Washington, Jefferson, and Lincoln to Prince William Forest Park to Clara Barton National Historic Site, Wolf Trap, Antietam National Battlefield Park, Harpers Ferry Park, Frederick Douglass Home, and Rock Creek Park. All of these parks contribute to American citizen understanding of our heritage and our enjoyment of the Washington area.

Park staff know well that Jack Fish can show up in the parks at any time. Whether riding horseback along the C&O Canal in the early morning or looking at the archeology of prehistoric Indian sites or the plants of Kenilworth Aquatic Gardens or the threatened battlefields at Manassas or the Fourth of July fireworks, Jack Fish has known the parks under his stewardship and takes that responsibility as seriously as one can. Especially known to his staff as a tree person, he takes particular pride in the 150,000 trees planted since 1973—especially the cherry trees he so loves. He also will be remembered for the meaningful memorials built during his tenure, including the Vietnam Veterans Memorial.

It has always been apparent that here is a person who enjoys his job, even a job that has nearly infinite pressures and demands. It is also clear that here is a man who likes people.

Mr. Speaker, I realize that there is, unfortunately, only one Jack Fish. He is one of a kind. But I strongly believe that the demands of this region of the National Park Service require that the next regional director have many of the same qualities as Jack Fish has shown. That person must be able to keep the protection of the parks foremost and avoid allowing the job to be subverted into partisan games. I know that Jack Fish and the parks under his care have not had an easy time these past few years, and I commend him for the excellent job he has done in spite of the budget cutbacks and political interference from this administration. The next regional director needs to have the same kind of stamina, vision, and courage Jack Fish has shown. That person needs to be every bit the professional he is.

I have found Jack Fish to be a good spokesperson for the National Park Service when he has come before the Subcommittee on National Parks and Public Lands and I appreciate his judgment and his dedication. I wish him the very best, know that he will be missed and look to the National Park Service to respect the good works he has done by naming his successor a person as qualified and dedicated as he.

CAPITOLA LIONS CLUB CELEBRATES 25 YEARS OF SERVICE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. PANETTA. Mr. Speaker, I am pleased to bring to the attention of my colleagues the upcoming 25th anniversary celebration of the Capitola Host Lions Club of Capitola, CA.

The Lions Club of Capitola was established in 1963, and since that time the club has, without a doubt, lived up to its motto, "We serve." Club members have initiated and participated in countless projects to help those in need on a local level, statewide, nationally, and even internationally. Like their counterparts nationwide, the Lions of Capitola have focused particularly on the problems relating to eyesight and hearing, and helping the needy.

Mr. Speaker, in preparing this statement, I asked the Lions Club to provide me with a list of their activities. The list I received is so long I cannot hope to include all of them. However, I would like to mention some of the key work the Lions Club does on behalf of those less fortunate than they.

Among the Lions' local projects: They provide Braille writers and other services for the Doran Center for the Blind in Santa Cruz; provide equipment for the blind to the Santa Cruz County Public Schools; provide equipment for testing of hearing to Santa Cruz Public Schools; provide eyesight testing and glasses for schoolchildren and adults with limited sight; have established a local medical clinic for minor eye care; furnish white canes and seeing-eye dogs for the blind and sponsor "White Cane Day" to raise funds for the needy; help hearing impaired children attend special summer camps; support a local drug-awareness program and a student foreign-exchange program; support boys' and girls' sports activities; furnish an annual scholarship for disabled students; and help provide food baskets to the needy and help serve a senior citizens' lunch during the holiday season.

In addition to these and innumerable other local activities, the Lions participate in a number of efforts to help the needy of other countries. For example, the Lions sent funds to help rebuild schools in the wake of a major earthquake in Honduras, and they sent money, clothing, and medical supplies to help the victims of the Mexican earthquake.

Mr. Speaker, when the Lions say, "We serve," they mean it. I know my colleagues join me in congratulating them on 25 years of commitment to bettering their community and the world. I am confident that we can count on many more years of the same kind of dedication from this outstanding organization.

FAIR COMMITTEE REPRESENTATION

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. BUECHNER. Mr. Speaker, there has been quite a lot of talk around these Chambers recently concerning fairness. Much of this has centered on the question of what constitutes an equitable distribution of power-sharing in a two-party Congress.

Perhaps the most glaring example of this inequity is the system by which representation on House committees is skewed disproportionately in favor of the majority party. It's not enough to have a statistically numerical majority of committee positions; rather, it appears the majority must occupy an inordinate number of such positions. I am told that the Marine Corps has as an unofficial motto, "Kill a Gnat With a Sledgehammer." Mr. Speaker, the House committee ratios reflect this type of thinking. But here, it's not gnats that are being squashed, but rather the right to fair representation for the American people.

When the majority party holds 60 percent of the seats in the House, as in the 100th Congress, it is fair for them to have 60 percent of the committee seats. However, when 15 of 22 House committees reflect a disproportionate percentage of seats held by the majority, then something is wrong. When they control 70 percent of the seats on the Rules Committee, then something is wrong. And when the American people are denied fair participation in the legislative process just because their Representative happens to be a member of the minority party, then not only is something wrong, but something must be corrected.

To this end, Mr. Speaker, 20 of my colleagues, have joined me in introducing the fair committee representation amendment. This bill would amend the House rulemaking clause, article 1, section 5 of the Constitution, to provide for membership on committees, and in other legislative affairs—in the ratio of the actual party percentages. It provides that committee ratios must reflect the proportionate party membership in the respective Houses of Congress. To spell it out in plain language—use the present ratios of 60 to 40 as the baseline in the House, if a committee consists of 10 Members, then 6 Members should be of the majority party, and 4 should be Members of the minority party.

Mr. Speaker, Congress has a responsibility to promote the access and participation of all our citizens in the benefits that this country offers. However, the current committee structure policy is, and will remain, tinged with hypocrisy until Congress makes the necessary corrections in its own participatory process.

NATIONAL PARALYSIS AWARENESS WEEK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. FASCELL. Mr. Speaker, over 500,000 Americans are victims of the tragedy of paralysis, a tragedy which can strike victims of any age, leaving them and their families faced with a lifetime of costly medical bills and difficult rehabilitation. I have introduced House Joint Resolution 636, a resolution to designate the week of October 2, 1988, as "National Paralysis Awareness Week," to call attention to the unique struggles and needs of these paralyzed citizens and their families.

A recent example of a family struck by paralysis is that of Marc Buoniconti. Marc was injured while playing football for his college team, the Citadel. While attempting to tackle an opponent, Marc dislocated his neck and suffered a complete lesion of the spinal cord. Since that tragic accident in 1985, Marc has been a quadriplegic. His father, Nick Buoniconti, through his perseverance and strength, has taken great strides to help find a cure for all paralyzed persons. The Buonicontis helped launch the Miami Project to Cure Paralysis based at the University of Miami Medical Center, which has become the most concentrated scientific effort to find a cure for paralysis in the country. Marc Buoniconti, despite his injury, serves as the project's spokesperson. The Buonicontis should be commended for their endurance and strength during this time, and they should also be recognized for bringing the problem of paralysis into the public eye.

"National Paralysis Awareness Week" will hopefully increase public awareness of the tragedy of paralysis and of the great advances made, and yet to be made, in this troubling area. I urge our colleagues to join me in cosponsoring this important legislation.

TRIBUTE TO SCOTT-REID FAMILY

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. TALLON. Mr. Speaker, I rise today to pay tribute to an outstanding family in my congressional district. The family of Mrs. Katherine Scott-Ried of Moncks Corner, SC, has been chosen one of six families nationwide to be honored as part of the American Family Society's Sixth Annual Great American Family Awards Program. The families were selected from more than 200 finalists.

The Scott-Reid family was nominated by the National Extension Homemakers Council, one of the American Family Society's eight supporting organizations. The primary criteria used in selecting the families was leadership, nurturing individual growth, building teamwork and love, and extending friendship and service to others.

Mrs. Katherine Scott-Reid, her six adult children and their families were honored as South Carolina's Family of the Year in 1987. They are here in Washington today for a special ceremony at the White House, hosted by Mrs. Reagan.

Mr. Speaker, these are very trying times. The news today is full of stories about families with problems, bitter divorces, child and spouse abuse. The drug problem has reached epidemic proportions, our children are committing suicide and having babies. I believe strong, loving families offer a solution to some of these complex problems.

I am very proud of this Great American Family that hails from South Carolina and the Sixth Congressional District. Through their strength, love, public service, and support of one another, they set very fine examples for families across our Nation.

Mrs. Scott-Reid is a retired licensed practical nurse. She worked in a local hospital and a nursing home from 1951 to 1973. She is an active member of the New Home Baptist Church. She is also active in the Antioch Baptist Association and the Home Missions Union of the Women's Auxiliary of Upper Berkeley County.

The family's only daughter, Georgetta Scott Robinson, is employed with the Dupont Co. in Charleston. The oldest son, Rev. E. Milton Scott is co-owner and president of Holman-Scott Funeral Home and pastor of Jerusalem Baptist Church in Jamestown and Hickory Hill Baptist Church in Pineville. Pervis Scott is a supervisor for the Home Telephone Co. in Moncks Corner. Another son, Charles Scott, is a site manager for Kraft Industries in Westbury, NY. Daniel Scott is a major in the Army, stationed at Fort Bragg, NC. And the youngest member of the family, Franklyn, is an oral and maxillofacial surgeon in Warrington, PA.

One writer has said that from the loving example of one family—a whole State becomes loving. I hope that we will be inspired by this great family to rededicate ourselves to promoting positive family values and unity.

Again, Mr. Speaker, I extend congratulations and thanks to each member of the Scott-Reid family.

GEN. JOHN W. VESSEY, JR.—POW/MIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LAGOMARSINO. Mr. Speaker, President Reagan's special POW/MIA Emissary, Gen. John W. Vessey, Jr., recently spoke before the National League of Families about recent initiatives to gain the fullest possible accounting of American servicemen still missing in Indochina. While Vietnam's decision to temporarily suspend cooperation on humanitarian issues, such as our POW/MIA concerns, is a set back, I strongly support General Vessey's mission and the agreements he reached in Hanoi in August 1987.

I urge my colleagues to carefully review General Vessey's very insightful remarks. They provide much valuable information about the efforts America is taking to bring its POW/MIA's home:

PRESIDENTIAL SPECIAL EMISSARY, GEN. JOHN W. VESSEY, JR., REMARKS BEFORE THE NATIONAL LEAGUE OF POW/MIA FAMILIES

Thanks, Mr. Brooks, for the kind introduction.

Distinguished guests, officers, board, members and supporters of the League, it is an honor and a privilege, as well as a humbling responsibility to be asked to be the keynote speaker at your annual dinner. Addressing a group which has just heard the President of the United States, has received a message from one of the two major candidates for the next term in that office, has heard members of Congress and representatives of every governmental agency associated with the issue at hand, would be a formidable task for anyone, but for a fellow who has been known for years as the guy with three basic speeches, one on tank maintenance, one on helicopter maintenance, and one on reenlistment, the task seems overwhelming.

Consequently, I think the best thing for me to do is not try to match any of the orators who preceded me, but just ask you to look on the few minutes I'll spend with you not as speech, but simply as an opportunity for me to bring you up-to-date on the activities in pursuit of the mission the President gave me to try to help resolve with the government of Vietnam—the issues surrounding the fates of your loved ones and our comrades, the American prisoners and missing in Southeast Asia.

The first thing I want to say to you may, in some ways, seem to be belaboring the obvious because you have already heard it from the highest levels of our governments, but on the other hand it is a very important point because it has a great deal to do with whatever progress has been made and is crucial to future progress. That is that thanks mainly to the persistence of the League, its officers, board members, past and present, and particularly its membership and friends, this nation has an unyielding commitment to account for those who are still missing from the war in Southeast Asia. The first message I took to my Vietnamese counterpart in the negotiations was the story of strong bi-partisan support for resolving the matter, as evidenced by the unanimous support of joint resolutions of the Congress for the success of my mission. But the even more important message I tried to convey to him was that the support of the Congress was not the action of politicians acting on their own, but rather a reflection of the very, very strong support of the American people for getting to the truth in these matters. I tried as best I could to portray for him the image of the America I see with POW/MIA flags in evidence at every sort of public ceremony, the reality of POW/MIA awareness days at schools, to somehow get him to understand that in America where the citizens stop and cheer Veterans groups out marching for their missing comrades 15 years after we left the war, the issue is not going to go away. It will not be more easily resolved with a different administration, it will not get easier with the passage of time. In short, to try to convince him that now, not later, is the time to get on with the matter!

Thanks to the League's work and to the support that work has received from veterans' organizations, the bipartisan support in the Congress, and from the nation at large, I believe that the Vietnamese government officials with whom I have dealt understand the message that now is the time for action. The words you heard from our President, yesterday, should certainly reinforce the point with the Vietnamese government. My activities, as well as the activities which have ensued from the negotiations I've been involved in have been reported, faithfully, to you by our very able Executive Director, Ann Mills Griffiths. Therefore, I shall not take up your time by going into the history of my appointment as the President's Special Emissary, nor does it seem to make sense to go into a detailed rehash of every thing that has happened since my appointment. On the other hand, I do think it might be useful for me to give you my candid assessment of where we are now, and of what the next steps should be.

As I look back on what has happened in the year since our visit to Hanoi last August, I find myself with a strange mixture of feelings of frustration over the slow pace of progress and encouragement because progress has been made.

I have met twice with Vice Prime Minister Nguyen Co Thach, in Hanoi last August and in New York last month. I also met with Deputy Foreign Minister Nien last September. Those meetings have spurred six technical meetings on the POW/MIA issue as well as an orientation visit of officials of the Vietnamese Office for Seeking Missing Persons to our technical facilities in Hawaii. Colonel Joe Harvey and Colonel Johnie Webb have already told you of the latest Hanoi meeting from which they just returned. We have also had five meetings of U.S. humanitarian experts with their Vietnamese counterparts in order to help facilitate U.S. non-governmental assistance for certain Vietnamese humanitarian concerns. And we've had a visit to Vietnam of representatives of U.S. humanitarian organizations. We have also had a number of meetings on humanitarian issues beyond those of POW/MIA. You can see that we have set up working channels of communication to deal with the U.S. humanitarian concerns and with Vietnamese humanitarian concerns.

We've had five repatriations of remains since last August. Last September we received three sets of remains and in November, five sets. Those eight were all identified. The Vietnamese turned over what they claimed were 17 sets of American remains in March, 27 sets in April and 25 more in July. Thus far, only six from the March and three from the April repatriations have been individually identified. It now appears that many of the others may not be remains of missing Americans and some may not be identifiable. The remains repatriated in July are still undergoing analysis. The Vietnamese have also provided additional information concerning the circumstances of death in some of the cases, and they have also provided us with written reports on the results of their own internal investigations into cases of missing Americans.

It is possible to put the best face or the worst face on the information I've just given you, and some of you may already have done one or the other. Some of you, like some of my colleagues, are concerned about the return of the high number of remains which turn out to be other than American—and are also concerned about the poor condition of the remains. Others are probably saying to themselves, "Can we believe those Vietnamese reports of the circumstances of death or the reports of their own internal investigations in light of our past experience with the Vietnamese."

Let me give you my views on those points. When Vice Prime Minister Thach and I first met, we agreed that there was already enough suspicion and bitterness from the past to make us wary of each other. We agreed that nothing would be served by rehashing the past, and that if we were to build any sort of confidence it would have to start with the actions of the future. I believe that the reports of the Vietnamese will have to be judged in light of their overall actions in trying to resolve the problems which face us. I would suggest that, at this time, we take the Vietnamese efforts at face value, and make our final judgement on the credibility of their reports when we see the results of their efforts of the next few months. I am pleased that they have chosen to share their information with us, because I believe that if they truly want to resolve the POW/MIA issue, as they say they do, it can best be done by sharing the relevant information that each of us has.

We welcome Minister Thach's offer for joint survey's and investigations. As soon as we can work out the right sort of arrangements, I'm certain that cooperative activities can speed up the work, give us a chance to help and give opportunity to help build confidence in the other work being done.

As you know, I took up other humanitarian issues with the Vietnamese officials during the course of our meetings. We discussed emigration of Amerasian children, the resumption of the orderly departure program, and the release and emigration of the former South Vietnamese officials and military members who were inmates of the so-called reeducation camps. I am pleased to report to you that the Vietnamese government has moved toward real progress on all those issues. The release of most of the reeducation camp inmates, and the agreement of the Vietnamese government to negotiate procedures for permitting those who wish to come to this country were important steps.

The burning issue for me, personally, as well as for you and for the American people is the question of live prisoners. The Vietnamese authorities have consistently maintained that they hold no live U.S. prisoners. I have just as consistently maintained that before the American people, and particularly the families could accept that assurance, there are many questions which must be answered. I have continually pressed the Vietnamese to give high priority to addressing the compelling discrepancy cases, some of which were cases of those Americans for whom there was strong evidence leading us to believe they were alive after their incident and for whom there was evidence leading us to believe they were captured or otherwise came under Vietnamese control, and other cases about whom our evidence leads us to believe that Vietnamese authorities should have information. Resolving those cases satisfactorily can shed much light on the live prisoner issue. Right now, I want to say to you League members that there have been some confusing stories about my dealings with the Vietnamese on the discrepancy cases. Some of those stories might lead some people to believe that I was interested only in resolving 70 compelling discrepancy cases. That is clearly not the case! I have given the Vietnamese authorities several lists of cases which I believe are those they could move expeditiously to solve. One of those lists contained 224 names. But the more important point is that conveyed to you again by the President yesterday—the United States seeks the fullest possible accounting for all those unaccounted for from the war in Southeast Asia. As the President pointed out, eventually, we will have to decide what is the fullest possible accounting, but I would tell you that we are a long way from having to worry about that today.

Cooperation is a two way street. We agreed to help the Vietnamese with some equipment for their recovery efforts, and we will get that equipment to them. We also agreed to help the Vietnamese with certain of their humanitarian problems. Our first efforts were to help them help their cripples with prosthetic devices. A government sponsored team surveyed the problem and wrote a report which was made available to non-governmental humanitarian organizations through which the assistance would be given. Like the Vietnamese efforts on the POW/MIA issue, our efforts with the prosthetic help was slow in getting underway, but the effort is now well underway with prosthetic equipment and supplies now being delivered. A lot of people deserve special thanks for their work; we don't have time to mention them all, but Dr. Larry Ward of Ambassadors at Large, Dr. Carl Savory and Mr. Fred Downs, both combat vets of the war in Vietnam, made up the first humanitarian team and have continued to give very important support to the effort. Donations of supplies and money have come from a variety of sources, and Northwest Airlines has hauled some of the supplies to Southeast Asia without charge on a space available basis. A number of humanitarian organizations are involved, and I hope we can find a way to make their actions known to you and the American people so that they can be thanked. Our second major humanitarian effort will address child disabilities, and those activities should be underway soon. The Vietnamese are skeptical about non-governmental help for their humanitarian concerns because in their communist system, most everything that's done is done by the government. Our non-governmental efforts can be an important demonstration to the Vietnamese on how they might solve some of their many problems by relying less on government and central control. So I, like the President, appeal for help for this project from those Americans able to provide it, and at the same time, I say thanks to all those who have already helped.

I had planned to talk a bit about Laos and Cambodia, but you've heard the status of negotiations with those countries from others. The only thing I'd add is that it will continue to be important to maintain a coordinated U.S. position toward all three countries and to continue to press those countries to exchange information on the POW/MIA issue as they have promised to do. I assure you that I monitor this effort as well.

Where do we go from here? Right now it is important that both we and the Vietnamese move positively and quickly to carry out the agreements we have made to address the humanitarian concerns of each other. The Vietnamese need to provide the best possible honest answers to the question, "what happened to our people?" and to return any that are alive and to help us account for the others. We must carry out our part of the agreement to help them with certain genuine humanitarian problems. We will work with the Vietnamese government to get the joint surveys and investigations underway. Success will call for understanding and cooperation on both sides. Our government's position on the Vietnamese occupation of Cambodia is clear, as is the U.S. position on normalization of relations with Vietnam. I believe that normalization of relations is in the best interests of both nations, and I look forward to the day when the correct conditions have been fulfilled. In the meantime, cooperation in the humanitarian areas can help build the sort of confidence required to get to normal relations. The recent humanitarian rescue, good treatment, and quick return of the Navy fliers who went down in the Spratleys is a good example. The progress we've had on the POW/MIA and the other humanitarian issues has come because America is perceived as being united on these issues, and because Vietnam perceives its own best interests to be served by resolving the issues. Americans need to stay united on this issue. If we do, we have the chance for real progress.

Again, I want to say thanks to the League for what you've done through the years and thanks for your support on this mission I've been given. I want to tell all of you who have written to me and have not received an answer from me directly that I'm sort of a "one-man band." I don't have secretarial help in Minnesota and I'm inundated with mail. I've tried to get answers to you through the League or through the appropriate government officials, particularly those in the State Department and the Defense Department, including DIA and the Services, who have helped and at the same time tell the League members that the government has assigned good people to this very important task. Thanks also to all those members of Congress who have pushed for sensible bipartisan support, and thanks to the Veteran's organizations for your important support.

In my 46 years of wearing a uniform in the service of this great and wonderful nation of ours, the understanding that America, and particularly her Armed Forces, took care of our people was a fundamental premise. We pick up our wounded and get them to the best possible medical care. We recover our dead and bury them respectfully. We take care of the families of the Servicemen and women when they are sent away to do the nation's fighting. We give our veterans dignified thanks and assistance when the fighting is over. And certainly recovering our prisoners and accounting for our missing is just as important as those other points. If we ever stop doing any of those things, we have let some fundamental decay get started in the country. Thanks for helping prevent that decay. Thanks for your support and prayers.

THE TIME BOMB IN ROMANIA'S WAR ON ITS HUNGARIANS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CRANE. Mr. Speaker, I rise in response to the plight of men and women whose rights are being denied in Romania. Several bills have been introduced in the House to combat these discriminatory practices. House Resolution 56, concerns the right to self-determination for all Hungarians in Transylvania. H.R. 1953 favors denying trade benefits to Romania unless the country protects the human rights and freedoms of their citizens, especially Hungarian speaking and ethnic minorities. Currently, no action has been taken on these bills; however, the Members who sponsored and cosponsored these bills should be commended for their unfailing support and promotion of democracy. These bills will force the Romanian Government to realize they must recognize human rights or they will be penalized.

Recently, the secret police increased the measures of repression. Indeed, this is in response to the unrest stemming from low-living standards. In addition, Hungarians constitute 10 percent of the Romanian population and have been relegated to the role of scapegoats. Finally, Romania mistreats not only its own people, but it mocks the free world when it ignores the final document of the Helsinki accords reference to human and minority rights. In the 1988, Freedom House survey of human rights, Romania received the lowest ranking score in Eastern Europe.

Hopefully, Congress will address these resolutions in the future. For a deeper insight into the present situation in Romania, I suggest that my colleagues read the following article "The Time Bomb in Romania's War on its Hungarians" by Peter Keresztes, which was printed in the Wall Street Journal on July 18, 1988.

[From the Wall Street Journal, July 18, 1988]

THE TIME BOMB IN ROMANIA'S WAR ON ITS HUNGARIANS

(By Peter Keresztes)

Hungarian Premier Karoly Grosz met with the Soviet general secretary, Mikhail Gorbachev, in Moscow early this month, and will visit President Reagan in Washington on July 27. What may be the most critical topic in the talks—the recent flareup between Hungary and Romania—will probably stay confidential. The controversy should not, however, be allowed to be buried in some superficial compromise, which, according to sources in Budapest, the Hungarians and Soviets are seeking. For the public manifestation of this long-simmering problem holds the potential for explosive consequences—but also for an open and fundamental solution.

The current dispute is over the revival of an old Romanian plan to raze more than half of the country's 13,000 villages. Morally repugnant and economically absurd, the scheme would knock over homes and churches, plow up cemeteries and herd the residents into "urban agro-industrial complexes". Hungary's interest is that many of the villages are in Transylvania, where most of the country's more than two million ethnic Hungarians live. A few weeks ago an estimated 100,000 people demonstrated in Budapest against Romania's village-destruction plan. Bucharest retaliated not only with a vicious verbal attack but with the unprecedented act of closing the Hungarian Consulate in Kolozvar/Cluj-Napoca and turning away Hungarian tourists. Romania has even threatened to sever diplomatic ties with its Warsaw Pact ally. Refugees from Romania have been flooding into Hungary by the thousands.

This is a major test for Hungary's new premier, who has been trying to reassure Nicolae Ceausescu that Mr. Gorbachev won't intercede and the Romanian leader can compromise with Mr. Grosz on carrying out "nationality policies consistently according to Leninist principles." Before his trip he declared, "It's a bilateral issue and not an affair of the Soviet Union."

A deal could take the form of relaxing the arbitrary restrictions at the border where normally 800,000 Hungarians cross annually, or delaying the September implementation of the village destruction or at least beginning it in pure Romanian areas. It's conceivable that Mr. Grosz will suggest to Mr. Reagan that a compromise with Romania could be facilitated if the U.S. were to restore trade preferences Bucharest renounced this year in a feud over Romanian human-rights abuses.

Such a compromise would be unconscionable and change little, for although it might resolve Romania's feud with the Hungarian regime, it would not end persecution of Romania's Hungarian minority. Romanian leaders have consistently felt that only the creation of an ethnically homogeneous Romanian state can make Transylvania secure as part of Romania. Thus denationalization has been part and parcel of the country's major domestic and foreign policies. This policy has gained in intensity at times of perceived threats, such as Hungary's strike for independence in 1956 and the current period of ethnic and political ferment in the Soviet bloc.

Some rulers during Hungary's historical domination of Transylvania, it's true, also practiced harsh nationalization on their Romanian subjects, but the effect of these activities never equaled what is happening under the current totalitarian system. The nearly 70 years of assimilation policy has effectively dispersed Hungarian communities, eroded their political voice, radically curtailed their educational and cultural lives, and has imposed severe linguistic bans. The denationalization drive has been accompanied by chauvinistic propaganda branding Hungarians as "quarrelsome," "untrustworthy," "bad Romanians," endangering the state with their "fascist" and "revisionist" tendencies. Open threats and assaults on ethnic Hungarians have been all too frequent. Minority and religious activists have been incarcerated, savagely beaten, forced into emigration and even murdered by the secret police.

Hungary's Communist regimes disclaimed having anything to do with Hungarians living outside their borders. While diplomats point to behind-the-scenes representations and subtleties, such as former party chief Janos Kadar sending greetings to the Romanian "peoples"—in plural, it was only this year that Central Committee member Matyas Szuros unambiguously referred to Romania's Hungarian minority and outlined a few elements of an emerging Hungarian position on the issue.

Yet Hungarians in Romania survive. Even at official statistics that understate their numbers at 1.7 million (independent estimates are 2.1 million to 2.5 million, about 10 percent of Romania's population), Hungarians are the largest minority group in non-Soviet Eastern Europe. They are more concerned over the restoration of their rights than in seeing Messrs. Grosz and Ceausescu paper over their differences, the U.S. and Romania patching up their trade dispute, or Bucharest succeeding, as Budapest has, in striking a commercial bargain with the European Community.

The U.S., Britain, France and the Soviet Union, parties to the 1947 Paris peace accord, all share responsibility for the treatment of Eastern Europe's minorities. During those negotiations—which in the end confirmed Romanian rule in Transylvania—Bucharest promised "absolute freedom for the minority nationalities living on its territory." Business with Romania should not go on as usual while that country wages war on its own citizens and thumbs its nose at the rest of the world by, for example, killing the final document of the Helsinki review meeting in Vienna because of its references to human and minority rights.

There are serious dangers that extend beyond the borders of Romania. These lie in the increasing possibility of political collapse in Romania. Appallingly low living standards already have caused unrest; there are signs of divisions within party leadership; the military has increased its role in government, and the secret police have stepped up repression. Any breaking out of open hostilities would further incite already evident scapegoating against minorities, as well as attempts to settle scores. With the Soviet retreat from Afghanistan, Mr. Gorbachev's apparent renunciation of the Brezhnev doctrine and increasing talk about a Soviet troop pullout from Hungary, such an event would present to the Kremlin leadership a dilemma whose risks would be far greater than it would face in providing firm minority protection measures.

Soviet military intervention to end any hostilities would lose Moscow whatever credibility the regime has earned in the Gorbachev era—both internationally and among liberals at home; staying out would risk another conflagration in Eastern Europe and a conservative revolt at home. As for the West, could London, Paris and Washington sit idle—again—if Moscow felt compelled—again—to make a move in Eastern Europe? And if Moscow hesitated could the West afford not to intervene, at least with a United Nations force?

Mr. Grosz may ponder before collaborating with Mr. Ceausescu to put the nationalities genie back in the bottle: What would, or could, Hungary do alone were Hungarian lives endangered in Romania?

CELEBRATES 50TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mrs. BENTLEY. Mr. Speaker, on August 17, 1988, Teamsters Local 557 in Maryland will celebrate its 50th year of existence. I was graciously invited to attend the celebration yet will be unable to do so because of the Republican National Convention. Local 557 is a strong and respected voice in my district, and I have come to know many of its officers very well over the years. Therefore, I would like to enter a copy of a letter I have written to Mr. Clifton McDonald, president, Teamsters Local 557, in honor of this memorable occasion. I urge you as well as all my colleagues to join me in saluting local 557 for having achieved this happy milestone.

Mr. CLIFTON MCDONALD,
President, Teamsters Local 557

DEAR MR. MCDONALD: It is with great honor and respect that I extend to you as well as to the entire membership of Teamsters Local 557 my heartiest congratulations and praise on the occasion of your fiftieth year of existence.

I deeply regret the fact that I am not able to be there personally due to the Republican National Convention in New Orleans. However, I have sent my District Representative, Al Dennis, to fill in for me on this very special evening. When I say that this is a "special" evening, I truly mean it. Indeed it is not often that a labor organization as venerable as 557 has the chance to reflect on all that has happened over the past half century. Tonight is a time to think back—to celebrate the accomplishments of the past and prepare for the challenges of tomorrow.

I have come to know Local 557 fairly well over the years, and I feel quite fortunate to be able to say that I had the chance to work with such men as Tom Healy, Clifford Kohne, George Willinger, and Richard Grabowski in the past. Local 557 has long been one of the dominant voices in shaping the future of the over the road and the city cartage industries. Today its membership consists of hundreds of car haulers, mechanics, and others who work for such big freight companies as Carolina and Preston.

Of course Local 557 has seen the rise and fall of many big freight companies over the five decades it has been around. The freight industry has long been an important part of our economy, and I am committed to doing whatever necessary to protect your jobs. Please believe me when I say that you all have a friend in Washington.

Once again, please accept my best wishes on this happy occasion. May Local 557 be around for another fifty years!

With warmest regards,

Sincerely,

HELEN DELICH BENTLEY,
Member of Congress.

A CONGRESSIONAL SALUTE TO PATRICIAN ACADEMY

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HARRIS. Mr. Speaker, I rise today to pay tribute to Patrician Academy located in Butler, AL. Patrician Academy has been awarded the First Annual President's Award for Academic Excellence by the Alabama Private School Association.

The Academy was chosen from among the 51 private schools in Alabama to be the recipient of this award. The school was selected based upon several factors including teacher credentials—all teachers teaching within their field of study, scholarships received by graduating seniors, the standard achievement test scores of the student body, and district and statewide student competitions. The academy is particularly proud of its achievements in two of these areas. Thirty-one graduating seniors were awarded a total of $157,000 in college scholarships and of these seniors, 10 scored 20 or above on the ACT college boards. Clearly, this college preparatory school, which was founded in 1970 for academic excellence, has achieved this goal admirably.

The Patrician Academy has made a significant contribution to the quality of education in Choctaw County and the Seventh Congressional District of Alabama. Education is an investment in our future. The students of the Patrician Academy have now acquired the groundwork for even greater academic achievement. Congratulations to Headmistress Jeanette B. Adams, the outstanding teachers, staff, and the 285 members of the student body K through 12 of the Patrician Academy on this recognition of your success.

BILL FOR MEASURES TO COMBAT MEDICAL WASTE

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. BRENNAN. Mr. Speaker, today I am cosponsoring legislation designed to curb medical waste dumping in our oceans and inland waterways.

In recent weeks we have witnessed several localities finding medical and other waste washing ashore on our lakes and beaches. This is indeed a serious problem that is causing growing concern across the Nation.

In my State of Maine, with over 3,600 miles of coastline, many people share a deep appreciation of clean water for earning a living or recreational usage. There is strong support for legislation to keep our water clean.

The reckless and irresponsible disposal of medical waste is not only appalling, it is unacceptable. The alarming sight of our beaches being littered with dangerous debris makes this legislation necessary.

The legislation I am cosponsoring will attempt to take the profit out of using our waterways as a convenient dumping ground.

The Medical Waste Tracking and Control Act, H.R. 3478, will direct the EPA to establish minimum requirements for a tracking system for medical waste, and double penalties for dumping medical waste in the oceans, lakes, or rivers. In addition, definitions in existing statutes will be amended to include medical waste.

My colleagues, the illegal ocean disposal of medical waste is a travesty that can and should be controlled without delay.

Representative Saxton is to be commended for introducing this bill. I urge my colleagues to join me in a strong show of support for H.R. 3478, and take immediate action on this serious problem in the remaining weeks of the 100th Congress.

TRIBUTE TO HANS LAUNTZSCH OF ROSCOMMON, MI

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SCHUETTE. Mr. Speaker, I am privileged to have this opportunity to bring to the attention of our colleagues a remarkable man, Hans Launtzsch, of Roscommon, MI. I ask my colleagues here today to join me in honoring him for both his outstanding accomplishments and dedication, not only to the city of Roscommon but to the State of Michigan as a whole.

Hans Launtzsch came to the United States in 1934 at the age of four from Krogis, Germany. He and his family then became naturalized citizens of the United States, the land of opportunity and freedom.

Hans served our country in the U.S. Army from 1943 through 1946, and he was decorated with the Bronze Star. In 1948, he married Dora Jabinskey. They have three children, all of whom graduated from Michigan State University.

His dedication to the United States did not stop with his service to the armed services. Hans dedicated his career to the education of our country's children. He received his first teaching job in Houghton's Lake, MI, in 1948. Soon after that appointment, his accomplishments advanced him to becoming the assistant and acting superintendent of schools at Ecorse, MI from 1949 until 1969. Hans was involved as a director of the Community Resources Workshop for Michigan State University from 1955 until 1972 and in 1958 was appointed assistant director of the NSF Chemistry Institute for Montana State College. Most recently, Hans has served as superintendent of Gerrish-Higgins School District in Roscommon, MI, from 1971 until 1988.

His many accomplishments similarly include being the chairman of the school liaison at the Metropolitan Detroit Science Fair from 1957 through 1968, an active committee member for educating new superintendents in Michigan, a trustee for the Michigan Council for Economics Education, an executive board member of the Down River Learning Disability Center in Wyandotte, MI, and the president of the Northern Michigan Superintendents Association. He is a life member of the American Association of School Administrators, Michigan Education Association and Phi Delta Kappa.

Hans has received many honors for his hard work and dedication to the improvement of our school system in Michigan. Some of these honors include: Who's Who Midwest 1963–88, Who's Who World 1984–88, Northern Central Accreditation for Roscommon High School in 1980, National Exemplary High School Honor 1982–83, Michigan Exemplary Middle School Honor 1983–84, board of directors School Alliance Political Action Committee.

Mr. Speaker, Hans will be retiring from the Gerrish-Higgins School District in Roscommon, MI this October. As superintendent, he has enhanced the quality of life of the children in Michigan and future of our Nation. I urge you, Representatives, to join me today incongratulating Hans Launtzsch for his outstanding accomplishments in the field of education. We commend him for his dedication and hard work, and in wishing him continued success in his retirement years.

PAMYAT: ORGANIZED ANTI-SEMITISM IN THE U.S.S.R.

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. PORTER. Mr. Speaker, the Congressional Human Rights Caucus [CHRC], which I cochair with Representatives Tom Lantos, held a press conference this week to address the issue of anti-Semitic activities by private organizations in the Soviet Union. Eloquent statements were made by Representative Lantos; CHRC Executive Committee Members Jack Buechner, James Scheuer, and Ben Gilman; CHRC member Connie Morella; Senator Tim Wirth; former refusenik Lev Shapiro; former refusenik Anna Rosnovsky, sister of 14-year refusenik Elena Keiss-Kuna; Jesse Hordes, Anti-Defamation League; Myrna Shinbaum, National Conference on Soviet Jews; and Judy Balint, Union of Councils for Soviet Jews.

As cochairman of the CHRC, I am very concerned about recent anti-Semitic acts in the Soviet Union. I urge my colleagues to read the following letter recently sent by 170 Members of Congress, and the statements of the other speakers at yesterday's press conference.

August 8, 1988.

His Excellency Mikhail Gorbachev,
General Secretary of the CPSU Central Committee, The Kremlin, Moscow, RSFSR, U.S.S.R.

Dear Mr. General Secretary: We are pleased that under your leadership there have been some recent improvements in the area of human rights. We are writing today, however, with great concern over reports of renewed anti-Semitism in the Soviet Union.

As reported in several Western newspapers, anti-Semitic acts are currently being organized against Jews in Moscow and other cities in the Soviet Union. According to these reports, the incidents have taken the form of vandalism and violence, including the vandalization of Jewish property, the destruction of 60 Jewish tombstones in a Moscow cemetery, threats of beatings, and anti-Semitic speeches and articles in the Soviet press.

One such reported incident involved a Jewish cultural group which attempted to rent the Yauza Club in Moscow for an organizational meeting. Reportedly, when they arrived, the doors were locked, the area was surrounded with KGB officers and a handwritten leaflet demanding "Death to the Jews" was plastered to the door.

Along with other private, public and official groups, we have strong reason to believe that Pamyat (Memory), one of the largest political activist groups in your country with 20,000 dues-paying members in Moscow alone, is significantly involved with these anti-Semitic actions. Your own press has described Pamyat leader Dmitri Vasiliev as a fanatic, and Pamyat as a dangerous organization.

This new wave of anti-Semitism is most disturbing to us, and we look to your leadership for official condemnation and a halting of such acts. As we consider human rights to be one of the highest priorities in our foreign policy, further improvements in this area, such as those you guaranteed in the Helsinki Final Act, can only enhance U.S.-Soviet relations.

In this regard, we would appreciate the courtesy of a governmental inquiry onto the activities and goals of Pamyat and other anti-Semitic groups in the USSR. We look forward to receiving a reply to this request and thank you for your consideration regarding it.

Sincerely.

170 Members of Congress.

BUECHNER AND HOUSE COLLEAGUES DECRY SOVIET ANTI-SEMITISM—CALLS ON GORBACHEV TO CONDEMN ACTIVITIES OF PAMYAT

WASHINGTON.—U.S. Rep. Jack Buechner (R-Kirkwood) today sponsored a press conference with three other members of the Congressional Human Rights Caucus to deplore recent reports of anti-Semitism in the Soviet Union.

"We oppose ugly incidents of anti-Semitism wherever they occur, but we especially oppose Soviet mistreatment, since the reign of Gorbachev is supposed to be based on an enlightened openness, not ignorance and prejudice," Buechner said.

Reports from private, public, and official groups have indicated that an activist organization, Pamyat (Memory), with a membership of nearly 20,000 in Moscow alone, is behind anti-Semitic activities, including desecration of Jewish property, and violence and slander against Soviet Jews. Sources have cataloged threats of pogroms, which have terrified the 2.5 million Jews living in the Soviet Union.

Buechner solicited the endorsement of nearly 200 of his House colleagues in sending a letter to Gorbachev condemning Pamyat and the Soviet state-supported anti-Semitic activities.

"This new wave of anti-Semitism is most disturbing to us, and we look to your leadership for official condemnation and halting of such acts," Buechner wrote in his letter to Gorbachev. "As we consider human rights to be one of the highest priorities of our foreign policy, further improvements in this area, such as those you guaranteed in the Helsinki Final Act, can only enhance U.S.-Soviet relations."

Buechner's letter urges the Soviet government to inquire into the activities and goals of Pamyat, and other apparent anti-Semitic organizations.

STATEMENT BY CONGRESSMAN JAMES H. SCHEUER AT A HUMAN RIGHTS CAUCUS PRESS CONFERENCE ON ANTI-SEMITISM IN THE SOVIET UNION

Having been to the Soviet Union several times and arrested there for standing up for human rights, I watch the changes that occur under the leadership of General Secretary Gorbachev with both optimism and caution.

I commend Mr. Gorbachev for his leadership in promoting 'glasnost', which has allowed for greater freedom for most Soviet citizens, and ostensibly less harassment for Soviet Jews. At the same time, however, other officials in the Soviet government appear to be giving their tacit support to a antisemitic organization called Pamyat (translation—"memory").

Formed to preserve Russian culture, Pamyat has since poisoned its message with virulent antisemitism including age-old lies from the "Protocols of the Elders Zion", a conspiracy theory from the turn of the century that Jews were scheming to take over the world. The "Protocols" were later used by Hitler as a source for "Mein Kampf".

In recent months, there has been a dramatic rise in anti-semitic incidents throughout the Soviet Union. These include the distribution of leaflets calling for "Death to Jews", threats of violence during the celebration of the Millenium of the Ukrainian Church, and the desecration of tombstones in the Leningrad Jewish cemetery.

Influential leaders have apparently provided Pamyat with special privileges, which has allowed it to spread its message more easily than other groups. This has helped Pamyat become one of the Soviet Union's largest political groups outside of the Communist party.

The 2.5 million Jews in the Soviet Union have nowhere to turn for protection except to the Soviet government. I call on Mr. Gorbachev to condemn the antisemitic activities of Pamyat and protect the basic human rights of Jews as guaranteed by the Soviet legal code.

STATEMENT BY REPRESENTATIVE TOM LANTOS

Recent developments in the Soviet Union under General Secretary Gorbachev's policies of "glasnost" have brought a new hope for improvements in human rights. The momentum of change brings with it new types of problems that were previously suffocated by Soviet censorship and force. One of the current phenomenons is the formation of independent organizations and clubs that are concerned with a myriad of topics that range from "historical preservation" to "human rights issues" to "knitting." We welcome this new prospect of freedom of association and expression.

Nevertheless, we are beginning to observe human rights violations fomented by one of these voluntary groups, "PAMYAT." In recent months, Jews throughout the Soviet Union have been threatened by activities of "PAMYAT," including desecration of Jewish property, violence and slander against Soviet Jews, as well as announcements of pending pogroms. These activities that are clearly anti-semitic are a dangerous threat to the Jews of the Soviet Union.

"Glasnost" must not be used as an excuse for persecuting a national minority. The rights of Soviet Jews must be acknowledged and protected. The anti-semitic activities of "PAMYAT" that have taken place must be investigated and future attacks on the Soviet Jews must be prevented.

As Co-Chairman of the Congressional Human Rights Caucus I will ensure that the conditions of Soviet Jews remain on the top of issues of the Caucus and thus continually on the agenda of the U.S. Congress.

STATEMENT BY CONGRESSMAN JOHN PORTER

I would like to commend Representative Jack Buechner (R-MO) and James Scheuer (D-NY), Executive Committee members of the Congressional Human Rights Caucus (CHRC), for bringing this important issue to the attention of the Caucus in such a timely fashion.

The CHRC, co-chaired by myself and Congressman Tom Lantos (D-CA), is a 160 bipartisan member congressional organization committed to ending human rights violations worldwide. We focus on individual cases and broader human rights issues in countries as far apart as Tibet, South Africa, the Soviet Union and Brazil. The Human Rights Caucus believes that human rights are indivisible—that the denial of fundamental freedoms anywhere is a threat to free men and women everywhere.

Over forty years ago, millions of Jews were murdered while the rest of the world was silent. Today, hundreds of thousands of Soviet Jews continue to be denied exit visas, to practice their religion, and to celebrate religious holidays. Although life for Soviet Jews has somewhat improved during the current era of "glasnost," we must not overlook the anti-Semitic attitude which is permeating Soviet society.

In the Soviet Union, where anti-Semitism has deep historical roots, anti-Semitic threats have recently surfaced. The activities of Pamyat (translation: Memory), the largest pro-Russian political activist group, and other organizations are causing fear among Jews, non-Jews and government officials in the Soviet Union and abroad. The overturning of tombstones in the Leningrad Jewish cemetery, anti-Semitic propaganda distributed by a group called "Death to the Yids," and threats of pogroms following the June celebration of the millenium of Christianity should not be ignored by the rest of the world.

A letter signed by 170 Members of Congress is being sent today to Secretary General Mikhail Gorbachev, Ambassador Yuri Dubinin and Secretary Alexander Yakolev. An identical letter is currently circulating around the Senate.

This letter asks the Soviet government to express official condemnation of recent anti-Semitic acts, and suggests that a governmental inquiry be made into the activities and goals of Pamyat and other groups rumored to be anti-Semitic. This clearly demonstrates that, although we support freedom of speech and expression, we are also concerned about the fate of Soviet citizens.

The 2.5 million Jews living in the Soviet Union deserve the protection of their government from groups who seek to oppress them. Like U.S. citizens who deserve protection from the KKK, Soviet Jews deserve protection from Pamyat.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 8, 1988.

HIS EXCELLENCY MIKHAIL GORBACHEV,
General Secretary, Union of the Soviet Socialist Republics, the Kremlin, Moscow, U.S.S.R., RSFSR.

DEAR GENERAL SECRETARY GORBACHEV: We are pleased to see that progressive ideas such as Glasnost are presently playing an important role in the Soviet Union. Our hopes are high that these enlightened concepts will be fully realized.

It has come to our attention, however, that anti-Semitism is festering beneath the surface of progress. We are especially concerned about an organization called Pamyat. This organization is the fastest growing non-official group in the Soviet Union, and is a major force in the recent escalation of anti-Semitism in your country. It accuses international Zionism of undermining Russian culture and its leader cites from the long-discredited "The Protocols of the Elders of Zion" to support his claims of Zionist plots and domination.

Rumors of pogroms have circulated due to existence of this anti-Semitic group. We are alarmed that Jews are still the target of these threats as well as the victims of threatening phone calls, physical threats, slanderous posters and press, and the desecration of their cemetaries. It is the extremist Pamyat that is propagating this rise in anti-Semitism.

To quote Izvestia, "Lies cannot be considered a point of view and slander cannot be considered an opinion." We enthusiastically encourage complete freedom of expression, but it is the obligation of responsible leaders to condemn immoral points of view.

In addition, we have received continued reports that Jewish citizens are still denied a place to meet or protest, Kol Yisrael is constantly jammed, harassment during religious rights continues, and anti-Semitism still pervades the ranks of the Soviet government. In short, your reforms appear to have brought no change in Jewish life.

We urge you to act to protect Jewish nationals by dealing decisively with the perilous threat of Pamyat and extending the full benefits of your reforms to this minority group. We thank you for your attention to this matter and look forward to receiving your reply.

Very truly yours,
LAWRENCE J. SMITH.

STATEMENT BY JESS N. HORDES, ASSOCIATE DIRECTOR, WASHINGTON OFFICE

This week marks the 36th anniversary of an infamous time in Soviet history—the Night of the Murdered Poets. On Aug. 12, 1952, 24 leading Jewish intellectuals, poets and writers were executed in Lubyanka prison because they were guilty of being Jewish. This act was a culmination of a campaign to crush all forms of Jewish culture in Soviet life.

Under glasnost, the "openness" introduced by General Secretary Gorbachev, Soviet citizens are finally confronting the murderous tyranny of the Stalin era. But the Kremlin has yet to face up to this, one of the most notorious single incidents of Stalin's rampages. The memory of these 24 has been effaced for most Russians, they are still "unpersons".

This raises a broader question regarding the significance of glasnost for human rights progress among Soviet Jewry. While emigration of Soviet Jews is at its highest point since 1979 and most prominent refuseniks and Prisoners of Zion have been released, the vast majority of Jews wishing to emigrate are denied this right and the numbers allowed to emigrate remain far below the numbers of the late 1970's. And while Soviet authorities are now prepared to tolerate in limited circumstances some unofficial Jewish cultural activities, little of importance has changed as Jews still await the right to study their heritage and history—a right guaranteed by the Helsinki Accords.

Moreover, despite the promise of glasnost, the persistence of anti-semitism in the Soviet Union constitutes a major problem and source of concern. Whereas in the recent past, anti-semitism has been shrouded in anonymity or euphemism, under glasnost it has become more open and direct. Officially sanctioned organizations like Pamyat have seen glasnost as an opportunity to vent their anti-semitism publicly.

The actions of Pamyat, one of the largest political activist groups in the Soviet Union, raises serious concerns. Pamyat, a force behind the recent upsurge of anti-semitism, including vandalism, violence and intimidation, is reportedly responsible for the leaflets recently circulated calling for "Death to the Jews" and asking "How long can we tolerate the dirty Jews who have penetrated our society?" Formed to protect Russian historical treasures, the group, which apparently has ties to elements in the Soviet hierarchy, exhibits a traditional anti-semitism which blames the Jews for all of Russia's problems.

The Soviet authorities must take firm measures to curb this anti-semitism. While some anti-semitic groups have been criticized by the government, the scope of their activities will expand unless strong measures are adopted against them. Soviet law which makes ethnic and racial incitement a criminal offense, has not been used. A governmental inquiry into Pamyat and other such groups coupled with strong official condemnation of anti-semitism from the top leadership are needed.

How can the openness of glasnost be squared with the invectives against Jews that persist in some Soviet publications? How can the Soviet government ignore the problems posed by the anti-semitic, nationalist Pamyat movement? Is it not possible for the Kremlin to issue a strong signal of displeasure instead of according Pamyat official neutrality? These questions constitute an important litmus test for glasnost—to determine the possibilities of democratization and humaneness under Gorbachev.

We must not become complacent. We must continue to make it known to the Soviets that the observance of human rights is absolutely vital, and will remain an important yardstick by which the improving U.S.-Soviet relations will be measured.

STATEMENT BY MYRNA SHINBAUM, DIRECTOR, NCSJ, AT A PRESS CONFERENCE CONVENED BY THE CONGRESSIONAL HUMAN RIGHTS CAUCUS

WASHINGTON, DC, August 9, 1988.—One of the most disconcerting by-products of "glasnost" is the tacit support offered by the Soviet authorities to ultra-nationalistic anti-Semitic organizations such as "Pamyat" (Memory).

Founded in 1980 by employees of the USSR Ministry of Aviation Industry ostensibly for the noble purpose of preserving historic monuments, "Pamyat" has in fact become a vehicle for the expression of virulent anti-Semitism, which is against Soviet law.

While "Pamyat's" true motives have been exposed in some of the Soviet media, there is strong evidence to suggest that the organization has official sanction, evidenced by its holding of "official" public meetings; reception of "Pamyat" delegations by high Soviet officials, including Boris Yeltsin, a former top Communist Party leader; and the failure of authorities to charge the organization with incitement of anti-Semitism and racial hostility, crimes under Article 74 of the RSFSR Criminal Code.

In recent months, there has been a dramatic rise in anti-Semitic incidents throughout the Soviet Union, including vandalization of cemeteries and synagogues, anti-Jewish demonstrations in Moscow and Leningrad, and increasing publication of anti-Semitic articles in the media.

In his meeting with President Reagan at Spaso House on May 30, during the Moscow summit, seventeen-year "secrecy" refusenik Yuli Kosharovsky, a leading activist in the Soviet Jewry movement, stated: ". . . A large amount of anti-Semitic literature is being published and distributed. Pogrom inciting organizations flourish under glosnost. The authorities, which claim to deplore previous evil, continue to perpetuate its results."

The Soviet response to President Reagan's genuine concern for Soviet Jewry is exemplified by the comment of Georgi Arbatov, head of the USA-Canada Institute, and a key advisor to General Secretary Mikhail Gorbachev, who stated recently that President Reagan's "pressure" on Jewish issues will result in increased anti-Semitism in the Soviet Union.

The NCSJ views official Soviet reaction to "Pamyat" as a litmus test of the leadership's self-proclaimed humanist aspirations. Therefore, we call upon the authorities to take immediate action against "Pamyat," and other demonstrably anti-Semitic organizations, by demanding the immediate cessation of their illegal propaganda, and by prosecuting those organizations which continue to violate Soviet law by disseminating their hate-filled and vicious lies.

We call upon the Soviet Union to bring glasnost to Soviet Jews: to legitimize Hebrew classes, a Moscow Jewish Association, Jewish clubs, cafes, publications, libraries and whatever cultural and religious institutions Soviet Jews request.

We also call upon Soviet authorities to fulfill its obligations under the Universal Declaration of Human Rights, the Helsinki Accords, and other international agreements to grant the Soviet Union's two-million Jews their basic human rights: Freedom to emigrate, and religious and cultural rights within the Soviet Union.

STATEMENT OF THE UNION OF COUNCILS FOR SOVIET JEWS TO THE CONGRESSIONAL HUMAN RIGHTS CAUCUS

ANTI-SEMITISM IN THE SOVIET UNION

The leadership of the Union of Councils for Soviet Jews recently returned from an in-depth fact-finding mission on the current status of Jews in the Soviet Union. During dozens of meetings in Moscow and Leningrad, they heard of the accelerating surge of the violent and historic grassroots anti-Semitism which has been liberated under "glasnost." The overriding impression that they received was that calls for pogroms and violence during recent months have created a pervasive atmosphere of fear among Jews.

Jewish activists in Moscow, Kiev, Odessa, and especially Leningrad, have provided extensive documentation of Pamyat's activities, such as you heard today.

Reportedly, Pamyat now claims 20,000 members in Moscow alone, and has organized branches in 40 other Soviet cities. These figures make it the country's largest political group outside of the Communist Party.

There has been an increase in the number of anti-Semitic incidents throughout the Soviet Union. On April 20, 1988, for example, 80 gravestones in the Jewish cemetery in Orsha, Belorussia, were simply destroyed. In May, graves were violated in Jewish cemeteries in Dnepropetrovsk, Odessa, and Moscow.

Incidents such as these have drawn the attention of non-Jewish as well. In February of this year, UCSJ released an "open letter" signed by non-Jewish intellectuals and dissidents who warned, that if they and others did not speak out against the rising tide of anti-Semitism as characterized by the growth and strength of the nationalistic Pamyat organization, they feared the return of the pogroms.

Even the idea of a pogrom in this day and age of glasnost should be unthinkable, yet once again these Jews are forced to consider this threat.

This pogrom atmosphere has created a heightened sense of uncertainty and danger, driving the surge in applications and requests for invitations in recent months. Tens of thousands of Soviet Jews took the first step in the application process in the early months of 1988, a dramatic increase from previous years.

Anti-Semitism is, of course, ubiquitous, but in the USSR it is a historic part of the culture and inherent in the Russian character. Jews have always been the scapegoats of Russians. But now Pamyat, in its traditional outcry of nationalism, has put the Jews in double jeopardy. But playing on the fact that many Jews were Bolsheviks during the Revolution, the nationalists, who yearn for the days of the Czar, claim that the Czar was shot by a Jewish family, and ultimately blame the Jews for bringing the Bolsheviks to power.

But the Jews cannot find security and safety within the Bolshevik system, either, because this very same system blames the Jews for the stagnation of the country, and considers them traitors for emigrating to Israel.

So the Jews are caught in the middle: hated by the nationalists for defeating and in fact murdering the Czar, and hated by the current regime for their commitment to their culture.

What are the Jews to do when they have no allies in neither the official nor unofficial camps? What are the Jews to do when they have to run away from both their society and government? No wonder the number of applications for emigration has increased so dramatically in recent months.

The Union of Councils for Soviet Jews commends Congressmen Lantos, Buechner, Porter, and Scheuer for their recent letter to Secretary Gorbachev, demanding an official inquiry into Pamyat activities. Our job continues to demand that we monitor Pamyat and ensure that the appointed victims are protected.

ECONOMIC RECORD SAYS THAT VOTERS, ESPECIALLY WOMEN, SHOULD BE SUPPORTING BUSH

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, the political pundits around town are repeatedly pointing to the supposed "gender gap" as a major voting hurdle for the Presidential campaign of Vice President GEORGE BUSH. If one listens to the so-called experts on the editorial pages of such newspapers as The Washington Post and The New York Times the would-be Republican nominee has virtually lost the election. Of course, when one looks at the facts from the past 6 years—the economic growth, job expansion, and stifling of double digit inflation, a different picture appears for women. The former Chairman of President Reagan's Council of Economic Advisers, and his wife Kathleen, correct the misrepresentations by some of the Reagan-Bush economic record in a recent column appearing in the Los Angeles Times.

ECONOMIC RECORD SAYS THAT VOTERS, ESPECIALLY WOMEN, SHOULD BE SUPPORTING BUSH

(By Martin Feldstein and Kathleen Feldstein)

The ability of George Bush to convey his economic message as successfully to women as to men may be the critical factor in this election. An acute problem for the Bush campaign is that, at present, female voters seem to be less influenced than are males by the strong economy of the last several years.

In past presidential elections, a good economic performance with low inflation and strong growth consistently favored the incumbent party. We are puzzled by Bush's underdog status in the current polls because we cannot imagine a stronger economic performance going into a presidential campaign. The United States has had almost six years of economic expansion, by a comfortable margin the longest peacetime expansion in the past 50 years. Unemployment has come down to about 5.5 percent, the lowest level in more than a decade. Inflation is only about 4 percent, compared to the double-digit levels of 1980 when the Republicans defeated the Democrats on a largely economic platform. And interest rates are about half what they were at that time.

The polls showing that the strong economic performance is not having the usual effect in this campaign also indicate that Bush trails Michael S. Dukakis because of weaker support among female voters. It's important to ask, therefore, why women are apparently less influenced than men by good economic performance.

The most obvious possibility, that it has not benefited women as much as it has men, is simply contrary to the facts. The economic expansion and government policies of the past eight years have permitted female employment to rise sharply and to result in better jobs for women. During the Carter years, the female unemployment rate averaged about 1.5 percentage points higher than the male rate. By 1987 the rates were equal, and in 1988 the female unemployment rate has actually fallen below the male rate. It's no longer true that women are last in and first out of work.

Perhaps of even greater significance for many female voters, the earnings gap has been shrinking. Among full-time workers, women's earnings have been rising 20% faster than men's during the 1980s.

Women are undoubtedly aware of the important progress on inflation since 1980. Women still do most of the family shopping and so they must know the record here, at least subconsciously. If the double-digit inflation that existed at the start of this decade had continued, prices would be more than 75% higher today than they actually are.

In the 1980 campaign Ronald Reagan made successful use of the question. "Are you better off today than you were four years go?" Women should be asking that same question of themselves today and comparing their position vis-a-vis their male counterparts with the situation in 1980. Their progress has been real and it has been very significant.

Perhaps the political gender gap has worsened for reasons unrelated to the economy. The conventional wisdom is that women are more concerned with social issues than are men. But social issues are closely related to the performance of the economy. A strong and growing economy allows a society to put more resources into areas like education and health care. Women who rate these issues highest on their agenda should be pushing for more spending on these programs, but they still should opt for the strongest possible economic performance.

It doesn't seem likely that peace and international security are negative factors for Bush, based not only on the very good record of the last eight years but more importantly on his background and expertise. This is one area where experience counts more than the platitudes that speech writers are so good at reinventing.

Another possible explanation of the political gender gap is that women worry more about the budget deficit than men do. If that is so, let us hope that they examine very carefully the two candidates' approaches for dealing with that deficit. While Bush has offered a specific plan for balancing the federal budget. Gov. Dukakis has been deliberately vague. Judging by the Dukakis approach to dealing with the current Massachusetts state deficit, for which he must bear full responsibility, a big increase in taxes would be inevitable in a Dukakis presidency.

The irony is that the governor is trying to turn the country's favorable economic performance of the past seven years to his own advantage. He has stated repeatedly that jobs are what this campaign is all about. If so, the economic record makes it clear that Americans should be voting for George Bush, not Michael Dukakis.

ROMANIAN HUMAN RIGHTS UPDATE—1988

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HOYER. Mr. Speaker, Romania enjoyed most-favored nation status from 1975 until February of this year, when Romanian officials informed the United States Government that their country would no longer accept most-favored nation trading status subject to the terms of the Jackson-Vanik amendment. Prior to the February announcement, both the House and the Senate had attached language to a trade bill before Congress which would have suspended Romania's MFN status for at least 6 months. Ironically, that language was deleted from both versions of the trade bill just 1 week before Romania announced its decision to unilaterally renounce most-favored-nation status.

Romania's surprise announcement came in response to growing criticism in the United States Congress over the past several years. This criticism centered on Romania's poor human rights performance. Although most-favored-nation status is tied explicitly to emigration, implicitly it is contingent on Romania's performance in a wide range of human rights areas. Each year, as the Congress weighed continued extension of most-favored-nation status to Romania, it focused closely on that country's record in both human rights and human contacts. The Romanian authorities considered this attention unjust interference in its internal affairs.

The Commission on Security and Cooperation in Europe monitors human rights trends in Romania, as well as other Helsinki signatory countries, year-round. Even in the absence of annual most-favored-nation status hearings, the Commission attaches great importance to providing a balanced, up-to-date review of Romania's record to the Congress.

The Commission has traditionally categorized its human rights concerns in regard to Romania into four areas: emigration, prisoners of conscience, religious rights, and minority rights. Poor Romanian performance in a fifth area of concern, social and economic rights, has fueled further concern over the situation in that country.

EMIGRATION

A large number of Romanian citizens has emigrated from that country over the past year. By far the largest proportion have left illegally, with an estimated 10,000 fleeing across the border into Hungary or simply overstaying their temporary Romanian visas while visiting Hungary or other countries over the past year. Others have crossed the border into Yugoslavia.

As the attached charts indicate, the rate of legal Romanian emigration to the United States has declined. This decreasing rate is cause for serious concern. It is, however, too early to determine whether Romania's renunciation of most-favored nation status will result in lower emigration rates to this country, since in the past the emigration rate has regularly increased during the second half of the year. At the time of the renunciation, Romanian authorities declared that emigration would not be affected.

The rate of emigration to the United States through the first 7 months of 1988 is almost 40 percent lower than for the comparable period in 1987. The rate for August 1987–July 1988 stands at 2,130, whereas for August 1986–July 1987 it was 2,347. Thus, the annual rate has decreased 9 percent. The January through July rate of Romanian emigration to Israel has likewise decreased from 747 in 1987 to 691 this year. The August 1987 through July 1988 rate for Israel, 1,571, does, however, represent an increase over the rate for the previous year, which was 1,472.

Of the 174 cases on the Commission's list of unresolved Romanian human contracts cases presented to the Romanian Government in September 1987, 101, or 60 percent, have either departed from Romania or have received Romanian exit permission. This approval rate is consistent with the rate in past years. But difficult cases remain on the list. Napoleon Fodor remains separated from his wife and son, whose efforts to leave Romania beginning in 1982 have been rejected time and again by Romanian authorities.

MONTHLY ROMANIAN EMIGRATION TO THE UNITED STATES AND ISRAEL, 1987

	United States	Israel
1987		
January	82	116
February	97	101
March	130	105
April	200	106
May	291	95
June	304	123
July	248	101
August	244	200
September	336	171
October	236	165
November	249	154
December	233	190
1988		
January	124	102
February	89	125
March	119	150
April	137	106
May	91	78
June	145	41
July	127	89
Total (January–July)	832	691

ANNUAL ROMANIAN EMIGRATION TO THE UNITED STATES, ISRAEL, AND THE FEDERAL REPUBLIC OF GERMANY, 1971–86

Year	Unites States	Israel	FRG
1971	362	[1]1,900	NA
1972	348	[1]3,000	NA
1973	469	[1]4,000	NA
1974	407	[1]3,700	NA
Most-favored-nation trading status granted—1975:			
1975	890	[1]2,000	4,085
1976	1,021	1,989	2,720
1977	1,240	1,334	9,237
1978	1,666	1,140	9,827
1979	1,552	976	7,957
1980	2,886	1,061	12,946
1981	2,352	1,012	8,619
1982	2,381	1,474	11,546
1983	3,499	1,331	13,957
1984	4,545	1,908	14,831
1985	2,913	1,327	13,072
1986	1,996	1,281	13,130
1987	2,670	1,627	13,994

NA—Not available.

[1] Approximate.

PRISONERS OF CONSCIENCE

The number of political prisoners incarcerated in Romania is unknown. These prisoners include individuals who have protested the authorities' denial of permission for them to leave the country. They also include people who have attempted to exercise their freedom of movement as guaranteed in the Universal Declaration of Human Rights by leaving Romania without following the officially decreed and very arduous emigration procedures.

A limited amnesty was declared on October 26, 1987, in celebration of Socialist Romania's 40th anniversary. A more far-reaching amnesty in January of this year freed a much higher number of people, including prisoners of conscience Victor Opris, a Pentacostal pastor, and political activists Ion Bugan and Gheorghe Nastescu. Charges against Nelu Prodan, a lawyer specializing in the defense of the rights of religious believers, were likewise dropped in connection with the amnesty. Prodan had been taken into custody for 12 days in December and charged with accepting bribes.

An undetermined number of people—variously estimated from several hundred to 2,000—was detained after the riots in Brasov in November 1987. It is not known how long they were detained or whether any still remain in custody. The January amnesty should have encompassed the Brasov demonstrators still in detention, unless they were convicted of crimes with sentences of over 10 years—in which their sentences were halved.

In April, at least two Romanian citizens, Nicolae Stancescu and Mihai Pavelescu, were arrested and held for granting interviews critical of regime policies to foreign journalists. Stancescu was released in June. Four others were said to be arrested in Iasi after participating in such interviews.

Ion Puiu, who was a leader of the National Peasant Party—which was banned in 1948—and who was a vocal supporter of the 1986 declaration signed by over 120 East European activists on the anniversary of the Soviet invasion of Hungary in 1956, was arrested in early February 1988. In poor health, he is reported to be out and awaiting trial on charges of treason. Florian Russu, who was active in the National Peasant Youth and the Romanian Association for the Defense of Human Rights, was also reported to be in detention. The charges against him are unknown.

One particularly disturbing case to come to light in the past year involves Baptist Nestor-Corneliu Popescu, who has been confined to a psychiatric hospital since October 1987 in response to his outspoken criticism of Romanian policies. Popescu, his family and Western diplomats familiar with the case maintain that he is sane. The abuse of psychiatry for political ends constitutes a particularly horrifying human rights violation. Psychiatric abuse has been a problem in the past, but the extent to which it has been practiced is unknown.

RELIGIOUS RIGHTS

Religious rights in Romania are still seriously threatened. Some believers, and those like lawyer Nelu Prodan who defend them, are subject to various forms of harassment. An intensive antireligious press campaign has been apparent over the past year.

Obtaining religious texts, especially for members of churches other than the Orthodox Church, continues to be a problem in Romania. A breakthrough in the area of religious rights occurred in summer 1986 with the Romanian agreement to print 5,000 Cornilescu—Baptist—Bibles by the end of the year, as well as sufficient numbers in subsequent years to satisfy demand. The 5,000 Bibles were printed and distributed in 1987. The Baptist General Union has requested a printing of additional Bibles.

Churches and other religious buildings still risk destruction as President Ceausescu's sistematizarea—radical restructuring—campaign continues. In past years urban churches have been bulldozed in the process of urban renewal. Village churches also face the threat of destruction, along with the villages themselves, as Ceausescu's drastic modernization drive reaches the countryside.

In September 1987 the 18th-century Sfintu Spiridon Orthodox Church was destroyed. The Romanian Government has yet to allow a large Bucharest Adventist congregation to move into new, permanent quarters after the August 1986 razing of its church. The Adventists have proposed a number of sites, all of which the authorities have rejected. However, Bucharest's Cuibal Cu Barza church has been transferred to another location instead of being demolished. And during the past year, a Timisoara Baptist congregation received permission to buy a new, larger building to replace its current one, which is slated for destruction.

MINORITY RIGHTS

President Ceausescu's brand of rabid nationalism is taking a toll on the Hungarians, Germans and other national minorities in Romania. They face diminishing opportunities to be educated in their own language and maintain a culture separate from Romanian culture.

There has been no improvement in the situation of the Hungarian minority since last year; Hungarian nongovernmental organizations report that the situation has only worsened. Hungarian-language theaters and publishing houses have been shut down or merged with Romanian-language ones. Family and cultural contacts across the Romanian-Hungarian border are hampered, and Hungarian visitors to Transylvania are harassed.

Official control over Romanian citizens' freedom of movement has resulted in Hungarians being transferred—through job assignations, for example—to predominantly Romanian areas, while Romanians are placed in what were homogenous Hungarian areas. Ethnic Hungarians living in Transylvania told Helsinki Commission staffers last August that in effect the cities of Brasov, Cluj, and Tirgu Mures have been closed to in-migration by Hungarians.

By law, primary school education is still available in minority languages for classes in which at least eight students are enrolled. Romanian officials told a Helsinki Commission delegation last August that a minimum of 26 minority students is necessary to form a class being taught in the minority language. But teachers proficient in minority languages are in short supply in the areas where the minorities are concentrated. Because the Government assigns graduates places of residence, Hungarian and German-speaking teachers often find themselves teaching in overwhelmingly Romanian areas, where Romanian is the language of teaching.

In recent months President Ceausescu has indicated he will step up his plan to eradicate 7,000 to 8,000 villages and replace then with large, modern conglomerates inhabited by former villagers by the year 2,000. Up to 10 million people could be forced to relocate if the plan is implemented.

The projected destruction of centuries-old villages represents a full-scale attack on cultural rights. Homes, cemeteries and churches—all of which are imbued with historical significance for the communities, as well as providing the very framework of village life—are to be bulldozed. The Hungarian community is particularly distraught over losing another tie to its culture. Hungarians fear they will be dispersed and merged into communities of mixed ethnic character, perhaps far from their ancestral homes, further hampering their ability to preserve and transmit their heritage. The "agro-industrial center" campaign likewise will adversely affect ethnic Romanians and Germans living in the villages.

SOCIAL AND ECONOMIC RIGHTS

The economic situation in Romania continues to deteriorate, as last fall's workers' riots in Brasov, Romania's second largest city, demonstrated. The immediate impetus to the rioting was the unexpected implementation of President Deausescu's decree that workers' wages would be cut if their plant's production quotas were not met.

Fuel has been rationed for several years, leaving many people in apartments and offices which are heated to just over freezing. The street-lights in Bucharest—a capital once compared to Paris for its atmosphere—are no longer turned on at night. Basic foods, including milk and bread, are rationed. Meat is scarcely available. Malnutrition has appeared in the country. It appears that all of Romanian society—outside the Party and Ceausescu family elite—is suffering equally.

Decades of financial misplanning have led to the dire condition of the Romanian economy, making it the poorest in Europe after Albania. The Government has continued to pay back its foreign debts and engage in a modernization campaign for the country at the expense of the Romanian people. The agro-industrial center plan is but the starkest example of this phenomenon. Many cities, including Bucharest, already have suffered tremendous losses in architectural landmarks and cultural treasures as Ceausescu has sought to drastically remake the face of Romania.

ARCTIC NATIONAL WILDLIFE REFUGE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LEVINE of California. Mr. Speaker, I would like to bring to my colleagues' attention the widespread concern that has been demonstrated by the press in Los Angeles about proposals to open the Arctic National Wildlife Refuge to oil drilling. Three editorials from the Los Angeles Times follow that clearly outline the travesty that would result from opening up ANWR to drilling. I hope my colleagues will review these carefully.

[From the Los Angeles Times, May 18, 1988]

GO SLOW IN ALASKA

Congress should put a halt to any further action this year on legislation to lease the National Arctic National Wildlife Refuge in Alaska for oil and gas exploration and production. The Reagan Administration has so badly bungled its campaign in behalf of leasing in the refuge that it has no credibility left on the issue. The decision should be left to the next Administration and a new Congress beginning in January 1989.

In 1987 the Department of the Interior issued an environmental-impact report on the Arctic refuge proposal that was so blatantly pro-leasing that it even drew the condemnation of the Environmental Protection Agency. The report clearly under-estimated the impact of oil exploration and drilling in the refuge and failed to consider sufficient alternatives to all-out leasing, the EPA said.

Significantly, the EPA also said that it was inappropriate for the Interior Department to conclude that environmental damage would be held to reasonable limits in the same manner as at the big oil development at Prudhoe Bay to the west. The data failed to support any such conclusion, the regional EPA administrator said.

In any event it now is clear that Prudhoe Bay is not such a great example to emulate. In a new report that was suppressed by Interior officials, the department's Fish and Wildlife Service has concluded that environmental damage at Prudhoe Bay is far greater than had been envisioned when production was begun and the Trans-Alaska Pipeline built. "These impacts are presently occurring and will probably increase in the foreseeable future," according to the report that was written by the Fish and Wildlife Service's office in Fairbanks.

The report undercuts the oft-heard boasts of oilmen and Interior Secretary Donald P. Hodel that the Prudhoe Bay development blends so with the wilderness that the local caribou herd has tripled in size. The Fish and Wildlife report says that the increase in caribou numbers may be attributable to the "killing, removal or displacement" of bears and wolves, the caribou's natural predators.

Hodel and others have contended that Arctic refuge disruption would not be as extensive as that of Prudhoe Bay. Interior's own study predicts that oil production would directly affect only 12,650 acres of the 15-million-acre area proposed for leasing. But that would be even more than the 11,000 acres of wildlife lost at Prudhoe Bay, which itself is almost double what had been predicted. The Fish and Wildlife Service also notes that the topography of the two regions varies widely, and so too could the impact. In fact, Arctic refuge is far from the "flat, desolate landscape" that is portrayed in at least one oil company brochure. The Wilderness Society's description of "America's Serengeti" is more appropriate.

Finally, the Reagan Administration has failed to respond convincingly to critics who contend that a coherent national energy policy could meet the country's needs without having to disrupt the Arctic refuge, where geologists say that there is a 19% chance of finding a major oil field of several billion barrels or more. A new Administration and new Congress should have the opportunity to draft a rational energy program, incorporating conservation and alternative sources, before deciding whether to drill the Arctic refuge or to preserve it as a wilderness area.

[From the Los Angeles Times, Dec. 3, 1986]

THE REAL ENERGY CRISIS

The Interior Department has set up a new environmental confrontation with Congress that it seems certain to lose. The issue this time is oil and gas development on the coastal plain of the Arctic National Wildlife Refuge in Alaska. The 1.55 million acres in question should have been set aside as wilderness back in 1980 when Congress passed the Alaska Lands Act. That concession to development interests should be rectified now.

The 1980 law required the Interior Department's Fish and Wildlife Service to report in five years on the area's petroleum potential and environmental assets. Officials had five alternatives to present to Secretary Donald P. Hodel, ranging from preservation of the area as wilderness to all-out development. Other options included the drilling of exploration wells to determine if there was sufficient oil to justify commercial development.

The Interior officials chose the worst of the five—to lease the entire area now. The rationale is familiar to anyone who has followed Interior's attempts to throw open the California coastline to offshore drilling: National security mandates the development of all the domestic supplies it can.

Interior would control operations to protect the environment. Even so, the report concludes: "Long-term losses in fish and wildlife resources, subsistence uses (by Alaska natives) and wilderness values would be the inevitable consequences of a long-term commitment to oil and gas development, production and transportation."

By opting for full development, Interior seems to have guaranteed the defeat of its proposal, although Hodel has time to revise it before it goes to Congress in the spring for approval.

The nation needs the oil. But there is a basic flaw in the Administration's zeal for drilling everywhere and anywhere. It has keyed the U.S. energy future to a no-win option. No matter how much the wildcatters find, domestic supplies cannot keep up with current levels of consumption. The nation would run out of oil, perhaps in the 21st Century.

But there is no policy for dealing with that inevitable event. There is no viable program of synthetic-petroleum production. There is no development of alternative fuels such as methanol that could provide an orderly transition to the future. When Congress produces energy-saving legislation, such as appliance efficiency standards, the President vetoes it. Mass-transit programs are opposed or discouraged. Conservation is a forgotten word in the temporary flush of cheap imported oil. Higher gasoline taxes and import tariffs are eschewed even though they would discourage imports and encourage domestic production.

Interior declares, on the basis of geological assumptions, that the Arctic refuge might contain 30 billion barrels of oil. That sounds like real energy security, for perhaps a decade. But read the fine print. At best, only 9.2 billion barrels are recoverable. The statistical chances are good that the field would yield only about 3 billion barrels. That is not security, but merely a brief postponement of the inevitable.

Interior officials warn that rampant oil development with no concern for the environment will occur if the oil is "locked up" until a national crisis occurs. But the present policy guarantees that the crisis will occur sooner, not later. The only path to true energy security is a balanced program that weans us from our imprudent diet of petroleum overconsumption. Arctic oil still might be needed. Or it might not.

[From the Los Angeles Times, April 23, 1987]

EXPLORATION VS. WILDLIFE

No one was shocked when Secretary of the Interior Donald P. Hodel proposed to Congress that 1.5 million acres of the Arctic National Wildlife Refuge in Alaska be leased to oil companies for oil and gas exploration and development. Hodel has been Interior Secretary for two years, but he acts as if he were still running the Energy Department.

The only surprise was the extent to which his report ignored the wilderness value of the unspoiled Arctic plain and the extent to which he claimed that national security hinges on the ability to wring every last drop of oil from the refuge. The only people who may have a reasonable idea of the oil potential of the area are not telling. They are the handful of oilmen who know the results of a 14,500-foot-deep test well drilled on native land in the midst of the wildlife refuge about 100 miles east of Alaska's Prudhoe Bay field. There is said to be a definite gleam in their eyes.

The results of the test well drilled near the native village of Kaktovik fall into the realm of "proprietary information." This means that it is the oil companies' secret, not to be shared with the 250 million Americans who are custodians of the adjacent wildlife preserve. All that the oilmen will say is what Hodel mimics: The refuge may contain the nation's last big onshore oil field.

Therein lies a major flaw in the nation's current policy of leasing federal lands for oil and gas activity. It virtually always is an all-or-nothing proposition, with the oil boys deciding where to drill and when. All that the rest of us are told is that there may be a one-in-five chance that the Arctic refuge might yield anywhere from 600 million to 9.2 billion barrels of oil. There might be none, or there might be more.

Let it be said also that rhetoric from the other side of this battle often is not much more illuminating. Environmental groups claim that oil development will do grave damage to the Porcupine caribou herd that migrates into the Arctic plain to calve. They claim that the oil companies are willing to destroy one of the last great natural areas of the country for a quick buck.

So the battle is joined at high moral and emotional pitch, with Congress asked to decide between Hodel's request to open up the refuge to leasing and the environmentalists' demand that it be preserved as wilderness area.

The flight could be waged more intelligently if Hodel had not abdicated his responsibility as the nation's chief environmental officer in making this recommendation. He rejected other options including limited leasing, further exploration and taking no action—that is, to allow the area to remain as a refuge with no drilling at this time.

Environmentalists have focused on the caribou. In response, Hodel's report went to considerable lengths to argue that while oil development might have "major effects" on the caribou habitat, there would be no major *adverse* effects on the herd.

Hodel dismissed the wilderness value of the unique mountain-to-ocean ecosystem as unworthy of consideration, since there is so much wilderness in Alaska already. He carried this absurd argument to the extreme by saying that oil development "ultimately will be in the best interests of preserving the environmental values of the coastal plain." But in the same statement he said that the effects of oil production would "include widespread, long-term changes in the wilderness character of the region."

In fact, major oil production would create a new industrial complex on the Arctic plain with roads, pipelines, housing, an operations center, processing facilities, land disruption and air pollution. It would alter the environment for decades at least. The American people, acting through Congress, may ultimately decide that the oil is worth the sacrifice. But they should not be forced to make that decision on the basis of incomplete and misleading information from their own government.

MATT GILLESPIE, LEHIGH VALLEY LEGEND

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. RITTER. Mr. Speaker, Matt Gillespie, loved by thousands in the Lehigh Valley as a great band leader, died recently after being stricken while giving his final show, a music lesson. That was his trademark, making people happy.

I had the pleasure of sharing many good times with this special man who entertained the valley for nearly 60 years. All of us will miss him. I know he will be missed not only as an entertainer, but also as a teacher and a friend.

He was truly a gentleman—caring, compassionate, and a giving person, not only of his talents but of himself. I was fortunate to have Matt as a friend and I am pleased to have this opportunity to submit these remarks in his memory.

At this point, Mr. Speaker, I include an article from the August 2, 1988, issue of the Allentown Morning Call on the passing of Matt Gillespie.

HEART ATTACK KILLS MATT GILLESPIE AT 72

(By Cheryl Wenner)

Renowned Lehigh Valley bandleader Matt Gillespie died yesterday after being stricken while giving a music lesson in Bethlehem.

Gillespie, 72, was pronounced dead at 3:03 p.m. in the emergency room of Muhlenberg Hospital Center by Dr. Jose Guzman. Death was attributed to cardiac arrest.

The affable piano player, who made his professional debut playing for silent movies when he was 13, was remembered fondly last night by friends and other area musicians, several of whom mentioned the encouragement Gillespie gave them when they were young.

"The nice thing I remember about Matt was when I was just getting started in the business," recalled band leader Parke Frankenfield from his home in Florida. "He was playing a gig with his big band in the Moose Auditorium in Easton and kindly allowed me to come up and sit in on trumpet."

That helped give him confidence, Frankenfield said, "He really encouraged me.

"Through the years, we've always been good friends, even though we were musically competitive," said Frankenfield. "I always admired him and respected him.

"He called me the last time he was down here in Florida, within the last six months, to say hello and wish me well.

"We'll miss him," he said.

Saxophonist Willie Restum joined Gillespie's band at 16 and played with the group for seven years. Last night, he recalled the man who gave him his start.

"They called him a local band leader. He just happened to be a band leader locally. He was a great band leader," he said respectfully.

Restum, now of California, credited Gillespie with instruction and allowing him to become a band personality. He said Gillespie went to "great lengths" to help young musicians achieve.

"Matt had compassion for his fellow man and especially had compassion for his fellow musician," he said.

Restum characterized Gillespie's musical style as progressive, innovative and experimental.

Bandleader Joe Resetar of Hellertown remembered Gillespie as "a very fine musician and a very wonderful friend."

"We never really worked together. We both had our own bands and we were both piano players so we really couldn't work together," he said. "But we always stayed in touch.

Gillespie grew up in Catasauqua, where his attraction to music was fostered by his mother, Dorothy, a pianist who played for silent movies and minstrels, and his father Quay.

His parents wanted him to play the banjo, Gillespie recalled in a 1981 interview for The Morning Call's Neighbors section. "I didn't like banjo; I want to play piano." he said. Ironically, the first band he played with in high school was a banjo band that used the piano as "an extra instrument."

His first instructor, Russ McKeever, taught him the basics of classical piano, but young Gillespie wanted lessons from Allentown jazz pianist Roxy Rief, who played for the silent films in Catasauqua's Majestic Theatre. For his 10th Birthday, he got his wish.

Gillespie made his professional debut at 13, substituting for Reif at the Majestic's Saturday afternoon silents. Because he was under 16, Gillespie needed special approval for membership in the Allentown Musicians Union Local 561.

By the time he was 16, Gillespie was already giving piano lessons to neighborhood children, playing in high school bands, and later for vaudeville and burlesque performances at Allentown's Lyric Theatre—now Symphony Hall. He join Bob McClister's band, The London Criterions, and began touring and playing Lehigh Valley dance halls.

During those years, he accompanied such famous vocalists as Sophie Tucker, Martha Raye, Milton Berle, Lillian Roth, Lou Holtz and Fannie Brice.

In 1981, Gillespie recalled an appearance at a posh testimonial dinner for Postmaster General James Farley at the Ritz-Carlton Hotel in New York. "All of Washington turned out, all of the big shots" he said. "I remember I embarrassed the band when I brought in the music wearing my leather jacket with CHS [Catasauqua High School] on the back."

After graduation in 1933, there were stints with Piff Moore, a trio organized by Bill Thompson, and various cruise ship dance bands. In 1941, newly married to singer Margie Smith and earning $25 a week performing, he traded his music for a job in the manufacturing division at Bethlehem Steel Corp.

In late 1944, he joined Harry Romig's band. When Romig retired from the business in 1946, he took over the band. It was the first year the Matt Gillespie name appeared on the bandstand and the first of 35 years the Gillespie band would play the Allen High School prom.

By 1950, Gillespie's men were playing alongside the Dorseys, Woody Herman, Stan Kenton, Russ Morgan, Glenn Miller and other big bands of the day. Gillespie's band became known for its arrangements.

Gillespie continually taught music and accompanied many of the big-name entertainers who have performed in and around the Valley, including Bob Hope, Liberace, Herb Alpert, Kenny Rogers, Perry Como, Kate Smith and Johnny Carson.

Ken Harkins, one of his former students, worked as an accompanist for Frank Sinatra. And jazz pianist Keith Jarrett learned his chords from Gillespie, who introduced him to the Lehigh Valley at his jazz concerts at Moravian College and West Park.

Gillespie was an unsuccessful Republican candidate for Bethlehem City Council in 1973, 1975 and 1977. He gave up politics after that but never left his piano silent for very long.

Last year, Gillespie's Big Band kicked off the fourth annual Musikfest with a performance at the annual Musikfest Ball in the Hotel Bethlehem, and earlier this year the group appeared at Mayfair in Allentown. He performed regularly at the Encore Room of the Holiday Inn East and the Lehigh Valley Club in Allentown, among others.

Gillespie never doubted the timeless appeal of Big Band music. "People will always be interested in dance music," he once said. "When we play for the regular dancing crowd and the youth crowd, we have to play a mixture of ballads, jitterbug, rock'n'roll and music of the past. But, you can always tell they're happy when you see a smile on their faces. That's what makes it so wonderful. For me, it will be music all the time til the end."

BIPARTISANSHIP AND THE CONTRAS: DID YOU EVER SEE A DREAM DYING?

HON. HENRY J. HYDE

OF ILLINIOS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HYDE. Mr. Speaker, after disapproving military assistance to the Nicaraguan resistance this February, Congress voted on March 30 to resume humanitarian aid to maintain them as a potential fighting force. This was designed to keep pressure on both the resistance and the Sandinista government to negotiate in good faith. On August 16, the Senate essentially renewed this provision for another 6 months, although negotiations deadlocked and were broken off in June.

Proponents of this approach initially argued that to give negotiations a chance might evoke the congressional consensus that has been lacking. The majority promised to work with the minority in a spirit of comity. Democrats rejected Republican worries that the Sandinistas would drag out the negotiations while consolidating their military position and scorned suggestions that to abandon the established delivery system would be folly. The Democratic leadership won swing votes by vowing to hold the Sandinistas to pledges of democratization.

These fragile hopes for democracy and promises of cooperation now lie shattered like shards of glass along the road behind us. Both the House and the Senate now are even more bitterly divided and Central America policy is more contentious than 20 weeks ago. The Democratic leadership has seemed blind to Managua's bad faith and has hunted down the slightest pretext for delaying distribution of humanitarian aid. Many Contra supporters believe the Democratic leadership seeks not a satisfactory, agreed peace, but rather the negotiated surrender of the democratic resistance. Recent experience appears to confirm this, and battle lines have hardened accordingly.

The law authorized immediate food and other humanitarian assistance to Contras inside Nicaragua at agreed-upon cease-fire zones. After the vote, however, in an about-face, the Sandinistas insisted that final agreement on these zones required the Contras to surrender their arms. The resistance understandably refused: At Sapoa they had agreed to a cease-fire, not unilateral disarmament.

The Sandinistas then said they would shoot down any aircraft delivering humanitarian aid to the cease-fire zones. Unlike CIA, the Agency for International Development [AID] and private groups authorized to deliver Contra assistance are not equipped to evade a shoot-down. So to this day, thousands of Contras inside Nicaragua have received no regular resupply, although negotiations dragged out and the 60-day cease-fire that began April 1 unofficially remains in effect.

Meanwhile, because all aid had been cut off in February, most of the Contras literally had run out of food before humanitarian assistance administered by AID began trickling to the Honduran border on April 19. Deliveries inside Honduras and AID's subsequent decision to dispense Nicaraguan money to be hand-carried into Nicaragua for Contra purchase of food aroused a storm of protest. Individuals within and designated by the Democratic leadership began to call AID, seeking to impose a unilateral, partisan interpretation of what the Agency could not do under the law—that is, that they could not do anything to help the Contras, even though much of the projected 60-day cease-fire period had by then elapsed, and food deliveries were far behind schedule. AID had to answer to seven different congressional committees, all controlled by Democrats, which micromanaged the program and applied hostile pressure. The Democratic Study Group published a special report charging illegalities in seven different areas, a General Accounting Office investigation was threatened and a resolution of inquiry demanding wholesale turnover of documents began circulating. Only belatedly, and after much adverse publicity to the program, did the Democrats quietly acknowledge these charges were unfounded and withdraw the resolution.

Democrats opposing the Contras should have been satisfied that their legislation in any case gave the Sandinistas an immense advantage. Military aid to the Contras was cut off in February and might never be reinstated, even if there is no remaining hope for a fair, negotiated settlement. All the Contras get is $17.7 million every 6 months to keep them from starving and to ease the conscience of some Democrats. The Sandinistas, however, continued to receive Soviet bloc military and economic aid worth hundreds of millions. They are repositioning themselves in militarily advantageous ways while the Contras are being forced to pull out of Nicaragua because they lack even food, some of them suffering from malnutrition.

Media and other sources indicate the Sandinistas immediately began exploiting their advantages to consolidate their positions and marshall forces for a major offensive to wipe out the Contras if the cease-fire ends. Before the February aid cutoff, intelligence, media, and defector reports all portrayed large gains by the resistance, which had secured the tactical advantage and momentum. But by April, numerous members of the elated Sandinista leadership were bragging repeatedly that when the fighting begins again, they will be in a position to wipe out the resistance with an offensive of unprecedented scope, and that they fully intend to do so.

After a brief respite, the Sandinistas soon began to harass newly opened press and radio outlets via denial of newsprint and temporary broadcast bans; beginning in July, the opposition media once more was completely shut down for prolonged periods. The Government continued to rough up and arrest political party and labor leaders, a tactic which also escalated lately to trial and imprisonment. The agreements forced the Sandinistas to allow some demonstrations and political activity, but they compensated by unleashing the "divine mobs" to attack and bully the opposition; last month, the mobs were supplemented with notorious police-administered beatings and arrests at a July 10 opposition demonstration in Nandaime. The Sandinistas has informed the opposition that it will be countered with violence. The Government has been largely successful in intimidating the opposition's four major sources of support—the media, the church, labor unions, and U.S. diplomats who were expelled on trumped-up charges.

In the meantime, Speaker WRIGHT, questioned whether Managua was responsible for problems in the negotiations, said he doesn't lay blame because he doesn't know what happened—despite his close consultative relationship with the Sandinistas and the fact that he is primarily responsible for pressing the talks. Such attitudes prompted editors of the Washington Post to observe that the negotiations upon which Congress insisted are destroying the Contras and imposing a Sandinista "peace" without democracy. "Is it conceivable," the Post queried, "that DAVID BONIOR'S Democrats could stop chasing ghosts and playing political games and bring themselves to be marginally helpful in a (Contra) cause they insist they embrace, or at least stop hurting them?" The House reaction to the bludgeonings, imprisonment, and expulsions associated with the July 10 Nandaime civil demonstrations was a toothless resolution of condemnation, but no hint of renewed military aid to the Contras.

One revealing reason for the Democratic Study Group's opposition to cash payments for the Contras did emerge. The May 16 DSG study warned about giving cash to the Contras "would allow them to buy 'good-will' with the local population, thereby strengthening the Contras' position in Nicaragua." When negotiations halted at the end of June, the resistance took the blame. But no one pointed out that the Sandinistas would agree to general statements of democratic intent but consistently refused immediate, irreversible reforms or a timetable of specific actions by which they could be judged before the Contras were to be disarmed completely.

Thus the Democratic leadership's true agenda gradually has leaked out. The real reason for opposing Contra aid is not fear of another Vietnam or any of the other red herrings raised thus far. Rather, it has become a litmus test of a Democrat's anti-Reaganism. Politics uber alles.

The Democratic leadership has supported the Sandinista interpretation of every provision of the Sapoa accord, no matter how glaringly self-interested and tortured. With the collapse of negotiations, Sandinista reversion of a more overt police state, renewal of scattered fighting in Nicaragua and the prospects of another House vote on this issue, it's begun to appear that the Democrats, whose convention floor was inundated with "stop Contra aid" signs, will indeed be the pallbearers for democracy in Central America.

A SALUTE TO ENRICO CARUSO: WORLD RENOWNED TENOR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DINGELL. Mr. Speaker, I rise today to commemorate the illustrious career of Enrico Caruso. Enrico was born in Naples, Italy, in 1873 and made his debut in Morelli's L'Amico Francesco at the age of 22. Renowed as the greatest tenor of all time, he came to the United States in 1903 and remained at the Metropolitan Opera in New York until 1920.

Enrico Caruso's career will be celebrated in a concert by the Friends of the Opera of Michigan on September 15, 1988, in Dearborn. I join with the Friends of the Opera of Michigan and Mayor Michael Guido of the city of Dearborn in honoring this exceptionally talented individual. I am also proud to insert into the RECORD a proclamation issued by Mayor Guido proclaiming September 15, 1988, as Enrico Caruso Day in Dearborn, MI.

CITY OF DEARBORN—PROCLAMATION

Mayor Michael A. Guido

Whereas, the life and musical genius of Enrico Caruso, the most talented and renowned tenor in the history of mankind, will be celebrated in a concert by the Friends of the Opera of Michigan in Dearborn on Thursday, September 15, 1988; and,

Whereas, from the time of his debut in 1895 until his untimely death in 1921 at the age of 48, Enrico Caruso thrilled world audiences with his exceptional talent and superb technique; and,

Whereas, Enrico Caruso, the man and the legend, will be remembered forever for his outstanding recordings and his remarkable 636 performances during 18 spectacular seasons as premier performer for the Metropolitan Opera; and,

Whereas, the great Enrico Caruso remains a source of pride for all those of Italian heritage and all of those who love opera and respect performing genius; now,

Therefore, as Mayor of Dearborn, I proclaim "Enrico Caruso Day," September 15, 1988, in the Home Town of Henry Ford and urge all residents to support and applaud the Friends of the Opera of Michigan in this ambitious, worthwhile and noble effort to salute the incomparable Enrico Caruso.

MILITARY ASSISTANCE AND THE INTERNATIONAL DRUG WAR

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SOLARZ. Mr. Speaker, as we attempt to transform the feeble fight we are now waging against narcotics into a real war against drugs, it becomes particularly important to consider various views and perspectives on this issue.

I rise today to call the attention of my colleagues to one set of recommendations, written by Louis W. Goodman, dean, and Johanna S.R. Mendelson, director of Democracy Projects, at the School of International Service of the American University in Washington, DC, which was published on Friday, July 22, 1988 in the Christian Science Monitor.

In this article the authors address the international drug problem and the difficulty in developing an appropriate response. Goodman and Mendelson base their findings on a discussion of Latin civilian-military relations with more than 50 active-duty Latin American military officers and an equal number of scholars from North and South America.

I hope all my colleagues will take a moment to read this thought-provoking piece.

[From the Christian Science Monitor, July 22, 1988]

WHOSE DRUG WAR IS IT, ANYWAY?

(By Louis W. Goodman and Johanna S.R. Mendelson)

Ten years ago a number of Latin American military leaders—most of them heading governments with histories of human rights repression—returned presidential authority to civilians. In 1978, 14 countries between the Rio Grande and Tierra del Fuego were headed by military men; this year only two, Paraguay and Chile, continue to have military presidents.

Despite continuing military influence in many countries, this appearance of democracy has been welcomed enthusiastically by citizens throughout the hemisphere. Support of such democratic initiatives as open elections, constitutionalism, and attention to civil rights has become a keystone of United States foreign policy toward Latin America.

Yet if improved civilian-military relations are evident in countries such as Argentina, Brazil, Guatemala, Peru, and Uruguay, there is still reason to wonder whether civilian-led elected government is permanent or merely a phase in another cycle of democracy and dictatorship.

Last month, at the American University in Washington, D.C., more than 50 active-duty Latin American military officers, including the ministers of defense of Uruguay, Guatemala, and Honduras, joined an equal number of scholars from North and South

America to discuss Latin civilian-military relations.

The agenda focused on how improvement in such relations might strengthen democracy in the region. Officers and civilians openly talked of their views of the national security threats involved. They recognized that there are challenges to democracy that are equal to, if not greater than, the region's problems of indebtedness, civil war, and narcotics trafficking.

Much discussion centered on what was seen as a direct threat to sound civilian-military relations: involvement of the military as front-line combatants in the war on drugs. There was widespread agreement that such a new mission for Latin armies would undermine the region's fragile democracies.

The issue evoked deeply felt emotions. A Mexican officer at the meeting, who had been involved in antidrug campaigns, said:

"The war on drugs is not some abstract program. The victims of this war are my fellow officers, killed in action fighting civilian drug traffickers within our own borders. Narcotics consumed in our countries is stained with the blood of my friends."

Most arguments against such a policy were simple and direct:

- Battling narcotics traffickers would give Latin militaries a mission that is appropriate for a civilian state's police powers.
- Increased military intervention in civilian life contradicts the shared US and Latin policy of promoting civilian democratic government.
- Assigning such powers to the military would put new pressures for autonomy on an institution that is just learning to work constructively with civilian leaders.

If civilian democratic government is to become a permanent feature of Latin politics, US policymakers should heed such warnings. In Latin America the military has a near-monopoly on the means of physical coercion. Thus, offering US military assistance to fight the war on drugs, or approving aid only for countries whose militaries are involved in fighting the drug trade, can only tip the balance toward the return of military governments.

A multilateral approach to the war on drugs, led by civilian government leaders from throughout the hemisphere, is the best hope for combating the drug problem.

Would putting more arms in the hands of Latin armies actually stop the drug trade? Many in the US Senate doubt the effectiveness of giving more resources to the US military to fight the drug war. A recent General Accounting Office report to Congress stated that there is "no direct correlation between the resources spent to interdict and the long-term availability of imported drugs in the domestic market."

No one questions the need to deal with narcotics trafficking. Resorting to military solutions that bypass civilian control, however, can provide neither short-term relief nor long-term results. It would be ironic if, in pursuit of election-year toughness of drugs, US politicians were to adopt a simplistic policy that might prevent their Latin counterparts from staying in office.

The solution to curbing the drug trade lies not in new missions for Latin military forces but in multilateral efforts controlled by civilians.

SALUTE TO CARL HOLMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the late Carl Holman, president of the National Urban Coalition. As many of my colleagues are aware, Mr. Holman passed away yesterday.

During my years as a Member of this distinguished body, I came to know Carl to be a foremost advocate of efforts to address and solve urban problems. He dedicated his life to solving the problems of the poor and less fortunate in this country. Having been born in a small town in Mississippi, Carl never forgot his roots. Even when he was amongst Members of Congress or Presidents of the United States, he always kept his eyes on the prize—the prize being a better world for all.

Mr. Speaker, all too often we find ourselves paying tribute to persons once they have passed, rather than when they are alive and able to enjoy and reflect on such recognition. I am thankful this was not the case with Carl's own National Urban Coalition, which honored him in May of this year at its 21st Anniversary Convocation. On the day before Carl was honored by the National Urban Coalition, Washington Post columnist Courtland Milloy wrote a piece which, I believe, spoke well of Carl's contributions to this country.

At this time, I would like to submit for the RECORD Courtland Milloy's editorial, titled, "Homage to Carl Holman."

HOMAGE TO CARL HOLMAN

When the National Urban Coalition holds its 21st Anniversary Convocation here tomorrow, awards will be conferred on several people who have made outstanding contributions to the health, education and welfare of young people nationwide.

But it is the main man, M. Carl Holman, president of the National Urban Coalition, to whom I would like to pay homage, primarily because he has done so much yet asked for so little in return. A rare bird indeed.

In my looking back over more than two decades of news stories, M. Carl Holman's name is mentioned more than a thousand times—for speaking out on urban affairs issues and launching valiant efforts to solve urban problems.

Yet little has been said about the man himself. Born in June 1919 of humble parents in Minter City, Miss., Holman has become one of the outstanding intellectuals of our time.

A graduate of Lincoln University, University of Chicago and Yale, a poet, journalist, teacher and civil rights activist, he is living proof that education is the key to success. But he was not content with personal excellence. Knowing firsthand that a black child growing up in poverty could achieve if given the opportunity, Holman dedicated himself to helping others.

As president of the National Urban Coalition, he made great strides in developing creative solutions to urban problems, education being his pet.

The coalition's new "Say Yes to a Youngster's Future" campaign, which emphasizes Holman's longstanding concern for math and science enhancement among blacks and women, has the potential for being the most successful educational program of its kind to come along in years.

Last year's coalition program included numerous testimonials about Holman that bear repeating to a wider audience.

"Carl Holman's passionate commitment to improving the quality of life for our country's poor continues to earn him the respect and admiration of the nation," wrote Marian Wright Edelman, president of the Children's Defense Fund. "On countless occasions, his determination and perseverence have encouraged us to not give up."

"Holman is one of the real heroes of the continuing struggle to create the 'holy dream' we were meant to be," wrote scholar Lerone Bennett Jr. "Twenty years ago, when the cities were burning and the forces of urban renovation were in disarray, he organized a coalition of hope and articulated an advanced program of urban reconstruction. And if we are saved, we will be saved by men and women, black and white, who share his passion and hope."

"Your singular ability to bring individuals and groups together to forge coalitions for social justice has made you the indispensable agent for social change," wrote Hyman Bookbinder, special representative for the American Jewish Committee. "I am especially grateful to you for limiting the damage in black-Jewish relations in the last decade and restoring the historic bond between our two communities. Right on, dear friend."

It is amazing that Holman never turned into a limelight grabber. As a coalition builder, he seemed to possess and uncanny ability to turn himself into a kind of invisible glue that holds people together.

"He doesn't believe in confrontations but in creating an ambiance that says let's reason together," said Ambassador Sol M. Linowitz, former chairman of the coalition. "He has a knack for hearing what is not being said."

Said Eleanor Holmes Norton, a professor of law at Georgetown University: "He is one of the leaders whose impact has been enormous but whose style has not projected the magnitude of that impact."

In an interview for the coalition's magazine last year, Holman commented on his style.

"I guess when you compare me to my colleagues, I certainly am low-key," he said. "But when you work in a coalition, you sometimes get a lot more done if it doesn't seem to people that you're trying to push out front and take credit."

But there is no doubt about it: The credit is due.

NATIONAL ECONOMIC COMMISSION TESTIMONY

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. UPTON. Mr. Speaker, last year the Congress created a National Economic Commission, charged with making recommendations to Congress and to the next President over the best means to reduce the Federal budget deficit while promoting economic growth.

There is a great deal of debate over which policies will help achieve these goals, and which policies will take us even further away from a responsible Federal budget and a growing economy. There are many ideas which are being considered, and speculation abounds over what proposals the Commission will recommend.

The Commission has invited all Members of Congress and other interested parties to submit testimony on how best to achieve deficit reduction alongside economic growth. I accepted the Commission's invitation to make such recommendations, and I would like to share these comments with my colleagues, by having my testimony printed in the RECORD.

The text of the testimony follows:

U.S. CONGRESSMAN FRED UPTON—COMBINING EQUITABLE DEFICIT REDUCTION WITH ECONOMIC GROWTH: WRITTEN COMMENTS TO THE NATIONAL ECONOMIC COMMISSION

The National Economic Commission (NEC) faces a difficult challenge. Congress directed it to make recommendations on methods to (1) reduce the federal budget deficit while, (2) promoting economic growth and encouraging saving and capital formation and, (3) ensuring that the burden of achieving the deficit reduction goal is equitably distributed. These three goals of deficit reduction, economic growth, and equity are, though not necessarily contradictory, difficult to meet together. Congress included an additional NEC mandate in the first budget resolution for fiscal year 1989. That document orders the NEC to study the budgetary and economic impacts of trust funds, such as the Social Security Trust Fund and self-supporting public enterprise funds like the Federal Deposit Insurance Corporation.

Some are also asking the NEC to suggest procedural changes. The NEC should review the budget process, for it cries out for reform. However, that should not be its primary focus. Budget procedures have long been debated in Congress, and this would be going over old territory one more time. These procedures, however inadequate, are not at the heart of the deficit problem.

The heart of the problem is poor coordination of the three major federal functions—spending, taxing, and regulation. The NEC should make coordinating these functions its primary focus. Deficit reduction, economic growth, and equity can be met by a better coordination of those policies. The Commission should also focus its study of "trust"—or more precisely dedicated revenue—funds on the advance of these goals.

NEEDED CHANGES IN THE FEDERAL PROCESS

The President and many Members of Congress advocate budget process changes to help deficit reduction efforts. For example, President Reagan in his State of the Union address complained about the huge FY88 continuing resolution (CR) that landed on his desk in late December 1987. He rightly vowed to veto such CRs in the future. Congress should not pass huge continuing resolutions which fund large portions of the federal government. We should outlaw multi-appropriations continuing resolutions; if we cannot do so, we should give the President line-veto power for CRs.

The President has repeatedly asked for a balanced-budget constitutional amendment and a general line-item veto power. He has also requested that Congress alter budget procedures to place its initial budget blueprint as a joint resolution, requiring his signature, instead of passing it as a concurrent resolution.

All these measures should be adopted. The balanced budget amendment should allow some flexibility to deficit spend during times of war or economic emergency, as most balanced budget amendment proposals suggest. The line-item veto is operative in 43 state governments, and should be adopted by the federal government. Enacting budget resolutions in the form of joint resolutions would make the executive branch an earlier and more effective participant in budgetary deliberations, reducing the chance of stalemate later in the process.

Two additional procedural reforms would be helpful. First, budget consideration would be simplified if budget proposals were based on one set of economic assumptions, shared by the Executive and Legislative branches and changed only by mutual consent of the two branches. This could be accomplished by reconciling differences between the president estimates of the Office of Management and Budget, and the Congressional Budget Office.

Second, the President's budget proposal should not be submitted in current services form. A current services budget institutes a bias toward ever-increasing spending. Some programs may deserve inflation increases or more, but Congress should not start with a presumption of more spending on every program.

These processes changes would improve the way budget decisions are made. However, procedural reforms by themselves are not enough. Focusing only on procedure avoids the tough choices which the NEC, and the Congress and the next President, must face, Deficit Reduction.

The Gramm-Rudman-Hollings deficit targets can be met in a responsible manner. These targets should be considered minimum amounts—courageous action by Congress could move us more quickly toward a balanced budget and continued economic growth.

The Gramm-Rudman-Hollings targets can be reached without raising taxes. The budget can be balanced by careful spending reductions, increased user fees, and divestment of some federal functions which can be better performed elsewhere. Raising any significant amount of new taxes beyond current policy risks far greater economic harm than any potential benefits.

The NEC should recommend starting with a freeze on spending. A one-year freeze would save $12 billion, even with inflation adjustments for Social Security and other retirees. A two-year discretionary spending freeze would save $30 billion. This freeze should be the cornerstone of deficit cutting efforts.

Congress and the President could save money by ending and simplifying federally-mandated programs which local governments must enforce. This can be done with more block grant programs and fewer specific mandates. The federal government should not use block grants to end help for local entities complying with federally-mandated programs; instead, Washington should limit these mandates as much as it can. Block grants enhance local judgment in meeting local needs, while reducing federal outlays.

Federalism as the guiding principle of intergovernmental relations needs to be revived. Not all problems are best solved by a federal program controlled from a Washington, D.C. office. The federal government can provide leadership on issues without providing the entire amount of funds to "fix" the problem. The Commission should list which present federal government functions are not federal responsibilities, and which can be transferred to state and/or local governments.

The national government has few revenue sources unavailable to state and local governments. Those citizens of Michigan who pay federal taxes also pay state and local taxes. If a particular city or state wants to spend more on a local problem, that city or state should look to itself first to provide funds.

Management, contracting, and procurement improvements can also reduce outlays. Reforming Davis-Bacon laws would take billions of dollars off the federal deficit. Contracting out activities to the private sector would provide immediate and long-term budget savings. Improving debt collection practices would emphasize the responsibility recipients have to pay back government loans, while significantly reducing federal deficits. Loan portfolio sales could enhance revenues, provided such offers are carefully made to maximize federal receipts. Careful sales of unneeded government property would increase federal revenues notably. One single idea, closing obsolete military bases, would save from $2 to $5 billion annually.

Finally, Congress and the President must resist the temptation to "solve" continuing social problems with new and expensive government programs. For example, expanding health insurance coverage is a positive goal. But a new bureaucracy controlling a national health plan funded by federal tax dollars is not needed. Private sector solutions should be fully explored before resorting to new and expensive government programs. We should encourage and enable private health insurance coverage with tax credits, earmarked tax-deferred savings accounts, and incentives for private insurers to develop appropriate policies.

PROMOTE ECONOMIC GROWTH

The federal government can promote economic growth by ensuring that federal regulatory policies encourage economic activity and federal tax policies promote capital formation and productive investment. Both of these areas have a direct impact on the federal deficit. Excessive and confusing regulation deadens economic activity and results in lower productivity and fewer jobs. This means less tax income from businesses and individuals, and increased federal spending on countercyclical programs such as unemployment compensation. Tax policy which discourages savings and productive investment shrinks the amount of funds available for investment, and raises interest rates for the funds which are available.

There is a great deal of truth in the old adage "if you want less of something, tax it." Recent government regulation has drastically increased the "taxes" imposed on America's economy. Increased federal mandates and regulations make it more expensive to run businesses and employ workers. Current federal mandates in the labor area alone cost an estimated $200 billion a year.

Some mandates advance justifiable social goals, but a growth-conscious government should be very careful about creating new mandates. Unfortunately, there is legislation pending to, among other things, increase the minimum wage, expand OSHA work place "risk notification" powers, and require paternal leave and health insurance. The NEC should point out the negative budgetary consequences of increased federal mandates, and suggest more efficient ways to accomplish desired goals.

No federal tax program is policy-neutral, and the present tax code is no exception. A pro-growth federal tax policy should reward savings, discourage consumption, encourage personal economic responsibility, and promote investment in productive and socially beneficial goals.

One interesting idea is creating Personal Security Accounts (PSAs) and Personal Security Bond (PSBs). PSAs would be modeled after Individual Retirement Accounts (IRAs). Individuals could accumulate tax-free savings in PSAs, to be used only for purposes which enhance their economic security and well-being. Approved uses could be saving for retirement, buying health insurance or care for oneself or a family member, paying for job training/retraining or education programs, or buying one's first home.

A PSB program would work much like the proposed "college saving bond" program works to promote savings for college costs, but with expanded uses for things which make one more personally secure and less dependent upon direct government handouts.

Major advantages of PSAs/PSBs are that they would encourage savings for socially desirable goals and they would efficiently meet policy objectives. Increasing domestic savings would reduce our dependence on foreign capital to finance government debt and industrial innovation. Efficient delivery of social services would reduce the total net cost to society of these programs.

The tax code should encourage industrial productivity. the "reforms" of 1981, 1982, 1984, and 1986 eliminated or phased out many incentives to save and invest in capital and research. A low capital gains tax rate, the research and development tax credit, and the investment tax credit all promote economic growth. The NEC should examine the effects of recent changes in these provisions, and recommend reinstatement where appropriate.

Finally, some tax-favored practices should be eliminated in the name of simplification and consistency. The NEC, however, should recommend full retention of the home mortgage interest and charitable contribution deductions. Home equity is an important asset which is a key part of the financial security for many people, especially retirees. Charitable organizations meet many social needs, which might otherwise have to be addressed by new or expanded federal bureaucracies.

Federal tax and regulatory policies need simplification as well. Businesses spend countless hours trying to comply with new federal regulations, and attempting to interpret ever-changing tax law and IRS rulings. This time could better be spent on economically productive activities. Industry would more easily meet environmental, safety, and other regulatory goals if they could do so in a common sense manner. If tax compliance were easier, industry would object less strongly to federal tax rates. The Commission should recommend how regulatory and revenue goals could be met more simply to increase productivity and growth.

Simple and coordinated tax and regulatory policies will have positive effects on the federal deficit. Increased economic activity will reduce federal outlays for countercyclical social programs. Economic growth will increase federal tax receipts. Increased savings will reduce interest rates, encouraging economic growth and lowering government debt financing costs. These policies will not entirely enable the U.S. to "grow out" of the deficit, but they will make a positive contribution.

SHARE RESPONSIBILITY FAIRLY

The NEC is also required to make recommendations equitable. Any "pain" involved in deficit reduction must not be borne unfairly by one economic group, social group, region or state.

The relationship between the government and the individual should be one of mutual obligation and respect. In recognizing the value of each person, the government has an obligation to protect those groups of persons who are unable to protect themselves—the poor, the young, the elderly, and the disabled. But most individuals in most age groups have the means to provide for themselves. As a mark of respect for themselves, others, and the limits of government, these persons have an obligation to provide for themselves. The policy goal is to protect those who cannot provide for themselves, while challenging those who can.

The federal government should continue to protect disabled individuals such as the blind and otherwise handicapped, even as many programs in this area could be run more efficiently.

Retired persons also deserve special consideration. Most of the elderly live on fixed incomes, and cannot easily increase income or reduce their cost of living. Inflation is their major fear, and anti-inflation policies are their best protection. The poor elderly need protection from escalating costs such as health care, over which they have no control and cannot afford to pay.

Children, our most precious investment, also deserve special consideration. Programs like Head Start and Chapter 1 education programs need to be supported and expanded. Pre-natal and early childhood nutrition programs also need adequate funding.

Able-bodied persons, however, need to develop personal and financial resources to care for themselves and not depend on government. Income assistance programs should contain strong and rigorous work requirements. Housing assistance programs should encourage participation by recipients in the management of housing facilities. Recipients of educational assistance should have to meet class attendance requirements. Vocational and job-training beneficiaries should have to meet job search goals.

Means-testing of some middle-class federal programs should be considered. Federal aid is not a right to which everyone is entitled. The purpose of federal aid is to help persons meet needs such as health care, education, and housing if they cannot meet those needs themselves. Too many federal programs simply recycle the same dollars, taking from the citizen as taxpayer, and giving back to that citizen as aid recipient. In this cycle, tax dollars are lost on administrative expenses, waste and fraud.

BUDGETARY TREATMENT OF TRUST FUNDS

The final Commission mandate is to study the budgetary and economic impacts of "trust funds" such as Social Security, and dedicated revenue funds such as the Highway Trust Fund.

Congress and the Executive Branch are engaged in a silent conspiracy to use trust fund surpluses to reduce the overall federal deficit. The major reason that some persons advocate Social Security COLA freezes is to increase the already large surpluses in the Social Security Trust Fund.

Funds in the Social Security Trust Fund should be divided into two accounts. The first account would contain the funds necessary to pay Social Security benefits for a fixed period of time—a "short-term needs" fund. The second account would contain funds needed to meet anticipated expenditures several years later—a "long-term savings" fund.

The short-term needs fund could remain on budget, while the long-term savings portion should be put off-budget immediately. Establishing two categories of funds, and putting the long-term fund off-budget, would reduce the temptation to cut Social Security expenditures to fund other parts of the budget.

The Highway Trust Fund and the Airport and Airway Trust Fund have large surpluses, which are also held back to reduce the deficit. For these "infrastructure" funds, a mechanism should be established to ensure that these dedicated revenues are spent as intended. Appropriate ceilings for each fund could be set, after which the dedicated revenue source (excise taxes, ticket charges, etc.) would be reduced.

SUMMARY

The task of the NEC is challenging, but also very important. The Commission can lend credibility to efforts to reduce the federal budget deficit by calling for cuts in spending, by suggesting tax policies which emphasize savings and investment for economic and social goals, by proposing equitable means to meet these goals, and by solving the dilemma of "trust fund" budget accounting. I hope that my suggestions help in that task.

CRISIS MANAGEMENT DEMANDS THE BEST

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. VENTO. Mr. Speaker, when a major disaster occurs, we rightly praise those who are on the scene immediately—fire, police, health and rescue workers. It's easy, however, to overlook those heroes and heroines who work behind the scenes. Frequently they are the ones who help minimize the impact of the disaster and, equally important, help the victims rebuild their lives.

In the predawn hours of July 8, 1986, in a quiet community in the Fourth Congressional District I represent, a residential street suddenly exploded in flames, Thousands of gallons of gasoline leaking from an underground pipeline caught fire. A young mother and daughter were immediately killed in the holocaust. Another woman was seriously injured.

An unsung hero in that terrible tragedy was Mounds View clerk-administrator, Don Pauley. He was on the scene immediately working with police and fire officials. And in the weeks and months after the disaster, he continued the important work of helping families impacted by the accident and the entire community cope.

I know from my personal experience of working closely with Don Pauley that he has been a tireless advocate of improved pipeline safety. After I introduced legislation to toughen existing Federal pipeline safety laws and expand pipeline inspections, Don joined me in testifying at congressional hearings. He also worked diligently with local officials for stronger safety laws at the State level.

Don Pauley's work and professionalism have been recognized by University of Minnesota professor, George Realmuto, an expert on stress and crisis response. Dr. Realmuto is going to use Don Pauley's management style as a model at a national seminar on crisis management.

I would like to share with my colleagues this article by Lisa Legge which appeared in the Roseville-Mounds View Focus. Hopefully this information will assist other community officials who must deal with crisis management problems.

[From the Roseville-Mounds View Focus, Aug. 3, 1988]

CLERK-ADMINISTRATOR LED RESPONSE TO DISASTER

(By Lisa Legge)

Don Pauley acted on "instinct" when he responded to an emergency call early the morning of July 8, 1986.

Until that evening, the Mounds View civil defense director coordinated emergency efforts, dealt with Williams Pipe Line staff and made decisions affecting his neighbors and his city.

Pauley's instincts must have been good. So good that when Dr. George Realmuto, a professor of psychiatry at the University of Minnesota, presents his research to the Society of Post-Traumatic Stress this October in Dallas, he will use Pauley's management style as a model for handling crises.

"I thought it was unique because mostly what people consider important (after disasters) are property destruction, personal injury, necessities like food, shelter and clothing, transportation and communication, all of which are vital and necessary," Realmuto said.

"However, what could have long-term effects is the way people adapt to that significant stress," Realmuto said.

"Just because the streets are repaved and new houses are built or the trees are cut down and new trees are planted, doesn't mean people don't drive down that street and still visualize what they saw that morning," Pauley said last week.

"I knew that they needed something," he said, "because those who weren't injured went through a lot of hell that day."

Pauley pointed to a poster-sized photograph on a wall in his City Hall office that shows flames leaping above treetops lining Long Lake Road.

"And I'm using 'hell' in the biblical sense, because it was like the biblical description of what hell is supposed to be: fire and brimstone," he said.

Pauley, who lives with his family near the area where the explosion occurred, listened to his neighbors' concerns, saw to it their physical needs were met and set up counseling sessions for anyone who suffered through the ordeal and wanted help. In addition, he coordinated emergency and relief services, which might otherwise have splinted or overlapped.

"We know from other disasters that's not a good way," Realmuto said. "If there's no central coordinating body, usually it causes much more grief and agony and difficulty for people."

Pauley coordinated an ad-hoc communication system that kept residents informed of any new developments concerning their neighborhood. The city published a newsletter for residents of the area when developments occurred.

Pauley conducted private meetings to discuss residents' concerns about other dangers, pollution resulting from the incident settlements with the pipeline company and the city's lawsuit, filed just days after the explosion.

"Not having information is another source of poor management," Realmuto said, further praising Pauley's efforts at keeping the victims up-to-date.

"The media didn't have access to the people except through Don Pauley, which I think kept people's private misery private," he said.

"He also took an active role in protecting the community as far as dealing directly with Williams Pipe Line Co.," the professor said.

Pauley went toe-to-toe with a Williams crew that attempted to replace the damaged section of pipeline days after the incident. He threatened to have the men arrested if they went ahead with their plan without city authority. The crew got back on its truck and left.

Pauley also put Realmuto in touch with Mounds View residents so researchers could learn more about their stress symptoms and so residents could get help.

Due largely to the Mounds View explosion, the Minnesota Legislature last year passed the Minnesota Pipeline Safety Act, establishing the Office of Pipeline Safety to regulate pipeline operators.

"He was one of the driving forces, part of the team that got the thing going," said Rep. Dan Knuth, DFL-New Brighton, a sponsor of the bill, explaining that Pauley testified before at least six congressional committees and the pipeline commission.

"He did an outstanding job during the emergency and then laid the groundwork for the rest of us to get the legislation through," Knuth said.

A BILL TO PROVIDE FOR THE DISPLAY OF THE NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG AT U.S. DIPLOMATIC OR CONSULAR POSTS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to require each U.S. diplomatic or consular post to fly the National League of Families POW/MIA flag until a sufficient accounting of our missing men in Indochina is made. Our country is still suffering from the scars of Vietnam. However, for most this suffering is a memory that we tend to forget about when going about our busy lives. The stark memories of Vietnam are brought back to us at certain times, such as, a visit to the popular Vietnam memorial in Washington, DC, or by movies and television shows depicting the Vietnam war. However, for one group of Americans the suffering and pain of Vietnam is not just a faded memory. It is a daily pain that they must endure because their father, son, husband, or brother is missing and unaccounted for in Vietnam, Cambodia, or Laos. Over 2,000 Americans are still listed as missing in action. These families live with a constant stream of questions about the location and welfare of their loved ones.

To its credit, the administration has taken a fairly active position on the POW/MIA issue. During the dedication for the Unknown Soldier from the Vietnam War, President Reagan declared "an end to America's involvement in Vietnam cannot come to an end before we've achieved the fullest accounting of those missing in action" and again rededicated this task as a "highest national priority." Since 1982 the administration has held level negotiations with the Governments of Vietnam and Laos. As a result of these talks, remains of some Americans the Vietnamese listed as "died in captivity" in South Vietnam have been returned. These are the first remains to be returned since the end of the war. Continued efforts are needed until all of the soldiers are accounted for.

I introduced this measure to provide a symbol to the world that we have not forgotten those brave individuals who sacrificed for our country. The flying of the National League of Families POW/MIA flag over Federal buildings is not unprecedented. In fact on POW/MIA Recognition Day, it flies over the U.S. Capitol, the White House, the Departments of State and Defense, and the Veterans' Administration. Military bases are also encouraged to fly the National League of Families POW/MIA flag on appropriate days.

Strong bipartisan support for continued pursuit of the POW/MIA issue has been formed in Congress. To this end, Congress has passed legislation directing the President to secure a full accounting of Americans missing in Southeast Asia. In addition, in order to keep the issue of POW/MIA's current in the minds of the administration and the American people, Congress has passed legislation designating POW/MIA Recognition Week. I believe that this legislation, which I am introducing today, will add to the past congressional efforts.

While such measures can do little to relieve the pain for American families that have suffered the loss of a loved one, I believe they represent an appropriate expression of our unending commitment to answering the MIA question. I urge my colleagues to join me on this measure which will provide a constant international reminder that there are still Americans unaccounted for in Indochina and that our commitment to them remains.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISPLAY OF POW/MIA FLAG AT EACH UNITED STATES DIPLOMATIC AND CONSULAR POST.

The National League of Families POW/MIA flag shall be displayed at each United States diplomatic or consular post until the President determines that there has been the fullest possible accounting of the Americans who are imprisoned, missing, or unaccounted for as a result of the conflict in Southeast Asia.

SECTION 2. MANNER OF DISPLAY.

The National League of Families POW/MIA flag displayed pursuant to section 1 shall be displayed in such size and place as the Secretary of State may determine consistent with section 3 of the Joint Resolution entitled "Joint Resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America" (36 U.S.C. 175).

ARCTIC NATIONAL WILDLIFE REFUGE

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. BUECHNER. Mr. Speaker, to drill or not to drill? That is the question of serious consequence to the Arctic National Wildlife Refuge [ANWR] that many of my colleagues and I have been struggling with for some time now. After much debate and careful consideration, I am here today to express my support and cosponsorship of H.R. 39, which would designate the ANWR Coastal Plain as wilderness.

In 1960 we recognized the unsurpassed wildlife and wilderness values of this area's pristine ecosystems by establishing the Arctic National Wildlife Refuge. Today we must address this basic question: Has the value of this area changed in the past 28 years so that we can no longer appreciate the great treasures of wildlife, or is it that our standards have changed, so that we place the prospect of petroleum resources above an undeveloped landscape with 450 unique species?

The Arctic National Wildlife Refuge, together with the adjacent Yukon National Park in Canada, comprise one of the most extensive and diverse undeveloped landscapes in North America. In particular, these reserves are home for the 160,000-head Porcupine caribou herd. Petroleum development on the herd's calving ground could jeopardize the continued existence of one of the two great caribou herds in the United States and this Nation's only significant international herd. Many other important species of wildlife that make their home in the coastal plain of the refuge could also be adversely affected.

I appreciate and understand oil producers' argument that the potential economic benefits from drilling along the coastal plain will be substantial. But I think we all realize that these diverse species are important economically and environmentally. They are vital to the subsistence economy and traditions of the Eskimos and Indians that live in and near the refuge.

Moreover, the Fish and Wildlife Service recently reported that present oil development in northern Alaska has caused more environmental damage than the Government predicted. The report's findings are that 11,000 acres of vegetation used by the wildlife at Prudhoe Bay have been lost, almost double what was predicted, and that most bird species in the area have declined in population, as have bears, wolves, and other predators. Defenders of drilling have often compared the environmental impact in the ANWR to that of Prudhoe Bay—the consequences of which seem to be much more serious than expected. This report shows that the environmental impact is much more extensive than we thought and underscores the need to maintain the wilderness.

I have chosen to cosponsor H.R. 39 because I believe that the dollar should not be the ultimate determination for such important decisions for this Nation as to whether we protect the Arctic National Wildlife Refuge and cause us to sacrifice great principle and common sense. To drill in this part of Alaska would be shortsighted and irreversible.

As Justice William Douglas said, "The Arctic has a call that is compelling. The call is that of a wilderness known only to a few * * *. This last American wilderness must remain sacrosanct."

Nowhere else in North America is the unique scenic wilderness, wildlife and ecological values. Signs of modern man are few, providing opportunities for true wilderness experiences. Entire plant and animal communities are left undisturbed to carry out their natural life cycles. Each living thing in the Arctic has a precarious existence. While allowing ongoing human activities to continue, the ANWR provides an area where natural processes can respond to natural forces. Sustaining the variety, richness, and wilderness of the Arctic can only benefit present and future generations.

I urge my colleagues to join me in preserving the Arctic National Wildlife Refuge and its incomparable natural resource contribution.

PROGRESS IN CHEMICAL ARMS CONTROL IN GENEVA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. FASCELL. Mr. Speaker, there have been some very positive developments in Geneva in the area of a chemical arms control that deserve highlighting and commendation. Work on all aspects of a comprehensive and verifiable ban on chemical weapons has progressed well at the multilateral negotiations in Geneva. It appears to be a sign of our confidence and interest in moving these negotiations forward that our ambassador to the talks, Ambassador Max L. Friedersdorf, announced on July 28, 1988, that the United States was identifying its current chemical weapons production facilities as an initiative of openness to prompt other nations which have chemical weapons to release similar information. At the same time, Ambassador Friedersdorf also announced the very positive development of increased cooperation between civil chemical industry and the multilateral conference.

The cooperation between international chemical manufacturers and the negotiators is an important development because it represents a commitment by the chemical industry to an international treaty banning chemical weapons which can ultimately make that treaty effective, comprehensive, and verifiable. The United States has now agreed to a Soviet proposal for a multilateral effort to develop and test procedures for conducting inspections of chemical industry facilities. The first step in that process has already been taken and that involved the U.S. Government working with American chemical manufacturers to develop and test inspection procedures.

These developments are encouraging and seem to indicate that these multilateral negotiations in Geneva now have a strong independent momentum of their own which has not been too disturbed by the controversy here over whether or not the United States should embark on a new binary chemical weapons production program. The substantial progress already achieved in Geneva and the positive prospects for a treaty conclusion in 1989 indicate even more convincingly the inadvisability of our country embarking on an expensive new binary chemical weapons program which carries with it many disruptive foreign policy consequences since our NATO allies will not accept the weapons in Europe and many technical problems continue to plague the program since the Bigeye bomb has still not proven itself ready for production much less deployment. If the new weapons we hope to produce in this program don't work and can't be deployed where they are needed we shouldn't waste money on such a program. If, on the other hand, we can secure that arena of chemical weapons confrontation in Europe and elsewhere by achieving an effective and verifiable arms control agreement then that is a much wiser course.

U.S. production facilities that would be subject to destruction are located at Rocky Mountain Arsenal, CO (sarin production); Newport Army Ammunition Plan, Newport, IN (VX production); Pine Bluff Arsenal, Pine Bluff, AR (difluoro and QL production); Muscle Shoals, AL (dichloro production); and Aberdeen Proving Ground, MD (pilot plant).

I am including here the remarks by Ambassador Friedersdorf in Geneva on July 28, 1988, which describe these positive developments in the negotiations:

STATEMENT BY AMBASSADOR MAX L. FRIEDERSDORF, U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT

Mr. President: As this is the first opportunity that I have had to make a prepared statement this month, permit me to begin by congratulating you and the delegation of India for your outstanding stewardship of the conference during the month of July.

Our delegation also extends its best wishes to those other representatives who are leaving us or have recently departed: Ambassador Ahmad of Pakistan, who worked so long and patiently here in Geneva and during the third special session of the U.N. General Assembly devoted to disarmament; Ambassador Tellalov of Bulgaria; Ambassador U Tin Tun of Burma; Ambassador Meiszter of Hungary, who did such a fine job as our President in April; and Ambassador Tarmidzi of Indonesia, and we welcome and pledge our cooperation to those new representatives to this body. Ambassador Kostov of Bulgaria, Ambassador Loeis of Indonesia, Ambassador Ruoro of Kenya, and Ambassador De Rivero of Peru.

Mr. President, I would like to begin today by introducing document number CD/839, which contains the tests of a statement by President Reagan, and of a statement by the assistant to the President for press relations, on the occasion of the 20th anniversary of the opening for signature of the treaty on the nonproliferation of nuclear weapons. These two statements attest to the great importance the United States attaches to strengthening international peace and stability through the prevention of any further spread of nuclear weapons. As President Reagan notes in his statement, "The

Non-Proliferation Treaty is one of the international community's most vital instruments" for doing just this.

The United States has been making concerted efforts to reduce the risk of nuclear war, and to meet the objectives of the Non-Proliferation Treaty, in particular under article VI, through its negotiation of the INF Treaty, now successfully concluded, and on a 50-percent reduction in the strategic arsenals of the United States and the Soviet Union. The United States calls on all other nations to do their part, by adhering to the NPT Treaty if they have not yet done so, and, if they are already parties, by rededication to achieving the objectives of the treaty.

I also want to introduce, in parallel with the delegation of the Soviet Union, two additional documents important for our work here in this conference. The first is the joint statement between the United States and the Union of Soviet Socialist Republics, issued following the summit meeting of President Reagan and General Secretary Gorbachev in Moscow May 29-June 1, 1988, which has been issued as document CD/846. This joint statement deals at length with arms control issues, including the nuclear and space talks, and chemical weapons issues, about which I shall have more to say shortly. The statement also records the exchange of instruments of ratification of the INF Treaty, an event of great historical significance for all of us, as it marks the first time that real nuclear disarmament, involving the elimination of an entire class of United States and Soviet nuclear arms, is taking place. The far-reaching inspection provisions of that treaty are now being implemented.

The second document, CD/847, is the agreement between the United States and the Soviet Union on notifications of launches of intercontinental ballistic missiles and submarine-launched ballistic missiles, signed at Moscow on June 1, 1988. This agreement is the latest step taken by the two Governments designed to reduce the risk of initiation of nuclear war by miscalculation, misinterpretation, or accident. I hope to have more to say at a later point this summer about a number of the arms control issues addressed in the joint statement, and about the launch notification agreement.

Mr. President, at the close of the spring part of the CD session, I devoted two plenary statements to the status of the chemical weapons negotiations. On April 14, I commented on what had been achieved so far during the 1988 session. My statement on April 19 looked ahead to the summer part of this year's session.

Today I would like to return to the important subject of the prohibition of chemical weapons. A lot has happened since I last addressed the conference on this subject.

On several occasions during the last few months, a ban on chemical weapons has been addressed at a high level bilaterally by the United States and the Soviet Union. As I have already noted, the leaders of the United States and the Soviet Union have held important and wide-ranging discussions of arms control issues, including the prohibition of chemical weapons. Furthermore, several meetings have been held at the ministerial level.

At the Moscow summit President Reagan and General Secretary Gorbachev reaffirmed the importance of efforts to address, as a matter of continuing urgency, the unique challenges of a chemical weapons ban and to achieve an effective convention. They noted the progress already achieved in the talks, as well as the difficult problems remaining with regard to effective monitoring of the global prohibition of chemical weapons and the non-use of dual-capable chemicals for chemical weapons purposes. Furthermore, the leaders underlined problems of ensuring effective verification and undiminished security for all convention participants.

Both sides also agreed on the vital importance of greater openness by all states as a way to build confidence and strengthen the foundation for an effective convention. The leaders also emphasized the necessity of close coordination on a multilateral basis in order to ensure the participation of all CW-possessing and CW-capable states in the convention.

I believe this is the prevailing view in the international community as well. On the multilateral level, a text expressing the continuing urgency of prohibition of chemical weapons achieved broad support during SSOD-III, including the support of the United States delegation.

Mr. President, all these positions are reflected in the instructions to our delegation. If this commitment is reflected in the instructions to other delegations as well, then I believe that the prospects for further progress are good.

Let me now turn to the substance of the negotiations. Today I intend to address three key issues referred to in the United States-Soviet joint statement:

The vital importance of greater openness;

The difficult problem of effective monitoring of the chemical industry; and

Ensuring participation in the convention of all CW-possessing and CW-capable states.

Increasingly, participants in the negotiations have recognized the vital importance of greater openness by all states about their chemical weapons capabilities and their chemical industries. The United States delegation itself has made major contributions in this regard. For example, in CD/711, presented in July 1986, the United States provided detailed information on its chemical weapons stockpile, including storage locations. Furthermore, in document CD/830, tabled last April, we presented further detailed information on the chemical weapons themselves.

Today the United States delegation is taking another major step toward greater openness. We are declaring the location of each of our chemical weapons production facilities. A map showing the locations is contained in the working paper being introduced today, which is entitled "Destruction of Chemical Weapons Production Facilities." It is our hope that this paper will contribute both to greater confidence and to the negotiation of related provisions of the convention.

The declaration we are making today is unprecedented. No other member of the conference has provided information on its chemical weapons production facilities. We urge other countries that possess chemical weapons production facilities to declare the locations of their facilities and to outline how the facilities would be destroyed.

Mr. President, in recent months the conference has made significant progress in resolving long-standing issues related to chemical weapons production facilities. An agreed definition is within reach. It has been agreed that all such facilities must be destroyed. Corresponding changes are already being made in the draft text of the future convention.

While there is agreement that chemical weapons production facilities must be destroyed, little information is available to the conference on how this would be done. This issue has already arisen in working group B this summer. To assist the negotiations, our working paper describes in general terms how the United States would go about the task of destroying its production facilities.

Openness, of course, has not been a monopoly of a few delegations. We are encouraged that the concept of multilateral data exchange has taken firm hold over the last year or two. Many delegations have provided relevant information in plenary statements or working papers. Undoubtedly, additional information will be forthcoming in the remaining weeks of this session.

Our records show that approximately a dozen members of the conference have not yet indicated whether or not they possess chemical weapons. We urge them to do so this summer.

Before leaving the subject of openness, I want to sound a quiet note of caution. Information presented to the conference can only facilitate the negotiations if it is accurate. On the other hand, inaccurate declarations will decrease confidence and complicate efforts to ban chemical weapons. Unfortunately, we believe statements regarding nonpossession of chemical weapons have already been made that are likely to have such an effect. Serious as the effects might be even now, the result of inaccurate declarations after entry into force might well be a series of challenge inspections, with the attendant political consequences. Truthful declarations are essential to the entire process of banning chemical weapons.

Mr. President, the conference has been wrestling with the difficult problem of effective monitoring of the chemical industry for some time. The report of the ad hoc committee on chemical weapons at the end of April, document CD/831, clearly shows that substantial progress has been made. The report, however, also makes clear that complicated and thorny issues remain. Resolving these issues will require not only creative approaches, but also a thorough understanding of conditions in the civil chemical industry.

Our delegation believes that representatives of the chemical industry can make an important contribution to the negotiations. This conviction has grown out of the close and longstanding contacts between our negotiators and policymakers on the one hand, and representatives of the American chemical industry on the other. We have found that industry shares our objective of a comprehensive, effectively verifiable, and truly global ban on chemical weapons. Permit me to cite a recent official statement made by Mr. Robert Roland, president of the American Chemical Manufacturers Association. This industry organization, which is called CMA for short, represents companies comprising more than 95 percent of the United States chemical production capacity.

In his statement on April 28, 1988, Mr. Roland called for a "strong, effective international treaty" to ban chemical weapons. He said American Canadian, Japanese and European chemical industry representatives have been working for several months on a set of recommendations that the CMA believes can facilitate agreement on a chemical weapons ban. When the recommendations are agreed to Mr. Roland said, "They will be sent to our negotiations along with our industries' pledge to do whatever we can to make such a treaty effective."

I also want to point out that the CMA's board of directors recently declared its strong support for a chemical weapons treaty and urged that the chemical industries of all nations work toward consensus on the technical issues.

Our conviction that industry is eager to facilitate the negotiations was reinforced by the informal discussions with industry representatives that were held last week here in Geneva. We are encouraged by the serious and constructive exchanges between negotiators and experts from industry. These exchanges made clear the need to devote greater attention to provisions for protection of confidential business information. They also highlighted the need to specify clearly what types of information should be considered confidential. We express our thanks to the industry representatives who came to Geneva and to those who organized the discussions. Their technical expertise and practical experience are of great value in resolving the many commonly recognized issues taken up in the discussions.

Another positive development is the proposal for a multilateral effort to develop and test procedures for conducting inspections of chemical industry facilities. Initially, my delegation reserved its position on that proposal until it was more fully developed. In light of refinements provided by the Soviet delegation, the United States endorses the concept of such a multilateral experiment and is willing to participate.

For the experiment to be successful, broad participation by states possessing commercial facilities that would be subject to routine inspection under the convention is essential.

Participation by others is also highly desirable. In our view, it is important for participants in the negotiations to declare not only whether or not they have chemical weapons, but also to declare soon whether or not they have civil chemical facilities that would be inspected. The United States, of course, does have such facilities.

We agree with the suggestion, made on April 26, that the experiment should proceed in a multistep fashion. Before procedures can be developed and tested internationally, individual states need to conduct their own national experiments and provide the results to the CD. The United States Government is already working with the chemical manufacturers association to develop and test inspection procedures. We urge the Soviet Union and others to indicate what actions they are taking.

Much discussion and planning must take place in the CD to make the experiment a reality. The concept is a good one, but it needs to be fleshed out. Many questions remain to be answered about how to proceed. For example, how can sensitive commercial information be protected under circumstances where legally binding rules of confidentiality may be lacking? We look to the Soviet delegation to take the lead in developing answers.

Finally, Mr. President, I want to stress the need for a truly global prohibition of chemical weapons. Much attention has been devoted to security in Europe. But events of the past few years make clear that the greatest risk of the use of chemical weapons lies outside Europe—as demonstrated in the Middle East. We share the view, expressed by the distinguished representative of Egypt, Ambassador Elaraby, at the plenary on April 26, that the convention should be universal in character. A convention that does not deal effectively with the dreadful reality that chemical weapons capabilities are very widespread cannot be considered successful.

Our objective is a very challenging one—to secure the participation in the convention of all CW-possessing and CW-capable states. Pessimists argue that this is impossible and that therefore states should set their aspirations much lower. We cannot agree. Rather, we support the constructive and creative proposal by the Egyptian delegation that ways be found to consult key states that are not now participating in the negotiations. Similar ideas have been expressed by Ambassador Solesby of the United Kingdom and Ambassador Rose of the German Democratic Republic. We share the view that consultations would help to promote the desired universality. We pledge our cooperation with the delegation of Egypt and other concerned states to bring this proposal to fruition.

VOLUNTARY NATIONAL YOUTH SERVICE ACT

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. TALLON. Mr. Speaker, we are facing a future that depends on the education of our youngsters today. Now more than ever, education must be geared toward producing the type of citizens that will enable us to be the strongest, most competitive, and most compassionate Nation on the face of the Earth.

Our future is filled with problems that will have to be addressed by our children. A looming deficit, the largest elderly population ever, the destruction of the ozone layer, the spread of the AIDS virus, the explosion of homelessness, and the crumbling of our Nation's infrastructures are the challenges that we and our children must be prepared to overcome within the next decade.

To accomplish these monumental tasks, our children will have to respond with creativity. And we are making a mistake if we assume that our children will learn how to be creative by simply working harder at the basic skills of reading, writing, and arithmetic.

Our children will have to work smarter; they will have to channel their intellect and energy into a lifestyle that is focused on improving community and country. It should be part of our Nation's commitment to education to train our youngsters in vital human skills.

We in Congress have the opportunity to contribute to this new era in education by supporting the Voluntary National Youth Service Act. This initiative will expand the definition of education by requiring students to apply "book-learning" to community service activities.

The Voluntary National Youth Service Act allows youth ages 17 to 24 to work in local government and nonprofit organizations which address the important social and environmental needs of a community.

Youngsters would work for a period of 6 months to 2 years as full-time volunteers to a much needed service. A local youth service program would provide the living necessities of housing, food, and stipends for the participants. Special financial assistance would be provided to disadvantaged students much the same way financial aid is provided for college.

Participants would be required to have a high school diploma or equivalent. Moreover, the Federal guidelines encourage the local organizations to offer valuable career training. States would also be expected to contribute to the future of individual participants by offering scholarships for future academic study.

The act would require financial coordination between Federal, State, and local governments in order to tailor a program to the specific needs of both the local youth and community.

Thus, the program is designed to highlight the significant relationship between education, career goals, and community service.

The Voluntary National Youth Service Act is the type of national initiative that we in Congress should offer our educators and students. In the future, the only way that our children can help themselves is by helping others. We need to incorporate the teaching of basic skills with teaching our children how to care for their fellow citizens and for their country.

As the world's largest debtor Nation, we can no longer depend just on our economic structure to glide us through the myriad of problems that are before us. We can no longer remain oblivious to the problems which plague society today. It is vital that our children realize that it is the human element that determines the level of our cohesion, determination, and success in facing the challenge of the future.

As policymakers, we in Congress must ensure that by the end of this century we have the best educated, best trained, and the most dedicated work force in the world. With innovative programs such as the Voluntary National Youth Service Act, I believe we can accomplish this goal.

SDI: A LASTING LEGACY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CRANE. Mr. Speaker, it is time to reexamine our current SDI policy. It is time to endorse a limited ABM deployment as SDI's first layer to guarantee that President Reagan will leave office having put SDI on a firmer political and military foundation.

I am convinced that SDI is technically feasible, and that with concentrated effort it can be perfected within a decade. Certainly our history shows that we have the capacity to achieve this type of technological goal. The Soviet Union has developed, tested, and even deployed advanced ballistic missile defense technologies for a number of years and, indeed, is the only country that maintains an operational ballistic missile defense system. Unilateral Soviet deployment of an advanced system capable of countering Western ballistic missiles—added to the Soviets' already impressive air and other defense capabilities—would have major, adverse consequences for deterrent stability and for the security of the United States and its allies.

It is unacceptable that the Soviet Government should provide for the survival of its people, while the United States makes little or no effort to do the same for its citizens. We must use all the advanced technology that we have at our disposal to defend the people of the United States against the horror of nuclear war.

For these reasons I favor the development and deployment of SDI as soon as is technically feasible. SDI cannot become a "bargaining chip" in future arms control negotiations with the Soviets; it represents the world's best hope for a nuclear weapon-free future. I would like to urge my colleagues to endorse a limited ABM deployment as SDI's first layer. I would also like to submit the following article for careful consideration by my colleagues:

[From the Wall Street Journal, June 20, 1988]

SDI: A Lasting Legacy?

(By J.D. Crouch)

It would be difficult to find many Americans who, after watching President Reagan's now famous strategic defense initiative speech of March 23, 1983, though he was initiating something other than the creation of anti-missile defenses for the U.S. Reflecting on five years of the Reagan administration's SDI policy, it is now clear that nothing could be further from the truth.

A crucial test of a president's determination to see his policies succeed is how he prepares them for his inevitable passing from the political scene. In the case of SDI, the legacy is so uncertain it is doubtful that the program—which former Undersecretary of Defense Fred Ikle called the "very core" of the administration's strategic policy—will endure much beyond February 1989, no matter who wins the election in November.

TIGHTER BUDGETS

Consider the following difficulties:

SDI has never had the enthusiastic support of military leaders—not because they deny its military and strategic necessity, but because it competes for resources in tighter and tighter budgets. More important, strategic defenses would so alter our military strategy that traditional career patterns within the armed services would be challenged, just as the airplane and aircraft carrier forever altered the Navy earlier in this century.

Instead of assigning the strategic defense mission to a dedicated operational command—no command in the entire armed forces yet has the mission to defend us from Soviet nuclear missiles—and thereby forcing the armed services to compete over deployment dollars for anti-missile weapons, the administration set SDI apart from the uniformed Pentagon by creating the Strategic Defense Initiative Office. SDIO is a civilian organization run through the Office of the Secretary of Defense. It has no base or constituency in the armed services; indeed, its creation was lauded by the military because its pro-research, anti-procurement orientation virtually ensured that no anti-missile system would ever eat from that part of the Pentagon pie devoted to traditional tasks.

SDI is so enmeshed in the arms-control process that it is almost inconceivable that a Start deal-which the president is said to want badily—will be signed without some limitation on it. The administration started down this slippery slope in March 1986 by acceding to the Soviets' demand that "space weapons" (read SDI) be included on the arms-control agenda before they would return to the table.

If the SDI program is the "very core" of the administration's strategic policy, it would follow that it must be protected from the arms-control process at all costs. Instead, this embrace of arms control as good for the SDI program has meant that all SDI decisions—even those pertaining to military and strategic matters; such as testing promising technologies—must be vetted through the State Department and the Arms Control and Disarmament Agency. These institutions, whose world views are anathema to SDI, view the program's primary purpose as a bargaining chip for another arms agreement with the Soviets. Maybe what SDI has been all along is, in the words of Bud McFarlane, former national security adviser, the "greatest sting operation in history."

There has been no commitment to deployment of SDI by President Reagan. Such a commitment would establish a challenge for the nation's scientists, its military and political leaders, and the people themselves. Consider where we would have been in July 1969 if President Kennedy had some eight years earlier declared in a speech that the country was going to see if it might one day perchance find itself with the capability to go the moon. Would the Eagle have landed? Or would the naysayers, who were as plentiful on that question in 1961 as they are on SDI today, have so muddled the issue that the program would have been diverted to nothing more than pure research?

Lack of a clear deployment commitment is having a negative effect on Capitol Hill in three ways. First, it increases the justification for congressional meddling in the program. Ironically, many of the positive changes in the program have come about as a result of constructive criticism of SDI from Capitol Hill. Most of the meddling, though, has been purposefully destructive, but difficult to prevent because of the unclear and intangible objectives of the program.

Second, it is impossible to sustain major increases in research budget as defense dollars get tight. It is difficult to convince even pro-defense congressmen that they should postpone cutting metal for real weapon systems in favor of SDI when they have no reason to believe that the program will ever create a real system.

Third, the lack of a commitment to deployment has allowed SDI to become all things to all people. Virtually everyone in Congress supports SDI. The anti-SDI crowd can easly feign support for the program at home while fighting to the death for cuts in the research in Washington. After all, the only difference between Sen. Malcolm Wallop (R. Wyo.) and Rep. Ronald Dellums (D., Calif.) on SDI is how much money to devote to research!

A solid commitment to deployment would force the opponents out of this comfortable position and make them justify their "defense is bad" position before the American people. The current situation is the worst of all worlds: Endless support for a research program cannot be sustained and, in losing votes on cutting the research budget, it is not possible to capitalize on the political fruits of defeat.

Finally, the administration has not faced the facts about the ABM Treaty. It does not serve our security interests. It is being heavily violated by the Soviets. And the deal implicit in the 1972 SALT I bargain—that the U.S. will limit its defenses if the Soviet Union will limit its offenses—has never been honored by the Russians. Indeed, even if there is a 50% reduction in Soviet strategic nuclear weapons, the Soviets would still have three times as many warheads as they did when the ABM Treaty was signed.

The official administration policy is paradoxically "to restore the integrity of the ABM Treaty." The treaty states clearly that neither nation will "deploy AMB systems for a defense of the territory of its country." Doesn't that sound awfully like what the SDI program is supposed to do? How can we pursue SDI and restore the integrity of the ABM Treaty at the same time? The answer is, we can't

A SLOW DEATH

President Reagan's embrace of the ABM Treaty could easily saddle the nation with that document for 15 more years. This means not only that no anti-missile defense will be deployed, but that the research program he created will die the slow death of congressional strangulation, as did the ABM programs of the 1970s. What the president needed to do was launch a strong frontal attack against the idea behind the treaty: that defenselessness provides more security than defense.

If the above is a pessimistic picture, it is also an agenda for making SDI a national issue in this campaign. There is nothing inevitable about the demise of the SDI program. But if America is to be defended, the keepers of the flame must be willing to push the program far beyond where it has come in the past five years.

Reagan's SDI Legacy

Michael Dukakis declared last week that the U.S. doesn't "need" a strategic defense initiative, while Vice President Bush has so far endorsed only more research with possible deployment well into the future. It seems time for Ronald Reagan to consider what he can do to help SDI survive his presidency.

One proposal now being considered by Defense Secretary Carlucci is to commit to deploy a limited first-stage defense as early as 1994. Defense contractors have already received word from the Pentagon to develop plans for a limited defense that would protect the national command authority (the President and Defense Secretary) and include a "footprint" to cover part of the Eastern U.S. The idea would represent the first tangible step toward a nationwide anti-missile defense based both in space and on the ground.

The Reagan administration has long resisted such a first-stage deployment, fearing it would undermine plans for more significant space-based defenses. But the politics of SDI are changing. Senator Sam Nunn has proposed studying a similar accidental-launch defense. Support is growing in Congress. And last month the Defense Science Board's SDI task force urged "deployment as a sequence of steps, each accomplishing a useful mission."

Virtually any defense would be better than our current game of nuclear roulette. Today a U.S. President is unprotected against a sneak attack by even a single submarine off the U.S. coast; an offshore sub's low-trajectory ballistic missiles take only a few minutes to strike. A defense of the U.S. capital with even 100 interceptors would mean the Soviets would need two or more subs to be confident of a successful attack, increasing the chance of U.S. detection and warning. A President would have more time to escape, while the Soviets couldn't cover every escape route. An attack that's less likely to succeed is also less likely to happen. Deterrence would be enhanced.

With more than one type of interceptor, the same deployment could also defend, say, Boston or Miami against a small accidental Soviet launch or a rogue attack by the likes of Colonel Gadhafi. Secretary of State Shultz warned last week about the spread of nuclear technology to the Third World, and Chinese missile technology has already spread to the Middle East. Since such a defense also wouldn't violate the ABM Treaty—which allows the U.S. one defense site with 100 interceptors—there aren't any good arguments against it.

One alternative would be to base the ABM site near America's missile fields in Grand Forks, North Dakota. This would protect a larger portion of the U.S. against an accidental or madman launch, though it wouldn't help much against an offshore submarine attack aimed at Washington. In any case, it's at least a step forward to debate not whether to have a defense but where to put it.

SDI's critics will insist, to be sure, that talk of limited deployment is a repudiation of Ronald Reagan's vision of a leak-proof SDI Astrodome. It needn't be. As the Defense Science Board has pointed out, a limited deployment would teach valuable lessons about how defensive systems work, bring defense into the military chain of command, and get production lines rolling as a way to counter growing Soviet anti-missile defenses. Having a defense over part of the U.S. also helps build political momentum for defending all of it.

We're also told the Joint Chiefs oppose any deployment, which is only typical of a bureaucracy preoccupied with budgets. As peacetime generals, the chiefs worry less about what might happen in an actual war. A few might be willing to go along with a limited deployment, though only in return for scrapping current plans for a "Phase One" space defense by the mid-1990s. And no doubt Secretary of State Shultz would be delighted to agree so he could give away SDI for another treaty with the Soviets. That scenario would of course kill SDI.

As J.D. Crouch observes nearby, there is an alternative: Endorse a limited ABM deployment as SDI's first layer. Ronald Reagan can't guarantee what a future President will do, but he can at least leave office having put SDI on a firmer political and military foundation. He can leave a tangible legacy by deciding to deploy something real.

HOPE SPIVEY NAMED TO WOMEN'S U.S. OLYMPIC GYMNASTICS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. RITTER. Mr. Speaker, all of us have been reading a great deal about our Olympic athletes who are currently competing for spots on the various teams which will represent the United States at the 1988 games in Seoul.

Some teams have been named and I will include the gymnastic's roster printed in the August 7, 1988, issue of the Washington Post at the end of these remarks. It is tough to make any Olympic team and, therefore, it is with a great deal of pride to call attention to Hope Spivey of the Parkette National Gymnastic Center of Allentown, PA. I do this knowing full well that Hope is a strong advocate of promoting a united team spirit in a sport which requires a dedicated individual effort.

A great amount of training is required to achieve the skill level necessary to compete on an international level. As Jodi Duckett in the August 8, 1988, issue of the Allentown Morning Call wrote, it's a "20-year-old dream realized." Hope came to the Lehigh Valley 4 years ago from Suffolk, VA, and joined the Parkettes under Coach Bill Strauss. In that time, some of Hope's accomplishments are:

First, became a member of the senior national team for the past 3 years;

Second, competed in many international competitions including the Goodwill Games in Moscow;

Third, became a member of the Gold Medal Pan America Team; and

Fourth, placed third in the U.S. Olympic Team trials.

Jodi Duckett also emphasized in her article,"Spivey said despite their personal disappointments, her Parkette friends are rooting for her. 'They've been supportive,' said Spivey. 'I think they were just as happy for me as I was happy for myself' * * *."

It is with that attitude, on September 7, Hope Spivey will leave for Seoul to compete with the best in the world. Mr. Speaker, it is clear that we will also need that attitude among our coaches. They must produce the team spirit so important to the mental and emotional stability of the athletes, critical in any Olympic effort.

I take this opportunity on behalf of all my constituents in the Lehigh Valley, to extend best wishes not only to Hope but our entire Olympic squad along with those who competed and did not make it.

[From the Washington Post Aug. 7, 1988]

U.S. OLYMPIC GYMNASTICS TEAMS

Men, hometown:
Charles Lakes, Chatsworth, Calif.;
Scott Johnson, Lincoln, Neb.;
Kevin Davis, Lithonia, Ga.;
Wes Suter, Reston, Va.;
Lance Ringnald, Albuquerque; and
Dominick Minicucci, Staten Island, N.Y.
Women, hometown:
Phoebe Mills, Northfield, Ill.;
K. Garrision-Steves, Altus, Okla.;
Hope Spivey, Allentown, Pa.;
Brandy Johsnon, Altamonte Springs, Fla.;
Chelle Stack, Birmingham; and
Missy Marlowe, Salt Lake City.
Men's alternate: Tom Schlesinger, Boulder, Colo.
Women's alternates: Rhonda Faehn, Coon Rapids, Minn.; Kristie Phillips, Houston, Tex.

WALTER D. HYLE, JR.

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mrs. BENTLEY. Mr. Speaker, as I've said many times before and will certainly continue to say many times hence—I love America's veterans, each and every one. This is a love which I am proud to have, an affection which I hope all my colleagues share with me. Indeed I am always proud to have the chance to honor those special vets who have made it their cause to fight for the rights of all who fought for this great country.

Today I am honored to salute Mr. Walter D. Hyle, Jr. In his lifetime Walter has been a tireless voice for the rights of all American veterans. Now he is retiring after 8 years as adjutant of the Disabled American Veterans, Department of Maryland, Inc. Walter has been associated with military and veterans' affairs for the past 50 years. I think that it is truly fitting that his most recent efforts have been on behalf of perhaps the most overlooked category of American veterans—those that gave up a limb, an eye, or sustained permanent and painful injuries while on the battlefield. This is a great man, and I feel that it is only right that his story be told here.

Walter answered his country's call to duty in 1949. He subsequently served as both an enlisted man and an officer in Maryland's 29th Division. After the war he immersed himself in a variety of different veteran's causes, a choice which was later to dominate his life. He organized the Joint Veterans Committee and was named Veteran of the Year in 1964. He was founder and president of the Patriots of Fort McHenry whose principal project is the restoration of our national monument by that name. In addition, he has been past State and national commander of the Catholic War Veterans Association as well as serving as a member of the National Jewish War Veterans organization. Walter also has been president of the U.S. Civil Defense Council as well as a loyal member of the American Legion. Prior to becoming adjutant of Maryland's Disabled American Veterans he was the organization's State commander.

His activities were not limited to veterans groups but encompassed many charities as well. He presently sits on the executive committee of the March of Dimes in addition to participating in the Save A Heart Foundation's many activities. These organizations have greatly benefited from Walter Hyle's leadership in the past, and I am sure that they will continue to do so in the years to come.

Mr. Speaker, Walter Hyle is a man worthy of the highest praise—a gentleman who certainly has earned his retirement. I only hope that his successors at Maryland's Disabled American Veterans organization carry out their duties with the same zeal and concern that he has exhibited so many times in the past.

Thank you, Walter, and congratulations for a job well done.

TRIBUTE TO MRS. BETSY PARTEN

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HARRIS. Mr. Speaker, litter and illegal dumping is defacing our countryside. I rise to call attention to this serious problem and to pay tribute to Mrs. Betsy Parten. Mrs. Parten, one of my constituents, has done an outstanding job of preventing litter and illegal dumping in Choctaw County, AL.

Since October 1986, Mrs. Parten has coordinated the Keep Choctaw County Beautiful Program. Her success with this program has been remarkable and has attracted widespread attention. In fact, Mrs. Parten was named as a finalist in the National Take Pride in America Campaign. She was one of five Alabamians recognized for her achievements in this area.

In Choctaw County, Mrs. Parten has organized countywide cleanup days, persuading civic organizations in each municipality to pick up trash and litter. She has convinced the courts to allow first-time offenders to work off a portion of their sentences by picking up trash and litter by the roadside in the various towns of Choctaw County. She has worked with local schools initiating clean-campus programs and teaching children and young people the importance of keeping their entire community clean. In addition, she has run logo and poster contests, distributed free litter bags, and worked with the news media to promote awareness about litter and to inform the citizens of Choctaw County how to stop this problem in their communities.

Mrs. Parten and the Keep Choctaw County Beautiful Campaign have worked in close alliance with the State health department and forestry commission to combat illegal dumping. Investigations by these agencies at illegal dump sites have resulted in a number of apprehensions and these former dump sites have been cleaned up.

In short, Betsy Parten and the Keep Choctaw County Beautiful Campaign have made a signficant contribution to Choctaw County and the Seventh Congressional District of Alabama. I applaud Mrs. Parten and the work she is doing and I urge others to look to her example of success in eliminating the blight of litter and illegal dumping from our land.

CONGRATULATING YOUNG ACHIEVERS

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. BRENNAN. Mr. Speaker, recently at the University of Maryland, College Park, a series of events were held in which 602 teams of young people from 46 States, the District of Columbia, four Canadian Provinces, Mexico, and the People's Republic of China came together to compete and learn together through a series of challenging problem-solving games.

I am referring to the ninth Odyssey of the Mind World Finals. The Odyssey of the Mind is a program developed to challenge the leaders of tomorrow by giving them the opportunity to participate in unusual challenges which test their creativity and imagination. I am proud to say that my own State of Maine sent a total of 12 schools to this event and that they scored consistently at the top of their rankings.

Mr. Speaker, programs such as these serve a great purpose; they cultivate the talents of our young people and help them develop into competent leaders of their generation. With the help of this program and others like it, we can be confident that those who lead this country in the coming years will have the imagination to dream about a better world and the creativity to help those dreams come true.

Mr. Speaker, I rise today to congratulate those students who participated in this exercise and to thank those who administer the program for a job well-done and to encourage them to continue the good work of helping our young people expand their intellectual horizons.

SOCIAL SECURITY: A COMMITMENT TO THE FUTURE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. PORTER. Mr. Speaker, today I have introduced legislation that I believe will lay the groundwork for long-term solvency for the Social Security System and assure that our children and grandchildren benefit from a system that has served generations of Americans so admirably. I want to thank and commend my colleagues and original cosponsors of the legislation, Mr. BROWN of Colorado, Mr. DANNEMEYER, Mr. HASTERT, and Mr. PACKARD for their courage and foresight in joining me to undertake this initiative.

Social Security has helped provide peace of mind to millions of retirees since its inception. Current retirees are, on average, getting almost $3 in benefits for every dollar they contributed during their working years. It is clear, however, that a child born this year will not be able to rely on the present system for his or her retirement security. Actuarial and demographic projections indicated that in the first half of the 21st century the Social Security surplus will rise quickly and dramatically, but under the demands of a large retiree population the trust fund will be depleted by the year 2050.

Recently, the editorial pages of several major daily papers have carried columns discussing the Social Security trust fund surplus and its relationship to the budget deficit, national debt, and future Social Security benefits. Together, these reports foreshadow a serious problem for America.

What are the options? As it has done in the past, Congress could watch the Social Security surplus grow and eventually spend substantial amounts of it on increased benefits or new Government programs. Or, it could cut Social Security contribution tax rate while maintaining current benefits, which would cause the impending trust fund bankruptcy to occur much sooner. Or it could take a third, responsible step embodied in legislation I am introducing that I hope will provide stability and long-term solvency for our Social Security System.

The bill would direct the Board of Trustees of the Social Security trust fund to study the feasibility of redirecting employer and employee Social Security tax contributions not needed to finance current payment of retirement benefits into individual retirement accounts for workers currently paying the Social Security payroll tax. Future Social Security benefits would be adjusted to reflect the retirement benefits gained from such accounts.

This legislation would also take Social Security off-budget on September 30, 1989. Receipts from the Social Security tax are currently included when calculating the annual deficit, and these receipts are not scheduled to go off-budget until fiscal year 1993. The current and growing Social Security surplus distorts the true size of our operating deficit by having Social Security surpluses count in figuring our general fund deficit.

Providing each American worker his or her own privately held Social Security retirement account would accomplish several worthwhile goals—including stability and accountability. Long-term solvency for Social Security will never be accomplished if Congress continues to tamper with benefits to suit its own political purposes.

By taking the fate of our children and grandchildren's economic future out of the hands of Congress and the bureaucracy and putting it back in the hands of the people it was originally designed to benefit, we can assure that this program, which has served two generations of Americans, will be there to provide retirement security for Americans well into the 20th century.

In addition, the ultimate establishment of a vested, fully funded Social Security System would build a base of private savings and investment capital in our country that would ensure strong economic growth in the future and alleviate our dependency on foreign capital infusions.

Mr. Speaker, we have an obligation to ensure to seniors and those who will become seniors and entitled to Social Security benefits, a strong, sound, viable system that they can absolutely rely on. But this obligation extends not only to present generations, but generations to come. The coming surplus in the Social Security trust fund can be looked on as political cover for ignoring the deficit and an opportunity to create extensive new spending programs at the future expenses of Americans who do not yet have the right to vote. Or the surplus can be viewed as providing an opportunity to look ahead and plan and set in place a vested and funded Social Security System that will provide in the future, retirement benefits every bit as generous as the wonderful system we have now provides currently to retirees, and perhaps even better, and would afford our country the strong foundation of savings and investment it now lacks.

DUKAKIS' DANGEROUS IDEAS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, the Democrat nominee of the Presidential election, Michael Dukakis, has recently been dabbling in the foreign policy and defense spheres, an area that has been somewhat alien to the Massachusetts Governor. However, with a little help from his Harvard cabal of "experts" Governor Dukakis has outlined what he considers to be the Nation's national security priorities and what the country might expect from a Dukakis administration. I can think of no better individual than former U.S. Ambassador Jeane Kirkpatrick to dissect these ivory tower beliefs which she did in a recent Washington Post editorial.

DUKAKIS' DANGEROUS IDEAS—HIS ODD DEPARTURES ON FOREIGN POLICY ALL BUT GUARANTEE HIS DEFEAT

(By Jeane Kirkpatrick)

At last we have begun the discussion of foreign policy in the 1988 presidential campaign.

In his appearance before the Atlantic Council last week, Michael Dukakis finally told us where he stands on major issues of national security. Those stands will, I believe, guarantee his defeat in November—providing, of course, that George Bush makes no serious mistakes and helps the American people understand why the Dukakis positions are extremely dangerous to the United States.

In a wide-ranging speech on security issues, Dukakis outlined a strategy differing sharply from that of recent Republican and Democratic administrations, and from traditional NATO plans.

Again and again, in his prepared text and in response to questions, Dukakis explained his priorities; to enhance U.S. nonnuclear "conventional" capacities, to eliminate several major nuclear weapons systems, including the mobile MX and the Midgetman, and of course to stop the development of a strategic missile defense.

"We don't need SDI; we need CDI ["conventional defense initiative"] . . . We don't need MX missiles running around on railroad cars; we need an anti-tank weapon that can stop Soviet tanks," he said.

Although Dukakis believes we have a "massive and survivable nuclear deterrent," he did no imply—nor does he presumably believe—that our security can be guaranteed by a strategy of mutually assured destruction. Otherwise he would have shown more concern with nuclear force modernization and less with enhancing conventional forces.

In fact, almost all NATO strategists strongly support enhancement of conventional forces, but they do so in a context of comprehensive force modernization. By decoupling conventional force enhancement and nuclear force enhancement, Dukakis seemed to suggest conventional forces could substitute for nuclear deterrence.

The most disturbing aspect of Dukakis' approach was his apparent unconcern with the defense of the United States itself.

The vulnerability of the United States is the most important fact of our times. Most Americans still do not understand that improvements in the accuracy and speed of Soviet missiles and the silencing of Soviet submarines have rendered the United States more vulnerable than at any time in its history. It is a new fact, it is unwelcome, we do not want to know it, we do not like to think about it. Even our "war games" do not incorporate into their scenarios the possibility of a direct threat to U.S. territory.

Yet, for the first time in our history, a potential adversary has the capacity to destroy American cities, populations, productive and defense capacities in a matter of minutes. The oceans which through two centuries have protected the United States against foreign incursions are today a medium for newly silenced submarines to gain access to those shores.

American vulnerability should be the starting point for any serious consideration of U.S. security policy. Otherwise, our discussions are as idle as the plans of French generals who, in the decade after World War I, conceived and built elaborate concrete fortifications that were exactly the sort of thing France had needed in that war. The Maginot Line proved utterly useless against Adolf Hitler's mobilized armies and blitzkrieg tactics.

France's defenses failed because her generals had failed to understand the revolution in technology and tactics of war. Conventional thinking and conventional defenses failed France, as conventional thinking and conventional defenses can fail the United States.

In our times, it is not easy to keep a nation's defenses paced with scientific innovation and military application. It is much easier and much more pleasant to think about glasnost than to keep track of Soviet research, development and deployment of improved offensive and deployment of improved offensive and defensive missiles—none of which has been affected by Mikhail Gorbachev's reforms.

Dukakis' first serious venture into foreign policy suggests that he has not yet faced the fact that the first responsibility of the next American President will be to provide for the defense of the continental United States. To the contrary, the types of weapons needed for such defense are precisely those Dukakis proposes to eliminate or downgrade.

One hopes that Dukakis will soon turn his attention to this most urgent problem. At the very least, he should tell us how he plans to utilize the proposed tanks to defend the United States against still-growing arsenals of Soviet land- and sea-launched nuclear missiles.

THE NEED FOR QUALITY, LICENSED CHILD CARE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HOYER. Mr. Speaker, as a cosponsor or H.R. 3660, the Act for Better Child Care, introduced by my friend and colleague, DALE KILDEE of Michigan, I would like to bring to the attention of my colleagues a letter to the editor which appeared in the Washington Post on July 31, 1988.

To working parents in my district, the Fifth Congressional District of Maryland, finding good, affordable child care is difficult. The ABC bill is a thoughtful, comprehensive response to our current child care crisis. ABC gives parents real choices in child care by increasing both the supply and diversity of child care. Furthermore, it would help low- and moderate-income parents pay for child care.

However, America's children must be cared for in a safe environment. ABC would establish basic health and safety protections for all children in child care. In a recent poll, 75 percent of American voters said it was essential that national policies assure good child care by setting standards. With good reason, Federal regulations have eliminated dangerous chemicals and contaminated foods. Why is it that we can mandate the safety of toys used in day care centers, but it is unthinkable to regulate the health and safety of the children themselves?

A recent letter to the editor appearing in the Washington Post was from a mother who had arranged for an unlicensed provider to care for her child. When someone turned the caregiver in, the caregiver decided to go out of business rather than subject herself to State licensing requirements. The letter has been used by various individuals as an argument against government intervention in the care of children.

Mr. Speaker, I ask that the response letter, which also appeared in the Washington Post, be printed in the RECORD. The letter is from Carolyn Pierce, a licensed family day-care provider in Prince Georges County—my home district. Speaking from her own experience, Ms. Pierce describes the numerous advantages to ensuring basic protections for our children. I urge my colleagues to read her letter.

ROUND 2: GLADYS SHOULD GET A LICENSE

(By Carolyn Pierce)

Judy Kaplan Warner bemoans the fact that "someone" reported Gladys, her daughter's unlicensed day care provider, and rather than get a license, Gladys decided to close down [Close to Home, July 17].

I am a licensed day care provider in Prince George's County, and I say hurrah for that someone! Warner's sad diatribe of her "plight' infuriated me. I hope her article will not discourage the community from continuing to report unlicensed day care homes.

Yes, Maryland has mandatory licensing for day care homes. This law works to the benefit of everyone—the parents, the providers and most of all the children. Warner's anger is misdirected. Instead of lashing out at the state of Maryland for requiring day care licensing, she should be angry at Gladys for not caring enough to get a license.

Warner says she and the other parents "don't care one bit" that Gladys isn't licensed. While Gladys sounds like a good provider—and I don't doubt Warner's claim that she gives the children loving care—I have a few concerns:

Is Gladys' home safe? Not just the parts you can see, but the parts you can't too? A representative of the state looks inside cabinets and closets for posion and fire hazards. Does Gladys' home have smoke detectors and a fire extinguisher in good working order? Does she have an emergency plan to get all of the children out in case of fire?

Does Gladys have an immunization certificate on file for each child in her care? Are they all up-to-date on their shots? And what about a notarized emergency medical consent, signed by the parents of each child, which would authorize Gladys to consent to emergency medical treatment if the parents were unreachable? Without one, a child would only be treated in a life-or-death situation. In a lesser emergency—for example, a broken arm—a child could spend considerable time in pain in the emergency room while the parent was being tracked down.

How many children is Gladys caring for, and what are their ages? Maryland law allows a maximum of six children in home day care at any time, with no more than two under the age of 2. This number is enough to challenge the most energetic day care provider, believe me.

As for Gladys's refusal to apply for a license because of the "paper work" and "people coming into your home," I don't buy it. The application consists of four simple forms to be filled out and mailed in. A social worker will then visit the home to interview the provider and to inspect the home for safety and healthy and adequate play, eating and napping space for the children. If any deficiencies are found, the provider is given some time in which to correct them. When everything is satisfactory, the license is issued. Unless a complaint is reported, the provider is not likely to see the social worker again until renewal time two years later, when the process is repeated. The licensing process is free.

Seven thousand home day care providers are licensed in the state of Maryland. If they can do it, why can't Gladys?

I hope Gladys will reconsider. The advantages to her in becoming licensed—and the benefits to the children in her care—would far outweight the minor effort to apply. Licensed providers receive free referrals from the county when parents call looking for day care. Licensed providers can participate in the federal Child Care Food Program and be reimbursed for each meal and snack seved to the children under the program's nutritional guidelines. Since Gladys is already providing meals and snacks, this would in effect increase her income without any additional cost to the parents, and she could probably serve more nutritious food in the process.

Licensed providers can receive free counseling from their licensing worker about any problem that comes up in their day care business. (Yes, day care is a small business.) And licensed providers get more respect, from parents and the community, for the very important service they perform.

A license is not a guarantee of quality day care, but it assures the state and the parents that the basics are in place. If Gladys isn't willing to take the simple steps to get licensed Warner should make a careful search of licensed homes in her area. I am sure that she will find the quality day care she desires for her daughter—given by a provider who abides by the law.

ALOYSIUS MAZEWSKI

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 10, 1988

Mr. HYDE. Mr. Speaker, all Americans lost a great friend last week when Aloysius Mazewski passed away.

President of the Polish National Alliance and the Polish American Congress, he was a national leader in Polish-American affairs and exercised a great influence with political leaders of both parties.

President Reagan and five previous Presidents often sought his counsel on foreign affairs and he had friends in many countries of the world.

Al was a lawyer who was honored many times by his profession and had served as a U.S. delegate to the United Nations in 1970.

He had a warm engaging personality and a bright sense of humor.

I knew Al Mazewski well for 30 years. He was a fine man, a great patriot, and a very good friend. I will miss him, and I extend my deepest sympathy to his wonderful family.

DEAN DON EDWARDS AND ARMS CONTROLLER EDITH WILKIE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to bring to the attention of my colleagues two recent Golden State Report articles regarding my friend and colleague, the dean of the California Democratic delegation, DON EDWARDS and his wife Edith Wilkie, the executive director of the arms control and foreign policy caucus. As these excellent articles point out, each has worked to bring more bipartisan cooperation to their respective organizations in Congress. And both Edie and DON are highly respected for their impressive achievements in Congress.

Edie Wilkie has helped mold the arms control and disarmament caucus into one of the most effective and respected legislative service organizations on the Hill. In recent years the caucus has expanded its efforts to include the broad range of arms control and proliferation issues which deserve to be at the top of Congress' list. In addition, it produces some of the most useful information of any legislative service organization on the Hill.

I have been an admirer of DON EDWARDS since long before my election to Congress. The opportunity I have had to work with him for the last 5 years has only served to increase the respect and admiration I have for him and his abilities as a legislator.

Under DON EDWARDS' inspired leadership the California delegation has become one of the most united and effective delegations in Congress. I look forward to working with him for many years to come.

Mr. Speaker, I commend the following article to the attention of our colleagues:

EDWARDS & WILKIE: CALIFORNIA'S PEACE TICKET

(By Steven Pressman)

In an age of conservatism, Don Edwards has remained an unabashed liberal. During the Reagan era, he has stood guard over a congressional graveyard where some of the president's cherished legislative dreams have remained buried for years.

Among his colleagues in the fractious California House delegation, he has tried to be something of a peacekeeper. That's not easy, because the political Cold War that divides the state's Democratic and Republican lawmakers has proven to be an imposing obstacle to legislative detente.

Politics is much more harmonious in Edwards' own household. While he has long focused his energies on domestic liberal causes, Edwards' wife, Edith Wilkie, concentrates on more global matters. For the last several years, she has been the executive director of Congress' Arms Control and Foreign Policy Caucus, a liberal-tinged bipartisan group of Senators and House members.

And after 25 years in Congress, Edwards—one of three most senior members of the largest state congressional delegation—is still ready to fight new political battles. At the age of 73, he shows no signs of slowing down.

"I played four sets of tennis and 18 holes of golf the other week, and I didn't even get tired," he said recently during an interview in his Washington office with a commanding view of the Capitol. "So the old bones are still pretty active."

A glance at the rating scores that various interest groups tally up for members of Congress explains why the San Jose Democrat enjoys his reputation as a tireless fighter for liberal causes. Throughout the Reagan years, he has racked up six straight years of perfect 100 percent scores from Americans for Democratic Action, one of the bellwether tests of true liberalism. (During Ronald Reagan's first year in office, Edwards somehow slipped to a 95 percent ADA score.)

To complete the symmetry, his report card from the American Conservative Union has remained steady at zero during Reagan's two terms in the White House. Edwards probably considers the flunking mark from the conservative group as a badge of honor.

In California, Edwards represents a solidly Democratic district, to be sure. It is not, however, the kind of district that necessarily shares all of Edwards' political views. He has been an outspoken foe of just about everything that Reagan has stood for as president, and yet in his district Reagan edged out Walter Mondale in presidential balloting four years ago, largely with the help of a lot of blue-collar votes in Fremont.

Over the years, Edwards' political opponents have tried to exploit his liberalism to their advantage, but he always has managed to disarm them when balloting time comes around. He won re-election with 62 percent of the vote the same year that Reagan was carrying the district in the 1984 presidential race. Two years later, Edwards upped his total to 71 percent.

He is among the relatively few members of Congress who define their political roles beyond the boundaries of their own districts. "We're not here in Congress just to represent 550,000 people, although that's an important part of it," he says. "But we're here to help create a national and an international agenda."

During Reagan's presidency, Edwards has been spending much of his time stymying White House initiatives, while battling to enact social legislation over administration resistance. The Subcommittee on Civil and Constitutional Rights, which he chairs—along with the full Judicial Committee headed by retiring Rep. Peter Rodino, D-N.J.—has become the graveyard for cherished Reaganite goals such as a balanced budget amendment and anti-abortion measures.

Edwards and the committee also have been in the forefront of other legislative fights with the White House over issues such as reauthorization of the Voting Rights Act and a controversial civil rights measure passed over Reagan's veto. The civil rights bill reversed a Supreme Court decision that had narrowed the scope of earlier civil rights legislation.

While Edwards' philosophical allies have cheered him on, his opponents have decried the tactics he has used to undermine some of the cornerstones of Reagan's agenda. "Your aggravation level reaches a certain point to where it becomes total frustration," says Rep. Dan Lungren, the Long Beach Republican who is leaving the House this year. A member of the Judiciary Committee, Lungren resigned from Edwards' subcommittee a few years ago over the Democrat's handling of legislation to extend the 1965 Voting Rights Act.

The flap revolved around aborted efforts to work out a compromise between Edwards and Rep. Henry Hyde of Illinois, who was the senior Republican on the panel at the time. Lungren and Hyde accused Edwards of sneaking behind their backs by negotiating with other Republicans instead. Edwards ended up apologizing to Hyde over the incident, and says the two have since patched over the bruised feelings. But Hyde, like Lungren, left the subcommittee because of what happened.

Edwards makes no apologies, however, for using his powers as a senior Democrat and subcommittee chairman to achieve or to block legislation. "You are elected to use whatever appropriate machinery there is to do what you think is best for the country and for your constituents," he says.

As chairman of the 27-member contingent of House Democrats from California, Edwards has a slightly different role to play. Not only must he try to maintain unity among the state's Democratic lawmakers, but he also must attempt whenever possible to find common cause with the 18 Republican House members on some issues affecting California. A deep political chasm between the two sides has made the bridge-building efforts nearly an impossible task.

Traditionally, the state's senior House member from each party chairs that party's delegation. Among California Democrats, Edwards shares the same seniority with Edward Roybal and Augustus Hawkins, both from Los Angeles. But neither has shown an interest in leading the delegation, so the task has fallen to Edwards ever since Rep. Harold (Bizz) Johnson was defeated in 1980.

In the years since, the Democratic delegation has hired its own staff with computer-equipped offices near the Capitol. Edwards and other delegation members say the Democratic group is more unified now, particularly when it comes to important statewide issues such as offshore oil drilling and agricultural interests.

The unification process also has been made a little easier by some changes in the internal workings of the California Democratic delegation. Gone is the domineering personality of the late Phillip Burton. Another kingpin in the delegation, Tony Coelho, is busy these days climbing up the ladder that leads to the top of the overall House Democratic leadership structure.

"There used to be a lot of little power structures floating around in the delegation," says Rep. Robert Matsui, D-Sacramento. He says Edwards has managed to work effectively with the delegation as a whole, without appearing to compete individually with members on their own favorite turf. "He's got an ego," says Matsui, "but it's a very benign ego".

Relations with California's Republican House members, however, are much more strained, particularly since the bitter fight that erupted over the 1982 reapportionment engineered by Burton. Orange County Republican Bill Dannemeyer refers scornfully to the "absolute raping" of GOP districts that took place in the 1982 remapping of political boundaries. "That raping . . . has colored the whole relationship of the two sides here in the House," he says.

Edwards, for his part, is aware that the reapportionment fight has driven a deep wedge between Democratic and Republican House members. Still, he maintains a good working relationship with Rep. Carlos Moorhead of Glendale, the dean of California House Republicans. "He (Moorhead) gets criticized by some of them for being too friendly with me. But he can accept that, and so can I," says Edwards.

The two are working on a plan to develop a bipartisan institute that would be based in Washington, where it would serve as a California-oriented think tank to promote the interests of the state. Edwards says such an operation would allow California to compete more effectively for federally funded projects that have ended up elsewhere in the past. He lists the loss of an earthquake center to Buffalo and high-technology projects to other parts of the country as evidence of the need for a better California promotional effort in Washington.

"'ABC'—anything but California—is an expression around here," says Edwards, explaining the zeal with which other members of Congress challenge the flow of federal dollars to the nation's most populous state.

Strained relations within the congressional delegation obviously don't help, but Edwards also points an accusing finger at Gov. George Deukmejian, who he says doesn't seem to focus much attention on the state's affairs in Washington. "He doesn't put a hard-hitting team together, work with the Legislature and get into the national competition," Edwards says.

For those who agree with Edwards' assessment of Deukmejian, that makes two California governors in a row who have had their problems deciding how to connect the worlds of Sacramento and Washington. Jerry Brown was constantly frustrating the state's congressional delegation by appearing aloof and uncaring about state-related issues. At other times, he would journey to Washington without bothering to tell anyone that he was coming.

Edwards' own journey into the world of liberal causes began years ago in a rather unlikely fashion, when he was state chairman of the California Young Republicans.

An FBI agent in his younger days, Edwards was a business-minded member of the GOP until the age of 35. He became wealthy as the owner of a title insurance company in San Jose.

After the close of World War II, however, Edwards joined the United World Federatists, a world government group, partly in response to his growing fears about the spread of nuclear weapons.

Elected to his statewide GOP post around the same time, Edwards quickly discovered that his sympathetic views toward the United Nations and world peace issues were out of sync with most of his fellow Republicans. He severed his ties with the party and quickly became active with liberal groups such as the American Civil Liberties Union and Americans for Democratic Action.

His 1962 race for Congress marked Edwards' first foray into elective politics. He narrowly edged out two other opponents in the Democratic primary, moving on to an easy win in November in the heavily Democratic district. Once in Washington, he continued his education as a liberal by associating with the likes of civil rights lawyer Joseph Ruah and U.S. Supreme Court Justice William Douglas and his wife Cathy.

In Congress, meanwhile, Edwards wasted no time in boldly declaring his own allegiance to political liberalism. His maiden opportunity to do so came when the House was asked to vote on a routine measure to fund the House Committee on Un-American Activities. At the time, House members voted individually by voice, as opposed to today's electronic balloting.

When the clerk called for Edwards' vote, the new congressman voted against the bill. "The clerk stopped and looked at me—and I felt every eye in the chamber on me," recalls Edwards.

"He looked and again said, 'Mr. Edwards of California?' And I said, 'Nooooo.' I think there were only about a dozen or so votes against it."

The infamous Un-American Activities Committee—which, years earlier, had helped to propel another California congressman, Richard Nixon, into the national spotlight—was not officially mothballed by the House until the early 1970s. Ironically, some of the committee's jurisdiction transferred to the Judiciary subcommittee that Edwards has chaired for years. "So I've been chairman of the Un-American Activities Committee ever since," he jokes.

He met his wife (it is Edwards' second marriage) several years ago, when she was working on another House member's staff. She later was an administrative assistant to Rep. Fortney (Pete) Stark, the Alameda County Democrat, before she became executive director of the Arms Control and Foreign Policy Caucus in 1978.

Ask some otherwise knowledgeable Capitol Hill observers about the couple's relationship, and you're likely to get some quizzical glances. "Most people don't know we're married," admits Edwards. "She's a very independent person."

As for Edwards, he says he is not getting tired of serving in Congress. Four years younger than Ronald Reagan, he is already looking forward to politics in the post-Reagan era. "I hope my friends and relatives will tell me when it's time to quit. But I think it's very important to have some older people here . . . And the older I get, the more liberal I become."

CAN A WILKIE BE BIPARTISAN?

As the wife of one of the most liberal Democrats in Congress, Edith Wilkie could be expected to share naturally her husband's partisan leanings. But Wilkie—married to San Jose's Don Edwards—has her own professional responsibilities on Capitol Hill, and they require her to be more bipartisan than her political spouse.

For the past ten years, Wilkie has served as executive director of the congressional Arms Control and Foreign Policy Caucus, a group of 135 senators and House members, that conducts research and analyzes legislation for the benefit of its members.

The fact that the current caucus chairman, Sen. Mark Hatfield of Oregon, is a Republican underscores Wilkie's point about the need for her to avoid a partisan label. "A couple of my best friends often assume that I'm a Democrat, and they assume that because I'm married to one," syas Wilkie. "But I assure them that I'm bipartisan."

In fact, she blames both political parties for having avoided strong arms control positions in the past. "I think that both parties have failed to address issues in a way that a lot of people in this country and a lot of members of Congress would want them to," she says. Wilkie thinks the Democratic House leadership has become more visible recently on arms control matters, but she says the Democratic-controlled Senate "still has a way to go" on the subject.

Wilkie may prefer avoiding a Democratic label for herself, but she doesn't hesitate describing the arms control caucus as a liberally tinged group of lawmakers. (About 80 percent of members are Democratic senators and House members.) But sprinkled throughout the caucus are liberal and moderate Republicans like Hatfield and Sen. John Danforth of Missouri.

Lately, however, it has been the conservative in the White House, Ronald Reagan, who has won plaudits from arms control advocates for his administration's progress in negotiating weapons treaties with the Soviet Union.

Wilkie's own career on Capitol Hill began in 1969, when she joined the staff of Rep. Ogden Reid of New York, a Republican who later switched parties. She also worked for a few years for Rep. Fortney (Pete) Stark, an Oakland Democrat who shares Edwards' unabashed political liberalism.

From there, Wilkie moved to her current job at the arms control caucus, a group which started meeting in 1959 at informal breakfast discussions and later blossomed into a more organized operation during the Vietnam War.

Most congressional spouses play background and supporting roles when it comes to politics. But Don Edwards and Edith Wilkie enjoy going their own ways, and neither thinks the marriage poses any conflicts or difficulties with their own positions.

"We aren't really working on a day-to-day basis in the same legislative vineyards," says Wilkie, noting Edwards' focus on domestic civil rights issues.

"I may be very naive, but I truly believe there is no association here professionally (between her and her husband)," says Wilkie.

"We don't even bounce around at the same parties and receptions on the Hill."

CITY OF LOMPOC CELEBRATES CENTENNIAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LAGOMARSINO. Mr. Speaker, California's 19th District is full of beautiful little cities and towns, but one in particular must be mentioned today. The city of Lompoc is celebrating its centennial; and so I know you'll excuse me if I take this opportunity to say a few words about this delightful place, and to congratulate its proud citizenry.

It is interesting to note that Lompoc was originally established as a Temperance Colony, back in 1874. The area's early settlers were a hard working and decent people, eager to raise their families in peace, and to prosper. Lompoc's current residents, many of them direct descendants from those hearty pioneers, have much in common with their antecedents; they are decent, hard working, and dedicated to maintaining the quality of life there.

The citizens of Lompoc, already renowned for its "Flower Festival," have some old-fashioned festivities planned, including a centennial ball, a fireman's muster, fireworks, a fishing derby for the young folks, an annual mud bog, and a street dance. August 12–21 have been designated "Lompoc Centennial Celebration Days."

Mr. Speaker, I just want to extend my sincerest congratulations to the people of Lompoc, wishing them a hearty happy birthday.

A TRIBUTE TO ANNA HOWARD SHAW

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SCHUETTE. Mr. Speaker, in the 10th District of Michigan, we are very honored to have someone from our district who changed the course of U.S. history for every citizen of this Nation. In fact, I am privileged to have the opportunity to bring to the attention of all my colleagues a remarkable woman, Anna Howard Shaw.

Through the efforts of Anna Howard Shaw, the 19th amendment to the U.S. Constitution was ratified. Today, the rights of citizens of the United States to vote cannot be denied on account of their gender.

Anna Howard Shaw led an incredibly active life. She was born in England in 1847, and then at the age of 4 Anna's family moved to Massachusetts. Eventually, they settled in the city of Big Rapids in the great State of Michigan. Anna taught in a frontier school at the age of 15 and attended Big Rapids High School. She was active in the Methodist Church and preached her first sermon in 1870. Anna became a licensed Methodist preacher in 1871 and later the Nation's first ordained female minister of the Methodist Church in 1880. She earned a medical doctorate from Boston University, which was rare for a woman in those days. Anna also became the second woman to receive the Presidential Civilian Distinguished Service Medal for her leadership during World War I.

Anna was dedicated to advancing women's rights across America. As vice president of the National American Woman Suffrage Association [NAWSA], she served with Susan B. Anthony in 1888. During her term as president of NAWSA from 1904 to 1916, Anna increased the number of suffrage workers from about 17,000 to over 200,000. She lived long enough to see the favorable vote in Congress on the 19th amendment, but unfortunately, Anna died in 1919 before the 19th amendment was ratified in 1920.

During the celebration of the 200th birthday of our country's Constitution, the Michigan Commission on the Bicentennial of the U.S. Constitution is honoring Anna Howard Shaw with a bronze monument to be placed in her home town of Big Rapids, MI. The statue will be located in the park adjacent to the community library in Big Rapids.

Mr. Speaker, I hope all of my colleagues in the U.S. House of Representatives will join me today in commending the Mecosta County Council for the Arts and the Mecosta County Women's Historical Council for their efforts to memorialize one of the great citizens in Michigan, Anna Howard Shaw. I urge you, Mr. Speaker, and my colleagues in the House, to join me in honoring Anna Howard Shaw for her accomplishments as a women's rights leader, her work in medicine, and her dedication to religion. Anna Howard Shaw's life changed the course of history for every citizen in the United States today. We should all commend her for her outstanding accomplishments and her relentless dedication to the cause of women's rights.

SOVIET DAY OF SHAME

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ANNUNZIO. Mr. Speaker, August 21, 1988, will mark the 20th anniversary of the invasion of Czechoslovakia by the Soviet Union. In 1968, over one-half million soldiers were sent by the Communists over the border of the peaceful nation of Czechoslovakia, determined to crush the reform-minded government of Alexander Dubcek, and to suppress efforts by the people of Czechoslovakia to obtain freedom and self-determination.

On this Soviet Day of Shame, the Communists blatantly violated the Czechoslovakia-Soviet Treaty of Noninterference. Once again, the Soviets demonstrated to the world that they are committed to stop any attempts by individuals to assert their inherent rights of liberty and self-expression.

Although the Soviets called this move a temporary occupation, today there is still a permanent presence of the Soviet Army in Czechoslovakia. If General Secretary Gorbachev truly intends to usher in a new openness under his policies of glasnost and perestroika, he should immediately order the withdrawal of all troops from Czechoslovakia. Instead, the activities of human rights groups, like Charter 77, and petitions of Catholics in Czechoslovakia remain ignored, and the suppression and persecution of Czechoslovakia continues.

We, in Congress, must continue in our efforts to persuade the Soviet Union to withdraw from their illegal occupation of Czechoslovakia and to abide by the commitments it has made as a cosponsor of the Helsinki Final Act and other human rights agreements.

Mr. Speaker, on the occasion of the 20th anniversary of the invasion of Czechoslovakia, I join with Americans of Czechoslovakian descent in the 11th Congressional District of Illinois which I am honored to represent, and throughout our Nation, as they commemorate this Soviet Day of Shame. Let us renew our strong commitment to the rights of the Czechoslovakian people in their efforts to determine the course of their own destiny, free from the yoke of Communist oppression and tyranny.

DEDICATION OF THE NINE MILE POINT UNIT TWO POWERPLANT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HORTON. Mr. Speaker, the other day I had the privilege of being present at the dedication of the Nine Mile Point Unit Two Nuclear Power Plant in Scriba, NY. After years of planning and construction, the combined efforts of all parties involved finally came to fruition in March.

In reviewing the work that lead to the successful completion of Nine Mile Two, my good friend William J. Donlon, the chairman and chief executive officer of Niagara Mohawk Power Corp., made several interesting comments that I would like to share with my colleagues in the House.

The plant's completion was a formidable accomplishment for the people of Niagara Mohawk and our colleagues at New York State Electric and Gas, Long Island Lighting Co., Rochester Gas and Electric and Central Hudson Gas and Electric.

We wouldn't be here today if it weren't for the backing of our co-tenants, the dedication of our people and the encouragement we've received over the years from the Community of Oswego County.

In a very real way, we have all been involved in a partnership these many years. Our employees and their families have made many sacrifices to support round-the-clock, seven-day-a-week construction at Nine Mile Two. Our co-tenants have been with us all the way.

The Oswego County Community has my heartfelt and personal gratitude and the appreciation of every Niagara Mohawk Employee. It could have been a different story without you. And I mean all of you—our employees, our co-tenants and this community. This country is littered with the tombstones of nuclear power plants that will never generate a kilowatt hour of our power.

But that's not happening here. Through dedication, perseverance and the strength of our partnership, you see to the north of us a functioning plant.

Nine Mile Two is a work of art in many ways and a testament to the sophistication and complexities of advanced power technology.

It is an entirely safe, environmentally sound and useful asset for its owners and the customers it will serve. It can generate enough electricity to supply the annual needs of six cities the size of Syracuse or Albany.

Through the use of nuclear power, Nine Mile Two has the capability of replacing six to eight million barrels of oil each year. That's significant when you consider that New York is a relatively oil dependent state.

Last year, oil accounted for 22 percent of the power generation capability in New York compared with a national average of less than five percent.

Furthermore, we have brought Nine Mile Two into service at a time when economic revitalization in Upstate New York is boosting energy use well beyond the most optimistic forecasts of recent years.

Consider what this new demand would cost over the next several decades if we were forced to increase our dependence on uncertain and expensive supplies of foreign oil.

* * * *

As I reflect on it, these are all good reasons for a celebration. The commercial operation of Nine Mile Two is a victory for Niagara Mohawk and its co-tenants, for our people who worked hard and long to make it a reality and for our customers who can be assured many productive years of service from this new plant.

But I believe this should be a thoughtful occasion as well.

Nine Mile Two was a hard-won victory. The environment for planning and building a major power plant—particularly a nuclear power plant—changed drastically during the years that we worked to bring this one to completion.

The energy demand scenario changed as well. Industry growth projections gave way in the 1970's and early 80's to the overriding importance of energy conservation and fluctuating growth in the U.S. economy.

* * * *

Today's dedication marks a new era for Niagara Mohawk and at least a turning point for the other utilities assembled here today. We have a fine, new and productive plant that we can be proud of. We are dedicated to managing it in a manner that will contribute to the standards for excellence in the nuclear industry.

IN APPRECIATION: PAUL SMITH, DEPARTING ENERGY AND COMMERCE MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LENT. Mr. Speaker, I'm sure many of my colleagues would agree, that, as Members of Congress, we rely to a significant degree upon our top-notch personal and committee staff people for information, advice, and counsel. In short, they are the hardworking men and women who keep the legislative branch of our Government functioning smoothly and effectively.

Today, I would like to take this opportunity to recognize the outstanding contributions of a long-time congressional employee, Paul Smith, who has been employed by Congress for more than 16 years. Since February 1988, Paul has served as Republican staff director and chief counsel for the House Energy and Commerce Committee.

Paul's legislative and legal experience is considerable. Prior to being appointed to this position, he was an associate minority counsel for the Energy and Commerce Committee, specializing in communications and securities. Before joining the committee staff, Paul served as an assistant counsel in the House of Representatives Office of Legislative Counsel. Currently, he is also an associate professor of law at the George Washington University National Law Center.

Time and again, Paul proved his expertise as a master of the legislative process, and as the committee's ranking minority member, I looked to him often for strategic political and legislative counsel. On several occasions, the minority depended on Paul's parliamentary prowess during very close floor battles and, to our great pleasure and satisfaction, we emerged victorious. Without question, the position of staff director and chief counsel is a very demanding job, and Paul performed his duties with distinction.

Paul will be leaving Congress to become a partner with the distinguished law firm of Wiley, Rein, & Fielding in Washington, DC, and those of us who knew Paul and worked with him will miss him greatly. On behalf of my colleagues on the committee as well as the staff, I'd like to extend my personal appreciation to Paul for his many years of loyal and dedicated service to our Government and its people. I wish him many years of happiness and much success in his new endeavor.

SECOND ANNUAL CONGRESSIONAL CATFISH DINNER

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ESPY. Mr. Speaker, I rise once again seeking congressional recognition of the farm-raised catfish industry. Just last year, I appeared before this body to thank 220 of my colleagues who joined me in support of House Joint Resolution 178, a resolution which designated June 25, 1987, as "National Catfish Day"; a special day that recognized a new and developing industry in our country.

In its 17-year history, the farm-raised catfish industry has enjoyed phenomenal growth, from 5.7 million pounds in 1970 to 246 millions pounds in 1987. The future of the farm-raised catfish industry continues bright.

Mr. Speaker, I speak for the other Members of Congress who enjoy the economic benefits of this industry when we say that the growing enthusiasm and demand indicate that this tasty and nutritious product will be an ever-increasing and stably priced source of protein for today's health-minded consumer.

Therefore, the farm-raised catfish industry of America joins us in seeking recognition of its importance by remembering National Catfish Day with the Second Annual Congressional Catfish Dinner on Tuesday, September 13, 1988, in Washington, DC.

Representatives joining me are:

Claude Harris, Jerry Huckaby, Wes Watkins, Bill Emerson, Jamie Whitten, Herbert (Sonny) Callahan, Clyde Holloway, John Lewis, G.V. (Sonny) Montgomery, Trent Lott, James Hayes, Tommy Robinson, Charles Hatcher, Wayne Dowdy, Bill Alexander, Tom Bevill, Richard Baker, Doug Barnard, Jr., James McCrery, John Paul Hammerschmidt, William Dickinson, Ronnie Flippo, J. Roy Rowland, Ike Skelton, Ed Jenkins, Members of Congress.

HAITI'S NEEDS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. FASCELL. Mr. Speaker, 7 weeks have passed since the Haitian military seized direct power from President Leslie Manigat.

Through their actions since last November Haiti's military leadership has shown contempt for the Haitian people, for the Constitution to which they had pledged their support, and for the opinions of mankind.

The raison d'etre of any military is to safeguard their people and nation. If Haiti's army leadership is to have the respect of the Haitian people, to enjoy the respect of any other military or even to merit self-respect it must realize that the army's leadership itself is the single greatest threat to the safety and welfare of the Haitian people.

Haiti no longer can delay in coming to grips with the downward spiral of environmental degradation, population growth, and severe poverty. Haiti needs—desperately needs—an honest and effective government dedicated to reversing the legacy of the Duvalier years—a government enjoying the respect of the rest of the world—a government which would be a reliable partner of those throughout the world not only willing, but longing, to extend a helping hand to the Haitian people.

The leaders of Haiti's army have embarked on a policy which can only lead to disaster. Seemingly they have turned their backs on the political, economic, and social reforms essential to assuring a better future for Haiti's people. The army leadership, through it's tolerance of drug trafficking, seems intent on making enemies of Haiti's friends.

If those who lead Haiti's army care about the future of their country they must pause to reflect on the course they have taken. Can they really expect to build a better future for Haiti by turning their back on the rest of the world?

Viewed from this distance the leadership of the Haitian army certainly seems to be heading down a road toward an abyss. But it is never too late to turn back. There are other paths into the future. A good beginning has been suggested—that a serious dialog about those alternative paths be held amongst all elements of Haitian society—including, especially, the army.

I hope the leaders of Haiti's army will stop, think, and decide to return to a course worthy of the successors of those Haitian soldiers whose struggle for liberty almost two centuries ago won the respect of all the world.

WHERE MILITARISM FLOURISHES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CRANE. Mr. Speaker, in the past several years we've seen many events which signal improving relations between Communist countries and the rest of the world. With the signing of the INF Treaty, the rise of glasnost, and the recent development in Angola, one cannot help but yearn for the day when the United States and all democratic nations can become close friends with Communist nations that today threaten and suppress democratic institutions worldwide.

Although there are signs that Communist nations are becoming conciliatory, we must not allow recent events to blind us of the very nature of communism we fear most: their inherent militarism. A study by Ben Zycher, an economist with the Rand Corp., found that between 1966 and 1983 Communist countries allocated 50 percent more of their GNP to their military than did non-Marxist countries. These facts must not be overlooked, and should lead us to approach alleged Communist good intentions with caution and skepticism. I respectfully submit an article by Doug Bandow entitled "Where Militarism Flourishes" that will further elaborate on this important issue.

[From the Washington Times, July 29, 1988]

WHERE MILITARISM FLOURISHES

(By Doug Bandow)

One of the great ironies of our times is the persistent attraction of communism to many American leftists. During the 1920s and 1930s, Josef Stalin's Soviet Union was viewed as the new utopia; then Mao's Chinese revolution was treated as the model for a better world.

The murderous behavior of these totalitarian states eventually became impossible to ignore, but that didn't stop visionaries on the left from successively looking at Vietnam and Cuba as political paradises. Alas, revelations of re-education camps and overflowing prisons soon followed.

Most recently the left has treated Nicaragua as the society of the future. But that dream is now collapsing amidst the Sandinistas' latest orgy of repression.

What has been perhaps most curious about the liberal flirtation with totalitarian revolutions is the tendency of peace activists to look at the Soviet Union and other communist states with rose-tinted glasses. For there is an unmistakable correlation between militarism and communism.

A new study by Ben Zycher, an economist with the Rand Corp., has found that communist states consistently spend more on arms than do other nations. For instance, between 1966 and 1983 non-Marxist countries devoted an average of 4.26 percent of their gross national product to the military; the burden in communist nations was more than 50 percent higher, 6.97 percent.

The disparity between some pairs of antagonists is even greater. The Soviet military receives 16.9 percent of that nation's GNP, compared to just 6.5 percent for the U.S. military. North Korea's arms burden is more than twice that of South Korea, 12.2 percent vs. 4.9 percent.

China devotes 13.3 percent of its GNP to the military; India's share is only 3.1 percent. The military consumed 16.9 percent of non-communist South Vietnam's GNP while communist Vietnam now spends 22.1 percent of its resources on arms.

Similarly, the average proportion of the population in the military is higher in communist states, 1.3 percent, than in non-communist ones, .8 percent. The Soviets have a larger proportion of their population under arms than does the United States, 1.6 percent compared to 1.2 percent.

The respective shares for North and South Korea are 3.3 percent and 1.7 percent. China has armed .4 percent of its population, while .3 percent of India's people are in uniform.

Countries that undergo a Marxist revolution usually dramatically expand their militaries. In Afghanistan, Angola, Ethiopia, Guinea-Bissau and Nicaragua arms spending has increased sharply under communist governments. The proportion of men under arms usually jumps as well.

Nicaragua is a particularly good example of communism's militarist tendencies. Anastasio Somoza's regime, though under siege from the Sandinistas, devoted just 1.9 percent of its GNP to the military and had only .3 percent of its population under arms. Those figures are now 7.6 percent and 1.4 percent, respectively.

Finally, though the democratic Western industrial nations have a higher level of technological development, communist regimes devote a greater proportion of their nations' capital stocks to the military. For instance, Marxist regimes have more jets and tanks compared to GNP, cars, and telephones. Specific pairings of nations—United States vs. Soviet Union, China vs. India, and North Korea vs. South Korea, among others—show a similar communist bias toward the military.

Why does Marxism militarize any society that it touches? One reason suggested by Mr. Zycher is that the "opportunity cost" of military expenditures is less in a communist nation, since their economies are so inefficient. In short, an additional dollar invested in the civilian economy will bring less of a return under Marxism than in a capitalist democracy.

However, a more important factor observed by Mr. Zycher is the very nature of communism. Without elections or economic development to generate internal support, Marxist regimes must rely more heavily on arms to stay in power. Moreover, military might is seen as a useful instrument to enforce "historical processes" through external subversion and aggression.

The foreign policy of the United States can rightly be faulted on a number of grounds—needlessly subsidizing wealthy democratic allies and wrongfully supporting thuggish autocratic states, for example. But Mr. Zycher's research demonstrates a fundamental difference between democratic Western states and communist nations that should impress even the left: the inherent militarism of communism.

(Doug Bandow, a senior fellow at the Cato Institute, is a nationally syndicated columnist.)

IN SUPPORT OF A FEDERAL PROGRAM TO ASSIST STATES IN RESPONDING TO THE THREAT POSED BY EXPOSURE TO RADON

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. RITTER. Mr. Speaker, yesterday the Committee on Energy and Commerce favorably reported H.R. 2837, an amendment to the Toxic Substances Control Act, to assist States in responding to the threat to human health posed by exposure to radon. I would like to commend my colleagues Mr. LUKEN, as well as Mr. WHITTAKER and the members of the Subcommittee on Transportation, Tourism, and Hazardous Materials for the bipartisan spirit in which this legislation was developed.

The bill is of particular importance to me since exposure to radon is a real concern for my constituents. High levels of radon have been found in the Lehigh Valley of Pennsylvania creating both anxiety and confusion.

This bill, of which I am an original cosponsor, is a first step in providing the public with what is needed to adequately address this problem. I believe the citizens of this country will best be served by a Federal program that puts the technical expertise and the financial resources in the hands of State and local officials where exposures unique to an area and the individual needs of a community can be identified and acted upon. I commend Mr. LUKEN and the members of his subcommittee for submitting a bill that puts the Federal role for radon abatement in the proper perspective.

Although this bill will provide the necessary technical and financial resources to the States, our efforts should not stop here. I firmly believe that the Federal Government and the scientific community should continue to update the risk assessment figures that we are currently using. The full extent of the problem is not yet assessed and dose-response levels are still undetermined. Knowledge about radon exposure and its health effects seems to be evolving by trial and error. All we know for certain is that prolonged exposure to high levels of radon can cause lung cancer. This conclusion is based on two occupational mining studies that are 30 to 40 years old. We are not exposed to the levels that miners were in the 1950's. We are exposed to radon in our homes and schools at levels considerably lower than those documented in the mining studies. What is the relationship between the occupational exposures and those that we are recording in our homes? Do we have enough data to adequately characterize risk from low dose exposure? I don't know. We don't know but we need to find out!

I am not suggesting these past studies are invalid or that we shouldn't use them to characterize the risk from radon—they are all we've got. I am suggesting, however, that we take a serious look at and build on the new data being developed by the EPA (under section 403 of SARA), the study recently released by the National Research Council and the work being done in Pennsylvania which will contribute to our understanding of the health risks associated with radon exposure in homes—and then decide if a course correction in our program is required.

With safety uppermost in our minds, we cannot wait for these studies to be completed before we go forward with this legislation. That is not an option. Today we must proceed with this legislation and begin to provide the American public with the protection from radon exposure that is needed.

MARC AND EILEEN NASRALLAH

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mrs. BENTLEY. Mr. Speaker, did you know that automobile accidents claim thousands of lives each year? Of course you do—that's old news. Did you know that auto accidents are the principal cause of death among people under 24 years of age? I'm sure that you are aware of this as well. Statistics have consistently proven these facts to be correct.

Statistics, however, can lie. When I use this word I don't mean that they misrepresent the facts or alter the truth. What I mean is that sometimes they can oversimplify things. Yes, it is true that thousands die each year in car wrecks, and of these a hefty percentage are young people. However, there is no way that these cold facts can describe the horror, anguish, grief, and pain that are the result of one automobile mishap. The story behind each automobile wreck, whether there are 1 or 50,000 deaths in a year, is an original tale, one which has little to do with graphs or numbers on a printed page.

I was unfortunately reminded of these facts recently after two of my constituents, a mother and her young son, lost their lives in a horrible accident on August 5. Mrs. Eileen Nasrallah and her 13-year-old son Marc were killed after a dump truck which had apparently undergone brake failure flew through a traffic light and flipped on top of their automobile. The car exploded into flames, preventing rescue workers from even getting close to the trapped victims.

Both mother and son were widely respected and adored by all those whose lives they touched. In fact, there are hundreds of people in my district who could better eulogize them then I. However, that is not my sole purpose here. I want people to think about these two souls and to remember them the next time they read statistics in the paper or hear them on TV. If the fact that two people could die through no fault of their own in a traffic mishap and leave an empty void in the hearts of all who knew and loved them can convince one unsafe driver to drive safely, more lives may be spared. Statistics have always indicated this problem, yet they have not caused many careless people to change their ways. Perhaps a human story might be more successful to this end then a list of numbers.

Eileen Nasrallah was a deeply religious woman who studied the Bible with zeal and enthusiasm. She held Bible classes in her home and was always willing to give advice to troubled friends. On the day after her death her husband found a letter she had written to one of her Bible classmates. In it she said that, "Life on Earth is very brief compared to the afterlife," and that she looked forward to the day in which she could rejoice with God in Heaven. Perhaps God looked forward to that day as much as she did.

Marc Nasrallah loved nature and hummingbirds. He sang in St. Paul's Choir of Men and Boys and was head chorister as well. He was an honest, easy-going boy who got along with everyone. He had not accomplished all that he might have in his short life because he simply did not have enough time. The fact that he had the ability to be a success is a fact disputed by no one.

Their funeral was attended by hundreds of people whose lives had been brightened for having known Marc and Eileen. They cried and hugged one another and tried to give back to the Nasrallahs a small piece of what had been given to them. Their lives will certainly shine a bit less brightly than they did when Marc and Eileen were here, yet those lives will certainly shine more brightly than they would have if they had never been their friends.

Marc and Eileen Nasrallah left behind a legacy of hope and love for their God. To forget what they lived for and to remember them merely as a pair of decimal places in some mathematical equation is to do their memories a grave injustice. After all, to forget how someone lived is the same as asking ourselves why should we mourn when they die. Indeed the story of a forgotten life or a neglected memory is the saddest tale that anyone can tell.

I know, however, that Marc and Eileen Nasrallah won't be forgotten.

A TRIBUTE TO THE SACRED HEART ACADEMY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SCHUETTE. Mr. Speaker, I rise today to congratulate the Sacred Heart Academy of Mount Pleasant, MI, as they enter their 100th year of instruction this month.

The long and distinguished history of the academy dates back to 1870, when a small group of Irish Catholic families migrated to central Michigan from Canada. As they settled in Mount Pleasant and found work, they soon felt the need for a parish to care for their communities spiritual needs. In the meantime, some of these devout families met together in their homes for prayer on Sunday afternoons.

Later that year, priests from nearby Saginaw Valley began making occasional visits to Mount Pleasant. In 1872, 3 acres in southwest Mount Pleasant were donated to the Detroit Diocese for the purpose of constructing a church. By 1875, enough money had been raised for actual construction, and work soon commenced.

In 1879 the church was completed and Father John J. McCarthy became it first resident priest. By 1888, the congregation had outgrown the first church and work began on a new building. At the same time, planning began for a Catholic school which would occupy the old church building.

In 1889, the Church of Most Sacred Heart of Jesus was officially opened. On August 30 of that same year, the Sacred Heart Academy began instruction. Over the course of the past 99 years, the academy has been enlarged several times to meet the needs of its steadily growing enrollment. Today the school accommodates nearly 1,000 students with a curriculum that includes both elementary and high school coursework.

Such rapid expansion has been possible only with the dedication, commitment, and generous spiritual and financial contributions of the members of the Sacred Heart Church. The same spirit of faith and commitment of those early Irish Catholic settlers lives on today in the hearts of the current Sacred Heart members. They are proof that the church and school reside on a foundation much stronger than just stone and mortar; that foundation is the spirit and dedication of the congregation.

Mr. Speaker, I ask my colleagues to join me today in extending heartfelt congratulations to the people of the Sacred Heart Academy as it begins its 100th year of instruction and service to the community. I wish them much success and prosperity this year, and in the many years that will follow.

LANE AND DORA GRAVES—OUTSTANDING SENIOR CITIZENS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today, I wish to bring to the attention of my colleagues in the Congress the particular efforts of Lane and Dora Graves of Vinton County, OH.

Because of their willingness to give of their time and energy to the people of their community, Lane and Dora Graves have been nominated by the Vinton County Senior Citizens Center for the 1988 Outstanding Senior Citizens Award.

Lane and Dora have worked diligently for the senior citizens center and its patrons. They have served as volunteers for the center for several years. Lane and Dora have always provided the essential organizational support to ensure the success of the center's efforts and local activities.

Mr. Speaker, I am sure that Lane and Dora's family and all of their many friends are proud of their outstanding achievements. It is indeed a privilege for me to extend my heartfelt best wishes to them for this special recognition. It is my sincere hope that Lane and Dora will continue to share their good spirits with the people of Scioto County, and we wish them every success in their endeavors.

THE DEATH PENALTY LOTTERY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HOYER. Mr. Speaker, when the House takes up the omnibus drug bill after the recess, we will be voting on the question of the death penalty. As my colleagues continue to consider this important question, I would like bring to their attention an editorial, written in 1985 by our colleague Congressman JOHN CONYERS of Michigan, which appeared in the New York Times.

The editorial raises a number of excellent points regarding the arbitrary and freakish application of the death penalty. I urge my colleagues to give his comments serious thought and consideration.

The article follows:

[From the New York Times, July 1, 1985]

THE DEATH PENALTY LOTTERY

(By John Conyers, Jr.)

WASHINGTON.—Thirteen years ago this week, the Supreme Court, in a landmark decision, declared unconstitutional the "arbitrary and freakish" application of the death penalty. But in Virginia last week the execution of Morris Odell Mason, a mentally impaired black man with an I.Q. of 66, was determined by a death penalty system tantamount to a lottery in which life-and-death decisions depend largely on race, income or just bad luck.

Perhaps the least understood feature of the death penalty is its selectivity. Of the more than 35,000 people imprisoned for murder, only 1,500—less than 3 percent—have been consigned to Death Row. Of the 20,000 homicides that may be committed this year, fewer than 150 people will be given the death sentence; of these, a much smaller fraction will be culled for the electric chair, gas chamber, firing squads or lethal injection.

The death penalty is determined largely by the countless vagaries of the criminal justice system; the inclinations and ambitions of the local prosecutor; the defendant's ability to pay for defense counsel; the skill or incompetence of the court-appointed defense attorney. Of the 37 states that use the death penalty, there are counties where juries almost always impose it, and counties where juries almost never do. There is a lengthy, unpredictable appeals process. Racial and economic discrimination are pervasive. The chances of being executed are from three to 10 times greater for killing a white person than a black person. And while date is yet to be collected on economic discrimination, more than 90 percent of those on Death Row could not afford to hire a lawyer at the time of their trial.

Most people, even the most ardent supporters of the death penalty, shudder at this freakishness in its application Advocates argue, however, that disparities could be eliminated if like cases were treated in a like manner—if some capital offenders are executed, they should all be executed. Such proposals are socially and economically unfeasible.

There are 20,000 criminal homicides committed annually. Are we prepared for the specter of more than 80 executions every day, including Sundays and holidays, as such a "fair" policy would dictate? I think not. Not even in 18th and 19th century England, when the "Bloody Code" contained more than 250 capital offenses, were that many executions performed.

It is also questionable whether we have the legal machinery to bring about such carnage. Studies of the proposed death penalty statute in New York indicate that it costs the state some $2 million (plus a large diversion of resources, time and talents) to successfully pursue a condemned person to death—many times more costly than imprisonment. How many laid-off police officers are worth one execution?

And as we begin to execute more and more defendants, the prospect of making the ultimate mistake becomes more certain. Michael L. Radelet, a criminologist at the University of Florida, already has identified more than 100 innocent individuals who were at one time condemned to die.

Decision-makers continue to hold up the electric chair as a symbol of their resolve to be "tough" on crime despite the total absence of persuasive evidence that it is a deterrent. Studies don't support deterrence, and states with no death penalty still generally have comparable or lower homicide rates. While the national homicide rate declined last year, it increased 5.1 percent in Florida, where the highest number of executions were performed.

Reliance on the death penalty is misleading and dangerous because it permits evasion of more fundamental, practical questions about violent crime: Why is the criminal homicide rate in America from two to 10 times greater than in Western European countries, where the death penalty has been abandoned? Why is there not more effective gun control? Why are there not more Federal and state resources devoted to law enforcement? Why is there no system whereby capital offenders must provide restitution to the victim's family and to society?

The death penalty is as impractical, arbitrary and discriminatory as ever and is likely to remain so.

HELPING TO EXPAND ACCESS TO LONG-TERM HEALTH CARE ACT OF 1988

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. BONKER. Mr. Speaker, it is with great pleasure that I am today introducing legislation to establish a new part C of the Medicare Program which will provide for a much-needed array of noninstitutional long-term care services for elderly and disabled Medicare beneficiaries.

The legislation, the Helping To Expand Access to Long-Term Health Care Act of 1988, or the Health Care Act, would provide a solid foundation upon which to base a truly comprehensive long-term care system for the elderly, as well as for other segments of our population who need long-term care including chronically ill and disabled children.

I am pleased to say that this measure is a companion to legislation introduced by Senator JOHN MELCHER, the distinguished chairman of the Senate Special Committee on Aging. Senator MELCHER and his able staff, particularly Chris Jennings, deserve a great deal of recognition for their fine efforts with this legislation.

Tomorrow afternoon, my friend and colleague, Representative MARY ROSE OAKAR, will join me in chairing a Seattle hearing of the Aging Committee's Subcommittee on Housing and Consumer Interests, which I chair. This hearing, entitled "Long-Term Home Care: An Issue for Families in Crisis," will draw from the breadth of experience and expertise available in Washington State on the issue of long-term care for the elderly and disabled.

MARY ROSE OAKAR and I will learn a great deal tomorrow about the problems in providing long-term care, particularly at home, to the chronically ill and disabled of all ages. In addition to learning about the problems, Washingtonians will provide us with fresh insights and constructive recommendations regarding long-term care. Their observations will help to provide thoughtful guidance to all of us in Congress as the debate intensifies over the shape of a national long-term care policy that is sure to be produced by the 101st Congress.

It is my hope that the legislation that I am offering today—the Health Care Act—will play a significant role in furthering that debate. I believe that the Health Care Act builds upon and complements the outstanding efforts to tackle long-term care that have already occurred during the 100th Congress. Most notable among these, of course, is H.R. 3436, the Pepper-Roybal legislation to provide for long-term home care for the elderly, disabled adults, and children. I am proud to have cosponsored H.R. 3436 and know that Senator PEPPER—who turns 88 next month—will continue to be a powerful voice behind establishing a long-term-care policy in the next Congress. Numerous congressional hearings have recently been held, or are planned, dealing with long-term care, and several major long-term care-related bills have been introduced. I hope that this bill and my subcommittee hearing tomorrow provide new insights and direction on this issue.

Before I outline the key features of the Health Care Act, Mr. Speaker, I wish to discuss two aspects of long-term care coverage that my bill does not include. First, it does not include a nursing home benefit—its focus is home and community-based long-term care. That is not to suggest, however, that we should not reform our approaches to financing nursing home stays. On the contrary, this is a crucial area of long-term care that must be overhauled. I speak from personal experience on this point. My father resides in a nursing home and I am well acquainted with the extraordinary cost and complexities associated with that level of care which is so necessary for many older Americans. A national policy for long-term care must address financing nursing home care. This is a major challenge, however, and I intend to work to actively seek a realistic proposal that I can support.

Second, my bill addresses elderly and disabled Medicare beneficiaries. It does not include disabled and chronically ill children. I am fully committed to assisting families coping with the economic and emotional traumas associated with caring for chronically ill or severely disabled children. In fact, my hearing tomorrow includes testimony from the family of a severely disabled 14-year-old that is struggling to care for him at home. I expect that our hearing and other efforts currently underway in Congress will enable us to find a revenue source to appropriately finance this badly needed care. I believe that Congress must tackle this aspect of long-term care policy, along with the needs of non-Medicare eligible disabled adults, with the same vigor and thoughtfulness that we approach long-term care coverage under Medicare.

Senator PEPPER has laid out the challenge for us concerning long-term care for Americans of all ages. The structure created to provide the services envisioned under the Health Care Act can easily be modified to address the needs of children and others who would benefit from home care services. My legislation would provide a solid foundation for doing just that.

Mr. Speaker, I would now like to touch upon several of the key features of the Health Care Act, this legislation will provide for a broad array of services to assist chronically ill and disabled Medicare beneficiaries, and, as importantly, their family members who provide, often at great cost—financial, physical, and emotional—support and care to their loved ones.

First, this bill will establish a new part C of Medicare to provide eligibility for those beneficiaries who require assistance with two or more activities of daily living [ADL's], such as bathing and toileting, as well as for those with cognitive impairments such as Alzheimer's or Parkinson's disease. These are very often the people who cannot obtain coverage for nursing home stays—even when they become impoverished and are Medicaid eligible. These are people for whom a nursing home stay is frequently inappropriate. Moreover, given the choice, these disabled older Americans, like us, would generally prefer to remain at home with their loved ones, in a comfortable and familiar environment.

Second, the services that would be available are designed to address the diverse and serious needs that beneficiaries and their families face if they are to remain at home. In addition to home care services, an adult day care and respite care benefit would be established to enable working caregivers—typically a wife or daughter—to assist their loved one at home during the evenings and weekends. The respite care benefit would provide essential relief so that the caregiver can take care of other business, such as grocery shopping, or just to take a badly needed break, or, as one of my witnesses tomorrow will testify, to get a few hours sleep. Without such services, the result is all too often premature or unnecessary placement in a nursing home or other 24-hour care setting.

Third, my legislation calls for State administration of the new part C program. States would be provided a framework for designing their program but must meet a specified minimum set of services. This would give States autonomy in providing this program in a way that meets their particular needs and circumstances.

A major feature of the Health Care Act is that it rewards States that have shown innovation in and commitment to developing home and community-based long-term care systems. No State would have to finance more than 25 percent of the cost of the new long-term care program. A State that is funding long-term care services above the 25-percent level would then spend those additional funds for other health care priorities, such as providing coverage for the uninsured or maternal and child health programs. My home State of Washington has been a leader in this area, having invested substantial resources in developing their long-term care system and I am pleased to say that Washington will gain much-needed financial assistance and flexibility in meeting its health care needs.

Fourth, this new program would be financed by the combination of removing the current cap on the Medicare payroll tax, and beneficiary copayments. Therefore, the costs are shared by the general working population and by those who use the services. Home care services would be provided at a $5 per visit copayment and adult day care would be provided for up to 125 days of care per year with a $5 per day copayment. Those beneficiaries whose income is at or below 200 percent of the poverty level, however, would not be responsible for copayments for home and adult day care services. Revenue collected would be placed into a new "Federal Long-Term Care Assistance Trust Fund," designated as part C of the Medicare Program.

Fifth, a case management system would be used to ensure that beneficiaries receive the appropriate levels of care. Moreover, the case managers would be objective in that they could either be providers of services or have a proprietary interest in providing long-term care services.

Sixth, this legislation addresses the crucial issue of quality assurance. For example, the quality assurance provisions in place for Medicare home health agencies, refined under OBRA 87, would now apply to all entities providing noninstitutional services under this program. Also, States failing to comply with quality standards would face an increased share-of-cost for the program.

And finally, Mr. Speaker, this program would recognize the need for States to set up the necessary administrative structures prior to full implementation. Funds collected through elimination of the payroll tax cap would be used to not only build up reserves for financing the new benefits, but to provide startup costs to all 50 States. In 1989, the Secretary could distribute up to $1 billion, but not less than $0.5 billion, to assist all States in gearing up for this program.

Mr. Speaker, I believe this is an important piece of legislation. It is well-crafted and recognizes the innovation and the practical experience in designing and implementing home and community-based long-term care services that is taking place in the States. Moreover, the Health Care Act reflects what the public wants. As a recent poll by Louis Harris and other major polls have demonstrated, the American public, by an overwhelming majority, believes we need to meet the long-term care needs of Americans and that Government must provide the leadership for this. Most Americans prefer to remain at home as long as they can—this legislation will help to make this a realistic option for Medicare beneficiaries.

We are clearly on our way to establishing a National policy for long-term care. This legislation provides a realistic approach to setting that policy and forming a foundation upon which to add nursing home care coverage reform and to meet the long-term care needs of children and others. I strongly urge my colleagues to join me as cosponsors of the Health Care Act as we gear up for our efforts in the 101st Congress to provide relief to American families for the catastrophic costs and trauma of chronic illness and severe disabilities.

THE PANAMA CANAL DEAL, PLUS 10

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CRANE. Mr. Speaker, I rise today to call to the attention of my colleagues an article written by Phyllis Schlafly, entitled, "The Panama Canal Deal, Plus 10."

As each year passes, it becomes evident that the Panama Canal Treaties of 1977 should never have been ratified by the Senate in 1978. Each Senator, among them LLOYD BENTSEN, who voted to ratify the treaty must deeply regret their unpopular vote on this controversial topic.

The United States never had to give back our canal to Panama as the country never had any claim whatsoever to the territory. The 1903 treaty gave the United States exclusive use, occupation, and control of the Canal Zone. Most importantly, this grant of sovereignty was given to us in perpetuity; it was not leased nor rented.

Supporters of the treaty's ratification argued that the canal would lose its strategic importance both militarily and economically. The conditions that existed and were predicted 10 years ago which prompted the treaty have never occurred. Shipping on the canal has increased rather than decreased. Instead of becoming obsolete, the canal has never been more of an integral part of our economy and military operations.

A decade later, what remains of the folly of 1978 is a foreign policy disaster. A treaty which was thought would ingratiate the United States with Panama and the rest of Latin America has failed miserably, and consequently, our relations with Panama and General Noriega have never been worse.

My colleagues, "The Panama Canal Deal, Plus 10," from the Washington Times is yet another article on Panama which will further support my proposal, House Concurrent Resolution 354, to express a sense of Congress to abrogate the Panama Treaties. Now is the time to rectify a situation which has been degenerating since ratification by abolishing the Panama Canal Treaties of 1977.

[From the Washington Times, Aug. 8, 1988]

THE PANAMA CANAL DEAL, PLUS 10

(By Phyllis Schlafly)

Lloyd Bentsen has a skeleton in his political closet that is much worse than his disagreements with Michael Dukakis on social and defense issues. Mr. Bentsen is one of a handful of senators still in office who voted in 1978 to give away the U.S. canal in Panama.

Other issue positions can be fuzzied up. Politicans can change their minds, or express regret for earlier mistakes. But giving away the Panama Canal is one controversial Senate vote that is carved in granite; time can never erase the black mark on every senator who partricipated in that shameful deal.

With the U.S.-Panama Treaty signed by President Jimmy Carter on Sept. 7, 1977, and ratified by the Senate by one vote on April 18, 1978, the United States agreed to turn over our canal to Panama in the year 1999. That decision was vastly unpopular then, and it has been proven tragically wrong by subsequent events.

The Panamanian dictator to whom the Senate gave our canal was cut from the same cloth as today's bad man, Gen. Manuel Noriega. Omar Torrijos seized power in 1968, threw out his own constitution, and then compiled the worst record on human rights in all Latin America. According to Freedom House, Panama was then specifically rates as "NF," which stands for "Not a Free Country." The anti-American, procommunist, drug-peddling Torrijos handpicked Gen. Noriega as his successor.

In the 1970s, many Americans were falsely led to believe that we should have some kind of guilt complex about owning the canal and that we should "give back" our canal to Panama in order to guarantee good relations with Panama and Latin America.

In truth, Panama had no claim whatsoever to the canal; the U.S. taxpayers bought, built and generously paid for the canal to the tune of $7 billion. Since we gave Panama our canal, our relationship has sunk to the lowest level in history.

Under the terms of a 1903 treaty, Panama granted us the exclusive use, occupation and control of the Canal Zone and all rights, power and authority as if we were sovereign "to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." The length of this grant of sovereignty to us was "in perpetuity"; those words "in perpetuity" appear seven times in the 1903 treaty.

Panama did not lease us the zone. The term "grant" was used 14 times in the treaty; the term "rent" or "lease" does not appear even once.

All we received was a little piece of land, 10 miles wide by 50 miles long, pest-ridden, mosquito-infested and uninhabitable. No one in the history of the world ever was so greatly enriched for such a then-worthless piece of real estate.

First, the Panamanians got our guarantee of their independence. Panama had unsuccessfully revolted 50 times against Colombia during the preceding 70 years. By the 1903 treaty, the powerful United States pledged to guarantee the independence of this little country.

Second, Panama got the promise that we would build our canal in Panama instead of Nicaragua, which is closer to our country, has a more favorable climate, and has better geographic conditions.

Third, Panama got more cash than we paid for any land in all our history; more, for example, than we paid for Alaska.

Fourth, we cleaned up Panama. We spent two years wiping out malaria, yellow fever and the rats that carried the bubonic plague. We made it a healthful place to live. Finally, we poured in a tremendous investment which gave Panama the highest standard of living in Central America and the fourth-highest in Latin America.

All the talk we hear about moving toward "democracy" in Panama is ridiculous. In the 74 years preceding the canal giveaway treaty in 1978, Panama had 59 chiefs of state. Since World War II, Panama has had 13 changes of government, five of them violent.

The polls showed that 80 percent of Americans opposed the canal giveaway. So why did the Senate do it? The big push came from the 10 largest banks that had loaned a total of $2.9 billion to Panama. The Torrijos regime was broke and its credit was gone, so the banks didn't have a chance of collecting their bad loans unless Panama somehow got access to the tolls from the canal.

Now, 10 years later, our canal is hostage to another anti-American, pro-communist, drug-peddling dictator. It was all so predictable.

Lloyd Bentsen and the other senators who voted for this giveaway either have no competence in foreign affairs, or they were patsies for the 10 biggest banks that wanted to protect their bad loans at the expense of U.S. security and the wishes of the American people.

Either way, Mr. Bentsen is an embarrassment to the Democratic ticket.

STARLEY GUSTIN—OUTSTANDING SENIOR CITIZEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today, I wish to bring to the attention of my colleagues in the Congress the particular efforts of Starley Gustin of West Union, OH.

Because of his willingness to give of his time and energy to the people of his community, Starley Gustin has been selected by the Adams County Senior Citizens Council for the 1988 Outstanding Senior Citizen Award.

Starley has worked diligently for the Senior Citizens Center and its patrons. He has served 12 years as a local school board member and 16 years as an Adams County Commissioner. Additionally, Starley was instrumental in the organization of the Adams County Senior Citizens Council. During his tenure in public office, the commissioners built and designated five community buildings which has supplied the much-needed space for senior citizens and others. Moreover, he has always provided the essential organizational support to ensure the success of the center's efforts and local activities.

Mr. Speaker, I am sure that Starley's wife, Mary, and his children, Dennis, Beverly, and Elaine, and all of his many friends are proud of Starley's achievements. It is indeed a privilege for me to extend my heartfelt best wishes to Starley and his family for this special recognition. It is my sincere hope that he will continue to share his good spirits with the people of Adams County, and we wish him every success in his endeavors.

HAL FREEMAN—A LEGACY OF HONOR AND PRINCIPLE IN THE BATTLE FOR CIVIL RIGHTS IN AMERICA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DYMALLY. Mr. Speaker, I wish to speak today about the passing of a fine American and a courageous civil servant, Hal Freeman, the former HHS regional manager who succumbed on Saturday, July 30, 1988. Hal Freeman was a man of deep principle who served with honor and distinction in the Federal service having resigned in 1986 when he was unable to persuade his Director of the urgency and need to prepare the Department of Health and Human Services to address high probability of resultant discrimination from the ravaging AIDS epidemic—then in its fifth year of a public health crisis.

I can remember his steady, unemotional testimony before a committee in Congress, and I was deeply impressed with Mr. Freeman's commitment to civil rights enforcement and of doing what was right in his mind. He had written a factual yet moving letter of resignation framing the issues of discrimination clearly falling on these new victims of hysteria and fear—individuals with AIDS or those who may be have been infected with the HIV. Together with his professional commitment to civil rights and his 20 years of arduous service to his Government, Hal Freeman contributed much to all of us whether we were blacks who were denied hospital services; the disabled unable to secure physical access to buildings or to programs; or to those of us who were language minorities unable to learn without support services. Hal Freeman had indeed fought the good battles, developed and challenged a dedicated civil rights staff, and worked in the trenches to beat down the doors of bigotry, ignorance, and even benign neglect.

While the illustrious figures of Martin Luther King and other prominent public figures of the civil rights movement may well be known to all of us, the day-to-day substance of implementing civil rights surely lie with the Hal Freemans of our world. It is his lifelong contributions to making America live up to its principles and laboring in the vineyards of civil rights that we salute Hal Freeman for helping each of us realize those principles of equality and equitable treatment, and who thereby enlargened our humanity. Mr. Speaker, with your permission, I wish to insert into the RECORD my words spoken 2 years ago as well as the letter of resignation of Hal Freeman which follow below:

[From the Congressional Record, Aug. 6, 1986]

STATEMENT IN PRAISE OF HAL FREEMAN, FORMER REGIONAL MANAGER FOR THE OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, SAN FRANCISCO REGIONAL OFFICE

Mr. DYMALLY. Mr. Speaker, earlier this year, an obscure article appeared in the Washington Post on Saturday, February 23, 1986, announcing the resignation of the Department of Health and Human Services' Regional Manager of the Office of Civil Rights. Ordinarily, such an event would not have aroused public interest, however, the circumstances of this resignation, and the principles enuciated in the accompanying letter of resignation have raised this public act to one of profound implication, not only because it would impact on the public discussion concerning the protection of all Americans who may become victims of AIDS or who may contract this deadly virus and have to fight for their lives, but also because ensuing public concern would focus on enforcement of our civil rights laws. Mr. Speaker, I am publishing this moving letter of resignation of Hal Freeman because it eloquently speaks about this courageous civil servant who dared to fight to change the system from within and who resigned on principle when he failed to move his Director. I am certain that when Members read this letter, they will surely join with me in public praise of this young man of conscience and conviction.

Now about Hal Freeman: Born in Oklahoma City in 1936, Hal Freeman has had a distinguished career in public service. Having graduated from Northwestern University in Evanston, IL with a B.S. in sociology in 1957, Mr. Freeman earned a masters degree in clinical psychology in 1984 in broadening his education. Hal served with the Chicago Commission on Human Relations rising to become its director of Housing and Community Services by 1962. Then in 1968 he came to the Department of Health and Human Services' Office for Civil Rights, where he became director after over 18 years of dedicated service at the San Francisco regional office. He has had a most accomplished period of civil rights advocacy from 1968 to 1986.

Hal Freeman is an articulate and excellent individual who is also a compassionate and caring person. He has exemplified multiple skills and expertise in developing high standards for the regional office and has pursued excellence and high achievement throughout his Federal service career. In his services to his community, he has been a volunteer of good works; he served as a counselor at the Pacific Center for Human Rights Advocates and National Gay Growth; as a member of the National Gay Task Force, as well as a member of the American Civil Liberties Union and the Sierra Club and NAACP.

Mr. Speaker, I am proud to have a Californian of his high principles of conscience and the patience of his discipline come before our committee of Congress to express his thoughtful observations and experience in the conduct of civil rights enforcement in our Nation today. I commend to all Members reading of Hal Freemen's letter which follows below:

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
San Francisco, CA, February 20, 1986.

Ms. BETTY LOU DOTSON,
Director, U.S. Department of Health and Human Services, Washington, DC.

DEAR MS. DOTSON: This letter is to confirm my resignation as Regional Manager of the Office for Civil Rights (OCR), Region IX, in protest over current OCR policy regarding discrimination against persons with AIDS, AIDS-related conditions, or persons who are perceived as having such a condition.

As you know, during four telephone conversations with you on February 7, 14, and 20, 1986, I discussed my objections to OCR policy, and I informed you on February 7th that I wanted to resign since I was unable to follow that policy in good conscience. On February 20th, after attempting to dissuade me from resigning, you finally accepted my resignation.

My objections to OCR policy regarding AIDS cases fall into the following five areas:

1. Whether persons with AIDS and AIDS-related conditions are considered "handicapped" within the meaning of Section 504.

Both the statute and our Department regulation define "handicapped person", in part, as "any person who has a physical or mental impairment which substantially limits one or more major life activities . . ." The regulation defines "physical impairment" as "any physiological disorder or condition . . ." "Major life activities" are "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working." Appendix A. Analysis of Final Regulation, states that the definition of handicapped person "does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of any such list."

Anyone diagnosed with AIDS, according to the Centers for Disease Control, has both a life-threatening curtailment of the immune system and an opportunistic infection such as Karposi's sarcoma, a skin cancer, or pneumocistis carinil pneumonia, medical disorders which clearly "substantially limit a major life activity." Therefore, it is inconceivable that someone with AIDS would not be considered "handicapped" within the meaning of Section 504. Moreover, Social Security Administration, a part of our Department, has ruled that AIDS is a disability, entitling AIDS patients to SSI disability benefits.

In the case of persons with AIDS-related conditions, OCR could state with certainty that any such condition that substantially limited a person's ability to perform a major life activity would be considered "handicapped" within the meaning of Section 504.

In our discussion of February 7, 1986, you insisted that we cannot consider persons with AIDS or AIDS-related conditions to be "handicapped" within the meaning of Section 504 because, unlike other medical conditions, we have "no track record" with AIDS. You further informed me that you have referred this issue to the Office of the General Counsel for a legal opinion and that, until one is developed, we are unable to advise anyone of our position with regard to the coverage of AIDS under Section 504.

Although it is true that we have no "track record" with AIDS cases, we have, since OCR began enforcement of Section 504 in 1977, a long history of considering various diseases and injuries, both temporary and permanent, as handicapping conditions. For example, complainants with allergies, sprained ankles, and even contagious diseases such as staph infections and Hansen's Disease (leprosy) have been found to be handicapped within the meaning of Section 504. Moreover, in 1985, the 11th Circuit found tuberculosis to be a handicapping condition under Section 504.

In our discussion on February 15th, attempting to demonstrate how impossible it would be to say that AIDS patients are handicapped persons, you referred to a news story that day about a school system that had readmitted a child with AIDS. You said "How could that child be handicapped if he was able to return to school." As I indicated to you on the phone, a child with diabetes or a mobility impairment who was able to attend school would still be considered "handicapped."

One of the points that you made with me on February 7th was that we could not say that every AIDS case would be covered by Section 504. You stated, "In OCR the complaint is always from the viewpoint of the eyes of the beholder" and that "we deal with each case within the four corners of what the case is." I certainly agree, as I stated to you. We must consider other factors in addition to a person's physical condition before assuming jurisdiction over any case, including one involving AIDS. It would be neither legally correct nor appropriate for OCR to say that all AIDS cases are covered by Section 504 or that all AIDS patients are "handicapped". But for OCR to carry out its legal mandate properly, we should admit that AIDS and AIDS-related conditions are physical handicaps covered by Section 504 and, depending on the circumstances of the particular case, OCR may or may not have jurisdiction or find that the law was violated. The burden is on OCR, however, to inform recipients, complainants and the general public that Section 504 may apply in an AIDS case. This issue is being discussed widely in law journals, such as the Spring 1985 issue of the University of Dayton Law Review, which was circulated within OCR in October 1985 by the Regional Manager in Region II. It is ludicrous for us still to be debating whether AIDS patients are "handicapped" or if Section 504 covers persons with AIDS; rather, we should move on to the more difficult question as to how we will decide if a person with AIDS is a "qualified handicapped person" within the meaning of Section 504 and other more complicated issues. To accomplish this, we should coordinate with two components of our Department, the Centers for Disease Control and the Public Health Service, both of which have issued guidelines and instructions regarding AIDS, including guidelines for health workers who treat AIDS patients.

2. Whether Section 504 of the Rehabilitation Act of 1973 applies to persons with AIDS or AIDS-related conditions.

Since anyone with AIDS or an AIDS-related condition unquestionably is physically handicapped (as discussed above), there is no question that Section 504 applies to them and protects them from certain forms of discrimination.

Over the years, OCR has cited numerous medical conditions, such as heart disease, cancer, diabetes, etc., that would cause a person to be considered "handicapped" within the meaning of Section 504 and therefore eligible for its protection. However, you told me on February 7th that OCR cannot say that Section 504 covers persons with AIDS or AIDS-related conditions. When I questioned you about this, you stated, "There is no reason to gratuitously come out and make an unqualified statement that all AIDS cases are covered under Section 504 because, in fact, they are not." I readily agreed and still agree with you that not all AIDS cases would be covered by Section 504, but AIDS, as a handicapping condition, would be covered, and for us to refuse to provide that information to the public is to fail our responsibility as a civil rights law enforcement agency and to fail to help establish national policy in this important new area.

3. Whether a person who is treated as if he/she had AIDS is covered by Section 504.

In December, 1985, OCR, Region IX, received a complaint from a person without AIDS who alleged that he was being harassed by co-workers who treated him as if he had AIDS. Your office stated 1) that this complaint did not fall under Section 504 since the complainant did not actually have AIDs and therefore could not be considered handicapped, and 2) the complainant probably was being harassed because he is homosexual. Your first argument does not take into account that one of the statutory and regulatory definitions of "handicapped person" is "any person . . . who is regarded as having such a (physical) impairment", meaning persons who have no physical or mental impairment but are treated by a recipient of Federal funds as if they are handicapped.

The allegation in the complaint cited above certainly feel within this definition of "handicapped person", but your office insisted incorrectly that a person must be at least "a little bit handicapped" to be "regarded as" handicapped. Moreover, before conducting an investigation, OCR should never impute motives to the alleged wrongdoers (such as assuming they are harassing the complainant because of his homosexuality rather than their perception of him as a person with AIDS) without conducting OCR's obligatory investigation.

A large number of persons in groups that are at high risk for contracting AIDS are being subjected to discrimination because they are thought to have AIDS or be "carriers" of AIDS. Alleged discrimination against people regarded as having AIDS should be investigated under the provisions of Section 504, contrary to the policy of your office.

4. What should be the process and timing of developing OCR's policy on AIDS?

In our discussion of February 7th, the only action that you cited towards development of OCR, policy regarding AIDS cases was your referral of the matter to the Office of the General Counsel for a legal opinion. Further, you said you did not know how long it would take for the policy to be issued.

This is in contrast to the "Baby Doe" activity which OCR was involved in a couple of years ago. Within weeks of the famous "Baby Doe" case in Indiana, and the President's mention of it in a press conference. OCR declared "handicapped infants" to be "handicapped" within the meaning of Section 504: developed politices and procedures immediately to apply to this new application of Section 504: held national meetings in a timely manner to train OCR staff, prepared manuals and other explanatory materials for distribution to all OCR staff; sent notification to all hospitals regarding their responsibility to comply with Section 504 requirements concerning handicapped infants; advertised and maintained a 24-hour hotline for the filing of complaints; arranged for onsite investigations to occur within 24 hours of the receipt of any complaint; etc.

Some of these actions were necessitated by the emergency nature of complaints of discrimination against handicapped infants. However, some of these procedures would also be appropriate in some instances of discriminatory medical treatment against AIDS patients. For example, on two occasions, the Mayor of San Francisco has accused other communities of "dumping" its AIDS cases on San Franscisco's county hospital. These patients were in a seriously debilitated state and required emergency treatment upon arrival at San Francisco General Hospital.

These two cases also illustrate that discrimination against AIDS patients, both in terms of services as well as employment, is a real problem. The media frequently have described incidents of persons with AIDS and AIDS-related conditions losing their jobs, suffering other forms of employment discrimination, and being denied needed medical services. We are now five years into what the President calls the number one health crisis in America. OCR should have its policies and procedures developed on this issue and be ready to move promptly to handle complaints and provide information to the public on the consequences of illegal discrimination against persons with AIDS.

5. How OCR should carry out its technical assistance mandate with regard to AIDS.

One of the priorities of your administration has been called "preventive civil rights" or providing technical assistance to recipients and the public so as to achieve voluntary compliance with the statutes that are enforced by OCR. In fact, the only reference to OCR's work in the Department's FY 1987 Budget Statement is that we will continue to provide technical assistance so as "to encourage voluntary compliance by organizations receiving assistance from the Department, thereby avoiding or reducing the number of formal investigations or enforcement actions."

We are unable to carry out completely the mandate for technical assistance because your policy prevents our saying that a person with AIDS is considered handicapped. Recently, for example, we received a call from a nursing home chain urgently seeking advice about action it could take concerning an employee who they thought had AIDS; because we were unable to say anything, the recipient may inadvertently violate the law. If the question had concerned any other medical condition, we would have been able to answer it.

CONCLUSION

On February 7th, you agreed with me that the few complaints and inquiries that OCR has thus far received is "only the tip of the iceberg." You stated that "that is why we need to proceed so cautiously." I disagree. That is why we need to move ahead boldly and expeditiously to deal with an issue that legitimately falls under our jurisdiction.

I am concerned that the decision to move "cautiously" is politically motivated and stems, in part, from prejudice towards gay people and the concomitant erroneous assumption that AIDS is a gay disease. For example, one of your special assistants told me, in reference to the AIDS complaint in Region IX, that it was "not a priority" and "should not command our resources." I understand also that you stated in a meeting discussing the Region IX AIDS complaint that you did not want "to lend an aura of dignity" to these cases.

These statements reflect a lack of sensitivity and awareness, particularly since AIDS is affecting racial and ethnic minorities in disproportionately high numbers. You may not be aware that in the United States, roughly four out of every ten people with AIDS are non-white; 25% of Americans with AIDS are Black; nearly 15% are Hispanic.

As it appears to me that this agency will not willingly assume its proper responsibility for enforcing the law on this important issue, I cannot in good conscience remain silent. It is clear to me that OCR will dodge this issue as long as possible and try to avoid taking jurisdiction over any case involving AIDS. I fear that our direction in this area of civil rights will be similar to that in other areas; as far as I know, OCR has not found a recipient of HHS funds in violation of any civil rights law for the last four to five years.

In our discussions over the past month, I attempted to persuade you of the importance of fashioning an effective public response to the issue of AIDS discrimination under Section 504 in a timely manner. When you "ordered" me to follow your policies, I agreed to do so, as long as I remained in my position. When I informed you that you left me with no choice but to resign, you attempted to dissuade me from doing so and asked me to reconsider my decision. We failed in our attempts to convince each other, and I regret that. I am sorry to leave the organization I have served for 18 years, but since my greater allegiance is to my conscience and to my commitment to eliminate bigotry in all its forms, I am forced to resign as Regional Manager of Region IX. I wish you and all of OCR the best of success in your endeavors, and please call on me in the future if I can be of any assistance.

Sincerely,

HAL M. FREEMAN,
Regional Manager,
Office for Civil Rights, Region IX.

THE ANGOLA SETTLEMENT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. OWENS of New York. Mr. Speaker, recently there has been a good deal of diplomatic activity on the part of those governments involved in the violent struggle in southern Angola. Prospects for a negotiated settlement are improving, which could lead to a withdrawal of both Cuban and South African forces from the country and eventual independence for Namibia, the southwest African nation which South Africa rules illegally in defiance of United Nations Resolution 435 which calls for immediate withdrawal by South Africa, and free and fair elections for a new and indigenous government.

Since the Congress has allocated funds to support the Angola terrorist group, the National Union for the Total Independence of Angola [UNITA], we have a responsibility to monitor progress toward an overall peace settlement. I encourage my colleagues to read an article that I would like to insert in the CONGRESSIONAL RECORD, which analyzes development in the Angolan conflict. The article first appeared in the August 3 issue of the Washington Report on the Hemisphere, a biweekly publication of the Washington-based Council on Hemispheric Affairs [COHA], a policy and research organization. The author of the article is Alexander Bon, a reseach associate with COHA.

FRAMEWORK FOR ANGOLA SETTLEMENT ENDORSED

(By Alexander Bon)

Cuba, Angola and South Africa have ratified a framework of 14 principles for settling the 13-year-old war in Angola and ending of South Africa's occupation of Namibia and the presence of Cuban military forces in the region. The agreement accepts United Nations Resolution 435, which calls for the withdrawal of South African troops from the trust territory which they illegally occupy and for U.N.-supervised elections in that nation. Both Angola and South Africa have agreed "to cooperate with the [U.N.] Secretary General and with a view toward insuring independence of Namibia." The agreement also calls for "redeployment towards the north and the staged and total withdrawal of Cuban troops" from Angola.

On July 22-23, Angola, South Africa and Cuba met in Cape Verde to discuss military matters. The key question of the pace of mutual troop withdrawals will be tackled in future negotiating rounds, with the next session set for August 2 in Geneva.

The U.S.-armed and backed guerrilla group, the National Union for the Total Independence of Angola (UNITA), has not been a participant in the Washington-sponsored negotiations. A State Department spokesman said the White House will continue sending military aid to UNITA until an internal political compromise is reached which includes a role for UNITA and its leader, Jonas Savimbi. U.S. Assistant Secretary of State Chester A. Crocker, who is mediating the talks, urged Angola to open channels with Savimbi on the "separate but very important issue of national reconciliation."

UNITA is not covered by the agreement, which has prompted Savimbi to propose a form of cooperation with the Angolan government in which the present leaders of Angola would remain and Savimbi himself will not ask for a cabinet post.

UNITA's position has now become potentially vulnerable because South Africa's military support for Savimbi would have to terminate under the accord, leaving UNITA at the mercy of a better equipped and trained Angolan army.

At the most recent talks in New York, Cuba offered to withdraw its troops from the Namibian border 15 days after a U.N. peacekeeping force takes up positions there. Over the next 7 months, South Africa would pull out its troops from Namibia, and Cuba would then begin withdrawing its troops from Angola, pulling out 20,000 troops in two years, and the remainder over four years.

The reasons for the delayed Cuban pullout may be partially economic. To integrate 50,000 young men into the Cuban economy over a short period might pose insurmountable difficulties. However, analysts consulted by the Council on Hemispheric Affairs (COHA) said the prime reason behind Cuba's proposed slow rate of withdrawal is probably its mistrust of South Africa's intentions. Pretoria demanded that the Cuban pullout take place within the same 11-month period that was planned for its own withdrawal, and not over a period of four years. For this reason, a spokesman at the South African embassy said the present Angolan-Cuban plan is not acceptable.

South Africa has suffered a series of recent military setbacks in southern Angola and white South African casualties are mounting, prompting growing domestic criticism.

In May, Cuba sent an additional 13,000 troops to Angola, bringing the total number of its forces in that country to more than 50,000. Because of a string of recent victories by combined Angolan-Cuban forces, the military situation in Angola has changed in Havana's favor. Moreover, the setbacks suffered by the powerful South African army have enhanced Cuba's prestige in the region.

Although Reagan and Gorbachev declared at their Moscow summit that September 29, 1988—the tenth anniversary of the signing of U.N. Resolution 435—would be the target date for reaching a final agreement on the Angola-Namibias conflict, the Soviets do not appear to be pressuring the Cubans to withdraw their troops at a faster rate than Havana seems willing to do.

Future talks must address the difficult question of the timetable for the repatriation of both South African and Cuban troops. Nevertheless all parties involved are optimistic over the acceptance in New York of the basic principles underlying the withdrawal of foreign troops from Angola and the granting of independence to Namibia. This optimism portend a better atmosphere in which the two sides could jump whatever hurdles remain.

SOVIET JEWRY

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. WHEAT. Mr. Speaker, today I am honored to add my comments to those of a number of my colleagues who have expressed their concern about Soviet Jewry and the plight of Soviet refuseniks.

The small number of synagogues and the extremely limited availability of religious instruction within the Soviet Union underscore the fact that the needs of Jews simply are not being met under present conditions. Added to these structural problems are widespread reports of ongoing anti-Semitism in a wide variety of circles which constantly frustrate the desires and ambitions of Jewish people.

Many of my constituents have dedicated uncounted hours to provide assistance to persons of the Jewish faith who are unable to exercise the complete freedom of religious expression that we enjoy here in the United States. I have worked on behalf of several families myself and was pleased to be able to meet with Vladimir and Izolda Tufeld in Moscow in August of 1987. The Tufelds, longtime refuseniks, have a number of friends and supporters in my district in Kansas City and were very appreciative of the assistance that I was able to offer them.

During this trip I also had the opportunity to meet with First Deputy Chairman Pyotr N. Demichev, the head of Soviet emigration policy. During our conversation I stressed my strong interest in the plight of refuseniks and tried to impress upon Mr. Demichev the idea that this was a concern widely shared by many of my colleagues and millions of Americans.

In addition to the tragedy of unfulfilled religious desires is the distress that goes along with the widespread separation of families who try to emigrate. All of us have heard of the intense personal sacrifices that so many families have suffered through as part of the process of attempting to leave the Soviet Union.

Recent Soviet emigration statistics indicate an improvement in the treatment of Soviet Jews. An improvement in diplomatic relations between the United States and the Soviet Union, as well as between the Soviet Union and Israel, provides reason for optimism that conditions will continue to improve for Soviet Jews. But while there have been some improvements, far fewer Soviet Jews are allowed to emigrate today than during the peak emigration years in the late 1970's. Until full religious freedoms are granted to Soviet individuals regardless of their faith, we must continue to exert pressure on the Soviet Government for further progress on this issue.

In closing, Mr. Speaker, I would like to commend the cochairs of this year's Congressional Call to Conscience Vigil for Soviet Jews, Congresswoman CARDISS COLLINS and Congressman JOHN MILLER, for their leadership and hard work in helping to maintain the necessary high level of exposure for this issue. I would also like to thank the Union of Councils for Soviet Jews for their untiring efforts for continued progress in this area. It is only through our persistent efforts to assure religious freedom for Soviet Jews that we can continue to make progress on this important issue.

THE NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. MYERS of Indiana. Mr. Speaker, I am glad that the House of Representatives has passed H.R. 4478, the Deceptive Mailings Prevention Act of 1988. This legislation is urgently needed.

Dozens of groups and organizations have been formed with the sole intent of deceiving American citizens into making monetary contributions. Most of these groups have official-sounding names such as the "Social Security Protection Bureau," the "National Committee to Preserve Social Security and Medicare," the "Federal Social Security Center," and the "Federal Record Service Corp." These types of groups unduly alarm people with misleading and false statements.

Coincidentally, since passage of this legislation, several of my Hoosier constituents have contacted my office regarding mailings they have received from the National Committee to Preserve Social Security and Medicare.

The National Committee to Preserve Social Security and Medicare continues to seek out senior citizens and requests a $10 contribution based upon false and misleading statements contained in their numerous mailings. The national committee has a long history of misleading senior citizens into making monetary contributions.

The most recent mailing by the national committee offers a desk-top calculator to individuals who send a $10 contribution and join its organization. However, this particular mailing also contains a so-called petition specifically printed with my name along with the two Senators from Indiana. Unfortunately, many people are confused by this petition and believe that the Members of Congress listed on the petition receive the money. Some also believe that taxpayer funds are used to pay for the "free calculator."

I call on the National Committee to Preserve Social Security and Medicare to stop its deceptive practices and return the money collected from elderly Americans. Using scare tactics against older people is outrageous and must be stopped immediately.

Groups and organizations that use the good name of the Social Security and Medicare Programs to take advantage of our citizens should take note. This Member of Congress will not sit idly by as unscrupulous groups use scare tactics to make people think that the Social Security System is unstable.

I urge all Americans to simply trash all mail you receive from this and the many other organizations that mislead people about the Social Security Program. I also urge the Senate to act on H.R. 4478, the Deceptive Mailings Prevention Act of 1988, as soon as possible.

H.R. 5241—BIOLOGICAL DEFENSE ACT OF 1988

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. OWENS of Utah. Mr. Speaker, I am today introducing H.R. 5241 the Biological Defense Act of 1988, with the aim of protecting the health and safety of American citizens and military personnel. The Biological Defense Act would transfer control of the Biological Defense Research Program to the Director of the National Institutes of Health, with the exception of activities which are purely military in nature. Only classified work and field testing of biological agents, which consists primarily of testing detections devices and protective clothing, would remain under Army control.

The Army's handling of the Biological Defense Program has recently come under severe fire. In May, I organized a hearing involving the chairman of the Interior, Armed Services, and Foreign Affairs Committees, to evaluate the safety and policy objectives of the biological defense program. Since then several other hearings have been conducted as well. At each hearing, new and alarming revelations have emerged about the Army's handling of the Biological Defense Program.

I respect and share the Army's objective of protecting our soldiers from the threat of biological weapons. However, I also respect the necessity of protecting American citizens from the risks of biological research, some of which is highly dangerous.

There is a genuine need to ensure a proper balance between the needs of the military, and the welfare and safety of the general population; bringing most of the program under the civilian control of NIH will help guarantee that balance.

HATE CRIMES AND RICO REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CONYERS. Mr. Speaker, I rise to speak on the deeply troubling subject of violence in our Nation. I also seek to place the issue of RICO reform in the context of violence in our society, particularly group sponsored violence. I realize, of course, that RICO is not the answer to violence, but its criminal and civil sanctions can play a role in curbing violence, and we ought not let any occasion pass to do what we can to curb violence.

I

The Scene: A courtroom in the State of Washington. Ten leaders and followers of a Neo-Nazi group, the "Aryan Nations," are charged with conspiring to overthrow the U.S. Government. Such individuals are seldom taken seriously by the American press or public, but not among the members of the family of Denver talk show host, Allen Berg. Three of these neo-Nazis planned and carried out the machinegun slaying of Mr. Berg, a Jew, outside his home, one calm, dark Denver night. Their motive: anti-Semitism.

II

Mr. Speaker, such violence against innocent people is neither a new nor a recent development in our history. As long as individuals have been angry or malcontent, groups have come together in small bands and engaged in such violent acts.

The Reconstruction period in our history illustrates my point. In the decade following the northern victory in 1865 in the Civil War and the freeing of slaves, a spate of laws were formed to guarantee the rights of the newly emancipated blacks. They included the 13th, 14th, and 15th amendments and the various civil rights acts. But the promise of equality during Reconstruction was not to be realized. Ultimately, the farsighted reforms were defeated by southern white violence. With emancipation, a wave of murders swept the South, and Reconstruction soon became the bloodiest period of civil rights violence in our history. Militant groups, such as the white leagues and the Ku Klux Klan, organized to oppose the new challenge to white supremacy.

Outbursts of violence were commonplace throughout the South during this period.

According to Gen. Philip Sheridan, commander of troops in Louisiana and Texas during Reconstruction, 3,500 civil rights advocates were slain in Louisiana alone in the decade following the Civil War, 1,884 of them in 1868.

When blacks in Memphis, TN, appealed for their civil rights in 1866, rampaging whites burned homes and churches in the black section of that city and massacred 47 blacks.

The killing of 27 delegates by a white mob at the Louisiana State Convention in New Orleans in 1866 was little more than systematic massacre of blacks by whites.

Of 16 blacks elected as delegates to the Mississippi Constitutional Convention in 1868, 2 were assassinated by whites.

In the Alabama election campaign of 1870, four black civil rights leaders were murdered when they attended a Republican rally.

White racists took control of Meridian, MS, in 1871 after they killed a Republican judge and lynched an interracial group of civil rights leaders.

In the Mississippi election campaign of 1874, several black leaders in Vicksburg were attacked and murdered by members of the Ku Klux Klan.

During the Louisiana election campaign of 1878, Klan gunmen fired on blacks in Caddo Parish, killing between 40 and 75 people.

And so Reconstruction in the South was defeated by 1877, when the last of the black militia in the South were dissolved. Southern legislatures then adopted laws to deprive blacks of all opportunity for political or civil participation and to segregate all facilities for education, travel, and public accommodation, and mob violence and lynching occurred almost unchecked in the South until World War I.

In the 1890's, the legislatures of all Southern States disenfranchised black citizens. With its 1903 ruling in *Giles* v. *Harris* (109 U.S. 475), the Supreme Court, in effect, sanctioned this practice, when it suggested that 6,000 blacks, who had been denied registration, had no judicial remedy and ought to apply for relief to the Congress or the President. A few years earlier, in 1896, the Court had also approved racial segregation, finding in *Plessy* v. *Ferguson* (163 U.S. 537), that "separate but equal" facilities were acceptable under the constitution.

As the black vote disappeared in the South, the assassinations of civil rights leaders decreased dramatically, only to be replaced by other forms of white violence: riots and lynching. Indeed, the National Association for the Advancement of Colored People was founded in 1909 to deal with just this sort of intimidation.

III

While small in actual numbers, the various organizations of far-right extremists today together compose the largest and most dangerous of the domestic American violence-prone organizations. Their tendency toward violence continues to increase even as recent Federal prosecutions aimed at the groups rise. In fact, we have seen more criminal violence by right-wing extremists during the past 3 years than over the previous two decades. (See "The Hate Movement Today" Anti-Defamation League of B'nai B'rith (1987)). At the same time, the Ku Klux Klan [KKK] membership has dropped 15 to 25 percent since 1984 to 4,500-5,500, and Neo-Nazis have suffered a similar shrinkage of 10 to 20 percent down to 400-450 members. (Id. at 1-2).

The largest of right-wing extremist groups operating within the United States is, of course, the Ku Klux Klan, which is actually not a single, consolidated organization, but composed of a myriad of regional and State-based hierarchies. The largest of the national Klan organizations are Knights of the KKK, Tuscumbia, AL; Knights of the Ku Klux Klan, Shelton, CT; and the United Klans of America, Tuscaloosa, AL.

Currently, Klan membership totals 4,500-5,500, broken down roughly as follows:

United Klans of America	1,500
Invisible Empire, Knights of the Ku Klux Klan	1,500-2,000
Knights of the Ku Klux Klan (Tuscumbia faction)	500-700
Southern National Front	250-300
Christian Knights of the Ku Klux Klan	200-250

Unaffiliated Klan Organizations: Florida White Knights, Ohio Knights, Independent Order Knights (Maryland), Confederate Independent Order Knights (Maryland), New Order Knights (Missouri), Invisible Empire Knights (New Jersey), (California), Carmellia White Knights (Texas), Southern White Knights (Georgia)—300-450. (*Id.* at 4)

Since the Klan's revival efforts of the mid-1970's, its strength has been as follows:

1973	5,000
1975	6,500
1978	6,000-8,000
1979	9,000-10,500
1981	9,700-11,500
1982	8,000-10,000
1984	6,000-6,500
1987	4,500-5,500

Many members of the Klan are motivated by intense hatred for blacks and other minorities, both racial and religious. They believe themselves to be "super-patriotic" citizens, and that for America to regain its "former-greatness," it must be "purified." Some members of the Klan believe that since the Federal Government is over-run by Jews, Communists, and other "undesirables," its present form must come to an end, if necessary, through violence, intimidation and other similar tactics.

A second form of right-wing extremist organization manifests itself in the American neo-Nazi movement. Until 1984, the Nazis were headquartered in Arlington, VA, but in recent years, they have split into two factions: the New Order, in Wisconsin, and the National Alliance/Cosmotheist Community Church, in West Virginia. Additionally, small neo-Nazi sects operate in the following States: California (National Socialist American Workers Party), Illinois (American Nazi Party and America First Committee), Michigan (SS-Action Group), Ohio (American White Nationalist Party), Oklahoma (American Workers Party), Oregon (New Order Legion), Washington (National Socialist Vanguard), and Wisconsin (Euro-American Alliance).

For the most part, neo-Nazi groups, usually through their own publications, function as purveyors of a propaganda message that crudely slurs Jews and other minorities, lavished praises upon Hitler's Third Reich, and promotes the position that the Holocaust never occurred. They also stage "marches" with the same objectives in mind. Neo-Nazi groups, too, tend to have members who have an even greater tendency toward violence than the Ku Klux Klan.

The "Christian Identity" movement is the third set of rightwing extremist organizations. Some members of this movement believes that a nation's race—not the spirituality of its populace—is what determines the relationship with God. In brief, identity theology holds that the white race is God's chosen people, descended from the 10 lost tribes of Israel. It claims that Jews are not the children of Israel named in the Bible prophesy, but rather are impostors, or the "children of Satan." Black and others are "mistakes," which God made before He created the perfect man, a white Adam.

A number of Identity Churches are organized around the country, with the largest and most militant located in the West and Pacific Northwest. The Aryan Nation is located in northern Idaho. Other Identity groups are known by such names at the "Calvary Temple Bible Church" in Oregon, the "LaPorte Church of Christ" in Colorado, and the "Posse Comitatus," located in various States. Member of the Posse Comitatus group believe—literally—that all government authority above the county level is without validity, and individuals in these groups advocate the use of vigilante tactics.

Many members of these organizations are affiliated with more than one category of right-wing extremist groups. For example, many neo-Nazis are also members of "The Order," or other Identity affiliated "churches."

Ideology apart, other fairly recent developments link these groups. One is the "survivalist" movement, which trains people in the use of firearms and wilderness survival techniques—which in many cases are used by members of the KKK, neo-Nazis, and Identity organizations to rob banks and armored cars and to kill those opposed to their cause. Another is the use of computer networks by leaders of these various groups to post pertinent information relating to organizational and philosophical messages.

IV

The most successful weapon used by Federal authorities against violent group crime has been the RICO statute, which focuses not on motivation, but conduct, particularly violent conduct. Congress enacted the RICO statute in 1970. It prohibits "enterprise criminality," that is, "patterns" of "racketeering," including: First, violence; second, the provision of illegal goods and services; third, corruption in government, or unions; and fourth, commercial fraud that amounts to crime, by, through, or against various types of entities. In addition to criminal sanctions, the statute authorizes a treble damage claim for relief with counsel fees for those victimized by RICO violations.

The nature of violence-prone organizations is such that RICO easily applies to them. Such organizations usually have a distinct structure and sets of rules for internal governance. If they engage in schemes to defraud the Government, to rob banks or armored cars, or to engage in drug trafficking, the means by which they obtain their money will fall within the statute's reach.

Most, if not all, of these illegal activities could be the subject of RICO criminal or civil suits. Nevertheless, the RICO statute's application to violent group activity has not been without its difficulties. Prosecutors attempted to apply RICO to a violent-prone organization in *United States* v. *Ivic* (700 F.2d 51 (2d Cir. 1983)). Ivic and three other active partisans of Croation independence attempted to kill a man named Badurina, who advocated Croation independence, but who was a vocal opponent of violence. The defendants were charged with conspiracy to kill Badurina and with conspiracy to bomb a travel agency in the vicinity of Washington Square Park and Union Square West in New York City.

Count one of the indictment alleged that the defendants and three others constituted an "enterprise" that used terror, assassination, bombings, and violence in order to foster and promote their beliefs in order to eradicate and injure persons whom they perceived as in opposition to their beliefs. Count one also charged that it was the primary object of this enterprise that the defendants "would and did receive, transport, possess, conceal, stockpile, construct, and utilize explosives, blasting caps, bombs, rifles, handguns, silencers, and ammunition."

The Court of Appeals for the Second Circuit held, however, that since the Croatian nationalists had no mercenary motive, RICO did not apply. The purpose of this enterprise was to advance the goal of Croatian independence only. For RICO to apply, the "enterprise" had to be profit seeking.

The Ivic court did acknowledge that there could be certain circumstances under which members of a violence prone organization could be indicted under RICO. The court stated that "the Government tells us that in some cases terrorist organizations have engaged in robbery or extortion to obtain money to further their activities. The applicability of

RICO to such cases can be dealt with when they arise." (700 F.2d at 61 n. 6.)

In *United States* v. *Bagaric* (706 F.2d 42 (2d Cir. 1983)), the Court of Appeals for the Second Circuit reiterated its mercenary motive limitation on RICO, but, on facts similar to Ivic's, found a commercial purpose in the enterprise. In Bagaric, Croation nationalists were charged with mailing extortion letters and book bombs. They also conspired over the telephone to kill people not sympathetic to their cause. Much like Ivic, the prosecutor in Bagaric indicted the defendants under RICO. The Bagaric court addressed the mercenary motive limitation read into RICO saying that the Ivic court did not state that economic gain must be the sole motive or overriding motive of every RICO enterprise. According to the court, a group does not have to make a profit to be a "RICO" enterprise. The defendant in Bagaric argued that there was no economic motive involved in their activity. The Bagaric court stressed that motive is not generally an element of a particular offense. According to the court, "Investigation into motive would serve only to publicize, and otherwise inflame, RICO prosecutions." (706 F.2d at 54.)

The defendants argued that "the enterprise itself, rather than the predicate acts of racketeering, must be shown to yield financial gains". The court held that this contention was not supported by Ivic or RICO. The Bagaric court characterized the Ivic holding as narrow and stated that the "Ivic holding requires no more than an objective appraisal that some economic purpose was to be accomplished by the crime charged." (Id. at 55.) The court then held that "the government may meet its obligation to show 'financial purpose' through either the enterprise or the predicate acts of racketeering." (Id. at 56.)

Summing up the meaning of this series of RICO prosecutions, Judge Constance Baker Motley, observed: "[T]he mere advocacy of ideas is a precious right in this country * * * but [i]t is these acts of violence, and not the defendant's beliefs for which [they] were tried and convicted." (New York Times, July 4, 1982.)

Mr. Speaker, RICO does not pose prosecution-of-belief type problems, since it focuses on conduct. The recent prosecution of members of "The Order" illustrates my point. Nine men and one woman were accused of committing crimes from Philadelphia to California to finance their organization, which had as its purpose creating an "Aryan homeland," that is, eliminating blacks, Jews, and "white traitors." As part of their plot, "the group planned assassinations of prominent Jews, including Norman Lear, the television producer, and Baron Eli de Rothschild, the French banker. The members of the Order were accused of involvement in two murders—that of Denver talk-show host Allen Berg, and White Supremacist Walter E. West of Athol, ID, whom the group suspected of being a Government informant, robberies netting more than $4 million, counterfeiting, arson and weapons violations. The Government successfully prosecuted the defendants under RICO.

Five of these neo-Nazis convicted on December 31, 1985, were sentenced by Federal district court judge, Walter T. McGovern, on February 6, 1986. Each of the racketeering counts against the defendants carried a maximum 20 year prison term and a $25,000 fine. Gary Lee Yarbrough was sentenced to 60 years in prison in three 20-year terms to be served consecutively. Bruce Carroll Pierce was sentenced to 100 years in five 20-year terms to be served consecutively. Pierce was identified as the man who shot Mr. Allen Berg in Denver. In a statement to the court prior to sentencing, Pierce said:

> "I am not going to waste my time or your time and beg for mercy. Whatever I did, I did to bring honor to myself and glory to my brothers and glory to God." (New York Times, Jan. 6, 1986.)

A 100-year sentence in 20-year consecutive terms was also imposed on Randolph George Duey, who murdered Walter West. Richard Kemp was sentenced to 60 years. Finally, Andrew Barnhill was sentenced to 40 years in consecutive 20-year terms.

Similarly, my point is well illustrated by the successful RICO prosecution of James Ellison, the founder and leader of a group known variously as "the Christian Brothers Cedar," "the Zarapeth-Horeb Church." (See *United States* v. *Ellison,* 793 F.2d 942 (8th Cir. (1986)). The group's goal was to "gain the supremacy of white Christians by promoting and engaging in defensive activities such as survivalism and paramilitary training, and in offensive activities intended to cause the downfall of the U.S. Government." (Id. at 945.) The group occupied a 224-acre farm in Arkansas, and established it as a religious retreat.

Through informants, Government agents learned that:

> CSA was stockpiling military-type guns, fabricating silencers and grenades, converting semi-automatic weapons to automatic weapons, engaging in paramilitary training, and burying land mines around the compound perimeter. The agents also learned that CSA was involved in such activities as arson (burning Ellison's sister's house so she could collect the insurance proceeds, partially burning a Springfield, Missouri church, the congregation of which allegedly consisted of homosexuals and partially burning a Jewish community center in Indiana,) attempting to blow-up a natural gas pipeline, and theft. These activities were intended to produce operating funds, to plunder the property of certain "unacceptable" groups, and to hasten the collapse of the government. (*Id.* at 950.)

Ellison was charged with racketeering activities and interstate travel to promote arson, and a firearms-related charges. Ellison pleaded guilty to the firearms charges, and he was found guilty by a jury on the RICO allegations.

In reference to Ellison and his associates, U.S. Attorney J. Michael Fitzhugh aptly observed,

> "We weren't after them for what they believed or what they said, but what they did." (New York Times, Sept. 7, 1988.)

Mr. Speaker, legislation has been proposed in this Congress to reform RICO. It is my belief that we must place any effort to reform RICO in the context of violence in our Nation.

Following, along with a commentary, are six suggested elements that any reform legislation ought to contain, so that RICO maybe made a more effective instrument to attack group violence.

CRIME OF VIOLENCE

No. 1. Adding as predicate offenses the relevant crimes of violence.

COMMENT

RICO was enacted in 1970. Congress has passed significant criminal legislation dealing with other crimes of violence since that time. The new offenses have not always been included in RICO. In addition, certain violent offenses, in existence in 1970, were not included in RICO.

The following offenses should be added: First, chapter 51 (homicide) of title 18; second, chapter 113A (extraterritorial jurisdiction over terrorists acts); third, section 32 (relating to destruction of aircraft or aircraft facilities) of title 18; fourth, section 81 (relating to arson) of title 18; fifth, section 112 (relating to protection of foreign officials and other persons) of title 18; sixth, section 115 (relating to assaults and other acts against Federal and other persons) of title 18; seventh, section 373 (relating to solicitation to commit a crime of violence) of title 18; eighth, section 831 (relating to prohibited transactions involving nuclear materials) of title 18; ninth, section 884 (relating to explosive materials) of title 18; tenth, section 875 (relating to interstate communications) of title 18; eleventh, section 876 (relating to mailing threatening communications) of title 18; twelfth, section 877 (relating to threatening communication from foreign country) of title 18; thirteenth, section 878 (relating to threats) of title 18; fourteenth, section 929 (relating to restricted ammunition) of title 18; fifteenth, section 1203 (involving hostage taking), of title 18; sixteenth, section 1362 (relating to communications), of title 18; seventeenth, section 1363 (relating to buildings), of title 18; eighteenth, section 1364 (relating to foreign commerce), of title 18; nineteenth, section 1366 (relating to energy) of title 18; twentieth, section 1952A (relating to murder-for-hire) of title 18; twenty-first, section 1952B (relating to violent crime in aid of racketeering) of title 18; twenty-second, section 1992 (relating to trains) of title 18; twenty-third, section 2277 (relating to vessels) of title 18.

FINANCIAL MOTIVE

No. 2. Provide that it is not necessary to show a financial motive in violence-based offenses.

The result that obtained under *United States* v. *Ivic* (700 F.2d 51 (2d Cir. 1983)) should be set aside. While RICO was intended to attack the infiltration of legitimate business by organized crime, it was not limited to that purpose; it was designed to apply to any form of sophisticated criminal group engaging in specified kinds of activities, including violence, without regard to the motive of the perpetrators. Motive may be relevant, but no showing of a particular kind of motive ought to be required. Ivic effectively eliminates RICO's application to organized crime-related violence not specifically tied to its moneymaking endeavors; it also makes its application problematic to other violence-based conspiracies, including certain domestic anti-Semitic or white-hate groups.

No. 3. Provide that if death results from a RICO offense life imprisonment may be imposed.

COMMENT

Currently, RICO authorizes only a 20-year term, even where multiple murders are committed as part of a pattern of racketeering activity. If death results, life imprisonment ought to be authorized. (See 18 U.S.C. §§ 241-42 (civil rights: if death results any term of years or for life)).

No. 4. Add recovery for personal injuries for crimes of violence.

COMMENT

Currently, RICO does not include recovery for personal injuries associated with crimes of violence. (See e.g., *Grogan* v. *Platt,* 835 F.2d 844, 845-48 (11th Cir. 1988) (estates of FBI agents killed by robbery suspects, denied RICO civil recovery, since statute limited to injury to "business or property"). This defect should be cured. (See, e.g., 18 U.S.C. § 16 (definition of "crime of violence") (physical force against person or property)).

No. 5. Provide for equity relief, that is, freeze orders.

COMMENT

Currently, RICO has been interpreted to exclude equity relief for private parties under Federal law. (*Compare Religious Technology Center* v. *Wollersheim,* 796 F.2d 1076, 1080-89 (9th Cir. 1986) (denied as a matter of legislative interest despite policy reasons in support), cert. denied, 107 S. Ct. 1336 (1987) with *Chambers Development Co., Inc.* v. *Browning Ferrris Industries,* 590 F. Supp. 1528, 1540-41 (W.D. Pa. 1984) (upheld)). Such relief is, of course, available under State law for pendent claims. (See, e.g., *Federal Deposit Ins. Corp.* v. *Antonio,* 649 F. Supp. 1352 (D. Colo. 1986), aff'd. 843 F.2d 1311 (10th Cir. 1988)).

Unless such relief is available, private parties will not be able to secure, under a uniform rule, full justice. Forum shopping, too, will be promoted. It is particularly necessary that preliminary freeze orders be available. (See, e.g., *Int'l Control Corp. Vesco,* 490 F.2d 1334 (2d Cir.) (corrupt financier assets, including Boeing 707, yacht, and stock, frozen) cert. denied, 417 U.S. 932 (1974)). Unless assets can be preserved during litigation against violent crime or similar offenders, it is doubtful that RICO litigation will even be instituted against them. Ironically, that may mean that RICO will be only used against white-collar offenders who have substantial assets in the community, for whom no need exists for freeze orders.

No. 6. Provide for international service of process.

COMMENT

Currently, RICO provides for nationwide, but not international, service of process. (See e.g., *Nordic Bank PLC* v. *Trend Group Ltd.,* 619 F. Supp. 542, 564-65 n.30 (S.D. N.Y. 1985)). Such service of process is essential to deal with criminal groups whose activities, often violent, extend across international boundaries. It is provided for the securities statutes. (See e.g., *SEC* v. *Kasser,* 548 F.2d 109, 116 (2d Cir. 1977 ("United States must not be permitted to become a 'Barbary Coast' (for fraud"), cert. denied, 431 U.S. 938 (1977)).

VI

Mr. Speaker, on June 28, 1988, I introduced for myself and our distinguished colleague, Mr. DON EDWARDS, H.R. 4920, "The Crime Control Act of 1988." (134 CONGRESSIONAL RECORD H4832 daily ed June 28, 1988). Each of these recommendations to strengthen RICO as it applies to violence-prone organizations are incorporated in H.R. 4920. As chairman of the Subcommittee on Criminal Laws, I expect to process these recommendations, along with others, in the coming months. I urge each Member of this body to study early these proposals for the reform of RICO and to give their full support. I look forward to the prospect of RICO reform legislation before the end of the 100th Congress.

ESCALATE THE FIGHT AGAINST AIDS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. BONKER. Mr. Speaker, as we consider the fiscal year 1989 appropriation for the Department of Health and Human Services, I would like to call our colleagues' attention to the proposed spending levels for AIDS education and research.

Over the last several days there has been a series of shocking and extremely troubling revelations about the seriousness of the epidemic that we face. Federal health officials now estimate that at least 450,000 persons in this country will have been diagnosed with AIDS by 1993. That amounts to one new case of AIDS every 14 minutes. And we now know that unless an effective treatment for this terrible disease is found, all of those people will die.

The bill we are considering here today includes more than $1.2 billion for research, education, and other activities aimed at the treatment and prevention of this deadly disease—an increase of $308 million over current levels. In addition to the funds appropriated in this legislation, the Federal Government will spend close to $900 million in fiscal year 1989 on AIDS treatment, testing and research through Medicaid, Medicare, Social Security, the Departments of Labor, Defense, and other Federal agencies.

Clearly, identifying a cure for AIDS is our ultimate goal. Currently, however, prevention is only one way to combat the spread of AIDS—that means educating people, at the earliest practical age, about how the disease is transmitted.

Part of the tragedy of this epidemic is that most of the victims are young, and that we are robbed of their potential just as it is being realized. We must insure that efforts to develop drugs which help the body fight AIDS are not allowed by even a day for lack of resources. Furthermore, I believe that Congress is long overdue in setting forth, in any comprehensive manner, a national policy dealing with AIDS testing and counseling.

Public health officials, including the Surgeon General, agree that in all but a few circumstances, mandatory testing for the AIDS virus is bad public health policy, and would, in fact, be counterproductive. First, mandatory testing programs would tend to drive the disease under ground because people who fear they might have the disease will be wary of coming forward to be tested. Also, there is widespread agreement that across-the-board testing of certain subgroups is not a cost-effective use of the limited resources we have to fight AIDS.

Mr. WAXMAN has introduced the Federal AIDS Policy Act, which would establish the necessary legal framework under which voluntary testing and counseling programs would be most effective. I believe this legislation approaches these issues in a thoughtful and compassionate manner. The bill would establish Federal guidelines for voluntary testing and counseling, provide assurances for confidentiality in testing and counseling so those at greatest risk will be encouraged to seek assistance, and authorize $400 million in each of the next 3 years for AIDS research.

Mr. Speaker, if we are going to effectively fight this disease, it is imperative that Congress acts to insure the confidentiality of AIDS test results, and that we prohibit discrimination against persons who carry the virus. Without such protections, the effectiveness of testing programs will be undermined greatly, because few people will be willing to come forward to be tested if doing so could cost them their home or job. To combat AIDS, it will require enlightened social policy as well as intensive research. The bill that we are considering today will make possible the latter. Now, let us move quickly and install a thoughtful public policy to enhance these efforts.

CONGRATULATIONS TO PIETRO PAOLO AND TERESA DINI IN CELEBRATION OF THEIR 25TH WEDDING ANNIVERSARY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to a very special couple, Mr. and Mrs. Pietro Paolo and Teresa Dini, of Stockton, CA, in celebration of their 25th wedding anniversary this August 24, 1988. As Italian immigrants to the United States in the early fifties, their road to romance has been very special and unique.

Their story begins over 30 years ago at a time when Italy was still suffering a postwar economic depression. At the young age of 17, Teresa Flocchini, the daughter of a proud merchant, left the small village of Forno d'Orno, and traveled thousands of miles on a boat to the shores of New York. Upon her arrival in 1955, she was very enthusiastic about experiencing new sights and opportunities. She continued to travel and made her final destination in Stockton, CA, where she lived with her aunt, Mary Salvadori. Shortly thereafter, she became employed as a live-in maid and pursued studies in English. I would like to point out, Mr. Speaker, that during these early years, Teresa continued to send most of her earnings back to Italy. Her financial support was of great assistance in paving the road for her family to immigrate to the United States in 1957.

In the spring of 1963, while attending a ballroom dance, she met a handsome and charming young man by the name of Pietro Paolo Dini. Paolo was also from Italy, who had left his friends and family of Corfino, Garfagnana, a small village located in the beautiful mountain ridges of Tuscany, in order to seek adventure and prosperity in the new land. As a newcomer to the United States, Paolo held two jobs, both of which involved great physical endurance and labor. Meanwhile, he vigorously pursued English courses at Humphrey's College. They immediately fell in love and embarked upon a passionate and loving courtship which resulted in the exchange of wedding vows only 6 months later.

Mr. Speaker, 25 years have passed since that joyous event which took place on August 24, 1963. Today, it is with great pride and joy that I congratulate Mr. and Mrs. Pietro Paolo and Teresa Dini in celebrating their silver anniversary. As proud and hardworking immigrants of this Nation, Paul and Teresa have continuously demonstrated their commitment to a goal of happiness and security for themselves and their two children, Marina and Benny. Indeed, Paolo and Teresa have come a long way from their respective villages in Italy, to find a most priceless treasure—their undying love and enduring friendship for one another—which has lasted over a quarter of a century.

What a beautiful story!

LELAND DEAN—OUTSTANDING SENIOR CITIZEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today I wish to bring to the attention of my colleagues in the Congress the particular efforts of Leland Dean of Chillicothe, OH.

Because of her willingness to give of her time and energy to the people of her community, Leland Dean has been selected by the Ross County Senior Citizens Center for the 1988 Outstanding Senior Citizen Award.

Leland has worked diligently for the Senior Citizens Center and its patrons. She has served as a volunteer since 1972. In addition, Leland has been a member of the Nutrition Advisory Council for the last 5 years. Moreover, she has always provided the essential organizational support to ensure the success of the center's efforts and local activities.

Mr. Speaker, I am sure that Leland's family and all of her many friends are proud of her achievements. It is indeed a privilege for me to extend my heartfelt best wishes to Leland for this special recognition. It is my sincere hope that she will continue to share her good spirits with the people of Ross County, and we wish her every success in her endeavors.

TOWARD A REAL GLASNOST FOR ALL CAPTIVE NATIONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SOLOMON. Mr. Speaker, Ambassador Lev Dobriansky, a man who is known and admired by many Members of Congress, was the keynote speaker at this year's Captive Nations Week meeting in Taipei, Taiwan. His address focused on the need for a true reform—indeed, true liberation—in all countries that are under Communist control.

Mr. Dobriansky acknowledged that "every Communist state with its disproportionate military establishment is in basic, institutional economic trouble," but he went on to say that the free world cannot afford to let its guard down. He views glasnost and perestroika as pragmatic attempts by Communist governments to reinvigorate their own regimes, but he remains convinced that no Communist Party once entrenched in power will ever give up its monopoly on political control.

I am sure that all Members will find the remarks by this noted scholar, author, and diplomat to be very enlightening, and so I ask that Dr. Dobriansky's speech be printed at this point in the RECORD.

The text of the speech follows:

TOWARD A REAL GLASNOST FOR ALL THE CAPTIVE NATIONS

(By Dr. Lev E. Dobriansky)

Premier Yu, Distinguished Members of Government, Honored Guests, Friends of the Captive Nations Globalwide:

I feel deeply privileged to join with you in this 30th Observance of Captive Nations Week. This is not my first time here in our mutual international effort; that first time was in 1961 when your farsighted countrymen under the able leadership of Dr. Ku Chang-kang took up this call for global attention by the U.S. government. In a true, spiritual sense, and as in the case of countless others, your Republic has been my second home.

At the very outset, permit me to pay the sincerest tribute to the people of the ROC for their miraculous economic development and political stability over the past four decades. I and others have seen it, millions about the globe have heard of it and marvel at it, and numerous countries about the world now seek to duplicate it. But this material progress is only one side of this enthralling story; there is, too, the equally important moral and spiritual side underscoring the cause for world freedom, the ultimate and eventual liberation of all the captive nations. In this respect, there aren't words sufficient to express our boundless tribute and gratitude to Dr. Ku, WACL, and APACL for their lasting contributions to this most basic of objectives. And I know and have the fullest confidence that their acomplishments will be solidly projected and magnified under the inspiring leadership of Dr. Clement Chang.

On record since 1959—when the U.S. Congress passed the Captive Nations Week Resolution and President Eisenhower signed it into Public Law 86-90—the most outstanding single observances of the Week have occurred here in the Republic of China, displaying this moral and spiritual dedication to a cause we in the Free World so fervently share. We in the United States have reached our high point with President Reagan who has been the first president to sign the annual proclamation of the Week in public ceremony at the White House; the first to issue proclamations in total consonance with the letter and spirit of Congress' resolution; the first to maintain an ardent consistency in all this; the first president to have defined accurately the USSR as an empire in itself. And during his presidency no new communist-dominated captive nation has emerged to add to the long list of captive nations. Where firmly principled men and women, whether in Washington or Taipei and elsewhere, boldly uphold the fundamental principles and values of civilized life, the cause for world freedom is more than half won.

My friends, in the past year the print and air waves of the world have saturated us with the terms "glasnost" and "perestroika". What is patently needed at this time is a global "glasnost", an openness of mind and dialogue about all the captive nations. The list of captive nations is a long one, extending from Armenia, Azerbaijan, Ukraine and others since the early 20s to Afghanistan and Nicaragua in the late 70s. Well over two dozen nations are on this list, and the largest of them all is, of course, Mainland China. They are in Asia, within the Soviet Union, in Central Europe, the Mideast, Africa, the Caribbean and Central America. One of the chief functions of the annual Captive Nations Week has been for citizens in the Free World to remember this list, even realistically asking "who's next?" And the record shows, from Khrushchev and Mao on, that communist party monopolists and totalitarians cannot bear this "institutional memory".

From the viewpoint of popular education, just imagine if leading citizens in all still free countries had and intimately knew this long list of captive nations, extending from the early 20s to the present. They would possess not only a fixed perspective on the nature of communism but also an invaluable instrument to counter and undermine it. Current danger like abounding regions Nicaragua, the Philippines, Afghanistan, Ethiopia, South Africa would profit immensely from this process of popular enlightment. The concrete experiences of subjugation suffered by the captive nations by far surpass in value the contents of all the volumes that have been written about communism.

Today, changes are indeed sweeping the communist states, but the burning question is "How real, how fundamental and substantial are they as affect the rights and aspirations of the underlying captive nations and peoples?" Today, in varying degree, every communist state with its disproportionate military establishment is in basic, institutional economic trouble—from North Korea to Vietnam, Mainland China to South Yemen, the Soviet Union to Mozambique, Yugoslavia and Hungary to Cuba and Nicaragua. Let's remember, this is not the first time most have been in such chaotic trouble. As of now, Communist China has more perestroika—a restructuring—than glasnost, while the Soviet Union has more glasnost—open talk—than perestroika, and both haven't nearly enough of each to satisfy the requirements of a genuine liberalization and democratic trend for the captive nations and peoples. Referring to the captive people, a high Chinese Communist official tapped the truth of the current changes in observing, "The 'Bird' is still in the cage, only we have widened the cage."

Ladies and gentlemen, for us and for the captive nations and peoples, the ideal would be the complete removal of the cage. Short of this in the short-run, our responsibility and obligation is to seek by every possible and prudent means the pressured widening of the cage. Only the blindly naive can think that these changes spell genuine peace, sincere disarmanent, the cessation of Leninist political warfare, the diminution of communist political power, true democracy, or the emancipation of the captive people. These changes in their measured widening of the cage are clearly aimed at higher peoples' productivity, a reenergized economic growth and strength of the communist state, an ever more modernized military and, in calculated time, with enhanced, perestroikade political power, still more aggressive action in the generation of new captive nations. And all this, they so plan, with the detente, economic assistance of the Free World, even without a substantial human rights price tag.

Human memories are short, while wishful hopes are again long. We've been there before in previous cycles of detente and peaceful coexistence. Today, the same illusions are re-emerging: the illusion that the Cold War has ended; the illusion that capitalism is overcoming the communists' systemic fraud of socialism; the illusion that trade with the basically totalitarian communist regimes will insure a genuine peace, and the illusion that these monopolistic regimes, by virtue of their necessitated reorganization marked by essentially spurious contests between "liberal" and "conservative" elements, are on the run in the global struggle. If anything, these re-emerging illusions in the Free World conclusively attest to our failure to recognize the constant of political warfare in the ongoing struggle. In a few words, monopolist communist parties—the only real, single legacy of Facism and Leninism—cannot by their nature endure without this constant and, most assuredly, they are not preparing to commit suicide.

Finally, how do we cope with this challenge? Certainly, a simple-minded accommodation of the communist party monopolists' aims is not the answer. The captive nations fall within different regions of the globe where each has its special problems, characteristics and peculiarities. There is no one policy relevant to all, but there is a strategy applicable to all. Given the common sense requisites of political will, strong defense and economic power, the strategy is one of persistent focus on the captive nations in the aggregate. In short, a global glasnost about the captive nations and peoples—their struggle for real democratization, a real perestroika of economic freedom, a real environment of human rights—and eventually a real liberation of the captive nations.

Under this strategic umbrella, respective policies—political, economic, military etc.—will cautiously and prudently fall in place. The liberation of Afghanistan and Nicaragua typifies only one policy mode among many. Their freedom would be unprecedented and catalytic in the first rollback of the captive nations list. Whatever the required policy, the strategy provides purpose, direction and moral commitment. As President Reagan emphasized after the Moscow summit, "we must never cease telling the truth". Friends, you know and I know, the widely spoken truth about the captive nations in toto is in the enduring spirit of the American Revolution and the "Three Principles of the People." Yes, we must never, never cease telling it so long as the communist party monopolists exist to exploit the peoples and resources of the captive nations.

ADOLESCENT PREGNANCY AND PARENTHOOD ACT OF 1988

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am proud to join Representative MICKEY LELAND today in introducing the Adolescent Pregnancy and Parenthood Act of 1988.

Adolescent pregnancy will not be solved in the United States by just saying no—the problem is already here. One million U.S. teenagers become pregnant each year. There is one-in-three chance that a teen mother will have a second child while still in her teens. Teen pregnancy is a personal tragedy that has reached crisis proportions in this country.

Teenage parents need direction. They are thrown into an adult world while they are still children. They face a myriad of grownup problems any adult would have trouble handling. Bearing children too soon in one's own development and with inadequate prenatal care can mean a low birth-weight child with a high risk of infant mortality. New parenting responsibilities often mean that young mothers wil not finish high school, not find a job with a salary that would support a family, and fall back on welfare. Even if teen parents get married, few of these marriages have the emotional maturity to weather adult stresses.

The Adolescent Pregnancy and Parenthood Act of 1988 promotes more than moral outrage to help young parents take control of their lives. It would replace the present Adolescent Family Life Program with an active, interventionist approach providing an array of comprehensive, preventive, and followup services such as prenatal and postpartum care; well-baby and well-child care; family planning services and preventive education; family life and parenting services; education, training and employment services; and, counseling in nutrition, substance abuse, and adoption.

It offers assistance to mothers 18 years old and under, mothers of children under 6 who had their first child as a teenager, and their children. And, not only mothers and children are eligible, but fathers are eligible as well. We will never successfully address the problem of adolescent pregnancy until young men understand that they share responsibility with young women for the conception and birth of a child, and are equally responsible for its well-being after it is born.

Countless studies and demonstration programs have already proven that this approach works. We need to address the causes of teen pregnancy in this country and help our young people live out their lives as responsible citizens. Estimates place the costs of teen pregnancy in 1985 at $16.6 billion in AFDC, Medicaid, and food stamps—and far too much in wasted human potential.

If you are truly concerned about the Nation's children please join us in supporting a program that actively intervenes in their lives.

SALE OF F-18 AIRCRAFT TO KUWAIT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a letter the Committee on Foreign Affairs received August 3, 1988, from the Secretary of State regarding the sale of F-18 aircaft to Kuwait.

This letter was provided to the Congress near the end of the period of review of this sale pursuant to section 36(b) of the Arms Export Control Act. The letter provides certain assurances regarding this sale and addresses some concerns which were expressed by the Congress during its consideration of the sale and in hearings before the Subcommittee on Europe and the Middle East and the Subcommittee on Arms Control, International Security and Science of the Committee on Foreign Affairs.

The August 3 letter to Chairman DANTE FASCELL follows:

THE SECRETARY OF STATE,
Washington, DC, August 3, 1988.

Hon. DANTE FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On July 7, 1988, the Administration notified the Congress of the United States of its intention to sell forty F/A-18 C/D aircraft to the Government of Kuwait. The sale, valued at approximately two billion dollars, includes appropriate associated munitions, spares, support equipment, services and training. In the course of the debate and deliberations by the Congress on the merits of the sale, a number of questions have arisen that I would like to address here.

Kuwait highly values its twenty-five year political, economic and security relationship with the United States. It is a multi-faceted relationship that reflects common philosophies and regional and international goals. Kuwaiti investment in the United States and the West is a testament to both U.S. and Kuwaiti commitment to the health of free market economies; Kuwait consistently supports negotiated, peaceful solutions to regional and extraregional conflicts; Kuwait has been at the forefront of efforts to combat terrorism; Kuwait has been a major source of economic assistance to developing countries around the world; and, Kuwait has been an active partner in our naval presence in the Gulf, diplomatically and logistically.

Kuwait has underscored its commitment to this relationship through its request for a US-orign aircraft as the mainstay of its air force, and its defense. It seeks a current generation aircraft to replace an aging fleet of US-origin A-4s. The Government of Kuwait has stated, and we accept, that these planes are for the legitimate, and very real, self-defense needs of the State. Kuwait is located in a volatile environment and faces both near-term and long-term air, sea and land threats. As the Minister of Cabinet

Affairs stated to the House Foreign Affairs Committee on July 14, Kuwait would prefer to invest its money solely in social and educational development for its people. That is unrealistic. Unfortunately, despite its own history of peaceful coexistence with its neighbors, Kuwait must be able to provide a credible deterrent to potential adversaries.

Kuwait also has defined and recognized collective self-defense responsibilities with the other members of the Gulf Cooperation Council, as sanctioned by the UN Charter and encouraged by the United States. The efforts by the GCC to enhance the self-defense ability of all member states is in the U.S. and Western interest. It bespeaks also a mature understanding and willingness to assume a shared burden, with us and others, for the stability and the security of the vital Gulf region. The multi-functional F-18 was chosen by Kuwait as most appropriate to meet these legitimate needs. It is for these reasons that the Administration supports the request.

The Administration has been in close consultation with the Government of Kuwait throughout the selection process for the F-18, and its associated munitions. We have also examined carefully with the Kuwaiti Government the use, basing and transfer issues involved in such a sale. The Kuwaiti Government is fully aware of the conditions of sale of any U.S. defense system, as contained in a Letter of Offer and Acceptance. In addition, the Government of Kuwait in 1976 signed a technical security arrangement regarding safeguarding classified military articles, services and information. Kuwait has a perfect record of compliance with the terms of this agreement—as well as all previous LOAs. Based on our extension conversations with the Kuwaiti Government, Kuwait's commitments to us and our ability to verify their compliance, I would like to provide you with the following assurances and understandings.

BASING

The Government of Kuwait has assured us that the F-18 will be based solely in the State of Kuwait. The Prime Minister and Crown Prince confirmed this assurance to the Administration and the Congress during his official visit last month. We accept those assurances as consistent with Kuwait's desire to provide for its own first-line of defense. Given the population and military inventory superiority of each of its neighbors, it would be illogical for Kuwait to base them elsewhere and denude itself of this defense arm. Furthermore, given the unique nature of the support equipment necessary to the aircraft, equipment not available elsewhere in the region, it would be impossible, as a practical matter, to support the aircraft if they were based out of Kuwait.

REFUELING CAPABILITY

The Government of Kuwait has assured the Administration that it does not seek a refueling capability for the F-18, either as a part of this sale or independent of it. Furthermore, Kuwait does not meet the U.S.G. global criteria for sale of refueling capability. And, finally, should circumstances warrant a review of this, Congress retains, under Section 36(b) of the Arms Export Control Act, the option to disapprove any potential proposed sale in the future.

TRANSFER OF AIRCRAFT AND/OR MUNITIONS

The Government of Kuwait has assured us that it fully understands and accepts the provisions of the standard Letter of Offer and Acceptance, which is specific, inter alia, on prohibiting unauthorized transfer of US-origin equipment to a third party. Over the history of our security relationship, the Government of Kuwait has assiduously abided by the terms of that agreement.

There are practical inhibitions to transfers of aircraft or munitions. First, to transfer either would strip Kuwait of its defense shield and leave it vulnerable to attack. Second, the support equipment necessary cannot be duplicated or purchased elsewhere; its transfer would be readily detected. Third, other states would not be able to use the equipment. They would lack the infrastructure, and the training.

On the specific question of transfer of munitions, especially the Maverick G missiles, they could not be used by states lacking the aircraft and software appropriate to the missile system. For example, an aircraft designed to carry the Maverick A/B has both different hardware and, more importantly, software than needed for the G models. Neither can be adapted easily and without detection. It is for similar reasons that the A/B models are not appropriate to this aircraft. Significant design and computer modifications would have to be made to the F-18 to accommodate the A/B.

SECURITY AND ACCOUNTABILITY OF EQUIPMENT

The Government of Kuwait has assured us that all necessary steps will be taken to protect the aircraft, its systems and its technology from unauthorized diversion. As stated earlier, the Government has signed, and scrupulously adhered to the terms of the technical security arrangements of 1976. In twelve years there have been no violations of this arrangement nor has loss of classified equipment or information ever been alleged or documented.

Compliance with and adherence to the arrangement, and other U.S. regulations, is monitored by U.S. Liaison Office personnel assigned to Kuwait. Periodic evaluations and inspections are also undertaken by the Defense Investigative Service's Office of Industrial Security, International. Unauthorized diversion of missiles would encounter the same technical problems in use as stated earlier—without an aircraft designed for delivery of the missile, it is useless.

The Administration shares Congressional sensitivity to the issue of unbridled arms proliferation, especially in volatile regions. We are actively engaged in multilateral efforts to limit and control the spread of high technology—such as IRBMs. However, U.S. restrictions on arms sales are stricter than those of other arms sellers, thus allowing us to address the legitimate defense needs of vulnerable friends while simultaneously preventing unwarranted arms sales.

The proposed sale of forty F-18 aircraft, we believe, stands on its own merits. It addresses legitimate defense needs of a valued and longstanding friend. It addresses U.S. national security and political interests in a vital part of the world. Understandably, Congress has expressed concerns and raised questions regarding the sale. We welcome the dialogue and believe, based on the assurances we have received from the Government of Kuwait, our ability to monitor these assurances, and the above noted practical realities, that we have responded fully to them. I would hope that the Congress will join with the Administration in support of this important and worthy sale.

Sincerely yours,

George P. Shultz.

TARIFF ON HDI-MONOMER

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ARCHER. Mr. Speaker, today I am introducing legislation that would maintain the current tariff level on 1,6-hexamethylene diisocyanate—more commonly known as HDI-monomer—for 3 years. Without this measure, conversion to the Harmonized Tariff Schedule will more than double the duties on HDI-monomer from 7.9 percent ad valorem, to 16.2 percent ad valorem plus 2.9 cents per kilogram.

A company in my State manufactures specialized resins for polyurethane coatings which require the use of HDI-monomer. These complex and sophisticated resins have exceptional wear and durability and are used for, among other things, coatings on military equipment and Government vehicles.

The company is unable to purchase HDI-monomer domestically. Because the contracts of this company and its downstream customers require the special characteristics of these resins, importation of the chemical is necessary.

Beginning January 1, 1989, the Harmonized Tariff Schedule is to go into effect, via implementing legislation in the trade bill, H.R. 4848. Because of the reclassification from the U.S. Tariff Schedule into the new international Harmonized Schedule, HDI-monomer will be subject to a duty increase of more than 100 percent. This change is not based on any change or variance in chemical composition or any congressional decision to increase HDI-monomer tariffs. It is solely a result of the technical process of converting to the Harmonized Schedule, a process which Congress intended to be duty neutral.

Mr. Speaker, the affected party plans to build its own plant in the U.S. for the production of HDI-monomer. However, planning and construction will take several years. In the meantime, the economic viability of its manufacture of these important resins is threatened because of the tariff increase. Therefore, I believe this temporary maintenance of the rate currently imposed under the U.S. Tariff Schedule, should be adopted.

This bill provides a change in duty for a temporary period of time, which will give the USTR an opportunity to renegotiate more equitable treatment under the Harmonized Schedule. Yet economically, it is of tremendous consequence to the manufacturer. I urge its expeditious consideration.

SERVICE CONTRACT ACCOUNTABILITY AND PROCEDURES ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CONYERS. Mr. Speaker, in recent years, there has been a trend of having private companies perform work that had previously been done by Government employees. But there is no evidence to indicate that this practice, called contracting out, has helped to promote a more efficient government or that it has helped save taxpayers' dollars. There have been a number of occasions where letting the contract to a private business actually cost the taxpayers more money and cut Government efficiency.

In light of the recent Pentagon procurement scandal, it is clear that Congress must take steps to end fraud, waste, and abuse in Government purchasing of goods and services. So today I rise to introduce a bill aimed at promoting procurement efficiency, reducing Federal expenditures, and providing for accountability when contracting for Government support services. The Service Contract Accountability and Procedures Act will provide consistent contracting procedures for Federal Government support services, insure true competition and public accountability, and prevent waste. The act also requires agency decisions to be recorded for public review and to be supported by studies indicating that contracting out for services will cut costs and improve the quality of services.

I am completely in favor of contracting out when it saves money for the taxpayer and increases Government efficiency. But a recent General Accounting Office report shows that the current procurement system must be reexamined and overhauled. The report, submitted to my colleague from Virginia, HERBERT BATEMAN, detailed substantial cost overruns on contracts let to the private sector. Since 1983 actual costs of the contract at Virginia's Fort Eustis have been 70 percent higher than originally estimated; the contractor was paid more than 90 percent of the incentive fee allowable under a cost-plus contract; actual payments have been $20 million higher than the contractor's original cost bid of $27.9 million; and the total cost of performing the functions would have been less had the work remained with Federal employees.

A contracting program that allows this kind of cost overrun and lack of accountability must be brought under control. Congress and the public have right to know what is being done with the billions of dollars that are earmarked for service contracts. My bill would make Federal agencies accountable for their actions, prevent fraud and cost overruns, and increase Government efficiency. I urge all my colleagues to join me in this effort.

TOM AND DOROTHY BREEDING—OUTSTANDING SENIOR CITIZENS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today I wish to bring to the attention of my colleagues in the Congress the particular efforts of Tom and Dorothy Breeding of Leesburg, OH.

Because of their willingness to give of their time and energy to the people of their community, Tom and Dorothy Breeding have been nominated by the Highland County Senior Citizens Center for the 1988 Outstanding Senior Citizen Award.

Tom has volunteered his talents to the center by repairing small appliances for the senior citizens at no charge. If these grateful persons insist on paying him for his time, Tom requests that they make a donation to the Highland County Senior Citizens Center.

Dorothy volunteers in many different programs of the center. She regularly visits the residents of neighborhood nursing homes. In addition, Dorothy assists with all center fundraising projects.

Both Dorothy and Tom provide free transportation to Dayton, Cincinnati, and Columbus doctor's offices and area hospitals for those who are unable to care for themselves.

Mr. Speaker, Tom and Dorothy have worked diligently for the Senior Citizens Center and its patrons. It is indeed a privilege for me to extend my heartfelt best wishes to Tom and Dorothy and their family for this special recognition. It is my sincere hope that they will continue to share their good spirits with the people of Highland County, and we wish them every success in their endeavors.

THE BOXING LABOR STANDARDS ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. WILLIAMS. Mr. Speaker, today I introduce legislation designed to begin the long awaited effort to bring basic worker health and safety protections to folks who labor in the sport of boxing. Many of us here in Congress have believed that the sport of boxing is in grave jeopardy unless a way is found to provide these athletes basic minimum health and safety standards.

This legislation is the recognition of the appropriate Federal role in the protection of workers rights. This legislation simply establishes labor standards within the confines of existing health and safety law. This legislation amends the Occupational Safety and Health Act of 1970 to include specific minimum standards in all States that sanction boxing matches.

For far too long we have denied these workers basic labor standards and this legislation is a simple direct way to provide it. Make no mistake about it, if Congress does not choose to provide minimum standards then no protection will be extended. And within a short number of years legislators will be faced with the ultimate form of regulation which will be increasing calls for banning of the sport. Expanding existing labor laws to include a group of workers who face possible death or injury on the job is not a revolutionary concept. Just because these workers labor in a sport should not exclude them from basic worker protection.

In past efforts to address problems in the sport I believe the Congress has been too focused on the regulation of the interstate commerce aspects of the boxing business. There is little support for this type of regulation. There is however a great deal of support for protecting fighters in the ring and I believe it is time to get on with it. My approach is simple and direct. We owe the same basic worker protections to boxers as are provided to other American workers. The bill also incorporates the idea of promoting voluntary assistance for fighters by establishing an institute within the Labor Department which will coordinate various proposals for the protection and assistance to fighters. As a fan I know that this is needed and as a legislator I can not turn back on these workers.

CLAY SCHOLARSHIPS MAKING DREAMS COME TRUE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. STOKES. Mr. Speaker, the education of our youth is the cornerstone of our development as a nation. Our distinguished colleague from Missouri, BILL CLAY, is not only committed to the education of our youth, but he is making dreams come true for economically disadvantaged students in the St. Louis area.

This year, the William L. Clay Scholarship and Research Fund Awards program will provide educational scholarships for eight high school students. During its 3-year history, the program has provided more than $240,000 in scholarships to 18 students in the St. Louis area.

Mr. Speaker, I am pleased to share with my colleagues a recent article from the St. Louis American regarding the success of the William L. Clay Scholarship and Research Fund Awards. I hope that my colleagues will join me in commending Congressman CLAY for his efforts in investing in the future of our Nation and, more importantly, for making dreams come true for youth in his congressional district.

[From the St. Louis American, July 14-20, 1988]

CLAY SCHOLARSHIPS MAKING DREAMS COME TRUE

(By Sharon Green)

In a stride toward academic excellence for economically disadvantaged area high school students, Congressman William L. Clay, Sr. D-1st District again sponsored the college educations of eight more students in an awards luncheon last week, bringing the three-year scholarship total to more than $240,000.

Clay related the scholarship to ideas that started during the turn of the century when the great debate between W.E.B. DuBois, founder of the NAACP and Booker T. Washington (founder of the Tuskeegee Institute) who disputed the quality of an academic versus technical skill training.

Noting that most people sided with Washington who stressed that "there is as much beauty in plowing a field as there is in writing a poem," Clay said that after 88 years of plowing the fields with dignity and class, black people need to set academic goals for themselves in the workplace.

"This program is about some who now would like to write those poems and would like to build the bridges and would like to teach nuclear physics," Clay said.

The William L. Clay Scholarship and Research Fund Awards are designed for full-time study toward a bachelor's degree. The scholarships, renewable based on the student maintaining a B average, usually covers full tuition and books but they are based upon each individual student's financial need, according to Geraldine Johnson, vice president of the scholarship board.

"We picked those who needed it worst first," Johnson said. Academically sound students residing in the city and the county who were recommended by high school counselors were selected for the scholarship.

At some point in the near future Clay said the plan is to induct 15 students at one time to add to the total of 18 students who have received scholarships since the first two students were awarded scholarships in 1985.

The 1988-89 recipients were: Leslie DuBose, O'Fallon Technical High School, $1,200 Harris-Stowe; Felica A. Ezell, McClure North High School, $2,800 to Millikin University in Decatur, IL; Lisa Evon Jones, Normandy Senior High School, $1,800 to Alabama State University; Brian I. Lane, Normandy Senior High School, $3,450 to Benedict College in Columbia, SC; Gwendolyn McCloud, Sumner High School, $1,000 to Smith College in North Hampton, NJ; Sheryl R. Parker, University City High School, $1,650 to Florida A&M, and Terrell Tankin, Cleveland ROTC, $2,100 to Southwest Baptist University, Bolivar, MO.

Three students also were awarded the first Congressional Black Caucus Foundation Scholarships which were coordinated by Carol A. Clay, the congressman's wife. The recipients included: Kathy A. Price, Soldan High School, $1,200 to Harris-Stowe State College; Anissa Fay Brown, Cleveland ROTC, $3,450 to Benedict College in North Hampton, NJ, and Nicole Williams, Cardinal Ritter High School, $1,350 to St. Louis University.

Past recipients had advice for this year's winners. Nikkel Thompson, 18, a last year winner and a student at Drake University, warned this year's recipients that they will have to manage their time wisely and set aside time to study. Gary Millner, 20, at Southeast Missouri State in Cape Girardeau, suggested that the new winner "pray a lot, make your own decisions and budget your money."

Alissa Bonner, one of the first winners in 1985, said she didn't have anyone to tell how it was going to be when she went to Howard University in Washington, DC from Vashon High School. A major in accounting, Bonner will graduate in May 1989 and is planning to go on to get a master's degree in taxation. She said she would do a lot of things differently if she had a chance to do it all again as she gave experienced advice for the winners.

"Get all that you can while you are there. . . . Have all the fun you want but you will be sorry," she warned.

AMENIA CELEBRATES ITS BICENTENNIAL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. FISH. Mr. Speaker, it is a pleasure to be here today to celebrate Amenia's bicentennial. A flag will be flown over the capital in honor of Amenia's 200th anniversary, and it will be my privilege to present to the town of Amenia that flag, as well as a framed copy of my remarks in the House of Representatives and printed in the CONGRESSIONAL RECORD. I would like to read from that statement:

Mr. Speaker, it is with great pride that I rise in honor of the bicentennial of the town of Amenia in Dutchess County in my home District of New York.

Amenia was founded on March 7, 1788—a year in which the New York State legislature established more than 200 towns.

The poet Dr. Thomas Young thought up the community's name. It is derived from the Latin word "Amoena," ["AH" as in "father"—"MOI" as in "oil"—"na"] which means "pleasant."

Indeed, the countryside—offering vistas of Cascade Mountain, Smithfield Valley and De La Vergne Hill—must have been Pleasing to the settlers, as it is to residents today. There is a special resonance to the names of the town's roads—Deep Hollow, Butts Hollow, Bog Hollow and Sinpatch.

The first significant immigration came in the 18th century, when inexpensive farmland attracted settlers from New York and New England.

Iron ore was discovered in Amenia in the 1760's. A foundry and furnace supplied iron and steel for the war effort in the American War of Independence.

The Amenia seminary, a Private Methodist academy established in 1835, enjoyed a good academic reputation and attracted students from throughout the Nation.

Today Amenia still has great vistas, as well as outstanding educational and cultural opportunities within an 80-mile radius. The town—which comprises many neighborhoods, including Smithfield, Wassaic, Box Hollow, Leedsville, South Amenia and Amenia Union—is particularly noteworthy for its community spirit. Volunteers contribute greatly to the town by serving on town boards, volunteer fire departments and rescue squads and other praiseworthy organizations.

Mr. Speaker, the town has proclaimed August 13 as a time of official celebration. There will be a community picnic, and the Lions club has donated a birthday cake large enough to feed 400. I am looking forward to taking part in the ceremonies.

I wish the people of Amenia the best as they celebrate their bicentennial.

This year we also celebrate the bicentennial of our Constitution and renew our appreciation for the independence of our Nation. President Eisenhower, speaker on July 4, 1959, uttered remarks that still ring true today:

This date annually commemorates and renews our dedication to the principles of freedom, of government elected by the people, of equal opportunity for all.

As we enjoy today and assemble here freely—we celebrate the Constitution.

When we speak our minds on the problems facing our country without fear of sanctions, we celebrate the Constitution.

When we enjoy the security of knowing that government cannot deprive us of "life, liberty, or property, without due process of law," we celebrate the Constitution.

The success of American Government—at the Federal, State, and local levels—is the interest and involvement of our citizenry. The Constitution challenges each generation to involve ourselves in public affairs.

As long as we have such fine, patriotic citizens as those gathered here today, we will continue to live in a democracy second to none.

THE AT-RISK YOUTH EMPLOYMENT AND TRAINING AMENDMENTS OF 1988

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. GUNDERSON. Mr. Speaker, today I am introducing a bill at the request of the administration which would amend the Job Training Partnership Act [JTPA] to add an enriched employment and training program alternative for at-risk youth. This legislation would specifically revise JTPA's Title II-B Summer Youth Employment Program to allow local service delivery areas the option of using funds under the Title II-B Program to provide year-round comprehensive programs of intense services for youth determined to be at risk of chronic unemployment and to change the method by which funds under that program are allocated.

Even though I am introducing this bill on behalf of the administration, I wholeheartedly support its goal—to significantly strengthen service deliverers' ability to break down the many barriers that stand in the way of these young people, ultimately increasing their long-term employability. While the youth unemployment picture has improved in recent years, with the unemployment rate for black youths declining more than 15 percentage points from the recession highs of the early 1980's, it is still three times the adult rate, with the black youth unemployment rate over six times as great.

Recognizing that many young people continue to face multiple impediments to successfully entering the work force, including a lack of basic skills, drug and alcohol abuse, teen pregnancy, behavioral difficulties, and disruptive living conditions, this legislation proposes a coordinated approach to address these problems. Through opting to carry out this program, service delivery areas could provide a package of education, job training, counseling, and employment services to assist participants in overcoming such difficulties.

The need for this type of comprehensive approach becomes more and more evident as we approach the year 2000 with the increasing demands that will be placed on the future work force. In the coming years our population will grow more slowly than in the past, but at the same time 21 million new jobs will be added between 1986-2000, an 18-percent growth in the labor market. While the number of young entry-level workers will decline, the proportion of minority youth in the labor force will increase substantially, most markedly among non-English-speaking and black youth. This opens up tremendous opportunities for many groups who have traditionally been shut out of the labor market, but only if action is taken now to break down these barriers that make this segment of our population the least prepared for work. There is no question that our economy will need these young workers.

But unless their skills deficiencies and other problems are addressed, these youth are seriously at-risk of becoming the dependent poor of the next century.

So what is the solution? As Secretary of Labor Ann McLaughlin pointed out recently in testimony before the Senate Labor and Human Resources Committee's Subcommittee on Employment and Productivity, first and foremost we need to carry forward the commitment to improve America's schools. However, as she also pointed out, education reform is an evolutionary process, and while that process unfolds, employment and training programs must help to meet the immediate needs of those young people who are seriously at-risk—working with the education system to help make sure those in school complete their education, and offering a second chance to those who have already dropped out of school.

The legislation being introduced today builds on knowledge gained by the Department of Labor after many years of experience overseeing programs serving at-risk youth. It recognizes that a highly structured, competency-based program which combines basic skills and job skills instruction is beneficial to youth who have dropped out or who are prone to dropping out of school. It acknowledges that a functional approach to such instruction—applying training to real world job market needs has proven to be successful. It recognizes the importance of a support network that includes family involvement where possible, to help youth address personal and family problems. And most importantly, it recognizes that a holistic approach to solving the problems of these young people is essential.

At-risk youth often suffer from many problems that cannot and should not be addressed through the JTPA system alone. Therefore, it is essential that any program with the goal of addressing the needs of this population build linkages across all service providers and all sectors, including education, job training, social, and health services, volunteer groups, business and labor.

In closing, I want to reaffirm that I strongly agree with the thrust of this bill, including the need to better target our resources serving disadvantaged youth. However, I do feel that any major changes such as those proposed in this legislation, particularly those changes affecting program funding, require careful study to determine their impact on the operations of existing State and local programs. Therefore I look forward to working with the administration, particularly the Department of Labor, to see this or very similar innovative legislation considered, enacted, and implemented in the future that will better enable JTPA's service to disadvantaged youth.

President Reagan, Secretary of Labor Ann McLaughlin, and all those who have worked in the development of this legislation are to be commended.

STATEMENT IN EXPLANATION OF AT-RISK YOUTH EMPLOYMENT AND TRAINING AMENDMENTS OF 1988 (PREPARED BY THE DEPARTMENT OF LABOR)

This bill would amend the Job Training Partnership [JTPA] to add an enriched program option of intensive employment and training services for at-risk youth to the present Title II-B Summer Youth Employment and Training Program and would revise the method for allocating funds under Title II-B.

The new option would allow Title II-B funds to be used for a year-round program designed to assist youth at risk of chronic unemployment. These youth often face multiple barriers to successfully entering the workforce, such as a lack of basic skills, drug and alcohol abuse, teen pregnancy, and disruptive living conditions. The new option offers a coordinated approach to assisting at-risk youth in overcoming these barriers.

Under this proposal, local areas would have the option of determining whether their needs are better met by retaining the traditional summer youth program, by operating the new at-risk youth program, or by operating some combination of these programs.

Section 1 of the bill provides that this Act shall be entitled the "At-Risk Youth Employment and Training Amendments of 1988."

Section 2 of the bill amends section 106(b) of JTPA to establish separate performance standards for the at-risk youth program. The standards are to be prescribed by the Secretary of Labor at such time as the Secretary determines enough information exists to develop meaningful standards.

Section 3 of the bill amends Part B of Title II of JTPA to add the new at-risk youth program component and to revise the method of allocating funds for programs under this part.

The bill provides a new section 251(a) of JTPA which retains the description of the purposes for the summer youth program that is contained in the present section 251. The bill adds a new subsection (b) to section 251 that describes additional purposes for the at-risk youth program, which are: (1) to provide at-risk youth with the skills necessary for entering the labor force, (2) to assist at-risk youth addressing problems which impair their ability to make successful transitions from school to work, and (3) to improve the long-term employability of at-risk youth.

The bill amends section 252 of JTPA to revise the formula for the allocation of funds for programs under this part. The current formula (which is the same formula used to allocate funds for the adult and youth programs under part A of title II) is not sufficiently sensitive to the eligible target population of economically disadvantaged and at-risk youth that are to be served by the programs under Title II-B. Under the current formula, two-thirds of the funds are allocated based on the share of total unemployment rather than on the extent or concentration of the target youth groups. In addition, summer allocations have been characterized by large annual variations due to fluctuating unemployment figures, which again do not necessarily reflect shifts in the eligible youth population. This bill would target Title II-B resources based on the relative number of economically disadvantaged youth and would stabilize year-to-year allocations.

The bill retains the present subsection (a) of section 252 that sets aside a small percentage of funds for certain areas and entities. The bill provides, in subsection (b) of section 252 of JTPA a new formula for allocating the remaining funds among States. The new formula would allot the funds on the basis of the relative number of economically disadvantaged youth within each State as compared to the number of economically disadvantaged youth in all States.

The formula would also provide, in paragraph (2), that notwithstanding the allocation formula, no State will be allotted less than one-quarter of one percent of the total allotments, no State shall receive less than 90 percent of its allotment percentage from the previous fiscal year, and no State shall receive more than 110 percent of its allotment percentage from the previous fiscal year. These provisions would ensure funding stability and predictability, and therefore enable jurisdictions to more effectively plan their programs.

Under this section, economically disadvantaged youth are defined as individuals aged 14 through 21 who meet an income test that is based on available income information. That definition would also exclude, as appropriate and to the extent practicable, college students and members of the armed forces. The exclusion of these two groups would correct a bias in the present data that favors areas with large numbers of these two groups.

Subsection (c) of section 252 would direct the Governors to allocate funds among SDAs on the basis of the same formula used to allocate funds among the States. That subsection contains, in paragraph (2), a provision that notwithstanding the allocation formula, the governor may establish a minimum allocation for a service delivery area to ensure that maintenance of a viable program. Paragraph (2) also provides that no SDA will receive less than 90 percent or more than 110 percent of its previous fiscal year's allotment percentage unless the Governor waives either or both of these limitations. The waivers would be based on the Governor's determination that a waiver would result in the more effective utilization of funds and enhance the achievement of the program's objectives. The waivers would give the Governors greater flexibility in allocating funds to SDAs.

The bill amends section 253 of JTPA to incorporate the components of the current summer youth program into one section. The bill amends subsection (a) of section 253 of JTPA to incorporate the language of the present section 253 pertaining to the services for which funds under this section may be used, the required reading and math skills assessment of participants and the provision of basic amd remedial education to summer youth program participants.

Subsection (b) of section 253 of JTPA is amended to incorporate the language relating to the program limitations which is contained in the present section 254 of JTPA. The program would, with a limited exception, be conducted during the summer months, and individuals eligible for the program are to be economically disadvantaged youth, generally aged 16 through 21, unless the SDA includes in its job training plan that economically disadvantaged youth aged 14 through 15 may also participate.

The bill amends subsection (c) of section 253 of JTPA to incorporate the language of the current section 255 describing: (1) The roles of private industry councils, chief elected officials, State Job Training Coordinating Councils, and Governors in the summer youth program; and (2) requiring SDAs to establish written goals and objectives for the program.

The bill amends section 254 of JTPA to establish the AT-Risk Youth Employment and Training Program component. Subsection (a) of section 254 sets forth that a service delivery area may, in lieu of or in addition to the summer youth program, elect to use funds available under Title II-B for the at-risk youth program.

The bill amends section 254(b) to provide that service delivery areas operating the at-risk youth program include a description of the program in the job training plans. The description is to include the goals and objectives to be attained, activities and services to be provided, linkages established with other local agencies to provide services under the program, and strategies of demonstrated effectiveness on which the provision of services will be based or, if new strategies are to be undertaken, the design of the program that will allow a rigorous and objective evaluation of the new strategies.

The objective of these requirements is to promote adequate planning by SDAs for the kind of intensive services to be provided under the at-risk youth program. Strategies of demonstrated effectiveness are successful approaches to serving youth that have been used in youth programs on the Federal, State, or local level. The Department would circulate descriptions of examples of such programs to assist State and local planning. Where States and SDAs desire to base the program on new strategies, it is intended that the plan will describe how the new strategies will be evaluated, and that such evaluation will be based on generally accepted evaluation techniques, including where feasible, random assignment.

The bill amends section 254(c)(1) of JTPA to provide that the at-risk youth program may be conducted on a year-round basis. Section 254(c)(2) establishes the eligibility criteria for the at-risk youth program. An individual is eligible to participate in the program if: (a) The individual is aged 14-21; (b) the individual is economically disadvantaged; and (c) the individual is deficient in basic skills.

Section 254(c)(3) provides that special consideration is to be given to those eligible youth who experience severe disadvantages such as school dropouts, individuals with behavioral problems, pregnant and parenting teens, alcohol and drug abusers, handicapped youth, juvenile offenders and recipients of public assistance. In addition, section 254(c)(4) provides that up to 10 percent of the program participants may be individuals who are not economically disadvantaged if those individuals have experienced disadvantages such as those described above.

Subsection (d) of section 254 provides that the program under this section include for each participant: (1) An assessment of reading, mathematics and other basic skills; (2) development of a service strategy; and (3) basic skills assistance. A new assessment of a participant's basic skills would not be required if the results of another recent assessment are available to the program. This is the same approach taken regarding the required assessment under the current summer youth program.

In addition to these services, subsection (e) of section 254 provides that where appropriate, SDAs operating the program may use available funds to provide a variety of services targeted at in-school dropout prone youth the services may include: Combined basic and life skills instruction and work experience during the summer months; enriched basic skills and study skills training; supplemental school year activities such as counseling, mentoring, career awareness, and social group and educational activities; per-employment and socialization skills and behavior training; and supportive services, such as child care and transportation necessary to enable the participation of an individual. For school dropouts and out-of-school youths the services may include: Specialized outreach arrangements, basic skills training, including tutoring; occupational skills training, work experience, limited internships in the private-for-profit sector, and job development and placement assistance; work readiness and life skills training, counseling, mentoring, parenting education, and post-program follow-up services; and supportive services.

Paragraph (3) of subsection (e) provides that the services available to youth described in this subsection may include payments to participants including needs-based payments and work experience wages.

Section 254(f) requires SDAs operating a program under section 254 to establish linkages with local educational agencies. Such linkages are to include arrangements to ensure that the program under section 254 supplements and utilizes existing programs and services provided by local educational agencies for in-school and out-of-school youth; agreements providing that, where feasible, the local educational agencies notify SDAs operating the program when eligible youth drop out of the school system; and arrangements to provide information relating to the literacy level of participants.

Section 254(g) provides that SDAs are to establish other appropriate linkages to enhance the provision of services under the program. Such linkages may be established with local service agencies, business, labor and community organizations, volunteer groups and family members, and other training, education, employment and social service programs, including programs under JTPA title II-A.

The bill establishes a subsection (h) of section 254 of JTPA which provides that the role performed by private industry councils, chief elected officials, State Job Training Coordinating Councils, and Governors under the at-risk youth program will be the same as the roles those entities perform under part A of title II, except that private industry councils will have the additional responsibility of ensuring that the job training plan provides for the coordination of SDAs, local education agencies and other participating agencies in the planning, program design, and the provision of services to program participants.

It should be noted that, under the authority provided by section 454 of JTPA, the Department would evaluate the effectiveness of the new at-risk youth program in meeting its objectives.

The bill amends Section 255 of JTPA to provide that not more than 15 percent of funds available under part B may be used for administrative costs. This provision codifies a regulation that currently imposes a 15 percent cost limitation on the summer youth program. There would be no limitation on the percentage of funds that could be spent on supportive services under either the summer program or the new at-risk youth program. This is consistent with the current law for Title II-B. There is a percentage limitation under current law for Title II-A programs. With respect to the new at-risk youth program, it is intended that most of the funds will be spent on training and employment services rather than on supportive services. The Department would monitor the expenditures for supportive services under the program and, after some experience has been obtained, determine whether it is appropriate to establish a limit on such expenditures.

The bill revises the table of contents relating to part B of title II in JTPA to conform to the amendments made in section 3 of the bill.

Section 4 of the bill contains conforming amendments. Subsection (a) amends section 141(k) to allow funds under section 254 to be used for internships with private for-profit employers. Subsection (b) eliminates a reference to part B of title II in the current allocation formula, which will no longer apply to II-B programs. Subsection (c) changes the definition of "economically disadvantaged" in section 4 of JTPA to reflect the fact that determination of the poverty level is no longer based on criteria established by the Director of OMB but is now issued by the Department of Health and Human Services. Subsection (d) amends the definition of "State" in section 4 of JTPA to reflect that the Trust Territory of the Pacific Islands are now the Freely Associated States (Republic of the Marshall Islands and the Federated States of Micronesia) and the Republic of Palau.

Section 5 of the bill provides that the amendments made by the bill are to take effect October 1, 1988.

LILLIAN GRAHAM—OUTSTANDING SENIOR CITIZEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today, I wish to bring to the attention of my colleagues in the Congress the particular efforts of Lillian Graham of South Point, OH.

Because of Lillian's willingness to give of her time and energy to the people of her community, she has been selected by the Lawrence County Council on Aging for the 1988 Outstanding Senior Citizen Award.

Lillian has worked diligently for the people of her community. She volunteers her free time to the Veterans Hospital in Huntington, WV, the American Red Cross, and Lawrence County Council on Aging. Moreover, she has always provided the essential organizational support to ensure the success of local volunteer activities.

Mr. Speaker, it is, indeed, a privilege for me to extend my heartfelt best wishes to Lillian and her husband, Bud, and her family for this special recognition. It is my sincere hope that she will continue to share her good spirits with the people of Lawrence County, and we wish her every success in her endeavors.

A CENTENNIAL TRIBUTE TO TRINITY BAPTIST CHURCH

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. MFUME. Mr. Speaker, today I rise in honor of the 100th anniversary of Trinity Baptist Church, located in the heart of Baltimore's Seventh Congressional District. Blessed over the years with a spirited and enthusiastic congregation, Trinity Baptist Church is one of the oldest surviving black Baptist churches in Baltimore. Trinity Baptist's commitment to christian enlightenment and the family of man has enabled the church to become a pillar of strength and independence within the community.

Founded in 1988 by Rev. Dr. Garnett R. Waller, who also cofounded the YMCA and NAACP in Baltimore, Trinity Baptist established its home in the old Shiloh Chapel. By 1892, the church's membership had swelled to 200 and a new edifice was erected at Oak and 23d Streets to replace the smaller chapel. Soon this complex also became too small, so the church leadership decided to purchase the Brighton building on 20th Street near Charles Street.

In 1914, Rev. James R.L. Diggs became the second pastor of Trinity Baptist. Under Reverend Diggs' leadership the congregation grew steadily and a new building was bought in 1915 and remodeled. Reverend Diggs later learned that the Lutherans were planning to vacate their property at Druid Hill Avenue and McMechen Street. The church leaders reached a satisfactory agreement with the Lutherans in February 1920, and subsequently sold the old Robert Street complex. Trinity's new home, which is her present site, was purchased and opened in May 1920.

Reverend Diggs' health began to fail and on April 14, 1923, Reverend Diggs passed away peacefully and quietly. Rev. Luke G. Reynolds served as acting pastor from 1921 to 1924 and was elected to serve from 1924 until 1929.

In May 1929, Reverend V.V.K. Stokes arrived from Norfolk, VA, to assume the duty of pastor of Trinity Baptist. Reverend Stokes will long be remembered as the pastor that led Trinity Baptist through her darkest day. Reverend Stokes was a master fund raiser and motivator. Using an innovative "calendar rally" plan Reverend Stokes strove to reduce the church's $17,000 mortgage and managed to raise $1,044.85 in 6 short months. During the Depression of the 1930's, when fund raising for the church was extremely difficult, Pastor Stokes implemented various new plans to raise money within the congregation.

The church caught fire on November 23, 1945. Twenty-three days later, a second fire consumed the church. Insurance coverage on the church enabled Trinity Baptist to rebuild its facility with little difficulty and with much support from local businesses. The church voted in 1949 to have Reverend Stokes serve as pastor for life. Reverend Stokes served in this capacity honorably until his death in 1961.

In July 1961, a young Harvard graduate, Herbert O. Edwards, was summoned to be Trinity Baptist's pastor. Reverend Edwards was very active during the civil rights movement and will be remembered in Trinity Baptist Church's history as a man who "championed the cause of freedom" for everybody. He served until the end of his tenure in 1967. From 1968 to 1973, Rev. Carl Washington was called to lead Trinity Baptist. Under Reverend Washington's administration an organ was bought to sustain the pipe organ.

In July 1974, Rev. William C. Calhoun became pastor of Trinity Baptist. Reverend Calhoun has seen the church's membership increase by nearly 300 persons. New hymn books have been added, the church budget has tripled, and a quarter million dollar renovation project has just been completed.

Thanks to Reverend Calhoun and his committed congregation, Trinity Baptist has, over the last 14 years, organized several new ministries and other outreach programs. Citizens of Baltimore now enjoy Trinity Baptist Church's television and radio ministries on local stations every Sunday. Reverend Calhoun has served as president of the Progressive Baptist Convention and met with President Jimmy Carter during his years in the White House. Over the years Trinity Baptist Church has been aligned with the American Baptist Churches, U.S.A., the Progressive National Baptist Convention, Baltimoreans United in Leadership Development [BUILD] and the Central Maryland Ecumenical Council. Ministries for the collection of clothing and food for the disadvantaged and other evangelical efforts have also been established.

From the time that she was first founded through today, Trinity Baptist has remained a financially self-sufficient and caring church that is capable and willing to assist in delivering a message of hope, faith, and love.

In closing, Mr. Speaker, I wish to invite all of my House colleagues to join me in saluting a truly remarkable church, a beautiful congregation, and an earnest, hardworking pastor.

EXTENSION OF AN OMNIBUS TRADE BILL

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HOUGHTON. Mr. Speaker, today I am introducting legislation seeking a 1-year extension of an omnibus trade bill provision suspending the customs duty on large size TV tubes. This is the shortest extension necessary to provide continuity of supply of large tubes for television manufacturers in the United States.

The duty suspension is based on the simple fact that these tubes are not currently made in the United States. At the time of its inclusion in the trade bill, the September 1988 expiration date seemed appropriate because some segments of domestic industry had assured the Ways and Means Committee that they would be in a position to manufacture large tubes here by that date. It was understood that if the September 1988 date was inappropriate because no one was engaged in domestic production, a 1-year extension would be justified on the same terms. The trade bill is only now being enacted and the suspensions about to expire. Since there is no possibility for domestic production of tubes before late 1989, it is appropriate to extend the suspension for 1 year.

Trade press reports confirm last year's finding of the Ways and Means Trade Subcommittee. There is no domestic production of television tubes in sizes of 30 inches or more. As TV Digest reported in February 1988, even Zenith is purchasing tubes of 30 inches or more from Japan.

To date, only Toshiba, in joint venture with Westinghouse, has announced plans to construct production facilities in the United States for the manufacture of 30-inch tubes. While every effort is being made to speed construction, the new Toshiba-Westinghouse tube production line, which represents a $100-million investment and employment of 400 additional workers at its existing plant in upstate New York, is not projected to achieve full production until 1989. Matsushita has announced plans to begin picture tube production in the United States, but the plant won't be fully operational until fall 1989, at the earliest.

Given the projected fall startup dates for the new Toshiba-Westinghouse line and Matsushita facilities, the 1-year extension of the temporary suspension on these tubes is the shortest extension necessary to provide continuity of supply of tubes for television manufacturers in the United States.

The extension realizes the goal of the original provision, allowing U.S. manufacturers to develop the market for television containing large-size tubes while undertaking the additional investment necessary to make those tubes here.

I hope to work with the Ways and Means Committee to ensure this extension is included in the miscellaneous tariff bill being considered in committee.

EXPORTING HAZARDOUS WASTES

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CARPER. Mr. Speaker, few of us have been immune to the debate which has swirled around the issue of hazardous waste management in this country. Next year, the tempo will pick up as we contemplate legislation to reauthorize the Resource Conservation and Recovery Act [RCRA].

Our past efforts to tighten up on age-old, irresponsible waste disposal practices have had many positive results. Many corporations and municipalities are turning to waste reduction, recycling and other innovative waste management techniques to better reduce and manage their waste streams. Unfortunately, some have resorted to shortcuts which threaten the environment—not of our own country—but of lesser developed countries which do not have the resources to properly manage these gifts.

The embarrassing saga of the Islip, NY, garbage barge and the controversy raised by the city of Philadelphia's efforts to send their incinerator ash to other countries have highlighted a growing practice of exporting our wastes to less fortunate countries who either do not know what they are getting into or who are in such desperate economic straits they are mortgaging their environmental health for quick cash. It is a reprehensible practice which deserves the considerable attention it has received in the media, and now, in Congress.

I would like to submit for the RECORD an article which appeared in the July 20, 1988, issue of the Washington Report on the Hemisphere, a biweekly publication of the Washington-based Council on Hemispheric Affairs [COHA]. The article, written by Tara Dunion—a research associate wtih COHA and a native of my State and Delaware—describes the growing problem of waste exports to our neighbors in the Caribbean and Latin America, and deserves our closest attention.

HAZARDOUS WASTE EXPORTATION PROPOSALS PROLIFERATE

(By Tara Dunion)

Plans to export incinerator ash and other hazardous wastes to the Netherlands Antilles, Peru, Mexico and Brazil surfaced recently, following the embarrassing saga of the extended voyage to nowhere of the New York "garbage barge", and illegal dumpings by the Khian Sea and the Bark, both hauling toxic incinerator ash. Countries now accepting U.S. garbage or negotiating importation of U.S. toxic waste include Dominican Republic, Peru, Guyana, Argentina, Uruguay, Paraguay and Brazil.

According to Greenpeace, Franklin Energy Resources of New York is negotiating with Dominican Republic officials for installation of "a recycling . . . plant generating energy based on cardboard refuse."

An estimated 100,000 barrels of waste would be exported into Peru under a plan put forth by American Security International (ASI). The garbage would include solvents, discarded lubricants, chemical sludge and other toxic wastes, amounting to approximately 66,000,000 gallons per year. Peru has expressed the greatest interest in accepting the refuse in exchange for an undisclosed payment, but talks are also occurring between the company and authorities in Argentina, Uruguay and Paraguay. In addition, ASI has proposed to Lima the construction of an incinerator in the county.

The partially government-owned Guyana Resource Corporation Inc. (GRC), backed by two U.S. investor companies, Pott Industries Corporation Inc. and Teixeira Farms International Inc., is hoping to construct an incinerator in Guyana. The proposal faces growing public opposition, mainly due to the efforts of Working People Alliance (WPA) leader and parliament member, Eusi Kwayana, who challenges the project on the grounds of being hazardous to the environment. Kwayana feels the government is misleading the public regarding the safety and scope of the project.

Disposal of foreign hazardous waste is not legally permitted in Mexico following a presidential decree that allows recycling, but not disposal, of foreign hazardous wastes. But, abuses frequently occur as "sham recycling" plans are set up to allow garbage to enter Mexico under the cover of a recycling project, which later is actually dumped. A 1986 treaty regulates waste trafficking between the United States and Mexico, but neither government monitors the situation closely. The EPA relies on invoices on shipments to identify hazardous wastes, making it easy to circumvent existing regulations through subterfuge. Of the nine active refuse contracts between the U.S. and Mexico, five have not specified the waste type, amount or method of disposal in their accompanying paper, indicating that covert dumping may be occurring.

Allied Technologies also has been somewhat coy about releasing information on a proposal to ship wastes to Fortaleza, Brazil. Orginal plans called for the shipments to being in July 1988, although it is unclear whether the unidentified shipments actually have occurred. The company had previously attempted to dump dioxin-contaminated wastes from Love Canal, New York in Morocco but was prevented by the reluctance of the state of New York to authorize the release of the refuse.

Waste Central's controversial proposal to build a 70-mile tourist island barrier reef composed of garbage off of Saba, the Netherlands Antilles has recently been rejected by that government. Waste Central, Inc. of Philadelphia had proposed paying $1 to the Netherlands Antilles government for each ton of refuse which it would have been allowed to dump on the barrier reef. The growing proliferation of waste dumpings in the Caribbean Basin is due to the less stringent environmental laws in developing countries in the region and the lower waste disposal costs: approximately $60 per ton in the United States versus a characteristic $10-$15 per ton in many developing countries. According to the General Accounting Office, approximately 247 million tons of hazardous wastes are produced annually in the United States, and dealing with this vast tonnage usually produces heated backlashes in domestic localities scheduled to be disposal sites, prompting private contractors to frantically look elsewhere in order to fulfill their highly lucrative multi-million dollar contracts.

Requirements for waste exportation in Washington involve four basic steps under the Hazardous Waste Control and Enforcement Act of 1983. The exporting companies must report the specifics of their shipments to the Environmental Protection Agency; they must show written documentation that receiving country consents to the project; a copy of the receiving country's approval must be attached to the shipment's invoice; and the shipment has to meet the standards of the receiving country and the contractual terms of the two countries' export agreement. This process is referred to as "informed prior consent" and it only covers hazardous shipments, since nonhazardous waste exportation is covered by the normal export procedures.

Waste incineration is becoming a popular method of disposal. No law regulates incinerator ash shipments because they are assumed to be non-hazardous, although variations in ash toxicity levels frequently occur and the conclusions drawn about a particular shipment can be skewed according to the exporters viewpoint and their readiness to fudge statistics.

Provisions in current regulations also do not take into consideration many of the overt abuses that lead to the Khian Sea's dumping 3,000 of its 15,000 tons of what turned out to be hazardous incinerator ash in Gonaives, Haiti in January 1988. The private company operating the vessel, Amalgamated Shipping Inc. of the Bahamas, listed the waste as "fertilizer" on the invoice. Government authorities—including two brothers of Col. Jean-Claude Paul—accepted the illegal shipment without an official approval, after alleged payoffs were made. The ash was then sold to farmers as fertilizer who then spread it on their fields. The EPA had erroneously assessed the ash to be non-hazardous, despite numerous environmental reports to the contrary, and the ash, therefore, did not require monitoring by the federal government.

The second ship carrying incinerator ash from Philadelphia was the Bark, operated by Bulkhandling, Inc. of Norway. Departing on February 4, 1988, the ship originally intended to unload in Haiti, but after the Khian Sea dumping, the Bark headed toward Africa and illegally disposed its 15,000 ton cargo in the island of Kassa, off Guinea-Bissau. After the authorities became aware of what was happening, the Guinea government demanded that the Bark remove the ash. The Norwegian government has finally loaded the ash onto a second Bulkhandling-owned ship, the Banya, which is awaiting access to the Port of Philadelphia and toxicity tests on the ash.

Recently introduced legislation attempts to illegally place the burden of exploration on private companies. A bill by Senator Robert W. Kasten, Jr. (R-WI), introduced the last week of June, seeks to extend the prior informed consent requirement to non-hazardous wastes and incinerator ash. The same standards would be applied to both hazardous and non-hazardous refuse, tightening up the regulation of the frequently toxic incinerator ash.

H.R. 4902, sponsored by Rep. James J. Florio (D-NJ), sets standards for disposal, treatment and testing of incinerator ash within the United States. While the bill does not deal specifically with ash exportation, it outlines requirements for domestic ash disposal, including triple-lined landfills with ground water filter and leak detection systems. These reforms could push processing and storage costs even higher, but might encourage developing countries to adopt similar standards.

The strongest waste export bill, sponsored by Rep. John Conyers (D-MI), was introduced on July 12, 1988 and attempts to amend the Solid Waste Disposal Act by prohibiting exportation of all wastes, including incinerator ash, solid, liquid, oil or hazardous wastes. The law exempts contracts signed before Jan. 1, 1988, in effect allowing the U.S.-Canadian and U.S.-Mexico agreements to stand. The bill, titled the "Waste Export Prohibition Act," is supported by many developing nations, including the Jamaican, Cape Verdi and Nigerian governments, which sent embassy representatives to the July 12, 1988 press conference announcing the bill.

MARY DONLEY—OUTSTANDING SENIOR CITIZEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today, I wish to bring to the attention of my colleagues in the Congress the particular efforts of Mary Cahall Donley, of Brown County, OH.

Because of her willingness to give of her time and energy to the people of her community, Mary Donley has been selected by the Brown County Senior Citizens Council for the 1988 Outstanding Senior Citizen Award.

Mary has worked diligently for the Senior Citizens Center and its patrons. She worked at Brown County General Hospital for over 20 years and retired in 1980. However, Mary efforts to help other people did not end at her retirement—it appears as though it went into high gear. After retiring, Mary volunteered her services to Brown County General Hospital and works on a bimonthly basis in the hospital's gift shop. In addition, Mary has been a member of the hospital auxiliary since its inception. She is chairperson of the Sardinia Guild of the Hospital Auxiliary.

Mr. Speaker, I am sure that Mary's husband of almost 50 years, Robert, and their four sons and all of her many friends are proud of her contributions. It is indeed a privilege for me to extend my heartfelt best wishes to Mary and her family for this special recognition. It is my sincere hope that she will continue to share her good spirits with the people of Brown County, and we wish her every success in her endeavors.

LOUISIANA EIGHTH DISTRICT VETERANS HONORED

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HOLLOWAY. Mr. Speaker, I rise today to give thanks and commedation to the 46,000 veterans of the Eighth Congressional District of Louisiana. In particular, I wish to recognize those men and women who helped to make July 19 such a memorable day for me. On that date, I joined my distinguished colleague, Congressman GERALD SOLOMON, the ranking minority member of the House Committee on Veterans' Affairs, in hosting special events for veterans in Rapides and Ascension Parishes. The veteran's seminar at the Veterans' Administration Medical Center in Alexandria, and the special workshop which took place in Gonzales, LA, were, to my knowledge, the first of their kind in the history of Louisiana's Eighth Congressional District.

Congressman SOLOMON gave an inspiring speech to over 350 veterans at the VA Medical Center. His deputy and chief counsel, Rufus Wilson, also touched the crowd with his moving words. Many veterans had met Rufus over the years at veterans' organization conventions, or when he was commander-in-chief of the AMVETS, or when he served as Deputy Administrator of Veterans' Affairs. I also had the privilege of having with me my constituent, Larry Rivers, who is about to assume one of the most powerful elective positions in a veteran's organization, commander-in-chief of the Veterans of Foreign Wars [VFW]. Also serving on the panel was the Director of the VA Regional Office in New Orleans, Tony Lentini, several members of his staff and Governor Roemer's recent appointee as director of Louisiana Veterans Services, Prentice Darnell and his staff. Marlene W. Kremer represented Wisconsin Physicians Services for CHAMPUS questions and claims and Charles Freeman, the Director of the VAMC in Alexandria, served as moderator for the program.

Veterans were free to ask questions of any of the members of the distinguished panel. Their concerns ranged from VA benefits, to recent changes in laws pertaining to veterans. Significantly, they were opposed to providing payments to Japanese Americans interned in relocation camps during World War II. Likewise, those in attendance expressed their opposition to the payment of reparations to the families of those killed in the recent downing of an Iranian airbus over the Persian Gulf.

Following the question and answer period, all of the speakers mingled with the crowd, answered their specific questions, and a routine health screening for veterans was conducted.

Representative SOLOMON, Rufus Wilson, and myself, all benefited from a tour of the hospital. I want to take this opportunity to especially commend the director and staff of the VA Hospital. The excellent condition of the facility and the warm hospitality of the staff spoke for itself. The veterans are obviously well cared for and content. The rapport between hospital staff and patients is clearly excellent.

Later that evening, we traveled to Gonzales for a veteran's meeting at VFW Post 3693. I was overwhelmed at the large crowd of veterans and others—many of whom traveled long distances—who took the time and initiative to attend. Some 120 veterans and their families participated in our "mini workshop" and panel discussion. The men and women of VFW Post 3693 provided delicious cajun jambalaya and refreshments for those in attendance. They deserve and have my sincere thanks.

All in all, this was a great day for me and the veterans of the Eighth District of Louisiana. I applaud and thank my colleague Congressman SOLOMON and the other distinguished members of the panel for their assistance and outstanding presentations.

It is only fitting and proper that I include here within my formal remarks an extract from the moving address given by my distinguished colleague, U.S. Representative GERALD SOLOMON. He eloquently expressed his commitment to the brave men and women—America's veterans—who have given their time and risked their lives in order that their countrymen may enjoy the privileges and blessings of liberty. I share his commitment and loyalty to our veterans. I pledge to demonstrate it, to the best of my ability, as long as I am a Member of the U.S. Congress.

REMARKS BY HON. GERALD B.H. SOLOMON

This Nation has a great memory, and will not forget those who labored mightily in its cause, suffered in its defense, or became disabled in its preservation.

The veterans of this Nation have been tried and tested; and they have persevered. The glory of America is the legacy they have left. The bright torch of freedom is their gift. That glory and that gift is manifest this very moment.

These are days of memories for those who wear the proud label of "veteran". They are memories of pain, glory, and honor. They are memories of the horror of war and the preservation of freedom. They are the memories we shall never forget. They are memories we must never forget—because those memories are the very reason we are the greatest, freest Nation on Earth.

But we must be wary of those who would take away that freedom—and that threat is ever present today. It is a philosophy called communism—"deadly atheistic communism."

A year and a half ago, I had an opportunity to observe the difference between democracy and communism when I led a congressional delegation to a place called Hanoi to do something I thought I would never do, and that is to sit across the table from Communists who didn't even have the decency to return the remains of our fallen American soldiers, not to mention the possible enslavement of live American P.O.W.s.

As distasteful as it was, we were somewhat successful in that more than 80 sets of remains have been returned since those negotiations were reopened, and we hope and pray more will follow.

But while I was in Hanoi, I had an opportunity to speak to and observe many Vietnamese (some Communist and some not), but the look on their faces were all the same. It was a look of dispair and no hope, because in Vietnam today (under communism) there are no decent jobs, no economy, no decent living conditions—nothing but suffering.

But by contrast, on my way back to America, I had an opportunity to visit some refugee camps on the Cambodian/Thailand border where 150,000 men, women, and children has been driven from their homes . . . by a thing called communism.

To get there, we first went by plane, then by helicopter, then by truck, and as we drove the last 50 miles along an old dirt road in the middle of nowhere, there began to be people standing alongside, first a few, then dozens, then hundreds, and later thousands.

And many were carrying signs, not like those the nightly news likes to show us that say "Yankee Dogs"—"American Pigs"—"America We Hate You."

These signs were not like that. They all said things like "USA No. 1"—"America we Love You."

And then we came upon a huge sign held by about 50 young children that said "America, please take us home". I had to step back and say to myself, "My God, how much I love my country," and how proud I am to be an American because I realized these poor people, displaced by communism, were not asking us to take them home to America, they were asking us to make it possible for them to go back to their homes, unlike the people I had seen in Hanoi, there was hope on their faces.

Their hope was America.

Yes my fellow Americans, you and I . . . we Americans are the only hope of the free world.

For if a country falls under the deadly tentacles of communism, those people have a place to turn to—a place called America.

But, my fellow Americans, if our country falls to communism, where will we go, to whom can we turn?

The answer, of course, is no one and that is why the first and most important national proirity must always be a military preparedness that is without question second to none.

In recent years we have been able to rebuild our national defense, thanks to the backing of the American people.

And in the forefront of that support were the men and women we honor here today, those who proudly call themselves veterans of the armed forces of the United States of America.

God bless them. God bless those being honored here today and God bless America.

ADDITIONAL COSPONSORS OF H.R. 5141

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ORTIZ. Mr. Speaker, a number of my colleagues have contacted me recently to cosponsor H.R. 5141, legislation I have introduced to provide a 30-day delay in the implementation of regulations requiring shrimp fishermen to pull turtle excluder devices [TED's]. The rules of the House prevent the addition of cosponsors to a bill following the filing of the committee report. Because of the short period of time between introduction of my bill and completion of committee action, these names have not been included as official cosponsors of the bill. Therefore, I am proud to have this opportunity to acknowledge their desire to cosponsor H.R. 5141.

I respectfully request the following Members be listed as supporters and cosponsors of H.R. 5141: Hon. Jack Brooks of Texas; Hon. Kika de la Garza of Texas; Hon. Trent Lott of Mississippi; and Hon. Mac Sweeney of Texas.

ROSTENKOWSKI SPEECH BEFORE THE NATIONAL HEALTH CARE CAMPAIGN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. STARK. Mr. Speaker, the issue of health care is of great interest to all Members and it will be of great importance in the 101st Congress. In a recent speech to the National Health Care Campaign, the issue of health care and other social spending programs was addressed by the Honorable Dan Rostenkowski of Illinois, chairman of the Committee on Ways and Means. I believe his remarks provide a valuable perspective on this issue and I want to bring them to the attention of my colleagues. The following is the text of Chairman Rostenkowski's remarks:

Remarks by Congressman Dan Rostenkowski

I appreciate the opportunity to meet with you this morning to talk about the agenda of the 101st Congress. I'm not going to make any predictions. I learned a long time ago that predictions in Washington are always interesting and rarely correct. Instead, I'd like to discuss in more general terms the problems and choices facing us in the next Congress

The next President and the next Congress will have to face two of the more troubling legacies of the Reagan presidency: a national debt that will exceed two trillion dollars and a social safety net that will have endured eight years of neglect. Whether by design or accident, the fiscal policy of the Reagan era, with its huge federal debt, has created a natural conflict between economic responsibility and social responsibility. The 101st Congress will have to meet the competing goals of continued deficit reduction and satisfying the pent-up demand for needed social spending.

How this conflict is resolved will effect more than just health care proposals. It will influence the debate about all public policies—defense spending, education, child care, public works, farm programs, housing and welfare—all government spending will be examined in the light of our federal deficit.

I don't raise the point about the deficit and its impact on social legislation to discourage you or to imply that needed social initiatives should not be pursued. I raise it because it is a political fact of life that has to be faced.

The experience of the past eight years gives us some indication of how the deficit will effect the public policy debate. Existing programs will face constant scrutiny, if not outright assaults. New spending programs, no matter how justifiable, will have to overcome a deep-seeded, institutional resistance. And, any legislation containing new spending will have to contain spending cuts or tax increases to match the new spending.

As Chairman of the Committee on Ways and Means, maybe I'm more sensitive to this issue than some of my colleagues. Members of Ways and Means have to raise the taxes that pay for government programs. And believe me, no politician enjoys raising taxes.

But the Committee has jurisdiction over more than just taxes. It oversees our largest and most important social programs. So I had a good vantage point to view the ill effects of the Reagan agenda that swept through the Congress in 1981. Not only did I see the tax giveaway, I saw Social Security threatened, Medicare cut, AFDC benefits for working mothers eliminated or reduced, unemployment compensation cut back, the Social Services Block Grant reduced and Supplemental Security Benefits denied to the disabled. Ladies and gentlemen, 1981 was not a very good year.

In 1982, the Congress, led by the Committee on Ways and Means began to fight back. In 1982, we eliminated many of the tax loopholes created in 1981. In 1983, we passed a Social Security bill that preserves the solvency of the Social Security system without breaking faith with our nation's senior citizens. In 1984, we kept a recommended $2.2 billion dollar cut in Medicare to under $400 million dollars. That same year, we stopped the administration from throwing people off the SSI disability rolls. We also restored AFDC benefits for working mothers and enacted a major child support enforcement program.

In 1985, we exempted Social Security and a number of other Social Insurance programs from the automatic cuts under Gramm-Rudman. And once again we resisted an Administration proposal to increase Medicare Part B premiums. In 1986, we eliminated the requirement that inflation must be three percent or more before there would be a Social Security COLA. We also limited a scheduled increase in Medicare Part A deductible, saving seniors $720 million dollars. 1986 also saw the passage of Tax Reform. Under that Act, 3 of 5 elderly households will pay no taxes in 1988 and six million working poor were removed from the tax rolls.

In 1987, we enacted important reforms to protect the pension rights of workers. We also made important changes in the SSI program to improve the quality of life for our elderly and poor disabled.

This year, we enacted the Medicare Catastrophic Health Insurance bill, which contains the largest expansion of Medicare since its original enactment in 1965. We also have a chance to enact a major welfare reform package.

I learned a few things in these legislative battles. One, is the power of the Presidency and the importance of working with the President to accomplish as much as you can. The legislation enacted since 1981 has either been supported by the President or it has made only minor, if any, improvements in the safety net.

In cases where the President supported the bills—Tax Reform, the Social Security Act Amendments of 1983 and this year's Catastrophic Health Insurance bill—we took the President's willingness to work with us and made the bills better. In those areas where he fought us, it was trench warfare, making progress a foot at a time.

The second thing I learned was that political consensus is very difficult to achieve in an era of limited resources. It's easy to identify social needs. Balancing those needs, deciding on priorities, is another story. It is a mistake to think that the end of the Reagan Presidency means the end of this difficult task. Although we won't have to contend with his personal popularity we will have to contend with his legacy of Federal debt.

So it is against this background that the 101st Congress will confront the issue of health care. There is certainly no shortage of health care issues that must be addressed. These include improved health insurance coverage for the thirty-seven million uninsured Americans, long-term care, physician payment reform, and further refinement of the hospital DRG payment system.

There will also be continued pressure to reduce Medicare spending, either as part of a deficit reduction effort or to help finance other health related initiatives. Medicare is an attractive target for both budget cutters and spenders. In recent years we have been able to limit reductions largely to provider reimbursements rather than cuts directly effecting beneficiaries. I think this will continue to be the trend in the Committee, but we have to be careful not to reduce the quality of the care being provided.

We will continue to monitor the DRG system, making adjustments to improve its efficiency and fairness. Of particular concern to me is the need to protect inner city hospitals with large numbers of uninsured patients.

The next logical step in improving the Medicare reimbursement system is physical payment reform. There is a great deal of interest on the Committee in assuring that equitable fees are paid for primary care. This means that the current reimbursements for surgeons and other specialists will be carefully scrutinized. Any significant change in physician reimbursements will be controversial. Our task will be to get the most care of the Medicare dollar without jeopardizing the quality of the care.

In addition to these important adjustments to the current Medicare system, the Committee will be in the middle of the debate over new health programs. The recent debate over the Pepper bill focused attention on the growing need for long-term care. And the latest estimate of Americans with no health insurance is a startling thirty-seven million. Each of these issues poses tough questions about the appropriate role for government in providing health care.

The long-term care issues raises questions about home-care versus nursing home care. Which is more important? What is the appropriate mix of private insurance, government spending and out-of-pocket costs to pay for this care? Who will provide the care?

The alarming number of uninsured Americans raises similar questions. Who will pay? What amount of care should be assured? Who should provide the care?

I think the federal government has a role to play in both of these areas. And both will be at the top of our health agenda. Addressing these issues will be technically difficult, politically controversial and very expensive.

I don't think the legislative process can address both at the same time, nor do I think we'll develop the political consensus about where to get the money for both. So which do we do first? I don't know the answer to the question. I'm not sure that you could agree on the answer.

And wholly apart from the questions of how much to spend in health care and where to spend it, how are we going to balance health care needs against the need for housing, for education, for AFDC benefits?

I don't have the answers to these questions either. But I do know that the next President will have a major role in sorting out these different priorities. The President's agenda may not always be followed but it starts the debate and it is a powerful influence on the process of establishing our national priorities.

I think that my role in this process, and the role of the Committee on Ways and Means, is pretty straightforward. I want to develop legislation that the Congress will pass and that the President will sign. I'm a legislator and a pragmatist. I don't view the legislative process as an opportunity to score political points—I want to use the process to make good law. That means compromising. It means working with the President. It means giving up some things I want and accepting some things I don't want. And more than anything else, I think it means accepting that incremental progress is preferable to no progress at all.

In closing, I will go ahead and make one prediction. Next year, in the next Congress and for the next decade, health care will be a major concern. A great deal of time will be spent in Ways and Means working on health care legislation. The Committee will need your help and the help of others in developing sound legislation. And although we may not always agree, we will always be allies in the fight for health care for all Americans. Thank you.

HONORING JACK, JOSEPH, AND MORTON MANDEL

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ECKART. Mr. Speaker, Case Western Reserve University [CWRU] takes justifiable pride in its School of Applied Social Sciences [SASS]. As one of the Nation's top graduate programs, the school not only makes a substantial commitment to national research in the applied social sciences, but also sets the standard of excellence in its commitment to community.

This commitment to excellence and community reflects the attitude and fine work of Jack, Joseph, and Morton Mandel on behalf of Case Western Reserve University. For many years, this family has given unstintingly of time, talents, and funds to both their community and this educational institution. A mere handful of years ago, the Mandel family provided a major contribution toward the endowment of the Mandel Center for Nonprofit Organizations, located in the SASS, but with a program which draws upon the strengths of the school of law and the Weatherhead School of Management as well.

The Mandel family is bestowing another splendid gift on SASS. This gift will allow for the construction of a new SASS building as well as a permanent endowment for the school. To recognize the continued commitment of this family, the president, the dean of SASS, and university officers have decreed that the new facility be named the "Mandel School of Applied Social Sciences."

In public acknowledgment of the many contributions to the university, a convocation will be held in honor of the Mandel family at the Allen Memorial Library on September 6, 1988. This ceremony will be a fitting tribute to the Mandel family who, in fundraising efforts, endowments, and support of every kind, has given so selflessly to CWRU.

I count it a privilege to commend Jack, Joseph, and Morton Mandel and their families for their years of service to Case Western Reserve University and Ohio.

E. RAY BAILEY—OUTSTANDING SENIOR CITIZEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today, I wish to bring to the attention of my colleagues in the Congress the particular efforts of E. Ray Bailey of Gallia County, OH.

Because of his willingness to give of his time and energy to the community, Ray has been nominated by the Gallia County Senior Citizens Center for the 1988 Outstanding Senior Citizen Award.

Ray has worked diligently for the senior citizens center and its patrons. He has served on the board of trustees, as secretary, and personnel chairman for the center for almost 15 years. Moreover, Ray has always provided the essential organizational support to ensure the success of the center's efforts and local activities.

Mr. Speaker, I am sure that Ray's family and all of his many friends are proud of his outstanding achievements. It is, indeed, a privilege for me to extend my heartfelt best wishes to Ray and his family for this special recognition. It is my sincere hope that he will continue to share his good spirits with the people of Gallia County, and we wish him every success in his endeavors.

ARCTIC WILDLIFE REFUGE AND OIL DRILLING DON'T MIX

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LEWIS of Georgia. Mr. Speaker, I have noticed a number of newspaper articles which have been submitted for the record concerning the advantages of opening the Arctic National Wildlife Refuge to oil and gas development. These articles have presented only one side of the issue.

To give my colleagues a more balanced picture of the strong feelings across this country for protection of this national treasure, I wish to submit the following articles for the RECORD.

Thank you, Mr. Speaker.

[From the Atlanta Constitution, May 18, 1988]

OIL DRILLING, WILDLIFE DON'T MIX, AFTER ALL

For months now, the oil industry has cited Alaska's growing caribou herds as proof that derricks, roads and wildlife are compatible. If drilling disrupts migratory patterns, this line goes, it does not harm the herds—in fact it may help them. Since oil development began around Prudhoe Bay 16 years ago, the industry says, the central Arctic caribou herd has tripled.

So why all the fuss about opening a new oil field in Arctic National Wildlife Refuge, which lies 100 miles east of Prudhoe Bay?

Here's why: Alaska's oilers are having a little problem with cause and effect. True, the caribou have multiplied since Prudhoe Bay was developed. The problem is, they did so because natural predators such as wolves and bears were killed or driven away as roads and air links enabled hunters to reach the area.

Conservationists have long made that point, but government officials and oil execs have hotly disagreed. The naysayers ought to feel a bit sheepish now. A preliminary report by the U.S. Fish and Wildlife Service not only confirms the reason for increased caribou herds, it also asserts that Alaskan drilling has done considerably more damage than the feds predicted.

Near Prudhoe Bay, the vegetation lost to wildlife turned out to be almost double official expectations, the report said, and air and water pollution are significantly greater than predictions. In addition to the loss of bears and wolves, most bird species have suffered a decline. In short, "fish and wildlife habitat losses resulting from the construction, and operation of the pipeline system and Prudhoe Bay oil fields were greatly underestimated . . ." the report says.

The miscalculations and the damage are all the more reason for Americans to view skeptically the Reagan administration's plan to drill in the Arctic refuge. Federal bureaucrats also need to explain why the report, completed last December, was not officially released. (Its contents became known when it was leaked to the press.)

Never mind caribou. The administration seems more intent on protecting sacred cows—like the endangered Alaskan deal.

[From the Atlanta Constitution, Apr. 22, 1987]

No Oil Drilling in Arctic Refuge

Ninety percent of the Alaskan North Slope—an expanse more than 1,000 miles long—is open to oil development. Offshore, in the Arctic Ocean, the federal government allows oil drilling in precisely 100 percent of its territory. So why on earth would Interior Secretary Donald Hodel recommend opening the coastal plain of the Arctic National Wildlife Refuge to oil development?

His stated reasons go like this: The oil reserves of nearby Prudhoe Bay will play out by the turn of the century. That will leave America vulnerable to extortion by the Organization of Petroleum Exporting Countries (OPEC). The refuge's 1.5-million-acre coastal plain offers the best hope for a major new oil strike.

But Hodel's real reasons for urging oil rigs in the Arctic refuge are something else again. At bottom, he would risk the region's delicate ecosystem in order to satisfy the administration's ideological ties.

Never mind the development of synfuels or imposition of an oil import fee or strict conservation measures. Those are credible ways to hedge our bets against a rebounding OPEC, but Hodel and his fellow Reaganites aren't interested. They would rather let private investors have their way with public lands whose natural assets are irreplaceable.

Their proposal is plainly foolish. Even if one accepts the privateering ideology at work here, development in the Arctic refuge is a questionable proposition. The region isn't exactly Texas-style gusher country. The probability of *any* oil beneath the tundra is just 19 percent, and exploration has shown that chances of a major find are remote.

What if oil were discovered? Not only would it be expensive to recover, extraction would take an unacceptable toll on wildife.

For example, porcupine caribou migrate to the coastal plain to calve and to escape insects. Conservationists say that such animals, about to give birth, would not go within two miles of an oil derrick. Nor would they cross roads or pipelines that would connect drilling sites. In all, they say oil development could reduce the population of musk-oxen and wolverines by 50 percent and porcupine caribou by up to 40 percent.

Indeed, oil development around Prudhoe Bay has caused enormous displacement of wildlife. And if caribou have survived in that area, say environmentalists, it is because hunters and poachers have killed off natural predators like wolves. That hasn't happened in the National Wildlife Refuge.

In proposing to develop part of the refuge Hodel opts for the most destructive route to energy sufficiency imaginable. In future years techniques like slant drilling and subsurface drilling may make oil development feasible there. For now, the environmental imperatives of this sensitive region should make such a project unthinkable.

[From the Atlanta Constitution, June 2, 1987]

Nation Needs a Real Energy Policy

Funny thing about the Reaganites: Oil import fees, energy conservatives programs and research into renewable synthetic fuels leave them cold. As another oil shortage looms, only one idea appears to carry much weight with them: Exploitation of protected lands. The administration seems ready to exercise this painful option as a first resort. It ought to be a doomsday choice.

Yet last week, Interior Secretary Donald Hodel went before Congress to advocate oil exploration in the Arctic National Wildlife Refuge. His assessment of the problem was accurate. Today, we import 38 percent of our soil, he said, and by the year 2000 this figure could climb to 50 percent. Growing imports mean an increasing vulnerability to volatile Mideast politics.

But why turn first to policies that risk the environment? Why not first impose an oil import fee that would staunch consumption and induce domestic companies to step up production? Why not begin a stern conservation program? Why not . . .

But never mind. Hodel has his sights set on the Arctic National Wildlife Refuge. Oh, sure, he allows, conservation is important, but it is "not a substitute for development of our own resources." He assured Members of Congress that oil exploration can be done in a way that protects the region's caribou musk oxen and other creatures.

A dose of skepticism, please. The fact is, exploration could displace caribou herds and reduce their population. It could also reduce the population of musk oxen and wolverines. Drilling machinery could leave permanent scars on the tundra.

Hodel argues that a decision to allow drilling now—before an oil panic hits—would give officials time to ensure that wildlife is not harmed. Such leeway would vanish in a crisis, he believes. But there is another possibility. In time, methods like slant drilling and subsurface drilling may make exploration feasible at minimal risk to the envirnment. A delay might help.

In any case, even if explorers find oil in the refuge—and that's a big if—it would not be enough to see us through a crisis. It would only trim the demand for imports. While the Reaganites push this ill-advised scheme, the nation waits on for a sensible energy policy.

[From the Macon Telegraph and News, May 18, 1988]

Oil Not Well in Refuge

There's a mindset on energy: Oil is all. When in doubt, drill. And damn the consequences.

The consequences of opening the Arctic National Wildlife Refuge to petroleum exploration would be severe damage to one of the continent's last surviving stretches of coastline unsoiled by human development. Yet, there's a good chance it's going to happen. A House committee has already given its stamp of approval. We hope wiser heads prevail.

The plan is being pushed in the name of the nation's long-term need for energy resources. Its proponents are the same folks who opposed automotive fuel-efficiency standards that might have resulted in fuel conservation that could have saved enough fuel to offset the need for resources gained by exploiting the Arctic refuge. Nor did the advoates express any interest in a proposal to require an in-depth analysis of energy alternatives before sending drillers into the wilderness.

The scheme deserves to hit the skids somewhere on its way through the legislative process before it gets beyond retrieval. What's cooking here is no long-term concern for energy (the wells will eventually run dry) but another needless rush to turn over any rock that might produce more oil.

Fossil fuel is a non-renewable resource. So is the pristine beauty of nature. We need a lot more balanced debate on alternative measures before making another blind assault on another one of our natural treasures.

[From the Virginia Pilot and Legend-Star, May 22, 1988]

Alaskan Oil Follies

Among the battles the Reagan administration has chosen to fight in its last months is an all-out push to open Alaska's Arctic National Wildlife Refuge (ANWR) to oil and natural-gas drilling. Why? Because of what it can see and what it cannot see.

What it can see is that domestic oil production is declining, as more and more U.S. oil fields become played out. This situation is serious, and will get worse, opening the way for (1) ever-increasing oil imports, with their accompanying drain on the U.S. balance of payments, and (2) greater threats to the national economy in case of shortfalls or embargos. Clearly the nation's long-term energy needs are not being adequately met.

What the administration cannot seem to see—though it should be obvious to one and all, and was obvious before the fact—is that this depletion of U.S. oil supplies was aggravated by the Reagan administration's so-called energy policy of drill, waste and explore for more.

For more than seven years, this administration has ridiculed and obstructed an array of sensible energy initiatives, slashing funding for solar- and wind-power research and development, allowing Japan to overcome the early U.S. lead in cutting the cost of photovoltaics (solar cells that produce electricity directly from sunlight), lowering fuel-efficiency standards for automobiles, etc. President Reagan even vetoed a bill to label household appliances by energy efficiency—even though the manufactureres approved of it.

As a result, the gains the United States made in energy efficiency under the spur of the Arab embargos and price-hikes of the 1970s have been eroded. And so U.S. consumption is heading up, even while production is heading down. Could any such policy produce a more predictable result? And now the administration is on its drill, waste and explore kick again—this time in the Arctic National Wildlife Refuge.

Unfortunately, the administration's attempt to open the refuge to oil and natural-gas drilling got an assist from an unexpected quarter earler this month when the Merchant Marine and Fisheries Committee voted to send the ANWR bill to the floor of the U.S. House of Representatives.

Environmentalists opposing the bill were badly beaten: Not only were their preferred substitutes voted down, but the bill passed with the support of a majority of the committee's Democrats. Among those supporting the bill were Rep. Owen Pickett, who represents Virginia Beach and Norfolk, and committee chairman (and sponsor) Rep. Walter Jones, who represents northeastern North Carolina.

Clearly, the committee's Democrats weren't looking for a chance to give the administration a boost. So why vote to open up the refuge? Apparently for three reasons: one predictable, one debatable, one highly interesting.

National economic or military needs.—Some felt that if oil is found at the refuge—current geological speculation sets the odds at 19 percent—the nation will need it, whatever energy-policy flaws created the need.

The bill's safeguards.—Drilling at the refuge would take place under much stiffer ground rules that at nearby Prudhoe Bay.

But the wisdom of relying on environmental-impact statements before the fact and rigorous enforcement of standards thereafter is at least questionable in light of recent reports demonstrating that the adverse environmental impact of oil drilling at Prudhoe Bay has been greater than previously admitted.

Money.—This reason is the most interesting, if little publized.

Under the Refuge Revenue Sharing Act of 1935, localities are supposed to receive an annual reimbursement, in lieu of taxes, for land included in the national wildlife refuge program. In recent deficit-plagued years, the federal government has been forking over only 56 percent of what its own formula says it owes. As a consequence, it becomes ever harder to persuade localities to cooperate in establishing additional refuges.

The Jones bill would dedicate 45 percent of any potential oil revenues to Fish and Wildlife programs. So, if the drillers should strike oil, the Fish and Wildlife Service would receive gushers of cash. The most dedicated environmentalists are likely to have second thoughts, when confronted with the prospect of cash in large amounts to fund an objective—wildlife conservation—they very much believe in.

The Reagan administration has never seen a landscape it didnt think an oil derrick could improve; it would be ironic if its attempt to open another pristine area to drilling is aided by the mixed motives of those with whom it shares few emotions other than mutual contempt.

[From the Lexington (KY) Herald-Leader, Apr. 24, 1987]

Adopt a Real Energy Policy Before Plundering Alaska

U.S. Interior Secretary Donald Hodel says the nation needs to avoid becoming dangerously dependent on foreign energy supplies. How right he is! So what does Hodel propose to do to avert a repeat of the 1970s energy crisis?

Has he got in mind a national energy policy—a phrase that has disappeared from the English language under the Reagan administration?

Does he want a return of energy tax credits and other conservation measures popular a decade ago?

Is the country ready to impose an oil import tax, perhaps using the extra cash on a crash program to develop alternative energy sources—solar, oil shale, coal conversion?

Has he (gasp!) found the secret to ensuring safety in nuclear energy?

Unfortunately, the answer is, "none of the above." All Hodel has in mind is turning oil companies loose on the entire 1.5 million acre coastal plain in Alaska's Arctic National Refuge. He says the area is the best hope for a major new on-shore oil strike in the United States.

That may be true, since the area lies within 100 miles of the giant Prudhoe Bay oil field. Still, it's hard to accept at face value Hodel's sudden fear of a rerun of gasoline lines. Not when the Reagan administration has consistently ignored the need for a national energy policy.

If such a policy were in place, if this nation were doing everything in its power to achieve energy independence, Hodel's argument would carry far more weight. But given this administration's record, on both energy and business, Hodel's sudden conversion to energy conservationist doesn't ring true. It sounds more like a pretext for letting the oil industry get richer at the expense of a wildlife refuge.

As part of a coherent and comprehensive national energy policy, a case can be made for opening up this 1.5 million acres to oil exploration. Without such a policy, the environmental damage can't be justified.

[From the Raleigh (NC) News & Observer, Nov. 26, 1986]

Oil Drilling, Wildlife Don't Mix

James Watt, wherever he is, must be bursting with pride that the Reagan administration persists in trying to trash the environment it is entrusted with protecting.

The Department of the Interior's proposal to open up the Arctic National Wildlife Refuge for oil and gas drilling—a proposal that comes from the Fish and Wildlife Service, no less—is a shocking reminder that Watt's exploitative philosophy thrives long after this departure as interior secretary. And it illuminates the administration's misguided energy policies.

The wildlife refuge covers the northeasternmost reaches of Alaska, far above the Arctic Circle. To conjure up a mental picture of the vast snowscape leading down to the Arctic Sea, think of it as a polar version of the better-known Serengeti Plain in Africa, a treasure house of the animal kingdom.

The refuge sustains the continent's largest remaining herd of migratory caribou, which journey each year to their coastal calving grounds. All the host of arctic creatures—polar and grizzly bears, wolves and foxes, musk oxen, countless birds—carry on within the refuge that timeless struggle for survival to which man remains a relative newcomer.

Leasing tracts within the refuge for oil and gas drilling would threaten this complex, fragile ecosystem in many ways. Roads and pipelines would block the caribous's migratory paths. Air and water pollution would increase dramatically. Once the caribou herd began to decline, other wildlife that depend on the caribou also would suffer, and the natural balance of an entire region would be altered, perhaps beyond repair.

The Interior Department claims that Alaska's northern coastal plain holds huge petroleum deposits, perhaps rivaling those of adjacent Prudhoe Bay. It says production in the Prudlhoe field has peaked and warns of continued reliance on foreign sources of oil. Yet the administration spurns energy conservation measures and energy taxes that could reduce the demand for oil imports. Instead, it volunteers to sacrifice one of the nation's environmental crown jewels.

The drilling proposal faces scrutiny by Congress; where there is considerable support for giving Alaska's coastal plain special protection as wilderness. Even though the administration shirks its duty, lawmakers thus still can carry out the federal responsibility to safeguard one of the few, precious areas in the United States where man's disruptive impact has yet to be felt and life continues to be governed by age-old natural laws.

[From the Chattanooga Times, Tuesday, May 17, 1987]

Protect "America's Serengeti"

In trying to secure congressional approval for oil development in the Arctic National Wildlife Refuge, the Reagan administration has often cited experience at nearby Prudhoe Bay, saying it shows that concerns about potential environmental damage in the refuge are overblown. But a draft report by the U.S. Fish and Wildlife Service that came out last week shows something else.

The Fish and Wildlife Service study compared actual environmental damage to what was predicted in federal environmental impact statements on the Trans-Alaska Pipeline and the Prudhoe Bay operations. It found the projects have created substantially more air and water pollution and have destroyed significantly greater amounts of wildlife habitat than had been anticipated. The findings should give congressional supporters of oil development in the arctic refuge serious second thoughts.

The Fish and Wildlife study, requested a year ago by Rep. George Miller, D-Calif., was completed in December but has not yet been officially released. Officials say that's because some within the agency dispute the validity of its results. But Rep. Miller, who secured a copy of the draft report through unofficial channels, is reasonably suspicious. He charged that the Interior Department deliberately suppressed the report for fear its findings would dampen congressional enthusiasm for oil leasing in the Arctic National Wildlife Refuge.

This vast wilderness is now protected from industrialization, but the pressure to remove barriers to oil development are great. Legislation to do so has already passed some committees in the House and the Senate but continues to face strong opposition, and for good reason. Because of the large numbers and varied species of wildlife it sustains, the coastal plain of the Arctic National Wildlife Refuge has been called "America's Serengeti." It is a unique and priceless natural resource that can never be replaced and should not be casually sacrificed.

Those pushing for that sacrifice argue that development is necessary to lessen U.S. dependence on foreign oil. But given the most optimistic scenario, the output from the refuge would provide only 2 percent of the nation's projected oil demand during the life of the field. America could easily save that much oil by strengthening energy conservation programs, through tougher automobile mileage standards for instance. Moreover, even the Interior Department admits there is only a 19 percent chance that any recoverable oil reserves will be discovered in the refuge, and that the economics of recovery would demand oil prices of $33 a barrel—twice the current rate.

The facts simply do not support the case for turning the Arctic National Wildlife Refuge over to the oil companies. The coastal plain of the refuge is the only stretch of Alaska's 1,600-mile Arctic coast that's not yet open to oil development. It is not too much to ask that this last bit of coastal wilderness be protected—for the sake of the environment, the wildlife and future generations of Americans.

[From the Chattanooga (TN) Times, Apr. 28, 1987]

Drill, and Hang the Consequences?

Interior Secretary Donald Hodel has asked Congress to allow drilling for oil under the 1.5 million acres of Alaska's Arctic coastal plain, part of the 19 million-acre Arctic National Wildlife Refuge, even though the Interior Department concedes that the odds of success are less than 20 percent. The likelihood is considerably greater that oil and mineral exploration on the plain will damage irreversibly the land used, among other things, as calving grounds by the great herds of caribou. That's serious enough, but Mr. Hodel's request also suggests the short-sightedness of the administration's energy policy.

The primary rationale in Mr. Hodel's proposal is that the United States must come up with new domestic oil sources, thus reducing our dependence on imported oil. The problem is that such an approach downplays the fact that oil reserves are not infinite. The government's lack of emphasis on conservation and the development of alternative energy sources demonstrates a regrettable lack of foresight. The security of America's future depends in large part on an energy policy more comprehensive than the one advanced by Mr. Hodel and others in the administration.

There are more problems with the coastal plain proposal than its relationship with the nation's energy policy, however. In designating the area as a refuge, Congress intended for it to be a place where wildlife could be protected. Drilling would disrupt both the refuge concept and the plain's environment as well.

Further inland, where drilling has been permitted on Alaska's North Slope, more than 17,000 oil spills have been reported there over the past 13 years. The spills have permanently ruined vegetation in the immediate area. The Interior Department had predicted, in fact, that exploration for oil there would result in an "unquantifiable loss of wilderness values" coupled with a population decline of caribou. Those animals and others would also be adversely affected by disruptions in habitat and food sources. There is no reason to assume that the effect would be any less great on the Arctic coastal plain.

Mr. Hodel's proposal that drilling be permitted on the coastal plain's pristine wilderness demonstrates an insensitivity to environmental concerns unworthy of a public official. Congress' responsibility—to the public, to the wilderness program and indeed to the Arctic National Wildlife Refuge—is clear.

[From the Chattanooga Times, Dec. 30, 1986]

PROTECTING A NATIONAL TREASURE

The Arctic National Wildlife Refuge stretches over 19 million acres in the northeast corner of Alaska. It is a vast and wild area, where caribou and polar bears, muskoxen and grizzlies, wolves and sheep, arctic foxes and million of birds find habitat and safety. But the refuge and its inhabitants are threatened by those who dream of oil wells and pipe lines.

In November, the U.S. Fish and Wildlife Service proposed that the entire coastal plain of the refuge be opened to oil and gas development, with all the destructive intrusion of people, machines and man-made pollution that entails. The agency's report reflects the Reagan administration's misguided but consistent policy of promoting commercial exploitation of the nation's natural resources regardless of the costs.

It suggests that as much as 9.2 billion barrels of oil could be recovered from the area, but buried in the report—and not mentioned in the executive summary or news releases on it—are calculations of the real chances of finding oil and gas there. They are a mere 19 percent. And resource recovery from this arctic coastal plain would be economically feasible only if the price of oil on the world market rises to more than double what it is today. In light of these unheralded facts, commercial oil development in this wilderness area would be of questionable wisdom, even without environmental considerations. But these considerations are great.

The coastal plain of the Arctic National Wildlife Refuge is the calving ground for migratory herds of Alaskan caribou, whose wanderings were described by one writer as "the most thrilling wildlife spectacle in this realm of outsized wonders." Polar bears make their dens along the coast. And muskoxen, just recently reintroduced on the refuge a century after overhunting had eliminated them, are flourishing along the coast, where they live year-round.

Even the Fish and Wildlife Service's report acknowledges the extraordinary importance of the coastal plain, describing it as "the most biologically productive part of the arctic refuge and the center of wildlife activity on the refuge." It should not be sacrificed to development interests but should be protected by designation as a wilderness area, as the balance of the refuge has been.

Destroying the fragile ecological balance of this haven for wildlife for the sake of oil and gas recovery, which may or may not be possible or financially feasible, would be a travesty. The Wilderness Society's Susan Alexander likened it to "melting down the Statue of Liberty for the copper in its body and the gold in its torch." The coastal plain of the Arctic National Wildlife Refuge is as much a national treasure as the statue whose 100th birthday we celebrated with such fanfare last summer. We should show it equal respect.

ROTARY CLUB OF JOLIET—75 YEARS OLD

HON. JACK DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DAVIS of Illinois. Mr. Speaker, for three quarters of a century, the Rotary Club of Joliet, IL, has been standing tall as a pillar of the community of Joliet. On Saturday, August 27, 1988, the Rotary Club of Joliet will be celebrating the 75th anniversary of its founding, and I would like to take this opportunity to share their celebration of accomplishment with you and our colleagues here in the House of Representatives.

In 1913, Rotary Club No. 78 was founded in Joliet, IL. The number, seventy-eight, means that the Joliet Club was the seventy-eighth club founded in this worldwide organization now consisting of more than 22,000 clubs in 161 countries across the globe. The Joliet club is now almost 150 members strong.

Undoubtedly most of us have been touched by the benefits of a Rotary Club in our home districts and hometowns. In Joliet, families of all sizes, baseball players, runners, frisbee throwers, and many others all owe thanks to the Rotary Club for their efforts that resulted in the community sports field. Also, young men and women in the Joliet community ages 18 to 28 are able to learn the value and feel the reward of community activity through the Rotaract Club, sponsored by the Rotary.

This, of course, is only the tip of a mountain of good done by the Rotary Club. The Rotarians have promoted scholarships, raised funds for charity, and are currently waging a worldwide campaign with the ultimate goal of wiping out polio once-and-for-all.

I am, at the same time, both proud of and thankful for the Rotary Club of Joliet. I wish them the best on their 75th anniversary, and hope that their work continues for many decades into the future.

LOW-INCOME HOUSING REVITALIZATION ACT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DIXON. Mr. Speaker, today I rise to introduce the Low-Income Housing Revitalization Act, which seeks to halt the serious decline in available low-income rental housing now taking place all across our Nation.

The Low-Income Housing Revitalization Act amends current tax law to provide attractive incentives to private investors who are willing to rehabilitate, renovate, or construct low-income housing units. These incentives are intended to bring private investment capital into a marketplace where renovation, rehabilitation, and construction of low-income housing have come to a virtual standstill.

Under the Low-Income Revitalization Act, the current tax law would be amended to do the following: First, the bill permits the Secretary of the Treasury to reallocate unused housing tax credits among other States for use by their housing credit agencies during the following year.

Second, the legislation permits a housing tax credit allocated for a low-income housing project in 1 year to be carried over to the following year, if it is reasonable to believe the project is likely to be placed into service during the subsequent year.

Third, the bill extends the availability of low-income housing credits beyond the current expiration date of 1989. Under the provisions of the Low-Income Revitalization Act, federally subsidized low-income rental property, which was previously eligible to be depreciated at rate of 4 percent, would be depreciated at a higher rate of 9 percent.

Fourth, the legislation modifies current tax law by accelerating depreciation of qualified low-income rental housing from 27.5 to 20 years.

Fifth, while enhancing tax credits for investors, the bill would deny any Federal tax credit or deduction to owners who maintain substandard low-income rental housing. The bill specifies that no tax credit or deduction can be claimed by owners of substandard property found to be in violation of local or State housing or building codes—unless the violations have been corrected within a given period of time. This provision of the legislation is modeled after the Substandard Housing Abatement Program, a highly successful program in my own State of California, which became law in 1974.

Finally, the legislation modifies the current passive loss rules to permit investors who are actively or materially involved in renovating, rehabilitating, or constructing low-income rental housing to write-off losses incurred as a result of such involvement against other income.

Mr. Speaker, the accelerating decline of affordable, safe, and decent low-income rental housing is one of the great tragedies in America today. Since 1983, fewer than 25,000 units have been built annually. Consequently, no matter where one looks these days, growing numbers of homeless people—young and old, black and white, families and individuals—can be seen.

I am deeply concerned about two unprecedented crisis—the dearth of affordable, decent and safe low-income rental housing, and homelessness—that touch each and everyone of us. I believe that the Low-Income Housing Revitalization Act would encourage new investment in low-income rental housing, particularly as the dwindling supply and availability of decent, safe, and affordable housing continues to be a critical issue throughout our Nation.

INTRODUCTION OF LEGISLATION REGARDING CERTAIN HOSPITALIZED VETERANS

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. APPLEGATE. Mr. Speaker, I am introducing legislation today which will operate to prevent the reduction of certain veterans' VA pension benefits where the veteran is hospitalized for periods in excess of 3 full calendar months.

Under current law, if a veteran with no dependents is being furnished hospital care by the VA for a period that exceeds 3 calendar months, his or her non-service-connected VA pension benefits are reduced to a maximum of $60 per month until such time as the veteran is discharged from the hospital. I have received reports that this reduction in benefits is causing hardships to some of these needy veterans who, although hospitalized and maintained by the Government, still have other monetary obligations, such as the rental of a home.

This bill would also remove an administrative burden from the VA which must now monitor these cases and take action both to reduce and subsequently increase these payments. I do not believe the current provisions are needed, and since the pension program is one which is based on economic need, we will not be providing any veteran a windfall if this bill is enacted.

CARRIE BROOKINS—OUTSTANDING SENIOR CITIZEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today, I wish to bring to the attention of my colleagues in the Congress the particular efforts of Carrie Brookins of Jackson, OH.

Because of Carrie's willingness to give of her time and energy to the people of her community, she has been selected by the Jackson County Senior Citizens for the 1988 Outstanding Senior Citizen Award.

Carrie has worked diligently for the Senior Citizens Center and its patrons. She helps her elderly neighbors with mowing their lawns throughout the summer. In addition, Carrie takes elderly neighbors to church and other social events who would otherwise miss these functions.

Carrie serves on a special events committee at the Senior Citizens Center that plans and coordinates all fundraisers and special dinners. Moreover, she has always provided the essential organizational support to ensure the success of the center's efforts and local activities.

Mr. Speaker, it is indeed a privilege for me to extend my heartfelt best wishes to Carrie and her family for this special recognition. It is my sincere hope that she will continue to share her good spirits with the people of Jackson County, and we wish her every success in her endeavors.

THE UNITED STATES-CANADA FREE-TRADE AGREEMENT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LAFALCE. Mr. Speaker, on Tuesday when this body overwhelmingly approved the United States-Canada Free-Trade Agreement, I argued that if the agreement should fail in Canada, that there should be no solace taken. Instead, it is unlikely that we could easily return to the status quo or soon negotiate a new trade agreement or some multiple number of sectoral arrangements.

This is due to the fact that the United States and Canada—having come so far over so many years, having raised expectations so much, and having negotiated so closely—have become more aware of each other's trade practices, which we both deem to be unfair in a good many instances. Therefore, if the agreement should fail, I believe that it is almost inevitable that an avalanche of trade complaints would be filed, resulting in a virtual trade war between our two countries that could have calamitous consequences for both the United States and Canada, and the world.

These same points are cogently presented in an article in the Toronto Globe and Mail on August 10, 1988. I would like to share this article with all of you because I believe that the points in this article are well-taken and should be carefully considered by all.

The article follows:

IF THE DEAL IS SCUTTLED

"Always remember, a 50-percent loss requires a 100-percent gain to get back to where you started," writes Royal Trust investment adviser Paul Bates.

With a sound free trade agreement reached with the United States, and ratification likely this month by the Congress and House of Commons, the cost of tearing up the deal this winter would be significant. No worse signal could go out to Canadian and foreign entrepreneurs. No greater comfort could come to U.S. protectionists. No sadder blow could land on important regional groupings in Canada's political landscape.

And having provoked these losses, how much harder would we have to work to get back to where we started?

The free trade agreement is already a tangible and psychological fact. The world beyond Canada would be amazed and largely contemptuous of Canada's rejection of this agreement now. No other country has won such privileged access to the largest, richest market in the world. No other country has won U.S. agreement to subject the United States' trade laws to joint discipline. No other country has won exemption from future U.S. laws against foreign investment.

And no other industrialized country has travelled from protectionism to a free trade agreement, only to call it off and retreat to protectionism. It would darken recently-improved views of Canada for years. (Other than Japan and the U.S., which have huge internal markets, Canada is the only industrialized country that is not in a free trade group. In this context, Canada is the most protectionist industrialized country in the world.)

It is whistling Dixie north of Windsor to suggest that Canada could tear up this agreement now and make another one with the United States soon. No U.S. administration is going to start over to seek essentially the same ends after such a rebuff. Let us not parade our naiveté so conspicuously, or offer comforting assurances so disingenuously.

It is just as irresponsible to suggest that tearing up the deal will not discourage investment here by Canadians as well as by foreigners. Securities dealers report that many business decisions are on hold, awaiting the outcome of the political battle in Canada. No one should pretend that rejecting this free trade agreement would not damage Canada's economic prospects and lead to higher unemployment than would otherwise occur. No one should pretend that rejecting this deal would not expose the auto pact to early renegotiation in much tougher circumstances.

And what about the political implications? Eight premiers support this deal. The aspirations of many Westerners and Quebeckers, in particular, are caught up with free trade. The Macdonald commission on the economy suggested in 1985 that "the most significant and long-term effect of free trade would be the strengthening of national unity and the removal of one of the most persistent and corrosive sources of regional alteration in Canada's political history . . . It is difficult to think of any other act of Canadian public policy that would have so comparably healing an effect."

The corollary is obvious. Rejecting a signed free trade agreement would pour vinegar on historic wounds. And separatists would quickly suggest to Quebeckers that only sovereignty can remove the protectionist yoke imposed by others on its future (while Ontario booms with free trade in autos).

In a desperate struggle with the New Democrats for electoral advantage, the weakened federal Liberals have abandoned their historic tendencies toward free trade to embrace protectionism. Surely it is only descriptive to say that economic dismay and political disarray would greet any federal government that rejected this useful agreement, whatever the outcome of an election expected this fall.

NATIONAL COMMISSION ON HUMAN RESOURCES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. WAXMAN. Mr. President, today I am introducing, along with my esteemed colleagues, Senator CLAIBORNE PELL and Representatives MEL LEVINE and CLAUDINE SCHNEIDER, a joint resolution for the establishment of a National Commission on Human Resources.

I firmly believe that there is a role for Government to assist in research and education on techniques that promote the development of personal excellence and fuller human potential. To this end, the National Commission on Human Resources will work to establish a scientific advisory panel to promote the evaluation of technologies and procedures to develop fuller human potential. The Commission will also advise Congress, the President and the American public on policies and programs designed to facilitate the attainment of fuller human potential.

Mr. President, this century will unfortunately go down in history as one characterized by war, hunger, and genocide—as a century where man's inhumanity to man surfaced decade after decade. No one more than we, who are products of this century, can better understand human potential for evil. It is with this in mind that I call your attention to the charter of the National Commission on Human Resources. It is a charter that calls for the exploration of potential for good, for the realization of noble goals.

As the language in this bill explains, the exploration of human potential is really a pursuit of ways to solve the problems that separate people, to strengthen world peace, security, tolerance, and fundamental human rights. It is the search for methods to promote economic and social progress and well-being for all peoples. By identifying the tolls and techniques for attaining fuller potential for individuals, the Commission will provide the American people with the knowledge, the opportunity and the discipline to promote personal excellence.

I hope my colleagues will join me in supporting this important measure.

PRIME MINISTER OF MALTA VISITS THE UNITED STATES

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. FEIGHAN. Mr. Speaker, in July the Prime Minister of Malta, Dr. Edward Fenech Adami, visited the United States. Dr. Fenech Adami was the first Maltese Prime Minister to visit this country in 20 years. He has traveled to the United States before on several occasions in his capacity as opposition leader.

The primary reason for this visit is Dr. Fenech Adami's desire to underscore his interest in establishing closer ties to the United States and to the West. While Malta retains its neutrality, the Prime Minister is interested in pursuing a more balanced policy toward the East and West than that of previous Maltese Governments.

During his visit the Prime Minister met with President Reagan, Vice President BUSH, Deputy Secretary of State Whitehead, Assistant Secretary for European and Canadian Affairs Ridgway, and Secretary of Commerce Verity. In addition, Dr. Fenech Adami met with a number of private groups and members of the media. In candid discussions with members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee, the Prime Minister reiterated that Malta wants to establish stable relations with its neighbors, the United States, and the West while adhering to Malta's neutral foreign policy.

Mr. Speaker, the Republic of Malta has indicated it will seek membership in the European Community. The Prime Minister affirmed that Malta needs technical assistance and Western private investment to rebuild its economic base and reconstruct its long neglected infrastructure. Because Malta is interested in pursuing a more balanced policy toward the East and the West and is determined to restore the traditional friendly ties and expand economic relations between our two countries, I urge my colleagues and the administration to lend their support to this effort.

THE HEALTH CARE PROVIDERS RESPONSIBILITY ACT OF 1988

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DONNELLY. Mr. Speaker, earlier today, I introduced legislation along with Congressman PETE STARK, the chairman of the Health Subcommittee, to address what I believe is becoming a serious problem with hospitals in this country which refuse to acknowledge their responsibility to those individuals who do not have adequate access to health care.

I am referring to hospitals which refuse to accept Medicaid patients or hospitals which refuse to accept patients who do not have health insurance. Simply put, Mr. Speaker, the primary role of a hospital is to care for sick people. But when access to care is denied because a patient is incapable of paying for services, especially by a hospital which receives enormously generous benefits from the Federal Government, it's time for Congress to step in.

A study reported in the Milbank Quarterly showed that 15 percent of forprofit hospitals surveyed discouraged admission of Medicaid patients, 5 percent of private nonprofit hospitals discouraged admission, and 3 percent of public hospitals discouraged admission. Even worse are the statistics for hospitals which discourage admission of uninsured patients: 43 percent of forprofit hospitals, 20 percent of private nonprofit hospitals, and 14 percent of public hospitals.

The Health Care Providers Responsibility Act of 1988 has two main provisions, but its overriding purpose is to provide that when a health care facility receives proceeds from a tax-exempt bond, or when a health care facility is a qualified Medicare provider, the health care facility is required to accept Medicaid patients. Although I think this bill should go further—and will continue to pursue attempts to make it go further—I am introducing this bill today to send a message that hospitals have a responsibility to their community when they receive benefits from the taxpayers of this country.

A more detailed explanation of the legislation follows:

AMENDMENTS TO TAX-EXEMPT BOND RULES

PRESENT LAW

Condition of bond exemption

Interest on obligations of State and local governments is exempt from Federal income tax under authority of section 103 of the Internal Revenue Code. In the case of a private activity bond (i.e., a bond where proceeds are used to finance private activities), interest on the bond is taxable unless a specific Code provision operates to exclude the interest from taxation.

One such exception is provided for "qualified 501(c)(3) bonds" (Code sec. 145). A bond is a qualified 501(c)(3) bond generally if the proceeds of the issue are used by an organization exempt from tax under section 501(c)(3) of the Internal Revenue Code or by a governmental unit. Other requirements are also imposed on general obligation bonds and qualified private activity bonds (*see*, for example, Code sections 147 and 149).

Application of unrelated business income tax

Under present law, if there is a change in the use of facilities financed in whole or in part with proceeds from a tax exempt private activity bond, several adverse consequences result. In the case of qualified 501(c)(3) bonds, a change in use can result in the 501(c)(3) entity becoming subject to the unrelated business income tax.

Code section 150(b)(3) subjects these entities to the unrelated business income tax if facilities owned by these entities, financed with proceeds of tax exempt bonds, are used in a trade or business by a non-exempt person. In addition, no deduction for interest on financing provided by tax-exempt bonds is allowed for entities which become subject to the unrelated business income tax under this section.

EXPLANATION OF PROVISION

Condition of bond exemption

Under the bill, interest on an "inpatient health care facility bond" would not be exempt from tax unless, at the time the bond was issued, the facility receiving proceeds from the bond was a qualified Medicaid provider in the State in which the facility was located. An "inpatient health care facility bond" is a private activity bond, any proceeds of which are used by or on behalf of an inpatient health care facility. The term inpatient health care facility includes, but is not limited to, hospitals, skilled nursing facilities, and intermediate care facilities. The bill is also intended to cover services provided in a hospital emergency room.

It is anticipated that the Secretary will monitor the activities of hospitals which have provider agreements and receive proceeds from inpatient health care facilities bonds closely. For example, if a hospital had a provider agreement, but discouraged admission of Medicaid patients, or attempted to discharge these patients against their will, the Secretary would be expected to notify these hospitals that such actions were inappropriate as a condition of receiving the benefits of tax exempt financing. Such actions by hospitals might well subject the hospitals to loss of a provider agreement under many State Medicaid laws, thus subjecting the hospitals to the unrelated business income tax (as discussed below).

Unrelated business income tax provisions

Under the bill, interest on a general obligation bond would not lose its exemption from Federal income tax if proceeds from that issue were provided to an inpatient health care facility which violated the Medicaid standards discussed above. This is because, in the case of general obligation bonds, it is possible that only a fraction of the proceeds would be lent to an inpatient health care facility within the meaning of the bill. A decision was made that it was inappropriate to taint the entire bond issue if only a small fraction of the proceeds were made available to an offending facility, or if it were impossible to trace the proceeds to such a facility.

Nonetheless, inpatient health care facilities which receive proceeds from a general obligation bond are still required to be Medicaid providers. Similar to the rules governing facilities financed under 501(c)(3) bonds which are used by a person other than a 501(c)(3) organization or governmental unit, the bill subjects the facility to the unrelated business income tax. Thus, if financing from a general obligation bond were provided to any inpatient health care facility from a bond which purported to be a tax exempt bond, and the facility did not meet the requirement specified above relating to being a Medicaid provider, then the owner of the facility would be subject to the unrelated business income tax imposed by Code section 511. The unrelated business income tax would be imposed in any year in which the facility failed the test relating to Medicaid.

The provisions relating to the unrelated business income tax would also apply to an inpatient health care facility which received financing from an inpatient health care facility bond and which violated the Medicaid standard. Thus, interest on bonds would not lose income tax exemption, but the offending facility would become subject to the unrelated business income tax sanction for the taxable year (or years) in which the facility did not have a provider agreement under the State's Medicaid program. Furthermore, any deduction for interest on bond financing which would arise as a result of the facility becoming liable for the unrelated business income tax would be disallowed.

EFFECTIVE DATE

The provision would be effective for bonds issued after December 31, 1988.

AMENDMENTS TO MEDICARE PROGRAM

PRESENT LAW

Present law does not require hospitals or skilled nursing facilities to accept Medicaid patients as a condition of participation in the Medicare program.

EXPLANATION OF PROVISION

Under the bill, a hospital or skilled nursing facility would be ineligible to participate in the Medicare program unless it was a qualified provider in the State Medicaid program in the State in which the facility is located. The provision would be effective for hospital cost reporting periods beginning on or after September 15, 1988.

CHESTER AND MARY NEFF—OUTSTANDING SENIOR CITIZENS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today I wish to bring to the attention of my colleagues in the Congress the particular efforts of Chester and Mary Neff of Scioto County, OH.

Because of their willingness to give of their time and energy to the people of their community, Chester and Mary Neff have been nominated by the Minford 55 Club for the 1988 Outstanding Senior Citizens Award.

Chester and Mary have worked diligently for the Senior Citizens Center and its patrons. They have served as volunteers for the center for several years. Chester is the director, and Mary has treated the patrons of the center with her fine cooking. They have always provided the essential orgnizational support to ensure the success of the center's efforts and local activities.

Mr. Speaker, I am sure that Chester and Mary's family and all of their many friends are proud of their outstanding achievements. It is indeed a privilege for me to extend my heartfelt best wishes to them for this special recogniton. It is my sincere hope that they will continue to share their good spirits with the people of Scioto County, and we wish Chester and Mary every success in their endeavors.

DECISION TIME FOR THE B-1B

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ASPIN. Mr. Speaker, the recent disclosures about the glaring deficiencies in the B–1B bomber have raised serious questions about its future and the ability of our national security establishment to effectively manage important defense programs.

One basic point needs to be emphasized: Fiscal year 1990 is the make-or-break year for the B–1B.

Why do I say this? The problems that have been uncovered with the B–1B's defensive avionics system, the ALQ–161A, cannot be denied or simply explained away. It has been determined that a fundamental flaw exists with the basic architecture of the system. That is, the ALQ–161A cannot process all of the threats that it is supposed to. This means that the B–1B's ability to detect and counter certain threats is compromised. For a penetrating bomber such as the B–1B whose survivability is very sensitive to the performance of its electronic countermeasure system this raises serious questions about its capability.

These questions must be answered before we do another thing with the B–1B. We need very precise answers to very basic questions. We must know exactly how much it is going to cost to fix the problems and what we achieve in terms of the B–1B's mission capability. Further, what do we do with the B–1B if we don't fix the very serious shortfalls with the electronic countermeasure system?

We must know what enhancements the Department of the Air Force has in mind for the B–1B. And we must know the total costs and what we accomplish with the enhancements. This information must be presented in comprehensive fashion, not in a piecemeal manner.

In this vein, I have written to the Secretary of Defense requesting that the Congress be furnished with very specific information about the B–1B. In my view, in order to be fully prepared to make prudent and informed decisions about the B–1B the information is needed before the end of the year.

Specifically, the Department of Defense must tell us the following:

First. What the target requirements—both strategic and conventional—the B–1B is able to meet with its current capability and projected to meet in the future.

Second. What is the B–1B's current mission effectiveness.

Third. What are the detailed near- and long-term B–1B spending plans and their justification.

Fourth. What does a cost-benefit analysis of fixes and enhancements of the B–1B show us. That is, what do the additional dollars buy in terms of additional capability to improve penetration, deliver weapons and survive the mission as compared to the use of other assets?

Fifth. What are the impacts/implications of potential arms control agreements on the B–1B's role in the overall force structure.

Without this information, the Congress would be placed in a very difficult position. In my judgment, it would be extremely difficult, if not impossible, to justify any additional funds for the B–1B program.

I have been critical of the B–1B program, and it would be very easy to say no more funds! In fairness to all concerned, however, I think we should withhold judgment until all the facts are in.

But we need the facts. For the past 2 years, the committee has sought to get the facts, determine what has gone wrong with the B–1B program and where things really stand with it.

Since the spring of 1986 when we discovered problems with the B–1B's defensive avionics system, we have been told by the Air Force experts that these were normal development hiccups. Not to worry, everything is under control and any problems would be taken care of.

This same pattern was evident during our hearings in February and March 1987. At that time, the Air Force representative told the committee that "We are making good progress, though, in even resolving those problems [ECM]."

Repeatedly, we were told that there really was no major problem with the B–1B. The Department of the Air Force continued to stress the B–1B's performance in the most glowing terms.

At the end of March 1987, the committee issued its report on the B–1B program. Among its conclusions were the following:

First. Promises about the aircraft's performance and capabilities as of fall 1986 have not yet been met and are not all expected to be met earlier than 1991. The cost and schedule to achieve full operational capability remains uncertain.

Second. The current limitations, particularly with regard to the electronic countermeasure/defensive avionics system degrade the B-1B's effectiveness as a penetrating bomber.

Third. Information provided to the Congress by the Air Force did not afford a balanced assessment on the status; as a result Air Force credibility has suffered.

From that time, the Department of the Air Force has taken issue with our questions about the capability of the B-1B. Further, the Selected Acquisition Reports (SAR) that the Air Force submits to the Congress on major weapon systems barely mention any problem with the B-1B. The SAR is designed to provide the Congress with factual information on a program's status in terms of cost, schedule and performance.

The latest SAR on the B-1B states that the only problem with the defensive avionics system is the lack of adequate contract reserves. There is no mention of its fundamental inability to perform to specifications.

Contrast this, if you will, with the recent testimony before our Research and Development and Procurement Subcommittees. The Department of Defense Director of Operational Testing and Evaluation, John Krings, had this to say about the B-1B:

> We will probably accomplish about 50 to 60 percent in terms of gross assessment of what it was supposed to do. We are talking about survivability, of penetration, kind of lumping all that together—all scenarios, good ones, bad ones, et cetera—about 50 percent * * *

This testimony was provided to the committee following a report from the Department of the Air Force that the recent flight tests of the B-1B's defensive avionics turned up "limitations within the current system architecture."

In response to a question from Representative BILL DICKINSON, the committee's ranking Republican, on what this really meant, Krings replied:

> The number of threats that are being dealt with are significantly lower than those originally [planned]. We clearly do not accomplish what we started out to do. This system will not deal with threats that it was identified to deal with. It will deal with some of the them successfully, which it really did not even do until recently. It really was not successful in overcoming hardly any of the threats.

Quite simply, according to Krings, "the architecture, the capability of the B-1 ECM system and the ALQ-161 is incapable of handling all the threats."

As a result, Krings gave the defensive avionics system, the ALQ-161A, a grade of D in its current state. This comes after the expenditure since 1982 of nearly $3 billion for the system. Regrettably, it was not until July of this year that we found out really how bad things are with the B-1B.

This brings us to a very critical point. The question is where do we go from here. At a minimum, we need answers to the questions raised in the correspondence to Secretary Carlucci. Without those answers, we may well be faced with the prospect of parking the B-1B.

As matters now stand, we are looking at some undetermined cost to fix the B-1B, some $8 billion in potential enhancements for the aircraft, and a Congressional Budget Office projection of a $71 billion price tag to develop, produce, operate and support the aircraft over its 20-year life cycle.

In a similar context, if one looks at strategic program spending trends for the period covering the years 1981 to 2004, some interesting issues emerge. Based on unclassified material and assuming START limitations, we could well spend in fiscal year 1989 dollars an estimated $425 billion for major strategic programs.

Interestingly, the lion's share of the costs, some $242 billion or 56.9 percent would be allocated for strategic bomber programs, $105 billion or 24.8 percent for submarine launched ballistic missile programs and $78 billion or 18.3 percent for land based ballistic missiles programs.

The fact that the major share of the strategic dollars would go to bombers suggests strongly that we need to realize a very significant yield in terms of capability for this type of investment. We need to ask ourselves if this money would not be better spent on systems that do not have as many uncertainties as the B-1B program.

Much is being made of the cost of the Midgetman program, for example, but the real cost in strategic systems is not ICBM's but bombers. Is this the right allocation of our strategic dollars? Do we really want to spend more on bombers (re: fix-up the B-1B) and cut back on a survivable ICBM missile?

I want to assure my colleagues that the committee is establishing a structure and a process for resolving the B-1B's status. Following the August district work period, I will report further on the committee's course of action.

In the meantime, I want to call to the Members' attention the forthcoming release of a report by the Congressional Budget Office on the B-1B program. Last year, at the request of the committee, CBO undertook a study of the B-1B and possible options for the program.

The report reviews the current status of the B-1B program, discusses the various issues associated with the program's status, outlines several options for the B-1B, identifies a number of program enhancements, and analyzes the B-1B's penetration capabilities against Soviet air defenses. I hope that my colleagues will avail themselves of the report. It should help to familiarize the Members with the major issues associated with the B-1B.

ANNA DILLARD—OUTSTANDING SENIOR CITIZEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. McEWEN. Mr. Speaker, Americans are a generous and caring people. Today I wish to bring to the attention of my colleagues in the Congress the particular efforts of Anna Dillard of Waverly, OH.

Because of her willingness to give of her time and energy to the people of her community, Anna Dillard has been nominated by the Pike County Senior Citizens Center for the 1988 Outstanding Senior Citizen Award.

Anna has worked diligently for the Senior Citizens Center and its patrons. She has served as a volunteer for the center for 10 years. Moreover, Anna has always provided the essential organizational support to ensure the success of the center's efforts and local activities. She is a caring individual and is always willing to come to the aid of other people.

Mr. Speaker, I am sure that Anna's family and all of her many friends are proud of her outstanding achievements. It is indeed a privilege for me to extend my heartfelt best wishes to Anna and her family for this special recognition. It is my sincere hope that she will continue to share her good spirits with the people of Pike County, and we wish her every success in her endeavors.

PROGRESS REPORT ON THE FEDERAL BUDGET DEFICIT

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, according to the most recent analysis, the deficit in the Federal budget for the fiscal year ending September 30 will total $154 billion.

While that figure is 30.2 percent lower than the record $220.7 billion deficit in the 1986 budget year, it is almost $4 billion higher than the deficit for last year. Under current assumptions, next year's deficit is expected to be about the same as this year's figure.

These figures demonstrate that Congress has made significant progress in reducing the overall deficit. Unfortunately, they also show that we have reached a plateau. Without further extraordinary effort and compromise, the annual budget deficit will not fall below the $140 to $160 billion range.

The deficit for the current fiscal year is about 3.4 percent of this country's entire gross national product and approximately 14.6 percent of anticipated outlays by the Federal Government. In simple terms, the Federal Government will take in about 85 cents for every dollar spent this year.

The last 7 years have been a disaster in terms of our Nation's fiscal policy. The national debt has more than doubled and net interest payments have tripled to about $150 billion—about $2,800 for each family in this country. We have to turn this situation around.

It might help to analyze how we got ourselves into this mess. It seems to me that the deficits we have suffered with over the past 7 years are partly the result of our failure to ask the American people what they were willing to pay for, not just what they wanted from their Government.

It is clear that our constituents have wanted lower taxes. It is equally apparent that they want the Government to provide more services and devote resources to try to solve the problems of homelessness, drug abuse, access to health care, and other important issues facing our Nation.

Our job is to resolve the conflict. After all, while reasonable people can differ on what our particular spending and tax priorities should be, no one should disagree over the bottom line: Huge deficits in the Federal budget are unacceptable when the economy is relatively strong, as it has been over the last several years.

Unfortunately, the Congress is not well suited to this task. Frankly, it takes strong leadership to unite the disparate forces within the Congress behind a workable program and that leadership ordinarily must come from the President. This President has not helped. In my 6 years in the Congress, he has never sent us a balanced budget or even proposed a plan that would lead to a balanced budget within a reasonable period.

In the absence of Presidential leadership, the Congress has made some progress, but our basic decision has been to defer the issue to the next administration.

That administration will have the difficult burden of pursuading the American people that it will be necessary to pay more in taxes while receiving less in terms of government spending. It won't be easy.

However, the alternative—allowing our fiscal policy to continue on its current course—is unacceptable for several reasons:

The money needed to finance the deficit is being borrowed not only from Americans, but in large part from Japanese and European investors. Large sums are also being borrowed from the same sources to finance private domestic consumption. We have made ourselves international debtors and seriously undercut our Nation's ability to chart an independent economic course.

The deficit has significantly affected the ability of the Federal Government to respond to emerging needs.

It is immoral to ask our children to pay for our profligacy.

There is no question that the imbalances will ultimately be remedied. The real issue is whether we have the courage and wisdom to reduce the deficit in an orderly, disciplined way or we will wait for some cataclysmic economic event—like the Great Depression—to lead us to the necessary adjustments.

I am confident that, with effective Presidential leadership, the 101st Congress can go down in history as the Congress that put us on a sure path to a balanced budget.

AMERICAN INVOLVEMENT IN SOUTH AFRICA AND OUR ANTI-APARTHEID STRATEGY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. COURTER. Mr. Speaker, I supported economic sanctions against South Africa in 1986 to promote nonviolent change, racial equality, and democracy in that country. Unfortunately, since the passage of the last sanctions bill, South Africa has made little progress toward dismantling the barriers of apartheid.

The new sanctions bill, H.R. 1580, would move beyond current sanctions, mandating substantial American withdrawal from that country. This legislation would, among other things, prohibit all United States investment in South Africa. This prohibition would extend not only to future investment, but to current holdings as well. It would also prohibit all imports from South Africa (exept for strategic minerals and publications) and all exports to South Africa (except for certain humanitarian donations). Supporters of H.R. 1580 believe that international economic isolation of South Africa could threaten an economic collapse and lead to a swift and dramatic end to apartheid. However, recent developments in Panama show some of the difficulties of using massive economic sanctions and withdrawal to achieve certain foreign policy goals, and how those means may result in unintended consequences.

The present array of sanctions, enacted over President Reagan's veto, asserts the United States' implacable hostility toward apartheid and attaches significant penalties to maintaining that system. At the same time, active involvement by United States companies, either circumventing or in outright defiance of obnoxious apartheid restrictions, for example, on housing workers in racially segregated areas, provide an alternative path of protest against apartheid and a chance for black economic advancement. Our vocal reiteration of this position by the words of our diplomats and the actions of our businesses in South Africa strengthens anti-apartheid forces and serves as an instrument for empowering the black majority.

Our antiapartheid policy must contain a comprehensive series of strategies, including vocal denunciation of racial discrimination, sanctions to impose a cost for maintaining this policy, and active American involvement in South Africa to circumvent apartheid and to represent the ideal of racial equality. In my view, H.R. 1580 leans far too heavily toward American withdrawal. I strongly believe that American presence is a force for good in South Africa, and, therefore, I must oppose this legislation to remove American influence from the South African scene.

A TRIBUTE TO DR. FREDRICK CHIEN

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. MADIGAN. Mr. Speaker, it is my honor to rise to commend the fine work of Dr. Fredrick Chien, the Representative of the Republic of China in the United States, as he leaves Washington to return to Taipei. Dr. Chien has been appointed as the Minister of State and Chairman of the Council for Economic Planning and Development. I offer him my congratulations on his recent appointment and my thanks for his fine work on behalf of his country.

One of the major responsibilities Dr. Chien will have as Chairman of the Council will be United States and Taiwan trade relations. I wish him well in this capacity and hope that his ideas and suggestions will influence the continued improvement of the two-way trade picture that we have seen in this year. Reports indicate that the United States actually replaced Japan as the number one foreign supplier of goods to Taiwan, the first time in 25 years that our exports have achieved that position.

Much more progress is needed, but the trend seems to be running in the right direction and I am confident Dr. Chien will do his best to promote fair and friendly trade dealings between our two countries.

Beyond issues of trade, however, I believe Dr. Chien has demonstrated in his years in Washington that ties between Taiwan and the United States rest on something far deeper than commercial interests. The real strength of our relations stands on the sincere friendship which the American people offer to another people and society who share our dream of freedom. The relationship between the free people on Taiwan and the land of freedom in America is bound by common values of free enterprise, the worth of human life, the rule of law, democracy and world peace for which we each are striving. If there is one thing Dr. Chien achieves in his new undertaking, I hope it will be the continued ability to articulate and administer the proper formula for preserving lasting, friendly ties between Taiwan and the United States.

Dr. Chien has treated all issues relating to United States and Taiwan relations with skill and diplomatic professionalism. His calm and realistic approach has contributed to a course of cooperation between our countries.

I am confident that Dr. Chien will succeed in his new position of responsibility as he has throughout his distinguished career. I send both Dr. and Mrs. Chien my best wishes for their future and the future of United States and Taiwan relations.

TWENTIETH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ROTH. Mr. Speaker, 20 years ago this month, we woke up one morning to the news that Soviet troops had occupied Czechoslovakia, crushing in one fell swoop the first fragile flowering of freedom among that proud, but imprisoned, people.

That brutal action served then as a stark reminder of a basic strategy of the Soviet Union: the subjugation of all freedom-loving peoples in Eastern Europe by whatever means are necessary.

For the many Americans of Czechoslovak descent, the events of August 1968 are especially bitter, but their remembrance is particularly important. As we contemplate the phenomenon of glasnost in Moscow, it serves us well to remember the history of repressive acts perpetrated by Mikhail Gorbachev's predecessors, before we fall into the embrace of the latest Soviet regime.

To help my colleagues recall the reality of August 1968, I commend the following essay, written by Mojmir Povolny, chairman of the executive committee of the Council of Free Czechoslovakia, and a resident of my home town of Appleton, WI. Let his eloquence speak for all those who yearn for freedom in Czechoslovakia.

THE TANKS OF AUGUST

(By Mojmir Povolny)

Twenty years ago in the night between August 20 and 21, more than half a million Soviet and other Warsaw Pact troops invaded and occupied Czechoslovakia to bring to heel the country awakening from twenty years of a totalitarian nightmare. According to the treaty imposed upon the Czechoslovak government in Prague on October 16, 1968, the Soviet troops were to be stationed on the Czechoslovak territory "temporarily". Twenty years later, the Soviet army of occupation still holds the country in its grip, the Czechs and the Slovaks vegetate in the shadow of its might, and the eyes of the world have turned away from the land which was the inspiring and eventually the tragic focus of their attention in 1968.

In spite of the suggestions made in Moscow last November at the time of the celebration of the 70th anniversary of the Bolshevik revolution that a new assessment of the Soviet invasion of Czechoslovakia was needed, the Kremlin has so far remained silent.

The twenty years of Soviet occupation have been one of the most depressing periods in modern Czech and Slovak history. The first objective of the Soviet Union—to insure that Czechoslovakia be governed by Communists absolutely subservient to its authority—was quickly accomplished. The government and the secretariat of the Communist Party of Czechoslovakia became mere branches of the Soviet Embassy in Prague.

Under the Soviet command the paramount preoccupation of the Czechoslovak Communist apparatchiks has for twenty years been the "normalization" of life in Czechoslovakia. In political terms "normalization" has meant the restoration of the Party's monopoly of power and the elimination of all factors that could challenge and jeopardize the central purpose. The return to the totalitarian conception of rule marks the present Czechoslovak Communist regime as one of the most oppressive governments in the Soviet bloc.

The settlement of accounts within the Party was followed by the most severe persecution of the young people who refused to live only on their knees and wished to create for themselves a niche in which they could be free in their camaraderie and with their dreams. When in the middle of the 1970's the human rights movement gained momentum in the Conference on Security and Cooperation in Europe, the Czechoslovak President signed the Final Act of Helsinki one day and on the next day began to persecute and arrest his subjects who claimed for their fellow citizens the human rights and fundamental freedoms of that very document. The Charter 77 movement, its offspring the Committee for the Defense of the Unjustly Prosecuted (VONS), and human rights advocates outside these structures have been victims of incessant harassment.

If the coup of 1948 nipped in the bud the economic recovery and development of what used to be one of Europe's most advanced industrial countries, the Soviet invasion has been followed by Czechoslovakia's complete dependence on the Soviet Union, its economic policies, and its foreign policy wherever it is being carried out by economic means. Under this intensified linkage the country has stagnated in the backwaters of centralized planning, inflexible management, and heavy-handed political interference. Today, the Czechoslovak Communist leader Milos Jakes promotes an even greater integration of Czechoslovakia's economy with the economy of the Soviet Union.

No wonder, then, that the morale and the productivity of the Czechoslovak workers are low, that they steal and moonshine more than they economize and labor in their enterprises, that corruption is the accepted rule rather than the repugnant exception, and that the spoilation of the natural environment through ruthless exploitation of its resources has scarred the once beautiful country for years and years to come.

The Soviet invasion struck Czechoslovak culture like a hurricane when it passes over a garden in its early growth and bloom. The devastation has been total. What the invasion had left undone, the Czechoslovak Communist regime tramples out day in and day out with blind determination. The cultural production which is permitted is nothing but production, without intrinsic value, interest or importance for a people who had historically turned to their writers, artists, composers, and to their intelligentsia in general in times of distress and peril for consolation, succcor, and inspiration. The cemetery of the once flourishing culture is the silent but also the most telling plaintiff against the country's Communist rulers.

The capital victims of the present condition have, however, been the ordinary Czechs and Slovaks. The alien power and the vassal government have made a mockery of all the public virtues that used to inform their democratic past and to which they aspired again in 1968. The complete degradation of their public life has been for a generation gnawing on their private virtues and eroding the quality of their private lives. Inner emigration is the mildest form of the general malaise: dishonesty, envy, divorce, alcoholism are the spreading symptoms of the decline of the civil society in Czechoslovakia.

And yet, despite the weight of the occupation and of the totalitarian rule, the country refuses to surrender. Charter 77 and VONS have become a permanent fixture of the Czechoslovak and international scene. The underground scholars, writers, and artists are developing an independent culture with which the official culture bears no comparison. The young people have the courage to challenge in the streets of Prague the phony peace progaganda of the regime by asking for real peace and freedom. New political initiatives call for the democratization of the system, for the neutralization of their country, and for a new Central Europe. In return to religious faith more and more people rediscover the spiritual dimension of human existence which the Communists have tried in vain to obliterate with their ideology.

All the Czechs and Slovaks live in the hope that one day these evil times will pass and that they will return to the family of free and sovereign nations.

A CONGRESSIONAL SALUTE TO MR. WILLIAM C. BARNES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding man in my district, William C. Barnes. Mr. Barnes will be given the Community Service Award by the Community Services Development Corporation on October 12, 1988. I am pleased to have this opportunity to say a few words about him.

William Barnes is a true Californian. He attended Long Beach City College, obtained his bachelor's degree at Pepperdine University, a master's degree from California State University at Los Angeles, and did some graduate work at the University of Southern California. Besides being educated in Southern California, William has also spent his life working in education in southern California. He was employed by the Compton School District for 11 years, and filled the roles of teacher, counselor and basketball coach. He has also worked as a consultant for the California State Department of Education, the Los Angeles and Orange County Unified School Districts, the Compton College District, and the Norwalk-Mirada School District. Since 1966, William has worked for Long Beach City College in various capacities. He started as a counselor, moved to assistant director for special projects, personnel, and in 1969, became a dean at the college. Since 1980, William has been the dean of the Pacific coast campus.

When asked to list his hobbies, William will name "civic improvement" as one of them. However, I know first-hand that William does not treat his community activities as weekend hobbies. Over the years that I have known William, I have watched him throw his body and soul into projects that no one else has the courage to take on. Originally, my wife Lee and I got involved with William through the Congressional Award Council. As the former vice chairman and a current member of the board of governors, William has been a dynamic force with the organization. To William, the Congressional Award Council is not simply another addition to his résumé, but a group in which he acts as an anchor and a catalyst.

William has been the head of many community organizations. For example, he was the vice president of the chamber of commerce in 1982, the board chairman of the Boys Club in 1979, the board chairman of the Red Cross in 1983, the chairman of the Poly Community Interracial Committee, and the president of the Downtown Kiwanis. William has also served and is serving on many boards, including the Boy Scouts, the N.A.A.C.P., the Mayor's Task Force, the Mayor's Task Force on New Directions, the Memorial Hospital, and the N.C.C.J.

The list of William's awards is long and deserved. He was given the Golden Boy and the Golden Man Award from the Long Beach Area Boys' Club, the Black American Award by the Commission on Economic Opportunity, and the Citizen's Award by the Long Beach Century Club. He is also in the Hall of Fame in Long Beach City College.

I could go on and list more of William's achievements and honors; I have only scratched the surface of his work. William Barnes is a man who has dedicated his life to his community. In every facet of his life, his commitment to others is apparent. My wife Lee joins me in extending our warmest congratulations to William on this auspicious occasion. We wish William, his wife Virgie, and his children Blake, Brian, and Brad all the best in the years to come.

HONORING JUDGE MORRIS TURK

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CARDIN. Mr. Speaker, I rise today to honor an exemplary citizen of Maryland. Judge Morris Turk retired from the Fifth Judicial Circuit Court of Maryland at the end of July.

Judge Turk has been a public servant for nearly 30 years. He was appointed chief judge of the 5th Circuit in 1975. Prior to that Judge Turk served his State and country in many capacities including as a member of the U.S. Armed Forces.

As a past director and vice-president of the Annapolis Symphony Orchestra and as a member of the Advisory Board of the Annapolis Fine Arts Foundation, Judge Turk has made important contributions to the cultural community as well.

Judge Turk's involvement in our community has been recognized by many. Among his honors are the Governor's Citation for Outstanding Service, Frontiers International Human Relations Award, and the Ambassador for Peace Award from the Jewish National Foundation.

With his wife Irene at his side, Judge Turk has made important contributions to the lives of many Marylanders. I urge my colleagues to join me in saluting an honored member of the Maryland Circuit Court and an outstanding citizen, Judge Morris Turk. We all wish him the best for the future.

THE 1988 TECHNICAL CORRECTIONS BILL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SMITH of New Jersey. Mr. Speaker, the House passage of the Miscellaneous Revenue Act of 1988, H.R. 4333, will be welcomed news for many who have sought relief from burdensome tax provisions unforeseen during consideration and passage of the Tax Reform Act of 1986.

The most important provisions of the Miscellaneous Revenue Act are embodied in the technical corrections language. This portion corrected technical drafting errors in the Tax Reform Act of 1986, and the 1987 tax legislation. Adoption of this legislation was especially important to those in the accounting profession who struggled with the incorrect "letter of the law."

In addition, H.R. 4333 included several tax provisions which were taken from individual bills of which I was proud to cosponsor. For example, among the bill's provisions were:

An extension of the exclusion from income of employer provided education assistance.

An extension of the tax exemption for mortgage revenue bonds.

A 20-percent deduction for certain research and development expenses for businesses.

An extension of the targeted jobs tax credit for businesses which hire the disabled or economically disadvantaged youth.

An exemption for the "phantom income" of mutual funds from the 2-percent floor on itemized deductions.

Permission for artists, writers, photographers and livestock producers to deduct their business expenses from current year income.

A repeal of the collection of the diesel excise tax for "off road" users of diesel fuel.

The legislation also included several provisions which will close certain corporate tax loopholes and thus render the entire package as revenue neutral. Some of these changes include a reduction in the amount of dividend income a company may deduct from the ownership of another company's stock; a repeal of the completed contract method of accounting; and an excelleration of corporate estimated tax payments.

H.R. 4333 additionally contained several tax simplification measures. One of the most important was an explanation of the section 89 requirements dealing with nondiscrimination rules for employee benefits. Under this provision, the Treasury Department will be required to clarify the regulations, which limit an employer's ability to provide highly paid employees better health and life insurance, and various other benefits, than the employer provides to its lower paid employers.

Although I do not believe that H.R. 4333 has put all of these issues to rest, in fact I know several will be revisited, this bill has addressed some of the more pressing tax issues of the past year. Next year the House will again look at several of these tax matters and respond to our constituents needs by further fine tuning the Tax Code.

ANTHONY E. O'BLOCK, BUILDER AND BANKER, COAL MINER AND MAYOR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. GAYDOS. Mr. Speaker, earlier this summer one of the most widely known and respected individuals in western Pennsylvania opted to curtail a business/political career that spanned more than half a century in his hometown of Plum Borough.

Anthony E. O'Block, the son of immigrant parents who came to America from the province of Slovenia in Yugoslavia, decided to step out of the public spotlight into the shadows of private life.

His decision signaled the end of a life's journey which took "Tony" from the depths of the coal mine to the heights of political popularity; from the world of building into the world of banking; from obscurity as a youth to prominence as an adult.

"Tony" O'Block was all of those—and more! As far back as 1925 when he labored in the mines he was determined that one day he would be his own man. That day was not long in coming.

He saved enough from his mine earnings that he soon was able to open his own auto repair shop. Then, in 1935, in the midst of the Great Depression, "Tony" went into the construction business—and began buying stock in the local bank.

In 1941, "Tony" O'Block launched his political career. He ran for the local board, won and served as president of that body for 16 years. He left the board in 1957 to campaign for the office of burgess—mayor—in what was then Plum Township. Again, he won, and when the community was incorporated as Plum Borough, "Tony" O'Block was to be its first—and only—mayor until his decision to step aside this summer.

By then, some 60 years later, "Tony" O'Block, the young coal miner, had carved his own niche in the history of his community: owner of a multimillion-dollar construction business, president of the borough bank, and one of the major leaders of the local and county Democratic Party.

Anthony E. "Tony" O'Block: builder and banker, coal miner, and mayor. Not bad for a man who quit school in the eighth grade!

I wish him well.

MARITA RIVERO HONORED AS BROADCASTER OF THE YEAR

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SAVAGE. Mr. Speaker, on June 19 of this year, WPFW-FM general manager Marita Rivero was honored by the Black Journalism Review as Broadcaster of the Year at a Juneteenth Commemoration in the Nation's Capital at Benjamin Banneker Field.

The Black World Journalism Award was given to the honoree in recognition of her individual contribution, and in commemoration of the 123d anniversary of Juneteenth, the last day of legal slavery in the United States—June 19, 1865.

According to Black Journalism Review editor Askia Muhammad, "Broadcaster Marita Rivero brings a strong commitment to education and high quality alternative radio service to the American noncommercial broadcasting industry, and she is to be commended. In her 7 years as general manager of Pacifica Foundation licensee WPFW-FM in Washington, DC, Ms. Rivero has led the station to unprecedented growth, progress and stability. During her tenure WPFW grew to become the largest minority-managed noncommercial radio station in the country, with an audience size among the 20 largest of more than 300 noncommercial stations.

"During this period WPFW won numerous prestigious national and local awards for programming excellence, including the George Foster Peabody, Corporation for Public Broadcasting, and Ohio State Awards."

Rivero has been appointed to be the new radio manager for the WGBH Educational Foundation in Boston, MA. Her new duties at the Nation's third largest public radio station will include overseeing local broadcast operations; national programming production and distribution; as well as management of the 100,000-watt radio station of more than 40 production, engineering and administrative personnel.

While at WPFW, Rivero is also credited with bringing financial and institutional stability to the young station which was founded in 1977 without an endowment, relying primarily on listener support from the start. In addition she developed the concept of WPFW's news magazine, Audio Evidence, upgraded the station's facilities including building three studios, and was successful in leading WPFW to its current prominence as the Nation's number one minority-managed public radio station. Ms Rivero's personal production credits while at WPFW include: "Royal Weekend: Count Basie Live at the Post Office Pavilion," January 15, 1984, Washington, DC; "20th Anniversary March on Washington," August 23, 1983; "Jazz Fathers & Sons," featuring Wynton Marsalis at the Kennedy Center, 1984; "1st Annual Cap City Jazz Festival," featuring Miles Davis, 1985.

Rivero returns to WGBH after a 12-year hiatus. In addition to having produced WGBH's weekly community affairs TV series "Say Brother" from 1970–76, she also produced several national and local series specials for WGBH-TV. Rivero has also served as consultant to such organizations as the Public Broadcasting Service [PBS], the Communications Task Force for the U.S. Congressional Black Caucus, the National Science Foundation and the U.S. Department of Education's Committee on Black Higher Education. She currently chairs the Steering Committee of the National Federation of Community Broadcasters [NFCB]; is a member of the Distribution of Interconnection Committee of National Public Radio [NPR]; and serves on the steering committee of Blacks in Public Radio.

Rivero is the first black woman to head the radio operations for the WGBH Educational Foundation. She attended Pennsylvania's Lincoln University, earned a bachelor of science degree at Massachusetts Tufts University, and pursued advanced studies at Harvard University's Graduate School of Education, and the University of Pennsylvania's Wharton School.

Rivero is affiliated with the Capital Press Club, the National Press Club, the Washington Area Broadcaster's Association, and American Women in Radio and Television. She is listed in Who's Who in Black America, and has received the Washington DC, YWCA Black Achievement Award.

This year's Juneteenth observance in Washington, DC, was unanimously recognized by the Council of the District of Columbia in a Ceremonial Resolution which said in part:

> Whereas, June 19 has been recognized for decades as "Juneteenth," an unofficial Independence Day for Americans of African descent * * *
>
> The Council of the District recognizes Juneteenth as representative of the highest ideals of this democracy, specifically the dignity associated with freedom, especially freedom of speech, religion or assembly, all of which allow individual Americans to fulfill their highest potential.

Founded by Mr. Muhammad in Chicago in 1976, the Black Journalism Review is a quarterly periodical which focuses on the news, communications, and entertainment media from a positive black perspective.

ADOLESCENT FAMILY LIFE PROGRAM

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LELAND. Mr. Speaker, today I offer legislation to revise and extend title XX of the Public Health Service Act, the adolescent family life demonstration projects. This bill amends the current program to provide a full service program to meet the pressing needs of children who bear children.

The United States is in desperate need of such a program. One in ten young women between the ages of 15 and 19 will bcome pregnant in 1989. Our Nation leads nearly all other developed nations in rates of teenage pregnancy and childbearing; almost twice the rate of Britain, the next highest country.

The numerous problems incurred through early childbearing have resulted in an appalling rate of infant mortality. Teen mothers are less likely to receive early prenatal care, all too often resulting in the death of their children. It is my hope that providing services to low-income teen mothers can assist in the halt of this national tragedy.

The adolescent family life demonstration project was established almost 10 years ago. We have studied the benefits of different approaches in delivery of services. We have learned much through this program, and we have used that information to craft a full service program that targets those individuals who most desperately need our assistance.

The new full service program would authorize the Secretary of Health and Human Services to make grants and enter into contracts with public and nonprofit private entities. These organizations would provide services to pregnant adolescents choosing to carry their pregnancies to term. Services would include comprehensive prenatal and postpartum care, well-child care, family planning services and a variety of counseling services.

My bill was crafted in conjunction with an ad hoc coalition of approximately 20 organizations experienced in providing services to pregnant adolescents. We have demonstrated a need for this program. Each year 178,000 teenage girls under the age of 18 give birth. Under the current demonstration project only 9,000 of them are served. The time has come for us to expand this program from a demonstration project to a full service program in an effort to help as many of these teens as we possibly can.

REAL JOBLESS RATE AND LOW WAGE JOB EXPLOSION LOWERS AMERICAN STANDARD OF LIVING

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HAWKINS. Mr. Speaker, as Members evaluate the monthly employment and unemployment statistics in an attempt to formulate appropriate policy responses, we must look beyond the current official Bureau of Labor Statistics [BLS] overall figures. The official BLS figures may accurately indicate the extent of employment and joblessness, as defined by current BLS definitions of employment, unemployment and labor force participation, but those definitions are antiquated and inappropriate, and do not adequately represent the real situation in the labor market.

When the people who are working part-time for economic reasons, and the discouraged workers and others who no longer are counted as being in the labor force by BLS because they have given up their job search, are added to the official BLS unemployment rate, a much more precise and realistic view of the labor market is presented.

In the August 1988 analysis done by Council on International and Public Affairs, entitled "Joblessness and the Pauperization of Work in America," authors Ward Morehouse and David Dembo use this more comprehensive statistical method and show the most recent quarterly jobless rate to be at a dismal 12.0 percent in June.

Using BLS statistics, their quarterly analysis also tracks the explosion in low-wage job creation during this decade. Three-quarters of the new jobs created during this administration are in the two lowest-paying sectors of the U.S. economy—retail trade and health and business services. The report compared the job performance records of the Carter and Reagan administrations and found the Reagan record trailing its predecessor on both number of jobs created annually and the quality of those jobs. The report also observes that the number of persons below the poverty line increased 38 percent from 23.4 million in 1974 to 32.3 million in 1986.

Another publication, entitled, "A First Friday Alert," by the National Committee for Full Employment, also bases its monthly unemployment calculations on definitions different from BLS, but very similar to those of the Council on International and Public Affairs. The First Friday Alert released August 5, 1988, showed that 12.9 million Americans were unemployed and underemployed in July. The alert pointed out that average retail wages were only $6.28 per hour in July, and that retail employees worked an average of 30 hours per week, a full 10.7 hours less than manufacturing workers who were earning $10.18 per hour.

The alert also pointed out the economic disparities some regions of the country are experiencing. For instance, Michigan, Louisiana, West Virginia, New Mexico, Kentucky, Mississippi, Alaska, and Puerto Rico all have official unemployment rates over 7 percent, and Illinois' rate was 6.4 percent, and Texas was at 6.3. percent.

These analyses have major policy implications. They document economic weaknesses and that current policies and programs are not meeting the needs of millions of millions of Americans in very difficult and stressful circumstances. We must move ahead with an overall economic policy and targeted education, employment and training agenda which will enable every American able and willing to work to have the opportunity to find employment at fair rates of pay.

RETIREMENT OF EVA J. DENEV

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. RODINO. Mr. Speaker, at the end of August, Eva J. Denev, my longtime legislative director, will be retiring. Eva has been a member of my staff for the past 23 years and I wanted to take this opportunity to express my appreciation for her many years of loyalty and dedication.

Eva came to Washington in 1946 after receiving her master's degree from Northwestern University and began her career in Government at the State Department. She was part of the American Mission for Aid to Greece and spent a year working in Athens during the critical years of postwar recovery.

After working in the area of foreign aid for the Economic Cooperation Administration and the Mutual Security Agency, Eva joined the staff of Senator Thomas Burke and began a long tenure as a congressional staffer. She subsequently worked for Senator Earle Clements, Senators Richard and Maurine Neuberger and Senator Harrison Williams before joining my staff as my first legislative director.

During more than two decades of outstanding service, Eva has been a trusted and invaluable adviser whose breadth of knowledge and expertise were of great assistance to me. Although she was involved in a wide range of legislative issues, Eva is best known to her friends and colleagues for her commitment to the protection of animals. As an ardent animal lover both in her personal and professional life, she has worked diligently—behind the scenes and in her quiet manner—on behalf of this important cause and her efforts have made a difference.

I want to express my sincere gratitude to Eva Denev. I know that her many friends join with me in extending heartfelt best wishes to her for a healthy and happy retirement. We will all miss her.

A TRIBUTE TO THE PASHAMI DANCERS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CARR. Mr. Speaker, I rise today to pay special tribute to an organization, the Pashami Dancers, which has provided a unique cultural service to Michiganders for the last 20 years.

The Pashami Dancers are a nonprofit dance company, specializing in west African dance and have furnished people across the State of Michigan with the opportunity to view firsthand the vitality and complexity of west African dance, music, and culture. They have been especially successful in distilling this experience to children, including 300 primary and secondary schools in the State, as well as to numerous civic and community service groups.

Additionally, the Pashami Dancers have traveled within the United States to share their performances with others. They have been goodwill ambassadors to several west African countries, including Ghana, Senegal, Togo, Nigeria, Benin, Gambia, and Cote D'Ivoire, where they have perfected their skills in the dance, music, and drumming.

Their service to us has been made possible by several outstanding individuals' contributions to them. Among these individuals is their founder, Dorothy Jones, who still serves as artistic director and who has passed on her knowledge to countless students and teachers of the dance. Doris Bohnam Copedge has been a member of the Pashami Dancers for all its 20 years, exemplifying the dedication and commitment of the company. Members of the troupe have distinguished themselves in fields as various as law, teaching, medicine, nursing, business, and engineering.

The Pashami Dancers have enriched the lives of thousands of people. I ask you to join me in thanking and congratulating them on the occasion of their 20th anniversary, and to wish them continued success in their efforts to promote cultural awareness.

INTRODUCING LEGISLATION FOR THE LAKE POWELL LAND EXCHANGE, UT

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. NIELSON of Utah. Mr. Speaker, I am introducing legislation to improve land ownership patterns and management of State and Federal lands in the State of Utah around the Lake Powell area. I present this bill before this distinguished body for your consideration.

This legislation is to consolidate State of Utah school section lands scattered throughout Capital Reef National Park, Glenn Canyon National Recreation Area, and the Navajo Indian Reservation. The intent is for the State to consolidate these properties along Lake Powell, to enhance local economies, increase public access to Lake Powell, and enhance revenues to the State's school system from State land trust properties. Any development of these blocked State lands would be in harmony with the National Park Service's general management plan for Glenn Canyon National Recreation Area, and are sites that the National Park Service has identified for potential future development.

With this in mind, I ask for the support of all my distinguished colleagues in passing this legislation to improve the economic stability of this rural area in my State, to monetarily improve the Utah's school trust fund, and to block scattered land parcels for better public land management.

GLOBAL WARMING DUE TO THE GREENHOUSE EFFECT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. WALGREN. Mr. Speaker, the devastating drought now occurring in the U.S. farm belt focuses our attention on the impact that permanent changes in climate could have on peoples lives and on the overall economic activity of the country. Global warming, and associated climate changes, is a predicted outcome of the greenhouse effect. The release into the atmosphere of greenhouse gases, such as carbon dioxide, has been greatly accelerated during this century due to industrialization and energy production associated with it.

The scientific evidence that climate change will result from the accumulation of greenhouse gases in the atmosphere is no longer in substantial dispute. A consensus has formed among scientists that the cause and effect are beyond dispute. There remain uncertainties about the timeframe of global warming. But we know for certain that the concentration of greenhouse gases in the atmosphere is growing; that greenhouse gases persist in the atmosphere for at least a century; that there are no feasible methods for artificially removing them; and that the ultimate severity of the effect on climate may not appear for decades after initial release of the gases.

We face then, a situation involving a potentially catastrophic outcome, which is irreversible but ultimately can be mitigated by our own actions. It is imperative that we formulate a plan of action.

The concurrent resolution is a clear statement that we cannot afford to ignore the greenhouse effect and is an assertion that positive steps must be taken. The first step must be a comprehensive national energy policy. One bright spot is that there are policies which make economic sense and which will mitigate greenhouse gas emissions, such as improved energy efficiency. Since the oil shock of the 1970's, U.S. energy use has increased little as the economy has grown, largely due to conservation. However, the United States is still about half as energy efficient as other industrialized countries, so that there are still significant gains to be achieved through conservation.

Only by means of coordinated actions at the national level can we avoid unintended consequences. Federal policies to encourage use of a particular fossil fuel or synthetic fuel in order to reduce reliance on imported energy sources, for example, will impact the greenhouse effect, since different fuels release different quantities of carbon dioxide for equivalent energy output. A national policy would balance the tradeoffs between economic and environmental impacts.

The second point of emphasis in the concurrent resolution is that policies to mitigate global climate change must involve international agreements which implement coordinated international strategies. The atmosphere knows no boundaries. Whatever actions we take alone to control the greenhouse effect will ultimately be futile in the absence of international cooperation. The process of negotiating international agreements is difficult and time consuming. But the greenhouse clock is ticking, and we have no time to lose in initiating the process of achieving international accords.

I strongly encourage my colleagues to join me in supporting the resolution with its call for action.

LABOR DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LIPINSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the significance of the public holiday, Labor Day. Since 1894, Labor Day has been observed annually by both the United States and Canada on the first Monday in September. On May 8, 1892, at a meeting of the New York Central Labor Union, Peter J. McGuire suggested reserving a day to pay tribute to American industry. Mr. McGuire requested that the holiday be on the first Monday in September because it would conveniently fall between the Fourth of July and Thanksgiving, thus "filling a wide gap in legal holidays."

Labor Day is renowned for recognizing industrial workers as major contributors to the emergence of the United States as a world power, as well as commemorating the labor movement. The labor union movement originated during the aftermath of the Civil War deriving itself from the Progressive Movement. Workers united under one voice to call attention to the injustices of the labor system. These workers toiled long hours, for low pay, under unsanitary and unhealthy conditions. Mr. McGuire, the son of Irish immigrants, could identify with the extreme poverty that had oppressed his respective laborers, and was determined to make public his outrage.

At the 1894 Labor Day parade in New York City something occurred that would set a trend for subsequent Labor Day celebrations. A group of women garment workers reluctantly marched in the parade, adorned in their usual ragged attire. One of their representatives replied, "So much the better, let them march in their rags so that the New York public may see how they are treated." Although demands for reform of improvement in the American labor have never ceased, the emphasis on Labor Day as an opportunity for bringing worker's problems to public attention has diminished. Today, Labor Day is regarded as a suitable time to reflect on the history and accomplishments of the labor movement to date, and to inform workers of any developments from the previous year.

A bill to establish Labor Day as a Federal holiday was introduced in Congress in 1893, and it was approved by both Houses within the next year. I know my colleagues will join me in celebration on Labor Day whether in leisure or reminiscent of the roots of our present labor system.

TRIBUTE TO MS. BARBARA REYNOLDS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mrs. COLLINS. Mr. Speaker, I rise today to honor USA Today journalist Barbara Reynolds who has written an uplifting book titled "And Still We Rise." This book celebrates the achievements of 50 black role models in education, entertainment, sports, the arts, and the media. Keeping in mind that the reenactment of the 1963 March on Washington is right around the corner, I encourage my colleagues to read this timely collection of interviews in which Ms. Reynolds taps into the lives of special black Americans who, in many instances, broke the barriers of racism, sexism, and sometimes poverty in order to achieve their goals.

Ms. Reynolds has worked for several newspapers including Chicago Today and the Chicago Tribune, as well as major magazines such as Ebony and Essence. Presently, she is the Inquiry page editor of USA TODAY.

Ms. Reynolds was inspired to write her book because many of her associates at USA TODAY were motivated by the interviews she did daily. She aptly writes that "many of the people in this book are role models not only for black people but for the nation" (xi). Furthermore, Coretta Scott King comments in the epilogue that "[t]his book shows that black Americans have something special to contribute to this country and the world, a strength and tenacity and a gift for compassion that has been finely honed and tempered in our struggle for survival and freedom" (219).

Colleagues, after you read "And Still We Rise," I know that you will feel as uplifted as I am about the many contributions that black Americans have given to our country. Indeed, this spirit of uplift is what we need to make our commemorative March on Washington a remarkable experience.

THREE SAINTS CHURCH MARKS THE MILLENNIUM OF CHRISTIANITY IN RUSSIA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. TORRICELLI. Mr. Speaker, 1,000 years ago during the reign of Prince Vladimir, Russia adopted the Eastern Orthodox influence from Constantinople and embraced Christianity as the state religion. This event marked the canonical emergence of the Russian Orthodox Church, which has remained the characteristic form of Christianity in Russia. In 1589, when Moscow was recognized as a separate Patriarchate, Russian Orthodoxy became a force independent of Constantinople.

Over the centuries the solemnity and holiness of the splended ritual, the beauty of the music, the richness of the vestments and the color of the icons have given warmth and life to the faith. The Patriarchs, Bishops, and Priests provided leadership and vision and together with the faith and devotion of the adherents, created a church with tremendous spirit and compassion.

It is my hope that the feelings and attitudes brought about by the impact of the processes of glasnost and perestroika will continue to provide an atmosphere conducive to religious understanding and appreciation. In celebration of the millennium of Orthodoxy in Russia, the Moscow Patriarchate sponsored conferences on the history, theology, spiritual tradition, liturgical life and art of the Russian church and anxiously awaits the jubilee edition of the Bible in Russian. Closer to home, the Three Saints Church in Garfield will present a reception honoring the millennium celebration on Sunday, August 14, 1988.

It is with the greatest respect and admiration that I wish His Excellency, Bishop Clement, administrator of the Patriarchal Parishes of the Russian Orthodox Church in the United States my warmest best wishes. Mr. Speaker, it is my honor and privilege to participate in the tributes being extended on this joyous occasion and I know my colleagues in the House will join me.

H.R. 5193, THE DEGRADABLE PLASTICS ACT OF 1988

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LANCASTER. Mr. Speaker, I rise today to draw the attention of my colleagues to legislation I introduced yesterday which would take a significant step toward addressing problems caused by plastic waste. The Degradable Plastics Act calls upon EPA to issue rules requiring that, within a total of 7 years, certain plastic items be degradable. The included plastic items add up to the vast majority of all plastic waste.

When the many labor-saving uses of plastics became apparent half a century ago, a new age of convenience began. There was an understandable tendency to believe that "disposable" somehow meant an item simply disappeared. Only recently has that misconception begun to fade, confronting us with the difficulties against which we must weigh the benefits of plastics and other waste products. Certainly today, life without plastics would be most difficult. For this reason, this is an area in which the Federal Government has a special obligation to take realistic steps to protect the environment.

This issue has a special impact on my district and the State of North Carolina in a number of ways. North Carolina's Third District, like the districts many of you represent, lies on the coast. Plastic waste unquestionably presents a special hazard to marine wildlife. This problem will not be completely solved by the adherence of the United States to annex V of the Marine Pollution Treaty [MARPOL], which prohibits the disposal of plastic from ships. In some coastal areas across the country, analysis of debris has revealed that more than a third of the plastic waste was not from vessels, but was strewn along the coast by beach-goers. A recent study by the Interagency Task Force on Persistent Marine Debris concluded that marine debris affects individuals of many endangered, threatened, and commercially valuable species of marine wildlife. Understandably, it is difficult to establish with certainty figures for marine fatalities due to ingestion of or entanglement in plastic debris each year. It has been estimated, however, that approximately 100,000 marine mammals and 1 million seabirds are killed in plastic debris each year.

In addition, there is the problem posed by our municipal landfills. Once we thought landfills would be the answer to our solid waste problems. This has not proved to be the case. The areas in which we can safely site landfills are dwindling, as a result of public opposition and new realization about the potential hazards to our ground water supply. At the same time, the capacity of our existing sites is being filled at a rate barely dreamed of 20 years ago. In North Carolina, for example, we are approaching a real solid waste crisis. Almost one-third of our municipal landfills will run out of permitted capacity in less than 2 years. Other States face even more immediate dilemmas. In New Jersey less than 15 landfills remain in operation. It is worth noting that the fastest-growing element of the burgeoning solid waste stream is plastic waste, as the production of plastics in the United States has increased from about 6 million pounds in 1960 to nearly 57 million pounds in 1987.

Finally, there is the problem of unsightly and potentially hazardous plastic litter. Millions of dollars are spent by coastal communities each year in beach clean-up efforts in order to avoid losing far greater amounts in tourism revenues.

In order to approach this problem constructively, however, it is important to understand that plastics are not the only culprit in the overcrowding of our landfills and the jeopardizing of our marine environment. Also, I do not view degradability as the exclusive solution to the plastic waste problem. However, it would be regrettable if we allowed ourselves to succumb to paralysis—to fail to act because we were caught in endless debate over what was the primary environmental culprit. There is no single culprit. There is no single solution. Debate of this issue must extend beyond mere legislative hand-wringing, and towards a realistic discussion of solutions. I believe we should be guided by an understanding that, in addressing this issue along a number of avenues at once—recycling, landfill capacity, cleanup campaigns and increased public awareness, and degradability—we can make meaningful headway in confronting some of our most pressing environmental problems.

One of the truly promising solutions to the problem of plastic waste in an expanded use of plastics which quickly decompose. This technology has been available for a number of years and environmentally benign plastics are already being marketed in Western Europe, Canada, and parts of the United States. Italy has banned nondegradable plastic packaging, effective in 1991. In the United States, 16 States have now banned certain nondegradable plastic products and numerous others are considering such bans.

Producing degradable plastics is a feasible long-term solution to the problems created by plastic waste. This is an area in which the Federal Government has a special obligation to take realistic steps to protect the environment.

Degradable plastics can be manufactured with additives which make them either photodegradable or biodegradable. A number of processes for producing degradable plastics have been developed, most of which include adding degradable agents, such as cornstarch or synthetic substances, directly into the standard plastic production process.

Photodegradable plastics decompose when exposed to the ultraviolet rays of the Sun. Photodegradable plastics have been developed which may break down completely within 2 months on land or about 3 months at sea. Some of the processes which produce these plastics have, as their end product, water, carbon dioxide, nontoxic polymers, or small particles of metals such as nickel, cobalt, copper, and zinc, which are found naturally in the environment. A photodegradable plastic product has now been approved by the FDA for use in indirect contact with food, and an application for direct contact with food is pending. Canada's food and drug watchdog agency has already approved direct contact with food.

Most biodegradables are made by adding substances such as cornstarch to sheet plastic. The average kernel of corn is about 70 percent starch. Crops other than corn can be used to produce biodegradable plastics through fermentation into lactic acid. These include sugarcane, wheat, and barley. Products which have been made from biodegradable polymers include food packaging, shopping bags, garbage bags, polyethylene and polystyrene sheets, blow-molded bottles and vinyl wallpaper. Most biodegradable plastics break down into nontoxic, nonhazardous byproducts and many, such as a plastic bottle manufactured by Imperial Chemical Industries, will degrade in about 1 year when buried in a landfill.

The rate of degradation can be controlled by varying the amount of degradable additive. For instance, tests performed by Agri-Tech Industries of Urbana, IL, demonstrate that samples of polyethelyne films containing 50 to 70 percent starch deteriorate significantly after less than a week's exposure to the elements. They became brittle and were finally consumed by microorganisms—the normal process of decomposition accelerated. When the amount of starch was reduced to between 30 and 40 percent, the life of the film was extended to 30 days after disposal.

Production of these plastics would put to good use our country's great capacity to produce agricultural products such as corn. Last year American farmers produced more than 7 billion bushels of corn, necessitating $12.3 billion in corn price support payments. The exact savings to the Federal Treasury resulting from a Federal commitment to degradable plastics is hard to calculate. However, if 10-percent of all the plastics produced in 1987 had been produced with a 10-percent cornstarch additive, then more than 7.7 million additional bushels of corn could have been consumed. This may have translated into a savings of more than $240 million in reduced price supports. Some have stated that the use of corn for biodegradable plastics could expand the corn market by 300 million bushels. An increase in corn purchases of this size would, of course, produce an immediate boost in the income of America's corngrowers.

Additional agricultural benefits from degradable plastics might include a reduction in the $100 to $200 per acre some farmers must spend at the end of each growing season to dispose of the plastic mulch they put down on their fields. Making mulch with degradable plastics could make this cost unnecessary.

There could also be an opportunity for small business and rural economic development as a result of the expansion of this new technology. Some of the most active firms in the expansion of this new technology have been small businesses, such as Agri-Tech Industries. Agri-Tech has employed 11 people for the purpose of perfecting and commercializing the products researched by the Department of Agriculture, and plans to double its employment over the next year.

For all these reasons, and on the foundation of extensive research, I yesterday introduced legislation entitled the Degradable Plastics Act of 1988. Although this bill deals only with degradability, I am eager to have this concept incorporated into the proper recipe of workable solutions to the problem. Degradability should not preclude recycling any more than it precludes public awareness campaigns to halt litter.

The Degradable Plastics Act calls upon EPA to issue rules requiring that, a total of 7 years after the enactment of this legislation, certain plastic items be degradable. The defined plastic items include plastic storage cartons, bags and containers; packing materials; plastic rings on beverage six packs; disposable diapers; and plastic tampon applicators. These items together constitute the vast majority of all plastic waste. Under the provisions of the Degradable Plastics Act, these products must be capable of decomposition at least 2 years after they are discarded.

There are potential limitations with both recycling and degradability. For example, it is much less cost effective to recycle plastics than to recycle other materials. Recycled aluminum can be sold by municipalities for 61 cents per pound. A typical green plastic bottle, on the other hand, brings less than one tenth of that, about 6 cents. There is the difficulty, especially in rural areas such as my district of North Carolina, in collecting sufficient quantities of homogeneous plastic to make recycling economical. There is also doubt as to whether some types of plastics, such as plastic bags because of the difficulty of collection, and diapers or chemical containers because of their potential toxicity, could ever be efficiently recycled.

Likewise, the drawbacks to degradability of some plastics are also apparent. There are a number of plastic articles that do have a useful life much longer than the few years implied by the degradability option. Although the rate of degradability can be carefully controlled and structural integrity can be maintained during proper storage, there are clearly some plastic items, such as the plastic telephones on our desks, which could not properly be made degradable. Also, no standards have yet been established for defining degradability. My bill would direct EPA to establish these standards, giving them a realistic time frame to serve as a guide.

With the Degradable Plastics Act, I am responding to a broad-based challenge to confront our Nation's solid waste problems. As I stated earlier, the degradability option has been discussed in-depth in State legislatures across the country. Most recently, the governor of Florida signed a law banning nondegradable plastic six-pack ringholders, shopping bags, and polystyrene foam or plastic-coated paper used in connection with food. However, this debate has not yet been carried on by Congress with a national focus. Incremental steps such as the implementation of the MARPOL Treaty; the requirement that plastic six-pack ringholders be degradable; and the discussion of requirements that Federal agencies focus their purchasing practices on degradable plastics are positive steps in addressing some of the aspects of our solid waste problems. What has been lacking, I believe, is a comprehensive Federal proposal that actually encompasses all the aspects included in State debates—actually asking for EPA to establish standards for the degradability of plastic items, within a specific timeframe; actually specifying articles which may reasonably be established as degradable.

In summary, Speaker, degradability is one of the solutions which I believe must be pursued in response to our Nation's problems with solid waste, with litter, with hazards to wildlife. It offers the promise of progress in all these areas. I realize that is an issue which will not be resolved, or even properly discussed, within a few weeks or months. However, I look forward to the debate on degradability and the other potential solutions to our solid waste problems. I urge all my colleagues to study this issue carefully and to support my initiative.

THE 10TH ANNIVERSARY OF THE CAPE COD REGIONAL TRANSIT AUTHORITY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. STUDDS. Mr. Speaker, on August 24, 1988, State and local officials from around Cape Cod will gather to celebrate the 10th anniversary of the Cape Cod Regional Transit Authority. It is my pleasure to join with them in paying tribute to the authority and the public transportation services it provides to so many Cape Codders.

The authority was formally established 10 years ago to coordinate the delivery of transportation services on Cape Cod. Over the years it has, with Federal, State, and local resources, developed a public transportation system that has truly enhanced the quality of life for many people who live on and come to visit Cape Cod.

Without the authority's door-to-door "b-bus" service, it would be impossible for many local residents, particularly the elderly and handicapped, to shop, visit the doctor, attend school, or go to work. Without the authority's coordination and support for regularly scheduled bus service between Hyannis, Woods Hole, and Chatham, the cape's roads would be even more congested than they are presently.

It has been obvious to Cape Codders for a long time now that the Cape Cod Regional Transit Authority has significantly improved public transportation in Barnstable County. It is a pleasure for me to salute the authority—and the local officials who serve on its advisory board—for many years of hard and productive work.

REINTRODUCTION OF THE ACID RAIN ABATEMENT ACT OF 1988

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. COOPER. Mr. Speaker, today I am reintroducing the Acid Rain Abatement Act of 1988.

I first introduced the Acid Rain Abatement Act of 1988 on March 31 of this year. The original bill, H.R. 4331, was circulated widely, and I have received comments on that bill from environmentalists, utilities, coal companies, mine workers, and various other industrial and interest groups with a stake in acid rain legislation.

The bill I am introducing today is a refinement of H.R. 4331 based on the comments and input I received. Most of the changes are minor in substance. However, there are two changes of note.

First, I have included in the new bill a specific provision to address the problem of nitrogen oxide emissions from utility powerplants. My legislation now calls upon the Administrator of the Environmental Protection Agency to conduct a study of the net effects on air quality of reducing NO_x emissions by 1 to 3 million tons from 1985 levels. Unless, based on the study, the Administrator finds that no net air quality benefits may be obtained from such a reduction, he shall require the installation of cost-effective NO_x controls at all the plants covered under my bill.

The second important change in my new bill involves Federal assistance for clean coal technology. Rather than providing for a maximum 20-percent Federal contribution to any given clean coal technology project, my new bill would provide up to 50 percent. The Federal contribution shall be determined by the Administrator of the EPA and by the Secretary of Energy. I have been persuaded that, in certain cases, where an emerging technology carries high risks and potentially high benefits to society, a 50-percent Federal cost-share may make the risk worth taking for a utility company.

Having worked over the past several months on this bill with a diverse range of interest groups, I am convinced now more than ever that my bill is on the right track. It is indeed a balanced approach to acid rain control. As legislation, my bill may not be anybody's first choice, but it could be the best choice for the broadest range of interests.

As environmental policy, my bill is responsible. It would require a 10-million-ton-per-year reduction in sulfur dioxide emissions by the year 2003. That is a significant reduction within an environmentally meaningful timeframe.

As energy policy, my bill is progressive. It emphasizes conservation and emerging technologies that are highly efficient as the preferred means of achieving SO_x emission reductions.

As coal policy, by bill is fair. I represent a coal-producing district, and am painfully aware of the hard times that have fallen upon our coal miners. It's important not to do more harm with acid rain legislation. Eastern coal is not only vital to the economy of the East; given a fair chance, it will play a long-term role in our Nation's energy profile. But acid rain illustrates that we need to learn how to burn Eastern coal much more cleanly and efficiently. My bill recognizes that need, and provides the time and money for the learning process to occur.

As national economic policy, my bill adheres to the principle that polluters should find the best way to clean up and they should pay the costs themselves. There is no better way to guarantee cost-effective pollution control than to give polluters a specific goal and the freedom to choose the best way to get there.

Finally, from the residential and industrial ratepayer's perspective, as well as from the utility perspective, my bill is a good deal. No other acid rain legislation currently pending in Congress is as committed to cost-effectiveness, conservation, and progressive technologies. The key is time—my bill would provide more time than the others for cost-effective technologies to mature. If we fail to enact acid rain legislation this year, the sense of urgency to deal with the issue will only increase, and future legislation is unlikely to be as reasonable.

Mr. Speaker, the time to act on acid rain is now. We must make a commitment, and get started with a program as soon as possible. I believe my bill is fair and responsible. I urge my colleagues to give it all due consideration.

FAMILY LEAVE WOULD HURT WOMEN

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. TAUKE. Mr. Speaker, the mandatory family leave bill, H.R. 925, which has been scheduled for floor action on September 14, would increase discrimination against women in the workplace, according to a study completed by the Cato Institute, a public policy research organization, in June.

The study, completed by Deborah Walker, an economist at Loyola University in New Orleans, concluded:

> Because leave benefits are an added cost, employers would avoid hiring candidates who appeared most likely to use them * * * and if more women entered the labor market because of the legislation, wage rates in female-dominated occupations would go down.

The study also found:

First. Similar laws in European countries have "effectively decreased the competitiveness of women in the labor market."

Second. Married women of child-bearing age would be driven from the labor market or would fail to climb the corporate ladder. These women's employment opportunities would actually decrease.

Third. A recent survey of 700 firms found that 77 percent already have formal or informal parental-leave policies. A compulsory program would be economically ruinous for many small firms, driving them out of business and thus curtailing economic growth and job creation.

Fourth. Family-leave legislation would increase the number of women in the work force. "The greater supply of females in the marketplace would tend to drive down wage rates."

Fifth. The women most affected would be those with general skills and little experience or education.

Sixth. Industries employing more women, particularly retail and service industries, would see higher prices "because the cost of implementing the benefit would be higher." The resulting decrease would prompt employers to lay off workers, the majority of whom would be women.

Seventh. The legislation would hinder mutually advantageous exchange by forcing companies to decrease output, go out of business, or increase consumer prices, and the economy's efficiency would decrease.

IN TRIBUTE TO THE CENTRAL VALLEY WORLDRUNNERS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. LEHMAN of California. Mr. Speaker, this marks the second consecutive year that a contingent of runners from the Central Valley of California will travel to the Soviet Union to participate in the 1988 Moscow International Peace Marathon. These 14 Central Valley runners, as members of the international WorldRunners organization, will carry with them to Moscow the message that hunger and death by starvation can be eliminated by the year 2000.

WorldRunners is a nonprofit international running organization with membership from 47 countries around the globe. Like most running clubs, WorldRunners is engaged in athletic competition, sportsmanship and teamwork. Unlike most running clubs, however, WorldRunners is committed to ending hunger and death by starvation in our lifetime.

The Central California contingent of WorldRunners includes: Ted and Lisa Ruffner, Larry Andrews, Ken Dildine, Jennifer Epp, Larry Harris, Nina Hawawini, Jeff and Martha Kirishian, Everett and Connie Richardson, Sharon Smith, Chuck Thrapp, and Jennifer Whitney. These WorldRunners will run for donations which support hunger relief agencies around the world, including the African Food and Peace Foundation, Bread for the World, Catholic Relief Services, UNICEF, Save the Children, World Vision, the Hunger Project, WorldRunners International Foundation, and many others.

Today, an estimated 40,000 individuals worldwide will die from the effects of hunger; this year alone over 15 million lives will be lost due to malnutrition related illness and death. As equally staggering as these statistics are is the problem that this grim reality can be eliminated by the year 2000. The Moscow International Peace Marathon and accompanying 10 kilometer run, in which these and 13,000 other WorldRunners will convey their message, will occur on Saturday, August 13, 1988. The Central Valley runners will act as ambassadors of the United States, carrying the American flag which has been flown over our Nation's Capital, to promote the goal of ending hunger not only in lesser developed countries of the world but throughout urban and rural America as well.

Mr. Speaker, it is known that we currently have the technology and resources to end world hunger. Now all we need is the commitment and political will to do so. I commend the Central California WorldRunners for their continued stand to end world hunger and wish them the best as they journey to Moscow for the second time in their efforts to eliminate hunger and starvation.

ISLAND PARK ENERGY TAX CREDIT EXTENSION

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. STALLINGS. Mr. Speaker, today, I am introducing legislation which will grant a 2-year extension of an energy tax credit for the proposed Island Park hydroelectric project located in my congressional district.

Extension of the tax credit until December 31, 1990, is necessary to ensure that the project can move forward and be completed in a timely manner. In particular, the continued availability of the tax credits will assure that planned site-specific environmental protection measures can be economically implemented.

I am very pleased that my distinguished colleagues from Wyoming [Mr. CHENEY], Montana [Mr. WILLIAMS], and Utah [Mr. OWENS] are cosponsors of this important bill.

This project, which will produce enough clean hydroelectric energy to supply some 3,000 homes and small businesses, is proposed to be built at an existing dam. It will result in long-term economic benefits to the electric consumers served by the Fall River Rural Electric Cooperative in eastern Idaho. In addition, part of the power produced will service portions of Montana and Wyoming.

In my opinion, this project represents the type of energy development our Nation should be pursuing to combat increased air pollution and the so-called Greenhouse effect. The 2-year tax credit extension I am proposing is justified on both equitable and revenue raising grounds.

Mr. Speaker, I believe the Island Park project merits a special extension because it was the subject of recent project-specific congressional legislation which has unfortunately affected its ability to be "in-service" by the end of 1988, when the energy tax credit expires.

The basic reason for the requested tax credit extension is to offset adverse, but unintended financial impacts which the passage of the Electric Consumers Protection Act of 1968 [ECPA] has had on the Federal Energy Regulatory Commission [FERC] licensing process.

In October 1986, Congress passed ECPA, which, by name, authorized the Island Park project. However, the legislation also set forth special environmental standards for the project to meet, over and above the traditional FERC licensing requirements.

These special environmental protection measures will help ensure that construction and operation of the project will be done in a manner that affords complete environmental monitoring and protection.

Although the project proponents moved quickly to address the special ECPA provisions, and established a special multiinterest advisory committee to promote discussion and agreement among all interested parties, the bottom line is that the requirements of ECPA, which apply to this project only, have resulted in a very lengthy FERC licensing process—far in excess of what was anticipated before Congress stepped in.

Unfortunately, ECPA, which was intended to help the project, has resulted in an unforeseen licensing delay which threatens the availability of the energy credits so critical to the project.

All my bill seeks to do is to extend the tax credits for this one project in order to enable it to be financed and completed as intended. Stated in another way, my bill will undo an unintended impact of the legislative process on this particular project.

I should also note that the extension of the tax credit for this project will result in a modest short-term, and substantial long-term gain to the U.S. Treasury. The project, if built, will produce significant payroll, royality, and income tax payments to the United States—not to mention the State of Idaho.

If the project is not built, however, these tax revenues which exceed the tax credit amount, will not be forthcoming. Thus, my bill will result in a net gain to the Treasury.

In conclusion, Mr. Speaker, enactment of this bill will ensure that a very worthwhile hydroelectric project can move forward. It enjoys broad, bipartisan support and is in the public interest. I am hopeful that the bill can become law before Congress adjourns for the year.

TRIBUTE TO MAJOR GEN. LEE V. GREER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Maj. Gen. Lee V. Greer upon the occasion of his retirement. For the past 3 years, I have had the privilege to work closely with General Greer as commander of McClellan Air Force Base in the Fourth Congressional District of California. General Greer has had a long and distinguished career with the Air Force. I am extremely proud that such an individual served at McClellan AFB. I know that his family and this Nation can take great pride in General Greer's service to his country. I would now like to take this opportunity to review General Greer's accomplishments and career for the benefit of my colleagues.

After he completed his studies at Georgia Institute of Technology in 1957, General Greer was commissioned through the Reserve Officer Training Corps Program and entered active duty in September 1957. For the next few years, General Greer was stationed at various Air Force bases in the South. He received flying training at Spence Air Base, GA, and Greensville Air Force Base, MI. Next he attended all-weather interceptor training in F-86L's at Moody Air Force Base, GA, while serving as an instructor pilot until August 1960, when he was assigned to Perrin Air Force Base, TX. General Greer served as an instructor pilot in F-86's and F-102's at Perrin AFB. In 1963, he completed Squadron Officer School.

In June 1964, General Greer began A-1E training at Hurlburt Field, FL, and was subsequently assigned to Bien Hoa Air Base, Republic of Vietnam. During his tour in Vietnam, he flew 215 combat missions in A-1's while serving with the 1st Air Commando Squadron and the 602d Air Commando Squadron.

Upon returning from the Republic of Vietnam, General Greer entered Texas A&M University and earned a master of science degree in computer science in January 1967. Following graduation, he was assigned to the 328th Fighter Wing at Richards-Gebaur Air Force Base, MO, as a supply officer. In August 1968, the general transferred to Tyndall Air Force Base, FL, where he served as chief of the Operations Analysis, Test and Evaluation Directorate. During this period he flew F-102's in support of operational tests with the 4750th Test Squadron.

General Greer was then assigned to the 22d North American Air Defense Command Region, Canadian Forces Base North Bay, ON, Canada, in August 1970. He served as chief of the Live Exercise Branch, Exercise and Evaluation Directorate.

Following completion of the accelerated Maintenance Officer Course at Chanute Air Force Base, IL, General Greer commanded the 405th Field Maintenance Squadron at Clark Air Base, Philippines, from June 1973 to September 1974. Earlier, General Greer completed Air Command and Staff College in 1973 and the Industrial College of the Armed Forces a year later. Upon completion of his tour at Clark Air Base, he returned to Tyndall Air Force Base as commander of the 4756th Avionics Maintenance Squadron. He served there until August 1976, when he became commander of the 318th Fighter-Interceptor Squadron, McChord Air FoBce Base, WA.

In August 1978, General Greer transferred to Hill Air Force Base, UT, and served as inspector general for the Ogden Air Logistics Center until March 1979, when he became chief of the Resources Management Division within the Directorate of Maintenance. From September 1980 to May 1982, the general was director of maintenance for the Warner Robins Air Logistics Center at Robins Air Force Base, GA. After his tour at Warner-Robins, the Fourth Congressional District was honored when General Greer was named vice commander of the Sacramento Air Logistics Center at McClellan Air Force Base. In June 1983, General Greer became vice commander of the Oklahoma City Air Logistics Center, Tinker Air Force Base, OK. In April 1984 General Greer was assigned as deputy chief of staff for logistics management systems, Headquarters Air Force Logistics Command, and commander, Logistics Management Systems Center, Wright-Patterson Air Force Base, OH. General Greer assumed the commander's position at McClellan AFB in 1985.

The general is a command pilot with 5,000 flying hours. His military decorations and awards include the Legion of Merit with one oak leaf cluster, Distinguished Flying Cross, Meritorious Service Medal with one oak leaf cluster, Air Medal with seven oak leaf clusters, Joint Service Commendation Medal, Combat Readiness Medal, and Republic of Vietnam Gallantry Cross with Silver Star.

For the past 3 years, General Greer has served McClellan AFB and the Sacramento community with great dedication and ability. I know that my Sacramento District Office Staff as well as myself, will greatly miss the general. I know my colleagues join me in in extending our best wishes to Gen. Lee V. Greer upon this retirement and to his wife, Rosemary, and his children Susan, Gregory, Douglas, and Virginia.

THE NEED FOR PEACE IN CENTRAL AMERICA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. GARCIA. Mr. Speaker, last Tuesday, August 2, an incident occurred in Nicaragua that demonstrates why the House must continue to refuse to authorize military aid for the Contras. Rev. Lucius Walker of New York the executive director of the Interreligious Foundation for Community Organization [IFCO] was injured in an attack on a civilian ferry traveling the Escondido River to Rama, 150 miles east of Managua.

Reverend Walker and nine members of IFCO were participating in a study tour and had just been visiting the community of Bluefields, on Nicaragua's Atlantic coast. Bluefields can only be reached by ferryboat. It is home to Creole Blacks and to Miskito Indians, and IFCO is interested in monitoring their treatment by the government.

Reverend Walker and his group boarded the ferry, called Mission of Peace, to return to RAMA from Bluefields, a 5-hour trip. They joined 170 Nicaraguan civilians and 25 Nicaraguan soldiers, some assigned to guard the ship and others on their way to other assignments. Three hours into the trip the boat was attacked by machine guns and mortars, fired mainly at the middle passenger deck and the bottom of the boat. The soldiers on the upper deck shot back, and 5 minutes later the attack was over. Two Nicaraguans were dead, and 27 people were wounded. Reverend Walker was the only U.S. citizen injured.

I have expressed my concern to the State Department over this incident. Reverend Walker was traveling on a civilian ship during a cease-fire agreed to by the Sandinistas and the Contras that went into effect April 1, 1988. Although I was very concerned about the safety of the U.S. citizens, Reverend Walker made me realize something else and that is that Nicaraguan civilians continue to be wounded and killed in Contra attacks.

We have a choice. We can support the Arias peace plan, which was signed just about 1 year ago. Despite some setbacks, President Arias continues to work with his neighbors to bring about peace. Without his initiative and drive, it is doubtful that the Sapoa Accords would have been signed. Progress has been made in Central America, but we can decide to hinder that progress by approving more Contra aid. If our true interest is peace for our neighbors, we will stop funding warfare and concentrate our effort on regionally supported solutions, such as the Arias peace plan.

AMERICAN HERITAGE TRUST

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ANTHONY. Mr. Speaker, I wish to submit for the Record that I am a cosponsor of the American Heritage Trust Act, and fully support the benefits this piece of legislation will provide for the cities and counties in my State. Anytime a program is creative enough to become self-financing, it contributes to our economic health. the basic thrust of this bill is to reinvest the revenue which is generated by our offshore oil and gas leases into permanent, interest-generating accounts. While the principal would never be spent, the yearly interest would be used to purchase open space and provide recreational facilities across-the-board. By investing reasonable but substantial sums now and for a few years into the future, we can guarantee a continuing investment in the viability of these programs which addresses quality of life issues.

The Land and Water Conservation Fund program, supported by the Act, has enabled over 619 projects in 75 counties since 1966 to be completed, totaling over $38 million. However, because of the success and non-controversial nature of this program, it has escaped the high visibility and limelight which often fosters support. Therefore, I would like to bring to your attention the importance this program has had for Arkansas.

Columbia County, AR, contains 26,444 citizens, and is typical of most Arkansas counties in that it contains one principal small city, Magnolia, and several smaller towns, with much of the remainder of the county rural in nature. Due to this rural nature, few communities have the resources or the population base to develop recreational opportunities of the scope of these being developed at Lake Columbia.

In August of 1983, Columbia County, realizing the need for a water supply and a lake for recreational purposes, called for an election on a county-wide sales tax of 1 percent to create the Columbia County Rural Development Authority and construct a 3,000 acre lake. The voters of the county approved the tax, and bonds were issued for construction.

As part of the planning process for the lake, the engineers developed plans for recreational developments, including boat ramps, picnic areas, trails, and the necessary support facilities such as roads, parking areas, restrooms, and utilities.

In fiscal year 1987, Columbia County submitted a Land and Water Conservation Fund [LWCF] application for development of these recreational facilities at the newly completed lake, and subsequently was awarded $28,750.00 in Federal LWCF funds. The total cost of recreational development is expected to exceed $155,000. Obviously, if more LWCF money had been available, much more could be done to effectively realize the potential of the lake. The development of this project is important not only for the local citizens for which it will provide a water supply and recreation, but will have an impact on the region and State in increased tourism and recreation-related expenditures.

Without the LWCF, this dream could not have been realized. Therefore, I strongly urge the support of the American Heritage Act which will establish a self-perpetuating trust to sustain such programs.

TRIBUTE TO JUDGE ALBERTO C. LAMORENA, III

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. BLAZ. Mr. Speaker, I rise today to pay tribute to the new presiding judge of the Superior Court of Guam, the Honorable Alberto C. Lamorena, III.

We are particularly proud of Judge Lamorena. He was born and raised on Guam, and after graduating from John F. Kennedy High School, he went on to earn his bachelor's degree at the University of Illinois in Urbana, IL and his law degree at Drake University in Des Moines, IA.

In 1979, at the age of 29, Judge Lamorena followed the footsteps of his late father, Senator Alberto T. Lamorena, and was elected into the Guam legislature where he served as chairman of the Committee on Ways and Means in the 15th and 16th Guam legislatures, and more recently, as minority leader in the 19th Guam legislature.

As a legislator, Judge Lamorena was known for his fairness and his ability and willingness to listen to all sides of an issue. Never one to call attention to himself, Judge Lamorena worked seriously and effectively in passing important legislation which provide for equality of representation in all government boards and agencies; assistance to farmers, retirees, students and families; and protection to disabled persons from job discrimination. His loss at the legislature will be more than made up with his presence on the territory's highest court.

Judge Lamorena is a member of the American Bar Association, the Federal Bar Association, the Guam Bar Association, the American Judicature Society, the American Civil Liberties Union, and from 1983–85 served as chairman of the board of Guam Legal Services Corporation. He is also deeply involved in community organizations having served as legal advisor to groups such as the Filipino Community of Guam, the Ilocano Association of Guam, the Guam Visayas Mindanao Family Association, the Society of Filipino American Teachers, the NCS Community Association of Guam, and the Filipino Presidents of Guam.

Mr. Speaker, it isn't often that a member of this body rises to call attention to a constituent of his. It is a genuine pleasure for me to do so today for I know Judge Lamorena personally and have witnessed firsthand the enormous respect and popularity that he enjoys. Judge Lamorena is a member of the group of local sons and daughters who have been trained professionally and are returning home to provide our territory the leadership we need as we look forward to our new political status as a commonwealth in closer association with the United States.

I am honored to be the one to memorialize this memorable event by this entry in the Congressional Record.

HONORING THE BREA-OLINDA HIGH SCHOOL CLASS OF 1968

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DANNEMEYER. Mr. Speaker, on August 20, 1988, members of the Brea-Olinda High School Class of 1968 will gather together in Brea, CA, to reflect on the changes that have occurred to their alma mater and hometown during the past 20 years.

Early in this century, the oil towns of Brea and Olinda, CA, joined together to establish a high school for the benefit of both areas. And it was just two decades ago that the graduating class of 1968 saw the multi-storied Brea-Olinda High School building renovated into a modern air-conditioned facility. It was a dramatic change, but one that most students accepted as a part of the Brea and Olinda communities.

Over the years, Brea's population has mushroomed, while Olinda has remained a sleepy village nestled in Carbon Canyon. Yet, these two communities eventually unified under a single city government due to their longstanding concern for a quality educational facility.

The class of 1986 will return to find another dramatic change in their alma mater. The original school is being replaced by a new one at a new location. The new campus will be accepted by students and alumni as they recognize the progress and prosperity that has been enjoyed abundantly over the last two decades. Most importantly, the championship athletic records, the scholastic achievements and the traditions of Brea-Olinda High School will continue to exist and to inspire current and future students to appreciate the legacy of their hometown school.

The class of 1968 can be proud of their contributions to Brea-Olinda High School. The gathering of members of the 1968 class for a 20-year reunion demonstrates the interest and concern for Brea-Olinda High School as an educational facility and community focal point. I am confident that the progress of the next 20 years can equal that of the past two decades.

Congratulations to the Brea-Olinda High School Class of 1968.

A BAN ON EXPORTS OF HAZARDOUS WASTE

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. ATKINS. Mr. Speaker, the recent washup of medical waste on east coast beaches has focused attention on our increasingly alarming waste disposal problem. Clearly, there are right ways and wrong ways to deal with dangerous waste. Some of the right ways are recycling, reduction, and sound management systems that ensure safe and proper disposal of waste in an environmentally sound manner, and at the source of its generation. One painfully obvious wrong way is the dumping of such waste in our oceans or sewers—and another, which has received less attention but is equally dangerous and careless, is the shipment of trash to debt-ridden Third World countries.

Today I am introducing legislation that urges the U.S. delegation to the upcoming U.N. Environment Program working group session on waste exports to support a global ban on hazardous waste exports. Faced with soaring disposal costs and a lack of dump sites, some businesses have been looking to the Third World as a dumping ground for their toxic trash. Faced with a need for quick and easy hard currency, some developing nations are eager to trade dollars for waste. This equation spells enormous danger to the environment of these nations and the health and safety of their citizens.

The most recent atrocity of this nature took place in west Africa, where 15,000 tons of toxic ash from a municipal incinerator in Philadelphia was dumped on the beaches of Guinea. The United States is not the only perpetrator, nor are all of the shipments upfront and honest: last month, the Nigerian Government discovered that toxic and radioactive wastes from Italy had been secretly dumped at one of its ports. In addition, a recent report released by Greenpeace International details 115 proposed or actual shipments of wastes from Europe and North America to developing regions. The shipment of waste to cash-starved nations is an easy way to make it someone else's problem, and businesses from industrialized nations are more than eager to pass the buck.

The environmental and health dangers of these waste exports are obvious. Developing nations simply do not have the knowledge and facilities to deal with toxic trash. As a result, barrels of cancerous waste and mounds of lethal ash are left on beaches where children play, and where contaminants are free to seep into precious drinking water.

In addition to these obvious dangers, these actions provide a new irritant in the tense relationship between the industrialized and developing world. Waste dumping has been referred to as "toxic terrorism" by Third World leaders who see it as another example of insulting exploitation. How are we to ask these leaders to cut their emissions of CFC's, or limit their burning of fossil fuels, or put a halt to deforestation, when we use their shores as garbage dumps?

Mr. Speaker, the only solution is a global ban on all hazardous waste exports, except in instances where responsible bilateral agreements already exist between the exporting and importing country. In this country, waste exports are guided by the principle of "prior informed consent," but this regulatory mechanism has clearly failed. Consent must be based on truth, and this has not been the case when toxic substances are misrepresented as road fill or fertilizer, and when exporters can locate corrupt officials to sign off on any shipment for a quick and easy payment. Unless we're willing to fund inspectors at every port, this mechanism cannot work, and it should not be included as the basis of an international agreement on hazardous waste exports.

I applaud my collegue, the Honorable JOHN CONYERS, for introducing legislation to ban all U.S. exports of toxic waste to countries with whom we do not have an existing bilateral agreement. I also applaud the U.N. Environment Program, and the delegates from 40 nations and 15 international organizations, for meeting to draft a convention to regulate the toxic waste trade. We must now call on these delegates, and the U.S. representatives in particular, to carry the Conyers example one step further, and institute a global ban on hazardous waste exports. The shipment of hazardous wastes should not be regulated, because it should not be happening. Any convention should be based on this premise, and should point out the need to eliminate hazardous waste at the source of its generation, or to dispose of it as close as possible to that source. I urge my colleagues to join me in sending an important message to our representatives at the UNEP Conference that the export of hazardous waste is simply unacceptable, and that toxic terrorism must end.

PHYSICIAN DUE PROCESS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. HALL of Texas. Mr. Speaker, on June 20, an administrative law judge in Dallas suspended sanctions against Dr. Teddy Darocha of Canadian, TX, that were prohibiting him from treating his Medicare patients and filing for reimbursement under the Medicare Program. The sanctions were imposed by HHS Inspector General Richard Kusserow, after the doctor had been cited by the Texas Medical Foundation, the peer review organization that oversees the medical profession by contract for the inspector general.

One year ago, that doctor could not have had recourse in the actions taken against him. Because Congress passed into law H.R. 1445, the elderly patients of this rural doctor will not be denied the care they want and need.

Last fall, we passed H.R. 1445, as an amendment to the budget reconciliation act, to amend section 1156 of the Social Security Act to ensure physicians' hearing and judicial review rights before exclusion from the Medicare Program. Under this bill, the Office of the Inspector General is prohibited from enforcing sanctions against a physician without a hearing unless the OIG can show the doctor's continued practice poses a hazard to the public.

In other words, physicians are given the right to due process, and can present evidence for their case before an administrative court judge. In the past, many physicians were often tried and hung, so to speak, without being allowed to submit their side of the case to an impartial judge.

The case of the Canadian doctor is a test case for this law—and should serve as a precedent for other doctors who may be marked for sanctions under the PRO system.

I am proud that we were able to pass this much needed legislation—and that this doctor, along with other physicians and the elderly residents they serve—have benefited and will continue to be helped by this bill.

This is one of the first judicial victories and should indicate to the inspector general, Richard Kusserow, that he can't sit over there in his ivory castle and make all types of blustery and bragging and misleading speeches; that while he can talk down to men and women who come before him and have heretofore been at his mercy—that there are many Members of Congress who are neither interested in nor impressed by his pomposity.

Even physicians have a right to due process—and in the short 120 days you have left—Mr. Kusserow—I suggest you try to get acquainted with this fact, and never again try to deny any American due process!

RELIEVE SMALL BUSINESSES OF A NEEDLESS BURDEN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SHAW. Mr. Speaker, the solutions devised by Congress for our country's problems often impose burdens on our citizens and institutions. Whether or not they achieve their purpose is another matter, but most of the time, the burdens that are imposed have a purpose.

For example, the 1986 Immigration and Control Act requires every American employer to verify the citizenship or immigration status of each employee. The purpose of this provision is to make it harder for illegal aliens to find jobs in this country, and thus to discourage illegal immigration.

To comply with the 1986 law, employers must maintain an I-9 Employment Verification Form for each employee.

Although I believe it should be permissive in nature, the I-9 provision does have a purpose.

However, there is another provision of the 1986 Immigration Act that is pointless and redundant. This is the requirement that personnel consulting firms maintain I-9 forms not only for their own employees, but also for anyone they recruit or refer who is successfully hired by a client firm.

This is a duplicative effort, because the client firms must also maintain I-9 forms for the people they hire. Therefore, the 5 to 10 percent of workers who are hired through personnel consulting firms are the only workers for whom two sets of I-9 forms must be kept. One I-9 form per employee should be enough.

To correct this situation, I have introduced H.R. 4581, a bill to eliminate the requirement that those who "recruit or refer for a fee" maintain employment verification forms for those they recruit or refer.

The placement industry mostly consists of small businesses, for whom the duplicative I-9 requirement is a substantial burden. H.R. 4581 would relieve placement firms of an inequitable and time-wasting paperwork requirement.

That is what my bill would do. And that is all it would do. It would not absolve any employer anywhere—including placement firms—of the requirement to verify the employability of everyone they hire.

By reducing the scope of applicability, H.R. 4581 would also reduce the regulatory burden on the INS.

This is good legislation and I hope my colleagues will strongly support it. Congress does our Government and our constituents no service when it imposes duplicative paperwork requirements on thousands of small businesses, especially when those paperwork requirements serve no useful purpose.

Who benefits from requiring personnel consultants to go through the I-9 exercise? What compelling national interest is served?

The vast majority of personnel agencies are small businesses, often sole proprietorships, frequently one- or two-person establishments, where competition is fierce and resources are spread thin. They provide a critically important service in the employment marketplace. They link people with jobs. I call on my colleagues to join me in relieving this industry of a needless burden.

COLLATERAL REVIEW OF CRIMINAL JUDGMENTS REFORM ACT OF 1988

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. GRANT. Mr. Speaker, In 1987, Americans proudly celebrated the bicentennial, or 200th birthday of our Constitution, the document which gives form to our diverse and sometimes divergent peoples. I concur with the perceptive patriot who characterized our Constitution as one of the greatest creations devised by the minds of men. The Constitution guarantees us freedoms never known in the history of civilization and protects the way of life we hold so dear by limiting the role of the Federal Government and by guaranteeing certain protections for our citizens. Like freedom of speech and religion, protection against arbitrary imprisonment is one of the fundamental rights Americans enjoy.

As a way to protect that right, the framers of the Constitution incorporated a provision from English common law, habeas corpus. The existence of habeas corpus gives a defendant a method to challenge the grounds of executive detention. The framers considered habeas corpus so essential for preventing potential abuses of authority by the Government that they provided only two instances when it could be suspended, during rebellions and invasions.

I share the view held by many judges and attorneys that 200 years later, habeas corpus has evolved into much more than the framers ever envisioned or intended. They argue correctly that the seemingly endless series of appeals now common in capital cases is firmly rooted in the expansion of habeas corpus applications by judicial activists mainly in the fifties and sixties. The dividing line between our much admired system of State and Federal courts, at least as far as capital cases are concerned, has become blurred beyond distinction as defendants are regularly granted habeas corpus petitions to retry issues in Federal court which have previously been decided fairly and accurately by State courts.

Additionally, the ability of a Federal district judge to hold veto power over State appellate courts has resulted in friction between the two systems, while the explosion of habeas corpus petitions has transformed the Federal courts into capital appeals processing stations, squeezing out the proper consideration of virtually all other types of cases.

No less than U.S. Supreme Court Justices William Rehnquist, Warren Burger, and Lewis Powell have decried the misuse of habeas corpus petitions since the U.S. Supreme Court in 1976 established the constitutionality of the dealth penalty.

Justice Powell had this to say about the system in 1983. "As capital cases accumulate, they add a new dimension to the problem of repetitive litigation * * * many of these persons were convicted five and six years ago. Their cases of repetitive review move sluggishly through our dual system. We have found no effective way to assure careful and fair and yet expeditious and final review * * * Perhaps counsel should not be criticized for taking every advantage of a system that irrationally permits the now familiar abuse of process. The primary fault lies with our permissive system, that both Congress and the courts tolerate * * * (There is) need for legislation that would inhibit unlimited (habeas corpus) filings."

Chief Justice Rehnquist, in remarks delivered at the National Congress of Chief Justices just this year in January, referred to the death penalty appeals process as "disjointed and chaotic." "I do not have any particular remedy in mind, but I would welcome receiving suggestions on the subject," he said.

In Florida alone, there are 296 men and women awaiting the death sentence. Yet in the 12 years since the U.S. Supreme Court's landmark ruling which allowed States to reinstitute the death penaly, only 18 death sentences have ben carried out

As a Congressman and as a Florida resident, I support the death penalty. There are certain crimes so horrible, so unimaginable as to, in my judgment, demand it. I also believe that when administered with a degree of predictability, the death penalty has a deterrent effect.

America is a collection of individuals bound by the thin thread of respect for a law. Just as the Constitution must never be compromised for the sake of retribution or revenge, neither can we paralyze justice for long. Cynicism and contempt for government as a whole will be its twin offspring. We cannot afford that consequence as a nation, regardless where each of us stands on the death penalty.

Today I am introducing the Collateral Review of Criminal Judgments Reform Act of 1988. This legislation would establish a 3-year time limit for criminal defendants to apply for writs of habeas corpus in Federal court. While there have been many efforts to enact such a time restriction, I believe my legislation will protect the constitutional rights of the defendant and allow the sentence arrived at during the course of a fair and impartial trial to be carried out in an orderly and predictable manner.

In February, I and other members of the Government Operations Subcommittee on Government Information, Justice and Agriculture, conducted a hearing on the death penalty issue in Madison, FL. We listened to expert testimony from Federal district judge, J. Kendall Sharp, the U.S. Justice Department, the Florida Governor's office and the Florida attorney general's office. The consensus of these witnesses was that without some form of time constraints, the capital appeals process would soon become hopelessly paralyzed.

There is precedence for placing a time limit on appeals.

According to Judge Sharp: "Under Florida Federal Rule 3.850, a convicted individual sentenced to death has two years from final judgment and sentence to file the habeas corpus petition, unless the claim upon which the appeal is predicated was unknown to the petitioner or his counsel or could not have been ascertained by due diligence. Several States also have time limitations on statute of limitations and none of them have been significantly challenged for Constitutional infirmity."

While I support setting a time limit for filing habeas appeals, I also believe we should refine our system of collateral review. To ensure defendants have proper opportunity to seek redress in Federal court, my bill imposes the 3-year time constraint only in cases where defendants have had access to private counsel or an approved State-funded legal assistance program.

A distinguished professor from the Florida State University College of Law reminded our committee that the right to counsel through Federal appeals courts is not guaranteed under our Constitution. In my opinion, this is wrong. I have tailored my legislation to establish the time limitation only in cases where the States provide defendants with legal representation through the Federal appeals process.

Under the provisions of this legislation, no person would be required to go through the habeas writ or capital appeals process without benefit of legal counsel. So, if a State wishes to limit the time for habeas corpus appeals, it must see that appeals counsel has been made available.

While there may be differences of opinion on the appropriateness of capital punishment, the simple fact is that in most States it is the law. And the law is most effective when it is enforced in both an equitable and expeditious manner.

SUPER ACHIEVER MICHAEL HOGUE OF ROCK HILL, SC

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. SPRATT. Mr. Speaker, every so often, a young person comes along who is a super achiever and seems destined for a bright future. I would like to call Congress' attention to such a young man: Michael Hogue of Rock Hill, SC. Michael has just graduated from the University of South Carolina with a degree in chemical engineering and a 3.8 grade point ratio. He was chosen for Phi Beta Kappa, and elected by his peers at Carolina to be president of their student body. Omicron Delta Kappa has just capped the honors he received during his college years by naming him their "Leader of the Year." ODK chose well. In addition to being president of student government at the University of South Carolina, Michael Hogue has served as student trustee on the board of trustees and as an intern of the office of the president. He has been chairman of the Joint Engineering Council and active in the Chemical Engineering Honor Society. He is headed for law school this fall year and, in my opinion, for great accomplishment thereafter.

AMERICANS GOT A WINNER WITH SECRETARY SHULTZ

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DAUB. Mr. Speaker, when President Reagan leaves office in January, one of his greatest legacies is a world that enjoys widespread peace and stability. Much credit for this accomplishment must go to our remarkable Secretary of State George Shultz. Secretary Shultz has worked tirelessly and effectively for global peace. The Omaha World Herald recognized his achievements in an editorial yesterday, and I take this opportunity to share it with my colleagues.

AMERICANS GOT A WINNER WITH SHULTZ IN CABINET

Americans have a winner in Secretary of State George Shultz, who responded to an assassination attempt in Bolivia with his characteristic optimism and courage. His calm, firm statement of his intention to continue his tour was consistent with what Americans have come to expect of Shultz, who is one of the most accomplished of President Reagan's Cabinet appointees.

Since the Civil War, 37 men have held the highly visible and important job of secretary of state. The average tenure of Shultz's predecessors during that period was 3.2 years. Shultz has served six years, longer than all but two secretaries of state since the turn of the century.

Shultz is close to being the ideal example of the public servant in modern America. A graduate of Princeton, he earned a Ph.D. from the Massachusetts Institute of Technology and had a brilliant academic career before moving to the highest levels of corporate management. He gave up a lucrative business position to fill the Cabinet spot vacated by Alexander Haig in 1982.

During his time of service as secretary of state, Shultz has been a tireless campaigner and negotiator for peace. He has visited and revisited the Middle East with plans for a permanent peace there between Arabs and Israelis. Frustrated by bitterness and distrust on both sides, he has nevertheless persisted—even in these final months of the Reagan presidency—to find the right formula for that troubled part of the world.

Shultz's finest legacy, no doubt, will be the dramatic improvement in Soviet-American relations and the signing of the first nuclear disarmament treaty in history. Shultz also worked hard for peace accords in southern Africa, Cambodia and between Iran and Iraq.

Recent progress in those areas is due in part to the tireless efforts of George Shultz to bring belligerents together and to use the good offices of the United States and the United Nations to help the peace process. He has understood the uses of power and shares traditional American ideals of political freedom, free trade, negotiated settlements and the rule of law. He has been a splendid public servant.

With less than five months left in the Reagan administration, Shultz shows no signs of diminished energy or enthusiasm.

COL. WILLIAM R. BARRETT RETIRES

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. FLIPPO. Mr. Speaker, on August 31, 1988, William R. Barrett, colonel, U.S. Army, will retire after 29 years of continuous service to his country.

Colonel Barrett was born in Chattanooga, TN, where he lived until completing grade school. He then moved with his parents to Greensboro, AL. He attended college at the University of North Alabama at Florence, where he graduated with a bachelor of science degree. He received his masters degree at Shippensburg State University in Pennsylvania in conjunction with his attendance at the U.S. Army War College at Carlisle Barracks, PA.

There is no more important service to our country than defending our Nation. Colonel Barrett has dedicated his life to the service of his country. He has commanded units from platoon to brigade level, in the Continental United States and on freedom's frontier in overseas areas including two tours in Vietnam. He has also served in high-level staff positions around the world. Colonel Barrett's numerous awards include the Legion of Merit, Bronze Star Medal with two Oak Leaf Clusters, Meritorious Service Medal, Air Medal with four Oak Leaf Clusters, and the Army Commendation Medal with three Oak Leaf Clusters.

I commend you Colonel Barrett for your distinguished career, and I want to wish you and your wife Mary Alice the very best in your retirement years. Thank you for your invaluable service to our great Nation.

CARL HOLMAN, SHAPER OF THE DREAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. CLAY. Mr. Speaker, I was deeply saddened yesterday by the news of the death of a great American, M. Carl Holman. Carl Holman was one of the preeminent civil rights leaders in the history of our Nation. He was a gifted scholar and a dedicated humanitarian who devoted his life to helping his fellow black Americans enjoy a brighter future. Carl Holman's basic philosophy and outlook on life earned him the love and respect of an entire generation of black Americans in a difficult era of social change and turmoil. A leader of leaders, he was a special inspiration to me throughout my own career as a civil rights advocate. M. Carl Holman will be greatly missed, but we will cherish his memory forever.

I would like to share with my colleagues the following articles about M. Carl Holman which appeared in today's Washington Post.

APPRECIATION: CARL HOLMAN, SHAPER OF THE DREAM

(By Jacqueline Trescott)

About 25 years ago Moses Carl Holman was in a civil rights meeting in Mississippi when Marian Wright Edelman came rushing into the room and asked the group to drive with her immediately to the nearby town of Grenada where some demonstrators were being tear-gassed.

"So, I am rushing along with her. Once we got outside, I realized nobody else had budged," said Holman, his voice crackling with disbelief years later. "So we are driving through this darkness. And I was born in the Delta. I didn't realize how dark it is, the sky right down on top of you."

When they got to Grenada, Holman and Edelman found Hosea Williams, the politician and activist, standing on top of a car, shouting to the demonstrators and the television cameras. "He said, 'Here is our lawyer,' and he pulled Marian up and she talked about how important voter registration was. And then [Williams said], 'Here is the only man in Washington who is worth a damn who is on our side: Carl Holman, come up here.' I said, 'Is this man crazy?' He pulled me up and any minute I was expecting a bullet, a rock, something."

The story was prompted by a question about bravery, a question put not just because of the tag of "fearless editor" Holman was saddled with years ago (and which he thought was a misplaced joke), but because of the personal kind of courage he exhibited in fighting the cancer that took his life Tuesday night. Finally, Holman's career was also marked by a bravery of cause, the bravery of a man who had the foresight to seize an issue like rebuilding the cities' neighborhoods and the fortitude to stay with it even as some of his strongest allies fell by the roadside.

Holman, 69, stepped down in May after nearly two decades as president of the National Urban Coalition. Since then, he spoke with The Washington Post on three different occasions about how Washington had changed in his 25 years here, the people he had groomed as activists, others he had opposed. Because of his illness, the first two interviews were interrupted. He spoke from an easy chair in his Southwest town house, with his legs raised on an ottoman. Occasionally he relieved the pain in his legs by standing up with the aid of a cane. The third conversation turned out to be his last interview.

The discussion turned to presidents—Richard Nixon in particular, and his attitude toward civil rights. "He didn't have any gut feeling for this," Holman said first. Then, characteristically, he went on: "On the other hand, that administration was interested in trying to see what could be done about black businesses . . . Democrats tend to think of blacks as workers, with or without jobs, and people needing that sort of help. They tend not to see them as people who would own their own businesses, who would hire people. . . . There is no real future in assuming that the poor you have with you always, and that a disproportionate number of them will be black and we have to help them."

Even so, he saw in one Democrat—Lyndon Johnson—a symbol of the sense of possibility. "In a funny way it wasn't that he was just best for blacks, because it has always been true that I've never seen a president do anything for blacks that hasn't wound up helping whites more. I think he combined—and he was late getting there—a vision, domestically at least, of what this country could be with the kind of political sagacity that a number of the others did not bring."

Holman worked well in the battlefield of civil rights egos, earning the nickname of "the black godfather," and positioning himself variously as talent scout and field marshal. He always said he didn't understand why people wanted to be politicians. But he himself postponed his own desires to write poetry and a novel, putting them aside for other pressing needs.

"He is fundamentally a poet and secondly a teacher and that sort of makes him a dreamer," said attorney Vernon Jordan, who knew Holman for 25 years. "He is also an activist, but too few people see him as a poet." As a graduate student at Yale and the University of Chicago, Holman had won three writing awards.

When Holman first made news of his own, he was a college professor and newspaper editor in Atlanta where he trained a number of students, from politician and commentator Julian Bond to foundation executive James Gibson to television correspondent Charlayne Hunter-Gault. When he moved to Washington in 1962 to work at the U.S. Civil Rights Commission, he became an important liaison among liberal advocates, such as John Gardner, the first president of the Coalition; Dorothy Height, the president of the National Council of Nego Women; and Hyman Bookbinder, former president of the American Jewish Conference.

He knew coalition-building meant bringing in new voices as well as solidifying the old. "Some people of his stature protect their own intellectual boundaries, are fixed in their opinions. He reaches out for new opinions and does not apply a litmus test—unlike a lot of traditional leadership. He looks for the best ideas," said Robert Woodson, the conservative president of the National Center for Neighborhood Enterprise.

When a meeting was needed, Holman could bring people together. When a fight was needed, Holman could quietly orchestrate. When a question needed to be fashioned, Holman was ready. When a statement was appropriate, Holman could find the right words. "He is one of the few people who is able to do in our society a terribly important thing—to bring groups together who may not be in total agreement to start with but who can be helped to see the value and correctness of another side and working together to a common goal," said Bookbinder.

"There have been several periods when I have had the slogan 'Don't make a move without calling Carl,'" said D.C. Del. Walter Fauntroy.

Asked to define his role briefly, Holman was stymied. He looked at the ceiling, his face, always a glossy etching of lined concentration, now drawn because of illness. "I remember being asked by the national Conference of Mayors [during a debate over the creation of the Department of Education], 'Does this mean that you are in charge of this?' and I said, 'No, it doesn't mean that at all. It just means I thought we might get a few people together and take a look at where everyone stands on this and why.'"

This willingness to have all sides debate, sometimes in his living room, was one of his most admired traits. "There is no doubt that once the commotion in the cities quieted down, it took extra leadership to maintain interest. He kept it going for 15 years beyond that," said John Gardner.

There were also battles in which Holman's brand of temperance was the key ingredient. When Louis Nunez was appointed deputy staff director at the U.S. Civil Rights Commission, some blacks voiced a proprietary view of those jobs. Holman thought, recalled Nunez, that "it was important that the black leadership in the civil rights movement recognize that other minorities could play a major role. That was a revolutionary position."

As he looked back some of the skirmishes were still maddening to him. "When Eleanor Norton was a possible candidate for the EEOC, I had my guns faced in the wrong direction," said Holman. This was 1977, when the argument raged about what was seen as a displacement of men by women who could fill two statistical slots. "Comes to my desk this thing signed by a whole lot of people. I thought at first it was a joke but it was saying, in effect, blacks had so few jobs now, black males, and I was being asked to sign on with what would have been a Stop Eleanor Norton Movement. At first I thought it was funny, then I got angry."

But as he talked, leaping back and forth over the years, it was the story of his role as a bodyguard that brought the longest laugh. During the integration of the University of Georgia by Hunter-Gault and Hamilton Holmes, the black students were constantly getting death threats. When Hunter-Gault and Holmes were suspended after a riot at the dorm, they came back to Atlanta.

"The trip home was through some heavy cracker territory and there were all kinds of rumors the Klan was going to ride," Hunter-Gault explained. "Carl stayed in the front bedroom, the most vulnerable part of the house, and my mother walked into the room with a German Luger my father had given her, and said, 'You might want to have this.' And Carl said, 'It would be just my luck to wing a policeman.' She put the gun away. But the important point was Carl had a family on the other side of town and he made this incredible courageous move."

After he stopped laughing, Holman shrugged off his reputation for defending the battlements. "I was always getting drawn into these situations where people were saying 'the heroic editor.'" He conceded he was willing, but not all that eager to play the role. And he pointed out that he had been exposed to enough violence in St. Louis, where he grew up, and where survival was often "by quite a different code from Gandhi."

At times, things got so tense in the early 1960s that any noise could set off the editor and his staff. Julian Bond was one of the reporters for the Atlanta Inquirer and was sent to the Holmans' kitchen to boil some eggs. "Well, the eggs exploded. At the time, a synagogue and a school had been bombed by the Klan. So we immediately thought the crusading editor had been targeted. We didn't hit the floor but we jumped. Carl was calm," remembered Bond.

Though he had several stints at the government bureaucracy—from the U.S. Civil Rights Commission to White House staff for the preparation of the landmark 1966 conference on civil rights—Holman didn't think that was the right arena for him. Perhaps it was too much exposure to the realities of White House life during those meetings. He remembered one when Johnson walked in before the group was ready for him. "There was some slip-up and everybody hadn't gathered. The reporters were there. And Lyndon comes striding in, his smile ready, and then he sees this handful of people. He left. And when they were going back down the corridor, I heard some of the most flavorsome language aimed at those folks," said Holman.

Since he had already rejected long-term government service, he found it amazing that some friends tossed his name around as a presidential candidate in the early 1970s.

"You know I have never really understood why people go into politics," he said. To illustrate his position, he recalled a meeting years ago in New York when a group of friends were trying to persuade John Gardner to run for president. "When my turn came to speak, there were only six or seven of us. I said 'John, when are you happiest and most at peace with yourself?' The others looked at me and said, 'What the hell is he talking about?' John said, 'Well, Carl, it is when I am sitting out in my garden in Kensington and I have some freshly sharpened pencils and a yellow pad and I have the time to think.' I said, 'You know, I thought that I can't imagine you standing at a factory gate or kissing babies.'"

And it is hard to imagine a gathering now without Carl Holman rocketing through, his tall, wiry frame bent to the wind, or a Congressional Black Caucus weekend without Holman's wrap-up brunch where the politicians gossip and analyze.

When he talked recently, the frustrations sometimes surfaced, but more often his tone was one of understanding. "I have noted how shallow sometimes our foundations are and how precarious our victories. All you needed was to have the Reagan administration come along to find out you could engage all your talent, your time, your energy, on rear-guard action. The country is not fully committed. A new generation of blacks comes along and they aren't as committed," said Holman.

Commitment was Carl Holman's profession. One poem, written when he was a student at Lincoln University in Jefferson City, Mo., 40 years ago illustrates his calling. In "And to the Leaders," Holman wrote:

You must have vision:
Know like a blueprint the way you have come,
And know the present like a familiar sum.
Climb through the smoke to the eastern hill
And watch the dawn rise beautiful and still.
Fire on your tongue, fire in your heart,
Hold the helm in the dirty weather;
When war and prejudice have done their part
Lead us all out together.

M. CARL HOLMAN DIES AT 69; PRESIDENT OF URBAN COALITION

(By Bart Barnes)

M. Carl Holman, 69, a poet, editor, scholar and civil rights leader who had been president of the National Urban Coalition for the last 17 years, died of cancer Aug. 9 at Howard University Hospital.

A former college English professor, Mr. Holman was an articulate and forceful spokesman for the urban poor and underprivileged, and he was passionate in his argument about the need to improve educational opportunities for black children.

He was sometimes described as a godfather of the civil rights movement, and he was trusted and consulted by a range of organizations and individuals, from the most radical to the most conservative. He had an uncanny ability to form a coalition out of the most diverse elements, and it was often said that the key to his ability to do this was the fact that he never appeared to have an agenda for himself.

For years, Mr. Holman had traveled extensively about the nation, exhorting black audiences to pay more attention to what he said was the real danger that a large percentage of the next generation of urban blacks would become economically expendable because of a lack of education.

It was not his style to preach or to shake accusatory fingers, but those who heard him could sense his passion and the almost palpable fear in his voice.

"As black America approaches the 21st century, our capacity or our failure to build a solid bridge . . . of works will determine whether millions of young blacks already with us or yet unborn will cross over into the new century, or fall into the abyss," Mr. Holman said this year.

Before moving to Washington in 1962, Mr. Holman taught English at Clark College in Atlanta for 14 years, and while there he was active in the earliest agitations of the civil rights movement. His students participated in lunch counter sit-ins and freedom rides.

Mr. Holman was editor of the Atlanta Inquirer, a weekly newspaper that reported civil rights activities throughout the South. In 1962 the paper won a public affairs reporting award from the American Political Science Association.

A native of Minter City, Miss., Mr. Holman grew up in St. Louis and graduated magna cum laude from Lincoln University. He had a master's degree from the University of Chicago and a master of fine arts degree from Yale, which he attended on a creative writing fellowship. Mr. Holman had published several volumes of poetry and had written extensively in magazines and newspapers on a variety of black and urban issues.

He had taught at Hampton Institute and at Lincoln University before joining the faculty at Clark College.

In 1962 Mr. Holman became an information officer at the U.S. Civil Rights Commission. He became special assistant to the staff director in 1965, and deputy director a year later.

In 1967 the Urban Coalition, an outgrowth of the big city riots of the 1960s, was formed as an advocacy organization for a variety of urban interests with the support of private foundations and corporations. John Gardner, the former secretary of Health, Education and Welfare, was the coalition's first president. Mr. Holman became president in 1971.

Over the ensuing years, Mr. Holman became a major fixture on the urban political landscape, calling attention to a range of city problems that extended from inadequate housing to a declining tax base.

In tone, his pronouncements bore a resemblance to certain preachings of the Old Testament prophets: Gentrification and urban renewal were creating a new class of poor "urban nomads"; there was a growing and dangerous chasm between the black middle class and the black underclass; illiteracy in America would blunt the nation's competitive edge in the world economy; high school and college remedial programs were too late because most of the students who need them had already dropped out.

In 1982, on the 15th anniversary of the Urban Coalition's founding, Mr. Holman declared that the nation's cities were "in a desperate situation. . . . There is no doubt in my mind that the cities are in much worse shape now than they were in 1967, with unemployment rampant . . . and with most cities having reached the limit to how much they can raise through local taxes."

In recent years he had promoted what he called a "dual literacy" program for black children, emphasizing not only reading, writing and speaking skills, but also skills in science, math and technology, to be learned beginning at an early age.

Locally, Mr. Holman had served on the D.C. Board of Higher Education, which governed what then was Federal City College. He had also been a housing consultant to Mayor Marion Barry.

Survivors include his wife, Mariella, of Washington; two sons, Kwasi Holman and Kwame Holman, both of Washington; a daughter, Kinshasha Conwill of New York City; a sister, Milterre Jenkins of St. Louis, and four grandchildren.

"BRAKE THE CYCLE" FOR CHILD SEXUAL ABUSE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. MILLER of California. Mr. Speaker, I would like to applaud the work of Dr. Catherine Foote to "Brake the Cycle" of child sexual abuse. Through her campaign, she has brought to the attention of Americans across the country the need for increased resources to prevent and treat child sexual abuse. Through her campaign, thousands of Americans petitioned for greater attention and additional resources to combat the tremendous and growing problems.

Over the last few months, Dr. Foote and her colleagues bicycled more than 3,000 miles across the country from California to the east coast to draw attention to the terrible problems of child sexual abuse. Dr. Foote started out from the headquarters of Parents' United, the exemplary self-help program addressing child sexual abuse that was founded by Drs. Hank and Anna Giarretto in San Jose, CA. After 2 months of her cross-country educational campaign, she arrived in Washington late last week.

Dr. Foote and her companions traveled through state after state, talking with young people who had been sexually abused, adults abused as children, their families, those who had perpetrated abuse, and the range of professionals and advocates who work with them.

Over the last several years, the Select Committee on Children, Youth, and Families has underscored time and again the problems highlighted by "Brake the Cycle." A national survey by the committee showed a 55-percent increase in child sexual abuse rising the fastest among the three major child maltreatment categories. A recent study by the Department of Health and Human Services indicated that reports of sexual abuse, while not the highest in number, continue to rise the fastest.

Although Congress has just recently reauthorized the Federal law on child abuse prevention and treatment, funding for critical programs particularly addressing sexual abuse, has failed to approach the need. Appropriations for 1989 propose only a very slight increase in the already modest funding for child abuse prevention and treatment.

We need to do much better. All those victimized by abuse deserve no less. Dr. Foote, the "Brake the Cycle" campaign, and the many thousands who signed the petition have provided us with a powerful reminder, encouragement and support.

I commend Dr. Foote, and the children and adults who helped to gather signatures on the petition, for their commitment and for their continuing efforts on behalf of children and families.

TRIBUTE TO MOSES CARL HOLMAN

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, on the evening of August 9, 1988, the District of Columbia, black America, and indeed the Nation, lost a shining embodiment of human decency, dedication to principle, and loyalty to a cause.

We suffered that loss with the passing of Carl Holman.

Carl Holman was president of the National Urban Coalition for two decades.

During those years, he not only had a keen awareness of the unfolding of a more just and a brighter America, indeed, he was instrumental in bringing that new America about.

From his role in the civil rights movement to his time in the White House; from his reputation at the U.S. Civil Rights Commission to his involvement in the struggle against apartheid, Carl Holman was an unfailing adherent to fairness and principle.

Carl was not one to promote himself, Mr. Speaker; and so he often downplayed the degree of courage and bravery that underlay the choices he made during his 69-year life.

But there are countless prominent black men and women who today function at the highest levels of economic and political life in America, thanks to the efforts and determination of Carl Holman.

Equally importantly, there is an even greater number who today can take certain basic rights and dignities for granted thanks to all that Carl Holman worked for.

Carl made the path easier for us all to be full participants in the promise of America.

For that we are indebted.

For that we are grateful.

THE SEDUCTIVE POWER OF ABORTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DORNAN of California. Mr. Speaker, I would like to share with you a poignant article on abortion. Ms. Olivia Gains, writing for the Respect Life Program sponsored by the National Conference of Catholic Bishops presents a cogent analysis of a very emotional subject. Mr. Speaker, I enjoin you and my colleagues to read this excellent article and ponder this American tragedy.

THE SEDUCTIVE POWER OF ABORTION

(By Olivia Gans)

Something about abortion makes it seem to many the perfect solution to the immediate crisis of an unexpected pregnancy.

The lure of abortion stems from our society's desire to avoid responsibility, collectively and individually, for our actions and attitudes. Its seductive power is its promise to eliminate a "problem" neatly and simply, as if that problem—the child—never existed.

As a culture we seek total freedom—freedom from financial worry, discomfort, the demands of others, pain, and obligations. Individuals are expected to be self-sufficient, autonomous, and emotionally contained. We stand in awe of those who seemingly handle it all and make it look easy. But in fact most of us are needy creatures, and many of us are afraid of our own shadow, searching for someone or something to help us fill the void.

As young adults today many of us are sent off to college or take jobs far from home as we set out to build our own lives. Family and faith begin to look outdated as new "freedoms" open before us. Often these acts of breaking away create a sense of isolation that haunts us for a lifetime.

SOCIAL ALIENATION

Abortion is the culmination of this social alienation. In succumbing to the pressure to use abortion to solve her problems, a woman must become totally removed from the thought of herself as a woman, mother and life bearer. She cannot allow herself to bond with her child at all. She is not supposed to connect with the truth that from this moment on she is someone's mother. In reality the question she must answer is: Will I be the mother of a living child or a dead child? Those of us who have faced this fact too late can attest to its power to alter one's life forever.

Abortion is appealing because it allows so many to remain removed from any responsibility to this new member of the human family. Some parents unable to face their own fears or failures, look to this solution when a daughter becomes pregnant. Others who are sincerely concerned for the unborn baby may sadly reject their grandchild because of the sacrifice attached to his or her birth. It seems better to subject a daughter to a few minutes of surgery than to a lifetime of too soon motherhood. But such logic ignores the fact that the daughter is already the mother of a yet unseen child.

Another source of alienation can be found in the role, or lack thereof, that men play in the abortion decision. Ours is an age when personal fulfillment is sought through sexual experimentation, and when young men are not encouraged or challenged to accept responsibilities they didn't plan for. Abortion is for many men the way out of a sticky situation.

For some it is also a weapon to hold over a woman's head. "Have an abortion or I'll stop loving you," is the spoken or unspoken message that many women hear when they tell their mates about the result of their loving. It all seems so clear and easy. The baby is a threat to the man's freedom, so the baby must go. For some women, their partner's silence or ambivalence leaves them vulnerable to other pressures to abort their child. And since men do not have to participate in the actual bloody, painful procedure they can avoid any immediate confrontation with the violence their ambivalence caused. The abortion mentality has no place for the man who wants to act responsibly towards the mother and their son or daughter. This has been reinforced by recent court cases in which fathers sought to prevent a wife's or a girlfriend's abortion. The law so far has closed them out.

PUBLIC PERCEPTION

The greatest feat of abortion on demand has been to make American society content—if uneasily so—with accepting death as a way to solve problems. All across the United States there are basically good people who feel that abortion is not good, but that nothing else can be done when a mother is poor or a baby is severely handicapped, or the result of rape or incest. Good people are uncomfortable with abortion. This is borne out by public opinion polls which show that American opposition to abortion remains as strong as it was in 1973.

For over 15 years abortion has been portrayed as a simple outpatient surgical procedure with few complications. Mounting evidence, however, is disproving this. Scientific studies of post-abortion syndrome are demonstrating the dangers of abortion to the emotional health of women, as well as the men involved and the siblings and other relations of the lost infant. But the silence and secrecy that surround the pregnancy and abortion very often also attend the private and painful aftermath.

Society feels a need to look the other way when faced with something it has decided to encourage despite its ugliness. So it is with abortion. We dress it up, make it clean, legal and easily available.

We see advertisements for abortion chambers with attractive pictures and words that help sanitize the pain and violence at the other end of that phone number. We use words that imply freedom and maturity when discussing abortion—words like "choice" and "autonomous decision." And we speak of "constitutional rights."

THE VIOLENCE OF ABORTION

The ugliness of abortion is physically evident in films such as "The Silent Scream," "A Matter of Choice" and "Eclipse of Reason." There is little doubt about the physical brutality of abortion for babies and their mothers. But what of the violence of that act upon our hearts and minds?

Women who do not believe they must pit their strength against one who is weaker in order to achieve their fullest potential are silenced in national, state and local women's organizations. The illusion of freedom based on rejecting one's biological makeup is the cornerstone of the major feminist organizations today. Rather than protect our unique ability to bear life, we behave as if we will never reach full maturity and sexual equality until we alienate ourselves from our own bodies.

Some feminist leaders talk of abortion as a mature and life-affirming act. Yet nowhere else do we applaud violence by the strong against the weak to ensure the success of the stronger person. Today the notion of motherhood as bondage and failure is beginning to rise many critics even from within feminist circles. However, this controversey cannot be resolved as long as abortion remains a cornerstone of the feminist agenda.

THE AFTERMATH

It is curious that women who have bought into the notion that abortion will solve their problems are never really at ease with their decision. Most of us feel ambivalence, numbness, anxiety, fear and tension as the hour for the procedure approaches. The dominant feeling days or weeks later is either relief or more ambivalence. There is relief because the crisis appears to have passed. However, research indicates that feelings of regret, anger, despair, pain or loss associated with the abortion may surface five to ten years later.

The factors that can make a pregnancy look like a crisis are always valid concerns. To the individual faced with a problem pregnancy the lure of abortion lies in the subtle promise to resolve those issues. But in her heart each mother knows the world will not be a better, brighter place tomorrow because she accepts this solution. Killing over 15 million children since 1973 has not ended poverty, cured disease or handicaps, or strenthened the bond between men and women or between parent and child.

Pro-abortion people often express pseudo-grief for the loss of the "potential life" of the unborn child and praise the bravery of the mother's "sacrifice." A woman in an abortion counselor's office is led to believe she is wise and brave to end her child's life. If she expresses thoughts that indicate she might want to protect her child, they are generally belittled or made light of. Often the attitude and statements of abortion providers turn the tide at the last minute against the child.

When dealing with a woman experiencing an unexpected pregnancy, most people try to be compassionate, where men are concerned even chivalrous. Men in particular fear being seen as nonsupportive or insensitive. No one wants a woman to be in a situation so stressful or unmanageable that she cannot bear her life. This feeling is especially strong in cases of rape or poverty, or where the child might be born with a severe handicap. The most serious problems, however, are not the conditions of the child's birth, but our own fears and attitude about those conditions. By not dealing with our own fear, anger and misperceptions, we add to the pressure on the woman to abort.

CHANGING ATTITUDES

Are we a society fit only for perfect people? Mothers are more likely to reject and abort their children because of social pressure today than in any previous generation. By not welcoming the less-than-perfect child we also abandon the child's mother. If we fail to offer our support we share in the guilt of her abortion.

It is time for society to assess its attitudes toward abortion, a process that demands both honesty and sacrifice. The Church is in a unique position to provide leadership in this area, as it has done since the Supreme Court legalized abortion on demand in 1973. The Church's compassion for the individual in crisis, tempered with truth, has saved many lives.

We need to be challenged to take a long, hard look at how we fit into the abortion picture. We need to hear priests speak about the issue, and we need their support for our efforts to find answers to serious social problems. Laypeople need to roll up their sleeves and be there when it counts, providing shelter, instruction, time, and prayer to the lost and lonely.

We have great resources in talent and technique to draw on, but our greatest strengths are the sacraments. Those of us who have been restored to the sacraments know that even if things look dark or disoriented again, we have found the source of our hope in Christ. Try as we might to fill the void of human alienation with anything else, only one thing will do. The seductive power of abortion cannot stand against that greater love that never rejects the less than perfect of us. It is wonderful to watch someone begin to feel that connectedness. It is even more wonderful to have been a tool helping to build the bridge that made it possible.

POST-ABORTION HEALING

During the past fifteen years many of us resorted to abortion as a last chance out of a personal problem. It didn't solve our problems, but created long-term problems of its own we are only now beginning to face. In recent years facing those problems has become a little easier with post-abortion healing programs across our country. Individuals, women and men, with abortion experiences have sought each other out to discuss their private pain and anguish over a wrong and irreversible decision. Names like American Victims of Abortion, Women Exploited By Abortion, Open Arms, and Post Abortion Counseling and Education are familiar in many cities now.

One of the fastest growing programs today is a Catholic approach to healing abortion's hurt that is sometimes called Project Rachel. At the heart of the program is the sacrament of reconciliation. Often developed under the aegis of the diocesan Respect Life or Family Life office, these programs involve a team approach to the healing experience. Teams consisting of priests, professional counselors and lay peers provide a powerful opportunity to help hurting individuals encounter God's healing love and to welcome the alienated home.

The healing process from abortion is much the same as it is for any other death experience. What often makes the process more difficult is the delay time involved in a woman's strong cases of responsibility for her child's death. Once denial has broken down and she begins to deal with her pain, anger, and despair, she needs a safe place to explore these feelings. The same is true of the father or other persons involved in an abortion.

The reaction that greets an individual trying to communicate her frustration and pain will determine how well she copes with the healing journey. Often the problems that initially lead someone to seek help are not immediately or clearly attached to an abortion event. So powerful is the violence of abortion that problems of abuse, sexual dysfunction, relationship difficulties, sleep disorders and other forms of distress often are caused by a long-buried abortion memory.

As people start to deal with their pain, the most difficult issue to resolve is their sense of self-worth. Especially in mothers there is a great sense of failure in not having protected their children. Remembering that they paid someone to do this to their bodies and their children is crushing. Women with a Christian or Catholic background often feel that the deed is so detestable that they don't deserve forgiveness—not from themselves, not from their Church, not from God. They need to hear from the Church about forgiveness for abortion.

Often entire families become involved in the healing process. Learning to forgive all those involved in an abortion is vital. All involved with that mother and child need to release any bitterness and frustration that may linger towards the parties they feel are responsible for the act. For example, the woman must forgive her doctor, the baby's father (whatever his role), her parents even if they weren't actively involved, sometimes even the baby who has raised a kind of anger. But the person she has the hardest time forgiving is herself.

People working through abortion grief often express concern about what happened to their child or grandchild. They need to create a bond between themselves and that baby. Women may want to name their baby, even feel with certainty they know the sex of the child. They may also seek forgiveness from their child. Journals and letters may be written to verbalize these feelings.

In the Catholic Church the doctrine of the communion of saints provides some consolation for this ache. A practice gaining favor with those involved in post-abortion ministry is a Eucharistic celebration commemorating the memory of the baby. For many it is an act of closure to the reconciliation and mourning process.

In truth, because abortion is a death experience the healing never really stops. In some corner of that person's heart, mind and soul, that child will always be there. We can never forget, but we can be restored. The lessons we learned were bitter to say the least, but in not forgetting we are truly free from being prey to the same seductions again.

Some will choose to work actively in the pro-life movement, a decision to be made cautiously but one full of rewards. Others will return to their usual lives, but with a new sense of value for the gift of life that comes from God. Either way God's will is done, as it should have been from the beginning.

Understanding brings new hope, and hope promises a brighter future for all of us. We must commit ourselves to better answers and work for them now—for the children and for each other.

PROJECT RACHEL

"During the 1970s, those working in the pro-life field became aware of a special group of hurting women—those who had experienced abortion."

Perhaps because of the Church's vocal opposition to abortion, few were turning to the Church for help or counseling.

Tentatively, dioceses began to address the problem especially in terms of helping Catholic women and others involved in abortion to reconcile with themselves, with their Church and with their God. Thus began efforts such as the Archdiocese of St. Paul and Minneapolis' Post-Abortion Counseling Program, the Buffalo Diocese's Puzzle Project, the counseling program sponsored by the Diocese of Youngstown, and others. These slightly different efforts in different parts of the country all had the same purpose: to help women and men involved in abortion to experience the healing forgiveness of God.

Today many dioceses have such programs, and most are now known by the name of Project Rachel.

Project Rachel was begun in the Archdiocese of Milwaukee in 1984. Archdiocesan Pro-Life Director Vicki Thorn invited all the priests of the archdiocese to a special program designed to teach them to reach out to people whose lives had been touched by abortion: aborted women, fathers of aborted children, parents and grandparents, other family members and close friends. The program included a discussion of canon law on abortion as well as ways to facilitate the healing process. Social workers from Catholic Social Services and women who had experienced abortion also helped in the training.

Post-abortion counseling is a painful ministry, but most priests report that it is a deeply rewarding experience. The rewards of helping people to heal are obvious, but the unexpected discovery for most is seeing how powerfully God works in our lives.

Today Project Rachel flourishes in many dioceses in the United States and has been established in other countries as well.

THE AFRICAN CONDITION AND PAN-AFRICAN UNITY: THE ROLE OF BLACK AMERICANS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. DELLUMS. Mr. Speaker, I wish to bring to your attention the remarks made by Chief Bashorun M.K.O. Abiola of Nigeria. Chief Abiola addressed the Organization of African Unity on the occasion of the 25th anniversary of the founding of the Organization of African Unity on May 28, 1988 in Washington, DC. I believe my colleagues will find the remarks of Chief Abiola interesting and thought provoking.

I am delighted and honored to be invited to address you this evening on this auspicious occasion of the twenty-fifth anniversary of the founding of the Organization of African Unity. My task shall be threefold: To analyze the African condition, to examine the role of black Americans in Africa's economic development, and finally to proffer my own views on how we can address the African condition. When African heads of state met in 1963 to ratify the O.A.U. charter they were under no illusions that the path to pan African unity was going to be a smooth one indeed. Nor were they under the illusion that the organization was going to offer a panacea to Africa's seemingly intractable problems.

For those of you who are students of African political history, you will recall that what became the final charter of the O.A.U. was the product of a compromise between two major ideological and philosophical blocks which were euphemistically called the Cassablanca and Monrovia groups. The Cassablanca group had become associated with an ideological perspective which called for a radical approach to pan-Africanism. Africa's erstwhile leaders such as Kwame Nkrumah of Ghana, Modebo Keita of Mali, Gamel Abdel Nasser of Egypt, and Sekou Toure of Guinea had taken the position that the path to true independence for Africa must be preceded by a strategy which placed a premium on political unification of the entire continent. In other words, the nascent African States were to surrender their individual sovereignty to the larger objective of a continental government. They saw this as a precursor of greater things to come, such as integrated economic planning, a common defense strategy, and a common foreign policy for Africa. Nkrumah had warned that "I can see no security for African States unless African leaders, like ourselves, have realized beyond all doubt that salvation for Africa lies in unity * * * for in unity lies strength and as I see it, African States must unite or sell themselves out to imperialist and colonialist exploiters for a mess of pottage, or disintegrate individually.

How ominous a warning!

The Monrovia group had taken a different if less ambitious philosophical approach toward the issue of pan African unity. While committed to African unity. It sought to place emphasis on economic associations and structures which did not violate the sanctity of the sovereignty of individual states.

In spite of these differences in approach, the imperatives of African unity were so overriding that the two groups reconciled their differences, and in the spirit of the African traditional heritage of political consensus, the O.A.U. was born. It was an eloquent testimony to the fact that "where there is a will, there is a way." It was also a tribute to the genius of the leaderhip skills of the founding fathers of the organization that despite the imperfections of the chapter, that at the very least the African continent needed a supra-structural organization, one which could provide avenues for the discussion and perhaps the solutions to the same problems.

As we take a glimpse into history and celebrate this occasion, we must seize the opportunity to indulge in a critical introspection of the African condition. As we get ready to march into the twenty-first century. This should also be an occasion for frankness and a no-holds-barred discussion. If for no other reason, we should realize that the solution to Africa's problems must come through the collective efforts of peoples of Africa and the African Diaspora.

I hope that thus far, that I have not given the impression that I have adopted a narrow vision of pan African unity by discussing it in the context of the African continent alone. We cannot ignore the historical fact that the architects of Pan-Africanism were the giants and the visionairies of the twentieth century in the likes of W.E. DuBois, Marcus Garvey, Henry Sylvester Williams, and George Padmore. I hope to return to their vision of a transcontinental unity later on in this presentation as I address the challenges that face all of us in the coming years.

THE AFRICAN CONDITION

The African condition is replete with paradoxes; these are paradoxes that need not be. It is a continent richly endowed with human and mineral resources, yet at the bottom wrung of economic development, by whatever indicators we choose to offer our prognosis. It is a continent that produces what it does not consume and consumes what it does not produce. It is a continent which is the cradle of mankind and yet the least habitable for mankind due to environmental and man-made condition. It remains marginal in the geo-political and economic power play in the global arena. The continent is still wracked by incessant political turmoil at proportions and frequencies that militate against human and materiasl development. The balkanization of Africa into fifty odd states remains an ever present obstacle to national integraion and a pan African unity. I submit that the issue of Africa's fragmentation into these liliputian entities presents Africa with one of its major challenges. We really cannot overemphasize the magnitude of this problem as we engage in our festivities today.

I have engaged in the aforementioned analysis not from the persepective of a pessimist or that of a detached observer. I approach this from the perspective that we cannot begin to engage in appropriate discourse of how to overcome the myriad of socio-political and economic problems of Africa unless we, in a forthright manner, intellectually and psychologically predispose ourselves to meaningful diagnosis of what these problems are. We must as of necessity delineate those problems that are externally induced and those that are master minded from within. Otherwise, we may continually indulge in an orgy of scapegoating that does not lead us anywhere.

At this juncture I would like to focus my attention on sectoral analysis of the African condition after which I will proceed to offer my own humble perspectives on what must be done to alleviate the untold miseries which have befallen millions of Africans presently. I do not intend to rehearse the dismal conditions in which we presently find ourselves; since these are issues which you all know too well. My preliminary remarks are intended to put in perspective my subsequent comments. I wish to characterize these sectoral issues as crises. This choice of words is intended to amplify the urgency of these issues rather than to set an alarm in motion.

THE CRISIS OF POLITICAL DEVELOPMENT

In an attempt to stress the urgency of this crisis Kwame Nkrumah admonished his African compatriots to "seek ye first the political kingdom." Though laden with Biblical overtones, it is an admonition that that has ominous dimensions and one that has to be taken seriously. In the same vein, Ali Mazrui has aptly observed, "A majority of post-colonial African countries hover in a balancing act between the chasm of anarchy and the brink of tyranny. The contradictions of colonial rule and the destruction of Africa's own indigenous structures have left the continent a prey of the forces of concentration of power, on one side, and the forces of disintegration of authority, on the other." Put differently, the prevalent political climate in the continent is one that does not encourage the development of enduring political culture and institutions, nor is it conducive to the development of the economic and social structures. This climate does not lend itself to the building and nurturing of political values of selfless pubic service and productivity. Most public institutions are dysfunctional and in a state of atrophy. We are yet to deal in any meaningful way with the fissiparious tendencies of African politics which tend to manifest themselves in religious or ethenic dimensions with concomitant destructive outcomes.

We must therefore seek ways and means to arrest the situation which I have referred to above. We must seriously address ourselves to finding alternative paths to this malaise. These alternative paths must include the issues of political leadership, new political values, alternative political structures institutions etc. All this is to say that the imperatives of the African condition demand that we create an enduring political environment which will allow for internal development while at the same time providing a conducive climate for attracting positive foreign investment. This is part of my challenge to all of us.

THE ECONOMICS CRISIS

Within the rubric of Africa's economic crisis are a host of causally related issues. It must include the following: the food crisis, the debt crisis, population explosion, infrastructural decay and slow growth of the economy to mention just a few. An analysis of the aforementioned suggests that the problems are multi-dimensional in scope and ramifications. They are as structural as they are a reflection of the paucity of policy options and strategies. In other words, the economic crisis must have a multifaceted approach which understands the relationships between domestic economies and the global economy, that is, the interconnections between various sectors of the political, social, and economic fabric of the African society. The challenge, therefore, is to undertake a meaningful analysis of these subsectors with a view of re-routing the present course which leads us nowhere but to an economic abyss.

Let us examine the debt issue which is fast becoming an intractable problem. Africa's foreign debts have grown exponentially in the last decade. Besides the enormity of this debt (measured in raw figures and the ratio of the debt to total revenues). There is also the question of the debt service burden which has created a serious drain on the resources of most African States. Even the much vaunted middle income countries are not immune to the problem. It is quite obvious to most of us that this problem cannot be allowed to continue unabated. There is a famous English addage which instructs us that "he who pays the piper, calls the tune." This addage suggests to us that unless the debt crisis is alleviated, Africa will remain hostage to its external creditors with the attendant implication of making a mockery of the precarious sovereignty which we presently enjoy.

POPULATION ISSUE

In the same vein, we cannot underestimate the enormity of the population explosion which is wreaking havoc on the limited resources and fragile infrastructure of most African States. While the population problem does not account for most of Africa's problems, it does, nevertheless, compound an already strained economy. The population problem is very much related to the food crisis. This is a fundamental issue. As a matter of fact, it is a matter of survival. The food crisis is an offspring of manmade and ecological factors. I see the food crisis as one of those paradoxes that need not be. Available evidence suggests that even with Africa's environmental vicissitudes, the problem is largely a function of misplaced priorities and shortsightedness on the part of many African States. This trend toward dependency on external sources to feed Africa's populations, starvation, and malnutrition can and must be reversed immediately. Time is not an ally of Africa. We obviously do not have the luxury of procrastination or inaction. I do not wish to imply that the environment does not contribute its own share to the food crisis. Even then, those ecological factors that can be alleviated through education, governmental actions, and other means need not be delayed.

REFUGEE PROBLEM

Any discussion on the food crisis cannot receive adequate analysis if we do not concomitantly address the refugee problem in Africa. The chilling fact that Africa has nearly half of the world's refugees cries for a concerted effort on the part of citizens of Africa and the world to seek immedate solutions while there is still time to act. The situation calls for Africa's leaders to redress the human causes of the refugee problem. While conceding that natural disasters have contributed to the refugee problem, I dare say that we can go a long way toward alleviating this human misery if only the leaders of African States can learn to live in peace with one another; i.e. in an environment that does not resort to war to settle disputes amongst brothers and sisters. The scope of the task that lies ahead should make it obvious that the present course must not continue. It does not make sense to me that African States are preoccupied with conflicts that drain the limited resources available for economic and social development. It is mind boggling that we should engage in senseless wars with weapons which we do not even produce. Such is the nature of our predicament.

THE SOCIAL CRISIS

Perhaps at the heart of the socio-cultural crisis is the need to decolonize the African mind and stir it toward the direction of re-Africanisation and disalienation. I start from the premise that one of the factors responsible for Africa's dependency on the West is the spectre of cultural alienation by those Africans who are in a position to direct the course of affairs in the continent and in the Diaspora. What will it mean in concrete terms? Put in the context of the African Diaspora in general, it is becoming fashionable to disassociate ourselves from our African heritage. We must come to accept who we are with pride and aplomb. You may wish to ask what is the relevance of this admonition in the scheme of things? It is paramount that we find the solutions to our worldwide predicament within ourselves. It is imperative that for our brothers and sisters in the Americas that they anchor their essence in their African heritage. It is an inescapable reality. For the Africans in the continent, it is also an imperative that we eschew our tendency toward westernization at all costs. What is required then is a cultural revolution of the mind by Africans in and outside the Diaspora; to commit themselves to a revival of the African spirit and personality which will embolden us to believe that we have the wherewithal to surmount the challenges which we currently have to contend with. We must heed the admonitions of our erstwhile predecessors such as Edward Blyden. W.E. Dubois, Kwame Nkrumah, George Padmore, Marcus Garvey, and Aime Cesaire that we must undo the perniciousness of cultural imperialism which continues to stand in the way of our self fulfillment.

To this end, we must address ourselves to the relevance and meaning of the education which we acquire and consequently transmit to the younger generation of Africans. We should ask ourselves whether the present education which we receive aid or abets the self fulfillment which I have referred to earlier. On this same issue Edward Blyden declared as far back as 1881 in his inaugural address as president of Liberia College that "the college is only a machine, an instrument to assist in carrying forward our regular work-devised not only for intellectual ends, but for social purposes, for religious duty, for patriotic aims, for racial development, and when as an instrument; as a means, it fails, for any reason whatever; to fulfill its legitimate functions, it is the duty, as well as the interest of the country, to see that it is stimulated into healthful activity; or, if this is impossible, to see that it is set aside as a pernicious obstruction."

These words are as relevant today as they were when they were spoken over a hundred years ago.

We must undertake to cultivate a culture of productivity rather than a culture of consumption; a culture of self sustenance rather than a culture of dependency; a culture of selfless devotion to the service of the common good rather than a penchant for individual aggrandizement. These are not novel attributes; for they represent the essence of the African personality to which we must commit to revive and nurture. It is in this spirit that we enhance the symbiotic existence among the peoples of African descent throughout the universe.

I wish to return to one of the major themes of this paper which is to examine the role of African-Americans in Pan-African unity and African economic development in the coming decades. As a matter of historical fact, the idea of pan African unity at its most dynamic juncture was given immense impetus by W.E. Dubois. Through his leadership of five pan-Africanist congresses, which reached a peak and point of historic excellence during the fifth pan-Africanist congress in Manchester, England in 1945. His global approach to the plight of the people of the African continent and in the African Diaspora led to his assertion that the freedom of black Americans was inextricably linked with the freedom of Africa. As an extension of this perspective, he declared that "we American negroes should know that, until Africa is free, the descendants of Africa the world over cannot escape their chains. The NAACP should therefore put in the forefront of its program the freedom of Africa in work and wage, education and health, and the complete abolition of the colonial system."

Dubois lit a torch which his disciples carried to greater heights throughout the African Diaspora and in the African continent to embark on a path of liberation and freedom.

We also must not forget the contributions of Marcus Garvey in giving further impetus to the idea of pan-African unity with a global perspective. The challenge was how to translate this noble aspiration to concrete reality. I must mention that the fire of African nationalism and the push toward decolonization which was lit by the pan-Africanist movement became responsible in part for posing in an ironic sense one of the major obstacles to the dream of a pan-African society. I am specifically referring to the issue of individual sovereignty, a matter which seems to have introverted the disposition of African leaders toward guarding their parochial interests all so jealously. If African States continue to treat the issue of individual sovereignty as an inviolate and sacred commodity, I am afraid that the goal of pan-African unity will become a romantic idea only to be relegated to a mere nostalgic concept. I believe that we owe it to the forefathers of pan-Africanism to prevent this phenomenon from becoming a reality.

I am, however, encouraged and elated by a series of events that have taken place in the United States especially in the last few years with regard to the role of black Americans in United States foreign policy toward South Africa in particular and Africa in general. Thanks to the massive involvement of the masses of black America: the Congressional Black Caucus, and Trans-Africa, etc., it was possible to get through the United States Congress sanctions against the apartheid regime of South Africa, albeit toothless, yet symbolic.

THE ROLE OF BLACK AMERICANS

What must black Americans do to change the course of American foreign policy toward Africa in the coming years? It is a reality of history that Africans in the continent are estranged through the ignominous era of trans-Atlantic slavery. It is also a matter of historical reality that this physical estrangement cannot be undone. But it is my opinion that the barriers imposed by geography can be overcome and bridged through symbiotic endeavors if we heed the eloquent advice of the forefathers of the pan-Africanist movement that the fate of continental and non-continental Africans are inextricably bound spiritually and materially.

EMPOWERMENT OF BLACK AFRICANS

As residents and citizens of the world's major superpower with the wherewithal to build and destroy, the political, social, and economic empowerment of black Americans will augur well for the African continent if the production of such empowerment translates into a new direction for American foreign policy toward Africa. My hope and belief is that this new direction will definitely help in improving the crises which I discussed earlier. It will usher in an era in which the United States no longer treats African issues and concerns with insensitivity and sometimes contempt. It will usher an era of even-handedness in the policy options and actions of the United States toward Africa whether it be in the matter of economic development, technical assistance or the question of apartheid in South Africa. Political clout for black Americans will help to ensure that issues and concerns dear to Africans are not subject to hypocritical and contradictory analysis.

I would like to use the issue of apartheid as an illustration of what I mean. The system of apartheid presents the world with one of its most heinous systems that should jolt the human conscience regardless of race, creed, color, nationality, or national boundaries. Not only has the United States been extremely insensitive to the aspirations of millions of Africans and black Americans on the South African problem, but I dare say that the policy of constructive engagement is a misguided policy which does not coincide with the views of the rest of the world and especially those of the Africans. We are told that the United States does not support sanctions against the Pretoria regime on the grounds that they do not work and that they will bring untold hardships to the masses of the South Africans. But, I am reminded that sanctions have been applied by the United States in Cuba, Nicaragua, Panama, Poland, Iran, etc. It is this sort of contradiction which I alluded to earlier.

When we examine the entire gamut of American foreign policy toward Africa in historical context and note the paucity of such a policy, I become increasingly convinced that significant changes need to occur in a more positive direction. It also becomes paramountly clear that black Americans can and must exercise tremendous clout on behalf of Africa in the same manner that Jewish Americans exercise enormous, almost, veto power on matters affecting Israel. I see the makings of this clout in the political gains that have been made by black elected officials and the black electorate. These strides must be harnessed.

While still on this issue, I must add that the empowerment to which I refer can be enhanced and aided when African States themselves begin to seriously deal with the numerous crises which I discussed earlier. It will foster the symbiotic relationship which is so necessary to foster a mutually beneficial enterprise. A strong Africa can also use its clout to exercise influence on America on matters of major concerns to black America. In essence, what I am saying is that a weak Africa is of no significant value to black America. It bears repeating that the imperative of mutual self-interest cannot be overemphasized. I cannot say enough about this issue especially as the turn of the next century fast approaches.

The private sector in Africa is relatively underdeveloped. It is a sector that must shoulder the major responsibility of alleviating Africa's economic crisis. Events have proven that the concentration of the future of Africa in the public sector is very flawed. The public sector does not have the capacity nor the means to shoulder the enormous responsibility of economic development. This is an arena where the entrepreneurial skills and know-how of Black Americans can be of invaluable benefit to African States. To this end African States must adopt policies which aggressively encourage this participation in all facets of the economy; transmission of technical and professional skills and technological transfer to those areas of the socio-economic sector in most need.

Those people involved in the private sector must also embark on a program that similarly involves the badly needed entrepreneurial skills of black Americans in the solution of Africa's economic crisis.

If I have sounded rather blunt and somewhat abrasive, I crave your indulgence; for as I stated at the outset, we must take advantage of this occasion for introspection, to reevaluate our course of action and rededicate ourselves to play our individual and collective roles in improving the lot of our fellow Africans. The African past is replete with noble accomplishments and history, but we must be committed to bequeathing a future to the young generation of Africans which will certainly be more prosperous than ours.

CONCLUSION

In concluding, I would like to restate my personal views about the tasks and challenges that confront the African continent and the Diaspora. We need not delude ourselves about the complexity of our situation—those we inherited and those that are self-inflicted. The burden is heavy, the responsibilities are gigantuan and the solutions are tenuous and even elusive sometimes. I dare say also that some of the answers may lie outside our capacity to influence or control. However as an eternal optimist—not a naive one—we must create new realities within the limits of our capabilities; guided by unbounded dreams and aspirations in the context of the African personality.

Having said all these, I wish to suggest the following:

(a) That African States must rekindle the aspirations of forging a new political order; one which seeks to overcome the burden of Africa's fragmentation. This goal must transcend simple populist rhetoric of the yesteryears. The masterminds of the Berlin Conference are forging ahead toward European integration. It behooves us therefore to borrow a chapter from Europe. The survival of Africa in the coming decades depends a great deal on whether we heed the admonitions of Kwame Nkrumah which I cited earlier.

This option will require that African leaders must have the much needed vision and fortitude to understand the deleterious consequences of continuing to maintain the sanctity of present territorial borders and the sanctity of individual sovereignty.

(b) That the structure of the organization of African unity needs radical changes to meet the challenges of the world which we presently live in. The O.A.U. continues to provide the skeletal avenues for a continental unity. It remains an indispensable body. However, in its present form, it is inadequate to provide the basis for political and economic integration; such as is the case with the European community.

(c) That we must begin to seriously deal with the language problem which has continued to exacerbate the perniciousness of mutually re-inforcing cleavages throughout the continent of Africa. I do not wish to discuss the details of this proposition.

(d) That a highly representative body of the black American community and the African continent must set up a permanent body charged with the responsibility on an on-going basis, to coordinate economic, social, political and cultural policies that are of mutual benefit. I might add that this proposition should as of necessity include all other areas of the African Diaspora. In a sense, this body would then serve as a loose confederation which will help to bridge the gulf created by hundreds of years of physical estrangement.

(e) That Africa's debt crisis must be resolved with the immediacy which it deserves in order to avoid the potential of throwing an already embattled economy into a tail spin. It is also important that African States meet their international obligations to their creditors for the sake of maintaining credibility and solvency.

In closing, I would like to thank the organizers of this event for allowing me the privilege of addressing this assembly. Will you please join me and the rest of millions of Africans in and outside the continent in dedicating ourselves to creating a new world order in which all human beings regardless of race, creed, color, or nationality will be able to live in peace, harmony, and prosperity. Long live Africa! Long live the rest of mankind!

BERNARD LANDMAN, JR., ON PUBLIC HOUSING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 11, 1988

Mr. JACOBS. Mr. Speaker, Bernard Landman, Jr., is one of Indiana's most distinguished lawyers because of his scholarship and plain talk. The following is an example, a quick and clear course on Federal housing legislation:

Nor Shall Private Property Be Taken for Public Use, Without Just Compensation [1]

(By Bernard Landman, Jr.)

The Emergency Low Income Housing Preservation Act of 1987 [2] declares a moratorium on the prepayment of existing mortgage notes insured by the Federal Housing Administration under Sections 221(d)(3) and 236 of the National Housing Act. This moratorium is proclaimed legislatively, notwithstanding the fact that such mortgage notes contain a specific clause permitting prepayment on and after twenty (20) years from the date of Final Endorsement of the mortage note by the Federal Housing Commissioner.

The action attempted by the Congress in this legislation is the culmination of the death knell of multifamily housing debt by the people's representatives. The killing which, left unchecked and unchallenged, is about to result in not only an illegal, but an immoral, act.

I grew up in a generation that loved and respected its country and its government. In a world of good and evil, we represented "good." We had justice and morality on our side. Putting aside the legal question for the moment, it is painful, therefore, when the government of the United States, through the elected representatives of the people, attempts to openly, blatantly, legislate a breach of contract.

In 1961 the Congress passed the first piece of housing legislation that provided for private industry to create a housing stock for low and moderate income families.[3] Prior to the enactment of this legislation, that housing was provided by state and local municipalities through public housing financed by federal grants and loans.[4] The historic legislation in 1961 was very simple and inexpensive to the federal government. It provided that in exchange for making housing available to low and moderate income families, as defined in the legislation, and accepting a reduced return on equity, the government would make available forty (40) year loans at "the annual rate of interest determined, from time to time by the Secretary of the Treasury at the request of the Commissioner, by estimating the average market yield to maturity on all outstanding marketable obligations of the United States, and by adjusting such yield to the nearest one-eighth of 1 percentum. . . ."[5]

Since the federal government paid the lowest interest rate available to anyone, the rate changed was substantially "below market" and hence, the projects built with these funds became known as 221(d)(3) below market interest rate projects or "BMIRs." In 1965, because of the gradual rise in the government borrowing rate (from 3% to 3.75%), Congress fixed the rate at the lower of the annual borrowing rate of the United States and 3%[6] and thus began to subsidize these projects through real expenditures rather than simply lending its credit rating to the project. Because the interest rate was below market, the loans were bought by a government agency (then called Federal National Mortgage Association and now called Government National Mortgage Association) rather than a private lender.

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[1] Article V, Amendment to the Constitution of the United States.

[2] Public Law 100-242, Title II, Subtitle B.

[3] Public Law 87-70, Section 101(a)(11), 75 Stat. 149, 152.

[4] The U.S. Housing Act of 1937, Public Law 93-383, Title II, Section 201.

[5] *Ibid*, note 3.

[6] Public Law 89-117, Section 102(b), 79 Stat. 451, 454.

In 1968,[7] when the federal budget was being squeezed by the Vietnam conflict, the budget "manipulators" found that it would substantially improve the deficit if the low and moderate income loans were not bought by a government agency (thus creating a charge of the total loan to the budget), but were bought by a private mortgagee, the federal government only guaranteed the difference between the "market interest rate" and the "below market" interest rate. By doing this, magically, the charge to the budget was reduced from the entire loan to one year's subsidized interest.

In order to improve the program the government increased the interest subsidy. Instead of a 3% interest rate, the government subsidized the interest down to 1% and also paid itself the FHA insurance premium of ½ of 1%. Thus, in a master stroke, the government reduced the budget charge, on an annual basis, from about $15,000 per housing unit to about $1,050 per unit (never mind that this latter amount, on a reducing basis continued for up to forty (40) years while the $15,000 was a one time charge recoverable, at 3% interest over up to forty (40) years). If nothing else, this legislation should make us suspicious of all government accounting and government waste. This new program, known as Section 236 of the National Housing Act, superceded Section 221(d)(3) BMIR and became the primary subsidized housing program until 1974. As inflation increased so did the expenses in operating these subsidized projects. Since there was no subsidy for operating costs, but only for financing costs, the additional operating costs had to be absorbed through increased rents. Some subsidized projects were built in poor locations (many cities did not want them in "good" locations), some were mismanaged and many either were not able to charge the tenants increased rents because (i) FHA was either slow (or refused) to approve increased rents or (ii) the tenants were unable to pay the approved increased rents. In any event, the FHA insurance fund suffered substantial losses which resulted in the termination of future use of the Section 236 program.[8]

The Nixon administration recommended replacing Section 236 within nine months after that termination with a new program under Section 23 of the United States Housing Act of 1937[9] which subsequently became the most costly subsidy program in the history of housing: Section 8 of the Housing Act of 1937.[10] Between inflation, rising interest costs and the automatic rent adjustment factor, this program took subsidized housing from an innovative, but "No cost" program in 1961 to an average cost to the government of $1900.00 per unit in 1983. In that year, therefore, Congress, at the request of the Administration, killed the goose.[11] While it approved a voucher program, giving housing vouchers to low income families, no housing stock for low income families has been built since 1984[12] except for a limited number of elderly apartment units built by nonprofit corporations under Section 202 of the National Housing Act.

As set forth earlier, the projects built by "for profit" sponsors under each of these programs (221(d)(3), 236 and Section 8) contained a ticking bomb. In order to induce the sponsor to build the project, the FHA, in its regulations[13] and in the insured note, required a provision preventing prepayment for twenty (20) year after Final Endorsement but permitted prepayment thereafter.[14] The end of the twenty (20) year prepayment lock out is rapidly approaching. Obviously, it was intended that subsidized housing would be an ongoing government program. Sponsors, twenty years ago, believed that either their projects would be worth far more (and therefore sold at a profit without restrictions) or that they could be converted to cooperatives or condiminiums for low income families to the benefit of the low income family and the financial benefit of the owner.

The tax laws were geared to a sale after between twelve and eighteen years (depending on the year in which the project was originally built) and no sponsor actually intended to hold the project after twenty years (much less retain it for low income tenants). In any event, every "for profit" sponsor of a low income subsidized project believed he had the obligation to maintain the project as a low income project for twenty (20) years and the contractual right to prepay the loan after twenty (20) years.

However, Congress had not kept faith with the low and moderate income population. In 1983 it terminated the only existing program that substantially increased the available housing stock annually. In order to attempt to lessen the effect of its bad faith, the Congress proposes to breach its contract with the existing housing owners and prevent the prepayment of the outstanding loans.

It may be, that based upon current conditions, few owners will want to prepay their loans. That is not the issue. Whether the loan is or is not prepaid is solely an option of the owner. To attempt to prevent the exercise of that option, to attempt to eliminate that option, is both immoral and illegal.

It is immoral because regardless of any well-meaning, righteous or self-righteous reasons, the government should not break its word. If we cannot rely upon the word of the government, then why should any of us honor our contracts, keep our word or act in a predictable manner? It is not the project owners who have created—or may create—a shortage of low income housing. It is not the project owners who have caused a monumental budget deficit. It is not the project owners who have caused a substantial trade deficit. These have all been caused by the Congress and the Administration. Neither should have the right to attempt to rectify their errors at the expense of the project owners.

It is illegal for much the same reason that it is immoral. While the constitutional prohibition against interference with the right of contract ostensibly applies only to the states, the federal government is prohibited from taking property without due process of law. By preventing the prepayment of the mortgage has the federal government "taken property?" Certainly the prepayment option is a property right. However, it is argued, the owner still owns the project. The owner still collects the rent. While the owner is denied the right to increase the rents, obtain a higher profit or sell the project for increased profits, the owner has the same rights he had prior to prepayment of the mortgage.

Not only does that argument fall of its own weight, but it must be viewed in the very subtle light of our complex society. One of the inducements given to the project sponsor at the time he agreed to build the project, was a substantial tax advantage. While the return on investment was limited, the tax law made the project more valuable by permitting the owner (and the investors) to defer income tax otherwise due on other income of the owner or investor. The tax was not eliminated, it was deferred.

The day of reckoning is now here and the project that generated more loss than income in the early years now generates more taxable income than real income in these years. The owner contemplated selling the project at a profit to pay these accruing taxes.

In 1986 the Congress enacted the 1986 Tax Reform Act which, among other things, denies the use of tax losses generated from real estate to be used to offset other "non-passive" or portfolio income. The buyers of property for "tax losses" therefore no longer exist. Only projects which are "economically" feasible are saleable. But certainly a project for low income tenants which generates, basically, a 6% return on equity (computed 11.11% of the original mortgage) is not economically feasible. Therefore, from an economic standpoint unless the owner can prepay the mortgage he does not have an economically feasible property to sell. His economic loss, in real dollars, both in lost profits and in additional taxes, is substantial.

Both Congress and HUD have proposed a series of incentives to be offered to owners to retain their projects as low income projects.[15] These include: second mortgages, increase in the dividend percentage and increase in the base on which the dividend is computed.

As previously indicated, many owners may not wish to prepay the mortgage (although how such owner will handle the income tax problem for himself and his investors is unknown). Some owners may well determine that one or more of the foregoing incentives is worth extending the prepayment restriction. (Certainly Congress and HUD should offer such incentives in any case where they feel it would be advisable if the mortgage was not prepaid.) However, in each case the owner should be free to accept or reject such incentives and to prepay or not prepay the mortgage as he determines of his own free will.

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[7] Public Law 90-448, Section 201, 82 Stat. 476, 498.

[8] Order of January 8, 1973, of James F. Lynn, Secretary of Housing and Urban Development.

[9] Nixon's Housing Proposals to Congress, September 19, 1973 (See Housing Development Reporter Vol. 1, No. 10, September 19, 1973, pages L-1 et seq.

[10] Public Law 93-383, Title II, Section 201, 88 Stat. 653 (August 22, 1974).

[11] Public Law 98-181, Section 209, 97 Stat. 1159.

[12] Except, of course, those projects approved prior to November 30, 1983 but commenced thereafter.

[13] 24 CFR 221.524 and 236.30.

[14] The authority for this regulation is set forth in the applicable statutes.

Section 221(d) states:

"(d) To be eligible for insurance under this section, a mortgage shall—

* * * * *

"(5) . . . contain such terms and provisions with respect to . . . anticipation of maturity . . .

"(e) . . .

"(2) The Commissioner may at the time, under such terms and conditions as he may prescribe, consent to the release of the mortgage from his liability under the mortgage . . ."

Section 236(h) states:

"(h) . . . (T)he Secretary is authorized to make such rules and regulations, to enter into such agreements, and to adapt such procedures as he may deem necessary or desirable to carry out the provisions of this section."

[15] *Ibid*, note 2.

Another serious problem exists, that neither Congress nor HUD seem to have even considered. In 1981, Congress enacted new tax legislation which, for depreciation purposes, removed any distinction between "new" and "used" properties.[16] As a result a number of subsidized projects were sold by the then existing owners to new owners who bought the projects for the tax advantages which existed under the Internal Revenue Code as then written.

The vast majority of the projects were appraised on the basis that at the end of the prepayment restriction period they would be sold as non-subsidized projects at the then market rate for rents; a cash payment was made at the time of transfer and a note given for the balance of the purchase price payable at or within a reasonable time after the expiration of the prepayment restriction. As the prepayment restriction period nears, the new owners must sell the projects, without income or rent restrictions, in order to find a buyer who considers the project "economically" feasible, and to use the proceeds to pay the note to the original seller. Failure to pay the note to the original seller will, in almost all instances, result in a reversion of the project to the original owner and a loss by the new owner of his investment. (This new owner is, incidentally, the same owner that the Congress severely and unjustly penalized in the Tax Reform Act of 1986 by eliminating, over a period of five (5) years the tax advantages that existed at the time of purchase by the new owner and which he thought he was getting when he acquired the project.)

Thus in two years, the Congress will have (1) substantially reduced the value that the new owner thought he was acquiring and (2) caused the actual loss of the same project by preventing the sale of the project and thus causing the default on the note given to the original owner and consequently the reversion of the project to the original owner.

Housing is, and will continue to be, one of the basic requirements of Americans. The history of government action in both subsidized and nonsubsidized housing is erratic and therefore, in many respects, more harmful than helpful. The treatment by Congress of the housing industry has been abominable. We need a new housing policy which is not so expensive that it must be discontinued in a short period of time but, at the same time, recognizes that housing, particularly for low income families, requires the expenditure of public funds. We need a housing policy that does not favor an industry and its investors one day and destroy both the next. We need a housing policy based upon the needs of the public and not the expansive or regressive attitudes and policies of the Congress.*

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[16] Public Law 97-34, Title II, Section 201(a).

*The purpose of this Article is to discuss the effect that Congress and the Administration have had on housing for low and moderate income families. However, it should be pointed out that the destruction caused by recent legislation is not limited to subsidized housing. Because rents in the United States have not kept pace with operating costs, few multifamily projects have been "economically" feasible for the last ten (10) years. These projects have been built with the additional funding—or subsidy—provided by the tax code which permitted the use of "paper" losses against real income. Without debating the desirability of this subsidy, without it, few multifamily projects can be built. This issue has not been examined in its real impact and its social implications. Instead, the Congress not only ended further housing production, but, for good measure, and solely to make the 1986 Tax Reform Act "revenue neutral," it retroactively withdrew tax advantages previously given to investors in multifamily housing and substantially injured those who had invested in reliance upon prior actions of the Congress. When housing again becomes not only a national problem but a national disgrace, how will the Congress again induce investors to participate in housing construction when such inducements can be suddenly and retroactively withdrawn by the government.